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of America

PROCEEDINGS AND DEBATES OF THE 103^d CONGRESS, FIRST SESSION

SENATE—*Tuesday, January 5, 1993*

The fifth day of January being the day prescribed by House Concurrent Resolution 384 for the meeting of the 1st session of the 103d Congress, the Senate assembled in its Chamber at the Capitol, at 12 noon.

The Senate was called to order by the Vice President.

PRAYER

The Reverend Richard C. Halverson, Jr., Falls Church, VA, offered the following prayer:

Let us pray:

Eternal God, Lord of history, Ruler of nature and the nations, Your everlasting Word declares, "* * * there is no power but of God: the powers that be are ordained of God." (Romans 13:1) As we open the 103d Congress, and Your servants accept the mantle of divine obligation, we hear these words not as religious trivia but as the bedrock foundation upon which our Republic rests—a government instituted among men to secure the human rights endowed by a Creator God, receiving their just powers from the consent of the governed.

Mighty God, let us begin in this conviction and fulfill our obligation. So we believe. So we open the 103d Congress. In the name of God. Amen.

CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate 2 letters of resignation, 2 certificates of appointment, 2 certificates of election for unexpired terms, and the credentials of 34 Senators elected for 6-year terms beginning on January 3, 1993.

All certificates, the Chair is advised, are in the form suggested by the Senate or contain all the essential requirements of the form suggested by the Senate.

If there be no objections, the reading of the above mentioned letters and the certificates will be waived and they will be printed in full in the RECORD.

The documents were ordered to be printed in the RECORD as follows:

U.S. SENATE,
Washington, DC, December 30, 1992.

The PRESIDENT OF THE SENATE,
U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Effective January 2, 1993, I resign the seat of Senator from the State of Tennessee.

Sincerely,

ALBERT GORE, Jr.

STATE OF TENNESSEE—CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Tennessee, I, Ned McWherter, the Governor of said State, do hereby appoint Harlan Mathews a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the resignation of Albert Gore, Jr., is filled by election as provided by law.

I have been advised that Senator Gore is resigning effective January 2, 1993. The appointment of Harlan Mathews is effective immediately upon the vacancy caused by the resignation of Senator Gore, whenever said vacancy occurs.

Witness: His excellency our Governor Ned McWherter, and our seal hereto affixed at Nashville, Tennessee this 29th day of December, in the year of our Lord 1992.

By the Governor:

NED MCWHERTER,
Governor.

U.S. SENATE,
Washington, DC, December 14, 1992.

Hon. J. DANFORTH QUAYLE,
President of the U.S. Senate, the U.S. Capitol, Washington, DC.

DEAR MR. PRESIDENT: I hereby submit my resignation from the United States Senate seat to which I was elected in 1986. My resignation is to be effective upon the receipt by the Secretary of the Senate of the certification of my election to the United States Senate seat determined by a special election on December 4, 1992.

The transition is to be accomplished in a way that prevents any break in my Senate service and preserves my seniority.

Sincerely,

KENT CONRAD,
U.S. Senator.

STATE OF NORTH DAKOTA—CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of North Dakota, I, George A. Sinner, the governor of said State, do hereby appoint Byron Dorgan, a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the resignation of Senator Kent Conrad, is filled by election as provided by law.

Witness: His excellency our governor, George A. Sinner, and our seal hereto affixed at the State Capitol Building, Bismarck, North Dakota, this 14th day of December, in the year of our Lord 1992.

By the Governor:

GEORGE A. SINNER,
Governor.

STATE OF NORTH DAKOTA—CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

To the President of the Senate of the United States:

This is to certify that on the 4th day of December, 1992, Kent Conrad was duly chosen by the qualified electors of the state of North Dakota as Senator for the unexpired term ending at noon on the 3rd day of January, 1995 to fill the vacancy in the representation from said State in the Senate of the United States caused by the death of Quentin Burdick.

Witness: His excellency our Governor, and our seal hereto affixed at Bismarck this 14th day of December in the year of our Lord 1992.

By the Governor:

GEORGE A. SINNER,
Governor.

STATE OF CALIFORNIA—CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1992, Dianne Feinstein was duly chosen by the qualified electors of the State of California a Senator for the unexpired term ending at noon on the 3rd day of January, 1995, to fill the vacancy in the representation from said State in the Senate of the United States caused by the resignation of Pete Wilson.

Witness: His excellency our governor, and our seal hereto affixed at Sacramento this 5th day of November, in the year of our Lord 1992.

By the Governor:

PETE WILSON,
Governor of California.

STATE OF UTAH—CERTIFICATE OF ELECTION FOR 6-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1992, Robert F. Bennett was duly chosen, by the qualified electors of the State of Utah, to be a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1993.

In testimony whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City this 24th day of November, 1992.

NORMAN H. BANGERTER,
Governor.

STATE OF MISSOURI—CERTIFICATE OF ELECTION FOR U.S. SENATOR FOR A 6-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1992, Christopher (Kit) Bond was duly chosen by the qualified electors of the State of Missouri a Senator from said State to represent said State in the United States Senate for a term of six years, beginning on the 3rd day of January, 1993.

In testimony whereof, I hereunto set my hand and cause to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 4th day of December, 1992.

JOHN ASHCROFT,
Governor.

STATE OF CALIFORNIA—CERTIFICATE OF ELECTION FOR 6-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1992, Barbara Boxer was duly chosen by the qualified electors of the State of California a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1993.

In witness whereof I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 29th day of December, 1992.

PETE WILSON,
Governor of California.

STATE OF ILLINOIS

To the President of the Senate of the United States:

This is to certify that on the third day of November, nineteen hundred and ninety-two Carol Moseley-Braun was duly chosen by the qualified electors of the State of Illinois, a Senator from said State, to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and ninety-three.

Witness:

His Excellency our Governor, Jim Edgar, and our Seal hereto affixed at the City of Springfield this twenty-third day of November, in the year of our Lord nineteen hundred and ninety-two.

By the Governor:

JIM EDGAR,
Governor.

STATE OF LOUISIANA—ELECTION PROCLAMATION

To the President of the Senate of the United States:

This is to certify that on the 3rd day of October, 1992, John B. Breaux was duly chosen by the qualified electors of the State of Louisiana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1993.

Witness: His excellency our governor Edwin W. Edwards, and our seal hereto affixed at the City of Baton Rouge this 16th day of November, 1992.

In witness whereof, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 16th day of November A.D., 1992.

EDWIN W. EDWARDS,
Governor of Louisiana.

STATE OF ARKANSAS—CERTIFICATE OF ELECTION FOR 6-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the third day of November, 1992, the Honorable Dale Bumpers was duly chosen by the qualified electors of the State of Arkansas a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd of January, 1993.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at the Capitol in Little Rock on this 12th day of December in the year of our Lord nineteen hundred and ninety-two.

JIM GUY TUCKER,
Governor.

STATE OF COLORADO—CERTIFICATE OF ELECTION FOR 6-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1992, Ben Nighthorse Campbell was duly chosen by the qualified electors of the State of Colorado a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd of January, 1993.

Witness: His excellency our governor, Roy Romer, and our seal hereto affixed at Denver this 29th day of December, in the year of our Lord 1992.

By the governor:

ROY ROMER,
Governor.

THE GOVERNOR OF THE STATE OF INDIANA

To all who shall see these Presents, Greeting:

To the President of the Senate of the United States:

This is to certify that on the third day of November, nineteen hundred and ninety-two, Daniel R. Coats was duly chosen by the qualified electors of the State of Indiana a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the third day of January, nineteen hundred and ninety-three.

Witness: His Excellency our Governor Evan Bayh and our seal hereto affixed at Indianapolis, Indiana this twenty-eighth day of December in the year of our Lord nineteen hundred and ninety-two.

GOV. EVAN BAYH.

STATE OF GEORGIA—CERTIFICATE OF ELECTION FOR 6-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 24th day of November, 1992, Paul Coverdell was duly chosen by the qualified electors of the State of Georgia a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January, 1993.

Witness: His Excellency our Governor Zell Miller, and our seal hereto affixed at the capitol, in the City of Atlanta, this 8th day of December, in the year of our Lord 1992.

ZELL MILLER,
Governor.

STATE OF NEW YORK

To the President of the Senate of the United States:

This is to certify that on the third day of November, 1992, Alfonse M. D'Amato was duly chosen by the qualified electors of the State of New York a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the third day of January, 1993.

Witness: His Excellency our Governor Mario M. Cuomo and our seal hereto affixed at Albany this seventh day of December, in the year one thousand nine hundred and ninety-two.

By the Governor:

MARIO M. CUOMO.

CERTIFICATE OF ELECTION FOR 6-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 3d day of November, 1992, Thomas A. Daschle was duly chosen by the qualified electors of the State of South Dakota a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January, 1993.

Witness: His Excellency our Governor, George S. Mickelson, and our seal hereto affixed at Pierre, South Dakota, this 14th day of December, in the year of our Lord 1992.

By the Governor:

GEORGE S. MICKELSON,
Governor.

STATE OF SOUTH DAKOTA—CERTIFICATE OF ELECTION

This is to certify that, on the third day of November, nineteen hundred and ninety-two, at a general election, Tom Daschle was duly chosen by the qualified voters of the State of South Dakota to the office of United States Senator for the term of 6 years, beginning the third day of January, nineteen hundred and ninety-three.

In witness whereof, we have hereunto set our hands and caused the Seal of the State to be affixed at Pierre, the capital, this 25th day of November nineteen hundred and ninety-two.

GEORGE S. MICKELSON,
Governor.

STATE OF CONNECTICUT—EXECUTIVE DEPARTMENT

To the President of the Senate of the United States:

This is to certify that on the third day of November, nineteen hundred and ninety-two, Christopher J. Dodd was duly chosen by the qualified electors of the State of Connecticut Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the third day of January nineteen hundred and ninety-three.

Witness: His excellency our Governor, Lowell P. Weicker, Jr. and our seal hereto affixed at Hartford, this twenty-fifth day of November, in the year of our Lord nineteen hundred and ninety-two.

LOWELL P. WEICKER, Jr.,
Governor.

STATE OF KANSAS—CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the third day of November, nineteen hundred and ninety-two, Bob Dole was regularly elected in accordance with the laws of the State of Kansas and of the United States of America a United States Senator for the regular term beginning on the third day of January, nineteen hundred and ninety-three.

Witness: The Honorable Joan Finney, our Governor, and our seal hereto affixed at Topeka, Kansas, this thirtieth day of November, in the year of our Lord, nineteen hundred and ninety-two.

By the Governor:

Joan Finney,
Governor.

State of North Dakota—Certificate of Election for 6-Year Term

To the President of the Senate of the United States:

This is to certify that on the 3d day of November, 1992, Byron L. Dorgan was duly chosen by the qualified electors of the State of North Dakota as Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January, 1993.

Witness: His excellency our Governor, George A. Sinner, and our seal hereto affixed at Bismarck this 3d day of December, in the year of our Lord 1992.

By the Governor:

George A. Sinner,
Governor.

State of North Carolina—Certificate of Election for 6-Year Term

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November 1992, Lauch Faircloth was duly chosen by the qualified electors of the State of North Carolina a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning January 3, 1993.

Witness: His excellency our Governor, James G. Martin, and our Seal hereto affixed at Raleigh this 10th day of December, in the year of our Lord 1992.

By the Governor:

James G. Martin,
Governor.

The State of Wisconsin—Certificate of Election

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1992, Russell D. Feingold was duly chosen by the qualified electors of the State of Wisconsin a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1993.

Witness: His excellency our Governor, Tommy G. Thompson, and our seal hereto affixed at Madison this 8th day of December, 1992.

By the Governor:

Tommy G. Thompson,
Governor.

Commonwealth of Kentucky

To all to Whom These Presents Shall Come, Greeting:

Know Ye, that Honorable Wendell H. Ford having been duly certified, that on November 3, 1992, was duly chosen by the qualified electors of the State of Kentucky a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning the 3d day of January, 1993.

I hereby invest the above named with full power and authority to execute and discharge the duties of the said office according to law. And to have and to hold the same, with all the rights and emoluments thereunto legally appertaining, for and during the term prescribed by law.

In testimony whereof, I have caused these letters to be made patent, and the seal of the Commonwealth to be hereunto affixed. Done at Frankfort, the 30th day of November in the year of our Lord one thousand nine hundred and ninety-two and in the 201st year of the Commonwealth.

Brereton Jones,
Governor.

State of Ohio—Certificate of Election for 6-Year Term

To the President of the Senate of the United States:

This is to certify that on the third day of November, 1992, John Glenn was duly chosen by the qualified electors of the State of Ohio a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning the 3d day of January, 1993.

Witness: His excellency our Governor, George V. Voinovich, and our seal hereto affixed at Columbus, Ohio this 14th day of December, in the year of our Lord 1992.

George V. Voinovich,
Governor.

State of Florida—Certificate of Election for 6-Year Term

To the President of the Senate of the United States:

This is to certify that on the third day of November, A.D., 1992, Bob Graham was duly chosen by the qualified electors of the State of Florida a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning the 3d day of January, 1993.

Witness: His excellency our Governor, Lawton Chiles, and our seal hereto affixed at Tallahassee, this 23rd day of November, in the year of our Lord 1992.

By the Governor:

Lawton Chiles,
Governor.

State of Iowa—Certificate of Election for 6-Year Term

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1992, Charles E. Grassley was duly chosen by the qualified electors of the State of Iowa a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning the 3d day of January, 1993.

In testimony whereof, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 25th day of November in the year of our Lord one thousand nine hundred and ninety-two.

Terry E. Branstad,
Governor.

The State of New Hampshire

To the President of the Senate of the United States:

This is to certify that on the third day of November, nineteen hundred and ninety-two Charles E. Grassley was duly chosen by the qualified electors of the State of Iowa a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning the 3d day of January, nineteen hundred and ninety-three.

Witness: His excellency, our Governor, Judd Gregg and our Seal hereto affixed at Concord this third day of December, in the year of our Lord nineteen hundred and ninety-two.

Judd Gregg,
Governor.

State of South Carolina—Certificate of Election for 6-Year Term

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1992, Ernest Frederick Hollings was duly chosen by the qualified electors of the State of South Carolina a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1993.

Witness: His excellency our Governor, Carroll A. Campbell, Jr., and our seal hereto affixed at Columbia, South Carolina, this 29th day of December, in the year of our Lord 1992.

By the Governor:

Carroll A. Campbell, Jr.,
Governor.

State of Hawaii—Certificate of Election for 6-Year Term

To the President of the Senate of the United States:

This is to certify that on the third day of November, 1992, Daniel K. Inouye was duly chosen by the qualified electors of the State of Hawaii a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1993.

Witness: His excellency our governor, John Waihee, and our seal hereto affixed at Honolulu this 23rd day of November, in the year of our Lord 1992.

By the Governor:

John Waihee,
Governor.

State of Idaho—Certificate of Election for 6-Year Term

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1992, Dirk Kempthorne was duly chosen by the qualified electors of the State of Idaho a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1993.

Witness: His excellency our Governor Cecil D. Andrus, and our seal hereto affixed at Boise this 18th day of November, in the year of our Lord 1992.

By the Governor:

Cecil D. Andrus,
Governor.

State of Vermont—Certificate of Election for 6-Year Term

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1992, Patrick J. Leahy was duly chosen by the qualified electors of the State of Vermont a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1993.

Witness: His excellency our Governor, Howard Dean, M.D., and our seal hereto affixed at Montpelier this 30th day of November, 1992.

HOWARD DEAN,
Governor.

STATE OF ARIZONA—CERTIFICATE OF ELECTION FOR 6-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1992, John McCain was duly chosen by the qualified electors of the State of Arizona as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1993

Witness: His Excellency the Governor of Arizona, and the great seal of Arizona hereto affixed at Phoenix, the Capital, this 24th day of November, in the year of our Lord, 1992.

By the Governor:

FIFE SYMINGTON.

STATE OF MARYLAND

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1992, Barbara A. Mikulski was duly chosen by the qualified voters of the State of Maryland a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the 3rd day of January, 1993.

Witness: His Excellency our Governor, William Donald Schaefer, and our seal hereto affixed at the City of Annapolis, this 8th day of December, in the year of our Lord, one thousand, nine hundred and ninety-two.

WILLIAM DONALD SCHAEFER,
Governor.

STATE OF ALASKA—CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1992, Frank H. Murkowski was duly chosen by the qualified voters of the State of Alaska as a Senator to represent Alaska in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1993 as certified by the State Review Board on December 2, 1992.

Witness: I have hereunto set my hand and affixed hereto the Seal of Alaska, at Juneau, the Capital, 29th day of December, 1992.

WALTER J. HICKEL,
Governor.

STATE OF WASHINGTON

To the President of the Senate of the United States:

This is to certify that on the third day of November, nineteen hundred and ninety-two Patty Murray was duly chosen by the qualified electors of the State of Washington a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the third day of January, nineteen hundred and ninety-three.

In witness whereof, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this third day of December, A.D., nineteen hundred and ninety-two.

By the Governor:

BOOTH GARDNER,
Governor of Washington.

STATE OF OKLAHOMA—CERTIFICATE OF ELECTION FOR 6-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1992, Don Nickles was duly chosen by the qualified electors of the State of Oklahoma as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1993.

Witness: His excellency our Governor David Walters and our seal hereto affixed at Oklahoma City, Oklahoma this 16th day of November in the year of our Lord 1992.

By the Governor:

DAVID WALTERS,
Governor.

STATE OF OREGON—CERTIFICATE OF ELECTION FOR 6-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1992, Bob Packwood was duly chosen by the qualified electors of the State of Oregon a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1993.

Witness: Her excellency our Governor, Barbara Roberts, and our seal hereto affixed at Salem, Oregon this 3rd day of December, in the year of our Lord 1992.

By the Governor:

BARBARA ROBERTS,
Governor.

STATE OF NEVADA—CERTIFICATE OF ELECTION FOR 6-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 3rd of November, 1992, Harry Reid was duly chosen by the qualified electors of the State of Nevada a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1993.

Witness: His excellency our Governor Bob Miller, and our seal hereto affixed at Carson City this 21st day of December in the year of our Lord 1992.

By the Governor:

BOB MILLER,
Governor.

STATE OF ALABAMA—CERTIFICATE OF ELECTION FOR 6-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the third day of November, 1992, Richard C. Shelby was duly chosen by the qualified electors of the State of Alabama a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the third day of January, 1993.

Witness: His excellency our Governor Guy Hunt, and our seal hereto affixed at the City of Montgomery this 2d day of December, in the year of our Lord 1992.

By the Governor:

GUY HUNT,
Governor.

COMMONWEALTH OF PENNSYLVANIA

To the President of the Senate of the United States:

This is to certify that on the third day of November, 1992, Arlen Specter was duly chosen by the qualified electors of the Commonwealth of Pennsylvania as a United States Senator to represent Pennsylvania in the Senate of the United States for a term of six years, beginning on the third day of January, 1993.

Witness: His excellency our Governor Robert P. Casey, and our seal hereto affixed at Harrisburg this sixteenth day of December, in the year of our Lord 1992.

By the Governor:

ROBERT P. CASEY,
Governor.

RECOGNITION OF THE MAJORITY LEADER

The **VICE PRESIDENT.** The majority leader is recognized.

WELCOME TO COLLEAGUES AND BEST WISHES TO THE CHAPLAIN

Mr. MITCHELL. Mr. President, I begin by welcoming all of our colleagues and by taking note of the fact that the prayer today was given by the Reverend Richard Halverson, Jr., the son of the Senate Chaplain. I know that every Senator joins me in extending our best wishes to the Senate Chaplain, Reverend Halverson, a highly respected and beloved member of this institution.

CONTESTING ELECTIONS IN GEORGIA AND OREGON

Mr. MITCHELL. Mr. President, before the Chair asks that Senators-elect present themselves to be sworn in, I would like to make a brief statement. The Senate has received petitions from citizens contesting the elections of the Senators-elect from Georgia and from Oregon.

A lawsuit is pending in the U.S. District Court for the Northern District of Georgia in which the plaintiffs allege that Georgia's runoff statute violates Federal election law and the U.S. Constitution, and that Senator Fowler should be declared the winner based on his victory at the general election on November 3, 1992. Some of the plaintiffs in that lawsuit have petitioned the Senate to resolve the legal issue itself and seat Senator Fowler as the lawful winner of that election. In the alternative, petitioners request that Mr. COVERDELL be seated conditionally. There has also been filed with the Senate a petition disputing the election of Mr. COVERDELL based on alleged funding irregularities.

In addition, the Senate has received petitions from citizens of Oregon making several claims regarding the election of Senator PACKWOOD. The Oregon petitioners ask us to require that Senator PACKWOOD stand aside and not be sworn in as a Senator while the charges are being investigated.

All petitions will be deemed officially received by the Senate today and, in accordance with standard Senate procedure, will be referred to the Committee on Rules and Administration.

There have been many contested Senate elections or cases in which, for a variety of reasons beyond election contests, the Senate was asked not to seat an individual. I have reviewed the history and handling of many of these cases. In that review, I have sought and received the advice of the Senate legal counsel.

Often, the Senate has sworn in the challenged Senator-elect "without prejudice." That term means without prejudice to the right of the Senate to determine the outcome of the questioned election or to judge further the qualifications of the Senator-elect. Whether or not the Senate specifically uses those words to characterize the oath administered to a Senator-elect, the characterization is necessarily implied in the case of a Member who is the subject of a challenge.

This fact is illustrated by the events that occurred on January 3, 1953. Petitions had been filed challenging the election of Senator-elect Dennis Chavez of New Mexico and the seating of incumbent Senator William Langer of North Dakota. The majority leader was Senator Robert Taft of Ohio. Prior to the swearing in of Senator-elect Chavez and Senator Langer, Senator Taft addressed the Senate and he said in part:

> My own view is that these Senators should be permitted to take the oath and be seated. It is my further view that the oath is taken without prejudice to the right of anyone contesting the seat to proceed with the contest, and without prejudice to the right of anyone protesting or asking for expulsion from the Senate to proceed. I believe that the various protests which have been filed should be referred to the appropriate committee and dealt with in due course.

Senator Taft was then asked a question about what effect the term "without prejudice" would have on any vote taken in the future about the contested election or the qualifications of the Member to serve. The majority leader responded as follows:

> My own opinion, after consultation with the Parliamentarian, is that nothing which I or any other Senator may say today in using the words "without prejudice" makes the slightest difference, unless the Senate takes some action. When a man takes the oath he becomes a Senator. I express my opinion that the taking of the oath in no way prejudices anyone who may have filed a contest. The taking of the oath in no way changes the status of the contest. That is my opinion at the present time. So far as I know, it is wholly unnecessary to make such a statement. The law is the same anyway. If a Senator takes the oath, I do not believe that that fact changes the basis of the vote, or the percentage of the vote required, which is determined by the character of the case, rather than by anything done at the time the oath is administered.

I now ask unanimous consent that the entire proceedings under the heading "Administration of Oath" for the first session of the 83d Congress, as printed in the CONGRESSIONAL RECORD on January 3, 1953, be printed in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. Is there objection?

Without objection, it is so ordered.

(See exhibit 1.)

Mr. MITCHELL. Mr. President, I agree with Majority Leader Taft's analysis. The Senate has chosen both to use the process of "swearing in without prejudice" and to ignore it; and the Senate has both unseated and retained seated-Senators under each formulation.

However, the making of this statement prior to the swearing in of the challenged Senators-elect does serve the purpose of formally acknowledging that the Senate has received and taken cognizance of the objections and is reviewing them. It will also serve to notify the Judiciary that the Senate is aware of the Federal court preceedings and has no intention of circumscribing them.

EXHIBIT 1

[From the CONGRESSIONAL RECORD, Jan. 3, 1953]

ADMINISTRATION OF OATH

The VICE PRESIDENT. The Secretary will now call, alphabetically, and in groups of four, the names of the Senators-elect who as their names are called will advance to the desk and the oath of office will be administered to them.

The legislative clerk called the names of Mr. Barrett, Mr. Beall, Mr. Bricker, and Mr. Bush.

These Senators, escorted by Mr. Hunt, Mr. Butler of Maryland, Mr. Taft, and Mr. Bridges, respectively, advanced to the desk, and the oath of office prescribed by law was administered to them by the Vice President.

The legislative clerk called the names of Mr. Butler of Nebraska, Mr. Byrd, Mr. Chavez, and Mr. Cooper.

Mr. TAFT. Mr. President, with reference to the seating of the Senator from New Mexico [Mr. Chavez], there has been filed with the Secretary of the Senate a contest, or a letter proposing a contest, which letter I have not seen. It relates to the election in New Mexico. Other protests may be filed. I understand that a protest has been filed with respect to the seating of the Senator from North Dakota [Mr. Langer].

My own view is that these Senators should be permitted to take the oath and be seated. It is my further view that the oath is taken without prejudice to the right of anyone contesting the seat to proceed with the contest, and without prejudice to the right of anyone protesting or asking for expulsion from the Senate to proceed. I believe that the various protests which have been filed should be referred to the appropriate committee and dealt with in due course.

Therefore, I ask that these Senators be allowed to take the oath, as I have said, without prejudice. I understand that such would be the case anyway, regardless of any statement which I might make. I should object to any effort to prevent their taking the oath today.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. MORSE. Will it be understood that after they take the oath they will not be denied in any way whatsoever their prerogatives in the Senate, including the right to assignment to committees, and all other rights and prerogatives as Senators?

Mr. TAFT. That is my understanding. They will have every right to vote, and every other right as Senators unless some action is taken by the Senate itself to change their status.

The VICE PRESIDENT. No statement on the part of any Senator is necessary. If a Senator-elect takes the oath, he becomes a Senator and remains a Senator unless he is relieved of his duties by some action of the Senate.

The Chair will take advantage of the situation to state that there is a great deal of confusion with respect to the question of seating Senators against whom some objection may be registered. When there is a contest over the election of a Senator, the Senate may determine that question by majority vote. If the Senate finds that he has not been duly elected, the Senate may, by majority vote, so declare. If the Senate finds that he is not qualified as a Senator, the Senate may, by majority vote, declare the seat vacant. All the rights of the Senate are preserved.

Mr. TAFT. Will the Chair—

The VICE PRESIDENT. When an effort is made to expel a Senator who has taken the oath, because of some misconduct on his part, some malfeasance or misfeasance in office, involving his conduct as a Senator, a two-thirds vote is required to expel him. That has nothing to do with the validity of his election. It has to do with his conduct as a Senator after he is sworn in.

Mr. TAFT. Mr. President, with due respect to the distinguished President of the Senate, I wish to register an objection to his second statement as to the vote required to oust a Senator with respect to whom objection is made because of lack of qualifications—say with respect to character—and also as to the distinction between a majority vote and a two-thirds vote which the distinguished Presiding Officer suggests, depending upon whether the misconduct occurs before or after a person becomes a Senator. I think that question is open to debate. I do not wish to debate it at the present time. I merely wish to reserve the right to have that question raised later and determined by the Senate itself.

In the first Langer case, as I remember, it was decided by the Senate itself that a two-thirds, vote was required. The Senate decided, by a majority vote, that a two-thirds vote was required in that case, which related to action taken largely before Mr. Langer became a Senator. I think that question ought to be left open. I do not wish to argue with the Chair. I simply wish to reserve the right to present a different argument at a later time.

The VICE PRESIDENT. The Chair should state that his second statement relates to the possible disqualification of a Senator at the time of taking the oath of office.

Mr. TAFT. By reason of insufficient age, or failure to meet the residence requirement.

The VICE PRESIDENT. Or for other reasons of disqualification. However, that has nothing to do with his conduct as a Senator after he takes the oath.

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. JOHNSON of Colorado. I should like to know the significance of the term "without prejudice." I should like to know the difference between a full oath and an oath which is taken without prejudice.

Mr. TAFT. My own opinion is that there is no difference.

Mr. JOHNSON of Colorado. May I finish my question?

Mr. TAFT. Certainly.

Mr. JOHNSON of Colorado. I have been told that when the stipulation "without prejudice" is injected into the taking of the oath, at a later time, when a vote is taken upon the qualifications of the particular Senator, he may be ousted by a majority vote, whereas if that stipulation is not entered at the time he takes the oath, a two-thirds vote is required to oust him, in a case involving any question of character or other qualifications. Is that correct?

Mr. TAFT. My own opinion, after consultation with the Parliamentarian, is that nothing which I or any other Senator may say today in using the words "without prejudice" makes the slightest difference, unless the Senate takes some action. When a man takes the oath he becomes a Senator. I express my opinion that the taking of the oath in no way prejudices anyone who may have filed a contest. The taking of the oath in no way changes the status of the contest. That is my opinion at the present time. So far as I know, it is wholly unnecessary to make such a statement. The law is the same anyway. If a Senator takes the oath, I do not believe that that fact changes the basis of the vote, or the percentage of the vote required, which is determined by the character of the case, rather than by anything done at the time the oath is administered.

The VICE PRESIDENT. Will the Senators who are waiting at the door please approach the desk and take the oath?

The Senators whose names had previously been called, namely, Mr. Butler of Nebraska, Mr. Byrd, Mr. Chavez, and Mr. Cooper, escorted, respectively, by Mr. Millikin, Mr. Robertson, Mr. Anderson, and Mr. Clements, advanced to the Vice President's desk, and the oath of office prescribed by law was administered to them by the Vice President.

The legislative clerk called the names of Mr. Daniel, Mr. Flanders, Mr. Goldwater, and Mr. Gore.

These Senators, escorted by Mr. Johnson of Texas, Mr. Aiken, Mr. Hayden, and Mr. Kefauver, respectively, advanced to the desk, and the oath of office prescribed by law was administered to them by the Vice President.

The legislative clerk called the names of Mr. Griswold, Mr. Holland, Mr. Ives, and Mr. Jackson.

These Senators escorted by Mr. Butler of Nebraska, Mr. Smathers, Mr. Lehman, and Mr. Magnuson respectively, advanced to the desk, and the oath of office prescribed by law was administered to them by the Vice President.

The legislative clerk called the names of Mr. Jenner, Mr. Kennedy, Mr. Kilgore, and Mr. Knowland.

These Senators escorted by Mr. Capehart, Mr. Saltonstall, Mr. Neely, and Mr. Hickenlooper respectively, advanced to the desk, and the oath of office prescribed by law was administered to them by the Vice President.

The legislative clerk called the names of Mr. Kuchel, Mr. Langer, Mr. Malone, and Mr. Mansfield.

Mr. TAFT. Mr. President, I invite the attention of the Senate to the fact that a protest has been filed against the seating of the Senator from North Dakota (Mr. Langer). Everything that was said with reference to the Chavez case applies also to the Langer case.

The Senators whose names had previously been called, namely Mr. Kuchel, Mr. Langer, Mr. Malone, and Mr. Mansfield escorted by Mr. Knowland, Mr. Young, Mr. McCarran, and Mr. Murray, respectively, advanced to the desk and the oath of office prescribed by law was administered to them by the Vice President.

The legislative clerk called the names of Mr. Martin, Mr. McCarthy, Mr. Pastore, and Mr. Payne.

These Senators, escorted by Mr. Duff, Mr. Wiley, Mr. Glenn, and Mrs. Smith of Maine, respectively, advanced to the desk and the oath of office prescribed by law was administered to them by the Vice President.

The legislative clerk called the names of Mr. Potter, Mr. Purtell, Mr. Smith of New Jersey, and Mr. Stennis.

The Senators escorted by Mr. Ferguson, Mr. Bush, Mr. Hendickson, and Mr. Eastland, respectively, advanced to the desk and the oath of office prescribed by law was administered to them by the Vice President.

The legislative clerk called the names of Mr. Symington, Mr. Thye, Mr. Watkins, and Mr. Williams.

These Senators, escorted by Mr. Hennings, Mr. Humphrey, Mr. Bennett, and Mr. Frear, respectively, advanced to the desk, and the oath of office prescribed by law was administered to them by the Vice President.

LIST OF SENATORS, BY STATES

Alabama.—Lister Hill and John J. Sparkman.

Arizona.—Carl Hayden and Barry M. Goldwater.

Arkansas.—John L. McClellan and J. William Fulbright.

California.—William F. Knowland and Thomas H. Kuchel.

Colorado.—Edwin C. Johnson and Eugene D. Millikin.

Connecticut.—Prescott Bush and William A. Purtell.

Delaware.—John J. Williams and J. Allen Frear.

Florida.—Spessard L. Holland and George A. Smathers.

Georgia.—Walter F. George and Richard B. Russell.

Idaho.—Henry C. Dworshak and Herman Welker.

Illinois.—Paul H. Douglas and Everett M. Dirksen.

Indiana.—Homer E. Capehart and William E. Jenner.

Iowa.—Bourke B. Hickenlooper and Guy M. Gillette.

Kansas.—Andrew F. Schoeppel and Frank Carlson.

Kentucky.—Earl C. Clements and John Sherman Cooper.

Louisiana.—Allen J. Ellender and Russell B. Long.

Maine.—Margaret Chase Smith and Frederick G. Payne.

Maryland.—John M. Butler and J. Glenn Beall.

Massachusetts.—Leverett Saltonstall and John F. Kennedy.

Michigan.—Homer Ferguson and Charles E. Potter.

Minnesota.—Edward J. Thye and Hubert H. Humphrey.

Mississippi.—James O. Eastland and John C. Stennis.

Missouri.—Thomas C. Hennings and Stuart Symington.

Montana.—James E. Murray and Mike Mansfield.

Nebraska.—Hugh Butler and Dwight Griswold.

Nevada.—Pat McCarran and George W. Malone.

New Hampshire.—Styles Bridges and Charles W. Tobey.

New Jersey.—H. Alexander Smith and Robert C. Hendrickson.

New Mexico.—Dennis Chavez and Clinton P. Anderson.

New York.—Irving M. Ives and Herbert H. Lehman.

North Carolina.—Clyde R. Hoey and Willis Smith.

North Dakota.—William Langer and Milton R. Young.

Ohio.—Robert A. Taft and John W. Bricker.

Oklahoma.—Robert S. Kerr and A.S. Mike Monroney.

Oregon.—Guy Cordon and Wayne Morse.

Pennsylvania.—Edward Martin and James H. Duff.

Rhode Island.—Theodore Francis Green and John O. Pastore.

South Carolina.—Burnet R. Maybank and Olin D. Johnston.

South Dakota.—Karl E. Mundt and Francis Case.

Tennessee.—Estes Kefauver and Albert Gore.

Texas.—Lyndon B. Johnson and Price Daniel.

Utah.—Arthur V. Watkins and Wallace F. Bennett.

Vermont.—George D. Aiken and Ralph E. Flanders.

Virginia.—Harry Flood Byrd and A. Willis Robertson.

Washington.—Warren G. Magnuson and Henry M. Jackson.

West Virginia.—Harley M. Kilgore and Matthew M. Neely.

Wisconsin.—Alexander Wiley and Joseph E. McCarthy.

Wyoming.—Lester C. Hunt and Frank A. Barrett.

CALL OF THE ROLL

Mr. TAFT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken, Anderson, Barret, Beall, Bennett, Bricker, Bridges, Bush, Butler, Md., Butler, Nebr., Byrd, Capehart, Carlson, Case, Chavez, Clements, Cooper, Cordon, Duniel, Dirksen, Douglas, Duff, Dworshak, Eastland, Ellender, Ferguson, Flanders, Frear, Fulbright, George, Gillette, Goldwater, Gore, Green, Griswold, Hayden, Hendrickson, Hennings, Hickenlooper, Hill, Hoey, Holland, Humphrey, Hunt, Ives, Jackson, Jenner, Johnson, Colo., Johnson, Tex., Johnston, S.C., Kefauver, Kennedy, Kerr, Kilgore, Knowland, Kuchel, Langer, Lehman, Long, Magnuson, Malone, Mansfield, Martin, Maybank, McCarron, McCarthy, McClellan, Millikin, Monroney, Morse, Mundt, Murray, Nealy, Pastore, Payne, Potter, Purtell, Robertson, Russell, Saltonstall, Schoeppal, Smathers, Smith, Maine, Smith, N.C., Smith, N.J., Sparkman, Stennis, Symington, Taft, Thye, Tobey, Watkins, Welker, Wiley, Williams, Young.

The VICE PRESIDENT. A quorum is present.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, under the rules of the Senate, Senator DOLE, having just been reelected, would not be permitted to speak until after being sworn in. However, I believe it fair and appropriate for the minority leader to have the opportunity to make a statement with respect to the subject matter which I have just stated, and I therefore ask unanimous consent of the Senate that Senator DOLE be permitted to make a statement at this point.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Senator DOLE.

CHAPLAIN HALVERSON

Mr. DOLE. Mr. President, first I wish to join the distinguished majority leader in expressing our hopes and prayers for the full and complete recovery of the Senate Chaplain, Dr. Halverson.

CONTESTING ELECTION IN GEORGIA AND OREGON

Mr. DOLE. Mr. President, I want to echo the majority leader's statement quoting a former majority leader of this body, Robert Taft of Ohio.

I would reiterate and underscore the view of Senator Taft that, "these Senators should be permitted to take the oath and be seated. It is my further view that the oath is taken without prejudice to the right of anyone contesting the seat to proceed with the contest, and without prejudice to the right of anyone protesting or asking for expulsion from the Senate to proceed. I believe that the various protests which have been filed should be referred to the appropriate committee and dealt with in due course * * *."

Senator Taft went on to state that, "nothing which I or any other Senator may say today in using the words 'without prejudice' makes the slightest difference, unless that Senate takes some action. When a man [or women] takes the oath he [or she] becomes a Senator. I express my opinion that the taking of the oath in no way prejudices anyone who may have filed a contest. The taking of the oath in no way changes the status of the contest."

It is this Senator's view, the Senator from Kansas, that the phrase "without prejudice" used today is of course meaningless, in its effect upon any subsequent Senate action.

All Senators sworn in today are Senators in every sense of the word. In effect we are all sworn in "without prejudice."

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If Senators to be sworn will now present themselves at the desk in groups of four, as their names are called in alphabetical order, the Chair will administer the oath of office.

The clerk will read the names of the first group.

The legislative clerk (R. Scott Bates) called the names of Mr. BENNETT, Mr. BOND, Mrs. BOXER, and Mr. BREAUX.

These Senators, escorted by Mr. HATCH, Mr. DANFORTH, Mrs. FEINSTEIN, and Mr. MITCHELL, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. BUMPERS, Mr. CAMPBELL, Mr. COATS, and Mr. CONRAD.

These Senators, escorted by Mr. PRYOR, Mr. BROWN, Mr. LUGAR, and Mrs. BURDICK, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. COVERDELL, Mr. D'AMATO, Mr. DASCHLE, and Mr. DODD.

These Senators, escorted by Mr. NUNN, Mr. MOYNIHAN, Mr. PRESSLER, and Mr. LIEBERMAN, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

[Applause, Senators rising.]

The VICE PRESIDENT. Before the Chair requests the next group to come forward, may I ask the indulgence of the Senate to please maintain order throughout the administration of the oath of office to the Senators-elect.

The Chair now requests the clerk to read the names of the next group.

The legislative clerk called the names of Mr. DOLE, Mr. DORGAN, Mr. FAIRCLOTH, and Mr. FEINGOLD.

These Senators, escorted by Mrs. KASSEBAUM, Mr. CONRAD, Mr. HELMS, and Mr. KOHL, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

[Applause, Senators rising.]

The legislative clerk called the names of Mrs. FEINSTEIN, Mr. FORD, Mr. GLENN, and Mr. GRAHAM of Florida.

These Senators, escorted by Mrs. BOXER, Mr. MITCHELL, Mr. METZENBAUM, and Mr. MACK, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

[Applause, Senators rising.]

The legislative clerk called the names of Mr. GRASSLEY, Mr. GREGG, Mr. HOLLINGS, and Mr. INOUYE.

These Senators, escorted by Mr. HARKIN, Mr. SMITH, Mr. THURMOND, and Mr. MITCHELL, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

[Applause, Senators rising.]

The legislative clerk called the names of Mr. KEMPTHORNE, Mr. LEAHY, Mr. MATHEWS, and Mr. MCCAIN.

These Senators, escorted by Mr. CRAIG, Mr. JEFFORDS, Mr. SASSER, and Mr. DECONCINI, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

[Applause, Senators rising.]

The legislative clerk called the names of Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, and Mrs. MURRAY.

These Senators, escorted by Mr. SARBANES, Mr. SIMON, Mr. STEVENS, and Mr. GORTON, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

[Applause, Senators rising.]

The legislative clerk called the names of Mr. NICKLES, Mr. PACKWOOD, Mr. REID, Mr. SHELBY, and Mr. SPECTER.

These Senators, escorted by Mr. BOREN, Mr. HATFIELD, Mr. BRYAN, Mr. HEFLIN, and Mr. WOFFORD, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

[Applause, Senators rising.]

The VICE PRESIDENT. The majority leader is recognized.

CALL OF THE ROLL

Mr. MITCHELL. Mr. President, it is now necessary to establish the presence of a quorum. Therefore, I ask that all Senators remain in the Chamber and respond to the call for a quorum.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll:

The legislative clerk called the roll, and the following Senators answered to their names:

[Quorum No. 1]

Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott

Lugar
Mack
Mathews
McCain
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

The VICE PRESIDENT. The Chair announces a quorum is present.

The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Members of the Senate, the Republican leader and I will now proceed shortly to the consideration of approval of a number of organizational resolutions and noncontroversial matters which have been cleared on both sides. There will be no rollcall votes today. I will shortly suggest the absence of a quorum to give Senators who wish to leave at this point the opportunity to do so, and then as soon as those have left, those who wish to do so will return to consideration of these organizational resolutions and noncontroversial matters which I expect will be brief in nature.

The Senate will proceed to the House of Representatives at 12:45 p.m. tomorrow for the formal counting of the electoral ballots. All Senators should be present in the Senate Chamber by 12:40 p.m. for that proceeding.

Mr. President, I now suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk (David J. Tinsley) proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

The majority leader is recognized.

NOTIFICATION TO THE PRESIDENT

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 1) informing the President of the United States that a quorum of each House is assembled.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 1) was considered and agreed to, as follows:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to Senate Resolution 1, the Chair appoints the Senator from Maine [Mr. MITCHELL] and the Senator from Kansas, [Mr. DOLE] as a committee to join the committee on the part of the House of Representatives to wait upon the President of the United States, inform him that a quorum is assembled, and the Congress is ready to receive any communication he may be pleased to make.

NOTIFICATION TO THE HOUSE

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 2) informing the House of Representatives that a quorum of the Senate is assembled.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 2) was considered and agreed to, as follows:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

HOUR OF DAILY MEETING

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 3) fixing the hour of daily meeting of the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 3) was considered and agreed to, as follows:

S. RES. 3

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COUNTING ELECTORAL VOTES

Mr. MITCHELL. Mr. President, I send to the desk a concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the concurrent resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 1) to provide for the counting, on January 6, 1993, of the electoral votes for President and Vice President of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 1) was agreed to, as follows:

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Wednesday, the 6th day of January 1993, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The PRESIDING OFFICER. Pursuant to the concurrent resolution, the Senator from Kentucky [Mr. FORD] and the Senator from Alaska [Mr. STEVENS] are appointed as tellers on the part of the Senate.

The majority leader.

UNANIMOUS-CONSENT REQUESTS

Mr. MITCHELL. Mr. President, I send to the desk, en bloc, 12 unanimous-consent requests and I ask for their immediate consideration, en bloc, that the requests be agreed to, en bloc, and the motion to reconsider the adoption of these requests be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent requests considered and agreed to en bloc are as follows:

AUTHORIZATION FOR ETHICS COMMITTEE TO MEET

Mr. MITCHELL. Mr. President, I ask unanimous consent that for the duration of the 103d Congress, the Ethics Committee be authorized to meet during the session of the Senate.

TIME LIMITATION ON ROLLCALL VOTES

Mr. MITCHELL. Mr. President, I ask unanimous consent that for the duration of the 103d Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE REPORTS AT THE DESK

Mr. MITCHELL. Mr. President, I ask unanimous consent that during the 103d Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

AUTHORIZATION FOR LEADERS TO HAVE 10 MINUTES DAILY FOLLOWING PRAYER AND JOURNAL DISPOSITION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the majority and minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the Journal.

PRIVILEGE OF THE FLOOR TO PARLIAMENTARIAN OF THE HOUSE OF REPRESENTATIVES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his three assistants be given the privilege of the floor during the 103d Congress.

PROVISIONS REGARDING CONFERENCE REPORTS AND STATEMENTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

AUTHORIZATION FOR APPROPRIATIONS COMMITTEE TO FILE REPORTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized during the 103d Congress to file reports during adjournments or recesses of the Senate on appropriation bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposes amendments shall be printed.

AUTHORIZATION FOR SECRETARY TO MAKE TECHNICAL AND CLERICAL CORRECTIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that, for the duration of the 103d Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions.

AUTHORIZATION FOR SECRETARY TO RECEIVE MESSAGES

Mr. MITCHELL. Mr. President, I ask unanimous consent that for the duration of the 103d Congress, when the Senate is in recess or adjournment, the Secretary of the Senate be authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolutions, and concurrent resolutions—messages from the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

AUTHORIZATION FOR FLOOR PRIVILEGES

Mr. MITCHELL. Mr. President, I ask unanimous consent that for the duration of the 103d Congress, Senators be allowed to leave at the desk with the Journal clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant at Arms be instructed to rotate such staff members as space allows.

TREATIES AND NOMINATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that for the duration of the 103d Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

BILLS, JOINT RESOLUTIONS, CONCURRENT RESOLUTIONS, AND SIMPLE RESOLUTIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that no bills or further resolutions, or committee-reported legislation, other than those whose introduction and consideration have been agreed to by the majority leader, following consultation with the Republican leader, be in order prior to January 21, and I further ask unanimous consent that, beginning January 21 and for the remainder of the 103d Congress, Senators may be allowed to bring to the desk, bills, joint resolutions, concurrent resolutions, and simple resolutions, for referral to appropriate committees.

COMPENSATION FOR SECRETARY OF THE TREASURY

Mr. MITCHELL. Mr. President, on behalf of Senators GLENN, ROTH, PRYOR, STEVENS, and GRASSLEY, I send to the desk a joint resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the joint resolution.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 1) to ensure that the compensation and other emoluments attached to the office of Secretary of the Treasury are those which were in effect on January 1, 1989.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. GLENN. Mr. President, I am introducing a joint resolution which reduces the compensation and other emoluments attached to the office of Secretary of the Treasury to those which were in effect on January 1, 1989. This has been necessitated by President-elect Clinton's announced intention to appoint our distinguished colleague from Texas, LLOYD BENTSEN, to be Secretary of the Treasury. There is no question that the compensation of the Secretary of the Treasury was increased by Congress during Senator BENTSEN's current term in office—which runs from noon on January 3, 1989, until noon on January 3, 1995. Therefore, Senator BENTSEN is currently ineligible for appointment under the terms of article I, section 6, clause 2 of the Constitution, which reads:

> No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

I am introducing the joint resolution on behalf of myself and Senators ROTH, PRYOR, STEVENS, and GRASSLEY. The resolution provides that the reduced rate of pay for the Office of the Treasury Secretary shall take effect on noon of January 20, 1993.

The effect of this joint resolution is to lift the disqualification on Senator BENTSEN imposed by article I, section 6, clause 2 of the Constitution in a manner which conforms to the purpose and spirit of this provision and is consistent with precedents of the Congress.

In practical terms, the rate of pay is reduced for this Office from $148,400—the salary as of January 1, 1993—to $99,500—the salary as of January 1, 1989. The salary is frozen at this $99,500 level, and the Treasury Secretary is not entitled to any cost-of-living increase or any other increase in compensation or emoluments after January 1, 1989, under—

First, the Ethics Reform Act of 1989, Public Law 101-194, or any other provision of law amended by that act, or

Second, any other provision of law, or provision which has force and effect of law, that is enacted or becomes effective during the period beginning at noon of January 3, 1989, and ending at noon of January 3, 1995.

This joint resolution is modeled after the precedent set in the case of Senator William Saxbe, who was nominated to be Attorney General of the United States by President Nixon in 1973. The sponsors of this joint resolution have carefully reviewed the legislative record made in support of the Saxbe pay legislation, which included hearings before the Senate Post Office and Civil Service Committee and Senate Judiciary Committee, and lengthy floor statements. We are satisfied that the approach which allowed Senator Saxbe to be nominated and appointed to the Attorney General position will also work in the case of Senator BENTSEN and the Secretary of Treasury position.

I note that the joint resolution does not provide for an automatic increase in the Treasury Secretary's salary at the end of Senator BENTSEN'S term—noon on January 3, 1995—or when another Treasury Secretary assumes the job after LLOYD BENTSEN leaves it. These reverter provisions were included in other cases, notably when Senator Edmund Muskie was nominated and appointed to the Secretary of State position by President Carter in 1980. However, in order to remove any question that the Secretary of Treasury position will have an increase in compensation based on any provision of law enacted or effective during the term for which Senator BENTSEN was elected, we have rejected the Muskie approach and followed the Saxbe precedent.

Although legislation similar to this joint resolution has been passed before, its provisions have never been interpreted in light of article I, section 6, clause 2 of the Constitution. In view of this, the joint resolution provides that any person aggrieved by an action of the Secretary of the Treasury may bring a civil action in the U.S. District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the Secretary of the Treasury on the ground that it violates article I, section 6, clause 2 of the Constitution. Similar judicial review provisions were included in the Saxbe and Muskie precedents.

Such an action may only be brought in the U.S. District Court for the District of Columbia, which shall have exclusive jurisdiction without regard to the sum or value of the matter in controversy. Any claim in such an action that the appointment of the Treasury Secretary violates article I, section 6, clause 2 of the Constitution shall be heard and determined by a panel of three judges. This joint resolution provides the legislative basis for authorizing as three-judge court under section 2284 of title 28, United States Code. The joint resolution provides jurisdiction in the three-judge court over only the claims challenging the constitutionality of the appointment, and not over any other claims which may be involved in the action.

The District Court for the District of Columbia shall advance on the docket and expedite the disposition of any claim challenging the constitutionality of the appointment under article I, section 6, clause 2.

An appeal may be taken directly to the Supreme Court from any interlocutory or final judgment, decree, or order on the constitutionality of the appointment under article I, section 6, clause 2. The Supreme Court must accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal, only if it has not previously ruled on this constitutional issue.

The President-elect has announced his desire to appoint our friend and colleague, Senator BENTSEN, to be Secretary of the Treasury. We should act quickly to resolve his eligibility to serve in that position. Therefore, I urge the Senate to act immediately to consider this joint resolution and approve it.

(At the request of Mr. GLENN, the following statement was ordered to be printed in the RECORD at this point:)

S.J. RES. 1

• Mr. ROTH. Mr. President, I am pleased to join the distinguished chairman in introducing this joint resolution and in urging its prompt consideration. In view of article I, section 6, clause 2 of the Constitution, this legislation must be enacted before our distinguished colleague, Senator BENTSEN, is appointed to head the Treasury Department.

We have faced similar situations before and have taken various approaches in resolving them. I am pleased that, at this time, the cosponsors of the joint resolution have followed the Saxbe precedent, which in my opinion eliminates all legal questions regarding President-elect Clinton's announced intention to nominate our colleague. I concur in Senator GLENN's learned explanation of this legislation. I join with him in urging its prompt consideration.

Thank you, Mr. President.•

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (S.J. Res. 1) was deemed read a third time and passed, as follows:

S.J. RES. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the compensation and other emoluments attached to the office of Secretary of the Treasury shall be those in effect January 1, 1989, notwithstanding any increase in such compensation or emoluments after that date under—

(1) the Ethics Reform Act of 1989 (Public Law 101-194) or any other provision of law amended by that Act; or

(2) any other provision of law, or provision which has the force and effect of law, that is enacted or becomes effective during the period beginning at noon of January 3, 1989, and ending at noon of January 3, 1995.

(b)(1) Any person aggrieved by an action of the Secretary of the Treasury may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the Secretary of the Treasury on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States District Court for the District of Columbia shall have exclusive jurisdiction over such a civil action, without regard to the sum or value of the matter in controversy.

(2) Any claim challenging the constitutionality of the appointment and continuance in office of the Secretary of the Treasury on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution, in an action brought under paragraph (1) shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. It shall be the duty of the district court to advance on the docket and to expedite the disposition of any matter brought under this subsection.

(3)(A) An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order upon the validity of the appointment and continuance in office of the Secretary of the Treasury under article I, section 6, clause 2, of the Constitution, entered in any action brought under this subsection. Any such appeal shall be taken by a notice of appeal filed within 20 days after such judgment, decree, or order is entered.

(B) The Supreme Court shall, if it has not previously ruled on the question presented by an appeal taken pursuant to subparagraph (A), accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal.

(c) This joint resolution shall become effective at 12:00 p.m., January 20, 1993.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING THE U.S. SECRET SERVICE TO CONTINUE TO FURNISH PROTECTION TO THE FORMER VICE PRESIDENT AND HIS SPOUSE

Mr. DOLE. Mr. President, I send a joint resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 2) to authorize the United States Secret Service to continue to furnish protection to the former Vice President or his spouse.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DOLE. Mr. President, this joint resolution is similar to those approved by the Congress in the past. While former Presidents are afforded protection by the Secret Service, former Vice Presidents are not. Therefore, as of January 20, Vice President Quayle would not be covered, although significant and credible threats remain against him due solely to his duties as the Vice President.

The joint resolution provides the identical length of protection afforded to former Vice President Mondale, and is supported by the U.S. Secret Service.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 2

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the United States Secret Service, in addition to other duties now provided by law, is authorized to furnish protection to—

(A) the person occupying the Office of Vice President of the United States immediately preceding January 20, 1993, or

(B) his spouse,

if the President determines that such person may thereafter be in significant danger; and

(2) protection of any such person, pursuant to the authority provided in paragraph (1), shall continue only for such period as the President determines, except that such protection shall not continue beyond July 20, 1993, unless otherwise permitted by law.

REPORT OF THE SELECT COMMITTEE ON POW-MIA AFFAIRS

Mr. MITCHELL. Mr. President, pursuant to the provisions of Senate Resolution 82, the Select Committee on POW-MIA Affairs concluded at the end of the 102d Congress.

I ask unanimous consent that a report that was prepared by the select committee may be filed with the Senate prior to January 13, 1993, and that expenses incurred in the printing and distribution of the report be paid for from funds that were previously authorized for that select committee in the last Congress or from the contingent fund of the Senate with the approval of the Senate Committee on Rules and Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENDING THE LIFE OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. MITCHELL. Mr. President, on behalf of Senator FORD, I send a concurrent resolution to the desk to provide for the continuation of the Joint Congressional Committee on Inaugural Ceremonies and to authorize the use of the rotunda of the Capitol in connection with the inaugural proceedings and ceremonies. This resolution also includes express authority for the joint committee to accept gifts and donations of goods and services which former committees have customarily accepted in connection with past inaugural ceremonies.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 2) to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provisions of S. Con. Res. 103.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 2) was agreed to as follows:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective January 5, 1993, the joint committee created by S. Con. Res. 102 of the One Hundred Second Congress, to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority. The joint committee may accept gifts and donations of goods and services to carry out its responsibilities.

SEC. 2. That effective from January 5, 1993, the provisions of S. Con. Res. 103 of the One Hundred Second Congress, to authorize the rotunda of the United States Capitol to be used in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President-elect of the United States, are hereby continued with the same power and authority.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROVIDING FOR A RECESS OR ADJOURNMENT OF THE SENATE AND THE HOUSE

Mr. MITCHELL. Mr. President, I send to the desk a concurrent resolution and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the concurrent resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 3) providing for a recess or adjournment of the Senate from January 6 or 7, 1993 to January 20, 1993, and an adjournment of the House from January 6, 1993 to January 20, 1993.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 3) was agreed to, as follows:

S. CON. RES. 3

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Wednesday, January 6, or Thursday, January 7, 1993, pursuant to a motion made by the majority leader or his designee, in accordance with the provisions of this resolution, it stand recessed or adjourned until 3 o'clock p.m. on Wednesday, January 20, 1993, and that when the House of Representatives adjourns on Wednesday, January 6, 1993, pursuant to a motion made by the majority leader or his designee, in accordance with the provisions of this resolution, it stand adjourned until 10 o'clock a.m. on Wednesday, January 20, 1993, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The majority leader of the Senate and the Speaker of the House, acting jointly after consultation with the minority leader of the Senate and the minority leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12:40 p.m. on Wednesday, January 6; that upon reconvening at 12:40 p.m., Wednesday, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved; and that at 12:45 p.m. the Senate proceed as a body to the House of Representatives for a joint meeting for the purpose of counting the electoral ballots.

The PRESIDING OFFICER. Without objection, it so so ordered.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey [Mr. BRADLEY].

TAJIKISTAN: ETHNIC CLEANSING AND GENOCIDE IN CENTRAL ASIA

Mr. BRADLEY. Mr. President, I rise today to call attention to the increasingly tragic situation in Tajikistan in the former Soviet Union. Tajikistan represents a case of ethnic and regional conflict and a potential case of genocide. Although we must recognize that we cannot resolve every act of injustice in this world, at the same time as the one remaining superpower, we have moral obligation to stand and be counted. We must also recognize that our words have consequences.

The case I would like to discuss today is our serious misjudgment of Central Asia. One of our greatest fears is that ethnic, regional, and religious strife will engulf the Eurasian subcontinent, dragging in not only the nation of the former Soviet Union, but those on the periphery, including Turkey, Iran, Pakistan, and Afghanistan. Already a series of these interethnic conflicts in Nagorno-Karabakh, Abkhazia, and Ossetia has threatened to ignite the entire region of the Caucasus. Events in Tajikistan similarly threaten to ignite all of Central and Southern Asia.

In Tajikistan, in the southeastern corner of the former Soviet Union, upwards of 100,000 people have been killed and several hundred thousand have been left homeless refugees in their own country. There are elements of both regional conflict and ethnic cleansing. People who are easily identified as coming from the Pamirs have been seized and summarily executed. The examples are endless—the journalist, Khusbakht Muborakkadamov, was picked up on the street, and Shogun Davlatimirov, head of a consumer union, was taken off a plane and shot. The images of this carnage have not been on our television screens as have the tragedies of Somalia and Bosnia, but the death, devastation, and cruelty are equally present.

As the Soviet Union fell apart, we had an interest in encouraging the independence of the many constituent parts of that former empire. We rushed to recognize the existing regimes and to grant legitimacy to them. Secretary of State Baker flew to all the emerging republics. He landed in Dushanbe, met with then President Nabiyev, and declared that Tajikistan would adhere to American conditions for recognition, including respect for the Helsinki accords as well as other human rights agreements. Refusing to meet with any opposition leaders no matter how moderate, the Secretary sped on to other capitals after declaring that Tajikistan was well on its way to becoming a democracy.

The problem was that Tajikistan had just concluded a Presidential campaign, in which the progressive forces had succeeded in forming an alliance with the moderate Islamic forces. The courageous leader of the moderates, Davlat Khudonzarov, himself a distinguished filmmaker and outspoken democrat, had predicated his campaign on the proposition that America would not recognize or assist a dictatorial regime which refused to adhere to basic human rights. The Secretary's rush to recognize Nabiyev cut the heart out of the progressives' arguments. Khudonazarov had lost the election only through the astounding corruption of the old regime. Convinced that no one in the West would aid in an appeal of the election results, the opposition accepted the election and sought compromise with the old regime, but little avail.

Tajikistan's very existence is now threatened by the civil war which has flared through most of 1992 and shows little sign of abating. The civil was has been based in the opposition of a coalition of progressive, nationalist, and Islamic forces to the Communist regime which continued to rule well after the August 1991 coup. The Communist dominated Parliament in November 1991 elected Rakhmon Nabiyev as President. He became the focus of the opposition, for he was the same pre-1985 party leader ousted by Gorbachev for his corruption and opposition to change.

After a spring of demonstrations and counterdemonstrations, violence erupted between the supporters of the old regime largely from the region of Kulyab against the opposition stronghold in Kurgan-Tyube. The subsequent battles left the economy in shambles, well over 50,000 dead, and perhaps as many as a half million refugees. By September, Nabiyev was forced to resign, but the subsequent government formed by Acting President Imomali Rakhmanov, an associate of Nabiyev, was composed exclusively of supporters of the old regime. They occupied Dushanbe, ordered the opposition to put down its arms, and continued the carnage. In the southern part of the country, thousands of refugees sought to flee the country. Hundreds have been reported drowned in the icy waters of the Amu-Darya as desperate people sought to reach Afghanistan. In the meantime, Davlat Khudonazarov and his progressive colleagues were given the nearly hopeless task of mediating the situation. Despite their efforts, the violence continued to escalate.

The Russian 201st Motorized Rifle Division has maintained a certain neutrality. The commander of the division is a Tajik. While the Russian Foreign Ministry is obviously concerned about the developments they are equally ambivalent about taking any direct action. Russian Foreign Ministry officials voice serious concerns about the lack of stability serving as an attraction for intervention by Iran or Afghanistan, as well as the dangers of increased drug, arms, and other illicit trade.

While Islamic fundamentalism has had little influence there, as the conflict continues, the influence grows. I have received direct appeals from those who claim that genocide is being perpetrated against the peoples of the Pamir who have sought to mediate existing ethnic and regional conflicts. Davlat Khudonazarov and his family have received numerous death threats. His vice presidential running mate, Aspiddin Sakhibnazarov, in fact was killed, as was the head of Tajik television. Reports of people being dragged from their apartments, pulled off buses and planes, or simply seized on the streets and shot have been verified by a number of sources. To repeat, perhaps 100,000 people have been killed and over half a million have been forced to flee their homes. All this in a country of just a little more than 5 million people.

While the adjoining countries, particularly Uzbekistan and Kyrgyzstan, agreed to take some action in early December, nothing has yet happened, and indeed some Uzbek troops have been dispatched. Nonetheless, as the New Year begins, there is little sign of the repression by the government abating.

Having sent what, I believe, was the wrong message with Secretary Baker's original visit, we began our relationship with independent Tajikistan on the wrong foot. After establishing our Embassy, we pulled out all of our people as the violence grew, leaving us with little direct contact with the current regime. I do not at all argue with the decision to withdraw our people in order to protect them. We did present a demarche to the Tajik authorities on December 19 expressing our concern, but we did so in such a quiet manner that even those who carefully follow Tajik affairs were unaware of that step.

I believe that the conflict in Tajikistan has the potential to engulf the entire area in violence, but even if this were not the case, we have a moral obligation to do what we can to protect the human rights of those who are threatened with repression and death.

At a minimum, we ought to express our concerns in the most public fashion possible. We ought also to dispatch a special representative to Tajikistan to present our concerns directly to the powers that be and to utilize whatever leverage we might possess—through political influence, potential aid, et cetera—to try to bring an end to the carnage. We also ought to explore through all available international organizations some joint efforts as well as to determine what, if any, regional solutions can be found. Moreover, our silence now belies all of our past expressions of concern for the future of other former republics, and for the plight of people worldwide who are the victims of brutal, violent repression.

Television has brought the horrors of Somalia and Bosnia into the homes of

Americans on a daily basis. The faces of the victims have compelled us to action. The fact that the American media has not reported from Tajikistan does not mean that the plight of these people is any less horrifying or any less deserving of our attention.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Republican leader, Senator DOLE.

JOHN DIAMANTAKIOU

Mr. DOLE. Mr. President, those of us who are privileged to serve in the Senate know just how much we rely on our staffs.

In fact, I suspect that most offices are like mine—where past and present staff members become part of an extended family.

Today, I have the very sad duty of informing my colleagues about a tragic death in my family.

On December 22, John Diamantakiou, an outstanding young man who worked for me in the Republican leadership office, passed away after being stricken with a congenital heart affliction.

A native of Lynn, MA, John received a bachelor's and master's degree from Emerson College in Boston.

As part of his graduate work, John worked in my office as an intern, where he impressed everyone with his intelligence, sense of humor, and work ethic.

When his internship was completed, John joined my office on a permanent basis.

And over the past several years, he has become a very important part of the Republican leadership office.

Everyone who was fortunate enough to come into contact with John can testify to the joy that John bought to his work and to our lives.

John never did anything halfway. For him, everything became a passion. And one of those passions was politics—how John loved to talk about politics and campaigns.

I especially remember this summer, when he accompanied me to the Republican Convention in Houston, and this fall, when he joined me on a campaign swing throughout the Northeast.

If I ever needed to find John, I always knew he would be where the action was.

Another passion of John's was sports. He helped to guide my office softball team, and he was always ready to update me on the trials and tribulations of his beloved Boston Bruins.

A third passion of John's was his Greek heritage. We all looked forward to John's trips to Massachusetts, because we knew he would return to the office with boxes of Greek pastries baked by his mother and father.

John took pride in the fact that it was in Greece, many centuries ago, where the ideas of democracy and public service first came to being—in fact, John kept a volume of Plato's philosophy on his desk.

I can't help but note today that throughout her history, America has succeeded only because people like John Diamantakiou gave themselves to serving their country.

I spoke to John's family when I attended his funeral service, and my thoughts and prayers remain with his parents, Lambros and Tina; and his sister Effie; his brother, Peter; his grandmother, Effie; and his fiancee, Sarah.

A political communication scholarship fund at Emerson College has been established in John's memory, and those interested in contributing can contact my office for further information.

In closing, let me share the words of Oliver Wendell Holmes of John's native Massachusetts. In describing the events that shaped his generation, Holmes said, "In our youth, we had the great good fortune to have our hearts touched by fire."

Tragically, John's heart gave out in his youth—but we can take solace in the fact that throughout his life, John's heart was, indeed, touched by fire.

And I also know that John's memory will always remain in my heart, and in the hearts of the countless people he touched through his friendship and kindness.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader, Senator Mitchell.

JOHN DIAMANTAKIOU

Mr. MITCHELL. Mr. President, the death of any individual is a tragedy, for we are diminished by the loss of any fellow human. But the death of a young, so lively person is a special loss, because it seems so meaningless, so unfair.

My friend and colleague, the Republican leader, suffered such a loss just before Christmas last year, when his young assistant and friend, John Diamantakiou died of a heart ailment at the age of 26.

I offer my sympathy to Senator DOLE and to all the members of the Republican leadership staff who worked with John. Senator DOLE has paid tribute to John's outstanding qualities of intelligence, humor, and energy. I share that assessment. John's career with Senator DOLE testifies to the future that his talents would have earned him. His would have been an outstanding career.

I express my sympathy also to John's family. I hope it is some consolation to them that their son was so highly regarded by all those who worked with him here in the Senate, Republicans and Democrats alike.

Mr. DOLE. Mr. President, I thank the majority leader.

MESSAGES FROM THE HOUSE RECEIVED DURING SINE DIE ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on November 4, 1992, subsequent to the sine die adjournment of the Congress, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 5377. An act to amend the Cash Management Improvement Act of 1990 to provide adequate time for implementation of that Act, and for other purposes;

H.R. 5400. An act to amend title 38, United States Code, to establish a program to provide certain housing assistance to homeless veterans, to improve certain other programs that provide such assistance, and for other purposes.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on January 5, 1993, during the recess of the Senate, received a message from the House of Representatives, announcing that the House has agreed to the following resolution:

H. Res. 2. A resolution notifying the Senate that a quorum of the House of Representatives has assembled; that Thomas S. Foley, a Representative from the State of Washington, has been elected Speaker; and Donnald K. Anderson, a citizen of the State of California, has been elected Clerk of the House of Representatives of the One Hundred Third Congress.

ASCERTAINMENT OF ELECTORS FOR PRESIDENT AND VICE PRESIDENT

The PRESIDING OFFICER (Mr. ROBB) laid before the Senate a communication from the Administrator of the General Services Administration (Archivist of the United States), transmitting, pursuant to law, certified copies of the final ascertainment of the electors for President and Vice President from the several States and the District of Columbia (EC–162); which, together with accompanying papers, was ordered to lie on the table.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Determination of the 1992 Fiscal Year Interest Rates on Rural Telephone Bank Loans"; to the Committee on Agriculture, Nutrition and Forestry.

EC–2. A communication from the Acting Comptroller of the Department of Defense, transmitting, pursuant to law, notice of the transfer of certain Department of Defense funds; to the Committee on Appropriations.

EC–3. A communication from the Acting Comptroller of the Department of Defense, transmitting, pursuant to law, notice of the transfer of certain Department of Defense funds; to the Committee on Appropriations.

EC–4. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "OMB Final Sequestration Report to the President and Congress for Fiscal Year 1993"; to the Committee on Appropriations, the Committee on Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Armed Services, the Committee on Banking, Housing and Urban Affairs, the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Small Business, the Committee on Veterans Affairs, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

EC–5. A communication from the Director of Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated November 1, 1992; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Budget, the Committee on Appropriations, the Committee on Agriculture, Nutrition and Forestry, the Committee on Armed Services, and the Committee on Labor and Human Resources.

EC–6. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's first special impoundment message for fiscal year 1993; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Labor and Human Resources, the Committee on Armed Services and the Committee on Foreign Relations.

EC–7. A communication from the Comptroller General of the United States, transmitting, pursuant to law, notice of further review of a rescission contained in the President's 104th special message for fiscal year 1992; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on Budget, and the Committee on Foreign Relations.

EC–8. A communication from the Deputy Assistant Secretary of the Air Force (Environment, Safety and Occupational Health), transmitting, pursuant to law, notice of the recent discovery of three chemical bombs on the Edwards AFB Bombing Range; to the Committee on Armed Services.

EC–9. A communication from the Deputy Under Secretary of Defense, transmitting, pursuant to law, selected acquisition reports for the quarter ending September 30, 1992; to the Committee on Armed Services.

EC–10. A communication from the Deputy Under Secretary of Defense, transmitting, pursuant to law, report on the award of eight non-competitive, sole-source foreign contracts in Fiscal Year 1992; to the Committee on Armed Services.

EC–11. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, the quarterly report on program activities for facilitation of weapons destruction and nonproliferation in the former Soviet Union; to the Committee on Armed Services.

EC–12. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the final report on United States Costs in the Persian Gulf Conflict and Foreign Contributions to Offset such Costs; to the Committee on Armed Services.

EC–13. A communication from the President of the United States, transmitting, pursuant to law, notice of continuation of the Iran emergency; to the Committee on Banking, Housing, and Urban Affairs.

EC–14. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report of the Securities and Exchange Commission for fiscal year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC–15. A communication from the President of the United States, transmitting, pursuant to law, notice of the continuation of emergency regarding chemical and biological weapons proliferation; to the Committee on Banking, Housing, and Urban Affairs.

EC–16. A communication from the First Vice President and Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a transaction involving U.S. exports to the Republic of Argentina; to the Committee on Banking, Housing, and Urban Affairs.

EC–17. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the 1991 Annual Civil Rights Data Report on HUD Program Applicants and Beneficiaries to the Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–18. A communication from the President of the United States, transmitting, pursuant to law, a report to Congress on developments since the last Presidential report on May 14, 1992, concerning the national emergency with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC–19. A communication from the Deputy Secretary of Housing and Urban Development, transmitting, pursuant to law, notice of an update to the HUD Interim Report to Congress on the Nehemiah Housing Opportunity Grant Program; to the Committee on Banking, Housing, and Urban Affairs.

EC–20. A communication from the President of the United States, transmitting, pursuant to law, an executive order concerning the transfer of certain Iraqi government assets held by domestic banks; to the Committee on Banking, Housing, and Urban Affairs.

EC–21. A communication from the President of the Thrift Depositor Protection Oversight Board and the President and Chief Executive Officer of the Resolution Trust Corporation, transmitting jointly, pursuant to law, the Semi-Annual Report of the Resolution Trust Corporation and the Thrift Depositor Protection Oversight Board for the period ended September 30, 1992; to the Committee on Banking, Housing, and Urban Affairs.

EC–22. A communication from the First Vice President and Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a transaction involving U.S. exports to the Federative Republic of Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC–23. A communication from the President and Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, the Semi-Annual Report to Congress regarding the Affordable Housing Disposition Program for the Period Between December 13, 1991 and June 30, 1992; to the Committee on Banking, Housing, and Urban Affairs.

EC–24. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–25. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–26. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–27. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–28. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–29. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–30. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–31. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–32. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–33. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report to Congress on the Status of the Public Ports of the United States 1990-1991; to the Committee on Commerce, Science, and Transportation.

EC–34. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Instrumented Internal Inspection Devices"; to the Committee on Commerce, Science, and Transportation.

EC-35. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on "Relative Cost of Shipbuilding"; to the Committee on Commerce, Science, and Transportation.

EC-36. A communication from the Secretary of Transportation, transmitting, pursuant to law, a brief on behalf of the United States in a product liability case involving general aviation aircraft; to the Committee on Commerce, Science, and Transportation.

EC-37. A communication from the Secretary of Transportation, transmitting, pursuant to law, the second annual report regarding the implementation of the "Imported Vehicle Safety Compliance Act of 1988"; to the Committee on Commerce, Science, and Transportation.

EC-38. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report to Congress on the Assessment of Air Safety Impact-Expanded East Coast Plan; to the Committee on Commerce, Science, and Transportation.

EC-39. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report entitled "Highway Safety Performance—1990 Fatal and Injury Accident Rates on Public Roads in the United States"; to the Committee on Commerce, Science, and Transportation.

EC-40. A communication from the Deputy Associate Director for Collection and Disbursement, Mineral Management Service, Royalty Management Program, Department of the Interior, transmitting, pursuant to law, notice of intent to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-41. A communication from the Deputy Associate Director for Collection and Disbursement, Mineral Management Service, Royalty Management Program, Department of the Interior, transmitting, pursuant to law, notice of intent to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-42. A communication from the Secretary of Energy, transmitting, pursuant to law, the nineteenth report to Congress on Enforcement Actions and Comprehensive Status of Exxon and Stripper Well Oil Overcharge Funds; to the Committee on Energy and Natural Resources.

EC-43. A communication from the Deputy Associate Director for Collection and Disbursement, Mineral Management Service, Royalty Management Program, Department of the Interior, transmitting, pursuant to law, notice of intent to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-44. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the State Energy Conservation Program for calendar year 1991; to the Committee on Energy and Natural Resources.

EC-45. A communication from the Deputy Associate Director for Collection and Disbursement, Mineral Management Service, Royalty Management Program, Department of the Interior, transmitting, pursuant to law, notice of intent to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-46. A communication from the Deputy Associate Director for Collection and Disbursement, Mineral Management Service, Royalty Management Program, Department of the Interior, transmitting, pursuant to law, notice of intent to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-47. A communication from the Deputy Associate Director for Collection and Disbursement, Mineral Management Service, Royalty Management Program, Department of the Interior, transmitting, pursuant to law, notice of intent to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-48. A communication from the Deputy Associate Director for Collection and Disbursement, Mineral Management Service, Royalty Management Program, Department of the Interior, transmitting, pursuant to law, notice of intent to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-49. A communication from the Acting Assistant General Counsel of the Department of Energy, transmitting, pursuant to law, notice of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-50. A communication from the Assistant Secretary of Energy (Environment, Safety and Health), transmitting, pursuant to law, the Department of Energy Draft Environmental Impact Statement on the proposed expansion of the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

EC-51. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Traffic/Congestion Management During Highway Construction"; to the Committee on Environment and Public Works.

EC-52. A communication from the Inspector General, Department of the Interior, transmitting, pursuant to law, a report entitled "Accounting for Fiscal Year 1991 Reimbursable Expenditures of Environmental Protection Agency Superfund Money, Water Resources Division, U.S. Geological Survey"; to the Committee on Environment and Public Works.

EC-53. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the final report on the study of the Medicaid Eligibility Quality Control negative case action; to the Committee on Finance.

EC-54. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the sixth and final annual report on the impact of the Medicare Hospital Prospective Payment System; to the Committee on Finance.

EC-55. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the seventy-first quarterly report on trade between the United States and China, the former Soviet Union, Central and Eastern Europe, the Baltic nations, and other selected countries; to the Committee on Finance.

EC-56. A communication from the Under Secretary of Commerce (Technology), transmitting, pursuant to law, a report entitled "Global Markets for Supercomputers: The Impact of the U.S.-Japan Supercomputer Procurement Agreement"; to the Committee on Finance.

EC-57. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the development and implementation of a plan to coordinate the physician review activities of Utilization and Quality Control Peer Review Organizations and Medicare Carriers; to the Committee on Finance.

EC-58. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to October 22, 1992; to the Committee on Foreign Relations.

EC-59. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to November 5, 1992; to the Committee on Foreign Relations.

EC-60. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to December 3, 1992; to the Committee on Foreign Relations.

EC-61. A communication from the President of the United States, transmitting, pursuant to law, a report on progress being made toward the withdrawal of the armed forces of Russia and the Commonwealth of Independent States from the territories of Estonia, Latvia, and Lithuania and on the status of negotiations regarding the establishment of a timetable for total withdrawal; to the Committee on Foreign Relations.

EC-62. A communication from the President of the United States, transmitting, pursuant to law, a report on efforts to obtain Iraq's compliance with the resolutions adopted by the United Nations Security Council; to the Committee on Foreign Relations.

EC-63. A communication from the Assistant Secretary of the Treasury (Legislative Affairs) and the Acting Assistant Secretary of State (Legislative Affairs), transmitting jointly, pursuant to law, the fourth report on foreign contributions in response to the Persian Gulf crisis; to the Committee on Foreign Relations.

EC-64. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on the proliferation of missiles and essential components of nuclear, biological, and chemical weapons; to the Committee on Foreign Relations.

EC-65. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-297 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC-66. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-298 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC-67. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-299 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–68. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–300 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–69. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–302 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–70. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–303 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–71. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–310 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–72. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–311 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–73. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–312 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–74. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–313 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–75. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–314 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–76. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–315 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–77. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–316 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–78. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–317 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–79. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–321 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–80. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–322 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–81. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–323 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–82. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–324 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–83. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–325 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–84. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–326 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–85. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–327 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–86. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–328 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–87. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–329 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–88. A communication from the Assistant Secretary for Finance and Administration, Smithsonian Institution, transmitting, pursuant to law, the annual pension reports of the Smithsonian Institution, the Woodrow Wilson International Center for Scholars, and Reading Is Fundamental for calendar year 1991; to the Committee on Governmental Affairs.

EC–89. A communication from the Director of Selective Service, transmitting, pursuant to law, the annual report of the Selective Service System on audit and investigative activities for fiscal year 1992; to the Committee on Governmental Affairs.

EC–90. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Management: Serious Deficiencies in State's Financial Systems Require Sustained Attention"; to the Committee on Governmental Affairs.

EC–91. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report on the audit and investigative activities of the Board for fiscal year 1992; to the Committee on Governmental Affairs.

EC–92. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, International Trade Commission, for the period April 1 through September 30, 1992; to the Committee on Governmental Affairs.

EC–93. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-305 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–94. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-304 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–95. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-308 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–96. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-307 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–97. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-306 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–98. A communication from the Acting Director of the Office of Personnel Management, transmitting, pursuant to law, a report entitled "Investing in Federal Productivity and Quality"; to the Committee on Governmental Affairs.

EC–99. A communication from the Executive Director of the United States Holocaust Memorial Council, transmitting, pursuant to law, the annual report of the Council on audit and investigative activities for fiscal year 1992; to the Committee on Governmental Affairs.

EC–100. A communication from the Chairman of the Nuclear Waste Technical Review Board, transmitting, pursuant to law, the annual report of the Board on audit and investigative activities for fiscal year 1992; to the Committee on Governmental Affairs.

EC–101. A communication from the Chairman of the Board of Directors of the Farm Credit System Assistance Board, transmitting, pursuant to law, the annual report of the Board on audit and investigative activities for fiscal year 1992; to the Committee on Governmental Affairs.

EC–102. A communication from the Chief of the Insurance and Pension Administration Division, Army and Air Force Exchange Service, transmitting, pursuant to law, the report for the retirement plan for employees of the Army and Air Force Exchange Service, the report for the supplemental deferred compensation plan for members of the Executive Management Program, and the general information sheet for the Retirement Savings Plan and Trust for Employees of the Army and Air Force Exchange Service for calendar year 1991; to the Committee on Governmental Affairs.

EC–103. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Management: NASA's Financial Reports Are Based on Unreliable Data"; to the Committee on Governmental Affairs.

EC–104. A communication from the Inspector General of the Department of the Interior, transmitting, pursuant to law, a final audit report entitled "Accounting for Fiscal Year 1991 Reimbursable Expenditures of Environmental Protection Agency Superfund Money, Bureau of Reclamation"; to the Committee on Governmental Affairs.

EC–105. A communication from the Chairman, Vice Chairman, and a Member of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "A Question of Equity: Women and the Glass Ceiling in the Federal Government"; to the Committee on Governmental Affairs.

EC–106. A communication from the Director of the Division of Commissioned Personnel, Department of Health and Human Services, transmitting, pursuant to law, the annual report of the Public Health Service

Commissioned Corps Retirement System for the plan year ended September 31, 1991; to the Committee on Governmental Affairs.

EC–107. A communication from the Inspector General of the Environmental Protection Agency, transmitting, pursuant to law, the annual report of the mandated Superfund audit activities of the Inspector General of the Agency for fiscal year 1991; to the Committee on Governmental Affairs.

EC–108. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office in September 1992; to the Committee on Governmental Affairs.

EC–109. A communication from the Chairman of the Nuclear Waste Technical Review Board, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–110. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period April through September 1992; to the Committee on Governmental Affairs.

EC–111. A communication from the Acting Secretary of Veterans Affairs, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Veterans Affairs, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC–112. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Agency for International Development, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC–113. A communication from the Chairman and the General Counsel of the National Labor Relations Board, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, National Labor Relations Board, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC–114. A communication from the Secretary of Defense, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Defense, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC–115. A communication from the Chairman of the Thrift Depositor Protection Oversight Board and the Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Resolution Trust Corporation, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC–116. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Health and Human Services, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC–117. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to law, the annual report on audit and investigative activities for fiscal year 1992; to the Committee on Governmental Affairs.

EC–118. A communication from the Director of the United States Trade and Development Agency, transmitting, pursuant to law, the annual report of the Agency on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC–119. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Securities and Exchange Commission, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC–120. A communication from the Chairman of the National Science Board, transmitting, pursuant to law, the semiannual report of the Inspector General, National Science Board, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC–121. A communication from the Inspector General, Office of Personnel Management, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Office of Personnel Management, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC–122. A communication from the Chairman of the Board for International Broadcasting, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Board for International Broadcasting, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC–123. A communication from the Secretary of the Commission of Fine Arts, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Commission on Fine Arts, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC–124. A communication from the Director of the Federal Domestic Volunteer Agency, transmitting, pursuant to law, the semiannual report of the Office of Inspector General of the Agency for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC–125. A communication from the Acting Director of the Peace Corps, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Peace Corps, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC–126. A communication from the Chairman, Vice Chairman, and a Member of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Civil Service Evaluation: The Role of the U.S. Office of Personnel Management"; to the Committee on Governmental Affairs.

EC–127. A communication from the President and CEO of the Resolution Trust Corporation, transmitting, pursuant to law, a report on internal controls as a supplement to the Management report previously submitted for calendar year 1991; to the Committee on Governmental Affairs.

EC–128. A communication from the Acting Chairman of the Administrative Conference of the United States, transmitting, pursuant to law, the annual report of the Conference on audit and investigative activities for fiscal year 1992; to the Committee on Governmental Affairs.

EC–129. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on actions taken under the Program Fraud Civil Remedies Act for fiscal year 1992; to the Committee on Governmental Affairs.

EC–130. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the annual report of the Corporation on audit and investigative services for fiscal year 1992; to the Committee on Governmental Affairs.

EC–131. A communication from the President of the United States, transmitting, pursuant to law, a report on the exclusion of the United States Marshals from coverage under the Performance Management and Recognition System; to the Committee on Governmental Affairs.

EC–132. A communication from the Acting Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report on drug and alcohol abuse prevention, treatment and rehabilitation programs and services for Federal civilian employees; to the Committee on Governmental Affairs.

EC–133. A communication from the Chief of Staff of the Office of the United States Nuclear Waste Negotiator, transmitting, pursuant to law, the annual report of the Office on audit and investigative activities for fiscal year 1991; to the Committee on Governmental Affairs.

EC–134. A communication from the Assistant Attorney General (Civil Division), transmitting, pursuant to law, the decision of the Department of Justice not to defense the constitutionality of sections 4 and 5 of the Cable Television Consumer Protection and Competition Act; to the Committee on the Judiciary.

EC–135. A communication from the Assistant Attorney General (Civil Division), transmitting, pursuant to law, notice that the Department of Justice has decided against appeal in the case of Rafeedie v. Immigration and Naturalization Service; to the Committee on the Judiciary.

EC–136. A communication from the Secretary of Education, transmitting, pursuant to law, a report on programs and activities assisted under the Women's Educational Equity Act Program for fiscal years 1988 through 1992; to the Committee on Labor and Human Resources.

EC–137. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Library Literacy Program; to the Committee on Labor and Human Resources.

EC–138. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Law School Clinical Experience Program; to the Committee on Labor and Human Resources.

EC–139. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priorities for fiscal year 1993—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps.

EC–140. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—National Program for Mathematics and Science Education; Fund for the Improvement and Reform of Schools and Teaching; Schools and Teachers Program; and Fund for the Improvement and Reform of Schools and Teaching: Family-School Partnership Program; to the Committee on Labor and Human Resources.

EC–141. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Bilingual Education: Evaluation Assistance Centers Program; to the Committee on Labor and Human Resources.

EC–142. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Minority Science Improvement Program; to the Committee on Labor and Human Resources.

EC–143. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1992; to the Committee on Labor and Human Resources.

EC–144. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for the Rehabilitation Engineering Centers; to the Committee on Labor and Human Resources.

EC–145. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the twenty-fifth annual report of the United States-Japan Cooperative Medical Science Program; to the Committee on Labor and Human Resources.

EC–146. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priorities for fiscal year 1993-Rehabilitation Short-Term Training; to the Committee on Labor and Human Resources.

EC–147. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for the Research and Demonstration Projects; to the Committee on Labor and Human Resources.

EC–148. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for the Rehabilitation Research and Training Centers Program; to the Committee on Labor and Human Resources.

EC–149. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Institutional Eligibility under the Higher Education Act of 1965, as amended; and Student Assistance General Provisions; to the Committee on Labor and Human Resources.

EC–150. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the annual report on Minority Small Business and Capital Ownership Development; to the Committee on Small Business.

EC–151. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on the labor market situation for veterans; to the Committee on Veterans' Affairs.

EC–152. A communication from the Secretary of the Senate, transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate, showing in detail the items of expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in my possession from April 1, 1992 through September 30, 1992; ordered to lie on the table.

EC–153. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–154. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on rules providing significant opportunities for public participation in developing or revising reservoir operating manuals; to the Committee on Environment and Public Works.

EC–155. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of safeguards information for the quarter ended September 30, 1992; to the Committee on Environment and Public Works.

EC–156. A communication from the Chief Executive Officer of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the annual report on the audit and investigative activities of the Corporation for fiscal year 1992; to the Committee on Governmental Affairs.

EC–157. A communication from Oregonians For Ethical Representation, transmitting, a petition concerning the seating of Senator Robert Packwood of Oregon; to the Committee on Rules and Administration.

EC–158. A communication from The Law Center, transmitting, a petition concerning the seating of Senator Robert Packwood of Oregon; to the Committee on Rules and Administration.

EC–159. A communication from a citizen of the State of Oregon, transmitting, a petition concerning the seating of Senator Robert Packwood of Oregon; to the Committee on Rules and Administration.

EC–160. A communication from certain citizens and voters of the State of Oregon, transmitting, a petition concerning the seating of Senator Robert Packwood of Oregon; to the Committee on Rules and Administration.

EC–161. A communication from certain citizens and voters of the State of Georgia, transmitting, a petition concerning the seating in the U.S. Senate of Paul Coverdell of Georgia; to the Committee on Rules and Administration.

EC–162. A communication from the Archivist of the United States, transmitting, pursuant to law, certified copies of the final ascertainment of the electors for President and Vice President from the several States and the District of Columbia; which was ordered to lie on the table.

EC–163. A communication from certain citizens and voters of the State of Oregon, transmitting, a petition concerning the seating of Senator Robert Packwood of Oregon; to the Committee on Rules and Administration.

EC–164. A communication from certain citizens and voters of the State of Georgia, transmitting, a petition concerning the seating in the U.S. Senate of Paul Coverdell of Georgia; to the Committee on Rules and Administration.

EC–165. A communication from certain citizens and voters of the State of Georgia, transmitting, a petition concerning the seating in the U.S. Senate of Paul Coverdell of Georgia; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–1. A joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry.

ASSEMBLY JOINT RESOLUTION NO. 84

"Whereas, all children, but particularly children from low-income households, are in need of year-round nutrition and adequate meals to maintain their physical and mental health and well-being; and

"Whereas, the Summer Food Service Program for Children is designed to continue the provision of nutritious meals for children during times when school food programs are not available due to vacation periods; and

"Whereas, the Summer Food Service Program for Children is serving less than 10 percent of the needy children in California who get a nutritious meal daily during the school year from the National School Lunch Program; and

"Whereas, the reason many potential sponsors of the Summer Food Service Program for Children give for their nonparticipation in the program is the excessive amount of federal paperwork required; and

"Whereas, the burden of paperwork required for the Summer Food Service Program for Children and other child nutrition programs can be addressed through the Child Nutrition Act reauthorization anticipated to occur in federal fiscal year 1994; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Congress of the United States to provide, under the Child Nutrition Act, the necessary statutory authority for the United States Department of Agriculture to issue more flexible and less cumbersome regulations, including provisions for expanding the eligibility of areas in which poor economic conditions exist, for the Summer Food Service Program for Children; and be it further

"*Resolved*, That the Congress urge the United States Department of Agriculture to encourage more schools, governmental units, and public and private nonprofit organizations to sponsor the Summer Food Service Program for Children in their communities to ensure that more needy children receive access to nutritious meals during times of school vacation periods; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Agriculture, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM–2. A joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry:

ASSEMBLY JOINT RESOLUTION NO. 84

"Whereas, all children, but particularly children from low-income households, are in need of year-round nutrition and adequate meals to maintain their physical and mental health and well-being; and

"Whereas, the Summer Food Service Program for Children is designed to continue the provision of nutritious meals for children during times when school food programs are not available due to vacation periods; and

"Whereas, the Summer Food Service Program for Children is serving less than 10 percent of the needy children in California who get a nutritious meal daily during the school year from the National School Lunch Program; and

"Whereas, the reason many potential sponsors of the Summer Food Service Program for Children give for their nonparticipation in the program is the excessive amount of federal paperwork required; and

"Whereas, the burden of paperwork required for the Summer Food Service Program for Children and other child nutrition programs can be addressed through the Child Nutrition Act reauthorization anticipated to occur in federal fiscal year 1994; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Congress of the United States to provide, under the Child Nutrition Act, the necessary statutory authority for the United States Department of Agriculture to issue more flexible and less cumbersome regulations, including provisions for expanding the eligibility of areas in which poor economic conditions exist, for the Summer Food Service Program for Children; and be it further

"*Resolved*, That the Congress urge the United States Department of Agriculture to encourage more schools, governmental units, and public and private nonprofit organizations to sponsor the Summer Food Service Program for Children in their communities to ensure that more needy children receive access to nutritious meals during times of school vacation periods; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Agriculture, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-3. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation:

"ASSEMBLY JOINT RESOLUTION NO. 97

"Whereas, under the Passenger Services Act of 1886 (46 U.S.C. 289), foreign-flagged passenger ships are prohibited from transporting passengers between ports in the United States; and

"Whereas, there are presently very few American-flagged cruise ships and none providing scheduled "cruise ship" port calls along the California coast; and

"Whereas, because large cruise ships are almost entirely foreign-flagged, the Passenger Services Act of 1886 effectively eliminates California as a destination for those large cruise ships, despite the market demand to visit this state and the large number of California ports capable of handling cruise ships; and

"Whereas, the few cruise ships with home ports in California presently have an estimated local economic impact of $20 million per year in docking and wharfage fees, supplies, and labor workforces, with additional contributions from ship's crew, passenger cruise fares, and precruise and postcruise hotel stays for passengers; and

"Whereas, the United States policy embodied in the Passenger Services Act of 1886 has, in effect, stimulated the cruise ship industry development in neighboring countries, including Canada, Mexico, and the islands of the Caribbean Sea, at the expense of United States ports; for example, foreign-flagged cruise ships destined for the Hawaiian Islands or Alaska must embark from Port Ensenada in Mexico or Vancouver, British Columbia in Canada; and

"Whereas, the industry trend towards shorter, lower cost cruises has hurt the ports in San Francisco, Oakland, and Monterey, because they are midway between the major cruise markets of Mexico and Alaska; and

"Whereas, California ports and coastal communities would quickly benefit from increased tourism if the ban is lifted, creating a new industry of cruise ships calling on California's coastal cities, including San Diego, Long Beach/Los Angeles, Santa Barbara, Monterey, San Francisco/Oakland, and Eureka, that would have a positive effect on California's economy from tourism, development of services, and the creation of new jobs; and

"Whereas, the cruise ship industry has grown over 600 percent in the last 10 years, with Florida and Vancouver, Canada receiving a substantial share of this market, due, in part, from the ban in the Passenger Services Act of 1886; now, therefore, be it

"*Resolved, by the Assembly and Senate of the State of California, jointly*, That the President and Congress of the United States are respectfully memorialized to review the effects of the Passenger Services Act of 1886 and consider permitting foreign-flagged passenger vessels to carry passengers between United States ports, until such time as there is competition with American-flagged passenger vessels in the same market and after a reasonable transition period following the commencement of that competition has elapsed; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the United States Secretary of Transportation."

POM-4. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation:

ASSEMBLY JOINT RESOLUTION NO. 94

"Whereas, President John F. Kennedy said, in his address to the University of California at Berkeley on March 23, 1962, "Space * * * would emphasize the interests that must unite us * * * Knowledge * * * is the pass key to the future * * *"; and

"Whereas, the California Legislature applauds the goals of the National Aeronautics and Space Administration Space Station Freedom Program, and the application of its resources and capabilities for the benefit of all human beings, in this decade of advancement of scientific knowledge; and

"Whereas, as the Cold War ends, and a New World Order begins, Californians are committed to remaining the world leader in aerospace technology and scientific research, in the interest of the economic well-being of both the state and the nation; and

"Whereas, the Space Station Freedom Program helps achieve economic well-being by employing thousands of Californians whose critical skills are necessary to enable the United States to compete effectively in the global economy of this decade and beyond; and

"Whereas, high technology jobs are an essential component in maintaining the prominence of California and the United States in state-of-the-art technologies; technologies which historically have benefited this country domestically and have contributed substantially to our balance of trade with foreign nations; and

"Whereas, this program, a civilian project, not only performs its role as an orbiting platform for fundamental life sciences and microgravity research, but it also inspires our youth toward higher education, and promotes international cooperation and understanding; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Members of the Legislature of this state hereby proclaim our support for the continued development of the National Aeronautics and Space Administration Space Station Freedom Program, as a cornerstone of investment in the future of our state and nation; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Administrator of the National Aeronautics and Space Administration."

POM-5. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation:

"ASSEMBLY JOINT RESOLUTION NO. 90

"Whereas, the top priority of the Legislature is to maintain the highest level of aviation safety and security possible in California; and

"Whereas, commercial aviation and general aviation are critical to the economic health of California and of the United States in an era of increasing economic internationalization; and

"Whereas, it is essential to integrate airports with surface rail and highway transportation systems in order to build a functioning multimodal transportation system; and

"Whereas, over 33 commercial airports nationwide, including several in California, will experience significant congestion by the year 2000; and

"Whereas, the growing demand for air service and access to airports requires the most efficient use of all available federal, state, and local aviation funds in order to provide the needed facilities and support services; and

"Whereas, all aviation system improvements must be implemented in a way that protects the environment, protects the quality of life, and assures compatible land uses around airports; and

"Whereas, these goals can be accomplished only through a full partnership among the federal government, states, local governments, airport operators, airlines, and air cargo service providers, and aircraft owners and pilots; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to consider the following transportation policies in developing new multiyear aviation program reauthorization legislation:

"(a) Allow flexibility in the use of Airport Improvement Program (AIP) and Passenger Facility Charge (PFC) funds for "off-airport" intermodal ground access projects if: (1) the facility will be used for travel to and from the airport; and (2) private sector or local or state funds are also committed to the project.

"(b) Distribute all AIP grant funds for nonprimary airports to states on a "block grant" basis. Congress and the Federal Aviation Administration should establish national priorities to be used by the states in allocating AIP funds to nonprimary airports, and state block grant programs and procedures should be developed in consultation with local and regional transportation agencies.

"(c) Increase funding for the AIP to $2.5 billion for 1993, with an increase in following years that is linked to the Consumer Price Index (CPI). Entitlement formulas from the Airport and Airway Safety and Capacity Expansion Act of 1987 (P.L. 100-223), based on enplaned passengers, should also be adjusted for changes in the CPI.

"(d) Increase the percentage of AIP funds for airport and aviation system planning grants from one-half of 1 percent to 2 percent, distributed according to a population-based allocation formula for states and metropolitan planning organizations (MPOs).

"(e) Require the Federal Aviation Administration to develop a prioritized multiyear National Airport Development Program for funding airport projects as an element of the National Plan of Integrated Airport Systems (NPIAS). Priorities should be defined in conjunction with the states, local agencies owning airports, and MPOs, and the program should incorporate the regional and state aviation capital improvement programs.

"(f) Require the Federal Aviation Administration to establish criteria to determine which airports in the NPIAS are of national significance and to promulgate guidelines requiring each state to develop a Statewide Plan of Integrated Airport Systems (SPIAS), and require each metropolitan area with a major commercial hub airport to develop a Metropolitan Integrated Airport System (MIAS). Provide that these system planning activities receive a high priority for AIP funding.

"(g) Encourage states, MPOs, and local governments to develop land use plans for areas around airports to ensure compatible land uses and to protect against encroachment by residential development and other incompatible land uses. Require the Federal Aviation Administration to develop mechanisms or incentives to assist states, MPOs, and local governments in developing and implementing airport land use compatibility plans including a land-banking program.

"(h) Develop a program to mitigate or correct incompatible land uses that have already occurred near airports.

"(i) Extend and expand the Military Airport Program which allows current and former military airports to be used to enhance the civilian aviation system capacity. Additional military airports should become eligible, and funding for the program should be increased. Designation of the additional military facilities for joint use or future reuse should be based in part on areas of unmet demand in the civil air transportation system.

"(j) Require the Department of Defense and the Federal Aviation Administration to jointly evaluate the present and future need for restricted military airspace, and make any unneeded military airspace available for civil aviation use.

"(k) In order to encourage the development of partnerships between public entities and the private sector to improve transportation services and to maximize the financial benefits that can be derived by local public agencies from the use of commercial air facilities, require the Federal Aviation Administration to waive any grant agreement requirements that restrict the use of revenues generated by airports; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the chairperson of every congressional committee having jurisdiction over transportation and interstate commerce, and to the Director of Transportation and the Chairperson of the California Transportation Commission."

POM-6. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources:

"ASSEMBLY JOINT RESOLUTION NO. 67

"Whereas, the United States Congress is currently considering legislation which would establish a comprehensive national energy strategy; and

"Whereas, California and federal energy strategies already recognize and should continue to recognize the legitimate and important role that diverse fuels and energy alternatives will play in meeting California's and the nation's energy and environmental needs; and

"Whereas, fossil fuel combustion has been and is projected by the United States Department of Energy and the State Energy Resources Conservation and Development Commission to continue to be a significant energy source for our economy during the next 20 years; and

"Whereas, the California Legislature, the State Energy Resources Conservation and Development Commission, the Public Utilities Commission, and other agencies are considering energy strategies which complement federal policy; and

"Whereas, efficient use of natural gas, as one strategy, particularly for new end-uses resulting from technological advances, will help improve air quality in California and the rest of the nation; and

"Whereas, the nation will significantly benefit from increased research, development, and demonstration (RD&D) funding for natural gas end-use technologies for all of the following reasons:

"(a) To achieve federal Clean Air Act standards and further reduce the environmental impacts of using this cleaner domestic fossil fuel.

"(b) To improve the security of our energy supply and reduce our trade deficit by displacing imported oil from other nations with the efficient use of domestically produced natural gas.

"(c) To facilitate economic growth by enabling domestic industry to compete in the global market place more effectively by using lower priced energy sources; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature urges the President and the Congress of the United States to include, in the legislation to establish a national energy strategy, provisions for accelerated research, development, and demonstration on all of the following:

"(a) Improved, highly efficient natural gas combustion processes, low NO_x burners, engines, and other solutions for stationary sources such as industrial sites and commercial and residential space conditioners and water heaters.

"(b) Dedicated natural gas vehicles that could contribute to the substantial reduction in mobile source emissions that will be required to comply with California fleet vehicle regulations and meet future federal Clean Air Act standards.

"(c) Second and third generation fuel cells which can use electrochemical energy conversion to potentially produce electricity with less than 1 percent of the atmospheric contamination of conventional fossil fuel-based electric generation; and be it further

"*Resolved*, That, in order to make these least cost energy options available for industrial, commercial, and residential natural gas consumers through an accelerated RD&D program, the Legislature urges the President and the Congress of the United States to fund this program for $2.5 billion over 10 years, beginning with $189 million in federal fiscal year 1993; and be it further

"*Resolved*, That the Legislature urges the President and the Congress to include in the national energy strategy legislation and subsequent appropriations, a commitment to increased RD&D funding to improve natural gas technologies which produce very few emissions; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-7. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Environment and Public Works:

"ASSEMBLY RESOLUTION NO. 78

"Whereas, the National Estuary Program was initiated by the United States Environmental Protection Agency in 1985, and was formalized and expanded as part of the "Water Quality Act of 1987" in efforts to formulate comprehensive plans to restore certain significant estuaries in this country; and

"Whereas, the federal legislation specifically identifies the New York-New Jersey harbor estuary as one to which priority consideration should be given; and

"Whereas, the New York-New Jersey harbor estuary is a dynamic ecosystem and a resource of great significance to the people of New Jersey and New York, as well as the nation; and

"Whereas, the New York-New Jersey harbor estuary has suffered serious environmental degradation over a long period, and its condition is of concern to this State; and

"Whereas, in response to the joint petition of the Governors of New Jersey and New York, the United States Environmental Protection Agency established the New York-New Jersey Harbor Estuary Program to carry out the cooperative planning for, and management of, the New York-New Jersey harbor estuary; and

"Whereas, the State applauds the attention the estuary has received from the federal government and the continuing efforts on behalf of the estuary made by members of the New York-New Jersey Harbor Estuary Program to identify, preserve, and enhance the environmental and economic resources of the estuary, and pledges to continue its support of their activities; now, therefore,

"*Be it resolved by the General Assembly of the State of New Jersey:*

"1. The Congress of the United States is memorialized to continue existing support and funding for the New York-New Jersey Harbor Estuary Program, and for the governmental departments and agencies participating in the program, and is respectfully requested to provide additional federal funding as needed to ensure the continued development and implementation of comprehensive management plans for the estuary.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, the Administrator of the United States Environmental Protection Agency, and the Administrator of Region II thereof, and to each member of the congressional delegation elected from the State of New Jersey."

POM-8. A petition from a citizen of Concord, New Hampshire, to protect America and the Social Security Trust Fund by eliminating the deficit-producing government waste; to the Committee on Finance.

POM–9. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION NO. 83

"Whereas, Supplemental Security Income (SSI) is a basic federal cash benefit program for persons 65 years of age and over and for blind or disabled persons of any age; and

"Whereas, California, through the State Supplementary Program for the Aged, Blind, and Disabled, supplements payments made to SSI recipients; and

"Whereas, in order to be deemed disabled for purposes of the SSI program, a doctor chosen by the state must confirm the existence of physical or mental disabilities which are expected to prevent an individual from working for 12 months or will result in death; and

"Whereas, payments to SSI recipients in California who are substance abusers have tripled since 1986, now totaling approximately $60 million annually to 7,500 recipients; and

"Whereas, the distribution of cash payments to a recipient of SSI through an irresponsible payee poses a danger to the recipient, especially if the recipient is a substance abuser; and

"Whereas, the federal government does not adequately investigate potential representative payees to determine their suitability in providing supervision of funds for mentally or physically disabled SSI recipients; and

"Whereas, California has the California Master Plan Process, an efficient, coordinated framework of drug and alcohol abuse reduction programs administered by state and local government entities and community-based organizations; and

"Whereas, the federal government fails to recognize the inherently different needs of individual state and local governments, which results in limited state flexibility in terms of treatment alternatives; now therefore, be it

"*Resolved by the Assembly and Senate of the State of California, Jointly*, That the Legislature hereby respectfully requests the President and the Congress of the United States to review and update provisions of the federal Social Security Act to do all of the following:

"(a) Ensure that only capable, conscientious representative payees supervise the finances of mentally or physically disabled SSI recipients.

"(b) Encourage the development and expansion of innovative drug and alcohol treatment programs that recognize that the need of one state may differ considerably from those of another, thereby necessitating that state governmental policies be allowed to be tailored appropriately.

"(c) Provide for control mechanisms to ensure that the representative payees spend the funding provided for California's SSI recipients efficiently and effectively.

"(d) Require criminal background investigations on designated payees and continual review of payees to ensure the responsibility of payees, protect SSI recipients, and prevent fraud; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Governor, and to the Secretary of the Health and Welfare Agency."

POM–10. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION NO. 62

"Whereas, begun in 1977, the aim of the Multipurpose Senior Services Program (MSSP) is to avoid the inappropriate placement of frail older persons in nursing facilities, and to foster independent living in their own communities; and

"Whereas, the goal of maintaining frail older persons at their maximum level of independence and in their own homes and communities has been a primary area of focus for the Department of Aging since 1984 when the Governor's Senior's Initiative, which called on the department to take the lead in establishing a system of services that vulnerable persons could use at the community level to assist in maintaining their independence for as long as possible, was enacted; and

"Whereas, the characteristics of MSSP clients do not change significantly over time, with the typical MSSP client continuing to be a very frail, low-income widow, living alone in an apartment, generally between the ages of 75 and 79 years; and

"Whereas, these people need assistance to carry out two or more of the five basic activities of daily living, such as bathing, dressing, and transferring, and five out of eight instrumental activities, such as transportation, meal preparation, and housework; and

"Whereas, the health of these persons is generally characterized by heart trouble, arteriosclerosis, and high blood pressure; and

"Whereas, the MSSP began with eight sites in 1977, and currently has 22 sites throughout the state with the ability to serve 6,000 clients at any given time, or a total of 8,941 unduplicated clients annually; and

"Whereas, the Department of Aging and the California Senior Legislature estimates there are over 30,000 seniors in California that would benefit from this program; and

"Whereas, according to the department the average cost per month for a client in the MSSP was $1,038, compared with the average nursing home cost of $1,919 during the 1989–90 fiscal year; and

"Whereas, the Torres-Felando Long-Term Care Reform Act of 1982 (Chapter 1453 of the Statutes of 1982) provides for the conditional continuation of the MSSP, as long as it proves to be cost-effective and the state can obtain federal authority to fund it through a medicaid home and community-based care waiver; and

"Whereas, the MSSP is funded by the state and the federal government on an equal basis; and

"Whereas, the last waiver expired on June 30, 1990, and since then, the MSSP has been continued through a series of 90-day extensions approved by the federal Health Care Financing Administration; and

"Whereas, on April 16, 1990, the State Department of Health Services and the Department of Aging submitted a renewal waiver request to continue the MSSP for California at the levels approved for the previous three fiscal years, with the effective dates of this new waiver request being from July 1, 1990, to June 30, 1995; and

"Whereas, on October 18, 1990, the Department of Aging also transmitted an MSSP expansion waiver request for review to the State Department of Health Services to increase the currently approved caseload of 6,000 to 12,000 clients; now, therefore, be it

"*Resolved by the Assembly and State of California, jointly*, That the Legislature of the State of California memorializes the federal Health Care Financing Administration to approve a request by the Department of Aging to allow federal medicaid funds to be used to expand California's Multipurpose Senior Services Program from serving 6,000 to 12,000 clients annually; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, each Senator and Representative from California in the Congress of the United States, and the Administrator of the Health Care Financing Administration."

POM–11. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION NO. 61

"Whereas, the President of the United States has called upon the Congress to enact legislation granting a $5,000 income tax credit for first-time buyers who purchase homes before year's end that could turn an additional 250,000 families into homeowners and assist in lifting the United States from its recession; and

"Whereas, fees, exactions, conditions, environmental impact reports, and other regulations have resulted in added costs of $15,000 to $30,000 per home, thereby reducing the number of affordable homes on the market in California; and

"Whereas, such a tax credit would mitigate California's recession by spurring development and generating additional employment through suppliers, contractors, and financing; and

"Whereas, those affected most by California's high housing costs are the young, the poor, and minorities, and they are the ones who would benefit most from the proposed tax credit; and

"Whereas, the proposal for such a tax credit comes at a time when lower mortgage rates already have made houses more affordable to middle-income Americans than at any other time in the past 18 years; and

"Whereas, such a tax credit for first-time homebuyers would entice those who are currently hesitant about purchasing their first home and will boost consumer confidence by making it easier for existing homebuyers to sell their homes; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the tax credit for first-time homebuyers proposed by the President of the United States be acknowledged as vital to the economic fortunes of California and her people, to keeping the California dream of home ownership alive, and to instilling a strong sense of pride and self-esteem; and be it further

"*Resolved*, That the Legislature urges the Congress of the United States to pass legislation granting a $5,000 income tax credit to first-time homebuyers before the end of 1992, as requested by the President of the United States and the Secretary of Housing and urban Development; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Secretary of Housing and Urban Development, the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States."

POM–12. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations:

"ASSEMBLY JOINT RESOLUTION NO. 95

"Whereas, a 20-year study by the United Nations reported that women face discrimination in every region on earth; and

"Whereas, In 1979, the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women, and President Carter sent the convention to the Senate Foreign Relations Committee for ratification where it has remained; and

"Whereas, currently, 114 nations, including all of the industrialized world, except South Africa and the United States, have agreed to be bound by the convention's provisions; and

"Whereas, the spirit of the convention is rooted in the goals of the United Nations to affirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women; and

"Whereas, the convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based on sex, and the nations in support of the present convention have agreed to follow convention prescriptions; and

"Whereas, women constitute at least 41 percent of the work force worldwide yet are far behind men in pay, power, and responsibility; and

"Whereas, nearly 70 percent of the world's poor are women; and

"Whereas, on average, women around the world earn 30 to 40 percent less than men for work of comparable value; and

"Whereas, twelve countries have laws that do not allow women to seek employment, open a bank account, or apply for a loan without the husband's authorization; and

"Whereas, thirty-three and six-tenths percent of the adult female population is illiterate versus 19.4 percent of the adult male population; and

"Whereas, young women face discrimination in the classroom which undermines their self-esteem and jeopardizes their future performance; and

"Whereas, over 60 percent of the women and girls in the world live under conditions which threaten their health; and

"Whereas, eleven percent of the women in industrialized countries suffer from nutritional anemia, and up to two-thirds of pregnant women in Africa and much of Asia are anemic; and

"Whereas, in Austria, violence against wives was cited as a contributing factor in 59 percent of 1,500 divorce cases that were reviewed; and

"Whereas, in the United States 6 million women are beaten by their husbands or boyfriends each year, and 1,500 of them will die; and

"Whereas, battering is the major cause of injury to women in the United States; and

"Whereas, in India, registered cases of women being killed in disputes over their dowries soared from 999 in 1985 to 1,786 in 1987; and

"Whereas, Kuwait is the only country in the world that extends voting privileges to certain citizens, but prohibits all women from voting; and

"Whereas, although women have made major gains in the struggle for equality in social, business, political, legal, educational, and other fields in this century, there is much yet to be accomplished; through its support and leadership, the United States can help create a world where women are no longer discriminated against and can achieve one of the most fundamental of human rights, equality; now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of California, jointly*, That the Legislature of the State of California strongly urges President George Bush and Secretary of State James Baker to place the United Nations' Convention on the Elimination of All Forms of Discrimination Against Women in the highest category of priority in order to accelerate the treaty's passage through the Senate Foreign Relations Committee; and be it further

"*Resolved*, That the California Legislature exhorts the Senate Foreign Relations Committee to pass this treaty favorably out of committee; and be it further

"*Resolved*, That the California Legislature strongly urges the Senate of the United States to ratify the treaty, and expresses their support of the convention's continuing influence; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, the Secretary of State of the United States, the President of the United States Senate, the Chair of the Senate Foreign Relations Committee, and to each Senator and Representative from California in the Congress of the United States."

POM-13. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Foreign Relations:

"HOUSE JOINT RESOLUTION NO. 540

"Whereas, Kuwaiti women are fighting for the right to vote, and for the first time, secular and Islamic women's groups are working together toward winning the right of suffrage; and

"Whereas, however, women were barred from registering to vote in October's parliamentary elections; and

"Whereas, during the Persian Gulf hostilities, the courageous men and women of the United States Armed Forces sacrificed personal concerns and the safety of their homeland to liberate Kuwait from the tyranny of their Iraqi oppressors; and

"Whereas, these valiant men and women fought to win the freedom of all Kuwaitis, both female and male; and

"Whereas, the right to vote is the most important and dearly held right, and civic responsibility, for a citizen of a truly democratic society; now, therefore,

"*Be it resolved by the House of Representatives of the Ninety-Seventh General Assembly of the State of Tennessee, the Senate concurring*, That this General Assembly hereby memorializes the President and the Congress of the United States to invoke all prudent measures to encourage the Government of Kuwait to extend the right of suffrage to its female citizens: Be it further

"*Resolved*, That a copy of this resolution be transmitted to the Honorable George Bush, President of the United States, the Honorable Thomas Foley, Speaker of the House of Representatives, the Honorable Robert Byrd, President Pro Tempore of the Senate, the members of the Tennessee Congressional Delegation, and to the United States Embassy in Kuwait for forwarding to the appropriate chief executive official in the Kuwaiti government."

POM-14. A joint resolution adopted by the Legislature of the State of California; to the Select Committee on Indian Affairs:

"ASSEMBLY JOINT RESOLUTION NO. 98

"Whereas, Native American religions and religious beliefs predate the creation of the United States Constitution; and

"Whereas, in the Bill of Rights, the First Amendment to the United States Constitution states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof"; and

"Whereas, until the passage of the American Indian Religious Freedom Act of 1978, religions and religious beliefs of the indigenous people of the land now called the United States of America were not protected by the First Amendment; and

"Whereas, understanding of and respect for Native American religions, and religious sites are not widespread among the non-indigenous population of the United States; and

"Whereas, to protect this most basic freedom for Native Americans, the American Indian Religious Freedom Act of 1978 must be amended to clarify current confusion regarding procedures, regulations, and policies pertaining to the identification and protection of Native American sacred and significant cultural sites for use by the descendants of the original inhabitants of this country and for the expansion of cultural and religious understanding of all Americans; to acknowledge the Native American church as lawful and protected under the United States Constitution and the American Indian Religious Freedom Act of 1978; to allow the traditional ceremonial practices of Native Americans to withstand overly restrictive and insensitive regulation; and to protect the rights of Native Americans in the United States to practice their native religions; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California supports the amendments to the American Indian Religious Freedom Act of 1978 proposed by United States Senator Daniel K. Inouye; and be it further

"*Resolved*, That the congressional delegation of California is requested to support the amendments to the American Indian Religious Freedom Act of 1978 proposed by United States Senator Daniel K. Inouye; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to United States Senator Daniel K. Inouye."

POM-15. A petition from a citizen of Dunlap, IL, relative to limits on congressional terms; to the Committee on the Judiciary.

POM-16. A petition from a citizen of Bridgeport, WA, relative to limits on congressional terms; to the Committee on the Judiciary.

POM-17. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION NO. 93

"Whereas, on June 2, 1992, six people were fatally injured during the course of a high-speed chase by the United States Border Patrol in Temecula, California; and

"Whereas, similar high-speed chases conducted by officers of the federal Immigration and Naturalization Service have led to fatal accidents in recent years in southern California; and

"Whereas, the federal Immigration and Naturalization Service checkpoint south of Temecula was established in 1934, when the area's population was miniscule and the international border between California and Mexico was almost entirely rural in character; and

"Whereas, nearly 60 years later, the Temecula area is suburban in nature and its population is growing rapidly; and

"Whereas, despite this population growth, the federal Immigration and Naturalization Service has acknowledged 75 high-speed chases in and around Temecula in 1989 alone; and

"Whereas, similar situations exist in other parts of southern California and, no doubt, in other parts of the nation near the international border; and

"Whereas, illegal immigration is a misdemeanor that does not warrant the high-speed pursuit typically reserved for suspects of serious or violent crimes, especially in populated areas; and

"Whereas, no high-speed chase is worth a human life; the risks those chases pose to public safety far outweigh the benefits of apprehending undocumented immigrants; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to direct the federal Immigration and Naturalization Service to publicly explain its high-speed chase policies and to revise those policies in the interest of public safety where appropriate, including providing alternatives to high-speed chases in populated areas; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Commissioner of Immigration and Naturalization."

POM-18. A joint resolution adopted by the Legislature of the State of North Carolina; to the Committee on the Judiciary:

"HOUSE BILL 1052

"Whereas, the Senate and House of Representatives of the United States of America assembled (two-thirds of each House concurring) and on March 4, 1789, proposed the following amendment to the Constitution of the United States, to become valid as a part of the Constitution when ratified by the legislatures of the several states, in words as follows:

"'ART. II. No law varying the compensation for the service of the senators and representatives, shall take effect until an election of representatives shall have intervened.'; and

"Whereas, this proposed amendment was part of the Bill of Rights containing 12 proposed amendments, only 10 of which have been ratified by a sufficient number of states; and

"Whereas, by Chapter 19, Laws of 1789, the North Carolina General Assembly ratified all 12 amendments, being one of the few states to ratify Article II of Amendment set out above, and

"Whereas, in recent years, many more states have ratified this proposed amendment, but there may be constitutional questions about whether the actions of the states must be contemporaneous; and

"Whereas, North Carolina is celebrating the Bicentennial of the Bill of Rights; Now, therefore,

"The General Assembly of North Carolina enacts:

"Section 1. The proposed Second Article of Amendment to the Constitution of the United States, reading 'No law varying the compensation for the service of the senators and representatives, shall take effect until an election of representatives has intervened', ratified by Chapter 19, Laws of 1789, is reratified by the General Assembly of the State of North Carolina.

"Sec. 2. The Secretary of State shall send a certified copy of this act to the National Archives and Records Administration, the Clerk of the United States House of Representatives, and to the Secretary of the United States Senate.

"Sec. 3. This act is effective upon ratification.

"In the General Assembly read three times and ratified this the 4th day of July, 1989."

POM-19. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources:

"ASSEMBLY JOINT RESOLUTION NO. 46

"Whereas, The Congress of the United States is considering reauthorization of the Higher Education Act of 1965, the enabling legislation for all federal higher education programs, including more than $13 billion in student financial aid; and

"Whereas, Higher education will continue to be at the heart of our nation's economic productivity, as rapid technological and international developments demand new skills and new competencies; and

"Whereas, Accessible higher education is vital to democracy and civic equality, each of which is premised on a citizenry with the capacity to participate fully in society and a public that is literate and informed; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California memorializes the President and the Congress of the United States to do all of the following as part of the reauthorization of the Higher Education Act of 1965:

"(a) Expand grant assistance for needy students by significantly increasing funding authorizations for the Pell Grant and State Student Incentive Grant programs, restoring the purchasing power of financial aid by raising the maximum Pell Grant award and providing for future annual inflationary adjustments, and increasing the number of Pell Grant awards to assist a greater proportion of the nation's eligible needy students.

"(b) Reform the student loan programs by creating a direct institutional lending pilot program to supplement existing loan programs, and exploring the feasibility of a national student loan bank, coupling increased loan maximums with new authority for institutions to restrict loan eligibility, offering flexible repayment options to reduce default and minimize disincentives to enter public service employment, and consolidating the myriad deferment categories.

"(c) Simplify the financial aid application process by offering a simple needs test for very low income applicants and an application bypass for recipients of public assistance, establishing and funding a national student aid data base, consolidating the Congressional and Pell Grant program needs analysis methodologies, and replacing elements such as the displaced homemaker, dislocated worker, and ward-of-the-court categories with expanded reliance on the professional judgment of campus financial aid officers.

"(d) Curtail federal encroachment on states and campuses by avoiding administrative mandates unrelated to the determination of financial need and academic eligibility, and replacing board regulation with negotiated rulemaking targeted directly at actual abuses. States must retain the authority to ensure access to public colleges and universities without student eligibility for aid being conditioned upon passing a federally imposed admission test.

"(e) Eliminate fees charged to students seeking financial aid, including application fees, loan insurance premiums, and loan origination fees.

"(f) Expand opportunity throughout education by augmenting the special programs for students from disadvantaged backgrounds, reaffirming the authority of institutions to target nonfederal aid, and increasing authorization levels for programs to enlarge and diversify the pool of graduate students moving into the ranks of school and college instructors, and increasing early information and outreach to elementary and junior high school pupils.

"(g) Maximize the effectiveness of available resources by enhancing the dissemination of information on financial aid to prospective students and parents, and increasing early information and outreach to elementary and junior high school pupils.

"(h) Ensure that students and the federal aid programs are protected from fraud and abuse by ensuring that federally recognized state licensure, federally established consumer protection standards, and nongovernmental accreditation provide for, at a minimum, all of the following:

"(1) Enforcement of minimum standards of instructional quality, institutional stability, ethical practices, health and safety, and fiscal responsibility.

"(2) Prohibitions against the granting of false or misleading educational credentials or the dissemination of misleading literature or advertising.

"(3) Protections for students against fraud, misrepresentation, or other practices which may lead to an improper loss of funds paid for educational costs.

"(4) A path for the development of institutions offering fields of study or methods of instruction and innovative delivery systems not previously recognized, such as distance learning; and be it further

"*Resolved*, That efforts by states and nongovernmental accrediting agencies to enforce additional standards beyond those necessary to ensure that an institution is capable of meeting the requirements of federal programs should not be among the factors considered by the Secretary of Education for recognition; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Secretary of Education, and each Senator and Representative from California in the Congress of the United States."

POM-20. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources:

"ASSEMBLY JOINT RESOLUTION NO. 99

"Whereas, The Congressional Hispanic Caucus is currently considering legislation that would establish a federal program of research and prevention to address the problem of birth defects, with particular attention to the research and prevention needs of minority communities; and

"Whereas, Certain birth defects are a serious problem affecting Latino and Chicano communities nationwide; and

"Whereas, According to data from the Centers for Disease Control (CDC) and the California birth defects monitoring program, neural tube defects afflict the Chicano and Latino community at a significantly higher rate than the general population; and

"Whereas, The Birth Defects Prevention Act of 1992 (H.R. 5531) calls for the creation of a comprehensive program of surveillance, research, and prevention; and

"Whereas, This legislation would assist states in beginning or enhancing birth defect registries, establishing regional birth defects centers of excellence to conduct research, and providing funds to develop and evaluate birth defects preventive services; and

"Whereas, The Chicano and Latino population, and the entire nation, will significantly benefit from increased research and prevention funding for birth defects; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California urges the President and the Congress of the United States to include in pending national health care strategy, and related authorization and appropriations bills, a commitment to establish and fund a research and prevention program focused on the incidence of birth defects in Chicano and Latino communities; and be it further

"*Resolved*, That this program should include all of the following:

"(a) The establishment of a national birth defects surveillance and prevention research system, for the following purposes:

"(1) To improve basic birth defects surveillance in every state through the use of vital records, hospital records, and other data.

"(2) To establish regional research centers that would provide comprehensive surveillance data and epidemiologic research needed to study clusters of birth defects, identify their causes, and develop and evaluate preventive services. The centers would additionally provide training and education to health care professionals.

"(b) The development and implementation of a birth defects prevention and intervention program for the following purposes:

"(1) Funding of projects for the prevention of birth defects, with at least one project aimed at enhancing prevention service in an area that is designated medically underserved, has a birthrate for minority women above the national average, and has a high incidence of one or more defects.

"(2) Funding and technical assistance to state health departments to implement programs of proven effectiveness and safety in prevention of birth defects.

"(c) Broadening of public and professional awareness of birth defects and prevention opportunities, including all of the following:

"(1) Establishment of a clearinghouse at the Centers for Disease Control for the collection, storage, and interpretation of data generated from state birth defects surveillance programs and regional birth defects centers.

"(2) Establishment of an advisory committee for birth defects prevention to gather the views and recommendation of experts.

"(3) Enhancement of public information and education programs for the prevention of birth defects, such as a program using folic acid vitamin supplementation to prevent spina bifida, and alcohol avoidance strategies to prevent fetal alcohol syndrome (FAS); and be it further

"*Resolved*, That, in order to promote these research and prevention programs, the Legislature urges the President and the Congress of the United States to fund this program; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the members of the Congressional Hispanic Caucus, and to each Senator and Representative from California in the Congress of the United States."

POM-21. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources:

"ASSEMBLY JOINT RESOLUTION NO. 46—Relative to higher education.

"Whereas, the Congress of the United States is considering reauthorization of the Higher Education Act of 1965, the enabling legislation for all federal higher education programs, including more than $13 billion in student financial aid; and

"Whereas, higher education will continue to be at the heart of our nation's economic productivity, as rapid technological and international developments demand new skills and new competencies; and

"Whereas, accessible higher education is vital to democracy and civic equality, each of which is premised on a citizenry with the capacity to participate fully in society and a public that is literate and informed; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California memorializes the President and the Congress of the United States to do all of the following as part of the reauthorization of the Higher Education Act of 1965:

"(a) Expand grant assistance for needy students by significantly increasing funding authorizations for the Pell Grant and State Student Incentive Grant programs, restoring the purchasing power of financial aid by raising the maximum Pell Grant award and providing for future annual inflationary adjustments, and increasing the number of Pell Grant awards to assist a greater proportion of the nation's eligible needy students.

"(b) Reform the student loan programs by creating a direct institutional lending pilot program to supplement existing loan programs, and exploring the feasibility of a national student loan bank, coupling increased loan maximums with new authority for institutions to restrict loan eligibility, offering flexible repayment options to reduce default and minimize disincentives to enter public service employment, and consolidating the myriad deferment categories.

"(c) Simplify the financial aid application process by offering a simple needs test for very low income applicants and an application bypass for recipients of public assistance, establishing and funding a national student aid data base, consolidating the Congressional and Pell Grant program needs analysis methodologies, and replacing elements such as the displaced homemaker, dislocated worker, and ward-of-the-court categories with expanded reliance on the professional judgment of campus financial aid officers.

"(d) Curtail federal encroachment on states and campuses by avoiding administrative mandates unrelated to the determination of financial need and academic eligibility, and replacing board regulation with negotiated rulemaking targeted directly at actual abuses. States must retain the authority to ensure access to public colleges and universities without student eligibility for aid being conditioned upon passing a federally imposed admission test.

"(e) Eliminate fees charged to students seeking financial aid, including application fees, loan insurance premiums, and loan origination fees.

"(f) Expand opportunity throughout education by augmenting the special programs for students from disadvantaged backgrounds, reaffirming the authority of institutions to target nonfederal aid, and increasing authorization levels for programs to enlarge and diversify the pool of graduate students moving into the ranks of school and college instructors, and increasing early information and outreach to elementary and junior high school pupils.

"(g) Maximize the effectiveness of available resources by enhancing the dissemination of information on financial aid to prospective students and parents, and increasing early information and outreach to elementary and junior high school pupils.

"(h) Ensure that students and the federal aid programs are protected from fraud and abuse by ensuring that federally recognized state licensure, federally established consumer protection standards, and nongovernmental accreditation provide for, at a minimum, all of the following:

"(1) Enforcement of minimum standards of instructional quality, institutional stability, ethical practices, health and safety, and fiscal responsibility.

"(2) Prohibitions against the granting of false or misleading educational credentials or the dissemination of misleading literature or advertising.

"(3) Protections for students against fraud, misrepresentation, or other practices which may lead to an improper loss of funds paid for educational costs.

"(4) A path for the development of institutions offering fields of study or methods of instruction and innovative delivery systems not previously recognized, such as distance learning; and be it further

"*Resolved*, That efforts by states and nongovernmental accrediting agencies to enforce additional standards beyond those necessary to ensure that an institution is capable of meeting the requirements of federal programs should not be among the factors considered by the Secretary of Education for recognition; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Secretary of Education, and each Senator and Representative from California in the Congress of the United States."

POM-22. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources:

"ASSEMBLY JOINT RESOLUTION NO. 104

"Whereas, the Omnibus Budget Reconciliation Act (OBRA) of 1990, Public Law 101-508, reduced the pension benefits for single veterans in Medi-Cal funded nursing homes from $950 per month to $90 per month; and

"Whereas, in annual terms the pension was reduced from $11,400 per year to $1,080 per year, and

"Whereas, with respect to the veteran who uses his or her pension to pay for his or her nursing home care, OBRA effectively shifted the cost of the veteran's care from the veteran's pension to Medi-Cal; and

"Whereas, since the State of California pays 50 percent of the Medi-Cal costs for nursing home care, OBRA effectively shifted approximately $18,000,000 from the federal budget to California's Medi-Cal budget; and

"Whereas, that section of OBRA that reduced the veteran's pension from $950 per month to $90 per month is scheduled to sunset on September 30, 1992; and

"Whereas, the pension reduction for veterans costs state taxpayers approximately $18,000,000 per year, and the pension reduction for approximately nine thousand widows of veterans that will reduce their annual pension from $11,400 to $1,080 per year, and will cost the taxpayers $30,000,000 per year, and

"Whereas, there are several bills in Congress that would repeal the sunset provisions affecting the OBRA provisions, including S. 2323, the Veterans' Survivors' Benefits Improvement Act of 1992; and

"Whereas, if the sunset is repealed and if the pension reduction is extended to surviving spouses, these veterans and their spouses will lose the pensions they have earned, and, in addition, the federal policy makers will have shifted that expense to the Medi-Cal budget of the State of California; and

"Whereas, it is believed that this act will cost not only the veterans and widows of veterans of this state but the other taxpayers of this state approximately $48,000,000 per year; and

"Whereas, there are 2,800,000 veterans in the State of California, many of whom can be considered for the Medi-Cal reductions in future years; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to allow the pension benefit provisions in question to terminate, thus ensuring that the State of California does not lose Medi-Cal funding and that veterans of this state do not lose the pension benefits that they have earned so gallantly; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to each member of the House and Senate Committees on Veterans' Affairs."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

Mr. MITCHELL (for Mr. GLENN (for himself, Mr. ROTH, Mr. PRYOR, Mr. STEVENS, and Mr. GRASSLEY)):

S.J. Res. 1. A joint resolution to ensure that the compensation and other emoluments attached to the office of Secretary of the Treasury are those which were in effect on January 1, 1989; considered and passed.

By Mr. MITCHELL:

S.J. Res. 2. A joint resolution to authorize the United States Secret Service to continue to furnish protection to the former Vice President or his spouse; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL:

S. Res. 1. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. DOLE:

S. Res. 2. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. MITCHELL:

S. Res. 3. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

S. Con. Res. 1. A concurrent resolution to provide for the counting on January 6, 1993, of the electoral votes for President and Vice President of the United States; considered and agreed to.

By Mr. MITCHELL (for Mr. FORD):

S. Con. Res. 2. A concurrent resolution to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provisions of S. Con. Res. 103; considered and agreed to.

By Mr. MITCHELL:

S. Con. Res. 3. A concurrent resolution providing for a recess or adjournment of the Senate from January 6 or 7, 1993 to January 20, 1993, and an adjournment of the House from January 6, 1993 to January 20, 1993; considered and agreed to.

SENATE CONCURRENT RESOLUTION 1—TO PROVIDE FOR THE COUNTING ON JANUARY 6, 1993, OF THE ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. MITCHELL submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Wednesday, the 6th day of January 1993, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating o the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

SENATE CONCURRENT RESOLUTION 2—TO EXTEND THE LIFE OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES AND THE PROVISIONS OF SENATE CONCURRENT RESOLUTION 103

Mr. MITCHELL submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective January 5, 1993, the joint committee created by S. Con. Res. 102 of the One Hundred Second Congress, to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority. The joint committee may accept gifts and donations of goods and services to carry out its responsibilities.

SEC. 2. That effective from January 5, 1993, the provisions of S. Con. Res. 103 of the One Hundred Second Congress, to authorize the rotunda of the United States Capitol to be used in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President-elect of the United States, are hereby continued with the same power and authority.

SENATE CONCURRENT RESOLUTION 3—PROVIDING FOR A RECESS OR ADJOURNMENT OF THE SENATE FROM JANUARY 6 OR 7, 1993, AND AN ADJOURNMENT OF THE HOUSE FROM JANUARY 6, 1993, TO JANUARY 20, 1993

Mr. MITCHELL submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 3

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Wednesday, January 6, or Thursday, January 7, 1993, pursuant to a motion made by the majority leader or his designee, in accordance with the provisions of this resolution, it stand recessed or adjourned until 3 o'clock p.m. on Wednesday, January 20, 1993, and that when the House of Representatives adjourns on Wednesday, January 6, 1993, pursuant to a motion made by the majority leader or his designee, in accordance with the provisions of this resolution, it stand adjourned until 10 o'clock a.m. on Wednesday, January 20, 1993, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the minority leader of the Senate and the minority leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE RESOLUTION 1—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 2—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION 3—FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. MITCHELL submitted the following resolution which was considered and agreed to:

S. RES. 3.

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for the Honorable WILLIAM V. ROTH, Jr., to participate in a program in Belgium, sponsored by the Chicago Council on Foreign Relations and the North Atlantic Assembly, from November 15–20, 1992.

The committee has determined that participation by Senator ROTH in this program, at the expense of the Chicago Council on Foreign Relations and the North Atlantic Assembly, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Marc E. Solomon, a member of the staff of Senator DANFORTH, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs and the U.S.-Asia Institute, from November 30–December 10, 1992.

The committee has determined that participation by Mr. Solomon in this program, at the expense of the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Darren Dick, a member of the staff of Senator DOLE, to participate in a program in Korea, sponsored by the A-san Foundation, from November 14–21, 1992.

The committee has determined that participation by Mr. Dick in this program, at the expense of the A-san Foundation, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Robert J. Ludwiczak, a member of the staff of Senator GRASSLEY, to participate in a program in Chile, sponsored by the Chilean American Chamber of Commerce, from November 16–21, 1992.

The committee has determined that participation by Mr. Ludwiczak in this program, at the expense of the Chilean American Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Dr. Robert Lockwood, a member of the staff of Senator HATCH, to participate in a program in Chile, sponsored by the Chilean American Chamber of Commerce, from November 16–21, 1992.

The committee has determined that participation by Dr. Lockwood in this program, at the expense of the Chilean American Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Proctor Jones, a member of the staff of Senator BYRD, to participate in a program in China, Hong Kong and Taiwan sponsored by the Chinese People's Institute of Foreign Affairs, from January 2–16, 1993.

The committee has determined that participation by Mr. Jones in this program, at the expense of the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Senator JOHNSTON to participate in a program in China, Hong Kong and Taiwan sponsored by the Chinese People's Institute of Foreign Affairs, from January 2–16, 1993.

The committee has determined that participation by Senator JOHNSTON in this program, at the expense of the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Julie Dammann, a member of the staff of Senator BOND, to participate in a program in Taiwan, sponsored by Soochow University, from December 2–8, 1992.

The committee has determined that participation by Ms. Dammann in this program, at the expense of Soochow University, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for McLane Layton, a member of the staff of Senator NICKLES, to participate in a program in Taiwan, sponsored by the Coordinated Council for North American Affairs and the Chung Yuan Christian University, from December 11–18, 1992.

The committee has determined that participation by Ms. Layton in this program, at the expense of the Chung Yuan Christian University, is in the interest of the Senate of the United States.

The select committee received a request for a determination under rule 35 for Joseph Harroz, a member of the staff of Senator BOREN, to participate in a program in china, sponsored by the Chinese People's Institute of Foreign Affairs, from November 28–December 14, 1992.

The committee determined that participation by Mr. Harroz in this program, at the expense of the Chinese People's Institute of Foreign Affairs, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Sarah Brown, a member of the staff of Senator DOLE, to participate in a program in China, sponsored by the Chung Yuan Christian University from January 3–10, 1992.

The committee determined that participation by Ms. Brown in this program, at the expense of the Chung Yuan Christian University is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mike Bertman, a member of the staff of Senator NICKLES, to participate in a program in Taiwan, sponsored by Chung Yuan Christian University, from January 2–10, 1993.

The committee has determined that participation by Mr. Bertman in this program, at the expense of Chung Yuan Christian University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Jonathan F. Rief, a member of the staff of Senator NUNN, to participate in a program in Australia from November 20–December 5, 1992, sponsored by the American Council for Young Political Leaders [ACYPL] and the Australian Political Exchange Committee [APEC].

The committee has determined that participation by Mr. Rief in this program, at the expense of ACYPL and APEC, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Andrew W. Johnson, a member of the staff of Senator EXON, to participate in a program in Taiwan, sponsored by the Soochow University, from December 1–8, 1992.

The committee has determined that participation by Mr. Johnson in this program, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Samuel H. Poole, a member of the staff of Senator SANFORD, to participate in a program in Australia from November 20–December 27, 1992, sponsored by the American Council for Young Political Leaders [ACYPL] and the Australian Political Exchange Committee [APEC].

The committee has determined that participation by Mr. Poole in this program, at the expense of ACYPL—using private funds only—and APEC, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Senator BROWN and his wife to participate in a program in Hong Kong and China, sponsored by the American Chamber of Commerce in Shanghai [ACCS] and the Chinese People's Institute of Foreign Affairs in Beijing [CPIFA], from August 8–17, 1991.

The committee determined that participation by Senator BROWN and his wife in this program, at the expense of ACCS and CPIFA, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Craig Lovitt, a member of the staff of Senator DIXON, to participate in a program in Hong Kong and China, sponsored by the American Chamber of Commerce in Shanghai [ACCS] and the Chinese People's Institute of Foreign Affairs in Beijing [CPIFA], from August 8–17, 1991.

The committee determined that participation by Mr. Lovitt in this program, at the expense of ACCS and CPIFA, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Kennie Gill a member of the staff of Senator FORD, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from November 28–December 12, 1992.

The committee has determined that participation by Ms. Gill in this program, at the expense of the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Terri Nintemann, a member of the staff of Senator LUGAR, to participate in a program in Taiwan, sponsored by the Soochow University, from December 2–8, 1992.

The committee has determined that participation by Ms. Nintemann in this program, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Dean Gloy, a member of the staff of Senator DECONCINI, to participate in a program in Taiwan, sponsored by the Soochow University, from December 1–8, 1992.

The committee has determined that participation by Mr. Gloy in this program, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Michael A. Ceurvorst, a member of the staff of Senator MITCHELL, to participate in a program in Austria, sponsored by the Austrian Federal Economic Chamber, from November 18–25, 1992.

The committee has determined that participation by Mr. Ceurvorst in this program, at the expense of the Austrian Federal Economic Chamber, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Christopher McLean, a member of the staff of Senator EXON, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from November 28–December 12, 1992.

The committee has determined that participation by Mr. McLean in this program, at the expense of the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Timothy J. Galvin, a member of the staff of Senator KERREY, to participate in a program in Chile, sponsored by the Chilean American Chamber of Commerce, from November 16–21, 1992.

The committee has determined that participation by Mr. Galvin in this program, at the expense of the Chilean American Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Edward Long, a member of the staff of Senator HARKIN, to participate in a program in Chile, sponsored by the Chilean American Chamber of Commerce, from November 16–21, 1992.

The committee has determined that participation by Mr. Long in this program, at the expense of the Chilean American Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mary Irace, a member of the staff of Senator SARBANES, to participate in a program in Chile, sponsored by the Chilean American Chamber of Commerce, from November 16–20, 1992.

The committee has determined that participation by Ms. Irace in this program, at the expense of the Chilean American Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Ivan A. Schlager, a member of the staff of Senator HOLLINGS, to participate in a program in Japan, sponsored by the Japan Center for International Exchange/USA [JCIE/USA] and the Japan Center for International Exchange/Japan [JCIE/Japan], from December 5–13, 1992.

The committee has determined that participation by Mr. Schlager in this program, at the expense of JCIE/USA and JCIE/Japan, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Dalton Smith, a member of the staff of Senator HEFLIN, to participate in a program in Taiwan, sponsored by Soochow University, from December 1–8, 1992.

The committee has determined that participation by Mr. Smith in this program, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for James K. Sakai, a member of the staff of Senator AKAKA, to participate in a program in China, sponsored by Chinese People's Institute of Foreign Affairs, from November 28 to December 12, 1992.

The committee determined that participation by Mr. Sakai in this program, at the expense of the Chinese People's Institute of Foreign Affairs is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for James L. Price, a member of the staff of Senator SARBANES, to participate in a program in Japan, sponsored by the Japan Center for International Exchange/USA [JCIE/USA] and the Japan Center for International Exchange/Japan [JCIE/Japan], from December 5–13, 1992.

The committee has determined that participation by Mr. Price in this program, at the expense of JCIE/USA and JCIE/Japan, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Ken Levinson, a member of the staff of Senator ROCKEFELLER, to participate in a program in Japan, sponsored by the Japan Center for International Exchange/USA [JCIE/USA] and the Japan Center for International Exchange/Japan [JCIE/Japan], from December 5–13, 1992.

The committee has determined that participation by Mr. Levinson in this program, at the expense of JCIE/USA and JCIE/Japan, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Debbie Price, a member of the staff of Senator NICKLES, to participate in a program in Taiwan, sponsored by the Coordinated Council for North American Affairs and the Soochow University, from December 14–21, 1992.

The committee has determined that participation by Ms. Price in this program, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Richard Innes, a member of the staff of Senator CHAFEE, to participate in a program in Taiwan, sponsored by Soochow University, from December 2–8, 1992.

The committee has determined that participation by Mr. Innes in this program, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for John Aravosis, a member of the staff of Senator STEVENS, to participate in a program in Japan, sponsored by the Japanese Ministry of Foreign Affairs, from December 5–16, 1992.

The committee has determined that participation by Mr. Aravosis in this program, at the expense of the Government of Japan, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mark Ashby, a member of the staff of Senator BREAUX, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from November 28 to December 12, 1992.

The committee has determined that participation by Mr. Ashby in this program, at the expense of the Chinese People's Institute of Foreign Affairs was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Patrick J. Pettey, a member of the staff of Senator SMITH, to participate in a program in Taiwan, sponsored by Chung Yuan Christian University, from January 3–10, 1993.

The committee has determined that participation by Mr. Pettey in this program, at the expense of Chung Yuan Christian University, is in the interest of the Senate and the United States.●

ORDER FOR RECESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that, upon the conclusion of my remarks which I am about to make, brief remarks, that the Senate stand in recess as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRATEGIC OFFENSIVE ARMS AGREEMENT OF JANUARY 3, 1993

Mr. MITCHELL. Mr. President, the START II Treaty signed on January 3 this year ushers in the prospect of a more secure world. It is a great credit to President Bush that he has continued to pursue the treaty to its successful signing. I take this occasion to offer my congratulations and my high tribute to President Bush. His action on this treaty is historic in scope and signification.

This treaty will lead to a reduction of almost three-quarters of nuclear weapons from current levels. Most important of all, all warheads for first-strike heavy intercontinental ballistic missiles are slated for elimination, and all multiple independently targeted reentry vehicles are slated for elimination, both by no later than the year 2003.

This is an unprecedented breakthrough for the security of the world. Ever since their development, both intercontinental ballistic weapons and MIRV'd weapons escalated the nuclear arms race. For more than 30 years, Presidents of both parties have sought to reduce the risk these weapons brought to the world.

Until the breakup of the Soviet Union, those efforts met with limited success and, indeed, with some setbacks. The breakup of the Soviet Union provided an opportunity that did not previously exist and President Bush took advantage of that opportunity with skill and energy.

A little more than 3 months ago, the Senate ratified the first START Treaty. The speed with which we are now able to consider its successor is encouraging. President-elect Clinton has expressed the hope of early Senate action on this treaty, and I assure him that it will be expeditiously and thoroughly considered, as it should be.

The treaty is important for the direct effects it will have on the world's two greatest nuclear arsenals. But it is also an important starting point for us to work with other nuclear powers and aspiring nuclear powers.

The enormous reductions this treaty will make in those weapons within the United States and former Soviet arsenals is a factor that can and must be used to continue the movement away from weapons of mass destruction and toward a more stable and secure world order.

The START II Treaty is not the only action, nor is it the last action we must take with respect to controlling nuclear proliferation.

A comprehensive nuclear test ban remains an important goal. So does the international nonproliferation regime. We must remain vigilant that the terms of the treaty are fulfilled.

So the treaty does not close the books on nuclear weapons issues. But it is an important step in eliminating the nuclear sword that has hung over humanity's head for almost half a century, and it is a very good omen for the beginning of a new year.

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 100–204, announces the appointment of the Senator from South Dakota [Mr. PRESSLER] to the U.S. Commission on Improving the Effectiveness of the United Nations, vice the Senator from Kansas [Mrs. KASSEBAUM], resigned.

RECESS UNTIL TOMORROW AT 12:40 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 12:40 p.m. tomorrow, Wednesday.

Thereupon, the Senate, at 1:18 p.m., recessed until Wednesday, January 6, 1993, at 12:40 p.m.

NOMINATIONS

Executive nominations received by the Senate January 5, 1993:

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

PETER B. BOWMAN, OF MAINE, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 103D CONGRESS, VICE DUANE H. CASSIDY, TERM EXPIRED.

BEVERLY BUTCHER BYRON, OF MARYLAND, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 103D CONGRESS, VICE ALEXANDER B. TROWBRIDGE, TERM EXPIRED.

JAMES A. COURTER, OF NEW JERSEY, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 103D CONGRESS. (REAPPOINTMENT)

REBECCA GERNHARDT COX, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 103D CONGRESS, VICE JAMES C. SMITH II, TERM EXPIRED.

HANSFORD T. JOHNSON, OF TEXAS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 103D CONGRESS, VICE WILLIAM L. BALL III, TERM EXPIRED.

ARTHUR LEVITT, JR., OF NEW YORK, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 103D CONGRESS. (REAPPOINTMENT)

HARRY C. MCPHERSON, JR., OF MARYLAND, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 103D CONGRESS, VICE HOWARD H. CALLAWAY, TERM EXPIRED.

ROBERT D. STUART, JR., OF ILLINOIS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 103D CONGRESS. (REAPPOINTMENT)

JAMES A. COURTER, OF NEW JERSEY, TO BE CHAIRMAN OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION. (REAPPOINTMENT)

DEPARTMENT OF DEFENSE

STEVEN MULLER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS. (NEW POSITION)

S. WILLIAM PATTIS, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS. (NEW POSITION)

RICHARD F. STOLZ, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS. (NEW POSITION)

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

MARION G. CHAMBERS, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 1998, VICE JAMES COURTNEY JENNINGS, TERM EXPIRED.

COPYRIGHT ROYALTY TRIBUNAL

EDWARD J. DAMICH, OF VIRGINIA, TO BE A COMMISSIONER OF THE COPYRIGHT ROYALTY TRIBUNAL FOR A TERM OF 7 YEARS.

BRUCE D. GOODMAN, OF PENNSYLVANIA, TO BE COMMISSIONER OF THE COPYRIGHT ROYALTY TRIBUNAL FOR A TERM OF 7 YEARS.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

BRIAN C. GRIFFIN, OF OKLAHOMA, TO BE CHAIRMAN OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES FOR THE TERM OF 5 YEARS, VICE MARSHALL JORDAN BERGER, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

ROBERT F. GOODWIN, OF MARYLAND, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE. (REAPPOINTMENT)

DEPARTMENT OF TRANSPORTATION

STEPHEN T. HART, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE MARION CLIFTON BLAKEY, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CORPORATION FOR PUBLIC BROADCASTING

DAVID P. PROSPERI, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 1998, VICE MARSHALL TURNER, JR., TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

LEGAL SERVICES CORPORATION

NORMAN D. SHUMWAY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING JULY 13, 1993, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

IN THE COAST GUARD

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL:

KENT H. WILLIAMS
JAMES M. LOY
JOHN L. LINNON, JR.

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF):

HOWARD B. GEHRIN
GORDON G. PICHE
PAUL M. BLAYNEY
JOHN E. SHKOR
PAUL E. BUSICK

IN THE COAST GUARD

THE FOLLOWING RESERVE OFFICERS OF THE U.S. COAST GUARD RESERVE ARE NOMINATED FOR PROMOTION OF THE GRADE OF CAPTAIN:

THOMAS M. KULIK
KENNETH D. APPLETON
DOUGLAS E. CLAPP

THE FOLLOWING RESERVE OFFICERS OF THE U.S. COAST GUARD RESERVE ARE NOMINATED FOR PROMOTION OF THE GRADE OF COMMANDER:

LARRY J. BARROW
GEORGE W. MOLESSA, JR.

THE FOLLOWING REGULAR OFFICER OF THE U.S. COAST GUARD OF THE COAST GUARD BAND FROM THE COAST GUARD ACADEMY IS NOMINATED FOR PROMOTION TO THE GRADE OF COMMANDER:

LEWIS J. BUCKLEY

THE FOLLOWING CADETS FROM THE U.S. COAST GUARD ACADEMY ARE NOMINATED FOR APPOINTMENT TO THE GRADE OF ENSIGN:

JOSEPH P. ALLMAN
CHRISTOPHER ADAMS
DOUGLAS P. ANDERSON
DANIEL R. ANDREW
BERNARD H. ARMBRUSTER
PAUL E. BAKER
KEVIN M. BANKS
DAVID C. BARATA
JOHN F. BARKER
CHRISTOPHER M. BARROWS
CHARLES M. BELL
STEVEN J. BOSAU
EDWARD A. BOWEN
BENNETT W. BOYER
PETER F. BRADY, JR.
MARY M. BRITTON
DONALD L. BROWN, JR.
TIMOTHY J. BUCHANAN
JAMES D. BURNS
RUSSEL S. BURNSIDE
WILLIAM CARTER
ANTHONY J. CERAOLO
DANIEL L. CHOLDIN
PHILIP A. CLAWSON
JENNIFER K. CLINE
WILLIAM P. COBB
MICHAEL W. CRIBBS
GREGORY J. CZERWONKA
JAMES W. DALITSCH
KARL D. DAVIS
ROLAND DAVIS
MICHAEL D. DEAN
DANIEL J. DEPTULA
CHARLENE L. DOWNEY
PATRICK J. DUGAN
JOHN C. DURBIN
DAVID A. DWYER
DOUGLAS K. EDGECOMB
BRIAN E. EDMISTON
REBEKAH L. EFFMAN
DAVID M. EHLERS
CARL A. ELLIS
JAMES C. ESTRAMONTE, JR.
DENNIS C. EVANS
STEPHEN J. FABIAN
RENDALL B. FARLEY
IAN B. FINLEY
MATTHEW W. FLICK
EDMUND T. FOERSTER
GREGORY T. FULLER
PATRICK J. GALLAGHER
GEORGE D. GANOUNG
HARRY E. GEORGE III
CHRISTIAN J. GLANDER
MICHAEL W. GLANDER
KYRA M. GLYNN
JEFFREY W. GOOD
NELSON E. GOUBEAUX
BRIAN C. GRAF
BRANDON A. GRANAI
MICHAEL J. GRIFFIN
JASON R. HAMILTON
ELLEN L. HAMMER
LON F. HAMOR
KARL A. HANSEN
KEVIN J. HANSON
JOHN P. HASTINGS
JOSEPH J. HEALY
COREY A. HENIGE
RICHARD J. HEPPENSTALL
JOSEPH P. HIGGINS
STEVEN J. HILL
BRIAN J. HOFFERBER
RUSSELL E. HOLMES
JILL M. HONCOOP
TROY A. HOSMER
EVAN D. HUDSPETH
GREGORY T. HUGHES
KEVIN M. HUGHES
MARKUS A. HUGI
DAVID A. HUSTED
DOUGLAS C. JOHNSON
JEFFREY A. JONES
ROBERT M. KEITH
SCOTT J. KELLY
SCOTT H. KIM
JEFFREY J. KINGSLEY
ERICH F. KLEIN
JOSEPH E. KRAMEK
MATT G. KRAMER
JESSICA M. KRAUS
PATRICIA M. LACOMBE
JANICE LAINE
CRAIG J. LAKOTA
PETER A. LA MORE
ROBERT J. LANDOLFI
SCOTT E. LANGUM
BRIGHAM B. LEANE
SCOTT C. LEIBFRIED
MICHAEL R. LEONGUERRERO
JENNIFER H. LOUVAR
WENDY LOWENTHAL
PATRICK J. MACK
ROBERT S. MARINO
EDWARD N. MARSHALL
STEPHEN C. MARSTON
AUGUST T. MARTIN
SCOTT P. MASON
SHAWN D. MAULDIN
STEVEN P. MC GEE
DANIEL P. MC INTYRE
JOHN P. MECKLING
CHARLES E. MEYER
MATTHEW S. MILLER
MIRIAM L. MOGENDORF
WILLIAM C. MOORHOUSE
SHAWN E. NEAL
JACK C. NEVE III
EILEEN T. NEWMAN
ROBERT R. OATMAN
MARK U. OH
STEVEN F. OSGOOD
KYLE C. O'HARO
PATRICIA A. PARADISE
JOSEPH M. PASQUINA
LISA K. PAVELICK
MATTHEW F. PERCIAK
BRIAN T. PETERS
YVONNIE D. PETRY
JOHN C. PIERCE
PAUL J. PODOLAK
NATHAN A. PODOLL
CHARLENE C. PRICE
JEFFREY K. RANDALL
NATHAN R. RAUSCH
JOHN W. REED
JOSHUA D. REYNOLDS
RODD M. RICKLEFS
JOHN A. RIGOL III
STANLEY T. ROMANOWICZ
KILEY R. ROSS
MATT B. ROSS
AARON E. ROTH
STEVEN W. RUTZ
SEAN P. RYAN
MATTHEW A. RYMER
PATRICK O. SANDERCOCK
DOUGLAS B. SCHNEIDER
CHRISTOPHER S. SCHUBERT
TRACY SCIRPO
EDWARD B. SHEPPARD, JR.
CHRISTOPHER J. SHIVERY
MICHAEL J. SIMBULAN
MATTHEW J. SMITH
MATTHEW M. SOUTHERN
CHRISTOPHER C. SPRINGER
ANTHONY A. STOBBE
PAUL M. STOCKLIN, JR.
BRETT J. STONIER
ELEANOR STREETER
CHRISTOPHER A. STRONG
TERRY A. SUEHR
THEODORE F. SUMNER
KEVIN D. TALLEY
BARBARA J. TAYLOR
LAURA J. THOMPSON
WILLIAM T. TIPTON
SHAWN C. TRIPP
ADAM J. TYNDALE
JOSEPH G. UZMANN
DAVID C. VEDRA
AMANDA L. VELASQUEZ
TROY J. VEST
LORI J. WALCZAK
KIRSTY WALL
DANIEL P. WALSH
THOMAS F. WALSH
RICHARD J. WESTER
JUSTIN T. WILLIS
DONALD L. WINFIELD
VINCENT T. WOJCIK
JEFFREY V. YAROSH
CHERIAN ZACHARIAH
MICHAEL B. ZAMPERINI
OLIVER P. ZIMMERMANN
ROBERT B. WAINWRIGHT
ALAN G. WAXMAN
TERESA C. WU
RICHARD T. YANAGIHARA

IN THE PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be medical director

LAWRENCE Y. AGODOA
GILBERTO O. CARDONA-PEREZ
JAMES J. CEREGHINO
JAMES D. FETT
WALLACE J. MULLIGAN
EDWARD R. RAPATZ

To be senior surgeon

LAUREL C. AZUCENA
WILLIAM M. BREWER
GREGORY D. GESSAY
ILEANA R. HAWKINS
HERSCHEL W. LAWSON
ARTHUR P. LIANG
JOSEPH MULINARE
IDA M. ONORATO
WILLIAM L. ROPER
GEORGE P. SCHMID
MARIA D. SEGARRA

To be surgeon

ALVIN ABRAMS
ANN ALEXANDER
ROBERT F. ANDA
ANITA W. BATMAN
ROBERT J. BERRY
SUZANNE BINDER
ALAN B. BLOCH
SUSAN J. BLUMENTHAL
EDWARD A. BRANN
ROBERT M. CASTELLAN
JOANNE C. CHINNICI
LARRY D. CROOK
DELORES A. ENDRES
MICHAEL D. MALISON
RICHARD A. MARTIN
MITCHELL B. MAX
WILLIAM F. MCDONNELL III
BESS I. MILLER
ROBERT J. MULLAN
ALLYN K. NAKASHIMA
JEROME A. NASENBENY
TIMOTHY C. NICELY
KESINNE C. NIMIT
EDWARD L. PETSONK
ADA I. RIVERA
LAWRENCE D. ROBERTSON, JR.
RUTH A. ETZEL
MARIO E. FAJARDO
SUSAN V. GLOYD
DAVID GOLDMAN
JOEL R. GREENSPAN
STANLEY P. GRIFFITH
EVAN C. HADLEY
FREDERIC W. HELD
CHARLES G. HELMICK III
THOMAS K. HODOUS
ROBERT S. JANSSEN
JONATHAN E. KAPLAN
MARGARET T. LEE
RONALD LIEBERMAN
MARY K. SERDULA
PHILIP H. SHERIDAN
SUZANNE M. SMITH
LOIS F. STEELE
THOMAS K. STEMPEL
JOHN R. STOCKWELL
DENNIS P. TOOMEY
PAUL C. TURKELTAUB
HUGH K. TYSON
CHARLES R. VERGONA
DONNA L. VOGEL
ALLEN J. WILCOX
WALTER W. WILLIAMS
RAY YIP

To be senior assistant surgeon

LYNN A. BOSCO
WILLIAM A. CALDER IV
ALAN E. GREENBERG
GEORGE H. HAYS, JR.
WILLIAM J. MARX, JR.
JOHN S. MORAN
SAM S. SHEKAR
STEVEN R. SHORT

To be dental director

JOHN C. CLARK

To be senior dental surgeon

ROBERT S. BETZ
JACOB T. BOYER
LYN A. PAGE
DONALD H. STEWART

To be dental surgeon

MICHAEL J. ALPERT
TED W. BENGTSON
PAUL W. BERRIDGE
PAUL A. BUONVIRI
KEVIN C. CRAIG
ALAN R. DEUBNER
DONALD O. FORSEE
MARCELLIOUS GLADNEY
DAVID L. HARRIS
RALPH E. HUCHER
GARY J. KAPLOWITZ
THOMAS R. KLAENE
WILLIAM G. KOHN
MARK E. KOSELL
JAMES M. LOGAN
ROBERT J. MORK
JOHN F. NEALE III
JOSEPH P. ROSE, JR.
JAMES E. SHEATS

To be senior assistant dental surgeon

RANDY L. BEEMER
TIMOTHY S. BISHOP
ARTURO BRAVO
SAMUEL L. BUNDRANT
JEROME S. HOLBROOK
MARK S. JACOBSON
GLORIANA M. LOPEZ
LYNN G. PRICE
JENNIFER A. PURYEAR
KEVIN T. SCHLEPP
RICHARD G. SCHRAGE
STEPHEN B. SCUTARI
MARK J. VANELLS

To be senior nurse officer

STEVEN P. SCHEUERMANN
HELEN J. WOOTTON

To be nurse officer

JOHN E. ALDEN
CHERYL A. BLACKMORE
JOANN G. BURTON
DENISE S. CANTON
CARLENE K. CLOUD
JUDITH J. DANIELSON
TERRANCE M .DUKE
SUSAN L. FIFER
MARY D. HUTTON
DARLENE A. JOHNSON
POLLY A. MARCHBANKS
GWENDOLYN MICHEL
NANCY E. MILLER-KORTH
STEVEN E. NESSELER
CONSTANCE J. OVERBY
ROSALIE K. PHILLIPS
LOYCE J. PHOENIX
CAROL A. ROMANO
ROGER R. SANDERS
PAUL A. SATTLER
STEPHEN R. SCHMIT
BETTY J. TATEYAMA
JOHN J. TUSKAN, JR.
KATHLEEN L. WALKER
RICHARD G. WEYERS
SARAH C. ZAHNISER

To be senior assistant nurse officer

ANDREA P. ARGABRITE
WILLIAM D. ARMACHAIN
ANA M. BALINGIT-CLARK
ELLA B. BROWN
BRENDA L. CHARLEY
NANCY L. EGBERT
MAUREEN Q. FARLEY
JEAN FROST
VERNA GADDY
PAMELA R. GALLAGHER-NAVARRO
JEFFERY P. HANES
KAREN D. HENCH
IRENE M. JOHNSON
VERLISS L. KELLER
SUSAN J. MORRIS
BARBARA J. MYRICK
BONITA S. PYLER
PAMELA JO RICHARDSON
MARY E. ROBERTSON
SUSANNE L. ROHRER
JEFF M. SKELTON
JAMES E. SORENSON
JOSEPH D. TORTORICE
MARK S. WESSEL
CINDY L. WILSON

To be senior assistant nurse officer

GARY J. KUNZ

To be senior engineer officer

KENNETH R. HARPER

To be engineer officer

JOHN T. COLLINS
GREGORY J. DRECHSLER
GLEN D. DREW
THOMAS R. EBELING
JAY A. FARMWALD
WILLIAM A. HEITBRINK
JEFFREY J. JAEGER
GEOFFREY KEELER
E. CRISPIN KINNEY
JOHN L. SCHAUM
DANIEL H. SCHUBERT
STEVEN M. WEAVER

To be senior assistant engineer officer

EZIO E. BORCHINI
BRYAN L. FISCHER
PAUL A. JENSEN
RONALD L. MICKELSEN
ROBERT J. REISS
STEPHEN D. RING
ROSS D. SCHROEDER
ROGER G. SLAPE
DELTON D. WOODFORD

To be assistant engineer officer

JIMMY P. MAGNUSON
DAVID P. SHOULTZ

To be senior scientist

GARY G. CLARK
CHARLES E. LAND

To be scientist

RAYMOND F. BEACH JR.
GREGORY M. CHRISTENSON
ROBERT A. HAHN
PETER I. HARTSOCK
CARL J. NIELSEN
SCOTT R. RIPPEY
JAMES A. ROSEBORO
WALTER T. SCHAFFER
ALAN C. SCHROEDER
CAROLYN STRETE
CHUNG-YUI B. TAI
MARK A. TORAASON
RICHARD W. TRUMAN
WILLIAM D. WATKINS
JIMMY C. WILLIAMS

To be senior assistant scientist

JOHN A. ELLIOTT
DAVID HUSSONG

To be senior sanitarian

LEWIS A. BECK
LEE J. HALLE
RALPH J. TOUCH JR.

To be sanitarian

STEVEN M. BREITHAUPT
ROBERT K. COX
JASPER T. GARRETT JR.
LARRY E. GLAZE
GREGORY M. HECK
STEVEN R. JAMES
PAUL MATTOX
EDWARD H. RAU
DONALD J. VESPER

To be senior assistant sanitarian

BYRON P. BAILEY
RICHIE K. GRINNELL
BARRY S. HARTFIELD
MARK A. KELTY
JOHN P. SARISKY
REBECCA L. WEST

To be assistant sanitarian

JOHN W. COOKS

To be veterinary officer

PAUL L. GARBE
DIANNE T. MCRAE
MARGUERITE PAPPAIOANOU
CYNTHIA L. POND
WILLIAM M. WITT

To be senior assistant veterinary officer

DONNA M. JARRELL

To be pharmacist

RICHARD L. ABEL
WILLIAM L. ANDERSON
THOMAS L. BLUMENBERG
CATHERINE A. BYRNE
ANTHONY W. DECICCO
DOUGLAS J. DEMONTIGNY
J.R. ERIC EDWARDS
DAVID K. ELLISON
ROGER A. GOETSCH
SHIRLEY A. JUAN
JOHN W. LEVCHUK
VICTOR H. LINDMARK
JIMMY W. MANNING
CARROLL D. MORTENSON
JOHN NAZARIO
DARRELL W. PARRISH
GROVER H. RIVENBARK
JAMES R. ROSTEDT
R. DAVID SIMPTON
ROBERT O. WAUDBY
RANDALL E. WRIGHT

To be senior assistant pharmacist

ROBERT D. BRADY JR.
DIANE CENTENO-DESHIELDS
PAUL A. DAVID
MARIE B. GREENWOOD
GEORGE J. HAVENS III
CHARLES V. HOPPES
JOSEPH L. JOHNSON
MICHAEL E. MARCARELLI
PHILIP J. MINNICK
JAMES M. MOORE
NICHOLAS A. QUAGLIETTA
JAMES E. TEAGUE
KELVIN N. WHITEHEAD

To be assistant pharmacist

JULIE A. MASON
ANNIE L. REINER

To be dietitian

BRENDA C. BATCHELOR
PATSY R. HENDERSON
DARLENE C. ISBELL
JOSEPH L. PIEPMEYER
SANDRA D. ROBINSON
SELENA G. RODGERS

To be senior therapist

WILLIS A. TRAWICK

To be therapist

CHARLOTTE B. RICHARDS

To be senior assistant therapist

TERRY T. CAVANAUGH
KEVIN P. YOUNG

To be assistant therapist

NANCY J. BALASH

To be senior health services officer

JERRY G. GENTRY
PAUL R. HENDERSON
MARGARET T. ROPER

To be health services officer

STEPHANIE D. BRYN
ANN B. FAGAN
ROBERT G. FALTER
EDWARD C. FARLEY
CURTIS L. FARRAR
THOMAS R. GANN
ROBERT W. GUYTINE
DEBRA Y. LEWIS
JAMES D. MURRAY
PAUL R. PRZYBYLA
RICHARD K. RUTLEDGE
LESTER M. SHARPTON
S. JAY SMITH
LARRY R. WANNEMACHER

To be senior assistant health services officer

VAL J. ALLEN
ANNIE L. BRAYBOY
NORMAN CAVANAUGH
TERESA C. HORAN
CANDACE D. REICH
JANET M. RUCK

IN THE PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be medical director

ALFRED L. BRASSEL JR.
CARLOS C. CAMPBELL III
FREDERICK L. FERRIS III
EDWARD I. GINNS
DOROTHY M. GOHDES
FRANK A. HAMILTON
ELAINE S. JAFFE
WILLIAM C. KNOWLER
RICHARD C. MOORE JR.
RICHARD J. OBRIEN JR.
WALTER A. ORENSTEIN
MARK L. ROSENBERG
LAWRENCE B. SCHONBERGER
CARL J. TJERANDSEN
JAY S. WEISFELD

To be senior surgeon

JOHN S. ANDREWS JR.
ROBERT H. CARLSON
BRUCE P. CHANDLER
JOSE F. CORDERO
JAIME M. DIAZ-HERNANDEZ
SARA K. DYE
WILLIAM L. FREEMAN
STEPHEN W. HEATH
ROBERT J. KIM-FARLEY
JEFFREY A. LYBARGER
GLADYS NEVAREZ
JEFFREY A. PERLMAN
JAMES H. SHELHAMER

To be surgeon

TERENCE L. CHORBA
JAMES M. GALLOWAY
THOMAS P. GROSS
PATRICK W. OCARROLL
JEAN F. STEWART
JOHN S. YAO
KEVIN S. YESKEY

To be senior assistant surgeon

MICHAEL C. ENGEL
RONALD W. JOHNSON

To be dental director

GENE A. GERBER
PHILIP L. GRAITCER
RICHARD L. HETHERINGTON
JEFFREY T. HOFFELD
REGINALD LOUIE
DONALD A. SCHNEIDER
DONALD R. SCIAME
TONIE M. WALLER

To be senior dental surgeon

ROBERT J. ALLEN
STANFORD M. BASTACKY
HAROLD A. BLACK
THOMAS J. DECARO
JAMES W. FARRINGTON
PHILIP C. FOX
DOUGLAS B. FRITZ
LAWRENCE J. FURMAN
ROBERT H. HARRY JR.
DONALD W. MARIANOS
ROBERT A. PALMER
ALAN L. SANDLER
GARY E. SCHUMACHER
FRED B. SKREPCINSKI
RICHARD M. SNYDER
DAVID M. SNYDERMAN
JAMES W. TOOTHAKER

To be dental surgeon

ROBERT J. BENCIC
SCOTT BINGHAM
THOMAS B. BORNSTEIN
JAMES L. CARPENTER
MYRON S. HILTON
THOMAS J. KOVALESKI
ANGEL L. RODRIGUEZ-ESPADA
JAMES C. SINGLETON
RICHARD B. TROYER

To be nurse director

OLIVE P. BROWN
PATRICIA L. CALLISON
M. ELIZABETH DICKEY
BETTE LOUISE LEMPERLE
JOAN K. MUELLER
JOSEPHINE T. WACONDA

To be senior nurse officer

VIANNE S. COPPOLA
NANCY J. DEVLIN
RICHARD I. GERBER
PIUS GROSS
LORRAINE A. MACIAG
LYNN E. MCCOURT

To be nurse officer

LUELLA M. BROWN
CHARLES S. CULVER
PENNY M. HLAVNA
DIANE P. HOLZEM
CHRISTOPHER J. JONES
JOHN S. MOTTER
YECHIAM OSTCHEGA
MARVA J. RANDOLPH
LATRICIA C. ROBERTSON
PATRICE A. ROBINS
ANNETTE C. SIEMENS
PELAGIE C. SNESRUD
MICHAEL L. VITCH
ARLENE B. WAHWASUCK

To be senior assistant nurse officer

JACINTO J. GARRIDO

To be engineer director

THOMAS M. BEDICK
HERBERT CAUDILL JR.
CLARENCE H. EMMETT JR.
C. LEWIS FOX JR.
GERALD R. HARRIS
ROBERT H. JAMES
BROCK M. NICHOLSON
HARVEY W. ROGERS
CARL A. ROTH
PAUL S. RUGGERA
DAVID L. WEST

To be senior engineer officer

JOSEPH S. ALI
BRUCE P. ALMICH
ALFRED A. AMENDOLA
DONALD B. BAD MOCCASIN
SAMUEL C. BRADSHAW
ALVIN CHUN
WILLIAM E. ENGLE
WAYNE D. HEIDEN
THOMAS T. KARIYA JR.
CHARLES S. MCCAMMON JR.
WILLIAM H. MIDGETTE
WALTER H. STEVENSON
RICHARD J. WAXWEILER
WAYNE E. WRUBLE

To be engineer officer

DENNIS A. BARBER
ALBERT J. BERRETH
KENNETH J. EVANS
LARRY W. STRAIN
MICHAEL R. WEAVER
FRED E. WISEMAN JR.

To be scientist director

MELVYN R. ALTEMAN
DOUGLAS L. ARCHER
PAUL A BARON
JOHN D. BOICE JR.
JE ANNE R. BURG
LAURENCE J. DOEMENY
VICTORIA M. HITCHINS
JEAN A. PENNINGTON
THOMAS B. SHOPE JR.

To be senior scientist

GEORGE C. JAN
JOSEPH M. MADDEN
EVE K. MOSCICKI
STEPHEN A. OLENCHOCK
ANNETTE W. ZIMMERN

To be scientist

GEORGE M. CAUTHEN
MARK S. EBERHARDT
DAVID F. WILLIAMSON

To be sanitarian director

RICHARD A. LEMEN
ERVIN L. MOORE

To be senior sanitarian

ALAN M. CROFT
PAUL T. DAY
T.J. HARTRICH JR.
ROBERT F. HERRICK

To be sanitarian

BRUCE M. ETCHISON
BRUCE K. MOLLOY
KENNETH J. SECORD
THOMAS J. VEGELLA

To be veterinary director

MORRIS E. POTTER

To be senior veterinary officer

MICHAEL J. BLACKWELL

To be pharmacist director

GARY L. CHADWICK
FRANK A. DODGE
WYMAN M. FORD
CHRISTOPHER P. KONRAD
STEPHEN A. MAURER
FRANK J. NICE
EUGENE B. SMITH JR.
RICHARD M. TAFFET

To be senior pharmacist

ROBERT C. ADAMS
STEVEN C. BOWMAN
MARK E. BREUTZMAN
JAMES T. CARDER
GARY P. COPELAND
LARRY D. CROLL
RICHARD E. DAVIS
JIMMY P. DOWDY
STEVEN K. HALSTEAD
RAYMOND W. HAMMOND
J. CRAIG HOSTETLER
ALLAN S. JIO
NEUMON D. JOHNSON JR.
ALFREDO MATIELLA JR.
JAY D. MCGATH
PAUL VINCENT MCSHERRY
ROBERT W. PARRISH
DONALD C. PETERS
PAUL L. VANCE
DOROTHY S. VERSHURE
WILLIAM B. WELCH

To be pharmacist

JAMES D. BONA
DARCY S. BROWNLEE
JAMES L. BUTLER
RICHARD M. FEJKA
MICHAEL A. MORTON
DANIEL P. RILEY
BRYAN L. SCHULZ
MICHAEL R. SEYBOLD
CATHY L. SHAFFER
MARTIN L. SMITH
DAVID R. TAYLOR
JAMES W. WILSON III
STEVEN G. WINTERSTEEN

To be dietitian director

MICHAEL A. BERNSTEIN

To be senior dietitian

KAREN R. HALDERSON
JANICE M. RARY

To be dietitian

JANICE M. HUY
LAURA M. KRUSE

To be therapist director

JAMES BIRKE

To be senior therapist

JAMES A. AKERS
ROBERT B. BEACH
MICHAEL R. HUYLEBROECK

To be therapist

JOSEPH HUNTER
EDWARD KOZIATEK
DAVID E. NESTOR

To be health services director

ELLERY F. GRAY
BRUCE A. HERMAN
JOHN M. KUTCH JR.
SOLOMON LEVY
ROLAND M. MCPHEARSON JR.
DANIEL L. MINTZ
JUDITH L. MUNSTERMAN
WILLIAM E. MURRAY JR.

JENNINGS E. PARTRIDGE
KENNETH F. SHULZ
DAVID R. WEIR
SAMUEL T. WINDHAM JR.

To be senior health services officer

EVAN R. ARRINDELL
ARTHUR C. BALL
IEVA BERZINS
WILLIAM S. BOIVIN
MARTIN J. BREE
WILLIAMS S. COLLINS
ELMON S. CRUMPLER
RONALD G. FREEMAN
ROBERT P. KUHLTHAU
MICHAEL A. LOPATIN
HERMAN B. MARTINEZ
JOHN L. MCCROHAN JR.
EMMETT E. NOLL
HARRY A. ROSENZWEIG
ROBERT SOLIZ
DAWN G. THARR
PERCY W. THOMAS III

To be health services officer

EUGENE G. DANNELS
HILDA P. DOUGLAS
DAVID W. GENTRY
HOWARD A. GOLDSTEIN
JEREMIAH P. KING
CHERYL A. LAPOINTE
GARY L. LEVA
JANE E. LINKLETTER
LURA S. ORAVEC
MAX A. TAHSUDA
ROBERT G. TONSBERG
MARUTA ZITANS

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. NORA A. ASTAFAN [redacted]
BRIG. GEN. GERALD F. CRUMP [redacted]
BRIG. GEN. ESKER K. DAVIS [redacted]
BRIG. GEN. DAVID C. GILDART [redacted]
BRIG. GEN. WILLIAM F. WILLOUGHBY [redacted]

To be brigadier general

COL. ALAN H. BRUCE [redacted]
COL. JIM L. FOLSOM [redacted]
COL. DANNY A. HOGAN [redacted]
COL. MICHAEL J. QUARNACCIO [redacted]
COL. KEITH T. REILING [redacted]
COL. JERRY SCOTT [redacted]
COL. DONALD B. STOKES [redacted]
COL. JAMES L. TURNER [redacted]
COL. RALPH M. UTTERBACK, JR. [redacted]
COL. LEONARD D. WILLIAMS [redacted]
COL. ROBERT J. WINNER [redacted]

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER OF THE MARINE CORPS FOR PERMANENT APPOINTMENT TO THE GRADE OF COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

MONIGAN, MICHAEL F. [redacted]

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be lieutenant colonel

HALL, MOLLY J [redacted]
PAREKH, HASMUKH R [redacted]

To be major

REYNOLDS, ROLLAND C., JR [redacted]

THE FOLLOWING AIR FORCE OFFICERS FOR APPOINTMENT AND PROMOTION AS PERMANENT PROFESSORS, U.S. AIR FORCE ACADEMY, UNDER THE PROVISIONS OF SECTIONS 9333(B) AND 9336, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

REED, RONALD D., [redacted]
WAGIE, DAVID A [redacted]

IN THE AIR FORCE

THE FOLLOWING PERSON FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be colonel

KWAN, JOSEPH H. [redacted]

THE FOLLOWING REGULAR OFFICER FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

DENTAL CORPS

To be lieutenant colonel

ALKIRE, RANDY G. [redacted]

THE FOLLOWING REGULAR OFFICERS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE.

LINE

To be lieutenant colonel

DECAPUA, MICHAEL L. [redacted]
DODSON, ERNEST D. [redacted]
JONES, ROBERT A. [redacted]
MCCONNELL, MARK D. [redacted]
PRYNNE, RONALD D. [redacted]
ROBINSON, DAVID A. [redacted]
RUDDOCK, DAVID A. [redacted]
WIGGINS, TONY L. [redacted]

THE FOLLOWING OFFICER FOR RESERVE OF THE AIR FORCE (NON-EAD) PROMOTION, IN THE GRADE INDICATED UNDER THE PROVISIONS OF SECTIONS 8366 AND 1552, TITLE 10, UNITED STATES CODE.

LINE

To be lieutenant colonel

FLEMING, WILLIAM S. [redacted]

THE FOLLOWING OFFICER FOR RESERVE OF THE AIR FORCE (NON-EAD) PROMOTION, IN THE GRADE INDICATED, UNDER THE PROVISION OF SECTIONS 8371 AND 1552, TITLE 10, UNITED STATES CODE.

LINE

To be colonel

SIMPSON, JAMES V. [redacted]

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be major

BRIGGS, RICHARD V. JR [redacted]
BULLARD, JOHN R. [redacted]
CASEY, MICHAEL S. [redacted]
CLINE, ALEXANDER W. [redacted]
HAUTH, WREX K. III [redacted]
LEAVITT, MATTHEW R. [redacted]
MCALLISTER, ROBERT W. [redacted]
PARKER, ROBERT L. [redacted]
VOLPE, JUDITH A. [redacted]

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

CUDDIHEE, MICHAEL A. [redacted]
DAVIE, DONALD R. [redacted]

To be lieutenant colonel

CONTANT, DONALD R. JR. [redacted]
GERDES, BRADLEY D. [redacted]
KRAEMER, WILLIAM A. [redacted]
LYNN, BERNARD M. [redacted]
PARSLEY, DUANE H. [redacted]

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR AIR FORCE IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

BIOMEDICAL SCIENCES CORPS

To be major

*DECKERT, BRIAN K. [redacted]

NURSE CORPS

To be major

FOOTE, LINDA N. [redacted]

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. JOSEPH J. BULMER, JR [redacted] 15 AUG 92
MAJ. JOHN C. CHOJNACKI [redacted] 11 SEP 92
MAJ. HOWARD M. EDWARDS [redacted] 20 AUG 92
MAJ. ALLEN P. FRIERSON, I [redacted] 1 SEP 92
MAJ. GENE S. FRITZ [redacted] 25 SEP 92
MAJ. FRANK P. GARVER [redacted] 19 SEP 92
MAJ. JOHN H. GRASSMANN, JR [redacted] 31 AUG 92
MAJ. MICHAEL W. HORNE [redacted] 11 SEP 92
MAJ. MARK L. KALBER [redacted] 28 SEP 92
MAJ. DAVID E. LUNDQUIST [redacted] 27 AUG 92
MAJ. RALPH P. MCGRATH, JR [redacted] 11 SEP 92
MAJ. RAYMOND W. MAGILL, JR [redacted] 11 SEP 92
MAJ. STEPHEN L. MOORE [redacted] 12 SEP 92
MAJ. GARY J. NOLAN [redacted] 11 SEP 92
MAJ. STEVEN P. WEAVER [redacted] 1 SEP 92
MAJ. THOMAS G. WILSON [redacted] 24 SEP 92

JUDGE ADVOCATE GENERALS DEPARTMENT

MAJ. JAMES E. THOMPSON [redacted] 11 SEP 92

MEDICAL SERVICES CORPS

MAJ. FRANK D. WALTERSCHEID [redacted] 12 SEP 92

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. KATHLEEN M. AMBROSIA [redacted] 9 JUL 92
MAJ. CHARLES E. ANDRLE [redacted] 12 JUL 92
MAJ. GUY F. BOWER [redacted] 30 JUN 92
MAJ. JOSEPH L. CARROLL [redacted] 30 JUN 92
MAJ. JOHN A. CORSARO JR. [redacted] 21 JUL 92
MAJ. JOHN P. ERVINE [redacted] 13 JUL 92
MAJ. MILTON T. FOGG JR [redacted] 11 JUL 92
MAJ. JAY C. GATES [redacted] 13 JUN 92
MAJ. THOMAS L. HUGHES [redacted] 2 JUL 92
MAJ. KEVIN E. KRAUTER [redacted] 10 JUL 92
MAJ. EDWARD A. MCILHENNY [redacted] 22 JUL 92
MAJ. JAMES E. MILLER, JR [redacted] 30 JUN 92
MAJ. JOHN L. SANDERS [redacted] 30 JUN 92
MAJ. DAVID J. STEPHAN [redacted] 30 APR 92
MAJ. DAVID E. TERNES [redacted] 30 JUN 92
MAJ. ROBERT L. VAUGHN [redacted] 11 JUL 92
MAJ. WILLIAM B. VECSEY, JR [redacted] 23 JUN 92

MEDICAL CORPS

MAJ. GEZA J. CSERNA, [redacted] 11 JUL 92

DENTAL CORPS

MAJ. STEPHEN G. BIGGS [redacted] 11 JUL 92
MAJ. DENNIS J. DOWD [redacted] 12 JUL 92
MAJ. GERALD M. SCHNEIDER [redacted] 10 JUL 92

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. FRANK S. ARNONE [redacted] 1 JUL 92
MAJ. EUGENE D. ASHLEY [redacted] 25 AUG 92
MAJ. GORDON D. BOLES [redacted] 25 JUL 92
MAJ. TERESA A. BORTON [redacted] 26 JUL 92
MAJ. JOHN H. BRAMHALL [redacted] 7 AUG 92
MAJ. JEAN L. BRUMMER [redacted] 30 JUL 92
MAJ. JAMES D.D. DANBY [redacted] 23 AUG 92
MAJ. THOMAS E. DECK [redacted] 3 AUG 92
MAJ. JOSEPH L. GETSO, JR [redacted] 23 JUL 92
MAJ. JAMES C. HAIRRELL [redacted] 22 AUG 92
MAJ. MICHAEL D. HAYNES [redacted] 20 AUG 92
MAJ. KENITH H. HENINGER [redacted] 8 AUG 92
MAJ. JOHN F. INGRAM [redacted] 1 AUG 92
MAJ. ROBERT A. KNAUFF [redacted] 9 JUL 92
MAJ. BRIAN E. LOFTUS [redacted] 26 JUL 92
MAJ. LEROY C. MCDONALD [redacted] 9 AUG 92
MAJ. MICHAEL J. NUGENT [redacted] 20 JUL 92
MAJ. MICHAEL C. ROY [redacted] 26 JUN 92
MAJ. DON D. THOMPSON [redacted] 29 JUL 92
MAJ. RAYMOND H. WILLCOCKS [redacted] 30 JUL 92

JUDGE ADVOCATE GENERALS DEPARTMENT

MAJ. LAWRENCE C. PAULSON, [redacted] 6 JUN 92

CHAPLAIN CORPS

MAJ. JOHN E. DENT, JR. [redacted] 22 JUL 92

MEDICAL SERVICES CORPS

MAJ. JAMES H. MAYS, [redacted] 11 AUG 92

MEDICAL CORPS

MAJ. ROBERT A. BARISH [redacted] 14 AUG 92
MAJ. JAMES H. BARTLETT [redacted] 11 JUL 92
MAJ. STEPHEN R. CARR [redacted] 6 AUG 92
MAJ. MARCELINO ESPADA [redacted] 11 JUL 92
MAJ. FERNANDO FERNANDEZ [redacted] 11 JUL 92
MAJ. CHARLES E. KELLY [redacted] 1 AUG 92
MAJ. SHOAIB U.Z. NAQVI [redacted] 2 AUG 92

MAJ. RICHARD D. NEWBOLD [redacted] 19 JUL 92
MAJ. MICHAEL J. PALETTA [redacted] 7 AUG 92
MAJ. RICKY L. REAVES [redacted] 11 JUL 92

BIOMEDICAL SERVICES CORPS

MAJ. RICHARD A. ADE [redacted] 25 JUL 92
MAJ. DAVID J. MELLISH [redacted] 14 JUN 92
MAJ. EXCEL OLAN-FIGUEROA [redacted] 29 JUN 92
MAJ. CAROL A. SPILLERS [redacted] 11 JUL 92

DENTAL CORPS

MAJ. RICHARD E. HORN [redacted] 19 JUL 92

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

CORMAN, LARRY I [redacted]
DAVID, CORAZON C. [redacted]
JOSSELSON, ARNOLD R [redacted]
PETTIT, JOHN W., JR [redacted]
SUCHOSKI, JOHN P [redacted]

To be lieutenant colonel

KROGH, PETER S. II [redacted]
OLIVER, STEVE A [redacted]
SNYDER, RUSSELL R., [redacted]

To be major

BOLTON, GEORGE T [redacted]
NICHOLSON, DOUGLAS J [redacted]

DENTAL CORPS

To be colonel

TAYLOR, WILLIAM G., [redacted]

To be lieutenant colonel

BRANDONI, LAWRENCE W. [redacted]
DANIELS, WALTER C [redacted]
HAMBLETON, JEFFREY C [redacted]
KELLER, THOMAS J [redacted]
KIRK, WALTER C., JR [redacted]
LAUDER, ALFRED B [redacted]
MABRY, JEFFREY C [redacted]
MORRISON, JOHN W., [redacted]
MURAKAMI, EARL T., [redacted]
NEILSON, TAD O [redacted]
PRUETTE, REALPH L., JR., [redacted]
STETZEL, PATRICK J. [redacted]
THOMAS, FAITH A., [redacted]
TUNE, THOMAS E., [redacted]

To be major

ABBOTT, STEVEN W [redacted]
BRAUN, GARY A. [redacted]
BINGHAM, THOMAS S., [redacted]
CHAMBERS, DOYLE A., JR [redacted]
DENTON, JEFFREY R. [redacted]
EDWARDS, ALLEN M. [redacted]
EVANS, DOUGLAS B., [redacted]
MCCANN, JOHN W., JR., [redacted]
PARWORTH, LARRY P [redacted]
PHOENIX, RODNEY D [redacted]
ROSS, RIDLEY O., [redacted]
WILSON, DOUGLAS C., [redacted]

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

BEAMAN, RODERICK T., [redacted]
BROOKS, JOHN H., [redacted]
CRISLIP, GEORGE D., [redacted]
EMMERTON, ERNEST E., [redacted]
GONZALEZ, STEVEN M., [redacted]
HARRIS, MARTHA J., [redacted]
LANDSMAN, GORDON S., [redacted]
LIANG, JYH CHWEN., [redacted]
MADEN, LARRY H., [redacted]
STAHLMAN, RICHARD L., [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

CHAPLAIN

To be colonel

BAUER, JOHN A. [redacted]
CHRISTY, PETER K. [redacted]
GOLDEN, DAVID O. [redacted]
*INGHILTERRA, VINCEN [redacted]
JENKINS, ROBERT J. [redacted]
LEHRER, WAYNE J. [redacted]
MORAN, GEOFFREY H. [redacted]
PEACOCK, WILLIE P. [redacted]
PEJAKOVICH, GEORGE [redacted]
*SCHMIT, LOUIS L. [redacted]
SCOTT, QUINCH JR. [redacted]
STAKE, JOHN K. [redacted]
WELLS, JOHN A. [redacted]
WHALEN, FRANK J. [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

ARMY

To be colonel

GERALD E. CROCKER [redacted]

MEDICAL CORPS

To be lieutenant colonel

*MICHAEL P. BRAZAITIS [redacted]
*JAMES M. NOEL, JR., [redacted]

To be major

ELIZABETH T. DRUM [redacted]
JOSEPH A. GAGLIARDI [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS

To be lieutenant colonel

ALAN L. BLATTERMAN [redacted]
JERRY W. FORKEY [redacted]

To be major

HAROLD R. BOHLMAN [redacted]
*JOHN B. DEVITA [redacted]

ARMY NURSE CORPS

To be major

PATRICIA A. GUSTAFSON [redacted]

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

BACCUS, RICK [redacted]
BAIRD, ROBERT T. III [redacted]
BARZILOSKI, ROBERT V. [redacted]
BOUDOIN, JEFFERY L. SR. [redacted]
FOOTE, DELBERT W. [redacted]
FREEMAN, WILLIAM L. JR. [redacted]
HEFFERNON, RICHARD M. [redacted]
LOWHAN, JAMES R [redacted]
LOWMAN, LANDON B [redacted]
MC GAHA, DOYLE L. JR. [redacted]
MORFORD, JIM E. [redacted]
VAUGHAN, ROBERT J. [redacted]
VOSTAD, EUGENE A. [redacted]
WRIGHT, CLARENCE A. [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

BIGGERS, WILLIAM T. [redacted]
DONELON, JAMES J. III [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

BECKER, GEORGE A. [redacted]
BURSON, JAMES L. [redacted]
CONNER, CARLILE L. JR. [redacted]
COPPOLA, ALBERT J. JR. [redacted]
DILLON, RICHARD W. [redacted]
GREENE, JOHNNY P. JR. [redacted]
LE VAY, DEAN A. [redacted]
LEE, JACK E. II [redacted]
OGATA, KELVIN K. [redacted]
PLANK, KIM E. [redacted]
SCHLUTER, CHARLES H. [redacted]
SCORZATO, STEVEN M. [redacted]
SLAGEN, JAMES A. [redacted]
STETSON, HAROLD K. [redacted]
STEWART, THOMAS G. [redacted]
SUTPHIN, GLENN W. JR. [redacted]
VILLACORTA, STEPHEN F. [redacted]
WADLEY, LARRY P. [redacted]
YOUNG, WALTER F. III [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

MABRY, HAMPTON JR. [redacted]

ARMY NURSE CORPS

To be colonel

PRECHTER, PATRICIA D. [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

MEDICAL CORPS

To be colonel

*CELSO G. BOLET [redacted]
*WILLIAM R. BYRNE [redacted]

To be major

*STEPHEN P. MURRAY [redacted]
*BEVERLY I. MALINER [redacted]
*LEA D. STERN [redacted]
*JACK L. DEPRIEST [redacted]
*JODY L. JENKINS [redacted]
*JAMES P. OLSON [redacted]
*VIRGINIA VILLEPONTEAUX [redacted]

ARMY NURSE CORPS

To be colonel

PATRICIA A. RIKLI [redacted]

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

CHAPMAN, HENRY C. [redacted]
COTTLE, BENNIE J. [redacted]
HAJENGA, STANLEY R. [redacted]
HALL, WILLIAM H. [redacted]
HENRY, CHARLES E. [redacted]
JACKSON, JOHN L. JR. [redacted]
JUDD, HARTAN E. JR. [redacted]
MARTINEZ, MATTHEW M. [redacted]
TAUBER, STUART P. [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

GUERNSEY, JOHN A. [redacted]

MEDICAL SERVICE CORPS

To be colonel

BERTZ, THOMAS G. [redacted]

ARMY NURSE CORPS

To be colonel

THAGGARD, VITA K. [redacted]
TUCK, RAE, L. [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

BEATTY, WILLIAM D. [redacted]
BOND, DONALD F. [redacted]
BOND, JEFFREY L. [redacted]
BRANTLEY, DOUGLAS M. JR. [redacted]
CARR, WELBORN A. [redacted]
CHERRY, JOHNNY P. [redacted]
CHILDERS, WILLIAM T. [redacted]
COOK, JAMES N. [redacted]
COPELIN, LARRY D. [redacted]
COZINE, JAMES A. [redacted]
FOUNTAIN, FOSTER F. III [redacted]
GRAVES, ROBERT C. [redacted]
HORTON, ROBERT C. [redacted]
HUSTON, STEVEN R. [redacted]
MAURO, LOUIS A. JR. [redacted]
MCBRIDE, JAMES L. [redacted]
MILLER, CHARLES A. JR. [redacted]
MONTAGUE, HARRY W. [redacted]
OLSON, LEE, D. [redacted]
POWELL, DANNY M. SR. [redacted]
PULHAM, DAVID C. [redacted]
REIN, WILLIAM S. [redacted]
SCHWENNER, JOHN T. [redacted]
SIMPSON, JAMES L. [redacted]
SMITH, CONRAD G., [redacted]
SPARKS, GENE D. [redacted]
SULLIVAN, WALTER A. [redacted]

VALENTINE, KENNETH W. [redacted]
VALLDEJULI-ABOY, ALBERTO L.F [redacted]
WADDELL, JAMES M. [redacted]
WARNECKE, DOUGLAS C. [redacted]
WHITTINGTON, MATTHEW [redacted]
ZIEBER, WILLIAM L [redacted]

CHAPLAIN CORPS

To Be lieutenant colonel

DAFT, KENNETH N., [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

KREMPASKY, RICHARD W. [redacted]

IN THE NAVY

THE FOLLOWING-NAMED COMMANDER IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

CIVIL ENGINEER CORPS OFFICER

To be captain

YBANEZ, ROBERT ENRIQUE

IN THE NAVY

THE FOLLOWING-NAMED COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be captain

BEAN, JERRY WAYNE
BENNETT, ROBERT WESLEY JR.
BOSSIO, FRANK TEOBALDO
BOYLE, JEROME PILLOW
COOPER, MICHAEL ROBERT
COVINGTON, GEORGE BARKLEY
DARWIN, GEORGE ROBERT
DAVIS, RICHARD EARLE JR.
DAVIS, ROBERT EUGENE
EVANS, GARY GLEN
FENNESSEY, DONALD BRIAN
FOURNIER, DEAN NORMAN
HALLIHAN, TIMOTHY JAMES
JOBE, TERRY LYNN
LAUGHTER, SELWYN SHUFORD
MARTELLO, KEITH WALLACE
MCLANE, ROBERT LEWIS
NELSON, DAVID JAMES
NOTTKE, BRUCE ALDEN
OBRIEN, PAUL EDWARD JR.
PETERS, KENNETH MIZELL
SCHUBERT, JERRY LEE
STRICKLAND, PETER BENHAM
TENNANT, JOHN WILLIAM
THOMSON, TIMOTHY
TOMASZESKI, STEVEN JOHN
ULRICH, EDWARD DEWAYNE
VOLPE, JOSEPH MICHAEL JR.

ENGINEERING DUTY OFFICER

To be captain

DWYER, DENNIS MICHAEL

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be captain

HARGRAVE, DOUGLAS FRANCIS JR.
MORANDI, THEODORE RAYMOND

AEROSPACE ENGINEERING DUTY OFFICER (MAINTENANCE)

To be captain

HAWK, BRUCE LEON

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be commander

ARMSTRONG, DANNY WAYNE
GATTUSO, JOSEPH ANDRE JR.
HOBAN, PAUL J.
JANNUZZI, SUSAN ELIZABETH ST.
MARTIN, DAVID WAYNE
NEEDLER, MARK S.
PODENAK, GARY LAWRENCE
REMICK, BRUCK DONALD
SEAMAN, JAMES REID JR.
STUETZER, SCOTT MICHAEL
SULLIVAN, JOHN ANTHONY
TRUDELL, TOM CRAIG
WALKER, JOEL NATHANIEL
WELLS, WILLIAM GREGORY
WHITTY, MICHAEL SEAN
WIRT, ROBERT ORVILLE JR.

AEROSPACE ENGINEERING DUTY OFFICER (MAINTENANCE)

To be commander

DANKA, WILLIAM EARL

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be commander

BROWN, JOHN FRANCIS
RUSSELL, HOWARD LINWARD

SUPPLY CORPS OFFICERS

To be commander

POWDEN, MICHAEL DENNIS

CHAPLAIN CORPS OFFICERS

To be commander

IASIELLO, LOUIS VITO
MURPHY, THOMAS EDWARD
PANITZ, JONATHAN A.

CIVIL ENGINEER CORPS OFFICERS

To be commander

GEORGE, ROSCOE D. III,
REAMS, HUGH E.

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be commander

ROUSE, HARRY V.

DENTAL CORPS OFFICERS

To be commander

CONWAY, RICHARD
WEBB, RANDALL EDWIN

NURSE CORPS OFFICERS

To be commander

CLEMENT, PAUL THOMAS
DAVIS, PATRICIA ELIZABETH
MAHSMAN, SUSAN DIANA
MUNSON, DAVID ANDREW
ROSECRANS, CHARLES CLINTON
THURBER, JEAN ANN

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

ALLMANN, MATTHEW BERNARD
ANDERSON, JERRY RANDALL
ANDERSON, RICHARD THOMAS
BINHLAM, JACQUELINE MYCHAU
CALLAGHAN, DANIEL JOSEPH
FIORINO, SUSAN JENNIFER
KALB, C.J.,
KENNEDY, JOSEPH CHRISTIAN
KING, CHARLES HULAND
MEAD, ALISA ANN
PROVENCHER, JEROME RALPH JR.
RAHME, EDWIN VAUGHN JR.
RICHARD, CHARLES ANTHONY
SASS, JAMES ALLEN
STEVENS, WARD EVERETT
STROTHER, THOMAS WILLIAM
TILDEN, SCOTT MARTIN
TRAINOR, STEPHEN CHRISTOPHER
VAUGHT, DONNA SLOAD
ZABECKI, DANNY ROGER

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be lieutenant commander

KEAS, ISAAC FRANKLIN JR.
KELLY, CANDACE LEE

AVIATION DUTY OFFICER

To be lieutenant commander

MORGAN, FRANCIS CLAYTON

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be lieutenant commander

STANLEY, SCOTT MICHAEL

LIMITED DUTY OFFICERS (LINE)

To be lieutenant commander

THOMAS, WINSTON C. JR.

IN THE AIR FORCE

THE FOLLOWING STUDENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES CLASS OF 1993, FOR APPOINTMENT IN THE REGULAR AIR FORCE IN THE GRADE OF CAPTAIN, EFFECTIVE UPON THEIR GRADUATION UNDER THE PROVISIONS OF SECTION 2114, TITLE 10, UNITED STATES CODE, IF OTHERWISE FOUND QUALIFIED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

PAUL J. AFFLECK [redacted]
GIANNA R. AHEARN [redacted]
KATHLEEN C. AMYOT [redacted]
JOHN R. ANDRUS [redacted]
MICHELE L. BRENNER [redacted]
MICHAEL G. BRYAN [redacted]
LORA L. BULMAHN [redacted]
JOHN R. BURROUGHS [redacted]
JANIS K. CHANG [redacted]
LUBOV M. COVERDELL [redacted]
KAETI F. CROWNOVER [redacted]
BRIAN K. CROWNOVER [redacted]
COLLEEN M. DUGAN [redacted]
HARRY L. JR. ERVIN [redacted]
MERLIN B. FAUSETT [redacted]
ERIC W. FESTER [redacted]
KEVIN J. FRANKLIN [redacted]
KRISTI A. FRANKLIN [redacted]
VICTORIA L. GARRIS [redacted]
SAIRA M. GHADYALI [redacted]
AUGUST S. HEIN [redacted]
ALEXANDER V. III HERNANDEZ [redacted]
KAREN A. HEUPEL [redacted]
STEPHEN V. HINGSON [redacted]
JAMES L. II JABLONSKI [redacted]
KERRY G. JEPSEN [redacted]
MICHAEL E. JEWETT [redacted]
JEFFERY L. JOHNSON [redacted]
KAREN P. KNUTSON [redacted]
TIMOTHY J. KOSMATKA [redacted]
PHILIP D. LANHAM [redacted]
KARL M. LARSEN [redacted]
LAURA K. LEGG [redacted]
RANDALL R. JR. MCCAFFERTY [redacted]
KENT D. MCDONALD [redacted]
PAUL H. NELSON [redacted]
KATERINA M. NEUHAUSER [redacted]
ROSEMARY PEDRAZA [redacted]
WILBUR D. PERALTA [redacted]
LAURA A. PERLINN [redacted]
NGAN THUY D. PHAM [redacted]
MICHELE A. PREVOST [redacted]
ROBERT PRIETO [redacted]
ALEJANDRO PRUITT, [redacted]
JAMES R. RICK [redacted]
SANFORD E. II ROBERTS [redacted]
ROBYN A. SHRECKENGAUST [redacted]
BRENT D. STEPHENSON [redacted]
GRANT P. TIBBETTS [redacted]
SHAWN M. VARNEY [redacted]

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTION 307, TITLE 32, UNITED STATES CODE, AND SECTIONS 8363 AND 593, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

JERALD K. AOKI [redacted]
BRUCE K. BLAKEMAN [redacted]
BOBBY L. BRITTAIN, [redacted]
BRIAN P. CARROLL [redacted]
CLINTON R. CHURCHILL [redacted]
JOHN J. COLLINS [redacted]
CHARLES K. CROSS, JR [redacted]
ROGER L. CROUSE [redacted]
JAMES E. DAVIES [redacted]
ROBERT J. DURKOP [redacted]
JEFFREY D. FELDER [redacted]
WILLIAM D. FERRIEL [redacted]
BERNARD E. FREY [redacted]
ROBERT R. FUS [redacted]
ROBERT F. GRAY [redacted]
DAVID HAMLIN, JR [redacted]
THERMAN W. HODGE [redacted]
HENRY A. J. HOUSCH, JR [redacted]
JON D. JACOBS [redacted]
WILLIAM C. JONES, JR [redacted]
KENNETH R. KIMBER [redacted]
STEPHEN M. KOPER [redacted]
LARRY L. LANDTROOP [redacted]
THOMAS P. LAUPPE [redacted]
ANTHONY L. LIGUORI [redacted]
WARREN D. LOOPER, JR [redacted]
SAMUEL G. LUNDGREN [redacted]
JOHN A. MCCORMICK [redacted]
FRANKLYN C. MCKEE [redacted]
JAMES P. MCMENAMIN [redacted]
JOSEPH I. MENSCHING [redacted]
WILLIAM C. MOULD [redacted]
DENNIS D. NIELSEN [redacted]
ERNEST R. OLIVEIRA, [redacted]
JOHN A. PRIDDLE [redacted]
WILLIAM R. REILLY [redacted]
ALBERT P. RICHARDS, JR [redacted]
THOMAS W. RUDWICK, JR [redacted]
WILLIAM J. SHONDEL [redacted]
DAVID K. SHUFFER, [redacted]
NICHOLAS C. SIVO [redacted]
ROBERT P. SMART [redacted]
JAMES W. STEWART [redacted]
PAUL J. SULLIVAN [redacted]
FRANCIS L. TEMPLON [redacted]
EDWARD W. TONINI [redacted]
RICHARD F. TRIGILIO [redacted]
DALE F. VAVRA [redacted]
THOMAS D. WEBSTER [redacted]
JAMES T. WILLIAMS [redacted]
GERALD W. WRIGHT [redacted]
NICHOLAS C. XENELIS [redacted]
ANDREW ZECK [redacted]

CHAPLAIN CORPS

To be colonel

FREDERICK E. A. JOHNSON [redacted]
DONALD C. WILLETTE [redacted]

MEDICAL CORPS

To be colonel

RICHARD C. ADAMS [redacted]
EDWARD L. DAVIS [redacted]
J. PAUL MEYER [redacted]
AGAPITO MIRANDA [redacted]

IN THE AIR FORCE

THE FOLLOWING CADETS, UNITED STATES AIR FORCE ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 9353 (B) AND 531, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

RAYMOND B. ABARCA [redacted]
DAVID T. ABEGG [redacted]
ANDREW B. ADAMS [redacted]
DAVID F. ADAMS [redacted]
KRISTEN M. AHLBERG [redacted]
MICHAEL L. AHMANN [redacted]
EDWARD J. ALCOCER [redacted]
JOHN A. ALEXANDER [redacted]
PAUL A. ALFONSO, JR [redacted]
ROBERT E. ALLARD [redacted]
BRIAN J. ALLEN [redacted]
GRAHAM D. ALLEN [redacted]
LUCIANO T. AMUTAN [redacted]
JULIA C. ANDERSON [redacted]
STEPHEN M. ANDERSON [redacted]
MARK A. ANTONACCI [redacted]
ALEXANDRO F. ARMOUR [redacted]
MARK D. ARNHOLT [redacted]
DEAN C. ARNOLD [redacted]
ROBERTO C. ARZOLA [redacted]
MARK R. AUGUST [redacted]
JOHN C. AYRES IV [redacted]
CHRISTINE G. BAILEY [redacted]
PAUL A. BAIR [redacted]
CHRISTOPHER H. BAKER [redacted]
JARVIS R. BAKER [redacted]
TODD J. BAKER [redacted]
KENNETH E. BALKCUM [redacted]
MICHAEL S. BALLEK [redacted]
ROBERTO A. BALZANO [redacted]
ANTOINE J. BANKS [redacted]
ZACHERY C. BARBER [redacted]
LAURA R. BARKER [redacted]
ROBERT S. BARKER [redacted]
GILBERTO J. BARRERA [redacted]
MICHELLE N. BARRETT [redacted]
CHARLES M. BARTENFELD [redacted]
KEVIN J. BASIK [redacted]
THEODORE A. BAUDENDISTEL [redacted]
JOHN T. BAUER [redacted]
DOUGLAS J. BEAM [redacted]
STEVEN M. BEASLEY [redacted]
ANDREW J. BEATER [redacted]
W. B. BEAUMONT [redacted]
BARRY N. BEHNKEN [redacted]
BRENT D. BELL [redacted]
WILLIAM S. BELL [redacted]
MARK S. BELTER [redacted]
RICHARD A. BENDA [redacted]
GREGORY S. BENDINGER [redacted]
MATTHEW P. BENIVEGNA [redacted]
CHRISTOPHER L. BENNETT [redacted]
DARBY L. BENSON [redacted]
DAVID M. BENSON [redacted]
GERALD M. BENSON, JR [redacted]
BRIANA C. BEREZOVYTCH, JR [redacted]
MICHAEL S. BERGNER [redacted]
DEREK S. BERRY [redacted]
JAMES A. BERSCHEIT [redacted]
SHAWN T. BERTINI [redacted]
HEIDI C. BERTRAM [redacted]
ALEXIS V. BEXLEY [redacted]
WILLIAM B. BICKSLER IV [redacted]
MICHAEL D. BIORN [redacted]
BRADLEY C. BIRD [redacted]
TONY L. BISHOP [redacted]
DAVID A. BLAKE [redacted]
MICHAEL A. BLAZES [redacted]
CRAIG A. BLOOD [redacted]
JASON J. BOCK [redacted]
HARLIE J. BODINE [redacted]
DONALD V. BOHNEY [redacted]
HENRY A. BOILINI [redacted]
RICHARD L. BOOKOUT, JR [redacted]
DARIN G. BOOTH [redacted]
UNES A. BOOTH [redacted]
ROBERT Q. BORCHERT [redacted]
TROY L. BORN [redacted]
MATTHEW J. BORSZCZ [redacted]
MICHAEL BORYS [redacted]
CARL L. BOSCH, [redacted]
JAMES D. BOTTOMLEE [redacted]
THOMAS G. BOUSHELL [redacted]
BRADLEY W. BOUSQUET [redacted]
MARTIN J. BOWE [redacted]
JASON C. BOWERS [redacted]
WILLIAM D. BOWMAN [redacted]
ANDREW G. BOYD [redacted]
JONATHAN A. BOYD [redacted]
BRADLEY S. BOYER [redacted]
BENJAMIN L. BRADLEY [redacted]
KIMBERLY H. BRADY [redacted]
JOHN E. BRANDMEYER [redacted]
MATTHEW J. BREDEN [redacted]
JASON A. BREEDEN [redacted]
MARI D. BRENNEMAN [redacted]
DAVID L. BREWER [redacted]
JOHN T. BRINER [redacted]
DARRAN R. BRITTON [redacted]
CARRIE D. BROCK [redacted]
ROBERT C. BROGAN [redacted]
TODD A. BROOKS [redacted]
JENNIFER L. BROWN [redacted]
MARK A. BROWN [redacted]
JAMES S. BRUCE [redacted]
EMILLE M. BRYANT [redacted]
WILLIAM D. BRYANT [redacted]
ARTHUR J. BRYCE [redacted]
HENRY P. BUCK [redacted]
ERIC D. BUHR [redacted]
TUONG BUI [redacted]
GEORGE N. BULLOCK [redacted]
ROBERT A. BUMPUS [redacted]
SCOTT A. BUMPUS [redacted]
STEVEN B. BURICK [redacted]
BRIAN D. BURNS [redacted]
JASON E. BUTCHKO [redacted]
MARK E. BUTLER [redacted]
ADRIENNE N. BYRDSONG [redacted]
WILLIAM T. CALDWELL [redacted]
ROBERT S. CALLIHAN [redacted]
SHAWN D. CAMERON [redacted]
JASON R. CANADA [redacted]
MANUEL M. CANINO [redacted]
LARRY D. CARD, I [redacted]
TAMMY M. CARLGREN [redacted]
ANDREW R. CARLINO [redacted]
ARTHUR C. CARLSON IV [redacted]
MATTHEW J. CARPENTER [redacted]
TRENT R. CARPENTER [redacted]
LANDRY J. CARR [redacted]
RYAN D. CARRIGAN [redacted]
DANIEL J. CARROLL [redacted]
DAVID S. CARROLL [redacted]
BRET A. CARTER [redacted]
EDWARD L. CARTER [redacted]
HEIDI L. CARTER [redacted]
JOSEPH I. CARTHARN [redacted]
BRIAN W. CASSADA [redacted]
DAVID M. CASTANEDA [redacted]
PATRICK J. CASTLE [redacted]
PRESTON E. CATES, JR [redacted]
SEAN P. CAVAN [redacted]
MARCUS P. CAVIL [redacted]
STEPHEN P. CHAMBAL [redacted]
TYRELL A. CHAMBERLAIN [redacted]
DENISE M. CHAMBERS [redacted]
RHETT D. CHAMPAGNE [redacted]
ERIC D. CHAPITAL [redacted]
CHRISTOPHER P. CHAPLIN [redacted]
MICHAEL A. CHARECKY [redacted]
YUN S. CHASE [redacted]
RAVI I. CHAUDHARY [redacted]
VO G. CHENG [redacted]
MICHAEL J. CHIAVACCI [redacted]
SEAN M. CHOQUETTE [redacted]
DANE J. CHRISTENSEN [redacted]
GLEN E. CHRISTENSEN [redacted]
DERON A. CHRISTY [redacted]
MICHAEL A. CIZEK [redacted]
BRYAN B. CLARK [redacted]
GEORGE T. CLARK [redacted]
JAY L. CLARK [redacted]
JOSEPH K. CLARK [redacted]
ADRIAN N. CLARKE [redacted]
WILLIAM E. CLAY, JR [redacted]
WILLIAM J. CLIFF III [redacted]
DONALD W. CLOUD [redacted]
BARRY G. COGGINS [redacted]
JOHN R. COLE, JR [redacted]
LANCE A. COLLIER [redacted]
CHAD D. COLLINS [redacted]
JOSEPH A. COLLINS [redacted]
EARLE B. COMBS IV [redacted]
MATTHEW D. CONLAN [redacted]
RICHARD T. COONEY, JR [redacted]
ROBERT B. COPES [redacted]
PAUL D. COPIOLI [redacted]
MAGGIE L. CORBETT [redacted]
KONRAD S. COTE [redacted]
JASON T. COUISINE [redacted]
TERRY G. COURTNEY [redacted]
PAUL J. COVER [redacted]
STEPHEN J. COX [redacted]
MARK R. COZAD [redacted]
JONATHAN M. CREFELD [redacted]
DEBORAH K. CRICKLIN [redacted]
DEREK M. CRINER [redacted]
CHRISTOPHER E. CRONCE [redacted]
JOSEPH C. CROZIER [redacted]
RICHARD CUERVO [redacted]
BENJAMIN L. CUNNINGHAM [redacted]
DOUGLAS A. CUNNINGHAM [redacted]
JAMES M. CURRY [redacted]
DAVID A. CUTTER [redacted]
JOSHUA L. DAGCUTA [redacted]
WAYNE A. DAHLKE [redacted]
ROBERT A. DAM [redacted]
JEFFERY E. DANIELS [redacted]
DAREN S. DANIELSON [redacted]
JOHN T. DANNUNZIO [redacted]
SEAN R. DARIUSHNIA [redacted]
CRISTA L. DAVIS [redacted]
SCOTT W. DAVIS [redacted]
THOMAS M. DAWSON [redacted]
ANDREW R. DEAN [redacted]
DAVID W. DEGRAAF [redacted]
EUGENE M. DEHERRERA [redacted]
ERIC P. DELANGE [redacted]
JOE A. DELCAMPO, LIM [redacted]
DAVID B. DELISLE [redacted]
KIERAN T. DENEHAN [redacted]
WAYNE A. DENSON [redacted]
EVAN C. DERTIEN [redacted]
JOHN M. DESTAZIO [redacted]
TED A. DEWING [redacted]
BARRY A. DICKEY [redacted]
ANTHONY N. DILLS [redacted]
STEPHEN J. DODGE [redacted]
TERENCE E. DOOCEY [redacted]
AKINSHEYE X. DORSETT [redacted]
JON W. DOTTER [redacted]
DAVID J. DOUGLAS [redacted]
WILLIAM W. DOUTHIT [redacted]
DOUGLAS E. DOWNEY [redacted]
THOMAS R. DOYLE [redacted]
NATHAN E. DRUMMOND [redacted]
HEINZ A. DUEFFER [redacted]
RICHARD M. DUJMOVIC, JR [redacted]
JOEL C. DUNHAM [redacted]
DAVID B. DUNN, JR [redacted]
JOSEPH B. DUNN [redacted]
TROY E. DUNN [redacted]
MICHAEL A. DURAN [redacted]
VINCENT M. DURANT [redacted]
ELVEN E. DUVALL IV [redacted]
TODD A. DYKSTRA [redacted]
ELLIS E. EATON [redacted]
LEIF E. ECKHOLM [redacted]
KENNETH S. EDGE [redacted]
CHRISTINE M. EILER [redacted]
DANIEL J. ELY [redacted]
DANIEL C. ENGBERSON [redacted]
KENT R. ENGEBRETSON [redacted]
JESSICA S. ENGLERT [redacted]
JONATHAN R. ERICKSON [redacted]
TODD A. ERNST [redacted]
JOHN C. ESPINOSA [redacted]
DANIEL L. FARRINGTON [redacted]
JEREMY J. FENCEROY [redacted]
DAYNE R. FENTRESS [redacted]
KENNETH O. FIELD [redacted]
KIRT E. FIESBECK [redacted]
JOHN M. FITZSIMMONS [redacted]
FRANK J. FLEITAS, JR [redacted]
JOSEPH E. FLETCHER [redacted]
KELLY J. FLINN [redacted]
JASON S. FOGEL [redacted]
MARK A. FORKNER [redacted]
MATTHEW N. FORNER [redacted]
DALE C. FOSTER [redacted]
THOMAS L. FOSTER [redacted]
MICHAEL W. FOWLER [redacted]
CARLOS G. FRAGA [redacted]
STEPHEN P. FRANK [redacted]
CHRISTOPHER E. FRANKLIN [redacted]
PHILLIP V. FRANKLIN [redacted]
APRILLE M. FRAZIER [redacted]
AARON B. FREED [redacted]
CHRISTOPHER T. FRIEFELD [redacted]
CHRISTINA A. FRISBEE [redacted]
JOHN C. FRISBIE [redacted]
RICHARD S. FRISIUS [redacted]
DAVID W. FUJIMOTO [redacted]
ERIN E. FULLER [redacted]
MATTHEW D. FULLER [redacted]
CHRISTOPHER J. GALFANO [redacted]
DANIEL S. GANOZA, JR [redacted]
GREGG J. GARCIA [redacted]
JOEL W. GARTNER [redacted]
ROBERT E. GARZA [redacted]
PETER A. GBELIA [redacted]
PAUL F. GEEHRENG [redacted]
JAMES M. GEHRINGER [redacted]
CHRISTOPHER A. GERING [redacted]
GEORGE E. GERMAN [redacted]
KENNETH P. GERMANN [redacted]
HEIDI E. GIBSON [redacted]
BRIAN W. GIENAPP [redacted]
TROY A. GIESE [redacted]
LANCE E. GILL [redacted]
BRYAN D. GILLAN [redacted]
TIMOTHY T. GILLESPIE [redacted]
DOUGLAS W. GILPIN [redacted]
DANIEL E. GISSELQUIST [redacted]
AARON W. GITTNER [redacted]
GAELLE J. GLICKFIELD [redacted]
DEAN A. GOEHRING [redacted]
ANTHONY C. GOMILLION [redacted]
DAVID J. GONZALEZ [redacted]
ULISES GONZALEZ [redacted]
KRISTIN E. GOODWIN [redacted]
SEAN P. GOOKIN [redacted]
RALPH A. GORDON [redacted]
TODD L. GORSUCH [redacted]
STEPHEN GRACE [redacted]
DAVID E. GRAFF [redacted]
DON A. GRANTHAM, JR [redacted]
TODD F. GRAVES [redacted]
CHRISTOPHER W. GRAY [redacted]
LEO Y. GREEN [redacted]
MATT E. GREENE [redacted]
NOAH H. GREENE [redacted]
BARON V. GREENHOUSE, I [redacted]
BRIAN S. GREENROAD [redacted]
ROBERT L. GREGORSOK [redacted]
KAREN M. GREMBA [redacted]
IAN E. GRIEBEL [redacted]
JAMES S. GRIFFIN [redacted]
BRIDGET L. GROAT [redacted]

TYRONE L. GROH [redacted]
DAVID J. GROVER [redacted]
CLIFFORD M. GRUEN [redacted]
ALEXUS G. GRYNKEWICH [redacted]
ALBERT GUERRERO [redacted]
GLEN A. GUYTON [redacted]
STEVEN E. HAASE [redacted]
TY D. HACHTEL [redacted]
CASEY D. HACKATHORN [redacted]
MAREN L. HAGEDORN [redacted]
CHRISTOPHER S. HALL [redacted]
DARREN L. HALL [redacted]
JONATHAN T. HAMILL [redacted]
TIFFANY A. HANDEL [redacted]
KATHERINE Y. HANSON [redacted]
SCOTT T. HARBORT [redacted]
VINCENT J. HARRILL [redacted]
DAWN C. HARRINGTON [redacted]
BRENDAN M. HARRIS [redacted]
ROBERT A. HARRIS [redacted]
KELLY L. HARSHBARGER [redacted]
TROY R. HARTING [redacted]
JOANNA L. HARTLEY [redacted]
JOSHUA T. HARTMAN [redacted]
TROY E. HARTMAN [redacted]
JEFFREY R. HASBROUCK [redacted]
KEVIN M. HASH [redacted]
WILLIAM A. HASTINGS [redacted]
BRADY P. HAUBOLDT [redacted]
TROY D. HAVENER [redacted]
GENE E. HAYDEN [redacted]
MICHAEL S. HAYES [redacted]
SUSAN L. HEALY [redacted]
JOHN W. HECK [redacted]
AHREN D. HEIDT [redacted]
HARRY M. HEISER [redacted]
BRIAN K. HELLINGER [redacted]
HEATHER M. HENDERLEITER [redacted]
PHILLIP L. HENDRIX, I [redacted]
TIMOTHY J. HENS [redacted]
THOMAS L. HERMEL [redacted]
CAROL A. HERON [redacted]
TIMOTHY S. HESS [redacted]
PAUL A. HIBBARD [redacted]
HAROLD C. HICKS II [redacted]
MICHAEL J. HIGGINS [redacted]
STEVEN A. HIGGINS [redacted]
BRANDON R. HILEMAN [redacted]
GINA L. HILGER [redacted]
ELDRICK L. HILL [redacted]
KRISTIN A. HILLERY [redacted]
DON C. HILLIARD [redacted]
ALEJANDRO HINOJOS [redacted]
NICHOLAS A. HLAVACEK [redacted]
NATHAN S. HOBBS [redacted]
STEPHEN L. HODGE [redacted]
THERESA L. HOEFT [redacted]
CRAIG M. HOLLIS [redacted]
WILLIAM D. HOLLIS [redacted]
MARC T. HOLLOWAY [redacted]
TERI L. HOLMES [redacted]
JEFFREY D. HOLT [redacted]
DALE C. HOOVER [redacted]
CLARENCE HOPKINS [redacted]
LAWRENCE V. HOPKINS, JR [redacted]
PATRICK F. HOPPER [redacted]
CHRISTOPHER M. HORGAN [redacted]
STEVEN P. HORTON [redacted]
LARRY L. HOSKINS [redacted]
EDWARD J. HOSPODAR, JR [redacted]
JOE D. HOUK [redacted]
ERIC P. HOVERSTEN [redacted]
ERIC K. HOXIE [redacted]
JAMES H. HUDEPOHL [redacted]
PATRICK B. HUDSON [redacted]
JERRY A. HUFFMAN, JR [redacted]
SCOTT A. HUFFORD [redacted]
RANDALL S. HUISS [redacted]
FREDERICK J. HUMPHREY II [redacted]
CRISTINE R. HUNT [redacted]
WILLIAM R. HURTLE [redacted]
CINDY L. HUSTEDDE [redacted]
RODERICK M. HYNES [redacted]
JOSEPH H. IMWALLE [redacted]
KIMBERLY J. INFANGER [redacted]
ROBERT W. INGRAHAM [redacted]
GEORGE E. IRVIN, JR [redacted]
JOHN J. JABLONSKI [redacted]
LAVA P. JACKSON [redacted]
ROBERT W. JACKSON [redacted]
PAUL A. JACQUET [redacted]
CHRISTOPHER A. JAMES [redacted]
DAVID E. JAMES [redacted]
JEFFREY M. JANEY [redacted]
ANDREW C. JANK [redacted]
STEVEN J. JANTZ [redacted]
STEPHANIE A. JARI [redacted]
WILLIAM D. JEFFREY [redacted]
MIRIAM D. JEFFRIES [redacted]
VANDON E. JENERETTE [redacted]
ANDREW F. JOHNS II [redacted]
NORMAN B. JOHNSEN [redacted]
CHRISTOPHER A. JOHNSON [redacted]
DAVID H. JOHNSON [redacted]
ELLIS E. JOHNSON [redacted]
GRANT T. JOHNSON [redacted]
JON M. JOHNSON [redacted]
ROY L. JOHNSON III [redacted]
ROBERT D. JONES [redacted]
RONALD C. JONES [redacted]
WILLIAM R. JONES [redacted]
WISTARIA J. JOSEPH [redacted]
GEORGE P. JOYCE, I [redacted]
JENNIFER A. JOYCE [redacted]
CHRISTOPHER L. JUAREZ [redacted]
SEAN M. JUDGE [redacted]
GLEN A. KADING [redacted]
MICHELLE M. KAZMIER [redacted]
DAVID N. KEENER [redacted]
MATTHEW J. KENWORTHY [redacted]
AARON G. KERKMAN [redacted]
DONALD R. KERNS, I [redacted]
JAMES E. KEY III [redacted]
HAIDER A. KHAN [redacted]
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YONG S. KIM [redacted]
JASON W. KIMBEL [redacted]
KEMUEL A. KIMBROUGH [redacted]
JULIE K. KING [redacted]
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OZEL I. KIRKLAND [redacted]
TROY E. KITCH [redacted]
KIMBERLY D. KLEIN [redacted]
SCOTT M. KNAUB [redacted]
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JENNIFER L. KNORRE [redacted]
KATHERINE J. KNUDSON [redacted]
DAYTON S. KOBAYASHI [redacted]
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RANDAL D. KOENIG [redacted]
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TIMOTHY S. KOONS [redacted]
CHRISTOPHER P. KORGER [redacted]
KEVIN M. KOSEFESKI [redacted]
LEONARD J. KOSINSKI [redacted]
KYLE H. KOST [redacted]
MICHAEL R. KOSTER [redacted]
GEORGE J. KOURY [redacted]
KURT W. KOVALICK [redacted]
DARREN L. KRAABEL [redacted]
MICHAEL W. KRAM [redacted]
ANDY G. KRIEGER [redacted]
CRAIG A. KRYSTEK [redacted]
JOHN M. KRYSTYNIAK [redacted]
JEFFREY B. KUBIK [redacted]
YONG K. KUK [redacted]
DANIEL R. KUZMIC [redacted]
MATTHEW W. LACY [redacted]
DWAYNE A. LAHAYE [redacted]
GERARD M. LAMBE [redacted]
DANIEL LAMBERT [redacted]
BRIAN D. LANDIS [redacted]
DAVID R. LANDRY [redacted]
THEODORE T. LANE III [redacted]
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KEVIN J. LAROCHELLE [redacted]
CHRISTOPHER J. LARSON [redacted]
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LISA M. LAU [redacted]
EDWIN H. LAURSEN, JR [redacted]
CHRISTOPHER J. LAVALLEE [redacted]
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DAVID M. LEAZER, I [redacted]
CHRISTOPHER L. LEBLANCE, I [redacted]
TIMOTHY G. LEE [redacted]
FRANK J. LEGGIO III [redacted]
BRIAN H. LEICH [redacted]
DEREK C. LEIVESTAD [redacted]
DAVID R. LEONELLI [redacted]
DEBORA M. LESMAN [redacted]
MARY L. LESTER [redacted]
DEREK M. LEVINE [redacted]
DONALD W. LEWIS [redacted]
DAREC G. LIEBEL [redacted]
RACHEL C. LINNIHAN [redacted]
MICHAEL G. LIPINSKI [redacted]
MARY R. LITTLE [redacted]
JEREMY D. LLOYD [redacted]
DAVID A. LOMBARDO [redacted]
ANTHONY J. LOMELIN [redacted]
KAREN L. LOPEZ [redacted]
RONALD LOPEZ [redacted]
LUACES G. LORENZO, M [redacted]
KEVIN D. LOUCKS [redacted]
MICHAEL D. LOVE [redacted]
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ROBERT W. LUNDY [redacted]
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JAMES MACALINO [redacted]
GABRIEL MACIAS [redacted]
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AMON A. MARTIN III [redacted]
JAMES A. MARTIN [redacted]
ANTHONY S. MARTINEZ [redacted]
SCOTT G. MARTINEZ [redacted]
TIMOTHY L. MARTINEZ [redacted]
STEVEN M. MASIELLO [redacted]
TRAVIS A. MASON [redacted]
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TREVOR K. MATSUO [redacted]
MICHAEL L. MATTHEWS [redacted]
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AMY J. MCCAIN [redacted]
KEVIN W. MCCALLUM [redacted]
JENNIFER L. MCCAMMON [redacted]
SEAN M. MCCARTHY [redacted]
JAMES D. MCCARTNEY [redacted]
FRANK P. MCCLUNG [redacted]
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KELLY L. MCJOYNT [redacted]
GRANT D. MCKENZIE [redacted]
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MICHAEL B. MCNEILL [redacted]
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JOHN E. MEIER [redacted]
ELISE R. MELBERG [redacted]
CHARESSE E. MELICK [redacted]
TIMOTHY S. MERRY [redacted]
BRENT J. MESQUIT [redacted]
MICHAEL J. METCALF [redacted]
ANTHONY R. MEYER [redacted]
MICHAEL J. MEYER, JR [redacted]
ALEXIS MEZYNSKI [redacted]
MARK A. MICHALICEK [redacted]
BRICE W. MIDDLETON [redacted]
KYLE D. MIKOS [redacted]
ANDREA L. MILLER [redacted]
HANS H. MILLER [redacted]
RICHARD J. MILLS [redacted]
MARK W. MIRELEZ [redacted]
CLINTON A. MIXON [redacted]
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FERNANDO MOLINA [redacted]
MARK K. MOODY [redacted]
ANDREW E. MOORE [redacted]
KARIM A. MOORE, I [redacted]
ROSCOE M. MOORE III [redacted]
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ANDREW J. MYRTUE [redacted]
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MARK A. NASSIR [redacted]
JEFFREY M. NEDROW [redacted]
MICHAEL G. NELSON [redacted]
ROBERT A. NELSON II [redacted]
STEPHEN D. NELSON [redacted]
TONYA M. NELSON [redacted]
JULIE L. NEF [redacted]
HARVEY F. NEWTON [redacted]
JAMES R. NEY [redacted]
DANG T. NGUYEN [redacted]
RONSON O. NGUYEN [redacted]
TUAN H. NGUYEN [redacted]
TUAN M. NGUYEN [redacted]
RYAN B. NICHOLS [redacted]
DAVID M. NICKLAS [redacted]
GEOFFREY C. NIEBOER [redacted]
TROY F. NIEHAUS [redacted]
NORMAN T. NILSON [redacted]
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MATTHEW J. POWELL [redacted]
ROBERT R. POWELL [redacted]
SCOTT B. POWELL [redacted]
TYLER T. PREVETT [redacted]
JOB W. PRICE [redacted]
JOHN F. PRICE, J [redacted]
SHAMUSE A. PRINDIVILLE [redacted]
DOUGLAS E. PRITCHARD [redacted]
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JON D. PRUETT [redacted]
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CHARLENE V. PURTEE [redacted]
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LIESL A. RADERER [redacted]
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REUBEN R. RATCLIFF [redacted]
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BRADLEY S. REED [redacted]
ROBERT D. REED [redacted]
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WALTER H. REISS III [redacted]
CRAIG S. RELEFORD [redacted]
JAMES A. REMSEY [redacted]
CHRISTINA M. RETTA [redacted]
LANCE B. REYNOLDS [redacted]
DANIEL W. RHODES [redacted]
ELIJAH RICCA [redacted]
ERIC W. RICE [redacted]
MIKE E. RICE [redacted]
WAYLON S. RICHARDS [redacted]
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TIMOTHY R. RICHARDSON [redacted]
ROBERT C. RICKS [redacted]
DAVID S. RIDDLE [redacted]
KIRK A. RIECKHOFF [redacted]
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EDISON A. RIGGLEMAN, JR [redacted]
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CRAIG W. RIZZO [redacted]
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DAVID S. ROBERTSON [redacted]
RAUHMEL F. ROBINSON [redacted]
ROY M. ROBINSON [redacted]
THOMAS R. ROCK, JR [redacted]
HORATIO L. RODGERS [redacted]
MICHAEL L. RODGERS [redacted]
BRYON T. RODRIGUEZ [redacted]
STEPHEN C. RODRIGUEZ [redacted]
GLENN D. ROETTGER [redacted]
BRYAN V. ROGERS [redacted]
HENRY T. ROGERS III [redacted]
SHANNON L. ROGERS [redacted]
JIMMIE J. ROHRER [redacted]
THOMAS C. ROSA [redacted]
ALFONSO P. ROSABAL [redacted]
JAMES R. ROSALES [redacted]
ANTHONY D. ROSELLO [redacted]
ANTHONY C. ROSTAGNO [redacted]
DAVID E. ROSZMANN [redacted]
STEVEN ROTHSTEIN [redacted]
JAMES P. ROWLETT [redacted]
MICHAEL F. RUDDY [redacted]
RICHARD A. RUPANOVIC [redacted]
WILLIAM H. RUSHING [redacted]
JEFFREY C. RUSSELL [redacted]
JOEL L. RYAN [redacted]
SEAN M. RYAN [redacted]
JEFFREY T. SABELLA [redacted]
JEFFREY J. SALSBURY [redacted]
COREY R. SANCHEZ [redacted]
JODEL S. SANCHEZ [redacted]
MARK D. SANCHEZ [redacted]
ORLANDO J. SANCHEZ [redacted]
PATRICK D. SANDERS [redacted]
CHRISTOPHER N. SANDYS [redacted]
AMY L. SANTMYER [redacted]
JOE H. SANTOS [redacted]
DAVID C. SASSER [redacted]
SARAH J. SAXER [redacted]
JAMES R. SAYRES III [redacted]
ANDREW D. SCHAD [redacted]
MICHAEL J. SCHAR [redacted]
KURT M. SCHENDZIELOS [redacted]
LAUREL E. SCHERER [redacted]
STEPHEN C. SCHERZER [redacted]
PATRICK L. SCHLICHENMEYER [redacted]
JERROLD E. SCHOLZ [redacted]
JASON R. SCHOTT [redacted]
ERIC A. SCHROEDER [redacted]
ERICH W. SCHROEDER [redacted]
KIMBERLY N. SCHROEDER [redacted]
MICHAEL J. SCHULTE [redacted]
TODD M. SEGER [redacted]
VINCENT J. SE [redacted]
JEFFREY M. SEIBERT [redacted]
ANDREW J. SELLBERG [redacted]
LAMAR B. SETTLEMIRES [redacted]
WILLIAM P. SHEA [redacted]
TYLER S. SHEDD [redacted]
SCOTT E. SHEEHAN [redacted]
MARC A. SHEIE [redacted]
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EDWARD T. SHOLTIS [redacted]
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REGINALD G. SHORT [redacted]
ROGER L. SHREEVE [redacted]
HASSAN A. SIDDIQUI [redacted]
JEREMY M. SIEGEL [redacted]
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VERGIL L. SIMPSON [redacted]
STEVEN M. SIMS [redacted]
MATTHEW A. SINNING [redacted]
BRODEN J. SKINNER [redacted]
MARA A. SKIRMANTS [redacted]
JOHN D. SLEZAK [redacted]
JOZEF L. SMIT [redacted]
ANDREW R. SMITH [redacted]
BRET M. SMITH [redacted]
KIERAN P. SMITH [redacted]
MATTHEW H. SMITH [redacted]
PATRICK C. SMITH, JR [redacted]
RAY A. SMITH [redacted]
TIMOTHY M. SMITH [redacted]
MICHAEL G. SNELL [redacted]
DENNIS N. SNELLING [redacted]
SEAN P. SOLLY [redacted]
TIMOTHY A. SONGSTER [redacted]
ERIC R. SOSA [redacted]
JAMES S. SPARROW [redacted]
LEE A. SPECHLER [redacted]
WILLIAM S. SPEROS [redacted]
GREGORY J. SPICKA [redacted]
LAWRENCE J. SPINETTA [redacted]
JEFFREY I. STALEY [redacted]
DONALD D. STANDLEY [redacted]
ELIZABETH J. STARK [redacted]
JOSEPH E. STATTMILLER [redacted]
SCOTT A. STEERE [redacted]
EUGENE E. STEIN [redacted]
THOMAS J. STEPHENS, JR [redacted]
CHARLES W. STEVENS [redacted]
DUNCAN H. STEWART [redacted]
JEANINE K. STEWART [redacted]
KILEY F. STINSON [redacted]
PAUL M. ST. JOHN [redacted]
CHRISTOPHER D. STOIK [redacted]
RUSSELL S. STRASSER [redacted]
SHELLEY R. STRONG [redacted]
BRIAN R. STUART [redacted]
BRON STUART [redacted]
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JULIANNE E. STULL [redacted]
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JASON K. SUTTON [redacted]
KEVIN L. SUTTON [redacted]
PAUL K. SUYAT, K [redacted]
JOHN P. SVOBODA [redacted]
CHRISTOPHER E. SWANSON [redacted]
JOCELYN R. SWAYZE [redacted]
DANIEL E. SZARKE [redacted]
TRACY E. TAKALA [redacted]
AARON C. TALIAFERRO [redacted]
JONATHAN D. TAMBLYN [redacted]
MICHAEL J. TAMBURO [redacted]
MICHAEL B. TANNEHILL [redacted]
CHRISTY A. TANNER [redacted]
SAMMY L. TAPPER [redacted]
NEIL A. TARLTON [redacted]
RUSSELL F. TEEHAN [redacted]
GERALD L. TEEL [redacted]
TIMOTHY M. TELEGA [redacted]
JASON E. THOMAS [redacted]
JOSEPH C. THOMAS [redacted]
MARIA D. THOMAS [redacted]
WILLIAM R. THOMAS II [redacted]
CHRISTOPHER M. THOMPSON II [redacted]
PATRICK W. THOMPSON [redacted]
WILLIAM B. THOMPSON [redacted]
THOMAS J. THOMSEN [redacted]
ERIC J. THORLEY [redacted]
MARTIN E. TIMKO [redacted]
MICHAEL G. TISON [redacted]
GRAHAM H. TODD [redacted]
RODNEY E. TODD [redacted]
ROBERT R. TOFIL [redacted]
RANDOLPH B. TORIS [redacted]
DOUGLAS R. TORLUEMKE, JR [redacted]
MATTHEW R. TRAMONTE [redacted]
VU D. TRAN [redacted]
ANDREW E. TRAVNICEK [redacted]
LARRY L. TRITTSCHUH [redacted]
JACOB D. TROTTER, JR [redacted]
JAY C. TROXELL [redacted]
ANDREW R. TRUITT [redacted]
ANNE K. TRUITT [redacted]
PAUL M. TRUJILLO [redacted]
PHILLIP C. TUCKER [redacted]
TRAVIS W. TUCKER [redacted]
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DAVID A. TURNER [redacted]
TRENT C. TUTHILL [redacted]
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CURTIS E. VELASQUEZ [redacted]
JEFFREY A. VEYERA [redacted]
CURTIS M. VICE [redacted]
COREY M. VICKERS [redacted]
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BRIAN D. VIGIL [redacted]
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TIMOTHY J. VITUSZYNSKI [redacted]
LYNN G. VIX [redacted]
JEFFREY W. VOETBERG [redacted]
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CHARLES W. WAHL [redacted]
DAVID J. WALICK [redacted]
WILHELM R. WALKE [redacted]
JOHN C. WALKER [redacted]
LEE F. WALKER [redacted]
LINDA M. WALKER [redacted]
CHARLES J. WALLACE II [redacted]
MICHAEL A. WALLACE [redacted]
SCOTT T. WALLACE [redacted]
ANDREW C. WALTON [redacted]
WILLIAM L. WARBINGTON, JR [redacted]
ALICE M. WARD [redacted]
JOSEPH J. WARD [redacted]
DANIEL J. WATOLA [redacted]
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SIDNEY E. WATSON [redacted]
TIMOTHY C. WATTS [redacted]
GREGORY S. WEAVER [redacted]
SCOTT J. WEBER [redacted]
JOHN A. WEBSTER [redacted]
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JENPIN WENG [redacted]
ANDREW J. WERNER [redacted]
TRACY S. WERNER [redacted]
CHARLES E. WESTBROOK III [redacted]
STACEY E. WHITE [redacted]
GRAHAM R. WHITEHOUSE [redacted]
MELISSA L. WHITESTONE [redacted]
CHRISTOPHER D. WHYTE [redacted]
JONATHAN J. WIELAND [redacted]
TODD L. WIESER [redacted]
PETER R. WILKIE [redacted]
BRIAN S. WILLIAMS [redacted]
DUNCAN L. WILLIAMS [redacted]
KEVIN S. WILLIAMS [redacted]
MICHAEL R. WILLIAMS [redacted]
NEAL T. WILLIAMS [redacted]
WENDALL J. WILLIAMS [redacted]
WILLIAM F. WILLIAMS, JR [redacted]
DAVID T. WILLIAMSON [redacted]
CHRISTOPHER W. WILSON [redacted]
JASON R. WILSON [redacted]
EMMETT L. WINGFIELD II [redacted]
WESLEY T. WINTERSTEIN [redacted]
PAMELA D. WISE [redacted]
NATALIE S. WITTMAN [redacted]
DARREN W. WOBB [redacted]
ANDREW K. WOLCOTT [redacted]
CHRISTOPHER J. WOLFE [redacted]
RUSSELL M. WOLFE [redacted]
BRYAN T. WOLFORD [redacted]
SCOTT A. WOOD [redacted]
JAMES L. WOODHEAD [redacted]
CARL D. WOOTEN [redacted]
RUSSELL W. WORKMAN [redacted]
DAVID F. WRIGHT [redacted]
CHAD P. WYATT [redacted]
CHRISTOPHER A. WYCKOFF [redacted]
PATRICK H. YANKE [redacted]
CRAIG A. YANTISS [redacted]
ROBERT B. YBARRA [redacted]
LOUIS P. YEAGER [redacted]
MATTHEW W. YOCUM [redacted]
MICHAEL D. YOUNG [redacted]
ROBERT A. YOUNG [redacted]
AARON T. YU [redacted]
KENNETH G. ZERKEL II [redacted]
DUSTIN ZIEROLD [redacted]
TODD C. ZUMBEHL [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3383:

ARMY PROMOTION LIST

To be colonel

JERRY L. ANDERSON [redacted]
LOUIS J. BARBAGALLO [redacted]

PERRY V. DALBY [redacted]
WAYNE L. ELLIS [redacted]
GARY S. HAMADA [redacted]
JOHN R. HAUSCHILD [redacted]
DAVID W. KUEBLER [redacted]
ROBERT G. LEE [redacted]
RUSSELL L. NAYLOR [redacted]
ROBERT A. SEYMOUR [redacted]
RONALD L. SHARP [redacted]
NICHOLAS STRAFFON [redacted]
RODGER O. WOLTJER [redacted]

CHAPLAIN

To be colonel

LUTHER ABRAHAMSON [redacted]
DOUGLAS FARACI [redacted]
DALE F. HANSEN [redacted]
ERNEST J. KNOCHE, 228-56-4007

MEDICAL CORPS

To be colonel

STANLEY E. PEARSON [redacted]
WALLACE N. WEBER [redacted]

MEDICAL SERVICE CORPS

To be colonel

LUCIANO MUNIZ, [redacted]

ARMY MEDICAL SPECIAL 1ST CORPS

To be colonel

LOUISE C. NORTON [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

PAUL M. CARROLL [redacted]
ROBERT CARROTHERS [redacted]
GENE R. DIESEN [redacted]
JAMES P. EGGLETON [redacted]
MASANOBU R. FUJIOKA [redacted]
DENNIS P. GEOGHAN [redacted]
JOHNNIE L. HOLCOMB [redacted]
DAWN R. HORN [redacted]
ROBERT J. JABARA [redacted]
CARL R. JESSOP [redacted]
JOHN R. MATHEWS [redacted]
JAMES E. MC MANUS [redacted]
ELLIS L. MORGAN [redacted]
DENNIS H. NAKASHIMA [redacted]
MARK M. NOESGES [redacted]
DONALD A. POWERS [redacted]
CHARLES S. STORY [redacted]
RALPH H. STUTZMAN [redacted]
HOWARD T. SUGAI [redacted]
DENNIS H. TAGA [redacted]
LEW G. TYREE [redacted]
LORINDA G. WONG [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

HERSHEL E. PORTNOY [redacted]
RICHA SCHWEINSBURG [redacted]

MEDICAL CORPS

To be lieutenant colonel

MICHAEL A. YOUNG [redacted]

ARMY MEDICAL SPECIAL 1ST CORPS

To be lieutenant colonel

KEITH W. SWENSEN [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 3370 AND 1552:

MEDICAL CORPS

To be colonel

JOHN P. ANDERSON [redacted]
OSCAR P. ANSALDO [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3366:

ARMY NURSE CORPS

To be lieutenant colonel

N. ESTEPA-MOLINA [redacted]

DENTAL CORPS

To be lieutenant colonel

MARTIN W. GOLDSTEIN [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

JUAN L. PUIG [redacted]

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 594(A), AND 3359:

ARMY PROMOTION LIST

To be lieutenant colonel

JOE R. ELMORE [redacted]
JOHN D. WRAY [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

JUDITH C. TROTTI [redacted]

MEDICAL CORPS

To be lieutenant colonel

JAMES COFFEY [redacted]

IN THE ARMY

THE FOLLOWING NAMED RESERVE OFFICER'S TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

CHARLES E. BENSON [redacted]
EDWARD B. BESTIC [redacted]
ADAM W. BUTLER [redacted]
ULISES V. CALVO [redacted]
LEO CARR [redacted]
KATHRYN M. DENNY [redacted]
ROBERT T. ELLIS [redacted]
DEBORAH S. FENTON [redacted]
CARL A. FOSTER [redacted]
GEOFFREY M. FULLER [redacted]
ADA L. HORN [redacted]
MICHAEL P. HUGHES [redacted]
SHEILA J. HYDE [redacted]
BENJAMIN ISAAC [redacted]
BRIAN D. KERNS [redacted]
BRUCE F. KIMERY [redacted]
MICHAEL M. LARSEN [redacted]
GARY A. MARTIN [redacted]
EDITH V. MC-KEEVER [redacted]
DANIEL H. MILLS [redacted]
DANIEL S. MORGAN [redacted]
LARRY G. MURRAY, JR [redacted]
ROBERT S. NUTTALL, J [redacted]
DAVID E. PATTON [redacted]
ANTHONY D. PEVERINI [redacted]
COREY L. SEATS [redacted]
KEVIN Z. SMITH [redacted]
DANIEL G. STEWART [redacted]
MATTHEW S. WARNE, [redacted]
GREGORY L. WARREN [redacted]
NICOLE L. WHITEHEAD [redacted]
SEAN A. WHITTINGTON [redacted]
MARK W. WOODS [redacted]

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF CAPTAIN, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

MARTIN F. BAECHLER [redacted]
DARREN S. BARONI [redacted]
VERONICA R. BENIGNO [redacted]
PETER J. BENSON [redacted]
ELIZABETH P. BERBANO [redacted]
HEATHER L. BRANNON [redacted]
SCOTT K. CARTER [redacted]
TELITA CROSLAND [redacted]
DANIEL L. CRUSER [redacted]
MARY B. CRUSER [redacted]
KENNETH C. CURLEY [redacted]
JAMES E. CZARNIK [redacted]
ANTHONY M. DANIELS [redacted]
MICHAEL A. DEATON [redacted]
CHRISTIAN DEGREGORIO [redacted]
ROBERT C. DINSMORE [redacted]
JEFFREY A. DREXLER [redacted]
MARK A. FRAMSTAD [redacted]
JOHN T. FRIEDLAND [redacted]
DELORES M. GRIES [redacted]
DAVID J. HARFORD [redacted]
RICHARD P. JAMES [redacted]
CHATT A. JOHNSON [redacted]
SCOTT J. JOHNSON [redacted]
MARC H. LABOVICH [redacted]
FOREST D. LANCHBURY [redacted]
GARTH W. LECHEMINANT [redacted]
JAMES R. LIFFRIG [redacted]
KATHERINE A. LINNEN [redacted]
CLIFFORD C. LUTZ [redacted]
ROBERT H. LUTZ [redacted]
DOUGLAS D. MATHIS [redacted]
THOMAS E. MC CROREY [redacted]
MARK A. MC GRAIL [redacted]
DANIEL R. MILLER [redacted]
MARK L. NELSON [redacted]
JOSE M. ORTIZ [redacted]
MARK F. OWENS [redacted]
HON S. PAK [redacted]
NANCY L. PALAZA [redacted]
GEORGE E. PATTERSON [redacted]
JAMES F. PEHOUSHEK [redacted]
NICHOLAS A. PIANTANIDA [redacted]
RICHARD W. POPE [redacted]
SANDRA L. REINHOLD [redacted]
ROY R. RICE [redacted]
DANIEL J. SCHISSEL [redacted]
DINA L. SCHWEITZER [redacted]
CAROLYN V. SMITH [redacted]
REED K. SMITH [redacted]
ROBERT F. SMYTHE [redacted]

BROOK A. THOMSON [redacted]
RICHARD F. TROTTA [redacted]
BRETT K. WALLENTINE [redacted]
JAMES V. WINKLEY [redacted]
DANNY K. WORWOOD [redacted]
CLORINDA K. ZAWACKI [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THEIR ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, 532, AND 533:

To be captains

ALFONSO J. AHUJA, [redacted]
THOMAS R. ANDERSON, [redacted]
GREGORY S. BENDA, [redacted]
RUI C. BENEVIDES, [redacted]
ROB A. BIEDERMANN, [redacted]
JOHN H. BIRDSONG, [redacted]
MICHAEL D. BLACKWELL, [redacted]
SCOTT L. BLACKWELL, [redacted]
SUZANNE L. BRAGG, [redacted]
KEITH P. BRELIA, [redacted]
JAMES R. BRILEY, [redacted]
STEVEN K. BROWN, [redacted]
EMORY W. BROWNLEE, [redacted]
ALLEN M. CHAPPELL, [redacted]
JOHN T. CHENERY, [redacted]
MICHAEL P. CHEVLIN, [redacted]
SCOTT R. CHRISTOPHER, [redacted]
RONALD B. DAVIS, [redacted]
EDMUND J. DEGEN, [redacted]
DEREK G. ELLIOTT, [redacted]
KENNETH E. EVANS, [redacted]
DAVID D. FERRELL, [redacted]
GEORGE L. FREDRICK, [redacted]
JOSEPH J. GANDARA, [redacted]
JAMES P. GARRISON, [redacted]
CLARENCE GAYLOR, [redacted]
KARL GINTER, [redacted]
COREY Z. GIPSON, [redacted]
WILLIAM J. GRAESSER, [redacted]
STEPHEN J. GRANSBACH, [redacted]
RODNEY O. GRIFFIN, [redacted]
JEFFREY B. HARPER, [redacted]
KEITH R. HARRINGTON, [redacted]
KENNETH E. HICKINS, [redacted]
LADONNA M. HOLT, [redacted]
URSEL W. HUBER, [redacted]
JEFFREY A. HUGHES, [redacted]
CHARLES P. IPPOLITO, [redacted]
BJARNE M. IVERSON, [redacted]
WILLIAM T. JAMES, [redacted]
NEAL E. JAREST, [redacted]
KELLY C. JORDAN, [redacted]
GREGORY P. KANDT, [redacted]
WILLIAM R. KEETON, [redacted]
PAUL J. KENNEDY, [redacted]
STEPHEN M. KIDWELL, [redacted]
EDGAR W. KOBY, [redacted]
JOHN M. KOETZ, [redacted]
ANTHONY D. KROGH, [redacted]
MICHAEL J. LANDERS, [redacted]
KEVIN D. LEFEVER, [redacted]
ROBERT B. MANNING, [redacted]
HOWARD L. MANWARREN, [redacted]
JOHN N. MC CARTHY, [redacted]
HOWARD M. MC DANIEL, [redacted]
SCOT W. MERKLE, [redacted]
NORMAN W. MIMS, [redacted]
FRANK R. MOLINARI, [redacted]
STEVEN W. MOSS, [redacted]
LANCE J. NEWBOLD, [redacted]
EARL D. NOBLE, [redacted]
CARLOS ORTIZ, [redacted]
GUST W. PAGONIS, [redacted]
MARC A. PEACOCK, [redacted]
JOSEPH J. PIEK, [redacted]
KENNETH J. PRIMUS, [redacted]
DANIEL E. RANCOURT, [redacted]
DAVID P. RODGERS, [redacted]
SCOTT E. RUBITSKY, [redacted]
MICHELE M. RUST, [redacted]
PETER R. SANDBERG, [redacted]
STEVEN T. SHOEMAKER, [redacted]
KENNETH W. SHREVES, [redacted]
DAVID L. SILVERNAIL, [redacted]
ROGER R. SIMMONS, [redacted]
RICKY R. SIMS, [redacted]
MELVIN SMITH, [redacted]
TIMOTHY B. SOLMS, [redacted]
ROBERT A. SPUHL, [redacted]
JERRY D. STEVENSON, [redacted]
MARK A. SWEENEY, [redacted]
BRENDA F. TATE, [redacted]
HARRY D. THOMASON, [redacted]
PATRICK E. TIERNEY, [redacted]
OTILOI TORRES, JR., [redacted]
ROBERT J. VANBEEK, [redacted]
ALBERT VANLENGEN, [redacted]
ROBERT A. WARBURG, [redacted]
AARON A. WEBSTER, [redacted]
MICHAEL S. WILLIAMS, [redacted]
WILLIAM L. WOODARD, [redacted]
JAMES A. WORM, [redacted]
ARTHUR E. YOUNG, [redacted]
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To be first lieutenants

JAMES C. BROWN, [redacted]

RICHARD C. CARROLL [redacted]
JOHN B. COLLIER [redacted]
CYNTHIA A. HESSELL [redacted]
GREGORY J. JANOSIK [redacted]
TERRY P. KEY [redacted]
SCOTT MARYOTT [redacted]
BOBBY K. NAPIER [redacted]
MICHAEL A. SPARKS [redacted]
GARARD P. TERTYCHNY [redacted]

THE FOLLOWING-NAMED DISTINGUISHED HONOR GRADUATES FROM THE OFFICER CANDIDATE SCHOOL FOR APPOINTMENT IN THEIR ACTIVE DUTY GRADE IN THE REGULAR ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

To be second lieutenants

DAVID P. BARLET [redacted]
JEFFREY B. HARPER [redacted]
MARK A. JACKSON [redacted]
REGINALD L. SNELL [redacted]
EDWIN D. WORBINGTON [redacted]

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THEIR ACTIVE DUTY GRADE, UNDER PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1211:

To be second lieutenant

EDDIE E. JOHNSON [redacted]
CURTIS K. PROFFITT [redacted]

To be major

JESSE F. OWENS [redacted]

THE FOLLOWING-NAMED CADETS, GRADUATING CLASS OF 1992, UNITED STATES AIR FORCE ACADEMY WHO HAVE REQUESTED APPOINTMENT IN THE REGULAR ARMY IN THE GRADE OF SECOND LIEUTENANT UNDER THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTIONS 531(A), 532, AND 541:

To be specified later

MICHAEL B. GOODWIN [redacted]
RODNEY J. ROLLINS [redacted]
TAYLOR W. SCOTT [redacted]

THE FOLLOWING-NAMED RESERVE OFFICERS' TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, 533, AND 2106:

To be second lieutenant

RICHARD P. ATCHISON [redacted]
MATTHEW J. CODY [redacted]
ALAN S. KNITOWSKI [redacted]
DONALD R. MC MULLIN [redacted]
MICHAEL RYHN [redacted]

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THEIR ACTIVE DUTY BRANCH AND GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

ARMY NURSE CORPS

To be majors

BEVERLY A. CORNETT [redacted]
CATHY J. JOHNSON [redacted]
BEATRIZ WOODE [redacted]

To be captains

CHERI R. COLEMAN [redacted]
DONNA L. HUNT [redacted]
JOAN LANCASTER [redacted]
ELAINE MC DOWELL [redacted]
ELISABETH SCHERRER [redacted]
LYNN A. SLEPSKI [redacted]

To be first lieutenant

GLENDA J. LOCK [redacted]

MEDICAL SERVICE CORPS

To be majors

JAMES S. ROSEN [redacted]
DAVID W. SEATON [redacted]

To be captains

JOSEPH M. BIRD [redacted]
RAYMOND BOELL [redacted]
RALPH A. FRANCO [redacted]
SIMON M. NOUR [redacted]
JOSEPH A. PONCE [redacted]
STEPHEN D. SOBCZAK [redacted]

To be first lieutenants

TODD J. BRIERE [redacted]
FABIAN F. COOK [redacted]
JAMES R. HOSKINSON [redacted]
DAVID G. RYNDERS [redacted]

To be second lieutenants

CHRISTOPHER COLACICCO [redacted]
CYRUS KARIMIAN [redacted]

VETERINARY CORPS

To be majors

MICHELLE MAGEE [redacted]
KERRY L. TAYLOR [redacted]
CLIFFORD L. WALKER [redacted]
ROBERT G. WEBB [redacted]

To be captains

BRUCE E. AKERS [redacted]
KEVIN R. ARMSTRONG [redacted]
MARK E. BOHANNON [redacted]
CRYSTAL M. BRISCOE [redacted]
SUSAN CONNELLY [redacted]
JIMMY B. DAVIS [redacted]
CHERYL D. DICARLO [redacted]
SUSAN D. GOODWIN [redacted]
TERENCE R. KLINE [redacted]
KATHLEEN M. MILLER [redacted]
LEWIS L. NORLUND [redacted]
KIMBERLY A. ORR [redacted]
CARL S. SNEDDEN [redacted]
TIMOTHY STEVENSON [redacted]
JIMMY VILLIARD [redacted]

MEDICAL SPECIALIST CORPS

To be major

DAVID H. MITCHELL [redacted]

To be captains

MARTHA A. DAVIS [redacted]
GUY A. DESMOND [redacted]

MEDICAL CORPS

To be colonels

YUAN–CHAO HUANG [redacted]
JAMES B. KINNEY [redacted]

To be lieutenant colonel

CHERYL A. WESEN [redacted]
ROBERT M. WILSON [redacted]

To be majors

HERMAN J. BARTHEL [redacted]
BERNARD DEKONING [redacted]

To be captains

THOMAS P. GARIGAN, [redacted]
KENT E. KESTER [redacted]

DENTAL CORPS

To be lieutenant colonels

HAROLD A. MC ADOO [redacted]
DANIEL J. REESE [redacted]

To be majors

MARK F. DUVERNOIS [redacted]
MICHAEL J. GORDON [redacted]
CLYDE W. LONG [redacted]
MARK F. MAXWELL [redacted]
KEVIN S. OAKES [redacted]
GREGORY R. SOUTH [redacted]
DOUGLAS N. WADE [redacted]

To be captains

MILES S. MC CARTHY [redacted]
JOSE E. OLAZAGASTI [redacted]
ROBERT SHAKESPEARE [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE:

ARMY

To be colonel

CHARLES W. ABSHER [redacted]
LAWRENCE R. ADAIR [redacted]
CHARLES J. ADAMS [redacted]
RUSSELL E. ADAMS [redacted]
THOMAS H. ALDRICH [redacted]
JOHN A. ALMBORG [redacted]
JOHN K. ANDERSON [redacted]
ROBERT ARMBRUSTER [redacted]
DAVID C. ARNEY [redacted]
LAWRENCE G. ARROL [redacted]
LARRY N. BARKER [redacted]
MICHAEL J. BARRON [redacted]
GENE C. BARTON [redacted]
JEANMICHEL BERAUD [redacted]
VINCENT A. BERNHARD [redacted]
GUY A. BERRY [redacted]
VINCENT G. BEYER [redacted]
DENNIS R. BIRCHALL [redacted]
ROBERT H. BISHOP [redacted]
PATRICK W. BLAZEK [redacted]
BUFORD C. BLOUNT [redacted]
DAVID R. BOOZE [redacted]
ROGER E. BORT [redacted]
ROBERT L. BOWERS [redacted]
MARK D. BOYATT [redacted]
JOHN G. BOYNTON [redacted]
WILLIAM L. BRADDY [redacted]
STEVEN J. BRADY [redacted]
JOHN M. BRATTON [redacted]
DANIEL BREITENBACH [redacted]
ALLAN C. BRENDSEL [redacted]
RICHARD M. BRIDGES [redacted]
CARL W. BRIESKE [redacted]
GREGORY D. BROADDUS [redacted]
JOHN D. BRODERICK [redacted]
WILLIAM S. BROPHY [redacted]
FRED E. BROWN [redacted]
STEPHEN D. BROWN [redacted]
LARRY D. BRUNS [redacted]
WILLIAM H. BRYAN [redacted]
RANDOLPH O. BUCK [redacted]
EDWIN L. BUFFINGTON [redacted]
JEAN F. BURLESON [redacted]
GARY E. BUSHOVER [redacted]
ROBERT J. BUTTO [redacted]
EDDIE CAIN [redacted]
JOHN M. CARDEN [redacted]
CHRISTOPHE CARDINE [redacted]
ARNOLD W. CARTER [redacted]
DEAN W. CASH, [redacted]
LAWRENCE E. CASPER [redacted]
PERRY C. CASTO [redacted]
JOSEPH R. CERAMI [redacted]
WALTER L. CHALKLEY [redacted]
LARRY D. CHRISCO [redacted]
CLAUD CHRISTIANSON [redacted]
DAVID C. CLAGETT [redacted]
GEORGE C. CLARKE [redacted]
RICHARD A. CODY [redacted]
RICHARD H. COFFIN [redacted]
KEVIN J. COGAN [redacted]
JONATHAN M. COLEMAN [redacted]
JAMES M. COLVIN [redacted]
JOHN A. COMPISI [redacted]
THOMAS J. COSTELLO [redacted]
JAMES H. COX [redacted]
LAWRENCE CROCKETT [redacted]
JAMES D. CULBERT [redacted]
RAYMOND J. CULLY [redacted]
GERALD E. CUMMINS [redacted]
CHESTER L. CUPP [redacted]
JOHN M. CURRAN [redacted]
STEPHEN B. CURRAN [redacted]
DELL L. DAILEY [redacted]
GEORGE A. DANISH [redacted]
FRANK C. DAVIS, I [redacted]
GREGORY B. DAVIS [redacted]
JAMES H. DAVIS [redacted]
RICHARD C. DAVIS [redacted]
TIMOTHY J. DECKER [redacted]
JERRY A. DEMONEY [redacted]
JOHN M. DEMPSEY [redacted]
PETER J. DEPERRO [redacted]
CHARLES R. DEWITT [redacted]
JOHN J. DEYERMOND [redacted]
JAMES M. DIAMOND [redacted]
JOEL S. DICKSON [redacted]
LAWRENCE B. DIKEMAN [redacted]
FREEMON R. DONLEY [redacted]
WILLIAM G. DOYNE [redacted]
JAMES E. DRIES [redacted]
RAYMOND R. DRUMMOND [redacted]
ROGER L. DUCKWORTH [redacted]
RICHARD L. DURDEN [redacted]
EDWARD L. DYER [redacted]
PAUL D. EATON [redacted]
ROY T. EDWARDS [redacted]
EDWARD P. EGAN [redacted]
ROBERT V. ELLIOTT [redacted]
FRANK D. ELLIS [redacted]
HARRY M. EMERSON [redacted]
KENT E. ERVIN [redacted]
ALFRED J. ESTRELLA [redacted]
GEORGE S. EYSTER IV [redacted]
JAMES P. FAIRALL [redacted]
DANIEL L. FAIRCHILD [redacted]
RICHARD F. FAVATI [redacted]
PHILIP F. FEDERLE [redacted]
COMADORA FERGUSON [redacted]
PETER B. FISHER [redacted]
ROBERT A. FITTON [redacted]
BILLIE FITZGERALD [redacted]
EDWARD FITZGERALD [redacted]
MARLIN G. FORBES, [redacted]
LARRY M. FORSTER [redacted]
DONALD E. FOWLER, [redacted]
ANDRE L. FRANCIS [redacted]
HERBERT GALLAGHER [redacted]
CHARLES L. GANT [redacted]
ALAN M. GARDNER [redacted]
PATRICK E. GARREN [redacted]
MARK P. GAY [redacted]
JOHN E. GENTRY [redacted]
GREGORY D. GIBBONS [redacted]
JAMES B. GODWIN [redacted]
JOHN A. GOEBELER [redacted]
ROSLYN M. GOFF [redacted]
KENNETH GONGAWARE [redacted]
JOHN H. GOODRICH [redacted]
LARRY R. GORDON [redacted]
NICHOLAS P. GRANT [redacted]
ARTHUR B. GRAVATT [redacted]
SHAWN F. GRAVES [redacted]
GEORGE T. GRECO [redacted]
CHARLES J. GREEN [redacted]
JOHN C. GREEN [redacted]
STANLEY E. GREEN [redacted]
BYRON D. GREENE [redacted]
ARLENE GREENFIELD [redacted]
MICHAEL C. GRIFFITH [redacted]
WALTER B. GRIMES [redacted]
DAVID F. GROSS [redacted]
KENNETH D. GUILLORY [redacted]
CRAIG D. HACKETT [redacted]
GEORGE HAFKEMEYER [redacted]

HAROLD L. HAGANS [redacted]
DANIEL A. HAHN [redacted]
CLARK C. HALL [redacted]
WAYNE M. HALL [redacted]
STACEY L. HALSTEAD [redacted]
ROBERT L. HANSON [redacted]
DAVID E. HARDIN [redacted]
JAN H. HARPOLE [redacted]
EDWARD HARRINGTON [redacted]
DOUGLAS M. HARRIS [redacted]
HUBERT L. HARTSELL [redacted]
KENNETH N. HAYNES [redacted]
CORNELL J. HAZELTON [redacted]
WILLIAM P. HEILMAN [redacted]
GARY E. HEUSER [redacted]
ANCIL L. HICKS [redacted]
GEORGE A. HIGGINS [redacted]
JAMES L. HILLMAN [redacted]
ERNEST A. HINOJOSA [redacted]
JOSE L. HINOJOSA [redacted]
JOHN S. HIRSCH [redacted]
JAMES P. HOGAN [redacted]
HENRY G. HOLCOMB [redacted]
CARLTON L. HOOD [redacted]
WILLIAM R. HOTZE [redacted]
BRUCE K. HOWARD [redacted]
RUSSELL D. HOWARD [redacted]
MICHAEL I. HOWELL [redacted]
FRANK C. HUDOBA [redacted]
REID S. HUFF [redacted]
PETER V. HUISKING [redacted]
DAVID F. HULME [redacted]
ROBERT HUMBERSON [redacted]
WILLIAM C. HUNTER [redacted]
CHARLES W. HURD [redacted]
WILLIAM V. HUSSEY [redacted]
DAVID S. HUTCHISON [redacted]
PAUL W. IHRKE [redacted]
TONY A. ISAACS [redacted]
DON E. ISHMAEL [redacted]
FRANK P. JANECEK [redacted]
RICHARD W. JEMIOLA [redacted]
DAVID E. JOHNSON [redacted]
SAMUEL H. JONES [redacted]
WILLIAM A. JONES [redacted]
WILLIAM S. JONES [redacted]
GARY L. JUSKOWIAK [redacted]
TERRY E. JUSKOWIAK [redacted]
JOHN F. KALB [redacted]
LEO E. KEENAN [redacted]
DENNIS E. KELLER [redacted]
JOHN M. KENDALL [redacted]
JOHN T. KENEALLY [redacted]
JAMES R. KERIN [redacted]
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JAMES H. KIPERS [redacted]
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STEPHEN J. MARSHMAN [redacted]
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PHILLIP M. MARTIN [redacted]
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LARRY W. MATTHEWS [redacted]
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ROBERT C. MCCANN [redacted]
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JEFFREY MCCAUSLAND [redacted]
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MICHAEL L. MCGEE [redacted]
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NORMAN SOUTHERLAND [redacted]
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WILLIAM W. TAYLOR [redacted]
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JONATHAN THOMPSON [redacted]
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RICHARD B. THOMPSON [redacted]
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HERBERT R. TILLERY [redacted]
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THOM E. TUCKEY [redacted]
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GREG A. VIRGIL [redacted]
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SHARON C. VOLGYI [redacted]
PHILIP R. WAGNER [redacted]
PAUL C. WALKER [redacted]
WALTON H. WALKER [redacted]
THOMAS R. WALLACE [redacted]
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GEORGE R. WALTER [redacted]
JAMES A. WALTER [redacted]
JAMES A. WANK [redacted]
JOHN M. WARD [redacted]
WILLIAM E. WARD [redacted]
JERRY J. WARNEMENT [redacted]
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THOMAS P. WATTS [redacted]
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CHARLES W. WESTRIP [redacted]
CRAIG B. WHELDEN [redacted]
OSCAR N. WHITE [redacted]
PHILIP O. WHITE [redacted]
ALVIN F. WHITEHEAD [redacted]
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ORA J. WILLIAMS [redacted]
RANDALL C. WILLIAMS [redacted]
DENNIS WILLIAMSON [redacted]
NORMAN WILLIAMSON [redacted]
JERRE W. WILSON [redacted]
ROBERT WILSON [redacted]
RONALD W. WILSON, [redacted]
THEODORE C. WILSON, [redacted]
JOSEPH B. WISMANN [redacted]
MICHAEL G. WIXTED [redacted]
PAUL E. WOLFGRAMM [redacted]
JOHN M. WONSIK [redacted]
JOHN R. WOOD, [redacted]
TIMOTHY L. WOOD [redacted]
GARY W. WRIGHT, [redacted]
JAMES E. WRIGHT [redacted]
STEVEN J. WRIGHT [redacted]
WALTER J. WRIGHT [redacted]
LEE T. WYATT, II [redacted]
DONALD T. WYNN, [redacted]
JOSEPH L. YAKOVAC [redacted]

CHRISTOPHER YUKNIS [redacted]
ROBERT C. ZELAZNY [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3370:

ARMY PROMOTION LIST

To be colonel

RONALD W. ADAMS [redacted]
ULYSSES S. ADOLPH [redacted]
JOE R. ALEXANDER [redacted]
JOHN J. ALFANO [redacted]
MICHAEL L. ALIFF [redacted]
EDWARD G. ALLAN [redacted]
JAMES H. ALLEN [redacted]
ROBERT D. ALLEN [redacted]
WILLIAM L. ALLEN [redacted]
WILLIAM R. ALLEN [redacted]
RONALD ALLENDORFER [redacted]
SIDNEY L. ALLISON [redacted]
TONY O. ARD [redacted]
JOHN A. ARENDS [redacted]
STEPHEN E. AREY [redacted]
GLEN A. ARMSTRONG [redacted]
THOMAS G. ARMSTRONG [redacted]
JOSEPH J. ARONICA [redacted]
WILLIAM F. ARONOW [redacted]
JOHN C. ATKINSON [redacted]
JAMES L. AUSDEMORE [redacted]
RICHARD W. AVERITT [redacted]
THOMAS C. AYERS [redacted]
CLARK H. BABI [redacted]
RICK BACCUS [redacted]
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DAVID R. BALTES [redacted]
HECTOR BANCHNEGRON [redacted]
DALE R. BARBER [redacted]
JENNINGS BARFIELD [redacted]
DAVID J. BARNES [redacted]
EVERETT W. BARNES [redacted]
GROVER E. BARNES [redacted]
ROBERT T. BARNES [redacted]
ROBERT V. BARNES [redacted]
WILLIAM O. BARNES [redacted]
RICKY J. BARNICA [redacted]
ROBERT R. BARR, JR [redacted]
MICHAEL B. BARRETT [redacted]
TIMOTHY C. BARRICK [redacted]
EDMUND D. BARRY [redacted]
LEARNED D. BARRY [redacted]
PATRICK D. BARRY [redacted]
DONALD R. BASSLER [redacted]
EMILE P. BATAILLE [redacted]
CLIFFORD W. BATH [redacted]
GEORGE D. BAXTER [redacted]
CLARENCE E. BAYLESS [redacted]
WILLIAM J. BEAMAN [redacted]
RONALD D. BECKER [redacted]
BRUCE O. BECKMAN [redacted]
JOHN W. BEEDLOW, [redacted]
CARL H. BELL [redacted]
ROBERTO BENAVIDES [redacted]
JOHN F. BENDER [redacted]
LYLE D. BENDER [redacted]
WILLIAM R. BENDER [redacted]
HAROLD J. BENNETT [redacted]
WAYNE B. BENNETT [redacted]
DAVID T. BERANEK [redacted]
PHILIP R. BERNSTEIN [redacted]
PARK P. BIERBOWER [redacted]
RUSSELL V. BIERL [redacted]
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JIMMY L. BLAND [redacted]
EDWARD BLANKENHAGEN [redacted]
RONALD BLAZEJEWSKI [redacted]
LOUIS J. BLAZEK [redacted]
JEFFERY L. BODOUIN [redacted]
DANNY W. BOROFF [redacted]
JOSEPH S. BOWEN [redacted]
PHILIP G. BOWERSOX [redacted]
WALLACE D. BOWLING [redacted]
JOSEPH C. BOWSHER [redacted]
PAUL B. BOYD [redacted]
ALLEN R. BOZEMAN [redacted]
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EDWARD P. BRADLEY [redacted]
JOHN K. BRADSHAW [redacted]
JOHN H. BRAMSMAN [redacted]
TERRANCE R. BRAND [redacted]
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WILLIA BRIDGEWATER [redacted]
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ERNEST D. BROCKMAN [redacted]
SANS C. BROUSSARD [redacted]
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LEWIS E. BROWN [redacted]
DANIEL J. BULLOCK [redacted]
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WILLIAM G. BUTTS [redacted]
FRANK M. BUTY [redacted]
JOHN H. BYERLY [redacted]
WESLEY E. CALHOUN [redacted]
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JAMES R. CARNEY [redacted]
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DANIEL F. CARROLL [redacted]
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MARY N. CARTER [redacted]
TERRY H. CARTER [redacted]
BYRON L. CASEBIER [redacted]
GEORGE J. CASELLA [redacted]
RICHARD A. CASEY [redacted]
THEODORE C. CASON [redacted]
WILLIAM G. CASTALDI [redacted]
BILLY F. CAUDILL [redacted]
ROGER CHANG [redacted]
FRANK H. CHAPMAN [redacted]
JAMES R. CHAPMAN [redacted]
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JAMES A. CHEATHAM [redacted]
LEWIS A. CHIPOLA [redacted]
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RUSSELL W. CHUNG [redacted]
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ROGER B. CLARK [redacted]
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ROBERT J. CURRAN [redacted]
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ROBERT H. HASS [redacted]
ELMAR T. HAYEN [redacted]
FREDERICK G. HAYNES [redacted]
ELMO C. HEAD, [redacted]
CLAUDE E. HEMPEL [redacted]
RODNEY C. HENELY [redacted]
RONALD R. HENLEY [redacted]
JOHN A. HENNINGSEN [redacted]
CHARLES E. HENRY [redacted]
STEPHEN L. HERMANN [redacted]
WARREN G. HERREID [redacted]
REINALDO HERRERO [redacted]
ARTHUR C. HESTER [redacted]
KENNETH R. HESTER [redacted]
WILLIAM R. HILBORN [redacted]
MICHAEL A. HILL [redacted]
PAUL H. HILL [redacted]
MAURICE A. HILLIARD [redacted]
MARCUS R. HINES [redacted]
TIMMY L. HINES [redacted]
HUBERT T. HODGSON [redacted]
WILLIAM R. HOLLAND [redacted]
ROBERT G. HOLT, [redacted]
LANCE C. HOOTS, [redacted]
JACK L. HOPSTAD [redacted]
TRACY K. HORD [redacted]
WILLIAM HORVATH [redacted]
RICHARD F. HOUSER [redacted]
MICHAEL H. HOWELL, [redacted]
JAMES M. HOWER [redacted]
ARTHUR A. HUBBARD [redacted]
JAMES P. HUBER [redacted]
JAMES M. HUDGENS [redacted]
MICHAEL T. HUDOR [redacted]
MICHAEL C. HULSEY [redacted]
WILSON F. HUMPHREYS [redacted]
MICHAEL J. HURDZAN [redacted]
WILLIAM B. HURLEY [redacted]
MORTON C. HURSTON, [redacted]

FRANCIS M. HYLE [redacted]
THOMAS P. HYLE [redacted]
WILLIAM R. IRVIN [redacted]
GARY M. ISHIKAWA [redacted]
JAMES K. ITOW [redacted]
PAUL D. JEANSONNE [redacted]
ERIC A. JENKINS [redacted]
THOMAS JENKINS [redacted]
JOHN J. JOHNSON [redacted]
THOMAS D. JOHNSON [redacted]
WAYNE A. JOHNSON [redacted]
WILLIE R. JOHNSON [redacted]
STANLEY W. JOHNSTON [redacted]
BRUCE C. JONES [redacted]
BRUCE R. JONES [redacted]
IRA K. JONES [redacted]
STEPHEN E. JONES [redacted]
GLENN A. JORDAN [redacted]
RICHARD JORGENSEN [redacted]
WILLIAM F. JOY [redacted]
JOHN F. JOYCE [redacted]
ANDREW J. JURCHENKO [redacted]
JERROLD L. JURIN [redacted]
THOMAS L. KALIHER [redacted]
DAVID E. KAMERATH [redacted]
DENNIS A. KAMIMURA [redacted]
DANIEL KAUZLARICH [redacted]
THOMAS P. KAY [redacted]
FRANCIS J. KEANE [redacted]
THOMAS P. KELLEY [redacted]
WILLIAM J. KELLEY [redacted]
CALVIN E. KENNEDY [redacted]
ROBERT M. KENNEMER [redacted]
JERRY E. KEPPLER [redacted]
THOMAS J. KESTER [redacted]
JERALD L. KEUTER [redacted]
ANTHONY J. KEYECK [redacted]
PATRICIA L. KING [redacted]
WILLIAM M. KING [redacted]
JOSEPH P. KIRLIN [redacted]
HERMAN G. KIRVEN [redacted]
RICHARD T. KISZKA [redacted]
BRUCE T. KLEM [redacted]
ROBERT J. KNIERIEM [redacted]
WAYNE C. KOPPA [redacted]
KENNETH W. KORB [redacted]
STEPHEN D. KORENEK [redacted]
BERNARD P. KOZOSKY [redacted]
THEODORE I. KRAMER [redacted]
JOHN W. KREGER [redacted]
ELWYN L. KROPUENSKE [redacted]
GREGORY P. KROT [redacted]
GARY L. KRUEGER [redacted]
LEONARD W. KRUSE [redacted]
WILLIAM G. LAFLEUR [redacted]
DENNIS J. LAICH [redacted]
LYLE D. LALIM [redacted]
CHARLES P. LAMBERT [redacted]
LYNDA K. LAMM [redacted]
RICHARD M. LANE [redacted]
EUGENE P. LANG [redacted]
DAVID W. LARGE [redacted]
THOMAS W. LARKIN [redacted]
JAMES T. LARUE [redacted]
RUSSEL LAY [redacted]
JOSEPH G. LECLERC [redacted]
SAMUEL W. LEDBETTER [redacted]
FREDRIC I. LEDERER [redacted]
PERCY H. LEE [redacted]
ROBERT G. LEE [redacted]
LARRY A. LEONARD [redacted]
ALEXANDER LINDSAY [redacted]
CHARLES W. LINDSEY [redacted]
FRANCES H. LIPSCOMB [redacted]
DICK C. LITTLE [redacted]
HUBERT H. LOGAN [redacted]
DANIEL E. LONG [redacted]
TIMOTHY LONGBROOK [redacted]
JAMES R. LOWHAM [redacted]
LAWRENCE T. LUBA [redacted]
ANDREW E. LUCAS [redacted]
STEVEN C. LUND [redacted]
CARL F. LUNDELL [redacted]
DRANNAN E. LUNN [redacted]
DENNIS E. LUTZ [redacted]
JAMES P. MAHONEY [redacted]
THOMAS P. MANCINO [redacted]
JAMES A. MARISKA [redacted]
ROB MARREROCORLETO [redacted]
WILLIAM J. MARSHALL [redacted]
CHARLES E. MARTIN [redacted]
CHARLES F. MARTIN [redacted]
DAVID L. MARTIN [redacted]
ROY T. MARTIN [redacted]
DOUGLAS A. MARTZ [redacted]
STEVEN A. MASAK [redacted]
RANDALL L. MASON [redacted]
ADOLPH W. MASSA [redacted]
LARRY E. MATCHETT [redacted]
EDWARD E. MATHEWS [redacted]
JULIUS E. MATHIS [redacted]
MARVIN J. MAXWELL [redacted]
MAURICE J. MAYFIELD [redacted]
MONTY W. MC CALL [redacted]
THOMAS MC CANDLESS [redacted]
SUE E. MC CONAUGHY [redacted]
GARY J. MC CONNELL [redacted]
DAVID W. MC CORKLE [redacted]
JEFFREY L. MC GOWAN [redacted]
JAMES R. MC INTYRE [redacted]
MICHAEL J. MC KEON [redacted]
MATT D. MC KNIGHT [redacted]
GARY W. MEEKS [redacted]
JIM F. MELTON [redacted]
ERIC MERRILL [redacted]
ROY C. MERRITT [redacted]
MICHAEL R. MESSINA [redacted]
JOHN S. MEYER [redacted]
DANIEL L. MEYERS [redacted]
KIPP O. MILLER [redacted]
GERALD P. MINETTI [redacted]
VERN T. MIYAGI [redacted]
PAUL E. MOCK [redacted]
JAMES M. MOENCH [redacted]
ROBERT A. MOLIN [redacted]
GERALD J. MOLNAR [redacted]
PAUL R. MONACELLI [redacted]
JOHN H. MOORE [redacted]
GEORGE J. MORALES [redacted]
ARCADI MORATORRADO [redacted]
JIM E. MORFORD [redacted]
DON W. MORGAN [redacted]
RANDALL D. MOSLEY [redacted]
JOSEPH B. MOSS [redacted]
ROBERT L. MUELLER [redacted]
ROBERT G. MUNHALL [redacted]
TIMOTHY M. MURPHY [redacted]
MARYLIN J. MUZNY [redacted]
JONATHAN H. MYERS [redacted]
RUSSELL L. NAYLOR [redacted]
DONALD C. NELSON [redacted]
JEFFREY W. NELSON [redacted]
HAROLD J. NEVIN [redacted]
CHARLES H. NEWELL [redacted]
ARTHUR J. NICHOLS [redacted]
GALEN O. NORBY [redacted]
JOHN R. NORTON [redacted]
ARNOLD B. NORWOOD [redacted]
GEORGE S. O'BRIEN [redacted]
IVAN W. O'BRIEN [redacted]
RONALD F. OLSOMMER [redacted]
JOHN W. OMWEG [redacted]
DEAN P. ORLEY [redacted]
LARRY A. OSVOLD [redacted]
CARLOS D. PAIR [redacted]
ELI D. PANEE [redacted]
CHARLES J. PARKER [redacted]
WILLIAM C. PARKER [redacted]
GREGORY C. PECK [redacted]
LEONARD S. PEDERSON [redacted]
ARTHUR W. PERLEBERG [redacted]
DENNIS E. PERRINO [redacted]
JAMES F. PERRY [redacted]
RAYMOND F. PERRY [redacted]
ROLLA E. PESCHKE [redacted]
ROGER D. PETERMAN [redacted]
RAYMOND C. PETERS [redacted]
PAUL C. PETERSEN [redacted]
RICHARD G. PETERSEN [redacted]
RONALD D. PETITTE [redacted]
JOHN J. PETRELLA [redacted]
WILLIAM C. PFEIFFER [redacted]
FRANKLIN D. PHELPS [redacted]
CORAL C. PIETSCH [redacted]
DAVID P. PIGOTT [redacted]
JAMES M. PITMAN [redacted]
MICHAEL POHRONEZNY [redacted]
WILLIAM H. POLAND [redacted]
DAVID G. POPHAM [redacted]
GARY W. PORTER [redacted]
JAMES J. PORTER [redacted]
DONALD L. POTTER [redacted]
CHRISTOPHER POWERS [redacted]
FRANK C. PRAZENICA [redacted]
DALE E. PRICE [redacted]
LARRY D. PRICE [redacted]
DOUGLAS A. PRITT [redacted]
JOHN M. PROMAULAYKO [redacted]
JAMES R. RAGLAND [redacted]
WILLIAM A. RAHKOLA [redacted]
ERNE RAMOSSANTIAGO [redacted]
WILLIAM A. RAMSEY [redacted]
DAVID L. RANEY [redacted]
DAVID M. RAPP [redacted]
JOHN S. RASCHKE [redacted]
LAMAR C. RATCLIFFE [redacted]
GEORGE W. READ [redacted]
RICHARD D. READ [redacted]
DANIEL E. REEVES [redacted]
STANLEY G. REMER [redacted]
DAN H. REYNOLDS [redacted]
MARK V. RHETT [redacted]
WILLIAM C. RICHAR [redacted]
GERALD RICHARDSON [redacted]
THOMAS J. RICKERD [redacted]
WILLIAM D. RIDGELY [redacted]
CALBERTH B. RILEY [redacted]
MARK C. RILEY [redacted]
RICHARD T. RINTZ [redacted]
GEORGE J. ROBINSON [redacted]
PETER G. ROBINSON [redacted]
BERT T. ROBISON [redacted]
JUDITH L. ROBSON [redacted]
DAVID B. ROGERS [redacted]
GEORGE A. ROGIC [redacted]
ALFRED P. ROTH [redacted]
JOHN E. ROWAN [redacted]
RICHARD K. ROWE [redacted]
SANDRA A. ROWLEY [redacted]
DAVID P. RUDDER [redacted]
RICARDO RUIZ [redacted]
LEONARD J. RUOTOLO [redacted]
JAMES N. RUSSELL [redacted]
ROGER D. RUSSELL [redacted]
RICHARD A. SACKETT [redacted]
WILLIAM S. SAGE [redacted]
GLEN I. SAKAGAWA [redacted]
DONALD A. SAPIENZA [redacted]
JOHN H. SCHAMBURG [redacted]
EDWARD V. SCHLAEFER [redacted]
MICHAEL SCHLEUPNER [redacted]
ROBERT T. SCHNEIDER [redacted]
RALPH H. SCHROEDER [redacted]
DAVID L. SCHUMACHER [redacted]
ANDREW M. SCHUSTER [redacted]
SEBASTIAN SCHWARZ [redacted]
CLAUDIO J. SCIALDO [redacted]
GARTH T. SCISM [redacted]
JOSEPH E. SCOTT [redacted]
RONALD E. SCRUGGS [redacted]
MICHAEL L. SEELY [redacted]
ROGELIO C. SERRA [redacted]
JAMES G. SEYSTER [redacted]
LAWRENCE W. SHANNON [redacted]
HOWELL L. SHAY [redacted]
JOHN S. SHEA [redacted]
MELVIN L. SHELLEY [redacted]
STEPHEN P. SHEPHERD [redacted]
ROGER L. SHIELDS [redacted]
ROBERT M. SHIRILLA [redacted]
STANLEY L. SHIVELY [redacted]
RICHARD H. SHOCKLEY [redacted]
CRAIG V. SHUEY [redacted]
GARY G. SIMMONS [redacted]
DARWIN H. SIMPSON [redacted]
JAMES C. SIMS [redacted]
PETER J. SKENTZOS [redacted]
STEVEN K. SLOAN [redacted]
JAMES G. SMITH [redacted]
LEWIS J. SMITH [redacted]
MICHAEL B. SMITH [redacted]
ROBERT L. SMITH [redacted]
KENNETH A. SORENSEN [redacted]
HARVEY L. SPARKS [redacted]
JOHN C. SPENCER [redacted]
RAYMOND J. SPIRLET [redacted]
JAMES C. SPROULL [redacted]
RALPH E. STAPLETON [redacted]
JAMES C. STAUBACH [redacted]
HOWARD J. STEERS [redacted]
JOSEPH S. STEVENSON [redacted]
PHILIP K. STIRN [redacted]
JAMES L. STONE [redacted]
ANDREW B. STRATTON [redacted]
JERRY W. STRONG [redacted]
DAVID K. STUTZMAN [redacted]
DAN T. SUDDETH [redacted]
THEODOR SUTHERLAND [redacted]
NORMAN M. SWAIM [redacted]
WILLIAM H. SWARTZ [redacted]
DEAN C. SWINTON [redacted]
JACKIE TALIAFERRO [redacted]
BRIAN L. TARBET [redacted]
MICHAEL H. TAYLOR [redacted]
EVIS R. THOMPSON [redacted]
HERBERT D. THOMPSON [redacted]
MICHAEL E. THOMPSON [redacted]
RONALD R. THOMPSON [redacted]
BOBBY J. THORNBURG [redacted]
JERRY W. TIPPS [redacted]
STEPHAN K. TODD [redacted]
JOSEPH C. TOMASELLO [redacted]
PAUL A. TORICK [redacted]
MARTHA J. TRUDO [redacted]
RONALD L. ULRICH [redacted]
GARY R. UNDERWOOD [redacted]
JACK B. UNDERWOOD [redacted]
MARVIN M. UNDERWOOD [redacted]
JERRY L. UNWIN [redacted]
LILIA M. VANNETT [redacted]
MILES L. VAUGHAN [redacted]
ROBERT J. VAUGHAN [redacted]
THOMAS A. VAUGHAN [redacted]
CESAR VAZQUEZDIAZ [redacted]
JERRY L. VEACH [redacted]
PETER J. VENZA [redacted]
PAUL Z. VITALI [redacted]
WILL VONDERSCHMIDT [redacted]
GLENN E. WALDEN [redacted]
CAREY D. WALKER [redacted]
ROBERT D. WALKER [redacted]
STEPHEN C. WALKLEY [redacted]
JOHN C. WALTNER [redacted]
JOE W. WARREN [redacted]
EDWARD D. WEBB [redacted]
JERRY D. WEBSTER [redacted]
JON A. WECK [redacted]
GEORGE H. WELCH [redacted]
HAYWOOD L. WEST [redacted]
EDWARD T. WHITE [redacted]
JULIUS A. WHITE [redacted]
GERALD R. WHITFIELD [redacted]
BRUCE R. WHITMAN [redacted]
JAMES C. WILDER [redacted]
STEVEN J. WILFING [redacted]
DANIEL B. WILKINS [redacted]
ANDERSON WILLIAMS [redacted]
CHARLES N. WILLIAMS [redacted]
CLAUDE A. WILLIAMS [redacted]
JERRY B. WILLIAMS [redacted]
JAMES H. WILLIS [redacted]
RICHARD R. WILSON [redacted]
HAROLD G. WILSTED [redacted]
BRIAN D. WINTER [redacted]
STEPHEN R. WISE [redacted]
JOSEPH T. WOJTASIK [redacted]

ROGER W. WOLF [redacted]
LEROY W. WOLFE [redacted]
JACKIE D. WOOD [redacted]
PAUL J. WOODROW [redacted]
ROBERT F. WOOLLARD [redacted]
JOHN R. WORREL [redacted]
CANNON S. WRAY [redacted]
CLARENCE A. WRIGHT [redacted]
EDWIN H. WRIGHT [redacted]
ROBERT T. WRIGHT [redacted]
LINCOLN YAMASHITA [redacted]
ROBERT S. YERKES [redacted]
JOHN M. YORK [redacted]
RONALD D. YOUNG [redacted]
JACK R. YOUNGER, JR [redacted]

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

ALAN DOUGLAS ARIEL
CLAUDETTE BOOTH
FRANK WRIGHT BOYD
MICHAEL WILLIAM BYMAN
STEPHEN PAUL CARMICHAEL
EMIL CHRISTOPHER CASCIANO
JOSEPH DANIEL CREED
WILLIAM THOMAS DONOVAN, JR.
JONATHAN ANDREW DOWELL
KEVIN STEWART EYER
CRAIG STEPHEN FALLER
FREDRIC DANIEL FORNEY, JR
DAVID BRIAN FOSTER
THOMAS GANSE
BRUCE DOUGLAS GARBER
CHRISTOPHER LEE GIVENS
ARTHUR DESMOND SHELT GLOVER
MARK REGAN HAGEROTT
ANNE KATHERINE HAGSTROM
MARK DAVID HARVEY
PAUL EDWARD HENNES
HAROLD H. HOWARD III
RONALD KURT IMHOF
ROMERO GEORGE IRAL
ROBERT LEONARD JOBRACK
PAUL THOMAS JURCSAK
JOHN DAVID KETTERMAN
MARK ANTHONY KOHART
KEITH DION KOWALSKI
JAMES MARTIN LACKEMACHER
HAROLD ALLAIRE LAURENCE
DONALD WAYNE LAWSON
ROBERT LOUIS MALOUIN, JR
STEPHEN GERARD MARR
ROBERT BURNS MONROE
PAUL MULE III
WILLIAM NIVISON, JR
BRIAN KEITH NUTT
KENNETH JEFFREY OUKROP
ANTHONY JAMES PALA, JR
SHAWN RICHARD PATTERSON
JACK PICKARDT PIERCE
MICHEL THOMAS POIRIER
CLYDE CORNELL PORTER, JR
ALAN WYNN PURDY
MARK S. REED
PAUL WILLIAM ROMAINE
PHILLIP GRAYSON SAWYER
JOHN ARDEN SHAKESPEARE
DON EUGENE SLONE
THOMAS PETER SNYDER
EDITH ANN SPENCER
JAMES EDWARD STEIGERWALD
CHARLES DALE SYKORA
GERARD PATRICK TIGHE
DEBRA ANN TINKER
LOUIS JOHN TRAGLIA
ROBERT BRIAN TYMAN
DEREK VAZQUEZ
DEBRA JEAN WADE
DAVID WAYNE WAUGH
MARY KRISTINE WESSLEN
ROBERT CLAIR WRIGHT, JR

ENGINEERING DUTY OFFICERS

To be lieutenant commander

JOHN VICTOR AMY, JR
PAMELA KAY BARNES
DAVID CRAIG JOHNSON
STEPHEN WILLIAM SURKO
JAMES MARTIN WILLIAMS, JR

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be lieutenant commander

BARBARA A. BELL

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be lieutenant commander

PATRICK DISPENZIERI

AVIATION DUTY OFFICERS

To be lieutenant commander

TERRY LEE GOWEN
TERRY LEE GOWEN

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be lieutenant commander

JEFFREY DEAN KUIPERS

LIMITED DUTY OFFICERS (LINE)

To be lieutenant commander

BRUCE KEVIN FELDHAUSER
CHARLES FRANKLIN MARTIN
JAMES FULTON STONE
ROBERT LEE THOME

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be commander

RUSSELL SCOTT ANDERSON
WENDY ANN BAILEY
LUIS IGNACIO BECERRA
PATRICK ROBERT DANAHER
CHARLES B. DAVIS
LINDA JAN DELOACHBANTA
JAMES KEVIN DEMARCO
BRUCE LAURENCE FLAX
JOHN TIMOTHY GANEY
MARY M. HALUSZKA
OLEH HALUSZKA
ROBERT KEVIN HANSON
EDWARD W. JEWELL III
SUSAN KAWESKI
RANDI D. LEBAR
MARK WILLIAM MITTAUER
DALE MICHAEL MOLE
STANLEY A. NAPIERKOWSKI
JENNIFER L. NORVELLCOLD
DOUGLAS E. PADGETT
RICHARD C. PARFITT
WILLIAM HOMER REED
LAWRENCE HENRY ROBERTS
CARL EDWARD STEELE

SUPPLY CORPS OFFICERS

To be commander

ADRIAN JOSEPH CULBREATH
ARTHUR FRANK DEHNZ
SHARON RENEE HALE
MONTE RISHER HART
DAVID STANLEY HETTICH
LARRY WAYNE JOHNSTON
MARK JEFFREY KLINGEL
THOMAS FREDERICK O'BRIEN
JOHN PHILIP SANDERS, JR
NICHOLAS LYNN SHERWOOD
VERNON KEITH WATKINS
BRUCE ALEXANDER WINSPER

CHAPLAIN CORPS OFFICERS

To be commander

LUTHER CHARLES ALEXANDER, JR
JULIA THAMEL CADENHEAD
JAMES LASLEY DANNER
ANTHONY WAYNE DEAN
THOMAS WILLIAM FALKENTHAL
RORY MICHAEL HERMANN
ALPHONSO JONES
JOHN LESLIE KAUL
IRA EUGENE RAMSEY
MARTIN RUSSELL STAHL

CIVIL ENGINEER CORPS OFFICERS

To be commander

JENNIFER LYNN MUSTAIN

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be commander

HAL HENRY I. DRONBERGER
BRUCE EDWARD MAC DONALD
JAMES EDWIN MC PHERSON
WILLIAM GARY SWEENEY

DENTAL CORPS OFFICERS

To be commander

GILBERT ULYSSE BIGELOW
LANETTA CASILIOBIXLER
MARK STEVEN DENUNZIO
MICHAELL ANDREW HUBER
SARA EDW. LEASURENELSON
ELAINE NELSON
MARK EDWARD SCHANDORFF
JOEL LAWRENCE SCHWARTZ
BLAKE HOBART TURNER

MEDICAL SERVICE CORPS OFFICERS

To be commander

MARK ERNEST BABBITT
STEPHEN FRANKLI BLACKE
ROBERT JULES BURG
DENNIS LAROY CALKINS
ROGER DEAN EDWARDS
DAVID EVERETT FARRAND
STEVEN JOSEPH FEITH
WARREN EMANUEL HARPER
WILLIAM HOWELL
JOHN MILTON LAURENT
WILLIAM ERNES LUTTRELL
EDWARD JOHN MARCINIK
JEFFREY LEE MOORE
MICHAEL DUANE PATTISON
ANTHONY AUGUST SEBBIO
ROBERT CHARLES WILKENS

NURSE CORPS OFFICERS

To be commander

RAMA FRANCINE BRENNAN
JOHN RAY CALDWELL
JOAN FAYE DUBE
ALFRED ERNEST J. GRAHAM
CAROL A. R. GUSTAFSON
LINDA GWEN HEARIN
PAMELA ANN HEIM
CHERYL L. KAMINSKA
SUSETTE JANE LASHER
FRED C. LEGE
KRISTIN SWANSON MC HARG
JUANITA V. MEREDITHKYE
CYNTHIA ANN MOORE
CYNTHIA LOUISE SPAID

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be lieutenant commander

JOSEPH F. BAGNICK
WILLIAM E. BARRIE
WAYNE W. BEAM
JOSEPH M. BLONSKI
ELTON C. BOWEN
THOMAS BRICKNER
STEVEN WALTER BRUCH
ROBERT CARRUTHERS
JAMES P. DYE
FRAZIER WOODROW FRANTZ
JAMES F. GALLAGHER
RICHARD P. GANNAWAY
MARK HENRY GREENAWALD
THOMAS GREGUS
JAMES P. GUERRIERI, JR
WILLIAM HALL
KELLY ROGER HERSEY
JERRY J. HODGE III
JANET OLNEY HON
MICHAEL D. HUGHES
WILLIAM P. IVES
MICHAEL L. JAKUBOWSKI
JEFFREY S. KEYSER
TIMOTHY DOUGLA KNUDSEN
DAVID A. LANE
JAMES G. LEONHARDT
WILLIAM B. MC CREA
KENNETH L. MILLER
MURRAY C. NORCROSS, JR
MICHAEL A. PELINI
LINDA PERCY
DALE W. PHILLIPS
MICHAEL M. QUIGLEY
TERRANCE R. REEVES
PETER REUSSWIG
RICHARD KEVIN ROACH
JOSEPH L. SINGLETON
MICHAEL J. SLOWEY
JOHN EDWARD VARRALLO
MICHAEL J. VUKSTA
DOUGLAS E. WINESETT
DENNIS WILLIAM WULFECK
MICHAEL D. YANUCK

SUPPLY CORPS OFFICERS

To be lieutenant commander

DOUGLAS SCOTT ANDERSON
NELS EDGAR BERDAHL
ROBERT CHARLES BRONSON, JR
JAMES DWIGHT BROWN
DAVID WAYNE BRUMFIELD
MICHAEL FRANCIS CORNING
BRUCE RONALD CORRIGAN
NATHANIEL DAMPIER
WILLIAM RIGGS DAWSON
FRANK MICHAEL DEAL III
MICHAEL WAYNE FLANARY
KRISTA ANN FRANCOM
ALMA BERTHA GREEN
VINCENT LAFAYETTE GRIFFITH
DONALD LEWIS HERTIG
MARK RAYMOND HUNTER
ELIZABETH ANN JOY
JOHN IVAN ROGGEN
DOUGLAS HUGHES ROSE
DANNY ROY SMITH
FRANCIS XAVIER TISAK
JAMES VALOVCIN
THOMAS EUGENE WILBER
DONALD TERRENCE WRAY

CHAPLAIN CORPS OFFICERS

To be lieutenant commander

BRADFORD EDWARD ABLESON
DAVID DEAN BEESON
RONIE DEE BORDEN
RANDALL ARTHUR CHAPMAN
JAMES ROBERT CHRISTIAN
KENNETH CHARLES CIENIK
THOMAS EDWARD COOK, JR
GREGORY R. DEMARCO
BRENNAN RALPH EGAN
JAMES KEVIN ELLIS
MARK ALAN GEFALLER
ADRIAN RAMOS GERVACIO
DAVID LAMAR GIBSON
JAMES PASCAL GILBERT, JR
GERALD LEONARD GRAY

WAYNE D. HATMAN, JR
DONALD WENDEL JERGE
ROBERT EMMANUEL LEBRON
ROBERT WALLACE MARSHALL
DAYNE EDWARD NIX
ROBERT DUANE PURSER
HARVEY EDGAR RANARD, JR
KENNETH JOHN RODES
DANIEL EUGENE ROYSDEN
ARTHUR MARC SLAGLE
STEVEN LEE SMITH
TIMOTHY LLOYD THEURER
JEFFERY C. TRIMBLE
DAVID STERLING WILDER
PAUL RILEY WRIGLEY

CIVIL ENGINEER CORPS OFFICERS

To be lieutenant commander

ANDREW MUNRO ASHE
JAMES VINCENT BEROTTI, JR
ROBERT MICHAEL CARR
MATTHEW STEPHEN GASS
KATHERINE LOUISE GREGORY
ROBERT BURTON KAHLER
PETER BARNETT MELIN
EVERETTE LEWIS MILLER III
MICHAEL JOSEPH MURDTER
ERIC STEPHEN ODDERSTOL
R. MARTIN PONDELICK
JAMES REYNOLD SOUBA

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be lieutenant commander

PAUL ROWLAND CLEMENTS
KEITH N. HAMILTON
MICHAEL JO OROURKE
EDWARD STANISLAU WHITE

DENTAL CORPS OFFICERS

To be lieutenant commander

EDWIN TYRONE BATCHELOR
RUTH CHEU
WILLIAM EDWARD DANDO
GEORGE J. EULER
GORDON D. KORTHALS
JOHN M. LIES
GARY L. LLEWELLYN
PAUL G. LUEPKE
CLIFFORD D. LUTTRELL
JOHN CHARLES MARINUCCI
KATHLEEN M. MATALDI
JEROME MC SWAIN, JR
PETER M. MURPHY
MARY ELIZABETH NEILL
TODD WILLIAM NEILS
WILLIAM NIELSEN NORMAN
CARL ERIK OPSAHL
ROBERT JAMES PETERS
GARY DAVI RUSCHBEHREND
DANIEL WEBST SCHAFFNER
PAUL EDWARD SCHLEIER
KYLE P. SCHROEDER
JOHN KEATING SHEA, JR
PATRICK SHAWN SIMPSON
MICHAEL MAURICE WRAY

MEDICAL SERVICE CORPS OFFICERS

To be lieutenant commander

MICHELLE RENE AUSTIN
BRENDA GAIL BARTLEY
MARILYN MARIE BROOKS
MARK DENNIS BRYSON
MARTIN JAY CAVINS
MAUREEN ELIZ DUCKWORTH
ROBERT EDWIN GLASER
NANCY G. HIGHT
BRADLEY ERIC HOMMAN
GREGORY MCCASLIN HUET
NORMA GRAY JONES
HAROLD PETER KOERNER
JEFFREY ALAN MAC DONALD
MATTHEW SHELTON MAYES
DEBORAH E. NELSON
MARTIN GLEN PRICE
DAVID BENTLEY STRATTON
ROBERT SOLOMON WRIGHT

NURSE CORPS OFFICERS

To be lieutenant commander

MARY LOUISE ALLEN
ROBERT JULIO AMAYA
DONNA LOUISE CAIN
DEBORAH MCCARTY CONWAY
DOROTHY M. GRACE
SUSAN ELIZABETH HERRON
JOHN FREDERICK HORTON
DENISE ADER JOHNSON
BARRY REYNARD JONES
ROBIN PATRICK MOUTON
ROBERTA ANN NEIGHBORS
KATHLEEN D. RANEY
KAREN ANN RUSHFORD
ELIZABETH CAMPB SAVAGE
CHARLES ADAMS SHEELEY
CAROLYN JEAN SINGLETON
MARCIA KIMBERLEY SMITH
ALLISON SOWLES
NANCY ELIZABET WISEMAN
MICHAEL F. WOELKERS

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be lieutenant commander

SCOTT L. ACKLEY
TOBIAS JAY BACANER
ROBERT BALL
PHYLLIS H. BARR
KEITH F. BATTS
RICHARD M. BERGER
RUSSELL ELLEN BERNARDO
PETER C. BONDY
MARK A. BOYD
SUSAN H. BOYLE
MICHAEL D. BRANDNER
THOMAS P. BROWN
ROY C. BROWNLOW
DEBRA M. CARROLL
MICHAEL C. CAVALLARO
JOHN F. CENTONZE
JOHN M. CHANDLER
ROGER A. CLAUSNITZER
ROBERT GERARD CONNOLLY
JAMES L. COORSSEN
LOUIS A. DAMIANO
JOSEPH ALAN DAVIES
DAVID A. DERIEMER
RICHARD DOHODA
JOSEPH L. DONOVAN
RICHARD DUTTON
SCOTT D. FLINN
MARK J. GAETKE
PAUL E. GILLBANKS
GAIL I. GRESENS
MELVIN C. GUTERMUTH
CHARLES M. HAHN
PRISCILLA B. HANKINS
GLENN E. HANSEN
DOUGLAS G. HATTER
MICHAEL HAUK
ROBERT B. HEATON
EDWARD W. HESSEL
RICHARD A. JENSEN
HENRY BRUCE KAPLAN
THOMAS J. KIM
JAMES VANCE KIRBY
ROBERT H. LANDRY
MICHAEL LEE
ERIC B. LEFEVER
CHARLES RANDALL MARTIN
SHAWNO E. MAY
TIMOTHY S. MENEELY
STEPHEN WAYNE MUNDAY
ANDREW A. NELSON
DUANE NELSON
RICHARD C. OSMAN
JOHN J. PARKER
JOHN FREDERICK PERRI
STEPHEN R. PETERS
ROGER A. PIEPENBRINK
ROBERT J. PONEC
PATRICK L. QUINTAL
ERNEST F. RILLOS
GUY J. RUDIN
BLAKE F. SCHROEDER
CHRISTOPHER F. SIDFORD
NEAL S. SIMPSON
JOSEPH B. SLAKEY
MICHAEL R. TORRICELLI
MARK D. TURNER
WILLIAM C. WASSEL
MICHAEL A. WILSON
JOEL F. YELLAND
ADOLPH A. ZIMMERMAN

DENTAL CORPS OFFICERS

To be lieutenant commander

JOHN EUGENE BORJA
MARK V. COLAIANNI
MICHELE H. CROSS
STEVEN SAMUEL DANNA
JOSEPH ISRAEL GLIKSMAN
KATHLEEN SUSAN KENNY
DOUGLAS S. LEWIS
MARK JOHN MILANO
MICHAEL FRANCIS MILOS
RODNEY LEE MORROW
PHILIP J. RINAUDO
MICHAEL CHARLES ROYSE
KIMBERLY DIANE SAUER

MEDICAL SERVICE CORPS OFFICERS

To be lieutenant commander

BRITT CLARK BAYLES
JEAN A. BLANKS
TIMOTHY SCOTT S. BREIER
ROBERT ALAN BRYANT
ALBERT CHRI CARMICHAEL
THOMAS JEFFREY CHOHANY
ALBERT MICHAE CHURILLA
DANIEL GRIJA DOMINGUEZ
PATRICIA DUBOSELARDY
EUGENIO FERNANDEZ
VIRGINIA JONES FORREST
STEVEN LEE GRIFFITTS
WILLIAM MICH HENDERSON
WARREN WILLI JEDERBERG
CARL WAYNE KNAPP
KATHLEEN IRWIN KUJAWA
GREG ROBERT LOFTUS
TED MICHAEL LUCAS
JUSTIN CHRISTOPH MATUS
JAMES WARREN MITCHELL
JAMES PAUL NORTON
FREDERICK RO PATTERSON
JOHN ROGER POMERVILLE
EDITH YOLANDA POPPELL
CYNTHIA JANE PRICHARD
AMJAD MOHAMMAD QURESHI
ALAN JAY RUPRECHT, JR
DAVID YONEO SHIRAISHI
MARTHA M. SLAUGHTER
MARK CURTIS TAYLOR
CARL DEFLLIS WAMBLE
THOMAS JOSEPH WHEATON
STEVEN JEROME WINTER

NURSE CORPS OFFICERS

To be lieutenant commander

PAUL LOUIS ALBARES
KELLI TOPPING BAILEY
LORI ANN CARLSON
MARY PRICE CHADEAYNE
WILLIAM MICHAE CLAWSON
BRENDA KAY CONNELL
LISA JUNE COPPAGE
ROBERTA CORYELL CRANN
BRIAN STUART DAWSON
THERESE ROSE GILMORE
MARY IDA FOX GREENWOOD
ELLEN FRANCESICA JONES
KAREN M. JONES
JAMES WILLIA KISSINGER
KATHERINE MAR LOVELESS
LISA ANN LYONS
SARA MARIE MARKS
DEBORAH SUE MCCAIN
COLLEEN OHARA MCLARNON
WILLIAM TRACY MOCK
MARY ANN MURPHY
MATHEW DARRELL OFFE
GLYNDA SUE PETERS
REBECCA ANNE PHILLIPS
ELIZABETH MARI PRINTUP
EDNA ANN RAEL
CHERYL LYNN RUFF
BONNIE SUE SCOTT
LINDA FLORENCE SEXAUER
DIANE MARIE STRENN
DEBORAH FUNK TAPPEN
LOUISE MONI THERRIAULT
LYNDA ELIZABET WALTERS
TIMOTHY STEWAR WEHLING
RICHARD JOHN WESTPHAL
JOANNE FRANCES WIGLEY

SUPPLY CORPS OFFICERS

To be lieutenant commander

HARRY ARTHUR BARKO, JR
MICHAEL BERNARD BAUMANN
LAWRENCE ROBIN BROWN
MICHAEL RAY CAUDILL
DALE PATRICK COTTONGIM
JAMES DENNIS DAVIS
CURTIS LAMONT FIELDS
RAYMOND LEE GIBBONS
MICHAEL MAHLON GRAGEN
THEODORE ANDREW HLEBA, JR
RICHARD LEE HUNTOON
M. J. LANNI
WILLIAM CLARKE LYON
MICHAEL KEVIN MALONEY
JEREMIAH XAVIER MCENERNEY
JACK RUSSELL MOREHEAD
JOSEPH ANTHONY MORELLI
MICHAEL GARRETT OWEN
DAVID MILES PHILLIPS
DANIEL JOSEPH PROULX
RAYMOND EDWARD RHODES
MARK ZENAS RODGERS
BARBARA JEANNE SCHEIDT
RICHARD MATTHEW SIPPLE
DAVID ALAN SMITH
MARK GARY WEINSTEIN
UVA MERRILY Y. WELLS

CHAPLAIN CORPS OFFICERS

To be lieutenant commander

WENDY LEE BAUSMAN
MICHAEL RICHARD CRAIG
ROBERT LEE CRALL
JEROME VINCENT DILLON
LARRY PHILLIP FERRELL
JONATHAN MATTHEW FRUSTI
JOHN A. GALLE
STEPHEN THOMAS GRAGG
HENRY LAROSA HERNANDO
HOWARD FRANK HOLLEY
EMILIO MARRERO, JR

ROBERT P. MCCLANAHAN, JR
WILLIAM GENE PERDUE, JR
JOHNNY WILL PETTY POOLE
ROGER CHARLES RICHARDS
TERRY ALAN ROBERTSON
THOMAS ROBERT SMITH
JERRY ALLEN WADDELL
THOMAS EDWARD WEBB
OLRIC RICARDO WILKINS

CIVIL ENGINEER CORPS OFFICERS

To be lieutenant commander

STEPHEN RUSSELL BAIM
MICHAEL LAMAR BLOUNT
DAVID MICHAEL BURNES
MASON CRUM
JAMES GOGUE CRUZ
JOHN LEE DETTBARN, JR
RICHARD JACOB DIEFFENBACH
DAVID LOUIS FLEISCH
DAVID ALAN JARRELL
GREGORY SCOTT LANG
ROBERT WRIGHT MCDOWELL III
ERIC CHARLES MILNER
ROBERT HENRY MORRO, JR
STEVEN RAYMOND SCANLAN
KEVIN ROBERT SLATES

HOUSE OF REPRESENTATIVES—*Tuesday, January 5, 1993*

This being the day fixed by the 20th amendment of the Constitution for the annual meeting of the Congress of the United States, the Members-elect of the 103d Congress met in their Hall, and at 12 noon were called to order by the Clerk of the House of Representatives, the Honorable Donnald K. Anderson.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With gratefulness and praise, we give You thanks, O God, for this new day and for all the opportunities we have for doing the acts of justice and the deeds of compassion. We pray, gracious God, that we may be worthy of the high calling that has been given us and faithful to the responsibilities that are entrusted to us.

May Your blessing, O God, that is new every morning, be with us this day that we will be the people You would have us be and do those good things that honor You and serve all the people.

The Lord bless us and keep us.

The Lord make His face shine upon us and be gracious unto us.

The Lord lift up His countenance upon us and give us peace. Amen.

PLEDGE OF ALLEGIANCE

The CLERK. Will the Members-elect and their guests please rise and join with us in the Pledge of Allegiance.

The Clerk led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The CLERK. Representatives-elect, this is the day fixed by the 20th amendment to the Constitution and Public Law 102–475 for the meeting of the 103d Congress and, as the law directs, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 435 seats in the 103d Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

Without objection, the Representatives-elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1]

ALABAMA

Bevill
Browder
Cramer
Hilliard
Bachus
Callahan
Everett

ALASKA

Young

ARIZONA

Coppersmith
English
Pastor
Kolbe
Kyl
Stump

ARKANSAS

Lambert
Thornton
Dickey
Hutchinson

CALIFORNIA

Becerra
Beilenson
Berman
Brown
Condit
Dellums
Dixon
Dooley
Edwards
Eshoo
Fazio
Filner
Hamburg
Harman
Lantos
Lehman
Martinez
Matsui
Miller
Mineta
Panetta
Pelosi
Roybal-Allard
Schenk
Stark
Torres
Tucker
Waters
Waxman
Woolsey
Baker
Calvert
Cox
Cunningham
Doolittle
Dornan
Dreier
Gallegly
Herger
Horn
Huffington
Hunter
Kim
Lewis
McCandless
McKeon
Moorhead
Packard
Pombo
Rohrabacher
Royce
Thomas

COLORADO

Schroeder
Skaggs
Allard
Hefley
McInnis
Schaefer

CONNECTICUT

DeLauro
Gejdenson
Kennelly
Franks
Johnson
Shays

DELAWARE

Castle

FLORIDA

Bacchus
Brown
Deutsch
Gibbons
Hastings
Hutto
Johnston
Meek
Peterson
Thurman
Bilirakis
Canady
Diaz-Balart
Fowler
Goss
Lewis
McCollum
Mica
Miller
Ros-Lehtinen
Shaw
Stearns
Young

GEORGIA

Bishop
Darden
Deal
Johnson
Lewis
McKinney
Rowland
Collins
Gingrich
Kingston
Linder

HAWAII

Abercrombie
Mink

IDAHO

LaRocco
Crapo

ILLINOIS

Collins
Costello
Durbin
Evans
Gutierrez
Lipinski
Poshard
Reynolds
Rostenkowski
Sangmeister
Yates
Crane
Ewing
Fawell
Hastert
Hyde
Manzullo
Michel
Porter

INDIANA

Hamilton
Jacobs
Long
McCloskey
Roemer
Sharp
Visclosky
Burton
Buyer
Myers

IOWA

Smith
Grandy
Leach
Lightfoot
Nussle

KANSAS

Glickman
Slattery
Meyers
Roberts

KENTUCKY

Baesler
Barlow
Mazzoli
Natcher
Bunning
Rogers

LOUISIANA

Fields
Hayes
Jefferson
Tauzin
Baker
Livingston
McCrery

MAINE

Andrews
Snowe

MARYLAND

Cardin
Hoyer
Mfume
Wynn
Bartlett
Bentley
Gilchrest
Morella

MASSACHUSETTS

Frank
Kennedy
Markey
Meehan
Moakley
Neal
Olver
Studds
Blute
Torkildsen

MICHIGAN

Barcia
Bonior
Carr
Collins
Conyers
Dingell
Ford
Kildee
Levin
Stupak
Camp
Henry
Hoekstra
Knollenberg
Smith
Upton

MINNESOTA

Minge
Oberstar
Penny
Peterson
Sabo
Vento
Grams
Ramstad

MISSISSIPPI

Montgomery
Parker
Taylor
Whitten

MISSOURI

Clay
Danner
Gephardt
Skelton
Volkmer
Emerson
Hancock
Talent

MONTANA

Williams

NEBRASKA

Hoagland
Barrett
Bereuter

NEVADA

Bilbray
Vucanovich

NEW HAMPSHIRE

Swett
Zeliff

NEW JERSEY

Andrews
Hughes
Klein
Menendez
Pallone
Payne
Torricelli
Franks
Gallo
Roukema
Saxton
Smith
Zimmer

NEW MEXICO

Richardson
Schiff
Skeen

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

NEW YORK

Ackerman
Engel
Flake
Hinchey
Hochbrueckner
LaFalce
Lowey
Maloney
Manton
McNulty
Nadler
Owens
Rangel
Schumer
Serrano
Slaughter
Towns
Velazquez
Boehlert
Fish
Gilman
Houghton
King
Lazio
Levy
McHugh
Molinari
Paxon
Quinn
Solomon
Walsh

NORTH CAROLINA

Clayton
Hefner
Lancaster
Neal
Price
Rose
Valentine
Watt
Coble
McMillan
Taylor

NORTH DAKOTA

Pomeroy

OHIO

Applegate
Brown
Fingerhut
Hall
Kaptur
Mann
Sawyer
Stokes
Strickland
Traficant
Boehner
Gillmor
Gradison
Hobson
Hoke
Kasich
Oxley
Pryce
Regula

OKLAHOMA

Brewster
English
McCurdy
Synar
Inhofe
Istook

OREGON

DeFazio
Furse
Kopetski
Wyden
Smith

PENNSYLVANIA

Blackwell
Borski
Coyne
Foglietta
Holden
Kanjorski
Klink
Margolies-Mezvinsky
McHale
Murphy
Murtha
Clinger
Gekas
Goodling
Greenwood
McDade
Ridge
Santorum
Shuster
Walker
Weldon

RHODE ISLAND

Reed
Machtley

SOUTH CAROLINA

Clyburn
Derrick
Spratt
Inglis
Ravenel
Spence

SOUTH DAKOTA

Johnson

TENNESSEE

Clement
Cooper
Ford
Gordon
Lloyd
Tanner
Duncan
Quillen
Sundquist

TEXAS

Andrews
Brooks
Bryant
Chapman
Coleman
de la Garza
Edwards
Frost
Geren
Gonzalez
Green
Hall
Johnson, E.B.
Laughlin
Ortiz
Pickle
Sarpalius
Stenholm
Tejeda
Washington
Wilson
Archer
Armey
Barton
Bonilla
Combest
DeLay
Fields
Johnson, Sam
Smith

UTAH

Orton
Shepherd
Hansen

VERMONT

Sanders

VIRGINIA

Boucher
Byrne
Moran
Payne
Pickett
Scott
Sisisky
Bateman
Bliley
Goodlatte
Wolf

WASHINGTON

Cantwell
Dicks
Foley
Inslee
Kreidler
McDermott
Swift
Unsoeld
Dunn

WEST VIRGINIA

Mollohan
Rahall
Wise

WISCONSIN

Barrett
Kleczka
Obey
Gunderson
Klug
Petri
Roth
Sensenbrenner

WYOMING

Thomas

□ 1230

The CLERK. The quorum call discloses that 429 Representatives-elect have responded to their name. A quorum is present.

ANNOUNCEMENT BY THE CLERK

The CLERK. The Clerk will state that credentials, regular in form, have been received showing the election of the Honorable CARLOS ROMERO-BARCELO as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 1993; the election of the Honorable ELEANOR HOLMES NORTON as Delegate from the District of Columbia; the election of the Honorable RON DE LUGO as Delegate from the Virgin Islands; the election of the Honorable ENI F.H. FALEOMAVAEGA as Delegate from American Samoa; and the election of the Honorable ROBERT A. UNDERWOOD as Delegate from Guam.

ELECTION OF SPEAKER

The CLERK. The next order of business is the election of the Speaker of the House of Representatives for the 103d Congress.

Nominations are now in order.

The Clerk recognizes the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Clerk, as chairman of the Democratic caucus, I am directed by the unanimous vote of that caucus to present for election to the Office of the Speaker of the House of Representatives for the 103d Congress the name of the Honorable THOMAS S. FOLEY, a Representative-elect from the State of Washington.

The CLERK. The Clerk now recognizes the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Clerk, as chairman of the Republican conference, I am directed by the unanimous vote of that conference to present for election to the Office of the Speaker of the House of Representatives for the 103d Congress the name of the Honorable ROBERT H. MICHEL, a Representative-elect from the State of Illinois.

The CLERK. The Honorable THOMAS S. FOLEY, a Representative-elect from the State of Washington, and the Honorable ROBERT H. MICHEL, a Representative-elect from the State of Illinois, have been placed in nomination.

Are there any further nominations?

There being no further nominations, the Clerk will appoint tellers.

The Clerk appoints the gentleman from North Carolina [Mr. ROSE]; the gentleman from California [Mr. THOMAS]; the gentlewoman from Colorado [Mrs. SCHROEDER]; and the gentlewoman from Maine [Ms. SNOWE].

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 2]

FOLEY—255

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Espy
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Panetta
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders

Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

MICHEL—174

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Gradison
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—2

Foley
Michel

NOT VOTING—1

Applegate

□ 1240

The CLERK. The tellers agree in their tallies that the total number of votes cast is 431, of which the Honorable THOMAS S. FOLEY of the State of Washington has received 255 and the Honorable ROBERT H. MICHEL of the State of Illinois has received 174, with 2 voting "present".

Therefore, the Honorable THOMAS S. FOLEY of the State of Washington is duly elected Speaker of the House of Representatives for the 103d Congress, having received a majority of the votes cast.

The Clerk appoints the following committee to escort the Speaker-elect to the chair: The gentleman from Illinois [Mr. MICHEL]; the gentleman from Missouri [Mr. GEPHARDT]; the gentleman from Georgia [Mr. GINGRICH]; the gentleman from Michigan [Mr. BONIOR]; the gentleman from Maryland [Mr. HOYER]; the gentleman from Texas [Mr. ARMEY]; the gentleman from Washington [Mr. DICKS]; and the gentlewoman from Washington [Ms. DUNN].

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

□ 1330

The Doorkeeper announced the Speaker-elect of the House of Representatives of the 103d Congress, who was escorted to the chair by the committee of escort.

Mr. MICHEL. Mr. Speaker, my colleagues and guests of the House, as you know, the Speaker of the House is the third-highest elected official in our country and third in succession to the Presidency. It is, therefore, a very high honor to be chosen as your party's nominee for Speaker.

So my first obligation, pleasant one as it is, is to extend my thanks and appreciation to my Republican colleagues for the high honor that you accord me in being your nominee. And to you, Mr. Speaker, I congratulate you again, and if I may, I would like to make a couple of brief observations.

We welcome to the House the largest number of Members of the freshman class, 110, a 25-percent turnover of our membership, and in this Member's view, this large, talented freshman class is more than just a group of new Members. It is a commitment to renewal; it is a pledge of reform; it is a promise of hope for the House. But the freshman class cannot by itself bring about reform and renewal or responsiveness.

That is a task that must be undertaken by the entire House, the leadership of both parties, every faction, all ideologies, every single Member of this body. And for those of us who regard serving in this House as a high, noble calling, we have a special obligation to do our best to restore the American people's confidence in their legislative branch of government, and as the Republican leader, I pledge myself and all our Members to that end.

With a new Democratic President coming into office, the dynamics of power will change in this House. But basic principles must endure if we are to truly have a reformed and effective institution, and chief among these is the belief that the principle of minority rights is equal in dignity and in importance and in no way subservient to the principle of majority rule.

In conclusion, Mr. Speaker, let me just say that here we are participants in a ceremony of harmonious civility and comity. However, within an hour in the debate on the rules for this Congress, we will be forcefully opposing each other's views on a number of provisions, and those differing arguments will continue throughout this Congress on many issues. That is the way it is. That is what this body is all about.

But in every instance, ceremonial or political, mutual respect and personal good will should be at the heart of our endeavors.

So, Members-elect, I deem it a very high privilege and honor to present to the House the Speaker-elect of the 103d Congress, the distinguished gentleman from the great State of Washington, my dear friend, TOM FOLEY.

[Applause, the Members rising.]

Mr. FOLEY. Thank you very much, BOB MICHEL, and my thanks to this House for the honor of being allowed again to be Speaker in this coming Congress.

All of us, I think, share a sense of great respect for the distinguished Republican leader, BOB MICHEL, who has throughout his entire service reflected the best traditions of this House and has provided an example of patriotism, decency, and reasonable leadership in every year in which he has served. I deem it one of the great honors of my opportunity to be Speaker to serve again with the distinguished Republican leader, BOB MICHEL.

My first thoughts are those of gratitude and appreciation to the 600,000 constituents from eastern Washington who I have the honor to represent.

I think all of us share the view that the greatest honor that can come to us in our political careers and lifetimes is the opportunity to serve our fellow citizens as Representatives in Congress, the title we proudly hold in this body.

That does not diminish my great appreciation to each of you, to my wife, and to all who have served with me over these years and made it possible for me to stand before you today.

We are beginning a historic new Congress. As BOB MICHEL noted, we have a greater percentage of new Members than at any time since the end of World War II; 25 percent of our number are new to this body. They represent a better and more reflective representation of this country, of the peoples across this great Nation, than any other Congress in our history.

We can initially be very proud of that; but we also have a concern, all of us, I think, that the American people have signaled their impatience with the pace of reform and change that they expect this Congress to advance in the coming years. There is an impatience that we have not moved fast enough or effectively enough to deal with the national deficit; to deal with the fairness, advancement and growth of our economic system; to deal with the problems of our health system that still denies to millions of Americans adequate and affordable care, to provide educational opportunity for all of our citizens, to build our physical infrastructure, to reduce crime; and to attack the problems of drugs and other social ills.

□ 1340

This Congress will have a great challenge and a great opportunity in seeking to restore the confidence of the American people in the legislative branch and in its association with the new President, Bill Clinton.

We will have a new President but may I say with honesty and sincerity that I had and have great respect for the President of the United States, George Bush, and that I have sought in the time I have been Speaker to work with the President to advance the interests of our Nation.

As he leaves office, I think President Bush carries with him the great respect and gratitude of the American people.

As we welcome the new President, who has gone before the country with an agenda of change, with a program of dealing with the problems and ills of the Nation, we owe him, all of us, our best efforts and support.

During a meeting not too long ago with the joint bipartisan leadership, President-elect Clinton said that he wished to be a good partner with the Congress in dealing with all of the challenges that lay ahead. I responded, on your behalf, that the Congress would be a good partner with him in all of these efforts.

We have an opportunity, we have a challenge, and we are under the close scrutiny of the American people who, 2 years hence, will have their own opportunity to make their judgment on each one of us and on the work of this Congress.

Above me inscribed on the wall of this Chamber are the words of Webster. They may not be easy to read from where you are sitting, so permit me to read them to you.

The inscription says:

> Let us develop the resources of our land, call forth its great powers, build up its institutions, promote all of its great interests, and see whether we also, in our time and generation, may not perform something worthy to be remembered.

Let us, all of us, pledge today that when this Congress comes to an end 2 years hence we may all proudly say that we have done something worthy to be remembered.

I am now ready to take the oath of office. I ask the dean of the House of Representatives, the Honorable JAMIE L. WHITTEN of Mississippi, to administer the oath of office.

Mr. WHITTEN then administered the oath of office to Mr. FOLEY of Washington as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

(Applause, the Members rising.)

SWEARING IN OF MEMBERS

The SPEAKER. According to the precedent, the Chair will swear in all Members of the House at this time.

If the Members will rise, the Chair will now administer the oath of office.

The Members-elect and Delegates-elect and the Resident Commissioner-elect rose, and the Speaker administered the oath of office to them, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. The gentlemen and gentlewomen are now Members of the 103d Congress. Congratulations.

□ 1350

MAJORITY LEADER

Mr. HOYER. Mr. Speaker, as chairman of the Democratic caucus, I have been directed to report to the House that the Democratic Members have selected as majority leader the gentleman from Missouri, the Honorable RICHARD A. GEPHARDT.

MINORITY LEADER

Mr. ARMEY. Mr. Speaker, as chairman of the Republican conference, I am directed by that conference to officially notify the House that the gentleman from Illinois, the Honorable ROBERT H. MICHEL, has been selected as the minority leader of the House.

MAJORITY WHIP

Mr. HOYER. Mr. Speaker, as chairman of the Democratic caucus, I have been directed to report to the House that the Democratic Members have selected as majority whip the gentleman from Michigan, the Honorable DAVID E. BONIOR.

MINORITY WHIP

Mr. ARMEY. Mr. Speaker, as chairman of the Republican conference, I am directed by that conference to notify the House officially that the Republican Members have selected as our minority whip the gentleman from Georgia, the Honorable NEWT GINGRICH.

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, DOORKEEPER, AND CHAPLAIN

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (H. Res. 1) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1

Resolved, That Donnald K. Anderson, of the State of California, be, and he is hereby, chosen Clerk of the House of Representatives;

That Werner W. Brandt, of the Commonwealth of Virginia, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

That James T. Molloy, of the State of New York, be, and he is hereby, chosen Doorkeeper of the House of Representatives; and

That Reverend James David Ford, of the Commonwealth of Virginia, be, and he is hereby, chosen Chaplain of the House of Representatives.

Mr. ARMEY. Mr. Speaker, I have an amendment to the resolution, but before offering the amendment, I request that there be a division of the question on the resolution so that we may have a separate vote on the Chaplain.

The SPEAKER. The question will be divided.

The question is on agreeing to that portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

AMENDMENT OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Speaker, I offer an amendment to the remainder of the resolution offered by the gentleman from Maryland [Mr. HOYER].

The Clerk read as follows:

Amendment offered by Mr. ARMEY: That William R. Pitts, Jr., of the Commonwealth of Virginia, be, and he is hereby, chosen Clerk of the House of Representatives;

That Walter P. Kennedy, of the State of New Jersey, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives; and

That Ronald W. Lasch, of the Commonwealth of Virginia, be, and he is hereby, chosen Doorkeeper of the House of Representatives.

The SPEAKER. The question is on the amendment offered by the gentleman from Texas [Mr. ARMEY].

The amendment was rejected.

The SPEAKER. The question is on the remainder of the resolution offered by the gentleman from Maryland [Mr. HOYER].

The remainder of the resolution was agreed to.

The SPEAKER. Will the officers-elect present themselves in the well of the House.

The officers-elect presented themselves at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now officers of the House.

NOTIFICATION TO SENATE OF ORGANIZATION OF THE HOUSE

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (H. Res. 2) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2

Resolved, That the Senate be informed that a quorum of the House of Representatives has assembled; that Thomas S. Foley, a Representative from the State of Washington, has been elected Speaker; and Donnald K. Anderson, a citizen of the State of California, has been elected Clerk of the House of Representatives of the One Hundred Third Congress.

The resolution was agreed to.

COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (H. Res. 3) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 3

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from Illinois [Mr. MICHEL].

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. WHITTEN. Mr. Speaker, I offer a privileged resolution (H. Res. 4) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected Thomas S. Foley, a Representative from the State of Washington, Speaker; and Donnald K. Anderson, a citizen of the State of California, Clerk of the House of Representatives of the One Hundred Third Congress.

The resolution was agreed to.

RULES OF THE HOUSE

Mr. GEPHARDT. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

Mr. SOLOMON. Mr. Speaker, I have a preferential resolution at the desk involving a question of privileges of the House, and ask for its immediate consideration.

The SPEAKER. Prior to the adoption of the rules, the gentleman from Missouri [Mr. GEPHARDT] has offered a privileged resolution under the Constitution and the Chair, in his discretion, recognizes the gentleman from Missouri for that purpose.

The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That the Rules of the House of Representatives of the One Hundred Second Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Second Congress, are adopted as the Rules of the House of Representatives of the One Hundred Third Congress, with the following amendments to the standing rules, to wit:

(1) In clause 5(a) of rule I, strike "negative, if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one or more from each side of the question to tell the Members in the affirmative and negative; which being reported, he shall rise and state the decision. However, if" and insert in lieu thereof "negative. If".

(2) At the end of rule I add the following new clauses:

"11. There is established in the House of Representatives an office to be known as the Office of General Counsel for the purpose of providing legal assistance and representation to the House. Legal assistance and representation shall be provided without regard to political affiliation. The Office of General Counsel shall function pursuant to the direction of the Speaker, who shall consult with a Bipartisan Legal Advisory Group, which shall include the majority and minority leaderships. The Speaker shall appoint and set the annual rate of pay for employees of the Office of General Counsel.

"12. To suspend the business of the House for a short time when no question is pending before the House, the Speaker may declare a recess subject to the call of the Chair.".

(3) After rule V, insert the following new rule VI:

"RULE VI.

"ADMINISTRATIVE OFFICIALS.

"director of non-legislative and financial services

"1. (a) The Director of Non-legislative and Financial Services shall be appointed for a Congress by the Speaker, the majority leader, and the minority leader, acting jointly. The Director may be removed by the House or by the Speaker. The Director shall be paid at the same rate of basic pay as the elected officers of the House.

"(b) The Director of Non-legislative and Financial Services shall have extensive managerial and financial experience.

"(c) Subject to the policy direction and oversight of the Committee on House Administration, the Director shall have operational and financial responsibility for functions assigned by resolution of the House.

"(d) Subject to the policy direction and oversight of the Committee on House Administration, the Director shall develop employment standards that provide that all employment decisions for functions under the Director's supervision be made in accordance with the non-discrimination provisions of clause 9 of rule XLIII and of rule LI, without regard to political affiliation, and solely on the basis of fitness to perform the duties involved. No adverse personnel action may be taken by the Director without cause.

"(e) All positions under the Director shall be subject to the provisions of the House Employees Position Classification Act.

"office of inspector general

"2. (a) There is established an Office of Inspector General.

"(b) The Inspector General shall be appointed for a Congress by the Speaker, the majority leader, and the minority leader, acting jointly.

"(c) Subject to the policy direction and oversight of the Committee on House Administration, the Inspector General shall be responsible only for—

"(1) conducting periodic audits of the financial functions under the Director of Non-legislative and Financial Services, Clerk, Sergeant-at-Arms, and Doorkeeper;

"(2) informing the Director or other officer who is the subject of an audit of the results of that audit and suggesting appropriate curative actions;

"(3) notifying the Speaker, the majority leader, the minority leader, and the chairman and ranking minority party member of the Committee on House Administration in the case of any financial irregularity discovered in the course of carrying out responsibilities under this rule; and

"(4) submitting to the Speaker, the majority leader, the minority leader, and the chairman and ranking minority party member of the Committee on House Administration and to the Subcommittee on Administrative Oversight of the Committee on House Administration a report of each audit conducted under this rule.

"(d) The position of Inspector General, and all positions under the Inspector General, shall be subject to the provisions of the House Employees Position Classification Act.".

(4) Amend rule IX to read as follows:

"QUESTIONS OF PRIVILEGE.

"1. Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; and second, those affecting the rights, reputation, and conduct of Members, individually, in their representative capacity only.

"2. (a)(1) A resolution reported as a question of the privileges of the House, or offered from the floor by the majority leader or the minority leader as a question of the privileges of the House, or offered as privileged under clause 1, section 7, article I of the Constitution, shall have precedence of all other questions except motions to adjourn. A resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House shall have precedence of all other questions except motions to adjourn only at a time or place, designated by the Speaker, in the legislative schedule within two legislative days after the day on which the proponent announces to the House his intention to offer the resolution and the form of the resolution.

"(2) The time allotted for debate on a resolution offered from the floor as a question of the privileges of the House shall be equally divided between (A) the proponent of the resolution, and (B) the majority leader or the minority leader or a designee, as determined by the Speaker.

"(b) A question of personal privilege shall have precedence of all other questions except motions to adjourn.".

(5) In clause 1 of rule X—

(a) in paragraph (e)(1), strike the antepenultimate sentence;

(b) in paragraph (l), strike "Committee on Interior and Insular Affairs" and insert in lieu thereof "Committee on Natural Resources";

(c) in paragraph (q), strike "(3)";

(d) in paragraph (r)(2) strike "Bureau of Standards" and insert in lieu thereof "National Institute of Standards and Technology";

(e) in paragraph (r)(4) strike "Aeronautics and"; and

(f) redesignate paragraphs (l), (m), and (n) as (n), (l), and (m), respectively.

(6) In clause 3 of rule X—

(a) in paragraph (e), strike "Committee on Interior and Insular Affairs" and insert in lieu thereof "Committee on Natural Resources"; and

(b) in paragraph (j), amend subparagraph (3) to read as follows:

"(3) The Speaker, the majority leader, the minority leader, and the chairman and ranking minority party member of the Committee on House Administration shall be informed by the chairman of the subcommittee of any matter that, by reason of a tie vote, cannot be resolved by the subcommittee.".

(7) In clause 6 of rule X—

(a) in paragraph (f), insert after the first sentence the following: "At any time after an original appointment, the Speaker may remove Members or appoint additional Members to select and conference committees";

(b) in paragraph (h), strike "that is considering legislation reported from a committee on which they serve"; and

(c) strike paragraph (i).

(8) In clause 2 of rule XI—

(a) in paragraph (i)—

(i) strike "during five-minute rule and" from the caption;

(ii) strike subparagraph (1); and

(iii) strike the designation of the remaining text as subparagraph (2);

(b) in paragraph (l)(2)(A), strike "present." and insert in lieu thereof "present, which shall be deemed the case if the records of the committee establish that a majority of the committee responded on a rollcall vote on that question. No point of order shall lie with respect to a measure or recommendation on the ground that it was reported without a majority of the committee actually present unless such point of order was timely made in committee."; and

(c) in paragraph (l)(3), strike "committee (A) shall include the oversight findings" and insert in lieu thereof "committee shall include (A) the oversight findings".

(9) Amend rule XII to read as follows:

"RESIDENT COMMISSIONER AND DELEGATES.

"1. The Resident Commissioner to the United States from Puerto Rico and each Delegate to the House shall be elected to serve on standing committees in the same manner as Members of the House and shall possess in such committees the same powers and privileges as the other Members.

"2. In a Committee of the Whole House on the state of the Union, the Resident Commissioner to the United States from Puerto Rico and each Delegate to the House shall possess the same powers and privileges as Members of the House.".

(10) In clause 5 of rule XIII, strike "clause 4 of rule XXVII" and insert in lieu thereof "clause 3 of rule XXVII".

(11) In clause 5 of rule XV—

(a) insert "(a)" before the first sentence;

(b) strike the last two sentences; and

(c) add the following new paragraph at the end:

"(b) The Speaker may, in his discretion, reduce to not less than five minutes the time within which a rollcall vote by electronic device may be taken—

"(1) after a rollcall vote has been ordered on a motion for the previous question on a resolution reported by the Committee on Rules providing a special order of business, on the question of adoption of such resolution, if the question of adoption follows without intervening business the vote on the motion for the previous question;

"(2) after a rollcall vote has been ordered on an amendment reported from the Committee of the Whole House on the state of the Union, on any subsequent amendment to that bill or resolution reported from the Committee of the Whole; or

"(3) after a rollcall vote has been ordered on a motion to recommit a bill, resolution, or conference report thereon, on the question of passage or adoption, as the case may be, of such bill, resolution, or conference report thereon, if the question of passage or adoption follows without intervening business the vote on the motion to recommit.".

(12) In rule XXI, strike clause 8.

(13) In clause 1(a) of rule XXIII, insert "Member, Resident Commissioner, or Delegate as" before "Chairman".

(14) At the end of clause 2 of rule XXIII, add the following new paragraph:

"(d) Whenever a recorded vote on any question has been decided by a margin within which the votes cast by the Delegates and the Resident Commissioner have been decisive, the Committee of the Whole shall automatically rise and the Speaker shall put that question de novo without intervening debate or other business. Upon the announcement of the vote on that question, the Committee of the Whole shall resume its sitting without intervening motion.".

(15) In clause 1(c) of rule XXVIII, strike "(but only on the day after the calendar day on which the Member making the motion announces to the House his intention to do so and the form of the motion)" and insert in lieu thereof "(but in either case only at a time or place designated by the Speaker in the legislative schedule of the day after the calendar day on which the Member offering the motion announces to the House his intention to do so and the form of the motion)".

(16) In clause 2(b) of rule XXVIII, insert "(1)" after "(b)" and add the following new subparagraph at the end:

"(2) During consideration of such an amendment to a general appropriation bill, if the original motion offered by the floor manager proposes to change existing law, then pending such original motion and before debate thereon one motion to insist on disagreement to the amendment proposed by the Senate shall be preferential to any other motion to dispose of that amendment if offered by the chairman of a committee having jurisdiction of the subject matter of the amendment or by a designee. Such a preferential motion shall be separately debatable for one hour equally divided between its proponent and the proponent of the original motion. The previous question shall be considered as ordered on such a preferential motion to its adoption without intervening motion.".

(17) Amend rule XXX to read as follows:

"USE OF EXHIBITS.

"When the use of any exhibit in debate is objected to by any Member, it shall be determined without debate by a vote of the House."

(18) In rule XLVI, amend clause 4 to read as follows:

"4. A Member may not send any mass mailing outside the congressional district from which the Member was elected.".

(19) Amend rule LI to read as follows:

"EMPLOYMENT PRACTICES.

"1. The Committee on House Administration shall have authority to issue rules and regulations applying the rights and protections of the Fair Labor Standards Act in the House, including, but not limited to, determination of exemption categories, permitting the use of compensatory time as compensation under the maximum work week provisions of the Act, describing the recordkeeping requirements and providing that such recordkeeping provisions do not apply with respect to employees exempted pursuant to the Committee's Rules and Regulations.

"nondiscrimination in employment

"2. (a) Personnel actions affecting employment positions in the House of Representatives shall be made free from discrimination based on race, color, national origin, religion, sex (including marital or parental status), disability, or age.

"(b) Interpretations under paragraph (a) shall reflect the principles of current law, as generally applicable to employment.

"(c) Paragraph (a) does not prohibit the taking into consideration of—

"(1) the domicile of an individual with respect to a position under the clerk-hire allowance; or

"(2) the political affiliation of an individual with respect to a position under the clerk-hire allowance or a position on the staff of a committee or a position under all support offices, except as otherwise stated in the Rules of the House of Representatives.

"procedure

"3. The procedure for consideration of alleged violations of clause 2 consists of three steps as follows:

"(a) step I, Counseling and Mediation, as set forth in clause 5;

"(b) step II, Formal Complaint, Hearing, and Review by the Office of Fair Employment Practices, as set forth in clause 6; and

"(c) step III, Final Review by Review Panel, as set forth in clause 7.

"office of fair employment practices

"4. There is established an Office of Fair Employment Practices (hereafter in this rule referred to as the "Office"), which shall carry out functions assigned under this rule. Employees and Hearing Officers of the Office shall be appointed by, and serve at the pleasure of, the Chairman and the ranking minority party member of the Committee on House Administration, acting jointly, and shall be under the administrative direction of the Clerk of the House of Representatives. The Office shall be located in the District of Columbia.

"step i: counseling and mediation

"5. (a) An individual aggrieved by an alleged violation of clause 2 may request counseling by counselors in the Office, who shall provide information with respect to rights and related matters under that clause. A request for counseling shall be made not later than one hundred and eighty days after the alleged violation and may be oral or written, at the option of the individual. The period for counseling is thirty days, unless the employee and the Office agree to reduce the time period. The Office may not notify the employing authority of the counseling before the beginning of mediation or the filing of a formal complaint, whichever occurs first.

"(b) If, after counseling, the individual desires to proceed, the Office shall attempt to resolve the alleged violation through mediation between the individual and the employing authority.

"step ii: formal complaint, hearing, and review by the office of fair employment practices

"6. (a) Not later than thirty days after the end of the counseling period, the individual may file a formal complaint with the Office. Not later than ten days after filing the formal complaint, the individual may file with the Office a written request for a hearing on the complaint.

"(b) The hearing shall be conducted—

"(1) not later than forty days after filing of the written request under paragraph (a);

"(2) on the record by a Hearing Officer of the Office appointed under the procedures set forth in clause 4; and

"(3) to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 555 and 556 of title 5, United States Code.

"(c) Not later than thirty days after the hearing, the Office shall issue a written decision to the parties. The decision shall clearly state the issues raised by the complaint, and shall contain a determination as to whether a violation of clause 2 has occurred.

"step iii: final review by review panel

"7. (a) In General. Not later than twenty days after issuance of the decision under clause 6, any party may seek formal review of the decision by filing a written request with the Office. The formal review shall be conducted by a panel constituted at the beginning of each Congress and composed of—

"(1) two elected officers or employees of the House of Representatives, appointed by the Speaker;

"(2) two employees of the House of Representatives appointed by the minority leader of the House of Representatives;

"(3) two members of the Committee on House Administration (one of whom shall be appointed as chairman of the panel), appointed by the Chairman of that Committee; and

"(4) two members of the Committee on House Administration, appointed by the ranking minority party member of that Committee.

If any member of the panel withdraws from a particular review, the appointing authority for such member shall appoint another officer, employee, or Member of the House of Representatives, as the case may be, to be a temporary member of the panel for purposes of that review only.

"(b) The review under this clause shall consist of a hearing (conducted in the manner described in clause 6(b)(3)), if such hearing is considered necessary by the panel, and an examination of the record, together with any statements or other documents the panel deems appropriate. A tie vote by the panel is an affirmation of the decision of the Office. The panel shall complete the review and submit a written decision to the parties and to the Committee on House Administration not later than sixty days after filing of the request under paragraph (a), except that when the House has adjourned sine die, in which case an extension of up to sixty additional days is authorized.

"resolution by agreement

"8. If, after a formal complaint is filed under clause 6, the parties resolve the issues involved, the parties shall enter into a written agreement, which shall be effective—

"(1) in the case of a matter under review by the Office under clause 6, if approved by the Office; and

"(2) in the case of a matter under review by a panel under clause 7, if approved by the panel.

"remedies

"9. The Office or a review panel, as the case may be, may order one or more of the following remedies:

"(a) monetary compensation, to be paid from the clerk-hire allowance of a Member, or from personnel finds of a committee of the House or other entity, as appropriate;

"(b) monetary compensation, to be paid from the contingent fund of the House of Representatives;

"(c) injunctive relief;

"(d) costs and attorney fees; and

"(e) employment, reinstatement to employment, or promotion (with or without back pay).

"costs of attending hearings

"10. An individual with respect to whom a hearing is held under this rule shall be reimbursed for actual and reasonable costs of attending the hearing, if the individual resides outside the location of the hearing. Witnesses required to attend the hearings by the Hearing Officer as necessary to a fair and justiciable hearing shall be reimbursed for actual and reasonable costs of attending the hearing if they reside outside the location of the hearing. Expenses are to be paid from the contingent fund of the House of Representatives.

"prohibition of intimidation

"11. Any intimidation of, or reprisal against, any person by an employing authority because of the exercise of a right under this rule is a violation of clause 2.

"closed hearings and confidentiality

"12. All hearings under this rule shall be closed. All information relating to any procedure under this rule is confidential, except that a decision of the Office under clause 6 or a decision of a review panel under clause 7 shall be published, if the decision constitutes a final disposition of the matter.

"exclusivity of procedures and remedies

"13. The procedures and remedies under this rule are exclusive except to the extent that the Rules of the House of Representatives and the Rules of the House Committee on Standards of Official Conduct provide for additional procedures and remedies.

"requests for witnesses and information

"14. The Office of Fair Employment Practices and the Fair Employment Practices Review Panel may issue, and the addressees shall comply with, written requests for the production of documents and the attendance of witnesses, if such requests are necessary and relevant to the proper examination of the issues.

"internal procedures for resolution of possible violations

"15. It is the policy of the House of Representatives to encourage each employing authority to establish internal procedures for examining and resolving possible violations of this rule. To the greatest extent practicable, the Office of Fair Employment Practices shall take such action (consistent with the rights of the parties) as may be necessary to encourage initial use of such procedures.

"definitions

"16. As used in this rule—

"(a) the term "employment position" means, with respect to the House of Representatives, a position the pay for which is disbursed by the Clerk of the House of Representatives, or other official designated by the House of Representatives, and any employment position in a legislative service organization or other entity that is paid through funds derived from the clerk-hire allowance;

"(b) the term "employing authority" means, the Member of the House of Representatives or elected officer of the House of Representatives, or the Director of the Congressional Budget Office, with the power to appoint the employee;

"(c) the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress; and

"(d) the term "elected officer of the House of Representatives"'means an elected officer of the House of Representatives (other than the Speaker and the Chaplain).".

(20) Strike rules LII and LIII.

□ 1400

Mr. GEPHARDT (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I was looking for a copy of the final resolution that is before us. I have just been handed House Resolution 00, dated January 00, 1993.

Mr. Speaker, is this the final resolution?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I would assume that the Clerk has the resolution available.

Mr. SOLOMON. Further reserving the right to object, Mr. Speaker, we were given earlier a change dealing with the Delegate voting, and that is incorporated in this copy; is that correct?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, that is correct.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. WALKER. Mr. Speaker, reserving the right to object, we have not really had a chance to review this.

As I understand, Mr. Speaker, we have just been delivered these rules moments ago, we have not seen them, and I understand there were changes made earlier today in the caucus. We have a copy here of one change that was made with regard to the Delegate issue. Is that the only change made by the caucus this morning?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, that is correct.

Mr. WALKER. That is correct, and so virtually everything else in the package is exactly the same as it has been discussed before, with the exception of the Delegate issue, and that is in this package in the modified form from this morning; is that right?

Mr. GEPHARDT. That is correct.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 1 hour.

Mr. GEPHARDT. For purposes of debate only, Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. SOLOMON].

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, I have a motion to refer at the desk, and I am seeking to be recognized for that purpose.

The SPEAKER. A motion to refer the resolution would be an appropriate motion.

MOTION TO REFER OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SOLOMON moves to refer the resolution to a select committee of five members, to be appointed by the Speaker, not more than three of whom shall be from the same political party, with instructions not to report back the same until it has conducted a full and complete study of, and made a determination on, the constitutionality of those provisions which would grant voting rights in the Committee of the Whole to the Resident Commissioner from Puerto Rico and the Delegates from American Samoa, the District of Columbia, Guam and the Virgin Islands.

MOTION TO TABLE OFFERED BY MR. GEPHARDT

Mr. GEPHARDT. Mr. Speaker, I offer a motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. GEPHARDT moves to lay on the table the motion to refer.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT] to lay on the table the motion to refer offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 176, not voting 31, as follows:

[Roll No. 3]

YEAS—224

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Clay
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Edwards (CA)
Edwards (TX)
Engel
English (OK)
Eshoo
Espy
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Green
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hoagland
Hochbrueckner
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Markey
Martinez
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Panetta
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—176

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Frank (MA)
Franks (CT)
Gallegly
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Gradison
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—31

Andrews (NJ)
Barcia
Carr
Chapman
Clayton
Clement
Durbin
English (AZ)
Franks (NJ)
Gallo
Gilchrest
Gordon
Gutierrez
Henry
Hinchey
Hoke
Holden
Johnson (GA)
King
Levy

Margolies-Mezvinsk
Matsui
Menendez
Miller (FL)
Pickett
Reynolds
Saxton
Torres
Torricelli
Tucker
Waxman

□ 1426

Messrs. SMITH of Oregon, JOHNSON of South Dakota, and FRANK of Massachusetts changed their vote from "yea" to "nay."

Messrs. MANTON, GREEN of Texas, VENTO, PALLONE, DEUTSCH, and PETERSON of Florida changed their vote from "nay" to "yea."

So the motion to table the motion to refer was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. GEPHARDT. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER], and I yield 30 minutes to the gentleman from New York [Mr. SOLOMON], on behalf of the minority.

The SPEAKER. The Chair recognizes the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 5 contains changes to the Rules of the House of Representatives recommended for inclusion in the rules of the House for the 103d Congress. I would like to take a few minutes to briefly summarize the proposed changes in the resolution.

But first, I would like to thank those who have worked diligently over the better part of 2 years to develop this reform package. Combined with changes adopted by the Democratic caucus in December, these proposals are designed to make the House, its committees, and Members work more efficiently and effectively. We believe that they are a major step in the right direction. We also look forward to the report of the Joint Committee on the Organization of Congress for additional recommendations.

The first amendment in House Resolution 5 would delete from the rules the archaic procedures of teller votes. Teller votes are a remnant of earlier days of the House, particularly before recorded votes were allowed in the Committee of the Whole. This rule change would in no way affect the use of tellers or other means of voting in the event of a breakdown of the electronic voting system and fully protects a Member's right to question the Chair's determination of the outcome of a voice vote.

The second amendment would add two new clauses to House Rule I, duties of the Speaker. The first would implement a requirement of House Resolution 423, the House Administrative Reform Resolution of 1992, to establish an office of General Counsel. The Office would be independent and perform its duties on a totally professional and nonpartisan basis.

Currently, at the end of the session, the Speaker by special rule is often given the authority to declare recesses subject to the call of the Chair. This allows some flexibility when the next order of business is not ready for floor action. The second clause to be added to House rule I would give the Speaker the flexibility to declare short recesses throughout the session when no question is pending before the House.

The third amendment recodifies current rules LII and LIII as a new rule VI. With respect to those nonlegislative functions which have been, or are to be, transferred to the Director of Non-Legislative and Financial Service by the Committee on House Administration, including those specifically identified by the House in House Resolution 423 of the 102d Congress, it is the intent of the changes in House rules adopted pursuant to that resolution and incorporated in this resolution, House Resolution 5, that the employee positions that correspond to those functions should be treated by the committee and by the Director in the same fashion under the House Employee Position Classification Act as they would have been treated if they remained under the direction of the Officers of the House from whom these functions were transferred.

The next amendment makes changes in House consideration of question of privileges of the House to ensure that all points of view are heard on the resolutions and to allow for scheduling debate on such resolutions so as not to unnecessarily disrupt the House's scheduled legislative business.

Floor time on resolutions concerning the privileges of the House would be divided between the proponent of the motion and the leadership of the party in opposition to the motion as determined by the Speaker. The amendment would require notice of the resolution and require the Speaker to schedule consideration of the resolution within 2 legislative days. An exception to this general procedure would be that the minority or majority leader could personally offer a resolution as a question of the privileges of the Houses at any time in order to deal with serious problems regarding the integrity of the House which require immediate attention.

The proposed amendment would not change the precedence of resolutions reported by the Official Standards Committee as a question of the privileges of the House, blue-slip resolutions, or questions of personal privileges.

The fifth amendment would rename the Committee on Interior and Insular Affairs as the Committee on Natural Resources. It would also make a series of technical and conforming changes in clause 1 of rule X including deleting an obsolete provision relating to the tenure of the ranking minority member of the Budget Committee and updating references to executive branch entities.

The Speaker and the chairman and ranking member of the House Administration Committee have agreed upon amendment 6 to provide for the application of the standard parliamentary procedure regarding tie votes in the bipartisan Subcommittee on Administrative Oversight. The proposed amendment would retain the current notification requirements to the Speaker, majority leader, minority leader, and House Administration chair and ranking member whenever a matter cannot be resolved because of a tie vote in the subcommittee.

□ 1430

It is currently within the discretion of the Speaker to appoint members to conference committees and select committees. Amendment seven would give the Speaker the authority to remove members or add additional members to those committees.

Mr. WALKER. Mr. Speaker, would the gentlewoman yield on that point?

Ms. SLAUGHTER. Mr. Speaker, I would be happy later, if I could do it on the gentleman's time. I would like to finish my statement first, since we are limited.

Mr. WALKER. So we are not going to have a discussion of the rules?

Ms. SLAUGHTER. I would like to finish my statement first, if I may.

Current House rules allow the Speaker to appoint delegates and the Resident Commissioner only to conference committees on legislation reported from committees on which they serve. Amendment seven would also allow the Speaker to appoint the Resident Commissioner and the delegates to any conference committee.

The final portion of amendment seven would repeal the provision providing permanent authorization for the Select Committee on Aging.

Amendment eight includes two provisions to help committees work more productively. The first would eliminate the limitation on committees meeting while the House is sitting under the 5-minute amendment rule. This change should give committees more flexibility in scheduling meetings to avoid interruptions and ensure the presence of a quorum.

The second provision provides that on a rollcall vote by a committee to report a bill, the records of the committee are dispositive with respect to the question of whether a quorum was present. With regard to measures reported by unanimous consent or voice votes, the provision would prohibit a point of order on the House floor asserting the absence of a reporting quorum unless the point of order was timely made in committee.

Amendment nine would revise House rule XII dealing with the status of Delegates and the Resident Commissioner. The revised text would consolidate the existing two clauses into one and add a new clause providing that the Delegates and Resident Commissioner would exercise the same powers and privileges as Members in the Committee of the Whole.

The Delegates and the Resident Commissioners represent 4.6 million Americans who now have no voting representation in the House other than in the standing committees on which their Members serve. This lack of representation is undemocratic. This amendment would allow these Americans to be represented in the preliminary decisions of the House through votes in the Committee of the Whole.

Amendment 10 would merely correct a reference to a redesignated rule.

Amendment 11 would add to the list of occasions when the Speaker has the discretion if recorded votes follow one after another to reduce the time for Members to vote from 15 to 5 minutes on votes after the first vote.

This proposed change would add an additional such situation to the list: A recorded vote on the rule after there has been a recorded vote on the previous question on the rule. This reduction in voting time can only occur when there has been no intervening business between the votes. The rationale is to expedite the business of the House by reducing the total minimum time for the two successive votes from 30 to 20 minutes.

Amendment 12 would strike clause 8 of rule XXI which states that a CBO cost estimate must be included in the text of any measure increasing, decreasing, or providing direct spending or receipts. Clause 8 of rule XXI proved to be difficult to implement; its repeal leaves in place the requirement, in House rules and the Budget Act, that whenever a committee reports a spending or revenue measure, a CBO cost estimate must be included in the accompanying report.

The next amendment would insert language in clause 1(a) of rule XXIII specifically authorizing a Delegate or Resident Commissioner to preside over the Committee of the Whole. While the current rule does not bar a Delegate or Resident Commissioner from presiding over the Committee of the Whole, in practice none ever has. The amendment would have the effect of overriding the previous tradition against appointing them.

Amendment 14 would allow the House to review all decisions of the Committee of the Whole on which the votes of the Resident Commissioner and the Delegates were decisive. This amendment would provide for an automatic de novo vote in the full House whenever the Delegate and Resident Commissioner votes were determinative of the margin. This rules change will ensure that Members' rights will not be affected by giving the Delegates and the Resident Commissioner the right to vote in the Committee of the Whole.

Amendment 15 extends the current 1-day notice requirement for motions to instruct to the motion to discharge conferees and to appoint new conferees. In addition, the proposal would clarify that the Speaker has the authority to designate the time in the legislative schedule of the next day when these motions will be considered by the House.

The next amendment is designed to address the problem of Senate amendments to appropriations bills which contain legislative language. If an amendment in technical disagreement to an appropriations bill conference report proposes to change existing law, then a motion to insist on disagreement to the amendment shall have preference, if made by the chairman of a committee having jurisdiction over the subject matter of the amendment. The motion would be debated for 1 hour divided between its proponent and the proponents of the original motion to dispose of the amendment. It is hoped that this procedure will both deter and allow the House to better consider Senate legislative language in appropriations bills.

Amendment 17 would strike the ability to vote on whether a Member may read from papers while retaining the House's ability to prohibit the use of inappropriate exhibits. The original rule has become obsolete as modern practice provided other means to limit debate. However, under the proposed language the House would retain the right to vote on granting its consent for the use of an exhibit to which a Member objects.

Amendment 18 would conform House rules to the franking provisions adopted in Public Law 102-392, legislative branch appropriations for fiscal year 1993, which bars mass mailing under the congressional frank to areas outside the district from which the Member was elected.

The penultimate amendment codifies in House rules rather than by reference the House Fair Employment Practices Resolution. The amendment also includes some changes in the way the Office of Fair Employment Practice operates, incorporating suggestions from Members who have served on the review panel.

Finally, Mr. Speaker, the last amendment would strike rules LII and LIII which have been recodified as rule VI.

Mr. Speaker, I urge adoption of this package of rule changes. As a group they will allow the House to operate more effectively and productively. At the same time they protect the rights and privileges of all House Members.

In order for Members to fully understand the large number of amendments incorporated into the resolution, I prefer to complete my full explanatory statement before answering questions. I certainly will remain on the floor should the gentleman or gentlewoman wish to pose questions on his or her own time.

Mr. SOLOMON. Mr. Speaker, I wonder if, before yielding time, I might just ask the majority leader if he would engage in a brief colloquy.

Mr. GEPHARDT. Mr. Speaker, I would say to the gentleman, yes, certainly I will.

Mr. SOLOMON. I would just say to my good friend, the majority leader, we do see the only change in the Democrat caucus referral to this resolution, but since we have received it, we have received questions from an overwhelming number of our freshman Members, and we have 47 on this side, and I think the gentleman has almost as many, and 30 minutes of debate on this side just does not allow time for the Members to ask the questions or to be heard.

□ 1440

It is possible to extend the debate for 30 minutes with 15 minutes allotted to each side, which would give us 45 minutes of debate time?

Mr. GEPHARDT. I have no objection, Mr. Speaker.

Mr. SOLOMON. Since the gentleman yielded for debate purposes only, I wonder if he would make that unanimous-consent request. We certainly would appreciate it.

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that there be 15 minutes of additional time allotted to each side.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I would like to just briefly read some headlines that have appeared across this country in recent days. "The Democrats' Greedy Power Grab." "Have the House Democrats No Shame?" "The Democrats's First Order of Business is a Power Grab That Short-Circuits the Constitution." "Fodder for the Trough of Power," and it goes on and on. Who wrote these articles? They appeared as editorials in the New York Times, USA Today, and the Chicago Tribune, by syndicated columnists David Broder, George Wills, and distinguished constitutional lawyers such as Bruce Fein.

Mr. Speaker, I want to welcome my colleagues and America to our biennial exercise in futility when we are supposed to be debating and voting on rules that will guide this House and its committees for the next 2 years.

And yet, with only 1½ hours of debate, and no opportunities for amendments, this is a futile exercise, not only for the Republican minority but, ladies and gentlemen, for new Democrats who would like to better understand our rules and change them for the better like they campaigned for out there.

More importantly, this exercise symbolizes the futility that the American people feel about their government, about their Congress, and about their House of Representatives.

The American people thought last November they were voting for a change. Where is it? Instead, on this opening day of the new Congress, the only change that they are getting is being shortchanged by those editorial headlines they just heard.

My Democratic colleagues, you had a golden opportunity in this resolution today to reform this House, but you blew it. You were bought off by a promise to consider further reforms in 60 days, or maybe by a joint committee, or maybe never. What happens if you never get the opportunity for the next 2 years?

What have you brought us instead? You want to dilute your own votes by giving non-Member delegates representing non-taxpayers the right to raise American taxes to decide how that money is spent.

You want to permit your committees to sit while the House is considering amendments to important legislation on this floor.

You want to allow your committee chairmen to report bills without a majority of your members even being present at those meetings, using so-called rolling quorums or drop-by voting. You know, if you feel like it, come by an cast a vote. Otherwise we will just pass it anyway.

You want to give the Speaker authority to remove Members from a conference committee without House approval as is now required. In other words, if you are not a yes man, the Speaker will just pluck you off that conference.

What is going on around here? You want to permit the Speaker to delay for up to 2 days debates and votes on important questions of privilege involving House scandals, and how to deal with them, and God knows we have had enough of that around here.

My colleagues, this is not reform. This is business as usual, only worse. I am embarrassed to stand up here right now.

Mr. Speaker, on our side we have a Republican substitute which has had no publicity whatsoever and will have no debate on this floor. It is called a mandate for change in the People's House. It is a special, comprehensive, 48-point plan to address real weaknesses of this House and reform this place so that you and I can be proud of it.

But we will not even be able to offer it or debate it or vote on it. Democrats have already been instructed, and Members saw the last vote, to block consideration of our package on a procedural vote. For shame, for shame, for shame.

Welcome to the Democrat version of democracy. To paraphrase one of our founders, "Here, sir, the people don't rule."

I would urge my colleagues to vote down this previous question coming soon so that we can at least offer our substitute in a fair and open debate so that the American people can see it, and hear it. Failing that, vote for our motion to commit. Please listen to this. Vote for our motion to commit to put term limits on committee chairmen and ranking Republican minority members.

What kind of a message will that send to the American people? They would love it. And then delete this egregious delegate voting provision that would allow non-Members of Congress who pay no Federal income taxes to cast votes to raise taxes on the rest of the American people.

New Members of Congress, wherever you are at your receptions out there, this is one of those issues that will come back to bite you in the seat of the pants, and your political careers could come to an end. I want you to think about that, and I want you to do what is right for this institution.

We love it. Let us make it something we can be proud of.

Mr. Speaker, I include for the RECORD extraneous material on this issue, as follows:

[From The New York Times, Dec. 29, 1992]

HAVE THE HOUSE DEMOCRATS NO SHAME?

House Democrats have just awarded themselves five more votes. Unfazed by the crying need for Congressional reform, the Democratic caucus proposes to let non-voting delegates vote on the House floor. All five are, of course, Democrats.

Embarrassed by criticism of their greedy grab, the Democrats may try to water it down when the new Congress meets to adopt rules. But that's no answer. This maneuver is nothing but shameless political tyranny.

The Constitution says the House shall be composed of "Members chosen . . . by the People of the several States." Delegates aren't members, and the places they represent—the District of Columbia, Puerto Rico, Guam, the Virgin Islands and American Samoa—aren't states.

Delegates are already permitted to vote in House committees; now the Democrats would let them vote in the Committee of the Whole. That's when the whole House sits as a "committee" and does most of its work on legislation.

The Republicans are justifiably furious, and want to take the issue to court. They have good ammunition. For example: Whatever happened to one person one vote? For the most part, each member represents about 520,000 constituents, but the Virgin Islands' delegate has only 95,000 while Puerto Rico's has 3.5 million.

In 1970, Representative Thomas Foley—now Speaker—said "it is very clear . . . that a constitutional amendment would be required to give [delegates] a vote in the Committee of the Whole, or in the full House." What changed his mind? Very likely the mounting pressure to make Washington D.C. a state. Failing to deliver on statehood, the Democrats offer a half-measure that gives the D.C. delegate more clout—and gives the other four delegates the same because it would be politically awkward to leave them out.

All of which adds up to an outrageous power play, as if an 80-plus majority weren't enough for absolute control. It is a distressing sign that the leadership hasn't the slightest clue that people are fed up with Washington's business as usual.

[From the Chicago Tribune, Dec. 30, 1992]

THE DEMOCRATS' GREEDY POWER GRAB

American voters trimmed the sails of the Democratic congressional leadership just a bit last month, reducing the party's House majority by 10 votes. Now the Democrats have concocted a little scheme to cut their losses in half.

The Democrats have given preliminary approval to rules changes that would give almost complete voting privileges to five congressional delegates who represent the District of Columbia and the territories of Guam, American Samoa, the Virgin Islands and Puerto Rico. The five are Democrats.

This amounts to a blatant end-run around the Constitution, which allows full voting status only to the representatives of the states. The delegates are accorded floor privileges and allowed to vote in committees. But under the rules change, the provision for committee voting privileges would be extended to the Committee of the Whole, under which most substantive business of the entire House is conducted.

This is a power grab and a disservice to government. While it boosts Democratic congressional strength, it also damages the party's image and some of its long-term interests. It would be a setback for the laudable goal of establishing statehood for the District of Columbia through a constitutional amendment.

Republican opponents argue that the campaign for statehood has little to do with the right of D.C. residents to congressional representation and much to do with expanding the political muscle of the Democratic Party. When the Democrats stage such a messy show as this one on the delegates' voting rights, they lend credence to the GOP argument.

Some Democrats have begun to realize they're sitting on a public-relations disaster. They hope to soften the impact with an amendment that would limit the influence of the delegates' votes. If the delegates provided the difference in the outcome of any matter before the Committee of the Whole, the matter would be automatically sent to the House floor for another vote—in which the delegates couldn't participate.

That is a silly, convoluted and wholly unnecessary procedure. The Democrats' alternative plan, in effect, would subvert the Constitution to give the territorial delegates the power to vote, but guarantee that any time their votes really count . . . they won't be counted.

The Democrats can't finesse their way around this one. If they include the delegate voting rights next week when they take up the package of House rules that will govern the new Congress, they will seriously damage the cause of D.C. statehood and their own standing in the eyes of the public.

When they reconvene next week, the Democratic majority would be wise to drop the clumsy power grab and worry about the real business of the nation.

[From USA Today, Jan. 4, 1993]

WRONG WAY TO GRANT VOTING RIGHTS IN CONGRESS

Our view—The Democrats' first order of business is a power grab that short-circuits the Constitution.

House Democrats, always eager to grab more power, are expected to open Congress's new year Tuesday by making an end run around the Constitution.

After losing 10 seats in November, the Democrats have hatched a clever scheme to cut their losses.

The ploy calls for allowing five non-voting delegates—all Democrats—to vote in the Committee of the Whole, a meeting of the entire House where important bills can be debated and amended quickly, though not passed.

The Democrats claim noble intentions—new power for people in the District of Columbia and the territories of American Samoa, Guam, the U.S. Virgin Islands and Puerto Rico, which the delegates represent.

In fact, the Democrats are stretching the Constitution beyond its limits and inviting further partisan abuse.

The Constitution confines House membership to persons chosen by "the people of the various states." Delegates aren't members, and they don't represent states.

The delegates already have enough power—a right to vote in committees on which they serve. Most of them have little claim to greater clout.

The average House member represents about 519,000 people, but American Samoa has only 43,000 citizens, Guam 140,000 and the Virgin Islands 102,000.

And since residents of the territories pay no taxes to the U.S. Treasury, their voting status would mean representation without taxation, a curious and unjust twist on American history.

There are exceptions. District of Columbia residents pay $1.5 billion yearly in federal taxes. And Puerto Rico has 3.5 million people.

But if they want full voting rights, they should play by the Constitution's rules.

One way is to seek statehood. The other is to amend the Constitution to give delegates votes, a course once suggested by House Speaker Thomas Foley.

Neither is easily achieved. But rules exist for a reason—to prevent abuse. When the full House votes Tuesday, it should stick to the Constitution.

[From the Washington Times, Dec. 16, 1992]

FODDER FOR THE TROUGH OF POWER

(By Bruce Fein)

On Dec. 8, 1992, the Democratic Caucus of the House of Representatives approved a proposed change in the House Rules that would empower delegates from the District of Columbia, the Virgin Islands, American Samoa, and Guam and the resident commissioner from Puerto Rico to vote in the Committee of the Whole.

Next Jan. 5, the House will vote on the rule change. The measure is expected to pass via a Democrat steamroller, since all the delegates and the resident commissioner are Democrats. That shameless impending power grab, however, is blatantly unconstitutional, a conclusion conceded by House Speaker Thomas Foley, Washington Democrat, in 1970.

Article I, Section 1 of the Constitution entrusts all federal "legislative" power to the Senate and House of Representatives. Article 1, Section 2 confines membership in the House to persons chosen biannually "by the People of the several states." In other words, the legislative powers of the House may be exercised only by persons elected by voters in the various states, which excludes persons representing territories of the United States, the District of Columbia, the president of the United States, foreign governments, the Vatican, or otherwise.

Under House Rules, the Committee of the Whole manifestly exercises legislative power. For example, if it declines to report an amendment to the House, that decision cannot be overruled by the House. Additionally, amendments to amendments considered in the Committee of the Whole are not separately reported to the House. If that committee defeats a motion to rise and report a general appropriation bill after its reading for amendment, then a limitation amendment is permitted in the House. If such a motion is agreed to in the Committee of the Whole, the House cannot consider a limitation amendment.

The Committee of the Whole further votes on appeals of certain procedural rulings of the Chair that could change a bill yet would be shielded from review by the House.

In sum, voting in the Committee of the Whole epitomizes the exercise of legislative power because of its immediate and direct impact on the enactment of laws. That conclusion is reinforced by Article I, Section 6 of the Constitution—the so-called "speech or debate clause." It provides legal immunity for Members of Congress "for any speech or debate in either house." The U.S. Supreme Court declared in Doe vs. McMillan (1973) that the immunity "reaches any conduct within the sphere of legislative activity." That sphere, the high court had elaborated in Gravel vs. U.S. (1972), includes conduct that is "an integral part of the deliberative and communicative process by which Members participate in committee and House proceedings with respect to the consideration and passage of rejection of proposed legislation."

If House Members act within the sphere of legislative activity when voting in the Committee of the Whole, then the same must be true regarding any others who cast votes in that forum, including delegates and resident commissioners. Votes cast by the latter, however, should not be counted because they derogate from the Constitution's exclusive assignment of federal, legislative power to elected representatives from the several states. That conclusion was self-evident to Speaker Foley on Sept. 15, 1970, when the House was considering a proposal to confer the vote on the resident commissioner from Puerto Rico in standing committees. Mr. Foley categorically lectured: "Now it is very clear . . . that a constitutional amendment would be required to give the Resident Commissioner a vote in the Committee of the Whole or the full House."

Congress, of course, may delegate legislative power to the executive branch or independent agencies, but only if it articulates reasonably specific standards to confine the discretion of the recipients of the power. Thus, the Supreme Court has invalidated a delegation to the executive lacking standards for its exercise, Schecter Poultry vs. U.S. (1935), but has upheld delegations that provide policy, guidance for the recipients, e.g., U.S. vs. Rock Royal Co-operatives (1939). The delegation doctrine cannot save the impending House rule change, however, because it leaves unfettered the voting discretion of the delegates and resident commissioner.

The chief arguments favoring the constitutionality of the rule change are feeble. It is said that since the Constitution does not expressly limit the substance of committee rules, then the House is free of any restraints so long as the full House is required to approve any legislative measures. But Article 1, Sections 1 and 2 expressly confine the exercise of any legislative power, preliminary or final, to members of Congress. There are no exceptions. Further, the argument exalts form over substance. There is no gainsaying that votes in the Committee of the Whole and other committees directly affect the substance of legislation. Indeed, that is the reason why that opportunity to vote is craved by the delegates and resident commissioner.

Manipulating committee voting rights to circumvent the Constitution's exclusive assignment of legislative power to Representatives is admittedly clever. But as the Supreme Court taught in Terry vs. Adams (1953), sophisticated evasions of the Constitution are as void as the simpleminded. The high court held unconstitutional the Texas Jaybird Democratic Association's exclusion of blacks from its primaries. Although the Association was simply a private organization with no recognized status under state law, its primaries, de facto, dictated the general election victor. The Association was, in effect, the State, the court reasoned, and thus was equally restrained by the 15th Amendment.

To accept the sweeping constitutional arguments of the rule's proponents would concede the power of a House majority to emasculate the legislative power of Representatives. The arguments place no limits on the number of non-Members who could vote in the Committee of the Whole under a House rule. That number, for instance, might reach 1,000. Additionally, the arguments would authorize a rule permitting the Speaker to endow family members and relatives, cronies, campaign contributors and representatives of foreign governments or political parties with committee voting rights. They would also permit a rule prohibiting a floor vote on a House bill that would override a District of Columbia city ordinance without the consent of the District of Columbia delegate. There is no constitutional text or purpose, however, that would justify such vast dilutions of the legislative powers of the elected Representatives of the people of the several states.

At present, House rules permit delegates and the resident commissioner to vote in standing committees, which exercise legislative power similar to that of the Committee of the Whole. Those voting privileges are thus unconstitutional, and should be challenged in federal court along with the impending Jan. 5 rule change regarding the Committee of the Whole. To avoid any speech or debate clause difficulties, the lawsuit should seek an injunction only against delegates and the resident commissioner, who are excluded from the protection of the clause.

Finley Peter Dunne would have sardonically quipped about this shameless abuse of power by House Democrats, "What's the Constitution between friends?"

[From the Washington Post, Dec. 17, 1992]

POWER GRAB IN THE HOUSE

(By George F. Will)

No wide-awake American will be startled by redundant evidence that power corrupts. Still, there is something notably brassy about what Speaker Tom Foley and his flock of lock-step House Democrats—another herd of independent minds—have decided to do regarding the five delegates to the House of Representatives from Guam, American Samoa, the U.S. Virgin Islands, Puerto Rico and the District of Columbia.

Most Americans have better things to do than monitor decisions of the House Democratic caucus, so most Americans do not know that their representation in the House is soon to be diluted. Democrats have decided to use their control of the House to give those five delegates—all Democrats, of course—the right to vote on the floor when the House is functioning as a "Committee of the Whole," in which mode most significant decisions are taken.

Pending an appeal to the Supreme Court, the Constitution is a mere parchment barrier to such majoritarian abuse. Article I, Section Two uses the word "state" seven times in referring to the only entity from which members of the House may be chosen. But now House Democrats have decided they can use control of House rules to confer virtually full voting privileges on those five delegates.

Welcome to the 1990s, a "Decade of Greed" in the Democrats' style. There is greed for power as well as money, and evidently an 82-seat advantage in the House is not enough for the Democrats.

Roll Call is the feisty newspaper that covers Congress and can be called, somewhat oxymoronically, the conscience of Capitol Hill. It knows abuse of power when it sees it and sees it in the Democrats' "outrageous behavior" and "power grab" regarding the delegates.

Roll Call notes that in November Democrats lost 10 House seats but in December decided to seize half that number of new seats without consulting any voters—other than themselves, in their caucus. Henceforth, in the Committee of the Whole—which as Roll Call rightly says "is where the important stuff gets done, except the final passage of a bill"—the 47,000 people of American Samoa, who do not pay income taxes, will have as much say as 800,000 Montanans about raising taxes and spending the revenues. Someone should explain to Samoans—and Democrats—the principle "No representation without taxation." The average congressional district has more than 500,000 residents. The U.S. Virgin Islands have 102,000; Guam has 133,000. Democrats suddenly have a, well, relaxed attitude about the hitherto sacred "one man, one vote" rule.

Roll Call, unable to contain its sarcasm (and unable to stop giving Democrats ideas for more mischief), says Puerto Rico, with 3.5 million residents and just one delegate, is getting gypped: "If Democrats became truly creative, they could divide Puerto Rico up into seven delegate districts, giving each a vote," or they could give a delegate to each of the three U.S. Virgin Islands, or to the four quadrants of the District of Columbia.

The Congressional Research Service was asked by its employers to examine the constitutionality of the sort of decision the Democratic caucus has vowed to take when Congress convenes. The CRS came up with a remarkably mushy analysis affirming the propriety of its employers' desire. CRS does so in language that would be laughable were the Constitution not being trashed. The analysis concludes with this tortured locution:

"* * *[A]llowing a delegate to vote in the Committee of the Whole is apparently consistent with present Congressional interpretation of its constitutional authority."

That is: Doing what the Democratic majority is determined to do is "apparently" compatible with what the Democratic majority says it has authority to do.

For perspective on the arrogance and tendentiousness of today's rulers of Congress, consider a change from 22 years ago.

On Sept. 15, 1970, the House was debating a change in its rules that would allow the resident commissioner to the United States from Puerto Rico to serve on standing committees "in the same manner as Members of the House and shall possess in such committees the same powers and privileges as the other Members." A young congressman then in his third term said he supported that measure, even though "we clearly cannot give him a vote in the House."

Committee service, said this congressman, is one thing, and a much lesser thing, than voting on the House floor. Committees are mere creatures of the House, not of the Constitution, and "can be extinguished at will and created at will", without even the concurrence of the Senate.

Furthermore, said this congressman, service on committees involves only "preliminary advisory votes." Therefore such service does not involve a constitutional issue, as would votes cast in the Committee of the Whole or the full House. And, said this same congressman, "It is very clear, as the resident commissioner has said, that a constitutional amendment would be required to give the resident commissioner a vote in the Committee of the Whole of the full House."

Thus spoke Tom Foley, before unbridled power made him more flexible and casual about his convictions concerning the Constitution.

[From the Washington Post, Dec. 20, 1992]

FOLEY ON A D.C. TIGHTROPE

(By David S. Broder)

Early next month when Congress reconvenes, if all goes according to plan, the Democrats who control the House of Representatives will vote themselves five extra votes on the floor of the House. They will do that by amending the rule to allow the delegates from the District of Columbia, American Samoa, Guam and the Virgin Islands and the resident commissioner from Puerto Rico, all of whom happen to be Democrats, to vote for the first time when the House is sitting as "the committee of the whole."

Most of the time the House is in session it is sitting as "the committee of the whole." Custom and convenience dictate that's where virtually all debate and amending of legislation take place. So this proposal would give the five delegates parity with the 435 members elected from the states on all but the final votes on each piece of legislation.

Naturally, the Republicans are screaming foul and claiming that the Democrats are attempting a power play that would, at a stroke, wipe out half the 10-seat gain the GOP scored in last month's House elections. They are making enough of a racket that Speaker of the House Thomas S. Foley (D-Wash.) is showing some nervousness about attempting to ram the plan through on opening day. "The issue will be revisited," his spokesman, Jeffrey Biggs, told me when I asked about Foley's reaction to a letter of protest he had received from Minority Leader Robert H. Michel (R-Ill.).

For those of us on the sidelines, without a partisan horse to ride, the issue is intriguing both substantively and politically. It sheds light on a largely unexamined corner of the Constitution and reveals much about the tensions on Capitol Hill awaiting President-elect Clinton and his administration.

The move to get floor votes for the delegates began with Eleanor Holmes Norton, the highly capable lawyer who represents the District of Columbia in Congress. For many years, the District's and the territories' delegates have been allowed to vote in House committees, where legislation is shaped before being sent to the floor, in a legal memo last September, Norton argued that law and equity supported extending the same privilege to "the committee of the whole," i.e., the House floor. She argued that was especially true for the District, whose citizens, she noted, now "are subject to every obligation of citizenship—most notably federal taxation—but remain barred from sending voting representatives to Congress."

Foley and the other House Democratic leaders agreed to Norton's plea for the District and decided that the four territories should be given the same status. The decision was ratified early this month in the House Democratic caucus—a move which brought the Republicans up in protest.

Norton told me in an interview the other day that "Republicans are making it a political issue when there is no legal or constitutional issue." But it is not quite that simple. Her brief supports the case for floor voting by delegates, but several authorities are not convinced.

A Congressional Research Service memo last November found that such a rules change might controvert an 1817 statute providing territorial delegates with "the right of debating but not of voting." As to the Constitution, the same memo said that "although delegates have had the authority to participate in the legislative process for years, no court appears to have addressed the question as to the constitutional implications of these practices."

When House parliamentarian William Holmes Brown was asked for his opinion last October, he said. "The proposal has been discussed before, and several basic arguments against giving delegates this authority remain persuasive to me."

Somewhat to Foley's embarrassment, the research on legal precedents turned up this comment from him during the 1970 debate on letting Puerto Rico's resident commissioner vote in House committees: "Now it is very clear, as the resident commissioner has said, that a constitutional amendment would be required to give the resident commissioner a vote in the committee of the whole or the full House."

Asked about the comment this week, Foley's spokesman Biggs said simply; "He's changed his mind."

Republicans make other arguments. The one-man-one-vote principle is basic to the apportionment of House seats, they note. But while the average member of the House represents 519,235 people, American Samoa's delegate has only 32,395 constituents, Virgin Islands' 95,214, and Guam's 105,816. Residents of those territories and Puerto Rico pay taxes into territorial treasuries, but not to the U.S. Treasury.

With Clinton hoping for a smooth start next month and even some bi-partisan support for his key economic measures, Foley is not eager for a knockdown fight with the Republicans about this issue. He knows some of his own moderate and conservative Democrats have qualms about the move. But he is under pressure from Norton and other liberals not to back down.

The search is on for a compromise but, as with much bigger issues that will come along after Clinton's Inaugural the speaker is walking a tightrope.

[From the Washington Post, Dec. 29, 1992]

NORTON PROPOSAL UNDER FIRE

(By Kent Jenkins, Jr.)

House Democrats are having second thoughts about a proposal to give Del. Eleanor Holmes Norton (D–D.C.) a vote on the House floor, and several said yesterday that the plan could face a last-minute challenge when Congress convenes next week.

Several senior Democrats said opposition to the proposal has been brewing since it was overwhelmingly approved by the House's Democratic majority three weeks ago, adding that some members have expressed a desire to overturn the decision.

The plan is expected to be the subject of additional debate when Congress begins its session next Tuesday because some Democrats have begun to question whether it would unconstitutionally elevate the status of people who are not full-fledged representatives.

"This is very controversial with some members," said Rep. Charles W. Stenholm (D–Tex.), who heads the House's Conservative Democratic Forum. "It was a sleeper issue when it came through, and nobody was focusing on it. There's been a lot of concern since it was passed * * *. It could be explosive."

Jeffrey Biggs, press secretary to House Speaker Thomas S. Foley (Wash.), said that House Democrats "are going to revisit" the issue before Congress convenes and that "some members of the caucus may have political concerns" about it, Norton conceded that the plan "is not a done deal."

The proposal would give the District's clout on Capitol Hill a historic boost by granting its delegate a vote on the House floor for the first time. The plan also would give floor votes to the resident commissioner from Puerto Rico and to delegates from Guam, American Samoa and the Virgin Islands.

The delegates and the resident commissioner have been allowed to vote only in committee. The Constitution restricts full House membership to representatives of the states.

But Norton put forward a proposal that would allow the delegates to vote on virtually all substantive matters by exploiting an arcane parliamentary device called the "committee of the whole." Norton, a former law professor, argued that if the delegates could vote in smaller committees, they could vote in the most important committee as well.

The House does most of its important business while sitting as the committee of the whole and rarely alters legislation when it subsequently votes on final passage.

All the delegates and the resident commissioner are Democrats, and House Republicans have expressed strong opposition to Norton's idea.

The GOP picked up 10 House seats in the November election. But giving five additional Democrats a vote on the House floor would cut into that gain.

Some House members also have argued that allowing the delegates to vote on virtually all important matters violates the Constitution by making the delegates the equivalent of full House members.

To address those constitutional concerns, Democrats plan to make one change that would limit the power conferred on Norton and the other four. under the amendment, if those five cast decisive votes on any matter in the committee of the whole, their votes, in effect, would not count. Norton supports the change, because it probably would apply to no more than one or two votes a year.

Several House members are considering amendments that would weaken the proposal further. Rep. David E. Skaggs (D–Colo.) said he might introduce a plan that would give Norton, but not the other four, a vote on the House floor.

Another proposal being discussed by the House leadership would give Republicans a better chance to kill the idea altogether.

Norton's plan is part of a package of House rules approved by the Democratic majority, and all Democrats customarily vote for the entire package.But Rep. Steny H. Hoyer (D–Md.), chairman of the House Democratic Caucus, said House leaders have considered separating the floor-vote idea from the package because it is so controversial.

If Norton's plan goes before the full House separately, some Democrats could join with Republicans to defeat it. Hoyer said the House leaders have not decided how to handle the issue.

Norton said yesterday that although opposition to her proposal remains, she is still confident it will be approved. "I think we have made our case, and in the end we will prevail," Norton said.

ANALYSIS OF HOUSE RULES CHANGES FOR 103D CONGRESS PROPOSED BY THE DEMOCRATIC CAUCUS

(By Congressman Gerald B. Solomon)

INTRODUCTION

Tomorrow, January 5, 1993, the House will take-up H. Res. 5, adopting the Rules of the House for the 103rd Congress. These rules changes were reported from the Democratic Caucus at its organizational meetings in early December. The resolution will be considered under the hour-rule with no amendments unless the previous question is defeated—in which case the Republican Leader will offer a 48-point Republican substitute. Below is a summary and critique the amendments proposed by the Democrats in the order in which they will likely be listed in H. Res. 5 (a further amendment relating to delegate voting may be adopted at the Tuesday morning Democratic Caucus).

(1) Abolish Non-Record, Teller Votes—Teller votes, whereby, on the demand of one-fifth of a quorum in the House or Committee of the Whole, Members file down the aisle to be counted in the affirmative or negative, would be eliminated. (Rule I, clause 5(a))

Comments—Teller votes may only be demanded after a division vote is taken. They are not duplicative in that Members are advised by the bell system that a teller vote is taking place and therefore a larger number are likely to vote by teller than by division. Their remaining value is that they do allow for a more accurate and representative non-record than a division vote. This can be important in situation in which agreement has been struck that no further record votes will be called on a particular day or matter.

(2) Create an Office of General Counsel—The Office of General Counsel would be established in the House under the direction of the Speaker, in consultation with the bipartisan Legal Advisory Group, for the purpose of providing legal assistance and representation for the House on a nonpartisan basis. (Rule I, clause 11)

Comments—This amendment codifies the provisions of H. Res. 423, 102nd Congress, the House Administrative Reform Resolution, which converted the office of General Counsel to the Clerk to that of House General Counsel, but changes the placement of the Office from being under the House Administration Committee to being under the direction of the Speaker. It does not go as far as the Republican alternative which, among other things, called for appointment upon the recommendation of the majority and minority leaders, and for House approval of any intervention in legal proceedings not agreed to unanimously by the bipartisan Legal Advisory Group.

(3) Permit the Speaker to Declare Recesses—The Speaker would be authorized to declare recesses of the House at any point during a legislative day if no question is pending. (Rule I, clause 12)

Comments—The Speaker may already recognize a Member to offer a motion to grant the Speaker this right, but such motions are subject to a vote of the House. The underscored language above has been added since the provision was adopted by the Caucus to clarify that this recess authority may not be used to delay consideration of pending business.

(4) Question of Privilege Resolutions—The Speaker would be given authority to postpone for up to two days consideration of certain "question of privilege" resolutions affecting the rights of the House collectively—its safety, dignity and integrity of its proceedings. Exceptions to this two-day delay would include (a) resolutions offered by the majority or minority leaders; (b) resolutions reported by committees; (c) "blue slip" resolutions relating to the right of the House to originate revenue bills; or (d) questions of personal privilege raised by Members. Debate time on resolutions would be divided between the proponent and the majority or minority leader, or their designee, as determined by the Speaker.

Comments—House Rule IX relating to "questions of privilege" dates back to 1880, but such questions were recognized as privileged from the First Congress and have their origin in British parliamentary law. They are designed to protect the dignity and integrity of the House and its Members. To permit the Speaker to delay consideration of such questions is to deny the House an opportunity to immediately address a wrong that has been done to its reputation or the integrity of its proceedings. While the authority to delay consideration of certain question of privilege resolutions is justified on grounds of giving the House time to make an informed judgment (and avoid embarrassing surprises), it can also obviously be used by the majority to "whip" votes in opposition or devise alternative strategies or resolutions to preempt the original question.

Question of privilege have been used in recent years both to expose and force the investigation of scandals which have undermined public confidence in the House. Delays in considering such questions can only further contribute to public cynicism since they will be perceived as attempts to cover-up, obstruct or politicize the issue. Whereas now the debate time is controlled entirely by the proponent, the new rule would divide it between the proponent and the majority or minority leader (or their designees), as determined by the Speaker. While this may seem fair, by not allowing half the time to be allocated to an opponent, the Speaker could recognize a majority leader designee to control the other half of the time on the majority leader's resolution, i.e., the entire hour could be controlled by proponents.

(5) Name Change of Interior Committee—The name of the Committee on Interior and Insular Affairs would be changed to the Committee on Natural Resources. (Rule X, clause 1(l))

Comments—The change has been proposed to more accurately reflect the nature of the committee's jurisdiction.

(6) Update Obsolete Names of Agencies—In the rule relating to the jurisdiction of the Science Committee, the name of the Bureau of Standards would be changed to the National Institutes of Standards and Technology, and the name of the National Aeronautics and Space Council would changed to the National Space Council. (Rule X, clause 1(r))

Comments—These changes simply reflect statutory changes in the names of these two entities.

(7) Status of Votes in Bipartisan HAC Subcommittee—The Speaker, majority and minority leaders, and chairman and ranking minority member of the House Administration Committee would be informed of any matter in the bipartisan Subcommittee on Administrative Oversight of House Administration that could not be resolved by virtue of a tie vote. (Rule X, clause 3(j)(3))

Comments—H. Res. 423, 102nd Congress, the House Administrative Reform Resolution, established a bipartisan Subcommittee on Administrative Oversight in the Rules of the House and provided that any matter that cannot be resolved by virtue of a tie vote would be forwarded to the full committee for consideration. This amendment, adopted at the urging of the Ranking Republican on the House Administration Committee, would reflect the normal House procedure that such a matter would be considered defeated, while retaining the notification requirement to the House majority and minority leaders and the House Administration Committee's chairman and ranking minority member.

(8) Changing Members of Select and Conference Committees—The Speaker would be authorized to add or remove members from select and conference committees without the unanimous consent of the House as is now required for such changes. (Rule X, clause 6(f))

Comments—This proposal is a throwback to the days of "Czar Speaker" when the Speaker had authority to appoint and remove members from all committees for any reason without the approval of the House. The authority was often used to punish or reward Members according to the whims of the Speaker and could be used in that manner again if the Speaker were allowed to exercise such arbitrary authority. Even if it were not abused in this way, the authority would open the Speaker to constant pressures to appoint additional conferees to protect committees' turf—resulting in even larger and more unmanageable conferences.

(9) Delegates on Conference Committees—The Speaker would be authorized to appoint delegates to conference committees on legislation not reported from the committees on which they sit. (Rule X, clause 6(h)

Comments—Delegates may already be appointed to conferences on which their committees are involved. While the purpose of this proposal is to give them the same right as other Members to be conferees for other reasons, the fact that delegates currently are not counted when determining committee party ratios means that the votes of Members of the opposite party will only be further diluted, resulting in inequitable and unrepresentative committees.

(10) Striking Permanent Authorization for Select Committee on Aging—The "permanent Select Committee on Aging" would be removed from the standing rules of the House. (Rule X, clause 6(i))

Comments—The effect of this rules change is to put the select committee on Aging on the same footing as other non-legislative select committees, requiring separate authorization by the House in each Congress. [Note: The Republican substitute would abolish all non-legislative select committees, including Aging.]

(11) Committee Meetings During House Debate on Amendments—The current rule prohibiting committees to sit while the House is considering amendments under the five-minute rule except by consent of the House would be abolished. (Rule XI, clause 2(i)(1))

Comments—The need for this rule is occasioned by the three-day work weeks and the few windows committees have to meet and conduct business. The purpose of the existing rule is to encourage Member participation in and attention to important House debates on amendments. If committees are allowed to sit during the House amendment process, the deliberative function of the House will be further eroded and Members will be even less likely than at present to be informed on the floor amendments they are asked to vote on. The answer to the current problem is to move to more five-day work weeks so that committees have more time to do their work.

(12) "Rolling" Committee Quorums—It is proposed that the current House requirement that a committee majority quorum actually be present (by precedent meaning, at the same time) when a measure or matter is ordered reported be changed so that a point of order could not be raised on the floor unless it is "timely made" in committee. Committee records showing that a majority responded on a roll call is sufficient proof of the presence of a quorum, regardless of how many were present at any one time. There is no comparable standard that committee records show the presence of a quorum at the time of a voice vote. (Rule XI, clause 2(1)(2)(A))

Comments—While some committees may have a difficulty achieving and keeping a quorum, it is nevertheless a fundamental principle of Parliamentary Law in the House, dating back to Jefferson's Manual, that a committee "can only act when together." To permit a rolling quorum defeats the purpose of collective deliberation and decision-making. Under this proposal, the chair could technically leave the vote open for days for Members to drop by and record their votes with the Clerk, simply by not adjourning a meeting (providing, of course, there is no intervening business). This is even worse than a one-third quorum which is now permitted for committee markup (voting on amendments): it is a quorum of one-by-one-by-one-by-one * * *.

In the case of a voice vote to report, the new rule is even more outrageous. While the rule would still require a majority quorum to report, it could not be enforced in the House unless the point of order is made at the time of the voice vote. This means that as few as one Member (presumably the chairman) could order a bill reported if no one else is present to make a point of order that a quorum is not present—in effect a one-person quorum. And, in the case of a division vote, even if the division shows the lack of a quorum, a point of order would not lie on the floor against the measure unless first made in committee.

(13) Permitting Delegates & Resident Commissioner to Vote in the Committee of the Whole—The Resident Commissioner from Puerto Rico and the Delegates from the District of Columbia, Guam, the Virgin Islands and American Samoa shall be elected to serve on standing committees in the same manner as Members of the House and shall possess in such committees the same powers and privileges as the other Members; and shall possess the same powers and privileges in a Committee of the Whole as other Members of the House. (Rule XII, clauses 1 & 2))

Comments.—Under Rule XXIII, clause 3, all bills involving a tax or charge on the people, authorizing or appropriating money or property, releasing any liability to the U.S. of money or property, or referring any claim to the Court of Claims, shall first be considered in a Committee of the Whole which now consists of all House Members. Under clause 2(a) of the same rule, "A quorum of a Committee of the Whole shall consist of one hundred Members." The Resident Commissioner and four delegates to the Congress are not considered Members of the House and are currently not permitted to vote in the House or in the Committee of the Whole, though they may participate in debates and make any motion a Member can make (Except a motion to reconsider), and raise points of order. They may also be members of House committees with full voting rights. However, they are currently prohibited by law from voting in the House (Revised Statutes, sec. 1862; 2 Hinds' §1290), and by interpretive extension, in a Committee of the Whole House.

Permitting the RC and delegates to vote in the Committee of the Whole raises serious practical, political and constitutional problems. First and foremost is the nature of the Committee of the Whole under current practice and the effect of allowing non-Members to vote in the Committee of the Whole.

The two most important matters to be considered in the Committee of the Whole House on the State of the Union are tax and appropriations bills. Only the District of Columbia, of the five, pays U.S. taxes. And yet, the non-Members could provide the margin of difference in defeating an amendment affecting revenues or the expenditure thereof. Under current rules, amendments defeated in the Committee of the Whole may not be reconsidered by the House when a bill is reported back from the Committee of the Whole. It is thus conceivable that non-Members representing non-taxpaying territories could be the deciding factor as to whether a tax is raised or reduced on American taxpayers. Their votes could in effect nullify the votes of a majority of House Members representing a majority of the American population.

While the claim is make that such delegates shall possess the same rights as Members in the Committee of the Whole, the fact that three of the five represent populations considerably less than that of Members' districts means their votes are disproportionately weighted over that of House Members.

Non-voting delegates could also provide the difference between whether a limitation amendment can be considered to an appropriations bill since a House majority can ordinarily defeat the motion that the Committee of the Whole rise in order to consider such an amendment. By giving non-Members the right to vote on such matters, the will of a House majority on limiting spending could thus be thwarted by a few non-Members.

The fact that the House is increasingly considering important measures under restrictive amendment rules means that votes in the Committee of the Whole are all the more critical and likely to be binding on the House—especially on king-of-the-hill amendment procedures or on bills on which only one substitute is allowed.

Even if such a ruling is appealed, delegates may provide the deciding vote as to whether the chair's ruling is upheld or overruled.

Finally, although the non-Members supposedly possess the same powers and privileges as House Members in the Committee of the Whole, the fact that the rules have not been changed to include delegates in the 25-Member threshold requirement for recorded votes, or the 100-Member quorum requirement, seriously confuses things. [Note: the Democratic Caucus may adopt on Tuesday a new paragraph (14) to H. Res. 5 permitting the House to immediately reconsider the vote on any amendment which is rejected in the Committee of the Whole by five or fewer votes, where the delegates's votes would make the difference between adoption and rejection of an amendment.]

(14) Five-minute vote on Special Rules—This amendment would allow the Speaker to reduce to five-minutes the vote on an order of business resolution (special rule) after the previous question has been ordered by roll call vote. (Rule XV, clause 5)

Comments—This tracks the current rules allowing a reduction in time on certain other roll call votes: on amendments reported from the Committee of the Whole, and on passage of bills, resolutions or conference reports after the motion to recommit, if there is no intervening business.

(15) CBO Cost Estimates in Bills—The current requirements that a CBO cost estimate be included in the text of any bill which increases or decreases taxes or direct spending would be abolished. (Rule XXI, clause 8)

Comments—Republicans strongly objected to this rule when it was instituted at the beginning of the 102nd Congress on grounds that it was both impractical and irrelevant—only OMB scoring is relevant for sequestration purposes. Now that the Democrats have a President of their own, they apparently do not object to OMB scoring. The requirement that CBO cost estimates be included in the reports on bills would not be altered.

(16) Permitting Resident Commissioner & Delegates to Chair Committee of the Whole—The rule relating to the "Committee of the Whole" would be amended to clarify that the Speaker may appoint the Resident Commissioner of Puerto Rico or a delegate to chair the Committee of the Whole. (Rule XXIII, clause 1(a))

Comments—Non-Member chairing of the Committee of the Whole means that a non-Member of the House as presiding officer could issue critical rulings on such things as the germaneness of amendments, thereby possibly precluding the Committee and the House from even considering certain amendments if they are ruled out of order. Moreover, such rulings constitute binding precedents on the House is similar situation should arise in the House. While it is true that rulings of the Chair may be appealed in the Committee of the Whole, the non-Members could make the difference between upholding or overruling the Chair's decision, and this would not be subject to reconsideration by the House.

(17) Notice and Scheduling of Motions to Instruct Conferees—Members would be required to give at least one legislative day's notice of motions to discharge and replace conferees or to instruct them after they have been appointed for 20 or more calendar days. (Rule XXVIII, clause 1(c))

Comments—Current House rules require one-day's notice on a motion to instruct conferees, but not on motions to discharge and replace them (which could also involve a motion to instruct if the discharge motion is adopted). The purpose of both notice requirements is to prevent surprises and give the majority time to work their Members to vote against such motions when offered by the minority. It should be noted that the majority is not subject to similar one-day notice requirements with respect to privileged motions it may offer, such as motions to suspend the rules and pass bills. Even when it does notice suspension bills, it is not obligated to give Members advance copies of amendments that may be offered when the suspension bill is called up. Advance notification should be a two-way street if it is intended for the information of the House and not just for narrow partisan purposes.

(18) Legislative Committees' Preferential Motion to Insist—The current House rule relating to the disposition of Senate amendments reported in disagreement between the two Houses would be amended with respect to amendments changing existing law reported in disagreement to general appropriations bills to allow a preferential motion by the chairman of the relevant authorizing committee to insist on disagreement, if the Appropriations manager initially offers a different motion. Debate time would be equally divided between the authorizing chairman and the Appropriations Committee manager of the original motion. (Rule XXVIII, clause 2(b))

Comments—Under regular procedure, once the two Houses have reached the stage of disagreement, the most preferential motion is to move towards agreement (i.e., to concur or concur with an amendment) rather than to insist on disagreement. This proposal would reverse that priority of motions for the purpose of allowing authorizing chairman to have precedence for insisting on disagreement when the amendment reported is of a legislative nature and the manager for the Appropriations Committee does not offer a motion to insist on disagreement with the Senate. The effect of adopting the motion to insist on disagreement is to send the matter back to the Senate without any suggested compromise (as opposed to a motion to recede from disagreement and concur with an amendment). The other unusual procedure introduced with this change is the division of time between two majority members as opposed to between the majority and minority parties as with other motions to dispose of Senate amendment reported in disagreement. The minority is completely shut out of the debate on this new preferential motion unless the majority proponent or opponent yield some time to the minority as a matter of courtesy.

(19) Reading of Papers—The current House rule prohibiting Members from reading from written materials except by vote of the House if objection is raised would be abolished except with respect to the use of exhibits. (Rule XXX)

Comments—Rule XXX, prohibiting the reading from papers (except a paper to be voted on), was originally adopted in 1794. While objection is usually not raised against a Member's reading from a paper for the information of the House, the rule was instituted as a check against possible abuse. Jefferson explains in his Manual (sec. xxxii) the need for a rule against an unlimited right to read from papers: "The delay and interruption which this might be made to produce evince the impossibility of the existence of such a right." Moreover, since the current prohibition extends to Members reading from written speeches. Again, quoting from Jefferson's Manual," A Member has not a right even to read his own speech, committed to writing, without leave. This also is to prevent an abuses of time, and therefore is not refused but where that is intended." Moreover, the effect of such a prohibition is to encourage more genuine debate and deliberation in the House as opposed to set speeches in the House in which Members talk past each other than than engaging in a meaningful discussion of the points raised by others.

(20) Abolishing Obsolete Rule on Franking—The current rule permitting franked-mass mailings into a Member's prospective new district would be abolished and would be replaced by a rule confining such mailings to a Member's current district. (Rule XLVI, clause 4)

Comments—This change brings the House rule into conformity with a statutory provision enacted in the 102nd Congress as part of the Legislative Branch Appropriations Act of 1991. [Note: The Republican substitute contains an identical provision.]

(21) House Fair Employment Practices—Various technical changes are proposed to House Rule LI, "Employment Practices." These include allowing Members to discriminate against employees based on political affiliation (as committees may now do); by making certain changes in the time frames under the complaint, mediation and decision stages of the resolution process; and by permitting the Office of Fair Employment Practices to issue written requests for information, documents and the attendance of witnesses, enforceable through the ethics committee. (Rule LI)

Comments—It is not made clear how enforcement of requests for information or for witness testimony would be enforced. However, in explanatory material, it is pointed out that the Committee on Standards of Official Conduct is in a position to deal with any violations of House Rules, and that a refusal to comply with such a request would constitute such a violation. Therefore, the Standards Committee could presumably order a compliance with the request and/or recommend to the House that the Member be punished by the House.

A MANDATE FOR CHANGE IN THE PEOPLE'S HOUSE

(Republican Conference House Rules Amendments, 103rd Congress)

"con•gress—1. a coming together;"—Webster's New World Dictionary.

INTRODUCTION

The U.S. Congress has become a contradiction in term: instead of epitomizing "a coming together," in recent years it has increasingly evinced a falling apart—an institutional breakdown that has produced the gridlock of democracy.

While it may be convenient to lay all the blame on the condition of divided government which existed for 20 of the last 24 years, such an analysis ignores the more endemic, structural deterioration that has occurred within the Congress and which will not be magically cured by this year's ascendancy of a Democrat to the White House. If anything, unified party control of the Executive and Legislative Branches could actually weaken Congress further.

The Democrats' control of the House of Representatives for 58 of the last 62 years has produced a bloated, muscle-bound bureaucracy characterized by a multiplicity of semi-autonomous subcommittees, multitudes of staff, a muddle of tangled jurisdictional lines, and a multiplication of mud-fights over turf.

Democratic leadership efforts to produce legislative results out of this bureaucratic chaos by relying on ad hoc task forces and restrictive amendment procedures have not only resulted in ill-conceived and unrepresentative legislation but have further undermined deliberative democracy. Key decisions have been moved from the sum-filled committee rooms and Chamber of the People's House to the smoke-filled back-rooms of partisan power-brokers.

All this has not been lost on the American people. According to Gallup Surveys, public approval of the way Congress was handling its job plummeted to an all-time low of 18% in 1992. Public disgust with Congress manifested itself in a turn-over of one-fourth of the House membership and the overwhelming adoption of term limitation proposals in all 14 States in which it appeared on the ballot. While 93% of House incumbents in the general election were reelected, a record number squeaked through by marginal votes.

If there was one message that came through loud and clear from the 1992 election results, it was a public demand for change. And that demand will not be satisfied by a change in the White House alone. If the Democratic leadership continues to ignore and resist the need and public demand for change in the Congress, it will do so at its own peril, and to the further imperilment of democracy.

For these reasons, the House Republican Conference again commits itself to nothing less than a comprehensive overhaul of the Congress. We enthusiastically accept the challenge the American people have laid at our doorstep by offering our reform proposals as "A Mandate for Change in the People's House."

THE COMMITTEE SYSTEM

In 1885, Woodrow Wilson observed in his treatise, Congressional Government, that, "Congress in session is Congress on public exhibition, whilst Congress in its committee rooms is Congress at work."

The congressional committee system is indeed the legislative workshop of the institution where policy options are debated, developed, and translated into legislative language. And yet, in recent years that committee system has broken down into a fragmented system of subcommittee government which has proven to be incapable of developing coherent, cohesive, or consensus-producing legislation.

The proliferation of subcommittees, from 136 in 1972 to 158 in 1992, and the attendant committee staff, from 889 to 2,295 over the same period, have made it nearly impossible for committees to conscientiously carry out their responsibilities. Members are spread too thinly with multiple committee and subcommittee assignments to do any of them justice. To get around this, committees and subcommittees relay on one-third quorum rules and proxy voting. This only contributes to producing legislation that is unrepresentative and for which there is little accountability.

Compounding this problem is the practice instituted in 1975 of referring the same bills to more than one committee. This "reform" was adopted at the same time the House rejected a companion reform to realign committee jurisdictions along more functional and rational lines. The result has been the worst of all worlds—a committee system in which an inordinate amount of time is spent in duplicative hearings, markups, reports, and turf battles.

It should therefore not seem surprising that despite the increase in subcommittees and staff over the last two decades, committee output has declined from over 1,000 reported bills in the 92nd Congress (1971–72) to 696 reported bills in the 102nd Congress (1991–92). While the number of public laws enacted is roughly the same for the two Congresses, 607 vs. 590, when one subtracts commemorative legislation, the number of substantive laws has declined dramatically, from 561 to 399. While some of this can be explained by the increase in omnibus bills, it is also due in large part to the reprocessing of the same bills by various committees. Some 12 House committees, for instance, were involved in the energy bill in the 102nd Congress.

Further contributing to the decline of the committee system has been the large amount of time spent by Congress on budget and appropriations matters. Authorizing committees have consequently fallen victims to "budgetary squeeze-out"— sandwiched in time between the adoption of the budget resolutions and the consideration of appropriations bills. While authorizing committees could and should report more bills earlier in a session, they have a tendency to delay reporting. It is little wonder then that fewer and fewer authorizations are even considered, let alone enacted, before their appropriations are acted on. According to a CBO report, in fiscal years 1991 and 1992, 122 unauthorized laws were funded to the tune of $71.4 billion.

The problem of unauthorized and legislative provisions appearing in appropriations bills, contrary to House Rules requirements, has been increasing in recent years, and increasingly the Rules Committee has protected these against points of order. Much of this illegitimate activity in the appropriations process has led to heated floor battles between authorizing chairmen and their Appropriations counterparts.

Further contributing to the growing obsolescence of authorizing committees has been the attempts by the leadership to circumvent the committees to devise legislative compromises. This is done through the creation of ad hoc legislative task forces, crafting entire substitutes for committee bills and making these original text in special rules, and often dictating that certain amendments be self-executed into bills on the floor.

THE FLOOR SITUATION

If, as Wilson observed, Congress in session is Congress on public exhibition, today it is an exhibition of the extent to which deliberative democracy has declined and the people's Representatives have been disenfranchised.

Whereas 14 years ago, in the 97th Congress, only 15% of the bills coming through the Rules Committee were considered under a restrictive amendment process, in the most recent 102nd Congress, the number of restrictive rules comprised 66% of all rules.

The main reason given for such "structured" rules is "legislative efficiency" and "time management." But it is just as true, when one considers which amendments are allowed and which are not, that it is also done for purposes of political expediency and legislative outcome management and predictability.

Another way outcomes are managed is by bringing bills up under a "suspension of the rules" where no amendments are allowed. Whereas in the 95th Congress, 38% of all measures passed were considered under suspension, in the 102nd Congress, 52% of all bills passed were passed under suspension.

If time management were truly important to the leadership, it would make greater efforts to establish a legislative agenda and timetable for major legislation at the beginning of each session and hold committees to it. More bills would be considered during the first half of the year instead of attempting to process all major legislation in the final month or two of a session. It is not unusual anymore for the House to pass major bills in the final weeks of a session without having a clue as to their contents.

While democracy has never been noted for making all the trains run on time, it certainly should be more capable of avoiding the massive, legislative train wrecks that now tend to occur in the waning hours of a session.

It is not democracy, after all, that has produced such train wrecks at the end of the track, but rather the majority leadership's undemocratic tactics designed to compensate at the end of the process for its failure to make the democratic process work from the beginning, especially at the critical committee stage.

HIGHLIGHTS OF MANDATE REFORMS

The House Republican Conference proposes a 43-point House reform program to carry-out the electorate's "Mandate for Change in the People's House." These include—

The election and organization of committees within the first two weeks of a Congress;

The announcement by the Speaker at the beginning of each session of a legislative agenda and timetable for the year;

The reporting of all authorization bills no later than May 15th of each year;

Direction that the Joint Committee on the Organization of Congress report a realignment of House and Senate committee jurisdictions by Dec. 31, 1993;

Abolition of all select committees;

A reduction in the number of House subcommittees and Member subcommittee assignments;

A 30% reduction in committee staff over three years and an annual adoption by the House of a committee staff ceiling;

The elimination of one-third quorums and proxy voting;

A requirement that committee party ratios reflect that of the House;

A three-term limit on committee chairmen and ranking minority members;

Formal committee adoption of oversight agendas;

Abolition of joint bill referrals;

Control of the Government Operations Committee by the minority when the House and President are of the same party;

Limitations on restrictive and self-executing rules, Budget Act waivers, and the "suspension of the rules" procedure;

Tighter controls on abuses of the appropriations process;

Direction that the Joint Committee on the Organization of Congress report on a biennial budget-appropriations process;

Inclusion of the House under coverage of various laws such as the Civil Rights Act, OSHA, Freedom of Information Act, Privacy Act, etc;

Required reporting and House consideration of a legislative line-item veto (enhanced rescission authority) for President;

A prohibition on franked mass-mailings outside a Member's district;

The required reporting of campaign reform legislation by June 30, 1993;

Creating a Chief Financial Officer position to direct, manage and provide policy guidance for financial management of the House of Representatives;

Making the Committee on House Administration bipartisan;

Providing equality of majority and minority party representation on the Subcommittee on Legislative Appropriations;

Limiting reprogramming of funds in the House of Representatives; and

Creating a bipartisan Office of General Counsel.

A Mandate for Change in The People's House

(A Paragraph-by-Paragraph Summary of the Republican Substitute for H. Res. 5, Adopting the Rules of the House for the 103d Congress)

The Rules of the House of the 102nd Congress would be adopted as the rules for the 103rd Congress together with the following amendments:

(1) Presentment of Bills to the President.—The Speaker would be required to submit to the President any bill originating in the House not later than ten calendar days after it has been finally agreed to by both Houses.

(2) Veto Messages.—Immediately after the reading of a veto message from the President, the Speaker would be required to put the question on reconsideration of the vetoed bill, without intervening motion (except to postpone consideration for not more than 10 legislative days), in order to prevent avoidance of a vote by indefinite referral to a committee.

(3) Broadcast Coverage.—The Speaker would be required to provide for uniform visual broadcast coverage of House proceedings throughout the day, which could include periodic views of the entire Chamber providing they do not detract from the person speaking.

(4) House Scheduling.—At the beginning of each session of the House, the Speaker shall announce a legislative program for the session which shall include target dates for the consideration of major legislation, weeks in which the House would be in session (with five-day work weeks assumed unless otherwise indicated), dates for district work periods, and the target adjournment date.

(5) Abolition of Office of Doorkeeper.—The Office of Doorkeeper would be abolished and its functions transferred to the Sergeant-at-Arms. The latter officer should be a nationally respected law enforcement professional.

(6) Oversight Reform.—Committee would be required to adopt oversight plans for the Congress and submit them to the Committee on House Administration by March 1st of the first session. The Committee on House Administration would report the plans to the House by March 15th together with any recommendations of the committee or joint leadership to ensure maximum coordination. Committees would be required to include an oversight section in their final activity reports reporting on the implementation of their plans. The Speaker would be authorized to appoint ad hoc oversight committees for specific oversight projects from committees sharing jurisdiction.

(7) Multiple Bill Referral Reform.—The joint referral of bills to two or more committees would be abolished, while split and sequential referrals would be retained. The Speaker would designate a committee of principal jurisdiction upon the initial referral of a bill.

(8) Early Organization of Committees.—House standing committees would be elected no later than the seventh calendar day after the beginning of a Congress; committees would be required to hold their organizational meetings no later than four calendar days after their election and complete it no later than seven days after their election.

(9) Equitable Party Ratios on Committees.—The party ratios on committees, subcommittees, select committees and conference committees would be required to reflect that of the full House (unless otherwise provided by House Rules).

(10) Control of Government Operations Committee.—When the President and a majority of the members of the Committee on Government Operations (and its chairman) shall be members of the other major political party.

(11) Term Limits on Committee Chairmen and Ranking Minority Members.—No Member shall be the chairman and ranking minority member of any committee for more than three consecutive Congresses.

(12) Subcommittee Limits.—No committee shall have more than five subcommittees, except Appropriations, which shall have no more than 13, and 9 major committees which shall have no more than six; and no Members shall have more than four subcommittee assignments.

(13) Proxy Voting Ban.—No vote may be cast by proxy on any committee or subcommittee thereof.

(14) Open Meetings.—Committee meetings, which can now be closed for any reason, could only be closed for national security or personal privacy reasons, by majority roll-call vote.

(15) Majority Quorums.—A majority of each committee and subcommittee shall constitute a quorum for the conduct of any business, including the markup of legislation.

(16) Report Accountability.—Committee reports on any bill or other matter shall include the names of those voting for and against reporting, in the case of a recorded vote, and, in the case of a nonrecord vote, the names of those members actually present.

(17) Committee Documents.—Any committee or subcommittee prints to be made available to the public (other than factual materials) shall either be voted on by the committee or subcommittee (and opportunity afforded for the inclusion of minority or additional views), or shall contain on their cover a disclaimer that matter does not reflect the views of the committee or its members. In the case of a matter not approved, members of the committee shall have three-days to review it before it is publicly released; and no such material shall be publicly released after the sine die adjournment of a Congress.

(18) Official Foreign Travel Reporting.—All Members and staff taking part in any foreign travel at House expense would be required to disclose their official itinerary (including meetings, interviews, functions and inspections), by country and by date, in addition to the current expense disclosure requirement. Such reports would be available for public inspection in committee offices not later than 60-days after the completion of travel.

(19) Same Day Consideration of Rules Committee Reports.—An order of business resolution ("special rule") reported from the Committee on Rules shall not be considered on the same calendar day as reported or on a subsequent calendar day of the same legislative day, except by a two-thirds vote of the House.

(20) Affirming Minority's Right on Motions to Recommit.—The Rules committee could not report a special rule denying the minority the right to offer amendatory instructions in a motion to recommit.

(21) Restrictive Rule Limitation.—The Rules Committee could not report a special rule limiting the right of Members to offer floor amendments unless the chairman has announced to the House at least four days in advance of a meeting on the measure that such a rule may be reported.

(22) Limitation on Self-Executing Rules.—The Rules Committee could not report a special rule providing for the automatic adoption of an amendment, bill, joint resolution, conference report, or other motion or matter, unless the House, by a two-thirds vote agrees to the consideration of such a rule.

(23) Budget Waiver Limitation.—The report on any special rule waiving any provision of the Budget Act would be required to carry an explanation and justification of the waiver as well as a summary or text of any comments on the waiver received from the Budget Committee. A separate vote could be demanded in the House of any such waiver contained in a rule.

(24) Committee Staffing Reform.—Prior to the adoption of committee expanse resolutions, the House must adopt a resolution reported from the House Administration Committee establishing an overall ceiling on House committee staff. The Committees on Budget and Appropriations would be subject to the same committee expense resolutions and statutory staff limits as other committees. The number of committee staff would be reduced by 10% a year over three years. The minority on each committee would be entitled to up to one-third of investigative staff funds on request.

(25) Commemorative Calendar.—A House Commemorative Calendar would be established on which unreported commemorative legislation could be placed upon the written request of the chairman and ranking minority member of the Post Office Committee. The Calendar would be called twice a month and any two objections would cause a commemorative to be removed from the Calendar.

(26) Accuracy of Congressional Record.—The Congressional Record would be a verbatim account of proceedings, subject only to technical, grammatical and typographic corrections by the Member speaking. Unparliamentary remarks may be deleted only by unanimous consent or order of the House.

(27) Automatic Roll Call Votes.—Automatic roll call votes would be required on final passage of appropriations, tax and Member pay raise bills and conference reports, and on final adoption of budget resolutions and conference reports containing debt limit increases.

(28) Appropriations Reforms.—The present restrictions on offering limitation amendments to appropriations bills would be abolished. Short term continuing appropriations measures (30-days or less) could only provide for the lesser spending amounts and more restrictive authority as provided in either the House or Senate passed bills, the conference agreement, or the previous year's act, and a three-fifths vote would be required to waive this requirement. Long-term continuing appropriations (more than 30-days) would be required to contain the full text of the provisions to be enacted. The present prohibition on legislative language and unauthorized matters in appropriations measures would be extended to long-term CRs. A three-fifths vote of the House would be required to consider a rule waiving points of order against or denying amendments to unauthorized or legislative provisions in any appropriations bill if those provisions had not been previously agreed to by the House for that fiscal year. CBO cost estimates would be required in the committee reports on any long-term CR. Report on all appropriations bills, would be required to include not only a listing of legislative provisions contained in the measures (as presently required), but of all unauthorized activities being funded by the measure. Off-setting, deficit neutral amendments could be offered en bloc to any appropriations measure.

Committee on the Organization of Congress would be directed to request that the Joint Committee study and report recommendations on realigning House and Senate committee jurisdictions along more functional and rational lines in order to eliminate duplication, overlap and inefficiencies and to make the committees of the two Houses more parallel with each other and with Executive Departments.

(41) Applicability of Certain Laws to the House.—Not later than June 30, 1993, the appropriate committees of jurisdiction would be required to report to the House legislation bringing the House under the coverage of certain specified laws: National Labor Relations Act, Occupational Safety and Health Act, Equal Pay Act, Age Discrimination Act, Freedom of Information Act, Privacy Act, Title VII of the 1964 Civil Rights Act (relating to equal employment opportunity), and the Independent Counsel Act. Provisions are included in this paragraph to ensure that each such bill is acted upon by the House.

(42) Abolition of Select Committees.—The House Select Committees on Aging; Children, Youth and Families; Hunger; and Narcotics Abuse and Control, would be immediately abolished.

(43) Campaign Reform.—The House Administration Committee would be required to report a campaign reform bill not later than June 30, 1993, and any other committee to which the bill is referred must report not later than July 31st. The Rules Committee would be directed to report the bill to the floor under an open amendment process not later than three legislative days thereafter.

(44) Chief Financial Officer.—The Chief Financial Officer would be responsible for reviewing and analyzing the financial operations of the House, including the efficiencies of its operations, the functions of its offices, and the cost-effectiveness of its operations, and providing periodic recommendations to the Speaker and Minority Leader respecting these operations.

(45) Committee on House Administration.—Committee on House Administration would have equal representation of majority party and minority party members.

(46) Appropriations Subcommittee on Legislative Appropriations.—The Appropriations Subcommittee with jurisdiction over the financing operations of the House of Representatives would have equal number of majority and minority members.

(47) Reprogramming of Funds in the ouse.—No funds may be reprogrammed ithout the written approval of the Speaker d the Minority Leader.

(48) Office of General Counsel.—The Genal Counsel would serve as legal advisor to mbers, officers and employees of the use in relation to their official duties. The unsel would seek prior approval by resolun of the House regarding entering an aprance before any court, or filing a brief.

RES. 5—ADOPTING THE RULES OF THE USE OF REPRESENTATIVES FOR THE 103D NGRESS

amendment in the nature of a subte offered by Mr. Michel:

ike all after the resolving clause and inn lieu thereof the following:

t the rules of the House of Representaof the One Hundred Second Congress, ding all applicable provisions of law and rrent resolutions adopted pursuant o which constituted the Rules of the at the end of the One Hundred Second ss, as hereby adopted as the Rules of e Hundred Third Congress, with the ng amendments:

PRESENTMENT OF BILLS TO THE PRESIDENT

(1) In rule I of the Rules of the House, clause 4 is amended by adding the following sentence at the end thereof: "In the case of a bill originating in the House of Representatives, he shall take care that the bill is presented to the President not later than the tenth calendar day beginning after the date upon which a bill has been agreed to in identical form by the House of Representatives and the Senate."

VETO MESSAGES

(2) In rule I of the Rules of the House, clause 5 is amended by adding the following new paragraph:

"(c) He shall, immediately after the reading of a veto message from the President, and without intervening motion or business, state the question on reconsideration of the vetoed measure, and no motion shall have precedence over a demand for the previous question on such question except one motion to postpone the vote on reconsideration to a date certain which shall not be later than the tenth legislative day thereafter.".

BROADCAST COVERAGE

(3) In rule I, clause 9(b)(1) is amended by inserting after the first sentence the following new sentence: "He shall provide for the visual coverage of the proceedings of the House on a uniform basis throughout each day's session, and any such coverage may include periodic views of the entire Chamber provided that it is uniform throughout the day and does not detract from the visual coverage of any person who is speaking.".

HOUSE SCHEDULING

(4) In rule I, add the following new clause:

"11.(a) at the beginning of each session of the Congress the Speaker shall, after consultation with the minority leader and the chairmen of the committees of the House, announce a legislative program for the session which shall include: (1) target dates for the consideration of specified major budgetary, authorization and appropriations bills; (2) an indication of those weeks during which the House will be in session (which, unless otherwise indicated, shall be assumed to be full, five-day work weeks for the conduct of committee and House floor business); (3) those weeks set aside for district work periods (which shall be scheduled at periodic intervals), holidays and other recesses; and (4) the target date for the adjournment of that session.

"(b) the Speaker shall ensure that the minority leader is fully consulted in developing the legislative program for the House each week.".

ABOLITION OF OFFICE OF DOORKEEPER

(5)(a) Rule V, relating to the "Duties of the Doorkeeper," is repealed; the provisions of clauses 1 and 2 of rule V are redesignated as clauses 3 and 4 of rule IV ("Duties of the Sergeant-at-Arms; and the words "The Doorkeeper" in clause 3 (as redesignated) are stricken and replaced by the word "He".

(b) In rule II ("Election of Officers") the word "Doorkeeper" is stricken whenever it appears, and, after the words "Sergeant-at-Arms" where it first appears, the following is inserted: ", who should be a nationally-respected law enforcement professional".

(c) In rule XIV, clause 7 is amended by striking the words "and the Doorkeeper are" and inserting in lieu thereof the word "is".

(d) Rule LII (relating to the "Director of Non-Legislative and Financial Services") and rule LIII (relating to the "Office of Inspector General") are redesignated as rules V and VI, respectively.

OVERSIGHT REFORM

(6)(a) In rule X, clause 2 is amended by adding the following new paragraphs:

"(d)(1) Not later than March 1 of the first session of a Congress, each standing committee of the House shall, in a meeting which is open to the public and with a quorum present, adopt its oversight plans for that Congress, and such plans shall be submitted to the Committee on House Administration. In developing such plans each committee shall, to the maximum extent feasible—

"(A) consult with other committees of the House which have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction with the objective of ensuring that such laws, programs, or agencies are reviewed in the same Congress and that there is maximum coordination between such committees in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to assure such coordination and cooperation;

"(B) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority;

"(C) have a view toward insuring that all significant laws, programs, or agencies within its jurisdictions are subject to review at least once every ten years.

"(2) It shall not be in order to consider any committee expense resolution, or any amendment thereto, pursuant to clause 5 of rule XI for any committee which has not submitted its oversight plans as required by this paragraph.

"(3) Not later than March 15 in the first session of a Congress, after consultation with the Speaker, the majority leader, and the minority leader, the Committee on House Administration shall report to the House the oversight plans submitted by each committee together with any recommendations which it, or the House leadership group referred to above, may make to assure the most effective coordination of such plans and otherwise achieve the objectives of this clause.

"(e) The Speaker, with the approval of the House, may appoint special ad hoc oversight committees for the purpose of reviewing specific matters within the jurisdiction of two or more standing committees.".

(b) In rule XI of the Rules of the House, clause 1(d) is amended to read as follows:

"(d)(1) Each committee shall submit to the House not later than January 2 of each odd-numbered year, a report on the activities of that committee under this rule and Rule X during the Congress ending on January 3 of such year.

"(2) Such report shall include separate sections summarizing the legislative and oversight activities of that committee during that Congress.

"(3) The oversight section of such report shall include a summary of the oversight plans submitted by the committee pursuant to clause 2(c) of Rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by that committee, and any recommendations made or actions taken thereon.".

MULTIPLE REFERRAL REFORM

(7) In rule X, clause 5(c) is amended to read as follows:

"(c) In carrying out paragraphs (a) and (b) with respect to any matter, the Speaker shall initially refer the matter to one committee which he shall designate as the committee of principal jurisdiction; but, he may also refer the matter to one or more additional committees, for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the committee of principal jurisdiction; or refer portions of the matter to one or more additional committees (reflecting different subjects and jurisdictions) for the exclusive consideration of such portion or portions; or refer the matter to a special ad hoc committee appointed by the Speaker, with the approval of the House, from the members of the committees having legislative jurisdiction, for the specific purpose of considering that matter and reporting to the House thereon; or make such other provisions as may be considered appropriate.".

EARLY ORGANIZATION OF COMMITTEES

(8) In rule X, the first sentence of clause 6(a)(1) is amended to read as follows: "The standing committees specified in clause 1 shall be elected by the House within the seventh calendar day after the commencement of each Congress, from nominations submitted by the respective party caucuses, and said committees shall hold their organizational meetings beginning not later than four calendar days after their election and concluding not later than seven calendar days after their election.".

EQUITABLE PARTY RATIOS IN COMMITTEES

(9)(a) In rule X, clause 6(a) is amended by adding at the end thereof the following new subparagraph:

"(3) The membership of each committee (and each subcommittee, task force, or other subunit thereof) shall reflect the ratio of majority or minority party Members of the House at the beginning of the Congress (unless otherwise provided by House Rules). For the purposes of this clause, the Resident Commissioner from Puerto Rico and the Delegates to the House shall not be counted in determining the party ratio of the House.".

(b) In rule X, clause 6(f) is amended by inserting after the first sentence the following: "The membership of each such select committee (and of any subcommittee, task force or subunit thereof), and of each such conference committee, shall reflect the ratio of the majority to minority party Members of the House at the time of its appointment.".

CONTROL OF COMMITTEE ON GOVERNMENT OPERATIONS

(10) In rule X, clause 6(a) is amended by adding the following new subparagraph:

"(4) Notwithstanding the provisions of the preceding paragraph, the majority of the membership, including the chairman, of the Committee on Government Operations, shall be composed of Members of a major political party other than the political party of which the President of the United States is a member.".

TERMS LIMITS FOR CHAIRMEN AND RANKING MINORITY MEMBERS

(11) In rule X, clause 6(c) is amended by inserting after the first sentence the following: "The terms of the chairman and ranking minority member of each standing committee shall not exceed three consecutive Congresses, beginning with the One Hundred Third Congress.".

SUBCOMMITTEE LIMITS

(12) In rule X, clause 6(d) is amended to read as follows:

"(d)(1) No committee of the House shall have more than five subcommittees except the Committee on Appropriations, which
shall have not more than 13
and the following committ
have not more than six subc
and Means; Agriculture;
Banking, Finance and Urb
cation and Labor; Foreign
and Commerce; the Judici
Works and Transportation.

"(2) No Member may serve
as a member of more than
tees of the committees of th

"(3) For the purposes of th
term 'subcommittee' inclu
task force, special subcon
subunit of a standing comm
lect committee, which is
period of longer than six mo
gress.".

PROXY VOTING

(13) In rule XI, clause 2(
read as follows:

"(f) No vote by any mem
mittee or subcommittee wit
measure or matter may be c

OPEN MEETING

(14) In rule XI, clause 2(g

(a) by inserting before t
first sentence the following:
sure of matters to be cons
danger national security, w
fame, degrade or incrimina
otherwise would violate an
the House, or involves com
matters."; and,

(b) by inserting in the se
period after the word "parag
ing all that follows throug
sentence.

MAJORITY QUOR

(15) In rule XI, clause 2(h)
read as follows:

"(2) A majority of the
committee or subcommitte
a quorum for the transac
ness, including the markup

REPORT ACCOUNT

(16)(a) In rule XI, cl
amended to read as follows

"(B) With respect to eac
a motion to report any
matter of a public charact
ber of votes cast for and
and the names of those m
and against, shall be inclu
tee report on the measure

(b) In rule XI, clause
amended by adding at th
following:

"(C) With respect to ea
on a motion to report any
of a public character, t
members of the committ
at the time the measure
reported shall be include
report.".

COMMITTEE DO

(17) In rule XI, clause 2
serting after subparagra
new subparagraph, and b
paragraphs (6) and (7) a
tively:

"(6)(A) Any committe
print, document, or ot
than reports subject to
sions of this clause, pre
tribution, shall either
committee or subcomm
public distribution, and
afforded for the inclus
minority, or additional
with the provisions of
such print, document o

contain on its cover the following disclaimer in bold face type:

'This material has not been officially approved by the committee [or subcommittee, as the case may be] on [name of the committee or subcommittee] and may not therefore necessarily reflect the views of its members, and any such print, document, or other material not approved by the committee or subcommittee may not include the names of its members, other than the name of the committee or subcommittee chairman releasing the document, but shall be made available to all of the members of the committee not less than three calendar days (excluding Saturdays, Sundays, and public holidays) prior to its being made public, and in no event shall any such unapproved material be made public following the adjournment of a Congress sine die.

"(B) The provisions of this subparagraph do not apply to prints of bills or resolutions, summaries thereof, or prints containing the names of committee or subcommittee members, staff, or other factual information regarding the committees or its subcommittees, their jurisdictions or rules, or any matters pending before such committee or its subcommittees, provided that such documents do not also contain opinions, views, findings or recommendations.

"(C) Nothing in this subparagraph shall be construed to authorize any subcommittee or chairman thereof to issue any print, document or other material not otherwise authorized by the rules of the committee.".

OFFICIAL FOREIGN TRAVEL REPORTING

(18) In rule XI of the Rules of the House, clause 2(n)(1)(B) is amended by inserting after the first sentence the following new sentence: "All such individual reports shall also include a listing of all official meetings, interviews, inspection tours or other functions in which the individual participated, by country and date.".

SAME DAY CONSIDERATION OF RULES COMMITTEE REPORTS

(19) In rule XI, the first sentence of clause 4(b) is amended by substituting the following for the matter in parenthesis: "(except that it shall not be called up for consideration on the same calendar day, nor on the subsequent calendar day of the same legislative day, that it is presented to the House, unless so determined by vote of not less than two-thirds of the members voting, but this provision shall not apply during the last three days of the session)".

AFFIRMING MINORITY'S RIGHT ON MOTIONS TO RECOMMIT

(20) In rule XI, the second sentence in clause 4(b) is amended by substituting the following for the final clause: "nor shall it report any rule or order which would prevent the motion to recommit from being made as provided in clause 4 of rule XVI, including a motion with amendatory instructions (except in the case of a Senate measure for which the language of a House-passed measure has been proposed to be substituted).".

RESTRICTIVE RULE LIMITATION

(21) In rule XI, clause 4 is amended by adding the following new paragraph:

"(e) It shall not be in order to consider any resolution reported from the Committee on Rules providing for the consideration of any bill or resolution otherwise subject to amendment under House Rules if that resolution limits the right of Members to offer germane amendments to such bill or resolution unless the chairman of the Committee on Rules has orally announced to the House, at least four legislative days prior to the scheduled consideration of such matter by the Committee on Rules, that less than an open amendment process might be recommended by the Committee for the consideration of such bill or resolution.".

LIMITATION ON SELF-EXECUTING RULES

(22) In rule XI, clause 4 is amended by adding the following new paragraph:

"(f) It shall not be in order to consider any order of business resolution reported from the Committee on Rules which provides that, upon the adoption of such resolution, the House shall be considered to have automatically adopted a motion (other than for the previous question), amendment, or resolution, or to have passed a bill, joint resolution, or conference report thereon, unless the consideration of such order of business resolution is agreed to by not less than two-thirds of the members voting, and the yeas and nays shall be considered as ordered when the Speaker puts the question on consideration.".

BUDGET WAIVER LIMITATION

(23) In rule XI, clause 4 is amended by adding at the end thereof the following new paragraph:

"(g)(1) It shall not be in order to consider any resolution reported from the Committee on Rules for the consideration of any measure which waives any specified provisions of the Congressional Budget Act of 1974, as amended, unless the report accompanying such resolution includes an explanation of, and justification for, any such waiver, an estimated cost of the provisions to which the waiver applies, and a summary or text of any written comments on the proposed waiver received by the committee from the Committee on the Budget.

"(2) It shall be in order after the previous question has been ordered on any such resolution, to offer motions proposing to strike one or more such waivers from the resolution, and each such motion shall be decided without debate and shall require for adoption the requisite number of affirmative votes as required by the Budget Act or the rules of the House. After disposition of any and all such motions, the House shall proceed to an immediate vote on adoption of the resolution.".

COMMITTEE STAFFING REFORM

(24)(a) In rule XI, clause 5 is amended by inserting the following new paragraph and by redesignating existing paragraphs accordingly:

"(a)(1) It shall not be in order to consider any primary expense resolution until the Committee on House Administration has reported, and the House has adopted, a resolution establishing an overall ceiling for the House on the total number of statutory and investigative staff personnel for that year for committees requiring such expense resolutions, and any such staff ceiling resolution shall be privileged for consideration by the House.

"(2) In developing any primary expense resolution, the Committee on House Administration shall specify in the resolution the number of staff positions authorized by the resolution. The committee shall verify in the report accompanying any such primary expense resolution that the number of staff positions authorized by such resolution is in conformity with the overall ceiling on such positions established by the House.

"(3) In no event shall the total number of additional staff positions authorized by all such primary expense resolutions, taken together with the number of staff positions authorized by clause 6 of this rule (providing for professional and clerical staff), exceed the ceiling established by the House for that year.

"(4) In allocating staff positions pursuant to the overall ceiling established by the House, the committee shall take into account the past and anticipated legislative and oversight activities of each committee.

"(5) In any supplemental expense resolution, and in any amendment thereto, the committee shall specify the number of additional staff positions, if any, authorized by such resolution, and shall indicate in the report accompanying any such resolution whether the additional staff positions are in conformity with or exceed the overall ceiling established by the House.

"(6) It shall not be in order to consider any supplemental expense resolution, or any amendment thereto, authorizing additional staff positions in excess of the overall ceiling established by the House except by a vote of two-thirds of the Members voting, a quorum being present.

"(7) It shall not be in order to consider any primary or supplemental expense resolution for one or more committees unless the report on such resolution includes a statement verifying that each such committee has adopted and complied with a committee rule entitling the minority party on such committee, upon the request of a majority of such minority, to not less than one-third of the funds provided for committee staff pursuant to each primary or supplemental expense resolution.

"(8)(a) For the purposes of the first and second sessions of the One Hundred Third Congress, and the first session of the One Hundred Fourth Congress, the overall ceiling established for committee staff in a resolution reported by the committee pursuant to subparagraph (1) or contained in any amendment thereto, shall not exceed 90 percentum of the total of such committee staff personnel employed in the previous session of Congress.

"(b) In order to ensure the comprehensive applicability of the foregoing provisions, the Committee on Appropriations and the Committee on the Budget shall be treated the same as other standing committees under this clause, subject to committee expense resolutions, and clause 6 of this rule, authorizing the appointment of a specified number of professional and clerical staff.".

(b) Technical and conforming amendments:

(1) In rule XI, clause 5(b) (as redesignated) by striking the following in the first sentence thereof: "(except the Committee on Appropriations and the Committee on the Budget)".

(2) In rule XI, clause 6(a)(5) is amended to read as follows:

"(5) The provisions of subparagraph (3) do not apply to shared staff, or designated associate staff members of committees provided that such engage only in official business of the House and, in the case of associate staff, committee rules specifically authorize them to engage in other official business of the House.".

(3) In rule XI, clause 6 is amended by striking subparagraph (b)(4) and subparagraph (d).

COMMEMORATIVE CALENDAR

(25) In rule XIII, insert the following new clause 6 and redesignate succeeding clauses accordingly:

"6. There shall also be a Commemorative Calendar to be comprised of unreported bills and resolutions respecting commemorative holidays and celebrations referred to the Committee on Post Office and Civil Service and requested by the chairman and ranking minority member of such committee, in writing to the Speaker, to be placed thereon. On the first and third Tuesdays of each month, after the disposal of such business on the Speaker's table as requires reference only and bills and resolutions called on the Private Calendar, the Speaker shall direct the Clerk to call the bills and resolutions on the Commemorative Calendar. Should objection be made by two or more Members to the consideration of any bill or resolution so called, it shall be removed from such Calendar. Such bills and resolutions, if considered, shall be considered in the House.".

ACCURACY OF THE CONGRESSIONAL RECORD

(26) In rule XIV, add the following new clause:

"9.(a) The Congressional Record shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to technical, grammatical and typographical corrections authorized by the Member making the remarks involved.

"(b) Unparliamentary remarks may be deleted only by unanimous consent or by order of the House.

"(c) The provisions of clause 4(e)(1) of rule X shall apply to violations of this rule.".

AUTOMATIC ROLL CALL VOTES

(27) In rule XV, add the following new clause:

"7. The yeas and nays shall be considered as ordered when the Speaker puts the question upon the final passage of any bill, joint resolution, or conference report thereon, making general appropriations, providing revenue, or adjusting the statutory rate of pay of Members of Congress, or on final adoption of any concurrent resolution on the budget or conference report thereon which provides an increase in the statutory debt limit.".

APPROPRIATION REFORMS

(28)(a) In rule XXI, clause 2 is amended by striking the second sentence of paragraph (c) and paragraph (d) in its entirety, and by inserting the following new paragraph (d):

"(d)(1) For the purposes of House Rules, a 'general appropriation bill' shall include any bill or joint resolution making continuing appropriations in a fiscal year for a period excess of thirty days, and any such measure shall include the full text of the language proposed to be enacted (as opposed to mere references to measures, or amendments thereto, which have been reported or passed by either House, or agreed to by a committee of conference).

"(2) the provisions of clause 2(1)(3)(B) of rule XI shall apply to any 'general appropriation bill' as defined in subparagraph (1).

"(3) For the purposes of this clause, all points of order shall be considered as having been reserved against any general appropriation bill at the time it was reported.

(b) In rule XXI, clause 2 is amended by inserting after subparagraph (d) the following:

"(e) It shall not be in order to consider any bill or joint resolution making continuing appropriations for a period of thirty days or less unless such measure only provides for appropriations in the lesser amount and under the more restrictive authority of each pertinent appropriations measure: as passed by the House; as passed by the Senate; as agreed to by a committee of conference; or as enacted for the preceding fiscal year.".

(c) In rule XXI, clause 2 is amended by inserting the following new subparagraph:

"(f) It shall always be in order during the consideration of any appropriations measure for amendment to consider off-setting, deficit-neutral amendments en bloc, even though they may amend portions of the bill not yet read for amendment, said amendments shall be considered as read when offered, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.".

(d) In rule XXI, clause 3 is amended by inserting before the period: ", and shall contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law".

(e) In rule XI, clause 2(1)(3)(B) is amended by inserting after "(other than continuing appropriations" the following: "except as provided by clause 2(d) of rule XXI".

(f) In rule XI, clause 4 is amended by adding at the end thereof the following:

"(h) It shall not be in order, except by a vote of not less than three-fifths of the Members of the House duly chosen and sworn, to consider any rule or order from the Committee on Rules which waives the provisions of clause 2(e) of rule XXI against the consideration of any short-term continuing appropriations measure as defined therein; or which waives the provisions of clause 2 of rule XXI against, or denies amendment to, any provision in any appropriation measure if an authorization for such provision has not been previously considered and agreed to by the House with respect to the fiscal year to which the provision applies.".

PROHIBITION ON EXTRANEOUS MATTERS IN RECONCILIATION BILLS

(29) In rule XXI, add the following new clause:

"8. (a) No provision shall be reported in the House to any reconciliation bill pursuant to the most recently agreed to concurrent resolution on the budget, or be in order as an amendment thereto in the House or the Committee of the Whole, which is not related to achieving the purpose of the directives to House committees contained in such concurrent resolution.

"(b) Nothing in this clause shall be construed to prevent the consideration of any provision in a reconciliation bill, or any amendment thereto, which achieves savings greater than those directed of a committee and which conforms to paragraph (c) of this clause, or to prevent the consideration of motions to strike made in order by the committee on Rules to achieve the purposes of the directives.

"(c) For the purposes of this clause, a provision shall be considered related to achieving the purposes of directives contained in the most recently agreed to concurrent resolution on the budget if it is estimated by the House Committee on the Budget, in consultation with the Congressional Budget Office, to effectuate or implement a reduction in budget authority or in new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act, or to raise revenues, or both, and, in the case of an amendment, if it is within (in whole or in part) the jurisdiction of any committee instructed in the concurrent resolution.

"(d) The point of order provided for by this clause shall not apply to Senate amendments or to conference reports.

"(e) For the purposes of this clause, all points of order shall be considered as having been reserved against a reconciliation bill at the time it was reported.".

AUTHORIZATION REPORTING DEADLINE

(30) In rule XXI, add the following new clause:

"9. It shall not be in order to consider in the House any bill or joint resolution which directly or indirectly authorizes the enactment of new budget authority for a fiscal year unless that bill or joint resolution is reported in the House on or before May 15 proceeding the beginning of such fiscal year.".

PLEDGE OF ALLEGIANCE

(31) In rule XXIV, clause 1 is amended by inserting after the second order of business the following new order of business, and by redesignating succeeding orders accordingly: "Third. The Pledge of allegiance to the flag.".

SUSPENSION OF THE RULES

(32) In rule XXVII, clause 1 is amended by inserting after "1." the designation "(a)", and by inserting after paragraph (a) the following new paragraphs:

"(b) It shall not be in order to entertain a motion to suspend the rules and pass or agree to any measure or matter unless by direction of the committee or committees of jurisdiction over the measure or matter, or unless a written request is filed with the Speaker by the chairman and ranking minority member of the committee or committees having jurisdiction over the measure or matter, asking for its consideration under suspension of the rules.

"(c) A motion to suspend the rules and pass or agree to any measure or matter shall not be in order if the measure or matter would enact or authorize the enactment of new budget authority or new spending authority in excess of $50,000,000 for any fiscal year; nor shall it be in order to suspend the rules to pass any joint resolution which proposes to amend the Constitution.

"(d) It shall not be in order to entertain a motion to suspend the rules and pass or agree to any measure or matter unless written notice is placed in the Congressional Record of its schedules consideration at least one calendar day prior to its consideration, and such notification shall include the numerical designation of the measure or matter, its short title, and the text of any amendments to be offered thereto (if such amendments are not printed in the measure as reported), and the date on which the measure or matter is scheduled to be considered.".

DISCHARGE MOTIONS

(33) In rule XXVII, clause 4 is amended by inserting after the fourth sentence the following new sentence: "When one-hundred Members have signed the motion, the Clerk shall cause to be printed in the Congressional Record the name of each Member who has signed or withdrawn a signature to the motion, and shall thereafter publish an updated list in the Congressional Record at the end of each succeeding week the House is in session.".

INCLUSION OF VIEWS WITH CONFERENCE REPORTS

(34) In rule XXVIII, clause 1 is amended by adding at the end thereof the following new paragraph:

"(e) If, on the day a report of any committee of conference has received the requisite number of signatures for approval by House conferees, any House conferee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) on which to file such views with the principal manager on the part of the House, such views shall be in writing and signed by that Member. All such views so filed by one or more members of the committee shall be published in the same volume as the report of the committee of conference and the joint explanatory statement filed in the House, and the volume shall bear on its cover a recital that any such supplemental, minority, or additional views are included as part of that volume. This paragraph shall not preclude the immediate filing or printing of a conference report if a timely request to file such views was not made as provided by this paragraph.".

PROTECTION OF CLASSIFIED MATERIALS

(35) In rule XLIII ("Code of Official Conduct"), add the following new clause:

"13. Before any Member, officer or employee of the House of Representatives may have access to classified information, the following oath shall be executed:

'I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service with the House of Representatives, except as authorized by House of Representatives or in accordance with its Rules.'

Copies of the executed oath shall be retained by the Clerk of the House as part of the records of the House.".

PROHIBITION ON FRANKED MASS MAILINGS OUTSIDE MEMBER'S DISTRICT

(36) In rule XLV ("Limitations on the Use of the Frank"), clause 4 is amended to read as follows:

"4. A Member may not send any mass mailing outside the current congressional district of the Member.".

COMPOSITION OF INTELLIGENCE COMMITTEE

(37) In rule XLVIII ("Permanent Select Committee on Intelligence"), clause 1(a) is amended by striking-out "nineteen Members with representation to" and inserting in lieu thereof "thirteen Members, of which not more than seven may be from the same party. The select committee shall".

ENHANCED RESCISSION AUTHORITY

(38)(a) The Committee on Rules and the Committee on Government Operations shall, not later than May 31, 1993, report legislation granting the President enhanced rescission authority with respect to any discretionary budget authority in any fiscal year. Such legislation shall provide that any such budget authority shall be considered to be permanently canceled unless a joint resolution disapproving such rescission is enacted within a specified number of days of continuous session of Congress (as defined by section 1011 of the Congressional Budget Act of 1974) after the date on which the President's special rescission message is received.

(b) If such legislation is not reported by the committees named above by the date specified, the Committees not reporting shall be considered as having been discharged from the further consideration of the first such bill introduced and it shall be in order on any day after June 3, 1993, for any Member of the House (after consultation with the Speaker as to the most appropriate time for consideration), as a matter of highest privilege, to move to resolve into the Committee of the Whole House on the State of the Union for its consideration, and the bill shall be subject to two hours of general debate to be equally divided and controlled by the majority and minority leaders, or their designees, followed by consideration of the measure for amendment under the five-minute rule.

BIENNIAL BUDGET-APPROPRIATIONS PROCESS

(39) The House members of the Joint Committee on the Organization of Congress are directed to request that the Joint Committee conduct a complete and thorough study of the advisability and feasibility of converting to a biennial budget and appropriations process and corresponding multi-year authorizations and that it report back its findings and recommendations not later than December 31, 1993.

REALIGNMENT OF COMMITTEE JURISDICTIONS

(40) The House members of the Joint Committee on the Organization of the Congress shall request that the Joint Committee conduct a complete and thorough study of the committees of the House and the Senate with a view to realigning the jurisdictions along more functional and rational lines in order to eliminate the duplication, overlap, and inefficiencies in the present committee system and to ensure, to the extent feasible, that the committee systems of the two Houses are as parallel and compatible as possible with each other and with the Executive Departments under their jurisdiction.

APPLICABILITY OF CERTAIN LAWS TO THE HOUSE

(41)(a) It is the policy of the House that the laws of the United States set forth in subparagraph (b) should be amended to apply to the House of Representatives in the same or similar manner as such laws apply, in the case of subparagraph (b)(1)–(8), to private sector employees; and, in the case of subparagraph (b)(9)–(11), to the Executive Branch; and that any bill reported by a committee of the House in the 103d Congress shall conform to this same principle. Such application shall include, absent manifest constitutional limitations, the same remedies, including, where applicable, damages) and enforcement procedures (including, where applicable, private law suits) as those provided under the identified laws.

(b) Not later than June 30, 1993, the standing committees of the House with subject matter jurisdiction over the following laws of the United States shall report to the House legislation to implement subparagraph (a):

(1) The National Labor Relations Act;

(2) The Occupational Safety and Health Act of 1970;

(3) The Equal Pay Act of 1963;

(4) The Age Discrimination in Employment Act of 1967;

(5) Title VII of the Civil Rights Act of 1964 (relating to equal employment opportunity);

(6) The Fair Labor Standards Act;

(7) The Americans with Disabilities Act;

(8) The Employee Polygraph Protection Act;

(9) Section 552 of title 5, United States Code (popularly known as the Freedom of Information Act);

(10) Section 552a of title 5, United States Code (popularly known as the Privacy Act of 1974); and

(11) Chapter 39 of title 28, United States Code (relating to an independent counsel).

(c) the Committee on Rules shall, not later than ten legislative days after any such legislation has been reported, report a resolution providing for the consideration of such measure in the Committee of the Whole House on the State of the Union under an open amendment process.

(d) If such legislation is not reported by all the committees named above by the date specified, the first bill introduced which implements the policy referred to in subparagraph (a) and which encompasses all the laws referred to in subparagraph (b) shall be considered as having been discharged from all the committees to which it was referred. It shall be in order on any day after July 15, 1993, for any Member of the House (after consultation with the Speaker as to the most appropriate time for consideration), as a matter of highest privilege, to move to resolve into the Committee of the Whole House on the State of the Union for its consideration, and the bill shall be subject to four hours of general debate to be equally divided and controlled by the majority and minority leaders, or their designees, followed by consideration of the measure for amendment under the five-minute rule.

ABOLITION OF SELECT COMMITTEES

(42)(a) The following select committees shall be abolished and their funding for investigations and studies is terminated for purposes of clause 5(f)(2) of House Rule XI: (1) the Select Committee on Children, Youth and Families, (2) the Select Committee on Hunger; and (3) the Select Committee on Narcotics Abuse and Control.

(b) Clause (6)(i) of rule X of the Rules of the House, establishing a Select Committee on Aging, is repealed, the select committee is abolished, and its funding for investigations and studies is terminated.

(c) It shall not be in order during the first session of the One Hundred Third Congress to consider any resolution reestablishing the above-named select committees, nor shall it be in order to consider any order of business resolution waiving this prohibition except by a two-thirds vote of the House.

CAMPAIGN REFORM

(43)(a) The Committee on House Administration is directed to report to the House no later than June 30, 1993, legislation to reform Federal election law and campaign practices.

(b) Not later than July 31, 1993, all other committees to which such bill may have been referred shall report such bill to the House with such amendments as may have been recommended. Any committee which has not reported as directed by such date shall be deemed to be discharged from the further consideration of such bill.

(c) Not later than ten legislative days after the July 31, 1993, reporting deadline, the Committee on Rules shall report a resolution providing for the consideration of such campaign reform bill under an open amendment process. If such a resolution is not reported by such date, it shall be in order on any day thereafter for any Member to move that the House resolve into the Committee of the Whole House on the State of the Union for the consideration of the bill.

CHIEF FINANCIAL OFFICER

(44)(a) Strike Rule V of the Rules of the House (as redesignated by this resolution) and insert:

Rule V—CHIEF FINANCIAL OFFICER

"1. There shall be elected by not less than two-thirds of Members voting, a quorum being present, the Chief Financial Officer of the House.

"2. The Chief Financial Officer should have appropriate education and training, have demonstrated an ability to manage large and complex administrative activities and resources, and have experience that is relevant to the management of the financial operations of the House.

"3. The Chief Financial Officer shall be responsible for

"(a) reviewing and analyzing the financial operations of the House, including the efficiencies of its operations, the functions of its offices, and the cost-effectiveness of its operations, and providing periodic recommendations to the Speaker and minority leader respecting these operations;

"(b) conducting periodic audits of the financial operations of the House, simultaneously sending audit reports to the Speaker and minority leader, and making these audit reports available to the public;

"(c) keeping the accounts for the pay and mileage of Members, Delegates, and the Resident Commissioner from Puerto Rico, and paying them as provided by law; and

"(d) carrying out all other financial functions and operations that were exercised by the Clerk before the date of the adoption of this rule, including, but not limited to—

"(1) keeping full and accurate accounts of the disbursements of the contingent fund of the House.

"(2) keeping the stationery account of the Members, Delegates, and Resident Commissioner of Puerto Rico.

"(3) paying the salaries of officers and employees of the House, and

"(4) making or approving all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives in pursuance of law or order of the House.

"(e)(1) reviewing existing and proposed rules of the House to determine the effect of such rules on the economy and efficiency of the financial operations of the House, taking into consideration the need to prevent fraud, waste, and abuse in such operations.

"(2) based on such review, providing periodic recommendations to the Speaker and the Minority Leader with respect to the Rules of the House.

"(f) keeping the House fully and currently informed of any instance of fraud, waste, or abuse, or any other serious deficiency in the financial operations of the House, including corrective actions taken or recommended;

"(g) reporting to the Speaker and the Minority Leader—

(1) any such instance that, because of its particularly serious nature, requires immediate attention; and

"(2) any lack of cooperation by a Member, officer, or employee of the House that inhibits the carrying out of the responsibilities of the Chief Financial Officer;

"(h) not later than October 31 of each year, submitting to the House with respect to the financial operations of the House in the preceding fiscal year a report of the activities of the Chief Financial Officer, including—

"(1) a description of significant problems, abuses, and deficiencies in the financial operations of the House, the recommendations made, the corrective actions completed, and the corrective actions uncompleted;

"(2) a summary of matters the Chief Financial Officer referred to the Committee on Standards of Official Conduct and the actions which have resulted from such referrals; and

"(3) a summary of each recommendation by the Chief Financial Officer to the Speaker and minority leader under these Rules;

"(i) receiving and investigating complaints from employees of the House with respect to fraud, waste, and abuse in the financial operations of the House, if such complaints assert the existence of a violation of law, a violation of these Rules, mismanagement, gross waste of funds, or abuse of authority, and

"(j) developing and maintaining an integrated accounting and financial management system for the House, including financial reporting and internal controls to provide performance measurement, cost information, and integration of accounting and budgeting information; and

"(k) directing, managing, providing policy guidance for, and conducting oversight of financial management personnel and operations, including preparation of a 5-year financial system plan, development of financial management budgets, recruitment, selection and training of personnel to carry out financial management functions, and implementation of asset management systems, such as cash and credit management, debt collection, and property and internal controls.

"4.(a) In carrying out clause 3(I), the Chief Financial Officer may not disclose the identity of a complaining employee without the consent of the employee, unless the Chief Financial Officer determines such disclosure is unavoidable.

"(b) Any intimidation of, or reprisal against, an employee of the House by an employing authority because of a complaint made by the employee is a violation of rule LI.

"5. In accordance with policies and procedures approved by the Committee on House Administration, the Chief Financial Officer shall appoint such employees as may be necessary for the prompt and efficient performance of the duties of the Chief Financial Officer under these Rules. Such employees shall serve at the pleasure of the Chief Financial Officer.".

COMMITTEE ON HOUSE ADMINISTRATION

(45) Clause 6(a) of Rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(5)(A) One-half of the members of the Committee on House Administration shall be from the majority party and one-half shall be from the minority party.

"(B) In the case of the Committee on House Administration, subpoenas may be authorized and issued as provided by clause 2(m) of rule XI, except that either the chairman or ranking minority party member of that committee may authorize and issue subpoenas under that clause.".

APPROPRIATIONS SUBCOMMITTEE ON LEGISLATIVE APPROPRIATIONS

(46)(a) The membership of the Subcommittee on Legislative Appropriations of the Committee on Appropriations shall be divided equally between the majority party and the minority party. Staff positions for the subcommittee shall be divided in the same manner.

LIMITATION ON REPROGRAMMING OF FUNDS IN THE HOUSE OF REPRESENTATIVES

(47)(a) No funds may be reprogrammed or otherwise transferred between appropriation accounts of the House of Representatives without the written approval of the Speaker and the minority leader of the House of Representatives.

OFFICE OF THE GENERAL COUNSEL

(48)(a) Add the following new Rule LII:

"Rule LII—"Office of the General Counsel"

"1. There is established in the House of Representatives an office to be known as the Office of the General Counsel, referred to hereinafter in this title as the "Officer".

"2. Accountability. The Office shall be directly accountable to the Leadership Group, composed of—(a) the Speaker of the House of Representatives; (b) the majority leader and minority leader of the House of Representatives; (c) the majority whip and minority whip of the House of Representatives; (d) the chairman and ranking minority party member of the Committee on the Judiciary of the House of Representatives; and (e) 2 Members of the House to be appointed by the Speaker of the House of Representatives, one of whom shall be appointed upon the recommendation of the minority leader.

"3. Purpose and Policy. The purpose of the Office is to provide legal assistance to Members, officers, and employees of the House of Representatives on matters directly related to their duties, other than matters committed by law, rule, or other authority to the Office of the Parliamentarian, the Office of the Legislative Counsel, the Office of the Law Revision Counsel, the Legislative Classification Office, the Congressional Research Service, the Comptroller General, or the Office of Fair Employment Practices, or to another office, officer, or employee of the House of Representatives. The Office shall maintain—(1) impartiality as to issues of policy to be determined by the House of Representatives; and (2) the attorney-client relationship with respect to all communications between it and any Member or committee of the House.

"4. Specific Approval Requirements.

"(a) APPROVAL BY RESOLUTION—Unless approved by unanimous vote of the Leadership Group, the following actions of the Office require prior approval by resolution of the House of Representatives.

(1) Entering an appearance before any court.

(2) Filing a brief in any court.

(3) Representing any Member of the House of Representatives in any contested matter that will result in formal legal proceedings.

(b) APPROVAL BY THE LEADERSHIP GROUP—The Following activities of the Office require prior approval by the Leadership Group:

(1) Preparation of any legal memorandum or other item of legal research that requires more than 4 hours of preparation time.

(2) Work other than in the routine course of business of the Office.

(c) SPECIAL RULE—In carrying out any action under this title, the Office, in the case of any matter that affects an area of responsibility committed to another office, officer, or employee referred to in section 123, shall consult the office, officer, or employee involved and coordinate such action with the office, officer, or employee.

"5. General Counsel. The management, supervision, and administration of the Office are vested in the General Counsel, who shall be appointed by the Speaker of the House of Representatives, upon the recommendation of the majority leader and minority leader of the House of Representatives, acting jointly, without regard for political affiliation and solely on the basis of fitness to perform the duties of the position. The General Counsel shall serve at the pleasure of the Leadership Group.

"6. Staff. With the approval of the Leadership Group or in accordance with policies and procedures approved by the Leadership Group, the General Counsel may employ such attorneys and other employees as may be necessary for the performance of the functions of the Office, except that not more than 4 attorneys and 3 other employees may be so employed and at least one attorney in the Office shall be appointed upon the recommendation of the minority leader. Any individual employed under this section may be removed by the General Counsel, with the approval to the Leadership Group.

"7. Compensation.

(a) GENERAL COUNSEL.—The General Counsel shall be paid at a per annum gross rate fixed by the Leadership Group, but not more than the rate payable for positions at level III of the Executive Schedule, under section 5314 of title 5, U.S. Code.

(b) STAFF.—Members of the staff of the Office shall be paid at per annum gross rates fixed by the General Counsel, with the approval of the Leadership Group or in accordance with policies and procedures approved by the Leadership Group, but not more than the rate payable for positions at level IV of the Executive Schedule, under section 5315 of title 5, U.S. Code.

"8. EXPENDITURES. Subject to appropriation and in accordance with policies and procedures approved by the Leadership Group, the General Counsel may make such expenditures as may be appropriate for the functioning of the Office.

"9. TIME SHEETS. The Attorneys and professional staff in the Office shall maintain regular, written records of the time expended on legal matters, consistent with generally accepted practices in private law firms. Such time records shall be maintained on forms and according to procedures established by the General Counsel, and shall provide for the recordation of time allotted to legal work in increments of no more than one-quarter hour. The time records shall be reviewable by the Leadership Group and may not be made public other than by direction of the Leadership Group or resolution of the House.".

SUMMARY OF COMPARATIVE DATA ON HOUSE OF REPRESENTATIVES

(1) Time in Session.—In the 102nd (1991-92) Congress, the House was in session 277 days—21 fewer than the 92nd Congress (1971-72) and 26 fewer than the 97th Congress (1981-82). Nevertheless, the most recent House put in roughly 370 more hours than the two earlier Congresses being measured, for an average day of 6.5 hours compared to 4.8 and 4.7 for the 92nd and 97th, respectively. (Table 1.)

(2) Legislative Output.—House committees reported 696 public measures in the 102nd Congress—314 less than the 92nd but 95 more than the 97th. The most recent House passed 932 public bills and resolutions compared to 970 for the 92nd and 704 for the 97th. Of the measures passed by the House in the 102nd, 34% were unreported, compared to 4% in the 92nd and 11.5% in the 97th—figures which roughly approximate the percentages of commemoratives in each Congress (commemoratives usually are not reported from committee). (Table 1.)

(3) Public Enactments.—The number of public laws enacted in the 102nd Congress, 590, is roughly the same as 20 years ago in the 92nd (607). But whereas commemorative laws comprised only 7.6% of total public enactments 20-years ago, today they comprise 32% of all public laws. When commemoratives are subtracted from the total, the 102nd Congress enacted 162 fewer substantive laws than the 92nd, but 35 more than the 97th. It should be noted that while the average number of pages per public statute 20 years ago was 3.8, ten years ago it was 9.2; and while this figure is not yet available for the 102nd Congress, in the 101st Congress the average number of pages per public law was 12.8. (Table 1.)

(4) Committees, Subcommittees, Staff and Costs.—The number of House standing committees has remained relatively constant over the last two decades—21 two decades ago and 22 in both the 97th and 102nd Congresses. The number of select committees was four in the 92nd Congress, three in the 97th, and six in the 102nd. The number of subcommittees of House standing and select committees has grown from 136 to 158 between the 92nd and the 102nd Congresses—a 16% increase. The number of committee staff has grown from 889 to 2,295—a 158% increase. The cost of operating the House over the last two decades has grown from $257.6 million for the two-year period of the 92nd Congress to $1.3 billion for the 102nd Congress—a 421% increase. (Table 1.)

(5) Special Committee Procedures.—Of the 28 standing and select committees in the 102nd Congress, 23 permitted proxy voting and 19 allowed one-third of the membership to constitute a quorum to conduct business (except for reporting measures). (Table 2.)

(6) Member and Staff Party Ratios on Committees.—Whereas Democrats comprised 61% of the House membership at the beginning of the 102nd Congress, their representation on 9 of the 28 standing and select committees was 63% or greater. And on 17 of those panels, majority staff comprised 70% or more of the total. On 13 of the 28 House panels, the staff to member ratio was greater than 2 to 1; and on 7 of those panels, it was 3 to 1 or more. (Table 3.)

(7) Open vs. Restrictive Rules.—Whereas in the 95th Congress only 15% of the rules reported from the Rules Committee providing for the original consideration of legislation limited the amendment process, by the 101st Congress 55% of the rules were restrictive, and in the 102nd Congress 66% were restrictive. (Table 4.)

(8) Restricting Instructions on Motions to Recommit.—Whereas in the 95th Congress, three order of business resolutions (or rules) limited or denied the minority's right to offer motions to recommit bills with amendatory instructions, in the 100th Congress this reached a peak with 24 restrictive rules. In the 101st Congress, 21 rules limited this right. But, due mainly to repeated points of order by the minority against such rules, in the 102nd Congress the number had shrunk to 7. (Table 5.)

(9) Waivers of the Three-Day Layover Requirement.—In the 95th Congress, the Rules Committee reported rules on 19 occasions which set aside the House requirement for a 3-day layover of bills after the report is available to Members. In the 101st Congress this was done on 23 occasions, and in the 102nd Congress on 18 occasions. These figures do not include rules waiving all points of order against a measure, some of which include 3-day layover violations. (Table 6.)

(10) Unauthorized Appropriations.—More and more programs are being funded without the required prior enactment of authorizing legislation. In fiscal years 1991 and 1992, 122 unauthorized laws were funded to the tune of $71.4 billion, according to CBO figures. (Table 7.)

(11) Budget Act Waivers.—Instances in which "rules" from the Rules Committee have waived specific provisions of the Budget Act of waived all points of order (which includes all provisions of the Budget Act) have grown since the Budget Act was first enacted in 1974. Such waivers comprised 19% of all rules reported in the 96th Congress. They peaked in the 99th Congress when they comprised 65% of all rules. Since then there has been a slight decline to 51% in the 100th, 56% in the 101st, and 47% in the 102nd. (Table 8.)

(12) Suspension of the Rules.—Measures may be considered under a suspension of the rules on Mondays and Tuesdays of each week. Under this procedure, bills are debatable for 40-minutes, are not subject to amendment, and must be passed by a two-thirds vote. The number of measures which have passed under suspension has increased from 38% of all bills passed in the 95th Congress, to 52% in the 102nd Congress. (Table 9.)

(13) Select Committee Costs.—Of the four non-legislative select committees in the 102nd Congress which were not terminated at the end of the Congress, the Permanent Select Committee on Aging is the oldest, dating back to 1975 and costing a total of nearly $22 million over its 18-years of existence; Narcotics is next: 17-years, $10.5 million; Children, Youth and Families: 10-years, $7-million; Hunger: 9-years, $5.3-million. Taken together, the four select committees have been authorized $44.7 million since their inception. (Table 10.)

TABLE 1.—COMPARATIVE LEGISLATIVE DATA FOR HOUSE OF REPRESENTATIVES

[92d, 97th, & 102d Congresses]

Item	92d Congress (1971–72)	97th Congress (1981–82)	102d Congress (1991–92)
Days in session[1]	298	303	277
Hours in session[1]	1,429	1,420	1,796
Average hours per day	4.8	4.7	6.5
Total public measures reported[1]	1,010	601	696
Public measures reported but not acted upon[1]	78	81	79
Total public measures passed[1]	970	704	932
Unreported measures passed as percent of total	4.0	11.5	34
Total public laws enacted[1]	607	473	590
Average pages per statute[2]	3.8	9.2	NA
Commemoratives enacted[3]	46	109	191
Commemoratives as percent of total enactments	7.6	23	32
Substantive laws (total minus commemoratives)[3]	561	364	399
Rollcall votes[4]	649	812	901
Average votes per measure passed[4]	.67	1.15	1.0
Congressional Record pages of House proceedings	23,262	20,770	24,674
Average Record pages per measure passed[5]	24	29.5	26.5
House standing committees	21	22	22
Select committees	4	3	6
Subcommittees[7]	136	148	158
House committee staff[8]	889	1,905	2,295
House appropriations[9] (in millions)	$257.6	$745.2	$1,341.6

[1] Data taken from "Resume of Congressional Activity," Daily Digest, Congressional Record, & House Calendars, 92d, 97th, and 102d Congresses. "Public measures" are bills and joint resolutions of a public nature, and do not include private bills, nor do they include simple or concurrent resolutions.

[2] Source: "Indicators of House of Representatives Workload & Activity," CRS Report for Congress by Roger H. Davidson and Carol Hardy, June 8, 1987 (Rept. 87–492 S).

[3] Commemoratives are isolated here as a subcategory of public laws, to be distinguished from more substantive enactments. The term "commemoratives" includes proclamations, commemoratives, memorials, namings, coins and medals, and recognitions. Source: "Commemorative Legislation," by Stephen W. Stathis & Barbara L. Schwemle, Congressional Research Service, March 30, 1990 (Rept. No. 90–183 GOV); and "History of Public Bills Enacted into Public Law, (102d Congress," Congressional Record Daily Digest, Oct. 29, 1992.

[4] "Rollcall Votes" include yea and nay votes and recorded votes, but not recorded quorum calls. Prior to 1971, recorded votes were not permitted on amendments in the Committee of the Whole. Sources: Daily Digest, "Resume of Congressional Activity," final Congressional Record for 92d, 97th, and 102d Congresses.

[5] "Measures passed" here includes not only bills and joint resolutions, but simple and concurrent resolutions as well.

[6] Select committees include the Task Force on the "October Surprise," 102d Congress.

[7] Subcommittees include the subcommittees, panels and task forces of standing and select committees. Sources: Vital Statistics on Congress, 1991–92, by Ornstein, Mann, Malbin (AEI), 1992); "The Congressional Standing Committee System," by Carol Hardy Vincent, CRS, Sept. 14, 1992.

[8] Figures for staff include statutory and investigative staff of all House standing and select committees plus HIS staff. Sources: "Congressional Committee Staff and Funding," by Carol Vincent Hardy, CRS, Aug. 7, 1992; and historical data from same author.

[9] Figures represent the budget authority appropriated for the House in the Legislative Branch Appropriations bills for the 92nd (FY 1971–72), 97th (FY 1981–82), and 102d (FY 1991–92), and 102d (FY 1991 92) Congresses. Sources: "U.S. House of Representatives and Senate: Budget Authority FY 1962–FY 1988," by Paul Dwyer, Congressional Research Service (Rept. No. 88–260 GOV); Budget of the U.S., Fiscal 1993.

TABLE 2.—HOUSE COMMITTEE SURVEY, 102D CONGRESS

	Proxy Voting[1]	One-third quorums[2]	Number of sub-committees[3]	Number of staff[4]	Investigative staff budget, 1992[5]
Committee:					
Agriculture	Yes	Yes[6]	8	69	$2,257,937
Appropriations	No	No	13	215	[7] NA
Armed Services	Yes	Yes	[8] 15	81	2,464,082
Banking, Finance	Yes	Yes	[9] 9	110	4,336,240
Budget	Yes	No	[10] 6	99	NA
District of Columbia	Yes	Yes	3	39	342,035
Education and Labor	Yes	Yes	8	117	4,110,649
Energy and Commerce	Yes	Yes	6	152	6,287,459
Foreign Affairs	Yes	Yes	[11] 9	106	3,840,825
Government Operations	Yes	Yes	7	87	3,282,875
House Administration HIS	Yes	Yes	[12] 8	314	1,941,450
Interior	Yes	Yes	6	81	2,192,434
Judiciary	Yes	Yes	6	68	2,430,018
Merchant Marine	Yes	Yes	5	76	2,322,057
Post Office and Civil Service	Yes	Yes	7	80	1,910,783
Public Works	Yes	Yes	6	97	2,893,963
Rules	No	No	2	47	722,479
Science, Space	Yes	Yes	6	85	2,901,410
Small Business	Yes	Yes	6	54	1,055,000
Standards	No	No	0	11	400,000
Veterans[1] Affairs	No	No	5	42	739,451
Ways and Means	Yes	No	6	138	4,780,000
Select committees:					
Aging	Yes	Yes	[13] 6	38	1,542,240
Children, Youth and Families	Yes	No	0	20	764,593
Hunger	Yes	No	[14] 2	16	654,274
Intelligence	No	No	3	25	130,000
Narcotics Abuse and Control	Yes	Yes	0	18	3,820,609
October Surprise Task Force	Yes	Yes	0	10	1,350,000
Total			158	2,295	56,381,756

[1] House Rule XI, clause 2(f), permits proxy voting in committee if authorized by written rule adopted by the committee.

[2] House Rule XI, clause 2(h) permits committees other than Appropriations, Budget and Ways and Means to set the quorum for doing business, other than reporting a matter, issuing subpoenas, and closing meetings and hearings, at not less than one-third of the committee's membership.

[3] This figure includes statutory and investigative staff for standing committees and investigative staff only for select committees. Standing committees are authorized up to 30 statutory staff.

[4] This figure includes subcommittees and long-term task forces or panels of more than six-months duration.

[5] This figure consists only of the money authorized through committee investigative expense resolutions and does not include funding for the 30 statutory staff allotted each committee.

[6] The Agriculture Committee permits the chairman to set a one-third quorum rule if notice is given in advance of a meeting.

[7] The Committees on Appropriations and Budget receive no investigative staff funds and instead are funded entirely through the appropriations process under an open-ended statutory authorization.

[8] Includes 7 subcommittees and 8 panels.

[9] Includes 8 subcommittees and 1 task force.

[10] Budget has 6 task forces.

[11] Includes 8 subcommittees and 1 task force.

[12] Includes 7 subcommittees and 1 task force.

[13] Includes 4 subcommittees and 2 task forces.

[14] Hunger has 2 task forces.

Note.—Proxy voting: Yes, 23; no, 5. One-third quorums: Yes, 19; no. 9.

Sources: Rules Adopted by the Committee of the House of Representatives, 102d Congress, Committee on Rules; "Congressional Committees Staff and Funding, by Carol Hardy Vincent, Government Division, Congressional Research Service, Aug. 7, 1992 (IB82006); "The Congressional Standing Committee System," by Carol Hardy Vincent, Government Division, Congressional Research Service, Sept. 14, 1992 (92–707–GOV).

TABLE 3.—MEMBER AND STAFF RATIOS ON HOUSE COMMITTEES, 102D CONGRESS

	Total Members	Party ratio, Democrat/Republican		Total staff	Staff ratio, Democrat/Republican		Staff: Member ratio
		Number	Percent		Number	Percent	
Committee:							
Agriculture	45	27/18	60/40	63	43/20	68/32	1.4:1
Appropriations	59	37/22	63/37	221	167/54	76/24	3.7:1
Armed Services	54	33/21	61/39	83	NA		1.5:1
Banking	52	31/20	60/40	116	90/26	78/22	2.2:1
Budget	37	23/14	62/38	96	69/27	72/28	2.6:1
District of Columbia	11	7/4	64/36	39	28/11	72/28	3.5:1
Education and Labor	37	23/14	62/38	121	96/25	79/21	3.3:1
Energy and Commerce	43	27/16	63/37	151	122/29	81/19	3.5:1
Foreign Affairs	43	26/17	60/40	104	80/24	77/23	2.4:1
Government Operations	41	25/15	61/39	86	69/17	80/20	2.1:1
House Administration	24	15/9	63/37	73	56/17	77/23	3.0:1
Interior	42	26/16	62/38	83	64/19	77/23	2.0:1
Judiciary	34	21/13	62/38	71	57/14	80/20	2.1:1
Merchant Marine	45	28/17	62/38	77	56/21	73/27	1.7:1
Post Office	22	14/8	64/36	84	65/19	77/23	3.8:1
Public Works	55	34/21	62/38	98	67/31	68/32	1.8:1
Rules	13	9/4	69/31	48	35/13	73/27	3.7:1
Science	51	32/19	63/37	85	67/18	79/21	1.7:1
Small Business	44	27/17	61/39	53	35/18	66/34	1.2:1
Standards	14	7/7	50/50	11	NA		0.8:1
Veterans' Affairs	34	21/13	62/38	43	29/14	67/33	1.3:1
Ways and Means	36	23/13	64/36	90	68/22	76/24	2.5:1
Select committees:							
Aging	68	41/27	60/40	37	27/10	73/27	0.5:1
Children, Youth, Families	36	22/14	61/39	20	13/7	65/35	0.6:1
Hunger	33	21/12	64/36	16	10/6	63/37	0.5:1
Intelligence	21	13/8	62/38	18	NA		0.9:1
October Surprise Task Force	13	8/5	62/38	10	6/4	60/40	0.8:1

Note.—At the outset of the 102d Congress there were 267 Democrats (61 percent) to 167 Republicans (38 percent) and one Independent.

Sources: "The Congressional Standing Committee System," by Carol Hardy Vincent, Government Division, Congressional Research Service, Sept. 14, 1992 (92–707 GOV); Committee Budget Submissions to and Minority Staff Surveys, House Administration Committee, Feb. 20, 1992; Telephone Directory, U.S. House of Representatives, Summer, 1992; "Congressional Committee Staff and Funding," by Carol Hardy Vincent, Government Division, Congressional Research Service, Aug. 7, 1992 (IB82006).

TABLE 4.—OPEN VERSUS RESTRICTIVE RULES, 95—102nd CONGRESSES

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102nd (1991–92)	109	37	34	72	66

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the *initial* consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: Rules Committee Calendars & Surveys of Activities, 95th–101st Congresses; "Notices of Action Taken," Committee on Rules, 102nd Congress, through Oct. 6, 1992.

TABLE 5.—SPECIAL RULES IN THE HOUSE LIMITING OR DENYING AMENDATORY RECOMMITTAL INSTRUCTIONS: 95TH–102D CONGRESSES

Congress (years)	Type of Rule[1]		Total rules limiting or denying ARI	Total rules granted[4]
	Limiting ARI[2]	Denying ARI[3]		
95th (1977–78)	3	0	3	211
96th (1979–80	8	0	8	214
97th (1981–82)	2	1	3	120
98th (1983–84)	1	0	1	155
99th (1985–86)	7	7	14	115
100th (1987–88)	9	15	24	123
101st (1989–90)	5	16	21	104
102nd (1991–92)	0	6	6	105
Total	35	45	80	

[1] This is based on rules providing for the initial consideration by the House of bills or joint resolutions and does not include rules for simple and concurrent resolutions, conference reports or rules to dispose of Senate amendments to House bills.

[2] ARI stands for "amendatory recommittal instructions." Rules which limit ARI are those which restrict amendments in the House as well as Committee of the Whole or directly limit amendments in the motion to recommitt.

[3] Rules which deny amendatory recommittal instructions are those which bar all amendments in the House; which omit the proviso "with or without instructions" when a substitute is made in order as original text; or which directly prohibit instructions in the recommittal clause of the rule.

[4] This refers only to rules providing for the original consideration of legislation.

Sources: Copies of rules as reported. For 102nd Congress, current through sine die adjournment, Oct. 9, 1992. Compiled by: Rules Committee minority staff.

TABLE 6.—WAIVERS OF THREE-DAY LAYOVER REQUIREMENT FOR COMMITTEE REPORTS ON LEGISLATION

Congress (years)	Total rules granted[1]	3-day layover waivers[2]	Waivers as percent of total
96th (1979–80)	244	19	8
97th (1981–82)	145	9	6
98th (1983–84)	184	10	5
99th (1985–86	142	13	9
100th (1987–88	147	16	11
101st (1989–90	140	23	16
102d (1991–92)	127	18	14

[1] This figure includes all order of business resolutions providing for the original consideration of measures by the House. It does not include rules for conference reports.

[2] This figure covers all rules in which clause 2(L)(6) of House Rules XI is specifically waived against a measure. It does not include blanket waivers which may also cover violations of the three-day layover requirement for committee reports.

Sources: Survey of Activities of the House Committee on Rules, 96th-101st Congresses; "Notices of Action Taken," House Committee on Rules, 102d Congress.

TABLE 7.—UNAUTHORIZED APPROPRIATIONS IN FISCAL YEARS 1991 AND 1992 BY HOUSE COMMITTEE

[Amounts in millions]

House committee	Unauthorized appropriations, fiscal year 1991		Unauthorized appropriations, fiscal year 1992	
	Number of laws	Amount	Number of laws	Amount
Agriculture	3	$1,188.2	4	$48.3
Armed Services	2	416.6	1	235.3
Banking, Finance and Urban Affairs	2	101.4	4	595.5
Education and Labor			6	1,062.1
Energy and Commerce	15	7,813.2	25	11,515.3
Foreign Affairs	6	11,744.2	9	11,332.9
Government Operations	3	2.9		
House Administration	1	17.2	1	18.8
Interior and Insular Affairs	5	1,011.9	3	776.9
Judiciary	4	8,028.8	6	9,068.2
Merchant Marine and Fisheries	9	613.8	10	1,211.2
Post Office and Civil Service			1	1.9
Public Works and Transportation	5	1,925.1	6	1,137.9
Select Intelligence	1	193.5		
Science Space and Technology	7	5,175.9	8	6,040.4
Ways and Means			2	15.0
Total	[1]51	[2]34,103.8	[1]71	[2]37,353.8

[1] Amounts specified in statute or legislative history only.

[2] Authorizations under the jurisdiction of more than one committee are counted only once in the total.

Source: Congressional Budget Office, "Reports on Unauthorized Appropriations and Expiring Authorizations," Jan. 15, 1991; Jan. 15, 1992.

TABLE 8.—BUDGET ACT WAIVERS REPORTED IN HOUSE 96TH–102D CONGRESS

Section waived	96th	97th	98th	99th	100th	101st	102d
302(a)[1]	0	0	0	0	1	0	0
302(c)[2]	0	0	0	2	5	3	0
302(f)[3]	0	0	0	19	11	12	5
303(a)[4]	9	12	48	25	2	5	1
305(a)[5]	0	1	1	1	1	1	1
311[6]	5	15	12	21	4	4	1
401(a)[7]	23	21	6	5	1	0	0
401(b)[8]	13	7	10	6	1	2	0
402(a)[9]	77	42	54	27	NA	NA	0
402[10]	NA	NA	NA	NA	0	0	1
Budget waivers	127	98	133	106	37	27	9
Blanket waivers[11]	0	4	4	28	47	63	78
Total waivers	127	102	137	134	84	90	87
Total rules reported	259	152	190	164	165	161	185
Waivers as percent of total rules	49	67	72	82	51	56	47
Waivers less sec. 402(a)[12]	50	60	83	107	84	90	87
Non§ 402(a) waivers as percent of rules	19	40	44	65	51	56	47

[1] Sec. 302(a) requires that the joint explanatory statement on a budget resolution conference report include an allocation by committee of outlays, and new budget-, entitlement-, and credit authority.

[2] Sec. 302(c) prohibits the consideration of any legislation reported from a committee which has not filed its section 302(b) suballocation..

[3] Sec. 302(f) prohibits the consideration of legislation which exceeds a committee's sec. 302(b) suballocation for discretionary new budget authority, new entitlement authority, or new credit authority.

[4] Sec. 303(a) prohibits the consideration of legislation providing new budget authority, new entitlement authority, new authority, or a change in revenues or public debt before the budget resolution for that year is adopted. [Note: This provision was modified with the enactment of Gramm-Rudman-Hollings I, to exempt from the point of order any appropriation bill considered in the House after May 15th, even though a final budget resolution is not in place (P.L. 99–177, effective Dec. 15, 1985).].

[5] Sec. 305(a) prohibits consideration of a budget resolution prior to the sixth day after it is reported.

[6] Sec. 311 prohibits consideration of any legislation which would exceed the outlay ceiling or revenue floor contained in the most recent budget resolution.

[7] Sec. 401(a) prohibits consideration of legislation providing new contract or borrowing authority not provided for in appropriations act.

[8] Sec. 401(b) prohibits the consideration of legislation providing new entitlement authority which becomes effective during the fiscal year which ends in the calendar year in which the bill is reported.

[9] Sec. 402(a) prohibits the consideration of any bill authorizing new budget authority for a fiscal year if not reported on or before May 15th preceding the beginning of such fiscal year. [Note: This provision was repealed with the enactment of Gramm-Rudman-Hollings I on Dec. 15, 1985.].

[10] Sec. 402 prohibits legislation containing new credit authority except as provided in appropriations acts..

[11] Blanket waivers counted here are those provision in a rule which waive all points of order against a bill or committee amendment in the nature of a substitute made in order as original text for amendment purposes. Not only do blanket waivers set aside all standing House rules, but all provisions of the Budget Act as well.

[12] To provide a constant for comparison purposes, sec. 402(a) waivers have been subtracted from total waives here because the section was repealed on Dec. 15, 1985 (see #9 above).

Sources: Legislative Calendar, Committee on Rules, 96th-101st Congresses; Survey of Activities, Committee on Rules, 96th-101st Congresses; "Notice of Action Taken", Committee on Rules, 102d Congress, through Oct. 9, 1992 (final adjournment).

TABLE 9.—BILLS AND JOINT RESOLUTIONS PASSED UNDER SUSPENSION OF THE RULES BY THE HOUSE

	Congress							
	95th	96th	97th	98th	99th	100th	101st	102d
Item:								
Total measures passed by House[1]	1,027	929	704	978	973	1,061	968	970
Total measures passed under Suspension of Rules[1]	389	340	251	371	349	510	502	507
Suspension as a percent of total measures passed	38	37	36	38	36	48	52	52

[1] "Measures" as used here refers only to bills and joint resolutions and does not include simple and does not include simple and concurrent resolutions which are not presented to the President for his approval or disapproval.

Sources: Final Calendars of the House, 95th–101st Congress; and table 1 in "Patterns of Floor Consideration in the House of Representatives," by Stanley Bach, Congressional Research Service, Dec. 9, 1989, for the 95th–99th Congresses; H.I.S. data for 101st Congress; and H.I.S. data and Calendars of the House, 102d Congress.

TABLE 10.—FUNDING FOR CURRENT HOUSE NONLEGISLATIVE SELECT COMMITTEES FROM INCEPTION

	Name of select committee				Total
	Aging	Narcotics	Children	Hunger	
Year:					
1975	$600,000				$600,000
1976	580,000	$111,667			691,667
1977	787,625	722,204			1,509,829
1978	985,891	722,204			1,708,095
1979	1,050,000	700,000			1,750,000
1980	1,233,000	600,000			1,833,000
1981	1,233,000	540,000			1,773,000
1982	1,223,680	540,000			1,763,680
1983	1,316,057	616,823	$534,608		2,467,488
1984	1,398,373	643,643	700,000	$449,250	3,191,266
1985	1,454,308	662,952	721,000	616,970	3,455,230
1986	1,321,499	602,410	655,157	560,627	3,139,693
1987	1,361,144	620,482	674,812	577,446	3,233,884

TABLE 10.—FUNDING FOR CURRENT HOUSE NONLEGISLATIVE SELECT COMMITTEES FROM INCEPTION—Continued

	Name of select committee				Total
	Aging	Narcotics	Children	Hunger	
1988	1,388,367	632,892	688,308	588,995	3,298,562
1989	1,430,018	651,879	708,957	606,665	3,397,519
1990	1,481,499	700,770	734,479	628,505	3,545,253
1991	1,542,240	729,502	764,593	654,274	3,690,609
1992	1,542,240	729,502	764,593	654,274	3,690,609
Total	21,928,941	10,526,930	6,946,507	5,337,006	44,738,650

Sources: House Administration Committee, based on authorizations approved by the House in annual committee funding resolutions; "Guidelines for the Establishment of Select Committees," House Committee on Rules, Subcommittee on the Legislative Process 98th Congress, Feb., 1983 (Subcommittee Print); "Congressional Committee Staff and Funding," by Carol Hardy Vincent, Government Division, Congressional Research Service, Issue Brief (IB82006), Sept. 24, 1990 & Aug. 7, 1992.

COMMITTEES OF THE WHOLE: THEIR EVOLUTION AND FUNCTIONS

(By Don Wolfensberger, Minority Chief of Staff, House Rules Committee)

"The spending of money is one of the two things that Congress invariably stops to talk about; the other thing being the raising of money. The talk is made always in the Committee of the Whole, into which the House resolves itself whenever appropriations are to be considered. While members of this, which may be called the House's Committee of Supply, representatives have the freest opportunity of the session for activity, for usefulness, or for meddling, outside the sphere of their own committee work."[1]—Woodrow Wilson.

INTRODUCTION

Definition—The Committee of the Whole House on the State of the Union, more often referred to as the "Committee of the Whole", is the House of Representatives operating as a committee on which every Member of the House serves. The House of Representatives uses this parliamentary device to take procedural advantage of a somewhat different set of rules governing proceedings in the Committee than those governing proceedings in the House. The purpose is to expedite legislative consideration.[2]

Committees of the whole[3] in the U.S. House of Representatives have their origins in the British Parliament and in various American colonial-era assemblies. Neither committees of the whole, or any other committees of Congress, are provided for in the Constitution. But Congress, like its British counterpart, has always found it both convenient and necessary to delegate its responsibilities to different types of committees.

While committees are usually thought of as being smaller subgroups of their parent bodies, committees of the whole are unique in that they, as their name implies, are comprised of the entire membership of their parent House of Representatives. The purposes for such committees have changed somewhat since the origination of the concept in 17th Century England, though one rationale has remained constant throughout: the business to be considered by the committees was thought to be so important to the country as to warrant the full participation of all duly elected Representatives in their deliberations and decisions.

THE BRITISH ANTECEDENT COMMITTEES OF THE WHOLE

As Bradshaw and Pring have observed in their book, Parliament and Congress, "The power over money goes to the heart of government. The nature of the financial bargain struck between legislature and executive determines whether liberty and representation are effective."[4]

In Britain, the authors note, the historic development of this bargain hinged on the relationship between the monarchy and Parliament, "and later, after much blood had been spilt, of a strong executive power operating through the Crown's prerogatives, to Parliament."[5]

From the earliest days, the monarch possessed a large revenue base and customary dues and was therefore independent of Parliament except for extraordinary needs, such as waging wars. To cover such needs, the monarch would look to the House of Commons for a bill of "aids and supplies." From such bills, the Commons was able to strike a bargain with the King: in return for the needed "supplies," certain remedies would be required by legislation or administrative action.[6]

From this basic bargain, the House of Commons was able to move against extra-parliamentary expedients used by Elizabeth I and the Stuarts for raising money, until eventually, with the Bill of Rights of 1688, it finally disposed of royal claims to impose taxes on its own authority, with this historic declaration: In Parliament: That levying money for or to the use of the Crown by pretence of prerogative without grant of Parliament, for longer time or in other manner than the same is or shall be granted, is illegal.[7]

The foreign and defense policies of William and Mary and subsequent monarchs enabled the House of Commons to establish an effective control on public finance based on the regular appropriation of moneys for particular purposes. This control extended not only to the old "extraordinary" grants, appropriated in a series of annual votes, but over ordinary expenditures as well, including granting the King a regular income, known as the "civil list," for the ordinary expenses of government. Over the years, the Commons transferred more and more of these ordinary expenditures from the civil list, which the King could spend as he pleased, to the category of expenditures which was voted annually and which was therefore under the control of the Parliament. By the end of the 18th century, this civil list had been narrowed to the expenditures of the Royal household.[8]

This expansion of Parliament's authority over finance for a wide variety of purposes required special machinery to ensure that the money it appropriated was indeed being expended for the purposes and policies intended, and for no others. Initially, this machinery took the form of small committees of investigation within the Parliament to keep a tight hold on financial policy in every field of government and to investigate the misappropriation of funds. But the committees that survived in the 17th century were not the small committees, but committees of the whole house: the Committee of Supply, which started in 1620; and the Committee of Ways and Means, which started in 1640. As Bradshaw and Pring point out, though, these were committees "in name only since every member of the House belonged to them," and their real purpose was to allow "the Commons to discuss the royal demands for finance informally and under a chairman of their own choosing rather than under the 'King's man', as the Speaker was then regarded."[9]

De Alva Stanwood Alexander, a former Member of the U.S. House of Representatives, in his *History and Procedure of the House of Representatives*, observes of this birth of the Committee of the Whole concept in England that: It originated in the time of the Stuarts, when taxation arrayed the Crown against the Commons, and suspicion made the Speaker a tale-bearer to the King. To avoid the Chair's espionage the Commons met in secret, elected a chairman in whom it had confidence, and without fear of the King freely exchanged its views respecting supplies.[10]

In addition to the committees of the whole House on Supply, and Ways and Means, the House of Commons used the committee of the whole device for the consideration of money resolutions which authorized expenditures in connection with bills.[11]

In addition to the element of secrecy, the committee of the whole device had appeal to Members because of their suspicion and distrust of the smaller committees which were comprised only of supporters of measures. As Bradshaw and Pring explain the appeal of the committee of the whole alternative:

"Not only did this remove the King's most powerful agent [the Speaker], but it also enabled his other supporters to be outnumbered; it denied to the grandees the power to make important decisions in small groups which they could dominate. It was an attempt to ensure that from then on members would always be equal in status, that decisions would be communal, that no small privileged group would control the functions of the House. It threw open to the whole House such secrets as had hitherto been reserved to committee members only."[12]

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[1] Woodrow Wilson, Congressional Government (1885; reprint ed., Baltimore: Johns Hopkins University Press Paperbacks edition, 1981), p. 113.

[2] Ilona B. Nickels, "Committee of the Whole: An Introduction," Congressional Research Service Report for Congress (85-943 GOV), September 12, 1985, p. 1.

[3] The plural "committees" is used here and elsewhere since there are not only different types of committees of the whole to consider different classes of bills, but even within the same type, whenever a committee of the whole is formed to consider a particular bill it is considered a new committee for that specific purpose.

[4] Kenneth Bradshaw & David Pring, Parliament and Congress (Austin, Texas: University of Texas Press, 1972), p. 306.

[5] Ibid.

[6] Ibid, p. 307.

[7] Ibid.

[8] Ibid, p. 308.

[9] Ibid, p. 309.

[10] De Alva Stanwood Alexander, "History and Procedure of the House of Representatives" (1916; reprint ed., New York: Burt Franklin, 1970), p. 257.

[11] In the House of Commons procedural reforms of 1965-67, these financial committees were abolished in favor of consideration by the House. The use of committees of the whole for other important matters was eventually replaced by a Standing Committee System to debate and amend bills, though committees of the whole are still used from time to time on minor legislation not requiring consideration by Standing Committees. Bradshaw and Pring, op. cit., p. 216.

While this evolution of the authority of the Commons over finance through secret committees of the whole might lead one to conclude that the Parliament had established itself as independent of the Crown, nothing could be further from the truth. As Bradshaw and Pring point out, while the personal authority of the monarch was trimmed with the civil war and revolution of 1688, "the English Constitution remained monarchical in essence." And they go on:[13] "The chosen way forward in England was to leave the power of initiating expenditure where it had traditionally been, that is, with the Crown, but now with the Crown acting through ministers responsible to itself."

Another observer has put it even more bluntly: "The Crown demands money, the Commons grant it, and the Lords assent to the grant; but the Commons do not vote money unless it be required by the Crown; nor do they impose or augment taxes unless such taxation be necessary for the public service, as declared by the Crown through its constitutional advisers."[14]

The latter quote highlights another aspect of the British Parliament which differentiates it from the U.S. Congress, and that is that the House of Commons may appropriate no money unless it has been recommended by the Crown—a prohibition first passed by the House of Commons in 1706, and which has since become a Standing Order of the House.[15]

THE PRE-CONSTITUTIONAL AMERICAN COMMITTEES OF THE WHOLE

While it was this continued monarchical control over taxes and spending that eventually led to the American revolution and a new system of Government under which the legislative and not the executive was to have primacy over such matters, the concept of the committee of the whole not only survived the ocean voyage, but the American Revolution as well.

It is not difficult to understand why the concept of secret deliberations out of earshot of the King would have special appeal in the colonial assemblies, the Continental Congress, the Congress of the Confederation and the Federal Convention to frame the Constitution. And, indeed, it was frequently utilized in all of these legislative assemblies in early American history.

According to former House Parliamentarian Asher C. Hinds: The Continental Congress used the Committee of the Whole frequently, considering its important business and giving private audiences to foreign ministers therein. In the early days of the struggle for independence, it resolved into a "Committee of the Whole to take into consideration the state of America."[16]

The Federal Convention, called to frame the Constitution, convened on May 14, 1787, and adjourned from day to day until a majority of delegates had arrived. On May 29th, the Convention adopted the following resolution: *Resolved*, That the House will meet tomorrow to resolve itself into a Committee of the Whole House to consider the state of the American Union.[17]

Thus we learn, for example, that after the Convention decided on a National Government to consist of three branches, it took up the question of whether the National Legislature should be unicameral or bicameral. House historian George B. Galloway writes that the question was apparently decided without debate, "first in the Committee of the Whole with Pennsylvania alone dissenting, and finally in the Convention itself by a vote of seven States to three (Maryland divided) that the new Congress should have two branches."[18]

Not only is the name of the later House of Representatives' Committee of the Whole House on the state of the Union hinted at by the Continental Congress' Committee of the Whole to take into consideration the state of America, and the Constitutional Convention's Committee of the Whole House to consider the state of the American Union, but, as Hinds suggests, also from the Constitutional provision in section 3 of Article II that the President should "from time to time give to the Congress information of the state of the Union."[19] [Indeed, even today the "Message of the President of the United States to the Congress on the subject of the State of the Union" is placed on the Union Calendar with the notation: "Referred to the Committee of the Whole House on the State of the Union."[20]]

As Alexander points out, all of these various names for Committees of the Whole are derived from the English prototype "Committee of the Whole House on the State of the Nation."[21]

THE FIRST HOUSE

The first House of Representatives was scheduled to convene in New York on March 4, 1789, but only 13 of the 59 elected Representatives appeared and took their seats on that day. So, the House met and adjourned each day until finally, on April 1st, the 30th Member appeared to provide the requisite quorum under the Constitution.

On that first day, the House elected its Speaker and other officers. And, on April 2nd, it appointed an 11-member select committee to prepare and report standing rules and orders of proceeding. Five-days later the committee reported back a set of four fundamental rules which were adopted by the House. The first three dealt with the duties of the Speaker, decorum and debate, and bill procedure. The fourth rule prescribed the procedures of Committees of the Whole House in which bills were to be twice read, debated by clauses, and subjected to amendment.[22]

It was also established at the same time that it should be a "standing order of the day, throughout the session, for the House to resolve itself into a Committee of the Whole House on the State of the Union." As Hinds observes, "Thus the two kinds of Committees of the Whole were recognized at that time. The use of the article 'a' instead of 'the' indicates what was the fact, that there was then no individuality and permanence to these committees."[23]

The distinction between the two types of Committees of the Whole in the first Congress is explained by Hinds as follows: So it is evident that in the First Congress, and for several subsequent Congresses, the Committee of the Whole House on the state of the Union was an arrangement for consultation chiefly. Whenever the House referred a matter they generally sent it to a Committee of the Whole House.[24]

Alexander elaborates on this distinction by noting that the function of the Committee of the Whole House on the state of the Union was for "the informal consideration of highly important matters before their reference to select or standing committees," whereas the function of the Committee of the Whole House was for the consideration of bills after they had been formally reported from select or standing committees. The Committee of the Whole House was also called the Committee of the Whole House on Ways and Means when it was used for considering appropriations and revenue measures reported from committees (comparable to the Committee of the Whole on Supply of the House of Commons discussed earlier).[25]

On November 13, 1794, the House adopted rules to ensure that all money bills would be considered in a Committee of the Whole House. These rules read in part as follows: No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered, and every proposition shall receive its first discussion in a Committee of the Whole House. . . . All proceedings touching appropriations of money shall be first moved and discussed in a Committee of the Whole House.[26]

To cite an example used by Galloway of how this dual-Committee of the Whole system worked during the first Congress—After a problem such as the location of the permanent seat of the Federal Government had been discussed from every angle in Committee of the Whole House on the state of the Union, it would be referred by House resolution to an ad hoc select committee with instructions to report a bill on the subject. Some days later the select committee would present its bill to the House, according to order, and after second reading the bill would be committed to a Committee of the Whole House. The House would then resolve itself into a Committee of the Whole House, the Speaker would leave the chair, another Member would take the chair and the Committee of the Whole House would consider and probably adopt amendments to the bill. Then the Speaker would resume the chair and the chairman of the Committee of the Whole would report the action to the House and deliver the proposed amendments at the Clerk's table where they would be twice read and usually agreed to by the House.[27]

Not every Member was ecstatic about this sometimes laborious process. Representative Fisher Ames, writing to a friend in July of 1789 about a revenue collection bill, described how the bill "was at first imperfect" so it was referred to a large and good committee which agreed on some principles and the clerk drew up the bill accordingly. Then it was considered in committee of the whole, "and we indulge in a very minute criticism upon its style. We correct spelling, or erase 'may' and insert 'shall', and quiddle in a manner which provokes me." Ames concluded that, "Our great committee is too unwieldy for this operation. A great, clumsy machine is applied to the slightest and most delicate operations—the hoof of an elephant to the strokes of mezzotinto."[28]

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[12] Ibid, p. 209.

[13] Ibid, p. 309.

[14] Erskine, May, 18th ed. (1971), p. 676, as cited in Bradshaw and Pring, op. cit., p. 306.

[15] Ibid, p. 309.

[16] Asher C. Hinds, *Hinds' Precedents of the House of Representatives of the United States* (Washington, DC.: Government Printing Office, 1907), Volume IV, sec. 4705, p. 986.

[17] Ibid, p. 987.

[18] George B. Galloway, *History of the United States House of Representatives* (Washington, DC.: U.S. Government Printing Office, 1965), p. 1.

[19] Hinds, op. cit., p. 987.

[20] See, for instance, the "Calendars of the United States House of Representatives and History of Legislation," One Hundred Second Congress, Union Calendar No. 2, January 29, 1991 (H. Doc. 102-1), and Union Calendar No. 253, January 28, 1992 (H. Doc. 102-176).

[21] Alexander, op. cit., p. 258.

[22] Galloway, op. cit., p. 10.

[23] Hinds, op. cit., p. 987.

[24] Ibid, p. 989.

[25] Alexander, op. cit. p. 258.

[26] Hinds, op. cit., sec. 4792, p. 1028.

[27] Galloway, op. cit., p. 10.

EVOLUTION OF COMMITTEES OF THE WHOLE

Over the first five Congresses, Committees of the Whole House on the state of the Union were used to develop the guiding principles of all major measures before they were referred to select committees to work out the details and draft the bills. This process was used to develop the first tariff bill, the acts organizing the executive departments, and the first amendments to the Constitution. As Galloway observes of this process: "A committee of the Whole was the House itself under another name and in those days the House was small enough (65 Members) to function as a genuine deliberative assembly and to stage great debates on national questions."[29]

With the increase in business in the early Congresses there was a natural increase both in the number of select committees (more than 350 were formed in the Third Congress alone) as well as the time consumed in both types of committee of the whole. Congress saved some time by authorizing the Speaker, in 1790, to appoint all committees unless otherwise directed by the House. Previously all committees greater than three in number were elected. And, in 1794, the House empowered the Speaker to appoint the chairmen of committees of the whole who had also been previously subject to election by the committees.[30]

Because of the sheer volume of business, Congress began to delegate responsibility for initiating some legislation to standing or permanent committees. Four were established by 1795, and between 1802 and 1809, six more were added. Eventually, by the mid-1800's, a system of standing committees had replaced the original overview function of the early Committees of the Whole and the bill drafting functions of the select committees. Nevertheless, the products of the standing committees were still brought back for consideration in Committees of the Whole House.[31]

This eventually led to considerable congestion and confusion in committees of the whole House. Hinds points out that in 1817, "the practice of referring several bills to a single Committee of the Whole had resulted in delays, and a rule was adopted that no more than three bills should be referred to the same Committee of the Whole, and such bills should be analogous in nature."[32]

But even this attempt to better rationalize and clarify the uses of Committees of the Whole apparently confounded Members. As Hinds writes, "When the rules were revised, in 1860, this rule was dropped, Mr. Israel Washburn, Jr., of Maine, who presented the report, stated that the Committee on Rules 'were unable to understand what the rule meant, and saw no use in retaining it.'" And Hinds comments on this: "Mr. Washburn's statement affords a remarkable illustration of how a practice of the House may subvert a rule so thoroughly that the rule may in the course of time become an enigma."[33]

As early as 1822, Representative Charles Rich of Vermont had proposed a rule change to attempt to remedy the confusion. His proposal would have provided that, exclusive of "the Committee of the Whole on the state of the Union," there should be three Committees of the Whole House: One on bills of a public or general nature, one on private or local bills, and one for private matters unfavorably reported from committees." The Speaker would place bills on the Calendar for consideration in the appropriate Committee of the Whole the next day, to be taken up in the order in which they appear on the Calendar, and any number of bills might be considered in the appropriate Committee of the Whole at the same sitting. However, the House declined to consider this rule.[34]

Two years later, in January of 1824, Rich renewed his proposition. While it apparently was not acted upon, it nevertheless became the practice without the adoption of the formal rule. By 1860, the new practice was so well-established that "the most experienced Members of the House could remember no other."[35]

This practice of having many Committees of the Whole, temporarily created for considering one, two or three bills, gradually changed until there came to be two committees, "each with an individuality and calendar of its own," and with it a more marked distinction between the Committees of the Whole House and the Committees of the Whole House on the state of the Union. Whereas the Committees of the Whole House on the state of the Union were originally used to originate matters without such matters first being referred to them by the House, as early as 1833 references were made to this originating function as a usage of the past.[36]

In the place of this original function of the Committee of the Whole House on the state of the Union as an arrangement for consultation, the idea evolved that it should become a committee that "should receive what may be called the greater matters of legislation," and that is the usage that has become crystallized in the current House Rule: the Committee of the Whole House on the state of the Union would receive public bills reported by the standing committees, while the Committee of the Whole House would receive private bills, even though under the early usage the Committee of the Whole House had received the greater proportion of both public and private bills. Until 1828, both appropriations and revenue bills were considered in the Committee of the Whole House; but since 1828, both classes of bills have been considered in the Committee on the Whole House on the state of the Union. But, as late as 1844, other classes of public bills were still being considered in the Committee of the Whole House.[37]

In the House Rules revision of 1880, the House adopted Rule XIII which officially established three calendars of business reported from committees: (1) a Calendar of the Committee of the Whole House on the state of the Union, to which will be referred bills raising revenue, general appropriation bills, and bills of a public character directly or indirectly appropriating money or property; (2) a House Calendar to which shall be referred bills of a public character not raising revenue or directly or indirectly appropriating money or property; and (3) a Calendar of the Committee of the Whole House to which shall be referred all bills of a private character. However, as has been discussed above, two of the Calendars had existed for many years as indispensable to orderly procedure. An old rule No. 129, dating from January 25, 1839, referred to a Calendar of the private bills committed to the Committee of the Whole House; and old rule No. 114, dating from July 27, 1848, referred to a Calendar for bills sent to the Committee of the Whole House on the state of the Union. The 1880 rules revision simply codified these earlier practices and rules and established a new House Calendar for public bills which did not raise revenue or directly or indirectly appropriate money. Bills on the House Calendar were to be considered in the House as opposed to either of the Committees of the Whole.[38]

In 1848, the House had adopted a rule (now rule XXIII, clause 4) providing that in the Committee of the Whole House on the state of the Union, bills were to be taken up and disposed of in their order on the Calendar, but when objection is made, a majority of the committee, shall decide, without debate, whether it should be taken up and disposed of or laid on the table. In 1880, this was revised to provide for bills to be taken up in their order on the Calendars, except bills raising revenue, for general appropriations, and for the improvement of rivers and harbors shall have precedence. And, when objection was made to the consideration of any bill, the committee would rise and report the matter to the House for determination without debate.[39]

The Appropriations and Ways and Means committees were also given privileged status by a separate rule (XVI, clause 9) for bringing up their bills in the Committee of the Whole House on the state of the Union after the reading of the Journal on any day. While the privilege appears to remain in Rule XVI today for both committees, another rule change in 1975 removed the privilege from revenue measures from the Ways and Means Committee.

The various rules providing for the order of consideration of bills in the Committee of the Whole House on the state of the Union were eclipsed by the evolving role of the Rules Committee in the last two decades of the 19th century to report "special rules" or "order of business resolutions" providing for the consideration of measures in the Committee of the Whole House on the state of the Union. The effect of these privileged resolutions from the Rules Committee, once adopted by the House, was in turn to give privileged status to the bills mentioned therein—thereby permitting them to be taken up out of their order on the Calendar.

This is the practice that has been followed up to present day.

THE COMMITTEE OF THE WHOLE TODAY

As has already been noted, there are today two kinds of Committees of the Whole: the Committee of the Whole House on the state of the Union for the consideration of public bills affecting taxes or spending; and the Committee of the Whole House for the consideration of private bills, usually relating to claims of individuals against the government, special immigration status, or other special relief from the government.

In effect, only the Committee of the Whole House on the state of the Union is utilized today since private bills tend to be considered "in the House as in the Committee of the Whole." This latter procedure is undertaken by unanimous consent or a special rule, dispenses with general debate (unless provided for in the consent request or special rule), allows for the consideration of amendments under the five-minute rule, but also allows the previous question to be ordered at anytime, thereby potentially cutting-off the amendment process before all sections have been read for amendment. By the same token, bills on the Union Calendar which have been reported from the House Committee on the District of Columbia may be called-up as privileged on "District Days" (the second and fourth Mondays of each month), and which should be considered in the Committee of the Whole, are, as a matter of modern practice, usually considered instead in the House as in the Committee of the Whole by unanimous consent.

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[28] Ibid, p. 11.

[29] Galloway, op. cit., p. 10.

[30] *Congressional Quarterly's Guide to Congress*, Second Edition (Washington, D.C.: Congressional Quarterly, Inc., 1976), p. 36.

[31] Ibid.

[32] Hinds, op. cit., p. 987.

[33] Ibid.

[34] Ibid, pp. 987–88.

[35] Ibid, p. 988.

[36] Ibid.

[37] Ibid, p. 989.

[38] Hinds, op. cit., sec. 3115, pp. 172–73.

[39] Ibid, sec. 4729, p. 998.

Other bills on the Union Calendar, which should be considered in the Committee of the Whole, are often considered instead in the House under other procedures. These include unanimous consent for their consideration in the House; placement on a Consent Calendar which is called the first and third Mondays of each month; by consideration under a suspension of the rules procedure which is allowed on any Monday or Tuesday; or by provisions of a special rule reported from the Rules Committee and adopted by the House.

Today, the overwhelming majority of bills passed by the House are considered in the House under one of these alternative procedures to the Committee of the Whole. Of the 970 public bills passed by the House in the 102nd Congress, for instance, 507 or 52% were considered under suspension of the rules—a procedure providing for 40-minutes of consideration in the House, prohibiting amendments, and requiring a two-thirds vote for passage. Roughly one-third of the public measures passed and enacted are so-called "commemoratives" which designate certain days, weeks or months to recognize worthy causes or events, name buildings, roads, dams or places after people, etc. And most of these measures are considered by unanimous consent. Based on an analysis of special rules providing for the original consideration of public measures in the 102nd Congress, only about 10% of the bills considered by the House are considered in the Committee of the Whole House on the State of the Union. In short, it is reserved today for the consideration of only the most important legislation.[40]

As mentioned in the definition contained in the introductory section of this paper, one of the main advantages of considering legislation in the Committee of the Whole is that the Committee operates under a special set of procedures that enable it to expedite consideration. Whereas a quorum in the House is 218 Members, a quorum in the Committee of the Whole is 100 Members. Whereas amendments in the House are considered under the one-hour rule (per Member), amendments in the Committee of the Whole are considered under the five-minute rule (per Member). Whereas the House can be tied-up in votes over various dilatory motions, in the Committee of the Whole it is not in order to offer motions to adjourn, to table, for the previous question, to recommit or refer, or to reconsider a vote by which an amendment is agreed to or disagreed to.

As has already been mentioned, most important legislation today is brought to the Committee of the Whole by means of a "special rule" or "order of business resolution" reported by the Committee on Rules and adopted by the House. The basic purposes of such a special rule are five-fold:

To give the bill privileged status for immediate consideration in the Committee of the Whole (including a means for resolving into the Committee of the Whole);

To provide for a limited period of general debate (and thereby avoid the prospect of every Member taking full advantage of the hour-rule in debate);

To provide for the consideration of amendments under the five-minute rule;

To ensure the right to offer a motion to recommit when the bill is reported from the Committee of the Whole back to the House; and

To order the previous question on the bill to final passage without intervening motion, thus precluding any additional debate or amendments back in the House after the Committee of the Whole has reported.

Thus, an atypical "open rule" (only 34% of the rules reported in the 102nd Congress allowed for an open amendment process[41]) might read as follows:

"*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1) to do good works and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Good Works, the bill shall be considered for amendment under the five-minute rule, and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit."

As noted above, in recent times a more typical rule is restrictive (66% of the rules in the 102nd Congress limited the amendment process[42]). This means the rules are either closed (no amendments), or modified open or modified closed (allowing only for specified amendments). In addition, such special rules usually limit the debate time on each amendment made in order. Instead of in effect allowing every Member in the Committee of the Whole to speak five-minutes on each amendment, the rule might provide, for example, for only 10 or 20 minutes of debate on minor amendments and 30 to 60 minutes on major amendments—equally divided between the proponent and a Member opposed to the amendment.

And, it is less likely today that such restrictive rules will allow for amendments to amendments, though when it is done it is usually allowed to advantage a committee chairman to offer a substitute amendment, or to play-off competing alternative amendments in a "king-of-the-hill" procedure whereby the last amendment adopted is the one reported back to the House (regardless of whether an earlier offered amendment garnered a larger majority vote).

Until 1971, there were no recorded votes in the Committee of the Whole. Today, any 25 Members may stand and demand a recorded vote on any amendment.

Following the amendment process in the Committee of the Whole, the House rises and reports the bill back to the House with the amendments adopted and the recommendation that the bill be passed with the recommended amendments. The Speaker then announces that, under the terms of the special rule, the previous question is ordered (thereby shutting-off any additional debate or amendment in the House). The Speaker then asks whether any Member demands a separate vote on any amendment reported from the Committee of the Whole. If so, separate recorded votes are taken on those amendments after the remainder of the amendments are first voted en bloc. There is no opportunity to reconsider any amendments which were not adopted in the Committee of the Whole. So, for instance, if an amendment in the nature of a substitute for the entire bill had been adopted in the Committee of the Whole after numerous amendments had been adopted to it, unless the special rule makes special provision, only the substitute or first degree amendment (as so amended) is considered reported back to the House. And separate votes may not be demanded on amendments which had been adopted to it, no matter how major or controversial they may have been. After the Speaker puts the question on engrossment and third reading of the bill, and it is adopted, it is in order for any Member who is opposed the bill to offer a motion to recommit the bill to committee, with or without instructions. This right is reserved to the most senior minority member of the committee that reported the bill who is opposed to it in its present form. A simple motion to recommit, if passed, sends the measure back to committee. A motion to recommit with instructions to report back "forthwith" may be used to offer one final amendment(s) to the bill.

The work of the Committee of the Whole is seldom reversed or recommitted by the House for the simple reason that the work was done by the same House under a different name and using different procedures. Moreover, while the House could, by not automatically ordering the previous question, reopen consideration of amendments defeated in Committee, this would defeat one of the main purposes for having such a committee, and that is to expedite the business of the House.

CONCLUSION

The device of the Committee of the Whole originated in 17th Century England to protect the House of Commons in its deliberations over delicate financial matters affecting the Crown. In the latter half of the 20th Century, Committees of the Whole on major tax, spending and authorization matters have been abolished in favor of debate in the House or one of its standing committees, and inquiries or oversight by select committees. To this day, the Crown, represented through the Executive Ministers in Parliament, dominates the fiscal affairs of Government, and the House of Commons has little latitude in altering such policies.

In the United States, the Committee of the Whole House on the state of the Union has evolved from a body which originated debate to develop general guidelines for legislation which would than be fleshed-out by a select committee in detailed draft form. The bill would then be reported back to the House which would commit the bill to a Committee of the Whole House for further debate and amendment before being reported back to the House for final passage.

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[40] The above statistics are derived from "Comparative Data on the U.S. House of Representatives," compiled by the Republican Staff of the House Rules Committee, November 10, 1992, and are expected to be published in the Congressional Record of January 5, 1992.

[41] Ibid.

[42] Ibid.

With the growth of a standing committee system in place of select committees for each bill, the original purpose of the Committee of the Whole House on the state of the Union became redundant and fell into disuse. In its place, the Committee of the Whole House of the state of the Union replaced the Committee of the Whole House for the purpose of considering important tax and spending bills reported from the standing committees; and the Committee of the Whole House was converted into a body to consider only private bills.

In short, the House of Representatives ended-up where the House of Commons began by establishing a special Committee of the Whole (a combination of the British Commons Committees on Ways and Means and Supply) to consider the most important and often controversial legislation both in terms of the relationships between the Executive and Legislative Branches, and between the Representatives and the represented.

It is not too difficult to discern why the British counterpart Committee of the Whole on revenue and spending measures has disappeared while the American counterpart has grown in importance and thrives. The U.S. Constitution, which was in part a reaction against the British system it replaced, intentionally gave the principal powers over taxing and spending to the Legislative rather than the Executive Branch.

While the Congress recognized the need for delegating even these powers to standing committees, it at the same time reserved to the full House, through the Committee of the Whole, the final review authority over the decisions of the standing committees, and the ability for all Members to participate in changing such important legislation. As has been already been pointed out, consideration by the House of such measures by other procedures does not allow for the same degree of participation or amendment, at least not without consuming considerably more time.

For all these reasons, the Committee of the Whole is not only different from the standing committees, but it survives and thrives precisely because it is considered a final check on the standing committees, much as the original committees of the whole in 17th Century England were an antidote to smaller committees. The Committee of the Whole is a convenient means for the House to duplicate as much of the work of the standing committee as it might find necessary to ensure that the final bill is a truly representative product.

De Alva Alexander has noted that under an earlier view, the Committee of the Whole was thought to be just another committee of the House. As an example of this, he cites a remark made on February 14, 1826, by Speaker John W. Taylor, "an exceptionally able and acute Speaker." In deciding a point of order as to whether a bill still pending in a standing committee could be considered as an amendment to a bill be considered in the Committee of the Whole, Speaker Taylor said that, "the Committee of the Whole [is] but a committee of the House, though a large one."[43]

But Alexander takes issue with Taylor as follows: But the more modern view holds that it is the House itself doing business under a special and less formal procedure, by means of which the entire membership is enabled to participate in the consideration of a bill, unhampered by roll-calls or the intervention of motions to adjourn, to refer, to postpone, for the previous question, and the like.[44]

Likewise, another renowned House historian, George B. Galloway, has already been quoted in this paper as writing that, "A Committee of the Whole was the House itself under another name* * *."[45]

And contemporary congressional scholar Walter J. Oleszek of the Congressional Research Service, writes in his book, *Congressional Procedures and the Policy Process* the following: The Committee of the Whole is simply the House in another form. Every legislator is a member. House rules require all revenue raising or appropriations bills to be considered first in the Committee of the Whole.[46]

To assert that the Committee of the Whole is nothing more than another advisory committee to the House is to completely misread history and misrepresent the true nature of such committees. In the final analysis, the Committee of the Whole, with its special authority for revenue and spending bills, is the very essence of the House exercising its special powers and prerogatives under the Constitution. Madison, in Federalist No. 58, put it this way:

The House of Representatives cannot only refuse, but they alone can propose the supplies requisite for the support of government. They, in a word, hold the purse—that powerful instrument. . . . This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.[47]

The Committee of the Whole remains today the critical device by which the House, acting together as "the immediate representatives of the people," retains its unique control over the purse—"that powerful instrument." It is, in every sense of the term, the House of Representatives exercising its most fundamental legislative powers as granted under Article I of the Constitution.

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Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, when we proposed this historic change, we recognized that the debate this afternoon would be inevitably partisan. After all, the five of us are Democrats. Can Members imagine my friends and colleagues on the other side of the aisle arguing as they just have if the five of us were Republicans? If so, they have a richer imagination than I.

They have conjured a conspiracy theory and sold it to some in the press. I take the floor this afternoon, Mr. Speaker, to announce that there indeed has been a conspiracy. There has been a conspiracy that brought this matter forward, and it is a conspiracy of the five Delegates who represent almost 5 million Americans. So I answer yes to the charge of conspiracy.

But at the same time, I feel I must tell the truth about the rest of the Democrats. They have been abidingly cautious, moving only after they received a third-party objective opinion about the law and about the Constitution.

My friends on the other side of the aisle, tomorrow morning you will not want to be where you now are, and those Democrats who are not with us, neither will you if this package fails, for you will then have to read the pages of the papers in Moscow and Pretoria. Can Members imagine what those pages will say when it is reported that some in the United States of America voted to deny the right to vote on the House floor to other Americans.

Vote the way you wish.

Vote the way you wish, if you are prepared for that.

We knew that this would be a partisan vote. A partisan vote against democracy, my friends, is still a partisan vote against democracy, and it will be registered as a vote against democracy.

As a constitutional lawyer by trade and training, I am the first to concede that there are two sides to this constitutional question, as there are to every question of this kind.

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But, my friends, we have, by far, the better side of that constitutional argument. You, my friends, you who are Members of this House, are more than a little pregnant on this issue.

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[43] Alexander, op. cit., p. 257; also cited in Hinds, op. cit., sec. 4706, p. 990, under the heading, "The Committee of the Whole has been held to be but a committee of the House."

[44] Alexander, op. cit., pp. 256-257.

[45] Galloway, op. cit., p. 10.

[46] Walter J. Oleszek, *Congressional Procedures and the Policy Process* (Washington, D.C.: Congressional Quarterly, Inc., 1989), p. 147.

[47] Alexander Hamilton, James Madison, and John Jay, The Federalist Papers (New York: The New American Library of Literature, Inc., 1962 ed.), p. 359.

We are flush with precedent, and that is the way the Constitution must be interpreted. The precedent was set when the vote was granted in the committee two decades ago, and in those committees, we who are Delegates have votes that count for more than they will count on the floor of the House, because those committees are smaller, and our votes will be usually lost as yours are as well in this much larger body.

You have given us the right to introduce legislation. You have given us the right to debate. We are Americans, my friends. You have the power. You have the authority to go the rest of the way, and the world is looking to see who will stand back and not march forward.

If you vote against this package, it is you who vote against the precedent.

It is the Framers who set up this extra constitutional advisory body, the Committee of the Whole. It is they who struck the first blow, and you have been striking the blow ever since, when you have empowered Delegates over and over and more and more, and this is the final step in that democratic empowerment.

You, my friends, you have more to say on my budget than I do when it comes every single season before this House. You, my friends, have more to say on every law that makes its way to the House floor. That is wrong, my friends. That is un-American, my friends.

Let me say to you that this is not the first time other Americans have used my Constitution against me. Then, as now, I knew that the Constitution of my country was on my side. The Constitution of the United States of America is on the side of the Delegates, not on the side of those who oppose this package.

I ask you, my friends and colleagues, if you have already made up your mind, please reconsider this package. I ask you to vote for this package. Vote for strengthening democracy in the people's House. Vote for strengthening democracy, for proving that we will live by what we preach in the United States of America.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the very distinguished minority whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am particularly delighted to be able to, at this time, answer the distinguished gentlewoman from the District of Columbia who is wrong in her precedents and her arguments.

If she will turn to page 31849, September 15, 1970, she will read the then-Member THOMAS FOLEY saying:

> Now, it is very clear, as the Resident Commissioner has said, that a constitutional amendment would be required to give the Resident Commissioner a vote in the Committee of the Whole or the full House.

She will see on the same page Mr. Sisk, I believe a Democrat of California, at that time saying:

> I am not here proposing to make any great constitutional argument. As I understand by the statement of the distinguished Resident Commissioner, there is no question he could not vote on the floor of the House as a constitutional matter.

There was no precedent set in 1970; simply historically, factually wrong.

Second, as a matter of democracy, I am prepared to vote today or tomorrow or next week to return the District of Columbia's population to the State of Maryland. That could be done by statute. I am prepared to vote for a rule to bring to the floor a constitutional amendment, which I would vote against, because I think the Founding Fathers were right, but a constitutional amendment which is what would be required under the Constitution, to make the current District of Columbia a State. It is clear in the Constitution. But I would be willing to vote for a rule to bring it to the floor.

But for the Democratic leadership, by vote of a majority, to muscle through five Delegates being allowed to vote on the floor of the House is unconstitutional, as I think we will prove in a lawsuit, and is an offense to every taxpaying citizen of the United States.

Let me talk about democracy. The principle of democracy is based on two things. One is, as the gentlewoman knows, one person, one vote. Under this Democratic proposed rule, 33,000 people in Samoa, on the House floor, will be the equal of 800,000 people in Montana. Three delegates representing less than half a congressional district will be able to outvote the entire State of New Hampshire, two Congressmen, will be able to outvote the State of Maine, two Congressmen.

It is insane, by rules of the House, to violate the principle of fair voting.

Let me go a step further and, by the way, if this body decided with the Senate and the President to make Puerto Rico a State, they would, in fact, be entitled to six or seven Congressmen, not one. So just on the basic principle, it is wrong.

But there is a second principle. The American Revolution was fought over the issue of no taxation without representation; it was not fought over the issue of no representation without taxation, being represented without taxation.

The fact is that under the Democratic proposal, there are four Delegates who currently represent areas that pay no taxes to the U.S. Treasury. They pay taxes to their own Commonwealth.

Let me just make this point: This proposal is a classic welfare-state power grab, and none of the Delegates got up and said, "I have a new idea, let us pay all of our taxes to the U.S. Treasury and then we will raise local taxes on our citizens as though we were a State." None of the Delegates came in and said, "I have this brand new idea." In fact, the District of Columbia is eager to have two Senators so they can raise taxes on the other 50 States to send the money to Washington. I understand that that is a legitimate power grab. That is a legitimate part of politics. But to come in here, by the rules of the majority, without the Senate acting, without the President acting, and by changing the rules of the House, to allow 33,000 nontaxpaying citizens in terms of the U.S. Treasury, they do not pay a dime; they pay all of that money that goes right back to their local government.

Would we not love it in Georgia if we could get every penny back to Georgia from the U.S. Treasury that we pay in Federal income tax? I mean, I will be able to work out a deal with the gentlewoman tomorrow morning if she wants to say I get to vote that none of the money from my district comes to the U.S. Treasury; it all comes right back home.

But this is an outrage.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE], the very distinguished chairman of our Policy Committee.

Mr. HYDE. Mr. Speaker, as far back as 1887, Lord Acton must have anticipated this moment when he famously proclaimed, "Power corrupts, and absolute power corrupts absolutely."

It is very helpful when you are dealing with a statute or a constitution to read the statute, read the Constitution, and article I, section 1, says,

> The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.
>
> 2. No person shall be a Representative who shall not have attained the age to twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Now, all of us just took a solemn oath to support and defend the Constitution. The echoes of our solemn oath are still lingering in this Chamber. But now we cannot wait to repudiate that oath in a raw exercise of political power that constitutes the first, and I hope the last, act of legislative arrogance and abuse of this embryonic 103d Congress.

During the endless, Iran/Contra debates, some in the Reagan-Bush administration were accused of lying or withholding information from Congress, misleading Congress, and this was characterized by many on your side of the aisle as shredding the Constitution.

□ 1500

Well, today here and now we immolate the Constitution in a curious demonstration of insecurity on the part of the majority party. What an abysmal way to begin the Clinton administration.

Yes, we are for democracy—do you mind adding the word "constitutional" to "democracy"? I hate to presume to instruct a professor of law from my old alma mater, but constitutional democracy; there is a difference.

Mr. WASHINGTON. Mr. Speaker, will the gentleman yield?

Mr. HYDE. Yes; if I have any time left.

Mr. WASHINGTON. I thank the gentleman for yielding.

I will ask the gentleman from Illinois whether at the time, I believe it was a year and a half ago or almost 2 years ago, when the House voted and you voted to commit our troops to Desert Shield/Desert Storm, did you vote to commit the lives of the people in American Samoa to kill and die, if necessary?

Mr. HYDE. I voted to support the administration in Desert Storm.

I am not sure the gentleman did.

Mr. WASHINGTON. I did not.

Mr. HYDE. I rather think you did not.

Mr. WASHINGTON. I did not, and I am proud I did not. But that is not the question. The question is, Did that include the young women and men in American Samoa?

Mr. HYDE. Yes, and that vote did not amend the Constitution.

Mr. WASHINGTON. May I ask another question?

Mr. HYDE. I do not have the time. Would you get me some time?

PARLIAMENTARY INQUIRY

Mr. WASHINGTON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. EDWARDS of California). The gentleman will state it.

Mr. WASHINGTON. Is the Chair aware that under those circumstances, then, it is all right for them to die but not to be represented in Congress?

The SPEAKER pro tempore. The Chair rules that that is not a parliamentary inquiry.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I assume that we still have more time on this side than the other side, so I yield 2 minutes to the very fine gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a terrible idea, granting the Delegates votes in the Committee of the Whole.

I would like to quote the words of a famous Virginian who once served in this body, John Randall. "This idea is atrocious. It is like a dead mackerel on a moonlit night, it both shines and stinks." For the following reasons: Thomas Jefferson, early in the days of the Republic, under the Articles of Confederation, moved that Delegates be given the right to be heard but not to vote. We have heard quoted the words of our current Speaker in 1970, when the issue of the Delegate from Puerto Rico was on the floor, say the same, that they did not have the right to vote in the Committee of the Whole.

We have heard previous speakers say what an atrocious thing this does to one man, one vote. Even under this, if you recognize Puerto Rico with 1 vote, with 3½ million people, and Samoa with 46,000, they get the same vote.

Now, I will admit that the Delegate from the District of Columbia—it is a different case. They pay taxes. They are mentioned in the Constitution directly under the control of the Congress. But I would stipulate that the way to change that is by bringing legislation through the proper committees. And as the ranking member on the Committee on the District of Columbia, I would be happy to sit down with the Delegate and try to work the thing out. But it should go through the full Congress, not in a sudden, 1-day meeting, 2-day meeting of the Democratic caucus and then be jammed through this body, surely to be subject to constitutional scrutiny in a lawsuit on which I believe the House would be on very shaky ground.

Mr. Speaker, I would hope that the Members would vote for the motion to commit and give this matter more study. It is not the right thing to do today.

Mr. Speaker, I rise in opposition to the proposed change in the rules of this House that would allow delegates from the territories and the District of Columbia to vote on the floor in the Committee of the Whole. This proposal is as ill-considered as it is unprecedented and unlawful.

Incredibly, on their first day to take up business on the floor, the 110 new Members of the House of Representatives are about to have part of their vote stolen. As for those of us in the minority, we are about to be robbed of half the gains that the voters gave us in this year's House elections.

Truly, today, Washington, DC will have a new reason to be known as the Nation's crime capital because today a majority of the Members of this House are poised to mug the Constitution and the taxpaying voters in every State.

In her article published yesterday in the Washington Post, my colleague, the Delegate from the District of Columbia, dismissed such criticisms as nothing more than a Republican conspiracy theory.

It wasn't Republicans who called this proposal an effort at "shameless political tyranny," it was the liberal New York Times. It wasn't Republicans who called the adoption of this proposal by the Democratic caucus "outrageous behavior," it was Roll Call—hardly an organ of right-wing opinion. And it wasn't Republicans who said the "Democrats are stretching the Constitution beyond its limits and inviting further partisan abuse," it was USA Today.

If there is a conspiracy afoot here, it is conspiracy of the thinking men and women of America who are unafraid to call this Democrat initiative what it truly is: a naked exercise of raw legislative power without regard for law, without regard for history, and without regard for right.

The proposal before us would allow Delegates to vote on virtually all legislation that comes before the House. In effect, this proposal would extend to Delegates legislative power virtually on a par with that of full Members of Congress. This the Constitution clearly forbids.

As my predecessor in the House from Virginia, John Randolph, once had occasion to remark, the proposal is like a rotten mackerel by moonlight, it both shines and stinks.

Nowhere does the Constitution provide for territorial Delegates. Rather, Delegates are solely creatures of statute. Since 1817, they have possessed the statutory right of debating but not of voting. The five Delegates currently in question are expressly restricted from voting by the very statutes, passed by the House, which created their offices.

History, law, and the Constitution notwithstanding, proponents of voting privileges for Delegates argue that the proposal is constitutional. In their view, voting in the Committee of the Whole is merely an advisory act.

Proponents claim that even though the vast majority of the business of the House is for all intents and purposes resolved in the Committee of the Whole, such votes do not amount to an exercise of legislative power.

By such reasoning, the House may next allow visitors in the gallery and the editorial board of the Washington Post the right to cast advisory votes on the House floor.

Indeed, why not allow those Members who have been named to President Clinton's Cabinet to continue to serve as committee chairmen and vote—after all, we are instructed today that such duties involve no real exercise of legislative power but are merely advisory.

Proponents cite a recent Congressional Research Service memorandum which concludes that "allowing a Delegate to vote in the Committee of the Whole is apparently consistent with present congressional interpretation of its constitutional authority." In other words, the CRS opinion comes down to an assertion that the proponents' constitutional justification for giving Delegates a right to vote on the floor is consistent with the proponents' constitutional justification for giving Delegates a right to vote on the floor.

Those who would approve the amendment before us are simply peering into a constitutional mirror and seem gratified to find their own reflections staring back at them. Their novel legal theory indeed reads like a conversation between characters in a Lewis Carroll story—words mean only what the proponents say they mean. Like true bureaucrats, they would turn the responsible exercise of legislative power into a infinite regression of advisory acts.

Although only too willing to wave what—in all honesty—is an ambivalent CRS memorandum as a battle-flag for their cause, proponents have been strangely silent about the Parliamentarian's October 2, 1992, memorandum, which states:

> The statutes establishing seats for the various delegates all recognize that Article I of the Constitution contemplates the exercise of the legislative power by Members. The House may not by an exercise of its rule-making authority contravene that constitutional mandate.

Proponents also ignore the first CRS memorandum, dated September 17, 1992, which concludes it is "unclear whether allowing the Delegate to vote in such committee would violate the Constitution."

In 1970, when the voting rights of the Resident Commissioner from Puerto Rico made its way to the floor of the House, it was you Mr. Speaker, who flatly, and in my view quite rightly, stated that the Constitution does not allow for Delegates to vote in the Committee of the Whole. Mr. Speaker, you knew then that the Constitution forbids Delegates to exercise the legislative power of members. At that time you came to the conclusion which history, law, and common sense conspire to compell: That if voting on the floor of the House on virtually all legislation that comes before it is not an exercise of legislative power in the constitutional sense, then nothing is.

Today, the Democratic caucus, which brought this proposal to the floor, is singing a different tune. I can only conclude that it is simply a coincidence that the caucus comes forward with this proposal as one of the first items of business after an election where, for the first time in years, Democrats were chosen as the Delegates from each of the territories and the District of Columbia, but Republicans made gains among House members.

It must also be a coincidence that this latest triumph for democracy will occur just in time to cut in half the gains voters gave to the Republicans in the House elections.

If a triumph for democracy is the same thing as a triumph for the Democratic caucus in rolling back what the voters thought they had accomplished last November, then certainly we do seem poised for just such a triumph.

Not only is the proposed rules change a grab for power at the expense of the Republican minority, but it is also a grab for power against those who pay taxes by those who do not. The territories, though they receive myriad Federal benefits, pay no Federal income tax. It is hardly right that they should share direct power over Federal taxing and spending decisions in Congress.

Before the territorial Delegates ask that they be able to vote on the floor of the House, they should ask that their constituents be taxed just as the constituents of voting Members are taxed.

The byword of the 1992 elections was "change." One of the first things that the Members of the 103d Congress are now asked to change are the results of those elections and undo the 10-vote advantage that the voters gave to Republicans. Part and parcel of that change, we are asked to give more power to people who don't pay taxes to take money from those people who do pay taxes. And, as the keystone to it all, justifications are advanced that make a mockery of traditional principles of constitutional governance and law.

Already it seems that the more things change in Congress, the more they stay the same.

Mr. Speaker, I urge the Members of this House to reject the proposal that is before them.

I also ask unanimous consent to have several CRS memorandums, the Parliamentarian's memorandum, and editorials from the New York Times, USA Today, and Roll Call inserted in the RECORD.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 3½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentlewoman for yielding this time to me.

Mr. Speaker, I have a great deal of respect for the distinguished gentleman from Illinois [Mr. HYDE], who serves on the Committee on Foreign Affairs as well as the Committee on the Judiciary. He is a very bright, able Member of this body.

However, I believe he is absolutely incorrect, wrong, as he debates the constitutionality of this provision and would reject emphatically the implication that this was rushed into.

Mr. Blaz, General Blaz, Republican Representative from Guam, wrote in 1985 to the Congressional Research Service, asking them for their opinion as to whether or not Delegates could be allowed to vote in the Committee of the Whole.

So, as the distinguished lady from the District of Columbia pointed out, this is not a partisan issue. As you will hear in some time, Puerto Rico, whose Representative is on the floor, 3.6 million people, in 1898, as a result of the war, Puerto Rico became a part of the United States. Prior to that, Puerto Rico was able to vote in the Spanish Assembly. They lost democracy, perhaps. America prides itself on being the beacon of democracy.

I think the editorials demean this proposal. It is a shame. We were out-PR'd on this, I admit; but the fact of the matter is the substance of this proposal says, as Jefferson concluded, that non-State territories ought to be represented in this body. Jefferson said that; this is not a new idea.

Now, America owns five jurisdictions—four, let me be more precise, because of course the District of Columbia is in a different situation—four. And the issue we raise is do we want to allow for more, some more participation or not?

Now, why do we have a special amendment adopted today in the caucus and presented in this rule? Because we want to make sure that the one four hundred thirty-fifth vote that each one of us has in this body was not diminished. How do we do that? By saying that the Delegates can only vote in the Committee of the Whole; it is a committee. No final passage of any measure can occur in the Committee of the Whole. It has to come to the House of Representatives, where only the 435 constitutionally elected Members under these rules will vote. Not one iota of constitutional undermining of votes is provided for in these rules, period.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Virginia.

Mr. BLILEY. I thank the gentleman for yielding.

I thank my friend from Maryland. Since he quoted Thomas Jefferson, I know he would want to quote him right. He said they should be heard. And I agree, we agree; there is no argument. But he also said there should be no vote. And if you are going to change that, every time—even when you gave them votes in the committee, it was done by legislation which went through the whole process that included the President's signature—if you are going to change anything else, it ought to be done in the same way.

Mr. HOYER. I thank the distinguished gentleman from Virginia for referencing our most distinguished founder of the Democratic Party.

Even Thomas Jefferson, even Thomas Jefferson fell short of extending democracy to all Americans, even Thomas Jefferson. Was that not sad that in his time he did not see that citizens of color also ought to have a vote or citizens who did not own property ought to have a vote or that women ought to have the vote. Yes, he was the man and a genius of his time, but even then he was not as fully inclusive then as we are going to be today.

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business for rollcall vote No. 3. Had I been present on the House floor I would have cast my vote as follows:

Roll No. 3—yea on Mr. GEPHARDT's motion to table Mr. SOLOMON's motion to refer Mr. GEPHARDT's privileged resolution to a bipartisan committee.

PERSONAL EXPLANATION

Ms. DUNN. Mr. Speaker, I was unavoidably detained and thus was not present for the vote on the final adoption of House Resolution 5. Had I been present, I would have voted "no."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a resolution on the following title:

> S. Res. 2. That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

The message also announced that the Senate had passed joint resolutions and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 1. Joint resolution to ensure that the compensation and other emoluments attached to the office of Secretary of the Treasury are those which were in effect on January 1, 1989.

S.J. Res. 2. Joint resolution to authorize the United States Secret Service to continue to furnish protection to the former Vice President or his spouse.

S. Con. Res. 1. Concurrent resolution to provide for the counting on January 6, 1993, of the electoral votes for President and Vice President of the United States.

S. Con. Res. 2. Concurrent resolution to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provisions of S. Con. Res. 103.

S. Con. Res. 3. Concurrent resolution providing for a recess or adjournment of the Senate from January 6 or 7, 1993 to January 20, 1993, and an adjournment of the House from January 6, 1993 to January 20, 1993.

□ 1510

RULES OF THE HOUSE

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from California [Mr. COX].

Mr. COX. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I listened with interest and especially of late to the partisan democratic arguments in favor of this rule change. I noted with interest reliance upon a Congressional Research Service opinion. In fact, that opinion does nothing more than call into question this whole scheme.

The conclusion of the opinion is that:

> Allowing a delegate to vote in the Committee of the Whole is apparently consistent with present congressional interpretation of its constitutional authority.

Entirely autologous: It says in short that you think you have the power to do this and nothing more.

In other parts of this opinion, this whole scheme is called into question for good reason. As is summed up in the delegate from the District of Columbia's own article, the essential argument here is:

> If delegate voting in the smaller committees is constitutional, then delegate voting in the larger Committee of the Whole is also constitutional.

That is like saying if eating one ice cream cone does not make you fat, then eating a whole ice cream store does not make you fat.

There is an enormous difference of degree here. Delegate voting in the Committee of the Whole is the exercise of legislative power reserved by the Constitution for Representatives from States.

The authoritative Journal of Proceedings of the Congress, the Congressional Quarterly, said in its December 12 issue:

> The House considers almost all important bills under a parliamentary framework known as the Committee of the Whole House on the State of the Union, which is simply the full House in another form.

Earlier this afternoon, I watched with some emotion as the distinguished Republican leader handed over the gavel to Speaker FOLEY. That is the closest that BOB MICHEL is going to get to that chair for the next 2 years, despite his 36 years of service. He has never had the opportunity to sit in that chair, and yet what the Democrats propose to do with this rule change is give five Democrats who are not Representatives from States the power to sit in that chair, wield the gavel, and interpret the rules, something that even this Representative will not have the power to do.

This is a crime. When Speaker FOLEY said it is unconstitutional, he said it was clearly unconstitutional.

When you ask for nonpartisanship, do not behave this way. There will be none until we restore honesty and civility to this Congress and end this perfidy.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Speaker, we can muddle this issue as much as we want to and we can use the Constitution the way we have never used it before, to divide people and to talk about different kinds of citizenship.

The issue to me is a simple one. Take my case. I was born in an American colony, a colony that was taken over by the United States through no choice of that colony's own decision.

I came to the United States. I am a Member of Congress. I have cousins who live in my district who vote for me. I have cousins who live in Puerto Rico who vote for Mr. BARCELÓ. In fact, they told me they did. They cannot get a Representative with a full vote.

Now, are we speaking about a full vote for him? We should, but we are not.

We are saying that we are going to allow him to participate in the Committee of the Whole and then we are saying that if it works to the disadvantage of the House, we are going to undo what he did with the amendment we put in.

So actually, let us not kid ourselves. We are not doing much, but it is the best we can do now.

And how the gentleman from New York, who I have dealt with for a long, long time, who I know is a decent man who believes in democracy and justice, can toot the party position that this is unconstitutional, that this is improper, when all this is saying is that we are going to establish once and for all whether or not we have different kinds of citizenship.

Is my citizenship worth as much as yours? Is my citizenship worth the same had I stayed in Mayaquez and not moved to the Bronx? Is my cousin's citizenship in Bayamon-Mayaquez worth the same? And is CARLOS ROMERO BARCELÓ, former mayor and former State senator, worth less than I am?

At the minimum, he is worth a vote in the Committee of the Whole, at the minimum.

And now, let me tell you the last part that bothers me. We are spending a lot of time continuing to tell the world how to behave. We help people. We sometimes do not help people, but sooner or later somebody is going to come to us from one of those countries and say, "Didn't you have a debate where you didn't even give your delegates a semi-equal opportunity to participate and you are telling us to get rid of colonies and you are telling us to change our ways and you are telling me to hold elections and you will not allow people to hold elections or even to vote in one of your committees when it becomes the Committee of the Whole?"

Then to hear the gentleman from Georgia say that Guam or Samoa are too small. Were they too small to be invaded in the case of Puerto Rico?

Puerto Rico is not large, but it was large enough for American troops to land by water. It was large enough for Puerto Rican troops to leave during Desert Storm and all the other wars to go and die. Some of them did not even speak English, and their last words were in Spanish on the battlefield.

Let us just understand that this is a moral issue as much as it is any other kind of issue.

The SPEAKER pro tempore (Mr. EDWARDS of California). The time of the gentleman from New York [Mr. SERRANO] has expired.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield to me if I give him 30 seconds?

Mr. SERRANO. Yes.

Mr. SOLOMON. Mr. Speaker, I yield 30 seconds to the gentleman from New York.

Mr. SERRANO. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, let me just say to my very, very good friend, who I served with for many years in the New York State lower house in the assembly. I believe the gentleman has great integrity and I really respect him; but the gentleman knows that we have a great Constitution. There are some things in our Constitution that I do not like. It allows burning the American flag. I have been trying to change that. It does not allow for a balanced budget amendment. I want to change it that way.

The Republican platform calls for statehood for Puerto Rico. I am for that, and if they want to vote for statehood, let us bring this in and we will give them six new Members of Congress from down there, so it is just a matter of difference.

Mr. SERRANO. If I may just answer the gentleman, to say that the Constitution that was imposed on me when the invasion came in 1898, my interpretation of it is that it allows me to be equal to the people in Puerto Rico.

Mr. SOLOMON. Mr. Speaker, the gentleman's point is well taken.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, we have had an interesting discussion about democracy here. Actually the democracy that the Democrats are talking about is a situation that they have now defined the Delegates when they vote when it counts, it does not count, and when it does not count, it counts. It seems to me that is an odd way of describing democracy.

But I want to talk a little bit about some of the other rules, not just the Delegate rule, because there are some other things in here which are pretty sad and pretty pathetic.

As a matter of fact, the slaughterhouse rules that we are about to adopt undermine the basic functioning of democracy and are an affront to free men and free women.

Let me give you just a couple examples. To have the committees meet while the House is in session, they say this makes the House more efficient. What it really does is assure that the deliberative function of the House will be further eroded and that Members will be even less likely than present to be informed about the floor amendments that they are asked to vote upon. That seems to me to be an undermining of the way the House operates.

Beyond that, what the Democrats propose to do is move to a concept, they have come up with this idea of a rolling quorum in committees, which means literally a committee chairman could pass a bill out on his own.

Now, understand this. What could happen if you could have all the members of a committee called to the floor to vote because they are meeting at the same time the House is meeting, the chairman could stay there and literally pass a bill out and then declare a rolling quorum that could go on for hours, could go on for hours, could go on for weeks until he finally got the bill passed. That is a perversion of the legislative process and should not be allowed to happen.

They have another rule in here that will allow the Speaker of the House to take people off conference committees. In other words, if there is a Republican on the conference committee that is causing problems, the Speaker can reach in and pull that Republican off the conference committee and stop the problems.

As a matter of fact, the Speaker could pull all the Republicans off the conference committee and not replace a one of them under the rule.

Talk about undermining democracy and perverting the system, that undermines and perverts the system in ways that I do not believe have ever been done.

The question of privilege change that is in this particular bill, questions of privileges where it is a way the minority used to uncover aspects of the House post office and House bank scandals. And guess what, one of the first things the Democrats do when they come back with their new rules is undermine the ability of the minority party to bring discipline in the House of Representatives to uncover and discuss scandal.

It seems to me these are things which are very, very fundamentally wrong. It is a sad and pathetic day when we bring to the House floor rules which are designed not to enhance democracy, but to pervert it. That is what this rules package does. It ought to be voted down.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

□ 1520

Mr. HOYER. Mr. Speaker, I rise for the purpose of simply commenting on the three points raised by the gentleman from Pennsylvania [Mr. WALKER]

First of all, Mr. Speaker, as the gentleman did not note, many of the committees can now meet while the House is in session under our present rules.

Mr. WALKER. By unanimous consent.

Mr. HOYER. No. Under our rules the Committee on Ways and Means does not need unanimous consent to work, nor does the Committee on Rules, nor do a number of other committees, so this adds on approximately half of the committees onto that procedure.

The gentleman also did not note that this is customary practice. It is not something unique. In fact what happens is, and in practice, and the American public certainly ought to know this, is that the provision in the rule is simply used for delay and distraction when the committees are considering things that the minority party does not like.

With respect to a rolling quorum; let us think about a rolling quorum We have a rolling quorum right here in the House. We have a rolling quorum here in the House. My colleagues come in, and they vote, and they leave, and they do not have 218 necessarily in the Chamber all the time.

The SPEAKER pro tempore (Mr. EDWARDS of California). The time of the gentleman from Maryland [Mr. HOYER] has expired.

Ms. SLAUGHTER. I yield 30 additional seconds to the gentleman from Maryland.

Mr. HOYER. So, Mr. Speaker, to that extent it is exactly the same procedure. All it is saying is that every committee member does not have to be in the room at every time.

Third, we all know the Speaker. The Speaker is not an arbitrary or capricious individual. I think the comments on the gentleman from Illinois [Mr. MICHEL] reflected that, and I doubt very seriously whether the Speaker would ever in any way take a Republican off a conference committee. In fact, some of our Democrats perhaps are concerned about this. What it does do is provide for making sure that deadlock does not occur, which is what concerns the American public.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Louisiana for yielding because some of what the gentleman from Maryland [Mr. HOYER] said deserves an answer.

First of all, Mr. Speaker, most committees of the Congress have to get unanimous consent to come to the floor, and that is the rule that is being changed.

Second, the rolling quorum does not work very well on the House floor. If my colleagues look around right now, we are discussing the most important rules package in some time, and we have very few people here because of rolling quorums in the House. That is what is going to happen again in committees, and the Speaker can, in fact, utilize this power in ways which are abusive. It gives him that kind of power. I would hope this Speaker would not, but to change the rules in this manner does undermine the ability of the minority to have much trust in the fact that, if we raise questions in the conference committees, we will not be disciplined.

Mr. LIVINGSTON. Mr. Speaker, I appreciate the gentleman's statement and share his sentiment.

The gentleman from Maryland [Mr. HOYER] and others may recall that last spring there was blood on the floor of the House of Representatives. In the aftermath of the bank scandal, the restaurant scandal, the post office scandal, the U.S. public was absolutely outraged, and so the Speaker and the leader got together, if the gentleman will remember, and they formulated a bipartisan task force to at least meet and see if we could come to some agreement, some arrangement whereby the rules would be more fair to the minority, the rules would provide comity for Members to express their points of view. Well, we met. We had a lot of individual meetings on the Democrat side and on the Republican side. We got together finally and met several times, and all of the proposals that were brought forth were kind of left on the table, and we decided that we were not getting anywhere, and we decided not to meet anymore. But at least we had the hope that, when this year rolled around, we went into the 103d Congress, that the rules would be better, that they would be improved, that they would be a little bit more fair.

All of a sudden we find out that even though Republicans gained 10 seats, the Democrats are diluting that gain by adding 5 seats from people who do not even represent States of the United States of America.

Then we are seeing also a House counsel, a simple little provision, but it was important to us because it was determined that too many times the Speaker would allow the House counsel to go out and file under proceedings and individual proceedings without letting the minority know about it. The House of Representatives, the U.S. Congress, was involved in litigation that no one knew anything about. So, all we said was, "Look, let's have an arrangement whereby the Speaker and the minority leader get together, and appoint a counsel and agree on a counsel, and that he will engage in proceedings pursuant to an agreement from a legal advisory committee, and, if they can't reach a unanimous agreement at the advisory committee, that there will be a vote with the House as to whether or not we should engage in those legal proceedings." It was a simple, simple, reasonable suggestion, and it was totally rejected, totally left on the table, not only in our meeting last year, but also by the Democrat caucus in these rules.

The point here today is that not only are we not reforming this institution, but that the tyranny of the majority is tightening the noose around the minority to give them less of an opportunity to express their point of view.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 2½ minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I don't know how I can adequately address the momentous issue now before us, but with my colleagues' indulgence, I would be most appreciative if I could receive your attention for the next few minutes that have been allotted to me.

Mr. Speaker, our critics have argued that delegates' voting privileges should not be extended because of the number of constituents they represent. Mr. Speaker, I would be the first person to admit my constituency is by far the smallest when compared to the rest of the Members of the House. But, Mr. Speaker, throughout the history of this grand institution, since the establishment by law of territorial Delegates over 200 years ago—there has never been to my knowledge any requirement or statutory stipulation conditioning representation in Congress for territories, commonwealths, or even the Federal district based upon population.

If population was the determinative factor, Mr. Speaker, I submit the territory of American Samoa should never have been authorized a delegate seat in the Congress. Mr. Speaker, about 15 years ago, 153 Members of this body—both Democrats and Republicans, from the most conservative to the most liberal—signed on as cosponsors to authorize American Samoa a Delegate seat in the Congress.

For historical perspective, let me share with you some data on populations and delegate representatives in this Chamber.

Year delegate provided by Congress and territory	Census	Population
1. 1800: Indiana	(1800)	6,000
2. 1805: Michigan	(1810)	5,000
3. 1809: Illinois	(1810)	12,000
4. 1849: Minnesota	(1850)	6,000
5. 1861: Dakota—North/South	(1860)	5,000
6. 1868: Wyoming	(1870)	9,000
7. 1906: Alaska	(1900)	64,000

Mr. Speaker, three months from now, the residents of my district will be celebrating the 93d year commemorating the raising of the American flag in American Samoa. We are immensely proud of this longstanding relationship and association with the United States.

Let me emphasize again, Mr. Speaker—it is not a question of population, but it is a question of territorial status. Once territories, commonwealths, and insular possessions become one with our great Nation, and Congress in its wisdom determines Americans living in those areas should be represented by a delegate, the history of our great Nation shows the number of constituents represented by each Delegate is irrelevant.

Mr. Speaker, now as to the matter of paying taxes. Contrary to what you may have heard or read in the media—and I will speak only for my district—my constituents do indeed pay taxes: income, employment, and Social Security taxes. Our income tax system is mirrored after the Internal Revenue Code.

And I would also note, Mr. Speaker, that in Mr. George F. Will's recent commentary pointing out for Samoan edification that there should be "no representation without taxation"—to the contrary, Mr. George F. Will, Samoans do pay taxes, exactly the way Congress wanted us to pay. And beyond that, Mr. George F. Will, Samoans also bleed and die in defense of this great Nation of ours.

Mr. Speaker, like some of my colleagues here today, I'm a Vietnam veteran and I submit I'm not one for making eloquent speeches. In passing the Vietnam Memorial each morning, however, I cannot help but remember the sacrifice of the many Samoans whose names are etched for eternity on that black slab of honor.

Although all 50 of the States and the territories have men serving in the Armed Services, my people on a per capita basis provide more men in the defense of our country's liberty than any other. Many Samoan soldiers have given the ultimate sacrifice, knowing they could not vote for their commander in Chief.

And how many times have I heard Gen. Ben Blaz, a former Republican delegate from the territory of Guam, say to this body on behalf of 4.6 million Americans: "We are equal in war, but not in peace."

I cannot more strongly ask for your support to allow our delegates to vote on the Committee of the Whole.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I would like to preface my remarks by merely saying that to the best of my knowledge there are only three parties represented here. There is a Republican Party, a Democrat Party, and a Socialist Party, and I wish we would stop talking about a party that does not exist, which is a Democratic Party which I keep hearing people talk about, particularly when we are seeing the charade that is going on this afternoon. We should not be referring to the party as the Democratic Party. But I would like to talk about a different issue than has been discussed at the present time, and I would like to do that simply because the majority did in their rules give a little lipservice to the whole idea of congressional coverage.

The House has for too long either completely exempted itself from the laws it has imposed on the private sector, or extended coverage in some cases but effectively gutted that coverage through limiting enforcement to our own internal Office of Fair Employment Practices [OFEP] or simply through the issuance of internal guidelines which exempt most employees from coverage. While these actions may conveniently take the sting out of these laws, the result can hardly be called equitable to our employees and certainly cannot be described as bringing the House under the same laws as those imposed on the private sector. It's time for the facade to end.

Let me provide concrete examples. The Age Discrimination in Employment Act and the Occupational Safety and Health Act do not apply to the House. Title VII of the 1964 Civil Rights Act and the Americans With Disabilities Act apply but enforcement is strictly through the OFEP, so no Member faces the potential lawsuits and jury trials, with massive punitive and compensatory damages, which now confront the private sector under these laws. Finally, let me just remind Members of the charade which took place when the Fair Labor Standards Act was extended to the House, with much fanfare, and House Administration later quietly issued interpretive guidelines exempting virtually all employ-

ees from overtime pay. Very convenient for the House but hardly fair.

The language in the proposed House rule addresses these issues by requiring that the relevant committees of jurisdiction examine a range of labor laws listed and report legislation by June 30, 1993, which would apply those laws to the House in the same or similar manner as those laws apply to the private sector, including enforcement procedures and damages. Certain nonlabor laws are also included, in which case the manner of application to the executive branch is the model to be followed.

I recognize that the enforcement requirements raise legitimate constitutional issues and hence the proposed language provides that these requirements need not be implemented if there exist manifest constitutional limitations. But these limitations must be absolutely clear, not simply questionable or falling within a gray area. In this regard I wish to emphasize that I believe that private lawsuits in court against Members would pass constitutional muster. Time prevents debate of that issue here but I will include for the RECORD an analysis by the Congressional Research Service which I requested which clearly supports this point of view; I recommend it to my colleagues in the majority for their reading.

Mr. Speaker, I realize there is a possibility this proposal will not pass today. But I will continue to pursue, with my Republican colleagues, the issue in every forum I can. Perhaps once the House subjects itself to the many laws it so readily imposes on others, we will see improved efforts in crafting those laws. As importantly, the public will see that we are actually serious about changing the way we do things around here.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, April 10, 1991.

To: Hon. WILLIAM F. GOODLING.
(Attention: Randy Johnson).
From: American Law Division.
Subject: Constitutionality of Authorizing Private Causes of Actions by Employees of Members of Congress Against Their Employers.

This memorandum is in response to your inquiry with regard to whether the speech or debate clause of the Constitution, or, perhaps, some other constitutional provision, would be violated should Congress, in providing protections to employees, either those working for individual Members and for congressional committees or those working for the institution, by forbidding discrimination of the basis of race, color, sex, religion, or other prescribed grounds, authorize the employees to sue in federal court for alleged discrimination.

Implicated directly by any such proposal would indeed be the speech or debate clause assurance that Members of Congress "shall not be questioned in any other Place" for things said or done in the legislative process. Article I, §6, cl. 1. Additionally, a general separation of powers issue might be raised. As we understand the likely proposal, it would not include any authority for the Equal Employment Opportunity Commission, an executive branch agency, to police the employment relations of the legislative branch, which would in itself raise speech or debate and separation of powers questions.

This issue has occasioned much debate in Congress and out in recent years. It is not possible to make a definitive determination on the basis of the constitutional text and its history, structure, and purposes, and the judicial precedents are not dispositive. However, the text as informed by the interpretive judicial decisions does rather strongly suggest that the courts would sustain the validity of the enactment should Congress choose to take the step.

Although the following discussion is anchored in the judicial precedents, one must begin by acknowledging that it is the responsibility of each branch to make an independent interpretation of the meaning of the Constitution and that, while the decision in any particular instance may be reviewable by the courts, ultimately the Supreme Court, each branch owes to the others a respect for the reading of the Constitution developed in the course of governing. *United States* v. *Nixon*, 418 U.S. 683, 703 (1974). Even, therefore, if the Supreme Court's decisions were more directly declaratory of the law than they in fact are, Congress in acting on any measure may proceed on a different understanding of the metes and bounds of the Constitution.

SPEECH OR DEBATE CLAUSE

The Speech or debate clause has a long lineage from the struggles of Parliament with the Crown in England, *United States v. Johnson*, 383 U.S. 169, 178 (1966), and in our scheme of things is designed to protect the independence and integrity of the legislature and to reinforce the principle of separation of powers. Ibid.; *United States v. Brewster*, 408 U.S. 501, 507 (1972). The protection of the clause is not limited to words spoken in debate. "Committee reports, resolutions, and the act of voting are equally covered, as are 'things generally done in a session of the House by one of its Members in relation to the business before it." *Powell v. McCormack*, 395 U.S. 486, 502 (1969) (quoting *Kilbourn v. Thompson*, 103 U.S. 168, 204 (1881)). Thus, so long as legislators are "acting in the sphere of legitimate legislative activity," they are "protected not only from the consequence of litigation's results but also from the burden of defending themselves." *Tenney v. Brandhove*, 341 U.S. 367, 376–377 (1972).

Not only is the Member protected when the clause applies, but his aides receive equal coverage. In *Gravel v. United States*, 408 U.S. 606, 616–617 (1972), the Court accepted the contentions urged on it by the Senate: "that it is literally impossible, in view of the complexities of the modern legislative process, with Congress almost constantly in session and matters of legislative concern constantly proliferating, for Members of Congress to perform their legislative tasks without the help of aides and assistants; that the day-to-day work of such aides is so critical to the Members' performance that they must be treated as the latters' alter ego; and that if they are not so recognized, the central role of the Speech or Debate Clause . . . will inevitably be diminished and frustrated." Therefore, the Court held "that the Speech or Debate Clause applies not only to a Member but also to his aides insofar as the conduct of the latter would be a protected legislative act if performed by the Member himself." Id., 618. See also *Doe v. McMillan*, 412 U.S. 306 (1973).

But the scope of the meaning of "legislative activity" has its limits. "The heart of the clause is speech or debate in either House, and insofar as the clause is construed to reach other matters, they must be an integral part of the deliberative and communicative processes by which Members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either House." *Gravel*, supra, 408 U.S., 625. Immunity from civil suit, both in law and equity, and from criminal action based on the performance of legislative duties flows from a determination that a challenged act is within the definition of legislative activity. *Gravel*, for example, held that a grand jury could validly inquire into the processes by which a Member obtained classified information and into the arrangements for subsequent private republication of these documents, since neither action involved protected conduct, id., 626, and republication by a Member of allegedly defamatory remarks outside the legislative body, here through newsletters and press releases, was held unprotected, because it was not essential to the legislative process. *Hutchinson v. Proxmire*, 441 U.S. 111 (1979). In *Dov v. McMillian*, supra, the Court held that Members and their aides were absolutely immune from liability for conducting an investigation and preparing a report, allegedly libelous, but that the Public Printer and the Superintendent of Documents could be held liable for distributing the report to the public beyond the channels of communication within Congress. Id., 412 U.S., 320–324.

Thus, a Member is immune when he is "acting in the sphere of legitimate legislative activity." *Tenney v. Brandhove*, supra, 341 U.S., 376–377. His aides and presumably others acting at his direction are immune when he is. But when he acts outside the legislative sphere, he is not immune and neither are his aides or others directed by him. *Doe v. McMillian*, supra, 315–316.

Are employment decisions immunized by the speech or debate clause?

It has been strongly contended that the employment decisions of Members with respect to their aides, at least with respect to those aides who are essential to the performance of those legislative activities that are protected by the clause, fall fully within the protection of the speech or debate clause and "shall not be questioned in any other Place." As we will see, that position has support in the case law, but a recent decision by the Supreme Court suggests the conclusion that a Member's hiring and firing practices are not legislative within the meaning of the clause.

In *Davis v. Passman*, 442 U.S. 228 (1979), a divided Court held that a female aide of a Member, discharged because the Member preferred a male for the job, had a cause of action under the due process clause of the Fifth Amendment to sue the Member for monetary damages.[1] Because the lower court had not passed on the contention that the speech or debate clause precluded the suit, the Supreme Court declined to do so at that stage. Id., 235–236n. 11. The Court did hold that, inasmuch as the clause embodied for Members of Congress the concerns of the separation of powers doctrine for purposes of immunity from suit, it was the only source of immunity, not other principles of separation as well. Ibid. Chief Justice Burger, dissenting along with Justices Powell and Rehnquist, argued that separation of powers in combination with the speech or debate clause, both sharing common roots, did not permit the suit to go forward, id., 249, and Justice Stewart, dissenting, thought the speech or debate clause issue was "far from frivolous" and would have remanded so the court of appeals could decide it. Id., 251.[2]

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[1] In *Bivens v. Six Unknown Named Agents of the Bureau of Narcotics*, 403 U.S. 388 (1971), the Court held that a person, alleging violation of his Fourth Amendment search and seizure protection, in the absence of a statutory remedial cause of action, could sue the individual officers for damages under an implied cause of action premised directly upon the constitutional provision in question. *Davis v. Passman* extended this ruling, by basing the implication of a cause of action upon the Fifth Amendment's due process clause, which contains an equal protection component, when the Federal Government or someone acting under its authority performs an allegedly discriminatory act.

In two decisions, the United States Court of Appeals for the District of Columbia Circuit attempted to formulate a standard to permit determination of applicability or nonapplicability of the clause to congressional employment decisions. The discharge of the manager of the House of Representatives' restaurants was the issue in *Walker* v. *Jones*, 722 F.2d 923 (D.C.Cir.) cert. den., 469 U.S. 1036 (1984). Essentially, the court thought inquiry should focus on whether an employee's duties could be viewed "as work that significantly informs of influences the shaping of our nation's laws" or whether an employee's duties were "peculiar to a Congress member's work qua legislator," "intimately cognate. . . to the legislative process." Id., 931. Under that standard, the clause did not apply to the employee. In *Browning* v. *Clerk*, U.S. House of Representatives, 789 F.2d 923 (D.C.Cir.), cert. den., 479 U.S. 996 (1986), the discharge of an Official Reporter for the House of Representatives was challenged. The court held the congressional defendants to be immune under the speech or debate clause. The standard was "whether the employee's duties were directly related to the due functioning of the legislative process." Id., 929 (emphasis in original). If the employee's duties are "such that they are directly assisting members of Congress in the 'discharge of their functions,' personnel decisions affecting them are correspondingly legislative and shielded from judicial scrutiny." Ibid.

Requiring reconsideration of this developing case law, however, is *Forrester* v. *White*, 484 U.S. 219 (1988). The case unanimously held that a state court judge did not have judicial immunity in a suit for damages brought by a probation officer whom he had fired. The Court explained that in determining whether immunity attaches to a particular official action it applies a "functional" approach. "Under that approach, we examine the nature of the functions with which a particular official or class of officials has been lawfully entrusted, and we seek to evaluate the effect that exposure to particular forms of liability would likely have on the appropriate exercise of those functions. Officials who seek exemption from personal liability have the burden of showing that such an exemption is justified by overriding considerations of public policy. . ." Id., 224. Thus, it is "the nature of the function performed, not the identity of the actor who performed it, inform[s] our immunity analysis." Id., 229.

Judges have absolute immunity from liability for the performance of judicial functions. *Bradley* v. *Fisher*, 13 Wall. (80 U.S.) 335 (1872); *Pierson* v. *Ray*, 386 U.S. 547 (1967); *Stump* v. *Sparkman*, 435 U.S. 349 (1978). But when a judge acts in an administrative or a legislative capacity, he enjoys no judicial immunity. In the Court's view, "Judge White was acting in an administrative capacity when he demoted and discharged Forrester. Those acts. . . may have been quite important in providing the necessary conditions of a sound adjudicative system. The decisions at issue, however, were not themselves judicial or adjudicative." Supra, 484 U.S., 229. Employment decisions, like many others, the Court continued, "are often crucial to the efficient operation of public institutions," ibid., yet they are not entitled to absolute immunity, "even though they may be essential to the very functioning of the courts. . . ." Id., 228.

Forrester v. White was, of course, not a case governed by the speech or debate clause; it was brought under 42 U.S.C. §1983, which affords persons who have been denied their constitutional rights under color of state law a cause of action against state and local defendants. And, yet, the Court has, when passing on questions of legislative immunity in §1983 actions, looked to speech and debate principles, emphasizing that the clause itself is but a part of the much larger common-law principle of legislative freedom of speech. *Tenney v. Brandhove*, supra, 341 U.S., 372–379; *Supreme Court of Virginia v. Consumers Union*, 446 U.S. 719, 732 (1980). Indeed, the Court has said that "we generally have equated the legislative immunity to which state legislators are entitled under §1983 to that accorded Congressmen under the Constitution." Id., 733. See also *Eastland v. United States Servicemen's Fund*, 421 U.S. 491, 502–503, 505, 506 (1975); *Dombrowski v. Eastland*, 387 U.S. 82, 84–85; *United States v. Johnson*, supra, 383 U.S., 180. If, therefore, *Forrester v. White* bears on the question of congressional immunity for employment decisions, it strongly suggests that for such decisions Members of Congress do not have immunity.

The D.C. Circuit in *Gross v. Winter*, 876 F.2d 165 (D.C.Cir. 1989), has read *Forrester* to apply to legislative immunity and has held that a legislator's employment decisions are not entitled to legislative immunity. *Gross*, too, is a §1983 case brought against a member of the City Council of the District of Columbia, but the court took the two previous decisions in the Circuit, *Walker* and *Browning*, to have stated the doctrinal standards, which must be modified in the light of *Forrester*. See also *Rateree v. Rockett*, 852 F.2d 946, 950 (7th Cir. 1988)(dictum). The *Gross* court, however, reserved the question "whether special considerations applicable to members of Congress, such as separation-of-powers concerns, continue to justify the absolute immunity standard for congressional personnel decisions adopted in *Browning*." Supra, 876 F.2d, 172.

Ambiguity on this point clouds any analysis of *Forrester*. The Court observes at one point that it follows its "functional" approach in all cases, save for those that are governed "by express constitutional or statutory enactment." *Forrester v. White*, supra, 484 U.S., 224. Paramount of the express constitutional provisions, it then notes, is the legislative immunity created by the speech or debate clause. "Even here, however, the Court has been careful not to extend the scope of the protection further than its purposes require." Ibid. The Court then refers to *Davis v. Passman*, supra, for its holding that except for speech or debate clause immunity, a Member of Congress may be liable for his employment decisions. Ibid. But when, later in the opinion, the Court observed that, no less than a judge's ability to hire and fire employees as bearing on his ability to carry out his judicial functions is the similar ability of executive branch officials to hire and fire, and executive officials have not such immunity as the judge was claiming, the Court made no reference at all to employment decisions by legislators. Id., 229.

Some conflicting lines of precedent thus exist. Staffs of Members are so essential to the functioning of the legislative process that under *Gravel* they are entitled to the same speech or debate immunity that the Members have. This suggests that the clause could very well protect the Members' discretion in choosing to hire or to keep or not keep any person they want on their staffs. At the same time, the *Forrester* decision forecloses this mode of analysis for judges (as well as those executive officers with some measure of immunity). It is simply not relevant that the employee or aide is essential to the execution of the official's function or crucial to the efficient operation of his office. What is relevant is whether the function for which the judge is being questioned is judicial or adjudicative; if it is administrative, or legislative, judicial immunity does not attach.

Legislative immunity could be similarly analyzed. When the Member is engaged in legislative activity, he and his assisting aides are entitled to speech or debate immunity; when the Member, or an aide deputized by him, is engaged in an administrative function, such as hiring or firing staff, neither has speech or debate immunity. The conceptual difficulty is that in being "careful not to extend the scope of the protection [of the speech or debate clause] further than its purposes require," *Forrester*, 484 U.S., 224, the Court has construed the application of the clause to depend upon the connection of the acts challenged to the legislative process. In the context of *Gravel*, the "purposes" served by the clause required coverage of aides. But hiring and firing an aide is not legislating, anymore than discharging the probation officer was a judicial act of Judge White. A tension exists here, but on the strength of *Forrester*, a persuasive argument can be made that the speech or debate clause does not encompass employment decisions.

In any event, certain employees of the institution, such as the manager of the House of Representatives restaurant involved in *Walker v. Jones*, supra, have only a tenuous relationship to the legislative function. Under the precedents preceding *Forrester*, it appears that Congress could have provided a judicial remedy for them. Similarly, not all personal aides of Members assist in the legislative function as explicated by the Court. Some deal with constituent relations; some do casework and other activities with the executive branch and the like. Even if, therefore, employment decisions concerning aides assisting the Member exclusively in the legislative function were immune, the same decisions with respect to other employees would not be. Difficulties of application, it is safe to say, would be great.

Certainly, an express decision made legislatively by Congress that employment decisions of Members can be placed outside coverage of the speech or debate clause would be a determination by the body most familiar with the issue that should be entitled to special deference by the courts when they are called upon to pass on the question of the validity of congressional coverage under an appropriate statute.

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[2] The case was settled after the Supreme Court remanded it for further proceedings, and no speech or debate clause resolution was reached.

May Congress waive speech or debate immunity from suit?

Even if it is eventually determined, either by Congress or by the courts, that employment decisions are encompassed by the clause, the validity of judicial cognizance of questions arising from the relationship could still be defended on the basis that Congress may waive the protection of the clause by an express provision of law and given jurisdiction of an issue to the courts. Absent clearly applicable case law, we can, at this point, but speculate about how the Supreme Court might eventually resolve the question.

Twice now, the Court has reserved the issue, in the context of criminal prosecutions of Members. "[W]ithout intimating any view thereon, we expressly leave open for consideration when the case arises a prosecution which . . . is founded upon a narrowly drawn statute passed by Congress in the exercise of its legislative power to regulate the conduct of its members." *Johnson*, supra, 383 U.S., 185. See also *Brewster*, supra, 408 U.S., 529 n. 18. But in the latter case, three dissenters reached the issue and would have ruled that Congress may not authorize the courts to try Members for conduct protected by the speech or debate clause. Id., 529, 540–549 (Justices Brennan and Douglas), 551, 562–563 (Justices White, Brennan, and Douglas). Both *Johnson* and *Brewster* were criminal cases, the paradigmatic kind of executive invasion of legislative privilege with which the parliamentary proponents of legislative integrity and the Framers were concerned. It may be that with respect to civil cases, especially civil cases in which the plaintiff is a private citizen, the concern is of a lesser nature, see *Gross v. Winter*, supra, 876 F.2d, 172–173 n. 11, but the clause clearly applies to both criminal and civil suits, and the Court, with one exception not relevant in this context, has indicated no difference of treatment based on the nature of the cause of action. See *Supreme Court of Virginia*, supra, 446 U.S., 733 (noting *United States v. Gillock*, 445 U.S. 360 (1980)).

Facially, the clause seems to make jurisdiction over Members for conduct covered by the clause exclusive with the respective House of each Member. That is, "for any Speech or Debate in either House, they shall not be questioned *in any other Place*." That exclusivity is the necessary conclusion from the plain language of the clause is hardly compelling. It merits mention that Congress is given by the Constitution, Article I, §5, cl 2 the power to punish its Members for disorderly behavior and even to expel a Member by a two-thirds vote of the respective House. This power to punish is a complementary authority to speech or debate immunity, inasmuch as the drive of the English Parliament for legislative freedom included the successful assertion of the power to punish members for offenses for which they were immune to executive prosecution. Colonial and state legislatures in this country and the Federal Congress all claimed the same power as part of the same consideration. See *Anderson v. Dunn*, 6 Wheat. (19 U.S.) 204 (1821); *Watkins v. United States*, 354 U.S. 178, 188–199 (1957); *United States v. Brown*, 381 U.S. 437, 441–446 (1965); *Powell v. McCormack*, supra, 395 U.S., 552–548. As the Court has observed, Congress' power to punish Members, even to expulsion, is quite broad, extending "to all cases where the offence is such as in the judgment of the Senate [and, no doubt, the House of Representatives] is inconsistent with the trust and duty of a member." *In re Chapman*, 166 U.S. 661, 669–670 (1897). In exercising its powers under this grant of authority, the Senate or the House of Representatives "acts as a judicial tribunal" and its powers to adjudge "is in no wise inferior under like circumstances to that exercised by a court of justice." *Barry v. United States ex rel. Cunningham*, 279 U.S. 597, 616 (1929).

In *Burton v. United States*, 202 U.S. 344 (1906), a Senator convicted for accepting money to influence an executive department, conduct not protected by the speech or debate clause, argued that the statute under which he was charged conflicted with the provision of Article I, §5, cls. 1 & 2, making each House the sole judge of the qualifications of its Members and giving each House the authority to punish its Members for disorderly behavior. Cf. *Kilbourn v. Thompson*, supra, 103 U.S., 183 (The Constitution "is not wholly silent as to the authority of the *separate* branches of Congress to inflict punishment. It authorizes *each* House to punish *its own members*.") (emphasis added). Rejecting the contention, the Court observed: "While the framers of the Constitution intended that each Department should keep within its appointed sphere of public action, it was never contemplated that the authority of the Senate to admit to a seat in its body one who had been duly elected as a Senator, or its power to expel him after being admitted, should, in any degree, limit or restrict the authority of Congress to enact such statutes, not forbidden by the Constitution, as the public interests required for carrying into effect the powers granted to it. In order to promote the efficiency of the public service and enforce integrity in the conduct of such public affairs as are committed to the several Departments, Congress, having a choice of means, may prescribe such regulations to those ends as its wisdom may suggest, if they be not forbidden by the fundamental law." Id., 202 U.S., 367. That is, Congress, though the Senate had the power to punish the member itself, could enact legislation providing for his trial in the courts of the United States.

Similarly, though each House has the power, pursuant to the legislative power of inquiry, to punish contempts by witnesses before it or one of its committees, *Anderson v. Dunn*, supra; *Marshall v. Gordon*, 243 U.S. 521 (1917); *McGrain v. Daugherty*, 273 U.S. 135 (1927); *Jurney v. MacCracken*, 294 U.S. 125 (1935), it may also provide for trial and punishment before the federal courts. In 1857, because imprisonment could extend no further than the adjournment of the House which ordered it and because contempt trials before the bar of the charging House were time consuming, Congress enacted a statute providing for criminal process in the federal courts with prescribed penalties for contempt of Congress. Act of January 24, 1857, 11 Stat. 155. With only minor modifications, this statute is now 2 U.S.C. §192.

Holding that the purpose of this statute is merely supplementary of the power retained by Congress, the Supreme Court has rejected all constitutional challenges to it. "We grant that Congress could not divest itself, or either of its Houses, of the essential and inherent power to punish for contempt, in cases to which the power of either House properly extended; but because Congress, by the Act of 1857, sought to aid each of the Houses in the discharge of its constitutional functions, it does not follow that any delegation of the power in each to punish for contempt was involved." In *re Chapman*, supra, 166 U.S., 671–672.

The lesson of these cases is that Congress' power under Article I, §8, cl. 18, to enact all laws which are "necessary and proper" to execute its powers, includes the power to enact laws which implement and execute the powers of each House to govern itself. Congress regularly, pursuant to its authority to "determine the Rules of its Proceedings," enacts legislation binding both Houses to observance of procedural and substantive matters. The Legislative Reorganization Acts of 1946 and 1970, 60 Stat. 834, 84 Stat. 1175, contained extensive provisions affecting one House or the other as well as both bodies, and the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, 99 Stat. 1037, made similar extensive provisions. Of course, each House retained the power to make unilateral changes, pursuant to the authorization to determine the rules of proceedings, but as to the power to enact legislation for both Houses there was no doubt.

Establishing that there is no necessary exclusivity simply because the Constitution imposes a power or duty on Congress, or on one House, thereof, merely addresses one half of the equation, however. The provisions discussed above involved delegations or authorizations to each House, whereas the speech or debate clause appears on its face to be directed to the protection of the individual Senator or Representative. It has been observed by the Court that "[t]he immunities of the Speech or Debate Clause were not written into the Constitution simply for the personal or private benefit of Members of Congress, but to protect the integrity of the legislative process by insuring the independence of individual legislators." *United States v. Brewster*, supra, 408 U.S., 507. See also *Kilbourn v. Thompson*, supra, 103 U.S., 203.

Practice by the House of Representatives considers the response of a Member to a subpoena or other legal process to raise a question related to the dignity of the House and the integrity of its proceedings. "The rules and precedents of the House require that no Member, official, staff member, or employee of the House may, either voluntarily or in obedience to a subpoena, testify regarding official functions, documents, or activities of the House without the consent of the House being first obtained." 3 DESCHLER'S PRECEDENTS of the UNITED STATES HOUSE OF REPRESENTATIVES, H. Doc. 94-661 (1979), ch. 11, §14. See *In re Grand Jury Investigation (Eilberg)*, 587 F.2d 589, 592–593 (3d Cir. 1978) (House acquiescence to grand jury subpoena). This practice reflects the institutional interest of the House in the protection of the clause and might, without more, support enactment of legislation based on Congress' necessary and proper power.

Personal interest, a purely individual interest divorced from the institutional interest, in the protection of the clause has also been recognized, though. In Coffin v. Coffin, 4 Mass. 1, 27 (1808), speaking of the Massachusetts equivalent of the federal clause, Chief Justice Parsons said: "In considering this article, it appears to me that the privilege secured by it is not so much the privilege of the house as an organized body, as of each individual member composing it, who is entitled to this privilege, even against the declared will of the house. For he does not hold this privilege at the pleasure of the house; but derives it from the will of the people, expressed in the constitution, which is paramount to the will of either or both branches of the legislature. In this respect the privilege here secured resembles other privileges attached to each member by another part of the constitution, by which he is exempted from arrests on *mesne* (or original) process, during his going to, returning from, or attending the general court. Of these privileges, thus secured to each member, he cannot be deprived, by a resolve of the house, or by an act of the legislature." The significance of this particular case is that the Supreme Court has pronounced it to be perhaps "the most authoritative case in this country on the construction of the provision in regard to freedom of debate in legislative bodies . . . ." *Kilbourn v. Thompson*, supra, 103 U.S., 204. See also *Tenney v. Brandhove*, supra, 341 U.S., 373–374; *United States v. Brewster*, supra, 408 U.S., 513–517. While the Court has quoted these lines in a case only tangentially, if that, relevant to the question, *Spallone v. United States*, 100 S.Ct. 625, 634 (1990), its explanation of the reasons underlining the clause gives weight to the personal protection accorded individual Members as well as to the institutional interest. Brewster, supra. 408 U.S., 501; *Tenney v. Brandhove*, supra, 341 U.S., 372–373.

To be sure, there were instances in English history in which Parliament contrived to deny the protection of the privilege to Members. For example, John Wilkes was denied his parliamentary privilege and thereafter convicted in court for seditious libel, *Powell v. McCormack*, supra, 395 U.S., 527–531, but this case was such a cause celebre, here as well as in England, that adoption of its particular approach silently into the speech or debate clause in unlikely, to say the least.

It thus must be concluded that the power of Congress to waive the clause by expressly making Members subject to judicial process for covered conduct is unsettled. It is not, however, foreclosed as a possibility, inasmuch as the exclusivity argument has not been accepted in other contexts involving Article I, §§5 and 6. But the function of the clause as a protection of institutional interests through a protection of the individual legislators personal rights does weigh considerably against the possibility of institutional waiver. If Congress should enact a statue, making the determination that it can waive, again the fact that the body for whom the protections of the clause were intended has reasoned that its institutional interests would not be adversely affected by judicial exercise of the power would doubtlessly be given substantial deference by the courts. That the clause protects the individual interests of each Member, even though in the long run the protection is to further the institutional interest of the legislative body, would perhaps require some balancing by the courts. Acceptance of such a statute would appear, however, at this stage, to be problematic.

One should note, however, that when the employment decision is that of either the House of Representatives or the Senate, as an institution, as in the employment of restaurant workers, elevator operations, and the like, or even of employees more closely associated with the legislative process, such as the Official Reporter before the court in *Browning*, the ability to waive immunity against the institution might be more easily answered.

SEPARATION OF POWERS

Additionally, a general separation of powers issue may be independently raised. It is true that in *Davis v. Passman*, supra, 442 U.S., 228–229 n. 11, the Court stated that unless the speech or debate clause protected Members, they were not protected generally by the separation of powers doctrine. The *Gross v. Winter* court did, however, pause to consider whether an absolute immunity for Members making employment decisions might be justified under the doctrine of separation of powers, regardless of the inapplicability of the speech or debate clause. Supra, 876 F.2d, 172.

Briefly, the Court has adopted in its separation of powers decision-making a standard that evaluates whether there is encroachment and aggrandizement. That is, does the action of one branch toward another threaten to "impermissibly undermine" the powers of the other or threaten to "disrupt the proper balance between the coordinate branches [by] prevent[ing] the [branch acted upon] from accomplishing its constitutionally assigned functions." *Morrison v. Olson*, 487 U.S. 654, 693–696 (1988); *Mistretta v. United States*, 488 U.S. 361, 380–384 (1989). See also *United States v. Nixon*, 418 U.S. 683, 713 (1974); *Nixon v. Administrator of General Services*, 433 U.S. 425, 442–443 (1977). Without intending to treat the issue superficially, we must observe that Congress has given the federal courts cognizance of employment discrimination in the executive branch of the Federal Government, and much litigation has ensued without suggestions that this extension of employment discrimination law has upset the balance of the separation of powers. Therefore, by parity of concern, it would seem evident that if the speech or debate clause is no impediment to judicial causes of action for the employees of congressional Members, the doctrine of separation of powers will present no barrier.

CONGRESSIONAL INSTRUMENTALITIES

Whether a constitutional problem would arise from application of employment discrimination laws, with judicial remedies, to the instrumentalities of Congress[3] is a question that may be quickly disposed of. In the course of its legislative provision of remedies against employment discrimination, beginning in 1972, Congress has extended to the Library of Congress and to those units in the legislative branch which have positions in the competitive service the guarantees and judicial remedies of title VII of the Civil Rights Act of 1964 (as amended in 1972), 42 U.S.C. §2000e–16(b), and the Age Discrimination in Employment Act of 1967 (as amended in 1978), 29 U.S.C. §633a(a). The General Accounting Office, which is a legislative branch agency for some purposes and an executive branch agency for others,[4] is covered by these two Acts and by the Rehabilitation Act of 1973.[5] However, the Americans With Disabilities Act of July 26, 1990, P.L. 101–336, §509(c), 104 Stat. 375, in applying the Act to these instrumentalities, provided for administrative enforcement by the agencies only.[6]

To be sure, some employees of some of these agencies in working with Members and the staffs of Members certainly participate in the legislative process in the sense of the term that the Supreme Court has used in interpreting the speech or debate clause. Employees of the Congressional Research Service of the Library of Congress and of the Congressional Budget Office do so participate, and there is authority that for actions CRS employees, for instance, take in the performance of the legislative function they are immune under the speech or debate clause. See *Webster v. Sun Co., Inc.*, 561 F.Supp. 1184 (D.D.C. 1983), *vacated and remanded*, 731 F.2d 1 (D.C.Cir. 1984), *on further appeal*, 709 F.2d 157 (D.C.Cir. 1986). Other members of the Library of Congress staff perform other functions not related to the legislative process. See, e.g., *Eltra Corp. v. Ringer*, 579 F.2d 294, 298–301 (4th Cir. 1978) (position of Register of Copyrights). Similarly, it is questionable that, for instance, employees of the United States Botanic Garden participate in the legislative function as defined by the Supreme Court.

If Congress should adopt the reasoning of an earlier portion of the memorandum to the effect that employment decisions are administrative functions not so inextricably tied to the legislative function as to implicate the speech or debate clause, the issue is easily settled. But even if the personal staffs of Members, or at least the legislative affairs employees of the Members' personal staffs, are determined to be covered by the speech or debate clause that they may not be authorized to seek judicial relief for proscribed practices, it does not follow that the employees of congressional instrumentalities are likewise covered. Those who do not assist Members in the carrying out of their legislative responsibilities would seem clearly to be outside the scope of the clause. Those who do assist Members in the carrying out of their legislative responsibilities may well be immune for their actions while so assisting, but what is the legislative function of the employment decisions of the agencies who hire, fire, and oversee their employment that gives those decisions legislative immunity?

A more compelling reason exists for doubting that the clause would require that employees of these agencies be remitted to purely administrative remedies. The speech or debate clause provides that for their performance of their legislative functions the Members of Congress are not to be questioned in any other place. A challenge to an agency decision respecting the employment rights of an employee would be a suit against the agency. The Library of Congress or the Government Printing Office would be sued, not a Member or Members, not the House of Representatives or the Senate. There is no facile attempt at word play in this distinction.

Thus, in *Kilbourn v. Thompson*, supra, although Congress could not be sued for ordering the arrest of Kilbourn, nor could any Member be sued for voting for the resolution, the Sergeant at Arms who carried out the legislative directive to take Kilbourn into custody was suable and liable. In *Doe v. McMillian*, supra, neither the Members nor the committee staff who carried out the investigation and the subsequent preparation and publication of the report on the investigation could be sued, but the two officers, the Public Printer and the Superintendent of Documents, who carried out the congressional directive to distribute the report outside Congress were suable. In *Powell v. McCormack*, supra, 395 U.S., 503–506, the Court held that it was proper to name several officers and employees of the House of Representatives as defendants in order that the action of the House in excluding the Member-elect could be challenged.

That Members of Congress are immune for the act of voting for a measure that may be unconstitutional does not mean that the enacted measure may not be challenged in court, such as by suing one charged with its enforcement for a declaration of invalidity. Congressional actions may be challenged, even if the congressional actors may not be. See, e.g., *Powell v. McCormack*, supra. Thus, it would seem to follow that the actions of a legislative agency proceeding under general congressional direction could be challenged without implicating the strictures of the speech or debate clause. At the least, with the existence of an enacted policy against employment discrimination, the employing agency would, at the least, be acting *ultra vires* were it to make decisions on the prohibited grounds.

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[3] For purposes of this memorandum, the instrumentalities of Congress include the Architect of the Capitol, the Congressional Budget Office, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the United States Botanic Garden. Americans With Disabilities Act of July 26, 1990, P.L. 101–336, §509(c)(4), 104 Stat. 375.

[4] See *Bowsher v. Synar*, 478 U.S. 714 (1986).

[5] These Acts apply to "executive agencies" as defined in 5 U.S.C. §105, which specifies that, for purposes of title 5, "executive agency" includes an "independent establishment," which in turn is defined by 5 U.S.C. §104(2) to include GAO.

[6] The proposed Civil Rights Act of 1990, S. 2104, §16(c), 101st Congress, would have limited enforcement of the Act and of Title VII to administrative enforcement within each agency.

CONCLUSION

First, application to Congress of the employment protection provisions of federal civil rights laws, at least in the context of authorizing judicial remedies, could raise problems under the speech or debate clause. Under one possible analysis, some employees would be sufficiently removed from the legislative process so that decisions about them may well not implicate the clause at all, whereas other employees are so integral to the legislative process that their employment would be covered. But if the Supreme Court's *Forrester* decision provides the appropriate mode of analysis, an employment decision of a Member with respect to all staff would be an administrative decision not entitled to speech or debate clause protection. Especially if Congress should conclude that *Forrester* is the correct analysis, in the course of extending the laws, it seems likely that the courts may well defer to that determination.

Second, if it is concluded that the speech or debate clause applies to the employment decisions of Members, an argument exists that Congress may expressly waive the protection and subject Members to suit. Little actual authority exists for the proposition, but there is little on the other side either. The matter is largely one of deductions from basic principles and analogies. But the argument from general principles in favor of waiver is significantly weaker than the argument that the clause does not apply in the first place.

Third, it would appear that regardless of the conclusion with respect to the personal staffs of Members, the employees of a number of agencies associated with Congress would be sufficiently removed from the legislative process that the clause would not apply. With respect to other such employees, who are more involved in the legislative process, the fact that the employment decisions are made by the agencies themselves and not by Congress or an individual Member could bring the decisions outside the scope of the clause.

JOHNNY H. KILLIAN,
Senior Specialist,
American Constitutional Law.

□ 1530

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore (Mr. EDWARDS of California). The gentlewoman from New York [Ms. SLAUGHTER] has 18½ minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 19½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ].

Mr. ROMERO-BARCELÓ. Mr. Speaker, when I studied American history in high school I was taught that the poll tax was repealed and that there was a principle called no taxation without representation. But I never heard that there was such a thing as no representation without taxation.

Mr. Speaker, I have heard here today some distinguished Members say that we should not be allowed to vote because we do not pay taxes. Well, Puerto Rico does not pass upon Federal taxes. It is the Congress that determines whether we pay taxes or not. So it has been Congress' determination, not ours.

Now, we have also been U.S. citizens for 76 years, and we are disenfranchised U.S. citizens. Each one of you here represents approximately 600,000 U.S. citizens. I represent 3,600,000 U.S. citizens.

When I left at Christmas to go home I was very excited and very happy about the fact that well, we got a little bit more. We are going to be able to at least vote in the Committee of the Whole, even though we cannot vote on the floor. The people in Puerto Rico were all delighted and excited.

Now I come back and this is no longer even a vote. We call it a vote, but it is not a vote. All we are being allowed is to participate further upon the debate. Because the vote that we carry out, if it is a vote that determines the outcome, then it is no longer valid. We take it back. So that is not a vote, it is just an opportunity to participate.

To hear each one of you, if I were to ask each Member do you believe in equality, you would say yes, you believe in equality. You would be offended by the question. But here you are denying us even the opportunity to participate on behalf of 3,600,000 disenfranchised U.S. citizens further along in the debate.

All it is going to do is you debate it, you decide it, and then, if our vote is determining, then you take it back and you continue with the process.

Mr. Speaker, I would hope the Members would reconsider their position.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am as distressed as some others here today by the content of the rules, the rolling quorum, and a number of other things that are proposed out here, and I am discomforted by the thought of enfranchising with a vote on the floor of the House the Delegates from the various territories and the District of Columbia for the reasons I have heard some of my colleagues say. I do not think it is constitutional and I think we are just going to get into a brouhaha here that ultimately will wind up being decided by the courts if that be the case.

But I would like to use a couple of minutes to talk about something that is not in these rules that should be, something that our minority leader in a motion in a few minutes is going to propose that be put into these rules, and that is a limitation on the term or length of time or number of years that a person may serve as the chairman of a committee, a major committee or a minor committee or any other committee of this Congress.

We had a few minutes ago a press conference dealing with a bill that was introduced today with 75 cosponsors to limit the terms of Congressmen, for a constitutional amendment to limit the terms of Congressmen.

That is by far the largest number ever to sponsor such an amendment in this body. I think 31 was the largest number on any proposal up to this point in time in history.

Forty-two of those cosponsors are freshmen. I think that is reflective of the overwhelming sentiment of the public, which in the polls are around 70 to 80 percent constant there of all political persuasions who favor limiting terms of Congressmen.

Why do they favor that? They favor it because they see problems with this institution that we cannot correct by simply taking a pair of scissors and trimming around the edges. We need major reform of how this institution operates.

One of the reasons why term limits for Congressmen is so strongly supported is because it would get at the very same thing in part that the amendment of the gentleman from Illinois [Mr. MICHEL] would do, and that is to limit the power that individuals have who stay here for 20 and 30 more years. The power to sit as a chairman of a committee is the power to bottle up legislation, the power to dictate, the power to influence amendments. And that is with all due respect to a lot of my good friends and colleagues who have served in that capacity and still will serve admirably and under whom I have served.

But it is a problem with this institution that the public recognizes, that needs to be reined in, and we will have an opportunity in a few minutes to do it.

Mr. Speaker, I urge the vote on the motion if it comes to recommit to limit the terms of our chairmen to no more than 6 years or three consecutive terms.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, in World War II the territories contributed 1 out of every 300 casualties. They contributed 809 casualties in the Korean war. Of Vietnam veterans killed in action, Guam had a casualty rate higher than any State except Alaska. I do not recall those Republicans and Democrats voting for Desert Storm saying that because they do not have representation in Congress like all of us, we should exclude Guamanians, Puerto Ricans, Samoans, and Virgin Islanders from serving in the gulf.

Mr. Speaker, this is a compromise. If I were a Delegate, and some Delegates have, I would express disappointment that they are only getting half a loaf.

The gentleman from New York [Mr. SOLOMON] mentioned the constitutional amendment to balance the budget and the constitutional amendment on flag burning. If it were a close vote on these issues, the votes of the Delegates would be canceled. There is a procedure in this compromise that basically says on close votes we are talking about retaking the vote. That is a bit of disenfranchisement.

On the tax issue, insular areas pay taxes. They revert back to the territories.

On the issue of partisanship, I have letters to the minority leader, the gentleman from Illinois [Mr. MICHEL], from the minority Republican leaders of the Guam Legislature and the Governor saying this is not a partisan issue. This is important to the people of Guam.

Mr. Speaker, we are talking about 4.5 million Americans that do not have a voice or a vote. They have dedicated Delegates that vote in committee, but when it comes time to vote on the floor and to participate, they are not equal to the rest of the country.

☐ 1540

Mr. Speaker, the time has come to redress the wrong and to vote for full participation for all Americans in the proceedings of the U.S. Congress.

Mr. Speaker, I include for the RECORD further points which I wish to make on this issue.

The one Resident Commissioner and four Delegates in the House of Representatives are the sole congressional representatives of some 4.5 million Americans.

These Americans have no representation whatsoever in the U.S. Senate, and their Delegates—and our colleagues—are unable to vote in the House of Representatives.

Instead, they must watch from the sidelines as the rest of us vote on legislation that has a lasting effect on the lives of those these Delegates were elected to represent.

During the historic debate on the gulf war, for example, Delegates were denied the right to vote although they knew that their constituents were going to be dispatched without delay to face Iraq's Scud missiles, mustard gas, and give their lives if necessary.

This both the Delegates and their constituents accepted in a spirit of patriotism, just as they have in a string of United States military conflicts from Panama to Vietnam, and from Lebanon to Korea.

These four Delegates and one Resident Commissioner with whom we have worked so closely and so well at the committee level, should be given the vote in the Committee of the Whole.

This would:

First, violate no constitutional precepts;

Second, be entirely within the jurisdiction of the House rules, and therefore can be adopted by a simple vote of the House; and

Third, give these five colleagues a greater degree of participation in the formulation of the laws that affect the lives of those who sent them here.

TWENTY-FIRST GUAM LEGISLATURE,
Agana, Guam, December 28, 1992.
Hon. ROBERT H. MICHEL,
Minority Leader of the House of Representatives, Washington, DC.

DEAR CONGRESSMAN MICHEL: Very reliable information has reached our shores that the U.S. House of Representatives may be presented with an amendment to its 103rd Congressional House Rules that would give the heretofore non-voting delegates of our four (4) U.S. insular areas (the Virgin Islands, American Samoa, Puerto Rico and Guam) and of the District of Columbia, the right to vote in the Committee of the Whole. Naturally such a move would give our opposition party (the Democrats) an advantage of five (5) additional votes, since all the above-noted delegates are Democrats.

As the Minority Leader of the Republican Party for our own incoming 22nd Guam Legislature, I share a vicarious chagrin at the prospect of giving this added advantage to the Opposition. However, inasmuch as the proposed amendment addresses a very progressive move for our own Guam delegate to Congress (Democrat though he may be), which is very much in line with our Territorial quest for a stronger voice in Congress, I am compelled to put partisan consideration aside in favor of supporting such an amendment, and I humbly solicit and encourage your support as well. It is my sincere hope that the Republican Minority in the 103rd Congress will not find such a move politically unsupportable.

Despite the fact that the Democrats hold a 435–258 (25%) edge over the Republicans, and hence opposition to an additional five (5) votes is at best a token one. I am confident that the Republican congressmen and congresswomen in the 103rd Congress will be more than a token check-and-balance in the system. We here in the Territory laud the move to grant our non-voting delegates their long-deserved right to cast their votes. It is yet another step toward recognizing our delegates as full-fledged members of the U.S. Congress. It appears they already enjoy most other congressional privileges (committee membership, sub-committee chairmanship, mailing privileges, flanking privileges, protocol, seniority, etc.). Certainly, why not the most precious of privileges—the right to cast their votes.

On behalf of the Republican Minority of the 22nd Guam Legislature, therefore, I wish to register our joint support to the amendment. We hope that you can understand, appreciate and support our position.

Sincerely,
ANTONIO R. UNPINGCO.

TERRITORY OF GUAM,
Agana, Guam, December 29, 1992.
Hon. ROBERT H. MICHEL,
House Minority Leader, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MICHEL: As the House convenes for the 103rd Congress, a historic measure to grant the territorial delegates the opportunity to vote in the Committee of the Whole will be discussed. The people of Guam look forward to this procedural right being extended to our delegate. We do not see this as a partisan issue, but rather, as a means for Guam's agenda to be more widely understood and appreciated by all Members of the Congress.

As you are aware, Guam makes a significant contribution to the national interest through the extensive holding of Guam property for national defense purposes. Moreover, we pay taxes as prescribed by federal law and have made tremendous progress in fostering economic self-sufficiency. We seek to continue our development for self-sufficiency as well as balancing federal interests with our quest for self-government and self-determination through Commonwealth status. The opportunity for our delegate to vote in the Committee of the Whole will no doubt be good for Guam as well as the nation in the consideration of policy that affects all Americans.

Thank you for your attention to this matter. I remain, Sir,

Sincerely yours,
JOSEPH F. ADA,
Governor.

Mr. SOLOMON. Mr. Speaker, let me say to the gentleman from New Mexico [Mr. RICHARDSON], yes, it is half a loaf. And if I were a Delegate, I would be damn mad because it is cutting and running. Either give it to them or do not give it to them, but do not go halfway on it. Let us go with the constitutional amendment, and I will support it.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this morning I got to watch our colleagues on the CBS program "CBS This Morning" for 2 hours. They were over in the Committee on Ways and Means room and just as I turned it on my good friend, the gentleman from California [Mr. KIM] said that he hoped very much that Democrats and Republicans would be able to come together and work to solve the problems that we have as a Nation.

The tragedy is, here we are, our first act is to battle over this rules provision which is being imposed on those of us in this House.

To me, many very eloquent arguments have been made by my Democrat colleagues, but it should be very clear, article I, section 2 of the U.S. Constitution says, the U.S. House of Representatives shall be composed of Members elected every second year by the people of the several States.

So the gentleman from New York [Mr. SOLOMON] was absolutely right. We should do it the proper way. Amend the U.S. Constitution. Do not do what USA Today said, "The Democrats first order of business is a power grab that short-circuits the Constitution." That would be blatantly unfair.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, as a Delegate from a U.S. territory who has served in this House for 18 years, I will take that half a loaf. We already had this debate two decades ago, when the Members of this House determined that it was constitutional to give the vote to the Delegates for the first time since the Founding Fathers, for the first time in the committees. What we are talking about here today is a committee, the Committee of the Whole.

We are in the House right now, but most of the business, as has been said, is in the Committee of the Whole. We can change the Committee in any way we want to because that is not the House. We are in the Committee of the Whole. The symbol of the House is put down lower. The Speaker is not in the chair. It is a Chairman. And we want to participate. That is all we want to do, participate.

We have already amended these rules so that we cannot be decisive. We cannot reach into the House and determine anything. But let us participate.

When Desert Storm came up, I could not vote. I could not vote for my constituents, and yet within days after this House endorsed Desert Storm and we went to war in Desert Storm, three of my constituents were dead.

We pay Federal taxes, Federal taxes. We use the same forms as my colleagues use. We pay the same rate as my colleagues do. It is the Federal law and the Congress that says that money will stay in the territory and be used in the territory. If we want to change it, change it. We do not want to, and I know we will not.

But that is not the issue here. The issue here is participation for 4½ million Americans. France allows it. Spain allows it. Let us allow it.

Mr. SOLOMON. Mr. Speaker, let me just say that as to the last speaker, the gentleman from the Virgin Islands [Mr. DE LUGO]. I have great respect for him. He overlooks the kind of vote trading and deals which might be cut to ensure that the Delegate vote does not make the critical difference. One of the Delegates in fact boasted the other day that permitting Delegate voting in the Committee of the Whole will enable Delegates to cut deals and trade votes. That is what we are concerned about. We want them to participate just the way they are now and they do a darn good job at it.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, the American people fully expect us to reform the Congress, not to betray the American people by the kinds of antics that we are already observing.

There is another issue that is buried in all of this debate here today. Every single year the Congress fails to obey its own laws when on September 30 of every year, when a budget is supposed to have been enacted, we fail to enact such a budget. And the next day we encounter the temporary funding resolutions that make a mockery out of the budget process.

We have been trying for several terms now to bring in an instant replay type of resolution to that problem, to say that if on September 30 we have not adopted a budget by the prescribed deadline, that the next day an automatic reversion to last year's, an instant replay of last year's budget should go into effect.

Here we are today, however, prohibiting a Republican substitute or debate which would allow a modest reform of that to allow us to continue the business of the Congress with at least a budget in place that will not violate the will of the American people and then prevent those kinds of things that happen of mischief that the continuing resolution provides for us.

It is time to reform. Now is the time to reform.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, today marks a potentially proud moment for our fellow U.S. citizens from the territories. This body, by granting the Committee of the Whole vote, recognizes the struggle is not for full representation, for indeed what we are faced with is only a partial compromise, but a positive step for more effective representation for our fellow citizens.

This is not a vote on whether we have a certain number of constituents. As indicated, it is not even a full vote. It is a vote on Members' position on the meaning of U.S. citizenship and exclusivity, a vote on whether Members believe in exclusion or inclusion, whether they believe that citizens of non-States are people just like us or do they believe that they are nonpersons.

My colleagues, earlier this year I was proud to visit the Vietnam Memorial for the first time in my life. In that I saw the names of many people named Quinata, Taimanglo and Santos and Guerrero, childhood friends. It pains me deeply to think that the memory of those individuals will be sacrificed on the basis of a pitch for constitutionality when clearly this meets all constitutional provisions.

I urge my colleagues, on the question of partisanship, it is not the Democrats that are raising this as a partisan issue. I have two letters here from the Governor of Guam and the minority of the Guam Legislature who ask the Republican minority to put aside partisanship because this issue was first raised by a Republican Delegate from Guam. This is a position that was discussed before the results of the election were known to anyone.

This is a right thing to do. This is a good thing to do. This is a fair thing to do. Allow us, for God's sake, to participate in this noble House.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in opposition to the rules package offered by the Democrats today. This package contains a number of highly objectionable provisions—including limitations on time for Members to speak during special orders—which weaken the ability of Members to represent their constituents.

One provision, however, stands out above the rest as an unequalled infringement of Members' rights. This provision would allow Delegates the right to vote on the House floor. When Americans went to the polls last November, they voted for change. But I cannot imagine they would have supported the change being proposed today.

Members on both sides have made interesting arguments about the right to vote of Delegates. But these arguments only become relevant after one has accepted the premise that allowing a Delegate to vote on the House floor is constitutional. It is not.

Article 1, section 2, plainly states that "The House of Representatives shall be composed of Members chosen every second year by the people of the several States." Clearly, Delegates are not Members and they do not represent States. As such they should not be afforded the status essentially the same as duly-sworn Members of Congress.

Why, then, are Democrats pushing an issue of such questionable constitutional and policy standing? As has already been stated, in 1970, Congressman FOLEY argued "That a constitutional amendment would be required to give [a Delegate] a vote in the Committee of the Whole." Today, however, it appears he feels very differently.

I will point out further, that contrary to what some have argued, it has never been determined that allowing Delegates to vote in other committees of the House is constitutional. Therefore, the argument that allowing Delegates a vote on the floor is a logical next step for them is absurd.

Another valid concern is that of proportional representation. The typical Member of Congress represents more than 500,000 people. Yet the population of American Samoa is only 47,000, giving every man, woman, and child, more than 10 times the representation of most Americans. That is just plain wrong.

The disparity is far greater when we consider registered voters. In the 10th district of Virginia, which I represent, there are more than 292,000 registered voters, yet there are only 15,000 registered voters in American Samoa and only 40,000 in all of the Virgin Islands.

The final point which must be made is that of representation without taxation. Residents of Guam, American Samoa, and the U.S. Virgin Islands pay no Federal income tax. Yet we are debating on the floor today whether or not to give their Delegates a vote on issues such as raising personal income tax rates. It makes no sense.

What concerns me most, Mr. Speaker, is that, until today, this entire debate has been conducted in secret. The decision to allow Delegates to vote on the floor was made in a closed meeting of House Democrats without the input of House Republicans and without the knowledge of most Americans. If supporters of this important provision are so confident that the American people will support it, then full, open debate should be held before it is brought to the floor.

Mr. Speaker, the rules which pass the House today, to a large degree, will determine the level of fairness and good will between Democrats and Republicans during the next 2 years. There is much to be done in the 103d Congress for the good of the people of this country. But if this is the type of political power play Republicans should expect from House Democrats during the next 2 years, then it's going to be a very long, difficult Congress for both parties.

I urge all Members to vote against this rules package and against the provision allowing Delegates to vote on the House floor.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I think we first have to, once and for all, deal with this question of constitutionality and the source of this CRS opinion. When we act in the House of Representatives to resolve issues, we act constitutionally. We are not changing that.

The Congressional Research Service opinion, which comes down on the side of constitutionality, is essentially the same opinion that Republican Ben Blaz asked for in the mid-1980's. I really resent increasingly the partisan tone that somehow this is a grabback of five votes by the Democrats. We all know that two of these Commissioners within my service here have been Republicans from these territories. They are not dedicated Democratic seats. They are up for grabs, because there are two parties in all of these territories, and all of them are alive and well and competitive.

We are talking about not rewarding but recognizing the taxpaying, country-serving people who live in these areas. They have been eloquently represented on the floor today. We simply want them to be represented in every debate taken on this floor.

We are not interfering with anyone's constitutional prerogatives. We are extending, in the most diverse and inclusive Congress ever elected, and we are getting kudos for that, a slight additional responsibility to people who have long deserved it, who have been prevented from really exercising the rights of their constituents, I believe, on this floor.

This is not partisan; it is in the best traditions of an institution that reaches out, that is an internationalist, in a sense, body that understands the world in which we have to legislate, in which we have to play a role.

We are a country made up of people of all races and ethnic groups. I do not know why we are afraid to bring additional representation from those islands, from the District of Columbia, from places that have long been affiliated with this Nation. I think it is in the best tradition of this body, and I think it would make it a proud moment if we stand together on this instead of falling to partisan wrangling.

Mr. SOLOMON. Mr. Speaker, we have just gone through a long election, and the next six Members I will recognize will all be freshman Members from this side of the aisle. First, I yield 2 minutes to the gentleman from Idaho [Mr. CRAPO]. He is a member of our Republican leadership. He has only been here for 1 day, and he is already in our leadership.

Mr. CRAPO. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

Mr. Speaker, as I campaigned, I campaigned heavily on issues of reform, as did many, if not most, of us here. Many of those issues of reform deal with issues that are now governed by our rules.

As I have been here today, I have been asked by members of the press how it feels to be getting sworn in on my first day as a new Congressman, and I thought about that, and I thought about the fact that more important than our swearing in today is the fact that we are dealing with reform issues on a broad scale. I want to talk for just a moment about the ones that are not getting the attention because of the focus of this debate on the Delegate issue.

I talked much during my campaign about the need for reforms that the Republican platform had put forward for a new rules package, reforms that I now understand after today's results are not going to even get a vote on this floor, reforms that should be getting much more debate than we are getting time to address to them.

Let me just focus on one specific. There was a proposal for term limits, term limits on ranking members and committee chairmen. If there is one issue that I think vast majorities of the people of this country are speaking up to this Congress about, it is term limits. If there is one concern that seems to be universal across this country, it is the tendency for consolidation of power in the hands of a few for long periods of time. Yet that issue is going to go by the wayside today as a partial proposal in our rules package, because we are not today going to get a vote on whether we should put term limits on committee chairmen and term limits on ranking members of committees. That and many other issues need to be addressed.

It would be my hope that we can find an opportunity that we can address the needed issues of reform in this Congress, and not on the very first day of this Congress forgo some of the needed issues and important issues that the people of this country are saying to this Congress that they expect of us. The people of this country want term limits. We can give one of the biggest, first steps to that movement today and in this Congress if we do not reject the opportunity for those limits.

Mr. SOLOMON. Mr. Speaker, the next of our six freshman Republicans that campaigned for real reform is the gentleman from California [Mr. KIM]. I yield 1 minute to the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as the Members know, I am a freshman, very fresh, only got sworn in about a couple of hours ago. I am very disappointed and shocked today. We have a serious matter in California, especially. We have almost 10-percent unemployment. I am expecting some things for this serious matter, some job creation, some economic innovative plans. Here we are, talking about promoting Washington, DC as an independent State? I do not understand this. I think the priorities are all mixed up.

Second, we are talking about equal voting power to U.S. territorial representatives? I represent 600,000 people. I understand American Samoa has only 47,000. Does this mean I have one equal right as they do? I think that is unfair.

On top of that, they do not even pay a penny of taxes to our Government, yet again, I have the same equal right? That is absolute nonsense. I am very, very disappointed to learn this. Why do we have to deal with this first priority, on the first day? I do not understand this. I am very disappointed.

Mr. SOLOMON. Mr. Speaker, the third of our freshman Republicans campaigning for reform is from another cross-section of America. I yield 1 minute to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, I do not know what offends me more, the changes or the process. It is clear to me that the leadership is not convinced that it can win on any of these issues on an up or down vote, so they do not give us an opportunity to vote on them up or down. We are not given an opportunity to amend the package.

I had hoped to speak about term limits for ranking chairmen like we have passed for ranking members. We are not given an opportunity to offer that amendment. We are not given an opportunity to vote for that in our package.

It is to me a vexing thought that I may not even be able to put before the Members for a vote in the next 2 years the very issues that my constituents sent me here to address, and it is very sad.

Mr. SOLOMON. Mr. Speaker, the fourth of our freshman Republicans campaigning on reform, going out to the far part of the country, is the gentleman form Oklahoma [Mr. ISTOOK].

I yield 1 minute to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, why do we need back door maneuvers. If the goal is statehood, I would say to the Members, make the case for statehood directly. That is what the Oklahoma Territory did and the Indiana Territory did when together in 1907 they became the 46th star, the State of Oklahoma.

Before that we had people go to war, the Spanish-American War, and when we became a State we became responsible for local and State taxes as well as for Federal taxes.

Many a wayward politician embarked on the wrong path when he started to stuff the ballot box. Franklin D. Roosevelt got his comeuppance when he tried to pack the Supreme Court. Today we decide whether to pack the U.S. House of Representatives. After all, if it is legal to add five votes, it is equally as legal to add 50 or 500.

Until today, the U.S. Constitution established the formula by which we determined the votes allocated to each State of the Union, the number of votes. Today we are being asked to abandon that. Oklahoma went through the process of territory to statehood. We paid our dues. I do not think it is improper to ask that everyone who wants the privileges of statehood go through the same process as Oklahoma did.

□ 1600

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT], the fifth of our freshman Republicans who campaigned for reform.

Mr. BARTLETT. Mr. Speaker, I am 66 years old. I am the oldest Republican freshman. I may be a freshman here; I am not a freshman to life.

We Republicans are anxious to support President Clinton in several important initiatives which he has proposed to help assure economic recovery. We stand ready to strongly support his proposals for any and all tax cuts, for a line-item veto, for a reduction in the capital gains tax rate, and for investment tax credits. But we cannot get to these important proposals until we get past the Delegate voting issue.

This Delegate voting proposal is wrongheaded and manifestly unfair. It cannot be tolerated.

If it cannot be harmoniously negotiated, we shall insist on our legitimate rights by utilizing parliamentary procedures until sanity prevails. It is intolerable, and we shall not tolerate it.

Mr. SOLOMON. Mr. Speaker, we have one last freshman Republican of the six who have spoken or will speak on this issue. It is interesting to note that not one freshman Democrat has come to this floor to support this Democrat rules package. We have to ask ourselves why.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, many of us ran for office wanting a better day for America. We wanted to operate with the Democratic Party, with the new President on a bipartisan basis, just as this Nation has in foreign policy since the late 1940's. There are major problems to be solved in the economy, in the deficit, and we need to deal with those.

We heard the eloquent remarks of the Republican leader and the Democratic Speaker, both honorable men, civil, gentlemen. I have known the Speaker since we were staff members together in the U.S. Senate, the other body, if you will.

I think the tragedy of this debate, where there is no committee study, no examination, no leading scholars coming in, no review by retired judges, the tragedy is that this is poisoning the waters for what could be one of the most productive Congresses in this century. I sincerely hope that it will be. But this is not the way to start this session.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. GEPHARDT], the majority leader.

Mr. GEPHARDT. Mr. Speaker, I want to reiterate and make clear the amendment that was made in these rules that affects the Delegate voting rule provision so that Members again clearly understand it.

Some on the other side have said if this rule is put through it would mean that the vote of the Delegates is the same as the vote of other Members. One Member said three Delegates could out-vote the population of one State. A Member said that the Delegates' vote would be as important as a Member's vote. That is not true.

Under the amendment, if a vote is held and the margin of victory or loss is within the margin of the number of Delegates, any Member can stand up and make a motion to go back to the House and revote the issue without the Delegates being able to vote, because under this rules change Delegates would not be able to vote in the House.

Members may say well, it is half a loaf. If we are going to give them something, let us give it to them or not give it to them.

Let us make it clear. Their association of their entities, their territories, is not complete with the United States. That is a statehood question, and that question can only be decided under the provision of the Constitution that deals with statehood.

So what we are doing here is trying to evolve toward a process that reflects the kind of association that these entities have with the United States. We allowed them to vote in committee and now we are saying they can vote in the Committee of the Whole.

Is it complete participation? Absolutely not. But it is important participation, because unlike present times or past times, they can come to the floor, they can involve themselves in the debate and feel that at least they will be able to register the views of their constituents, as they can in committee, in the Committee of the Whole. So it makes their participation here more meaningful and complete.

I think it is a worthy rules change. I urge Members to vote for it.

PARLIAMENTARY INQUIRY

Mr. WALKER. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. EDWARDS of California). The gentleman will state it.

Mr. WALKER. Mr. Speaker, at the outset of this debate we were told that the rules that we were debating were in fact the printed rules that were handed to the minority side. The gentleman from Missouri has just described a process that is not in this rule; namely, that Members would have to stand up and ask for the vote to go back in to the full House after the Committee of the Whole. But the rules that were given to us indicated that such a matter would be automatic and would not require someone to stand up and make that kind of motion.

My parliamentary inquiry is, Are we debating the rules that the minority was led to believe were in print and before us?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Will the gentleman from Pennsylvania allow the gentleman from Missouri to respond?

Mr. WALKER. Surely. I am happy to.

Mr. GEPHARDT. As usual, Mr. Speaker, the gentleman's reading is superior to my speaking. His reading was correct, and I misspoke.

Mr. WALKER. I thank the gentleman.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I would like to speak to my colleagues today as a voting Member from the last territory. Our State is only 33 years old, and Members need only look at my face if they want to look around the room for minorities, because I am a minority in my district, and yet I was elected. I was born in Buffalo, NY, but the people of the State of Hawaii voted for me after we became a State, when we were a territory before.

What were we struggling for? We were struggling for equality, the same thing that we preach to people all around the world. If I were in the Yukon Territory right now, I would be voting in Ottawa with a full vote, and yet we talk about the North American Free-Trade Agreement and we preach to the Canadians. And we preach to the Federal district in Mexico City. The Federal district in Mexico City has the full vote, but we do not have it in the District of Columbia. If you are a member of the Danish Parliament and you live in Greenland, you can do it. Greenland has the vote, but we do not give it to people in the United States of America. And Members sit here on the other side of the aisle and talk about democracy, and talk about freedom, and preach to me about the Constitution.

This Constitution was given to me by Spark M. Matsunaga, who served in this House with some of you folks, and many of his people had to spend their lives in detention camps because they were not thought fully worthy of being able to shed their blood for the Government of the United States of America.

And I have heard Samoa, American Samoa denigrated on this floor all day long for their numbers, and where they are from, and about taxes. Let me tell you what their taxes do. Here is what they do for veterans. Here is what the U.S. Government says, the United States General Accounting Office: Supply shortages at the LBJ Medical Center, quarterly visits provide limited care, post-traumatic stress syndrome, psychiatric needs not met, concerns with referral programs not met, drug and alcohol treatment limited. That is what they get for paying their taxes, those of you who sit here in judgment of Samoans and Guamanians and others and the rest of the people who can die for this country, live and die for this country, it is a shame for those who would raise the Constitution against our fellow citizens.

Vote "yes" for freedom for all of the territories.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, the world is watching us, and I am concerned that the debate has turned into an area that we should not even be discussing or even thinking. We cannot go tell the Soviet Union how to have freedom and justice, we cannot force countries that we will cut off your funds unless you have votes, unless you have representation.

My interpretation is if you are enfranchised as a U.S. citizen by birth or by acquisition, that gives you full equality with every other American, and we should not be talking about numbers.

I think some of us may want to go back, if you will forgive me, when some remember separate-but-equal was legal, the poll tax was legal, women not voting was legal.

□ 1610

Mr. Speaker, I think some of us feel that maybe those were the good old days.

I think the world should know that an American has a right, and it has been said too many times, but I repeat it, because I saw the casket of a Puerto Rican under a U.S. flag. By God, if that did not win him the right to be represented, his people to be represented here, I do not know what will.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, millions of Americans voted this fall in favor of referenda limiting the terms of legislators. Such referenda were on the ballot in 14 States and passed in all 14, some by very large margins. Several of these measures sought to limit terms of Members of this body. But it is clear, at least to this observer, that such efforts are in vain, that an amendment to the U.S. Constitution is necessary to achieve this objective.

Now, the Founding Fathers made it very difficult indeed to amend the Constitution, requiring two-thirds of each House of the Congress and three-fourths of the State legislatures. While I do not favor limiting congressional terms, since such restraint impairs the judgment of the electors—and for many other substantive reasons—a result very similar to the objective of those desiring term limits can be achieved without amending the Constitution, even without passing a law.

All that is needed is to change the rules of the House—and the Senate—to limit the time a Member can serve as chair of a committee or subcommittee to a period of 6 consecutive years.

This is not an unreasonable proposition. Any agenda that a chair might have ought reasonably to be addressed within three Congresses. In addition, it would make the body more dynamic and responsive by a good measure, something sadly lacking when Members can chair committees and subcommittees for 10 or 20 or 30 years, building and maintaining the iron triangles of special interests, bureaucrats, and the Chair, which has been so unresponsive and a large part of the gridlock here in Washington. Witness, for example, the fact that for 12 years the Congress—under the control the entire time by supposedly pro-environmental Democrats—could not pass a reauthorization of the Clean Air Act.

Without these long-term fiefdoms of power, where a Chair has omnipotence regarding bills assigned to his or her committee or subcommittee, the proclivities of voters to return their long-serving Members to yet another term will be greatly reduced and the effect of term limits achieved without disturbing in the least the judgment of the electors.

My party has decided to go half way with this proposal that I brought to my leadership last summer. We will offer today a motion to commit applicable to Chairs of full committees only and omitting subcommittee Chairs. This, I believe, is unfortunate and leaves the proposal less likely to be supported by Democrats and, indeed, perhaps some Republicans. There are only 21 committees, and thus only 42 positions, affected. This makes the vote on the question almost personal. Add the subcommittees and you are probably affecting far more than half of the Members, who would find it exceedingly uncomfortable to be voting against reform and in favor of their own personal interests.

Yet, I am grateful we are drawing the question on committee Chairs at least. I believe that a vote against this reform will be one exceedingly difficult for Members to explain, and while they may willingly cast it to avoid disfavor with sitting Chairs, they will pay a price for doing so in the next election.

The motion to commit on term limits for Chairs may be combined with that on votes in the Committee of the Whole House for Delegates and Resident Commissioners. While I would have preferred a straight vote on the term limit issue, it may actually be of benefit since the vote to give Delegates and Resident Commissioners, some of whom represent less than 45,000 people—American Samoa—the same vote as Members in the Committee of the Whole is patently egregious and unconstitutional. Most of the people Delegates and Resident Commissioners represented do not pay Federal income taxes. Representation without taxation.

So let us test our resolve for change. I believe this small change in the rules would do salutary things for the dynamics of the body and would reflect a willingness to abandon business as usual. Let us see who is for it and who is against and whether the majority party forces its members to vote as a bloc or allows the independence of judgment that our Constitution and representative system envisioned.

CALL OF THE HOUSE

Mr. PORTER. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Without objection, a call of the House is ordered.

There was no objection.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 4]

ANSWERED "PRESENT"—409

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Espy
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Gradison
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
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Tucker
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Visclosky
Volkmer
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Washington
Waters
Watt
Weldon
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (FL)
Zeliff
Zimmer

☐ 1635

The SPEAKER pro tempore (Mr. EDWARDS of California). On this rollcall, 409 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

RULES OF THE HOUSE

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] has 6 minutes remaining and the gentlewoman from New York [Ms. SLAUGHTER] has 4½ minutes remaining.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, it is a privilege to be able to yield all of our remaining time, 6 minutes, to our great Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker and my colleagues, I rise in support of the Republican rules package, as distinguished from the Democrat package that has been offered here today.

At the very outset, I want to applaud the Members on my side for their excellent presentations in supporting our case, from the half-a-dozen freshmen Members who spoke for reform, to those of our senior Members, including the distinguished whip, who laid out so well the tax ramifications of the issue.

Then I have to make some comment with respect to this effort on the part of the Democratic majority over the last several Congresses to keep tightening down tighter and tighter on the rules to suppress the minority.

Now, admittedly part of our frustration is born of the fact that we have been in the minority so long, but I have to ask the question, what are you afraid of in this deliberative body? To have those on this side well-equipped to make arguments and then have the cross fertilization of those views ultimately, hopefully to a better piece of legislation?

I guess experience teaches us that having the word reform on our lips is no substitute for having it on our agenda.

In the 102d Congress, we Republicans urged the House to drastically reform the way it does its business. We wanted to eliminate patronage and replace it with professionalism.

We proposed that the House eliminate the Office of the Doorkeeper, appoint a chief financial officer, hire professionals to run the House post office and the Sergeant at Arms Office, and find a nationally respected legal scholar to represent the House as its lawyer.

In other words, we proposed an ambitious, far-reaching plan to reform the day-to-day operation of the House.

Well, the Democratic majority decided instead to hire a House administrator, and basically ignored the rest of our reform proposals.

Today, we Republicans intend to offer again our ideas for comprehensive reform. Our rules package includes, among many other things, a 6-year term limit on committee chairmen and ranking members. I should tell the majority that we adopted this resolution in our own caucus.

☐ 1640

Our package also includes, a ban on proxy voting, equitable party ratios in amongst our committees, and a one-third reduction in committee staffs, 10 percent for the next 3 years, and a host of other proposals totaling 48 in number.

What has the Democrat majority proposed?

First and most egregious, Mr. Speaker, and where most of the debate is centered today, the majority wants to give Delegates and Commissioners a vote on the floor of the House.

Mr. Speaker, the floor of the House is not just another big room in this building. It is the place where the ultimate decisions of our representative democracy are debated and ultimately voted upon.

In fact, one might say that the floor of the House is not a place so much as it is an idea. It is the idea of true representative democracy in which every, every elected Representative from a State and only an elected Representative from a State, has equal rights. Any attempt to allow the floor of the

House to be used in any other way is, in the eyes of the minority, unconstitutional, unprecedented, and unacceptable under any guise, no matter what the motivation. I might say that this last-minute attempt on the part of the majority to modify what they originally had proposed as a means of satisfying the minority and all the rest suggests that their premise to begin with was wrong.

Mr. Speaker, over 50 years ago President Roosevelt attempted to pack the Supreme Court with Justices who would follow his political philosophy. Then it was called court packing.

In my mind this House packing scheme is of the same ilk: the use of raw political power which can only be countered by popular outrage. And I believe the American people all across the country are against this grab for more power.

Mr. Speaker, it will not work in Walla Walla, it will not serve in Shreveport, it will not do in Denver, it will not sell in Sacramento, and it most emphatically will not play in Peoria.

Now I am going to include with my remarks an editorial from the New York Times entitled, "Have the House Democrats No Shame?" I am also including an article from the San Diego Tribune entitled, "Packing the House." Any number of pundits have written on this particular subject.

Second, the Democratic majority wants to allow rolling quorums in the House, and I want to commend the gentleman from Pennsylvania [Mr. WALKER] for describing that process so eloquently as he did earlier in the debate.

Now rolling quorums may sound like one of those bits of esoteric jargon we legislators like to throw around to impress each other. Without going into the parliamentary complexities, a rolling quorum defeats the purpose of collective deliberation and decision making. The very word "Congress" has at its roots the concept of coming together, of being together, of political community, and to institute procedures that fragment the collective sense of decisionmaking and responsibility in the House is to demean the very concept of the Congress.

The two rules packages presented to my colleagues offer two different paths. One road leads to more gridlock and less freedom, and the other leads to a more effective Congress, a more representative House, and a greater guarantee for the sanctity of the legislative process.

I would urge my colleagues, both Republican and Democrat, to choose the right path and defeat the previous question so we can work together to implement true reform. Failing that, I urge my colleagues to support our motion to commit which sets a 6-year term limit on committee chairs and ranking members and deletes the majority's proposal to allow Delegate voting on the House floor.

So, in conclusion, Mr. Speaker, I would ask my colleagues to vote down the previous question, give us that opportunity for those reforms to take effect in the 103d Congress.

The articles referred to are as follows:

[From the New York Times, Dec. 29, 1992]

HAVE THE HOUSE DEMOCRATS NO SHAME?

House Democrats have just awarded themselves five more votes. Unfazed by the crying need for Congressional reform, the Democratic caucus proposes to let non-voting delegates vote on the House floor. All five are, of course, Democrats.

Embarrassed by criticism of their greedy grab, the Democrats may try to water it down when the new Congress meets to adopt rules. But that's no answer. This maneuver is nothing but shameless political tyranny.

The Constitution says the House shall be composed of "Members chosen * * * by the People of the several States." Delegates aren't members, and the places they represent—the District of Columbia, Puerto Rico, Guam, the Virgin Islands and American Samoa—aren't states.

Delegates are already permitted to vote in House committees; now the Democrats would let them vote in the Committee of the Whole. That's when the whole House sits as a "committee" and does most of its work on legislation.

The Republicans are justifiably furious, and want to take the issue to court. They have good ammunition. For example: Whatever happened to one person one vote? For the most part, each member represents about 520,000 constituents, but the Virgin Island's delegate has only 95,000 while Puerto Rico's has 3.5 million.

In 1970, Representative Thomas Foley—now Speaker—said "it is very clear * * * that a constitutional amendment would be required to give [delegates] a vote in the Committee of the Whole, or in the full House." What changed his mind? Very likely the mounting pressure to make Washington D.C. a state. Failing to deliver on statehood, the Democrats offer a half-measure that gives the D.C. delegate more clout—and gives the other four delegates the same because it would be politically awkward to leave them out.

All of which adds up to an outrageous power play, as if an 80-plus majority weren't enough for absolute control. It is a distressing sign that the leadership hasn't the slightest clue that people are fed up with Washington's business as usual.

[From the Chicago Tribune, Dec. 30, 1992]

THE DEMOCRATS' GREEDY POWER GRAB

American voters trimmed the sails of the Democratic congressional leadership just a bit last month, reducing the party's House majority by 10 votes. Now the Democrats have concocted a little scheme to cut their losses in half.

The Democrats have given preliminary approval to rules changes that would give almost complete voting privileges to five congressional delegates who represent the District of Columbia and the territories of Guam, American Samoa, the Virgin Islands and Puerto Rico. The five are all Democrats.

This amounts to a blatant end-run around the Constitution, which allows full voting status only to the representatives of the states. The delegates are accorded floor privileges and allowed to vote in committees. But under the rules change, the provision for committee voting privileges would be extended to the Committee of the Whole, under which most substantive business of the entire House is conducted.

This is a power grab and a disservice to government. While it boosts Democratic congressional strength, it also damages the party's image and some of its long-term interests. It would be a setback for the laudable goal of establishing statehood for the District of Columbia through a constitutional amendment.

Republican opponents argue that the campaign for statehood has little to do with the right of D.C. residents to congressional representation and much to do with expanding the political muscle of the Democratic Party. When the Democrats stage such a messy show as this one on the delegates' voting rights, they lend credence to the GOP argument.

Some Democrats have begun to realize they're sitting on a public-relations disaster. They hope to soften the impact with an amendment that would limit the influence of the delegates' votes. If the delegates provided the difference in the outcome of any matter before the Committee of the Whole, the matter would be automatically sent to the House floor for another vote—in which the delegates couldn't participate.

That is a silly, convoluted and wholly unnecessary procedure. The Democrats' alternative plan, in effect, would subvert the Constitution to give the territorial delegates the power to vote, but guarantee that any time their votes really count * * * they won't be counted.

The Democrats can't finesse their way around this one. If they include the delegate voting rights next week when they take up the package of House rules that will govern the new Congress, they will seriously damage the cause of D.C. statehood and their own standing in the eyes of the public.

When they reconvene next week, the Democratic majority would be wise to drop the clumsy power grab and worry about the real business of the nation.

[From the San Diego Union Tribune, Jan. 5, 1993]

PACKING THE HOUSE—DEMOCRATS PUSH A VOTING SCAM

In an undisguised power play, the Democrats who control the House of Representatives are expected to vote today to extend floor voting privileges to the four delegates and one resident commissioner from Guam, American Samoa, Puerto Rico, the U.S. Virgin Islands and the District of Columbia. All five members are, not surprisingly, Democrats.

In the past, these delegates have been allowed to vote only in committees. Under the proposed rule change, they would be permitted to vote when the full House is functioning as a Committee of the Whole. That term is used when representatives meet on the floor for debates and votes except final passage—in other words, when most significant action is taken.

The problems with the Democratic proposal are threefold:

First, the action is probably unconstitutional. The Constitution states that "the House of Representatives shall be composed of members chosen every second year by the people of the several states." The five delegates do not, by any stretch of the imagination, represent states of the Union.

Second, this proposal is unfair. American Samoa, with 47,000 citizens, would have virtually the same clout in the House as Montana, with a population of 800,000. Each would have one voting representative. Likewise, the U.S. Virgin Islands has only 102,000 residents and Guam has 133,000, yet the average congressional district in the states has more than 500,000 citizens.

Third, the House rule change would constitute representation without taxation. In all of the territories, unlike in the District of Columbia, residents pay no federal income taxes. Consequently, the delegates could vote for higher taxes even though their constituents would not have to pay those taxes. If, indeed, territories are to be given a vote, they should be taxed as well.

Aside from these practical political considerations, the Democrats' House-packing proposal would subvert the democratic process and the chamber's long-standing traditions and procedures. In the November elections, Democrats lost 10 House seats. By changing the rules, they would get back half that number.

But gaining that extra partisan advantage is not worth undermining the Constitution or the power of the elected representatives from the 50 states. The Democrats, in their caucus meeting this morning, should withdraw the proposal or, at the very least, allow the full House to vote on it separately. That way, the proposal's merits—or lack thereof—could be more fairly debated.

This issue presents an opportunity for San Diego's new Democratic representatives, Lynn Schenk and Bob Filner, to show they are independent thinkers who put the importance of California's taxpayers and the Constitution ahead of partisan politics. Let's see if they measure up.

[From the Washington Times, Dec. 16, 1992]

FODDER FOR THE TROUGH OF POWER

(By Bruce Fein)

On Dec. 8, 1992, the Democratic Caucus of the House of Representatives approved a proposed change in the House Rules that would empower Delegates from the District of Columbia, the Virgin Islands, American Samoa, and Guam and the Resident Commissioner from Puerto Rico to vote in the Committee of the Whole.

Next Jan. 5, the House will vote on the rule change. The measure is expected to pass via a Democrat steamroller, since all the Delegates and the Resident Commissioner are Democrats. That shameless impending power grab, however, is blatantly unconstitutional, a conclusion conceded by House Speaker Thomas Foley, Washington Democrat, in 1970.

Article I, Section 1 of the Constitution entrusts all federal "legislative" power to the Senate and House of Representatives. Article I, Section 2 confines membership in the House to persons chosen biannually "by the People of the several states." In other words, the legislative powers of the House may be exercised only by persons elected by voters in the various states, which excludes persons representing territories of the United States, the District of Columbia, the President of the United States, foreign governments, the Vatican, or otherwise.

Under House Rules, the Committee of the Whole manifestly exercises legislative power. For example, if it declines to report an amendment to the House, that decision cannot be overruled by the House. Additionally, amendments to amendments considered in the Committee of the Whole are not separately reported to the House. If that committee defeats a motion to rise and report a general appropriation bill after its reading for amendment, then a limitation amendment is permitted in the House. If such a motion is agreed to in the Committee of the Whole, the House cannot consider a limitation amendment.

The Committee of the Whole further votes on appeals of certain procedural rulings of the chair that could change a bill yet would be shielded from review by the House.

In sum, voting in the Committee of the Whole epitomizes the exercise of legislative power because of its immediate and direct impact on the enactment of laws. That conclusion is reinforced by Article I, Section 6 of the Constitution—the so-called "speech or debate clause." It provides legal immunity for Members of Congress "for any speech or debate in either House." The U.S. Supreme Court declared in Doe vs. McMillan (1973) that the immunity reaches any conduct within the sphere of legislative activity." That sphere, the high court had elaborated in Gravel vs. U.S. (1972), includes conduct that is "an integral part of the deliberative and communicative process by which Members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation."

If House Members act within the sphere of legislative activity" when voting in the Committee of the Whole, then the same must be true regarding any others who cast votes in that forum, including delegates and resident commissioners. Votes cast by the latter, however, should not be counted because they derogate from the Constitution's exclusive assignment of federal legislative power to elected representatives from the several states. That conclusion was self-evident to Speaker Foley on Sept. 15, 1970, when the House was considering a proposal to confer the vote on the resident commissioner from Puerto Rico in standing committees. Mr. Foley categorically lectured: "Now it is very clear * * * that a constitutional amendment would be required to give the Resident Commissioner a vote in the Committee of the Whole or the full House."

Congress, of course, may delegate legislative power to the executive branch or independent agencies, but only if it articulates reasonably specific standards to confine the discretion of the recipients of the power. Thus, the Supreme Court has invalidated a delegation to the executive lacking standards for its exercise, Schecter Poultry vs. U.S. (1935), but has upheld delegations that provide policy guidance for the recipients, e.g., U.S. vs. Rock Royal Co-operatives (1939). The delegation doctrine cannot save the impending House rule change, however, because it leaves unfettered the voting discretion of the delegates and resident commissioner.

The chief arguments favoring the constitutionality of the rule change are feeble. It is said that since the Constitution does not expressly limit the substance of committee rules, then the House is free of any restraints so long as the full House is required to approve any legislative measures. But Article I, Sections 1 and 2 expressly confine the exercise of any legislative power, preliminary or final, to members of Congress. There are no exceptions. Further, the argument exalts form over substance. There is no gainsaying that votes in the Committee of the Whole and other committees directly affect the substance of legislation. Indeed, that is the reason why that opportunity to vote is craved by the delegates and resident commissioner.

Manipulating committee voting rights to circumvent the Constitution's exclusive assignment of legislative power to Representatives is admittedly clever. But as the Supreme Court taught in Terry vs. Adams (1953), sophisticated evasions of the Constitution are as void as the simpleminded. The high court held unconstitutional the Texas Jaybird Democratic Association's exclusion of blacks from its primaries. Although the Association was simply a private organization with no recognized status under state law, its primaries, de facto, dictated the general election victor. The Association was, in effect, the State, the court reasoned, and thus was equally restrained by the 15th Amendment.

To accept the sweeping constitutional arguments of the rule's proponents would concede the power of a House majority to emasculate the legislative power of Representatives. The arguments place no limits on the number of non-Members who could vote in the Committee of the Whole under a House rule. That number, for instance, might reach 1,000. Additionally, the arguments would authorize a rule permitting the Speaker to endow family members and relatives, cronies, campaign contributors and representatives of foreign governments or political parties with committee voting rights. They would also permit a rule prohibiting a floor vote on a House bill that would override a District of Columbia city ordinance without the consent of the District of Columbia delegate. There is no constitutional text or purpose, however, that would justify such vast dilutions of the legislative powers of the elected Representatives of the people of the several states.

At present, House rules permit delegates and the resident commissioner to vote in standing committees, which exercise legislative power similar to that of the Committee of the Whole. Those voting privileges are thus unconstitutional, and should be challenged in federal court along with the impending Jan. 5 rule change regarding the Committee of the Whole. To avoid any speech or debate clause difficulties, the lawsuit should seek an injunction only against delegates and the resident commissioner, who are excluded from the protection of the clause.

Finley Peter Dunne would have sardonically quipped about this shameless abuse of power by House Democrats, "What's the Constitution between friends?"

[From the Washington Post, Dec. 17, 1992]

POWER GRAB IN THE HOUSE

(By George F. Will)

No wide-awake American will be startled by redundant evidence that power corrupts. Still, there is something notably brassy about what Speaker Tom Foley and his flock of lock-step House Democrats—another herd of independent minds—have decided to do regarding the five delegates to the House of Representatives from Guam, American Samoa, the U.S. Virgin Islands, Puerto Rico and the District of Columbia.

Most Americans have better things to do than monitor decisions of the House Democratic caucus, so most Americans do not know that their representation in the House is soon to be diluted. Democrats have decided to use their control of the House to give those five delegates—all Democrats, of course—the right to vote on the floor when the House is functioning as a "Committee of the Whole," in which mode most significant decisions are taken.

Pending an appeal to the Supreme Court, the Constitution is a mere parchment barrier to such majoritarian abuse. Article I, Section Two uses the word "state" seven times in referring to the only entity from which members of the House may be chosen. But now House Democrats have decided they can use control of House rules to confer virtually full voting privileges on those five delegates.

Welcome to the 1990s, a "Decade of Greed" in the Democrats' style. There is greed for power as well as money, and evidently an 82-seat advantage in the House is not enough for the Democrats.

Roll Call is the feisty newspaper that covers Congress and can be called, somewhat oxymoronically, the conscience of Capitol Hill. It knows abuse of power when it sees it and sees it in the Democrats' "outrageous behavior" and "power grab" regarding the delegates.

Roll Call notes that in November Democrats lost 10 House seats but in December decided to seize half that number of new seats without consulting any voters—other than themselves—in their caucus. Henceforth, in the Committee of the Whole—which as Roll Call rightly says "is where the important stuff gets done, except the final passage of a bill"—the 47,000 people of American Samoa, who do not pay income taxes, will have as much say as 800,000 Montanans about raising taxes and spending the revenues. Someone should explain to Samoans—and Democrats—the principle "No representation without taxation." The average congressional district has more than 500,000 residents. The U.S. Virgin Islands have 102,000; Guam has 133,000. Democrats suddenly have a, well, relaxed attitude about the hitherto sacred "one man, one vote" rule.

Roll Call, unable to contain its sarcasm (and unable to stop giving Democrats ideas for more mischief), says Puerto Rico, with 3.5 million residents and just one delegate, is getting gypped: "If Democrats became truly creative, they could divide Puerto Rico up into seven delegate districts, giving each a vote," or they could give a delegate to each of the three U.S. Virgin Islands, or to the four quadrants of the District of Columbia.

The Congressional Research Service was asked by its employers to examine the constitutionality of the sort of decision the Democratic caucus has vowed to take when Congress convenes. The CRS came up with a remarkably mushy analysis affirming the propriety of its employers' desire. CRS does so in language that would be laughable were the Constitution not being trashed. The analysis concludes with this tortured locution:

"* * * [Allowing a delegate to vote in the Committee of the Whole is apparently consistent with present Congressional interpretation of its constitutional authority."

That is: Doing what the Democratic majority is determined to do is "apparently" compatible with what the Democratic majority says it has authority to do.

For perspective on the arrogance and tendentiousness of today's rulers of Congress, consider a change from 22 years ago.

On Sept. 15, 1970, the House was debating a change in its rules that would allow the resident commissioner to the United States from Puerto Rico to serve on standing committees "in the same manner as Members of the House and shall possess in such committees the same powers and privileges as the other Members." A young congressman then in his third term said he supported that measure, even though "we clearly cannot give him a vote in the House."

Committee service, said this congressman, is one thing, and a much lesser thing, than voting on the House floor, Committees are mere creatures of the House, not of the Constitution, and "can be extinguished at will and created at will," without even the concurrence of the Senate.

Furthermore, said this congressman, service on committees involves only "preliminary advisory votes." Therefore such service does not involve a constitutional issue, as would votes cast in the Committee of the Whole or the full House. And, said this same congressman, "It is very clear, as the resident commissioner has said, that a constitutional amendment would be required to give the resident commissioner a vote in the Committee of the Whole of the full House."

Thus spoke Tom Foley, before unbridled power made him more flexible and casual about his convictions concerning the Constitution.

[From the Washington Post, Dec. 20, 1992]

FOLEY ON A D.C. TIGHTROPE

(By David S. Broder)

Early next month when Congress reconvenes, if all goes according to plan, the Democrats who control the House of Representatives will vote themselves five extra votes on the floor of the House. They will do that by amending the rules to allow the delegates from the District of Columbia, American Samoa, Guam and the Virgin Islands and the resident commissioner from Puerto Rico, all of whom happen to be Democrats, to vote for the first time when the House is sitting as "the committee of the whole."

Most of the time the House is in session it is sitting as "the committee of the whole." Custom and convenience dictate that's where virtually all debate and amending of legislation take place. So this proposal would give the five delegates parity with the 435 members elected from the states on all but the final votes on each piece of legislation.

Naturally, the Republicans are screaming foul and claiming that the Democrats are attempting a power play that would, at a stroke, wipe out half the 10-seat gain the GOP scored in last month's House elections. They are making enough of a racket that Speaker of the House Thomas S. Foley (D-Wash.) is showing some nervousness about attempting to ram the plan through on opening day. "The issue will be revisited," his spokesman, Jeffrey Biggs, told me when I asked about Foley's reaction to a letter of protest he had received from Minority Leader Robert H. Michel (R-Ill.).

For those of us on the sidelines, without a partisan horse to ride, the issue is intriguing both substantively and politically. It sheds light on a largely unexamined corner of the Constitution and reveals much about the tensions on Capitol Hill awaiting President-elect Clinton and his administration.

The move to get floor votes for the delegates began with Eleanor Holmes Norton, the highly capable lawyer who represents the District of Columbia in Congress. For many years, the District's and the territories' delegates have been allowed to vote in House committees, where legislation is shaped before being sent to the floor. In a legal memo last September, Norton argued that law and equity supported extending the same privilege to "the committee of the whole," i.e., the House floor. She argued that was especially true for the District, whose citizens, she noted, now "are subject to every obligation of citizenship—most notably federal taxation—but remain barred from sending voting representatives to Congress."

Foley and the other House Democratic leaders agreed to Norton's plea for the District and decided that the four territories should be given the same status. The decision was ratified early this month in the House Democratic causus—a move which brought the Republicans up in protest.

Norton told me in an interview the other day that "Republicans are making it a political issue when there is no legal or constitutional issue." But it is not quite that simple. Her brief supports the case for floor voting by delegates, but several authorities are not convinced.

A Congressional Research Service memo last November found that such a rules change might controvert an 1817 statute providing territorial delegates with "the right of debating but not of voting." As to the Constitution, the same memo said that "although delegates have had the authority to participate in the legislative process for years, no court appears to have addressed the question as to the constitutional implications of these practices."

When House parliamentarian William Holmes Brown was asked for his opinion last October, he said, "The proposal has been discussed before, and several basic arguments against giving delegates this authority remain persuasive to me."

Somewhat to Foley's embarrassment, the research on legal precedents turned up this comment from him during the 1970 debate on letting Puerto Rico's resident commissioner vote in House committees: "Now it is very clear, as the resident commissioner has said, that a constitutional amendment would be required to give the resident commissioner a vote in the committee of the whole or the full House."

Asked about that comment this week, Foley's spokesman Biggs said simply: "He's changed his mind."

Republicans make other arguments. The one-man-one-vote principle is basic to the apportionment of House seats, they note. But while the average member of the House represents 519,235 people, American Samoa's delegate has only 32,395 constituents, Virgin Islands' 95,214, and Guam's 105,816. Residents of those territories and Puerto Rico pay taxes into territorial treasuries, but not to the U.S. Treasury.

With Clinton hoping for a smooth start next month and even some bipartisan support for his key economic measures, Foley is not eager for a knockdown fight with the Republicans about this issue. He knows some of his own moderate and conservative Democrats have qualms about the move. But he is under pressure from Norton and other liberals not to back down.

The search is on for a compromise but, as with much bigger issues that will come along after Clinton's Inaugural, the Speaker is walking a tightrope.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of the time remaining on this side to the gentleman from Michigan [Mr. BONIOR], the majority whip.

Mr. BONIOR. Mr. Speaker, at the outset I want to commend the gentlewoman from New York [Ms. SLAUGHTER] and the gentleman from Maryland [Mr. HOYER] for putting together this rules package. They took a lot of time, they spent a lot of long hours, and they did yeoman work, and we thank them very much.

Mr. Speaker, I wish to address the issue of Delegate voting since it has been the subject of much of the debate today. What we have before us is really a very reasonable compromise which safeguards the constitutional prerogatives of Members and gives at the same time the Delegates a chance to participate in a meaningful way in our deliberations.

Mr. Speaker, the right of Delegates to vote in House committees was decided over 20 years ago, and for several years now both Republican and Democrat Delegates, Republicans and Democrats, have urged us to apply this same standard to the largest committee of all, the Committee of the Whole. Some say it is a postelection power grab, even though one of the original proponents was a Republican from Guam, and Republicans from some other territories are now in support of the proposal that we are offering. They say it violates the principle of one man, one vote, even though population has never, never been a criterion for Delegates voting in the House committees, nor for territories entering the Union.

I want to set aside some of the legalistic constitutional arguments because I think this goes beyond those issues. There is a moral dimension here as well.

Mr. Speaker, last spring I was privileged to partake in ceremonies commemorating the 10th anniversary of the Vietnam Veterans Memorial. That wall has become a symbol for national reconciliation. But today's vote shows us the reconciliation is not complete for there are citizens of Guam on that wall, yet there are those of us who would prevent the representatives of Guam from voting. There are citizens from Puerto Rico on that wall. Yet there are those who would prevent representatives from Puerto Rico from voting. There are many citizens of the District of Columbia on that wall, from American Samoa on that wall, from the Virgin Islands on that wall, and there are those who would prevent their representatives from expressing their voice, not in the House, but in the Committee of the Whole.

Are we to say to their survivors, Mr. Speaker, that those soldiers were good enough to fight and to die for their country but not good enough to be represented here? Are we to say to those survivors and their families, "We appreciate your sacrifice, but we can note it only on a monument, not in the Committee of the House of Representatives?"

Mr. Speaker, they fought for our country, they died for our country, and, by God, as my colleagues know, the gentleman from Hawaii [Mr. ABERCROMBIE] eloquently stated it on the floor, that if Denmark can do it for their territories, if France can do it, if Mexico can do it, if Spain can do it, we can do it. They do not stop in the Committee of the Whole. They grant the privilege of voting for all.

□ 1650

All we are asking here today is that you provide them a step forward. My district borders on Canada. I can pick up a paper and see that the Yukon Territory is represented in Ottawa and is voting; not in committee, but voting on law. Nobody objects.

Mr. Speaker, our delegates have voted in committees for over 20 years. Let us give them and the people they represent this one small move forward that they have asked for, to vote in the Committee of the Whole. They deserve it. Let us say this to these people who have given so much to our country: we want them represented, not only on monuments to their brave dead, but in the decisions which determine the future of the living.

Mr. Speaker, I ask my colleagues to vote for the previous question, against the motion to recommit, and, finally, for this package.

Mr. MANZULLO. Mr. Speaker, the Democrat power grab to dilute the strength of the 10 Republican seats gained in the House last November will not stand. Your party, Mr. Speaker, is not satisfied with regaining the White House. The Democrat leadership wants more and more power to push its liberal agenda on the American people.

I will strongly oppose giving Delegates from U.S. territories—all of whom are Democrats—the right to vote on all substantive legislation on the House floor. It is simply not fair.

I am sensitive to the issue of taxing the residents of the District of Columbia without giving them the right to vote. I would gladly allow the non-Federal portions of the District of Columbia to reincorporate back into Maryland.

But to solve this problem by granting all Delegates the right to vote on the House floor goes totally in the wrong direction. Some of these delegates represent small populations. For example, the U.S. Virgin Islands and American Samoa have populations of less than 50,000 people each. The average congressional district has more than 10 times the populations of these territories.

In addition, none of the people in these U.S. territories—except the District of Columbia—pay taxes to the U.S. Treasury. In other words, the Democrat-controlled Congress wants to give the right of representation to people who don't even pay taxes. That means taxpaying citizens in the 50 States will have their voting strength diluted if the House adopts the rules as proposed by the Democrat leadership in Congress. Mr. Speaker, a revolution was fought over this very same principle.

Mr. Speaker, may I respectfully remind you of your own words back in 1970 when Congress debated allowing a Delegate from Puerto Rico to have a seat in the House. You said that it would take a constitutional amendment to allow this new Delegate the right to vote either before the full House or in the Committee of the Whole. That position was good then—why do you reverse yourself today?

Also, many respected constitutional scholars and editorialists such as George Will, David Broder, and the editorial board of the New York Times and the Chicago Tribune, have written against such a power grab. All have called for a constitutional amendment to allow Delegates the right to vote on substantive matters before the House. Do we ignore such counsel, especially as this matter will soon be litigated before the Federal courts if this rule is adopted?

Finally, many States lost representation in Congress, including my home State of Illinois, during the last census. Why should U.S. territories be given such voting privileges when States like Illinois have a smaller congressional delegation? It is intolerable.

To my fellow Democrat Members from the Illinois delegation, I plead for reason and sanity. We accepted the verdict of the Census Bureau—let's not further dilute the strength of our delegation by allowing this rule to pass to give the right to vote to delegates from U.S. territories.

The leadership of the Democrat-controlled Congress should at least have the intellectual integrity to offer a constitutional amendment to allow delegates the right to vote—not by this underhanded power grab that is designed solely to dilute the voting strength of every Member of Congress and the people of the 16th District of Illinois.

The plain truth is that because Republicans gained 10 seats last November, the Democrats are trying to undo the electoral process by this parliamentary rule change. I urge my colleagues on both sides of the aisle to oppose this purely political tactic.

Mrs. MINK. Mr. Speaker, I have listened to my colleagues oppose an amendment to rule XII of the rules of the House, which proposes to allow Delegates to vote in the Committee of the Whole. The basis for my colleagues' strident opposition to this rule change—the supposed inequity wreaked by giving Delegates a vote in the Committee of the Whole while the territories they represent fail to pay Federal taxes—is erroneous.

Mr. Speaker, I am, therefore, compelled to rise and instruct my colleagues on an historical act of Congress—an act of this same body that established the tax structure that the territories are bound by.

The territories, in no uncertain terms, are bound by U.S. tax laws. Granted, the territories occupy a unique position as a result of ambivalent U.S. fiscal policy; however, the territories occupy such a position by the will of Congress.

The Congress, in meeting its trust obligation and in attempting to encourage fiscal autonomy, decreed that each of the territories be granted the proceeds from the application of certain U.S. internal revenue laws.

The United States Government relinquished a part of its income tax jurisdiction to the territories, allowing U.S. citizens who reside in the territories to file a tax return in the territory instead of with the Federal Government. Under Federal law, these territories are required to administer the U.S. income tax laws as their local income tax system—the mirror system of taxation. And certain other U.S. taxes paid into the Federal Treasury are transferred to the territorial treasuries to ensure their well-being.

Therefore, I am appalled at my colleagues who argue that the proposed amendment to rule XII of the rules of the House should be opposed because the territories don't contribute to the Federal Treasury. I find this argument not only incorrect but also dishonest.

If there is to be opposition to this rule change, let it be honest opposition: Let it be opposition that argues differences firmly rooted in fact. The misinformation I have heard being argued on the floor of the U.S. House of Representatives is specious and irresponsible, and must not go uncorrected.

Mr. Speaker, this Congress has the authority to enact legislation changing the tax system the territories are bound by, just as this Congress in past years, created the tax system the territories are currently bound by. Let this Congress have more integrity than to argue that the laws enacted by this body and applied to the territories by the will of this body are a sound basis for denying the Delegates representing those territories a vote in the Committee of the Whole.

Ms. SLAUGHTER. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. EDWARDS of California). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 249, nays 176, not voting 6, as follows:

[Roll No. 5]

YEAS—249

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Espy
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Panetta
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—176

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Gradison
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—6

Clay
Fish
Henry
Meek
Strickland
Whitten

☐ 1709

So the previous question was ordered.

The result of the vote was announced as above recorded.

☐ 1710

MOTION TO COMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore (Mr. MFUME). The Clerk will report the motion.

The Clerk read as follows:

Mr. MICHEL moves to commit the resolution H. Res. 5 to a select committee comprised of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with only the following amendments:

(1) Strike paragraphs (9), (13), and (14) (relating to allowing the Resident Commissioner from Puerto Rico and the Delegates from the District of Columbia, Guam, the Virgin Islands and American Samoa, to vote in and preside over the Committee of the Whole), and redesignate other paragraphs accordingly; and

(2) At the end of the resolution, add the following new paragraph:

(18) In rule X, clause 6(c) is amended by inserting after the first sentence the following: "The terms of the chairman and ranking minority member of each standing committee shall not exceed three consecutive Congresses, beginning with the One Hundred Third Congress.".

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, since that motion to commit contains instructions to report back two amendments, is it true that with the motion to commit, if adopted, the House will then have an opportunity to vote separately on the two amendments, the first amendment being to delete Delegate voting, and the second amendment to put term limits on chairmen and ranking members, two separate votes? Is that correct?

The SPEAKER pro tempore. The gentleman is correct, if the motion is agreed to. The motion to commit is not itself invisible.

Mr. SOLOMON. I thank the Chair.

The SPEAKER pro tempore. The question is on the motion to commit offered by the gentleman from Illinois [Mr. MICHEL].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 187, nays 238, not voting 6, as follows:

[Roll No. 6]

YEAS—187

Allard
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Gradison
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Paxon
Petri
Pombo
Porter
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—238

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Espy
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Panetta
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—6

Berman
Fish
Henry
Sangmeister
Strickland
Whitten

□ 1729

Mr. MOAKLEY changed his vote from "yea" to "nay."

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MFUME). The question is on the resolution.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 199, answered "present" 1, not voting 10, as follows:

[Roll No. 7]

YEAS—221

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English (AZ)
Eshoo
Espy
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Panetta
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—199

Allard
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Cramer
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Gradison
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke

Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Porter
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Engel

NOT VOTING—10

Baesler
Dunn
Fish
Henry
Hughes
Klein
Mann
Menendez
Strickland
Velazquez

☐ 1749

Mr. MOORHEAD changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. VELÁZQUEZ. Mr. Speaker, during rollcall vote No. 7 on House Resolution 5 I was unavoidably detained. Had I been present I would have voted "yes."

☐ 1750

COMPENSATION OF CERTAIN MINORITY EMPLOYEES

Mr. MICHEL. Mr. Speaker, I offer a resolution (H. Res. 6), and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore (Mr. MFUME). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 6

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the six minority employees authorized therein shall be the following named persons, effective January 3, 1993, until otherwise ordered by the House, to-wit: William R. Pitts, Jr., Walter P. Kennedy, Ronald W. Lasch, Jay Pierson, William Gavin and B. Robert Okun, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95-94.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Resolution 5.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

PROVIDING FOR A JOINT SESSION TO COUNT ELECTORAL VOTES

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 1) to provide for the counting on January 6, 1993, of the electoral votes for President and Vice President of the United States.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Wednesday, the 6th day of January 1993, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

PROVIDING FOR CONTINUATION OF JOINT COMMITTEE TO MAKE INAUGURATION ARRANGEMENTS

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 2) to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provisions of Senate Concurrent Resolution 103.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective January 5, 1993, the joint committee created by S. Con. Res. 102 of the One Hundred Second Congress, to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority. The joint committee may accept gifts and donations of goods and services to carry out its responsibilities.

SEC. 2. That effective from January 5, 1993, the provisions of S. Con. Res. 103 of the One Hundred Second Congress, to authorize the rotunda of the United States Capitol to be used in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President-elect of the United States, are hereby continued with the same power and authority.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

PROVIDING FOR A RECESS OF THE SENATE FROM JANUARY 6 OR JANUARY 7, 1993, TO JANUARY 20, 1993, AND AN ADJOURNMENT OF THE HOUSE FROM JANUARY 6, 1993, TO JANUARY 20, 1993

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 3) to provide for a recess of the Senate from January 6 or January 7, 1993, to January 20, 1993, and an adjournment of the House from January 6, 1993, to January 20, 1993.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 3

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Wednesday, January 6, or Thursday January 7, 1993, pursuant to a motion made by the Majority Leader or his designee, in accordance with the provisions of this resolution, it stand recessed or adjourned until 3:00 o'clock p.m. on Wednesday, January 20, 1993, and that when the House of Representatives adjourns on Wednesday, January 6, 1993, pursuant to a motion made by the Majority Leader or his designee, in accordance with the provisions of this resolution, it stand adjourned until 10:00 o'clock a.m. on Wednesday, January 20, 1993, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

CONGRATULATIONS TO THE HONORABLE LOUISE SLAUGHTER ON HANDLING OF RULES LEGISLATION

Mr. HOYER. Mr. Speaker, I would just like to take this opportunity to congratulate the gentlewoman from New York [Ms. SLAUGHTER] on the rules process that we have just gone through. I know there are obviously significant differences on particular proposals.

Mr. WALKER. Mr. Speaker, under what rule is the gentleman speaking right now?

The SPEAKER pro tempore. Without objection, the gentleman from Maryland [Mr. HOYER] is recognized for 1 minute.

There was no objection.

Mr. HOYER. Mr. Speaker, I simply wanted to rise to congratulate the gentlewoman from New York, who has spent countless hours working on the rules, working with everybody who wanted to participate. I know on our side there were questions on that, but she did an outstanding job and I wanted to congratulate her and thank her for the work that she has done.

HOURS OF MEETING OF THE HOUSE OF REPRESENTATIVES

Mr. MOAKLEY. Mr. Speaker, I offer a privileged resolution (H. Res. 7) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 7

Resolved, That unless otherwise ordered, the hour of meeting of the House shall be noon on Mondays and Tuesdays; 2 o'clock post meridiem on Wednesdays; 11 o'clock ante meridiem on all other days of the week up to and including May 14, 1993; and that from May 15, 1993, until the end of the first session, the hour of daily meeting of the House shall be noon on Mondays and Tuesdays and 10 o'clock ante meridiem on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. GEPHARDT. Mr. Speaker, your committee appointed on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (H. Res. 8) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 8

Resolved, That the following named Members, Resident Commissioner, and Delegates, be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: E de la Garza, Texas, Chairman; George E. Brown, Jr., California; Charles Rose, North Carolina; Glenn English, Oklahoma; Leon E. Panetta, California; Dan Glickman, Kansas; Charles W. Stenholm, Texas; Harold L. Volkmer, Missouri; Timothy J. Penny, Minnesota; Tim Johnson, South Dakota; Mike Espy, Mississippi; Bill Sarpalius, Texas; Jill L. Long, Indiana; Gary A. Condit, California; Collin C. Peterson, Minnesota; Calvin M. Dooley, California; Eva M. Clayton, North Carolina; David Minge, Minnesota; Earl F. Hilliard, Alabama; Jay Inslee, Washington; Tom Barlow, Kentucky; Earl Pomeroy, North Dakota; Tim Holden, Pennsylvania; Cynthia McKinney, Georgia; Scotty Baesler, Kentucky; Karen L. Thurman, Florida; Sanford Bishop, Georgia.

Committee on Appropriations: William H. Natcher, Kentucky, Chairman; Jamie L. Whitten, Mississippi; Neal Smith, Iowa; Sidney R. Yates, Illinois; David R. Obey, Wisconsin; Louis Stokes, Ohio; Tom Bevill, Alabama; John P. Murtha, Pennsylvania; Charles Wilson, Texas; Norman D. Dicks, Washington; Martin Olav Sabo, Minnesota; Julian C. Dixon, California; Vic Fazio, California; W.G. (Bill) Hefner, North Carolina; Steny H. Hoyer, Maryland; Bob Carr, Michigan; Richard J. Durbin, Illinois; Ronald D. Coleman, Texas; Alan B. Mollohan, West Virginia; Jim Chapman, Texas; Marcy Kaptur, Ohio; David E. Skaggs, Colorado; David E. Price, North Carolina; Nancy Pelosi, California; Peter J. Visclosky, Indiana; Thomas M. Foglietta, Pennsylvania; Esteban Edward Torres, California; George (Buddy) Darden, Georgia; Nita M. Lowey, New York; Ray Thornton, Arkansas; José E. Serrano, New York; Rosa L. DeLauro, Connecticut; James P. Moran, Virginia; Douglas "Pete" Peterson, Florida; John W. Olver, Massachusetts; Ed Pastor, Arizona; Carrie Meek, Florida.

Committee on Armed Services: Les Aspin, Wisconsin, Chairman (when sworn); G.V. (Sonny) Montgomery, Mississippi; Ronald V. Dellums, California; Patricia Schroeder, Colorado; Earl Hutto, Florida; Ike Skelton, Missouri; Dave McCurdy, Oklahoma; Marilyn Lloyd, Tennessee; Norman Sisisky, Virginia; John M. Spratt, Jr., South Carolina; Frank McCloskey, Indiana; Solomon P. Ortiz, Texas; George J. Hochbrueckner, New York; Owen B. Pickett, Virginia; H. Martin Lancaster, North Carolina; Lane Evans, Illinois; James H. Bilbray, Nevada; John S. Tanner, Tennessee; Glen Browder, Alabama; Gene Taylor, Mississippi; Neil Abercrombie, Hawaii; Thomas H. Andrews, Maine; Chet Edwards, Texas; Don Johnson, Georgia; Frank Tejeda, Texas; David Mann, Ohio; Bart Stupak, Michigan; Martin T. Meehan, Massachusetts; Robert A. Underwood, Guam; Jane Harman, California; Paul McHale, Pennsylvania; vacancy; vacancy; vacancy.

Committee on Banking, Finance and Urban Affairs: Henry B. Gonzalez, Texas, Chairman; Stephen L. Neal, North Carolina; John J. LaFalce, New York; Bruce F. Vento, Minnesota; Charles E. Schumer, New York; Barney Frank, Massachusetts; Paul E. Kanjorski, Pennsylvania; Joseph P. Kennedy II, Massachusetts; Floyd H. Flake, New York; Kweisi Mfume, Maryland; Maxine Waters, California; Larry LaRocco, Idaho; Bill Orton, Utah; Jim Bacchus, Florida; Herbert C. Klein, New Jersey; Carolyn B. Maloney, New York; Peter Deutsch, Florida; Luis V. Gutierrez, Illinois; Bobby L. Rush, Illinois; Lucille Roybal-Allard, California; Thomas M. Barrett, Wisconsin; Elizabeth Furse, Oregon; Nydia M. Velazquez, New York; Albert R. Wynn, Maryland; Cleo Fields, Louisiana; Melvin Watt, North Carolina; Maurice Hinchey, New York; vacancy; vacancy; vacancy.

Committee on the Budget: Leon E. Panetta, California, Chairman; Richard A. Gephardt, Missouri; Dale E. Kildee, Michigan; Anthony C. Beilenson, California; Martin Olav Sabo, Minnesota; Howard L. Berman, California; Robert E. Wise, Jr., West Virginia; John Bryant, Texas; John M. Spratt, Jr., South Carolina; Charles W. Stenholm, Texas; Barney Frank, Massachusetts; Jim Cooper, Tennessee; Louise McIntosh Slaughter, New York; Mike Parker, Mississippi; William J. Coyne, Pennsylvania; Barbara B. Kennelly, Connecticut; Michael A. Andrews, Texas; Alan B. Mollohan, West Virginia; Bart Gordon, Tennessee; David E. Price, North Carolina; Jerry F. Costello, Illinois; Harry Johnston, Florida; Patsy T. Mink, Hawaii; Bill Orton, Utah; Lucien E. Blackwell, Pennsylvania; Earl Pomeroy, North Dakota.

Committee on Education and Labor: William D. Ford, Michigan, Chairman; William (Bill) Clay, Missouri; George Miller, California; Austin J. Murphy, Pennsylvania; Dale E. Kildee, Michigan; Pat Williams, Montana; Matthew G. Martinez, California; Major R. Owens, New York; Thomas C. Sawyer, Ohio; Donald M. Payne, New Jersey; Jolene Unsoeld, Washington; Patsy T. Mink, Hawaii; Robert E. Andrews, New Jersey; Jack Reed, Rhode Island; Tim Roemer, Indiana; Eliot L. Engel, New York; Xavier Becerra, California; Robert C. "Bobby" Scott, Virginia; Gene Green, Texas; Lynn Woolsey, California; Carlos Romero-Barceló, Puerto Rico; Ron Klink, Pennsylvania; Karan English, Arizona; Ted Strickland, Ohio; vacancy.

Committee on Energy and Commerce: John D. Dingell, Michigan, Chairman; Henry A. Waxman, California; Philip R. Sharp, Indiana; Edward J. Markey, Massachusetts; Al Swift, Washington; Cardiss Collins, Illinois; Mike Synar, Oklahoma; W.J. (Billy) Tauzin, Louisiana; Ron Wyden, Oregon; Ralph M. Hall, Texas; Bill Richardson, New Mexico; Jim Slattery, Kansas; John Bryant, Texas; Rick Boucher, Virginia; Jim Cooper, Tennessee; J. Roy Rowland, Georgia; Thomas J. Manton, New York, Eldolphus Towns, New

York; Gerry E. Studds, Massachusetts; Richard H. Lehman, California; Frank Pallone, Jr., New Jersey; Craig A. Washington, Texas; Lynn Schenk, California; Sherrod Brown, Ohio; Mike Kreidler, Washington; Marjorie Margolies-Mezvinsky, Pennsylvania; Blanche Lambert, Arkansas.

Committee on Foreign Affairs: Lee H. Hamilton, Indiana, Chairman; Sam Gejdenson, Connecticut; Tom Lantos, California; Robert G. Torricelli, New Jersey; Howard L. Berman, California; Gary L. Ackerman, New York; Harry Johnston, Florida; Eliot L. Engel, New York; Eni F. H. Faleomavaega, American Samoa; James L. Oberstar, Minnesota; Charles E. Schumer, New York; Matthew G. Martinez, California; Robert A. Borski, Pennsylvania; Donald M. Payne, New Jersey; Robert E. Andrews, New Jersey; Robert Menendez, New Jersey; Sherrod Brown, Ohio; Cynthia McKinney, Georgia; Maria Cantwell, Washington; Alcee L. Hastings, Florida; Eric D. Fingerhut, Ohio; Peter Deutsch, Florida; Albert R. Wynn, Maryland; vacancy; vacancy; vacancy; vacancy.

Committee on Government Operations: John Conyers, Jr., Michigan, Chairman; Cardiss Collins, Illinois; Glenn English, Oklahoma; Henry A. Waxman, California; Mike Synar, Oklahoma; Stephen L. Neal, North Carolina; Tom Lantos, California; Major R. Owens, New York; Edolphus Towns, New York; Gary A. Condit, California; Karen L. Thurman, Florida; Lynn Woolsey, California; Bobby L. Rush, Illinois; Carolyn Maloney, New York; Thomas Barrett, Wisconsin; vacancy; vacancy; vacancy; vacancy; vacancy; vacancy; vacancy; vacancy; vacancy; vacancy.

Committee on Natural Resources: George Miller, California, Chairman; Philip R. Sharp, Indiana; Edward J. Markey, Massachusetts; Austin J. Murphy, Pennsylvania; Nick Joe Rahall II, West Virginia; Bruce F. Vento, Minnesota; Pat Williams, Montana; Ron de Lugo, Virgin Islands; Sam Gejdenson, Connecticut; Richard H. Lehman, California; Bill Richardson, New Mexico; Peter A. DeFazio, Oregon; Eni F. H. Faleomavaega, American Samoa; Tim Johnson, South Dakota; Larry LaRocco, Idaho; Neal Abercrombie, Hawaii; Calvin M. Dooley, California; Collin C. Peterson, Minnesota; Carlos Romero-Barcelo, Puerto Rico; Karan English, Arizona; Karen Shepherd, Utah; Nathan Deal, Georgia; Maurice D. Hinchey, New York; Rober A. Underwood, Guam; vacancy; vacancy; vacancy; vacancy.

Committee on the Judiciary: Jack Brooks, Texas, Chairman; Don Edwards, California; John Conyers, Jr., Michigan; Romano L. Mazzoli, Kentucky; William J. Hughes, New Jersey; Mike Synar, Oklahoma; Patricia Schroeder, Colorado; Dan Glickman, Kansas; Barney Frank, Massachusetts; Charles E. Schumer, New York; Howard L. Berman, California; Rick Boucher, Virginia; John Bryant, Texas; George E. Sangmeister, Illinois; Craig A. Washington, Texas; Jack Reed, Rhode Island; Jerrold Nadler, New York; Robert C. "Bobby" Scott, Virginia; David Mann, Ohio; Melvin Watt, North Carolina; vacancy.

Committee on Merchant Marine and Fisheries: Gerry E. Studds, Massachusetts, Chairman; William J. Hughes, New Jersey; Earl Hutto, Florida; W.J. (Billy) Tauzin, Louisiana; William O. Lipinski, Illinois; Solomon P. Ortiz, Texas; Thomas J. Manton, New York; Owen B. Pickett, Virginia; George J. Hochbrueckner, New York; Frank Pallone, Jr., New Jersey; Greg Laughlin, Texas; Jolene Unsoald, Washington; Gene Taylor, Mississippi; Jack Reed, Rhode Island; H. Martin Lancaster, North Carolina; Elizabeth Furse, Oregon; Lynn Schenk, California; Gene Green, Texas; Alcee L. Hastings, Florida; Dan Hamburg, California; Blanche Lambert, Arkansas; Anna G. Eshoo, California; Tom Barlow, Kentucky; Bart Stupak, Michigan; vacancy; vacancy; vacancy; vacancy.

Committee on Public Works and Transportation: Norman Y. Mineta, California, Chairman; James L. Oberstar, Minnesota; Nick Joe Rahall II, West Virginia; Douglas Applegate, Ohio; Ron de Lugo, Virgin Islands; Robert A. Borski, Pennsylvania; Tim Valentine, North Carolina; William O. Lipinski, Illinois; Robert E. Wise, Jr., West Virginia; James A. Traficant, Jr., Ohio; Peter A. Defazio, Oregon; James A. Hayes, Louisiana; Bob Clement, Tennessee; Jerry F. Costello, Illinois; Mike Parker, Mississippi; Greg Laughlin, Texas; Pete Geren, Texas; George E. Sangmeister, Illinois; Glenn Poshard, Illinois; Dick Swett, New Hampshire; Bud Cramer, Alabama; Barbara-Rose Collins, Michigan; Eleanor Holmes Norton, District of Columbia; Lucien E. Blackwell, Pennsylvania; Jerrold Nadler, New York; Sam Coppersmith, Arizona; Leslie L. Byrne, Virginia; Maria Cantwell, Washington; Pat (Patsy Ann) Danner, Missouri; Karen Shepard, Utah; Robert Menendez, New Jersey; James E. Clyburn, South Carolina; Corrine Brown, Florida; Nathan Deal, Georgia; James A. Barcia, Michigan; Dan Hamburg, California; Bob Filner, California; Walter R. Tucker, California; Eddie Bernice Johnson, Texas.

Committee on Rules: John Joseph Moakley, Massachusetts, Chairman; Butler Derrick, South Carolina; Anthony C. Beilenson, California; Martin Frost, Texas; David E. Bonior, Michigan; Tony P. Hall, Ohio; Alan Wheat, Missouri (when sworn); Bart Gordon, Tennessee; Louise McIntosh Slaughter, New York.

Committee on Science, Space, and Technology: George E. Brown, Jr., California, Chairman; Marilyn Lloyd, Tennessee; Dan Glickman, Kansas; Harold L. Volkmer, Missouri; Ralph M. Hall, Texas; Dave McCurdy, Oklahoma; Tim Valentine, North Carolina; Robert G. Torricelli, New Jersey; Rick Boucher, Virginia; James A. Traficant, Jr., Ohio; James A. Hayes, Louisiana; John S. Tanner, Tennessee; Glen Browder, Alabama; Pete Geren, Texas; Jim Bacchus, Florida; Tim Roemer, Indiana; Bud Cramer, Alabama; Dick Swett, New Hampshire; James A. Barcia, Michigan; Herbert C. Klein, New Jersey; Eric D. Fingerhut, Ohio; Paul McHale, Pennsylvania; Xavier Becerra, California; Jane Harman, California; Don Johnson, Georgia; Sam Coppersmith, Arizona; Anna G. Eshoo, California; Jay Inslee, Washington; Eddie-Bernice Johnson, Texas; David Minge, Minnesota; vacancy; vacancy; vacancy.

Committee on Small Business: John J. LaFalce, New York, Chairman; Neal Smith, Iowa; Ike Skelton, Missouri; Romano L. Mazzoli, Kentucky; Ron Wyden, Oregon; Norman Sisisky, Virginia; John Conyers, Jr., Michigan; James H. Bilbray, Nevada; Kweisi Mfume, Maryland; Floyd H. Flake, New York; Bill Sarpalius, Texas; Glenn Poshard, Illinois; Thomas H. Andrews, Maine; Eva K. Clayton, North Carolina; Martin T. Meehan, Massachusetts; Pat (Patsy Ann) Danner, Missouri; Ted Strickland, Ohio; Nydia M. Velazquez, New York; Cleo Fields, Louisiana; Marjorie Margolies Mezvinsky, Pennsylvania; Walter R. Tucker, California; Ron Klink, Pennsylvania; Lucille Roybal-Allard, California; Earl F. Hilliard, Alabama; vacancy; vacancy; vacancy.

Committee on Veterans' Affairs: G.V. (Sonny) Montgomery, Mississippi, Chairman; Don Edwards, California; Douglas Applegate, Ohio; Lane Evans, Illinois; Timothy J. Penny, Minnesota; J. Roy Rowland, Georgia; Jim Slattery, Kansas; Joseph P. Kennedy II, Massachusetts; George E. Sangmeister, Illinois; Jill L. Long, Indiana; Chet Edwards, Texas; Maxine Waters, California; Bob Clement, Tennessee; Bob Filner, California; Frank Tejeda, Texas; Luis V. Gutierrez, Illinois; Scotty Baesler, Kentucky; Sanford Bishop, Georgia; James E. Clyburn, South Carolina; Michael Kreidler, Washington; Corrine Brown, Florida.

Committee on Ways and Means: Dan Rostenkowski, Illinois, Chairman; Sam Gibbons, Florida; J.J. Pickle, Texas; Charles B. Rangel, New York; Fortney (Pete) Stark, California; Andrew Jacobs, Jr., Indiana; Harold E. Ford, Tennessee; Robert T. Matsui, California; Barbara B. Kennelly, Connecticut; William J. Coyne, Pennsylvania; Michael A. Andrews, Texas; Sander M. Levin, Michigan; Benjamin L. Cardin, Maryland; Jim McDermott, Washington; Gerald D. Kleczka, Wisconsin; John Lewis, Georgia; L.F. Payne, Virginia; Richard E. Neal, Massachusetts; Peter Hoagland, Nebraska; Michael R. McNulty, New York; Michael J. Kopetski, Oregon; William J. Jefferson, Louisiana; Bill K. Brewster, Oklahoma; Mel Reynolds, Illinois.

Mr. HOYER (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 9) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 9

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Messrs. Roberts of Kansas; Emerson of Missouri; Gunderson of Wisconsin; Lewis of Florida; Smith of Oregon; Combest of Texas; Camp of Michigan; Allard of Colorado; Barrett of Nebraska; Nussle of Iowa; Boehner of Ohio; Ewing of Illinois; Doolittle of California; Kingston of Georgia; Goodlatte of Virginia; Dickey of Arkansas; Pombo of California; and Canady of Florida.

Committee on Appropriations: Messrs. McDade of Pennsylvania; Myers of Indiana; Young of Florida; Regula of Ohio; Livingston of Louisiana; Lewis of California; Porter of Illinois, Rogers of Kentucky; Skeen of New Mexico; Wolf of Virginia; DeLay of Texas; Kolbe of Arizona; and Gallo of New Jersey; Mrs. Vucanovich of Nevada; Messrs. Lightfoot of Iowa; Packard of California; and Callahan of Alabama; Mrs. Bentley of Maryland; Messrs. Walsh of New York; Taylor of North Carolina; Hobson of Ohio; Istook of Oklahoma; and Bonilla of Texas.

Committee on Armed Services: Messrs. Spence of South Carolina; Stump of Arizona;

Hunter of California; Kasich of Ohio; Bateman of Virginia; Hansen of Utah; Weldon of Pennsylvania; Kyl of Arizona; Ravenel of South Carolina; Dornan of California; Hefley of Colorado; Machtley of Rhode Island; Saxton of New Jersey; Cunningham of California; Inhofe of Oklahoma; Buyer of Indiana; and Torkildsen of Massachusetts; Ms. Fowler of Florida; Messrs. McHugh of New York; Talent of Missouri; Everett of Alabama; and Bartlett of Maryland.

Committee on Banking, Finance and Urban Affairs: Messrs. Leach of Iowa; and McCollum of Florida; Mrs. Roukema of New Jersey; Messrs. Bereuter of Nebraska; Ridge of Pennsylvania; Roth of Wisconsin; McCandless of California; Baker of Louisiana; Nussle of Iowa; Thomas of Wyoming; and Sam Johnson of Texas; Ms. Pryce of Ohio; Messrs. Linder of Georgia; Knollenberg of Michigan; Lazio of New York; Grams of Minnesota; Bachus of Alabama; Huffington of California; Castle of Delaware; and King of New York.

Committee on the Budget: Messrs. Kasich of Ohio; McMillan of North Carolina; Kolbe of Arizona; and Shays of Connecticut; Ms. Snowe of Maine; Messrs. Smith of Texas; Cox of California; Allard of Colorado; Miller of Florida; Lazio of New York; Franks of New Jersey; Smith of Michigan; Inglis of South Carolina; and Hoke of Ohio.

Committee on the District of Columbia: Messrs. Bliley of Virginia; Rohrabacher of California; and Saxton of New Jersey.

Committee on Education and Labor: Messrs. Goodling of Pennsylvania and Petri of Wisconsin; Mrs. Roukema of New Jersey; Messrs. Gunderson of Wisconsin; Armey of Texas; Fawell of Illinois; Henry of Michigan; and Ballenger of North Carolina, when sworn; Ms. Molinari of New York; Messrs. Barrett of Nebraska; Boehner of Ohio; Cunningham of California; Hoekstra of Michigan; McKeon of California; and Miller of Florida.

Committee on Energy and Commerce: Messrs. Moorhead of California; Bliley of Virginia; Fields of Texas; Oxley of Ohio; Bilirakis of Florida; Schaefer of Colorado; Barton of Texas; McMillan of North Carolina; Hastert of Illinois; Upton of Michigan; Stearns of Florida; Paxon of New York; Gillmor of Ohio; Klug of Wisconsin; Franks of Connecticut; Greenwood of Pennsylvania; and Crapo of Idaho.

Committee on Foreign Affairs: Messrs. Gilman of New York; Goodling of Pennsylvania; Leach of Iowa; and Roth of Wisconsin; Ms. Snowe of Maine; Messrs. Hyde of Illinois; Bereuter of Nebraska; Smith of New Jersey; and Burton of Indiana; Mrs. Meyers of Kansas; Mr. Gallegly of California; Ms. Ros-Lehtinen of Florida; Messrs. Ballenger of North Carolina, when sworn; Rohrabacher of California; Levy of New York; Manzullo of Illinois; Diaz-Balart of Florida; and Royce of California.

Committee on Government Operations: Messrs. Clinger of Pennsylvania; McCandless of California; Hastert of Illinois; Kyl of Arizona; Shays of Connecticut; Schiff of New Mexico; Cox of California; and Thomas of Wyoming; Ms. Ros-Lehtinen of Florida; Messrs. Machtley of Rhode Island; Zimmer of New Jersey; Zeliff of New Hampshire; McHugh of New York; and Horn of California; Ms. Pryce of Ohio and Mr. Mica of Florida.

Committee on House Administration: Messrs. Thomas of California; Gingrich of Georgia; Roberts of Kansas; Livingston of Louisiana; Barrett of Nebraska; and Boehner of Ohio.

Committee on Natural Resources: Messrs. Young of Alaska and Hansen of Utah; Mrs. Vucanovich of Nevada; Messrs. Gallegly of California; Smith of Oregon; Thomas of Wyoming; Duncan of Tennessee; Hefley of Colorado; Doolittle of California; Allard of Colorado; Baker of Louisiana; Calvert of California; McInnis of Colorado; Pombo of California; and Dickey of Arkansas.

Committee on the Judiciary: Messrs. Fish of New York; Moorhead of California; Hyde of Illinois; Sensenbrenner of Wisconsin; McCollum of Florida; Gekas of Pennsylvania; Coble of North Carolina; Smith of Texas; Schiff of New Mexico; Ramstad of Minnesota; Gallegly of California; Canady of Florida; Inglis of South Carolina; and Goodlatte of Virginia.

Committee on Merchant Marine and Fisheries: Messrs. Fields of Texas; Young of Alaska; Bateman of Virginia; Saxton of New Jersey; Coble of North Carolina; Weldon of Pennsylvania; Inhofe of Oklahoma; Ravenel of South Carolina; Gilchrest of Maryland; Cunningham of California; and Kingston of Georgia; Ms. Fowler of Florida; Messrs. Castle of Delaware; King of New York; and Diaz-Balart of Florida.

Committee on Post Office and Civil Service: Messrs. Myers of Indiana; Gilman of New York; Young of Alaska; and Burton of Indiana; Mrs. Morella of Maryland; and Mr. Ridge of Pennsylvania.

Committee on Public Works and Transportation: Messrs. Shuster of Pennsylvania; Clinger of Pennsylvania; Petri of Wisconsin; Boehlert of New York; Inhofe of Oklahoma; Emerson of Missouri; and Duncan of Tennessee; Ms. Molinari of New York; Messrs. Zeliff of New Hampshire; Ewing of Illinois; and Gilchrest of Maryland; Ms. Dunn of Washington; Messrs. Hutchinson of Arkansas; Baker of California; Collins of Georgia; Kim of California; Levy of New York; Horn of California; Franks of New Jersey; Blute of Massachusetts; McKeon of California; Mica of Florida; Hoekstra of Michigan; and Quinn of New York.

Committee on Rules: Messrs. Solomon of New York; Quillen of Tennessee; Dreier of California; and Goss of Florida.

Committee on Science, Space and Technology: Messrs. Walker of Pennsylvania; Sensenbrenner of Wisconsin; Boehlert of New York; Lewis of Florida; Henry of Michigan; and Fawell of Illinois; Mrs. Morella of Maryland; Messrs. Rohrabacher of California; Schiff of New Mexico; Barton of Texas; Zimmer of New Jersey; Sam Johnson of Texas; Calvert of California; Hoke of Ohio; Smith of Michigan; Royce of California; Grams of Minnesota; Linder of Georgia; and Blute of Massachusetts; Ms. Dunn of Washington; Messrs. Baker of California and Bartlett of Maryland.

Committee on Small Business: Mrs. Meyers of Kansas; Messrs. Combest of Texas; Baker of Louisiana; Hefley of Colorado; Machtley of Rhode Island; Ramstad of Minnesota; Camp of Michigan; Johnson of Texas; Zeliff of New Hampshire; Collins of Georgia; McInnis of Colorado; Huffington of California; Talent of Missouri; Knollenberg of Michigan; Dickey of Arkansas; Kim of California; Manzullo of Illinois; and Torkildsen of Massachusetts.

Committee on Standards of Official Conduct: Mr. Grandy of Iowa; Mrs. Johnson of Connecticut; Messrs. Bunning of Kentucky; Kyl of Arizona; Goss of Florida; and Hobson of Ohio.

Committee on Veterans Affairs: Messrs. Stump of Arizona; Smith of New Jersey; Burton of Indiana; Bilirakis of Florida; Ridge of Pennsylvania; Spence of South Carolina; Hutchinson of Arkansas; Everett of Alabama; Buyer of Indiana; Quinn of New York; Bachus of Alabama; and Linder of Georgia.

Committee on Ways and Means: Messrs. Archer of Texas; Crane of Illinois; Gradison of Ohio; Thomas of California; Shaw of Florida; and Sundquist of Tennessee; Mrs. Johnson of Connecticut; Messrs. Bunning of Kentucky; Grandy of Iowa; Houghton of New York; Herger of California; McCrery of Louisiana; Hancock of Missouri; and Santorum of Pennsylvania.

Mr. ARMEY (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING U.S. SECRET SERVICE TO CONTINUE PROTECTION TO FORMER VICE PRESIDENT OR HIS SPOUSE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 2) to authorize the U.S. Secret Service to continue to furnish protection to the former Vice President or his spouse, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 2

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the United States Secret Service, in addition to other duties now provided by law, is authorized to furnish protection to—

(A) the person occupying the Office of Vice President of the United States immediately preceding January 20, 1993, or

(B) his spouse,

if the President determines that such person may thereafter be in significant danger; and

(2) protection of any such person, pursuant to the authority provided in paragraph (1), shall continue only for such period as the President determines, except that such protection shall not continue beyond July 20, 1993, unless otherwise permitted by law.

Mr. BROOKS. Mr. Speaker, this is the customary resolution which the Congress passes to authorize the extension of Secret Service protection to the soon to be former Vice President of the United States or his spouse as they return to private life. If the President determines that the Vice President or his spouse may be in significant danger, the resolution authorizes the Secret Service to protect the former Vice President or his spouse for 6 months after he leaves office.

Passage of such a resolution has been the practice of the Congress in those situations where the Vice President will no longer be in a position where he is accorded Secret Service protection. This extension of protection is to assist the Vice President in his transition from public office to private life.

I urge the adoption of the resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1800

INAUGURAL CEREMONIES OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. GEPHARDT. Mr. Speaker, I offer a privileged resolution (H. Res. 10) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 10

Resolved, That at 10:30 ante meridiem on Wednesday, January 20, 1993, the House shall proceed to the West Front of the Capitol for the purpose of attending the inaugural ceremonies of the President and Vice President of the United States.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON WEDNESDAY, JANUARY 6, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses on Wednesday, January 6, 1993, subject to the call of the Chair, for the purpose of preparing for the joint session to count the electoral votes for President and Vice President.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Missouri?

Mr. WALKER. Mr. Speaker, reserving the right to object, how does this recess authority that the gentleman has in this motion differ from the recess authority that we just passed in the rules?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentlemen from Missouri.

Mr. GEPHARDT. Mr. Speaker, it is my understanding that the Speaker already has recess authority. We are simply reminding Members that recesses may be called on Wednesday for the purpose of dealing with the electoral count.

Mr. WALKER. Mr. Speaker, further reserving the right to object, that is what I am trying to understand. It seems to me, if I read the rules correctly, the Speaker already has his authority. I do not understand why we are taking action on the floor to give the Speaker power that he already has.

Mr. GEPHARDT. If the gentleman would yield, Mr. Speaker, we were simply doing it to inform Members that this activity is going to take place tomorrow. It is a reiteration of the authority he already has.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Missouri [Mr. GEPHARDT].

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon tomorrow, Wednesday, January 6, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REAPPOINTMENT OF LT. GEN. LEONARD P. WISHART III (RET.) AS DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES OF THE HOUSE

The SPEAKER pro tempore. Without objection and pursuant to Rule 52 of the 102d CONGRESS and the order of the House of Monday, October 5, 1992, permitting appointments authorized by law or by the House, the Speaker, majority leader, and minority leader on Friday, October 23, 1992, did jointly appoint Lt. Gen. Leonard P. Wishart III (Ret.) to the position of director of non-legislative and financial services for the U.S. House of Representatives.

The Chair is announcing the reappointment of Lieutenant General Wishart to that same position for the 103d Congress.

COMMUNICATION FROM THE HONORABLE CHARLIE ROSE, CHAIRMAN OF THE COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on House Administration:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
December 28, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives,
H-204, the Capitol,
Washington, DC.

DEAR MR. SPEAKER: This letter is to inform you that, pursuant to the authority vested in the Committee on House Administration by House Resolution 423 (102nd Congress), and other laws, rules and regulations, the Committee has directed the following effective just prior to noon on January 3, 1993:

1. All functions, entities, duties and responsibilities under the House Postmaster are transferred to the Director of Non-legislative and Financial Services.

2. There is established an Office of the Director of Non-legislative and Financial Services, which office shall be comprised of the Director of Non-legislative and Financial Services (Director) appointed pursuant to House Rule 52, an Executive Assistant to the Director to be appointed by the Director, an Administrative Assistant to be appointed by the Director, and a Director of House Postal Operations to be appointed by the Director, subject to the following requirement: the Committee directs that the initial appointee to the position of Director of House Postal Operations shall be the person serving as House Postmaster immediately prior to the abolition of the position of House Postmaster by virtue of the transfer made pursuant to paragraph 1 above.

3. Until otherwise provided by law, the above positions under the Director, and all positions transferred to, or created for the Director, are hereby approved by the Committee and the Director pursuant to the criteria established in the House Employees Position Classification Act and other applicable laws, rules and regulations. The Committee will establish the appropriate grade and level for the positions so transferred or created.

By copy of this letter, the Clerk of the House has been authorized and directed to disburse from the contingent fund or other appropriate account, such sums as may be necessary for salary disbursement for the above personnel, and for supplies and materials reasonably necessary for the operation of the Office of the Director of Non-legislative and Financial Services until otherwise provided by law.

With my very best wishes,

Sincerely,

CHARLIE ROSE,
Chairman.

REAPPOINTMENT AS MEMBERS OF JOINT COMMITTEE ON INAUGURAL CEREMONIES

The SPEAKER pro tempore. Without objection and pursuant to the provisions of Senate Concurrent Resolution 2, 103d Congress, the Chair on behalf of the Speaker reappoints as members of the joint committee to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States on the 20th day of January, 1993, the following Members of the House:

The gentleman from Washington [Mr. FOLEY], the gentleman from Missouri [Mr. GEPHARDT], and the gentleman from Illinois [Mr. MICHEL].

There was no objection.

REAPPOINTMENT AS MEMBERS OF JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

The SPEAKER pro tempore. Pursuant to the provisions of section 1 of House Concurrent Resolution 192, 102d Congress, as enacted by section 317 of Public Law 102–392, and without objection, the Chair reappoints to the Joint Committee on the Organization of the Congress the following Members of the

House: the gentleman from Indiana [Mr. HAMILTON], chairman; the gentleman from Wisconsin [Mr. OBEY]; the gentleman from Washington [Mr. SWIFT]; the gentleman from Connecticut [Mr. GEJDENSON]; the gentleman from South Carolina [Mr. SPRATT]; and the gentlewoman from the District of Columbia [Ms. NORTON].

There was no objection.

COMMUNICATION FROM THE HONORABLE BOB MICHEL, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable BOB MICHEL, Republican leader:

WASHINGTON, DC,
January 5, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 1, H.Con.Res. 192, 102nd Congress, as enacted by Section 317 of Public Law 102–392, I hereby appoint the following Members of the House to serve on the Joint Committee on the Organization of the Congress: Mr. Gradison of Ohio, to serve as Vice Chairman; Mr. Walker of Pennsylvania; Mr. Solomon of New York; Mr. Dreier of California; Mr. Emerson of Missouri; and Mr. Allard of Colorado.

Sincerely yours,

BOB MICHEL,
Republican Leader.

APPOINTMENT AS MEMBERS OF HOUSE OFFICE BUILDING COMMISSION

The SPEAKER pro tempore. Without objection and pursuant to the provisions of 40 United States Code, 175 and 176, the Chair appoints the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from Illinois [Mr. MICHEL] as members of the House Office Building Commission to serve with the Speaker.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair customarily takes this occasion on the opening day of a Congress to announce his policies with respect to particular aspects of the legislative process. On behalf of the Speaker, the Chair will insert in the RECORD announcements by the Speaker concerning: First, privileges of the floor; second, introduction of bills and resolutions; third, unanimous consent requests for the consideration of bills and resolutions; fourth, recognition for 1-minute speeches and special orders; fifth, decorum in debate; sixth, conduct of votes by electronic device; and seventh, appointment of conferees. These announcements where appropriate indicate verbatim the origins of the stated policies and the dates thereof. The Speaker intends to continue in the 103d Congress the policies reflected in these statements. The policy announced in prior Congresses with respect to requests for committees to sit during the 5-minute rule is no longer pertinent. The policy announced in the previous Congress with respect to jurisdictional concepts related to clause 5(b) of rule XXI—tax and tariff measures—will continue to govern but need not be reiterated, as it will be adequately documented as precedent in the House rules and manual.

POLICIES OF THE CHAIR

January 5, 1993

1. PRIVILEGES OF THE FLOOR

The Speaker's announced instructions to the Doorkeeper and Sergeant at Arms in the 98th Congress on January 25, 1983, and in the 99th Congress on January 21, 1986, regarding strict enforcement of rule XXXII, specifying those persons having the privileges of the floor during sessions of the House, will be applied during the 103d Congress.

Announcement by the Speaker, January 25, 1983

The SPEAKER. Rule XXXII strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated as recently as August 22, 1974, by Speaker Albert under the principle stated in Deschler's Procedure, chapter 4, section 3.4, the rule strictly limits the number of committee staff permitted on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member has an amendment actually pending during the 5-minute rule. To this end, the Chair requests all Members and committee staff to cooperate to assure that not more than the proper number of staff are on the floor, and then only during the actual consideration of measures reported from their committees. The Chair will again extend this admonition to all properly admitted majority and minority staff by insisting that their presence on the floor, including the areas behind the rail, be restricted to those periods during which their supervisors have specifically requested their presence. The Chair stated this policy in the 97th Congress, and an increasing number of Members have insisted on strict enforcement of the rule. The Chair has consulted with and has the concurrence of the Minority Leader with respect to this policy and has directed the Doorkeeper and the Sergeant at Arms to assure proper enforcement of the rule.

Announcement by the Speaker, January 21, 1986

The SPEAKER. Rule XXXII strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining request for suspension or waiver of that rule. as reiterated by the Chair on January 25, 1983, and January 3, 1985, and as stated in chapter 4, section 3.4 of Deschler-Brown's Procedure in the House of Representatives, the rule strictly limits the number of committee staff on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member's amendment is actually pending during the 5-minute rule. It also does not extend to personal staff of Members who are sponsors of pending bills or who are engaging in special orders. The Chair requests the cooperation of all Members and committee staff to assure that only the proper number of staff are on the floor, and then only during the consideration of measures reported from their committees. The Chair is making this statement and reiterating this policy because of concerns expressed by many Members about the number of committee staff on the floor during the last weeks of the first session. The Chair requests each chairman, and each ranking minority member, to submit to the Doorkeeper a list of staff who are to be allowed on the floor during the consideration of a measure reported by their committee. Each staff person should exchange his or her ID for a "committee staff" badge which is to be worn while on the floor. The Chair has consulted with the Minority Leader and will continue to consult with him. The Chair has furthermore directed the Doorkeeper and the Sergeant at Arms to assure proper enforcement of rule XXXII.

2. INTRODUCTION OF BILLS AND RESOLUTIONS

The Speaker's statement in the 98th Congress on January 3, 1983, regarding the signing of bills and resolutions, his determination of committee jurisdiction on a joint or sequential basis, and his discretionary authority to refer nongermane Senate amendments to House bills to the committees of appropriate jurisdiction, will continue to apply in the 103d Congress.

Announcement by the Speaker, January 3, 1983

The SPEAKER. The Chair would like to make a statement concerning the introduction and reference of bills and resolutions. As Members are aware, they have the privilege today of introducing bills. Heretofore on the opening day of a new Congress, several hundred bills have been introduced. The Chair will do his best to refer as many bills as possible, but he will ask the indulgence of Members if he is unable to refer all the bills that may be introduced. Those bills which are not referred and do not appear in the RECORD as of today will be included in the next day's RECORD and printed with a date as of today.

The Chair has advised all officers and employees of the House that are involved in the processing of bills that every bill, resolution, memorial petition or other material that is placed in the hopper must bear the signature of a Member. Where a bill or resolution is jointly sponsored, the signature must be that of the Member first named thereon. The bill clerk is instructed to return to the Member any bill which appears in the hopper without an original signature. This procedure was inaugurated in the 92d Congress. It has worked well, and the Chair thinks that it is essential to continue this practice to insure the integrity of the process by which legislation is introduced in the House. The Chair also desires to announce that, pursuant to the authority granted him in clause 5 of rule X, he will continue the practice of making referral of bills and resolutions as indicated in the annotations under that clause contained in the House Rules and manual.

3. UNANIMOUS-CONSENT REQUESTS FOR THE CONSIDERATION OF BILLS AND RESOLUTIONS

The Speaker's policy with respect to recognition for unanimous-consent requests for the consideration of unreported bills and resolutions and for the consideration of House bills with Senate amendments, as initially announced in the 98th Congress on January 25 and April 26, 1984, will apply during the 103d Congress.

Announcement by the Speaker, January 25, 1984

The SPEAKER. As indicated [in section 757] of the House Rules and Manual, the Chair has established a policy of conferring recognition upon Members to permit consideration of bills and resolutions by unanimous consent only when assured that the majority and minority floor leadership and committee and subcommittee chairmen and ranking minority members have no objection. Consistent with that policy, and with the Chair's inherent power of recognition under clause 2 of rule XIV, the Chair, and any occupant of the Chair appointed as Speaker pro tempore pursuant to clause 7 of rule I, will decline recognition for unanimous consent requests for consideration of bills and resolutions without assurances that the request has been cleared by that leadership. This denial of recognition by the Chair will not reflect necessarily any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the chair that orderly procedures will be followed; that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle.

Announcement by the Speaker, April 26, 1984

The SPEAKER. With respect to unanimous consent requests to dispose of Senate amendments to House bills on the Speaker's table, the Chair will entertain such a request only if made by the chairman of the committee with jurisdiction, or by another committee member authorized to make the request.

4. RECOGNITION FOR 1-MINUTE SPEECHES AND SPECIAL ORDERS

The Speaker's statement in the 98th Congress on January 25, 1984 with respect to the Speaker's policy for recognition for 1-minute speeches and special orders, alternating between both sides of the aisle, announced on August 8, 1984, and implemented on September 5, 1984, will apply during the 103d Congress.

Announcement by the Speaker, August 8, 1984

The SPEAKER. After consultation with and concurrence by the Minority Leader, the Chair announces that he will institute a new policy of recognition for "1-minute" speeches and for special order requests. The Chair will alternate recognition for 1-minute speeches between majority and minority Members, in the order in which they seek recognition in the well under present practice from the Chair's right to the Chair's left, with possible exceptions for Members of the leadership and Members having business requests. The Chair, of course, reserves the right to limit 1-minute speeches to a certain period of time or to a special place in the program on any given day, with notice to the leadership.

With respect to recognition for "special order speeches" at the end of legislative business of the day, the Chair will recognize first those Members who wish to address the House for 5 minutes or less, alternating between majority and minority Members, otherwise in the order in which those permissions were granted in the House. Thereafter, the Chair will recognize those Members who wish to address the House for longer than 5 minutes up to 1 hour, alternating between majority and minority Members in the order in which those permissions were granted by the House.

Thus, all Members can continue to obtain permissions to address the House in the same ways as are presently utilized, either by requests made by the acting majority and minority leaders at the end of the day through their respective Cloakrooms or by individual requests agreed to on the floor for that day or for a future day. For the request to be entertained, it should state "permission to address the House at the conclusion of legislative business, consistent with the Speaker's announced policy of recognition." Thus, Members should be on notice that a special order for more than 5 minutes, although agreed to at a prior time, nay be preceded by a series of special orders of 5 minutes or less, or by a longer special order of a Member of the other party.

Further refinements of this policy based upon experience may be announced by the Chair in the future after consultation with the Minority Leader.

5. DECORUM IN DEBATE

It is essential that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but to permit Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly put the question on the numerous requests that are made by Members, the Chair requests that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule XIV to gain a better understanding of the proper rules of decorum expected of them, and especially: First, to avoid "personalities" in debate with respect to references to other Members, the Senate, and the President; second, to address the Chair while standing and only when and not beyond the time recognized, and not to address the television or other imagined audience; third, to refrain from passing between the Chair and the Member speaking, or directly in front of a Member speaking from the well; fourth, to refrain from smoking in the Chamber; and generally to display the same degree of respect to the Chair and other Members that every Member is due.

6. CONDUCT OF VOTES BY ELECTRONIC DEVICE

The Speaker's statement in the 102d Congress on January 3, 1991, with respect to the conduct of votes by electronic device, will apply during the 103d Congress. That statement is set forth in full, below. The Speaker notes that despite this announced policy, inordinate delays continued throughout the 102d Congress. On one occasion last October 30, 1991, the Chair strictly enforced this policy during consideration of a bill under a special rule that established an overall time limitation for consideration, which included recorded votes. Members appreciated and cooperated with the Chair's enforcement of the policy on that occasion.

Members will likewise appreciate that in the 103d Congress the Speaker is advising the cloakrooms that they should not forward to the Chair individual requests to hold open a vote by electronic device, but should simply apprise inquiring Members of the time remaining on the voting clock.

Announcement by the Speaker, January 3, 1991

The SPEAKER. As Members are aware, clause 5 of rule XV provides that "Members shall have not less than fifteen minutes from the ordering of the roll call or quorum call to have their vote or presence recorded."

While the rule obviously states a minimum, rather than maximum, time requirement for electronic votes, and while no occupant of the chair would attempt to prevent a Member who is in the chamber at the expiration of that time from casting his or her vote, the Chair has noticed that in the past session inordinate delays in concluding electronic votes or quorum calls would occur when Members would notify the Chair through the cloakrooms that they were on their way to the chamber from a variety of locations.

The Chair would encourage all Members to depart for the Chamber promptly upon the appropriate bell and light signal, since there is no guarantee that Members can rely upon telephoned notice to the cloakrooms in order to have votes held open. As indicated by his remarks on this subject on October 13, 1990, the Minority Leader joins the Chair in urging all Members to help avoid the unnecessary loss of time in conducting the business of the House.

7. APPOINTMENT OF CONFEREES

The Speaker's statements in the 102d Congress on January 3, 1991, and June 3, 1992, with respect to the Speaker's appointment of conferees, will apply during the 103d Congress.

Announcement by the Speaker, January 3, 1991

Consistent with clause 6 of rule X, the Chair intends to develop and implement a policy that would enable him to the fullest extent feasible to simplify the appointment of conferees.

Announcement by the Speaker, June 3, 1992

On the opening day of the 102d Congress, the Chair announced that "consistent with clause 6 of rule X, the Chair intends to develop and implement a policy that would enable him to the fullest extent feasible to simplify the appointment of conferees."

As the Chair is about to announce his appointment of conferees from more than one committee in the second session, and based upon the Chair's additional experience with complicated conference appointments in the first session notwithstanding his opening day announcement, the Chair will remind Members that conference committees are after all select committees in the sense that they go out of existence when their report is filed. The appointment by the Chair of various groups of conferees in the context of the particular House and Senate provisions sent to conference should not be construed as precedent binding the Speaker to subsequent joint referrals of all bills amending the work product of that particular conference.

EXPRESSING SORROW AT THE DEATH OF FORMER COLLEAGUE, THE HONORABLE RICHARD ICHORD

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, it is with great sadness that I announce the death of our former colleague, Richard Ichord. He passed away Christmas morning.

Dick Ichord served 10 terms in Congress from 1961 to 1981. He was a true patriot, and he was known as a supporter of efforts to maintain our national security and a strong military. As a member of the House Armed Services Committee, he was a champion of a key military base in the district I represent today.

□ 1810

As he prepared to leave Congress in 1980, he said, "Diplomatic power

doesn't mean anything without the military power to back it up."

But he was perhaps best known for his 6-year tenure as chairman of the House Unamerican Activities Committee and the subsequent Internal Security Committee. While fighting the elimination of the committee in 1975, he warned against America letting its guard down on intelligence and national security matters.

A native of Licking, MO, he was a native veteran of World War II, and earned bachelor's degrees and law degrees from the University of Missouri at Columbia.

After serving four terms in the Missouri House of Representatives, including one term as Speaker, he was elected to the House in 1960.

Dick Ichord will be missed by his former colleagues and his many friends throughout our country and throughout Missouri. He is survived by his son, Richard H. Ichord III, of Houston, MO, a daughter, Mrs. Pam Ehlers of Nevada, MO. and three grandchildren.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I yield to my friend and colleague, the gentleman from Missouri.

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to associate myself with the remarks of the gentleman from Missouri [Mr. SKELTON]. I attended last Tuesday a week ago the funeral of Dick Ichord in Houston, MO. It was a very moving ceremony, one which I think spoke very highly of the service that Dick Ichord rendered over the years as a private citizen and as a public servant. His loss is untimely, and we will, all of us who knew him, miss him.

Mr. Speaker, I join with my colleague, the gentleman from Missouri [Mr. SKELTON], in extending condolences to his entire family, and join him in saying to the House that we will reserve at some appropriate time a period in a special order in which other colleagues who wish to say a word in memory of Dick Ichord may have an opportunity to express themselves.

Mr. SKELTON. Mr. Speaker, reclaiming my time, I would like to announce that there will be a memorial ceremony for the late Dick Ichord on Thursday at 4 o'clock in the Armed Services Committee room, 2118 in the Rayburn Building. We hope that his friends will remember and be at the memorial service.

HEALTH CARE REFORM

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I am today reintroducing my health care reform bill which has as its core and its essence the reduction of cost of health care across the Nation. One hundred fifty pages does this bill have, and all of the provisions therein lead to, if enacted, a steady reduction in the cost to our taxpayers, to our patients, to everyone involved in the health care system, a reduction in their costs.

Mr. Speaker, that is the important thing. We have just learned that the Commerce Department's latest figures show a whopping escalation of costs to the American people in health care of some 11.5 percent over the previous year. This takes a great big gulp out of our national product, and thus makes everything worse as we grope to try to improve the economy.

Mr. Speaker, our health care reform bill has in it short-term reforms and long-term reforms. The very best that can be said is that it does not change the current system, but improves it to the extent that the American people will approve it themselves.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
January 5, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Under Clause 4 of Rule III of the Rules of the U.S. House of Representatives, I herewith designate Mr. W. Raymond Colley, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence of disability.

If Mr. Colley should not be able to act in my behalf for any reason, then Mr. Dallas L. Dendy, Jr., Assistant to the Clerk or Mr. William R. Long, Assistant to the Clerk should similarly perform such duties under the same conditions as are authorized by this designation.

These designations shall remain in effect for the 103rd Congress or until modified by me.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

FAMILY AND MEDICAL LEAVE ACT

(Mr. REED asked and was given permission to address the House for 1 minute.)

Mr. REED. Mr. Speaker, on January 3, 1990, I spoke my first words on the floor of this House. I urged my colleagues to support the Family and Medical Leave Act. I hope that this is the last time I will have to rise at the beginning of a congressional session to urge action on this much needed legislation.

Last year, despite overwhelming support by the American people, we were stymied by a Presidential veto.

Today, the Family and Medical Leave Act was reintroduced today as H.R. 1. It is my hope that, under the leadership of President-elect Clinton, the 103d Congress will be able to pass this important piece of legislation into law.

My State of Rhode Island now has State family leave legislation in place, legislation that I worked to pass there and am proud to support here. In Rhode Island, we have found that leave statutes are not difficult to implement, especially for companies that have experience in managing leave; that companies do not reduce other benefits; and that formal leave statutes help all companies introduce formal, written policies.

It is time to extend this policy nationwide.

Right now, American workers have no job protection under Federal law when they have a family or medical emergency. Family and medical leave is not a privilege, it's a right for the citizens of every industrialized country except the United States and South Africa. Working Americans should not be forced to choose between keeping their jobs and caring for a baby, sick child or parent in failing health.

□ 1820

H.R. 13, THE TAX SIMPLIFICATION ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing H.R. 13, the Tax Simplification Act of 1993. This bill simplifies over 100 different provisions of the tax laws, including provisions relating to the earned income tax credit, intangible assets, pensions, individuals, partnerships, international taxation, tax-exempt bonds, estates and gifts, and a wide variety of other tax provisions.

This bill is long overdue. All of its provisions passed the House in the 102d Congress, and most of them were included last year in both H.R. 4210 and H.R. 11, the two major tax bills that were vetoed by President Bush.

All of these simplification provisions are the product of a major initiative that I announced nearly 3 years ago to simplify the tax laws. In February 1990, I requested the interested public, tax professionals, the Secretary of the Treasury, and the congressional tax-writing staffs to develop tax simplification proposals that would make life easier for the taxpaying public, return preparers, tax administrators, and the courts, without undoing major policy objectives or increasing the deficit. In response, I received hundreds of proposals that were eventually published in an 1,100-page Ways and Means Committee print.

At my direction, these simplification proposals were thoroughly analyzed by the congressional tax-writing staffs with the cooperation of the Treasury Department and the Internal Revenue Service. In 1991, I introduced several bills reflecting their collective recommendations regarding these various proposals. Subsequently, the Ways and Means Committee and the Subcommittee on Select Revenue Measures held public hearings on these various bills. The vast majority of the provisions contained in this bill were favorably reported by the Committee on Ways and Means in the 102d Congress.

The bill that I am introducing today generally mirrors the simplification provisions that were contained in the conference agreement to H.R. 11. Since their initial introduction some 2 years ago, these provisions have been perfected through the legislative process of hearings, committee action, and conference action. I am open, however, to consideration of further improvements to these provisions.

In particular, one of the most significant provisions in this legislation would simplify the tax treatment of acquired intangible assets, by assigning them a uniform 14-year life. There is widespread agreement that this provision would eliminate a major source of enormous uncertainty and controversy in the tax laws. I am reintroducing the version of this legislation that was contained in the conference agreement to H.R. 11 in acknowledgment of the hard-fought political compromises that it reflects. I believe, however, that the provision could be improved to make it even more meaningful and equitable, and I anticipate that in the 103d Congress there will be an opportunity to consider such improvements.

No revenue estimate is currently available for this package of tax simplification. I fully intend, however, to finance or modify this package as may be necessary to comply with the pay-as-you-go budget requirements.

In the past, I have stated repeatedly that I do not expect these provisions to be the end all, be all of tax simplification. Rather, they are an important first step in what for me is a long-term commitment to simplify the tax laws. I am heartened by the progress that this legislation reflects and by the support that it has garnered. It has been questioned whether there is any constituency for tax simplification that does not represent tax relief for specific industries. This legislation proves that there is a constituency for broad-based tax simplification. In the 103d Congress, I will continue to solicit proposals to simplify the Tax Code with the hope of processing additional legislation to accomplish that goal.

A technical explanation of the bill, prepared by the staff of the Joint Committee on Taxation in consultation with the tax staff of the Committee on Ways and Means, will be available in the near future.

STATEMENT OF INTRODUCTION FOR H.R. 16

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes.

Mr. DINGELL. Mr. Speaker, half a century ago, my father introduced into the House a bill providing for a program of national health insurance. In each of the past 17 Congresses I have introduced this bill, both as a testament to the wisdom of the 1943 Murray-Wagner-Dingell bill and as a hopeful harbinger of an enlightened change in our Nation's approach to health care.

In almost every decade since, save the 1980's, hopes were high that such a program might be enacted. Today, with the election of Bill Clinton, those hopes are again raised, and with good reason.

This bill contains the seeds of the indispensable elements of a national plan: universal coverage, limits on spending, malpractice reform and a financing system that puts competitiveness first. Those elements are also part of a more modern comprehensive proposal for health reform, the health choice plan, which I developed last year and introduced with Congressman HENRY WAXMAN. We are withholding reintroduction of that legislation out of deference to our new President and to his commitment to health care reform. We are confident that Bill Clinton will give the Congress and the American people a plan that incorporates the best of each of the bills previously introduced. We look to the incoming President with anticipation and pride and with a spirit of cooperation.

For almost 40 years, the introduction of this bill has reminded us of the justice, wisdom and necessity of national health insurance. The consequences of our inaction are apparent. No more families need be ruined, more industries torn apart for our imperatives to be clear. Let us move forward, with the lessons of history as our guide, to finally enact national health insurance.

TRUE LINE-ITEM VETO BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 15 minutes.

Mr. SOLOMON. Mr. Speaker, today I am introducing, with over 30 House cosponsors, the Legislative Line Item Veto Act of 1993—a true line-item veto bill.

I emphasize that this is a true line-item veto bill because, unlike an alternative being touted by the Speaker, this would ultimately require a two-thirds vote of both Houses to block a President's line-item rescission of all or part of the budget authority for matters contained in appropriations bills.

Under my proposal, which would be effective for all appropriations bills in fiscal years 1994 and 1995, the President could propose a rescission or cancellation of budget authority for all or part of any item contained in any regular, supplemental or continuing appropriations bill. Congress would then have 20 days in which both Houses, by majority vote, could pass a bill or joint resolution to disapprove the rescission. The President would then have 10 days in which to sign or veto the disapproval bill. Since he is likely to veto any bill disapproving his proposed rescissions, it would then take a two-thirds vote of both Houses under the Constitution, to override the veto and force the money to be spent.

Mr. Speaker, candidate Clinton said he was for a line-item veto. He should not be fooled into thinking that the expedited rescission approach being put forward by the Speaker is a true line-item veto. To the contrary, it is simply the current rescission approval approach under the Budget Act under a compressed time frame with mandatory votes on rescission proposals.

Since it would take a law enacted by Congress and signed by the President to cancel spending, a majority of either House could force the money to be spent by voting against a rescission approval bill. Put another way, as few as 51 Senators could block the President's spending cut proposals.

Mr. Speaker, my approach is what the CRS calls enhanced rescission authority as opposed to mere expedited rescission authority. The President's powers are enhanced because my bill reverses the current rescission approval approach in the Budget Act to a rescission disapproval approach. And that is what leads to the ultimate requirement that two-thirds of both Houses must override a President's line-item veto to permit the spending to go forward.

Mr. Speaker, last year I attempted to offer this approach to several appropriations bills, and we unfortunately lost on procedural votes on the rules involved. This year it is my intention to offer this initially as an amendment to the debt limit bill since I think we need this and other fiscal disciplines before we can approve any further increase in the debt limit. I urge my colleagues who have not yet done so to cosponsor this bill.

At this point in the RECORD, Mr. Speaker, I include a summary and the text of my bill, a press statement I issued in November, and a letter I sent to President-elect Clinton. The items follow:

COSPONSORS

Mr. Allard, Mr. Bachus of Alabama, Mr. Barrett of Nebraska, Mr. Boehner, Mr. Burton of Indiana, Mr. Dreier, Mr. Duncan, Ms. Fowler, Mr. Gallegly, Mr. Gillmor, Mr. Hall of Texas, Mr. Houghton, Mr. Hunter, Mr. Sam Johnson of Texas, Mr. Lewis of Florida, Mr. McCandless, Mr. McHugh, Mr. Michel, Ms. Molinari, Mr. Oxley, Mr. Packard, Mr. Quillen, Mr. Ramstad, Mr. Rohrabacher, Mr. Schiff, Mr. Sensenbrenner, Mr. Smith of Texas, Mr. Stump, Mr. Sundquist, Mr. Upton, Mr. Walker, Mr. Walsh, and Mr. Zeliff.

SUMMARY OF LEGISLATIVE LINE-ITEM VETO ACT OF 1992

The bill is based on H.R. 78 introduced by Rep. Jimmy Duncan (R–TN) on Jan. 3, 1991 (referred to the Committees on Rules and Government Operations; 124 current cosponsors), except that it would only apply to fiscal 1993 appropriations bills;

Under the terms of the bill, the President could send Congress a special message within

20 calendar days after the enactment of a fiscal 1993 appropriations bill, rescinding all or part of any discretionary budget authority contained in that bill;

The budget authority would be considered canceled unless both Houses, by majority vote, pass a joint resolution disapproving the rescission, in whole, within 20 days of session after the message is received, and the joint resolution becomes law;

After congressional passage of a joint resolution of disapproval, the President would have the constitutional ten days in which to sign or veto it, and, if it is vetoed, Congress would have an additional five days of session in which to vote to override the veto (a two-thirds vote of both Houses being required under the Constitution);

A joint resolution of disapproval would be subject to ten hours of debate in the Senate and in accordance with the rules of the House, and would not be subject to amendment in either House;

If Congress adjourns its final session sine die before the expiration of the 20-day review period, the rescission would not take effect, but the message shall be deemed to have been resubmitted on the first day of the new Congress.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Legislative Line Item Veto Act of 1993".

SEC. 2. LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY.

(a) IN GENERAL.—Notwithstanding the provisions of part B of title X of The Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of any discretionary budget authority for fiscal years 1994 and 1995 which is subject to the terms of this Act if the President—

(1) determines that—

(A) such rescission would help balance the Federal budget, reduce the Federal budget deficit, or reduce the public debt;

(B) such rescission will not impair any essential Government functions;

(C) such rescission will not harm the national interest; and

(D) such rescission will directly contribute to the purpose of this Act of limiting discretionary spending in fiscal years 1994 or 1995, as the case may be; and

(2) notifies the Congress of such rescission by a special message not later than 20 calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriations act for fiscal year 1994 or 1995 or a joint resolution making continuing appropriations providing such budget authority for fiscal year 1994 or 1995, as the case may be.

The President shall submit a separate rescission message for each appropriations bill under this paragraph.

SEC 3. RESCISSION EFFECTIVE UNLESS DISAPPROVED.

(a) Any amount of budget authority rescinded under this Act as set forth in a special message by the President shall be deemed canceled unless during the period described in subsection (b), a rescission disapproval bill making available all of the amount rescinded is enacted into law.

(b) The period referred to in subsection (a) is—

(1) a congressional review period of 20 calendar days of session during which Congress must complete action on the rescission disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional 10 days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission disapproval bill; and

(3) if the President vetoes the rescission disapproval bill during the period provided in paragraph (2), an additional 5 calendar days of session after the date of the veto.

(c) If a special message is transmitted by the President under this Act and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission shall not take effect. The message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such first day.

SEC. 4. DEFINITIONS.

For purposes of this Act—

(a) the term 'rescission disapproval bill' means a bill or joint resolution which only disapproves a rescission of discretionary budget authority for fiscal year 1993, in whole, rescinded in a special message transmitted by the President under this Act; and

(b) the term 'calendar days of session' shall mean only those days on which both Houses of Congress are in session.

SEC. 5. CONGRESSIONAL CONSIDERATION OF LEGISLATIVE LINE ITEM VETO RESCISSIONS.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in this Act, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority pursuant to this Act;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission; and

(5) all factions, circumstances, and considerations relating to or bearing upon the rescission and the decision to effect the rescission, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGES TO HOUSE AND SENATE.—

(1) Each special message transmitted under this Act shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate if not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(2) Any special message transmitted under this Act shall be printed in the first issue of the Federal Register published after such transmittal.

(c) REFERRAL OF RESCISSION DISAPPROVAL BILLS.—Any rescission disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

(d) CONSIDERATION IN THE SENATE.—

(1) Any rescission disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this Act.

(2) Debate in the Senate on any rescission disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to 1 hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed 1, not counting any day in which the Senate is not in session) is not in order.

(e) POINTS OF ORDER.—

(1) It shall not be in order in the Senate or the House of Representatives to consider any rescission disapproval bill that relates to any matter other than the rescission budget authority transmitted by the President under this Act.

(2) It shall not be in order in the Senate or the House of Representatives to consider any amendment to a rescission disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

SOLOMON SAYS CLINTON SHOULDN'T BE "SNOOKERED" BY DEMOCRATIC LEADERSHIP ON LINE-ITEM VETO COMPROMISE

Congressman Gerald B. Solomon (R–NY), the Ranking Republican member of the House Rules Committee, today released the following statement regarding Speaker Foley's offer of a line-item veto compromise to President-elect Clinton:

President-elect Clinton should not be snookered into believing that the line-item veto compromise offered by Speaker Foley is anything close to being a true line-item veto.

In the first place, the proposal the Speaker has been touting to Clinton is not even an "enhanced rescission" approach as he has characterized it, but rather an "expedited consideration of rescission proposals." It simply compresses the current timetable for considering presidential rescissions from 45-days to 20-days and mandates a veto on approving the rescissions.

Secondly, the Speaker has represented the approach as allowing the Congress to reinstate the vetoed spending items by majority vote. If that were the case, the proposal would be unconstitutional. What it actually does is to permit a majority of either House to block a rescission by rejecting a rescission approval bill.

So, it is not correct for President-elect Clinton to interpret the proposal as being the same as the Arkansas line-item veto in which a majority of both Houses can override a line-item veto. It would only take 51 Members of the U.S. Senate to block the President's rescission.

I hope the President-elect will not be taken-in by the Democratic Leadership on this so-called compromise and will stick by his campaign promise to ask for a real line-item veto that will stick.

We in the Republican Conference will give Members a chance to vote on reporting a true, legislative line-item veto, "enhanced rescission" approach on the opening day of Congress, January 5th, as part of our House Rules substitute. This approach would ultimately require a two-thirds vote of both Houses to override a presidential veto of a rescission disapproval bill.

Moreover, we will work to attach such a provision to the debt limit bill in February or March, and will also file a discharge petition on a line-item veto constitutional amendment.

We Republicans want to give the President what he has asked for to eliminate wasteful, pork-barrel spending from appropriations bills, and we fully expect a majority of Democrats to back-up their own President in that regard as well.

For the Democratic leaders to try to pull the pork over the President-elect's eyes at this early stage by misrepresenting the compromise they are offering, is a cynical power play that will only make the President look foolish when the truth comes out as to what the proposal really entails. The honeymoon will be over before the marriage ceremony even begins.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 16, 1992.

Hon. BILL CLINTON
President-Elect of the United States, Transition Headquarters, Washington, DC.

DEAR MR. PRESIDENT-ELECT: First of all, congratulations on your election. I look forward to working with you and your Administration on many areas of common interest and concern in the new Congress. I welcome your call for a bipartisan approach to problems and I know our Republican Leader feels the same.

Second, I want to strongly urge you to stick to your campaign pledge of wanting a true line-item veto and to reject any watered-down variations. Specifically, I would urge you to take a hard and close look at the proposal Speaker Foley has urged you to accept.

Contrary to the way he has represented it, it is not "enhanced rescission" approach and it would not require a majority of both Houses to override your rescissions (that would be unconstitutional under the Chadha doctrine). The compromise to which the Speaker refers is H.R. 2164 (102d Congress) as introduced by Representative Carper of Delaware, the "Expedited Considerations of Proposed Rescissions Act of 1991," which was passed by the House on October 2, 1992.

It would compress the current rescission approval period for Congress from 45-days to 20-days, permit the President to submit a rescission package with respect to each of 13 regular appropriations bills, prohibit the President from rescinding more than 25% of a newly authorized program or more than the difference between current-year and previous-year budget authority for a previously authorized program or item, while allowing up to a 100% rescission for any unauthorized item of budget authority. It also differs from existing Budget Act rescission procedures in that it mandates the introduction of and a vote on each rescission message submitted by the President and prohibits any amendments to the rescission package.

But like the current rescission procedures, for the rescission to take effect, a rescission approval bill must be passed by majority vote of both Houses and signed into law by the President. Put another way, instead of requiring a majority of both Houses to block a rescission, a majority of just one House could do so by rejecting the rescission approval bill.

What I attempted to offer in the House this year on several occasions was a truer legislative, line-item veto, enhanced rescission bill (H.R. 5915). It too would permit the President to submit a rescission package with respect to each appropriations bill and give Congress 20-days in which to act on it. But, unlike the Carper bill, it would permit the rescission to take effect unless both Houses of Congress pass a rescission disapproval bill, and it becomes law. Put another way, while a majority of both Houses is needed to pass a disapproval bill, if it is vetoed by the President, as expected, it would then take two-thirds of both Houses to override the veto and force the money to be spent.

I intend to reintroduce this bill on the first day of the new Congress on January 5th, and will press for early action on it, probably as an amendment to the bill raising the public debt limit in February or March. While my bill will propose a two-year trial run of this enhanced rescission approach, I will also reintroduce a line-item veto constitutional amendment that would be permanent, and again intend to support a discharge petition if it appears it will not be reported from the House Judiciary Committee.

In conclusion, I hope you will not now back off your campaign pledge simply because the leadership of Congress does not like the line-item veto. I think you will find that a true line item veto has widespread support from the general membership of both parties in both Houses.

With all best wishes for your presidency, I am

Sincerely yours,
GERALD B. SOLOMON,
Member of Congress.

THE FEDERAL RESERVE SYSTEM ACCOUNTABILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, today I am introducing the Federal Reserve System Accountability Act of 1993 which will serve to make the Federal Reserve a stronger and more efficient central bank. I urge my colleagues, the Federal Reserve, the incoming administration, and the American public to keep an open mind about the changes I am proposing, changes which are long overdue and in the public interest.

Also, I am introducing a bill to provide economic stimulus for the Nations sagging economy.

The changes I am proposing are quite modest. There is nothing to fear in this bill. The legislation does not seek to politicize the Federal Reserve or take away its independence. The legislation does not call for the Federal Reserve to do anything that would cause inflation to soar or prices to destabilize. The legislation does not require the Federal Reserve to set any particular monetary targets. And, the legislation does not ask that the Congress micromanage the Federal Reserve.

Rather, the Federal Reserve System Accountability Act requires that the Federal Reserve, the central bank of the United States, be accountable for its monetary decisions, decisions that can have a tremendous impact on the economy. The legislation also makes changes in the selection process of the Federal Reserve bank presidents to assure that these key decisionmakers reflect the diversity of our population.

The Federal Reserve exerts immense influence over the American economy because of its ability to influence employment, interest rates, inflation, and the international value of our currency. The Federal Reserve controls powerful monetary policy instruments that it can use to initiate a depression, or to cause a rapid inflation which would tax away the savings of the middle class and erode the income of the poor. These monetary policy instruments can also be used to contribute to a healthy economy.

The decisionmaking committee with the greatest and most important economic policy authority in the Federal Reserve and, many would say, within the entire Federal Government is the Federal Open Market Committee, or FOMC. There is no question that the FOMC runs our Nation's monetary policy because it has complete and final governmental authority to manage the U.S. money supply. That power was given to the Federal Reserve by Congress and by a 1951 agreement between the Treasury and the Federal Reserve.

New dollar bills printed at the U.S. Bureau of Engraving are delivered to the 12 regional Federal Reserve banks by the U.S. Treasury. The FOMC through what is called open market operations can, in effect, order these dollar bills to be circulated in any amounts it chooses. Too little money can strangle the economy. Too much money can cause inflation. The proper growth of the money supply is important to maintaining healthy economic growth and prosperity.

The Federal Reserve System Accountability Act will not remove the FOMC's enormous authority to change the money supply. Rather, this legislation would require the President of the United States to nominate those who would serve on the powerful FOMC. These nominees must include representatives of agriculture, small business, labor, consumer and community groups, women and minorities. Once nominated, the candidates would have their credentials and their intentions fully and publicly scrutinized by the Senate during confirmation hearings. This is no different than the process currently used to select the Governors of the Federal Reserve.

Full accountability in a democracy is essential and, I think, consistent with the intentions of the Framers of our Constitution. The appointment clause of the Constitution, article II section II, clause 2 specifies:

> He [the President] * * * shall nominate, and by and with the Advice and Consent of the Senate * * * all other Officers of the United States, whose Appointments are not herein otherwise provided for * * *.

Clearly, those who have final authority for managing our Nation's money supply should be superior or senatorial officers subject to appointment clause.

Currently, the 12 member FOMC is composed of the seven members of the Board of Governors of the Federal Reserve and 5 of the 12 presidents of the regional Federal Reserve banks. The president of the New York Federal Reserve Bank is always on the FOMC while the other four seats on the FOMC are given on a rotating basis to the other 11 regional Federal Reserve bank presidents. As I mentioned before, the seven members of the Board of Governors are appointed by the President of the United States and confirmed by the Senate, but not the regional bank presidents.

Some argue that confirmation of those voting on our Nation's money supply would "politicize the Federal Reserve". This charge is false. In reality, these changes would make the presidents more independent from short-run political winds. Let me tell you why.

First, it should be emphasized that at present the presidents of the Federal Reserve banks are dependent on the seven members of the Board of Governors who also serve on the FOMC. The bank presidents must receive the approval of the Board of Governors for their initial appointment and for subsequent appointments every 5 years. The presidents are certainly not now coequal members of the FOMC with the seven members of the Board of Governors. The political pressures that result from the dependence of presidents on the Board of Governors members for their jobs and salaries is removed by the Federal Reserve System Accountability Act.

Second, consider the method of selection at the German central bank, the Deutsche Bundesbank, which has been classified as both the most independent central bank and the bank most determined to avoid policies causing inflation. Although it might surprise some, the truth is that the German central bank requires Federal Government action for the appointment of its monetary policy decisionmakers.

The process goes like this. The nine presidents of the land central banks of each German state, which are part of the Bundesbank, are nominated by the Bundesrat, which is one of the two chambers of the German Parliament. After consultation with the Central Bank Council, which is similar to the FOMC in our Federal Reserve, the nominees are appointed by the President of the Federal Republic of Germany. These nine state bank presidents form part of the Central Bank Council of the Bundesbank which also includes the eight directors of the Bundesbank. This Central Bank Council votes on monetary and policy operations.

This is where the similarity ends. The Federal Reserve does not require the same Federal review of all its monetary policy decisionmakers as does the German central bank. At present the selection of the presidents of the regional Federal Reserve banks is an in-bred process with no public accountability. The Federal Reserve bank presidents are elected by the nine-member board of directors at each bank, subject to the approval of the Board of Governors. The nine-member boards of directors of each bank is composed of three members appointed by the Board of Governors and six elected by the member banks in each district.

Who have the bankers elected to these boards that, in turn, elect the people who vote on our money supply? The House Banking Committee issued a report addressing that question in 1977. The answer is: "The virtual exclusion of women, blacks, and representatives of labor unions, consumer interest organizations, nonmanagerial and nonproducer interest groups." In response, the Congress passed the Federal Reserve Reform Act of 1977. The act requires that all Federal Reserve bank directors be chosen "without discrimination on the basis of race, creed, color, sex, or national origin."

I had my staff conduct an intensive study in 1990 to see if diversity had occurred as specified in the law. The report, "A Racial, Gender, and Background Profile of the Directors of the Federal Reserve Banks and Branches" provided the answer. The Federal Reserve has simply said "no" to diversity. For example, according to the staff report, among the 72 class A and B directors who are chosen by private member banks in the 12 Federal Reserve districts there was one African American, no Hispanic Americans, and only three women. Of the 36 class C directors chosen by the members of the Board of Governors—who are supposed to represent the public—50 percent were former bank directors and none worked for consumer or labor organizations.

The Federal Reserve selects directors from a small pool of bankers, retired bankers, and their friends in industry. Not only is this in violation of the 1977 act, it ignores the demographics of the public as a whole and the markets the banks serve throughout our country. The upper echelons of the Federal Reserve's management—the top staff at the Board of Governors, the 12 presidents of the Reserve banks and the 7 members of the Board of Governors—have been and continue to be practically devoid of women and minorities. In other words, women and minorities have little or no say in the conduct of our Nation's monetary policy and in bank regulation. The lack of female and minority representation alienates tens of millions of Americans from representation and influence.

It comes as no surprise that the Federal Reserve recently reported extensive bias against minorities in bank lending. These minorities are just as underrepresented on the boards of the 4,623 State and nationally chartered banks that are currently members of the Federal Reserve System, as they are on the boards of the Federal Reserve banks.

I believe we should start to remedy this problem by making the Federal Reserve banks a role model for the entire banking industry. We simply must change the method of selecting Federal Reserve bank presidents so that the old boy network gives way to a more diverse representation. This will give banks the incentive to follow the leader. Increasing the number of women and minorities in decisionmaking positions at our Nation's banks will have the positive effect of creating a lending atmosphere cognizant of the needs of creditworthy borrowers, regardless of their race or sex or place of residence.

The Federal Reserve System Accountability Act contains language which will help end the Federal Reserve's discrimination against women and minorities. The legislation requires that the Federal Reserve abide by the Civil Rights Act of 1964, which guarantees employees' basic civil rights, including the ability to pursue the Federal Reserve for discrimination. It is time the Federal Reserve entered the 20th century and adopted and embraced these civil rights principles.

Some have suggested that requiring the Federal Reserve Bank presidents to go through Senate confirmation will deter qualified candidates from seeking the position. Public examination of important Government decisionmakers' credentials and objectives is a price that applicants must pay in a democracy because the public is the employer for whom these people will serve. Private examination of the bank presidents' credentials and objectives, as is currently done by the Board of Governors, bypasses public accountability and weakens the trust the public has in the Federal Reserve. A bank president whose interests are the same as the public should have nothing to fear from the confirmation process.

The Federal Reserve System Accountability Act would increase the number of members of each Federal Reserve bank's board of directors appointed by the Board of Governors to six. Currently, the Federal Reserve Governors only appoint three directors of each Federal Reserve bank. In addition, the legislation requires the Federal Reserve Governors to bypass bankers in favor of those representing the public when they appoint these directors. The Federal Reserve member banks would be allowed to elect three members of the Reserve Bank Board of Directors drawn from the banking industry. The changes proposed by the legislation will help to insure that the boards of directors reflect the diversity of populations in each of the 12 Federal Reserve districts. Currently it is difficult to enforce diversity when the constituency is limited to the banking industry which has been found to be practicing bias, whether intentional or otherwise, in making loans.

In addition, the American public should know that of the Federal Reserve System member banks that vote for these Reserve bank directors, approximately 60 banks, with $130 billion in assets, are foreign owned. In the New York Federal Reserve District 33 percent of the medium-sized member banks and 25 percent of the large member banks voting for the directors of the New York Federal Reserve Bank are foreign owned. This must be considered in light of the fact that the president of the New York Federal Reserve Bank always sits on the FOMC.

Foreign-owned banks can have close connections with foreign governments or foreign causes that are not in our national interest. Officials of foreign-owned banks should not be voting for directors of the Federal Reserve banks. This is the wrong constituency for Federal Reserve bank presidents who serve on the FOMC. Our top economic decisionmakers should not even have the appearance of a conflict of interest with regard to the objectives of U.S. Government policies. The Federal Reserve System Accountability Act would end the present method of selecting presidents of the Federal Reserve banks.

I now turn to the issue of making the FOMC accountable for its actions. For many years, beginning in 1936, the FOMC prepared paraphrased minutes of its meetings. These minutes included detailed documentation of discussions and identified the specific views advanced by FOMC members. On May 5, 1964 the FOMC unanimously adopted procedures for releasing the minutes to the public 5 years after the meeting took place. With the passage of the Government in the Sunshine Act of 1976 which required that minutes of meetings of public agencies be made public, and following some litigation, the Federal Reserve decided on an outrageous way to evade the law. The FOMC just stopped taking minutes.

The Federal Reserve System Accountability Act remedies this failure to take minutes by requiring that the FOMC provide a complete record of its meetings to the public.

J.L. Robertson, a former vice chairman of the FOMC, wrote the following to the House Banking Committee in 1976:

> If minutes of the (FOMC) meetings are not kept and eventually made available, there would be no possible way for the Congress or members of the public to appraise the contribution of any member of the Committee to the formulation of policy.

Anna Schwartz, the distinguished money and banking scholar who with economist Milton Friedman wrote a detailed history of money and banking in the United States, is especially qualified to comment on what kind of a record establishes accountability at the Federal Reserve. She wrote to the committee in 1976:

> I now favor mechanically reported verbatim records of all meetings * * *.

To assure that the public receives an accurate depiction, the act requires that the FOMC videotape its meetings and release the footage 60 days after the meeting occurred. A written transcript of the meetings would also be required to be released. The FOMC normally meets eight times a year.

The FOMC must end its secret deliberations which affect the economic well being of every person in this Nation. It must let the sunshine in when it comes to accountability to the public it serves. The Federal Reserve System Accountability Act will restore accountability at FOMC meetings.

To assure greater accountability at the Federal Reserve itself, the legislation requires that the Federal Reserve be subject to the Freedom of Information Act, which allows the public to gain access to Federal Reserve documents. This provision will help to ensure that the Federal Reserve is accountable to the public for its policies. The Federal Reserve is opposed to this provision, but I firmly believe that the public has the right to know.

I also believe the General Accounting Office [GAO] should have audit authority for all Federal Reserve operations. In 1978 Congress gave the GAO the right to audit the Federal Reserve. However, in large part because of another lobbying campaign conducted by the Federal Reserve through the boards of directors of its Federal Reserve banks, the GAO audit was severely limited. The limitations include prohibiting the GAO from auditing any Federal Reserve operations connected with monetary policy or international operations.

I believe the GAO should audit the Federal Reserve's open market operations. Last year the Federal Reserve open market operations amounted to more than $3.7 trillion while the net change in securities for the year was $29 billion. Are we to believe some scholars who say this is extreme churning—unnecessary buying and selling—that, as a byproduct, enriches Government money market dealers? I want to be able to ask the GAO to look into this practice.

The proposed legislation also requires the Federal Reserve Board and each Reserve bank to be audited annually by an independent public accountant.

The Federal Reserve System Accountability Act also establishes a Federal Reserve Reform Commission to study a number of important issues. These issues are:

First, the appropriateness of existing Federal Reserve Districts: Should we continue to base the districts on U.S. population and aggregate incomes of over 70 years ago? Should we have only one Federal Reserve bank west of Kansas City where approximately half the population currently lives? Steelville, MO was found to be the center of population in the 1990 census.

Second, the feasibility of further privatizing the check clearing system rather than having the Federal Reserve dominate the check clearing system: Can privately owned check clearing systems provide our citizens with less expensive and more rapid check clearing services? Can privately owned check clearing services provide more rapid record retrieval so that lost checks can be quickly traced?

Third, the rationale for the $30.1 billion SWAP fund internally authorized by the FOMC to intervene in international currency markets: Sometimes the FOMC uses the SWAP fund to make longer term arrangements that are essentially loans to foreign countries without any congressional budgetary authorization? The Treasury has an exchange stabilization fund which has the same function as the Federal Reserve SWAP fund. Yet the Treasury fund currently receives congressional budgetary authority. Why should the Federal Reserve be treated differently?

The 1962 minutes of the FOMC show that Vice Chairman J.L. Robertson told the FOMC that he questioned the legality of the fund which he thought was being started to give the FOMC an unlimited pocketbook and a way to bypass congressional budgetary approval.

Also, I have introduced a third bill to correct a gross injustice imposed on home owner through the corrupted escrow account system.

In conclusion, I believe the public has the right to ask its central bank decisionmakers to be accountable for the monetary policy it designs for them. The public has the right to require audits of Federal Reserve operations so as not to be kept in the dark. The public has the right to require that the decisionmaking jobs at the Federal Reserve structure should be modernized so that it can efficiently service all regions of the country on the basis of the location of our citizens and our businesses in the 1990's and the 21st century. The Federal Reserve System Accountability Act is essential to meeting these needs.

H.R.— FEDERAL RESERVE SYSTEM ACCOUNTABILITY ACT OF 1993

SECTION-BY-SECTION ANALYSIS

Section 1. Short title: "Federal Reserve System Accountability Act of 1993."

Section 2. Public Accountability of Boards of Directors of Federal Reserve Banks:

Section 2 of the Federal Reserve System Accountability Act of 1993 restates and reorganizes paragraphs 4 through 24 of section 4 of the Federal Reserve Act. Paragraphs 1 through 3 are omitted from section 4 of the Federal Reserve Act as rewritten since they relate to the initial organization of the Federal reserve banks and have not been codified. Section 2(a) retains much of current law; the law is rewritten and organized into subsections and paragraphs for easier reading. Substantive changes to section 4 of the Federal Reserve Act are noted below.

Section 4(a) of the Federal Reserve Act sets forth the general corporate powers of a Federal reserve bank. The powers set forth in paragraphs (1) through (4) and (6) through (8) are the same as those under current law. Section 4(a)(5) permits the board of directors to appoint officers other than the president. Under current law, the board of directors also may appoint the president of the bank.

New section 4(b)(1) of the Federal Reserve Act provides that the president of each Federal reserve bank shall be appointed by the President of the United States, by and with the consent of the Senate. Currently, the president is elected by the board of directors of the bank. The President must include representatives of agriculture, small business, labor, consumer and community organizations, women, and minorities when appointing presidents of the Federal reserve banks. Note that "consumer and community organization" is defined in section 4(k) of the Federal Reserve System Accountability Act.

New section 4(b)(2) of the Federal Reserve Act provides for a first vice president who shall serve as chief executive officer of each Federal reserve bank in the event of the president's absence or disability or a vacancy in the office of president. (Same as current law). However, service as acting chief executive officer has a time limit of not more than 120 days.

The president and first vice president shall have a term of five (5) years, as is the case under current law.

Section 4(b)(4) provides that a vacancy in the office of the president or first vice president shall be filled in the manner in which the original appointment was made and the person so appointed shall hold office for the remainder of the term of such person's predecessor. Thus, section 4(b)(4) retains current law.

Section 4(c) of the Federal Reserve Act sets forth the duties of the board of directors of each Federal reserve bank. The duties are the same as those set forth under current law. The general conditions under which credit may be extended by the Federal reserve banks and the power of the Board of Governors to prescribe regulations further defining those conditions are enumerated in section 4(c). The conditions and powers are the same as those currently set forth in paragraph 8 of section 4 of the Federal Reserve Act.

The Federal Reserve System Accountability Act substantially amends the composition and method of selecting members of the board of directors of each Federal reserve bank.

New section 4(d) of the Federal Reserve Act states that each board shall consist of 9 members; 3 shall be Class A members and 6 shall be Class B members.

The Class A members are elected by the member banks of the Federal reserve district, as described below in section 4(e), and are representative of those banks. The Class B members are appointed by the Board of Governors, as described below in section 4(f). The Class B members represent the public and are representative of the public. One Class B member shall be designated by the Board of Governors to serve as the chairperson of the board of directors of the Federal reserve bank.

As is the case under current law, section 4(d)(5) of the Federal Reserve Act provides that no member of Congress can serve as a member of the Board of Governors or as an officer or director of a Federal reserve bank.

Section 4(d)(6) retains a 3 year term limit for members of the boards of directors and provides for interim appointments.

Section 4(d)(7) retains current law by providing that director vacancies are to be filled in the manner in which the original selection was made.

New section 4(e) of the Federal Reserve Act provides for the nomination and election of Class A directors. The Board of Governors is instructed to classify the member banks of each Federal reserve district into 3 general groups of banks of similar capitalization, as is currently done under paragraph 16 of section 4 of the Federal Reserve Act. Each member bank can nominate one candidate for director of Class A. The nominees are then listed by groups and preferential ballots cast by each member bank for the nominees of the group to which the bank belongs. This is the same process for the election of Class A directors found in paragraphs 16 and 17 of section 4 of the Federal Reserve Act.

Sections 4(e)(4) (A) through (C) retain current law regarding the eligibility of directors on the basis of group, the special rule that applies in the case of a candidate that serves as director or officer of more than 1 member bank, and the determination of electors for member banks that are affiliates of the same holding company.

Section 4(e)(4)(D) states that an officer, director, employee, or controlling shareholder of a foreign bank which is controlled by a foreign government, or of any branch, agency, or company controlled by any such foreign bank, is ineligible to serve as a director of any Federal reserve bank. A foreign bank which is controlled by a foreign government cannot participate in the election or nomination of class A directors. Control is determined in accordance with section 2 of the Bank Holding Company Act of 1956.

New section 4(f) governs describes the eligibility requirements of Class B directors. The Board is instructed to include representatives of agriculture, small business, labor, consumer and community organizations, women, and minorities when appointing Class B board members. No Class B director may be a director, officer, employee, or shareholder of any depository institution or depository institution holding company. Any person who has resided in the bank's district for less than 2 years or who has been a director, officer, employee, or controlling shareholder of any depository institution or any affiliate of a depository institution during the preceding 2 year period is not eligible to serve as a Class B director.

The Board of Governors is instructed to designate one Class B director of each Federal reserve bank as chairperson and Federal reserve agent and one Class B director as deputy chairperson for the district of the bank, pursuant to section 4(g) of the Federal Reserve Act. The duties and compensation of the chairperson are set forth in section 4(g)(2) and are the same as current law.

Section 4(h) provides that the Federal reserve agent can appoint one or more assistant Federal reserve agents from among individuals with tested banking experience. The duties and compensation of the assistant Federal reserve agents are set forth in section 4(h) (2), (3), and (4) and are the same as current law.

Section 4(i) of the Federal Reserve Act retains current law regarding the compensation and expenses of directors, officers, and employees of the Federal reserve banks.

Under section 4(j) of the Federal Reserve Act, the Board or the bank must publish in a newspaper of general circulation in the Federal reserve district a notice of the appointment or election of any member of the board of directors of any Federal Reserve bank.

"Consumer and community organization" is defined in section 4(k) of the Federal Reserve Act to mean any organization which has more than a 2-year history of representing consumer or community interests in the provision of banking services, services in connection with meeting credit needs, or housing and financial consumer protections.

"Minority" is defined in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 as, "any Black American, Native American, Hispanic American, or Asian American."

Section 2(b) of the Federal Reserve System Accountability Act states that the amendments made by section 2(a) are effective one year after the date of enactment of the Act. The Board of Governors may prescribe regulations prior to the effective date.

Section 2(c) of the Federal Reserve System Accountability Act establishes the transition to the system for the election of directors and appointment of presidents established in section 2(a). Under section 2(c), the term of office for each director and president of a Federal Reserve bank shall end on the effective date of the Federal Reserve System Accountability Act. Thereafter, the presidents shall be appointed for staggered terms, i.e. 3 shall be appointed for a term of 5 years, 3 for a term of 4 years, 2 for a term of 3 years, 2 for a term of 2 years, and 2 for a term of 1 year as designated by the President of the United States at the time of appointment.

Of the Class A directors first elected after the effective date of the Federal Reserve System Accountability Act, 1 shall be elected for a term of 3 years, 1 for a term of 2 years, and 1 for a term of 1 year, as designated by the Board of Governors.

Similarly, of the Class B directors first appointed after the effective date of the Federal Reserve System Accountability Act, 2 shall be appointed for a term of 3 years, 2 for a term of 2 years, and 2 for a term of 1 year, as designated by the Board of Governors.

Section 3. Independent audits of Federal Reserve Board and Federal Reserve banks required:

Section 3(a) amends section 11A of the Federal Reserve Act by adding a new section 11B, Independent Audits. Section 11B(a) requires the financial statement of the Board and of each Federal reserve bank to be audited annually by an independent certified public accountant.

Section 3(b) amends 31 U.S.C. section 714(b) by striking the list of exceptions to the authority of the Comptroller General to audit the Board of Governors of the Federal Reserve System and the Federal reserve banks.

Section 4. Prompt public disclosure of open market committee meetings:

Section 4 adds a new subsection (d) to section 12A of the Federal Reserve Act. The section requires a written copy of the minutes of each meeting of the Federal Open Market Committee (FOMC) and a transcription and a videotape of the meeting to be made publicly available within 60 days of the meeting. A description of any determination or directive made by the FOMC at any meeting must be made publicly available within 1 week of the meeting.

Section 5. Eligibility requirements for board of directors of branches of Federal Reserve banks:

Section 5 amends section 3 of the Federal Reserve Act by organizing it into subsections and paragraphs. In addition, section 5 provides that when appointing members of the board of directors of any branch of a Federal reserve bank, each Federal Reserve bank and the Board shall include representatives of agriculture, small business, labor, consumer and community organizations, women and minorities. Members of the board of directors appointed by the Board of Governors must meet the same eligibility requirements as those imposed on the Class B directors of the Federal reserve banks.

Section 6. Federal Reserve district advisory councils:

New section 4(l) of the Federal Reserve Act requires each Federal reserve bank to establish at least one advisory council consisting of representatives of agriculture, small business, labor, consumer and community organizations, women, and minorities to advise the bank. The councils are required to meet at least semi-annually and at least 1 member of the board of directors of the Federal reserve bank must attend each meeting. Each advisory council must submit to the bank any recommendations it makes.

Section 7. Repeal of exemption of Federal Reserve Board and Federal Reserve banks from title VII of the Civil Rights Act of 1964:

Section 7 amends section 701(b) of the Civil Rights Act of 1964 by including the Board of Governors of the Federal Reserve System and each Federal reserve bank in the definition of "employer."

Section 8. Federal Reserve Accountability Commission:

Section 8 of the Federal Reserve System Accountability Act establishes a Federal Reserve Accountability Commission (the "Commission"). The Commission is instructed to study the following:

(1) the appropriateness of the designation of existing Federal reserve cities and the boundaries of the existing Federal reserve districts;

(2) the appropriateness of the stock purchase requirement and the rate of dividends paid by Federal reserve banks to their shareholders;

(3) the fair market value of the check clearing operation of the Federal Reserve System and the feasibility of privatizing all or some of the check clearing functions;

(4) the effect of the regulations of the Board and the operations of the Board and the Federal reserve banks on low- and moderate-income families, including the effects on availability and cost of financial services and credit;

(5) the appropriateness of prohibiting the Board of Governors from engaging in swap operations or maintaining any swap fund other than by direction of the Secretary of the Treasury.

(6) the appropriateness of salary and classification system of the Board of Governors and the Federal reserve banks.

The Commission will consist of 9 members appointed as follows: 3 by the President (not more than 2 can belong to the same political party); 3 by the Speaker of the House (2 by the majority, 1 by the minority); 3 by the President pro tempore of the Senate (2 by the majority, 1 by the minority).

The term of each member shall be the life of the Commission. Members shall serve without pay but may receive travel expenses. Five members shall constitute a quorum. The Chairperson and Vice Chairperson of the Commission shall be designated by the President from among the members appointed by the President. The Commission shall meet at the call of the Chairperson or a majority of the members.

The Commission shall have a director who shall be appointed by the Chairperson with the approval of the Commission. The Director may appoint and fix the pay of personnel, with the approval of the Commission; however, the rate of pay may not exceed the level payable for level V of the Executive Schedule. Certain civil service laws do not apply to the appointment of the Director and staff of the Commission. The Director may procure the services of experts and consultants with the approval of the Commission. Staff of Federal agencies may be detailed to the Commission upon the request of the Chairperson.

The powers of the Commission are set forth in section 7(e). The Commission may hold hearings, meet, take testimony, and receive evidence. The Commission may obtain official data pursuant to the request of the Chairperson, use the United States mails, and receive, on a reimbursable basis, administrative support services.

The Commission must submit a final report to the President, the Board of Governors, and the Congress within 18 months of the enactment of the Federal Reserve System Accountability Act. The final report must including findings, conclusions, and any recommendations for legislative and administrative actions. The Commission will terminate not later than 30 days after submitting the final report.

One million dollars is authorized to be appropriated for fiscal years 1994 and 1995 for the Commission.

Section 9. Recess appointees and acting presidents of Federal Reserve banks prohibited from participating in decisions of the Federal open market committee.

New section 12A(e) of the Federal Reserve Act states that only individuals who have been appointed by the President, by and with the advise and consent of the Senate, can vote or approve any determination or directive made by the Federal Open Market Committee.

A technical and conforming amendment is made to section 12A(a) of the Federal Reserve Act to ensure that only Federal reserve bank presidents that have been appointed by the President can serve on the Federal Open Market Committee.

Section 10. Federal Reserve banks treated as agencies for purposes of Freedom of Information Act.

Section 10 amends 5 U.S.C. 552(f) by including Federal reserve banks within the list of entities treated as agencies for purposes of the Freedom of Information Act:

EMERGENCY COMMUNITY DEVELOPMENT ACT OF 1992

Mr. Speaker, today I am also introducing a bill to provide an economic stimulus for the Nation's sagging economy and collapsed public confidence level, which despite some recent indications of improvement, need to be addressed. This bill will create jobs mainly by spurring construction of public infrastructure activities and housing. This bill would authorize approximately $30.4 billion in budget and loan authority to be appropriated in this fiscal year 1993 for certain housing and community development programs that will generate an estimated 668,800 jobs.

This legislation is based upon testimony from economists, mayors, local, and State officials, and residents in hearings held in numerous cities throughout the United States and in Washington, DC, and reflects the unmet demand for funding for projects already planned and approvable applications already filed.

Mr. Speaker, the preponderance of evidence heard last year by the Banking Committee and several other committees established that infrastructure investment and investment in low-income housing are of sufficient long-term nature as to satisfy the concern that any increases in public spending might crowd out private sector borrowing and be detrimental to the long-term economic health of the Nation. The fact is that while providing an immediate economic stimulus, the provisions in this bill fall into the category of sound long-term investments that will yield long-term benefits and improve our Nation's economy.

This bill is a revised version of H.R. 4073 which I introduced last January 3, 1992, and that was reported by the Banking Committee on May 14, 1992. This bill has been revised by increasing the funding level from $10 billion to $25 billion for infrastructure investment, distributed through the community development block grant [CDBG] formula and by deleting those provisions previously in the bill that were already adopted in the Housing Act of 1992.

This bill would provide this country with an opportunity to create jobs through providing funding for streets, sewers, water systems, and other capital improvement programs that rural and urban communities already have planned, but lack necessary Federal funding and for additional housing assistance to expand the stock of affordable housing.

Cities and States have suffered from devastating neglect during the decade of the eighties as costs and demand for services and improvements have escalated. This bill represents an opportunity to invest in existing programs that have a proven track record and, in so doing, jump start the economy while providing for long-term growth.

This bill is carefully crafted to satisfy several principles as follows: first, each activity provided for in this bill will spend out quickly; second, the bill utilizes existing programs so that no new and extensive regulations would be required; third, the bill includes only those activities that would clearly lend themselves to long-term growth, as well as serving as a short-term stimulus; and fourth, the bill maximizes job creation in each of the activities undertaken.

The bill meets each of the principles cited above and has been supported in the past by the broadest possible array of public interest and industry organizations for this type of legislation: the homebuilders, realtors, mortgage bankers, both the rural and urban low-income advocacy groups, labor, the cities, counties, and State governments, as well as many academicians. It is my hope that the bill again will enjoy such strong support.

This bill would authorize: $25 billion for temporary assistance for certain community development activities; $500 million for first-time home buyers assistance through the national homeownership trust; and $4.9 billion for rural low-income housing programs—credit budget costs and rural grants are actually $1.9 billion.

I ask that Members join in the cosponsorship of this important legislation.

ESCROW ACCOUNT REFORM ACT OF 1993

Mr. Speaker, today I am also introducing a bill that will address some of the problems and frustrations that homeowners have with the manner in which their escrow accounts are calculated and maintained.

The law governing the establishment and maintenance of escrow accounts is part of the Real Estate Settlement Procedures Act of 1974 [RESPA]. This law was designed to permit the establishment of escrow accounts in reasonable amounts sufficient to ensure the payment of property taxes, insurance and other like charges when they come due. However, due to ambiguities in the law and the lack of an adequate enforcement mechanism, many homeowners have been required to pay much more than what was reasonable. A study by seven State attorneys general found that two-thirds of all homeowners are required to pay more into their escrow accounts than the law permits. The average excess amount is about $170 per borrower. A copy of this report entitled, "Overcharging on Mortgages: Violations of Escrow Account Limits by the Mortgage Lending Industry," is published in the CONGRESSIONAL RECORD for October 10, 1991.

Further, due to the differing interpretations of RESPA, servicers have great latitude in applying RESPA to particular accounts. As a result, when loan servicing is transferred between servicers, borrowers can be required to pay additional and sometimes large sums to the new servicers. This bill will address some of these problems by clarifying the statutory requirements and providing for an enforcement mechanism for the escrow accounting provisions of RESPA. I will not go into detail about the legislation at this point: However, I do want to highlight some important provisions in the bill.

First, this legislation requires that the amount of money in the account must always fall at some point during the years to an amount equal to 2 months of escrow payments.

Second, the legislation requires the servicer to pay the borrower interest for the use of his or her money at a rate equal to the current passbook savings rate, as determined by HUD. However, unlike H.R. 3542, this is a prospective, not a retrospective change; it only affects mortgages which begin 1 year after the date of enactment. This requirement adopts the recommendation made at hearings before the Subcommittee on Housing and Community Development and should provide a disincentive for overcharging borrowers.

Third, the legislation enables the home borrower to pay his escrow expenses directly assuming that certain equity requirements and other financial requirements are met. The current escrow account requirements do not allow a borrower to assume responsibility for escrow expenses upon request. Under this bill, the borrower's request to pay escrow charges will require that the loan-to-value ratio is no more than 80 percent and that the borrower has agreed to make timely payments of all taxes, assessments, and premiums.

Fourth, the legislation clarifies that the borrower and HUD have the power to enforce escrow rights in court.

Finally, the bill directs HUD to study the feasibility of standardizing escrow procedures.

Once again, reform is needed to reduce the amounts home buyers are required to place in escrow accounts established to insure the payment of real estate taxes and insurance. It is intolerable that Federal law is ignored to the disadvantage of millions of American homeowners. This legislation will strengthen RESPA and provide HUD with the powers to enforce it.

CHANGES IN HOUSE RULES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, earlier today we had a rather important discussion of the House and the rules that we will operate under for the next 2 years. I realize that for most Members these are rather esoteric matters. They see the House rules as something that is internal and really not very important in terms of the legislative process. It is one of those things to get out of the way and not have to worry about in the future.

The fact is, though, that we made some fundamental decisions on the House floor today about how legislation will be structured in the future. The process is important, and the process by which we pass legislation often determines the content of that legislation.

We made some decisions today that I think will adversely affect the content of legislation and will undermine the ability of this body to do decent democratic work on legislation. I would like to discuss some of the rules that we did not discuss earlier today and try to outline what I think some of the implications are for this House in what took place here.

Some of the rules, of course, were fairly minor kinds of things that do not need much mention. For instance, changing the name of the Committee on Interior and Insular Affairs, I don't think is going to cause very much heartburn for any Member. But some of the matters that look fairly nondescript become problematic when it becomes necessary to actually operate the House. Let me give a couple examples.

We abolished the nonrecord teller votes. The teller vote is the process by which we count the number of Members voting for a particular amendment by having tellers assigned and the Members march up the center aisle and are counted individually on a matter before the House. This is something which is not used very often. It is something which is not normally a part of the process.

However, it becomes important in a particular sense. There are many times in the House of Representatives where we get to a late-night session or where we are headed for a weekend where there is a general agreement on both sides of the aisle that we will have no more record votes, that we want to proceed ahead with the legislation but that there will be no more record votes on matters before the House.

We have been able to accommodate that on most instances because what we get is either a division vote, where Members stand and are counted by the Chair, or we could use a teller vote to take the place of a record vote, if that became necessary, remembering that teller votes follow a division vote.

Of course, the division vote is still in place for the House, but by the elimination of the teller vote it seems to me that those kinds of deals will probably be very hard to get in the future. And I say that because on the minority side we do not trust very much some of the counts that we get on division votes.

We have learned that sometimes the Chair finds all kinds of extra votes out on the House floor, when they count for a division. And we do not have very much faith that division votes are counted accurately when it comes to crucial issues. So therefore, we have needed the teller vote as a way to make certain that we got a more accurate kind of count.

Now the teller vote will not be there, and the only way that we will be able to get the accurate count that we want will be to go to a record vote, which means that making deals to further the business of the House and move the House forward without record votes probably will be impossible to do in the future.

We created the Office of General Counsel in the new rules. That was interesting because the new office is created under the direction of the Speaker.

Now, this is something that the minority had thought would be an appropriate kind of thing to get, an independent general counsel. Of course, what we suggested was that it be an independent bipartisan general counsel, that the minority have into this office so that we would be aware of the legal matters before the House.

This general counsel, of course, is not a bipartisan office. It will be a strictly partisan office operated under the Speaker. But the way in which it was done raises a very interesting question.

As I understand it, the subpoenas that now come to the House of Representatives, subpoenas from various kinds of prosecutors around Washington, come into the Clerk's office. Up until now the counsel has been a part of the Clerk's office, and so he was the recipient of these subpoenas. Now the counsel will no longer be in the Clerk's office.

The question is, who now receives the subpoenas and who now informs the minority about those subpoenas, because the counsel will no longer have access to them? He is an independent office, separate and in the Speaker's office. And so there is now the question of who will receive the subpoenas and how will the minority, who has been guaranteed in the past that we were to receive information on subpoenas based on the receipt of them by the counsel, how will we get timely notification about subpoenas regarding criminal matters that are before the House of Representatives?

We do not see that covered in the rules. We did not hear any discussion of it on the House floor today. We know no precedents on this, and it raises some serious questions about whether or not the minority is once again going to be left out of the loop when it comes to the question of criminal subpoenas before the House. Is this another trick to take away from the minority its legitimate right to know about matters where the House is being subpoenaed on matters relating to criminality?

The rules also permit the Speaker to declare recesses of his own volition. This can be very, very harmful in the legislative process.

Under this particular process, if a matter appears to be going the wrong way for the majority side, the Speaker can simply declare a recess until the recalcitrant Members can be taken into a back room and told the facts of life. This, of course, will be something that will be used consistently against the minority, if it appears as though the minority is on the roll.

What we can have is a recess to kind of get the majority's act back together. That will not serve the best interests of the American people.

The American people, of course, will be represented by folks who think they are representing their districts and what we will have is recesses declared as a way of making certain that the people's interests get lost in the necessary special interests within the Congress.

It is a very, very bad change in the House rules.

We now have a new rule on the question of privileged resolutions. Privileged resolutions are something where individual Members can bring before the House matters of importance to the House. They largely, in recent years, have been used to uncover scandals in the House. Where there has been notification or where there has been concerns raised about things going wrong in the House of Representatives, what we have done is used privileged resolutions to bring those matters to the House floor and seek remedy for what was going wrong.

Now under this particular provision we will no longer be able to do that in a timely manner. The Speaker would be given the authority to postpone for 2 days consideration of certain questions of privilege which affect the rights of the House collectively. What that means is that if a Member brings up the question of some kind of scandal that is taking place in the House, the Speaker will have a chance to delay action on that matter. And it seems to me we will have opportunities for coverup to take place before resolution of the matter ever is allowed to be discussed on the House floor.

In another matter that was done in the rules, the Speaker was given the power to take Members off of select and conference committees. This is a very, very worrisome change.

Under this provision, if you are a part of a conference committee, remembering that conference committees are those committees that meet of both House and Senate Members, deciding the final form of legislation, if you are a member of a conference committee and you happen to be doing something that the Speaker does not like or that the majority party does not like, or are perhaps actually turning the legislation some, making it at least in your view better, the Speaker can actually reach onto that conference committee and with the permission of no one, pull you off of it.

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That is true of both minority and majority Members. So if I, as ranking member of the Committee on Science, Space, and Technology, have been assigned to a conference committee on matters relating to Science, Space, and Technology, and I am defending my party's position, which may be different from the majority party's position, the Speaker can in fact discipline me by removing me from the committee despite the fact that I am the leader of that committee for the Republicans in the House. I think that is terribly wrong, and it makes absolutely no sense.

In fact, what the Speaker can do under this provision is, he can actually remove all the minority Members from the conference committee. He could actually reach in and take everybody off who is a minority Member, leaving only majority Members on the committee that decides the final form of legislation, and that is not a democratic process at work, and he does not have to replace them, so that he can keep all the votes just being majority party votes. That is a terrible travesty within the process.

I must say to my friends on the majority side that they also ought to be worried about this, because the fact is if you are a recalcitrant Member on the majority side, the Speaker can also reach onto conference committees and take you off, so that you had better always toe the line, because if you are not toeing the line the fact is you can be removed from the conference committee. Once again, I see that as a power that borders on tyranny, rather than democracy.

Another provision is a provision that allows the committees of the House to meet during the House debate on amendments. Now, that often happens. There are often committee meetings taking place at the same time that the House is deliberating; the point being that up until now, for most committees, they had to get the permission of the House to do it. That is important, because what it assures is that only the most important committee meetings take place; that there is general unanimity that those committee meetings are so important that they outweigh what is going on in the House on any given day.

If committees are generally allowed to sit during the House amendment process, the deliberative function of the House will be further eroded. It is bad enough as it is. The fact is that on most debates, very few Members are on the House floor to listen to the debate anyhow, which means that Members are not present to get themselves informed on the floor amendments that they are being asked to vote on.

What we are now doing is saying, "We want even less Members on the floor," because what will be done is, they will be tied up in their committee meetings and won't be available to come to the floor.

Now, you put that together with another change that I regard as maybe being the worst, if not one of the worst, in this particular package. That is the idea of rolling committee quorums. This is a unique idea that the Democrats came up with in their rules package, which is very, very troublesome. One of the fundamental principles of parliamentary law, dating clear back to the formation of Thomas Jefferson's Manual, has been that a committee, and this is quoting from the Jefferson Manual, "can only act when together." To permit the committee to take actions without actually acting together is a very, very grave perversion of the legislative process and of the democratic process.

Under the rolling quorum concept, what can happen is that legislation can be passed not by a committee meeting in a room and deciding that it is time to pass the legislation, but by a declaration that "what we are going to do is allow the vote to remain open until sufficient members of the committee have shown up to vote on the matter," so literally the vote can take place over a matter of hours, over a matter of days, over a matter of weeks, over a matter of months.

A vote could be held open until the committee chairman or someone else had had a chance to muscle enough votes in order to do something that may not be in the public interest. That is a very, very bad way to legislate. In fact, it is one of the worst features of this package, because it totally abandons any sense of a deliberative process for considering legislation.

If you put the idea of committee meetings while the House is in session together with a rolling quorum, let me give you the kind of scenario that could develop. What you could have is a committee meeting amending a bill, the chairman may not be very happy with the amendments taking place to his bill, and all of a sudden the bells ring in the committee room designating the fact that there is going to be a vote on the House floor on an amendment.

The members of the committee have 15 minutes to come and vote on the House floor on that amendment, so at some point the members of the committee are going to get up and they are going to leave in order to make that House vote. After all, we are all held accountable for the votes that we make in the House of Representatives.

The chairman could decide on this particular instance he is not going to leave the committee room. Of course, only a chairman can declare a recess, so the chairman can wait until the whole room clears out of other Members, and then sit there himself and declare the bill passed, and declare a rolling quorum for the purpose of passage, thereby obliterating the chance for any other Member to offer an amendment and to change the bill.

Then the chairman could leave that vote open for a day, for a week, for a month, for a couple of months, until he rounded up enough votes by making deals of various kinds in order to move the bill out of his committee. That is a very, very bad way to legislate, but it is the kind of scenario that the Democrats have created by the rules that they passed today.

Another item that was in the rules is the one that was discussed very, very roundly today, and that was the matter of non-Member Delegates voting in the Committee of the Whole. That is also very bothersome, and I think that one will be subject to a legal constitutional challenge, because what we have now decided is that you can have people who are not from States recognized by the Union who will now be able to come to the House floor and vote in the Committee of the Whole.

It is very interesting. We heard a lot of emotional arguments out here about the need to give these people some more rights to other kinds of voting representatives in the House. It is clear that the Democrats did come up with a rather unique way of addressing this issue which really does not give these people a true right to vote, because if their vote really means anything, the Democrats, in an amendment to the rules, today took the right away from them. What the Democrats literally did was created a rule that says that "when your vote counts, it doesn't count, but when it doesn't count, it counts." That is literally the rule that ended up getting passed on the House floor today, under the guise of expanding democracy.

The fact is that they shouldn't have come up with a process that gives non-Members a vote in the first place. To give them this kind of a vote is somewhat insulting, it seems to me, and is, again, hardly democratic in the true nature of what we usually understand as democratic process.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding to me.

If I may take just a moment, Mr. Speaker, I am terribly disturbed at what seems to be the direction of this House, especially in light of all of the abuse that the House took over the last year or two. We all know, and it has been said here on the floor, that the House of Representatives and Congress in general is at the lowest that it has ever been in the minds of the American people. It is very unsettling.

I think part of that is that this kind of attitude of one squelching and squashing the minority as much as possible whenever they sting the majority or in some way make life uncomfortable for the majority, "We will just shut them up, tie their hands behind their backs, and make sure they do not have their rules, and through the rules a vehicle by which the minority can perform its function," which is to be the conscience of the House, to make sure that power is not abused. That is what makes this institution absolutely a wonderful place and a shining example of democracy, is that you have this adversarial situation so that truth is out and honesty prevails.

□ 1840

But over the years we have had these kinds of rules come down that has led to eventually the disrepute of this House. And everyone that went home and stood for election heard from the American people about how bad this place is, and how dishonest it is, how they want to change it in such a way that I think would make government even worse.

But what is happening here, I have to tell the gentleman I went, I did not want to see, but I thought I ought to see this movie, "The Distinguished Gentleman." I do not know if the gentleman from Pennsylvania has seen it.

Mr. WALKER. I have not seen it yet, and I want to see it one of these days.

Mr. DELAY. Eddie Murphy stars in it, and it is a dangerous movie because it misrepresents the House. But it is a movie that was made to appeal to the disgust of the American people about the House of Representatives, and it took everything in the House and misrepresented most of it, starting with our pins as elitists. And in one scene Eddie Murphy comes running in to vote, rushes out, and he is accosted by a group of children to ask him what he just voted on, and he did not know what he voted on. These rules today, and the rules that the gentleman outlined would cause even more of that situation.

Mr. WALKER. Absolutely. Let me say to the gentleman that the real concern here is that what we have done with this idea of committees meeting during the House debate is assured that even more Members are not going to have an opportunity to maybe be in their offices at least watching the proceedings on television. I mean I will give Members credit, that sometimes they are not on the House floor but they are following the debate. They may be back in their offices signing mail or doing some other kind of work. But they do have the debate on and have some basic understanding of what is taking place on the House floor, so that even though they may not be here, they are listening to the House proceedings. Under the new rules we are going to have even less of that, so we are going to have even more Members who are going to come to the floor with absolutely no idea of what is being voted on, and when they leave probably will not have any idea of what they just voted on, other than the fact that somebody stood in the back of the Chamber and said the vote is yes, we need a yes on this one.

Mr. DELAY. The gentleman brought up creating the Office of General Counsel and we would not know who the subpoenas would be issued to, and are not assured that the minority would be informed. Was there not a situation just last year, or maybe it was 2 years ago, where the House was embarrassed and added one more stone on the shoulders of disrepute of this House in a situation where subpoenas were issued in this House and they were sort of, well, they were not exactly published. No one knew that the subpoenas were there, and the House ended up being embarrassed.

Mr. WALKER. We were thoroughly embarrassed. In fact, we had a resolution on the floor basically to force the subpoenas out. I brought the resolution to the floor one day, and they basically dribbled the subpoenas out onto the floor one by one.

Mr. DELAY. Would the gentleman describe that situation so that those listening can really understand and remember how the House was embarrassed in that situation?

Mr. WALKER. Sure. What had happened was subpoenas had been issued in a matter relating to alleged criminal conduct in the House, and it was buried. The Republican leadership was not informed about it at all. And it eventually showed up in the newspapers, and we eventually found out about it, that some subpoenas were evidently on Capitol Hill through the newspapers. And when we came to the floor to ask questions about it we were told that well, you know, they may be, you know, there were a variety of interpretations. So we eventually ended up trying to do it through resolution here on the House floor. Of course, it was a privileged resolution which we are also going to be limited on under these rules.

But the point is that the House appeared as though it was engaged in a coverup. And certainly the minority was not informed. So coming off that there was assurance that any time a subpoena came to the House floor that the minority leadership would be informed.

The way that process was to take place was for the counsel and Clerk's office, as soon as the Clerk got information on this, was to inform the minority leadership. My point about this particular thing is that the counsel is no longer in the Clerk's office. The counsel may no longer know of subpoenas arriving on the Hill. And so, therefore, the deal by which we were being informed is no longer in effect, and we have received no assurances that I am aware of that there is another mechanism that has been established to assure that we will be properly informed of future subpoenas. And we do know that there are a couple of grand juries meeting now on matters relating to possible criminal conduct in the House. The House is certainly going to want to have an information flow on that. We are going to want to have a stream of information as those matters arise.

It is not clear to me that in anything that was done in the rules that the minority has any kind of guarantees of that type.

Mr. DELAY. If the gentleman will yield for a little bit longer, what the gentleman is saying, and what I read in many of the rules presented by the Democrats is that I guess they consider this reform. And in the face of the problems that we have had as an institution, this is their suggestion as to how we are going to reform this House to bring confidence back to the American people. This is a very poor effort to do that. In fact, it lends itself to even more abuses which will lead to even more disgust by the American people about this institution. And I think it is really sad that when we had the opportunity to open up and make this body a more deliberative body, I think one of our biggest problems in maintaining integrity of the institution is that we continue to shut down and strangle deliberations at all levels in this House.

Mr. WALKER. I could not agree with the gentleman more. And I would just like to make the point that I think that is one of the problems in gridlock, because I think one of the reasons why things have become so gridlocked in the Congress is because instead of having a deliberative function, what you end up with is everything in such a closed stream that no one feels as though they have had direct input, and so, therefore, things get locked in in conference committees, and things do not happen here.

It used to be when we had open rules on the House floor and could debate these matters and the resolutions came about, at least the House felt as though it had worked its will on legislation, and the deliberative function helped move legislation forward. They have taken the deliberative function away and in so doing have created gridlock, and this package of rules creates even more gridlock.

Mr. DELAY. There are all kinds of ways of maintaining the integrity of the institution. One of those ways is to have great orators debate the issues of the day that reach the American people through the media, and that way they see great debates going on and the people understand at that time that we are fully at work, that things are going on, Members are debating the issues, that there is open and free debate going on all across this Nation, through this Chamber, and that along with being able to actually change bills, work the will of bills, it shows the American people that this body actually functions. And through its functions it maintains the confidence of the American people that all is well in this institution.

What we are doing is continuing to strangle this institution. They have got both hands around the throats of this institution, and there is no way that we can increase the confidence of the American people in this institution under these kinds of rules.

Mr. WALKER. Remember there was a TV ad by Clara Peller that says, "Where's the beef?" I think one of our questions ought to be at this point is where is the change. All of these agents of change that supposedly came to the Congress were evidently co-opted because there is no change in direction represented in these rules. This is going in the same direction that we have been going. In fact, in many ways it is worse than anything we have seen before, because under this we have seen almost a total abdication of the rights of the minority. And it is really a tragic, a sad kind of situation that has developed on the House floor today.

Mr. DELAY. I will finish with this, and I know the gentleman wants to get to the whip, but I might say it is not just the minority. We are outraged for stepping on the minority, but the majority ought to actually take these rules and read them, because as the gentleman pointed out, there are things that are going to make life very uncomfortable for Members around here, majority Members that dare to speak up against their leadership, for someone to sit on the conference committee and raise a legitimate question that may be contrary to what the Speaker wants, and allow the Speaker to walk in and summarily take him off that conference committee. That is not a stepping on the minority, that is stepping on the House on both sides.

Mr. WALKER. A couple of the majority Members came to me today and said it cannot be true that we have in our rules the ability for the Speaker to literally take all Republicans off a conference committee. And I said that I am sorry, but you have not read your own rules then.

□ 1850

Because that is in fact what you have done in your rules. Now, we would hope that this Speaker would not ever do that, but the point is that you have created the legal authority by which he can do it, and when they voted for that rules package, and a large percentage of them voted for it, they voted for that kind of tyranny. I do not think they can escape then the judgment that comes from having replaced democracy with tyranny.

I will be happy to yield to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I am very grateful to my colleagues for letting me pop in here for just a minute, because I have to go and do "Money Line," which is live at 7. But I wanted to say a couple of things, because I think that what we are doing tonight is very, very important.

In a free society, it is important to have free debate, and I think this is an example of why.

I am personally very saddened and disappointed by what happened today. I would like to cooperate with our newly elected President. He is, after all, President of the whole country. He is not the Democratic President. He is the President of the United States. I would like to have a bipartisan chance to cooperate without compromise. House Republicans proved in 1990 that if it was a matter of principle we would fight a Republican President, and certainly we would fight a Democratic President on principle, but we do not have to fight, and I think we are willing to cooperate.

But Lyndon Johnson had a great phrase. He said, "If you want me in on the landing, I want to be in on the takeoff." What he meant was, Do not come and tell us that cooperation and bipartisanship and comity are involved after you have written the rules, after you have decided the game, after you have written the legislation.

I said to several Democratic leaders today on health care, on line-item veto, on a number of issues, we Republicans are very prepared to cooperate if they will let us in the room at the beginning, not at the end.

Now, I must say, in report to my colleagues and to the country, no Republican was involved in writing the rules, not a single Republican. We were told on the floor that the gentlewoman from New York and her colleagues had worked for 6 months, that it was a long, arduous process. To the best my knowledge, not a single Republican was asked, What do you think of these? How shall we modify them? What should happen?

Mr. WALKER. Despite the fact that a task force that was put together by the Speaker some months ago where the Republicans participated in it where we raised very legitimate questions about the rules and were told that they were going to try to cooperate with us.

Mr. GINGRICH. My friend from Pennsylvania is absolutely right.

I regard this, in fact, as backsliding from the reform position we reached in September, as weakening the bipartisan effort we had for reform in September.

In addition, no Republican was consulted on allowing nontaxpaying delegates who do not pay taxes into the U.S. Treasury, who represent as few as 46,000 people, to vote on the floor of the House as though they were full-fledged States. And I think certainly none of us would have accepted that.

But let me carry it a step further. I believe, and we are going to check this tomorrow, and we will report to the House, I believe that the 27 votes against their own party's rules by some Democrats is the largest number of Democrats to vote no in modern times on a rules package, and I believe that the 221 who voted to adopt the rules is the lowest number. That is only 3 more than a constitutional majority, which is 218, that it is the lowest to vote yes on a Democratic rules package since they took control of the House in 1930.

Now, we are going to check that tomorrow to make sure, and since I am a history teacher, I do not want to mislead people, so I want to tell them. This is just based on Congressman MICHEL and Mr. Pitt's memory, and they, between them, have a pretty good institutional memory.

The point I make to my friends in the Democratic leadership is this: You barely won a procedural vote on the opening day on something which is hard to explain back home, yet even on that, you barely won. You cannot come to this House for the next 2 years on a narrowly drawn Democratic leftwing series of proposals and believe that just because your majority in your caucus is on the left that the majority on the floor is on the left.

Columnist David Broder noted the other day that there may be as many as 60 moderate Democrats who will bolt. Well, any simple arithmetic will tell you that 176 Republicans and 60 moderate Democrats is 236, 18 more than a constitutional majority.

So I would hope that one of the lessons that will come out of today for the Democratic leadership is that cooperation has to begin at the beginning. It cannot be demanded at the end.

There are two good examples coming up: the Resolution Trust Corporation refunding, $17 or $18 billion, which is going to be extraordinarily hard to pass. There need to be major reforms in the RTC, and if they try to get that through here without any cooperation on a one-sided basis, I do not see how they get 218 Democrats to walk that plank. I do not think they are going to get Republican support without tremendous deep reforms from the very beginning. The second example is the debt ceiling which my friend may know better than I, but I think probably will come up in March.

Mr. WALKER. In March is my understanding.

Mr. GINGRICH. They should not expect to come to the Republicans in the last week and say, "Gee, you have to pass this." If they want us to cooperate, and one example which our leader, the gentleman from Illinois [Mr. MICHEL], has mentioned is making in order a balanced budget amendment, making in order possibly a vote on a line-item veto, and if they want to seek any Republican cooperation on the debt ceiling, then I think they need to come early and talk honestly and openly and give us a chance in candor to negotiate a package.

I want to just say unequivocally that I do not believe Republicans are going to sit around waiting for the Democratic leadership to craft what they want to get through and then have them turn to us, twist our arms, tell us we have to be responsible for what they are doing.

Lastly, I believe for the rest of this Congress the Democrats will come to rue having allowed nontaxpaying delegates to vote on this floor.

For years President Ronald Reagan used to talk about tax-and-spend Democrats. The idea that the Democratic Party would empower four Delegates, whose areas do not send money to the U.S. Treasury, but instead send to their own States, and as I tried to say on the floor earlier, imagine if I could go home to Georgia and say that I have got this deal for you, that you get all of your income tax to the Federal Government sent back to Atlanta to the State government, you get all of your corporate income tax sent back to Atlanta to the State government, and that is what happens.

So you have Delegates all of whose taxes go to their local government who are now going to be voting as though they had the legitimate right to tell the 435 Representatives whose citizens pay the taxes that run the American Government.

Lastly, I think in the age of fairness, the idea that 46,000 people in one constituency, 133,000 in another, have the same vote as the State of Montana, which has 800,000 people is just simply an outrage. And I intend to do everything I can, and I know that my colleagues in the House Republican Conference do, to make sure that every taxpaying American, every citizen who cares about the Constitution understands every day, every time we have nontaxpaying Delegates vote on this House floor.

I want to thank my friend for this very informative and instructional review.

Again, I want to express my sadness and disappointment. I thought that this could have been a more bipartisan, a more cooperative day. I hope this is not a signal of what the Clinton Presidency is going to be like. I hope that the Democratic leadership will reconsider and reach out and work with the Republicans here in the House.

I thank the gentleman.

Mr. WALKER. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank my friend, the gentleman from Pennsylvania, for yielding.

I very much appreciate his taking this special order, and I admire his dedication. Of all the people in the House, no one is more dedicated to studying the rules and how they impact on the House. I know the gentleman loves this House as we all do.

Mr. WALKER. I thank the gentleman.

Mr. ROTH. Speaking for myself, what happened here today did not surprise me one bit. In fact, had it not happened I would have been surprised.

How many times do we have to hit our head against the wall until we finally realize what is going to happen? Arguing about the rules here on the House floor is, in my opinion, like arguing about the rules of the football game on Sunday between the Green Bay Packers and the Chicago Bears. I mean, the game is over. The other team won. That is the way the game is played. I do not think the game is played on January 5. I think the game was played on November 3 when the votes were counted.

That is why we have to go and tell the American people what has taken place. I do not feel this House is corrupt. Some of the leaders and some of the people in the House may not live up to the standards that we would like to have people live up to, but I think this is a wonderful institution.

The problem is that this institution has been run by the same party for 38 consecutive years, since 1954. Every Speaker, every chairman, every subcommittee chairman has been a Democrat.

Now people want change, and yet now we have the Democratic Party ruling everything, the White House, the House of Representatives, the Senate, the bureaucracy, all of the agencies. If we want change, then we have got to go to the precincts and get the American people to join in with us.

I think what is happening to America is deplorable. The greatness of our Nation is eroding because of all the pandering to all the special-interest groups.

That is why this 38 years of continuous rule by the Democratic Party is so terrible for this country. We have got to get that message back to the people.

□ 1900

I feel very strongly about this. When Mr. GINGRICH said 46,000 people who do not vote are going to have as much power on taxation in the votes here on the floor as all the people of Montana or all the people of North Dakota, all the people of South Dakota—this is a disgrace. But the problem is we are not going to win on the floor here as long as we have only 176 Members.

For 38 years the other party has ruled.

Mr. WALKER. Let me make one point. The gentleman is right. But to go back to his football analogy, the problem is that you would have to concentrate a little bit on what they are doing, however, because his football analogy is true, except that in this particular instance what you have is a Green Bay Packers and Chicago Bears game where the Green Bay Packers have to play by the rules written by the Chicago Bears. And what the Bears have said is if Green Bay wants to score a touchdown, what they have to do is to go up and down the field four times and then and only then can they get over the goal line. And so on.

However, if we want to score a touchdown, all we have to do us run the ball 5 yards and we get to have a touchdown.

That is the problem. It seems to me the American people have to understand the unfairness of that kind of magnitude; what you have is two teams on the floor, yes, but one is writing rules which are horribly unfair in not allowing the institution to operate functionally.

It would not make a very interesting football game, it would not make for a very good football game if in fact you have rules designed in that way. It does not make for very good legislation when you have rules written the way the slaughterhouse rules that we had before us today were written. This is, as I said before, a perversion of the process. We in fact consolidated special-interest power with many of these rules today, and I think it is really undermining some of the basic tenets of a free people.

I yield to the gentleman again.

Mr. ROTH. I thank the gentleman, and I appreciate that. I wish I would have thought of that analogy of the Green Bay Packers and the Chicago Bears. That actually is the way it is.

Mr. WALKER. You realize I would prefer to use the Philadelphia Eagles.

Mr. ROTH. The Philadelphia Eagles, that is fine. But that is the way it is.

You know, I have been analyzing this: The American people have said they want change because all they have been getting is the skim milk and the special-interest groups are getting the cream. As long as this House is going to be ruled by the same party, which it has been for 38 years, the American people are always going to get the skim milk and the special interests get the cream always.

Do you agree with that?

Mr. WALKER. Sure, because what I have looked at in these particular groups of rules is the fact that they allow for a consolidation of special-interest power. That is the reason why we end up with all of these rules around here, these are things that special-interest groups want in order to get more power for themselves. That is the reason why the Democrats wanted to add five additional votes on their side. It is a special-interest ploy. It has nothing to do with the rights of the general populace.

So, the people, you know, do not understand at times exactly the importance of all of these rules. But the fact is that by adopting the rules that we adopted today we helped the special-interest powers get their way within the legislative process.

I yield to the gentleman.

Mr. ROTH. You know, I have often said that if you have 218 Members in this House, of course that is 1 more than half, you can do anything you want except change the Constitution. I did not realize until today that if you have 218 Members plus, you could do anything, including changing the Constitution.

Mr. WALKER. The gentleman is absolutely right. That is why I think when we take this matter to court it may well be a matter that the courts will show a good deal more responsibility about than the House showed today.

Mr. ROTH. I have one more question and do appreciate the gentleman taking this special order and for yielding to me. It will be a short question.

If it is true that the real power lies in the precincts, public opinion and so on, and if it is true, as it is, that one party has ruled this house for 38 years—it will be 40 years in 1994—why do we not, in an educational approach, go around the country telling people what is taking place in Congress?

Let us not beat up on Congress, because I love this institution, but tell the American people how we have to change, that if you want change, you have to change the leadership, you have to change the makeup of this House.

For the last 8 years, every Speaker, every subcommittee chairman, every chairman, has been a Democrat.

So maybe in 1994 we can make a change—those changes that have to be made.

Mr. WALKER. I think we need to talk to the American people about the nature of the change that they should be for. Maybe we are helping to do that by doing this discussion on the floor tonight. Because the fact is the American people said very loud and clear this year that they wanted change. What they did not understand is that when they voted that way and they voted for people who wanted change, they in fact voted for people then who came to Washington and immediately decided they wanted to be a part of the system rather than change the system.

So that got reflected in a lot of votes. Now, I will say, as the whip pointed out, 27 Democrats broke with their party today on the House floor. That is very unusual. What that means is that a large number of that new freshman class on the Democratic side who came to Washington to bring about change in fact capitulated to the system, voted for the rules package, voted with the Democrats on every procedural vote and in fact did nothing to institute change. They are going to want to come back later on and talk about all the things that could change the system. But the fact is they want to come back later on and talk about all the things, all the things that they are doing to change the system, but the fact is they took a walk on changing the system today when they had their real chance to really make democracy work in the House. The American people need to have some feel for what real change involves. Real change involves taking on your leadership from time to time, it involves standing up for principle from time to time, it involves doing the hard things and not just the easy things from time to time; it involves really making and taking a stand on principle on the opening day of Congress when it is sometimes the toughest time to do it.

That is not what we saw happen here today. What we saw was a capitulation to the old kind of cronyism that resulted in the bad rules that we have had previously and we built upon those bad rules with even worse rules today.

Let me at this time yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I agree with the gentleman's comments and the comments of the gentleman from Wisconsin [Mr. ROTH], which have been right on point. I think the most egregious damage done today has been done not just to the process in the House nor to the Members of Congress but to the taxpayers of this Nation. The biggest problem that faces this country, and I think that was manifest in all of the Presidential debates, is the deficit.

I think Ross Perot pointed out during the debates, one of the Presidential debates, that all of the taxpayers west of the Mississippi basically pay their income taxes simply to the interest on the national debt; that the sum of all of their taxes paid amounts to the interest that we pay on the national deficit; not for defense, not for roads and highways, not for health care, but just going to interest.

And the whole idea of the debate over the budget deficit over the last 4 or 5 years has been to balance benefits with burden. That is, if you vote to have more roads and highways and you are a Representative who does that, you know that your taxpayers are going to be saddled with higher taxes or you are going to have a bigger deficit that your taxpayers will ultimately have to meet and at least have to pay interest on.

Now, the Democrat majority has moved away from that professed concern that they talked about during the Presidential campaign, during the last congressional campaign, they have moved away from that deficit concern and they have said, "We are now going to let people spend money who do not have to pay any taxes," because every one of those 47,000 citizens now in American Samoa is now the most powerful voter in this country or its territories.

Mr. WALKER. How many people are there in the gentleman's district?

Mr. HUNTER. In my district, during the reapportionment time and earlier this year, it was exactly 572,308 people.

Mr. WALKER. That is about the size of my district. All of our districts are somewhere in the range of 565,000 to 570,000 people. That is about what it is, except for States like Montana, which have only 1 Representative and 800,000 people.

Mr. ROTH. That is right. I have a question. The question is this: We have territories. Why do we have these territories? Why do we not let the Virgin Islands and Samoa go their own way? Why are we paying all kinds of tax dollars into these territories? Let the territories have their freedom.

In other parts of the world people are fighting for their freedom. Why do we not say to the territories, "Hey, you are a free and independent sovereign nation, you have the laws unto yourself," let the territories and these other entities just go their own way. Why do we want the territories?

Mr. HUNTER. To answer the gentleman, if you offered to the citizens of the territories the prospect of paying American income taxes or going their own way, I do not think there would be any question but that they would decide to go their own way.

Mr. ROTH. We are the Members of Congress. Why do we not, speaking for the American people, say, "If you want to go your own way," go your own way?"

Mr. WALKER. The alternative, in the case of Puerto Rico and the District of Columbia, where the people looked at potential statehood, in the case of the District of Columbia, turning back to the State of Maryland, doing things like that. There are certainly some other options.

□ 1910

Mr. ROTH. If I could just ask, why do we not debate that issue?

I think if we took a survey, I go around this country, I talk to people, I do not think the American people would be upset if we said to the Virgin Islands, "You can go your own way and have your autonomy and do your own thing," and to Samoa and to these other areas. Why do we not do that?

Mr. HUNTER. Well, if the gentleman would allow me to answer that, at this point the Democrat majority of this House has made the decisions, one that would be very easily acted on by the citizens of these territories, because they have essentially given super majority status, if you will, to every one of the voters, every one of those 47,000 citizens, for example, in the American Samoa. Each of those citizens now has in excess of 10 times the voting power of a citizen of the average congressional district and he does it without having to pay any taxes to fund the projects that his Representative votes for; so you now have placed the Democrat majority which talked about controlling deficits and talked about accountability and talked about paying the piper, has now added a number of voters, the thousands of voters who are represented by the five Representatives who now have acquired the right to vote on the floor of the House of Representatives. They have now given those people the right to the vote for expenditures for themselves and for others that they will not have to pay for.

The idea that every benefit carries a burden is one that we have been trying to imbue in this Congress for the last 5 or 10 years.

Democrats and Republicans have said:

> Wait a minute. Every time you vote a benefit in for the American people, that carries with it a tax burden.

And now the Democratic majority has just pushed all of that aside. They have said tax and spend, not only are we going to tax and spend, we are going to vote to have spenders who are not taxed, and that is going to be bad news for every one of the taxpayers, every single taxpayer in this country who does have to pay taxes. The median family in this country pays about 6,000 bucks a year in income taxes. That is the average two-wage earner family. That person now is going to see his tax money expended by people who pay no taxes and have an obligation only to their people, who of course want projects, want benefits, and as the whip eloquently stated, if every Representative could go back to his State and say:

> You know, we have a lot of projects here. I want to know if you want me to vote for them. Incidentally, there is no price tag on these projects, because we don't pay a dime for them. Now, do you want them?

Of course, the answer is going to be yes, and of course any politician who walks out on this floor and says:

> I come from a territory that pays no income taxes and I feel compelled to vote for a balanced budget because I don't want to raise the taxes of people who live in Montana.

That person is quickly going to be replaced by a delegate who will vote for benefits, because no taxes are going to be paid by the people who elect that person to the House of Representatives.

Mr. ROTH. I just have one question. The gentleman is a Member of the leadership and very well versed and conversant with all these issues. What the gentleman says is absolutely correct.

But the question I have is, what are we going to do about it? I mean, just to be here on the floor and talk about it is not enough. I think we have got to go into the precincts and tell the American people what is taking place.

We had a revolution 200 years ago, taxes without representation. Now you have representation without taxes.

I mean, this is the epitome of stupidity. No wonder the American people are upset with what is going on in the Congress.

I think this is why we have got to have a new approach. I think we can bring about the change. I think the change is to go and talk directly to the American people on these issues.

Mr. HUNTER. To answer the gentleman, I think the American people are going to be as outraged about this as they were about another issue that had a very fundamental effect on them, and that was the Panama Canal issue where they felt they were losing something that they had paid for, that they had built and that they owned. In this case, it is something they worked for very hard, that is their tax dollars are going to be expended by delegates who come from territories where no taxes are paid. I think that is the idea of accountability, of tax accountability.

Mr. WALKER. Just to clarify that, no Federal taxes are paid, because what happens is they do collect taxes. I mean, we had people on the floor talking about the fact that they paid taxes. But the gentleman is right. The taxes go exclusively for the particular territory.

Many of my constituents in Pennsylvania would be very happy to have a system where all the taxes collected in Pennsylvania would be kept and spent in Pennsylvania. No money would go outside the borders of Pennsylvania. A lot of people would buy into that system immediately, and that is what is happening in the territories.

But the gentleman is right. They then have no responsibility to the overall picture, and it is the overall picture that is hundreds of billions of dollars in deficit and trillions of dollars in debt.

Mr. HUNTER. The gentleman is absolutely right, and that means that the people of these territories have no obligation to pay interest on the deficit.

Mr. WALKER. That is right.

Mr. HUNTER. And because of that, the looming deficit is not a problem for them. Essentially what we have done is we have diluted taxpayer decisionmaking from this body with this rules change today.

Mr. WALKER. Well, I thank the gentleman. I think he makes a very important point, because two clear messages came out of this campaign. The American people want something done about debt and deficit. They want more than just the deficit dealt with. They want the debt dealt with. They feel very strongly that debt is beginning to consume the country, but they also said something else interesting. That was that they wanted something done about term limits. It is interesting that the Democrats in their particular rules package could have dealt with that issue. They did not.

The only way that issue came up on the floor today was when the minority raised it. We did in fact have a vote on term limits on the floor today. I hope the American people in their ability to be educated about what went on in the House will take a look at this, because there was a vote on whether or not the terms of chairmen should be limited to three 2-year terms, thereby allowing chairmen to serve only 6 years, thereby cutting down on the abuse of power which is all too evident in these rules.

Now, many people say, "Well, that's fine. You are going to do it for the chairmen, but you don't do it for yourselves."

Yes, we do. We Republicans did not make this proposal in a vacuum. I am the ranking member of a committee. We just recently adopted rules in our own conference that will limit me to three terms as ranking member of that committee, beginning with this Congress.

Now, we have taken that step amongst ourselves. What we wanted to do was say that is something that the American people are in favor of and ought to be done in the House of Representatives, and it was turned down. So the American people now have a chance to take a look and find out which Members voted to do something substantive about term limits and which Members did not vote to do something about substantive term limits. So that issue was raised in this rules fight today.

It will be interesting to see the American people reflect on it, because it is the way they feel that abuse of power can be dealt with. They may be right. They have a chance now to evaluate who was who and what was what on the House floor.

The gentleman from California makes a very valid point. We were also making a fundamentally important decision about how debt and deficit was going to be dealt with. The rules we adopted today, not only in the case of delegates, but in the way in which the rules limit the ability of Members to bring issues to the floor will undermine our ability to deal with the debt and deficit problem.

I think that we have dealt a major blow in these rules to any hope of bringing debt and deficit under control in the next 2 years. I hope I am wrong, but I will tell you that as I read these rules, it is going to be very, very difficult for us, for instance, to offer amendments on the floor to limit spending, because these rules take away our ability to offer those kind of amendments.

They also then add these new votes out there that can be used to stop that kind of amendment from taking place.

So this is an undermining of our ability to deal with those things which the American people said in this election were the most important to them. That is the reason why it was a somewhat sad and tragic day on the House floor, because we did not do what the American people said that they wanted done. We did not change. We simply moved in a direction that we have been moving before, a direction toward I believe more disrespect and disrepute with the House of Representatives.

Mr. ROTH. Mr. Speaker, if the gentleman will yield, I have got an idea. Three Congressmen are going to resign very shortly because of taking jobs in the administration in the Cabinet. We are going to have special elections. The gentleman is a member of the leadership and can advise candidates and so on. Why do we not go into these three areas, for example, talk about this, about the rules and so on and see what kind of response we do get from the American people.

One of those special elections will be held in Wisconsin. It would be an interesting test case to go to the American people and tell them this is what is happening. What are your reactions to a House that has been ruled for 38 continuous years, every single year, since 1954. Thirty-eight consecutive years the Democrats have ruled this House, and I think not only would we be doing an important function for this House, but we would be doing I think a civics lesson for Americans.

□ 1920

Mr. WALKER. It is important we also though find candidates who will be then real agents of change. I mean we, as Republicans, have a responsibility in all of this, too, and that is to go out and recruit the candidate who will come to Washington and be a true agent of change, will not get captured by the system themselves, but will come here and really be determined to vote in the directions of reducing debt and deficit, of dealing with the problems of abuse of power, of dealing with the issues of term limits and other things that are on the minds of the American people. So, a part of this is not only taking the message into those districts, but getting the kinds of candidates who can basically personify those issues in the districts, and I hope we are able to do that.

INTRODUCTION OF THE SMALL BUSINESS INVESTMENT ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 60 minutes.

Mr. MICHEL. Mr. Speaker, three out of four jobs created in the United States in the next 25 years will be created by small business.

Between December of 1989 and December 1990, small businesses increased employment by 560,000. Large business employment declined by 390,000 during that same period.

Twentieth-century small business innovations include: air conditioning, the airplane, the heart valve, the helicopter, the optical scanner, the pacemaker, the personal computer, the Polaroid camera, soft contact lenses, and the zipper.

Why do I mention these facts? Because, Mr. Speaker, they illustrate the profound impact that small business has on our nation. Our future growth will be secure only if we protect and promote our small business sector.

Today, BILL ARCHER, the ranking Republican on the Ways and Means Committee; JAN MEYERS, the ranking Republican on the Small Business Committee; and I are introducing the Small Business Investment Act of 1993. This comprehensive small business tax reform plan will ease the Federal burden that now handicaps our small business sector by greatly simplifying tax compliance for these companies.

This proposal:

Allows companies to expense up to $2,500 of start up costs;

Expands the current expense limit of equipment cost from $10,000 to $25,000;

Includes alternative minimum tax relief;

Increases the permitted number of S corporation shareholders from 35 to 50.

Proposes inflation adjusted inventory FIFO accounting;

Offers relief from capitalization rules.

Offers relief from complex long-term accounting rules.

For our Nation to thrive over the next several decades, it must have a strong small business component. If small businesses were able to reduce the time and resources spent on annual record keeping, preparation of tax returns, and compliance with other federal regulations, they could spend more time and resources on actual business transactions. The result would be more successful small businesses, better economic growth and higher employment.

I urge all of my colleagues to join us in this effort to help the small businesses of our Nation. Our Nation's future depends on it.

I am inserting at this point a letter that Representatives ARCHER, MEYERS, and I sent to President-elect Clinton on December 9, 1992, and a comprehensive description of the provisions of the Small Business Investment Act of 1993.

OFFICE OF THE REPUBLICAN LEADER,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 9, 1992.

President-Elect BILL CLINTON,
105 West Capitol, Suite 400, Little Rock, AR.

DEAR PRESIDENT-ELECT CLINTON: When the 103rd Congress convenes on January 5, we will introduce a comprehensive small business tax reform initiative which would greatly simplify tax compliance for small businesses. The current tax compliance and regulatory burdens inhibit the growth of small businesses where we have traditionally seen the largest number of jobs created.

If small businesses were able to reduce the time spent on annual recordkeeping and preparation of tax returns, they could spend more time and resources on actual business transactions. They would see greater economic return which could be turned into greater investment and more jobs for Americans.

The specifics of this proposal include: allowing expensing of $2,500 of start-up expenditures; expanding expensing of equipment costs from $10,000 to $25,000; alternative minimum tax relief; inflation adjusted inventory FIFO accounting; and relief from complex long-term contract accounting rules.

A summary of the proposals is enclosed. I hope that you will work with us to have these proposals enacted into law so that small business can be the engine toward stronger and sustained economic growth in our economy.

Sincerely,

ROBERT H. MICHEL,
Republican Leader.
BILL ARCHER,
Ranking Republican Member, Committee on Ways and Means.
JAN MEYERS,
Ranking Republican Member, Committee on Small Business.

SMALL BUSINESS INVESTMENT ACT OF 1993

I. INCREASE CURRENT DEDUCTION FOR CERTAIN INVESTMENTS FROM $10,000 TO $25,000

Current Law

The cost of business or income producing property that is used for more than one taxable year generally must be deducted over the useful life or recovery period for the property in determining taxable income. Under section 179, however, a taxpayer may elect to treat as an expense and deduct, in the year that eligible property is placed in service, a limited amount of the cost of the property. Eligible property generally includes tangible personal property and certain other property, and generally excludes buildings and structural components.

The total cost that may be deducted currently under section 179 is subject to two limitations, the investment limit and the taxable income limit. These limitations apply both to partnerships and each partner and to S corporations and each shareholder. Any cost not deducted under section 179 may be depreciated. The amount deducted under Section 179 is subtracted from the basis of the qualifying property. This adjusted basis is used to determine depreciation deductions.

Reasons for Change

An increase in the section 179 deduction is necessary to encourage purchases of new machinery and equipment, and thereby promote capital investment, modernization and a more rapid economic recovery. The current limit on the section 179 deduction creates complexity by requiring business with qualifying investments to depreciate the cost of the investment in excess of the investment limit.

Proposal

The maximum allowable deduction under section 179 would be increased from $10,000 to $25,000. For each dollar of cost of section 179 property in excess of $200,000 in a taxable year, the $25,000 maximum would be reduced by one dollar. Thus, no section 179 expense deduction is allowed when the cost of the eligible property exceeds $225,000.

Effects of Proposal

The proposal would reduce the cost of capital and increase cash flow, thereby providing an incentive to increase investment. It also would simplify tax reporting for certain small businesses that invest no more than $25,000 in eligible property for the taxable year. The limit on eligible investment ensures that the proposal primarily benefits smaller businesses.

II. ALLOW IMMEDIATE EXPENSING OF NEW BUSINESS START-UP COSTS

Current Law

Under current law allowable business start-up expenditures must be capitalized over at least 60 months (five years). Start-up expenditures include amounts paid or incurred with the acquisition or creation of a trade or business which precede the day the business becomes active. Excluded from the capitalization rule under current law are interest, taxes, and research and experimentation expenditures.

Reasons for Change

The requirement to capitalize business start-up costs creates a disincentive to invest or engage in small business activities. Direct expensing of a portion of the costs connected with a new business will lower the cost of capital associated with a start-up business and encourage job creation.

Proposal

Effective for expenditures made after December 31, 1992, the immediate write-off of up to $2,500 would be permitted to a qualified taxpayer for front-end costs of organizing a new small business that would otherwise be subject to capitalization. A qualified taxpayer would expect or know that the new small business would have gross receipts of less than $500,000 in its first full year of operation.

Effects of Proposal

The proposal would encourage start-up activities by lowering the after tax cost of starting up a small business.

III. EXEMPT SMALL BUSINESSES FROM ALTERNATIVE MINIMUM TAX

Current Law

Under current law, a corporation is subject to an alternative minimum tax (AMT) which is payable to the extent that the corporation's tentative minimum tax exceeds its regular income tax liability. The tentative minimum tax generally equals 20 percent of the corporation's alternative minimum taxable income. Alternative minimum taxable income is the corporation's taxable income increased by its tax preferences and modified for certain adjustments that redetermine the tax treatment of certain items to eliminate the deferral of income resulting from the regular tax treatment of those items. A corporation is entitled to reduce its regular income tax liability by a credit (the minimum tax credit) which is generally based on AMT paid in preceding years.

Unincorporated businesses and S corporations are not subject to AMT, but the individual alternative minimum tax may apply to their owners on preferences and adjustments deriving from the business. The tax rate on an individual's alternative minimum taxable income is 24 percent.

Reasons for Change

There is concern that the complexity of the corporate and individual AMTs impose a significant burden on small businesses. Small businesses are less likely to have the sophisticated accounting systems and expertise that are important in complying with the AMT.

In addition, because of their size and limited access to equity and debt financing, small businesses are likely to face higher costs of capital than larger firms. The individual and corporate minimum taxes, which raise the cost of capital, may discourage new investments by small business.

Proposal

For any taxable year during which a taxpayer is a "qualified small business taxpayer," certain business-related adjustments and preferences with respect to "any qualified small business activity" would not be taken into account for any purposes in computing alternative minimum taxable income. A qualified small business taxpayer is any taxpayer engaged in a qualified small business activity. A qualified small business activity with respect to a taxpayer includes any trade or business activity conducted by an individual, sole proprietorship, partnership, or corporation for which a $1,000,000 gross receipts test is satisfied in all prior taxable years beginning after December 31, 1992.

A person or entity meets the $1,000,000 gross receipts test for a prior taxable year if the average annual gross receipts of such person or entity for the 3 taxable-year period ending with such prior taxable year does not exceed $1,000,000. Aggregation and related party rules similar to those in section 448(c) would apply in making the average annual gross receipts determination.

Business-related adjustments and preferences that would not be taken into account with respect to a qualified small business activity include: (1) the adjustments for depreciation, mining exploration and development costs, long-term contracts, pollution control facilities, installment sales on certain property, circulation and R&E expenditures, and adjusted current earnings (ACE); and (2) the preferences for depletion, intangible drilling costs, bad debts, and accelerated depreciation. Other preferences and adjustments, including those viewed as personal or investment-related, would still be taken into account under the proposal.

Effects of Proposal

The proposal would simplify tax accounting for both incorporated and unincorporated small businesses and their owners. It would also reduce the cost of capital for small business.

IV. INCREASE MAXIMUM NUMBER OF SHAREHOLDERS OF AN S CORPORATION

Current Law

A small business corporation may elect to be treated as an S corporation. Income and losses of an S corporation are generally passed through to its shareholders and taxed at the shareholder level rather than at the corporate level. A small business corporation may not have more than 35 shareholders. For this purpose, a husband and wife (and their estates) are counted as one shareholder.

Reasons for Change

Increasing the maximum number of shareholders in an S corporation from 35 to 50 will facilitate the use of the subchapter S provisions by more small businesses.

Explanation of Provision

The maximum number of shareholders permitted for a corporation to qualify for, and maintain, S corporation status is increased from 35 to 50. The provision is effective on the date of enactment.

V. ALLOW SMALL BUSINESS TO ELECT INFLATION-ADJUSTED FIFO INVENTORY RULES

Current Law

The two inventory cost flow assumptions generally used by taxpayers in determining their cost of goods sold and taxable income are the FIFO and the LIFO methods. Under the FIFO (or "first-in first-out") method, it is assumed that inventories are disposed of in the order in which they are produced or acquired by the taxpayer.

Taxpayers are also permitted to use the LIFO (or "last-in first-out") method, under which it is assumed that the last goods produced or acquired by the taxpayer are the first goods sold by the taxpayer in any taxable year. Thus, LIFO reflects income from inventory sales more accurately during periods of inflation than FIFO, thus resulting in a better matching of current costs of goods sold with revenues. The LIFO method does not, however, permanently eliminate the effects of inflation, but only defers those effects generally until such time as the taxpayer reduces or liquidates its inventories.

Reasons for Change

In periods of inflation, the FIFO method may result in charges to cost of goods sold that are not reflective of the actual economic cost that the taxpayer had to incur to acquire or produce the goods in the current year. Because of the complexity of LIFO accounting, and because section 472 of the Code requires that a taxpayer using LIFO for tax purposes must also use LIFO for financial accounting purposes, many smaller taxpayers hesitate to use the LIFO method. Additionally, the LIFO method has been the source of much conflict between taxpayers and the IRS, given the wide divergence of specific LIFO inventory practices.

Proposal

The proposal would permit taxpayers with gross receipts under $10 million to elect to use an inflation-adjusted FIFO method. Taxpayers making this election would continue to use the FIFO method as permitted under present law, but inventories would be indexed (and cost of goods sold would be increased) using inflation adjustment factors based on the Consumer Price Index.

Effects of Proposal

The adoption of this proposal would provide a much-needed alternative to the LIFO method for small taxpayers who are unable to understand the LIFO computations, unwilling to use the LIFO method for GAAP purposes, or unwilling to subject themselves to potential disputes with the IRS over the use of the LIFO method. The inflation-adjusted FIFO method would result in a permanent increase in the cost of goods sold (and accordingly a permanent decrease in taxable income) for small businesses with inventories. The resulting taxable income measure would more closely reflect real economic income.

VI. EXEMPT SMALL BUSINESS FROM THE UNIFORM CAPITALIZATION RULES

Current Law

Producers of property generally may not deduct currently the costs incurred in producing property. In order that income be measured accurately, such cost must be capitalized and recovered through an offset to sales receipts (if the property is produced for sale) or through depreciation deductions (if the property is produced for the taxpayer's own use in a business or investment activity).

Section 263A of the Code generally provides a uniform set of rules that governs the capitalization of costs associated with either the purchase and resale of inventories, or the production of real or tangible personal property (whether produced for sale or for use in the taxpayer's business). Section 263A requires the capitalization of both direct and indirect costs associated with these resale and production activities.

Direct costs subject to capitalization include direct material costs and direct labor costs. Indirect costs that must be capitalized generally include amounts incurred for such items as maintenance and repair, utilities, equipment rentals, tools and equipment not capitalized, supervisory labor, pension and other employee benefit expenses relating to both current and past service, indirect materials, quality control, non-income taxes, depreciation (to the extent allowed under the Code), depletion (whether or not it is in excess of cost), rework labor, scrap and spoilage, bidding activity, engineering and design activity, production-period interest, and other general and administrative activities to the extent such costs are properly allocable to particular activities. The regulations provide guidance regarding acceptable methods by which specified capitalizable costs may be allocated to specific production or resale activities.

Costs that are not required to be capitalized with respect to production or resale activities include marketing, selling, advertising, and distribution costs, bidding expenses on contracts not awarded to the taxpayer, research and experimental expenses, losses deductible under section 165 of the Code, depreciation on temporarily idle equipment, income taxes, strike costs, repair expenses that do not relate to the manufacture or production of property, and general expenses that are not incurred by reason of a particular production activity (e.g., those costs associated with general business planning, general financial accounting, internal audit, tax return preparation, shareholder and public relations, and general economic analysis and forecasting).

Section 263A does not apply to inventories acquired for resale by small businesses with gross receipts of $10 million or less (computed as a three year moving average).

Reasons for Change

Generally accepted accounting principles (GAAP) used for financial reporting purposes require less extensive capitalization of indirect cost than do the section 263A rules. Because of the disparity between GAAP and tax treatment, several costly and burdensome cost allocations are required solely for the purpose of computing tax liability. This accounting burden could be eliminated for those least able to deal with the compliance burden by expanding the current section 263A exemption for small business resellers to all small business producers.

Proposal

The proposal generally would provide that the uniform capitalization rules do not apply to any taxpayer with gross receipts of $10 million or less. In addition, smaller taxpayers with gross receipts of $1 million or less generally would be required to capitalize only direct costs attributable to production or resale activities.

Effects of Proposal

An exemption from the section 263A uniform capitalization rules for small producers would allow these taxpayers to capitalize costs under the more liberal set of capitalization rules in existence prior to the enactment in 1986 of section 263A, and would reduce the disparity in the tax treatment between small business resellers and other small businesses. Small producers generally would be subject to the full absorption method regulations contained in section 1.471-11. Those regulations do not require the allocation and capitalization of several cost categories for which cost capitalization is required under section 263A.

VII. EXEMPT SMALL BUSINESS FROM THE LONG-TERM CONTRACT RULES

Current Law

Section 460 generally governs the tax accounting treatment of long-term contracts. Under current law, taxable income from such contracts is generally determined under the percentage of completion method (PCM) of accounting. Under this method, the contractor is entitled to deduct all costs allocated to the contract in the year in which they are incurred, but must recognize income based on an estimate of the revenues to be realized on the contract attributable to the year's activities. This estimate is generally determined by multiplying the expected contract price by the ration of actual costs incurred during the year to the total expected costs of the contract.

Taxpayers must generally perform a recomputation at the end of the contract, based on actual contract price and actual contract cost date, of the income that would have been recognized in each taxable year of the contract if actual rather than estimated data were used in such years. This recomputation, known as the look-back method, results in either an interest charge to the taxpayer or an interest payment to the taxpayer based on the underpayment or overpayment of taxes in prior years.

All costs which directly benefit or are incurred by reason of the long-term contract activities of the taxpayer are allocated to those contracts. These costs are identified in regulation section 1.451-3 and are similar to those costs required to be capitalized under the uniform capitalization rules of section 263A of the Code.

Statutory exceptions from section 460 exist for certain construction contracts. Some of these provisions allow the exempted taxpayer to use the completed contract method (CCM) of accounting, while others require a combination of CCM and PCM. For example, a construction contract which is estimated to be completed within a two-year period is entirely exempt from the PCM requirement, provided that the contractor has average annual gross receipts of $10 million or less (as computed over the prior three year period).

Under CCM, all revenues and costs allocated to the long-term contract are deferred, and are recognized only upon completion of the contract. The costs allocated to a long-term contract are determined under rules that require both direct and indirect costs of the long-term contract to be capitalized to the contract and deferred.

Reasons for Change

Accounting for long-term contracts under the section 460 percentage of completion (PCM) method results in a number of complexities for small contractors.

Proposal

The proposal would expand the current exemption from section 460 requirements to any long-term contract being performed by a contractor with average gross receipts under $10 million. In addition, contractors with gross receipts under $1 million would only be required to allocate and capitalize direct contract costs under the completed contract method (or under an inventory method of accounting).

Effects of Proposal

An exemption from the section 460 rules would allow small contractors to use the completed contract method (CCM) for computing taxable income and generally would not require the allocation of costs to contracts under the uniform capitalization rules.

The proposal would lessen the accounting burden on small business contractors. Eliminating this burden for small business could benefit emerging high-technology companies doing long-term contract work and encourage the production of new technologies by such small businesses

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. TALENT) to revise and extend their remarks and include extraneous material:)

Mr. SOLOMON, for 15 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. DORNAN of California, for 5 minutes, today, and for 60 minutes each day, on January 6 and 7.

Mr. WALKER, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, today.

Mr. MICHEL, for 10 minutes, today.

Mrs. BENTLEY, for 60 minutes each day, on January 27 and 28 and February 2, 3, 4, 16, 17, 18, 23, 24, and 25.

Mr. BURTON of Indiana, for 60 minutes each day, on January 27 and 28 and February 2, 3, 4, 16, 17, 18, 23, 24, and 25.

(The following Members (at the request of Mr. REED) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. DINGELL, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes each day, on January 6, 21, and 22.

Ms. WATERS, for 60 minutes each day, on January 20 and 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TALENT) and to include extraneous matter:)

Mr. EMERSON in 14 instances.

Mr. BUNNING.

Mr. DUNCAN.

Mr. SAXTON.

Mr. HANSEN.

Mr. GOODLING in three instances.

Mr. GRANDY.

Mr. EWING.

Mr. HEFLEY.

Mr. GILMAN in six instances.

Mr. FIELDS.

Mr. GUNDERSON in two instances.

Mr. SHAW.

Mr. MICHEL in four instances.

Mr. WOLF.

Mr. KOLBE in two instances.

Mr. SCHAEFER.

Mr. HASTERT.

Mr. PORTER.

Mr. STUMP in 10 instances.

Mr. SOLOMON.

Mr. BEREUTER in four instances.

Mr. GOODLING.

Mr. LEWIS in California in two instances.

(The following Members (at the request of Mr. REED and to include extraneous matter:)

Mr. GONZALEZ in 10 instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. DINGELL in two instances.

Mr. VENTO in two instances.

Mr. STARK in four instances.

Mr. ROSTENKOWSKI in five instances.

Mr. PANETTA in four instances.

Mr. RICHARDSON in two instances.

Mr. CARR.

Mr. MILLER of California in five instances.

Mrs. KENNELLY.

Mr. COLEMAN in two instances.

Mr. TOWNS.

Mr. WYDEN in two instances.

Mr. STENHOLM.

Mr. LIPINSKI in two instances.

Mr. ACKERMAN.

Mr. FAZIO in two instances.

Mr. RAHALL.

ADJOURNMENT

Mr. WALKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 6, 1993, at 12 noon.

PROCEEDINGS OF THE HOUSE SUBSEQUENT TO SINE DIE ADJOURNMENT OF THE 102d CONGRESS, 2d SESSION

Pursuant to the provisions of section 303 of Public Law 102-164 and the order of the House of Monday, October 5, 1992 authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on November 18, 1992 did appoint the following members to the Advisory Council on Unemployment Compensation on the part of the House:

Mr. Robert C. Mitchell, Naperville, IL.

Mr. Thomas R. Donahue, Washington, DC.

Ms. Kay Bailey Hutchison, Dallas, TX.

Pursuant to the provisions of section 303(c) of Public Law 101-549, and the order of the House of Monday, October 5, 1992 authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on November 17, 1992, did appoint the following members to the Risk Assessment and Management Commission on the part of the House:

Dr. Gilbert S. Omenn, Seattle, WA.

Mr. Joshua Lederberg, New York, NY.

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 14, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with my General Counsel I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 15, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the U.S. House of Representatives that one present and one former member of the staff of my Committee have been served with subpoenas issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoenas is not inconsistent with the privileges and precedents of the House.

Sincerely,
JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Investigations.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, October 19, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my Committee has been served with a subpoena issued by the Superior Court of the District of Columbia for materials related to a civil lawsuit involving a current staff person.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

With warm regards, I am
Sincerely,
DAN ROSTENKOWSKI,
Chairman.

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington DC, October 28, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House I have been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with my General Counsel, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 28, 1992.

Hon. THOMAS FOLEY,
Speaker of the House, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the House that two members of the staff of my office have been served with subpoenas issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoenas is not inconsistent with the privileges and precedents of the House.

Sincerely,
JOE KOLTER,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 6, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L of the rules of the House that eight members of my staff have been served with subpoenas issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoenas is not inconsistent with the privileges and precedents of the House.

Sincerely,
DAN ROSTENKOWSKI.

House of Representatives,
Washington, DC, November 9, 1992.
Hon. Thomas S. Foley,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that three members of my staff have been served with subpoenas issued by the 68th Judicial District of Michigan Court.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoenas is consistent with the privileges and precedents of the House.

Sincerely,
Dale E. Kildee.

House of Representatives,
Washington, DC, November 9, 1992.
Hon. Thomas S. Foley,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to notify you pursuant to Rule L of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Massachusetts.

After consultation with the General Counsel I will notify you of my determination as required by the Rule.

Sincerely,
John Joseph Moakley.

House of Representatives,
Washington, DC, November 12, 1992.
Hon. Thomas S. Foley,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to formally notify you pursuant to Rule L of the Rules of the House that a member of the staff of my office has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoenas is not inconsistent with the privileges and precedents of the House.

Sincerely,
Joe Kolter.

House of Representatives,
Washington, DC, November 12, 1992.
Hon. Thomas S. Foley,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to formally notify you pursuant to rule L of the Rules of the House that four members of my staff have been served with subpoenas issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoenas is not inconsistent with the privileges and precedents of the House.

Sincerely,
Dan Rostenkowski.

House of Representatives,
Washington, DC, December 14, 1992.
Hon. George Sinner,
Governor, State of North Dakota, Bismarck, ND.

Dear Governor Sinner: With this letter I hereby resign my seat in the U.S. House of Representatives for the 102nd Congress.

My resignation will be effective immediately.

This resignation is necessitated by my appointment to the U.S. Senate to fill the unexpired term of Senator Kent Conrad.

Sincerely,
Byron L. Dorgan.

House of Representatives,
Washington, DC, December 31, 1992.
Hon. Thomas S. Foley,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to formally notify you pursuant to rule L of the Rules of the House that a member of my personal staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,
Dan Rostenkowski.

House of Representatives,
Washington, DC, December 31, 1992.
Hon. Thomas S. Foley,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to formally notify you pursuant to rule L of the rules of the House that a member of my personal staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,
Dan Rostenkowski.

Office of the Sergeant at Arms,
House of Representatives,
Washington, DC, December 31, 1992.
Hon. Thomas S. Foley,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to formally notify you pursuant to Rule L of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,
Werner W. Brandt,
Sergeant at Arms.

House of Representatives,
Committee on Banking Finance and Urban Affairs,
Washington, DC, December 8, 1992.
Hon. Thomas S. Foley,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to notify you pursuant to Rule L(50) of the Rules of the House that I have received a subpoena duces tecum in a civil administrative proceeding concerning private parties, issued by the Office of Financial Institutions Adjudication of the Department of the Treasury.

After consultation with the General Counsel to the Clerk, I will make the determinations required by the Rule.

Sincerely,
Henry B. Gonzalez,
Chairman.

Office of the Sergeant at Arms,
House of Representatives,
Washington, DC, December 8, 1992.
Hon. Thomas S. Foley,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to formally notify you pursuant to Rule L of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,
Werner W. Brandt,
Sergeant at Arms.

Office of the Sergeant at Arms,
House of Representatives,
Washington, DC, December 23, 1992.
Hon. Thomas S. Foley,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to formally notify you pursuant to Rule L of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,
Werner W. Brandt,
Sergeant at Arms.

House of Representatives,
Washington, DC, December 21, 1992.
Hon. Thomas S. Foley,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to formally notify you pursuant to rule L of the rules of the House that a member of my personal staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,
Dan Rostenkowski.

House of Representatives,
Washington, DC, December 21, 1992.
Hon. Thomas S. Foley,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to formally notify you pursuant to rule L of the rules of the House that three members of my Committee staff have been served with subpoenas issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoenas is not inconsistent with the privileges and precedents of the House.

Sincerely,
Dan Rostenkowski.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on October 1, 1992, the following reports were filed on November 2, 1992]

Mr. CONYERS: Committee on Government Operations. A report on improving the administration and enforcement of employment taxes (Rept. 102–1060). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. A report on debarment and reinstatement of Federal contractors: an interim report (Rept. 102–1061). Referred to the Committee of the Whole House on the State of the Union.

[Submitted November 9, 1992]

Mr. CONYERS: Committee on Government Operations. A report on continuing deficiencies in the Department of Veterans Affairs Medical Quality Assurance Program (Rept. 102–1062). Referred to the Committee of the Whole House on the State of the Union.

[Submitted November 16, 1992]

Mr. CONYERS: Committee on Government Operations. A report on taking back your neighborhood: case studies of citizen response to crime (Rept. 102–1063). Referred to the Committee of the Whole House on the State of the Union.

[Submitted November 19, 1992]

Mr. CONYERS: Committee on Government Operations. A report on "Is the FDA protecting consumers from dangerous off-label uses of medical drugs and devices?" (Rept. 102–1064). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on October 1, 1992, the following reports were filed on November 23, 1992]

Mr. CONYERS: Committee on Government Operations. A report on IRS' program to combat senior-level misconduct: getting stronger but still a long way to go (Rept. 102–1065). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. A report on foreign government procurement and the unfair treatment of U.S. companies (Rept. 102–1066). Referred to the Committee of the Whole House on the State of the Union.

[Submitted November 24, 1992]

Mr. CONYERS: Committee on Government Operations. A report on "Give consumers a choice: privacy implications of U.S. Postal Service National Change of Address Program." (Rept. 102–1067). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on October 1, 1992, the following reports were filed on December 2, 1992]

Mr. CONYERS: Committee on Government Operations. A report on U.S. agricultural assistance abroad: a general management review (Rept. 102–1068). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. A report on B–1B strategic bomber: system review and recommendations (Rept. 102–1069). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 14, 1992]

Mr. RANGEL: Select Committee on Narcotics Abuse and Control. A report on annual report for the year 1991 (Rept. 102–1070). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 16, 1992]

Mr. ROE: Committee on Public Works and Transportation. A report on summary of legislative activities of the Committee on Public Works and Transportation, 102d Congress (Rept. 102–1071). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 22, 1992]

Mrs. SCHROEDER: Select Committee on Children, Youth, and Families. A report on the activities for the year 1991 (Rept. 102–1072). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SCHROEDER: Select Committee on Children, Youth, and Families. A report on child care challenge (Rept. 102–1073). Pursuant to House Resolution 51, referred jointly to the Committees on Ways and Means; Education and Labor; and Energy and Commerce. Ordered to be printed.

Mrs. SCHROEDER: Select Committee on Children, Youth, and Families. A report on a decade of denial: teens and AIDS in America (Rept. 102–1074). Pursuant to House Resolution 51, referred jointly to the Committees on Energy and Commerce; Education and Labor; and Ways and Means. Ordered to be printed.

Mrs. SCHROEDER: Select Committee on Children, Youth, and Families. A report on Federal programs affecting children and their families, 1991–92 (Rept. 102–1075). Pursuant to House Resolution 51, referred jointly to the Committees on Ways and Means; Post Office and Civil Service; Armed Services; Veterans' Affairs; Education and Labor; Agriculture; Energy and Commerce; the Judiciary; Interior and Insular Affairs; and Banking, Finance and Urban Affairs. Ordered to be printed.

[Submitted December 23, 1992]

Mr. MONTGOMERY: Committee on Veterans' Affairs. Activities report of the Committee on Veterans' Affairs, House of Representatives, 102d Congress. (Rept. 102–1076). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 29, 1992]

Mr. MILLER of California: Committee on Interior and Insular Affairs. A report on legislative and review activities of the Committee on Interior and Insular Affairs of the House of Representatives during the 102d Congress (Rept. 102–1077). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASPIN: Committee on Armed Services. A report of the activities of the Committee on Armed Services for the 102d Congress (Rept. 102–1078). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 30, 1992]

Mr. FASCELL: Committee on Foreign Affairs. A report on legislative review activities of the Committee on Foreign Affairs, 102d Congress (Rept. 102–1079). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANGEL: Select Committee on Narcotics Abuse and Control. Annual Report for the year 1992 of the Select Committee on Narcotics Abuse and Control (Rept. 102–1080). Referred to the Committee of the Whole House on the State of the Union.

Mr. STOKES: Committee on Standards of Official Conduct. A report on summary of activities, 102d Congress (Rept. 102–1081). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCURDY: Permanent Select Committee on Intelligence. A Report on the activities of the Permanent Select Committee on Intelligence during the 102d Congress (Rept. 102–1082). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSE: Committee on House Administration. A report on the activities of the Committee on House Administration of the House of Representatives during the 102d Congress (Rept. 102–1083). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Education and Labor. A report on the activities of the Committee on Education and Labor during the 102d Congress (Rept. 102–1084). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 31, 1992]

Mr. BROOKS: Committee on the Judiciary. A report on the activities of the Committee on the Judiciary of the House of Representatives during the 102d Congress (Rept. 102–1085). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. A report on activities of the House Committee on Government Operations, 102d Congress, first and second sessions, 1991–92 (Rept. 102–1086). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. A report on the activities of the Committee on Post Office and Civil Service for the 102d Congress (Rept. 102–1087). Referred to the Committee of the Whole House on the State of the Union.

Mr. PANETTA: Committee on the Budget. A report on activities and summary report of the Committee on the Budget, House of Representatives, 102d Congress (Rept. 102–1088). Referred to the Committee of the Whole House on the State of the Union.

Mr. LAFALCE: Committee on Small Business. A report on summary of activities of the Committee on Small Business, House of Representatives, 102d Congress (Rept. 102–1089). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SCHROEDER: Select Committee on Children, Youth, and Families. A report on the activities for the year 1992 of the Select Committee on Children, Youth, and Families (Rept. 102–1090). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. A report of the activities of the Committee on Appropriations, House of Representatives, 102d Congress (Rept. 102–1091). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. A report on the activities of the Merchant Marine and Fisheries Committee, 102d Congress (Rept. 102–1092). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROYBAL: Select Committee on Aging. A report on the activities of the House Select Committee on Aging in the 102d Congress (Rept. 102–1093). Referred to the Committee of the Whole House on the State of the Union.

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. A report on summary of activities of the Committee on Banking, Finance and Urban Affairs, House of Representatives, 102d Congress (Rept. 102–1094). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN: Committee on Science, Space, and Technology. A report on summary of activities of the Committee on Science, Space, and Technology, House of Representatives for the 102d Congress (Rept. 102–1095). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. A report on the activity of the Committee on Energy and Commerce for the 102d Congress (Rept. 102–1096). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. A report on activities and summary report of the Committee on the District of Columbia during the 102d Congress (Rept. 102–1097). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 31, 1992]

Mr. DE LA GARZA: Committee on Agriculture. Report on the activities of the Committee on Agriculture during the 102d Congress (Rept. 102–1098). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: Select Committee on Hunger. Progress report of the Select Committee on Hunger for the 2d session (Rept. 102–1099). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FORD of Michigan (for himself, Mr. CLAY, Mr. MILLER of California, Mr. MURPHY, Mr. KILDEE, Mr. WILLIAMS, Mr. MARTINEZ, Mr. OWENS, Mr. SAWYER, Mr. PAYNE of New Jersey, Mrs. UNSOELD, Mrs. MINK, Mr. ANDREWS of New Jersey, Mr. REED, Mr. ROEMER, Mr. ENGEL, Mr. BECERRA, Mr. SCOTT, Mr. GREEN of Texas, Ms. WOOLSEY, Mr. ROMERO-BARCELÓ, Mr. KLINK, Ms. ENGLISH of Arizona, Mr. STRICKLAND, Mrs. SCHROEDER, Mrs. ROUKEMA, Ms. SNOWE, Mr. SWETT, Mr. FORD of Tennessee, Mr. MATSUI, Mr. BONIOR, Mr. SANDERS, Mrs. KENNELLY, Mr. GORDON, and Mr. WELDON):

H.R. 1. A bill to grant family and temporary medical leave under certain circumstances; jointly, to the Committees on Education and Labor, and Post Office and Civil Service and House Administration.

By Mr. SWIFT (for himself, Mr. GEPHARDT, Mr. BONIOR, Mr. HOYER, Mr. LEWIS of Georgia, Mr. DERRICK, Mrs. KENNELLY, Mr. RICHARDSON, Mr. FAZIO, Mr. ROSE, Mr. CONYERS, Mr. CLAY, Mr. GEJDENSON, Mr. FROST, Mr. MANTON, Mr. KLECZKA, Mr. KILDEE, Mr. MAZZOLI, Mr. SCHUMER, Mr. DURBIN, Mr. DICKS, Mrs. MORELLA, Mr. MCDERMOTT, Mrs. UNSOELD, Ms. CANTWELL, Mr. INSLEE, Mr. KREIDLER, Mr. KLEIN, and Mr. BROWN of Ohio):

H.R. 2. A bill to establish national voter registration procedures for Federal elections, and for other purposes; to the Committee on House Administration.

By Mr. GEJDENSON (for himself, Mr. GEPHARDT, Mr. BONIOR, Mr. DERRICK, Mrs. KENNELLY, Mr. LEWIS of Georgia, Mr. HOYER, Mr. FAZIO, Mr. ROSE, Mr. KLECZKA, Ms. DELAURO, Mr. SWIFT, Mr. SYNAR, Mr. SANDERS, Mr. BACCHUS of Florida, Mr. CONYERS, Ms. KAPTUR, Mr. MAZZOLI, Mr. STARK, Mr. MILLER of California, Mr. DIXON, Mr. STUDDS, Mr. HOAGLAND, Mrs. SCHROEDER, Mr. MCDERMOTT, Mr. VENTO, Mr. ANDREWS of Maine, Mr. OLVER, and Mr. CARDIN):

H.R. 3. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and benefits for congressional election campaigns, and for other purposes; to the Committee on House Administration.

By Mr. WAXMAN (for himself, Mr. UPTON, Mrs. SCHROEDER, Ms. SNOWE, Mrs. COLLINS of Illinois, Ms. DANNER, Ms. ENGLISH of Arizona, Mrs. JOHNSON of Connecticut, Mrs. KENNELLY, Ms. LAMBERT, Mr. LEHMAN, Ms. LOWEY, Mrs. LLOYD, Mr. MARKEY, Mrs. MINK, Mrs. MORELLA, Ms. MOLINARI, Ms. NORTON, Mr. RICHARDSON, Ms. PELOSI, Mr. SANDERS, Ms. SCHENK, Mr. SHARP, Ms. SLAUGHTER, Mr. STUDDS, Mr. SYNAR, Mr. TOWNS, Mrs. UNSOELD, Ms. WATERS, Ms. WOOLSEY, and Mr. WYDEN):

H.R. 4. A bill to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes; to the Committee on energy and Commerce.

By Mr. CLAY:

H.R. 5. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Education and Labor.

By Mr. KILDEE (for himself, Mr. FORD of Michigan, and Mr. GOODLING):

H.R. 6. A bill to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965 and for other purposes; to the Committee on Education and Labor.

By Mr. GONZALEZ (for himself, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. KENNEDY, Mr. FLAKE, Mr. MFUME, Ms. WATERS, Mrs. MALONEY, Mr. RUSH, Ms. FURSE, Mr. HINCHEY, and Mr. SANDERS):

H.R. 7. A bill to provide necessary emergency community development and housing assistance to stimulate economic growth in the United States, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KILDEE (for himself, Mr. FORD of Michigan, and Mr. GOODLING):

H.R. 8. A bill to amend the Child Nutrition Act of 1966 and the National School Lunch Act to extend certain authorities contained in such acts through the fiscal year 1998; to the Committee on Education and Labor.

By Mr. BROOKS:

H.R. 9. A bill to modify the antitrust exemption applicable to the business of insurance; to the Committee on the Judiciary.

By Mr. MINETA (for himself and Mr. GEPHARDT):

H.R. 10. A bill to require reauthorizations of budget authority for Government programs at least every 10 years, to provide for review of Government programs at least every 10 years, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. MILLER of California (for himself, Mr. OWENS, Ms. NORTON, Mrs. COLLINS of Illinois, Ms. PELOSI, Mr. RANGEL, Mr. TOWNS, and Mr. JOHNSON of South Dakota):

H.R. 11. A bill to amend the National School Lunch Act to establish an optional universal school lunch and breakfast program; to the Committee on Education and Labor.

By Mr. HUGHES (for himself and Mr. MOORHEAD):

H.R. 12. A bill to amend title 17, United States Code, with respect to infringement of copyright; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 13. A bill to simplify certain provisions of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. MINETA (for himself and Mr. OBERSTAR):

H.R. 14. A bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants; to the Committee on Public Works and Transportation.

By Mr. RANGEL:

H.R. 15. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage community development in enterprise zones, and for other purposes; jointly, to the Committees on Ways and Means, Education and Labor, Energy and Commerce, and Banking, Finance and Urban Affairs.

Mr. DINGELL:

H.R. 16. A bill to provide a program of national health insurance, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. ROSTENKOWSKI:

H.R. 17. A bill to make technical corrections relating to the Revenue Reconciliation Act of 1990, and for other purposes; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI (for himself, Mr. RANGEL, and Mrs. KENNELLY):

H.R. 18. A bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI (for himself and Mr. STARK):

H.R. 19. A bill to amend title XVIII of the Social Security Act to provide for coverage of certain preventive services under part B of the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. CLAY (for himself and Mr. MYERS of Indiana):

H.R. 20. A bill to amend title V, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROSTENKOWSKI (for himself and Mr. STARK):

H.R. 21. A bill to amend title XVIII of the Social Security Act to make miscellaneous and technical changes to the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PICKLE (for himself, Mr. ROSTENKOWSKI, Mr. STARK, Mr. RANGEL, Mr. FORD of Tennessee, Mr. JACOBS, Mr. THOMAS of California, Mr. SUNDQUIST, and Mr. SHAW):

H.R. 22. A bill to make certain changes to improve the administration of the Medicare Program, to reform customs overtime pay practices, to prevent the payment of Federal benefits to deceased individuals, to require reports on employers with underfunded pension plans, to provide for increased taxpayer procedural protections, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and Post Office and Civil Service.

By Mr. FISH:

H.R. 23. A bill to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States; to the Committee on the Judiciary.

By Mr. SOLOMON (for himself, Mr. ALLARD, Mr. BACHUS of Alabama, Mr. BARRETT of Nebraska, Mr. BOEHNER, Mr. BURTON of Indiana, Mr. DREIER, Mr. DUNCAN, Mrs. FOWLER, Mr. GALLEGLY, Mr. GILLMOR, Mr. HALL of Texas, Mr. HOUGHTON, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. LEWIS of Florida, Mr. MCCANDLESS, Mr. MCHUGH, Mr. MICHEL, Ms. MOLINARI, Mr. OXLEY, Mr. PACKARD, Mr. QUILLEN, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. SAXTON, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SMITH of Texas, Mr. STUMP, Mr. SUNDQUIST, Mr. UPTON, Mr. WALKER, Mr. WALSH, and Mr. ZELIFF):

H.R. 24. A bill to give the President legislative, line-item veto authority over budget authority in appropriations bills in fiscal years 1994 and 1995; jointly, to the Committees on Government Operations and Rules.

By Mr. EDWARDS (for himself, Mr. FAZIO, Mrs. KENNELLY, Mrs. MORELLA, Ms. MOLINARI, Mr. SABO, Miss BARBARA-ROSE COLLINS of Michigan, Ms. HARMAN, Mr. KLEIN, Mr. MINETA, Mrs. MINK, Mr. SCHUMER, Mr. SHAYS, Ms. SNOWE, and Mr. NADLER):

H.R. 25. A bill to protect the reproductive rights of women; to the Committee on the Judiciary.

By Mr. FAZIO (for himself, Mr. ABERCROMBIE, Mr. BEILENSON, Mr. BERMAN, Mrs. CLAYTON, Mr. CONYERS, Mr. DEFAZIO, Ms. DELAURO, Mr. EDWARDS of California, Mr. FRANK of Massachusetts, Mr. FROST, Mrs. JOHNSON of Connecticut, Mrs. KENNELLY, Mr. KOPETSKI, Mrs. LOWEY, Mr. MCDERMOTT, Mr. MACHTLEY, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Ms. MOLINARI, Mr. MORAN, Mrs. MORELLA, Ms. NORTON, Mr. PAYNE of New Jersey, Mrs. SCHROEDER, Ms. SLAUGHTER, Mr. STARK, Mr. STUDDS, Mr. TORRES, Mr. TOWNS, Mrs. UNSOELD, Mr. WAXMAN, Mr. WYDEN, and Mr. ZIMMER):

H.R. 26. A bill to amend various provisions of law to ensure that services related to abortion are made available to the same extent as are all other pregnancy-related services under federally funded programs; jointly, to the Committees on Armed Services, the District of Columbia, Energy and Commerce, Foreign Affairs, the Judiciary, Natural Resources, and Post Office and Civil Service.

By Mr. GONZALEZ (for himself, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. KENNEDY, Mr. MFUME, and Mr. RUSH):

H.R. 27. A bill to amend the Real Estate Settlement Procedures Act of 1974 to reflect changes in the mortgage servicing industry and the availability of improved technology to escrow agents, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GONZALEZ:

H.R. 28. A bill to promote accountability, diversity, and the public interest in the operation of the Federal Reserve System, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SMITH of Iowa:

H.R. 29. A bill to authorize loans for study at nonprofit institutions of higher education; to the Committee on Education and Labor.

By Mr. GRANDY (for himself, Mr. GOODLING, Mr. HENRY, and Mr. CUNNINGHAM):

H.R. 30. A bill to provide for universal access to basic group health benefits coverage and to remove barriers and provide incentives in order to make such coverage more affordable, to improve and make more efficient the provision of medical and health insurance information, and to improve enforcement of requirements relating to multiple employer welfare arrangements; jointly, to the Committees on Education and Labor, Energy and Commerce, and Ways and Means.

By Mr. HUGHES (for himself, Mr. SAXTON, Mr. GALLO, Mr. PAYNE of New Jersey, Mr. PALLONE, Mrs. ROUKEMA, and Mr. HOCHBRUECKNER):

H.R. 31. A bill to amend the Federal Water Pollution Control Act and the Coastal Zone Management Act of 1972 to improve the quality of coastal recreation waters, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. HUGHES:

H.R. 32. A bill to designate tributaries of the Maurice River in the State of New Jersey as components of the National Wild and Scenic Rivers System; to the Committee on Natural Resources.

By Mr. DINGELL (for himself and Mr. BLILEY):

H.R. 33. A bill to amend the Public Health Service Act to establish standards for the certification of laboratories engaged in urine drug testing, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GILMAN (for himself and Mr. FALEOMAVAEGA):

H.R. 34. A bill to amend title 38, United States Code, to extend eligibility for burial allowance to certain additional veterans and to increase the burial plot allowance for veterans from $150 to $300; to the Committee on Veterans' Affairs.

By Mr. GILMAN (for himself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, and Mrs. MINK):

H.R. 35. A bill to amend title 38, United States Code, to provide that persons considered to be Commonwealth Army veterans by reason of service with the Armed Forces during World War II in the Philippines shall be eligible for full veterans' benefits from the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. GILMAN:

H.R. 36. A bill to direct the Secretary of Health and Human Services to establish a schedule of preventive health care services and to provide for coverage of such services in accordance with such schedule under private health insurance plans and health benefit programs of the Federal Government, and for other purposes; jointly, to the Committees on Energy and Commerce, Post Office and Civil Service, Veterans' Affairs, and Ways and Means.

H.R. 37. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age, and to provide for an increase in the exempt amount under the earnings test for beneficiaries who have not attained retirement age; to the Committee on Ways and Means.

By Mr. RICHARDSON:

H.R. 38. A bill to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes; to the Committee on Natural Resources.

By Mr. LEHMAN (for himself and Mr. VENTO):

H.R. 39. A bill to designate certain lands in Alaska as wilderness; to the Committee on Natural Resources.

By Mr. CONYERS:

H.R. 40. A bill to acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequent de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. GEJDENSON:

H.R. 41. A bill to authorize the President to seek the recoupment of defense expenditures abroad and to authorize the use of expenditures recouped for domestic investment projects; jointly, to the Committees on Armed Services, Banking, Finance and Urban Affairs, Education and Labor, Foreign Affairs, Energy and Commerce, Natural Resources, Public Works and Transportation, and Science, Space, and Technology.

By Mr. RANGEL:

H.R. 42. A bill to amend the Internal Revenue Code of 1986 to make the low-income housing credit permanent; to the Committee on Ways and Means.

By Mr. SKAGGS (for himself, Mr. SCHIFF, Mrs. SCHROEDER, Mr. RICHARDSON, Mr. STARK, Mr. EVANS, Mr. SANDERS, Mrs. LLOYD, and Mr. OWENS):

H.R. 43. A bill to provide health insurance benefits to certain former employees at defense nuclear facilities of the Department of Energy for injuries caused by exposure to ionizing radiation; to the Committee on Energy and Commerce.

By Mr. FIELDS of Texas (for himself, Mr. EVANS, Mr. STUDDS, Ms. KAPTUR, Mr. PORTER, AND Mr. SMITH of Oregon, Mr. ABERCROMBIE, Mr. ANDREWS of New Jersey, Mr. ACKERMAN, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BOEHLERT, Mr. BONIER, Mr. BOUCHER, Mr. BROWDER, Mr. BUNNING, Mr. CALLAHAN, Mr. CLEMENT, Mr. COLEMAN of Texas, Mr. COX, Mr. CUNNINGHAM, Mr. DELLUMS, Mr. DE LUGO, Mr. DICKS, Mr. DOOLITTLE, Mr. ESPY, Mr. FALOEMAVAGEA, Mr. FAWELL, Mr. FAZIO, Mr. FISH, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GALLEGLY, Mr. GILCHREST, Mr. GILMAN, Mr. GILLMOR, Mr. GOSS, Mr. HERGER, Mr. HOCHBRUECKNER, Mr. HUGHES, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. INHOFE, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut,, Mr. KOLBE, Mr. KOPETSKI, Mr. LAFALCE, Mr. LANCASTER, Mr. LIPINSKI, Mr. LIVINGSTON, Ms. LOWEY, Mr. MACHTLEY, Mr. MANTON, Mrs. MEYERS of Kansas, Mrs. MINK, Mr. MURPHY, Mr. MURTHA, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Mr. QUILLEN, Mr. RANGEL, Mr. RAVENEL, Mr. SANDERS, Mr. SAXTON, Mr. SCHIFF, Mr. SHAW, Mr. SHAYS, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SPENCE, Mr. STARK, Mr. STEARNS, Mr. SWIFT, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mrs. UNSOELD, Mr. VENTO, Mr. WALSH, Mr. WILSON, Mr. YOUNG of Alaska and Mr. ZELIFF):

H.R. 44. A bill to provide that certain service of members of the U.S. merchant marine during World War II constituted active military service for purposes of any law administered by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. ACKERMAN (for himself and Mrs. MORELLA):

H.R. 45. A bill to amend title 5, United States Code, to reform the program under which health benefits are provided to Federal employees; to the Committee on Post Office and Civil Service.

By Mr. ARCHER:

H.R. 46. A bill to amend the Federal Election Campaign Act of 1971 to prohibit contributions by multicandidate political committees and to limit contributions in House of Representatives elections from persons other than individual in-State residents; to the Committee on House Administration.

H.R. 47. A bill to provide an antitrust exemption for medical self-regulatory entities when engaged in standard setting and enforcement activities designed to promote the quality of care, and for other purposes; to the Committee on the Judiciary.

By Mr. ARCHER (for himself, Mr. SHAYS, Mrs. ROUKEMA, and Mr. BEREUTER):

H.R. 48. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 49. A bill to amend the Internal Revenue Code of 1986 to permit losses on sales of certain prior principal residences to offset gain on a subsequent sale of a principal residence; to the Committee on Ways and Means.

By Mr. EDWARDS of California (for himself, Mr. CONYERS, and Mr. MINETA):

H.R. 50. A bill to regulate the conduct of the Federal Bureau of Investigation in certain matters relating to the exercise of rights protected by the first article of amendment to the Federal Constitution; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 51. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on the District of Columbia.

By Mr. ARCHER:

H.R. 52. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on the exclusion under section 911 of such code; to the Committee on Ways and Means.

By Mr. ARCHER (for himself and Mr. SHAYS):

H.R. 53. A bill to amend the Internal Revenue Code of 1986 to provide a 30-percent capital gains deduction for both corporate and noncorporate taxpayers; to the Committee on Ways and Means.

By Mrs. BENTLEY (for herself and Mr. PORTER):

H.R. 54. A bill to establish a radio broadcasts to the peoples of Asia; to the Committee on Foreign Affairs.

By Mrs. BENTLEY (for herself, Mrs. MEYERS of Kansas, Mr. OBERSTAR, Mr. MACHTLEY, Mr. SANDERS, Mr. SKAGGS, Mr. EVANS, and Mr. LEWIS of Florida):

H.R. 55. A bill to prohibit the export of American black bear viscera, and for other purposes; jointly, to the Committees on Foreign Affairs, Merchant Marine and Fisheries, and Ways and Means.

By Mrs. BENTLEY:

H.R. 56. A bill to amend the Shipping Act of 1984 to provide for equitable treatment of U.S. ocean freight forwarders by ocean carrier conferences; to the Committee on Merchant Marine and Fisheries.

H.R. 57. A bill to amend title 10, United States Code, to clarify the preference for U.S.-flag merchant vessels in the carriage of Department of Defense cargoes, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Armed Services.

H.R. 58. A bill to authorize the Secretary of Transportation to convey vessels in the National Defense Reserve Fleet to certain nonprofit organizations; to the Committee on Merchant Marine and Fisheries.

By Mr. BEREUTER:

H.R. 59. A bill to increase the amount of credit available to fuel economic growth by reducing the regulatory burden imposed upon depository institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 60. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of principal residence by a first-time homebuyer; to the Committee on Ways and Means.

H.R. 61. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate all or any portion of their income tax refund to reduce the public debt; to the Committee on Ways and Means.

H.R. 62. A bill to revise the national flood insurance program to provide for mitigation insurance coverage and claims payments to reduce damages to structures suffering severe or repetitive flooding or subject to shoreline erosion, to promote compliance with requirements for mandatory purchase of flood insurance, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BILBRAY:

H.R. 63. A bill to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes; to the Committee on Natural Resources.

By Mr. BILIRAKIS:

H.R. 64. A bill to provide benefits under the survivor benefit plan to surviving spouses of certain members of the Armed Forces retired before September 21, 1972; to the Committee on Armed Services.

By Mr. BILIRAKIS (for himself and Mr. SHAYS):

H.R. 65. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation; to the Committee on Armed Services.

By Mr. BILIRAKIS:

H.R. 66. A bill to amend title 39, United States Code, to exempt veterans' organizations from regulations prohibiting the solicitation of contributions on postal property; to the Committee on Post Office and Civil Service.

H.R. 67. A bill to amend title 38, United States Code, to provide that a veteran who is a former prisoner of war and who was detained or interned for not less than 90 days shall be deemed to have a service-connected disability rated at not less than 50 percent for the purposes of determining benefits due to such veteran; to the Committee on Veterans' Affairs.

H.R. 68. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a veteran after age 55 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

H.R. 69. A bill to amend title 38, United States Code, to provide reclassification of members of the Board of Veterans Appeals and to ensure pay equity between those members and administrative law judges; jointly, to the Committees on Veterans' Affairs and Post Office and Civil Service.

By Mr. HOAGLAND:

H.R. 70. A bill to provide for the termination of the Superconducting Super Collider project; to the Committee on Science, Space, and Technology.

By Mr. BILIRAKIS:

H.R. 71. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers who employ members of the Ready Reserve or of the National Guard; to the Committee on Ways and Means.

By Mr. HOAGLAND:

H.R. 72. A bill to amend title XVIII of the Social Security Act to extend coverage of home health services under the Medicare program; jointly, to the Committees on Energy and Commerce and Ways and Means.

H.R. 73. A bill to require the Secretary of Health and Human Services and the Attorney General to jointly carry out a demonstration program to reduce health care costs through the sharing by medical facilities of certain services and equipment, notwithstanding any antitrust law to the contrary, and to direct the Attorney General to carry out a certificate of review process exempting eligible medical facilities from the application of certain antitrust laws; jointly, to the Committees on Energy and Commerce and the Judiciary.

H.R. 74. A bill to provide for the simplification of health payor forms; jointly, to the Committees on Energy and Commerce and Ways and Means.

H.R. 75. A bill to require that the President transmit to Congress, that the congressional Budget Committees report, and that the Congress consider a balanced budget for each fiscal year; jointly, to the Committees on Government Operations and Rules.

H.R. 76. A bill to amend title XVIII of the Social Security Act to provide for coverage of annual preventive examinations under part B of the Medicare program; jointly, to the Committees on Energy and Commerce and Ways and Means.

H.R. 77. A bill to amend title XVIII of the Social Security Act to require as a condition of participation under the Medicare program that hospitals provide parents of newborn children with information and recommendations on childhood immunizations; jointly, to the Committees on Energy and Commerce and Ways and Means.

H.R. 78. A bill to amend the Public Health Service Act to provide for the development of a single vaccine to provide lifelong immunization against common childhood diseases; to the Committee on Energy and Commerce.±

By Mr. BOEHLERT:

H.R. 79. A bill to authorize a study of the struggle for American Independence within the Northern Frontier; to the Committee on Natural Resources.

H.R. 80. A bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans; to the Committee on Public Works and Transportation.

By Mr. CARR (for himself, Mr. HALL of Ohio, Mr. VENTO and Mr. EMERSON):

H.R. 81. A bill to amend the Internal Revenue Code of 1986 to allow individuals to direct that part or all of their income tax refunds be contributed to a trust fund established for the relief of domestic and international hunger, and to establish a commission to oversee the distribution of such contributions; to the Committee on Ways and Means.

By Mr. BUNNING (for himself, Mr. Archer, Mrs. Johnson of Connecticut, Mr. Rangel, Mr. Sundquist, Mr. Ackerman, Mr. Bacchus of Florida, Mr. Baker of Louisiana, Mr. Bateman, Mr. Bereuter, Mr. Bilirakis, Mr. Browder, Mr. Clinger, Mr. Clyburn, Mr. Costello, Mr. Cox, Ms. DeLauro, Mr. Doolittle, Mr. Durbin, Mr. Emerson, Mr. Ewing, Mr. Gallegly, Mr. Green of Texas, Mr. Hansen, Mr. Holden, Ms. Lowey, Mr. McCrery, Mr. McDade, Mr. Machtley, Mr. Martinez, Mrs. Morella, Mr. Murphy, Mr. Oxley, Mr. Parker, Mr. Penny, Mr. Pickett, Mr. Porter, Mr. Quillen, Mr. Rohrabacher, Mr. Sangmeister, Mr. Schiff, Mr. Sensenbrenner, Mr. Shays, Mr. Smith of Oregon, Mr. Solomon, Mr. Traficant, Mr. Wise, Mr. Wolf, and Mr. Wynn):

H.R. 82. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on certain educational loans; to the Committee on Ways and Means.

By Mr. CARR:

H.R. 83. A bill to require employers to provide certain information concerning family leave policies and for other purposes; jointly, to the Committees on Post Office and Civil Service and Education and Labor.

By Mr. CLAY (for himself and Mr. Conyers):

H.R. 84. A bill to amend the Office of Federal Procurement Policy Act to provide for the participation of historically black colleges and universities in federally funded research and development activities; to the Committee on Government Operations.

By Mr. CLINGER:

H.R. 85. A bill to amend the Federal Election Campaign Act of 1971 to prohibit congressional leadership committees; to the Committee on House Administration.

H.R. 86. A bill to amend the Internal Revenue Code of 1986 to provide for an income tax credit for in-State contributions to congressional candidates; to the Committee on Ways and Means.

H.R. 87. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary limitation on contributions from other than individual district residents in House of Representatives elections; to the Committee on House Administration.

By Mr. CRANE:

H.R. 88. A bill to provide for the privatization of the United States Postal Service; to the Committee on Post Office and Civil Service.

By Mr. KILDEE:

H.R. 89. A bill to authorize a program of grants to States and establish a technology agency within the Department of Education to improve the use of technology in elementary and secondary schools; to the Committee on Education and Labor.

H.R. 90. A bill to establish a National Board on workforce skills and to develop a comprehensive school-to-work transition program for students in the United States; to the Committee on Education and Labor.

H.R. 91. A bill to provide grants to States for the purpose of providing workplace services to small businesses; to the Committee on Education and Labor.

H.R. 92. A bill to improve education for all students by restructuring the education system in the States; to the Committee on Education and Labor.

By Mr. LIVINGSTON:

H.R. 93. A bill to amend title 18, United States Code, to provide mandatory life imprisonment for persons convicted of a third violent felony; to the Committee on the Judiciary.

By Mrs. MEYERS of Kansas (for herself, Mrs. Roukema, Mr. Bilirakis, Mr. Murphy, Mr. Gingrich, Mr. Emerson, Mr. Callahan, Mr. Tanner, Mr. Gallo, Mr. Hastert, Mr. Roberts, Mr. McCrery, Mr. Boehner, Mr. Hutto, Mr. Darden, Mr. Solomon, Mr. Petri, Mr. Ewing, Mr. Sam Johnson of Texas, Mr. Hancock, Mr. Leach, Mr. Smith of Texas, Mrs. Vucanovich, Mr. Fawell and Mr. Bliley):

H.R. 94. A bill to repeal the provisions of the Unemployment Compensation Amendments of 1992 which provide for optional trustee-to-trustee transfers of eligible rollover distributions and impose a withholding tax on distributions not so transferred; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 95. A bill to amend the National Labor Relations Act to require the National Labor Relations Board to assert jurisdiction in a labor dispute which occurs on Johnston Atoll, an unincorporated territory of the United States; to the Committee on Education and Labor.

By Mrs. MINK:

H.R. 96. A bill to provide for the conduct of basic research on certain matters relating to ovarian cancer; to the Committee on Energy and Commerce.

By Mrs. MINK (for herself and Mr. Abercrombie):

H.R. 97. A bill to amend the Immigration and Nationality Act to provide for prompt parole into the United States of aliens in order to attend the funeral of an immediate blood relative in the United States; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 98. A bill to amend title 5, United States Code, to provide that any Federal employee serving under a temporary appointment who has completed at least 1 year of service in such position within the preceding 2 years shall be eligible for the Government's health benefits program, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. ROUKEMA (for herself and Mr. Frank of Massachusetts):

H.R. 99. A bill to remove the limitation on the availability of funds previously appropriated to the Resolution Trust Corporation and to provide additional resources for the Resolution Trust Corporation and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. ROUKEMA:

H.R. 100. A bill to amend the Internal Revenue Code of 1986 to permanently extend certain tax provisions relating to the Low-Income Housing Credit and Qualified Mortgage Bonds, and for other purposes; to the Committee on Ways and Means.

By Mr. MICHEL (for himself, Mr. Gingrich, Mr. Hunter, Mr. McCollum, Mr. Archer, Mr. Crapo, Mr. Kasich, Mr. McDade, Mr. McMillan of North Carolina, Mr. Solomon, Mr. Bilirakis, Mr. Bliley, Mr. Goss, Mr. Gradison, Mr. Grandy, Mr. Gunderson, Mr. Hastert, Mr. Hobson, Mrs. Johnson of Connecticut, Mr. Roberts, Mr. Walker, Mr. Baker of Louisiana, Mr. Barrett of Nebraska, Mr. Doolittle, Ms. Fowler, Mr. Gekas, Mr. Gillmor, Mr. Goodling, Mr. Kolbe, Mr. McCrery, Mr. McHugh, Mr. Moorhead, Mr. Oxley, Mr. Petri, Mr. Santorum, Mr. Sensenbrenner, Mr. Shaw, Mr. Shays, Mr. Smith of Oregon, Ms. Snowe, Mr. Taylor of North Carolina, Mr. Thomas of Wyoming, and Mr. Wolf):

H.R. 101. A bill to improve access to health insurance and contain health care costs, and for other purposes; jointly, to the Committees on Energy and Commerce Ways and Means, Education and Labor, and the Judiciary.

By Mr. MICHEL (for himself and Mr. Roberts):

H.R. 102. A bill to encourage increased voter registration for Federal, State, and local elections, and for other purposes; jointly, to the Committees on House Administration and the Judiciary.

By Mr. MICHEL (for himself and Mr. Thomas of California):

H.R. 103. A bill to establish a House of Representatives election limitation on contributions from persons other than local individual residents, and for other purposes; to the Committee on House Administration.

By Mr. MICHEL (for himself, Mr. Archer and Mrs. Meyers of Kansas):

H.R. 104. A bill to amend the Internal Revenue Code of 1986 to promote investment in small businesses by providing Federal tax relief and simplification for such businesses and their investors; to the Committee on Ways and Means.

By Mr. EDWARDS of California (for himself, Mrs. Schroeder, Mr. Ackerman, Mr. Andrews of Texas, Mr. Andrews of New Jersey, Mr. Bacchus of Florida, Mr. Beilenson, Mr. Berman, Mr. Boucher, Mr. Coleman of Texas, Mr. Conyers, Mr. DeFazio, Mr. Dellums, Mr. Dicks, Mr. Evans, Mr. Fazio, Mr. Frost, Mr. Frank of Massachusetts, Mr. Gejdenson, Mr. Hall of Ohio, Mr. Jacobs, Mrs. Kennelly, Ms. Kaptur, Mr. Kildee, Mr. Lantos, Mr. Matsui, Mr. Mineta, Mrs. Morella, Mr. Nadler, Mr. Panetta, Mr. Sabo, Mr. Shays, Ms. Slaughter, Ms. Snowe, Mr. Stark, Mr. Swift, Mr. Towns, Mrs. Unsoeld, and Mr. Foglietta):

H.J. Res. 1. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MICHEL (for himself, Mr. Camp and Mr. McHugh):

H.J. Res. 2. Joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government; to the Committee on the Judiciary.

By Mr. ALLARD (for himself, Mr. Rohrabacher, Mr. Ewing, Mr. Goss, Mr. Ramstad, Mr. Bliley Mr. Baker of Louisiana, Mr. Gillmor, Mr. Thomas of Wyoming, Mr. Fawell, Mr. Schaefer Mr. McCandless, Mr. Oxley, Mr. Solomon, Mr. Penny, Mr. Hall, of Texas, Mr. Zeliff, Mr. Sam Johnson of Texas, Mr. Gallegly, Mr. Zimmer Mr. Baker of California, Mr. Smith of New Jersey, Mr. Burton of Indiana, Mrs. Meyers of Kansas, Mr.

Duncan, Mr. Smith of Texas, Mr. Packard, Mr. Bereuter, Ms. Smith of Oregon, Mr. Barrett of Nebraska, Mr. Doolittle, Mr. Quillen, Mr. Crapo, Mr. Walsh, Mr. Boehner, Mr. Barton of Texas, Mr. Upton, Mr. Petri, Mr. Hansen, Mr. Stump, Mr. Hunter, Mr. Hefley, Mr. Condit, Mr. Talent, Mr. Saxton, Mrs. Bentley, and Mr. Geren of Texas):

H.J. Res. 4. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

By Mr. APPLEGATE:

H.J. Res. 5. Joint resolution proposing an amendment to the Constitution of the United States to limit the terms of office of judges of the Supreme and inferior courts; to the Committee on the Judiciary.

H.J. Res. 6. Joint resolution designating April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. ARCHER (for himself, Mr. Bereuter, Mr. Bilirakis, Mr. Boehner, Mr. Bunning, Mr. Burton of Indiana, Mr. Clinger, Mr. Coble, Mr. Combest, Mr. Crane, Mr. Cox, Mr. Doolittle, Mr. Fish, Mr. Gallo, Mr. Gillmor, Mr. Hall of Texas, Mrs. Johnson of Connecticut, Mr. Sam Johnson of Texas, Mr. Kyl, Mr. Livingston, Mr. Machtley, Mr. McCrery, Mr. McMillan of North Carolina, Mr. Oxley, Mr. Packard, Mr. Quillen, Mr. Ramstad, Mr. Shays, Mr. Smith of Texas, Mr. Upton, Mr. Wolf, Mr. Zeliff, Mr. Sundquist, Mr. Moorhead, Mr. Bonilla, Mr. Petri, Mr. Gallegly, Mr. Goss, Mr. Hansen, Mr. Stump, Mr. Condit, Mr. Young of Florida, Mr. Stearns, Mr. Saxton, and Mr. DeLay):

H.J. Res. 7. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

By Mr. ARCHER:

H.J. Res. 8. Joint resolution proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits; to the Committee on the Judiciary.

By Mr. BARTON of Texas (for himself, Mr. Tauzin, Mr. Allard, Mr. Archer, Mr. Armey, Mr. Bilirakis, Mr. Bliley, Mr. Boehner, Mr. Bunning, Mr. Coble, Mr. Cox, Mr. Crane, Mr. Crapo, Mr. Cunningham, Mr. Diaz-Balart, Mr. Doolittle, Mr. Duncan, Mr. Emerson, Mr. Ewing, Mrs. Fowler, Mr. Gallegly, Mr. Gallo, Mr. Gingrich, Mr. Goodlatte, Mr. Goss, Mr. Hall of Texas, Mr. Hancock, Mr. Hansen, Mr. Hastert, Mr. Hunter, Mr. Hyde, Mr. Istook, Mr. Sam Johnson of Texas, Mr. Kasich, Mr. Kolbe, Mr. Lightfoot, Mr. Livingston, Mr. McCollum, Mr. McCrery, Mr. Moorhead, Mr. Oxley, Mr. Packard, Mr. Pallone, Mr. Quillen, Mr. Ramstad, Mr. Rohrabacher, Mr. Saxton, Mr. Schaefer, Mr. Skeen, Mr. Smith of Oregon, Mr. Smith of Texas, Mr. Solomon, Mr. Stearns, Mr. Talent, Mr. Upton, Mr. Young of Alaska, Mr. Zeliff, Mr. Zimmer, Mr. DeLay, Mr. Combest, Mrs. Vucanovich, Mr. Fields of Texas, Mr. Bonilla, Mr. Franks of Connecticut, Mr. Hayes of Louisiana, Mr. Herger, Mr. Porter, Mr. Sensenbrenner, Mr. Smith of Michigan, and Mr. Hefley):

H.J. Res. 9. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.J. Res. 10. Joint resolution designating March 25, 1993 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on Post Office and Civil Service.

By Mrs. COLLINS of Illinois:

H.J. Res. 11. Joint resolution designating October 1993 as "National Breast Cancer Awareness Month"; to the Committee on Post Office and Civil Service.

H.J. Res. 12. Joint resolution to designate February 1993 as "National Black History Month"; to the Committee on Post Office and Civil Service.

H.J. Res. 13. Joint resolution to provide for the designation of September 1, 1993, as "Working Mothers' Day"; to the Committee on Post Office and Civil Service.

By Mr. COMBEST:

H.J. Res. 14. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary prayer in public schools; to the Committee on the Judiciary.

By Mr. CONYERS:

H.J. Res. 15. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of Louis "Satchmo" Armstrong; to the Committee on Post Office and Civil Service.

By Mr. CRANE:

H.J. Res. 16. Joint resolution proposing an amendment to the Constitution of the United States providing that no person may be elected to the House of Representatives more than three times, and providing that no person may be elected to the Senate more than once; to the Committee on the Judiciary.

By Mr. DARDEN:

H.J. Res. 17. Joint resolution proposing an amendment to the Constitution relating to Federal budget procedures; to the Committee on the Judiciary.

By Mr. de la Garza:

H.J. Res. 18. Joint resolution proposing an amendment to the Constitution of the United States pertaining to prayer; to the Committee on the Judiciary.

H.J. Res. 19. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations shall not exceed revenues of the United States, except in time of war or national emergency; to the Committee on the Judiciary.

By Mr. DINGELL:

H.J. Res. 20. Joint resolution proposing an amendment to the Constitution of the United States to permit the Congress to limit expenditures in elections for Federal office; to the Committee on the Judiciary.

By Mr. DORNAN:

H.J. Res. 21. Joint resolution proposing an amendment to the Constitution of the United States limiting the number of consecutive terms members of the United States Senate and House of Representatives may serve; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.J. Res. 22. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary prayer in public schools; to the Committee on the Judiciary.

By Mr. EMERSON:

H.J. Res. 23. Joint resolution proposing an amendment to the Constitution of the United States to prohibit compelling the attendance of a student in a public school other than the public school nearest the residence of such student; to the Committee on the Judiciary.

H.J. Res. 24. Joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

H.J. Res. 25. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

H.J. Res 26. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. EMERSON (for himself and Mr. Hansen):

H.J. Res. 27. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mr. WISE:

H.J. Res. 28. Joint resolution proposing an amendment to the Constitution to abolish the electoral college and to provide for the direct popular election for the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. EMERSON:

H.J. Res. 29. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. EWING (for himself, Mr. Walsh, Mr. Ramstad, Mr. Hastert, Mr. Packard, Mr. Goss, Mr. Allard, Mr. Kolbe, Mr. Herger, Mr. Zeliff, Mr. Emerson, Mr. King, Mr. Burton of Indiana, Mrs. Meyers of Kansas, Mr. Crapo, Mr. Bereuter, Mr. Upton, Mr. Bachus of Alabama, Mr. Boehner, Mr. Hutchinson, Mr. Lewis of Florida, and Mr. Talent):

H.J. Res. 30. Joint resolution proposing an amendment to the Constitution allowing an item veto in appropriations; to the Committee on the Judiciary.

By Mr. HANCOCK:

H.J. Res. 31. Joint resolution proposing an amendment to the Constitution of the United States to limit the terms of office for Members of Congress; to the Committee on the Judiciary.

By Mr. JACOBS:

H.J. Res. 32. Joint resolution proposing an amendment to the Constitution of the United States permitting the President to grant a pardon to an individual only after such individual has been convicted; to the Committee on the Judiciary.

H.J. Res. 33. Joint resolution proposing an amendment to the Constitution of the United States providing for direct popular elections of the President and the Vice President, establishing a day for elections for the offices of the President, the Vice President, Senator, and Representative, and providing for primaries to nominate candidates for the offices 1 month before the elections; to the Committee on the Judiciary.

H.J. Res. 34. Joint resolution proposing an amendment to the Constitution of the United States with respect to the expenditure of money to elect public officials; to the Committee on the Judiciary.

By Mr. KOLBE:

H.J. Res. 35. Joint resolution proposing an amendment to the Constitution allowing an item veto in appropriations; to the Committee on the Judiciary.

H.J. Res. 36. Joint resolution proposing an amendment to the Constitution of the United States limiting the number of consecutive terms that Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself, Mr. ROHRABACHER, Mr. RAVENEL, Mr. McMILLAN, Mr. GOSS, Mr. PACKARD, Mr. HOEKSTRA, Mr. BEREUTER, Mr. CALVERT, Mr. KYL, Mr. POMBO, Mr. STEARNS, Mr. ALLARD, Mr. LIGHTFOOT, Mr. SANTORUM, Mr. BARRETT of Nebraska, Mr. BUYER, Mr. CRAPO, Mr. GOODLATTE, Mr. HOKE, Mr. TALENT, and Mr. BARTLETT of Maryland):

H.J. Res. 37. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives and to limit the number of terms Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself, Mr. ALLARD, Mr. ARMEY, Mr. BACHUS of Alabama, Mr. BAKER of California, Mr. BARRETT of Nebraska, Mr. BARTLETT, Mr. BLUTE, Mr. BONILLA, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CANADY, Mr. COLLINS of Georgia, Mr. CRANE, Mr. CRAPO, Mr. BILIRAKIS, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DOOLITTLE, Mr. EVERETT, Mr. FRANKS of New Jersey, Mr. GILLMOR, Mr. GINGRICH, Mr. GOODLATTE, Mr. GOSS, Mr. GRAMS, Mr. GREENWOOD, Mr. GUNDERSON, Ms. DUNN, Mr. HANSEN, Mr. HOKE, Mr. HORN, Mr. HUFFINGTON, Mr. HUTCHINSON, Mr. HOEKSTRA, Mr. INGLIS, Mr. INHOFE, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. KINGSTON, Mr. KLUG, Mr. KNOLLENBERG, Mr. KYL, Mr. KIM, Mr. HANCOCK, Mr. LAZIO, Mr. LIGHTFOOT, Mr. LINDER, Mr. McINNIS, Mr. McKEON, Mr. McMILLAN, Mr. MANZULLO, Mr. MICA, Mr. MILLER of Florida, Mr. PACKARD, Mr. PAXON, Mr. POMBO, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RAMSTAD, Mr. RAVENEL, Mr. ROYCE, Mr. MACHTLEY, Mr. SANTORUM, Mr. SMITH of Michigan, Mr. SMITH of Oregon, Mr. SUNDQUIST, Mr. TALENT, Mr. STUMP, Mr. TORKILDSEN, Mr. ZELIFF, Mr. ZIMMER, Mr. TAYLOR of North Carolina, and Mr. THOMAS of Wyoming):

H.J. Res. 38. Joint resolution proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives; to the Committee on the Judiciary.

By Mr. McCOLLUM:

H.J. Res. 39. Joint resolution designating May 1993 as "Older Americans Month"; to the Committee on Post Office and Civil Service.

By Mr. SENSENBRENNER:

H.J. Res. 40. Joint resolution proposing an amendment to the Constitution of the United States to permit Congress to grant power to the Supreme Court to remove judges in certain cases; to the Committee on the Judiciary.

By Mr. SLATTERY:

H.J. Res. 41. Joint resolution proposing an amendment to the Constitution of the United States to provide for a 4-year term for Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:

H.J. Res. 42. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. SOLOMON:

H.J. Res. 43. Joint resolution proposing an amendment to the Constitution to require that congressional resolutions setting forth levels of total budget outlays and Federal revenues must be agreed to by two-thirds vote of both Houses of the Congress if the level of outlays exceeds the level of revenues; to the Committee on the Judiciary.

H.J. Res. 44. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of physical desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

H.J. Res. 45. Joint resolution proposing an amendment to the Constitution of the United States limiting the number of consecutive terms for Members of the House of Representatives and the Senate; to the Committee on the Judiciary.

H.J. Res. 46. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations acts; to the Committee on the Judiciary.

H.J. Res. 47. Joint resolution proposing an amendment to the Constitution of the United States limiting the number of consecutive terms for Members of the House of Representatives and the Senate; to the Committee on the Judiciary.

H.J. Res. 48. Joint resolution to provide for the establishment of a Joint Committee on Intelligence; to the Committee on Rules.

By Mr. STUMP:

H.J. Res. 49. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

H.J. Res. 50. Joint resolution proposing an amendment to the Constitution of the United States allowing the President to veto any item of appropriation or any provision in any act or joint resolution containing an item of appropriation; to the Committee on the Judiciary.

H.J. Res. 51. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives and to limit the number of terms Representatives may serve; to the Committee on the Judiciary.

By Mr. WALKER:

H.J. Res. 52. Joint resolution affirming the legislative intent under the Social Security Act to provide for increases in old-age insurance benefits with due regard to increases in the cost of living; to the Committee on Ways and Means.

By Mr. ZIMMER (for himself, Mr. FRANKS of New Jersey Mr. CASTLE, and Mr. ROHRABACHER):

H.J. Res. 53. Joint resolution proposing an amendment to the Constitution of the United States to prohibit bills and resolutions from containing more than a single subject when they are presented to the President; to the Committee on the Judiciary.

By Mr. ZIMMER:

H.J. Res. 54. A joint resolution proposing an amendment to the Constitution of the United States to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation and to allow an item veto of appropriation bills; to the Committee on the Judiciary.

By Mrs. COLLINS of Illinois:

H. Con. Res. 1. Concurrent resolution expressing the sense of the Congress that the Office of Personnel Management should provide certain vocational rehabilitation services in its administration of the civil service disability retirement program; to the Committee on Post Office and Civil Service.

By Mr. CRANE:

H. Con. Res. 2. Concurrent resolution expressing the sense of the Congress that the President or the Congress should abrogate the Panama Canal Treaties of 1977 and the Neutrality Treaty and the Congress should repeal the Panama Act of 1979; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

H. Con. Res. 3. Concurrent resolution expressing the sense of the Congress with respect to the right of all Americans to keep and bear arms in defense of life or liberty and in the pursuit of all other legitimate endeavors; to the Committee on the Judiciary.

By Mr. JACOBS:

H. Con. Res. 4. Concurrent resolution expressing the sense of the Congress that federally funded school lunches should provide optional meatless meals; to the Committee on Education and Labor.

H. Con. Res. 5. Concurrent resolution expressing the sense of the Congress that any Federal agency that utilizes the Draize rabbit eye irritancy test should develop and validate alternative ophthalmic testing procedures that do not require the use of animal test subjects; to the Committee on Energy and Commerce.

By Mr. RAMSTAD (for himself, Mr. ALLARD, Mr. GOSS, Mr. BURTON of Indiana, Mr. LEACH, Mr. SISISKY, Mr. EMERSON, Mr. WOLF, Mr. EWING, Mr. SCHAEFER, Mr. GINGRICH, Mr. BEREUTER, Mr. PORTER, Mr. GORDON, Mr. ROHRABACHER, Mr. KYL, Mr. SMITH of Oregon, Mr. CAMP, Mr. SHAYS, Mr. GILLMOR, Mr. COBLE, Mr. HERGER, Mr. OXLEY, Mr. THOMAS of Wyoming, Mr. BLILEY, Mr. KNOLLENBERG, Mr. BUNNING, Mr. HANCOCK, Mr. SMITH of Texas, Mr. DARDEN, Mr. BARTLETT, Mrs. MEYERS of Kansas, Mr. COX, Mr. WALKER, Mr. GRAMS, Mr. FAWELL, Mr. TAYLOR of North Carolina, Mr. HUNTER, Mr. RAVENEL, Mr. ZELIFF, Mr. GALLEGLY, Mr. LIGHTFOOT, Mr. SKEEN, Mr. COMBEST, Mr. PARKER, Mr. DOOLITTLE, Mr. DORNAN, Mr. LIVINGSTON, Mr. BARRETT of Nebraska, Mr. POSHARD, Mr. KOLBE, Mr. McMILLAN, Mr. McCOLLUM, Mrs. BENTLEY, Mr. ARCHER, Mr. CLINGER, Mr. GILCHREST, Mr. McDADE, Mr. WALSH, Mr. PACKARD, Mr. HYDE, Mr. BAKER of Louisiana, Mr. ROBERTS, Mr. MOORHEAD, Mr. LEWIS of California, Mr. SOLOMON, Mr. CRAPO, Mr. SAM JOHNSON of Texas, Mr. BARTON of Texas, Mr. GEKAS, Mrs. ROUKEMA, Mr. McCRERY, Mr. STUMP, and Mr. YOUNG of Alaska):

H. Con. Res. 6. Concurrent resolution expressing the sense of the Congress that increasing the effective rate of taxation by lowering the estate tax exemption would devastate homeowners, farmers, and small business owners, further hindering the creation of jobs and economic growth; to the Committee on Ways and Means.

By Mrs. ROUKEMA (for herself and Mr. LEHMAN):

H. Con. Res. 7. Concurrent resolution expressing the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted; to the Committee on Ways and Means.

By Mr. STEARNS:

H. Con. Res. 8. Concurrent resolution expressing the sense of the Congress that the House of Representatives and Senate should pass health care reform initiatives which have received overwhelming bipartisan support, prior to the adjournment of the 103d Congress; jointly, to the Committee on Energy and Commerce and Ways and Means.

By Mr. TORRICELLI:

H. Con. Res. 9. Concurrent resolution expressing the sense of the Congress that the 1981 Israeli preemptive strike against the Iraqi nuclear reactor at Osirak was a legitimate and justifiable exercise of self-defense, and that the United States should seek the repeal of U.N. Security Council Resolution 487 which condemned that 1981 Israeli premptive strike; to the Committee on Foreign Affairs.

By Mr. HOYER:

H. Res. 1. Resolution electing officers of the House of Representatives; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 2. Resolution to inform the Senate that a quorum of the House had assembled and had elected THOMAS S. FOLEY, a Representative from the State of Washington, Speaker, and Donnald K. Anderson, a citizen of the State of California, Clerk; considered and agreed to.

H. Res. 3. Resolution authorizing the Speaker to appoint a committee of two Members to join with a like committee of the Senate to notify the President that a quorum of each House has been assembled and that the Congress is ready to receive any communications he may be pleased to make; considered and agreed to.

By Mr. WHITTEN:

H. Res. 4. Resolution authorizing the Clerk of the House to inform the President that the House of Representatives has elected THOMAS S. FOLEY, a Representative from the State of Washington, Speaker; and Donnald K. Anderson, a citizen of the State of California, Clerk of the House of Representatives of the 103d Congress; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 5. Resolution adopting the rules of the House for the 103d Congress; considered and agreed to.

By Mr. MICHEL:

H. Res. 6. Resolution providing for the designation of certain minority employees; considered and agreed to.

By Mr. MOAKLEY:

H. Res. 7. Resolution fixing the daily hour of meeting for the 103d Congress; considered and agreed to.

By Mr. HOYER:

H. Res. 8. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. ARMEY:

H. Res. 9. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 10. Resolution providing for the attendance of the House at the inaugural ceremonies of the President and Vice President of the United States; considered and agreed to.

By Mr. BARTLETT (for himself and Mr. SHAYS):

H. Res. 11. Resolution amending the Rules of the House of Representatives to limit the total number of committee staff personnel employed during the 103d Congress to one-half of the number employed at the end of the 102d Congress; to the Committee on Rules.

By Mr. BARTON of Texas (for himself, Mr. SHAYS, Mr. SAM JOHNSON of Texas, Mr. BLILEY, and Mr. RAMSTAD):

H. Res. 12. Resolution providing for mandatory drug testing of Members of the House of Representatives; to the Committee on House Administration.

By Mrs. BENTLEY:

H. Res. 13. Resolution expressing the sense of the House of Representatives that the President, with the advice and consent of the Senate, should posthumously advance Rear Admiral Husband E. Kimmell to the grade of admiral on the retired list; to the Committee on Armed Services.

By Mr. COMBEST:

H. Res. 14. Resolution expressing the sense of the House of Representatives that Federal laws regarding the taxation of State and local government bonds should not be changed in order to increase Federal revenues; to the Committee on Ways and Means.

By Mr. DORNAN:

H. Res. 15. Resolution amending the Rules of the House of Representatives to provide certain qualifications pertaining to service as a Member, and for other purposes; to the Committee on Rules.

By Mr. DUNCAN:

H. Res. 16. Resolution expressing the sense of the House of Representatives that any change in the current policy regarding homosexuals in the Armed Forces should be made by law, rather than by Executive order; to the Committee on Armed Services.

H. Res. 17. Resolution expressing the sense of the House of Representatives that any additional revenues resulting from the imposition of, or any change in, any tax or fee should be applied to reducing our Nation's public debt; to the Committee on Ways and Means.

By Mr. HALL of Ohio (for himself and Mr. EMERSON):

H. Res. 18. Resolution to establish the Select Committee on Hunger; to the Committee on Rules.

By Mrs. LLOYD (for herself and Mr. HUGHES):

H. Res. 19. Resolution to establish the Select Committee on Aging; to the Committee on Rules.

By Mr. RANGEL (for himself, Mr. OXLEY, MRS. COLLINS of Illinois, Mr. HUGHES, Mr. ORTIZ, Mr. TOWNS, Mr. TRAFICANT, Mr. MFUME, Ms. LOWEY, Mr. PAYNE of New Jersey, Mr. MAZZOLI, Mr. DE LUGO, Mr. HOCHBRUECKNER, Mr. WASHINGTON, Mr. GILMAN, Mr. DORNAN, Mr. LEWIS of Florida, Mr. INHOFE, Mr. HERGER, Mr. SHAYS, Mr. GILLMOR, and Mr. RAMSTAD):

H. Res. 20. Resolution to establish the Select Committee on Narcotics Abuse and Control; to the Committee on Rules.

By Mr. ROBERTS:

H. Res. 21. Resolution providing for savings in the operations of the House of Representatives to be achieved by transferring functions to private sector entities and eliminating staff positions; to the Committee on House Administration.

H. Res. 22. Resolution prohibiting the use of appropriated funds for acquisition of voter registration lists for the House of Representatives; to the Committee on House Administration.

By Mrs. SCHROEDER (for herself, Mr. LEVIN, Mr. MARTINEZ, Mr. EVANS, Mr. DURBIN, Mr. SARPALIUS, Mr. JOHNSON of South Dakota, Mrs. COLLINS of Michigan, Mr. BACCHUS of Florida, Mr. PETERSON of Florida, and Mr. CRAMER):

H. Res. 23. Resolution to establish the Select Committee on Children, Youth, and Families; to the Committee on Rules.

By Mr. SMITH of Iowa:

H. Res. 24. Resolution authorizing the House Administration Committee to investigate, recount, and report on contested elections for the House of Representatives; to the Committee on Rules.

By Mr. STEARNS:

H. Res. 25. Resolution congratulating the people of India on the occasion of the 46th anniversary of their nation's independence; to the Committee on Foreign Affairs.

By Mr. ZELIFF:

H. Res. 26. Resolution to amend the Rules of the House of Representatives to prohibit putting the question on final passage of any measure until copies of that measure have been available to Members for at least 1 day; to the Committee on Rules.

By Mr. ZIMMER (for himself, Mr. FRANKS of New Jersey, Mr. CASTLE, and Mr. ROHRABACHER):

H. Res. 27. Resolution to amend the Rules of the House of Representatives to prohibit bills and joint resolutions from containing more than one subject; to the Committee on Rules.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the third calendar quarter 1992:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER

Is this an Amendment? ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report." ◆

STATEMENT OF VERIFICATION

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Manatt Phelps Phillips & Kantor, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	City of Hope
Julie E. Mann, 918 16th Street, NW, Suite 402 Washington, DC 20006	American Furniture Manufacturers Assn
Marc Associates, Inc, 1101 17th Street, NW, #803 Washington, DC 20036-4704	Health Industry Manufacturers Association
Do	Society of Geriatric Opthalmology

Organization or Individual Filing	Employer/Client
Marine Preservation Association, 8777 North Gainey Drive, Suite 165 Scottsdale, AZ 85258	
Marine Spill Response Corporation, 1350 I Street, NW, Suite 300 Washington, DC 20005	
Scott D. Mason, 1535 Oronoco Alexandria, VA 22314	Nelson Communications Group (For:Beer Drinkers of America Legislative Action Committee)
Jacquelyn Massey, 3138 North 10th Street Arlington, VA 22201	National Association of Federal Credit Unions
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	East-West Innovations, Inc
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005	American Psychological Assn
Do	Franklin Square Hospital
Do	Lutheran General HealthSystem
Do	Medi-Vu, Inc
Do	Niall Enterprises, Inc
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	Naitonal Assn for the Superconducting Super Collider
McCamish Martin & Loeffler, P.C., Suite 1290 East 555 13th Street, NW Washington, DC 20004	City of Philadelphia
Do	International Hardwood Products Assn, Inc
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	Ida-West Energy Company
Do	ICF International, Inc
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006-2296	Allergan, Inc
Do	Association of Freestanding Radiation Oncology Centers
Do	Caylor-Nickel Medical Center
Do	St. Anthony Publishing
Jennifer B. McDonald, 1200 18th Street, NW Suite 200 Washington, DC 20036	National Business Aircraft Assn
Tom McDonald, Arter & Hadden 1100 Huntington Bldg. Cleveland, OH 44115	Mt Carmel Health
Deborah Costolo McElroy, 1101 Connecticut Avenue, NW Washington, DC 20036	Regional Airline Assn
Robert M. McGee, 1747 Pennsylvania Avenue, NW, Suite 375 Washington, DC 20006	Occidental International Corp
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Barr Laboratories)
Do	McGuiness & Holch (For:Conrail)
Gerald R. McMurray, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae
Susan McNally, 1350 Connecticut Avenue, NW, Suite 700 Washington, DC 20036	Lockheed Information Management Services Company, Inc
John Melcher, 230-B Maryland Avenue, N.E. Washington, DC 20002	Casa, Inc
Scott Melville, 1776 Eye Street, NW, Suite 1060 Washington, DC 20006	Sterling Winthrop, Inc
Mark Menezes, 555 13th Street, NW, Suite 1290 East Washington, DC 20004	McCamish Martin & Loeffler, P.C. (For:International Hardwood Products Assn, Inc)
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Merrill Lynch & Company, Inc
Raymond A. Messina, 633 Pennsylvania Avenue, NW Washington, DC 20004	Dean Witter Reynolds, Inc
John Metzel, 4829 West Seminary Avenue Richmond, VA 23227	Washington Office on Africa
Gretchen B. Michael, 3025 South Parker Road Aurora, CO 80014	TeleCheck Services, Inc
Milbank Tweed Hadley & McCloy, 1825 Eye St., NW Washinton, DC 20006	Thinking Machines Corporation
Robert L. Miller, 5601 Seminary Road, #2213-N Falls Church, VA 22041-3515	Sparton Corp
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Arizona Health Care Contract Management Services, Inc
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	PRO-NAFTA
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Derek Craighead, et al.
Mitchell Williams Selig Gates & Woodyard, 320 W. Capitol Avenue, #1000 Little Rock, AR 72201-3525	Loral Corp
Powell A. Moore, 1133 Connecticut Ave., NW, #700 Washington, DC 20036	National Association of Broadcasters
Debra Morgan, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Leadership Council on Advertising
Gary L. Morrison, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Company, et al.
Patricia J. Mulholland, 1215 Jefferson Davis Hwy, Suite 100 Arlington, VA 22202	Association for Commercial Real Estate (NAIOP)
Daniel J. Murphy, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Associates (For:Proven Alternatives)
Fred Mutz Associates, 1200 New Hampshire Ave, NW, #200 Washington, DC 20036	Von Roll America
Mary Ellen Natale, 1875 Connecticut Avenue, NW,#540 Washington, DC 20009	Food Research and Action Center
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Government of Trinidad and Tobago
Do	Pasminco, Inc
Robert J. Nessel, 1726 M Street, NW, Suite 701 Washington, DC 20036	Pitman-Moore, Inc
Louis H. Nevins, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:G.E. Capital Mortgage Insurance Corp)
Barry New, 1530 Wilson Boulevard, Suite 270 Arlington, VA 22209	Rolls-Royce, Inc
Ronald G. Nickson, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council
Julia J. Norrell, 1155 Connecticut Ave., NW, #300 Washington, DC 20036	Lincoln National Life Insurance Company
O'Bannon & Gibbons, 1455 Pennsylvania Avenue, NW Washington, DC 20004	Pacific Architects and Engineers, Inc
Michael J. O'Connor, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036	Albers & Company (For:Profit Recovery Group)
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Bear Stearns & Company, Inc
Do	Colt's Manufacturing Company, Inc
Do	Government of Peru
Do	Heritage Life Insurance Company
Do	Mexican Fishing Association
Do	(For:Miller & Schroeder)
Do	Soka University Los Angeles
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Gentrac, Inc
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Washington State University
Pagonis & Donnelly Group, Inc, 1620 Eye Street, NW, #202 Washington, DC 20006	Peoples Republic of the Sudan
Do	Tunisian Association for Freedom
Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	California Forestry Association
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	California Forestry Association
Jack C. Parnell, 1250 I Street, NW, #801 Washington, DC 20005	Kahn Soares & Conway (For:Friant Water Users Authority)
William E. Parshall, 230 South Broad Street Philadelphia, PA 19102	
Lisa M. Patera, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	US Strategies Corp
Jerry M. Patterson, 3200 Bristol St., Suite 640 Costa Mesa, CA 92626	City of Temecula
Patterson Belknap Webb & Tyler, 30 Rockefeller Plaza, Room 3600 New York, NY 10112	New York State Deferred Compensation Board
Patton Boggs & Blow, 2550 M Street, NW Washington, DC 20037	Beauty & Barber Supply Institute
Joann Payne, 622 North Tazewell Street Arlington, VA 22203	National Women Business Enterprise Associates
Do	PK Contracting, Inc
Frank Pecquex, 815 16th Street NW, #510 Washington D.C.	Maritime Trades Department, AFL-CIO
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	American Assn of Pharmaceutical Distributors
Plains Resources, Inc, 1600 Smith Street, #1500 Houston, TX 77002	
Jon Plebani, 555 13th Street, NW, Suite 1290 East Washington, DC 20004	McCamish Martin & Loeffler (For:City of Philadelphia)
Podesta Associates, Inc, 424 C Street, NE Washington, DC 20002	Research Coporation Technologies
Alfred M. Pollard, 1709 New York Avenue, NW Washington, DC 20006	Savings & Commmunity Bankers of America
Davis W. Powell, 30 Rockefeller Plaza, Room 3600 New York, NY 10112	Ministers & Missionaries Board of American Baptist Churches
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	National Alliance for Infusion Therapy
Do	NovaCare, Inc
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Montana Tavern Association
Nicolette P. Psyllas, 1215 Jefferson Davis Highway, #100 Arlington, VA 22202	Association for Commercial Real Estate
Public Strategies, 620 Congress Avenue, #310 Austin, TX 78701	Texas Motor Transportation Association
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Viacom International, Inc
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	Jersey Minere Zinc
Timothy L. Raftis, 6410 Rockledge Drive, Suite 203 Bethesda, MD 20814	American Society of Hematology
Do	Association of American Cancer Institutes
Do	Washington Center for Internships
Paul W. Rankin, 8401 Corporate Drive, #425 Landover, MD 20785	Association of Container Reconditioners
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	Association of Financial Guarantee Insurors
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	Nishika Corp
Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007	Sunrider International
Robert G. Rickles, 3350 Peachtree Road, NE Atlanta, GA 30326	Blue Cross and Blue Shield of Georgia
Glenn Roberts, 1620 I Street, NW Washington, DC 20006	American Spice and Trade Association
Do	Certified Color Manufacturers Assn
Do	Flavor and Extract Manufacturers Assn
Do	Fragrance Materials Assn
Jack L. Roberts, 1597 Phoenix Blvd, Suite 12 Atlanta, GA 30349	Law Enforcement Alliance of America
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey Morris & Robinson (For:Human Factors Applications, Inc)
Robison International, Inc, 1 Massachusetts Ave. NW, #800 Washington, DC 20001	Mas-Hamilton Group
Lewis A. Rockman, P.O. Box 8000 Bradford, PA 16701-0980	
Barbara J. Rohde & Associates, 1701 K Street, NW, #400 Washington, DC 20037	Allied Charities of Minnesota
Frank G. Rohrbough, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn
Rolls-Royce, Inc, 1530 Arlington Boulevard, Suite 270 Arlington, VA 22209	
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Food Brokers Assn
Frederic B. Rose, 399 Park Avenue New York, NY 10022	Inductotherm Industries, Inc

Organization or Individual Filing	Employer/Client
Karen Rotterman, 1110 Navaho Drive, Suite 601 Raleigh, NC 27609	Rotterman & Associates (For:Genentech)
J. Patrick Rowland, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:Burns International Guard Services)
Do	Rowland & Sellery (For:Wells Fargo Guard Service)
Rowland & Sellery, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Burns International Guard Services
Do	Rowland & Sellery (For:Wells Fargo Guard Service)
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Brunswick Bank & Trust Company
Do	Philip J. Scutieri
James S. Rubin, 7004 Blvd. East, 22-D Guttenberg, NJ 07093	National Association of Pharmaceutical Manufacturers
Rudder-Finn, Inc, 1615 M Street, NW, Suite 220 Washington, DC 20036	Republic of Bosnia-Herzegovina
Frank S. Ruddy, 5600 Western Avenue Chevy Chase, MD 20815	Edison Electric Institute
Tonda F. Rush, Box 17407 Dulles Airport Washington, DC 20041	National Newspaper Association
Frank Ryan, 9420 Annapolis Road Lanham, MD 20706	Greater Wash/MD Service Station & Automotive Repair Assn
Ryan-McGinn, Inc, 2300 Clarendon Blvd., #610 Arlington, VA 22201	Cathedral Healthcare System
Do	First Hospital Corp
Do	General Pneumatics Corp
Lawrence E. Sabbath, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:Burns International Guard Services)
Do	Rowland & Sellery (For:Wells Fargo Guard Service)
Safe Streets Alliance, 1146 19th Street, NW, Suite 700 Washington, DC 20036	
K.E. Santhanam, 91 Strawberry Hill Avenue, Suite 338 Stamford, CT 06902	American Occupational Therapy Assn, Inc
Mary Jane Saunders, 1300 N. 17th Street, #300 Arlington, VA 22209	Arter & Hadden (For:Nintendo of America, Inc)
Abraham Schneier, 1101 16th Street, NW, #333 Washington, DC 20036	PepsiCo, Inc
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Microelectronics & Computer Technology Corp)
Paul A. Schosberg, 1709 New York Avenue, NW Washington, DC 20006	Savings & Community Bankers of America
James C. Schwaninger, 1156 15th Street, NW, Suite 1015 Washington, DC 20005	JC Penney, Inc
William L. Scogland, One IBM Plaza Chicago, IL 60611	Jenner & Block (For:Heatherton Staff Leasing, Ltd)
J.P. Seman Jr., 1050 17th Street, #2200 Denver, CO 80265	Jefferson Group (For:Aseptic Packaging Council)
Bijan Adam Sepasy, 2000 L Street, NW, Suite 200 Washington, DC 20036	Permanent Mission of Iran to the United Nations
Tess Serranti, 350 River Road South, C-1 New Hope, PA 18938	Enichem America, Inc
Kenneth W. Shaff, 10263 Whispering Forest Drive, #1015 Jacksonville, FL 32257-0000	KWS Legal Research & Consultants, Inc
Joshua Sharfstein, 2000 P Street, NW Washington, DC 20036	Public Citizen Health Research Group
Ritu R. Sharma, 1400 Sixteenth Street, NW, Suite 320 Washington, DC 20203-6	Zero Population Growth, Inc
Dennis P. Sharon, 1735 Jefferson Davis Highway, Suite 1200 Arlington, VA 22202	
Lewis A. Shattuck, 6 Dean Road Winchester, MA 01890	Small Business for Advertising Choice
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Technical and Management Services Corp
Do	Waste Management, Inc
Shearman & Sterling, 801 Pennsylvania Avenue, NW, 9th Floor Washington, DC 20004-2604	Frost & Sullivan, Inc
Mark Sheehan, 1627 K Street, NW, Suite 400 Washington, DC 20006	National Newspaper Association
Julian L. Shepard, 1400 16th Street, NW, Suite 610 Washington, DC 20036	Association for Maximum Service Television, Inc
Sheridan Group, 1775 T Street, NW Washington, DC 20009	Genentech, Inc
Reuben Silvers, 2030 M Street, NW Washington, DC 20036	Common Cause
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	C & M Services, Inc
Do	Fulcrum Venture Capital Corp
Do	Opportunity Capital Corp
Do	Rutgers Minority Investment Company
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Conkling, Fiskum & McCormick
Do	Inland Steel Industries, Inc
Do	LTV Steel Company, Inc
Do	U.S. Steel Group
Sklar Associates, 100 West Linden Street Alexandria, VA 22301	Institute for International Sport
Lucy N. Skrabut, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Company
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	California Forestry Association
Erik J. Smith, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	US Strategies Corp
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	City of Springfield, Oregon
Do	Composite Technology Transfer Consortium
Smith Heenan & Althen, 1110 Vermont Avenue, NW, Suite 400 Washington, DC 20005	Private Benefits Alliance
Thomas M. Sneeringer, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Katten Muchin Davis & Dombroff (For:Baxter Healthcare Corporation)
Do	Katten Muchin Zavis & Dombroff (For:Saginaw Community Hospital)
John M. Snyder, 2301 South Jefferson Davis Highway, #925 Arlington, VA 22202	Abraham Lincoln Foundation for Public Policy Research
Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW Washington, DC 20005	American Association of Acupuncture and Oriental Medicine
Do	Pueblo of Jemez
Do	Shoshone-Bannock Tribes of the Fort Hall Indian Reservation
John D. Sparks, 777 14th Street, NW, #500 Washington, DC 20005	American Symphony Orchestra League
Richard L. Spees, 1341 G Street, NW, #200 Washington, DC 20005	North American Interstate Weather Modification Council
Gilbert P. Sperling, 1025 Thomas Jefferson Street, NW, #700 Washington, DC 20007	Katten Muchin Zavis & Dombroff (For:Electric Generation Association)
Ron St. John, 1331A Pennsylvania Avenue, NW, Suite 217 Washington, DC 20004	Small Businesses for Advertising Choice
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	Gateway Economic Development Corp of Greater Cleveland
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	Humana, Inc
Do	Lockheed Information Management Systems Company
Barry P. Steinberg, 1030 Fifteenth Street, NW, #500 Washington, DC 20005	ID Systems, Inc
Steve Israel-David Norman Public Affairs, Inc, 1996 Deer Park Avenue Deer Park, NY 11729	Touro Law Center
Jerry S. Stroope, Route 3, Box 258 Alvin, TX 77511	American Honey Producers Association
Janet R. Studley, 888 17th Street, NW,#900 Washington, DC 20006	American Life Resources Corp
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard Sullivan Associates, Inc (For:Design Professionals Coalition)
Sullivan & Worcester, 1025 Connecticut Ave., NW, #806 Washington, DC 20036	Product Liability Coordinating Committee
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Design Professionals Coalition
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	International Service Agencies
Elizabeth Symonds, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union
Sandra E. Taylor, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Massachusetts State Carpenter's Guaranteed Annuity Fund
Do	Massachusetts State Carpenter's Pension Fund
Laura I. Thevenot, 1350 I Street, NW, Suite 1030 Washington, DC 20005-3305	Principal Financial Group
Rich Thomas, 2030 M Street, NW Washington, DC 20036	Common Cause
Herbert G. Thompson, 2430 Kingsley Drive Marietta, GA 30062	Southern States Police Benevolent Assn
Kenneth W. Thompscn, 1250 24th Street NW, #300 Washington, DC 20037	Polaris Indusrties
Do	Potomac Capital Investment Corp
Paul J. Thompson, 14306 Detroit Avenue, #931 Lakewood, OH 44107	
Gil Thurm, 777 14th St., NW Washington, DC 20005	International Franchise Assn
Bronwyn Bachrach Towle, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:IEMCA)
Stephen Townsend, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852	National Council of Community Mental Health Centers
Bernard R. Tresnowski, 655 15th Street, NW, Suite 350 Washington, DC 20005	Blue Cross & Blue Shield Association
Paul Trible, 1341 G Street, NW, Suite 1100 Washington, DC 20005	Jefferson Group (For:TCOM)
U.S.-China Business Council, 1818 N Street, NW Washington, DC 20036	
Richard P. Urian, 1850 K Street NW, #1190 Washington, DC 20006	EG&G, Inc
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	Valanzano & Associates (For:American International Group)
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Large Public Power Council (LPPC)
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Microelectronics & Computer Technology Corp)
Sara Vickerman, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Clinton Gas Systems, Inc
Do	CVI, Inc
Do	Ohio Cable Television Assn
Frederick P. Waite, 1275 Pennsylvania Avenue, NW, Suite 1100 Washington, DC 20004-2404	Ackerman & Bishop (For:American Wire Producers Assn)
John S. Walker, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council
Richard P. Walker, 801 Pennsylvania Avenue, NW, #352 Washington, DC 20004	Central and South West Services, Inc
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Marine Drilling Companies
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Friant Water Users Authority
Washington Strategic Consulting Group, Inc, 805 15th Street, NW, Suite 1000 Washington, DC 20005	Government of the Federal Republic of Nigeria
Waterman & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	American Foundrymen's Society, Inc
Do	National Electro-Magnetic Fields Research Program
Sherri D. Watson, 1726 M Street, NW, Suite 902 Washington, DC 20036-4502	American Lung Assn
Wayne Jarvis, Ltd, 6838 West Thorndale Avenue Chicago, IL 60631	Intercargo Insurance Company
Barbara G. Webb, 600 Maryland Avenue, SW, Suite 202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America
William H. Wenzel, 214 North Henry Street, Suite 203 Madison, WI 53703	Sierra Club
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Catholic Health Association of the United States
Do	Century Council

Organization or Individual Filing	Employer/Client
Do	City of Petoskey, MI
Do	Concast Corporation
Do	Hallmark Cards, Inc
Do	John I Haas, Inc
Do	Joslin Diabetes Center
Do	Lamont-Doherty Geological Observatory
Do	National Association for Music Therapy
Do	National Association of Community Health Centers
Do	National Foundation of Women Business Owners
Do	South Fork Broadcasting Corporation
Susan J. White & Associates, 1111 North Pitt Street, Suite 2-B Alexandria, VA 22314	County of Los Angeles
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	Ruddy Institute for Maritime Communications
Do	W.F. Young, Inc
Jane B. Williams, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn (HIMA)
Marshall Williams, Box 1000, Building A3 Leavenworth, KS 66048	
Patricia Williams, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	Marks Murase & White
David I Wilson, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)
Scott A. Wilson, 888 16th Street, NW Washington, DC 20006	American Airlines, Inc
Do	Glaxo Australia Pty, Ltd
Do	Mobil Corp
Do	Trading & Investment Corp
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn Associates, Inc (For:Fluor Corp)
Do	Winburn Associates, Inc (For:1st Nationwide Bank)
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Port of Pascagoula (Jackson County, MS)
WinCapitol, Inc, 2300 N Street, NW, Suite 600 Washington, DC 20037	
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Hamilton Test Systems
James M. Wootton, 1146 19th Street, NW, Suite 700 Washington, DC 20036	Northeast Apple Council
Kyra Wostoupal, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents
Ann B. Wrobleski, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:TCOM)
Wunder Diefenderfer Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Intermarine USA
Do	National Assn of Small Business Investment Companies
Do	NESEA
Do	Refiners' Coalition for Competitive Markets
Ann S. Young, 1350 Connecticut Avenue, NW, Suite 200 Washington, DC 20036	Association of America's Public Television Stations
Ben Zingman, 1301 Connecticut Avenue, NW Washington, DC 20036	Brother International Corporation

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the third calendar quarter 1992:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER____________________

Is this an Amendment?
☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............''Expense Money'' and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*________________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates*	*—Name and Address of Recipient—Purpose*
$1,750.00	7-11:	Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15:	Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00		TOTAL

PAGE 2

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ann Hadley vom Eigen, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	3,375.00	
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	City of South Lake Tahoe		
Do	DDP*Delta	39,000.00	37,215.85
Do	Golden Gate Bridge Highway & Transportation District	8,400.00	6,770.27
Do	Reclamation District 1000		
Ande M. Abbott, 2722 Merrilee Drive, #360 Fairfax, VA 22031	International Brotherhood of Boilermakers	340.55	
Leanne J. Abdnor, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	3,000.00	895.60
Paul C. Abenante, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn		
Jean R. AbiNader, 1825 K Street, NW, #1107 Washington, DC 20006	National U.S.-Arab Chamber of Commerce		
Aborn & Anesi, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	24,379.00	
Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Matthew J. Abrams, 1220 19th Street, NW, #202 Washington, DC 20036	CANAMCO (For:Aerospace Industries Assn of Canada)	1,170.00	
Do	CANAMCO (For:Canadian Shipowners Assn)		
Christopher Barclay Abukari, 2224 First St. NW Washington, DC 20001	Rainbow Lobby, Inc	3,318.28	
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Elaine Acevedo, 216 7th Street, SE Washington, DC 20003	Florist's Transworld Delivery Assn	2,000.00	
Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000	CNG Producing Company	100.00	96.04
Charles A. Acquard, 2301 M Street, NW, Washington, DC 20037	American Public Power Assn	2,000.00	
Cecelia A. Adams, 1901 Pennsylvania Avenue, NW, 10th Floor Washington, DC 20006	International Mass Retail Association	3,000.00	
John M. Adams, 909 N. Washington Street, #300 Alexandria, VA 22314	Retired Enlisted Assn	1,820.00	1,217.00
Wayne W. Adams, 501 Park Avenue Belleair, FL 34616			
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Allan Robert Adler, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For:Association of American Publishers, Inc)	1,000.00	
Do	Cohn and Marks (For:Direct Marketing Assn)		
Do	Cohn and Marks (For:Maclean Hunter Cable TV)		
Do	Cohn & Marks (For:USA Network)		
Terrance M. Adlhock, 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	5,940.00	5,400.00
Advanced Display Manufacturers of America, 3050 K Street, NW, #400 Washington, DC 20007			
Advertising Mail Marketing Assn, 1333 F Street, NW, #710 Washington, DC 20004-1108		9,435.00	9,435.00
Advocacy Group, 1455 Pennsylvania Avenue, NW, #1180 Washington, DC 20004	American Chiropractic Association		
Do	Arizona State University		
Do	Border Trade Alliance		
Do	Brown & Root, Inc		
Do	Georgia Southern University		
Do	New Mexico State University		
Do	Port of Brownsville, Texas		
Do	University of Utah		
Advocates for Highway & Auto Safety, 777 N. Capitol Street, NE, #410 Washington, DC 20002			27,777.11
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		8,760.60	8,760.60
Creigh H. Agnew, 2001 L St., NW, #304 Washington, DC 20036	Weyerhaeuser Company		52.14
John Aguirre, 1401 New York Avenue, NW Washington, DC 20005	National Food Processors Assn	600.00	100.00
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Robert S. Aiken, 1735 I Street, NW, #916 Washington, DC 20006	Pinnacle West Capital Corp	15,000.00	1,072.60
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		185.00
Air Conditioning & Refrigeration Institute, 4301 N. Fairfax Dr., #425 Arlington, VA 22203			
Air Conditioning Contractors of America, 1513 16th Street, NW Washington, DC 20036		1,300.00	1,300.00
Air Products & Chemicals, Inc, 805 15th Street, NW, #330 Washington, DC 20005		13,500.00	91.28
Air Traffic Control Assn, Inc, 2300 Clarendon Boulevard, #711 Arlington, VA 22201		2,092.26	2,092.26
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		133,048.00	125,181.00
Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	2,800.00	64.00
Airport Operators Council International, 1220 19th Street, NW, #200 Washington, DC 20036			19,856.36
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	A.E. Staley Manufacturing	1,652.00	31.00
Do	Amerada Hess Corp		
Do	American Airlines, Inc	23,995.00	456.00
Do	American Share Insurance Corporation	5,175.00	98.00
Do	American Telephone & Telegraph Co	8,335.00	158.00
Do	Bank of Nova Scotia		
Do	Bolt Beranek & Newman, Inc	835.00	
Do	Burger King Corp		
Do	Cambridge Information Group		
Do	Clark/Bardes Organization, Inc		
Do	Colombia Government Trade Bureau (PROEXPO)	1,545.00	29.00
Do	Consumers Power Company	1,940.00	37.00
Do	Cotton Bowl Athletic Assn	15,610.00	297.00
Do	Dow Jones & Co	4,371.00	83.00
Do	Enron Corporation	933.00	
Do	Fujitsu America, Inc		
Do	W. R. Grace & Co		
Do	Guardian Industries		
Do	International Bank of Commerce	2,465.00	47.00
Do	International Specialty Products, Inc	610.00	
Do	Peter Kiewit Son's, Inc		
Do	Levi Strauss & Co	660.00	
Do	Loral Corp	3,720.00	71.00
Do	MacAndrews & Forbes Holdings, Inc	4,120.00	78.00
Do	Mazda (North America), Inc	2,020.00	38.00
Do	Medical Protective Company		
Do	Mesa Petroleum Co	1,010.00	19.00
Do	Metropolitan Transit Authority of Harris County	6,286.00	119.00
Do	Miller Brewing Company	6,755.00	128.00
Do	Morgan Stanley & Co, Inc	1,850.00	35.00
Do	Motion Picture Assn of America, Inc	18,202.00	346.00
Do	MCA, Inc		
Do	National Football League	2,566.00	49.00
Do	National Health Laboratories		
Do	Natural Gas Vehicle Coalition	18,525.00	352.00
Do	Nestle Holdings, Inc		
Do	New York Public Library	963.00	
Do	Ongard Systems, Inc		
Do	Pharmaceutical Manufacturers Assn	1,615.00	31.00
Do	Public Services of Indiana, Inc	933.00	
Do	Riggs National Corp	1,131.00	21.00
Do	Ryder System, Inc	380.00	
Do	RJR Nabisco, Inc	1,852.00	35.00
Do	Southern California Edison Co	6,385.00	121.00
Do	Texas National Research Laboratory Commission		
Do	Thomson-CSF, Inc		
Do	Time-Warner	14,670.00	279.00
Do	Upjohn Company	8,915.00	169.00
Do	Warner-Lambert Co	375.00	
Do	Westinghouse Electric Corp	8,573.00	163.00
William E. Albers, 11 Dupont Circle, NW, #300 . Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
David Alberswerth, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	3,572.23	
James J. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	Albertine Enterprises, Inc (For:American Business Conference, Inc)		
Do	AST Research, Inc		
Do	Albertine Enterprises, Inc (For:Beckman Instruments, Inc)		111.00
Do	Albertine Enterprises (For:Castle-Harlan Delaware Management, Inc)		
Do	Albertine Enterprises, Inc (For:Exide Electronics)	5,400.00	
Do	Albertine Enterprises (For:Fruit of the Loom, Inc)	10,000.00	1,560.00
Do	Albertine Enterprises, Inc (For:Great Lakes Transmission Company)	1,000.00	285.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	3,150.00	480.00
Do	Albertine Enterprises, Inc (For:Materials Research Corp of Sony USA, Inc)		
Do	Albertine Enterprises, Inc (For:Millipore Corp)	1,200.00	225.00
Do	Albertine Enterprises, Inc (For:Polaris Industries, LP)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Albertine Enterprises, Inc (For:Rogerson Aircraft Corp)	2,559.20	450.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	4,500.00	680.00
Do	Albertine Enterprises, Inc (For:West Point Pepperell, Inc)	9,000.00	1,830.00
Do	Albertine Enterprises (For:Western Digital, Inc)		
John M. Albertine, 1250 24th Street, NW, #300 Washington, DC 20037	Albertine Enterprises, Inc (For:American Business Conference, Inc)		
Do	Albertine Enterprises, Inc (For:AST Research, Inc)		
Do	Albertine Enterprises, Inc (For:Beckman Instruments, Inc)		
Do	Albertine Enterprises, Inc (For:Castle Harlan & Delaware Management Corp)		
Do	Albertine Enterprises, Inc (For:Exide Electronics)	12,600.00	2,100.00
Do	Albertine Enterprises, Inc (For:Fruit of the Loom, Inc)	16,000.00	3,640.00
Do	Albertine Enterprises, Inc (For:Great Lakes Transmission Company)		
Do	Itron and Amrplus Partners	5,850.00	1,120.00
Do	Albertine Enterprises, Inc (For:Materials Research Corp of Sony USA, Inc)		
Do	Albertine Enterprises, Inc (For:Millipore Corp)	2,800.00	525.00
Do	Albertine Enterprises, Inc (For:Polaris Industries, LP)		
Do	Albertine Enterprises, Inc (For:Rogerson Aircraft Corp)	2,925.00	1,050.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	10,500.00	1,120.00
Do	Albertine Enterprises, Inc (For:West Point Pepperell, Inc)	21,000.00	4,270.00
Do	Albertine Enterprises, Inc (For:Western Digital Corp)		
Albertine Enterprises, Inc, 1250 24th Street, NW, #600 Washington, DC 20037	American Business Conference, Inc		
Do	AST Research, Inc		600.00
Do	Beckman Instruments, Inc		370.00
Do	Castle Harlan, Inc		
Do	Exide Electronics	18,000.00	3,000.00
Do	Fruit of the Loom, Inc	30,000.00	5,200.00
Do	Great Lakes Transmission Co	1,650.00	1,900.00
Do	ITRON and AMR	4,000.00	2,160.00
Do	Materials Research Corp of Sony USA, Inc		
Do	Millipore Corp	3,000.00	750.00
Do	Polaris Industries, LP		
Do	Rogerson Aircraft Corp	9,093.75	1,500.00
Do	SMS Corp	15,000.00	1,600.00
Do	West Point Pepperell, Inc	30,000.00	12,766.66
Do	Western Digital Corp		
Virginia S. Albrecht, 1350 I Street, NW Washington, DC 20005	Beveridge & Diamond, P.C. (For:Foundation for Environmental & Economic Progress, Inc).	792.00	
Alcalde Rousselot & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Alliance for Responsible CFC Policy	15,000.00	
Do	Alliance for Sound Atmospheric Policy	3,000.00	
Do	Cargill Fertilizer, Inc	7,500.00	
Do	Center for Applied Engineering	3,750.00	
Do	City of Las Vegas	12,000.00	
Do	City of Virginia Beach	15,000.00	
Do	Concrete Technology Corp	3,000.00	
Do	Consolidated Freightways	12,750.00	
Do	Jack Eckerd Corp	3,000.00	
Do	Eli Lilly	6,000.00	
Do	EMSA Limited Partnership	22,500.00	
Do	Hillsborough County	7,500.00	
Do	Home Shopping Network	27,000.00	
Do	International Council of Cruise Lines	31,500.00	
Do	Jacksonville Chamber of Commerce	6,000.00	
Do	Jim Walter Corp	3,000.00	
Do	Marin County	6,750.00	
Do	Metropolitan Dade County - Seaport Department	6,750.00	
Do	National Refrigerants, Inc	7,500.00	
Do	Port of Jacksonville	6,600.00	
Do	Regular Common Carrier Conference	7,500.00	
Do	(For:Society of Automotive Vehicle Emissions Reduction, Inc)	3,000.00	
Do	Tampa Electric Co	6,000.00	
Do	Tampa Port Authority	6,000.00	
Do	Towers Financial Corp	7,500.00	
Do	Walter Industries	5,312.50	
Do	Washington Workshops	4,500.00	
Arthur J. Alexander, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Claude D. Alexander, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	4,000.00	756.30
Donald C. Alexander, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:Air Transport Assn of America)	29.33	
Do	Cadwalader Wickersham & Taft (For:American Financial Corp)	29.33	
Do	Cadwalader Wickersham & Taft (For:Association of Finance & Insurance Professionals).	58.65	
Do	Cadwalader Wickersham & Taft (For:Bechtel Group, Inc)		
Do	Cadwalader Wickersham & Taft (For:Bechtel Investments, Inc)		
Do	Cadwalader Wickersham & Taft (For:Chiquita Brands International, Inc)	86.25	
Do	Cadwalader Wickersham & Taft (For:Disabled American Veterans)	117.30	
Do	Cadwalader Wickersham & Taft (For:Ladies Professional Golf Assn)	58.65	
Do	Cadwalader Wickersham & Taft (For:Management Compensation Group)		
Do	Cadwalader Wickersham & Taft (For:Mortgage Guaranty Insurance Corp)	29.33	
Do	Cadwalader Wickersham & Taft (For:Nationwide Mutual Insurance Co)	146.63	
Mary K. Alexander, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	300.00	55.50
Alexander & Associates, Inc, 400 C Street, NE Washington, DC 20002	Merrill Lynch & Co, Inc		
Do	Washington Hospital Center	25,000.00	
Barbara Allen, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	12,955.00	451.97
Edwin H. Allen, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn	765.00	
Pamela J. Allen, 122 C Street, NW, #280 Washington, DC 20001	National Assn of Mutual Insurance Companies	185.20	46.47
Alliance of American Insurers, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036			54,025.16
Alliance of Nonprofit Mailers, 2001 S Street, NW, #301 Washington, DC 20009		1,443.09	6,044.51
Robert F. Allnut, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Margaret S. Almond, 1735 Jefferson Davis Highway Arlington, VA 22202	McDonnell Douglas Corp		
Victoria Almquist, 1616 P Street, NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	1,068.76	11,917.72
Alpha Lyracom d/b/a Pan American Satellite, One Pickwick Plaza Greenwich, CT 06830			
Michael J. Altier, 701 Pennsylvania Avenue, NW Washington, DC 20004	National Retail Federation	3,500.00	
Law Offices of Robert Altman, 815 Connecticut Avenue, NW Washington, DC 20006	Nonprescription Drug Manufacturers Assn	9,000.00	3,000.00
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
John O. Ambler, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	389.55	
American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114		29,944.00	29,944.00
American Agriculture Movement, Inc, 100 Maryland Ave, NE, #500 Box 69 Washington, DC 20002		3,000.00	3,000.00
American Amusement Machine Assn, 12731 Directors Loop Woodbridge, VA 22192		17,788.00	17,788.00
American Arts Alliance Action League, Inc, 1319 F Street, NW, #500 Washington, DC 20004-1151			10,016.32
American Assn for Marriage & Family Therapy, 1100 17th Street, NW, 10th Fl Washington, DC 20036		38,540.00	38,540.00
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		38,280.00	38,284.06
American Assn of Blood Banks, 8101 Glenbrook Road Bethesda, MD 20814-2749		5,000.00	5,000.00
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		36.90	50.00
American Automobile Assn, 500 E Street, SW, #950 Washington, DC 20024			
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		173,217.05	173,217.05
American Business Conference, Inc, 1730 K Street, NW, #1200 Washington, DC 20006		30,000.00	28,723.63
American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041			
American Council for Capital Formation, 1750 K Street, NW, #400 Washington, DC 20006		2,681.00	3,127.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		46,492.70	46,492.70
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		169,541.00	169,541.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			199,300.60
American Financial Services Assn, 919 18th Street, NW Washington, DC 20006			1,000.00
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		11,500.00	11,500.00
American Grain Inspection Institute, 1629 K Stret, NW, #1100 Washington, DC 20006		12.69	170.00
American Home Products Corp, 1726 M Street, NW, Suite 1001 Washington, DC 20036			7,587.00
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		23,547.39	14,466.97

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			4,369.50
American Insurance Assn, 1130 Connecticut Avenue, NW, #I000 Washington, DC 20036		6,152.00	6,152.00
American International Automobile Dealers Assn, 99 Canal Center Plaza, #500 Alexandria, VA 22314		329,133.00	108,710.00
American International Group, Inc, 70 Pine Street New York, NY 10270			48,481.01
American Israel Public Affairs Comm, 440 First Street, NW, #600 Washington, DC 20001		125,102.00	221,319.99
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			3,865.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		17,500.00	8,809.34
American Library Assn, 50 E. Huron St. Chicago, IL 60611		1,549.00	11,963.00
American Life League, Inc, Box 1350 Stafford, VA 22555		25,000.00	16,861.92
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		137,845.40	3,303.98
American Meat Institute, 1700 N. Moore Street Arlington, VA 22209		428,566.00	7,675.26
American Medical Association, 515 North State Street Chicago, IL 60610	American Medical Assn		84,716.50
American Methanol Institute, 815 Connecticut Ave., NW, #800 Washington, DC 20006		12,500.00	36,294.00
American Motorcyclist Assn, P.O. Box 6114 Westerville, OH 43081		18,879.77	18,879.77
American Movers Conference, 1611 Duke Street Alexandria, VA 22314			26,761.00
American Nurses' Assn, 600 Maryland Avenue, SW, #100 West Washington, DC 20024-2571		49,635.80	49,635.80
American Occupational Therapy Assn, Inc, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822		10,239.27	10,239.27
American Orthotic and Prosthetic Assn, 1650 King Street, #500 Alexandria, VA 22314-1885		6,762.00	60,350.00
American Paper Institute, Inc, 260 Madison Ave. New York, NY 10016			9,610.00
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		272,323.34	396,646.01
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		1,702.61	1,702.61
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621			735.42
American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005		47,800.00	47,800.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Retreaders' Assn, P.O. Box 37203 Louisville, KY 40233		250.00	250.00
American Short Line Railroad Assn, 2000 Massachusetts Ave., NW Washington, DC 20036			189.00
American Soc for Medical Technology, 2021 L Street, NW, #400 Washintgton, DC 20036			16,960.71
American Soc of Anesthesiologists, 1101 Vermont Ave, NW, #606 Washington, DC 20005			20,800.00
American Soc of Hospital Pharmacists, 7272 Wisconsin Avenue Bethesda, MD 20814			13,800.00
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		38,209.86	52,522.91
American Trucking Assns, Inc, 2200 Mill Road Alexandria, VA 22314		10,290.06	77,798.46
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706		27,200.00	27,200.00
American Veterinary Medical Assn, 1101 Vermont Avenue, NW #710 Washington, DC 20005		11,000.00	11,010.00
American Wind Energy Assn, 777 North Capitol St. NE, #805 Washington D.C., DC 20002		152,645.00	58,323.05
Americans for the High Frontier, 2800 Shirlington Road, #405A Arlington, VA 22206		26,327.85	32,607.65
Americans for Immigration Control, Inc, 717 Second Street, NE, #307 Washington, DC 20002		11,961.91	11,961.91
Americans for Nonsmokers' Rights, 2530 San Pablo Ave., #J Berkeley, CA 94702		1,244.00	1,244.00
Joanne Ames, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Laurel W. Ames, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150	League to Save Lake Tahoe	139.08	
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Northrop Corp	9,000.00	
Do	Rand Eye Institute	5,000.00	
Do	Thompson Medical Co	3,000.00	
Jan S. Amundson, North Lobby, #1500 1331 Pennsylvania Ave., NW Washington, DC 20004-1703	National Assn of Manufacturers		
Sarah Jane Amundson, 900 2nd Street, NE, #303 Washington, DC 20002	Doris Day Animal League	192.00	192.00
Anadarko Petroleum Corp, 16855 Northchase Drive Houston, TX 77251-1330			
Byron Anderson, 1001 Pennsylvania Ave, NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	200.00	
Carl A. Anderson, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	750.00	
Cynthia C. Anderson, 750 17th Street, NW 4th Floor Washington, DC 20006-4607	Enron Corp	3,000.00	
David J. Anderson, One KeyCorp Plaza P.O. Box 88 Albany, NY 12201-0088	KeyCorp	1,730.76	778.01
Jon A. Anderson, 1100 Connecticut Ave., NW, #410 Washington, DC 20036	Eaton Corp	3,965.00	75.24
Kenneth William Anderson, 1629 K Street, NW, #503 Washington, DC 20006	Evergreen International Aviation, Inc		339.00
Richard F. Anderson, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc		
Steven Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	6,600.00	
Susan S. Anderson, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp		
Tobyn J. Anderson, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	4,012.50	
Jill C. Andrews, 1331-A Pennsylvania Ave., NW, Suite 217 Washington, DC 20004	Small Businesses for Advertising Choice	2,154.00	601.98
Michael Andrews, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	59.74
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	1,362.05
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	American General Life Insurance Co. of Texas	800.00	
Do	Anker Energy Company		
Do	Association of Battery Recyclers	139.37	139.37
Do	Building Industry Assn of Southern California		
Do	Coalition for Habitat Conservation	8,600.00	
Do	Construction Industry Air Quality Coalition		
Do	GNB, Inc	10,293.90	10,293.90
Do	(For:Institute of Makers of Explosives)		
Do	International Alliance for Habitat Conservation		
Do	RSR Corporation	10,180.49	10,180.49
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	Ares-Serono, Inc		
Do	Association of Trial Lawyers of America		
Do	California Dairy Institute		
Do	Interstate Natural Gas Assn of America (INGAA)	17,500.00	
Do	Mars, Inc		
Do	Safeguard America's Family Enterprises		
Do	Thomson U.S., Inc		
Bill Angelo, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Animal Health Institute, 119 Oronoco Street P. O. Box 1417-D50 Alexandria, VA 22313			
Ernest Antczak, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp	307.21	639.00
John K Antholis, 22 Pine Street Morristown, NJ 07960	New Jersey Assn of Independent Car Rental Companies		
James J. Apperson, P.O. Box 52075 Phoenix, AZ 85072	Southwest Gas Corporation		
Apple Computer, Inc, 1550 M Street, NW, #1000 Washington, DC 20005			1,384.75
Appraisal Institute, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037		2,362.00	2,362.00
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	8,347.50	
John Archer, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
William T. Archey, 1615 H STreet, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	475.00	
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	25.00	14.00
Carolin Arczynski, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	1,600.00	
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Assn of Bioanalysts	18,106.56	1,135.96
Do	American Assn of Occupational Health Nurses	12,729.89	377.39
Do	Aram Mardirosian		
Do	Jean-Bertrand Aristide	8,000.00	2,767.16
Do	Association of Professional Flight Attendants	20,000.00	1,200.00
Do	Children With Attention Deficit Disorder (CHADD)		125.00
Do	City of San Diego		3,489.94
Do	Independent Federation of Flight Attendants	7,000.00	150.00
Do	International Society for Clinical Laboratory Technology	2,000.00	
Do	Mercy Hospital of Des Moines, Iowa	13,369.50	404.92
Do	National Assn of College Stores		
Do	National Field Selling Assn		
Do	National Parking Association		514.00
Do	Navajo Nation	57,580.46	2,547.05
Do	Republic Of Chile	898.37	34.20
Do	Second Street Limited Partnership		
Do	SO-PAK-CO, Inc		613.55
John G. Arlington, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	American Insurance Assn	425.00	40.00
Armenian Assembly of America, 122 C Street, NW #350 Washington, DC 20001		10,594.00	10,594.00
Fred Armstrong Jr, 1620 Eye Street, NW, #520 Washington, DC 20006	Portland Cement Assn		
Tertia R. Armstrong, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	161.00	
Angela J. Arnett, 1001 Pennsylvania Avenue, NW Washington, DC 20004	American Council of Life Insurance	800.00	
Luther Glenn Arnette, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Carl F. Arnold, P.O. Drawer 7170 McLean, VA 22106	American Iron & Steel Institute	840.00	
Do	Ashland Oil Co	480.00	
Do	Corporate Property Investors	750.00	
Do	Goodyear Tire & Rubber Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Institute of Certified Public Accountants		
Do	American Red Cross		
Do	Antonelli Unsecured Creditor's Committee	3,067.50	11.00
Do	Avatar Utilities, Inc		
Do	Avis, Inc		
Do	ACPC		
Do	AFL-CIO		
Do	Bank of Montreal		
Do	Business Roundtable		
Do	Caribbean International News Corporation	11,883.50	324.00
Do	Commissioner, Dept of Telecommunications City of New York	2,550.00	92.16
Do	Computer Sciences Corp	1,660.00	
Do	Continental Corporation		
Do	Federated Investors	712.50	10.00
Do	Fujisawa USA, Inc		
Do	General Conference of Seventh-day Adventists	1,703.75	37.27
Do	Hoffmann-La Roche, Inc		
Do	Hopi Indian Tribe		
Do	International Commodities Clearing House		
Do	London Commodity Exchange		
Do	London International Financial Futures Exchange, Ltd		
Do	Michigan National Corp (for: Beverly Hills Fed Savings Bank)	498.75	
Do	Montefiore Medical Center	5,917.50	475.45
Do	National Assn of Telecommunications Officers & Advisors	3,334.50	4.00
Do	National Coordinating Comm for Multiemployer Plans	10,937.50	256.21
Do	NaPro BioTherapeutics, Inc		
Do	Penn Central Industries Group		
Do	Philip Morris, Inc	4,303.78	216.27
Do	Recording Industry Assn of America, Inc		
Do	Republic of Venezuela	1,250.00	21.00
Do	Sacramento Municipal Utility District		
Do	Stanford University		
Do	State Farm Mutual Automobile Insurance Co	4,867.50	520.91
Do	Survival Technology, Inc		
Do	Thomsom Corp of America		
Do	Unilever United States, Inc		
L. Wayne Arny & Company, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	American Logistics Infrastructure Improvement Construction	3,000.00	100.00
Do	FMC Corp	3,000.00	60.00
Do	Guam Airport Authority	20,000.00	150.00
Do	Technology for Communications, International	1,000.00	15.00
Thomas M. Arrasmith, 1301 K Street, NW, #1200 Washington, DC 20006	IBM Corp	750.00	32.00
Deborah Arrindell, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses Assn	395.00	132.32
Thomas Ludlow Ashley, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	6,750.00	
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippines			
Associated Builders & Contractors, Inc, 729 15th St., NW Washington, DC 20005		22,500.00	
Associated Credit Bureaus, Inc, 1090 Vermont Avenue, NW, #200 Washington, DC 20005		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			16,500.00
Association of American Law Schools, 1201 Connecticut Avenue, NW, #800 Washington, DC 20036			
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		18,622.00	18,622.00
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		127,848.60	127,848.60
Association of American Veterinary Medical Colleges, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			
Association of Certified Trucking Schools, 3050 K Street, NW, 4th Floor Washington, DC 20007			
Association of Maximum Service Television, Inc, 1400 16th Street, NW, #610 Washington, DC 20036			
Association of Oil Pipe Lines, 1725 K St., NW Washington, DC 20006			
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		11,470.00	11,470.00
George J. Aste, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	500.00	
Richard C. Atchison, One Tuna Lane San Diego, CA 92101	American Tunaboat Assn		1,000.00
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Fujitsu, Ltd		
Do	Seiko Epson		
John Atkin, 197 James Street Norwalk, CT 06850		2,000.00	
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			1,821.00
Deborah Marie Atwood, 1700 N. Moore St. Arlington, VA 22209	American Meat Institute	1,000.00	239.87
Leslie Aubin, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	American Assn of Meat Processors		
Frank W. Ault, 2009 North 14th Street, #101 Arlington, VA 22201	American Retirees Assn	3,500.00	3,732.00
Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036	Overseas Education Assn, Inc	1,056.36	
Susan M. Auther, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corporation	7,850.00	1,842.24
Automotive Parts Rebuilders Assn, 4401 Fair Lakes Court Fairfax, VA 22033		503.44	503.44
John S. Autry, 1146 19th Street, NW Washington, DC 20036	Susan Davis Companies	12,000.00	1,413.00
Avon Products, Inc, 9 West 57th St. New York, NY 10019			
Merribel Symington Ayres, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	6,429.38	
Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202	Western-Southern Life Insurance Co		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Contact Lens Institute		
Do	Genentech		
Do	MacAndrews & Forbes Holding, Inc		
Do	Municipal Finance Industry Assn		
Do	National Health Labs, Inc		
Do	John Nuveen & Co, Inc		
Michael H. Bader, 4350 North Fairfax Drive Arlington,, VA 22203	Haley Bader & Potts (For:TV 14, Inc)		
Charlotte M. Bahin, 1709 New York Avenue, NW, 8th Floor Washington, DC 20006	Savings and Community Bankers of America	2,000.00	
George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104	CSX Transportation		
William A. Bailey, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	18.00
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey, Morris, & Robinson (For:American Imaging Assn)		
Do	Bailey Morris & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey Morris & Robinson (For:Case Management Society of America)		
Do	Bailey Morris & Robinson (For:Human Factors Applications, Inc)		
Do	Bailey Morris & Robinson (For:Investment Company Institute)		
Do	Bailey Morris & Robinson (For:Natural Gas Vehicles Coalition)		
Do	Bailey Morris & Robinson (For:Upjohn Corp)		
Bailey Morris & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	American Imaging Assn	12,000.00	
Do	Blue Cross of Western Pennsylvania	15,000.00	
Do	Case Management Society of America	18,000.00	
Do	Human Factors Applications, Inc		
Do	Investment Company Institute		
Do	National Assn of Broadcasters	19,000.00	
Do	Natural Gas Vehicles Coalition	16,500.00	
David Baime, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	3,123.00	194.00
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	587.50	
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,000.00	617.41
James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	2,932.50	306.95
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	7,458.00	
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alexander & Alexander Services, Inc	3,000.00	3,000.00
Do	Allen Memorial Hospital	131.74	
Do	American Protestant Health Assn	8,826.29	171.00
Do	American Resort & Development Assn	3,000.00	3,000.00
Do	Amherst Hospital	71.40	
Do	ACEM	8,787.52	27.00
Do	California Independent Casualty Companies Assn	8,000.00	8,000.00
Do	Chubb Corporation	6,000.00	6,000.00
Do	Cleveland Clinic Foundation		
Do	College on Problems of Drug Dependence (CPDD)	4,997.90	
Do	Cominco, Ltd		
Do	Corroon & Black Corp	3,000.00	3,000.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Devilbiss Health Care, Inc	23,366.30	
Do	Edison Electric Institute	8,699.95	8,699.95
Do	Financial Holding Corp	5,000.00	5,000.00
Do	Flexi-Van Leasing/Pacific Holding Company	25,000.00	25,000.00
Do	Fund American Enterprises	2,500.00	2,500.00
Do	Frank B. Hall & Co, Inc	3,000.00	3,000.00
Do	Hospital Insurance Forum		492.43
Do	Hyatt Corp		
Do	Invacare Corporation		510.37
Do	Johnson & Higgins	3,000.00	3,000.00
Do	Life Gift Organ Donor Center	6,179.26	
Do	Lorain Community Hospital	35.69	
Do	Marsh & McLennan Companies	3,000.00	3,000.00
Do	Mitsui & Co (U.S.A.), Inc		
Do	Mitsui Plastics, Inc		
Do	National Assn of Insurance Brokers, Inc	10,000.00	10,000.00
Do	National Assn of Professional Insurance Agents		
Do	Renal Physicians of Texas	3,339.11	9.00
Do	Rollins Burdick Hunter	3,000.00	3,000.00
Do	Sedgwick James, Inc	3,000.00	3,000.00
Do	Society of Cardiovascular & Interventional Radiology	47,328.45	564.23
Do	St. Joseph Hospital & Health Center		
Do	St. Paul Fire & Marine	2,500.00	2,500.00
Do	Travelers Insurance Co	10,000.00	10,000.00
Do	United Fidelity Life Insurance	4,000.00	4,000.00
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Argo Air	2,580.00	
Do	AT&T	720.00	
Do	Banyan Group, Ltd		
Do	Braniff		
Do	Burger King Corp		
Do	Dallas/Fort Worth International Airport Board	8,322.75	21.43
Do	Day & Zimmerman, Inc	1,845.00	171.93
Do	Duty Free International, Inc	283.50	
Do	Electric Data Systems, Inc		
Do	Federal Express Corp	17,334.00	203.56
Do	Fokker Aircraft, BV	953.40	
Do	Grand Metropolitan, Inc	1,312.50	45.00
Do	Hashemite Kingdom of Jordan	10,462.50	134.91
Do	International Business Machines Corp (IBM)		
Do	Landauer, Inc		
Do	Los Angeles County Transportation Commission	15,892.50	
Do	Morrison Knudsen Corp	4,845.00	50.00
Do	MAS-Hamilton Group		
Do	National Business Aircraft Assn		
Do	National Soft Drink Assn	4,095.00	158.57
Do	North Carolina Air Cargo Airport Authority	1,080.00	21.43
Do	Occidental Petroleum Corp		
Do	Pennzoil Co		
Do	Pillsbury Company	700.50	106.68
Do	Pratt & Whitney		
Do	Ryder Aviall, Inc		
Do	Schering-Plough Corp	2,250.00	95.52
Do	Southern California Edison Co		
Do	U.S. Air, Inc	2,910.00	
Do	U.S. Sprint/Contel	8,595.00	53.34
Do	U.S. Tobacco, Inc	337.50	53.00
Do	Ventura Port District	6,945.00	86.16
Do	Waste Management, Inc		
Elizabeth Baldwin, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	1,000.00	
H. R. Balikov, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp		
Stanley W. Balis, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
William L. Ball III, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	961.52	
William Lewis Ball, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	3,893.70
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	ARCO	1,485.00	284.10
Do	City of Bellevue (Washington)	7,602.92	536.91
Do	City of Portland, OR	18,374.38	3,856.97
Do	City University	28,884.00	4,297.73
Do	Clackamas County	9,379.00	1,048.25
Do	Greenbrier Leasing, Inc	35,071.50	4,106.93
Do	Gunderson, Inc		
Do	Harsch Investment Corporation	15,991.00	1,359.06
Do	Mt. Hood Meadows Oregon, Ltd	20,774.00	1,176.38
Do	Northwest Industrial Gas Users	2,032.50	1,262.13
Do	Northwest Marine Iron Works	3,763.00	1,097.57
Do	Northwest Woodland Owners Council	9,625.00	1,959.61
Do	Oregon Department of State Lands	24,195.55	1,902.42
Do	Oregon Department of Transportation	23,170.00	1,914.62
Do	Oregon Graduate Institute of Science & Technology	9,676.50	648.44
Do	Oregon Museum of Science and Industry	1,210.50	145.80
Do	Pacific Marine, Inc		
Do	PacifiCorp Leasing		
Do	Schnitzer Steel Industries	5,787.50	565.60
Jack L. Ballard, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Services, Inc	1,820.50	642.50
Robert H. Ballard, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co		
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	5,000.00	
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
Bank Leumi le-Israel, BM, 562 Fifth Avenue New York, NY 10017			4,508.49
James T. Banks, 3003 Butterfield Road Oak Brook, IL 60521	Chemical Waste Management, Inc		
Kathryn Bannan, 1300 I Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc		
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	3,000.00	248.13
Do	Bannerman and Associates, Inc (For:Beirut University College)	1,000.00	80.00
Do	Bannerman & Associates, Inc (For:Embassy of the Republic of Djibouti)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	2,500.00	65.00
Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568	NAC Re Corp		
James W. Bapple III, 5535 Hampstead Way Springfield, VA 22151	National Assn for Uniformed Services	997.50	
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	4,750.00	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	7,494.74	368.74
John Paul Barber, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Haley R. Barbour, P.O.Box 960 Yazoo City, MS 39194	American Maritime Congress	30,000.00	698.77
Do	American Rice, Inc	15,000.00	355.69
Do	CBS, Inc	30,000.00	171.60
Do	Priamerica Financial Services	16,000.02	805.55
Betsy F. Barclay, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	77.52
M. Camille Bares, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp, Inc		5,322.36
G. Denise Barksdale, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company		
Thomas W. Barlow, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co		
Iraline G. Barnes, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Barnett & Sivon, PC, 2000 M Street, NW, Suite 740 Washington, DC 20036	Citibank, NA	810.00	40.00
Ray A. Barnhart, 2602 Dellana Lane Austin, TX 78746	Marathon Oil Co	9,000.00	2,762.02
Michael E. Baroody, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	300.00	
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	4,000.00	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Linda Curry Bartholomew, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co	62.50	
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc	750.00	77.04
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Jo-Anne R. Basile, 1133 21st Street 3rd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn	7,500.00	285.32
Robert W. Batchelder, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	1,350.00	
Diane Bateman, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	982.28
Christopher M. Bates, 1325 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	1,750.00	10.00
Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	1,800.00	
Richard M. Bates, 1101 17th St. NW, #501 Washington, DC 20036	Disney Worldwide Services, Inc	45,000.00	1,034.28
Robin Battaglini, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Ellen Battistelli, 2010 Massachusetts Ave., NW, 5th Floor Washington, DC 20036	Planned Parenthood Federation of America	1,227.46	31.84
Lana R. Batts, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
Gary Lee Bauer, 700 13th Street, NW, #500 Washington, DC 20005	Focus on the Family	875.00	
Patricia M. Bauer Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of the Republic of Djibouti)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	257.77
Jeffrey A. Baum, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Barbara Bauman, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Company, et al.	17,724.00	5,929.00
Gregory J. Baumann, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Grae Baxter, 1225 Eye Street, NW, Suite 401 Washington, DC 20005	Civil War Battlefield Foundation	52.50	38.50
Judith Bayer, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,001.00	8.00
Bayh Connaughton Fensterheim & Malone, PC, 1575 Eye Street, NW, Suite 1025 Washington, DC 20005	ALC Communications Corp		
Do	Cook Group	8,370.38	300.00
Do	Joseph E. Seagram & Sons	2,370.84	200.00
Do	Merrill Lynch & Company	12,500.00	4,166.00
Do	Milk Industry Foundation		
Do	National Basketball Assn	4,250.00	1,560.00
Do	National Soft Drink Assn	10,400.00	300.00
Do	Pennsylvania Savings Assn Insurance Corp		
Do	Real Estate Cappital Recovery Assn	2,600.00	275.00
Do	SPI		
Bayless Boland Bates & Madigan, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Distilled Spirits Council of the U.S.	750.00	19.00
Do	Hauser Communications, Inc	1,175.00	76.00
Do	National Food Processors Assn	1,250.00	
Do	Newmont Mining Corporation	750.00	32.00
Do	Southwest Airlines	323.00	
Do	Southwestern Bell Corp	525.00	
Do	Stewart & Stevenson Services, Inc	5,000.00	6.00
Do	Trimble Navigation, Ltd	400.00	86.31
Richard 'Sandy' Beach, 805 15th Street NW, #300 Washington, DC 20005-2207	Credit Union National Assn, Inc	7,000.00	
Beacon Consulting Group, Inc, 1012 Pennsylvania Ave, SE Washington, DC 20003	Asphalt-Rubber Producers Group	15,000.00	2,135.18
Do	Big Brothers & Big Sisters of America		53.88
Do	Museum of Science & Industry	7,500.00	164.08
Do	Mystic Seaport Museum	6,000.00	184.23
Do	National Coalition for Volunteer Protection		223.77
Do	National Crime Prevention Council	12,000.00	312.88
Do	National Museum of Health & Medicine Foundation	13,500.00	500.60
Do	New England Conservatory of Music	11,250.00	276.82
Do	Orton Dyslexia Society	1,650.00	77.33
Do	TDS Healthcare Systems Corp	16,080.00	8,469.74
Bruce A. Beam, 801 Pennsylvania Ave, #214 Washington, DC 20004	American Electric Power Service Corp	322.15	
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates (For:Association of American Railroads)		
Do	Richard D. Sullivan Associates, Inc (For:Design Professionals Coalition)	7,500.00	
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Co)		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)		
Do	Richard J. Sullivan Associates, Inc (For:Pyrotechnic Signal Manufacturers Assn)		
Do	Richard J. Sullivan Associates, Inc (For:Water Environment Research Foundation).		
Kevin M. Beattie, 475 Riverside Drive #239 New York City, NY 10115	Morality in Media, Inc		
Hubert Beatty, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Brenda Larsen Becker, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	761.00	100.36
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	9,553.18	25.00
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	5,000.00	
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	
Howard Bedlin, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	674.62	
Beer Institute, 1225 Eye Street, NW, #825 Washington, DC 20005			
William A. Behan, 1700 N. Moore St., #820 Arlington, VA 22209	Magnavox Electronics Systems Corp	4,000.00	4,164.96
Edwin L. Behrens, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	200.67	
Mark Belanger, 805 Third Avenue New York, NY 10022	Major League Baseball Players Assn		
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	672.72
Howard H. Bell, 1400 K St., NW, #1000 Washington, DC 20036	American Advertising Federation		
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Trina Bellak-Bronfman, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	1,500.00	179.78
Julia Jackson Bellinger, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	664.22
Joseph M. Bellino, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	507.10	
James P. Bellis, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Lisa Bellucci, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Terre Belt, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,250.00	
Keith B. Belton, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	600.00	219.20
Jennifer L. Bendall, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	6,400.00	
Daniel J. Bennet, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Catherine Bennett, 1455 Pennsylvania Ave., NW, #925 Washington, DC 20004	Pfizer, Inc	3,000.00	866.05
William M. Bennett, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
John C. Bennison, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	8,500.00	
Jodean Robbins Bens, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	1,593.75	245.00
James M. Bensberg, 1225 Eye Street, NW, #500 Washington, DC 20005-3914	American Motorcyclist Assn	13,861.25	1,352.17
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		767.06
James E. Benton, N. J. Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	55.00	
Todd P. Bentsen, 1627 Lamont Street, NW Washington, DC 20010	Rainbow Lobby, Inc	3,529.55	
Rebecca J. Berg, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Blue Cross Blue Shield of Florida)		
Do	Hill & Knowlton, Inc (For:Fujisawa/Lyphomed)		
Do	Hill & Knowlton, Inc (For:Port Everglades)	525.00	
Do	Hill & Knowlton (For:Stelco, Inc)		
Douglas L. Berger, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	4,400.00	
Bob Bergland, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	75.00	
Bergner Boyette & Bockorny, Inc, 1101 16th Street, NW, #500 Washington, DC 20036	Avianca Airlines	2,000.00	150.00
Do	Bell Atlantic Corp	5,000.00	885.00
Do	Berman Associates (for Limited)	1,000.00	1,403.42
Do	Capital Research & Management Company	2,000.00	400.00
Do	China External Trade Development Council	2,000.00	150.00
Do	Edison Electric Institute	2,000.00	425.00
Do	Elanco Animal Health	1,000.00	700.00
Do	Enseco	1,000.00	700.00
Do	Flo-Sun Land Corp	4,000.00	1,646.33
Do	Fox Broadcasting Company	3,000.00	430.00
Do	Friendship in Freedom Assn	1,000.00	450.00
Do	Glaxo, Inc	2,000.00	845.00
Do	Mallinckrodt, Inc	2,000.00	425.00
Do	McDonnell Douglas Corp	1,200.00	400.00
Do	Metpath	1,000.00	197.00
Do	Murry's, Inc		90.00
Do	National American Wholesale Grocers Assn (NAWGA)	1,000.00	975.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Assn of Business & Educational Radio, Inc	500.00	205.00
Do	National Soft Drink Assn	3,000.00	748.00
Do	Ogden Martin Systems, Inc	2,500.00	1,286.70
Do	Okeelanta Corp	5,000.00	1,796.33
Do	Orange & Rockland Utilities	4,000.00	1,486.00
Do	Philip Morris Co, Inc	2,000.00	479.43
Gene S. Bergoffen, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Edwin M. Bergsmark, 1000 Regency Court, Suite 209 Toledo, OH 43623	Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & subsidiaries)		
Paul C. Bergson, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20004	Bergson & Company (For:Halon Research Institute)	1,000.00	
Do	Smokeless Tobacco Council	1,000.00	
Jane W. Bergwin, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Jessica Berk, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	453.20	1,848.02
Dayle Berke, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	292.24	
Antoinette C. Berkely, P.O. Box 2972 Washington, DC 20013			
Nathan R. Berkley, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	500.00	
Pamela M. Berkwitz, Norwest Center-Sixth & Marquette Minneapolis, MN 55479-1032	Norwest Corporation	12,500.00	3,795.24
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc		
Richard B. Berman, 607 14th Street, NW, #1100 Washington, DC 20005	Burger King Corp		
Do	FICA Fairness Coalition		
Do	S&A Restaurants Corp		
William R. Berman, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Joan Kovalic Bernard, 2100 Pennsylvania Avenue, NW, #755 Washington, DC 20037	BASF Corp		
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	1,620.00	
Delanne Bernier, 1023 15th Street, NW, #400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		266.13
Jules Bernstein, 1920 L Street, NW, #602 Washington, DC 20036	Federal Law Enforcement Officers Assn	6,249.00	470.17
Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036	National Assn of Police Organizations	24,000.00	10,630.41
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessional de L'Economic Laitiere		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Do	Florida Department of Citrus		
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	223.75
Michael J. Bertelsen, Beneficial Management Corp. 453 New Jersey Ave., SE Washington, DC 20005	Beneficial Management Corp	600.00	
Bill Bertera, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Ann Beser, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	5,400.00	
John F. Betar, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	24,000.00	
Ed Bethune, P.O. Box 200 210 East Vine Street Searcy, AR 72143	FBI Agents Assn	13,500.00	457.84
Albert J. Beveridge, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).		
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Conference of National Park Concessioners		
Do	Foundation for Environmental & Economic Progress, Inc	1,812.42	3,234.22
Do	Laurance S. Rockefeller		
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources	192.00	63.94
Heidi Biggs, 2001 L Street NW, #304 Washington, DC 20036	Weyerhaeuser Company		197.23
James L. Bikoff, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Leon G. Billings, Inc, 901 15th St., NW, #570 Washington, DC 20005	American Public Power Association	1,640.62	
Do	South Coast Air Quality Management District	18,088.00	
Do	Sterling Forest Corporation	12,425.00	
Do	Waste Management, Inc	32,090.62	
Ray B. Billups Jr., 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	5,454.62	4,853.92
David Billy, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	10,177.00	
Stuart Binstock, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Peggy K. Binzel, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	2,118.00	
Biocraft Laboratories, Inc, 18-01 River Road Fair Lawn, NJ 07410			
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Alaska Wetlands Coalition		
Do	Arkansas Electric Energy Consumers		
Do	Calista Corp		
Do	City of St. George		
Do	CSX Yukon Pacific		
Do	Fish Alaska, Inc		
Do	Grand Targhee Ski Resort		
Do	Holland American Lines, Inc		
Do	International MicroSpace, Inc		
Do	North Slope Borough		
Do	Old Harbor Corp		
Do	Point of Rocks Ranch, Inc		
Do	Professional Sportfish Col. for Fairness in Fed. Regulations		
Do	Sealaska Corp		
Do	St. George Tanaq Corp		
Do	Tanadgusix Corporation		
Do	Turlock Irrigation District		
Do	University of Alaska Fairbanks		
Do	Westinghouse Electric Corp		
Do	Wildlife Legislative Fund of America		
Susan Birmingham, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	9,923.34	
McNair Bishop, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Bituminous Coal Operators' Assn, 918 16th Street, NW, Suite 303 Washington, DC 20006-2971		63,673.00	48,593.00
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Judy Black, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	550.00	
Wayne V. Black, Keller and Heckman 1001 G Street, NW, #500 West Washington, DC 20001	INDA, Assn of the Nonwoven Fabrics Industry		
Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life & Casualty		
Do	Health Images, Inc	11,227.00	
Do	Midland Risk Insurance Company		
Do	Nascar, Inc		
Do	Security First Federal Savings & Loan Assn		
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Aetna Life & Casualty	7,000.00	29.84
Do	Allied-Signal Corp	22,500.00	22.47
Do	American Airlines	30,000.00	
Do	Bethlehem Steel Corp	22,500.00	
Do	Carlyle Group	15,000.00	
Do	Casino Association of New Jersey	7,500.00	64.55
Do	Chrysler Corp	15,000.00	141.71
Do	Clark Construction Group	9,000.00	
Do	First National Bank of Chicago	22,500.00	72.86
Do	Gas Safety Action Council	9,000.00	
Do	Government of Greece	4,000.00	
Do	Government of Nigeria	12,500.00	
Do	GTech Corp	10,000.00	39.82
Do	D. George Harris & Associates	4,500.00	
Do	Horsham Corporation	5,000.00	
Do	Johnson & Johnson, Inc	30,000.00	169.49
Do	Kashmiri American Foundation	35,000.00	189.76
Do	Katun Corp	11,250.00	
Do	League of Leaders for Philippine Development		
Do	MacAndrews & Forbes Holdings, Inc/Revlon Group, Inc	45,000.00	449.74
Do	Military Audits of Market Information, Inc	4,500.00	
Do	Mortgage Insurance Companies of America	3,125.00	
Do	NOVA University	15,000.00	
Do	Puerto Rico Federal Affairs Administration	9,000.00	
Do	Republic of Kenya	66,000.00	
Do	Software Productivity Consortium	22,500.00	
Do	South Carolina Economic Development Board	2,000.00	
Do	Textron	3,750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Tobacco Institute	22,500.00	
Do	Trump Organization	18,000.00	
Do	Union Pacific Corp	15,000.00	
Do	Usarin Land Development Corp	6,000.00	
Do	UNITA	75,000.00	29.84
Joseph W. Blackburn, P.O. Box 55727 2222 Arlington Ave., So. Birmingham, AL 35255	Sirote & Permutt, PC (For:McAbee Construction)		455.77
Lisa E. Blackwell, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Robert J. Blackwell Jr., 1025 Connecticut Avenue, NW, #1014 Washington, DC 20036	Ebasco Services, Inc	3,645.00	813.47
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Stephen J. Blair, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn, Inc	750.00	
Roy Blake, 900 University Dr. Nacogdoches, TX 75961	Philip Morris, Inc	3,000.00	395.74
Ernest Blazar, 122 C Street NW Washington, DC 20001	American League for Exports & Security Assistance (ALESA)	2,100.00	
Michael E. Bleier, Mellon Bank N.A. One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001	Mellon Bank N.A.	2,500.00	
David Bley, 1501 4th Ave., 19th Floor Seattle, WA 98101	Federal Home Loan Bank of Seattle	8,750.00	16,879.40
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	Amax, Inc	900.00	58.39
Do	Barrett Refining Corp	1,150.00	63.70
Do	Figgie International	958.75	93.75
Do	Hunter Industrial Facilities, Inc	3,000.00	392.81
Do	National Paint & Coatings Assn, Inc	862.50	140.51
Do	Spa & Pool Assn	600.00	27.15
Bliss & Riordan, 431 West 7th Ave., #201 Anchorage, AK 99501	Akhiok-Kaguyak, Inc	1,665.94	
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
L. Thomas Block, 270 Park Avenue New York, NY 10017	Chemical Bank	5,000.00	1,300.00
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	9,300.00	
Jennifer Blomstrom, 1531 P Street, NW, Suite 200 Washington, DC 20005	Sierra Club Legal Defense Fund	2,880.00	1,711.45
Rebecca K. Blood, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,000.00	
Shawn M. Bloom, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		8.80
Mark Bloomfield, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	1,033.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	296.25
Robert S. Bludworth, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesaler's Assn	3,500.00	92.38
Joanne Blum, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	6,342.64	266.00
Lawrence D. Blume, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)	1,410.00	
Do	Miles, Inc		
Do	Graham & James (For:Milk Specialties Co)		
Patti Blumer, 1225 Eye Street, NW, #1250 Washington, DC 20005	American Dietetic Assn	1,000.00	227.22
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		110,000.00	110,000.00
Elizabeth A. Bock, 1111 19th Street, NW, Suite 408 Washington, DC 20036	Mitsubishi Motors America, Inc	103.95	
Judith Ann Boddie, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	6,174.24	342.91
Denise A. Bode, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		40.00
Robert Spurrier Boege, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Doyce Boesch, 320 4th Street, NE Washington, DC 20002	Brooke International	937.50	
Larry A. Boggs, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	600.00	
Stacy A. Bohlen, 300 5th Street, NE Washington, DC 20002	Humane Society of the United States	1,764.33	137.96
John K. Boidock, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,500.00	
Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	600.00	
James E. Boland, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	5,000.00	116.00
Mark P. Bolduc, 1125 15th Street, NW, #700 Washington, DC 20005	Mortgage Bankers Assn of America	5,300.00	627.98
Eugene R. Bolo, 4000 Boury Center Wheeling, WV 26003	Oralco Management Services, Inc (For:Ormet Corp)		
M. Joel Bolstein, 4000 Bell Atlantic Tower 1717 Arch Street Philadelphia, PA 19103-2793	Dechert Price & Rhoads (For:Monell Chemical Senses Center)	2,273.75	
Naila Bolus, 305 7th Street, SE Washington, DC 20003	Womens Action for Nuclear Disarmament, Inc, et al.	4,300.00	
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Judith Bonderman, 1225 Eye Street, NW Washington, DC 20005	Handgun Control, Inc	209.00	
Franklin Bonitto D., 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	175.32
Brian C. Bonnet, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Edward Book, Two Layfayette Centre 1133 21st Street, NW Washington, DC 20036	Travel Industry Assn of America	4,588.00	
Gaylon B. Booker, P.O. Box 12285 1928 North Parkway Memphis, TN 38182	National Cotton Council of America	687.00	1.31
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc		
Mary Booth, 312 Massachusetts Ave., NE Washington, DC 20002	Trust for Public Land		
Henry Borelli, 14589-053 P.O. Box 1000 Leavenworth, KS 66048-1000			
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	2,843.74	389.85
Lizbet Boroughs, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Association for Marriage & Family Therapy	1,564.00	
Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,681.25	
Carroll Bostic, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)	180.00	
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc		
Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036	McDonnell Douglas Helicopters, et al.	1,000.00	
John C. Bottenberg, 800 S.W. Jackson, #1120 Topeka, KS 66612	Philip Morris, Inc	2,500.00	815.42
Claude P. Boudrias, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	276.50
Kenneth A. Bouldin, 1212 Potomac Street, NW Washington, DC 20007	Computer Dealers & Lessors Assn		
Laura L. Bourne, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,320.00	
Joseph Bow, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	18,018.00	708.77
Michael Bowers, 1100 17th Strret, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	3,100.00	
M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004	Pfizer, Inc	3,000.00	2,141.28
J. Laing Bowles, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	453.75	
Christopher Bowlin, 1331 Penn. Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	175.00	
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Joan Costain Bowyer, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	150.00	
John G. Boyd, 1301 K St., NW, #1200 Washington, DC 20005	International Business Machines Corp	120.00	27.00
Robert K. Boyd, 1100 H Street, NW Washington, DC 20080	Washington Gas Light Company	300.00	60.00
Thomas M. Boyd, 600 Pennsylvania Ave., SE, Suite 206 Washington, DC 20003	Federal Kemper Life Assurance Co	58.33	
Do	Kemper Corp		
Do	Kemper Financial Services, Inc	283.33	15.00
Do	Kemper Investors Life Insurance Company	58.33	
Do	Kemper Reinsurance Company	500.00	94.00
Do	Kemper Corporation (For:Kemper Securities Group, Inc)	325.00	27.75
Philip B. Boyer, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,500.00	
J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,187.50	
Cynthia R. Boynton, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Gordley Associates (For:National Sunflower Assn)	65.00	
Do	Gordley Associates (For:U.S. Canola Assn)	65.00	
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Browning-Ferris Industries, Inc		
Do	Caribbean Marine, Inc		
Do	Centex Corp		
Do	Chemical Manufacturers Assn, Inc		
Do	Edison Electric Institute		
Do	Enron Corp	1,500.00	900.00
Do	Enterprise Products Co		
Do	Genentech, Inc		
Do	Graham Resources, Inc		
Do	Higman Barge Lines, Inc		
Do	Hunt Oil Company		
Do	Louisiana Land & Exploration Co		
Do	Lyondell Petrochemical Co		
Do	MEPC American Properties		
Do	National Cable Television Assn, Inc		
Do	Pennsylvania Natural Gas Assn		
Do	Rohm & Hass Co		
Do	Joseph E. Seagram & Sons, Inc		
Do	Southdown/Pelto Oil Company		
Do	Sterling Chemicals, Inc		
Do	Texas Ophthalmological Assn		
Do	Torch Energy Advisors, Inc		
Do	Valero Energy Corporation		
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	American Society for Bone & Mineral Research	6,000.00	120.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Arkla, Inc	7,000.00	170.00
Do	City of Klamath Falls	7,000.00	105.00
Do	City of Tucson	7,000.00	95.00
Do	Coin Coalition	10,000.00	205.00
Do	County of Winnebago	2,000.00	60.00
Do	Daishowa America Company, Ltd	8,000.00	220.00
Do	Energy Absorption Systems, Inc	8,000.00	135.00
Do	Fieldstone Co	1,000.00	35.00
Do	Greater Rockford Airport Authority	5,000.00	130.00
Do	St. Louis Airport Authority	4,000.00	125.00
Do	United Technologies Corp	4,000.00	90.00
Do	Western Fuels Association, Inc	2,000.00	70.00
Martha Braddock, 6808 Hathaway Street Springfield, VA 22152	Association of State DAM Safety Officials	6,750.00	40.50
Sarah Brady, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	25,064.00	
Lynn M. Bragg, 701 Pennsylvania Ave., NW Washington, DC 20004	Edison Electric Institute	3,616.52	600.99
Raymond F. Bragg Jr., 1025 Thomas Jefferson Street, NW, #700-E Washington, DC 20007	Legislative Strategies (For:American Independent Refiners Assn)		
Do	Legislative Strategies (For:Berry Petroleum Company)	449.50	60.00
Do	Legislative Strategies (For:Calcasieu Refining Company)	449.50	60.00
Do	Legislative Strategies (For:Consolidated Natural Gas Service Company, Inc)	271.25	300.00
Do	Legislative Strategies (For:Huntway Refining Company)	449.50	60.00
Do	Hydro Coalition	620.00	300.00
Do	Legislative Strategies (For:Laketon Refining Company)	449.50	60.00
Do	Legislative Strategies (For:Natural Gas Vehicle Coalition)		
Do	Legislative Strategies (For:State of New Mexico (Natural Gas Programs))		
Do	Legislative Strategies (For:SEC Donohue)	620.00	408.60
Do	Legislative Strategies (For:U.S. Oil and Refining Company)	449.50	60.00
Stuart J. Brahs, 1350 I Street, NW, #1030 Washington, DC 20005	Principal Financial Group	293.13	
Barbara Bramble, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	133.08	
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Herb A. Caddell		
Do	Carnegie Group, Inc		
Do	Environmental & Safety Data Exchange		
Do	Hewlett-Packard Co	473.00	
Do	National Assn for Home Care		
Do	National Assn of Professional Baseball Leagues, Inc	87.50	
Do	NCube	520.00	
Do	Olin Pantex, Inc		
Do	Oracle Corp		
Do	S.A.F.E.		
Do	Seafarers International Union		
Do	Unisys	1,197.00	
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	15,105.87	87.61
Carolyn J. Breedlove, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,978.55	
Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	2,715.11
Peter E. Brereton, Society Corporation 127 Public Square, 7th Floor Cleveland, OH 44114	Savings and Community Bankers of America	3,300.00	86.75
Jack E. Bresch, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	3,492.98	
Thomas M. Bresnahan III, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron Companies	6,000.00	75.00
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	250.00	
F.H. Brewer III, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc	1,015.00	61.36
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		1,066.08
Michael Brien, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp		
John R. Brigance, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	4,800.00	18.00
Craig S. Brightup, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	5,250.00	1,022.00
Michael F. Brinck, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	6,800.00
Robert J. Brinkmann, 1627 K Street, NW, #400 Washington, DC 20006	National Newspaper Assn	2,000.00	
William M. Brodhead, 900 Marquette Building Detroit, MI 48226	Plunkett & Cooney (For:NBD Bancorp, Inc)	5,500.00	689.42
Do	Plunkett & Cooney (for City of Detroit, Michigan)	8,625.00	17.00
Do	Plunkett & Cooney (for Michigan Consolidated Gas Co)	12,224.00	5,511.94
David A. Brody, 1140 Connecticut Avenue, NW, #803 Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Do	Anti-Defamation League of B'nai B'rith		
Do	BASF Corp	1,500.00	
Do	Corn Coalition	750.00	
Do	Corning, Inc	1,300.00	
Do	Telecommunications Industry Assn	300.00	
Marcia D. Brody, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn	250.00	
Michael J. Brokovich, 8201 Greensboro Drive McLean,, VA 22102	Paramax Systems Corporation	1,000.00	200.00
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	4,500.00	
Brooke International, 65 East 55th Street, 33rd Floor New York, NY 10022			1,875.00
Dale E. Brooks, 1401 I St., NW #1200 Washington, DC 20005	Chevron Companies	500.00	
E. R. Brooks, P.O. Box 660164 Dallas, TX 75266	Central & South West Corp		
Edward J. Brothers, 1487 Weber Dr., Suite A Indianapolis, IN 46227			
Robert F. Brothers, 1776 I Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	350.00	465.00
J. Robert Brouse, 1150 Connecticut Ave., NW Washington, DC 20036	Nonprescription Drug Manufacturers Assn (NDMA)		2,950.00
Joseph Browder, 418 10th St., SE Washington, DC 20003	Dunlap & Browder, Inc		
Alvin Brown, 4573 MacArthur Boulevard, NW, #103 Washington, DC 20007			
Cynthia A. Brown, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		
Cynthia L. Brown, 4301 N. Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	15,000.00	
Dale E. Brown, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	4,000.00	2,659.87
David S. J. Brown, 700 14th Street, NW Washington, DC 20005	Monsanto Co	700.00	27,054.88
Dianne C. Brown, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	
Felicien J. Brown, 601 E Street, NW Washington, DC 20049	American Association of Retired Persons	713.46	42.56
James P. Brown, 232 N. Kingshighway, #202 St. Louis, MO 63108	Bi-State Development Agency	8,400.00	4,620.00
Do	City of St. Louis - City Hall	4,900.00	2,155.00
Do	Lambert-St. Louis International Airport	27,000.00	8,925.00
John J. Brown, 50 E Street, SE Washington, DC 20003	Clark S. Herman Associates, Inc	1,000.00	600.00
Do	Govt Affairs Policy Council of the Reg Bell Operating Co	1,000.00	400.00
Do	John J. Brown & Associates (For:Labor Management Committee of the Tobacco Institute).	1,000.00	400.00
Michael J. Brown, 18 East Custis Ave. Alexandria, VA 22301	Klein & Saks (for: Gold Institute)	3,000.00	236.08
Do	Klein & Saks (For:Silver Institute)		
Omer F. Brown II, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Davis Wright Tremaine (For:Hazardous Waste Action Coalition)		
Do	Davis Wright Tremaine (For:Lockheed Engineering & Sciences Co)	21,965.00	191.32
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
Robert Craig Brown, P.O.Box 12285 Memphis, TN 38182	National Cotton Council of America	1,604.00	68.83
Steven J. Brown, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,000.00	
Valerie L. Brown, New Jersey Law Center 1 Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	2,000.00	
Will Rolland Brown, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
William E. Brown, 1667 K Street, NW #420 Washington, DC 20006	Mead Corporation	200.00	25.00
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	1,675.00	
Clarence J. Brown and Co, Inc, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	BHC, Inc	8,200.00	
Do	Chris-Craft Industries, Inc		
Do	Ohio Edison Co	2,500.00	
Do	United Television, Inc		
Thomas H. Brownell, GE Aerospace 1331 Pennslyvania Ave., NW, #890 Washington, DC 20004	General Electric Co	3,041.00	218.00
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	Lake Catamount Joint Venture	588.00	
Do	New Valley Corporation	1,883.09	1,593.06
Brownstein Zeidman & Lore, 1401 New York Ave., NW, #900 Washington, DC 20005	Pennrose Properties	340.00	8.00
Do	Related Companies, Inc	3,000.00	37.07
Broydrick Broydrick & Dacey, 600 East Mason Street Milwaukee, WI 53202	Aurora Health Care	9,675.03	880.40
Do	Blood Center of Southeastern Wisconin	100.00	
Do	Children's Hospital of Wisconsin	7,875.00	593.07
Do	EDS Corp	2,806.25	16.91
Do	Meehan Seaway	100.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Menominee Indian Tribe of Wisconsin	1,037.50	68.58
Do	Milwaukee Area Technical College		
Do	Milwaukee Metropolitan Sewerage District	820.00	17.64
Do	Oneida Nation	47,038.75	2,598.10
Do	Plumbers Local #75	445.00	0.30
Do	PrimeCare Health Plan	17,931.25	2,045.43
Do	Specialty Vehicle Institute of America	100.00	
Do	Waste Management, Inc	20,165.00	1,718.46
Do	Watertown Memorial Hospital	612.50	75.79
Jeanne Broyhill, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp		
Thomas P. Bruderle, 7272 Wisconsin Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists	10,200.00	
David J. Brugger, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations		
William K. Brunette, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	732.59	142.55
J. M. Brunkenhoefer, 227 Massachusetts Avenue, NE, #100 Washington, DC 20002	United Transportation Union	6,250.00	639.24
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	2,000.00	26.00
J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Allstate Insurance Cos	1,640.00	669.82
Hayden B. Bryan, 8607 Westwood Center Drive, Suite 204 Vienna, VA 22182	Professional Services Council	1,500.00	26.12
Bryan Cave, 700 13th Street, NW, #700 Washington, DC 20005	PHP Healthcare Corp	14,000.00	
Barbara L. Bryant, 1101 17th Street, NW, #1000 Washington, DC 20036	American Physical Therapy Assn, Private Practice Section		
Bryant, Miller & Olive, PA, 201 South Monroe Street, Suite 500 Tallahassee, FL 32301	Fernandina Cruise Lines, Inc	70,000.00	
Brydges Riseborough Morris Franke & Miller, 150 N. Michigan Ave. Chicago, IL 60601			
Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	18,327.00	
PerryAnne Buchanan, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources	12,000.00	
Judith A. Buckalew, 1600 M Street, NW, Suite 702 Washington, DC 20036	ICI Pharmaceuticals Group		26,024.04
Robert Buckler, 405 Sibley St., #120 St. Paul, MN 55101	National Board of Fur Farm Organizations	9,000.00	
Jeremiah S. Buckley, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Mortgage Finance, Inc.)		
Do	Thacher Proffitt & Wood (For:Massachusetts Bankers Assn)		
Do	Thacher Proffitt & Wood (For:Massachusetts State Carpenter's Guaranteed Annuity Fund).		
Do	Thacher Proffitt & Wood (For:Massachusetts State Carpenter's Pension Fund)		
Do	Thacher Proffitt & Wood (For:Residential Services Corp of America)		
Do	Thacher Proffitt & Wood (For:Savings Bank of Life Insurance)		
Roy C. Buckner, 1101 pennsylvania avenue, nw - #400 Washington, DC 20004	Textron, Inc	600.00	150.00
J. Bruce Bugg Jr., 100 W. Houston Street, #1660 San Antonio, TX 78205	American College of Mohs Micrographic		
Philip Bujakowski, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects		
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	1,000.00	7.00
Darrel D. Bunge, Minnesota Petroleum Council 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	2,170.00	
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Parcel Shippers Assn	2,000.00	
William D. Bunnell, 4660 Kenmore Ave., #1018 Alexandria, VA 22304	Cummins Engine Co, Inc	357.58	29.50
David G. Burden, 200 E. Randolph Dr. P.O. Box 87703 Chicago, IL 60680-0703	Amoco Corporation		
James D. Burge, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	6,500.00	
Bruce W. Burgess, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	12,661.60	
April L. Burke, 400 North Capitol Street, NW, Suite 585 Washington, DC 20001	Association of Independent Research Institutes (AIRI)	600.00	
Do	California Institute of Technology	3,000.00	
Do	Lewis-Burke Associates (For:National Assn for the Superconducting Super Collider).		
Do	Lewis-Burke Associates (For:University of Cincinnati)	1,000.00	
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
Kevin M. Burke, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn	4,431.26	300.00
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW, #505 Washington, DC 20036		73,000.25	2,575.00
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	2,168.75	17.28
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Charles S. Burns, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	1,200.00	
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	4,000.00	24.50
Joseph E. Burnside, 1819 L Street, NW, #200 Washington, DC 20036	Matsushita Electric Corp of America	100.00	55.50
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	American Mobile Satellite Corp		
Do	Degussa AG		
Do	Economic Growth Alliance		
Do	Eli Lilly & Company		
Do	Ethyl Corporation		
Do	Healthcare Leadership Council		
Do	Korea Iron & Steel Assn		
Do	Lever Brothers Company		
Do	McDonnell Douglas		
Do	MAPCO	500.00	
Do	Republic of Indonesia	5,000.00	
Do	Thomson-CSF, Inc		
Do	Warner-Lambert Co		
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	4,700.00	
William Burton, 180 Maiden Lane New York, NY 10038	Continental Insurance Company		
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	Scana Corp		31,307.17
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Donald G. Butcher, c/o N.Y.S. Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	3,300.00	
Mrs. H. E. Butt, 3700 Ocean Drive Corpus Christi, TX 78411			
Jeffrey Butzke, 2 Suydam Lane Bayport, NY 11705	Golden Rule Insurance Company	533.33	950.19
William Byler Associates, Inc, 1155 Conn. Ave., NW, #300 Washington, DC 20036	Ak-Chin Indian Community Council	240.00	
Do	Havasupai Tribal Council		
Do	San Carlos Apache Tribe	100.00	
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
BBA, Inc, 1000 Potomac Street, NW, #301 Washington, DC 20007	Career College Assn		80.41
Edward S. Cabot, 1285 Avenue of The Americas New York, NY 10019	Common Cause	5,885.28	317.00
Debra Cabral, 608 Massachusetts Avenue, NW Washington, DC 20002	Nutter & Harris (For:Children's Health Systems, Inc)		
Patrick J. Cacchione, 4600 Edmundson Road St Louis, MO 63134	Daughters of Charity National Health Systems		
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	600.00	100.00
Morrison G. Cain, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Christopher G. Caine, 1301 K St., NW, 11th Floor Washington, DC 20005	IBM Corp	220.82	78.51
Tony Calandro, 750 First Street, NW, #900 Washington, DC 20002	Career College Assn, In	1,750.00	
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,450.00	
Bonnie Caldwell, 1445 New York Ave., NW Washington, DC 20005	Public Securities Assn	12,500.00	
Antonio J. Califa, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	2,800.00	
Barbara J. Calkins, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,625.00	
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Wayne J. Camara, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	835.00	
Cambridge International, Inc, 2775 South Quincy Street, #520 Arlington, VA 22206	Alliston Transmission	600.00	
Do	Eastern Technologies, Inc	750.00	
Do	FMC Corporation	500.00	
Do	General Dynamics Land Systems	1,000.00	
Do	McDonnell Douglas Helicopter Company	600.00	
Do	Oshkosh Trucks Corp	300.00	
Do	Stewart & Stevenson Services, Inc	600.00	
Do	Textron Lycoming	800.00	
Do	Varo, Inc	600.00	
Arthur E. Cameron, 225 C Street NE, #A Washington, DC 20005	International Union of Police Assns, AFL-CIO	3,125.00	
Do	Lukens General Industries, Inc	1,750.00	
Do	National Greyhound Assn	4,500.00	
Do	Potters Industries, Inc	1,500.00	
Do	Safetran Systems Corporation	4,425.00	
Do	Stimsonite Corporation	1,500.00	
Do	3M Company	6,282.00	
Timothy Neil Cameron, 710 North 20th Street Birmingham, AL 35203	City of Birmingham, AL		
Cameron & Hornbostel, 818 Connecticut Ave., NW, Suite 700 Washington, DC 20006	Government of Barbardos	50,929.90	44,814.09
Do	McDermott Bonenberger McDermott & Gallaway	2,529.37	3,601.20

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Nancy Camm, 1101 17th St., NW, #1002 Washington, DC 20036	Bank of America	6,116.20	3,607.34
Paul A. Cammer, 1025 Connecticut Avenue, NW, #712 Washington, DC 20036	Cammer & Associates (For:Business Council on Indoor Air)		
Michael C. Camp, 1899 L Street, NW #1100 Washington, DC 20036	Exxon Corp		
Camp Barsh & Tate, 2550 M St., NW, #275 Washington, DC 20037	Anglo American Auto Auctions, Inc	13,680.00	
Do	BellSouth Corp	150.00	
Do	California Pipe Trades Council	125.00	
Do	Chemical Manufacturers Assn, Inc	250.00	
Do	Columbia Gas Systems, Inc		
Do	Committee for Equitable Compensation	150.00	
Do	Mobil Oil Corp		
Do	Natural Gas Supply Assn	300.00	
Do	Pennzoil Co		
Do	PGA Tour	125.00	
Do	Sheet Metal Workers' International Assn		
Do	Shell Oil Co		
Do	Texaco, Inc		
Do	Union Pacific Resources, Inc		
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	2,000.00	
C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006	DowElanco	500.00	6,261.00
Carl C. Campbell, 1521 New Hampshire Ave., NW Washington, DC 20036	National Cotton Council of America	1,200.00	
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
David Campbell, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	30.36	
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission		
Do	American Assn of Advertising Agencies		
Do	American Fiber Manufacturing Assn		
Do	American Nuclear Energy Council		
Do	AMT-Assn for Manufacturing Technology		
Do	Campbell-Raupe (For:Chubb Corp)		
Do	Home Finance Coalition, Inc		
Do	Invest to Compete Alliance		
Do	Securities Industry Assn		
Do	Stone & Webster Engineering Corp		
Do	Texas Utilities Services, Inc		
Do	Westinghouse Electric Corp		
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:ARCO Power Technologies, Inc)		
Do	John G. Campbell, Inc (For:BDM International, Inc)		
Do	John G. Campbell, Inc (For:Ebasco)		
Do	John G. Campbell, Inc (For:General Electric Co)		
Do	John G. Campbell, Inc (For:Hughes Aircraft Company)		
Do	John G. Campbell, Inc (For:Loral Corp)		
Do	ManTech International Corp		
Do	John G. Campbell, Inc (For:Sierra Nevada Corp)		
Do	John G. Campbell, Inc (For:3M Company)		
Marilyn E. Campbell, 517 2nd Street, NE Washington, DC 20002	David Turch & Asso	1,000.00	
W. Donald Campbell, 1250 Connecticut Ave., NW,#620 Washington, DC 20036	National Multi Housing Council	3,870.00	
Thomas D. Campbell & Associates, Inc, 113 South Alfred Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	4,335.29
Clarke D. Camper, 1101 Pennsylvania Ave., NW, #950 Washington, DC 20006	Federal Home Loan Mortgage Corp		
John D. Canatsey, 1735 Jefferson Davis Hwy., #1001 Arlington, VA 22202	Thiokol Corp		48,532.00
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	15,150.00	372.70
Candlelighters, 123 C St., SE Washington, DC 20003		50.00	
Anne C. Canfield, 1331 Pennsylvania Ave., NW, #800-South Washington, DC 20004	General Electric Co	675.00	
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
Hugh C. Cannon, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	150.00	
James R. Cannon Jr., 808 Seventeenth Street, NW, #300 Washington, DC 20006-3910	Stewart and Stewart (For:Smith Corona Corp)	3,372.69	
Do	Stewart & Stewart (For:Timken Co)		
Do	Stewart & Stewart (For:Torrington Company)		
Brent A. Cantley, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Francis J. Cantrel Jr., 1801 Pennsylvania, Ave., NW Washington, DC 20006	MCI Communications Corp	4,000.00	1,923.93
Gary Capistrant, 1200 15th Street, NW Washington, DC 20005	US Strategies Corp		
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunications Corp		
Do	Madison Public...(for Leadhership Council of Advertising...)		437.40
Capital Partnerships, Inc, 4350 North Faifax Drive, #530 Arlington, VA 22203	American Guideway Corporation		3,255.46
Do	ATC Management Corporation	17,799.58	8,243.70
Do	Hansen Engine Corp	5,000.00	750.00
Do	International Taxicab and Livery Association	685.00	102.75
Do	North Metro Mayors Coalition	7,500.00	1,125.00
Do	RADAR	17,640.00	2,831.22
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	American Academy of Allergy & Immunology	500.00	
Do	American Assn of Cancer Research	300.00	
Do	American Health Foundation	800.00	
Do	American Soc of Nephrology	4,800.00	
Do	American Soc of Tropical Medicine and Hygiene	600.00	
Do	Arthritis Foundation	1,000.00	
Do	Association for Practitioners in Infectious Control	200.00	
Do	Carnation Co	3,500.00	
Do	Citizens Comm for Medical Research & Health Education	300.00	
Do	Cystic Fibrosis Foundation	1,200.00	
Do	Fred Hutchinson Cancer Research Center	1,800.00	
Do	FDA Council	10,500.00	
Do	Illinois Collaboration on Youth	100.00	
Do	John Hopkins		
Do	Joint Council of Allergy & Immunology	500.00	
Do	Massachusetts General Hospital	2,400.00	
Do	National Assn of Addiction Treatment Providers	800.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	1,200.00	
Do	National Coalition for Cancer Research	400.00	
Do	National Multiple Sclerosis Society		
Do	Nestle Foods	3,500.00	
Do	Ringling Brothers	1,500.00	
Do	U.S. Healthcare, Inc	800.00	
Do	U.S. Surgical Corp	2,000.00	
Do	Wellman Laboratory	1,000.00	
Capitol Strategies, Suite 875 1747 Pennsylvania Ave., NW Washington, DC 20006	Coldwell Banker	350.00	
Do	Equitable Capital Management Corp		975.18
Do	Equitable Life		
Capitoline International Group Ltd, 2001 M Street, NW Washington, DC 20036	Professional Lawn Care Assn of America		
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	American Methanol Institute (AMI)		
Mark A. Carano, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Marie C. Carbone, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	8,626.00	
Career College Assn, Inc, 750 First Street, NE,Suite 900 Washington, DC 20002		10,000.00	10,000.00
Kate Carey, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos		1,200.00
Melissa Coggeshall Carey, 4135 Lorcom Lane Arlington, VA 22207	Harris Corporation	907.24	285.37
Robert R. Carey, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
Linda E. Carlisle, 1100 Connecticut Avenue, NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Commodities Corp)		
Do	McClure Trotter & Mentz (For:Government of Puerto Rico)		
Do	McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc)		
Do	Cadwalader Wickersham & Taft (For:Princeton University Investment Company)		
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	37,449.00	
Carlsmith Ball Wichman Murray Case Mukai & Ichiki, 555 South Flower Street, 25th Floor Los Angeles, CA 90071	Gruma Management corp	18,919.00	18,919.00
Anne E. Carlson, 750 17th Street, NW, Suite 901 Washington, DC 20006	Nissan North America, Inc	8,750.00	
Catherine A. Carlson, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	2,056.45	
Robert E. Carlstrom Jr., 1341 G St., NW #1100, NW Washington, DC 20005	Jefferson Group (For:Alumax, Inc)		
Do	Jefferson Group (For:BE & K, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Jefferson Group (For:Conundrum Joint Venture)		
Do	Jefferson Group, Inc (For:Doe Run Company)		
Do	Jefferson Group (For:Horsehead Resource Development)		
Do	Jefferson Group (For:Lead Industries Assn)		
Do	Jefferson Group (For:Zinc Corp of America)		
Carmen & Muss, 2100 Pennsylvania Ave., NW, Suite 365 Washington, DC 20037	Richard Cohen	3,442.35	664.60
Carmen Group, 2100 Pennsylvania Ave., NW, #365 Washington, DC 20037	Carter Footwear		
Do	Kennametal, Inc		
George U. Carneal III, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Sandra W. Carney-Talley, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	661.20	
Julia Carol, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights		
Michael C. Carozza, 655 15th Street, NW Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Bertram W. Carp, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	8,190.00	
Kenneth A. Carpi, 407 C Street, #306 San Diego, CA 92101	San Diego County Water Authority	9,000.00	3,668.87
Fred A. Carr Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
James M. Carroll, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	2,120.00	173.83
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company	423.00	29.38
Read Carson Van de Water, 901 15th Street, NW, #500 Washington, DC 20005	Northwest Airlines, Inc	8,750.00	500.00
John R. Carter, 1001 19th Street, North, #800 Arlington, VA 22209	TRW, Inc	169.00	
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	2,161.87	675.99
Carter Ledyard & Milburn, 1350 I Street, NW, Suite 870 Washington, DC 20005	Liberty Media Corp		8.00
Melanie Carter-Maguire, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	3,600.00	473.00
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	Bio Gro Systems, Inc	4,462.50	126.09
Do	Council on Education Development and Research	300.00	85.77
Do	First South Production Credit Assn	15,937.50	207.79
Do	United Foods, Inc		
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	2,875.00	
Lawrence J. Cassidy, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	31,456.00	
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Advanced Physics Corp		
Do	African American Panoramic Experience (APEX)	625.00	7.50
Do	Albion College	225.00	
Do	Alexander Graham Bell Assn for the Deaf		
Do	American Assn of Colleges of Podiatric Medicine	1,500.00	
Do	American Dredging Co	500.00	
Do	American Hospital in Shanghai Foundation		
Do	American Petroleum Institute		
Do	American Science and Engineering, Inc		
Do	American Water Development		
Do	AmeriBrom, Inc	5,100.00	6.00
Do	Anatolia College Board of Trustees		
Do	Atlantic Drydock Corp		
Do	AMFAC/JMB Hawaii, Inc		
Do	AT&T	10,950.00	25.50
Do	Babson College	975.00	
Do	Barry University		
Do	Bay County Chamber of Commerce		
Do	Bean Dredging Company	500.00	
Do	Best Buddies of America, Inc		
Do	Bishop Museum	725.00	
Do	Boston Carmen's Union		
Do	Boston College	1,325.00	
Do	Boston University	1,425.00	
Do	Bryant College	1,175.00	
Do	Buena Vista College	900.00	34.40
Do	California Pacific Medical Center	300.00	
Do	Capitol American Life Insurance Co		
Do	Catholic University of America	3,862.40	15.00
Do	Center for Health Technologies, Inc	3,450.00	92.95
Do	CenterPort International		
Do	Centex Communications, Inc		
Do	CertainTeed Corp	300.00	7.50
Do	Challenger Center		
Do	Charlotte-Mecklenberg Hospital Authority Foundation	4,125.00	192.50
Do	Chevron Chemical Company, Inc	300.00	
Do	Children's Hospital and Health Center of San Diego	3,800.00	26.00
Do	Children's Hospital in Michigan	675.00	
Do	Children's Hospital of Pittsburgh	437.40	
Do	Children's National Medical Center	905.00	36.00
Do	Cities In Schools, Inc		
Do	Clark-Atlanta University	225.00	
Do	Columbia University	1,150.00	
Do	Community College Assn for Technology Transfer	1,350.00	19.50
Do	Comprehensive Care Corp		
Do	Connecticut Health System, Inc	3,600.00	
Do	Critical Languages & Area Studies Consortium, Inc	1,200.00	
Do	CSO Partnerships	2,250.00	
Do	Delaware State Dept of Transportation	450.00	
Do	Enichem Elastomers Americas, Inc		
Do	Epcint		
Do	Experiment in International Living		
Do	Fairleigh Dickinson University	3,600.00	21.50
Do	Federal League of Americans Around the Globe		
Do	Florida Institute of Technology	1,000.00	
Do	Florida Regional Emergency Services, Inc	1,650.00	7.50
Do	Foundation for James Madison's Montpelier		
Do	Franklin Institute	1,875.00	73.10
Do	Fudan Foundation	75.00	18.00
Do	Garden Isle Cablevision, L.P.		
Do	General Dynamics Corp	3,524.80	489.90
Do	Glaxo, Inc	2,700.00	15.45
Do	Gonzaga University	500.00	
Do	Governor of Hawaii, Executive Office on Aging	75.00	
Do	Great Lakes Dredge & Dock Company	500.00	
Do	Hahnemann University Hospital	1,275.00	
Do	Hebrew Vocational Institute	1,800.00	
Do	Illinois Eastern Community Colleges		
Do	Illinois Institute of Technology	1,650.00	7.50
Do	Infirmary Health Systems, Inc		
Do	Insituform of North America, Inc	3,150.00	
Do	Intercontinental Energy Group		
Do	International Data Group		
Do	International Deafness Outreach, Inc		
Do	T.L. James & Company	500.00	
Do	Jones Intercable, Inc	4,425.00	15.00
Do	Kauai CableVision, L.P.		
Do	Kendall Square Research Corp		
Do	Kimberly Quality Care		
Do	LaSalle University	1,275.00	15.00
Do	Lehigh University	750.00	7.50
Do	Lewis and Clark College	150.00	
Do	Loma Linda University Medical Center, Inc	7,725.00	39.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Loyola Marymount University	325.00	
Do	Maersk, Inc	5,750.00	196.60
Do	Marquette University	2,700.00	7.50
Do	Mary Washington Hospital Foundation	2,725.00	
Do	Massachusetts League of Banks		
Do	Medical Center of Central Massachusetts		7.50
Do	Miami-Dade Community College	5,850.00	38.00
Do	Michigan Biotechnology Institute	150.00	
Do	Ministry of Forestry of Indonesia		
Do	Monterey Institute of International Studies	1,550.00	7.50
Do	Mt. Sinai Medical Center of Greater Miami	2,250.00	5.50
Do	Multinational Business Development	1,500.00	
Do	MOOG, Inc	4,637.40	141.60
Do	National Assn of Dredging Contractors	5,300.00	42.90
Do	National Assn of Proton Therapy		
Do	National Cable Television Assn, Inc		
Do	National Jewish Center for Immunology & Respiratory Medicine	675.00	
Do	NeoRx Corporation		
Do	New England Deaconess Hospital Corporation	825.00	
Do	New Jersey Instutute of Technology	375.00	
Do	New York Medical College	675.00	
Do	North Natomas Landowners Assn	350.00	
Do	Northwestern University	150.00	
Do	Ocean Spray Cranberries, Inc	4,050.00	42.70
Do	Pacific Marine		
Do	Pennsylvania Turnpike Commission		
Do	Piaggio Aviation, Inc		
Do	Pine Bluff Sand & Gravel	500.00	
Do	Pirelli Cable Co		
Do	Polaroid Corp	4,650.00	
Do	Polytechnic University	375.00	
Do	PHH Corp		
Do	Rehabilition Hospial of the Pacific	420.80	
Do	Rhode Island Hospital	2,700.00	7.50
Do	Rochester Institute of Technology	1,875.00	52.50
Do	Ryland Group		
Do	Saint Joseph's University	450.00	
Do	Scott County Highway Department	1,200.00	
Do	Sidney Frank Importing Company, Inc		
Do	Societa Cavi Pirelli S.p.A.		
Do	Southwest Marine, Inc		
Do	Sports Museum of New England	425.00	
Do	St. Norberts College	750.00	
Do	St. Xavier College	6,225.00	53.60
Do	State of Indiana, Office of the Governor		
Do	State of Rhode Island Office of Economic Development	1,050.00	
Do	Stephens Engineering company, Inc		
Do	Suffolk University	825.00	
Do	Sutter Bay Associates	3,650.00	49.40
Do	Teach for America	150.00	
Do	Tougaloo College		
Do	Tri-State University	225.00	
Do	Tufts University	1,150.00	
Do	U.S. Surgical Corp		
Do	Ukranian Federation of Greater Philadelphia		
Do	Union Memorial Hospital	1,825.00	24.00
Do	Union Switch & Signal	300.00	
Do	United Brotherhood of Carpenters National Health & Sfty Fund	6,454.00	101.35
Do	University of the Arts	300.00	
Do	University of Detroit Mercy	625.00	
Do	University of Hawaii	525.00	18.90
Do	University of Limerick Foundation	500.00	
Do	University of Pennsylvania	1,212.40	8.00
Do	University of San Francisco	225.00	7.50
Do	University of Southern Mississippi	700.00	
Do	University of St. Thomas	1,425.00	
Do	University of Utah		
Do	University of Vermont	450.00	15.00
Do	Waterman Health Care System (Lake Care)	150.00	
Do	Watsonville Community Hospital	975.00	
Do	Western Townships Utilities Authority	825.00	43.50
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	912.50	
A. Mario Castillo, 1250 27th Street, NW Washington, DC 20007	Trugman-Nash		790.27
Catholic Health Assn of the United States, 4455 Woodson Road St. Louis, MO 63134		125,351.00	7,034.79
Harvey E. Cauthen Jr., 2 Dexter Ave. Montgomery, AL 36104	Alabama Power Co	17,550.00	
Philip T. Cavanaugh, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	4,200.00	75.00
Red Cavaney, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	600.00	
Andrew F. Caverly, 180 South Clinton Ave. Rochester, NY 14646-0700	Rochester Telephone Corp	3,175.00	
Tucker Cawley, 1010 Wisconsin Avenue, NW, Suite 800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Richard Celeste F., 10 West Broad Street, #1890 Columbus, OH 43215	C&S International, Inc		
Cendrowski, Selecky & Reinhart, 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	3,306.65	
David Certner, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	701.60	
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	14,850.00	500.00
John Chandler Associates, Inc, 9816 Hillridge Drive Kensington, MD 20895	York International	500.00	81.47
Pete Chaney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Linda Z. Chapman, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Manufacturers Assn		
Nancy Chapman, 1723 U Street, NW Washington, DC 20009	N. Chapman Associates, Inc (For:Society for Nutrition Education)	4,500.00	1,431.56
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	14,191.00	715.86
Byron Charlton, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,450.03	293.46
Charter Medical Corp, 577 Mulberry Street Macon, GA 31298			
Patricia A. Cheaure, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company	95.00	200.00
Leslie Cheek III, 1025 Connecticut Avenue, NW, #414 Washington, DC 20036	Crum & Forster Corp	35,470.00	802.53
Chemical Manufacturers Assn, Inc, 2501 M Street, NW Washington, DC 20037			88,844.00
Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006			1,076.36
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn	5,000.00	70.00
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	American Museum of Natural History		1,000.00
Do	Arena Stage	12,592.00	1,398.75
Do	Art Museum Princeton University		250.00
Do	Bishop Museum		
Do	Capital Childrens Museum	1,151.00	1,257.75
Do	Cleveland Museum of Natural History		
Do	Corcoran Gallery of Art	1,245.00	1,351.75
Do	Directors Guild of America	11,942.00	1,831.34
Do	Field Museum of Natural History		
Do	Fine Arts Museums of San Francisco		
Do	Ford's Theater	1,151.00	1,257.75
Do	Illinois State Museum Society		59.00
Do	International Photographers Guild		
Do	Isabella Stewart Gardner Museum		
Do	John F. Kennedy Center for the Performing Arts	1,292.00	1,398.75
Do	Meridian House International	1,151.00	1,257.75
Do	Metropolitan Museum of Art		500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Museum of American Textile History		
Do	Museum of Northern Arizona		
Do	National Museum of Women in the Arts	1,198.00	1,304.75
Do	National Symphony	1,292.00	1,398.75
Do	Natural History Museum of Los Angeles County		1,000.00
Do	New York Historical Society		
Do	Peabody Museum of Archeology & Ethnology		50.00
Do	Peabody Museum of Salem		500.00
Do	Phillips Collection	1,151.00	1,257.75
Do	Science Museum of Minnesota		
Do	Shakespeare Theater at the Folger	1,151.00	1,257.75
Do	Shelburn Museum		500.00
Do	Textile Museum	1,151.00	1,257.75
Do	University of Pennslvania Museum		109.00
Do	Washington Ballet	1,151.00	1,257.75
Do	Washington Opera	1,292.00	1,398.75
Do	Washington Performing Arts Society	1,198.00	1,304.75
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,525.00	
John L. Child, 1725 Jefferson Davis Highway, #601 Arlington, VA 22202	Litton Industries	1,000.00	1,279.25
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
Peggy M. Childress, 811 W. Marvin Avenue Waxahachie, TX 75165	Housing Roundtable		150.00
Ronald S. Chillemi, 1111 14th Street, NW, #1100 Washington, DC 20005	American Dental Assn	2,800.00	344.46
Joseph L. Choquette III, Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05602	American Petroleum Institute	1,303.65	
Edward C. Chow, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies		
Richard Chriss, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Christian Action Network, P.O. BOx 606 Forest, VA 24551		532,233.12	166,492.81
James T. Christy, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	10,000.00	31.50
Chubb Corporation, 15 Mountain View Road Warren, NJ 07061			51,279.95
James R. Churchill, 6301 Stevenson Avenue, #715 Alexandria, VA 22304			
Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878	Sundstrand Corporation	2,635.00	521.12
Jeffrey R. Cilek, 1001 Connecticut Ave., NW, #1001 Washington, DC 20036	Lanxide Corp		
Citizens for an Alternative Tax System, 100 North Brand Blvd, Suite 502 Glendale, CA 91203		1,913.94	1,913.94
Citizens for Reliable and Safe Highways (CRASH), 81 Lansing Street, #106 San Francisco, CA 94105-1611		1,952.66	123.45
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		630,143.00	172,601.04
Donald D. Clancy, 6507 Leeds Lane Cincinnati, OH 45215	Tele-Press Associates, Inc (For:Japan Fisheries Association)		
Donald A. Clarey, 100 G Street, NW, 7th Floor East Washington, DC 20001	Strategic Management Associates (For:Mount Sinai Medical Center)		
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	15,500.00	63.89
Marshall C. Clark, 7332 SW 21st Street P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc (KEC)	3,246.00	
Thomas R. Clark, 919 18th Street, NW, #200 Washington, DC 20006	Federal Agricultural Mortgage Corp	6,250.00	511.81
Vernon A. Clark, P.O. Box 59347 Potomac, MD 20859-9347	Vern Clark & Associates (For:Coalition for Property Rights)	69,000.00	
Do	Vern Clark & Associates (For:Fox Television Stations, Inc)	22,500.00	
Do	Vern Clark & Associates (For:Metromedia Communications)		
Do	Vern Clark & Associates (For:Metromedia Company)	15,000.00	
Do	Vern Clark & Associates (For:RJR-Nabisco Washington, Inc)	17,500.00	
Vern Clark & Associates, P.O. Box 59347 Potomac, MD 20859-9347	Coalition for Property Rights	69,000.00	
Do	Fox Television Stations, Inc	22,500.00	
Do	Metromedia Communications		
Do	Metromedia Company	15,000.00	
Do	RJR-Nabisco Washington, Inc	17,500.00	
Richard Clarke, 1050 17th Street, NW, #510 Washington, DC 20036	Healthcare Financial Management Assn	805.72	
Isabelle M. Claxton, 601 Pennsylvania Avenue, NW Washington, DC 20004	Merck & Co, Inc	1,000.00	400.00
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	5,500.00	
Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036	American Bankers Assn	3,175.00	
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Copolymer Rubber & Chemcal Corp	485.48	29.20
Do	Crompton & Knowles Corp		
Do	Day-Glo Color Corp		
Do	Fleet/Norstar Financial Group, Inc		
Do	Harry Frank Guggenheim Foundation	2,220.38	0.34
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	Salomon Brothers, Inc		
Do	U.S. Bancorp		
Ronald D. Clements, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	8,712.11	879.93
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			4,614.00
George Stephen Clifton, 1050 17th Street, NW, #1250 Washington, DC 20036	Houston Industries, inc		
Climaco Climaco Seminatore Lefkowitz & Garofoli Co, 1228 Euclid Ave., #900 Cleveland, OH 44115	Carbon Fuels Corporation		
Michael P. Cline, 1219 Prince Street Alexandria, VA 22314-2916	Enlisted Assn National Guard of the U.S.	10,686.48	16,911.88
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	America's Public Television Stations	875.00	
Do	Coalition of Higher Education Assistance Organizations	2,100.00	
Do	Consumer Bankers Assn	4,150.00	
Do	Student Loan Funding Corp of Ohio	3,623.00	
Do	Very Special Arts	1,200.00	
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	450.00	
John M. Clough Jr., 1101 16th Street, NW, #500 Washington, DC 20036	Bergner Boyette & Bockorny, Inc		
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Coal Industry Health Protection Coalition, 918 16th Street, NW, Suite 303 Washington, DC 20006		101,548.30	57,806.51
Coalition for an Undercharge Relief Bill, 2020 Pennsylvania Ave., NW, #626 Washington, DC 20006		14,000.00	3,402.80
Coalition for American Energy Security, 1050 Thomas Jefferson St., NW, 6th Floor Washington, DC 20007			
Coalition of Supporters of the Shipping Act, 1800 M Street, NW, 8th Floor North c/o Morgan Lewis & Bockius Washington, DC 20036.			
Coalition to Preserve the Low Income Housing Tax Credit, 2300 M St., NW Washington, DC 20037		2,000.00	2,000.00
Coalition to Promote America's Trade, c/o Steptoe & Johnson 1330 Connecticut Avenue, NW Washington, DC 20036			
Coan & Lyons, 1100 Connecticut Ave., NW, #1000 Washington, DC 20036	State Street Development Co of Boston	3,205.95	25.10
Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	8,500.00	1,694.60
Richard B. Cobb, Petroleum Council of Ga 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923	American Petroleum Institute		
Robert D. Coble, P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp)		
Coffield Ungaretti & Harris, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Cablevision		
Do	Comdisco, Inc		
Do	Metropolitan Mutual Life Insurance Company	7,500.00	
Do	MWW/Strategic Comm (for: Puerto Ricans in Civic Action)		
Do	Smokeless Tobacco Council, Inc	21,250.00	
Do	Sunshine Makers, Incev		
Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005	American Public Transit Assn	2,500.00	
Dan Cohen, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	16,562.50	1,799.83
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
David Cohen, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	7,651.50	
John Cohen, 1331 Penn Ave., NW, #1500-North Washington, DC 20004-1703	National Assn of Manufacturers	210.00	
Kenneth S. Cohen, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	192.00	155.62
Marvin S. Cohen, 3300 N. Central Ave., 20th Floor Phoenix, AZ 85012-2576	City of Globe	166.50	
Do	Sacks Tierney Kasen & Kerrick (For:City of Tucson)	5,325.90	643.03
Philip Q. Cohen, 8525 Edinbrook crossing Brooklyn Park, MN 55443	Goff/Wilkie & Associates (For:North Metro Mayors Assn)		
Do	Goff/Wilkie & Associates (For:North Metro TH 610/10 Crosstown Council)		
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	Direct Marketing Assn	13,169.69	319.77
Do	Maclean Hunter Cable TV	131.25	18.50
Do	USA Network	12,605.00	61.51
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		221.37
Cordis B. Colburn, 1745 Jefferson Davis Highway, Suite 1000 Arlington, VA 22202	General Dynamics	1,000.00	178.75
Carol Thompson Cole, 1455 Pennsylvania Ave, NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,150.00	
Eleanor Cole, 820 First Street, NE, #400 Washington, DC 20002	UBA, Inc	1,000.00	
Jennifer A. Cole, 1511 K Street, NW, #335 Washington, DC 20005	National Committee for a Human Life Amendment, Inc	100.96	2.00
Randall I. Cole, 7900 Westpark Drive McLean, VA 22102	HFSI	6,000.00	162.40
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp, et al.	715.00	35.00
Cole Corette & Abrutyn, P.C., 1110 Vermont Avenue, NW, #900 Washington, DC 20005	Government of France		
Do	Matsushita Electric Corp of America, et al.		
Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206	Cambridge International, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Coalition for Employment Opportunities	4,000.00	
Do	Dickstein Shapiro & Morin		
Do	Invacare	500.00	
Do	MMW/Strategic Communications, Inc	1,500.00	
Do	National Rehabilitation Hospital	2,500.00	
Do	Orleans Levee District	2,000.00	
Do	RGDC Inc		
Jessie M. Colgate, 1001 Pennsylvania Ave., NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company		
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn	1,700.00	310.00
Calvin Evans Collier, 1010 Wisconsin Ave., NW Washington, DC 20007	Grocery Manufacturers of America, Inc	16.00	
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Alliance for British & Australian Tax Equity (ABATE)		
Do	Alliance for Capital Access		
Do	American Car Rental Assn	6,980.00	6,980.00
Do	American Couplings Coalition		
Do	American International Group	4,240.00	4,240.00
Do	American Iron & Steel Institute		
Do	American Meat Institute		
Do	American Textile Machinery Assn		
Do	Association of Certified Trucking Schools		
Do	Australian Wheat Board		
Do	Bicycle Manufacturers Assn of America	3,375.00	3,375.00
Do	Coalition for Safe Ceramicware	1,200.00	1,200.00
Do	Committee of American Ammunition Manufacturers	300.00	300.00
Do	Crop Insurance Research Bureau	1,460.00	1,460.00
Do	COMPACT	2,000.00	2,000.00
Do	Ferrous Scrap Consumers Coalition		
Do	Food Marketing Institute		
Do	Footwear Industries of America	360.00	360.00
Do	Gerry Baby Products Co	1,250.00	1,250.00
Do	Golden Gate Petroleum International	2,750.00	2,750.00
Do	Hyster		
Do	Independent Lubricant Manufacturers Assn	770.00	770.00
Do	Inland Steel Corp	2,340.00	2,340.00
Do	International Crystal Federation	1,200.00	1,200.00
Do	Leather Industries of America		
Do	Lykes Brothers, Inc		
Do	Municipal Castings Fair Trade Council		
Do	National Assn of Convenience Stores	11,625.00	11,625.00
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn		
Do	National Pasta Assn		
Do	Oneida Ltd		
Do	Outdoor Power Equipment Institute		
Do	Petroleos de Venezuela, S.A.	6,390.00	6,390.00
Do	PetroJam, Ltd		
Do	Pittsburgh Corning Corporation		
Do	Restor Industries, Inc		
Do	Scotsman Industries, Inc	3,600.00	3,600.00
Do	Shipbuilders Council of America		
Do	Society of Independent Gasoline Marketers of America	16,125.00	16,125.00
Do	Specialty Steel Industry of the United States		
Do	Steel Manufacturers Assn	1,600.00	1,600.00
R. J. Collins, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		
Jeffrey Colman, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	16,500.00	
Geri Colombaro, 1301 K Street, NW, #1200 Washington, DC 20005	IBM	44.59	30.00
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,375.00	
Jeffrey W. Combos, c/o Tennessee Petroleum Council 211 7th Ave. North Nashville, TN 37219	American Petroleum Institute		100.00
Lori A. Comeau, 805 15th Street, NW #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	355.42
Comiskey & Hunt, One Courthouse Metro, #850 2200 Wilson Boulevard Arlington, VA 22201	Gold Fields Operating Company-Mesquite	5,500.00	
Commercial Finance Association, 225 W. 34th St. New York, NY 10122			13,550.00
Committee for Humane Legislation, Inc, 1623 Connecticut Avenue, NW, 4th Floor Washington, DC 20036		30.00	6,623.16
Committee on U.S. Business Canadian Life & Health Ins Assn, c/o Dykema Gossett 800 Michigan National Tower Lansing, MI 48933.			5,549.00
Committee to Support the Antitrust Laws, 1301 K Street, NW., Suite 480 East Washington, DC 20005			4,000.00
Committee: ACT, 5455 South 90 Street Omaha, NE 68127		10,548.55	32,811.31
Common Cause, 2030 M St., NW Washington, DC 20036		1,911,697.00	443,609.06
Common Sense, Inc, 188-A Onville Road Stafford, VA 22554		22,851.13	15,866.29
Community Antenna Television Assn (CATA), P.O. Box 1005 Fairfax, VA 22030-1005		73,000.00	64,275.00
Competitive Enterprise Institute, 233 Pennsylvania Avenue, SE, #200 Washington, DC 20003		70,500.00	
Compressed Gas Assn/Helium Advisory Council, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102		5,800.00	5,800.00
Bert M. Concklin, 8607 Westwood Center Drive, Suite 204 Vienna, VA 22182	Professional Services Council	1,500.00	115.13
Concord Associates, Inc, 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004	American Newland Associates		
Do	Forest City Ratner Companies	25,000.00	25,000.00
Do	Kinetic Concepts	3,000.00	
Do	Maglev USA	12,900.00	12,900.00
Do	National Assn of Industrial & Office Parks	3,000.00	
Do	Southern Company Services, Inc	3,000.00	
Do	Texas TGV	30,000.00	30,000.00
Bruce R. Condit, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics	1,000.00	934.32
Conkling Fiskum & McCormick, 900 SW 5th Ave. Suite 2300 Portland, OR 97204-1268	Sisters of Providence	6,750.00	61.64
Gregory A. Conley, 9700 W. Higgins Rd. Rosemont, IL 60018	Covia Partnership	2,425.00	543.06
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn	503.44	
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp	1,788.00	294.36
Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	Association of University Programs in Occupational Safety...	7,500.00	2,968.75
Do	International Assn of Fire Fighters	15,000.00	2,968.75
Do	International Chemical Workers Union	2,500.00	2,968.75
Do	Laborers Employers Cooperative & Education Trust	27,225.00	2,968.75
Do	Laborers National Health & Safety Fund	11,591.25	2,968.75
Do	Laborers/AGC Education & Training Fund	9,817.50	2,968.75
Do	Metal Trades Department, AFL-CIO	8,000.00	2,968.75
Do	National Coordinating Comm for Multiemployer Plans	630.00	2,968.75
Catherine Connor, 555 13th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinckerhoff Quade & Douglas, Inc	360.00	
Richard J. Connor Jr., 1401 Eye Street, NW, #1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc		
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,500.00	
David R. Conrad, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	9,486.57	
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093			
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			
Consumers Union of U.S., Inc, 2001 S Street, NW, #520 Washington, DC 20009			13,370.00
Daniel J. Conway, One Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	10,000.00	200.39
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
Michael Cook, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	American Medical Directors Assn	342.00	
Do	Saginaw Community Hospital	475.00	
Ruth E. Cook, 3309 Ridgecrest Court Raleigh, NC 27607	AT&T	2,000.00	574.77
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Cook Group, Inc, 300 Fountain Square P.O. Box 1608 Bloomington, IN 47402-1608			53,688.66
Charles E. Cooke, 1001 Pennsylvania Avenue, NW, #450-N Washington, DC 20004	Southern California Edison Co	6,750.00	5,400.00
Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002	American Library Assn	2,116.00	
Ted Coombes, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,000.00	
Bente E. Cooney, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security	2,846.00	
Edward Cooney, 1875 Connecticut Ave., NW, #24 Washington, DC 20009	Food Research & Action Center	3,268.50	
Benjamin Y. Cooper Jr., 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	12,500.00	
Billy R. Cooper, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)	140.00	23.00
Josephine S. Cooper, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Capitoline International Group Ltd (For:Professional Lawn Care Assn of America).		
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	27,000.00	4.00
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	364.00
Copeland & Hatfield, 601 13th Street, NW, #710 North Washington, DC 20005	Bay Area Rapid Transit District	9,196.00	
Do	County of Alameda	12,800.00	
Do	County of Merced	4,500.00	
Do	CALSTART	1,703.71	
Do	Hazardous Waste Action Committee	1,368.11	
Do	International Bottled Water Assn	7,669.58	
Do	International Franchise Assn	6,000.00	
Do	ICF International	6,101.05	
Do	Monarch Wine Company	1,513.00	
Do	Pacific Mutual Life Insurance Company	4,000.00	
Do	Summit Medical Center		
Heidi S. Coppola, 425 Park Avenue New York, NY 10043	Citibank N.A.	1,973.65	
Michael J. Copps, 1700 North Moore Street Arlington, VA 22209	American Meat Institute	6,312.00	1,373.70
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Maria C. Cordone, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	16,381.71	
Gordon R. Corey, 2511 Park Place Evanston, IL 60201	Commonwealth Edison Co	315.79	15.00
Corn Refiners Assn, Inc, 1100 Connecticut Ave., NW, #1120 Washington, DC 20036		7,194.00	3,717.00
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	4,306.50	63.00
Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Marty Corry, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	982.69	
Alfred W. Cors Jr., 4505 Blue Jay Court Woodbridge, VA 22193	National Taxpayers Union	6,814.00	
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning, Inc	1,100.00	
Anthony R. Corso, 3225 Gallows Road Fairfax, VA 22037	Mobil Corp	1,500.00	
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Barbara J. W. Cosgriff, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Paul S. Cosgrove, 121 SW Salmon Suite #1400 Portland, OR 97204	Lindsay Hart Neil & Weigler (For:Anadarko Petroleum Corp)	13.00	
Cosmetic Toiletry & Fragrance Assn, Inc, 1101 17th Street, NW, #300 Washington, DC 20036		6,115.00	6,115.00
Gregory Costa, 1445 New York Ave., NW 8th Floor Washington, DC 20005	Public Securities Assn	7,500.00	
Carrie Costello, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Guam Power Authority)	14,913.75	1,788.03
Michael E. Costello, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		1,835.02
Cotten Day & Selfon, 1899 L Street, NW, #1200 Washington, DC 20036	American Samoa Government		
Coudert Brothers, 1627 I Street, NW Washington, DC 20006	British Columbia Stena Line Ltd		
Do	British Columbia, Province of, (Office of Attorney General)		
William K. Coulter, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp (COMSAT)		
Council for a Livable World, 110 Maryland Avenue, NE Washington, DC 20002			24,770.91
Council for Responsible Nutrition, 1300 19th Street, NW #310 Washington, DC 20036-1609		35,860.00	34,021.00
Council of Industrial Boiler Owners, 6035 Burke Centre Parkway, #360 Burke, VA 22015			
Council of Institutional Investors, 1616 P Street NW, #350 Washington, DC 20036			
Council of State Chambers of Commerce, 122 C St., NW, #330 Washington, DC 20001		16,900.00	
Council on Superconductivity for American Competitiveness, 1050 Thomas Jefferson Street, NW 6th Floor Washington, DC 20007.			
Thomas J. Cove, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn (SGMA)		
Michael W. Cover, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	500.00	
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	American Movers Conference		23.00
Do	American PCS, L.P.	30,905.00	
Do	American Watch Assn		15.67
Do	Attorneys Liability Assurance Society, Inc	4,555.00	12.00
Do	Brown Brothers Harriman & Co		
Do	Coalition to Preserve the Integrity of American Trademarks		
Do	Commonwealth of Puerto Rico		
Do	Consolidated Natural Gas Company	5,475.00	17.00
Do	Council of American Survey Research Organizations (CASRO)	262.50	
Do	CBS Television Network Affiliates Assn		
Do	Erisa Industry Committee	143.00	
Do	GTE Service Corp		
Do	International Business Machines Corp		
Do	Investment Company Institute	720.00	3.50
Do	John E. Simon Trust	555.00	1.40
Do	Jones Financial Companies	3,492.50	
Do	Lin Broadcasting Corp		
Do	Lutheran Brotherhood		
Do	Midwest Television, Inc		
Do	National Football League	337.50	
Do	NationsBank Corp		
Do	Niagara Frontier Hockey, L.P.		
Do	Private Benefits Alliance	7,653.75	23.00
Do	Public Broadcasting Service		5.00
Do	State of Alabama, Dept of Human Resources Legal Office	1,875.00	
Do	State of California, Dept of Health Services		
Do	State of California, Dept of Social Services	8,750.00	
Do	State of Florida, Dept of Health & Rehabilitative Services	1,250.00	
Do	State of Georgia, Division of Family & Children's Services	3,125.00	
Do	State of Idaho, Dept of Health & Welfare	1,250.00	
Do	State of Illinois, Department of Public Aid		
Do	State of Illinois, Dept of Public Aid	6,250.00	
Do	State of Indiana	5,000.00	
Do	State of Kentucky, Dept of Social Insurance	625.00	
Do	State of Louisiana (Medicaid/QC)	10,000.00	
Do	State of Louisiana, Food Stamp Director	1,150.00	
Do	State of Maryland, Dept of Health Services		
Do	State of Missouri, Dept of Social Services	3,750.00	
Do	State of Nebraska, Dept of Social Services	1,562.50	
Do	State of New York Bureau of Deferrals & Disallowances		
Do	State of New York, Dept of Social Services		
Do	State of Ohio, Dept of Human Services	5,625.00	
Do	State of Oklahoma (Food Stamp/QC)	1,625.00	
Do	State of Oklahoma (Medicaid/QC)		
Do	State of Washington Office of Analysis & Medical Review	2,500.00	
Do	State of West Virginia, Bureau of Human Resources		
Do	State of West Virginia, Office of Medical Services	2,075.00	
Do	Sun Life Assurance Co of Canada (U.S.)		
Do	UniGroup, Inc		
Do	Washington Post Company (for: Media Group)		
Eugene S. Cowen, 2759 Unicorn Lane, NW Washington, DC 20015	Capital Cities/ABC, Inc		
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause		
C. Richard Cox, 2801 West Tyvola Road Charlotte, NC 28217-4500	Belk Stores Services, Inc		766.92
Cary L. Cox, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Eric Cox, 713 D Street, SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	5,919.84	340.53
Rebecca G. Cox, 1300 Eye Street, NW, #950 East Washington, DC 20005	Continental Airlines Holdings, Inc	22,500.00	16,260.00
William J. Cox, 1707 L St., NW Washington, DC 20036	Catholic Health Association of the United States	989.15	
Claiborn Crain H., 1100 17th Street, NW, #505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	1,875.00	
Roger J. Crain, 3506 Frederick Place Kensington, MD 20895-3405	Customs Science Services, Inc		1,025.00
W. Bruce Crain, 1709 New York Avenue, 8th Floor Washington, DC 20006	Savings and Community Bankers of America	13,000.00	474.30
Dale A. Crane, 618 South 223rd Street Des Moines, WA 98198	National Parks & Conservation Association		
Daniel M. Crane, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Company		
Do	American Association of Advertising Agencies		
Do	American Fiber Manufactures Association		
Do	American Nuclear Energy Council		
Do	Association for Manufacturing Technology		
Do	Campbell-Raupe (For:Chubb Corporation)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Home Finance Coalition, Inc		
Do	Invest to Compete Alliance		
Do	Securities Industry Association		
Do	Stone and Webster Engineering Corporation		
Do	Westinghouse Electric Corporation		
Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	2,000.00	
Charles T. Crangle, 560 N Street, SW #N-609 Washington, DC 20024	District 2, MEBA-AMO		649.28
Richard C. Crawford, 601 Pennsylvania Ave. NW Suite 500 North Building Washington, DC 20004	Adolph Coors Co	14,000.00	196.77
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Roger A. Crawford, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Credit Union National Assn, Inc, 805 15th Street, NW, #300 Washington, DC 20005-2207		30,500.00	75.00
Douglas P. Crew, 1730 Pennsylvania Avenue, NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Judy Crockett, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Robert W. Crolius, 1620 Eye Street, NW, #520 Washington, DC 20006	Portland Cement Assn		
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	MTS Systems Corp		
Crop Insurance Research Bureau, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268			
James W. Cross, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Sonia Messirian Crow, 122 C Street, NW, Suite 350 Washington, DC 20001	Armenian Assembly of America	4,434.00	
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	American Forest Resource Alliance	28,222.50	208.75
Do	Asarco, Inc		
Do	Associated Gas Distributors	558.00	18.00
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		
Do	Canyon Resources Corp	795.00	
Do	City of North Miami		
Do	Communications Satellite Corp		
Do	Cook Inlet Region, Inc		
Do	Eagle-Picher Industries, Inc		
Do	Eli Lilly & Company	1,700.00	10.00
Do	Environmental Research Information, Inc		
Do	Helicopter Assn International		
Do	Independence Mining Company, Inc	662.50	
Do	ICF International, Inc & Subsidiaries		
Do	Lehn & Fink Products Group		
Do	Meridian Minerals Co		
Do	Minnesota Mining & Manufacturing Co		
Do	National Assn of Wholesaler-Distributors	3,400.00	10.00
Do	National Risk Retention Assn		
Do	Regional Airline Association		
Do	Rocking K Development		
Do	Tiffany & Co		
Do	Trust for Public Lands		
Do	United Cities Gas Co		
Do	Western Governors' Assn		
Do	Wyatt Company		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW, #1275 Washington, DC 20004-2505	Avon Products, Inc		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Singapore Trade Development Board		
James P. Crumley Jr., 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	111.00	
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		1,282.81
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)	31,280.00	
Do	McCutchen Doyle Brown & Enersen (For:Arco)		
Do	McCutchen Doyle Brown & Enersen (For:Browning-Ferris Industries, Inc)	806.00	
Do	McCutchen Doyle Brown & Enersen (For:Eastman Kodak Company)	1,066.00	
Do	McCutchen Doyle Brown & Enersen (For:Freeport-McMoRan, Inc)	390.00	
Do	McCutchen Doyle Brown & Enersen (For:General Electric Co)	18,564.00	
Do	McCuthchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Southern California Assn of Governments).	7,384.00	
Do	McCutchen Doyle Brown & Enerson (For:USS Technical Center)		
Do	McCutchen Doyle Brown & Enersen (For:3M)	3,848.00	
Law Ofs of Jonathan W. Cuneo, 1301 K Street, NW, #408-E Washington, DC 20005	Committee to Support the Antitrust Laws	4,000.00	
Do	National Assn of Securities and Commercial Attorneys	36,000.00	22.00
Do	Service Station Dealers of America	4,000.00	99.81
Do	Songwriters Guild of America	6,375.00	109.00
William J. Cunningham, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,957.03	1,219.70
F.P. Curran, 7315 Wisconsin Ave., Suite 1250W Bethesda, MD 20814	Treasury Management Assn		1,210.00
Anne M. Curry, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Garry R. Curtis, Greater Washington Board of Trade 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	2,500.00	
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	General Atomics		
Do	University of Colorado	985.00	17.68
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
CLP Associates, One Farragut Square South Ninth Floor Washington, DC 20006	American Assn of Neurological Surgeons	1,175.00	1,675.00
Do	Intersociety Council for Research of the Kidney & Urinary...	2,520.00	2,520.00
CM Services, Inc, 800 Roosevelt Boulevard, Bldg C, #20 Glen Ellyn, IL 60137-5833		500.00	
William K. Dabaghi, Arter & Hadden 1801 K Street, NW, #400K Washington, DC 20006	Central Union of Agricultural Cooperatives (ZENCHU)		
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	16,151.00	5,431.40
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)		
Dairy Farmers for Responsible Dairy Policy, 1919 South Eads St., #103 Arlington, VA 22201-3028		30,000.00	28,180.94
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	2,475.00	371.39
James G. Dalton, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	2,500.00	
Robert P. Daly II, 1000 Wilson Blvd, #2800 Arlington, VA 22209	Grumman Corp	625.00	377.13
Patrick E. Dandino, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
John E. Daniel, 1133 21st St., NW, #710 Washington, DC 20036	International Technology Corporation		
Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	5,588.42	
Jo-Ellen Darcy, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	109.87	
Mark C. Darrell, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Becky Davenport, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Davidoff & Malito, 444 N. Capitol Street Washington, DC 20001	Ad Hoc Comm of Protective Services	4,200.00	75.00
Do	Medallion Funding Corp	6,000.00	1,160.00
Do	Town of Orangetown	2,500.00	50.00
Davidson Colling Group, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	American Advertising Federation	168.75	
Do	American Assn of Advertising Agencies	168.75	
Do	Association of National Advertisers, Inc	168.75	
Do	Direct Marketing Assn	168.75	
Do	Dun & Bradstreet Corporation	11,912.50	
Do	Field Container Corp	324.08	4.64
Do	Garden State Paper Company	804.60	11.54
Do	Grocery Manufacturers of America, Inc	168.75	
Do	Halltown Paperboard Co	145.28	2.08
Do	Homedco	2,623.50	21.12
Do	Lincare	1,351.50	10.88
Do	Magazine Publishers of America	581.25	
Do	Media General, Inc	3,675.00	29.00
Do	Miller & Chevalier, Chtd		
Do	National Assn of Broadcasters	431.25	
Do	Newark Group	2,402.63	34.47
Do	Newman & Company	156.45	2.24
Do	Newspaper Assn of America	1,106.25	
Do	Rock-Tenn Company	1,922.10	27.58
Do	Rouse Company		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Sonoco Products Co	2,559.08	36.72
Do	Southeast Paper Manufacturing Co	1,508.63	21.65
Do	Waldorf Corp	1,184.55	17.00
Do	White Pigeon Paper Company	167.63	2.41
Do	Yellow Pages Publishers Assn	168.75	
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	3,420.00	
Drew M. Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	49.28	50.00
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	11,046.00	
Fred G. Davis, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	4,063.86	464.47
Lynda C. Davis, 1825 Eye Street, NW, #400 Washington, DC 20006	Florida Business Associates (For:Gulf Coast Community College)		
Do	Florida Business Associates (For:Truckee Meadows Community College)		
Do	Florida Business Associates (For:Valencia Community College)		
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,850.00	
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies	4,510.00	164.55
Do	Alcoma Packing Company, Inc	400.00	285.35
Do	American Automotive Leasing Assn	3,000.00	10.00
Do	American General Life Insurance Co	990.00	120.52
Do	American Horse Council	1,080.00	4.00
Do	American Insurance Assn	3,000.00	23.00
Do	American Integrity Insurance Company	1,538.50	9.00
Do	American Investors Life Insurance	1,200.00	
Do	Armco Steel Co	2,700.00	
Do	Bethlehem Steel Corp	2,700.00	
Do	Chicago Board of Trade	8,500.32	401.63
Do	Committee of Annuity Insurers		
Do	Dresser Industries, Inc		
Do	First Penn-Pacific Life Insurance Co	1,808.00	16.25
Do	Florida Power & Light	200.00	
Do	Florida Sugar Cane League, Inc	1,200.00	
Do	General Aviation Manufacturers Association	4,500.00	19.00
Do	Hughes & Luce	87.50	
Do	James Graham Brown Foundation	600.00	
Do	Lincoln National Life Insurance Co	1,712.00	9.00
Do	Marriott Corporation		
Do	National Assn of Life Companies		
Do	National Business Aircraft Assn	1,500.00	9.00
Do	National Cattlemen's Assn	900.00	
Do	National Council of Farmer Cooperatives	900.00	23.00
Do	National Foreign Trade Council		
Do	Retired Lives Reserve Group	3,129.00	164.56
Do	Stock Information Group		
Do	U.S. Sugar Corp	1,200.00	
Do	Underwriters of Lloyd's London	6,750.00	4.00
Do	Worldspan	1,418.25	9.00
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	American Inst of Certified Public Accountants		555.00
Do	Kohlberg Kravis Roberts & Co		
Do	LTV Corp		
Do	Manville Corporation		
Do	Morgan Guaranty Trust Co		
Do	Morgan Stanley & Co, Inc		
Do	Norwest Corporation	100.00	8.00
Do	Occidental International Corp		
Davis Wright & Tremaine, 701 Pennsylvania Avenue, NW, Suite 600 Washington, DC 20004	American Honda Motor Co, Inc	1,560.00	113.72
Do	American Tunaboat Assn	15,000.00	
Do	Seattle Times		
Robert W. Davis, Jr., 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,200.00	622.00
Rhett B. Dawson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	602.82	
Brenda T. Day, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	6,249.00	766.67
Gaston De Bearn, 1300 Eye Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc		
Maryann M. Dean, I875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	1,000.00	
John Russell Deane III, 1317 F Street NW #550 Washington, DC 20004	Auto Internacional Assn	33.00	26.34
Do	Coalition of Automotive Assns	150.00	67.62
Do	Specialty Equipment Market Assn	606.00	317.05
Debevoise & Plimpton, 555 - 13th Street, NW, #1100 East Washington, DC 20004	International Assn of Broadcast Monitors		
Do	Sony Corp of America, et al.		
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Brian Deery, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
George K. Degnon Associates, Inc, 415 Second Street, NE, Suite 200 Washington, DC 20002	Association of State & Territorial Health Officials		3,000.00
Tom Dehner, 2030 M Street, NW Washington, DC 20036	Common Cause	5,375.04	
William T. Deitz, 1000 Connecticut Avenue NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)		
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	922.50	25.00
Do	Palumbo & Cerrell (For:Battelle Memorial Institute)		
Do	New Jersey Turnpike Authority	4,620.00	265.00
Do	Palumbo & Cerrell (For:Proctor & Gamble Mfg Co)	270.00	
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	4,410.00	186.96
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	2,640.00	
Jonathan W. Delano, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:INDSPEC Chemical Corp)	2,800.00	531.45
Delchamps Associates, P.O. Box 9183 Arlington, VA 22219	Alabama School of Mathematics & Science		
Do	Bishop State Community College		
Do	City of Huntsville		
Do	City of Mobile		
Do	Madison County Commission		
Do	Spring Hill College		
Do	Technical Products, Inc		
Mitchell Delk, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077-7347	Federal Home Loan Mortgage Corp		
Tania Demchuk, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers		
George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	American Immigration Services		
Do	Amex International, Inc		
Do	Edison Electric Institute	3,250.00	
Do	General Atomics	400.00	
Do	(For:Government of Sierra Leone)	3,250.00	
Do	Westinghouse Electric Corp		
John H. Denman, Missouri Oil Council 428 E. Capital St., #203 Jefferson City, MO 65101	American Petroleum Institute	75.00	
Robert A. Denman, 600 Maryland Avenue, SW, #202w Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	8,005.95	
Paul W. Dennett, 655 15th St., NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	4,088.00	297.77
Patricia Diaz Dennis, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	5,000.00	87.65
Thomas J. Dennis Sr., 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	8,416.00	5,400.00
Robert Neal Denton, 2001 S Street, NW, #301 Washington, DC 20009	Alliance of Nonprofit Mailers	2,330.00	126.55
Department for Professional Employees, AFL-CIO, 815 16th St., NW, #707 Washington, DC 20006		15,182.96	15,182.96
Edward M. Desmond, 1776 Eye Street, NW, #1060 Washington, DC 20006	Sterling Winthrop, Inc		
James M. Desmond, 5234 Duvall Road Bethesda, MD 20816	Martin Marietta Corporation		
Jo Ellen Deutsch, 1625 Massachusetts Avenue, NW Washington, DC 20036	Association of Flight Attendants, AFL-CIO	4,250.00	
Caroline M. Devine, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	1,000.00	214.55
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	600.00	
Robert L. Dewey, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	76.90	
David P. Dexter, 1000 Connecticut Ave., NW, #1202 Washington, DC 20036	Wildlife Legislative Fund of America	6,150.00	
Kendall P. Dexter, 4009 Old Shell Rd, #A-8 Mobile, AL 36608	MacMillan Bloedel, Inc		
Alex J. DeBoissiere, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco Gas		
James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ebasco Services, Inc	4,012.50	485.43
Law Offices of Paul H. DeLaney, Jr., 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Embassy of Japan	5,000.00	
Debra DeLee, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,921.60	
Rodney DeLoach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	811.85
Martin L. DePoy, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	874.49

Organization or Individual Filing	Employer/Client	* Receipts	Expenditures
William R. DeReuter, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
Christine DeVries, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	1,868.00	5.00
Bonnie S. DeWitt, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	500.00	72.95
Thomas R. DeYulia, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Henry L. Diamond, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Conference of National Park Concessioners)		
Do	Laurance S. Rockefeller		
Chester T. Dickerson Jr., 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		160.04
Ann Sanders Dickey, 2005 Corporate Ave. Memphis, TN 38132	Federal Express Corp	6,000.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Advance Publications		
Do	American Greyhound Track Operators Assn	7,183.75	
Do	Apple Computer Corp		
Do	Avondale Industries, Inc		
Do	ABD Securities Corp		
Do	Bear Stearns & Co		
Do	Carlyle Group	20,365.00	
Do	Cordova District Fishermen United, Inc	5,000.00	
Do	Electric Generation Assn		
Do	Federal National Mortgage Assn	3,696.86	
Do	Federated Cash Management Systems	6,500.00	
Do	Harbour Group Ltd		
Do	Home Box Office, Inc		
Do	Illinois Dept of Children & Family Services		
Do	Iroquois Gas, Inc		
Do	Magma Copper Company	1,500.00	
Do	Malaysian Palm Oil Promotion Council		
Do	Medtronic, Inc		
Do	National Assn of Chain Drug Stores		
Do	National Fed of Societies for Clinical Social Work	4,165.00	
Do	Newport Group		
Do	North Carolina Dept of Natural Resources and Community Devlp		
Do	Ocean State Power		
Do	Paulucci Enterprises	19,843.75	
Do	State of Connecticut		
Do	States of Arkansas, et al.		
Do	Tobacco Institute	1,200.00	
Do	U.S. Generating Company	1,200.00	
Robbi Rice Dietrich, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	1,200.00	925.17
Thomas A. Dine, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	28,850.00	2,465.50
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)		
Do	Lumbermens Mutual Casualty Compãny (For:Kemper Reinsurance Company)	56.23	5.00
Do	Lumbermens Mutual Casualty Company	2,100.00	146.70
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Dale P. Dirks, 711 Second Street, NE, #200 Washington, DC 20002	Health & Medicine Counsel of Washington		
Mary Ann Dirzis, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		142,150.65	142,150.65
Discovery Cruises, Inc, 1850 Eller Drive, Suite 402 Fort Lauderdale, FL 33316			3,920.00
Patsy B. Dix, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,978.55	
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,000.00	
Gerard D. DiMarco, Two State Street, Crossroads Bldg, #400 Rochester, NY 14614	DiMarco Riley & Bulger (For:Tom Gosnell)	2,780.00	500.00
E. David Doane, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	3,000.00	929.08
J. Graham Dodson, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co	1,164.00	
Jeffrey A. Dodson, 1700 North Moore Street Rosslyn, VA 22209	Boeing Company	48.00	
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute	256.52	16.00
J. Jon Doggett, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	American Farm Bureau Federation	6,462.51	426.77
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Brian M. Dolan, 1 Metro-Tech Center Brooklyn, NY 11201	Brooklyn Union Gas Co	750.00	95.00
Robin C. Dole, 1101 Connecticut Avenue, NW, #500 Washington, DC 20036	Century 21 Real Estate Corp	3,460.00	
Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Mark A. Dombroff, 1025 Thomas Jefferson St., NW East Lobby #700 Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Douglas Domenech, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn		
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,000.00	
Kevin J. Donnellan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	371.53	
Paul Donnellan, 99 Canal Center Plaza, #500 Alexandria, VA 22314	American International Automobile Dealers Assn	5,200.00	
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Thomas F. Donnelly, 3800 N. Fairfaxl Drive, #4 Arlington, VA 22203	National Water Resources Assn	11,000.00	
Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc	3,541.67	20.00
Winfield L. Donoho, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
Nancy J. Donohoe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe and Spanos, Inc (For:H&R Block, Inc)	1,000.00	
Ridgely Thorp Donohue, 60 Wall Street New York, NY 10260	Morgan Guaranty Trust Company of New York		
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
Donohue and Donohue, 26 Broadway, Suite 911 New York, NY 10004	NSK Corporation	11,766.25	26.64
David L. Donovan, 1200 18th Street, NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	59.50
Brad L. Doores, THree Park Central, #1000 1515 Arapahoe St. Denver, CO 80202	Energy Fuels Nuclear, Inc		
Linda Doorfee-Flaherty, 600 New Hampshire Avenue, NW, #1111 Washington, DC 20037	Appraisal Institute	612.00	
Jeffrey D. Doranz, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	705.00	12.00
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)		
Do	Palumbo & Cerrell, Inc (For:California Forestry Association)	7.50	
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospital Assn)	1,462.50	209.72
Do	New Jersey Turnpike Authority	22.50	
Do	Proctor & Gamble Mfg Co	412.50	5.00
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)		
James R. Dorcy, 1666 Connecticut Avenue, NW Washington, DC 20009	Federation for American Immigration Reform	625.00	30.60
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)	3,825.00	864.71
Kimberly Olson Dorgan, 2550 M Street, NW, #275 Washington, DC 20037	America's Public Television Stations, Inc	115.00	
Do	National Captioning Institute	115.00	
Doris Day Animal League, 900 2nd Street, NE, #303 Washington, DC 20002		120,163.00	25,020.35
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company	5,000.00	60.00
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Association of International Automobile Manufacturers, Inc	29,340.00	
Do	City of St. Paul	2,947.50	
Do	Deluxe Corp	270.00	
Do	Guam Commission on Self Determination	225.00	
Do	National Computer Systems		
Do	Regional Transit Board	2,745.00	
Do	United HealthCare Corp	2,925.00	
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	1,139.00	
W. Carter Doswell, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Goldman Sachs & Co	1,000.00	
Robert J. Dotchin, 2550 M Street, NW, #300 Washington, DC 20037	Smokeless Tobacco Council, Inc		
R. J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	123.40
Dougherty Consulting, P.O. Box 819 Sioux Falls, SD 57101-0819	Philip Morris, Inc		
Ronald H. Doughty, 2711 N. Haskell Avenue Dallas, TX 75204	Southland Corp		2,553.49
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Liberty University	3,850.50	77.13
Do	Stelco, Inc	255.00	31.86
Jane Lind Downey, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	10,000.00	
M. Theresa Doyle, 1700 Pennsylvania Ave., NW #500 Washington, DC 20006	Mutual of Omaha Co	150.00	
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	22,887.20	
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	8,000.00	
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
John E. Drawz, 1100 International Centre 900 Second Ave., South Minneapolis, MN 55402-3397	Fredrikson & Byron (For:City of New Brighton)		
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	10,154.13	
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	General Dynamics Corp	250.00	
Do	Qual-Med, Inc	250.00	
Do	Science Applications Int'l Corp	250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Charles T. Drevna, 4711 Old Kingston Pike Knoxville, TN 37919	Sun Coal Company	1,000.00	6,000.00
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	1,259.95
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	56.00	320.76
Alvin Drischler, 3420 Reedy Drive Annandale, VA 22003	Leucadia National Corp	8,833.08	
Do	PHLCORP	18,000.00	113.15
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Pamela J. Driver, 1025 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Mitch Dubensky, 1250 Connecticut Ave., NW, #210 Washington, DC 20036	National Forest Products Assn		
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Aetna Life & Casualty	2,250.00	
Do	Anheuser-Busch Companies, Inc	2,350.00	
Do	Communications Satellite Corp	2,250.00	
Do	CompTel	5,250.00	
Do	Consolidated Rail Corporation		
Do	Dow Corning Corporation	750.00	
Do	Federal National Mortgage Assn	13,500.00	
Do	General Motors Corp	7,667.00	
Do	Goldman Sachs & Co	3,750.00	
Do	Monsanto Company	3,067.00	
Do	National Cable Television Assn, Inc	38,384.00	
Do	Nevada Resort Assn	15,750.00	
Do	Shell Oil Company	7,500.00	
Do	United Air Lines, Inc	3,000.00	
Do	Warner Communications, Inc	49,000.00	
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
G. Stephen Duca, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation	735.00	
Ducheneaux Gerard & Associates, 1155 Connecticut Avenue, NW, #400 Washington, DC 20036	Ak-Chin Indian Community	405.00	
Do	Campo Band of Mission Indians	967.50	
Do	Chippewa-Ottawa Treaty Fishery Management Authority	649.66	
Do	Commissioned Officers Assn of the U.S.P.H.S., Inc	300.00	
Do	Grand Portage Reservation Tribal Council	450.00	
Do	Grand Traverse Band of Chippewa and Ottawa Indians		
Do	Leech Lake Tribal Council	592.50	
Do	Little Six Incorporated	300.00	
Do	Minnesota Indian Gaming Assocation	500.00	
Do	National Indian Gaming Association	431.20	
Do	Native American Rights Fund		
Do	Santa Clara Indian Pueblo	742.50	
Do	Siletz Tribal Council	6,770.00	
Do	Tohono O'Odham Nation	662.50	
Do	Tulalip Tribes	627.50	
Do	White Earth Tribal Council	592.50	
Arianne M. Duddy, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc		
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006	Whiteford Taylor & Preston (For:Giddings & Lewis, Inc)	2,250.00	132.05
Do	Whiteford Taylor & Preston (For:National Constructors Assn)	4,000.00	183.14
Juanita D. Duggan, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn	600.00	100.00
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW Washington, DC 20036	Crown Control Corp		
Do	Industrial Truck Assn		
Do	Lord Corporation		
Do	Walbro Corp		
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers	22,500.00	91.41
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	5,000.00	
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	2,100.00	
Duncan & Allen, 1575 Eye Street, NW Washington, DC 20005	Colorado River Energy Distributors Assn		
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Lake Andes-Wagner Water Systems, Inc		
Do	Mid-West Electric Consumers Assn, Inc	195.00	
Do	National Assn of State Energy Officials	246.50	26.00
Do	State of Hawaii, Dept of Business & Economic Development		
Robert Dunkel, 1875 I Street, NW, #1110 Washington, DC 20006	Times Mirror Company		
Louise C. Dunlap, 418 Tenth Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For:Acurex Environmental/CA Energy Commission)		
Do	Dunlap & Browder, Inc (For:American Methanol Institute)	12,600.00	744.30
Dunlap & Browder, Inc, 418 Tenth Street, SE Washington, DC 20003	Acurex Environmental/CA Energy Commission		
Do	American Methanol Institute	21,000.00	744.30
Do			
Mari Lee Dunn, 1750 K St., NW, #400 Washington, DC 20006-2305	American Council for Capital Formation		
Michael V. Dunn, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	13,809.52	1,216.34
James E. Dunstan, 2000 M Street, NW, Suite 600 Washington, DC 20036	TV 14, Inc		
James A. Dupree, 1350 Eye Street, NW, #1000 Washington, DC 20005	Ford Motor Co	3,500.00	1,245.00
Daniel T. Durham, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	746.95	110.00
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	833.00	
Katherine M. Dutilh, 1100 Connecticut Ave., NW, #1300 Washington, DC 20036-4101	Milliken & Company	5,000.00	1,050.00
Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003	DSC Communications Corp	19,503.75	5,590.87
Lloyd L. Duxbury, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	16,962.00	4,367.25
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,258.63	428.40
William P. DuBose IV, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	3,600.00	
Marcia L. DuMond, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
Robert F. DuPree Jr., 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	404.60	18.70
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Stuart S. Dye, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)	11,130.00	
Do	Graham & James (For:National Assn of Dredging Contractors)	9,400.00	
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Air Transport Assn of America	3,000.00	104.84
Do	American Lithotripsy Society		26.25
Do	Apex Marine Corp		
Do	Atlantic Richfield Company	31,529.58	1,811.73
Do	ARCO Transportation Company		185.46
Do	Bay Area Renal Stone Center		263.53
Do	Bender Shipbuilding & Repair Co, Inc	8,482.29	451.63
Do	Chemical Bank	3,000.00	607.08
Do	East Asiatic Company, et al.	37,272.96	42,113.27
Do	Greek Shipping Cooperation Committee	45,000.00	2,024.73
Do	Healthcare 2000, Inc		
Do	International Air Transport Assn (IATA)	16,846.59	1,478.54
Do	Isolyser Company		31.59
Do	Liberty Maritime Corporation	68,872.94	2,414.08
Do	Medical Care International, Inc		
Do	National Steel & Shipbuilding Co	3,277.50	73.40
Do	Naviera Del Pacifico CA		134.14
Do	Northstar Shipping, Inc		304.92
Do	Ocean Cruise Lines, Inc	598.25	
Do	Radiation Care, Inc	14,790.95	165.53
Do	Sulzer Brothers, Inc	4,758.58	27.40
Do	Surgical Care Affiliates, Inc		
Do	T/2 Medical, Inc	33,423.99	233.51
Do	U.S. Naval Institute		47.52
Dykema Gossett, 800 Michigan National Tower Lansing, MI 48933	Committee on U.S. Business Canadian Life & Health Ins. Assn		5,549.00
Do	Discovery Cruises, Inc	3,920.00	
Do	Ferris State University	672.00	
Do	Magic Line, Inc		
Do	Military Boot Manufacturers Assn		
Do	Systems Control, Inc		
Do	Total Petroleum, Inc	2,380.05	
Do	University of Michigan Medical Center	1,216.00	
Do	Wayne State University		
Talis Dzenitis, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DGA International, Inc, 1133 Connecticut Avenue, NW Washington, DC 20036	Dir Intl Aff of the Gen Del for Armements		
Do	Societe Nationale D'Etude et de Const de Moteurs D'Aviation	3,888.00	
Do	Sofreavia		
Jeffrey P. Eagleson, 1001 Connecticut Ave., #1001 Washington, DC 20036	Lanxide Corporation		
Matthew C. Eames, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Anthony S. Earl, One South Pinckney Street P.O. Box 2113 Madison, WI 53701-2113	Quarles & Brady (For:Medical College of Wisconsin)	100.00	
Do	Quarles & Brady (For:Wisconsin Electric Power Co)	2,400.00	1,337.48
Robert E. L. Eaton, 4921 Essex Avenue Chevy Chase, MD 20815	Eaton Associates, Inc		
Eaton Associates, Inc, 4921 Essex Avenue Chevy Chase, MD 20815			
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan D.C., Inc	2,750.00	45.00
Kevin James Echols, P.O. Box 2952 Washington, DC 20002			10.00
Ed Graves & Associates, 2001 M Street, NW, 4th Floor Wasington, DC 20036	Emerald Resources Inc		
Do	Jorden Schulte & Burchette	750.00	
Helen H. Edge, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute		
Edison Electric Institute, 701 Pennsylvania Avenue, NW Washington, DC 20004		1,463.84	131,011.14
Edon Company, 600 New Hampshire Ave., NW #1010 Washington, DC 20037	Coca-Cola Foods	10,500.00	181.79
Do	Pinnacle Data Corporation	7,500.00	189.62
Education Legislative Services, Inc, 5855 Staduim Street San Diego, CA 92122	Central California Legislative Consortium	1,250.00	3,419.61
Do	Long Beach Unified School District	3,500.00	3,419.61
Do	Oakland Unified School District	7,500.00	6,839.22
Do	Sacramento City Unified School District	5,000.00	
Do	San Diego Unified School District	5,174.00	4,559.49
Do	San Francisco Unified School District	600.00	
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter-Financial Services Group		
Donna F. Edwards, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	9,000.00	
J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601	Societe Nationale d'Etude et de Const de Moteurs d'Aviation	551.25	
Do	Teledyne Industries, Inc	1,189.58	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,410.30	103.00
Sherry L. Edwards, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036-1702	Synthetic Organic Chemical Manufacturing Assn	500.00	9.00
Edwards & Antholis, 22 Pine Street Morristown, NJ 07960	New Jersey Assn of Independent Car Rental Companies		
Stephen R. Effros, P.O. Box 1005 Fairfax, VA 22030-1005	Community Antenna Television Assn, Inc	15,000.00	50.00
William J. Ehrig, 700 Anderson Hill Road Purchase, NY 10577	PepsiCo, Inc		631.07
Peter J. Eide, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Roy L. Eiguren, 702 West Idaho Street, #700 Boise, ID 83702	Davis Wright Tremaine (For:Idaho Cooperative Utilities Assn)		
Albert A. Eisele, 1201 Pennsylvania Ave., NW, #370 Washington, DC 20004	Cornerstone Associates, Inc		
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	16,419.00	
Robert Eisenbud, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	16,750.00	201.00
Earl B. Eisenhart, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	National Commercial Finance Assn	12,500.00	1,050.00
Electronic Frontier Foundation, 666 Pennsylvania Avenue, SE, #303 Washington, DC 20003			2,400.00
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	90.00	
John M. Ellis, 1120 Fairfield Avenue Roseville, CA 95678	Alliance of Government Managers	1,738.17	1,738.17
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Rodney G. Ellis, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For:Republic of Mexico)		6,154.51
Kenneth W. Ellison, 1001 Pennsylvania Ave., NW, #600-S Washington, DC 20004	Belz Investment Company, Inc		
Charles Ellstein, 645 W. St. Joseph Way Lansing, MI 48917	Michigan Hospital Assn	1,038.00	2,035.36
Dorothy A. Ellsworth, 9000 Machinists Place Upper Marlboro,, MD 20772	International Assn of Machinists & Aerospace Workers	17,473.83	213.50
Gary Elmestad & Associates, P.O. Box 3153 St. Peters, MO 63376	City of St. Peters	10,265.45	56.41
Do	St. Charles County Economic Development Council	6,000.00	347.59
Alyson A. Emanuel, 2100 Pennsylvania Ave., NW #755 Washington, DC 20037	BASF Corp	276.92	
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		115,105.14	124,962.44
JoAnn Emerson, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			766.55
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers	18,832.00	717.00
Randy Eminger, 7209 Dukes Place Amarillo, TX 79109-6481	Southwestern Public Service Co	1,563.75	0.62
Employment Policies Institute, 607 14th Street, NW, #1100 Washington, DC 20005			
H. John Endean, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference, Inc	929.00	
Energy Consumers & Producers Assn, Box 1726 Seminole, OK 74818-1726		4,300.00	
Gary D. Engebretson, 1200 G St. NW #750 Washington, DC 20005	Contract Services Assn		243.00
Ralph Engel, 1913 Eye Street, NW, Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
Michael Englehardt, 1825 I Street, NW, #400 Washington, DC 20006	Intel Corp	15,000.00	3,551.24
English First, 8001 Forbes Place, #102 Springfield, VA 22151		156,349.18	223,217.70
Loretta E. Enloe, 8 Oak Hill Drive Edwardsville, IL 62025	Federation of American Consumers & Travelers (FACT)	2,500.00	
Epstein Becker & Green, P.C., 1227 25th Street, NW, #800 Washington, DC 20037	MFJ Task Force	22,500.00	
Do	Northwestern National Life Insurance Co	1,325.00	
Do	PKR Foundation	1,855.00	
Do	Southern California Edison Co	12,000.00	
Do	Voluntary Hospitals of America, Inc	6,000.00	
Paul A. Equale, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	43,915.00	
Equipment Leasing Assn of America, 1300 North 17th St., #1010 Arlington, VA 22209			
Thomas J. Erickson, 1300 L Street, NW, #925 Washington, DC 20005	National Grain Trade Council		
Erisa Industry Committee, 1400 L Street, NW, #350 Washington, DC 20005			17,422.00
Gregory D. Erken, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	7,750.00	
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	Kaman Diversified Technologies Corp	9,726.22	726.22
Do	Lister Bolt & Chain, Ltd	9,563.58	518.07
Do	Martin Marietta Corp		1,555.40
Do	MIP Instandsetzungstriebe GmbH	38,519.74	11,519.74
Do	Northrop Corp		
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	13,746.00	330.43
Deborah M. Estes, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	2,000.00	302.18
John T. Estes, 1211 Connecticut Avenue, NW, #800 Washington, DC 20036	International Council of Cruise Lines	7,200.00	1,310.00
Mary Jo Eustice, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,300.00	
Brock Evans, 666 Pennsylvania Avenue, SE Washington, DC 20002	National Audubon Society	4,400.00	165.00
Cindy Evans, 1250 Connecticut Ave., NW, #210 Washington, DC 20036	National Forest Products Assn		
Cleve Evans, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Company		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	AFLAC, Inc		
Robert B. Evans, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Evans Group, Ltd, 1010 Wisconsin Ave., NW, 8th Floor Washington, DC 20007	Boston Financial Group	4,000.00	
Do	Interim Government for National Unity in Liberia		
Do	Matlack Systems, Inc		
Do	National Independent Automobile Dealers Assn	8,600.00	1,075.00
Do	Republic of Cyprus	22,500.00	
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	1,000.00	
Kellye A. Eversole, 4434 Indigo Lane Harwood, MD 20776	American Bankers Assn	6,667.50	70.00
Do	Eversole Associates (For:North Dakota Agricultural Products Utilization Commission).	5,187.50	41.81
Wayne S. Ewing, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
ESCO Electronics Corp, 8100 W. Florissant St. Louis, MO 63136			2,348.89
F/P Research Associates, 1700 K St., NW, #1000 Washington, DC 20006	American Bus Assn		
Do	Employee Relocation Council		
Do	National Cable Television Assn, Inc	1,000.00	
Do	Northrop Corp		
Do	Wiley Rein & Fielding (For: Utilicorp United, Inc)		
Dan L. Fager, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	2,500.00	
Darryl H. Fagin, 1625 K Street, NW, #1150 Washington, DC 20005	Americans for Democratic Action	5,267.52	
Randa Fahmy, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Association of Arab Americans	7,500.00	150.00
Robert R. Fahs, 1101 15th St., NW, #1000 Washington, DC 20005	Cargill, Inc	2,500.00	
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
David M. Farmer, 1211 Connecticut Avenue, NW, Suite 400 Washington, DC 20036	Alliance of American Insurers	20,000.00	
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	6,001.27

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		223,265.00	94,510.32
Dagmar T. Farr, 1750 K Street, N.W. Washington, DC 20006	Food Marketing Institute	300.00	
Richard T. Farrell, 1015 15th St., NW, #401 Washington, DC 20005	Syntex (USA) Inc	4,125.00	14,280.65
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Central Utah Water Conservancy District	19,875.00	365.48
Do	Clark County Nevada	15,997.50	217.83
Do	Clark County Nevada-McCarran International Airport	21,480.00	281.60
Do	Geneva Steel	3,536.25	
Do	Kirton McConkie & Poelman	1,462.50	
Do	Las Vegas Valley Water District	18,768.75	275.45
Do	Public Service Co of New Mexico	9,050.00	186.34
Do	Sierra Pacific Power Co	19,218.75	236.03
Do	State of Montana Dept of Natural Resources & Conservation	9,978.75	30.33
Jane Fawcett-Hoover, 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Manufacturing Co	96.25	
Robert C. Fay, 12731 Directors Loop Woodbridge, VA 22192	American Amusement Machine Assn		
William D. Fay, 1001 19th St. North, #800 Arlington, VA 22209	Product Liability Coordinating Committee	11,500.00	1,922.89
Federal Kemper Life Assurance Co, Kemper Bldg. D-3 Long Grove, IL 60049			58.33
Federation for American Immigration Reform, 1666 Connecticut Avenue, NW, #400 Washington, DC 20009			5,114.00
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		3,253.94	3,253.94
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		9,000.00	9,000.00
Federation of Behavioral Psychological & Cognitive Sciences, 750 First Street, NE Room 5004 Washington, DC 20002-4242.			157.90
John D. Fedor, 2001 Jefferson Davis Highway, #1012 Arlington, VA 22202	Alliant Techsystems, Inc	2,676.00	291.11
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)	150.00	150.00
Donald M. Fehr, 805 Third Ave. New York, NY 10022	Major League Baseball Players Assn		
Scott Feierabend, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,035.82	
Douglas J. Feith, 2300 M Street, NW—#600 Washington, DC 20037	International Advisers Inc (For:Embassy of Turkey)	1,660.00	
Laura Feldman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,305.00	
Mark B. Feldman, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	1,660.00	79.01
Claudia Feller, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological & Cognitive Sciences	92.28	
Mimi A. Feller, 1100 Wilson Blvd Arlington, VA 22209	Gannett Co, Inc	10,000.00	825.00
Richard Feller, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,115.00	
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Melody H. G. Fennel, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Laura Fennell, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn	228.00	228.00
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	150.00	
Brian Ferguson, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak Co	1,000.00	75.00
James H. Ferguson, 2310 Trott Avenue Reston, VA 22181	Institute of Electrical & Electronics Engineers	7,500.00	
Stephen L. Ferguson, CFC, Inc 405 N. Rogers St. Bloomington, IN 47401	Cook Group, Inc	1,900.00	102.00
DeDe Ferrell, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	3,000.00	819.57
Kirk Ferrell, 501 School Street, NW,#400 Washington, DC 20024	National Pork Producers Council	1,200.00	294.10
Michael J. Ferrell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	31,200.00	2,473.19
Deeohn Ferris, 1400 Sixteenth Street, NW Washington, DC 20036-2266	National Wildlife Federation		
Ferris State University, c/o Steven E. Stanley 901 South State Street Big Rapids, MI 49307-2295			672.00
Robert J. Fersh, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research & Action Center	2,406.15	
John L. Festa, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Marvin C. Feuerwerger, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	12,975.00	
Fiber Fabric & Apparel Coalition for Trade, 1801 K Street, NW, #900 Washington, DC 20006			482.00
Fierce & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	AB Hagglund & Sonar	9,675.00	450.13
Do	Bollinger Machine Shop & Shipyard, Inc	33,900.00	1,758.18
Do	Spar Aerospace, Ltd	11,250.00	822.54
Alan D. Fiers, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	7,000.00	135.00
Richard G. Fifield, P.O. Box 11000 Montgomery, AL 36198	Alabama Farmers Federation	1,775.00	834.89
Amy M. Finan, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research	290.00	
Financial Executives Institute, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938			
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		12,625.00	1,385.00
Hyman Fine, 1515 Jefferson Davis Highway, #1515 Arlington, VA 22202	United Technologies Corp		
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	125.00	
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute	96.15	
Stephen Finley, 200 West Thomas, #310 Seattle, WA 98119	Emerald Seafoods, Inc		7,967.99
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
Thomas D. Finnigan, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Praxair, Inc		
First National Bank of Boston, 100 Federal St. Boston, MA 02110			
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Carleton W. Fish, P.O. Box 39106 Minneapolis, MN 55435-0106	American Collectors Assn	1,000.00	
H. David Fish, 5855 Stadium St. San Diego, CA 92122	Education Legislative Services, Inc (For:Central California Legislative Consortium).	1,125.00	18.75
Do	Education Legislative Services, Inc (For:Long Beach Unified School District)	1,125.00	18.75
Do	Educationa Legislative Services, Inc (For:Oakland Unified School District)	2,250.00	37.50
Do	Education Legislative Services, Inc (For:San Diego Unified School District)	1,500.00	25.00
Do	San Francisco Unified School District		
Do	Scramento City Unified School District		
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc	149.18	
Gary K. Fisher, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron Companies	4,800.00	16.00
William P. Fisher, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn		
John H. Fitch Jr., 1421 Prince St., #400 Alexandria, VA 22314	Federal Legislative Associates (For:American Airlines)	2,000.00	
Do	Federal Legislative Associates (For:Boston Financial Technologies Group)	1,000.00	
Do	Federal Legislative Associates (For:Citizens Commission for Human Rights)	2,000.00	
Do	Federal Legislative Associates (For:Clark Oil & Gas)	1,000.00	
Do	Federal Legislative Associates (For:National Coalition of IRS Whistleblowers)	1,000.00	
Clyde Fitzgerald, 815 Sixteenth Street Washington, DC 20006	International Longshoremen's Assn, AFL-CIO		
John Fitzgerald, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	855.03	
Mary Clare Fitzgerald, 1155 21st Street, NW, #850 Washington, DC 20036	Secura Group	15,000.00	1,787.97
Thomas H. Fitzpatrick, Connecticut Petroleum Council 60 Washington Street, #908 Hartford, CT 06106	American Petroleum Institute		
Hilliard J. Fjord, 6725 Wooster Pike Cincinnati, OH 45227	Ohio River Co	1,500.00	
Susan G. Flack, 1100 Connecticut Ave, NW, #1200 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc	100.00	
Do	Flack, Inc (For:Spiegel, Inc)	100.00	
Robert B. Flagg, 3214 White Flint Ct. Oakton, VA 22124	Chemical Manufacturers Assn, Inc	1,500.00	517.50
Steven H. Flajser, 1111 Jefferson Davis Highway, #811 Arlington, VA 22202	Space Systems/Loral	4,500.00	
John Flatley, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the US	2,000.00	
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Ad Hoc Coalition on Intermarket Coordination		
Do	American Ambulance Assn	28,500.00	854.16
Do	American Health Care Assn		
Do	American Optometric Assn	15,000.00	
Do	Americans for Energy Independence/Oklahoma Basic Economy...		
Do	Anheuser-Busch Companies, Inc		
Do	Association of American Railroads	24,999.00	
Do	Automotive Refrigeration Products Institute		
Do	Centel Federal Systems		
Do	Certified Auctioneers Assn/National Auctioneers Assn	22,500.00	
Do	Chickasaw Nation		
Do	Children's Hospital Medical Center of Northern California	8,000.00	60.57
Do	Chiropractic Physicians Initiative Fund		
Do	Clark Oil and Refinery Corporation	36,417.50	852.00
Do	Esselte Pendaflex Corp		
Do	Farmers Mutual Fire Insurance Co of Okarche	4,000.00	
Do	John Hoeven	13,500.00	
Do	Institute of Scrap Recycling Industries	12,000.00	
Do	Jason Pharmaceuticals		
Do	LeGere Walking Stick Foundation	3,000.00	
Do	Marazul Charters	45,000.00	2,177.65
Do	Mastercard International	24,000.00	403.76
Do	McDonnell Douglas		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Collegiate Athletic Assn (NCAA)	35,000.00	432.67
Do	National Spiritual Assembly of the Baha'is of the U.S.	24,000.00	635.00
Do	Nintendo of America, Inc	32,870.00	1,152.61
Do	Oklahoma Natural Gas	1,500.00	
Do	Oklahoma State Chamber of Commerce		
Do	Pathology Practice Assn	8,000.00	3,577.53
Do	Private Practice Section	21,000.00	245.07
Do	Public Broadcasting Service		
Do	Safe Tire Disposal Corporation	29,000.00	635.25
Do	Sandoz	14,486.00	432.26
Do	Sony Corp of America	60,000.00	343.19
Do	St. Louis NFL Partnership		
Do	Superstar Connection		
Do	Syva Company	45,000.00	
Do	Third District Industrial Development Initiative Fund	7,500.00	
Do	Wackenhut Educational Services	27,000.00	1,092.81
Michael Fleming, 1300 N. 17th St., # 1010 Arlington, VA 22209	American Assn of Equipment Lessors		
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute		
Lynne M. Fletcher, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Du Pont Merck Pharmaceutical Company	5,000.00	
Nancy J. Fletcher, 1212 New York Avenue, NW, Suite 1210 Washington, DC 20005	Outdoor Advertising Assn of America, Inc	20,000.00	621.47
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	R.G. Flippo & Associates, Inc (For:Aetna Life & Casualty)	2,500.00	
Do	R.G. Flippo & Associates, Inc (For:Alabama Power Co)	2,100.00	
Do	R.G. Flippo & Associates, Inc (For:AmSouth Bank)	1,200.00	
Do	R.G. Flippo & Associates, Inc (For:Colsa, Inc)	1,350.00	
Do	R.G. Flippo & Associates, Inc (For:Edison Electric Institute)	3,500.00	
Do	R.G. Flippo & Associates, Inc (For:Federal Express Corp)	1,950.00	
Do	R.G. Flippo & Associates, Inc (For:Massachusetts Mutual Insurance Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:Norfolk Southern Corp)	1,575.00	
Do	R.G. Flippo & Associates, Inc (For:RJR Nabiso Washington)	2,850.00	
Do	R.G. Flippo & Associates, Inc (For:South Central Bell)	1,800.00	
Florida Business Associates, 1825 Eye Street, NW, #400 Washington, DC 20006	Control Data Corporation		
Do	Cray Research, Inc	34,712.21	
Do	Museum of the Rockies	1,550.00	
Do	MEDCO Containment	6,000.00	
Do	State University System	31,248.00	
Do	University of Alaska	16,666.68	
Do	University of Nevada-Las Vegas	16,136.59	
Do	University of New Mexico	17,746.18	
Do	Westinghouse Electric Corp	14,251.98	
Karen Florini, 1875 Connecticut Ave. NW, #1016 Washington, DC 20009	Environmental Defense Fund	5,000.00	2,200.00
David L. Flory, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd. (For:Cable & Wireless North America, Inc)		
Do	Murphy & Demory, Ltd. (For:California Energy Company)		
Do	Murphy & Demory (For:MEBA II)		
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	5,954.16	
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	525.87
Focus on the Family, 420 N. Cascade Ave. Colorado Springs, CO 80903-3352		33,597.00	29,164.00
Foley & Lardner, 1775 Pennsylvania Avenue, NW, #1000 Washington, DC 20006-4680	Aurora Health Care, Inc, et al.		
Do	Coldwell Banker Real Estate Group		
Do	Council of Community Blood Centers		
Do	Global Technology Systems, Inc		
R. D. Folsom, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates	1,250.00	
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		17,222.00	17,222.00
Food Marketing Institute, 800 Connecticut Avenue, NW, Washington, DC 20006			4,150.00
Foodservice & Packaging Institute, Inc, 1901 North Moore Street Arlington, VA 22209			
Mari S. Forbes, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co	496.00	
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			7,794.41
Mark A. Forman, 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	1,250.00	
James R. Forrester, P.O. Box 94661 Cleveland, OH 44101	Centerior Energy Corp, et al.	6,295.38	5,910.38
Maria Foscarinis, 918 F Street, NW, #412 Washington, DC 20004	National Law Center on Homelessness and Poverty		
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	Chem-Nuclear Systems, Inc	877.50	279.94
Do	Delaware Container Corporation	1,087.50	
Do	Giant Cement Company	455.00	70.55
Do	Greenwood Development Corp	16,205.00	5,514.38
Alissa T. Fox, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	5,438.00	960.86
Barbara Fox, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	10,000.00	1,530.38
Geraldine Dietz Fox, 39 Fairview Road Narberth, PA 19072	National Instutute on Deafness & Other Communication Disord.		458.00
J. Charles Fox, 406 New Jersey Avenue, SE Washington, DC 20003	Nature Conservancy	3,000.00	155.00
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	Wireless Cable Assn, Inc	2,030.00	
John L. Frank, P.O. Box 8082 Eau Claire, WI 54702-8082	National Presto Industries, Inc	5,757.00	354.06
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	
Richard L. Frank, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)		
Stephen R. Frank, 607 Azure Hills Drive Simi Valley, CA 93065	Church of Scientology	1,500.00	463.41
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	4,000.00	
Walter L. Frankland Jr., 1730 M Street, NW, #911 Washington, DC 20036	Silver Users Assn, Inc	1,080.00	
Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
John B. Franz, P.O. Box 10568 Pompano Beach, FL 33061-6568			
Fran Frazier, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference, Inc	740.00	
Douglas Freberg II, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	87.00
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
James T. Freeman, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	4,665.00	250.00
David W. Freer, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	5,000.00	
Paula D. Freer, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation		
Freer & Alagia, Chtd, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Amstar Corp	7,700.83	30.72
Do	Dairymen, Inc	10,780.00	1,579.23
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	600.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	175.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	International Electronics Mfgrs & Consumers of America, Inc	1,800.00	
Do	Montgomery Ward & Co, Inc	235.00	
Robert H. Frenzel, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	1,500.00	125.00
John Freshman Associates, Inc, 1722 I Street, NW, #500 Washington, DC 20006	Alaska Department of Environmental Conservation		
Do	Anheuser-Busch Companies, Inc	18,000.00	188.58
Do	Gulf Coast Waste Disposal Authority	7,053.00	670.17
Do	Los Angeles County Sanitation District	7,415.00	31.00
Do	James M. Montgomery Consulting Engineers Inc	30,110.00	916.07
Katherine L. Frey, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co, (3M)	1,000.00	
Annette P. Fribourg, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)	17,500.00	
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004-2505	General Electric Co	4,410.00	26.62
Do	Lonza, Inc	1,928.00	179.22
Do	Virgin Islands Rum Industries, Ltd	30.00	311.40
F. Michael Friedman, 321 West Front Street P.O. Box 1000 Media, PA 19063	Clouse Pagano & Friedman (For:Chem Service, Inc)		
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Centerior Energy Corp		
Do	Summit Energy Storage, Inc		
Gay Friedmann, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	12,000.00	
Friends of NIDCD, Inc, 225 Haverford Ave., #1 Narberth, PA 19072		7,600.00	8,959.16
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002			39,992.28
Owen V. Frisby, 4 Old Stage Court Rockville, MD 20852	National Coal Assn	9,000.00	
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	530.00
Jeffrey Fritzlen, 555 13th Street, NW, #450-W Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	1,430.52
Sara L. Froelich, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	3,000.00	
Alan Front, 312 Massachusetts Ave., NE Washington, DC 20002	Trust for Public Land	6,091.00	8,053.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Marcy Masters Frosh, 2030 M Street, NW Washington, DC 20036	Common Cause	6,717.79	
Gordon H. Fry, 701 Pennsylvania Avenue, NW Washington, DC 20004	Aluminum Assn, Inc	25.00	
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Barrett Resources Corp	10,359.00	359.05
Do	Crysen Corp		
Do	Sound Refining, Inc		
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	3,750.00	
Furman Group, 818 Connecticut Ave., NW, #1020 Washington, DC 20006	Basic Management, Inc	423.55	
Do	Central Basin Municipal Water District	7,500.00	
Do	Central Utah Water Conservancy District	15,850.00	
Do	Kamm & Associtės, Ltd	25,000.00	
Do	Neumiller & Beardslee (for San Joaquin County, CA), et al.	10,500.00	
Do	Odyssey International, Inc		
Do	Riverside Resort Hotel & Casino		
Do	South Dade Land Corp	9,000.00	
Do	Upper San Gabriel Municipal	15,000.00	
Do	West Basin Municipal Water District	37,500.00	
FICA Fairness Coalition, P.O. Box 66674 Washington, DC 20035			37.29
FMR Group, Inc, 1000 Potomac Street, NW, #401 Washington, DC 20007	Heartland Health System		97.20
Do	National Coalition of Burn Center Hospitals	7,671.47	22.00
Do	Songwriters Guild of America	8,647.79	107.75
Wayne Gable, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	3,000.00	800.00
Julie Leigh Gackenbach, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	900.00	
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	3,114.69	
Gage & Tucker, 1200 G Street, NW, #800 Washington, DC 20005	Black & Decker Corp		
Do	Pepsi Co, Inc		
Do	Pizza Hut, Inc		
William C. Gager, 6849 Old Dominion Dr., #352 McLean, VA 22101	Automotive Parts Rebuilders Assn		
Floyd D. Gaibler, 888 16th Street, NW Washington, DC 20006-4103	International Dairy Foods Assn		
Leslie Lawing Gallagher, 1801 K Street, NW, Suite 900 Washington, DC 20006	American Textile Manufacturers Institute	76.92	6.00
Karl Gallant, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	4,620.00	450.40
Kathleene E. Gallegos, 1925 North Lynn Street, #502 Arlington, VA 22209	American Restoration Corp (For:Hercules Aerospace Company)	2,500.00	
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	38,528.00	
Sandra M. Garbrecht, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	7,012.50	1,533.32
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	3,540.85	19.00
Richard E. Gardiner, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
James N. Gardner, 121 S.W. Salmon, #1400 Portland, OR 97204-2924	Gardner Cosgrove & Gardner (For:Lindsay Hart Heil & Weigler (for: RENTRAK Corp)).		
Lynda Nelson Gardner, 121 S.W. Salmon , #1400 Portland, OR 97204-2924	Gardner Cosgrove & Gardner (For:Lindsay Hart Neil & Weigler (for RENTRAK Corp)).		
Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Gardner Carton & Douglas, 1301 K Street, NW Washington, DC 20005	Adventist Health System/Sunbelt Hospital System	5,833.00	98.12
Robert L. Garfield, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Anthony Garrett, 150 Andover San Francisco, CA 94110	Citizens for Reliable and Safe Highways (CRASH)	97.50	
Lee D. Garrigan, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,100.00	
Janet M. Garry, P.O. Box 749 Rockville, MD 20848-0749	National Council Social Security Management Assn, Inc	13,050.00	655.89
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	8,250.00	
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	Canadian Embassy	5,167.06	
Do	City of Aberdeen		
Do	Early Winters Resorts, Inc		
Do	George Gabriel	11,476.00	
Do	Interocean Management Company	2,462.50	
Do	Ministry of the Environment		
Do	Space Industries, Inc		
Do	Tacoma Public Utilities	41,352.38	917.61
Do	Totem Ocean Trailer Express, Inc	63,908.25	
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Philip Gasteyer, 1709 New York Ave., NW, #801 Washington, DC 20006	Savings and Community Bankers of America	2,187.00	
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Jerome C. Gatto, 230 E Broadway #901 Salt Lake City, UT 84111-2451			
Kathy Gavett, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	500.00	
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Do	Kellen Company (For:Infant Formula Council)		
Morton A. Geller, Corporate Tax Department 100 Federal Street Boston, MA 02110	First National Bank of Boston		
Elise Gemeinhardt, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Company		
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			8,313.00
General Instrument Corporation, 181 West Madison Street, Suite 4900 Chicago, IL 60602		1,500.00	
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		19,536.71	19,536.71
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	National Assn of Manufacturers		
Cheryl K. Genevie, 7746 Donnybrook Court, #106 Annandale, VA 22003	Edison Electric Institute	6,760.00	166.22
John Gentille, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
William A. Geoghegan, 1200 18th Street, NW Washington, DC 20036	Securities Industry Assn	3,700.00	
Nancy Whorton George, 555 13th Street, NW, #1010 E Washington, DC 20004-1109	Enron Corp		
Do	Natural Gas Alliance for the Generation of Electricity		
Do	Sun Company, Inc		
Do	Transco, Inc		
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,702.62
Louis Gerber, 501 Third Street, NW Washington, DC 20001	Communications Workers of America	7,280.00	207.25
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	3,920.00	104.56
Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024	Honda North America, Inc	400.00	49.24
Katherine Doddridge Gerlach, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Kenneth Gersten, 1116-C West Street Annapolis, MD 21401	Sierra Club		
Alvin J. Geske, 1016 16th St., NW, 6th Floor Washington, DC 20036	Renewable Fuels Assn	2,805.00	4.50
Danny Ghorbani, 8014 Falstaff Road McLean, VA 22102	Association for Regulatory Reform	6,000.00	197.90
Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,496.50	
Wayne Gibbens, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	14,000.00	374.00
David Wesley Gibbons, 1600 Rhode Island Ave. NW, Washington D.C., DC 20036	National Rifle Assn of America	2,728.50	411.28
Martha A. Gibbons, 1155 Connecticut Ave., NW Washington, DC 20036	Laidlaw Waste Systems, Inc	2,500.00	20.00
Anne Giesecke, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	3,943.76	55.05
Robert A. Gifford, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Lucie Kriste Gikovich, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,500.00	
Robert C. Gilardi, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102	Compressed Gas Assn/Helium Advisory Council		
Karl O. Gilbert, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen	9,075.00	
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Jacqueline Gillan, 777 North Capitol Street, NE, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	4,903.86	251.26
Joseph A. Gillan, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	1,100.00	
Neal P. Gillen, 1725 K Street, NW, #810 Washington, DC 20006	American Cotton Shippers Assn	37,500.00	1,331.99
Edward A. Gillespie, 1301 K Street, NW, #1100 Washington, DC 20005	IBM Corp	30.00	
Michael B. Gillett, 4612 Meridian Avenue North Seattle, WA 98103-6936	Atantic Richfield Company	30,000.00	
Do	Pacific Lumber & Shipping Co	367.50	
David Gillette, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	14,850.00	782.42
William A. Gillon, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	2,400.00	5.54
Brad Gilman, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Groundfish Data Bank)		
Do	Robertson Monagle & Eastaugh (For:Aleutians East Borough)		
Do	All Alaskan Seafoods, Inc	3,200.00	
Do	Robertson Monagle & Eastaugh (For:City of Kodiak)	1,800.00	
Do	Robertson Monagle & Eastaugh (For:Marco)	3,500.00	
Jim Gilmore, 1735 New York Avenue, NW, #500 Washington, DC 20006	National Fisheries Institute	18,750.00	5,094.92
Tod I. Gimbel, 1341 G Street, NW, #900 Washington, DC 20005	Miller Brewing Company	255.00	
Ginn Edington Wade & Sanders, Inc, 803 Prince Street Alexandria, VA 22314	Allied Signal Aerospace Co	6,000.00	37.87
Do	Equifax	5,000.00	32.05
Do	Firearms Training Systems, Inc	10,000.00	61.18
Do	Lockheed Corporation	14,000.00	87.40

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Oglethorpe Power Corp		
Do	Swedish Ordnance		
Do	Turner Broadcasting System, Inc	12,000.00	75.75
Do	U.S. Cane Sugar Refiners' Assn		
Do	Watkins Associated Industries, Inc		
Mark R. Ginsberg, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	2,545.00	
Caesar A. Giolito, P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	500.00	
Carolyn H. Giolito, P.O.Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	500.00	
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	547.73	547.73
Girl Scouts of the USA, 830 Third Avenue New York, NY 10022			5,795.27
Earl E. Gjelde, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc		
Lawrence L. Gladchun, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp	125.00	1.00
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	2,610.00	120.00
Matthew D. Glasser, 1919 Park Road, NW Washington, DC 20010	City of Broomfield, Colorado	30,000.00	4,945.99
Mark L. Glassman, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	US Strategies Corp		
Law Offices of Thos Gleason, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Martha Cole Glenn, 4637B S. 36th Street Arlington, VA 22206	Humane Society of the U.S.	10,624.98	5,382.76
Sara B. Glenn, 3225 Gallows Rd Room 3C 004 Fairfax, VA 22037-0001	Mobil Corp	1,125.00	
Joanne Glisson, 700 14th Street, NW, Washington, DC 20005	Monsanto Company		
Joseph Gloyd, 1101 Vermont Avenue, #300 Washington, DC 20005	American Veterinary Medical Assn		
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,395.00	109.95
Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	157.00	
Donald G. Goff, 1735 Jefferson Davis Highway Arlington, VA 22202	McDonnell Douglas Corp		
Al James Golato, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees		
Franklin B. Gold, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	8,736.87	
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Air & Space West, Inc		1,998.00
Do	Amercan College of Cardiology	3,000.00	2,398.00
Do	American Academy of Dermatology	12,000.00	2,529.00
Do	American Academy of Ophthalmology	7,683.00	2,254.00
Do	American Science & Engineering, Inc	2,000.00	2,014.00
Do	Beretta U.S.A. Corp	12,870.00	2,398.00
Do	BAA plc	16,000.00	2,398.00
Do	Camp Barsh Bates & Tate		1,998.00
Do	Caremark, Inc	15,000.00	2,176.00
Do	Chemical Manufacturers Assn, Inc	4,200.00	2,358.00
Do	Coca Cola Company	8,750.00	2,398.00
Do	College of American Pathologists	3,333.00	2,398.00
Do	Commonwealth of Kentucky	4,000.00	2,029.00
Do	County of Fairfax, Board of Supervisors		1,998.00
Do	Coxson Penello Fogleman & Cowen	220.00	2,012.00
Do	Electronic Data Systems Corp	8,750.00	2,398.00
Do	Equitable Life Assurance Society of the U.S.	35,000.00	2,398.00
Do	Eye Bank Assn of America	3,000.00	2,380.00
Do	Federated Investors, Inc	15,000.00	2,398.00
Do	Fiat, U.S.A., Inc	12,000.00	2,370.00
Do	Ford Motor Co	350.00	2,011.00
Do	Genentech, Inc	16,000.00	2,335.00
Do	Hopi Tribe	48,000.00	1,998.00
Do	Investment Company Institute	2,726.00	2,207.00
Do	Korea Iron and Steel Assn		1,998.00
Do	LEGI-SLATE	5,000.00	1,998.00
Do	Museum Company		
Do	Mutual Of Omaha	7,500.00	2,398.00
Do	MCI Communications Corp	12,000.00	2,398.00
Do	National Football League	17,301.00	2,398.00
Do	National Restaurant Assn	19,500.00	2,398.00
Do	National School Transportation Assn	4,000.00	2,236.00
Do	Nestle USA, INC	1,500.00	2,006.00
Do	Pacific Enterprises	24,000.00	2,398.00
Do	Pennzoil Co	4,000.00	2,398.00
Do	Philip Morris Co	22,500.00	2,398.00
Do	Regional Transportation District	9,000.00	2,052.00
Do	Salomon Brothers, Inc	5,934.00	2,398.00
Do	Thomson-CSF, Inc	27,968.00	2,398.00
Do	Thunder Child Veterans Administration Hospital	1,000.00	2,198.00
Do	Times Mirror Co	3,960.00	2,398.00
Do	Washington Metropolitan Area Transit Authority	16,501.00	1,998.00
Gold Fields Operating Co-Mesquite, HCR 76, Glamis 100 Brawley, CA 92227			5,500.00
Thomas R. Goldberg, 1730 Rhode Island Avenue, NW, Suite 1000 Washington, DC 20036	National Solid Waste Management Assn	500.00	
Goldberg & Spector, 1229 19th St., NW Washington, DC 20036	Alpha Lyracom d/b/a Pan American Satellite		
Mark J. Golden, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Telocator	3,500.00	
Ronald L. Goldfarb, Ronald Goldbarg & Associates 918 16th Street, NW, #400 Washington, DC 20006	Washington Independent Writers, Inc		
Janlori Goldman, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	500.00	100.00
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Goldman Sachs & Co, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004			3,050.00
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	10,500.00	
Neil Goldschmidt, Inc, 222 SW Columbia, #1850 Portland, OR 97201	Nike, Inc		
Do	Southern Pacific Transportation Co.		
Richard S. Goldstein, 2300 M Street, NW Washington, DC 20037	Kelley Drye & Warren (For:Coalition to Preserve the Low Income Housing Tax Credit).		
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	5,675.32	
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	5,804.79
Larry I. Good, 2001 M Street, NW Washington, DC 20036	Milliman & Robertson, Inc	5,940.00	
Evelyn G. Goodfriend, 1000 Potomac Street, NW, Suite 401 Washington, DC 20007	California State Department of Education	5,000.00	68.50
Richard F. Goodstein, 1350 Connecticut Avenue, NW, #1101 Washington, DC 20036	Browning-Ferris Industries, Inc	3,125.00	609.00
Melvin G. Goodweather, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,277.50	5,475.51
Linda Goold, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	
John Gordley, 1150 Connecticut Avenue, NW, #507 Washington, DC 20036	Export Processors Industry Coalition (EPIC)	3,000.00	2,630.44
Do	Iowa Pork Producers Assn	2,250.00	1,334.48
Do	National Sunflower Assn	7,500.00	5,673.02
Do	U.S. Canola Association	9,000.00	3,565.60
Marvin N. Gordon, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	303.02
Mary S. Gordon, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Gordy Associates, Susan K., 1 First National Plaza, #3175 Chicago, IL 60603	First Chicago Corp	27,600.00	2,500.00
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	19,577.60	185.16
Edward J., III Gorman, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	2,034.00	
Faye A. Gorman, 1800 M Street, NW, #325-S Washington, DC 20036	Dow Corning Corp	5,000.00	
Mark S. Gorman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Ann M. Gosier, 1920 N Street, NW Washington, DC 20036	American Mining Congress	120.00	21.00
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Co	43.47	
Eric Philip Gotting, 801 Pennsylvania Avenue, SE, #400 Washington, DC 20003	American Rivers		
Noel Gould, 320 14th Street, NE Washington, DC 20002	Brooke International	937.50	
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Campo Band of Mission Indians	7,268.50	
Do	Colorado River Indian Housing Authority		
Do	Crow Tribal Housing Authority		
Do	First Mesa Consolidated Villages		
Do	Mescalero Apache Housing Authority		
Do	Minnesota Chippewa Tribe		
Do	Navajo Area School Board Assn		
Do	Pueblo of Laguna Housing Authority		
Do	Pueblo of Pojoaque	908.50	
Do	Pueblo of Tesuque		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pueblo of Zuni		
Do	Santa Clara Indian Pueblo		
Do	Shoshone Tribe	8,183.50	
Do	Tonono O'odham Nation		
Do	Wind River Tax Commission	121.00	
Do	Zuni Housing Authority		
Edmund Graber, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Barbara Gracey, 2000 K Street, NW, #800 Washington, DC 20005	National Committee to Preserve Social Security & Medicare	2,026.00	
John R. Graff, 1448 Duke Street Alexandria, VA 22314	International Assn of Amusement Parks & Attractions	100.00	1,246.00
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Lawrence T. Graham, 7900 Westpark Drive, #A-320 McLean, VA 22102	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Association		
Michael Graham, 625 Slaters Lane, Suite 200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	500.00	300.28
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Citibank, N.A.	1,410.00	90.00
Frances Turk Granahan, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		182.32
Nancy Granese, c/o P.O. Box 27414 Washington, DC 20038	FICA Fairness Coalition		
Do	Partnership on Health Care & Employment		
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	2,625.00	
Clifford S. Graul, 7481 Huntsman Blvd., #400 Springfield, VA 22153	Creative Strategies Group	5,000.00	
Edwin C. Graves, 2001 M Street, NW Washington, DC 20036	Furman Group	1,289.25	
Do	McAuliffe, Kelly & Raffaelli		
Do	Hill & Knowlton, Inc (For:McGuiness & Williams)		
Do	Capitoline International Grouo, Ltd (For:MCI Communications Corp)	2,625.00	
Do	Capitoline International Group, Ltd (For:Professional Lawn Care Assn. of America).		
Ed Graves & Associates, 2001 M Street, NW, 4th Floor Washington, DC 20036	Correctional Education Consultants, Inc	1,500.00	
Barbara Gray, P.O. Box 3958 Missoula, MT 59806	Metropolitan Analysis & Retrieval Systems, Inc (Mars, Inc)	11,300.00	4,127.82
Carol J. Gray, 1850 M Street, NW, #550 Washington, DC 20036	Securities Industry Assn	1,719.00	
Peter Gray, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	2,650.00	
Robert K. Gray, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Scott D. Grayson, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers (IEEE)	900.00	
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		500.00	500.00
Greater Washington Educational Telecommunications Assn, P.O. Box 2626 Washington, DC 20013			300.00
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	4,500.00	557.41
Deborah Green, 610 W. 110th Street New York, NY 10025	Rainbow Lobby, Inc	5,850.00	
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
George R. Green, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	450.00	
James E. Green, 1100 Connecticut Ave., NW #620 Washington, DC 20036	Mobil Corp	2,500.00	260.41
Micah S. Green, 1445 New York Ave., 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	
Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Scott H. Green, 3159 N. Quincy Street Arlinton, VA 22207	Boys & Girls Clubs of America	4,000.00	1,312.00
Do	National Center for Missing & Exploited Children	6,000.00	1,968.00
William Green, 1455 Pennsylvania Ave, #575 Washington, DC 20004	MacAndrews & Forbes Holdings, Inc	3,000.00	
Fred Greene, 3434 Pinetree Terrace Falls Church, VA 22041	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	10,000.00	
Jennifer Greene, 312 Massachusetts Avenue, NE Washington, DC 20002	Trust for Public Land	4,050.00	
Peter E. Greene, 919 Third Avenue New York, NY 10022	Pepsi-Cola & National Brands, Ltd		
Anne Greenfield, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036	Common Cause	7,220.04	40.49
Lynn Greenwalt, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation		
John P. Gregg, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C.	1,266.76	323.16
R.T. Gregg, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	100.00	
Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Janice M. Gregory, 1400 L St., NW, #350 Washington, DC 20005	Erisa Industry Committee	6,250.00	24.00
Gregory Company, One Massachusetts Avenue, NW, #880 Washington, DC 20001	Lake Preservation Coalition	4,500.00	78.55
David J. Gribbin IV, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	200.00
Jeffrey J. Grieco, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co Inc)		
John Wesley Griffin, #00311-158 P.O. Box 905 Genesee Unit Ray Brook, NY 12977-0900			
Mary Griffin, 2001 S Street, NW, Suite 520 Washington, DC 20009	Consumers Union	4,000.00	
Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035	Chrysler Corporation	3,000.00	305.00
Griffin/Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Air Transport Assn of America	5,000.00	120.00
Do	American Nuclear Energy Council	15,000.00	360.00
Do	American Petroleum Institute	3,250.00	78.00
Do	American Psychological Assn	16,250.00	390.00
Do	Appalachian Coalbed Methane Assn	2,000.00	48.00
Do	Arthur Andersen & Co	18,250.00	438.00
Do	Blue Cross & Blue Shield Assn	4,000.00	96.00
Do	Carlyle Group	4,500.00	108.00
Do	Central and South West Services, Inc	10,000.00	240.00
Do	City of Broomfield	4,250.00	102.00
Do	Coal Industry Health Protection Coalition	16,250.00	390.00
Do	Coalition for Transit Opportunities '92		
Do	Covia Partnership	17,000.00	408.00
Do	CBS, Inc	45,000.00	1,662.00
Do	COMSAT Corp	4,500.00	108.00
Do	Equipment Leasing Association	7,500.00	180.00
Do	Fireman's Fund Insurance Cos	11,750.00	282.00
Do	General Atomics	4,250.00	102.00
Do	Grumman Corporation	3,750.00	90.00
Do	Halliburton NUS Environmental Corporation	10,000.00	240.00
Do	Martin-Marietta	9,000.00	300.00
Do	McCaw Cellular Communications, Inc	5,000.00	120.00
Do	Merck & Co, Inc	1,250.00	30.00
Do	Mortgage Bankers Assn of America	500.00	12.00
Do	Motorcycle Industry Council, Inc		
Do	National Association of Realtors	5,500.00	132.00
Do	National Football League	3,750.00	90.00
Do	National Independent Energy Producers	16,750.00	402.00
Do	National Music Publishers Assn, Inc	11,750.00	282.00
Do	Primerica Corp	13,750.00	330.00
Do	Tobacco Institute	1,500.00	36.00
Do	Waste Management, Inc	3,750.00	90.00
Gary W. Griffith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	540.00	199.60
Randy Griggs, 1052 Highway 431 North Dothan, AL 36303	Alabama Farmers Federation	600.00	834.89
Philip M. Grill, 444 N. Capitol Street, NW, #514 Washington, DC 20001	Matson Navigation Company, Inc		
Craig N. Grimm, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Jane Grimm, 3150 Spring Street Fairfax, VA 22031-2399	International Communications Industries Assn	2,125.00	
Margo A. Grimm, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Instutute of America	500.00	
Norman E. Grimm Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Cynthia P. Grisso, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		20.00
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007			375.32
Stephanie J. Grogan, National Wildlife Federation 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	326.69	
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	181.73	
George Gross, 1211 Connecticut Ave., NW, #406 Washington, DC 20036	Magazine Publishers of America, Inc	5,000.00	
Jerome Grossman, 65 Grove Street, #347 Wellesley, MA 02181	Council for a Livable World		655.37
Steven A. Grossman, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Astra Pharmaceuticals, Inc)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)	2,500.00	
John T. Grupenhoff, 6410 Rockledge Drive, #203 Bethesda, MD 20817	American Academy of Dermatology	700.00	198.00
Do	American Society of Hematology	1,790.00	304.50
Do	Association of American Cancer Institutes		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Cooley's Anemia Foundation	1,200.00	189.00
Gabriel Guerra-Mondragon, 444 North Capitol Street, #711 Washington, DC 20001	TKC International (For:Mexican Dept of Commerce & Industrial Development)	98,372.53	363.82
Do	TKS International (For:Universidad Regiomontana Villagran)	3,437.51	
Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,250.00	
Pamela D. Guffain, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	3,000.00	351.95
Clark J. Guild Jr., Guild & Hagen, Ltd 100 West Liberty St., #800 Reno, NV 89501	Motion Picture Assn of America, Inc		
Mark F. Guimond, 4659-C 28th Road Arlington, VA 22206	National Staff Leasing Assn		
John E. Guiniven, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	5,000.00	350.00
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036	BASF Corp	1,500.00	70.00
Do	McDermott, Inc	3,000.00	125.00
Do	Walk-Haydel & Associates, Inc		
Deborah H. Gum, 9425 Cloverhill Road Manassas, VA 22110	Capital Cities/ABC, Inc		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		182,809.24	184,213.24
Peggy A. Gunn, 601 Second Avenue South MPFP 1704 Minneapolis, MN 55402	First Bank System	14,499.00	892.67
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	5,330.00	2,099.08
Richard E. Gutting Jr., 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	6,000.00	
Z. Lou Guttman, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	1,000.00	
GLB, Inc, 1507 West 6th Street Austin, TX 78703	Jones Motor Co, Inc		
Do	MPPAA Solvency Coalition		
Do	Schneider National, Inc		
Do	Walsh Trucking Service, Inc		
GPIA Animal Drug Alliance, 200 Madison Ave., #2404 New York, NY 10016			
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation	75.00	20.00
Sherry J. Haber, 105 Oronoco Street Alexandria, VA 22314	National Wholesale Druggists' Assn		
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Lonnie E. Haefner, 10 Finlay Road Kirkwood, MO 63122	L.E. Haefner Enterprises, Inc (For:Cape Girardeau Regional Commerce & Growth Assn).		
Gene P. Haflich, Indiana Petroleum Council 714 Harrison Building Indianapolis, IN 46204	American Petroleum Institute		
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc	502.15	534.47
John F. Haifley, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Nancy A. Hailpern, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	2,433.00	
Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	114.85	
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California	6,500.00	138.56
Alma P. Hale, 1920 N Street, NW Washington, DC 20036	American Mining Congress	20.00	
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Genetics Institute		
Do	Medallion Oil Company	513.00	7.50
Do	Metalor USA Refining Corp	28.50	
Do	Micron Technology, Inc	1,907.00	82.00
Do	Northeastern University	1,282.50	57.65
Haley Bader & Potts, 2000 M St., NW, #600 Washington, DC 20036	TV 14, Inc		
Anne Hall, 100 East Broad Street Columbus, OH 43271-0251	Banc One Corporation		
Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	7,500.00	1,244.60
Janet A. Hall, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Magazine Publishers of America	2,000.00	
John P. Hall Jr., 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	674.50	
Joseph Mitchell Hall, 2930 S. Buchanan Street, #A1 Arlington, VA 22230	Harris Corporation	1,475.00	801.01
Robert P. Hall, 701 Pennsylvania Ave., NW Washington, DC 20004	National Retail Federation	3,000.00	362.57
Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #301 Washington, DC 20003	San Diego Gas & Electric	1,993.50	2,646.90
Sarah E. Haller, 1615 L Street, NW, #320 Washington, DC 20036	Sandoz Corp		67.00
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,250.00	540.23
Ellice Halpern-Barnes, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Maurice E. Halsey, P.O. Box 190 Aurora, IL 60507	Northern Illinois Gas Company	2,000.00	
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	3,000.00	115.72
Martin Hamburger, 100 Maryland Ave., NE Washington, DC 20002	C-TEC Corporation	3,000.00	100.00
Do	Westinghouse Electric Corporation	1,000.00	25.00
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	240.00	
Matthew W. Hamill, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	8,748.00	80.00
David S. Hamilton, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	7,643.65	
J. Lee Hamilton, 1331 Pennsylvania Avenue, NW, #1550N Washington, DC 20004-1703	National Assn of Manufacturers	281.00	
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Mark Hamilton, 5400 Carillon Point, #400 Kirkland, WA 98083	McCaw Cellular Communications, Inc		
William W. Hamilton Jr., 2010 Massachusetts Ave., NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	749.52	40.00
Amy R. Hammer, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	2,800.00	406.41
Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037	Sweetener Users Assn		
Sam F. Hamra Jr., Two Corporate Centre, Suite 200 1949 East Sunshine Springfield, MO 65804	Morris, John L.		
Do	Silver Dollar City, Inc	20,000.00	563.26
Timothy A. Hanan, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	2,500.00	
William A. Hanbury, One Lincoln Center, #1180 Syracuse, NY 13202	Hanbury & Associates (For:Oneida Indian Nation)	1,350.55	
Hance & Gamble, PC, 400 West 15th Street, #320 Austin, TX 78701	Kinetic Concepts, Inc	9,000.00	407.37
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Moblie, AL 36601	General Electric Co	1,648.77	
Do	Hazardous Waste Action Coalition	3,661.32	
Do	Ingalls Shipbuilding	1,013.34	
Do	Northrop Corp	208.33	
Do	Waste Management, Inc	159.17	
Rose M. Hanes, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance		
Thomas H. Hanna, 7430 Second Ave, #300 Detroit, MI 48202	Motor Vehicle Manufacturers Assn of the U.S., Inc	1,150.00	280.75
Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005	Coodination Council for North American Affairs		
Anneliz Hannan, 150 Glover Avenue Norwalk, CT 06856	United States Surgical Corp	1,000.00	
P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	300.00	
Richard L. Hanneman, 700 North Fairfax Street, #600 Alexandria, VA 22314-2040	Salt Institute		
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Eric R. Hanson, 1321 Duke Street, #200 Alexandria, VA 22314-3563	U.S. Strategies Corp (For:Commonwealth of the Northern Mariana Islands)		
Do	U.S. Strategies Corp (For:Healthsouth Rehabilitation Corp)		
Grant W. Hanson, 507 Second Street, NE Washington, DC 20002	Nike, Inc		188.80
Heidi Hanson, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
William S. Haraf, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc		
Julie E. Harbin, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	48.00	
Robert N. Harbor, P.O. Box 1492 El Paso, TX 79978	El Paso Natural Gas Co	2,000.00	
Harker Firm, 5301 Wisconsin Ave., NW, #740 Washington, DC 20015	International Bottled Water Assn	5,846.25	5,846.25
Charles A. Harkey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp	2,238.00	86.00
Patricia L. Harmening, 316 Pennsylvania Ave., SE, #402 Washington, DC 20003	San Diego Gas & Electric	1,286.00	2,651.98
Deborah Harnesberger, 625 Slaters Lane, #200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	7,500.00	
Kathleen Harnett, 1301 Pennsylvania Ave., NW #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	625.00	635.09
Edwin L. Harper, 50 F Street, NW Washington, DC 20001	Association of American Railroads	2,125.00	27.00
Wiley C. Harrell Jr., 1776 Eye Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Toni Harrington, 955 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	2,500.00	51.06
W. Brendan Harrington, 1101 15th St., NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
A. J. Harris II, 1825 Eye Street, NW, #350 Washington, DC 20006	CIGNA Corp	4,938.00	520.75
James W. Harris, 1709 New York Avenue, NW Washington, DC 20006	Savings and Community Bankers of America	3,500.00	291.51
Leslie Harris, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	7,500.00	
Harris & Ellsworth, 2600 Virginia Avenue, NW, #1113 The Watergate Washington, DC 20037	American Railway Car Institute		
Do	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc		
Do	Coalition of Food Importers Assn	1,800.00	12.00
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs	650.00	
Jill Harrison, P.O. Box 1005 Fairfax, VA 22030-1005	Community Antenna Television Assn	4,375.00	343.00
Joseph M. Harrison, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	5,000.00	
L. Ray Harry, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc	400.00	4,613.90
Fruzsina M. Harsanyi, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	3,500.00	
Elizabeth Kirby Hart, 3050 K Street, NW, #330 Washington, DC 20007	National Club Assn	3,000.00	30.00
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
William R. Hart, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,496.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			29,040.00
Gabriel A. Hartl, Arlington Courthouse Plaza II, #711 2300 Clarendon Boulevard Arlington, VA 22201	Air Traffic Control Assn, Inc		
Carolyn Hartmann, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	6,730.78	
Frederick J. Hartwigsen, 1500 Paxton Street P.O. Box 3565 Harrisburg, PA 17105	UGI Corporation		
Holly Hassett, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Hershey Foods Corp		
Jace Hassett, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Grocery Manufacturers of America, Inc		
Janet S. Hathaway, 1350 New York Ave., NW, #300 Washington, DC 20005	Natural Resources Defense Council	12,190.20	249.75
Margaret V. Hathaway, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Prudential Insurance Company)	600.00	
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,544.99
Christina M. Hauptli, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Todd J. Hauptli, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	4,700.00	
Charles W. Havens III, 1333 New Hampshire Avenue, NW, #1100 Washington, DC 20036	Leboeuf Lamb Leiby & MacRae		
Jennifer Hawk, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Barclays Bank, PLC	2,500.00	246.14
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	2,400.00	120.00
Charles E. Hawkins III, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
F. William Hawley, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank		
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Watkins (For:Ad Hoc Electronics Coalition)	5,000.00	53.96
Do	Latham & Watkins (For:American Electronics Assn)	9,049.13	65.31
Do	Latham & Watkins (For:Semiconductor Industry Assocation)	4,341.13	18.88
Patty Longstreet Hayes, 777 North Capitol Street, NE, Suite 803 Washington, DC 20002	American Association of Nurse Anesthetists	5,000.00	30.00
Steven L. Hayes, 100 N. Brand Blvd., #502 Glendale, CA 91203	Citizens for an Alternative Tax System		
Leah V. Haygood, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	913.00	
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	28,373.00	397.77
Holly Elisabeth Hazard, 900 2nd Street, NE, #303 Washington, DC 20002	Doris Day Animal League	676.00	676.00
Hazel & Thomas, P.C., 3100 Fairview Park Drive, Suite 1400 Falls Church, VA 22042	International Disarmament Corp	6,206.50	
Robert Healy Jr., 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	4,250.00	
Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	200.00	
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn	1,055.00	
David E. Hebert, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	5,000.00	790.00
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Colton Communities, Inc)		
Do	Hecht Spencer & Associates (For:General Atomics)		
Do	Hecht Spencer & Associates, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Bixby Ranch Co	1,000.00	
Do	Boy Scouts of America	1,000.00	
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	Colton Communities, Inc	1,000.00	
Do	Mars, Inc		
Do	Mid-American Waste Systems, Inc	3,000.00	
Do	MCI Telecommmunications	1,000.00	
Do	National Automatic Merchandising Assn	1,000.00	
Do	Charles E. Smith Management, Inc	3,000.00	
James B. Hedlund, 1200 18th St., NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	13,390.26	
Joseph F. Heeney, 11166 Main Street, Suite 302 Fairfax, VA 22030	Seniors Coalition		
Barbara D. Heffernan, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	American Cast Iron Pipe Company	1,000.00	
Do	CSX Corporation	5,000.00	300.81
Do	DePaul University	3,000.00	118.65
Do	Renewable Fuel Assn	3,000.00	
Do	Sealaska Corp	1,000.00	141.75
John Heffner, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	24,908.80	524.92
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,000.00	
Richard L. Hellwege, 1225 Jefferson Davis Highway, #1100 Arlington, VA 22202	Smiths Industries	3,000.00	4,159.45
DeWitt F. Helm Jr., 155 East 44th Street New York, NY 10017	Association of National Advertisers, Inc		
Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	3,000.00	10.00
Thomas M. Helscher, 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		41.15
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute		
Carol C. Henderson, 110 Maryland Ave., NE, #101 Washington, DC 20002	American Library Assn	1,329.00	
Dennis A. Henigan, 1225 Eye Street, NW Washington, DC 20005	Handgun Control, Inc	8,034.00	
C. Dayle Henington, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Jane E. Henriques, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
George H. Henry, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	507.00	
John Hugh Henry, 1850 K Street, NW, #950 Washington, DC 20006	McDermott, Inc	10,000.00	3,507.55
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,500.00	121.63
Charlotte W. Herbert, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
M. Lyn Herdt, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	296.86
Catherine L. Heron, 1600 M St., NW Washington, DC 20036	Investment Company Institute	396.68	33.75
John A. Heslip, P.O. Box 781 Herndon, VA 22070	National Concrete Masonry Assn		5,955.00
Hessel & Aluise, PC, One Thomas Circle, NW, #1250 Washington, DC 20005	National Housing Partnership		
William S. Hettinger, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	175.32
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	6,413.68
David B. Hickerson, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Co	105.00	62.00
Sydney Tally Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc	2,160.00	
William D. Hickman, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Guy M. Hicks, 1000 Wilson Boulevard, #2407 Arlington, VA 22209	Northrop Corp	1,000.00	
Paul T. Hicks, Rhode Island Petroleum Assn 395 Smith Street, #2 Providence, RI 02908	American Petroleum Institute	600.00	
Barbara L. Hiden, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	21.63	508.00
John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806	Louisiana-Pacific Corp	7,125.00	1,023.00
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
John Hildreth, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union of U.S., Inc	1,000.00	
Catherine J. Hill, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		90.08
Frederick Wells Hill, 1801 K Street, NW, #800 Washington, DC 20006-1378	Westinghouse Electric Corp	13,000.00	2,500.00
J. Eldred Hill Jr., 820 First St., NE, #400 Washington, DC 20002	UBA, Inc	2,000.00	
Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	750.00	87.56
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	4,155.25	
Edward Joseph Hillings, 750 17th Street, NW, 4th Fl Washington, DC 20006	Enron Corp	7,500.00	
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Sundstrand Corporation	1,426.00	334.43
Cynthia Hilton, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006	City of Orlando		
Do	Florida Fruit & Vegetable Assn	3,000.00	
Do	Florida Tomato Exchange	1,500.00	
Hinman Straub Pigors & Manning, P.C., 50 E Street, SE Washington, DC 20003	New York State Conference of Blue Cross & Blue Shield Plans	8,435.50	5,627.52
Evan Hirsche, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	79.51	
Tamara Hirschfeld, 2101 L Street, NW, #401 Washington, DC 20037	American Stock Exchange, Inc		
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	5,000.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Miccosukee Tribe of Indians of Florida	400.00	14.00
Do	Mississippi Band Choctaw Indians	300.00	17.90
Scott Hodes, 150 North Michigan Avenue, #2500 Chicago, IL 60601	Investment Company Institute	15,016.98	
Ann C. Hodges, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	8,904.00	1,743.31
A.R. 'Trey' Hodgkins, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	958.38	742.13

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jeanne E. Hoenicke, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Kristin Hofeditz, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	1,015.00	
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	National Barley Growers Assn	14,500.00	7,977.34
Ann F. Hoffman, 815 16th Street, NW, Suite 103 Washington, DC 20006	International Ladies' Garment Workers' Union	12,020.84	430.08
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	10,149.69
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Marine Engineers' Beneficial Assn		
Elizabeth Hogan, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	4,000.00	692.69
Joseph Michael Hogan Jr., 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Alabama Construction Contractors	6,883.75	1,040.88
Do	American Coke & Chemicals Institute		
Do	American Frozen Food Institute		
Do	American Hellenic Chamber of Commerce		
Do	American Insurance Assn		
Do	American Physical Therapy Assn		
Do	Amgen, Inc	4,227.50	241.36
Do	Ansell	47,795.00	7,039.84
Do	Auburn University	12,000.00	950.12
Do	Berg Steel Pipe Corp		
Do	Blount, Inc	10,746.67	90.40
Do	BE&K Construction		
Do	California State Teachers Retirement System	11,055.00	
Do	Carter Green Redd, Inc		
Do	Drummond Company, Inc	51,325.00	3,411.81
Do	Ductile Iron Pipe Research Assn	21,244.16	1,466.98
Do	Fluor Corporation		
Do	Freightliner Corp		
Do	General Electric Co	7,178.75	638.61
Do	Glaxo, Inc		
Do	Group Hospitalization and Medical Services, Inc		5,178.16
Do	Harbert Corp		
Do	Hardie-Tynes Mfg. Company		
Do	Humane Society of the United States	3,240.90	37.00
Do	Intergraph Corp	6,196.25	110.20
Do	Manufacturers Hanover Trust Co		
Do	Mercedes-Benz of North America, Inc		
Do	Michelin Tire Company	51,283.22	2,083.29
Do	Michigan Consolidated Gas Co	7,188.75	173.16
Do	Mortgage Insurance Companies of America	23,098.75	522.38
Do	Mutual Life Insurance Co of New York		
Do	National Apparel	3,338.75	411.16
Do	National Broiler Council		
Do	National Child Care Assn	3,692.29	1,481.40
Do	National Consumers Bankruptcy Coalition	25,062.50	1,920.88
Do	National Hospice Organization	3,096.57	
Do	National Structured Settlements Trade Assn		
Do	Nuexco Trading Corp, et al.	6,330.00	
Do	Ontario Ministry of Industry, Trade & Technology		113.01
Do	Payload Systems, Inc		
Do	Polyisocyanierate Insulation Manufacturers Assn (PIMA)	26,374.75	1,013.38
Do	Private Child Care Providers	27,106.25	1,723.07
Do	Product Liability Coordination Committee	43,418.75	8,753.00
Do	Robinson Terminal Warehouse Corp		
Do	Rust Engineering	46,204.92	1,577.00
Do	Security Savings & Loan Assn		
Do	Southern Company Services	40,036.25	1,806.06
Do	Storage Technology Corp		
Do	Tektronix, Inc	1,530.00	14.80
Do	Vulcan Materials Company	39,999.37	4,041.42
Do	Jim Walter Corp	14,126.75	3,511.48
Susan R. Hogg, 1331 Pennsylvania Ave, NW, Suite 1500 N Washington, DC 20004-1703	National Assn of Manufacturers	100.00	
Philip A. Hogue, 2230 Gallows Rd., #200 Dunn Loring, VA 22027	International Technical Expertise Ltd		
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	28,000.00	
Niels C. Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Arch)		
Do	McGuiness & Holch (For:National Horse Show Commission)	3,712.50	
Do	Oneida Indian Nation		
Do	RJR Nabisco		
Gerard L. Holder, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging	272.22	36.06
Robert A. Holland, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham, Inc)	2,500.00	800.00
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Alamo Rent-A-Car, Inc	500.00	
Do	Alyeska Pipeline Service Co	500.00	
Do	Anderman/Smith Operating Co	500.00	
Do	Association of Oil Pipe Lines	2,000.00	
Do	Carbon Fuels Corp & Subsidiaries		
Do	Citgo Petroleum Corp	2,000.00	
Do	Coalition for Economic Recovery	1,000.00	
Do	Precious Metals Producers Group	1,000.00	
Do	Society for the Plastics Industry	3,000.00	
Do	Styrene Information & Research Center	1,000.00	
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Florida Celery Exchange		
Do	Florida International Bankers Association (FIBA), Inc	500.00	
Do	Pan American Satellite Corp		
Do	Spaceport Florida Authority	500.00	
Do	VITAS HealthCare, Corp of Florida	4,263.00	
Michael M. Hollings, 1201 Main Street, Suite 2340 Colubmia, SC 29201	Porsche Cars North America, Inc	4,500.00	1,000.00
Patricia L. Hollis, 1300 L Street, NW, #950 Washington, DC 20005	American Soybean Assn		
Wendell M. Holloway, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	4,864.80	3,206.06
Holly Corporation, 100 Crescent Court, #1600 Dallas, TX 75201	Holly Corp		
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	3,978.55	
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		91,786.11	91,786.11
Tom Hoog, 901 31st Street Washington, DC 20007-3838	Hill & Knowlton (For:Colorado State University)		
Do	Hill & Knowlton (For:McAndrews & Forbes Holdings, Inc)		
Do	Hill & Knowlton (For:Phillips Petroleum Co)		
Do	Hill & Knowlton (For:Tera Computer Company)		
Billy E. Hooper, 1101 Vermont Ave., NW, Suite 710 Washington, DC 20005	Association of American Veterinary Medical Colleges		
Helen Hooper, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation		
Karen A. Hoover, 2111 Jefferson Davis Highway Apt. 407 Arlington, VA 22202	American Maritime Officers Service		1,638.94
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,500.00	
Virginia E. Hopkins, 1302 Noble Street, #3H Anniston, AL 36201	Campbell & Hopkins (For:Wald Manufacturing Company, Inc)	210.00	566.05
Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006	Airports Assn Council International - North America	615.00	10.50
Do	Department of Aviation, City of Chicago		
Do	Grand Trunk Corp	982.91	196.00
Darnell K. Horio, 801 Pennsylvania Ave., NW, #310 Washington, DC 20004	GPU Service Corporation	9,900.00	159.65
Bernard Horn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	15,969.00	
Christopher C. Horner, 1341 G Street, NW, Suite 1100 Washington, DC 20005	Jefferson Group (For:Crompton & Knowles)		
Do	Jefferson Group (For:Doe Run Company)		
Do	Jefferson Goup (For:Horsehead Resource Development)		
Do	Jefferson Group (For:Industrial Safety Equipment Assn)		
Do	Jefferson Group (For:Molson Breweries USA, Inc)		
Do	Jefferson Group (For:Torrington Company)		
Do	Zinc Corporation of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John R. Horner, 8524 Bradford Rd. Silver Spring, MD 20901	Campbell-Raupe, Inc (for: NMTBA-Assn for Mfgr Technology)	3,000.00	
Charles H. Hossack, Box 308H, RD #2 Glenmoore, PA 19343	Lukens, Inc	700.00	798.50
M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151	American Collectors Assn, Inc	6,000.00	749.00
Do	Armour Pharmaceutical Company	16,000.00	
Russell Houston, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
John H. F. Hoving, 1575 Eye Street, NW #325 Washington, DC 20005	Society of American Value Engineers		
Hoving Group, 1575 Eye Street, NW, #325 Washington, DC 20005	American Film Marketing Assn	1,200.00	18.00
Do	Eagle-Picher Industries, Inc	29,280.00	468.53
Do	Western-Southern Life Insurance Co	4,200.00	
Gerald M. Howard, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Robert M. Howard, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,372.70	1,466.68
Christopher W. Howe, 1401 Eye Street NW #1200 Washington, DC 20005	Chevron USA, Inc		
Susan Howe, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Gary Howell, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	450.00	
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,818.70	
Mary Lynch Howell, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	1,500.00	280.00
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	5,000.00	
Walter D. Huddleston, P.O. Box 456 Elizabethtown, KY 42710	MCI Telecommunications		
Margaret Renken Hudson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	300.00
Stewart Hudson, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	3,700.43	
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Coastal Corporation		
Do	Hunter Industrial Facilities, Inc	1,000.00	29.69
Do	Louisiana State University Foundation	625.00	7.21
Do	Philip Morris, USA	250.00	4.38
Do	Seneca Resources, Inc		
Do	United Gas Pipe Line Co		
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Kevin M. Hughes, 200 Second Avenue North Seattle, WA 98109	Pacific Science Center	1,890.00	
Robert (Bob) Hughes, 333 Piedmont Ave., 23rd Floor Atlanta, GA 30308	Georgia Power Co	14,827.70	8,460.66
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Mrs. H. E. Butt		
Do	Holly Corp		
Do	Sammons Enterprises, Inc		
William Hughes, 27357 Avonbourne Lane Easton, MD 21601-7655	National Assn of Federal Veterinarians	27.50	
Walter E. Huizenga, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	22,500.00	
Steven E. Humerickhouse, 3333 Highway. 100 North Minneapolis, MN 55422	Adoptive Families of America	8,447.50	1,759.90
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc, et al.)		8.00
Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	1,997.35	
Francis M. Hunt, 1776 Eye Street , N.W. Suite 575 Washington, DC 20006	Dow Chemical Co	500.00	6,486.00
Harriet Hunt-Burgess, 44 Montgomery Street, #4165 San Francisco, CA 94104	American Land Conservancy (ALC)	908.99	934.64
Angela M. Hunter, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	11,053.99	
Beverly A. Hunter, 100 Maryland Ave., NE Washington, DC 20002	Religious Coalition for Abortion Rights	8,275.02	54.00
Daniel J. Hunter, 1521 new hampshire ave., nw Washington, DC 20036	National Cotton Council of America	10,500.00	2,964.22
Lawrence A. Hunter, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	56.00	20.00
William N. Hunter, 2104-A Gallows Road Vienna, VA 22180	W.N. Hunter & Associates	2,000.00	
W.N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180			2,000.00
Milton F. Huntington, 65 Ridgewood Drive Augusta, ME 04330		58.00	
Gerard F. Hurley, 3050 K Street, NW, #330 Washington, DC 20007	National Club Association		
Robert Hurley, 1317 F Street, NW Washington, DC 20004	Wall & Associates, R. Duffy	1,250.00	
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	2,814.85
Philip A. Hutchinson, 4624 Solomons Island Rd. Harwood, MD 20776	Volkswagen of America, Inc		
Suzanne C. Hutchinson, 805 15th Street NW, Suite 1110 Washington, DC 20005	Mortgage Insurance Companies of America	7,375.00	89.65
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	11,868.57	
Kimberly Hyatt, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	100.00	
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Public Transit Assn)		
Do	Hill & Knowlton, Inc (For:Mazda (North America), Inc)		
Do	Hill & Knowlton, Inc (For:Nintendo of America, Inc)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Sallie Mae)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton (For:Universal Card Services)		
Brian M. Hyps, 5301 Wisconsin Avenue, NW, #630 Washington, DC 20015	American Osteopathic Hospital Assn	4,500.00	66.86
J. William Ichord, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Company of California		1,941.10
Randal H. Ihara, 1331 Pennsylvania Ave., NW, #560 South Washington, DC 20002	CSX Corp	3,000.00	175.10
Torbjorn Ihre, 2101 Wilson Boulevard Room 402 Arlington, VA 22201	Ericsson Corporation		
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20044.		9,718.75	9,718.75
Independent Insurance Agents of America, Inc, 127 S. Peyton Street Alexandria, VA 22314		53,564.00	53,564.00
Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314			770.00
Industrial Biotechnology Assn, 1625 K Street, NW, #1100 Washington, DC 20006		2,351.95	2,351.95
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	15,180.00	138.39
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #3310 Washington, DC 20006	Hawaiian Electric Industries, Inc		
Do	Kamehameha Schools/Estate of Bernice P. Bishop		
Do	U.S. Windpower, Inc		
Doug Inkley, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	3,502.00	
Institute of Clean Air Companies, Inc, 1707 L St., NW Washington, DC 20036			
Institute of International Bankers, 299 Park Avenue New York, NY 10171			45,069.65
International Advisers, Inc, 2300 M Street, NW, #600 Washington, DC 20036	Embassy of Turkey	150,000.00	21,380.15
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		19,040.83	29,840.83
International Assn of Machinists & Aerospace Workers, 9000 Machinists Plaee Upper Marlboro, MD 20772			43,466.14
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			71,290.25
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW, #1200 Washington, DC 20006	Hercules, Inc	3,380.00	
Do	Procter & Gamble	262.50	110.96
Do	Totes, Inc	37.50	12.60
Do	Uniroyal Chemical Company, Inc	37.50	15.18
Do	USR Optonix, Inc	1,462.50	51.65
Do	Wine Institute	5,100.00	
Do	Xerox Corp	10,387.50	354.33
International Communications Industries Assn, 3150 Spring Street Fairfax, VA 22031-2399		21,522.00	2,793.00
International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022		5,587.29	5,587.29
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			98,795.52
International Speedway Corp, 1801 Volusia Avenue Daytona Beach, FL 32114			9,000.00
International Taxicab Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			6,052.00
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		10,500.00	625.87
Investment Company Institute, 1600 M St., NW Washington, DC 20036			22,250.63
Peter A. Iovino, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,400.00	1,811.34
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-2081 First National Bank Bldg. Saint Paul, MN 55101		8,466.03	12,625.38
William Robert Irvin, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	4,230.18	
Edrie Irvine, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	8,875.00	
John Isaacs, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	6,351.54	
Susan A. Ishmael, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors	2,500.00	
Sally D. Iskenderian, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Manufacturers & Consumers of Amer.).	450.00	
William A. Isokait, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Russel Iuculano, 1620 L Street, #800 Washington, DC 20036	Metropolitan Life Insurance Co	600.00	90.00
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
J/T Group, 2555 M Street, NW, #327 Washington, DC 20037	Coal Industry Health Protection Coalition	18,000.00	
Robert A. Jablon, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group, et al.)	500.00	
Eva Jack, 1825 I Street, NW, #400 Washington, DC 20006	Intel Corp	6,000.00	3,356.36
Dennis J. Jackman, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	Du Pont Merck Pharmaceutical Company	7,000.00	723.07
Alvin B. Jackson Jr., 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Assn	2,077.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,300.00	37,634.87
Glenn Jackson, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	250.00	
Jacquelyn L. Jackson, 1875 I Street #1110 Washington, DC 20006	Times Mirror Co		
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn		
Kelleen W. Jackson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Federation of Independent Business	3,401.00	200.00
Thomas C. Jackson, 1350 I Street, NW Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).	1,184.00	
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	10,000.00	248.00
J. Douglas Jacobson, 1301 Pennsylvania Ave.,NW, Suite 300 Washington, DC 20004	Public Lands Council		
Rachel L. Jacobson, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Jaffe Snider Raitt & Heuer, P.C., One Woodward Avenue, #2400 Detroit, MI 48226			
Edward L. Jaffee, 655 15th Street, #300 Washington, DC 20005	ISP Management Company, Inc		
Do	Primary Glass Manufacturers Council		
Khalil E. Jahshan, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Assn of Arab Americans	4,500.00	1,200.00
Pierre R. Jambon, 1001 19th Street, North #800 Arlington, VA 22209	TRW, Inc		
Dennis James, 1215 17th Street, NW Washington, DC 20036	Gadot Petrochemical Industries	1,034.50	149.24
Harriet James, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Jerry James, 8303 Mopac Expressway, #150-C Austin, TX 78759	ATC-ClayDesta Communications		
Philip J. James, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)		
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	2,500.00	
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Old Harbor Native Corp	56,167.50	37,928.66
Do	Washington Oil Marketers Assn	521.72	401.55
J. Jancin Jr., 1800 M Street, NW Washington, DC 20036-5886	American Bar Assn	300.00	30.00
Jay Janis, 9800 South Sepulveda Boulevard,Suite 500 Los Angeles, CA 90045	California League of Savings Institutions	3,000.00	
Russell A. Janis, 233 No. Pleasant St., #38 Amherst, MA 01002	Trust for Public Land	200.00	80.76
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,460.00	1,460.00
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Dane B. Jaques, 1025 Thomas Jefferson Street, NW, East Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Jar-Mon Consultants, Inc, 208 N. Patrick St. Alexandria, VA 22314	American Business Council, Inc	6,000.00	
Do	American Freedom Coalition		
Do	Christian Voice, Inc	30,000.00	
Debra Levin Jardot, 1101 17th Street, NW, #501 Washington, DC 20036-4704	Disney Worldwide Services, Inc	5,000.00	
Charles W. Jarvis, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management Environmental Services, Inc		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Kevin Jefferson, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	8,994.00	
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Aerojet-General Corp	200.00	
Do	Litton Data Systems	100.00	
Do	Rotary Power International, Inc	200.00	
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	10,000.00	
David M. Jenkins II, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham Inc)		
Jenner & Block, 601 Thirteenth Street, NW, 12th Floor Washington, DC 20005	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosis		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	Dental Gold Institute		
Do	International Soc for Hybrid Microelectronics		
Do	National Glass Assn		
David M. Jennings, 115 West College Drive Marshall, MN 56258	Schwan's Sales Enterprises, Inc		
James C. Jennings, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc		
Jennifer M. Jensen, 777 North Capitol Street, NE, Suite 805 Washington, DC 20002	American Wind Energy Assn	6,120.00	65.38
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
Valerie Jewett, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	3,625.00	455.00
David C. John, 3201 Landover Street, #1212 Alexandria, VA 22305	National Association of Federal Credit Unions	1,250.00	
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,957.03	1,184.29
Carl T. Johnson, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102	Compressed Gas Assn/Helium Advisory Council		
David H. Johnson, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological & Cognitive Sciences	65.62	
Jacquelyn M. Johnson, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co	500.00	
James W. Johnson Jr., 1156 15th Street, NW, #1019 Washington, DC 20005	U.S. Beat Sugar Assn		
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Joel L. Johnson, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	1,263.00	
John W. Johnson, P.O. Box 39106 Minneapolis, MN 55439-0106	American Collectors Assn	1,000.00	
Kay Johnson, 1901 L Street, NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	791.00	
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc	2,500.00	
Michael S. Johnson, Suite 1290 East 555 13th Street, NW Washington, DC 20004	McCamish Martin & Loeffler (For:American Golf Corp)		
Do	McCamish Martin & Loeffler (For:Central & South West Corp)	40.00	
Do	McCamish Martin & Loeffler (For:Citicorp)	120.00	
Do	McCamish Martin & Loeffler (For:Electronic Data Systems Corp)	25.00	
Do	McCamish Martin & Loeffler (For:Hong Kong Trade Development Trade Council)	40.00	
Do	McCamish Martin & Loeffler (For:National Assn of Broadcasters)	1,650.00	
Do	McCamish Martin & Loeffler (For:Sematech)	25.00	
Do	McCamish Martin & Loeffler (For:United Services Automobile Assn)		
Myrna Johnson, 2025 M Street, NW Washington, DC 20036	National Public Radio	8,185.25	78.95
Rady A. Johnson, 1615 M Street, NW, Suite 200 Washington, DC 20038	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	8,541.00	202.50
Sarah Madeline Johnson, 1010 Wisconsin Ave., #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Thomas L. Johnson, P.O.Box 2185 Austin, TX 78768	Associated General Contractors of Texas		
Johnson & Gibbs, P.C., 1301 K Street, NW, #800 East Washington, DC 20005-3307	Centex Corp	34,312.50	
Do	Permanente Medical Group, Inc	18,281.25	
M.J. Johnson Company, 1951 Seville Street Santa Rosa, CA 95403	California Urchin Producers Assn		110.00
David A. Johnston, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
George A. Johnston, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	5,641.00	
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	3,600.00	17,820.55
Robert J. Johnston, 285 Cambridge Avenue Holland, MI 49423	Herman Miller, Inc		15,620.86
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,530.00	777.07
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	450.00	
Allan R. Jones, 2200 Mill Rd. Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Allison Humphreys Jones, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Wallace and Edwards (For:American Soc of Farm Managers and Rural Appraisers).		
Barbara J. Jones, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Belva W. Jones, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Ernest W. Jones Jr., 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,000.00	
Robert L. Jones, 4647 Forbes Blvd. Lanham, MD 20706	Amvets	6,800.00	6,800.00
Robin Wagner Jones, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	13,537.50	
Suzanne Jones, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	413.60	
T. Lawrence Jones, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Marsh & McLennan Cos, Inc		
Wiley N. Jones, 816 Connecticut Ave., NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	1,000.00	500.00
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Citicorp	1,449.00	24.00
Do	Cleveland Cliffs Iron Co	6,757.00	24.00
Do	County of Los Angeles	38,141.00	211.00
Do	Genetech	15,145.00	85.00
Do	GNA Corp	1,689.00	
Do	Nacco Industries, Inc	86,324.00	180.00
Do	Norwest Corp	34,204.00	3,643.00
Do	Pfizer, Inc	310.00	
Do	RJR Nabisco, Inc	10,608.00	12.00
Do	SCM Chemicals	1,035.00	16.00
Do	Trans World Airlines	1,564.00	
Do	U.S. Sprint - United Telecom, Inc	6,120.00	33.00
Do	Upjohn Company	37,640.00	150.39

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	American Stores Company		
Do	Nevada Power Company		
Do	Utah State University		
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	General Atomics		
Do	International Shipholding Corp	1,075.00	
Do	Jefferson Parish Council	262.50	
Do	Montana Sulphur & Chemical Company		
Do	Port of New Orleans	400.00	
Do	Tulane University		
Do	Turner Broadcasting System, Inc	437.50	
G. Harris Jordan, 99 Canal Center Plaza, #500 Alexandria, VA 22314	American International Automobile Dealers Assn (AIADA)	21,325.00	
James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006	Consortium for International Earth Science Info. Network	9,000.00	10,697.80
Do	Diagnostic Instrumentation & Analysis Lab at Mississippi St	1,200.00	1,200.00
Do	Polytechnic University	1,000.00	1,066.33
Jorden Schulte & Burchette, 1025 Thomas Jefferson Street, NW, #400E Washington, DC 20007	City of Gainesville		
Do	City of Newark		
Do	East Texas Electric Cooperative		
Do	Federal Agricultural Mortgage Corp		
Do	Florida Endowment Fund for Higher Education	5,986.00	287.00
Do	International Geographical Congress		
Do	Mutual Benefit Life		
Do	New York University	41,743.00	1,233.00
Do	Northeast Texas Electric Cooperative		
Do	Sabine River Authority		
Do	Tex-la Electric Cooperative of Texas, Inc		
Do	University of Medicine & Dentistry of New Jersey	5,500.00	246.00
Do	University of Miami	8,976.00	409.00
Do	University of Tulsa	23,711.00	1,145.00
David C. Jory, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	5,000.00	
Robert G. Josephs, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council	2,300.00	
Diana Jost, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	1,007.00	
John J. Joyce, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	3,000.00	
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
John Steven Judge, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	2,262.00	
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	American Express Co	15,000.00	2,368.20
Do	Hotel Employees & Restaurant Employees Int'l Union	43,125.00	4,006.43
Do	International Speedway Corp	9,000.00	
Do	National Academies of Practice		
Do	Stock Information Group	15,000.00	
Do	U.S. Telephone Assn		
Melissa J. Kahn, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Walter Kallaur, 801 Pennsylvania Ave.,NW, Suite 700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	1,250.00	
John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,500.00	
Thomas J. Kane Jr., 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	175.32
Gerald Kaplan, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Lucille R. Kaplan, 19064 Highstream Drive Germantown, MD 20874	Committee for Humane Legislation	1,153.85	146.07
Amy L. Kardell, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	900.00	
Phillip J. Kardis, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	3,000.00	1,591.98
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	9,692.34	
Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	10,177.00	
Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797	National Truck Equipment Assn	3,750.00	160.78
Alyce Katayama, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,500.00	72.00
Katten Muchin Zavis & Dombroff, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	American Medical Directors Assn	5,169.75	1,780.14
Do	Amersham	2,681.25	919.32
Do	Associated Aviation Underwriters		
Do	Baxter Healthcare Corporation	2,973.75	1,019.61
Do	Consolidated Natural Gas Service Co, Inc	1,650.00	668.60
Do	Electric Generation Association	6,142.50	2,076.09
Do	Fujisawa USA, Inc	7,848.75	2,691.11
Do	Intercargo Insurance Co	14,283.75	4,897.49
Do	National Assn of Independent Colleges & Universities	4,826.25	1,654.78
Do	Natural Gas Vehicle Coalition	26,325.00	11,171.10
Do	Northwestern Memorial Hospital	3,120.00	1,069.76
Do	NutraSweet Co	9,165.00	3,142.42
Do	Saginaw Community Hospital	4,276.50	1,532.56
Do	G.D. Searle	8,433.75	2,891.69
Paul C. Katz, 1709 New York Avenue, NW Washington, DC 20006	Savings and Community Bankers of America	8,750.00	501.67
Robert C. Kaufmann, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Ghana R. Kaulius, 1942 Broadway, Suite 400 Boulder, CO 80302	Hill & Knowlton (For:ASSE International)		
Do	Hill & Knowlton (For:Colorado State University)	2,000.00	
Do	Hill & Knowlton (For:San Pellegrino)	1,250.00	
Do	Hill & Knowlton (For:Tera Computer Company)		
Everett E. Kavanaugh, 1101 - 17th Street, NW, #300 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc	1,500.00	25.00
Paul F. Kavanaugh, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc		
Edward M. Kavjian, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	991.89
Thomas O. Kay, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Kay Associates	17,500.00	
George R. Kaye, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Benjamin Moore & Co		
Do	Jonsson Communications Corporation		
Do	Kraft, Inc	15,996.11	17,416.75
Do	Londontown Corporation		
Do	Morgan Guaranty Trust Co of New York	4,584.75	4,584.75
Do	Pepsico		
Do	Spanish Broadcasting System		
Do	Texaco, Inc		
Do	United Television, Inc		1,879.60
Judith A. Kearse, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corp	229.64	
Richard F. Keating, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		82,880.00
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	Indeck Energy Services, Inc		
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	Keefe Company (For:Alarm Industry Communications Committee)		
Do	TKC International (For:Mexican Dept of Commerce & Industrial Development)		
Do	Keefe Co (For:Sanders Associates, Inc)		
Jennifer L. Keehan, 1901 Pennsylvania Ave, NW 10th Floor Washington, DC 20006	International Mass Retail Assn		
J. Michael Keeling, ESOP Association 1100 17th Steet, NW, #1207 Washington, DC 20036	ESOP Association of America		
John R. Keeling, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,091.25	329.53
Lana Keelty, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	3.50	
Melvin Keener, 1776 I Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Jane M. Keffer, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Wallace & Edwards		
Danea M. Kehoe, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	6,000.00	486.00
Beth Keifer, 750 First Street, NE, #900 Washington, DC 20002	Career College Assn, Inc	1,500.00	
Joan F. Keiser, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	35.00	
Heather Anne Keith, 3050 K Street, NW, #330 Washington, DC 20007	National Club Association	1,750.00	20.00
William D. Kelleher, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
August Keller, Signature Place II 14785 Preston Road, Suite 1100 Dallas, TX 75240	North American Coal Corporation	24,375.00	9,935.00
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Specialty Advertising Assn Int'l	1,960.00	215.00
John T. Kelley, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
W. Curtis Kelley, 1150 17th Street, NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	3,437.50	
Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037	Besicorp Group, Inc		
Do	Coalition to Preserve the Low Income Housing Tax Credit	2,000.00	
Do	Council for Rural Housing & Development	2,000.00	
Do	Federal Legislative Associates, Inc		
Do	Institute for Responsible Housing Preservation	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Kamine Development Corp		
Do	National Leased Housing Assn	2,000.00	
Do	Shaw Pittman et al (For: Institute of International Bankers)		
Joseph T. Kelliher, 410 First St., SE Washington, DC 20003	Public Service Electric and Gas Company		
Stephen S. Kellner, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
Paulette Kellogg M., 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Association	25.00	
Burnett S. Kelly, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp	5,000.00	
Carol A. Kelly, 1620 L Street, NW, #800 Washington, DC 20036	Metopolitan Life Insurance Companies		500.00
Cynthia K. Kelly, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Donald E. Kelly, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037	Appraisal Institute	1,750.00	
Ernest B. Kelly III, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	1,254.83	56.23
John F. Kelly, 3000 K Street, NW, #906 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
Paul A. Kelly, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,050.00	622.50
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Susan N. Kelly, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Jane Kelso, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	6,574.00	
Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,473.64
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	6,000.00	
Kemper Corporation, 1 Kemper Drive Long Grove, IL 60049			
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			298.33
Kemper Investors Life Insurance Co, 120 South Lasalle Street Chicago, IL 60603			58.33
Kemper Reinsurance Company, One Kemper Drive Building 3, R-5 Long Grove, IL 60049-0015			655.23
Kemper Securities, Inc, Chicago, IL 60601			352.75
Jackson Kemper, III, 1215 Jefferson Davis Highway, #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc		
Jonathan Kempner, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	6,475.00	
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	American Water Works Service Company, Inc		
Do	ALC Communications Corp		
Do	Manville Corporation	5,000.00	
Do	Toyota Motor Sales, USA, Inc	5,000.00	
John Kendrick, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	1,595.52
Joseph W. Kennebeck, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024	Volkswagen of America, Inc	650.00	75.00
David Kennedy, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	6,250.00	1,200.46
Jerry W. Kennedy, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	General Atomics	1,662.50	234.79
Do	Pemco Aeroplex	743.75	
John Paul Kennedy, 57 W. 200 S, #400 Salt Lake City, UT 84101	Edwards McCoy & Kennedy (For:Western Shoshone Judgment Distribution Assn)		8,042.03
Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	5,050.00	617.41
Cathy Ann Kenny, c/o NYS Petroleum Council 39 Broadway, #2705 New York, NY 10006	American Petroleum Institute	130.00	
J. H. Kent, 1825 K Street, NW, #305 Washington, DC 20006	Kent & O'Connor, Inc (For:Adria Laboratories)	1,938.75	1,007.03
Do	Kent & O'Connor, Inc (For:American Soc of Plastic & Reconstructive Surgery)	3,000.00	1,643.87
Do	Kent & O'Connor, Inc (For:American Supply Association)	2,500.00	1,373.22
Do	Kent & O'Connor, Inc (For:International Assn of Airport Duty Free Stores)	4,267.50	2,288.67
Do	Liz Claiborne, Inc	4,517.50	2,380.26
Do	MBI, Inc	1,347.68	732.38
Do	Kent & O'Connor, Inc (For:National Customs Brokers & Forwarders Assn of America).	7,693.75	4,119.63
Do	Sigallo, Ltd	2,311.25	1,281.76
Do	Kent & O'Connor, Inc (For:Vista Chemical Company)	5,300.00	2,837.96
Vytautas Kerbelis, P.O. Box 336 Seal Harbor, ME 04675	ARAS		
Michael C. Kerby, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	175.32
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute	1,050.00	
Michael L. Kerley, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	7,500.00	99.00
Susan Akers Kernus, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	1,000.00	61.45
Suzanne S. Kerr, 110 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	5,413.98	
Christopher J. Kersting, 1317 F Street, NW, #550 Washington, DC 20004	Auto International Assn	30.00	23.05
Do	Coalition of Automotive Associations	140.00	60.66
Do	Specialty Equipment Market Assn	561.00	216.00
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Carolyn Kiely, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,031.25	
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	3,173.57
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,323.35	
John J. Killeen, 1101 Pennsylvania Ave. NW #400 Washington, DC 20004	Textron, Inc	600.00	150.00
William P. Killmer, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Robert H. Kim, 11290 Harbor Court Reston, VA 22091			
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Kimmitt Coates & McCarthy, Inc, 1730 M Street, NW, #911 Washington, DC 20036	Avco Research Lab, Inc		
Do	Royal Teton Ranch		
Paul E. Kindinger, 1250 I Street, NW, #801 Washington, DC 20005	Kahn Soares & Conway (For:Central Soya/Novamont)	11,462.00	21.00
Do	Kahn Soares & Conway (For:Friant Water Users Authority)	2,000.00	28.29
Do	Kahn Soares & Conway (For:National Argricultural Chemicals Assn)	3,650.00	
Aubrey C. King, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,110.00	
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	102.20
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	25,000.00	183.25
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alliance for Small Issue Bonds, Inc		
Do	Atlanta Committee for the Olympic Games (ACOG)	8,799.50	9.00
Do	Banca Nazionale del Lavoro		
Do	Carolina Power & Light Company	1,456.00	
Do	Charter Medical Corp	1,332.50	18.00
Do	Citibank		
Do	Fleet North Star Financial Group		
Do	General Electric Capital Corp	88.50	
Do	Generic Pharmaceutical Industry Assn		
Do	Geowaste Incorporated		
Do	GPIA-Animal Drug Alliance		
Do	Martin-Marietta	699.00	
Do	National Pharmaceutical Alliance		
Do	Union Camp		
Do	Woodruff Foundation		
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	Ferroalloys Association		
Do	Macalloy Corporation	3,000.00	600.00
Do	Nuclear Metals, Inc		
Do	South Carolina Research Authority	3,400.00	910.43
Kathleen N. Kingscott, 1301 K Street, NW, #1100 Washington, DC 20005	IBM Corp	67.35	12.00
Jan Kinney, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the United States	2,000.00	
Janie A. Kinney, 1500 K Street., N.W #650 Washington, DC 20005	Glaxo, Inc	3,000.00	
Richard J. Kinney, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough Corp	11,000.00	2,242.42
Brian J. Kinsella, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Association	1,108.80	
Walter M. Kiplinger, 901 15th Street, NW, #250 Washington, DC 20005	American Foundrymens Society, Inc	1,050.00	10.00
Michael G. Kirby, 2010 Corporate Ridge, #700 McLean, VA 22102	Capital Partnerships, Inc (For:Magnum Power Systems, Ltd)		
Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	13,669.00	2,877.33
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Raissa V. Kirk, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Sharon Kirk, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Kirkpatrick & Lockhart, 1800 M Street, NW, South Lobby, #900 Washington, DC 20036	Allegheny Ludlum Corporation	32.50	
Do	Associated Credit Bureaus	2,470.00	
Do	Dykema Gossett	1,125.00	370.37
Do	Glendale Federal Savings Bank	715.00	150.00
Do	Institute of International Bankers	1,072.50	
Do	Investment Company Institute	325.00	
Walter B. Kirkwood, 111 Monument Circle Indianapolis, IN 46277	Banc One Corp	11,563.00	6,964.41
Kirlin Campbell & Keating, One Farragut Square South Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn		1,212.25
Robert A. Kirshner, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	500.00	
Marie Kissel, 1620 Eye Street, NW, Suite 1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Sealaska Corporation)	63,875.00	24,609.21

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Kito, Inc (For:Southeast Alaska Landless Native Coalition)	15,000.00	3,368.82
Frank D. Kittredge, 1625 K Street, NW Washington, DC 20006	National Foreign Trade Council	6,000.00	1,100.00
Sandra D. Kjellberg, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	3,550.98	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	4,226.00	
Andre M. Kliczak, 1202 Sweeney Drive, #8 Middleton, WI 53562			
Michael R. Klipper, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	3,000.00	
William C. Klostermeyer, 918 16th Street, NW, #401 Washington, DC 20006-2993	Bookman-Edmonston Engineering, Inc	4,300.00	
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
James E. Kneale, 2335 South Meade St. Arlington, VA 22202	Lockheed Corporation	4,000.00	452.78
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress	405.00	14.00
Anthony J. Knettel, 1400 L Street, NW, #350 Washington, DC 20005	Erisa Industry Committee	3,300.00	30.00
Knights of Columbus, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004-2404			9,374.73
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress	48.00	19.25
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	1,811.02
Patricia C. Kobor, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,535.00	19.65
Karil L. Kochenderfer, 1801 K Street, NW, #900K Washington, DC 20036	American Textile Manufacturers Institute, Inc		
David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Howard Kohr, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	8,675.00	19.89
James P. Kolb Jr., 101 Constitution Ave, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	9,725.04	128.60
Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center		58.75
David Kolker, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	39,656.25	8,433.25
Do	Spiegel & McDiarmid (For:Guam Power Authority)		
Stephen Koplan, 1401 Eye Street, NW, Suite 1220 Washington, DC 20004-2204	Joseph E. Seagram & Sons, Inc	2,000.00	
Ronald W. Kosh, 12600 Fair Lakes Circle Fairfax, VA 22033-4900	AAA Potomac		
Michael V. Kostiw, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco Inc	250.00	
Barbara M. Kostuk, 1025 Thomas Jefferson Street, NW, #511 Washington, DC 20007	LTV Corp	1,575.00	150.00
Anil Kothari, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc		
Gerald J. Kovach, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp		
Jermone J. Kozak, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Malcolm A. Kram, 1101 Vermont Avenue, #710 Washington, DC 20005	American Veterinary Medical Assn	60.00	
Andrea S. Kramer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Alan M. Kranowitz, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Barry Krasner, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	421.28	
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert S. Krebs, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		75.00
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Steven L. Kreseski, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn	2,000.00	50.00
Van Z. Krikorian, 122 C Street, NW #350 Washington, DC 20001	Armenian Assembly of America		
Victor Krohn, 100 N. Brand Ave., S-502 Glendale, CA 91203	Citizens for an Alternative Tax System	186.57	
Keith R. Krueger, 1555 Connecticut Avenue, NW, #200 Washington, DC 20036	U.S. West Communications	12,000.00	1,548.69
Paul C. Kruger, 730 Fairlawn Dr. Columbus, OH 43214	Criminal Justice Oversight Committee		
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Ronald W. Kuehn, 2 East Mifflin Street, #600 Madison, WI 53703	DeWitt Porter Huggett Schumacher & Morgan, SC (For:Becker CPA Review Courses).		
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	Northwest Independent Forest Manufacturers	1,568.00	405.00
Jake Kuitwaard, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,798.54
Kathleen M. Kulesher, 1821 Michael Faraday Drive, #400 Reston, VA 22090	National Wholesale Druggists' Assn		
Stuart S. Kurlander, 1101 17th Street, NW, Suite 1000 Washington, DC 20036	American Physical Therapy Assn-Private Practice Section		
Ruth M. Kurtz, 5517 Chevy Chase Pkwy., NW Washington, DC 20015	Coordinadora de Organizaciones Empresariales de Comercio Ext	5,625.00	471.35
Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001	American Israel Public Affairs Comm	29,743.00	557.28
Peter Dev Kurze, 1843 Mintwood Place, NW, #110 Washington, DC 20009	Daimler-Benz Washington, Inc		
John R. Kyte, 1455 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	New England Council, Inc		
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005		389.10	389.10
Labor-Management Maritime Committee, Inc, 444 N. Capitol Street #801 Washington, DC 20001		9,658.00	5,223.00
Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Marc E. Lackritz, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	6,346.00	
Richard L. Ladd, 1 Massachusetts Ave. NW, #800 Washington, DC 20001	Allied-Signal Aerospace Co, Inc	1,848.48	1,746.46
Robert A. Ladig, Scott Plaza Philadelphia, PA 19113	Scott Paper Co	850.00	248.18
Myron F. Laible, 1212 New York Ave., NW #1210 Washington, DC 20005	Outdoor Advertising Assn of America, Inc		
Betsy Laird, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors	2,500.00	
Nick L. Laird, 1050 17th Street, NW, #550 Washington, DC 20036	Electric Reliability Coalition		
David N. Lakin, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation	1,883.00	
David F. Lambert III, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	500.00	
Robert Joseph Lamoureux, 1735 Jefferson Davis Highway Arlington, VA 22202	McDonnell Douglas Corp	867.78	
Jennifer Lamson, 2030 M Street, NW Washington, DC 20036	Common Cause	7,250.04	245.97
Ray H. Lancaster, 555 13th Street, NW, #430 West Washington, DC 20004	Texas Gas Transmission Corp	3,000.00	198.79
Jill Lancelot, 7100 Sycamore Avenue Takoma Park, MD 20912	National Taxpayers Union	6,461.00	
Dina Moses Land, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	500.00	
L. Charles Landgraf, 1875 Connecticut Avenue, NW Washington, DC 20009-5728	Leboeuf Lamb Leiby & MacRae		
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,300.00	
Adrienne C. Lang, 1101 Vermont Ave, NW, #606 Washington, DC 20005	American Soc of Anesthesiologists	15,000.00	
Robert K. Lange, 1700 N. Moore St., #2120 Arlington, VA 22209	Boeing Company	9,180.00	1,063.89
Marily J. Langill, 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Roger W. Langsdorf, 1600 M Street, NW Washington, DC 20036	ITT Corporation	5,000.00	10.00
Robin W. Lanier, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	International Mass Retail Assn	9,000.00	
Fern M. Lapidus, 6736 Hillandale Road Chevy Chase, MD 20815	Association of Proprietary Colleges	12,000.00	811.42
Do	Education Legislative Services, Inc	4,000.00	258.64
Do	New York City Partnership, Inc	6,000.00	606.21
Peter J. Larkin, 800 Connecticut Avenue, NW, Washington, DC 20006	Food Marketing Institute	200.00	
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	545.00	
Christopher D. Larsen, 412 First Street, SE., #300 Washington, DC 20003	Independent Insurance Agents of America, Inc (IIAA)	15,250.00	
Mary Ellen Larson, 1513 16th Sreet, NW Washington, DC 20036	Air Conditioning Contractors of America	1,300.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Glasstech, Inc	6,000.00	2,661.11
Karl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	297.96
Nicole Laughlin, 444 North Capitol Street, #711 Washington, DC 20001	Dallas Area Rapid Transit	500.00	
Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores, Inc	500.00	
Elizabeth Kepley Law, 700 13th Street, NW, #500 Washington, DC 20005	Focus on the Family	11,323.00	
Jonathan Lawniczak, 1331 F St. , NW, Washington, DC 20005	National Council of Senior Citizens	5,000.00	
M. S. Lawrence, 40 Franklin Rd, SW P.O. 2021 Roanoke, VA 24022	Appalachian Power Company	403.12	504.63
Bob Lawrence & Associates, 803 Prince St. Alexandria, VA 22314	Arctic Slope Consulting Group	5,541.00	300.00
Do	Energy Partners	5,000.00	2,900.00
Do	Exergy, Inc	12,750.00	1,950.00
Do	Lessees of the Municipal Fish Wharf	7,900.00	1,700.00
Keith Lawson, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	173.07	
Richard C. Lawson, 1300 I Street, NW, Suite 250 West Washington, DC 20005	Hoffman-La Roche, Inc		
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	3,750.00	
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Bodie Consolidated Mining Company	1,100.00	
Do	Lamb-Weston, Inc	2,100.00	
Do	Mesa Limited Partnership	2,000.00	
Do	Milliken & Company	2,560.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Do	Natural Gas Vehicle Coalition	2,560.00	
Do	Shernoff Bidart & Darras		
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	Burlington Northern Railroad	2,000.00	
Do	CSX Corporation	7,500.00	
Do	Generic Pharmaceutical Industry Assn, et al.	5,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Harvey's Resort Hotel/Casino	2,000.00	
Do	Home Finance Coalition	5,000.00	
Do	Martin Marietta Corp	2,000.00	
Do	Milliken & Company	2,500.00	
Do	OPTUR		
Do	Standard Federal Savings Bank	5,000.00	
Do	Transcontinental Properties, Inc	2,000.00	
Randall R. LaBauve, P.O. Box 61000 New Orleans, LA 70161	Entergy Services, Inc	2,100.00	156.45
Wayne R. LaPierre Jr., 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	3,570.00	2,000.00
Clifford C. LaPlante, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	1,850.00	
Joan H. LaVor, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Laurel Leach, 119 Oronoco Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute		
League to Save Lake Tahoe, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150		500.00	232.87
Edward R. Leahy, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Chicago Board Options Exchange)		
Bruce Lear, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	6,706.25	376.54
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable		
Richard J. Lease, 2145 Boise Drive Las Cruces, NM 88001			
Marvin Leath, One Massachusetts Ave, #330 Washington, DC 20001	FMC Corp	3,000.00	
Do	General Dynamics Corp	3,000.00	
Do	Martin Marietta Corp	3,000.00	
Do	National Guard Assn	2,000.00	
Do	National Soft Drink Assn	3,000.00	
Do	Textron, Inc	3,000.00	
Wendy Lechner, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	100.00
Gerard Lavery Lederer, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	1,000.00	
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Preston V. Lee Jr., 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20077	Federal Home Loan Mortgage Corp	8,125.00	5,024.70
Peter A. Lefkin, 1730 Rhode Island Ave., NW, #1117 Washington, DC 20036	Fireman's Fund Insurance Cos	4,500.00	3,252.59
Marsha P. Lefkovits, 530 N Street, SW, Apt. S908 Washington, DC 20024	RJR Nabisco	1,400.00	150.14
Mary James Legatski, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	500.00	9.00
J. Mark Leggett, NationsBank Corporation One NationsBank Plaza (T22-1) Charlotte, NC 28255	NationsBank Corporation		2,672.01
Legislative Strategies, 1025 Thomas Jefferson Street, NW, #700-E Washington, DC 20007	American Independent Refiners Assn		
Do	Berry Petroleum Company	1,348.50	515.39
Do	Calcasieu Refining Company	1,348.50	515.39
Do	Consolidated Natural Gas Service Co, Inc	813.75	311.01
Do	Huntway Refining Company	1,348.50	515.39
Do	Hydro Coalition	1,860.00	710.88
Do	Laketon Refining Company	1,348.50	515.39
Do	Natural Gas Vehicle Coalition		
Do	State of New Mexico (Natural Gas Programs)		
Do	SEC Donohue	1,860.00	710.88
Do	U.S. Oil and Refining Company	1,348.50	515.39
Jack Legler, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Mary Nell Lehnhard, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	2,071.00	4.50
Arnold H. Leibowitz, 818 Connecticut Avenue, NW #700 Washington, DC 20006	Cameron & Hornbostel (For:Hebrew Immigrant Aid Society (HIAS))	29,400.00	3,551.00
Warren R. Leiden, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	5,100.00	36.00
G. Timothy Leighton, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Dairy Products Institute		
Do	Cordage Institute		
Do	Visiting Nurse Assn of America	1,000.00	
Sarah Elizabeth Leitner, 11166 Main Street, Suite 302 Fairfax, VA 22030	Senior Coalition	393.75	26.24
Joseph L. Leitzinger, 1201 Third Ave., #4900 Seattle, WA 98101-3009	Simpson Investment Co	2,730.00	2,307.00
Robert A. Lembo, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Lynette Lenard, 1350 Connecticut Avenue, NW, #1101 Washington, DC 20036	Browning-Ferris Industries	3,000.00	300.00
David J. Lennett, P.O. Box 71 Litchfield, ME 04350	Environmental Defense Fund	1,600.00	250.00
Do	National Audubon Society	650.00	150.00
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,525.00	2,380.08
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	678.00	835.75
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	9,703.51	333.15
Lepon McCarthy Jutkowitz & Holzworth, 1146 19th Street, NW, Third Floor Washington, DC 20036	Chilean Exporters' Assn		
Do	Scandinavian Airlines System		
Charles Leppert Jr., 801 Pennsylvania Avenue, NW, #720 Washington, DC 20004-2360	Procter & Gamble Co	102.71	
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce		
William Gene Lesher, 1919 South Eads Street, Suite 103 Arlington, VA 22202-3028	Lesher & Russell, Inc		
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	4,090.00	
Gilbert B. Lessenco, 1025 Connecticut Ave., NW #500 Washington, DC 20036	Semmes Bowen & Semmes (For:Graco, Inc)	160.00	
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,978.55	339.00
Nancy R. Levenson, 1401 Eye Street, NW, #1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	1,000.00	
Robert B. Levethal, 1150 17th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Betsy Levin, 1201 Connecticut Avenue, NW, #800 Washington, DC 20036	Association of American Law Schools		
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Persis Corporation	1,000.00	
Peter Levine, 2030 M Street, NW Washington, DC 20036	Common Cause	5,400.00	
David R. Levinson, 1133 15th Street, NW, #1200 Washington, DC 20005	Office & Professional Employees Intl Union, Local 2, AFL-CIO		
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Companies	4,000.00	
Howard Lewis, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	1,000.00	100.00
Raymond A. Lewis, 815 Connecticit Ave., NW, #800 Washington, DC 20006	American Methanol Institute	3,000.00	849.00
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Robert J. Lewis, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,475.00	
Turna R. Lewis, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn		
William H. Lewis, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	U.S. Gypsum Co	1,000.00	50.00
L.R. Lewis & Associates, 7035 Chesley Search Way Alexandria, VA 22310-4754	National Cooperative Bank	28,125.00	650.00
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	5,615.09	
LeBoeuf Lamb Leiby & MacRae, 1875 Connecticut Avenue, NW Washington, DC 20009	Federal Employees Tax Group		
Do	Feibel-Garek Realtors/Environmental Standard Group		
Do	Maritrans Operating Partners, L.P.		
Do	Mirage Resorts, Inc		
Do	National Assn of Chemical Recyclers (NACR)		
Do	Underwriters at Lloyd's London		
Lynn H. LeMaster, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	3,957.25	193.44
Roger J. LeMaster, 1001 Pennsylvania Ave., NW, Washington, DC 20004	American Council of Life Insurance, Inc	3,500.00	
William J. Lhota, One Riverside Plaza Columbus, OH 43215	American Electric Power Service Corp		
Fern Z. Liang, 4630 Montgomery Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists	3,270.00	
Jack W. Liddle, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	180.00	569.28
Robert Y. Lider, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	3,000.00	
Richard A. Lidinsky Jr., 700 13th Street, NW, #220 Washington, DC 20005	Sea Containers America, Inc		
Diane S. Liebman, 1331 Pennsylvania Avenue, NW, #560 S Washington, DC 20004	CSX Corporation	4,500.00	41.97
Jennifer S. Lim, 1101 Vermont Avenue NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			4,561.00
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70114	Southern Forest Products Assn	2,625.00	
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill & Knowlton (For:American Public Transit Assn)	187.50	
Do	Hill & Knowlton (For:Nintendo of America, Inc)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)	731.25	
Kathleen M. Linehan, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	5,500.00	75.00
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Wisconsin Electric Power Co		
Lipe Green Paschal Trump & Gourley, P.C., 2100 Mid-Continent Tower 401 South Boston Avenue Tulsa, OK 74103	Thrifty Rent-A-Car System, Inc		
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Lisboa Associates, Inc, 1317 F St., NW, #202 Washington, DC 20004	University of the Virgin Islands		
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	2,000.00	
Charles B. Little, 820 First St., NE, #400 Washington, DC 20002	UBA, Inc	1,000.00	
William F. Little, 1350 I Street, NW, #1000 Washington, DC 20007	Ford Motor Co	520.00	622.30
Little Sandy Hunting & Fishing Club, P.O.Box 6950 Longview, TX 75608			20.65
Roy E. Littlefield III, 1707 Pepper Tree Court Bowie, MD 20716	American Retreaders' Assn	250.00	
Do	Greater Washington/Maryland Service Station Assn	250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
E. Geoffrey Littlehale, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	2,000.00	
David A. Litvin, 1600 M Street, NW, #700 Washington, DC 20036	Kennecott Corporation	750.00	275.00
E. F. Livaudais Jr., 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Robert W. Lively, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough	7,260.00	4,354.55
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64153		33,500.00	15,675.00
Wingate Lloyd, 1600 M Street, NW Washington, DC 20036	ITT Corp	1,000.00	100.00
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	Biocraft Laboratories, Inc		
Do	Generic Pharmaceutical Industry Assn	11,100.00	110.76
Do	San Francisco Bay Guardian		
Michael A. Lobue, 1333 New Hampshire, NW Washington, DC 20036	Atlantic Richfield Co	75.00	
Paul Locigno, 2001 M Street NW Washington, DC 20036	Capitoline International Group Ltd (For:City of America)		
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Colton Communities, Inc)		
Do	Hecht Spencer & Associates (For:General Atomics)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Debbie E. Locker, P.O. Box 4227 Tampa, FL 33677-4227	St. Joseph's Hospital	6,749.50	
Stephen G. Lodge, 7900 Westpark Drive, #A-320 McLean, VA 22102	National Confectioners Assn	300.00	100.00
Thomas G. Loeffler, Suite 1290 East 555 - 13th Street, NW Washington, DC 20004	McCamish Martin & Loeffler (For:American Golf Corp)		
Do	McCamish Martin Brown & Loeffler (For:Central & South West Corp)	200.00	
Do	McCamish Martin Brown & Loeffler (For:Citicorp)	200.00	
Do	McCamish Martin Brown & Loeffler (For:Electronic Data Systems Corp)		
Do	McCamish Martin Brown & Loeffler (For:Hong Kong Trade Development Council)		
Do	McCamish Martin Brown & Loeffler (For:National Assn of Broadcasters)	3,600.00	
Do	McCamish Martin Brown & Loeffler (For:Sematech)		
Do	McCamish Martin Brown & Loeffler (For:United Services Automobile Assn)		
William E. Loftus, 2000 Massachusetts Ave., NW Washington, DC 20036	American Short Line Railroad Assn		100.00
London & Satagaj, 1156 15th Street, NW, #510 Washington, DC 20005	Jewelers of America	6,000.00	
Do	National Home Furnishings Assn	6,000.00	
Do	Small Business Legislative Council	6,000.00	
G. Thomas Long, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn	1,820.00	63.56
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware).	256.00	
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	304.00	
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers	390.00	
Robert S. Long, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	8,300.00	699.45
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Employee Stock Ownership Assn		
Do	Greater New York Hospital Assn		
Do	Island Creek Corp	4,000.00	481.11
Do	Medical Infusion Management, Inc	5,000.00	1,565.05
Do	Metropolitan Life Insurance Co		
Do	MicroGeneSys, Inc	3,200.00	1,191.57
Do	Milliken & Co		
Do	Natural Gas Vehicle Coalition	6,200.00	1,045.93
Do	United Companies Financial Corp	1,200.00	280.66
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		
Ann Looper, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects		
Gerald D. Lore, 1300 I St., NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc		
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	2,000.00	280.00
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al.	15,062.00	4,647.55
Franklin W. Losey, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	1,000.00	
Bill Loughrey, One Technology Parkway Box 105600 Atlanta, GA 30348	Scientific-Atlanta	1,200.00	
Timothy Lovain, 3713 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
Darrcy A. Loveland, 3 Rockledge Road Laguna Beach, CA 92651	American Art Therapy Assn	1,074.75	432.85
Do	American Dance Therapy Assn	1,535.25	432.85
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
James Lovell, 20361 Middlebelt Livonia, MI 48152	National Hearing Aid Society		
Monica M. Lovell, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Mark A. Lowman, 1201 K Street, #800 Sacramento, CA 95814	California Assn of Hospitals and Health Systems	10,000.00	9,435.00
Amy Loy, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
P. Vincent LoVoi, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	5,000.00	
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO).	10,000.00	500.00
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	12,400.44	81.31
Mrs. Freddie H. Lucas, 1660 L St., NW, Suite 400 Washington, DC 20036	General Motors Corp	3,000.00	1,025.92
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	15.00
Michael S. Lucy, One Bowdoin Square Boston, MA 02114	J. Makowski Associates, Inc		
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of the Republic of Djibouti)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	9,000.00	195.19
Mary Riddle Ludke, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron USA, Inc	450.00	95.00
Leslie G. Ludwick, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Carolyn A. Lugbill, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)		
David R. Lukens, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Sylvester Lukis, One East Lenox Street Chevy Chase, MD 20815	Brevard County	9,000.00	
Do	City of Miami	15,000.00	
Do	City of Miami Beach	13,749.00	
Do	City of Palm Springs	6,000.00	
Do	Dade County, Florida	23,124.00	
Do	Florida Medical Center	15,000.00	
Do	School Board of Dade County, Florida	11,000.00	
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			4,341.68
Lund & O'Brien, 1825 K St., NW, #1010 Washington, DC 20006	Pennsylvania Mines Corporation	1,152.00	42.26
Do	Pennsylvania Power & Light Co	2,160.00	221.03
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	3,000.00	
Judith W. Luno, 555 13th Street, NW, Ste. 300W Washington, DC 20004	Interstate Natural Gas Assn of America	1,000.00	
Beth Lyle-Durham, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	551.00	
Marshall L. Lynam, 101 D Street SE Washington, DC 20003	Dallas/Ft. Worth International Airport	20,000.00	
Do	Tandy Corp	10,500.00	
David H. Lynch, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Timothy P. Lynch, 1600 Wilson Blvd. #807 Arlington, VA 22209	Roadway Services, Inc	500.00	200.00
LDDS Communications, Inc, 1825 I Street, Nw, #400 Washington, DC 20006			72.50
M.O.A.A.I.O.A. & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			
Robert A. Macari, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Cablevision		
Do	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Do	Coffield Ungaretti Harris & Slavin (For:Metropolitan Mutual Life Insurance Co)	7,500.00	
Do	MMW Strategic Communications (For:Puerto Ricans in Civic Action)		
Do	Coffield Ungaretti Harris & Slavin (For:Smokeless Tobacco Council, Inc)	21,250.00	
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	AMT - The Assn for Manufacturing Technology	25,949.00	500.00
Robb S. Mackie II, 1004 Duke Street Alexandria, VA 22314	Associated General Contractors of America	3,000.00	500.00
Robert A. Macrory, c/o Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36103-4220	American Petroleum Institute	1,930.00	1,093.90
Mark MacCarthy, 6305 32nd Street, NW Washington, DC 20015	Capital Cities/ABC, Inc	2,223.00	
Timothy MacCarthy, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	15,000.00	
Gordan D. MacKay, 501 Boylston Street Boston, MA 02117	New England Mutual Life Insurance Co, ('The New England')	2,125.00	
Madison Public Affairs Group/Earle Palmer Brown, 2033 M Street, NW, #900 Washington, DC 20036	General Electric Government Services	3,400.00	196.13
Do	General Public Utilities	2,000.00	34.44
Do	Kraft General Foods	5,400.00	1,088.29

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Power	2,100.00	169.78
Do	Northern States Power Company	9,640.00	566.64
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	7,000.00	
Magic Line, Inc, 23400 Michigan Avenue Dearborn, MI 48124-1999			
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	880.24
Paul J. Magliocchetti, 2001 Jefferson Davis Highway Crystal Plaza I, Suite 405 Arlington, VA 22202	Foundation Health Corp		
Do	Paul J. Magliocchetti Associates, Inc (For:Hughes Aircraft Company)		
Paul Magliocchetti Associates, Inc, 2001 Jefferson Davis Highway Crystal Plaza I, #405 Arlington, VA 22202	Bath Iron Works Corp		
Do	Chamberlain Manufacturing Corp		
Do	Diagonstic Retrieval Systems, Inc		
Do	Dynamics Research Corp		
Do	Electronic Warfare Associates, Inc		
Do	Era Aviation Services		
Do	Grumman Corporation		
Do	Laurel Technologies, Inc		
Do	Medco Containment Services, Inc		
Do	MIC Industries, Inc		
Do	Orange Shipbuilding Co, Inc		
Do	Schat-Watercraft		
Do	Schweizer Aircraft Corp		
Do	Short Brothers (USA), Inc		
Do	Technology Applications and Service Co		
Do	Textron, Inc		
Do	Trans-Marine Management Corporation		
Do	Trinity Marine Group		
A. John Maguire, 1521 New Hampshire Avenue, NW Washington, DC 20036-1205	National Cotton Council of America	26,250.00	1,282.39
David L. Mahan, 1133 Connecticut Ave., NW Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Do	DGA International, Inc (For:Sofreavia)		
Jean Mahan, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,090.00	
Alisa Learner Maher, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	501.00
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
Walter B. Maher, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	1,998.00	593.00
Michael C. Maibach, Intel Corporation, Government Affairs 1825 I Street, NW, Suite 400 Washington, DC 20006	Intel Corporation	23,800.00	3,628.81
Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022			
Michelle Mallory, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Claudia Malloy, 2030 M Street, NW Washington, DC 20036	Common Cause	5,375.04	192.60
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	1,765.99
Manatt Phelps Phillips & Kantor, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Akhiok-Kaguyak, Inc		
Do	Appraisal Institute	825.00	
Do	Barr Laboratories	161.25	
Do	Bowling Proprietors Assn of America	376.25	
Do	California League of Savings Institutions	1,537.50	99.59
Do	Chemical Bank	460.00	
Do	City of Hope	860.00	35.50
Do	Coalition for Continued Correctional Education		
Do	EDU-DYNE Systems, Inc		
Do	Federal Express Corp	10,102.50	3.50
Do	General Electric, et al.		
Do	L.A. Gear, Inc	215.00	51.08
Do	Money Store	2,681.25	31.00
Do	National Cable Television Assn, Inc	13,767.50	119.76
Do	NEC Corporation	430.00	
Do	Phillip Morris, Inc	19,962.50	233.64
Do	Santa Fe Railroad		
Do	Thomas Cook, et al.		
Do	United Airlines, Inc		
Diane S. Mand, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	15,271.26	67.10
Ted Maness, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	9,875.00	260.62
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton (For:Sallie Mae)		
Jennifer A. Mann, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Julie E. Mann, 918 16th Street, NW, Suite 402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	375.00
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Television Operators Caucus)		
Do	Hill & Knowlton, Inc (For:Thomson Consumer Electronics, Inc)		
Cynthia Mansfield, 801 Pennsylvania Ave., NW, Suite 310 Washington, DC 20004	GPU Service Corporation	21,834.00	432.35
Margaret A. Manthe, P.O. Box 16614 Arlington, VA 22215	National Steel & Shipbuilding Co	1,019.66	42.84
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			17,163.21
Albert Manville II, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	658.26	
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert Y. Maples, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	790.00	160.00
Marc Associates, Inc, 1101 17th Street, NW, #803 Washington, DC 20036-4704	Affiliated Leadership League of & for the Blind		
Do	American Assn of Colleges of Osteopathic Medicine	1,666.00	
Do	American College of Foot Surgeons	2,500.00	
Do	American Lithotripsy Society		
Do	American Soc for Gastrointestinal Endoscopy	2,500.00	
Do	American Soc of Anesthesiologists	14,800.00	
Do	American Soc of Clinical Pathology	5,000.00	
Do	American Soc of Hematology	1,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	5,500.00	
Do	Health Industry Manufacturers Assn (HME)	21,000.00	
Do	Health Industry Manufacturers Assn (IOL)	9,000.00	
Do	Health Industry Manufacturers Association	7,500.00	
Do	Helen Keller National Center	250.00	
Do	International Society for Cardiovascular Surgery/Soc Vas Sur	4,500.00	
Do	Los Angeles County Transportation Commission		
Do	Merck Sharp and Dohme	1,000.00	
Do	National Assn of Epilipsy Centers	2,000.00	
Do	National Coalition on Immune System Disorders		
Do	National Hemophilia Foundation	4,000.00	
Do	NI Industries	9,000.00	
Do	Recording for the Blind, Inc	1,000.00	
Do	Research Society on Alcoholism	2,000.00	
Do	Society of Geriatric Opthalmology		
William G. Margaritis, 1747 Pennsylvania Ave., NW, 3rd Flr Washington, DC 20006	Occidental Chemical Corp		
Marine Spill Response Corporation, 1350 I Street, NW, Suite 300 Washington, DC 20005			2,847.64
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			22,003.91
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Alaska Electric Light & Power Company		
Do	Copper Valley Electric Assn	10,000.00	88.85
Do	INN Electric Cooperative	10,000.00	
Do	Kotzbue Electric Association	3,200.00	49.48
Marc L. Marks, 1227 25th Street, NW Washington, DC 20037	Westinghouse Electric Corp		
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	Coalition to Keep Alaska Oil	1,212.50	9.00
Do	End Notch Discrimination	450.00	
Do	Graphic Artists Guild	100.00	
Do	Independent Pilots Assn	250.00	10.00
Do	National Society of Fund Raising Executives	675.00	10.00
Julie Marsh, 2030 M Street, NW Washington, DC 20036	Common Cause	4,040.02	
C. Travis Marshall, 1350 Eye Street, NW, #400 Washington, DC 20005	Motorola, Inc		
Catherine A. Marshall, 2001 M Street, NW Washington, DC 20036	Capitoline International Group, Ltd. (For:Professional Lawn Care Assn of America).		
Do	Capitoline International Group, Ltd (For:Scott Paper Company)		
Lynn Martenstein, 1250 Connecticut Avenue, NW Washinhton, DC 20036	American Paper Institute, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	5,000.00	
David F. Martin, Plumbing Manufacturers Institute 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209	CM Services, Inc.	500.00	
Fred J. Martin Jr., 1101 17th Street, NW, #1002 Washington, DC 20036	Bank of America	10,456.50	8,981.36
Katherine E. Martin, 50 F Street, NW Washington, DC 20001	Association of American Railroads	714.75	125.74
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Stan Martin, 7101 Wisconsin Avenue, #1390 Bethesda, MD 20814	National Burglar and Fire Alarm Assn		
Susan Roeder Martin, 700 Universe Boulevard, Rm. 3074 Juno, FL 33408	Florida Power & Light Co	82.50	
Antonio C. Martinez II, 224 West 14th Street, #2A New York, NY 10014-5003			
Michael Marvin, 777 North Capitol Street, NE, Suite 805 Washington, DC 20002	American Wind Energy Assn	16,000.00	410.28
Robert A. Marzocchi, P.O. Box 1615 15 Mountain Veiw Road Warren, NJ 07061-1615	Chubb & Son, Inc		
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,912.50	135.84
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	9,000.00	75.00
Scott D. Mason, 1535 Oronoco Alexandria, VA 22314	Beer Drinkers of America Legislative Action Committee		
Daniel J. Massey, Huntington Center 41 South High Street Columbus, OH 43215-3406	Centerior Energy Corp		
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Liberal Democratic Federation of Hong Kong)		
Jacquelyn Massey, 3138 North 10th Street Arlington, VA 22201	National Association of Federal Credit Unions	1,250.00	
James D. Massie, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates	1,250.00	
Sandra Masur, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company		
Mary Cheryl Matheis, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	790.30	87.19
Dawson Mathis, 1900 L Street, NW, #250 Washington, DC 20036	Dawson Mathis and Associates (For:AT&T)	1,000.00	
Do	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	7,500.00	
Do	Dawson Mathis and Associates (For:Metropolitan Insurance Company)	500.00	
Do	United Parcel Service	3,000.00	
Dawson Mathis & Associates, 1900 L Street, NW Suite 300 Washington, DC 20036	AT&T	1,000.00	
Do	Massachusetts Mutual Life Insurance Co	7,500.00	
Do	Metropolitan Insurance Company	2,500.00	
Charles D. Matthews, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn		
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,348.63	
Suzette Matthews, Arlington Courthouse Plaza II 2300 Clarendon Boulevard, #711 Arlington, VA 22201	Air Traffic Control Assn, Inc	2,092.26	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Harry D. Mattison, P.O.Box 660164 Dallas, TX 75266-0164	Central & South West Corporation		
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	3,162.50	1,131.00
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Mutual of Omaha Cos	500.00	
Marshall L. Matz, 1400 16th Street, NW, #400 Washington, DC 20036	Olsson Frank & Weeda (For:American Commodity Distribution Program)	1,500.00	
Do	American School Food Service Assn	9,000.00	
Do	Olsson Frank & Weeda (For:United Fresh Fruit & Vegetable Assn)	3,000.00	
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)	550.00	110.00
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	14,332.54	19.25
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	30,000.00	
Peter G. Mayberry, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA (Association of the Nonwoven Fabrics Industry))		
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	18,135.00	2,911.83
Marion R. Mayer, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	794.23	441.39
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	Acxiom Corp		
Do	Arkansas Electric Cooperative Corp		
Do	Arthur Andersen & Co, Coopers & Lybrand, DeLoitte & Touche	4,132.50	
Do	Attorneys' Liability Assurance Society Ltd		
Do	Black & Decker Corporation	157.50	
Do	Brambles USA, Inc		
Do	Brunswick Corp	157.50	
Do	Cabot Partners Limited Partnership		
Do	City Colleges of Chicago		
Do	Comdisco, Inc	350.00	
Do	Continental Bank, N.A.	750.00	1,978.01
Do	East-West Innovations, Inc		
Do	Entergy Corporation		
Do	FMC Corporation		
Do	GATX Corporation	157.50	
Do	Household Commercial Financial Services, Inc		
Do	Inland Steel Corp		
Do	JMB Realty Corp		
Do	LaSalle Partners, Inc		
Do	Lehndorff & Babson Real Estate Counsel		
Do	Mayer Brown & Platt Sentencing Commission Coalition		
Do	Merrill Lynch Capital Markets		
Do	Morton International	157.50	
Do	Nalco Chemical Co		
Do	National Faculty		
Do	NICOR, Inc	165.00	
Do	Outboard Marine Corporation		
Do	Quaker Oats Company	157.50	
Do	RJR Nabisco, Inc		
Do	Santa Fe Pacific Corp		
Do	Sara Lee Corporation		
Do	Sears Roebuck & Co		
Do	Solid Waste Agency of Northern Cook County	165.00	
Do	Tele-Communications, Inc		
Do	Vulcan Materials Company, Midwest Division		
Martin Mayfield, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	998.00	179.65
Maurice W. Maynard, 44 Fifth Avenue Brooklyn, NY 11217-2022			
Mary E. McAuliffe, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corp	13,750.00	383.19
Rebecca Craford McAuliffe, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	3,500.00	323.23
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005	Bluff Furnace of Chattanooga, Inc		
Do	Buena Vista Golf & Country Club	200.00	
Do	Chabot Observatory & Science Center	1,200.00	
Do	City of Chattanooga	4,050.00	
Do	Council of American Overseas Research Centers	300.00	
Do	Electronic Data Systems Corp		
Do	Franklin Square Hospital		
Do	Johnson Controls, Inc	1,200.00	
Do	Kamm & Associates, Ltd	1,200.00	
Do	Lutheran General HealthSystem	400.00	
Do	Medi-Vu, Inc		
Do	Niall Enterprises, Inc	100.00	
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	16,995.54	64.00
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
McCamish Martin & Loeffler, P.C., Suite 1290 East 555 13th Street, NW Washington, DC 20004	American Golf Corp	25.00	35.00
Do	Central & South West Corp	2,845.00	4,780.00
Do	Citicorp	875.00	820.00
Do	City of Philadelphia	275.00	355.00
Do	Electronic Data Systems Corp	75.00	100.00
Do	Hong Kong Trade Development Council	125.00	165.00
Do	International Hardwood Products Assn, Inc	210.00	415.00
Do	National Assn of Broadcasters	16,215.00	15,845.00
Do	Sematech	125.00	165.00
Do	South West Florida Enterprises, Inc		
Do	United States Automobile Assn	350.00	555.00
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Enseco Inc	9,000.00	300.00
Do	MetPath, Inc	30,000.00	1,000.00
John B. McCarthy, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
John M. McClung, 727 N Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn		
Donald N. McClure Jr., 20 Erford Road, #115 Lemoyne, PA 17043	Pennsylvania Assn of Home Health Agencies	9,325.00	361.43
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	America Mining Congress	162.50	
Do	Asarco, Inc	162.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Barrick Resources (USA, Inc)	162.50	
Do	Brush Wellman, Inc	162.50	
Do	Coeur d'Alene Mines Corp	162.50	
Do	Cray Research, Inc		
Do	Crown Butte Mines, Inc	162.50	
Do	Echo Bay Mines		
Do	Electric Reliability Coalition	200.00	
Do	FMC Corp		
Do	General Atomics		
Do	Hecla Mining Co	162.50	
Do	Ida-West Energy Company		
Do	Idaho Power Company	250.00	
Do	ICF International, Inc		
Do	Lockheed Corp		
Do	National Rifle Assn		
Do	Pacific Gas Transmission Gas Company		
Do	Phelps Dodge Corp	162.50	
Do	Potlatch Corp	450.00	
Do	World Cup USA 1994, Inc	325.00	
McClure Trotter & Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Coca-Cola Company	2,989.88	787.70
Do	Motion Picture Assn America, Inc	1,792.25	21.75
Do	Paramount Communications, Inc	6,582.75	172.66
Do	Perpetual Corp	1,708.50	35.54
Do	Rank Video Services America	2,939.63	151.67
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
Carol A. McDaid, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	2,500.00	1,187.40
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,556.00	
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	37,500.00	377.43
Daniel J. McDermott, 1155 Connecticut Ave, NW, #500 Washington, DC 20036	Capital Holding Corp	1,875.00	
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006-2296	Alaska Seafood Marketing Institute	2,220.00	186.00
Do	Allergan, Inc	200.00	
Do	American Dental Hygienists Assn	1,500.00	
Do	American Imaging Assn		
Do	American Meat Institute		
Do	American Soc of Outpatient Surgeons		
Do	Association of Freestanding Radiation Oncology Centers	100.00	
Do	ARA Services, Inc	187.50	
Do	California Avocado Commission	10,360.00	175.00
Do	California Canning Peach Assn	278.00	73.00
Do	California Children's Hospital Assn	2,100.00	
Do	California Energy Commission	2,496.00	
Do	California Kiwifruit Commission		
Do	California Raisin Advisory Board	7,446.00	87.00
Do	Campbell Soup Company	12.50	
Do	Caylor-Nickel Medical Center	500.00	
Do	Coalition for Employment Opportunities	625.00	
Do	Fargo Clinic	2,500.00	
Do	Good Sam Club	833.00	
Do	Dorothy Holt Estate		
Do	Home Intensive Care, Inc	375.00	
Do	Juvenile Diabetes Foundation, International	6,000.00	
Do	Marshfield Clinic	2,500.00	
Do	Minor Crop Farmer Alliance	9,481.00	146.00
Do	National Association of Diagnostic Services	25.00	
Do	National Grocers Assn		
Do	National Potato Council	555.00	99.00
Do	Outpatient Opthalmic Surgery Society		
Do	Peter Plocki		
Do	Public Employees Retirement Assn of Colorado		
Do	Russ Berrie & Company	100.00	
Do	Southland Corporation	437.50	
Do	Tropicana		
Do	U.S. Mink Export Development Council	4,533.00	84.00
Do	Welch Foods, Inc	1,573.00	29.00
Douglas J. McDonald, 5735 Walcott Avenue Fairfax, VA 22030	VPSI, Inc	1,680.00	276.00
Jack McDonald, 901 15th Street, NW, #700 Washington, DC 20005-2301	Dow Corning Corp	3,500.00	24.00
Do	National Comm to Preserve Social Security & Medicare	5,000.00	24.00
Do	Outboard Marine Corp	7,500.00	20.00
Jennifer B. McDonald, 1200 18th Street, NW Suite 200 Washington, DC 20036	National Business Aircraft Assn	1,000.00	41.53
John P. McDonough, 99 Commerce Place Upper Marlboro, MD 20772	O'Malley & Miles (For:National Hockey League)	2,252.45	
Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	7,725.00	
Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	4,080.00	
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc	20.09	
Becky McGee, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company	500.00	
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc	1,000.00	219.00
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	11,425.02	35.00
Patricia McGill, 600 Maryland Ave., sW, 100 West Washington, DC 20024-2571	American Nurses' Assn	5,355.00	252.46
Patricia G. McGinnis, Francis McGinnis & Rees 1000 Potomac St., NW, #401 Washington, DC 20007	California State Dept of Education	42,000.00	33,448.48
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	21,330.79	2,290.79
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	250.00	
Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094	Aircraft Owners & Pilots Assn		
Do	Avitas, Inc		
Do	AT&T Federal Systems		
Do	City of Charlotte, NC	1,000.00	363.84
Daniel H. McGrath, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	700.00	
Sheryl Peterson McGrath, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)	900.00	
Do	McGuiness & Holch (For:Arch Mineral)	7,987.50	
Do	McGuiness & Holch (For:Barr Laboratories)	675.00	
Do	McGuiness & Holch (For:PepsiCo)		
Do	McGuiness & Holch (For:RJR Nabisco)	1,912.50	
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Sod Producers Assn		
Do	Workers Compensation Integrity Stability & Equity (WISE)	22,114.00	1,003.00
Joseph M. McGuire, 4301 N. Fairfax Drive, #425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Mary Lee McGuire, 2300 Clarendon Blvd., #lOlO Arlington, VA 22201-3367	Cook Inlet Region, Inc	4,000.00	
Patrick J. McHugh, c/o NYS Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	150.00	
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,500.00	
Thomas J. McKee, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	175.32
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Cigar Assn of America, Inc		
Do	Fertilizer Institute	120.00	8.00
Jan E. McKenzie, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	5,115.26	439.58
F.J. McKeown, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Company	2,500.00	125.00
William Colm McKeveny, Chadbourne & Park 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
McKevitt Group, 1101 16th Street, NW, #333 Washington, DC 20036	Kelly Services, Inc	6,600.00	765.14
Gerald J. McKiernan, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	15,000.00	
C. A. 'Mack' McKinney, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	11,500.00	474.73
Robert L. McKinney, 1101 16th Street, NW Washington, DC 20036-4877	National Soft Drink Assn		
Bernard A. McKinnon, 1757 N Street, NW Washington, DC 20036	United Automobile Aerospace & Agricultural Implement Workers	19,977.00	68.50
Monette McKinnon, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,699.00	
Timothy P. McKone, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	9,231.00	
Francis X. McLaughlin Jr., 1111 14th Street, NW, #1100 Washington, DC 20005	American Dental Assn	712.00	45.00
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	400.00	
Lindsay McLaughlin, 1133 15th Street, NW Washington, DC 20005	ILWU	10,000.00	877.43

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas J. McLeod, 50 West Kellogg Boulevard St Paul, MN 55164	West Publishing Company		
Kevin Patrick McMahon, 1001 19th St. N., #800 Arlington, VA 22209	TRW, Inc	13,653.00	2,404.00
Thomas E. McMahon, 11718 Bowman Green Drive Reston, VA 22090	National Automatic Merchandising Assn	4,000.00	1,224.80
Brian McManus, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		2,196.57
William F. McManus, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	630.00	
P. E. McManus Associates, 513 Capitol Court, NE, #300 Washington, DC 20002	Hydroacoustics, Inc	50.00	
Do	McDonnell Douglas Corp	150.00	
James D. McMillan, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	2,000.00	595.20
Rachel A. McMillan, 1850 K Street, NW, Suite 950 Washington, DC 20006	Babcock & Wilcox	4,000.00	8,933.38
Molly McMorrow, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company		
Gerald R. McMurray, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae	10,000.00	210.37
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Allied-Signal, Inc		
Do	American University of the Caribbean	264.00	32.00
Do	Association of Banks in Insurance (ABI)	337.50	13.00
Do	Coalition for Auto Repair Equality		
Do	Georgia-Pacific Corp		
Do	International Assn for Financial Planning	1,125.00	10.00
Do	New York State Bankers Assn		
Do	Norfolk Southern Corp		
Do	Phillips Petroleum Co		
Do	South Carolina Research Authority		
Do	W.R. Grace & Company		
Do	Westinghouse Electric Corp		
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Dean Witter Reynolds, Inc	620.00	491.42
Laramie Faith McNamara, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	21,338.00	1,099.00
Michael J. McNamara, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	6,737.50	375.48
Peter F. McNeish, 1199 N. Fairfax Street, #200 Alexandria, VA 22314	National Assn of Small Business Investment Cos	3,000.00	
John P. McNerney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John P. McNicholas, 8008 Westpark Drive McLean ton, VA 22102	Unisys Corp	2,500.00	924.87
Larry McNickle, 901 E Street, NW, #500 Washington, DC 20004-2873	American Assn of Homes for the Aging	565.58	82.03
Laura J. McPherson, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute		
Michael J. McShane, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	15,561.00	1,243.00
Mary T. McSorley, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	2,362.50	
Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	15,854.00	
Kathleen P. McTighe, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	900.00	643.82
George G. Mead, 1908 Ednor Road Silver Spring, MD 20905	National Beer Wholesalers Assn	1,500.00	
Do	Norfolk Southern Corp	1,500.00	
Do	North American Van Lines, Inc	1,500.00	
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	63.00	
John K. Meagher, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	Leboeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek/Environmental Standard Group).		
Do	LeBoeuf Lamb Leiby & MacRae (For:Mirage Resorts, Inc)		
Do	Leboeuf Lamb Leiby & MacRae (For:National Assn of Chem Recyclers (NACR))		
Francis X. Meaney, 701 Pennsylvania Avenue, NW Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co)		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn)	200.00	
Paul N. Means, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company		572.00
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	5,000.00	
Stewart C. Megaw, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	620.00	
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Stanley Meierfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Marilyn F. Meigs, 9300 Lee Highway Fairfax, VA 22031	ICF International, Inc	1,125.00	140.00
Tucker L. Melancon, P.O. Box 211 Marksville, LA 71351	Melancon & Rabalais (For:American Psychological Association)		1,131.82
John Melcher, 230-B Maryland Avenue, N.E. Washington, DC 20002	American Veterinary Medical Assn	10,500.00	6,633.00
Do	Casa, Inc	8,000.00	2,657.00
Do	Chicago Mercantile Exchange	11,250.00	6,633.00
Do	National Rural Cooperative Bus. Center	3,000.00	1,170.00
Do	Society for Animal Protective Legislation	2,250.00	295.00
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	5,374.95	630.00
Margaret Mellon, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,003.34	
Scott Melville, 1776 Eye Street, NW, Suite 1060 Washington, DC 20006	Sterling Winthrop, Inc		
Howard A. Menell, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Cablevision		
Do	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Do	MWW/Strategic Comm (for: Puerto Ricans in Civic Action)		
Do	Sunshine Makers, Incev		
Mark Menezes, 555 13th Street, NW, Suite 1290 East Washington, DC 20004	McCamish Martin & Loefler (For:American Golf Corp)		
Do	McCamish Martin & Loefler (For:Central South West Corp)	590.00	
Do	McCamish Martin & Loefler (For:Citicorp)		
Do	McCamish Martin & Loefler (For:Electronic Data Systems Corp)		
Do	McCamish Martin & Loefler (For:Hong Kong Trade Development Council)		
Do	McCamish Martin & Loeffler, P.C. (For:International Hardwood Products Assn, Inc).	65.00	
Do	McCamish Martin & Loefler (For:National Assn of Broadcasters)	225.00	
Do	McCamish Martin & Loefler (For:Sematech)		
Do	McCamish Martin & Loefler (For:South West Florida Enterprises, Inc)		
Do	McCamish Martin & Loefler (For:United Services Automobile Assn)	45.00	
David Mengebier, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Company	6,000.00	6,998.00
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	540.00	120.39
Edward L. Menning, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	National Assn of Federal Veterinarians		
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Citibank)		
Do	McClure Trotter & Mentz (For:Coca-Cola Company)		
Do	McClure Trotter & Mentz (For:Commodities Corp (USA))		
Do	McClure Trotter & Mentz (For:Government of Puerto Rico)		
Do	McClure Trotter & Mentz (For:GAF Corp)	368.50	
Do	McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc)		
Do	McClure Trotter & Mentz (For:Motion Picture Assn of America, Inc)		
Do	McClure Trotter & Mentz (For:Princeton University Investment Co, et al.)		
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	5,258.76	
Melinda Mercer, 600 Maryland Ave., SW, 100 West Washington, DC 20024-2571	American Nurses Assn	5,413.00	96.32
Sandra K. Meredith, 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc. (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc. (For:Sofreavia)		
Do	DGA International, Inc. (For:SNECMA)		
Cynthia E. Merifield, 1101 Vermont Ave, NW Washington, DC 20005	American Medical Assn	3,750.00	
Nancy Jo Merrill, 1901 L St., NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	2,000.00	19.50
Merrill Lynch & Co, Inc, 3000 K Street, NW, #620 Washington, DC 20007			62,107.50
Gordon Merritt, 1100 Wilson Blvd., #2000 Arlington, VA 22209	Hughes Aircraft Company	60.00	
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	381.01
Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	1,600.00	116.00
Raymond A. Messina, 633 Pennsylvania Avenue, NW Washington, DC 20004	Dean Witter Reynolds, Inc	200.00	22.50
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	625.00	
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	1,838.55	14.00
Keith R. Mestrich, 815 16th Street, NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept (FAST)	2,434.00	5.00
Matthew S. Metcalfe, P.O. Box 6422 Mobile, AL 36660	American Family Corp		
Metropolitan Chicago Healthcare Council, 222 S. Riverside Plaza Chicago, IL 60606			
Jeremy Metz, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
David P. Metzger, 1200 19th Street, NW, #500 Washington, DC 20036	Davis Graham & Stubbs		
Ferd. C. Meyer Jr., P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	25.00	
Sean Meyer, 1000 16th Street, NW, #810 Washington, DC 20036	One Percent for Peace	6,249.99	
John B. Meyers, P.O. Box 4067 Louisville, KY 40204			
Larry D. Meyers, 412 First Street, SE #100 Washington, DC 20003	American Beekeeping Federation	3,000.00	611.44
Do	International Assn of Refrigerated Warehouses		
Do	National Agricultural Chemicals Assn		
Do	National Peanut Growers Group	16,320.00	2,203.26

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Ricebelt Warehouse, Inc	4,500.00	547.94
Do	Texas A&M Research Foundation	22,420.00	3,028.62
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	Alnor Oil Company, Inc		
Do	American Sheep Industry Assn	18,099.00	3,716.99
Do	Centergas, Inc		
Do	College of Agriculture, New Mexico State University	9,000.00	740.17
Do	College of Engineering, New Mexico State University	9,000.00	565.79
Do	Federal Land Bank Assn	30,387.50	1,086.37
Do	Technology Services Group, Inc		
Do	Texas International Education Consortium	5,000.00	402.12
Do	Wellman, Inc	9,000.00	767.60
Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	3,000.00	
David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	42.08	
Mark A. Micali, 1200 18th Street, NW, #200 Washington, DC 20036	Direct Marketing Association, Inc	4,000.00	300.00
Gretchen B. Michael, 3025 South Parker Road Aurora, CO 80014	TeleCheck Services, Inc		1,580.00
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	Corn Coalition		
Do	DePaul University	1,500.00	
Eileen F. Michaels, 1317 F Street, NW, #202 Washington, DC 20004	Lisboa Associates, Inc (For:University of the Virgin Islands)		
Richard P. Michalski, 900 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	9,610.60	
Frank G. Michelena, 1520 Nutmeg Place, #100C Costa Mesa, CA 92626	Landsdale Company		
Kathleen Michels, 777 N. Capitol Street, NE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	43.00
Mid-Continent Oil & Gas Assn, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604		5,760.05	19,590.77
Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202			
Michael C. Middleton, 100 South Charles Street P.O. Box 987 Baltimore, MD 21203	MNC Financial, Inc		
Edmund Mierzwinski, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	7,509.60	
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Lisa Mihaly, 25 E Street, N.W. Washington, DC 20001	Children's Defense Fund	857.65	
Leslie K. Miles, 1101 4th Street, NW, 5th Floor Washington, DC 20005	National Abortion Rigths Action League, Inc	8,480.76	
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222			
Bonnie K. Miller, Box 528 Gainesville, VA 22065-0528	Liberty Lobby		
Brent V. B. Miller, 4207 South 7th Road Arlington, VA 22204	American Group Practice Assn	696.19	
Charles R. Miller, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Chaz Miller, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	Liberty Lobby		
Do	National Council for Improved Health		
Dale Miller, 4000 Reno Road, NW Washington, DC 20008	Texasgulf, Inc		
David H. Miller, 1421 Prince Street, #400 Alexandria, VA 22314	Federal Legislative Associates (For:American Airlines)	2,000.00	
Do	Federal Legislative Associates (For:American Public Transport Assn)	2,000.00	
Do	Federal Legislative Associates (For:Boston Capital Partners, Inc)	2,000.00	
Do	Federal Legislative Associates (For:Clark Oil & Gas)	1,000.00	
Do	Federal Legislative Associates (For:Colonial Williamsburg)		
Do	Federal Legislative Associates (For:National Coalition of IRS Whistleblowers)	1,000.00	
Denny Miller, 2343 South Meade Street Arlington, VA 22202	Denny Miller Associates	7,500.00	
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	750.00	
Edward K. Miller, P.O. Box 2349 Hagerstown, MD 21741-2349	Mirek Research Services		
Richard W. Miller, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Robert G. Miller, 9124 Hardesty Drive Clinton, MD 20735	Air Force Sergeants Assn, Inc		
Sandra Miller, 2343 South Meade Street Arlington, VA 22202	Denny Miller Associates	1,250.00	
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
William T. Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Electronic Industries Assn		
Do	Export Source Rule Coalition		
Do	Government of British Columbia/Min. of Dev. Trade & Tourism	3,850.00	
Do	Great Northern Insured Annuity Corp		
Do	Hewlett-Packard Co	8,800.00	
Do	Organization for Fair Treatment of Int'l Investments	7,040.00	
Do	Pulte Home Corp	39,598.75	
Miller & Co, P.C., 400 International Square 1825 I Street, NW Washington, DC 20006	Chevron USA, Inc	39,164.81	1,325.00
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Dubuque	2,327.00	6.25
Do	City of Jamestown	7,467.50	22.00
Do	City of Laredo	357.50	5.50
Do	City of St. Louis	30.00	
Do	Dectec International, Inc		
Do	Kenton-Boone Cable Television Board		
Do	Lincoln Broadcasting Company		
Do	Montgomery County Government		
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Ace Novelty Company	1,000.00	862.00
Do	Alaska Air Group, Inc	1,500.00	1,230.00
Do	Boeing Company	3,000.00	2,460.00
Do	Comprehensive Health Education Foundation	1,875.00	1,530.00
Do	Gamma-Metrics	1,500.00	1,235.00
Do	Makah Tribal Council	300.00	245.00
Do	Marine Engineers' Beneficial Assn	4,000.00	3,265.00
Do	Momentum 92	1,875.00	1,530.00
Do	Montana Technology Center	300.00	245.00
Do	Muckleshoot Indian Tribe	300.00	245.00
Do	Olin Corporation	3,000.00	2,460.00
Do	Pacific Nuclear Systems, Inc	1,062.50	862.00
Do	Port of Tacoma	1,125.00	928.00
Do	Sabey Corporation		
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Troutlodge, Inc	1,000.33	833.33
Do	Waste Management Environmental Services, Inc	1,500.00	1,230.00
Amy J. Millman, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Harold W. Mills Jr., 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company		
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc		
William Miner, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Government of the U.A.E.)	2,000.00	110.00
Do	Bannerman & Associates, Inc (For:Government of Djibouti)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	9,000.00	150.00
Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052	Prudential Insurance Co of America		
Ray Allen Minnick, P.O. Box 1000-05221 Leavenworth, KS 66048			
Jerry L. Mintz, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company		4,554.54
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Houghton Mifflin Company	8,797.50	
Lawrence H. Mirel, 1614 20th Street, NW Washington, DC 20009	Liberty Mutual Insurance Company	7,500.00	500.00
Douglas P. Miskew, 500 E. Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	8,250.00	1,708.21
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co		
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #1050 Washington, DC 20005	Acxiom Corp		
Do	Entergy	2,700.00	3,732.50
Do	Golden Rule Insurance Co	437.50	52.50
Do	Innotek Corporation		
Do	Network Systems		
Do	Thomson-CSF, Inc	6,251.00	640.26
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	2,100.00	
Karen Ann Mogan, 1401 New York Avenue, NW Washington, DC 20005	National Food Processors Association	600.00	100.00
Rosanne Mogavero, 1401 Eye Street, NW, #1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc		
Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,376.00	
Brian R. Moir, 1255 23rd Street, NW, #800 Washington, DC 20037	Fisher Wayland Cooper & Leader (For:International Communications Assn)	1,000.00	1,021.00
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp	6,062.50	105.00
Robert M. Moliter, 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004	General Electric Co		
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Policy Consulting Services, Inc (For:Nissan Motor Company, Ltd)		
Do	Policy Consulting Services, Inc (For:Nissan Motor Manufacturing, U.S.A.)		
Do	Policy Consulting Services, Inc (For:Nissan North America, Inc)	13,552.00	91.00
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	216.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John M. Moloney, 1629 K Street, NW, #501 Washington, DC 20006	Delta Airlines, Inc	200.00	70.00
C. Manly Molpus, 1010 Wisconsin Avenue, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Christopher Monek, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Michael Monroney, 470 L'Enfant Plaza, SW East Building, #7112 Washington, DC 20024	Citizens for a Sound Economy		
James M. Montgomery, 1401 I Street, NW, Suite 1220 Washington, DC 20005	Joseph E. Seagram & Sons, Inc	1,125.00	
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	National Rural Water Assn	4,000.00	100.00
Do	Murray Scheer & Montgomery (For:Oklahoma State Medical Assn)	1,500.00	75.00
Do	Underground Injection Practices Council	1,200.00	35.00
Kevin P. Montgomery, 1629 K Street, NW, #503 Washington, DC 20006	Evergreen International Aviation, Inc		379.29
Peter Montgomery, 2030 M Street, NW Washington, DC 20036	Common Cause	8,000.04	624.53
Catherine L. Monzel, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	100.00	
Alan J. Moore, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Albert W. Moore, 7901 Westpark Drive McLean, VA 22102	AMT-Association for the Manufacturing Technology	1,322.00	25.00
Andrew D. Moore, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	1,781.25	325.00
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	180.00	23.00
Michael D. Moore, 700 13th Street, NW, Suite 525 Washington, DC 20005	El Paso Natural Gas Co	1,000.00	
Powell A. Moore, 1133 Connecticut Ave., NW, #700 Washington, DC 20036	Agusta Group		
Do	Equifax Corp		
Do	Field Aviation Company, Inc		
Do	Independent Video Retailers Assn		
Do	Lockheed Corporation	2,000.00	
Do	National Association of Broadcasters		
Do	DGA International, Inc (For:Societe Nationale d'Etude et de Const de Moteurs d'Aviation).		
Do	STD Research Corp		
Do	U.S. Cane Sugar Refiners Assn of America	500.00	
Laura Moorhead, 1120 20th Street, NW, Suite 1000 Washington, DC 20036	NCR Corp		
Eugene Moos, Gene Moos & Associates 1000 16th Street, NW, #702 Washington, DC 20036	Burlington Northern Railroad Corp	3,000.00	865.37
Do	Harvest States Cooperative	7,500.00	2,163.44
Fred P. Moosally, 1745 Jeff Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	20,000.00	1,869.41
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115		235.39	336.72
Robert J. Moran, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	2,400.00	
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	588.00	1,009.39
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	15,132.54	
E.M. Chip Morgan, P.O. Box 257 Stoneville, MS 38776	Delta Council		
J. Railton Morgan, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,500.00	1,244.50
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,000.00	265.16
Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041	American Cemetery Assn		
Suzanne Morgan, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	775.00	
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Association of American Railroads		
Do	Coalition for an Undercharge Relief Bill	3,380.00	22.80
Do	Coalition of Supporters of the Shipping Act		
Do	Consolidated Natural Gas Co		
Do	Hazardous Waste Action Coalition		
Do	Scotch Whisky Assn		
Do	United Distribution Companies	962.00	50.78
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	65.00	
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	10,000.00	55.46
Joseph Morris, 1101 15th Street, NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
James W. Morrison Jr., 815 Connecticut Ave., NW, #800 Washington, DC 20006	ARA Services, Inc	7,799.98	
Do	Morrison Associates (For:Blue Cross & Blue Shield Assn)	33,204.45	330.56
John W. Morrison, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	931.22	
Lynn Morrison, 311 Massachusetts Avenue, NE Washington, DC 20002		21,250.00	
Mark E. Morrison, 1725 Jefferson Davis Highway Arlington, VA 22202	Lockheed Corp	2,000.00	
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	California Bankers Clearing House Assn		
Do	City and County of San Francisco		
Do	Mastercard International, Inc, et al.	47,860.00	75.75
Do	National Electrical Manufacturers Assn		
Do	Valent U.S.A. Corp	41.25	
Cheryl O. Morton, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn	500.00	
Evelyn M. Morton, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	709.61	516.05
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		
Dorothy J. Moss, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Peyton H. Moss, 1150 17th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Association of Bank Holding Cos	540.00	
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
John J. Motley, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	300.00
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Adical		
Do	ABECITRUS - Brazilian Citrus Assn		
Do	ANIC - National Assn of Citric Industries		
Do	Sawyer/Miller Group (for Philippine Sugar Regulatory Admin)		
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004			82.50
Motor Vehicle Manufacturers Assn of the U.S., Inc, 7430 Second Avenue, #300 Detroit, MI 48202		67,190.74	67,190.74
Thomas O. Moulton Jr., 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	20,000.00	
Susan Connolly Moya, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri Inc	7,500.00	
Steve Moyer, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,456.86	
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	America's Best Banks	15,000.00	1,392.74
Do	Long Island Savings Bank	9,150.00	784.46
Do	Northeast Savings, F.A.	9,600.00	2,108.86
Patricia J. Mulholland, 1215 Jefferson Davis Hwy, Suite 100 Arlington, VA 22202	Association for Commercial Real Estate (NAIOP)		
Mullenholz & Brimsek, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	City of Fergus Falls		
Do	Delaware & Hudson Railroad	2,500.00	
Do	Florida East Coast Railway Co	3,000.00	
Do	North American Equipment Dealers Assn	3,500.00	
Do	Soo Line Corporation	11,000.00	
Do	TACA International Airlines		
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,400.00	42.00
Robert J. Mulligan, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	3,059.00	356.11
Tracy Mullin, 701 Pennsylvania Ave., NW Washington, DC 20004	National Retail Federation	2,500.00	35.00
Edgar J. Mullins, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	15,000.00	4,793.96
Michael L. Mullins, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
James Brian Munroe, 1300 Eye Street, NW, #520 Washington, DC 20005	Hoffmann-La Roche, Inc		
Daniel J. Murphy, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Edward L. Murphy, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn Inc	3,000.00	
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	7,000.00	
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.	9,300.00	
Stephen P. Murphy, 715 South Fairfax Street Alexandria, VA 22314	Yellow Freight System, Inc of Delaware	33,000.00	
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	2,955.00	2,543.67
Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,803.14	
James V. Murray, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
Richard D. Murray, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22207	USAir, Inc		
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	American Assn of Dental Schools	1,100.00	15.00
Do	Atochem, N.A.		
Do	Benton Mortgage Company		
Do	City of Philadelphia		
Do	Cleveland Cliffs Iron Co	350.00	10.00
Do	Connecticut Mutual Life Insurance Co	500.00	30.00
Do	Delaware River Port Authority	2,700.00	15.00
Do	Home Life Insurance Co		
Do	Independence Blue Cross	600.00	35.00
Do	Independent Laboratory Consortium		
Do	Industry Council for Tangible Assets	200.00	15.00
Do	Iron Ore Assn	250.00	15.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	LTV Corporation	400.00	20.00
Do	National Council of Coal Lessors	300.00	20.00
Do	New England Mutual Life Insurance Co	600.00	30.00
Do	North American Philips Corp		
Do	Pacific Mutual Life Insurance Co	500.00	30.00
Do	Penn Mutual Life Insurance Co	450.00	30.00
Do	Philadelphia Regional Port Authority	2,500.00	25.00
Do	Players Club International		
Do	Provident Mutual Life Insurance Co of Philadelphia		
Do	Qualimetrics, Inc	500.00	20.00
Do	Shubert Organization, Inc	600.00	20.00
Do	Swaziland Sugar Assn	500.00	25.00
Do	Sweetener Users Assn	400.00	10.00
Do	Technology Development & Education Corp	1,950.00	25.00
Do	Temple University	3,150.00	45.00
Do	Wisconsin Central Transportation Corporation	500.00	30.00
Robert J. Muth, 180 Maiden Ln. New York, NY 10038	Asarco, Inc		
Mutual Life Insurance Co Tax Committee, 1111 Durham Avenue South Plainfield, NJ 07080-2398			
Fred Mutz Associates, 1200 New Hampshire Ave, NW, #200 Washington, DC 20036	Communications Satellite Corp (Comsat)		
Do	Transworld Insurance Brokers		
Do	Von Roll America		3,281.93
Lawrence D. Muzzy, 2200 W. Salzburg Road, Mail #W281 Midland, MI 48611	Dow Corning Corp		653.21
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	49.00
Christopher Alton Myrick, 1155 15th Street, NW, #900 Washington, DC 20005	National AgriChemical Retailers Assn	66,350.00	7,140.93
MHD Industrial Forum, 1730 M Street, NW, Suite 911 Washington, DC 20036			
Daniel Nadash, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Marci H. Nadler, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors		
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Martha Naismith, 1350 Eye Street, NW, Suite 810 Washington, DC 20005	Johnson & Johnson HMI		
Gerald F. Nalepa, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	3,500.00	59.78
John Francis Nash Jr., 1100 Connecticut Ave NW #1300 Washington, DC 20036	Milliken & Company	5,000.00	2,600.00
Mary Ellen Natale, 1875 Connecticut Avenue, NW,#540 Washington, DC 20009	Food Research and Action Center	1,021.14	
Gary M. Nateman, 1225 Eye Street, NW, #825 Washington, DC 20005	Beer Institute		
National Air Carrier Assn, 1730 M St., NW, #806 Washington, DC 20036			
National Air Traffic Controllers Assn, 444 N. Capitol Street, NW, #845 Washington, DC 20001		23,487.21	3,178.01
National Assn for the Superconducting Super Collider, 1704 Old Town Road Edgewater, MD 21037		351,825.00	281,213.61
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		234,475.00	25,251.97
National Assn for Stock Car Auto Racing, Inc (NASCAR), P.O. Box 26765 1801 Volusia Avenue Daytona Beach, FL 32115-2875.			
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		967.00	10,917.85
National Assn of Air Traffic Specialists, 4740 Corridor Pl., Suite C Beltsville, MD 20705			4,000.00
National Assn of Broadcasters, 1771 N Stret, NW Washington, DC 20036		224,052.31	224,052.31
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			
National Assn of Federal Veterinarians, 1023 15th Street, NW, #300 Washington, DC 20005			27.50
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001			75,264.00
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Manufacturers, 1331 Penn Ave., NW #1500-North Washington, DC 20004-1703		312,641.69	312,641.69
National Assn of Margarine Manufacturers, 1101 15th St., NW, #202 Washington, DC 20005			
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			170,610.70
National Assn of Securities and Commercial Law Attorneys, 1300 I Street, NW., #480E Washington, DC 20005		95,000.00	36,000.00
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Beer Wholesalers Assn, 5205 Leesburg Pike, #1600 Falls Church, VA 22041		11,161.94	13,080.29
National Broiler Council, 1155 15th St., NW Washington, DC 20005		3,025.00	3,025.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598			33,337.50
National Club Association, Washington Harbour 3050 K Street, NW, #330 Washington, DC 20007			13,623.50
National Comm for a Human Life Amendment, Inc, 1511 K Street, NW, #335 Washington, DC 20005		68.53	205.63
National Comm of Cities and States for Air Service, Transportation Building Room 417 St. Paul, MN 55156		3.21	
National Comm to Preserve Social Security & Medicare, 2000 K Street, NW, #800 Washington, DC 20006		786,964.00	786,964.00
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		112,263.20	51,052.00
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		77,171.25	77,171.25
National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002		21,225.00	23,626.63
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		10,665.76	8,435.83
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		8,015.18	8,015.18
National Employment Lawyers Assn, 911 Mercantile Library Bldg. 414 Walnut Street Cincinnati, OH 45202			
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		600.00	17,750.00
National Foreign Trade Council, Inc, 1270 Avenue of the Americas New York, NY 10020		23,627.00	23,627.00
National Glass Assn, 8200 Greensboro Drive, #302 McLean, VA 22102		3,500.00	7,000.00
National Grain Trade Council, 1300 L Street, #925 Washington, DC 20005			5.00
National Grange, 1616 H St., NW Washington, DC 20006		15,875.00	15,875.00
National Grocers Assn, 1825 Samuel Morse Drive Reston, VA 22090		3,000.00	1,621.85
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		20,438.15	33,939.81
National Hearing Aid Society, 20361 Middlebelt Livonia, MI 48152			
National Independent Automobile Dealers Assn, 2521 Brown Blvd., Suite 100 Arlington, TX 76006-5299			10,075.00
National Independent Energy Producers, 601 13th STreet, NW, #320 South Washington, DC 20005		75,000.00	12,908.00
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		2,000.00	2,000.00
National Motorsports Council of ACCUS-FIA, 1500 Skokie Boulevard, Suite 101 Northbrook, IL 60602		85,500.00	
National Multi Housing Council, 1850 m street, nw, suite 540 Washington, DC 20036			24,552.18
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Printing Equipment & Supplies Assn, Inc, 1899 Preston White Drive Reston, VA 22091			
National Progressive Health Political Action Committee, Inc, 324 West 14th Street New York, NY 10014-5003		2,900.00	4,821.97
National Retail Federation, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004			27,763.57
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		8,880.20	8,880.20
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			1,474.50
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		11,100.00	11,100.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			1,590.43
National Spa & Pool Institute, 2111 Eisenhower Ave. Alexandria, VA 22314		12,000.00	6,500.00
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	American International Group		1,217.35
Do	Columbia Communications Corp	7,000.00	1,574.66
Do	Consumer News & Business Channel		1.20
Do	Ferrell Gas	9,635.94	275.56
Do	Mothers & Others for a Livable World		
Do	Reuters North America, Inc		61.31
Do	Mrs. Roger Stevens		
Do	Trian Group, L.P.	80.62	4.28
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	2,515.03
National Truck Equipment Assn, 38705 Seven Mile Road, #345 Livonia, MI 48152			5,522.78
National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-0001			9,902.51
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		9,000.00	
Pamela Neal, 1301 Pennsylvania, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Rick J. Neal, 1800 South Baltimore Ave. Tulsa, OK 74119	Mapco, Inc	5,250.00	
Shirley Neff, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	1,000.00	
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America/National Assn for Home Care	8.50	
Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110		28,276.00	67,499.00
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	American Methanol Institute	10,000.00	928.67
Do	Community Services Society	18,000.00	12.90
Do	Embassy of the Republic of Korea		1,414.23
Do	General Electric Industrial and Power Systems	36,000.00	1,067.60
Do	Government of Jamaica	110,000.00	1,610.73
Do	Government of Trinidad and Tobago		1,081.10
Do	Islamic Republic of Pakistan	180,000.00	6,705.96
Do	Joint Diseases North General Hospital		23.62

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Kingdom of Morocco	360,000.00	1,733.72
Do	Pasminco, Inc	16,287.50	210.37
Do	Puerto Rico Economic Development Administration		0.22
Do	Republic of Cameroon		3,605.56
Do	Republic of Cote d'Ivoire	40,000.00	433.13
Do	Republic of Guinea		5,616.89
Do	Republic of Kenya		6,047.54
Do	Republic of Tunisia	90,000.00	5,099.72
Do	Schomburg Center for Research In Black Culture	2,000.00	44.26
Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006	SEMATECH, Inc	5,313.00	1,668.75
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	40.00
Frederick H. Nesbitt, 1750 New York Avenue NW Washington, DC 20006	International Assn of Fire Fighters	16,331.00	
Alexander Netchvolodoff, 1301 Connecticut Ave., #200 Washington, DC 20036	Cox Enterprises, Inc		505.98
Tommie E. Netting, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn	1,000.00	
Network, 806 Rhode Island Ave., NE Washington, DC 20018		61,752.00	64,470.00
E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	4,124.02	6,220.23
Louis H. Nevins, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Castine Partners)		
Do	Thacher Proffitt & Wood (For:Dollar Bank, FSB)		
Do	Thacher Proffitt & Wood (For:North Side Savings Bank)		
Do	Thacher Proffitt & Wood (For:Peoples Westchester Savings Bank)		
Do	Thacher Proffitt & Wood (For:Third Federal Savings & Loan Assn)		
Do	Thacher Proffitt & Wood (For:Ulster Savings Bank)		
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017			1,474.56
Peter E. Newbould, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn (APA)	905.25	90.00
Linton C. Newlin, 577 Mulberry Street Macon, GA 31298	Charter Medical Corp		
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste & Transportation Program	360.00	
Richard W. Newpher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	12,999.99	29.00
Sharon Newsome, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	4,314.02	
Sara S. Nichols, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,575.00	
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank PLC	4,000.00	621.62
Nickerson & Stiner, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006-3404	Esstar Corp	26,661.91	
David P. Nicoli, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	1,375.00	
Nicholas K. Niemann, One Central Park Plaza, #1100 Omaha, NE 68102	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)	188.00	
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)	150.00	
Patrick J. Nilan, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	16,208.70	4,341.64
Michael E. Nix, 231 W. Michigan Street, #P453 Milwaukee, WI 53203	Wisconsin Electric Power Co.	67.50	18.00
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn	325.00	
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	1,200.00	5.98
Walker F. Nolan, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	16,643.93	236.85
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			2,950.00
Robert I. Nooter, 600 Maryland Avenue, SW, #800 Washington, DC 20024	American Farm Bureau Federation	7,973.01	134.00
David F. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Keene Corporation)	225.00	
Do	Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware).	650.00	
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	1,000.00	
Julia J. Norrell, 1155 Connecticut Ave., NW, #300 Washington, DC 20036	Ameritas Life Insurance Corp	1,025.00	3,025.00
Do	Golden Rule Insurance Company	3,050.00	5,750.00
Do	Mutual of Omaha	2,050.00	4,425.00
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036			
Patrice North-Rudin, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,385.00	
J. Hallock Northcott, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	1,000.00	55.50
Rita Ersfeld Norton, 1300 Eye Street, NW, Suite 520 West Washington, DC 20005	Hoffman-LaRoche, Inc		
Mary Ann Novak, 555 13th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinkerhoff Quade & Douglas, Inc	1,056.00	
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	
Victoria S. Nugent, 2000 P Street, NW Washington, DC 20036	Public Citizen	200.00	
Marcia Nusgart, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn		
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Soc of Composers Authors & Publishers	4,000.00	
Do	National Football League Players Assn	4,000.00	
Nancy Nye, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	4,809.12	
NAIOP, Association for Commercial Real Estate, 1215 Jefferson Davis Highway Suite 100 Arlington, VA 22202			
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	1,673.59	1,449.91
O'Bannon & Gibbons, 1455 Pennsylvania Avenue, NW Washington, DC 20004	Coalition for Tax Simplification		
Do	ICI Americas, Inc	9,850.00	
Do	Kellogg Company		
Do	Mutual Life Insurance Co of New York		
Do	Pacific Architects and Engineers, Inc	10,000.00	
Do	Polyisocyanurate Insulation Manufactuters Assn (PIMA)	3,000.00	
Do	Prince of Fundy Cruises, Ltd		
Do	TECO Energy, Inc	3,000.00	
Do	Underwriters at Lloyd's London		
Do	Jim Walter Corp	6,000.00	
David D. O'Brien, O'Brien & Associates 600 New Hampshire Avenue, NW, #1010 Washington, DC 20037	Harley-Davidson, Inc	15,000.00	372.20
Do	Primerica Financial Services	15,999.00	1,100.09
Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036	ITT Corporation	1,600.00	120.00
Rosemary L. O'Brien, 805 15th Street, NW, #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	223.07
Urban F. O'Brien III, 2000 Post Oak Boulevard Houston, TX 77056-4400	Apache Corporation	476.92	1,305.15
David S. O'Bryon, 5223 Wisconsin Avenue, NW, #306 Washington, DC 20015	American Assn of Limited Partners	100.00	
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Company (For:Government of Aruba Embassy of the Netherlands)	8,000.00	
Do	TKC International (For:Mexican Dept of Commerce & Industrial Dev)		
Do	Keefe Co (For:Sanders Associates, Inc)	40,000.00	
David O'Connor, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
James E. O'Connor, 1709 New York Avenue, NW, 8th Floor Washington, DC 20006	Savings and Community Bankers of America	13,400.00	182.24
K. James O'Connor Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	
Kelley E. O'Connor, 216 7th Street, SE Washington, DC 20003	Florists' Transworld Delivery Assn	2,000.00	
Michael J. O'Connor, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036	Albers & Company (For:May Department Stores Co)		
Do	Albers & Company (For:Profit Recovery Group)		
Patrick C. O'Connor, 1825 K Street, NW, #305 Washington, DC 20006	Kent & O'Connor, Inc (For:American College of Occupational Medicine)	1,222.50	707.85
Do	Kent & O'Connor, Inc (For:American Supply Association)	2,500.00	1,516.82
Do	American Warehousemen's Association		
Do	Kent & O'Connor, Inc (For:National Assn of Fleet Administrators)	9,650.00	5,662.76
Do	Transportation Lawyers Assn		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Alliance of Marine Parks and Aquariums	1,644.19	
Do	American Clinical Laboratory Assn	7,000.00	
Do	American Family Life Assurance Co	3,856.00	
Do	American Land Title Assn		
Do	American Soc of Cataract & Refractive Surgery		
Do	Associated Credit Bureaus, Inc	18,000.00	
Do	Bear Stearns & Company, Inc	6,400.00	
Do	Bionox, Inc		
Do	Bobby Berosini LTD		
Do	Center for Marine Conservation, Inc		
Do	China External Trade Development Council	14,047.75	
Do	Citizens Savings and Loan		
Do	Coca-Cola Company	5,602.00	
Do	Colt's Manufacturing Company, Inc		
Do	CNA Insurance Co	4,152.00	
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	DKT Memorial Foundation	4,307.75	
Do	Eastern Michigan University	469.00	
Do	Ecomarine USA		
Do	Electronic Data Systems Corp	5,900.00	
Do	Evangelical Lutheran Good Samaritan Society		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	First Winthrop Corp		
Do	Glass Packaging Institute		
Do	Golden Nugget, Inc	3,000.00	
Do	Government of El Salvador		
Do	Government of Israel Supply Mission		
Do	Government of Netherlands Antilles	378.70	
Do	Government of Peru	50,000.00	
Do	Health Care Financing Study Group		
Do	Health Images, Inc	3,000.00	
Do	Heritage Life Insurance Company	2,300.00	
Do	Home Finance Coalition, Inc	3,500.00	
Do	J.C. Penney Company, Inc		
Do	Kellogg Company	500.00	
Do	Liquidity Fund Management, Inc		
Do	Martin Marietta Corp	3,200.00	
Do	MasterCard International, Inc	3,395.00	
Do	Mercedes-Benz of North America, Inc	3,011.00	
Do	Mexican Fishing Association		
Do	(For:Miller & Schroeder)		
Do	Minnesota Mutual Life Insurance Co		
Do	Morgan Grenfell Group, PLC		
Do	Mullendore & Watt		
Do	National Apartment Assn	2,500.00	
Do	National Assn of Optometrists and Opticians, Inc	3,000.00	
Do	National Assn of Portable X-Ray Providers	750.00	
Do	National Multi Housing Council	9,250.00	
Do	New York State Mortgage Loan Corp	3,500.00	
Do	Northern States Power Company	1,500.00	
Do	Pacific Seafood Processors Assn		
Do	Pacific Telesis Group	6,280.00	
Do	Joseph E. Seagram & Sons, Inc	628.00	
Do	Securities Industry Assn	10,875.00	
Do	Soka University Los Angeles	8,158.60	
Do	Solid Waste Agency of Northern Cook County	1,659.26	
Do	State of Alaska		
Do	State Street Bank & Trust Company	9,000.00	
Do	U.S. Wild Horse & Burro Foundation		
Do	UST	3,600.00	
Do	VISA, U.S.A., Inc.	3,395.00	
Do	Wards Cove Packing Company		
Do	Westinghouse Electric Corp		
Thomas A. O'Day, 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	2,400.00	
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC	22,500.00	250.00
Denise M. O'Donnell, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp		
John F. O'Donnell, 1111 14th St., NW, #1100 Washington, DC 20005	American Dental Assn	925.00	10.75
J. Daniel O'Flaherty, 1625 K St., NW, #1090 Washington, DC 20006	National Foreign Trade Council	5,000.00	400.00
Bridget O'Grady, 3800 N. Fairfax Drive, #4 Arlington, VA 22203	National Water Resources Assn	10,000.00	
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,258.63	292.39
Terri O'Grady, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	1,402.50	195.16
Barbara E. O'Hara, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	75.00	
Robert J. O'Hara Jr., 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Company		
Dean O'Hare, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation		
Sean B. O'Hollaren, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,000.00	1,820.79
O'Keefe Ashenden Lyons & Ward, 30 North La Salle, #4100 Chicago, IL 60602	Mutual of America	109,968.93	17,122.10
Janet O'Keeffe, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	23.00
Daniel J. O'Neal III, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	6,050.00	174.95
Joseph O'Neil, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	American Bankers Assn	1,250.00	
Do	Beth Israel Hospital		
Do	Brigham and Women's Hospital, Inc		
Do	Business Roundtable		
Do	Coalition of Boston Teaching Hospitals		
Do	CompuChem Corp		
Do	Cruise America Line, Inc		
Do	District of Columbia Hospital Assn		
Do	General Mills, Inc		
Do	Glass Packaging Institute	1,250.00	
Do	Massachusetts General Hospital		
Do	National Cable Television Assn		
Do	National Football League	1,000.00	
Do	New England Deaconess Hospital		
Do	New England Medical Center		
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Texas Utilities Co		
Do	University Hospital		
Do	USX Corporation		
Do	Viacom International, Inc	7,400.00	
John O'Shaughnessy, 1001 G Street, NW, 7th Floor East Washington, DC 20001	Greater New York Hospital Assn	14,500.00	1,200.00
Do	Strategic Management Associates, Inc (For:Hospital for Special Surgery)		
Do	Strategic Management Associates, Inc (For:Maimonides Medical Center)		
Do	Strategic Management Associates, Inc (For:Mount Sinai Medical Center)		
Do	Strategic Management Associates, Inc (For:New York Hospital-Cornell Medical Center).		
J. Denis O'Toole, 1709 New York Ave., NW Washington, DC 20006	Savings and Community Bankers of America	13,125.00	
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	335.81
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	202.81
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads	3,218.78	
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	324.09
Neil H. Offen, 1776 K Street, NW, #600 Washington, DC 20006	Direct Selling Association		
Office & Professional Employees Intl Union, Local 2, AFL-CIO, 8455 Colesville Road, #1250 Silver Spring, MD 20910-3320			
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	4,000.00	
James D. Ogsbury, 214 Massachusetts Avenue, NE, Suite 310 Washington, DC 20002	Salt River Project	3,521.00	467.49
Philip M. Ola, 1199 North Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	2,250.00	
Richard Oleck, 1181 South Rogers Circle, #6 Boca Raton, FL 33487-2724	Building Trades Assn, Inc		
R. Teel Oliver, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	3,000.00	500.00
Austin P. Olney, 1875 Connecticut Ave., NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:National Assn of Chem Recyclers (NACR))		
Lynnea J. Olsen, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Erik Olson, 1350 New York Avenue, NW Washington, DC 20005	Natural Resources Defense Council, Inc	6,500.00	
Laura L. Olson, 12731 Directors Loop Woodbridge, VA 22192	American Amusement Machine Assn		
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Beef Products, Inc		
Do	Duramed Pharmaceuticals, Inc		
Do	Gentrac, Inc	1,000.00	
Do	Milk Industry Foundation		
Do	National American Wholesale Grocers Assn	8,000.00	
Do	National Assn of Margarine Manufacturers		
Do	National Food Processors Assn	6,000.00	
Do	National Frozen Pizza Instutute	500.00	
Do	Pillsbury Company	1,400.00	
Do	San Tomo Group		
Do	Schwan's Sales Enterprises, Inc	1,000.00	
Do	U.S. Surgical Corporation		
Do	Vicam		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Western States Meat Assn		
Omega International, Inc, 11 Carriage House Circle Alexandria, VA 22034	Los Angeles-Long Beach Harbor Repair Council		
Do	Mar Inc		
Philip C. Onstad, 333 Plainfield Road Edison, NJ 08820	International Communications Assn		
Ronald S. Oppenheimer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	6,000.00	
Opperman Heins & Paquin, 1301 K Street, NW, Suite 650 East Washington, DC 20005	Hennepin County, MN	5,025.00	1,373.25
Do	Minnegasco		
Do	West Publishing Company	22,761.00	319.50
Orbital Sciences Corporation, 12500 Fair Lakes Circle Fairfax, VA 22033			4,863.00
Edward R. Osann, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	3,985.91	
Sima Osdoby, 305 7th Street, SE Washington, DC 20003	Women's Action for New Directions, et al.	4,300.00	
Kaz Oshiki, 5600 Broad Branch Rd. Washington, DC 20015	Go for Broke National Veterans Assn	750.00	
David S. Osterhout, 1725 Jefferson Davis Highway Arlington, VA 22202	Lockheed Corporation	6,000.00	
J. F. Otero, 815 16th Street, NW Washington, DC 20006	Transportation Communications Union	1,000.00	
Richard D. Otis, 1341 G Street, NW, Suite 1100 Washington, DC 20005	Jefferson Group (For:Horsehead Resource Development)		
Alan R. Ott, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,000.00	
Michael F. Ouellette, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	6,500.00	202.00
Cliff Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Overseas Education Assn, 1201 16th Street, NW Washington, DC 20036		834.34	1,208.17
Jack C. Overstreet, 1745 Jefferson Davis Highway Suite 1000 Arlington, VA 22202	General Dynamics	1,000.00	105.00
Sally LaHue Owen, 1709 New York Avenue, NW, 8th Floor Washington, DC 20006	Savings and Community Bankers of America	13,000.00	107.02
Stephen F. Owen Jr., 2600 Virgina Ave. NW, #840 Washington, DC 20037-1905	Classroom Publishers Assn		
Thomas E. Owens, 815 16th Street, NW, #309 Washington, DC 20006	AFL-CIO Dept of Legislation	15,272.40	399.08
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.	13,600.00	1,757.78
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	156.00	
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,978.55	110.50
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006	Transportation Communications Union	3,000.00	142.08
Barbara Page, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co., Inc	2,538.42	2,442.25
Brian Pallasch, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
James A. Palmer, 1776 I Street, NW, Suite 1000 Washington, DC 20006	BP America, Inc		
Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	5,150.00	97.15
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	1,737.50	38.00
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospital Assn)	250.00	
Do	New Jersey Turnpike Authority	1,512.50	34.44
Do	Proctor & Gamble Mfg Co	5,812.50	276.25
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	387.50	
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	American Soc of Composers Authors & Publishers	22,500.00	19,039.61
Do	Atlantic Richfield Co	36,000.00	9,032.94
Do	Battelle Memorial Institute		
Do	Government Employees Hospital Assn	18,000.00	5,325.21
Do	New Jersey Turnpike Authority	15,999.50	10,559.75
Do	Proctor & Gamble Mfg Co	30,000.00	17,365.18
Do	Southern California Rapid Transit District	30,303.24	7,657.48
Jonathan R. Paret, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	3,069.00	
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry	2,692.65	
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
Bruce Parker, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114	American Petroleum Institute	1,440.00	
Penny L. Parkin, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical USA		6,136.00
Carl M. Parks, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	15,000.00	29.01
Lawrence Parks, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	13,275.00	2,794.31
Jack C. Parnell, 1250 I Street, NW, #801 Washington, DC 20005	Kahn Soares & Conway (For:Central Soya/Novamont)	3,537.50	84.87
Do	Kahn Soares & Conway (For:Friant Water Users Authority)	25,912.00	487.94
Do	Kahn Soares & Conway (For:National Agricultural Chemicals Association)	6,850.00	98.73
Norman T. Parnes, 5503 Mako Court Waldorf, MD 20603	Air Force Sergeants Assn, Inc		
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corporation	30,472.50	3,171.62
William E. Parshall, 230 South Broad Street Philadelphia, PA 19102		250.00	363.00
Richard N. Parsons, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	6,724.00	
Partnership on Health Care and Employment, P.O. Box 27414 Washington, DC 20038			
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	5,224.64	
Richard E. Pasco, 501 School Street, SW, #400 Washington, DC 20024	National Pork Producers Council	10,000.00	913.71
Lisa M. Patera, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	US Strategies Corp		
M. Stephanie Patrick, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903-1429	American Petroleum Institute	15.33	
Jerry M. Patterson, 3200 Bristol St., Suite 640 Costa Mesa, CA 92626	City of Alhambra		
Do	City of Bell & Bell Community Redevelopment Agency	2,120.50	
Do	Burke Williams & Sorensen (For:City of Santa Ana)		
Do	Burke Williams & Sorensen (For:City of Santa Clarita)		
Do	City of Temecula	11,341.50	879.72
Richard M. Patterson, 1776 Eye St., NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,386.00
Sally Patterson, 810 Seventh Ave. New York, NY 10019	Planned Parenthood Federation of America		
C. James Patti, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	11,087.72	
Patton Boggs & Blow, 2550 M Street, NW Washington, DC 20037	Ad Hoc Coalition for FPI Reform	420.00	45.00
Do	Ad Hoc Coalition for Intermarket Coordination		
Do	Ad Hoc Coalition Administration for Native Americans	210.00	25.00
Do	Air Products & Chemicals, Inc	345.00	50.00
Do	Aiwa America, Inc		
Do	Akai America, Ltd		
Do	Alabama Power Co		
Do	Amenco	1,300.00	20.00
Do	American Congress on Surveying & Mapping		
Do	American International Automobile Dealers Assn		
Do	American International Group	220.00	
Do	American Soc of Plastic & Reconstructive Surgeons		
Do	American Stock Exchange, Inc		
Do	Ares-Serono, Inc	270.00	35.00
Do	Armco, Inc	345.00	20.00
Do	Association of Trial Lawyers of America	1,980.00	100.00
Do	Bankers Trust Company		
Do	Bath Iron Works Corp		
Do	Beauty & Barber Supply Institute		
Do	Bic Corporation		
Do	Blair Corporation		
Do	Bluebonnet Savings Bank FSB		
Do	Board of Mississippi Levee Commissioners		
Do	Bristol Myers/Squibb Corp	220.00	20.00
Do	Casio		
Do	Castle & Cooke, Inc		
Do	Center for Molecular Medicine & Immunology		
Do	Center City Inner Harbor		
Do	Chemfix Technologies, Inc		
Do	Cherokee Nation of Oklahoma	3,716.25	515.00
Do	Cherokee Nation Industries, Inc		
Do	Chicago Board Options Exchange	690.00	25.00
Do	Chrysler Corporation		
Do	City & County of Denver	855.00	
Do	City of Baltimore		
Do	Climate Council		
Do	Coalition for Fair Allocation of Interest	2,070.00	100.00
Do	Coalition on State Use Taxes		
Do	College Savings Bank	5,880.00	112.00
Do	Columbia, Inc		
Do	Corridor Broadcasting Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Council of Community Blood Centers		
Do	CUC International		
Do	Dairy Institute of California		
Do	Dealer Action Association		
Do	Denver Colorado Planning Department		
Do	Discovery Channel		
Do	Dole Fresh Fruit Co	4,712.50	40.00
Do	Doyon Corporation		
Do	Duty Free Shoppers Group, Ltd	2,090.00	33.00
Do	Edison Electric Institute		
Do	Electric Reliability Coalition	9,055.00	59.00
Do	Encore Computer Corp		
Do	Falconwood Corp		
Do	Federation Against Inequitable & Progressive Taxation		
Do	Fiart Cantieri Italiani, S.P.A.		
Do	Flexi-Van Leasing, Inc	115.00	9.99
Do	Florida State Assn of Supervisors of Elections, Inc		
Do	Freedom to Advertise Coalition	1,213.75	60.00
Do	Fuji Photo Film USA, Inc		
Do	Gana-A'Yoo, Limited		
Do	General Electric Co		
Do	Genstar Container Corp	115.00	9.99
Do	Charles Heilbronn, et al.		
Do	Hillenbrand Industries		
Do	Hitachi Sales Corp of America		
Do	Home Owners Warranty Corp		
Do	Institute of Scrap Recycling Industries		
Do	International Fabricare Institute		
Do	International Swaps Dealers Assn, Inc	2,970.00	85.00
Do	Itel Containers International Corp	115.00	9.99
Do	J.P. Morgan & Co, Inc		
Do	Jena Band of Choctau	2,205.00	645.00
Do	Johnson Controls World Services, Inc		
Do	Kaiser Aluminum & Chemical Corp		
Do	Kenwood USA Corporation		
Do	KAO Infosystems		
Do	Landauer, Inc		
Do	Local Government Wetlands Coalition	827.50	23.00
Do	Loop, Inc		
Do	Loyloa University		
Do	Manhole Adjusting, Inc	715.00	12.00
Do	Marathon Oil Co	410.00	
Do	Mars, Inc	110.00	20.00
Do	Mass Mutual	362.50	20.00
Do	Matson Navigation Co	380.00	
Do	Matsushita Electric Corp of America		
Do	Maxell Corp of America		
Do	Metropolitan Life		
Do	Mitsubishi Electric Sales of America, Inc		
Do	Mutual Legislative Committee	660.00	17.50
Do	MCI Telecommunications, Inc	1,372.50	31.00
Do	Nakajima USA		
Do	Nakamichi USA		
Do	National Assn for the Superconducting Super Collider (SSC)	2,242.50	95.00
Do	National Assn of Life Underwriters	220.00	9.50
Do	National Assn of Retail Druggists		
Do	National Automatic Merchandising Assn	365.00	10.00
Do	National Cable Television Assn, Inc	330.00	20.00
Do	National Marine Manufacturers Assn		
Do	National Soft Drink Assn		
Do	New York Life Insurance Company	1,870.00	30.00
Do	Newpaper Association of America	3,648.75	145.00
Do	Northwestern Mutual Life Insurance Co	440.00	35.00
Do	Nutri/Systems, Inc		
Do	NCNB Texas National Bank		
Do	NEC Electronics (USA) Inc		
Do	NMTBA-National Machine Tool Builder's Assn	345.00	20.00
Do	Onkyo USA Corp		
Do	Options Clearing Corp		
Do	OSG Bulk Ships, Inc	5,620.00	33.00
Do	Pioneer Electronics (USA), Inc		
Do	PNC Financial Corp		
Do	Reader's Digest Assn, Inc	1,000.00	
Do	Donald Rector		
Do	Reinsurance Assn of America		
Do	Reliance Group Holdings, Inc	115.00	6.66
Do	Republic of Guatemala	1,790.00	45.00
Do	Retail Industry Trade Action Coalition		
Do	Royal Trustco Ltd		
Do	Sansui Electronics Corp		
Do	Sanyo Electronics, Inc		
Do	Raymond F. Schoenke Jr.		
Do	Sedgwick James, Inc	220.00	7.50
Do	Sharp Electronics Corp		
Do	Charles E. Smith Companies		
Do	Smokeless Tobacco Council, Inc	10,495.00	200.00
Do	Sony Corp of America		
Do	Sprat Bay Corp		
Do	Standard Federal Savings Bank		
Do	State of Louisiana, Department of Conservation		
Do	Sultantate of Oman	2,000.00	
Do	Sybron Corp		
Do	STS Hydropower, LTD		
Do	Thomson US, Inc		
Do	Toshiba America, Inc		
Do	Trans Ocean Ltd	115.00	9.99
Do	Triton Container	115.00	9.99
Do	TDK USA Corp		
Do	TEAC Corp of America		
Do	U.S. Tobacco Company		
Do	US JVC Corporation		
Do	USX Corporation	345.00	20.00
Do	Waste Management, Inc		
Do	Wayne County Michigan		
Do	Westinghouse Electric Corp		
Do	Yamaha Electronics Corp, USA		
Andrew R. Paul, 225 Reinekers Lane, #600 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn	3,500.00	43.13
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Allegheny Power System Inc, et al.	15,413.75	238.60
Do	Amdahl Corp		
Do	American College of Neuropsychopharmacology		
Do	American Trucking Assns, Inc	3,135.00	
Do	Business Council on Indoor Air		
Do	Government Affairs Policy Council of Reg Bell Operating Co's	17,028.75	235.23
Do	Kawasaki Motors Corp, USA	663.75	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Norfolk Southern Corp	997.50	29.78
Do	Novo-Nordisk Pharmaceuticals, Inc	3,406.25	87.48
Do	Roadway Services, Inc		
Do	Siskiyou Co Board of Supervisors & Office of Education	743.75	
Do	Tobacco Institute	15,071.25	
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	HNSX Supercomputers, Inc		
Gwen Gampel Paulson, 711 Second Street, NE, #200 Washington, DC 20002	Congressional Consultants (For:American Assn of Retired Persons)	1,000.00	
Do	Dialysis Clinic, Inc		
Do	Kinetic Concepts, Inc	1,000.00	
Do	Congressional Consultants (For:National Renal Administrators Assn)	2,000.00	20.00
Do	Victims of Insurance Company Errors (Voice)	1,000.00	30.00
Kristin E. Paulson, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	639.00	268.87
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,900.00	476.37
Bruce Peabody, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	2,914.02	
Chris Peace, 500 E. Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	5,000.00	254.21
Peace Political Action Committee, 110 Maryland Avenue, NE, #409 Washington, DC 20002			12,266.88
Norman E. Pearson, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Robert Peck, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Robert A. Peck, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects		
Elin Peltz, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
Randall G. Pence, 2302 Horse Pen Road Herndon, VA 22071-3406	National Concrete Masonry Assn	5,416.00	539.00
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	3,406.27	
Pennsylvania Mines Corp, P.O. Box 367 Ebensburg, PA 15931			1,199.26
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			2,443.53
People for America, Inc, 4404 Fairfax Hill Plano, TX 75024			6,706.00
Laura T. Peralta, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Robert A. Perkins, 1100 Connecticut Avenue, NW Washington, DC 20036	Chrysler Corporation	15,000.00	558.00
Perkins Coie, 607 14th Street, NW #800 Washington, DC 20005-2011	American Coke & Coal Chemicals Institute		
Do	Boeing Company		
Do	Burlington Resources		3,125.00
Do	Cook Inlet Region, Inc		2,500.00
Do	General Electric Co		
Do	James River II, Inc		12,500.00
Do	Krupp Atlas Elektronik GmbH		
Do	Puget Sound Power & Light Company		
Do	Wood Heating Alliance		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Richard Perle, 5 Grafton Street Chevey Chase, MD 20815			
Jeffry L. Perlman, 1400 K St., NW Washington, DC 20005	American Advertising Federation	1,725.00	637.91
Anne Powers Perry, 5605 South 5th Road Arlington, VA 22204	National Trust for Historic Preservation	3,900.00	230.89
Do	Oryx Energy Co	9,000.00	267.16
Beverly Perry, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company	120.56	
Edmund F. Perry, 1301 K Street, NW, Suite 1100 Washington, DC 20005	IBM Corp	949.00	181.01
Susan Perry, 1015 15th Street, NW Washington, DC 20005	American Bus Assn	2,687.50	75.00
John C. Perryman, 333 Piedmont Avenue, 23rd Floor Atlanta, GA 30308	Georgia Power Co	8,491.25	2,081.59
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	515.00	
John W. Pestle, 171 Monroe Ave., #800 Grand Rapids, MI 49503	Michigan Municipal Cooperative Group	62,385.00	6,983.00
Phillips S. Peter, 3135 Easton Turnpike Fairfield, CT 06431	General Electric Co	250.00	
Gordon A. Peters, 9191 West Tulip Drive Columbus, IN 47201	Juvenile Products Manufacturers Assn	15,260.00	1,084.10
Robert Peters, 49 West 12th Street, #2A New York, 10 10011	Morality in Media, Inc	283.44	
Robert R. Petersen, 1300 L Street, #925 Washington, DC 20005	National Grain Trade Council		
Dan A. Peterson, 1314 Skipwith Road McLean, VA 22101	Martin Marietta Corporation	6,773.50	
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
Helena Hutton Peterson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute		
Lars E. Peterson, 800 Connecticot Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Joseph P. Petito, 1800 M Street, NW Washington, DC 20036	Coopers & Lybrand	2,200.00	711.00
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc	2,500.00	40.00
Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005		20,000.00	18,857.82
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	40.00	
Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,236.00
Susan M. Pettey, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging	181.96	55.58
C. L. Pettit, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Maria L. Pfarr, 1455 Pennsylvania Ave., NW, #1000 Washingoton, DC 20004	New England Council, Inc		
Steven J. Pfister, National Retail Federation 701 Pennsylvania Avenue, NW #710 Washington, DC 20004	National Retail Federation	3,000.00	
Kurt Pfotenhauer, 316 Pennsylvania Avenue, SE, #304 Washington, DC 20003	United Parcel Service	7,000.00	260.53
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		36,377.00	36,377.00
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	6,710.40	72.37
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	22,500.00	511.00
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	2,200.00	3,789.96
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	FINA, Inc	30,000.00	1,166.36
James R. Phifer, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronic Systems Co	6,286.50	708.30
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston		
Joseph M. Phillips, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,377.00	605.68
Kristine Phillips-Geddings, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	1,985.00	
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	4,500.00	1,189.66
Lisa Piccione, 1220 19th Street, NW, #200 Washington, DC 20036	Airports Assn Council International	12,600.00	
Lori J. Pickford, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,000.00	
Paulette C. Pidcock, 1100 Connecticut Avenue, NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	232.31	
Lino J. Piedra, 1100 Connecticut Avenue, NW, Suite 900 Washington, DC 20036	Chrysler Corporation	6,250.00	381.00
Janice Pieper, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	52.25
Pierson Semmes & Bemis, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate		64.92
Do	Oklahoma Natural Gas Company		
Donna M. Pignatelli, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	1,000.00	
Mary C. Pigott, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Susan G. Pikrallidas, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Biotechnology Software Manufacturers Assn		2,100.00
Do	Direct Marketing Assn		4,100.00
Do	Edison Electric Institute		
Do	Information Industry Assn		2,100.00
Do	Journal of Commerce, Inc		2,100.00
Do	Mead Data Central, Inc		10,200.00
Jeffrey J. Pirruccello, One Central Park Plaza, #1100 Omaha, NB 68508	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)	944.00	
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)	640.00	
William P. Pitts, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Planned Parenthood Fed of America, Inc, 2010 Massachusetts Avenue, NW, 5th Fl. Washington, DC 20036		13,735.68	13,735.68
Michael L. Platner, 1220 L Street, NW, Suite 900 Washington, DC 20005	American Petroleum Institute	9,750.00	280.91
Jon Plebani, 555 13th Street, NW, Suite 1290 East Washington, DC 20004	McCamish Martin & Loeffler (For:American Golf Corp)	10.00	
Do	McCamish Martin & Loeffler (For:Central South West Corp)		
Do	McCamish Martin & Loeffler (For:Citicorp)		
Do	McCamish Martin & Loeffler (For:City of Philadelphia)	80.00	
Do	McCamish Martin & Loeffler (For:Electronic Data Systems Corp)		
Do	McCamish Martin & Loeffler (For:National Assn of Broadcasters)	345.00	
Do	McCamish Martin & Loeffler (For:Sematech)	15.00	
Wyll W. Pleger, 1150 Connecticut Ave., NW, #205 Washington, DC 20036	Brown & Root, Inc		
Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	1,888.91	29.00
E. R. Plourd, 400 N. Capitol Street, NW, #856 Washington, DC 20001	United Transportation Union	2,500.00	
Rebecca S. Poe, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp	500.00	309.02
Policy Consulting Services, Inc, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Nissan Motor Manufacturing Corp, U.S.A.		
Do	Nissan North America, Inc	18,069.00	17,359.00
Mindy Pollack, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836	NAC Re Corp		
Michele Pollak, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	786.73	
Alfred M. Pollard, 1709 New York Avenue, NW Washington, DC 20006	Savings & Commmunity Bankers of America	5,885.63	63.00
Do	Security Pacific Corp		
Thomas B. Pollard Jr., P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp)		4,222.97
William B. Pomeroy, 1255 23rd Street, NW, #800 Washington, DC 20037	International Communications Assn		
Harry L. Ponder, 815 16th Street, NW, #707 Washington, DC 20006	Department for Professional Employees AFL-CIO	8,354.22	
Kathryn Pontzer, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	8,250.00	
James J. Popham, 1200 18th Street, NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
Joseph V. Popolo Jr., 1600 Wilson Boulevard, #807 Arlington, VA 22209	Roadway Services, Inc		
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			
Julie Anna Potts, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Wallace & Edwards		
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,258.63	292.39
Robert J. Powers, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	9,725.04	378.61
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	850.00	
Andrew J. Prazuch, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	5,512.00	120.00
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Fisheries Coalition		
Do	American President Lines	3,553.00	
Do	ASARCO, Inc		
Do	Bay Ship Management		
Do	Bellingham Cold Storage		
Do	Brown Forman Corp		
Do	Browning Kaleczyc Berry & Hoven	7,729.00	
Do	Burlington Northern Railroad Co	16,960.00	
Do	Calista Corp		
Do	Chambers Development Co, Inc	515.80	
Do	Computer Systems Policy Project		
Do	Council on Research & Technology	840.00	
Do	Data General Corp		
Do	Delta Queen Steamboat Company	645.00	
Do	Earthquake Project	2,000.00	
Do	ENVIROTIRE, Inc		
Do	Georgia Pacific Corp		
Do	Hewlett-Packard Co	1,400.00	
Do	Intelsat		
Do	Intermodal Association of North America		
Do	James River Corp		
Do	Kraft General Foods		
Do	Kyokuyo Co, Ltd	2,711.23	
Do	Microsoft Corp	2,214.50	
Do	Mormac Marine Group, Inc/Mormac Marine Transport, Inc		
Do	National Council on Compensation Insurance		
Do	National Hydropower Assn	462.00	
Do	Nichiro Corp	2,711.23	
Do	Nissui Shipping Corp	2,711.23	
Do	OMI Corp	1,729.00	
Do	Pacific Medical Center		
Do	Pitney Bowes		
Do	Port of Seattle		
Do	Rokuchu Marine Corp	2,711.23	
Do	Software Pubishers Association	2,011.50	
Do	Sunmar Shipping, Inc		
Do	Taiyo Gyogyo Kabushiki Kaisha	2,711.23	
Do	Tele-Communications, Inc	7,968.00	
Do	Transportation Institute		
Do	Tri-City Industrial Development Council		
Do	University of Washington		
Do	Westinghouse Electric Company	475.00	
Do	Weyerhaeuser Co		
Harold Price, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees		
Michael Allen Price, 11166 Main Street, Suite 302 Fairfax, VA 22030	Seniors Coalition	3,712.50	3,712.50
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560-South Washington, DC 20004	CSX Corporation	6,000.00	189.27
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Chrysler Corporation		
Do	General Electric Co		396.00
Do	Investment Company Institute		
Sheila M. Prindiville, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Waste Management Assn	500.00	
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219			
Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606			
Project Cure, Inc, 5910 N. Central Expressway, #760 Dallas, TX 75206			
Peter D. Prowitt, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	11,874.00	
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Jerry Z. Pruzan, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	450.00	
George Prytula, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	175.32
Public Citizen Health Research Group, 2000 P St., NW, #700 Washington, DC 20036		455.61	455.61
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		42,404.00	47,294.00
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		76,724.35	25,962.35
Public Service Electric and Gas Company, 80 Park Plaza, T4A Newark, NJ 07101			247.50
Public Strategies, 620 Congress Avenue, #310 Austin, TX 78701	Sammons Enterprises, Inc	18,750.00	55.64
Do	Southwest Airlines Co	8,400.00	6,440.79
Do	Texas Motor Transportation Association		112.63
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	American Trucking Assns, Inc	12,510.00	1,041.99
Do	Blue Cross Blue Shield Assn	50,000.00	4,666.76
Do	Boston Capital Partners, Inc	18,000.00	1,654.05
Do	GTECH	18,000.00	1,363.76
Do	Hyatt Legal Plans, Inc		
Do	Jewelers of America, Inc		
Do	Mexican Department of Commerce & Finance	54,000.00	
Do	National Assn of Chain Drug Stores	24,999.00	1,810.51
Do	Pacific Mutual Life Insurance Company	25,000.00	1,189.71
Do	Southwest Airlines	6,000.00	2,336.89
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Brenda Pulley, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:National Assn of Chem Recyclers (NACR))		
Julie F. Pulliam, 1090 Vermont Ave., NW. #800 Washington, DC 20005	Equifax, Inc	10,000.00	
Thomas W. Purcell, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	2,500.00	
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Howard Pyle III, 1050 17th Street, NW, #1250 Washington, DC 20036	Houston Industries, Inc	8,000.00	
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	Elkem Metals Company	4,250.00	
Do	Independent Bakers Assn	3,000.00	
Do	Jersey Minere Zinc	2,000.00	
Do	Stratcor	3,000.00	260.00
Do	Welch Foods, Inc	3,750.00	
PHP Healthcare Corp, 4900 Seminary Road, 12th Floor Alexandria, VA 22005		14,000.00	
Patricia A. Quealy, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	7,750.00	701.98
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	9,000.00	86.00
John E. Quinn, 11 Beacon Street, #415 Boston, MA 02108	American Petroleum Institute	1,500.00	
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Jeffrey L. Quyle, 720 N. High School Rd. Indianapolis, IN 46214	Indiana Statewide Assn of Rural Electric Cooperatives, Inc	3,000.00	1,596.42
Mark J. Raabe, 601 Pennsylvania Ave., NW North Building, Suite 1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Alex Radin, 1200 New Hampshire Ave., NW, #507 Washington, DC 20036	Tennessee Valley Public Power Assn	1,062.50	
Do	Radin & Associates Inc (For:Washington Public Power Supply System)	360.00	
Do	Radin & Associates, Inc. (For:Washington Public Utility Districts Assn)	4,687.50	
Ragan & Mason, 1156 15th Street, NW, #800 Washington, DC 20005	Bechtel Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Security Pacific Leasing Corporation		
Do	Security Pacific National Bank		
Kelly Rahach, 799 Sunset View Blvd. Tallmadge, OH 44278			199.15
Tanya A. Rahall, 2213 M Street, NW, Third Floor Washington, DC 20037	American Task Force for Lebanon	15,000.00	
Do	American Task Force for Lebanon Legislative Council		
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:English Bay Corp)		
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Rainbow Lobby, 1660 L Street, NW, #204 Washington, DC 20036		47,363.40	47,363.40
John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201	Lindsay Hart Neil & Weigler (For:Business Computer Training Institute)	18,000.00	5,828.81
Do	Lindsay Hart Neil & Weigler (For:Moex Corp)	18,000.00	5,243.30
Diana Ramsay, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	2,500.00	7.80
Kristen M. Rand, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Donald A. Randall, 321 D Street, NE Washington, DC 20002	Automotive Service Assn	15,525.00	
Do	National Independent Dairy-Foods Assn	1,172.32	
James D. Range, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	10,000.00	323.97
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	5,669.07
Larry Rasky, One Beacon Street Boston, MA 02138	Rasky & Company (For:National Cable Television Assn, Inc)	15,000.00	
Magda A. Ratajski, Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
John W. Rauber Jr., 1250 Connecticut Ave., NW Washington, DC 20037	American Paper Institute, Inc		
Carol L. Raulston, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	8,400.00	35.00
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
William Randall Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn, Inc		
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	ABB Traction, Inc	6,163.61	
Do	Bayley Seton Hospital	13,585.17	
Do	Cumberland Packing Company	6,530.64	
Do	Lutheran Medical Center	9,020.25	
David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ebasco Services, Inc	3,379.00	428.40
Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	3,000.00	52.00
Recording Industry Assn of America, Inc, 1020 19th St., NW #200 Washington, DC 20036		24,350.00	24,350.00
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Donald L. Redfoot, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	707.43	
Jo Reed, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	844.20	
Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,189.00	200.00
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	45.00
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	D & R Pharmaceutical Services, Inc		
Do	Radio-Television News Directors Assn	2,000.00	
Robert K. Reeg, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
Joseph M. Rees, 1000 Potomac Street, NW, #401 Washington, DC 20007	Heartland Health System		97.20
Do	National Coalition Burn Center Hospitals	7,671.47	22.00
Do	Songwriters Guild of America	8,647.79	107.75
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	3,200.00	627.09
Reese Communications Companies,Inc., 2111 Wilson Boulevard, #900 Arlington, VA 22201	Philip Morris, USA		
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	2,000.00	218.75
Martin A. Regalia, 1101 15th Street, NW, #400 Washington, DC 20005	Savings and Community Bankers of America	3,600.00	
R. Brent Regan, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		2,107.01
John T. Reggitts Jr., 95 Boonton Avenue P.O. Box 470 Boonton, NJ 07005			
Regional Airline Association, 1101 Connecticut Ave., NW, #700 Washington, DC 20036		6,495.00	3,150.00
David K. Rehr, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	3,500.00	52.08
Reichler & Soble, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Interim Government of National Unity of Liberia	37,500.00	2,498.33
Do	National Coalition Government of the Union of Burma		407.98
Do	People's Progressive Party		558.38
Do	Saharawi Arab Democratic Republic		
Do	Supreme Court of Justice of the Republic of Guatemala		31.95
Do	United Coconut Assn of the Philippines	11,569.78	695.31
Do	United Front for Multiparty Democracy (Malawi)		687.33
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	ABB C-E Nuclear Fuel	10,375.50	203.70
Do	City of Cleveland, Department of Port Control	1,980.00	
Do	City of Philadelphia	35,557.50	7,714.12
Do	Edison Electric Institute		
Do	Henschel, Inc	13,243.00	267.89
Do	Kabi Pharmacia, Inc	11,666.50	1,904.32
Do	Nishika Corp		
Do	Pride Refining, Inc	23,823.75	1,239.07
Do	Robert E. Derecktor of Rhode Island, Inc		
Do	State of New Jersey		
Do	SPD Technologies	28,896.00	728.97
Ronald T. Reiling, 111 Powdermill Road Maynard, MA 01754	Digital Equiptment Corp	25,000.00	
Burke G. Reilly, 1350 I Street, NW Washington, DC 20005	Ford Motor Co	2,500.00	622.30
Christine W. Reiter, 1330 Connecticut Ave, NW Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufaturers Assn	500.00	33.00
Mark Reiter, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	11,000.00	3,079.74
Diane Rennert, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	6,500.00	639.38
Judy Rensberger, 2000 K Street, NW Washington, DC 20006	National Comm to Preserve Social Security & Medicare	10,914.00	
Stephen P. Rentner, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects		
Edward Repa, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Galen J. Reser, Pepsico, Inc Purchase, NY 10577	Pepsico, Inc		1,048.73
Barclay T. Resler, 1627 K St., NW, #800 Washington, DC 20006	Coca-Cola Company	200.00	177.00
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		102,140.82	84,663.59
Vincent P. Reusing, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos		
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	25,982.33	368.60
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest Resource Alliance	1,500.00	
Do	National Forest Products Assn	1,500.00	
Gregg M. Reynolds, 1441 Gardiner Lane Louisville, KY 40213	KFC Corp		
Frederick W. Rhodes, 1111 Jefferson Davis Highway, #811-E Arlington, VA 22202	K & F Industries		
Do	Loral Corporation	4,250.00	
Hermione Rhones, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects		
James R. Ricciuti, 601 Pennsylvania Ave, NW, North Bldg., #1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	9,324.99	
James E. Rich Jr., 1401 Eye Street, NW, #1030 Washington, DC 20005	Shell Oil Co	500.00	
Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007	General Dynamics	1,000.00	
Do	Hughes Aircraft Company		
Do	Pratt & Whitney	2,000.00	
Do	Sunrider International	2,000.00	
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	3,000.00	
Donna Richardson, 600 Maryland Ave. SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	6,698.00	90.75
John C. Richardson, 101 Park Avenue New York, NY 10178	Morgan Lewis & Bockius (For:Underwriters at Lloyd's London)		
John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	375.00	4,608.54
K. O. Richardson, 815 16th Street, NW, #511 Washington, DC 20006	Transportation - Communications Union	3,000.00	106.58
Mary Ann Richardson, 1455 Pennsylvania, NW, #500 Washington, DC 20004	Corning, Inc	500.00	
Paige Richardson, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	1,817.00	
Les Richter, 2555 M Street, NW, #327 Washington, DC 20037	National Assn for Stock Car Auto Racing, Inc (NASCAR)		
Do	National Motorsports Comm of Accus-FIA, Inc		
Max Richtman, 2000 K Street, NW 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	27,139.00	5,329.32
James G. Rickards, 600 Steamboat Road Greenwich, CT 06830-7149	Greenwich Capital Markets, Inc		2,780.00
Larry D. Rickards, 1112 16th Street, NW, #100 Washington, DC 20036	National Assn of Area Agencies on Aging	2,500.00	55.00
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute		
E. George Riedel, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Wesley J. Riker, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS	6,800.00	6,800.00
Michael R. Riksen, 2706 Davis Ave. Alexandria, VA 22302	Harris Corporation	2,025.00	116.50
Dawn Riley R., 1100 17th Street, NW, #505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	700.00	
Karen Rindge, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation	117.32	
Russell C. Ring, 1700 Pensylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	150.00	
Joan D. Ringel, 500 Independence Avenue, SE Washington, DC 20003		812.50	
John S. Rippey, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	4,000.00	
Carol A. Risher, 1718 Connecticut Ave., NW 7th Floor Washington, DC 20009-1148	Association of American Publishers	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mark R. Riso, 1920 N Street, NW Washington, DC 20036	American Mining Congress	40.00	
Edward W. Rissing, 701 Pennsylvania Ave, NW Washington, DC 20004	Edison Electric Institute		15.80
William R. Ritz, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,810.00	
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
Andrew W. Robart, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	1,236.47	235.33
Michelle Robbins, 1825 Eye St., NW, #1100 Washington, DC 20006	Lockheed Corporation	2,000.00	245.96
Wade H. Robert, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,001.00	
Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005	Travelers Companies	2,600.00	
David Gwyn Roberts, 411 Fayetteville Street Mall Raleigh, NC 27601	Carolina Power & Light Company	1,497.00	5,314.00
Glenn Roberts, 1620 I Street, NW Washington, DC 20006	American Spice and Trade Association	199.49	16.00
Do	Certified Color Manufacturers Assn	97.41	8.00
Do	Flavor and Extract Manufacturers Assn	374.48	32.00
Do	Fragrance Materials Assn	131.24	8.00
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		766.55
Roselee N. Roberts, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:AEG Westinghouse Transportation Systems, Inc)	1,500.00	
Do	Keefe Company (For:Broward County Governmental Center)	1,800.00	
Do	Keefe Co (For:City of Tampa)	1,500.00	
Do	Keefe Company (For:Dallas Area Rapid Transit)	1,250.00	
Do	Keefe Company (For:Embry-Riddle Aeronautical University)	3,500.00	
Do	Keefe Company (For:Greater Orlando Aviation Authority)	2,000.00	
Do	Keefe Co (For:Sanders Associates, Inc)	500.00	
Do	Keefe Company (For:Seminole Tribe of Florida)	1,500.00	
Do	Keefe Company (For:University of Miami)	1,000.00	
Rebecca Roberts-Malamis, 1 Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	5,000.00	526.37
Robins Kaplan Miller & Ciresi, 1801 K Street, N.W., #1200 Washington, DC 20006	Crystal Cruises, Inc		30.00
Do	International Group of P&I Clubs		
Do	Polaris Industries	1,000.00	41.34
Do			
Davis R. Robinson, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
H. Alexander Robinson, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	100.00	
Kenneth L. Robinson, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Nancy J. Robinson, 7509 Tiffany Spgs. Pkwy. Kansas City, MO 64190-1402	Livestock Marketing Association	14,442.00	
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey Morris & Robinson (For:American Imaging Assn)		
Do	Bailey Morris & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey Morris & Robinson (For:Case Management Society)		
Do	Bailey Morris & Robinson (For:Human Factors Applications, Inc)		
Do	Bailey Morris & Robinson (For:Investment Company Institute)		
Do	Bailey Morris & Robinson (For:National Assn of Broadcasters)		
Do	Bailey Morris & Robinson (For:Natural Gas Vehicles Coalition)		
Do	Bailey Morris & Robinson (For:Upjohn Co)		
Russell M. Robinson, 1900 Independence Center 101 North Tyron Street Charlotte, NC 28246	John Motley Morehead Foundation		
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	American International Group, Inc	3,000.00	
Do	Atari Games Corp		
Do	Central Valley Project Water Association	20,000.00	
Do	Commission on Self-Determination	500.00	
Do	CALCOT, Ltd	3,000.00	
Do	Ingersoll-Rand		
Do	Kimberly Quality Care		
Do	Mesa Limited Partnership		
Do	Minolta Corp		
Do	Napa Flood Control and Water Conservation District	1,000.00	
Do	National Venture Capital Association		
Do	Natural Gas Vehicle Coalition		
Do	New York Mercantile Exchange (NYMEX)		
Do	Sun-Diamond Growers of California	3,000.00	
Do	United States Banknote Corp		
Bob John Robison, 1 Massachusetts Avenue, NW, #800 Washington, DC 20001	Robison International, Inc (For:British Aerospace, Inc)	1,000.00	
Do	Robison International, Inc (For:FMC Corp)	1,000.00	
Do	Robison International, Inc (For:General Atomics Technologies)	1,000.00	
Do	Robison International, Inc (For:McDonnell Douglas Corp)	1,000.00	
Do	Robison International, Inc (For:Royal Ordnance, Inc/British Aerospace Co)	1,000.00	
Robison International, Inc, 1 Massachusetts Ave. NW, #800 Washington, DC 20001	British Aerospace, Inc	4,500.00	4,245.99
Do	British Aerospace, Inc (Government Programs Office)	5,400.00	5,095.16
Do	FMC Corporation	1,200.00	1,137.60
Do	General Atomics Technologies	4,508.21	4,262.00
Do	Heckler & Koch, Inc	2,000.00	1,890.67
Do	Mas-Hamilton Group	11,618.98	10,959.45
Do	McDonnell Douglas Corp	3,600.00	3,397.07
Do	Oshkosh Truck Corp	1,000.80	945.33
Do	Royal Ordnance, Inc	2,400.00	2,259.18
Do	Solid Waste Composting Council	4,013.34	3,781.31
Do	SOFEC, Inc	2,100.00	1,986.81
James Anthony Rock, 1730 M Street, NW, #607 Washington, DC 20036	Montana Power Co, et al.	2,500.00	432.52
James W. Rock, 1455 Pennsylvania Ave, NW, #560 Washington, DC 20004	American Resort & Residential Development Assn	3,000.00	
Do	Coalition for Fair Taxation of Real Estate	3,000.00	
Michael A. Rock, 555 13th Stret, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,500.00	1,001.83
David B. Rockland, 1705 DeSales Street, NW 8th Floor Washington, DC 20036	Times Mirror Magazines, Inc		
Phillip Rodenberg, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	6,219.00	
Michael F. Rodgers, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging	219.29	35.25
Quincy Rodgers, 181 West Madison Street, Suite 4900 Chicago, IL 60602	General Instrument Corporation	1,500.00	
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co		
James A. Rogers, 316 Pennsylvania Ave., SE Washington, DC 20003	United Parcel Service	2,000.00	2,299.68
Margaret Rogers, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co		6,361.00
Robert G. Rogers, 701 Pennsylvania Avenue, NW, Suite 720 Washington, DC 20004	Siemens Corp		
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	American Express Co		
Do	Dreyfus Corporation	500.00	175.00
Do	Investment Program Assn	5,000.00	250.00
Do	Kamehameha Schools/Bishop Estate		
Do	Liga Agricola Industrial de la Cana de Azucar		
Do	Merrill Lynch & Co, Inc		
Do	Mill-Max Manufacturing Corp	2,065.00	50.00
Do	National Assn of Beverage Importers		
Do	Oxnard Refinery	8,500.00	316.00
Do	R.L. Polk & Company		
Do	Republic National Bank		
Do	Rutgers, The State University of New Jersey		
Do	Shearson Lehman Brothers, Inc		
Do	Teachers Insurance & Annuity Assn/CREF		
Do	Wine & Spirits Wholesalers of America, Inc		
Barry K. Rogstad, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference, Inc	16,270.00	94.00
Barbara J. Rohde & Associates, 1701 K Street, NW, #400 Washington, DC 20037	Allied Charities of Minnesota	1,500.00	50.00
Do	City of Grand Forks	3,000.00	220.00
Do	City of Moorehead	3,000.00	50.00
Do	Hubert Humphrey Institute of Public Affairs	3,000.00	2,687.00
Do	Small Business Exporters Assn		
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	34,200.00	
Stephen F. Rohrkemper, 2230 Gallows Road, #200 Dunn Loring, VA 22027	International Technical Expertise Ltd		
Ian M. Rolland, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419	CIBA-GEIGY Corp	4,533.00	1,739.32
Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038	Asarco, Inc	4,600.00	
Dennis G. Romano, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	175.32
W. T. Rooker Jr., 1301 K Street, NW, #1200 Washington, DC 20005-3307	IBM Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Francis P. Rooney, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Mfgrs Assn		
J. Patrick Rooney, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		95,140.96
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Fleet Financial Group and Subsidiaries		
Do	Industrial Development Authority of Ireland		
Do	National Food Brokers Assn		
James C. Rosapepe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe & Spanos, Inc (For:H&R Block, Inc)	1,200.00	81.79
Rosapepe & Spanos, Inc, 1331 H Street, NW, #300 Washington, DC 20005	H&R Block, Inc	9,000.00	3,310.83
Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	1,000.00	
Leslie Rose, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	16,124.99	
Rose Communications, Inc, 901 15th Street, NW, #570 Washington, DC 20005	Ad Hoc Coalition on Fuel Cells for Transportation	7,274.76	15,000.00
Do	Johnson Matthey, Inc		
Burt E. Rosen, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	9,200.00	
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	16,153.83	25.50
Marilyn Rosenthal, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc		
Joe Ross, 111 Main Street Little Rock, AR 72201			
John J. Ross, Atticus Consulting 56 West Main Street, P.O. Box 1143 Freehold, NJ 07728			82.46
Nancy Ross, 1830 17th Street, NW, #704 Washington, DC 20009	Rainbow Lobby	5,850.00	
William F. Ross, South Carolina Petroleum Council 1220 L Street, NW Washington, DC 20005-8	American Petroleum Institute	438.00	1,124.21
Ross Marsh Foster Myers and Quiggle, 888 16th St., NW Washington, DC 20006	Church Alliance	7,700.00	36.36
Richard Rosser, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	2,424.00	
Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Roth VanAmberg Gross Rogers & Ortiz, P.O. Box 1447 Santa Fe, NM 87504-1447	Pueblo de Cochiti	3,205.98	1,769.37
Lauren J. Rothfarb, 1126 16th St., NW Washington, DC 20036	Int'l Union of Electronic, Electrical, Salaried, Machine...	11,916.24	121.50
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc	3,000.00	941.61
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
William C. Rountree, Suite 1000 1776 Eye Street, NW Washington, DC 20006	BP America, Inc		
Michael O. Roush, 600 Maryland Avenue, SW. #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	300.00
Deborah Rowell, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		10.00
J. Patrick Rowland, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:Baker Industries)	1,500.00	25.00
Do	Rowland & Sellery (For:Borg-Warner Automotive, Inc)	1,500.00	25.00
Do	Rowland & Sellery (For:Coalition for Uniform Product Liability Law)	2,000.00	25.00
Do	Rowland & Sellery (For:Independent Armored Car Assn)	2,400.00	50.00
Do	Rowland & Sellery (For:National Armored Car Assn)	2,400.00	30.00
Do	Rowland & Sellery (For:National Check Cashers Assn, Inc.)	1,500.00	25.00
Rowland & Sellery, 1023 15th Street, NW, 7th Fl Washington, DC 20005	GE Plastics	1,000.00	25.00
Do	National Check Cashers Assn, Inc	1,500.00	25.00
Do	Security Companies Organized for Legislative Action (SCOLA)	1,004.00	25.00
Lori Groves Rowley, 1025 Connecticut Ave, NW, #1014 Washington, DC 20036	Enserch Corp	2,802.00	5,808.23
Manik Roy, 1875 Connecticut Ave. NW Suite 1016 Washington, DC 20009	Environmental Defense Fund	3,222.00	
Natalie Roy, 34 North Highland Street Arlington, VA 22201	Glass Packaging Institute		5,310.00
P. Norman Roy, P.O. Box 1938 (10 Madison Ave) Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Citizens Savings Bank		
Do	Financial Security Assurance		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Michigan Trade Exchange		
Do	Municipal Finance Industry Assn		
Do	National Health Labs, Inc		
Royer & Babyak, 1747 Pennsylvania Avenue, NW Washington, DC 20006	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
N. Lee Rucker, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	14.67
Eldon Rudd, Shimmel Hill Bishop & Gruender, P.C. 3700 North 24th Street Phoenix, AZ 85016	Central Arizona Project Assn		
Frank S. Ruddy, 5600 Western Avenue Chevy Chase, MD 20815	Edison Electric Institute	700.00	
Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817	Mortgage Insurance Companies of America	4,500.00	281.05
Paul M. Ruden, P.O. Box 23992 Washington, DC 20026-3002	American Soc of Travel Agents		
Mladen Rudman, 1912 Sunderland Place, NW Washington, DC 20036-1608	Croation American Assn		
Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	2,500.00	1,420.00
Gregory Ruehle, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Henry C. Ruempler, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,000.00	
Nicholas L. Ruggieri, 1667 K Street, NW, #410 Washington, DC 20006	Ares-Serono, Inc	1,000.00	225.00
Terry Cornwell Rumsey, 7900 Westpark Drive #A-400 McLean, VA 22102	Xerox Corp		76.30
John Runyan, 100 Daingerfield Rd. Alexandria, VA 22314	Printing Industries of America, Inc	1,000.00	
Robert A. Rusbuldt, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	33,923.00	
Robert Rusis, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation		
Glenn S. Ruskin, 1747 Pennsylvania Avenue, NW, #700 Washington, DC 20006	CIBA-GEIGY Corp	4,375.00	31.80
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		65.00
Christine Anne Russell, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	9,875.00	
Judith L. Russell, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Randall M. Russell, 1919 S. Eads Street #103 Arlington, VA 22202-3028	Lesher & Russell, Inc		
Shannon M. Russell, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
William Russell & Associates, Inc, 117 S. Columbus Street Alexandria, VA 22314-3003	Golbal Broadcasting System	2,000.00	12.13
Diann Rust-Tierney, 122 Maryland Ave. Washington, DC 20002	American Civil Liberties Union	1,000.00	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Frank Ryan, 9420 Annapolis Road Lanham, MD 20706	Greater Wash/MD Service Station & Automotive Repair Assn	250.00	
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Paul D. Ryan, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	7,375.00	
RBC Associates, 122 C Street, NW, #850 Washington, DC 20001	Chicago & Northwestern Railroad	42,000.00	2,276.74
Do	Delaware Otsego System	11,639.41	2,276.53
Do	Environmental Transportation Assn	17,000.00	2,276.74
Do	Illinois Central Railroad	22,250.00	2,276.74
Do	Investment Counsel Assn of America, Inc	17,300.00	2,276.74
Do	Regional Railroads of America	39,000.00	2,276.75
Do	Turbomeca Engine Corp	40,000.00	2,276.74
RJR Nabisco, Inc, 1301 Avenue of the Americas New York, NY 10019			33,613.03
Lawrence E. Sabbath, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:GE Plastics)	1,000.00	25.00
Do	Rowland & Sellery (For:National Check Cashers Assn, Inc)	1,500.00	25.00
Do	Rowland & Sellery (For:Security Companies Organized for Legislative Action (SCOLA)).	1,004.00	25.00
Ronald K. Sable, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
G. J. Thomas Sadler Jr., 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	4,246.00	213.61
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	524.40
Lee Becker Salamone, 1111 14th St., NW Washington, DC 20005	American Bakers Assn		
Stephen Sale, 910 16th Street, NW Washington, DC 20006	Fehrenbacher Sale Quinn & Deese (For:CSC Credit Services, Inc)		
R. Gerard Salemme, 1250 Connecticut Avenue, NW, #401 Washington, DC 20036	McCaw Cellular Communications, Inc	10,000.00	6,015.49
Frank Max Salinger, 919 18th Stret, NW Washington, DC 20006	American Financial Services Assn	250.00	
Shannon Salmon, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	400.00	166.15
David M. Saltz, 815 16th Street, NW Washington, DC 20006	AFL-CIO	13,739.31	887.28
Joel Saltzman, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	4,000.00	135.80
Sammons Enterprises, Inc, 300 Crescent Court Dallas, TX 75201			
Joseph E. Samora Jr., 1901 Pennsylvania Ave., NW 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Wendy B. Samuel, 1709 New York Avenue, NW, 8th Floor Washington, DC 20006	Savings and Community Bankers of America	3,300.00	
William Samuel, 900 15th Street, NW Washington, DC 20005	United Mine Workers of America	13,249.98	283.66
Felix R. Sanchez, 3625 R Street, NW Washington, DC 20007	American Methanol Institute	2,000.00	816.00
Brian Sanderoff, 7500 Jefferson St., NE #250 Albuquerque, NM 87109	Philip Morris, Inc		
Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	500.00	
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	900.00	274.01
Stuart A. Sanderson, 1920 N Street, NW, Washington, DC 20036	American Mining Congress		
Julie Sanderson-Austin, 4240 Brittany Court Woodbridge, VA 22192	American Group Practice Assn		
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mike Sandifer, 2419 Chain Bridge Road, NW Washington, DC 20016	American Telemarketing Assn	1,500.00	218.56
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1730 M Street, NW, Suite 602 Washington, DC 20036	Council of European & Japanese National Shipowners' Assn	300.00	
Arthur R. Sando, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp (COMSAT)	2,500.00	
Robert J. Saner II, 1156 15th Street, NW, #1100 Washington, DC 20005	Medical Group Management Assn	1,500.00	
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	4,400.00	
Ronald A. Sarasin, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	500.00	
Kristin Sarri, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	351.97	91.25
Sartain Law Offices, 219 Boulevard, NE Gainesville, GA 30501	Philip Morris, Inc	1,500.00	
Satellite Broadcasting & Communications Assn, 225 Reinekers Lane, #600 Alexandria, VA 22314			3,543.13
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	22.00
Mary Jane Saunders, 1300 N. 17th Street, #300 Arlington, VA 22209	Arter & Hadden (For:Nintendo of America, Inc)	292.50	8.00
Save Our Children National Alliance, Inc, 1757-D-West Carson Street, #280 Torrance, CA 90501		310.00	600.33
Savings and Community Bankers of America, 1709 New York Avenue Washington, DC 20006		2,820,000.00	88,290.07
Savings Coalition of America, 901 15th Street, NW, Suite 700 Washington, DC 20005		102,205.00	32,816.20
Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Paulasue Sawyers, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Charles Scalera, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Sharp Manufacturing Company of America	350.00	
Jennifer A. Schafer, 962 Wayne Avenue, Suite 750 Silver Spring, MD 20910	American Gas Cooling Center	6,000.00	6,270.00
Do	Florida Solar Energy Center	1,210.00	1,330.00
Do	University of Oregon	3,500.00	3,720.00
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light, et al.	4,593.75	3,480.32
Amy Schaffer, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	22,490.46	
Patricia A. Schaub, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Company	404.40	
Sam Schertz, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
G. David Schiering, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Walter G. Schiller, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Michael T. Schilling, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc		1,306.00
David S. Schless, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	1,500.00	
James P. Schlicht, 1350 Eye Street, NW, #810 Washington, DC 20005-3305	Johnson & Johnson	815.00	340.00
Rodger Schlickeisen, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	105.76	
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	Career College Assn, Inc	1,250.00	
Robert Richard Schmitt, #12453-047 P.O. Box 8000 Bradford, PA 16701-0980			
Arnold M. Schneider, 2045 Lundy Ave. San Jose, CA 95106	American Assn of Classified School Employees	120.00	
Mahlon C. Schneider, 1100 N.W. 14th Austin, MN 55912	Geo. A. Hormel & Company		
Richard C. Schneider, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	4,000.00	
Abraham Schneier, 1101 16th Street, NW, #333 Washington, DC 20036	Kelly Services, Inc	4,500.00	85.83
Do	PepsiCo, Inc	4,800.00	47.99
Frank Schneller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210			20.00
Paul Schoellhamer, 4720 Hunt Ave. Chevy Chase, MD 20815	World Span	10,000.00	100.00
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:Coalition of EPSCoR States)	10,000.00	
Do	Van Scoyoc Associates, Inc (For:Microelectronics & Computer Technology Corp)		
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	6,750.00	
Do	Van Scoyoc Associates, Inc (For:University of Alabama System)	6,750.00	
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn of the U.S.	8,005.00	951.11
H. B. W. Schroeder, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
John G. Schroeder, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	Sikorsky Aircraft/United Technologies	2,852.00	1,512.12
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	600.00	
Judy Schub, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	898.22	480.80
Lynn M. Schubert, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Leslie Schultz, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	18,424.00	107.68
Neil D. Schuster, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	1,000.00	
A.R. Schwartz, 10 South Shore Drive Galveston, TX 77551	Galveston Chamber of Commerce	1,000.00	2,132.51
Do	Southwestern Bell Corporation	15,000.00	1,434.96
Do	Vulcan Materials		2,307.62
Adam D. Schwartz, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Association	45.00	
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	California State Lands Commission		
Do	Washington State Department of Natural Resources	3,744.00	104.93
Elizabeth Nash Schwartz, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	6,724.11	831.06
Harry K. Schwartz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	8,930.00	
Michael Schwartz, 1101 Pennsylvania Ave. NW, #950 Washington, DC 20006	Federal Home Loan Mortgage Corp	12,000.00	1,932.49
Phillip L. Schwartz, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	15,000.00	
Stephen I. Schwartz, Military Production Network 218 D Street, SE, 2nd Floor Washington, DC 20003	Tides Foundation	142.48	
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	3,825.00	54.70
Joseph A. Sciarrino, 10 Madison Ave., Box 1938 Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Scientific-Atlanta, One Technology Parkway Box 105600 Atlanta, GA 30348			1,200.00
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	20,000.00	
William L. Scogland, One IBM Plaza Chicago, IL 60611	Jenner & Block (For:Heatherton Staff Leasing, Ltd)		1,691.29
David A. Scott, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corporation	2,000.00	688.22
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	8,750.00	
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,157.00	159.50
James L. Scott, 400 N. Capitol Street, NW, #590 Washington, DC 20001	American Healthcare Institute	11,125.00	330.24
John Havens Scott, 1101 Vermont Ave., NW 12th Floor Washington, DC 20005	American Medical Assn	3,750.00	
R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	838.25	
Susan J. Scott, 1383 Piccard Drive P.O.Box 1725 Rockville, MD 20850	American Occupational Therapy Assn, Inc	2,500.00	104.16
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Life of Denver Insurance Co	1,703.00	
Do	Transamerica Corporation		
Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	5,313.00	6,086.34
Anne Scully, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,725.00	2,129.64
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	18,249.70	
Murray S. Scureman, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Walter J. Sczudlo, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Co	500.00	
John Morton Sebree, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,300.00	1,440.24
Securities Industry Assn, 1850 M Street, NW Washington, DC 20036			315,588.00
Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			9,273.00
Pamela Sederholm, 1211 Connecticut Avenue, NW, #800 Washington, DC 20036	International Council of Cruise Lines		100.00
Charles M. Seeger III, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	4,050.00	
Christopher C. Seeger, 655 15th Street, NW, #400 Washington, DC 20005	USAA		30,270.00
Mark Seetin, 919 18th Street, NW Washington, DC 20006	New York Mercantile Exchange	6,000.00	700.00
Ruth L. Segal, 1212 New York Avenue, NW Washington, DC 20005	Outdoor Advertising Assn of America	31,250.00	44.61
Carl J. Seiberlich, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd.	1,000.00	
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	930.00	
George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Elliott M. Seiden, 901 15th Street, NW, #500 Washington, DC 20005	Northwest Airlines, Inc	10,000.00	100.00
Mark K. Seifert, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		763.55
Jane Seigler, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,750.00	12.00
Elizabeth Seiler, 1010 Wisconsin Avenue, NW, Suite 800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
William H. Sells III, 1212 Potomac Street, NW Washington, DC 20007	Computer Dealers & Lessors Assn		
Marlisa Senchak, 3900 Wisconsin Ave.,NW Washington, DC 20016	Federal National Mortgage Assn	18,000.00	787.26
W. Edward Senn, 1828 L Street, NW, #1000 Washington, DC 20036	NYNEX Government Affairs Company	2,750.00	4,558.45
Wendy Senor, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	23,009.52	488.65
David Senter, 100 Maryland Avenue, NE, #500 Washington, DC 20002	American Agriculture Movement, Inc	3,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert A. Seraphin, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,730.00	121.21
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	6,413.68
Tess Serranti, 350 River Road South, C-1 New Hope, PA 18938	Enichem America, Inc	3,220.00	
J. Richard Sewell, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604	Florida Power & Light Co	3,000.00	3,572.26
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	American Soc of Pension Actuaries	15,000.00	
Do	Erisa Industry Committee, et al.		
Do	Pennsylvania Blue Shield		
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Investment Co Institute)		
Mark R. Shapiro, 5 Darby Court Bethesda, MD 20817	Guam Office (For:Joseph George Bamba)	6,000.00	878.79
Do	Guam Office (For:Marilyn Manibusan)	6,000.00	859.58
Mark J. Sharp, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	100.00	55.50
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc		
Do	Pipe Tobacco Council		
Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036	American Assn of Exporters & Importers		
Do	Bunge Corp		
Do	Schoeller Technical Paper, Inc		
Do	Toy Manufacturers of America	1,465.00	1,355.05
Do	Wilsons the Leather Experts	1,350.00	1,241.54
Emily Young Shaw, 1317 F Street, NW, Suite 400 Washington, DC 20004	R. Duffy Wall & Associates, Inc	1,250.00	
Shaw Bransford & O'Rourke, 815 Connecticut Avenue, NW, #800 Washington, DC 20006	PHH Group	3,000.00	131.00
Do	Senior Executives Assn	10,000.00	1,287.00
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Atlas Corp	162.77	
Do	Bank Leumi le-Israel, BM	4,382.50	125.99
Do	Embraer Aircraft Corporation		
Do	Emerson Electric Co		
Do	ESCO Electronics Corp		
Do	Gross Pointes-Harper Woods Study Comm for Detroit City Air..	1,174.88	29.36
Do	Institute of International Bankers		34,215.53
Do	Lockheed Air Terminal, Inc	4,347.73	
Do	National Automobile Dealers Assn		
Do	National Marine Manufacturers Assn	4,092.19	33.94
Do	Nuclear Fuel Services, Inc	1,070.00	
Do	Presbyterian University Hospital		
Do	Robinson Terminal	11,039.75	79.55
Do	RJR Nabisco	6,284.93	169.32
Do	Technical and Management Services Corp	62,650.76	2,349.24
Do	University of Pittsburgh Medical Center		
Do	Utility Nuclear Waste and Transportation Program	147.63	
Do	Vulcan Materials Co	7,914.75	87.23
Do	Waste Management, Inc		
Do	Workplace Health and Safety Council		
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.		
James V. Sheahan, P.O. Box 89000 Atlanta, GA 30356-9000	Siemens Corporation		
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	
P. Scott Shearer, 1725 K Street, NW, #1405 Washington, DC 20006	Halfpenny Hahn Roche & Marchese (For:Automotive Service Industry Assn)	11,250.00	107.50
Shearman & Sterling, 801 Pennsylvania Avenue, NW, 9th Floor Washington, DC 20004-2604	Frost & Sullivan, Inc	55,000.00	
Do	Secretariat of Commerce & Ind. Development of Mexico(SECOFI)	659,570.37	
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	16,141.72	
Shaun M. Sheehan, 1722 Eye Street, NW, Washington, DC 20006	Tribune Broadcasting Co	3,000.00	1,174.89
C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	50.36	
John E. Shelk, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance	10,000.00	1,040.00
Sheridan Group, 1775 T Street, NW Washington, DC 20009	Cities Advocating Emergency Aids Relief (CAEAR)	46,154.39	25,989.53
Do	CFIDS Assn, Inc	17,000.00	7,281.23
Judith C. Sherman, 1111 14th Street, NW, #1100 Washington, DC 20005	American Dental Assn	5,500.00	165.53
John C. Shirvinsky, 10700 Frankstown Road Pittsburgh, PA 15235	Chambers Development Company, Inc		
John B. Shlaes, 1331 Pennsylvania Avenue, NW Washington, DC 20004	Global Climate Coalition		
T. V. Shockley III, 2121 San Jacinto Street, #2500 P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
John G. Shortridge, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation	475.00	
Harold A. Shoup, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	
Jill Showell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,134.00	2,171.03
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Jennifer M. Shriver, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy Corp		
Walter Shur, 51 Madison Ave. New York, NY 10010	New York Life Insurance Company		
William H. Shute, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		16,247.20
Linda S. Sickels, 806 Canal Street Irving, TX 75063	Trinity Industries		
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Commonwealth Edison Co		
Do	Donrey, Inc	1,337.50	165.98
Do	Eli Lilly and Company	4,400.00	27.00
Do	W. K. Kellogg Foundation		
David Todd Sidor, One Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	County of Hudson (NJ)	3,400.00	
Susan Siemietkowski, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		1,000.00
Sierra Club, 730 Polk Street San Francisco, CA 94109		1,192.63	1,343.52
Jill Sigal, Jill Sigal Associates 1225 Eye Street, WN, #500 Washington, DC 20005		22,000.00	2,980.08
Lucinda Sikes, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	7,000.00	
Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	20.00
Pam Silberstein, 1101 14th Street, NW, Suite 1400 Washington, DC 20005	Miller Balis & O'Neil (For:American Public Gas Association (APGA))		
Eric Sildon, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Federation of Independent Business	3,189.00	200.00
Hilary Sills, 2001 M Street, NW Washington, DC 20036	OHM Corp		
Steve Silver, 2300 Clarendon Blvd, #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Loggers Assn)	1,500.00	
Do	Robertson Monagle & Eastaugh (For:Anchorage School District)	1,000.00	
Do	Robertson Monagle & Eastaugh (For:BP America, Inc)	2,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Craig)		
Do	Robertson Monagle & Eastaugh (For:City of Kotzebue)		
Do	Robertson Monagle & Eastaugh (For:City of Silverton)		
Do	Robertson Monagle & Eastaugh (For:Echo Bay Mining Company)	3,500.00	
Do	Robertson Monagle & Eastaugh (For:Goldbelt)	10,000.00	
Do	Robertson Monagle & Eastaugh (For:Kennecott Corp)	6,000.00	
Do	Robertson Monagle & Eastaugh (For:Klukwan, Inc)		
Do	Robertson Monagle & Eastaugh (For:Municipality of Anchorage)	3,000.00	
Silver Users Assn, Inc, 1730 M St., NW, #911 Washington, DC 20036		1,140.00	1,739.00
Daniel Silverman, 215 Pennsyhlvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	2,557.66	
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)		
Do	Bannerman and Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of the Republic of Djibouti)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	1,500.00	276.34
Reuben Silvers, 2030 M Street, NW Washington, DC 20036	Common Cause	2,088.00	
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Association for Advanced Life Underwriting	5,000.00	
Do	Bristol-Myers Co		
Do	Cushman & Wakefield		
Do	EDS	1,900.00	
Do	Goodwill Industries		
Do	Walter Harris, et al.	800.00	
Do	IEEE	9,000.00	
Do	Life College		
Do	MCA, Inc	10,000.00	
Do	National Assn of Home Builders Trade Assn		
Do	National Assn of Investment Companies	2,950.00	
Do	National Structured Settlements Trade Assn	3,500.00	
Do	Newspaper Association of America		
Do	Pacific Cargoes, Inc		
Do	Republic National Bank of New York		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Rolls-Royce Motor Cars, Inc		
Do	U.S. League of Savings Institutions		
Do	5600, Inc	300.00	
Michael E. Simon, 3415 Willow Tree Lane Falls Church, VA 22044	Arthur Andersen & Co	10,500.00	331.00
Neil A. Simon, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn	1,000.00	9.50
Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036	American Water Works Assn	11,001.68	6,478.33
Do	City of Portland, OR	12,330.94	6,882.59
Do	Elkhart, IN	5,096.60	6,273.27
Do	Gary, Indiana	7,824.83	6,286.96
Do	National Easter Seal Society	7,547.65	5,727.50
Do	Newark, CA	5,038.75	6,140.40
Do	San Bernardino, CA	5,265.42	5,942.09
Do	San Leandro, CA	4,673.09	6,094.24
Do	Tacoma Public Utilities	1,651.24	5,827.89
Do	Tacoma, WA	3,717.94	6,271.79
Do	Urban Redevelopment Authority of Pittsburgh	6,996.81	6,693.40
David C. Simons, 1100 Connecticut Ave, NW, #410 Washington, DC 20036	Eaton Corp	3,875.00	157.05
Talmage E. Simpkins, 444 North Capitol Street, #801 Washington, DC 20001	Labor-Management Maritime Committee, Inc	2,875.00	461.00
Thomas D. Simpson, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	729.06	
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
James T. Sims, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:Advanced Network Systems)		
Christopher A. Singer, 1455 Pennsylvania Avenue, NW, suite 925 Washington, DC 20004	Pfizer, Inc	1,500.00	517.99
James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Stephen G. Sinkez, 1111 19th Street, NW, #408 Washington, DC 20036	Mitsubishi Motors America, Inc		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Air Transport Assn of America		
Do	Akzo America, Inc		
Do	American International Group, Inc		
Do	Amoco Corporation		
Do	Armco, Inc	3,000.00	
Do	Bethlehem Steel Corp	3,000.00	
Do	Commonwealth of Puerto Rico	2,500.00	
Do	Duke Energy Corporation	2,500.00	
Do	Dun & Bradstreet		
Do	Edersheim Maurits/Amstel Hudson Management Corp		
Do	Enron Corporation		
Do	General Mills		
Do	Inland Steel Industries, Inc	3,000.00	
Do	LTV Steel Company, Inc	3,000.00	
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Energy Service Companies		
Do	PSI Energy, Inc	25,000.00	
Do	Sara Lee Corporation	3,000.00	
Do	Summit Storage, Inc		
Do	Towner Electric		
Do	Transco Energy Corp		
Do	U.S. Steel Group		
Do	USX Corp	3,000.00	
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	2,125.00	
Mary Jacobs Skinner, 1722 Eye Street, NW Washington, DC 20006	La Radida Childrens Hospital & Research Center, et al.	4,675.00	50.00
Barney J. Skladany Jr., 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	2,500.00	
Sklar Associates, 100 West Linden Street Alexandria, VA 22301	Institute for International Sport	300.00	25.00
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	4,845.00	93.61
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	1,620.00	9.00
Do	New Jersey Turnpike Authority		
Do	Proctor & Gamble Mfg Co	5,760.00	105.80
Do	Southern California Rapid Transit District		
Michael P. Skredynski, 1180 Cedarwood Drive Moraga, CA 94556	U.S. Strategies Corp (For:Commonwealth of the Northern Marianna Islands)		
Robert G. Slaughter, 1615 M ST., NW, #200 Washington, DC 20036	Amoco Corporation	1,500.00	177.50
Albert J. Slechter, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	4,998.00	524.67
Ronald J. Slinn, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Catherine Reiss Sloan, 1825 I Street, NW, #400 Washington, DC 20006	LDDS Communications, Inc	3,000.00	72.50
Kirsten A. Sloan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	685.17	115.56
David P. Sloane, 1010 Wisconsin Ave., NW #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	150.00	
Kelly Campbell Slone, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	5,000.00	
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		28,000.57	29,274.24
Douglas T. Smalls, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	4,000.00	24.00
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation		
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Elizabeth M. Smith, 815 16th St., NW, #507 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	6,669.00	520.67
Erik J. Smith, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	US Strategies Corp		
Frank Sumner Smith Jr., P.O. Box 1365 Columbia, SC 29202	Colonial Companies, Inc	9,000.00	
Jennifer L. Smith, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	West Mexico Vegetable Distributors Assn	300.00	
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	26,453.66	4,794.59
Keith H. Smith, 1455 Pennsylvania Ave, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Manufacturers)	750.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	60.00	
Kirkland Smith, Docs# 83-A-4548 Fishkill Correctional Facility P.O. Box 1245 Beacon, NY 12508			
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co	324.50	1,346.73
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	888.00	324.00
Patricia Smith, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	883.91	488.82
Philip Hardy Smith, 2555 M Street, NW Washington, DC 20037	International Speedway Corp		
Do	National Motorsports Comm of Accus-FIA, Inc		
Philip S. Smith, 10900 Wilshire Boulevard, #1600 Los Angeles, CA 90024	Castle & Cooke, Inc		
Do	Castle & Cooke (For:Dole Food Company)		
Do	Flexi Van Leasing, Inc		
Richard F. Smith, 1101 pennsylvania avenue, nw - #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	6,800.00	1,600.00
Sara Hope Smith, 1275 Pennsylvania Ave, NW, #400 Washington, DC 20004	Pacific Telesis Group	13,625.00	
Scott Smith, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	144.00	4,566.04
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	300.00	219.02
W. Glenn Smith, One Merchants Plaza Indianapolis, IN 46255	Merchants National Bank & Trust Co		
Smith Heenan & Althen, 1110 Vermont Avenue, NW, Suite 400 Washington, DC 20005	Private Benefits Alliance	7,155.00	126.73
Smith McNulty & Kearney, 150 Market Street Lynn, MA 01901	New England Telephone Company	1,250.00	992.79
Do	NYNEX Government Affairs	1,250.00	
David A. Smitherman, 1012 Fleming Building Des Moines, IA 50309	American Petroleum Institute		
Smokeless Tobacco Council, Inc, 2550 M Street, NW, #300 Washington, DC 20037		32,945.00	32,945.00
William Snape, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	561.70	
Thomas M. Sneeringer, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Katten Muchin Zavis & Dombroff (For:American Medical Directors Assn)	1,338.75	30.00
Do	Katten Muchin Zavis & Dombroff (For:Amersham)	866.25	43.00
Do	Katten Muchin Davis & Dombroff (For:Baxter Healthcare Corporation)	960.75	20.00
Do	Katten Muchin Zavis & Dombroff (For:Fujisawa USA, Inc)	2,535.75	25.00
Do	Katten Muchin Zavis (For:Intercargo Insurance Co)	4,614.75	220.24
Do	Katten Muchin Zavis & Dombroff (For:National Assn of Independent Colleges & Universities).	1,559.25	75.00
Do	Katten Muchin Zavis & Dombroff (For:Natural Gas Vehicle Coalition)	4,410.00	173.89
Do	Katten Muchin Zavis & Dombroff (For:Northwestern Memorial Hospital)	1,008.00	30.00
Do	Katten Muchin Zavin & Dombroff (For:NutraSweet Co)	2,961.00	42.50
Do	Katten Muchin Zavis & Dombroff (For:Saginaw Community Hospital)	976.50	48.00
Do	Katten Muchin Zavis & Dombroff (For:G.G. Searle)	2,724.75	52.00
Gerard C. Snow, 5201 Auth Way Camp Springs, MD 20746	Transportation Institute		
Larry S. Snowhite, 701 Pennsylvania Avenue, NW Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky & Popeo, P.C. (For:Massachusetts Education Loan Authority).		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo, P.C. (For:National Truck Weight Advisory Council).		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:New England Education Loan Marketing Corp).	644.00	
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Gene Snyder, P.O. Box 556 Pewee Valley, KY 40056-0556	Norfolk Southern Corp	20,000.00	1,222.02
Do	Radio Assn Defending Airwave Rights, Inc	22,500.00	1,147.88
Do	United Parcel Service	19,500.00	1,429.91
John M. Snyder, 600 Pennsylvania Avenue, SE, Suite 205 Washington, DC 20003	Citizens Comm for the Right to Keep & Bear Arms	12,500.00	
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		60,328.83	34,105.86
Society for Nutrition Education, 2001 Killebrew Drive, #340 Minneapolis, MN 55425-1882			6,060.51
Denise Sofranko, 1101 Vermont Avenue, #710 Washington, DC 20005	American Veterinary Medical Assn		
J. Michael Solar, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For:Republic of Mexico)	75,000.00	9,975.45
Andrea L. Solarz, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	2,000.00	36.08
Regina Solomon, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Patricia F. Soltys, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	200.00	106.00
Frederick P. Somers, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822	American Occupational Therapy Assn, Inc	2,500.00	79.50
Judah C. Sommer, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	1,000.00	
J.C. Songer, 51437-060 P.O. Box 8000 Bradford, PA 16701			
Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW Washington, DC 20005	Alaska Native Health Board		
Do	American Association of Acupuncture and Oriental Medicine		
Do	Assiniboine and Sioux Tribes		
Do	Class of Native Alaskan Plaintiffs		
Do	Great Lakes Indian Fish & Wildlife Commission		
Do	Hatteras Tuscarora Tribal Foundation		
Do	Houlton Band of Maliseet Indians of Maine		
Do	Lac du Flambeau Band of Lake Superior Chippewa Indians		
Do	Multi-Housing Laundry Assn, Inc		
Do	Pueblo of Jemez		
Do	Seneca Nation of Indians		
Do	Shakopee Mdewakanton Sioux Community of Minnesota		
Do	Shoshone-Bannock Tribes of the Fort Hall Indian Reservation		
Do	Standing Rock Sioux Tribe		
Do	Yukon-Kuskokwim Health Corp		
Tasha Soudah, 888 16th Street, NW Washington, DC 20006	Bannerman and Associates, Inc (For:Beirut University College)		
Do	Bannerman and Associates, Inc (For:Embassy of the Republic of Djibouti)		
Do	Bannerman and Associates, Inc (For:Government of Egypt)	500.00	88.00
Do	Bannerman and Associates, Inc (For:Government of U.A.E.)	100.00	25.00
Southern Forest Products Assn, P.O. Box 641700 Kenner, LA 70064-1700		25,854.61	25,854.61
Southwest Airlines Co, P.O. Box 36611 Dallas, TX 75235-1611			9,513.00
Space Industries, Inc, 101 Courageous Drive League City, TX 77573			
Thomas J. Spangler, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	16,000.00	114.00
Sparber and Associates, Inc, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20006	National Volunteer Fire Council		
John S. Sparkman, 1100 Connecticut Ave., NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	647.01	60.69
Jonathan B. Spear, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc	1,000.00	250.00
Richard L. Spees, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly & Raffaelli (For:Desert Research Institute)	1,200.00	
Do	North American Interstate Weather Modification Council	200.00	
William B. Spencer, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Gilbert P. Sperling, 1025 Thomas Jefferson Street, NW, #700 Washington, DC 20007	Katten Muchin Zavis & Dombroff (For:Consolidated Natural Gas Service Co, Inc)	630.00	
Do	Katten Muchin Zavis & Dombroff (For:Electric Generation Association)	1,964.50	36.00
Do	Katten Muchin Zavis & Dombroff (For:Natural Gas Vehicle Coalition)	6,240.00	198.11
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Aspen-Pitkin County		
Do	City & County of Denver, Director of Aviation		
Do	City of St. Louis Airport Authority		
Do	Connecticut Municipal Electric Energy Coop		
Do	Former Residents of Centralia Pennsylvania		
Do	Minneapolis/St. Paul Metropolitan Airport Commission		
Do	Northern California Power Agency		
Do	Orange County		
Do	Transmission Access Policy Study Group	1,375.00	7.00
Larry N. Spiller, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	2,500.00	75.00
Richard Spotts, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	3,848.88	190.35
Lisa M. Sprague, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
David E. Springer, 1301 K Street, NW, #900 East Tower Washington, DC 20005	Gardner Carton, & Douglas (For:American Telephone & Telegraph)	22,500.00	1,385.56
Do	Gardner Carton & Douglas (For:Equity Strategies Fund, Inc)		
Do	Gardner Carton & Douglas (For:National Cable Television Assn, Inc)	18,750.00	693.88
Do	Gardner Carton & Douglas (For:Perrigo Company)	450.00	5.34
Do	Gardner Carton & Douglas (For:Telecommunications Industry Assn)		
Mark G. Spurrier, 700 E Joppa Road Towson, MD 21204	Baltimore County Police Department, et al.		
Philip Squair, 4301 N. Fairfax Dr., Suite 425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Chamber of Commerce in Germany		
Do	American Soc of Anesthesiologists		
Do	Independent Data Communications Manufacturers Assn	1,293.75	80.00
Do	Information Technology Association of America		
Do	National Collegiate Athletic Assn	11,568.75	
Janet G. St. Amand, 1225 19th Street, NW, #410 Washington, DC 20036	Financial Services	2,150.00	
Charles A. St. Charles, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Libbey Glass)		
Do	Stewart & Stewart (For:Novus International, Inc)		
Karen A. St. John, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp	1,200.00	131.62
Ron St. John, 1331A Pennsylvania Avenue, NW, Suite 217 Washington, DC 20004	Small Businesses for Advertising Choice		
Vivian Escobar Stack, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	260.87	13.75
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	150.00	514.44
Roger Staiger Jr., 1667 K Street, NW, #450 Washington, DC 20006	Alyeska Pipeline Service Co	8,000.00	5,100.00
David P. Stang, P.C., 2019 Park Rd., NW Washington, DC 20010	McDermott, Inc	6,514.42	
Joseph M. Stanton, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	7,500.00	684.61
Michael J. Stanton, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	7,825.00	
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	Gateway Economic Development Corp of Greater Cleveland		
Do	Philip Morris		
Do	University Hospitals of Cleveland		
Mary Murray Staples, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	3,000.00	7,493.00
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp)		
Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202	Manufactured Housing Institute	8,125.00	148.21
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Robert E. Staton, P.O. Box 1365 Columbia, SC 29202	Colonial Companies, Inc	9,000.00	
H. Gerald Staub, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	1,020.94
Julie A. Stauss, 1225 Eye Street, NW, Suite 1250 Washington, DC 20005	American Dietetic Assn	1,000.00	227.22
Rozann M. Stayden, 1800 M Stret, NW Washington, DC 20036-5886	American Bar Association	100.00	50.00
Randolph J. Stayin, 1815 H Street, NW, Suite 800 Washington, DC 20006	Barnes & Thornburg (For:Indiana Glass Company)	1,540.00	24.20
Do	Barnes & Thornburg (For:Special Comm for Workplace Product Liability Reform)	4,700.00	87.50
Kathryn A. Steckelberg, 701 Pennsylvania Ave, NW Washington, DC 20004-2696	Edison Electric Institute	4,237.37	788.19
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	American Health Care Association	2,175.00	3,502.50
Do	American Soc for Plastic & Reconstructive Surgery		
Do	AEtna Life & Casualty	13,374.00	5,650.00
Do	Humana, Inc	275.00	4,170.00
Do	Johnson & Johnson	5,639.00	3,927.50
Do	Lockheed Corp		
Do	Lockheed Information Management Systems Company	82.50	749.50
Do	National Assn for the Support of Long Term Care	2,676.50	6,094.50
Do	National Health Labs, Inc	2,454.00	3,752.50
Do	Pfizer, Inc	7,304.00	6,090.00
Do	Pharmaceutical Manufacturers Assn	6,094.00	5,610.00
Do	Private Benefits Alliance	2,412.50	2,512.50
Do	XOMA Corporation	1,793.00	2,855.00
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Dan Stein, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform		
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	21,120.00	4,408.29
Do	Spiegel & McDiarmid (For:Guam Power Authority)	16,095.00	1,937.02
John C. Stellman, 1725 Jefferson Davis Hwy, #500 Arlington, VA 22202-4102	Chrysler Technologies Corp	100.00	
Jack L. Stempler, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	75.00
Jackson T. Stephens, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
Stephen O. Stephens, P.O. Box 3507 111 Center Street Little Rock, AR 72203	Stephens Group, Inc		
Stephens Group, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Stephens Overseas Services, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Bear Stearns & Co		
Do	Citizens Savings & Financial Corp		
Do	Co-Operative Central Bank		
Do	Coalition to Promote America's Trade		
Do	CSO Company		
Do	Del Webb Corp		
Do	Financial Guaranty Insurance Company		
Do	Isolyser Company, Inc	5,226.29	
Do	Mutual Life Insurance Company Tax Committee		
Do	Pacific Coast Cement Corp, et al.		
Do	Western Financial		
Do	Yavapai-Prescott Indian Tribe	962.50	656.00
Gary M. Stern, 122 Maryland Ave, NE Washington, DC 20001	American Civil Liberties Union	4,000.00	50.00
Michael Stern, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates	1,250.00	
Seymour Sternberg, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co		
Cindy M. Stevens, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	4,868.00	474.70
Michael E. Steward, 1730 M Street, NW, #607 Washington,, DC 20036	Puget Sound Power & Light Co	2,337.00	224.20
Eugene L. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council		
Do	Monsanto Co		
Do	Timken Co		
Jessica Stewart, 1350 New York Avenue Washington, DC 20005	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
Robert B. Stewart, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	4,700.00	
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council		
Do	Stewart & Stewart (For:Hudson Industries Corp)		
Do	Stewart & Stewart (For:Kimble Glass, Inc)		
Do	Stewart & Stewart (For:Libbey Glass)		
Do	Monsanto Co		
Do	Novus International, Inc		
Do	PPG Industries, Inc		
Do	Smith Corona Corp	39,187.95	7,705.08
Do	Stewart and Stewart		
Do	Timken Co	6,110.50	590.50
Do	Torrington Company		
Elizabeth Still, 1850 M Street, NW, #550 Washington, DC 20036	Securities Industry Assn	1,281.00	
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	2,354.35	15.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309	National Vietnam Verterns Coalition	3,600.00	1,140.43
Neal Stine, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
John E. Stiner, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006	American Electronics Assn	9,100.00	
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
John J. Stirk, 1725 Jefferson Davis Hwy, #601 Arlington, VA 22202-3585	Litton Industries	2,000.00	2,859.29
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	3,300.00	
Stockholders of America, Inc, 3133 Connecticut Avenue, NW, Suite #7 Washington, DC 20008		2,519.00	188.90
Steven F. Stockmeyer, 499 South Capitol Street, SE #103 Washington, DC 20004	Manville Corporation	750.00	
Do	National Assn of Business PACs		
Do	Springs Industries, Inc		
Robin E. Stombler, 1640 Wisconsin Avenue, NW, 1st Floor Washington, DC 20007	American College of Surgeons		64.03
Judith Lee Stone, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	2,284.62	
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	6,500.00	
Sam E. Story Jr., 1700 N. Moore Street Arlington, VA 22209	American Meat Institute	12,750.00	1,454.73
Todd A. Stottlemyer, 7915 Jones Branch Drive McLean, VA 22102	BDM International, Inc		
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	5,500.00	169.34
Susan M. Stout, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	90.00	
William P. Stout, P.O. Box 1475 Nashville, TN 37202	United Paperworkers International Union		
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	PSI Energy	18,750.00	38,181.17
Michael L. Strang, P.O. Box 71215 Washington, DC 20024-1215	ATR Defense Group		
Luther J. Strange III, 801 Pennsylvania Ave, NW, #230 Washington, DC 20004	Sonat, Inc		125.00
Raymond L. Strassburger, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Strategic Management Associates, Inc, 1001 G Street, NW, 7th Floor East Washington, DC 20001	New York Hospital-Cornell Medical Center		
Terrence D. Straub, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation	250.00	61.38
Stephen P. Strickland, 1835 K Street, NW, #610 Washington, DC 20006	National Peace Foundation		
Carol Stroebel, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	8,238.48	155.09
Jack B. Strong, 400 West 15th Street, Suite 804 Austin, TX 78701	Advanced Telecommunications Corp	6,675.00	950.62
Do	Madison Public Affairs Group (For:Leadership Council on Advertising Issues)		
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	J. Aron & Co, Inc		
Do	Dreyfus Corporation		
Heather P. Stroup, 750 First Street, NW Washington, DC 20002-4242	American Psychological Assn (APA)	765.00	95.00
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	12,000.00	6,500.00
Cory N. Strupp, Legal Dept., 38th Floor 60 Wall Street New York, NY 10260	J.P. Morgan & Company, Inc	1,026.99	235.49
Glenn Sugameli, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	3,059.40	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, P.O. Box 2310 11 - 15th Street, NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	2,956.75	2,780.00
Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20007	LTV Corporation	2,344.00	755.40
Harold R. Sullivan, 800 Connecticut Avenue, NW, Washington, DC 20006-2701	Food Marketing Institute	600.00	
Margaret Cox Sullivan, 3133 Connecticut Avenue, NW, #7 Washington, DC 20008	Stockholders of America, Inc		
Pauline Sullivan, P.O. Box 2310 Washington, DC 20013-2310	Citizens United for Rehabilitation of Errants	720.00	
Rebecca M. Sullivan, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	850.00	
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Association of American Railroads)	12,000.00	
Do	Richard Sullivan Associates, Inc (For:Design Professionals Coalition)	1,300.00	
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Company)		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)	550.00	
Do	Richard J. Sullivan Associates, Inc (For:Pyrotechnic Signal Manufacturers Assn)		
Do	Richard J Sullivan Associates, Inc (For:Water Environment Research Foundation)	3,550.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	Housatonic Railroad Company		15.80
Do	Massachusetts Bay Transportation Authority (MBTA)	5,000.00	83.80
Do	Massachusetts Port Authority (MASSPORT)	1,500.00	35.20
Sullivan & Worcester, 1025 Connecticut Ave., NW, #806 Washington, DC 20036	Hercules, Inc	36,784.00	
Do	Marion Laboratories, Inc	7,500.00	
Do	Monarch Wine Company of Georgia, et al.	10,000.00	
Do	Product Liability Coordinating Committee		
Do	Wine Institute	38,120.00	
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Association of American Railroads	12,499.98	15,003.77
Do	Design Professionals Coalition	12,000.00	11,803.77
Do	National Utility Products Company		
Do	Northeast Ohio Regional Sewer District	2,000.00	3,553.77
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Water Environment Research Foundation	6,000.00	6,553.77
Scott M. Summers, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	825.00	266.00
Charles Sunderlin, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc	225.00	
Hyo-Jye Sung, 1800 K Street, NW, #700 Washington, DC 20006	Korea Foreign Trade Assn	800.00	730.00
Thomas M. Susman, 1001 Pennsylvania Ave., NW, #1200-S Washington, DC 20004	Ropes & Gray (For:American Library Assn)	5,813.39	223.72
Do	Ropes & Gray (For:Dial Page, L.P.)		
Do	Ropes & Gray (For:Digital Equipment Corp)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Washington (Banking))		
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	CompuServe, Inc	250.00	50.00
Stephen Sutton, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	644.50
Douglass W. Svendson Jr., 6443 Lily Dhu Lane Falls Church, VA 22044	Hollywood Marine, Inc	1,200.00	
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	
Do	Neckwear Assn of America, Inc	500.00	
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	25,645.49	
Eileen P. Sweeney, 25 E. Street, NW Washington, DC 20001	Children's Defense Fund	3,809.87	
Roxanne Sweeney, 1012 Pennsylvania Avenue, SE Washington, DC 20003	Beacon Consulting Group, Inc (For:Museum of Science & Industry)		
Do	Beacon Consulting Group, Inc (For:National Coalition for Volunteer Protection)		
Do	Beacon Consulting Group, Inc (For:National Crime Prevention Council)		
Do	Beacon Consulting Group, Inc (For:National Museum of Health & Medicine Foundation).		
Do	Beacon Consulting Group, Inc (For:Orton Dyslexia Society)		
Do	Beacon Consulting Group, Inc (For:TDS Healthcare Systems Corp)		
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co	500.00	
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	12,187.50	
Robert D. Swezey Jr., 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp		
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	American Gas Assn		
Do	American Iron & Steel Institute		
Do	National Council of Community Hospitals		
Do	Pharmaceutical Manufacturers Assn		
Philip E. Swink, Pepsi-Cola Company Somers, NY 10589	Pepsi-Cola Company		883.09
Ronald G. Sykes, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	5,674.53
David A. Sykuta, Illinois Petroleum Council P.O. Box 12047 Springfield, IL 62791	American Petroleum Institute		
Elizabeth Symonds, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Systems Control, Inc, 10240 Old Columbia Road Columbia, MD 21046			
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	234.91
SJS Advanced Strategies, 1330 Connecticut Ave., NW Washington, DC 20036	Coordinadora de Organizaciones Empresariales de Comercio Ext		
Robert Taft Jr., 625 Indiana Avenue, NW, #500 Washington, DC 20004	Taft Stettinius & Hollister (For:Dosimeter Corp of North America)		
Do	Taft Stettinius & Hollister (For:Great American Broadcasting Co)	100.00	
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Association of American Railroads		
Do	Johanna Farms, Inc		
Do	M&M/Mars		
Do	Marion Merrell Dow, Inc		
Do	National Agricultural Chemicals Assn		
Do	Telephone & Data Systems, Inc		
Nkechi Taifa, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	1,000.00	
Bruce B. Talley, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri Inc	8,500.00	28.43
Tanaka Ritger & Middleton, 655 15th Street, NW, #800 Washington, DC 20005	Brother Industries (USA), Inc	20,085.01	15,938.76
Do	Brother International Corp	16,344.38	15,938.76
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	7,185.00	36.50
Eula M. Tate, 1757 N Street, NW Washington, DC 20036	United Auto. Aerospace & Agricultural Implement Wks of Amer.	19,316.74	269.00
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	3,086.40	
David R. Tatum, 577 Mulberry Street Macon, GA 31298	Charter Medical Corp		
Victor Tawil, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Gene Taylor, 453 New Jersey Ave., SE Washington, DC 20003	Gene Taylor Associates, Inc (For:Empire District Electric Company)	15,000.00	
Do	Gene Taylor Associates, Inc (For:FAG Bearings Corporation)	15,000.00	
Jefferson D. Taylor, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		430.76
Larry D. Taylor, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Co	100.00	
Patricia Taylor, 1875 Connecticut Ave., NW, #300 Washington, DC 20009-5728	Center for Science in the Public Interest	6,000.00	
Paul C. Taylor, 1215 Jefferson Davis Highway, #100 Arlington, VA 22202	NAIOP, Assn for Commercial Real Estate		
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,286.54	838.21
R. William Taylor, 1575 Eye Street, NW Washington, DC 20006	American Soc of Assn Executives	300.00	
Sandra E. Taylor, 1600 M St,. NW, #702 Washington, DC 20036	ICI Americas, Inc	25,000.00	352.77
T. Daniel Tearno, 1341 G Street, NW, #900 Washington, DC 20005	Miller Brewing Company	209.13	
Ellen S. Teller, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research and Action Center	2,597.71	
Norman J. Temple, 155 Dresden Avenue Gardiner, ME 04345	Central Maine Power Co, et al.		
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Cheryl Terio, 1957 E Steet, NW Washington, DC 20006	Associated General Contractors of America		
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	90.49
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	3,211.00	1,166.50
Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	539.50	55.00
James G. Tetirick, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Texas Committee on Natural Resources, 5934 Royal Lane, #223 Dallas, TX 75230		309.82	309.82
Textron, Inc, 40 Westminster St. Providence, RI 02903		4,500.00	1,030.00
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Castine Partners	25,769.09	844.00
Do	Chicago Board Options Exchange		
Do	Citicorp Mortgage Finance, Inc.	587.43	844.00
Do	Citicorp Washington (Banking)		844.00
Do	Dollar Bank, FSB		
Do	Massachusetts Bankers Assn	4,243.97	844.00
Do	Massachusetts State Carpenter's Guaranteed Annuity Fund		
Do	Massachusetts State Carpenter's Pension Fund		
Do	North Side Savings Bank		
Do	Peoples Westchester Savings Bank		
Do	Prudential Insurance Company		123.74
Do	Residential Services Corp of America		
Do	Savings Bank of Life Insurance		
Do	Third Federal Savings & Loan Assn		
Do	Ulster Savings Bank		
Janelle C. Morris Thibau, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	1,500.00	
Edlu J. Thom, 919 18th Street, NW, #400 Washington, DC 20006	W.R. Grace & Co.	500.00	
Robert G. Thoma, 2100 Pennsylvania Ave., NW, #755 Washington, DC 20037	BASF Corp	450.00	8.00
Amber Thomas, 7901 Westpark Drive McLean, VA 22102	AMT-The Association for Manufacturing Technology	1,857.00	500.00
Gordon M. Thomas, 1101 pennsylvania avenue, nw - #400 Washington, DC 20004	Textron, Inc	600.00	150.00
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Visual Information Technologies, Inc		
Rich Thomas, 2030 M Street, NW Washington, DC 20036	Common Cause	1,500.00	
Brent Thompson, 1331 Pennsylvania Ave., NW #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Bruce E. Thompson Jr., 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	7,500.00	
Duane R. Thompson, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Kenneth W. Thompson, 1250 24th Street NW, #300 Washington, DC 20037	BellSouth Corp	6,000.00	1,000.00
Do	Duke Power Co	18,000.00	1,000.00
Do	Great Lakes Gas Transmission Company	5,000.00	2,650.00
Do	Itron and AMRplus Partners	24,000.00	9,000.00
Do	National Funeral Directors Assn	2,000.00	1,000.00
Do	Polaris Indusrties		1,000.00
Do	Potomac Capital Investment Corp	5,000.00	2,650.00
Do	West Point Pepperell, Inc	6,666.66	1,000.00
Law Offices of Fred Thompson, 12th Floor, Life & Casualty Tower 401 Church St. Nashville, TN 37219	Central States SE & SW Areas Health Welfare & Pension Funds	3,000.00	
Patrick Thompson, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	5,000.00	
Paul J. Thompson, 14306 Detroit Avenue, #931 Lakewood, OH 44107			402.28
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		
W. Reid Thompson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Thompson & Company, 1001 G Street, NW, 7th Floor Washington, DC 20004	AMEC Holdings, Inc		
Do	Chicago Research & Trading Group, Ltd	10,000.00	2,041.86
Do	Golden Rule Insurance Company	104,194.06	15,886.29

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Mitsubishi Electronics America, Inc	9,900.00	2,154.68
Do	Peter Kiewit Sons', Inc	48,590.63	7,255.54
Do	Republic of Turkey	25,000.00	3,679.64
Do	Robert Wang	33,750.00	5,146.55
Thompson & Hutson, 1455 Pennsylvania Ave., NW., Suite #1160 Washington, DC 20004	Fluor-Daniel, Inc	7,931.25	37.25
Do	National Dual Shop Coalition		
Thompson & Mitchell, 700 14th street, NW, #900 Washington, DC 20005	Cold Finished Steel Bar Institute	1,038.00	
Judith Thorman, 1010 Wisconsin Avenue, NW, Suite 800 Washington, DC 20007	Grocery Manufacturers of America, Inc	62.00	
Cindy C. Thorne, 4500 Vestal Parkway East P.O.Box 3607 Binghamton, NY 13902-3607	New York State Electric & Gas Corp	15,250.00	12,392.09
James L. Thorne, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco Gas		
Jill Thorne, 222 NW Davis, #309 Portland, OR 97209	Oregon Trail Coordination Council	750.00	
Margo Thorning, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	392.00	
Margo Thorning, 1750 K Street, NW, #400 Washington, DC 20006	Roundtable Issues & Answers, Inc	392.00	
John Thornton, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	1,562.00	
Kathryne M. Thorpe, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,175.00	352.40
Walter L. Threadgill, 1200 18th Street, NW, #705 Washington, DC 20036	Millicom, Inc		
Anna Thronson, 1025 Thomas Jefferson Street, #700E Washington, DC 20007	Legislative Strategies (For:American Independent Refiners Assn)		
Do	Legislative Strategies (For:Consolidated Natural Gas Service Co, Inc)		
Do	Legislative Strategies (For:Donohue & Associates, Inc)		
Do	Legislative Strategies (For:Natural Gas Vehicle Coalition)		
Do	Legislative Strategies (For:State of New Mexico (Natural Gas Programs))		
Susan K. Till, 3800 North Fairfax Drive, #4 Arlington, VA 22203	National Water Resources Assn	2,000.00	
Patti A. Tilson, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Toyota Motor Sales, USA, Inc	500.00	
Maria Tilves-Aguilera, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
John W. Timmons, 1133 Connecticut Ave, NW, #1000 Washington, DC 20036	America West Airlines, Inc	10,000.00	5,205.00
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	Air Transport Assn of America	1,856.25	
Do	American Factory Trawler Assn	1,232.50	
Do	American Petroleum Institute	2,102.50	
Do	Amoco Corporation	1,522.50	
Do	Anheuser-Busch Companies, Inc	1,812.50	
Do	Association of Trial Lawyers of America	1,890.00	
Do	Capital Cities/ABC, Inc	1,667.50	
Do	Chrysler Corporation	2,102.50	
Do	General American Life Insurance Co	435.00	
Do	H.J. Heinz Co	2,247.50	
Do	Major League Baseball	5,727.50	
Do	Morgan Stanley & Co, Inc	1,812.50	
Do	National Rifle Assn of America	1,957.50	
Do	Northern Telecom, Inc	1,015.00	
Do	Northrop Corp	3,335.09	
Do	NutraSweet Co	724.98	
Do	Phoenix Mutual Life Insurance Company	507.50	
Do	G. D. Searle & Co	3,480.00	
Do	SCEcorp and Subsidiaries	3,335.00	
Do	Union Pacific Corp	2,102.50	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	12,109.00	
Michael L. Tiner, 1317 Rhode Island Ave., NW, #502 Washington, DC 20005	Electric Reliability Coalition	500.00	
Michael L. Tiner and Associates, 1317 Rhode Island Avenue, NW, #502 Washington, DC 20005	Genentech, Inc	500.00	
Do	Parry & Romani Associates	500.00	
Do	Joseph E. Seagram & Sons, Inc	500.00	
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Constance E. Tipton, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	International Dairy Foods Assn		34.00
Eben S. Tisdale, 900 17th Street, NW, #1100 Washington, DC 20006	Hewlett-Packard Co	4,000.00	150.00
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	2,000.00	
Tobacco Associates, Inc, 1725 K Street, NW, #512 Washington, DC 20006			4,170.18
James S. Todd, 515 North State Street Chicago, IL 60610	American Medical Assn		
Nicholas C. Tolerico, 1025 Thomas Jefferson Street, NW, #511- West Washington, DC 20007	LTV Corporation	9,000.00	100.00
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Public Service Co of Colorado		
Kathryn R. Tollerton, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	846.08	
Frank Toohey, 1317 F Street, NW, #400 Washington, DC 20004	Wall & Associates, R. Duffy	1,250.00	
Jean R. Toohey, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	405.00	321.45
Greg R. Toomey, 655 15th Street, NW, Suite 350 Washington, DC 20005	Blue Cross and Blue Shield Assn	750.00	
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Total Petroleum, Inc, 999 18th Street, #2201 Denver, CO 80202			2,380.05
James P. Towers, 2555 Pennsylvania Avenue, NW, #602 Washington, DC 20037	Gulf States Utilities Company	4,300.00	4,211.00
Bronwyn Bachrach Towle, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:General Atomics)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Toy Manufacturers of America, Inc, 200 Fifth Ave., #740 New York, NY 10010			1,465.00
Jeffrey B. Trammell, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Astra Pharmaceuticals)		
Do	Hill & Knowlton, Inc (For:Blue Cross Blue Shield of Florida)		
Do	Hill & Knowlton, Inc (For:Fujisawa/Lyphomed)		
Do	Hill & Knowlton, Inc (For:Port Everglades)		
Do	Hill & Knowlton (For:Republic of Turkey)		
Do	Hill & Knowlton (For:Stelco, Inc)		
Do	Hill & Knowlton (For:Universal Card Services)		
Transportation - Communications International Union, 815 16th St., NW, #511 Washington, DC 20006	Transportation - Communications Union	7,000.00	8,248.66
Thomas C. Trauger, Spiegel & McDiarmid 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
Travel & Tourism Government Affairs Council, 1133 21st Street, NW Washington, DC 20036		4,515.00	4,515.00
Travel Industry Assn of America, Two Lafayette Centre 1133 21st Street, NM Washington, DC 20036			9,103.00
S. Bradley Traverse, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company		
Bernard R. Tresnowski, 655 15th Street, NW, Suite 350 Washington, DC 20005	Blue Cross & Blue Shield Association	1,087.50	49.00
Olivia Trible, 1776 Eye St., NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Paul Trible, 1341 G Street, NW, Suite 1100 Washington, DC 20005	Jefferson Group (For:TCOM)		
Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies)	7,500.00	
Do	Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)	11,250.00	
Do	Van Scoyoc Associates, Inc (For:Assn of Health Insurance Agents)	1,250.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)	5,625.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:National Realty Committee)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:USF&G Insurance)	7,500.00	
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		2,061.64
Lillian M. Trippett, 499 South Capitol Stret, SE, #502 Washington, DC 20003	ENme (For:Martin Marietta Corporation)	5,251.80	
Julie Trocchio, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	452.93	
Michael G. Troop, 1709 New York Avenue, NW, #801 Washington, DC 20006	Savings and Community Bankers of America	15,900.00	2,147.70
Gregory A. Troxell, 1800 K Street, NW, #1018 Washington, DC 20006	PSI Energy, Inc	5,000.00	3,054.54
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	
Rowland V. Tucker, Box 133 Darby, PA 19023	Amtrack Conrail Pennsylvania Railroad Retirees	350.00	118.50
Tucker & Associates, 1350 Eye Street, NW, #870 Washington, DC 20005	Regional Transportation District	3,000.00	
Shannon B. Tuel, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Michael R. Tuosto, One Massachusetts Avenue, NW, Suite 710 Washington, DC 20001	Pubic Service Electric and Gas Company	247.50	
David Turch & Associates, 517 2nd Street, NE Washington, DC 20002	City of Rialto	4,800.00	3,286.65
Do	Recovery Engineering	6,000.00	2,371.82
J. Terry Turner, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
Jerry D. Turner, 1217 Tennessee Building Chattanooga, TN 37402-4883	Bell Turner Murphy Wilson & Hobbs (For:Sunbright Utility District)	1,168.75	465.19
John M. Turner, 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	4,800.00	
Michael A. Turner, 2000 M Street, NW, #5500 Washington, DC 20036	North American Telecommunications Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Turner Broadcasting System, Inc, 820 First Street, NE Washington, DC 20002		33,696.00	33,696.00
Tuttle & Taylor, 1025 Thomas Jefferson Street, NW Suite 407 Washington, DC 20007	Blue Diamond Growers	9,700.00	387.01
Do	Sunkist Growers, Inc	51,962.50	2,455.88
Twenty-First Century Technologies, 1945 Old Gallows Road, #580 Vienna, VA 22182	PRC	16,224.99	14,910.68
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	8,700.00	
Joseph D. Tydings, 2000 Pennsylvania Ave., NW, #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For:Population Crisis Committee)		
Clay Tyeryar, 7297-N Lee Highway Falls Church, VA 22042	American Textile Machinery Assn		
Craig Tyle, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		
George Randall Tyree, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	35.00	
U.S. Border Control, P.O. Box 10800 8001 Forbes Place Springfield, VA 22015		13,449.50	11,430.61
U.S. Public Interest Research Group, 215 Pennsylvania Avenue, SE Washington, DC 20003		136,680.87	102,760.50
U.S. Strategies Corp, 1321 Duke Street, #200 Alexandria, VA 22314-3563	American Day Treatment Centers, Inc		
Do	Continental Medical Systems		
Do	Healthsouth Rehabilitation Corp		
Do	Integrated Health Services, Inc		
U.S.-China Business Council, 1818 N Street, NW Washington, DC 20036		3,230.42	3,230.42
Matthew Ubben, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,080.00	
Mark J. Ugoretz, 1400 L St., NW Ste. 350 Washington, DC 20005	Erisa Industry Committee	2,750.00	
John R. Ulrich, 1776 Eye Street, NW Suite 575 Washington, DC 20006	Dow Chemical Company		6,136.00
Robert D. Umphrey Jr., 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	3,000.00	128.67
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			27,687.10
United Gas Pipe Line Co, P.O. Box 1478 Houston, TX 77251-1478			
United Shareholders Assn, 1667 K St., NW, #770 Washington, DC 20006		5,851.30	6,600.00
University of Michigan Medical Center, 300 North Ingalls, Room NI4A18 Ann Arbor, MI 48109			2,591.75
Francis J. Vacca, 100 North Carolina Ave., SE Washington, DC 20003	Mid-America Dairymen, Inc	39,000.00	
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	American Insurance Assn	10,000.00	114.76
Do	Valanzano & Associates (For:American International Group)		
Do	Chubb Corporation		
Do	Colonial Life & Accident Insurance Co	20,000.00	275.43
Do	Valanzano & Assocs. (For:Earthquake Project National Comm on Property Insurance).	9,000.00	98.85
Do	National Association of Professional Insurance Agents	2,000.00	100.05
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	Montana Technology Companies, Inc	500.00	
Do	Orbital Sciences Corporation	500.00	
Do	Pharmaceutical Manufacturers Assn	500.00	
Do	SPACEHAB	500.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
William R. Van Dresser, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn	100.00	
Van Dyk Associates, Inc, 1250 24th St., NW, Suite 300 Washington, DC 20037	American Gas Assn		
Do	Pharmaceutical Manufacturers Assn		
Julie Van Fleet, P.O. Box 85608 San Diego, CA 92186-9784	General Atomics	509.38	10.95
Matthew Van Hook, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Alaska Eskimo Whaling Commission		
Do	Arctic Slope Regional Corp	3,432.00	
Do	Barron Collier Co		
Do	Bio Resources, Ltd		
Do	Blackfeet Tribe	10,320.00	
Do	Bumble Bee Seafoods, Inc	72.00	
Do	Clean Coal Technology Coalition		
Do	Consumers United for Rail Equity (C.U.R.E.)	600.00	
Do	Doyon, Ltd		
Do	Electric Transportation Coalition	1,493.50	
Do	Fort Belknap Tribes		
Do	Geothermal Resources Assn	216.00	
Do	Intertribal Agricultural Council	4,220.00	
Do	Jicarilla Apache Tribe		
Do	Kenai Natives Assn		
Do	Koncor Forest Products Company		
Do	Large Public Power Council (LPPC)	960.00	
Do	Lower Colorado River Authority	2,040.00	
Do	Mack Trucks, Inc	3,376.50	30.00
Do	McKesson Corp	288.00	
Do	National Association of Energy Service Companies		
Do	National Endangered Species Act Reform Coalition	1,650.00	
Do	National Nutritional Foods Assn	240.00	
Do	National Wetlands Coalition	2,040.00	
Do	Natural Gas Supply Assn	600.00	
Do	Navajo Nation	16,550.00	
Do	Oneida Nation of New York		
Do	Pacific Energy		
Do	Price Waterhouse		
Do	Sacramento Municipal Utility District	624.00	
Do	Seneca Resources, Inc		
Do	SCE Corp	8,040.00	
Do	Toyota Motor Corporate Services of North America, Inc	2,542.50	50.00
Do	Toyota Motor Sales, USA, Inc	528.00	
Do	Uranium Producers of America	3,840.00	
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies, Inc)	7,500.00	
Do	Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)	11,250.00	
Do	Van Scoyoc Associates, Inc (For:Assn of Health Insurance Agents)	1,250.00	
Do	Van Scoyoc Associates (For:Champion International Corp)	2,500.00	
Do	Van Scoyoc Associates (For:Coalition of EPSCoR States)	10,000.00	
Do	Van Scoyoc Associates, Inc (For:Dresser Industries, Inc)	2,500.00	
Do	Van Scoyoc Associates (For:Du Pont de Nemours & Company, E.I.)	2,500.00	
Do	Van Scoyoc Associates (For:International Paper)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:Microelectronics & Computer Technology Corp)		
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:National Association of Private Enterprise)	5,625.00	
Do	Van Scoyoc Associates, Inc (For:National Realty Committee)	2,500.00	
Do	Van Scoyoc Associates (For:Quanex)	4,012.50	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	6,750.00	
Do	Van Scoyoc Associates (For:University of Alabama System)	6,750.00	
Do	Van Scoyoc Associates (For:USF&G Insurance)	7,500.00	
Do	Van Scoyoc Associates (For:Weyerhaeuser)	2,500.00	
John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	2,484.00	
Marjorie Vanderbilt, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	8,310.00	314.24
Norman C. VanderNoot, New Hampshire Petroleum Council 15 N. Main Street Concord, NH 03301	American Petroleum Institute		
Charlene Vanlier, 6203 A Waterway Drive Falls Church, VA 22044	Capital Cities/ABC, Inc	116.06	
Norman W. VanCor, 111 Tallwood Drive Southington, CT 06489	Yankee Gas Services Company	485.92	794.45
Barbara J. Varca, 1015 15th Street, NW, #401 Washington, DC 20005	Syntex (U.S.A.), Inc	1,200.00	587.33
Ross P. Vartian, 122 C Street, NW #350 Washington, DC 20001	Armenian Assembly of America	1,478.00	
Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	4,000.00	
Venable Baetje Howard & Civiletti, 1201 New York Ave., NW, #1100 Washington, DC 20005	American Insurance Assn		
Do	Computer & Business Equipment Manufacturers Assn		
Do	International Mass Retail Association		
Do	United Video, Inc	7,900.00	330.00
Carol Verby, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, #10th Fl. Washington, DC 20006	International Mass Retail Assn	10,000.00	200.00
Jerry T. Verkler, 555-13th Street, NW, Suite 300 West Washington, DC 20036	Interstate Natural Gas Assn of America		
Sara Vickerman, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	118.28	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc		
Do	National Assn of Crop Insurance Agents		
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	American Assn of Classified School Employees	426.25	
Do	California Department of Insurance	3,300.00	
Do	California Franchise Tax Board	8,293.75	
Do	California Public Employees' Retirement System	9,643.75	
Do	Executive Life Insurance Company of California	2,972.50	
Do	Pacific Stock Exchange, Inc		
Do	State Board of Equalization (Calif)	2,931.25	
Susanne Vikoren, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)	11,205.00	2,299.97
Robert J. Vilhauer, 1700 N. Moore Street, #2120 Arlington, VA 22209	Boeing Company	4,275.00	742.00
Howard A. Vine, Jefferson Group 1341 G Street, NW, #1100 Washington, DC 20005	Alliance for Corporate Growth		
Do	Bobbie Brooks, Inc		
Do	Jefferson Group (For:Crompton & Knowles)		
Do	Mission Energy Company		
Do	Molson Breweries USA, Inc		
Do	PubCo Corp		
Do	REN Coporation		
Do	Smith Corona Corp		
Do	Torrington Company		
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	76.30
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Attorney's Liability Assurance Society Ltd	4,912.00	
Do	Bank Tax Group	5,505.10	21,438.75
Do	Browning-Ferris Industries	4,097.57	
Do	BMC Software, Inc		
Do	Caterpillar Financial Services Corp		
Do	Citicorp Washington, Inc		
Do	City & County of San Francisco		
Do	City of Port Angeles	14,196.35	
Do	Destec Energy, Inc	4,094.57	
Do	E. M. Warburg Pincus & Co, Inc	7,087.25	7,020.00
Do	Federal Express Corp	142,929.50	
Do	Goldman Sachs & Co	8,405.50	13,140.00
Do	Guadalupe Valley Electric Cooperative	15,392.16	
Do	Gulf Coast Regional Blood Center	4,426.25	
Do	Merrill Lynch & Co, Inc		6,815.00
Do	National Rural Letter Carriers Assn	4,500.00	
Do	Panhandle Eastern Corp		65,420.55
Do	Pennsylvania Engineering Company	9,250.33	
Do	Teco Energy	4,163.56	
Do	Texas Veterans Land Board	2,835.00	
Do	Time-Warner, Inc	13,928.00	
Do	United Savings Assn of Texas FSB	1,690.00	
Do	Utilicorp United, Inc	10,076.15	
Do	Waste Management, Inc	4,094.57	
Do	YWCA Retirement Fund	810.00	
Walter D. Vinyard Jr., Vinyard and Associates 555 13th St., NW, #800 East Washington, DC 20004	Continental Insurance Companies	5.00	
Do	National Fraternal Congress of America	5.00	
Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207		40.00	234.51
George A. Viverette Jr., 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Dina Vizzaccaro, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	14,350.00	
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen	1,200.00	
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Earl J. Volk, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	7,578.72	
Volkswagen of America, Inc, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024			650.00
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	18,250.02	
Ian D. Volner, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Career College Assn, Inc	1,250.00	
Do	Cohn and Marks (For:Direct Marketing Assn)		
Do	Cohn & Marks (For:Maclean Hunter Cable TV)		
Do	Cohn & Marks (For:USA Network)		
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	Equipment Leasing Assn of America		
Voluntary Hospitals of America, Inc, 1150 17th Street, NW, #300 Washington, DC 20036			6,000.00
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	American Environmental Company	637.50	70.29
Do	Committee of Publicly Owned Companies	562.50	116.52
Do	Foreign Credit Insurance Assn Management Co, Inc	14,178.60	8,687.08
Do	Grocery Manufacturers of America, Inc		
Do	Ohio Advanced Technology Center, Inc		
Do	Ohio Forestry Assn		
Do	Ohio Manufacturers Assn		
Do	Recyclers of Copper Alloy Products	45,051.63	1,324.67
Do	Sino-Asia Rare Earth, Inc	896.10	
Do	Snow Aviation International, Inc		
Carmen Delgado Votaw, 1025 Connecticut Ave., NW, #309 Washington, DC 20036	Girl Scouts of the U.S.A.		5,795.27
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219	Procompetitive Rail Steering Committee		
Thomas D. Wacker, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	1,004.16
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	30.00
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Robert J. Wade, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Joan Wages, 601 24th Street, NW #904 Washington, DC 20037	Association of Professional Flight Attendants	9,000.00	632.00
Do	Independent Federation of Flight Attendants	4,125.00	701.00
James Wagoner, 1101 14th Street, NW, 5th Floor Washington, DC 20005	National Abortion Rights Action League (NARAL)	19,153.80	
Andrew F. Wahlquist, 1701 Pennsylvania Ave., NW Washington, DC 20006	McDonnell Douglas Corp	15,000.00	3,900.00
Donna Waks, 4500 Connecticut Avenue, NW, #408 Washington, DC 20008	Rainbow Lobby	3,799.02	
Susan Stephenson Walden, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	250.00	
Angela S. Waldorf, N.C. Petroleum Council P.O. Box 167 Raleigh, NC 27602	American Petroleum Institute		
Doug Walgren, 8312 Hunting Hill Lane McLean, VA 22102	Association of Chiropractic Colleges	5,000.00	
Do	Institute of Scrap Recycling Industies, Inc	12,000.00	
Do	Merck & Company	15,000.00	
Do	National Assn of Convenience Stores		
Do	Petroleum Marketers Assn of America		
Do	Society of Independent Gasoline Marketers of America		
Do	University of Pittsburg Medical Center	15,000.00	
Barbara J. Walker, P.O. Box 1417-D50 119 Oronoco Street Alexandria, VA 22313	Animal Health Institute		
John S. Walker, 700 13th Street, NW, #500 Washington, DC 20005	Focus on the Family	3,225.00	
Richard P. Walker, 801 Pennsylvania Avenue, NW, #352 Washington, DC 20004	Central and South West Services, Inc	3,875.00	4,091.49
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Telephone & Telegraph Co	9,375.00	
Do	Anheuser-Busch Companies, Inc		
Do	Broadcast Music, Inc	7,500.00	
Do	Coalition for Competitive Capital	18,750.00	
Do	CSX Corporation	3,000.00	
Do	Federal Home Loan Mortgage Corp	7,200.00	
Do	General Dymanics Corp		
Do	Honeywell, Inc		
Do	Marine Drilling Companies		
Do	Mexican Department of Commerce & Industrial Development	13,375.00	
Do	Mid Continent Oil and Gas Assn	3,000.00	
Do	MBNA America Bank NA	3,000.00	
Do	National Business Aircraft Assn		
Do	National Stone Assn		
Do	Northville Industries Corp		
Do	Northwestern Mutual Life Insurance Co		
Do	Sony Music Entertainment, Inc	8,750.00	
Do	Sony Pictures Entertainment, Inc	8,750.00	
Do	Southern Company Services, Inc	3,750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Ad Hoc Comm on Coal Taxation	2,000.00	
Do	American Paper Institute, Inc	2,250.00	
Do	Audobon Institute	500.00	
Do	Bell Atlantic Corp	1,500.00	
Do	Chambers Development Co, Inc	2,250.00	
Do	Cominco, Ltd	2,000.00	
Do	Committee on Radioisotopes and Radiopharmaceuticals	2,000.00	
Do	Eli Lilly & Company	2,500.00	
Do	Environmental Transportation Assn	250.00	
Do	Ernst & Young	3,000.00	
Do	ENERCO & Affiliates	500.00	
Do	Footwear Distributors and Retailers of America	1,000.00	
Do	Graham Resources	2,000.00	
Do	Hong Kong Trade Development Council	2,500.00	
Do	Jackson National Life Insurance Co	1,500.00	
Do	Kimberly-Clark	1,000.00	
Do	National Agricultural Chemicals Assn	1,000.00	
Do	National Coal Assn	2,000.00	
Do	Peabody Holding Co, Inc	1,000.00	
Do	Pennsylvania Engineering		
Do	Pharmaceutical Manufacturers Assn	3,000.00	
Do	Pittston Group	1,000.00	
Do	Sandoz Corporation Protection Corp.	1,000.00	
Do	Securities Industry Assn	2,500.00	
Do	State of California	500.00	
Do	Torchmark Corporation	1,000.00	
Do	United Company	500.00	
Mary L. Wallace, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	3,600.00	
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	3,500.00	54.58
Do	Alaska Pulp Corp	1,000.00	
Do	American Soc of Farm Managers and Rural Appraisers	7,500.00	14.00
Do	American Sugar Cane League	19,375.00	62.23
Do	Calgene, Inc	3,750.00	138.96
Do	Cash America	5,000.00	36.45
Do	Cotton Warehouse Assn of America	10,750.00	
Do	Domino Sugar Corp	7,500.00	
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	5,000.00	14.00
Do	Friant Water Users Authority	2,000.00	
Do	Service Corporation International	7,500.00	
Do	St. Louis Ship Holdings		
Do	U.S. Canola Association	5,000.00	25.31
Lori M. Wallach, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,075.00	
David B. Waller, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	500.00	
Richard J. Walsh, 6770 Lake Ellenor Drive Orlando, FL 32809-3330	General Mills Restaurants, Inc	1,062.50	101.37
Bonnie B. Wan, 700 11th Street, NW, Suite 660 Washington, DC 20001	Kimberly-Clark Corp		
Clarence D. Ward, 1727 Hoban Road, NW Washington, DC 20007	Martin Marietta Corporation	4,847.00	
Michael D. Ward, c/o Virginia Petroleum Council, 701 E. Franklin Street, #105 Richmond, VA 23219	American Petroleum Institute	25.00	
Stephen E. Ward, 1401 Eye Street, NW, #1030 Washington, DC 20005	Shell Oil Company	1,500.00	
Barbara F. Warden, 1757 N Street ,NW, Washington, DC 20036	International Union United Auto Aerospace & Ag. W of A(UAW)	20,235.47	411.55
Robert A. Warden, 1331 F Street, NW, #400 Washington, DC 20004	Public Employees Retirement Assn of Colorado		
Michael A. Waring, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,000.00	641.58
Ann D. Warner, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	2,710.00	2,710.00
Ernest R. Warner Jr., 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Sofreavia)		
Do	DGA International, Inc (For:SNECMA)		
James H. Warner, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
David E. Warr, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Company		
B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347	Forest Farmers Assn		
Betsy R. Warren, 2001 Pennsylvania Avenue, NW, #600 Washington, DC 20006	Edison Electric Institute		
Do	Schmertz Company, Inc for Gov't of the Republic of Greece	1,500.00	
Tristan Carter Warren, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	6,500.00	654.84
Barbara J. Washburn, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	1,058.23
Washington Christian & Loafman, 805 15th Street, NW, #1000 Washington, DC 20005	City of Cleveland	4,255.35	213.35
Do	City of Oakland	4,500.00	33.00
Do	Coca-Cola Company	913.19	25.79
Do	Electronic Data Systems, Inc		
Do	Government of the People's Republic of Angola		
Do	Government of Antigua		
Do	Greater Cleveland Regional Transit Authority	674.96	146.68
Washington Independent Writers, Inc, 733 15th Street, NW, #220 Washington, DC 20005			
Washington Public Affairs Group, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	National Union for the Total Independence of Angola (Unita)		
Washington Strategic Consulting Group, Inc, 805 15th Street, NW, Suite 1000 Washington, DC 20005	Government of the Federal Republic of Nigeria	450.00	29.03
Robert A. Waspe, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Association of Chain Drug Stores	500.00	
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	8,200.00	
Austen W. Watson, 1215 Jefferson Davis Hwy., #1203 Arlington, VA 22202	GEC-Marconi Electronic Systems Corp	1,300.00	456.79
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	Security Traders Assn. Inc	6,648.00	
Leroy Watson, 1616 H Street, NW Washington, DC 20006	National Grange	4,875.00	
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	55.00	
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	1,650.00	
Bruce H. Watzman, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	9,800.00	99.32
Philip A. Waxman, 2800 Quebec St., NW, #536 Washington, DC 20008	Boehringer Ingelheim Pharmaceuticals, Inc	14,825.00	2,451.16
William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602	American Petroleum Institute	500.00	
A. Vernon Weaver, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
David Weaver, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	9,558.00	
Barbara G. Webb, 600 Maryland Avenue, SW, Suite 202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	6,692.74	88.71
Sandra M. Webb, 1150 18th Street, NW, #200 Washington, DC 20036	Brown & Root Services Corp		
Phillip J. Weber, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)	2,500.00	923.84
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Commercial Law League of America		
Do	International Taxicab and Livery Assn		
Lee J. Weddig, 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	4,000.00	
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	The Centennial Co		
Steven A. Wein, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #1000 West Washington, DC 20005	Battery Council International	195.00	48.75
Do	National Assn for Plastic Container Recovery (NAPCOR)	32.50	8.12
Do	Portable Rechargeable Battery Association	202.50	50.62
Robert A. Weinberger, 816 Connecticut Ave., NW Washington, DC 20006	Unilever U.S., Inc	1,500.00	218.00
Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,500.00	
Sandra G. Weis, 445 Hamilton Ave. White Plains, NY 10601	Prodigy Services Company		500.00
Arthur A. Weiss, One Woodward Avenue, Suite 2400 Detroit, MI 48226	Jaffe Raitt Heuer & Weiss, P.C.		
Suzanne Weiss, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		14.87
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Grain Inspection Institute		
Arnold Wellman, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	18,000.00	916.47
Jane V. Wellman, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges and Universities	13,752.00	
Kent M. Wells, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		4,184.40
Robert C. Wells, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	2,250.00	
Frederick C. Wendorf, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Services, Inc	3,920.00	3,086.45
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	500.00	
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	17,655.78	564.00
James K. Wessel, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp	5,000.00	
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	1,415.34
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	15,000.00	
Do	Oklahoma Natural Gas	9,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William Preston West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	3,000.00	383.57
West Mexico Vegetable Distributors Assn, P.O. Box 848 Nogales, AZ 85621			
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		5,000.00	5,000.00
Westland Development Co., Inc, 401 Coors Boulevard, NW Albuquerque, NM 87121		2,538.42	2,442.25
Michelle Westover, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation		
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	453.36	210.88
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Allied-Signal, Inc		
Do	American Airlines, Inc		47.45
Do	American Institute for Foreign Study Scholarship Foundation		
Do	American Public Transit Assn	1,725.00	34.20
Do	Anheuser-Busch Companies, Inc.	3,000.00	6.50
Do	ARCO	1,300.00	15.00
Do	Catholic Health Association of the United States	300.00	
Do	Century Council		
Do	Columbia Hospital for Women Medical Center		
Do	Concast Corporation		41.15
Do	Consortium of State Maritime Schools		
Do	Coopers & Lybrand	200.00	33.50
Do	Defense Rations Manufacturers Assn		49.25
Do	Foothills Pipe Lines (Yukon) Ltd	150.00	
Do	FHP		17.40
Do	General Motors Corp		
Do	Hallmark Cards, Inc		
Do	Intermountain Rural Electric Assn		
Do	John I Haas, Inc	4,500.00	
Do	Massachusetts Maritime Academy		
Do	Motion Picture Assn of America, Inc		
Do	National Association for Music Therapy		
Do	National Association of Community Health Centers	2,800.00	
Do	National Gypsum Co	560.00	6.50
Do	New England Aquarium		
Do	Oceanic Institute		
Do	Ohio Edison	1,250.00	13.00
Do	South Fork Broadcasting Corporation	105.00	
Do	U.S. Bioscience	700.00	433.65
Brian B. Whalen Jr., 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	4,000.00	2,361.07
Curtis E. Whalen, 1600 Wilson Blvd., #1000 Arlington, VA 22209	American Waterways Operators, Inc	5,000.00	1,572.17
Whalen Company, Inc, 1717 K Street, NW, #700 Washington, DC 20006	Equitable Life Assurance Society of the U.S.		
Do	Toyota Motor Sales, USA, Inc		
Leonard P. Wheat, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	6,250.00	228.50
Carol Wheeler, 1650 30th Street, NW Washington, DC 20007	Media Enterprises Corp (For:America's Public Television Stations, Inc)	3,550.00	435.31
Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	175.00	
Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,626.00	
Thomas E. Wheeler, 1133 21st Street, NW, 3rd Floor Washington, DC 20036	Cellular Telecommunications Industry Association		
John C. Whitaker, 2021 L Street, NW, #320 Washington, DC 20036-4909	Union Camp Corporation	4,144.00	46.00
John C. White, White Consulting Group 2000 M Street, NW, #380 Washington, DC 20036	AMGEN	8,000.00	
Do	Coastal Corporation	20,000.00	
Do	Goldman Sachs & Co	5,000.00	
Do	Tobacco Institute	4,000.00	
Joyce White, 222 NW Davis, #309 Portland, OR 97209	Oregon Trail Coordinating Council	562.50	
Larry White, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	740.57	74.30
Leland J. White, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Margita E. White, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	1,384.25
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	600.00	66.31
Sam White, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	392.45	67.76
Ward H. White, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn		56.00
William R. White, Kaplan, Russin & Vecchi 1215 17th Street, NW Washington, DC 20036	Edison Electric Institute		
Do	Gadot Petrochemical Industries	1,034.50	149.24
Susan J. White & Associates, 1111 North Pitt Street, Suite 2-B Alexandria, VA 22314	County of Los Angeles	15,000.00	923.35
White Fine & Verville, 1156 15th St., NW, #1100 Washington, DC 20005	Association of Regionally Accred Priv Coll & Univ	12,395.75	
Whiteford Taylor & Preston, 888 17th St., NW, #400 Washington, DC 20006	Giddings & Lewis, Inc	77,628.50	2,480.20
Do	National Constructors Association	9,999.99	4,532.83
Suzanne K. Whitehurst, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For:Central Utah Water Conservancy District)	1,406.00	
Do	Marcus G. Faust, PC (For:Clark County Nevada)	1,406.00	
Do	Marcus G. Faust, PC (For:Clark County Nevada-McCarran International Airport)	1,406.00	
Do	Marcus G. Faust, P.C. (For:Geneva Steel)	1,406.00	
Do	Marcus G. Faust, PC (For:Las Vegas Valley Water District)	1,406.00	93.21
Do	Marcus G. Faust, PC (For:Public Service Co of New Mexico)	1,406.00	
Do	Marcus G. Faust, PC (For:Sierra Pacific Power Co)	1,406.00	
Do	Marcus G. Faust, P.C. (For:State of Montana Dept of Natural Resources & Conservation).	1,406.00	
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	700.00	
Elizabeth D. Whitley, 600 Maryland Ave., SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,193.75	621.68
James A. Whitman, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Robert L. Whitmire, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	683.40
William F. Whitsitt, 1212 New York Avenue, NW, Suite 1200 Washington, DC 20005-6419	Oryx Energy Company	1,100.00	250.12
Larry H. Whitt, 9111 E. Douglas Wichita, KS 67207	Pizza Hut, Inc		
Whitworth & Associates, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Bodie Consolidated Mining Company	5,000.00	
Do	Mesa, Inc	3,000.00	
Do	Natural Gas Vehicle Coalition	4,000.00	
Anne Marie Wiedemer, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	2,000.00	750.00
Helen C. Wiederhorn, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	3,382.80	2,950.41
Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35203	Alabama Power Co	20,352.57	2,893.92
Wiggin & Dana, One Century Tower P. O. Box 1832 New Haven, CT 06508-1832	Villa Banfi, U.S.A.		
Robert Wigington, 1220 19th Street, NW, #200 Washington, DC 20036	Airport Association Council International	5,725.00	
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Valerie Wilbur, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging	380.97	32.41
Shirley J. Wilcher, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	9,210.00	
Brian Wilcox, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	4,000.00	208.05
Wildlife Legislative Fund of America, 1000 Connecticut Ave., NW, #1202 Washington, DC 20036			17,000.00
Harry G. Wiles II, 1023 15th St., NW, 4th Fl Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		815.85
Lanny F. Wiles, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Cynthia H. Wiles Consulting, 10898 Woodleaf Lane Great Falls, VA 22066	Environmental Research Institute of Michigan	19,687.50	346.00
Do	Industrial Technology Institute	3,333.32	
Do	MERRA	2,499.99	
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	Aeronautical Radio, Inc	116.00	
Do	Allied Marketing Group	513.00	
Do	American Newspaper Publishers Assn	16,723.00	117.70
Do	Association for Public TV (APTV)		
Do	Association of Telemessaging Services, International		
Do	CBS, Inc	1,808.00	
Do	Firemen's Fund Insurance Cos		
Do	Marine Mammal Coalition	627.00	11.00
Do	Merchants National Bank	992.00	6.00
Do	National Assn for Information Services		
Do	National Health Care Anti-Fraud Assn	847.00	10.00
Do	Olan Mills, Inc		
Do	Prodigy Services Company	1,972.00	
Do	United Parcel Service	2,166.00	12.00
Do	W.F. Young, Inc	329.00	6.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Guenther O. Wilhelm, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Julia Bullard Wilkie, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	2,343.75	1,058.00
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Aetna Life Insurance	32,857.00	2,555.99
Do	Bank of America	2,235.76	203.56
Do	Bank of Boston	1,974.01	157.35
Do	Barnett Banks, Inc	1,726.60	131.85
Do	First Interstate Bank	2,450.65	204.12
Do	Fleet/Norstar Financial Group	68,755.51	6,520.12
Do	Hobbs Straus Dean & Wilder	2,973.50	79.90
Do	Northwest Hydroelectric Assn	3,000.00	120.00
Do	Solano Water Authority	1,687.50	53.55
Do	Summit Energy Storage, Inc		
Do	Suntrust Banks, Inc	1,974.01	157.35
Do	Turlock Irrigation District	6,400.00	235.00
Do	VISA USA, Inc	5,075.50	327.95
Do	Wachovia Bank and Trust	1,726.60	131.85
Do	Wells Fargo & Company	977.81	50.90
Ralph E. Willham, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	15,593.00	
Faith Williams, 1001 Pennsylvania Ave., NW, #460 Washington, DC 20037	New York Life Insurance Company	270.00	47.16
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	Aegon USA, Inc	1,400.00	250.00
Do	Ark-Best Co	1,400.00	250.00
Do	Arkansas Louisiana Gas Co (ARKLA)	1,200.00	300.00
Do	Electro Com Automation, Inc	1,500.00	400.00
Do	Integon	1,400.00	250.00
Do	Riceland Foods, Inc	1,400.00	300.00
Do	Tyson Foods, Inc	1,400.00	300.00
Jane B. Williams, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn (HIMA)	2,030.00	227.20
Leonard B. Williams, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	50.00	164.66
Lucinda L. Williams, 733 15th Street, NW, #700 Washington, DC 20005	National Medical Enterprises, Inc	4,980.00	
Merrill Williams, 4501 Connecticut Ave., NW, #113 Washington, DC 20008	Freshwater Press, Inc		
Do	Galactical Biochemical		
Do	National Credit Improvement Group		
Michael E. Williams, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,067.50	407.20
Patricia Williams, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation	52.12	
Patrick H. Williams, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	4,000.00	2,500.36
Peter Williams, 2030 M St., NW Washington, DC 20036	Common Cause	342.60	
Richard T. Williams, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	
Williams & Connolly, 725 12th Street, NW Washington, DC 20005	North American Assn of State & Provincial Lotteries		
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	American Home Products	6,390.00	302.69
Do	Association of Family Farmers		
Do	Robert M. Bass Group	580.00	28.55
Do	British Petroleum	675.00	37.12
Do	Century 21 Real Estate Corp		
Do	College Board		
Do	College Construction Loan Insurance Assn		
Do	Colonial Pipeline Company	520.00	28.55
Do	Continental Airlines Holding, Inc.	8,300.00	369.79
Do	CIGNA Corp		74.25
Do	Estee Lauder, Inc	2,880.00	132.79
Do	First Boston Corp	4,300.00	221.30
Do	Glaxo, Inc		
Do	Greenwich Capital Markets, Inc	580.00	28.55
Do	GAMMA Corp		
Do	Kelly Appleman Hart & Hallman	3,990.00	102.81
Do	Keystone Provident Life Insurance Co		
Do	Marks Murase & White		
Do	Mustang Fuel Corporation		
Do	National Assn of Rehabilitation Agencies		
Do	National Board for Professional Teaching Standards		
Do	National Soft Drink Assn	870.00	44.26
Do	Norfolk Southern Corp	580.00	28.55
Do	Normandy Foundation		14.27
Do	Oklahoma Gas & Electric Co	3,850.00	177.05
Do	Owens-Illinois, Inc		
Do	Pharmaceutical Manufacturers Assn		139.92
Do	Pittston Co	8,790.00	398.35
Do	Recording Industry Assn of America, Inc		192.75
Do	Southern Pacific Transportation Co.	1,120.00	58.54
Do	Southwest Airlines	790.00	28.55
Do	Student Loan Marketing Assn (Sallie Mae)	990.00	44.26
Do	Texaco, Inc	1,280.00	44.26
Do	Turner Broadcasting System, Inc	10,400.00	44.26
Do	TTX Company		
Do	U.S. English		
Do	U.S. Telephone Assn		
Do	Universal Foods, Inc		28.55
Do	USAA Financial Service Co		
Fred H. Williamson, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)		
Alan R. Willis, Box 3529 Portland, OR 97208	Port of Portland	12,055.00	
Roy W. Willis, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		85.00
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,006.70	72.54
Willkie Farr & Gallagher, 1155 21st Street, NW, # 600 Washington, DC 20036	American Nuclear Energy Council (ANEC)		
Do	Association of International Auto Manufacturers		
Do	Browning-Ferris Industries, Inc	3,442.50	
Do	Council of Appraisal & Property Professional Societies	562.50	
Do	Morgan Guaranty Trust Co	4,097.50	
Do	National Assn of Independent Fee Appraisers	2,175.00	
Do	Standard Commercial Tobacco Co	522.50	
Do	Time Warner	6,960.00	158.94
Do	Westinghouse Electric Corp	4,375.00	57.49
Do	Yamaha Motor Co, Ltd, et al.	112.50	
Do	Yamaha Motor Manufacturing Corp of America		
Laura B. Wills, 1101 16th Street, NW, Suite 500 Washington, DC 20036	Bergner Boyette & Bockorny, Inc		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Aetna Life & Casualty Co		
Do	American Cyanamid Co	1,000.00	11.00
Do	American Honda Motor Co, Inc		
Do	Association of American Universities		
Do	Business Roundtable		
Do	Capital Cities/ABC, Inc		
Do	Citibank, N.A.		
Do	Computer Systems Policy Project		
Do	Cook Inlet Communications, L.P.		
Do	Council for Responsible Nutrition		
Do	Federal Home Loan Bank of San Francisco		
Do	G-IV Family Coalition, Inc		16.00
Do	Handgun Control, Inc		
Do	Intellectual Property Committee		
Do	International Metals Reclamation Company, Inc	589.00	
Do	Long Island Savings Bank		
Do	O'Connor Realty Advisors, Inc		
Do	Pepsico, Inc		
Ann Wilson, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	10,000.00	
Charles D. Wilson, P.O. Box 19130 1919 South Broadway Green Bay, WI 54307-9130	Fort Howard Corp	1,076.88	1,799.76

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David I Wilson, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
G. Peter Wilson, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors, Inc		
Gary Wilson, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Hilary Wilson, 1101 15th Street, NW, Suite 500 Washington, DC 20005	Asea Brown Boveri, Inc	5,900.00	
Patricia M. Wilson, 1101Pennsylvania Ave, NW, #510 Washington, DC 20004	USX Corporation		
Robert Dale Wilson, 1133 15th Street, NW, #1200 Washington, DC 20005-2710	Wilson & Wilson (For:Cadmium Council)		
Do	Wilson & Wilson (For:Hecla Mining Company)		
Robert Gary Wilson, One PPG Place Pittsburgh, PA 15272	PPG Industries, Inc		
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co		
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn Associates, Inc (For:American Assn of Equipment Lessors)	22,500.00	
Do	Winburn VanScoyoc & Hooper (For:American Insurance Assn)	45,000.00	
Do	Winburn Associates, Inc (For:American Paper Institute)	30,000.00	
Do	Winburn Associates, Inc (For:Bell Atlantic Capital Corp)	5,000.00	
Do	Winburn Associates, Inc (For:Bradford Exchange)	15,000.00	
Do	Winburn Associates, Inc (For:Burlington Northern Railroad Co)	15,000.00	
Do	Winburn Associates, Inc (For:Burlington Northern Services, Inc)	15,000.00	
Do	Winburn Associates, Inc (For:Fluor Corp)	5,000.00	
Do	Winburn Associates, Inc (For:Hartford, (The))	45,000.00	
Do	Winburn Associates, Inc (For:Health Net)	7,500.00	
Do	Winburn Associates, Inc (For:Leggett & Platt)	6,000.00	
Do	Winburn Associates, Inc (For:National Assn of County Office Employees)	3,000.00	
Do	Winburn Associates, Inc (For:Pennzoil)	6,000.00	
Do	Winburn Associates, Inc (For:Philip Morris)	81,000.00	
Do	Winburn Associates, Inc (For:1st Nationwide Bank)	40,000.00	
Judith A. Winchester, 1627 I Street NW, #1100 Washington D.C.	Shearson Lehman Brothers, Inc	800.00	522.18
Stephen H. Wines, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	6,690.48	
Eugene J. Wingerter, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	142.00
Joseph B. Winkelmann, Winkleman & Associates, Inc. 9220 Byron Terrace Burke, VA 22015	Winkelmann & Associates, Inc (For:American Resort & Residential Development Assn).	6,000.00	
Do	Winkelmann & Associates, Inc (For:National Assn of Mortgage Brokers)	1,500.00	
Katherine M. Winklejohn, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	9,375.00	
David L. Winstead, 1666 K Street, NW, #1100 Washington, DC 20016	Wilkes Artis Hedrick & Lane (For:Peter N. G. Schwartz Companies)		
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	887.50	80.00
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Bayerische Vereinsbank AG, et al.		
Do	Bedminster Bioconversion Corp		
Do	Carus Chemical Company	5,750.00	185.00
Do	Compaq Computer Corporation		
Do	Digital Equipment Corp		
Do	DHL Corporation	60.00	17.40
Do	Government of the U.S. Virgin Islands	21,292.50	1,133.44
Do	Harpo, Inc	880.00	19.00
Do	Illinios State Medical Society	7,210.00	2,981.78
Do	International Council of Shopping Centers		
Do	Regional Transit Authority	2,360.00	41.00
Linda A. Winter, 1400 Sixteenth Street, NW Washington, DC 20036-2266	National Wildlife Federation	3,797.65	
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	America West Airlines, Inc		
Do	Amoco Performance Products, Inc		
Do	Bristol-Myers Squibb		52.00
Do	BASF Corp		
Do	BASF Structural Materials, Inc		
Do	Coalition for Responsible Waste Incineration (CRWI)	2,250.00	60.00
Do	Fiberite Corp		
Do	Goldman Sachs	1,920.00	
Do	Hercules Aerospace Co		
Do	Lower Elwha Klallam Tribe		78.58
Do	Macrovision, Inc	2,125.00	
Do	MCI Communications Corp	1,525.00	32.00
Do	MTN Coalition		
Do	National Assn of Demolition Contractors		
Do	National Vehicle Leasing Assn		
Do	Navajo Nation		58.00
Do	North American Chemical Company	2,720.00	
Do	Organization for International Investment (OFII)	11,780.00	23.50
Do	Refractories Ceramic Fibers Coalition		
Do	RAT Coalition		
Do	Sabreliner Corp	533.75	
Do	Saloman Brothers, Inc		
Do	Securities Industry Assn	14,880.00	155.19
Do	Snappy Car Rental		
Do	St. Thomas & St. John Chamber of Commerce	13,052.50	58.39
Do	Thrifty Rent-A-Car System, Inc		
Elizabeth Wirick, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,000.00	
Melanie Wisniewski, P.O. Box 520783, GMF Miami, FL 33152	Burger King Corp		
Walter J. Witek Jr., 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Lyn M. Withey, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper Co	1,773.00	76.00
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Albert Einstein Medical Center	12,000.00	1,148.21
Do	Centennial Health Services, Inc	1,500.00	553.72
Do	Certained Corporation	18,000.00	1,131.42
Do	Children's Hospital of Philadelphia	54,750.00	2,237.44
Do	Children's Hospital of Pittsburgh	15,750.00	1,216.00
Do	County of Los Angeles		
Do	Crozer-Keystone Health System	3,750.00	553.72
Do	Drexel University	7,500.00	373.41
Do	Episcopal Hospital	3,750.00	553.72
Do	Franklin Square Hospital		
Do	Healthcare Management Alternatives, Inc	9,000.00	582.04
Do	Healtheast		
Do	Hill Group	15,000.00	938.18
Do	Hospital of the Philadelphia College of Osteopathic Medicine	3,750.00	553.72
Do	Magee-Womens Hospital	12,750.00	949.45
Do	Mercy Catholic Medical Center	16,500.00	1,279.44
Do	Mercy Health Plan	7,500.00	448.55
Do	National Down Syndrome Society	9,000.00	429.85
Do	North Philadelphia Health System	3,750.00	553.72
Do	Philadelphia Electric Company		
Do	Presbyterian University Hospital	3,750.00	553.72
Do	Public Financial Management	18,000.00	962.38
Do	Thomas Jefferson University Hospital	3,750.00	553.72
Do	University of Pennsylvania	15,000.00	1,224.68
Do	Virginia Commonwealth University	15,000.00	
Henry C. Wolf, 3 Commercial Place Norfolk, VA 23510	Norfolk Southern Corp		
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc	2,000.00	
J. Thomas Wolfe, 1627 K Street, NW, #700 Washington, DC 20006	Institute of Scrap Recycling Industries	5,750.00	3,039.95
Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	(For:American Insurance Assn)	371.30	
Charles V. Wollerton, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	5,000.00	
Ronald Wolsey, 1615 M Street, #200 Washington, DC 20036	Amoco Corporation	1,200.00	
Don Womack, Suite 303 1825 K St., NW Washington, DC 20006	Texas Utilities Services, Inc	3,500.00	38.92
Richard Marvin Womack, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	315.60	
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	19,800.00	2,476.75
Donna Y. Wood, 577 Mulberry Street Macon, GA 31298	Charter Medical Corp		
Mildred Wood, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,096.00	
Mark E. Woodbridge, 1825 K Street, NW, #1107 Washington, DC 20006	National U.S. Arab Chamber of Commerce		
Andrew L. Woods, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Irvin M. Woods, P.O. Box 521 The Plains, VA 22171-0521	National Assn of Air Traffic Specialists	6,000.00	850.00
Do	Woods Research Associates, Inc		70.00
Jeanne M. Woods, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	2,315.00	
Jerry D. Woods, 1000 Wilson Boulevard Arlington, VA 22209	Northrop Corp	1,400.00	
Robert W. Woody, 1333 New Hampshire Ave, NW Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae		
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	6,800.00
Laura Dallman Wooster, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	7,926.00	
Workplace Health & Safety Council, 2300 N Street, NW Washington, DC 20037			
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
David L. Wray, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, 1700 Huntington Building Cleveland, OH 44115	Centerior Energy Corp, et al.	15,000.00	1,257.56
Andrew S. Wright, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	475.65	65.00
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		421.25
Elizabeth L. Wright, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	2,000.00	50.00
Ann B. Wrobleski, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:Children's Health System, Inc)		
Do	Jefferson Group (For:CAE Link Corp)		
Do	Mission Energy Company		
Do	Jefferson Group (For:Molson Brewries USA, Inc)		
Do	Jefferson Group (For:TCOM)		
Wunder Diefenderfer Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American Bus Assn	5,001.82	363.45
Do	American International Group, Inc	932.00	27.84
Do	American Iron & Steel Institute	3,720.94	158.14
Do	American Orthotic & Prosthetic Assn	19,123.03	851.56
Do	American President Companies	12,000.00	
Do	American Soc of Assn Executives	1,129.47	120.52
Do	Ares-Serono, Inc	4,143.00	266.12
Do	Ashland Oil Company	9,793.33	1,494.32
Do	Association of American Railroads	1,249.96	51.51
Do	Avis Rent A Car System, Inc	4,500.00	
Do	BellSouth Corp		
Do	Bermuda, Government of	1,484.00	42.95
Do	Bituminous Coal Operators Assn	4,000.00	29.00
Do	Business Council on Indoor Air		
Do	Committee Against Revising Staggers	677.50	103.06
Do	Connaught Laboratories, Inc	2,704.25	144.88
Do	Council of Industrial Boiler Owners	3,801.25	300.61
Do	Crescent Cities Jaycees Foundation, Inc	5,740.29	80.11
Do	CSX Corporation	12,000.00	
Do	Electronic Industries Assn	7,478.34	38.50
Do	Environmental Air Control, Inc	1,013.80	19.46
Do	General Motors Corp	4,320.00	122.00
Do	Grand Metropolitan/Pillsbury	5,097.33	7,086.35
Do	Grand Metropolitan, Inc	1,805.62	64.55
Do	HDTV 1125/60 Group	2,250.00	66.65
Do	Industrial Oil Consumers Group		
Do	Intermarine USA	4,840.00	611.00
Do	Investment Company Institute	540.00	67.37
Do	Kelly Assisted Living/Kelly Services	1,500.00	
Do	Kohlberg Kravis Roberts & Co	8,057.00	809.14
Do	Lonesome Dove Petroleum Company		92.70
Do	Manville Corporation	4,284.00	141.19
Do	Martin Marietta	1,676.43	27.49
Do	Maxxam	13,705.00	245.95
Do	McDonnell Douglas	1,875.00	19.67
Do	Metropolitan Life Insurance Co		
Do	Montana Department of Transportation	1,000.00	
Do	Mutual Life Insurance Co Tax Committee		
Do	Mylan Laboratories, Inc		
Do	MCI Communications Corp	6,600.00	14.10
Do	National Assn of Small Business Investment Companies	1,500.00	9.58
Do	National Cable Television Assn, Inc	1,666.60	53.75
Do	National Funeral Directors Assn	10,724.86	721.59
Do	National Liquor Stores Assn.	2,458.33	217.92
Do	National Retail Hardware Assn	2,327.52	284.44
Do	North American Phillips Corp	12,062.58	255.49
Do	Northwestern Mutual Life Insurance Co		
Do	NESEA	885.50	4.16
Do	NYNEX Corp	6,000.00	77.55
Do	Pfizer, Inc	2,719.50	220.43
Do	Philip Morris Management Corp	4,875.33	72.75
Do	Polaris Industries		
Do	Process Gas Consumers Group	18,470.25	1,425.21
Do	Public Securities Assn		
Do	QVC Network, Inc	3,000.00	
Do	Refiners' Coalition for Competitive Markets	3,990.40	9.60
Do	RJR Nabisco	3,000.00	15.79
Do	Shell Oil Company	6,694.84	5.00
Do	SmithKline Beecham	6,157.32	357.75
Do	Sony Corp of America	12,500.00	542.57
Do	South Dakota Dept of Transportation	1,000.00	
Do	Squibb Corporation		
Do	Stanford University		
Do	Tobacco Industry Labor Management Committee	5,054.00	
Do	U.S. Telephone Assn	7,500.00	58.11
Do	Westinghouse Airship Industries	6,300.00	727.43
Do	Westinghouse Electric Corp	1,000.00	68.79
Tracy Wurzel, 600 Maryland Ave, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	400.00
James Wyerman, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	3,506.02	
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	64.56
David S. Wynett, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	110.00	350.00
Edward Wytkind, 400 North Capitol Street, NW, #861 Washington, DC 20001	Transportation Trades Department, AFL-CIO	3,500.00	
Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	575.00	
Milan P. Yager, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Nick Yaksich, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
T. Albert Yamada, Suite 520 900 17th St., NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Nancy Foster Yanish, 800 Connectitut Avenue, NW Washington, DC 20006	Food Marketing Institute	400.00	
Yankee Gas Services Company, 599 Research Parkway P.O. Box 1030 Attn: Steve Piascik Meriden, CT 06450			1,280.37
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	3,609.00	
Edward R. Yawn, 701 Pennsylvania Avenue, NW Washington, DC 20004-5475	Edison Electric Institute	3,031.28	731.58
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	10,000.00	300.58
John S. Yodice, 500 E Street, SW, #930 Washington, DC 20024	Yodice Associates (For:Aircraft Owners & Pilots Assn)		
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	124.50
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Ann S. Young, 1350 Connecticut Avenue, NW, Suite 200 Washington, DC 20036	Association of America's Public Television Stations	583.33	130.33
Penny L. Young, 7101 Wisconsin Avenue Bethesda, MD 20814	National Burglar and Fire Alarm Assn		
Thomas F. Youngblood, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Assn	2,345.54	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	8,000.00	146.02
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
Michael J. Zabko, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Michael Zagorac Jr., 8333 Bryan Dairy Rd. P.O. Box 4689 Clearwater, FL 33518	Jack Eckerd Corp		
Paulette Zakrzeski, 1521 New Hampshire Ave., NW Washington, DC 20036	National Cotton Council of America	16,625.00	219.45
Jerry Zanelli, 1127 11th Street Sacramento, CA 95814	County of Placer	15,146.52	
Do	San Joaquin Partnership	6,532.92	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Paul j. Zanowski, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
John S. Zapp, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	4,900.00	
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Renee E. Zavoico, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Company, Inc	2,000.00	1,044.25
Shirley Zebroski, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	1,210.88
Leo C. Zeferetti, 49 Graham Place Breezy Point, NY 11697	Building & Construction Trades Dept, AFL-CIO		
Do	New York Telephone		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	3,242.00	250.00
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	51.19
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Arlene Zielke, 3724 West 107th Street Chicago, IL 60655	National Congress of Parents & Teachers		2,344.90
Kelly Ziglar-Clay, 805 15th Street, NW, #1110 Washington, DC 20005	Mortgage Insurance Companies of America	6,474.97	1,472.19
Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002	Fertilizer Insititue	9,000.00	1,689.42
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes		
Do	Makah Indian Tribe		
Do	Northern Arapho Indian Tribe		
Gary M. Zizka, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	2,000.00	435.83
John L. Zorack, 1111 14th St., NW, #1001 Washington, DC 20005	American Therapeutic Recreation Association	3,000.00	
Do	Dry Color Manufacturers Association	15,000.00	
Do	Federal Express Corp	10,500.00	
Nancy B. Zucker, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	National Retail Federation	3,000.00	
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	12,000.00	75.00
965, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	General Electric Co	50.00	
Do	Kaman Diversified Technologies	75.00	
Do	Newport News Shipbuilding	40.00	
Do	Woods Hole Oceanographic Institution	110.00	

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the second calendar quarter of 1992 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............“Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	City of South Lake Tahoe		
Do	DDP*Delta	39,000.00	37,190.28
Do	Golden Gate Bridge Highway & Transportation District	4,200.00	3,415.91
Do	Reclamation District 1000		
Leanne J. Abdnor, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	3,000.00	835.52
Aborn & Anesi, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Matthew J. Abrams, 1220 19th Street, NW, #202 Washington, DC 20036	CANAMCO (For:Aerospace Industries Assn of Canada)	500.00	
Do	CANAMCO (For:Canadian Shipowners Assn)	1,250.00	
Access Technology Assn, 1747 Pennsylvania Ave., NW, Suite 205 Washington, DC 20006			
Cecelia A. Adams, 1901 Pennsylvania Avenue, NW, 10th Floor Washington, DC 20006	International Mass Retail Association	3,000.00	
John J. Adams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Ethyl Corporation		
Do	Hunton & Williams (For:Vepco)		
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co		
Sandra Sue Adams-Choate, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	3,633.29	
L. Wayne Addison, 3817 Pickett Road Durham, NC 27705			
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Allan Robert Adler, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn and Marks (For:Direct Marketing Assn)		
Do	Cohn and Marks (For:Maclean Hunter Cable TV)		
Do	Cohn & Marks (For:USA Network)		
Advocacy Group, 1455 Pennsylvania Avenue, NW, #1180 Washington, DC 20004	Arizona State University		
Do	Georgia Southern University		
Do	University of Utah		
John Aguirre, 1401 New York Avenue, NW Washington, DC 20005	National Food Processors Assn	600.00	100.00
Air Transport Assn of America, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707		207,720.46	207,720.46
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	23,500.00	
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Mazda Motor Corporation	163.00	
Julia L. Akins, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Albanian American Civic League, 717 Second Street, NE, #303 Washington, DC 20002		3,929.00	
Alcalde Rousselot & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Alliance for Responsible CFC Policy	15,000.00	
Do	Alliance for Sound Atmospheric Policy	3,000.00	
Do	American Counsel of State Savings Supervisors		
Do	Cargill Fertilizer, Inc	7,500.00	
Do	City of Las Vegas	12,000.00	
Do	City of Virginia Beach	15,000.00	
Do	Concrete Technology Corp	3,000.00	
Do	Consolidated Freightways	12,750.00	
Do	Credit Union National Assn		
Do	Jack Eckerd Corp	3,000.00	
Do	EMSA Limited Partnership	22,500.00	
Do	Hillsborough County	7,500.00	
Do	Home Shopping Network	27,000.00	
Do	International Council of Cruise Lines	31,500.00	
Do	Jacksonville Chamber of Commerce	6,000.00	
Do	Jim Walter Corp	3,000.00	
Do	Marin County	6,750.00	
Do	Metropolitan Dade County - Seaport Department	6,750.00	
Do	National Refrigerants, Inc	7,500.00	
Do	Port of Jacksonville	6,600.00	
Do	Regular Common Carrier Conference	7,500.00	
Do	Tampa Electric Co	6,000.00	
Do	Tampa Port Authority	6,000.00	
Do	Towers Financial Corp	7,500.00	
Do	Walter Industries	5,312.50	
Do	Washington Workshops	4,500.00	
Claude D. Alexander, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	4,000.00	753.85
Edwin H. Allen, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn	765.00	
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	11,136.78	1,299.07
Laura L. Allendorf, 2011 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Soc of Internal Medicine	1,250.00	532.95
Alliance Against Handguns, P.O. Box 75700 Washington, DC 20013			
Harvey Alter, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	1,265.00	
Michael J. Altier, 701 Pennsylvania Avenue, NW Washington, DC 20004	National Retail Federation	3,000.00	
Jerome A. Ambro Associates, 4734 Timber Ridge Dr. Montclair, VA 22026	Associated Universities	10,750.00	15,843.39
American Advertising Federation, 1400 K Street, NW, #1000 Washington, DC 20005			7,750.00
American Assn for Counseling & Development, 901 East Capitol Street, SE Second Floor Wahington, DC 20003		96,717.00	51,929.00
American Assn for Marriage & Family Therapy, 1100 17th Street, NW, 10th Fl Washington, DC 20036		26,940.00	26,940.00
American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302			44,318.00
American Assn of Boomers (AAB), 2621 W. Airport Frwy, #101 Irving, TX 75062			
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		9,627.00	14,875.98
American Cement Alliance, Inc, 1212 New York Avenue, NW, #520 Washington, DC 20005		142,214.59	33,065.22
American Consulting Engineers Council, 1015 15th Street, NW, #802 Washington, DC 20005		41,575.00	38,362.15
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			123,646.52
American Forest Resource Alliance, 1250 Connecticut Ave., NW, #200 Washington, DC 20036		2,500.00	
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		34,529.00	34,529.00
American Health Care Assn, 1201 L Street, NW Washington, DC 20005		364,400.00	31,142.18
American Hospital Assn, 50 F Street NW, # 1100 Washington, DC 20001		152,558.96	152,558.96
American International Automobile Dealers Assn, 99 Canal Center Plaza, #500 Alexandria, VA 22314		394,696.00	116,208.00
American Library Assn, 50 E. Huron St. Chicago, IL 60611		1,676.00	10,213.00
American Methanol Institute, 815 Connecticut Ave., NW, #800 Washington, DC 20006		18,000.00	48,698.00
American Newspaper Publishers Assn, 11600 Sunrise Valley Drive Reston, VA 22091		354,475.36	354,475.36
American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003		134,248.18	149,831.96
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		96,850.31	103,145.59
American Soc of Hospital Pharmacists, 7272 Wisconsin Avenue Bethesda, MD 20814			13,800.00
American Soybean Assn, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107			
Americans for the High Frontier, 2800 Shirlington Road, #405A Arlington, VA 22206		36,662.48	34,876.16
Americans for Immigration Control, Inc, 717 Second Street, NE, #307 Washington, DC 20002		12,261.01	12,261.01
Amie Amiot, 10801 Rockville Pike Rockville, MD 20815	American Speech Language Hearing Assn		
Sarah Jane Amundson, 900 2nd Street, NE, #303 Washington, DC 20002	Doris Day Animal League	204.00	204.00
Toney Anaya, 200 W. DeVargas, #7 Santa Fe, NM 87501		92,450.53	17,397.68
Bette B. Anderson, 1020 19th St., NW, #800 Washington, DC 20036	KCI (Kelly Anderson & Associates, Inc) (For:SICPA Industries of America, Inc)		
Do	KCI (Kelly, Anderson & Associates) (For:U.S. Banknote Corp)		
Frederick M. Anderson, P.O. Box 8000-02777052 Bradford, PA 16701-0980			
J. Lem Anderson, 4111 Franconia Rd. Alexandria, VA 22310	Temple-Inland		
Keith R. Anderson, Three Westbrook Corporate Center Ninth Floor Westchester, IL 60154-5735	Premier Hospitals Alliance, Inc		
Richard F. Anderson, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	1,192.50	
Susan S. Anderson, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	140.00	
Anderson Hibey & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Alamo Rent-A-Car, Inc	2,294.00	134.71
Do	Bay Area Rapid Transit District	381.06	10.08
Do	Japan Machine Tool Builders Assn		
Do	Liquidity Fund Management, Inc	1,800.00	140.24
Michael Andrews, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	
Animal Health Institute, 119 Oronoco Street P. O. Box 1417-D50 Alexandria, VA 22313			351.00
Thomas D. Anthony, 2500 Central Trust Center 201 E. Fifth Street Cincinnati, OH 45202	Frost & Jacobs (For:Comprehensive Medical, Inc)		
Do	Frost & Jacobs (For:Louisville Imaging Services, Inc)		
Do	Frost & Jacobs (For:Western Hills Imaging Center, Inc)		
James J. Apperson, P.O. Box 52075 Phoenix, AZ 85072	Southwest Gas Corporation		
Arnold Grobmyer & Haley, P.O. Box 70 Little Rock, AR 72203	Arkansas Assn of Securities Dealers		
Do	Mid-South International Trade Assn		
L. Wayne Arny & Company, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	American Logistics Infrastructure Improvement Construction	6,000.00	200.00
Do	FMC Corp	5,000.00	60.00
Do	Guam Airport Authority	20,000.00	150.00
Do	Technology for Communications, International	2,000.00	130.00
Karen McGill Arrington, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	2,815.50	
Asbill Junkin Myers & Buffone, 1615 New Hampshire Ave., NW Washington, DC 20009	Coalition on Smoking or Health	7,350.00	7,893.52
Thomas Ludlow Ashley, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	3,375.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		18,519.00	18,519.00
Association of Financial Services Companies, 888 17th Street, NW, #312 Washington, DC 20006			3,750.00
Association of Maximum Service Television, Inc, 1400 16th Street, NW, #610 Washington, DC 20036			
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		14,847.50	14,847.50
Richard C. Atchison, One Tuna Lane San Diego, CA 92101	American Tunaboat Assn		1,000.00
Ater Wynne Hewitt Dodson & Skerritt, 1225 19th Street, NW, #200 Washington, DC 20036	Agriculture Ocean Transportation Coalition	3,400.50	742.98
Do	Maritime Fire and Safety Assn	7,524.50	372.93
Do	Oregon Economic Development Dept, Marine Div	8,280.25	693.09
Do	Pacific Coast Council	9,634.75	1,101.17
Do	Port of Portland	8,319.25	530.15
Do	Port of Redwood City	4,087.00	499.55
Do	Reebok International Ltd	33,351.50	10,918.46
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Fujitsu, Ltd		
Do	Seiko Epson		
Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036	Overseas Education Assn, Inc	1,024.25	
Susan M. Auther, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corporation	7,850.00	976.78
Automotive Refrigeration Products Institute, 4600 East-West Highway Bethesda, MD 20814			
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie Inc		
AIDS Action Council, Inc, 2033 M Street, NW, #803 Washington, DC 20036			6,260.59
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	American Maritime Congress		
Do	American Red Cross		
Do	City Utilities of Springfield		7.50
Do	Colorado River Energy Distributors		
Do	Fujisawa USA, Inc	2,360.00	
Do	Gerber Products Company		6.00
Do	Heart of America Northwest	5,627.50	32.50
Do	Hoffmann-La Roche Inc		
Do	Missouri Joint Municipal Electric Utility Commission		
Do	Philip Morris Companies, Inc		
Do	Sacramento Municipal Utility District		
Do	Southern California Public Power Authority	365.00	0.29
Do	State Farm Mutual Automobile Insurance Co	150.00	
Do	Tennessee Valley Public Power Assn		
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	People's Republic of Angola		
Do	Shee Atika, Inc		
Cynthia E. Bailey, 1000 Potomac Street, NW, #401 Washington, DC 20007	California State Department of Education	6,000.00	411.50
William A. Bailey, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	183.87
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey Morris & Robinson (For:American Council of Life Insurance)		
Do	Bailey Morris & Robinson (For:Maggio-Onorato & Associates)		
Bailey Morris & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Health Insurance Assn of America		
Do	Maggio-Onorato & Assoc		
Willie L. Baker, 1775 K Street, NW Washington, DC 20006	United Food & Commercial Workers International Union	25,130.76	265.88
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Edison Electric Institute	7,478.19	7,478.19
Do	Flexi-Van Leasing/Pacific Holding Company	5,000.00	5,000.00
Do	Medasonics		
Do	National Assn of Insurance Brokers, Inc	5,000.00	5,000.00
Do	Soap and Detergent Association	3,510.00	251.55
Elizabeth Baldwin, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	1,000.00	
Jack L. Ballard, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Services, Inc	1,820.00	512.32
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Baraff Koerner Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW, #300 Washington, DC 20015-2003	College Football Association		
Do	Football Bowl Assn		
Do	National Assn of Collegiate Directors of Athletics		
Do	National Basketball Assn	6,550.00	
Do	National Hockey League	5,100.00	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	4,643.98	248.80
Gary C. Barbour, 507 2nd Street, NE Washington, DC 20002	Portland General Electric		276.79
Leslie A. Barhyte, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	5,000.00	
G. Denise Barksdale, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company		
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	Abbott Laboratories		30.32
Do	American Tartaric Products, Inc	1,373.50	63.28
Do	American Xyrofin, Inc	4,985.60	87.31
Do	Cummins Engine Company, Inc	12,872.75	157.52
Do	Department 56, Inc	4,690.50	179.06
Do	J.G. Durand International	11,067.42	18.00
Do	Florida Citrus Mutual		
Do	Industrial Fastener Equity Committee		
Do	Marion Merrell Dow, Inc	1,609.14	101.91
Do	Miles, Inc	6,708.82	73.03
Do	MFC Corporation		16.99
Do	Omni USA, Inc	7,000.00	103.44
Do	Polaroid Corp	18,744.45	288.81
Do	Schering-Plough Products, Inc		100.38
Larry P. Barnett, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	18,003.14	
Sarah Barnett, 1101 15th Street, NW, #600 Washington, DC 20005	Sugar Assn, Inc	356.00	10.00
Michael E. Baroody, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
David M. Barrett, 2550 M Street, NW, #375 Washington, DC 20037	Fleetwood Enterprises, Inc		
Do	Southeastern Pennsylvania Transportation Authority		
Thomas S. Barrett, 1815 H Street, NW, #600 Washington, DC 20006	Public Resource Associates		
Anthony A. Barrueta, 2600 Virginia Avenue, NW, #1111 Washington, DC 20037	Premier Hospitals Alliance, Inc		
Albert P. Barry, 2011 Crystal Drive, #606 Arlington, VA 22202	AAI Corp	5,837.50	
Doyle C. Bartlett, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	987.00	
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc	750.00	108.42
Patricia L. Bartlett, 700 13th Street, NW, #800 Washington, DC 20005	Georgia Institute of Technology	1,400.00	
Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	4,500.00	15,322.17
Jim Bates, 3246 Quesada Street, NW Washington, DC 20015	American Tank Testers Association		
Do	Hasstech		
Catharine R. Batky, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2604	Burlington Northern Railroad Co	1,750.00	790.94
Erica M. Battaglia, 519 C Street, NE Washington, DC 20002	National Assn for Home Care		
Jeffrey A. Baum, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates (For:Association of American Railroads)	3,000.00	
Do	Richard D. Sullivan Associates, Inc (For:Design Professionals Coalition)	2,000.00	
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Co)	1,000.00	
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)		
Do	Richard J. Sullivan Associates, Inc (For:Pyrotechnic Signal Manufacturers Assn)		
Do	Richard J. Sullivan Associates, Inc (For:Water Environment Research Foundation).		
Edward A. Beck III, 1615 L Street, NW Suite 1205 Washington, DC 20036	Smith Helms Mulliss & Moore	11,515.00	255.65
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	5,000.00	
Mark Belanger, 805 Third Avenue New York, NY 10022	Major League Baseball Players Assn		
Joe Belew, 1000 Wilson Boulevard, 30th floor Arlington, VA 22209-3908	Consumer Bankers Assn		
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	
Mike Benner, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,308.29	26.61
Catherine Bennett, 1455 Pennsylvania Ave., NW, #925 Washington, DC 20004	Pfizer, Inc	3,000.00	1,119.48
Mary C. Bennett, 815 Connecticut Avenue, NW Washington, DC 20006-4078	Baker & McKenzie (For:Horsham Corporation)	2,585.00	
Richard Scott Berg, 1250 Connecticut Avenue, NW, #210 Washington, DC 20036	National Forest Products Assn		
Bergner Boyette & Bockorny, Inc, 1101 16th Street, NW, #500 Washington, DC 20036	Avianca Airlines	2,000.00	150.00
Do	Bell Atlantic Corp	5,000.00	931.20
Do	China External Trade Development Council	2,000.00	150.00
Do	Flo-Sun Land Corp	4,000.00	1,500.00
Do	Fox Broadcasting Company	3,000.00	430.00
Do	Friendship in Freedom Assn	1,000.00	450.00
Do	Mallinckrodt, Inc	2,000.00	425.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	McDonnell Douglas Corp	1,200.00	400.00
Do	Metpath	1,000.00	243.19
Do	Murry's, Inc	400.00	90.00
Do	National American Wholesale Grocers Assn (NAWGA)	3,000.00	975.00
Do	National Assn of Business & Educational Radio, Inc	500.00	225.00
Do	National Soft Drink Assn	3,000.00	821.26
Do	Okeelanta Corp	5,000.00	1,700.00
Do	Orange & Rockland Utilities	4,000.00	2,325.56
Do	Philip Morris Co, Inc	2,000.00	622.99
Peter M. Berkery Jr., 1010 N. Fairfax Street Alexandria, VA 22314	National Society of Public Accountants		
Linda K. Berkshire, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	10,748.00	529.00
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	365.00
Charles Bernhardt, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	504.34
Margot Bester, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:Advanced Network Systems)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Corporation)		
Do	Murphy & Demory, Ltd (For:U.S. Telephone Assn)		
John F. Betar, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	6,000.00	
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Laurance S. Rockefeller		560.00
Joan T. Bier, 1726 M Street, NW, #800 Washington, DC 20036	IMCERA Group, Inc		
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	13,726.31	
Hugh L. Binford, 327 30th Street West Bradenton, FL 34205			
Kelli Birtwell, 2012 Massachusetts Avenue, NW Washington, DC 20036	Business & Professional Women/USA		
Cathleen Black, Box 17407 Dullas Airport Washington, DC 20041	American Newspaper Publishers Assn	6,000.00	1,035.88
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Stephen J. Blair, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn, Inc	750.00	
Beatrice K. Bleicher, 1200 18th St. NW Washington, DC 20036	Owens-Illinois, Inc	10,000.00	150.00
Louis Blumberg, 900 - 17th Street NW Washington, DC 20006	Wilderness Society	1,509.10	1,874.87
Wayne F. Boan, 13525 East 30th Street, Unit B Tulsa, OK 74134	Employers Council on Flexible Compensation	200.00	
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	1,875.00	
Bogle and Gates, 601 Thirteenth St., NW #370S Washington, DC 20005	American Dehydrated Onion & Garlic Assn	3,000.00	
Do	United Sport Fishermen	1,500.00	
Stacy A. Bohlen, 300 5th Street, NE Washington, DC 20002	Humane Society of the United States	7,000.00	238.15
James E. Boland, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	5,000.00	176.13
Eugene R. Bolo, 4000 Boury Center Wheeling, WV 26003	Oralco Management Services, Inc (For:Ormet Corp)		
M. Joel Bolstein, 4000 Bell Atlantic Tower 1717 Arch Street Philadelphia, PA 19103-2793	Dechert Price & Rhoads (For:Monell Chemical Senses Center)	1,575.00	59.59
Judith Bonderman, 1225 Eye Street, NW Washington, DC 20005	Handgun Control, Inc		
Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,681.25	
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc		
Betty Hudson Bowers, 1627 K Street, NW, #300 Washington, DC 20006	Fluor Corporation	15,000.00	112.30
Josh Bowers, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Jim D. Bowmer, P.O. Box 844 Temple, TX 76503	Bowmer Courtney Burleson Normand & Moore (For:Naman Howell Smith & Lee (for: Temple Junior College)).		
Bowmer Courtney Burleson Pemberton & Normand, P.O. Box 844 Temple, TX 76503	Namen Howell Smith & Lee (for Temple Junior College)		175.00
Paul Boyle, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	7,000.00	282.97
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	American Society for Bone & Mineral Research	6,000.00	75.00
Do	Arkla, Inc	7,000.00	200.00
Do	City of Klamath Falls	7,000.00	105.00
Do	City of Tucson	7,000.00	75.00
Do	Daishowa America Company, Ltd	6,000.00	180.00
Do	Energy Absorption Systems, Inc	8,000.00	125.00
Do	Fieldstone Co	1,000.00	35.00
Do	St. Louis Airport Authority	4,000.00	125.00
Do	United Technologies Corp	4,000.00	85.00
Martha Braddock, 6808 Hathaway Street Springfield, VA 22152	Association of State DAM Safety Officials	5,500.00	87.00
Henry E. Braden, 2122 N. Galvez Street New Orleans, LA 70119	Entergy Services, Inc	9,600.00	
Cynthia P. Bradley, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	10,326.76	490.37
Dennis M. Bradshaw, 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Sarah Brady, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Raymond F. Bragg Jr., 1025 Thomas Jefferson Street, NW, #700-E Washington, DC 20007	Legislative Strategies (For:Berry Petroleum Company)	697.50	77.08
Do	Legislative Strategies (For:Calcasieu Refining Company)	697.50	77.08
Do	Legislative Strategies (For:Consolidated Natural Gas Service Company, Inc)	3,216.25	846.92
Do	Legislative Strategies (For:Huntway Refining Company)	697.50	77.08
Do	Legislative Strategies (For:Laketon Refining Company)	697.50	77.08
Do	Legislative Strategies (For:Natural Gas Vehicle Coalition)		
Do	Legislative Strategies (For:State of New Mexico (Natural Gas Programs))	852.50	
Do	Legislative Strategies (For:SEC Donohue)	3,293.75	259.56
Joel Brandenberger, 627 Edmonston Drive Rockville, MD 20851	National Turkey Federation	13,125.00	261.87
Robert M. Brandon, 1120 19th Street, NW Suite 630 Washington, DC 20036	Citizen Action Fund	1,660.00	704.50
Chris Julian Brantley, 1828 L Street, NW #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	750.00	725.00
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	15,095.05	45.97
Stephanie Breslin, 1301 Pennsylvania Avenue, NW, #500 Washington, DC 20004	U.S. Interactive and Microwave Television Assn		
Thomas M. Bresnahan III, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron Companies	5,000.00	65.00
Robert J. Brinkmann, 1627 K Street, NW, #400 Washington, DC 20006	National Newspaper Assn	2,000.00	
Mary Broderick, 1625 K St., NW, 8th Floor Washington, DC 20006	National Legal Aid & Defender Assn	1,500.00	23.12
Brother Industries (USA), Inc, 2950 Brother Boulevard Bartlett, TN 38133			10,530.75
Brother International Corp, 200 Cottontail Lane Somerset, NJ 08875			
Joseph Browder, 418 10th St., SE Washington, DC 20003	Dunlap & Browder, Inc		
Cynthia A. Brown, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		
Cynthia L. Brown, 4301 N. Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	15,000.00	
Dianne C. Brown, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	
Donald K. Brown, 1121 L St., #610 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
Doreen L. Brown, 1726 M Street NW Washington, DC 20036	Consumers for World Trade		
James P. Brown, 232 N. Kingshighway, #202 St. Louis, MO 63108	Bi-State Development Agency	8,500.00	4,840.00
Do	City of St. Louis - City Hall	4,800.00	2,230.00
Do	Lambert-St. Louis International Airport	27,300.00	9,245.00
John J. Brown, 50 E Street, SE Washington, DC 20003	Clark S. Herman Associates, Inc	1,000.00	600.00
Do	John J. Brown & Associates (For:Labor Management Committee of the Tobacco Institute).	1,000.00	900.00
Lori D. Brown, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	1,015.58	75.00
Omer F. Brown II, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Davis Wright Tremaine (For:Hazardous Waste Action Coalition)		
Do	Davis Wright Tremaine (For:Lockheed Engineering & Sciences Co)	25,676.50	318.40
William E. Brown, 1667 K Street, NW #420 Washington, DC 20006	Mead Corporation	100.00	20.00
William R. Brown Jr., 122 C Street, NW, #330 Washington, DC 20001	National Rural Letter Carriers Assn	19,361.00	
Brownstein Zeidman & Lore, 1401 New York Ave., NW, #900 Washington, DC 20005	New York City Housing Development Corp	8,310.11	
Do	New York State Mortgage Loan Enforcement & Admin Corp	2,752.00	
Do	Starrett Housing Corporation	4,820.00	146.33
Broydrick Broydrick & Dacey, 600 East Mason Street Milwaukee, WI 53202	Aurora Health Care	6,803.14	339.63
Do	Blood Center of Southeastern Wisconin	475.00	0.46
Do	Children's Hospital of Wisconsin	12,418.25	669.59
Do	EDS Corp	12,387.50	389.94
Do	Meehan Seaway	100.00	
Do	Menominee Indian Tribe of Wisconsin	842.50	13.14
Do	Milwaukee Area Technical College	1,975.00	43.15
Do	Milwaukee Metropolitan Sewerage District	1,405.00	20.85
Do	Oneida Nation	22,115.75	1,238.37
Do	Plumbers Local #75	100.00	
Do	PrimeCare Health Plan	5,445.00	181.62
Do	Specialty Vehicle Institute of America	100.00	
Do	Waste Management, Inc	33,445.00	2,384.35
Do	Watertown Memorial Hospital	212.50	46.35
Thomas P. Bruderle, 7272 Wisconsin Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists	10,200.00	
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William K. Brunette, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	627.94	130.00
Kenley W. Brunsdale, 6071 Aries Drive Salt Lake City, UT 84118	Fabian & Clendenin (For:Wasatch County)	6,000.00	1,500.00
Barbara L. Bryant, 1101 17th Street, NW, #1000 Washington, DC 20036	American Physical Therapy Assn, Private Practice Section		
Jeremiah S. Buckley, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Mortgage Finance, Inc.)		
Do	Thacher Proffitt & Wood (For:Massachusetts Bankers Assn)		
Do	Thacher Proffitt & Wood (For:National Council of Savings Institutions)		
Do	Thacher Proffitt & Wood (For:Residential Services Corp of America)		
Do	Thacher Proffitt & Wood (For:Savings Bank of Life Insurance)		
John G. Buckley, 901 15th Street, NW, #700 Washington, DC 20005-2301	New England Fuel Institute	500.00	
Betsy Buffington, 23 North Scott #27 Sheridan, WY 82801	Sierra Club	1,320.00	1,831.55
Thomas J. Bulger, 1050 17th Street, NW., #510 Washington, DC 20036	Association for Commuter Transportation	7,000.00	569.59
Do	County of Fairfax	22,300.00	521.50
Do	County of San Mateo	15,000.00	537.45
Do	Metropolitan Transportation Commission	26,749.98	1,019.71
Do	Oakland County	9,116.75	514.76
Do	Robinson Town Center	9,000.00	522.46
David G. Burden, 200 E. Randolph Dr. P.O. Box 87703 Chicago, IL 60680-0703	Amoco Corporation	888.40	2,110.34
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	14,974.74	675.00
J. J. Burke Jr., 40 E. Broadway Butte, MT 59701	Montana Power Co		
Francis X. Burkhardt, 1750 New York Ave., NW Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	Korea Iron & Steel Assn		
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	4,700.00	
Mark R. Burtschi, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	2,493.75	1,409.38
Business & Professional Women/USA, 2012 Massachusetts Ave., NW Washington, DC 20036			16,242.00
Lynnea Bylund, 2300 M Street, NW, Suite 800 Washington, DC 20037	United States Independent Microwave Television Assn (USIMTA)		
BP America, Inc, 1776 Eye Street, NW, Suite 1000 Washington, DC 20006			4,720.00
C & C Consulting Group, Inc, 210 Cameron Street Alexandria, VA 22314	Advanta Corp	15,000.00	34.29
Do	EG&G/Dynatrend, Inc	7,500.00	
Do	Jones Motor Company		
Do	Kansas Gas & Electric Co, Inc	15,000.00	136.69
Do	MacAndrews & Forbes Holdings, Inc	15,000.00	7.46
Debra Cabral, 608 Massachusetts Avenue, NW Washington, DC 20002	Nutter & Harris (For:Children's Health Systems, Inc)	1,750.00	
Patrick J. Cacchione, 4600 Edmundson Road St Louis, MO 63134	Daughters of Charity National Health Systems		
Elizabeth B. Cady, 1400 L Street, NW, #600 Washington, DC 20005-3509	Steel Service Center Institute		
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	600.00	100.00
Morrison G. Cain, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Tony Calandro, 750 First Street, NW, #900 Washington, DC 20002	Career College Assn, In	1,750.00	
Thomas Caldwell, 4-30-1-202 Nishi-Shinjuku Tokyo 160 Japan			
Antonio J. Califa, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	2,800.00	
Barbara J. Calkins, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,625.00	30.50
Wayne J. Camara, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	835.00	
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique		2,337.00
Do	Embassy of Nicaragua	10,500.00	2,337.00
Paul A. Cammer, 1025 Connecticut Avenue, NW, #712 Washington, DC 20036	Cammer & Associates (For:Business Council on Indoor Air)		
Michael C. Camp, 1899 L Street, NW #1100 Washington, DC 20036	Exxon Corp		
Campaign for U.N. Reform-Political Education Committee, 713 D Street, SE Washington, DC 20003		5,728.22	13,760.08
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	American Fiber Manufacturing Assn		
Do	AMT-Assn for Manufacturing Technology		
Campbell Falk & Selby, 1101 30th Street, NW, #500 Washington, DC 20007	Computer Learning Works, Inc	12,000.00	9,560.12
John D. Canatsey, 1735 Jefferson Davis Hwy., #1001 Arlington, VA 22202	Thiokol Corp		51,351.00
Hugh C. Cannon, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	150.00	
Richard R. Cape, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	American Health Foundation	800.00	
Marie C. Carbone, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	3,720.00	
Career College Assn, Inc, 750 First Street, NE,Suite 900 Washington, DC 20002		11,250.00	11,250.00
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics	23,816.00	2,384.07
Maurice E. Carino Jr., 1667 K St. N.W., #600 Washington, DC 20006	Bethleham Steel Corp	170.00	
Carlsmith Ball Wichman Murray Case Mukai & Ichiki, 555 South Flower Street, 25th Floor Los Angeles, CA 90071	Gruma Management corp		
Phyllis D. Carnilla, 1700 17th Street, NW, #301 Washington, DC 20009	American Fisheries Coalition		
Michael C. Carozza, 655 15th Street, NW Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
David Carroll, 1101 30th St. NW, 5th Washington, DC 20007	Lafarge Corp (For:Cement Kiln Recycling Coalition)		
James M. Carroll, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	2,309.70	289.32
Mary Carroll, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	785.00	
John R. Carter, 1001 19th Street, North, #800 Arlington, VA 22209	TRW, Inc	253.00	
Frank H. Case III, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer, Aptaker & Shepard, PC (For:Council of Nursing Home Suppliers)	27,000.00	
Winthrop Cashdollar, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	11,000.00	1,145.88
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Kendall Square Research Corp		
A. Mario Castillo, 1250 27th Street, NW Washington, DC 20007	Cheese Importers Assn		
Do	Trugman-Nash	5,400.00	1,524.84
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc	4,500.00	1,920.00
Harvey E. Cauthen Jr., 2 Dexter Ave. Montgomery, AL 36104	Alabama Power Co	17,550.00	
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	American Paper Institute, Inc		
Do	AES Corporation	324.00	
Do	Cogentrix, Inc		
Do	Napp Chemicals, Inc		
Do	OESI Power Corp	3,252.00	27.00
Do	Purdue Frederick Company	288.00	5.00
Do	Ruan Transportation Management Systems		
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	14,850.00	500.00
Richard A. Charter, 6947 Cliff Ave. Bodega Bay, CA 94923	County Administrative Office County of Santa Cruz	13,500.00	10,561.57
Leslie Cheek III, 1025 Connecticut Avenue, NW, #414 Washington, DC 20036	Crum & Forster Corp	35,470.00	197.00
Christopher Chiames, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	13,522.86	
Child Care America, Inc, 14102 Warwick Blvd Newport News, VA 23602		300.00	300.00
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
Christian Action Network, P.O. BOx 606 Forest, VA 24551		589,370.40	83,096.23
James R. Churchill, 6301 Stevenson Avenue, #715 Alexandria, VA 22304			
Chwat/Weigend Associates, 400 North Capitol Street, NW, #855 Washington, DC 20001	American Home Sewing & Craft Assn	795.00	795.00
Do	American Radio Relay League, Inc	4,500.00	4,500.00
Do	Associated Locksmiths of America	3,452.00	3,452.00
Do	National Licensed Beverage Assn	3,600.00	3,600.00
Do	National Weather Service Employees Organization	480.00	480.00
Linda Church Ciocci, 555 13th Street, NW, Suite 900-E Washington, DC 20004	National Hydropower Association	5,625.00	144.00
Citizen Action Fund, 1120 - 19th Street, NW, #630 Washington, DC 20036		12,190.00	17,767.50
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
James F. Clark, P.O. Box 2l2ll Juneau, AK 99802-1211	Alaska Loggers Assn		
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	15,000.00	
Lynn C. Clark, 1411 K Street, NW, #603 Washington, DC 20005	District of Columbia Chamber of Commerce	1,075.00	
George Stephen Clifton, 1050 17th Street, NW, #1250 Washington, DC 20036	Houston Industries, inc	5,500.00	
Climaco Climaco Seminatore Lefkowitz & Garofoli Co, 1228 Euclid Ave., #900 Cleveland, OH 44115	Carbon Fuels Corporation		
Michael P. Cline, 1219 Prince Street Alexandria, VA 22314-2916	Enlisted Assn National Guard of the U.S.	10,686.48	16,911.88
Guy Clough, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	16,542.27	
Coalition for Vehicle Choice, 1440 New York Ave., NW, #320 Washington, DC 20005		1,372,500.00	31,786.18
Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408			
Coalition to Stop Gun Violence, 100 Maryland Ave., NE Washington, DC 20002		52,052.00	104,276.00
Coan & Lyons, 1100 Connecticut Ave., NW, #1000 Washington, DC 20036	State Street Development Co of Boston	497.50	28.00
Coastal Advocate, Inc, 2101 Central Avenue Ship Bottom, NJ 08008		6,040.00	5,327.39
Cochran Mitchell & Lotkin, 210 Massachusetts Avenue, NW, Suite C-1 Washington, DC 20002	James M. Montgomery Consulting Engineers, Inc	1,250.00	
Lisa M. Cody, 11600 Sunrise Valley Drive Reston, VA 22091	American Newspaper Publishers Assn	180.00	
Edmund S. Cohen, c/o Coudert Brothers 200 Park Avenue New York, NY 10166	Coudert Brothers	4,000.00	105.00
Sharon Cohen, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,445.00	1,427.28
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	Direct Marketing Assn	7,693.44	815.15
Do	Maclean Hunter Cable TV		41.61
Do	USA Network	6,688.44	218.61

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp, et al.	1,050.00	65.65
Eileen M. Collins, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	6,248.31	
Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	11,726.00	71.00
Committee for Do-It-Yourself Household Moving, P. O. Box 20084 George Mason Station Alexandria, VA 22320			
Committee to Support the Antitrust Laws, 1301 K Street, NW., Suite 480 East Washington, DC 20005		12,000.00	12,000.00
Competitive Telecommunications Assn, 1140 Connecticut Avenue, NE Washington, DC 20002			
Concerned Women for America, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024		27,871.03	27,871.03
Bert M. Concklin, 8607 Westwood Center Drive, Suite 204 Vienna, VA 22182			
Do	Planning Research Corporation		257.75
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			1,381.00
Conkling Fiskum & McCormick, 900 SW 5th Ave. Suite 2300 Portland, OR 97204-1268	Electro Scientific Industries, Inc	2,700.00	8.00
Do	Electronic Design Automation Council	3,395.13	88.78
Do	Mentor Graphics Corporation	6,000.00	116.39
Do	Sequent Computer Systems	3,855.94	8.75
Do	Sisters of Providence	6,750.00	80.35
Do	Tektronix, Inc	31,249.99	244.72
Do	Unified Sewerage Agency	7,875.00	
Do	Washington County	3,152.10	139.81
John L. Conley, 2200 Mill Road Alexandria, VA 22314	National Tank Truck Carriers, Inc		100.00
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Refrigeration Products Institute		
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp	1,788.00	199.25
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	5,263.89	
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		41,537.00	103,742.00
Consumers for World Trade, 1726 M Street, NW Washington, DC 20036			600.00
John J. Contney, Suite B 1130 East Hallandale Beach Boulevard Hallandale, FL 33009	Textile Rental Services Assn of America		
Robert M. Coon Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare		
Edward Cooney, 1875 Connecticut Ave., NW, #24 Washington, DC 20009	Food Research & Action Center	2,853.84	
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	550.00	
Heidi S. Coppola, 425 Park Avenue New York, NY 10043	Citibank N.A.	2,034.00	
Chuck Corbett, 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' National Assn		
James T. Corcoran, 2000 K Street, NW, #203 Washington, DC 20006	Dial Corp	2,000.00	
Tom Corcoran, O'Connor & Hannan 1919 Pennsylvania Avenue, NW, #800 Washington, DC 20006-3404	Wallace Associates Corp		
Maria C. Cordone, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	16,260.37	134.48
Alfred W. Cors Jr., 4505 Blue Jay Court Woodbridge, VA 22193	National Taxpayers Union	6,754.00	
Michael E. Costello, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		464.20
Cotten Day & Selfon, 1899 L Street, NW, #1200 Washington, DC 20036	American Samoa Government		
Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	9,550.78	
Council for Educational Development & Research, 2000 L Street, NW, #601 Washington, DC 20036		4,746.51	3,095.50
Council on Superconductivity for American Competitiveness, 1050 Thomas Jefferson Street, NW 6th Floor Washington, DC 20007.			
Cheryl Countess, 1820 Harvard Street, NW, #302 Washington, DC 20009	Washington Office on Africa	8,000.07	
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	Coursen Group (For:Air Products and Chemicals, Inc)		
Do	Coursen Group (For:Amdahl Corp)		
Do	Coursen Group (For:American Hispanic Owned Radio Assn)		
Do	Chase Communications, Inc		
Do	Coursen Group (For:Community Antenna Television Assn)	500.00	
Do	Continental Cablevision, Inc		
Do	Cuban American Foundation		
Do	Coursen Group (For:Glenfed, Inc)		
Do	Handgun Control, Inc		
Do	Hauser Communications, Inc		
Do	International Balloon Assn		
Do	Coursen Group (For:IDB Communications Group, Inc)		
Do	MetroVision Broadcasting Company, Inc		
Do	Coursen Group (For:Pacific Bell)		
Do	Coursen Group (For:Pacific Telesis Group)		
Do	Coursen Group (For:Telecommunications Industries, Inc)		
Do	Ten-Ten General Partnership		
Do	Coursen Group (For:United States Tobacco Company)		
Do	Coursen Group (For:Viv America Media Group)		
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
John F. Cove, 1114 Fallsmead Way Rockville, MD 20854	Cove Associates, Inc (For:Association of U.S. Night Vision Manufacturers)		
Thomas J. Cove, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn (SGMA)	5,000.00	1,000.00
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	American PCS, L.P.	1,020.00	
Do	GTE Service Corp		
Do	John E. Simon Trust	1,440.00	0.47
Do	Jones Financial Companies	15,751.25	278.40
Do	Niagara Frontier Hockey, L.P.	3,367.50	14.10
Do	State of Rhode Island, Dept of Human Services		
Sharon Cowan, 1825 K Street, NW Washington, DC 20006	American Soc of Mechanical Engineers		
Cary L. Cox, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
John A. Cox Jr., 9300 Livingston Road Ft. Washington, MD 20744	National Tooling & Machining Assn	16,078.62	652.64
Gary D. Coxon, 1015 15th Street, NW, #700 Washington, DC 20005	Bechtel Group, Inc		
Charles T. Crangle, 560 N Street, SW #N-609 Washington, DC 20024	District 2, MEBA-AMO		658.26
Richard C. Creighton, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Cement Alliance, Inc	13,500.02	72.19
Sarah Crompton, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		
Adrian Cronauer, 1301 Pennsylvania ave., NW, Suite 500 Washington, DC 20004	U.S. Independent Microwave Television Assn	2,971.25	
Crop Insurance Research Bureau, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268			
Mark E. Crosby, 1110 N Glebe Rd #500 Arlington, VA 22201-4714	Special Industrial Radio Service Assn, Inc		
David T. Crow, One Massachusetts Avenue, NW, Suite 800 Washington, DC 20001	Andersons Managaement Corp	6,000.00	213.00
Do	British Petroleum, America	4,500.00	159.00
Do	ICI Agricultural Products	3,000.00	123.50
Do	National Bark & Soil Producers Assn	3,000.00	19.00
Do	Scotts Companies and Subsidiaries	15,000.00	851.00
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Asarco, Inc		
Do	Eagle-Picher Industries, Inc		
Do	Eli Lilly & Company	765.00	10.00
Do	Minnesota Mining & Manufacturing Co		
Do	National Assn of Wholesaler-Distributors	4,590.00	10.00
Do	National Risk Retention Assn		
Maura Cullen, 1383 Piccard Drive P.O.Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	835.00	63.50
Law Ofs of Jonathan W. Cuneo, 1301 K Street, NW, #408-E Washington, DC 20005	Committee to Support the Antitrust Laws	12,000.00	24.00
Do	National Assn of Securities and Commercial Attorneys	18,000.00	4.00
Do	Service Station Dealers of America	4,500.00	32.00
John T. Curran, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	21,000.00	961.56
Do	National Coordinating Comm for Multiemployer Plans		
Garry R. Curtis, Greater Washington Board of Trade 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	2,500.00	
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	8,518.00	1,004.16
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	Mountains Recreation and Conservation Authority		
Do	Potomac Investment Associates		
CM Services, Inc, 800 Roosevelt Boulevard, Bldg C, #20 Glen Ellyn, IL 60137-5833		500.00	
CR Associates, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Alzheimer's Assn	1,831.25	
Do	American Assn for Dental Research	958.50	
Do	Association of University Programs in Health Administration	489.00	
Do	Conjoint Comm on Diagnostic Radiology	1,200.00	
Do	Delta Dental Plans Assn	1,200.00	
Norman E. D'Amours, 1217 Evermay Court McLean, VA 22101	Alcalde Rousselot & Fay		
Do	City of Las Vegas		
Stephen J. Daigler, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Dairy Farmers for Responsible Dairy Policy, 1919 South Eads St., #103 Arlington, VA 22201-3028			461.00
Sharon M. Daly, 25 E Street, NW Washington, DC 20001	Children's Defense Fund	263.20	
Jim Daniels, 4759 S. Conway Rd. Orlando, FL 32812	National Assn of State Farm Agents		
Linda Daschle, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	8,100.00	
Theodore S. J. Davi, 23 Holland Road Pittsburgh, PA 15235			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Edward M. Davis, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	3,617.93	
Davis Wright & Tremaine, 701 Pennsylvania Avenue, NW, Suite 600 Washington, DC 20004	American Honda Motor Co, Inc	980.00	190.40
Do	Seattle Times		
Debevoise & Plimpton, 555 - 13th Street, NW, #1100 East Washington, DC 20004	International Assn of Broadcast Monitors		
Do	Sony Corp of America, et al.		
Edward N. Delaney & Associates, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	Association of Outplacement Consulting Firms, Inc		
Do	National Assn of Independent Insurers	18,000.00	1,350.78
Do	National Council of Business Advisors		
Jonathan W. Delano, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:INDSPEC Chemical Corp)	5,900.00	664.00
Dan C. Delurey, 2100 Pennsylvania Avenue, NW, #675 Washington, DC 20037	New England Power Service Company	23,250.00	5,908.84
Gaelynn Demartino, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	1,568.43	83.39
Willard L. Demory, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:Advanced Network Systems)		
Do	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Do	Murphy & Demory, Ltd. (For:Prodigy Services Company)		
Do	Murphy & Demory Ltd (For:U.S. Telephone Assn)		
Paul W. Dennett, 655 15th St., NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	4,088.00	812.45
Patricia Diaz Dennis, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	15,000.00	180.44
Department for Professional Employees, AFL-CIO, 815 16th St., NW, #707 Washington, DC 20006		15,136.75	15,136.75
Judith Martin Desarno, 122 C Street, NW, #380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	20.00	
Edward M. Desmond, 1776 Eye Street, NW, #1060 Washington, DC 20006	Sterling Winthrop, Inc		
Robert L. Dewey, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	153.80	
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Anker Energy Corporation		
Do	Association of Outplacement Consulting Firms		
Do	Bell Atlantic Corp		
Do	Beneficial Corporation		
Do	Catholic Health Assn of the U.S.		
Do	Cellular Telecommunications Industry Assn	3,750.00	
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems	3,750.00	
Do	General Electric Co		
Do	General Electric Pension Trust	3,750.00	
Do	General Reinsurance Corp		
Do	Glaxo, Inc		
Do	Hanschell Inniss, Ltd		
Do	Health Insurance Assn of America, Inc	937.50	35.00
Do	Household International		
Do	McCormack Baron & Associates		
Do	McCown De Leeuw & Company		
Do	Morgan Stanley Group, Inc		
Do	Motion Picture Assn of America		
Do	National Assn of Wholesaler-Distributors		
Do	Norfolk Southern Corp		
Do	NYNEX Corp		
Do	Outplacement Industry Tax Coalition		
Do	PacifiCorp Financial Services	7,500.00	
Do	Piedmont Environmental Services	3,750.00	
Do	Potomac Capital Investment Corp	15,000.00	
Do	Primerica, Inc		
Do	Prudential Insurance Co of America	1,125.00	
Do	SEMATECH	1,950.00	
Do	Teachers Insurance & Annuity Assn of America		
Do	Tribune Broadcasting Co		
Do	U.S. Golf Association	3,750.00	
Do	U.S. Telephone Assn		
Do	Union Pacific Corp	15,000.00	
Do	United States Surgical Corporation		
Do	Walt Disney Co		
Do	West Indies Rum & Spirits Producers Assn	3,750.00	
Do	Xerox Corp	1,875.00	
Kendall P. Dexter, 4009 Old Shell Rd, #A-8 Mobile, AL 36608	MacMillan Bloedel, Inc		
Jennifer S. DeAnna, 601 13th Street, NW, Suite 650 North Washington, DC 20005	Detroit Edison Company	480.00	20.00
Nicholas DeBenedictis, 2301 Market Street, #13-1 Philadelphia, PA 19101	Philadelphia Electric Company		
Michael DeEmilio, 400 North Capitol Street, NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	12,500.00	
Bonnie S. DeWitt, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	500.00	44.86
Henry L. Diamond, 1350 I Street, NW, #700 Washington, DC 20005	Laurance S. Rockefeller	450.00	
Dickinson Wright Moon Van Dusen & Freeman, 1901 L St., NW, #801 Washington, DC 20036	United Technologies Corporation		
Thomas C. Diederich, 2170 Piedmont Road, NE Atlanta, GA 30324	Orkin Exterminating Co, Inc		432.00
Tolis Dimopoulos, 3134 Clayborne Avenue Alexandria, VA 22306			
David Dingee, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Joseph J. DioGuardi, 50 Baraud Road Scarsdale, NY 10583	Albanian American Civic League		
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Discovery Cruises, Inc, 1850 Eller Drive, Suite 402 Fort Lauderdale, FL 33316			315.00
Dixon Arnett Associates, 905 16th Street, NW, #310 Washington, DC 20006	Southern California Rapid Transit District (SCRTD)		
Thomas B. Dobbins, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	6,750.00	80.66
Jeffrey A. Dodson, 1700 North Moore Street Rosslyn, VA 22209	Boeing Company	48.00	77.85
John D. Doherty Jr., 1421 Prince Street, #400 Alexandria, VA 22314	Federal Legislative Associates, Inc (For:Olin Brass)		
Robin C. Dole, 1101 Connecticut Avenue, NW, #500 Washington, DC 20036	Century 21 Real Estate Corp		
Nancy A. Donaldson, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	12,570.00	483.63
Paul Donnellan, 99 Canal Center Plaza, #500 Alexandria, VA 22314	American International Automobile Dealers Assn	11,550.00	
Daniel Dooley, 1250 I Street, NW, Suite 801 Washington, DC 20005	Kahn, Soares & Company (For:Mid-Valley Water Authority)	4,016.25	44.80
Brad L. Doores, THree Park Central, #1000 1515 Arapahoe St. Denver, CO 80202	Energy Fuels Nuclear, Inc		
James R. Dorcy, 1666 Connecticut Avenue, NW Washington, DC 20009	Federation for American Immigration Reform	625.00	23.75
Doris Day Animal League, 900 2nd Street, NE, #303 Washington, DC 20002		136,175.00	17,907.37
James Dougherty, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		
Clifford E. Douglas, 1726 M Street, NW, Suite 902 Washington, DC 20036-4502	American Lung Assn	1,250.00	9,087.25
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Cox Enterprises, Inc, et al.		
Do	Directors Guild of America		
Do	Home Shopping Network, Inc	1,653.81	36.55
Do	Johnson-Simmons Co		
Do	Liberty University	4,330.86	
Do	Life Care Services Corp		
Do	Marriott Corporation	15,300.00	
Do	Profit Sharing Council of America	569.50	
Do	Stelco, Inc	688.50	14.50
Michael G. Dowd, 1233 20th Street, NW, #400 Washington, DC 20036	Porter Wright Morris & Arthur (For:Coalition for Environmental-Energy Balance)		
Lorraine Driscoll, 1120 - 19th Street, NW, #630 Washington, DC 20036	Citizen Action Fund	510.00	188.00
Fran Du Melle, 1726 M Street, NW, #902 Washington, DC 20036	American Lung Assn	2,890.00	10,066.00
Arianne M. Duddy, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc		
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006	Whiteford Taylor & Preston (For:Giddings & Lewis, Inc)	2,250.00	182.04
Do	Whiteford Taylor & Preston (For:National Constructors Assn)	4,000.00	93.72
Juanita D. Duggan, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn	600.00	100.00
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW Washington, DC 20036	Crown Control Corp		
Do	Industrial Truck Assn		
Do	Lord Corporation		
Do	Walbro Corp		
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	2,100.00	
Duncan & Allen, 1575 Eye Street, NW Washington, DC 20005	Colorado River Energy Distributors Assn		
Louise C. Dunlap, 418 Tenth Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For:Acurex Environmental/CA Energy Commission)	2,700.00	185.34
Do	Dunlap & Browder, Inc (For:American Methanol Institute)	9,600.00	184.65
Dunlap & Browder, Inc, 418 Tenth Street, SE Washington, DC 20003	Acurex Environmental/CA Energy Commission	4,500.00	185.34
Do	American Methanol Institute	15,000.00	184.65
Do			
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William C. Dunning, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Douglas A. Durante, 7315 Wisconsin Avenue, NW, #515 East Bethesda, MD 20814	Clean Fuels Development Coalition	6,000.00	
Chris Durbin, 1630 Duke Street Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	6,237.00	
Jean Durning, 900 17th Street, NW Washington, DC 20006	Wilderness Society	2,332.12	1,103.85
Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003	American Plastics Society	154,450.00	1,004.32
Do	Association of Oil Pipe Lines	28,087.00	317.90
Do	Chickasha Cotton Oil Co	6,000.00	530.97
Do	Citgo Petroleum Corp	29,525.00	4,268.46
Do	Coalition for Economic Recovery	20,000.00	544.34
Do	Communications Satellite Corp	15,000.00	185.65
Do	CYCLEAN, Inc		44.17
Do	DSC Communications Corp	58,270.00	939.51
Do	Earth Observation Satellite Co	40,000.00	15,424.24
Do	Haldor-Topsoe, Inc	20,000.00	179.85
Do	Hart-Culp International		
Do	International Arid Lands Consortium		
Do	International Telecharge, Inc	45,000.00	589.19
Do	Jewish National Fund	15,000.00	1,045.61
Do	National Accrediting Comm of Cosmetology Arts & Sciences	30,000.00	1,928.07
Do	National Cellular Resellers Assn	6,666.66	566.87
Do	PacifiCare Health Systems	37,500.00	1,547.30
Do	Polyisocyanurate Insulation Manufacturers Assn (PIMA)	6,000.00	1,478.63
Do	PBX Users Anti-Fraud Coalition	5,000.00	132.94
Do	Rmax, Inc		897.47
Do	Satellite Broadcasting & Communications Assn	30,000.00	566.75
Do	Sims Walker... (for Creditors Alliance for Freight ...)	21,035.38	780.32
Do	SICPA Industries of America, Inc	30,000.00	284.60
Do	Tiregator, Inc		
Do	Waste Conversion Systems, Inc		
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	American Lithotripsy Society		
Do	Apex Marine Corp		
Do	Radiation Care, Inc		
Do	REN Corporation USA		
Robert Eaves, 2214 Paddock Way, #900 Grand Prairie, TX 75050	Allied Pilots Association		461.23
John Echeverris, 666 Pennsylvania Ave., SE Washington, DC 20002	National Audubon Society		
Norman R. Eder, 19600 NW Von Neumann Drive Beaverton, OR 97006-1999	Oregon Graduate Institute of Science & Technology	8,289.45	673.05
Robert Edgell, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	4,280.12	
Edon Company, 600 New Hampshire Ave., NW #1010 Washington, DC 20037	Coca-Cola Foods	10,500.00	199.35
Do	Consolidated Seafood	10,500.00	101.97
Do	Kansas Department of Commerce	3,500.00	32.59
Do	Pinnacle Data Corporation	7,500.00	287.09
Do	Stephens Inc	312.50	
Edwards Associates, 507 Second St., NE Washington, DC 20002	Confederated Tribes of Warm Springs Reservation		
Albert A. Eisele, 1201 Pennsylvania Ave., NW, #370 Washington, DC 20004	Cornerstone Associates, Inc		
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar, Inc		
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Dorothy A. Ellsworth, 9000 Machinists Place Upper Marlboro,, MD 20772	International Assn of Machinists & Aerospace Workers	17,473.83	358.06
Gary Elmestad, P.O. Box 3153 St Peters, MO 63376	City of St. Peters, Missouri		
Do	St. Charles Co Economic Development Council		
Gary Elmestad & Associates, P.O. Box 3153 St. Peters, MO 63376	City of St. Peters	8,016.00	111.90
Nancy C. Elwood, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
JoAnn Emerson, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
End Notch Discrimination, P.O. Box 3630 59 West La Sierra Drive Arcadia, CA 91006-3630			11,200.00
J. Barry Epperson, 324 Main Mall, #900 Tulsa, OK 74103	Associated Wire Rope Fabricators		4,691.90
Erisa Industry Committee, 1400 L Street, NW, #350 Washington, DC 20005		11,700.00	20,954.00
Deborah M. Estes, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	2,000.00	259.06
Andreas W. Evans, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Billy Lee Evans, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	B.L. Evans & Associates (For:Great Western Financial Corp)		
Do	B.L. Evans & Associates (For:Paul Revere Life Insurance Company)		
David C. Evans, 1200 18th Street, NW, Washington, DC 20036	Building Owners & Managers Assn Int'l		
Rae Forker Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
B.L. Evans and Associates, Inc, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Great Western Financial Corp	5,000.00	
Do	Paul Revere Life Insurance Company	2,500.00	
Evans Group, Ltd, 1010 Wisconsin Ave., NW, 8th Floor Washington, DC 20007	Interim Government for National Unity in Liberia		
Do	Matlack Systems, Inc		
Do	National Independent Automobile Dealers Assn	8,500.00	215.00
Do	Republic of Cyprus	15,500.00	
Do	Towers Financial Corp		
Do	United GER Institutions		
Robbie G. Exley, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Paul K. Eyer, P.O. Box 8600 Harrisburg, PA 17105-8600	Hospital Assn of Pennsylvania	5,000.00	405.50
Darryl H. Fagin, 1625 K Street, NW, #1150 Washington, DC 20005	Americans for Democratic Action	5,233.79	
Randa Fahmy, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Association of Arab Americans	2,498.00	
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890			
Jane Fawcett-Hoover, 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Manufacturing Co	48.30	
Federal Judges Association, Suite 110 111 West Washington Street Chicago, IL 60602-2768		30,143.40	20,095.31
Federation for American Immigration Reform, 1666 Connecticut Avenue, NW, #400 Washington, DC 20009			3,983.83
Federation of Behavioral Psychological & Cognitive Sciences, 750 First Street, NE Room 5004 Washington, DC 20002-4242.			111.76
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)	161.00	161.00
Donald M. Fehr, 805 Third Ave. New York, NY 10022	Major League Baseball Players Assn		
Richard J. Feldman, 9 Perimeter Way, Suite C-950 Atlanta, GA 30339	American Shooting Sports Coalition, Inc	2,000.00	2,500.00
Claudia Feller, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological & Cognitive Sciences	46.14	
Mimi A. Feller, 1100 Wilson Blvd Arlington, VA 22209	Gannett Co, Inc	39,000.00	199.00
Richard Feller, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,635.00	
Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	15,336.00	848.50
James H. Ferguson, 2310 Trott Avenue Reston, VA 22181	Institute of Electrical & Electronics Engineers	7,500.00	
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	American Ski Federation	3,750.00	120.33
Do	Dillingham Construction Group	5,375.00	728.65
Do	Global Marine, Inc	3,750.00	720.62
Do	Haida Corporation	6,625.00	761.59
Do	Northern Air Cargo	3,750.00	681.50
Do	U.S. Borax & Chemical Corp	5,936.25	728.30
Robert J. Fersh, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research & Action Center	671.14	
Joseph D. Fincher, 4100 Bank of Oklahoma Tower Tulsa, OK 74172	Wichita Tribe	450.00	57.40
James K. Finley, 12300 Twinbrook Parkway Rockville, MD 20852	National Council of Community Mental Health Centers	2,044.00	139.29
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401	Northeast Utilities Service Co	3,026.65	1,398.53
Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	7,484.00	62.00
William P. Fisher, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn		
John Fitzgerald, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	440.47	
Donald Fix, 2100 Pennsylvania Ave., NW, #710 Washington, DC 20037	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	2,997.23
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	300.00	
Do	Hyjek & Fix, Inc (For:MSI Defence Systems)	975.00	
Do	Hyjek & Fix, Inc (For:Piaggio Aviation, Inc)	125.00	
Do	Hyjek & Fix, Inc (For:Research & Development Labs)	750.00	807.30
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	1,750.00	
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	3,031.91
Susan G. Flack, 1100 Connecticut Ave, NW, #1200 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc	100.00	
Do	Flack, Inc (For:Spiegel, Inc)	100.00	
Daniel V. Flanagan Jr., 1600 Wilson Blvd. Suite 200 Arlingtton, VA 22209	Flanagan Group, Inc (For:Dominion Resources, Inc)	18,000.00	2,902.07

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Virginia Power		
Flanagan Group, Inc, 1600 Wilson Blvd., Suite 200 Arlington, VA 22209	Dominion Resources, Inc	18,000.00	2,902.07
Do	Virginia Power		
Mac A. Fleming, 12050 Woodward Ave. Detroit, MI 48203-3596	Brotherhood of Maintenance of Way Employes		
Veronica M. Floyd, 3306 Fallen Tree Court Alexandria, VA 22310	Brunswick Corp	5,933.00	384.73
R. D. Folsom, 1317 F Street, NW, #400 Washington, DC 20004	Glaxo, Inc	500.00	
Do	R. Duffy Wall & Associates	1,250.00	
Fontheim & O'Rourke, 1129 20th Street, NW, Suite 500 Washington, DC 20036	Zerand-Beral Group, Inc	4,602.75	1,629.19
John P. Ford, One Kellogg Square Battle Creek, MI 49016	Kellogg Co	2,000.00	283.00
Edward H. Forgotson, 1020 - 16th Street, NW, Suite 300 Washington, DC 20036	American Share Insurance Corporation		
Do	Enserch Corporation		
Do	Exhide Corporation		
Do	GNB, Inc		
Do	Northern Indiana Public Service Company		
Do	Skidmore Owings & Merrill (SOM)		
Do	Superior National Insurance Group		
Mark A. Forman, 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	1,250.00	
Patrick Forte, 888 17th Street, NW, #312 Washington, DC 20006	Association of Financial Services Companies	3,750.00	
Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	2,433.50	19.00
Tracy Fortson, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research	33.65	
Maria Foscarinis, 918 F Street, NW, #412 Washington, DC 20004	National Law Center on Homelessness and Poverty		
Nancy E. Foster, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107	American Soybean Assn	336.84	32.00
Alissa T. Fox, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	5,155.00	1,962.76
Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402	Camp Barsh Bates & Tate (for Sears Roebuck & Co), et al.		
Phillip L. Fraas, 1 Massachusetts Avenue, N.W., #800 Washington, DC 20001	McLeod Watkinson & Miller (For:First South Production Credit Assn)	4,405.00	
Michael Francis, 900 17th Street, NW Washington, DC 20006	Wilderness Society	12,803.04	342.92
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	
George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599	Kellogg Company	1,500.00	150.00
Robert S. Franklin, 200 Park Avenue New York, NY 10166	Coudert Brothers	2,000.00	
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	2,315.28	532.40
Douglas Freberg II, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	104.36
Mary Ann Freeman, 1331 Pennsylvania Ave, NW Washington, DC 20005	General Electric Co	476.00	
Freer & Alagia, Chtd, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Amstar Corp	6,986.89	127.67
Do	Dairymen, Inc	10,780.00	755.00
Robert H. Frenzel, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,000.00	120.00
John Freshman Associates, Inc, 1722 I Street, NW, #500 Washington, DC 20006	Alaska Department of Environmental Conservation		
Do	Gulf Coast Waste Disposal Authority	5,766.50	2,167.45
Ronald A. Fried, 888 17th Street, NW, #900 Washington, DC 20006	Holland & Knight (For:St. Johns Home Health)		
Gay Friedmann, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	12,000.00	
Friends of the Columbia Gorge, 319 SW Washington, #301 Portland, OR 97202			
Charles H. Fritts, P.O. Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp	1,000.00	
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	635.00
Jeffrey Fritzlen, 555 13th Street, NW, #450-W Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	1,562.59
Sara L. Froelich, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	3,000.00	
Furman Group, 818 Connecticut Ave., NW, #1020 Washington, DC 20006	Spelman & Co		
Kurt A. Furst, 700 14th Street, NW, #1100 Washington, DC 20005	G.D. Searle & Co		525.00
FMR Group, Inc, 1000 Potomac Street, NW, #401 Washington, DC 20007	Heartland Health System	7,812.50	100.11
Do	National Coalition of Burn Center Hospitals	5,000.00	2,912.08
Do	Songwriters Guild of America	2,500.00	119.67
Wayne Gable, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	3,000.00	857.75
Julie Leigh Gackenbach, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	900.00	
Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Second Floor Washington, DC 20007	Composite Fabrication Assn		
Do	Mobile Industrial Caterers Assn		
Do	National Assn of Theatre Owners		
Do	Textile Rental Services Assn of America		
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	10,003.50	
Theodore J. Garrish, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	9,900.00	799.22
Jerome C. Gatto, 230 E Broadway #901 Salt Lake City, UT 84111-2451			
Deanna Gelak, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			8,418.00
Katherine Doddridge Gerlach, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Gerry Baby Products Co, 12520 Grant Drive Box 33755 Denver, CO 80233			
Clair Ghylin, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron USA, Inc	10,000.00	100.00
Robert A. Gifford, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
Joseph A. Gillan, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	950.00	124.85
Mary Ann Gilleece, 1146 19th Street, NW, 3rd Floor Washington, DC 20036	Lepon McCarthy Jutkowitz & Holzworth (For:Astra Holdings Corp)	2,800.00	
Do	Lepon McCarthy Jutkowitz & Holzworth (For:DynCorp)	200.00	
Do	Lepon McCarthy Jutkowitz & Holzworth (For:NMP Corp)		
Maureen Gilman, 901 E St., NW, #600 Washington, DC 20004	National Treasury Employees Union	19,250.00	640.10
Jim Gilmore, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Factory Trawler Assn	18,750.00	5,207.87
Patrick T. Gilmore, 141 Deer Ridge Road Basking Ridge, NJ 07920	Brother Industries (USA), Inc		
Do	Brother International Corporation		1,916.39
Tod I. Gimbel, 1341 G Street, NW, #900 Washington, DC 20005	Miller Brewing Company	238.00	
Mark R. Ginsberg, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	2,545.00	
Brenda M. Girton, 901 East Capitol Street, SE Washington, DC 20003	American Assn for Counseling & Development	19,385.00	
Earl E. Gjelde, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc		
Katherine Gleeson, 1400 Sixteenth Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc	240.00	
Richard D. Gluck, 1801 K Stret, NW, Suite 1200 Washington, DC 20006	Robins Kaplan Miller & Ciresi (For:International Federation of Freight Forwarders Assn).	18,676.00	558.00
Horace D. Godfrey, 910 16th St., NW, S-402 Washington, DC 20006	Godfrey Associates, Inc		
Godfrey Associates, Inc, 15 Golf Course Road Littleton, NC 27850			
Jean C. Godwin, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities	18,125.00	2,000.00
Al James Golato, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees		
Andrew Goldfarb, c/o Leadership Conference on Civil Right 2027 Massachusetts Avenue, NW Washington, DC 20036	Leadership Conference on Civil Rights	4,657.50	44.50
Patricia R. Goldman, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	7,097.23	131.98
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	10,500.00	
Neil Goldschmidt, Inc, 222 SW Columbia, #1850 Portland, OR 97201	Province of British Columbia, Ministry of Development ...	6,000.00	11,397.31
Marva Goldsmith, 601 13th Street, NW, #650-North Washington, DC 20005	Detroit Edison Company	750.00	60.00
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	5,675.32	
Stephen Gordon, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Mark S. Gorman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Eric Philip Gotting, 801 Pennsylvania Avenue, SE, #400 Washington, DC 20003	American Rivers	343.00	
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	13,627.25	2,142.12
John R. Graff, 1448 Duke Street Alexandria, VA 22314	International Assn of Amusement Parks & Attractions	100.00	1,362.00
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Gerald W. Grandey, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc		
Suzanne Granville, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	10,070.17	
Thomas V. Grasso, 1616 P Street, NW, Suite 310 Washington, DC 20036	Union of Concerned Scientists	3,125.00	
Ruth P. Graves, 600 Maryland Ave., SW, #500 Washington, DC 20560	Reading Is Fundamental, Inc	840.00	115.10
Scott D. Grayson, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers (IEEE)	900.00	
Greater New York Hospital Assn, 555 West 57th Street 15th Floor New York, NY 10019			55,715.00
Green Stewart & Farber, P.C., 2600 Virginia Ave., NW, Suite 1111 Washington, DC 20037	Premier Hospitals Alliance, Inc	1,500.00	1,500.00
Phyllis Greenberger, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,586.00	1,285.45
R.T. Gregg, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	500.00	
Janice M. Gregory, 1400 L St., NW, #350 Washington, DC 20005	Erisa Industry Committee	9,375.00	82.00
Lori Gribbin, 99 Canal Center Plaza, #500 Alexandria, VA 22314	American International Automobile Dealers Assn		
Ellen Griffee, 1025 Vermont Avenue, NW, #500 Washington, DC 20005	Association of Science-Technology Centers		
Mary Louise Griffin, 2214 Paddock Way, #900 Grand Prairie, TX 75050	Allied Pilots Association		
Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035	Chrysler Corporation	3,000.00	305.00
Philip M. Grill, 444 N. Capitol Street, NW, #514 Washington, DC 20001	Matson Navigation Company, Inc		
Jane Grimm, 3150 Spring Street Fairfax, VA 22031-2399	International Communications Industries Assn	2,125.00	
Mark W. Grobmyer, P.O. Box 70 Little Rock, AR 72203	Arnold Grobmyer & Haley (For:Arkansas Assn of Securities Dealers)		
Jerome Grossman, 65 Grove Street, #347 Wellesley, MA 02181	Council for a Livable World		647.10

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Drew Gruenburg, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Gabriel Guerra-Mondragon, 444 North Capitol Street, #711 Washington, DC 20001	TKC International (For:Mexican Dept of Commerce & Industrial Development)	109,485.00	3,734.78
Do	TKS International (For:Universidad Regiomontana Villagran)	3,927.14	227.79
Peggy A. Gunn, 601 Second Avenue South MPFP 1704 Minneapolis, MN 55402	First Bank System	14,499.00	511.20
Richard E. Gutting Jr., 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	6,000.00	
Alvin M. Guttman, 1924 N Street, NW Washington, DC 20036	Towing & Recovery Assn of America, Inc	600.00	
Z. Lou Guttman, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	1,000.00	
GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815	American Dietetic Association	4,625.00	
Do	American Health Information Management Assn	5,000.00	
Do	Baxter Healthcare Corp-General Healthcare Division	3,500.00	
Do	Manor Healthcare, Inc	11,250.00	
Do	National Assn of Medical Directors of Respiratory Care	7,000.00	
Do	Puritan Group-Puritan Bennett Corp	1,937.50	
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation	60.00	15.00
Barry Hager, 1701 K St., NW, #900 Washington, DC 20006	Fund for Private Assistance in Internat'l Development (Paid)	6,000.00	90.00
Angelynn Hall, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	16,065.44	
Robert P. Hall, 701 Pennsylvania Ave., NW Washington, DC 20004	National Retail Federation	3,000.00	286.39
Daniel O'Connell Hamilton, 1825 Eye Street, NW, #400 Washington, DC 20006	Quentin Wilson & Associates (For:University of Missouri at Rolla)	6,000.00	50.00
J. Lee Hamilton, 1331 Pennsylvania Avenue, NW, #1550N Washington, DC 20004-1703	National Assn of Manufacturers	281.00	
Philip W. Hamilton, 1828 K St., NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
William A. Hanbury, One Lincoln Center, #1180 Syracuse, NY 13202	Hanbury & Associates (For:Oneida Indian Nation)	1,350.55	
Handgun Control, Inc, 1225 Eye Street, NW, #1100 Washington, DC 20005		1,103,179.00	503,114.00
Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005	Coodination Council for North American Affairs		
Jake Hansen, 11166 Main Street, #302 Fairfax, VA 22030	Seniors Coalition	12,500.00	
Harker Firm, 5301 Wisconsin Ave., NW, #740 Washington, DC 20015	International Bottled Water Assn	8,872.29	8,872.29
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp	2,238.00	149.90
Wiley C. Harrell Jr., 1776 Eye Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		619.00
Anne Harrison-Clark, 1828 L Street, NW, #802 Washington, DC 20036	American Foundation for AIDS Research	4,500.00	116.85
Fruzsina M. Harsanyi, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	3,500.00	
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			25,800.00
Gerald S. Hartman, 2000 Pennsylvania Ave., NW, #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For:First Virginia Banks, Inc)		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		150.00
Margaret V. Hathaway, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Profitt & Wood (For:American Council of Life Insurance)		
Do	Thacher Proffitt & Wood (For:Equitable Life Insurance Society)		
Do	Thacher Proffitt & Wood (For:John Alden Asset Management Company)		
Do	Thacher Proffitt & Wood (For:John Hancock Financial Services)		
Do	Thacher Proffitt & Wood (For:Lafayette Life Insurance Company)		
Do	Thacher Proffitt & Wood (For:Massachusetts Mutual Life Insurance Company)		
Do	Thacher Proffitt & Wood (For:Prudential Insurance Company)	254.00	
Do	Thacher Proffitt & Wood (For:United Companies Financial Corp)		
Todd J. Hauptli, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	4,700.00	
Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	1,500.00	75.00
Robert G. Hayes, Bogle and Gates 601 13th St., NW #370S Washington, DC 20005	American Fishing Tackle Manufacturers Assn	2,000.00	
Do	Coastal Conservation Assn	6,000.00	
Do	Natural Resources United	9,000.00	
Do	Pacific Northwest Utility Conference Committee	15,000.00	
Holly Elisabeth Hazard, 900 2nd Street, NE, #303 Washington, DC 20002	Doris Day Animal League	1,196.00	1,196.00
Janis D. Hazel, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Association of America's Public Television Stations	213.52	15.00
Hazel & Thomas, P.C., 3100 Fairview Park Drive, Suite 1400 Falls Church, VA 22042	International Disarmament Corp		24.59
Barbara D. Heffernan, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	21,350.40	366.75
John Heissenbuttel, 1250 Connecticut Ave., NW, #320 Washington, DC 20036	American Forest Council		
Barbara Alison Helfrich, 3510 Thornapple Street Chevy Chase, MD 20815			
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			216,125.00
Don Hellmann, 900 17th Street, NW Washington, DC 20006	Wilderness Society	5,052.90	2,111.06
Dennis A. Henigan, 1225 Eye Street, NW Washington, DC 20005	Handgun Control, Inc		
Margaret C. Henry, 1410 Q Street, NW Washington, DC 20009	Hamiliton Securities Group, Inc		
M. Lyn Herdt, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Hessel & Aluise, PC, One Thomas Circle, NW, #1250 Washington, DC 20005	National Housing Partnership	3,348.69	
J. Thomas Higginbotham, 1455 Pennsylvania Ave., NW Washington, DC 20004	American Institute of Certified Public Accountants		18,296.96
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Frederick Wells Hill, 1801 K Street, NW, #800 Washington, DC 20006-1378	Westinghouse Electric Corp	13,000.00	2,500.00
Arthur William Hillman, 4301 N. Fairfax Drive, #360 Arlington, VA 22203-1608	National Utility Contractors Assn	9,000.00	10,982.51
John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006	Florida Fruit & Vegetable Assn	3,000.00	
Do	Florida Tomato Exchange	1,500.00	
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	25,000.00	
James W. Hiney, 6538 Bay Tree Court Falls Church, VA 22041	Noise Cancellation Technologies, Inc		335.00
Evan Hirsche, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	137.61	10.00
Nancy Hirshbein, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth		
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	2,000.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Bristol Bay Area Health Corp	240.00	
Do	Maniilaq Assn	140.00	3.50
Do	Metlakatla Indian Community	220.00	20.25
Do	Miccosukee Tribe of Indians of Florida	280.00	25.00
Do	Mississippi Band Choctaw Indians		
Do	Narragansett Indian Tribe	137.20	
Do	Norton Sound Health Corp	320.00	8.95
Do	Oglala Sioux Tribal Public Safety Commission		
Do	Oglala Sioux Tribe		
Philip M. Hocker, 20 West Chapman Street Alexandria, VA 22301	Mineral Policy Center		244.00
Gail Hoffman, 1225 Eye St., NW #1100 Washington, DC 20005	Handgun Control, Inc		
Joseph Michael Hogan Jr., 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	American Academy of Pediatrics	60.00	
Do	American College of Osteopathic Surgeons	480.00	
Do	B.P. America, Inc		101.74
Do	Damon Corp	180.00	
Do	Farm Credit Bank of Texas	37,516.25	4,406.40
Do	Gulf Citrus Growers Assn	4,166.66	459.67
Do	Infectious Diseases Society of America, Inc	210.00	7.00
Do	National Tissue Bank Council	1,260.00	28.00
Do	Our Lady of the Lake University		
Do	Pepsi Co		
Do	Pizza Hut, Inc		
Do	Robinson Terminal Warehouse Corp		
Do	Soap & Detergent Assn	812.50	184.92
Do	Society of Critical Care Medicine	1,800.00	21.00
Do	Unites States Sugar corp	2,000.00	471.03
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Alamo Rent-A-Car, Inc	1,500.00	
Do	Alyeska Pipeline Service Co		
Do	Anderman/Smith Operating Co	2,000.00	
Do	Association of Oil Pipe Lines	1,000.00	
Do	Carbon Fuels Corp & Subsidiaries		
Do	Citgo Petroleum Corp	3,000.00	
Do	Coalition for Economic Recovery	2,800.00	
Do	Precious Metals Producers Group	2,500.00	
Do	Society for the Plastics Industry	5,000.00	
Do	Styrene Information & Research Center	2,500.00	
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Florida Celery Exchange		
Everett Boyd Hollingsworth Jr., 1341 G Street, NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc	3,000.00	
Patricia L. Hollis, 1300 L Street, NW, #950 Washington, DC 20005	American Soybean Assn	1,050.00	231.89
Diane S. Holmes, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	641.23	349.00
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	3,753.35	263.00
Fred H. Holt, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gregory W. Homer, 2000 Pennsylvania Ave., NW, #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For:First Virginia Banks, Inc)		
Michael J. Hoogendyk, 706 E. Bell Road, #101 Phoenix, AZ 85022	National Assn of Mortgage Brokers	3,267.94	3,267.94
Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006	Estate of Helen Wodell Halbach		
Do	Tandy Corporation	1,760.00	2,283.32
Deborah L. Horan, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	548.00	
Bernard Horn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	6,960.00	
Robert Jack Horn, 601 13th Street, NW. #650 N Washington, DC 20005-3808	Detroit Edison Company	1,320.00	60.00
Gerald M. Howard, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
John Howard, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad Co		
Allynn Howe, 40 Ivy Street, SE Washington, DC 20003	National Lumber & Building Material Dealers Assn (NLBMDA)		13,735.00
Howe Anderson & Steyer, 1747 Penn Ave., NW, #1050 Washington, DC 20006	Association of Bituminous Contractors		
Do	Industrial Diamond Assn		
Do	National Assn of Bankruptcy Trustees		
Mary Lynch Howell, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	1,500.00	280.00
Susan Howland, 20 Black Oak Mews Newtown, PA 18940	Susan Howland & Associates		
David S. Hubbard, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Cement Alliance, Inc	5,625.08	242.94
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Sharon M. Hughes, 1735 I St., NW, Suite 704 Washington, DC 20006	National Council of Agricultural Employers	2,900.00	276.00
Walter E. Huizenga, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	22,500.00	
Brenda Gore Hull, 1001 - 19th Street, North, Suite 800 Arlington, VA 22209	TRW, Inc	543.00	432.48
Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	537.00	37.80
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	23,857.38	108.00
Francis M. Hunt, 1776 Eye Street , N.W. Suite 575 Washington, DC 20006	Dow Chemical Co	500.00	6,436.02
Beverly A. Hunter, 100 Maryland Ave., NE Washington, DC 20002	Religious Coalition for Abortion Rights	8,275.02	181.03
William N. Hunter, 2104-A Gallows Road Vienna, VA 22180	W.N. Hunter & Associates	2,000.00	
W.N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180			2,000.00
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Long Island Lighting Co	1,000.00	
Robert Hurley, 1317 F Street, NW Washington, DC 20004	Wall & Associates, R. Duffy	1,250.00	
Cathy Hurwit, 1120 19th Street, NW Suite 630 Washington, DC 20036	Citizen Action Fund	9,420.00	280.00
Regina C. Hutter, 1775 K Street, NW Washington, DC 20006	United Food & Commercial Workers International Union	13,846.14	847.71
Steven M. Hyjek, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	600.00	280.37
Do	Hyjek & Fix, Inc (For:MSI Defence Systems)	975.00	939.33
Do	Hyjek & Fix, Inc (For:Piaggio Aviation, Inc)	300.00	47.30
Do	Hyjek & Fix, Inc (For:Research & Development Labs)	750.00	
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	1,800.00	1,884.38
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	
Randal H. Ihara, 1331 Pennsylvania Ave., NW, #560 South Washington, DC 20002	CSX Corp	3,000.00	384.60
Immigration Services Associates, 1212 New York Avenue, NW, #850 Washington, DC 20005	Agricultural Producers		
Do	American Council on International Personnel (ACIP)		
Do	Circuses, et al		
Do	Citicorp/Citibank		
Do	Fragomen Del Rey & Bernsen, PC (for National Hockey League)		
Do	Fragomen Del Rey & Bersen, P.C. (for IBM)		
Do	Information Technology Assn of America (ITAA)		
Do	Irish Immigration Reform Movement (IIRM)	347.10	21.21
Do	McDonald's Corp		
Do	Search Group, Inc		
Catherine L. Imus, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Ketchum Public Relations		
Amie Ingber, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	122.50	
International Assn of Machinists & Aerospace Workers, 9000 Machinists Plaee Upper Marlboro, MD 20772			43,053.57
International Communications Industries Assn, 3150 Spring Street Fairfax, VA 22031-2399		70,251.00	2,857.00
Richard Munroe Irby III, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	4,000.00	
Walter G. 'Skip' Irvine Jr., 34th & Civic Center Blvd. Philadelphia, PA 19104	Children's Hospital of Philadelphia	10,000.00	2,439.10
Ivins Phillips & Barker, Chtd. 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Family Holding Company Advocacy Group		
Do	Grand Metropolitan, Inc		
Do	Pechiney Corporation		
Do	Rochester Tax Council		
J/T Group, 2555 M Street, NW, #327 Washington, DC 20037	Coal Industry Health Protection Coalition	18,000.00	
Al Jackson, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	12,216.75	
Beverly Roberson Jackson, 3707 Ingomar Street, NW Washignton, DC 20015	National Center for Clinical Infant Programs	575.00	417.00
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	University of Kansas	3,750.00	3,107.37
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Old Harbor Native Corp	42,282.50	23,105.68
Jar-Mon Consultants, Inc, 208 N. Patrick St. Alexandria, VA 22314	American Business Council, Inc	6,000.00	
Do	American Freedom Coalition		
Do	Christian Voice, Inc	30,000.00	
Charles W. Jarvis, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management Environmental Services, Inc		
John T. Jarvis, The Jarvis Company 1901 L Street, NW, #300 Washington, DC 20036	American Insurance Assn	6,000.00	
Do	Computer Sciences Corp	6,000.00	
Do	Labor-Management Committee for the Timber Industry	11,250.00	
Judy Jaussi, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	1,271.82
Edwin S. Jayne Jr., 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	17,115.00	724.84
Kevin Jefferson, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	792.00	
Wendell Jeffreys, 245 N. Waco P.O. Box 2940 Wichita, KS 67201-2940	Wichita District Farm Credit Council		
Jenner & Block, 601 Thirteenth Street, NW, 12th Floor Washington, DC 20005	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosis		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	Dental Gold Institute		
Do	International Soc for Hybrid Microelectronics		
Do	National Glass Assn		
Carole P. Jennings, 8904 First Avenue Silver Spring, MD 20910	American Academy of Nurse Practitioners	6,000.00	300.00
Janet I. Jenson, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer, Aptaker & Shepard (For:Council of Nursing Home Suppliers)	2,000.00	
Bruce Johnson, 655 15th Street, NW, #300 Washington, DC 20005	CIC Group		
Do	Federal Savings Bank		
Do	W.R. Huff Asset Management Co		
Do	Investors Savings Bank		
Do	Kellner DiLeo & Co		
David H. Johnson, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological & Cognitive Sciences	65.62	
Donald Eugene Johnson, P.O. Box 1000 Lewisburg, PA 17837			
Jacquelyn M. Johnson, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co		
Nancie Schalk Johnson, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	380.00	
Susan E. Johnson, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Coldwell Banker Real Estate Group	1,000.00	70.31
Theodore L. Jones, P.O. Box 65122 Baton Rouge, LA 70896	BellSouth Telecommunications, Inc		
Do	United Companies Financial Corporation		
Wiley N. Jones, 816 Connecticut Ave., NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	1,000.00	500.00
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	First American Bankshares, Inc		
Do	Merck & Co, Inc		
Do	Royal Trustco Ltd		
Patricia Jordan, 1130 Connecticut Avenue , NW #300 Washington, DC 20036	Ferguson Company (For:City of Alhambra)	850.00	90.48
Do	Ferguson Company (For:City of Inglewood)		
Do	Ferguson Company (For:City of Livermore, CA)	1,500.00	184.78
Do	Ferguson Company (For:City of Norwalk)	3,960.00	405.62
Do	Ferguson Company (For:City of Provo)	1,300.00	416.01
Do	Ferguson Company (For:City of South Salt Lake)	916.00	393.07
Do	Ferguson Company (For:Irvine Company)	1,000.00	37.20
Do	Ferguson Company (For:Long Beach Transit)	900.00	158.30
Do	Ferguson Company (For:Oceanside Redevelopment Agency)	916.00	25.57
Do	Ferguson Company (For:Oceanside Small Craft Harbor)	916.00	56.05
Do	Ferguson Company (For:West Valley City)	6,460.00	285.70

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	American Express Co	15,000.00	354.50
Do	Coalition for Group Legal Services	10,000.00	
Do	Hotel Employees & Restaurant Employees Int'l Union	43,125.00	1,671.79
Do	International Speedway Corp	9,000.00	
Do	National Academies of Practice		
Do	U.S. Telephone Assn		
Justice Fellowship Advocates, P.O. Box 17500 Washington, DC 20041-0500			
Kahn Soares & Conway, 1250 'I' Street, NW, #801 Washington, DC 20005	Central Soya/Novamont	15,000.00	8,747.72
Do	Mid-Valley Water Authority	4,016.25	4,526.05
Do	National Agricultural Chemicals Assn	10,500.00	3,102.25
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	12,938.00	41.00
James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101			
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	17,199.00	843.50
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insurance Assn		
Do	Humane Society of the U.S., et al.		
Amy L. Kardell, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	900.00	17.00
Phillip J. Kardis, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	3,000.00	2,178.42
Katten Muchin Zavis & Dombroff, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Consolidated Natural Gas Service Co, Inc	1,155.00	412.02
Do	Electric Generation Association	900.00	441.45
Do	Natural Gas Vehicle Coalition	34,008.75	13,674.39
Paul F. Kavanaugh, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc		
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Benjamin Moore & Co		1,851.00
Do	Dow Chemical Co		
Do	Kraft, Inc	10,521.00	10,521.00
Do	Londontown Corporation		1,401.00
Do	Morgan Guaranty Trust Co of New York		
Do	Pepsico		1,401.00
Do	Spanish Broadcasting System	375.00	375.00
Do	United Television, Inc		
Richard F. Keating, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	American Assn for Marriage & Family Therapy		
Do	Arkansas Oklahoma Gas Company		
Do	Arkansas Western Gas Company		
Do	Arkla Exploration Company		
Do	Arkla, Inc		
Do	General Instrument Corporation		
Do	Williams Companies		
Jennifer L. Keehan, 1901 Pennsylvania Ave, NW 10th Floor Washington, DC 20006	International Mass Retail Assn		
Danea M. Kehoe, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	6,000.00	439.00
Beth Keifer, 750 First Street, NE, #900 Washington, DC 20002	Career College Assn, Inc	1,500.00	
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	7,500.00	
Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Harold V. Kelly, 410 Oberlin Road, SW Massillon, OH 44647	Republic Engineered Steels, Inc		
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Jane Kelso, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Kemper Securities, Inc, Chicago, IL 60601			229.00
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	American Water Works Service Company, Inc	500.00	
Do	ALC Communications Corp		
Do	Manville Corporation	2,000.00	
Do	Toyota Motor Sales, USA, Inc	3,000.00	
Edward B. Kenney & Associates, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	General Motors Corp		
William Kenworthy, 256 Edwards St., #10 New Haven, CT 06511	American Nuclear Energy Council	2,101.88	376.12
Vytautas Kerbelis, P.O. Box 336 Seal Harbor, ME 04675	ARAS		
Michael L. Kerley, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	2,935.00	366.00
T. Michael Kerr, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	15,155.70	188.46
Phillip Kete, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
William P. Killmer, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Daryl G. Kimball, 1000 16th Street, NW, #810 Washington, DC 20036	Physicians for Social Responsibility	3,639.45	
Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	13,842.00	504.00
Paul E. Kindinger, 1250 I Street, NW, #801 Washington, DC 20005	Kahn Soares & Conway (For:Central Soya/Novamont)	11,207.00	311.97
Do	Kahn Soares & Conway (For:National Argricultural Chemicals Assn)	600.00	10.00
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Generic Pharmaceutical Industry Assn	250.00	
Do	Martin-Marietta	1,967.00	9.00
Do	Union Camp	2,111.50	10.00
Janie A. Kinney, 1500 K Street., N.W #650 Washington, DC 20005	Glaxo, Inc	3,000.00	
Ronald Kipke, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Empolyees	1,386.24	
Kirkpatrick & Lockhart, 1800 M Street, NW, South Lobby, #900 Washington, DC 20036	Center for Civic Education	4,026.50	596.36
Do	Equifax, Inc	1,389.80	124.04
Do	National Institute for Citizens Education in the Law	4,026.50	596.36
Do	Search Group, Inc	9,031.50	1,417.99
Frank D. Kittredge, 1625 K Street, NW Washington, DC 20006	National Foreign Trade Council	6,000.00	1,100.00
Jerry D. Klepner, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	26,042.40	1,339.59
William J. (Bill) Klinefelter, 815 16th Street, NW, #301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	9,412.15	
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
Anthony J. Knettel, 1400 L Street, NW, #350 Washington, DC 20005	Erisa Industry Committee	3,300.00	
Kevin T. Knobloch, 1616 P Street, NW, #310 Washington, DC 20036	Union of Concerned Scientists	1,906.66	179.02
Darrell Knuffke, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	1,022.80	
Patricia C. Kobor, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,535.00	110.27
Kirk Koepsel, 23 North Scott Sherican, WY 82801	Sierra Club	1,282.50	1,600.00
Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		342.14
Koniag, Inc, 4300 B Street, #407 Anchorage, AK 99503			108,356.86
Stephen Koplan, 1401 Eye Street, NW, Suite 1220 Washington, DC 20004-2204	Joseph E. Seagram & Sons, Inc	2,000.00	
Anil Kothari, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc		
George J. Koufos, P.O. Box 420-07032050 Fairton, NJ 08320			
Linda J. Koufos, P.O. Box 363 Wenham, MA 01984			
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Steven Kroll, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	38.02	
Herb B. Kuhn, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	9,735.76	187.94
Peter Dev Kurze, 1843 Mintwood Place, NW, #110 Washington, DC 20009	Daimler-Benz Washington, Inc		
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Kutak Rock, 1101 Connecticut Ave., NW, #1000 Washington, DC 20036	Education Resources Institute	12,000.00	1,492.36
Do	Louisiana Public Facilities	20,992.60	16,014.92
Do	Municipal Bond Investors Assurance Corp	1,962.50	1,993.33
Do	Smith Barney Harris Upham & Co	11,027.50	605.77
Peter Kyros, 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Allsup, Inc		
Do	Kyros Associates (For:American Soc for Cell Biology, et al)		
Do	Association of Administrative Law Judges, Inc		
Do	Board of Veterans Appeals Professional Assn		
Do	Cooperative of American Physicians, Inc		
John R. Kyte, 1455 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	New England Council, Inc		
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			40,004.06
Janice R. Lachance, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	4,285.84	
Bruce C. Ladd Jr., 1350 I Street, NW Washington, DC 20005	Motorola, Inc	16,500.00	98.00
Richard L. Ladd, 1 Massachusetts Ave. NW, #800 Washington, DC 20001	Allied-Signal Aerospace Co, Inc	2,784.34	2,758.15
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Lester P. Lamm, 1776 Massachusetts Avenue, NW Washington, DC 20036	Highway Users Federation for Safety & Mobility	300.00	50.00
Ray H. Lancaster, 555 13th Street, NW, #430 West Washington, DC 20004	Texas Gas Transmission Corp	3,000.00	110.19
Jill Lancelot, 7100 Sycamore Avenue Takoma Park, MD 20912	National Taxpayers Union	7,267.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Marily J. Langill, 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robin W. Lanier, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	International Mass Retail Assn	9,000.00	
Peter J. Larkin, 800 Connecticut Avenue, NW, Washington, DC 20006	Food Marketing Institute	200.00	
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 Washington, DC 20004-2505	Alexander & Alexander Services, Inc		
Do	Continental Airlines, Official Cmte of Unsecured Creditors	34,385.50	
Do	EUA Cogenex Corp	1,800.00	
Do	Insurance Solvency Coalition	1,500.00	
Do	Intercontinental Energy Corp		
Do	Manville Corp		
Do	National Independent Energy Producers	6,200.00	
Do	Sithe Energies USA, Inc	2,100.00	
K.P. Lau, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	12,980.58	428.44
Jonathan Lawniczak, 1331 F St. , NW, Washington, DC 20005	National Council of Senior Citizens	5,000.00	
Bob Lawrence & Associates, 803 Prince St. Alexandria, VA 22314	Arctic Slope Consulting Group	1,500.00	300.00
Do	Energy Partners	5,000.00	2,900.00
Do	Exergy, Inc	6,000.00	1,950.00
Do	Lessees of the Municipal Fish Wharf	7,900.00	1,700.00
Do	Mechanical Technology Incorporated		
Do	Valmont Industries, Inc	2,500.00	600.00
John M. Lawson, 1350 Connecticut Ave., NW #200 Washington, DC 20036	Assn of America's Public TV Stations	3,750.00	400.83
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	3,750.00	
Clifford C. LaPlante, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	1,850.00	
Laurel Leach, 119 Oronoco Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute	101.00	
Leadership Conference on Civil Rights, 2027 Massachusetts Ave., NW Washington, DC 20036		227,056.53	52,042.61
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		53,779.03	53,779.03
Edward R. Leahy, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Capital Holding Corp)		
Do	Thacher Proffitt & Wood (For:Chicago Board Options Exchange)		
Gerard Lavery Lederer, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn		
Franklin M. Lee, 220 I Street, NE, #280 Washington, DC 20002	Minority Business Enterprise Legal Defense & Education Fund		
Kristen Lee, 2336 Ontario Road, NW Washington, DC 20009	Washington Office on Africa	2,131.20	
Gary A. Lee Group, Inc, P.O. Box 271 Sanibel Island, FL 33957	AutoZone, Inc		
Do	Harnischfeger Industries		
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Public Resource Assn	550.00	25.00
Peter A. Lefkin, 1730 Rhode Island Ave., NW, #1117 Washington, DC 20036	Fireman's Fund Insurance Cos	4,500.00	3,228.59
Legislative Strategies, 1025 Thomas Jefferson Street, NW, #700-E Washington, DC 20007	Berry Petroleum Company	2,092.50	799.74
Do	Calcasieu Refining Company	2,092.50	799.74
Do	Consolidated Natural Gas Service Co, Inc	9,648.75	3,687.69
Do	Huntway Refining Company	2,092.50	799.74
Do	Laketon Refining Company	2,092.50	799.74
Do	Natural Gas Vehicle Coalition		
Do	State of New Mexico (Natural Gas Programs)	2,557.50	977.46
Do	SEC Donohue	9,681.25	3,776.55
Mary Nell Lehnhard, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	1,821.00	116.13
Arnold H. Leibowitz, 818 Connecticut Avenue, NW #700 Washington, DC 20006	Cameron & Hornbostel (For:Hebrew Immigrant Aid Society (HIAS))	14,700.00	8,819.67
Jerris Leonard, 1000 Thomas Jefferson St., NW, #609 . Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Krueger, Inc)	25,662.38	
Lepon McCarthy Jutkowitz & Holzworth, 1146 19th Street, NW, Third Floor Washington, DC 20036	Chilean Exporters' Assn		
Do	Scandinavian Airlines System		
Nancy R. Levenson, 1401 Eye Street, NW, #1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	1,000.00	
Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
Robert B. Levethal, 1150 17th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Persis Corporation	1,000.00	
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
David R. Levinson, 1133 15th Street, NW, #1200 Washington, DC 20005	Office & Professional Employees Intl Union, Local 2, AFL-CIO	32.50	
Herbert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
Frank J. Lewis, 307 9th Terrace Indialantic, FL 32903	Harris Corporation		
Raymond A. Lewis, 815 Connecticit Ave., NW, #800 Washington, DC 20006	American Methanol Institute	3,000.00	45.00
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	1,200.00	
L.R. Lewis & Associates, 7035 Chesley Search Way Alexandria, VA 22310-4754	National Cooperative Bank	37,500.00	6,514.12
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lawson LeGate, 177 East 900 South, #102 Salt Lake City, UT 84111	Sierra Club	579.28	763.64
Robert G. Liberatore, 1100 Connecticut Avenue, NW, #930 Washington, DC 20036	Chrysler Corporation	6,252.00	336.00
Diane S. Liebman, 1331 Pennsylvania Avenue, NW, #560 S Washington, DC 20004	CSX Corporation	4,500.00	789.02
Julienne Wood Lindley, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (For:Embassy of Mozambique)	2,154.00	
Do	Bruce P. Cameron (For:Embassy of Nicaragua)	2,154.00	
Kathleen M. Linehan, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	6,020.00	90.00
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Colorado School of Mines Foundation	15,259.23	
Do	Michigan Dept of Transportation	13,063.59	
Do	Northern States Power Company	5,767.25	
Do	State of Colorado, Dept of Highways	11,535.47	
Do	State of IL, Dept of Transportation		
Do	State of IL, Dept of Transportation, Div of Water Resources	33,198.45	
Do	Water Reclamation District of Greater Chicago	32,633.87	
Do	Wisconsin Electric Power Co		
Do	Wisconsin Power & Light Co	8,181.96	
Do	Wisconsin Public Service Corp	8,681.96	
Lipsen Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	Chambers Development Co, Inc	20,000.00	130.00
Do	Federal Record Service Corp		
Do	Health Trust, Inc	1,000.00	
Do	McDonald's Corp	3,000.00	
Do	National Rural Letter Carriers Assn	1,000.00	
Do	Pioneer Seed Co, Inc	2,000.00	
Do	Rolls Royce, Inc	10,000.00	140.00
Do	RJR Nabisco Washington, Inc	5,000.00	
Thomas R. Litjen, 444 North Capitol Street, Suite 336 Washington, DC 20001		24,000.00	
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	1,000.00	
Jeanne Marie Little, 9300 Livingston Road Ft. Washington, MD 20744	National Tooling & Machining Assn	8,480.77	505.60
E. Geoffrey Littlehale, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	2,000.00	
David A. Litvin, 1600 M Street, NW, #700 Washington, DC 20036	Kennecott Corporation	250.00	455.50
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Robert F. Lockhart Jr., 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	720.10	
Frank P. Lombardo II, 317 Baronne Street, N-25 New Orleans, LA 70112	Entergy Services, Inc	1,075.53	258.74
G. Thomas Long, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn	1,050.00	220.34
Peter A. Loomis, 1801 K St., NW Washington, DC 20006	NationsBank Corporation		
Kathryn Looney, 1421 Prince Street, Suite 230 Alexandria, VA 22314	International Hardwood Products Assn	875.00	221.00
Franklin W. Losey, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America		
P. Vincent LoVoi, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	5,000.00	
Carla Luggiero, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	4,205.64	
J.C. Luman & Associates, 1030 15th Street, NW, #816 Washington, DC 20005	National Assn of Personnel Consultants		
Linda Luniewski, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Judith W. Luno, 555 13th Street, NW, Ste. 300W Washington, DC 20004	Interstate Natural Gas Assn of America	1,000.00	
Kevin A. Lynch, 1275 K Street, NW, #1100 Washington, DC 20005	PacifiCorp Electric Operations	690.00	3,414.13
James Lyon, 410 North Lincoln Street Arlington, VA 22201	Mineral Policy Center		256.00
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,810.00	
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	8,188.00	5,955.00
James E. Mack, 9005 Congressional Court Potomac, MD 20854	Peanut Butter & Nut Processors Assn		
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	AMT - The Assn for Manufacturing Technology	26,895.00	500.00
Robert E. Mackin, 122 South Swan Street Albany, NY 12210	National Conference of Insurance Legislators	11,250.00	
Cliff Madison Government Relations, Inc., 1611 Landfall Drive Wilmington, NC 28403	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	Federal Express Corp	10,500.00	
Do	Los Angeles County Transportation Commission	24,999.00	
Do	Mark Air, Inc	18,000.00	
Do	Ventura Port District	9,000.00	
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc. (For:ASARCO, Inc)	8,221.15	778.77
Do	James J. Magner & Associates (For:Kaibab Forest Products Company)	8,221.15	179.30
Do	James J. Magner & Associates, Inc (For:Manhole Adjusting Contractors, Inc)	8,221.15	125.48

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James W. Magner, Box 2161 Jonesboro, GA 30236	Prisoners With AIDS-Rights Advocacy Group (PWA-RAG)	600.00	1,400.00
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Asarco, Inc	18,667.50	16,375.81
Do	Kaibab Forest Products Company	18,112.50	15,796.34
Do	Manhole Adjusting Contractors, Inc	21,840.00	15,786.27
Do	Northern Arizona University Foundation	11,250.00	15,660.79
Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022			
Anthony S. Makris, 116 Waterford Place Alexandria, VA 22314	National Rifle Assn of America		
Anne Mancer, P.O. Box 530187 Birmingham, AL 35253-0187	Vulcan Materials Co	500.00	79.73
Donald W. Mann, 60 B Fraklin Street Tenafly, NJ 07670	Negative Population Growth, Inc	500.00	
Jennifer A. Mann, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Albert Manville II, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	682.64	
Robert Y. Maples, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	850.00	141.00
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
Marc Associates, Inc, 1101 17th Street, NW, #803 Washington, DC 20036-4704	Affiliated Leadership League of & for the Blind		
Do	American Assn of Colleges of Osteopathic Medicine	1,666.00	
Do	American College of Foot Surgeons	2,500.00	
Do	American Lithotripsy Society		
Do	American Soc for Gastrointestinal Endoscopy	2,500.00	
Do	American Soc of Anesthesiologists	18,600.00	
Do	American Soc of Clinical Pathology	5,000.00	
Do	American Soc of Hematology	1,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	5,500.00	
Do	Health Industry Manufacturers Assn (HME)	21,000.00	
Do	Health Industry Manufacturers Assn (IOL)	3,000.00	
Do	Helen Keller National Center	250.00	
Do	International Society for Cardiovascular Surgery/Soc Vas Sur	4,500.00	
Do	Los Angeles County Transportation Commission		
Do	Merck Sharp and Dohme	1,000.00	
Do	National Assn of Epilipsy Centers	2,000.00	
Do	National Coalition on Immune System Disorders		
Do	National Hemophilia Foundation	4,000.00	
Do	NI Industries	9,000.00	
Do	Recording for the Blind, Inc	1,000.00	
Do	Research Society on Alcoholism	2,000.00	
March for Life, Inc, P.O. Box 90300 Washington, DC 20090		620.00	
Howard Marlowe, 1667 K St., NW, #660 Washington, DC 20006	John L. Adams & Co, Inc		
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	American Public Gas Assn	2,100.00	131.60
Do	City of Venice, Florida	675.00	9.00
Do	Coalition to Keep Alaska Oil	1,000.00	7.00
Do	Coalition to Repeal the Wright Amendment	790.00	72.00
Do	End Notch Discrimination	1,200.00	70.50
Do	Graphic Artists Guild	100.00	8.00
Do	Independent Pilots Assn	312.00	25.64
Do	National Society of Fund Raising Executives	1,995.00	108.00
Do	Town of Longboat Key	750.00	
Chalmers H. Marquis, 3430 Blair Rd. Falls Church, VA 22041	Children's Television Workshop		
David F. Martin, Plumbing Manufacturers Institute 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209	CM Services, Inc.	500.00	
Judith Marty, 1 Crane Place Bellevue Hill, NSW 2023 Australia			
Anna M. Maschino, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	394.00	
Scott D. Mason, 1535 Oronoco Alexandria, VA 22314	Beer Drinkers of America Legislative Action Committee		
James T. Massey, P.O. Box 1689 317 East Cascade Sisters, OR 97759	Farmers Legal Action Group, Inc		
James D. Massie, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates	1,250.00	
Noel D. Matchett, 1001 Spring St., #123 Silver Spring, MD 20910	Information Security, Inc	10.00	
William A. Maxwell, 1250 Eye Street, NW #2000 Washington, DC 20005	Computer & Business Equipment Manufacturers Assn	5,000.00	
Arnold Mayer, 4609 30th Street, NW Washington, DC 20008	Oil Chemical & Atomic Workers International Union	7,500.00	875.00
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Product Liability Coordinating Council		
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Mary E. McAuliffe, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corp	13,750.00	384.89
Rebecca Craford McAuliffe, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	3,500.00	270.13
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005	Diagnostic Retrieval Systems	1,000.00	
Do	Golden Rule Insurance Company	1,000.00	
Do	National Greyhound Assn	1,000.00	
Do	Seafarers International Union	1,000.00	
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	American Electric Power Co, Inc	750.00	
Do	American Nuclear Energy Council	7,500.00	832.55
Do	Carolina Power & Light Co	2,250.00	
Do	Commonwealth Edison Co	2,250.00	
Do	Consolidated Edison Co of New York, Inc	6,000.00	
Do	General Atomics	7,000.00	662.03
Do	Louisiana Energy Services	3,000.00	389.91
Do	Oxford Energy Co	3,750.00	89.48
Do	Sealaska Corp	45,000.00	389.16
Do	Turlock Irrigation District	1,900.00	202.01
Do	Westinghouse Electric Corp	8,800.00	1,989.59
Do	Yukon Pacific Corp	6,000.00	620.45
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
James A. McCarthy, 1711 King Street, Suite One Alexandria, VA 22314	Snack Food Assn		
Stephen McConnell, 1334 G Street, NW, #500 Washington, DC 20005	Alzheimer's Assn	3,500.00	50.00
Daniel J. McDermott, 1155 Connecticut Ave, NW, #500 Washington, DC 20036	Capital Holding Corp	1,875.00	
Francis O. McDermott, 888 16th Street, N.W. Suite 624A Washington, DC 20006	Hopkins & Sutter (For:Association Management Corp)	1,500.00	
Marianne McDermott, 1350 New York Avenue, NW, #615 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn)		
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006-2296	Juvenile Diabetes Foundation, International	6,000.00	
James E. McDonald, 410 First Street, SE, 3rd Floor Washington, DC 20003	American Nuclear Energy Council (ANEC)	2,621.11	740.89
Christine W. McEntee, 50 F Street, NW, #1100 Washington, DC 20001	American Assn of Retired Persons		
Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	4,080.00	
Kate McGee, 1155 Connecticut Avenue, NW, #400 Washington, DC 20036	Oracle Corporation		2,000.00
Patricia G. McGinnis, Francis McGinnis & Rees 1000 Potomac St., NW, #401 Washington, DC 20007	California State Dept of Education	42,000.00	33,375.96
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Sod Producers Assn	225.00	7.35
Do	Workers Compensation Integrity Stability & Equity (WISE)	34,510.00	891.80
Mary Lee McGuire, 2300 Clarendon Blvd., #1010 Arlington, VA 22201-3367	Cook Inlet Region, Inc	4,000.00	
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	14,807.66	
McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114			
Ira E. McKeever, 5685 North Mesa Drive Castle Rock, CO 80104	Western Coal Traffic League		
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Cigar Assn of America, Inc		
F.J. McKeown, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Company	2,500.00	125.00
Lindsay McLaughlin, 1133 15th Street, NW Washington, DC 20005	ILWU	10,000.00	648.45
Michael R. McLeod, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	4,326.70	87.70
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)		
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)	2,606.00	
Do	McLeod Watkinson & Miller (For:Chicago Board of Trade)	6,000.00	87.70
Do	McLeod Watkinson & Miller (For:General Mills)		
Do	McLeod Watkinson & Miller (For:State of Florida Department of Citrus)	2,570.00	
Do	McLeod Watkinson & Miller (For:United Egg Producers)	1,403.00	
Thomas J. McLeod, 50 West Kellogg Boulevard St Paul, MN 55164	West Publishing Company		
Nancy L. McLernon, 816 Connecticut Avenue, NW, 7th Floor Washington, DC 20006	Organization for International Investment (OFII)		1,631.33
Thomas E. McMahon, 11718 Bowman Green Drive Reston, VA 22090	National Automatic Merchandising Assn	6,125.00	1,292.04
Molly McMorrow, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company		
Mary T. McSorley, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	2,362.50	
Francis X. Meaney, 701 Pennsylvania Avenue, NW Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co)		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn)	1,250.00	
James Gregory Means, 6252 15th Place Arlington, VA 22205	BP America, Inc	6,000.00	
Do	Centerior Energy Corp	8,000.00	
Do	Systech Environmental Corporation	12,500.00	
Robert A. Mechan, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	2,787.25	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Larry Mehlhaff, 23 N. Scott, #27 Sheridan, WY 82801	Sierra Club	3,720.00	3,763.55
Stanley Meierfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Nanine Meiklejohn, P.O. Box 1 Garrett Park, MD 20896	American Fed of State County & Municipal Employees	7,500.00	100.00
Do	Coalition on Human Needs	1,500.00	31.50
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Joseph R. Membrino, 1120 20th Street, NW, #750 South Washington, DC 20036	Hall Estill et al (For:Cherokee Nation)	37,869.00	2,293.74
Do	Hall Estill et al. (For:Hoopa Valley Tribe)	4,260.00	248.65
Do	Wichita Tribe	864.00	28.33
John R. Mendenhall, Martin Tower 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	5,000.00	
David Mengebier, 1016 16th St., NW, 5th Floor Washington, DC 20036	Handgun Control, Inc		
Paul K. Mengert, P.O. Drawer 10265 Greensboro, NC 27404	Real Estate Management Companies		
Merle D. Menssen, 3M Center-Bldg 220-6E-02 St. Paul, MN 55144-1000	3M	1,000.00	
Segundo A. Mercado-Llorens, 1775 K Street, NW Washington, DC 20006	United Food & Commercial Workers International Union	16,846.14	295.95
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	5,625.00	141.49
Carol Messer, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	5,850.00	161.00
David A. Metzner, 499 S Capitol St., SW, #520 Washington, DC 20003	Van Fleet Associates	13,749.99	
Sean Meyer, 1000 16th Street, NW, #810 Washington, DC 20036	One Percent for Peace	6,249.99	
Nicholas Meyers, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,097.00	1,456.78
Michael G. Michaels, P.O. Box 150-160 Atlanta, GA 30315			
Richard P. Michalski, 900 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	9,319.37	
James F. Michie, 1000 Vermont Ave., NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:Kavilco, Inc)		
Lisa Mihaly, 25 E Street, N.W. Washington, DC 20001	Children's Defense Fund	1,816.20	
Rene Milam, Box 17407 Washington Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	6,000.00	22.21
Janice I. Milazzo, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Nelson L. Milder, 1828 K Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Bonnie K. Miller, Box 528 Gainesville, VA 22065-0528	Liberty Lobby	2,000.00	1,557.00
Do	National Council for Improved Health	3,000.00	2,673.35
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	Liberty Lobby		
Do	National Council for Improved Health		
Dale Miller, 4000 Reno Road, NW Washington, DC 20008	Texasgulf, Inc		
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	1,000.00	
Grant Miller, 1800 Diagonal Rd. # 600 Alexandria, VA 22314	Northrop Corporation		
Howard Miller, 115 West College Drive Marshall, MN 56258	Schwan's Sales Enterprises, Inc		
Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017	Lead Industries Association, Inc		
Linda B. Miller, 818 18th Street, NW, #900 Washington, DC 20006	Volunteer Trustees of Not-For-Profit Hospitals		
Pamela A. Miller, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	1,316.30	
Peggy Miller, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	11,510.00	530.00
Richard G. Miller, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	16,000.00	1,238.91
Richard W. Miller, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Miller & Associates, Harris N., 1212 New York Avenue, NW, #850 Washington D.C.	Home Insurance	2,499.00	49.93
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Electronic Industries Assn		
Do	Export Source Rule Coalition		
Do	Government of British Columbia/Min. of Dev. Trade & Tourism		
Do	Great Northern Insured Annuity Corp	1,187.50	
Do	Hewlett-Packard Co	3,300.00	
Do	Organization for Fair Treatment of Int'l Investments	7,710.00	
Do	Pulte Home Corp	33,403.75	
Miller & Co, P.C., 400 International Square 1825 I Street, NW Washington, DC 20006	Chevron USA, Inc		
C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 33490	American Telephone & Telegraph Co	1,324.36	624.81
Anna Minaya, 2632 Wagon Drive, #2D Alexandria, VA 22303	Helicopter Assn International	7,000.00	1,415.00
Dallas Miner, One Thomas Circle, #900 Washington, DC 20005	American Fishing Tackle Manufacturers Assn		
Minority Business Enterprise Legal Defense & Education Fund, 220 I Street, NE, #280 Washington, DC 20002			
Harold P. Mintz, 1817 Alpine Drive San Marino, CA 91108			
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Biogen, Inc		
Do	Communications Industries Assn of Japan	15,000.00	
Do	Derek Craighead, et al.	2,300.00	
Do	Iwerks Entertainment	2,580.00	
Do	Siemens Corp	1,350.00	
Do	Turner Broadcasting System, Inc		
Michael Monroney, 470 L'Enfant Plaza, SW East Building, #7112 Washington, DC 20024	Citizens for a Sound Economy		
Albert W. Moore, 7901 Westpark Drive McLean, VA 22102	AMT-Association for the Manufacturing Technology	1,345.00	25.00
Cynthia L. Moore, 5908 North 35th Street Arlington, VA 22207	National Council on Teacher Retirement	1,450.79	225.79
Frank B. Moore, 3003 Butterfield Road Oak Brook, IL 60521	Waste Management, Inc	5,000.00	820.58
Michael D. Moore, 700 13th Street, NW, Suite 525 Washington, DC 20005	El Paso Natural Gas Co	1,000.00	
Randall B. Moorhead, 1300 I Street, NW, #1070E Washington, DC 20005	North American Philips Corp	4,000.00	1,030.00
Richard M. Moose, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	16,450.00	
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	140.00	3.50
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,000.00	101.36
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Coalition of Supporters of the Shipping Act		
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	50.00	
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	20,346.12	208.00
William Morris, 1737 H Street, NW Washington, DC 20006	Rogers & Wells (For:Oxnard Refinery)		
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	Valent U.S.A. Corp	2,588.75	
Valerie T. Morse, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	13,212.00	
Michael L. Morton, 910 16th Street, NW, #402 Washington, DC 20006	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Peyton H. Moss, 1150 17th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Beth Moten, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	1,460.00	9,296.52
Susan Connolly Moya, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri Inc	7,500.00	180.98
Tracy Mullin, 701 Pennsylvania Ave., NW Washington, DC 20004	National Retail Federation	2,500.00	35.00
Barbara Munson, 1000 Wilson Blvd #3012 Arlington, VA 22209	Consumer Bankers Assn		442.87
Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Richard D. Murray, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Susan A. Murray, 666 Pennsylvania Ave., SE Washington, DC 20002	National Audubon Society		
Lawrence D. Muzzy, 2200 W. Salzburg Road, Mail #W281 Midland, MI 48611	Dow Corning Corp		
Mary Ellen Natale, 1875 Connecticut Avenue, NW,#540 Washington, DC 20009	Food Research and Action Center	337.36	
Hardy L. Nathan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
National Agricultural Chemicals Assn, 1155 15th St., NW Washington, DC 20005		75.00	100.00
National Assn for the Self-Employed (NASE), 575 Ritchie Road Capitol Heights, MD 20743		71,500.00	50,059.10
National Assn for the Superconducting Super Collider, 1704 Old Town Road Edgewater, MD 21037		137,000.00	84,847.58
National Assn of Casualty & Surety Agents, 316 Pennsylvania Ave., SE, #400 Washington, DC 20003			12,314.09
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		81,185.55	157,994.99
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		6,624,945.96	188,473.15
National Assn of Mortgage Brokers (NAMB), 706 E. Bell Road, #101 Phoenix, AZ 85022		31,122.56	17,196.45
National Assn of Securities and Commercial Law Attorneys, 1300 I Street, NW., #480E Washington, DC 20005		89,000.00	18,000.00
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			25,300.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598			30,925.00
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		128,640.17	128,640.17
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,546,541.00	19,039.08
National Comm on Pay Equity, 1126 16th St., NW, #411 Washington, DC 20036		40,768.97	
National Cooperative Business Assn, 1401 New York Ave., NW, #1100 Washington, DC 20005		27,500.00	20,411.00
National Council of Agricultural Employers, 1735 I Street, NW, #704 Washington, DC 20006		83,243.00	2,502.00
National Council of La Raza, 810 First Street, NE, #300 Washington, DC 20002		20,762.69	20,762.69
National Education Assn, 1201 16th St., NW Washington, DC 20036		104,043.48	104,043.48
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		224,827.00	1,712.00
National Fed of Federal Employees, 1016 16th Street, NW Washington, DC 20036		24,834.24	24,834.24
National Foreign Trade Council, Inc, 1270 Avenue of the Americas New York, NY 10020		31,416.00	31,416.00
National Grocers Assn, 1825 Samuel Morse Drive Reston, VA 22090		3,000.00	2,867.96
National Independent Automobile Dealers Assn, 2521 Brown Blvd., Suite 100 Arlington, TX 76006-5299			8,169.00
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			2,539.69
National League of Postmasters of the U.S., 1023 North Royal Street Alexandria, VA 22314			43,977.00
National Lumber & Building Material Dealers Assn (NLBMDA), 40 Ivy Street, SE Washington, DC 20003			13,735.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Motorists Assn, 6678 Pertzborn Road Dane, WI 53529			2,000.00
National Pork Producers Council, 501 School Street, SW, #400 Washington, DC 20074		807,562.00	153,225.00
National Retail Federation, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004			22,167.42
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		422,321.00	368,232.20
National Rural Housing Coalition, 122 C Street, NW, #875 Washington, DC 20001			1,001.00
National Rural Letter Carriers Assn, 1630 Duke St., 4th Floor Alexandria, VA 22314-3465		29,335.00	37,558.00
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		57,528.00	57,528.00
Irene Natividad, 1000 16th Street, NW, #810 Washington, DC 20036	Natividad Associates (For:Philippine Embassy)		
Natural Gas Supply Assn, 1129 20th St. nw #300 Washington, DC 20036		687,369.00	419,224.91
Ralph G. Neas, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	20,759.34	166.25
Shirley Neff, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	1,000.00	
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Pasminco, Inc		310.38
Joshua E. Neiman, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	11,001.60	
Christine V. Nelson, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:United Egg Assn)	1,907.00	233.76
Do	McLeod Watkinson & Miller (For:United Egg Producers)	3,328.00	240.06
Gaylord Nelson, 900 17th Street, NW Washington, DC 20006	Wilderness Society	100.96	
Lisanne Nelson, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	3,000.00	
Tommie E. Netting, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn	1,000.00	
Neal Neuberger, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	1,407.36	
Louis H. Nevins, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffett & Wood (For:Cape Cod Five Cents Savings Bank)		
Do	Thacher Proffitt & Wood (For:Castine Partners)		
Do	Thacher Proffitt & Wood (For:Dollar Bank, FSB)		
Do	Thacher Proffitt & Wood (For:National Council of Savings Institutions)		
Do	Thacher Proffitt & Wood (For:North Side Savings Bank)		
Do	Thacher Proffitt & Wood (For:Peoples Westchester Savings Bank)		
Do	Thacher Proffitt & Wood (For:Third Federal Savings & Loan Assn)		
Do	Thacher Proffitt & Wood (For:Ulster Savings Bank)		
Peter E. Newbould, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn (APA)	905.25	95.00
George S. Newman, 7915 Jones Branch Dr. McLean, VA 22102	BDM International, Inc		
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
David P. Nicoli, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	1,375.00	
Anne L. Nicoll, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	5,230.56	
Nicholas K. Niemann, One Central Park Plaza, #1100 Omaha, NE 68102	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)		
Patrick J. Nilan, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	16,197.87	2,541.78
Alan Nissalke, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
James A. Noone, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:Gates Rubber Company, et al.)	1,200.00	12.00
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036		300.00	2,250.00
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			4,425.18
Ellis T. Nottingham Jr., 7900 Westpark Drive, Suite A530 McLean, VA 22102	Honeywell, Inc	3,000.00	292.00
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	
Marcia Nusgart, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn		
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Soc of Composers Authors & Publishers		
Do	National Football League Players Assn	8,000.00	
O'Bannon & Gibbons, 1455 Pennsylvania Avenue, NW Washington, DC 20004	Coalition for Tax Simplification		
Do	ICI Americas, Inc		
Do	Kellogg Company	4,750.00	
Do	Mutual Life Insurance Co of New York	6,500.00	
Do	Underwriters at Lloyd's London		
David S. O'Bryon, 5223 Wisconsin Avenue, NW, #306 Washington, DC 20015	American Assn of Limited Partners	100.00	
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Company (For:Government of Aruba Embassy of the Netherlands)		
Do	Keefe Co (For:Sanders Associates, Inc)	84,529.96	
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Land Title Assn		
Do	American Soc of Cataract & Refractive Surgery		
Do	Associated Credit Bureaus, Inc	16,000.00	
Do	AFL-CIO Maritime Committee	11,932.50	
Do	Citizens Savings and Loan	11,960.00	
Do	Colt's Manufacturing Company, Inc		
Do	Electronic Data Systems Corp	960.00	
Do	Evangelical Lutheran Good Samaritan Society	7,200.00	
Do	First Winthrop Corp	1,190.00	
Do	Health Care Financing Study Group		
Do	Home Finance Coalition, Inc		
Do	Martin Marietta Corp	6,875.00	
Do	MasterCard International, Inc	6,357.00	
Do	Morgan Grenfell Group, PLC		
Do	National Apartment Assn	5,250.00	
Do	Northern States Power Company		
Do	Pacific Telesis Group	5,530.00	
Do	Securities Industry Assn	10,870.00	
Do	Soka University Los Angeles		
Do	State Street Bank & Trust Company	2,250.00	
Do	UST	3,460.00	
Do	VISA, U.S.A., Inc.	6,357.00	
Do	Westinghouse Electric Corp	3,750.00	
J. Daniel O'Flaherty, 1625 K St., NW, #1090 Washington, DC 20006	National Foreign Trade Council	5,000.00	400.00
Sean B. O'Hollaren, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,000.00	1,458.61
Janet O'Keeffe, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	81.00
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	6,250.00	
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	National Football League		
Do	Pyrotechnic Signal Manufacturers Assn		
Jana R. Oakley, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,199.00	
Neil H. Offen, 1776 K Street, NW, #600 Washington, DC 20006	Direct Selling Association		
Office & Professional Employees Intl Union, Local 2, AFL-CIO, 8455 Colesville Road, #1250 Silver Spring, MD 20910-3320			
James D. Ogsbury, 214 Massachusetts Avenue, NE, Suite 310 Washington, DC 20002	Salt River Project	3,521.00	646.78
Richard Oleck, 1181 South Rogers Circle, #6 Boca Raton, FL 33487-2724	Building Trades Assn, Inc		345.00
Larry O. Oliver, 2230 Gallows Road, #200 Dunn Loring, VA 22027	International Technical Expertise		
Richard C. Olson, 2000 Edmund Halley Drive, #400 Reston, VA 22091	DynCorp		
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	National Frozen Pizza Instutute	500.00	
Ronald S. Oppenheimer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	6,000.00	
Opperman Heins & Paquin, 1301 K Street, NW, Suite 650 East Washington, DC 20005	Hennepin County, MN		978.14
Do	Minnegasco		
Do	West Publishing Company	107,320.00	916.93
Charles J. Orasin, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Organization for International Investment, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006-4604		10,593.79	31,642.17
Jose A. Ortiz-Daliot, 1341 G Street, NW, #1100 Washington, DC 20005	Puerto Rico College of Medical Technologists		25.41
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	
Overseas Education Assn, 1201 16th Street, NW Washington, DC 20036		1,000.00	1,219.60
Stephen F. Owen Jr., 2600 Virgina Ave. NW, #840 Washington, DC 20037-1905	Classroom Publishers Assn		
Geri Palast, 1313 L St., NW Washington, DC 20015	Service Employees International Union, AFL-CIO, CLC		
Ken Parmelee, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	23,699.00	1,570.00
Jack C. Parnell, 1250 I Street, NW, #801 Washington, DC 20005	Kahn Soares & Conway (For:Central Soya/Novamont)	3,793.00	342.00
Do	Kahn Soares & Conway (For:National Agricultural Chemicals Association)	9,900.00	29.75
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	National Food Processors Assn	1,200.00	
Do	Utah Natural Products Alliance	1,000.00	
Richard N. Parsons, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	1,285.00	
Kevin Patrick, 1110 North Glebe Rd., #200 Arlington, VA 22201	International Association of Chiefs of Police	10,242.40	880.88
Richard M. Patterson, 1776 Eye St., NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,436.00
Thomas B. Patton, 1300 I Street, NW, #1070 East Washington, DC 20005	North American Philips Corp	5,000.00	21,556.30
Patton Boggs & Blow, 250 West Pratt Street, #1100 Baltimore, MD 21201	Center City-Inner Harbor Management, Inc	1,500.00	
Do	George Mason University Foundation, Inc	1,600.00	
Do	Greater Baltimore Committee Foundation	500.00	
Do	University of Arizona Foundation	6,000.00	
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	National Music Publishers Assn, Inc	12,508.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Paul Werth Associates Inc, 1150 Connecticut Ave, NW Suite 900 Washington, DC 20036	Coalition for Vehicle Choice	10,002.00	4,245.00
J. Leon Peace, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Elin Peltz, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators	9,135.15	
Monica S. Penwell, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	1,693.46	
Barbara K. Pequet, 609 Bonifant Street Silver Spring, MD 20919	American Soc for the Prevention of Cruelty to Animals		
Laura T. Peralta, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Leonard Perlman, 5312 Trailway Drive Rockville, MD 20853	National Rehabilitation Counseling Assn		
Anne Powers Perry, 5605 South 5th Road Arlington, VA 22204	National Trust for Historic Preservation	3,900.00	285.81
Do	Oryx Energy Co	9,000.00	270.14
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
J. Scott Peterson, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	916.81	37.00
Joseph P. Petito, 1800 M Street, NW Washington, DC 20036	Coopers & Lybrand	2,200.00	541.00
Maria L. Pfarr, 1455 Pennsylvania Ave., NW, #1000 Washingoton, DC 20004	New England Council, Inc		
Steven J. Pfister, National Retail Federation 701 Pennsylvania Avenue, NW #710 Washington, DC 20004	National Retail Federation	3,000.00	459.03
Kurt Pfotenhauer, 316 Pennsylvania Avenue, SE, #304 Washington, DC 20003	United Parcel Service	5,000.00	40.29
Laura Phelps, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	1,811.25	
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)	8,796.75	
Do	McLeod Watkinson & Miller (For:General Mills)		
Pamela Phillips, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	14,000.00	63.00
Physicians for Social Responsibility, 1000 16th Street, NW, #810 Washington, DC 20036		11,716.10	15,936.26
Joann Piccolo, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,500.00	
Elizabeth P. Pigott, 155 Marblehead Court Jackson, MS 39211	Entergy Services, Inc	809.53	380.11
Jeffrey J. Pirruccello, One Central Park Plaza, #1100 Omaha, NB 68508	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)		
Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	1,503.44	
Podesta Associates, Inc, 424 C Street, NE Washington, DC 20002	Airport Operators Council International		
Do	Allied-Signal, Inc	1,300.00	297.63
Do	American Assn of Airport Executives		
Do	American Newspaper Publishers Assn	25,494.00	728.72
Do	Committee for America's Copyright Community	7,500.00	1,050.72
Do	Computer & Business Equipment Manufacturers Assn		
Do	Digital Equipment Corp	750.00	224.91
Do	Eidak	3,000.00	85.67
Do	Electronic Frontier Foundation	1,012.50	30.58
Do	Genentech, Inc	8,000.00	103.29
Do	National Artists Equity Assn		
Do	National Assn of Broadcasters	4,000.00	39.18
Do	National Conference of Bankruptcy Judges	4,323.75	157.94
Do	Times Mirror	9,100.00	119.27
Do	Unilever United States, Inc	12,000.00	911.86
Stephen Pohlot, Box 1000/11880-054 Milan, MI 48160			
Anne L. Polansky, 777 North Capitol St., NE, Suite 805 Washington, DC 20002	Solar Energy Industries Assn	1,610.68	679.48
Jean S. Polatsek, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	4,753.56	508.45
Richard J. Pollack, 50 F Street, NW #1100 Washington, DC 20001	American Hospital Assn	6,041.53	
Michele Pollak, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	673.44	
Harry L. Ponder, 815 16th Street, NW, #707 Washington, DC 20006	Department for Professional Employees AFL-CIO	8,184.72	
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Ashley, Inc		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	International Telecommunications Satellite Corp	661.00	
Do	Proctor & Gamble	41,452.00	
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Government of Rheinland-Pfalz		1,803.33
Do	Preussag AG		135.62
Robert L. Pratt, PRAXIS, Inc 300 Third Avenue Waltham, MA 02154	Thermo Electron Corp/Thermedics, Inc	8,640.00	1,285.00
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560-South Washington, DC 20004	CSX Corporation	6,000.00	232.00
Ann L. Pride, 1776 I Street, NW, #275 Washington, DC 20006	Entergy, Inc	871.00	293.50
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	428.81
Pro-Life Congressional District 11, P.O. Box 727 San Carlos, CA 94070		113.00	1,134.47
Sydney Probst, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219			
Stuart E. Proctor Jr., 11319 Sunset Hills Road Reston, VA 22090	National Turkey Federation		
Project Cure, Inc, 5910 N. Central Expressway, #760 Dallas, TX 75206			
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	5,600.00	
Public Citizen Health Research Group, 2000 P St., NW, #700 Washington, DC 20036		533.85	533.85
Public Resource Associates, 1815 H Street, NW, #600 Washington, DC 20006			900.00
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	American Trucking Assns, Inc	12,510.00	985.93
Do	Blue Cross Blue Shield Assn	75,000.00	17,158.34
Do	Boston Capital Partners, Inc	6,000.00	675.60
Do	GTECH	27,000.00	896.99
Do	Hyatt Legal Plans, Inc	20,000.00	280.70
Do	Jewelers of America, Inc	15,000.00	98.00
Do	Mexican Department of Commerce & Finance	130,920.37	
Do	National Assn of Chain Drug Stores	24,999.00	1,317.08
Do	Pacific Mutual Life Insurance Company		
Do	Southwest Airlines	4,000.00	578.37
Do	Stuzin and Camner		
Philip N. Pulizzi Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	250.00	
Howard Pyle III, 1050 17th Street, NW, #1250 Washington, DC 20036	Houston Industries, Inc	8,000.00	
Radio-Television News Directors Assn, 1000 Connecticut Avenue, NW, #615 Washington, DC 20036			
Kelly Rahach, 799 Sunset View Blvd. Tallmadge, OH 44278			169.19
Elizabeth L. Raisbeck, 801 Pennsylvania Ave., SE, #301 Washington, DC 20003	National Audubon Society	19,760.00	
John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201	Lindsay Hart Neil & Weigler (For:Business Computer Training Institute)	12,000.00	2,385.78
Do	Lindsay Hart Neil & Weigler (For:Moex Corp)	18,000.00	2,790.00
Robert A. Rapoza Associates, Inc, 122 C Street, NW, # 875 Washington, DC 20001	Association for Health Services Research	693.00	
Do	Center for Community Self Help	77.00	
Do	Coastal Enterprises, Inc	77.00	
Do	Community Resources Group	1,756.00	
Do	Community Transportation Association of America	539.00	53.61
Do	Corporation for Enterprise Development/AEO	385.00	
Do	Great Lakes Rural Network/WSOS	1,756.00	
Do	Impact Seven, Inc	77.00	
Do	Local Initiatives Support Corp	670.00	40.33
Do	Midwest Assistance Program	1,756.00	
Do	National Congress for Community Economic Development	1,226.00	73.72
Do	National Council of La Raza	77.00	
Do	National Rural Housing Coalition	1,001.00	
Do	Northern Community Investment Corp	77.00	
Do	Ridgecrest Enterprises	77.00	
Do	Rural Community Assistance Corp	77.00	
Do	Rural Housing Improvement	77.00	
Do	Rural Opportunities, Inc	77.00	
Do	Southern Development Bancorporation	77.00	
Do	Trust for Community Development		171.49
Do	Virginia Water Project/SE RCAP	1,756.00	
Do	YouthBuild, USA	308.00	
Kenneth E. Raske, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	2,784.00	
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	235.00	30.00
Helene Rayder, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	6,264.00	370.00
Robert S. Raymar, 1180 Raymond Boulevard Newark, NJ 07102	Hellring Lindeman Goldstein & Siegal (For:GAF Corporation)	1,625.00	59.00
Reading Is Fundamental, Inc, 600 Maryland Ave., SW, #500 Washington, DC 20560			1,039.90
Clark E. Rector Jr., 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	875.00	
Bill Redding, 214 N. Henry Street, #203 Madison, WI 53703	Sierra Club	4,809.16	
Joseph M. Rees, 1000 Potomac Street, NW, #401 Washington, DC 20007	Heartland Health System	7,812.50	100.11
Do	National Coalition Burn Center Hospitals	5,000.00	2,912.08

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Songwriters Guild of America	2,500.00	119.67
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	3,200.00	483.03
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,479.35	418.89
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	ABB C-E Nuclear Fuel		
Do	City of Cleveland, Department of Port Control		
Do	City of Philadelphia	21,571.00	398.80
Do	Committee of Corporate Telecommunications Users		
Do	CIAC Group		
Do	Henschel, Inc	18,329.00	203.24
Do	Kabi Pharmacia, Inc		
Do	Pride Refining, Inc	1,026.00	
Do	Robert E. Derecktor of Rhode Island, Inc		
Do	State of New Jersey		
Do	SPD Technologies	38,384.00	800.89
Do	Utility Decommissioning Tax Group	72.66	
Joan Reiss, 900 17th Street, NW Washington, DC 20006	Wilderness Society	3,068.38	978.18
Renewable Fuels Assn, One Massachusettes Ave, NW, #820 Washington, DC 20002		384,300.00	210,891.53
Clarinda Renner, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	9,254.40	
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		3,889.00	19,501.00
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest Resource Alliance	1,500.00	
Do	National Forest Products Assn	1,500.00	
Michael S. Reynolds, 900 Threadneedle Houston, TX 77079	Vista Chemical Company		3,048.57
Frederick W. Rhodes, 1111 Jefferson Davis Highway, #811-E Arlington, VA 22202	K & F Industries		
Michael T. Richard, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	932.45	818.88
Mary Ann Richardson, 1455 Pennsylvania, NW, #500 Washington, DC 20004	Corning, Inc	350.00	
Paige Richardson, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,635.00	
James G. Rickards, 600 Steamboat Road Greenwich, CT 06830-7149	Greenwich Capital Markets, Inc		1,875.20
Dr. Mark J. Riedy, 1101 15th Street, NW, #400 Washington, DC 20005	National Council for Community Bankers		
Norbert J. Riedy Jr., 900 17th Street, NW Washington, DC 20006	Wilderness Society	5,062.31	907.27
John S. Rippey, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	2,000.00	
Glenn Roberts, 1620 I Street, NW Washington, DC 20006	American Spice and Trade Association	72.91	8.00
Do	Certified Color Manufacturers Assn	160.41	8.00
Do	Flavor and Extract Manufacturers Assn	473.93	32.00
Do	Fragrance Materials Assn	619.76	32.00
Anthony W. Robinson, 220 I Street, NE, #280 Washington, DC 20002-4362	Minority Business Enterprise Legal Defense & Education Fund		
Robison International, Inc, 1 Massachusetts Ave. NW, #800 Washington, DC 20001	British Aerospace, Inc	4,500.00	4,137.23
Do	FMC Corporation	1,231.71	1,379.08
Do	General Atomics Technologies	4,800.00	5,137.87
Do	Heckler & Koch, Inc	3,000.00	2,758.16
Do	McDonnell Douglas Corp	3,600.00	2,757.65
Do	Oshkosh Truck Corp	763.10	1,379.08
Do	Royal Ordnance, Inc	3,600.00	2,758.17
Do	Solid Waste Composting Council	2,005.18	1,379.07
Do	SOFEC, Inc	3,571.17	2,758.16
Michael A. Rock, 555 13th Stret, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,500.00	734.51
Michael J. Rock, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	7,028.00	1,276.84
Rocking K Development, 2200 East River Road, #115 Tuscon, AZ 85718			
David B. Rockland, 1705 DeSales Street, NW 8th Floor Washington, DC 20036	Times Mirror Magazines, Inc		
Phillip Rodenberg, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	8,293.00	
Quincy Rodgers, 181 West Madison Street, Suite 4900 Chicago, IL 60602	General Instrument Corporation	1,500.00	
James A. Rogers, 316 Pennsylvania Ave., SE Washington, DC 20003	United Parcel Service	2,000.00	299.41
Robert G. Rogers, 701 Pennsylvania Avenue, NW, Suite 720 Washington, DC 20004	Siemens Corp		
Susan L. Rogers, 815 Connecticut Ave., NW, #1100 Washington, DC 20006-4078	Baker & McKenzie (For:Horsham Corporation)	24,596.00	1,842.63
Do	Baker & McKenzie (For:Levi Strauss & Company)	27,066.00	7,102.35
Do	Baker & McKenzie (For:Tandy Corp)	20,176.00	874.74
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	Algoma Steel Corporation, Ltd	2,230.00	
Do	Dofasco, Inc	340.00	
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038	Asarco, Inc	6,200.00	
John C. Roney, 1156 15th Street, NW, 1103 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Barbara Roper, 1424 16th Street, NW, #604 Washington, DC 20036	Consumer Federation of America	7,484.00	260.00
Albert B. Rosenbaum III, 499 South Capitol Street, SW, #520 Washington, DC 20003	Allwaste, Inc	3,000.00	
Marilyn Rosenthal, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Roth VanAmberg Gross Rogers & Ortiz, P.O. Box 1447 Santa Fe, NM 87504-1447	Pueblo de Cochiti	4,955.29	478.52
John C. Rother, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,586.54	
Edwin Rothschild, 1120 19th Street, NW SUite 630 Washington, DC 20036	Citizen Action Fund	600.00	194.00
Louis C. Rotundo, 4948 Courtland Loop Winter Springs, FL 32708	Central Florida Commuter Rail Authority	1,400.00	1,060.29
Do	City of Altamonte Springs		
Do	Hawaii Natural Energy Institute		
William C. Rountree, Suite 1000 1776 Eye Street, NW Washington, DC 20006	BP America, Inc		
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202			
Manik Roy, 1875 Connecticut Ave. NW Suite 1016 Washington, DC 20009	Environmental Defense Fund	3,222.00	
Eric M. Rubin, 1730 M Street, NW, #412 Washington, DC 20036	Rubin Winston & Diercks (For:Outdoor Advertising Assn of America, Inc)	7,500.00	
James S. Rubin, 7004 Blvd. East, 22-D Guttenberg, NJ 07093	National Association of Pharmaceutical Manufacturers	1,600.00	
Glenn S. Ruskin, 1747 Pennsylvania Avenue, NW, #700 Washington, DC 20006	CIBA-GEIGY Corp	4,375.00	
Christine Anne Russell, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	9,875.00	68.62
Shannon M. Russell, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
J. T. Rutherford & Associates, Inc, 1301 N. Courthouse Rd., #1802 Arlington, VA 22201	American College of Radiology	1,200.00	611.80
Do	American Optometric Assn	1,000.00	690.10
Do	Association of Federal Investigators		
Ryan-McGinn, Inc, 2300 Clarendon Blvd., #610 Arlington, VA 22201	Cathedral Healthcare System	4,600.00	219.52
Do	First Hospital Corp	3,021.36	28.35
Do	General Pneumatics Corp	3,750.00	205.03
Do	Hercules Engines, Inc	2,625.00	29.09
Do	Independent Oil & Gas Association	1,800.00	152.66
G. J. Thomas Sadler Jr., 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	4,246.00	213.00
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	Ebasco Services Inc	6,000.00	164.66
Do	Flash Technology Corporation of America	7,800.00	306.28
Do	Indiana Electric Assn	24,730.00	1,500.01
Do	Indiana University	10,800.00	318.99
Do	MSE Corp	540.00	
Do	United Student Aid Funds	4,980.00	158.02
Kenneth J. Salaets, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Manufacturers Assn	4,000.00	511.90
Stephen Sale, 910 16th Street, NW Washington, DC 20006	Fehrenbacher Sale Quinn & Deese (For:CSC Credit Services, Inc)		5.00
Joseph E. Samora Jr., 1901 Pennsylvania Ave., NW 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
William Samuel, 900 15th Street, NW Washington, DC 20005	United Mine Workers of America	13,249.98	87.97
Felix R. Sanchez, 3625 R Street, NW Washington, DC 20007	American Methanol Institute	2,000.00	65.00
Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	500.00	
Stuart A. Sanderson, 1920 N Street, NW, Washington, DC 20036	American Mining Congress		
C. Patrick Sankey, 501 School Street, SW, 8th Floor Washington, DC 20024-2713	American Road & Transportation Builders Assn	500.00	
Patricia Kopf Sanner, 1227 25th Street, NW, #610 Washington, DC 20037	American Managed Care & Review Assn		207.00
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	Conference of National Park Concessioners	6,000.00	111.15
Do	National Tour Assn, Inc	31,413.00	4,587.43
Susan Sarason, 1025 Connecticut Avenue, NW, Suite 1014 Washington,, DC 20036	Ebasco Services, Inc	2,865.00	999.15
Kristin Sarri, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	496.22	11.25
Thomas J. Scanlon, 3248 Prospect Street, NW Washington, DC 20007	Benchmarks, Inc (for Int'l Racquet & Sports Club Assn)	9,000.00	713.27
Jennifer A. Schafer, 962 Wayne Avenue, Suite 750 Silver Spring, MD 20910	American Gas Cooling Center	5,000.00	5,370.00
Do	Florida Solar Energy Center	1,390.00	1,545.00
Do	University of Oregon	3,000.00	3,310.00
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	22,490.46	
Ronald A. Schechter, Goldfarb, Singer & Austern 918 16th Street, NW, #503 Washington, DC 20006	Washington Independent Writers, Inc		
Robert H. Scheerschmidt, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	300.00	
Gerard F. Schiappa, 2300 M Street, NW #800 Washington, DC 20037	Guam Urunao Resort Corp	6,000.00	8,050.00
Walter G. Schiller, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ella M. Schiralli, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	625.00	47.87
Rodger Schlickeisen, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	581.68	
Karin Schmerler, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	46.10	2.99
John Noehl Schmitz, P.O. Box 475 Culbertson, MT 59218-0475			
John G. Schroeder, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	Sikorsky Aircraft/United Technologies	2,852.00	1,586.58
Schwabe Williamson & Wyatt, 2100 Pennsylvania Ave., NW, #670 Washington, DC 20037	California Municipal Utilities Assn (CMUA)	2,045.23	54.77
Do	Nichols Institute	2,590.80	94.36
Do	Oregon Steel Mills, Inc		
Do	Public Generating Pool	8,579.94	378.30
Do	Solid Waste Assn of Morth America	2,144.98	77.40
Do	Tri-Met	9,206.75	3,732.59
Elizabeth Nash Schwartz, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	5,307.40	682.71
David A. Scott, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corporation	2,000.00	666.20
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,156.25	291.34
Michael Scott, 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,544.66	327.75
John Morton Sebree, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,300.00	1,096.77
M. Mark Seklecki, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		51.60
Seven Months Session for Congress, 4210 Spicewood Springs Road, #202 Austin, TX 78759			107.00
Kevin J. Shannon, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	625.00	
Ritu R. Sharma, 1400 Sixteenth Street, NW, Suite 320 Washington, DC 20203-6	Zero Population Growth, Inc	347.00	
John Hunter Sharp, 1129 20th St., NW, #300 Washington, DC 20036	Natural Gas Supply Assn	20,550.00	5,468.36
Lewis A. Shattuck, 6 Dean Road Winchester, MA 01890	Small Business for Advertising Choice	500.00	100.43
Emily Young Shaw, 1317 F Street, NW, Suite 400 Washington, DC 20004	R. Duffy Wall & Associates, Inc	1,250.00	
Susan Shaw, 2728 S. Arlington Ridge Rd. Arlington, VA 22202	National Treasury Employees Union	15,472.00	732.79
Shaw Bransford & O'Rourke, 815 Connecticut Avenue, NW, #800 Washington, DC 20006	PHH Group	3,000.00	336.00
Do	Senior Executives Assn	10,000.00	1,034.00
Shea & Gould, 1775 Pennsylvania Ave, NW, #700 Washington, DC 20006	Alexander's, Inc		
Do	Ameriscribe Management Services, Inc		
Do	W.R. Grace & Co		
Do	Group Health, Inc		
Do	Milk Products Holding (NA), Inc		
Do	Toys 'R' US, Inc		
Peggy A. Sheehan, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	3,000.00	
John E. Shelk, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance	7,000.00	800.00
Nelson T. Shields, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Carl Shipley, 1575 Eye Street, NW, #325 Washington, DC 20005	Western Southern Life Insurance	3,000.00	375.00
John B. Shlaes, 1331 Pennsylvania Avenue, NW Washington, DC 20004	Global Climate Coalition		
Elaine Shocas, 555 New Jersey Avenue, NW Washington, DC 20001	American Fed of Teachers	19,591.74	164.00
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Commerical Finance Assn	1,312.50	
Do	Eli Lilly and Company	5,019.00	70.00
Do	General Electric Capital Corp	1,248.75	
Richard M. Siebert, 10 Whitestone Lane Rochester, NY 14618-4118	Association of Fire Districts of the State of New York, Inc		
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	County of Hudson (NJ)	10,200.00	20.00
Do	New York Power Authority	12,675.00	406.40
Do	Stevens Institute of Technology	12,000.00	404.43
Sierra Club, 730 Polk Street San Francisco, CA 94109		458,481.96	458,481.96
Bruce A. Silverglade, 1875 Connecticut Avenue, NW, #300 Washington, DC 20009	Center for Science in the Public Interest	10,500.00	222.00
Donald M. Simmons, 323 West Broadway, #404 Muskogee, OK 74401	Caltex Petroleum Corp	150.00	218.00
Karen H. Simon, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer, Aptaker & Shepard (For:Council of Nursing Home Suppliers)	6,000.00	
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	American Electronics Assn	387.00	10.00
Do	Computer & Business Equipment Manufacturers Assn	562.00	10.00
Do	Conkling, Fiskum & McCormick	2,324.00	10.00
Do	Council on Research & Technology	1,815.00	10.00
Scott Sklar, 777 N. Capitol St. NE #805 Washington, DC 20002	Solar Energy Industries Assn	5,775.00	7,982.04
Glen J. Skovholt, P.O. Box 524 Minneapolis, MN 55440-0524	Honeywell, Inc	2,150.00	1,220.00
Jonathan Slade, 2000 L St., NW #200 Washington, DC 20036	MWW Strategic Communications (For:Associated Landscape Contractors of America).	6,000.00	
Do	MWW Strategic Communications (For:Cuban American Foundation, Inc)	9,000.00	190.50
Do	MWW Strategic Communications (For:Environmental Compliance Services)	24,000.00	
Do	MWW Strategic Communications (For:Farmland Dairies)	18,750.00	
Do	Keefe Company (For:Hadassah Medical Relief Organization)	7,500.00	150.00
Do	MMW Strategic Communications (For:Puerto Ricans for Civic Action)	5,000.00	
Douglas T. Smalls, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	9,000.00	50.42
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #222 Washington, DC 20036	Pennzoil Co	6,000.00	
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Allen Smith, 900 17th St., NW Washington, DC 20006	Wilderness Society		
Jeffrey A. Smith, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc	1,000.00	1,000.00
Jennifer L. Smith, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	West Mexico Vegetable Distributors Assn	300.00	
Marc Smith, 200 Renaissance Place 714 Jackson Street Dallas, TX 75202			
Patricia Smith, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	757.64	575.50
Stephen Merrill Smith, 1899 L Street, NW, 5th Floor Washington, DC 20036	Ensco, Inc		
Tim Smith, 410 1st St., SE Washington, DC 20003	American Nuclear Energy Council	6,892.22	946.38
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	City of Eugene, Oregon	10,500.00	
Do	CRASH	11,375.00	218.38
Do	Haarmann & Reimer Corp	2,000.00	30.00
Do	Kansas City Transit Authority	6,666.66	
Do	N.Y. Metropolitan Transportation Agency	16,666.66	140.00
Do	National Assn of Foreign Trade Zones	1,583.34	216.00
Do	Port of San Francisco	6,663.32	
Do	S & F Warehouses, Inc		
Do	San Francisco Public Utilities Commission		
William Snape, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	582.25	
Gerard C. Snow, 5201 Auth Way Camp Springs, MD 20746	Transportation Institute		
Wallace S. Snyder, 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	6,875.00	
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Alloy Surfaces Co, Inc		
Do	General Motors Corp	140.00	426.80
Do	Puget Sound Naval Bases Assn, Inc (PSNBA)	45.30	
Do	Service Engineering Company		
Society for Human Resource Management, 606 North Washington Street Alexandria, VA 22314			30,000.00
Andrea L. Solarz, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	2,000.00	24.50
Thomas J. Soles Jr., 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	6,173.32	
SL Sommer & Associates, Inc, 700 New Hampshire Ave., #305 Washington, DC 20037	Defense Division Brunswick Corp	500.00	410.65
James E. Sommerhauser, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
J.C. Songer, 51437-060 P.O. Box 8000 Bradford, PA 16701			
Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW Washington, DC 20005	Alaska Native Health Board		
Do	Assiniboine and Sioux Tribes		
Do	Class of Native Alaskan Plaintiffs		
Do	Great Lakes Indian Fish & Wildlife Commission		
Do	Hatteras Tuscarora Tribal Foundation		
Do	Houlton Band of Maliseet Indians of Maine		
Do	Lac du Flambeau Band of Lake Superior Chippewa Indians		
Do	Multi-Housing Laundry Assn, Inc		
Do	Pueblo of Jemez		
Do	Seneca Nation of Indians		
Do	Shakopee Mdewakanton Sioux Community of Minnesota		
Do	Shoshone-Bannock Tribes of the Fort Hall Indian Reservation		
Do	Standing Rock Sioux Tribe		
Do	Yukon-Kuskokwim Health Corp		
Sorensen & Edwards, PS, 1201 Third Avenue, #2900 Seattle, WA 98101-3028	Klukwan, Inc		
Do	Shee Atika, Inc		
Do	Western Pioneer, Inc		
Sparber and Associates, Inc, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20006	National Volunteer Fire Council		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gilbert P. Sperling, 1025 Thomas Jefferson Street, NW, #700 Washington, DC 20007	Katten Muchin Zavis & Dombroff (For:Consolidated Natural Gas Service Co, Inc)	385.00	25.00
Do	Katten Muchin Zavis & Dombroff (For:Electric Generation Association)	412.50	20.00
Do	Katten Muchin Zavis & Dombroff (For:Natural Gas Vehicle Coalition)	5,555.00	331.07
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	2,500.00	75.00
Richard Spotts, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	11,170.60	7,945.79
Martha Ann Spudis, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	6,800.00	11.62
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	Public Securities Assn		
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
John W. Sroka, 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Ron St. John, 1331A Pennsylvania Avenue, NW, Suite 217 Washington, DC 20004	Small Businesses for Advertising Choice	1,604.19	564.55
James St. Pierre, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	303.06	
Melvin R. Stahl, 1235 Jefferson Davis Hwy., Suite 600 Arlington, VA 22202	Motorcycle Industry Council, Inc		
Do	Specialty Vehicle Institute of America		
Elvis J. Stahr Jr., 1815 H Street, NW, #600 Washington, DC 20006	Public Resource Associates	350.00	
Arlan Stangeland, 305 C Street, NE Washington, DC 20002	American International Group	15,000.00	
Michael J. Stanton, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	5,400.00	
Thomas J. Stanton Jr., 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Keyes & Danks (For:Krueger, Inc)	25,662.38	
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	Philip Morris		
Do	University Hospitals of Cleveland		
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp)		
Do	Eckert Seamans Cherin & Mellott (For:Community Transportation Assn of America).		
Do	Eckert Seamans Cherin & Mellott (For:Ormet Corp)	950.00	84.58
Kent D. Starwalt, 501 School Street, SW, 8th Floor Washington, DC 20024	American Road & Transportation Builders Assn	500.00	
Randolph J. Stayin, 1815 H Street, NW, Suite 800 Washington, DC 20006	Barnes & Thornburg (For:Indiana Glass Company)	520.00	58.00
Do	Barnes & Thornburg (For:Special Comm for Workplace Product Liability Reform)	2,750.00	57.00
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	American Health Care Association	5,620.00	2,175.00
Do	American Soc for Plastic & Reconstructive Surgery	1,615.00	
Do	AEtna Life & Casualty	14,813.00	13,374.00
Do	Grocery Manufacturers of America, Inc		
Do	Humana, Inc		275.00
Do	Johnson & Johnson	11,462.50	5,639.00
Do	Lockheed Corp		
Do	Lockheed Information Management Systems Company	150.00	82.50
Do	National Assn for the Support of Long Term Care	7,250.50	2,676.50
Do	National Health Labs, Inc	4,385.00	2,454.00
Do	Pfizer, Inc	10,390.00	7,304.00
Do	Pharmaceutical Manufacturers Assn	10,892.50	6,094.00
Do	Private Benefits Alliance	15,363.00	2,412.50
Do	XOMA Corporation	6,920.00	1,793.00
Dan Stein, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform		
Charles W. Stellar, 1227 25th Street, NW, #610 Washington, DC 20037	American Managed Care & Review Assn		
Jack L. Stempler, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	75.00
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	8,261.25	826.75
Do	Christie's		
Do	National Antique & Art Dealers Assn of America		
Do	Sotheby's, Inc		
Michael Stern, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates	1,250.00	
Ruth L. Stern, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning and Reproductive Health Assn, Inc	454.00	
Bradley Stillman, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	154.00	
John J. Stocker, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	3,300.00	
Dena G. Stoner, 1201 16th Street, NW Washington, DC 20036	Council for Educational Development & Research	1,162.50	9.00
Todd A. Stottlemyer, 7915 Jones Branch Drive McLean, VA 22102	BDM International, Inc		
Michael L. Strang, P.O. Box 71215 Washington, DC 20024-1215	ATR Defense Group		949.08
Strategic Directions, Inc, P.O.Box 6011 Springfield, VA 22150-6011	Atlas Powder Company		
Richard H. Streeter, Federal Bar Building 1815 H Street, NW, #800 Washington, DC 20006	Cast North America (1983), Inc		
Heather P. Stroup, 750 First Street, NW Washington, DC 20002-4242	American Psychological Assn (APA)	765.00	90.00
Ed Stucky, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Pinnacle Data Corporation	7,500.00	287.09
John N. Sturdivant, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	7,069.92	8,040.29
John F. Sturm, 11600 Sunrise Valley Drive Reston, VA 22091	American Newspaper Publishers Assn	15,000.00	780.10
Fred Sudak, 250 South Wacker Drive, #1000 Chicago, IL 60606	Dakko Integrated Resources		
Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301	Frank Sullivan Associates (For:Ingalls Shipbuilders)	108.00	
Do	Frank Sullivan Associates (For:ITT Defense Corporation)	90.00	
Do	Frank Sullivan Associates (For:Textron, Inc)	102.00	
Do	Frank Sullivan Associates (For:Waste Management Inc)	163.00	
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Marcia Z. Sullivan, 1000 Wilson Boulevard, Suite 3012 Arlington, VA 22209	Consumer Bankers Assn		
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Association of American Railroads)	6,400.00	
Do	Richard Sullivan Associates, Inc (For:Design Professionals Coalition)		
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Company)	1,000.00	
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)	2,463.00	
Do	Richard J. Sullivan Associates, Inc (For:Pyrotechnic Signal Manufacturers Assn)		
Do	Richard J Sullivan Associates, Inc (For:Water Environment Research Foundation)	3,950.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	American International Group, Inc		
Do	Securities Industry Assn		290.00
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Association of American Railroads	12,499.98	12,886.68
Do	Design Professionals Coalition	2,000.00	5,486.68
Do	National Utility Products Company	6,000.00	7,436.68
Do	Northeast Ohio Regional Sewer District	3,200.00	5,949.68
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Water Environment Research Foundation	6,000.00	7,436.68
Jeffrey Sumberg, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Washington (Banking))		
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	
Do	Neckwear Assn of America, Inc	500.00	
Eileen P. Sweeney, 25 E. Street, NW Washington, DC 20001	Children's Defense Fund	3,166.15	753.50
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	American Gas Assn		
Do	American Iron & Steel Institute		
Do	California Energy Company	3,315.00	
Do	Design Protection Coalition	3,060.00	
Do	General Electric Corporation	4,529.25	
Do	Grocery Manufacturers Assn	1,147.50	
Do	Motor Vehicle Manufacturers Assn	3,899.50	
Do	New England Power	230.00	
Do	Pharmaceutical Manufacturers Assn		
Do	Software Publishers Assn	4,335.00	
Z. Michael Szaz, 7209 Monticello Blvd. Springfield, VA 22150	Transylvanian World Federation	2,500.00	
SEC Donohue, 11240 Waples Hill Road, #100 Fairfax, VA 22030		937.50	
Janis Tabor, 1828 K Street, NW, #906 Washington, DC 20006	American Soc of Mechanical Engineers		
Bruce B. Talley, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri Inc	8,500.00	118.02
Tanaka Ritger & Middleton, 655 15th Street, NW, #800 Washington, DC 20005	Brother Industries (USA), Inc	10,170.00	27,814.00
Do	Brother International Corp	10,170.00	27,814.00
Victor Tawil, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
Margaret J. Taylor, 700 13th Street, NW, #525 Washington, DC 20005	BR Services, Inc	1,750.00	22.26
Patricia Taylor, 1875 Connecticut Ave., NW, #300 Washington, DC 20009-5728	Center for Science in the Public Interest	425.00	20,660.00
T. Daniel Tearno, 1341 G Street, NW, #900 Washington, DC 20005	Miller Brewing Company	125.48	
Ellen S. Teller, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research and Action Center	2,423.06	
Donna Templeton, 1020 16th Street, NW, #300 Washington, DC 20036	American Share Insurance Corp		
Do	Exide Corporation		
Do	GNB, Inc		
Richard L. Templeton, P.O. Box 17500 Washington, DC 20041-0500	Justice Fellowship		
Paul M. Tendler, 1090 Vermont Ave., NW, #1200 Washington, DC 20005	Tendler & Biggins, Chtd (For:American Licensed Practical Nurses Assn)		
Do	Tendler & Biggins, Chtd (For:Mears International Sales Co)		
Richard Tessier, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Textron, Inc, 40 Westminster St. Providence, RI 02903		4,500.00	1,030.00
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	American Council of Life Insurance		129.27
Do	Cape Cod Five Cents Savings Bank	257.50	226.25
Do	Capital Holding Corp		
Do	Castine Partners		905.00
Do	Chicago Board Options Exchange	975.00	905.00
Do	Citicorp Mortgage Finance, Inc.	262.95	
Do	Citicorp Washington (Banking)		905.00
Do	Dollar Bank, FSB	257.50	226.25
Do	Equitable Life Insurance Society		
Do	John Alden Asset Management Company		129.27
Do	John Hancock Financial Services		129.27
Do	Lafayette Life Insurance Company		129.27
Do	Massachusetts Bankers Assn	990.00	905.00
Do	Massachusetts Mutual Life Insurance Company		129.27
Do	National Council of Savings Institutions		
Do	North Side Savings Bank		905.00
Do	Peoples Westchester Savings Bank		905.00
Do	Prudential Insurance Company		5.00
Do	Residential Services Corp of America		
Do	Savings Bank of Life Insurance		
Do	Third Federal Savings & Loan Assn	257.50	226.25
Do	Ulster Savings Bank	257.50	226.25
Do	United Companies Financial Corporation		129.27
Douglas E. Thierwechter, 1101 Pennsylvania Ave, NW, #510 Washington, DC 20004	USX Corporation		
Amber Thomas, 7901 Westpark Drive McLean, VA 22102	AMT-The Association for Manufacturing Technology	1,715.00	500.00
John W. Thomas, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	60.00	
Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Kathryn S. Thompson, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Patrick Thompson, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	5,000.00	
Thompson & Hutson, 1455 Pennsylvania Ave., NW., Suite #1160 Washington, DC 20004	Fluor-Daniel, Inc	10,775.00	12.47
Do	National Dual Shop Coalition		
Cindy C. Thorne, 4500 Vestal Parkway East P.O.Box 3607 Binghamton, NY 13902-3607	New York State Electric & Gas Corp	15,250.00	10,515.55
Jill Thorne, 222 NW Davis, #309 Portland, OR 97209	Oregon Trail Coordination Council	750.00	
Anna Thronson, 1025 Thomas Jefferson Street, #700E Washington, DC 20007	Legislative Strategies (For:Consolidated Natural Gas Service Co, Inc)		
Do	Legislative Strategies (For:Donohue & Associates, Inc)		
Do	Legislative Strategies (For:Natural Gas Vehicle Coalition)		
Do	Legislative Strategies (For:State of New Mexico (Natural Gas Programs))		
Timothy B. Tierney, 4600 East West Highway Bethesda, MD 20814	Automotive Refrigeration Products Institute		
Patti A. Tilson, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Toyota Motor Sales, USA, Inc	500.00	
John W. Timmons, 1133 Connecticut Ave, NW, #1000 Washington, DC 20036	America West Airlines, Inc	10,000.00	5,205.00
Michael L. Tiner, 1317 Rhode Island Ave., NW, #502 Washington, DC 20005	Electric Reliability Coalition	500.00	
Michael L. Tiner and Associates, 1317 Rhode Island Avenue, NW, #502 Washington, DC 20005	Genentech, Inc	500.00	
Do	Parry & Romani Associates	500.00	
Do	Joseph E. Seagram & Sons, Inc	500.00	
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
Danielle Tinman, 2012 Massachusetts Avenue, NW Washington, DC 20036	Business & Professional Women/USA		
William J. Tobin, 3612 Bent Branch Ct. Falls Church, VA 22041	Access Technology Assn		6.00
Do	Child Care America, Inc	300.00	6.00
Do	National Hearing Aid Society		5.00
William A. Tolle, 1015 15th Street, NW, #500 Washington, DC 20025	James M. Montgomery Consulting Engineers, Inc	500.00	1,750.00
Kathryn R. Tollerton, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	1,559.96	30.65
Tony Poole, 1020 19th Street, NW, #800 Washington, DC 20036	Kelly Anderson & Associates, Inc (For:U.S. Banknote Corp)		
Frank Toohey, 1317 F Street, NW, #400 Washington, DC 20004	Wall & Associates, R. Duffy	1,250.00	
Jean R. Toohey, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	175.00	507.94
Mary C. Toups, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	2,947.37	1,079.49
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Dun & Bradstreet		
James P. Towers, 2555 Pennsylvania Avenue, NW, #602 Washington, DC 20037	Gulf States Utilities Company	4,300.00	4,211.00
Stephen Townsend, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852	National Council of Community Mental Health Centers	407.42	23.80
Robert L. Trachtenberg, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Eugene M. Trisko, P.O. Box 596 Berkeley Springs, WV 25411	Stern Bros, Inc		
Rowland V. Tucker, Box 133 Darby, PA 19023	Amtrack Conrail Pennsylvania Railroad Retirees	350.00	118.50
Shannon B. Tuel, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Brian Turner, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	9,794.60	
Michael A. Turner, 2000 M Street, NW, #5500 Washington, DC 20036	North American Telecommunications Assn	300.00	
Joseph D. Tydings, 2000 Pennsylvania Ave., NW, #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For:First Virginia Banks, Inc)		
U.S. Interactive & Microwave Television Assn, 2300 M Street, NW, Suite 800 Washington, DC 20037		2,971.25	2,971.25
U.S. Recreational Ski Association, 1315 East Pacifico Avenue Anaheim, CA 92805			
Jerry G. Udell, 701 Pennsylvania Ave., NW Washington, DC 20004	National Retail Federation	75.00	25.00
Mark J. Ugoretz, 1400 L St., NW Ste. 350 Washington, DC 20005	Erisa Industry Committee	2,750.00	
United Food & Commercial Workers International Union, 1775 K St., NW Washington, DC 20006		58,691.23	58,691.23
Anne I. Urban, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Equipment Manufacturers Assn	6,000.00	577.72
Jane Usdan, 555 New Jersey Ave, NW Washington, DC 20001	American Fed of Teachers, AFL/CIO	11,602.26	120.00
Nancy Van Duyne, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	12,004.77	
Julie Van Fleet, P.O. Box 85608 San Diego, CA 92186-9784	General Atomics	1,018.75	505.92
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Co	6,000.00	227.86
Do	Harsco Corporation	27,000.00	10,657.35
Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, SW, #520 Washington, DC 20003	American Gas Assn	21,000.00	1,662.62
Do	Electrospace Corporation	7,000.00	181.53
Do	FLIR Systems, Inc	10,800.00	195.21
Do	General Instrument Corporation	21,000.00	2,579.32
Do	Librascope	7,500.00	442.03
Do	Magnavox Government & Industrial Relations Co	21,450.00	
Do	Miltope Corp	7,500.00	5.64
Do	NCube	7,500.00	508.55
Do	Sea Beam Instruments, Inc	7,500.00	902.58
Do	Thermo Electro Technologies	7,500.00	14.08
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Tulane University)	6,750.00	
Varet Marcus & Fink, P.C., 607 14th Street, NW Washington, DC 20005-2000	New York Mercantile Exchange (NYMEX)		
Donald R. Vaughan, P.O. Box 2909 Asheboro, NC 27203	Stedman Corporation		
Paul S. Vayer, 50 Hillcrest Avenue New Britain, CT 06053			
Sheila K. Velazco, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	1,724.16	
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, #10th Fl. Washington, DC 20006	International Mass Retail Assn	10,000.00	200.00
Jerry T. Verkler, 555-13th Street, NW, Suite 300 West Washington, DC 20036	Interstate Natural Gas Assn of America		
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	American Museum of Natural History		
Do	Ameritech	1,675.00	
Do	Association of American Railroads	6,212.50	
Do	Bell Atlantic Corp	21,637.50	
Do	Brown & Root, Inc	3,537.50	
Do	Burlington Northern, Inc	9,557.50	
Do	Central Gulf		
Do	Embry-Riddle Aeronautical University	4,475.00	
Do	General Dynamics Corp	1,954.50	
Do	GenCorp	11,050.00	
Do	Guardian Industries	6,897.50	
Do	Hughes Communications, Inc	8,234.00	
Do	Hughes Network Systems, Inc	1,250.00	
Do	Investment Company Institute	9,715.00	
Do	K Mart Corp	14,227.00	
Do	Kellogg		
Do	Large Public Power Cos	6,030.00	
Do	Manville Corp	8,184.20	
Do	Mars, Inc	4,235.00	
Do	McDonnell Douglas Corp	27,149.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Merrill Lynch & Co, Inc	2,815.00	
Do	New Progressive Party		
Do	Northwest Airlines	6,182.50	
Do	NBC	2,225.00	
Do	NYNEX Corp	12,099.00	
Do	Puget Sound Power & Light Company	4,500.00	
Do	Rubber Manufacturers Assn	3,698.00	
Do	Savings Coalition of America		
Do	Travelers Companies	2,775.00	
Do	TRW, Inc	600.00	
Do	Uniroyal Chemical Company, Inc		
Do	Upjohn Co	240.00	
Mary Vihstadt, 2000 K Street, NW, Suite 203 Washington, DC 20006	Dial Corp	1,500.00	
Robert J. Vilhauer, 1700 N. Moore Street, #2120 Arlington, VA 22209	Boeing Company	5,068.00	1,207.00
Dina Vizzaccaro, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	14,350.00	
Ian D. Volner, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn and Marks (For:Direct Marketing Assn)		
Do	Cohn & Marks (For:Maclean Hunter Cable TV)		
Do	Cohn & Marks (For:USA Network)		
Volunteer Trustees of Not-For-Profit Hospitals, 818 18th Street, NW, #900 Washington, DC 20006		58,500.00	12,243.00
Sarah C. Von der Lippe, 80 Trowbridge St. Cambridge, MA 02138	Kids Project	750.00	
Ingrid A. Voorhees, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Equipment Manufacturers Assn	125.00	100.00
Kurt Vorndran, 1331 F Street, NW Washington, DC 20004-1171	National Council of Senior Citizens	13,756.51	307.35
Jay J. Vroom, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	75.00	100.00
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219	Procompetitive Rail Steering Committee		
Timothy C. Wagner, 4301 N. Fairfax Drive, Suite 360 Arlington, VA 22203-1608	National Utility Contractors Assn	1,250.00	
Andrew F. Wahlquist, 1701 Pennsylvania Ave., NW Washington, DC 20006	McDonnell Douglas Corp	15,000.00	3,800.00
Frederick P. Waite, 1275 Pennsylvania Avenue, NW, Suite 1100 Washington, DC 20004-2404	Davis Graham & Stubbs (For:American Wire Producers Assn)		
Susan Stephenson Walden, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	400.00	
Barbara J. Walker, P.O. Box 1417-D50 119 Oronoco Street Alexandria, VA 22313	Animal Health Institute	190.00	
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Ad Hoc Comm on Coal Taxation	2,000.00	
Do	American Paper Institute, Inc	2,250.00	
Do	Audobon Institute	500.00	
Do	Bell Atlantic Corp	1,500.00	
Do	Chambers Development Co, Inc	2,250.00	
Do	Cominco, Ltd	2,000.00	
Do	Committee on Radioisotopes and Radiopharmaceuticals	2,000.00	
Do	Eli Lilly & Company	2,500.00	
Do	Environmental Transportation Assn	250.00	
Do	Ernst & Young	3,000.00	
Do	ENERCO & Affiliates	500.00	
Do	Footwear Distributors and Retailers of America		
Do	Graham Resources	2,000.00	
Do	Hong Kong Trade Development Council	2,500.00	
Do	Jackson National Life Insurance Co	1,500.00	
Do	Kimberly-Clark	1,000.00	
Do	National Agricultural Chemicals Assn	1,000.00	
Do	National Coal Assn	2,000.00	
Do	Peabody Holding Co, Inc	1,000.00	
Do	Pennsylvania Engineering		
Do	Pharmaceutical Manufacturers Assn	3,000.00	
Do	Pittston Group	1,000.00	
Do	Sandoz Corporation Protection Corp.	1,000.00	
Do	Securities Industry Assn		
Do	State of California		
Do	Torchmark Corporation	1,000.00	
Do	United Company	500.00	
Mary L. Wallace, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	3,600.00	
Charles S. Walsh, Fleischmen & Walsh 1400 16th Street, NW Washington, DC 20036	National Cable Television Assn, Inc	1,500.00	
Michael O. Ware, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	4,500.00	
Washington Christian & Loafman, 805 15th Street, NW, #1000 Washington, DC 20005	City of Cleveland	3,024.80	242.17
Do	City of Oakland	20,000.00	105.94
Do	Coca-Cola Company	9,100.55	13.27
Do	Electronic Data Systems, Inc		
Do	Government of the People's Republic of Angola		
Do	Government of Antigua	175,000.00	112.85
Do	Greater Cleveland Regional Transit Authority	9,246.90	35.59
Washington Independent Writers, Inc, 733 15th Street, NW, #220 Washington, DC 20005			
Washington Office on Africa, 110 Maryland Ave., NE, #112 Washington, DC 20002		44,513.59	38,962.82
Ronald D. Waterman, 900 2nd Street, NE, #109 Washington, DC 20002	Milwaukee County-Intergovernmental Relations	13,650.00	15.00
Do	Wisconsin Counties Assn	12,204.00	325.98
Waterman & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	All Industry Television Committee	6,000.00	31.64
Do	Cast Metals Coalition	22,834.00	1,174.90
Do	North American Die Casting Assn (NADCA)	18,249.00	1,048.29
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries, Inc	10,000.00	637.03
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	5,200.00	
James B. Watt, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors		
David Weaver, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	1,402.00	
James D. Webb, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	108.65	201.33
Susan Weber, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc		
Lee J. Weddig, 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	4,000.00	260.00
Theodore F. Weihe, 1800 Massachusetts Avenue, NW 3rd Floor Washington, DC 20036	U.S. Overseas Cooperative Development Committee	2,812.00	
Deborah Feldman Weiner, 11004 Petersborough Drive Rockville, MD 20852	American Soc for the Prevention of Cruelty to Animals	2,000.00	
Arthur E. Weisberg, 2200 First Bank Place East Minneapolis, MN 55402	Dorsey & Whitney		
Arnold Wellman, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	11,000.00	634.20
Frederick C. Wendorf, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Services, Inc	3,920.00	2,955.36
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	500.00	
William Preston West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	3,000.00	325.00
West Mexico Vegetable Distributors Assn, P.O. Box 848 Nogales, AZ 85621			
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Anheuser-Busch Companies, Inc	1,275.00	
Nancy Katherine Weyl, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	1,016.27
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Joyce White, 222 NW Davis, #309 Portland, OR 97209	Oregon Trail Coordinating Council	562.50	
Margita E. White, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
Sam White, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
Ward H. White, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn		45.00
White Fine & Verville, 1156 15th St., NW, #1100 Washington, DC 20005	Association of Regionally Accred Priv Coll & Univ	20,000.00	
Whiteford Taylor & Preston, 888 17th St., NW, #400 Washington, DC 20006	Giddings & Lewis, Inc	21,913.00	3,030.48
Do	National Constructors Association	9,999.99	4,518.80
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	350.00	
Steven C. Whitney, 900 17th Street, NW Washington, DC 20006	Wilderness Society	2,395.10	60.00
Robert Whittaker, Fleishman-Hillard, Inc 1301 Connecticut Ave., NW Washington, DC 20036	Warren Gfeller		
Pamela J. Whitted, 1401 Eye Street, NW, #200 Washington, DC 20005	Pacific Resources, Inc	500.00	
William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	225.00	
Gary L. Widman, 505 Montgomery Street San Francisco, CA 94111	Bronson Bronson & McKinnon (For:Sjoberg Industries, Inc)		
Anne Marie Wiedemer, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	2,000.00	735.00
Andrew F. Wiessner, 1801 Broadway #1420 Denver, CO 80202	Kogovsek & Associates, Inc (For:Pitken & Eagle Counties, Colorado)		
Do	Kogovsek & Associates (For:United Ski Industries, Inc)	56,302.00	6,902.00
Do	Kogovsek & Associates, Inc (For:Western Land Group)	1,229.43	104.43
Brian Wilcox, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	4,000.00	159.16
Harry G. Wiles II, 1023 15th St., NW, 4th Fl Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		598.14
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	BMW of North America, Inc		
Do	Chaparral Steel Co		
Do	Club Car, Inc	702.00	
Do	Georgetown Industries		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Raritan River Steel Co		
Do	Ruddy Institute for Maritime Communications	2,520.00	97.28
Do	UtiliCorp United	546.00	
Daniel Will, 2620 Red Coat Drive, #1-B Alexandria, VA 22303	National Taxpayers Union	4,442.00	
Williams & Connolly, 725 12th Street, NW Washington, DC 20005	Air Transport Assn of America	1,775.00	10.75
Do	National Comm to Preserve Social Security		
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	American Home Products	3,520.00	80.74
Do	Association of Family Farmers		
Do	Bank of America, NT&SA	7,770.00	
Do	Robert M. Bass Group	290.00	7.77
Do	British Petroleum	988.00	28.73
Do	Century 21 Real Estate Corp		
Do	College Board	490.00	15.53
Do	College Construction Loan Insurance Assn	642.50	15.53
Do	Colonial Pipeline Company	1,840.00	41.92
Do	Continental Airlines Holding, Inc.	6,060.00	138.21
Do	CIGNA Corp	2,790.00	38.05
Do	Estee Lauder, Inc	3,630.00	92.40
Do	First Boston Corp	3,370.00	62.13
Do	Glaxo, Inc		
Do	Greenwich Capital Markets, Inc		
Do	GAMMA Corp		
Do	Kelly Appleman Hart & Hallman		7.77
Do	Keystone Provident Life Insurance Co		
Do	Mustang Fuel Corporation		
Do	National Assn of Rehabilitation Agencies		
Do	National Board for Professional Teaching Standards		
Do	National Soft Drink Assn	1,080.00	23.29
Do	Norfolk Southern Corp	1,020.00	23.29
Do	Normandy Foundation		7.77
Do	Oklahoma Gas & Electric Co	1,420.00	38.05
Do	Owens-Illinois, Inc		
Do	Pharmaceutical Manufacturers Assn	1,070.00	23.29
Do	Pittston Co	5,400.00	114.91
Do	Recording Industry Assn of America, Inc	1,870.00	38.05
Do	Southern Pacific Transportation Co.	1,900.00	45.81
Do	Southwest Airlines	3,515.00	65.21
Do	Student Loan Marketing Assn (Sallie Mae)	245.00	7.77
Do	Texaco, Inc	1,930.00	45.81
Do	Turner Broadcasting System, Inc	6,320.00	122.68
Do	TTX Company		
Do	U.S. English		
Do	U.S. Telephone Assn		
Do	Universal Foods, Inc	290.00	7.77
Do	USAA Financial Service Co		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	World Savings & Loan Assn		
David W. Wilmot, 1029 Vermont Avenue, NW Washington, DC 20005	Anheuser-Busch Companies, Inc		
Chapin E. Wilson Jr., 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	1,300.00	50.00
Hilary Wilson, 1101 15th Street, NW, Suite 500 Washington, DC 20005	Asea Brown Boveri, Inc	5,900.00	36.00
Patricia M. Wilson, 1101Pennsylvania Ave, NW, #510 Washington, DC 20004	USX Corporation		
Randolph Wilson, One Merchants Plaza Indianapolis, IN 46255	Merchants National Corp		
Wilson Sonsini Goodrich & Rosati, Two Palo Alto Square Palo Alto, CA 94306	United Microelectronics Corp (UMC)	14,977.12	14,977.12
Joseph B. Winkelmann, Winkleman & Associates, Inc. 9220 Byron Terrace Burke, VA 22015	Winkelmann & Associates, Inc (For:American Resort & Residential Development Assn).	6,000.00	
Do	Winkelmann & Associates, Inc (For:National Assn of Mortgage Brokers)	1,500.00	38.00
Katherine M. Winklejohn, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	9,375.00	252.00
David L. Winstead, 1666 K Street, NW, #1100 Washington, DC 20016	Wilkes Artis Hedrick & Lane (For:Peter N. G. Schwartz Companies)		
James L. Winston, 1730 M Street, NW, #412 Washington, DC 20036	National Assn of Black Owned Broadcasters		
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Honey Producers Assn	500.00	
Do	Carus Chemical Company	5,752.50	32.00
Do	Compaq Computer Corporation		
Do	Cooper Tire & Rubber Company	5,213.75	109.25
Do	CSR, Ltd	1,000.00	
Do	Digital Equipment Corp		
Do	DHL Corporation	8,788.13	460.75
Do	Federal Intermediate Credit Bank of Jackson	28,743.75	626.72
Do	Government of the U.S. Virgin Islands	7,706.60	1,131.98
Do	Mississippi Department of Economic & Community Development	12,488.00	1,074.51
Do	U.S. Rice Producers Legislative Group	1,000.00	71.71
Do	Waggoner Engineering, Inc		
Do	Western Peanut Growers Assn	2,000.00	
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	Bowater, Inc		
Do	Connecticut Liquidity Investment Fund, Inc		
Do	IBJ Schroder Bank & Trust Co		
Jim Wise Associates, 104 North West St. Alexandria, VA 22314	Kern County, CA	7,500.00	390.00
Do	Matthews Foundation for Prostate Cancer Research	3,000.00	110.00
Do	National Assn of Credit Management	12,000.00	640.00
Do	San Francisco Bar Pilots Assn	6,000.00	290.00
Lyn M. Withey, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper Co	5,023.50	39.50
Cynthia D. Witkin, 1101 17th Street, NW, #600 Washington, DC 20036	American Airlines	4,500.00	1,433.66
Joel Wood, 400 N. Washington Street Alexandria, VA 22314	National Assn of Casualty and Surety Agents	1,500.00	240.19
Irvin M. Woods, P.O. Box 521 The Plains, VA 22171-0521	National Assn of Air Traffic Specialists	6,000.00	1,082.00
Do	Woods Research Associates, Inc		83.00
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	10,000.00	56.00
Laura Dallman Wooster, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	7,925.00	
Workers Compensation Integrity Stability & Equity (WISE), P.O. Box 18300 Washington, DC 20036-8300		109,500.00	49,004.00
Willard A. Workman, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
World University Games (for 1993), 1701 K Street, NW #400 Washington, DC 20006	Greater Buffalo Athletic Corp	37,500.00	430.22
W. Robert Worley, 190 St. Clair Drive St. Simons Island, GA 31522	Southern Company Services, Inc	2,060.00	1,654.00
Wunder Diefenderfer Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American Bus Assn	3,814.43	2,962.82
Do	American International Group, Inc	2,488.00	91.00
Do	American Iron & Steel Institute	7,884.80	148.11
Do	American Orthotic & Prosthetic Assn	9,260.28	1,085.50
Do	American President Companies	8,000.00	
Do	American Soc of Assn Executives	2,771.26	803.75
Do	Ares-Serono, Inc	3,174.88	208.34
Do	Ashland Oil Company	13,070.30	4,972.37
Do	Association of American Railroads	1,249.95	73.80
Do	Avis Rent A Car System, Inc	4,368.75	147.23
Do	BellSouth Corp		
Do	Bermuda, Government of	2,332.00	282.00
Do	Bituminous Coal Operators Assn	10,000.00	88.60
Do	Business Council on Indoor Air		
Do	Committee Against Revising Staggers		
Do	Connaught Laboratories, Inc	5,392.44	1,085.50
Do	Cosmetic Toiletry & Fragrance Assn, Inc		
Do	Council of Industrial Boiler Owners	4,702.50	280.14
Do	Crescent Cities Jaycees Foundation, Inc	4,279.33	3,093.79
Do	CSX Corporation	8,000.00	
Do	Electronic Industries Assn	11,462.72	345.74
Do	Environmental Air Control, Inc		
Do	General Motors Corp	4,320.00	
Do	Grand Metropolitan/Pillsbury	4,750.00	1,814.88
Do	Grand Metropolitan, Inc	381.56	56.75

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	HDTV 1125/60 Group	2,250.00	220.45
Do	Industrial Oil Consumers Group		
Do	Intermarine SpA		
Do	Investment Company Institute		
Do	Kelly Assisted Living/Kelly Services	2,365.19	42.40
Do	Keramont Corp		
Do	Kohlberg Kravis Roberts & Co	1,676.00	164.00
Do	Lonesome Dove Petroleum Company		5,160.79
Do	Manville Corporation	5,036.80	171.89
Do	Marriott Corp		
Do	Martin Marietta	3,333.29	30.21
Do	Maxxam	12,200.25	250.00
Do	McDonnell Douglas	1,875.00	22.18
Do	Metropolitan Life Insurance Co		
Do	Montana Department of Transportation		
Do	Mutual Life Insurance Co Tax Committee		
Do	Mylan Laboratories, Inc		
Do	MCI Communications Corp	6,600.00	41.17
Do	National Assn of Temporary Services		
Do	National Cable Television Assn, Inc	833.30	32.65
Do	National Funeral Directors Assn	6,626.92	1,748.08
Do	National Liquor Stores Assn	3,268.25	318.23
Do	National Retail Hardware Assn	4,489.00	262.58
Do	North American Phillips Corp	7,971.56	260.33
Do	Northwestern Mutual Life Insurance Co		
Do	NYNEX Corp	6,675.00	105.36
Do	Pfizer, Inc	3,194.00	92.00
Do	Philip Morris Management Corp	1,249.95	73.80
Do	Polaris Industries		
Do	Process Gas Consumers Group	9,574.25	782.62
Do	Public Securities Assn	1,542.12	14.42
Do	QVC Network, Inc		
Do	RJR Nabisco	3,000.00	95.00
Do	Shell Oil Company		
Do	SmithKline Beecham	3,875.00	1,660.14
Do	Sony Corp of America	16,628.75	297.12
Do	South Dakota Dept of Transportation	270.00	
Do	Squibb Corporation		
Do	Stanford University	67.96	1.08
Do	Tobacco Industry Labor Management Committee	12,213.94	72.96
Do	U.S. Telephone Assn	7,500.00	253.14
Do	Westinghouse Airship Industries	4,600.00	397.00
Do	Westinghouse Electric Corp	3,860.58	979.42
Sandi Wurtz, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852	National Council of Community Mental Health Centers	67.32	288.44
James Wyerman, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	6,259.96	
Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	8,863.00	176.50
T. Albert Yamada, Suite 520 900 17th St., NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Dalton Yancey, 910 16th St., NW, #402 Washington, DC 20006	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Bruce Yarwood, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	23,000.00	1,111.45
Caryl Yontz, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	11,123.28	664.28
Robert A. Young, 12248 Turkey Creek Ct. Maryland Heights, MO 63043	Brown & Associates	4,500.00	
Thane Young, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	Ferguson Company (For:City of Alhambra)	850.00	107.00
Do	Ferguson Company (For:City of Inglewood)	6,416.00	297.00
Do	Ferguson Company (For:City of Norwalk)		
Do	Ferguson Company (For:City of Oceanside)	1,220.00	534.02
Do	Ferguson Company (For:City of Provo)	1,300.00	36.38
Do	Ferguson Company (For:City of Santa Ana)	3,300.00	134.45
Do	Ferguson Company (For:City of South Salt Lake)	916.00	58.85
Do	Ferguson Company (For:City of West Valley)	916.50	332.96
Do	Ferguson Company (For:Imperial Irrigation District)	5,286.00	394.06
Do	Ferguson Company (For:Irvine Company)	15,000.00	949.00
Do	Ferguson Company (For:LACDA Alliance)	4,125.00	450.33
Do	Ferguson Company (For:Oceanside Harbour District)	813.00	64.53
Do	Ferguson Company (For:Oceanside Redevelopment Agency)	1,220.00	76.85
Do	Ferguson Company (For:Sacramento Agencies)	5,000.00	462.60
Do	Ferguson Company (For:Southwest Diversified, Inc)	90.00	45.00
Do	Ferguson Company (For:Transportation Corridor Agency)	6,080.00	403.56
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Steven Zeisel, 1000 Wilson Boulevard, Suite 3012 Arlington, VA 22209	Consumers Bankers Assn		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	3,125.00	250.00
Steven L. Zeller, Box 3005 Columbus, IN 47202-3005	Cummins Engine Company, Inc	720.00	1,986.30
Zero Population Growth, Inc, 1400 Sixteenth St.,N.W.,#320 Washington, DC 20036		2,949.00	3,975.00
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	2,233.33	3,281.82
Bradley P. Ziff, 1270 Avenue of the Americas, #2118 Rockefeller Center New York, NY 10020-1702	International Swap Dealers Assn Inc		1,781.00
Zimmerman/Edelson, Inc, 51 Middle Neck Road Great Neck, NY 11021	New York Coca Cola Distributors Association	9,000.00	1,122.40
Ben Zingman, 1301 Connecticut Avenue, NW Washington, DC 20036	Brother Industries (USA), Inc	658.75	20.00
Do	Brother International Corporation	658.75	25.00
Nancy B. Zucker, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	National Retail Federation	3,000.00	63.00
31st Pro-Life Congressional District Action Comm, 8654 Bonview Terrace Williamsville, NY 14221			

EXTENSIONS OF REMARKS

THE INVEST IN AMERICA ACT OF 1993

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GEJDENSON. Mr. Speaker, today I am introducing the Invest in America Act of 1993. This legislation recognizes that we face a drastically altered world characterized by a disappearing Soviet threat, an increasingly competitive international economy, and deterioration of our inner cities and our infrastructure. This presents challenges and opportunities unlike any we have faced before.

The end of the cold war has given us an opportunity to reduce U.S. expenditures for military bases in Europe—as much as $25 billion a year in operations and maintenance alone. German unification and the dissolution of the Soviet Union mean there is no justification for the United States spending billions of dollars to maintain a presence in Europe to defend the wealthy, prosperous industrial nations of Western Europe from their newly democratized neighbors to the east.

Mr. Speaker, these funds would be better spent on economic growth initiatives for the United States and programs to maintain our industrial base, including economic conversion and diversification in areas which are reeling from the impact of defense cuts. The Invest in America Act of 1993 calls on the President to negotiate cost-sharing arrangements with NATO host nations to recoup funds currently spent on maintenance of foreign bases. The savings achieved through these agreements would be reinvested to provide aid to the States and a renewed Federal commitment to energy, transportation, and locally initiated economic development.

Instead of paying upkeep costs for U.S. bases in Europe, we could provide: $12.5 billion in aid to the States; $2 billion for renewable energy R&D; $500 million for energy conservation; $1 billion for pollution control; $500 million for historic preservation; $1.5 billion for maglev and high speed rail development; $3 billion for mass transit; $1 billion for community development grants; $1 billion for EDA grants; $1 billion for JTPA; and create a $1 billion export enhancement program.

Cost sharing for overseas bases doesn't require that additional personnel be discharged from the armed services into a recessionary economy; rather, the costs of their overseas assignments would be shared by the nations whose economies are stimulated by the U.S. military presence.

The investments called for in the Invest in America Act of 1993 in no way undermine the discipline of the 1990 budget agreement; in fact, these investments are intended to have the overall effect of reducing the deficit by stimulating the economy. Putting people back to work creates tax revenues, reduces expenditures for entitlement programs, and will help to balance the Federal budget.

In my home State of Connecticut thousands of defense workers—veterans of the cold war—face real hardship as a result of defense cuts. Defense cuts under the Bush administration seemed to be calculated to cause maximum pain to American workers and communities, while offering nothing in return for their dedication of years of labor to our Nation's call for defense products. We have the means to see that they are not left out in the cold. Similar communities across the Nation face the same difficulties—in St. Louis, Dallas-Fort Worth, and southern California. These communities which answered their Nation's call for defense products cannot be left to wither on the vine.

In conclusion, Mr. Speaker, it is vital to communities across our Nation that the Congress take immediate steps to redirect resources to repair our infrastructure, maintain our industrial base and technology, and provide jobs in communities in need.

H.R. 33, DRUG TESTING QUALITY ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. DINGELL. Mr. Speaker, I am pleased to join with my distinguished colleague from Virginia, TOM BLILEY, in reintroducing H.R. 33, the Drug Testing Quality Act. This bill would amend the Public Health Service Act to establish standards for the certification of laboratories engaged in urine drug testing. It will also require drug testing programs to use only certified laboratories, and it will provide comprehensive and uniform regulation of the procedures and methods employed by those laboratories. Finally, it will ensure that the legitimate rights of all interested parties—the test subject, the laboratory, and the program itself—are appropriately protected.

The version of the bill we are introducing today is identical to the text of H.R. 33 as reported by the Committee on Energy and Commerce in the 102d Congress. Over the course of the last 4 years, since this issue came to the fore, we have held hearings in the Energy and Commerce Committee and conducted investigations of various drug testing problems brought to our attention. We have worked with the Department of Health and Human Services and with private sector laboratory organizations to help bridge the technical and scientific differences that have divided experts in this field. We have talked to dozens of labs, employers, labor organizations, equipment manufacturers, employee assistance professionals, and other interested parties to obtain comments on and to refine and improve the original version of the bill.

H.R. 33 in the 103d Congress represents our best effort to take those comments into consideration, to take account of events in the professional sphere over the last 3 years that have impacted on this field, and still to maintain a fair balance among the interests of all concerned parties. We believe the legislation accomplishes those goals.

Mr. Speaker, the House of Representatives has already spoken on this matter. During consideration of the comprehensive crime control bill on the floor in the 101st Congress, Mr. BLILEY and I offered as an amendment to that bill the text of the original H.R. 33. It passed the House by a vote of 333 to 86, and it was supported by a majority of Members in each party. We would have liked the opportunity to incorporate in conference the changes reflected in the bill reported by the committee last year and being reintroduced today. Unfortunately, the press of time at the end of that Congress and the process by which the crime bill was handled made that impossible.

Nonetheless, we were gratified by the broad show of bipartisan support for our amendment and had expected to move the bill to the floor last year when other events intervened. In a package of long overdue regulations under the Clinical Laboratory Improvement Amendments of 1988, HHS announced that it would cover so-called onsite drug screening laboratories and require that such labs be CLIA-certified. This determination was significant because it represented an acknowledgement by the administration that drug screening, unaccompanied by confirmation testing, is a dangerous basis on which to make decisions about drug use and requires the most careful regulation. The issue of allowing or prohibiting such onsite screening had been a part of the debate over H.R. 33 from the outset. Thus, we thought it would be worthwhile to allow the CLIA regulation on this point to be implemented and then consider how that regulatory determination should impact on the language of the bill.

Unfortunately, in the days immediately following issuance of the final CLIA regulations, a small group of business interests—some of whom seek to save money by using and others of whom seek to make money by selling onsite screening tests without the scientifically imperative confirmation testing—prevailed upon the Secretary of HHS to suspend the effectiveness of the regulation. This action by Secretary Sullivan was both ironic and unfortunate. It was ironic because our oversight subcommittee in hearings had openly criticized the Secretary for allowing special interests to alter the outcome of several CLIA regulations and here the Secretary did the very same thing once more. It was unfortunate because it deprived us of the ability to see how the CLIA regulation would work in relation to our bill—for example, would the regulation alone

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

have addressed many of the abuses our bill was designed to prevent.

With the status of this particular CLIA regulation now uncertain and a new administration about to take office, we are committed to bringing our efforts to fruition in the 103d Congress. Moreover, given the changes our committee made in the bill in the last Congress, we are convinced that it will be acceptable to an even broader range of interests than before.

It is important that we not allow discussion of the need for technical and scientific quality standards in drug testing to become muddied by arguments over when, whether, or under what circumstances drug testing can or should occur. These issues have absolutely nothing to do with one another, and H.R. 33 therefore steers clear of that thicket. Anyone who uses lab standard legislation as an excuse to get into the issue of testing itself serves only the interests of those irresponsible parties who would prefer for their own reasons that there be no standards legislation at all.

In fact, the argument over testing has become largely irrelevant as a genuine public policy question. Drug testing has become one of America's growth industries, and to the extent that any serious questions about the imposition of testing exist, they are either constitutional in nature—when can the Government order that tests be done—or a matter for management to work out with labor or resolve on its own. In a small handful of States, testing is restricted in various ways. But most of these State laws were passed in large measure to counter the perception that drug testing is administered unfairly and unreliably.

That perception, widespread in many quarters, remains largely unaddressed today, as does the unfortunate reality that too many players in this game do not know what they are doing. These perceptions will not abate until everyone in the United States—executives, professionals, managers, workers, Government agencies, athletes, social service organizations, and anyone else whose life drug testing has touched—gains confidence in the ability of the system appropriately to protect their livelihoods, careers, and reputations.

For more than 20 years, Mr. Speaker, ordinary medical laboratories have been regulated by the Federal Government and, although errors occur all too frequently, most Americans trust the results of the tests their doctors order. Not so with drug testing labs. While 14 States regulate these operations to one extent or another, the United States has no comprehensive, uniform regulation of the labs or the people who run them.

In fact, to the extent we have any regulation at all, the requirements imposed on the laboratories from State to State, agency to agency, and client to client often conflict, inviting confusion and error. The stigma of a positive result can attach to a test subject in many industries on the basis of a single unconfirmed test, scientifically insufficient to warrant any action. Employers often refuse to spend money for the professional review of lab results needed to make sure that bagel-eaters are not labeled heroin addicts or that dieters are not branded speed freaks.

Even when drug testing programs are administered in good faith, the sheer ignorance of those running the program can be astounding. In one instance investigated by our committee, a nuclear utility plant used its corporate medical officer to review drug test results. For the better part of 30 years, this gentleman practiced oral surgery; while on active naval reserve duty, he also developed a specialty in diving and hyperbaric medicine. But apart from a 1962 military correspondence course in clinical laboratory procedures, his 23-page résumé did not list any significant experience or training in the field of identifying drugs or drug abusers.

Several questions recur anywhere and anytime the specimen bottle is filled: Will a proper chain of custody be established at the point of specimen collection and be preserved throughout the process? Will a qualified lab analyze the specimens? Will the lab's analytical procedures ensure accuracy, integrity, and reliability of results? Will positive results be reviewed by a competent professional to avoid errors? Will appropriate confidentiality be maintained? Will persons harmed by errors have a fair opportunity for redress?

Those questions are not being addressed today in any comprehensive fashion. For that reason, we badly need uniform Federal regulation of drug testing laboratories and programs—not to dictate whether and under what circumstances testing can be done, but to ensure that when it is done, everyone can have confidence in the results.

H.R. 33 is designed to address these serious issues. It continues to use as a model the guidelines promulgated by HHS in 1988 to govern drug testing in the Federal workplace. However, it also provides for some significant departures from those guidelines to reflect the development of an expert consensus on many technical issues over the last 2 years. And it has been significantly refined in many other respects described more fully below.

Mr. Speaker, I want to thank my friend from Virginia, Mr. BLILEY, for his support, cooperation, and involvement in this effort. As I noted when we introduced this legislation together in the last Congress, we have put aside any differences we may have as to the utility and propriety of drug testing in various settings because we share a common goal—assuring that when drug testing is done, the results are reliable, accurate, and fair.

We will be seeking cosponsors again for H.R. 33 and plan to move the bill through our committee and to the floor at the earliest possible date. I hope that our colleagues will continue to support us on this important issue. I ask that a complete section-by-section analysis be printed in the RECORD immediately following this statement:

H.R. 33—DRUG TESTING QUALITY ACT

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This section provides the short title of the bill: the "Drug Testing Quality Act".

SECTION 2. STANDARDS FOR CERTIFICATION OF LABORATORIES ENGAGED IN DRUG TESTING

This section adds to Title V of the Public Health Service Act a new Part F, titled "Drug Testing." The new Part F consists of new sections 571 through 597.

Section 571—Certification Program

Subsection (a) of new section 571 requires that the Secretary of Health and Human Services (HHS), not later than one year after enactment, establish a program for the certification of laboratories performing toxicological urinalysis for drug testing programs. Except as provided in subsection (b), this certification program is required to conform, to the maximum extent practicable, to Subpart C of the HHS guidelines for Federal workplace drug testing programs (53 Fed. Reg. 11979, published April 11, 1988). Subpart C covers certification of laboratories seeking to perform federal workplace drug testing.

Subsection (b) provides that with respect to the issues of laboratory inspection, the monitoring of laboratory performance, and the conduct of quality control and performance testing programs, the certification program shall be consistent with the consensus of expert scientific and medical opinion on such matters. The determination of what constitutes that consensus is ultimately the Secretary's to make; however, the legislation contemplates that with respect to the issues covered by subsection (b), the Secretary, at least initially, will adopt the recommendations contained in the Consensus Report on Technical Scientific, and Procedural Issues of Employee Drug Testing, published by the Alcohol, Drug Abuse and Mental Health Administration in the spring of 1990 (HHS Publication No. (ADM) 90-1684).

Subsection (c)(1) requires that the certification program shall also: (1) provide that the Secretary, in considering applications for certification, shall consider whether the applicant has previously owned or operated a laboratory which has had its certification suspended or revoked; (2) include criteria under which the Secretary shall recognize State agencies and private, nonprofit accrediting bodies meeting to certify laboratories in accordance with the requirements of this section if such agencies and bodies meet such criteria, as well as criteria for recognition of State agencies and private, nonprofit accrediting bodies to act on the Secretary's behalf in certifying laboratories in accordance with the requirements of this section if such agencies and bodies meet such criteria; (3) require the Secretary to oversee and review the performance of any such agency or accrediting body recognized by the Secretary; and (4) ensure the Secretary's access to records necessary to the performance of such oversight and review.

The standards for certification of laboratories should be applied uniformly by both the Secretary and any State agencies and private, nonprofit accrediting bodies described in subsection (c)(1). However, the legislation does not require precise conformity by these agencies and accrediting bodies to the process used by the Secretary (as distinguished from the standards actually set forth in Subpart C of the HHS guidelines, as modified by the bill, and the additional requirements imposed by the bill) for the certification of laboratories under this section. The Secretary should not disqualify such organizations from recognition under subsection (c)(1) based upon programmatic differences that do not bear materially on the competence of such organizations to apply the standards required for certification or on their integrity in doing so. Thus, for example, differences in inspector training programs should not preclude recognition of such an organization so long as the organization's overall competence and integrity to certify laboratories under the standards required by the bill are not diminished or compromised.

Subsection (c)(2) provides that unless a laboratory engages solely in urine drug testing, the laboratory is required to be certified under the Clinical Laboratory Improvement Act (section 353 of the Public Health Service Act) in order to become certified under this section.

Subsection (c)(3) provides that a laboratory may not be certified to perform drug testing unless it demonstrates to the Secretary its competence to perform toxicological urinalysis in accordance with the requirements of this section and section 572 for at least the following drugs and drug classes: marijuana, cocaine, opiates (morphine and codeine), phencyclidine (PCP), amphetamines (amphetamine and methamphetamine), barbiturates listed in Schedules I and II under the Controlled Substances Act (CSA) (21 U.S.C. 801 et seq.), and oxazepam and alprazolam.

Currently, certification under Subpart C is limited to five drugs and drug classes: marijuana, cocaine, opiates, PCP, and amphetamines. However, the methodologies used for testing for the barbiturates listed in Schedules I and II under the CSA, as well as for the most commonly abused benzodiazepines or their metabolites (alprazolam and oxazepam), do not differ significantly from test methodologies for the Subpart C drugs or pose significantly different technical problems. On balance, requiring laboratories already certified under Subpart C to bear the burden and expense associated with recertification under the bill would not be justified by the relatively small incremental benefits to be gained by such a requirement. Thus, this provision also contains a grandfather clause under which laboratories certified by HHS under Subpart C of the HHS guidelines prior to the date the Secretary establishes the certification program under subsection (a) shall be deemed by the Secretary to be competent to perform drug testing for all the drugs specified above and shall be certified by the Secretary to do so.

Subsection (c)(4) requires that a laboratory, in order to retain its certification under this section, shall require its scientific, technical, and analytical personnel to participate in continuing education programs of a nature and at a frequency (not less than annually) to be specified by the Secretary in regulations.

Subsection (d) directs the Secretary to revise the requirements of the certification program to reflect improvements in drug testing methods.

Section 572—Provisions to ensure integrity of toxicological urinalysis

Subsection (a) of new section 572 requires that the Secretary, not later than one year after enactment, issue regulations to ensure the integrity of toxicological urinalysis. Except as provided in subsection (b), these regulations are required to conform, to the maximum extent practicable, to Subpart B of the existing HHS guidelines. Subpart B covers scientific and technical requirements applicable to Federal workplace drug testing.

Subsection (b) requires the regulations to: (1) treat any person conducting a drug testing program in the same manner as Subpart B of the HHS guidelines treats the federal agencies to which it is applicable, except as otherwise provided in this subsection; (2) expand the list of drugs and drug classes for which test methods and cutoff levels are provided under Subpart B to include barbiturates listed in CSA Schedules I and II, benzodiazepines, anabolic steroids, and such other drugs or drug classes as the Secretary determines under subsection (c) may be appropriate; (3)(A) neither require nor prohibit the establishment of a drug testing program, and (B) neither require any person to test nor prohibit any person from testing for any particular drug or class of drugs described in paragraph (2) or subpart B; (4) provide no specimen collection procedures other than those necessary to establish and maintain a proper chain of custody and to provide for transportation of specimens to the laboratory; (5) consistent with the consensus of expert medical and scientific opinion as determined on the Secretary (but, in the first set of final regulations, based on the Consensus Report referenced above), establish appropriate cutoff levels for each drug or class of drugs for both initial and confirmatory tests; (6)(A) establish blind performance tests procedures for drug testing programs, consistent with the consensus of expert medical and scientific opinion with respect to the number or percentage of specimens to be used for this purpose (again, in the first set of final regulations, based on the Consensus Report) and with the need to ensure accuracy, integrity, and protection of the interests of test subjects, and (B) establish procedures for drug testing programs to notify the Secretary of any false positive results discovered in blind performance testing or by a medical review officer (MRO) and for the Secretary to take appropriate action on the basis of such information; (7) provide no interim certification procedures; and (8) allow access by any test subject to certain relevant records.

Although the regulations described above will neither require nor prohibit establishment of a drug testing program, neither require any person to test nor prohibit any person from testing for any particular drug or drug class, and provide no specimen collection procedures except with respect to chain of custody and transportation, subsection (b) contains a savings clause intended to ensure that the requirements of subpart B of the HHS guidelines dealing with these issues will continue to apply to drug testing programs conducted by Federal agencies under Executive Order 12564.

Subsection (c) establishes a procedure by which the Secretary, following periodic public notice and comment or on petition by any person, may expand the list of drugs and drug classes for which test methods and cutoff levels are prescribed under subsection (b)(2).

Subsection (d) permits the Secretary to take into consideration any special factors or circumstances applicable to the testing of participants in amateur athletic competition warrant separate or different treatment under the regulations.

Subsection (e) directs the Secretary to revise the regulations issued under this section to reflect improvements in drug testing methods.

Section 573—Specimen collection procedures

Subsection (a) of new section 573 directs the Secretary to issue model specimen collection procedures within one year after enactment for the guidance of drug testing programs other than those conducted by Federal agencies under E.O. 12564. The Secretary is authorized to provide technical assistance and to recommend alternative procedures to address the particular needs or circumstances of interested parties.

Subsection (b) is a savings provision ensuring that the specimen collection procedures contained in Subpart B of the HHS guidelines will continue to apply to drug testing programs conducted by Federal agencies under E.O. 12564.

Section 574—Prohibitions

Subsection (a)(1) of new section 574 prohibits any person from performing any toxicological urinalysis in connection with any drug testing program unless that person is a laboratory certified under section 571.

Subsection (a)(2) prohibits any certified laboratory from performing toxicological urinalysis in connection with any drug testing program for any drug or drug class other than marijuana, cocaine, opiates, PCP, amphetamines, CSA Schedule I and II barbiturates, oxazepam, and alprazolam unless (A) in a case where such other drug or drug class is one for which the Secretary has prescribed test methods and cutoff levels, the laboratory is also certified to perform toxicological urinalysis for such other drug or drug class, or (B) in the case of any other drug or drug class, the drug testing program provides the laboratory with a statement signed by the test subject acknowledging disclosure of a test for such other drug or drug class and consenting to the performance of such a test.

Subsection (b) establishes several protections for test subjects by making it unlawful to engage in certain conduct, including breaching the confidentiality of test results (except in certain specified circumstances); knowingly altering or falsely reporting test results; knowingly adulterating urine specimens; knowingly performing or causing to be performed on a urine specimen a test for any medical condition or any substance (other than alcohol or a drug or drug class for which the Secretary has prescribed test methods and cutoff levels) without the consent of the person providing the specimen following full disclosure; taking adverse action against any test subject for refusing to give such consent; taking adverse action against any test subject based upon a positive result that has not been confirmed by gas chromatography/mass spectrometry (or, in the case of alprazolam, high-performance liquid chromatography); taking adverse action against any test subject based upon a test result that has not been verified as positive by a medical review officer for specified reasons; or otherwise knowingly failing to administer or conduct any urine drug test or testing program in accordance with the requirements of the certification program established under new section 571 or the regulations issued under section 572.

The prohibition on testing for any substance or medical condition other than alcohol or specified drugs without prior disclosure and consent is not intended to refer to tests for characteristics of a urine specimen that are integral to assuring the integrity of the drug test or specimen itself, such as tests for creatinine, pH, or specific gravity.

The prohibition in this section on taking "adverse action" against test subjects on the basis of unconfirmed or unverified tests is intended to be interpreted broadly. Thus, for example, an action that may have an adverse impact on a test subject's reputation, impose a stigma on that individual, or cause the test subject any emotional harm or distress, or that deprives the test subject of an opportunity he or she might otherwise have had but for the test result, is to be considered every bit as much an "adverse action" under the bill as one that imposes direct economic loss.

Assuming, however, that a positive drug test result has been properly confirmed and verified, the legislation does not address the uses to which such result can be put, nor does it affect in any way the manner in which an impaired individual may be handled. After confirmation and verification, an employer is free to follow its usual procedures or policies with respect to continued or future employment. The same principle applies to the use of drug test results obtained in non-employment-related drug testing programs. Moreover, any existing right of an employer to remove from the job an employee who may be impaired would not be affected by the bill, so long as such action is not based upon an unconfirmed or unverified drug test.

Section 575—Sanctions and remedies

Subsection (a) of new section 575 provides criminal penalties for any person performing a toxicological urinalysis in connection with any drug testing program who is not a laboratory certified under section 571.

Subsection (b) provides for administrative penalties, to be assessed by the Secretary, on any laboratory performing a toxicological urinalysis in connection with any drug testing program that violates any regulation issued under section 572. The Secretary is required to refer violations committed by persons other than laboratories to the Attorney General for further investigation and appropriate action.

Subsection (c) authorizes the Secretary or Attorney General, as appropriate, or any aggrieved person, to bring actions in federal district court to restrain violations of section 574(a) or any regulation issued under section 572.

Subsection (d) authorizes any test subject who is tested, or whose test results are handled, in violation of, or is deprived of rights because of a violation under, section 574(a) or 574(b)(1)–(7), or who is adversely affected by a material breach in an applicable chain of custody under section 572, to bring a civil action in federal district court for appropriate legal and equitable relief, including employment, reinstatement, promotion, the payment of lost wages and benefits, and damages.

Subsection (e) authorizes an action to be brought against a laboratory to provide indemnification or contribution, as appropriate, by any person conducting a drug testing program who is found liable to a test subject because of adverse action taken against the test subject on the basis of a false positive result. It is important to note that the bill's definition of the term "false positive" has been written to avoid any implication that an MRO's verification of a true positive could result in a judgment for indemnification or contribution against a laboratory, even where that verification or subsequent adverse action was improper. Thus, for example, a test subject who suffers adverse action after testing positive for opiates despite his explanation that the test result was based on consumption of several poppy seed bagels might have a claim under the bill against the person conducting the drug testing program or against the MRO who verified the test result. However, if that person proved his or her case and recovered damages, the defendant would not then have a claim against the laboratory under the bill for indemnification or contribution because the test result was not a "false positive" as defined in the bill.

Section 576—Constructions

Subsection (a) of new section 567 permits test subjects and their representatives to contract for standards, procedures, or requirements more protective of test subjects than those provided under the certification program or under section 572. Similarly, this subsection provides that nothing in the new Part F limits the authority of the Secretary to permit an agency or accrediting body recognized by the Secretary under section 571 to maintain standards, procedures, or requirements more protective of test subjects than those provided under the certification program or under section 572.

Subsection (b), however, prohibits an agency or accrediting body described above from denying certification under section 571 to any laboratory complying with the standards, procedures, and requirements established by the Secretary under section 571. Therefore, while a laboratory may not seek approval from such an agency or accrediting body recognized by the Secretary under that agency's or body's own standards, the agency or accrediting body would be required to grant a section 571 certification to any laboratory meeting section 571's requirements.

Subsection (c) provides that new Part F shall supersede the HHS guidelines and any other relevant law to the extent that it imposes standards, procedures, or requirements more protective of test subjects.

Section 577—Preemption

Subsection (a) of new section 577 prohibits States and local governments from adopting or enforcing any law relating to the certification of drug testing laboratories, or relating to requirements for the conduct of drug testing under the certification program, which is different from such certification program.

Subsection (b) prohibits any State or local government from adopting or enforcing any law that permits or requires any act prohibited by section 574.

Section 578—Fees

New section 578 establishes a system of certification fees to ensure that this Act will be budget-neutral. The fees are authorized to be used, subject to appropriations, to administer the program, regulations, and activities provided for in the Act.

Section 579—Definitions

New section 579 defines the following terms: blank specimen, controlled substance, drug, drug testing program, false positive result, medical review officer, person, performance testing, Spiked specimen, test subject, and toxicological urinalysis.

SECTION 3. EFFECTIVE DATE

Except as specified below, the provisions of the bill would take effect on the date of enactment. The prohibitions on (1) the use of a noncertified laboratory, (2) the disclosure of test results by a person involved in drug testing or a drug testing program, and (3) the administration or conduct of any drug test or drug testing program except in accordance with the requirements of the certification program under section 571 or the regulations issued under section 572, would not take effect for one year following the establishment of the certification program under section 571.

TRANSFER TAOS RANGER STATION TO CITY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. RICHARDSON. Mr. Speaker, today, I am reintroducing legislation that is very important to the town of Taos, NM, and Taos County. I was hopeful this legislation would be enacted during the last hours of the 102d Congress, but despite bipartisan support in the Congress, time ran out before the bill could be passed.

For several years, town officials have tried to obtain the old Forest Service ranger station in Taos in hopes of converting it into a children's library and adult literacy center. Unfortunately, a severe lack of resources has made this impossible. The building, which is no longer suitable for use by the Forest Service, would be ideal for the town's purposes.

Under the legislation, the building would be conveyed from the Forest Service to the town of Taos, without putting the town in financial hardship, so the town may move forward with its plans for the children's library and literacy center. The town of Taos maintains strict preservation requirements for buildings in the downtown area, ensuring that the historical and cultural integrity of the building will be protected.

Mr. Speaker, transfer of the old Forest Service building to the town of Taos is a logical and practical move for everyone involved. More importantly, it will serve as an invaluable resource for the town to help educate future generations. I urge my colleagues to support swift passage of this legislation.

INTRODUCTION OF POLICE AND FIREFIGHTERS TAX CLARIFICATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mrs. KENNELLY. Mr. Speaker, today I am introducing legislation that is of vital interest to police and firefighters in Connecticut.

This legislation simply clears up a situation where erroneous State law has caused benefits that were intended to be treated as workmen's compensation to be brought into income on audit. In several States, including Connecticut, the State law providing these benefits for police and firefighters included an irrebuttable presumption that heart and hypertension conditions were the result of hazardous work conditions.

In Connecticut, at least, the State law has been corrected so that while there is a presumption that such conditions are the result of hazardous work, the State or municipality involved could require medical proof. This change satisfies the IRS definition of workmen's compensation. Therefore, all this legislation would do is exempt from income those payments received by these individuals as a result of faulty State law but only for the past 3 years—1989, 1990, and 1991. From January 1, 1992, forward, those already receiving these benefits would have to meet the standard IRS test.

The importance of this legislation is that these individuals believed that they followed State law. The cities and towns involved believed that they followed State law and therefore all parties involved believed that these benefits were not subject to tax. However, the IRS currently has an audit project ongoing in Connecticut and has deemed these benefits taxable.

All this legislation says is that all parties involved made a good faith effort to comply with what they thought the law was. The State was in error. That error has been rectified but those individuals on disability should not be required to pay 3 years' back taxes plus interest and penalties.

This legislation was included in H.R. 11, the Revenue Act of 1992, which was subsequently vetoed by the President. I hope that the 103d Congress can act expeditiously on this important legislation.

SCHOLARSHIPS NEED TAX EXEMPT STATUS

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, teachers in every State compete annually for the prized Christa McAuliffe Fellowship. This prize, named after the teacher who gave her life in the explosion of the space shuttle *Challenger*, was created by Congress in 1986. The fellowship is given to outstanding teachers across the country to improve their knowledge and teaching skills and to use innovative methods in their classrooms to teach their children.

When the Congress created the Christa McAuliffe Fellowship, it had the good sense to exempt these moneys from taxation. This makes good sense: The fellowship is not truly personal income, and it should not be treated as such. Moreover, if the fellowship is treated as personal income, it could well push the recipient into a higher tax bracket than that into which he or she would normally fall.

For some reason, we allowed the tax exclusion of the Christa McAuliffe Fellowship to expire in 1990. Thus, if a teacher receives a fellowship and devotes those funds to school projects, he or she must pay the taxes out-of-pocket. One recipient told me she did not know of the tax implications at the time she applied for the fellowship. Had she been aware of the personal costs she would incur, she would have seriously reconsidered applying for the fellowship in the first place.

Today, I am introducing legislation to restore prior law and once again exclude the Christa McAuliffe Fellowship from the recipient's income. Taxing these fellowships doesn't help teachers, it doesn't help students, and it doesn't help education as a whole.

REAUTHORIZATION OF THE ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION ACT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. KILDEE. Mr. Speaker, I am pleased to introduce today, along with Mr. FORD, chairman of the full Education and Labor Committee, and Mr. GOODLING, the ranking Republican member of both the full committee and the Subcommittee on Elementary, Secondary, and Vocational Education, H.R. 6, to extend for 6 years the Elementary and Secondary Education Act [ESEA] and several related programs.

The ESEA provides nearly all Federal education funding for elementary and secondary schools throughout the Nation. The 46 programs it authorizes include Chapter 1, Chapter 2, the Eisenhower Mathematics and Science Programs, Magnet Schools Assistance, and Bilingual Education Programs. In fiscal year 1993 approximately $10 billion was appropriated for the ESEA and related programs.

Chapter 1, the largest ESEA program, provides supplementary educational and related services to educationally disadvantaged students whose achievement is below the level appropriate for their age. Of the $6.6 billion appropriated for Chapter 1 for fiscal 1993, $6.1 billion, or 92 percent of the funds, are available for grants to local educational agencies. More than 90 percent of all school districts in the country receive Chapter 1 funding. Over 5 million students were served in school year 1988–1989, approximately one out of every nine American school children.

H.R. 6 proposes no substantive changes in the existing law. It is simply the reauthorization vehicle. After completing a series of comprehensive hearings, it is my intention to draft a substitute for subcommittee markup, and substantive changes will be considered at that time.

Chapter 1 and its related programs have played an important role both in improving the achievement of educationally disadvantaged children and in promoting instructional reform. I look forward to working with President Clinton on this very important legislation and encourage all Members to cosponsor this bill.

WILD AND SCENIC DESIGNATION

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. HUGHES. Mr. Speaker, I am introducing legislation today which designates some 23 miles of the Maurice River and its tributaries in the State of New Jersey as components to the National Wild and Scenic Rivers System.

Wild and scenic designation assures the long-term protection of unique natural resources through sound, locally implemented river management plans. Only the most select free-flowing rivers that have outstanding natural, cultural, or recreational values make up the Wild and Scenic System.

In 1987, I, along with my Senate colleagues, sponsored legislation authorizing the National Park Service to study the eligibility of these rivers and their tributaries for inclusion into the national system. After 5 years of study, the National Park Service found that all segments of the river were eligible for designation under the Wild and Scenic System.

Indeed, the Maurice River is one of New Jersey's most magnificent treasures. The river forms an integral part of the Pinelands ecosystem, provides water to the region and is rich in the unique history and culture of southern New Jersey.

This region provides important habitat for a wide variety of animals, birds, and plants, and is well known for its fishing, boating, and recreational activities. Sites of cultural and historical interest along the river corridor include a prehistoric American Indian settlement and several intact villages and towns.

This bill not only seeks to maintain and conserve these important river resources, but simultaneously protects the property rights of landowners. Indeed, the legislation recognizes that the river is also the economy and thus seeks to protect traditional economic activities such as oystering, crabbing, fishing, recreation, or tourism.

The management plan for the river will almost exclusively be the product of local thinking, based on the input of local residents, businesses, and elected officials. Authority for implementation of the plan will lie solely at the local level.

The local communities have shown their commitment the preservation of this very special resource. Indeed, a referendum in Millville on November 3, 1992, showed overwhelming support for wild and scenic designation of the segments of the river which flow through their municipality.

People think of New Jersey as what they see from the turnpike. They do not think of New Jersey as having water that is so pure it is drinkable. As southern Jersey grows and prospers it is important that we preserve that quality of life. This legislation will help us to do that. Accordingly, I urge my colleagues to support me in this endeavor.

INTRODUCTION OF H.R. 17, THE TECHNICAL CORRECTIONS ACT OF 1993

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. ROSTENKOWSKI. Mr. Speaker, I am pleased to introduce today H.R. 17, the Technical Corrections Act of 1993. The primary purpose of this legislation is to make technical corrections to the provisions of the Omnibus Budget Reconciliation Act of 1990—OBRA 1990—and other recently enacted legislation within the jurisdiction of the Committee on Ways and Means. It includes technical corrections relating to tax, Social Security, human resources, and trade laws. Similar provisions were included in the conference agreement to H.R. 11 in the 102d Congress, a bill vetoed by President Bush on November 5, 1992.

The technical corrections provisions in H.R. 11 were crafted by the Committee on Ways and Means and the Senate Finance Committee based upon work by the majority and minority staffs of the two tax-writing committees, along with the staff of the Joint Committee on Taxation, the appropriate executive branch departments and agencies, and the Office of the Legislative Council. This bill is based upon the provisions contained in H.R. 11, with appropriate modifications.

Mr. Speaker, I want to assure my fellow Members and taxpayers that this bill is not intended or designed to make substantive changes to OBRA 1990 or other recent legislation. Like past technical corrections bills, this legislation is anticipated to be revenue neutral. If necessary, any revenue shortfall will be financed by other tax law changes as the bill is considered by the Committee on Ways and Means.

In order to assist taxpayers and other interested parties in their analysis of this bill, I have instructed the staff of the Joint Committee on Taxation and the staff of the Committee on Ways and Means to issue a pamphlet describing the provisions of the bill. I have presented this explanation following this statement.

Mr. Speaker, I want to assure taxpayers that I intended to have the Committee on Ways and Means process this essential legislation as expeditiously as possible. This is important legislation to which I am fully committed, and which I expect to be enacted later this year.

PROTECTING THE JEMEZ MOUNTAINS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. RICHARDSON. Mr. Speaker, today I am re-introducing legislation to establish a national recreation area in the Jemez Mountains of the Santa Fe National Forest in New Mexico. During the last hours of the 102d Congress, I had great hope that we could pass this bill. However, despite tremendous local support and bipartisan support in the House and Senate, time ran out on this legislation at the end of last Congress. It is important that we take early action on this measure this Congress because the Jemez Mountains are currently under assault by the reckless strip mining of pumice. The protection of these mountains is one of New Mexico's top environmental priorities.

These volcanically formed mountains and valleys, mixed conifer and deciduous trees, streams, small ponds, steep canyons, and brilliantly colored rimrocks make up one of the most spectacular areas of the country.

They are one of the richest areas of biological diversity in the Southwest. The largest elk herd in New Mexico migrates through the area, and the mountains provide critical habitat for many Federal and State listed threatened, endangered, and sensitive species including the Peregrine falcon, Goshawk, Jemez Mountain salamander, and others.

The Jemez also contain one of the highest densities of archaeological and cultural sites in North America, estimated at 15 sites per square mile and totalling approximately 30,000 sites. This includes large ancient Pueblo Indian village sites, the largest of which contains over 1,800 rooms. The Jemez Pueblo Indians regard these mountains as the breath of life of their existence, and continue to use numerous religious sites in the Jemez.

The Jemez is also a very popular public recreation area. National forest figures show that approximately half a million people a year visit the area to camp, hike, fish, hunt, backpack, rock climb, and cross-country ski. Citizens from New Mexico and all around the country enjoy the Jemez. The area is truly a recreation mecca.

Unfortunately, the cultural, biological, and recreational value of the Jemez Mountains is threatened by the irresponsible strip mining of pumice, a material used to stone wash jeans. In fact, the major pumice mining operator in the Jemez, who is not even a member of the New Mexico Mining Association, has shown nothing but blatant disregard for Federal and State environmental laws. Over the last few years, New Mexicans have become justifiably alarmed about this degradation of the Jemez, resulting in my appointment of a citizens committee to develop a proposal to create a national recreation area [NRA]. Representatives from environmental organizations, timber companies, and concerned citizens held several meetings and worked diligently to produce a viable NRA proposal.

Since then, compelling testimony has been given at two congressional hearings and several town meetings in the Jemez area, and thousands of New Mexicans have called or written to express their support for an NRA in the Jemez. This legislation will provide protection for 57,000 acres of some of the most beautiful land in the country.

The bill directs the Forest Service to develop a comprehensive management plan for the recreation area that addresses issues relating to Native Americans, cultural resources, wildlife, recreation, mining, and visitors. It specifically withdraws the lands within the recreation area from new mining activity and prohibits the issuance of new mining patents, but protects the rights of those with existing mining operations. Mine operators will be required to reclaim the land as close as possible to its condition prior to mining.

Finally, I have worked hard to ensure that local landowners may continue with traditional uses of the land such as grazing, hunting, and timber harvesting. Because the Jemez Mountains are considered sacred by the Jemez Pueblo, specific language is included to protect their religious and cultural rights. Also, the bill will provide for much needed recreational and interpretive facilities, as well as a visitors center.

Mr. Speaker, it is critical that we look to the future and protect areas like the Jemez for our children and our children's children. This legislation will do just that. I urge my colleagues to join me in this effort.

INTRODUCTION OF THE EQUAL REMEDIES ACT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mrs. KENNELLY. Mr. Speaker, the overwhelming passage of the Civil Rights Act of 1991 represented significant progress in the ongoing battle to overcome discrimination, but it also created an egregious inequity in American civil rights law. By placing an upper limit on damages certain victims of discrimination may receive, we established an unfair two-tier system of justice. We need for finish the job we started.

Today I am introducing legislation to eliminate these caps on damages in the Civil Rights Act of 1991.

Under section 1981 of the Civil Rights Act, victims of intentional racial discrimination are entitled to unlimited damages, while under a new section 1981A, victims of discrimination based on disability, sex, or certain religious beliefs can receive damages only up to a statutory maximum. In attempting to eliminate discrimination in the workplace, we codified discrimination in the law.

It is time to make all victims of discrimination equal under the law: second class remedies have no place in antidiscrimination law. If it is wrong to discriminate on the basis of race, it is just as wrong to discriminate on the basis of religion, disability, or sex. Congress must not allow discrimination of any sort to become a predictable cost of doing business. We must not put our country's employers in the position of budgeting for discrimination. It is the wrong message to send to the business community and it is the wrong message to send to the American people.

I believe firmly that Congress remains committed to fairness and equity. I am therefore introducing the Equal Remedies Act of 1993 to remove the limitations on damages in section 1981A. Over one quarter of my colleagues in the House supported the Equal Remedies Act last year. Now, with a new administration and a new atmosphere in the Congress I hope the legislation will move quickly in this Congress. By enacting this legislation, we will express our dedication to equality for all Americans.

END NOTCH UNFAIRNESS

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, for over 10 years, almost as long as I've been privileged to represent the Eighth District of Missouri, we've asked millions of our Nation's seniors to wait. We've promised that if they are patient, we will take care of the Social Security notch through regular legislative channels. For over 10 years, notch supporters have lobbied their Representatives. For over 10 years, Congress has seen only stalemate.

In 1977, Congress changed the Social Security benefit formula. If this formula had not been changed, in just a short time, the solvency of the Social Security system would have been jeopardized. The Congress enacted this law with the best of intentions—and yet, even with all good intentions, problems arose with the new computation method. Because of the changes, folks who were born in the 5 years between 1917 and 1921—also known as notch babies—generally receive smaller monthly benefits than people with similar work histories who were born just before them.

The 1977 law was flawed and has resulted in an inequity that continues to hurt millions of senior citizens. While the differences in benefits checks can be small, it can also be as large as $160 a month. Whatever the number, the result of the 1977 law hurts those who can least afford it—older Americans who often must live from benefit check to benefit check.

Once again, I am introducing and wholeheartedly supporting legislation that would create a new alternative transitional computation method for those born between 1917 and 1921, making a phasein uniform over a 5-year period. The Notch Baby Act of 1993 is an affordable remedy for the notch injustice that many in Congress have tried to ignore, hoping the problem will just go away. It won't. The Notch Baby Act of 1993 is a sensible solution to a 10-year-old problem whose time has more than come.

The notch issue has been perplexing and anguishing for people who fall into that category. Notch babies don't understand why this mistake hasn't been rectified. I don't either. Millions of seniors across the Nation are waiting for an end to their battle. Seniors deserve an end to the barrage of mailings and fundraising attempts made on behalf of the notch. Seniors deserve an end to the repeated congressional delays and stalls. Seniors deserve an end to the uncertainty; seniors deserve action by the 103d Congress.

I urge my colleagues in the House to take a close look at the Notch Baby Act of 1993, and to add their names and support to this bill. With this legislation, we can remain budget responsible, while at the same time give notch seniors the benefits they deserve.

SYSTEMWIDE EDUCATIONAL REFORM AND WORK FORCE ENHANCEMENT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. KILDEE. Mr. Speaker, I am pleased to introduce today several bills intended to improve our Nation's education system and better enable it to provide students the skills they need to live and work in today's complex world. The issues raised by these proposals will be important factors in the reauthorization of the Elementary and Secondary Education Act and in any related education reform legislation that may be considered.

The first of these initiatives is the Neighborhood Schools Improvement Act. The Neighborhood Schools Improvement Act was approved by both the House and Senate in the last Congress but died in the final days when the Senate fell one vote short on a procedural motion. It is a major departure from the traditional way the Federal Government has assisted education in that it seeks to use limited Federal resources as an incentive for school districts to undertake coordinated reform by addressing all parts of the education system. The bill authorizes a 10-year program of grants to States to help all children improve their academic achievement and encourages systemwide reform because improvements cannot be sustained unless they are coherent, coordinated, and address all parts of the education system. It ensures broad-based public participation in reform activities and emphasizes results with the expectation that rules and regulations will be relaxed as those results are achieved.

The second bill, the Technology Education Assistance Act of 1993 addresses the critical issue of how technology can improve educational achievement.

The magnitude of technology available for use by schools today is staggering. Computers, modems, cable, microwave and satellite transmissions, CD's, and other technologies can play a key role in improving student performance in the classroom. However, all of this technology is of little use if it is not integrated into the classroom and used properly. Teachers are the key to successfully integrating this technology into the classroom.

According to "Power On! New Tools for Teaching and Learning," published by the Office of Technology Assessment in 1988, "The critical role of teachers in effective learning means that all must have training, preparation, and institutional support to successfully teach with technology." The report further went on to say that few teachers have had teacher education or field experience that will enable them to effectively use technology in the classroom. The Technology Education Assistance Act addresses this issue by providing funds to States to strengthen the skills of teachers in the use of technology.

Title I of the bill will enable local education agencies to develop, expand, and improve teacher education services regarding the use of technology in schools. Teachers will also be able to use funds to improve the instructional materials used in their classrooms. Funding is also available to institutions of higher education for training new teachers in the use of technology in instruction and to provide inservice training for elementary, secondary, and vocational education teachers.

Also contained in the legislation are provisions to establish an education technology agency within the Department of Education. Among its duties, are working with relevant Federal agencies to establish standards for the integration, utilization and upgrading of technology in schools, identifying regulatory barriers which prevent schools from integrating technology into the classroom; and developing a mechanism for financing the purchase of technology by schools.

I also am introducing two bills to address the critical issues of how schools prepare students for the world of work after graduation and maintaining the skills of current workers in the American work force.

An important factor in any discussion of school improvement initiatives is how to ensure that students leave school with the skills they need to perform in the workplace. The Workforce Readiness Act will help ensure that students graduating from high school have the generic skills necessary to enter the work force ready to perform. These skills are tools which all students can use whether they enter the work force immediately upon graduation from high school or continue on to some form of higher education. These skills also will provide the foundation upon which more occupational specific skills can be built.

The Workforce Readiness Act will create a national board of employers and educators which will work to identify generic skills necessary to enter the work force and how these skills can be incorporated into what students learn in grades K–12. The skills the board identifies and the strategies for integrating them into the regular school curriculum would then be available on a voluntary basis to schools wishing to use them. The national board will be a permanent entity able to respond to the changing needs of the work force over time.

Title II of the bill proposes grants to consortia of education, business, and labor for the actual implementation of school-to-work transition projects. Many of its provisions are modeled after innovative programs operating in my congressional district where consortia of business, education, and labor are working together to implement projects in schools which will provide students with the skills necessary to enter the work force. These projects seek to provide workplace skills through a comprehensive approach which begins in elementary school and continues through graduation from high school by integrating workplace skills into the regular school curriculum.

Finally, any national system designed to enhance the skills of American workers must include the current work force. The Workplace Education and High Performance Workforce Act of 1993 will increase the availability of workplace services to those individuals already working.

There are more than 5 million small- and medium-sized businesses of 500 or fewer employees in the United States and they employ approximately 57 percent of the American work force. Given these facts it is clear that workplace education services designed to assist small firms must be a central part of any effective education and training policy.

Small businesses recognize that a key element in being able to compete in the increasingly competitive marketplace lies in having a skilled work force and that they need to be able to implement programs that will enable employees to improve their skills. Second, many small businesses recognize the need to increase their capacity to compete by introducing new and more effective methods of work organization and new technologies into their workplace. What is needed is an easily accessible system that will enable these businesses to access these services.

The Workplace Education and High Performance Workforce Act creates a system to provide small businesses with easily accessible services that will help them to upgrade the skills of their workers, implement new methods of work organization, or introduce new technologies. This new approach creates, within States, workplace districts headed by a work force specialist. These work force specialists will operate out of institutions of higher education and their function will be to promote workplace education, to be a visible point of contact and expertise for businesses and educators, and to serve as a broker between businesses and educators. At the national level, the bill establishes an office of workplace education and high performance work in the Department of Labor to oversee the development and implementation of State programs authorized by this act.

INTRODUCTION OF LEGISLATION TO MAKE STUDENT LOAN INTEREST DEDUCTIBLE

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. BUNNING. Mr. Speaker, today I am introducing legislation to make higher education more affordable and accessible to millions of Americans. The bill I have dropped in the hopper today, along with 48 of my colleagues as cosponsors, will make student loan interest deductible.

In the Tax Reform Act of 1986, Congress made what I feel was a major error by reclassifying student loan interest as consumer interest and thus making it non-tax deductible. In the name of tax reform, student loans were now classified as consumer loans making them no different than consumer goods purchased with a credit card as far as the tax code is concerned. I think there is a big difference.

College costs have risen dramatically over the past decade and students are finding it increasingly necessary to borrow to pay for those expenses. Low- and middle-income students have been particularly hard hit by these increasing expenses. According to a study by the Congressional Research Service, over 50 percent of government student loans are awarded to individuals with annual incomes under $15,000. Another 10 percent go to individuals making between $15,000 and $20,000.

Graduate students also are finding themselves very hard hit by rising college costs. When graduate students are leaving school they are often carrying a debt in excess of $50,000 or $100,000. Such a large debt is a significant burden in the early years immediately following graduation.

The bill that I have introduced today will assist individuals who want to go to college and are forced by circumstances to borrow for their education. My bill will target those most in need by limiting the deduction to those individuals earning under $55,000 and couples earning under $90,000. These income limits are good policy by helping those people who need it most and it also helps to reduce the cost of the bill.

Mr. Speaker, we are facing a situation in this country where the best and the brightest may well be shut out of higher education because of escalating costs. This legislation will assist those who need help the most by allowing them to deduct the interest on the money they borrow to forward their education.

INTRODUCTION OF H.R. 18, A BILL TO EXTEND PERMANENTLY THE LOW-INCOME HOUSING CREDIT

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. ROSTENKOWSKI. Mr. Speaker, today I, along with Congressman RANGEL, am introducing legislation to amend the Internal Revenue Code to extend permanently the low-income housing credit.

The low-income housing credit has played a critical role in the development of affordable housing for our Nation's low-income individuals. By providing an incentive to spur the production of housing for these individuals, the credit has played an invaluable role in improving the quality of life for people who otherwise may have found it impossible to find decent affordable housing.

Unfortunately, the low-income housing credit expired for periods after June 30, 1992. Last year, the Congress passed legislation on two occasions which, among other things, would have extended the credit permanently—H.R. 4210, the Tax Fairness and Economic Growth Act of 1992, and H.R. 11, the Revenue Act of 1992. However, these bills were vetoed by President Bush, leaving the future of the housing credit in jeopardy.

I am optimistic that President-elect Clinton will recognize the importance of the credit in developing affordable housing for our Nation's low-income families, and that we can make the credit permanent this year as part of any comprehensive legislation to assist cities and stimulate investment and economic growth. I will, of course, work with the new administration as it crafts its economic proposals and will remain flexible in fashioning the best comprehensive economic program for the Nation. In that context, it may also be appropriate to extend other meritorious tax incentives that have now expired.

The bill we are introducing today does not include a mechanism for offsetting the revenue cost of extending the low-income housing credit permanently. However, I am committed to ensuring that the legislation is fully paid for as it progresses. As such, the legislation will move forward only at the time that appropriate revenue offsets are provided to make it revenue neutral.

LOWER MISSISSIPPI DELTA DEVELOPMENT FINANCING CORPORATION ACT

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, I am pleased to join with my friend and colleague from Mississippi, Mr. ESPY, in again introducing the Lower Mississippi Delta Development Financing Corporation Act. This bill is the culmination of years of hard work by Mr. ESPY and others, and we have an excellent product as a result. I commend Mr. ESPY and others who have worked on this project for all of their fine work.

Fortunately for the Nation's farmers but unfortunately for his colleagues in Congress, Mr. ESPY will probably be leaving the Congress in short order. As my colleagues are aware, the incoming administration has designated him to be the next Secretary of Agriculture, and I have no doubt that his appointment will be confirmed quickly by the Senate. I have promised him that when he leaves us, I will take this bill under my wing, and I will do all within my power to pass this bill in the 103d Congress.

The Lower Mississippi Delta region of the country consists of 219 counties and parishes that are among the Nation's poorest. When the Lower Mississippi Delta Development Commission issued its report in May 1990, the statistics were eye-opening. Substantial poverty, poor health, high infant mortality, lack of education, and lack of suitable infrastructure are among the factors which have limited the opportunities available to residents of the delta region.

Despite these adverse conditions, the people of the delta prefer hope to despair. They are hard working and forthright, and they are one of the region's most tremendous resources. They did not come to the Congress looking for a handout; rather, the Congress is, by virtue of this bill, offering the region a hand up.

This bill will give the delta region the ability to help itself. The Delta Corporation is a means to provide structured seed money to this region that needs it so badly, but it is not a Federal program to continue ad infinitum. It will not be another bureaucracy; we have too many of those in this country already. This Corporation will be a private corporation operating under a Federal charter. At the end of fiscal year 1998, the Corporation will reorganize under a State charter, and it will be private in every sense of the word. With this legislation, we are helping the people of the delta to create a structure which will eventually be entirely Delta-run, Delta-managed, and Delta-financed.

This is how the Corporation will work: the President will appoint the initial board of directors, with the advice and consent of the Delta congressional delegation. The Board of Directors will establish bylaws, appoint officers and employees of the Corporation, and issue stock. It will possess all the powers of any ordinary private corporation: owning and transferring real and personal property; acquiring or establishing subsidiaries; entering into contracts; etc. The Corporation will receive up to $100 million in Federal funding over a span of 5 years, and it will be on its own after that.

The Corporation will play an instrumental role in stimulating entrepreneurial activity and infusing capital into the Delta region. It is directed by this legislation to provide technical training programs for local communities, provide regional economic research and analysis, raise funds for economic development, and work with local financial institutions to provide microloan funds, seed and venture capital, revolving loans, and other financial tools. All in all, the Corporation will create a climate in which economic development can flourish in the Delta region.

I am truly excited about the potential unleashed by the Delta Corporation. This bill represents a true investment in the people of the region—not another bureaucracy, and not another government giveaway—and our return on this investment will be manifold. The Delta Corporation will truly help folks to help themselves, and I hope to see it swiftly enacted in the 103d Congress. In addition to being a fitting tribute to MIKE ESPY, although I believe he would decline to see it as such, enactment of this bill would help bring long-awaited and much-deserved self-help to the delta region.

INTRODUCTION OF A CONSTITUTIONAL AMENDMENT TO LIMIT FEDERAL CAMPAIGN EXPENDITURES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. DINGELL. Mr. Speaker, today I am introducing a proposed constitutional amendment that would give Congress greater authority to grapple with the thorny business of campaign financing reform. My constitutional amendment, which I introduced last year as House Joint Resolution 524, would carve out an exception to Buckley versus Valeo by restoring to Congress the authority to impose limitations on campaign expenditures in Federal elections.

Nothing more. Nothing less.

Far too much money has been spent on campaigns in recent years. Of the 50 candidates who spent the most in their campaigns during the 1991–92 U.S. House of Representatives election cycle, 2 candidates spent over $3 million, and over 40 spent over $1 million.

All this spending for a House election?

The spending situation for U.S. Senate races isn't any better. The top 50 candidates each spent over $1 million with the top 3 spending over $8.5 million each.

Spending patterns get more absurd when you include the millions and millions spent on independent expenditure efforts by interest groups and wealthy candidates.

Granted, the Congress has made progress in the past few years in enacting far-reaching campaign reform legislation. But it's time to balance the equation and complete the job.

I ask my colleagues to join me in cosponsoring this legislation.

The resolution follows:

H.J. RES. —

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE

"The Congress shall have authority to limit expenditures in elections for Federal office.".

STATEMENT BY THE HONORABLE RONALD D. COLEMAN

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. COLEMAN. Mr. Speaker, today I am introducing legislation to posthumously honor Mr. Marcelino Serna of El Paso, TX. My bill would make the late Mr. Serna eligible for the award from the Army of the Congressional Medal of Honor by stipulation that the regulation which says that a nomination for that award must be filed within 2 years of the acts "above and beyond the call of duty" should be waived in this case. In my judgement, Mr. Serna deserves that medal just as surely as anyone who has ever been so honored.

Marcelino Serna served in the U.S. Army from 1917 to 1919. He was born in Chihuahua City, in the Mexican State of Chihuahua in 1896. He died February 29, 1992, at the age of 95. He had held his U.S. citizenship since 1924. Seventy-one years ago, Mr. Serna was awarded the Army's second highest award for valor in combat, the Distinguished Service Cross. He was decorated with the highest military medals of Italy and France. The descriptions of his exploits on the battlefields of Belgium and France read like casebooks of heroism. In recovering from wounds suffered toward the end of the war, he was personally decorated by General John "Black Jack" Pershing.

Some have speculated that Mr. Serna was not awarded the Medal of Honor either because he was a buck private for most of the war, because he was not a citizen of this country at the time or because he could not speak English well. I hope that none of these reasons were ever given by anyone in a position of authority in these matters. They are insulting and they have no basis in law.

This bill, once enacted, would begin to right a wrong—and to correct an oversight. I urge the committee of jurisdiction to take up the legislation as rapidly as possible so that the Army may look at the merits of this case.

TRIBUTE TO PATRICK J. BUTLER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. LIPINSKI. Mr. Speaker, I am pleased to rise today to recognize Patrick J. Butler, who recently retired from public service after 33 years of service to the Chicago public school system.

Patrick J. Butler began his teaching career in 1959 as a substitute teacher at Fender High School and then moved to Morgan Park High School as a full-time teacher where he remained until 1961. He then taught at the South Shore High School and at Calument High School.

In 1965, Butler was among the first group of teachers assigned to the new John F. Kennedy High School on Chicago's Southwest Side. In this first year there, he wrote Kennedy's school song, which used as its music President John F. Kennedy's favorite march, "The Boys From Wexford."

Butler remained at Kennedy High School until his retirement last year. While on the faculty, he sponsored the school's first paper, "Profile" and remained its sponsor until 1984. He founded the Kennedy Players drama club and produced and directed every play at the school until 1991.

Mr. Speaker, Patrick J. Butler has dedicated over three decades to the development of new minds through his influential role both inside and outside the classroom. In the 1976, while serving as the Alderman of Chicago's 23d Ward, I recognized Patrick Butler as Teacher of the Year for his hard work and dedication to our community. Today, as he begins a new stage in his life, I urge my colleagues to join me in wishing him all the best in the years to come. I hope he and his family will enjoy many more years of happiness and fulfillment.

INTRODUCTION OF THE FFCWA

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. SCHAEFER. Mr. Speaker, today I am introducing the Federal Facilities Clean Water Compliance Act of 1993, legislation designed to ensure that Federal agencies meet the requirements set forth by the Clean Water Act.

Federal facilities, particularly those associated with the nuclear weapons complex, have a legacy of environmental contamination. According to the Office of Technology Assessment [OTA], there is evidence that air, ground water, surface water, and soil have been contaminated at most, if not all, of the Department of Energy nuclear weapons sites. Regrettably, much of this widespread problem—and the billions of taxpayer dollars needed to correct it—could have been avoided.

Although many of the Nation's environmental laws were not yet in place when nuclear weapons production began, their enactment has far from guaranteed responsible environmental practices at the Nation's Federal facilities. Instead, under each of the major statutes designed to protect our air, land, and water, Government agency compliance rates continue to lag behind private industry. The Clean Water Act is no exception.

In fact, the General Accounting Office reports that Federal facilities fail to comply with the provisions of the Clean Water Act twice as frequently as their private counterparts. Regardless of the reasons for this dismal performance, it leads to the irrefutable conclusion that Federal agencies lack adequate incentives to abide by the law. They must be held accountable.

Unfortunately, those primarily responsible for overseeing environmental laws at Federal facilities—the States—have seen an important enforcement tool denied by the courts. In April 1992, the Supreme Court ruled that States could not issue punitive fines and penalties against Federal agencies for violations of the Clean Water Act and the Resource Conservation and Recovery Act [RCRA]. Ironically, they could continue to take such actions against private industry.

This obvious inequity led Congressman Eckart and myself to introduce legislation in the 102d Congress (H.R. 2194) to clarify that Congress intended to waive sovereign immunity—subjecting Federal agencies to State-levied fines and penalties—when it enacted the Resource Conservation and Recovery Act. While that legislation overwhelmingly passed the House and was eventually signed into law, it did not impact that part of the Court's decision affecting the Clean Water Act. That is why this bill is so necessary.

The Federal Facilities Clean Water Compliance Act of 1993, modeled after last year's successful initiative, clarifies that Federal agencies are not immune from enforcement actions for failing to comply with the Clean Water Act. In other words, as we have already done for RCRA, this legislation simply brings Federal agencies into line with private companies which commit similar violations. The environment knows no difference between contamination from Federal and private sources; neither should the law.

I urge my colleagues to join me in this important effort.

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GEJDENSON. Mr. Speaker, today, the fundamental questions in American politics are not whether you are in or out, but whether you are for change or keeping things as they are; not whether you benefit from the system, but whether you are in a position to change the system.

The truth is that candidates cannot unilaterally commit to limit their election spending or to adopt by choice the many campaign reforms advocated throughout the years. Different State election laws, political party activity, and the increased visibility of independent expenditures make it impossible for any single candidate to abide by self-imposed expenditure constraints independent of the enactment of uniform Federal election law. It is unrealistic to expect the campaign finance system to right itself voluntarily by virtue of the will of the participants because of the demonstrated realities of political ambush. It requires the full mandate of public law.

How do we return to every citizen a feeling of meaningful participation in the political process? How can we ensure that the interests of average Americans are represented in the U.S. Congress? One giant step we can take immediately is to reform our campaign finance laws which place entirely too much emphasis on the finance and too little on the campaign.

The most important and long-lasting campaign finance reform we can make is the reduction of campaign expenditures. Ever since the Supreme Court, in Buckley versus Valeo, singlehandedly destroyed the carefully crafted and balanced reform system designed in the wake of the Watergate scandal, we have been trying to fix the damage and pass campaign finance reform. Others have contributed much thought, energy, and effort to this task over the years, and they did so again last year.

Today, we are introducing legislation which will accomplish significant reforms in the way we finance and conduct Federal election campaigns. This bill is identical to the 1992 conference report to accompany S. 3 which President Bush vetoed on May 9, 1992. President-elect Clinton has committed to enacting comprehensive campaign finance reform and it is our intention to pass this legislation as soon as possible and present it to the President for his signature.

This comprehensive bill, which both Chambers passed with bipartisan support in the 102d Congress, should serve as the starting point for further deliberation. Not every provision is sacrosanct, nor have the contribution and expenditure limits been adjusted to compensate for the dynamics of the 1992 Presidential and congressional elections. Nonetheless, today's introduction is a declaration that the 103d Congress and the Clinton administration are strongly in favor of changing the way Federal elections are financed and conducted.

Campaigns should be a clash of ideas, not of bank accounts. Elections are not supposed to be a participatory process for only the wealthy and privileged; they are the cornerstone of this democracy, in which every citizen should not only participate, but should be eager to do so.

SIMPLIFY PUBLIC ASSISTANCE PROGRAMS

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, I am introducing a bill today that will improve the Food Stamp Program and provide a method for coordination and simplification among public assistance programs. My bill includes changes to the Food Stamp Program that will remove limitations on work requirements and enhance waiver authority for welfare reform demonstration projects.

I believe there are major problems facing the entire public welfare system which require budgetary, regulatory, tax and welfare reform. Since 1983, when I became the ranking member on the Nutrition Subcommittee of the Committee on Agriculture, I have been concerned about the system that provides help to families in need. It soon became apparent to me that families participating in the Food Stamp Program had other needs as well: the need for financial assistance, help in finding a job, housing and medical assistance are among the major problems facing poor families. The current system with the lack of coordination and lack of resolution of the differences among the programs, is very troublesome.

I would like to see a system in which we provide benefits to people in a coordinated and simplified manner and provide employment and training for able-bodied participants. We must simplify the programs we have and make taxpayers out of those able-bodied people now in need to help. This food stamp proposal is a step in that direction.

The welfare system is broken and must be fixed. When a family is in need of help, that need often crosses program lines and the hurdles that families must face are immense. They must go to different agencies, meet different eligibility standards, and abide by different rules and regulations. Administrators of these programs have similar problems. One of our first priorities should be to make sure that we improve the delivery of Federal welfare benefits to needy families across the United States. I urge my colleagues to support this bill.

SECTION-BY-SECTION SUMMARY—FOOD STAMP EMPLOYMENT AND FLEXIBILITY AMENDMENTS OF 1993

REMOVE LIMITATIONS ON DURATION OF JOB SEARCH

Section 2 would amend Sections 6(d) and 20(e) of the Food Stamp Act to assign state agencies the responsibility for establishing the duration of job search periods for participants in the Food Stamp Program's employment and training (E&T) and workfare programs. Currently, the Food Stamp Program regulations limit job search to eight weeks at application and an additional eight weeks during each succeeding twelve month period. The proposal would remove this limitation, thus permitting state agencies to require longer or continual job search. State agencies are in a much better position to judge whether continuing job search is likely to help food stamp participants find work and expedite the time when they will no longer require Federal food assistance. It is reasonable to require able-bodied unemployed or underemployed people who are receiving Federal assistance to spend time searching for work, just as it is reasonable to require able-bodied employed people to continue working. The proposal would make any job search periods required by state agencies for E&T participants subject to any minimum period established by the Secretary by regulation.

REVISE PROHIBITION AGAINST DISPLACING EMPLOYEES

Section 3 would amend Sections 6(d) and 20(d) of the Food Stamp Act to expand state agencies' ability to place E&T or workfare participants. Currently, state agencies are prohibited by the statute from placing E&T or workfare participants in any job if doing so would have the result of displacing an employee who is not participating in E&T or workfare. The proposal would prohibit firing or laying off existing employees with the intent of replacing them with E&T or workfare participants, but it would enable state agencies to fill jobs vacated for other reasons with E&T or workfare participants as long as contracts for services/collective bargaining agreements were honored. Since state agencies have the responsibility for placing both E&T and workfare participants, those agencies are in the best position to know whether jobs are appropriate for such participants. State agencies should have as few constraints as possible in their efforts to place E&T and workfare participants in jobs.

AUTHORITY FOR STATE AGENCIES TO INCREASE HOURS OF PARTICIPATION IN COMMUNITY WORK EXPERIENCE PROGRAMS AND WORKFARE

Section 4 would amend Sections 20 (b) and (c) of the Food Stamp Act to make a technical amendment and to provide state agencies administering community work experience programs (CWEP) and food stamp workfare programs additional options.

The technical amendment would change an incorrect reference to a renumbered section of the Social Security Act. The incorrect reference currently prevents state agencies administering CWEP from considering the value of food stamps receive by CWEP participants when calculating the maximum hours such participants can be required to work.

The proposal would give state agencies that administer CWEP the option to include the average monthly cost of providing Medicaid benefits and the value of Federal housing assistance when computing the maximum hours of CWEP participation. The maximum number of hours that CWEP participants receiving food stamps could be required to work would be capped at 40 hours a week. Currently, food stamp recipients who participate in CWEP are limited to 120 hours monthly. The proposal would provide state agencies that administer CWEP maximum flexibility in assigning participants to jobs.

The proposal would also provide food stamp state agencies administering workfare the option to consider the average monthly cost of providing Medicaid benefits (for food stamp households that receive Medicaid) and the value of Federal housing assistance, in addition to the value of households' food stamp allotments, in calculating the maximum hours workfare participants can be required to work. The maximum number of hours that workfare participants would be required to work would be capped at 40 hours a week. Currently, food stamp recipients participating in workfare are limited to 30 hours per week. The proposals would enhance state agencies' flexibility in administering this food stamp work program.

ENHANCED FOOD STAMP PROGRAM WAIVER AUTHORITY FOR WELFARE REFORM DEMONSTRATION PROJECTS

Section 5 would amend Section 17(b) of the Food Stamp Act to improve the Secretary of Agriculture's existing authority to approve waivers requested by states operating or wishing to operate welfare reform demonstration projects. The Secretary would be authorized to approve waivers of any aspect of the program, including eligibility requirements, benefit computations, and administrative procedures.

Currently, Section 17(b) of the Food Stamp Act authorizes waivers necessary to conduct demonstration projects but denies the Department authority to approve waivers that would lower or further restrict eligibility standards (income and resources) or benefits unless the project involves the payment of the average value of allotments in cash or improved coordination of E&T and AFDC's Job Opportunities and Basic Skills program. Improved waiver authority for welfare reform demonstration projects is necessary to permit tests of program changes that cannot be achieved under current authority. Such tests could lead to closer conformity between the Food Stamp Program and the Aid to Families with Department Children program and other Federal assistance programs, thus leading to meaningful welfare reform and maximizing state agencies' flexibility.

EFFECTIVE DATE

Section 105 specifies that the amendments made by this bill will become effective 60 days after enactment.

H.R. 19, THE MEDICARE PREVENTION BENEFIT ACT OF 1993

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. ROSTENKOWSKI. Mr. Speaker, today I am pleased to introduce H.R. 19, the Medicare Prevention Benefit Act of 1993. This legislation would expand Medicare benefits to cover additional prevention health services.

Health professionals have recognized the value of prevention services for many years. Early detection and treatment offer the best chance for reducing mortality and duration of illness.

Some prevention services, such as vaccinations, actually prevent the occurrence of diseases. Others, such as mammography and colorectal cancer screening, allow for early detection and treatment of diseases.

While Medicare does not currently pay for all prevention services, in the last 10 years Congress has made progress in providing coverage for a limited number of prevention services.

The following prevention services are currently covered by Medicare:

Pneumococcal vaccine;

Hepatitis B vaccine for certain high-risk individuals;

Pap smears to screen for cervical cancer; and

Mammography screening for breast cancer.

The Medicare Prevention Benefit Act of 1993 would extend Medicare coverage to four additional prevention services.

First, H.R. 19 would, as recommended by the American Cancer Society, amend the current policy of biannual mammography screening to allow for annual screenings for elderly women.

Second, Medicare benefits for colorectal screening would be provided.

Third, the bill would provide coverage for tetanus vaccinations every 10 years and annual influenza vaccinations for the elderly.

Fourth, children under the age of 7, eligible for Medicare through the end-stage renal disease program, would be provided with well-child services, including routine office visits, immunizations, laboratory tests, and prevention dental care. These services are essential to ensure the health care needs of our children.

This bill also would permanently extend Medicare prevention demonstration projects relating to prevention services. In addition, the Office of Technology Assessment [OTA] would conduct a study and recommend a process for determining when other prevention services should be covered under Medicare.

I believe that this legislation is consistent with President-elect Clinton's economic and health care agendas. Also, as has been the case for many years, the Committee on Ways and Means and I, as its chairman, remain fully committed to financing any benefit expansions within its jurisdiction, such as those contained in this bill.

There are a variety of approaches that could be used to finance these benefits. One would be through an increase in Medicare's part B premium. Based on preliminary estimates, the cost of these benefits would be fully financed by a modest income in the part B premium of $1.40 per month in 1994, increasing to $2 per month in 1997. Other approaches for financing these benefits would also be considered.

Mr. Speaker, preventive services can help our elderly citizens to avoid the cost and discomfort of many illnesses. This is important legislation and I am hopeful it will be enacted by Congress on a timely basis.

A section-by-section summary of the bill follows:

THE MEDICARE PREVENTION BENEFIT ACT OF 1993

SECTION-BY-SECTION

SECTION 1. Title.

Medicare Prevention Benefit Act of 1993.

SEC. 2. Annual Screening Mammography.

The bill provides for Medicare coverage of screening mammography on a annual basis for individuals over the age of 65. Current law provides for annual coverage for women ages 50 through 64, but only on a biannual basis for older women.

SEC. 3. Coverage of Colorectal Screening.

The bill would provide for coverage of fecal occult blood tests (FOBT) and screening sigmoidoscopies for the early detection of colorectal cancer. The FOBT would be covered on an annual basis; the screening sigmoidoscopies would be covered every five years. Payment for the FOBT would be under the laboratory fee schedule, subject to a $5.00 limit in 1994. The screening of sigmoidoscopies would be reimbursed under the resource-based relative value scale (RB RVS), without regard to the RB RVS transition provisions. That is, the sigmoidoscopies would be paid based fully on the RB RVS rate in 1994.

The Secretary would be permitted to modify the frequency criteria after 1997.

SEC. 4. Coverage of Certain Immunizations.

The bill would provide for coverage of annual influenza vaccinations, and for tetanus-diphtheria vaccinations every ten years.

SEC. 5. Coverage of Well-Child Care.

The bill would provide that children up through age six, eligible for Medicare through the end-stage renal disease program, would be provided with "well-child services." These services would include routine office visits, immunizations, laboratory tests, and preventive dental care.

SEC. 6. Demonstration Projects for Coverage of Other Preventive Services.

The bill would provide for a series of ongoing demonstration projects that would evaluate the appropriateness of coverage of additional services under Medicare.

SEC. 7. OTA Study of Process for Review of Medicare Coverage of Preventive Services.

The Office of Technology Assessment, subject to the approval of the Technology Assessment Board, would conduct a study and recommend a process for determining when other preventive services should be covered under Medicare.

SEC. 8. Effective Date.

The benefits would apply to services provided on or after January 1, 1994. All other provisions would be effective on enactment.

AN ENVIRONMENTAL PROTECTION AGENCY OFFICE FOR THE UNITED STATES-MEXICO BORDER

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. COLEMAN. Mr. Speaker, today I am introducing legislation to establish an Environmental Protection Agency [EPA] Office for the United States-Mexico border region. The United States-Mexico border region faces acute and unique environmental obstacles which would be best addressed by devoting the efforts of a single office to the entire region. This measure is particularly important now, since the Members of this body will soon be called upon to approve the recently signed North American Free-Trade Agreement [NAFTA].

The environmental difficulties that the United States-Mexico border region faces have long been neglected. For too long, the border region has been divided among other administrative units within the EPA, causing the special problems and needs of the region to be overlooked far too often. The La Paz Agreement between President Reagan and President de la Madrid was a good starting point for recognizing and addressing the problems of the border. However, it was only a first step; we have a long way to go. We must not allow ourselves to believe that because we have taken a single step we are walking. On the contrary, we took one step and stopped.

Studies have continually shown communities along the border to be among the most distressed in the country. This distress stems from the relatively poor environmental quality of the border region. The need for an EPA office which can devote its efforts to the unique problems of the border is acute with or without a trade agreement.

Mr. Speaker, the light of the NAFTA will expose the glaring environmental difficulties the United States-Mexico border region faces. The need for effective legislation to enforce the environmental standards of the United States when NAFTA is implemented is obvious to the Members of this body. However, it would be foolhardy of us to pass such measures and pat ourselves on the back for a job well done without addressing the problem of how to monitor and enforce those standards. In order to implement the NAFTA in the manner which most Members would like, we must first establish the basis by which we will be able to determine if the measures we pass are, in fact, being adhered to. Experience has demonstrated that leaving the monitoring and enforcement of established standards cannot be left to the currently fragmented EPA efforts.

Mr. Speaker, this bill should be viewed as a foundation upon which we can build a comprehensive plan to protect the border region. I am confident that all of us wish to ensure the environment of the border will not continue to be neglected due to the administrative divisions within the EPA. The establishment of a border regional office is long overdue and I commend this measure to my colleagues.

REPEAL THE SOURCE TAX

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STUMP. Mr. Speaker, as millions of retirees prepare their State and Federal tax returns for 1992, most are unaware that they may be subject to tax in their former State of residence. This is because of the source tax, a particularly mean-spirited tax currently enforced by California and 11 other States but under consideration in many others as well.

The source tax essentially means that pensions earned while residing in one State may be taxed by that State regardless of where the retiree now lives. Thus, Arizona residents who once lived and worked in California must pay California income tax if they receive any pension or portion of a pension as a result of that work.

Mr. Speaker, States should not be able to reach across their borders, or across the country, to tax citizens of another State. I am today introducing legislation to put an end to this unfair practice.

TRIBUTE TO MAJ. ROBERT HANSEN, U.S. AIR FORCE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. LIPINSKI. Mr. Speaker, I am pleased to rise today to recognize Maj. Robert "Wally" Hansen who will retire January 8, 1993, from the U.S. Air Force after 20 years of diligent service to our country. He served most recently as chief Air Force liaison officer in the United Arab Emirates.

Major Hansen has served this Nation with great distinction as both an officer and an aviator. As a superb aviator, confident leader, and consummate staff officer, Hansen has excelled at every task. He served as a flight commander, operations officer, and instructor pilot and was the only Pacific Air Force pilot to concurrently obtain instructor pilot and flight examiner status in three different types of aircraft. As an inspector general evaluator, he alone did more in 9 months to verify the combat capability of Pacific Air Force units than was done in the previous 5 years.

During his recent service as a liaison officer to the U.S. Embassy, United Arab Emirates, he provided critical operational expertise on residual Desert Storm military operations during the building of postwar regional diplomatic and military structure. His astute insight contributed significantly to the act of negotiating and establishing diplomatic procedures for post-crisis military operations with the United Arab Emirates Ministry of Foreign Affairs. As a result, he was awarded the Defense Meritorious Service Medal.

Mr. Speaker, I ask you and each of my colleagues to join me in saluting Major Hansen for his many contributions to the security of this great Nation. It is with great pride and pleasure that I congratulate him on his retirement from the Air Force. I extend my best wishes to Wally and his wife Lois, who is also an Air Force officer. I know my colleagues join me in wishing him all the best in his future endeavors.

REPEAL SOCIAL SECURITY EARNINGS TEST

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, America has always stood as a shining example of opportunity for the rest of the world. People have left the security of their homelands to take their chances here in the United States. Is it possible that here, in this land of opportunity, the Federal Government has been severely limiting that opportunity for our Nation's senior citizens? It is not only possible, it's the law.

Fifty-seven years ago, when the Social Security system was launched, unemployment was as high as 25 percent. The objective of the Social Security Act, in part, was to create jobs for young Americans during the Depression by removing elderly workers from the labor force. In short, the earnings test was a conscious attempt by Congress to discourage the elderly from working.

Times have changed drastically since the 1930's, and as we head toward the 21st century it seems only just that Congress change this discriminatory policy. Today, I am introducing legislation to phase out the earnings limitation, thereby eliminating the restriction on outside employment for Social Security retirees in 5 years. In addition, this bill will accelerate the delayed retirement credit. Currently, folks who continue to work after age 65, and who do not apply for Social Security benefits, receive a small increase in benefits—about 4 percent—when they do retire. This is known as the delayed retirement credit. Congress has scheduled an increase in this percentage; however, it will not be fully realized until the year 2008. This bill will speed up the scheduled increase so that it will be fully realized before the 21st century.

I strongly support a repeal of the earnings limit. This cap selectively penalizes the many senior citizens of this country who most need some extra earnings. As much as seniors need the additional money, the Nation needs the seniors. As I have often said, our senior citizens are like a living library— experienced in life because they have worked, lived, and learned. Unfortunately, too often we do not take advantage of this great national resource as we should.

Employers are discovering what many of us have been saying for years—older workers can make invaluable contributions to the work force and to their communities. We have successfully convinced employers to employ older workers, but how do we convince seniors to stay in the work force when the Federal Government demands $1 for every $3 they earn over the Social Security limit? This doesn't sound like much of an incentive to me. In fact, it sounds like highway robbery—certainly not the land of opportunity.

In the second session of the 102d Congress, the House of Representatives passed a version of the earnings limitation repeal. Unfortunately, this provision was later stripped from the legislation. I ask my colleagues in the 103d Congress, both old and new, to finish the House's work. Let's make this the year we stop penalizing the productivity of seniors with some of our country's highest marginal tax rates ever imposed on middle-income Americans.

Seniors shouldn't have to believe that their country doesn't want them to work. In today's world of fierce global competition, the United States cannot afford to enter the 21st century without the years of work experience and skills of our Nation's seniors. With this legislation, we won't have to.

REESTABLISH THE SELECT COMMITTEE ON AGING

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. HUGHES. Mr. Speaker, two decades ago Senator DAVID PRYOR, then a distinguished Member of the House of Representatives, set up a trailer on Capitol Hill to examine aging issues because there was no single committee in the House of Representatives to examine complex and long-range issues of concern to older Americans.

Out of this vision, and from the vocal support of many older Americans throughout the country, the Permanent Select Committee on Aging was established and incorporated into the Rules of the House of Representatives on October 2, 1974. Its purpose is to help address the challenges posed by a rapidly growing older population, and to, among other things: "conduct a continuing comprehensive study and review of the problems of the older American."

I have had the great privilege and honor of serving on the Committee on Aging since its inception. Over the past two decades, under the leadership of the legendary Claude Pepper and most recently under the chairmanship of Ed Roybal, the Committee on Aging has convened and issued nearly 1,000 hearings and special reports, and helped to launch and shape many important pieces of legislation that have been enacted into law.

But perhaps more importantly the Committee on Aging has developed a strong reputation among many of our constituents as a kind of "conscience of the Congress," serving as a bipartisan forum and voice for some of the Nation's most disadvantaged citizens—elderly women, minorities, the poor, the disabled, and those who have experienced age discrimination.

I am very disappointed that the Committee on Aging was singled out to lose its permanent status even before the Joint Committee on the Reorganization of Congress begins its examination. As a senior member of the Select Committee on Aging I welcome a fair, open, and honest evaluation of the committee's achievements and role in helping to examine complex and long-range issues that cross multiple jurisdictions in the Congress. Indeed, every committee should welcome this sort of evaluation.

Yet, at a time when most of our economic competitors are focusing increased attention on the implications of their growing aging populations, it is unclear to me what has happened since 1974 to lead us to conclude that the House of Representatives no longer needs a permanent committee to comprehensively examine the needs of our older population, particularly with the graying of the baby boom population looming on the not-too-distant horizon.

If anything, the challenges posed by our aging society have grown exponentially since 1974. Our older population has grown to more than 31 million people. One out of every eight Americans is currently aged 65 or older. In a little more than 35 years this total will more than double to over 66 million persons, constituting 1 in 5 Americans.

And despite what many commentators in the press would have us believe about well-off elderly persons, millions of older Americans are living in poverty or on the edge of poverty. More than 1 in 5 persons over the age of 65, and half of all elderly women living alone, have incomes below $9,500 per year. Over 60 percent of older Americans are in the lowest two-fifths of the national income distribution.

What is more, projections indicate that unless we act soon, as a reward for shuttling between raising our children and working in the paid labor force, millions of additional women will become destitute in old age as the baby boom generation retires.

We have many serious challenges to address if we are to better utilize our aging population and remain competitive in an increasingly international economy. In their book, "Putting People First," President-elect Clinton and Vice President-elect GORE recognize that one of the key issues facing our Nation is protecting the rights and prosperity of older Americans and honoring the compact between generations.

For nearly two decades the Committee on Aging has worked to improve the overall quality of life of the elderly, and to ensure that our older citizens are not without adequate health care, income security, job opportunities, housing, and other essentials of life.

During the 102d Congress alone, the Select Committee on Aging convened a total of 79 hearings and issued nearly 3 dozen special reports on a variety of key issues. These activities clearly reveal that while the quality of life has improved for some elderly Americans, for many others who live in poverty or one step from financial ruin due to a serious illness or the loss of a spouse, much work remains to be done.

Among the major issues facing the Nation and the Congress are: The need for comprehensive health care reform and long-term care; the need for research into diseases that afflict the elderly such as Alzheimer's; the lack of a cohesive national retirement policy; protecting the integrity of the Social Security system and the operation of the Social Security Administration; pension plan underfunding and a lack of sufficient oversight of the $2 trillion private pension system; age discrimination in employment and the aging of the Nation's work force; a lack of adequate housing and assisted living arrangements; strains on the provision of services through the Older Americans Act; and fraud and abuse of older consumers.

Mr. Speaker, today I, along with the gentlewoman from Tennessee, Mrs. LLOYD, have the honor of offering a resolution to reestablish the Select Committee on Aging for the 103d Congress, which I believe has the opportunity to be a truly historic one. We fully expect that the Committee on Aging will continue its long history of bipartisan cooperation in examining and developing proposals which span a number of legislative jurisdictions in the Congress.

We urge our colleagues to support this resolution and encourage them to consider becoming a member of the Committee on Aging. All Americans have a common stake in programs for the young and the old. The aging agenda and the challenges we face are growing in direct correlation to the demographics of our older population.

ANNOUNCEMENT OF THE 1993 CONGRESS-BUNDESTAG STAFF EXCHANGE

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STENHOLM. Mr. Speaker, since 1983, the United States Congress and the German Parliament, the Bundestag, have conducted an annual exchange program in which staff members from both countries observe and learn about the workings of each other's political institutions and convey the views of members from both sides on issues of mutual concern.

This exchange program has been one of several sponsored by both public and private institutions in the United States and Germany to foster better understanding of the institutions and policies of both countries.

This year will mark the third exchange with a reunified Germany and a Parliament consisting of members from both the West and the East. Ten staff members from the United States Congress will be chosen to visit Germany from April 26 to May 7. They will spend most of the time attending meetings conducted by members of the Bundestag, Bundestag party staffers, and representatives of political, business, academic, and media institutions. They also will spend a weekend in the district of a Bundestag member.

A comparable delegation of German staff members will come to the United States in late June for a 3-week period. They will attend similar meetings here in Washington and will visit the districts of Members of Congress over the Fourth of July recess.

The Congress-Bundestag exchange is highly regarded in Germany. Accordingly, U.S. participants should be experienced and accomplished Hill staffers so that they can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staffers to the United States and a number of high ranking members of the Bundestag take time to meet with the U.S. delegation. The United States endeavors to reciprocate.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite United States delegation should exhibit a range of expertise in issues of mutual concern in Germany and the United States, such as, but not limited to, trade, security, the environment, immigration, economic development, health care, and other social policy issues.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag staffers when they visit the United States.

Among the contributions participants should expect to make is the planning of topical meetings in Washington. Moreover, participants are expected to host one or two staff people in their Member's district over the Fourth of July, or to arrange for such a visit to another Member's district.

Participants will be selected by a committee composed of U.S. Information Agency personnel and past participants of the exchange.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter only in which they state why they believe they are qualified, what positive contributions they will bring to the delegation, and some assurances of their ability to participate during the time stated. Applications may be sent to Bob Maynes or Bill Fessler, Office of Senator DENNIS DECONCINI, 328 Hart Building, by Monday, February 15.

REPEAL LUXURY TAX

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STUMP. Mr. Speaker, I introduce today legislation to repeal the luxury tax enacted as part of the 1990 Budget Summit Agreement.

The luxury tax has been a miserable failure. Rather than increase the Nation's revenues, it has reduced them. The luxury tax has cost countless jobs in the automobile, boat, and aircraft manufacturing sectors of this country. Jobs held not by the so-called rich, but by average middle-class Americans.

We cannot tax our way out of our deficit problem. Short-sighted solutions such as soaking the rich will not work. Mr. Speaker, let's admit that the luxury tax was a misguided effort, repeal it and move on to the real task of cutting excess and unnecessary Federal spending.

INSURANCE COMPETITIVE PRICING ACT OF 1993

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. BROOKS. Mr. Speaker, on this first day of the 103d Congress, I am pleased to introduce the Insurance Competitive Pricing Act of 1993. This legislation would modify, but not repeal, the antitrust exemption enjoyed by the insurance industry since 1945 under the McCarran-Ferguson Act. With the near-lethal blows dealt the economy in the decade, there can be no justification for prolonging a $500 billion industry's protected right to engage in price-fixing conspiracies that are strictly prohibited throughout the rest of the American economy.

The cost of insurance—like the cost of health care and education—is part of the composite financial picture of every American family and business. Americans depend on insurance to help cope with virtually every major risk of modern life. Indeed, they spend more on insurance than on anything else except food and shelter. The insurance industry is not only vital to the way American families protect their health, their homes, and their autos; it is also one of the three cornerstones—along with the banking and securities industries—of the financial services sector which makes American business investment possible.

Given the importance of insurance to our way of life, Americans can no longer afford to buy into an economic laissez faire attitude when it comes to the practices of this vital industry. Without some measure of antitrust as a safety net, there are few, if any, checks on runaway pricing and substandard service.

Congress hastily enacted the McCarran-Ferguson Act in 1945—as World War II was coming to a close—under the impression that it provided only a temporary 3-year antitrust exemption to help the industry get moving again in a peacetime environment. Unfortunately, confusing language in the statute had the effect of transforming a temporary moratorium into a permanent special interest concession that has persisted to this day. Whatever sense this temporary exemption might have made in 1945, it has become an economic anachronism in the economic climate of the 1990's.

The Nation has elected a new President largely on the strength of his determination to meet economic challenges, both at home and abroad, and put the American dream back on course. As he pursues these economic goals—from making health care more available and affordable to all citizens, to fostering a business climate more conducive to new investment—the insurance industry will play an instrumental role, for good or ill. We need a vibrant, competitive insurance industry to help advance these efforts; we do not need a complacent industry which is free to substitute collusion for competition and get away with it.

The legislation which I introduce today reflects a very carefully crafted balance in implementing necessary procompetitive reforms. It takes the moderate approach of prohibiting only the most pernicious antitrust offenses of insurers—like price fixing—and even then, only when the States are not actively regulating the insurance industry. This is a reasonable and equitable approach, though others may soon claim for straight-out repeal.

The brisk winds of change are blowing through this Nation as the American people demand more from their leaders, more from an economy that was allowed to stagnate and falter, and more from the providers of their goods and services. I am pleased that some members of the insurance industry have begun to step forward to join consumers and businesses in seeking a modern day solution to the relic of McCarran-Ferguson. With enactment of this legislation, we will take an important step forward in improving the lives of every American citizen and in reinvigorating a very critical industry. I ask my colleagues to join in supporting this legislation.

LINE-ITEM VETO

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, I am introducing two bills today to amend the Constitution and provide some budgetary common sense—one will require a balanced Federal budget; the other will provide line-item veto power for the President.

I have long been a staunch supporter of a balanced budget amendment to the Constitution. I have cosponsored the balanced budget amendment since I came to Congress, but until recently, the amendment was blocked by its opponents. In 1990 and again just recently, the impetus for a balanced budget was so strong that supporters were able to circumvent the committee blockage.

The House voted on the balanced budget amendment last spring, and I was disappointed that it fell nine votes short of the two-thirds majority needed for passage. Some Members of the Congress continue to oppose the balanced budget amendment, claiming that Congress needs fiscal discipline now instead of in the future. I agree with part of that statement wholeheartedly: the Congress does need fiscal discipline now. It should be obvious to all, however, that with deficits for 29 of the last 30 years, Congress simply does not have that discipline.

A constitutional amendment requiring a balanced budget is no substitute for direct action on the part of Congress. But we have seen time and time again that Congress does not have the ability to provide that action, and we need this enforcement mechanism. It's time to just say no—and mean it—to the tax-and-spend policies that have gotten the Government into this mess to begin with.

My rationale for introducing a line-item veto resolution is similar. As long as Congress continues to send the President jam-packed all-encompassing spending bills, the President must often choose between signing unnecessary spending into law on one hand and shutting down the Federal Government on the other. A recent report issued by the General Accounting Office [GAO] estimated that if the President had had line-item veto authority from 1984 through 1989, the savings would have ranged anywhere from $7 billion to $17 billion per year. In this time of high deficits, potential billion dollar savings cannot be ignored.

I am well aware that many statutory versions of the line-item veto will also be introduced today. I am supporting these efforts, because I believe they are steps in the right direction. I do not believe they are strong enough, however. As with the balanced budget experience, Congress has shown time and again that there is no limit to its ingenuity in evading statutory budgetary restrictions. We need these constitutional enforcement mechanisms.

TRIBUTE TO PAUL FELICE

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. CARR. Mr. Speaker, it is with great pride that I rise today to pay tribute to one of the finest people that I know, my good friend, Paul Felice. I urge my colleagues to join me in saluting this remarkable man and in congratulating him on being chosen as this year's recipient of the 1992 Oakland Distinguished Citizen Award. The Boy Scouts of America, Clinton Valley chapter, presented him with this award at a dinner held in his honor on December 3, 1992, at the Pontiac Silverdome in Pontiac, MI. I would also like to extend my personal best wishes to his loving wife, Beverley, and their four children, Rose, Joe, Paul, and Susan.

The distinguished service award is presented to persons who have distinguished themselves in their life work and who have shared their talents with their communities on a voluntary basis. I can't think of any one more deserving of this award. Paul's personal involvement and outstanding dedication to our community has enhanced the lives of many and he has truly distinguished himself in his life work.

Paul Felice is president of Felice Family Food Center in Waterford, MI, and has been active in many business, civil, and charitable organizations. He has served as a board member of the Michigan Grocers Association, chairman of the Oakland County Chamber of Commerce, vice chairman of the United Way commercial division, member of the board of directors of Community Programs, Inc., and a member of the White House Council on Small Business.

Paul's civil involvement and countless charitable contributions have made him the recipient of many awards including the coveted Timothy Dinan Award for Community Service. He was also the recipient of the 1975 Waterford Jaycees Boss of the Year Award, the 1984 Associated Food Dealers of Michigan Retailer of the Year Award, the 1988 Distinguished Service Award from Campfire/North Oakland Council, the Waterford Optimist Club Community Service Award, the Pontiac Civilian Club Honor Key Award, and in 1990, Paul proudly accepted the Italian-American Man of the Year Award from the Order of Sons of Italy in America.

Far too often, we, in this society judge individuals by their monetary or material wealth. However, those individuals that are truly blessed are those who possess a wealth of character and spirit. Paul Felice has gone beyond professional success and has sought to give of himself to the community and his fellowman. He personifies the American spirit and the principles that have made our country great. He is an inspiration to each and everyone of us, and the people of our community can look to him with pride.

I know that Paul Felice will continue to play an important role in our community for decades to come and that America will continue to benefit from his service, dedication, and hard work. I urge my colleagues to join me in saluting this outstanding citizen and in wishing him the best of luck in his future endeavors and much continued success.

REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GOODLING. Mr. Speaker, I am pleased to join Chairman DALE KILDEE in introducing legislation to reauthorize the existing elementary and secondary education programs.

While this is a straight reauthorization bill and contains no amendments to current education law, it's introduction signifies our intention to revise and improve existing education programs—and possibly to eliminate those which may prove to be ineffective or no longer necessary. These decisions will, of course, be made after numerous hearings at which we will receive testimony from individuals directly involved with Federal education programs.

It is my view that the theme of this reauthorization has to be a quality education for all children. For years we have discussed the need for all students to have access to an appropriate education. Now we need to insure that all students not only have access to education, but to a quality education. No matter what else we do during this reauthorization period, I believe we have to keep this theme in mind.

Study after study has revealed that our students are falling behind their peers in other countries. This is a trend we must reverse if we want to maintain our position as a world leader—and if we want our students to have the skills they need to obtain a job in today's highly technological marketplace.

To accomplish this goal, we may need to undertake a major revision of the current education programs. Our present system of education, while not as bad as some may think, needs to undergo major reforms. I believe we can use the knowledge we gained last Congress as we developed an education reform bill to help reshape our existing programs so they can become a part of educational reform efforts currently underway throughout the United States.

I believe this reauthorization provides us with a unique opportunity at a crucial time in our Nation's history to redesign our country's system of education so our students can once again become the best in the world. I look forward to working with my colleagues in the Congress toward this end.

THE HIGH PRICE OF PRESCRIPTION DRUGS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STARK. Mr. Speaker, the Philadelphia Inquirer is to be applauded for its outstanding five-part series on the pharmaceutical industry entitled "Making Medicine, Making Money."

The articles—which are worthy of journalistic reward—detail how and why American pharmaceutical manufacturers have consistently abused the American consumer, lobbied, and manipulated our Nation's doctors and hospitals, and added to the skyrocketing costs of health care. While pharmaceutical manufacturers have profited heavily from the pain and suffering of Americans, almost all other industrialized nations have managed to offer fair drug prices to their citizens.

Over the next few days, I would like to enter in the RECORD, excerpts from the Inquirer series. Following is the first passage from this excellent journalistic effort.

[From the Philadelphia Inquirer, Dec. 13, 1992]

DRUG PRICES CRIPPLE SAVINGS OF THE ELDERLY

Eva Smalls Rozier, 48, couldn't keep paying $150 for the drugs that kept her alive.

Prescription drugs to control her diabetes, high blood pressure and stomach problems were the single biggest item in her budget, surpassing the $30 she spent each week on food and the $99 she spent each month on the mortgage for her home in West Philadelphia.

For more than a year, ever since she lost her job typing data into a computer because of her poor vision, Rozier had been buying the drugs with money taken from her savings. The savings were fast disappearing.

So she decided to take a chance. She stopped taking her medicine.

One month later, Rozier was wheeled into the intensive care unit of the University of Pennsylvania Medical Center, near death from malignant hypertension, a lethal complication of uncontrolled high blood pressure.

When she was released from the hospital 10 days later, doctors and nurses warned Rozier that she had no choice: She had to take the drugs.

A hospital social worker advised her to spend her savings so she would qualify for Medicaid.

That's what she did.

[From the Philadelphia Inquirer, Dec. 14, 1992]

PHARMACEUTICAL SALESMEN: UPPING THE PRICE OF DRUGS

Jim Purcell is one of the 45,000 sales representatives who hover about the doctors of this country, trying to convince physicians that theirs is the best of all possible drugs.

The sales reps are everywhere. The typical American doctor sees two or three a week. And for many doctors, the sales rep is the primary source of information on new drugs.

Drug company promotion is likely to have more of an effect on what brand-name drug a doctor prescribes—and what the patient pays—than the doctor's education or all the technical articles in medical journals.

This army of sales people—one for every 12 prescribing doctors in the nation—is one reason prescription drug prices in the United States are so high * * *.

Roughly 75 percent of drug companies' promotion efforts are aimed at doctors. Drug companies also work hard to influence pharmacists, nurses and hospital administrators, who along with doctors determine which drugs are chosen for the formulary, the official list of drugs to be prescribed within any institution.

Drug companies control practically all information on new drugs; they also influence some articles appearing in medical journals. They sponsor seminars and specialized follow-up courses for doctors. They court legislators, consumer groups and even patients, via a barrage of drug advertising on TV * * *

> Sales reps routinely hand out memo pads, pens and other "reminder" items to keep the names of their drugs before the physician. They often pay for pizza and hoagie lunches provided to hospital staffs during departmental meetings * * *
>
> At stake is the $55 billion a year that prescription drug manufacturers get in U.S. sales. All but about $5 billion of that goes to big, brand-name companies, members of the Pharmaceutical Manufacturers Association.
>
> About 20 cents of every dollar you spend on brand-name drugs goes to promote and market them. Companies collectively spend more than $10 billion a year on promotion in the United States—more than they spend here on research and development * * *
>
> Because most of this effort is directed at about 550,000 prescribing physicians, it means that about $13,000 a year is being spent per doctor to influence the medical treatment you get.

BALANCED BUDGET AMENDMENT

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STUMP. Mr. Speaker, I am today introducing legislation proposing an amendment to the Constitution to require a balanced Federal budget.

There is little doubt that this body has failed in its obligation to manage the Nation's budget. For a number of reasons, we lack the necessary willpower to bring expenditures into line with revenue.

Since 1930, the Federal budget has been balanced only eight times. The result has been an accumulation of debt that has now reached $4 trillion and promises to go only higher.

Over the next several months, taxpayers across the country will be making out checks to the Government to pay their share of taxes. Sixty-two cents of each dollar those individuals pay will go just to pay the interest on the national debt. That is a frightening statistic which should sober us into action.

Mr. Speaker, many of my colleagues remember when the national debt was approaching $1 trillion—little more than a decade ago. Many of us in this Chamber fought to keep the debt from exceeding the $1 trillion threshold and we've fought the debt since in an effort to preserve some economic freedom for our children and grandchildren. The amendment I am introducing today will be the most powerful ally I can think of in this fight.

FORCED BUSING MUST STOP

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, for the last 12 years, the citizens of Missouri have stood by and watched their hard-earned tax dollars be funneled away from schools across the State and into forced busing projects in St. Louis and Kansas City. Since 1981, complying with the court-ordered desegregation efforts has cost the State over $1.4 billion. Children in rural Missouri are going without textbooks so that students in Kansas City can play on a fencing team. This has gone far enough.

I am again introducing legislation to amend the U.S. Constitution and prohibit any governmental entity—including Federal courts—from compelling a child to attend a public school other than the public school nearest the student's residence. Court-ordered forced busing has done little for civil rights—except employ lawyers in that field. It is time for common sense to prevail, and for the Federal courts to get out of the education business.

I have long believed that the folks in Missouri know what's best for their children. They should be making the educational decisions in Missouri, not Federal courts or bureaucrats in Washington. I urge my colleagues to join me in supporting this resolution and bringing some common sense back into education.

THE BANK AND THRIFT DISCLOSURE ACT OF 1993

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STARK. Mr. Speaker, today I am introducing the Bank and Thrift Disclosure Act of 1993, a bill to give the American public access to more information about the specific causes of the savings and loan bailout.

The general outline of the savings and loan fiasco is well known: a $200 billion price tag, the 721 thrifts which have already been taken over by the Government with more to follow, and the weakened Government regulations which encouraged the excess.

However, in many cases, the taxpayers who have funded this bailout do not know why individual institutions failed. This is partly because the public does not have access to important Government regulatory documents which can help show why individual thrifts failed and who caused their demise.

My bill would ensure the taxpayers' right to know what their money is being spent on in three ways: by requiring the disclosure of Federal regulators' documents, requiring the collection of information on insiders responsible for failures, and by prohibiting the Government from entering secret agreements to settle lawsuits.

It requires disclosure of two kinds of information collected by the Federal Deposit Insurance Corporation [FDIC] and the Resolution Trust Corporation [RTC]: prior examination reports of former banks or thrifts which fail and receive public assistance, and settlements of RTC and FDIC lawsuits for institutions which used taxpayer funds. These documents can help shed light on why an institution failed—which individuals and what lending practices caused the bank or thrift to overextend itself.

Regulators would not have to disclose this information for healthy banks and thrifts—only for institutions where the deposit insurance system has used taxpayer funds.

Additionally, my bill contains numerous provisions to insure the privacy of individual customers who did not cause an institution to fail. Generally, examination reports do not contain information about individual customers. However, any information about borrowers which is not relevant to the institution's failure would be removed before the report was made public.

Next, my bill requires the RTC and FDIC to maintain a list of insiders—executive officers, directors, principal shareholders—who defaulted on loans from a failed institution. These lists would be available to the public so that people would be able to find out if any of these insiders who caused the mess have moved on to new management positions in new banks or thrifts.

Finally, my bill would prohibit the Government from entering into secret settlements in cases where the institution relied on taxpayer funding to bail it out. Regulators would compile a public list of all pending lawsuits and settlements against these insiders who cost the taxpayers money. This would allow the public to hold both the regulators and the institution's former management accountable for their actions. It would also reassure the public that no shenanigans or double dealing are taking place when an insolvent trust or bank is resolved.

My bill is identical to the Bank and Thrift Disclosure Act of 1992, introduced by former Senator Tim Wirth in the 102d Congress. Mr. Wirth worked long and hard with Senator Garn to achieve a bipartisan agreement which passed the Senate attached to the banking reform legislation, but which was dropped in conference. I believe that we can pick up where we left off and pass it in the new Congress.

Once again, I urge my colleagues to join with me to ensure the taxpayers' right to know about the hidden workings of the Government's largest ever expenditure of public funds.

CONGRATULATIONS TO WOMEN'S TRANSATLANTIC EXPEDITION

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. VENTO. Mr. Speaker, I wanted to bring to the attention of my colleagues a 20th century adventure being headed by a Minnesotan from the district I've represented, Ann Bancroft. Ms. Bancroft is leading a four-member, all-women team on a 1,500-mile trek using skis to sail across the continent of Antarctica. The Women's TransAtlantic Expedition is scheduled to reach the South Pole around January 10, just a few days from now.

Will Steger, a Minnesota science teacher accomplished this feat with an international group of men and a hardy dog sled team in the winter of 1989–90. Minnesota talents and initiative speak for themselves. We are very proud of Will Steger and especially this 1993 all-women effort led by Ann Bancroft.

I would like to include the following St. Paul Pioneer Press article of December 22, 1992, which highlights the team's activities for the RECORD and to extend my best wishes to Ms. Bancroft and her team.

ANTARCTICA EXPEDITION IS HALFWAY TO SOUTH POLE

(By Wayne Wangstad)

Generally favorable weather conditions and few storms have marked the first 350 miles of the Women's Trans-Atlantic Expedition, a 1,500-mile trek by ski across Antarctica, which is known as the world's coldest and windiest place.

Expedition spokeswoman Janice Dames said Monday the four-member team, headed by Ann Brancroft of Sunfish Lake, a St. Paul suburb, has skied 350 miles. They have another 323 before reaching the South Pole about Jan. 10.

"Weather conditions have been good, good weather meaning about zero degrees, and there have not been a lot of storms," Dames said "During the day they have traveled without overcoats because they got so warm pulling their sleds."

Each of the skiers has been pulling a 200-pound sled packed with food, supplies and equipment. They started their trip Nov. 9 at the Ronne Ice Shelf on the Atlantic Ocean side of Antarctica.

Expedition members were traveling about 10 miles per day after being resupplied by airdrop on Dec. 11, Dames said. She said that distance will increase as the sled become lighter.

The team usually travels from 8:30 a.m. to 6 p.m. but extends travel on some days until 7 p.m. to vary the schedule. Dames said the trekkers sleep in tents and have given up the practice of building snow walls around tents because they found it unnecessary.

Besides Bancroft, 35, the expedition includes Anne Dal Vera, 37, of Fort Collins, Colo.; Sue Giller, 44, of Boulder, Colo.; and Sunniva Sorby, 31, of San Diego. The group is maintaining contact every three days through a radio base in Antarctica.

That station transmits to Ann Bancroft's sister, Carrie, in Punta Arenas, Chile. Carrie Bancroft then forwards information to St. Paul by fax, Dames said, adding that the last contact was on Thursday.

"Ann is enjoying messages from schoolchildren, including those at the Expo for Excellence Magnet School in St. Paul, which made a quilt for her to take to the South Pole. They have had to leave some of the things that were sent along but they still have the quilt with them," Dames said.

A former physical education and special education teacher, Bancroft has climbed Mount McKinley and in 1986 became the first women to reach the North Pole on foot when she traveled with the Will Steger expedition.

Dames said Bancroft misses traveling with dogs because they are good companions.

The expedition may take a day or two off after it reaches the South Pole, provided it is not rushed to reach McMurdo, the base station where the trek will conclude and the skiers will be picked up by a ship, Dames said.

The Women's Trans-Atlantic Expedition hopes to become the first to traverse Antarctica solely by skis and, if successful, Bancroft will be the first women to trek to both the North and South poles.

INTRODUCTION OF CHILD NUTRITION REAUTHORIZATION LEGISLATION

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. KILDEE. Mr. Speaker, today I am introducing legislation to reauthorize programs which are part of the National School Lunch Act and the Child Nutrition Act of 1966. Both acts are under the jurisdiction of the Elementary, Secondary, and Vocational Education Subcommittee, and contain provisions which will expire in 1994.

The connection between proper nutrition and educational achievement is clear. A 1987 study of the impact of participation in the School Breakfast Program in Lawrence, MA, found an improvement in achievement test scores, tardiness rates, and absenteeism after a breakfast program was introduced. But proper nutrition affects a child's ability to learn even before they are born. The 1986 Department of Agriculture's evaluation of the Special Supplemental Food Program for Women, Infants, and Children [WIC], which provides supplemental food to pregnant and postpartum women and their infants and children, demonstrated a strong link between WIC participation and children's intellectual ability.

In short, good nutrition is critical to a child's ability to reach his or her full potential in mind and body and become a productive citizen. Undernourished children are less physically active, less attentive, and less independent and curious. They are more anxious and less responsive socially and cannot concentrate as well. As a result, their reading ability, verbal skills, and motor skills suffer.

The Child Nutrition Act of 1966 authorizes the School Breakfast Program, WIC, and several other child nutrition programs. Approximately 5 million children participate in the breakfast program every morning. During fiscal year 1991, WIC served 4.9 million participants per month. It is a highly cost effective weapon in combatting malnutrition in pregnant and postpartum women and their infants and children, and it is the first line of defense against low birthweight, the No. 1 cause of U.S. infant death.

The National School Lunch Act authorizes the National School Lunch Program [NSLP]. The NSLP provides approximately 24 million meals daily to the Nation's school children, serving half of them to children from low-income families at a reduced rate or free of charge.

The bill I am introducing today provides an opportunity to review the national School Lunch and Breakfast programs. It also reauthorizes several other programs that have proven themselves useful tools against childhood hunger, and therefore, essential elements for learning. They include: WIC; funds for school breakfast start-up grants; nutrition education and training; the Summer Food Program; commodity distribution; the Child and Adult Care Food Program; and the Food Service Management Institute.

The importance of eliminating childhood hunger in America cannot be underestimated. I am introducing this bill on the first day of the 103d Congress, along with Mr. FORD, chairman of the Committee on Education and Labor, and Mr. GOODLING, ranking Republican of both the full committee and the Subcommittee on Elementary, Secondary, and Vocational Education, to emphasize this point.

This bill proposes no substantive changes in existing law. It is simply the reauthorization vehicle. It is designed to encourage support for the programs and stimulate discussion concerning how they can be strengthened during the 1994 reauthorization.

RESTORE PASSIVE LOSS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STUMP. Mr. Speaker, the 1986 Tax Reform Act was an honest effort to improve the Tax Code and make it more fair for everyone. Unfortunately, several features of the act are themselves in need of reform. The most prominent of which is the act's real estate passive loss provision.

The bill I am introducing today will allow real estate professionals—those actively involved in the real estate business—to deduct business losses just like other businesses. Currently, because of the passive loss rules, real estate professionals cannot deduct rental losses from their other real estate gains, such as from construction or development. This unique tax treatment unfairly requires those in the real estate business to pay tax on their gross, rather than net, income.

Mr. Speaker, the current passive loss rules have contributed greatly to the decline of the real estate industry and the demise of the savings and loans in this country. It is past time we correct them.

LANGUAGE FOR ALL PEOPLES INITIATIVE

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, in both the 101st Congress and the 102d Congress, I introduced the Language of Government Act, legislation to declare English as the official language of the Federal Government. I did this because I see increasing division within this great land of ours—division among ethnic lines, among racial lines, and among linguistic lines. I introduced this bill because I have a great respect for the power of language, both its power to unite and its power to divide. Even with all the problems and challenges that appear in our headlines daily, the United States has always been a shining example of how different peoples can live and work side by side in harmony. Our common language has been our common bond. I am introducing the Language of Government Act again, together with a bill providing a tax credit for employers who offer English language training to their employees and a sense-of-the-Congress resolution which recognizes the benefits of our many languages, yet stresses the need for a common language. Together, these bills and resolutions will form the language for all peoples initiative.

More than 150 languages are used throughout the United States today. Each of these languages contributes to the rich fabric of the American culture. Yet unless we have one language with which we may all communicate, our coexistence could be chaotic, as one can well imagine. Communication is at the very heart of democracy. A democratic form of government cannot exist if members of a community cannot talk to each other. The government must remain in touch with the people it governs in order to function efficiently and effectively. The Language of Government Act moves us another step in that direction.

Efforts to enact the Language of Government Act begin with several questions: Will we have a common language for governing a nation of diverse immigrants, or will we attempt to provide every function of government at every level in every language? That is over 150 languages. The need for efficient delivery of Government services requires the former. Will we enjoy a Nation of diverse peoples sharing the riches of their varied cultures with one another, or will we be a Nation of segregated, isolated language groups? The need for unity and harmony requires the former.

Poll after poll has indicated that the majority of the American people—folks from all backgrounds and walks of life—support this sort of legislation. The need is clear—in this country, English is clearly the language of opportunity. It is difficult to apply for a job, cast an informed vote, purchase train or bus tickets, or even to order a pizza in this country without knowing English. No one who comes to these shores should be denied the opportunities this land has to offer simply because he or she does not know English.

Because of this, I believe we need to take strong steps to encourage everyone to learn the English language. The Language of Government Act places an affirmative obligation upon the Federal Government to promote and enhance the role of English as the official language—including providing better opportunities for learning the language. This is a good step, but I believe we could do more. I am therefore introducing a bill to provide a tax credit to employers who provide English language training to their employees who need assistance with the English language. Hopefully, this bill will provide the necessary incentive for the private sector to become involved and help ensure that everyone in this country—no matter what his or her native language may be—can communicate effectively.

It is important to understand that designating one language for the official business of Government and encouraging everyone to learn the common tongue does not mean that other languages cannot or should not be spoken. To the contrary: Our world is becoming ever smaller, and it is true that if we wish to remain competitive in a global market, Americans should learn other languages. I strongly encourage everyone to learn as many languages as he or she can possibly learn, and put to good use, and I will work to provide more and better foreign language opportunities as a part of the Language for All Peoples Initiative. At the same time, I maintain that of all the languages we speak, one should be common to all. Of all the languages we speak, one should be English.

It is also important to understand that designating a single language for official acts of government in no way denigrates other cultures or heritages. Contrary to some rhetoric heard of late, a common language is entirely consistent with appreciation of diversity. Again, the issue is one of communication. We are diverse; no one will dispute that. I believe that this diversity is good—it exposes us to those who are different from ourselves and broadens our horizons. As a culture, we can learn a great deal from our diversity. But we can learn nothing from each other unless we can communicate with each other. Without a common language—a common medium of understanding—we who are products of our diverse linguistic and cultural heritages cannot communicate with each other. Human nature fears that which is different, that which is "other." Only through communication and dialogue can we learn to discover our similarities and to understand our differences. Only through communication—a common language—can we truly begin to appreciate the "other" which surrounds us. The Sense of the Congress resolution recognizes both the importance of our diversity and the importance of unity in diversity.

In addition to the three measures I've discussed above, I hope to eventually include a bill to better the opportunities for foreign language education in the United States and a demonstration project to improve our current programs for teaching English as a second language. Neither proposal is ready to introduce in bill form at this point; however, I hope to include them in the language for all peoples initiative when they are more fully developed. I am committed to removing language barriers in this country, both by promoting a language common to all and by expanding our knowledge of foreign languages. I strongly urge my colleagues to join me in this effort and to cosponsor any or all of the bills in the language for all peoples initiative.

INTRODUCTION OF H.R. 2, THE NATIONAL VOTER REGISTRATION ACT OF 1993

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. SWIFT. Mr. Speaker, I am pleased today to introduce H.R. 2, the National Voter Registration Act of 1993.

This bill is not only a priority of President-elect Bill Clinton, and a priority of the leadership of both Houses of Congress, but it certainly is also a priority for the American people.

All those people, some of them on the floor today, who argued so hard against the basic principle of this bill in the last two Congresses, have been proven wrong by the statistics from the 1992 election.

Increased registration produced an increase in voter turnout. And where did the bulk of that increase in registration occur—in States that implemented the registration procedures of H.R. 2.

The so-called motor-voter States showed a 3-percent increase in 1992 registration over 1988, and a voter turnout increase of almost 7 percent. All the other States had a registration increase of less than 1 percent and a voter turnout increase of 3 percent.±

The motor-voter States led the way in citizen participation in 1992 and, with the enactment and implementation of H.R. 2, the whole country will enjoy a similar participation bonus in 1996.

H.R. 2 is not a new concept. It was passed by the House in the 101st Congress, only to be filibustered to death in the Senate. It was passed by both the House and Senate in the 102d Congress, only to be vetoed by President Bush.

Partisan politics has kept this basic election reform from being implemented. Now we have a President who is not frightened by public participation, who believes that all eligible citizens should be encouraged to take an active role in choosing their leaders, who feels that government should be proactive when it comes to promoting democracy.

I would say to my distinguished new colleagues, those who for the first time have been sworn in today as Members of Congress to defend our Constitution, that H.R. 2 offers them a unique opportunity to fulfill their oath. This is a bill which will break down those formal last barriers to full citizen participation in our democratic society. In a sense it is what the election of 1992 was all about, and I am proud to join with the other original cosponsors in introducing H.R. 2 this afternoon.

TAX FAIRNESS FOR FAMILIES ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. WOLF. Mr. Speaker, today I am reintroducing the Tax Fairness for Families Act. This measure is a family investment effort which would raise the dependent deduction to $3,500—from the present inflation adjusted 1992 level of 1992—so that families will be able to keep more of their own hard-earned money. In the 102d Congress this same bill garnered the bipartisan support of 262 Members. It was one of the few family policy measures that had broad-based bipartisan support across the ideological spectrum, with cosponsors ranging from Representative BOB DORNAN to Representative PAT SCHROEDER.

I am also introducing an alternative family tax relief measure which would provide a $600-per-child tax credit for families with children 18 and under. Financially reinvigorating families through either of these methods should be a central policy priority this year. The growing tax burden on families burdens millions, if not most, families. When State and local taxes are included, government now takes over one-third of the income of the average family.

During the past four decades, the value of the personal exemption has shrunk to a fraction of what it should be. If the personal exemption had kept pace with inflation and per capita income since 1948, the value today would be over $8,000 according to the Urban Institute. Instead, today it is only at approximately one-quarter of that value at $2,300. It is my hope that tax relief targeted to middle income families with children could be the centerpiece of any economic growth package considered in Congress this year.

I was encouraged in this hope by reading the Progressive Policy Institute's "Mandate for Change", a book of policy recommendations for the new administration written by a group that Mr. Clinton once served as president. In "Mandate for Change" the authors point out, "since 1945, the real value of the dependent deduction has been allowed to erode by three-quarters." They offer targeted family tax relief as a central family policy initiative. I couldn't agree more. When Robert Shapiro of the Progressive Policy Institute and an economic adviser to the new administration testified before the Select Committee on Children, Youth, and Families back in 1991, he stated, "Of all the aspects of family policy, finding appropriate ways of reducing the tax burden on families is the most simple and straightforward. The first principle of a new, pro-family tax policy should be that the government does not tax away income needed to support children."

The Communitarian Network, an eclectic group of individuals and organizations committed to shoring up our moral, social, and political environment has also recommended increasing tax protection for families with children. The members of this group include such varied voices as Betty Friedan, Secretary-designate Henry Cisneros, Baltimore Mayor Kurt Schmoke, and Rockford Institute scholar, Bryce Christenson. The recent Communitarian Position Paper on the Family advocated a $600 child allowance, which in effect is how this $600 per child credit could function. Under this proposal a family with two children would have $100 more a month that would be untaxed and could go toward family expenses whether they be child care, savings for college, or basic day-to-day expenses.

There will be many important aspects of economic growth packages before this Congress. I have supported a number of these economic growth initiatives and believe it is very important that we enact strong pro-growth economic policies to get American businesses back on the road to recovery and to help the individuals, families, and businesses behind the statistics. The cost of Congress' failure to pass growth policies is borne by workers, investors, entrepreneurs, and most onerously, by American families. Healthy growth of the national economy has always been necessary to provide jobs for families, to raise living standards, and to help the Government better provide for the need of those who are unable to care for themselves.

But there are other equally or perhaps even more important trends that contribute to the economic picture and play an important part in any long term economic package—and those are the trends in the American family, the backbone of our economy. Therefore, we must include family tax relief as part of an economic growth package. Families aren't asking for a handout; they are just asking to keep more of what they earn in order to better provide for their families.

There is a family recession out there that needs to be addressed. The long-term health of the economy and society depends upon well-reared and well-educated children who flourish under circumstances in which there is a family recovery as well as an economic recovery. Additionally, the Federal deficit is an important issue but the family time deficit is equally as critical and deserving of our attention.

As the current ranking member of the Select Committee on Children, Youth, and Families and a member of the committee since its inception in 1982, I have had the opportunity to learn about and observe the disturbing trends in the well-being of families with children. These trends cannot be divorced from the current economic slump. The trajectory of both economic trends and family trends is down.

The American family has never been under greater attack than it is today. From our inner cities to our suburbs, families are threatened by disturbingly high rates of child abuse, spouse abuse, teen suicide, high school dropouts, drug and alcohol use, and most tragically violence and death among our youth. The wheels are coming off for many American families and clearly, children cannot steer clear of trouble without the guiding influence of the family.

The erosion of family tax protection has meant that while children today are at risk from cultural threats as never before, parents are pushed by financial pressures to spend less time with their children. Too often neither mom nor dad is home to hear the after school trials and tribulations of troubled adolescents or to help with homework or to simply spend relaxed time with their young children. One study has shown that parents today spend 40 percent less time with their children than did parents of a generation ago. Often dad is never even in the picture and mom must carry the burden alone.

Clearly we have learned over the past decades that government has real limits. Yet there is a growing and already large consensus that supports tax relief for families as a way of putting money and choices back in the hands of parents and families to better attend to family needs. The bipartisan support for this same bill in the 102d Congress demonstrates that this measure is a family policy that an overwhelming majority of Members can support. It would be a tragedy for families, if the one tax bill, the one piece of an economic growth package that is broadly agreed to, is left out.

Reinvesting in families through family targeted tax relief is one of the best domestic policies we can put forward:

It doesn't require a new agency, new regulations, oversight, overhead, or interference in the integrity of the family.

It simply provides families with the opportunity to better meet their needs by easing their financial burdens and allowing them to keep more of their own hard-earned money.

It is based upon the premise that the family is the best Department of Health and Human Services and is worthy of our support.

As the Progressive Policy Institute noted in their family policy paper "Putting Children First: A Progressive Family Policy for the 1990s"' There are some things that only families can do and if families are placed under so much stress that they cannot raise children effectively, the rest of society cannot make up the difference in later years.

We all know this to be true. Over the years I have shared with many Members of Congress my concern about the burdens on today's mothers and fathers and have often quoted the lyrics from the Harry Chapin song, "The Cat's in the Cradle": "When ya coming home Dad * * * I don't know when, we'll get together then * * *'" These lyrics are not only sung on the radio but too often heard across the country from the mouths of our children. This is due in large part to the economic pressures on today's fathers and mothers. Families have to work longer hours to meet the needs of their families while Uncle Sam keeps taking a bigger and bigger bite out of the family pie which results in the continuing downward spiral of all too many statistics of family well-being.

I am introducing these measures to, at least, in part, put the brakes on family decline. Families are, after all, at the center of most of our lives. If this center does not hold—as we have seen over the past decades—things will continue to fall apart. The state of families is also at the center of many of our most pressing social programs and unless we treat the root of this problem we will continue to reap the harmful consequences. We must limit the fallout from family meltdown. These measures are an effort to aid in rebuilding the family—the most important part of our country's infrastructure.

The fact is that our Government which is well-equipped and quite efficient at building infrastructure in terms of building roads and designing bridges is far less adept at building strong families. Despite the fact that the Federal Government has increased domestic spending on children's programs 66 percent since 1989, many are still falling behind.

That is why it is important to reinvest directly in the family itself instead of trying to reinvest the family through more programs and more Federal dollars flowing to Washington. The family budget must be given priority over the Federal budget when it comes to addressing these problems. The family is, after all, the best Department of Health and Human Services and functions best when parents are allowed to keep more of their own hard-earned money to maintain their own families. Again, the Progressive Policy Institute has written: "Government cannot, under any set of circumstances provide the kind of nurturing that children, particularly young children, need. Given all the money in the world, Government programs will not be able to instill self esteem, good study habits, advanced language skills, or sound moral values in children as effectively as strong families."

While the public sector spending on children and families is at an all-time high, the private sector tax protection offered families is at an all-time low. Over the past four decades, the dependent deduction has shrunk to one-quarter of what it was in the 1950's. Back then, a family of four didn't start paying income tax until they were close to the median income; today the same family starts paying Federal taxes close to the poverty level. Since the 1950's, the annual family income lost due to this shrinkage exceeds the annual cost of an average family home mortgage, $8,000. We are literally taxing families out of house and home!

Furthermore, two-thirds of the average working mother's earnings—in a two-earner family—go to paying for increases in Federal taxes over the past several decades rather than providing additional income for her family. So for the millions of American families with working mothers, Uncle Sam is getting more out of mom's paycheck than are her own children—and this is even before families pay for the costs of child care, transportation, and other workrelated expenses. This simply in not fair.

Easing the dollar deficit for families can in turn help ease the time deficit so that parents will be able to spend more time with their families and better balance their work and family roles. Family tax relief allows individuals and families to have more choices and opportunities. It is a win-win policy for both families and the Government.

Finally, I would like to point out we should not raise taxes to pay for a tax cut for families. As Dr. Wade Horn, a member of the National Commission on Children pointed out, "One of the major consensus items" in the National Commission on Children's report was that "families with children are overtaxed." As Dr. Horn said, "It would be ludicrous to recommend tax cuts for families with children on the one hand, and then raise their taxes on the other in order to 'pay for it.'" Even raising the top tax rate to 50 percent would only produce $20 billion—and this is using a static estimate which assumes that people would not change their behavior if you took away 20 percent more of their money. Furthermore, raising taxes almost always fails to produce expected revenues and instead increases the deficit.

Today's families are not hurting because they are undertaxed. I invite my colleagues to join me in cosponsoring these family tax relief efforts. Already over 80 Members have cosponsored the family tax fariness bill that I am reintroducing from last session.

H.R.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATEMENT OF CONGRESSIONAL FINDINGS.

The Congress hereby finds that—

(1) the erosion of the personal exemption over the past several decades has exacted an inordinate financial penalty on families with children,

(2) the simplest and most effective way to reinvest and strengthen families is by allowing families to keep more of their own hard-earned money,

(3) an increase in the dependent deduction would begin to ease the growing financial strain on families, and mark a return to tax fairness for families,

(4) if the personal exemption had kept pace with inflation, increases in per capita income and increase in family costs, it would be approximately $6,000–$7,800 today, and

(5) the dependent deduction should be raised to $3,500 with a goal to reach the appropriate level by the year 2000.

SEC. 2. INCREASE IN PERSONAL EXEMPTION FOR CERTAIN DEPENDENT CHILDREN.

(a) GENERAL RULE.—Paragraph (1) of section 151(d) of the Internal Revenue Code of 1986 (defining exemption amount) is amended to read as follows:

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'exemption amount' means $2,000 (or, in the case of an exemption under subsection (c) for a child who has not attained age 18 before the close of the calendar year in which the taxable year begins, $3,500)."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 151(d)(3) of such Code is amended by striking "the exemption amount" and inserting "each dollar amount in effect under paragraph (1) (after any adjustment under paragraph (4))".

(2) Subparagraph (A) of section 151(d)(4) of such Code is amended—

(A) by striking "the dollar amount" and inserting "each dollar amount", and

(B) by adding at the end thereof the following new sentence: "In the case of the $3,500 amount contained in paragraph (1), the preceding sentence shall be applied by substituting '1993' for '1989' the first place it appears, and by substituting '1991' for '1988'."

SEC. 3. ROUNDING OF INFLATION ADJUSTMENTS.

Paragraph (6) of section 1(f) of the Internal Revenue Code of 1986 (relating to rounding) is amended to read as follows:

"(6) ROUNDING.—If any increase determined under paragraph (2)(A), subsection (g)(4), section 63(c)(4), section 68(b)(2), or section 151(d)(4) is not a multiple of $10, such increase shall be rounded to the nearest multiple of $10."

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1992.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX CREDIT FOR CHILDREN.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end thereof the following new section:

"SEC. 30A. CREDIT FOR CHILDREN.

"(a) GENERAL RULE.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this chapter and chapter 21 for the taxable year an amount equal to $600 multiplied by the number of qualifying children of the taxpayer who have not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins.

"(b) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed by subsection (a) for a taxable year shall not exceed the excess (if any) of—

"(1) the sum of the regular tax (reduced by the sum of the credits allowable under subpart A and section 32) and the tax imposed by chapter 21, over

"(2) the tentative minimum tax,

for the taxable year.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' has the meaning given to such term by section 32(c)(1) (determined without regard to subparagraph (B) thereof).

"(2) QUALIFYING CHILD.—The term 'qualifying child' has the meaning given to such term by section 32(c)(3) (determined without regard to subparagraphs (C) and (E) thereof).

"(3) CERTAIN OTHER RULES APPLY.—Subsections (d) and (e) of section 32 shall apply."

(b) DENIAL OF DOUBLE BENEFIT.—Subparagraph (A) of section 21(b)(1) of such Code (defining qualifying individual) is amended by inserting "(other than an individual described in section 30A(a))" after "taxpayer".

(c) CONFORMING AMENDMENT.—The table of sections for such subpart B is amended by adding at the end thereof the following new item:

"Sec. 30A. Credit for children."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

HEALTH CARE REFORM AND TAX RELIEF

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. HASTERT. Mr. Speaker, I rise today to reintroduce two important bills to safeguard our country's economic future: One that dramatically reforms our Nation's health care system and one that provides tax relief for working seniors.

While America has the finest health care available in the world, our health care system is in dire need of reform. Just ask any employer, senior citizen, parent or doctor. Virtually every American is feeling the impact of the problems of our health care system.

This bill, The Health Care Choice and Access Improvement Act, addresses the specific problems in our system by reforming the small group insurance market so that small business can afford to buy health insurance, increasing the tax deductibility for the self-employed to 100 percent, allowing employers to establish tax-free MediSave accounts so that employees have a pool of money to pay for medical expenses, reforming the medical malpractice system, instituting administrative improvements, and increasing long-term care coverage.

These reforms constitute a comprehensive package that could be implemented immediately to dramatically improve our health care system.

These proposals will enable Americans to continue to enjoy the flexibility and personal choice they have come to expect in their health care system. And these reforms, if instituted, will also help us avoid the massive tax increases and expanded bureaucracy a government-run health system would require.

These are common sense reforms, and I look forward to working with my colleagues to pass meaningful health care reform legislation soon.

The other bill I am reintroducing is the Older Americans' Freedom To Work Act of 1993. This bill removes the earnings test that penalizes seniors who need to continue working after they reach retirement. It is difficult to understand how Congress could allow our Nation's laws to punish productivity and send the message to seniors that society no longer wants the skills and experience of older workers.

Under the earnings penalty, working seniors lose one of every three dollars of their Social

Security benefit after earning only $10,560 annually. Thus, a senior earning only $10,000 a year faces 56-percent marginal tax rate—when FICA and State taxes are included—twice the tax rate of millionaires. This is simply not fair!

Moreover, our economy is still in need of a boost. The American economy is hurt by the earnings penalty. At a time when we are all concerned about economic growth, it seems foolish not to utilize the collective work experience and skills of millions of elderly workers who desperately need to continue working. Eliminating the test would mean that hundreds of thousands of elderly retirees would enter the labor market and, as a result, our annual output of goods and services would increase by several billion dollars.

A form of this legislation passed the House last year, but was stripped by the Senate. This is the year to take action. President-elect Clinton repeatedly endorsed lifting the earnings test during his campaign. Support for the removal of the earnings test continues to grow and I encourage my colleagues to work toward giving seniors the freedom they need to work.

LINE-ITEM VETO

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STUMP. Mr. Speaker, I am today introducing legislation to give the President line-item authority. The measure I introduce today is identical to House Joint Resolution 55 that I introduced in the 102d Congress.

With the change in administration, many Members who supported line-item veto legislation in the last Congress may be hesitant to do so under a different President. I would like to say to my colleagues that the need to control wasteful and unnecessary spending is even greater today than before, and regardless of the political party which controls the White House, we must work together to put an end to the irresistible urge to meet our parochial needs with taxpayer moneys.

Mr. Speaker, the line-item veto removes the last excuse for allowing special-interest pork to slip through in otherwise worthy appropriations bills. The taxpayers have a right to know how such things can happen and who, including the President, shares the blame for our $4 trillion debt.

PUTTING OUT THE FLAMES ON FLAG BURNING

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, today, I am introducing a constitutional amendment to prohibit desecration of the U.S. flag. Many will no doubt recall the furor when the Supreme Court in 1989 overturned the Texas conviction of Gregory Johnson and declared the Texas flag-burning statute unconstitutional. The Congress responded weakly, declining to pass a constitutional amendment and opting instead for a new Federal statute which prohibited desecration of the American flag. To no one's surprise, this statute was also declared unconstitutional by the U.S. Supreme Court. As a result, burning and trampling upon our Nation's most revered symbol is now constitutionally protected conduct.

The Court based its decision on first amendment freedom of expression. I believe strongly in the first amendment and in its protections, but there are recognized exceptions to the first amendment. Not every act of expressive conduct is protected. Libel and slander, obscenity, copyright and trademark laws, classified information, and perjury are but a few acts of expression which fall beyond the first amendment. So, too, should flag-burning fall beyond the first amendment. To paraphrase Chief Justice Rehnquist, flag-burning is a grunt which is designed not so much to communicate but to antagonize.

Throughout history, the U.S. flag has been revered as the embodiment of the liberty and freedom which have become the hallmark of our Nation. This casual treatment of our Nation's most revered symbol is an affront not only to the flag, but to the ideals which stand behind it. It is an affront to the people who have served our great country in all capacities, but especially to those who have fought and died for America.

Flagrant and public abuse of the flag should not be considered as symbolic speech under the first amendment, and such abuse should not be tolerated. I hope that the mere fact that 3½ years have passed since the Johnson decision will not lessen enthusiasm for protecting Old Glory. I strongly urge my colleagues to join me in passing a constitutional amendment which would give the States and the Federal Government the authority to prohibit desecration of the American flag.

INTRODUCTION OF LEGISLATION TO DESIGNATE THE CENTRAL COAST NATIONAL MARINE SANCTUARY

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. PANETTA. Mr. Speaker, I rise today upon the introduction of legislation to designate the Central Coast National Marine Sanctuary. This bill is similar to legislation I introduced in the last Congress, H.R. 3099.

Throughout my career in the Congress, I have sought to promote good stewardship of our Nation's resources. To be good stewards, I have found that the Congress must strike a balance between the need to develop our Nation's resources with our responsibility to preserve the Nation's truly significant and sensitive resources for the benefit of future generations. To this end Congress created the National Park System and the Wilderness System to preserve our historically and ecologically significant resources within the public domain.

Recognizing the importance of preserving our significant marine resources as well, Congress created the National Marine Sanctuary Program to preserve those areas of the marine environment which possess ecological, historical, recreational or educational qualities that give them special national significance.

In the first two decades of its operation, the National Marine Sanctuary Program has enjoyed enormous success in not only protecting our significant marine resources but educating the public on the global ecological importance of these marine resources as well. The program has been hindered, however, by the reluctance of the past administration to include more marine areas in the National Marine Sanctuary Program. Currently, only 5,320 square nautical miles of the ocean, less than .2 percent of the total marine areas in the domain of the United States (U.S. Exclusive Economic Zone), are protected by a national marine sanctuary designation. This figure compares with some 147,000 square miles of U.S. lands currently protected by a wilderness designation.

The marine area of the central coast of California protected under this legislation possesses the ecological, historical, recreational, and educational qualities noted above which make it an area of national significance and a beneficial addition to the National Marine Sanctuary Program.

This coastal area, which runs mostly along San Luis Obispo County, represents one of the most significant marine ecosystems along the Nation's west coast. It has a rich variety of sensitive coastal habitats including significant wetlands and estuaries as well as rocky intertidal zones and subtidal rocky reef communities.

The area is home to many threatened and endangered species including the California sea otter, seven endangered species of whale, and four species of sea turtles, and is also a major feeding and resting area for migratory birds protected under international treaties.

One of the more significant resources of the area is the Nipomo Dunes Complex which have been designated as a national natural landmark. The Nipomo Dunes Complex contains the largest coastal dunes in California and have immeasureable ecological and scenic value, high educational, scientific and recreational importance, and represents one of the few coastal areas in the State still in an undisturbed condition.

In addition to having numerous sensitive marine resources worthy of preservation and research, the central coast also has archaeological significance as it was the home of several Chumash Indian village sites for at least 9,000 years. This is the densest area of 9,000 year old sites known along the western contiguous States to the Canadian border. Archaeologists have discovered literally hundreds of Chumash sites in these coastal waters and they are the subject of ongoing study.

Despite the importance of this coastal area, its well-being is being threatened by a variety of pollutants including the drainage of pesticides and other toxics into the waters and the expanding industrial uses of the waters. Of particular concern is the continual threat of offshore oil and gas development in this sensitive marine area. While this legislation does not address the specific issue of oil and gas development pursuant to this legislation, I am confident that after the National Oceanic and Atmospheric Administration [NOAA] conducts a thorough investigation of this site pursuant to this legislation, it will rule to prohibit the conduct of new oil and gas activities in the Sanctuary as it has done with every site currently in the National Marine Sanctuary Program.

It is my hope that the designation of the central coast as a national marine sanctuary will not only serve to preserve the unique and sensitive environment of this area but also provide a means for protecting this vital resource on which so many in the community depend for their livelihoods.

Mr. Speaker, it is clear that the central coast of California is an important, significant, and sensitive marine resource worthy of the stature and protection of national marine sanctuary designation. I urge my colleagues to join me in this effort by supporting the adoption of this legislation.

H.R. 21, THE MISCELLANEOUS AND TECHNICAL MEDICARE AMENDMENTS ACT OF 1993

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. ROSTENKOWSKI. Mr. Speaker, I am pleased to introduce today H.R. 21, the Miscellaneous and Technical Medicare Amendments Act of 1993.

This legislation would make minor and technical changes in title 18 of the Social Security Act to improve the operation of the Medicare Program.

These provisions were included in H.R. 11, the Revenue Act of 1992, which was passed by the House and Senate on October 5, 1992, but was vetoed by President Bush.

The bill includes a number of provisions pertaining to hospital and physician payments:

The number of States authorized to participate in the Essential Access Community Hospital Program would increase from seven to nine;

The Rural Hospital Transition Grant Program would be reauthorized for an additional 3 years;

Separate Medicare reimbursement for the reading of electrocardiograms [EKGs] would be restored; and

Provisions that reduced the Medicare payment for new physicians during their first 4 years of practice would be repealed.

The cost associated with EKG interpretations and new physicians would be funded by reducing payments for all other physician services. Both provisions have the support of physician groups, including the American Medical Association.

In addition, the bill includes provisions from H.R. 11 that would address problems of health care fraud and abuse. Many of these provisions were developed as part of this committee's ongoing initiative for the efficiency and effectiveness of programs within the committee's jurisdiction.

Finally, this bill includes a clarification concerning nonduplication of benefits sold to individuals with Medicare supplemental insurance policies.

Mr. Speaker, this is important legislation that I hope will be enacted by Congress on a timely basis.

A section-by-section summary of the bill follows.

SUMMARY—THE MISCELLANEOUS AND TECHNICAL MEDICARE AMENDMENTS ACT OF 1993

TITLE I—PROVISIONS RELATING TO MEDICARE PART A

1. Transition for hospital outlier payments

The impact of the outlier payment policy as revised for fiscal year 1993 would be phased in over two years. The fiscal year 1993 policy would be in effect for the first six months of the year and the fiscal year 1992 policy would be in effect for the latter six months.

2. EACH amendments

Designation of up to nine Essential Access Community Hospital (EACH) States would be authorized. The current physician certification requirement regarding inpatient services in rural primary care hospitals (RPCH) would be modified. Generally, a RPCH would not be authorized to perform inpatient surgery, or to provide general anesthesia. The current limit on inpatient lengths of stay in a RPCH would be changed to an average 72-hour length of stay.

Designation of urban hospitals as EACH hospitals would be authorized for other than payment purposes. The Health Care Financing Administration (HCFA) would be authorized to designate hospitals participating in a bi-State rural network as EACH or RPC hospitals although the hospitals were not located in a State participating in the EACH program. RPC hospitals would be authorized to provide swing bed services up to the hospital's licensed acute-care bed capacity at the time of conversion to a RPCH, minus the number of inpatient beds (up to six) retained by the RPCH.

The lower of costs or charges requirements would be waived with respect to payment for outpatient services provided by RPC hospitals. The requirements for RPC hospitals regarding written policies and supervision of those policies would be clarified. Various sections of Part A would be amended to clarify that provisions regarding spell of illness, scope of benefits, and Part A deductible and coinsurance would apply to inpatient services provided by rural primary care hospitals. The EACH program would be reauthorized for an additional three years at the same levels as currently authorized.

3. Wage index provisions

Wage indices for urban areas with a wage index below the rural wage index of a State and for urban areas which comprise an entire State would not be reduced due to a decision of the Geographic Classification Review Board. Data used to designate certain rural counties as urban, based on commuting standards, would be required to be based on the most recent information used to designate Metropolitan Statistical Areas (MSAs). The Secretary would be authorized to take occupational mix into account in the development of guidelines for reclassification to the extent he determines appropriate.

4. Rural transition grant reauthorization

The rural transition grant program would be reauthorized for fiscal years 1993 through 1997 at $30 million in each year.

5. Extension of regional referral center classification

Designation of current rural referral center hospitals would be continued until September 30, 1994.

6. Medicare-dependent, small rural hospital extension

Special payments to Medicare dependent hospitals would be extended for discharges occurring prior to October 1, 1994, on a phase-down basis.

7. Hemophilia pass-through extension

Pass-through payments for hemophilia clotting factor provided to hospital inpatients would be continued effective December 19, 1991, through fiscal year 1994.

8. State hospital payment programs

Recoupment of any amount owned by New Jersey hospitals due to alleged overpayments relating to New Jersey's Medicare waiver would be delayed until April 1, 1993. The application of other laws to hospital payments under State payment programs under section 1814 would be clarified.

9. Psychology services in hospitals

The care of inpatients receiving qualified psychologist services could be supervised by a clinical psychologist as well as by a physician in a State in which such supervision is authorized by State law.

10. Medical education payments in hospital-owned community health centers

Services of interns and residents in a hospital-owned community health center would be counted in determining a hospital's intern and resident-to-bed ratio.

11. Uniformed service treatment facilities

Recoupment of any alleged overpayments from uniformed services treatment facilities would be prohibited except to the extent funds are appropriated for this purpose through the fiscal year 1993 Department of Defense Appropriations Act. The Secretary, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, would be required to evaluate and report to the Congress on the potential for joint hospital facilities involving the military and private providers.

12. Skilled nursing facility wage index data

With two years of enactment, the Secretary would begin collecting data on wages in skilled nursing facilities for the purpose of constructing a skilled nursing facility wage index. The Prospective Payment Assessment Commission (ProPAC) would be required to report on the impact of applying routine cost limits for skilled nursing facilities on a regional basis.

13. Rural demonstration extension

The Secretary of the Department of Health and Human Services would be directed to continue demonstration projects pertaining to limited-access rural hospital at least through December 31, 1995.

TITLE II—PROVISIONS RELATING TO MEDICARE PART B

1. Payment for interpretation of EKGs

The prohibition of payment for interpretations of EKGs performed in conjunction with a visit would be repealed.

2. Payments for new physicians and practitioners

The reductions in Medicare payments in the first four years of practice of new physicians and practitioners would be repealed.

3. Anesthesia time

The Secretary would be prohibited from changing the current payment policy for anesthesia services.

4. Extra-billing limits

The provision would clarify that no person is liable for payment of any amount billed in excess of the limiting charge. Carriers would be required to notify a physician within 30 days if the physician has billed in excess of the limiting charge. Physicians who collect amounts in excess of the extra-billing limits would be required to refund or credit excess charges on a timely basis. The provision extends the limits that now apply to physicians to other providers and practitioners when billing for a service covered under the physician fee schedule. Carriers would be required to screen 100 percent of unassigned claims to determine if the amount billed exceeds the limiting charge. The limits and the right to refund would be printed on the Medicare explanation-of-benefits forms mailed to beneficiaries.

5. Use of recent data in the RB RVS geographic adjustment

More recent data would be used in establishing the geographic adjustment index for the resource-based relative value scale (RB RVS). The Secretary would be required to consult with representatives of physicians in reviewing geographic adjustment factors and indices, and would review data sources to improve the geographic adjustment index.

6. Development of a RB RVS for pediatric services

The Secretary would provide for the development of a RB RVS for pediatric services.

7. Antigens under the RB RVS

The preparation of allergy antigens and antigens would be paid under the RB RVS.

8. Claims relating to physician services

The Secretary would be prohibited from imposing any fees relating to the filing of claims, claims filing errors, administrative appeals, obtaining unique identifier numbers, or for responding to inquiries concerning the status of pending claims. Temporary arrangements, wherein a physician could bill for the services of a second physician when the second physician was substituting for the first, would be permitted.

9. IOL payment limits and high technology lens adjustment

The $200 payment for intraocular lenses (IOLs) would be extended for two years.

10. Eye and ear hospitals

Certain facilities that were distinct units of general hospitals which have substantially closed would be eligible for designation as an eye, or eye and ear hospital, for determining the outpatient ambulatory-surgery payment limit.

11. DME certificate of medical necessity

The prohibition on the distribution of suppliers of completed or partially completed certificates of medical necessity (CMN) would be limited to certificates relating to potentially overused and abused items. In the case of other items of durable medical equipment (DME), suppliers would be permitted to complete those elements of the CMN relating to patient identification, billing and the codes and description of the item to be provided. The Health Care Financing Administration (HCFA) would be required to conduct a study of DME provided to non-aged disabled populations.

12. Medicare payments for TENS devices

Medicare DME fee schedule amounts for transcutaneous electrical nerve stimulation (TENS) devices would be reduced by 30 percent.

13. Nebulizers and aspirators

Nebulizers and aspirators would be removed from the category of DME items requiring frequent and substantial servicing. Limits on rental or purchase amounts for such items would be established. Separate payments would be made for accessories used in conjunction with nebulizers and aspirators.

14. DME fraud and abuse

Suppliers of medical equipment, prosthetic devices, orthotics and prosthetics, surgical dressings, home dialysis supplies and equipment, and immunosuppressive drugs would be required to obtain a supplier number in order to bill Medicare. To obtain a Medicare supplier number, the supplier would have to meet certain requirements.

DME suppliers would be prohibited from making unsolicited calls to beneficiaries, unless the individual gives permission or the supplier has furnished the individual with the item within the preceding 15 months. Suppliers would be required to submit claims to the carrier having jurisdiction over the geographic area that includes the permanent residence of the patient to whom the item is furnished.

The Secretary would be required to develop a uniform national coverage and utilization review criteria for 200 items.

15. Enteral and parenteral supplies

The 1993 payment update for parenteral and enteral supplies and equipment would be eliminated.

16. Payments for ostomy and other supplies

National payment limits would be established for ostomy and tracheostomy supplies, surgical dressings, splints, casts, and other devices for the reduction of fractures.

17. Nurse anesthetists (CRNAs) payments

The conversion factor used to determine payments to medically-directed CRNAs would not be updated until 1997.

18. Alzheimer's Disease Demonstration

The Alzheimer's Disease Demonstration would be extended for an additional one-year period.

19. Limit on premium penalty for late enrollment

The penalty for late enrollment under Part B would be capped for Federal retirees who did not enroll at the time of the initial enrollment period because of enrollment in a group health plan that provided coverage for items and services covered under Part B.

20. Medicare cancer therapy coverage

The definition of covered drugs and biologicals would be amended to include oral drugs used in cancer chemotherapy when identical to drugs that would otherwise be covered.

21. Speech-language pathologists and audiologists

The term "speech pathologist" would be amended to be "speech-language pathologists and audiologists," consistent with current practice and coverage policies.

22. Municipal health service demonstration projects

The four municipal health service demonstration projects would be extended for four years.

23. Indian health facilities

The definition of Federally Qualified Health Centers would be revised to include programs and facilities operated by Indian tribes under the Indian Self-Determination Act and certain facilities serving urban Indians.

24. Extension of Medicare Influenza Vaccination Demonstration

The Medicare Influenza Vaccination Demonstration would be extended for six months, until April 1, 1993.

25. Payment of Part B penalty by States

The Secretary would be authorized to enter into agreements with States for purposes of allowing States to make premium payments for penalties associated with late enrollment under Part B. States would be permitted to make quarterly payments on a lump-sum basis.

26. Technical amendments

Various technical amendments relating to physician services, DME, other Part B services, and provisions included in the Omnibus Budget Reconciliation Act of 1990 (OBRA 90) would be made.

TITLE III—PROVISIONS RELATING TO MEDICARE PARTS A AND B

1. Physician ownership and referral

An exemption would be provided for a group practice with multiple locations with multiple laboratory sites. An exemption would also be provided for certain shared-service clinical laboratories: (i) which are owned jointly by two or more physicians; (ii) in which no share of the entity is owned by non-physicians; (iii) where the entity is in the same building in which the physician owners' medical practices are located; (iv) where the overhead expenses are shared by the physician owners; and (v) where the entity and the ownership arrangement was established prior to June 26, 1992. The General Accounting Office (GAO) would be required to study the effect of these facilities on utilization of health services. The current-law exemption for rural providers would be expanded to include compensation arrangements, and would be clarified to exempt entities providing substantially all of their services to rural residents.

Current law relating to permissible compensation agreements would be clarified so that the following are not considered to be compensation arrangements: (i) rental of office space and of equipment meeting specified standards; (ii) amounts paid by an employer to an employee with a bona fide employment relationship, including part-time or temporary physicians with a contractual relationship with a group practice, for the provision of services meeting specified standards; (iii) certain other contractual arrangements involving physicians, including the employment of part-time specialists by a group practice to provide services not otherwise available, (iv) payments to an entity by a group practice for the provision of pathology services; and (v) payments by a physician to an entity providing services.

Various definitions included in current law would be clarified. The definition of group practice would be modified to include group practices which provide services to hospitals under arrangements which are billed in the name of the hospital, subject to specified standards. The definition of remuneration would be modified to exclude: (i) the forgiveness of amounts owed for inaccurate tests, mistakenly performed tests, or the correction of minor billing errors; (ii) the provision of items, devices, or supplies of minor value that are used to collect, transport, process or store specimens or communicate the results to the entity; or (iii) the furnishing by an entity of laboratory services to a group practice affiliated with the entity, if the entity provides all or substantially all of the clinical laboratory services of the group practice.

2. Graduate medical education

The Secretary would be required to adjust the base-year payment amount for certain grant-supported residency programs in family and community medicine, to the extent that the program is no longer supported by grants. The base-year amount would also be adjusted for hospitals not required to pay FICA taxes or make a contribution to certain pension plans prior to the passage of OBRA 90. For purposes of determining the initial residency period, up to two years of a presidency in preventive medicine would not count towards the limitation on the initial period.

3. Coverage of immunosuppressive drugs

Coverage of immunosuppressive drug therapy for Medicare beneficiaries who have received organ transplants would be extended beyond 12 months to 36 months on a phased-in basis.

4. Payments for erythropoietin

Medicare payments for erythropoietin (EPO) would be reduced by $1.00 per 1,000 units for services furnished on or after January 1, 1994.

5. Medicare secondary payer

HCFA would be required to mail questionnaires to individuals, before they become entitled to Part A or enrolled in Part B, to determine whether the individual is enrolled in a primary plan. Payments under Part B could not be denied for covered services solely on the grounds that the questionnaire fails to include coverage under another plan.

Providers and suppliers would be required to complete information on claims forms regarding potential coverage under other plans. Contractors would be required to report to the Secretary on steps taken to recover mistaken payments.

In addition, the Medicare secondary payer provisions would be clarified with respect to members of religious orders so that the provisions do not apply to situations identified after October 1, 1989, for services provided before such date.

6. Qualified Medicare beneficiary (QMB) outreach

The Secretary would be required to obtain information from individuals, when they become entitled to benefits under Part A or become enrolled under Part B, that could be used to determine eligibility for QMB benefits.

7. Social health maintenance organizations (SHMOs)

Waivers would be extended for two years through December 31, 1997. The limit of 7,500 members per site would be increased to 12,000. The Secretary would be authorized to establish a site for end-stage renal disease (ESRD) beneficiaries.

8. Peer review organizations (PROs)

The requirement for prior approval of selected surgical procedure by PROs would be repealed.

9. Hospice information to beneficiaries

Home health agencies and skilled nursing facilities would be required to inform beneficiaries of the hospice option. Hospitals would be required to consider hospice as part of the discharge planning evaluation of a patient's likely need for appropriate post-hospital services.

10. Interest payments

Interest on clean claims would be paid if payment is not made within 30 days of receipt.

11. Medicare appeals

The process for appeals relating to the challenges of regulations and rules concerning methods for payment under Part B would be clarified to assure continued judicial review of such challenges.

12. Medicare administration budget process

The Budget Enforcement Act would be amended to authorize additional spending for Medicare's fiscal intermediaries and carriers in each of the next three fiscal years. The additional amount would be based on the expected growth in claims volume under the program.

13. Health maintenance organizations (HMOs)

The average adjusted per capital cost (AAPCC) payment methodology would be adjusted to take into account regional variations in the proportion of working aged for whom Medicare is a secondary payer.

14. Treatment of certain State health care programs

The Hawaii Prepaid Health Care Act would not be preempted by the Employee Retirement and Income Security Act (ERISA) unless the Secretary of Labor notifies the Governor that, as a result of an amendment to the Hawaii Act, the proportion of the population covered is less than the current proportion, or the level of coverage is less than the actuarial equivalent of the current level of coverage.

15. Parts A and B technical amendments

Various technical amendments relating to Parts A and B would be made.

TITLE IV—PROVISIONS RELATING TO MEDICARE SUPPLEMENTAL INSURANCE POLICIES

1. Standards for Medicare Supplemental Insurance (Medigap)

Technical and conforming amendments would be made to the Medigap provisions of OBRA 90 pertaining to preventing duplication, loss ratios, and pre-existing condition limitations. Drafting errors in OBRA 90 would be corrected.

LINE-ITEM VETO

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. ALLARD. Mr. Speaker, today I rise to introduce legislation proposing an amendment to the Constitution of the United States allowing the line-item veto in appropriation bills. This is the same bill that has been introduced by retired Congressman Chalmers Wylie each session for the past 18 years.

Granting the President of the United States the power of the line-item veto is an excellent first step toward meaningful deficit reduction. Admittedly, it alone will not entirely reduce the deficit of our Government, but it will be an invaluable fiscal tool to assist in restraining the spending of Congress.

Today more than ever before the citizen's of our Nation are calling for the Government to become more responsible and responsive in their governing. An excellent example of this is to look at the ground swell of support targeted at Congress to pass legislation that grants the President the power of the line-item veto.

Many people will try to convince you that the line-item veto is a new and novel idea, when in reality it has been debated by Congress for nearly 100 years. The enactment of the provisional Constitution of the Confederate States in February of 1861, marked the first time a line-item veto appeared in an American constitution. Also, several Southern Governors were given this power after the Civil War.

President Grant noticed this power and how it would help remove the Congress' ability to add "riders" to the Budget. These riders, which are still a common practice in today's Government, were undermining the Presidents' power by presenting bills that contained provisions that amounted to several bills.

The introduction of the line-item veto is not new to our Congress. In fact, it has been offered to the House of Representatives as long ago as January 18, 1876. Since that time there have been over 150 bills and resolutions introduced to establish the line-item veto. However, Congress has held hearings on a very few occasions.

Subsequently, only one bill has been reported favorably from committee and only one other has been considered on the floor. A line-item veto amendment to the Independent Offices appropriations bill in 1938 passed the House by a voice vote, but was rejected by the Senate.

Since that time the closest a line-item veto bill ever came to being passed was on July 18, 1985, when supporters of S. 43 attempted to bring the measure back to the floor but their attempt failed because of a filibuster against the bill.

Eight different Presidents have expressly supported the line-item veto: Presidents Grant, Hayes, Arthur, Franklin D. Roosevelt, Truman, Eisenhower, Reagan, and Bush. Most recently, President-elect Clinton has expressed that he supports the line-item veto.

President Reagan called for Congress to grant the President this tool for fiscal constraint on numerous occasions. In President Reagan's final address as President on January 14, 1989, he once again reaffirmed his support for the line-item veto. President Reagan said this of the veto: "My successors should be given the line-item veto, subject to congressional override, to veto the line items in annual appropriations bills, in authorizing legislation that provides or mandates funding for programs, and in revenue bills. Such authority would permit the elimination of substantial waste and would be an effective instrument for enforcing budget discipline."

Lately, enhanced recessions have come to the forefront of political debate for deficit reduction. However, it is important to understand that it is not a line-item veto. In early November, in conversations with President-elect Clinton, House Speaker TOM FOLEY announced that he is planning to offer enhanced rescission legislation as a substitute to the line-item veto. While enhanced rescissions are helpful in controlling spending, I reiterate, they are not the line-item veto. Quite simply, enhanced rescissions is statutory legislation and would take only a simple majority to remove the law from the books, while the line-item veto legislation would be an amendment to the Constitution and would be subject to congressional override by a two-thirds majority.

Moreover, the line-item veto represents an expansion of the President's ability to eliminate or reduce individual items of appropriations. In fact the line-item veto would allow the President to veto individual items in an appropriations bill, while the rest could become law. Further, any vote would be subject to congressional override by a two-thirds majority.

It is important to understand that the line-item veto may not be used to reduce entitlement spending. If the authority is granted to the President he would only have the ability to veto discretionary items in the budget which comprise just 40 percent of the total budget.

Recently, significant steps have been taken towards securing the President the power of the line-item veto, including an effort last year by myself and Congressman CHALMERS WYLIE to discharge House Joint Resolution 4, legislation providing for a constitutional line-item veto, from committee.

Now, more than ever before our constituents are calling for Members of Congress to become more responsible in their spending; to me that means enactment of legislation that authorizes a Presidential line-item veto.

Currently, 43 Governors have the power of the line-item veto. In each of those States they also have a balanced budget requirement. A recent study by the CATO institute reported that 92 percent of all past and present governors surveyed support the line-item veto.

If 43 States have successfully granted their Governor the power of the line-item veto as a fiscal tool providing an executive restraint on appropriations and 7 past Presidents, the current President and the President-elect of the United States all have expressly supported this measure. Then why has it been so difficult for Congress to bring this measure to the floor for consideration?

INTRODUCTION OF LEGISLATION TO REGULATE THE SALE OF PRIVATE LONG-TERM CARE INSURANCE

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. WYDEN. Mr. Speaker, I am pleased to take the opportunity presented today, the first day of the 103d Congress, to introduce legislation to reform the long-term care insurance market. I am committed to working with my colleagues and with President-elect Bill Clinton to ensure that my bill is incorporated as a key provision of any health care reform legislation taken up this year.

Two years ago, Congress took decisive action to shut down rampant fraud and consumer deception in the MediGap industry. I was particularly proud to introduce that long-overdue reform legislation with Senator DASCHLE of South Dakota, because MediGap insurance fraud was among the first problems I tackled with the Oregon Gray Panthers. As a result of the legislation enacted in 1990, all MediGap insurers nationwide must now use uniform definitions in their policies, and obey a whole series of consumer protections in marketing gap-filling policies to the elderly.

But MediGap insurance for doctor and hospital bills does nothing to protect the nation's 30 million elderly citizens from nursing home and home care costs. The fact is that as many as 10 million of these older Americans can expect to spend some time in a nursing home during their lifetimes, and that figure doesn't fully account for the many millions who will need long-term home care.

Mr. Speaker, there is a real need for long-term care insurance, because most of these senior citizens are not insured for the risk of long-term care costs. Fortunately, Americans understand their exposure to catastrophic long-term care costs better than ever before. According to a recent Gallup Poll, long-term care financial planning ranks second only to saving for retirement in the minds of middle-class Americans over age 30.

This represents an enormous potential market for private insurers, and the number of private long-term care insurance policies in force has more than doubled in just the past few years. Over 130 insurance companies have now sold almost 2 million long-term care policies, mostly to elderly people trying to plan for the future.

Unfortunately, there are indications that many of the scurrilous practices Congress chased out of the Medigap industry have also infected the private long-term care insurance market. These scams are perpetrated by companies and salesmen who are attracted to the long-term care market by the smell of money and the same weak Government regulation that once led ripoff artists to sell Medigap insurance.

There is ample evidence that the long-term care insurance market today is infested with double-dealing insurers. Over a 5-year period, seven separate groups of investigators have trudged back from the regulatory frontlines to give a remarkably consistent report to Congress. Here's what they found:

Insurance agents often misrepresent the provisions of long-term care insurance policies they sell. The evidence indicates that far too many of these agents shoot from the hip and worry about answering the consumer's questions later, after closing the sale.

Too often, long-term care insurance companies go to extraordinary lengths to avoid paying claims. The insurance policies they sell are riddled with loopholes and exclusions that force the average elderly person to run an actuarial gauntlet before they can receive the benefits they've paid for.

The Alzheimer's Association has concluded that consumers cannot count on long-term care insurance to meet their needs, and called for uniform national standards along with a public long-term care program.

Most States have underfunded their insurance regulators, and have failed to equip them with the legal authority they need to police the insurance buccaneers.

Consumers Union, the publishers of Consumer Reports, could not find even one long-term care insurance policy that deserved a best buy rating. Their shoppers heard sales pitches form 15 insurance agents in 3 large States, and concluded that—

> Every sales agent misrepresented some aspect of the policy, the financial condition of the insurer, or the quality of a competitor's product. Not one sales agent properly explained the benefits, restrictions, and policy limitations [emphasis supplied].

Last year, I assigned my own staff to go undercover with elderly volunteers to find out what salesmen are really saying to elderly consumers. Fourteen insurance agents in six cities around the United States were selected at random to sell insurance to our undercover volunteers and staff. Our worst fears were confirmed: every single one of these agents engaged in at least one misleading sales practice.

My bill, the Long-Term Care insurance Consumer Protection Act, is endorsed by the leading consumer organizations representing the elderly in Congress, and just as important to me as the senior Representative from the State of Oregon, is embraced by the Oregon State Insurance Commissioner and Consumer Advocate.

This legislation would establish the following basic consumer protections:

Require all long-term care insurance to include inflation protection, so it still has buying power when it is needed;

Require each long-term care insurance policy to include nonforfeiture protection, so that people whose policies lapse after several years don't lose all their premium dollars;

Prohibits and reduces incentives for agents to engage in several shady marketing practices, including pressure tactics that induce consumers to waste their money on new policies;

Establishes a set of standardized long-term care insurance coverage and definitions, just like the standard MediGap plans adopted by Congress 2 years ago, built on the recommendations of the State insurance commissioners;

Prohibits policy exclusions based on preexisting conditions.

The insurance industry lobby has argued year after year that the Federal Government should stay out of this area, and leave everything to the State insurance commissioners. But Federal investigations by the General Accounting Office, and the inspector general of the Health and Human Services Department, argue otherwise. They found State insurance laws lag far behind the model laws recommended by the National Association of Insurance Commissioners. And the GAO has testified that even these model standards leave out vital consumer protections, such as nonforfeiture and inflation provisions.

I would like to take just a few minutes more to highlight two provisions in my bill that are particularly important to consumers—specifically, the bill's nonforfeiture and inflation protections.

Nonforfeiture protection is essential because half of these policies will lapse within 10 or 15 years after a consumer buys them, usually because the consumer can no longer afford rising premiums. Unless the law requires insurers to refund to the consumer some of the thousands of dollars in premiums paid over the years, all their money is simply lost.

The need for Federal legislation to address this problem is dramatically underscored by the ongoing failure of the National Association of Insurance Commissioners to approve even voluntary, model nonforfeiture guidelines for the States to enact. My bill would set a firm deadline for action by the State insurance commissioners, backed up by binding Federal regulation if needed.

But even consumers who can afford to hold on to their policies will find that after just 10 years the corrosive effect of inflation has whittled their policy down to only 50 to 60 percent of its original buying power.

This means a person who buys a policy at age 65 and attempts to use it at age 85 will discover her money buys less than 10 percent of what it could purchase 20 years before. This is why I believe inflation protection should be a feature of every long-term care policy.

I'm proud to say that Oregonians are better off than residents of most other States, because Oregon's laws provide many key consumer protections. But even Oregon law does not now require the offering of inflation protection, does not include nonforfeiture protection, and does not limit sales agents' first year commissions.

The legislation I am introducing today will correct the imbalance of power that now favors big insurance companies and their sales staff, by establishing basic consumer protections nationwide.

I firmly believe that private long-term care insurance can make a meaningful contribution to financing the long-term care needs of the elderly. But Congress must take action to ensure these plans provide value for the premium dollar, rather than the elaborate and costly illusion of protection sold by too many insurers today.

I look forward to working with my colleagues in Congress and in the incoming administration, as well as consumer groups, insurance regulators, and the industry, to solve these problems. I would like to invite representatives of these important stakeholders to offer any comments and suggestions they may wish to provide to improve this legislation.

THE POLLUTION PREVENTION INCINERATOR CONTROL ACT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. TOWNS. Mr. Speaker, this year, Americans will produce about 180 million tons of garbage. That comes out to roughly 1,500 pounds of trash generated annually by every man, woman, and child in this country. And that is over two to three times the amount produced by other countries in Europe as well as Japan.

My distinguished former colleague from Pennsylvania, Pete Kostmayer, articulated the problem well last year when he said:

> We have to pay to collect and haul it away; we have to pay to have it incinerated; we have to pay to put it—on the ash left over after burning—into landfills; we have to pay for monitoring the air around the incinerators and for the water around the landfills; and only if we are lucky, will we not have to pay for increased health care costs for the citizens who reside near these facilities.

Currenty, Mr. Speaker, there are 183 municipal solid waste incinerators, 1,100 hazardous waste incinerators, boilers, and kilns now operating in the United States with 57 more in the planning stages. This rush to burn endangers human health. Both garbage and hazardous waste incinerators commonly emit toxic organic chemicals such as dioxin, furan, and toxic heavy metals, such as lead and mercury. These toxic chemicals are concentrated in the residual ash, and pose ground water contamination problems when the ash is eventually landfilled. Additionally, these toxics can cause cancer, immunological and neurological disorders, as well as miscarriages and birth defects.

New York City wants to go ahead with plans to build incinerators that would burn nearly 10,000 tons of waste per day with the actual cost of construction likely to exceed $1.4 billion, or $400 million more than the city estimates. That's over $1 billion that won't be available for new schools, health care, and infrastructure improvements. New Yorkers are already breathing air with ozone and carbon monoxide levels that violate Federal standards. Last year, New York City Comptroller Liz Holtzman called New York's plan to burn tens of millions of tons of garbage an environmental and fiscal disaster.

Today, Mr. Speaker, I have the privilege of reintroducing the Pollution Prevention, Community Recycling, and Incinerator Control Act. This legislation would establish a moratorium on the permitting, construction, and expansion of new garbage and hazardous waste incinerators until the year 2000. It would enable industries and communities to establish and enhance their waste reduction and recycling infrastructure.

By calling for a limited timeout on the building of new incinerators, we will allow our Nation to be back on track toward preventing and reducing wastes instead of continuing the hazards and expense of managing wastes.

BAN WASTEFUL SPENDING ON METRIC CONVERSION OF HIGHWAYS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STUMP. Mr. Speaker, today I am introducing legislation to prohibit the use of Federal funds for constructing or modifying highway signs in metric system measurements.

There is widespread public opposition to a heavyhanded Government attempt to impose the use of metric measurement on our highways. Because of the fierce resistance, a voluntary plan to change U.S. road signs to metric was scrapped in 1976.

Think of it—in addition to highway signs, road maps would have to be redone, automobile manufacturers would have to change odometers and speedometers, manuals would have to be rewritten, machinery modified, and workers retrained.

Not only would the American people be made to suffer with the inconvenience brought about by changing to a system currently unknown to many of them, but would be forced to pick up the enormous price tag.

Converting highway signs to metric would be one of the most costly conversion efforts. In 1974, an AASHTO ad hoc metrication task force documented a rough estimate of the nationwide cost of metrication to highway agencies at $200 million. At today's prices, costs would be several times that. In a time when we are fighting to eliminate undue spending, changing our highway signs to metric is clearly a senseless expense we can do without.

Let me make it clear that I do not oppose the voluntary use of the metric system. Those who wish to use metric measure or stand to benefit from it, can and should use it.

What I do strongly oppose is the government's unwarranted and costly imposition of metric on our highways. The American people do not want it and stand to gain nothing from it.

RESOLVE WINONA, MO, SCHOOL FUNDING DILEMMA

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, a small school district in rural, low-income Winona, MO, has been saddled with a problem since 1986. The problem concerns Federal impact aid construction funding, and I have worked with this school district since 1986 to clear up the difficulty, but to no avail. Today, I am introducing legislation upon which I hope the Congress will act soon. This bill will solve the school funding problem in Winona, MO, once and for all.

The Winona R–III School District is one which is heavily impacted by Federal lands. Approximately 47 percent of the district's acreage is federally owned; as a consequence, the district can collect no taxes on the land. Additionally, 27 percent of the land is owned by the State of Missouri, and it also generates no tax revenue. The remaining 26 percent of the school district's acreage is subject to property taxes, but even that revenue is meager. State income tax returns for 1989 showed the average income in the Winona School District was $13,973, significantly lower that the statewide average income of $49,048. It is clear that in Winona, meeting even the most basic educational expenses is a formidable task.

In 1985, the Winona high school was housed in a 68-year-old building which had been declared by the State to be a threat to public health and safety. Winona applied to the U.S. Department of Education for Impact Aid construction funding in 1985. In 1987, after Federal officials visited the district and realized the urgency of the situation, the school received a No. 1 priority for construction funding.

So far, so good. The Federal impact aid worked as it was supposed to work, helping to provide adequate housing for students in a district in which the Federal Government has a significant adverse impact on the district's ability to raise its own funds. Yet there was a problem. The problem began in 1985 with an action by the State of Missouri, and the consequences for Winona, although unintended, were grave.

At the time of the school's application for Federal funding in 1985, the assessed valuation of the school district was $2,470,000. State land was reassessed later that year, and the assessed valuation more than doubled to $5,980,000. Prior to reassessment, the property levy was $4 per $100 in assessed valuation. However, the State realized that a substantial change in the paper value of land will not substantially change the ability of the residents to pay for that levy. Therefore, the State of Missouri enacted a law requiring a rollback of the property levy, so that the paper change in assessed valuation would not result in any additional taxes. After reassessment, the rollback produced a levy ceiling of $2.09 per $100 in assessed valuation, and the tax burden remained the same.

As far as Winona's school construction application was concerned, however, the statewide reassessment caused the effective tax burden to more than double. This is because the Impact Aid School Construction law requires each applicant school district to demonstrate a substantial local effort toward the building of the school. The Department of Education considers a reasonable tax effort to be 10 percent of the district's assessed valuation. When Winona applied for the school construction funds, it fully expected to contribute this reasonable tax effort—or roughly $247,000—of its own funding toward the construction project. After Missouri's reassessment, however, the Department of Education stated that it would require Winona to pay $598,000 up front before it would agree to fund Winona's new school.

At this point, Winona was faced with a decision. If the school district could not come up with the $598,000, it would be forced to forfeit the Federal school construction funding. Absent this Federal assistance, students would have continued to attend daily classes in a dilapidated old building which was deemed a threat to public health and safety. Yet, this school district was poor. In 1986, the county's unemployment rate was 21 percent, and the average income per family was under $10,000. Raising $598,000 would have required a herculean effort and possibly an act of God.

Winona opted to make the effort and hope for the act of God. It was able to borrow the $598,000 at interest rates much higher than prudence would allow—prudence, however, was understandably sacrificed to desperation. Winona contributed this $598,000, satisfied its local effort requirement, and I am pleased to report that the school was built and is currently operational.

This tale should have had a happy ending. Unfortunately, because of the quirky timing of Missouri's reassessment and rollback, Winona is now saddled with a $598,000 private debt. It has no more ability to pay the debt now than it did in 1987, when it was forced to come up with the money. The people are no wealthier, and the federally owned property still fails to produce tax revenue. To complicate matters further, Missouri State law forbids any local school district from finishing the school year in deficit. Thus, when Winona cannot afford to both buy textbooks and service its debt, State law requires that the district service its debt. As one can well imagine, this mandated decision contributes little to the education of the children in Winona.

The Congress agreed that Winona's situation was compelling. In the fiscal year 1987 supplemental appropriations bill, the Senate inserted language to the effect that Winona's "local effort" requirement would be satisfied by a contribution of $200,000—approximately what the district expected to pay at the time it applied for the funding. The conferees to the appropriations bill examined that provision, and they determined that it was already well within the discretion of the Secretary of Education to provide Winona's requested and well-deserved relief. Because such discretion existed, the conferees removed the statutory language, and in the report language, the conferees "direct[ed] the Secretary [of Education] to consider an amount of local effort not in excess of $200,000 as reasonable and adequate to satisfy the requirements of section 14(c)." House Rept. No. 100–195, 100th Cong., p. 70 (June 27, 1987).

Since that time, the Winona School District, Senator DANFORTH, Senator BOND and I have spent countless hours trying to convince the Department of Education to follow the direction of the conferees. The Department has steadfastly refused for all of these years, resisting with such obstinacy that I am reminded of that quintessential problem of my college philosophy courses: the irresistible force meeting the immovable object. It is time to end this stalemate.

The bill I introduce today will also be introduced in the Senate by Senators BOND and DANFORTH. It is very simple, and it consists of a grand total of 10 lines. As a result of the passage of this bill, Winona will still be required to contribute a fair and reasonable local effort, $200,000, toward the school contruction. However, the school district will be relieved of the excess $398,000 that the Department of Education previously required of it. Even so, Winona will not be completely off the hook, since interest payments have mounted on the initial $598,000 loan, and from the perspective of a poverty-stricken school district, the reasonable local effort becomes less and less reasonable with each passing day. However, the relief will allow Winona to put the bulk of its burden to rest. The tremendous energy of Winona's superintendent and other administrators of the district should be directed toward educating children, not toward teetering on the brink of financial disaster.

REDUCING DEFICIT A BETTER GOAL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. BEREUTER. Mr. Speaker, reduction of the Federal deficit must be the foremost concern of the 103d Congress. I commend to my colleagues an editorial which appeared in the Omaha World Herald on December 12, 1992, regarding this important matter.

REDUCING DEFICIT A BETTER GOAL

The recent upturn of several key economic indicators seems to be sparking some equally welcome reaction from the Clinton transition team. The new administration may put aside plans to stimulate the economy and instead focus on deficit reduction.

The unemployment rate has fallen for each of the last five months. Confidence among consumers, whose spending accounts for two-thirds of all economic activity, is improving. The gross domestic product has grown consistently. An effort to increase federal spending now with make-work job programs could overstimulate the economy and rekindle inflation.

To be sure, many Americans remain out of work. They need an economic expansion to create jobs. The greatest threat to expansion does not come from a lack of government spending on make-work projects. Rather, the greatest long-term threat comes from increasing federal debt.

When government deficits increase, Americans pay. Investor confidence suffers. The federal deficit consumes investment capital that could otherwise help individuals and corporations create new jobs. Continued deficits can also take money out of the hands of working Americans and transfer it to creditors, including banks and foreign investors.

A short-term economic incentive program, such as Clinton promised during the campaign, could cause higher inflation and increased federal debt. But a cut in the federal deficit could help free up capital for new jobs. Long-term economic growth would be stimulated.

That means less federal spending, not more. Spending, particularly in entitlement programs, has outpaced inflation in many areas of the federal budget. Cutting back won't be easy, particularly as special interest lobbyists, whose hopes were buoyed by Clinton's campaign promises, set their sights on Capitol Hill.

The Democratic majority in both the House and Senate presents Clinton with a friendly environment in which to push through his agenda. The president-elect's transition team and economic advisers provide the front line of defense in turning back the special interest groups and pork-addicted members of Congress.

Clinton has the good fortune of riding the rebounding economy. He can look good if he will listen to the voices of reason—voices advocating setting aside campaign-inspired gimmickry and tackling the main economic problem, the federal deficit.

INTRODUCTION OF LEGISLATION TO GIVE PRIORITY CONSIDERATION FOR THE INCLUSION OF MORRO BAY, CA, IN THE NATIONAL ESTUARY PROGRAM

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation which amends the Federal Water Pollution Control Act to direct the Environmental Protection Agency [EPA] to give priority consideration to Morro Bay, CA for inclusion in the National Estuary Program. This legislation is identical to legislation introduced in the 102d Congress, H.R. 622.

The Morro Bay estuary contains the most significant wetland system of the central California coastline. Because of the bay's interconnected ecosystems associated with its saltwater and freshwater wetlands, Morro Bay has an unusually diverse habitat. The bay's intertidal areas support one of the largest bay wildlife habitats on the California coast and are home to many threatened or endangered species of birds and marine mammals, including the southern sea otter. These features combine to make Morro Bay an estuary of national significance.

In addition, Morro Bay is of great economic importance to the local community and the

Nation as a whole. The bay supports a thriving commercial fishing industry and many other industries which are dependent on the health of the bay, such as tourism and mariculture. As one of the few relatively intact natural estuaries along the Pacific coastline, Morro Bay attracts approximately 1.5 million visitors a year.

Despite the importance of Morro Bay to both the Nation and the local community, its well-being is threatened by a variety of pollutants and fragmented management. Serious sedimentation, as well as significant amounts of urban runoff, are threatening the survival of the estuary.

Management of the bay is currently divided among numerous governmental entities, none of which executes singular authority over the management and protection of the estuary. The variety of threats to the bay and the fragmented management have made it difficult to develop a comprehensive approach to addressing the needs of the bay.

The National Estuary Program appears to be ideally suited for solving the problems associated with the preservation of the Morro Bay estuary. The program would bring together those agencies responsible for management of the bay and help them develop a meaningful plan for long-term management of this important and sensitive estuary.

Because of the estuary's small size, relatively pristine state, and the large amount of local support for the estuary's participation in the National Estuary Program, there exists an excellent opportunity for successful implementation of a management plan for the Morro Bay estuary. Furthermore, the management plan developed for Morro Bay could serve as a model management plan for other threatened small estuaries along our Nation's coastline.

Clearly, the Morro Bay estuary is worthy of inclusion in the National Estuary Program. The program offers Morro Bay a real chance to develop an approach which will ensure not only that the estuary survives, but that it flourishes. It is my hope that this legislation will be included as part of the larger reauthorization of the National Estuary Program when it is considered by Congress later this year. I urge my colleagues to join me in this effort by supporting the adoption of this legislation.

THE NEED FOR HEALTH REFORM: EXAMPLE NO. 1: UNEMPLOYED FAMILY FACES INCREASE IN HEALTH INSURANCE PREMIUMS FROM $166.09 PER MONTH TO $200.49, WITH INCREASE IN DEDUCTIBLE FROM $2,000 TO $3,500

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STARK. Mr. Speaker, 1993 must be the year we reform the Nation's health insurance system.

If anyone just landed from Mars wonders why, I offer the following letter from a temporarily unemployed pilot who lives in Georgia and whose family is in excellent health.

The company involved in this case is Mutual of Omaha. I don't mean to single them out: This story is being repeated in family after family by company after company. It is a testament to why we need health cost containment and insurance reform.

DEAR CHAIRMAN STARK: As of the fourth of December in 1991, I have lost my primary means of income due to the demise of Pan American Airways. As a result, my only sources of income since then have been unemployment benefits, compensation for service in the Naval Reserve and a small income through the efforts of my wife operating an in-home day care service. Although these funds get us through these trying times, it is only a Band-Aid fix until something more stable comes along.

The purpose of this letter is not my unemployed status, but rather a side effect in which I am hopeful you may be able to assist. One of my first concerns after losing my job was to protect my family with some sort of health insurance. After much effort, I finally found a company and policy that was somewhat affordable and would carry me through this troubled time. The company is Mutual of Omaha and the policy for my family with a $2000 deductible expense cost $153.35 per month. Although this sounds rather inexpensive, for an essentially out of work family this amount represents a major monthly expense. It was, however, gladly paid because there are very few affordable policies available to unemployed individuals and it did allow for my peace of mind in providing for my family's catastrophic health care coverage.

Enclosed you will find a letter that I recently received from Mutual of Omaha stating that after only one year of payments (and no claims), my monthly rate for this catastrophic health policy will be increased over 30%! Citing the rising costs of health care and the necessity of those costs to be passed to policy holders, the payments will be increased from $153.35 to $200.49 per month and the deductible increased to $3500. The incredible irony of this event is that the individuals who need to purchase this policy are people such as myself, who do not have a secure job with the benefits of a health care plan. Indeed, the people who can least afford such an outrageous and unconscionable increase of payments are being forced further into the depths of despair.

I know you are aware of the crisis in this country regarding the health care industry. It would seem that the insurance industry, which has enjoyed incredible profits to this point, would also realize that reform is needed on their part or risk government intervention. Unfortunately, their actions, as evidenced by my enclosed rate increase, show they do not seem to be receiving the message that a revolt in their industry is in the making. I would greatly appreciate your assistance in letting Mutual of Omaha know that their action is not only grossly unfair to me, but socially irresponsible.

INTRODUCING THE COPYRIGHT RESTORATION ACT OF 1993

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. HUGHES. Mr. Speaker, we begin the historic 103d Congress with high hopes for a renewed economy and a productive relationship between the executive and legislative branches. Gridlock government is not effective government.

Today I introduce the Copyright Restoration Act of 1993 in order to cure a gridlock over cable television created during the 102d Congress. Unless this gridlock is removed, higher consumer prices and years of litigation are likely.

The gridlock was created by the Cable Television Consumer Protection and Competition Act of 1992, legislation passed on October 5, 1992, over President Bush's veto. As originally passed by the House on July 23, 1992, this bill lived up to its title. I voted for passage of the House bill because I believed it would bring needed reform to the cable industry.

Unfortunately, the House bill got highjacked in the Conference Committee by the networks and large broadcast stations, who convinced the conferees to give them billions of dollars in savings the legislation had intended to go to consumers. This siphoning off of consumer savings was accomplished through retransmission consent. Retransmission consent requires cable systems to obtain broadcasters' permission before retransmitting the television station's broadcasts.

I agree that broadcasters deserve the benefit of the free market in order to negotiate appropriate compensation for their efforts. Regrettably, while broadcasters extol the virtues of the free market for themselves, they don't believe in the free market for anyone else involved in bringing television programming to the public. Broadcasters insist that the individuals who create the programming should be denied the right to bargain freely with cable, and instead should be relegated to the compulsory licensing system of section 111 of the Copyright Act. Why? So that broadcasters can themselves negotiate with cable for the sale of the programming under retransmission consent. Put simply, broadcasters want to sell other people's property.

The best solution—for copyright owners and consumers—is a free market for everyone not just for broadcasters. The current copyright compulsory license is the antithesis of the free market. Compulsory licensing means that the property owner—in this case a copyright owner—cannot negotiate either the terms or the price for the use of his work. Under compulsory licensing, the copyright owner cannot say no to cable, cannot negotiate for the fair market value of his product. Instead, cable simply pays a government set, below-market rate. Cable then turns around and sells the copyright owner's programming to consumers.

The combined result of the cable compulsory license and retransmission consent is that of the three interests involved in bringing television programming to the public; First, copyright owners who create the programming people watch; second, broadcasters who broadcast that programming; and, third, cable companies that rebroadcast the programming—only copyright owners are deprived of the benefit of the free market.

The bill I introduce today is a pure copyright solution designed to provide a level playing field for all these interests. In the end, though, it is consumers who will be the biggest beneficiaries through more diverse programming at lower prices.

The bill simply states that any broadcaster who authorizes the retransmission of a copyright owner's work without the copyright owner's permission has infringed the copyright owner's copyright. The bill applies traditional principles of the copyright contributory infringement doctrine and common sense: you should not be able to sell something you don't own.

I plan early hearings on the bill and urge the many Members who spoke out against retransmission consent last Congress to join me as a cosponsor so that we may quickly rectify what is a serious problem.

INTRODUCTION OF THE ANTIPROGESTIN TESTING ACT OF 1993

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. WYDEN. Mr. Speaker, I am pleased to join with my esteemed colleagues, Mr. WAXMAN, Mrs. SCHROEDER, and Mr. DEFAZIO to introduce legislation that will help America regain the lead in development and research in women's health care.

The Antiprogestin Testing Act will authorize, for the first time, the Department of Health and Human Services to test antiprogestins—the family of drugs including RU 486, for abortion and nonabortion uses.

Important new medical research in the United States—particularly in women's health issues—has lagged far behind research in other industrialized nations, largely because of the divisive abortion debate in our country. My subcommittee has heard testimony that women in Bangladesh have more options for contraception than women in Portland, Denver, or Washington, DC. It's high time that America's health agenda was driven by good science rather than crass politics.

RU 486 and other antiprogestin drugs have shown tremendous promise, not only in providing women with a safe, effective alternative to surgical abortion, but in combating dread diseases.

Initial tests indicate that these important, multiple-use drugs could provide treatment, and possibly a cure for a wide variety of conditions, including breast cancer, meningioma, Cushing's syndrome, as well as nonlife threatening conditions such as endometriosis and uterine fibroids.

RU 486 has been withheld from researchers in the United States through the Food and Drug Administration's import alert policy. President-elect Clinton has supported testing of the drug, and I hope that he will quickly lift the import alert.

But even when the RU 486 import alert is lifted, this legislation will be critically needed. Lifting the import alert won't assure that the Government does quality research on these promising drugs. The Antiprogestin Testing Act will. The legislation authorizes the National Institutes of Health to conduct tests on all of the potential uses of these drugs, and requires that the results of these tests are made public. The bill will finally give the Federal Government the green light to test a whole new family of drugs that offer a great promise for improving women's health.

The case of RU 486 signaled a disturbing trend in the drug approval process. Because it didn't meet the politically litmus test of a handful of influential individuals and groups, RU 486 did not receive a fair evaluation by the Food and Drug Administration, despite its record of safety and efficacy in Europe.

The American people demand and deserve access to safe and effective drugs. These drugs should receive a fair, but stringent evaluation by our Government. This legislation will ensure that RU 486 is evaluated on the basis of good science—not politics.

REPEAL OF THE SOCIAL SECURITY EARNINGS TEST

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STUMP. Mr. Speaker, I am reintroducing legislation to abolish one of this country's most unfair and discriminatory laws, the Social Security earnings test.

The earnings test is cited by many as a reasonable means of assuring that only truly retired people receive Social Security retirement benefits. Yet, upon closure examination, the test reveals itself to be one of the most counterproductive measures in the Social Security law. By reducing earned Social Security benefits for those who choose, or are forced, to return to the work force, the earnings test assures that retirees will forever remain dependent upon Social Security for their every need.

Mr. Speaker, it is unfair to punish those who choose to remain active during their retirement years. It is doubly unfair to punish those who are forced to return to work. Rather than discourage active employment by those aged 65 to 70, we should reach out and tap the wealth of experience and expertise that these people possess. We should do that by abolishing the earnings test.

FACTS OR FACTOIDS

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, one of the most difficult things that our information age requires us to do is to separate facts from unsubstantiated fiction. Too often, special interest groups undertake crusades on the basis of wild accusations and popular myth. Too often, to paraphrase Harry Truman, these groups are so firmly in possession of the truth that the facts don't seem to matter. A recent letter to the editor of the Southeast Missourian illustrates how this is true in the livestock industry. I respectfully request that this letter be reprinted in the CONGRESSIONAL RECORD.

[From the Southeast Missourian, October 19, 1992]

FACTS AND FACTOIDS: DESPITE UNSUBSTANTIATED STATEMENTS, AMERICA IS A BLESSED NATION

To the Editor:

We are now in the final month until the election. It is a time filled with debate, discussion, decision and . . . factoids. Factoids? Factoids are pieces of information presented in a debate, speech, column, etc., as fact . . . but in reality they are not factual at all. Factoids are used frequently by extremists and activists who seem to operate under the premise "if the facts don't fit, make some up that do". The public has been inundated the last ten years with factoids about the beef industry. The need to categorize these statements led to the National Cattlemen's Association staff to coin the term factoid. I thought I would list a few of the factoids frequently used by activists when attacking the beef industry.

Factoid 1: If only we didn't feed grain to livestock we could feed all of the hungry people in the world.

The fact is grass, roughage, by-products and crop residues make up 85 percent of the nutrients consumed by cattle. These are all renewable resources and not edible by humans. Sixty million reasonably good crop land acres in the U.S. and 75 million acres of the best crop land in Argentina are being idled because there is no market for the grain. That is an area three times the size of the state of Missouri. This doesn't include the land idled in Canada, Europe, Australia, etc. People are starving because of unstable governments, civil wars and poor infrastructure, not livestock.

Factoid 2: (This one I have heard several "movie stars" repeat.) For every hamburger eaten in this country 5,000 square feet of tropical rain forest are destroyed. The implication is that the rain forests are being destroyed to provide pasture for cattle destined for U.S. markets.

The fact is common sense and a small calculator will tell you if that were true, we would have destroyed all of the rain forest long ago. If you would want to make the effort to actually check you would find that the U.S. does not import any fresh meat from tropical rain forest countries. Why? Because these countries cannot meet our high health and inspection standards.

Factoid 3: Methane produced by cattle is a threat to the environment.

The fact is according to research at Texas A&M, beef production in the U.S. contributes .5 percent of the total estimated world production of methane. The number one source of methane is the burning of fossil fuels. Number two is gas emissions from "wetlands."

Factoid 4: Ted Turner having just recently purchased ranches in Montana and New Mexico sold the cattle and replaced them with buffalo. He actually said in a speech that buffalo are more pleasurable to be around than cattle because they have a sense of humor and cattle don't. He also said buffalo are cleaner and better for the environment than cattle because they "wipe their bums."

The sources for the facts 1, 2, and 3 are the USDA, U.S. Customs Service and Texas A&M. I cannot quote a source that repudiates factoid 4 but will depend on your common sense. I have, however, been watching TBS lately in anticipation of a commercial saying that 9 out of 10 buffalo prefer Charmin over White Cloud.

What was the "factoid" done to the way we do business? Factoids have moved all businesses, not just agriculture, to a point where we are perception-driven rather than production-driven. We now must ask ourselves daily questions about perceptions. Will I be viewed as a good steward of the land? Do people know the extra efforts made to treat my animals humanely? Can people see the tremendous efforts made to produce a safe, wholesome, healthy product? These are things that the beef industry has done for decades but now our problem is getting people to recognize these efforts.

If you are producing a product or in some instances a service, you must answer these same questions. Is my product perceived to be environmentally safe? Is the service I provide perceived to be fair to all? You may have been doing everything perfectly in these areas for years, but if people perceive otherwise, the facts don't matter. It is time we as a nation moved back to a production-driven society rather than perception-driven.

In the days ahead beware of the factoid and the factualization process of a factoid. Step one is the original statement. Step two is the quotation of that statement. Step three is the constant repetition of the factoid until it is perceived as true. The facts are out there for anyone who is willing to make the effort.

As the campaigns continue, I am positive that more factoids will rear their ugly head. The one that bothers me the most comes from that free flowing fountain of factoids, Bill Clinton. He continues to put forth the idea that times now are the worst since the Great Depression. He advocates more taxes, more government regulation, more government control of private business and more input into our daily lives. To call that the answer to our problems has to be the grandfather of all factoids.

The fact is the U.S. has the highest living standard in the world. We are the number one manufacturing country in the world. Interest rates are the lowest they have been in decades. We have the best educational system in the world (consider that we try to educate every child). Inflation has dropped to 3 percent. The employment rate is 92.5 percent. We have the best health care in the world. We have the cheapest, largest variety, most abundant, safest, food supply in the world. We have a clean, healthy environment that is getting even better, not worse. The rich are paying more taxes than they have ever paid. Our life expectancy continues to increase. The people under the official poverty line have a higher standard of living, adjusted for inflation, than the middle class had in the '50s. Due to the growth in our economy, more jobs and the Reagan tax cut, income to the federal and state governments doubled in the '80s, Congress just spent even more. We should always strive to do better, but sometimes we need to stop and count our blessings. We truly are a blessed nation.

MIKE KASTEN,
Past President of the Missouri Cattlemen's Association, Director of the National Cattlemen's Association Cape Girardeau County.

INTRODUCTION OF LEGISLATION TO AMEND THE OUTER CONTINENTAL SHELF [OCS] LANDS ACT

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. PANETTA. Mr. Speaker, I rise to introduce legislation that will amend the Outer Continental Shelf [OCS] Lands Act to provide States with a greater role in offshore oil and gas leasing decisions. This bill is identical to legislation I introduced in the 102d Congress, H.R. 1745, and to legislation Senator BOB GRAHAM previously introduced in the Senate.

As my colleagues know, I have led the fight in the Congress in opposition to Outer Continental Shelf [OCS] development in environmentally sensitive areas. For more than a decade we have fought year-to-year battles to protect these areas through annual leasing bans on the Interior Appropriations bill. Throughout these battles, I have held that the particular failure of the OCS Program to provide States with a strong voice in the OCS decisionmaking process is at the core of the extraordinary controversy surrounding the OCS issue.

In 1990, the Congress passed important legislation which I authored overturning the 1984 Supreme Court decision Watt versus California which seriously limited the ability of States to block offshore oil and gas leasing that was inconsistent with their federally approved coastal management plans. While the enactment of this legislation—along with the 10 year leasing deferrals afforded the west coast, Florida, and north Atlantic in 1990—have aided States' efforts to protect its environmentally sensitive marine areas, the continuing controversy surrounding the OCS program proves that there is more which needs to be done.

The legislation which I am introducing today would amend the OCS Lands Act to give Governors of coastal States greater authority over whether or not to lease areas off that State for OCS development. In addition, it would require the Department of the Interior, in determining what is in the national interest for the purposes of the OCS Program, to give environmental protection equal weight alongside oil and gas production. While an apparent modest amendment, this change would help to establish a desperately needed balance between OCS development and environmental protection in the Department's OCS Program.

The bill also revises the standards that guide the Department of the Interior in deciding when an existing lease ought to be canceled so leases may be canceled for environmental concerns, and provides that compensation for canceled leases may be in any combination of cash, forgiveness of rents or royalties, or credits against future bonus bids.

Finally, the bill amends the OCS Lands Act to require that all basic environmental studies related to a lease sale be completed, peer-reviewed, and published at least 180 days before the lease sale is announced. This is an important change as it will alert all parties involved in the process to the environmental concerns with a particular lease sale prior to that lease being sold.

Mr. Speaker, the message is clear. The fate of our Nation's coastline can no longer be held within the confines of the Federal Government. If coastal States are going to bear the brunt of the industrialization and the environmental risks associated with OCS development, it is only fair that they be made a strong partner in the OCS decisionmaking process. By making the offshore leasing process more responsive to the concerns of coastal States, this legislation will serve to greatly improve the stewardship of our natural resources. I urge my colleagues to join me in this effort by supporting this legislation.

H.R. 1, THE FAMILY AND MEDICAL LEAVE ACT OF 1993

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. FORD of Michigan. Mr. Speaker, for most of this decade, I have worked with other Democrats to enact family leave legislation that protects America's working families while imposing the least possible burden on American employers and businesses. H.R. 1, the Family and Medical Leave Act, which I am introducing in the 103d Congress today is, I believe, our best chance for success. It guarantees up to 12 weeks of unpaid leave for family members who need time off from work to care for a newborn infant or a seriously ill child, parent, or spouse, or to recover from their own disabling illness.

The designation of H.R. 1 speaks to the importance of this legislation. It not only has the strong support of our leadership and Members from both sides of the aisle, it also has the strong support of President-elect Bill Clinton. As we crossed paths in Michigan this past fall, I promised Bill Clinton that I would work to make the Family and Medical Leave Act the first successful initiative between this new Congress and his new administration. H.R. 1 is the fulfillment of that pledge.

Support for the concept of family and medical leave comes also from a higher, less partisan authority: Bishop James W. Malone, the Chairman of the U.S. Catholic Conference's Domestic Policy Committee:

> The Bishops' Conference was one of the earliest supporters of the Family and Medical Leave Act because we see the bill as helpful in two ways: First, it would send a message that our Nation really believes its pro-family rhetoric and that we back up that belief with the power of the law.
>
> Secondly, the bill would protect people when they take time off from work for important family responsibilities. Parents should not have to choose between the jobs they need and the children who need them. Mothers and fathers should not risk unemployment when they stay home with their newborn or newly adopted children for the first few months. Workers should not be forced to stay on the job when they are needed at home to help a mother with a broken hip, a husband going for chemotherapy, or a child facing surgery.
>
> In summary, the Catholic Bishops' Conference supports this legislation as an affirmation of human dignity and family life.

Whether you are pro-choice or pro-life, if you are pro-family, the Family and Medical Leave Act of 1993 is legislation you can support wholeheartedly.

H.R. 1 is identical to the bill the Congress passed last year. It exempts small businesses and excludes certain key employees from coverage if their absence would cause serious economic injury to their employer. The bill reflects a careful balance between the needs of America's families and the interests of public and private employers. It is fair to all.

We heard a great deal about "family values" during the course of the recent presidential campaign. But family values must be more than a partisan campaign slogan if our Government is to make a difference in people's lives. In fact, the protection of the family is not a partisan issue, and the Family and Medical Leave Act is a bipartisan bill, supported by Democrats and Republicans alike.

No bill before Congress would do more to protect family values and America's children. There is no higher family value than taking care of a newborn baby, a sick child, or a sick parent. The Family and Medical Leave Act would make it possible for working Americans to provide that care when it is needed without fear of losing their jobs.

To one degree or another, almost everyone agrees with the core principle of this legislation—that a parent should not be fired for taking care of a seriously ill child or a newborn baby.

I hope we will be true to our vision of America and pass H.R. 1 quickly. Congress will not give up because the issue is too important to America's families.

When our current President vetoed the Family and Medical Leave Act for the second time last fall, I promised to continue to fight for this legislation until such time that we have a President who will sign it. We have such a President about to come into office. Please join me in sponsoring H.R. 1 and making the Family and Medical Leave Act the first bill that President Clinton will have the pleasure of signing and making the law of the land.

INTRODUCTION OF THE CONGRESSIONAL EMPLOYEE CHILD CARE ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MILLER of California. Mr. Speaker, today I am introducing a bill to extend to all congressional employees, the same child and dependent care assistance already available to employees in the private sector and local governments.

We may disagree on what kinds of child care programs are best or deserve congressional support, but on this one point, liberals and conservatives can surely agree: Parents should not be precluded from eligibility for dependent care assistance solely because their employer is the Congress.

Congressional employees are no different from other working families with child care needs. Yet under the law, they lack the same options for financing the child care which makes their continued employment possible.

Employees in the private sector and in State or local government, whose employers offer dependent care assistance programs [DCAP's], are able to dedicate up to $5,000 in pretax dollars annually to help meet the expenses for the child care arrangement of their choice. My bill would extend the ability to participate in those same DCAP's, funded through voluntary salary reduction, to congressional employees.

Our own employees here in the House of Representatives are well aware of how inadequate our direct support of child care for Hill staff has been. This legislation is something we can do to enhance the support of our own employees to provide child care for their children.

Employees across the Nation are increasingly recognizing that offering child care assistance is a boon to their business, and a welcome benefit by their employees. Almost 4,000 employers now offer some form of child care support to their workers, up from 600 in 1982.

In recent years, among the most popular forms of employer-sponsored child care assistance is that offered through the Tax Code. Under existing tax law, employers are able to offer their employees, through salary reduction and flexible spending accounts, an opportunity to participate in a dependent care assistance program.

A growing number of State and local governments have also extended this option to their employees. At least four States, including Texas, Massachusetts, Oregon, and Kentucky, have implemented or authorized the use of salary reduction to fund dependent care assistance for State employees. City and county governments across the country from Denver, CO, to Durham, NC, offer their employees this option.

My legislation makes no changes to existing Tax Code except to authorize the appropriate administrative body, under sections 125 and 129 of the Internal Revenue Code, to extend DCAP participation to congressional workers.

At a time when the House is correctly deciding to extend many labor protection and antidiscrimination laws to our own employees, it is wholly fitting that we also extend the DCAP's plan to the men and women who work for Congress.

Providing DCAP's ends treatment of congressional employees as second-class citizens in the eligibility for child care support, and illustrates the need to pursue child care to enable parents to offer their children the quality care which is essential, but unaffordable or unavailable, to most American families today.

REPUBLICANS LEAVE THE WHITE HOUSE WITH A LEGACY OF ARMS CONTROL SUCCESS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. BEREUTER. Mr. Speaker, as this body moves forward to address the very real issues facing the Nation, this Member would like to take a moment to recognize the truly historic arms reduction agreements that have been reached by George Bush and Ronald Reagan. Prior to President Reagan assuming office, all efforts at arms control had been directed toward merely limiting the growth rate of the United States and Soviet nuclear arsenals. Moscow had embarked on a massive nuclear armament effort, and its emerging first strike capability posed a very serious threat to the security and survival of the United States. In this environment, traditional arms control experts considered it laughable to suggest that the two superpowers might actually be willing to reduce the numbers of nuclear weapons. But this is precisely what President Ronald Reagan proposed. Certainly there were those who dismissed President Reagan's arms control agenda as naive. In the end, however, he proved to be a visionary. By the end of his term of office, the United States and Soviet Union had negotiated a START I agreement that would reduce our arsenals by almost 50 percent.

Building upon the remarkable success of START I, President George Bush has labored mightily to achieve even more dramatic arms reductions. And, as his Presidency comes to an end, he has completed the final negotiations on a new START II agreement. With the implementation of this agreement, the United States will no longer be threatened by the massive, multiple-warhead SS–18 and SS–19 missiles. Under START II, the United States and Russia will be allowed to keep only 3,500 warheads each. This means that almost 70 percent of existing nuclear stockpiles will be eliminated. The deterrent force that remains will emphasize survivable submarine and bomber systems.

To these two agreements on strategic weapons we must also add the INF Agreement that virtually eliminated nuclear weapons in Europe, and the CFE Agreement that has permitted the United States to withdraw over 200,000 of our military personnel from Europe. Enormous headway has been made in the control of chemical and biological weapons. The United States also has used its leverage as the last remaining superpower to create meaningful ballistic missile proliferation and nuclear peroration regimes. While much remains to be done, the successes of the past 12 years are undeniable. It is a legacy that a grateful nation can look upon with pride.

Mr. Speaker, this Member will insert two recent editorials into the RECORD. The first, a December 31, 1992, editorial from the Lincoln Journal entitled "START II: Another Step Back From Nuclear Peril" described the recent Bush-Yeltsin agreement as a joyous New Year's blessing. In the December 31, 1992, editorial from the Omaha World-Herald entitled "Starting the New Year Right with Arms Control Accord," it is noted that President Bush "passes on to Bill Clinton a world that is much safer than it was when Bush took office, and dramatically safer than the world that Ronald Reagan inherited 12 years ago."

This Member wishes President-elect Clinton well in his efforts to build upon this powerful arms control legacy.

STARTING THE NEW YEAR RIGHT WITH ARMS CONTROL ACCORD

The new START II agreement constitutes a fitting capstone to the Bush presidency. The U.S.-Russian cutbacks have been called the most significant of the nuclear age—an appropriate final accomplishment for the president who presided over the end of the Cold War.

START II is designed to reduce U.S. and Russian warhead stockpiles to one-third of the current level, banning most long-range, land-based, multiple-warhead missiles. It is President Bush's third major arms-control agreement. The others cut tanks and troops in Europe and trimmed nuclear arsenals by one-third.

Bush and Boris Yeltsin are scheduled to sign the treaty Sunday in the Russian capital of Moscow.

The act of putting pen to paper, of course, won't by itself destroy the 14,000 warheads that the treaty partners have pledged to eliminate. Only a sustained commitment by both sides to live up to the spirit of the treaty will make the missiles and warheads disappear. If the former Soviet republics fell back into dictatorship, economic chaos or political fragmentation, carrying out the commitment could become much harder.

Hard-liners still have influence in Russian politics. Foreign Minister Andrei Kozyrev shocked diplomats in Sweden recently with a virulently anti-Western speech that he later said he didn't mean. The idea, Kozyrev said, was to demonstrate what the West could expect if the hard-liners returned to power.

Senior Russian military officials also say that their nuclear stockpile is the only thing that keeps Russia above Third World status. Such comments should remind the West that not everyone in the former Soviet Union is as progressive, or as disarmament-oriented, as Boris Yeltsin.

START II commits both sides to a course of action that should further minimize the danger of a nuclear war. It symbolizes a desire to solve problems by talking instead of fighting. And it reminds mankind that the only realistic role for the former Soviet republics is not in dominating the world militarily but in developing a peacetime economy that brings about political stability.

Bush has made things easier for his successor with his aggressive push for arms control. He got some of the hard negotiating done while relatively reasonable leaders were in charge in the Kremlin. He passes on to Bill Clinton a world that is much safer than it was when Bush took office, and dramatically safer than the world that Ronald Reagan inherited 12 years ago.

The agreements are far-reaching. The challenge for the Clinton administration is to build on what the Reagan and Bush years have brought about, and to do whatever is practical to be sure that Russia remains stable enough to keep its commitments.

START II, ANOTHER STEP BACK FROM NUCLEAR PERIL

Against the agony so marking the closing days of 1992—the bloody Balkans, bloody India, bloody Somalia, bloody Cambodia, the hate-scarred Middle East—chief executives of the United States and the Russian Federation have unexpectedly united on producing a shaft of light.

What a joyous New Year's blessing!

Presidents George Bush and Boris Yeltsin on Saturday are scheduled to sign the START II nuclear weapon reduction treaty.

The pact's fundamental pledge is this: Elimination of all land-based Multiple, Independently targeted, Re-entry Vehicle warheads. Or MIRVs.

Thus will pass, unused, a fearful technology deliberately created in America's weapons laboratories to offset the brute lifting power of the Soviet Union's "heavy" strategic weapons.

Only that remarkable scientific achievement predictably was turned around to bite us. Soviet workshops proved capable of turning out MIRVs, too, and in the end, we were more threatened than ever. If the United States could mount 10 Doomsday warheads in its MX missiles, the Soviets could pack a reported 15 in their SS–18s.

Was this other than mutual insanity?

Scrapping of land-based MIRVed missiles will permit a further reduction in nuclear warheads of all types.

START I, an accomplishment, which will always reflect credit on former Presidents Reagan and Gorbachev, directed the cutting of U.S. and Soviet warheads from 22,000 to 15,000. If fully implemented by the deadline year of 2003, START II would draw down such inventories to 7,000 warheads.

That, in our outside judgment, still would be more than 6,500 warheads too many for the securing of the true national interest. But the retreat from Cold War nuclear madness as agreed to by a pair of hawkish Republican presidents, even if an irony, surely is to be taken as a clear boon—and well worth a New Year's toast.

CLAY INTRODUCES LEGISLATION TO REFORM THE HATCH ACT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. CLAY. Mr. Speaker, today, I am joined by JOHN MYERS, the ranking Republican of the Committee on Post Office and Civil Service, in introducing the Federal Employees' Political Activities Act of 1993. We are continuing a bipartisan effort to restore to 3 million Federal and postal employees one of the most basic rights of American citizenship, the right to fully participate in the political process and the determination of their government.

The Hatch Act is one of the most ignoble laws ever enacted by the Congress. Its effect is to deny 3 million American citizens the right to engage in political activity on behalf of partisan candidates. In essence, their rights are limited to the hollow act of choosing among candidates selected for them by others. Their circumstances are identical to those of average citizens in the old Soviet Union who also had the right to vote, but only among candidates chosen for them.

Political freedom encompasses much more. It is the right to host political events in your own home for your friends and neighbors. It is the right to distribute leaflets and brochures on behalf of causes and candidates you feel are important. It is the right to stuff envelopes, work a telephone bank, and drive voters to the polls. It is the right to speak and vote at local, regional, State, and national caucuses and conventions. In short, it is the right to organize with like-minded people for the purpose of persuading others of the soundness and importance of your own political views. That is the essence of democracy. It is the substantive meaning of the right of free speech, the right to assemble, and the right to petition the government for a redress of grievances.

Today, there are over 3,000 separate regulatory rulings interpreting and enforcing the Hatch Act. In the face of this regulatory morass, Federal and postal workers have little idea as to just what constitutes unlawful political activity under the Hatch Act. To the extent that the law serves any end at all today, it serves to intimidate and discourage Federal and postal employees from engaging in any political activity. Regrettably, both Democratic and Republican administrations have sought to use the law to muzzle perceived opponents.

While the Hatch Act has served as an irresistible temptation by which an administration may intimidate and coerce 3 million Federal and postal employees, it has proven to be impotent in accomplishing the purpose for which it was enacted—deterring those who would abuse their official positions in order to retain power. The legislation we are introducing today imposes stricter prohibitions against any on-the-job political activity by Federal and postal employees than does the current law.

Simply stated, this legislation prohibits Federal and postal employees from engaging in any political activity while on duty, in a Federal facility, in the uniform of a Federal job, or while using a vehicle owned or leased by the Government. This legislation also strengthens prohibitions against official coercion. Federal and postal employees cannot use official authority or influence to interfere with the result of an election or to intimidate any individual to vote or not to vote, to give or withhold a political contribution, or to engage or not engage in any political activity. Federal and postal employees may not use official information that is not already available to the public for any political purpose. Federal employees may not give a political contribution to a superior; nor may they give, receive, or solicit political contributions in a Government building. Federal and postal employees may not solicit, accept, or receive a political contribution from, or give a political contribution to, any person who has or is seeking a contract with the employee's agency, is regulated by the agency, or has interests which may be affected by the performance of the employee's duties. Finally, the bill retains and conforms criminal sanctions for those who would violate these provisions.

Our bill ensures that Federal and postal employees, as well as the public, shall be able to freely choose, without fear of intimidation, whether they wish to participate in the politics of their country, be it local, State, or national. It better protects Federal and postal employees from coercion and intimidation intended to force political involvement, the kind of abuse the Hatch Act sought to redress. It also frees Federal and postal employees to engage in otherwise lawful political activity on their own time, and thus ends the coercive gag imposed upon them by the Hatch Act today. While we have made technical corrections in the legislation, the bill we are introducing today is the same bill that the House overwhelmingly passed in the 101st Congress by a margin of 297 to 90. Prior to the 101st Congress, the House had passed legislation to reform the Hatch Act in the 94th, 95th, and 100th Congresses. It is the same bipartisan compromise originally developed by the former ranking Republican member of the Post Office and Civil Service Committee, GENE TAYLOR, and myself in the 100th Congress.

Free speech and the right to exercise a meaningful voice in the selection of one's government are the foundation of our Republic. These rights are no less important to Federal and postal employees than they are to women, blacks, or any other group of American citizens. I am confident that this Congress will provide Federal and postal workers with the full political rights to which they are entitled. A summary of the major provisions of the bill follows:

The bill states that it is the policy of the Congress that employees should be encouraged to fully exercise their right to participate, or not participate, in the political processes of our Nation. The exercise of this right should be free and without fear of reprisal or penalty.

The bill prohibits on-the-job political activity on the part of Federal and postal workers. Federal employees may not engage in any political activity while on duty, in a Federal facility, in uniform, or while using any vehicle owned or leased by the Government.

The bill contains strict prohibitions against official coercion. Federal employees may not use official authority or influence to interfere with the result of an election or to intimidate any individual to vote or not to vote, to give or withhold a contribution, or to engage or not to engage in any political activity. Federal employees may not give a political contribution to a superior, or give, receive, or solicit a political contribution in a Government building. Federal employees may not solicit, accept, or receive a contribution from, or give a political contribution to, any person who has or is seeking a contract with the employee's agency, is regulated by the agency, or has interests which may be affected by the performance of the employee's duties. This bill retains and conforms the various criminal prohibitions relating to elections and political activities contained in chapter 29 of title 18, United States Code.

While retaining strict prohibitions on activities that may coerce or intimidate other Federal or postal employees or private citizens, the bill provides that Federal and postal employees may otherwise engage in any legal political activity off the job. They may run for partisan political office without taking leave as long as the campaigning does not interfere with the performance of their duties. An employee who requests leave without pay or annual leave for the purpose of running for office may be denied such leave by agency management only if the denial is based upon the exigencies of the public business.

The Special Counsel is authorized to issue regulations and to enforce the administrative prohibitions concerning political activity. Actions brought by the Special Counsel would be brought under the general disciplinary action procedures of 5 U.S.C. 1215. The Merit Systems Protection Board may impose any penalty provided by that section. Possible penalties include fines, debarment from employment, removal, and reprimand.

DESIGNATE THE MAURICE RIVER SYSTEM AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. HUGHES. Mr. Speaker, I am introducing legislation today which designates some 23 miles of the Maurice River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System.

Wild and scenic designation assures the long-term protection of unique natural resources through sound, locally implemented river management plans. Only the most select free-flowing rivers that have outstanding natural, cultural, or recreational values make up the Wild and Scenic System.

In 1987, I, along with my Senate colleagues, sponsored legislation authorizing the National Park Service to study the eligibility of these rivers and their tributaries for inclusion into the National System. After 5 years of study, the National Park Service found that all segments of the river were eligible for designation under the Wild and Scenic System.

Indeed, the Maurice River is one of New Jersey's most magnificent treasures. The river forms an integral part of the Pinelands ecosystem, provides fresh water to the region, and is rich in the unique history and culture of southern New Jersey.

This region provides important habitat for a wide variety of animals, birds, and plants, and is well known for its fishing, boating, and recreational activities. Sites of cultural and historical interest along the river corridor include a prehistoric American Indian settlement and several intact villages and towns.

This bill not only seeks to maintain and conserve these important river resources, but simultaneously protects the property rights of landowners. Indeed, the legislation recognizes that the river is also the economy and thus seeks to protect traditional economic activities such as oystering, crabbing, fishing, recreation, or tourism.

The management plan for the river will almost exclusively be the product of local thinking, based on the input of local residents, businesses, and elected officials. Authority for implementation of the plan will lie solely at the local level.

The local communities have shown their commitment to the preservation of this very special resource. Indeed, a referendum in Millville on November 3, 1992, showed overwhelming support for wild and scenic designation of the segments of the river which flow through their municipality. Likewise, Maurice River Township just this week reaffirmed their support and encouraged support by commercial township for designation of the Maurice River.

People think of New Jersey as what they see from the turnpike. They do not think of New Jersey as having water that is so pure it is drinkable. As southern Jersey grows and prospers it is important that we preserve that quality of life. This legislation will help us to do that. Accordingly, I urge my colleagues to support me in this endeavor.

INTRODUCTION OF THE NUTRITIONAL IMPROVEMENT ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MILLER of California. Mr. Speaker, I am introducing legislation to eliminate the mandate that whole milk be offered in the School Lunch Program, and instead, permit local administrators to choose the type or types of milk that they believe would be the most healthful and nutritious for students in their care. My bill leaves the choice in the hands of local officials to decide what kind of milk to serve. Current law in the National School Lunch Act mandates that only whole milk be served to children participating in the program.

Excessive fat consumption has been identified as the biggest problem in the American diet by the Surgeon General's Report on Nutrition and Health. The dietary guidelines for Americans, issued jointly by the Secretaries of Agriculture and Health and Human Services suggest lowering fat intake for most Americans and encourage choosing lowfat or skim milk. One easy way to reduce the amount of fat in the diet is to encourage the consumption of lowfat milk.

Senator LUGAR introduced identical legislation in the Senate in the last Congress, and will re-introduce it in the 103d Congress. This legislation has been supported by a variety of health and nutrition groups including Public Voice for Food and Health Policy, the Food Research and Action Center [FRAC], the Center for Science in the Public Interest, the American Heart Association, the American Dietetic Association, and the Society for Nutrition Education.

TRIBUTE TO THOMAS S. WELSH, PUBLIC SERVANT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. LEVIN. Mr. Speaker, I rise today to pay tribute to a devoted public servant, Thomas S. Welsh, who has been a leader and fighter for southeast Michigan.

Today I pay tribute to Tom Welsh as he leaves his distinguished tenure as public works commissioner. He will continue to represent Macomb County on the road commission. He began his distinguished career on the St. Clair Shores Village Council and 4 years later was elected the youngest mayor of the city of St. Clair Shores. After 9 years, he was elected by the residents of Macomb County to the office of public works commission. They rewarded his hard work by returning him to this position eight times.

Many before me have spoken of Tom's outstanding service to the people of Macomb County and showered him with accolades in appreciation of his lifelong commitment to public service. I know Tom Welsh as a take-charge, can-do leader who isn't satisfied until the job is done. He has something to show for his hard work, and his hard work shows in Macomb County, MI.

As a result of his leadership, Macomb County is the first county in the State of Michigan to implement flood control planning by computer technology.

Mr. Welsh's office was the first agency in the United States to initiate an around-the-clock pollution control pumping station which safeguards adjacent Lake St. Clair, the source of drinking water for 4 million southeast Michigan residents.

Mr. Welsh planned, implemented, and still administers a countywide sewage disposal program which has contributed significantly to the resurrection of the Clinton River's fish and wildlife populations.

As a trustee of the Huron-Clinton Metropolitan Park, Mr. Welsh was instrumental in the development of regional park facilities within Macomb County, including Metropolitan Beach, Stoney Creek Park, and Wocott Mill.

A writer of a local publication once said:

> Tom Welsh is tough and soft, stern and whimsical, generous and cautious, cosmopolitan and parochial. He's a lot like everyone else * * * but unlike anyone else you've ever known.

Tom Welsh has made a difference in the lives of so many people. I am confident he will continue to do so. I look forward to working with him for many more years to come.

INTRODUCTION OF THE FAIR WAGE ACT OF 1993

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MILLER of California. Mr. Speaker, today I am introducing the Fair Wage Act of 1993, legislation which will assure financial parity for the lowest paid working men and women of this Nation. My legislation amends the Fair Labor Standards Act of 1938 to provide that the minimum wage rate under that act will be indexed to the cost of living in the same manner as Social Security benefits are indexed.

To compensate for the effects of inflation, Social Security beneficiaries receive a cost-of-living adjustment [COLA] in January of each year. This COLA, in turn, triggers identical percentage increases in supplemental security income [SSI], veterans' pensions, and railroad retirement benefits, and causes other changes in the Social Security and Medicare Programs.

The Federal civil service retirement system and the Federal military retirement program use the same method for computing their formulas.

For hundreds of thousands of Americans, these cost-of-living adjustments mean increased financial security in these troubled economic times, permitting them to keep pace with the increased costs of utilities, food, and consumer goods.

The lowest paid working men and women of America deserve no less than an annual cost of living increase. Their salaries should permit them to keep pace with the increased costs of living in today's society.

The concept that the Federal minimum wage should be a living wage, enabling workers to support their families, has become a myth. Throughout most of the 1960's and the 1970's, the minimum wage was sufficient to bring a family of three out of poverty. Sadly, that is not the case in 1992.

At $4.25 per hour, the minimum wage is inadequate to keep workers out of poverty. Today, a full-time minimum wage worker with one child is below the poverty line. And because their incomes are below the poverty level, full-time minimum workers in more than half the States remain eligible for welfare and Medicaid. In most States, the minimum wage family qualified for food stamps, low-income energy assistance, and free school meals for their children. Uncle Sam, in effect, indirectly subsidizes the employers of these low-paid workers.

There is no doubt that the purchasing power of the minimum wage has dramatically eroded during the past decade. In February 1992, the value of the $4.25 minimum wage rate was only $2.65 measured in 1981 dollars. That is, whatever consumer goods and services could be purchased with $2.65 in 1981 would cost consumers $4.25 in 1992.

In addition, studies have shown that minimum wage workers are largely nonunionized and hold jobs with little or no benefits. Many only work part time. Many assume that minimum wage workers are teenagers working part time at fast food restaurants.

But half of all minimum wage workers are employed full time, and nearly two-thirds of all minimum wage workers are women. The women working at minimum wage are important wage earners for their households. For these families, employment no longer offers an incentive for leaving welfare, or the assurance of economic security for themselves and their children.

Today, in my own State of California, it is estimated that if the minimum wage retained the purchasing power it had in 1968, poverty among California women and children would be reduced by 7.8 percent.

A cost-of-living adjustment to the Federal minimum wage is fair and just. It will provide those American workers at the bottom of the pay scale with a small but significant increase to enable them to remain economically self-sufficient.

UNPAID FAMILY LEAVE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. BEREUTER. Mr. Speaker, this Member would like to commend the following editorial from the December 18, 1992, Omaha World-Herald, concerning family and medical leave. This is a noteworthy commentary.

[From the Omaha (NE) World-Herald, Dec. 18, 1992]

THE FAMILY-LEAVE CRUSADE HAS TENDENCY TO ESCALATE

An unpleasant surprise lies in store for people who still believe that Bill Clinton and Congress will create an "unpaid" family-leave program that is virtually cost-free.

Unpaid leave isn't what a number of family-leave crusaders want. They accept it only as another step toward their ultimate goal—fully paid extended leaves for people to care for children, family members and, in some cases, even homosexual partners.

Even the "unpaid" leave proposal that Clinton has endorsed would cost money and create inconvenience. The employee would be entitled to health insurance coverage and company-paid premiums and be allowed to remain in the pension system with his or her seniority guaranteed when the leave is over. A replacement would have to be hired and trained, then let go when the position holder returns from leave. The disruptions that accompany personnel changes would have to be accommodated.

But the broader benefits envisioned by some family-leave advocates would be much more expensive and burdensome.

A recent development at the University of Nebraska-Lincoln illustrates how the push for those broader benefits might materialize.

Until last month, N.U. had a leave policy that allowed employees, with the permission of their supervisors, to be away from the workplace for up to a year to deal with personal or family emergencies. Employees gave up pay and benefits during the absence.

That was much more than many private-sector employers have been able to provide. But it wasn't enough for the family-leave advocates among N.U.'s faculty. They pressured the regents to put the financial burden more heavily on the employer (the taxpayers of Nebraska) and less heavily on the employees.

In November, the regents authorized family leave of up to 12 weeks, with health insurance and seniority guaranteed, for employees who were caring for a seriously ill family member, attending to a newborn or newly adopted child or dealing with the death of a family member.

Such a plan is similar to what Clinton and a number of other Democratic politicians have promised. But it still wasn't enough for some family-leave advocates. Mary Beck, who heads a committee on women's issues at the University of Nebraska-Lincoln, now says that the university should maintain the pay of employees who go on extended leave. She also contends that the definition of "family" should be broadened.

The Beck comments provide a preview of the national debate that may well materialize if Clinton and Congress approve a program of unpaid leave.

Someone would "discover" that unpaid leave has relatively little appeal for people who live from paycheck to paycheck. Someone else would contend that mother-child "bonding" requires more than 12 weeks of undivided attention—with, of course, full pay and benefits for the extended period. Others would demand that uncles and aunts be added to the definition of family, as well as close friends or homosexual partners.

Of course the government couldn't condone such "discrimination" against low-income people, young mothers or gays. So the push would be on to broaden, sweeten and extend the benefits—exposing the myth of an "unpaid" leave program or the fraud that it is.

STATEMENT OF HON. LEON E. PANETTA—INTRODUCTION OF LEGISLATION TO STUDY CALIFORNIA'S MISSION SAN ANTONIO FOR A NATIONAL HISTORIC PARK DESIGNATION

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. PANETTA. Mr. Speaker, I rise upon the introduction of legislation to direct a park study for the Mission San Antonio de Padua in the State of California. This legislation is similar to legislation I introduced in the 102d Congress, H.R. 5611.

Mission San Antonio, founded in 1771, is well recognized as a historic site of national significance. The mission is an important component of the Juan Bautista de Anza National Historic Trail and is on the National Historic Register of historic places. Yet the mission is only one part of the area's historic appeal. Unlike most missions of the West, the area surrounding Mission San Antonio de Padua remains undisturbed and preserved in its original state. The surrounding area is also unique in that it has significant artifacts from all stages of California's development dating back from the settlements of the pre-Colombian Indians, to the Spanish missionaries, and the pioneers of the western expansion.

Mission San Antonio is also an unique site in that it remains in its original isolated state. Because the mission is situated within the boundaries of the Fort Hunter-Liggett Military Reservation, there has been no commercial or residential development of the area surrounding the mission.

For all these reasons, Mission San Antonio offers unparalleled opportunities for historical interpretation and research in a realistic setting and appears to be well suited for a national historic park designation. Sadly, our Nation has failed to give adequate recognition to the rich history of our Western States. Only 4 of the Nation's 31 national historic parks are in the Western States. Mission San Antonio would be an ideal area in which to commemorate and celebrate the history of our Nation's largest State.

The legislation directs the National Park Service to study the San Antonio Mission and surrounding historical areas to determine the suitability and feasibility of designating the area as a national historic park. As the mission is within the boundaries of the Fort Hunter-Liggett Reservation, the legislation directs the Park Service to conduct the study in consultation with the Department of the Army to ensure that a park designation will not significantly impair the Army's ability to execute its mission at Fort Hunter-Liggett.

In conjunction with the Friends of Historic San Antonio Mission, the National Park Service is conducting a historic landmark study of the mission for designation as a national historic landmark. The landmark study is expected to be completed soon and early findings of the study strongly indicate that the mission warrants a historic landmark designation.

I would also point out that there is a great deal of support within the local community, and throughout the State of California, for the designation of a national historic park at the San Antonio Mission. The Friends of Historic San Antonio Mission has worked very hard to protect the mission and its surrounding historical sites and have made a very convincing case for designating this area as a national historic park.

Although they are an important part of the history of this country, the profound role of the Franciscan missions has gone unheralded and unrepresented in our national park system. Sadly, Mr. Speaker, there are not many places like San Antonio Mission left in our country. It is rare that we find a centuries-old operating mission preserved in its original isolated state. Congress should take advantage of this opportunity by acting to commemorate this time period of our history and protect this area through a national historic park designation. I hope my colleagues will join me in this effort by supporting this legislation.

INTERGOVERNMENTAL MANDATE RELIEF ACT OF 1993

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STUMP. Mr. Speaker, I am today introducing legislation that would discontinue the practice of imposing Federal Government mandates on State and local governments without accompanying Federal funds to support such mandates. Unfunded mandates place untenable and unreasonable hardships on our State and local governments as well as our citizens.

This Congress should not be tempted to shift costs under the veil of reducing and controlling Federal spending. Government at all levels face serious budget constraints. I do not believe that the Federal Government should be a party to further straining the solvency of the budgets of State and local governments by continuing to dictate national policy without financial support.

Our local governments are having difficulty maintaining and providing sound, basic services while absorbing the huge costs of federally mandated programs, while at the same time funding from the State level is being reduced and taxing authority is constitutionally limited. In a report prepared by the Library of Congress, it is estimated that between 1983 and 1988, $200 million in annual costs were imposed by only 89 pieces of legislation. In another more comprehensive estimate, it was suggested that mandates introduced since 1983 imposed a burdensome $2 to $5 billion in costs on States and local governments in 1990.

Mr. Speaker, I believe that it is unreasonable for the Federal Government to continue imposing mandates without accepting the consequent financial responsibilities. To do so undermines the strength of our governments, and we in the Federal Government must assume responsibility for our actions if we are to restore the fiscal integrity of the country and our system of federalism.

VOLUNTARY SCHOOL PRAYER

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, in 1989, Rabbi Leslie Gutterman stood before the graduating class of a Providence, RI, middle school and offered a nonsectarian invocation and benediction. Three years later, the U.S. Supreme Court held by a 5 to 4 majority that the rabbi's invocation was unconstitutional. The majority decided that the use of an invocation and benediction at a school graduation ceremony "places public pressure * * * on attending students to stand as a group or, at least, maintain respectful silence during the invocation and benediction." Such is the coercion of the rabbi's prayers.

Today, I am introducing a constitutional amendment to allow communities to decide for themselves whether or not they will offer a benediction at their public ceremonies and graduations and whether their children will be able to voluntarily pray in school. Under this amendment, the rights of those who do not wish to participate in prayer remain fully protected under this proposed amendment. At the same time, the rights of those who do wish to speak publicly of their collective beliefs—rights which are being whittled away by Supreme Court decisions—will be restored. I strongly urge my colleagues to cosponsor this proposed amendment. Today, we have no prayer in public schools, but we have plenty of drugs, guns, and violence. It's time to bring good, old-fashioned American values back to American schools.

INTRODUCTION OF LEGISLATION TO ENSURE THE PROPER FUNDING OF DEFINED BENEFIT PENSION PLANS JANUARY 5, 1993

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. PICKLE. Mr. Speaker, under current pension law, employers are given wide flexibility in the funding of their pension plans. Most employers have used this flexibility responsibly. Some, however, have deliberately and consistently chosen to underfund their plans. The level of pension underfunding has steadily increased and now exceeds $50 billion.

Companies that significantly underfund their pension plans put at risk the retirement security of their workers, and the financial security of the PBGC and the taxpaying public. When a company falls billions of dollars behind in funding its pension obligations it becomes nearly impossible to ever recover. The plan becomes a ticking time bomb waiting to go off in bankruptcy, and then destroying the retirement plans of many of its participants while shifting much of the losses to the Federal Government.

In recent years, we have discovered repeatedly the futility of trying to recover these losses. The other creditors of these companies are unwilling to reduce their recoveries in order that the pension plan or the Pension Benefit Guaranty Corporation be made whole. Nor are the other sponsors of well-funded pension plans willing to have their insurance premiums increased in order to cover the losses caused by those who deliberately chose to shirk their pension responsibilities.

Therefore, I am re-introducing legislation today which I first introduced as H.R. 5800 last year. This bill seeks to hold companies accountable for their pension promises. Under this bill, companies with underfunded pension plans would be required to make contributions to their plans at least equal to the distributions from the plan. This will prevent the financial deterioration of plans based on their current commitments. In addition, under this bill, if a significantly underfunded plan is amended to increase its benefit obligations, the plan sponsor will be required immediately to either contribute cash or pledge collateral to the plan sufficient to make the present value of the plan's assets equal to at least 90 percent of the current liabilities of the plan.

This legislation will not solve the problems associated with pension underfunding immediately. But it will stop the problem from getting worse. It will stop companies from promising new benefits they cannot afford. It will protect participants from being led down the primrose path of empty promises only to find themselves being tossed into the briar patch of bankruptcy. And, it will reassure the public, and particularly those companies that sponsor well funded plans, that the Federal Government will not stand idly by while the defined benefit pension system, on which some 40 million workers depend, is systematically looted.

For all these reasons I urge my colleagues to join with me and to support the passage of this important pension legislation.

ENVIRONMENTAL EXTREMISTS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. DUNCAN. Mr. Speaker, I would like to call to the attention of my colleagues and other readers of the RECORD the following article by Bruce Vincent, a logger from Libby, MT.

More and more people are beginning to realize that most environmental extremists are upper income or wealthy people who were raised or live in cities and have no real understanding of the great harm they are doing to the working men and women of this Nation.

AN ENVIRONMENTAL PERSPECTIVE: WHERE ARE WE?

(By Bruce Vincent)

(Editor's Note: Bruce Vincent, executive director of Communities for a Greater Northwest, recently spoke at a meeting of the Missouri Forest Products Association in conjunction with the Midwest Forest Industry Show. The audience was deeply moved as Bruce spoke from his heart. His remarks were so relevant to virtually everybody associated with the forest products industry that we decided to present his story here for our readers' benefit. Bruce's talk centered around three themes: Where Are We?, How Did We Get There?, and What Do We Do From Here? We present the first theme in this issue with the others to follow later.

(A special thanks is due to Bruce for dedicating himself to speaking out on behalf of all of us. Bruce has chosen to stand up and be counted, even when it means a sacrifice of both time and money. We understand that he has recently been told the preservations are targeting his home territory, the Kootenai forest (2.5 million acres), for total warfare. Apparently they are focusing on the timber supply his family logging company depends upon to teach them a lesson for sticking up for the interests of virtually everyone who reads this. Again, we owe a special thanks to Bruce for his courage.)

I am a logger. I am writing for many reasons, including the common problems faced by all of us. First, a little history.

I was raised in Libby, Montana, in the extreme northwestern corner of the state. It is very near Bonners Ferry, two towns down; it is beautiful. I was raised 12 miles south of Libby, right next to the Cabinet wilderness area, a wonderful place to grow up.

After high school, I went to college in Portland for a while. I worked during the summers in Libby as a logger to earn school money. One summer I met Patty Joe. We married and manufactured a child. I learned that it took more trees to be cut down in order to take care of us in Portland so I moved to Spokane to finish school. I could go to school four days and log three, except that on one of my trips home I manufactured another child. My wife said something had to stop so I quit school. I now have four children.

I finished college with both a bachelor of science in civil engineering and a master in business administration. I was raising my children in Spokane, not a bad place, but it was not Libby. I wanted my children to have a rural environment to grow up in so we moved back to Montana in 1983. I rejoined my three brothers and parents in the family logging company.

Just a few years ago we had 40 employees. Now we have just a few; there is a good reason for that. I should be home with my family, fulfilling my responsibilities but something happened a few years ago that indicated to me that if I didn't begin speaking out about who we are and what we do, I wasn't going to have a future in Libby. My children certainly would have no hope of living and raising their own families in rural America.

The first thing that came up to really grab my attention was the grizzly bear. How many of you know what the grizzly bear is? It's a little bit bigger than the spotted owl and it eats people. The impact on our town is very similar to the spotted owl, however.

At first I thought the grizzly was a safety problem. I read in the local paper about the grizzly population in the Cabinet ecosystem. I didn't know what the Cabinet ecosystem was so I went to a public hearing with my wife. They said, "We're going to recover the bear to its historic population in your ecosystem." I said, "Well what's its historic population?" The U.S. Fish and Wildlife Service (FWS) said, "Well, we don't know."

We then asked, "If you don't know, what are you going to do?" They replied, "We at least have got to have a viable genetic pool." When we asked how many are in a viable genetic pool, they said, "We don't know!"

"Then what are you going to do," we asked. They responded, "Ninety to 120 bears ought to do it."

We said, "Fine, how many live there now." The reply, "We don't know but we think about four."

Well, that sounded like a problem, going from four to 120, so I asked them if it would be. They said, "No." The ecosystem shown on the wall had a gray band around the mountain. In that gray band is my home.

I asked, "What does that gray band mean?" They matter of factly stated, "That's the human-grizzly conflict zone." That sounded like a problem to us!

They told my wife it wouldn't be a problem, although we might have to change some of the ways we do things. She asked if we could send the kids out to the creek to fish, as I had done all my life. They said, "Yeah, you might have to do like hikers do in Glacier Park though." Have you ever been there? They tie bells on hiking sticks and shoes. Tinkle, tinkle, tinkle through the brush; the bear hear the bells and are supposed to run away.

They then stated, "If we have a problem, if there's a bad bear, we'll deal with it." Do you know how to tell the difference between a good bear and a bad bear? Bad bears have bells in their poop! It was sounding more like a problem to us.

They were going to try some biological tests that had never been tried before, not even in a zoo, such as embryo implants, taking black bear mothers and implanting grizzly embryos in them to see how they do. Cross fostering meant taking Grizzly cubs from a zoo and putting them in a den of*a black bear mother. Black bears and grizzly bears hate each other's guts. When the cub drops out of the uterus, it's not going to be a well-adjusted bear. We told them we didn't like their plan!

We don't have a problem with the grizzly. It is part of the romance that causes us to make the necessary sacrifices to live where we do. We like the grizzly bear; it's part of our past. We think it can be part of our future but not as it's currently being protected by the FWS under the Endangered Species Act.

When we told them of our concern they said, "We don't believe you understand why we're having this meeting. We're not here to take a public opinion poll; we're here to tell you what we're going to do. We are mandated by Congress to recover the bear population in your area and we're going to do it."

This really upset us so we stood up. When we did, something happened. For the first time, the U.S. government formed a community involvement team that is working with the FWS on recovery of grizzly bears in our ecosystem.

For the first time, public involvement in that issue had to be heard. We're now working on a program that may allow us to coexist with the grizzly bear within the next 20 to 40 years.

But other things are going on in our area. They are not finished messing with our balance with nature. I'd like to tell you a little bit about where we are, not only in my area but across America, how we got there, and what we think we have to do to get out of where we're headed.

Where are we? I'd like to tell you a little bit about the microcosm of Libby, Montana, because it's a scene that's being replayed over and over in many places. In Libby we have some economic news that is startling. Libby's got some problems. We knew we were going to have a downturn in timber supply in our area because there are some private landowners who have been aggressively managing their land. Their next crop is not going to come on board until the year 2015.

The Forest Service, however, which owns 77% of the land in our area, had indicated they were going to sell a significant amount of timber, as they had in the past. So, we would see a temporary downturn in our industry which would be followed by a kick back to where we have been. That's not happened! We've seen a 40% reduction in Forest Service sales. According to the University of Montana, we're looking at a 60% loss of economic base within the next 18 months. We've already lost 30% of our economic base. We're told we are to rely on tourism instead.

One of the great tourist attractions in our area is the lake behind the Libby Dam. It's a 96 mile lake called Lake Koocanusa. However, we now call it "Lake Who-can-use-it?," because they fluctuate the water level, kill our spawning beds, and they indicate they might use it as a flushing device for sturgeon and chinook salmon downstream. The gates on back roads in our area close off access to our forests. They are putting up the gates at a very rapid pace to protect grizzly habitat. The number one use of the forests in our area by tourists is sightseeing on roads, including camping and fishing with road access. Now 55% of our forests have been locked up to protect grizzly habitat.

I'm on the board of directors of our Chamber of Commerce. Since we continue to be told that tourism is our future, we asked the University of Montana to tell us what kind of tourism figures we need to generate next year to make up for the loss in base industries during the last 18 months.

The University of Montana said we need $66 million worth of tourism to make up for the loss of basic industry in an 18 month period. We have 2,800 people in our town. We need 660,000 tourists to go through next year, each of them spending $100. We're putting up road blocks, taking wallets and purses; that's the only way we can see it will work.

We're trying to fight back. We have an acreage north of us that has been completely shut down by lawsuits and appeals of forest activities. The area is heavily devastated with a lodgepole pine needle epidemic, an epidemic that also affected the Yellowstone ecosystem. You know what the Yellowstone ecosystem is; it burned.

That is the history of Inland Empire forests, stand regenerating fires. In the Spokane area last fall, 47,000 acres of stand were regenerated. At the same time, we regenerated 25,000 acres just north of Libby. According to forest managers there are 350,000 acres that are primed and ready to regenerate any day. Yet we're not accessing for harvest because of lawsuits and appeals based on the grizzly bear and other endangered species. Something's wrong in Libby, Montana!

Something is wrong in Forks, Washington, where there is 200 million board feet of blowndown timber in spotted owl habitat that can't be salvaged, while their town is going completely under because people don't have any timber to access. Yes, something definitely is wrong!

In eastern Oregon we have 9 million acres of diseased forests, 6 million acres they cannot access because of appeals and lawsuits.

Something is wrong when 90 million acres in Oregon, Washington and California are set aside for the spotted owl when there's mounting evidence it's not necessary to do so. There is corresponding mounting evidence that it is going to exact an enormous human toll to do so.

Something's wrong in Arizona and New Mexico where they recently found the Mexican spotted owl. It's a distant cousin of the northern spotted owl. They don't know if it's endangered but they shut down half of their forests while they count.

Something is wrong in Texas, Alabama, Louisiana and Florida, where the greatest reforestation story in the history of our planet is being told over and over again on private and public land. But the red-cockaded woodpecker also lives there and, at any given time, 40% of the timber in Texas is held up by that specie.

Something's wrong in Virginia, West Virginia, and North Carolina, when the group, Earth First, is spiking trees to keep people from harvesting timber.

Something's wrong, not just in the timber industry but something's wrong in America, when a group like Earth First is called an environmental group. Do you know about Earth First? They blew up our dozer; that's what I know about them. My family has received death threats. That's what I know about them!

They put out a book called "Eco Defense," a field guide to monkey-wrenching with chapter and verse about how to commit murder and mayhem against rural America. Want to blow up a machine? Diagrams, step 1, step 2, step 3. That's what they used on us. Want to take an airplane out of the sky? There's a nice chapter on that which shows the weak spots on an airplane.

Something's wrong in America when this group is called an environmental group and when the things they practice are called "ECOTAGE" instead of what they really are, TERRORISTS!

If our dozer had been a $30,000 Mercedez Benz in downtown Beirut when it blew up, it would have been called "terrorism," but no, it belonged to a dirt head logger in Northwest Montana. Even in our regional papers we got a little tiny blurb; they called it "ecotage." Sounds like a nice white-collar crime to protect the planet when in fact my father was operating the 80,000 pound machine. Thank God it was on flat ground because when the engine went so did his brakes and his hydraulics. Something's wrong when that group is called an environmental group!

Something's wrong in America when the Justice Dept., in trying to improve their case against Exxon, went to the FWS and said, "You know, we're trying to build a case against that firm. We're going to build that case and decide the judgement according to how many dead animals the Exxon Valdez generated in Prince William Sound. How many dead animals?"

They said, "We think most of them floated out to sea or sunk; we don't think the animals we actually found are an exact counting." The Justice Department replied, "We'd like to see how many floated out to sea or sunk, and we'd like you, the U.S. FWS to go up there to the wildlife refuge, shoot 600 birds, dip them in oil, stick monitors on them and float them into the Sound." Something's wrong when the U.S. FWS said "For $600,000 we'll do it," and they did.

Something's wrong in Las Vegas when the fastest growing metropolitan area in America is shut down because of the desert tortoise. Cranes in mid-air were halted; the desert tortoise was being impacted by growth. The U.S. FWS studied the problem for a little while and determined that growth needs to be managed because we are impacting desert tortoise habitat. But the real problem with the desert tortoise is that we have protected ravens in this area for 15 years; guess what ravens eat. They eat desert tortoises. They said we've got 1,500 too many ravens; we're going to have to shoot them. That sounds like a good plan to me; after all they're eating desert tortoises.

It did not, however, sound good to the Humane Society, which immediately filed suit and said, "You can't do that!" So, they entered negotiations with U.S. FWS. A little over a year ago they came out with their findings. Instead of shooting 1,500, they're going to shoot 56. Not just 56, but only 56 that are proven to be habituated to desert tortoises. To be called habitual they have to have three documented tortoise kills. I mean, come on! Really? Something's wrong!

Something's wrong when a snail in southern Idaho keeps stockmen and farmers from watering their stock and crops. A little snail held up reauthorization of the ESA for two years; it's called the bruno snail. It lives in springs that feed the irrigation ditches for ranchers and farmers in southern Idaho. They couldn't let water off their springs because habitat of the snail would be impacted.

Do you know the difference between the common garden variety of snail and the bruno snail? The males have larger sex organs. I wonder how much money they spent figuring that out. Something is wrong! Desperately wrong!

What's wrong is there is a thin, thin line between environmental sensitivity and environmental insanity. In this nation we are crossing the line. We have passed sensitivity. We are fully in insanity!

I have to ask myself, how in the world did we get here?

THE SUNSET ACT OF 1993

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MINETA. Mr. Speaker, as we begin the 103d Congress today, majority leader GEPHARDT and I are reintroducing a piece of legislation which will be crucial to our efforts to bring Federal spending and the management of Federal programs under control: The Sunset Act of 1993.

We have all seen examples of Federal programs which have outlived their usefulness, or which no longer respond to conditions in America today. We can no longer afford to tolerate programs which waste taxpayer dollars, or fail to perform their missions.

The Sunset Act would ensure that we have the regular opportunity to re-examine Federal spending by eliminating permanent authorizations for most programs. Specifically, it would set a maximum authorization period of 10 years on any provision of law that generates revenue or authorizes spending. Federal pensions, Social Security, health, and civil rights programs would be exempt.

Each year, we have the opportunity to set Federal spending levels through the annual appropriations process. But that process does not eliminate the need to regularly review basic authorizations and ensure that programs are prudently designed, wisely run, and fully responsive to our country's needs.

The principle behind the Sunset Act is a simple one: There should be no such thing as an immortal government program. That is a principle I believe we all can support, and I urge my colleagues to join Congressman GEPHARDT and me in working for passage of the Sunset Act of 1993.

TIME TO END SPECIAL PROSECUTOR WALSH'S INVESTIGATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. BEREUTER. Mr. Speaker, the vast majority in this Nation are looking to the future as a new administration prepares to assume office. Some look to the future with enthusiasm and optimism, others with caution. But most of us wish to work to address the very real challenges of the years ahead. Unfortunately, there are a few who seem unable to let go of the past. Iran-Contra Special Prosecutor Lawrence Walsh falls into this latter category.

Mr. Walsh has conducted a 6-year campaign to uncover wrongdoing, at a cost of some $30–$40 million to the American taxpayer. No one knows the cost for sure, but the bill keeps rising as Mr. Walsh hires scores of actors to stage mock trials in order to test their court strategies. Perhaps they should hire better actors, because Mr. Walsh has been notoriously unsuccessful when he does go to trail.

Unable to find any evidence that would link President Ronald Reagan or President George Bush to any wrongdoing, the special prosecutor has taken to threatening long and expensive legal battles as a means of pressuring individuals to change their testimony. As former Secretary of Defense Caspar Weinberger said: "Cooperation meant giving them the testimony that they wanted that would enable them to implicate President Reagan. When they couldn't get that, they went after me with five felony counts, all of which they would have been perfectly willing to drop if I had cooperated with them."

Mr. Speaker, this investigation has assumed a mean-spiritedness and vindictiveness that should appall all honorable men and women. Mr. Walsh's highly inflammatory statement of recent days have made abundantly clear, all sense of balance has been lost. Permitting Mr. Walsh to continue his investigation will do nothing to restore sense and reason to the political process.

Mr. Speaker, this Member would like to insert into the RECORD an excellent editorial from the January 3, 1993, edition of the Omaha World-Herald entitled "Enough of Prosecutor Walsh." I would urge my colleagues to heed the wisdom in its words.

HIS INVESTIGATION A DISASTER—ENOUGH OF PROSECUTOR WALSH

Some people have demanded that Lawrence Walsh resign immediately from the post of special counsel in the Iran-contra investigation. At the very least, the 80-year-old prosecutor should wrap up his work promptly, as he indicated he may do—and he should do so with more care than he has displayed so far for the reputations of innocent people.

Walsh's investigation has been a disaster. His six years of work cost the taxpayers more than $30 million. He produced no significant convictions that weren't successfully appealed.

Moreover, an amended indictment filed by his staff four days before the November election helped break the momentum of President Bush's campaign. The indictment was aimed at Caspar Weinberger. But in it Walsh accused Bush of misrepresenting what he knew of Iran-contra matters. A judge later dismissed the indictment. But by then the election was over. The damage to the Bush campaign had been done.

Weinberger provided a damning view of the Walsh operation. He accused Walsh's people of offering him lenient treatment if he would falsely implicate Ronald Reagan. Said Weinberger: "Co-operation meant giving them the testimony that they wanted that would enable them to implicate President Reagan. When they couldn't get that, they went after me with five felony counts, all of which they would have been perfectly willing to drop if I had 'cooperated' with them."

Weinberger is highly respected for his service in the Cabinet and his role in ending the Cold War. Even some prominent Democrats supported Bush's decision to issue a pardon.

Bush also pardoned Elliott Abrams, who had pleaded guilty to a misdemeanor charge of withholding information from Congress. Abrams had had no intention of lying. Walsh's people indicted him, in effect, for not volunteering information he hadn't been asked for. Abrams, a former assistant secretary of state, said he pleaded guilty to avoid being bankrupted by lawyers' fees while proving his innocence.

Bush's pardons were reserved for government officials who tried to do the right thing in connection with a poorly handled covert operation—an operation that Weinberger, among others, argued against. Iran-contra figures who sought personal profit received none of the presidential clemency.

Walsh's emotional reaction to the pardons strengthened the impression that his "investigation" was driven by a vindictive desire to "get" Ronald Reagan and George Bush.

He implied that uncooperative witnesses had saved Reagan from impeachment. He alleged that Weinberger concealed information about a high-level cover-up. He even suggested that he might go after Bush, although cooler heads have apparently talked him out of that idea. He said that Bush had engaged in misconduct, that the pardons helped the alleged cover-up succeed.

Imagine what the American Bar Association would say if a newspaper or an elected official flatly asserted, before a trial, that a suspect was guilty of a crime. The bar association would say, and properly so, that the person's constitutional right to a fair trial had been trampled on.

The rule is the same for members of the bar. The bar association's rule on pretrial publicity says that a lawyer shall make no extrajudicial statement, including an opinion that the suspect is guilty, that could materially prejudice the outcome of a criminal case.

Enough of Prosecutor Walsh. He has been on the scene too long. It's time for him to retire to Oklahoma.

EXCERPTS FROM A SPEECH GIVEN BY LT. COL. PAUL HORTON (USAF, RET.), BEVERLY, NJ

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. SAXTON. Mr. Speaker, I submit the following speech to be printed in the RECORD:

It is indeed a pleasure to be asked again to participate in this annual program for veterans. I hope it will continue for many years to come, but I must pose a serious question.

Have you considered the possibility that this wonderful country could cease to exist?

Nations richer and more powerful in their day than we have been sabotaged, defeated, enslaved.

Babylon was the largest and richest nation of its time, but its lust for luxury made it an easy mark for the Persians and Meads who overran it, divided its land, and enslaved people between them.

Rome was a greater military power than we ever were, but when their focus drifted away from the concepts of hard work and patriotism, Rome was invaded and looted by vandals.

The Incas were the most civilized, richest people in the Americas, but ruthless, better-armed invaders destroyed them as a nation, looting generations of creativity and work.

In every case, it was the self-indulgent weakness of the victim which made the victory of the invader easy.

How strong is a nation which allows foreign competitors to capture the world leadership from its most vital industries?

How virile is a nation which allows this or that group to decide not to fight the enemy?

How intelligent is a nation more careful to protect the criminal than his victim?

How weak is a nation which allows bureaucracy and a socialist philosophy to run riot and squander billions?

Undoubtedly, there were Babylonians, Romans, and Incas who warned against overindulgence and weakness, who warned that each citizen is responsible for his nation, and that the responsibility cannot be shrugged off onto officials. Those who warned of these things were met with cries of "It can't happen here," but it did.

It is up to you, caring citizens, who love their country, to continue to set the example, to encourage our young people to get the best education they can, and to work diligently to overcome prejudice and greed, to preserve this Nation for your children and their children's children. God bless you all.

LIMITING CONGRESSIONAL TERMS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STUMP. Mr. Speaker, today I am introducing an amendment to the Constitution of the United States that would provide for 4-year terms for Representatives and to limit the number of terms Representatives may serve to three.

Limiting congressional terms would be the most effective way of returning Congress to the legislative body envisioned by our Founding Fathers—one of citizen legislators who truly represent the constituents they serve and who are committed to solving our Nation's problems.

Currently, Members may spend one-half or more of every term running for reelection; creating dilemmas for Members of Congress leading many to question whether our actions are designed to promote real solutions to our country's problems or are merely cynical election year maneuvers.

Representatives serving only a limited time will have a greater incentive to focus their attention on policymaking to reform failed government programs and limit the size and complexity of the Federal bureaucracy in such a way as to benefit the people we serve. Less attention will be given to the creation of Federal programs to address issues perceived by pollsters to be of benefit to one party or the other in the campaign arena.

Mr. Speaker, I believe the House of Representatives can be a more effective and efficient instrument of the people if we spent more time on governance and less time running for reelection.

NO ABORTION ON DEMAND

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, with the so-called Freedom of Choice Act looming on the horizon, it may appear that the Congress is ready to simply write off the lives of millions of unborn children through unlimited abortion on demand. This Member of Congress is not prepared to accept that. Today, I am introducing legislation which will reaffirm that most basic of human rights—the right to life.

The first resolution I am introducing is a proposal to amend the Constitution to recognize the right to life and give that right express constitutional protection. The second bill I am introducing on this topic will essentially codify the Hyde amendment. Ever since 1981, the Hyde amendment has specifically prohibited the use of Federal funds for abortion except in those cases in which the life of the mother may be at risk. This provision is extremely important. Americans do not support unfettered abortion on demand, contrary to the proabortion rhetoric we often hear. Consistently, over 70 percent of Americans support parental consent provisions; 72 percent support a ban on abortion after 12 weeks of pregnancy; 75 percent support 24-hour waiting periods; 86 percent support informed consent; and 91 percent support a ban on abortions for reasons of sex selection. America is not the model for the free abortion pictures painted by abortion advocates, and Federal taxpayer dollars should not be used to support a practice which is—at best—highly controversial.

TRIBUTE TO JOSEPH S. (STEW) PAULICK ON HIS RETIREMENT

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. HANSEN. Mr. Speaker, January 7, 1993, marks a significant day in the history of the U.S. Army Chemical Demilitarization Program. Joseph Stewart (Stew) Paulick, appropriately known as Mr. Chem Demil, will retire after nearly 30 years of dedicated civil service at Tooele Army Depot.

Stew Paulick's career as a mechanical engineer began after graduation from the University of Utah with the International Smelting and Refining Co. where he was involved in the design and operation of large process and pollution abatement equipment. In 1964, he joined Tooele Army Depot's Ammunition Equipment Office [AEO] where he was the project manager for the design and installation of equipment for the very first chemical demilitarization process line involving the destruction of the M–34 cluster bomb at Rocky Mountain Arsenal.

Stew was also the designer of the APE 1236 rotary kiln deactivation furnace which will be used at the eight chemical demilitarization sites around the country. There are also dozens of APE 1236 units currently in operation around the world which are used for the destruction of conventional ammunition in a safe and environmentally responsible manner.

Stew became the deputy director of the Chemical Agent Munitions Destruction System [CAMDS] in 1978 and the CAMDS facility itself in 1979. CAMDS is the U.S. test facility for the destruction and disposal of obsolete toxic chemical warfare agents and munitions.

In 1990, Stew was selected to be the chief of the newly formed Industrial Risk Management Directorate at Tooele Army Depot, where his primary task was to ensure that the depot be responsive to environmental, safety, and emergency response concerns. His pioneering efforts in this office have been instrumental in helping Tooele Army Depot create one of the very best risk management organizations in the entire Department of Defense.

In conclusion, Mr. Speaker, Joseph Stewart Paulick's unique contributions to the chemical demilitarization world will not be forgotten. Our entire Nation, indeed the world, will continue to benefit from his work. He has been a model dedicated civil service employee and I extend my best wishes to him upon his retirement.

REINTRODUCTION OF THE INSULAR AREAS POLICY ACT

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. DE LUGO. Mr. Speaker, I am today reintroducing legislation which I sponsored in the 102d Congress to provide for a new and more effective framework for the development and implementation of insular policy within the executive branch. The proposal would enable the Federal Government to carry out its constitutional responsibility to make all needful rules and regulations regarding the insular areas for which it is responsible.

I first introduced the proposal at the end of the last Congress to provide the insular governments and their representatives and all those interested an opportunity to study and make comments on it. As I indicated then, and I reiterate now, the restructuring of the Federal Government's handling of insular affairs will be a major priority for the Subcommittee on Insular and International Affairs, which I chair.

For over a decade, I, along with other members of the Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources and two previous administrations have sought to restructure the manner in which the Federal Government deals with the insular areas. In recent years, it has become apparent that the current outmoded and ineffective structure, which had its origins when the Interior Department administered territories, needs to be replaced by a more responsive one, which allows the duly constituted insular governments to exercise maximum self-government with the Federal Government providing continued guidance and technical assistance.

It is my hope that after hearings are held on the proposal, legislation will be enacted to carry out the Federal Government's obligations to the insular areas.

In general, my proposal would establish a Cabinet Council on Insular Affairs consisting of representatives of the heads of all agencies; be chaired by the President's chief financial advisors and be assisted by a small staff within the Executive Office; provide the President and the Congress with information and advice necessary to appropriately apply policies to the insular areas and serve as a liaison between agencies of the Federal Government and the insular areas.

H.R. 15, THE ENTERPRISE ZONE COMMUNITY DEVELOPMENT ACT OF 1993

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. RANGEL. Mr. Speaker, today in this country, there are few communities which have not suffered from the hand-off economic policies of the past 12 years. President-elect Clinton has correctly observed that among the results of this approach has been an accelerated disintegration of the social and economic fabric of the Nation's poorest, most destitute communities. Even with an upturn in the Government's economic indicators, these places are not likely to be freed from a vicious spiral of depression, decay, and desperation. In these communities, crime is rampant; jobs have evaporated; clean, affordable housing is totally inaccessible; and the sale and acquisition of illegal substances are the only signs of local economy.

I am talking about communities as diverse as rural south Florida and the Mississippi delta, south central Los Angeles, and sections of the Bronx and my own Harlem. Since 1980 these communities—which even then were marginal—have undergone a dramatic and astounding transformation * * * backward. They have seen the wholesale collapse of their social and economic infrastructures. The deficit, coupled with the lack of a Presidential domestic policy, has virtually precluded an aggressive, creative strategy to turn back this tide of domestic disintegration.

Mr. Speaker, today I am introducing The Enterprise Zone Community Development Act of 1993 (H.R. 15) which contains the seeds of recovery for these destitute communities. It provides vision, where there is now confusion. It offers a hand up where there is now not even a hand out. It attempts to assemble those things in our domestic economy which we know are working, and target them in ways that will bring back these destitute areas—neighborhood by neighborhood, block by block.

In the United States today there has emerged a new marginal class of Americans—fellow citizens living at the fringe of the economic and social mainstream of our society. These are people who no longer share in the hope of the American dream. Increasingly, they have no stake in the civic culture and conventional values that bind us together as one Nation. Their numbers and the sheer desperation of their struggle threatens to unspool the basic tenets of our economic and social order, while posing a fundamental challenge to all of us who believe in the promise of America.

Most in this marginal class do not have access to affordable housing, adequate health care, or educational opportunities that might allow them to become full participants in our system. Those who have job skills must regularly and persistently compete with hundreds of others for a mere handful of job openings. Many are hungry, while many more have no idea how they will provide the next meal for their families. Increased dependency on public agencies and private charity has become for them not a matter of choice, but of necessity.

Last year OMB Director Darman told me that, at a minimum, the crisis in the lives of Americans living in this marginal class was costing our economy $300 billion a year. He also agreed with me that the only way this number could be turned around would be through a comprehensive long-term strategy of public and private investment to rebuild, from the ground up, the local infrastructures necessary to sustain a viable local economy.

One in five Americans is now part of this marginal class. How can that be? Consider the following: One in five Americans workers was out of a job at some point during the past year, one in ten Americans is living on food stamps; one in seven children in the United States Is living on welfare, one-fourth of all high school students do not graduate with their peers; nearly 37 million Americans are without health insurance, and another 100 million are without coverage sufficient to meet their health care needs in the coming year; only 70 percent of American children are immunized against basic childhood diseases. In some communities, that number is below 50 percent; three million Americans are homeless, while another 14 million are living on the knife's edge of homelessness—doubled up and tripled up in shelters, public housing, and the homes of friends and relatives.

In the past 20 years, the gap in the income of the top one-fifth of Americans and the bottom one-fifth of Americans increased by 59 percent. The number of children living in poverty increased 26 percent, while the buying power of those on welfare decreased 43 percent. In short, the richer are getting richer, and the poor are being quietly driven over a cliff.

Equally as disconcerting is the growing inability—and, in some cases, the unwillingness—of communities to provide the most basic of government services to those in greatest need. This trend is accelerating the demise of marginal communities. The wave of tax limitations and budget cuts of the 1980's has fallen squarely on the backs of those most in need in our society. Cities, desperately struggling against a diminishing tax base and rising costs, have cut essential services such as fire and police protection to the bone. And it isn't that these services are disappearing. To the contrary, they are shifting to the private sector—the affluent private sector. In 1990, for the first time in history, the number of private duty security personnel exceeded the number of public sector police in our country. While funds for public parks and summer jobs in the inner cities have all but evaporated, country clubs, high tech gyms, and private health spas are doing a booming business. I do not object to any of these private sector services. My concern is that they not take the place of essential public services that should be available to all citizens. My fear is that as a nation we have forgotten that true social progress is only achieved when we all move forward—together.

It should not surprise anyone that the loss of economic opportunity, coupled with the disintegration of a vital civic culture in these marginal communities, has given rise to a new level of despair and hopelessness.

In our country a murder is committed every 25 minutes; a rape every 6 minutes; a burglary every 10 seconds; and a larceny every 4 seconds. A Louis Harris survey reports that 55 percent of Americans believe crime in their neighborhood is increasing. Less than 10 percent said it was declining. When I was in local government, we used to talk about bad neighborhoods or the wrong side of the tracks. Today mayors talk to me about black holes and dead zones in their cities.

Today there are more Americans addicted to cocaine than there were 3 years ago. There are almost twice as many heroin addicts, and for the first time more than 3 million Americans using cocaine, heroin, or both weekly. Seventy-five percent of this addict population is under the age of 35. The fastest growing segment of this population lives in rural America and small towns, not the big cities. One in ten of these just began to use cocaine or heroin for the first time in 1991. In 1991 the number of Americans using psychedelic drugs for the first time increased for the sixth consecutive year.

While there is not much agreement on what we should do in the future, we can reach some conclusions based on what has happened in the past.

First, we must admit that whatever we are doing is not working. In the decade just passed, our Nation doubled its prison population, created mandatory sentences for dozens of drug offenses, expanded capital punishment, greatly extended the powers of police and prosecutors—all while the crime rate doubled and the consumption of illegal drugs skyrocketed.

Second, fixing blame is not a highly productive exercise. For some reason there is a part of us that needs to hold someone responsible for things that have gone wrong. Frankly, it is one of the greatest obstacles to finding solutions. From my years of working on urban problems, I can assure you there is no single individual, or political leader, or institution on whose shoulders we can exclusively fix blame. Similarly, I don't think we gain anything by faulting the victims. The idea that we have to make moral judgments about who should be helped and who should be blamed sets us on a dangerously misguided course.

Third, the answers are complicated. Our national tendency to apply simple answers to complex problems, in this case, is both naive and dangerous. I applauded Mrs. Reagan's Just-Say-No campaign; but it was never a solution to the drug crisis. Babies born addicted to cocaine hardly had a chance to just say no; nor did the thousands of abandoned teenagers languishing in foster care. Try to explain to an abused wife how easy it is to just say no to an addict husband.

Fourth, the answers are not cheap. Rebuilding torn communities, healing broken lives, and restoring a sense of vitality and commitment to our future is not an inexpensive proposition. No amount of cheerleading or sloganmaking is going to take the place of creative leadership, individual initiative, and substantial investment. The 1980's have taught us that we are in a pay-now or pay-a-lot-more-later situation. It is important that we see money well-spent on programs today as funds well-invested in the America that will belong to our children. For example, we know that every dollar spent on Head Start today saves nearly $5 in future social costs. We know that graduates of Job Corps are more likely to hold steady jobs, make more money, and stay out of jail than their unskilled counterparts. We know that $1 spent on immunizing poor children will save $10 in future medical costs. While the cost of action is high, the price of inaction is staggering.

Finally, we know the most effective initiatives to bring about social change in this country have been grounded in the community and the commitment of community leaders to pull together. In this present effort, we should not lose sight of this essential. Whatever strategy we ultimately choose must be premised on the idea of enabling local leaders and enhancing local initiative if it is to succeed at all.

My point is this: We do not need to create a single new program to help those communities which have been most devastated by the social and economic calamities of the past 12 years. Good programs are there. Strong community leaders are there. The commitment of the American people is there. The element that is missing is a coordinated, comprehensive strategy to invest in our communities in a way that empowers our people to attack these problems creatively and aggressively where they are occurring.

That strategy is now offered in H.R. 15.

This bill combines the popular and, as yet, unfulfilled promise of enterprise zones with ideas of local initiative, social investment, and neighborhood leadership. It provides 150 communities in this country an opportunity to break free from the cycle of ubiquitous poverty, unemployment, violence, and drug abuse, and start back on the long, long road to self sufficiency and prosperity. It does not rely on the direction of bureaucrats in Washington or even the state houses or city halls, but on the energies and wisdom of local leaders, their neighbors, and their institutions. The bill provides these communities with the tools and commitments necessary to rebuild and renew.

Mr. Speaker, the idea of enterprise zones is not new. It is a concept which has been championed by leaders as diverse as the Chairman of our own Ways and Means Committee, President Bush's Secretary of Housing and Urban Development Jack Kemp, and our own President-elect Bill Clinton.

The bill calls on the administration to undertake a comprehensive analysis to determine how many communities in this country would qualify as enterprise zones under the criteria set forth in this bill, and what the costs would be to extend meaningful Federal assistance and tax incentives to all of them. When we have this analysis we should use this information to implement a long term national strategy to extend enterprise zone status to each of these areas and move away from the more rigid approach which requires us to select among numerous qualified nominated areas.

Title I—Criteria for Selection, Tax Incentives

Until that time, this bill would provide authorization for the creation of the following number of zones in the following categories:

Number of zones. While two-thirds of the zones are to be in urban areas, over the 5 years implementation period, the number of urban zones is to be divided equally between large and small cities. There would be 150 zones chosen over 5 years. The urban zones will be chosen by the Secretary of Housing and Urban Development; the rural zones by the Secretary of Agriculture.

	Urban	Rural
1993	8	8
1994	19	9
1995	19	9
1996	18	8
1997	18	8

Criteria for Selection. Urban zones must have a population of at least 4,000, be no greater than 20 square miles in area, not be part of the central business district, have a general condition of poverty, unemployment and general economic distress which may be evidenced by a high incidence of crime and narcotics use, have an unemployment rate 150 percent of the national rate, have poverty rates of at least 20 percent in 90 percent of the census tracts in the zone, and course of action developed by the State and local governments.

Rural zones must have a population of at least 1,000, have an area no greater than 10,000 square miles or be in no more than four contiguous counties, have a general condition of economic distress, a course of action developed by the State and local governments, and exhibit two of the following four conditions: an unemployment rate 150 percent of the national rate, a poverty rate of at least 20 percent in 90 percent of the census tracts in the zone, or a decline in employment of more than 5 percent over the previous 5 years, or a decline in population of 10 percent over the period from 1980 to 1990.

The course of action may include provisions facilitating the securing of property and casualty insurance in the zone, reduced taxes and fees, increased delivery of local public services, reduced paperwork, commitments from public and private organizations to provide job training and other technical and financial support for zone residents and businesses, preferences for minority contractors, donations of surplus land, programs to assist in the purchasing of health insurance for zone employees, Community reinvestment efforts, and preferences in the application of the low income housing tax credit program.

The Secretaries of HUD and Agriculture will choose zones on the following criteria, considering them equally: (1) strength of the proposed course of action; (2) effectiveness and enforceability of the course of action; (3) commitments by private entities for additional support for the zone; (4) relative levels of poverty and unemployment and in the case of rural areas the population loss; and, (5) the potential for revitalization. It is expected that the course of action will reflect a coordinated and comprehensive local strategy which includes all units of State and local government, the private sector and the nonprofit organizations operating principally within the proposal zones.

Tax Incentives. Anticipated revenue loss from the tax incentives provided in this Title constitutes one-third of the overall cost of the program: 15 percent nonrefundable credit for employers against the first $20,000 of wages for workers who live in the zone and do their work in the zone; 15 percent nonrefundable credit for employees of nonprofits against the first of their $20,000 of wages where they live in the zone and do their work in the zone; $20,000 expensing for capital assets for enterprise zones businesses; a deferral of gain recognition for the sale of a qualified zone asset where the proceeds are reinvested in qualified zone assets; ordinary loss treatment for losses on any qualified zone asset held for more than 5 years; $25,000 deduction for the purchase of stock in enterprise zones business organized as a C corporation with assets of less than $5 million and owned at least 20 percent by individuals applies to no more than $30 million of stock for each zone per year—up to $5 million per project redevelopment bonds for commercial and industrial projects in the zone; TJTC for employers in any location for employing zone residents who meet the income limits for disadvantaged youth under the current TJTC rules.

Title II—Social Investment Amendment in Enterprise Zones

Mr. Speaker, Title II of H.R. 15 authorizes $15 billion over 5 years for a Federal investment in the social and economic infrastructure of neighborhoods located within enterprise zones. Some Members have referred to this as the "weed and seed" component of the bill in that it provides funds for both public safety and security, and social programs which have proven to affect a positive return for every dollar spent. The bill also assumes authorization of $500 million appropriated last September for fiscal year 1993 expenditures in this program.

This Act provides a two-tiered formula for the allocation of funds.

The first tier of programs is described as "national public-private partnerships" which includes Head Start, Job Corps, Community Health Centers, YouthBuild, and the Neighborhood Reinvestment Corporation. In addition, the title creates two new programs to assist enterprise zones in economic development through nonprofit community development corporations [CDC's] and loan financial intermediaries like community development credit unions, loan funds, and community development banks. The new national economic partnership provides critical technical and financial assistance to CDC's engaged in the creation of new businesses and services in low-income communities. The new enterprise capital access fund would offer low-income and minority entrepreneurs access to credit and capital which has become increasingly scarce in these areas.

The second tier of funding in this Act is provided through a new block grant program to expand existing Federal social and economic programs in the zones—according to the needs expressed by the local managers of the zones. The block grant makes available equivalent amounts of funding for each rural zone designed by the Secretary of Agriculture and equivalent amounts for urban zones designated by the Secretary of HUD. The funds are to be expended in 36 Federal programs to be determined by the local managers of the zones, with the concurrence of an interagency Cabinet council. The menu of programs is divided into five categories—criminal justice and community policing; job training; health, nutrition, family assistance; and housing and community development. Twenty percent of the block grant funding must be expended in each category unless a waiver is approved by the interagency council.

Summary of Title II

PART I: NATIONAL PUBLIC/PRIVATE PARTNERSHIPS (IN MILLIONS)*

($180 million for FY 1993; $1.1 billion for FY 1994 and increasing amounts for subsequent years)

	Fiscal year				
	1993	1994	1995	1996	1997
Head Start	40	252	264	276	294
Job Corps	40	252	264	264	294
National Community Economic Partnership (CDCs)*	40	252	264	264	294
Capital Access Program*	20	126	132	136	144
Community Health Centers	20	126	132	136	144
YouthBuild	10	66	66	72	72
Neighborhood Reinvestment Corporation:	10	66	66	72	72
Sec. 108 $10 Billion Loan Guarantees for Distressed Areas	....	....	....	....	....

*NOTE: All of these funds are targeted to the enterprise zones, except in these programs in which at least 50 percent of funds are to be expended on program which principally benefit residents in the enterprise zones.

PART II: ENTERPRISE COMMUNITY BLOCK GRANT DEMONSTRATION PROGRAM

($320 million in FY 1993; $1.95 billion for FY 1994 and increasing amounts for subsequent fiscal years)—

Each zone expends 20 percent of its allocation in each of the following five categories.

Crime and community policing

DOJ: Community policing.

DOJ: Alternative sanctions.

DOJ: Gang Intervention.

Job training

Labor: Young Adult Employment Demonstration Program (25% minimum of total in this category).

Labor: JPTA (Title II).

Labor: Reverse Commute Demonstration.

Commission on National and Community Service: Conservation and Youth Corps.

Child care and education

HHS: Comprehensive Child Development/Family Resources Centers.

HHS: Child Care Block Grant.

DEd: Chapter I—Elementary and Secondary Education.

DEd: TRIO.

DEd: Literacy.

DEd: Vocational and Adult Education.

Health, nutrition, and family assistance

Ag: WIC.

HHS: Substance Abuse Treatment Improvement Grants.

HHS: Substance Abuse Treatment Capacity Grant Expansion.

HHS: Substance Abuse Treatment for Individuals under Criminal Justice Supervision.

HHS: Substance Abuse Treatment for Pregnant Women.

HHS: Community Partnership Grants.
HHS: Ryan White AIDS Health Care Act.
HHS: Homeless Family Support Program.
HHS: High-Risk Youth.

Housing and community development

HUD: CDBG (Increase Public Service Cap to 30%).
HUD: Public Housing Modernization.
HUD: Public Housing Drug Elimination Grants.
HUD: Family Investment Centers.
HUD: Rental Housing Assistance.
HUD: HOME.
FmHA: 523 Self-Help TA.
FmHA: 533 Rural Housing Preservation Grants.
FmHA: 515 Rural Rental.
FmHA: 521A Rural Rental Housing Assistance.
FmHA: Water/Sewer Grants.
FmHA: Private Business Enterprises Grants.
FmHA: Minority and Disadvantaged Farmers.

SUPPORT PROSTATE CANCER SCREENING

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mrs. LLOYD. Mr. Speaker, today I am reintroducing legislation to provide reimbursement under Medicare and Medicaid for prostate cancer screening. I would like to offer special acknowledgment and thanks to Representative MARKEY for his support in introducing these bills with me.

In 1992, prostate cancer was detected in approximately 132,000 men, and 34,000 men lost their lives to the disease. Prostate cancer is the most common cancer among men and is the second leading cause of death from cancer in the United States. Some of the victims of this disease have been our own colleagues here in this body, like our good friend, the late Silvio Conte, who lost his life to prostate cancer. Fortunately, we have also witnessed others whose lives have been saved after a diagnosis of prostate cancer largely due to successful early detection. While little is known about the causes of the disease, we do know that early diagnosis is fundamental to successfully treating prostate cancer. Yet, approximately two-thirds of prostate cancers have spread beyond the prostate when first identified. Detecting cancer at its earliest stage offers patients and physicians more options for treatment and better chances of recovery.

While there is agreement on the value of regular cancer screening for individuals at increased risk, our current reimbursement policies under both Medicare and Medicaid remain something of a paradox in that they pay for the treatment of prostate cancer, yet fail to reimburse for screening to detect the cancer at its earliest and most easily treatable stage. Men over age 65 represent 80 percent of the population detected with prostate cancer.

For this reason, I am reintroducing the Medicare and Medicaid Prostate Screening Acts. These two bills will allow for reimbursement of a digital rectal exam [DRE] and a prostate specific antigen [PSA] test, if the physician deems it necessary, for screening prostate cancer under both Medicare and Medicaid. The bills do not require that medical professionals perform these tests, rather they simply allow reimbursement for them if they do. This coverage is crucial, particularly to low-income, high-risk populations who may not have access to these tests otherwise.

The PSA test measures the level of blood protein called prostate-associated antigen found to be elevated in men with prostate cancer. Many experts have found that the PSA test, used in conjunction with the DRE is currently the most effective screening measure to detect prostate cancer in its earliest stage.

The use of the PSA test with the DRE has gained the endorsement of the American Cancer Society, the American Urological Association, the American College of Radiology as well as an untold number of cancer survivors whose cancers were detected by adding a PSA test to their annual DRE. Access to the best method of detection currently available is particularly crucial to men at high risk including those over age 65, African-American men, and men with a family history of prostate cancer.

There is also a serious lack of awareness among men regarding the need to seek out annual screening and among physicians to recommend it. According to a national health interview survey conducted by the Centers for Disease Control, only 27 percent of individuals over age 50 received a digital rectal exam during a physician visit within the proceeding year in 1987. While we work to increase awareness, we must eliminate financial barriers which prevent individuals from seeking such tests.

Mr. Speaker, for the past few years, I have been active in pushing for increased research in women's health in order to develop a knowledge base to identify appropriate diagnostic, prevention, and treatment methods in diseases prevalent in women, with the ultimate goal of a cure. We must also be diligent in our efforts to find the cause and cure for prostate cancer. Developing a research priority in prostate cancer will alleviate needless human suffering and the anguish of losing our friends and loved ones to this disease.

In the meantime, it is imperative that we make early detection possible and affordable. I urge you to join me, Representative MARKEY, and the other original cosponsors of these bills to allow for Medicare and Medicaid reimbursement of the best current method of detecting prostate cancer.

RECOGNITION DINNER IN HONOR OF FORMER SGT. WILLIAM STERNBERG

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MICHEL. Mr. Speaker, while Congress was adjourned there was a significant recognition dinner held in honor of former Sgt. William Sternberg, who was awarded the Soldier's Medal for heroism in the Italian campaign in January 1944.

It all came about because Sergeant Sternberg's son pursued the matter with the Defense Department and finally convinced the Secretary of the Air Force that his father was, in fact, eligible to receive the award. One of my very good friends, Jim Wham, who practices law in Centralia, IL, brought the matter to my attention because he, too, served in the Air Force during that period of the campaign and was quite well aware of the kind of heroism that went on in those days with little note.

In order to make it a most significant occasion, Jim Wham placed a full page ad in the Centralia Sentinel which described the incident complete with pictures and a reminder to the American people that they should never forget the known and unknown soldiers and heroes—the living and the dead—this ever-expanding legion of honor has never let their country down."

I ask unanimous consent that the entire text of that page appearing in the Centralia Sentinel of December 7, 1992, be reprinted in the CONGRESSIONAL RECORD.

[From the Centralia Sentinel, Dec. 7, 1992]

THE UNKNOWN SOLDIERS AND THE UNSUNG HEROES

(By Jim Wham)

Fifty-one years are gone since that infamous strike by Japan at Pearl Harbor.

This was the day that unified the Nation as never before. Those four long years that followed will never be forgotten by that wartime generation. This was the war that had to be fought if this nation was to live in honor and to meet its day of destiny to save the Cause of Freedom around the world.

The minutes, the hours, the days, the months, the years of that war—as time goes on—are compressed into a singular chapter of the longer and larger history of this Land of Freedom.

The parades are done. The bands are gone. The commendations are made. But there is yet a summation of gratitude to be spoken for the Unknown Soldiers and Unsung Heroes.

There are thousands and thousands of them—These gallant men and women recede into the twilight and most likely will never be known by the people for what they did.

They served and did not ask for glory. Their deeds of valor on fields and oceans and in the air never had a chance to be forgotten because they remained unspoken and unknown.

Yet once in a long, long time a soldier that should have been decorated for bravery nearly 50 years ago is finally found and recognized by the nation.

This happened in October of this year at the 50th reunion of the 62nd Troop Carrier Group at Columbus, Georgia.

On January 20, 1944 at great risk of his life and severe injury to himself, rescued two other crewmen from his burning aircraft which had crashed in the Italian campaign. Devastating injuries ended his military service and the Soldier's Medal for heroism which was to have been his in that wartime theatre—because of those hectic times—was never issued.

Nearly half a century later, unknown to Sergeant Sternberg, his son Guy Sternberg of Petersburg, Illinois conducted a search across the country and found among the remanents of those who served with his father in that campaign a few who remembered.

With their assistance he brought this resurrected account of bravery and self-sacrifice to the attention of the Air Force and met the strict requirements of verification.

During the reunion and just before it ended, the Soldier's Medal to Sergeant Sternberg was authorized by the Secretary of the Air Force.

I was privileged to make the presentation at a last minute ceremony at the concluding banquet of the reunion, which Sergeant Sternberg and his wife of 50 years attended through arrangements made by their son.

An Unsung Hero was honored to the satisfaction of all who knew and cared about this unassuming, gallant man and for what he did many years ago.

This belated recognition is symbolic of what makes this Country great.

The American people never forget the known and unknown soldiers and heroes—the living and the dead—this ever expanding legion of honor has never let their country down.

AGRICULTURAL ALTERNATIVE MINIMUM TAX

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, some years ago, a little-noticed provision in the Tax Code caused a great deal of undue hardship to certain farmers who were already down on their luck due to the farm crisis of the late 1970's and 1980's. Today, I am introducing legislation proposing that the effective date of section 1320(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 be changed from 1981 to 1978.

Varying domestic and international economic conditions in the early 1980's contributed to the worst farm crisis this country has seen since the Great Depression. Many farmers, through no fault of their own, were forced into insolvency. During this time, there was speculation that the family farm would soon become extinct, and that the face of American agriculture would be forever changed.

Farmers who became insolvent were often forced to sell their farms under foreclosure. All of the proceeds of the sale went to the creditors; sometimes, despite the sale of the farm, they remained in debt. Yet the sale of the farm, treated as a preference item, triggered the Alternative Minimum Tax [AMT].

As you are aware, Congress enacted the individual AMT in 1978, effective January 1, 1979. The AMT applied to all capital gains, regardless of whether the sale was voluntary or involuntary. What this meant for insolvent farmers was that those folks were suddenly hit with a large tax bill—a bill which they could not pay—on what may be termed as phantom income.

Congress recognized the gross inequity of the application of the AMT law to these insolvent farmers, and in the COBRA law of 1985, the provision was amended. Farmers who sold or exchanged their farms to their creditors in order to cancel their debt were allowed to reduce the amount of their tax preference. But for some reason, the law afforded relief only to land transfers made after December 31, 1981.

This left open a 3-year window, from 1979 through 1981, during which the AMT was in full force. The farmer who suffered the misfortune of bankruptcy in December 1981 was in a very different position from the farmer who held on for just 1 additional month. The latter individual is covered by COBRA's relief; the former suffers the burden of an unfair tax.

According to an estimate from the Joint Committee on Taxation, enactment of the date change would cost less than $5 million. This is a proposal which should be enacted in the interest of fairness.

INTRODUCTION OF LEGISLATION TO PROVIDE HEALTH CARE INSURANCE TO TEMPORARY FEDERAL EMPLOYEES

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mrs. MINK. Mr. Speaker, today I am introducing legislation which would eliminate a loophole in the law that allows the Federal Government to deny certain employees access to health care insurance.

While we in Congress continue the crucial debate on national health care reform, an untold number of workers within our own Federal family are counted amongst the 37 million Americans without any insurance coverage or the 60 million who are underinsured.

This is due to a pattern I found quite prevalent in my district and I expect across the country, wherein Federal workers classified as temporary or seasonal have been systematically denied access to Government health care insurance. By terminating their employment just short of the consecutive year period that would qualify them for such coverage, and rehiring these trained and productive personnel shortly thereafter, managers have avoided the obligation of extending insurance to these unfortunate individuals and their families.

I have individuals in my district who have worked for the Federal Government for 10 years on temporary status. I fail to see how the Government can consider a 10-year job temporary employment. This is absurd. These people work the same hours as permanent employees, have the same responsibilities as permanent employees, and yet they are denied health care coverage.

My bill would close this loophole and require Federal employees categorized as temporary to receive health benefits equivalent to a permanent employee, once they have completed a total of 1 year of service in the same position within the preceding 2 years.

This is the first step in providing health care for the workers of our Nation. This legislation is identical to a bill I introduced in the 102d Congress and similar to a provision approved by the House last year to close this loophole for Department of Defense employees. Unfortunately, this provision was deleted in the conference with the Senate.

Mr. Speaker, I urge all of my colleagues to join me in taking the first step toward universal health care coverage in our Nation. Let's take care of our Federal workers and support this legislation.

AGRICULTURE ADVISORY COMMITTEE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. COSTELLO. Mr. Speaker, I rise on this first day of the 103d Congress to recognize a group of individuals who were of great service to me during the past session. This group was the Agriculture Advisory Committee for the 21st Congressional District in Illinois. The Ag Advisory Committee met throughout the session to discuss such matters as the availability of ethanol-based fuels, the wetlands issue and the agricultural appropriations bills. The group's insights on these matters were helpful to me with my work on agricultural issues.

The members of my agriculture advisory committee during the 102d Congress were Bob Alexander of Donnellson, Bonnie Branum of Fillmore, Mike Campbell of Edwardsville, Joe Doll of Pocahontas, Gordon Gass of Granite City, Greg Guenther of Belleville, Charles Huelsmann of Trenton, Alan Libbra of Alhambra, Tim McGinley of Highland, Dave Mueller of East Alton, Larry Nichols of Trenton, Steve Plocher of Pocahontas, Tom Range of Belleville, Roger Read of Edwardsville, Larry Reinneck of Freeburg, Bill Schulte of Trenton, Walt Sievers of Staunton, Bill Timmerman of Litchfield and Jim Zeeb of Greenville.

Due to redistricting in southwestern Illinois, some of the members will not be staying on my advisory committee during the 103d Congress. I wish those members my very best wishes and say thanks for their input and assistance. For those members who live in the new 12th district, I look forward to working with you and listening to your ideas on agricultural matters during the 103d Congress. I ask my colleagues to join me in recognizing these individuals.

TRIBUTE TO HELEN METZDORF

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GOODLING. Mr. Speaker, I would like to take this time to commend and congratulate Ms. Helen Metzdorf of Camp Hill, PA, for her 30 years of service as a volunteer at Holy Spirit Hospital in Camp Hill, PA, and for her continued work in other civic and public organizations. In addition to her 30 years of service at Holy Spirit Hospital, she has been active in service to the Camp Hill Civic Club, the Cumberland County and State federations of women's clubs, the West Shore Public Library, Cumberland County Library System, the State Library Trustees Committee, the Penn Cumberland Garden Club, the Camp Hill Presbyterian Church, and the Camp Hill chapter of the American Association of Retired Persons.

Ms. Metzdorf started her volunteer work at the hospital before it officially opened its doors to patients. She worked during her free time doing clerical and accounting work for Holy

Spirit Hospital. She is currently focusing most of her time and attention at Holy Spirit Hospital conducting the hospital's outpatient services study by making followup contact calls to patients who underwent outpatient surgery. Her compassion and dedication to the patients of Holy Spirit Hospital and the residents of the Camp Hill community give credence to the words of Albert Schweitzer who stated, "There is no higher religion than human service. To work for the common good is the greatest creed." Ms. Metzdorf should be commended for her dedication to the betterment of others in our society and the residents of central Pennsylvania who owe her a great deal of gratitude.

IMPROVE RETIREMENT INCOME SECURITY

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. HUGHES. Mr. Speaker, today I, along with my colleague from New York, Mr. BOEHLERT, are introducing two important pieces of legislation designed to improve the retirement security of older Americans, both now and in the future.

The first bill would establish a national commission on retirement income policy. This bill is modeled closely after legislation we introduced during the 102d Congress with Mr. Chandler from Washington and Senator BENTSEN from Texas. Many of these provisions were included in the tax bill which passed the Congress late last year but was vetoed by the President.

Over the past two Congresses, the Select Committee on Aging's Subcommittee on Retirement Income and Employment, which I chair, has held a series of hearings on the lack of a cohesive national retirement policy.

We are facing a ticking time bomb in the years ahead as more and more workers in the baby boom generation move through the work force with little or no pensions, minimal savings, and few other means to support themselves during their retirement years.

Only around 44 percent of today's full-time work force is covered by a company-sponsored pension plan, with coverage slowly going down over the past 15 years. If we do not expand pension coverage soon, more than 30 million Americans could have little more than Social Security as a source of income when they leave the work force by the year 2020. The costs and implications of this situation in terms of the economy, society, and individual families will be enormous.

We simply cannot wait any longer to focus a national dialog on setting a cohesive retirement policy. The bill we are introducing today directs the commission to study and report to the Congress on trends in retirement savings, existing Federal incentives and programs to encourage and protect these savings, and develop options for new Federal incentives and solutions.

The second bill is designed to eliminate a provision in the law that last year permitted approximately $1 trillion in pension plan assets to escape audit examinations for violations of the Employee Retirement Income Security Act [ERISA] because they are held in banks or insurance companies.

While the assumption is that these institutions receive adequate audit coverage from Federal agencies, these audits are generally done only once every 2 years and none of these audit steps are designed to test for ERISA violations.

More significantly, when an auditor is restricted from examining significant information in an audit, he or she generally disclaims any opinion about whether the financial statements are correct. Consequently, about half of the Nation's pension auditors render no opinion about the plan's assets or transactions. These auditors then have no liability or accountability for the accuracy of the plan's financial statements.

What comfort is it to pension participants to know that an auditor has no opinion about whether their pension plan is sound or not? And what burden might this policy thrust on the taxpayer, who ultimately is insuring these pension benefits?

Commonsense and prudence dictates that we close this dangerous loophole in the protection and monitoring of the Nation's growing pension plan assets. Workers and taxpayers rightly expect that somebody in the Government is watching these assets. Retirees are counting on their pensions to meet their daily living needs.

We urge our colleagues on both sides of the aisle to join us in cosponsoring these two important bills.

THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES RESEARCH AND DEVELOPMENT ACT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. CLAY. Mr. Speaker, today, I am introducing the Historically Black Colleges and Universities Research and Development Act.

This legislation represents an opportunity for black colleges and universities, and federally approved nonprofit research and development organizations to expand activities through a broader participation in Federally Funded Research and Development Centers [FFRDC's].

There are four categories of FFRDC's: Research laboratories, research and development [R&D] laboratories, study and analysis centers, and systems engineering/systems integration centers. Federally Funded Research and Development Centers were first established during World War II to meet specific defense research and development needs that were not readily available in the private sector. The number of centers has grown and seven Federal agencies currently operate a total of 41 FFRDC's. The seven Federal agencies are the Departments of Energy, Defense, Health and Human Services, Transportation, the National Aeronautics and Space Administration [NASA], the Nuclear Regulatory Commission, and the National Science Foundation.

A brief summary of the legislation follows:

Through sponsoring agreements, each executive agency participating, shall designate historically black colleges and universities or minority nonprofit institutions, as federally funded research and development centers.

Each Federal agency participating in the Federally Funded Research and Development Center Program shall expend not less than 3 percent of its research and development funds for the provision of technical assistance to historically black colleges and universities.

The Comptroller General of the United States shall report to Congress annually on the activities of participating executive agencies in carrying out this act.

The perseverance of black colleges and universities has been nothing less than remarkable when one considers the continuous financial constraints that have not only suppressed their desire to expand but have, in some cases, caused these institutions to face the possibility of closing their facilities. Nonetheless, they have been the prime movers in educating thousands of highly skilled scholars and professionals, many who are well known and have made great contributions to our country. With this legislation, much more can be accomplished. These schools, often the last hope for economically disadvantaged youths, would have the opportunity to develop FFRDC's, which will be attractions for the most skilled researchers and scholars. This bill will ensure that these vital institutions of higher education are included in our Nation's research and development process and provide our country with additional benefits from the advanced and higher level of learning the students will receive.

Our country has greatly benefited from FFRDC's in the past, not only responsible for great advances in the sciences, but in the development of many noble scholars who have made and are continuing to make major contributions to our country. No single act on the part of the Federal Government can do more to elevate the intellectual and scientific stature of black colleges and universities than attracting to their faculties the superior scientific minds not now competitively available to these institutions of higher education. Similarly, nothing will cultivate the brain power of the students more than exposure to the superior quality of the research staff of each FFRDC.

I encourage my colleagues to support this vital legislation.

INTRODUCTION OF A BILL TO REQUIRE THE NATIONAL LABOR RELATIONS BOARD TO ASSERT JURISDICTION ON JOHNSTON ATOLL

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mrs. MINK. Mr. Speaker, today I am introducing legislation to correct an unfair situation which currently prevents the civilian workers on Johnston Atoll from organizing as a bargaining unit, and seeking the protection of their right to safe and fair working conditions.

My bill would require the National Labor Relations Board to assert jurisdiction in a labor dispute which occurs on this atoll.

Johnston Atoll is an unincorporated territory of the United States, located 171 miles southwest of the Hawaiian Islands. This atoll is used for the sole purpose of housing a Department of Defense chemical weapons incinerator, where over 1,000 military and civilian employees work with hazardous materials and under potentially dangerous conditions.

Some 425 of these workers are employed by a private contractor which maintains and operates the chemical disposal system for the Department of Defense. These workers are isolated on a remote island, work with highly toxic and radioactive materials, yet have no ability to organize as a bargaining unit and seek to protect their rights as workers.

In a petition before the National Labor Relations Board in 1990, 185 employees of the civilian contractor were denied recognition as a bargaining unit by the Board, because the Board declined to assert jurisdiction over the territory of Johnston Atoll. The Board acknowledged that they have statutory jurisdiction over the atoll, but turned its back on the Johnston Atoll workers, and in effect, denied them the same rights provided to other U.S. workers.

Mr. Speaker, the workers on Johnston Atoll are U.S. citizens, they are employed in what is probably the most hazardous line of work, the disposal of chemical weapons, which provides a service necessary for arms reduction in the United States and the world. And yet these workers are not guaranteed the right to stand up for safe working conditions, decent wages, and adequate health benefits.

The tradition of labor law in our country has been to balance the rights of the workers with the needs of employers. Under the current situation there is no balance for the Johnston Atoll workers. They have no recognized unit to voice their concerns, no one to listen, and no way to remedy unfair and harmful working conditions.

The one entity established by the Congress to protect them has declined to examine their situation. And unlike other employees in the United States, the Johnston Atoll workers have no State or local agencies to turn to and no courts to hear their appeal.

Mr. Speaker, this is a situation that we cannot and must not allow to continue. The workers on Johnston Atoll are entitled to the same protections afforded to all other U.S. workers. I urge my colleagues to rectify this blatant violation of justice and support this bill.

RECOGNITION OF THE RIVER BEND UNITED WAY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the River Bend United Way. During the fall of 1992, the River Bend United Way raised $1,845,000 in support of 45 area agencies and services. These agencies affected the lives of more than 164,000 residents of southwestern Illinois.

The River Bend United Way began in 1942 as the Alton-Wood River Community Chest. There were seven agencies participating, and the first campaign raised $178,415. Over the years, both the number of participating agencies and the amounts the organization was able to raise grew dramatically.

In 1976 the then-River Bend United Fund was reorganized and renamed the River Bend United Way. In 1979, the organization raised over $1 million for the first time. Numerous current and former residents of southwestern Illinois greatly appreciate the activism of this organization.

I ask my colleagues to join me as I salute the River Bend United Way for their tremendous dedication to the community of southwestern Illinois.

THE REPEAL OF THE LUXURY TAX ON BOATS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. SHAW. Mr. Speaker, today I am introducing legislation to repeal the 10 percent luxury tax on boats costing more than $100,000. This tax makes no more sense today than it did when Congress passed it, without the benefit of committee hearings, in 1990.

If we had studied this issue then as we should have, we would have had the chance to learn before passing the tax what we have painfully realized since, this tax does not soak the rich. It only costs the jobs of thousands and thousands of people who used to make boats for a living, and who now must collect unemployment checks to support their families.

But this tax did not just cost a lot of people their jobs, it cost many people their dreams. We will never know how many people have had to forego educating their children or buying a new home because this tax cost them a decent paying job.

At least, however, we did some good with the tax. Boatbuilders in the Bahamas and other countries are no doubt in love with it. Wealthy Americans in the market for a new boat do not have to buy it in this country and pay the tax. They can avoid the tax simply by purchasing a boat in a country as close as the Bahamas and docking it there, and many have.

Mr. Speaker, this is an issue many of our colleagues know well. Last Congress my legislation to repeal the boat luxury tax had broad bipartisan support, and many of our new colleagues were made aware of this issue in their campaigns. I urge my colleagues to cosponsor this legislation, and I respectfully request swift action by the House.

LUMBEE RECOGNITION ACT OF 1993

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. ROSE. Mr. Speaker, I am introducing legislation today that would provide for the recognition of the Lumbee Tribe of Cheraw Indians who have been put in a peculiar situation by Congress regarding their status as Indians. it is symbolic that I introduce this bill on the first day of the 103d Congress. Today is a day of new beginnings for our Nation and for the Lumbee people.

For over 100 years, the Lumbee Tribe has been seeking recognition from the Federal Government. The tribe was first recognized by the State of North Carolina in 1885. On June 7, 1956, Congress passed the Lumbee Recognition Act; however, a sentence was added at the bottom of the bill that precluded the members of the tribe from receiving any services or benefits that other Indians received. Thirty-seven years have passed and the Lumbee's status is still unresolved.

Mr. Speaker, there are important points I would like to make so that Members can understand why the Lumbee's situation is unique deserves special attention.

First, the Associate Solicitor of Indian Affairs for the Department of Interior ruled in 1989 that the 1956 act precluded the tribe from proceeding through the administrative process for recognition. This ruling came 2 years after the tribe had submitted their painstakingly prepared petition to the BIA. Ten years had passed since the tribe began to assemble their documentation and raise funds for legal costs. The tribe obviously tried to follow the procedures only to be told that they are no longer eligible to go that route. They are placed in a position where legislative action is not a choice but a necessity.

Second, eight other tribes were also ruled to be ineligible for the Federal acknowledgment process. Only the Catawba and Lumbee remain to be recognized. Currently, the Catawba Tribe is in the process of settling on a land claims restoration that could eventually give them recognition. Lumbee is the last tribe that needs congressional action to become recognized. In dealing with those seven groups, no other tribe was asked to go through two processes in order to become recognized. Congress has established a precedent, and it is only fair that it be applied equitably in this case as well.

Third, I am aware that some Members are frustrated with the Federal acknowledgment process and would like to see it changed. I agree and support the idea that the process needs to be reformed. But because Lumbee is the only remaining tribe with circumstances that set them apart from all others, they should be dealt with first. This tribe has been studied by the Department of the Interior on three separate occasions, in 1912, 1915, and 1933, and it was concluded each time that the Lumbees were Indians with a separate and independent community. They do not need to be examined and further probed by the BIA and the staff of the Bureau of Acknowledgment and Recognition. The U.S. Government is cheating itself and its history by not acknowledging this special group of people.

According to the 1990 census, the Lumbee Tribe is the ninth largest tribe in the Nation. Because of their status as a State recognized tribe, the tribe also receives some Federal services from the Office of Indian Education and the Administration for Native Americans. The Indian Health Service allows Lumbees to receive scholarships but will not give medical services to the members of the tribe. Clearly, one hand of the Federal Government recognizes the tribe as Indian people while the other hand does not. This tribe deserves the same rights and privileges that other native Americans have across the land. The current system of federally recognized tribes versus non-federally recognized tribes creates unnecessary friction amongst these people. It makes the nonfederally recognized people feel like second-class citizens.

Finally, there are other Indian groups in my congressional district that are adversely affected by the Lumbee Recognition Act of 1956. The 1956 act gave the Lumbee name to all Indians in Robeson and adjoining counties. However, there are Indians in this area who identify themselves as a separate group other than Lumbee. This bill would allow those groups to petition separately for recognition. Without this legislation, they are deemed ineligible for the same reason that the Lumbees are restricted.

Mr. Speaker, we need to finish what our predessors started. Today is the beginning of another effort to correct the injustice placed on the Lumbee people by our Government. I urge the Congress to pass the Lumbee Recognition Act, as written, so that the history books can be corrected and human dignity can be restored to these people and their culture.

INTRODUCTION OF A RESOLUTION TO ESTABLISH THE SELECT COMMITTEE ON AGING FOR THE 103D CONGRESS

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mrs. LLOYD. Mr. Speaker, as chairman of the House Select Committee on Aging's Subcommittee on Housing and Consumer Interests, I am proud to come to this Chamber on the first day of the 103d Congress to introduce legislation to establish, for another 2 years, the House Select Committee on Aging. The select committee has a distinguished bipartisan history of working toward creative solutions to the many problems that face Americans as they grow old, particularly those with few resources.

We owe a great deal of our success to several of our founders, including the late Claude Pepper, the late John Heinz, and Senator DAVID PRYOR, who now serves as the distinguished chairman of the Senate Special Committee on Aging. Since its inception in 1974, the Committee on Aging has played important roles in issues of vital concern to older Americans including: Social Security, Medicare, housing, retirement income, long-term care, the Older Americans Act programs, and women's health care.

Mr. Speaker, our work is not finished. In fact, the elderly are the fastest growing segment of the population and we need to plan for the graying of the baby boom generation. As an original member of the Select Committee on Aging, I see many of our biggest challenges still ahead of us.

The resolution that I am introducing today, which is consponored by Representative BILL HUGHES, chairman of the Subcommittee on Retirement Income and Employment, reauthorizes the Select Committee on Aging for the 103d Congress and enables us to continue our investigations, hearings, committee reports, legislative initiatives, and other activities as we have in the past.

The Committee on Aging does not have legislative jurisdiction, but does have the authority to: First, conduct a continuing comprehensive study and review of the problems of the older American, including but not limited to income maintenance, housing, health, including medical research, welfare, employment, education, recreation, and participation in family and community life as self-respecting citizens; second, study the use of all practicable means and methods of encouraging the development of public and private programs and policies which will assist the older American in taking a full part in national life and which will encourage the utilization of knowledge, skills, special aptitudes, and abilities of older Americans to contribute to a better quality of life for all Americans; third, to develop policies that would encourage the coordination of both governmental and private programs designed to deal with problems of aging; and fourth, to review any recommendations made by the President or by the White House Conference on Aging relating to programs or policies affecting older Americans.

One of the primary reasons for the establishment of the Committee on Aging was and is the fact that jurisdiction for this subject matter is so fragmented that no single committee has a clearly established leading authority. The Committee on Aging has the ability to look at issues affecting the elderly with a broad perspective and across jurisdictional boundaries to develop appropriate congressional responses. This is difficult for a standing committee with only a portion of jurisdiction. Our goal is to develop the most effective ways to address the problems of the elderly. We often do this by working closely with committees of jurisdiction and the many advocacy organizations representing older adults.

For example, my subcommittee has developed programs such as the Revised Congregate Housing Services Program, a home repair program for the elderly and disabled, an intergenerational meals program, a proposal that protected the eyeglasses benefit for cataract surgery patients, a provision mandating all public service announcements on television be captioned for the hearing-impaired, and an expansion of the reverse mortgage program. These are a few of the things that our subcommittee has done, and the other subcommittees and the full committee have similar accomplishments.

We play another important institutional role by providing information and by answering numerous questions that Members and their constituents have on issues affecting the elderly, and by assisting the public with information on older Americans and programs which serve them.

Mr. Speaker, I would be ignoring my duty as a Member of the House and as a member of the Select Committee on Aging if I did not address another issue and alert our colleagues to a change that was made in the rules of the House by the Democratic caucus on December 8, 1992, which made the bill I am introducing today necessary.

That day an amendment was included in the package of rules changes that repealed clause 6(i) of rule 10 which established the Select Committee on Aging as a permanent select committee in 1974. This amendment was introduced the day before and approved by the Committee on Organization, Study, and Review with no discussion with the Committee on Aging leadership, and little time for the Committee on Aging or its supporters to respond.

There was, however, a strong response from those who heard of this last minute amendment to weaken the Committee on Aging. Hundreds of calls came in from around the country in support of the permanent status of the Committee on Aging, and aging organizations were outraged by the actions against the committee that has been most responsive to the needs of the elderly.

I ask my colleagues to think about this for a few moments. Did the American people tell any one of us that the reason for the gridlock in Washington is that the Select Committee on Aging is a permanent committee? I doubt it. In fact, the American people have said the opposite by electing Governor Clinton with a mandate on health care reform and other domestic issues that the Committee on Aging has been pushing Congress to address for years.

Terminating or reducing the permanency of the Select Committee on Aging sends the wrong signal to the Nation's 30 million older adults and their families that are struggling to care for them. I know that most Members did not intend to do that.

The Committee on Aging has not been spending its time on those who have been labeled by some as well-off or greedy; we focus on the most disadvantaged—elderly women, the poor, the disabled, and minorities. During the 102d Congress the Committee on Aging held 81 hearings and issued 37 reports on a variety of issues from women's health and health care fraud, to Social Security, homelessness, and Alzheimer's disease, to the Older Americans Act and intergenerational programs.

If anyone is interested in the accomplishments of the Select Committee on Aging, please feel free to contact our office to request copies of our activities reports.

Mr. Speaker, this is an exciting time to be in Congress and we have much work to do. The Select Committee on Aging will continue to play an important role in the legislative process and I look forward to working with the leadership, standing committees, aging organizations, and the White House to address the many problems that face older adults in our society.

I urge my colleagues to support this legislation.

ON THE INTRODUCTION OF LEGISLATION TO GRANT ALIENS PROMPT ENTRY INTO THE UNITED STATES TO ATTEND THE FUNERALS OF FAMILY MEMBERS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mrs. MINK. Mr. Speaker, today I am introducing a bill to make immigration law fairer to people from other countries who wish to enter the United States to attend funerals of immediate family members.

Our country has a proud tradition of providing humanitarian solace to those who are suffering. When relatives pass away it is often the family that provides strength and comfort during this time of loss. And those who live outside of the United States should be able to enter this country automatically to be with loved ones and properly grieve the loss.

Mr. Speaker, current policy allows the parole of aliens for this purpose. However, through my work assisting constituents in this type of situation, I have found that in practice the procedure to allow aliens into the country to attend a funeral is often not clear, it is inconsistent, and the final decision is left to the discretion of the embassy or consulate in a particular country, rather than what is prescribed by law.

The result is that people from certain nations are denied entry into the United States. The experience of the people in my own district shows that relatives from certain countries, mainly the Philippines, face far greater difficulty in being granted parole status to be with their grieving families in the United States.

This is blatant discrimination against the people of the Philippines and their families who live in our country. What has happened to the principles of equality and justice for all people, whether from Europe, Asia, or the Pacific?

Mr. Speaker, we cannot let this injustice continue. It is hard enough to learn of the death of a loved one, many miles away or across an ocean. But to outright deny someone the ability to travel to the funeral of the loved one is cruel and heartless.

That is not what America is about. That is not what our forefathers envisioned for this Nation. They envisioned a nation of equality, a nation of compassion, a nation which reaches out to those suffering and in pain.

Mr. Speaker, the bill I have introduced today will correct this injustice in our current policy by granting entry into the United States to any alien who can prove the death of an immediate blood relative with a death certificate. The relative must be the alien's mother, father, son, daughter, brother, sister, or spouse.

This legislation is identical to a bill I introduced in the 102d and which was approved by the House Judiciary Committee. I urge my colleagues to uphold the tradition of fairness and human compassion in our country and support this legislation.

INTRODUCTION OF THE ACTION NOW HEALTH CARE REFORM ACT OF 1993

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MICHEL. Mr. Speaker, health care is one of the issues of great concern to the American people. Last year, nearly 100 House Republicans joined in sponsoring the Action Now Health Care Reform Act, designed to provide immediate reforms that would increase access and reduce costs. We are today reintroducing that bill as a starting point for our health care deliberations this year. Many of the provisions could, and should, be enacted on their own if Congress becomes bogged down on the overall issue of health care reform.

The provisions include increased availability of health insurance for employees of small businesses, a 100-percent tax deduction for the self employed, Medisave health savings accounts, malpractice reform, a prohibition of costly State mandates and a host of cost-saving administrative forms.

I am inserting at this point in the Record a more detailed summary of the bill.

ACTION NOW HEALTH CARE REFORM ACT

The Action Now Health Care Reform act provides for comprehensive, innovative reform of our health care system. It makes health insurance available for the working uninsured, increases access to health care for the uninsured, and puts the brakes on skyrocketing costs. At the same time, it enhances the characteristics, such as choice, availability and quality, which the American people expect from their health care system. It does not require major increases in federal expenditures, nor would it increase bureaucracy and red tape.

PROVISIONS

Increased Availability of Health Insurance

Assures small employers and their workers that they will be able to obtain coverage.

High risk employees or those suffering serious illness would be assured coverage with no increase in premiums to them or their employers.

Employees with pre-existing conditions would be free to change jobs without losing insurance coverage.

The self-employed may deduct 100% of their health insurance premiums (up from 25% currently), making coverage more affordable for them and their families.

Increased Access to Health Care

Funding for Community and Migrant Health Centers would be increased by $1.5 billion over 5 years, making health care more available to an additional 5 million low income individuals. Another $45 million over five years would be authorized for demonstration projects, and special programs would be available to meet health care needs in rural areas.

Lower Health Care Costs

Establishes tax-free "Medisave" health savings accounts as a coverage option. Under this option, employers would contribute to a savings account from which the covered worker could make withdrawals to pay medical expenses. Employees would have greater choice and an incentive to spend wisely because they would be spending their own money. The Account would be portable and could be used at the employee's discretion for other expenses, although such withdrawals would be counted as income for tax purposes.

Malpractice reforms would be made, including required use of a dispute resolution process before going to court, damage caps and penalties for frivolous suits. Potential savings from reduced need for defensive medicine, reduced premiums, etc., would amount to some $15 billion or more.

Administrative reforms and paper work simplification (standardization of forms) could reduce administrative costs by some 10–40 billion dollars.

Excessive costs and other abuses would be eliminated by prohibiting self-referral of patients by doctors who own certain labs and clinics.

Allows more flexibility and will lead to lower premiums by waiving state coverage mandates for health plans for small business.

Preempts state restrictions that hinder development of lower cost managed care plans.

States would have greater flexibility in managing their Medicaid programs, thus leading to lower costs.

GIVE PRESIDENT CLINTON THE LINE-ITEM VETO

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EWING. Mr. Speaker, today I am introducing legislation which would give the President the same power which 43 State Governors have, including the Illinois Governor—the line-item veto power. In addition, my legislation would allow the President to reduce the amount of specific spending items, just as the Governor of Illinois may under our Constitution. Most of the constitutional proposals for the line-item veto which have been introduced in the House do not include this important spending reduction provision, so I'm proud to put this proposal forward.

The time has come to bring some responsibility to our budgeting process. I am painfully aware of the deep problems in the way we conduct our budget process. The President is forced to sign or veto multibillion dollar spending bills and has no real control over the amount of special interest spending programs contained in these massive appropriation bills. Because he must either sign these bills or allow important programs to go unfunded, Members of Congress know his hands are tied and therefore load excessive amounts of unnecessary and extravagant spending onto appropriations bills. My legislation would allow the President to veto or reduce these unnecessary programs.

Under my legislation, items vetoed or amounts reduced by the President could be reinstated by a three-fifths vote of both the House of Representatives and the Senate. This would ensure that truly important programs would be protected. Most importantly, it would force individual spending programs to stand on their own merits. I am convinced that if Members of Congress were to vote specifically on certain programs, rather than allowing them to be buried in massive spending bills, many of them would never be funded. This would bring common sense and fiscal sanity to the budget of our Federal Government.

Despite endless rhetoric about balancing the budget, the Federal deficit is currently about $300 billion per year. In the last 10 years the Federal debts has increased from about $1 trillion to over $4 trillion. That is an increase of over 400 percent. We are clearly moving toward fiscal collapse, and it is increasingly clear that we must take steps to cut unnecessary spending. The line-item veto and spending reduction power contained in my legislation would help achieve this goal. I do not say that the line-item veto and spending reduction will balance the budget on its own, but it will certainly set us on the path toward fiscal responsibility.

The line-item veto and spending reduction powers of the Illinois Governor have been extremely important in cutting unnecessary and wasteful spending from our State budget. In crafting the budget for fiscal year 1993, the Governor was able to trim millions of dollars of needless spending. This power has played an important role in balancing the Illinois budget since it was adopted in 1974. I am convinced that if the President had similar abilities, billions of dollars could be cut out of the Federal budget.

I have strongly supported the line-item veto for many years. In the years that I served in the Illinois General Assembly I witnessed the effective use of this important tool, and I strongly believe the President needs the same authority. This includes both Republican and Democratic presidents, and the fact that I am a Republican and the Democrats will be taking control of the White House this year does not dilute my support for the line-item veto. This is an issue of fiscal responsibility, not partisan politics. In fact, I have organized a group of 67 House Members pledging to work with President Clinton in supporting the line-item veto.

Recently Speaker FOLEY, who has been a longtime opponent of the line-item veto, has proposed giving the President enhanced rescission authority. This would allow the President to rescind specific appropriations, but a simple majority in the Congress could override him. This is a step in the right direction, but it is insufficient. It is critically important that a supermajority vote of three-fifths or two-thirds be required to override Presidential item vetoes. This will force each wasteful spending item to stand on its own and receive more than the simple majority that passed it in the first place. Speaker FOLEY's proposal takes the teeth out of the line-item veto.

We must give the President a true line-item veto, requiring a supermajority vote in Congress to override. I strongly encourage President Clinton to remain steadfast in his desire to obtain a true line-item veto.

Mr. Speaker, let's begin to cut our deficit. Let's begin by eliminating wasteful and unnecessary spending. Let's give the President the tool he desperately needs, the line-item veto and spending reduction authorities.

ACTION NOW HEALTH CARE REFORM ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GOODLING. Mr. Speaker, as I have stated many times before, there is no simple solution to solve the current problems of our Nation's complex private and public health care and health insurance system. However, I am very pleased that there is a consensus that Congress must act to address spiraling health insurance costs and an estimated 35 million uninsured Americans.

Today, I am pleased to join my colleague Representative FRED GRANDY in introducing the Healthcare Empowerment and Access Legislation [the HEAL bill] and several of my other colleagues in cosponsoring the Action Now Health Care Reform Act. I believe the introduction of these two measures should help to provide a framework to better focus the health care debate.

It is my intent and, hopefully, the intent of my colleagues to work toward comprehensive reform of our health care system making health insurance available for the uninsured, increasing access to health care for the underinsured, and containing skyrocketing costs. I firmly believe this can be achieved while preserving and enhancing the strengths of our current system. Our current system provides the highest quality health care in the world with little or no delays in access as well as the freedom to choose providers, service delivery systems, treatment methods and insurance coverage. Both the Healthcare Empowerment and Access Legislation and the Action Now Health Care Reform Act are intended to address the problems of our current system while preserving and enhancing its strengths.

The Action Now Health Care Reform Act is intended to provide a comprehensive reform of our health care system, addressing its weaknesses and preserving its strengths. Approximately 86 percent of all Americans have some type of health insurance, the majority of whom obtain coverage through their employer. However, the cost of employer-provided benefit plans have increased 87 percent over the past few years.

It is estimated up to 20 million uninsured could receive insurance coverage if it were made easier for small businesses to provide insurance to their employees. Consequently, the Action Now Health Care Reform Act would provide increased affordability and availability for employees by requiring insurers to make available two standard plans with protections against pre-existing conditions, allowing small employers to form groups for the purchase of health insurance, and providing a 100 percent tax deduction for the purchase of health insurance for the self-employed.

Cost would be contained in a number of ways such as malpractice and administrative reform, anti-trust revisions, preempting restrictive State mandates, providing States greater flexibility in managing Medicaid programs, and the establishment of Medisave accounts.

It is estimated the direct cost of medical liability is over $5 billion a year with indirect costs due to the practice of defensive medicine being as high as $30 billion. To address this cost, the Action Now Health Care Reform Act would reform malpractice laws limiting attorneys' fees and providing penalties for filing frivolous lawsuits. Because of current accounting complexities and regulations, it is estimated administrative reforms and paperwork simplification could reduce costs by $25 billion to $40 billion annually. Because there is a technological imperative for every hospital and health care provider to provide the latest technology—keeping up with the Joneses—to stay in business, the Action Now Health Care Reform Act would revise anti-trust law to encourage greater cooperation and sharing of facilities thus reducing costs. The cost of complying with increasing Federal, State, and local requirements has also increased. For example, in 1970, there were approximately 50 State health benefit mandates and today there are over 800. Consequently, the Action Now Health Care Reform Act would preempt restrictive and burdensome State mandates. States would be given greater flexibility in managing their Medicaid programs potentially leading to lower Medicaid costs.

There are several critical issues in the health care debate which deserve careful consideration. I believe our goal should be to improve upon the strengths of our current system and fine-tune or revamp those areas with serious shortcomings. I believe the approaches outlined in the Healthcare Empowerment and Access Legislation and the Action Now Health Care Reform Act would address health care reform in a manner which would provide the choice, quality, and availability of health care demanded by the American public while not increasing Federal expenditures, bureaucracy or redtape. It is my sincere hope that the introduction of the Healthcare Empowerment and Access Legislation and the Action Now Health Care Reform Act will contribute to and enhance the health care debate, both publicly and within the Congress of the United States.

PUT AN END TO CONGRESSIONAL EXEMPTIONS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Ms. SNOWE. Mr. Speaker, today I am introducing legislation to put an end to the habit Congress has adopted of exempting itself from the laws it passes.

This legislation, which I am introducing for the second time, would expand coverage for House employees under title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act. Individuals will be able to file complaints with the Fair Employment Practices Office, including those related to sexual harassment, and if not satisfied with the outcome, this bill would let them file a petition for review of the Office's decision by the U.S. Court of Appeals.

My bill seeks to provide House employees with the same rights and protections provided to those in the private sector. It also holds all of us to the same standards we have required the businessmen and women of this country to adhere to.

In addition the bill requires the Committee on House Administration to recommend an appropriate way to implement workplace health and safety rules in the House just as businesses across the country must meet the requirements established under the Occupational Safety and Health Act [OSHA].

If we want to restore accountability to this body, we need to make the body more accountable. This bill, by bringing the House into compliance with the laws it has passed, will take an important step in that direction.

INTRODUCING LEGISLATION TO PROVIDE TAX RELIEF FOR VICTIMS OF THE OAKLAND FIRE AND OTHER FEDERALLY DECLARED DISASTERS

HON. FORTNEY PETE STARK

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 5, 1993

Mr. STARK. Mr. Speaker, today I rise to reintroduce legislation, on behalf of Mr. DELLUMS, Mrs. MINK, Mr. ACKERMAN, Mr. EVANS, Mr. MINETA, and Mr. MANTON and myself, to modify the Internal Revenue Code to the benefit of victims who suffer property loss during presidentially-declared national disasters. While this bill is prompted by the Oakland firestorm which killed 25 persons and destroyed more than three thousand homes and hundreds of apartments in the disastrous wildfire that swept through the cities of Oakland and Berkeley, the provisions of this bill would be applicable to any disaster after September 1, 1991.

This bill was first introduced last year and passed the House last July. It was incorporated into H.R. 11, the Revenue Act of 1992, which passed Congress last fall but was then vetoed by the President for reasons unrelated to this issue.

The East Bay blaze was the most destructive urban wildfire in U.S. history and it was particularly difficult because it came before many Californians had received their disaster assistance for the earthquake damage the year before. Yet disasters are not unique to California. South Carolina, the Virgin Islands, and Puerto Rico are still rebuilding from the damage caused by Hurricane Hugo in 1989. What with hurricanes, such as Andrew and Iniki, earthquakes, tornadoes, and floods like the recent one in Chicago, no State is immune from such disasters.

The provisions in this legislation come from the suggestions of CPA's who have volunteered their services to assist the firestorm victims comply with the tax laws.

The bill would make the following changes in the tax code:

First, extend the time to rebuild or buy a new home from 2 to 4 years.

Second, exclude gain on any unscheduled personal property. Insurance proceeds rarely if ever reimburse a taxpayer fully for their loss and this provision would minimize the recordkeeping involved in listing losses of all personal property and replacement cost of normal household personal property.

Third, treat insurance proceeds covering personal property and insurance proceeds covering real property as one common fund which a taxpayer would use to replace their real and personal property. Current law requires real property proceeds to be used only for real property replacement and personal property proceeds to be used only for personal property replacement. The change would provide that there is no gain to the taxpayer as long as all the insurance proceeds are reinvested in replacing their home and furnishings and allows the taxpayer to allocate the insurance proceeds between real and personal property as their needs dictate.

All provisions would apply to losses from federally declared disasters on or after September 1, 1991.

Mr. Speaker, the victims of the Oakland firestorm and other recent disasters have already waited too long for the relief contained in this bill. I urge quick passage of this important and noncontroversial legislation.

MARTIN LUTHER KING DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 5, 1993

Mr. GILMAN. Mr. Speaker, on January 18, 1993, our Nation will once again take time to commemorate the birthday of one of our Nation's great leaders, Dr. Martin Luther King, Jr. Martin Luther King Day is a time to reflect on the infinite wisdom of Dr. King's message, to be thankful for the progress we have made, and to realize that we must continue to improve upon the delicate interracial balance that exists in the United States today. It is our duty as Americans to dedicate ourselves to the ideal that Dr. King exemplified: Justice and equality for all citizens through peaceful and nonviolent means.

Despite the vast improvements and progress we have made in achieving justice and liberty for all in our Nation, our mission is far from accomplished. Less than a year ago, thousands of Haitian refugees were denied asylum in the United States. Some have contended that these refugees are economic refugees, fleeing from the impoverished way of life in their homeland. However, after my mission to Haiti with the distinguished gentleman from New York, Mr. RANGEL, earlier last year, I can only conclude that these refugees could face severe repercussions from the illegitimate military dictatorship that rules Haiti. I firmly believe that it goes against our national character to force these refugees to return to Haiti to face certain severe punishment.

The race riots that erupted in Los Angeles following the Rodney King verdict also serve as a somber reminder of the tremendous racial tensions that still exist in our Nation. I believe that the Rodney King verdict was a flashpoint, convincing many African-Americans that they do not matter in our system. We must not permit that perception to prevail. In keeping with Dr. King's message, we must provide young African-Americans with increased incentives and opportunities in their lives and communities.

As disconcerting as these critical situations may be, we must not allow ourselves to become discouraged from forging ahead in our quest for justice and equality. Rather, we must let these outbursts of racial injustice serve as a reminder that our work is not yet finished and that we all must strive to incorporate Dr. King's message into our daily lives if we are to achieve the ideal of racial equality. In the words of Dr. King, "If you can't fly, run, if you can't walk, crawl. But by all means, keep on moving." Let us continue the great tradition of Dr. King's ideals both through the appropriate commemoration of this national holiday and through legislation which reflects the ideals he strove so valiantly and diligently to achieve.

Accordingly, I urge my colleagues and constituents to participate in the many community activities commemorating the birthday of Martin Luther King, Jr. Let us take the time to consider the outstanding achievements of this inspirational leader and dedicate ourselves to greater civil rights progress in the days ahead.

BEACHES ENVIRONMENTAL ASSESSMENT, CLOSURE AND HEALTH ACT

HON. WILLIAM J. HUGHES

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 5, 1993

Mr. HUGHES. Mr. Speaker, I rise on behalf of myself and my colleagues, JIM SAXTON, DEAN GALLO, DON PAYNE, FRANK PALLONE, MARGE ROUKEMA, and GEORGE HOCHBRUECKNER, to introduce legislation, which seeks to accomplish the much-needed task of protecting and monitoring our beaches and recreational waters.

Incidents of heavy rainfall or malfunctions in sewage treatment plants can result in high concentrations of bacteria and viruses in coastal waters. This can happen anywhere along the coast. However, not all states provide the same level of protection. In fact, some states do not provide any protection at all.

Accordingly, one bill, the Beaches Environmental Assessment, Closure and Health Act, also referred to as the BEACH Act, is designed to address these inadequacies in a simple and straightforward manner.

The bill requires EPA to develop criteria to be used by states in adopting standards to detect periodic influxes of bacteria and viruses in recreation waters. In the event of a violation, states must notify the local government and the public of the occurrence, nature, and extent of the violation of these water quality standards.

In addition to adopting minimum standards established by EPA, States are required to monitor their beaches to ensure that these standards are met. The bill incorporates flexibility in the monitoring requirements to reflect the varying conditions of beaches around the Nation.

Further the bill allows the administrator to specify the conditions and procedures under which discrete areas of coastal recreation waters may be exempted from the monitoring requirements of this act. Such exemption will occur only if the water quality standards are not exceeded and public safety is not impaired.

Finally, the bill authorizes appropriations to be used by the Administrator and States for carrying out the provisions of the act.

The public has the right to know if they are at risk while using our Nation's beaches. My own State of New Jersey has a stringent beach testing program that consists of weekly testing and, when necessary, closing of beaches during periods of decreased water quality.

People who live and vacation in New Jersey are now recognizing this stamp of approval provided by the State and are assured that the waters are safe for swimming.

Indeed, for coastal States, clean beaches and ocean waters serve as a major source of recreation and are the foundation of their tourism industry. This bill provides a stamp of approval for all coastal and Great Lakes States to proudly show people who live and vacation along their shores.

This legislation has been approved by the House of Representatives twice because it represents a workable compromise to ensure that beaches everywhere will be safe for swimming. I am hopeful that we will be successful in signing this very important health and safety legislation into law this Congress.

I believe this is good environmental legislation and I urge my colleagues' support.

"HEAL"—HEALTH CARE EMPOWERMENT AND ACCESS LEGISLATION

HON. FRED GRANDY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GRANDY. Mr. Speaker, as this House convenes for the 103d Congress, it is increasingly obvious that the interrelated problems of health care access, costs and quality must be addressed. The problems with our current health care delivery system are well documented—increasing numbers of uninsured; rapidly escalating costs for those with coverage; underserved rural areas where individuals with insurance cannot find a doctor to treat them; individuals who lose coverage when they need it most as their plans are changed under them—it is indeed obvious that reform is needed and needed now.

What is not obvious is the single best solution to these complicated problems. We in Congress have been struggling for years to reach a consensus on how to deal with these problems. At the same time, State legislatures around the country have been struggling to develop and implement innovative solutions to these very same problems. Some of these experiments have been successful, others less so, while still others have been precluded by Federal law. Unfortunately, for all practical purposes, we at the Federal level have yet to act. While we in Congress struggle to develop acceptable solutions, individuals caught in the health care quagmire have seen their families destroyed, businesses lost, and loved ones suffering needlessly. Mr. Speaker, the time has come for this Congress to be part of the solution. It is in this spirit that my colleagues, Representative WILLIAM F. GOODLING, Representative PAUL HENRY, Representative RANDY CUNNINGHAM, and I have introduced a legislative framework to help HEAL these pressing problems.

The legislation builds from the simple premise that there will be universal access to health care for all U.S. citizens. My bill can be described as health care empowerment and access legislation or HEAL. The bill provides a flexible Federal framework that builds from the experiences developed at the State level, yet provides enough Federal direction to ensure that private and public initiatives adopted around the country achieve the desired goal of access to health care coverage for every individual in the United States.

The simple truth that we in Congress must recognize is that there is no magic bullet which will cure the ailments in our current system. While there are several reform proposals before this body, the fact is no one is certain what the effects of any of these initiatives will be. Of course, each initiative is developed with specific goals in mind; however, there is no body of experience upon which we in Congress can rely when formulating a position. HEAL provides the guidance needed to move forward with various initiatives around the country in order to develop the information base we need to implement serious workable reforms. At the same time, the legislation recognizes the urgency of the problem and avoids the costly trap of one-size-fits-all solutions developed at the Federal level.

Specifically, the HEAL blueprint utilizes a carrot-and-stick approach to induce the development and implementation of private sector mechanisms to provide for the universal availability of health care coverage. To the extent the private sector carrot under section 102 of the legislation is not implemented within a fixed period of time, a State-based fall-back mechanism would be triggered.

The affordability of coverage will be enhanced under the bill in several ways. First, premiums would be lower because the required universal availability of group health coverage would spread risk and help lower expenses—because employees must be offered access to employer-based group health coverage; because basic group health coverage must be available to other uninsured and COBRA eligibles; and because barriers would be removed and 501(c)(9) tax incentives provided to encourage soundly financed multiple employer basic group health plans.

Second, the ERISA preemption of State health benefit mandates under the bill will encourage insurers to offer more affordable group plans to uninsured employers.

Third, the ERISA preemption of State barriers to managed-care options under the bill will encourage competition, innovation of cost control approaches, and quality review.

Fourth, the provisions under this bill for treatment practice guidelines and outcomes research will aid in reducing unnecessary services and in increasing quality while offering a possible means for reducing malpractice costs.

Fifth, the phased-in deduction under the bill of 100 percent of contributions for the self-employed and their employees provide coverage incentives for 25 percent of the workers and their families who are currently uninsured.

After a fixed period of time, HEAL requires that all mechanisms providing universal access to coverage be implemented. First, under ERISA employers would be obligated to offer employees access to basic group health coverage. Employers are encouraged but not required to contribute to such plans. A State-based nonprofit corporation would serve as a backup only in the event group coverage for the employer's employees is rejected by a group health coverage provider. Second, individuals who would be denied access to group health coverage because of uninsurability, material preexisting conditions, or otherwise must be eligible for coverage either under an employer based plan, an accessible health benefits system or a substitute system providing key elements equivalent to those found under a full-blown accessible health benefits system.

HEAL also provides for a transition period to achieve universal access to basic group health coverage. Before the effective date occurs for the fall-back system, the Secretary of HHS may make a determination that a substitute arrangement provides substantially equivalent elements of health care coverage, thus obviating the need for the fall-back State system. Such determinations may be made separately or in combination with respect to: First, uninsurable risk coverage; second, coverage for substantial material preexisting conditions; and third, COBRA continuation coverage for individuals ineligible for other basic group health coverage. The substitute arrangements may be voluntary or adopted pursuant to State or Federal law and administered by insurers, other providers, or various other private or public partnerships. Managed-competition or other mechanisms could be established to meet these requirements.

In summary, the health care empowerment and access legislation provides a workable Federal framework which will encourage the formation of the private and public partnerships necessary to assure that all Americans have access to more affordable health care coverage.

H.R. 26: THE REPRODUCTIVE HEALTH EQUITY ACT

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. FAZIO. Mr. Speaker, I rise to introduce H.R. 26, the Reproductive Health Equity Act [RHEA]. H.R. 26 will remove the barriers to abortion for women who are dependent on the Federal Government for their health care. It will ensure that all women have an equal opportunity to protect their reproductive health, regardless of their economic status.

Nearly 20 years ago, the Supreme Court affirmed in Roe v. Wade that women have the constitutional right to choose whether or not to terminate a pregnancy. However, over the years, restrictive abortion riders limiting this important right have been attached to a number of appropriations bills. As a result, women whose health care is controlled or provided by the Federal Government—Federal employees and their dependents, Peace Corps volunteers, military personnel and their dependents, Medicaid recipients, residents of the District of Columbia and Native American women—are not free to exercise their constitutional right to choose, unless their lives are endangered. RHEA, however, would end this discriminatory practice by making abortion-related services available to these groups of women in the same manner as other pregnancy-related services.

I hope that my colleagues will agree that all citizens should live under the same set of rules. I urge them to join me as cosponsors of RHEA and in protecting the reproductive rights of all women.

A BILL TO PROHIBIT UNFUNDED FEDERAL MANDATES

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Ms. SNOWE. Mr. Speaker, today I am reintroducing legislation that I proposed in the last Congress which goes beyond the promise of a responsible and responsive government to the establishment of it. My bill, very simply, prohibits the Federal Government from imposing unfunded mandates on State and local governments.

Over the last several years, the number of Federal mandates has expanded significantly, but Federal funding for State and local governments to help meet the new requirements remains woefully insufficient. Unfortunately, Federal enactment did not make money for the requirements magically and painlessly appear at the lower levels of government. These mandates carry hefty price tags, and the bills are paid by increases in State income and sales taxes, and by dramatically higher property taxes and user fees at the local level.

In Maine, compliance with the Safe Drinking Water Act and the Clean Water Act alone will cost $1.5 billion—more than double the amount raised in property taxes by all of Maine's localities. Given the absence of sufficient Federal assistance and the effects of a long recession, this amount is staggering. These laws have very important goals, but the Federal Government must ensure that its mandates are reasonably capable of being met by States and local communities. Otherwise, our citizens will lose faith in the ability of the Federal Government to help solve serious problems, and may even turn people against the idea of any regulation despite the pressing need for it.

While the Federal Government has been busy sending mandates down to the grassroots with inadequate support, the people sent up a mandate to us in the last election, and that mandate is clear. The buck passing has to stop. Government has to become more responsible. As with the massive Federal budget deficit, we need to face reality, however difficult. We have to carefully analyze the costs of solving serious problems, and then devise workable means of paying for the solutions. The people sent us here to make Government more responsive, and my bill will get us off to a good start in the right direction.

TRIBUTE TO POLICE OFFICERS OF PENNSYLVANIA'S 19TH CONGRESSIONAL DISTRICT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GOODLING. Mr. Speaker, I am pleased to recognize several law enforcement officers and K–9 patrols from Pennsylvania's 19th Congressional District who were awarded medals in the "International Law Enforcement Olympics" held in Washington, DC, last summer.

Officer Rick Magee and his partner "Bodie" of the Northern York County Regional Police Department won a gold medal in the Narcotics Search event of the K–9 Competition Police Service Dog Testing Division. They also won a bronze medal for Obedience, a bronze medal for Apprehension, a bronze medal for Best Over All in the World Police Olympics division, and a bronze medal for Best Over All in the Police Service Dog Testing division. Officer Magee is a 4 year veteran officer.

Officer Alan Mace and his K–9 working partner "Brix" of the Carlisle Police Department won a silver medal in the Narcotics Search Event of the Police Service Dog Testing division. The two also won a bronze medal in the Articles Search event, and a bronze medal in the Best Over All in the World Police Olympics division. Officer Mace is an 11 year veteran police officer and a member of the North American Police Work Dog Association.

Officer Jeffery M. Foust, a ten year veteran officer currently employed by Northern York County Regional Police Department, took a silver medal in the "All Event" division of the bowling competition. Foust together with three officers from the York City Police Department took the silver medal in the Bowling Team event. Officer Foust bowls in various competitions in the York area and is a member of the American Bowling Congress.

Detective Mark A. Seiffert, a 14 year veteran of law enforcement, currently assigned to the Criminal Investigation Division of the York City Police Department, won a silver medal in the team event of the Bowling competition. Detective Seiffert bowls in local competitions and is also a member of the American Bowling Congress.

Sergeant Claude W. Stabley, a 15 year veteran police officer assigned to the patrol division of the York City Police Department, won a silver medal in the team event of the Bowling Competition. Officer Stabley bowls locally in a York area league and is a member of the American Bowling Congress.

Officer Clair A. Dacheux, a 23 year veteran police officer assigned to the Patrol Division of the York City Police Department, won a silver medal in the Team event of the bowling competition. Officer Dacheux bowls locally in a York area and is a member of the American Bowling Congress.

Officer Scott George, a 4 year veteran police officer currently serving with the Northern York County Regional Police Department, won a gold medal in the 220 pound weight class in the power lifting competition.

Sergeant Richard Rupert of Northern York County Regional Police Department won a silver medal in the Individual Obstacle Course competition, and gold medal in the Team Obstacle Course competition. Sergeant Rupert is a 24 year veteran police officer.

Chief of Police Blaine L. Quickel of York County won a bronze medal in the 5,000 Meter Run. Quickel Chief of Police in Wrightsville, also placed 4th in the 800 meter run.

Narcotics Agent IV Walter F. Williams is a 21 year veteran Law Enforcement Officer with the Office of the Attorney General, Bureau of Narcotics Investigation, currently assigned to Headquarters Staff in Harrisburg. Agent Williams won three silver medals in the Trap Shooting competition, the Doubles event, the Singles event, and the High Over all event. This was the fourth International Law Enforcement Olympics in which he has competed.

Trooper Alexander Yalch, a 19 year police officer currently assigned to the Pennsylvania State Police, won a gold medal in the International Law Enforcement Golf championship. On August 28, 1992, Trooper Yalch also won the Pennsylvania State Police Olympics Golf Championship.

Detective Jeffrey S. Huff, an 11 year veteran law enforcement officer currently assigned to Criminal Investigation Division of the Lower Allen Township Police Department. Detective Huff won a gold medal in the Brownbelt event and a bronze medal in the 156 pound weight class open event both in the Judo competition. In addition, he won a bronze medal in the 154 pound weight class of the free-style wrestling competition. He is a member of the United States Judo Association and the Harrisburg Judo Club.

Speaking on behalf of the residents of Pennsylvania's 19th Congressional District, I would like to extend a sincere congratulations to these officers for their outstanding performance at the International Law Enforcement Olympics. The many medals which were taken home symbolize the outstanding effort that has been put forth both in their personal and professional lives and truly exemplifies their dedication to protecting our community. Again, congratulations on this accomplishment.

INTRODUCTION OF THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MICHEL. Mr. Speaker, today I am introducing, as I did in the last Congress, a constitutional amendment requiring a balanced Federal budget. The text of this balanced budget constitutional amendment is identical to the amendment offered by Mr. STENHOLM last June. This version of the balanced budget constitutional amendment came closest, by far, to receiving the necessary two-thirds majority vote by the Congress to adopt a constitutional amendment and send it to the States for ratification.

My introduction of this particular legislation does not preclude my support for other versions which have been debated in the past. I believe that a complete and thorough debate is warranted on an issue as important as a constitutional requirement for the Federal Government to balance its books, just as you and I must do. But, in my opinion, the text that I am introducing today has the best chance of passing the House.

I would like to see a commitment to debate this issue from the Democratic leadership before we are required to raise the $4.1 trillion debt limit, which may be breached as early as March. Every year that we amass additional Federal debt by running $200 to $300 billion deficits puts our future generations further at risk.

At some point we must put a stop to this behavior. A constitutional mandate is where we must begin. The public will become involved through the State ratification process. Once three-quarters of the States have spoken on this issue, it will be difficult for Washington to ignore the broad mandate for a balanced Federal budget. For most of our Nation's history, a balanced budget was assumed to be one of the foundation stones of good government. We have chipped away at that stone, and we now need a specific constitutional requirement.

The balanced budget constitutional amendment which I am introducing today requires that total outlays cannot exceed total receipts unless Congress approves a specific excess by a three-fifths rollcall vote. The public debt cannot be raised except by a three-fifths rollcall vote, and any increase in revenues must be approved by a majority rollcall vote. The constitutional amendment would be effective in fiscal year 1998 or the second fiscal year after ratification.

I am including the text of this balanced budget constitutional amendment and ask my colleagues to join me in the effort to develop a broad mandate requiring the Federal Government to balance its books.

H.J. RES. —

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposal budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for payment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 1988 or with the second fiscal year beginning after its ratification, whichever is later.".

WOMEN'S RIGHTS NATIONAL HISTORICAL PARK

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Ms. SLAUGHTER. Mr. Speaker, in Seneca Falls, NY, the Women's Rights National Historical Park exists as a testament to the history of the women's rights movement and its early organizers. In 1848, the First Women's Rights Convention was held in the Wesleyan Chapel at the park. At this convention, a number of women and men raised issues such as women's right to vote, rights to equal education, wages and job opportunities. 145 years later, women still face some of these very same inequalities.

Today, the Women's Rights National Historical Park continues to serve an important function since visitors come to Seneca Falls to express opinions or introduce new ideas. The rich history of the park—which includes three historic structures—as well as the Women's History and Resource Center warrants long-term protection so that children will learn the history of women in America, and that the right to freedom of expression is preserved.

This legislation will ensure protection for the park by expanding the boundary of the Women's Rights National Historical Park as well as reauthorizing the park's advisory committee. Both of these actions will provide the park with the room it needs to grow, as well as provide the public the information it needs to know. I am proud to introduce this worthy legislation today.

THE PASSING OF LEGENDARY LABOR LEADER TEDDY GLEASON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GILMAN. Mr. Speaker, it is with sad regret that I inform our colleagues of the recent passing of an outstanding, legendary labor leader.

Teddy Gleason, president emeritus of the International Longshoremen's Association, spent 77 years helping his fellow longshoremen fight for a better life. He was born in lower Manhattan on Nov. 8, 1900, the oldest of 13 children. His father and grandfather, both immigrants from Ireland, worked on the docks all their lives, so Teddy grew up with a love and respect for the work of longshoremen. At the age of 15, Teddy was forced to give up an academic scholarship in order to work to help support his large family. Just about every type of work possible on the docks was performed by Teddy Gleason: checker, billing clerk, longshoreman, winch driver, truck loader, timekeeper. Throughout these tasks, Teddy fought for fairness for his fellow workers. Finally, in 1932, when Teddy was a superintendent, he found himself blacklisted due to his increasing activities with the International Longshoremen's Association. Never one to become discouraged, Teddy worked during the day pushing a hand truck in a sugar factory and at night selling hot dogs on Coney Island, in order to support his wife Emma, and their three sons.

In the 1930's, as the Great Depression devastated the economy of the United States, our Government and the Nation as a whole became more sympathetic to the plight of the working man and legislation was approved protecting the rights of the unions. Teddy Gleason was able to return to the work he loved on the docks. He became president of Checkers Local Union 1346 in the 1930's and retained this position for over 30 years. He was elected general organizer of the International Longshoremen's Association in 1953, moving up to vice president in 1961 and international president in 1963.

The more than 20 years that Teddy Gleason served in this capacity were an exciting and innovative time for longshoremen. Teddy Gleason became recognized as one of the outstanding labor leaders in the Nation during this era of rapid change. In 1965, Secretary of State Dean Rusk assigned Teddy with the task of analyzing operations in Saigon, Vietnam, and recommending a plan to ease the congestion at that port which were hindering our war efforts. AFL–CIO Presidents George Meany and Lane Kirkland regularly called on Teddy Gleason for advice and council. As one of the executive council vice presidents of the AFL–CIO, Teddy Gleason often traveled the world to solve labor problems abroad.

His fellow longshoremen will always remember Teddy Gleason for his innovative guaranteed annual income program, which protected his labor union membership against the threat of automation. The Gleason plan allowed automation to flourish, thus vastly increasing productivity, while protecting the future of those who dedicated their lives to working the docks.

Teddy Gleason received so many plaudits and awards during his lifetime that space prohibits listing them all here. A partial listing would have to include the 1967 Medal of Merit from the Veterans of Foreign Wars for his efforts on behalf of our servicemen in Vietnam; the Patriotic Civilian Service Award presented by the Pentagon in 1984; the Admiral of the Ocean Sea Award presented by the United Seamen's Service in 1974; the Catholic Youth Organization Club of Champions Award, presented by Cardinal John O'Connor in 1989; an honorary doctor of laws degree from Molloy College in Rockville Center, NY, in 1980; the Frederick Ozanam Award, presented by the Carmelite Sisters for the Aged and Infirm in 1981.

On March 17, 1984, Teddy Gleason served as grand marshall for the St. Patrick's Day parade in New York City. As he led the marchers up Fifth Avenue, he remarked: "It took me 80 years to get from 12th Avenue to Fifth Avenue."

Thomas W. Gleason III, he was early given the nickname Teddy to distinguish him from his father and grandfather, died on Christmas Eve, 1992, at the age of 92. His beloved wife, Emma Martin, predeceased him by 31 years and he never remarried. He was survived by his sons, Thomas, John, and Robert; by his sister, Catherine; by three brothers, William, Francis, and Michael; by 14 children and 8 great-grandchildren.

Mr. Speaker, Teddy Gleason was not only my constituent, but a good and dear friend who never hesitated to offer advice, guidance, and constructive criticism. Like many other public officials, I had come to call upon Teddy Gleason and am going to sorely miss his wise counsel. I urge my colleagues to join with me in expressing condolences to Teddy's family, friends, and labor colleagues.

COACH GEORGE KHOURY OF WARRENSBURG HAS BEEN LEGEND IN NEW YORK STATE BASKETBALL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. SOLOMON. Mr. Speaker, last month a very special man was honored by his many friends and admirerers.

His name is George Khoury, and he touched the lives of countless people during his 37 years as coach and athletic director at Warrensburg High School at the foot of the Adirondacks in New York.

For a time, George Khoury was the winningest boys high school basketball coach in New York State history. He went on to win 517 basketball games, 14 league championships, and 5 sectional championships. If you added his football and baseball record, Coach Khoury's teams recorded an incredible 1,029 wins.

Recently, he and a few others, including former New York Knicks coach Red Holzman and St. John's University coach Lou Carnesecca, were inducted into the 2-year-old New York Basketball Hall of Fame, presently headquartered in the Glens Falls Civic Center. That's pretty select company.

The school and his kids were his life. He could be found at school from 7 in the morning to 10 at night. And however much the world changed, George Khoury never compromised on the most important values. He demanded high moral as well as physical standards from his student athletes. That is why so many of them remember him with love in their hearts.

At his recent Hall of Fame induction ceremony, Khoury seemed almost embarrassed by all the attention and adulation from so many people. He was genuinely touched. The few words he spoke were, characteristically, words of praise for those who had helped him during his long career. It was so typical of Coach Khoury to deflect the spotlight away from himself and toward others.

Mr. Speaker, I ask everyone to rise with me so that we may pay our tribute to a man who has made a difference, Coach George Khoury of Warrensburg, NY.

ADDRESSING THE HEALTH NEEDS OF AMERICAN FAMILIES

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. HOAGLAND. Mr. Speaker, every American has a very fundamental concern about health care. We all want to know that our health care is of high quality, that it is affordable, and that it is available when we need it. But the American health care system is being called into question on virtually every front.

Today, on the first day of the 103d Congress, I am offering six bills designed to address some of the concerns of my constituents about our health care system that I hope will be part of the health care reform debate of this new Congress. I am putting these bills in on this first day to stress the urgency that I believe my constituents feel about the need to provide good health care to every American.

SOME OF THE PROBLEMS

Many Americans today live with a nagging fear that a serious illness will be devastating to their families. Costs of health care and health insurance are skyrocketing out of reach and are devouring a large part of family budgets. In Nebraska, my home State, families are spending 13 percent of their family income on health care expenditures. And health care costs are undercutting our faltering economy. The failure to grapple with the spiralling costs of health care not only hurts the quality and accessibility of health care in the United States, but it affects our jobs, education, and competitiveness as a Nation.

Americans must have high quality, reliable health care at an affordable price—in short, peace of mind and a healthier life. Access to health care is so basic and so important that a country as rich in resources as ours should be able to provide every American the opportunity to buy health insurance and health care that brings peace of mind.

ADDRESSING THE HIGH COST OF HEALTH CARE

National spending for health is increasing more rapidly than national income. During the last decade, the average Nebraska family's health payments rose 243 percent faster than wages. In the 1980's, medical care prices increased much more rapidly than other prices. In 1980, a typical family in Nebraska spent $1,804 on all its health care. In 1991, the same family spent over $4,265, and by the year 2000, it can expect to pay over $9,345. Expensive, complex medical technology has been one of several factors contributing to rising health care costs.

We have made many impressive advances in diagnosing and treating illness; some say we are in the era of high-technology medicine. X ray machines have been replaced by MRI's, magnetic resonance screening, costing from $1 to $2 million. We have $2 million lithotriptors that pulverizes kidney stones without expensive surgery. Clearly, these are important advances. They catch problems earlier and reduce sickness and death.

But these are expensive items. Some say that many hospitals and other providers are in a medical arms race to see who can lure customers by having the most modern equipment. The problem this causes is that in one area several hospitals may purchase the equipment, duplicating services already provided in the area and adding costs to those paying for health care, consumers and insurance companies.

The time has come to encourage hospitals and other health care providers to share some of these expensive, high-technology devices, particularly when sharing would not inconvenience the patient. But hospitals perceive that they might violate our antitrust laws, designed to prevent monopolies and other anticompetitive behavior, if they enter into joint sharing arrangements. They are afraid that if they enter into a sharing agreement, they will violate our antitrust laws' prohibitions against price-fixing, anticompetitive collusion, or restraint of trade through monopolies.

My bill, H.R. 72, would authorize the Department of Health and Human Services to support 20 demonstration projects across the country to facilitate collaboration among two or more hospitals or other providers like HMO's or clinics to share capital-intensive medical technology and demonstrate the extent to which such agreements reduce costs without impairing care. And the bill would grant immunity from antitrust laws for these demonstrations until the project's completion. It would also authorize the Attorney General to create a certificate of review process for facilities wishing to enter into a sharing arrangement and grant limited protection from antitrust violations.

We must continue to develop new diagnostic and treatment methods. But I'm not sure every hospital in every town has to have every new high-technology machine. It seems that some sharing of these expensive technologies could bring down some costs to consumers without diminishing the quality of health care. This bill is designed to encourage some sharing of resources without running into our antitrust laws.

Another factor contributing to the cost of health care is the paperwork of administering insurance plans. And paperwork is a headache for the consumer who must complete claims forms, for doctors and other providers, for insurance companies and for the Government. Estimates of expenses for administering insurance plans range from 5.5 percent of premium to 40 percent. Documents are often a confusing array of forms written in insurancese difficult to comprehend. Many people, even the best educated, complain about the difficult and burdensome forms and the arcane terminology we must wade through.

I am introducing a bill, H.R. 74, to direct State insurance regulators, under the guidance of the Secretary of Health and Human Services, to develop simplified, model health insurance forms using commonly understood terminology, particularly claims forms that providers or consumers must complete for health insurance companies, Medicare, and Medicaid.

ADDRESSING INADEQUATE LONG-TERM CARE

Long-term care for the disabled and the elderly is truly one of the greatest unmet needs in our health system. Today approximately 1.3 million elderly persons are residents of nursing homes, but for every elderly person residing in a nursing home, there are at least twice as many elderly persons living in the community requiring a wide range of care. Paying for long-term care services can be a catastrophe that impoverishes many elderly persons and their families.

The bill I introduce today, H.R. 75, would provide for a modest improvement in the Medicare home health benefit. The bill would provide Medicare coverage of home health services 7 days a week for up to 40 days. Currently, Medicare beneficiaries can receive coverage of home health services on an intermittent basis. Intermittent care is usually defined as 5 days per week for 1 to 2 weeks. This bill is designed to provide some modest assistance to patients who do not need the intensity of services of a hospital, but yet require some skilled services at home to allow them to fully recover from an illness.

Most people, especially the elderly, prefer to remain in their own homes when they are ill. It used to be that family members cared for other family members, but times have changed. Most of today's families have two parents in the work force. Women have traditionally cared for loved ones, but now a majority of women are in the work force. Families have gotten smaller, thus there are fewer family caretakers. And families, who used to live near each other, today are more dispersed. Home health nurses today provide the care that families used to provide in many situations.

This bill could create savings for the Medicare Program in the long run. A day in a hospital now costs several hundred dollars just for the bed. A home visit from a registered nurse averages about $75, according to the Visiting Nurses Association. Thus, this bill addresses a real unmet need in the system and may cut long-term costs.

PLACING MORE EMPHASIS ON PREVENTIVE CARE

As we develop comprehensive approaches to cure our ailing system, there are several small steps we could take. Preventive care is one. For too long our health care system has paid billions to cure and treat illness rather than invest in preventive services which keep people healthy and out of emergency rooms and hospitals.

I am introducing two bills that would help ensure that America's children get a healthy start in life by making some modest improvements in the immunization of children.

While we have been largely successful in vaccinating school-aged children—95 percent or more of children over age 5 are fully immunized—our preschoolers are not as fortunate. The sad fact is that about a third of 2-year-olds in the United States are not immunized against deadly diseases. Omaha rates parallel the national figures. Studies by the Douglas County Health Department, in my district, show that only 61 percent of our kindergarten-age children were properly vaccinated at age 2.

This trend is frightening. There are many reasons children do not get proper immunizations, from parental laxity to high costs. Declining immunization in part reflects a larger lack of access to basic health services for too many children.

We need to reverse these trends. Immunizations are one of the most cost-effective means of preventing disease and saving health care dollars. Studies show that every $1 spent on immunization saves $12 in later medical costs for treatment of vaccine-preventable diseases.

I am introducing two bills to address childhood immunizations. The first, H.R. 77, would require that hospitals provide medical information about vaccinations to parents of all newborns. Parents need to be informed on the importance of immunizations, the type of immunizations recommended by doctors, and the recommended schedule.

My second immunization bill, H.R. 78, tries to address the fact that many children do not get their shots because it is difficult for parents to make the many visits to the doctor or health center required. Under the immunization schedule recommended by pediatricians in this country, a child should have received 11 shots and taken 4 doses of oral vaccine in 5 different visits by the time he or she enters kindergarten.

There is interest in the medical community in developing a supervaccine, which would be a vaccine administered only once in infancy and would produce lifelong immunity against a wide range of key infectious diseases. According to medical researchers, an ideal vaccine may be a single-dose, multiple-antigen compound that could be easily administered by untrained personnel, preferably soon after birth. H.R. 76 would direct funds for the National Institutes of Health to accelerate research on the supervaccine in an effort to make immunization programs more available to children and eliminate the hassle factor for parents. The supervaccine could reduce costs by making vaccines easier to store and handle and, in turn, increasing coverage by reducing costs to parents and governments.

Health professionals have recognized the value of preventive services for many years. Congress should encourage efforts that keep our children healthy.

PREVENTIVE CARE FOR THE ELDERLY

I am also introducing a bill, H.R. 76, to provide for more preventive care services for senior citizens. This legislation would add as a Medicare benefit, for all Medicare beneficiaries, an annual physical examination for what in medical jargon are called asymptomatic individuals. I am introducing this bill, the result of consultation with medical professionals, because for too long our health care system has paid billions of dollars for sickness, after the fact, rather than for prevention of illness before the fact. It is time we expand our efforts to prevent health problems before they become $1,000 expenses.

Generally, Medicare, the Government health insurance program for the elderly and disabled, does not pay for preventive measures other than those specifically mentioned in the Medicare law. Thus, very few preventive services have been covered by Medicare. Only in the last 10 years has Congress begun a slow process of providing piecemeal coverage for a limited number of preventive services.

In 1984, the Federal Government recruited dozens of health experts to form the U.S. Preventive Services Task Force and charged it with surveying the accumulating literature on the merit of hundreds of preventive measures. The panel's final report, issued in 1989, endorsed a complete schedule of periodic Pap smears, mammograms, regular blood pressure, cholesterol checks, vaccinations for the elderly, and counseling. The task force was a significant milestone for preventive care. In addition, the National Cancer Institute, the American Cancer Society, and the Health Policy Agenda for the American People, recommend annual exams for people over age 65.

Health professionals have recognized the value of preventive services for many years. Early detection and treatment are not just cost-effective. For diseases like cancer, early detection and treatment may offer the best chance for reducing mortality and duration of illness. It is time to move away from this traditional mentality of paying huge sums of money for unpredicted illness when it is exacerbated and expensive and move towards the encouragement of routine health maintenance and prevention. Not only does it make medical sense, but, most importantly, it means better, healthier quality of life for millions of Americans.

These six bills are part of my effort to address some of the serious problems of our health care system. They by no means would solve all the problems, but they are a start. I hope my colleagues here in the House of Representatives will join me in a crusade to make America's health system No. 1 in the world, as we are No. 1 in so many other areas.

THE FEDERAL PROGRAM IMPROVEMENT ACT OF 1993

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. PICKLE. Mr. Speaker, at the start of the 102d Congress, Ways and Means Chairman ROSTENKOWSKI announced that the committee would undertake a major oversight initiative. The initiative would involve a commitment by the committee to improve the efficiency and effectiveness of health, trade, tax, income security, and other laws within the committee's jurisdiction. As chairman of the committee's Oversight Subcommittee, I joined Chairman ROSTENKOWSKI in this initiative.

During 1991 and 1992, the Subcommittee on Oversight conducted numerous hearings, investigations, and site visits as part of this major oversight initiative. In followup to these activities, the subcommittee forwarded to the committee its findings and recommendations to improve the administration of certain laws and programs.

Today, to advance the objectives of the major oversight initiative, I am introducing legislation, with other members of the committee, to improve the administration of the Medicare Program, to reform Customs overtime pay practices, to prevent the payment of Federal benefits, to dead people, to require reports on employers with underfunded pension plans, to provide for increased taxpayer procedural protections, to improve the detection of tax evasion and money laundering activities, and to protect taxpayers from deceptive mailings. The provisions of this legislation were included in H.R. 11, The Revenue Act of 1992, which was vetoed by the President last year.

This legislation affects the manner in which the Federal Government serves and protects the public, and manages its resources. In the end, I believe that enactment of this bill will protect the integrity of many programs within the committee's jurisdiction and the pocketbook of the American taxpayer.

In summary, the Federal Program Improvement Act of 1993 provides changes with regard to the following:

First, to prevent erroneous Medicare payments and to enhance recovery efforts relating to the Medicare Secondary Payer Program, Medicare beneficiaries would be screened regarding employer group health insurance coverage at the time of enrollment in the Medicare Program. Doctors and other health care providers would also be required to screen Medicare beneficiaries when they provide services to them. Sanctions would be imposed against providers who routinely and willfully fail to screen beneficiaries. Further, Medicare contractors would be required to submit quarterly reports to the Health Care Financing Administration [HCFA] on their efforts to recover erroneous payments, and the process for recovery of these erroneous payments would be streamlined.

Second, to eliminate abuses regarding durable medical equipment [DME] under the Medicare Program, the Secretary of the Department of Health and Human Service would be required to establish standards for durable medical equipment suppliers that receive reimbursements under the Medicare Program. These businesses would allowed to use only one Medicare number. In addition, telemarketing would be prohibited and suppliers would no longer be able to initiate unsolicited telephone calls to induce sales of Medicare-reimbursed DME. In addition, HCFA would be authorized to prohibit the practice known as carrier shopping. Under this practice, DME supplies have located in areas with generous Medicare reimbursement rates for DME. Suppliers would be required to submit claims to the carrier for the region where the beneficiary resides. To assure uniformity across the country, HCFA would be required to develop standardized certificate of medical necessity forms and to develop standardized coverage criteria for 200 items of DME.

Third, to improve Customs administration of inspection overtime, the Customs Service overtime pay laws—the 1911 Act—would be modified to mirror the Federal Employees Pay Act [FEPA] rules which generally apply to Federal Government workers. This would ensure that hours paid bear a more direct relationship to hours worked; provide for more reasonable overtime rates and rate differentials for Sunday and holiday work; provide for the payment of overtime benefits only after 40 hours of work has been completed; and, provide that certain overtime work be credited toward an inspector's retirement benefits.

Fourth, to minimize the payment of Federal benefits to decreased beneficiaries, the Social Security Administration would be required to share with all Federal agencies death certificate information purchased from State agencies.

Fifth, to improve accountability in the Pension Benefit Guaranty Corporation's [PBGC] program to identify, collect, and account for premium payments, PBGC would be required to provide two annual reports to the Congress, the first listing plans with underfunding in excess of $25 million and the amount of such underfunding, and the second listing plans with underfunding in excess of $5 million that have been granted a minimum-funding waiver.

Sixth, to provide for increased protections for taxpayers in dealing with the IRS, a new position would be established at IRS for the Taxpayers' Advocate who would have expanded authority and be required to report directly to the Congress. Further, IRS would be required to take reasonable steps to determine the validity of certain information returns, and taxpayers would benefit from improvements to procedures related to installment agreements, responsible officer situations abatement of certain interest, and liens, levies and offers-in-compromise.

Seventh, to improve detection of tax evasion and money laundering, the IRS would be authorized to share certain cash-transaction reports with other Federal and State agencies, and IRS undercover operations could be financed with income earned from such operations.

Finally, to protect taxpayers from deceptive mailings, the law would prohibit the use in any advertisement, solicitation, business activity or product certain words or symbols associated with the Department of the Treasury or its agencies. Further, the public's access to information about tax-exempt organizations would be improved.

FARM AND RURAL MEDICAL EQUITY REFORM ACT OF 1993

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GUNDERSON. Mr. Speaker, during the last decade, health care spending in the United States has more than tripled from $230 billion in 1980 to $838.5 billion in 1992. Since 1980, health care costs in Wisconsin have risen over 125 percent, but amazingly, this is the second lowest increase in the Nation.

While health care costs have exploded over the past decade, access to primary care services has declined, particularly in the inner city and rural America. The current estimate for health professional shortage areas in the United States is 2,000. Wisconsin's shortage areas have risen from 27 in 1980 to 50 in 1993, 11 are located in western Wisconsin.

In addition to the lack of providers in many parts of the United States, another factor affecting declining access is the high cost of health insurance. The number of uninsured has sharply increased from 24.5 million in 1980 to over 37 million at the current time.

A significant component of the uninsured population is the American farm family. Ten percent of farmers are uninsured. Of those who can afford insurance, 11 percent are underinsured because they cannot afford the high premiums. One reason farmers must pay more for health insurance is their profession is defined as high-risk. There are over 12,000 disabling farm-related injuries per year. The National Safety Council recently reported that farm injuries account for over 14 percent of all work place injuries.

To address both the accessibility and affordability problems affecting rural America's health care delivery system, I am reintroducing the Farm and Rural Medical Equity Reform [FARMER] Act. This bill, which I introduced in the last Congress, is a first response to both concerns and recommendations raised at health care seminars and town hall meetings that I have conducted over the last 2 years in western Wisconsin. This legislation is the first step in making health care more accessible and affordable, especially for rural Americans. The key components of the Farm and Rural Medical Equity Reform Act are:

One hundred percent deductibility for the self-employed: All self-employed individuals would be entitled to deduct 100 percent of the cost of their health insurance premiums. In previous years, self-employed individuals were allowed to deduct 25 percent of their health insurance policy. An extension of the 25 percent deduction was included in the Revenue Act of 1992, a measure which I supported and passed the Congress. However, the bill was vetoed after the 102d Congress adjourned. My provision will help the 8 million people in the United States who are self-employed, 176,000 are Wisconsin residents. One hundred percent deductibility for the self-employed is an essential element to any health care reform measure that will pass the 103d Congress.

Medical savings account: This provision will enable individuals to save, tax free, for medical expenses. Any amount deposited into the account is tax deductible up to an applicable limit. This limit is equal to $4,800 per year plus $600 for each dependent. Funds withdrawn from the amount are nontaxable if used for qualified medical services approved by the Internal Revenue Service.

Uniform claim/electronic card/electronic billing: There are 1,400 insurance companies in the United States and each has a separate insurance form. To alleviate the paperwork burden, my bill will establish uniform health claim reimbursement forms for hospitals and physicians. These two forms would be the only forms used by all private health insurers and the Federal Government. In addition, electronic cards would be developed that would store a patient's insurance information and medical records. Both hospitals and physicians would be required to use electronic means to transmit billing information from hospitals and physicians to insurers.

Portability: Portability means that no individual will have to fear losing health insurance coverage for any length of time when switching policies or changing occupations. Today's workforce is one which is mobile. The Department of Labor estimates the average American will change jobs between 5 and 6 times during a lifetime. Thus, it is important that individuals feel free to move to another occupation or switch to another insurance policy without the concern of whether or not they will lose key benefits. To address this issue, I have included two key portability provisions: First, elimination of preexisting conditions as exclusions from coverage; and second, health insurance carriers would only be allowed to set the maximum percent increase in renewal premiums at 5 percent plus the percent change in the base premium rate. The base premium rate is the lowest premium the insurer may charge for a group with similar demographic characteristics, excluding factors related to health status, claims history, or duration of coverage. This provision should especially bring some relief to the high cost of health insurance premiums for farm families.

Emergency medical services [EMS]: The average U.S. citizen will need emergency care at least twice in a lifetime and that care is not always available, especially in rural communities. My bill has three key provisions to enhance emergency medical services: (a) Establishment of a Federal EMS office which will provide technical assistance to State and local agencies, develop and review EMS guidelines pertaining to health professionals, equipment, training, and examine the unique needs of underserved inner city and rural communities; (b) Establishment/enhancement of State EMS offices will improve the availability and quality of EMS in the States through a Federal/State matching grant program over 3 years. These offices will coordinate all State EMS activities and provide technical assistance; (c) Development of a telecommunications demonstration program that will enable patients and health professionals in rural communities to link-up with medical specialists in larger health facilities for consultations regarding life-saving treatment through telecommunications.

Extend Medicare dependent hospital status: There are over 600 hospitals classified as Medicare dependent. Wisconsin has 22 Medicare dependent hospitals, including 7 in western Wisconsin. Hospitals eligible for this adjustment are rural, have 100 beds or fewer, have 60 percent Medicare patient days or discharges, and are not classified as sole community hospitals. The legislation authorizing Medicare dependent classification is scheduled to expire this year. My provision will enable hospitals to continue their Medicare dependent status for 1 additional year.

Rural health outreach grants demonstration program: This provision will formally establish a grants program that will deliver health care services to underserved rural populations/communities or to enhance access and utilization of existing available services. These services are delivered through a consortium arrangement among 3 or more separate and distinct entities. This initiative is intended to permanently authorize these grants which are now funded through a demonstration program. One successful demonstration project is located in Balsam Lake, WI. This project, called KIDSCARE, provides medical and dental services to children in rural communities who do not have health insurance and are not covered by Medicaid.

The Farm And Rural Medical Equity Reform Act of 1993 will: Assist farmers and other self-employed individuals in paying for health insurance premiums, begin to alleviate the paperwork burden for both patients and health professionals, strengthen rural hospitals, and improve the delivery of health care services to rural populations.

THE PLASTIC CONTAINER IDENTIFICATION ACT OF 1993

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Ms. SNOWE. Mr. Speaker, to I am reintroducing legislation that I sponsored during the 102d Congress, the Plastic Container Identification Act. The goal of this legislation is to facilitate the recycling of plastics by establishing a national marking and coding identification system for plastic resins.

The need to increase the recycling of plastics is clear. Plastics constitute by far the most rapidly increasing segment of the solid waste stream. At a time when Americans generate 180 million tons of solid waste every year—but when our landfills are closing—recycling and source reduction of plastics and other products have become the cornerstones of a comprehensive solution to the solid waste crisis.

The coding system in my bill, first proposed by the plastics industry, has already been adopted by a number of States. By requiring this coding system on a national level, this bill will make plastics recycling easier in communities large and small throughout America.

The Plastic Container Identification Act establishes a simple identification system which the industry would be required to adopt by January 1, 1995. Any plastic container that could be introduced into interstate commerce would have to be marked with a molded symbol identifying its resin content to ease separation for recycling. Seven easy-to-read marking symbols would be used, covering all of the plastic containers in wide use except small pharmaceutical bottles.

Another component of the bill addresses the overall process of plastics recycling. Within 6 months of passage, the Environmental Protection Agency must submit a report to Congress containing a plan for promoting plastics recycling, and a list of recommendations for reducing the amount of nonrecyclable and nonbiodegradable plastic used in the manufacture of products.

Since 1960, the amount of plastic entering the waste stream has increased by a factor of more than 30. At the same time, we have recognized that burning and burying plastics releases toxic substances into the environment. Growing public concern about the prevalent use of plastic packaging and its environmental impact necessitates a more sensible use of plastics, beginning with efforts to increase recyclability as well as source reduction. Today, more than 25 percent of plastic soda bottles are recycled. Expanding this level to make recycling economically viable for most other plastic containers can be accomplished, but it requires large quantities of plastics that are homogeneous by resin type.

Mr. Speaker, I urge my colleagues to cosponsor and support the Plastic Container Identification Act as one remedy to our national problem with solid wastes.

INTRODUCTION OF CHILD NUTRITION REAUTHORIZATION LEGISLATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GOODLING. Mr. Speaker, today I am pleased to join Chairman FORD of the Committee on Education and Labor, and Mr. KILDEE, chairman of the subcommittee on elementary, secondary, and vocational education, in introducing legislation to reauthorize certain programs, projects, and activities which are part of the National School Lunch Act and the Child Nutrition Act of 1966 and which would otherwise expire in 1994.

As Mr. KILDEE has noted in his introductory remarks, H.R. 8 proposes no substantive changes in existing law—it is simply intended to provide the needed reauthorizations. However, I join Mr. KILDEE in hoping that it will also serve as the vehicle for encouraging both support for the vital programs encompassed by these two legislative charters of our Nation's child nutrition policies and discussion of how all of them may be strengthened or made more effective to serve children and their families.

The National School Lunch Act [NSLA], originally enacted in 1946, permanently authorizes the National School Lunch Program, the Child and Adult Care Food Program, the Meal Supplements for Children in Afterschool Care Program, and the Universal Lunch Pilot Programs. H.R. 8 would extend the authorizations of the following NSLA programs and projects through 1998: The Summer Food Service Program for Children, the Commodity Distribution Program, the Child and Adult Care Food Program's statewide demonstration projects, the cash/commodity letter of credit [CLOC] pilot project, the homeless children food service demonstration projects, the provision of training and technical assistance for food service program workers, and the food service management institute.

In turn, the Child Nutrition Act of 1966 [CNA] permanently authorizes the Special Milk Program and the School Breakfast Program. H.R. 8 would extend the authorizations of the following CNA programs and activities through 1998: Startup costs for school breakfast programs, State administrative expenses, the special Supplemental Food Program for Women, Infants and Children [WIC], and nutrition education and training.

In the aggregate, Mr. Speaker, these programs have proven themselves to be effective in improving the physical and intellectual capacities of children even prior to their birth, in enhancing their ability to learn once they are in school, and in aiding them to attain their full potential as adults. I am looking forward to the opportunity to review and improve them.

INTRODUCTION OF THE FAIR AND COMPETITIVE ELECTION ACT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MICHEL. Mr. Speaker, today, Congressman BILL THOMAS and I will introduce the Fair and Competitive Election Act of 1993. This legislation was the Republican alternative during House floor consideration of campaign finance reform in the 102d Congress, and represents a starting point for discussions of campaign reform in the 103d Congress.

This bill, if implemented, will make elections more competitive, more honest, and more local. It will require that half of all campaign contributions be raised from within the congressional district. It will ban the use of all soft money. And it will limit PAC contributions to Members to $1,000 per PAC.

I submit for the record a copy of this legislation:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair and Competitive Election Act".

SEC. 2. HOUSE OF REPRESENTATIVES ELECTION LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL INDIVIDUAL RESIDENTS.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), is amended by adding at the end the following new subsection:

"(i)(1) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not, with respect to a reporting period for an election, accept contributions from persons other than local individual residents totaling in excess of the total of contributions accepted from local individual residents.

"(2) As used in this subsection, the term 'local individual resident' means an individual who resides in a county, any part of which is in the congressional district involved.

"(3)(A) Any candidate who accepts contributions that exceed the limitation under this subsection by 5 percent or less shall refund the excess contributions to the persons who made the contributions.

"(B) Any candidate who accepts contributions that exceed the limitation under this subsection by more than 5 percent and less than 10 percent shall pay to the Commission, for deposit in the Treasury, an amount equal to three times the amount of the excess contributions.

"(C) Any candidate who accepts contributions that exceed the limitation under this subsection by 10 percent or more shall pay to the Commission, for deposit in the Treasury, an amount equal to three times the amount of the excess contributions plus a civil penalty in an amount determined by the Commission.".

(b) EFFECTIVE PROVISION.—During any period with respect to which subsection (i) of section 315 of the Federal Election Campaign Act of 1971, as added by subsection (a), is not in effect, such subsection shall be effective as so added, together with the following new paragraph:

"(3) For purposes of this subsection, an individual may not be considered a resident of more than one congressional district.".

SEC. 3. REDUCTION IN THE LIMITATION AMOUNT APPLICABLE TO NONPARTY MULTICANDIDATE POLITICAL COMMITTEE CONTRIBUTIONS TO CANDIDATES.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 1, is further amended by adding at the end the following new subsection:

"(j) Notwithstanding subsection (a)(2)(A), no nonparty multicandidate political committee may make contributions referred to in that subparagraph which, in the aggregate, exceed $1,000.".

(b) TECHNICAL AMENDMENT.—Section 315(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)(A)) is amended by inserting after "(A)" the following: "except as provided in subsection (j),".

SEC. 4. BAN ON SOFT MONEY.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"LIMITATIONS AND REPORTING REQUIREMENTS FOR AMOUNTS PAID FOR MIXED POLITICAL ACTIVITIES

"SEC. 323. (a) Any payment by the national committee of a political party or a State committee of a political party for a mixed political activity—

"(1) shall be subject to limitation and reporting under this Act as if such payment were an expenditure; and

"(2) may be paid only from an account that is subject to the requirements of this Act.

"(b) As used in this section, the term 'mixed political activity' means, with respect to a payment by the national committee of a political party or a State committee of a political party, an activity, such as a voter registration program, a get-out-the-vote drive, or general political advertising, that is both (1) for the purpose of influencing an election for Federal office, and (2) for any purpose unrelated to influencing an election for Federal office.".

(b) REPEAL OF BUILDING FUND EXCEPTION TO THE DEFINITION OF THE TERM "CONTRIBUTION".—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking out clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

SEC. 5. TRANSITION RULE RELATING TO EXCESS FUNDS OF CANDIDATES FOR THE HOUSE OF REPRESENTATIVES.

A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, who, on the date of the enactment of this Act, has campaign accounts containing amounts in excess of the contribution limit under section 315(i) of the Federal Election Campaign Act of 1971 shall deposit such excess in a separate account subject to section 304 of the Federal Election Campaign Act of 1971. The amount so deposited shall be available for any lawful purpose other than use, with respect to the individual for an election for the office of Representative, in, or Delegate or Resident Commissioner to, the Congress. For purposes of this section, excess funds are those funds which exceed twice the amount of funds raised from local individual residents after December 31, 1992. From the date of the enactment of this Act until the end of the period covered by the 1994 pre-primary report a candidate may transfer excess funds from the separate account to the campaign account so long as a majority of the total funds contributed or transferred to the campaign account were raised from local individual residents after December 31, 1992. No funds may be transferred from a separate account of a candidate to a campaign account of the candidate after the end of the period covered by the 1994 pre-primary report.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

GIVING THE PRESIDENT LINE-ITEM VETO AUTHORITY

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. KOLBE. Mr. Speaker, since coming to Congress, I have supported policies that would restore some order to our fiscal house. One such policy has been giving the President line-item veto authority.

Line-item veto authority is quite simple. It would empower the President to reject specific spending items in an appropriation bill without vetoing the entire bill. Of course Congress can override the line-item veto, in this case with a three-fifths, rather than a two-thirds vote. Under current law, Congress can choose to ignore the President's package of rescissions, or spending cuts, allowing pork barrel spending to go unchallenged.

One notable example of pork barrel spending was the proposal to have American taxpayers spend half a million dollars to refurbish the birthplace of Lawrence Welk last Congress. It is this type of spending mentality that has contributed to a ballooning Federal deficit.

Admittedly, providing the President line-item veto authority is no sure-fire procedural cure to all of our budget woes. But giving the President the ability to get an up or down vote on his proposed cuts in an important tool, one which could make a real difference to a process that seems to defy every attempt at fiscal restraint. According to estimates from President-elect Clinton, it would cut nearly $10 billion over 4 years. I suspect the psychological restraint it would put on a free-spending Congress might result in even greater savings.

Forty-three States, including Arizona, have provided their Governors with a form of line-item veto authority. Even more a constitutional requirement to balance their State's budget each fiscal year. Why should the Federal Government be any different?

But hope springs eternal. With President-elect Clinton supporting line-item veto, perhaps the Democrat majority in Congress will put partisan rhetoric aside and demonstrate fiscal responsibility by joining Republicans in support of line-item veto authority for the President.

So today, I am introducing legislation to provide the President with line-item veto authority and will work with my colleagues to see this legislation enacted.

LEGISLATION TO CREATE A NATIONAL COMMISSION TO SUPPORT LAW ENFORCEMENT

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Ms. SLAUGHTER. Mr. Speaker, today I introduced legislation which would create a National Commission to Support Law Enforcement. The beginning of 1993 marks the 28th year since the last commission was established to examine the Federal Government's role in working with law enforcement.

I know it is not news to the American people that crime has drastically increased in the past 28 years. A look at the statistics shows how much worse the problem of crime has become. According to the Department of Justice, 9,850 Americans were murdered in 1965; in 1991, that number rose to a staggering 24,700. The increase in rape has been even more dramatic. In 1965, the number of rapes reported was 22,467, a rate of 11.6 per 100,000; in 1991, there were an astounding 106,590 rapes reported, a rate of 42.3 per 100,000. Comparisons of aggravated assaults, robbery, burglary, and motor vehicle thefts committed in 1965 and 1991 indicate a similar troubling trend.

In addition to the increase of crime, the nature of the problem also seems to have changed. Since the 1960's, the law enforcement community has had to cope with such unwelcome developments as crack cocaine and the massive infusion of handguns and semiautomatic machineguns on our streets. Clearly, a review of the crime problem is long overdue.

While all levels of law enforcement are instrumental, local law enforcement is truly on the front lines in the war against crime, making over 90 percent of all drug arrests. The Commission will examine how the Federal Government can best assist local law enforcement, and will be comprised of members from all aspects of law enforcement: management, labor, academia, the Department of Justice, the Department of Treasury, and Members of Congress. After 18 months, the Commission will report its analysis and recommendations. It has bipartisan support in both the House and Senate, and also has the support of numerous law enforcement organizations including the National Association of Police Organizations, the Fraternal Order of Police, and the International Brotherhood of Police Officers.

It is not hyperbole to state that there is a war on the streets of America. Consider this fact: from 1961 to 1973, the United States lost over 46,000 combat casualties in southeast Asia. During that same time period, more than 169,000 people were murdered on our streets. Given the current murder rates, more people will be murdered every 2 years in this country than were lost in 8 years of combat in Vietnam. Just think, if we were to commemorate those who were murdered in the United States, we would have to build a monument the size of the Vietnam Memorial every 2 years.

This madness has to end. One place to begin is to pass this legislation and create the National Commission to Support Law Enforcement.

CLAY SPONSORS LEGISLATION TO PROTECT THE COLLECTIVE BARGAINING RIGHTS OF CONSTRUCTION WORKERS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. CLAY. Mr. Speaker, today I am introducing legislation to protect the sanctity of collective bargaining agreements in the construction industry. In 1959, the Congress acted to protect and promote the right of workers in the construction industry to exercise a voice in the determination of their working conditions through collective bargaining. Since that time, decisions of the courts and the National Labor Relations Board have so eroded the protection Congress enacted, that now, almost three and a half decades later, the Congress must act to reaffirm that commitment if construction workers are to retain any meaningful ability to benefit from collective bargaining. The legislation I am introducing ensures that contractors will be held to contracts they have voluntarily entered into by prohibiting contractors from either repudiating valid prehire agreements or evading the requirements of existing contracts by using a subsidiary corporation to perform work otherwise subject to the provisions of the bargaining contract on a nonunion basis.

Under our labor law, as it is currently interpreted by the courts, employees in the construction industry have no meaningful means of binding contractors to collective bargaining agreements. A contractor who has entered into an agreement, promising that work covered by the agreement will be performed in accordance with the contract, nevertheless is free to evade the commitment he or she has made simply by establishing a second company and performing work covered by contract on a nonunion basis. Contractors who engage in this tactic, known as double-breasting, are then free to choose on a job-by-job basis whether or not they will afford workers the right to engage in collective bargaining, while the workers who sought the bargaining agreement are denied one of the principal benefits of that agreement, the promise of future employment opportunities over the life of the contract.

The bill I am introducing today, simply stated, merely provides that when a contractor and a union arrive at an agreement, both sides shall be bound by the terms of that agreement. Specifically, this legislation provides that any two or more business entities sharing substantially common ownership, substantially common management, or substantially common control engaged primarily in the building and construction industry, and performing work of the type and within the geographical area covered by a collective bargaining agreement to which any of the entities is a party, shall be treated as a single employer. The legislation expressly provides that a contractor-subcontractor relationship shall not, of itself, establish single-employer status. The bill further provides that a contractor may not repudiate an otherwise lawful contract with a union unless the employees, themselves, terminate the relationship with the union pursuant to section 9(a) of the National Labor Relations Act.

The bill is substantially the same legislation that passed the House or Representatives in the 99th and 100th Congresses. The opposition of a Republican Administration stymied our opportunity to make further progress at that time. It is my expectation that the new administration will demonstrate a higher regard for the rights of American workers and that this Congress will finally enact this legislation and afford construction workers a meaningful ability to benefit from collective bargaining.

TRIBUTE TO CARL T. NEWEY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. LIPINSKI. Mr. Speaker, I am pleased to rise today to recognize Carl T. Newey, who recently retired from the Chicago Park District after 35 years of service to the people of Chicago.

Carl Newey began his career as a physical instructor in Rosedale Park. Since that time, during his tenure with the park district, Newey served as a playground supervisor, park supervisor, planetarium operations supervisor, physical activities supervisor, and area supervisor of a recreation area. Since 1987, Mr. Newey has served as host park manager for the Trumbull Cluster.

Throughout his years of service, Carl Newey has made tremendous contributions to the Chicago Park District and the people of Chicago. He is exceptionally devoted to the Chicago Park District Junior Bears football program, and to the youth he has served as coach, teacher, and mentor. He is profoundly respected by his peers and others with whom he has come into contact. His coworkers respectfully call him Commander and respect him for his common-sense approach.

As Carl T. Newey begins a new stage in his life, I urge my colleagues to join me in wishing him all the best in the years to come. I hope he and his family will enjoy many more years of happiness and fulfillment.

HEALTH CARE EMPOWERMENT AND ACCESS LEGISLATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GOODLING. Mr. Speaker, among the questions I am most frequently asked is, "What is Congress going to do about spiraling health insurance costs and covering the 35 plus million uninsured Americans?" Certainly there is no simple solution or silver bullet to solve the multifaceted strains currently faced by our Nation's complex private and public health care and health insurance system.

However, it is also clear that legislated improvements in health care access, cost, and quality cannot be brought about unless there is intensive study and a bipartisan agreement as to the source of the problems that serve to take the luster off our Nation's premier health care system. For this reason, and to provide a framework to better focus this health care debate, I am today cosponsoring the healthcare empowerment and access legislation—The HEAL bill—being introduced by my colleague, Representative FRED GRANDY.

It is my intent and, hopefully, the intent of my colleagues that we work toward comprehensive reform of our health care system making health insurance available for the uninsured, increasing access to health care for the underinsured, and containing skyrocketing costs while preserving and enhancing the strengths of our current system. Every interested party, including business, and especially small business, should be involved in the reform process every step of the way.

The problem of the uninsured is growing. As recent census data demonstrate, the number of middle-class Americans without health insurance grew by about 1 million just this past year. We must soon put an end to the rising fears experienced by many of our citizens that the loss of health coverage is only a step away. To do so would also eliminate the economic inefficiencies of the so-called job lock phenomenon arising from the potential loss of access to basic health coverage. The HEAL bill is but one of a number of solutions to these problems that should be considered.

The HEAL bill is a blueprint designed to foster the creation of private and public/private partnership arrangements to simultaneously address the health care quality, coverage, and affordability issues. The question of affordability is addressed by expanding on the group insurance principle of spreading risk and lowering expenses. The preemption of State health benefit mandates and of State law barriers to managed care under the bill should also enable insurers to offer more affordable health coverage. The provision of the bill dealing with outcomes research and treatment practice guidelines also offer the potential for reducing unnecessary services and increasing the quality of care while reducing malpractice costs. To encourage the self-employed and their employees to obtain coverage, over time the health plan contributions of the self-employed are brought into fully parity with the 100 percent tax deductibility of corporate plan contributions.

The health care issues raised in the HEAL bill are critical ones. There are also other related and important elements in the health care access debate which will need careful examining.

Our goal should be to improve on the successes of our current health care system and fine-tune those pieces needed to correct any serious shortcomings that may be found. Our challenge as a legislative body will be to proceed in a deliberative manner only after adequate study has demonstrated the correctness of our course. The health and well-being of our Nation's citizens deserve no less. It is my sincere hope that the health care empowerment and access legislation will help contribute to a sound debate, both publicly and within each of our committees of jurisdiction.

MONEY LAUNDERING

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. NEAL of North Carolina. Mr. Speaker, in the closing days of the 102d Congress we passed important legislation to fight money laundering by domestic and international criminals. Congress added to the Housing and Community Development Act of 1992, Public Law 102–550, the Annunzio-Wylie Anti-Money Laundering Act to place severe penalties on banks that do not cooperate in the reporting of suspicious activities.

Banks have long been encouraged to report suspicious transactions to the appropriate authorities. To ensure that banks have no excuses, the legislation contains a provision, section 1517(b), that provides a safe harbor when banks report suspicious activities. The goal of this new law is to have banks work with international efforts to stop the global movement of drug money.

Money laundering is an international problem. Money knows no borders and flows freely from one country to another. The United States has long recognized that, and has worked hard to ensure cooperation from foreign governments and financial institutions to assure that money launderers have no place to hide. We encourage foreign entities to inform U.S. authorities of suspicious transactions, and we expect our banks to likewise provide foreign governments with the intelligence they need to combat money laundering within their borders.

As this legislation was added during a House-Senate conference there was no legislative history. After adjournment the Honorable Frank Annunzio, who was both the chairman of the Financial Institutions Subcommittee and author of the bill was asked and responded to, a question by a major U.S. bank about the applicability of the new law to help clarify the meaning of this law and at the request of the bank I ask unanimous consent that the letters between the bank and then-Chairman Annunzio be printed in the RECORD.

CHEMICAL BANK,
New York, NY, December 1, 1992.

Hon. FRANK ANNUNZIO,
Chairman of the Subcommittee on Financial Institutions, Washington, DC.

DEAR MR. CHAIRMAN: It is Chemical Bank's understanding that the "safe harbor" provision of Section 1517(b) of the Annunzio-Wylie Anti-Money Laundering Act (the "Act") applies not only to disclosures made after the date of its enactment, but also to those disclosures made by a financial institution prior to enactment of the Act. We request that you advise us if our understanding is correct.

We thank you in advance for your prompt attention.

Respectfully yours,
BARBARA E. DANIELE,
Associate General Counsel & Senior Vice President, Legal Department.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS SUPERVISION, REGULATION AND INSURANCE OF THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
Washington, DC, December 3, 1992.

BARBARA E. DANIELE, Esquire,
Chemical Bank,
New York, NY.

DEAR MS. DANIELE: This is in response to your letter dated December 1, 1992 in which you inquire about the intent of section 1517(b) of the Annunzio-Wylie Anti-Money Laundering Act contained in the Housing and Community Act of 1992 (Pub. L. 102-550, October 28, 1992). You ask whether this provision applies not only to disclosures made after the date of enactment, but also to disclosures made by a financial institution prior to enactment of the Act.

As the author of the Annunzio-Wylie Anti-Money Laundering Act and the House-passed bills upon which it was based, I was deeply concerned that financial institutions should be free to report suspicious transactions without fear of civil liability. Two earlier versions of Annunzio-Wylie Anti-Money Laundering Act which I sponsored this Congress, and which passed the House without a dissenting vote, H.R. 26 and H.R. 6048, both contained provisions providing for an exemption from liability for banks which reported suspicious transactions.

Section 1517(b) amends section 5318 of title 31, United States Code, to provide the broadest possible exemption from civil liability for the reporting of suspicious transactions. My colleagues and I in Congress wanted to assure that financial institutions which reported suspicious transactions should not be held liable to any person under any law, Federal, state or local, for making such disclosures. I was my intent as the author of the provision that it would apply to any such disclosure, regardless of whether the disclosure was made prior or subsequent to the date of enactment of the Act.

I hope this helps answer your question concerning the scope of section 1517(b) of this Act.

With every best wish,
Sincerely,
FRANK ANNUNZIO,
Chairman.

THE WETLANDS REFORM ACT OF 1993

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EDWARDS of California. Mr. Speaker, today I have introduced the Wetlands Reform Act of 1993, a bill carefully designed to increase protections for wetlands in a manner that is compatible with the economic needs of the country.

We need a strong wetlands protection bill because under the existing system, 300,000 acres of wetlands are lost each year. That translates into 60 acres every hour, or 1 acre every minute. As a result, fish populations have declined, hurting a historically strong and lucrative industry. Duck and other bird populations are declining as a direct result of the shrinking wetlands base. Other wildlife depend on wetlands as well, and species are becoming increasingly endangered as their habitat disappears.

Wetlands have a direct impact on human health as well. Because they act as natural flood control buffers, areas that have destroyed a significant amount of historical wetlands suffer from problems of flooding. In my home State of California, this is especially true, and last year we witnessed millions of dollars in flood damage and even some deaths—much of which could have been avoided through better land use practices which utilized wetlands instead of destroyed them.

The destruction of too many wetlands can have serious consequences for the condition of ground water supplies. In the San Joaquin Valley of California, wetlands have been drained so severely for agricultural uses, they are no longer able to help recharge aquifers. As a result 2-million acre feet more water is drawn out than replaced each year. Water tables are declining and farmers are forced to pay for the increasingly expensive electrical costs of pumping up groundwater.

In keeping with the message of our newly elected President and Vice-President, this bill is in line with the notion that good environmental policy is compatible with a strong economy. Wetlands are part of the equation necessary for a healthy economy because of the valuable functions they perform. It is no coincidence that wetlands are in areas attractive for development because people want to live where the benefits of wetlands are available. Where you find wetlands you find beauty, a healthy environment and an attractive quality of life. The San Francisco Bay Area, where I am from, is a popular place to live because it has these qualities in abundance.

More and more, we are recognizing the tremendous value wetlands contribute to a region when they are maintained in their natural state. Communities are willing to fight for their wetlands now because we understand that these values are lost forever when wetlands are destroyed to make way for a shopping center, golf course or other development project that may only realize a short-term gain. That is precisely why the small and financially strapped community of Carpinteria in California rejected a lucrative offer from developers to build a marina and condominiums on beachfront property and nearby wetlands. Instead, the community will spend $1.3 million to purchase wetlands in the Carpinteria Salt Marsh to allow for their preservation.

However, some reform of wetlands policy is also needed to help the small landowner, the farmer and industries negotiate the permit process to carry on necessary and productive activities where wetlands exist.

I believe the Wetlands Reform Act carefully balances these important issues.

It keeps the authority to issue permits in the Army Corps of Engineers, and except in extraordinary circumstances the decision on the permit must be rendered in 90 days.

Under this bill, the Environmental Protection Agency retains its veto power.

It gives the Fish and Wildlife Service and the National Marine Fisheries Service a stronger role in the permit process.

It tightens up the entire nationwide permit process so that loopholes are eliminated.

It requires a report to Congress each 2 years by the Corps of Engineers outlining the effects on wetlands of the permit activity.

For small parcels of 1 acre or less, it provides a Fast Track Team—whose job it is to give 60 day service.

It protects farmers by maintaining present law. We don't interfere with normal farming practices.

It offers incentives to private holders of wetlands to keep their wetlands in their natural state.

The bill has the support of all the key environmental organizations. The National Wildlife Federation, the Audubon Society, the Sierra Club, the Natural Resources Defense Council, Friends of the Earth, Clean Water Action, the Izaak Walton League of America, Trout Unlimited, the American Oceans Campaign, and the Campaign to Save California Wetlands, have all pledged to work in favor of this bill.

I urge my colleagues to join with me as a cosponsor of this measure. I cannot stress enough how important it is to take a stand in favor of wetlands protection now, when we are still able to enjoy the benefits of these remarkable natural resources.

IN HONOR OF SANDRA R. SMOLEY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. FAZIO. Mr. Speaker, It is with great pride that I rise today to honor Sandra R. Smoley, on the occasion of her departure from the Sacramento County Board of Supervisors, as she has been bestowed the honor of serving the great State of California as a member of Governor Wilson's cabinet.

In 1972 Sandy broke ground by becoming the first woman ever elected to the Sacramento County Board of Supervisors. During her 20-year tenure for the board, she has shown a willingness to listen to local concerns and serve the local interest. Her knowledge and commitment to local issues have earned her both local respect and national recognition. She was reelected to the board numerous times, in addition to having served as a Presidential appointee to three major commissions—clear evidence of her distinguished standing.

In addition to the duties demanded of her office, she has been an active participant in the community. She has received numerous prestigious awards including a Distinguished Service Award from the United Way, an Honorary Big Sister Award from Big Brothers/Big Sisters, and a Personal Courage Award from the American Cancer Society.

With such an impressive background it is easy to see why Governor Pete Wilson recently appointed Sandy to the position of Secretary of the State Consumer Services Agency. In this important position, she will be charged with implementing the Governor's policies in a variety of areas including civil rights, fair housing and employment, consumer protection, and State administration. I am confident that the skills she gained and perfected as a county supervisor will translate to the statewide level.

On this occasion, as Sandy ends one outstanding career and begins another, I ask my colleagues on both sides of the aisle to join me in wishing her the best in all her future endeavors.

THE COLORADO WILDERNESS ACT OF 1993

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. HEFLEY. Mr. Speaker, I rise to introduce the Colorado Wilderness Act of 1993. I am joined in its introduction by three of my Colorado colleagues, Messrs. McGINNIS, ALLARD, and SCHAEFER.

As some of you may know, S. 1029, the Colorado Wilderness Act of 1991, died on October 8 when the House refused to receive papers from the Senate and adjourned sine die.

The week prior to adjournment saw greater progress toward a Colorado wilderness bill than at any other time in the past 13 years. More importantly, the bill that stood before the House on that day recognized the possible impacts of wilderness reserved water rights from downstream areas and the need for those downstream areas to be treated differently. This was a major breakthrough.

Still, there were a number of elements contained in the final version of S. 1029 that make us somewhat thankful that proposal was not enacted. Concessions were made on access to and expansion of existing water facilities and S. 1029, far from settling Colorado's wilderness questions once and for all, placed a number of downstream areas into de facto study status.

I think we need to step back from this handiwork and take a look at what we're building. It is for that reason that I'm introducing this bill here today, a bill that comprises the original compromise introduced by Senators HANK BROWN and Tim Wirth in May 1991. The bill would create approximately 600,000 acres of new wilderness areas from Colorado, contains the softest of release language, allows access to existing water facilities, and disclaims an existing wilderness water right on the North Platte.

Most importantly, this bill embodies the water language that enabled Colorado wilderness legislation to advance in the 102d Congress. This bill would deny Federal reserved water rights to all but one of the wilderness areas it creates, a denial justified by their locations in headwaters areas, where it is commonly agreed water development would be unlikely.

The remaining wilderness area, the Piedra, is located downstream. Its water needs merit special treatment due to the possible impacts of a Federal water right on existing rights upstream of the new wilderness area. This bill specifies that that need would be served through Colorado's instream flow law, following study and recommendations by the U.S. Forest Service and Colorado water authorities. The Forest Service completed a preliminary study last year.

I will not kid myself that this bill is going to be passed, unchanged, into law. But I hope it sets at least one of the parameters for an eventual resolution of this issue. As I have stated in the past, water is a life-and-death issue in the West, one whose treatment has evolved over 300 years and which reflects the needs and realities of that area of the country. It is a subject which must be taken seriously and not buried in some kind of ideological rhetoric. By building upon last year's discussions, I believe we have the chance to establish important new precedents with regard to the treatment of downstream wilderness areas. By introducing this bill today, I hope I am doing my part to move that process along.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Colorado Wilderness Act of 1993".

SEC. 2. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—The following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Gunnison Basin Resource Area administered by the Bureau of Land Management which comprise approximately 1,470 acres, as generally depicted on a map entitled "American Flats Additions to the Big Blue Wilderness—Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Big Blue Wilderness designated by Public Law 96-560;

(2) certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 140 acres, as generally depicted on a map entitled "Larson Creek Addition to the Big Blue Wilderness—Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Big Blue Wilderness designated by Public Law 96-560;

(3) certain lands in the Pike and San Isabel National Forests which comprise approximately 40,150 acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness—Proposal", dated May 1991, and which shall be known as the Buffalo Peaks Wilderness;

(4) certain lands in the Gunnison National Forest and in the Bureau of Land Management Powderhorn Primitive Area which comprise approximately 60,100 acres as generally depicted on a map entitled "Powderhorn Wilderness—Proposal", dated May 1991, and which shall be known as the Powderhorn Wilderness;

(5) certain lands in the Routt National Forest which comprise approximately 17,300 acres, as generally depicted on a map entitled "Davis Peak Additions to the Mount Zirkel Wilderness Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness designated by Public Law 88-555;

(6) certain lands in the San Isabel National Forest which comprise approximately 22,040 acres as generally depicted on a map entitled "Greenhorn Mountain Wilderness—Proposal", dated May 1991, and which shall be known as the Greenhorn Mountain Wilderness;

(7) certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests which comprise approximately 32,000 acres as generally depicted on a map entitled "Fossil Ridge Wilderness Proposal", dated May 1991, and which shall be known as the Fossil Ridge Wilderness Area;

(8) certain lands within the Pike and San Isabel National Forests which comprise approximately 13,830 acres, as generally depicted on a map entitled "Lost Creek Wilderness Proposal", dated May 1991, which are hereby incorporated in and shall be deemed to be a part of the Lost Creek Wilderness designated by Public Law 96-560: *Provided*, That the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") is authorized to acquire, only by donation or exchange, various mineral reservations held by the State of Colorado within the boundaries of the Lost Creek Wilderness additions designated by this Act;

(9) certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests which comprise approximately 5,000 acres, and generally depicted on a map entitled "Oh-Be-Joyful Addition to the Raggeds Wilderness—Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Raggeds Wilderness designated by Public Law 96-560;

(10) certain lands in the San Juan National Forest which comprise approximately 56,000 acres, as generally depicted on a map entitled "Piedra Wilderness", dated July 1991 and which shall be known as the Piedra Wilderness: *Provided*, That no motorized travel shall be permitted on Forest Service trail number 535, except for snowmobile travel during periods of adequate snow cover;

(11) certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests which comprise approximately 18,000 acres, as generally depicted on a map entitled "Roubideau Wilderness—Proposal", dated May 1991, and which shall be known as the Roubideau Wilderness;

(12) certain lands in the Rio Grande National Forest which comprise approximately 207,330 acres, as generally depicted on a map entitled "Sangre de Cristo Wilderness—Proposal", dated May 1991, and which shall be known as the Sangre de Cristo Wilderness;

(13) certain lands in the Routt National Forest which comprise approximately 44,000 acres, as generally depicted on a map entitled "Service Creek Wilderness Proposal", dated May 1991, which shall be known as the Sarvis Creek Wilderness: *Provided*, That the Secretary is authorized to acquire by purchase, donation, or exchange, lands or interests therein within the boundaries of the Sarvis Creek Wilderness only with the consent of the owner thereof;

(14) certain lands in the San Juan National Forest which comprise approximately 15,920 acres as generally depicted on a map entitled "South San Juan Expansion Wilderness—Proposal", (V-Rock Trail and Montezuma Peak), dated May 1991, and which are hereby incorporated in and shall be deemed to be part of the South San Juan Wilderness designated by Public Law 96-560;

(15) certain lands in the White River National Forest which comprise approximately 8,330 acres, as generally depicted on a map entitled "Spruce Creek Additions to the Hunter-Fryingpan Wilderness—Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Hunter Fryingpan Wilderness designated by Public Law 95-327: *Provided*, That no right, or claim of right, to the diversion and use of the waters of Hunter Creek, the Fryingpan or Roaring Fork Rivers, or any tributaries of said creeks or rivers, by the Fryingpan-Arkansas Project, Public Law 87-590, and the reauthorization thereof by Public Law 93-493, as modified as proposed in the September 1959 report of the Bureau of Reclamation entitled "Ruedi Dam and Reservoir, Colorado," and as further modified and described in the description of the proposal contained in the final environmental statement for said project, dated April 16, 1975, under the laws of the State of Colorado, shall be prejudiced, expanded, diminished, altered, or affected by this Act. Nothing in this Act shall be construed to expand, abate, impair, impede, or interfere with the construction, maintenance, or repair of said Fryingpan-Arkansas Project facilities, nor the operation thereof, pursuant to the Operating Principles, House Document 187, Eighty-third Congress, and pursuant to the water laws of the State of Colorado: *And provided further*, That nothing in this Act shall be construed to impede, limit, or prevent the use of the Fryingpan-Arkansas Project of its diversion systems to their full extent;

(16) certain lands in the Arapaho National Forest which comprise approximately 7,630 acres, as generally depicted on a map entitled "St. Louis Peak Wilderness—Proposal", dated May 1991, and which shall be known as Byers Peak Wilderness;

(17) certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests and in the Bureau of Land Management Montrose District which comprise approximately 16,740 acres, as generally depicted on a map entitled "Tabeguache Wilderness—Proposal", dated May 1991, and which shall be known as the Tabeguache Wilderness;

(18) certain lands in the Arapaho National Forest which comprise approximately 12,300 acres, as generally depicted on a map entitled "Vasquez Peak Wilderness—Proposal", dated May 1991, and which shall be known as the Vasquez Peak Wilderness;

(19) certain lands in the San Juan National Forest which comprise approximately 28,740 acres, as generally depicted on a map entitled "West Needle Wilderness and Weminuche Wilderness Addition—Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Weminuche Wilderness designated by Public Law 93-632;

(20) certain lands in the Rio Grande National Forest which comprise approximately 23,100 acres, as generally depicted on a map entitled "Wheeler Additions to the La Garita Wilderness—Proposal", dated May 1991, and

which shall be incorporated into and shall be deemed to be a part of the La Garita Wilderness;

(21) certain lands in the Arapaho National Forest which comprise approximately 12,100 acres, as generally depicted on a map entitled "Williams Fork Wilderness—Proposal", dated May 1991, and which shall be known as the Farr Wilderness; and

(22) certain lands in the Arapaho National Forest which comprise approximately 6,400 acres, as generally depicted on a map entitled "Bowen Gulch Additions to Never Summer Wilderness—Proposal", dated May 1991, which are hereby incorporated into and shall be deemed to be a part of the Never Summer Wilderness.

(b) MAPS AND DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the appropriate Secretary shall file a map and a legal description of each area designated as wilderness by this Act with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives. Each map and description shall have the same force and effect as if included in this Act, except that the Secretary is authorized to correct clerical and typographical errors in such legal descriptions and maps. Such maps and legal descriptions shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture and the Office of the Director of the Bureau of Land Management, Department of the Interior, as appropriate.

SEC. 3. WATER RIGHTS.

(a) FINDINGS.—The Congress finds that—

(1) since virtually all of the lands designated as wilderness by this Act lie at the headwaters of streams and rivers that arise on those lands, the designation of these lands as wilderness poses few, if any, conflicts with existing water users in view of the provisions of this Act, and the land management agencies can protect these wilderness lands and their water-related resources without asserting either implied or express reserved water rights;

(2) these particular headwaters areas are not appropriate for new water projects;

(3) while the Piedra Wilderness designated by section 2(a)(10) of this Act is located downstream of numerous State-granted conditional and absolute water rights, the Forest Service can adequately protect the water-related resources of this wilderness area by working in coordination with the Colorado Water Conservation Board through a contractual agreement between the Secretary and the Board (as provided in subsection (e) of this section) to protect and enforce instream flow filings established pursuant to the provisions of section 37-92-102(3) of the Colorado Revised Statutes by the Colorado Water Court for Division 7; and

(4) the water-related values of the existing Platte River Wilderness will be adequately protected by the terms of the equitable apportionment decree that the United States Supreme Court has issued for allocation of the waters of the North Platte River and its tributaries.

(b) WATER RIGHTS.—(1) Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied reservation of water or water rights arising from—

(A) wilderness designation for the lands designated as wilderness by this Act;

(B) the establishment of the Fossil Ridge National Conservation Area pursuant to section 6 of this Act; or

(C) the establishment of the Bowen Gulch Backcountry Recreation Area pursuant to section 7 of this Act.

(2) The United States may acquire such water rights as it deems necessary to carry out its responsibilities on any lands designated as wilderness by this Act pursuant to the substantive and procedural requirements of the State of Colorado: *Provided*, That nothing in this Act shall be construed to authorize the use of eminent domain to acquire water rights for such lands.

(3) Notwithstanding any other provision of law, no officer of the United States shall authorize or issue a permit for the development of a new water resource facility within the wilderness areas designated by this Act: *Provided*, That nothing in this Act shall affect irrigation, pumping and transmission facilities, and water facilities in existence within the boundaries of such wilderness areas, nor shall anything in this Act be construed to limit operation, maintenance, repair, modification or replacement of existing facilities as provided in paragraph (f) of this section.

(c) PIEDRA WILDERNESS.—The Secretary shall enter into an agreement with the Colorado Water Conservation Board to protect and enforce instream flow filings established pursuant to the provisions of section 37-92-102(3) of the Colorado Revised Statutes by the Water Court of Water Division 7 of the State of Colorado, and neither the United States nor any other person shall assert any rights for water in the Piedra River for wilderness purposes except those established pursuant to the provisions of section 37-92-102(3) of the Colorado Revised Statutes by the Water Court of Water Division 7 of the State of Colorado.

(d) NORTH PLATTE RIVER.—Notwithstanding the provisions of this Act or any prior Acts of Congress to the contrary, neither the United States nor any other person shall assert any rights which may be determined to have been established for waters of the North Platte River for purposes of the Platte River Wilderness established by Public Law 98-550, located on the Colorado-Wyoming State boundary, to the extent such rights would limit the use or development of water within Colorado by present and future holders of valid water rights in the North Platte River and its tributaries, to the full extent allowed under interstate compact or United States Supreme Court equitable decree. Any such rights shall be junior and subordinate to use or development of Colorado's full entitlement to interstate waters of the North Platte River and its tributaries within Colorado allowed under interstate compact or United States Supreme Court equitable decree.

(e) INTERSTATE COMPACTS.—Nothing in this Act shall be deemed to alter, modify, or amend any interstate compact or equitable apportionment decree affecting the allocation of water between or among the State of Colorado and other States nor the full use and development of such waters, and nothing in this title shall affect or limit the use or development by holders of valid water rights of Colorado's full apportionment of such waters.

(f) ACCESS.—Reasonable access shall be allowed to existing water diversion, carriage, storage and ancillary facilities within the wilderness areas designated by this Act, including motorized access where necessary and customarily employed on existing routes. The present diversion, carriage and storage capacity of existing water facilities, and the present condition of existing access routes, may be operated, maintained, repaired and replaced as necessary to maintain serviceable conditions: *Provided* That, unless authorized by applicable statute: (i) the original function and impact of an existing facility or access route on wilderness values shall not be increased as a result of changes in operation; (ii) existing facilities and access routes shall be maintained and repaired when necessary to prevent increased impacts on wilderness values; and (iii) the original function and impact of existing facilities and access routes on wilderness values shall not be increased subsequent to maintenance, repair, or replacement.

(g) PRECEDENTS.—Nothing in this section shall be construed as establishing a precedent with regard to any future wilderness designations, nor shall it constitute an interpretation of any other Act or any wilderness designation made pursuant thereto.

SEC. 4. ADMINISTRATION OF THE WILDERNESS AREAS.

(a) IN GENERAL.—(1) Subject to valid existing rights, each wilderness area designation by this Act shall be administered by the Secretary or the Secretary of the Interior, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(2) Administrative jurisdiction over those lands designated as wilderness pursuant to paragraphs (1), (2), and (12) of section 2(a) of this Act, and which, as of the date of enactment of this Act, are administered by the Bureau of Land Management, is hereby transferred to the Forest Service.

(b) GRAZING.—(1) Grazing of livestock in wilderness areas designated by this Act shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96-560.

(2) REVIEW.—The Secretary of the Interior is directed to review all policies, practices, and regulations of the Bureau of Land Management-administered wilderness areas in Colorado to ensure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in this Act.

(c) STATE JURISDICTION.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish in Colorado.

(d) REPEAL OF WILDERNESS STUDY AND FURTHER PLANNING AREAS STATUS.—(1) Public Law 96-560 is amended by striking sections 105(c) and 106(b).

(2) Section 2(e) of the Endangered American Wilderness Act of 1978 (92 Stat. 41) is amended by striking "Subject to" and all that follows through "System".

(e) BUFFER ZONES.—Congress does not intend that the designation by this Act of wilderness area areas in the State of Colorado creates or implies the creation of protective perimeters or buffer zones around any wilderness area. The fact that non-wilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

SEC. 5. WILDERNESS REVIEW CONCERNS.

(A) FINDINGS.—The Congress finds that—

(1) the Department of Agriculture has adequately met the wilderness study require-

ments of Public Law 96-560, Public Law 95-237, and section 12(g) of Public Law 98-141;

(2) the initial Land and Resource Management Plans and associated environmental impact statements (hereinafter referred to as "land and resource management plans") for the National Forests in the State of Colorado have been completed as required by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1976;

(3) the Department of Agriculture, with substantial public input, has reviewed the wilderness potential of these and other areas; and

(4) the Congress has made its own examination of National Forest System roadless areas in the State of Colorado and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) with respect to the National Forest System lands in the State of Colorado that were reviewed by the Department of Agriculture in wilderness studies conducted pursuant to Public Law 95-237, Public Law 96-560, and section 12(g) of Public Law 98-141, and the initial land and resource management plans, such reviews shall be deemed for the purposes of the initial land and resource management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the plans but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a 10-year cycle, or at least every 15 years, unless prior to such time the Secretary finds that conditions in a unit have significantly changed;

(2) except as may be specifically provided in sections 6 and 7 of this Act, those areas in the State of Colorado referred to in subparagraph (1) of this subsection which were not designated as wilderness shall be managed for multiple use in accordance with land and resource management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land and resource management plans;

(3) in the event that revised land and resource management plans in the State of Colorado are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable laws, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(4) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Colorado for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) REVISIONS.—As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an amendment to a plan.

(d) APPLICATION OF SECTION.—The provisions of this section shall also apply to those National Forest System roadless lands in the State of Colorado that are less than 5,000 acres in size.

SEC. 6. FOSSIL RIDGE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—(1) In order to conserve, protect, and enhance the scenic, wildlife, recreational, and other natural resource values of the Fossil Ridge area, there is hereby established the Fossil Ridge National Conservation Area (hereinafter referred to as the "conservation area").

(2) The conservation area shall consist of certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests, Colorado, which comprise approximately 43,900 acres as generally depicted as "Area A" on a map entitled "Fossil Ridge Wilderness Proposal", dated May 1991.

(b) ADMINISTRATION.—The Secretary shall administer the conservation area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) WITHDRAWAL.—Subject to valid existing rights, all lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) TIMBER HARVESTING.—No timber harvesting shall be allowed within the conservation area except for the minimum necessary to protect the forest from insects and disease, and for public safety.

(e) LIVESTOCK GRAZING.—The designation of the conservation area shall not be construed to prohibit, or change the administration of, the grazing of livestock within the conservation area.

(f) DEVELOPMENT.—No developed campgrounds shall be constructed within the conservation area. After the date of enactment of this Act, no new roads or trails may be constructed within the conservation area.

(g) OFF-ROAD RECREATION.—Motorized travel shall be permitted within the conservation area only on those designated trails and routes existing as of July 1, 1991.

SEC. 7. BOWEN GULCH BACKCOUNTRY RECREATION AREA.

(a) ESTABLISHMENT.—(1) There is hereby established in the Arapaho National Forest, Colorado, the Bowen Gulch backcountry recreation area (hereinafter referred to as the "backcountry recreation area").

(2) The backcountry recreation area shall consist of certain lands in the Arapaho National Forest, Colorado, which comprise approximately 6,800 acres as generally depicted as "Area A" on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated May, 1991.

(b) ADMINISTRATION.—The Secretary shall administer the backcountry recreation area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) WITHDRAWAL.—Subject to valid existing rights, all lands within the backcountry recreation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) DEVELOPMENT.—No developed campgrounds shall be constructed within the backcountry recreation area. After the date of enactment of this Act, no new roads or trails may be constructed within the backcountry recreation area.

(e) TIMBER HARVESTING.—No timber harvesting shall be allowed within the backcountry recreation area except for the minimum necessary to protect the forest from insects and disease, and for public safety.

(f) MOTORIZED TRAVEL.—Motorized travel shall be permitted within the backcountry recreation area only on those designated trails and routes existing as of July 1, 1991 and only during periods of adequate snow cover. At all other times, mechanized, nonmotorized travel shall be permitted within the backcountry recreation area.

(g) MANAGEMENT PLAN.—During the preparation of the revision of the Land and Resource Management Plan for the Arapaho National Forest, the Forest Service shall develop a management plan for the backcountry recreation area, after providing for public consultation.

A BALANCED BUDGET

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. HOAGLAND. As the 103d Congress convenes today, I am introducing a bill to require the President to submit and the Congress to pass a balanced budget. I have also urged President-elect Clinton and Office of Management and Budget Director-designate LEON PANETTA, in developing an economic revitalization program, to attack the Federal deficit head on.

The federal budget deficit for the fiscal year ending September 30, 1992, was a whopping $290.2 billion. In fact, the Federal deficit has plagued the American economy since 1969. That was the last time we had a budget surplus. When President Carter left office, the annual deficit was $74 billion and the national debt was $940.5 billion and net interest $52.5 billion. The debt was 34 percent of GDP. By the time President Reagan left office, the deficit had doubled to $155.2 billion and the debt had climbed to $2.7 trillion or 54 percent of GDP. Interest on the debt was $152 billion. Even worse, the Congressional Budget Office predicts that the deficit will stay in the $250 to $290 billion range over the next 5 years unless we enact significant deficit reduction legislation.

It is worth noting, too, that recent administrations have not sent Congress a balanced budget. The last President to do so was Richard Nixon in 1971. President Bush last year sent up a budget for fiscal 1992 with a record-setting $281 billion deficit.

THE DAMAGE CAUSED BY DEFICITS

The Federal deficit is eating away at our Nation's economic health. Large deficits inevitably create ever-increasing interest payments on the national debt, now costing each taxpayer about $2,000 per year. As economist Barry Bosworth testified last year, the Federal deficit every year uses up "two thirds of all savings in the private sector, leaving [us] with almost nothing to invest in private capital formation."

The debt created by the deficit undermines the U.S. standard of living. Former Director of the Congressional Budget Office Alice Rivlin testified that "persistent budget deficits [in the 1980s] produced a slower-growth economy, trade deficits and growing foreign ownership of U.S. securities and physical capital * * * If Americans are to live better in the future, they need to save more and channel those savings into productivity-enhancing investment." As long as we continue to use our savings to finance government deficits, she says, we can expect "low investment, stagnant productivity growth, continue trade deficits and growing obligations to send interest, dividends and profits overseas."

Virtually all mainstream economists in America agree with Ms. Rivlin. Her conclusions are consensus predictions that will mean fewer jobs, lower wages, higher interest rates, and further erosion of the quality of life Americans expect. Huge government borrowing means less private capital invested in ways that increase productivity and create jobs. That slows improvements in our standard of living.

This is money essentially wasted that could be spent on productive governmental investments like education, job training and health care. As long as we are putting resources into paying off debt, we are practically hamstrung in addressing many of the Nation's problems, like deteriorating roads and bridges, inadequate health care and job training.

The bill I am introducing today has two simple provisions. It would require the President to submit to Congress each year a balanced budget and the House and Senate to vote each year on a balanced budget.

My bill has one important advantage over an amendment to the U.S. Constitution. A constitutional amendment could take up to 5 years for ratification, not to mention additional years of litigation. Why should we wait for five years to enact legislation requiring a balanced budget? We can quickly pass this bill and send it to the President soon.

Another strength of my bill is that it places the blame for the problem and the responsibility for correcting it squarely where it belongs, with both the President and the Congress.

We had the so-called Andrews Air Force Base summit on the budget in the fall of 1990 which led to nearly $500 billion in deficit reduction over 5 years. We need to do that or its equivalent at least twice more this decade if we are to have the impact we need.

We must force the tough decisions that need to be made to bring this problem under control. We must end our senseless spending and borrowing that is causing such grave economic problems threatening our continual prosperity for our country.

INVESTMENT TAX CREDIT FOR NEW MANUFACTURING EQUIPMENT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. LEVIN. Mr. Speaker, today I am reintroducing legislation to provide an investment tax credit for new manufacturing equipment. Over a year ago, Frank Guarini and I put together this bill as a responsible, effective alternative to President Bush's across-the-board capital gains tax cut proposal. President-elect Clinton included a 10-percent ITC for manufacturing equipment in his economic plan, Putting People First, and it is my hope that this legislation will serve as a useful tool in determining how best to shape an ITC.

The recent economic news has been more positive, but there is a real need to ensure the present recovery is sustainable and to lay the groundwork for an investment-oriented tax code. We need a long-term strategy for restoring economic growth, focused on two goals. First, we must continue to be vigilant in bringing the Federal budget deficit under control. Second, we must target the scarce resources available to us on those economic activities that offer the biggest long-term economic payoff.

The legislation I am introducing today should help further the second goal by increasing investment in our neglected industrial base. It provides a tax credit for new investment in manufacturing plant and equipment. The level of the credit, 7.5 percent, is set to approximate the difference in cost of capital between the United States and our economic competitors in Europe and Japan. It should help reverse the trend of under-investment in manufacturing equipment during the 1980s and close the gap in capital stock between the United States and our major trading partners.

The tax credit is targeted in two important ways.

First, only investment above an adjusted historical base would qualify for the credit. The approach we used is almost identical to the historical base used in the research and experimentation tax credit, and is designed to provide an incentive for new investment, not a reward for investment that would take place anyway.

Second, only investment in property integral to the manufacture of tangible property would be eligible for the credit. Our intention is to limit the credit to investment that directly aids the manufacturing process. For example, investment in mixed use property, in fixtures for retail sales, or in agricultural production would not qualify for the credit.

Mr. Speaker, a threshold question for any tax incentive, new or old, is whether it channels investment efficiently to those areas of the economy that are important to our economic future.

A targeted ITC meets this test, and would do much more for economic growth than a capital gains tax preference. According to a comprehensive study by Dr. John Shoven of Stanford University, an ITC is the most effective means of reducing capital costs per dollar of foregone revenue, much more so than a cut in the capital gains rate. The ITC credit only rewards investment in productive assets, while an across-the-board capital gains cut would apply equally to unproductive assets and the benefit might be spent on consumption rather than investment.

In addition, since the manufacturing sector consistently shows higher productivity rates, encouraging investment in this area promises higher overall productivity and a consequent increase in our standard of living. Recent research by economists Larry Summers and Bradford DeLong demonstrates that this is a strong positive correlation between the level of a nation's capital stock and its overall economic performance, measured by productivity and GDP gains.

I'm well aware of the ITC's checkered history. The old ITC we repealed as part of the 1986 tax reform legislation was far too broad and invited all kinds of fraud and abuse. We've tried to draft this legislation so as to avoid the problems that plagued the original ITC, and I hope all those with an interest in this legislation will provide their comments on this matter.

Mr. Speaker, we cannot afford to repeat the mistakes of the past. It is high time we developed a strategic, integrated approach to economic policymaking in this country.

We should start with an economic growth package designed to treat the decade-long deterioration in our competitiveness, a package combining tax incentives and a tough, invigorated trade policy. A narrowly targeted ITC would bring much needed investment to our battered industrial base and would ensure that our businesses and workers have the tools they need to compete in the global marketplace.

President-elect Clinton recognizes this better than anyone, and has pledged to focus on the economy with a laser beam. I look forward to working with the Clinton administration on this and other economic growth proposals, and hope that this bill provides some useful guidance. I also realize a number of important issues surrounding an ITC are still outstanding—such as the situation of heavy manufacturers who have invested heavily in the recent past—and I look forward to working with those who are interested to resolve them.

DEFENSE NUCLEAR WORKERS' HEALTH INSURANCE ACT OF 1993

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. SKAGGS. Mr. Speaker, today I am introducing legislation to provide continuing health insurance for Department of Energy [DOE] nuclear weapons plant workers losing their jobs as a result of the downsizing of the nuclear weapons complex. The Defense Nuclear Workers' Health Insurance Act of 1993 will meet the unique and compelling health insurance needs of defense nuclear workers.

For more than 40 years, workers at the Nation's nuclear weapons plants have been among America's frontline soldiers in the cold war. In carrying out their national security mission, many have worked with uranium, plutonium, and other radioactive materials under conditions we would consider appalling by today's standards. With the coming consolidation and likely downsizing of the weapons complex, some of these workers face serious health, insurance, and future employment difficulties that are unique to their industry.

These workers have dedicated their careers to this difficult and sometimes dangerous national defense mission. We should treat them now with a decent sense of national responsibility. They did their part; we should keep faith with them. Congress has already recognized America's special obligations to veterans, of course, and to those who were innocently exposed to dangerous levels of radiation during the cold war—uranium miners, people living downwind of nuclear tests, and the "atomic veterans." I strongly believe that nuclear weapons workers deserve similar consideration.

Please let me take a minute to describe more fully what the bill does.

With the cold war over, several nuclear weapons plants have reduced or suspended operations, and further contraction and consolidation of the nuclear weapons complex will occur over the next decade. Some workers at these facilities have already been laid off, and more will be. Unfortunately, when they seek new jobs, they may face resistance because employers fear that the workers' prior exposure to radiation could increase company health care or health insurance costs.

My bill would establish a DOE-funded health insurance program for former weapons plant workers who were exposed to levels of radiation that carry substantial health risks. Because DOE's worker-exposure records are often inaccurate or nonexistent, the program would also cover those who worked for 5 or more years in "hot" facilities, a period of time in which unhealthy levels of radiation exposure might reasonably be presumed.

This provision would eliminate a significant reemployment hurdle, and make it easier for these former defense nuclear workers to obtain new civilian jobs. It would provide former defense nuclear workers with Federal health insurance for any costs exceeding $25,000 for illness or injury caused by on-the-job exposure to ionizing radiation. The initial expenditure of $25,000 would be the responsibility of the worker or his or her insurer. By covering the most expensive cases, this Federal insurance will remove the fear of potential new employers that their insurance costs will increase if they hire former weapons plant workers. It shows that the Nation isn't going to abandon people who have devoted their working lives to protecting their country.

The bill I am introducing today is virtually identical to a major element of H.R. 3908, the Defense Nuclear Workers' Bill of Rights Act, which I introduced in the 102d Congress. I am pleased that other portions of that bill were adopted as part of the fiscal year 1993 Defense authorization bill. However, the bill that was enacted didn't address one of the fundamental concerns of the defense nuclear worker—the need for adequate health insurance coverage when he or she leaves the nuclear weapons complex. That's why I introduced H.R. 5887, the Defense Nuclear Workers' Health Insurance Act of 1992, on August 12, 1992, and that's why I'm reintroducing that same bill today.

Since I introduced H.R. 5887, I've received comments from many individuals and organizations with important suggestions about who should be covered, what should be covered, and how much this will cost those individuals who are covered. I welcome their comments and look forward to working with them, and others, to make any necessary improvements to this bill.

I urge my colleagues to support this legislation, and so to treat these defense workers in a fair and responsible manner.

INTRODUCTION OF THE MERCHANT MARINERS FAIRNESS ACT OF 1993

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. FIELDS of Texas. Mr. Speaker, it is an honor and a privilege for me to reintroduce, along with our distinguished colleague LANE EVANS, on this the first day of the new 103d Congress, the Merchant Mariners Fairness Act.

During the last Congress, this bill received extensive consideration but, regrettably, it was not enacted into law. It was cosponsored by 227 Members, adopted unanimously by the House Merchant Marine and Fisheries Committee, and was the subject of a hearing before the Veterans' Affairs Committee.

The bill I am reintroducing today is the product of that careful consideration. It has been endorsed by many diverse groups, including the largest American Legion Post in the United States, and it deserves the support of every Member of the House of Representatives.

Mr. Speaker, by way of background, my colleagues should know that during World War II, some 17.9 million men and women were inducted into our Armed Forces. Of that figure, 6.3 million volunteered and the remaining 11.5 million were drafted. Of this total, some 6.4 million or 35.8 percent were rejected for active duty because of various physical or mental disabilities.

Furthermore, it is interesting to note that of the nearly 12 million Americans who served in active duty status, 73 percent served overseas and, of these, 38.8 percent had rear echelon assignments. I have presented these figures only to illustrate that millions of uniformed men and women never served outside of the United States. In no way does this denigrate or negate their vital service to this country. It simply means that these individuals were needed here in the United States to train those who did go overseas.

Furthermore, some 270,000 men volunteered for service in the U.S. merchant marine. Many of these men joined the merchant marine because they had physical imparities, such as poor eyesight, or because they were too young to serve in the Army, Navy, or Marine Corps. Each of them could have avoided service but instead they chose to serve their country by enlisting in the U.S. merchant marine.

Of the 270,000 that volunteered, 37 died as prisoners of war, 6,507 were killed in action, and 4,780 are missing and presumed dead. In addition, some 733 U.S. merchant ships were destroyed. In fact, the casualty rate for the merchant marine was only one-tenth of 1 percent lower than the Marine Corps, which had the highest casualty rate of any branch of service during the war.

In order to man our growing merchant fleet during World War II, the U.S. Maritime Commission established various training camps around the country under the direct supervision of the Coast Guard. After completing basic training, which included both small arms and cannon proficiency, a seaman became an active member of the U.S. merchant marine.

These seamen helped deliver troops and war material to every Allied invasion site from Guadalcanal to Omaha Beach. They also transported our troops back home to the United States and, when that task was completed, they carried food and medicine to millions of the world's starving people.

Mr. Speaker, it has been 47 years since the end of World War II. Nevertheless, there are still some Americans who served in that war who have not received the honors, benefits, or rights they deserve. H.R. 44 will correct that injustice by providing veterans status to some 2,500 merchant mariners who have become the forgotten patriots of World War II.

Unlike their brothers in uniform, America's merchant seamen came home to no ticker-tape parades or celebrations. Little, if anything, was said about the contributions they made to defeating the Axis powers or to preserving the freedoms that all Europeans and all Americans cherish. Worse, these merchant seamen came home to none of the veterans benefits enjoyed by other Americans who served their country during the World War II period.

In 1987, after years of litigation and delay, U.S. District Judge Louis S. Oberdorfer ruled that previous decisions by the Air Force rejecting veterans status for World War II merchant seamen were "arbitrary and capricious and not supported * * * by substantial evidence".

Despite the results of this landmark court case, then Air Force Secretary Edward Aldridge unilaterally decided that World War II ended on August 15, 1945, for those who served in the U.S. Merchant Marine.

Mr. Speaker, clearly, that was a most unfair and unsupportable decision. By establishing this date, the Secretary made a determination that has no basis in law. The August 15, 1945, date does not appear anywhere in the Federal Court decision mandating veterans status and, according to the Air Force, there is no documentation, no precedent, and no justification for choosing V–J Day.

Let me briefly describe why the August 15, 1945, date is wrong and why these 2,500 Americans have earned the right to be given veterans status.

First, the Federal War Shipping Administration [WSA] was in control of all ship movements far beyond the date of August 15, 1945. In fact, the WSA did not go out of existence until August 31, 1946. Until that time, merchant mariners traveled under sealed orders on ships which were under the direct military control of the U.S. Navy.

During the hearings on this legislation, we learned that at least 13 U.S merchant vessels were damaged or sunk after August 15, 1945—a greater number than were lost at Pearl Harbor. One of them was the S/S *Jesse Billingsley*, which was hit by a mine off the coast of Trieste, Yugoslavia, on November 19, 1945. One U.S. merchant mariner lost his life in that explosion.

In addition, we must remember that for the U.S. Merchant Marine, the war did not end on August 15, 1945. Defense shipping actually increased after that date to 1,200 sailings in December, 1945, as compared to the World War II monthly peak of 800.

Second, while the Japanese indicated their desire to surrender on August 15, 1945, the situation facing the U.S. Merchant Marine did not radically change on that date. In fact, I have a copy of a telegram sent on August 15, 1945, by the U.S. Naval Pacific Command which states that "for all merchant vessels in the Pacific Ocean areas, Japan has surrendered. Pending further orders, all existing instructions regarding defense, security, and control of merchant shipping are to remain in force. Merchant ships at sea, whether in convoy or sailing independently, are to continue their voyages."

Third, it wasn't until December 31, 1946, that President Harry Truman declared in a press conference that he was issuing Proclamation 2714, which states that "although a state of war still exists, it is at this time possible to declare, and I find it in the public interest to declare, that hostilities have terminated."

And, finally and most importantly, all of our Federal laws that affect those who served during the World War II period use the date December 31, 1946.

There is no arbitrary cut-off date for the Male Civilian Ferry Pilots, the Wake Island Defenders, the Guam Combat Patrol or the Women's Army Auxiliary Corps and there shouldn't be any for our Nation's merchant mariners.

Mr. Speaker, H.R. 44 will correct Secretary Aldridge's unfair decision by eliminating the unsupportable date of August 15, 1945. It is a fair solution to this problem because it treats all those who served during the World War II period in exactly the same manner. If an individual was in a Navy boot camp or Army basic training on December 31, 1946, then they have been considered a World War II veteran for the past 46 years.

While the 2,500 Americans affected by H.R. 44 would be eligible for a variety of veterans benefits, in reality the only benefits they are likely to obtain are recognition and the right to have a flag on their coffin.

After all, education benefits have long been expired, people in their mid-60's do not usually buy new homes, and all of these individuals are already eligible for Medicare benefits. In short, it is highly unlikely that any of these individuals will ever obtain care at a VA hospital. In fact, we know that 76,000 merchant mariners have been given veterans status because of the 1988 decision and, of that number, only a handful have received VA hospital benefits.

Mr. Speaker, it is for this reason that the Congressional Budget Office has estimated that H.R. 44 would result in outlays of only $100,000 in fiscal year 1994. Furthermore, my bill requires that an individual seeking veterans status pay the Coast Guard a $30 processing fee. This fee will cover all administrative costs.

I have been contacted by hundreds of people affected by Secretary Aldridge's unfair decision. Each of these Americans shares the common characteristic of love of country and the commitment to serve during one of the most difficult periods in our Nation's history.

Because of their young age or physical impairments, most of these men could have simply chosen to avoid service during World War II. However, they chose not to do so, and we must not, even at this late hour, forget them.

Mr. Speaker, it is essential that we resolve this problem legislatively because the Department of the Air Force is either unwilling or unable to resolve it administratively.

Finally, I would like to acknowledge the outstanding leadership of Congressman LANE EVANS. We have stood together on this legislation, and LANE EVANS is a champion for all of our Nation's veterans.

I would also like to express my deep appreciation to my other colleagues, including the distinguished chairman of our committee, GERRY E. STUDDS, who join with us in reintroducing the Merchant Mariners Fairness Act. I urge the House of Representatives to move H.R. 44 so that we can finally provide these Americans with the recognition which they have long deserved. In my 13 years in Congress, I have never seen an issue, which affects so few people, attract the support of so many Americans. It is time we finally enacted this important legislation into law. These men have waited a lifetime to tell their grandchildren that they are World War II veterans.

YEAR OF THE WOMAN IN POLITICS

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MOAKLEY. Mr. Speaker, this year is being called the "Year of the Woman" in politics, and great advances are being made as a record number of women are running for public office, especially at the national level.

Politics is not the only area where great achievements are being recorded by American women. Over the past decade, there has been progress in a vast array of fields, and the engineering profession in particular has become fertile ground for efforts to advance opportunities for women.

I am proud that Stone and Webster Engineering Corp., which is headquartered in Boston, is leading this advance.

An example of Stone and Webster's leadership and initiative is their Women in the Workplace Task Force that was organized to identify and resolve issues faced by both women and men in a changing work force. One outgrowth of the task force is a special team on hiring female professionals.

Additionally, Stone and Webster's human development office has run a number of workshops and conferences to help women progress in their professional and career development, and it is engineer Nina Antolino who chairs the Women's Career Development Network that provides a forum for professional skill development and mutual support.

Engineering has been perhaps the most nontraditional profession for women. It is heartening to see respected and long-established firms like Stone and Webster Engineering encouraging career advancement for women in such meaningful ways.

A TRIBUTE TO BOB HAMMOCK

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to pay special tribute to my very good friend, Bob Hammock, whose fine work and outstanding record of public service is well known to the people of San Bernardino County. Bob is among our most accomplished and dedicated community leaders. Most importantly, he is a trusted friend to those who know him and have worked closely with him for many years.

Bob was born on November 20, 1940 in Lenwood, CA, and is a lifetime resident of San Bernardino County. Since 1976, he has represented the Fifth Supervisorial District, and has served multiple terms as chairman of the board. Bob also served as Fourth Ward councilman for the city of San Bernardino from 1969 to 1976.

Bob's active involvement in civic activities spans three decades. Over the years, he has committed himself to improving the quality of life for people, young and old, in our community. In this time, he has served on the boards of the Arrowhead United Way, California Jaycees, Uptown YMCA, Boys' Club, Zoological Society, Boy Scouts, Children's Fund, YWCA Campaign for Kids, and the March of Dimes.

Bob has also been very active in providing leadership at times of critical need. He serves as the cochairman of the Inland Valley Development Agency, created for the purpose of expediting economic recovery as a result of the Federal Government's decision to close Norton Air Force Base.

As one of our county supervisors, Bob has demonstrated leadership in many capacities serving as a member of the board of directors and executive committee of the California State Association of Counties, a member of the board of directors of the National Association of Counties, and chairman of the Southern California Regional Airport Authority. He is also vice-chairman or past president of the Omnitrans Board of Directors and San Bernardino Associated Governments/County Transportation Committee. Bob also serves on the San Bernardino County Disaster Council, and on the governing boards of the San Bernardino County Flood Control District and the San Bernardino Building Authority.

Mr. Speaker, I ask that you join me, our colleagues, and Bob Hammock's many friends in recognizing his many years of dedicated, selfless work for our great country. I join his lovely wife, Barbara, his children Ralph, Kathy, and Patricia, and grandchildren Joseph and

Coreena, in wishing Bob the very best in the years to come. Indeed, Mr. Speaker, Bob Hammock is certainly worthy of recognition today by the House of Representatives.

REFORM OF THE MINING LAW OF 1872

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. RAHALL. Mr. Speaker, today I am introducing into the 103d Congress legislation to reform the Mining Law of 1872. Joining me in introducing this measure is the distinguished chairman of the Committee on Natural Resources, GEORGE MILLER, as well as Representatives BRUCE VENTO and RICHARD LEHMAN.

This bill, the Mineral Exploration and Development Act of 1993, is based on the substitute to H.R. 918 that was considered on the House floor on October 4, 1992, during the waning hours of the 102d Congress. At that time, for the first time in history, the full House began consideration of comprehensive mining law reform legislation when, by a vote of 251 to 146, it approved the rule governing debate on H.R. 918.

Today, with the introduction of this measure, we begin where that historical debate left off. The House, I believe, has sent a clear signal to the Nation that the reform of the Mining Law of 1872 is of paramount importance to advancing the public interest in Federal land use policy.

For the benefit of my colleagues, the Mining Law of 1872 still allows mining claims to be staked on Federal lands in the West for minerals such as gold, silver, lead, copper, and zinc. Under these claims, no rent is paid to the Government and companies may mine these minerals without paying a royalty to the Treasury. Claim holders can also buy the land from the Federal Government for a mere $2.50 or $5.00 an acre depending on the type of claim under the guise of what is known as a patent. Meanwhile, through a policy of benign neglect, the Federal Government has failed to impose substantive reclamation standards on these mining operations. This has given rise to a legacy of abandoned tailings piles, open pits, and poisoned streams.

The legislation I am introducing would require a minimal rental for the use of claimed lands, impose a production royalty, stop the fire sale of valuable Federal mineral lands, and require industry to clean up after itself in exchange for the privilege of utilizing public domain lands. Indeed, the name of every American is on the deed of these lands and it simply seems to me that if we are to be good stewards, and promote the public interest, we should manage the public domain in a fashion at least as responsible as one would treat privately owned property in this country.

To give just one example of the inadequacies of the current system, according to a report issued by the U.S. General Accounting Office last year, the value of eight types of minerals extracted under the Mining Law from Federal lands in 1990 was $1.2 billion. Yet, the American taxpayer did not receive a single cent in return. Meanwhile, it is not the lone prospector of old who is producing these minerals. The vast majority of the gold mining operations in the West today are foreign-controlled conglomerates.

For my part, I am advancing this legislation for a number of reasons.

I do so because I no longer believe that we can expect a viable hardrock mining industry to exist on public domain lands in the future if we do not make corrections to the law today.

I do so because there are provisions of the existing law which impede efficient and serious mineral exploration and development.

I do so because the public deserves some return for the use of Federal lands dedicated to mining.

I do so because it is no longer in the public interest to dispose of these mineral lands under the guise of a patent.

And, I do so because persons and communities in proximity to these hardrock mines deserve no less protections than persons and communities in proximity to other types of mining, such as coal.

The Mineral Exploration and Development Act of 1993 contains the eight basic reform tenets that were incorporated into its predecessor legislation.

First, the bill recognizes that self-initiation and access to public domain lands open to the location of mining claims are important features of the Mining Law of 1872 that should be maintained.

This is a mining claim bill, based on the principles of access to public domain lands and the right of self-initiation.

Second, security of tenure is another important function of mineral exploration and development. One of the major thrusts of the legislation is to provide locators of mining claims with the type of security of tenure they currently do not enjoy.

The Mining Law of 1872 provides that claims cannot be located until there is discovery of a valuable mineral. At some point in the past, while the Mining Law dictum of discovery and the judicially promulgated concept of pedis possessio may have made sense, they simply do not comport well with today's modern mineral exploration techniques, or for that matter, the types of mineralization involved.

This bill says to the prospective mining claimant that once a claim is properly located it is the exclusive possession of the locator for mineral prospecting and mining purposes so long as he is being diligent, pays the annual rental, and files an affidavit once a year.

Third, certain provisions of the Mining Law of 1872 hinder serious mineral exploration and development activity. Among them, the distinction between lode and placer claims, the acreage limitation, extralaterial rights, and the discovery concept. The bill would eliminate them.

The bottom line is that by eliminating the concept of discovery and a number of other arcane aspects of the Mining Law of 1872, such as the distinction between lode and placer claims, and causing claims to be held on the basis of sound market-based business decisions, I believe this legislation offers the mining industry a much more superior legislative framework under which to operate.

Fourth, the bill recognizes that the patent feature of the Mining Law of 1872 does not comport with modern Federal land policy which is grounded on the retention of the public domain under the principles of multiple use.

It is certainly not in the public interest to dispose of valuable mineral lands for $2.50 or $5.00 an acre. Nor is it appropriate for lands to be gained under the guise of a mining law to be subsequently utilized for nonmineral development purposes.

In addition, the patenting feature of the Mining Law of 1872 can cause the administrative withdrawal of lands which would otherwise be open to mining from entry. For these reasons the bill proposes to eliminate the concept of the patent.

Fifth, the public is justified in expecting the diligent development of its mineral resources. It is not appropriate to allow a person to locate a claim and to indefinitely take no further action, or to use the land for nonmining purposes. This in effect constitutes a withdrawal of public domain lands from other uses. In addition, it is not fair to the serious mineral explorationist and developer to have to deal with these situations. For these reasons, this measure would impose reasonable diligent development requirements on mining claim holders.

Sixth, there should be some financial return to the public for the use of Federal lands, and the disposition of valuable mineral resources from this land. The bill proposes a minimal surface rental fee and a production royalty. Furthermore, it would dedicate a good portion of this revenue to the reclamation of abandoned hardrock mines in the Western States.

Seventh, there is a pressing need for the effective enforcement of reasonable reclamation requirements for hardrock mining operations. This legislation would provide statutory enforcement mechanisms. It would also grant the Forest Service a greater degree of authority to manage hardrock mining activities on lands that it administers.

Eighth, hardrock mining activities should be fully considered in BLM and Forest Service land use planning documents within the context of multiple use of the public domain. Consideration of mining law operations within the planning process would not only protect other resource values but provide industry with greater assurances of being able to develop lands subjected to adequate plans.

Mr. Speaker, I commend this legislation to the House.

EMERGENCY MEDICAL SERVICES AMENDMENTS OF 1992

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GUNDERSON. Mr. Speaker, the average U.S. citizen will need emergency care at least twice in a lifetime. However, will that care be available?

Comprehensive emergency medical services systems are essential to our health care delivery system. However, not all States have well-developed EMS programs. Rural populations face an additional challenge because often emergency medical care is more difficult to deliver in rural areas.

In 1990, the Congress passed the Trauma Care Systems Planning and Development Act. This legislation created a Federal Advisory Council on Trauma Care, authorized grants to States for the purpose of incorporating a State trauma care plan into State emergency medical programs, and called for the development of rural demonstration projects that would improve emergency medical care in rural America. The purpose of this initiative is to assist States and communities in the development and implementation of effective trauma care systems.

Trauma is only one element of emergency medical care. Trauma is defined as a body injury usually caused by a violent, chemical, or other extrinsic force. In addition to improving our trauma care system, it is imperative that we enhance our emergency medical services programs.

Today I am reintroducing the Emergency Medical Services Amendments of 1993, which I introduced in the 102d Congress. This bill will begin to address the coordination of emergency medical services [EMS] at both the Federal and State levels. In addition, my proposal will also enhance emergency medical care in rural communities. The key components of my legislation are:

First, establishment of a Federal EMS office. This office will be located within the Department of Health and Human Services. The duties of this office will include: (a) conduct activities that will maintain an adequate number of health professionals involved in both prehospital and hospital, based activities, (b) provide technical assistance to State and local agencies, (c) coordinate EMS activities within the Department of Health and Human Services and as appropriate, with activities of other Federal agencies, (d) develop and review EMS guidelines pertaining to health professionals, equipment, and training, (e) investigate communications technologies for the purpose of carrying out EMS activities, and (f) examine the unique needs of underserved inner city and underserved rural areas in regard to EMS.

Second, establishment/enhancement of State EMS offices. The purpose of this office is to improve the availability and quality of EMS in the States. Many States do not currently have formally established EMS offices. Others have a definitive office, but suffer from lack of funds and staff. My proposal will enable States that choose to do so to create an office or enhance already existing EMS offices through a Federal/State matching grant program over 3 years. Required activities of the State offices include the coordination of all State EMS activities, providing technical assistance to public and nonprofit private entities regarding EMS programs including training of health professionals.

Third, demonstration telecommunications program. This program will enable patients and health professionals in rural communities to linkup with medical specialists in larger health facilities for consultation regarding lifesaving treatment. This activity will be accomplished by rural facilities using telecommunications such as static video imaging transmitted through telephones and facsimiles. The development of this project will enable rural hospitals to stabilize and treat patients in critical condition who are unable to travel long distances to comprehensive medical centers.

My proposal will allow for a strong EMS presence at both the Federal and State levels. Revamping of emergency medical care is an essential component of health care reform. I urge my colleagues to support this bill and make the revitalization of emergency medical services a key provision of any health care reform package that passes this Congress.

THE RETIREMENT OF RAY L. BOURNE, DIRECTOR OF THE CARL T. HAYDEN VA MEDICAL CENTER, PHOENIX, AZ

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STUMP. Mr. Speaker, I rise in order to pay tribute to a remarkable public servant from my State of Arizona on the occasion of his retirement. Mr. Ray L. Bourne will soon retire from his current position as medical center director of the Department of Veterans Affairs Medical Center in Phoenix. He has served in this position since 1981 and has made great contributions toward improving the lives of Arizona's veterans.

Mr. Bourne is himself a veteran, having served in the U.S. Army from 1953–56. He has dedicated his entire career to serving fellow veterans.

Mr. Bourne began employment with the then Veterans Administration in 1961 as a housekeeping officer. Over the course of his 32 year employment with VA, Mr. Bourne successfully performed positions of greater responsibility. His distinguished career highlights the remarkable degree to which he has exemplified the mission of the Department which states, "To care for him who has borne the battle, his widow, and his orphan."

Mr. Speaker, I have had the good fortune to work very closely with Ray. His responsiveness on behalf of the veterans entrusted to his care has always been exceptional. He is an ardent advocate for veterans and worked tirelessly to promote the health care programs and enhance the quality of care delivered at his facility. As ranking minority member of the Committee on Veterans' Affairs, I have also had occasion to work with many other hospital directors. That is how I know without a doubt that Mr. Bourne is among the best we have. He typifies the ideal professional, which the VA continually strives to recruit and retain.

Over the past 12 years, the VA has been faced with a serious erosion of the funds necessary to adequately meet the health care needs of veterans. During this time, Mr. Bourne kept a watchful eye over his facility, developed innovative and cost-efficient procedures for minimizing rising health care costs, and above all was never afraid to speak out when be believed that Arizona's veterans were not getting their due. While planning for the growth of the medical center, he consistently highlighted the true needs of veterans without regard to arbitrary budget constraints applied by VA managers here in Washington.

His outspokenness on behalf of veterans is what truly sets Mr. Bourne apart from other managers. He proved himself to be a tireless advocate and was instrumental in initiating a land exchange agreement allowing for expansion of veterans health care facilities in Phoenix. Under this agreement, veterans will receive a total of 11.5 acres for a new clinical addition to the Carl T. Hayden VA Medical Center in Phoenix and 3.5 acres for the construction of Arizona's first Veterans' State Home. Although these vitally important improvements are still in the planning stages, when they do finally stand, they will be a permanent reminder of the contributions of this remarkable man.

Clearly Mr. Bourne is a manager who possesses not only exceptional leadership qualities but one who has vision. His vision for providing accessible, quality health care services to Arizona's veterans has continually held him at the front of an uphill battle to garner adequate VA resources for this rapidly growing State. He held fast to his beliefs, and in so doing accomplished a great deal, despite pressure to make do with less.

Mr. Speaker, I want to state my appreciation for the contributions and assistance provided by Mr. Bourne to the Committee on Veterans' Affairs and the U.S. Congress on all health care matters affecting the veterans of Arizona and their families.

INTRODUCTION OF THE NATIONAL VOTER REGISTRATION ENHANCEMENT ACT OF 1993

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MICHEL. Mr. Speaker, I rise today to announce the introduction of the National Voter Registration Enhancement Act of 1993.

This legislation will expand voter registration to encourage all qualified voters to participate in the election process. It will provide block grants to States of $25 million over a five-year period for the purpose of supporting, facilitating, and enhancing voter registration.

It also strengthens the current fraud provisions by providing new penalties, including 20 years imprisonment for voting fraud.

Increasing voter registration is obviously an important priority for this Nation. We must take measures, however, to insure that vote fraud is discouraged and that federal mandates on the States are paid for by the Federal Government.

I insert for the record the text of the National Voter Registration Enhancement Act of 1993:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Enhancement Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right to vote is a fundamental right;

(2) all citizens of the United States are entitled to be protected from vote fraud and from voter registration lists that contain the names of ineligible or nonexistent voters,

which dilute the worth of qualified votes honestly cast; and

(3) all citizens of the United States are entitled to be governed by elected and appointed public officers who are responsible to them and who govern in the public interest without corruption, self-dealing, or favoritism.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase registration of citizens as voters in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to enhance voter participation in elections for Federal office;

(3) to protect the integrity of the electoral process;

(4) to ensure the maintenance of accurate and current official voter registration lists; and

(5) to guarantee to the States, and to their citizens, a republican form of government, including elections conducted free of fraud, and governmental processes conducted free of corruption, self-dealing, or favoritism.

TITLE I—VOTER REGISTRATION ENHANCEMENT

SEC. 101. FEDERAL COORDINATION AND BIENNIAL ASSESSMENT.

The Attorney General—

(1) shall be responsible for coordination of Federal functions under this Act;

(2) shall provide information to the States with respect to State responsibilities under this Act; and

(3) shall, not later than June 30 of each even-numbered year, submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2 calendar years and providing recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act.

SEC. 102. RESPONSIBILITY OF CHIEF STATE ELECTION OFFICIAL.

The chief State election official of each State shall be responsible for coordination of State functions under this title.

SEC. 103. VOTER REGISTRATION ENHANCEMENT BLOCK GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General—

(1) for making grants under this section for fiscal years 1993, 1994, and 1995, a total of $25,000,000; and

(2) such additional sums as may be necessary for administrative expenses of the Attorney General in carrying out this title.

(b) BLOCK GRANTS.—From the amounts appropriated under subsection (a) for any fiscal year, the Attorney General shall make grants to States, through chief State election officials, for the purposes of supporting, facilitating, and enhancing voter registration.

(2) To qualify for a grant under paragraph (1), a State shall match any amount of Federal funds dollar for dollar with State funds for voter registration enhancement activities, such as, but not limited to—

(A) providing for voter registration for elections for Federal office at State departments of motor vehicles; and

(B) providing for uniform and non-discriminatory programs to ensure that official voter registration lists are accurate and current in each State.

(c) ALLOCATION OF GRANTS.—(1) The Attorney General shall by regulation establish criteria for allocation of grants among States based on—

(A) the number of residents of each State;

(B) the percentage of eligible voters in each State not registered to vote; and

(C) other appropriate factors.

(2) In promulgating criteria pursuant to paragraph (1), the Attorney General shall give special consideration to State-sponsored programs designed to improve registration in counties with voter registration percentages significantly lower than that for the State as a whole.

(d) ADMINISTRATIVE REQUIREMENTS.—(1) The Attorney General shall by regulation establish administrative requirements necessary to carry out this section.

(2) To be eligible to receive a grant under this section, a State shall certify that the State—

(A) has in place legislative authority and a plan to implement procedures to promote and facilitate, to an extent and in such manner as the Attorney General may deem adequate to carry out the purposes of this title, voter registration for Federal elections in connection with applications for driver's licenses;

(B) agrees to use any amount received from a grant under this section in accordance with the requirements of this section;

(C) agrees that any amount received through a grant under this section for any period will be used to supplement and increase any State, local, or other non-Federal funds that would, in the absence of the grant, be made available for the programs and activities for which grants are provided under this section and will in no event supplant such State, local, and other non-Federal funds; and

(D) has established fiscal control and fund accounting procedures to ensure the proper disbursement of, and accounting for, grants made to the State under this section.

(3) The Attorney General may not prescribe for a State the manner of compliance with the requirements of this subsection.

(e) REPORTS.—(1) The chief State election official of a State that receives a grant under this section shall submit to the Attorney General annual reports on its activities under this section.

(2) A report required by paragraph (1) shall be in such form and contain such information as the Attorney General, after consultation with chief State election officials, determines to be necessary to—

(A) determine whether grant amounts were expended in accordance with this section;

(B) describe activities under this section; and

(C) provide a record of the progress made toward achieving the purposes for which the block grants were provided.

SEC. 104. DEFINITIONS.

For the purpose of this title—

(1) the term "chief State election official" means, with respect to a State, the officer, employee, or entity with authority, under State law, for election administration in the State;

(2) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(3) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)); and

(4) the term "State" has the meaning stated in section 301(12) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(12)).

TITLE II—PUBLIC CORRUPTION

SEC. 201. ELECTION FRAUD AND OTHER PUBLIC CORRUPTION.

(a) AMENDMENT OF TITLE 18 OF THE UNITED STATES CODE.—Chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 226. Public corruption

"(a) Whoever, in a circumstance described in subsection (d), defrauds, or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of the honest services of an official or employee of the United States or the State, political subdivision, or Indian tribal government shall be fined under this title, imprisoned for not more than 20 years, or both.

"(b) Whoever, in a circumstance described in subsection (d), defrauds, or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of a fair and impartially conducted election process in any primary, runoff, special, or general election—

"(1) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the jurisdiction in which the election is held;

"(2) through paying or offering to pay any person for voting;

"(3) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(4) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title, imprisoned for not more than 20 years, or both.

"(c) Whoever, being a public official or an official or employee of the United States, a State, a political subdivision of a State, or an Indian tribal government, in a circumstance described in subsection (d), defrauds or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of the right to have the affairs of the United States, the State, political subdivision, or Indian tribal government conducted on the basis of complete, true, and accurate material information, shall be fined under this title, imprisoned for not more than 20 years, or both.

"(d) The circumstances referred to in subsections (a), (b), and (c) are that—

"(1) for the purpose of executing or concealing such scheme or artifice or attempting to do so, the person so doing—

"(A) places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(B) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(C) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(D) in connection with intrastate, interstate, or foreign commerce, engages the use of a facility of interstate or foreign commerce;

"(2) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed so affect, interstate or foreign commerce; or

"(3) as applied to an offense under subsection (b), and objective of the scheme or artifice to secure the election of an official who, if elected, would have some authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(e) Whoever defrauds or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or person who has been selected to be a public official shall be fined under this title, imprisoned for not more than 20 years, or both.

"(f) Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States, a State, a political subdivision of a State, or an Indian tribal government, or endeavors to do so, in order to carry out or to conceal any scheme or artifice described in this section, shall be fined under this title, imprisoned for not more than 5 years, or both.

"(g) For the purposes of this section—

"(1) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in an Indian tribal government or the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that such person will be so nominated, appointed, or selected;

"(2) the terms 'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201(a) and shall also include any person acting or pretending to act under color of official authority;

"(3) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

"(4) the term 'under color of official authority' includes any person who represents that such person controls, is an agent of, or otherwise acts on behalf of an official, a public official, or a person who has been selected to be a public official.".

(b) TECHNICAL AMENDMENTS.—(1) The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following item:

"226. Public corruption.".

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

SEC. 202. FRAUD IN INTERSTATE COMMERCE.

(a) AMENDMENT OF TITLE 18 OF THE UNITED STATES CODE.—Section 1343 of title 18, United States Code, is amended—

(1) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "in connection with intrastate, interstate, or foreign commerce, engages the use of a facility of interstate or foreign commerce"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by striking the analysis for section 1343 and inserting the following:

"1343. Fraud by use of facility of interstate commerce.".

SEC. 203. PRESERVATION OF THE EFFECT OF STATE LAW THAT PROVIDES GREATER PROTECTION AGAINST VOTE FRAUD.

In the case of any conflict between the provisions of this Act and any provision of the civil or criminal law of any State, the law of the State shall prevail to the extent that such State law provides for more stringent suppression of vote fraud than this Act.

CLAY SPONSOR LEGISLATION TO END THE PERMANENT REPLACEMENT OF STRIKING WORKERS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. CLAY. Mr. Speaker, today I am introducing legislation to ban the permanent replacement of striking workers. The bill I am introducing is identical to legislation passed by the House of Representatives in the last Congress by a vote of 247–182. The bill generally provides that employers may not permanently replace striking workers. This bill applies to all private sector workers covered by the National Labor Relations Act [NLRA] and the Railway Labor Act [RLA]. Reflecting the action taken on the House floor in the last Congress, the bill I am introducing is limited to cover only employees who either are represented by a collective bargaining representative or have taken specific steps to obtain certification at least 30 days prior to the commencement of the labor dispute. While employees who are neither represented by a union nor seeking representation by a union may lawfully strike, under the provisions of this legislation such employees may be permanently replaced by their employer. Where employees are represented by a union, or are seeking union representation, it is the intent of this legislation to prohibit the permanent replacement of striking workers.

Since 1935, the National Labor Relations Act has protected the right of workers to join unions and engage in collective bargaining. A key protection of the NLRA is the prohibition against firing workers for exercising their right to join or help organize a union. During a strike, however, this protection loses its force. A strike is the one situation when it is legal to replace an employee for supporting union activity. When workers strike today for improved working conditions, there is a good chance they will lose their jobs. Permanently replacing workers who strike was deemed lawful by the Supreme Court in the Mackay Radio case. This deficiency in labor law has remained for many years but has become especially serious in recent years as, increasingly, employers have not hesitated to fire, in effect, striking workers. The problems spawned by the Mackay Radio decision were exacerbated by the Supreme Court's 1989 decision in Trans World Airways versus International Federation of Flight Attendants. In this decision, the Court departed from precedent and decided that employers could offer preferential benefits to strikers who cross picket lines and return to work. The Court condoned a practice it had earlier labeled inherently destructive of the right to strike. The bill I am introducing today reverses the Mackay Radio case and the TWA case by prohibiting the hiring of permanent replacements during a labor dispute and prohibiting discrimination against striking workers who return to their jobs once the labor dispute is over.

When the air traffic controllers struck in 1981, President Reagan fired the striking workers and proceeded to hire permanent replacements. His action gave the green light to similar actions by private employers. Since 1981, a total of more than 300,000 workers at Continental Airlines, TWA, the Chicago Tribune, Magic Chef, the International Paper Co., and many other companies have suffered the harsh experience of losing their jobs to permanent replacements when they exercised their right to strike. Repeatedly, we have seen communities torn apart as replacements take the jobs of an existing work force. The striking workers are legally helpless to do anything but look on as they lost their jobs. Increasingly, employers provoke strikes to exploit the weakness in the law. Provoking strikes undermines not only basic worker rights but also the stability of labor-management relations. The effective right of workers to withhold their labor as leverage during negotiations is an essential element of our collective bargaining system. As workers have felt increasingly unable to strike, faith in collective bargaining has been seriously undermined. Legislation is needed to restore confidence in the process which underlies all of labor law. I commend this legislation to the attention of my colleagues and urge your support for it.

INFRASTRUCTURE NOW, FOR AMERICA'S TOMORROW

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to introduce legislation that will provide up to $5 billion annually for the repair and renovation of our Nation's system of infrastructure. The legislation will also provide up to $3 billion annually for lowering the Federal budget deficit and $2.5 billion for programs funded out of the Highway Trust Fund. The goal of this legislation is simple, to establish a new spending program with a dedicated funding source for America's existing highways and bridges, mass transit systems, airports, and water resources. Only through increased spending on these infrastructure systems can new employment opportunities be created and future economic growth be insured.

My legislation is called the Infrastructure Now, For America's Tomorrow Act of 1993—INFRA Tomorrow. It is designed to provide states and localities with a new and unique source of Federal funding. Except for water resource projects, this funding can only be used for the repair of existing facilities. This spending condition is deliberate because there are already several programs that provide funding for new projects and/or operating costs. In the case of water resources however, where adequate funding has not been made available in the past, INFRA Tomorrow funding can be used for new as well as existing projects.

The legislation creates a new trust fund that will receive revenue from an increase in the Federal excise tax on fuels. This INFRA Tomorrow Trust Fund will then make funding available directly to the agencies that have jurisdiction over each particular infrastructure area: Highways, mass transit, aviation, and water resources.

In summary, the INFRA Tomorrow Program will consist of a 3-year authorization beginning on January 1, 1994. Revenue from the new trust fund can only be used for projects that repair or rehabilitate existing infrastructure systems within the following areas: Highways, bridges and congestion relief efforts; Mass Transit, except operating and maintenance costs; Airports, including those airports collecting PFCs.

And for new projects and projects that repair or rehabilitate existing facilities: Water, clean water and waste disposal.

No more than 25 percent of the trust fund's total annual revenue can be allocated for projects in each of the four areas. The INFRA Tomorrow program will be administered by the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration and Environmental Protection Agency.

In order to insure that the infrastructure needs of our Nation's urban centers are provided funding, the Nation's fifty largest metropolitan areas are guaranteed to receive at least 20 percent in each category. INFRA Tomorrow funding will be available to states and localities with an 80 percent Federal to 20-percent local matching share. Additionally, the 20-percent local matching share can be borrowed from the INFRA Tomorrow Trust Fund. The loan must be repaid within two years with interest.

The INFRA Tomorrow program will be paid for with a 10½ cent increase in the fuel tax. The first five cents will be used for infrastructure repair, the next three cents will be applied to reducing the debt, and the final two and one-half cents will be deposited into the Highway Trust Fund. This is necessary to prevent a projected shortfall in Highway Trust Fund revenue. INFRA Tomorrow is designed to create economic conditions that will more than offset the burden of an increased fuel tax. While the governments of other countries are aggressively continuing to invest in their infrastructure systems, the United States continues to disinvest. In the past decade, spending on America's infrastructure has declined nearly 43 percent. It is clear that the Nation requires more in the way of infrastructure legislation.

Revenue for infrastructure repair must be generated by increasing fuel taxes across the board. Today, the American people and its business leaders appear willing to support fuel taxes as the best method of providing repairs for our infrastructure systems. In fact, during the presidential campaign and more recently, the President-elect's economic summit, as well as in newspapers from across the country, individuals who represent vastly diverse interests have come together in support of fuel tax increases. This seems to be a long overdue recognition of our country's need to shift the tax burden away from activities that society wants to encourage, like working and raising families. Americans appear willing to take the necessary steps to squarely place the burden on those things that society ought to discourage, like fuel consumption and air pollution. With the INFRA Tomorrow Program, we can achieve these necessary goals, improve our quality of life and most importantly, provide a secure future for our children.

TURKEY'S SHAMEFUL RECORD ON HUMAN RIGHTS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. PORTER. Mr. Speaker, despite Turkey's best efforts to align itself with the Western world, including its application for membership in the European Community, and its stated desire to receive huge amounts of U.S. military and economic assistance it continues to maintain an unconscionable human rights record.

In fiscal year 1993, partly because of Turkey's horrendous treatment of its own people, its treatment of the Kurds, and its intransigent stance on reunification of the tiny island nation of Cyprus, Congress eliminated all military grant aid to Turkey.

The article reprinted below, which originally appeared in the January 5, 1993 Washington Post, clearly outlines the types of abuse being perpetrated in Turkey and Prime Minister Demirel's refusal to address this essential issue in a meaningful way.

I join the authors of this article in calling on Turkey to adhere to internationally recognized standards of buman rights and on President-elect Clinton to make clear to Prime Minister Demirel that he will oppose providing any assistance to Turkey until it dramatically improves its human rights record.

I commend this important article to Member's attention and urge all Members to oppose aid to Turkey until it substantially improves its shameful human rights record.

[From the Washington Post, Jan. 5, 1993]

THE CRIES THAT HAUNT TURKEY

(By Jack Healey and Maryam Elahi)

On year ago, Suleyman Demirel promised during his election campaign for prime minister that "the walls of all police stations in Turkey will be made of glass." Demirel acknowledged that torture existed in Turkey, but vowed to end it.

Today, Prime Minister Demirel's promise is shattered like a thousand shards of glass. Torture remains widespread and systematic in Turkey, especially during the first few days of detention in police stations. With interrogations carried out in complete secrecy by police who are rarely if ever prosecuted, it is no surprise that deaths in custody continued in 1992.

One such case is that of a 16-year-old Kurdish girl, Biseng Anik. She was among 100 people, mostly students, detained by Turkish police in Sirnak Province in southeastern Turkey in March 1992. She died in police custody. When her mother went to collect the body, she found that half her daughter's head had been shot away, her hands were torn between the fingers, some fingers were broken, and flesh was covered with cigarette burns, cuts and bruises.

According to the official version of events, Biseng had not been tortured and had killed herself with a rifle she found in her cell. Despite public outcries, no independent inquiry was every initiated on this case. The autopsy report was never released, and the family's request for a second autopsy was refused.

In another case, in April 1992, during a military operation in the Mardin Province, a group of soldiers, beat and dragged a 16-year-old boy out of his home between 4 and 5 am. The soldiers built a fire, and when it had burnt down, they laid the boy on the embers and forcibly held him down. The soldiers repeated this procedure five or six times, before they finally left him for dead. The boy managed to crawl to a road and was found by shepherds. Miraculously, he survived.

On April 27, 1992, Nazli Top, a 23-year-old nurse, was detained in Istanbul as she was leaving the hospital where she worked. The police suspected her of having been involved in a terrorist attack. She was taken to a police station where she was tortured, even though she told them she was pregnant. According to Nazli Top, "They punched me all over with fists, but especially in my stomach, breasts and belly. They raped me with a truncheon, an they tried to rape me with a bottle. In particular, they groped my stomach and said, 'Are you pregnant?' and then punched me there."

Who is held accountable for these brutalities? Are there public condemnations, prosecutions of torturers and compensations to torture victims? Unfortunately, Prime Minister Demirel has forgotten his campaign promise. His government has not taken the minimal steps required under international law to safeguard all detainees and punish the violating officers These are haunting images of Turkey a decade ago, when Demirel was also in power and gross violations of human rights were taking place.

The Turkish government justifies many of its human rights violations as necessary evils to combat attacks by the Kurdish Workers Party (PKK) in southeast Turkey. Amnesty International does not deny the government of Turkey its right to respond to violent assaults by the PKK or other violent organizations. But who protects citizens from the violence of the government?

Instead of working to comply with international law to honor basic human rights, Turkey has focused on improving its image abroad. For example, Turkey spends more than $2 million a year on lobbyists in Washington, instead of conducting extensive trainings in human rights law for law enforcement officers and the judiciary. The government has taken additional cosmetic steps such as publishing a slick brochure entitled "Human Rights in Turkey: A Record of Improvement," establishing a commission and ministry of human rights.

None of these steps has resulted in reducing abuses and promoting human rights. In fact, the latest PR scandal is a judicial package that was passed by the parliament in November '92 and is being presented to the international community as "reform," even though it provides no protection for political detainees who face the greatest risk of torture.

One year after Demirel's inauguration, the cries of torture still echo from behind closed doors at Turkish police stations. Those cries will stop haunting Turkey and the rest of the world only if Prime Minister Demirel finally honors his pledge to break down those doors and build walls of glass instead.

After a decade of dialogue, the United States needs to reexamine its policy toward Turkey and to genuinely prove to the people of Turkey that adherence to basic principles of human rights continues to be a fundamental pillar of U.S. foreign policy. Bill Clinton, the campaigner, declared that a principled, coherent and consistent foreign policy would guide a Clinton administration. "Such a foreign policy would not only reflect our national ideals but serve our national interest," he declared.

Let us hope for the sake of the people of Turkey that President Clinton's promises are less breakable than Demirel's.

A TRIBUTE TO CHARLES S. TERRELL, JR.

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. LEWIS of California. Mr. Speaker, on this first day of the 103d session of the U.S. Congress, I would like to bring to your attention the fine work and outstanding public service of Charles Terrell, Jr., who is retiring after 40 years of work in the field of education. Since 1982, Terrell has served as San Bernardino County Superintendent of Schools.

Charles is a lifetime resident of California, graduating from LaVerne College in 1952 and receiving his Masters Degree from San Diego State in 1956. He completed his studies and received his Ed.D. at the University of Southern California in 1966.

"I never had a job I didn't like," Terrell said in describing his career in education which began as an elementary teacher inn 1952. In 1956, Terrell began a 10-year stint at Azusa High School as teacher, counselor, director of student activities, unit administrator, and principal. In 1966, Terrell became superintendent of the Needles Unified School District and three years later, moved to the Corona-Norco Unified School District where he served as superintendent until 1976. That year, Terrell took on an ever bigger challenge as superintendent of the San Bernardino City Unified School District.

In 1982, Terrell stepped into the role of county superintendent of schools following in the steps of his mentor, Roy Hill, a popular country superintendent who served for 22 years. Terrell was appointed to fill Hill's unexpired term and was subsequently elected and re-elected three times.

Charles has been very active in a number of civic activities and community affairs. Over the years, he has committed himself to improving not only the quality of education of students, but the quality of life for people in our community, both young and old. His involvement with the San Bernardino Area Chamber of Commerce, the Rotary Club, First United Presbyterian Church, the Inland Empire Symphony Association, and many other groups is well known and deeply appreciated.

Mr. Speaker, I ask that you join me, our colleagues and Charles Terrell's many friends in recognizing his many years of selfless service and outstanding achievement in education. I join his wife Bobbie, his children Gregory and Kathleen, and five grandchildren in wishing his the very best in the years to come. Indeed, Mr. Speaker, Charles Terrell is certainly worthy of recognition today by the House of Representatives.

TRIBUTE TO JOHN PARKER

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MOAKLEY. Mr. Speaker, over the holidays, one of Massachusetts' finest public servants passed away. Senator John J. Parker of Taunton, a Republican, died at the age of 85. A major player in Bay State politics for a half-century, Senator Parker, prior to his retirement in 1989, was the Republican leader in the Massachusetts State Senate for over 22 years—a record for longevity.

Above and beyond longevity, John Parker left his imprint on the Commonwealth's legislature, its political institutions, and the public's expectation of competent, responsible and caring representation. Senator Parker set the standard for constituent service, effective representation and forceful delivery of good government. Bright, principled, and driven, Senator Parker was a legend during my tenure as a Massachusetts State representative and senator. He impacted my service in that body in a very personal way on almost a daily basis. His death has left a void in the Massachusetts State House, but his record on service and contribution will endure well beyond all of us.

I would like to submit for the RECORD a recent article from the Boston Globe, summarizing what John Parker's service meant to the Commonwealth of Massachusetts and to those fortunate enough to call John a friend.

JOHN PARKER'S WIT AND INSIGHT

(By Robert L. Turner)

For a former newspaperman, John F. Parker of Taunton got some pretty good obituaries this week upon his death at age 85. But there was something missing.

The news stories focused, understandably, on his political career, which included stints on the Taunton School Committee and as mayor of Taunton before moving to the state Senate, where over 36 years he became one of the great Massachusetts legislators of this century.

Parker was the Republican leader in the Senate for 22 years—a record for minority leader and thought by State House clerks to make him the longest-serving party leader in either the House or Senate ever.

Before his retirement in 1989, he was the only incumbent Republican who had served when his party held a majority in either branch.

Still, he always listed his profession as "newspaper."

This referred partly to the 20 years he put in at the Taunton Daily Gazette, where he served as newsboy, compositor and sports writer.

But it had a larger connotation, and that was what was missing from the obits.

Parker often viewed the Legislature with the keen eye of a reporter, at times even historian.

Though he was a central part of its workings and studied it as only a lover could, Parker had enough perspective to see the Legislature's shortcomings and enough humor to enjoy its foibles.

Under the heading "When Politics Was Fun," Parker from 1978 to 1987 contributed frequent anecdotes, most of them about state legislative matters around the country, to "Roll Call," the Capitol Hill weekly published in Washington.

Here and in other material collected for freshmen legislators, as well as in his own performance in the Senate, Parker demonstrated his tremendous affection for the institution and the tremendous range of his curiosity.

Often, it was something his sharp ears picked up from his colleagues in solemn debate:

"I don't know why it is," one said, according to Parker, "but every time I take the microphone some fool starts talking."

"That's a horse of a different feather."

"It would be well if this House had more of the Pilgrim backbone flowing through its veins."

"Not listening to my colleague is like a college education."

Parker did not exempt himself from his own sharp wit. Thought not a great orator, he usually followed his own advice: "If you don't strike oil, stop boring."

Nor did he exempt his first profession. quoting Adlai Stevenson, he said, "Newspaper editors are men who separate the wheat from the chaff and then print the chaff."

But he warned new legislators: "Remember, they roll the presses every day."

Worried, at one point, that the Legislature's reputation might be falling to new lows, Parker took the unusual step of actually looking into the history. He was somewhat discouraged to find a long record of mistrust. In the 1950s, a legislator said, "the roll-call bell is facetiously referred to as the burglar alarm." And nearly a century ago, he found a commentator said, "The Massachusetts Legislature is like an iceberg: 10 percent visible, 90 percent submerged and 100 percent at sea."

Parker opposed the regular yearling sessions that have become unique to Massachusetts and often occasions for mischief.

In 1984 he penned a Christmas poem urging his colleagues to prorogue. But, the poem concluded:

"It seems that will not happen, for the syndrome has set in,

"Postpone, delay and table is the agenda as each day begins,

"And the wish of those who struggle to do the work each day

"Is simply to ask Santa for a rule to find a better way."

One thing that was no joke to Parker was the effort required of a good legislator. "I put the most time into it," he said in an interview before leaving office, "I studied the thing from A to Z."

Parker was himself an institution—a tall, big-handed monument to the folly of term limits—a treasure not likely to be replaced.

A NEW HEALTH BENEFITS PROGRAM FOR FEDERAL EMPLOYEES AND RETIREES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. ACKERMAN. Mr. Speaker, today I am pleased to introduce, with Representative CONSTANCE MORELLA, comprehensive legislation to reform the Federal Employees Health Benefits Program [FEHBP]. This legislation is a revised version of the Federal Employees Health Benefits Reform Act of 1991, which I introduced in the 102d Congress. The revision is the result of subcommittee hearings, as well as recommendations made by enrollee organizations, insurance carriers, and provider groups. The bill also reflects analysis provided by the Congressional Research Service [CRS], the General Accounting Office, and independent consultants retained by the House Post Office and Civil Service Committee.

The reform proposal would replace the 30-year-old FEHBP, which has strayed from the principle of group insurance and is no longer meeting the needs of its 9 million beneficiaries. Over the past decade, studies by various groups have concluded that the FEHBP suffers from serious deficiencies and structural flaws. The studies highlighted the facts that plan segmentation by risk groups has become chronic, that premiums have escalated beyond the rate of inflation, that annual open season choices are often confusing to even the most well-informed enrollees, and that the variations in FEHB plans' premiums are not proportionate to variations in the value of the plans' benefits. Most of the studies also highlighted the fact that the value of Federal employees' health benefits lags significantly behind the value of health benefits offered to employees in large private sector firms.

The Ackerman-Morella proposal would replace the current 13 fee-for-service options with a single two-option plan which would be managed by the Office of Personnel Management [OPM] in consultation with a newly created FEHB board. The plan would consist of a standard option and a high option, for either self or family coverage. Enrollees who elect to participate in the high option would pay less in out-of-pocket expenses if they choose to receive health care through providers who have negotiated agreements with the plan.

Federal enrollees could continue to enroll in health maintenance organizations [HMOs] as an alternative to the fee-for-service options. Under the new FEHBP, HMO's would be required to offer the same health services as provided under the standard option.

The Goverment-wide fee-for-service options would be administered on a regional basis. The regions may be underwritten by insurance carriers, or self-insured by the government. The regions would be competitively awarded. In the case where no prospective contractor in a specific region submits an acceptable bid, the Government would self-insure that region. In addition, the new FEHBP would permit employee organization-sponsored health plans which currently self-insure to continue to provide benefits for members of their respective collective-bargaining units. The primary responsibilities of the carriers would include the processing of health insurance claims and the implementation of cost-control programs.

Annuitants could elect from among any of the health plans, which, together with Medicare, would pay for virtually all reasonable and customary charges for services.

One of the major deficiencies of the current FEHBP is that an enrollee's premium is not related to the value of coverage. Current FEHBP plan premiums differ significantly because of the varying health care costs of the population enrolled in each plan. For example, a 1989 report by the CRS found that there is only a 41-percent variation in the value of benefits among FEHBP plans, but a 246-percent variation in their premiums. To address this problem, the Ackerman-Morella bill specifies that the price difference between the standard option and the high option would represent solely the amount by which the actuarial value of the high option's benefits exceed the benefits for the standard option. Initially, the standard option premium would be set at $10 per pay period for self only coverage and $22 for family coverage. The enrollee's contribution for the high option would be established at $20 per pay period for self only coverage and $44 for family coverage. The enrollee premium increases would be limited to a rate equal to the lesser of the increase in the medical care component of the Consumer Price Index, or the increase in total FEHBP costs.

The bill would offer lower-salaried employees an enhanced benefit by indexing their maximum out-of-pocket expenses to their salaries. In addition, the bill would create flexible spending plans, now available to many private sector workers, to permit certain health-related expenses to be paid for which pre-tax funds. Under my bill, unused balances in flexible spending accounts would be used to finance wellness programs for Federal employees.

The Ackerman-Morella FEHBP reform legislation reflects efforts by the incoming Clinton administration to use managed competition as the basis for national health care reform.

Summary of Benefits

	Standard option	High option	High option (provider agreement)
Deductible	$250/$500	$150/$300	$150/$300
Maximum out-of-pocket	$2,000/$4,000	$1,000/$2,000	$1,000/$2,000
Hospital benefits	80%	90%	100%
Surgical-medical benefits	80%	85%	100%
X rays and laboratory test	80%	85%	100%
Enmergency and accidental benefits	100%	100%	100%
Prescribed drugs	75%	80%	85%
Mail order option copayment	$10	$5	$5
Well-baby benefits	80%	85%	100%
Prosthetic devices	80%	85%	85%
Mammograph	80%	85%	100%
Mental health and substance abuse:			
Inpatient	75%	80%	80%
Out patient	[1]75%	[2]75%	[2]75%

[1] Maximum 30 visits.

[2] Maximum 50 visits; and addition 50 if certified necessary.

INTRODUCTION OF A CONSTITUTIONAL AMENDMENT LIMITING CONGRESSIONAL TERMS OF OFFICE

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. KOLBE. Mr. Speaker, today I am introducing a constitutional amendment to limit congressional terms of office. Although congressional term limit proposals have been considered many times in the past—33 were introduced in the last 3 Congresses alone—their popular support has never been greater.

Many different conclusions can be drawn from the results of the 1992 elections, but one thing is clear: Term limits were overwhelmingly endorsed by voters wherever they were given an opportunity to express their views. All State congressional term limit initiatives passed last fall. Now, 15 States place some form of term limits on their congressional Representatives. National polls continue to show support for term limits at around 70 percent.

Despite their success, term limits face an uncertain future. The U.S. Constitution sets length of congressional terms in article I, sections 2 and 3; no limit is placed on the number of terms. This failure by the constitutional Framers to include limits on service appears to be no accident. Term limits were the focus of debate since the Constitutional Convention of 1787. The Framers agreed that the Constitution forbids States or Congress from tampering with the congressional eligibility requirements of age, residency, and citizenship.

The Supreme Court has generally adhered to this view, ruling that the standing qualifications in article I—in the language of the Constitution, the history of the Framers, and long standing congressional practice—are the exclusive list of requirements for Members of Congress.

As a result, it appears likely that State-imposed term limits will be held unconstitutional, despite their widespread popularity. Fortunately, the Framers provided a remedy to amend the Constitution in article V, which establishes a procedure for Congress or the States to change the Constitution—a procedure that was used to limit Presidential terms to two.

Congress should move quickly to do what the States probably cannot do themselves. We should send to the States a Constitutional amendment limiting terms for Congress since that is clearly the public's will. If Congress fails to act, a cloud of uncertainty is likely to remain over this issue. A challenge against one of the various state-imposed term limit laws may not occur until a Member is affected by the limits—which could take years. Further, if the various State measures do succeed in limiting terms, only those States that have passed term limit measures will be affected. Those States—including Arizona—would be at a decided disadvantage in a Congress that places great importance on seniority.

The only sure way to settle the issue is to adopt a constitutional term limit amendment applicable to all States. My amendment will do just that. The amendment—which mirrors the recently enacted Arizona initiative—would limit service for Representatives to three consecutive terms and Senators to two consecutive terms. Terms will be considered consecutive unless they are at least one full term apart. Time served to fill a vacancy for at least half of a term will be counted as a term in office. The term period will begin to run on the date the amendment becomes valid as part of the Constitution.

The need to act now is greater than ever before. The last thing this institution needs is a cloud of uncertainty hanging over the service length of its Members. The overwhelming support for term limits sends a clear message to Congress. A constitutional amendment to limit terms will tell the people we are listening.

SENATE—*Wednesday, January 6, 1993*

(Legislative day of Tuesday, January 5, 1993)

The Senate met at 12:40 p.m., on the expiration of the recess, and was called to order by the Vice President.

PRAYER

The Reverend Richard C. Halverson, Jr., Falls Church, VA, offered the following prayer:

Let us pray:

Our Father in Heaven, Thy Word declares, "Where there is no vision, the people perish * * *." (Proverbs 29:18)

Restore to us the vision of those who invested their lives, their fortunes and their sacred honor, that this Republic might endure. Help us to envision a united Nation, rich in diversity, abundant in resources, alive to its potential for world leadership, accepting of its responsibility to the hungry, the homeless, the poor, the disinherited, the oppressed, and the persecuted.

Grant, O God, to the Senators a vision of the highest, the best for America—one people, beautiful in their diversity—a nation of justice, righteousness, truth and compassion, in which human rights for all are secure. Give to us all, personally and collectively, the will to preserve the finest of American tradition.

In the name of the Savior. Amen.

RESERVATION OF LEADERSHIP TIME

The VICE PRESIDENT. Under the previous order, the leadership time is reserved.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

TRIBUTE TO BILL FARMER ON HIS RETIREMENT

Mr. MITCHELL. Mr. President, at the end of last month the U.S. Senate said farewell to a gentleman who had worked in this institution for 28 years. Bill Farmer began his Senate career in the Office of the Secretary of the Senate in 1964 when Mike Mansfield was Senate majority leader. He spent the last 21½ years in the Senate Chamber at the front desk, moving through the ranks to the position of chief legislative clerk. While his name may not be familiar to many Americans, his voice certainly is. It was he who called the Senate roll during quorum calls and votes.

Bill Farmer was dedicated to the Senate as an institution and to the people who bring the Senate to life. He knows nearly everyone in the Capitol by name and he shared a joke or a smile with every one of us.

Bill Farmer's presence in this Chamber will be greatly missed. I know each of my colleagues joins me in extending to Bill our best wishes in his new endeavors, which include being a first-time grandfather.

We thank him for his many years of service to the Senate and to his Nation.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I now ask unanimous consent that at the close of the joint session, the Senate stand in recess until 12 noon on Thursday, January 7; and that on Thursday, January 7, the Journal of proceedings be approved to date.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES—COUNTING OF ELECTORAL BALLOTS

The VICE PRESIDENT. Pursuant to Senate Concurrent Resolution 1, the Senate will now proceed as a body to the House of Representatives for a joint session for the purpose of counting electoral ballots.

Thereupon, at 12:49 p.m., the Senate, preceded by the Secretary of the Senate, Joe Stewart, and the Sergeant at Arms, Martha Pope, proceeded to the Hall of the House of Representatives for the purpose of counting electoral ballots.

RECESS

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 1:34 p.m., the Senate recessed until Thursday, January 7, 1993, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate January 6, 1993:

DEPARTMENT OF DEFENSE

JOHN P. ROCHE, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS. (NEW POSITION)

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

To be assistant surgeon

1. FOR APPOINTMENT:

THOMAS C. BONIN
KIM C. BROWNELL
JEFFREY M. CURTIS
DANIEL J. SHINE, JR.
BRENT B. WARREN

HOUSE OF REPRESENTATIVES—*Wednesday, January 6, 1993*

The House met at 12 noon.

Bishop Frank C. Cummings, 11th Episcopal District, African Methodist Episcopal Church, Jacksonville, FL, offered the following prayer:

Our omnipotent God, we beseech You to enter into our presence as we assemble for these sessions of the U.S. House of Representatives.

We give You thanks for a new year that is filled with innumerable possibilities for even greater service. We are thankful for this Nation of ours, and for these individuals who have been elected to serve the citizens of this country.

It is our prayer that we do not lose sight of You in our planning, for a nation who builds without God, builds in vain.

We pray for peace and justice for all of our people, as we strive to make this Nation a better place for future generations, "one nation under God, indivisible, with liberty and justice for all." In the name of the Sovereign we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Arkansas [Mr. THORNTON] will please come forward and lead the House in the Pledge of Allegiance.

Mr. THORNTON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that, pursuant to Senate Concurrent Resolution 1, agreed to January 5, 1993, Mr. FORD and Mr. STEVENS are appointed as tellers on the part of the Senate.

SWEARING IN OF MEMBERS-ELECT

The SPEAKER. The Chair will now administer the oath of office to those Members who did not take the oath yesterday.

The gentleman from Wisconsin [Mr. ASPIN] and the gentleman from Missouri [Mr. WHEAT] will please come forward and raise their right hands.

The gentleman from Wisconsin [Mr. ASPIN] and the gentleman from Missouri [Mr. WHEAT] presented themselves at the bar of the House and took the oath of office, as follows:

> Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, gentlemen. You are now Members of the 103d Congress.

APPOINTMENT AS MEMBERS OF THE TECHNOLOGY ASSESSMENT BOARD

The SPEAKER. Pursuant to the provisions of section 4(a) of the Technology Assessment Act of 1972 (2 U.S.C. 473(a)), the Chair appoints as members of the Technology Assessment Board the following Members on the part of the House:

Mr. BROWN of California; and
Mr. DINGELL of Michigan.

APPOINTMENT AS TELLERS ON THE PART OF THE HOUSE TO COUNT ELECTORAL VOTES

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 1, 103d Congress, the Chair appoints as tellers on the part of the House to count the electoral votes the gentleman from North Carolina [Mr. ROSE] and the gentleman from California [Mr. THOMAS].

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will defer 1-minute speech requests until completion of the electoral college report, except for a Member seeking recognition with respect to our guest chaplain.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

BISHOP FRANK C. CUMMINGS

(Mr. CLAY asked and was given permission to address the House for 1 minute.)

Mr. CLAY. Mr. Speaker, as Members of the 103d Congress we have been privileged today to have as our guest chaplain a very dynamic leader in the religious movement, Bishop Frank C. Cummings of the 11th Episcopal District, African Methodist Episcopal Church, Jacksonville, FL.

Bishop Cummings spent 16 years in the St. Louis area. He was there when I was first elected to Congress, and apparently he has become sort of a good luck piece for minority Members of Congress. He moved to the New York area, and he was there when our colleague, Mr. FLOYD FLAKE, was elected; and just recently he moved to Florida where we just elected three new members of the Congressional Black Caucus: Ms. CORRINE BROWN, Ms. CARRIE MEEK, and Mr. ALCEE HASTINGS.

Mr. Speaker, I just want to acknowledge the fine contribution that Bishop Cummings has made to the religious community and to the political community. We are very proud and pleased to have him here this afternoon.

ENSURING EFFECTIVENESS OF CERTAIN EMOLUMENTS TO THE OFFICE OF SECRETARY OF THE TREASURY

Mr. CLAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 1) to ensure that the compensation and other emoluments attached to the Office of Secretary of the Treasury are those which were in effect on January 1, 1989.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. MYERS of Indiana. Mr. Speaker, reserving the right to object, I do so for the purpose of inquiring as to what the purpose of this resolution is. I understand and remember that Senator Saxbe of Ohio had the same provision when he was nominated a number of years ago. Would the chairman of the committee explain why this is necessary and what we are doing here?

Mr. CLAY. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

Mr. Speaker, this resolution, which was passed by the Senate yesterday, is necessary to facilitate the appointment of Senator BENTSEN to be Secretary of the Treasury.

Since the salary of the Office of Secretary of the Treasury has been increased by Congress during Senator BENTSEN'S current term, which runs from noon on January 3, 1989, until noon on January 3, 1995, Senator BENTSEN currently is ineligible for appointment to that office under article I, section 6, clause 2 of the Constitution which provides:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time;

Under Senate Joint Resolution 1, the compensation and other emoluments attached to the Office of Secretary of the Treasury are reduced to those which were in effect on January 1, 1989. As a result of this resolution, the rate of pay for the office will be reduced from $148,400—the rate as of January 1, 1993—to $99,500—the rate in effect on January 1, 1989. The salary rate will be frozen at this level and may not be increased as a result of any cost-of-living adjustment or any other increase authorized after January 1, 1989.

Mr. Speaker, I am sure you will recall that during the 93d Congress, similar legislation was passed to remove the constitutional impediment to the appointment of Senator William B. Saxbe to the Office of Attorney General. This resolution is modeled after that legislation and includes similar provisions for expediting action in the courts to consider any constitutional question that may arise after the appointment of Senator BENTSEN.

Mr. MYERS of Indiana. Mr. Speaker, I have a further inquiry. It is my understanding, however, that the Senator's salary could be increased as of January 3, 1995, when the normal term which he is serving right now would have expired; is that correct? His emolument could be increased at that time, but not until that time?

Mr. CLAY. Yes, but it would take legislation to do that.

Mr. MYERS of Indiana. And this would have to be reversed? What the gentleman is offering today would have to be changed?

Mr. CLAY. Yes, the gentleman is correct.

Mr. MYERS of Indiana. Mr. Speaker, I thank the chairman of the committee for his response, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the compensation and other emoluments attached to the office of Secretary of the Treasury shall be those in effect January 1, 1989, notwithstanding any increase in such compensation or emoluments after that date under—

(1) the Ethics Reform Act of 1989 (Public Law 101–194) or any other provision of law amended by that Act; or

(2) any other provision of law, or provision which has the force and effect of law, that is enacted or becomes effective during the period beginning at noon of January 3, 1989, and ending at noon of January 3, 1995.

(b)(1) Any person aggrieved by an action of the Secretary of the Treasury may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the Secretary of the Treasury on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States District Court for the District of Columbia shall have exclusive jurisdiction over such a civil action, without regard to the sum or value of the matter in controversy.

(2) Any claim challenging the constitutionality of the appointment and continuance in office of the Secretary of the Treasury on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution, in an action brought under paragraph (1) shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. It shall be the duty of the district court to advance on the docket and to expedite the disposition of any matter brought under this subsection.

(3)(A) An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order upon the validity of the appointment and continuance in office of the Secretary of the Treasury under article I, section 6, clause 2, of the Constitution, entered in any action brought under this subsection. Any such appeal shall be taken by a notice of appeal filed within 20 days after such judgment, decree, or order is entered.

(B) The Supreme Court shall, if it has not previously ruled on the question presented by an appeal taken pursuant to subparagraph (A), accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal.

(c) This joint resolution shall become effective at 12:00 p.m., January 20, 1993.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the Senate joint resolution just passed.

The SPEAKER. It there objection to the request of the gentleman from Missouri?

There was no objection.

RECESS

The SPEAKER. Pursuant to the order of the House of Tuesday, January 5, 1993, the Chair declares the House in recess until approximately 12:55 p.m.

Accordingly (at 12 o'clock and 10 minutes p.m.), the House stood in recess until approximately 12:55 p.m.

□ 1303

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 3 minutes p.m.

COUNTING ELECTORAL VOTES—JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF SENATE CONCURRENT RESOLUTION 1

At 1 o'clock and 4 minutes p.m., the Doorkeeper, the Honorable James T. Molloy, announced the Vice President and the Senate of the United States.

The Senate entered the Hall of the House of Representatives, headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The VICE PRESIDENT took his seat as the Presiding Officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The joint session was called to order by the Vice President.

The VICE PRESIDENT. Mr. Speaker and Members of Congress, the Senate and the House of Representatives, pursuant to the requirements of the Constitution and the laws of the United States, are meeting in joint session for the purpose of opening the certificates and ascertaining and counting the votes of the electors of the several States for President and Vice President.

Under well-established precedents, unless a motion shall be made in any case, the reading of the formal portions of the certificates will be dispensed with. After ascertainment has been had that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The tellers on the part of the two Houses will take their places at the Clerk's desk.

The Chair hands to the tellers the certificates of the electors for President and Vice President of the State of Alabama, and they will count and make a list of the votes cast by that State.

The tellers, Mr. STEVENS and Mr. FORD on the part of the Senate, and Mr. ROSE and Mr. THOMAS of California on the part of the House, took their places at the desk.

□ 1310

Senator FORD (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic, and it appears therefrom that George Bush of the State of Texas, received 9 votes for President, and DAN QUAYLE of the State of Indiana, received 9 votes for Vice President.

The VICE PRESIDENT. If there is no objection, the Chair will omit in the further procedure the formal statement just made, and we will open the certificates in alphabetical order and pass to the tellers the certificates showing the votes of the electors in each State; and the tellers will then read, count, and announce the result in each State as was done with respect to the State of Alabama.

Is there objection?

The Chair hears no objection.

There was no objection.

The tellers then proceeded to read, count, and announce, as was done in the case of the State of Alabama, the electoral votes of the several States in alphabetical order.

□ 1325

The VICE PRESIDENT. Gentlemen and gentlewomen of the Congress, the certificates of all the States have now been opened and read, and the tellers will make final ascertainment of the result and deliver the same to the President of the Senate.

The tellers delivered to the President of the Senate the following statement of the results:

States	Electoral votes of each State	For President		For Vice President	
		Bill Clinton	George Bush	Al Gore	Dan Quayle
Alabama	9		9		9
Alaska	3		3		3
Arizona	8		8		8
Arkansas	6	6		6	
California	54	54		54	
Colorado	8	8		8	
Connecticut	8	8		8	
Delaware	3	3		3	
District of Columbia	3	3		3	
Florida	25		25		25
Georgia	13	13		13	
Hawaii	4	4		4	
Idaho	4		4		4
Illinois	22	22		22	
Indiana	12		12		12
Iowa	7	7		7	
Kansas	6		6		6
Kentucky	8	8		8	
Louisiana	9	9		9	
Maine	4	4		4	
Maryland	10	10		10	
Massachusetts	12	12		12	
Michigan	18	18		18	
Minnesota	10	10		10	
Mississippi	7		7		7
Missouri	11	11		11	
Montana	3	3		3	
Nebraska	5		5		5
Nevada	4	4		4	
New Hampshire	4	4		4	
New Jersey	15	15		15	
New Mexico	5	5		5	
New York	33	33		33	
North Carolina	14		14		14
North Dakota	3		3		3
Ohio	21	21		21	
Oklahoma	8		8		8
Oregon	7	7		7	
Pennsylvania	23	23		23	
Rhode Island	4	4		4	
South Carolina	8		8		8
South Dakota	3		3		3
Tennessee	11	11		11	
Texas	32		32		32
Utah	5		5		5
Vermont	3	3		3	
Virginia	13		13		13
Washington	11	11		11	
West Virginia	5	5		5	
Wisconsin	11	11		11	
Wyoming	3		3		3
Total	538	370	168	370	168

The VICE PRESIDENT. The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of electors appointed to vote for President of the United States is 538, of which a majority is 270.

Bill Clinton, of the State of Arkansas, has received for President of the United States 370 votes.

George Bush, of the State of Texas, has received 168 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of electors appointed to vote for Vice President of the United States is 538, of which a majority is 270.

Al Gore, of the State of Tennessee, has received for Vice President of the United States 370 votes.

DAN QUAYLE, of the State of Indiana, has received 168 votes.

The announcement shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 20th day of January 1993, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

Members of the Congress, the purpose for which the joint session of the two Houses of Congress has been called having been accomplished, pursuant to Senate Concurrent Resolution 1, 103d Congress, the Chair declares the joint session dissolved.

Thereupon, at 1 o'clock and 34 minutes p.m., the joint session of the two Houses of Congress was dissolved.)

□ 1338

The House was called to order by the Speaker.

The SPEAKER. Pursuant to Senate Concurrent Resolution 1, 103d Congress, the Chair directs that the electoral vote will be spread at large upon the Journal.

RECESS

The SPEAKER. The House will stand in recess until 2 o'clock.

Accordingly (at 1 o'clock and 38 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. OBEY] at 2 p.m.

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

TIME TO ABOLISH THE ELECTORAL COLLEGE

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, the House has just engaged in a great tradition, the transition of power, a peaceful transition of power that occurs in this country, but as this is the year of change and as we just observed the electoral college meeting and hearing the vote results, so it is time that we resolve that this be the last time the electoral vote be read in this House. It is time to do away with the electoral college, which is why I have introduced House Joint Resolution 28, which would be the 28th amendment to the Constitution abolishing the electoral college and instead replacing it with the popular vote of the people, which is how every other elected office holder in this country gains their position.

In May it looked as if this country stood on the edge of a constitutional crisis when the three frontrunners for the Presidency, Ross Perot, Bill Clinton, and George Bush, all had equal amounts of votes, that none would get a majority in the electoral college, and then it would have come to the House of Representatives to make that decision.

How many times do we have to have a crisis whereby it is possible for a person with a lesser number of votes to become the President of the United States of America?

Mr. Speaker, I urge my colleagues to take a math lesson. Math, incidentally, is the only course that is not taught at the electoral college, because in West Virginia with 5 electoral votes even if candidate A gets 51 percent of the vote and the losing candidate gets 49, the person who voted for the winning candidate gets five electoral votes; the one who voted for the lesser candidate gets no electoral votes. Somebody loses out. It is time to change this.

I urge my colleagues to repeal this electoral college and instead to pass the constitutional amendment.

THE RAMSTAD RESOLUTION ON ESTATE TAXES

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, renewed proposals for increased spending, combined with the massive budget deficit, will bring tremendous pressure on the Congress this session to raise taxes.

The last thing this body ought to do is raise taxes on the lifetime savings of middle-income Americans.

But last year, a plan to decrease the estate tax exemption to $200,000—the value of a modest home and a life insurance policy—was proposed in this Congress.

This proposal would make the estate tax so high that middle-income families could be forced to sell their homes, farms, or small businesses just to pay the taxes.

This is not only unfair to those hardworking taxpayers who want to leave something for their kids—but it would certainly throw people out of work as families are forced to sell their small businesses and farms.

Yesterday, I introduced House Concurrent Resolution 6, which states the firm opposition of Congress to any attempt to lower the estate tax exemption.

Please join me and 78 of our colleagues in this body from both sides of the aisle in demonstrating our bipartisan opposition to this unfair and growth-stifling tax increase, the proposal to decrease the estate tax exemption.

INTRODUCTION OF RESOLUTION TO CONDEMN RAPE IN THE WAR IN BOSNIA-HERCEGOVINA

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and to include extraneous material.)

Mr. MILLER of California. Mr. Speaker, regrettably, I introduce today a resolution to strongly condemn the massive and systematic rape of women and girls in the war in Bosnia and Hercegovina and to declare the sense of the House that rape and forced pregnancy as a means of warfare are war crimes and crimes against humanity.

I say regrettably because the resolution concerns a brutally atrocious and often unspeakable act. But the fact remains that according to U.N. investigators, human rights groups, and numerous national news reports, thousands of women and girls have been raped in the conflict in the former Republic of Yugoslavia. Precise numbers are difficult to obtain, but it has been estimated that as many as 30,000 women and girls have been raped during this war.

Some of the victims were raped and released, some were raped and killed, and some were held prisoner in rape brothels for soldiers passing through town. Still others have been detained in what are now called rape camps where the women are detained and raped over extended periods of time with the express purpose of forcing them to bear Serbian children. According to investigators, some abuses have been committed by all sides in the conflict, but the systematic and massive detention, rape, and forced pregnancies are primarily committed by Bosnian Serb soldiers against Moslem women and girls. The resolution denounces this practice, regardless of the ethnicity or religion of the victims or the perpetrators.

By introducing this resolution, along with 62 of my colleagues, I in no way intend to minimize the numerous other atrocities that have come to light in the war in Bosnia and Hercegovina. The world community, including the Congress, has correctly denounced the so-called ethnic cleansing, the savage detention camps discovered last summer, the mass graves, and the unyielding siege of Sarajevo, all of which have caused an estimated 20,000 deaths and more than 1 million refugees.

Nor is this resolution intended to suggest that the conflict in the former Yugoslavia is the first conflict in which women have been raped.

Rather, this resolution is intended to clearly denounce rape as a means of warfare, to clearly state that rape has too often been considered an incidental or concomitant element of war in all countries rather than seen for the international crime that it is. In the war in Bosnia and Hercegovina, women and girls are being raped in what appears to be a deliberate, massive, and systematic fashion, perhaps in historic numbers. Rape in Bosnia and Hercegovina has become a weapon. This resolution states that the House recognizes this to be an illegal weapon. It is an illegal means of warfare, the perpetrators of which should be tried in an international war criminals tribunal established by the United Nations. Mr. Speaker, it is time to uncover the invisible history of rape in war.

The Geneva Conventions explicitly and implicitly prohibit rape and other inhumane acts. And Amnesty International and the U.N. Special Rapporteur on Torture have both stated that rape is a form of torture.

Specifically, the resolution:

Condemns rape and forced pregnancy as a tactic of war, whether committed against an individual or on a massive scale, and declares the sense of the House that rape is a crime against humanity and a war crime;

Applauds Secretary of State Eagleburger for calling for an international tribunal to try those responsible for crimes against humanity in the war in the former Republic of Yugoslavia;

Applauds the U.N. Security Council for its resolution specifically condemning massive detention and rape in Bosnia;

Calls on the President of the United States to publicly condemn rape in Bosnia, to state that rape as a means of warfare is a crime against humanity and a war crime and to strongly encourage the United Nation to pursue the establishment of an international war crimes tribunal for this conflict;

Calls on all sides in the conflict to protect the rights of women and girls as recognized in the Geneva Conventions and to immediately release women and girls from detention; and

Calls on countries participating in humanitarian relief efforts to allocate resources for the physical and psychological treatment of rape victims.

Mr. Speaker, I believe my colleagues share my sense of frustration over the inability so far to bring to an end the atrocities in Bosnia and Hercegovina. I strongly support the efforts of Lord Owen and former Secretary of State Cyrus Vance to mediate a diplomatic settlement and an end to the war. We all wish we could do more.

In the meantime, the House must use the power of its voice to repudiate these atrocious acts and lend its support to the victims of this most insulting, brutal and devastating crime.

Mr. Speaker, the House must lend its support to the victims of this war and pressure for the protection of women and girls in future conflicts by clearly denouncing rape as a means of warfare and demonstrating our support for the prosecution of those who commit rape as a means of warfare.

Mr. Speaker, I include the text of the resolution expressing the sense of the House of Representatives concerning systematic rape in the conflict in Bosnia-Hercegovina, as follows:

H. RES. —

Whereas credible reports indicate that rape has been used as a tactic of war by all the combatants in the former Socialist Federal Republic of Yugoslavia, and that rape has become a deliberate, widespread, and systematic form of violence in particular by Serbian soldiers against thousands of Moslem women of all ages in the war in Bosnia-Herzegovina;

Whereas credible reports also indicate the forced pregnancy of Moslem women by Serbian soldiers in this conflict;

Whereas women are protected against "any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault" under Article 27 of the 3rd Geneva Convention, 1949, and are protected against "outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution, and any form of indecent assault," under Article 4, Protocol II Additional to the Geneva Conventions, 1977;

Whereas "inhumane acts" are considered "crimes against humanity" under the London Agreement that established the guidelines for the Nuremberg Trials, and "torture or inhuman treatment" and "willfully causing great suffering or serious injury to body or health" are considered "grave breaches" of the 4th Geneva Convention, 1949, under Article 147 of that Convention;

Whereas rape is a deplorable and illegal act of violence in the United States and in every country in Europe;

Whereas systematic rape in the conflict in Bosnia-Herzegovina has been denounced under United Nations Security Council Resolution 798 and by the Council of Ministers of the European Community in its declaration of December 11, 1992;

Whereas Secretary of State Lawrence Eagleburger has denounced atrocities in this conflict and has named individuals that should stand trial in an international court for "crimes against humanity";

Whereas on August 11, 1992, the House of Representatives approved H. Res. 554, expressing the sense of the House that crimes against humanity and war crimes in this conflict should be investigated and that perpetrators of such crimes should be tried in an international tribunal;

Whereas the United Nations Commission of Experts is presently collecting information and evidence for the eventual establishment of an international tribunal to prosecute war crimes under international law that are committed in this conflict;

Whereas in 1944 President Franklin D. Roosevelt publicly denounced "acts of savagery" committed by the German forces during World War II and pledged that the perpetrators would be punished; and

Whereas the Allies made it clear in the Moscow declaration in 1943 that they would seek the prosecution of perpetrators of war crimes committed during World War II: Now, therefore, be it

Resolved, That—

(1) rape, whether individual or mass rape, is an unacceptable means for warfare;

(2) the House of Representatives strongly condemns the systematic and widespread rape of women and girls in Bosnia-Herzegovina;

(3) rape and forced pregnancy are "crimes against humanity" under international law, regardless of the ethnicity or religion of the victims or the perpetrators, and should be so recognized in an international tribunal to try perpetrators of crimes against humanity and war crimes;

(4) the House of Representatives applauds Secretary of State Eagleburger for denouncing "crimes against humanity" in the conflict in Bosnia-Herzgovina and for calling for an international crimes tribunal to prosecute such crimes;

(5) the House applauds the adoption of United Nations Security Council Resolution 798 and the declaration of December 11, 1992, of the Council of Ministers of the European Community, both of which denounced the systematic rape of Moselm women in this conflict;

(6) the President of the United States should publicly condemn systematic rape in this conflict, should vigorously support the establishment by the United Nations of an international tribunal to prosecute crimes against humanity and war crimes, and should state that rape, whether individual or mass rape, and forced pregnancy, as tactics of war, are crimes against humanity and war crimes;

(7) all countries participating in humanitarian relief efforts in the former Socialist Federal Republic of Yugoslavia should allocate resources for the treatment of rape victims, including the training of relief workers in the medical and psychological effects of rape; and

(8) all parties to the conflict in Bosnia-Herzegovina should immediately take steps to protect the rights of women and girls as recognized in the Geneva Conventions, and specifically to protect them from rape, forced pregnancy, and the infliction of other indignities.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President of the United States and the Secretary General of the United Nations.

HOUSE RESOLUTION TO CONDEMN MASS RAPE IN BOSNIA

Original cosponsors:

George Miller (CA), Nancy Pelosi, Kwesi Mfume, Ronald Dellums, Patricia Schroeder, Robert Torricelli , Barbara Kennelly, Don Edwards, Carrie Meek, Rosa DeLauro, Sam Gejdenson, Henry Waxman, John Olver, Tom Manton, Mel Reynolds, Martin Sabo, Jim Ramstad.

Jim McDermott, Ron Coleman, Ron de Lugo, James Walsh, Dave Bonior, Dick Swett, Tom Sawyer, Norm Mineta, Martin Lancaster, Matthew Martinez, Jon Kyl, Neil Abercrombie, Jan Meyers, James P. Moran, Sander Levin, Charles Schumer, Bernie Sanders.

Jim Cooper, Susan Molinari, David Price, Connie Morella, Robert Matsui, Tony Beilenson, Jim Bacchus (FL), George Brown, Pete Stark, Major Owens, Tom Foglietta, Charles Wilson, Anna Eshoo, Esteban Torres, Maxine Waters, Lucille Roybal-Allard, Richard Lehman, Jim Oberstar.

NEW PRESIDENT SHOULD PUT A FREEZE ON FEDERAL SPENDING

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, in the last campaign, Democrats and Republicans had their feet put to the fire by Ross Perot's eloquent remarks on doing something about the deficit. This Congress has an opportunity to do something that many in both parties in all parts of the United States have wanted to do for years.

In 1988, President Bush advocated a freeze of Federal expenditures.

As a newcomer to the Congress, I would advise President Clinton that he should undertake advocacy of a freeze prior to submitting to this Congress a request to increase the debt ceiling.

It is essential that we get a grip on this growing deficit of trillions of dollars, which is strangling the American economy. If we are not going to do it, let us tell the American people we are not. If we are, let us take courageous action and give the President a freeze with flexibility to move money within the budget to meet necessary needs. I do not believe we should increase the debt ceiling until we force that type of action.

TAXATION IN THE TERRITORIES

(Mr. BACHUS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS of Alabama. Mr. Speaker, the people of my State of Alabama and your State pay Federal taxes. The people of the American Samoa, Guam, and the Virgin Islands do not. It is a very real difference, a very real distinction, a fact sadly overlooked yesterday by the majority in its vote.

When it comes time to vote to raise taxes, to create new and expensive Federal programs, to increase spending, the people of my State and your State who are already paying the freight will have to pay more, if approved.

Motivated by this fact, I and their Representatives will often vote "no" to more government, more programs, more taxes.

The people of the territories will reap the benefits of additional programs, expenditures, and taxes. At the same time, they will pay no more. Motivated by this fact, I predict, sadly, that their Representatives will often vote for higher taxes, new programs, and increased expenditures.

In short and sadly, the vote yesterday was a vote to give the Delegates with no real financial interest in reducing taxes or reducing the size or cost of the Federal Government the right to do so. It will be a very sad day, it is a very sad day, and I predict a very expensive vote which we took yesterday.

☐ 1410

CARLOS CANCIO IS NOT A CRIMINAL

(Mr. DEUTSCH asked and was given permission to address the House for 1 minute.)

Mr. DEUTSCH. Mr. Speaker, the Justice Department cannot be serious about pursuing criminal charges against the Cuban pilot of the Aero Caribbean plane that landed in Miami last week.

The pilot, Carlos Cancio, risked his own personal welfare, and that of his family, all in the name of freedom. The 48 defectors on board were not on a joy ride. They took off from Cuba knowing that Cuban fighters or antiaircraft guns could shoot them out of the sky at any moment.

The very idea that the U.S. Government is contemplating legal action against Mr. Cancio is ridiculous. Mr. Cancio piloted an aircraft that launched from oppression and landed in freedom. He liberated 47 other Cubans who similarly yearned for a new, free life in the United States.

But Mr. Cancio was also careful to treat humanely those on board who wished to return to Cuba. Those five individuals have returned safely to Cuba, no worse for the experience.

It is inconceivable to me that the Attorney General will attempt to arrest Mr. Cancio. If anything, the Justice Department should announce that Mr. Cancio and his passengers will soon be sworn in as American citizens.

Mr. Speaker, Carlos Cancio is not a criminal. He is a hero.

AMERICANS OF THE USVI PAY TAXES, TOO

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, a few minutes ago the gentleman on the other side made a number of statements that were sadly incorrect.

Let me first say that we from the territories, we Delegates, thank the House for extending to us the vote in the Committee of the Whole. It was a proud moment for this body, this democratic body.

Mr. Speaker, the mistake that was made is that the people of my district pay Federal taxes. We pay it at the Federal rate. I file it on the same form that every other Member in this House files it on. It is called the mirror tax system. It mirrors identically the taxes that are paid in my colleagues' States, that all of us pay, and any time that we raise the taxes on the American people, we raise the taxes on the American people in the U.S. Virgin Islands.

Mr. Speaker, all tax increases apply to us, so we have a stake, as do my colleagues, in bringing this deficit down.

BUDGET BASELINES, HISTORICAL DATA, AND ALTERNATIVES FOR THE FUTURE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-4)

The SPEAKER pro tempore (Mr. ABERCROMBIE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

I am pleased to present the budgetary statement: *Budget Baselines, Historical Data, and Alternatives for the Future.*

The Budget Enforcement Act of 1990 (BEA) changed the date by which the President is required to transmit his Budget from the first Monday after January 3rd to the first Monday in February. It also established January 21, 1993, as the date for the official presentation and determination of the BEA budget deficit adjustment. Accordingly, the full 1994 Budget must be submitted by the new Administration.

In order to provide a perspective from which to evaluate choices and actions, this document provides the following:

—a review of current policies and the implications of their extension into the future;

—near-term and long-term budget projections under alternative economic and technical assumptions;

—assessments of hidden liabilities with associated policy reforms, and assessments of high risk management areas with associated recommendations for systems improvement; and

—updated options and recommendations for spending control.

It is my hope that this will be useful to the Congress and the new Administration in the effort to produce both a responsible budget and strong economic growth.

GEORGE BUSH.

THE WHITE HOUSE, *January 6, 1993.*

WHY THE ELECTORAL COLLEGE SHOULD BE ABOLISHED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I take this opportunity to continue discussion of the electoral college which has just met here and hopefully recorded the votes for President and Vice President of the United States. But, hopefully, Mr. Speaker, the doors to this college can be closed so that in the next 4 years what will be recorded here will be the popular vote as determining who the President and Vice President of the United States will be as opposed to the electoral vote.

There are several reasons for that. First of all, Mr. Speaker, those of us who were here had the privilege of being here in the early spring of last year suddenly realized with horror that, as Bill Clinton, George Bush, and Ross Perot all had about equal numbers of votes in the polls, realized with a sense of horror that this election might not be decided routinely, as it has been for roughly these last 100 years in the electoral college with a clearcut majority winner, but instead might move from the electoral college to the House of Representatives. There each State would have one vote. It is not a case whereby each Member of the House, all 435, would have individual votes, but each State would only have one vote for the President of the United States.

Mr. Speaker, in this situation mischief abounds, the opportunity for mischief. Indeed there have been two instances in our Nation's history where the person getting the lesser number of popular votes has actually become the President of the United States.

What further compounds this situation is the House really has no procedures for addressing this situation. The last time, as I mentioned, was about 100 years ago. What kind of constitutional crisis would we have been in if this was the first vote that new Members and old Members cast? How in the world would we settle that mess? How would we work our way out of that? Certainly it would have undercut the credibility of the electoral process and perhaps further aggravated a sense of cynism among the electorate.

So, Mr. Speaker, what I have done is propose a very simple amendment, not particularly original, but I think important for this time, and that is that the electoral college be abolished and that the popular vote decide how the President is selected. Every other election for every other office holder, I might add, is conducted that way.

The significance, I think, can be found here. We do a little bit of math very quickly looking at smaller States first. West Virginia has five electoral votes. Somebody who votes for the winning candidate in West Virginia in effect has five votes that are reported here, so my one vote for Bill Clinton in effect was multiplied by five. However one of those who voted for Ross Perot or George Bush in effect was not represented whatsoever, so one times zero equals zero, and so my colleagues can see how that works.

There is another calculation that is quite interesting. Look at California which has 54 electoral votes. In that State the person who was fortunate enough to cast a winning vote for the winning candidate; that is, Bill Clinton, had their vote multiplied here in effect by 54. I cast a winning vote in West Virginia, but my vote was only multiplied by five, and yet somebody who voted for Ross Perot or George Bush had no reflection whatsoever in the electoral vote here.

☐ 1420

One of the arguments that is used against my proposal is that this would cause a Presidential candidate to spend less time in States with small populations. To be candid with you, I did not notice a Presidential candidate spending a lot of time in North Dakota or West Virginia or any number of other States more so because they had electoral votes as opposed to popular votes. Indeed, I sometimes wonder if once the polls in a State establish that a person will probably win that State by 5 percent, whether they drop off that State and move to another.

This keeps people honest in every State, because you have to go after every individual vote rather than going after the winner-take-all electoral votes. So I think that is another compelling reason.

It seems to me that we finally have to look at the reason that the electoral college came into existence. It was a compromise between those that wanted wide suffrage and those that wanted only landed gentry, and read into that white men who owned property, to vote. Of course, that is not the situation today.

Furthermore, there was also a time when there were no telecommunications, no modern communications. Vote reporting was tough from county seat to county seat, even much less from the State or territory to the Capital here in Washington.

Well, of course, now we know that is not the situation and you have the vote totals the same night as they are cast. Surely we have enough trust in ourselves to think that the popular vote is the way to determine the Presidency of the United States.

Mr. Speaker, finally, I hope that this is a wake-up call for not only this

House, but the country. This House, incidentally, in the late 1960's did pass a constitutional amendment abolishing the electoral college. I hope this is a wake-up call, because I never want to have to go through the possible agony that was going to be faced and that people were looking at last spring with the realization that the first vote cast might be the House of Representatives trying to sort out who should be President of the United States, with no absolute guarantee that that person who got the most number of States would win, and furthermore, even that those who voted for another losing candidate would have their votes adequately represented.

So I think we should take this opportunity to say enough is enough. The electoral college has been good for the last 200 and some years, but I think that it is time to finally shut the doors on this institution.

AUTHORIZING THE SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. WISE. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, January 20, 1993, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore (Mr. ABERCROMBIE). Is there objection to the request of the gentleman from West Virginia?

Mr. WALKER. Mr. Speaker, reserving the right to object, I would ask if this is just the standard process of allowing the Speaker to make appointments and so on during the down time?

Mr. WISE. Mr. Speaker, if the gentleman will yield, that is my understanding.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

SHAME ON CONGRESS FOR PROCEDURE FOLLOWED CONCERNING DELEGATES' RIGHT TO VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. BARTLETT] is recognized for 5 minutes.

Mr. BARTLETT. Mr. Speaker, I yield to the gentleman from California [Mr. HUFFINGTON].

Mr. HUFFINGTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, for more than 200 years Americans have not only believed in, but have died for, their right to representation.

From the beginning, Thomas Jefferson and others have maintained that all who enjoy the benefits and responsibilities of this Nation should have a voice, but not every voice must be armed with a vote.

What is it, precisely, that has changed? As nearly as I can determine, what's changed is politics.

What needs to change, if this issue is to be fairly and properly addressed, is the Constitution. And that is not the private property of this august body.

The day for reform has arrived. This Congress has a mandate for change, and that mandate has meaning. In this instance, what it means is the demand for fairness over politics.

The Constitution is clear, and the means by which it can be changed is clear. This issue belongs to the Constitution and the people it represents. We cannot, and we may not, decide it on the grounds of political whim.

Mr. BARTLETT. Mr. Speaker, if you will look at the Declaration of Independence, at the signature list on the bottom, and look at the upper right-hand column, you will see there the name of Josiah Bartlett, a forebear in my family. I think that if Josiah Bartlett could have been resurrected and been with us yesterday, that he would have risen to his feet and asked for a microphone to cry "Shame, shame, shame."

Mr. Speaker, I want to spend the few moments that I have today not to address the subject matter of what happened yesterday, but rather to talk for just a few moments about the procedure. I have today a very bad headache. I have not had one for a great while. That may be ascribed to my reaction to what happened yesterday.

I do not think that 1 person in 50 in our country knows what went on here yesterday, and I doubt that 1 in 100 could believe what went on. In a country that should be the bulwark of freedom, in a country where our great strength was built on our ability to discuss and to reach consensus, what we saw yesterday was a great travesty of this important heritage.

Mr. Speaker, there was no way for those assembled here or listening or watching from across this country to have any idea what was in a package that the Republicans were offering for rules to reform this House. I ran, as did essentially everyone, on a platform that focused largely on reform. I tell you that what happened yesterday was not reform. It was going in the opposite direction.

I am glad that we called for votes so that it will be clear to the American people who cast their vote for this travesty of justice. For all except two of the Democrat freshmen who repudiated their campaign promises for reform, I hope that when you go back to run for this high office in 2 years, that your constituents will call you to task for that vote, and that you will be replaced here by someone who will be responsive to the wishes to the constituents, someone who will keep his campaign promises.

Mr. Speaker, I had hoped better of this House. I pray better for the future.

REPRESENTATION WITHOUT TAXATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, as one of the Members of the record freshman class, I think I represent all of our feelings when I say it is a tremendous honor to be part of this distinguished body.

Yesterday we made a rules decision that affects not only this Chamber, but the American people. A majority of the Members of the House of Representatives yesterday voted to give our territories representation without taxation. Not only does it move in a dangerous direction of what I feel was the intent of our U.S. Constitution, but at a time when our budget problems are so serious and the overspending of this Government takes $200 to $300 billion out of circulation simply because we decide to overspend, and that money no longer is available to individuals that want to go to college, for individuals that want to borrow money to build a new home, and most importantly that money that the Federal Government borrows is no longer available to businesses that want to invest in new tools and new technology to allow them to be more productive and more competitive in a world market, but by allowing territories to have a vote in the Committee of the Whole, and even in committees as they have in the past, it allows those individuals to vote for more spending and possibly even more taxation without having the obligation of spending and paying for those kinds of budget increases.

□ 1430

Yesterday we made a decision by adopting the Democrat rules to not have term limitations for ranking members on the Republican or minority side and for the chairmen of committees and chairmen of subcommittees. We did this at a time when the American people are calling for term limitation of Members of the U.S. Congress. They are calling for a limitation on terms not because they want to give up their opportunity to choose who they think is best.

Fourteen States of this country made a strong call for term limitations simply because they feel Congress is not working. Instead of opening up Congress to represent the will of the people, yesterday we closed the doors even further of what Congress can do.

We allowed the Speaker of this Chamber the authority to now remove Republican members from conference committees and not even replace those individual members. We allowed a rolling quorum, if you will, in committees so members do not even have to attend committee meetings. Some of the guests in the gallery note that there is very slight attendance in this Chamber. Yesterday we passed a rule, without the consent of the Republican minority, that will allow committees to hold committee meetings at the same time that the House is in session.

There is no question in my mind this is going to result in even less attention to what happens on the floor of this Chamber. I think any Congressman that did not hear the call of rebellion during this last election, that things have got to change, that Government has got to be more responsible and responsive to the American people and that they are concerned about their standard of living going down, they are concerned about the lack of availability of good jobs, any individual Member that does not think that that is a strong call in the beginning of a potential revolution is not going to get reelected in 2 years or in 4 years.

I thank this Chamber for their attention. I think that if there ever was a time in history when the individual Members of this Chamber must be more diligent, must look at not only reform changes within the House but must be tremendously conscientious about doing the things that are going to help America and Americans.

THE SHREDDING OF THE CONSTITUTION

The SPEAKER pro tempore (Mr. ABERCROMBIE). Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, yesterday I became a Member of the House of Representatives, fulfilling a boyhood dream that began when I was 10 years old. I started the day going to the Department of Archives and looking at the Emancipation Proclamation, which was penned by perhaps one of the greatest men ever to live in history.

As I stood before that document, I was consumed by the patriotism, by the dedication, by the fervor of the man who literally signed his own death warrant. Because Abraham Lincoln knew that by taking the incredible move to free the slaves, he would bring about an outcry that history had never seen before. And he knew himself deeply in his heart that that could cost him his life, which it did.

Mr. Speaker, 2 hours later I was sworn in as a Member of the House of Representatives, and I witnessed one of the most incredibly revolting spectacles that has ever taken place in the House of Representatives and hung my head with shame over the fact that the Constitution, the very Constitution that Mr. Lincoln died for was shredded at the hands of the Democrat majority who simply decided that they wanted more votes and decided to increase the number of U.S. Representatives from 435 to 440.

A Revolutionary War was fought in this country over the principle that the colonies were taxed without representation, and that resulted in the Boston Tea Party. Mr. Speaker, now we see representation without taxation and that should bring about a hue and cry, the likes of which this country has never seen before.

We are now seeing the Delegates from the territories having the absolute right to vote upon taxing policies, which affect all Americans, while at the same time keeping in mind that those people in those territories pay absolutely no taxes to the U.S. coffers.

Mr. Speaker, that vote yesterday also brought about something else that is revolting. We are proud in this country of the maximum one man one vote. I represent 590,000 people. The Representative from American Samoa represents 50,000 people. Thus, his vote is given six times my weight from a person who is not even from a State.

I do not know how long the U.S. Congress can maintain any semblance of respect from the electorate, but one thing is for sure, Mr. Speaker, yesterday we witnessed the shredding of the Constitution.

As long as I am a Member of this House, I will do everything in my power to make sure that constitutions are to be followed and not shredded.

BILL CLINTON'S RIGHT TO CHOOSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, the title of my talk this afternoon is "Bill Clinton's Right To Choose," and I want to get up as a parent. I happen to be a product of public schools, and my wife and my daughters are products of public schools. I want to get up as a parent and say that I am fully supportive of President-elect Clinton's right to send his daughter to a private school in Washington. I believe that as a parent the No. 1 consideration he should have taken in looking at Chelsea's future is what does he think will help Chelsea.

☐ 1440

Now I think that where possibly some of my friends in the Democratic Party may disagree with me is that I think that, as the leading resident of public housing in America, that Bill Clinton should have a right to choose, exactly like the poorest resident of public housing in America, and that if the new leading citizen of Washington, DC, has decided that the public schools are either so lacking in discipline or so lacking in academic achievement or so dangerous that his daughter should go to a private school, that that is the signal to this Congress that we should look at possibly passing a bill which would take all Federal education aid to the District of Columbia and turn it into a voucher, so that, on a revenue-neutral basis, we would provide some money to every parent. They could either pay that money to the District of Columbia schools, which could charge them a fee, or they could pay that money to a private school of their choice. The school could be church-related, as apparently Chelsea's will be, or the school could be a private, secular school, but the choice would be up to the parents.

I want to put this in context, because I have done a great deal of work over the last few years on big city schools. Big city schools are one of the major scandals of American education. I happen to represent a largely suburban district. Most of the public schools in my largely suburban district are very, very good. Most parents in my district, given a choice, probably would not take their children out of the school, but when you get to a very large, very bureaucratic, very unionized and often very dangerous public school, we have a very different kind of situation.

The saddest single comment on the situation involving Chelsea was a young man on NBC who was quoted, this is a local high school student, who was quoted as saying the following: "Well, that might be best because, you know, some public schools are rough, and she might get hurt or something."

Let me repeat that, because I think every American ought to be ashamed of the truth in this young man's statement. When asked what he thought about the leading public housing citizens' daughter going to private school, he said: "Well, that might be best because, you know, some public schools are rough, and she might get hurt or something."

Let me point out, we are talking about a young lady who would in fact be accompanied by the Secret Service. That would probably be the safest public school in Washington if she went to it, and yet apparently the public schools are sufficiently dangerous that even with the Secret Service, and it is a sign of how much violence has increased in America, that the last Democratic President, if I remember correctly, did send his daughter to public school in Washington as a commitment to public schools, because Jimmy Carter actually tended to act out what he said, and there tended to be some continuity between his speeches and his behavior.

Now we have a different situation. We have the public employee unions' candidate, the public teacher unions' candidate, deciding that while he wanted the support of the public teacher unions, he didn't necessarily want his child to go to their classrooms.

That frames the following, I think. We are in a situation where we have a clear elite in America, and that elite has a different standard for itself. You see it all the time. My understanding is that the second leading resident of public housing in America in the Clinton administration, Vice President-Elect GORE, sends his children to private school.

So what you have is, if you are in the two biggest public housing facilities in America, the White House and the Vice President's residence, then you are going to send your children to private school. But if you live in the poorest public housing in Washington, you don't have that option, and in the name of protecting the union monopoly, we can't afford to let you have that option.

What does this mean? Let me explain for a second why it is so bad in these big city public schools with unionized work rules.

There is one study which I just sent off for and has not arrived yet, but I hope in about 2 weeks to share with my friends here in the House statistics of the New York schools which estimate that 62 cents out of every New York City school dollar goes to bureaucracy, 62 cents goes to bureaucracy, only 38 cents gets spent in the classroom. Even though the New York City public schools are among the most expensive in America, they are among the least effective, so it is not a question of money.

I would argue that the biggest single issue in America today is whether the welfare state needs reform or the welfare state needs resources. Our friends on the left are going to come in and say, "Oh, they are really a good system, but what we need to do is add some resources."

Let me give you an example. John Fager in the New York Times, December 18, 1992, he is cochairman of the Parents Coalition and a consultant to the Community Service Society. They are both nonprofit advocacy groups. He wrote the following editorial in the New York Times called School Custodians' Dirty Tricks. The subhead is "New York Should Privatize for Cleaner Schools."

Here is what he says:

> For the third time in 8 years, the Board of Education is negotiating a new contract with the custodians of New York City's public schools. A report last month by the Special Commissioner of Investigation, Edward F. Stancik, detailed shocking abuses by custodians and showed the need for an overhaul. But Chancellor Joseph Fernandez should realize that the board will never change the custodial system by bargaining with them.
>
> The last two contracts attempted real reform but were ineffective or subsequently gutted by the custodians. Consider these examples:
>
> The Board of Education spends more than $1 million a year subsidizing the custodians' purchase of Jeeps. They are supposedly for snow removal, but the custodians use them as they please. The city pays almost half the cost of the Jeeps, but after 5 years the custodians own them.

Let me stop quoting and just point this out again. Let me emphasize, the new Jeep is bought, given to the custodian, supposedly to remove snow. He knows at the end of 5 years he is going to get the Jeep. I ask every American, if you knew at the end of 5 years that Jeep was yours, how often would you use it while it was the city's? Not very much. So you get the Jeep for yourself in the best possible shape at the end of 5 years.

So guess what happens? They don't use them. So for $1 million a year New York City is buying custodians Jeeps that at 5 years will have 1,900 miles on them or 1,000 miles on them.

Let me go on and quote again from John Fager's editorial:

> The board put a 1-year moratorium on the purchases in the 1988 contract while it was to study the practice, but the next year 200 Jeeps were bought, double the normal number. When I asked the board's Director of Custodial Operations, Kirby Coughlin, what happened to the study, he replied, "We don't need a study."
>
> Many custodians hire wives and girl friends as private secretaries. In 1978, the board outlawed nepotism and mandated that if custodians moved to new schools (which happens frequently) they couldn't bring their wives with them. The custodians' wives filed grievances, and a labor negotiator overturned the rule prohibiting them from changing schools with their husbands. More custodians whose wives weren't grandfathered hire each other's wives.
>
> Before 1985, $20 million a year in "rent" for the use of buildings after school hours—for remedial classes, recreation, and so on—ended up in the custodians' budgets, although they don't have to do extra work. Custodians used this money to pad their salaries and to buy Jeeps. The practice was "reformed" in 1985 when the board declared that buildings could be used rent-free from 3 to 6 p.m. on weekdays, yet loopholes in the contract reimbursed the custodians for the lost fees, and the $20 million is now more than $35 million.
>
> Before the 1988 contract, custodial supervisors were members of the custodians' union. That year, the board won the right to appoint its own supervisors. The custodians signed the contract, then challenged this reform. This year, the State Civil Service Commission and the State Supreme Court sided with the custodians, who will again be supervised only by former custodians.
>
> Worse, since 1988 the board has allowed Mr. Coughlin, a former custodians' union official, to hire the supervisors. One supervisor he hired gave excellent ratings to a custodian who was recently arrested and accused of charging the city for his services while he was on his yacht.

Let me close the quote for a second. I did not make this up. This is not a rightwing Republican attack. This is not something being made up by somebody who just wants to make fun. This is in an article in the New York Times by John Fager, who as I said is cochairman of the Parents Coalition and consultant to the Community Services Society, and he is reporting that the custodian was literally on his yacht when he was being paid for supposedly cleaning up schools.

Let me go on:

> A custodian convicted of embezzling from schools was allowed to keep his job. Mr. Fernandez should immediately replace Mr. Coughlin with a more accountable director. More important, he and the board need to contract out for custodial services. A 1977 State Comptroller's audit, the most complete to date, concluded that privatizing would give us cleaner schools, the buildings would be available for more after-school programs, and the public would save 25 percent on costs—$60 million a year today.
>
> The city has experimented with private custodial services this year, but mostly as a negotiating ploy. Although Mr. Fernandez can't fire the custodians, he should phase in privatization as janitors retire and through buy-out contracts. It is the only way to end this outrageous waste.

Now, my point is this. The District of Columbia schools are about as bad as the New York schools. You spend huge amounts of money and you find out, as in this example in the New York Times, that $60 million, 25 percent of the custodial budget, is pure waste.

□ 1450

Then you go into a school that is filthy, and you say oh, gee, why is this school filthy. Then you go and talk to the custodian union and you discover they are not going to change their work rules, they are not going to clean the school up. Then you go to the President of the United States and you say hey, why do you not come with your wife and visit the school. We would like for you to come and have your daughter in, and by the way, no, we cannot get it cleaned up. Any rational, reasonable parent faced with that choice, and then being told since we are already giving you public housing, and public transportation, and a pretty good chef for food, and you have a $200,000 a year salary, is it worth $10,000 a year to you, to your daughter to send her to a really good private school, and they themselves, I think the answer to that is that my daughter ought to go to a private school.

I am a product of the public schools. Both of my daughters are products of the public schools, and both of my sons-in-law are products of public schools. We believe in the public school system, and most American public schools are still good. But when the leading recipient of public housing in Washington tells you that he does not want to send his child to public school because it is too bad for his daughter, maybe the answer, in all fairness, ought to be that we should also liberate all of the other residents of public housing, give all of them a chance.

The leading advocate of this in America is not a Republican. It is in fact an inner city resident, Polly Williams of Milwaukee, a State legislator, Jesse Jackson's former State chairman, and a woman who herself was at one time on welfare, and is in fact very, very familiar and very concerned with the problems of schools as they affect poor people. And her point is if you are middle class and you do not like your school, you move to the suburbs. If you are rich and you do not like the school, you do exactly what Al Gore and Bill Clinton are going to do, you send your kid to private school. But if you are poor, and you cannot afford to move, and you cannot afford to send them to expensive private schools, you are trapped by the teachers' union, you are trapped by the custodians' union, you are trapped by the bureaucracy, and you are trapped by politicians.

So the people most able to get private tutoring, after all, the President's daughter, if she went to public school, could get private tutoring in the White House. People would probably volunteer. And she is going to get a lot of travel opportunities in the next 4 years, and she will have Secret Service protection. So the issue was not could she as an individual be educated. Her education will not be radically worse if she goes to public school, and she personally will not be that much in danger because of the Secret Service. The issue is the environment she would be in, the physical facility, the students, the teachers, the general environment was not acceptable, and so it is worth $10,000 a year to send her to one of the most extraordinarily elite schools in the Washington area. An interesting comment on populism.

But my objection as a parent has nothing to do with Bill Clinton's decision. He has every right as a parent to make the right decision for his daughter, and he should do that. My objection is that the President-elect should then turn to the country and make the same policy option available to every American. He should be as concerned about the poor children currently trapped in New York by the union that I just described. He should be as concerned about the children trapped in Chicago so eloquently described by the Chicago Tribune in a six-part series on schools that fail. He should be as concerned about the other public housing residents in Washington, DC, who are in a situation that is just unacceptable.

Interestingly, in the Washington Times they point out, they called Polly Williams a leading Democratic crusader for choice programs that include private schools, who backed Mr. Clinton's decision concerning Chelsea but said that option should also be available to poor parents.

> Mrs. Williams, the author of a State program that allows inner-city Milwaukee children to attend private schools with public funds, said the Clinton decision indicates public school is not always best.
>
> "Why do all the teachers and people with money take their kids out of public schools? If he's not going to put his child in a bad public school, why should they say I have to put mine in one of these bad schools?" she asked.

Now let me just say I think it is fascinating that here is a situation, and Polly Williams touched on something that people need to look at, because again I am focusing in on the worst public schools in America. If you happen to be from an area that has great schools, terrific. As I said, I think in my district, the Cobb County, in De Kalb, in Fulton and the Dunwoody part of De Kalb, there is a consensus by most parents that they have good public schools. But when you have to go to schools that are bad, there is a simple test to find out. What percent of your teachers in your school system send their children to private school. And they know. They are in the classroom. And when you find out, for example, that in Chicago I believe the figure is over 60 percent of the teachers will not send children to the classrooms they work in, there is sort of an interesting test at that point that tells you gee, maybe something needs to be done.

Mr. ROTH. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to my friend, the gentleman from Wisconsin.

Mr. ROTH. Mr. Speaker, I thank the gentleman in the well for taking this special order and for mentioning Milwaukee, in my home State.

I have a question for the gentleman in the well, however. He advocates that Bill and Hillary Clinton should have every right to send their daughter to a private school. While I think you can make an argument for that.

I would say the President and the Vice President are communicating something by sending their youngsters to private schools. The only type of leadership that is worth a darn is leadership by example, and here we have a man who ran for President of the United States, and who was endorsed by the teachers' union, and sought their votes. Now he sends his youngster to a private school. What kind of a message does that send?

I do not have all of the resources that the gentleman in the well has, and I compliment him for all of the work he has done in education. I do a lot of work in economic competitiveness. If we are going to keep America competitive in the 21st century, we have to have an educational system that is going to allow us to compete. So the question for the gentleman in the well is: What kind of public policy should Bill Clinton be advocating, taking into consideration the decisions he has made as far as education is concerned?

Mr. GINGRICH. I think it is an appropriate question. But let me pick up on the initial point the gentleman made and say that you are not the only person who noticed the symbolic question about the two leading figures of American government not using government for their students.

In the Washington Post today, and I quote:

> The director of a leading public education organization criticized the Clintons' decision, calling it "an opportunity missed."
>
> "It's an unfortunate vote of no confidence in urban public schools," said Michael Casserly, interim executive director of the Council of Great City Schools, a coalition of 45 of the Nation's largest urban public school systems.
>
> "For national leaders who are so cognizant of the symbolism of their decision, it seems that this choice would have been a good opportunity to send a signal to the public school community that the President was anxious to work with them on the broadest and the most personal level."

Let me say also the Washington Post reports today, and I find this sort of fascinating, and I am quoting the Post:

> Public school officials wrote to the Clintons urging them to consider a local public school and expressing their willingness to work with the family to overcome any special problems the new President's daughter would face.

So this decision was made not just about going to the school as a normal person. This decision was made with an offer from the D.C. school system that I doubt if any other public housing resident gets. I suspect no other public housing resident in Washington gets an offer from the school system to change the school to fit the resident, except the President and the Vice President.

So I think your point about the symbolism is right. But let me remind you, and I say this again with great sympathy as a father for the decision. This is the Washington Post again talking about the D.C. schools:

> The 178 D.C. public schools have taken a particular beating in the last year with the release of five separate critical reports. One called the school system "unstable and mismanaged" and said curriculum planning is poor. A Federal report highlighted D.C. schools as among those with the highest dropout rates in the country.

That is why I was suggesting that maybe the lesson we should learn as public policy figures, given that kind of reality, is that we ought to say if the school system had five different negative reports in a year, maybe we should follow President Clinton's leadership, and maybe we should take the money currently being sent to the District of Columbia school system, which has apparently failed so disastrously, and change that into a voucher. And let me point out some of our friends on the left occasionally jump up and say that oh, if you do that, that will be a racist decision. It is impossible to send vouchers to poor children in Washington and have it have a racial impact. These vouchers would overwhelmingly go to children who were African-American and poor. Their families would be given a choice.

So it does seem to me symbolically, and I am glad to yield to my friend from Wisconsin if he wants to comment, but it does seem to me that President-elect Clinton in effect symbolically by his actions has endorsed the concept that everyone in public housing, not just the President and the Vice President, should have the opportunity to have this kind of choice, and that the D.C. schools now having been rejected by both the President and the Vice President, both President-elect Clinton and Vice President-elect GORE have rejected the D.C. schools, they have given them a failing grade, that should be a signal it seems to me to the Congress that maybe on a one-place experiment, we do not have to get into a big fight about anywhere else in America because the President-elect has not judged Chicago, or New York, or Philadelphia, or Atlanta, but he has judged the District of Columbia.

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But he has judged the District of Columbia. Maybe in this one place, we should try to pass a bill this spring so that by this fall we could have genuine competitive choice and parents could be allowed to decide where they want to go.

I yield to my friend, the gentleman from Wisconsin.

Mr. ROTH. I thank the gentleman for yielding. If the gentleman will forgive me a personal note, I have been involved somewhat with the D.C. schools, because, as the gentleman knows, we have a karate group in the Congress. We have visited some of the schools to promote safety and to help give young people goals in education.

I would not write off the D.C. schools. I think the D.C. schools are doing a good job in some areas, but we have got to give them some help. We have got to have a role model for these schools.

If everyone just says, "Well, this is good for my community and the heck with the country," then we have a problem in our country. For all too long, people have just looked at what is in the best interests of "myself, my family," and we have forgotten that we belong to a greater community called our Nation.

So what harms the schools, whether it is in the District of Columbia, or Philadelphia, or Chicago, or Milwaukee, harms our entire country. We have to bring all our schools along.

The only way you can do that is to bring the entire country along through education. That is why a greater attention to it is so important for us not to write off public education. We must all be involved in this.

One way we can do that is by sending a strong signal. Simply saying, "Hey, I am going to send my kids to the best schools," is not the answer.

If politicians had to send their kids to the worst schools in the country, then you would have a better educational system. As long as politicians send their kids to the best schools, what is happening to the kids in the worst schools?

Mr. GINGRICH. Let me say to my friend I agree, I think, with the logic, even if I disagree with the conclusion.

Let me just walk through it for a second. I do think, and certainly, if we were a Communist or Socialist monopoly, I think it would be a very fair test to say to a politician, "If you are going to be in public life, then you should go to the weakest hospital in your district, you should go to the weakest school in your district, you should consistently be at the place that most needs reform."

When I used to teach environmental studies, I used to talk about the idea that if you put a city's intake pipe just below the sewer disposal plant, you would be astonished at how hard the city would work at tertiary treatments if they knew that they were going to drink their own water.

But I believe in freedom.

Let me make a very clear distinction here. I believe passionately in public learning. I am not only a product of the public schools, I taught part time in a public high school in Noonan, GA. I taught at a public State college, at West Georgia College. I believe deeply in learning. I want every child to learn. But I do not think we have to be trapped into the 1840 Massachusetts model of public education.

If I give a child, and all we are talking about here is setting up a structure and a resource, and we want to ensure that every child has the resources to go to the best structure, and that is public education.

If I ensure that every child, and let us take the poorest public housing project in Washington, an enormous contrast from living in the White House or the Vice President's mansion, if every single child in the poorest public housing project in Washington has public resources to choose the best school for that child, that is public education. Now, it is not unionized, it is not bureaucratic, but it is public. It is financed by the public, it is sustained by the public, it is a structure of opportunity, and if I have to say to the next generation of children growing up in America whether they are African-American or Hispanic or Asian or they are American Indian or Caucasian, if I have to say to them, "We cannot really reform the teachers' union, we cannot really clean up the central office bureaucracy, we cannot really deal with the custodians' union, we cannot deal with the politicians on the school board, and we are going to trap you in a school."

And by the way, this Chicago Tribune series on the elementary school, they investigated, and they sent a team in for a year, and they investigated, and it is a brilliant, heartrending, terrifying series which frankly permanently convinced me that we have to have vouchers.

They talked to a woman who had failed every third grade class she had ever taught. Those kids, for every single one of them, had failed every year. That might be an exaggeration, but that was the essence of it. None of them were arriving in fourth grade able to read and write at the fourth-grade level. Every principal she worked for, and I am citing from memory of a paper that I used about a year ago, but every principal she had worked for had tried to fire her, and she had tenure. Every principal tried to fire her. And the paper's reporter went to her and said: "OK, you are going to still be here for 13 more years before you retire. What is your educational objective as a teacher?" And her answer was, "To retire with a full pension."

Now, I do not blame that person who is in the wrong career, in the wrong job at the wrong place. I blame elected public officials who have betrayed those 30 children.

We can go less than 2 miles from this building and find classrooms in which we know today that the children in that classroom are going to be failed by America. They are not going to learn how to read and write. They are not going to acquire a work habit, they are not going to do homework, they may be raped in the bathroom, they may be shot in the hallway, they may get drugs at recess, but they are not going to get learning.

In the name of the local public employee union, we are going to trap those kids, and we are going to pass money in this building to be sent to keep them in the trap.

All I am suggesting to my friend is that if we, instead of that, if we were to send their parents a voucher, a scholarship, not a full-funded one, and say to them, "You can either take this scholarship down to your local public school, and if you want to go down to your local," and I would rather call it a bureaucratic school, "to your local bureaucracy, and if your local bureaucracy is good enough for you, give them the money, or you can pick any other one," and I think you would see an explosion. I think the best teachers would form their own schools. You would suddenly have a Sidwell school next to a public housing project, not just for people who can afford $10,000 a year, and it would not be as good as Sidwell. It would not have all the resources.

But it is an objective fact, and I happen to be a Baptist, but it is an objective fact that the Catholic schools in the inner cities in America in every city perform better, usually for 60 percent of the cost of the public school in the same neighborhood. And we know this: this is an objective, absolute test-able fact, and yet we say to the children of that neighborhood, "If you are middle-class, your parents ought to move, go to the suburbs, find a good public school. If you are rich, have the chauffeur drop you off at a private, elite school. If you are poor, no, we are not going to let you walk across the street to the private school that works. We are going to insist that you go to the bureaucratic school that fails, and the only subsidy that we are going to do with your tax money is give it to the school that fails."

Now, I just think that is wrong, and I hate saying it this way. As I said, I am a product of public schools. My entire family are products of public schools, but in the last 5 years, I have looked at the big city school systems of this country over, and over, and over again, and again, and again. The only reasonable conclusion is that the bureaucracies and the politicians have failed the children.

In closing, let me make this point, because I really think it is very unfair again to go after President-elect Clinton for an intimate, personal family decision as a father. The lesson we should draw from it is not that he should sacrifice Chelsea's future to some public symbol, and that would be grotesque, and I think un-American. We are a nation of freedom, of opportunity, and of hope, a nation that loves its children.

The lesson ought to be that he has, with vastly more knowledge than the rest of us, he has looked at the situation of the District of Columbia. He has failed it. He has found it wanting as has the Vice President, AL GORE, and he has concluded that it is unacceptable for his daughter, and all I ask is that we care as much about every other young man and every other young woman in this city and that we give their parents the same opportunity that we are seeing the President-elect take.

QUESTION OF PRIVILEGE ON ADOPTION OF HOUSE RULES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 60 minutes.

Mr. SOLOMON. Mr. Speaker, yesterday, when the distinguished majority leader was about to call up a House resolution adopting the Rules of the House for the 103d Congress, I attempted to gain recognition for the purpose of offering a question of privilege resolution.

My resolution would have prevented consideration of the resolution to adopt House rules until it was presented in a form that would permit the House a separate vote on the issue of allowing non-Member Delegates the right to vote in the Committee of the Whole.

The Speaker ruled that the resolution of the majority leader was of equal constitutional privilege and exercised his discretion to recognize the majority leader instead of me.

While I am pleased that there was at least acknowledgment by the Parliamentarian that my resolution did constitute a legitimate question of privilege, I felt strongly that it was a higher privilege than the resolution offered by the majority leader and that I should have been recognized first.

So that the record is clear on that aspect of the proceedings, I am including at this point in the CONGRESSIONAL RECORD a copy of my question of privilege resolution, a defense as to why it should have been given priority in recognition, a defense of it as a question of privilege, and the remarks that I would have delivered in support of it. The materials follow:

H. RES. —

Whereas Article I, section 1, of the Constitution provides that, "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives;" and

Whereas Article I, section 2, of the Constitution provides that, "The House of Representatives shall be composed of Members chosen every second year by the people of the several States;" and

Whereas Article I, section 7, clause 7, of the Constitution provides that, "All bills for raising revenue shall originate in the House of Representatives;" and

Whereas, by long-established precedent, all bills making appropriations shall also originate in the House of Representatives; and

Whereas the Committee of the Whole is a device used by the House under which all House Members act together to debate and amend bills raising revenues or directly or indirectly appropriating money; and

Whereas the Committee of the Whole is an integral part of the legislative process and the means by which the House of Representatives exercises its legislative powers and prerogatives under the Constitution; and

Whereas it has been proposed in the resolution adopting the Rules of the House for the 103rd Congress that the Resident Commissioner of Puerto Rico and the delegates from the District of Columbia, Guam, American Samoa and the Virgin Islands be permitted to vote in the Committee of the Whole; and

Whereas such proposal affects the representational rights of duly elected Members of the House under the Constitution and could result in a derogation or denial of such rights; and

Whereas such proposal affects the constitutional prerogatives of the House and its Members in respect to revenue legislation and appropriations and the integrity of the process by which bills are considered, and thus raises a question of the privileges of the House: Now, therefore, be it

Resolved, That, as a matter of the constitutional privileges of the House to make all laws and originate revenue and appropriations measures, the resolution adopting the Rules of the House for the 103d Congress shall not be in order for consideration until such time that it is presented to the House in a form that will permit the House to separately vote on those provisions that would permit non-Members to vote in the Committee of the Whole.

ON PRIORITY OF QUESTION OF PRIVILEGE RESOLUTION, HON. GERALD B. SOLOMON

Mr. Speaker, the distinguished Majority Leader has offered H. Res. 5 as "a privileged resolution." The precedents make clear that resolutions affecting the organization of the House are privileged, and here I cite Deschler's Precedents, volume 1, chapter 1, section 12; and Cannon's Precedents, volume 6, section 3.

The precedents specifically establish that resolutions to adopt House Rules at the beginning of a Congress are privileged, and here I cite Deschler's Precedents, volume 4, chapter 17, section 52, and I quote:

"Additionally, substantive changes in the rules of the House may occur at the beginning of each Congress, when the resolution adopting the rules of the House, offered by the direction of the majority party caucus, may include changes recommended by the caucus.

"Such a resolution is privileged, and does not require action by the Committee on Rules, which at the time the resolution is offered is not constituted."

Mr. Speaker, it is also clear from the precedents that resolutions adopting or amending House rules are not questions of constitutional privilege.

Here I cite the ruling of Speaker Randall on December 13, 1878 as referred to in Cannon's Precedents, volume 8, section 3376; and the rulings of Speaker Cannon at that and the succeeding section.

Moreover, it is made clear in Deschler's Precedents, volume 6, chapter 21, section 28.1, that, and I quote, "Under contemporary practice and rulings, only vetoed bills and impeachment proposals are privileged business directly under the Constitution . . . ."

Mr. Speaker, it is also clear from the precedents that questions of privilege are of a higher privilege than privileged questions.

To quote from Deschler's Precedents, volume 3, chapter 11, section 1:

"Whenever a question of privilege is properly raised on the floor by a Member, the Speaker must entertain the question and rule on its admissibility. And the disposition of such questions must precede the consideration of any other question except the motion to adjourn."

And, to quote from Hinds' Precedents, volume 3, section 2526: "A question of privilege takes precedence over a motion merely privileged under the rules."

A privileged resolution adopting House rules which is reported from the Democratic Caucus has the some status as a privileged resolution reported from the Rules Committee providing for the adoption of rules.

And, according to Cannon's Precedents, volume 8, section 3491, "A question of privilege takes precedence of a report from the Committee on Rules."

IN DEFENSE OF QUESTION OF PRIVILEGE RESOLUTION RELATING TO DELEGATE VOTING IN COMMITTEE OF THE WHOLE, HON. GERALD B. SOLOMON

Mr. Speaker, the resolution that has been presented calls for a separate vote on those provisions in the resolution which would permit non-Member delegates to vote in and chair the Committee of the Whole. It clearly raises a question of the privileges of the House for a variety of reasons stated in the precedents of the House under which we are now operating prior to the adoption of our rules.

First, to cite section 662 of the House Rules and Manual, questions of privilege of the House are, and I quote, "questions relating to the organization of the House." The adoption of House Rules is one of the fundamental orders of business of the House when it first meets to organize.

To the extent that any of those rules may interfere with the rights of the House under the Constitution or the integrity of its proceedings, a question of the privileges of the House may be raised.

Second, citing the same section of the House Rules, and Manual, questions of privilege of the House are those "relating to its constitutional prerogatives in respect to revenue legislation and appropriations."

The proposed rule would permit non-Member delegates to vote in the Committee of the Whole which, under House Rules, is used to consider all bills affecting revenues or which directly or indirectly appropriate money. See House Rule 13, clause 1; House Rule 16, clause 9; and House Rule 23, clause 3.

To permit persons who are not duly elected House Members to vote in the Committee of the Whole on tax and spending bills, which the House has special powers and prerogatives under the Constitution to originate, interferes with the constitutional rights of the House under the Constitution and thus raises a question of House privileges.

Third, and in a related vein, again citing section 662 of the House Rules and Manual, questions of privilege of the House are those which affect "the integrity of the processes by which bills are considered," especially when a process is of questionable constitutionality. In such instances, the precedents make clear that the issue raises an "extraordinary question" under the Constitution which is eligible for separate consideration and determination by the House.

In this regard, the section cites a question of privilege resolution offered on August 15, 1978, involving "the constitutional question of the vote required to pass a joint resolution extending the State ratification period of a proposed Constitutional amendment."

The Manual, at section 664 elaborates that this involved "an extraordinary question . . . where the House had not otherwise made a separate determination on that procedural question" as to whether a majority or two-thirds vote was required to pass a joint resolution extending the ratification period for a constitutional amendment, "and where consideration of the joint resolution had been made in order."

In that instance, after the special order for the joint resolution had been adopted, a question of privilege resolution was offered which would have required a two-thirds rather than majority vote to pass the joint resolution. The question of privilege resolution was subsequently tabled by the House.

By the same token, the pending question of privilege resolution raises an "extraordinary question" under the Constitution, on which the House has not made a separate determination, and that is whether delegates can be granted voting privileges in the Committee of the Whole by a rule of the House, or whether a Constitutional amendment would be required. The resolution specifically allows for the House to make a separate determination by voting separately on the proposed rule change.

Numerous Supreme Court decisions have held that while the right of the House to determine its own rules of proceeding under the Constitution is nearly absolute, it may not by its rules violate constitutional rights.

And the method of proceeding must be reasonably related to the desired result. See, for instance, *United States* v. *Ballin*, 144 U.S. 5 (1892, and *Deschler's Precedents*, volume 1, chapter 1, section 10.

For the House to protect itself against overreaching its constitutional rule-making powers, the "extraordinary question" doctrine must be applied to permit it to separately decide such serious constitutional issues.

And fourth, citing section 664 of the Manual, "a question of privileges of the House is raised" when there is an alleged "denial of representational rights."

While the precedent cited in that incident involved inequitable party ratios at the subcommittee level, the same principle should apply to the possible derogation or denial of representational rights of House Members in the Committee of the Whole where the votes of non-Members could make the difference on important questions.

Mr. Speaker, I realize that it might be argued that this resolution does not constitute a question of privilege because it would effect a change in the rules. However, that is not true in this instance because we have not yet adopted any rules.

Secondly, it is clear from Hinds' Precedents, volume 5, section 6158, that a resolution adopting House Rules may contain two resolved clauses and thus permit a division of the question and separate vote on a particular issue. So providing for a separate vote on part of a rules package is consistent with past practice and therefore must be compatible with whatever rules we are operating under at this point.

And third, even when we are operating under Rules, it is clear from the 1978 precedent on extending the ratification period for the equal rights amendment that a question of privilege resolution was proper even though it sought to alter the number of members required to approve the extension from a majority to two-thirds.

While some might have argued that this effected a change in rules, the precedents make clear that as an "extraordinary question" under the Constitution, the resolution constituted a legitimate question of privilege.

In conclusion, Mr. Speaker, the issues raised by this resolution clearly rise to a question of the privileges of the House and should therefore be allowed for consideration and determination by the House.

Remarks on Question of Privilege Resolution, Hon. Gerald B. Solomon

Mr. Speaker, the resolution I have presented as a question of the privileges of the House relates to one of the most functional constitutional powers of the House, and that is its lawmaking powers under Article I, section 1 of the Constitution.

The resolution would require that the resolution adopting the rules of the House for the 103d Congress not be in order for consideration until it is presented in a form that will permit the House a separate vote on the proposed rules change that would allow non-Members the right to vote in the Committee of the Whole.

Under House precedents, matters which present an "extraordinary question" under the Constitution should be presented to the House in a manner that will allow the House to make a separate determination on the constitutional issue that is raised when it has not previously made such a separate determination.

In this case, it is proposed that the Rules of the House be amended to permit non-Member voting in the Committee of the Whole, even though the House has not yet determined whether such a change can be effected by a rules change or whether it requires an amendment to the Constitution.

This resolution recognizes that the constitutional question that is posed by this proposed rules change constitutes such an "extraordinary question" under the Constitution and therefore cannot be considered along with the other proposed amendments to House Rules in a single vote.

Back on September 15, 1970, when the House was considering a proposal to allow the Resident Commissioner from Puerto Rico the right to vote in standing committees, the current House Speaker, then Representative Tom Foley of Washington, made the following statement, and I quote:

"Now it is very clear, as the Resident Commissioner has said, that a constitutional amendment would be required to give the Resident Commissioner a vote in the Committee of the Whole or the full House."

The Speaker was right then, and the same principle applies with equal force today. To attempt to achieve by a change in House Rules, requiring only a majority vote by the House, what would ordinarily require a constitutional amendment requiring a two-thirds vote by both Houses plus ratification by three-fourths of the States, is to flout the ordinary process under the Constitution for a change of such far-reaching implications.

To allow such a proposed rules change to be adopted without a separate determination by the House is to deny the House its right to preserve its constitutional prerogatives. Moreover, if such a change is adopted, the rights of all duly elected House Members from the various States will be adversely affected since their representational rights will be seriously diluted, and in some instances, could even be denied.

The Committee of the Whole House is simply a device by which the House, operating under a different name and different procedures, considers the most important legislation reported to it. This includes bills raising revenues or appropriating money—two of the rights reserved to the House for origination.

The Committee of the Whole is used primarily to amend legislation reported by the appropriate committees of jurisdiction in these areas of fiscal importance. The fact that the House makes a final determination on the amendments reported from the Committee of the Whole in no way lessens the importance of that Committee in making the critical decisions in framing legislation.

Even the proposed compromise language to allow the House to reconsider amendments which may have lost in the Committee of the Whole on a narrow vote in which the delegates' votes made the difference, does not reduce the Committee of the Whole to a mere "advisory" committee as some have suggested.

The so-called compromise language overlooks the importance of second degree amendments which may have been adopted, or of decisions of the Committee of the Whole to rise and thereby preclude limitation amendments on appropriations bills. Nor does it address such important votes as those on appealing a ruling of the Chair which result in binding precedents on the House.

And finally, the proposed compromise overlooks the kind of vote-trading and deals which may be cut to ensure that the delegates' votes do not make the critical difference. One of the delegates, in fact, boasted that permitting delegate voting in the Committee of the Whole will enable delegates to cut deals and trade votes.

In conclusion, Mr. Speaker, no amount of tampering with this proposed rules change can completely offset or neutralize the importance of the Committee of the Whole as an integral part of the lawmaking process. The Committee of the Whole is not a citizens' advisory commission to propose legislative solutions; it is, in fact, the House exercising its most basic responsibilities under the Constitution to make the laws of the land.

I therefore strongly urge my colleagues to adopt this resolution which would simply allow the House a separate vote on this proposal of dubious constitutionality. Only by doing so will Members have a clear-cut opportunity to register their votes on this extraordinary constitutional question.

□ 1510

TRIBUTE TO THE LATE DIZZY GILLESPIE

The SPEAKER pro tempore (Mr. ABERCROMBIE). Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, I am very saddened to come on the floor to announce the passing of the great musician, African-American artist Dizzy Gillespie, who was very close to me and did so much to advance America's foremost music, jazz.

Dizzy Gillespie passed away just very recently. We will remember him as a person who celebrated his music as he lived his life; it was one of great joy.

He was a very outstanding, outgoing, charismatic performer and entertainer. But of course he was the revolutionary musical artist who joined with Charlie Parker and Max Roach, Buddy Powell, to create this new form of jazz music.

Mr. Speaker, we have introduced legislation for a Congressional Gold Medal of Honor, which we will continue to ask our Members to celebrate Dizzy Gillespie and remember him and his dear wife, May, and the Gillespie family, in terms of their great, permanent contribution to our culture.

Dizzy Gillespie was remembered most for the way his cheeks enlarged when he was playing his instrument. He went to Bethesda Hospital to have his cheeks examined. The doctors examining him thereby named this condition "Gillespie pouches," and they were amazed at the fact that they did not interfere with his musicianship.

Dizzy played up until very, very recently when he entered the hospital. He led a very full life, a complete life. At one time he was remembered very much as America's musical diplomat. He was recognized throughout the world by presidents, kings, emperors, monarchies. They knew him well. He was very proud to carry the American flag and our music and to see how jazz was picked up, promoted, played, reinterpreted throughout the countries of the world.

I was very honored 2 years ago to accompany him and James Moody on a U.S. Information Agency tour throughout Africa. I was able to be with him and see how people genuinely loved him as an artist and as a human being throughout the world. He will be long remembered. His music is already permanent in our archives. His horn, one of his first horns is already in the Smithsonian Museum, and we are very happy for the full life, the great contributions, the wonderful memories that he leaves behind for music aficionados of every color, creed, race, and nationality throughout the world.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. POMBO) to revise and extend their remarks and include extraneous material:)

Mr. POMBO, for 5 minutes, today.

Mr. GINGRICH, for 60 minutes, today.

Mr. SOLOMON, for 60 minutes, today.

Mr. BARTLETT, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WISE, for 5 minutes, today.

(The following Member (at the request of Mr. BROWN of Ohio) to revise and extend his remarks and include extraneous material:)

Mr. GONZALEZ, for 60 minutes, on January 20 and 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. POMBO) and to include extraneous matter:)

Mr. QUILLEN.

Mr. GILMAN in six instances.

Mr. GALLEGLY in two instances.

Mr. BLILEY.

Mr. CLINGER in two instances.

Mr. HERGER.

Mr. KYL in two instances.

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. WISE.

Mr. HALL of Ohio in two instances.

Mr. PANETTA.

Mrs. KENNELLY.

Mr. PENNY.

Mr. SARPALIUS.

Mr. MILLER of California.

ADJOURNMENT

Mr. HASTINGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. ABERCROMBIE). Pursuant to the provisions of Senate Concurrent Resolution 3, 103d Congress, the House stands adjourned until 10 a.m. Wednesday, January 20, 1993.

Thereupon (at 3 o'clock and 15 minutes p.m.), pursuant to Senate Concurrent Resolution 3, the House adjourned until Wednesday, January 20, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

(NOTE: Due to a malfunction in the House Information System computer, the referrals which the Speaker has made on January 5, 1993, of all executive communications received since the adjournment sine die of the 102d Congress, 2d Session will be indicated in the Congressional Record of January 21, 1993.)

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of January 5, 1993]

By Mr. APPLEGATE:

H.R. 105. A bill relating to the treatment and disposal of solid waste, authorizing States to regulate solid waste in interstate commerce, and for other purposes; to the Committee on Energy and Commerce.

H.R. 106. A bill to amend the Internal Revenue Code of 1986 to repeal the provision which includes unemployment compensation in income subject to tax; to the Committee on Ways and Means.

By Mr. BARTLETT:

H.R. 107. A bill to make applicable to the Congress certain laws relating to the terms and conditions of employment, the health and safety of employees, and the rights and responsibilities of employers and employees, and for other purposes; jointly, to the Committees on House Administration, Ways and Means, Education and Labor, Government Operations, the Judiciary, and Rules.

By Mr. BILIRAKIS (for himself, Mr. BUNNING, and Mr. MCCOLLUM):

H.R. 108. A bill to provide that professional baseball teams, and leagues composed of such teams, shall be subject to the antitrust laws; to the Committee on the Judiciary.

By Mr. BOEHLERT (for himself, Mr. HOCHBRUECKNER, Mr. SHAYS, and Mr. MACHTLEY):

H.R. 109. A bill to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes; jointly, to the Committees on Government Operations and Foreign Affairs.

By Mr. BOEHLERT:

H.R. 110. A bill to amend the Internal Revenue Code of 1986 to provide for economic revitalization, and for other purposes; jointly, to the Committees on Ways and Means, Science, Space, and Technology, and Public Works and Transportation.

By Mr. BURTON of Indiana:

H.R. 111. A bill to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States; jointly, to the Committees on Energy and Commerce and Ways and Means.

H.R. 112. A bill to amend chapter 2 of title III, United States Code, relating to the office and compensation of the President and related matters; to the Committee on Post Office and Civil Service.

H.R. 113. A bill to amend the Internal Revenue Code of 1986 to allow individuals a temporary refundable credit for the purchase of a new domestic passenger vehicle; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 114. A bill to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry; to the Committee on Education and Labor.

H.R. 115. A bill to strengthen the authority to require safe workplaces for Federal and Postal Service employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLINGER:

H.R. 116. A bill to amend the Federal Election Campaign Act of 1971 to increase the limitation amount applicable to contributions to candidates in Federal elections by individuals and to decrease the limitation amount applicable to contributions to such candidates by nonparty multicandidate political committees; to the Committee on House Administration.

By Mr. COLEMAN of Texas:

H.R. 117. A bill to waive certain statutory time limitations with respect to the award of military decorations in the case of the award of the Medal of Honor to Marcelino Serna; to the Committee on Armed Services.

H.R. 118. A bill to direct the Administrator of the Environmental Protection Agency to establish an office in a community in the United States located not more than 10 miles from the border between the United States and Mexico; to the Committee on Merchant Marine and Fisheries.

By Mrs. COLLINS of Illinois:

H.R. 119. A bill to require the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs to submit to the Congress a joint report addressing the question of United States Government responsibility for providing benefits and services to disabled individuals who served with certain voluntary organizations that provided significant assistance to the Armed Forces of the United States stationed in the Republic of Vietnam during the Vietnam era; to the Committee on Armed Services.

H.R. 120. A bill to provide that funds appropriated to the Department of Defense may not be used to purchase articles of packaged food not packaged in the United States or its possessions; to the Committee on Armed Services.

H.R. 121. A bill to require the Secretary of Housing and Urban Development to provide assistance for emergency repairs in lower income housing projects operated by the Chicago Housing Authority; to the Committee on Banking, Finance and Urban Affairs.

H.R. 122. A bill to require the Secretary of Housing and Urban Development to establish energy conservation standards for public housing projects and to carry out a program to demonstrate the effectiveness of energy conservation measures in public housing projects; to the Committee on Banking, Finance and Urban Affairs.

By Mr. EMERSON (for himself, Mr. PORTER, Mr. SKELTON, Mr. BILIRAKIS, Mr. BEREUTER, Mr. HANCOCK, Mr. BEVILL, Mr. SPENCE, Mr. RAVENEL, Mr. HYDE, Mr. COX, Mr. BATEMAN, Mrs. ROUKEMA, Mr. KASICH, Mr. BLILEY, and Mr. PETRI):

H.R. 123. A bill to amend title IV, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Education and Labor.

By Mr. EMERSON (for himself, Mr. SKELTON, Mr. BILIRAKIS, Mr. BEVILL, Mr. HYDE, Mrs. ROUKEMA, Mr. KASICH, Mr. BLILEY, and Mr. PETRI):

H.R. 124. A bill to amend the Internal Revenue Code of 1986 to allow a credit to employers for the cost of providing English language training to their employees; to the Committee on Ways and Means.

By Mrs. COLLINS of Illinois:

H.R. 125. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize programs of child abuse education and prevention, and to establish a demonstration project relating to child abuse education and prevention; to the Committee on Education and Labor.

H.R. 126. A bill to strengthen the authority of the Equal Employment Opportunity Commission to enforce nondiscrimination policies in Federal employment; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. LEVIN (for himself, Mr. GRANDY, and Mr. RANGEL):

H.R. 127. A bill to amend the Internal Revenue Code of 1986 to restore and make permanent the exclusion for employer-provided educational assistance; to the Committee on Ways and Means.

By Mrs. COLLINS of Illinois:

H.R. 128. A bill to make it an unfair practice for any retailer to increase the price of certain consumer commodities once the retailer marks the price on any such consumer commodity, and to permit the Federal Trade Commission to order any such retailer to refund any amounts of money obtained by so increasing the price of such consumer commodity; to the Committee on Energy and Commerce.

H.R. 129. A bill to authorize the Secretary of Health and Human Services to fund adolescent health demonstration projects; to the Committee on Energy and Commerce.

By Mrs. COLLINS of Illinois (for herself, Mrs. SCHROEDER, Mrs. UNSOELD, and Mrs. VUCANOVICH):

H.R. 130. A bill to amend title XIX of the Social Security Act to require State Medicaid Programs to provide coverage of screening mammography and screening pap smears; to the Committee on Energy and Commerce.

By Mrs. COLLINS of Illinois:

H.R. 131. A bill to amend the Solid Waste Disposal Act and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to provide for the recycling and management of used oil and to reduce emissions of lead into the ambient air, and for other purposes; to the Committee on Energy and Commerce.

H.R. 132. A bill to amend the Social Security Act to protect consumers through the establishment of standards for long-term-care insurance policies; to the Committee on Energy and Commerce.

By Mrs. COLLINS of Illinois (for herself and Mr. CONYERS):

H.R. 133. A bill to require Federal agencies to apply value engineering, and for other purposes; to the Committee on Government Operations.

By Mrs. COLLINS of Illinois:

H.R. 134. A bill to require a study and report of the historical and cultural significance of the Madame C.J. Walker-Villa Lewaro National Landmark; to the Committee on Natural Resources.

H.R. 135. A bill to amend the privacy provisions of title 5, United States Code, to improve the protection of individuals information and to reestablish a permanent Privacy Protection Commission as an independent entity in the Federal Government, and for other purposes; to the Committee on Government Operations.

By Mr. COMBEST:

H.R. 136. A bill to amend title 44, United States Code, to provide for improved identification and assessment of the paperwork burden imposed on beneficiaries of health care services and providers of such services, and to provide for the reduction of such burden; to the Committee on Government Operations.

H.R. 137. A bill to make applicable to the Congress certain laws relating to the terms and conditions of employment, the health and safety of employees, and rights and responsibilities of employers and employees, and for other purposes; jointly, to the Committees on House Administration, Education and Labor, the Judiciary, Government Operations, Ways and Means, and Rules.

H.R. 138. A bill to ensure treatment for playa lakes, prairie potholes, vernal pools, pocosins, and other special wetlands under Federal wetland delineation criteria; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Agriculture.

H.R. 139. A bill to amend title 23, United States Code, to provide for a maximum speed limit of 65 miles per hour on highways with 4 lanes or more located outside of urbanized areas, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. CONDIT (for himself, Mr. MORAN, Mr. ROHRABACHER, Mr. POMBO, Mr. COX, Mr. GEREN of Texas, Mr. PORTER, Mr. LEWIS of Florida, Mr. ORTON, Mr. STEHNOLM, Mr. BREWSTER, Mr. PENNY, Mr. LAUGHLIN, and Mr. PACKARD:

H.R. 140. A bill to end the practice of imposing unfunded Federal mandates on State and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; to the Committee on Government Operations.

By Mr. CONYERS (for himself, Mr. DELLUMS, Mr. SPRATT, Mr. OWENS, Mr. RAVENEL, Mr. RANGEL, Mr. TOWNS, Mr. SPENCE, Mr. DIXON, Mr. DE LUGO, Mr. TORRICELLI, Mrs. COLLINS of Michigan, and Mr. JEFFERSON:

H.R. 141. A bill to award a congressional gold medal to John Birks "Dizzy" Gillespie; to the Committee on Banking, Finance and Urban Affairs.

By Mr. COSTELLO:

H.R. 142. A bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain on long-term real property which is involuntarily converted as the result of the exercise of eminent domain, without regard to whether the replacement property is similar or of like kind; to the Committee on Ways and Means.

By Mr. COX:

H.R. 143. A bill to amend the Board for International Broadcasting Act of 1973 to establish a program for radio broadcasting to the peoples of Asia; to the Committee on Foreign Affairs.

H.R. 144. A bill to reform the health care system by restoring the full tax deductibility of medical expenses, eliminating incentives for abusive litigation against hospitals, doctors, nurses, and health care providers, abolishing noneconomic damages in medical care liability actions, and redirecting punitive damages to community hospitals that care for the indigent; jointly, to the Committees on Ways and Means, the Judiciary, and Energy and Commerce.

By Mr. CRANE (for himself and Mr. SHAYS):

H.R. 145. A bill to authorize and direct the General Accounting Office to audit the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and Federal Reserve banks and their branches; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CRANE:

H.R. 146. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to abolish the National Endowment for the Arts and the National Council on the Arts; to the Committee on Education and Labor.

H.R. 147. A bill to repeal the statutory authority for the Corporation for Public Broadcasting; to the Committee on Energy and Commerce.

H.R. 148. A bill to amend title 28, United States Code, to clarify the remedial jurisdiction relating to taxes of inferior Federal courts; to the Committee on the Judiciary.

H.R. 149. A bill to amend the Internal Revenue Code of 1986 to eliminate the provision that permits payments from the Presidential Election Campaign Fund for the expenses of Presidential nominating conventions; jointly, to the Committees on Ways and Means and House Administration.

By Mr. HASTERT (for himself, Mr. GOSS, and Ms. FOWLER):

H.R. 150. A bill to amend the Internal Revenue Code of 1986 to improve access to health care, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and the Judiciary.

By Mr. CRANE (for himself and Mr. SHAYS):

H.R. 151. A bill to amend the Internal Revenue Code of 1986 to provide for a maximum long-term capital gains rate of 15 percent and indexing of certain capital assets, and for other purposes; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 152. A bill to amend the Internal Revenue Code of 1986 to restore and make permanent the deduction for charitable contributions by nonitemizers; to the Committee on Ways and Means.

H.R. 153. A bill to amend the Internal Revenue Code of 1986 to extend to the principal campaign committee of any candidate for elective public office the same graduated tax rates which apply to the principal campaign committee of a candidate for Congress; to the Committee on Ways and Means.

By Mr. DE LUGO:

H.R. 154. A bill to provide for the self-determined political, social, and economic development of the insular areas, and for other purposes; to the Committee on Natural Resources.

H.R. 155. A bill to amend title 23, United States Code, to establish a formula for allocating funds apportioned to the territories for the National Highway System among the territories; to the Committee on Public Works and Transportation.

By Mr. DEUTSCH (for himself, Ms. ROS-LEHTINEN, and Ms. MEEK):

H.R. 156. A bill to amend the National Flood Insurance Act of 1968 to provide that, under the national flood insurance program, payment for a flood insurance claim for substantial damage incurred by a structure shall include amounts for 75 percent of the cost of elevating the structure to the height necessary to comply with the requirements for continued flood insurance coverage; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DUNCAN:

H.R. 157. A bill to provide a military survivor annuity for widows of certain retirement-eligible Reserve members of the uniformed services who died during the period between the establishment of the military survivor benefit plan and the creation of the Reserve-component annuity under that plan; to the Committee on Armed Services.

H.R. 158. A bill to authorize the provision of financial assistance to Knoxville College for the construction of the Southeast Region African American Educator Institute; to the Committee on Education and Labor.

By Mr. DUNCAN (for himself, Mr. BURTON of Indiana, Mr. SOLOMON, Mr. HALL of Texas, Mr. BACCHUS of Florida, Mr. ARMEY, Mr. HYDE, Mr. HUNTER, Mr. WOLF, Mr. GILLMOR, Mr. OXLEY, Mr. HASTERT, Mr. BARRETT of Nebraska, Mr. NUSSLE, Mr. PETRI, Mr. BUNNING, Mr. GOSS, Mr. BAKER of Louisiana, Mr. ZIMMER, Mr. PARKER, Mr. RAVENEL, Mr. BARTON of Texas, Mr. COBLE, Mr. SMITH of Oregon, Mrs. VUCANOVICH, Mr. HANSEN, Mr. ZELIFF, Mr. RAMSTAD, Mr. SHAYS, Mr. ALLARD, Mr. QUILLEN, Mr. TAYLOR of North Carolina, Mr. HANCOCK, Mr. PAXON, Mr. SUNDQUIST, Mr. BEREUTER, Mr. ROHRABACHER, Mr. DOOLITTLE, Mr. CUNNINGHAM, Mr. COX, Mr. CAMP, Mr. GILCHREST, Mr. KYL, Mr. BATEMAN, Mr. HEFLEY, Mr. SENSENBRENNER, Mr. MCCRERY, Mr. CONDIT, Mr. WELDON, Mr. DREIER, Mr. ARCHER, Mr. ROTH, Mrs. MEYERS of Kansas, Mr. PACKARD, Mr. BOEHNER, Mr. BLUTE, Ms. FOWLER, Mr. GEREN of Texas, Mr. BACHUS of Alabama, Mr. UPTON, Mr. KASICH, Mr. POMBO, Mr. KING, Mr. SAM JOHNSON of Texas, Mr. LEWIS of Florida, Mr. CASTLE, Mr. STUMP, Mr. CANADY, Mr. SCHIFF, Mrs. JOHNSON of Connecticut, Mr. EMERSON, and Mr. CRAPO):

H.R. 159. A bill to grant the power to the President to reduce budget authority; jointly, to the Committees on Government Operations and Rules.

By Mr. DUNCAN:

H.R. 160. A bill to amend title 31, United States Code, to require that the President submit to Congress a balanced budget for each fiscal year; to the Committee on Government Operations.

H.R. 161. A bill to limit fees paid to outside attorneys who represent the Federal Government; to the Committee on Government Operations.

By Mr. GRANDY (for himself and Mr. BREWSTER):

H.R. 162. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for health insurance costs of self-employed individuals for an indefinite period, and to increase the amount of such deduction; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself, Mr. TAYLOR of North Carolina, Mr. ROHRABACHER, Mr. SMITH of Oregon, Mr. DORNAN, Mr. HANCOCK, Mr. SCHIFF, Mr. COMBEST, and Mr. COX):

H.R. 163. A bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes; to the Committee on Government Operations.

By Mr. DUNCAN:

H.R. 164. A bill to amend the Federal Election Campaign Act of 1971 to reduce the limitation amounts for contributions to candidates for Federal office and to amend the Internal Revenue Code of 1986 to provide a tax credit for contributions to candidates for public office; jointly, to the Committees on House Administration and Ways and Means.

H.R. 165. A bill to apply laws relating to part-time career employees, fair labor standards, and occupational safety and health to the Congress; jointly, to the Committees on House Administration Education and Labor, and Post Office and Civil Service.

H.R. 166. A bill to eliminate automatic cost-of-living adjustments in rates of pay for Members of Congress, and to nullify any such adjustment occurring after December 31, 1992; jointly, to the Committees on House Administration and Post Office and Civil Service.

H.R. 167. A bill to amend title V, United States Code, to eliminate maximum-age entry requirements for Federal law enforcement officers and firefighters; to the Committee on Post Office and Civil Service.

H.R. 168. A bill to designate the Federal building to be constructed between Gay and Market Streets and Cumberland and Church Avenues in Knoxville, TN, as the "Howard H. Baker, Jr. United States Courthouse"; to the Committee on Public Works and Transportation.

H.R. 169. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for retirement savings for individuals who are active participants in other retirement plans; to the Committee on Ways and Means.

H.R. 170. A bill to temporarily permit penalty-free withdrawals from individual retirement plans and section 401(k) plans; to the Committee on Ways and Means.

H.R. 171. A bill to amend the Internal Revenue Code of 1986 to repeal the income tax check-off which provides funding for Presidential election campaigns and to provide a check-off to reduce the public debt; to the Committee on Ways and Means.

H.R. 172. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for two-earner married couples; to the Committee on Ways and Means.

H.R. 173. A bill to eliminate the Medicare peer review system; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. EDWARDS of California:

H.R. 174. A bill to amend the Voting Rights Act of 1965 to clarify certain aspects of its coverage and to provide for the recovery of additional litigation expenses by litigants; to the Committee on the Judiciary.

By Mr. EDWARDS of California (for himself and Mr. HYDE):

H.R. 175. A bill to amend title 18, United States Code, to authorize the Federal Bureau of Investigation to obtain certain telephone subscriber information; to the Committee on the Judiciary.

By Mr. EMERSON:

H.R. 176. A bill to remove inappropriate limitations on work requirements and to enhance waiver authority for welfare reform demonstration projects for the Food Stamp Program; to the Committee on Agriculture.

H.R. 177. A bill to require the Secretary of Education to waive certain regulations in considering an application submitted by the Winona R-III School District, MO; to the Committee on Education and Labor.

H.R. 178. A bill to prohibit the use of Federal funds for abortions except where the life of the mother would be endangered; to the Committee on Energy and Commerce.

H.R. 179. A bill to amend the Internal Revenue Code of 1986 to extend the tax-exempt status of Christa McAuliffe Fellowships; to the Committee on Ways and Means.

H.R. 180. A bill to extend the retroactive period during which farm insolvency transactions are exempt from the prior law alternative minimum tax; to the Committee on Ways and Means.

H.R. 181. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 5-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

H.R. 182. A bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period from individuals who have attained age 65, and for other purposes; to the Committee on Ways and Means.

By Mr. ESPY (for himself and Mr. EMERSON):

H.R. 183. A bill to promote economic development in the Lower Mississippi Delta by establishing the Lower Mississippi Delta Development Financing Corporation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FALEOMAVAEGA:

H.R. 184. A bill to amend the Rural Electrification Act of 1936 to eliminate the requirement that central station service be unavailable in the case of rural electrification loans; to the Committee on Agriculture.

H.R. 185. A bill to amend the Agricultural Act of 1949 to make American Samoa eligible for emergency livestock feed assistance; to the Committee on Agriculture.

H.R. 186. A bill to amend section 325 of the Immigration and Nationality Act to provide that residence within the outlying possessions of the United States shall be counted as residence within a State or district of service for purposes of the residency requirement for naturalization; to the Committee on the Judiciary.

H.R. 187. A bill to establish the American Samoa Study Commission; to the Committee on Natural Resources.

H.R. 188. A bill to include the Territory of American Samoa in the program of aid to the aged, blind, or disabled; to the Committee on Ways and Means.

H.R. 189. A bill to include the Territory of American Samoa in the Supplemental Security Income Program; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 190. A bill to repeal the provision added by the Cable Television Consumer Protection and Competition Act of 1992 prohibiting cable systems from retransmitting the signal of a broadcast station without consent; to the Committee on Energy and Commerce.

By Mr. GEKAS:

H.R. 191. A bill to reform the United States health care delivery and financing system, to increase access to health care and affordable health insurance, to contain costs of health care in a manner that improves health care, and for other purposes; jointly, to the Committees on Energy and Commerce Ways and Means, the Judiciary, Education and Labor, and Rules.

By Mr. GUNDERSON:

H.R. 192. A bill to provide for improvements to the health of farm families, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HANCOCK (for himself and Mr. LIVINGSTON):

H.R. 193. A bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts; to the Committee on Judiciary.

By Mr. HEFLEY:

H.R. 194. A bill to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes; jointly, to the Committees on Natural Resources and Armed Services.

By Mr. HEFLEY (for himself, Mr. McINNIS, Mr. ALLARD, and Mr. SCHAEFER):

H.R. 195. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Natural Resources.

By Mr. HOUGHTON:

H.R. 196. A bill to provide improved access to health care, and for other purposes; jointly, to the Committee on Ways and Means Energy and Commerce, and the Judiciary.

By Mr. HOUGHTON:

H.R. 197. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained age 67 and to accelerate benefit increases under the delayed retirement credit over a period capped at attainment of age 67; to the Committee on Ways and Means.

By Mr. HUGHES (for himself and Mr. BOEHLERT):

H.R. 198. A bill to amend the Employee Retirement Income Security Act of 1974 to require an independent audit of standards prepared by certain financial institutions with respect to assets of employee benefit plans; to the Committee on Education and Labor.

H.R. 199. A bill to establish a Commission on Retirement Income Policy; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. STARK:

H.R. 200. A bill to establish the framework for a health care system that will bring about universal access to affordable, quality health care by containing the growth in health care costs through a national health budget, managed competition, and other means, by improving access to and simplifying the administration of health insurance, by deterring and prosecuting health care fraud and abuse, by expanding benefits under the medicare program, by expanding eligibility and increasing payment levels under the medicaid program, and by making health insurance available to all children; jointly, to the Committees on Ways and Means Energy and Commerce, and Education and Labor.

By Mr. HUNTER:

H.R. 201. A bill to amend the Fair Labor Standards Act of 1938 to provide a limited exemption from child labor provisions of such Act; to the Committee on Education and Labor.

By Mr. JACOBS:

H.R. 202. A bill to require the Secretary of Defense to protect areas of exceptional natural or historic character during the process of closing of realigning a military installation; to the Committee on Armed Services.

H.R. 203. A bill to prohibit States and localities from receiving certain Federal economic development assistance if the State or locality provides improper incentives for location of businesses or organizations within the State or locality; jointly, to the Committees on Banking, Finance and Urban Affairs and Public Works and Transportation.

H.R. 204. A bill to eliminate the exemption for Congress or for the United States from the application of certain provisions of Federal law relating to employment and privacy, and for other purposes; jointly, to the Committees on Education and Labor and Government Operations.

H.R. 205. A bill prohibiting the manufacture, sale, delivery, or importation of certain motor vehicles and rail cars that do not have seat belts, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

H.R. 206. A bill to require that passenger vans shall be subject to the same Federal motor vehicle safety standards as are applicable to passenger motor vehicles and to require manufacturers of motor vehicles to provide for dissemination to the public all vehicle warranty and repair information provided dealers; to the Committee on Energy and Commerce.

H.R. 207. A bill entitled the "Former Presidential Enough Is Enough and Taxpayers Relief Act of 1991"; to the Committee on Government Operations.

H.R. 208. A bill to prohibit candidates for Federal office from using campaign contributions for inherently personal purposes; to the Committee on House Administration.

H.R. 209. A bill to amend the Federal Election Campaign Act of 1971 to provide for public financing of advertising and related expenses in campaigns for the House of Representatives and to prohibit contributions by multicandidate political committees to candidates who accept such financing; to the Committee on House Administration.

H.R. 210. A bill to prohibit candidates for Congress from accepting multicandidate political committee contributions; to the Committee on House Administration.

H.R. 211. A bill to categorize payments from lobbyists to, or on behalf of, Members of Congress as bribery under Federal criminal law; to the Committee on the Judiciary.

H.R. 212. A bill to nullify the pay raises afforded by the Ethics Reform Act of 1989 (excluding those granted to justices and judges of the United States); to freeze rates of pay for justices and judges of the United States for the next 5 years; and to amend the Federal Salary Act of 1967 to eliminate quadrennial pay adjustments for Members of Congress and other Government officials under that Act; jointly, to the Committees on Post Office and Civil Service House Administration, the Judiciary, Ways and Means, and Rules.

H.R. 213. A bill to amend Public Law 85-745 to provide that a former President may not receive a monetary allowance thereunder except upon waiving the right to receive any other Government annuity or pension; to the Committee on Post Office and Civil Service.

H.R. 214. A bill to provide that Federal pay be made subject to garnishment; to the Committee on Post Office and Civil Service.

H.R. 215. A bill to make "America, the Beautiful" the national anthem of the United States of America; to the Committee on Post Office and Civil Service.

H.R. 216. A bill to amend title 38, United States Code, to permit the next of kin of a deceased veteran to designate the style of flag to be furnished at the burial of such veteran; to the Committee on Veterans' Affairs.

H.R. 217. A bill to extend until January 1, 1996, the existing suspension of duty on (6R,7R)-7-[(R)-2-Amino-2-phenylacetamido]-3-methyl-8-oxo-5THia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid disolvate; to the Committee on Ways and Means.

H.R. 218. A bill to extend until January 1, 1996, the existing suspension of duty on chemical intermediate; to the Committee on Ways and Means.

H.R. 219. A bill to amend the Internal Revenue Code of 1986 to permit certain volunteer fire departments to issue tax-exempt bonds for purposes of acquiring ambulances or other emergency response vehicles; to the Committee on Ways and Means.

H.R. 220. A bill to amend the Internal Revenue Code of 1986 to reinstate the tax on interest received by foreigners on certain portfolio investments; to the Committee on Ways and Means.

H.R. 221. A bill to suspend until January 1, 1996, the duty on exomethylene ceph v sulfoxide ester; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota;

H.R. 222 A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require expeditious consideration by the Congress of a proposal by the President to rescind all or part of any item of budget authority if the proposal is transmitted to the Congress on the same day on which the President approves the bill or joint resolution providing such budget authority;

By Mr. KASICH:

H.R. 223. A bill to grant the power to the President to reduce budget authority; jointly, to the Committees on Government Operations and Rules.

By Mrs. KENNELLY (for herself, Mrs. MINK, Ms. NORTON, Mrs. SCHROEDER, Ms. PELOSI, Ms. LOWEY, Ms. DELAURO, Mr. FAZIO, Ms. SHEPHERD, Ms. FURSE, Mrs. UNSOELD, Mr. LEWIS of Georgia, and Mr. EDWARDS of California):

H.R. 224. A bill to amend section 1977A of the Revised Statutes to equalize the remedies available to all victims of intentional employment discrimination, and for other purposes; jointly, to the Committees on Education and Labor and the Judiciary.

By Mrs. KENNELLY:

H.R. 225. A bill to clarify the tax treatment of certain disability benefits received by former police officers or firefighters; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 226. A bill to amend the National Labor Relations Act to give employers and performers in the live performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes; to the Committee on Education and Labor.

H.R. 227. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance, and for other purposes; to the Committee on Ways and Means.

H.R. 228. A bill regarding the tariff classification of motor vehicles for the transport of goods; to the Committee on Ways and Means.

By Mr. LAROCCO:

H.R. 229. A bill to authorize the Secretary of Agriculture and the Secretary of the Interior to declare that a forest health emergency exists on Federal lands under their jurisdiction, to carry out accelerated forest health improvement programs to prevent further forest damage and reduce the risk of disaster wildfires on these lands, and to implement management strategies designated to produce sustained, diverse, and healthy forest ecosystems on these lands; jointly, to the Committees on Agriculture and Natural Resources.

H.R. 230. A bill to amend the Nuclear Waste Policy Act of 1982 to enhance the authority of States and Indian tribes to disapprove the provision by the Secretary of Energy of interim storage capacity for civilian spent nuclear fuel, and for other purposes; jointly, to the Committees on Energy and Commerce and Natural Resources.

H.R. 231. A bill to amend the Federal Power Act; to the Committee on Energy and Commerce.

H.R. 232. A bill to amend the Federal Property and Administrative Services Act of 1949 and title X, United States Code, to require as a term in each contract for property or services made by an executive agency that the contractor (and any subcontractors under that contract) shall comply with the workmen's compensation law of each State in which the contract is performed; jointly, to the Committees on Government Operations and Armed Services.

H.R. 233. A bill to apply certain provisions of the Wild and Scenic Rivers Act to a segment of the North Fork of the Payette River in Idaho; to the Committee on Natural Resources.

H.R. 234. A bill to provide for interim protection of certain lands in the State of Idaho through their acquisition and management by the Secretary of the Interior, acting through the Bureau of Land Management; to the Committee on Natural Resources.

H.R. 235. A bill to provide for certain land exchanges in the State of Idaho, and for other purposes; to the Committee on Natural Resources.

H.R. 236. A bill to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes; jointly, to the Committees on Natural Resources and Merchant Marine and Fisheries.

H.R. 237. A bill to increase access to health care services for individuals in rural areas, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and the Judiciary.

By Mr. LEACH:

H.R. 238. A bill to promote community development lending by financial institutions in economically distressed areas; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEHMAN:

H.R. 239. A bill to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes; to the Committee on Natural Resources.

By Mr. LEHMAN (for himself and Mr. MILLER of California):

H.R. 240. A bill to provide for the protection of the Bodie Bowl area of the State of California, and for other purposes; to the Committee on Natural Resources.

By Mr. LEVIN (for himself and Mr. MATSUI):

H.R. 241. A bill to amend the Internal Revenue Code of 1986 to encourage investments in new manufacturing and other productive equipment by allowing an investment tax credit to taxpayers who increase the amount of such investments; to the Committee on Ways and Means.

By Mr. LIPINSKI:

H.R. 242. A bill to provide financial assistance for the repair, reconstruction, and rehabilitation of highways, bridges, transit facilities, airports, and wastewater treatment works; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mrs. LLOYD (for herself, Mr. MARKEY, Mr. HANSEN, Mr. TOWNS, Mr. OWENS, Mr. CONYERS, Ms. NORTON, Mrs. COLLINS of Illinois, Mr. SCHUMER, Mr. EMERSON, Mr. MURTHA, Mr. MARTINEZ, Mr. DIXON, Mr. EVANS, Mrs. MEYERS of Kansas, Mr. MAZZOLI, Mr. LEVIN, Mr. SCHIFF, Mr. VENTO, Mr. FAZIO, Mrs. COLLINS of Michigan, Mrs. SCHROEDER, and Mr. BILIRAKIS):

H.R. 243. A bill to amend title XIX of the Social Security Act to provide for coverage of prostate cancer screening tests under the Medicaid Program; to the Committee on Energy and Commerce.

H.R. 244. A bill to amend title XVIII of the Social Security Act to provide for coverage of prostate cancer screening tests under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MCCANDLESS:

H.R. 245. A bill to amend title X, United States Code, to authorize the detail of personnel of the Department of Defense to assist the Immigration and Naturalization Service and the U.S. Customs Service perform border patrol-related activities; jointly, to the Committees on Armed Services and the Judiciary.

H.R. 246. A bill to make applicable to the Congress certain laws relating to the terms and conditions of employment, the health and safety of employees, and the rights and responsibilities of employers and employees, and for other purposes; jointly, to the Committees on Education and Labor Government Operations, House Administration, the Judiciary, Rules, and Ways and Means.

H.R. 247. A bill to establish a Second National Blue Ribbon Commission To Eliminate Waste in Government; to the Committee on Government Operations.

H.R. 248. A bill to amend the Federal Election Campaign Act of 1971 to prohibit contributions and expenditures by multicandidate political committees controlled by foreign-owned corporations, and for other purposes; jointly, to the Committees on House Administration and the Judiciary.

H.R. 249. A bill to amend the Trade Act of 1974 in order to require reciprocal responses to foreign acts, policies, and practices that deny national treatment to U.S. investment; to the Committee on Ways and Means.

H.R. 250. A bill to amend the Internal Revenue Code of 1986 to provide an employer a credit against income tax for the cost of providing mammography screening for his employees; to the Committee on Ways and Means.

By Mr. NEAL of North Carolina:

H.R. 251. A bill to require the Secretary of the Treasury to issue a portion of the public debt in the form of obligations indexed for inflation; to the Committee on Ways and Means.

H.R. 252. A bill to establish a cabinet-level interagency task force to develop a comprehensive legislative proposal that coordinates and reforms all Federal programs that provide assistance to individuals with limited incomes; to the Committee on Government Operations.

H.R. 253. A bill to amend the Internal Revenue Code of 1986 to index the basis of certain assets for purposes of determining gain or loss and to exclude from gross income all dividends from domestic corporations; to the Committee on Ways and Means.

H.R. 254. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Ways and Means.

H.R. 255. A bill to amend the Internal Revenue Code of 1986 to provide for floating Social Security tax rates for old age, survivors, and disability insurance; to the Committee on Ways and Means.

H.R. 256. A bill to amend the Bank Holding Company Act of 1956; to the Committee on Banking, Finance and Urban Affairs.

H.R. 257. A bill to establish a Health Care Crisis Policy Commission; jointly to the Committees on Energy and Commerce and Ways and Means.

H.R. 258. A bill requiring the President to take retaliatory action against foreign barriers and restrictions that unfairly limit U.S. trade; to the Committee on Ways and Means.

H.R. 259. A bill to require that the President negotiate with Japan an agreement whereby Japan reimburses the United States for a portion of the costs the United States incurs in providing a military defense of Japan; to the Committee on Foreign Affairs.

H.R. 260. A bill to amend the Internal Revenue Code of 1986 to provide that the amount of any contribution to any No Net Cost Tobacco Fund or any No Net Cost Tobacco Account shall be treated as a deductible expense; to the Committee on Ways and Means.

H.R. 261. A bill to amend the title 23, U.S. Code to provide that the percentage of total apportionments of funds allocated to any State from the Highway Trust Fund in any fiscal year be at least 100 percent of the percentage of estimated tax payments paid into the Highway Trust fund which are attributable to highway users in such State in the latest fiscal year for which data is available; to the Committee on Public Works and Transportation.

H.R. 262. A bill to direct the Secretary of Commerce to approve and distribute to food service operations instructions for removing food which has become lodged in a person's throat; to the Committee on Energy and Commerce.

H.R. 263. A bill to repeal the provisions of the Internal Revenue Code of 1986 relating to the taxation of up to one-half of an individual's Social Security and certain railroad retirement benefits; to the Committee on Ways and Means.

By Mr. McCANDLESS:

H.R. 264. A bill to amend the Internal Revenue Code 1986 to restore the deduction for health insurance costs of self-employed individuals for an indefinite period, and to increase the amount of such deduction; to the Committee on Ways and Means.

H.R. 265. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of amounts paid for employee educational assistance; to the Committee on Ways and Means.

By Mr. McCLOSKEY:

H.R. 266. A bill to amend the Black Lung Benefits Act to provide that when benefits are paid for at least 2 years after an initial determination of eligibility for such benefits the benefits will not be required to be repaid upon a final determination of ineligibility for benefits, and for other purposes; to the Committee on Education and Labor.

By Mr. McCOLLUM:

H.R. 267. A bill to amend chapter 47 of title 10 U.S. Code (the Uniform Code of Military Justice), to establish procedures for the adjudication by courts-martial of sentences of capital punishment; to the Committee on Armed Services.

H.R. 268. A bill to provide additional funding for the Resolution Trust Corporation, to reduce the amount of losses of such Corporation through the establishment of the supervisory goodwill buy-back program, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 269. A bill to amend the Community Reinvestment Act of 1977 to reduce onerous recordkeeping and reporting requirements for regulated financial institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 270. A bill to amend the title 18, U.S. Code, to provide civil and criminal forfeitures for certain offenses; to the Committee on the Judiciary.

H.R. 271. A bill to amend title 18, U.S. Code, to make the knowing disclosure of classified information by Federal officers and employees a criminal offense; to the Committee on the Judiciary.

H.R. 272. A bill to amend title 11 of the U.S. Code to establish a priority for the payment of claims for retiree health benefits in liquidation cases under chapter 7 and 11; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself, Mr. YOUNG of Florida, Mr. SHAW, Mr. BILIRAKIS, MR. LEWIS of Florida, Mr. GOSS, Ms. ROS-LEHTINEN, and Mr. STEARNS):

H.R. 273. A bill to deem the Florida Panther to be an endangered species under the Endangered Species Act of 1973; to the Committee on Merchant Marine and Fisheries.

By Mr. McCOLLUM:

H.R. 274. A bill to amend title II of the Social Security Act to provide that an applicant for old age, wife's, husband's, or child's insurance benefits who under present law does not qualify for a benefit for the first month in which he or she meets the applicable entitlement conditions shall be entitled to a prorated benefit for that month; to the Committee on Ways and Means.

By Mr. MAZZOLI:

H.R. 275. A bill to amend the Federal Election Campaign Act of 1971 and related provisions of law to provide for a voluntary system of spending limits and benefits for House of Representatives election campaigns, and for other purposes; to the Committee on House Administration.

By Mr. MAZZOLI (for himself and Mr. POSHARD):

H.R. 276. A bill to amend the Federal Election Campaign Act of 1971 to ban activities of political action committees in elections for Federal office and to reduce the limitation on contributions to candidates by persons other than multicandidate political committees; to the Committee on House Administration.

By Mr. MAZZOLI:

H.R. 277. A bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun; to the Committee on the Judiciary.

By Mr. MFUME:

H.R. 278. A bill to establish a Minority Business Development Administration in the Department of Commerce, to clarify the relationship between such Administration and the Small Business Administration, and for other purposes; jointly, to the Committee on Banking, Finance and Urban Affairs and Small Business.

H.R. 279. A bill to require automobile insurance insurers to provide rate setting information and for other purposes; to the Committee on Energy and Commerce.

By Mr. MILLER of California (for himself, Mr. OWENS, Ms. NORTON, Mr. RANGEL, Ms. KAPTUR, and Mrs. ROUKEMA):

H.R. 280. A bill to amend the National School Lunch Act to remove the requirement that schools participating in the school lunch program offer students specific types of fluid milk, and for other purposes; to the Committee on Education and Labor.

By Mr. MILLER of California (for himself, Mr. STARK, Mr. OWENS, Mr. BERMAN, Ms. NORTON, Ms. PELOSI, Mr. COLEMAN of Texas, Mr. DELLUMS, and Mr. TOWNS):

H.R. 281. A bill to amend the Fair Labor Standards Act of 1938 to provide that the minimum wage rate under that Act will be indexed to the cost of living in the same manner as Social Security benefits are indexed; to the Committee on Education and Labor.

By Mr. MILLER of California (for himself, Mr. RAMSTAD, Ms. NORTON, Mrs. COLLINS of Illinois, Mr. RANGEL, Mr. TOWNS, and Mrs. SCHROEDER):

H.R. 282. A bill to provide that dependent care assistance benefits be made available to individuals serving in the legislative branch of the Government; to the Committee on House Administration.

By Mr. MINETA (for himself and Mr. BERMAN):

H.R. 283. A bill to amend the Immigration and Nationality Act to provide the children of female United States citizens born abroad before May 24, 1934, and their descendants, with the same rights to citizenship at birth as children born of male citizens abroad; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 284. A bill to amend the Internal Revenue Code of 1986 with respect to the designation of income tax payments to the Presidential Election Campaign Fund; jointly, to the Committee on House Administration and Ways and Means.

By Mrs. MORELLA:

H.R. 285. A bill to amend title 10, United States Code, to authorize voluntary withholding of State income tax from monthly annuity payments under programs providing annuities for survivors of retired members of the uniformed services; to the Committee on Armed Services.

H.R. 286. A bill to amend the Public Health Service Act to facilitate the entering into of cooperative agreements between hospitals for the purpose of enabling such hospitals to share expensive medical or high technology equipment or services, and for other purposes; to the Committee on Energy and Commerce.

H.R. 287. A bill to amend the provisions of chapters 83 and 84 of title 5, United States Code, which relates to the deposit required in the case of an election to provide a survivor annuity to a spouse by a post-retirement marriage or a former spouse; to the Committee on Post Office and Civil Service.

H.R. 288. A bill to amend title 5, United States Code, to grant to the widow or widower of a Federal employee or annuitant whose health insurance coverage would otherwise terminate because of such employee's or annuitant's death the right to elect the same temporary extension of coverage as is available to certain former spouses; to the Committee on Post Office and Civil Service.

H.R. 289. A bill to provide for a demonstration project relating to treatment for drug abuse and alcohol abuse under the health benefits program for Federal employees; to the Committee on Post Office and Civil Service.

H.R. 290. A bill to extend health insurance and survivor annuity benefits to certain former spouses of Federal employees who would not otherwise be eligible therefor; to the Committee on Post Office and Civil Service.

By Mr. MURPHY (for himself and Mr. SWIFT):

H.R. 291. A bill to amend title 10, United States Code, to establish procedures for determining whether members of the Armed

Forces in a missing status or certain civilian officers and employees are deceased, to require certain information to be kept in the personnel files of such persons, and for other purposes; to the Committee on Armed Services.

By Mr. ORTIZ (for himself and Mr. DE LA GARZA):

H.R. 292. A bill to provide for the establishment of a new medical facility for veterans in south Texas; to the Committee on Veterans' Affairs.

By Mr. PANETTA:

H.R. 293. A bill to designate the waters of the California Central Coast as a national marine sanctuary; to the Committee on Merchant Marine and Fisheries.

H.R. 294. A bill to amend the Federal Water Pollution Control Act to add Morro Bay, California, to the priority list of the national estuary program; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

H.R. 295. A bill to require the Secretary of the Interior to determine the suitability and feasibility of establishing the Mission San Antonio de Padua in California and its surrounding historic and prehistoric archeological sites as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

H.R. 296. A bill to amend the Outer Continental Shelf Lands Act; jointly, to the Committees on Natural Resources and Merchant Marine and Fisheries.

By Mr. PETRI:

H.R. 297. A bill to permit States in certain cases to waive application of the requirements of the Commercial Motor Vehicle Safety Act of 1986 with respect to a vehicle which is being operated for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting; to the Committee on Public Works and Transportation.

By Mr. PICKLE:

H.R. 298. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to improve pension plan funding; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. PORTER (for himself, Mr. BEILENSON, Mr. BROWN of California, Mr. HUGHES, Mrs. MORELLA, Mr. BLACKWELL, Ms. PELOSI, Mr. STUDDS, and Mr. ACKERMAN):

H.R. 299. A bill to establish a Commission on Environmental and Development; to the Committee on Foreign Affairs.

By Mr. HASTERT (for himself, Mr. GOSS, Mr. HOUGHTON, Mr. BALLENGER, Mr. HANCOCK, Mr. DARDEN, Mr. GIBBONS, Mr. CLEMENT, Mr. ACKERMAN, Mr. SHAYS, Mr. BUNNING, Mr. COBLE, Mr. GOODLING, Mr. HUNTER, Mr. CRAMER, Mr. LIGHTFOOT, Mr. DOOLITTLE, Mr. COMBEST, Mr. DORNAN, Mr. SUNDQUIST, Mr. McCRERY, Mr. HEFLEY, Mr. HERGER, Mr. GALLEGLY, Mrs. BENTLEY, Mr. ARMEY, Mr. BACCHUS of Florida, Mr. NEAL of North Carolina, Ms. SNOWE, Mr. McCOLLUM, Mr. UPTON, Mr. WALKER, Ms. NORTON, Mr. CRANE, Mr. SMITH of Texas, Mr. OXLEY, Mr. TAYLOR of North Carolina, Mrs. MORELLA, Mr. COLEMAN, Mr. TOWNS, Mr. MICHEL, Mr. ROHRABACHER, Mr. GEREN of Texas, Mr. McDADE, Mr. RAVENEL, Mr. INHOFE, Mr. KYL, Mr. HOCHBRUECKNER, Mr. GALLO, Mr. HALL of Texas, Mr. HYDE, Mr. BILIRAKIS, Mr. HUTTO, Mr. LIVINGSTON, Mr. HOBSON, Mrs. JOHNSON of Connecticut, Mr. MACHTLEY, Mr. DUNCAN, Mr. NEAL of Massachusetts, Mr. MURTHA, Mr. OBERSTAR, Mr. PAXON, Mr. HANSEN, Mr. BURTON of Indiana, Mr. TRAFICANT, Mr. STUMP, Mr. BAKER of Louisiana, Mr. SMITH of Oregon, Mr. SOLOMON, Mr. SENSENBRENNER, Mr. DELAY, Mr. WILSON, Mr. McCANDLESS, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. ZIMMER, Mr. ZELIFF, Mr. GILLMOR, Mr. MOORHEAD, Mr. EMERSON, Mr. QUILLEN, Mr. BAKER of California, Mr. CRAPO, Mr. SAM JOHNSON of Texas, Mr. BEREUTER, Mr. BOUCHER, Mr. ALLARD, Mr. FROST, Mr. MARTINEZ, Mr. HEFNER, Mr. ROTH, Mr. NUSSLE, Mrs. FOWLER, Mr. WELDON, Mr. KLUG, Mr. SANTORUM, Mr. ENGLISH of Oklahoma, Mr. OWENS, Mr. KASICH, Mr. PETRI, Mr. TORRICELLI, Mr. EVANS, Mr. PORTER, Mr. ROBERTS, Mr. RAHALL, Ms. KAPTUR, Mr. PALLONE, Mr. SCHAEFER, Mr. SHAW, Mr. SCHIFF, Mr. BARRETT of Nebraska, Mr. STEARNS, Mr. THOMAS of Wyoming, Mrs. VUCANOVICH, Mr. HAYES of Louisiana, Mr. WOLF, Mr. SARPALIUS, Mr. YOUNG of Florida, Mr. DE LUGO, Mr. LEACH, Mr. FRANKS of Connecticut, Ms. SLAUGHTER, Mr. SAXTON, and Mr. MARKEY):

H.R. 300. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 301. A bill to amend the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 to establish, for fiscal years 1994 through 1998, discretionary spending limits for the defense, international, and domestic categories and maximum deficit amounts; jointly, to the Committee on Government Operations and Rules.

H.R. 302. A bill to provide that the flag of the United States should be displayed at half-staff on all Government buildings on Peace Officers Memorial Day, and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself, Mr. YOUNG of Florida and Mr. SHAYS):

H.R. 303. A bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have service-connected disabilities to receive compensation from the Department of Veterans Affairs concurrently with retired pay, without deduction from either; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Mr. PORTER:

H.R. 304. A bill to amend title 5, United States Code, to deny annuity benefits with respect to any Member of Congress convicted of a felony; to the Committee on Post Office and Civil Service.

H.R. 305. A bill to establish a national policy for the conservation of biological diversity; to support environmental research and training necessary for conservation and sustainable use of biotic natural resources, to establish mechanisms for carrying out the national policy and for coordinating related activities; and to facilitate the collection, synthesis, and dissemination of information necessary for these purposes; jointly, to the Committees on Science, Space, and Technoloy and Merchant Marine and Fisheries.

H.R. 306. A bill to amend the Internal Revenue Code of 1986 and title II of the Social Security Act to reduce social security taxes and to provide for the establishment of individual social security retirement accounts funded by payroll deductions and employer contributions equal to the amount of the tax reduction; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. QUILLEN:

H.R. 307. A bill to amend title XIX of the Social Security Act to provide that clinical social worker services are a mandatory benefit under the medicaid program; to the Committee on Energy and Commerce.

H.R. 308. A bill to create a commission to grant exclusive franchises for the exploration for and the commercial development of geothermal energy and for the right to market any such energy in its natural state, and for other purposes; jointly, to Committees on Energy and Commerce and Natural Resources.

H.R. 309. A bill to amend titles XVIII and XIX of the Social Security Act to provide for inclusion of the services of registered professional nurses under the medicare and medicaid programs; jointly, to the Committees on Energy and Commerce and Ways and Means.

H.R. 310. A bill to direct the Secretary of the Interior to acquire certain real property adjacent to the Andrew Johnson National Historic Site in Greeneville, TN for inclusion within the national cemetery located in that site; to the Committee on Natural Resources.

H.R. 311. A bill to provide reduced rates for nonprofit senior citizens organizations; to the Committee on Post Office and Civil Service.

H.R. 312. A bill to amend title 39 of the United States Code to provide for door delivery of mail to the physically handicapped, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 313. A bill to amend title 38, United States Code, to remove the time limitation for the use of chapter 34 educational assistance benefits; to the Committee on Veterans' Affairs.

H.R. 314. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 315. A bill to limit medicare denials by peer review organizations of medically necessary inpatient hospital services; jointly, to the Committee on Ways and Means and Energy and Commerce.

H.R. 316. A bill to amend title II of the Social Security Act to eliminate benefit disparities by increasing primary insurance amounts, in cases where the benefits involved are computed under the present formula (enacted in 1977), to the extent necessary to assure that such benefits are no less than they would have been if computed under the pre-1977 formula; to the Committee on Ways and Means.

H.R. 317. A bill to amend the Internal Revenue Code of 1986 to allow handicapped individuals a deduction for certain transportation expenses; to the Committee on Ways and Means.

H.R. 318. A bill to amend the Internal Revenue Code of 1986 to provide that an individual may deduct amounts paid for his higher education, or for the higher education of any of his dependents; to the Committee on Ways and Means.

H.R. 319. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for taxpayers who maintain households which include elderly persons who are determined by a physician to be disabled; to the Committee on Ways and Means.

H.R. 320. A bill to amend titles XVIII and XIX of the Social Security Act to provide for inclusion of the services of licensed practical nurses under the medicare and medicaid programs; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 321. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to benefits thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month), in order to provide such individual's family with assistance in meeting the extra death-related expenses; to the Committee on Ways and Means.

By Mr. RAHALL (for himself, Mr. VENTO, and Mr. LEHMAN):

H.R. 322. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Natural Resources.

By Mr. RAMSTAD:

H.R. 323. A bill to require the Congress and the President to use the spending levels for the current fiscal year (without adjustment for inflation) in the preparation of the budget for each new fiscal year in order to clearly identify spending increases from one fiscal year to the next fiscal year; jointly, to the Committees on Government Operations and Rules.

H.R. 324. A bill to require any person who is convicted of a State criminal offense against a victim who is a minor to register a current address with law enforcement officials of the State for 10 years after release from prison, parole, or supervision; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 325. A bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. SHAYS, and Mr. SCHUMER):

H.R. 326. A bill to amend the Internal Revenue Code of 1986 to make the exclusion for amounts received under group legal services plans permanent; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 327. A bill to provide for the retention of the name of Mount McKinley; to the Committee on Natural Resources.

By Mr. RICHARDSON:

H.R. 328. A bill to direct the Secretary of Agriculture to convey certain lands to the town of Taos, NM; to the Committee on Natural Resources.

By Mr. ROBERTS:

H.R. 329. A bill to amend the Public Health Service Act to provide grants to States for the creation or enhancement of systems for the air transport of rural victims of medical emergencies, and for other purposes; to the Committee on Energy and Commerce.

H.R. 330. A bill to amend the Federal Election Campaign Act of 1971 to further restrict contributions to candidates by multicandidate political committees, require full disclosure of attempts to influence Federal elections through "soft money" and independent expenditures, correct inequities resulting from personal financing of campaigns, strengthen the role of political parties, and contain the cost of political campaigns; jointly, to the Committees on House Administration and Energy and Commerce.

H.R. 331. A bill to abolish the franking privilege for the House of Representatives and to establish a spending allowance for postage for official mail of the House of Representatives; jointly, to the Committees on House Administration and Post Office and Civil Service.

H.R. 332. A bill to amend the Public Health Service Act and title XVIII of the Social Security Act with respect to health professional shortage areas; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DORNAN:

H.R. 333. A bill to provide educational assistance to law enforcement personnel and to increase the number of police officers; to the Committee on the Judiciary.

By Mr. ROSE:

H.R. 334. A bill to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes; to the Committee on Natural Resources.

By Mr. ROTH:

H.R. 335. A bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 336. A bill to promote youth apprenticeship opportunities nationwide, and for other purposes; to the Committee on Education and Labor.

H.R. 337. A bill to amend the Internal Revenue Code of 1986 to permit nondeductible tax-free individual retirement accounts; to the Committee on Ways and Means.

H.R. 338. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free withdrawals from individual retirement plans for the acquisition of a first home; to the Committee on Ways and Means.

By Mr. SARPALIUS:

H.R. 339. A bill to amend title XI of the United States Code with respect to avoiding certain liens that impair exempt property; to the Committee on the Judiciary.

By Mr. SCHAEFER:

H.R. 340. A bill to amend the Federal Water Pollution Control Act relating to Federal facilities pollution control; to the Committee on Public Works and Transportation.

By Mr. SCHUMER:

H.R. 341. A bill to amend the Fair Labor Standards Act of 1938 to increase the penalties for employers who violate such act, and for other purposes; to the Committee on Education and Labor.

H.R. 342. A bill to amend the Federal Trade Commission Act to provide for regulation by the Federal Trade Commission of advertisements by air carriers, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

H.R. 343. A bill to prohibit arms transfers to certain countries unless the President certifies that a state of war does not exist between such country and Israel and that such country has accorded formal recognition to the sovereignty of Israel; to the Committee on Foreign Affairs.

By Mr. SCHUMER (for himself, Mr. ZIMMER, Mr. BERMAN, Mr. KYL, Mr. WAXMAN, and Mr. KASICH):

H.R. 344. A bill to prohibit exports of dual use items to terrorist countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STARK:

H.R. 345. A bill to amend title XVIII of the Social Security Act to extend and improve the ban on physician referrals to health care providers with which the physician has a financial relationship; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SCHUMER:

H.R. 346. A bill to require that the United States Government hold certain discussions and report to the Congress with respect to the secondary boycott of Israel by Arab countries; jointly, to the Committees on Ways and Means and Foreign Affairs.

H.R. 347. A bill to deny nondiscriminatory (MFN) treatment to countries that participate in, or cooperate with, the economic boycott of Israel; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. CARDIN, Mr. BONIOR, Mr. TAUZIN, Mr. SUNDQUIST, Mr. BACCHUS of Florida, Mr. CRANE, Mrs. JOHNSON of Connecticut, Mr. HUGHES, Ms. SNOWE, Mr. GOSS, Mr. SHAYS, Mr. MACHTLEY, Mr. MCCRERY, and Mr. LEVIN):

H.R. 348. A bill to preserve jobs in the boating industry by amending the Internal Revenue Code of 1986 to repeal the luxury excise tax on boats; to the Committee on Ways and Means.

By Mr. SHAYS (for himself, Mr. SWETT, Mr. ALLARD, Mr. ARMEY, Mr. BAKER of Louisiana, Mr. BARTON of Texas, Mr. BLILEY, Mr. BLUTE, Mr. BOEHLERT, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CAMP, Mr. CLINGER, Mr. COBLE, Mr. COX, Mr. CRANE, Mr. CRAPO, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EWING, Mr. FAWELL, Mr. FIELDS of Texas, Mrs. FOWLER, Mr. GALLEGLY, Mr. GILCHREST, Mr. GINGRICH, Mr. GOSS, Mr. HERGER, Mr. HUNTER, Mrs. JOHNSON of Connecticut, Mr. KASICH, Mr. KLUG, Mr. KOLBE, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. MCCANDLESS, Mr. MCCRERY, Mr. MACHTLEY, Ms. MOLINARI, Mrs. MORELLA, Mr. PAXON, Mr. PORTER, Mr. RAMSTAD, Mr. RIDGE, Mr. ROHRABACHER, Mr. SANTORUM, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Ms. SNOWE, Mr. SOLOMON, Mr. THOMAS of Wyoming, Mr. THOMAS of California, Mr. WALKER, Mr. WALSH, Mr. WELDON, Mr. WOLF, Mr. ZELIFF, Mr. ZIMMER, Mr. HAYES of Louisiana, Mr. MOORHEAD, Mrs. MEYERS of Kansas, Mr. GOODLING, Mr. HASTERT, Mr. HEFLEY, Mr. PETRI, Mr. RAVENEL, Ms. ROS-LEHTINEN, Mr. MYERS of Indiana, Mr. DICKEY, Mr. YOUNG of Florida, Mr. DREIER, Mr. FRANKS of New Jersey, Mr. FRANKS of Connecticut, Mr. GILLMOR, Mr. GOODLATTE, Mr. GUNDERSON, Mr. INHOFE, Mr. MCCOLLUM, Mr. OXLEY, Mr. MCMILLAN, Mr. HOBSON, Mr. REGULA, Mr. TAYLOR of North Carolina, Mr. HOUGHTON, and Mr. SHAW):

H.R. 349. A bill to make applicable to the Congress certain laws relating to the terms and conditions of employment, the health and safety of employees, and the rights and responsibilities of employers and employees, and for other purposes; jointly, to the Committees on House Administration, Education and Labor, the Judiciary, Government Operations, Ways and Means, and Rules.

By Mr. EDWARDS of California (for himself, Mr. ABERCROMBIE, Mr. BEILENSON, Mr. BERMAN, Mr. BLACKWELL, Mr. DELLUMS, Mr. EVANS, Mr. GILCHREST, Mr. HAMBURG, Mr. KENNEDY, Mr. LANTOS, Mr. MARKEY, Mr. MILLER of California, Mr. MINETA, Mrs. MINK, Ms. PELOSI, Mr. RAVENEL, Mr. SHAYS, Mr. STARK, Mr. STOKES, Mr. VENTO, Mr. WELDON, and Mr. YATES):

H.R. 350. A bill to amend the Federal Water Pollution Control Act to further the protection of wetlands, and for other purposes; jointly, to the Committee on Public Works and Transportation, Merchant Marine and Fisheries, and Ways and Means.

By Mr. SLATTERY:

H.R. 351. A bill to regulate interstate commerce with respect to parimutuel wagering on greyhound racing, to maintain the stability of the greyhound racing industry, and for other purposes; to the Committee on Energy and Commerce.

H.R. 352. A bill to amend the Communications Act of 1934 to expand the broadcasting of information on election campaigns; to the Committee on Energy and Commerce.

H.R. 353. A bill to establish a Second National Blue Ribbon Commission to Eliminate Waste in Government; to the Committee on Government Operations.

H.R. 354. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; jointly, to the Committee on Government Operations and Rules.

H.R. 355. A bill to provide for comprehensive reform of Federal election campaign financing; jointly, to the Committees on Ways and Means and House Administration.

H.R. 356. A bill to amend the Internal Revenue Code of 1986 to provide that the unearned income of children attributable to personal injury awards shall not be taxed at the marginal rate of the parents; to the Committee on Ways and Means.

H.R. 357. A bill to amend the Internal Revenue Code of 1986 to provide that the onetime exclusion of gain from sale of a principal residence shall apply to a portion of the farmland on which the residence is located; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H.R. 358. A bill to create a national commission to support law enforcement; to the Committee on Judiciary.

H.R. 359. A bill to improve the administration of the Women's Rights National Historical Park in the State of New York, and for other purposes; to the Committee on Natural Resources.

H.R. 360. A bill to amend the Internal Revenue Code of 1986 to make permanent the provisions permitting tax-exempt treatment for certain qualified small issue bonds; to the Committee on Ways and Means.

By Mr. SMITH of Iowa:

H.R. 361. A bill to amend the Poultry Products Inspection Act to reestablish minimum inspection and processing standards; to the Committee on Agriculture.

H.R. 362. A bill to amend the Commodity Exchange Act to require public disclosure of certain information relating to sales of commodities for export, and for other purposes; to the Committee on Agriculture.

H.R. 363. A bill to require the Secretary of the Interior to establish a program to ensure the stockpiling and replacement of topsoil on public lands and other lands which are moved or covered by surface mining projects, reclamation projects, and other Federal and federally assisted projects, and for other purposes; jointly, to the Committees on Agriculture and Natural Resources.

H.R. 364. A bill to clarify the eligibility of certain small businesses for loans under the Small Business Act, to aid, protect, and preserve small businesses in meat production and marketing, and for other purposes; jointly, to the Committees on Agriculture and Small Business.

H.R. 365. A bill to amend the Small Business Act to assist and protect small businesses and to protect small businesses against unreasonable use of economic power by major meatpacking companies, and for other purposes; jointly, to the Committee on Agriculture and Small Business.

H.R. 366. A bill to amend title XIX of the Public Health Service Act to clarify the provisions of the allotment formula relating to urban and rural areas, and for other purposes; to the Committee on Energy and Commerce.

H.R. 367. A bill to amend title II of the Social Security Act to provide for the investment of the trust fund in the same investments permitted by pension funds guaranteed by the Employee Retirement Income Security Act and to require the trustees to meet the same prudent person standards required under that act; to the Committee on Ways and Means.

By Ms. SNOWE:

H.R. 368. A bill to prohibit the introduction of a plastic container into interstate commerce that does not contain a marking that identifies the type of plastic resin used to produce the container, and for other purposes; to the Committee on Energy and Commerce.

H.R. 369. A bill to provide that no State or local government shall be obligated to take any action required by Federal law enacted after the date of the enactment of this act unless the expenses of such government in taking such action are funded by the United States; to the Committee on Government Operations.

H.R. 370. A bill to make the Age Discrimination in Employment Act of 1967 applicable to the House of Representatives and the instrumentalities of the Congress, to give certain employees of the House of Representatives and the instrumentalities of the Congress the right to petition for judicial review for violations of certain laws and rules concerning civil rights and employment practices, and for other purposes; jointly, to the Committees on House Administration, Education and Labor, Rules, and the Judiciary.

H.R. 371. A bill to amend the Federal Election Campaign Act of 1971 to limit the influence of nonparty multicandidate political committees in elections for Federal office, to amend the Internal Revenue Code of 1986 to provide for an income tax credit for contributions to candidates for the House of Representatives, and for other purposes; jointly, to the Committees on House Administration and Ways and Means.

H.R. 372. A bill to establish a program to stimulate the U.S. economy; jointly, to the Committees on Public Works and Transportation, Small Business, Ways and Means, Armed Services, Foreign Affairs, and Science, Space, and Technology.

H.R. 373. A bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats and to offset the revenue loss from that repeal by repealing certain changes in the percentage depletion provisions of such code; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 374. A bill to amend the Higher Education Act of 1965 to prevent double-counting of income in the conduct of needs analysis for student assistance under that act; to the Committee on Education and Labor.

By Mr. SOLOMON (for himself, Mr. TAUZIN, Mr. WALKER, and Mr. TRAFICANT):

H.R. 375. A bill to deny funds to programs that do not allow the Secretary of Defense access to students on campuses or to certain student information for recruiting purposes; jointly, to the Committees on Education and Labor and Armed Services.

By Mr. SOLOMON:

H.R. 376. A bill to establish a moratorium on the promulgation and implementation of certain drinking water regulations promulgated under the Safe Drinking Water Act, to modify the definition of public water system, and for other purposes; to the Committee on Energy and Commerce.

H.R. 377. A bill to amend the Public Health Service Act to establish Federal standards to ensure quality assurance of drug testing programs, and for other purposes; jointly, to the Committees on Energy and Commerce Education and Labor, and Post Office and Civil Service.

H.R. 378. A bill to repeal and prohibit all privileges and gratuities for Members of the U.S. House of Representatives; to the Committee on House Administration.

H.R. 379. A bill to require random drug testing of Federal legislative branch officers and employees; to the Committee on House Administration.

H.R. 380. A bill to amend the National Security Act of 1947 to require the congressional intelligence committees to establish certain procedures to prevent the unauthorized disclosure of information furnished to those committees; to the Committee on Intelligence (Permanent Select).

H.R. 381. A bill to amend the Controlled Substances Act to require that courts, upon the criminal conviction under the act, notify the employer of the convicted person; to the Committee on the Judiciary.

H.R. 382. A bill to reform procedures for the imposition of capital punishment, and for other purposes; to the Committee on the Judiciary.

H.R. 383. A bill to amend the Anti-Drug Abuse Act of 1988 to eliminate the discretion of the court in connection with the denial of certain Federal benefits upon conviction of certain drug offenses; to the Committee on the Judiciary.

H.R. 384. A bill to amend the Anti-Drug Abuse Act of 1988 to eliminate the discretion of the court in connection with the denial of certain Federal benefits upon conviction of certain drug offenses; to the Committee on the Judiciary.

H.R. 385. A bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible; to the Committee on the Judiciary.

H.R. 386. A bill to amend title 18, United States Code, to provide the penalty of death for certain murders of State and local correctional officers by incarcerated persons, and for other purposes; to the Committee on the Judiciary.

H.R. 387. A bill to require random drug testing of Federal judicial branch officers and employees; to the Committee on the Judiciary.

H.R. 388. A bill to impose mandatory sentences for violent felonies committed against individuals if age sixty-five or over, and for other purposes; to the Committee on the Judiciary.

H.R. 389. A bill to require reemployment drug testing of prospective Federal employees; jointly, to the Committees on Post Office and Civil Service House Administration, and the Judiciary.

H.R. 390. A bill to require random drug-testing of Federal employees; to the Committee on Post Office and Civil Service.

H.R. 391. A bill to provide that rates of pay for Members of Congress shall not be subject to adjustment under the Federal Salary Act of 1967 or subject to any other automatic adjustment; jointly, to the Committees on Post Office and Civil Service and House Administration.

H.R. 392. A bill to provide that increases in the rate of compensation for Members of the House of Representatives and the Senate shall not take effect until the start of the Congress following the Congress in which such increases are approved; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. PALLONE (for himself, Mr. SAXTON, Mr. SHAYS, and Mr. GALLO):

H.R. 393. A bill to prohibit the commercial harvesting of Atlantic striped bass in the coastal waters and the exclusive economic zone; to the Committee on Merchant Marine and Fisheries.

By Mr. SOLOMON:

H.R. 394. A bill to amend title 38, United States Code, to change the date for the beginning of the Vietnam era for the purposes of veterans benefits from August 5, 1964, to December 22, 1961; to the Committee on Veterans' Affairs.

H.R. 395. A bill to amend the Internal Revenue Code of 1986 to provide a refundable income tax credit for the recycling of hazardous wastes; to the Committee on Ways and Means.

H.R. 396. A bill to amend the Internal Revenue Code of 1986 to restore the prior law exclusion for scholarships and fellowships and to restore the deduction for interest on educational loans; to the Committee on Ways and Means.

H.R. 397. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 398. A bill to prohibit the importation of goods from any country that does not adhere to certain standards with respect to the employment of minorities, older individuals, and individuals with disabilities; to the Committee on Ways and Means.

H.R. 399. A bill to amend the Internal Revenue Code of 1986 to increase the child care credit for lower-income working parents; to the Committee on Ways and Means.

H.R. 400. A bill to direct the President to impose certain limitations on the amount of milkprotein products that may be imported into the United States; to the Committee on Ways and Means.

H.R. 401. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for tuition; to the Committee on Ways and Means.

H.R. 402. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of a principal residence by a first-time homebuyer; to the Committee on Ways and Means.

H.R. 403. A bill to amend the Internal Revenue Code of 1986 to allow health insurance premiums to be fully deductible to the extent not in excess of $3,000; to the Committee on Ways and Means.

H.R. 404. A bill to repeal the provisions in the Internal Revenue Code of 1986 relating to the inclusion of Social Security and certain railroad retirement benefits in gross income to the extent such provisions do not apply to nonresident aliens; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 405. A bill to require public disclosure of examination reports of certain failed depository institutions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. STARK (for himself, Mr. DELLUMS, Mr. MINETA, Mrs. MINK, Mr. ACKERMAN, Mr. EVANS, and Mr. MANTON):

H.R. 406. A bill to amend the Internal Revenue Code of 1986 to modify the involuntary conversion rules for certain disaster-related conversions; to the Committee on Ways and Means.

By Mr. STEARNS:

H.R. 407. A bill to amend title 2, United States Code, to provide that an increase in the rate of pay for Members of Congress may not go into effect following a budget deficit in the preceding fiscal year; to the Committee on House Administration.

H.R. 408. A bill to provide a veterans bill of rights; to the Committee on Veterans' Affairs.

H.R. 409. A bill to amend title II of the Social Security Act to exclude from amounts treated as wages in applying the earnings test remuneration for teaching in public elementary or secondary schools; to the Committee on Ways and Means.

By Mr. STUMP:

H.R. 410. A bill to reduce the growing costs imposed on State and local governments by unfunded Federal mandates; jointly, to the Committees on Government Operations, the Judiciary, and Rules.

H.R. 411. A bill to prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State; to the Committee on the Judiciary.

H.R. 412. A bill to prohibit the expenditures of Federal funds for constructing or modifying highway signs that are expressed only in metric system measurements; to the Committee on Public Works and Transportation.

H.R. 413. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 414. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities; to the Committee on Ways and Means.

H.R. 415. A bill to amend the Internal Revenue Code of 1986 to repeal the excise taxes on luxury items; to the Committee on Ways and Means.

By Mr. SYNAR (for himself and Mr. GRANDY):

H.R. 416. A bill to extend the period during which chapter 12 of title 11 of the United States Code remains in effect; and for other purposes; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. PARKER, Mr. HALL of Texas, Mr. ROWLAND, Mr. MONTGOMERY, Mr. SHAW, Mr. MACHTLEY, and Mr. MORAN):

H.R. 417. A bill to amend the Securities Exchange Act of 1934 in order to reform private enforcement of the Federal securities laws, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TAUZIN:

H.R. 418. A bill to amend the Internal Revenue Code of 1986 to repeal the excise taxes on luxury items; to the Committee on Ways and means.

By Mr. WALSH:

H.R. 419. A bill to require hearing loss testing for all newborns in the United States; to the Committee on Energy and Commerce.

By Mr. TORRICELLI:

H.R. 420. A bill to require the Secretary of the Treasury to perform a study of the structures, operations, practices, and regulations of Japan's capital and securities markets, and their implications for the United States; jointly, to the Committees on Energy and Commerce and Banking, Finance and Urban Affairs.

H.R. 421. A bill to amend title XVIII of the Social Security Act to permit separate payment under part B of the Medicare Program for the interpretation of electrocardiograms provided by a physician during a visit and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. TOWNS:

H.R. 422. A bill to provide grants to reduce the number of homicides and the incidents of violence by students, ages 13 to 21, and for other purposes; jointly, to the Committees on Education and Labor and the Judiciary.

H.R. 423. A bill to amend the Civil Rights Act of 1964 and the Fair Housing Act to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; jointly, to the Committees on Education and Labor and the Judiciary.

H.R. 424. A bill to establish certain requirements with respect to solid waste and hazardous waste incinerators, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. VUCANOVICH:

H.R. 425. A bill to amend title XIX of the Social Security Act to require State Medicaid plans to provide coverage of screening mammography; to the Committee on Energy and Commerce.

H.R. 426. A bill to amend the Public Health Service Act to establish a program to educate the public on prostate cancer; to the Committee on Energy and Commerce.

H.R. 427. A bill to amend title XVIII of the Social Security Act to provide for coverage of annual screening mammography under part B of the Medicare Program for women 65 years of age or older; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. WALKER:

H.R. 428. A bill to amend the Internal Revenue Code of 1986 to exclude from the gross estate the value of land subject to a qualified conservation easement if certain conditions are satisfied and for other purposes; to the Committee on Ways and Means.

By Mr. WALKER (for himself, Mr. GINGRICH, Mr. BARTON of Texas, Mr. BLILEY, Mr. CAMP, Mr. COBLE, Mr. CRAPO, Mr. DOOLITTLE, Mr. DORNAN, Mr. EWING, Mr. FAWELL, Mr. GEKAS, Mr. GOSS, Mr. HANCOCK, Mr. HEFLEY, Mr. KINGSTON, Mr. KOLBE, Mr. LEWIS of Florida, Mr. MCCOLLUM, Mr. NUSSLE, Mr. OXLEY, Mr. PACKARD, Mr. RAVENEL, Mr. ROHRABACHER, Mr. SANTORUM, Mr. THOMAS of Wyoming, Mr. UPTON, Mr. ZELIFF, and Mr. ZIMMER):

H.R. 429. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated; jointly, to the Committees on Ways and Means and Government Operations.

By Mr. TAUZIN:

H.R. 430. A bill to establish The National Dividend Plan by reforming the budget process, and by amending the Internal Revenue Code of 1986 to eliminate the double tax on dividends, to allocate corporate income tax revenues for payments to qualified registered voters, and for other purposes; jointly, to the Committees on Ways and Means and Rules.

By Mr. WAXMAN (for himself, Mr. EDWARDS of California, Mrs. SCHROEDER, Mr. STUDDS, Mr. FRANK of Massachusetts, and Mr. NADLER):

H.R. 431. A bill to prohibit discrimination on account of sexual orientation; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. WILSON:

H.R. 432. A bill to prohibit exports of unprocessed timber and wood chips to any country that does not provide reciprocal access to its markets for finished wood products and paper produced in the United States; to the Committee on Foreign Affairs.

H.R. 433. A bill to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor unit, the Big Sandy Corridor unit, the Canyonlands unit, the Sabine River Blue Elbow unit, and addition to the Lower Neches Corridor unit; to the Committee on Natural Resources.

H.R. 434. A bill to repeal the act entitled "An act to designate the building located at 1515 Sam Houston Street in Liberty, TX, as the 'M.P. Daniel and Thomas F. Calhoon, Senior, Post Office Building'," approved May 17, 1990; to the Committee on Post Office and Civil Service.

By Mr. WOLF:

H.R. 435. A bill to amend the Internal Revenue Code of 1986 to provide income tax relief for families; to the Committee on Ways and Means.

By Mr. WOLF (for himself, Mr. KYL, Mr. TALENT, Mr. ACKERMAN, Mr. GOSS, Mr. ROHRABACHER, Mr. HALL of Texas, Mr. BAKER of Louisiana, Mr. BARRETT of Nebraska, Mr. BEREUTER, Mr. BUNNING, Mr. CALLAHAN, Mr. COBLE, Mr. COLEMAN, Mr. COX, Mr. DELAY, Mr. DOOLITTLE, Mr. DUNCAN, Mr. FRANKS of Connecticut, Mr. GILCHREST, Mr. GINGRICH, Ms. MOLINARI, Mr. MURPHY, Mr. NEAL of Massachusetts, Mr. NUSSLE, Mr. PACKARD, Mr. PAXON, Mr. HEFLEY, Mr. HUNTER, Mr. HUTTO, Mr. HANCOCK, Ms. NORTON, Mr. RAVENEL, Mr. ROTH, Mr. HERGER, Mr. SHAYS, Mr. SMITH of Oregon, Mr. SMITH of New Jersey, Mr. SPENCE, Mr. WALSH, Mr. SENSENBRENNER, Mr. GALLEGLY, Mr. HENRY, Mr. SOLOMON, Mr. INHOFE, Mr. YATES, Mr. HASTERT, Mr. CHAPMAN, Mr. TAYLOR of North Carolina, Mr. PARKER, Mr. SKEEN, Mr. JOHNSTON of Florida, Mrs. COLLINS of Michigan, Mr. BARTON of Texas, Mr. BURTON of Indiana, Mr. CUNNINGHAM, Mr. EMERSON, Mrs. VUCANOVICH, Mr. RAMSTAD, Mr. HANSEN, Mr. HYDE, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. KILDEE, Mr. MAZZOLI, Mr. OXLEY, Mr. SCHIFF, Mr. MACHTLEY, Mr. MOORHEAD, Mr. MORAN, Mr. CONYERS, Mr. MYERS of Indiana, Mr. PETRI, Mr. FAWELL, Ms. MEEK, Mr. UPTON, Mr. OLVER, Mr. CLINGER, Mr. ZIMMER, Mr. GILLMOR, Mr. GEKAS, Mr. CRAPO, Ms. FOWLER, Mr. CRAMER, Mr. PORTER, Mr. SMITH of Texas, Mr. ARMEY, Mr. SANTORUM, and Mr. DORNAN):

H.R. 436. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes; to the Committee on Ways and Means.

By Mr. WYDEN (for himself, Mr. WAXMAN, Mrs. SCHROEDER, and Mr. DEFAZIO):

H.R. 437 A bill to provide for research on antiprogestin drugs through the National Institutes of Health; to the Committee on Energy and Commerce.

H.R. 438. A bill to amend title XIX of the Social Security Act to establish Federal standards for long-term care insurance policies; to the Committee on Energy and Commerce.

By Mr. ZIMMER:

H.R. 439. A bill to amend title 18, United States Code, to provide a penalty enhancement for the use of juveniles in Federal offenses; to the Committee on the Judiciary.

By Mr. ZIMMER (for himself, Mr. GALLO, Mr. ANDREWS of New Jersey, Mrs. ROUKEMA, and Mr. SAXTON):

H.R. 440. A bill to impose a 10-year moratorium on oil and gas leasing in certain areas off the coast of New Jersey; to the Committee on Natural Resources.

By Mr. ZIMMER (for himself, Mr. CONYERS, Mr. HASTERT, Mr. PENNY, and Mr. SHAYS):

H.R. 441. A bill to terminate the space station Freedom Program; to the Committee on Science, Space, and Technology.

By Mrs. COLLINS of Illinois:

H.R. 442. A bill to amend title XVIII of the Social Security Act to provide payment for dental services under part B of the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. GUNDERSON:

H.R. 443. A bill to amend the Public Health Service Act to establish an Office of Emergency Medical Services, and for other purposes; to the Committee on Energy and Commerce.

[Omitted from the Record of January 5, 1993]

By Mrs. BENTLEY:

H.J. Res. 3. Joint resolution entitled "The Government Procurement Act of 1993"; jointly, to the Committees on Government Operations and Armed Services.

By Mr. NEAL of North Carolina:

H.J. Res. 55. Joint resolution directing the Federal Open Market Committee of the Federal Reserve System to adopt and pursue monetary policies leading to, and then maintaining, zero inflation; to the Committee on Banking, Finance and Urban Affairs.

H.J. Res. 56. Joint resolution proposing an amendment to the Constitution of the United States providing that, except in cases of national emergency, expenditures of the U.S. Government in any fiscal year shall not exceed its revenues for that fiscal year; to the Committee on the Judiciary.

H.J. Res. 57. Joint resolution proposing an amendment to the Constitution of the United States providing that, except in cases of national emergency, expenditures of the U.S. Government shall not exceed its revenues, nor exceed 20 percent of the gross national product, in any fiscal year; to the Committee on the Judiciary.

H.J. Res. 58. Joint resolution designating the honeybee as the national insect; to the Committee on Post Office and Civil Service.

[Omitted from the Record of January 5, 1993]

By Mr. NEAL of North Carolina:

H. Con. Res. 10. Concurrent resolution expressing the sense of the Congress that tax legislation should not take effect earlier than 90 days after implementing regulations are issued; to the Committee on Ways and Means.

H. Con. Res. 11. Concurrent resolution declaring the sense of Congress regarding periods of silence in the public schools; jointly, to the Committee on Education and Labor and the Judiciary.

H. Con. Res. 12. Concurrent resolution declaring the sense of Congress regarding periods of silence in the public schools; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. EMERSON (for himself, Mr. SKELTON, Mr. BILIRAKIS, Mr. BEVILL, Mr. HYDE, Mr. BATEMAN, Mr. KASICH, Mr. BLILEY, Mr. PETRI, Mrs. ROUKEMA, and Mr. BEREUTER):

H. Con. Res. 13. Concurrent resolution recognizing the cultural importance of the many languages spoken in the United States and indicating the sense of the House (the Senate concurring) that the United States should maintain the use of English as a language common to all peoples; to the Committee on Education and Labor.

[Omitted from the Record of January 5, 1993]

By Mr. EVERETT:

H. Res. 28. Resolution expressing the sense of the House that Members of the House of Representatives should be prohibited from an increase in the rate of pay following a budget deficit in the preceding Congress, and should have their rate of pay reduced if the deficit is not reduced effectively in the preceding Congress; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. NEAL of North Carolina:

H. Res. 29. Resolution expressing the sense of the House of Representatives that Federal excise tax rates should not be increased; to the Committee on Ways and Means.

By Mr. HUGHES (for himself and Mrs. LLOYD):

H. Res. 30. Resolution to establish the Select Committee on Aging; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of January 5, 1993]

By Mr. LAROCCO:

H.R. 444. A bill for the relief of the heirs and assigns of Hattie Davis Rogers of the Nez Perce Indian Reservation, ID; to the Committee on the Judiciary.

H.R. 445. A bill for the relief of Jorge Luis Dos Santos, Suzete de S. Tenorio, Luis Antonio Cardoso Tenorio, and Jullye Tenoria; to the Committee on the Judiciary.

By Mr. LEHMAN:

H.R. 446. A bill to grant a right of use and occupancy of a certain tract of land in Yosemite National Park to George R. Lange and Lucille F. Lange, and for other purposes; to the Committee on Natural Resources.

By Mr. WASHINGTON:

H.R. 447. A bill for the relief of Ayo Martins; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

AMBASSADOR WOLFF JOINS THE BOARD OF TRUSTEES OF THE MONTEREY INSTITUTE OF INTERNATIONAL STUDIES

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. PANETTA. Mr. Speaker, Ambassador Alan William Wolff, who served as the U.S. Deputy Representative for Trade Negotiations from 1977 to 1979, presented some very thoughtful remarks entitled "Constructing a New U.S. Trade Policy" to the Economic Strategy Institute of Washington, DC, on October 5, 1992. I have attached a copy of his remarks for the benefit of my colleagues.

I am very pleased to note that Ambassador Wolff, currently serving as the managing partner of the Washington, DC, office of Dewey Ballantine and the coauthor of "Conflict Among Nations—Trade Policies in the 1990's," has agreed to join the board of trustees of the Monterey Institute of International Studies.

Ambassador Wolff's unique trade knowledge and experience will be of great help to the Monterey Institute as it enhances its academic programs designed to prepare individuals to help our Nation meet the fierce economic and trade challenges confronting us in the years ahead.

The remarks of Ambassador Wolff follow:

CONSTRUCTING A NEW U.S. TRADE POLICY

(Remarks of Alan William Wolff)

FREE TRADE VERSUS PROTECTIONISM

All trade policy practitioners, those who make policy and those who seek to affect decisions, know that "free trade" and "protectionism" is a false dichotomy. Likewise, despite the efforts of the Bush Campaign, the 1992 election is not a choice between "free trade" and "protectionism." In a speech at Georgetown University, Bill Clinton stated: "The American people aren't protectionists. Protectionism is just a fancy word for giving up; we want to compete and win."

Thus, both candidates have called for a successful conclusion of the Uruguay Round of multilateral trade negotiations. Those who address trade issues in either campaign assert that their candidate believes that the Uruguay Round has the potential to help U.S. companies by lowering tariff and nontariff barriers, strengthening the global protection of intellectual property, and maintaining effective disciplines against unfair trade practices.

Nor is trade policy an issue that has divided the two political parties in the postwar period. There is a long Democratic tradition of support for open trade. It was Franklin Roosevelt who put an end to the era of Smoot-Hawley tariffs; President Truman who helped rebuild Europe and the international trading system; and Presidents Kennedy, Johnson, and Carter who made multilateral trade negotiations a top priority. But significant efforts were made in Republican Administrations as well, with the Tokyo Round and the Uruguay Round both initiated in Republican Administrations.

THE REAL ISSUE IN 1992

The real issue in 1992 is how to revitalize the American economy, create jobs, and ensure a higher standard of living for our children. Clearly, America's recent economic performance has been disappointing. In the last four years, we've had the slowest rate of economic growth since Herbert Hoover, and America has lost 1.3 million manufacturing jobs since January 1989. Our long-term performance has also been disappointing. If the United States enjoyed the same rate of productivity growth in the 1970's and 1980's that we did in the 1950's and 1960's, median family income would be $47,000 instead of $35,000.

Most of the answer to the problems affecting America's competitiveness rests upon the vitality of the private sector. To meet the challenges of global economic competition, U.S. firms must expand employee involvement, continually improve the quality of their products, and forge better relationships with their customers and suppliers. But government can play a constructive role by creating an environment in which American workers and American firms can compete and win. Our government's economic strategy must include:

1. The creation of a national apprenticeship program to offer non-college bound students training in a marketable skill;
2. Investment in our Nation's infrastructure—not only in roads and bridges but in high-speed rail and information superhighways;
3. Tax incentives to spur private sector investment in R&D and new plant and equipment;
4. Initiatives to accelerate the commercialization of new products; and
5. A sensible fiscal policy that attacks the federal budget deficit.

A TRADE POLICY FOR THE 1990'S

Since today's discussion is not about worker training or infrastructure or technology policy, I would like to discuss ways in which the conduct of U.S. trade policy can and should be improved. This exercise is not intended to be a polemic against the Reagan-Bush record. In fairness, much of my criticism would apply equally to previous Administrations, including the four in which I served. But there is a difference. Times have changed. The Cold War is over. The hierarchy between the "high politics" of foreign policy and diplomatic concerns, and the "low politics" of U.S. economic commercial interests, is no longer appropriate. But somehow our frame of reference has become frozen, our policies ossified.

Republicans and Democrats alike must reexamine our trade policy, and assess whether it is adequate for the fierce international competition of the 1990's. It is vital that America's trade policy be improved. Let me suggest six ways.

First, we must end the confusion over the purpose of America's trade policy. Its central purpose must be to serve to enhance the competitiveness of American industry and services. The composition of the American economy matters.

Most of you will say, "don't we already do this?" The answer is "no." For one thing, we are not at all confident that we are sufficiently aware of what enhances competitiveness of any given industry. Failing familiarity with the trade flows we are affecting, we settle for being for open markets, not an entirely bad fall-back when we do not know much about what is taking place in the world.

But since we fail to test our negotiations by whether our producers are better off at the end of them, we run into distinct problems. To give you only the most recent example, the United States just gave KLM Royal Dutch airlines the right to land anywhere in the United States. Our negotiators received in return the right for our airlines to land at any airport throughout all of Holland. Just think of it! The newspapers quoted a KLM executive as saying that this was a "dream" agreement. And from his perspective it certainly is.

Robert Crandall, Chairman of American Airlines, said of this deal "Holland is a very small country. We can't justify service to Amsterdam [alone]. We get nothing."

Our negotiators said that this agreement would give our consumers greater choice. This is simply muddled thinking. It would be no more than a curiosity if the adverse impact on America's commercial interests were not real. We can no longer afford this kind of quirky, idiosyncratic trade policy, which is contrary to the nation's commercial interests.

Similar problems have occurred in the Uruguay Round. For example, we have endorsed lofty principles without considering in advance their practical effects. In the negotiations on trade in services, we sought a most-favored-nation rule as part of a framework agreement. It only later become apparent that the requirement that we give the same treatment to all countries—before others gave commitments to open their markets—wedged our market open while depriving us of the means to apply unilateral leverage to get those markets open at a later stage. We had gotten swept up in a desire to improve the appearances of the international trading system without examining the practical effects on our industry's competitive position.

Just as American foreign policy must serve the national security and economic interests, America's trade policies must serve the national commercial interests.

Second, U.S. trade policy must be proactive.

If foreign governments are intervening in markets to promote their industries, either through closing their home market or providing subsidies, the United States must act decisively and act early. We must either convince foreign governments to change their behavior, or we must take action that will offset the effects of the foreign industrial targeting. This is not a prescription for economic conflict. It may be that the U.S. measures required will have more to do with assuring that American industry is not disadvantaged—for example by tax policy—than through any form of trade measures.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The United States cannot afford another Airbus—the European government-backed civilian aircraft consortium that has received $23 billion in subsidies. European subsidies are putting thousands of high-skill, high-wage American jobs in the aerospace sector at risk, and challenging U.S. leadership in one of the few manufacturing sectors where the United States enjoys a large trade surplus.

The earlier the United States acts to address foreign industrial targeting, the more opportunity there will be to find amicable yet effective solutions. If we wait until these market distortions have led to excess capacity, dumping, and an erosion of American market share in a given industry, all of our policy alternatives are unattractive. We cannot afford to pretend that the attempts at building industries abroad, when trade and investment patterns are distorted, are of no interest or consequence for the United States.

To name one other example, the United States fired the first shot in a war with Japan over semiconductors fifteen years after the outbreak of hostilities. We did not understand the importance of what was at stake. We did not even realize that we were in an extraordinarily serious dispute for years. In color televisions and in consumer electronics in general, we had no idea whatsoever that the broader battle had been commenced, fought and concluded. By the way, our industries lost, and yes, it matters.

Third, the United States must insist on results from its trade negotiations.

This is another one of those statements that hardly seem revolutionary, but would mark a significant departure from what we say we are doing today.

There have been over twenty agreements with Japan over the last twelve years which should have had a positive effect on U.S. electronics trade with Japan. However, the trade balance went from a negative $3.6 billion to over a deficit of over $19 billion. This is not a macroeconomic or exchange rate problem, it is a sectoral problem. In large part, the problem stems from market barriers in Japan, but also in structural problems, industrial targeting, and a very different set of government policies there as contrasted with here.

Too often, our enthusiasm for means, such as the negotiation of agreements, leads us to forget about ends, namely, increased U.S. economic competitiveness.

Stated U.S. negotiating objectives are often impractical and overly abstract. "Openness", "allowing market mechanisms to work", "transparency", "due process", and "dispute settlement" are all admirable concepts. Our bottom line should be whether trade agreements are helping U.S. companies export goods and services at a level which is consistent with their competitive position. In short, U.S. trade policy should be results-oriented. Last year, the CEO's of the nation's top computer manufacturers met under the auspices of the Computer Systems Policy Project. They concluded that:

"Basic to CSPP's approach to bilateral market-access is our emphasis on results . . . Results are sales made, market shares gained, and revenues received."

This kind of new thinking has been labeled as a heretical lurch toward managed trade and cartelization of industries. It is nothing of the kind. It is a common-sense effort to set goals and develop benchmarks for monitoring progress towards open markets, whenever markets are not currently functioning to produce results that should occur.

Because U.S. policy focuses too much on form and procedure, rather than substance, we have often negotiated agreements which do not deliver results. When results are addressed, there is such skittishness on the U.S. side of the table in dealing with this concept that enforcement of agreements becomes problematic. Disputes are more likely the less clear agreements are. Thus, while a results-orientation has appeared in mobile communications systems, cellular phones, auto parts, autos, and amorphous metals, none of these agreements are free of argument as to what they mean or how binding they are. One agreement negotiated with Japan—the semiconductor agreement—contains an enforceable target needed to overcome anticompetitive practices in the Japanese market. Most of the other agreements have centered on process. We must insist on results from our trade agreements. All trade agreements must be lived up to, and countries that fail to comply with trade agreements must understand that they will face sanctions.

Democratic and Republican members of the House and Senate have proposed that the private sector have a right to ask for a review to determine whether foreign governments are complying with bilateral trade agreements. Unfortunately, the Administration has opposed this initiative.

Fourth, we must improve our understanding of the nature of international competition.

Increasing the emphasis on training for government service, giving the government greater access to advice from technically qualified individuals in the private sector, and ending the arms-length and adversarial relationship between government and business are keys to competitive success. To make intelligent decisions about trade and export promotion policy, the United States must be able to answer the following questions:

What sectoral and regional markets offer the greatest potential for increased exports?

How are U.S. industries performing relative to their foreign competitors, and how are they likely to fare given current levels of investment in plant and equipment and R&D?

How are various U.S. industries affected by tariff, non-tariff and structural trade barriers? What foreign industrial polices are most likely to threaten U.S. economic interests?

Let me give you a few examples of what I'm talking about. Our government should be tracking closely the Korean government's recently announced program called "Electro 21", a $500 million plan to increase Korean production of 40 key components, including semiconductors, flat panel displays, and software. We should be more than a little curious when the Japanese Government offers Japanese firms tax incentives for investments in 132 specific technologies. In some cases, the Japanese tax code even contains pictures of U.S. equipment, such as a DNA synthesizer made by a U.S. company, Applied Biosystems, that Japanese companies can receive credits for replicating in Japan.

Now, the economists in the audience may tell me that if foreign governments are foolish enough to subsidize their industries, we should send them a thank-you note. My concern is that some foreign government activities will have a disproportionate impact on our economic welfare—and that we ought to care whether the U.S. is participating in these industries. To these economists I would say, these foreign industrial policies may not work in theory, but they have been known to work in practice. I don't believe we should necessarily emulate these policies, but we at least need to be aware of their impact on U.S. industries.

To do so, we should:

Expand the information-gathering capability of U.S. embassies abroad;

Enhance the analytical capability of the U.S. government through training, incentives to retain a highly qualified civil service, and an interchange program with the private sector; and

Increase the liaison activities with experts in the private sector, both within industry and in academia, investment banking houses, and similar sources of analytical expertise.

Fifth, we must reorganize for a more effective, efficient government.

The U.S. government is currently organized to meet the challenges of East-West competition. With the end of the Cold War, the United States must adopt a new set of priorities, and we must reorganize the government to reflect those priorities. I agree with Governor Clinton's position that there should be an Economic Security Council (or Economic Policy Council) created in the White House. It should have a small, highly skilled staff, like that of the National Security Council, to assure that issues affecting America's trade position and its competitiveness are regularly considered at the highest levels of government.

Unfortunately, trade policy formulation has become a step-child in the government's decision-making process. There is duplication, conflict, and confusion. A consolidation of functions and a reduction in the number of agencies involved is clearly called for. The United States should establish a Department of Trade. This would bring together all the line functions affecting trade—analysis, negotiations, enforcement, implementation, and export promotion. Recognizing the special international negotiating role of the Secretary of Trade, he or she would retain the function of personal representative of the President in trade negotiations.

Sixth, we must reduce our reliance on trade protection as a solution to our competitiveness problems.

If the U.S. government were more aware of developments in the real economy, and had additional tools to deal with international competitiveness problems, the need for trade remedies would decline. This stands out most clearly in the recent flat panel display case, where antidumping duties were imposed over the strenuous objections of their customers, the computer industry. Had the United States Government been monitoring the competitiveness of the American display industry, it might have been able to develop measures that would have strengthened both the manufacturers and consumers of displays.

To avoid the granting of protection being the primary tool of government to deal with problems of international competition, we will require a coherent technology policy, which would require shifting resources towards civilian R&D, diffusing research results to our small and medium-sized manufacturing firms, eliminating red tape which currently prevents the U.S. Government from getting detailed advice from the private sector, and broadening the mission of our National Labs. This increased attention to the competitiveness of our industries will lead to less restrictive trade policy outcomes.

CONCLUSION

If anyone in business were to grade America's trade policy on whether it has clear objectives and a strategy for meeting those objectives—I'm afraid it would only get a "gentleman's C." We should re-examine our negotiations involving Japan over a number of years through the lenses provided in these remarks today, or scrutinize the odd notion that the United States would be well-served by additional free trade areas with any country, least of all Chile and Japan at the expense of our multilateral trading system.

In the spirit of bipartisanship, or at least intellectual honesty, I have stated that this is by no means a product of the stewardship of these last two Republican Administrations. But times have indeed changed, and with them, there is a need for a change in policies.

Trade policy is only one aspect of what is needed, to be sure, but it is not unimportant. Trade policy must be judged by whether it contributes to the future economic strength and well-being of America.

SALUTE TO MEL SHEELER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. GALLEGLY. Mr. Speaker, I rise today to honor Mel Sheeler as he concludes his term as president of the Greater Ventura Chamber of Commerce.

During his term as president of the largest chamber in the Tri-Counties, Mel has worked hard to improve the county's business climate, focusing on strengthening the chamber's presence with city government and to promote economic stability and the quality of life.

A second-generation county resident, Mel is president of First National Bank of Ventura, but finds the time to be deeply involved in civic affairs as well.

He has been a member of the chamber's board of directors since 1986, having held a variety of positions including vice president of the business development division and chairman of the recently formed chamber political action committee.

Among his other activities, he is a member of the board of directors of the Ventura Boys and Girls Club; a 21-year member of the board of the county chapter of the American Cancer Society; a member and past president of the East Ventura Kiwanis Club, with a 23-year perfect attendance record; and a founding board member of the MIT Enterprise Forum.

Mr. Speaker, I ask my colleagues to join me in saluting Mel Sheeler for a job well done.

INTRODUCTION OF LEGISLATION FOR OVERSEAS MILITARY PERSONNEL

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. SLATTERY. Mr. Speaker, I am pleased to reintroduce today legislation that will correct a longstanding injustice perpetrated against tens of thousands of military personnel and their families stationed overseas.

While serving in the United States, eligible low-income military families receive an earned income tax credit [EITC] to supplement their meager income. Service members and their families who are transferred to a military post overseas, however, are forced to forfeit their eligibility for an EITC.

Current estimates are that 25,000 low-income military families who are living outside the United States have had to sacrifice this small supplement to their income. The legislation I am offering today would extend the EITC to these needy military families and would equalize this important benefit for all service members.

This simple and straightforward adjustment to equalize eligibility for the EITC will ensure that low-income military families can continue to benefit from a tax credit they deserve and are entitled to receive.

Additionally, clarifications of the Internal Revenue Code, that are supported by IRS, the U.S. Department of the Treasury, and the Department of Defense, will improve administration of the EITC for military personnel and will prevent overpayments of this credit. These technical changes are expected to more than offset the costs associated with extending the EITC to military personnel stationed overseas and will make my proposal revenue neutral.

I have introduced this legislation twice before, and each Congress has come closer to enacting it. The proposal was included in the House version of the 1990 Omnibus Budget Reconciliation Act, but was dropped in conference. The provision was included in the 1992 Omnibus Revenue Act, which was vetoed by President Bush. I hope the third time will be a charm.

I would like to commend the NonCommissioned Officers Association, especially Sgt. Maj. "Mack" McKinney (retired), and the National Military Families Association, especially Ms. Sidney Hickey, for their efforts and dedication to the needs of our service members stationed around the world.

Too often we overlook the tremendous sacrifices made by military personnel and their families who are stationed in a foreign land, and I hope this legislation will reaffirm our appreciation and respect for these dedicated Americans.

INTRODUCTION OF THE CONGRESSIONAL PAY REDUCTION ACT OF 1993

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. KYL. Mr. Speaker, I rise today to introduce the Congressional Pay Reduction Act of 1993.

Public outrage at the last pay raise for House Members has not diminished in the nearly 3½ years since it was approved, in part because of the size of that raise, and in part because of the annual cost-of-living adjustments House Members have received since then.

That outrage is further intensified by the fact that the Nation is continuing to suffer record budget deficits. People rightly ask why Congress can't reduce that deficit, and why Congress can't do its part. The Congressional Pay Reduction Act is a partial response to those very legitimate questions.

The bill I am proposing today will roll back the pay rate for House Members to the level that would have been in effect had Congress received the same cost-of-living adjustment [COLA] as Social Security beneficiaries since 1980. Had the Social Security COLA been applied, House Members' pay would amount to $118,000—about $15,000 less than today's pay rate. I believe that is fair.

Once the pay rate is adjusted, the bill would eliminate the automatic annual COLA for Congress so that any further increases in House Members' pay could occur only after another vote. The public's fears about further backdoor pay raises would be alleviated.

I would note that the pay levels provided by my bill represent an adjustment for inflation, not a raise based on real or perceived merit. We should think of that only when the House has done its job with respect to the deficit.

I invite my colleagues to join me in cosponsoring this initiative, and I ask that the text of the bill be reprinted in the RECORD at this point:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Pay Reduction Act of 1993".

SEC. 2. PAY REDUCTION.

(a) IN GENERAL.—Effective with respect to service performed during any pay period beginning after the effective date under subsection (c), and until thereafter adjusted by or in accordance with law, the annual rate of pay for—

(1) a Member of or Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico, shall be $118,000;

(2) the majority leader and the minority leader of the House of Representatives shall be $133,000; and

(3) the Speaker of the House of Representatives shall be $154,000.

(b) HONORARIA AND RELATED MATTERS UNAFFECTED.—Nothing in subsection (a) shall be considered to constitute a repeal of any provision of section 703 of the Ethics Reform Act of 1989 for purposes of section 603 or section 804(f) of such Act.

(c) EFFECTIVE DATE.—This section shall become effective as of—

(1) the 30th day after the date of the enactment of this Act; or

(2) if implementation of this section based on the date under paragraph (1) is held to be unconstitutional, the first day of the first Congress as of which this section may constitutionally be given effect.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) LEGISLATIVE REORGANIZATION ACT OF 1946.—Paragraph (1) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(1)) is amended to read as follows:

"(1) The annual rate of pay for—

"(A) each Senator, and

"(B) the President pro tempore of the Senate and the majority leader and the minority leader of the Senate,

shall be the rate determined for such positions under section 225 of the Federal Salary

Act of 1967 (2 U.S.C. 351-361), as adjusted under paragraph (2) of this subsection.".

(b) FEDERAL SALARY ACT OF 1967.—Section 225 of the Federal Salary Act of 1967 is amended—

(1) by striking subparagraph (A) of subsection (f) (2 U.S.C. 356(A)) and inserting the following:

"(A) the Vice President of the United States, Senators, the President pro tempore of the Senate, and the majority and minority leaders of the Senate;"; and

(2) by striking subparagraph (A) of subsection (l)(3) (2 U.S.C. 362(3)(A)) and inserting the following:

"(A)(i) The rates of pay recommended for the Vice President of the United States and the Chief Justice of the United States, respectively, shall be equal.

"(ii) The rates of pay recommended for the majority and minority leaders of the Senate, the President pro tempore of the Senate, and each office or position under section 5312 of title 5, United States Code (relating to level I of the Executive Schedule), respectively, shall be equal.

"(iii) The rates of pay recommended for a Senator, a judge of a district court of the United States, a judge of the United States Court of International Trade, and each office or position under section 5313 of title 5, United States Code (relating to level II of the Executive Schedule), respectively, shall be equal.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of the effective date of section 2.

COMPREHENSIVE PREVENTIVE HEALTH AND PROMOTION ACT OF 1993

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. GILMAN. Mr. Speaker, an estimated 35 million Americans lack health insurance, the largest number of uninsured in 25 years. Currently, 21 percent of the residents in my home State of New York are uninsured. The time has come for Congress to take the necessary steps to provide adequate health care to our Nation's citizens.

Therefore, yesterday I introduced legislation which will cover individuals for periodic health exams, as well as counseling and immunizations, H.R. 36.

The Comprehensive Preventive Health and Promotion Act of 1993 will direct the Secretary of Health and Human Services [HHS] to establish a schedule of preventive health care services and to provide for coverage of these services under private health insurance plans and health benefit programs of the Federal Government.

More specifically, the Secretary of HHS, in consultation with representatives of the major health care groups, will establish a schedule of recommended preventive health care services. The list of preventive services will follow the guidelines published in the Guide to Clinical Preventive Services and the Year 2000 Health Objectives. The preventive services will cover periodic health exams, health screening, counseling, immunizations, and health promotion. These services will be specified for males and females, and specific age groups.

Additionally, HHS will publish and disseminate information on the benefits of practicing preventive health care, the importance of undergoing periodic health examinations, and the need to establish and maintain a family medical history to businesses, providers of health care services, and other appropriate groups and individuals.

Moreover, this legislation provides for prevention and health promotion workshops to be established for corporations and businesses, as well as for the Federal Government. A wellness program will be established to make grants over a 5-year period to 30 eligible employers to establish and conduct on-site workshops on health care promotion for employees. The wellness workshops can include: Counseling on nutrition and weight management, clinical sessions on avoiding back injury, programs on smoking cessation, and information on stress management.

Finally, my legislation directs HHS to set up a demonstration project which will go to 50 counties over a 5-year period to provide preventive health care services at health clinics. This program will cover preventive health care services for all children, adults under a certain income level—if above the determined income level, fees will be based on a sliding scale. Additionally, the project will entail both urban and rural areas in different regions of our Nation to educate the public on the benefits of practicing preventive health care, the need for periodic health exams, and the need for establishing a medical history, as well as providing services.

Mr. Speaker, currently there are many proposals on how to heal our Nation's health care system, but there has not been any proposal which has received wide acceptance. Experts have concluded that practicing preventive health care does work, and will produce a healthier nation. Although there is a consensus on the benefits of practicing preventive health care, only approximately 20 percent of health insurance companies offer coverage for periodic health exams.

The Comprehensive Preventive Health and Promotion Act of 1993 will not solve our Nation's health crisis, but will take the significant steps to heal it. This measure has all the necessary ingredients that will be needed in a national health care plan, and will be applicable to that plan.

Accordingly, to all my colleagues who share my concern regarding the importance of producing a healthier nation, I invite and urge you to cosponsor this measure, sending a clear message to our Nation's citizens that Congress is taking steps to improve our Nation's health care system.

At this point in the RECORD I request that the full text of my bill be inserted for review by my colleagues:

H.R. 36

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Preventive Health and Promotion Act of 1993".

SEC. 2. ESTABLISHMENT OF SCHEDULE OF PREVENTIVE HEALTH CARE SERVICES.

(a) INITIAL SCHEDULE.—

(1) PROPOSED SCHEDULE.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with representatives of individuals described in subsection (d), shall establish a proposed initial schedule of recommended preventive health care services. In accordance with section 553 of title 5, United States Code, the Secretary shall publish such proposed schedule in the Federal Register and provide for a 90-day period for receiving public comment on the schedule.

(2) FINAL SCHEDULE.—The proposed schedule of recommended preventive health care services established under paragraph (1) shall become effective for the first calendar year that begins 90 or more days after the expiration of the period for receiving public comment described in paragraph (1).

(b) ANNUAL ADJUSTMENT.—Not later than October 1 of every year (beginning with the first year for which the schedule established under subsection (a) is in effect), the Secretary, in consultation with representatives of individuals described in subsection (d) and in accordance with section 553 of title 5, United States Code, may revise the schedule of preventive health care services established under this section for the following calendar year.

(c) USE OF SOURCES FOR ESTABLISHING SCHEDULE.—In establishing the initial schedule of recommended preventive health care services under subsection (a) and in revising the schedule for subsequent years under subsection (b), the Secretary shall take into consideration the recommendations for preventive health care services contained in the Guide to Clinical Preventive Services presented to the Department of Health and Human Services by the United States Preventive Services Task Force and the Year 2000 Health Objectives of the United States Public Health Service.

(d) INDIVIDUALS SERVING AS CONSULTANTS.—The individuals described in this subsection are as follows:

(1) Hospital administrators.

(2) Administrators of health benefit plans.

(3) General practice physicians.

(4) Mental health practitioners.

(5) Pediatricians.

(6) Chiropractors.

(7) Physicians practicing in medical specialty areas.

(8) Nutritionists.

(9) Nurses.

(10) Experts in scientific research.

(11) Dentists.

(12) Representatives of manufacturers of prescription drugs.

(13) Health educators.

SEC. 3. APPLICATION TO INDIVIDUALS ENROLLED IN PRIVATE HEALTH INSURANCE PLANS.

(a) REQUIREMENT FOR CARRIERS AND PLANS.—

(1) IN GENERAL.—Each carrier and employer health benefit plan shall include in the services covered for each individual enrolled with the carrier or plan the preventive health care services applicable to the individual under the schedule of preventive health care services established under section 2.

(2) DEFINITIONS.—In this section:

(A) The term "carrier" means any entity which provides health insurance or health benefits in a State, and includes a licensed insurance company, a prepaid hospital or medical service plan, a health maintenance organization, the plan sponsor of a multiple employer welfare arrangement or an employee benefit plan (as defined under the Employee Retirement Income Security Act of

1974), or any other entity providing a plan of health insurance subject to State insurance regulation, but such term does not include for purposes of section 103 an entity that provides health insurance or health benefits under a multiple employer welfare arrangement.

(B)(i) Subject to clause (ii), the term "employer health benefit plan" means a health benefit plan (including an employee welfare benefit plan, as defined in section 3(1) of the Employee Retirement Income Security Act of 1974) which is offered to employees through an employer and for which the employer provides for any contribution to such plan or any premium for such plan are deducted by the employer from compensation to the employee.

(ii) A State may provide (for a plan in a State) that the term "employer health benefit plan" does not include an association plan (as defined in clause (iii)).

(iii) For purposes of clause (ii), the term "association plan" means a health benefit plan offered by an organization to its members if the organization was formed other than for purposes of purchasing insurance.

(C) The term "full-time employee" means, with respect to an employer, an individual who normally is employed for at least 30 hours per week by the employer.

(D) The term "health benefit plan" means any hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health maintenance subscriber contract, or a multiple employer welfare arrangement or employee benefit plan (as defined under the Employee Retirement Income Security Act of 1974) which provides benefits with respect to health care services, but does not include—

(i) coverage only for accident, dental, vision, disability income, or long-term care insurance, or any combination thereof,

(ii) medicare supplemental health insurance,

(iii) coverage issued as a supplement to liability insurance,

(iv) worker's compensation or similar insurance, or

(v) automobile medical-payment insurance,

or any combination thereof.

(E) The term "small employer carrier" means a carrier with respect to the issuance of an employer health benefit plan which provides coverage to one or more full-time employees of an entity actively engaged in business which, on at least 50 percent of its working days during the preceding year, employed at least 2, but fewer than 36, full-time employees. For purposes of determining if an employer is a small employer, rules similar to the rules of subsection (b) and (c) of section 414 of the Internal Revenue Code of 1986 shall apply.

(b) ENFORCEMENT THROUGH EXCISE TAX.—

(1) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc., plans) is amended by adding at the end thereof the following new section:

"SEC. 4980C. FAILURE TO COMPLY WITH EMPLOYER HEALTH BENEFIT PLAN STANDARDS REGARDING PREVENTIVE HEALTH CARE.

"(a) IMPOSITION OF TAX.—

"(1) IN GENERAL.—There is hereby imposed a tax on the failure of a carrier or an employer health benefit plan to comply with section 3(a)(1) of the Comprehensive Preventive Health and Promotion Act of 1993.

"(2) EXCEPTION.—Paragraph (1) shall not apply to a failure by a small employer carrier or plan in a State if the Secretary of Health and Human Services determines that the State has in effect a regulatory enforcement mechanism that provides adequate sanctions with respect to such a failure by such a carrier or of such a plan.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—Subject to paragraph (2), the tax imposed by subsection (a) shall be an amount not to exceed 25 percent of the amounts received by the carrier or under the plan for coverage during the period such failure persists.

"(2) LIMITATION IN CASE OF INDIVIDUAL FAILURES.—In the case of a failure that only relates to specified individuals or employers (and not to the plan generally), the amount of the tax imposed by subsection (a) shall not exceed the aggregate of $100 for each day during which such failure persists for each individual to which such failure relates. A rule similar to the rule of section 4980B(b)(3) shall apply for purposes of this section.

"(c) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the carrier.

"(d) EXCEPTIONS.—

"(1) CORRECTIONS WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) by reason of any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected within the 30-day period beginning on earliest date the carrier knew, or exercising reasonable diligence would have known, that such failure existed.

"(2) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that payment of such tax would be excessive relative to the failure involved.

"(e) DEFINITIONS.—For purposes of this section, the terms 'carrier', 'employer health benefit plan', and 'small employer carrier' have the respective meanings given such terms in section 3(a)(2) of the Comprehensive Preventive Health and Promotion Act of 1993."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end thereof the following new items:

"Sec. 4980C. Failure to comply with employer health plan standards regarding preventive health care.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after December 31, 1993.

SEC. 4. COVERAGE OF PREVENTIVE HEALTH CARE SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking "and" at the end of subparagraph (O);

(2) by striking the semicolon at the end of subparagraph (P) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(Q) in the case of an individual, services applicable to the individual under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1993 (to the extent such services are not otherwise covered with respect to the individual under this title);".

(b) CONFORMING AMENDMENTS.—Section 1862(a) of such Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by striking "and" at the end,

(B) in subparagraph (F), by striking the semicolon at the end and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(G) in the case of items or services described in section 1861(s)(2)(Q), which are not provided in accordance with the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1993 ;"; and

(2) in paragraph (7), by striking "paragraph (1)(B) or under paragraph (1)(F)" and inserting "subparagraphs (B), (F), or (G) of paragraph (1)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 1994.

SEC. 5. COVERAGE UNDER STATE MEDICAID PLANS.

(a) IN GENERAL.—

(1) INCLUSION IN MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(A) by striking "and" at the end of paragraph (21);

(B) in paragraph (24), by striking the comma at the end and inserting a semicolon;

(C) by redesignating paragraphs (22), (23), and (24) as paragraphs (25), (22), and (23), respectively, and by transferring and inserting paragraph (25) after paragraph (23), as so redesignated; and

(D) by inserting after paragraph (23) the following new paragraph:

"(24) services applicable to the individual under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1993 (to the extent such services are not otherwise covered with respect to the individual under the State plan under this title); and".

(2) COVERAGE MADE MANDATORY.—(A) Section 1902(a)(10)(A) of such Act (42 U.S.C. 1396a(a)(10)(A)) is amended by striking "(17) and (21)" and inserting "(17), (21), and (24)".

(B) Section 1902(a)(10)(C)(iv) of such Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended—

(i) by striking "(5) and (17)" and inserting "(5), (17), and (24)"; and

(ii) by striking "through (21)" and inserting "through (24)".

(C) Section 1902(j) of such Act (42 U.S.C. 1396a(j)) is amended by striking "through (22)" and inserting "through (24)".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall apply to calendar quarters beginning on or after January 1, 1994, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by subsections (a) and (b), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 6. COVERAGE OF PREVENTIVE HEALTH CARE SERVICES FOR VETERANS.

(a) IN GENERAL.—Section 1701(6) of title 38, United States Code is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) with respect to any veteran, any preventive care services applicable under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1993, to the extent such services are not otherwise treated as medical services under this paragraph.".

(b) PROVIDING SERVICES IN OUTPATIENT SETTING.—Section 1712(a)(5)(A) of such title is amended—

(1) in the first sentence, by striking the period at the end and inserting the following: ", or any other medical services applicable to the veteran under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1993."; and

(2) in the second sentence, by inserting after "admission" the following: "or any services applicable to the veteran under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1993 (other than services applicable under such schedule that are reasonably necessary in preparation for hospital admission)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 1994.

SEC. 7. COVERAGE OF PREVENTIVE HEALTH CARE SERVICES UNDER FEDERAL EMPLOYEES HEALTH BENEFIT PLANS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 8904(a) of title 5, United States Code, are each amended by adding at the end the following new subparagraph:

"(G) With respect to an individual, any preventive health care services applicable to the individual under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1993.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to services furnished on or after January 1, 1994.

SEC. 8. COVERAGE OF PREVENTIVE HEALTH CARE SERVICES FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) PREVENTIVE HEALTH CARE SERVICES INCLUDED IN AUTHORIZED CARE.—Section 1077(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(13) Any preventive care services applicable under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1993, to the extent such services are not otherwise authorized as health care services under this subsection.".

(b) EFFECTIVE DATE.—Paragraph (13) of section 1077(a) of title 10, United States Code (as added by subsection (a)), shall apply with respect to health care services furnished on or after January 1, 1994, to dependents of members or former members of the uniformed services authorized to receive such services.

SEC. 9. PREVENTIVE HEALTH CARE DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—There is hereby established a demonstration project to demonstrate the effectiveness in providing preventive health care services in improving the health of individuals and reducing the aggregate costs of providing health care, under which the Secretary of Health and Human Services shall—

(1) make grants over a 5-year period to 50 eligible counties to assist the counties in providing preventive health care services (in accordance with subsection (b)) to individuals who would otherwise be unable to pay (or have payment made on their behalf) for such services;

(2) conduct the study described in subsection (c); and

(3) carry out the educational program described in subsection (d).

(b) GRANTS TO COUNTIES.—

(1) SERVICES DESCRIBED.—A county receiving a grant under subsection (a)(1) shall provide preventive health care services to individuals at clinics in accordance with the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1993, except that—

(A) the county may furnish services to individuals residing in rural areas at locations other than clinics if no clinics that are able to provide such services are located in the area; and

(B) the Secretary may revise the schedule of services otherwise required to be provided to take into account the special needs of a participating county.

(2) ELIGIBILITY OF COUNTIES.—A county is eligible to receive a grant under subsection (a)(1) if it submits to the Secretary, at such time and in such form as the Secretary may require, an application containing such information and assurances as the Secretary may require.

(3) GEOGRAPHIC BALANCE AMONG COUNTIES SELECTED.—In selecting counties to receive grants under subsection (a)(1), the Secretary shall consider the need to select counties representing urban, rural, and suburban areas and counties representing various geographic regions of the United States.

(c) STUDY OF STATE PREVENTIVE CARE REQUIREMENTS.—

(1) STUDY.—The Secretary shall conduct a study of the requirements regarding preventive health care services that are imposed by each State on health benefit plans offered to individuals residing in the State.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under paragraph (1).

(d) DISSEMINATION OF INFORMATION ON PREVENTIVE HEALTH CARE.—Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with experts in preventive medicine and representatives of providers of health care services, shall publish and disseminate information on the benefits of practicing preventive health care, the importance of undergoing periodic health examinations, and the need to establish and maintain a family medical history to businesses, providers of health care services, and other appropriate groups and individuals.

(e) STATE DEFINED.—In this section, the term "State" means each of the 50 States and the District of Columbia.

SEC. 10. PROGRAMS TO ESTABLISH ON-SITE WORKSHOPS ON HEALTH PROMOTION.

(a) GRANTS TO BUSINESSES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall establish a program under which the Secretary shall make grants over a 5-year period to 30 eligible employers to establish and conduct on-site workshops on health care promotion for employees.

(2) ELIGIBILITY.—An employer is eligible to receive a grant under paragraph (1) if the employer submits an application (at such time and in such form as the Secretary may require) containing such information and assurances as the Secretary may require, including assurances that the employer shall use funds received under the grant only to provide services that the employer does not otherwise provide (either directly or through a carrier) to its employees.

(3) INFORMATION AND SERVICES PROVIDED.—On-site workshops on health care promotion conducted with grants received under paragraph (1) shall include the presentation of such information and the provision of such services as the Secretary considers appropriate, including counseling on nutrition and weight management, clinical sessions on avoiding back injury, programs on smoking cessation, and information on stress management.

(b) ESTABLISHMENT OF PROGRAMS FOR FEDERAL EMPLOYEES.—The Secretary of Labor shall establish a program under which the Secretary shall conduct on-site workshops on health care promotion for employees of the Federal Government, and shall include in such workshops the presentation of such information and the provision of such services as the Secretary (in consultation with the Secretary of Health and Human Services) considers appropriate, including counseling on nutrition and weight management, clinical sessions on avoiding back injury, programs on smoking cessation, and information on stress management.

MICROENTERPRISE AND ASSET DEVELOPMENT ACT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. HALL of Ohio. Mr. Speaker, as chairman of the House Select Committee on Hunger, I am pleased to introduce the Microenterprise and Asset Development Act. This legislation removes the penalties against those on AFDC who want to develop their own small business, or save for job training, education, or a better place to live. I am pleased to introduce this legislation with my colleagues FRED GRANDY, CARDISS COLLINS, and Hunger Committee ranking minority member BILL EMERSON.

It should be noted that this proposal was passed by both the House and Senate last year as part of H.R. 11, the Revenue Act of 1992, but was vetoed by the President. I am pleased to report that President-elect Clinton has voiced his support for this proposal.

This bill is the first of two asset development for the poor proposals I am introducing today. The thrust of this legislation is to remove the restrictions on asset accumulation by the poor; the idea behind the other bill—the Individual Development Account Demonstration Act—is to subsidize asset accumulation for the poor, just as the Federal Government does for the nonpoor.

Federal antipoverty policy, Mr. Speaker, should support asset-building activities, not penalize them. Because of the $1,000 asset limit in AFDC, we are telling the poor that they cannot save for their children's education, that they cannot start their own business, or that they should sell everything they have just to get some temporary assistance. This traps people on welfare—which is both morally wrong and economically foolish.

The bill has two parts, both effective October 1, 1993. The first—disregard of income and resources designated for education, training, and employment—allows recipients of AFDC to save up to $10,000 in qualified asset accounts—IRA's, escrow accounts, savings bonds, and so forth—that can be used only for; first, education and training; second, the improvement of employability—such as through the purchase of an automobile; third, the purchase of a home; and fourth, a change of the family residence. The bill also requires the Secretary of Health and Human Resources to report to the Congress on the need to revise the asset limit, presently $1,500, on automobiles, and on the extent to which such a revision would increase the employability of recipients.

The second part—disregard of income and resources related to self-employment—allows recipients of AFDC to accumulate up to $10,000 of the net worth—assets reduced by liabilities—of a microenterprise—a commercial enterprise which has five or fewer employees, one or more of whom owns the enterprise. The bill also states that the net profits—gross business receipts minus expenses relating to loan repayments, transportation, inventory, capital equipment, taxes, insurance, and amounts reinvested in the business—of a microenterprise shall be taken into consideration in determining income eligibility. Both the net worth and net profit provisions are applicable for a period of time not to exceed 2 years. Finally, the bill stipulates that if at least 3 percent of the State's adult AFDC population participate in microenterprise activities, then microenterprise training—business counseling, marketing advice, help with securing loans, and so forth—shall be offered through the JOBS Program; if participation is less than 3 percent, then the State has the option of offering such training.

It is crucial that we allow the poor to receive assistance while they are building up the assets they need to make it on their own—a small business, job training, education and a safe place to live. I urge my colleagues to support this important legislation.

GIVING CONSUMERS NEW TOOLS TO INCREASE SAVINGS

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. HOAGLAND. Mr. Speaker, today I am introducing a bill to give the consumer a new tool for making and increasing investments. My bill would allow banks, through separately capitalized subsidiaries and bank holding company affiliates, to sponsor and underwrite mutual funds, an activity they are now generally prohibited from conducting. A mutual fund is an investment company that pools the funds of individuals and other investors and uses them to purchase large portfolios of debt or equity obligations of businesses and sometimes debt obligations of governments. The owners of the fund hold proportionate shares in the entire pool of securities in which a fund invests.

CONSUMERS SAVINGS ERODING

The last 5 years have seen a disappointing downward slide in interest rates on personal savings accounts in banks, the way most Americans probably save. In 1989, the average interest rate paid on savings' accounts at commercial banks was a little over 6 percent. In 1988, the average interest rate paid at insured commercial banks on time deposits, like certificates of deposit with a 2½-year term, was 8 percent. Today, savings accounts in banks get a mere 3 percent, on average. The interest rate today on time deposits over 2½ years in length has dropped to 5.02 percent. These traditionally safe and popular investments are hardly keeping up with inflation, which hovers around 3 percent.

Mutual funds investments, on the other hand, which granted, are risky, uninsured investments, earned on average 23 percent in 1991. In the 1980's, the return on mutual funds investments fluctuated greatly, reaching on average, a low of −0.26 percent in 1981 and a high of 24.42 percent in 1985.

The Washington Post last fall reported, in an article entitled, "Elderly See Interest Income Evaporate," that interest rates on certificates of deposits and Treasury bills have plummeted from double digits in the 1980's to about 3 percent today. Many elderly people, who live on a minimal pension, depend on interest from their hard-earned, lifetime savings to supplement their Social Security or other pension income. The average Social Security pension at the end of 1991 for a retired worker was $7,500 a year. Twenty-five percent of the income of seniors comes from interest and investments. Craig Hoogstra of the American Association of Retired Persons has said, "People who have all of their liquid assets in CD's or savings accounts are going to be hurt the hardest, people with no ability to decrease expenses and no ability to increase their income." In short, people who manage to save and invest in traditionally safe ways, are seeing their savings eroded in our current economy. It is particularly harsh for the elderly living on fixed incomes when inflation is running about 3 percent and health care expenses rise at a much higher rate, 8 percent in 1991. In fact, during the 1980's, medical inflation ran twice the rate of inflation on other items.

The bill I introduce today will give seniors and others a new option, with the convenience and familiarity of their bank, to get more money on their investments by giving them a new investment opportunity in their community, advised by local community people they know and trust.

Some may say that mutual funds, unlike most bank deposits, are not federally insured. That is correct. But, in the interest of protecting the consumer, my bill includes a specific provision requiring disclosure to customers and the mutual fund investment is not insured and it requires the customer to sign a written acknowledgment that the disclosures were received.

In addition, my bill would not permit these new activities to be conducted in a manner that threatens the deposit insurance fund or investor protection. These new activities could only be performed in separately capitalized subsidiaries of the banks or bank holding companies. Moreover, the subsidiaries engaged in the new activities would be regulated by the appropriate banking agencies and the Securities and Exchange Commission, as they are now, to ensure that the activities are conducted in a safe and sound manner and in full compliance with the securities laws.

MUTUAL FUNDS HEALTHY

In the 1970's, mutual funds, in the words of a U.S. Department of Treasury report, became "the most notable substitute for insured deposits." They grew slowly and steadily in number and assets, and in the 1980's, they exploded. Mutual funds grew rapidly in the 1980's reaching almost 2,000 in number and over $800 billion in total assets by the end of 1987. Between 1977 and 1990, the number of mutual funds ballooned from 50 to 509; assets increased more than 55 times, from $7.4 billion to $414 billion, according to the Investment Company Institute. One study showed that in 1984, 84 percent of savings were in bank time deposits and savings accounts, with 16 percent in mutual funds. By 1991, savings in mutual funds had grown to 42 percent.

UPDATING OLD LAW

Under current law, section 16 of the Banking Act of 1933, known as the Glass-Steagall Act, enacted during the Depression in 1933, prohibits national banks and State Federal Reserve member banks from directly dealing in, underwriting, or purchasing all but a few securities for their own accounts. The Glass-Steagall Act also prohibits these banks from being affiliated with companies principally engaged in the underwriting or distribution of securities. The Glass-Steagall Act was a response to charges of conflict of interest and fraud in some banks and the fear of taking risks with despositors' money during the Great Depression and after the stock market collapse. This act, well-intentioned at the time, tried to separate two industries, the risk-taking investment industry and the safe, risk-avoidance banking industry.

A 1991 Treasury Department study entitled "Modernizing the Financial System, Recommendations for Safer, More Competitive Banks," recommended giving banking firms several new powers and products to restore their health and competitiveness. In the last Congress, our efforts to expand banks' powers, unfortunately, got largely caught up in intractable congressional jurisdictional squabbles and did not become law. My bill today is a continuation of that effort and represents one small loosening up of 60-year-old strictures that just do not make sense today.

WHY DO BANKS NEED TO ENGAGE IN MUTUAL FUND ACTIVITY?

The Nation's banks today find themselves hamstrung by restrictions not faced by their competitors. Banks' share of national lending has gone from 19 percent in 1981 to 7 percent in 1991. Companies like Ford Motor Co., General Electric, and J.C. Penney engage in a range of insurance, real estate, securities, banking, and other financial activities without the regulatory shackles that banks face.

The bank, which at one time was a person's major source of credit and financial advice and activity, has found its position eroded as it has been outcompeted in today's modern, complex financial world. People today have many choices of instruments in which to invest. Investing requires sophistication and is a complicated process. In many places, especially the small towns of America, the bank is the only place to get advice and the most convenient place to put one's savings. Giving banks this one additional avenue for advising and helping people manage and maximize their savings is a small step, in my view, but a much needed one both to help consumers increase their savings and help banks become more competitive.

MOVING IN THIS DIRECTION

As their markets have been eroded, banks have been innovative in developing business and expanding their products. And the regulatory agencies, through decisions and interpretations, are moving to allow banks to undertake more securities activities that were once the exclusive domain of the securities industry. For example, the Federal Reserve has interpreted the Glass-Steagall Act to allow bank holding companies to establish nonbank subsidiaries that derive up to 10 percent of their revenue from a wide range of otherwise prohibited, or ineligible, securities activities, including underwriting of and dealing in commercial paper, mortgage-backed securities, municipal revenue bonds, securitized assets, and corporate bonds and equities, according to the Treasury report. The law has also been interpreted by the OCC to give national banks authority to engage in some activities that are conducted by securities firms.

Our foreign competitors are way ahead of us. Notably, foreign banks engage in securities activities in this country. Also, while section 303 of FDICIA now restricts insured state bank activities, and by 1990, 23 States had authorized state-chartered bank affiliates to engage in securities underwriting activities beyond those permitted for national banks and bank holding companies. My bill, in essence, affirms what is already a growing trend.

I would like to note that like H.R. 6, as reported by the Banking Committee in the last Congress, and other banking reform bills that we have considered in recent years, my bill would permit the underwriting of the share of any registered investment company. However, after a decision is rendered in a case currently being litigated in Federal court, it may be appropriate to consider modifying this authority to address certain registered investment companies that fund variable annuities. I will continue to solicit views on this issue.

I hope my colleagues will join me in bringing our outmoded banking laws up to date in the interest of giving consumers many options to maintain a good standard of living and quality of life and in a manner which maintains the safety and soundness of the banking industry.

SECTION-BY-SECTION SUMMARY OF THE FINANCIAL SERVICES ACT OF 1992

SECTION 1. Short title.

The Act may be cited as the "Financial Services Act of 1992".

SEC. 2. Permitting a national bank to acquire or establish a subsidiary which underwrites the shares of and sponsors investment companies.

Section 2 of the Act permits a national bank to establish a separately capitalized subsidiary which engages in the business of dealing in, underwriting, and distributing the shares of an investment company, as well as organizing, sponsoring, managing and controlling investment companies. Section 2 clarifies that the underwriting and sponsorship activities authorized by the Act for a subsidiary of a national bank are in addition to the activities in which national banks may engage directly under other provisions of law or as otherwise authorized by the Comptroller of the Currency.

The Act is not the exclusive authority for a national bank's investment company activities and a national bank may continue to engage directly in any such activity that is otherwise permissible. For example, the Comptroller has promulgated regulations permitting a national bank directly to collectively invest funds held by the bank in a fiduciary capacity (*see* 12 C.F.R. §9.18 (1992)) and several courts have confirmed this authority. In certain cases, some funds have been deemed to be investment companies for purposes of the securities laws. This legislation would not prohibit a national bank from continuing to offer directly these fiduciary services notwithstanding a determination that the fund may be an investment company.

Under the current regulatory and enforcement system, the investment company activities authorized by this legislation to be performed by a national bank subsidiary will be regulated and supervised by the Securities and Exchange Commission ("SEC") under the securities laws, as well as by the Comptroller under the banking laws. This dual regulatory scheme provides sufficient enforcement tools to address any unsafe or unsound banking practices or investor protection concerns that may arise as a result of the activities permitted by the Act.

The Comptroller, as the appropriate Federal banking agency for national banks and their subsidiaries, has the authority to prescribe the necessary rules and regulations to insure the bank's safety and soundness. It is expected that the Comptroller will use this authority to impose whatever additional safeguards are necessary to address any potential adverse effects to the bank that may arise from establishing and operating the authorized subsidiaries, including conflicts of interest and unsafe banking practices.

The Act permits small banks to engage in investment company activities. To be deemed a "subsidiary" of a national bank, the Act requires that a company must be only more than 25% owned by a national bank and the Act further provides that a subsidiary may be deemed to be a subsidiary of the more than one national bank. Consequently, several national banks may jointly own a subsidiary engaged in underwriting shares of and sponsoring investment companies.

SEC. 3. Permitting a State member bank to acquire a subsidiary which underwrites the shares of and sponsors investment companies.

Section 3 of the Act includes a conforming amendment to paragraph 20 of section 9 of the Federal Reserve Act, 12 U.S.C. §335, to provide that a State member bank may acquire a subsidiary that underwrites the shares of and sponsors an investment company to the same extent as permitted for a national bank under Section 2 of the Act.

SEC. 4. Requiring subsidiaries of national banks and State member banks to make certain disclosures to customers.

Section 4 of the Act amends the Federal Reserve Act (12 U.S.C. §221 et seq.) to require subsidiaries of national banks and State member banks engaged in the new activities to disclose, on a one-time basis, certain material information to their customers, including that the subsidiary is not an insured depository institution and any products sold, offered or recommended by the subsidiary are not FDIC insured. The subsidiaries must also obtain a signed acknowledgement from the customer that the required disclosures were received.

Moreover, the Act gives the Comptroller, in the case of a subsidiary of a national bank, and the Federal Reserve Board, in the case of a subsidiary of a State member bank, the authority to promulgate regulations, require that additional disclosures must be made, and to grant exceptions to the disclosure requirements under the Federal Reserve Act that are consistent with the purposes of the statute. It is expected that the regulators will consult with each other when granting exceptions to the disclosure requirements and will use this authority judiciously to exempt only customers who do not need the protection of the disclosures, e.g., sophisticated investors. Because the bank subsidiaries also are regulated by the SEC under the securities laws, any exceptions to the disclosure requirements granted by the banking regulators will only affect the disclosures required under the Federal Reserve Act and will in no way affect any requirements under the securities laws and regulations.

While this provision will provide express authority to banking regulators to require certain disclosures, under existing law, the regulators already have adequate supervisory authority to require any disclosures deemed necessary. In addition, the regulators have authority under 12 U.S.C. §1818 to take appropriate enforcement actions to address unsafe or unsound banking practices or violations of law involving the failure to disclose material information or fraudulent sales of securities by banks or their subsidiaries.

Moreover, under the securities laws, a subsidiary engaged in the new activities will be subject to applicable disclosure requirements and enforcement action by the SEC if such requirements are violated. For example, among many other provisions, the subsidiary will be subject to the securities antifraud statutes and regulations which require the disclosure of all material information, and the suitability requirements which impose a duty to ascertain that a sale of a security to a customer is suitable to that customer.

SEC. 5. Permitting a member bank to be affiliated with a company which underwrites the shares of and sponsors investment companies.

Section 5 of the Act includes a conforming amendment to section 20 of the Glass-Steagall Act, 12 U.S.C. §377, to permit a member bank, including a national bank, to be affiliated with a company that is engaged principally in the underwriting or distribution of investment company securities, such as is permitted by this legislation. Currently, section 20 of the Glass-Steagal Act prohibits such affiliations.

SEC. 6. Authorizing management interlocks between a member bank or a bank holding company and (1) an affiliate engaged in investment company activities, and (2) investment companies organized, sponsored, managed, or controlled by the affiliate.

Section 6 of the Act amends section 32 of the Glass-Steagall Act, 12 U.S.C. §78, to provide an exemption from the current law which prohibits management interlocks between a member bank and a company primarily engaged in the underwriting or distribution of securities. The Federal Reserve Board has interpreted section 32 also generally to prohibit such interlocks between a bank holding company and a company primarily engaged in the underwriting or distribution of securities. Section 6 would permit interlocks between member banks, including national banks, and bank holding companies and their subsidiaries engaged in the investment company activities authorized in this legislation. Because investment companies generally are deemed by the Board to be engaged in prohibited activities under section 32, the Act also amends section 32 to permit management interlocks between member banks or bank holding companies and the investment companies sponsored by their affiliates.

SEC. 7. Permitting a bank holding company to acquire a company which engages in investment company activities.

Section 7 of the Act amends section 4 of the Bank Holding Company Act of 1956 ("BHCA"), 12 U.S.C. §1843, to permit a bank holding company to acquire a company which underwrites the shares of and sponsors investment companies. Section 7 also provides that bank holding company affiliates engaged in the activities authorized in this legislation must make the same disclosures as are required under Section 4 of the Act for subsidiaries of national banks and State member banks.

A bank holding company's investment company activities permitted by this legislation also will be adequately supervised under current law. First, the nonbank affiliate's investment company activities will be subject to the SEC's regulatory and enforcement authority under the securities laws, as is the case with a subsidiary of a national bank or a State member bank engaged in such activities under this legislation. Second, the Federal Reserve Board has the authority to supervise and examine bank holding companies and their affiliates under the BHCA and to enforce the BHCA and other applicable banking laws. Third, the appropriate Federal banking agency for a bank subsidiary of a holding company and any subsidiary of the bank (the Comptroller of the currency in the case of a national bank and its subsidiary) will supervise and examine the bank subsidiary and its subsidiaries and enforce applicable banking statutes, including the restrictions on affiliate transactions in 12 U.S.C. §§371c and 371c-1.

SEC. 7. Effective date.

The Act becomes effective upon enactment.

SALUTE TO SHERIFF JOHN GILLESPIE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. GALLEGLY. Mr. Speaker, I rise today to honor one of California's truly outstanding law enforcement officers, Ventura County Sheriff John Gillespie, who retired last week after 30 years in law enforcement.

Sheriff Gillespie, who served as the county's top law enforcement officer since 1984, was an innovator who saved the taxpayers millions of dollars through reorganization and the use of modern technology. Among his most noteworthy achievements was the formation of the Ojai Valley Senior Citizen Patrol; implementation of DARE antidrug abuse programs; and acquisition of a Cal-ID terminal for the county, enabling single fingerprint cold-search capabilities.

But even more importantly, Sheriff Gillespie helped establish Ventura County as one of the safest jurisdictions of its size in the entire Nation and the safest community west of the Mississippi, according to FBI statistics.

He also was a leader throughout the State and community, holding offices in the Peace Officers' Association of Ventura County, the Ventura County Chiefs and Sheriff's Association, and retires as president of the California State Sheriff's Association.

John began public service with a 3-year enlistment in the Marine Corps, then was hired in 1964 as a police officer in the city of Claremont. After being promoted through the ranks of lieutenant in 9 years, he was appointed chief of police in Ojai, then 2 years later was named undersheriff of the Ventura County Sheriff's Department, a post he held for a decade.

He was appointed sheriff in April 1984, and was elected to a full term in 1986 and reelected in 1990. He leaves a professional, highly regarded department of over 900 employees serving about 304,000 county residents in unincorporated areas and the cities of Thousand Oaks, Moorpark, Camarillo, Fillmore, and Ojai.

Despite his responsibilities, he also has generously given of his time and talents to a number of community organizations, including the United Way, the American Cancer Society, the Ventura Rotary Club, and HELP of Ojai. He also received the prestigious Golden Condor Award from the county council of the Boy Scouts of America.

Mr. Speaker, I ask my colleagues to join me in saluting John Gillespie for his outstanding record of achievement, and in wishing him and his wife, Carol, well upon his retirement.

SALUTE TO SGT. MAJ. "MACK" MCKINNEY

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. SLATTERY. Mr. Speaker, I am honored to join many of my colleagues in Congress in honoring Sgt. Maj. "Mack" McKinney on his retirement from the Non Commissioned Officers Association [NCOA].

During his military career and 21-year tenure with NCOA, Mack has earned numerous honors and awards, including being named to the Knight Order of Excalibur, the International Rat Pack, and receiving the Award of Honor, the NCOA's highest award.

I have had the great fortune of working with Mack on several legislative efforts to benefit military personnel and their families during my tenure in Congress. Mack has distinguished himself as a dedicated servant charged with protecting the interests and rights of the members of the United States armed services.

As we begin the 103d Congress, I intend to continue Mack's efforts with the reintroduction of legislation initiated with the assistance of Mr. McKinney to extend EITC benefits to the families of military personnel and to enable children of military personnel stationed overseas to be eligible for SSI benefits.

These measures, which are intended to meet the unique needs of military families and children, deserve the timely attention of Congress and I am honored to offer them on behalf of these patriotic, but often ignored, Americans.

I can imagine no more fitting tribute to Mack than to pursue these and other important legislative initiatives on behalf of our enlisted personnel, NCO's, and their families.

I salute Mack McKinney on his retirement from NCOA and look forward to perpetuating his spirit with the enactment of legislation to benefit our NCO's, troops, and their families stationed overseas and at home.

MEDICARE DURABLE MEDICAL EQUIPMENT PATIENT PROTECTION ACT

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. PANETTA. Mr. Speaker, today I am introducing the Medicare Durable Medical Equipment Patient Protection Act of 1993. This bill is designed to assure that elderly and disabled Medicare recipients get the medical equipment and supplies that they may need while protecting them from the few unscrupulous providers of these services who would attempt to overcharge the beneficiaries and the Federal Government.

I am extremely alarmed by the growth in the cost of the Medicare Program. Abuse and fraud in the sale of medical equipment and supplies contribute to this problem. Medicare spending tripled between 1980 and 1990 and will triple again by the turn of the century. To a large extent, Medicare growth reflects our inability as a nation to control health spending. Health programs are consuming an ever greater proportion of the Federal budget. At their current rates of growth, it will not be possible to permanently reduce the Federal deficit unless the two major health programs, Medicare and Medicaid, can be controlled.

Given the amounts that the elderly and disabled, as well as the Federal Government, pay for medical services which truly are needed, it is unconscionable that there are some who would prey on this vulnerable population by selling them unnecessary items. While such is not the case with most Medicare suppliers of durable medical equipment, there are some who have involved themselves in an array of abusive and sometimes fraudulent activities to cheat the Government and the elderly. The legislation which I am introducing today is designed to bring an end to illegitimate practices, including:

Duping Medicare beneficiaries into accepting medical equipment that they do not need;

Falsifying medical test results to establish an inappropriate need for equipment;

Establishing shell offices in order to bill Medicare at the highest possible reimbursement levels;

Unbundling medical bills into their component parts so that a higher total amount may be charged to Medicare; and,

Paying kickbacks.

Quite often, we discuss the need for additional funding in high priority public activities. However, it is essential that the money which are available be spent as efficiently as possible. Last year, I wrote to the General Accounting Office asking for a review of the management of Medicare by the contractors who process program claims and oversee operations and submit a report to Congress on proven efficiencies which should be instituted on a nationwide basis. Clearly, with 46 Medicare carriers nationwide, there is strong need for close attention to the administration of Medicare by these fiscal intermediaries with considerations of streamlining and creating uniformity.

The legislation which I am introducing builds on proposals designed to address problems in the sale of durable medical equipment debated during the 102d Congress. It will help save millions of dollars in the Medicare Program. Of equal importance, the legislation is intended to bring a halt to abusive and fraudulent practices by establishing national uniform standards and fees for companies that sell medical equipment and supplies to Medicare patients; limit the number of carriers who may pay Medicare bills for medical equipment and supplies so that an expertise can be developed in the review and processing of payments for these services; eliminate the practice of carrier shopping by requiring that all bills be paid by the Medicare carrier serving the area where the Medicare beneficiary resides; and establish application procedures and standards for companies that sell medical equipment and supplies to Medicare beneficiaries.

We should never tolerate fraud and waste in the use of public money. But such abuse is that much more intolerable when we consider the fact that the money that have been inappropriately used for durable medical equipment could be used to help extend health insurance coverage for over 35 million of our citizens who are currently uninsured. I urge may colleagues to support this measure.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Durable Medical Equipment Patient Protection Act of 1993".

SEC. 2. RESTRICTIONS ON CARRIERS.

(a) Limit on Number of Regional Carriers; Prohibition Against Carrier Forum Shopping.—Section 1834(a)(12) of the Social Security Act (42 U.S.C. 1395m(a)(12)) is amended to read as follows:

"(12) Use of carriers to process claims.—

"(A) Designation of regional carriers.—The Secretary may designate, by regulation under section 1842, one carrier for one or more entire regions (but not more than 5 for all regions) to process all claims within the region for covered items under this section.

"(B) Prohibition against carrier forum shopping.—(i) No supplier of a covered item may present or cause to be presented a claim for payment under this part unless such claim is presented to the appropriate carrier.

"(ii) For purposes of clause (i), the term 'appropriate carrier' means the carrier having jurisdiction over the geographic area of the residence of the patient to whom the item is furnished, except that—

"(I) in the case of a patient who resides not more than 60 miles from a geographic area over which a second carrier has jurisdiction, such term may include the second carrier;

"(II) in the case of a patient who, at the time the item that is the subject of the claim is furnished, is temporarily residing in a geographic area other than the area of the patient's residence, such term may include the carrier having jurisdiction over the geographic area in which the patient temporarily resides; and

"(III) such term may include any other carrier considered by the Secretary to be the most appropriate carrier with respect to the claim (based on the need to efficiently administer the processing of the claim).".

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to contracts with carriers for items furnished on or after January 1, 1994.

SEC. 3. TREATMENT OF CERTAIN ITEMS AS COVERED ITEMS; USING REASONABLE COST AS BASIS FOR DETERMINING PAYMENT AMOUNTS.

(a) Treatment of Certain Items as Covered Items.—

(1) In general.—Section 1861(n) of the Social Security Act (42 U.S.C. 1395x(n)) is amended by striking "iron lungs" and inserting "ostomy supplies, tracheostomy supplies, urologicals, surgical dressings and splints, casts, and other devices used for reduction of fractures and dislocations, iron lungs".

(2) Treatment as inexpensive and routinely purchased items.—Section 1834(a)(2)(A) of such Act (42 U.S.C. 1395m(a)(2)(A)) is amended

(A) by striking "or" at the end of clause (i);

(B) by striking the comma at the end of clause (ii) and inserting ", or"; and

(C) by inserting after clause (ii) the following new clause:

"(iii) which consists of an ostomy supply, tracheostomy supply, urological, or surgical dressing or splint, cast, or other device used for reduction of fractures and dislocations,".

(3) Conforming amendments.—(A) Section 1834(h)(4)(C) of such Act (42 U.S.C. 1395m(h)(4)(C)) is amended by striking ", catheter supplies" and all that follows through "ostomy care" and inserting "and catheter supplies".

(B) Section 1861(s) of such Act (42 U.S.C. 1395x(s)) is amended—

(i) by striking paragraph (5); and

(ii) in paragraph (9), by striking the semicolon at the end and inserting the following: ", but not including ostomy supplies, tracheostomy supplies, or urologicals;".

(4) Effective date.—The amendments made by this subsection shall apply to items furnished on or after January 1, 1994.

(b) Study of Feasibility of Basing Payment Amounts on Reasonable Costs.—

(1) Study.—The Secretary of Health and Human Services, in consultation with carriers under part B of the medicare program and representatives of suppliers of durable medical equipment under the program, shall conduct a study of the feasibility and desirability of basing payment amounts for covered items of durable medical equipment, prosthetic devices, and orthotics and prosthetics under such program on the reasonable costs of such items.

(2) Report.—Not later than January 1, 1995, the Secretary shall submit a report on the study conducted under paragraph (1) to Congress, and shall include in the report any recommendations considered appropriate by the Secretary for changes in the manner in which payment amounts are determined under the medicare program for the items that are the subject of the study.

(c) Guidelines for Determining Medical Effectiveness and Permitting Payment for Upgraded Items.—Not later than January 1, 1995, the Secretary of Health and Human Services shall establish and publish updated guidelines for carriers under part B of the medicare program that describe the conditions under which—

(1) covered items of durable medical equipment, prosthetic devices, and orthotics and prosthetics shall be considered medically effective when furnished to an elderly patient and when furnished to a disabled patient; and

(2) a supplier of such items may furnish a patient with an item in excess of or more expensive than the standard version of the item for which payment may be made under the program.

SEC. 4. CERTIFICATION AND DISCLOSURE REQUIREMENTS FOR SUPPLIERS OF DURABLE MEDICAL EQUIPMENT.

(a) Mandatory Supplier Certification.—

(1) In General.—Section 1834(a) of the Social Security Act (42 U.S.C. 1395m(a)) is amended by adding at the end the following new paragraph:

"(17) Certification of suppliers.—

"(A) In general.—Notwithstanding any other provision of this Act, no payment may be made under this part for any covered item furnished during a year (beginning with 1994) by any supplier unless the Secretary certifies (or has certified during the 4 years preceding the year) that the supplier meets the certification standards established under subparagraph (B).

"(B) Establishment of standards.—The Secretary shall establish and publish certification standards for suppliers on the basis of such criteria as the Secretary considers appropriate, and shall include in the standards a requirement that the supplier furnish the Secretary with the following information:

"(i) Whether the items furnished by the supplier are purchased, warehoused, and shipped directly by the supplier or under arrangements with other suppliers.

"(ii) The identity of subcontracting or subsidiary entities or entities with which the provider is doing business which are advertising or marketing firms directly or indirectly involved in furnishing covered items to individuals entitled to benefits under this title.

"(iii) A description of all items and services furnished by the supplier to individuals eligible for benefits under this title and to providers of services or other entities furnishing items and services for which payment may be made under this title.

"(iv) A list of all States and counties in which individuals reside to whom the supplier furnishes items or services for which payment is made under this title or under a State plan for medical assistance under title XIX.

"(v) any additional information the Secretary considers appropriate.

"(C) Fees authorized for certification.—The Secretary of Health and Human Services may require a supplier to make a payment of an administrative fee (not to exceed $100) with respect to a certification or renewal of a certification under this paragraph. Any fees collected by the Secretary pursuant to this subparagraph shall be deposited in the Federal Supplementary Medical Insurance Trust Fund and shall be available only for the administration of this part.

"(D) Waiver of requirements for certain suppliers.—The Secretary may waive or modify any of the certification standards established under subparagraph (B) or the payment of a fee required under subparagraph (C) with respect to a supplier if the Secretary determines that the majority of the items furnished by the supplier are inexpensive or routinely purchased items under paragraph (2) or that less than 25 percent of the supplier's annual gross revenues is attributable to the furnishing of covered items under this title.".

(2) Conforming amendment.—Section 1834(h)(3) of such Act (42 U.S.C. 1395m(h)(3)) is amended by striking "Paragraph (12)" and inserting "Paragraphs (12) and (17)".

(b) Prohibition Against Issuance of Multiple Provider Numbers.—Section 1834(a)(12) of such Act (42 U.S.C. 1395m(a)(12)), as amended by section 2(a), is further amended by adding at the end the following new subparagraph:

"(C) Prohibition against issuance of multiple provider numbers.—A carrier may not issue more than one provider number to a supplier of a covered item unless the issuance of multiple provider numbers is appropriate because of significant differences among the items the supplier furnishes or the geographic regions the provider serves. Nothing in the previous sentence shall be construed to prohibit a carrier from issuing a new provider number to a supplier to replace an inactive or obsolete provider number.".

(c) Limitation of Employment Relationships Considered Bona Fide for Exemption From Anti-Kickback Requirements.—Section 1128B(b)(3)(B) of such Act (42 U.S.C. 1320a–7b(b)(3)(B)) is amended by striking the semicolon at the end and inserting the following: ", except that any employment relationship between an employee of a nursing facility and a supplier of covered items under section 1834(a) or items described in section 1834(h) shall not be considered a bona fide employment relationship for purposes of this subparagraph;".

(d) Effective Date.—The amendments made by this section shall apply with respect to items or services furnished on or after January 1, 1994.

SEC. 5. PRIOR APPROVAL AUTHORIZED FOR ITEMS FURNISHED BY SUPPLIERS ENGAGED IN FRAUD OR OTHER ABUSIVE PRACTICES.

(a) In General.—Section 1834(a) of the Social Security Act (42 U.S.C. 1395m(a)), as amended by section 4(a), is further amended by adding at the end the following new paragraph:

"(18) Carrier determinations of items furnished by certain suppliers in advance.—

"(A) Development of list of suppliers by secretary.—The Secretary shall develop and periodically update a list of suppliers that the Secretary determines (on the basis of criteria developed and published by the Secretary in consultation with representatives of suppliers, which may include prior payment experience)—

"(i) have engaged in activities which made the suppliers subject to a civil monetary penalty under section 1128A or to a criminal penalty under section 1128B;

"(ii) have furnished a substantial number of items for which payment was not made because of the application of section 1862(a)(1); or

"(iii) have engaged in a pattern of overutilization of items.

"(B) Determinations of coverage in advance.—A carrier shall determine in advance whether payment for an item furnished by a supplier included on the list developed by the Secretary under subparagraph (A) may not be made because of the application of section 1862(a)(1)."

(b) Conforming Amendment.—Section 1834(h)(3) of such Act (42 U.S.C. 1395m(h)(3)), as amended by section 4(a)(2), is amended by striking "(12) and (17)" and inserting "(12), (15), (17), and (18)".

(c) Effective Date.—The amendments made by this section shall apply to items and services furnished on or after January 1, 1994.

SEC. 6. STUDY OF IMPACT OF REFORMS ON ACCESS TO AND COSTS OF DURABLE MEDICAL EQUIPMENT FOR MEDICARE BENEFICIARIES.

(a) Study.—

(1) In general.—The Comptroller General shall conduct a study of the impact of the amendments made by this Act on the access of individuals enrolled under part B of the medicare program to items of durable medical equipment under the program and the costs imposed on such individuals under the program for such items, and shall include in the study an analysis of the impact of the amendments on individuals enrolled under part B of the program who reside in rural areas.

(2) Durable medical equipment defined.—For purposes of paragraph (1), the term "durable medical equipment" means covered items under section 1834(a) of the Social Security Act and items described in section 1834(h) of such Act.

(b) Report.—Not later than January 1, 1995, the Comptroller General shall submit a report to Congress on the study conducted under subsection (a), and shall include in the report any recommendations considered appropriate for legislative or regulatory changes to improve the access of medicare beneficiaries to items of durable medical equipment and to control the costs imposed on beneficiaries for such items under the medicare program, including recommendations to impose maximum allowable limits on the amounts suppliers of such items may charge beneficiaries in the same manner as the limits imposed under the program on the amounts physicians may charge beneficiaries for physicians' services.

SEC. 7. STUDY OF ITEMS FURNISHED TO RESIDENTS OF NURSING FACILITIES.

(a) Study.—

(1) In general.—The Comptroller General shall conduct a study of the types, volume, and utilization of items of durable medical equipment furnished under part B of the medicare program to individuals residing in skilled nursing facilities and intermediate care facilities, and shall include in the study an analysis of the need to apply additional controls on the utilization of such items by such individuals.

(2) Durable medical equipment defined.—For purposes of paragraph (1), the term "durable medical equipment" means covered items under section 1834(a) of the Social Security Act and items described in section 1834(h) of such Act.

(b) Report.—Not later than January 1, 1995, the Comptroller General shall submit a report to Congress on the study conducted under subsection (a).

TRIBUTE TO JIMMY SMITH

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. GILMAN. Mr. Speaker, in each of our communities there are public servants who, through their dedication and caring for friends and neighbors, make a difference. I would like to pay special tribute to such an outstanding individual, who retired from his mail route last year after over 33 years of dedicated service.

I would like to include in the Record the following accolade from one of his long time patrons, William Schneider, which was recently published in the Rockland Journal News.

[From the Rockland Journal News, Oct. 18, 1992]

A Tribute to Mailman Jimmy Smith

To the Editor:

When Jimmy Smith told me that he would be retiring the next day, I felt like one of Rockland's celebrated, immovable boulders would be gone. Jimmy has been my mailman for all of the 25 years I have lived in Rockland. First, he delivered at my summer cottage and then, coincidentally, at my permanent home, which happened to be on the same route.

Like the daily milkman and the paper boy on his bicycle, time is passing such once vital people by. Now I stop at the supermarket for a quart of milk and wait forever to be checked out. A car drives by and the driver tosses the newspaper somewhere in the remote vicinity of my driveway, and when it does land close to target, I invariably smash it by driving over it. Other "missing people"—regular and occasional are the Avon Lady, the Good Humor Man, the religious groups and even the rare knife and scissor grinder. Some I welcomed, others I chased.

Now I receive phone calls day and night disturbing me from showering, reading, listening to favorite music, watching TV, and, of course, just when I have sat down to dinner and cocktails. I suspect that soon the Jimmy Smiths will all be gone and I will simply check my fax machine to receive my mail.

I do not know Jimmy well. He knew me better, for I suspect the mail tells many things to a carrier—happy times such as Christmas, birthdays and letters from distant family and friends. At times of grief, I'm sure he knew. I may have imagined it, but it seemed he put the bills near the bottom, and I am sure he could identify the occasional late notices. The junk mail also came, and because my friend Helen, who died several years ago, was a mail-order fan, the catalogues still come despite my attempts to stop them.

(I have often wished that such purveyors would be required to include a stamped reply envelope to request a discontinuance. The cost to them might encourage a purging of their lists. More important, think of savings in the waste of paper, printing and post office facilities to move these mountains of mail.)

I did not see Jimmy often. But every now and then, he would deliver something needing a signature. Seeing him coming, I would go out to the mailbox. He always had a pleasant word to say and then he moved on to the next box. You could always tell when he was on vacation (I doubt he ever called in sick), because the mail was late, the sorting wasn't the same and the neighbors' mail was mixed in with mine. On his return, all was well on route 306 again.

A few years ago, I received a notice that the post office was planning to switch our mail route to another nearby post office rather than Suffern. The neighbors were up in arms, and we began a calling and letter campaign. Aside from the problems of changing addresses and forwarding we would lose Jimmy. Fortunately, it never happened.

Jimmy told me he has been a mailman for 33½ years, no doubt most of it on the same route. He doesn't look more than that in age. I am sure Jimmy will miss the people all along his route, but not as much as we will miss him.

WILLIAM J. SCHNEIDER,
Suffern.

INTRODUCTION OF THE BALANCED BUDGET/SPENDING LIMITATION AMENDMENT

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. KYL. Mr. Speaker, I rise today to introduce the balanced budget/spending limitation amendment to the Constitution.

Briefly, this amendment does three things: It requires a balanced Federal budget; it limits Federal spending to 19 percent of gross national product [GNP], and it provides the President with line-item veto authority in order to enforce the balanced budget and spending limitation requirements.

It allows the balanced budget and spending limitation requirements to be waived by a three-fifths vote of each House for a given year and for a specified excess of outlays over receipts or over 19 percent of GNP.

The balanced budget/spending limitation amendment, which is identical to the substitute amendment I offered during House consideration of alternative balanced budget amendments last June, is based upon two fundamental premises.

First, the Federal Government must begin to live within its means.

Second, how the Government lives within its means is as important as the mere fact that it does live within its means. When the American people say they want a balanced budget, they mean less government spending, not an increase in their already heavy tax burden.

My amendment protects against tax increases by limiting spending to the average level of revenue the Government has been collecting for the last 25 years.

By tying Federal spending to GNP, it also gives Congress the incentive to enact progrowth economic policies. The more the economy grows, the more Congress can spend.

The need for a Federal spending limit is evidenced in two reports, one released by the General Accounting Office [GAO] just before the House vote last June. The GAO projected that, based on current trends, Federal spending could grow to 42.4 percent of GNP by the year 2020, from about 25 percent today, with a real per capital GNP in the year 2020 unchanged from the current level of $24,000 a year. In other words, if Federal spending isn't limited, there will be no improved standard of living for the next generation.

A report released in 1991 by Stephen Moore of the Institute for Policy Innovation came to similar conclusions about the proportion of GNP the Government will command if current trends are followed. The report concluded that "meaningful, constitutional limits on the growth of Federal spending are needed to bring the size of government down to economically sustainable levels. One way to achieve this end would be to limit the percentage of GNP which the Government can command from the private economy."

This is precisely what the balanced budget/spending limitation amendment will do.

I urge my colleagues to support this much needed amendment, and I ask that it be reprinted in the RECORD at this point:

H.J. RES. —

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Except as provided in this article, outlays of the United States Government for any fiscal year may not exceed its receipts for that fiscal year.

"SECTION 2. Except as provided in this article, the outlays of the United States Government for a fiscal year may not exceed 19 percent of the Nation's gross national product for that fiscal year.

"SECTION 3. The Congress may, by law, provide for suspension of the effect of sections 1 or 2 of this article for any fiscal year for which three-fifths of the whole number of each House shall provide, by a rollcall vote, for a specific excess of outlays over receipts or over 19 percent of the Nation's gross national product.

"SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 5. The President shall have power, when any Bill, including any vote, resolution, or order, which contains any item of pending authority, is presented to him pursuant to section 7 of Article I of this Constitution, to separately approve, reduce, or disapprove any spending provision, or part of any spending provision, contained therein.

"When the President exercises this power, he shall signify in writing such portions of the Bill he has approved and which portions he has reduced. These portions, to the extent not reduced, shall then become a law. The President shall return with his objections any disapproved or reduced portions of a Bill to the House in which the Bill originated. The Congress shall separately reconsider each such returned portion of the Bill in the manner prescribed for disapproved Bills in section 7 of Article I of this Constitution. Any portion of a Bill which shall not have been returned or approved by the President within 10 days (Sundays excepted) after it shall have been presented to him shall become a law, unless the Congress by their adjournment prevent its return, in which case it shall not become a law.

"SECTON 6. Items of spending authority are those portions of a Bill that appropriate money from the Treasury or that otherwise authorize or limit the withdrawal or obligation of money from the Treasury. Such items shall include, without being limited to, items of appropriations, spending authorizations, authority to borrow money on the credit of the United States or otherwise, dedications of revenues, entitlements, uses of assets, insurance, guarantees of borrowing, and any authority to incur obligations.

"SECTION 7. Sections 1, 2, 3, and 4 of this article shall apply to the third fiscal year beginning after its ratification and to subsequent fiscal years, but not to fiscal years beginning before October 1, 1997. Sections 5 and 6 of this article shall take effect upon ratification of this article.".

H.R. 345, THE COMPREHENSIVE PHYSICIAN OWNERSHIP AND REFERRAL ACT OF 1993

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. STARK. Mr. Speaker, I am today introducing the Comprehensive Physician Ownership and Referral Act of 1993. This bill will prevent physicians from referring patients to other providers with which the referring physician has a financial relationship. In so doing, the bill will protect consumers of health care from unneeded procedures and will save the health care system millions and millions of dollars.

The bill codifies action recently taken by the American Medical Association's House of Delegates. At its most recent meeting, the AMA endorsed the earlier decision by the association's Council on Ethical and Judicial Affairs which found unethical the practice of referring patients to providers with which the physician was financially associated.

The bill would make illegal any referral by a physician, no matter what the source of payment was expected to be. Unlike current law, which focuses solely on Medicare, this bill would assure that Medicaid, Blue Cross/Blue Shield, commercial insurers, and health maintenance organizations would all be similarly protected from unneeded and expensive referrals.

Prohibited referrals would include those made for clinical laboratory services; physical therapy services; occupational therapy services; radiology services, including magnetic resonance imaging, computerized axial tomography, and ultrasound services; furnishing of durable medical equipment; furnishing of parenteral and enteral nutrition equipment and supplies; furnishing of outpatient prescription drugs, ambulance, home infusion therapy, and inpatient and outpatient hospital services.

Unfortunately, one of the reasons some physicians perform unnecessary procedures is that they earn a higher profit as a result. This is particularly true in the case of physicians who invest in facilities to which they can refer patients for specialty care. Studies have shown that as many as 25 percent of procedures provided to patients in this country are not needed.

This issue comes down to one major point. That is, whether or not you believe that turning a physician's decision to refer a patient into a marketable commodity is good medicine; indeed is it good economics? I do not.

Physician ownership/referral arrangements represent an exploding virus which ultimately will erode the trust patients have traditionally placed in their physicians. The bad thing is that we are quickly getting to the point where each of us is going to have to wonder if we are getting referred for a health service because we need it or because it would fatten our physician's dividend check.

This trend is spreading rapidly. Health care providers are learning that the best way to secure market share is to set up a partnership with referring physicians. When this happens, competitive pressures force other providers to defend market share with partnership arrangements.

As a result I expect that partnerships with referring physicians will be the dominent mode of organization in the health care system in 5 to 10 years, absent passage of this legislation.

As the former inspector general of the Department of Health and Human Services, Richard Kusserow, wrote to me:

> Our experience over the last three years convinces us that the pattern of physician investment as limited partners has rapidly increased. It is likely that, if no new legislative restrictions are enacted, we will witness a noticeable increase in the formation of such relationships.
>
> While some of these partnerships may be well intentioned, a review of the offering material indicates that most are deliberately structured as conduits for payment to doctors in exchange for referrals.

In other words, these are kickbacks under another name.

Current Medicare law prohibits the payment of "any remuneration, directly or indirectly, overtly or covertly" in exchange for patient referrals. Although this language potentially covers many of these arrangements, it is hard to enforce and it does not apply to payments made by private payers such as Blue Cross.

The only way to protect health care consumers from unnecessary referrals is to impose a bright line rule, as proposed by this bill, which will make clear which arrangements are not allowed.

This is an issue with which the Congress has been grappling for some time. In OBRA '89 based on data reported by the inspector general and the General Accounting Office, referrals to clinical laboratories with which a referring physician has a financial relationship were banned. That law went into effect January 1, 1992.

At that time we decided to focus on clinical laboratories because the reports before us clearly indicated that ownership of labs by referring physicians led to higher use of lab services, and higher costs to Medicare.

Since then the impact of referral arrangements on utilization and on costs to Medicare and to the health care system generally has been carefully studied. One such study, conducted by the Florida Health Care Cost Containment Board, is worthy of particular attention.

Not surprisingly, the Florida study supports what I have contended all along—physician ownership/referral arrangements cost all of us money. Additional analyses conducted by the General Accounting Office, and the Office of the Inspector General, further support this finding.

I believe that the time to act on this issue has come. Enough evidence has accumulated to show that the buying and selling of referrals is costing all of us money and subjecting many of us to medical procedures and tests which we do not need. By enacting a comprehensive, across-the-board ban on referrals, we can protect and improve consumers' confidence in their physicians, as well as in the health care system generally.

Referrals by physicians with an ownership interest should be banned. Given the recent action by the AMA, as well as the inclusion of a broad ban on referrals in the House Republican task force health reform bill in the last Congress, I hope we can move forward immediately on a bipartisan basis to enact a comprehensive ban on referrals early this year. I look forward to working with my colleagues toward that goal.

A summary of my bill follows:

COMPREHENSIVE PHYSICIAN OWNERSHIP AND REFERRAL ACT OF 1993

SUMMARY

1. Application of ban on self-referral to all payers

The bill provides that any physician, whether participating in a public or private health care program, including Medicare, Medicaid, Blue Cross/Blue Shield, a commercial carrier, or a Health Maintenance Organization (HMO), could not refer patients to an entity for the furnishing of "Designated Health Services" with which the physician has a financial relationship.

2. Extension of ban to designated health services

The bill provides that "Designated Health Services" include the following: Clinical laboratory services, physical therapy services, occupational therapy services, radiology services (including magnetic resonance imaging, computerized axial tomography, and ultrasound services), furnishing of durable medical equipment, furnishing of parenteral and enteral nutrition equipment and supplies, furnishing of outpatient prescription drugs, ambulance, home infusion therapy, and inpatient and outpatient hospital services (including rehabilitation and psychiatric hospital services).

3. Continuation of current exceptions to the general rule

The exceptions in current law to the general ban on referrals would be continued with additional changes noted below. General exceptions to both the ownership and compensation bans include: (i) physicians' services provided by (or under the personal supervision of) the physician or another physician in the same group practice; or (ii) in-office ancillary services provided by the physician or another physician in the same group practice.

To be exempted from the referral ban the services must be provided in a building in which the physician or other member of the group practice provides services unrelated to laboratory services, or in a central building set up by the group to perform ancillary services for its members. The services must be billed by the physician performing or supervising the services, or by that physicians' group, or by an entity entirely owned by the physician or group practice.

Also excepted from the ban on ownership and compensation are: (i) services provided by a prepaid health plan to its enrollees; or (ii) other financial relationships, specified by the Secretary in regulations, that do not pose a risk of program or patient abuse.

Exceptions to the ownership or investment prohibition include: (i) ownership of publicly-traded investment securities purchased in a corporation listed on a major stock exchange, if that corporation has bona fide total assets exceeding $100 million; (ii) services provided by a hospital in Puerto Rico; (iii) services provided by a rural entity; and (iv) services provided by a hospital where the referring physician is a member of the hospital's staff and the ownership or investment interest is in the hospital as a whole as opposed to subdivision of the hospital.

Exceptions relating to compensation arrangements include: (i) payments for rental of office space meeting specified standards; (ii) employment and service arrangements with hospitals if the arrangement is for administrative services; (iii) services arrangements with entities other than hospitals if the arrangement is for specific identifiable services as a medical director or member of a medical advisory board, specific identifiable physicians' services for certain hospice services, specific physicians' services furnished to a non-profit blood center, or other identifiable administrative services under exceptional circumstances specified by the Secretary; (iv) physician recruitment arrangements meeting specified standards; (v) isolated transactions such as a one-time sale of property; and (vi) salaried physicians of a group practice.

4. Modifications of current law exceptions

A series of modifications would be made to the exceptions to the general ban on referrals in current law:

Treatment of group practices: Ancillary services provided by a group practice with multiple locations would be exempted from the prohibition on referrals. In addition to the current law standards relating to group practices, groups would be required to bill under a billing number assigned to the group. The definition of a faculty practice plan would be expanded to include faculty of an institution of higher learning or a medical school.

Rental of office space and equipment: The current law exceptions relating to compensation arrangements would be clarified and expanded. An exception would be provided for rental of office space or of equipment if: (i) the lease arrangement were set out in writing and signed by the parties; (ii) the lease specifies the premises or equipment covered; (iii) if the lease is intended to provide the lessee with access to the premises or equipment for periodic intervals of time, the lease specifies exactly the schedule of such intervals, their precise length, and the exact rent for such intervals.; and (iv) the aggregate rental change is set in advance, is consistent with fair market value in arms-length transactions, and is not determined in a manner that takes into account the volume or value of any referrals or other business generated between the parties.

Bona fide employment relationships: The exception for employment and service arrangements with hospitals would be broadened to include any amounts paid by any employer (including providers other than hospitals) to an employee with a bona fide employment relationship for the provisions of services. The standards for the exception relating to service arrangements between physicians and hospitals under current law also would apply to this broader provision.

Periodic, sporadic, or part-time services: An exception would be provided for payments by a provider to a physician not employed by the provider for certain other items or services provided on a periodic, sporadic, or part-time basis.

Items and services included under this provision are: (i) consultative services that relate to test results that are outside established parameters, are furnished by a physician other than the referring physician (or by a member of the referring physician's group practice), and for which the physician furnishes a written report for that patient; (ii) interpretation of tissue pathology, pap smear slides, or other cytology services; (iii) phlebotomy services for paternity or toxicology testing where the services are furnished by a physician other than the physician referring the patient for such testing (or by another physician which is a member of the same group practice); (iv) employment-related health care services; (v) services required by local, State, or Federal licensure (including those relating to the function of clinical consultant as required by Medicare and the Clinical Laboratory Improvement Act (CLIA)), accreditation, or other health and safety provisions; or (vi) services provided by a specialist physician under contract to a group practice to provide services not otherwise available directly through physician-members of the group.

To qualify for this exception, the terms of the compensation agreement would be required to be set out in writing, and the agreement would have to specify the services covered, the compensation for each unit of service provided under the agreement, and the schedule for the provision of such services. The aggregate compensation paid over the terms of the agreement would be required to be consistent with the fair market value of the services in arms-length transactions. The services performed under the agreement could not involve the counseling or promotion of a business arrangement or other activity that violates any State or Federal law.

Payments by a physician: An exception would be provided for payments by a physician to an entity as compensation for an item or service, if the item or service is furnished at a price that is consistent with the fair market value established in arms-length transactions and is generally available to referrers and non-referrers alike on similar terms and conditions.

An exception would be provided for payments by a physician to a clinical laboratory in exchange for the provision of clinical laboratory services.

Payments for pathology services of a group practice: An exception would be provided for payments by a provider to a group practice for pathology services, subject to similar standards to those provided for bona fide employment relationships.

Clinical laboratory services furnished under arrangements: An exception would be provided for clinical laboratory services provided by a group practice under arrangements with a hospital if the arrangement began prior to December 19, 1989 and meets standards similar to those provided for bona fide employment relationships.

Rural providers: Compensation arrangements relating to the provision of services in rural areas (as defined for purposes of the hospital prospective payment system) would be exempt from the ban on referrals.

Minor remuneration: An exception would be provided for certain minor remuneration, including (i) the forgiveness of amounts for inaccurate or mistakenly performed tests or procedures, correction of minor billing errors; (ii) the provision of items, devices, or supplies used to collect, transport, process, or store specimens or to communicate test results; or (iii) the furnishing of clinical laboratory services to a group practice affiliated with an entity, if the entity provides all or substantially all of the group's laboratory services.

5. Effective date

The extension of the ban on referrals to all payers and to designated health services would be effective two years after the date of enactment. The changes in exceptions would apply to referrals made on or after January 1, 1992.

SALUTE TO WAYNE LEE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. GALLEGLY. Mr. Speaker, I am proud to rise today to honor a giant among California newspaper publishers, who recently completed 16 years at the helm of my hometown newspaper.

During his tenure at the Simi Valley Enterprise, Wayne Lee turned a small 3-day-a-week newspaper into an award-winning daily that frequently has been honored as one of the best newspapers of its size.

Known for his strong opinions and feisty attitude, Wayne strongly believes in the journalistic credo of "comfort the afflicted and afflict the comfortable," as any number of public officials, myself included, can personally attest. But unlike some of his colleagues, Wayne is quick to praise as well, both publicly and privately.

And while some of his young staffers over the years grumbled that he believed if a sparrow fell in Simi Valley or Moorpark, it should be in the Enterprise, they later realized just how much they had learned under his tutelage after they graduated to such journalistic pillars as the Associated Press, the Los Angeles Times, the Orange County Register, and the Atlanta Constitution.

But Wayne deserves recognition for more than journalistic excellence. In an era in California where some thought that less was more and progress was bad, this son of Kansas was an unabashed booster of his adopted hometown. He worked constantly to help promote jobs and opportunities in Simi Valley and to help transform a sleepy bedroom community into one of the finest cities in the entire Nation.

On a personal note, Mr. Speaker, Wayne and I go back a long, long way. We've done many things, we've laughed, disagreed, and had some things that have happened over the years that have caused great concern, but I have tremendous respect for what he's done for the community. I always knew how things were going by the conversation we were having. If he referred to me as Elton, things were fine. If he referred to me as Congressman, I knew I had overstepped the line. In short, Wayne Lee has been more than a publisher; he's been a friend.

And now, in one of those ironies of life that we simply can't understand, Wayne is fighting lung cancer that was diagnosed shortly before he was to assume his new position as publisher of the Pulitzer Prize-winning Hutchinson News in Kansas. I ask my colleagues to join me in saluting Wayne Lee, but more importantly, I ask them to join me in keeping him and his wife, Patti, in our thoughts and our prayers.

TRIBUTE TO MINNIE COLLINS BOYD

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. EDWARDS of California. Mr. Speaker, I know my colleagues will want to join me in expressing heartfelt condolences to the Honorable Willie L. Brown, Jr., speaker of the California State Assembly, whose beloved mother Minnie Collins Boyd died on January 2, 1993.

I want to share with my colleagues a resolution that was passed by the California State Assembly on January 5, 1993, in remembrance of Minnie. The resolution follows.

RESOLUTION

Member's resolution by the Honorable Willie L. Brown, Jr., Speaker of the Assembly; Relative to memorializing Minnie Collins Boyd

Whereas, The passing of Minnie Collins Boyd, whose good deeds and fine example earned for her the respect and admiration of her family and the countless individuals whose lives she touched, brought immense sorrow and loss to people throughout the State of California; and

Whereas, Minnie Collins was born on February 11, 1909, in Mineola, Texas, to the late Richard Collins and Anna Lee Nolan Collins; and

Whereas, Following her graduation from high school in Sulphur Springs, Texas, she worked for more than 60 years as a maid in homes throughout the Dallas area; and

Whereas, She was married for more than 51 years, and she was profoundly dedicated to her five children, in whom she instilled the confidence and determination to achieve their highest potential, two becoming school teachers, one a lawyer, one a city manager, and one a civic activist; and

Whereas, Minnie Boyd was a member of the Goodstreet Baptist Church in Dallas for more than 51 years, where she was a soloist in the church choir, and she was a staunch member of Sisterhood and active in Sunday School; and

Whereas, Minnie Boyd, who traveled extensively, toured Europe with a friend for three weeks in 1991, at the age of 82 years, and in 1992 she toured the Caribbean; and

Whereas, Each year on her birthday, she played hostess for a "family" reunion of many friends who treasured her company; and

Whereas, Minnie Boyd was a woman of good humor whose positive attitude and concern for the welfare of others were her hallmark, and her memory will live forever in the hearts and minds of those people who were fortunate enough to have known her; and

Whereas, Her memory will be cherished by her husband, Joseph Boyd; one of her four brothers, Itsie Collins of San Francisco, California; her five children, Babe Dalle Hancock, her husband, Forrest, and their nine children, of San Diego; Lovie C. Boyd and her 12 children, of Ennis, Texas; Gwendolyn Hill, her husband, Ernest, and their daughter, of Dallas, Texas; Willie L. Brown, Jr., his wife, Blanche, and their three children, of San Francisco, California; and James Walton and his wife, Marilyn, of Tacoma, Washington; and her 32 great-grandchildren; now, therefore, be it

Resolved by Speaker of the Assembly Willie L. Brown, Jr., That he expresses his deepest regret at the passing of Minnie Collins Boyd, and, by this resolution, memorializes her for the love and devotion that she gave to her family and friends and for her inspiration to others to relish every new day and to live life to its fullest.

HOSPICE COVERAGE UNDER MEDICAID

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation to make hospice coverage a mandatory benefit under the Medicaid Program. This compassionate and cost-effective service for the terminally ill and their families was made an option under Medicaid in legislation passed and enacted during the 99th Congress. At the same time, the hospice Medicare benefit was made permanent. More recently, the Omnibus Budget Reconciliation Act of 1990 increased Medicare hospice reimbursement. I was proud to have been the sponsor of these pieces of legislation and I am pleased to introduce this bill today to extend the Medicaid hospice benefit.

Hospice is the practice of caring for the terminally ill in their homes and communities, in a familiar setting among family and friends. Over the previous decade, there has been enormous growth in the hospice movement. Today there are over 1,700 hospice programs in operation throughout the country, many of these are full-service programs certified by Medicare.

Through this innovative means of support, a team of health care professionals and other specialists strive to make the remainder of a patient's life as comfortable and meaningful as possible by providing medical and therapeutic attention in a familiar surrounding. In this way, hospice helps people cope with the physical, emotional and spiritual hardships of terminal illness. This is enormously important, not only for the patient, but for their family as well.

Just as important as the humanitarian contributions of hospice, however, is the fact that hospice programs save money. Hospice allows people to move out of acute care facilities and into less expensive care arrangements. At a time when this body focuses on reforming our Nation's health care system, we must not loose sight of the savings found through hospice care.

Mr. Speaker, when the legislation making hospice an option under Medicaid was first introduced, the aim was to make this form of care for the terminally ill available to those with low incomes and their families who bear the emotional and financial trauma of terminal illness with the least resources. While the Medicare benefit makes hospice available to all qualified elderly and disabled, Medicaid beneficiaries nationwide still may not have needed access to the same services.

Unfortunately, the group without hospice coverage includes a large number of AIDS patients, and will include many more as we continue to confront the scourge of this tragic disease. Given the likely retribution of the recent court decision in the case of McGann versus H.&H. Music Company, many HIV and AIDS-infected individuals can no longer count on employer coverage to help confront their costs. Too many individuals and their families have been, and will continue, to be put in the position of financial ruin because of this devastating terminal illness.

There is obviously a pressing need to care for the rapidly growing number of persons who are dying of AIDS, and this must be done in the most cost-effective and compassionate manner possible. Hospice, with its combination of inpatient and outpatient care, provides the most appropriate means of providing for this group.

Although it is encouraging that many States currently provide hospice care to Medicaid beneficiaries, I believe that the current and future health care situation warrants making the hospice Medicaid benefit mandatory. I urge my colleagues to give their approval to this measure to provide access to hospice coverage for those who need it most, while saving taxpayer and Government funds in the process.

The text of the bill follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIRING MEDICAID COVERAGE OF HOSPICE CARE.

(a) IN GENERAL.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(1) in subparagraph (A), by inserting "(18)," after "(17),", and

(2) in subparagraph (C)(iv), by inserting "and (18)" after "(17)".

(b) EFFECTIVE DATE.—(1) The amendments made by this section apply (except as provided under paragraph (2)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after July 1, 1994, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation authorizing or appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

A LOST OPPORTUNITY: USAIR-BRITISH AIRWAYS

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. NEAL of North Carolina. Mr. Speaker, the Bush administration's opposition has caused British Airways to withdraw its offer to invest $750 million in USAir.

This is an unfortunate development. The USAir-British Airways partnership would have made USAir a much stronger airline without sacrificing American control of the company. The deal would have preserved American jobs, increased competition, improved service, and given a needed boost to the U.S. economy.

Mr. Speaker, it is almost inconceivable that our Government would reject such an opportunity, given the condition of our economy and our airline industry. But the administration's obvious reluctance has led British Airways to back out.

Two recent editorials in the Washington Post and the Winston-Salem Journal lament the loss of this opportunity and make strong arguments for the USAir-British Airways arrangement. I commend these editorials to our colleagues and especially to the incoming Clinton administration. The new leaders of our Government would be wise to reconsider the British Airways deal and seek to revive it.

I ask that the two editorials be reprinted in the RECORD at this point.

[From the Winston-Salem Journal]

GOOD FOR U.S. AND USAIR

You can't really blame Delta, American and United airlines for fighting the proposed agreement between USAir and British Airways. From their perspective, it may well be true that the arrangement would have been bad for business. But it is a rather sad commentary on the influence those airlines have on their country's government that the deal has been scuttled. It would have been good for the United States, as well as USAir.

The two arguments used against the proposal, which would have given British Airways 21 percent of USAir voting stock and four directors in return for $750 million, were that it's illegal for a foreign country to buy control of a U.S. carrier and that the deal would have provided unlimited access for British Airways to U.S. airports without allowing U.S. airlines similar privileges in Great Britain. Neither of those arguments is compelling.

While it is true that the proposal would have given British Airways considerable say in the operations of USAir, it would not have given British Airways control of USAir. Even if British Airways had acquired additional stock (under the agreement, it could have obtained up to 24 percent as it became available), the total would still be under the legal limit of 25 percent.

The unfair-access argument falls down on both sides of the Atlantic. On the U.S. side, it would not be British Airways but USAir that had the broad access to U.S. markets.

More scheduling coordination would undoubtedly have made it more likely that British Airways passengers and cargo would transfer to USAir inside the United States, but that arrangement doesn't need government approval anyway. On the British side of the ocean, the issue was not broad access but unlimited access to London's Heathrow Airport. The United States doesn't give any foreign carriers unlimited access to major U.S. airports such as JFK in New York and there is no reason that the British should do so at Heathrow.

Even a fully merged USAir and British Airways wouldn't have anywhere near the number of trans-Atlantic flights that any of the three airlines objecting to the deal already have.

Ultimately the failure of the deal to win U.S. approval hinged on the fact that USAir doesn't have the lobbying clout in Washington that Delta, United and American, especially in combination with United Parcel Service and Federal Express, have. The Big Three's arguments against the proposal were a combination of fear-mongering and exaggeration designed to keep their club membership at three, rather than expanding it to four. Politics—not law, equity or efficacy—caused the deal to collapse.

USAir would have benefited from the deal. But the American people would have as well—through increased competition providing better service at lower fares and through improved job security for USAir employees.

[From the Washington Post]

A LOSS FOR USAIR—AND THE PUBLIC

With the Bush administration poised to disapprove what would have been a welcome airline partnership for the traveling public, British Airways has abandoned its proposal to buy a major share of USAir. That's a victory for other U.S. carriers that had been lobbying furiously against the proposed arrangement on a number of grounds—all of which boiled down to fear of much stiffer competition. Their highest grounds were that the proposal should be tied directly to increased access by all U.S. carriers to passengers in Britain. The effort to secure more rights in Britain should be pursued, but so should foreign investment in domestic airlines to improve prospects for a competitive U.S. airline industry. For now, at least, neither the government's negotiations with Britain nor the USAir-British Airways exploration of a new relationship have been abandoned.

British Airways had proposed to invest $750 million in USAir in exchange for 44 percent ownership and 21 percent of the voting rights in the U.S. carrier. U.S. law allows foreign nationals to acquire up to 49 percent of the equity and 25 percent of the voting stock, but under no circumstance to "control" a carrier. British Airways had sought the agreement to gain more access to the U.S. market. It now is allowed to fly only point-to-point between Britain and the United States, with no traveling on to other U.S. destinations. The USAir relationship would have provided "feeder" traffic for British Airways from places served by USAir, and it would have fed passengers from Britain to USAir for connections.

Transportation Secretary Andrew H. Card Jr. agrees that (1) carriers from everywhere would benefit from a loosening of restrictions, which would feed competition, and (2) that U.S. carriers certainly could benefit from more foreign investments. The USAir-British Airways proposal could have begun to serve both these ends. But the decisions this week advance nothing.

REPEAL OF SOCIAL SECURITY EARNINGS TEST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. GILMAN. Mr. Speaker, yesterday I introduced legislation which eliminates the earnings test for Social Security beneficiaries over the age of 65, as well as raises the cap on outside earnings for those Social Security beneficiaries between the ages of 62 and 65, (H.R. 37).

Under current law, Social Security beneficiaries under the age of 70 who are employed or self-employed receive their full benefits unless their earnings exceed the annual earnings limitation. My bill eliminates the earnings test for senior citizens over the age of 65, and raises the present limitation on exempt income from $7,562 to $9,949 for senior citizens between the ages of 62 and 65.

Currently senior citizens over the age of 65 lose $1 for every $3 which they earn over the income cap. While this is an improvement over the previous 1:2 reduction—a reduction that those seniors under the age of 65 are still subject—the reduction translates into a draconian tax rate of 33 percent for our Nation's seniors. A tax rate that is not affordable by most seniors.

Take for example a senior over the age of 65 earning a modest amount just over the earnings cap is subject to the earnings test 33 percent marginal tax. When the income and Social Security taxes that seniors pay are added, the total tax bill can reach 60 percent of a senior's earnings.

The Social Security earnings test originated with the creation of the Social Security system in 1935. One purpose was to remove older workers from the labor force in order to create jobs from the young. However, in today's labor situation, seniors are able to meet the increasing demand for service-oriented workers, and most importantly, they enjoy working. By allowing seniors to return to the work force they will provide many benefits to our Nation, such as increased tax revenues, as well as alleviating the depression and loneliness that often accompanies the later years in an individual's life.

Senior citizens make up approximately 35 million of the population, and this number is growing steadily. Our Nation's seniors are skilled, knowledgeable, reliable, and eager to work.

Mr. Speaker, I urge all my colleagues to take this opportunity to help our Nation's seniors by reforming the earnings test.

I insert at this point in the RECORD the full text of my bill for review, and I invite my colleagues to cosponsor this vital measure.

H.R. 37

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Earnings Test Amendments of 1993".

SEC. 2 ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) IN GENERAL.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in paragraph (1) of subsection (c) and paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(1))";

(2) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(1))";

(3) in subsection (f)(3), by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8)," and by striking "age 70" and inserting "(retirement age (as defined in section 216(1))";

(4) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "(retirement age (as defined in section 216(1))"; and

(5) in subsection (j), by striking "Age Seventy" in the heading and inserting "Retirement Age", and by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(1))".

(b) CONFORMING AMENDMENTS.—

(1) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(A) in the last sentence of subsection (c), by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(B) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,".

(2) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of such Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended—

(A) by striking "either"; and

(B) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

SEC. 3. INCREASE IN EXEMPT AMOUNT UNDER EARNINGS TEST FOR BENEFICIARIES UNDER RETIREMENT AGE.

(a) IN GENERAL.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. 403(f)(8)(D)) is amended to read as follows:

"(D)(i) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual shall be $829.16 for each month of the individual's taxable year ending after 1993 and before 1995.

"(ii) For purposes of subparagraph (B)(ii)(II), the increase in the exempt amount provided under clause (i) shall be deemed to have resulted from a determination which shall be deemed to have been made under subparagraph (A) in 1993.".

(b) CONFORMING AMENDMENTS.—

(1) Section 203(f) of such Act (42 U.S.C. 403(f) is further amended—

(A) in paragraphs (1), (3), and (4)(B), by striking "the applicable exempt amount" and inserting "the exempt amount";

(B) in paragraph (8)(A), by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be effective"; and

(C) in paragraph (8)(B)—

(i) by striking "the exempt amount" and all that follows through "whichever" in the matter proceeding clause (i) and inserting "the exempt amount for each month of a particular taxable year shall be whichever";

(ii) by striking "corresponding" in clause (i); and

(iii) by striking "an exempt amount" in the last sentence and inserting "the exempt amount".

(2) Section 203(h)(1)(A) of such Act (42 U.S.C. 403(h)(1)(A)) is amended by striking "the applicable exempt amount" and inserting "the exempt amount".

(3) Section 223(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended by striking "which is applicable to individuals described in subparagraph (D) thereof" and inserting "which would be applicable to individuals described in subparagraph (D) thereof as in effect on December 31, 1993, but for the amendments made by the Social Security Earnings Test Amendments of 1993".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to taxable years beginning after December 31, 1993.

LEGISLATION TO EXTEND ELIGIBILITY FOR SUPPLEMENTAL SECURITY INCOME TO ALL CHILDREN OF U.S. MILITARY PERSONNEL STATIONED OVERSEAS

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. SLATTERY. Mr. Speaker, I rise today to reintroduce legislation to extend eligibility for Supplemental Security Income [SSI] benefits to all children of U.S. military personnel stationed overseas.

I introduced legislation almost 3 years ago, included in the Omnibus Budget Reconciliation Act of 1990, which I hoped would accomplish this. Those provisions were amended during conference, however, to require that children by receiving SSI benefits in the United States in order to continue receiving them overseas. The language thus denies eligibility to children born overseas, and children diagnosed with disabilities after moving overseas. The bill I am offering today would simply eliminate the requirement that children be receiving benefits prior to their move abroad.

This is a simple matter of fairness. The number of children affected is very few: Under 50, according to the Department of the Army's Office of the Surgeon General. But to enlisted personnel struggling to care for their disabled children while stationed overseas, the extra benefits are crucial. These soldiers pay U.S. taxes, vote in U.S. elections, and defend U.S. citizens. There is no reason they should be penalized because they are sent abroad by the military. Mr. Speaker, this bill finishes the job I began in 1990, and I urge its adoption.

INTRODUCTION OF LEGISLATION TO SUSPEND THE DUTY ON TAMOXIFEN CITRATE

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. MOAKLEY. Mr. Speaker, I rise today to bring to your attention legislation I have introduced, which would extend for an additional 3 years the duty suspension on tamoxifen citrate. Tamoxifen is one of the most effective drugs used to treat women with breast cancer and prevent its reoccurrence.

Breast cancer is the second leading cause of cancer death in women, and the leading cause of cancer death for women between the ages of 34 and 54. Each year, approximately 170,000 American women are diagnosed with breast cancer. Too often the results are fatal. Breast cancer kills 46,000 American women annually. By the year 2000, an additional half a million women are expected to die from this disease. An alarming trend is that the incidence of breast cancer has increased, while the incidence of other deadly cancers has decreased. In 1960, 1 in 20 women were diagnosed with breast cancer, and in 1989, that rate increased to 1 in 10. Even more disconcerting is the fact that the death rate for breast cancer has remained the same for the past 40 years, despite numerous medical advances and an increase in the number of early detections. Women with a family history of breast cancer continue to have an increased risk of getting the disease, but 70 percent of those who get the cancer have no known risk factors. Much still needs to be learned about breast cancer.

Tamoxifen citrate has been used to treat breast cancer in the United States since 1978. It has proven to be one of the most effective treatments in delaying the recurrence of breast cancer in women. A recent study showed that women who were diagnosed with breast cancer and received tamoxifen, reduced by 40 percent their chance of getting the cancer again.

I introduced this legislation mainly because of tamoxifen's history of preventing the recurrence of breast cancer in women. Legislative efforts to expand the program so thousands of breast cancer patients can continue to receive this product are essential. However, there are several other important reasons why this legislation is crucial.

First, the company that produces this product has a considerable history of helping breast cancer patients both economically and educationally. The company that manufactures this product is one of seven pharmaceutical companies that has agreed to keep price increases on its products to the Consumer Price Index. Additionally, the company provides the product free of charge of those women who cannot afford the cost of the treatment. Since 1978, the company has given $35 million worth of tamoxifen to more than 32,000 poor women. Furthermore, the company is committed to providing educational programs for the early detection of cancers. Early detection and localization of cancer can greatly improve an individual's chances of survival. The survival rate for cancer that is detected in the earliest stage is as high as 90 percent. These programs to assist breast cancer patients are invaluable.

Second, there is no other comparable drug marketed in the United States. The company that produces this product does not compete in manufacturing this product with any U.S. company. Thus, this legislation does not create an unfair playing field.

Third, the company that manufactures this product is committed to research in the area of breast cancer. It provides considerable funding for clinical and basic research through its patient assistance program. Additionally, the company agreed to provide millions of tablets, free of charge, for a new long-term clinical study by the National Cancer Institute. Up-to-date research is critical if we want to decrease the incidence of breast cancer.

Thus, I strongly support extending the duty suspension for tamoxifen, the primary drug for treating advanced stages of breast cancer. Thousands of American women can benefit from this legislation.

THE NATIONAL PUBLIC WORKS CORPORATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. CLINGER. Mr. Speaker, the legislation that I introduced today is one important answer to the growing need for a mechanism to finance public facilities with a minimum drain on Federal spending and a high degree of capital leveraging. The Nation's ability to encourage the expansion of business and the development of new industries is constrained by the difficulty of delivering public services. Economic productivity cannot increase if our public facilities are unable to support growth.

Just to maintain our current level of public services over the next 20 years—without any major new expansion in the economy—it is estimated that we would need to spend between $1 and $3 trillion. In a report issued in 1988, the National Council on Public Works Improvement recommended that total public investment must double if we're to match expected growth. At the same time, however, State and local governments are still in the best position for determining project priorities that address the most serious and immediate challenges confronting their economic development.

The Federal Government dominates public works investment policy by financing about half the outlays on our country's civilian infrastructure. Unfortunately, the assistance is usually in the form of rigid categorical grants that are funded and designed according to national priorities, with very little money available from flexible sources. Once a project is completed with categorical grant funding, no recoupment of Federal funds is possible unless the funds were misspent. Trust funds that generate user fees are the exception to this rule.

Mr. Speaker, I propose a new legislative approach that combines the flexibility of blockgrant funding with the advantages of a guaranteed stream of revenue.

ESTABLISHMENT OF A CORPORATION

The bill establishes a National Public Works Corporation that could leverage up to $50 billion in capital for public facilities when fully funded by Federal and State governments. The Corporation is to be composed of a bipartisan board of directors. The revenues from a fraction of the interest on loans to State and local governments would be used to pay for administrative costs and salaries. The quasi-independent corporation's review of projects would be limited to: First, financial matters of integrity on the institution's reserves and loan portfolio; and second, the technical and competitive aspects of projects. The determination of investment levels and priorities rests with the States.

CAPITALIZATION AND RESERVE FUND

The initial capitalization of the corporation authorizes $2.5 billion from the Federal Government, to be matched by $2.5 billion from participating States. The combined amounts of actual appropriations and State contributions constitutes a 10-percent reserve requirement for the corporation. The total amount of outstanding loans may be exceeded 10 times the amount of reserves. These loans will be financed through the issuance of bonds with the full faith and credit of the Federal Government as a guarantee.

Although States must initially match the Federal contribution on a dollar-for-dollar basis, they ultimately would be permitted to leverage 20 times that amount in project loan funds. Moreover, the States could determine their own contribution schedules, because their fiscal capabilities may vary.

Participation in the corporation is voluntary. The State chooses the amount and time of contributions. The maximum contribution is limited to the amount that bears the same ratio to $2.5 billion as the State's population bears to the national population. For example, a State with 10 percent of the country's population may contribute up to $250 million. The Federal Government matches the contribution with an equal amount. If fully capitalized, the State is then entitled to loans of up to $5 billion, depending upon the State's contribution. As the loans are repaid, the States are entitled to second generation funds for further loans—an advantage over categorical grant programs.

LOANS TO STATES AND LOCAL GOVERNMENT

The corporation is authorized to make loans to participating States and to units of government within those States. The loan may be less than the total cost of the project, if other sources of funds are committed from Federal and State grants, local contributions and private donations. The funds are generally available for the construction, reconstruction, rehabilitation, or repair of any public facility. However, the repayment of the loan and the operation, maintenance, and replacement costs of the project must be tied to a guaranteed stream of revenues for the use of the facility.

The interest rate on the loan is based upon the cost of borrowing funds and the corporation's administrative costs. Interest rates may be reduced across the board through a direct appropriation by Congress. This authority is to be used when high interest rates would make the cost of loans from the corporation an inordinate burden on borrowers.

The corporation may only approve loans that have the approval of the Governor of a participating State. The board shall ensure that the project is technically feasible and that awards are made on the basis of competitive bidding. The corporation is granted further powers to audit the borrower's compliance with the loan requirements and to take remedial actions.

DEFAULTS

In the event of a default on the loan by a State and local government, half of the amount of the default would be charged against the State's reserves. A State may replenish its reserves within 2 years, but after that time, the amount of potential loans in the future would be substantially reduced. The reserves are vitally important for maintaining the creditworthiness of the corporation.

Mr. Speaker, this bill is not intended to be a complete answer to the financing of our infrastructure needs, but it can be an important step in addressing a large part of the problem. The setting of priorities rests with the States. Although the Federal Government will be engaging in a new credit lending activity, several provisions in the bill contain strong assurances that loan guarantees to bond investors carry as little risk as possible against loan defaults. I believe that this legislation will provide Congress with an opportunity to address the growing infrastructure crisis in the years ahead in a cost effective manner.

INTRODUCTION OF MORTGAGE REVENUE BONDS

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mrs. KENNELLY. Mr. Speaker, today I am reintroducing legislation which would extend the Mortgage Revenue Bond Program permanently.

This program is both very popular and tremendously successful. Mortgage revenue bonds have made it possible for over 2 million American families to become homeowners in the past 20 years. In 1991 alone, this critical program provided mortgages for 120,000 families. In fact, it provides 1 in every 12 mortgages to first-time buyers.

The 22,000 mortgage revenue bond loans for newly constructed homes for low- and moderate-income families in 1991 produced 40,000 jobs and generated over $1.1 billion in wages and tax revenues.

During the 102d Congress, my bill to extend this program permanently garnered 401 cosponsors, more than any other substantive piece of the legislation in the House. In addition, an extension of mortgage revenue bonds was included in both tax bills vetoed by President Bush.

I am optimistic that President-elect Clinton will see the merits of this vital program and look forward to working with the new administration in crafting a comprehensive economic policy. I would urge my colleagues to support mortgage revenue bonds.

THE INTRODUCTION OF THE UNIVERSAL STUDENT NUTRITION ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. MILLER of California. Mr. Speaker, I am introducing today legislation that would give every school in the country the option of providing a universal school lunch and school breakfast program to each child in the school by the year 2000. This legislation is endorsed by the American Association of School Administrators, American Federation of State, County and Municipal Employees, American School Food Service Association, Bread for the World, Church Women United, End Hunger Network, National Association of Elementary School Principals, and the Society for Nutrition Education. I have also received numerous letters of support from other organizations, businesses, and school districts across the country.

A universal school lunch and breakfast program would benefit the child, the family, the school, and the Nation. Such a program would prepare children for learning; fight childhood hunger; reallocate resources from paperwork to implementing the dietary guidelines for Americans; promote program quality and increase student participation; enhance the long-term health of Americans; provide an incentive for children to go to and to stay in school; and eliminate the identification of low-income students, as well as the welfare stigma of the school lunch and breakfast programs.

The current school nutrition program is at a major crossroads. Since 1980, we have seen a very disturbing trend with regard to school nutrition programs. In the last decade, Federal subsidies for school nutrition programs have been reduced; bonus USDA commodities have essentially vanished; the administrative complexity and cost of administering the school nutrition program has increased dramatically; and indirect cost assessments made by local school administrators are draining the financial resources of the school food service authorities.

According to the American School Food Service Association, as a result of these developments, well over 100 schools have dropped out of the National School Lunch Program since 1989. This number does not include schools that have merged or closed. While this number is a small percentage of the total number of schools participating in the School Lunch Program, it is a warning signal that we should pay attention to if we are to avert a major disintegration of the program.

Indeed, it is not enough for us simply to protect the status quo, we need to do better. In the United States we serve approximately 60 percent of our students a school lunch. In Japan they serve approximately 98.2 percent of their elementary school children a school lunch. If we are going to meet our education goals for the United States by the year 2000 and prepare our children to learn, we must establish a school nutrition program that is consistent with our education objectives.

In the last decade, we have treated the National School Lunch and Breakfast Programs as a welfare program, emphasizing the income of the child participating in the program. We are hampering the administration of the program with more and more paperwork trying to document the income of the children's families. Students and schools are rebelling against this trend. According to a study done for USDA, there are approximately 4 million poor children eligible for free and reduced price meals who are not currently participating in the program. In addition, as I mentioned, schools are beginning to drop out of the School Lunch Program.

The National School Lunch and Breakfast Programs should be treated as part of the education day—a support service like textbooks and school buses. Schools throughout the United States should not be asked to duplicate that which is already being done by State welfare departments and the Federal Internal Revenue Service. Schools should not have to spend their limited resources on trying to document the income of children. We must find a better way for structuring the National School Lunch and Breakfast Programs.

The legislation I am introducing today would give each school in America the option—and it is only an option—of administering a Universal School Lunch and Breakfast Program. Under this legislation, schools exercising the universal option would receive a reimbursement from USDA for each meal served that was not dependent on the income of the child. Schools would not have to seek income information or spend their time and money trying to verify income information. All students would be treated alike. Poor students would not be identified as poor and nonpoor children would not have to be concerned about the image of participating in the National School Lunch Program.

I fully appreciate, Mr. Speaker, that there will be those who say this is a great idea but it is one we cannot afford given the size of our deficit. I am certainly not oblivious to the very real economic challenge we face as a country. To those individuals, I would answer as follows:

First, the effective date on this legislation would be the year 2000, to coincide with our education goals for the Nation giving us time to address the funding question.

Second, before this legislation can be brought to the floor of the House, we must identify how to fund such a program. One possibility which has been suggested by some, and which I am willing to explore, is the possibility of collecting the cost of the meal from the same parents who currently pay for the school lunches on a daily or weekly basis but collect the fee annually through the IRS. The Internal Revenue Service is aware of each household's income, and is also aware of the age of dependent children. This use of the IRS may well be justified if we are to reach the important public policy objective of feeding our children. If we were to proceed through the IRS, the cost of my universal legislation would be zero.

The National School Lunch Program currently serves approximately 25 million children a day and the National School Breakfast Program currently serves approximately 4 million children a day. These programs have been enormously successful and are an important part of our social fabric. It is important that we not let these programs unravel. It is important that we reach all children in America with a school lunch and school breakfast so that we might truly prepare them for learning.

Last year, Senator MITCHELL introduced, and the Senate passed, Senate Resolution 303, which calls upon the USDA to study the implementation of a universal breakfast and lunch program. I commend Senator MITCHELL for introducing this resolution and look forward to working with my Senate colleague on this endeavor.

I look forward to working with all members on the House Education and Labor Committee and all members on the House Ways and Means Committee so that we might identify how we can achieve this objective.

VETERANS FUNERAL BENEFITS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. GILMAN. Mr. Speaker, yesterday I introduced legislation to boost funeral benefits to a level previously afforded to all our veterans (H.R. 34).

As many of my colleagues are aware, prior to 1981, a burial allowance of up to $300 was provided in all cases where a veteran died: First, of service-connected disability; second, if he was a veteran of any war; third, if he was discharged for a disability incurred or aggravated in the line of duty; or fourth, if he was in receipt of, or entitled to, disability compensation.

Under the Omnibus Reconciliation Act of 1981, the veterans' burial benefits were decreased significantly by limiting funeral benefits to veterans receiving pension or compensation benefits, or residing in a VA-supported health facility at the time of death. That reduction mistakenly placed an economic value on a benefit given by Congress to ensure that all veterans would be buried with dignity and respect, regardless of their income or social standing at time of death. It is also in direct violation of a longstanding principle held by the American Legion which calls for equal benefits for equal service.

In the 1990 Veterans Benefits and Services Reconciliation Conference Agreement, burial plot allowances have been further limited. The conference agreement eliminates the plot allowance of $150 with the exception of veterans who are in receipt of DVA disability benefits, such as compensation or pension.

My legislation restores the pre-1981 eligibility for veterans for the purposes of receiving funeral benefits, increases the amount of those benefits from $300 to $400, and increases the plot allowance from $150 to $300.

The death of a loved one is an emotional strain on a family, it should not be a financial one too. In these times, the cost of a burial has increased dramatically, often becoming a tremendous financial burden on the families of these veterans during their time of grief. It is my sincere hope that my legislation will help defray a portion of these burdensome costs.

We have a moral obligation to restore these benefits that we promised to our Nation's veterans at the time of their induction into the service of their country, to provide them with reasonable compensation for their funeral costs. Reinstating these deserved benefits to our veterans is essential to fulfill our obligation to all those who have fought and risked their lives to protect the ideals and people of our great Nation.

At this point in the RECORD I request the full text of my bill be inserted for review, and I invite my colleagues to cosponsor this important legislation.

H.R. 34

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Burial Benefits Act of 1993".

SEC. 2. ELIGIBILITY FOR BURIAL ALLOWANCE.

Subsection (a) of section 902 of title 38, United States Code, is amended to read as follows:

"(a) Where a veteran dies—

"(1) of a service-connected disability; or

"(2) who was—

"(A) a veteran of any war;

"(B) discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty; or

"(C) in receipt of (or but for the receipt of retirement pay would have been entitled to) disability compensation;

the Secretary, in the Secretary's discretion, having due regard to the circumstances in each case, may pay a sum not exceeding $400 to such person as the Secretary prescribes to cover the burial and funeral expenses of the deceased veteran and the expense of preparing the body and transporting it to the place of burial. For the purpose of this subsection, the term 'veteran' includes a person who died during a period deemed to be active military, naval, or air service under section 106(c) of this title.".

SEC. 3. INCREASE IN THE BURIAL PLOT ALLOWANCE.

Paragraphs (1) and (2) of section 903(b) of title 38, United States Code, are amended by striking out "$150" each place it appears and inserting in lieu thereof "$300".

TRIBUTE TO COL. DONALD C. FISHER, JR., USA

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. PANETTA. Mr. Speaker, on Friday, January 22, 1993, Col. Donald C. Fisher, Jr. will retire after 30 years of service in the U.S. Army. Colonel Fisher will end a long and distinguished career defending our Nation through three decades of both peace and conflict, from Vietnam to the Persian Gulf.

Born in Columbus, OH, Colonel Fisher graduated from Ohio State University with a degree in education and received a commission as a second lieutenant in 1963.

His first assignment took him overseas to Mainz, Germany, where he commanded an ordnance detachment and served as a staff officer. Returning to the United States, he was an instructor at the Army Missile Munitions Center and School from 1966 to 1967. Completing the Ordnance Officer's Advance Course, he served as a company commander and in various staff positions in Vietnam. Sent to the Air Force Institute of Technology, he earned a masters degree in logistics management. Assigned to the Headquarters, Department of the Army, Colonel Fisher worked on new systems fielding, acquisition, product improvement, and logistics support policy. From 1974 to 1975, he attended the Army Command and Staff College and earned a master of military arts and science. The Army's next few assignments for Colonel Fisher included maintenance battalion executive officer, commanding officer of an ordnance battalion, and commanding officer of a division support command in Germany.

Colonel Fisher's personal decorations include the Legion of Merit, Meritorious Service Medal—2d award, Army Commendation Medal—2d award, Battle Service Medal—2d award, Overseas Service Ribbon, Army Service Ribbon, and National Defense Service Medal—2d award. Colonel Fisher is married to the former Annerose Strunck of Bad Kreuznach, Germany. They have one son, Tony.

Colonel Fisher began his twilight tour as the commandant of the Defense Language Institute and Foreign Language Center Presidio in Monterey, CA in August 1989. Responsible for foreign language training for the Department of Defense and numerous other Federal agencies, the Defense Language Institute instructs over 30,000 students a year in 50 different languages. Colonel Fisher's exceptional military and professional ability contribute to his success at supervising 4,200 students and faculty members.

Through his dynamic and bold leadership, Colonel Fisher's superlative efforts will leave a lasting impact on the Institute and the surrounding communities. He set a personal example to improve the quality of life for the entire community, encouraging his students and staff to participate in various charitable activities in the community. Through his policies and guidance, the Defense Language Institute earned the Monterey Peninsula's Best Major Employer of the Disabled in 1991. The Institute continually provided support for many other activities, including: Special Olympics, March of Dimes, Meals on Wheels, Adopt a Beach, Salinas Air Show, blood drives, youth athletic leagues, and countless other community events.

Our world is undergoing dramatic change. The end of the cold war and the triumph of freedom and democracy over totalitarianism has ushered us into a new era, one of hope for global cooperation. Col. Donald C. Fisher, Jr. has selflessly served our Nation for the past 30 years, through war and peace. He exemplifies the qualities of a good leader: sound judgment, compassion, innovative and creative thinking, and the desire to help others. These qualities which he continuously demonstrated have been a positive example to all those who have had the pleasure to know and work with him.

Mr. Speaker, I salute Colonel Fisher's distinguished record of achievement and contribution and I ask my colleagues to join me in commending him on his remarkable contributions to his nation and community.

THE WAXAHACHIE INDIANS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. FROST. Mr. Speaker, I am very pleased that my very first statement before this body is to announce that the Waxahachie Indians are the Texas High School 4A football champions. The Waxahachie Indians, led by Coach Scott Phillips, were a perfect 16–0 this season as they won the school's first State championship in football.

Texas football is steeped in tradition. I can remember attending Friday night football games when I was in high school. It was not just another school event; it was the city's event of the week. So, I am sure that the entire city of Waxahachie is proud of their football team and its accomplishments this season.

Although none of the preseason prognosticators gave the Indians a chance, they succeeded in proving all doubters wrong. The previous season, the Indians were disappointed in the quarterfinals of the State playoffs. However, this year, they were determined to go the distance. The Indians began their road to victory with a rigorous off-season program. And once their season began, they would go on to outscore their opponents by more than 400 points and end their season by defeating the defending State champions in a thrilling State championship game.

The Waxahachie Indians achieved perfection this season and are truly worthy of the name, champion.

NATIONAL PUBLIC DEBT CLOCK

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. CLINGER. Mr. Speaker, the national debt now stands at over $4 trillion. Each American family's share of that staggering amount is over $55,000, more than the average hardworking wage earner makes in an entire year.

In an effort to demonstrate the magnitude of this amount, I proposed in the 102d Congress to install a national public debt clock in the Capitol complex which would display a continuous running tally of our fiscal malpractice. The clock would serve as a constant reminder to Members of Congress of the important practical effect of their spending votes. I am pleased to reintroduce this proposal in the 103d Congress and I ask my colleagues for their support.

The year 1993 could be a pivotal one for our country. A new President will take office. The House of Representatives has been infused by 110 freshmen Members. The U.S. Senate will experience a turnover of over 10 percent. This new leadership could move our country forward by recognizing the severity of our national debt or they could ignore it, with false rationalizations and budget gimmickry.

Supporting the installation of the debt clock would be an important indicator that a Member of Congress recognizes the negative effects of the national debt on our ability to allocate our national resources. Payment of interest on the debt now chews up $214 billion per year, making it one of the three largest budget items behind national defense and Social Security. Clearly we must do something.

Since the introduction of this proposal last June, I have been inundated with letters and calls from all over America expressing support for my proposal. Some have offered to donate money to finance the construction of the clock since no Federal funds can be used to pay for it. Others have indicated that they have asked their own Representative to cosponsor.

The debt clock may not solve our debt problem, in fact it will take much more fortitude and will than just a clock. But it could be a beginning that will go a long way toward heightening the awareness of Members of Congress, the media, and visitors to the Capitol about the national debt. It is a herculean task that lies ahead of us but we must start somewhere.

DICK ICHORD

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. QUILLEN. Mr. Speaker, I will like to take this opportunity to pay tribute to my dear friend and former colleague from Missouri, the Honorable Richard H. Ichord, Jr., who passed away on Christmas day. Dick Ichord and I served together in this House for 18 years until his departure in 1981, and although we were on opposite sides of the aisle, I can think of few Members of this body who did more during their tenure to keep America a strong, proud, and free nation.

In his 20 years of service, Dick never failed to advocate positions that would strengthen the national defense, even when such attitudes were not popular. During the late 1970's, as chairman of the Armed Services Subcommittee on Research and Development, Dick laid much of the groundwork that led to the Reagan administration's defense buildup, which finally ended the cold war once and for all. History has proven the wisdom of the strong defensive military that Dick championed for his entire career.

Dick Ichord also served with distinction as the chairman of the House Un-American Activities Committee during the last 6 years of its existence. While the committee took a lot of criticism, I still feel that it was a useful and necessary forum for shedding light on those who sought to overturn our democratically elected Government by force. It was a difficult job, which Dick completed with hard work and distinction.

After Dick left Congress, he continued to further the interests of a strong national defense by doing consulting work, and he remained active in community service. In 1990, he retired to his farm in the Missouri countryside which he loved. I was saddened to hear of his passing, and my heartfelt condolences go out to the family of this great, principled legislator.

DOUBLE TAXATION IN INDIAN COUNTRY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. RICHARDSON. Mr. Speaker, today I am reintroducing legislation of critical importance to the economic viability of Indian tribes and businesses operating on Indian lands. Everyone knows that if you want to operate a business in this country, you have to pay taxes. The same holds true for doing business in Indian country. The only difference is that in Indian country, a business often has to pay the same taxes twice.

The Supreme Court has recognized the right of Indian tribes to impose taxes on activities within reservation lands. Undoubtedly, the power of Indian tribes to tax is an integral part of their inherent sovereignty, and the revenue derived from taxes is critically needed by tribes to provide services to their people. However, the Supreme Court has also held that the States may tax the same business activities as those taxed by tribes. In short, if you want to do business in Indian country, be prepared to do so on an unlevel playing field.

Let me shed some light on the size of this playing field. There are approximately 300 Federal Indian reservations in the United States, and over 500 federally recognized tribes. A total of 53 million acres of land is held in trust by the United States for various Indian tribes. The Navajo Reservation alone encompasses almost 16 million acres of land in New Mexico, Arizona, and Utah. As you can imagine, there are thousands of private sector businesses working with tribes that might be affected by double taxation.

Faced with paying double taxes, many businesses have been forced economically to move their operations off reservations. In addition, tribes are finding it more difficult to attract new business because of the financial burden involved. This comes at a critical time when tribes are struggling to establish and cultivate mutually beneficial relationships with the private sector.

Thus, I am reintroducing legislation that would provide a tax credit against taxes paid to Indian tribal governments in situations where businesses must pay identical taxes to the State. The bill would amend the Internal Revenue Code of 1986 to allow a credit against income tax for severance taxes and personal property taxes paid to Indian tribal governments in carrying on a trade or business. The credit is limited to activities or properties which are double taxed. However, it may be allowed as part of the general business credit and is allowable against the entire regular tax as well as the alternative minimum tax.

While not all of the States with Indian reservations have chosen to exercise their power to tax those reservation, fiscal belt tightening continues across the country and most States are looking to increase revenues. Many will undoubtedly turn to the reservations as an additional source. This will detrimentally impact the tribes as well as those who want to do business with them.

Mr. Speaker, let us level the playing field and provide an incentive for doing business in Indian country. I urge my colleagues to support this legislation.

A TRIBUTE TO DONALD J. STEPHEN

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. SANGMEISTER. Mr. Speaker, I rise today to salute a dedicated public servant and good friend from the 11th Congressional District who will be honored this Sunday, January 10, 1992, in Frankfort, IL, for his dedicated service as that community's director of public works, Don Stephen.

To say Don saw a lot of changes in his 25 years of service to Frankfort is an understatement. When he started with the village's public works director in 1967, Frankfort was still very much like the small farming community it had been at the turn of the century. When he retired last September, he had witnessed a quarter century of tremendous growth and development as the village had become a full-fledged Chicago suburb.

Throughout the last 25 years, one thing has remained constant in Frankfort, Don Stephen's dedication and service to his community. Don gave much of his own personal time to his job. He never thought twice about going out on a stormy night and helping someone pump out their basement when it flooded, or doubling back to clean out the end of a driveway that had been accidentally blocked by one of his snowplows.

As the community grew, Don always maintained the philosophy of helping his neighbors, and his assistance often made those little emergencies keep from becoming big crises. His willingness to lend a helping hand to his fellow employees and the people of Frankfort will not soon be forgotten.

Mr. Speaker, on behalf of my constituents in Frankfort and myself, I thank Don Stephen for a job well done.

PHILIPPINE COMMONWEALTH ARMY VETERANS BENEFITS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. GILMAN. Mr. Speaker, yesterday I introduced legislation amending title 38, United States Code, to provide that persons considered to be commonwealth army veterans by reason of service with the Armed Forces during World War II in the Philippines shall be eligible for full veterans' benefits from the Department of Veterans Affairs (H.R. 35).

On July 26, 1941, President Roosevelt issued a military order, pursuant to the Philippines Independence Act of 1934, calling members of the Philippine Commonwealth Army into the service of the United States Forces of the Far East, under the command of Lt. Gen. Douglas MacArthur.

For almost 4 years, over 100,000 Filipinos fought alongside the Allies, in reclaiming the Philippine Islands from Japan.

In return, Congress enacted the Rescission Act of 1946, which limited the benefits received for service-connected disabilities and death compensation, denying members of the Philippine Commonwealth Army from being recognized as United States veterans.

Additionally, on May 12, 1989, the United States District Court for the District of Columbia announced in the Quiban versus Veterans Administration case that limiting the veterans benefits received by veterans of the Philippine Army and their spouses is unconstitutional. The court stated that once the Philippine Army was called into service by President Roosevelt, they became members of the Armed Forces of the United States, serving on the same terms as other members of the United States Armed Forces. Unfortunately, the court of appeals overturned this ruling.

Mr. Speaker, although Congress has begun to take the necessary steps to give the Philippine World War II veterans the recognition they so justly deserve, there is more to be done to correct this injustice. For years veterans have been struggling for recognition and benefits they deserve. To all my colleagues that share my concern that Philippine World War II veterans deserve to be recognized as United States veterans, I urge you to cosponsor this measure.

At this point in the RECORD I request that the full text of my bill be inserted for review by my colleagues.

H.R. 35

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(2) of title 38, United States Code, is amended by adding at the end the following new sentence: "Such term includes a person who is a Commonwealth Army veteran within the meaning of section 635(1) of this title.".

IN HONOR OF DR. JEAN MAYER

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. MARKEY. Mr. Speaker, I rise today to pay tribute to one of the truly great men of our time, Dr. Jean Mayer. He was a man of great vision, and he was a true friend.

What set him apart from other visionaries was his ability to turn these ideas into actions and guide them toward fruition. The world will remember Jean Mayer as a hero of the French resistance in World War II, an internationally renowned nutritionist, advisor to three U.S. Presidents, and a tireless crusader to end world hunger. He held two doctorates in philosophy, 22 honorary degrees, authored 750 professional papers, and 10 books.

I will remember Jean Mayer as the man who changed a small, lesser known college in my district into one of the Nation's most innovative and distinguished universities. Jean Mayer became the president of Tufts University in 1976, and immediately began to make his indelible mark on the school. In 1979, he started the Tufts University School of Veterinary Medicine which was New England's first regional veterinary school. Jean founded the Sackler School of Graduate Biomedical Sciences in 1980. In 1981, he created the Nation's first graduate school of nutrition. The next year he set up the U.S. Department of Agriculture Human Nutrition Research Center on Aging. Once again a pioneer, he started the Center for Environmental Management at Tufts in 1986, making the school the first university in the world to make an environmental literacy program a part of core curriculum for all of its students. Finally, he convened two different global conferences of university presidents in the last few years to work toward world peace and a sustainable environment.

Dr. Jean Mayer passed away on January 1, 1993, at the age of 72. He will be sorely missed by those thousands whose lives he touched through all of his worthy endeavors both internationally and here at home. He will be especially missed by those of us whose lives he enriched through his monumental efforts at Tufts University.

SUPPORT BETTER TRAINING FOR INDUSTRIAL TRUCK OPERATORS

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. MURPHY. Mr. Speaker, my colleague from Ohio, MIKE OXLEY, and I have introduced a concurrent resolution which calls on the Occupational Safety and Health Administration of the Department of Labor [OSHA] to act on an important matter. As you may be aware, a petition was filed in March 1988 with OSHA to amend existing Federal regulations requiring training and certification for operators of powered industrial trucks. This petition sought a clarification of the current regulations by specifically outlining the elements of an adequate training program for operators of these vehicles. OSHA responded to this petition by launching into a lengthy study.

We introduced a resolution similar to today's proposal during the last Congress, because we believed then as we believe now, that enough time to study the measure has elapsed. OSHA has finally begun formal proceedings to implement these regulatory proposals. While we laud OSHA for their action, we feel that it is necessary to continue to encourage the agency in its progress. For this reason, we are reintroducing a resolution calling on OSHA to continue their momentum.

Our new President, who will soon begin his term of office, has stated that better training and education of the American work force will be a priority during his administration. This petition provides an excellent opportunity to move closer to achieving this policy goal.

The value of a thorough training program cannot be underestimated. A properly trained employee will contribute to the reduction of job related accidents, and in the end make the workplace safer and more productive for everyone. We believe that this resolution provides benefits both to operators as well as those ultimately charged with the costs of job site accidents.

For these reasons we have reintroduced this concurrent resolution. I ask that you join Mr. OXLEY and myself and support this measure because ignoring proper work training puts our future at risk.

STABILIZING THE BANKING SYSTEM THROUGH INTERSTATE BANKING AND BRANCHING

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. HOAGLAND. Mr. Speaker, as the 103d Congress convenes, we must put at the top of our agenda revitalization of the Nation's anemic economy. Today, Congressman MCCOLLUM and I, are introducing the Nationwide Banking and Branching Act of 1992, which could play a strong role in that revitalization because American banks are hamstrung by antiquated laws that impede their lending and put them at a competitive disadvantage with other financial institutions and with their foreign competitors. The bill we are introducing today is modeled after the bill reported from the House Committee on Banking and Urban Affairs in June 1991 and an administration proposal.

LAWS ANTIQUATED

We have what is known as a dual banking system. Banks may be chartered as national banks and regulated by the Federal Government or they may be chartered as State banks and regulated by State governments. There are two laws that, in our view, make banking today cumbersome: The McFadden Act, enacted in 1927 and last amended in 1933, and the Douglas amendment enacted in 1956. The McFadden Act prohibits interstate branching by national banks. The Douglas amendment prohibits bankholding companies from chartering or acquiring a bank in another State unless expressly permitted to do so by State law.

Our bill has three major features. First, it would authorize the Federal Reserve to approve interstate acquisitions upon enactment by repealing the Douglas amendment. Second, 2 years after enactment, it would allow banks to establish or acquire a branch outside their home State, unless the legislature of the receiving State passes legislation opting out or prohibiting out-of-State banks from branching into their State. Third, beginning 2 years from enactment, it would allow bankholding companies with bank subsidiaries in more than one State to combine two or more subsidiary banks into a single bank merger, consolidation, or other transaction. A summary of the provisions of the bill appears at the end of this statement.

PROTECTING THE DEPOSITOR

Many studies show generally that the more locations a bank has, the less likely it is to fail. Further, banks that are allowed to operate across State lines and into different regions are less likely to fail because they can diversify their deposit base and their loan portfolios. A bank operating in more than one State with a diverse base, for instance, is less likely to become overly dependent upon a local economy, like agriculture, oil, or defense technology. Thus, if there is a downturn in a local economy or if a regionally dominant industry goes into a slide, the bank has other sources of deposits and customers.

In a study prepared for the Financial Institutions Subcommittee entitled "Banking Industry in Turmoil: A Report on the Condition of the U.S. Banking Industry and the Bank Insurance Fund," banking experts James R. Barth, R. Dan Brumbaugh, and Robert E. Litan expressed it this way:

> There is virtually no other business in the U.S. that is so geographically restricted as the banking business. * * * At a minimum, allowing banks to branch nationwide would permit them to diversify their risks and thus reduce the deposit insurance liabilities of the federal government. It is difficult to believe that 9 of the top 10 banks in Texas that failed during the 1980's would also have failed had they been part of larger nationwide operations. Similarly, had Continental Illinois been able to branch beyond the confines of Chicago and thus diversify its funding sources, it is at least conceivable that the deposit run that helped trigger the bank's collapse would not have happened, or if it did, would have had the same disastrous effects.

Banks which are geographically diverse can diffuse losses over a broader base. As banks become broader and more diverse, failure is less likely. There will be fewer failures which will result in banks paying lower deposit insurance premiums and ultimately lower charges to customers.

AFFIRMING CURRENT ACTIVITY

Current law authorizes considerable interstate banking activity already. This legislation would allow it to expand further, but primarily would allow it to expand more efficiently. In addition, the bill is authorizing what is basically happening already. In recent years, many State have enacted legislation permitting reciprocal interstate banking and the courts have upheld these laws. Thirty-four States have passed laws to permit nationwide banking through bankholding companies. Fourteen States permit regional banking. Thus, 48 States already permit some form of interstate banking. Only two States prohibit all forms of interstate banking.

In addition, modern technology makes it virtually impossible for a bank not to operate interstate. According to "Banking Law Manual," Norton and Whitley:

> As a practical matter, today almost any type of financial institution can originate or acquire assets on a nationwide basis through many formal and informal avenues that extend its market reach beyond the traditional bank headquarters location: interstate ownership of banks and thrifts, lending through affiliated nonbank/nonthrift finance companies, mortgage companies and loan production offices, purchase of local participations and securitized assets through correspondent bank network, credit card lending, statewide and interstate branching * * *

EFFICIENCIES

Interstate expansion saves costs for banks which in turn helps attract capital, increase profits, and lower charges to consumers. Under the current system, a bankholding company, if it is to operate interstate, must operate through a separately chartered bank in each State. A bank must set up a separate board of directors and management, prepare separate regulatory reports, undergo separate examinations, and install separate computer systems. Banks must satisfy capital requirements separately. Eliminating this duplication would mean tremendous savings for banks and for the consumer. More savings mean strengthened capital and more stable banking.

A McKinsey and Co. study found that interstate branching "could yield as much as $10 billion annually in cost savings." A study commissioned by the Congressional Budget Office conservatively estimates cost reductions of 3 percent to 4 percent. This study concludes that reducing real costs by 3 percent to 4 percent would be passed on to bank customers in the form of reductions in real prices for banking services. "A reduction in real costs would likely generate a 3-percent reduction in real prices (e.g., lower loan rates and/or higher deposit rates)," the study maintains.

CUSTOMER CONVENIENCE

An interstate network offers the consumer advantages especially in areas near State borders. For example, a customer could do all of his or her banking in any State in which the bank operates. Because, under current law, banks have separate computer systems, a checking account with a bank in one State could not be accessed in an affiliate bank in another State. Consolidating computer systems would be especially convenient for travelers. Who hasn't run short of cash while traveling?

Interstate branching would bring improved and cheaper services for both consumers and corporations. A CBO-sponsored study states that among the economies of scale is the fact that disbursing customers are more likely to do business with the same bank as collecting customers. This also could reduce internal costs.

INTERNATIONAL COMPETITION

Finally, there is the issue of international competitiveness. Most European countries have already adopted full nationwide branching, which will be expanded to unrestricted branching throughout the European Community in the near future. As the world economy continues to internationalize, we must keep our industry competitive with those abroad. According to former Treasury Undersecretary Robert R. Glauber, "The United States remains the only major industrial country in the world that does not have a truly national banking system."

COMPETITIVELY DISADVANTAGED

Our outdated laws, born in the Great Depression, have prohibited banks from participating in the growth and diversification of their financial services competitors. For example, Sears, Roebuck is involved in insurance, real estate, securities, credit cards, and numerous other financial services. Similarly, General Electric offers a vast array of financial services in the areas of insurance, real estate, securities, and other money management services. Banks have been prohibited from competing with these entities. As a result, they have lost market share, lost profitability and become weaker.

Comparing the relative position in 1970 with 1990 illustrates the point. In 1970, banks had 31 percent of all commercial lending; in 1990, they had 10 percent. Commercial banks' return on average equity in 1970 was 12.36 percent on aftertax earnings; in 1990, it was 7.84 percent. In 1970, there were 251 banks on FDIC's problem list; from 1985 to 1990, that number topped 1,000 each year.

CONCLUSION

Congress has a responsibility to protect the taxpayer, the depositor, and the fund that insures customers' deposits by providing banks the modern tools they need to run a reliable, modern business. The statutory restrictions on interstate banking are artificial and weaken an industry vital to our Nation's health. The role of Congress should be to promote competition, not hinder it. This bill is an attempt to do that, and I hope my colleagues will join us in enacting it into law.

SUMMARY OF THE NATIONWIDE BANKING AND BRANCHING ACT OF 1993

NATIONWIDE BANKING

Authorizes the Board of Governors of the Federal Reserve System to approve applications to acquire the assets of any insured depository institution or bank holding company in any state beginning 18 months after enactment of this bill.

INTERSTATE BRANCHING BY NATIONAL BANKS

Authorizes the Comptroller of the Currency to approve applications to permit a national bank to establish or acquire and operate a branch in a state outside the state in which the main office of the bank is located.

Requires any branch to be subject to the consumer protection and fair lending laws of the host state unless preempted by federal law.

Prohibits discrimination against the branch of a bank on the basis of the location of the main office and provides that state laws shall apply to branches as if the branch is a national bank with a main office in that state.

Allows states to enact legislation to "opt out" (prohibit out-of-state banks from establishing or acquiring branches in the state).

INTERSTATE BRANCHING BY STATE BANKS

Authorizes, within three years after enactment, a state bank to establish or acquire, and operate, a branch located outside the state in which the bank is chartered if authorized by the law of the state in which the bank is chartered.

Requires any branch of an out-of-state bank to be subject to the laws of the host state.

Allows the host state to exercise supervisory, regulatory and enforcement authority over branches.

BRANCHING BY FOREIGN BANKS

Allows foreign banks to establish and operate (a) a federal branch in any state outside the home state with approval of the Board of Governors of the Federal Reserve System and the Comptroller of the Currency; and (b) a state branch with the approval of the Board and the state regulatory authority.

Requires foreign banks to have a capital level equivalent to that required of domestic banks for branching purposes.

CONSOLIDATION

Allows a bank holding company with subsidiaries in more than one state to combine two or more subsidiary banks into a single bank through merger, consolidation or other transaction beginning 18 months from enactment.

Allows a consolidated bank to acquire and operate additional branches and subjects branches to consumer protection and fair lending laws of the host state.

COMMUNITY REINVESTMENT REQUIREMENTS

Requires federal supervisory agencies to prepare for banks with interstate branches a written evaluation of the entire institution's record of performance in community reinvestment and for each state in which the bank has one or more branches, a separate written evaluation of the record of performance within each state, including information by metropolitan area.

GUIDELINE FOR MEETING CREDIT NEEDS

Requires federal supervisory banking agencies to publish regulations establishing guidelines to ensure that each interstate branch meets the credit needs of the community and market area in which the branch operates.

SYSTEMATIC APPROACH FOR VALUE ENGINEERING ACT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mrs. COLLINS of Illinois. Mr. Speaker, yesterday I introduced a bill that is urgently needed to improve the way our Government does business. My bill, the systematic approach for value engineering, would enable the Government to routinely yield significant contract savings while improving quality at the same time. It is a rare case where the taxpayers, the Government, and the American economy will reap tremendous savings. In short, it is a "win-win" situation for everyone.

Value engineering, or VE, is a multifaceted, creative, team-conducted technique that defines the objective of a product, service, process, or construction project and questions every step toward reaching it. It does so with an eye to reducing all costs—including initial and long-term costs—and completion time while improving quality, reliability, and esthetics. Analysis covers the equipment, maintenance, repair, replacement, procedures, and supplies involved. Life-cycle cost analysis is one of its many aspects and it differs from other cost-cutting techniques in that it is far more comprehensive, scientific, and creative.

It is commonly accepted that value engineering saves no less than 3 percent of a contracts' expense, and often that figure is 5 percent. At the same time, the cost of doing a VE review ranges from one-tenth to three-tenths of a percent of the contract's value. This means that on a $2 million construction contract, the very minimum that would be saved is $54,000 while savings of $98,000 would be very likely. On a major military procurement contract with a cost of $1 billion over life-cycle, that translates to a range of savings from $27 to $49 million.

It is important to note that VE is not a new technique. In fact, it was developed in the United States during World War II as a way to maximize our resources and improve our defense capabilities. Ironically, in recent years it has been used most effectively by Japanese electronic and automobile industries. Considering the national urgencies facing us today—the need to reduce the trade deficit and our expanding national deficit, to increase our ability to compete internationally and to reform Government spending so that we can get our country back on track—isn't it time that we use VE again?

Whenever value engineering has been examined, it is clear that it should be used more often and that its untapped potential is too great even to estimate. The General Accounting Office has conducted various studies on VE in recent years and each one has acknowledged its achievements and potential. In 1987, the Senate Committee on Governmental Affairs held a hearing during which it was made clear that VE has a remarkably successful track record and that vast savings are easily within our reach.

Currently, several Federal departments, agencies, and other contracting authorities have already reaped substantial benefits from VE but its use has been sporadic and remains far below its potential.

The Systematic Approach to Value Engineering Act of 1993 would provide dramatic savings and results by requiring all Federal agencies to use VE. In order to ensure that value engineering is being used to its greatest potential, each agency would designate a senior official to oversee and monitor VE efforts. To ensure the greatest dollar value savings for the taxpayer, each agency would be required to use value engineering for all projects and programs in the top 80 percent of their budget. Also, annual reports to the Office of Management and Budget would be required by the agencies.

We have all heard America's cry for change. It is time for a more responsible Government, less Government waste and a better American economy. My bill is an important and firm step in the right direction and I hope that you will join me in supporting it.

A SPECIAL SALUTE TO MINNIE M. KENNY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. STOKES. Mr. Speaker, in just a few days, on January 10, 1993, a host of relatives, friends, and colleagues will gather at Martins Crosswinds in Greenbelt, MD, for a special "Thank You Salute" to Minnie McNeal Kenny. The tribute recognizes Minnie for her commitment to serving others and many acts of kindness over the years. I look forward to participating in this salute to a very special individual.

Minnie Kenny's commitment to helping others is longstanding. She is a civil rights pioneer who was responsible for the integration of schools, department stores, business establishments, and housing developments throughout the Washington metropolitan area. In addition, she served as a member of the Human Rights Commission.

Minnie Kenny has been a staunch advocate on behalf of women, promoting their equal rights and increased visibility in the business world and workplace. She served as president of the Patuxent Business and Professional Women's Club. In addition, Minnie is a former member of the Health and Welfare Council of Central Maryland and served two terms as the legislative chairman of the Maryland Federation of Business and Professional Women's Clubs. She has worked tirelessly and given her time freely to benefit others.

Mr. Speaker, I am proud to note that Minnie Kenny's commitment to improving the lives of others extends to the workplace. For the past 42 years, she has enjoyed a distinguished career with the National Security Agency. From 1975 to 1981, Minnie served as the chief of the language and linguistics division within the Office of Techniques and Standards. In this capacity, she effectively established the Cryptologic Linguist Program, the Summer Language Program and designed the "Grow Your Own" Language Program.

During the period of 1982 to 1992, Minnie Kenny continued to contribute to the National Security Agency's language program. She was responsible for introducing computer assisted instruction into the classrooms of the National Cryptologic School. Minnie is also the founder of CALICO, the Computer Assisted Learning and Instruction Consortium, an international professional association of persons engaged in the teaching and exploitation of foreign languages.

Throughout her tenure with the National Security Agency, Minnie Kenny has directed her efforts to ensure the representation of minorities and the disadvantaged throughout the agency. Currently, she serves as director of Equal Employment Opportunity for NSA. In this capacity, Mrs. Kenny has helped the agency to fulfill its pledge to the advancement of women and minorities.

I recall that earlier when I chaired the Intelligence Committee, I was struck by the lack of minorities employed in key ranking and policy making positions throughout the intelligence community. When I discussed my concerns with her, Minnie accepted the challenge to lead efforts to rectify the situation. I am pleased that due to her efforts, NSA became one of the first intelligence agencies to include in its budget the funds to provide scholarships for minority and disadvantaged students. The NSA Undergraduate Training Program serves as a strong reminder of Minnie Kenny's efforts.

Mr. Speaker, I take special pride in paying tribute to Minnie Kenny. Here today to pay tribute to her are several younger employees of this agency who have been selected by her to serve fellowships in my congressional office in order to enhance their knowledge of government. In each case they have been outstanding individuals. Each of them consider her a role model in their own lives and hope to emulate her in service to NSA and to this Nation.

Mr. Speaker, I am pleased that those who know Minnie Kenny and have benefited from her tireless efforts are taking the time to show their appreciation by hosting this "Thank You Salute". I join them in paying tribute to Minnie Kenny for her strong commitment and dedication over the years. I am proud to be associated with this outstanding individual and I wish her much continued success.

LOCATE AND RECOVER LOST FEDERAL FUNDS

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. LEWIS of Florida. Mr. Speaker, financial mismanagement in Federal departments and agencies has resulted in the mistaken abandonment of unknown millions of taxpayer dollars in dormant Federal accounts lost in countless holding institutions.

One of my constituents, Mr. Dominick Lamonica, operates a private investigations firm that has located several of these abandoned Federal accounts in various holding institutions. He and other such finders have approached the Treasury Department offering to identify and locate these accounts for compensation.

A preliminary review by the General Accounting Office determined Congress would have to appropriate funds for the Department of Treasury to pay these finders. In other words, to track down the money the bureaucracy lost, we would need to give the bureaucracy more money. This is an insensible, redundant way to solve this problem.

Furthermore, once these Federal dollars are abandoned, regional laws compel private holding institutions like banks and credit unions to turn them over to the State or foreign nation in which they reside. Unless we can locate these accounts, these governments will continue to keep the Federal funds collected from the U.S. taxpayer.

Today I introduced legislation to empower the Treasury Department to simply pay collection fees from amounts recovered to private sector finders who have located unclaimed assets due the Federal Government, eliminating the need for a separate appropriation. Additionally, the bill contains a reporting provision to ensure congressional oversight of this process and identify those agencies guilty of the greatest mismanagement.

It is my intent that all recovered funds returned to the Treasury be used to reduce the Federal deficit, not as a mechanism to increase government spending in any area or program.

While we must find ways to prevent such mismanagement from reoccuring, this legislation offers a simple, effective, inexpensive method of curing the present problem without empowering the inefficient system that caused it.

ELECTIONS IN INDIA

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. HERGER. Mr. Speaker, I would like to draw my colleagues' attention to the elections of village councils from January 15–22, 1993, in Punjab, India, and we should all pay close attention to this process.

Sikh political parties are participating in these important elections, and in the interest of democracy, we should urge that independent and impartial observers from the United States, the United Nations, and international human rights organizations be sent to observe these elections in order to prevent the intimidation of voters as was reported to have occurred in the February 1992 elections for the state assembly in Punjab, India.

Intimidation of voters in the February 1992 election was widely reported by Indian newspapers and international human rights organizations. In March–April 1992, most village councils and village mayors resigned to protest the continuing unrelenting human rights violations in Punjab under the new regime. The Indian Government is attempting to fill the resulting vacancies with their own people. It is important that observers be sent to ensure that the people of Punjab be able to exercise their right to vote and express their will.

I have been informed that pro-Sikh movement candidates are being intimidated in order to coerce them into withdrawing their candidacy. Some candidates have been arrested by the police and detained at undisclosed locations. This has happened in previous elections.

For these reasons, I urge that outside observers be sent to prevent human and civil rights violations and to ensure an honest and free election.

INTRODUCTION OF A CONSTITUTIONAL AMENDMENT TO ABOLISH THE ELECTORAL COLLEGE

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. WISE. Mr. Speaker, on this day, as the House of Representatives counts the votes cast by members of the electoral college, and as the House certifies officially the election of Bill Clinton as our next President, I am introducing a constitutional amendment which I hope will make this the last time the electoral college is used to elect the President of the United States.

The electoral college is both out-dated and unrepresentative. It no longer serves the purpose for which it was established. The electoral college system has permitted three Presidents to be elected who did not receive the highest number of popular votes. Although this has not happened for 100 years, I believe American voters should never be faced with that prospect again.

In early 1992 our Nation faced the distinct possibility that the electoral college would be deadlocked following the election. With the strong independent candidacy of Ross Perot, the American people stood face-to-face with two possibilities: That someone could be elected without getting more popular votes than the other candidates, or that the House of Representatives would be left to choose the President. Neither of those scenarios should ever happen, and as it turned out last year, neither did. But the possibility still exists for such a predicament in the future.

The electoral college completely ignores the preferences of millions of Americans who do not cast votes for the candidate who wins their home State. In that sense, the system is already undemocratic. Further, if there are three or more strong contenders for President and the electoral college ends up deadlocked, the election of our country's President then becomes even more undemocratic as the selection process would go to a one-vote-per-State election in the House of Representatives.

The constitutional amendment which I propose today would abolish the electoral college and replace it with the direct, popular election of the President. As it stands now, members of the electoral college, whose names few people know and who are not directly elected by anyone, actually cast the votes that matter in determining the election of the President. My proposal would take the selection process out of their hands and place it where it belongs—directly in the hands of the American people.

When communications were slow and when the voting privilege was only extended to property owners, the electoral college may have served a purpose. But today, communications technology has given our citizens a wide range of ways to be informed on issues and current events. Now, we recognize voting as a right for all Americans and now we trust the people of America to choose their candidates for every other elected office in the land.

It is now time that we trust the people to vote directly for their President and give everyone's vote equal weight. Elections should not be determined in some indirect way by essentially unelected people through an essentially undemocratic method. It is also time that we eliminate the possibility that someone ever can fail to get the most votes from the people and still be elected President.

The Constitution is a great document and should not be tampered with lightly, but America's founders provided for a method to ensure that our Constitution stood the tests of time and could be amended to reflect the changing needs of the country. A similar amendment overwhelmingly passed this House 24 years ago, and it is time to pass it again.

Mr. Speaker, I urge my colleagues to endorse this amendment to the Constitution so that today may be the last time the electoral college elects the President of our great country.

REINTRODUCTION OF LEGISLATION REGARDING POLITICAL BROADCASTING

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. BLILEY. Mr. Speaker, today I am introducing legislation into the 103d Congress, as I did in both the 101st and the 102d Congresses, requiring each broadcast license to provide 8 free hours of advertising time to political parties. The Political Broadcasting Access Act of 1993 is an attempt to reform the campaign finance process by addressing the single handed most expensive component of anyone's campaign—the cost of broadcast advertising.

My proposal amends the Communications Act of 1934 by mandating limited free air time—over radio, broadcast, and cable TV—for political candidates who meet specific, objective requirements. Not only will this proposal assist future candidates running for public office by allowing them, regardless of their financial status, to reach the voter, but it will also ameliorate significantly the campaign spending quandary that candidates for the U.S. Congress continue to encounter.

As the cost of broadcast air time skyrockets, it has been estimated that these increases have resulted in a 40-percent increase in campaign costs. On the average, three-fourths of one's campaign funds are spent on advertising. But, for the broadcasters, these costs translate only into three-fourths of 1 percent of profits. Presently, the United States is the only democracy in the industrialized world that does not provide political candidates with some sort of free broadcast time for elections—I intend to change that.

The ability of an incumbent to get his or her message to the voter is the greatest advantage he or she has over their challenger. By leveling the playing field in this respect, my legislation will guarantee the poorest of candidates the opportunity to connect with the voter—a vital component to anyone's election bid.

The November 16, 1992 editorial in Roll Call named free air time for candidates as the single most important change in the funding system when discussing campaign reform. By itself, I do not believe that this legislation will bring about campaign reform, but I do believe any campaign reform package that does not contain it will be less than wholly effective.

PHILIPPINE SCOUT RETIREMENT PAY EQUITY ACT

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation to redress a longstanding inequity in our treatment of a very important group of veterans whose vital service to this Nation has passed virtually unacknowledged. This bill would rectify the pay of World War II Philippine Scouts who bravely fought as part of the United States Army.

It is important to emphasize that the Philippine Scouts were not foreign soldiers; they were an integral unit coopted at a critical juncture into the United States Army. Created in 1901, the Scouts were an elite organization with a high esprit de corps. Never numbering more than 12,000 men, selection standards were extremely strict and membership is still honored among Filipinos.

At the onslaught of the war in the Pacific, when the Japanese attacked Pearl Harbor and invaded the Philippine Islands, these soldiers became the key to our entire South Pacific strategy. Against overwhelming odds, faced with superior numbers and equipment, devoid of air cover against constant bombings by the Japanese, and ravaged by malaria and beriberi, these men helped hold the Bataan Peninsula for 98 days. Over 1,000 went on to fight another 5 weeks in Corregidor. This determined resistance denied the Japanese an essential base for the projected thrust into the South Pacific. The enemy was also forced to retain a large army and naval force in the Philippines, which otherwise could have been deployed against Allied shipping of men and materials to Australia and New Caledonia from the United States and the Middle East.

Frankly, it was the Scouts' protracted defense of these islands that allowed the United States to recover from the first blows of the war and regroup for what would ultimately prove to be a successful counterattack. Their contributions and sacrifice have been duly noted in historical accounts of the war.

Gen. Douglas MacArthur described the Scouts as "excellent troops, completely professional, loyal, and devoted." When recruiting the Scouts, General MacArthur pledged, and I quote:

> War is the great equalizer of men. Every member of my command shall receive equal pay and allowances based on the United States Army pay scale, regardless of nationality.

However, Philippine Scouts have never received their just compensation from the United States.

Last year marked the 50th anniversary of the fierce battle at Corregidor and the Bataan death march in the Philippines. Yet for those who fought under the command of General MacArthur in the heroic defense of Bataan and Corregidor against Imperial Japan and who survived the infamous Bataan death march and captivity in Japanese prison camps, these memories of the pain endured have not faded. During these historic events and throughout the war, the Philippine Scouts displayed selfless sacrifice rivaling any other military unit.

Despite the valiant services of the Philippine Scouts who fought and sacrificed side by side with American soldiers and despite the fact that the unit was fully incorporated into the United States Army, the Scouts received only a fraction of the regular pay received by their American counterparts. In fact, while an American private was earning $30 per month during the war, a Philippine Scout with comparable rank serving the same amount of time was earning only $9 for his exposure to the same hardships and dangers.

Mr. Speaker, the time has come for Congress to rectify this longstanding inequity in our Nation's treatment of this very special group of World War II veterans. The legislation which I am introducing today would equate the retirement benefits paid to former Scouts or their survivors equal with those which are paid to their American counterparts of the same grade and length of service. Several years ago, the Department of the Army estimated that the cost of adjusting retirement benefits for the remaining living Philippine Scouts would only be $724,000 per year—a small price to pay for a commitment which has been ignored for over 50 years.

While the budgetary impact of this pay equalization is small, the symbolic value is immense. Congressional authorization of adjusted retirement benefits would be a meaningful demonstration of our gratitude for the faithful and gallant service of the Philippine Scouts during World War II. I urge my colleagues to support this worthwhile measure.

For the convenience of my colleagues, the text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Philippine Scout Retirement Pay Equity Act".

SEC. 2. PHILIPPINE SCOUT RETIRED PAY EQUALIZATION.

The Secretary of the Army shall redetermine the retired pay of each person entitled to retired pay from the Department of Defense for service as a Philippine Scout during the period beginning on December 7, 1941, and ending on December 31, 1946, as if the rate of basic pay payable to such person at the time of retirement had been the rate of basic pay payable to any other member of the United States Army in the same grade and with the same length of service as such person. The redetermination of retired pay shall apply only for retired pay payable for months beginning on or after the effective date of this Act.

SEC. 3. PHILIPPINE SCOUT SURVIVOR BENEFIT ADJUSTMENT.

The Secretary of the Army shall adjust the base amount used to calculate survivor benefits under subchapter II of chapter 73 of title 10, United States Code, for each person entitled to survivor benefits as the survivor of a Philippine Scout who served during the period beginning on December 7, 1941, and ending on December 31, 1946, to reflect the redeterminations of retired pay made for such Philippine Scout under section 2. The adjustment of survivor benefits shall apply only for survivor benefits payable for months beginning on or after the effective date of this Act.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect 60 days after the date of the enactment of this Act.

REINTRODUCTION OF THREE TAX BILLS PASSED LAST YEAR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. STARK. Mr. Speaker, I rise today to reintroduce three bills which passed Congress last year. All three were noncontroversial measures which passed the House in July and were then incorporated into H.R. 11, the Revenue Act of 1992. Congress passed H.R. 11 last fall, but the bill was subsequently vetoed by President Bush for reasons unrelated to these provisions.

The issues addressed in these three bills are:

A modification on the full funding limitations for multiemployer pension plans (for more details, please see CONGRESSIONAL RECORD, February 6, 1991, page E431).

An accounting correction for personal service corporations (see the CONGRESSIONAL RECORD, November 15, 1991, page E3871).

A tax on the conversion of nonprofits to profit organizations (see CONGRESSIONAL RECORD, November 26, 1991, page E4183).

Mr. Speaker, these three reforms will address minor, but not unimportant shortcomings in the Tax Code. I look forward to their early passage by the 103d Congress.

CORRECTION OF A MISSTATEMENT

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. DE LUGO. Mr. Speaker, I wish to thank the Members of this House for voting yesterday to extend the vote in the Committee of the Whole to the Delegates from the territories and the District of Columbia. This expansion of democracy was a proud moment for the House.

I have taken to the well to correct a misstatement made a few minutes ago on the floor by a Member from the other side who said my constituents do not pay Federal taxes. For the record let me correct that: We do. We pay at the same rate and use the same forms under a system called the Mirror System. We pay identical to the people in his district or any other district on the mainland. So whenever you raise taxes on your constituents you raise taxes on mine. Consequently it is a mistake to say that I would have no interest or incentive to oppose a tax increase. I have the same incentive that the gentleman has.

THE ADVANCEMENT OF WOMEN IN SCIENCE AND ENGINEERING ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mrs. MORELLA. Mr. Speaker, in an effort to support women in our changing economy, I am introducing the Advancement of Women in Science and Engineering Act. Women account for nearly 46 percent of the U.S. work force; yet in the fields of science and engineering, they are grossly under-represented and face barriers in recruitment, retention, and advancement.

Women account for only 24 percent of the scientists and a mere 8 percent of our Nation's engineers. In these fields, the unemployment rate for women is two to three times higher than it is for men.

The American Medical Association reports that the number of women physicians has quadrupled in the last 20 years. At Harvard this past year, 54 percent of the applicants were women. Women account for 34 percent of medical school graduates, and only 17 percent of practicing physicians. This year, 54 percent of the doctors in the first year of residency for obstetrics and gynecology were women.

Women are under-represented in the higher echelons of the medical profession. There are no women serving as deans at U.S. medical schools. Women make up less than 10 percent of medical school faculties. Less than 14 percent of the top positions at the National Institutes of Health are held by women. While women account for 19 percent of all pediatricians, only 3 percent of all surgeons are women.

According to a National Research Council report, the reason that women are leaving the science and engineering fields is directly related to the hostile workplace environment. Few policies, however, have been implemented to combat the problems women are facing in these occupations, which are traditionally dominated by men.

The Advancement of Women in Science and Engineering Act would set up a commission to study the barriers that women face in these fields. The commission would identify and examine the number of women in the science and engineering work forces and the specific occupations where they are underrepresented. The commission also would describe the practices and policies of employers relating to the recruitment, retention, and advancement of women scientists and engineers. The commission then would determine if these practices and policies are comparable to their male counterparts, and issue recommendations to Government, academia, and private industry based on successful programs.

The Advancement of Women in Science and Engineering Act passed the House during the 102d Congress, but was held up in the Senate. Speedy passage of this legislation will be a first step in countering the roadblocks for women in science and engineering, and will bring our Nation closer to creating a higher effective work force which, in turn, will promote economic prosperity.

REINTRODUCTION OF LEGISLATION REGARDING VETERANS' PREFERENCE

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. PENNY. Mr. Speaker, today I am reintroducing along with CHRIS SMITH of New Jersey, legislation granting veterans' preference in Federal hiring for all individuals who served on active duty during the Persian Gulf war regardless of their duty station. Currently veterans' preference is restricted to those receiving the Southwest Asia Service Medal which was awarded only to military personnel who served in Saudi Arabia, Kuwait, Iraq, other southwest Asian countries, or in the surrounding waters or air space, on or after August 2, 1990, and before the termination date of the Persian Gulf war.

This limitation of veterans' preference is unfairly restrictive and is inconsistent with past national policy. During the Vietnam era, for example, individuals who served more than 180 days on active duty during that period were eligible for veterans' preference. Eligibility was not based on a servicemember's duty station, but on the person's active duty service during wartime. This policy recognizes that all members of the military contribute to the effort of the entire force regardless of their individual assignments.

The bill I am reintroducing would extend veterans' preference to all veterans of the Persian Gulf war period who served 24 months of continuous active duty, or the full period for which they were called or ordered to active duty. This is fair to all who served our Nation during the gulf war period and ensures that our national policy toward these veterans is consistent with the policy established for veterans of previous war periods.

The legislation is identical to H.R. 3764 introduced November 13, 1991. The Post Office and Civil Service Committee, which has jurisdiction over veterans' preference, held a hearing on this bill on October 1, 1992, so there was no time at the end of the 102d Congress to move the bill forward. In the interest of equity for our veterans, I am hopeful that my colleagues on that committee will act quickly on this legislation this year.

TRIBUTE TO BISHOP FRANK C. CUMMINGS

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Ms. BROWN of Florida. Mr. Speaker, it is my pleasure to be here today to honor Bishop Frank C. Cummings who led us in prayer earlier today. Bishop Cummings is the bishop for the 11th Episcopal District of Florida. The district includes all of Florida and the Bahamas. The district has 490 churches and 140,000 members.

Bishop Cummings has served the 11th District since July of last year. He came to the Sunshine State from the Northeast. The bishop received his undergraduate degree from Daniel Payne University in Birmingham, AL, and did his theological training at Pacific University. The bishop did additional graduate work at the University of California in Santa Barbara.

He is married to the former Martha Cauley. Bishop Cummings has one daughter and two granddaughters. I am told that another grandchild is on the way.

I am thrilled to welcome Bishop Cummings to Washington and am glad that he was able to lead today's invocation.

THE EDUCATIONAL REFORM AND FLEXIBILITY ACT OF 1993

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. DEFAZIO. Mr. Speaker, who better understands the needs of students in our home districts—managers at the Department of Education or our local school boards, teachers, and parents? While the answer is obvious, current law has tied the hands of local schools and teachers with miles of redtape.

Our public schools must have the freedom to reform themselves if we are ever going to improve our national educational performance. The teachers, parents, and administrators who deal with school children on a day-to-day basis are in the best possible position to identify students' educational needs. Why then does the Federal Government micromanage these local efforts?

Today I'm introducing the Educational Reform and Flexibility Act of 1993, or Ed-Flex, to put school reform within the reach of local education agencies. My bill would allow teachers, parents, school boards, and administrators to most effectively use Federal education reform dollars. It allows the Secretary of Education to grant waivers in chapter 1, chapter 2, the Eisenhower Math-Science Program, the Follow-Through Act, the youth programs under the McKinney Act, and the Carl Perkins Vocational Education Act. The bill would allow six States to participate in the program in its first year. The program would then be expanded to other States.

In Oregon, education leaders have proven that education funding flexibility works. The Oregon Department of Education, with the support of the State Legislature and the Governor, has launched a trailblazing educational reform agenda. In Oregon, a school district can ask the State to grant waivers of certain State regulations or laws if they prevent the school district from improving its educational program. Local school districts can determine for themselves if a longer school year makes sense, or if they want to implement tougher graduation requirements.

But Oregon's exciting educational reform plan is on a choke chain at the Federal level. The Federal Government needs to eliminate the red tape that binds reform-minded school districts to outdated rules and regulations. And then we need to back up these local efforts with real Federal financial commitment, instead of the chump change we've been tossing them for the last 12 years.

I urge my fellow Members of the House of Representatives to join me, and my colleagues from Oregon, in cosponsoring this commonsense legislation.

SIGNIFICANT ANNIVERSARY IN THE U.S. CONGRESS

HON. TILLIE FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Ms. FOWLER. Mr. Speaker, this month marks a significant anniversary in the U.S. Congress that will probably pass largely unnoticed by all but a few congressional historians. It was 40 years ago this January that the Republican Party took control of the House of Representatives for the 83d Congress. Two years later, in 1955, the Democrats took over the leadership of the House and have held it ever since.

The Democratic Party has maintained single-party rule of the House of Representatives longer than Castro has ruled Cuba. Thirty-eight years of chairing every committee, spending every dime, setting every agenda, and writing every rule. You don't need to look any further than the rules passed by the leadership of the House this week to see the arrogance of power wrought by 38 years of Democratic control.

In a blatant power play, the Democrats extended voting privileges on the House floor to the four Delegates and one Resident Commissioner from Guam, American Samoa, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia. It just so happens that all five are Democrats.

Previously, these delegates could only vote in committee. Under the new rules passed by the Democrats, they may now vote on 99 percent of the legislation considered on the House floor.

While the Republicans gained 10 seats in the 1992 elections, the Democrats still hold an incredible 82-vote advantage. By extending voting privileges to the formerly nonvoting delegates, the Democrats have effectively cut the GOP's 10-seat gain in half to 5.

As stated in the U.S. Constitution, the House of Representatives shall be composed of Members chosen every second year by the people of the several States. Not one of the delegates represent in any form a State as recognized by the Constitution.

It is incomprehensible to think that American Samoa, with a population of 47,000, could have the same effect on the outcome of legislation as the Fourth District of Florida with over 500,000 people. As well, territories such as the U.S. Virgin Islands, population 102,000, and Guam, population 133,000, will have the same rights as recognized States who pay taxes and are impacted by Federal law. This move by the Democratic leadership translates into representation without taxation and undermines the Constitution.

INDIVIDUAL DEVELOPMENT ACCOUNT DEMONSTRATION ACT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. HALL of Ohio. Mr. Speaker, as chairman of the House Select Committee on Hunger, I am pleased to introduce the Individual Development Account Demonstration Act. This legislation authorizes the Treasury Department to implement a 5-year demonstration project that would provide incentives to a person with limited resources to accumulate enough savings to: First, buy his or her first home; second, go to college or receive long-term job training; third, start a small business; or fourth, set aside funds for retirement. I am pleased to introduce this legislation with the Hunger Committee ranking minority member, BILL EMERSON.

I am also pleased to report that President-elect Clinton supports this proposal.

This bill is the second of two asset development for the poor proposals I am introducing today. While the thrust of the first bill—the Microenterprise and Asset Development Act—is to remove the restrictions on asset accumulation by the poor, the idea behind the Individual Development Account Demonstration Act is to subsidize asset accumulation for the poor, just as the Federal Government does for the non-poor.

Mr. Speaker, America needs a new way of thinking about welfare. Traditional public assistance programs in America—which provide critically needed food, cash, health care, and housing assistance—are humane and justifiable, and these important programs should be improved and expanded. But while such programs have sustained millions of low-income persons, too rarely have they made them strong. As a result, most low-income Americans remain in poverty, which is a drain on the Nation, a loss of human resources, and an assault on human dignity.

Poverty rates remain high and welfare dependency continues, in part, because current welfare theory has taken for granted that a certain level of income or consumption is necessary for one's economic well-being. However, very few people manage to spend or consume their way out of poverty. Economic well-being does not come through spending or consumption; rather, it is achieved through savings, investment, and accumulation of assets, for assets can: Improve economic stability, connect people with a viable, hopeful future, and improve the welfare of offspring.

The Federal Government spends more than $100 billion per year to provide middle- and upper-income persons many incentives to accumulate savings and assets that is, home mortgage interest deductions and tax deductions for retirement pension accounts, but such incentives and benefits are beyond the reach of most low-income persons. Indeed, under current welfare policies, poor families must deplete most of their assets before qualifying for public assistance.

Federal antipoverty policy should therefore, Mr. Speaker, promote, not penalize, asset accumulation for the poor. I urge my colleagues to support this important legislation.

For the benefit of my colleagues, I have included a summary of the major provisions of the demonstration:

SUMMARY OF THE INDIVIDUAL DEVELOPMENT ACCOUNT DEMONSTRATION ACT

Purpose. Demonstration projects (conducted by private, non- and for-profit organizations) will be established to determine: (1) the social, psychological, and economic effects of providing individuals with limited means an opportunity to accumulate assets and; (2) the extent to which asset-based welfare policy may be used to enable individuals with low income to achieve economic self-sufficiency.

Applications. Grants shall be awarded on a competitive basis. Successful applicants will have received financial commitments from the State and private entities to carry out the project and will have demonstrated, in the judgment of the Secretary, an ability to: (1) assist participants in achieving self-sufficiency through the establishment and use of IDAs and; (2) responsibly administer the project. Applications must be submitted no later than April 1, 1994. Approval will be no later than June 1, 1994, with the projects beginning on July 1 of that year.

IDA Reserve Fund. Each project participating in the demonstration would establish an IDA Reserve Fund which consists of Federal, State, local, corporate, and private contributions as well as any funds originating from a non-designated use of an IDA. From the Reserve Fund, deposit subsidies would be made directly into an IDA.

Persons Eligible to Participate. The participating organization shall determine who may participate in the demonstration, but in all cases the individual selected will be a member of a household whose income is not more than 200 percent of the Federal poverty threshold and whose net worth is not more than $20,000. Net worth is defined as the sum of the market value of assets owned by every member of the household minus liabilities owed by the household. Net worth (for purposes of this demonstration) excludes the first $35,000 of home equity, equity in a vehicle, and equity in personal items (furniture, clothing, and jewelry).

Asset Tests in Other Programs. Funds in an IDA account (which are by definition restricted) shall be disregarded in determining eligibility for all means-tested public assistance programs.

General Oversight. A panel (established by the Secretary) composed of Federal and State officials, business leaders, and social policy innovators shall monitor the progress and provide general oversight of all of the demonstration projects. The panel will also develop general investment guidelines for amounts in IDAs and IDA Reserve Funds.

Evaluation. An independent research organization shall evaluate the demonstration projects, individually and as a whole. The research firm will be selected by the panel.

Authorization of Appropriations. Not more than $100,000,000 for each of the fiscal years 1994–1998 are authorized to be appropriated to carry out the project.

Definition of IDA. An Individual Development Account (IDA) is an optional, earnings-bearing, tax-benefitted account in the name of one person. An IDA would be held in a licensed, Federally-insured financial institution. Amounts in an IDA can be withdrawn without penalty only for the following designated purposes: (1) first-home purchase; (2) post-secondary education (college/long-term training); (3) business development and; (4) retirement. An IDA can also be transferred without penalty to one's spouse or dependent for the same uses.

Contributions and Tax-Benefits. There is no limit on the amount of funds that may be deposited into an IDA, and deposits may come from a variety of sources. The amount allowable as a tax deduction for amounts paid into an IDA, however, shall not exceed $2,000 per year (indexed for inflation), and shall be permitted for only the person in whose name the account has been established. (Married persons filing jointly could each take the full deduction, provided each is eligible.) Earnings on deposits to an IDA would also be exempt from taxation.

Withdrawals and Penalty for Non-Designated Use. Amounts withdrawn for a designated purpose will not be included in the gross income of the person in whose name the IDA has been established. Withdrawals from an IDA will be paid directly to the institution providing the designated service (e.g., to the mortgage provider for first-home purchase, to the university for post-secondary education). Withdrawals for any non-designated use (except in the case of death or disability) would: (1) trigger a 10 percent penalty; (2) require the inclusion in gross income of all amounts previously deducted or excluded; and (3) require the forfeiture of all deposit subsidies.

Deposit Subsidies. In order to stimulate savings of about $2,000 per year per person for any of the designated purposes, deposits into an IDA would be matched in accordance with the table below. All matching amounts would be deposited directly into an IDA and would come from an IDA Reserve Fund established by the project participating in the demonstration.

Income[1]	Matching ratio		Maximum match
	Ratio	Percent	
50 percent or less	9 to 1	900	$1,800

Income[1]	Matching ratio		Maximum match
	Ratio	Percent	
51 to 85 percent	5 to 1	500	1,650
86 to 125 percent	2 to 1	200	1,400
126 to 160 percent	1 to 2	50	700
161 to 200 percent	1 to 5	20	350

[1] Income of the individual as a percentage of the Federal poverty threshold.

INTRODUCTION OF YUGOSLAVIA WAR CRIMES LEGISLATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1993

Mr. WOLF. Mr. Speaker, today I am introducing a resolution which places the Congress on record in support of convening an international tribunal to consider war crimes in the former Yugoslavia.

Passage of this resolution is extremely important. It is important because, while the U.S. Congress is on record condemning the wartime atrocities in the former Yugoslavia, it is not on record in support of requiring those responsible for the brutal killing, rape, and torture to stand trial for their hideous deeds. Much has transpired since Congress adjourned last fall; new is information brought to light daily making it clear that those being killed and tortured in Bosnia-Hercegovina are not simply casualties of war, rather they are the victims of a carefully planned campaign of terror.

The resolution I am introducing today is quite simple. It puts the Congress and America on record urging the President to do everything possible to bring to justice those responsible for the continuing death and destruction in the former Yugoslavia.

Mr. Speaker, the war in the former Yugoslavia has caused pain and bloodshed not seen in Europe since World War II. Last August, I visited the former Yugoslavia. I was in Bosnia, Voivodina, Serbia, Kosova, and Macedonia. I flew into Sarajevo on a United Nations relief flight and witnessed first-hand the fighting going on in Bosnia. I also saw the hopeless faces of hundreds of men, mostly Muslims, in a Serbian prison camp. In February last year, I also visited Croatia where civil war was also raging.

The number of casualties is truly staggering. Consider for a moment these facts: Thousands of innocent civilians have been injured, wounded and killed; as many as 50,000 women and girls have been brutally raped; as many as 70,000 are currently being held in squalid concentration camps; millions more are homeless or living as refugees throughout Europe.

These numbers grow every hour and what of the uncounted cost. Who does not remember the glistening jewel—Sarejavo—at the 1984 winter Olympic games? Who would recognize the devastation there today?

Since this tragedy began, dozens of ceasefire agreements have been reached between the warring sides. But every one of these pacts have been quickly broken before the ink was dry. What will happen when peace finally does come in the former Yugoslavia? Who will be held responsible for the killings? For the violent rapes and the other torture? For the wholesale destruction of millions of homes and farms and businesses? Who is going to be held accountable for the destruction of this region of the world?

I am afraid that when peace is finally achieved, the international community may merely breathe a sigh of relief that the conflict has finally ended and quietly allow those responsible to simply vanish as faceless killers into history. We must not let that happen.

I am submitting for the RECORD several articles which highlight the need for a war crimes tribunal. Among them is a statement issued in December 1992, by Secretary of State Lawrence Eagleburger. I commend Secretary Eagleburger for this statement because in it, for the first time, a high level U.S. Government official places blame for the atrocities being committed in Bosnia-Hercegovina squarely on specific individuals. These are by no means the only people involved in this tragedy, but Mr. Eagleburger is right in pointing the finger directly at a half dozen officials who should be the first to appear before a war crimes court.

War is a horrible human tragedy. But war against noncombatants—women, children, and the elderly—is uniquely cruel. To let the barbarians responsible for these atrocities go free would be one of the greatest miscarriages of justice this world has ever known.

Mr. Speaker, the United States is truly a beacon for hope and morality in the world. Other nations are awaiting our leadership. The U.S. Congress must not let them down. I urge quick passage of this resolution and welcome the support of my colleagues.

STATEMENT BY SECRETARY OF STATE LAWRENCE S. EAGLEBURGER

Ladies and Gentlemen, just under four months ago, an important milestone was reached with the convening of the London International Conference on the Former Yugoslavia. Commitments were made both by the parties to the Yugoslav conflict and by the international community itself—commitments to ensure unimpeded delivery of humanitarian aid; to lift the barbaric seige of cities; to halt all military flights over Bosnia-Herzegovina; to group all heavy weapons under UN monitoring; to open up and shut down all detention camps; to tighten sanctions against the aggressor; and to prevent the conflict's spread to neighboring regions and countries.

Come of those commitments have been kept, particularly in the area of sanctions monitoring, and in efforts to prevent a further widening of the war. Most importantly, London established a negotiating mechanism centered here in Geneva, which has brought the international community and the various ex-Yugoslav parties together on an ongoing basis, and which, thanks to the efforts of Cyrus Vance and Lord Owen, remains a viable forum for an eventual settlement of the war.

But let us be clear: we find ourselves today in Geneva because most of the commitments made in London have not been kept, and because the situation inside the former Yugoslavia has become increasingly desperate. Thus we meet to discuss how the international community will respond in order to force compliance with the London agreements, and thereby accelerate an end to the war.

It is clear in reviewing the record since London that the promises broken have been largely Serbian promises broken. It is the Serbs who continue to besiege the cities of Bosnia; Serb heavy weapons which continue to pound the civilian populations in those cities; the Bosnian Serb air forces which continue to fly in defiance of the London agreements; and Serbs who impede the delivery of humanitarian assistance and continue the odious practice of "ethnic cleansing". It is now clear, in short, that Mr. Milosevic and Mr. Karadzic have systematically flouted agreements to which they had solemnly, and yet cynically, given their assent.

Today we must, at a minimum, commit ourselves anew to the London agreements by: Redoubling our assistance efforts, and continuing to press for the opening of routes for aid convoys, so that widespread starvation can be avoided this winter; strengthening our efforts to prevent the war's spillover, particularly in the Kosovo, which we will not tolerate; and tightening and better enforcing sanctions, the surest means of forcing an early end to the war.

But we must also do more. It is clear that the international community must begin now to think about moving beyond the London agreements and contemplate more aggressive measures. That, for example, is why my government is now recommending that the United Nations Security Council authorize enforcement of the no-fly zone in Bosnia, and why we are also willing to have the Council reexamine the arms embargo as it applies to the government of Bosnia-Herzegovina.

Finally, my government also believes it is time for the international community to begin identifying individuals who may have to answer for having committed crimes against humanity. We have, on the one hand, and moral and historical obligation not to stand back a second time in this century while a people faces obliteration. But we have also, I believe, a political obligation to the people of Serbia to signal clearly the risk they currently run of sharing the inevitable fate of those who practice ethnic cleansing in their name.

The fact of the matter is that we know that crimes against humanity have occurred, and we know when and where they occurred. We know, moreover, which forces committed those crimes, and under whose command they operated. And we known, finally, who the political leaders are to whom those military commanders were—and still are—responsible.

Let me begin with the crimes themselves, the facts of which are indisputable:

The siege of Sarajevo, ongoing since April, with scores of innocent civilians killed nearly every day by artillery shelling;

The continuing blockade of humanitarian assistance, which is producing thousands upon thousands of unseen innocent victims;

The destruction of Vukovar in the fall of 1991, and the forced expulsion of the majority of its population;

The terrorizing of Banja Luka's 30,000 Muslims, which has included bombings, beatings and killings;

The forcible imprisonment, inhumane mistreatment and willful killing of civilians at detention camps, including Banja Luka/Manjaca, Broko/Luka, Krajina/Prnjavor, Omarska, Prijedor/Keraterm, and Trnopolje/Kozarac;

The August 21 massacre of more than 200 Muslim men and boys by Bosnian Serb police in the Vlasica mountains near Varjanta;

The May–June murders of between 2,000 and 3,000 Muslim men, women and children by Serb irregular forces at a brick factory and a big farm near Broko;

The June mass execution of about 100 Muslim men at Brod;

And the May 18 mass killing of at least 56 Muslim Family members by Serb militiamen in Grbavci, near Zvornik.

We know that Bosnian Serbs have not alone been responsible for the massacres and crimes against humanity which have taken place. For example, in late October Croatian fighters killed or wounded up to 300 Muslims in Prozor; and between September 24–26, Muslims from Kamenica killed more than 60 Serb civilians and soldiers.

We can do more than enumerate crimes; we can also identify individuals who committed them:

For example, Borislay Herak is a Bosnian Serb who has confessed to killing over 230 civilians;

And "Adil and "Arif" are two members of a Croatian paramilitary force which in August attacked a convoy of buses carrying more than 100 Serbian women and children, killing over half of them.

We also know the names of leaders who directly supervised persons accused of war crimes, and who may have ordered those crimes. These include:

Zeljko Raznjatovic, whose paramilitary forces, the "Tigers", have been linked to brutal ethnic cleansing in Zvornik, Srebrenica, Bratunac and Grobnica; and who were also linked to the mass murders of up to 3,000 civilians near Broko;

Volislav Seseij, whose "White Eagles" force has been linked to atrocities in a number of Bosnian cities, including the infamous incident at Broko;

Drago Prcac, Commander of the Omareka Detention Camp, where mass murder and torture occurred;

And Adem Delic, the camp commander at Colebici where at least 15 Serbs were beaten to death in August.

I want to make it clear that, in naming names, I am presenting the views of my government alone. The information I have cited has been provided to the UN War Crimes Commission, whose decision it will be to prosecute or not. Second, I am not prejudging any trial proceedings that may occur; they must be impartial and conducted in accordance with due process. Third, the above listing of names is tentative and will be expanded as we compile further information.

Finally, there is another category of fact which is beyond dispute—namely, the fact of political and command responsibility for the crimes against humanity which I have described. Leaders such as Slobodan Milosevic, the President of Serbia, Radovan Karadzic, the self-declared President of the Serbian Bosnian Republic, and General Ratho Mladic, Commander of Bosnian Serb military forces, must eventually explain whether and how they sought to ensure, as they must under international law, that their forces complied with international law. They ought, if charged, to have the opportunity of defending themselves by demonstrating whether and how they took responsible action to prevent and punish the atrocities I have described which were undertaken by their subordinates.

I have taken the step today of identifying individuals suspected of war crimes and crimes against humanity for the same reason that my government has decided to seek UN authorization for enforcing the no-fly zone in Bosnia, and why we are now willing to examine the question of lifting the arms embargo as it applies to Bosnia-Hersegovina. It is because we have concluded that the deliberate flaunting of Security Council resolutions and the London agreements by Serb authorities is not only producing an intolerable and deteriorating situation inside the former Yugoslavia, it is also beginning to threaten the framework of stability in the new Europe.

It is clear that the reckless leaders of Serbia, and of the Serbs inside Bosnia, have somehow convinced themselves that the international community will not stand up to them now, and will be forced eventually to recognize the fruits of their aggression and the results of ethnic cleansing. Tragically, it also appears that they have convinced the people of Serbia to follow them to the frontlines of what they proclaim to be an historic struggle against Islam on behalf of the Christian West.

It is time to disabuse them of these most dangerous illusions. The solidarity of the civilized and democratic nations of the West lies with the innocent and brutalized Muslim people of Bosnia. Thus we must make it unmistakably clear that we will settle for nothing less than the restoration of the independent state of Bosnia-Herzegovina with its territory undivided and intact; the return of all refugees to their homes and villages; and, indeed, a day of reckoning for those found guilty of crimes against humanity.

It will undoubtedly take some time before all these goals are realized; but then there is time, too, though not much, for the people of Serbia to step back from the edge of the abyss. There is time, still, to release all prisoners; to lift the siege of cities; to permit humanitarian aid to reach the needy; and to negotiate for peace and for a settlement guaranteeing the rights of all minorities in the independent states of the former Yugoslavia.

But in waiting for the people of Serbia, if not their leaders, to come to their senses, we must make them understand that their country will remain alone, friendless and condemned to economic ruin and exclusion from the family of civilized nations for as long as they pursue the suicidal dream of a Greater Serbia. They need, especially, to understand that a second Nuremberg awaits the practitioners of ethnic cleansing, and that the judgment, and opprobrium, of history awaits the people in whose name their crimes were committed.

A PATTERN OF RAPE—A TORRENT OF WRENCHING FIRST-PERSON TESTIMONIES TELLS OF A NEW SERB ATROCITY: SYSTEMATIC SEXUAL ABUSE

About all she has left is her name, which she prefers to keep to herself, and the shocking memories of last July. That's when Serbian troops stormed the northwest Bosnian village of Rizvanovici, and S., a 20-year-old Muslim woman with a ponytail, was rounded up with 400 other women in the yard of a neighbor's house. Two soldiers, wearing camouflage uniforms and Serbian crosses around their necks, picked S. and her friend I. out of the crowd. "They brought us to an empty house and there they did what they wanted to do," says S. dully. "First we had to excite them and then we had to satisfy them." Afterward the Serbs traded partners. The girls had been virgins. "They were laughing at us," S. recalls. "They said we were pretty girls and [that] we saved ourselves for them."

Her ordeal didn't end there. After being raped and dumped at the yard, one of the soldiers came back to bring S. to his commander. "He told me to take off my clothes and to lie down on the bed," she says. "Then he did the same thing. He started to kiss and to caress me. He saw that I didn't feel anything. I looked into his eyes and asked him if he had a wife. He said no. I asked him if he had a sister. He said he had one. Then I said, "How would your sister feel if somebody did the same thing to her that you are doing to me?" Then he jumped up and told me to get dressed and leave."

S., who now lives in a refugee center in northern Croatia, is a survivor of what may be the most sadistic violence to haunt Europe since the Nazi campaigns: "ethnic cleansing." Now, on top of documented cases of systematic torture and murder in Bosnia, come charges of a new Serb atrocity—mass rape. No one knows how many victims there are, though estimates range from 30,000 to 50,000 women, most of them Muslim. In the last few months, a torrent of wrenching first-person testimonies from refugees has emerged, suggesting widespread sexual abuse by Serb forces. They tell of repeated rapes of girls as young as 6 and 7; violations by neighbors and strangers alike; gang rapes so brutal their victims die; rape camps where Serbs routinely abused and murdered Muslim and Croat women; rapes of young girls performed in front of fathers, mothers, siblings and children; rapes committed explicitly to impregnate Muslim women and hold them captive until they give birth to unwanted Serbian babies.

Many reports are unconfirmed, and some may never be independently corroborated. But as anecdotal evidence piles up, Western media and women's groups are pressuring their governments to take some kind of action. So far it has resulted in little more than intelligence gathering by the United States and the European Community. The U.N. Security Council, citing "massive, organized and systematic detention and rape," voted unanimously on Dec. 18 to condemn "atrocities committed against women, particularly Muslim women, in Bosnia and Herzegovina." In blithe defiance of international outrage, the Serbs continue to attack Bosnian towns.

Do the Serbs have a deliberate policy of rape? Have they, as Bosnian Foreign Minister Haris Silajdzic alleges to Newsweek, used rape in the "systematic humiliation and genocide of the Bosnian people"? U.S. government analysts haven't yet uncovered anything as obvious as a speech or direct order by a Serbian leader calling on troops to violate Muslim women. But there does seem to be a widespread pattern of on-the-ground commanders encouraging—or even ordering—their men to rape. The testimonies of so many victims and witnesses, and of some captured Serb perpetrators, have a consistency that cannot be accidental. "It's hard to believe that all these Serbian men, no matter how animalistic you think human nature is, would suddenly get it in their heads to find a 7-year-old girl and rape her," says the lead State Department researcher. Rape is an integral part of ethnic cleansing, of eradicating entire areas of their historic Muslim populations through brutal intimidation, expulsion and outright murder. In such Bosnian towns as Breko, Bjeljina, Kljuc, Sanski Most, Prijedor, Kotor Varos, Zvornik, leading citizens—anyone who owned a business, participated in the Party of Democratic Action, held a university degree—were hunted down and liquidated. The rest of the male population was packed off to the prison camps. Rape clearly was the coup de grace delivered to tens of mortally wounded towns, a way of ensuring that women would never want to return to their homes.

For 12-year-old Vasvija, the terror began after she was evicted from her village of

Jelec in August. During her first night in Partizan Hall, a Serb-run detention camp in the nearby eastern Bosnian town of Foca, two soldiers picked her from among the 70 detainees, all women, children and elderly civilians. "They brought me to a flat, an empty flat," she says, a single tear running down an otherwise passive face. "They raped me." Both soldiers? "Both." Over nine consecutive nights, Vasvija endured the same hideous treatment at the hands of different men. Once she was taken out with her mother and another inmate. They were all raped by the same Serbian soldier. Exchanged on Sept. 17 for Serb prisoners, Vasvija, her siblings and her mother now live in a refugee center near Sarajevo. No one has heard from her father, who was beaten and dragged off to a different prison camp when the Serbs overran Jelec.

How many women are victims of rape? The Bosnian goverment commission on war crimes in Sarajevo claims that there are 30,000; the Ministry for Interior Affairs goes as high as 50,000 women. When pressed, Bosnian officials concede that their estimates are extrapolations based on a relatively small number of testimonies. There's no procedure for reporting such crimes and little willingness by victims to come forward. Battered by fear and shame, most survivors keep their stories to themselves. "They have been brought up in the Islamic spirit," explains Dr. Muhamed Sestic, chief of the neuropsychiatric department at the hospital in Zenica, in central Bosnia. "Sexual intercourse is a very serious act, no matter if it's done with or against the will of the woman." Families, he says, often conceal rape to spare a woman from marrying beneath her station—or to keep the knowledge from her husband. Muhamed Sacirbey, leader of the Bosnian Mission to the United Nations, has a grimmer explanation of the relative paucity of confirmed reports: "We believe many of the women who've been raped have been murdered. But a thorough search can't yet be conducted of the victims' whereabouts." The Serbian forces after all, still occupy 70 percent of Bosnia.

Proving mass rape is difficult. No allegation is so emotionally charged—or so susceptible to exaggeration and propaganda. "It will be years before the full picture of what has transpired emerges," reports a U.S. government specialist. "When we finally can survey the interior of Bosnia, I think we'll find a mass grave associated with each and every camp and village that was ethnically cleansed. And in every one of them will be women who were raped."

The attempt to pin down numbers enrages some advocacy groups. "What happens to men is called politics, what happens to women is called culture," says Gloria Steinem. She has a point: rape has historically been treated as an incidental atrocity of war. Along with groups like the International League for Human Rights and the Center for Reproductive Law & Policy, the Ms. Foundation has labored to place rape in Bosnia at the center of international attention. Many organizations hope to provide psychological support to rape survivors. But a chief aim is to prosecute war criminals. Says Steinem: "These people must be held responsible."

But sorting out "these people" won't be easy. In his call for a war-crimes trial, Secretary of State Lawrence Eagleburger lumped together the chief architects of a Greater Serbia—including Serbian President Slobodan Milosevic and Radovan Karadzic and Ratko Mladic, the political and military leaders of the Bosnian Serbs—with low-ranking henchmen like Borislav Herak. A 21-year-old Serb laborer from Sarajevo, Herak admits to raping seven Muslim women and to killing two of his victims in addition to the 18 murders to which he has already confessed. "We were ordered to rape so that our morale would be higher," he says from a military prison in the Bosnian capital. "We were told we would fight better if we raped the women." He claims that he and fellow soldiers frequented the Sonja Cafe—one of several alleged "rape camps" outside Sarajevo—which maintained a population of 70 Muslim women and girls; those who were killed were quickly replaced.

Entire villages, such as Miljevina in eastern Bosnia, may have been converted to rape camps. About 100 people, "all young Muslim women and girls, were raped," says a 20-year-old named Aida. Her attacker was Dragan J., a Serb policeman and neighbor, who excused his behavior, she says, on the ground that "'It is war, you can't resist, there is no law and order'." Rasema, a 33-year-old mother, offers a similar account. She claims that her assailants raped her in front of her two girls. When she resisted, they threatened, "We will cut out your teeth! Do you want us to slaughter your children, to watch us cutting them into pieces, piece after piece?" In his own defense, one attacker told Rasema, "I have to do it, otherwise they will kill me."

He may have been telling the truth. Two young Serb deserters, Slobodan Panic and Cvijetin Maksimovic, now being held in a prison in Orasje, Bosnia, told Newsweek they were ordered to rape and murder for the amusement of their commander in Brcko, in northeastern Bosnia, last May. Panic says he balked when two battered women, each about 18, were brought to him in a room in a warehouse where 500 to 600 civilians were imprisoned. Serb soldiers "said they'd kill me if I didn't" rape them, he recalls, insisting that he "only did a little" to his screaming victims, not consummating the act. Three other women were dragged out for the same humiliating display. During these episodes, Panic says, soldiers stood around in a circle and laughed. Then they hauled two badly beaten Muslim prisoners before Panic and handed him a gun. "I said, 'I can't, they've never done anything to me'," he remembers. "'You have to or else we'll kill you'," Panic says he was told. He shot each man in the chest. Two more male prisoners appeared. A soldier handed Panic a knife. "Butcher them," he commanded. When Panic protested, the soldier replied, "I'll show you how it's done." Then, holding Panic's hand around the knife handle, he seized the man by the hair, jerked back his head and cut his throat.

Death, at least, brings an end to suffering. Rape victims who became pregnant relive their horror every day. Sofija, a 30-year-old Muslim, was released from a school turned prison camp in the village of Parzevic in mid-September, after being raped every night for six months by five or six different Serb soldiers. Now she is hiding from her family in a cold Sarajevan hospital, tormented by the thought of the unwanted child growing inside her. "I do not want to see the baby," the mother of two says without emotion. "I will not feed it. I do not want anything to do with it." Her roommate says that Sofija talks in her sleep every night, debating whether to kill the baby when in arrives in mid-January. Somewhere in Sarajevo are 12 other pregnant women and girls from the same village as Sofija who were similarly raped and held until long past the time for a safe abortion. Earlier release doesn't guarantee relief: a 1978 Yugoslav law allows gynecologists to perform abortions only up to the 10th week of pregnancy; thereafter, cases are referred to a hospital ethics commission which, in Roman Catholic Croatia, home to 400,000 Bosnian refugees, may be more inclined to put the babies up for adoption.

Rape is the ultimate act in the Serbs' program of annihilation. They have robbed countless civilians of their possessions, their land, their lives and their dignity. Bosnia will be haunted by hundreds, if not thousands, of Serbian children forced on unwilling Muslim mothers. The Serbs do seem to be winning their ugly war. But their crimes have guaranteed that Greater Serbia will be an international pariah for years to come.

Where the World Can Draw the Line

Is there any way to stop Serbian atrocities in Bosnia? So far, the Serbs have resisted an international blockade and a global outcry. They have ignored a United Nations ban on flights by Serbian warplanes over Bosnian territory. The no-fly zone may not do the poor Bosnians much good, but that is where George Bush, in the valedictory days of his presidency, wants to draw the line. He hopes an aerial crackdown on the Serbs will keep their ethnic aggression in check, even if it cannot roll back their conquests. The trouble is, Bush's allies keep dragging their feet.

The administration hopes for a U.N. Security Council resolution this week authorizing military enforcement of the often flouted flight ban. But a senior State Department official complains: "Our British friends are wimping again. So are the French—and it's their goddamned resolution." The British wanted a 30-day delay in enforcing the ban, which would allow them to equip their 2,400 peacekeeping troops in Bosnia with heavy weapons as protection against reprisals threatened by Serbs. That long a delay would take some pressure off Serbia. It also would "leave it to [Bill] Clinton to blow the first Serbian helicopter out of the sky," said the Bush adviser, "and that would be terribly unfair."

France wanted to limit the enforcement by allowing allied warplanes to shoot down only the specific Serbian violators of Bosnian airspace. The Pentagon said it needs authorization to take out support facilities in Serbia itself, including air bases, communications gear and fuel supplies. France also wanted to put the entire operation under U.N. command, an arrangement that the United States, which would supply the largest share of the military assets, simply would not accept.

Washington believes that quick and firm action is needed to avert a repressive move against Kosovo, a Serbian province whose population is 90 percent ethnic Albanian. Last week Serbian President Slobodan Milosevic, the nationalist who inspired the attacks on Bosnia, claimed a resounding electoral victory over Prime Minister Milan Panic, the Belgrade-born California millionaire who had campaigned on a peace platform. Election monitors from the Conference on Security and Cooperation in Europe (CSCE) said the vote was "riddled with flaws and irregularities." But far-right nationalists also did well in the election, suggesting that many Serbs endorse "ethnic cleansing." One of the winners was Zeljko Raznatovic, leader of a Serbian paramilitary group in Kosovo.

Newsweek has learned that, in hopes of heading off a crackdown on Kosovo, Secretary of State Lawrence Eagleburger considered a trip to Belgrade to confront Milosevic, a former communist official he got to know well during his years as U.S. ambassador to Yugoslavia. An allied source quoted Eagleburger as saying he wanted to see Milosevic and "shake my fist in his face." But the secretary scrubbed the trip after he and Bush decided that a high-profile visit would only harden Milosevic's defiance.

Meanwhile, administration officials are keeping in touch with Clinton's foreign policy advisers, observing a careful distinction between "informing" them and "consulting" them. Clinton advocates enforcing a no-fly zone over Bosnia and supports other limited uses of force, especially from the air, to defend the former Yugoslav republic. Sources say Clinton's vice president, Al Gore, met quietly in Washington last week with Haris Silajdzic, Bosnia's foreign minister.

Russian Tilt: Short of bombing Serbia's infrastructure, the Bush administration sees no sure way to restrain Milosevic. A Serbian purge of Kosovo could draw other Balkan countries into a widening war. But nationalism is complicating the effort to find a solution at the United Nations. Hard-line nationalists in Moscow are demanding a tilt toward Serbia, a traditional Russian ally. It's by no means clear that the Russians would veto military action against Serbia, but cooperating with Washington could cost embattled President Boris Yeltsin some scarce political capital. And a senior administration official worries that "If Russia's foreign policy turns back, all bets are off. The U.N. and the CSCE, as instruments of peacemaking or peacekeeping in the post-cold-war era, are finished." It hasn't yet come to that, but the idea of a "new world order," George Bush's loftiest legacy, is fading fast.

Will There Be "a Second Nuremberg"?

A second Nuremberg is in store for the practitioners of "ethnic cleansing," declared U.S. Secretary of State Lawrence Eagleburger, naming 10 candidates for prosecution as war criminals, including Serbian President Slobodan Milosevic. The United Nations Security Council, he noted, has created a five-member Commission of Experts to investigate war crimes in the Balkans, the first such body since 1943, when the World War II Allies began assembling evidence against the Nazis. Since October, the five have been poring through a six-foot stack of detailed reports on atrocities in the Balkans—"some of the worst things you can imagine," in the words of one of those experts, De Paul University law professor Cherif Bassiouni. It all sounds deadly serious. But what are the odds that Milosevic or anyone else in the former Yugoslavia will be hauled before a tribunal?

Long at best. In theory, the world community has plenty of prosecutorial tools to use in upholding the laws of war. And the end of the cold-war rivalry appears to be broadening the constituency for a muscular defense of human rights. But huge obstacles remain. As a practical matter, documenting war crimes in the Balkans would be far more difficult than building a case against the Nazis was, because the Nazis kept good records and there was a clear chain of command. Then there is politics: many U.N. members fear that creating a tribunal to prosecute atrocities in the Balkans could lead to the investigation of human-rights abuses in their own countries. Some human-rights activists predict that the threat of prosecution will eventually be bargained away as part of a peace settlement in the Balkans. The United Nations, they charge, is merely posturing. "We are terribly frustrated," one member of the U.N. commission told Newsweek. "It's a big game."

The laws are clear enough. Any case against Milosevic or the others would rest on "grave breaches" of international agreements dating to 1907, when the Hague Convention prohibited attacks on undefended civilian targets. That basic principle was elaborated in the Geneva Conventions of 1929 and 1949, which set up strict guidelines for the treatment of prisoners of war and civilians caught in war zones; among its many provisions are prohibitions on the transfer of civilian populations and "outrages against personal dignity." In addition, a separate Genocide Convention, adopted in 1951, bans acts committed "with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such" and requires the United Nations to take "appropriate" action to stop it. Reports on "ethnic cleansing" provide a powerful case that violations of all these conventions are rife.

But fully investigating a crime is far different from compiling allegations. And what the United Nations has created is the shell of an investigative force—without a staff, budget or any clear authority to do more than shuffle papers. "It's a question of political will," said one member. "I think they're hoping that the crisis will go away." Telford Taylor, one of the chief Nuremberg prosecutors, predicts that "the outcome will depend much more on political developments than on getting out the books on the laws of war." Ultimately, what produced the Nuremberg judgment was an Allied victory in World War II: the victors set up their own tribunal. And in the Balkans, so far it's the Serbs who are winning.

Crimes Without Punishment

(By Bruce W. Nelan)

Brutal crimes are being committed in Bosnia and Herzegovina, and anyone watching television can see the gruesome effects every day. War is not pretty, but it has its rules. Whenever armies torture or murder civilians, imprison them in concentration camps or drive them off the land, when they burn houses, wantonly shell cities and rape women, they are committing war crimes.

International law sometimes seems abstruse, but it is absolutely clear on this issue. A shooting war is no excuse for mistreating civilians or military prisoners. The legal precedents were set at the trials of major war criminals in Nuremberg and Tokyo after World War II. The underlying principles were endorsed by the U.N. General Assembly and the U.N. International Law Commission and codified in the fourth Genneva convention in 1949.

"There is no question about the fact that war crimes have occurred in the former Yugoslavia," says Adam Roberts, professor of international relations at Oxford University and a leading expert on the subject. "The Geneva conventions have been obviously and massively violated." So when U.S. Secretary of State Lawrence Eagleburger said in Geneva last month that "crimes against humanity have occurred," he was simply stating a fact.

But what does the West intend to do about it? The U.N. Security Council has deplored "grave breaches of international humanitarian law" in Bosnia and Herzegovina time and again. Eagleburger took it a step further, warning the criminals of "a second Nuremberg" and linking specific men to the crimes: four Serbs, two Croats and a Muslim. He also named three political leaders, including Serbian President Slobodan Milosevic, as bearing special responsibility. Yet there are no signs that any of this is more than the rhetoric of outrage. Two of the men Eagleburger fingered are to fly to Geneva this month at U.N. expense to talk peace with Bosnian leaders.

Appalling crimes have been committed, but proving that a particular suspect is guilty of a specific atrocity, as is legally required, will be difficult. The Nuremberg tribunal was aided greatly by meticulous Nazi record keeping; no such paper trail of official orders and reports is likely to turn up in Bosnia. And if solid indictments are eventually prepared, no court exists to try such cases. Even more difficult, there is no way to arrest the suspects. "No one knows where this will lead," says a Western diplomat in Belgrade, "but we have crimes here of such a scale that you can't just wash your hands of them."

A second Nuremberg may not be possible, but the U.N. is on a path that could lead to trials. The Security Council last October authorized a commission of legal experts from five countries to document war crimes in Yugoslavia. Secretary-General Boutros Boutros-Ghali said he hoped the process thus begun would end by creating an appropriate court to judge the accused. The expert commission has already received 3,000 pages of testimony on war crimes in Bosnia from governments, aid organizations and individuals, mostly refugees. After analyzing the information, the experts will report to Boutros-Ghali by the end of this month. The next step will be up to the Security Council.

Legal scholars believe that a special tribunal, rather than any single nation's courts, would be the appropriate venue. Says Jochen Frowein, of the Max Planck Institute for International Law in Heidelberg: "A Security Council resolution setting out in detail how existing provisions on war crimes shall be applied is the only promising avenue."

There the process would probably break down, for the suspects are not in the U.N's hands. Even if the panel of experts reports the crimes against humanity in all their enormity and the Security Council establishes a proper tribunal, the criminals could well remain unfettered in Bosnia, Serbia and Croatia. Short of a military invasion from the West, there is no obvious way to find and detain them.

With such a dead end likely, many experts are skeptical about how serious Eagleburger and the U.S. government are when they speak of war crimes. Some critics believe that Washington is raising the issue to mask its unwillingness to use force against the criminals in Yugoslavia. The public charges, says Rosalyn Higgins, a professor of international law at the London School of Economics, reflect "impotence or inability for political reasons to act."

One way to take action, if the accused cannot be delivered to an international tribunal, would be to try them in absentia. Those found guilty would risk arrest if they ever went abroad. Even without a formal trial, the accused will have to think twice about leaving home. The crimes are of "universal jurisdiction," which means that every country is entitled to prosecute offenders found within its borders. And there is no statute of limitations on these crimes.

But the skeptics may be right. Since Eagleburger named names last month, the U.S. has made no effort to follow up or press for quick action to create a tribunal. That is true even though Washington is sitting on intelligence estimates that indicate 70,000 people—five times the number mentioned in public—are being held under intolerable conditions in concentration camps in Bosnia and Serbia. Those camps' lines of command, according to intelligence reports, lead straight to Belgrade, the Serbian capital. But the West seems so embarrassed at what it has recently discovered in the former Yugoslavia that it does nothing about it.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 7, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 8

9:30 a.m.

Governmental Affairs

To hold hearings to examine the new administration's recommendations and reports relating to Federal policy and management.

SD–342

Joint Economic

To hold hearings on the employment-unemployment situation for December.

SD–628

JANUARY 11

9:30 a.m.

Governmental Affairs

To hold hearings on the prospective nomination of Leon E. Panetta, of California, to be Director, Office of Management and Budget.

SH–216

10:00 a.m.

Environment and Public Works

To hold hearings on the prospective nomination of Carol M. Browner, of Florida, to be Administrator of the Environmental Protection Agency.

SD–106

JANUARY 12

9:30 a.m.

Governmental Affairs

To continue hearings on the prospective nomination of Leon E. Panetta, of California, to be Director, Office of Management and Budget.

SH–216

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the prospective nomination of Henry Cisneros, of Texas, to be Secretary of Housing and Urban Development.

SD–628

Labor and Human Resources

To hold hearings on the prospective nomination of Richard Riley, of South Carolina, to be Secretary of Education.

SD–430

2:00 p.m.

Select on Indian Affairs

To hold oversight hearings on Indian housing and related facility needs.

SR–485

JANUARY 13

9:30 a.m.

Environment and Public Works

To hold hearings on the prospective nomination of Frederico Pena, of Colorado, to be Secretary of Transportation.

SD–406

Governmental Affairs

To hold hearings on the prospective nomination of Alice M. Rivlin, to be Deputy Director, Office of Management and Budget.

SD–342

10:00 a.m.

Foreign Relations

To hold hearings on the prospective nomination of Warren M. Christopher, of California, to be Secretary of State.

SH–216

2:00 p.m.

Foreign Relations

To continue hearings on the prospective nomination of Warren M. Christopher, of California, to be Secretary of State.

SH–216

JANUARY 14

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the prospective nomination of Mike Espy, to be Secretary of Agriculture.

SD–138

Foreign Relations

To continue hearings on the prospective nomination of Warren M. Christopher, of California, to be Secretary of State.

SH–216

2:00 p.m.

Foreign Relations

To continue hearings on the prospective nomination of Warren M. Christopher, of California, to be Secretary of State.

SH–216

JANUARY 19

10:00 a.m.

Foreign Relations

Business meeting, to consider the prospective nomination of Warren M. Christopher, of California, to be Secretary of State.

S–116, Capitol

JANUARY 21

10:00 a.m.

Foreign Relations

To hold hearings on the prospective nomination of Madeleine K. Albright, of the District of Columbia, to be the U.S. Representative to the United Nations, with the rank of Ambassador, and the U.S. Representative in the Security Council of the United Nations.

SH–216

2:00 p.m.

Foreign Relations

To continue hearings on the prospective nomination of Madeleine K. Albright, of the District of Columbia, to be the U.S. Representative to the United Nations, with the rank of Ambassador, and the U.S. Representative in the Security Council of the United Nations.

SH–216

Select on Indian Affairs

To hold hearings on the prospective nomination of Bruce Babbitt, of Arizona, to be Secretary of the Interior.

SR–485

JANUARY 22

10:00 a.m.

Foreign Relations

To hold hearings on the prospective nomination of Clifton R. Wharton, Jr., of New York, to be Deputy Secretary of State.

SH–216

2:00 p.m.

Foreign Relations

To continue hearings on the prospective nomination of Clifton R. Wharton, Jr., of New York, to be Deputy Secretary of State.

SH–216

JANUARY 26

9:30 a.m.

Governmental Affairs

To hold an organizational meeting to consider pending committee business.

SD–342

10:00 a.m.

Select on Indian Affairs

To hold an organizational meeting, to consider proposed legislation requesting certain funds in operating expenses, and other pending committee business.

SR–485

10:30 a.m.

Foreign Relations

Business meeting, to consider the prospective nominations of Clifton R. Wharton, Jr., of New York, to be Deputy Secretary of State, and Madeleine K. Albright, of the District of Columbia, to be the U.S. Representative to the United Nations, with the rank of Ambassador, and the U.S. Representative in the Security Council of the United Nations.

S–116, Capitol

JANUARY 28

9:30 a.m.

Governmental Affairs

To hold hearings on proposed legislation to redesignate the Environmental Protection Agency as the Department of Environmental Protection, an executive agency.

SD–342

FEBRUARY 2

9:30 a.m.

Governmental Affairs

To hold hearings to examine performance measurement in Federal programs.

SD–342

FEBRUARY 4

9:30 a.m.

Governmental Affairs

To hold hearings to examine the General Accounting Office analysis of TRIAD cost effectiveness.

SD–342

FEBRUARY 23

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans.

345 Cannon Building

FEBRUARY 25

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Blinded Veterans of America, the Military Order of the Purple Heart, the Jewish War Veterans, and the Retired Officers Association.

345 Cannon Building

MARCH 2

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Veterans of Foreign Wars.

345 Cannon Building

MARCH 31

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the Veterans of World War I, the Vietnam Veterans of America, the American Ex-Prisoners of War, and the Non-Commissioned Officers Association.

345 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, January 7, 1993*

The House was not in session today. Its next meeting will be held on Wednesday, January 20, 1993, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted December 31, 1992]

Mr. ROSTENKOWSKI: Committee on Ways and Means. A report on legislative review activity during the 102d Congress of the Committee on Ways and Means (Rept. 102–1100). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. A report on survey of activities of the House Committee on Rules, 102d Congress (Rept. 102–1101). Referred to the Committee of the Whole House on the State of the Union.

[Submitted January 3, 1993]

Mr. HAMILTON: Committee on Foreign Affairs. A joint report of the task force to investigate certain allegations concerning the holding of American hostages by Iran in 1980, ("October Surprise Task Force") (Rept. 102–1102). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of January 6, 1993]

By Mr. ACKERMAN:

H.R. 448. A bill to establish certain uniform rights, duties, and enforcement procedures relating to franchise agreements; to the Committee on Energy and Commerce.

By Mr. BLILEY:

H.R. 449. A bill to amend the Communications Act of 1934 to require radio and television broadcasters to provide free broadcasting time for political advertising; to the Committee on Energy and Commerce.

By Mr. CLINGER:

H.R. 450. A bill to amend the Public Works and Economic Development Act of 1965 to establish a National Public Works Corporation for purposes of providing financial assistance to States and local governments for the construction, rehabilitation, and repair of certain public facilities, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. COSTELLO:

H.R. 451. A bill to amend the Federal Election Campaign Act of 1971 to control House of Representatives campaign spending, and for other purposes; to the Committee on House Administration.

By Mr. DE LA GARZA:

H.R. 452. A bill to extend the temporary suspension of duty on fresh cantaloupes imported between January 1 and May 15 of each year; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. WYDEN, Mr. KOPETSKI, and Ms. FURSE):

H.R. 453. A bill to establish a national demonstration program providing increased flexibility for schools in order to promote improved educational achievement for all students; to the Committee on Education and Labor.

By Mr. FRANK of Massachusetts:

H.R. 454. A bill to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought, or consents to seeking the modification in such other State court; to the Committee on the Judiciary.

By Mr. HALL of Ohio (for himself, Mr. GRANDY, Mrs. COLLINS of Illinois, and Mr. EMERSON):

H.R. 455. A bill to amend title IV of the Social Security Act to remove the barriers and disincentives in the program of aid to families with dependent children that prevent recipients of such aid from moving toward self-sufficiency; to the Committee on Ways and Means.

By Mr. HALL of Ohio (for himself and Mr. EMERSON):

H.R. 456. A bill to provide for the establishment of demonstration projects designed to determine the social, psychological, and economic effects of providing to individuals with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based welfare policy may be used to enable individuals with low income to achieve economic self-sufficiency; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. HERGER:

H.R. 457. A bill to provide for the conveyance of lands to certain individuals in Butte County, CA; to the Committee on Natural Resources.

By Mr. HOAGLAND:

H.R. 458. A bill to permit national banks, State member banks, and bank holding companies to establish subsidiaries which underwrite shares of and sponsor investment companies, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HOAGLAND (for himself and Mr. MCCOLLUM):

H.R. 459. A bill to provide for nationwide banking and branches; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HUNTER:

H.R. 460. A bill to amend the Internal Revenue Code of 1986 to impose a minimum tax on certain foreign or foreign-controlled corporations; to the Committee on Ways and Means.

H.R. 461. A bill to amend the Internal Revenue Code of 1986 to allow accelerated depreciation for equipment used to manufacture advanced materials or to develop advanced technologies, to reduce capital gains taxes, and to impose a minimum tax on foreign and foreign-owned corporations operating in the United States; to the Committee on Ways and Means.

By Mrs. KENNELLY (for herself, Mr. SHAYS and Mr. GEJDENSON):

H.R. 462. A bill to amend the Internal Revenue Code of 1986 to provide a permanent extension of the mortgage revenue bond program; to the Committee on Ways and Means.

By Mr. KOPETSKI:

H.R. 463. A bill to amend the Internal Revenue Code of 1986 to allow farmers who reside in disaster areas or who have a substantial drop in farm income to make penalty-free withdrawals from individual retirement accounts and from certain other retirement plans; to the Committee on Ways and Means.

By Mr. KYL:

H.R. 464. A bill to reduce rates of pay for Representatives in Congress to the levels which would apply based on the rates which were in effect in 1980, increased by the total percentage of the cost-of-living adjustments which have occurred since then with respect to benefits under title II of the Social Security Act, and for other purposes; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. LEWIS of Florida:

H.R. 465. A bill to authorize the Secretary of the Treasury to enter into contracts to procure services for locating Federal amounts in dormant accounts in financial institutions; to the Committee on Government Operations.

By Mr. MOAKLEY (for himself, Mrs. KENNELLY, Mr. CRANE, and Mr. NEAL of Massachusetts):

H.R. 466. A bill to extend until January 1, 1996, the existing suspension of duty on tamoxifen citrate; to the Committee on Ways and Means.

By Mrs. MORELLA:

H.R. 467. A bill to establish the Commission on the Advancement of Women in the Science and Engineering Work Forces; to the Committee on Education and Labor.

By Mr. OBERSTAR:

H.R. 468. A bill to provide for the rehiring by the Federal Aviation Administration of certain former air traffic controllers; to the Committee on Post Office and Civil Service.

H.R. 469. A bill to amend the Federal Aviation Act of 1958 to improve air service to small communities; to the Committee on Public Works and Transportation.

H.R. 470. A bill to amend the Federal Aviation Act of 1958 to provide for review of certain acquisitions of voting securities of air carriers, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 471. A bill to amend the Federal Aviation Act of 1958 to enhance competition among air carriers by prohibiting an air carrier who operates a computer reservation system from discriminating against other air carriers participating in the system and among travel agents which subscribe to the system, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 472. A bill to amend the Federal Aviation Act of 1958 for the purpose of enhancing competition among air carriers and protection of passengers of air carriers, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. PANETTA:

H.R. 473. A bill to equalize the retired pay of persons who served during World War II as Philippine Scouts with the retired pay of other members of the Armed Forces of the United States of corresponding grades and length of service; to the Committee on Armed Services.

H.R. 474. A bill to amend title XIX of the Social Security Act to require the coverage of hospice care under Medicaid plans; to the Committee on Energy and Commerce.

H.R. 475. A bill to amend title XVIII of the Social Security Act to provide for improved quality and cost control mechanisms to ensure the proper and prudent purchasing of durable medical equipment under the Medicare Program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

By Mr. PENNY (for himself and Mr. SMITH of New Jersey):

H.R. 476. A bill to amend title 5, United States Code, to provide veterans' preference eligibility with respect to individuals who served on active duty in the Armed Forces during the Persian Gulf war, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RANGEL:

H.R. 477. A bill to reform Customs Service operations, and for other purposes; jointly, to the Committees on Ways and Means and Post Office and Civil Service.

By Mr. RICHARDSON:

H.R. 478. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for severance taxes and personal property taxes paid to an Indian tribal government; to the Committee on Ways and Means.

By Mr. SLATTERY:

H.R. 479. A bill to amend the Internal Revenue Code of 1986 to provide that military personnel stationed outside the United States are no longer excluded from the earned income credit, and for other purposes; to the Committee on Ways and Means.

H.R. 480. A bill to extend supplemental security income benefits to all otherwise eligible children of military personnel stationed overseas; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 481. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to modify the full-funding limitation in the case of multiemployer plans; jointly, to the Committee on Ways and Means and Education and Labor.

H.R. 482. A bill to amend the Internal Revenue Code of 1986 to exempt certain personal service corporations from restrictions on deducting accrued year end regular periodic compensation payable to owner employees; to the Committee on Ways and Means.

H.R 483. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on certain sales of assets of medical service organizations to managers, et cetera of such organization; to the Committee on Ways and Means.

By Mr. THORNTON:

H.R. 484. A bill to improve budgetary information by requiring that the unified budget presented by the President contain information which facilitates consideration of choices between spending which is consumption oriented, spending which is of a development character, and spending which is in the nature of a capital investment, and for other purposes; to the Committee on Government Operations.

By Mr. WHEAT:

H.R. 485. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants for parents as teachers programs; to the Committee on Education and Labor.

H.R. 486. A bill to provide for the addition of the Truman Farm Home to the Harry S. Truman National Historic Site in the State of Missouri; to the Committee on Natural Resources.

By Mr. FIELDS of Texas:

H.J. Res. 59. Joint resolution proposing an amendment to the Constitution of the United States to provide that Federal judges be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

By Mr. KLECZKA (for himself, Mr. DURBIN, and Mr. MCNULTY):

H.J. Res. 60. Joint resolution proposing an amendment to the Constitution of the United States to provide for the election of the President and Vice President by direct popular vote; to the Committee on the Judiciary.

By Mr. KYL (for himself and Mr. MCCRERY):

H.J. Res. 61. Joint resolution proposing an amendment to the Constitution of the United States to provide that expenditures for a fiscal year shall neither exceed revenues for such fiscal year nor 19 per centum of the Nation's gross national product for the last calendar year ending before the beginning of such fiscal year; to the Committee on the Judiciary.

By Mr. POSHARD:

H.J. Res. 62. Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

H.J. Res. 63. Joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations; to the Committee on the Judiciary.

By Mr. RANGEL:

H.J. Res. 64. Joint resolution proposing an amendment to the Constitution of the United States respecting the right to decent and affordable housing; to the Committee on the Judiciary.

By Mr. WHEAT:

H.J. Res. 65. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. WOLF:

H.J. Res. 66. Joint resolution to approve the extension of nondiscriminatory treatment with respect to the products of Romania; to the Committee on Ways and Means.

By Mr. MURPHY (for himself and Mr. OXLEY):

H. Con. Res. 14. Concurrent resolution expressing the sense of Congress with respect to certain regulations of the Occupational Safety and Health Administration; to the Committee on Education and Labor.

By Mr. SANDERS (for himself, Mr. ANDREWS of Maine, Mr. BRYANT, Mr. COLEMAN of Texas, Mr. CONYERS, Mr. DEFAZIO, Mr. DELLUMS, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. HALL of Ohio, Mr. HEFNER, Mr. HINCHEY, Mr. JOHNSTON, Mrs. KENNELLY, Mr. MCCLOSKEY, Mr. MCDERMOTT, Ms. MALONEY, Mr. MARTINEZ, Ms. MEEK, Mr. MFUME, Mrs. MINK, Mrs. MORELLA, Mr. OBERSTAR, Mr. RANGEL, Mr. ROEMER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SHAYS, Mr. STARK, Mr. TRAFICANT, Mrs. UNSOELD, Mr. WAXMAN, Mr. PALLONE, and Mr. FOGLIETTA):

H. Con. Res. 15. Concurrent resolution expressing the sense of the Congress regarding the need for the President to seek the Senate's advice and consent to ratification of the U.N. Convention on the Rights of the Child; to the Committee on Foreign Affairs.

By Mr. WOLF:

H. Con. Res. 16. Concurrent resolution calling on the President to work to convene an international tribunal for war crimes committed in the former Yugoslavia; to the Committee on Foreign Affairs.

By Mr. CLINGER (for himself, Mr. LIVINGSTON, Mr. PACKARD, and Mr. DOOLITTLE):

H. Res. 31. Resolution directing the Architect of the Capitol to place a public debt clock in the Cannon House Office Building; to the Committee on House Administration.

By Mr. MILLER of California (for himself, Ms. PELOSI, Mr. MFUME, Mr. DELLUMS, Mrs. SCHROEDER, Mr. TORRICELLI, Mrs. KENNELLY, Mr. EDWARDS of California, Ms. MEEK, Ms. DELAURO. Mr. GEJDENSON, Mr. WAXMAN, Mr. OLVER, Mr. MANTON, Mr. REYNOLDS, Mr. SABO, Mr. RAMSTAD, Mr. MCDERMOTT, Mr. COLEMAN of Texas, Mr. DE LUGO, Mr. WALSH, Mr. BONIOR, Mr. SWETT, Mr. SAWYER, Mr. MINETA, Mr. LANCASTER, Mr. MARTINEZ, Mr. KYL, Mr. ABERCROMBIE, Mrs. MEYERS of Kansas, Mr. MORAN, Mr. LEVIN, Mr. SCHUMER, Mr. SANDERS, Mr. COOPER, Ms. MOLINARI, Mr. PRICE of North Carolina, Mrs. MORELLA, Mr. MATSUI, Mr. BEILENSON, Mr. BACCHUS, Mr. BROWN of California, Mr. STARK, Mr. OWENS, Mr. FOGLIETTA, Mr. WILSON, Ms. ESHOO, Mr. TORRES, Ms. WATERS, Ms. ROYBAL-ALLARD, Mr. LEHMAN, Mr. OBERSTAR, Mr. KENNEDY, Mr. WHEAT, Mr. YATES, Mr. TOWNS, Mrs. COLLINS of Michigan, Mr. REED, Mr. HOYER, Mr. ROHRABACHER, Mr. HOCHBRUECKNER, Mr. RICHARDSON, and Mr. FRANK of Massachusetts):

H. Res. 32. Resolution expressing the sense of the House of Representatives concerning systematic rape in the conflict in Bosnia-Herzegovina; to the Committee on Foreign Affairs.

By Mr. PENNY (for himself, Ms. NORTON, and Mr. HUGHES):

H. Res. 33. Resolution expressing the sense of the House of Representatives that the President should call for a vote in the General Assembly and Security Council of the United Nations to convene a U.N. Conference of Reforms, and should initiate proposals to expand the membership of the Security Council and strengthen the U.N. peacekeeping role; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

[Omitted from the Record of January 6, 1993]

Mr. FRANK of Massachusetts introduced a bill (H.R. 487) for the relief of Ovidio Javier Morla Paredes, Maria Estrada de Morla, Javier Alfredo Morla Estrada, and Carlos Andres Morla Estrada; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of January 6, 1993]

H.R. 9: Mr. EDWARDS of California.

H.R. 349: Mr. PACKARD.

H.J. Res. 30: Mr. GOODLING and Mr. CONDIT.

H.J. Res. 36: Mr. SMITH of Michigan.

SENATE—*Thursday, January 7, 1993*

(Legislative day of Tuesday, January 5, 1993)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable BOB GRAHAM, a Senator from the State of Florida.

PRAYER

The Reverend Richard C. Halverson, Jr., Falls Church, VA, offered the following prayer:

Let us pray together.

Our Heavenly Father, Your Word teaches that we are to "speak the truth in love." (Ephesians 4:15)

We thank You, Lord, that You have commanded truth and love to work together. And we are grateful that we need not fear compromising the truth when we love those with whom we disagree or even those whom we might consider to be enemies of the truth. We thank You, Lord, that in Your wisdom love only creates the best environment for truth to do its greatest work.

We pray, Lord, that You will continue to pour out Your unconditional good will upon all who work in the Senate, regardless of how they may differ with You or the truth. And we ask that when their relationships are tested and strained, they may be mysteriously held together in the firm embrace of Your grace and mercy.

We make this request of our Father in Heaven who so loved the world that He gave His only begotten Son. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 7, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BOB GRAHAM, a Senator from the State of Florida, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. GRAHAM thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, am I correct in my understanding that the Journal of proceedings has been approved to date?

The ACTING PRESIDENT pro tempore. The Journal has been approved.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, there will be no rollcall votes today. Senate committees are meeting in hearings to consider nominees by the President-elect, and I am grateful to the Senate chairmen and the ranking Republican Members for their cooperation in organizing these hearings in the period between the swearing in of the new Senate and the inauguration of the next President.

It is my hope that if the committees see fit to report nominees promptly, we will be able to confirm as many of those nominees as soon after the inauguration as is appropriate and possible.

It is also my hope that we will today complete action in the Senate on the committee assignments of the various Senators. We have completed action on the Democratic side, and we are awaiting final action by our Republican colleagues, which I am advised should be shortly. Therefore, it is my intention momentarily to place the Senate in recess until such time as our colleagues are ready to proceed to obtain Senate approval of all of the A committee assignments for all Senators.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MITCHELL. Accordingly, Mr. President, I now ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 12:04 p.m., recessed, subject to the call of the Chair.

The Senate reassembled at 3:16 p.m., when called to order by the Presiding Officer [Mr. BRYAN].

The PRESIDING OFFICER. The majority leader is recognized.

CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. MITCHELL. Mr. President, I send three resolutions to the desk and I ask that they be immediately considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the resolutions en bloc.

The PRESIDING OFFICER. If there is no objection, the resolutions are agreed to en bloc.

The resolutions considered and agreed to en bloc are as follows:

S. RES. 4

Resolved, That paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Third Congress as follows:

Strike "21" after "Banking, Housing, and Urban Affairs" and insert in lieu thereof "19".

Strike "14" after "Judiciary" and insert in lieu thereof "18".

S. RES. 5

Resolved, That the following shall constitute the majority party's membership on the standing committees for the One Hundred and Third Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Leahy (Chairman), Mr. Pryor, Mr. Boren, Mr. Heflin, Mr. Harkin, Mr. Conrad, Mr. Daschle, Mr. Baucus, Mr. Kerrey of Nebraska, and Mr. Feingold.

Committee on Appropriations: Mr. Byrd (Chairman), Mr. Inouye, Mr. Hollings, Mr. Johnston, Mr. Leahy, Mr. Sasser, Mr. DeConcini, Mr. Bumpers, Mr. Lautenberg, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Kerrey of Nebraska, Mr. Kohl, Ms. Murray, and Ms. Feinstein.

Committee on Armed Services: Mr. Nunn (Chairman), Mr. Exon, Mr. Levin, Mr. Kennedy, Mr. Bingaman, Mr. Glenn, Mr. Shelby, Mr. Byrd, Mr. Graham of Florida, Mr. Robb, and Mr. Lieberman.

Committee on Banking, Housing, and Urban Affairs: Mr. Riegle (Chairman), Mr. Sarbanes, Mr. Dodd, Mr. Sasser, Mr. Shelby, Mr. Kerry of Massachusetts, Mr. Bryan, Mrs. Boxer, Mr. Campbell, Ms. Moseley-Braun, and Ms. Murray.

Committee on Commerce, Science, and Transportation: Mr. Hollings (Chairman), Mr. Inouye, Mr. Ford, Mr. Exon, Mr. Rockefeller, Mr. Bentsen, Mr. Kerry of Massachusetts, Mr. Breaux, Mr. Bryan, Mr. Robb, and Mr. Dorgan.

Committee on Energy and Natural Resources: Mr. Johnston (Chairman), Mr. Bumpers, Mr. Ford, Mr. Bradley, Mr. Bingaman, Mr. Conrad, Mr. Akaka, Mr. Shelby, Mr. Wellstone, Mr. Campbell, and Mr. Mathews.

Committee on Environment and Public Works: Mr. Moynihan (Chairman), Mr. Mitchell, Mr. Baucus, Mr. Lautenberg, Mr. Reid, Mr. Graham, Mr. Lieberman, Mr. Metzenbaum, Mr. Wofford, and Mrs. Boxer.

Committee on Finance: Mr. Bentsen (Chairman), Mr. Moynihan, Mr. Baucus, Mr. Boren, Mr. Bradley, Mr. Mitchell, Mr. Pryor, Mr. Riegle, Mr. Rockefeller, Mr. Daschle, and Mr. Breaux.

Committee on Foreign Relations: Mr. Pell (Chairman), Mr. Biden, Mr. Sarbanes, Mr. Dodd, Mr. Kerry of Massachusetts, Mr. Simon, Mr. Moynihan, Mr. Robb, Mr. Wofford, Mr. Feingold, and Mr. Mathews.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Committee on Governmental Affairs: Mr. Glenn (Chairman), Mr. Nunn, Mr. Levin, Mr. Sasser, Mr. Pryor, Mr. Lieberman, Mr. Akaka, and Mr. Dorgan.

Committee on the Judiciary: Mr. Biden (Chairman), Mr. Kennedy, Mr. Metzenbaum, Mr. DeConcini, Mr. Leahy, Mr. Heflin, Mr. Simon, Mr. Kohl, Ms. Feinstein, and Ms. Moseley-Braun.

Committee on Labor and Human Resources: Mr. Kennedy (Chairman), Mr. Pell, Mr. Metzenbaum, Mr. Dodd, Mr. Simon, Mr. Harkin, Ms. Mikulski, Mr. Bingaman, Mr. Wellstone, and Mr. Wofford.

S. RES. 6

Resolved, That paragraph 4 of Rule XXV is amended by striking (h)(1) through (h)(15) and inserting in lieu thereof the following:

"(h)(1) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Third Congress, also serve as a member of the Committee on Agriculture, Nutrition and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(2) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred Third Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(3) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Banking, Housing and Urban Affairs and the Committee on Foreign Relations may, during the One Hundred Third Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(4) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred Third Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(5)(A) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Armed Services and the Committee on the Judiciary may, during the One Hundred Third Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Third Congress serves on the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Labor and Human Resources, and who serves as chairman of a committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(6) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Commerce, Science and Transportation and the Committee on Foreign Relations may, during the One Hundred Third Congress, also serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(7)(A) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred Third Congress, also serve as a member of the Committee on the Judiciary so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Third Congress serves on the Committee on Agriculture, Nutrition and Forestry, the Committee on Appropriations and the Committee on the Judiciary, and who serves as chairman of a committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(8) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Environment and Public Works and the Committee on the Judiciary may, during the One Hundred Third Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(9)(A) A Senator who on the last day of the One Hundred Second Congress was serving on the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Third Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Third Congress serves on the Committee on Environment and Public Works, the Committee on Finance, and the Committee on Foreign Relations, and who serves as chairman of a committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(10) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Finance may, during the One Hundred Third Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(11) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Appropriations and the Committee on Banking, Housing and Urban Affairs may, during the One Hundred Third Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(12) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Armed Services and the Committee on Banking, Housing and Urban Affairs may, during the One Hundred Third Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(13) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor and Human Resources may, during the One Hundred Third Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees in paragraph 2.

"(14) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Governmental Affairs may, during the One Hundred Third Congress, also serve as a member of the Committee on Armed Services so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(15) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Commerce, Science and Transportation, and the Committee on Foreign Relations may, during the One Hundred Third Congress, also serve as a member of the Committee on Armed Services so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(16) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Environment an Public Works, and the Committee on Foreign Relations may, during the One Hundred Third Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolutions were agreed to and move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, and Members of the Senate, the resolutions just adopted deal with the appointment of Democratic Senators to the so-called A committees, and to the appointment of chairmen of those committees.

The Republican leader has authorized me to state that he has no objection to our proceeding to deal with these resolutions at this time. We had hoped, as I indicated earlier in the day, to do the resolutions for all Senators at the same time. Our Republican colleagues are continuing to work on making their assignments and are not ready to proceed at this time and so we have gone ahead with the assignments of Democratic Senators and we expect to hear from our colleagues and complete action on all Senators' assignments shortly.

Accordingly, there being no further business to come before the Senate at this time, I am going to momentarily put the Senate in recess pending word from Senator DOLE that they will be prepared to proceed with the remainder of the committee assignments.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MITCHELL. Mr. President, I therefore ask unanimous consent the Senate now stand in recess subject to the call of the Chair.

There being no objection, at 3:18 p.m., the Senate recessed subject to the call of the Chair.

Whereupon, the Senate reassembled at 8:06 p.m., when called to order by the Presiding Officer [Mr. MITCHELL].

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. BURNS. Mr. President, I send two resolutions to the desk and ask for their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 7 and S. Res. 8) were considered and agreed to, en bloc.

The resolutions considered and agreed to, en bloc, are as follows:

S. RES. 7

Resolved, That the following shall constitute the minority party's membership on the following standing committees for the 103d Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar, Mr. Dole, Mr. Helms, Mr. Cochran, Mr. McConnell, Mr. Craig, Mr. Coverdell, and Mr. Grassley.

Committee on Appropriations: Mr. Hatfield, Mr. Stevens, Mr. Cochran, Mr. D'Amato, Mr. Specter, Mr. Domenici, Mr. Nickles, Mr. Gramm, Mr. Bond, Mr. Gorton, Mr. McConnell, Mr. Mack, and Mr. Burns.

Committee on Armed Services: Mr. Thurmond, Mr. Warner, Mr. Cohen, Mr. McCain, Mr. Lott, Mr. Coats, Mr. Smith, Mr. Kempthorne, and Mr. Faircloth.

Committee on Banking, Housing, and Urban Affairs: Mr. D'Amato, Mr. Gramm, Mr. Bond, Mr. Mack, Mr. Faircloth, Mr. Bennett, Mr. Roth, and Mr. Domenici.

Committee on Commerce, Science, and Transportation: Mr. Danforth, Mr. Packwood, Mr. Pressler, Mr. Stevens, Mr. McCain, Mr. Burns, Mr. Gorton, Mr. Lott, and Mr. Gregg.

Committee on Energy and Natural Resources: Mr. Wallop, Mr. Hatfield, Mr. Domenici, Mr. Murkowski, Mr. Nickles, Mr. Craig, Mr. Bennett, Mr. Specter, and Mr. Lott.

Committee on Environment and Public Works: Mr. Chafee, Mr. Simpson, Mr. Durenberger, Mr. Warner, Mr. Smith, Mr. Faircloth, and Mr. Kempthorne.

Committee on Finance: Mr. Packwood, Mr. Dole, Mr. Roth, Mr. Danforth, Mr. Chafee, Mr. Durenberger, Mr. Grassley, Mr. Hatch, and Mr. Wallop.

Committee on Foreign Relations: Mr. Helms, Mr. Lugar, Mrs. Kassebaum, Mr. Pressler, Mr. Murkowski, Mr. Brown, Mr. Jeffords, and Mr. Coverdell.

Committee on Governmental Affairs: Mr. Roth, Mr. Stevens, Mr. Cohen, Mr. Cochran, and Mr. McCain.

Committee on the Judiciary: Mr. Hatch, Mr. Thurmond, Mr. Simpson, Mr. Grassley, Mr. Specter, Mr. Brown, Mr. Cohen, and Mr. Pressler.

Committee on Labor and Human Resources: Mrs. Kassebaum, Mr. Jeffords, Mr. Coats, Mr. Gregg, Mr. Thurmond, Mr. Hatch, and Mr. Durenberger.

S. RES. 8

Resolved, That paragraph 4 of rule XXV is amended by striking section h (16) as it appeared in 102d Congress through (49) and inserting in lieu thereof the following new sections:

"(17) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Armed Services, and the Committee on the Judiciary, may, during the One Hundred Third Congress, serve as a member of the Committee on Labor and Human Resources, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(18) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Finance, and the Committee on Governmental Affairs, may, during the One Hundred Third Congress, serve as a member of the Committee on Banking, Housing and Urban Affairs, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(19) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Appropriations, and the Committee on Energy and Natural Resources, may, during the One Hundred Third Congress, serve as a member of the Committee on Banking, Housing, and Urban Affairs, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(20) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on the Judiciary, and the Committee on Finance, may, during the One Hundred Third Congress, serve as a member of the Committee on Labor and Human Resources, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(21) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Environment and Public Works, and the Committee on Finance, may during the One Hundred Third Congress, serve as a member of the Committee on Labor and Human Resources, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(22) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Appropriations, and the Committee on Agriculture, Nutrition and Forestry, may, during the One Hundred Third Congress, serve as a member of the Committee on Governmental Affairs, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(23) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Armed Services, and the Committee on Governmental Affairs, may, during the One Hundred Third Congress, serve as a member of the Committee on the Judiciary, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(24) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Commerce, Science and Transportation, and the Committee on Foreign Relations, may, during the One Hundred Third Congress, serve as a member of the Committee on the Judiciary, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(25) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Finance, and the Committee on the Judiciary, may, during the One Hundred Third Congress, serve as a member of the Committee on Agriculture, Nutrition, and Forestry, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(26) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Appropriations, and the Committee on the Judiciary, may, during the One Hundred Third Congress, serve as a member of the Committee on Energy and Natural Resources, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(27) A Senator who serves as a member of the Committee on Banking, Housing, and Urban Affairs, and the Committee on Environment and Public Works, may, during the One Hundred Third Congress, serve as a member of the Committee on Armed Services, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(28) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Armed Services, and the Committee on Commerce, Science, and Transportation, may, during the One Hundred Third Congress, serve as a member of the Committee on Energy and Natural Resources, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(29) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Armed Services, and the Committee on Commerce, Science, and Transportation, may, during the One Hundred Third Congress, serve as a member of the Committee on Government Affairs, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

Mr. BURNS. Mr. President, I move to reconsider the vote by which the resolutions were agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, at this time, I want to congratulate the members of the Committee on Committees. We have worked very hard for a couple of days now on these committee assignments. I want to thank all the colleagues on my side of the aisle for their cooperation so we could finalize this and so that we can get on with the business of the Senate. I yield the floor.

TRANSITION SALARIES

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 9) to amend S. Res. 458 of the 98th Congress.

Mr. FORD. Mr. President, for many years the Senate has by standing order provided Senate employees with appropriate transition salary continuation in the event of the death or resignation of a Senator or Senate leader, or in the case of termination of service of appointed Senators. The resolution merely provides similar treatment for Senate committee staff, which until now, as an oversight, has not been included in this permanent standing order.

The Senate has provided for such treatment of committee staff by separate resolutions which periodically expire. This resolution amends the standing order to provide committee staff with an efficient permanent remedy consistent with the existing standing order.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 9) was agreed to as follows:

S. RES. 9

Resolved, That Senate Resolution 458 of the Ninety-eighth Congress (agreed to October 4, 1984) is amended by adding the following new section:

"SEC. 6. (a) For purposes of this section:

"(1) The term committee means a standing, select or special committee, or commission of the Senate, or a joint committee of the Congress whose funds are disbursed by the Secretary of the Senate.

"(2) The terms Chairman and Ranking Minority Member means the Chairman, Vice Chairman, Co-Chairman and Ranking Minority Member of a committee.

"(3) The term eligible staff member means an individual who was an employee of a committee, or subcommittee thereof, for at least one hundred and eighty-three days (whether or not service was continuous) prior to the termination of employment as described in paragraph (4), and whose pay is disbursed by the Secretary of the Senate.

"(4) The term displaced staff member means an eligible staff member whose service as an employee of the Senate is terminated solely and directly as a result of a change of the individual occupying the position of Chairman or Ranking minority member of a committee and who is certified as a displaced staff member by the Chairman and Ranking Minority Member of the Committee to the Secretary of the Senate. Such certification shall be made no later than 60 days from the date of such change.

"(b) The Secretary of the Senate shall notify the Committee on Rules and Administration of the name of each displaced staff member.

"(c)(1) Under regulations prescribed by the Committee on Rules and Administration each displaced staff member shall, upon application to the Secretary of the Senate and approval by the Committee on Rules and Administration, continue to be paid at their respective salaries for a period not to exceed 60 days following the staff member's date of termination or until the staff member becomes otherwise gainfully employed, whichever is earlier.

"(2) A statement in writing by any such employee that he was not gainfully employed during such period or the portion thereof for which payment is claimed shall be accepted as prima facie evidence that he was not so employed.

"(d) Funds necessary to carry out the provisions of this section shall be available as set forth in section 1(d)."

SUBMISSION OF FINAL REPORT

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 10) to authorize the Select Committee on POW/MIA Affairs to submit its final report to the Senate prior to January 13, 1993.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 10) was agreed to as follows:

S. RES. 10

SECTION 1. EXTENDED REPORTING TIME.

Notwithstanding the provisions of Senate Resolution 282, agreed to August 2, 1991 (102d Congress, 1st Session), and Senate Resolution 185, agreed to October 16, 1991 (102d Congress, 1st Session), the Select Committee on POW/MIA Affairs is authorized to make expenditures from the appropriations account for Miscellaneous Items in the contingent fund of the Senate, upon vouchers approved by the Secretary of the Senate, for expenses incurred during the period from January 3, 1993, through January 13, 1993, in connection with the preparation and submission, prior to January 13, 1993, of its final report to the Senate, including printing and filing.

SEC. 2. EFFECTIVE DATE.

This resolution is effective January 2, 1993.

Mr. DOLE. Mr. President, I thank the majority leader and members of the staff for accommodating the minority. We have finished the Committee on Committees' work for A committees. We will work on others after January 20.

I thank the distinguished majority leader and all Members, particularly the chairman of the Committee on Committees, Senator CONRAD BURNS, the Senator from Montana, and other Members on our side who served on that committee for their efforts.

TRIBUTE TO MAYOR JOE DAVIS

Mr. HEFLIN. Mr. President, the people of north Alabama were greatly saddened recently by the death of longtime Huntsville Mayor Joe W. Davis. During his 20 years as mayor of this fast-growing, high-technology city—widely known as "the Rocket City"—Joe was instrumental in recruiting many of its most prominent industries, making it one of the economic strongholds of the State. He won an award in 1975 as the top mayor in the United States. I personally knew him to be in the category of great civic leaders, one of the very best Alabama has ever seen.

Joe Davis was a former teacher and real estate businessman when he was elected to his first of five terms as Huntsville's mayor in 1968. He gave the city strong leadership when it most needed it in the 1970's, as NASA's Apollo Program came to an end. During this decade, Huntsville was able to bring in high-technology industries to give it some immunity from funding changes in the space program. In the post-Apollo era, the growing city saw its job base increase by 45,000.

Other accomplishments during Joe Davis' 20 years as mayor were a new library, Interstate 565, the Werner Von Braun Civic Center, funding of a $72 million solid waste incineration plant, and the Huntsville Stars baseball stadium, which bears his name. He was the driving force behind the development of Research Park East and West, recruiting industry and seeing Huntsville's population grow from 100,000 to 160,000.

Mayor Davis' foresight in funding much-needed improvements in the sewer, water, and drainage systems paid off in later years when the industrial base expanded. Most people who knew him remember his determination to set goals and then do what was necessary to achieve them. This ethic carried over to the city's relationship with the military. As retired Maj. Gen. Louis Rachmeler, commanding general at Redstone Arsenal from 1977–80, said, "Joe was the epitome of wanting a relationship between the military and the community."

The people of Huntsville and north Alabama, whose economy is so dependent upon the space and defense industries, can be thankful for the superb leadership exhibited by its outstanding former mayor, Joe Davis. He was a true individual with a firm set of convictions, strength of personality, and ability to work well with people in doing what was most beneficial to the long-term interests of the area. Most important of all, he prepared his city splendidly for the tremendous growth it is now experiencing. He will long be remembered as the symbol of all that a city should be about, and an example of the very best relationship between the government and the governed.

I extend my sincere condolences to all of Joe's family, and join his many hundreds of friends in saluting him for a job well done.

BUDGET BASELINES, HISTORICAL DATA, AND ALTERNATIVES FOR THE FUTURE: JANUARY 1993

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on January 6, 1993, during the recess of the Senate, received the following message from the President of the United States, together with accompaning report; which was referred jointly to the Committee on Appropriations and the Committee on the Budget:

To the Congress of the United States:

I am pleased to present the budgetary statement: *Budget Baseline, Historical Data, and Alternatives for the Future.*

The Budget Enforcement Act of 1990 (BEA) changed the date by which the President is required to transmit his budget from the first Monday after January 3rd to the first Monday in February. It also established January 21, 1993, as the date for the official presentation and determination of the BEA budget deficit adjustment. Accordingly, the full 1994 Budget must be submitted by the new Administration.

In order to provide a perspective from which to evaluate choices and actions, this document provides the following:

—a review of current policies and the implications of their extension into the future;

—near-term and long-term budget projections under alternative economic and technical assumptions;

—assessments of hidden liabilities with associated policy reforms, and assessments of high risk management areas with associated recommendations for systems improvement; and

—updated options and recommendations for spending control.

It is my hope that this will be useful to the Congress and the new Administration in the effort to produce both a responsible budget and strong economic growth.

George Bush.

The White House, *January 6, 1993.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on January 6, 1993, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolution, without amendment:

S.J. Res. 2, joint resolution to authorize the United States Secret Service to continue to furnish protection to the former Vice President or his spouse.

The message also announced that the House has agreed to the following concurrent resolutions, each without amendment:

S. Con. Res. 1, to provide for the counting on January 6, 1993, of the electoral votes for President and Vice President of the United States.

S. Con. Res. 2, to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provisions of Senate Concurrent Resolution 103.

S. Con. Res. 3, providing for a recess or adjournment of the Senate from January 6 or 7, 1993 to January 20, 1993, and an adjournment of the House from January 6, 1993 to January 20, 1993.

The message further announced that, pursuant to section 1 of House Concurrent Resolution 192, 102d Congress, as enacted by section 317 of Public Law 102–392, the minority leader appoints the following Members of the House to serve on the Joint Committee on the Organization of the Congress: Mr. Gradison, vice chairman, Mr. Walker, Mr. Solomon, Mr. Dreier, Mr. Emerson, and Mr. Allard.

The message also announced that pursuant to the provisions of section 1 of House Concurrent Resolution 192, 102d Congress, as enacted by section 317 of Public Law 102–392, the Speaker reappoints to the Joint Committee on the Organization of the Congress the following Members of the House: Mr. Hamilton, chairman, Mr. Obey, Mr. Swift, Mr. Gejdenson, Mr. Spratt, and Ms. Norton.

MESSAGE FROM THE HOUSE

At 2:30 p.m., a message from the House of Representatives, delivered by Mr. Duncan, one of its clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 1. Joint resolution to ensure that the compensation and other emoluments attached to the office of Secretary of the Treasury are those which were in effect on January 1, 1989.

S.J. Res. 2. Joint resolution to authorize the United States Secret Service to continue to furnish protection to the former Vice President or his spouse.

The enrolled joint resolutions were subsequently signed by the President pro tempore [Mr. Byrd].

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL:

S. Res. 4. A resolution to amend paragraph 2 of rule XXV; considered and agreed to.

S. Res. 5. A resolution to make majority party appointments to Senate Committees under paragraph 2 of rule XXV for the One Hundred and Third Congress; considered and agreed to.

S. Res. 6. A resolution to amend paragraph 4 of rule XXV of the Standing Rules of the Senate; considered and agreed to.

By Mr. BURNS (for Mr. Dole):

S. Res. 7. A resolution to constitute the minority party's membership on certain of the standing committees for the 103d Congress, or until their successors are chosen; considered and agreed to.

S. Res. 8. A resolution to amend paragraph 4 of rule XXV by striking sections h (16) as it appeared in 102d Congress through (49) and inserting in lieu thereof the following new sections; considered and agreed to.

By Mr. DOLE (for Mr. Ford (for himself and Mr. Stevens)):

S. Res. 9. A resolution to amend S. Res. 458 of the 98th Congress; considered and agreed to.

By Mr. DOLE (for Mr. Mitchell):

S. Res. 10. A resolution to authorize the Select Committee on POW/MIA Affairs to submit its final report to the Senate prior to January 13, 1993, which was considered and agreed to.

SENATE RESOLUTION 4—TO AMEND PARAGRAPH 2 OF RULE XXV

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 4

Resolved, That paragraph 2 of rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Third Congress as follows:

Strike "21" after "Banking, Housing, and Urban Affairs" and insert in lieu thereof "19".

Strike "14" after "Judiciary" and insert in lieu thereof "18".

SENATE RESOLUTION 5—TO MAKE MAJORITY PARTY APPOINTMENTS TO SENATE COMMITTEES UNDER PARAGRAPH 2 OF RULE XXV FOR THE ONE HUNDRED AND THIRD CONGRESS

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 5

Resolved, That the following shall constitute the majority party's membership on the standing committees for the One Hundred and Third Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Leahy (Chairman), Mr. Pryor, Mr. Boren, Mr. Heflin, Mr. Harkin, Mr. Conrad, Mr. Daschle, Mr. Baucus, Mr. Kerrey (NE), and Mr. Feingold.

Committee on Appropriations: Mr. Byrd (Chairman), Mr. Inouye, Mr. Hollings, Mr. Johnston, Mr. Leahy, Mr. Sasser, Mr. DeConcini, Mr. Bumpers, Mr. Lautenberg, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Kerrey (NE), Mr. Kohl, Ms. Murray, and Ms. Feinstein.

Committee on Armed Services: Mr. Nunn (Chairman), Mr. Exon, Mr. Levin, Mr. Kennedy, Mr. Bingaman, Mr. Glenn, Mr. Shelby, Mr. Byrd, Mr. Graham (FL), Mr. Robb, and Mr. Lieberman.

Committee on Banking, Housing, and Urban Affairs: Mr. Riegle (Chairman), Mr. Sarbanes, Mr. Dodd, Mr. Sasser, Mr. Shelby, Mr. Kerry (MA), Mr. Bryan, Mrs. Boxer, Mr. Campbell, Ms. Moseley-Braun, and Ms. Murray.

Committee on Commerce, Science, and Transportation: Mr. Hollings (Chairman), Mr. Inouye, Mr. Ford, Mr. Exon, Mr. Rockefeller, Mr. Bentsen, Mr. Kerry (MA), Mr. Breaux, Mr. Bryan, Mr. Robb, and Mr. Dorgan.

Committee on Energy and Natural Resources: Mr. Johnston (Chairman), Mr. Bumpers, Mr. Ford, Mr. Bradley, Mr. Bingaman, Mr. Conrad, Mr. Akaka, Mr. Shelby, Mr. Wellstone, Mr. Campbell, and Mr. Mathews.

Committee on Environment and Public Works: Mr. Moynihan (Chairman), Mr. Mitchell, Mr. Baucus, Mr. Lautenberg, Mr. Reid, Mr. Graham, Mr. Lieberman, Mr. Metzenbaum, Mr. Wofford, and Mrs. Boxer.

Committee on Finance: Mr. Bentsen (Chairman), Mr. Moynihan, Mr. Baucus, Mr. Boren, Mr. Bradley, Mr. Mitchell, Mr. Pryor, Mr. Riegle, Mr. Rockefeller, Mr. Daschle, and Mr. Breaux.

Committee on Foreign Relations: Mr. Pell (Chairman), Mr. Biden, Mr. Sarbanes, Mr. Dodd, Mr. Kerry (MA), Mr. Simon, Mr. Moynihan, Mr. Robb, Mr. Wofford, Mr. Feingold, and Mr. Mathews.

Committee on Governmental Affairs: Mr. Glenn (Chairman), Mr. Nunn, Mr. Levin, Mr. Sasser, Mr. Pryor, Mr. Lieberman, Mr. Akaka, and Mr. Dorgan.

Committee on the Judiciary: Mr. Biden (Chairman), Mr. Kennedy, Mr. Metzenbaum, Mr. DeConcini, Mr. Leahy, Mr. Heflin, Mr. Simon, Mr. Kohl, Ms. Feinstein, and Ms. Moseley-Braun.

Committee on Labor and Human Resources: Mr. Kennedy (Chairman), Mr. Pell, Mr. Metzenbaum, Mr. Dodd, Mr. Simon, Mr. Harkin, Ms. Mikulski, Mr. Bingaman, Mr. Wellstone, and Mr. Wofford.

SENATE RESOLUTION 6—TO AMEND PARAGRAPH 4 OF RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 6

Resolved, That paragraph 4 of rule XXV is amended by striking (h)(1) through (h)(15) and inserting in lieu thereof the following:

"(h)(1) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Third Congress, also serve as a member of the Committee on Agriculture, Nutrition and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(20) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred Third Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(3) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Banking, Housing and Urban Affairs and the Committee on Foreign Relations may, during the One Hundred Third Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(4) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred Third Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(5)(A) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Armed Services and the Committee on the Judiciary may, during the One Hundred Third Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Third Congress serves on the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Labor and Human Resources, and who serves as chairman of a committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(6) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Commerce, Science and Transportation and the Committee on Foreign Relations may, during the One Hundred Third Congress, also serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(7)(A) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred Third Congress, also serve as a member of the Committee on the Judiciary so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Third Congress serves on the Committee on Agriculture, Nutrition and Forestry, the Committee on Appropriations and the Committee on the Judiciary, and who serves as chairman of a committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(8) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Environment and Public Works and the Committee on the Judiciary may, during the One Hundred Third Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(9) A Senator who on the last day of the One Hundred Second Congress was serving on the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Third Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Third Congress serves on the Committee on Environment and Public Works, the Committee on Finance, and the Committee on Foreign Relations, and who serves as chairman of a committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(10) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Finance may, during the One Hundred

Third Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(11) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Appropriations and the Committee on Banking, Housing and Urban Affairs may, during the One Hundred Third Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(12) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Armed Services and the Committee on Banking, Housing and Urban Affairs may, during the One Hundred Third Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(13) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor and Human Resources may, during the One Hundred Third Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(14) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Governmental Affairs may, during the One Hundred Third Congress, also serve as a member of the Committee on Armed Services so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(15) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Commerce, Science and Transportation, and the Committee on Foreign Relations may, during the One Hundred Third Congress, also serve as a member of the Committee on Armed Services so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(16) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Foreign Relations may, during the One Hundred Third Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

SENATE RESOLUTION 7—TO CONSTITUTE THE MINORITY PARTY'S MEMBERSHIP ON CERTAIN OF THE STANDING COMMITTEES FOR THE 103D CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. BURNS (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 7

Resolved, That the following shall constitute the minority party's membership on the following standing committees for the 103d Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar, Mr. Dole, Mr. Helms, Mr. Cochran, Mr. McConnell, Mr. Craig, Mr. Coverdell, and Mr. Grassley.

Committee on Appropriations: Mr. Hatfield, Mr. Stevens, Mr. Cochran, Mr. D'Amato, Mr. Specter, Mr. Domenici, Mr. Nickles, Mr. Gramm, Mr. Bond, Mr. Gorton, Mr. McConnell, Mr. Mack, and Mr. Burns.

Committee on Armed Services: Mr. Thurmond, Mr. Warner, Mr. Cohen, Mr. McCain, Mr. Lott, Mr. Coats, Mr. Smith, Mr. Kempthorne, and Mr. Faircloth.

Committee on Banking, Housing, and Urban Affairs: Mr. D'Amato, Mr. Gramm, Mr. Bond, Mr. Mack, Mr. Faircloth, Mr. Bennett, Mr. Roth, and Mr. Domenici.

Committee on Commerce, Science, and Transportation: Mr. Danforth, Mr. Packwood, Mr. Pressler, Mr. Stevens, Mr. McCain, Mr. Burns, Mr. Gorton, Mr. Lott, and Mr. Gregg.

Committee on Energy and Natural Resources: Mr. Wallop, Mr. Hatfield, Mr. Domenici, Mr. Murkowski, Mr. Nickles, Mr. Craig, Mr. Bennett, Mr. Specter, and Mr. Lott.

Committee on Environment and Public Works: Mr. Chafee, Mr. Simpson, Mr. Durenberger, Mr. Warner, Mr. Smith, Mr. Faircloth, and Mr. Kempthorne.

Committee on Finance: Mr. Packwood, Mr. Dole, Mr. Roth, Mr. Danforth, Mr. Chafee, Mr. Durenberger, Mr. Grassley, Mr. Hatch, and Mr. Wallop.

Committee on Foreign Relations: Mr. Helms, Mr. Lugar, Mrs. Kassebaum, Mr. Pressler, Mr. Murkowski, Mr. Brown, Mr. Jeffords, and Mr. Coverdell.

Committee on Governmental Affairs: Mr. Roth, Mr. Stevens, Mr. Cohen, Mr. Cochran, and Mr. McCain.

Committee on the Judiciary: Mr. Hatch, Mr. Thurmond, Mr. Simpson, Mr. Grassley, Mr. Specter, Mr. Brown, Mr. Cohen, and Mr. Pressler.

Committee on Labor and Human Resources: Mrs. Kassebaum, Mr. Jeffords, Mr. Coats, Mr. Gregg, Mr. Thurmond, Mr. Hatch, and Mr. Durenberger.

SENATE RESOLUTION 8—TO AMEND PARAGRAPH 4 OF RULE XXV BY STRIKING SECTIONS h(16) AS IT APPEARED IN 102D CONGRESS THROUGH (49) AND INSERTING IN LIEU THEREOF THE FOLLOWING NEW SECTIONS

Mr. BURNS (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 8

Resolved, That paragraph 4 of rule XXV is amended by striking sections h(16) as it appeared in 102d Congress through (49) and inserting in lieu thereof the following new sections:

"(17) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Armed Services, and the Committee on the Judiciary, may, during the One Hundred Third Congress, serve as a member of the Committee on Labor and Human Resources, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(18) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Finance, and the Committee on Governmental Affairs, may, during the One Hundred Third Congress, serve as a member of the Committee on Banking, Housing and Urban Affairs, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(19) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Appropriations, and the Committee on Energy and Natural Resources, may, during the One Hundred Third Congress, serve as a member of the Committee on Banking, Housing and Urban Affairs, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(2) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on the Judiciary, and the Committee on Finance, may, during the One Hundred Third Congress, serve as a member of the Committee on Labor and Human Resources, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(21) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Environment and Public Works, and the Committee on Finance, may, during the One Hundred Third Congress, serve as a member of the Committee on Labor and Human Resources, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(22) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Appropriations, and the Committee on Agriculture, Nutrition and Forestry, may, during the One Hundred Third Congress, serve as a member of the Committee on Governmental Affairs, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(23) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Armed Services, and the Committee on Governmental Affairs, may, during the One Hundred Third Congress, serve as a member of the Committee on the Judiciary, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(24) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Commerce, Science and Transportation, and the Committee on Foreign Relation, may, during the One Hundred Third Congress, serve as a member of the Committee on Judiciary, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(25) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Finance, and the Committee on the Judiciary, may, during the One Hundred Third Congress, serve as a member of the Committee on Agriculture, Nutrition and Forestry, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(26) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Appropriations, and the Committee on the Judiciary, may, during the One Hundred Third Congress, serve as a member of the Committee on Energy and Natural Resources, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(27) A Senator who serves as a member of the Committee on Banking, Housing and Urban Affairs, and the Committee on Environment and Public Works, may, during the One Hundred Third Congress, serve as a member of the Committee on Armed Services, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(28) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Armed Services, and the Committee on Commerce, Science and Transportation, may, during the One Hundred Third Congress, serve as a member of the Committee on Energy and Natural Resources, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(29) A Senator who on the last day of the One Hundred Second Congress was serving as a member of the Committee on Armed Services, and the Committee on Commerce, Science and Transportation, may, during the One Hundred Third Congress, serve as a member of the Committee on Government Affairs, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

SENATE RESOLUTION 9—TO AMEND SENATE RESOLUTION 458 OF THE 98TH CONGRESS

Mr. DOLE (for Mr. FORD for himself and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 9

Resolved, That Senate Resolution 458 of the Ninety-eighth Congress (agreed to October 4, 1984) is amended by adding the following new section:

"SEC. 6. (a) For purposes of this section:

"(1) The term "committee" means a standing, select or special committee, or commission of the Senate, or a joint committee of the Congress whose funds are disbursed by the Secretary of the Senate.

"(2) The terms "Chairman" and "Ranking Minority Member" means the Chairman, Vice Chairman, CoChairman and Ranking Minority Member of a committee.

"(3) The term "eligible staff member" means an individual who was an employee of a committee, or subcommittee thereof, for at least one hundred and eighty-three days (whether or not service was continuous) prior to the termination of employment as described in paragraph (4), and whose pay is disbursed by the Secretary of the Senate.

"(4) The term "displaced staff member" means an eligible staff member whose service as an employee of the Senate is terminated solely and directly as a result of a change in the individual occupying the position of chairman or ranking minority member of a committee and who is certified as a displaced staff member by the chairman and ranking minority member of the committee to the Secretary of the Senate. Such certification shall be made no later than sixty days from the date of such change.

"(b) The Secretary of the Senate shall notify the Committee on Rules and Administration of the name of each displaced staff member.

"(c)(1) Under regulations prescribed by the Committee on Rules and Administration each displaced staff member shall, upon application to the Secretary of the Senate and approval by the Committee on Rules and Administration, continue to be paid at their respective salaries for a period not to exceed sixty days following the staff member's date of termination or until the staff member becomes otherwise gainfully employed, whichever is earlier.

"(2) A statement in writing by any such employee that he was not gainfully employed during such period or the portion thereof for which payment is claimed shall be accepted as prima facie evidence that he was not so employed.

"(d) Funds necessary to carry out the provisions of this section shall be available as set forth in section 1(d)."

SENATE RESOLUTION 10—TO AUTHORIZE THE SELECT COMMITTEE ON POW/MIA AFFAIRS TO SUBMIT ITS FINAL REPORT TO THE SENATE PRIOR TO JANUARY 13, 1993

Mr. DOLE (for Mr. MITCHELL) submitted the following resolution; which was considered and agreed to:

S. RES. 10

SECTION 1. EXTENDED REPORTING TIME.

Notwithstanding the provisions of Senate Resolution 82, agreed to August 2, 1991 (102d Congress, 1st Session), and Senate Resolution 185, agreed to October 16, 1991 (102d Congress, 1st Session), the Select Committee on POW/MIA Affairs is authorized to make expenditures from the appropriations account for Miscellaneous Items in the contingent fund of the Senate, upon vouchers approved by the Secretary of the Senate, for expenses incurred during the period from January 3, 1993, through January 13, 1993, in connection with the preparation and submission, prior to January 13, 1993, of its final report to the Senate, including printing and filing.

SEC. 2. EFFECTIVE DATE.

This resolution is effective January 2, 1993.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that two hearings have been scheduled before the full Committee on Energy and Natural Resources.

The first hearing will take place Tuesday, January 19, 1993, at 9:30 a.m. in room G–50 of the Senate Dirksen Office Building in Washington, DC. The purpose of this hearing is to receive testimony from Hazel O'Leary, nominee to be Secretary of Energy.

The second hearing will take place Tuesday, January 19, 1993, at 2 p.m. in room G–50 of the Senate Dirksen Office Building in Washington, DC, and will be continued on Thursday, January 21, 1993, at 9:30 a.m. in room G–50 of the Senate Dirksen Office Building in Washington, DC, if necessary. The purpose of this hearing is to receive testimony from Gov. Bruce Babbitt, nominee to be Secretary of the Interior.

For further information, please contact Rebecca Murphy at (202) 224–7562.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on January 7, 1993, at 10 a.m. on the nomination of Frederico F. Peña to be Secretary of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, January 7, 1993, at 10:30 a.m. for a hearing on Robert Reich who is designated to be nominated to be Secretary of the Department of Labor.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, January 7, 1993, at 9:30 a.m. in open session, to begin hearings on the nomination of the Honorable LES ASPIN to be Secretary of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the nomination of Jesse Brown to be Secretary of Veterans Affairs. The hearing will be held on January 7, 1993, at 9 a.m. in room 414 of the Russell Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JANUARY 20, 1993

Mr. DOLE. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate reconvenes on Wednesday, January 20, the Journal of proceedings be approved to date, and following the time reserved for the two leaders there be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 3 P.M., WEDNESDAY, JANUARY 20, 1993

Mr. DOLE. Mr. President, on behalf of the majority leader, if there is no further business to come before the Senate today, I now move the Senate stand in recess as provided under Senate Concurrent Resolution 3, until 3 p.m., Wednesday, January 20, 1993.

The motion was agreed to, and the Senate, at 8:10 p.m., recessed until Wednesday, January 20, 1993, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate January 7, 1993:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ALBERT J. EDMONDS [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. EUGENE E. HABIGER [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. CARL G. O'BERRY [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. MAXWELL C. BAILEY, [redacted] REGULAR AIR FORCE.
COL. ROBERT P. BELIHAR [redacted] REGULAR AIR FORCE.
COL. CLAUDE M. BOLTON, JR. [redacted] REGULAR AIR FORCE.
COL. FRANK B. CAMPBELL [redacted] REGULAR AIR FORCE.
COL. THOMAS R. CASE, [redacted] REGULAR AIR FORCE.
COL. DONALD G. COOK, [redacted] REGULAR AIR FORCE.
COL. CHARLES H. COOLIDGE, JR [redacted] REGULAR AIR FORCE.
COL. ANDREW M. EGELAND, JR. [redacted] REGULAR AIR FORCE.
COL. RICHARD L. ENGEL, [redacted] REGULAR AIR FORCE.
COL. ROBERT E. GATLIFF [redacted] REGULAR AIR FORCE.
COL. WILLIAM M. GUTH, [redacted] REGULAR AIR FORCE.
COL. MICHAEL V. HAYDEN, [redacted] REGULAR AIR FORCE.
COL. CHARLES R. HENDERSON [redacted] REGULAR AIR FORCE.
COL. WILLIAM R. HODGES, [redacted] REGULAR AIR FORCE.
COL. PETER F. HOFFMAN [redacted] REGULAR AIR FORCE.
COL. ROBERT A. HOFFMANN, [redacted] REGULAR AIR FORCE.
COL. CHARLES R. HOLLAND, [redacted] REGULAR AIR FORCE.
COL. RAYMOND P. HUOT, [redacted] REGULAR AIR FORCE.
COL. HOWARD J. INGERSOLL, [redacted] REGULAR AIR FORCE.
COL. JAMES A. JAEGER [redacted] REGULAR AIR FORCE.
COL. RONALD T. KADISH, [redacted] REGULAR AIR FORCE.
COL. THOMAS J. KECK, [redacted] REGULAR AIR FORCE.
COL. OREST L. KOHUT, [redacted] REGULAR AIR FORCE.
COL. GEORGE P. LAMPE [redacted] REGULAR AIR FORCE.
COL. JAMES D. LATHAM, [redacted] REGULAR AIR FORCE.
COL. RONALD C. MARCOTTE, [redacted] REGULAR AIR FORCE.
COL. RICHARD C. MARR, [redacted] REGULAR AIR FORCE.
COL. GREGORY S. MARTIN, [redacted] REGULAR AIR FORCE.
COL. DAVID J. MCCLOUD, [redacted] REGULAR AIR FORCE.
COL. JOHN F. MILLER, JR., [redacted] REGULAR AIR FORCE.
COL. MICHAEL A. MOFFITT, [redacted] REGULAR AIR FORCE.
COL. WILLIAM F. MOORE, [redacted] REGULAR AIR FORCE.
COL. THOMAS H. NEARY, [redacted] REGULAR AIR FORCE.
COL. CHARLES H. PEREZ [redacted] REGULAR AIR FORCE.
COL. JEFFREY S. PILKINGTON [redacted] REGULAR AIR FORCE.
COL. STEPHEN B. PLUMMER [redacted] REGULAR AIR FORCE.
COL. KAREN S. RANKING, [redacted] REGULAR AIR FORCE.
COL. THOMAS J. SCANLAN JR. [redacted] REGULAR AIR FORCE.
COL. GEORGE T. STRINGER [redacted] REGULAR AIR FORCE.
COL. ARTHUR S. THOMAS, [redacted] REGULAR AIR FORCE.
COL. LANSFORD E. TRAPP, JR [redacted] REGULAR AIR FORCE.
COL. GARY A. VOELLGER [redacted] REGULAR AIR FORCE.
COL. BUFORD R. WITT, [redacted] REGULAR AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601 AND SECTION 3034:

To be general

To be Vice Chief of Staff, U.S. Army

LT. GEN. J.H. BINFORD PEAY II [redacted], U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. EDWIN H. BURBA, JR. [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

GEN. DENNIS J. REIMER [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOHN H. TILELLI, JR [redacted], U.S. ARMY.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CHARLES J. SEAROCK, JR. [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

THOMAS R CORBITT [redacted]
MICHAIL C SHEEN, 223-74-6493

To be lieutenant colonel

MICHAEL A BAILEY [redacted]
DANNY F E CARTER [redacted]
ROBERT E FOESSETT [redacted]
HARRY E GREER, III [redacted]
STEVEN L HUNT [redacted]
RICHARD L JONES [redacted]
JEFFERY M JORGENSEN [redacted]
ROBERT A MAGAS [redacted]
JACK A SALFEN [redacted]
ROBERT C STEWART [redacted]
THOMAS J SULLIVAN [redacted]
JOHN C TWIDDY, II [redacted]
JOSEPH R WALK [redacted]
KENNETH W WERNER [redacted]

To be major

JOHN E CATHERWOOD [redacted]
HARRY E GREER, III [redacted]
JOHN F RIVERO [redacted]

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE AIR FORCE RESERVE, UNDER THE PROVISIONS OF SECTIONS 593, 8362 AND 8371, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

BOBBY J. ABERNATHY [redacted]
VICTOR D. ALBERTINI [redacted]
ROBERT T. ALDINGER [redacted]
ROGER L. ALDRICH [redacted]
KEITH L. ALLEN [redacted]
KENNETH R. ALM [redacted]
CHARLES L. ATTARDO [redacted]
STEVEN D. BAILEY [redacted]
RICHARD G. BALLINTINE [redacted]
JOHN W. BARTON [redacted]
GEORGE H. BAUM [redacted]
CHRISTIAN J. BECHT [redacted]
JOSEPH P. BELLINC [redacted]
FRANK M. BLAU, JR [redacted]
ALVIN E. BLUMBERG, JR [redacted]
CHARLES J. BLUMER [redacted]
BERNARD W. BOGUSH [redacted]
LESLIE L. BORDELON [redacted]
MARK J. BOWER [redacted]
GARRY L. BOWERS [redacted]
RALPH K. BOWERS [redacted]
LEONARD J. BRADY, JR [redacted]
JEFFREY M. BRICKER [redacted]
KATHERINE A. BRITTIN [redacted]
LEE J. BRUNDAGE [redacted]
OTTO L. BUSS, JR [redacted]
CHARLES E. BUTLER [redacted]
MARTIN D. CARPENTER [redacted]
BRUCE M. CARSKADON [redacted]
ALAN H. CLAIR [redacted]
CARL C. CLARKE [redacted]
DAVID L. COALWELL [redacted]
LESLIE S. COGGINS [redacted]
JAMES C. COLE [redacted]
JAMES H. COPPENS [redacted]
ALFRED E. CRONK, JR [redacted]
JANICE C. DANIELS [redacted]
ROGER G. DISRUD [redacted]
STEVEN R. DONOVAN [redacted]
JOHN D. DORRIS [redacted]
ROBERT K. DRAAYER [redacted]
ROBERT E. DUIGNAN [redacted]
MICHAEL C. EGAN [redacted]
JAMES H. FENNER [redacted]
CRAIG S. FERGUSON [redacted]
DAVID W. FEY, JR [redacted]
ROBERT E. FIELDS [redacted]
JAMES A. FINBRAATEN [redacted]
BENJAMIN F. FINDLEY, JR [redacted]
RONALD E. FISHER [redacted]
BEVERLY S. FOLLIS [redacted]
STEVEN R. FULGHUM [redacted]
PATRICK J. GALLAGHER [redacted]
BENJAMIN F. GOFF [redacted]
DENNIS M. GONZALES [redacted]
MICHAEL D. GREBB [redacted]
ELIZABETH A. GROTE [redacted]
OSCAR A. GUTIERREZ [redacted]
EUGENE M. HALL [redacted]
ROBERT J. HANCOCK, JR [redacted]
THOMAS P. HAYES [redacted]
CHARLES D. HILL, I [redacted]
JOHN Q. HILL, JR [redacted]
JOHN S. HOFF [redacted]
RANDOLPH J. HOFFMANN, [redacted]
CHARLES W. HOLDERNESS [redacted]
WERNER E. HOLT [redacted]
PAUL R. ISAACS [redacted]
RONALD A. JOHNSTON, [redacted]
DENNIS D. JONES [redacted]
JOHN W. KENSINGER [redacted]

ROBERT D. KIRCHNER [redacted]
ROBERT C. KIRSCHLING [redacted]
DOUGLAS P. KODAK [redacted]
DAVID J. KOZAK [redacted]
ROBERT A. KUNSELMAN [redacted]
HOWARD C. KYLE, JR [redacted]
JAY F. LACKLEN [redacted]
EMILE J. LAMULLE, JR [redacted]
ROBERT C. LASSETER [redacted]
HOMER C. LAVENDER, JR [redacted]
GARY A. LAZAROTTI [redacted]
OLIS L. LEWIS, JR [redacted]
WILLIAM C. LINDAHL [redacted]
CHARLES P. LITTLE, III [redacted]
ROGER W. LIZUT [redacted]
RAYMOND J. LUSTIG, JR [redacted]
ROBERT T. MACALUSO [redacted]
NATHAN L. MASON [redacted]
JOHN W. MATTHEWS, JR [redacted]
ROBERT D. MATTHEWS [redacted]
ROBERT A. MATTINGLY [redacted]
ROBERT G. MCCULLOUGH [redacted]
JAMES R. MCGUIRK [redacted]
LARRY W. MCKELLAR [redacted]
JACK H. MCLEAN [redacted]
LAWRENCE E. MERCKER [redacted]
HENRY H. MERRITT [redacted]
PATRICK L. MILES [redacted]
DONALD L. MILLER [redacted]
JIMMIE G. MILLS [redacted]
JAMES W. MITCHELL, JR [redacted]
MICHAEL R. MITCHELL [redacted]
SAMUEL C. MITCHELL, III [redacted]
JOHN T. MIZELLE [redacted]
HANFERD J. MOEN, JR [redacted]
JOHN P. MOORE [redacted]
JAMES K. MORAN [redacted]
MARA O. MOWERY [redacted]
JAMES M. MUNGENAST [redacted]
PAUL R. MUNSELL, JR [redacted]
RICHARD A. MURNOCK [redacted]
WILLIAM C. NARDIN [redacted]
ROBERT H. NEBEN [redacted]
JOSEPH G. NEELON [redacted]
DAVID F. NEFZGER [redacted]
SUSAN B. NEUGEBAUER [redacted]
THOMAS L. NEVELS [redacted]
THOMAS J. OSTERHOFF [redacted]
WILLIAM D. PALMER, JR [redacted]
TODD W. PEARSON [redacted]
BERNARD J. PIECZYNSK [redacted]
ALLAN R. POULIN [redacted]
RICHARD J. QUIRAM [redacted]
ROBERT E. RAYFIELD [redacted]
JAMES G. REBHOLZ [redacted]
LEE H. RICHEY [redacted]
RICHARD W. RIDER [redacted]
CHARLES T. ROOF [redacted]
PAUL W. ROTH, JR [redacted]
LOUIS M. SALERNO, JR [redacted]
JAMES SANDERS [redacted]
LOUIS J. SCHEUCHENZUBER [redacted]
RODNEY J. SCHWARTZ [redacted]
THOMAS C. SEEBO, II [redacted]
DAVID N. SENTY [redacted]
JOSEPH D. SHRIBER [redacted]
THOMAS R. SIMM [redacted]
LAURA L. SMITH [redacted]
QUENTIN J. SMITH, JR [redacted]
STEPHEN A. SMITH [redacted]
RONALD G. SPROVERO [redacted]
RAMONA C. STELFORD [redacted]
ROBERT A. STENEVIK [redacted]
CHARLES E. STENNER, JR [redacted]
THOMAS M. STOGSDILL [redacted]
FREDERICK E. STOVEI [redacted]
MILES H. STRALY [redacted]
THOMAS H. SULLIVAN [redacted]
ROBERT F. SZUL [redacted]
DAVID P. TALBERT [redacted]
DEMITRIOS O. TATUM [redacted]
BARBARA G. TAYLOR [redacted]
LAWRENCE A. TELLER [redacted]
ROBERT W. TROY [redacted]
MICHAEL L. TYLER [redacted]
CLIFTON T. UYEMATSU [redacted]
JOHN A. VANDYKE [redacted]
GARY R. VASEK [redacted]
JAMES R. VINEYARD [redacted]
ROBERT E. WALDRON [redacted]
ANTON J. WANIO [redacted]
ROGER M. WELLER [redacted]
EDWARD C. WHALEN, JR [redacted]
DARREL D. WHITCOMB [redacted]
JERRY D. WILLOUGHBY [redacted]
SETH G. WILSON [redacted]
DANNY J. WITTLIFF [redacted]
RANDALL W. YOUNG [redacted]

CHAPLAIN CORPS

To be colonel

GREGORY M. COULTHARD [redacted]
LARRY W. MYERS [redacted]
DAVID H. WEBB [redacted]

DENTAL CORPS

To be colonel

JOHN R. GOSSMAN, JR [redacted]
DAVID W. JOHNSON [redacted]
RICHARD G. LUBMAN [redacted]
STEVEN A. ROSS [redacted]
RICHARD S. SCHWARTZ [redacted]

JUDGE ADVOCATE

To be colonel

PETER A. BERKOWSKY [redacted]
JAMES F. CLARK [redacted]
GLENN B. HAMMOND [redacted]
BARRY S. JAYNES [redacted]
FRANCIS T. LACEY [redacted]
RALPH J. LEE [redacted]
ROY H. LEONARD, JR, [redacted]
FRANK E. MARLEY, JR [redacted]
LAWRENCE C. PETROWSKI [redacted]
ALLAN C. ROOTEN [redacted]
JAMES R. RUSSELL [redacted]
JOHN F. STRONG [redacted]
WILLIAM C. WALLER [redacted]

MEDICAL CORPS

To be colonel

PAUL T. BAROCO [redacted]
JOHN W. BATCHELLER [redacted]
FABIO CABRERAMENDEZ [redacted]
ROBERT L. CHU [redacted]
KOICHIRO D. HAYASHI [redacted]
DIANE HUEY [redacted]
JESUS G. JIMENEZ [redacted]
RADHA KAMATH [redacted]
ROBERT J. MALCOLM, JR [redacted]
ARNOLD R. PENIX [redacted]
JACOB G. ROBISON [redacted]
FLOYD H. SANDERS [redacted]
LORENCE W. TRICK [redacted]
CHRISTOPHER J. VONDIPPE [redacted]
ROBERT J. WELLS [redacted]

NURSE CORPS

To be colonel

PATSY C. ADKISON [redacted]
BARBARA L. BARNES [redacted]
FRANCES D. KIMBALL [redacted]
MARY J. MADER [redacted]
MARY E. MCCOLLOUGH [redacted]
JUDY A. MOSBEY [redacted]
MARY C. ROHRET, [redacted]
MARY K. STRANTZ [redacted]
LUVINA J. TRIPLETT [redacted]

MEDICAL SERVICE CORPS

To be colonel

PATRICK J. ABBOTT [redacted]
KENNETH L. ECTON [redacted]
MAVORIC J. FARMER [redacted]

BIOMEDICAL SERVICE CORPS

To be colonel

JAMES T. GOODWIN [redacted]
JEANNE R. GOURLEY [redacted]
SUE A. KUHLMEIER [redacted]
ELIAS N. SOURI [redacted]

HOUSE OF REPRESENTATIVES—*Wednesday, January 20, 1993*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, from whom comes every good gift and to whom we give all honor and praise, we thank You for this new day with all its possibilities and responsibilities. We pray, Almighty God, that Your blessing will be upon us and we will be open to the vision of justice and righteousness. Give each one the strength not only to see the vision of a better world, but we pray for the wisdom to know the paths of peace and the avenues of service. May Your benediction be upon those to whom great responsibility has been given and who this day receive the obligations of their offices. Guide and gird them in all things that they may faithfully serve You and the people of this land. And may each person who has been given the tasks of service do justice, love mercy and ever walk humbly with You. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Would the gentleman from New York [Mr. SOLOMON] come forward and lead the House in the Pledge of Allegiance.

Mr. SOLOMON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolutions on Thursday, January 7, 1993:

S.J. Res. 1. Joint resolution to ensure that the compensation and other emoluments attached to the Office of Secretary of the Treasury are those which were in effect on January 1, 1989.

S.J. Res. 2. Joint resolution to authorize the U.S. Secret Service to continue to furnish protection to the former Vice President or his spouse.

PROVIDING FOR ADJOURNMENT OF THE HOUSE ON TODAY

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that at the conclusion of the inaugural ceremonies for the President and Vice President of the United States on the west front of the Capitol, the House stand adjourned.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT FROM THURSDAY, JANUARY 21, 1993 TO MONDAY, JANUARY 25, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, January 21, 1993, it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). On behalf of the Speaker, the Chair would like to make this announcement:

The Chair desires to announce that sitting Members have been delivered their official tickets and will be seated on the platform. There are no extra seats available, so former Members cannot join the procession.

The same holds true for children. They can neither go with the procession nor be seated on the platform.

The area where Members of the House are to be seated is not covered. Members should keep this fact in mind in deciding whether to wear overcoats and hats.

The procession will be headed by the Sergeant at Arms bearing the mace. The Clerk will escort the Members to the west front of the Capitol. The procession will be led by the dean of the House, followed by the House leadership, committee chairmen, ranking minority members, and other members in order of seniority.

The Chair would encourage Members, as they gather in order of seniority, to congregate by classes in the well. In other words, the Speaker would prefer that Members would come in the well, congregate by classes and then march out.

Pursuant to House Resolution 10, the Members of the House will proceed to the west front to attend the inaugural ceremonies for the President and Vice President of the United States.

RECESS

The SPEAKER pro tempore. The procession will begin at 10:20 a.m. The Chair declares a brief recess until that time.

Accordingly (at 10 o'clock and 7 minutes a.m.) the House stood in recess until 10:20 a.m.

□ 1020

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MONTGOMERY) at 10 o'clock and 20 minutes a.m.

FURTHER ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces again the lineup. The procession will be headed by the Sergeant at Arms bearing the mace. The Clerk will escort the Members to the west front of the Capitol. The dean of the House will lead the delegation followed by the House leadership, committee chairmen, and ranking minority members.

For committee chairmen and ranking minority members there are assigned seats. Their names are on those seats. Following the chairmen and ranking minority members are other Members in order of seniority.

It has been requested by the Speaker that Members line up by classes, if Members can recall their class, and we expect the freshman class to be last, of course.

Pursuant to House Resolution 10, the Members of the House will now proceed to the west front to attend the inaugural ceremonies for the President and Vice President of the United States.

Thereupon, at 10 o'clock and 21 minutes a.m., the Members of the House, preceded by the Sergeant at Arms and the Speaker, proceeded to the west front of the Capitol.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 1. Joint resolution to ensure that the compensation and other emoluments at-

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□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tached to the office of Secretary of the Treasury are those which were in effect on January 1, 1989.

S.J. Res. 2. Joint resolution to authorize the U.S. Secret Service to continue to furnish protection to the former Vice President or his spouse.

ADJOURNMENT

At the conclusion of the inaugural ceremonies (at 12 o'clock and 26 minutes p.m.) the House, without returning to its Chamber, pursuant to the order of the House of today, stood in adjournment until Thursday, January 21, 1993, at 11 a.m.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOEHLERT:

H.R. 488. A bill to establish an annual essay contest for high school seniors in the United States; to the Committee on House Administration.

By Mr. FISH:

H.R. 489. A bill to require public notice of a period for public comment on any guideline proposed by the Department of Justice or the Federal Trade Commission with respect to the interpretation or implementation of the antitrust laws or to any policy relating to the enforcement of the antitrust laws; to the Committee on the Judiciary.

By Mr. TRAFICANT (for himself, Mr. Mineta, Mr. Stark, and Ms. Norton):

H.R. 490. A bill to provide for the conveyance of certain lands and improvements in Washington, District of Columbia, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Women's Health Resource Center; jointly, to the Committees on the District of Columbia, Government Operations, and Public Works and Transportation.

By Mr. FRANK of Massachusetts:

H.R. 491. A bill to prohibit the imposition of a fee for waiver of the passport requirement for citizens in the case of reported theft or destruction; to the Committee on Foreign Affairs.

By Mr. FRANK of Massachusetts (for himself and Mr. Bilirakis):

H.R. 492. A bill to amend the Immigration and Nationality Act to provide for an exception to the history and Government knowledge requirement for naturalization; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 493. A bill to give the President legislative, line-item veto rescission authority over appropriation bills and targeted tax benefits in revenue bills; jointly, to the Committee on Government Operations and Rules.

By Mr. REYNOLDS (for himself, Mr. McHugh, Mr. Wheat, Mr. Baker of Louisiana, Mr. Owens, and Mr. Montgomery):

H.R. 494. A bill to provide that members of the Armed Forces performing services in the relief effort in Somalia shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. Baker of California, Mr. Bartlett of Maryland, Mr. Hutchinson, Mr. King, Mr. Kyl, Mr. Smith of Michigan, Mr. Thomas of Wyoming, and Mr. Quinn.

H.R. 349: Mr. Bartlett of Maryland, Mr. McHugh, Mr. Jacobs, Mr. Inglis, and Mr. Bacchus of Florida.

H. Res. 19: Mr. Abercrombie, Mr. Blackwell, Mr. DeFazio, Mr. Ford of Tennessee, Mr. Frank of Massachusetts, Mr. Gordon, Mr. Kennedy, Mr. Lantos, Mr. Pallone, Mr. Pastor, Mr. Richardson, Mr. Sisisky, Mr. Skelton, Mr. Vento, Mr. Volkmer, Mr. Wise, Mr. Wyden, Mrs. Bentley, Mr. Boehlert, Mr. Franks of Connecticut, Mr. Gilchrest, Mr. Hobson, Mr. Houghton, Mrs. Morella, Mr. Regula, Mr. Saxton, Mr. Smith of New Jersey, Ms. Snowe, Mr. Spence, Mr. Stearns, Mr. Taylor of North Carolina, Mr. Manton, Mr. Clyburn, Mr. Coleman, Mr. Coyne, Mr. de Lugo, Mr. Dixon, Mr. Green of Texas, Mr. Gutierrez, Mr. Hinchey, Mr. LaRocco, Mr. McDermott, Mr. Matsui, Mr. Ortiz, Mr. Pomeroy, Mr. Reed, Mrs. Schroeder, Mr. Tucker, Mr. Underwood, Mr. Bartlett of Maryland, Mr. Gallegly, Mr. Gillmor, Mr. Gunderson, Mr. King, Mr. McHugh, Mrs. Vucanovich, Mr. Martinez, Mr. Holden, Mr. Ackerman, Mr. Andrews of New Jersey, Mr. Bacchus of Florida, Mr. Becerra, Mr. Bevill, Mr. Bilbray, Mr. Borski, Mr. Costello, Ms. DeLauro, Mr. Filner, Mr. Lewis of Georgia, Mr. Meehan, Mr. Neal of North Carolina, Ms. Roybal-Allard, Mr. Hall of Ohio, Mr. Swett, Mr. Tauzin, Mr. Taylor of Mississippi, Mrs. Unsoeld, Ms. Velazquez, Mr. Waxman, Mr. Blute, Mr. Hutchinson, Mr. Quinn, Ms. Furse, Mr. Schumer, Ms. Kaptur, and Mr. Studds.

H. Res. 30: Mr. Abercrombie, Mr. Blackwell, Mr. DeFazio, Mr. Ford of Tennessee, Mr. Frank of Massachusetts, Mr. Gordon, Mr. Kennedy, Mr. Lantos, Mr. Pallone, Mr. Pastor, Mr. Richardson, Mr. Sisisky, Mr. Skelton, Mr. Vento, Mr. Volkmer, Mr. Wise, Mr. Wyden, Mrs. Bentley, Mr. Boehlert, Mr. Franks of Connecticut, Mr. Gilchrest, Mr. Hobson, Mr. Houghton, Mrs. Morella, Mr. Regula, Mr. Saxton, Mr. Smith of New Jersey, Ms. Snowe, Mr. Spence, Mr. Stearns, Mr. Taylor of North Carolina, Mr. Manton, Mr. Clyburn, Mr. Coleman of Texas, Mr. Coyne, Mr. de Lugo, Mr. Dixon, Mr. Gene Green of Texas, Mr. Gutierrez, Mr. Hinchey, Mr. LaRocco, Mr. McDermott, Mr. Matsui, Mr. Ortiz, Mr. Pomeroy, Mr. Reed, Mrs. Schroeder, Mr. Tucker, Mr. Underwood, Mr. Bartlett, Mr. Gallegly, Mr. Gillmor, Mr. Gunderson, Mr. King, Mr. McHugh, Mrs. Vucanovich, Mr. Martinez, Mr. Holden, Mr. Ackerman, Mr. Andrews of New Jersey, Mr. Bacchus of Florida, Mr. Becerra, Mr. Bevill, Mr. Bilbray, Mr. Borski, Mr. Costello, Ms. DeLauro, Mr. Filner, Mr. Lewis of Georgia, Mr. Meehan, Mr. Neal of North Carolina, Ms. Roybal-Allard, Mr. Hall of Ohio, Mr. Swett, Mr. Tauzin, Mr. Taylor of Mississippi, Mrs. Unsoeld, Ms. Velazquez, Mr. Waxman, Mr. Blute, Mr. Hutchinson, Mr. Quinn, Ms. Furse, Mr. Schumer, Ms. Kaptur, and Mr. Studds.

SENATE—*Wednesday, January 20, 1993*

(Legislative day of Tuesday, January 5, 1993)

INAUGURATION OF THE PRESIDENT OF THE UNITED STATES AND THE VICE PRESIDENT

Members of the House of Representatives, Members of the Senate, Justices of the Supreme Court, members of the Cabinet, members of the diplomatic corps, the Governors of the States, and the Mayor of the District of Columbia, the Joint Chiefs of Staff, and other distinguished guests assembled on the west front.

MRS. QUAYLE AND MRS. GORE

Mrs. Quayle and Mrs. Gore were escorted to the President's platform.

MRS. BUSH AND MRS. CLINTON

Mrs. Bush and Mrs. Clinton were escorted to the President's platform.

THE PRESIDENT AND VICE PRESIDENT

The President and Vice President, accompanied by Senator STEVENS and Representative MICHEL, were escorted to the President's platform.

THE VICE PRESIDENT-ELECT

The Vice President-elect, ALBERT GORE, JR., accompanied by Senator MITCHELL and Representative GEPHARDT, was escorted to the President's platform.

THE PRESIDENT-ELECT

The President-elect, William Jefferson Clinton accompanied by Senator FORD, Senator MITCHELL, Senator STEVENS, Representative FOLEY, and Representative GEPHARDT was escorted to the President's platform.

THE INAUGURAL CEREMONY

Mr. FORD. Mr. President, Mr. Vice President, Mr. Speaker, Mr. Chief Justice, former President and Mrs. Carter, President-elect Clinton, and Vice President-elect GORE, my colleagues and our guests, welcome to the 1993 Presidential Inauguration.

Today our Nation bids a gracious good-bye to an outgoing administration and warmly welcomes in a new one as William Jefferson Clinton takes office as the 42d President of the United States.

This peaceful and orderly transfer of power that we soon will witness is a remarkable tribute to the genius of our Constitution, the enduring strength of our political system, and our proud national heritage.

Indeed, the eyes of the Nation and the world are on us now as we prepare to inaugurate William Jefferson Clinton as President and ALBERT GORE, JR., as Vice President of these United States. So, President Bush, President-elect Clinton, distinguished guests, ladies and gentlemen, as he has been called upon before, we now ask the Reverend Billy Graham to lead our Nation in prayer.

INVOCATION

Reverend GRAHAM. Our God and our Father, we thank You for this historic occasion when we inaugurate our new President and Vice President.

We thank You for the moral and spiritual foundations which our forefathers gave us, and which are rooted deeply in Holy Scripture. Those principles have nourished and guided us as a nation in the past.

But we cannot say that we are a righteous people, for we are not. We have sinned against You. We have sown to the wind and are now reaping the whirlwind of crime, drug abuse, racism, immorality, and social injustice. We need to repent of our sins and to turn by faith to You.

And now on this 20th day of January, 1993, we commit to You President-elect Clinton and Vice President-elect GORE whom You have permitted to take leadership at this critical time in our Nation's history. Help them always to see the office to which they have been elected as a sacred trust from You. We pray that You will bless their wives, who will share so much of the responsibility and burdens.

May President-elect Clinton know that he is never really alone, but that the eternal God can be his refuge, and he can turn to You in every circumstance. Give him the wisdom You have promised to those who ask, and the strength You alone can give.

We thank You for his predecessor, President Bush, and the dedication he gave to this Office. Bless him as he and Mrs. Bush continue their dedicated service to our country in other spheres.

We commit this inaugural ceremony to You and ask that the memory of this event may always remind us to pray for our leaders.

I pray this in the name of the One who was called Wonderful Counselor, the mighty God, the everlasting Father, and the Prince of Peace. Amen.

Mr. FORD. Ladies and gentlemen, it is now my pleasure to present the Philander Smith Collegiate Choir from Little Rock, AR. The choir, under the direction of Stephen L. Hayes, will perform "City on the Hill," composed by Dr. Marvin V. Curtis.

(The Philander Smith Collegiate Choir sang "City on the Hill.")

[Applause.]

Mr. FORD. Ladies and gentlemen, I now present Justice Byron White, who will administer the Vice-Presidential oath of office to ALBERT GORE, JR.

ADMINISTRATION OF OATH OF OFFICE TO THE VICE PRESIDENT

Associate Justice WHITE. Senator, you will please raise your right hand and swear after me.

Associate Justice of the United States Byron White administered to the Vice President-elect the oath of office prescribed by the Constitution, which he repeated, as follows:

"I, ALBERT GORE, JR., do solemnly swear that I will support and defend the Constitution of the United States; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Associate Justice WHITE. I know you will, Mr. Vice President.

Mr. GORE. Thank you.

[Applause.]

Mr. FORD. Ladies and gentlemen, we are honored to have one of the world's best-known sopranos participating in today's ceremony who will perform an American medley that includes "Simple Gifts" by Aaron Copeland and "Make a Rainbow" by Portia Nelson.

From the Metropolitan Opera, ladies and gentlemen, please welcome Marilyn Horne.

(Marilyn Horne, of the Metropolitan Opera, sang an American medley that included "Simple Gifts" by Aaron Copeland and "Make a Rainbow" by Portia Nelson.)

[Applause.]

(A musical interlude was performed by the Marine Band—"The Liberty Bell.")

[Applause.]

Mr. FORD. Ladies and gentlemen, the Chief Justice of the United States, who will administer the Presidential oath of office to William Jefferson Clinton.

Mr. Chief Justice REHNQUIST. Governor, are you ready to take the oath?

Mr. CLINTON. I am.

ADMINISTRATION OF OATH OF OFFICE TO THE PRESIDENT

Mr. Chief Justice REHNQUIST. Please raise your right hand and repeat after me.

The Chief Justice of the United States, William Hubbs Rehnquist, administered to the President-elect the oath of office prescribed by the Constitution, which he repeated, as follows:

"I, William Jefferson Clinton, do solemnly swear that I will faithfully execute the office of President of the Unit-

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

ed States and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States. So help me God."

Mr. Chief Justice REHNQUIST. Congratulations.

[Applause.]

(Four ruffles and flourishes, "Hail to the Chief," and 21-gun salute.)

Mr. FORD. Ladies and gentlemen, the President of the United States of America, William Jefferson Clinton.

INAUGURAL ADDRESS

President CLINTON. My fellow citizens, today, we celebrate the mystery of American renewal.

This ceremony is held in the depth of winter. But, by the words we speak and the faces we show the world, we force the spring.

A spring reborn in the world's oldest democracy, that brings forth the vision and courage to reinvent America.

When our Founders boldly declared America's independence to the world and our purposes to the Almighty, they knew America, to endure, would have to change.

Not change for change's sake, but change to preserve America's ideals—life, liberty, the pursuit of happiness. Though we march to the music of our time, our mission is timeless.

Each generation of Americans must define what it means to be an American.

On behalf of our Nation, I salute my predecessor, President Bush, for his half-century of service to America. [Applause]. And I thank the millions of men and women whose steadfastness and sacrifice triumphed over depression, fascism, and communism.

Today, a generation raised in the shadows of the cold war assumes new responsibilities in a world warmed by the sunshine of freedom but threatened still by ancient hatreds and new plagues.

Raised in unrivaled prosperity, we inherit an economy that is still the world's strongest, but is weakened by business failures, stagnant wages, increasing inequality, and deep divisions among our own people.

When George Washington first took the oath I have just sworn to uphold, news traveled slowly across the land by horseback and across the ocean by boat. Now, the sights and sounds of this ceremony are broadcast instantaneously to billions around the world.

Communications and commerce are global; investment is mobile; technology is almost magical; and ambition for a better life is now universal. We earn our livelihood in America today in peaceful competition with people all across the Earth.

Profound and powerful forces are shaking and remaking our world, and the urgent question of our time is whether we can make change our friend and not our enemy.

This new world has already enriched the lives of millions of Americans who are able to compete and win in it. But when most people are working harder for less; when others cannot work at all; when the cost of health care devastates families and threatens to bankrupt our enterprises, great and small; when the fear of crime robs law-abiding citizens of their freedom; and when millions of poor children cannot even imagine the lives we are calling them to lead—we have not made change our friend.

We know we have to face hard truths and take strong steps. But we have not done so. Instead, we have drifted, and that drifting has eroded our resources, fractured our economy, and shaken our confidence.

Though our challenges are fearsome, so are our strengths. Americans have ever been a restless, questing, hopeful people. And we must bring to our task today the vision and will of those who came before us.

From our Revolution to the Civil War, to the Great Depression, to the civil rights movement, our people have always mustered the determination to construct from these crises the pillars of our history.

Thomas Jefferson believed that to preserve the very foundations of our Nation, we would need dramatic change from time to time. Well, my fellow Americans, this is our time. Let us embrace it. [Applause.]

Our democracy must be not only the envy of the world but the engine of our own renewal. There is nothing wrong with America that cannot be cured by what is right with America. [Applause.]

So today, we pledge an end to the era of deadlock and drift—and a new season of American renewal has begun. [Applause.]

To renew America, we must be bold.

We must do what no generation has had to do before. We must invest more in our own people, in their jobs and in their future, and at the same time cut our massive debt. And we must do so in a world in which we must compete for every opportunity.

It will not be easy; it will require sacrifice. But it can be done, and done fairly, not choosing sacrifice for its own sake, but for our own sake. We must provide for our Nation the way a family provides for its children.

Our Founders saw themselves in the light of posterity. We can do no less. Anyone who has ever watched a child's eyes wander into sleep knows what posterity is. Posterity is the world to come—the world for whom we hold our ideals, from whom we have borrowed our planet, and to whom we bear sacred responsibility.

We must do what America does best: offer more opportunity to all and demand more responsibility from all. [Applause.]

It is time to break the bad habit of expecting something for nothing, from our Government or from each other. Let us all take more responsibility, not only for ourselves and our families but for our communities and our country.

To renew America, we must revitalize our democracy.

This beautiful Capital, like every capital since the dawn of civilization, is often a place of intrigue and calculation. Powerful people maneuver for position and worry endlessly about who is in and who is out, who is up and who is down, forgetting those people whose toil and sweat sends us here and pays our way.

Americans deserve better. And in this city, there are people who want to do better. And so I say to all of you here, let us resolve to reform our politics, so that power and privilege no longer shout down the voice of the people. Let us put aside personal advantage so that we can feel the pain and see the promise of America.

Let us resolve to make our Government a place for what Franklin Roosevelt called "bold, persistent experimentation," a government for our tomorrows, not our yesterdays.

Let us give this Capital back to the people to whom it belongs. [Applause.]

To renew America, we must meet challenges abroad as well as at home. There is no longer a clear division between what is foreign and what is domestic—the world economy, the world environment, the world AIDS crisis, the world arms race, they affect us all.

Today, as an old order passes, the new world is more free but less stable. Communism's collapse has called forth old animosities and new dangers. Clearly America must continue to lead the world we did so much to make.

While America rebuilds at home, we will not shrink from the challenges, nor fail to seize the opportunities, of this new world. Together with our friends and allies, we will work to shape change, lest it engulf us.

When our vital interests are challenged, or the will and conscience of the international community is defied, we will act—with peaceful diplomacy whenever possible, with force when necessary. The brave Americans serving our Nation today in the Persian Gulf, in Somalia, and wherever else they stand are testament to our resolve.

But our greatest strength is the power of our ideas, which are still new in many lands. Across the world, we see them embraced—and we rejoice. Our hopes, our hearts, and our hands, are with those on every continent who are building democracy and freedom. Their cause is America's cause.

The American people have summoned the change we celebrate today. You have raised your voices in an unmistakable chorus. You have cast your votes in historic numbers. And you have changed the face of the Congress, the Presidency, and the political process itself.

Yes, you, my fellow Americans, have forced the spring.

Now, we must do the work the season demands.

To that work I now turn, with all the authority of my office. I ask the Congress to join with me. But no President, no Congress, no government, can undertake this mission alone.

My fellow Americans, you, too, must play your part in our renewal.

I challenge a new generation of young Americans to a season of service—to act on your idealism by helping troubled children, keeping company with those in need, reconnecting our torn communities. There is so much to be done—enough indeed for millions of others who are still young in spirit to give of themselves in service, too.

In serving, we recognize a simple but powerful truth: We need each other. And we must care for one another.

Today, we do more than celebrate America; we rededicate ourselves to the very idea of America:

An idea born in revolution and renewed through two centuries of challenge;

An idea tempered by the knowledge that, but for fate, we—the fortunate and the unfortunate—might have been each other;

An idea ennobled by the faith that our Nation can summon from its myriad diversity the deepest measure of unity;

An idea infused with the conviction that America's long heroic journey must go forever upward.

And so, my fellow Americans, as we stand at the edge of the 21st century, let us begin anew with energy and hope, with faith and discipline, and let us work until our work is done. The Scripture says "And let us not be weary in well-doing, for in due season, we shall reap, if we faint not."

From this joyful mountaintop of celebration, we hear a call to service in the valley.

We have heard the trumpets. We have changed the guard. And now—each in our own way, and with God's help—we must answer the call.

Thank you, and God bless you all. [Applause.]

Mr. FORD. Shortly after the November election, President Clinton asked noted educator, historian, and author, Dr. Maya Angelou to compose a poem for this historic day. From Winston Salem, NC, and Wake Forest University, please welcome Dr. Angelou. [Applause.]

Ms. ANGELOU. Mr. President, and Mrs. Clinton, Mr. Vice President and Mrs. Gore, and Americans everywhere:

ON THE PULSE OF MORNING

A Rock, a River, a Tree
Hosts to species long since departed,
Marked the mastodon,
The dinosaur, who left dry tokens
Of their sojourn here
On our planet floor.
Any broad alarm of their hastening doom
Is lost in the gloom of dust and ages.

But today, the Rock cries out to us, clearly, forcefully,
Come, you may stand upon my
Back and face your distant destiny,
But seek no haven in my shadow.
I will give you no more hiding place down here.

You, created only a little lower than
The angels, have crouched too long in
The bruising darkness,
Have lain too long
Face down in ignorance.
Your mouths spilling words
Armed for slaughter.
The Rock cries out today, you may stand upon me,
But do not hide your face.

Across the wall of the world,
A River sings a beautiful song,
It says, come rest here by my side.

Each of you a bordered country,
Delicate and strangely made proud,
Yet thrusting perpetually under siege.
Your armed struggles for profit
Have left collars of waste upon
My shore, currents of debris upon my breast.
Yet, today I call you to my riverside,
If you will study war no more.
Come, clad in peace and I will sing the songs
The Creator gave to me when I and the
Tree and the stone were one.
Before cynicism was a bloody sear across your brow
And when you yet knew you still knew nothing.
The River sings and sings on.

There is a true yearning to respond to
The singing River and the wise Rock.
So say the Asian, the Hispanic, the Jew
The African and Native American, the Sioux,
The Catholic, the Muslim, the French, the Greek
The Irish, the Rabbi, the Priest, the Sheikh,
The Gay, the Straight, the Preacher,
The privileged, the homeless, the Teacher.
They hear. They all hear
The speaking of the Tree.

They hear the first and last of every Tree
Speak to humankind. Come to me, here beside the River.
Plant yourself beside the River.

Each of you, descendant of some passed
On traveller, has been paid for.
You, who gave me my first name, you
Pawnee, Apache and Seneca, you
Cherokee Nation, who rested with me,
Then forced on bloody feet,
Left me to the employment of
Other seekers—desperate for gain,
Starving for gold.
You, the Turk, the Arab, the Swede, the German, the Eskimo, the Scot . . .

You the Ashanti, the Yoruba, the Kru,
Bought, sold, stolen, arriving on a nightmare
Praying for a dream.
Here, root yourselves beside me.
I am that Tree planted by the River,
Which will not be moved.
I the Rock, I the River, I the Tree
I am yours—your Passages have been paid.
Lift up your faces, you have a piercing need
For this bright morning dawning for you.
History, despite its wrenching pain,
Cannot be unlived, but if faced
With courage, need not be lived again.

Lift up your eyes upon
This day breaking for you.
Give birth again
To the dream.

Women, children, men,
Take it into the palms of your hands.
Mold it into the shape of your most private need.
Sculpt it into the image of your most public self.

Lift up your hearts
Each new hour holds new chances
For new beginnings.
Do not be wedded forever to fear,
Yoked eternally to brutishness.

The horizon leans forward,
Offering you space to place new steps of change.
Here, on the pulse of this fine day
You may have the courage
To look up and out and upon me, the
Rock, the River, the Tree, your country.
No less to Midas than the mendicant.
No less to you now than the mastodon then.

Here on the pulse of this new day
You may have the grace to look up and out
And into your sister's eyes, and into
Your brother's face, your country
And say simply
Very simply
With hope
Good morning.

Mr. FORD. Ladies and gentlemen, we have reached the end of the 1993 Presidential inauguration. As soon as the ceremony is over, my colleague on the Joint Congressional Committee on Inaugural Ceremonies, the distinguished Senator from Alaska, TED STEVENS, will form the Presidential escort to the east front of the Capitol.

To conclude our program now, please rise for the benediction by the Reverend Billy Graham and remain standing for the singing of our National Anthem by Marilyn Horne.

BENEDICTION

Reverend GRAHAM. Our Father, we pray that as we come to the end of this ceremony, we will long remember the challenges that we have heard, and we dedicate ourselves to do everything in our power to meet those challenges and to dedicate ourselves anew, not only to You but to America and all the great ideals that we stand for.

We pray again that Thou doest bless the President and the Vice President, as they lead us in the years to come.

The Lord bless us and keep us; the Lord make His face shine upon us and be gracious unto us; the Lord lift up His countenance upon us, and give us peace. In the name of the Father and of the Son and of the Holy Spirit. Amen.

(The National Anthem was sung by Marilyn Horne, audience standing.)

[Applause.]

The inaugural ceremonies were concluded at 12:26 p.m.

The Senate met at 3 p.m. and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Reverend Richard C. Halverson, Jr., will present the prayers and the petitions and the supplications of the Senate to the King of all kings, the Governor of the world and the universe, the great Judge of the world, and the great Lord of the world.

Mr. Halverson.

PRAYER

The guest chaplain, the Reverend Richard C. Halverson, Jr., Falls Church, VA, offered the following prayer:

Let us pray:

Eternal God, Author, Sustainer, Consummator of history, Lord of heaven and Earth, we thank Thee for the miracle that is America. In a world of violence, we thank Thee for the legacy of a government that is able to change peaceably every 4 years and with every new administration. As this present transition takes place, we ask that all wounds caused by campaign strategy and rhetoric will be healed, that we will face the future as a united people.

Grant awareness that refusal to support the new government is, in effect, a denial of Your sovereignty and of the process which is unique to our system. Cause us to take seriously the Biblical exhortation, "Pray for kings and all that are in authority; that we may lead a quiet and peaceable life with all godliness and honesty." (I Timothy 2:2) Lead us in the way we should go and help us to retain our leadership responsibility at home and throughout the world.

In the name of the Lord who personifies peace, life, and order. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE INAUGURATION OF PRESIDENT CLINTON

Mr. MITCHELL. Mr. President and Members of the Senate, 3 hours ago the cannon boomed across the west front of the Capitol to mark the moment in which our 42d President, William Jefferson Clinton, took the oath of office as President of the United States of America.

With his call for all Americans to rediscover the unity that undergirds our diversity, President Clinton reminded us that each new generation renews the meaning of our Nation; that each new generation makes a new beginning on the challenges of its time.

Our world is, as President Clinton said, both more free and less stable than the world that endured the shadow of the cold war. It is a world of difficult challenges as well as opportunities. How well we meet our responsibilities to posterity will depend on the extent to which we can turn those challenges into opportunities for renewal and growth.

President Clinton told us that if we can make change our ally, we will continue the great American tradition of arising strengthened from each crisis we face. Renewal and change is the fertile soil in which the American genius grows best, and a season of new growth lies ahead.

The Senate stands ready to work with President Clinton and Vice President GORE and to work for all Americans to make the promise and hope of this new beginning bear fruit. We know that if President Clinton succeeds, every American family will succeed.

The challenges facing our Nation at home are great. The President reminded us that as we seek to broaden the great opportunities which America has always provided, we must also each assume the responsibilities that are properly ours as citizens.

He issued a call to service to Americans of all ages, service to their communities and their Nation. He asked the Congress to work with him to make real the promise of a new beginning as we stand on the threshold of the 21st century.

He will have our support and help and we look forward to his leadership.

The Nation faces difficult challenges to renew our economy, to restore job growth, keep our industries and businesses competitive in a global marketplace. But there is no challenge that Americans cannot meet and overcome with leadership that recognizes and has confidence in the strength and will of the American people. I believe that President Clinton will provide that leadership.

I think it also appropriate and fitting that we recognize the many years of distinguished service to the Nation by former President Bush. President Bush leaves office with an enormous legacy of accomplishments; particularly the two START Treaties with respect to nuclear arms will in my judgment be regarded by future historians as among the most significant actions at the close of the 20th century. We all thank President Bush for his service, his friendship, his courtesy, and particularly his grace in this transition period. I know that every Senator joins me in wishing him the very best.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Chair recognizes the Republican leader.

PRESIDENT CLINTON'S INAUGURAL ADDRESS

Mr. DOLE. Mr. President, tomorrow, I will join the distinguished majority leader in discussing the priorities and agenda of the 103d Congress. Today, however, I want to offer my congratulations—and the congratulations of my Senate Republican colleagues—to our new President and Vice President.

President Clinton's inaugural address was eloquent and to the point. He spoke frankly with the American people about the challenges we face as a nation.

I was pleased to hear him use the word "sacrifice"—a word that strikes fear in the heart of many in this Chamber.

But President Clinton is absolutely right. If we are to put our economic house in order, if we are to do right by our children and grandchildren, then we must deal with our national debt.

I spoke with President Clinton following today's ceremony, and will repeat today what I told the President: My Republican colleagues and I stand ready to help bring about change in America, change for the better.

While we are ready to work with President Clinton, we also know that there will be times where we will disagree. Our intention, however, will not be to create gridlock. Rather, to create a debate over what is the best direction for America.

Today, however, is a day where we are not Democrats or Republicans. Instead, we are all Americans. Congratulations, Mr. President.

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate proceed to executive session to consider the following nominations now at the desk, and that there be a time limitation for debate on each nomination of 30 minutes equally divided between the two leaders: Senator LLOYD BENTSEN to be Secretary of the Treasury, Congressman LES ASPIN to be Secretary of Defense, and Mr. Warren Christopher to be Secretary of State; that upon the use or yielding back of time on each nomination, the Senate proceed to vote without any intervening action on each of the nominations; and that the President be immediately notified of the Senate's action upon the disposition of these nominations.

The PRESIDENT pro tempore. Is there objection?

The Chair hears no objection. It is so ordered.

The Senate proceeded to the consideration of executive business.

DEPARTMENT OF THE TREASURY

The legislative clerk read the nomination of LLOYD BENTSEN to be Secretary of the Treasury.

Mr. MITCHELL. Mr. President, I want to begin by extending my full support for the confirmation of LLOYD BENTSEN as the next Secretary of the Treasury. I can think of few individuals more qualified to serve our Nation in this critically important job.

Since joining the Senate Finance Committee in 1981, I have worked closely with Senator BENTSEN on many economic, tax, health, and trade issues of major importance to our Nation. But it has been during the last 4 years, since I became Senate majority leader, that I have worked most closely with

Senator BENTSEN. I have gotten to know our chairman well and from that close contact I have developed a real appreciation for his tremendous economic expertise, legislative abilities, and political skills.

LLOYD and I have been through a great deal during the last two Congresses as we worked to guide trade, tax, and budget bills through the Congress. I am grateful for the crucial assistance that LLOYD provided to me during that time. And I know that LLOYD BENTSEN will be both an invaluable adviser to President Clinton and an honorable servant to the American people.

The Treasury Department is one of the most important agencies in Government. Its Secretary has the preeminent responsibility, working with the President, to help guide our Nation's economy and manage its financial system. LLOYD BENTSEN is particularly well qualified to carry out those responsibilities.

As the Senate Finance Committee chairman since 1986, LLOYD BENTSEN has shown his Senate colleagues the qualities that people in Texas have seen for many years—a range of experience that is uncommonly broad, an understanding of economics and markets that reflect an intelligent businessman's point of view, coupled with compassion for the needs of the less fortunate.

In all endeavors, whether one agrees with Senator BENTSEN or not, there is always a recognition of his powerful intellect and his commitment to excellence. He is a strong ally and a worthy adversary, the best that can be said of any public person.

We in the Senate share the collective loss of this powerful and accomplished public figure. But our loss will be more than matched by our gain as LLOYD BENTSEN ascends to even greater responsibilities in service to the American people.

I congratulate LLOYD BENTSEN, I wish him well in his new position as Treasury Secretary, and I look forward to continuing our close working relationship in the months and years ahead.

Mr. DOLE. Mr. President, I join the majority leader in what I suspect will be a unanimous Senate in voting to confirm LLOYD BENTSEN as Secretary of the Treasury.

Of all the Cabinet nominees of President Clinton, the one greeted with the most universal acclaim—something on which Democrats, Republicans, and Ross Perot all agreed—was his nomination of Senator BENTSEN as Secretary of the Treasury.

In fact, you would be hard pressed to find a Senator who is more respected for his leadership, his intelligence, his integrity, and his knowledge of economic issues, than LLOYD BENTSEN.

And there is no doubt that all of his skills will be needed in his new position as Secretary of the Treasury.

President Clinton made a lot of promises regarding new spending programs, a middle-class tax cut, and reducing the deficit.

But reality is setting in, and as the President said today in his inaugural address, he realizes that he cannot fulfill those promises without making some very tough and very painful decisions.

LLOYD BENTSEN has shown a willingness to speak bluntly, to tackle problems head-on, and to make the tough decisions that often call for sacrifice. And that's precisely what America needs.

Another of the most important qualities possessed by this nominee is the fact that he understands that our tough problems can only be solved through bipartisan cooperation.

And make no mistake about it, it is only through bipartisan cooperation that we can get a handle on the deficit which threatens the well-being of future generations.

As Secretary of the Treasury, Senator BENTSEN will also play a key role in several other issues on top of America's agenda—one of them being trade.

Senator BENTSEN has been fair and bipartisan in working with both the past administration and Republican colleagues in the Senate on a number of complex and comprehensive trade measures.

His strong support of fast-track negotiating authority made it possible for the administration to complete a North American Free-Trade Agreement and to continue the Uruguay round of multinational trade talks.

Among the issues Senator BENTSEN has addressed is ensuring that American agriculture has a seat at the trade negotiating table—and I look forward to working with him to see that seat maintained and strengthened.

Health care is another issue which candidate Clinton promised to tackle, and again, he will be fortunate to have Senator BENTSEN's expertise at the Cabinet table.

While the Secretary of the Treasury is not directly responsible for the overall design of a health care reform proposal, his role is, nonetheless, a critical one.

At the least, he may be asked to help finance any expansion in access.

At the most, he will help to reexamine the role of the Tax Code in shaping the health care market, and its possible use as an incentive to change the behavior of businesses or of individuals.

Additionally, as the debate over health care reform takes place, I will be counting on you, Senator BENTSEN, to maintain your strong commitment to improving access to care in rural America, and to ensuring that Government mandates do not wreak havoc on America's small business men and women, many of whom are still struggling to survive.

In closing, let me just say to my friend from Texas, as the new administration begins the task of turning promises into reality, it is my hope that you display the same ability and willingness to make the tough decisions that the Senate has come to know and respect. I look forward to working with you.

The PRESIDENT pro tempore. The time of this nomination is 30 minutes under the order to be equally divided.

Who yields time?

Mr. THURMOND addressed the Chair.

Mr. DOLE. I will be happy to yield to the Senator from South Carolina.

The PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise today in support of President Clinton's nominee to be Secretary of the Treasury, our colleague, Senator LLOYD BENTSEN.

Senator BENTSEN was born and educated in Texas. He received his law degree from the University of Texas, and served honorably in the U.S. Army and the Air Force Reserve. Before becoming a successful businessman and financial executive in Texas, Senator BENTSEN was a Member of Congress from 1948 to 1955. In 1970, he was elected to the U.S. Senate, and has served in this body until his resignation to accept the Treasury Secretary post.

Senator BENTSEN has considerable experience in the economic policy area. As well as his background as a businessman and financial executive, Senator BENTSEN has been the chairman of the Senate Committee on Finance since 1987, and was also a member of the Joint Economic Committee and chairman of the Joint Committee on Taxation. During his career in the Senate, Senator BENTSEN has managed several major tax and trade bills with intelligence and efficiency.

The Department of the Treasury has the significant responsibility of formulating and recommending economic, financial, tax, and fiscal policies for our country. The Department also serves as the financial agent in national and international policies. As Secretary, Senator BENTSEN will advise our President and Congress on policies that will have a significant effect on our economy and our Nation's budget.

Mr. President, Senator BENTSEN'S considerable expertise in the finance arena should make him a valuable addition to the new Cabinet of President Clinton. I believe that his conservative policies will serve him well in the post for which he is nominated, and I am pleased to support his nomination to be Secretary of the Treasury.

Mr. DODD. Mr. President, I rise in strong support of the nomination of our colleague, Senator LLOYD BENTSEN, as Secretary of the Treasury.

Like all of my colleagues, I am sorry to lose LLOYD BENTSEN as a colleague—

I have enjoyed working with him and have relied on his expertise on taxes, trade, and health for well over a decade. However, the Senate's loss is clearly the administration's and the country's gain.

The economic challenges that face our Nation are great. Our economy has been in the doldrums for well over 3 years. In my State, these past several years have brought us economic times worse than any since the Great Depression. While today there are some signs that our economy may be on the mend—clearly, too many Americans remain unemployed or underemployed; too many families are unable to make ends meet; and too many children go to school hungry.

But there is good news. President Clinton has made turning our economy around his top priority. And with LLOYD BENTSEN, he has brought one of the most talented and respected leaders in our Nation on board to lead this fight.

Senator BENTSEN has a long and distinguished record of public service. After commanding a bomber squadron in Europe during World War II, and then briefly practicing law, LLOYD served as a judge in Hidalgo County, TX, between 1946 and 1948. When elected 22 years later to the U.S. House of Representatives, he was, at 27, that body's youngest Member.

LLOYD left public life in 1955 to run the family business, Lincoln Consolidated. In 1970, however, he returned to Washington, besting a man by the name of George Bush in a run for the Senate. As my colleagues well know, he has served here ever since, and has developed a distinguished record as thoughtful legislator and chairman of the Senate Finance Committee.

Mr. President, the job of Secretary of the Treasury will not be an easy one; but I am confident that LLOYD BENTSEN is the right selection for this very important task and I urge the Senate to confirm this nomination.

Mr. BAUCUS. Mr. President, today I am honored to have the opportunity to vote in favor of the confirmation of Senator LLOYD BENTSEN as the new Secretary of the Treasury.

It is my privilege to cast this vote. There is no Senator, there is no man that I have more respect and admiration for than Senator BENTSEN. I consider him the best Senator in the Senate and one of my most valued friends.

SENATE PORTRAITS

Just off this floor, in the Senate reception room, hang the portraits of five Senators. These Senators were selected by a special committee, chaired by Senator John F. Kennedy, that was asked to select the five outstanding Senators in our Nation's history.

All five of these giants of the Senate—Daniel Webster, Henry Clay, Robert LaFollette, Robert Taft, and John Calhoun—served on the Finance Committee. Three chaired the committee. The other two served as ranking minority member.

Undoubtedly, one of the primary reasons that these men earned the respect of their colleagues was that they helped manage one of the most important tasks of government—raising revenue for Government services.

While I was recently admiring these portraits, it occurred to me—to paraphrase a well-known quote from the 1988 Presidential campaign—that though I did not know Daniel Webster, and I did not serve with Daniel Webster, I am confident that LLOYD BENTSEN is a Daniel Webster.

And though I can make no guarantees, I would not be surprised to see another portrait eventually added to this group; a portrait of another chairman of the Senate Finance Committee—LLOYD BENTSEN.

BENTSEN ACHIEVEMENTS

Senator BENTSEN has been a member of the Senate Finance Committee since 1971. He has been its chairman since 1987.

During his tenure as chairman he guided numerous critical pieces of legislation through the committee and guided the committee's work through the Senate. He has skillfully and successfully worked to win passage of such important legislation as the 1988 Trade and Competitiveness Act, the 1990 budget agreement, and numerous important tax and reconciliation bills. He guided the United States-Canada Free-Trade Agreement through the Senate and, in Texas, he is known as the father of the North American Free-Trade Agreement.

His work has won the near unanimous praise of his colleagues on and off the committee and on both sides of the aisle.

While he has been a leader in crafting the Nation's tax, trade, and health care policy, he has also been a tireless defender of the interests of his home State of Texas. He has fought for Texas in the appropriations process and in the highway bill the Senate passed last year.

I have sometimes disagreed with Senator BENTSEN, but I have always respected him. Thanks to his integrity, hard work, and remarkable self discipline, he has come to personify the best of this body.

BENTSEN AS TREASURY SECRETARY

Upon confirmation this afternoon, Senator BENTSEN will face an enormous task. He will be the leader in the new administration's efforts to craft a sound economic policy to keep America growing and to invest in America's economy for the long term. Senator BENTSEN will have primary responsibility for crafting sound and fair tax legislation and controlling the Federal budget. Certainly, his great expertise in trade and health care will also be invaluable to the new administration.

His remarkable skills as a legislator will be called upon time and time again to guide critical economic legislation through Congress.

CONCLUSION

I will miss Senator BENTSEN greatly. The Senate will sorely miss Senator BENTSEN. And I am certain that the people of Texas will miss Senator BENTSEN.

Moreover, I am certain that my friend and former colleague, Bob Krueger—who I served with in the House—will be a fine replacement for Senator BENTSEN in the Senate. The people of Texas will continue to be well served by a man who is sure to follow Senator BENTSEN as another truly great Senator from Texas.

At least the people of Texas and the Senate can take some solace from the fact that their loss is the Nation's gain. Senator BENTSEN will undoubtedly become one of the finest Treasury Secretaries the Nation has ever had.

(At the request of Mr. MITCHELL the following statement of Mr. BYRD was ordered to be printed in the RECORD at this point:)

Mr. BYRD. Mr. President, I am pleased to support the nomination of LLOYD BENTSEN for Secretary of the Treasury of the United States. I commend our new President, Bill Clinton, for nominating an individual of the caliber of Senator BENTSEN for this very important Cabinet post. He has the experience, leadership, and the intellectual acumen required to take on the challenging responsibilities of the Treasury Department.

LLOYD BENTSEN held his first public office as county judge of Hidalgo County, TX, in 1947. He served in this capacity until 1948, when he successfully ran for a seat in the U.S. Congress. There he served three consecutive terms until 1954, when he decided not to seek reelection but instead, try his hand at business in Houston, TX. After a successful business career for 16 years LLOYD BENTSEN came back to Washington in 1971, this time to begin his career as a United States Senator from the State of Texas.

This well-deserved nomination caps off a highly successful public service career for Senator LLOYD BENTSEN.

I have had the honor and the privilege of serving side by side in this great institution with LLOYD BENTSEN over the past 21 years. I am sure my colleagues would agree, that he has been an exemplary Senator who has served the people of the great State of Texas with distinction and honor and will stand out in the history of this body as one of its most accomplished and effective Members. As chairman of the Senate Finance Committee, he authored and shepherded through the Congress many major pieces of legislation affecting international trade, tax policy, health care, higher education, budget, retirement income, and Medicare, just to name a few. His leadership in promoting tax equity for working-class citizens, protecting the mortgage interest deduction for homeowners, helping economically distressed areas of the country prosper, and eliminating trade barriers so that American companies can compete in overseas markets, will long be remembered. This institution and the American public owe a debt of gratitude to LLOYD BENTSEN for the legacy he leaves behind as he goes off to pursue great challenges as Secretary of the Treasury.

Mr. President, I am proud to have known and worked closely with Senator LLOYD BENTSEN. He has brought great dignity to this body and will take that same dignity to the Clinton administration. He is also a man of character and integrity, and there is no doubt in my mind that he will be one of the most visible and valuable advisers in the Clinton administration.

The PRESIDENT pro tempore. Who yields time?

Mr. DOMENICI. Mr. President, whoever is governing time, could I have 2 minutes?

Mr. MITCHELL. Mr. President, I yield 2 minutes of my time to the Senator from New Mexico.

The PRESIDENT pro tempore. The Senator from New Mexico is recognized for 2 minutes.

Mr. DOMENICI. Mr. President, in these days it is obvious we have many problems, but the big problem that will actually swallow us up is the growing deficit of the United States. That problem will leave to our children and grandchildren a legacy of no growth, little opportunity, and little hope and joy because they will all be burdened with paying for what we are busy about doing, which is spending ourselves into bankruptcy.

Now, having said that, the President could not have made a better choice than the choice he made for Secretary of the Treasury. While many do not see that job like they see the OMB Director, as principally a budget and deficit reduction job, obviously you need somebody there as the Secretary of the Treasury who understands the relationship of the entitlement programs, and the other programs of our country, the revenue base, and the growing annual tax dollars going to the deficit. I believe we have somebody in this job now who understands that well. I look forward to working with him. But I hope he is working with other Cabinet members so that we can have a unified approach.

I echo the remarks of the leader on my side, the Republican leader, and I put out a hand to the new President. If you are going to get the deficit under control, I do not believe you are going to do it without bipartisan support, and we want to be part of thinking it through and then we will be part of making it happen. I think Senator LLOYD BENTSEN will help us with that.

I yield the floor, and I thank the majority leader for the time.

Mr. GRAMM. Mr. President, I am happy to rise today in support of my dear colleague, LLOYD BENTSEN, to be Secretary of the Treasury. I believe that the decision by our new President to nominate LLOYD BENTSEN, of Texas, to be Secretary of the Treasury was his finest Cabinet nomination.

Every Member of this body knows LLOYD BENTSEN. We know of his expertise in the area of taxes and fiscal policy. But, more important, we know him as a person of character who has our confidence, who has our trust. I think his knowledge of the finances of the Federal Government and his knowledge of the workings of the Congress will make him an excellent Secretary of the Treasury.

I believe that this wise decision by our new President will serve him well and will serve the Nation well, and I am delighted to join in a unanimous vote for our distinguished colleague, LLOYD BENTSEN, of Texas, to be Secretary of the Treasury.

I thank the Chair.

Mr. NUNN. Mr. President, I would like to add my voice to those that have supported the nomination of Secretary of the Treasury, LLOYD BENTSEN.

I have known Senator BENTSEN and worked with him over the years. I can think of no one more qualified to serve in that position, and I know that he will be a very fine Secretary of the Treasury. So I am pleased to have supported his nomination.

The PRESIDENT pro tempore. Who yields time?

Mr. MITCHELL. Mr. President, seeing no other Senator seeking recognition to address this issue, I am prepared to yield back the remainder of my time and to vote on this nominee, if that is agreeable with the Republican leader.

Mr. DOLE. I yield back the remainder of my time.

The PRESIDENT pro tempore. Is all time yielded back?

All time is yielded back.

The question is, will the Senate advise and consent to the nomination of LLOYD BENTSEN to be Secretary of the Treasury.

So the nomination was confirmed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion was agreed to.

DEPARTMENT OF DEFENSE

The PRESIDENT pro tempore. The clerk will report the next nomination.

The legislative clerk read the nomination of LES ASPIN of Wisconsin, to be Secretary of Defense.

The PRESIDENT pro tempore. The majority leader.

Mr. MITCHELL. I would like to make a short statement. I will designate the distinguished chairman of the committee to control the time on our side.

Mr. President, I would like to express my support for the confirmation of Representative LES ASPIN to be Secretary of Defense. President Clinton has made an excellent choice in nominating him—LES ASPIN clearly has the experience, qualifications, and knowledge necessary to lead our Nation's military services.

LES ASPIN began his career of public service in the 1960's at the Pentagon, working as an adviser to then-Secretary of Defense Robert McNamara. In 1970, he was elected to the House of Representatives, where he has amassed a distinguished record of service. As both a member and chairman of the House Armed Services Committee, Representative ASPIN has demonstrated his expertise and acknowledged leadership on national defense issues.

In the past year, Representative ASPIN has worked diligently to develop a framework for approaching our future national security needs. The white papers he has shared with colleagues on a wide variety of defense issues have made a significant contribution to the debate in Congress on our future military requirements.

LES ASPIN also has worked closely with Senator NUNN and other Members of the House and Senate to develop defense transition programs that will be essential to assist workers, communities, and industries to adjust to necessary reductions in defense programs.

The experience and broad perspective of Representative ASPIN will be particularly useful at this critical juncture in our Nation's history. The end of the cold war has given us the opportunity to scale the Defense Department to a size more consistent with current and future threats. This will require difficult decisions as to our military's size, the missions of the services, and the resources necessary to sustain our forces adequately. It also will require attention to preserving our defense industrial base and providing assistance to those adversely affected by the military downsizing.

Last year, I called for a reduction of $100 billion in defense spending over 5 years in light of our changing military needs. Representative ASPIN has called for similar reductions. I look forward to working with him as we confront the challenge of streamlining the Defense establishment while retaining our vital military capabilities.

Another challenge facing the new Secretary of Defense will be to guide U.S. Forces deployed in ongoing military missions. As we begin a new administration and a new Congress, our Nation is involved in major international operations:

Enforcement of U.N. resolutions enacted after the Persian Gulf war has required continued United States and allied military operations in Iraq.

Several thousand United States troops are engaged in a large-scale humanitarian effort to relieve the suffering of famine victims in Somalia and to create a secure environment for them.

These challenges, new ones that may arise, and our ongoing commitments throughout the world will require the experienced leadership possessed by Representative ASPIN.

I congratulate LES ASPIN on his nomination as Secretary of Defense. I believe he will serve President Clinton and the Nation well. I look forward to working with Secretary ASPIN on all of the challenging issues that will confront our military services and our Nation in the coming years.

The PRESIDENT pro tempore. The Senator from Georgia [Mr. NUNN] controls the time on the nomination.

Mr. NUNN. Mr. President, I am pleased to report that the Committee on Armed Services has favorably reported the nomination of the Honorable LES ASPIN to be the Secretary of Defense.

Chairman ASPIN has had a distinguished public service career, having served on the staff of Senator William Proxmire; as staff assistant to Walter Heller, the Chairman of President Kennedy's Council of Economic Advisors; as one of Secretary of Defense Robert McNamara's "Whiz Kids;" and since his election to the House of Representatives in 1970, as a member of the House Armed Services Committee, where he has been chairman since 1985.

I have worked very closely with Congressman ASPIN over the years, and we on our committee have a very, very high regard for his ability and his integrity, and we are very certain that he will be a well-qualified, well-informed, and effective Secretary of Defense. He has been an effective chairman, and I think he will continue his very strong leadership in the important position of Secretary of Defense.

The committee received testimony from Chairman ASPIN on Thursday, January 7, 1993, in open session in both the morning and afternoon. Chairman ASPIN had previously answered a number of defense policy questions that I submitted to him and he has subsequently answered a number of additional questions for the record that were submitted to him by committee members.

Chairman ASPIN has also submitted a public financial disclosure report and related financial documents. The committee also received the required letters on conflict of interest and related matters from the nominee, the Office of Government Ethics, and the general counsel of the Department of Defense.

The committee also received, Mr. President, the required letter from the transition counsel outlining the nature and scope of the background investigation by the Federal Bureau of Investigation. Both Senator THURMOND, and I have reviewed the FBI materials and we have concluded that there is nothing in Mr. ASPIN's background, as reflected in the FBI materials, that would render him unfit to serve as the Secretary of Defense.

In his opening remarks before the committee, Chairman ASPIN defined two sets of challenges facing the Defense Department as: One, "to maintain the superb quality of our forces and the high-technology advantages we have in our systems"; and two, "to cope with the dangers of the new, still evolving post-cold-war, post-Soviet world." He also laid out four dangers that have emerged as first: "The new nuclear danger"; second, "regional, ethnic, religious conflicts"; third, "the possibility of the failure of reform in the former Soviet Union"; and fourth, "the economic well-being of the Nation." Chairman ASPIN ended his remarks by pledging as follows, "As we go about tackling the difficult individual tasks ahead of us, we will not lose sight of our first duty—the maintenance of sound, ready, effective forces."

Through his responses to my prehearing questions, to the questions posed by committee members during the hearing, and to the members' questions for the record, Chairman ASPIN has commented on a wide variety of important defense policy issues. In each instance Chairman ASPIN demonstrated a firm grasp of the issues, a willingness to consider alternate views, and a dedication to a strong national defense.

Mr. President, in nominating LES ASPIN to be his Secretary of Defense, President Clinton has chosen a known quantity. Present and past members of the Senate Armed Services Committee have worked with him on a host of national security issues and have found him to be a man who brings a firm analytical foundation to the positions he espouses. He has been a formidable and knowledgeable spokesman for a strong national defense.

As I stated in my opening statement at the committee's January 7 hearing on Chairman ASPIN's qualifications, "He is, in my view, well-prepared, well-qualified, and well-suited for this key position. His entire adult life has, in fact, prepared him to be the Secretary of Defense."

Mr. President, the Secretary of Defense is the Cabinet official who serves in the military chain of command from the President to our combatant commanders. With the deployment of our Armed Forces in Somalia and the Persian Gulf and the need for key decisions on Yugoslavia, it is extremely important that the Senate act on this important nomination.

Mr. President, I strongly support Chairman ASPIN's confirmation and I urge my colleagues to join me in supporting his nomination.

Mr. DOLE. Mr. President, I am pleased to support the nomination of Congressman ASPIN as our next Secretary of Defense.

Over the course of his 23 years in the Congress, Mr. ASPIN has a solid record on defense issues and has gained the respect of the Congress as chairman of the House Armed Services Committee.

He has crafted many important pieces of national security legislation and, through his leadership and superior abilities, Mr. ASPIN has pounded out tough compromises in many difficult and contentious conferences.

While I have not agreed with every position Congressman ASPIN has taken—indeed we have disagreed on issues like the B-2 and SDI—we have also found ourselves on the same side of many important debates—support for the MX missile, aid for the Nicaraguan Contras, and authorizing President Bush to use force against Saddam Hussein.

The next Secretary of Defense will be faced with many challenges. I venture to say that the next 4 years will prove to be a far more difficult and challenging test for our national security than even the most recent past.

The next Secretary is confronted with a rapidly changing world, a different and more complex security environment, a shrinking industrial base, and severely limited resources. Solutions to many of these problems will prove to be mutually exclusive, and tough choices will have to be made.

Perhaps the best qualification for the next Secretary of Defense is a clear sense of reality. In my view, LES ASPIN has demonstrated that he sees the world—not as he would wish it to be—but as it really is—a very dangerous place.

Recently, the New York Times had this to say about the nominee:

> Mr. Aspin has the skill to perform the inevitable surgery on the defense spending without risking the patient's survival.

I concur. But I submit that he possesses more than tremendous skill alone. In my view, LES ASPIN also has the judgment. And it will require good judgment to restructure our forces in a manner that is consistent with a cautious and realistic appraisal of the threat, especially at a time when fiscal pressures will force the tough choices. Nothing could be worse at this moment in history, than having someone with excellent skills but poor judgment.

No doubt about it. The next Secretary of Defense will be faced with very tough choices. But I am confident that after reviewing the nominee's record, and talking with him personally, he shares my views on a number of important issues. These include continued modernization of our air refueling capability, a sound ammunition production base, innovative defense conversion projects to retain vital defense-related skills while producing needed commercial products, modernizing the aviation assets of our National Guard and Reserve components, and strong support for research and development efforts of our colleges and universities, especially where innovative approaches to retraining our military personnel in transition can be found and applied. These are just a few of our areas of agreement.

In my view, LES ASPIN's record is clear. His judgment is sound and based upon a realistic view of a complex and dangerous world. Therefore, I support his nomination for Secretary of Defense and I urge his confirmation.

The PRESIDENT pro tempore. Who yields time? The Senator from South Carolina yields himself time.

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I am pleased to join Chairman NUNN in reporting the Armed Services Committee's unanimous recommendation that the Honorable LES ASPIN be confirmed as Secretary of Defense.

Mr. President, LES ASPIN is a true friend of our men and women in uniform and an expert on defense. During his 22 years in the House of Representatives he has served as a member of the House Armed Services Committee. For the last 7 years as chairman of that committee, he has been one of Congress' most influential leaders on defense issues.

Mr. ASPIN has described his vision of our future military forces as not a smaller version of the forces which won the cold war, but rather one that is based on the capability to meet the threat of a different, more challenging and ever-changing world. In my judgment, this sound and insightful approach, if properly supported and implemented, will ensure that our great country can continue to meet its world obligations as a superpower and fulfill its role in history.

As the ranking member on the Senate Armed Services Committee, I join Chairman NUNN and our soon-to-be Secretary of Defense ASPIN, in working together to achieve a strong and highly capable national defense team. This team will prove that it is not only capable of winning on the battlefield, but is also committed to producing the weapons and technology necessary to sustain our superpower status into the coming century.

Mr. President, before closing, I wish to extend my appreciation and that of a grateful nation for the dedicated service of Secretary Cheney and his deputy, Don Atwood. These two gentlemen have served their country in peace and war with great distinction. Our victory in the Persian Gulf with a minimum loss of life among the ranks of our men and women in uniform is a fitting capstone on their service to the Department of Defense and the American people.

Mr. NUNN. Mr. President, I just want to thank Senator THURMOND for his splendid cooperation in moving this nomination. We had a thorough set of hearings that would have lasted as long as need be, but our committee has asked all the questions they wanted to ask. We had those hearings about 10 days ago. We have had splendid cooperation from Senator THURMOND and the other Members on both sides of the aisle.

We did receive this nomination after the President was officially sworn in at the inauguration. We had our meeting after the inauguration. So our committee, as Senator THURMOND has already reflected, voted 20 to nothing to report this nomination.

So I hope that the nomination will be approved.

Mr. President, the Armed Services Committee today also unanimously adopted a resolution commending Secretary Cheney and Deputy Secretary Atwood for their strong leadership of the Defense Department during the past 4 years. I will have more to say on this subject in the near future.

Finally, I want to say a special word of thanks to Pat Tucker, the former minority staff director on the Armed Services Committee. Pat is leaving the Armed Services Committee staff to work on the Intelligence Committee staff, and the Intelligence Committee's gain is our committee's loss. Pat has been an outstanding member of the Armed Services Committee staff. I am glad that Pat is not leaving the Senate, and I look forward to working with him in the future.

Mr. WARNER. Mr. President, I am happy to join the distinguished chairman, Senator NUNN, and the distinguished ranking member, Senator THURMOND, of the Armed Services Committee to endorse the nomination of the Honorable LES ASPIN to be Secretary of Defense.

Mr. ASPIN and I have worked together since 1972, when I served as Secretary of the Navy. He was a leader in his work with members of the Senate Armed Services Committee and the members of the House Armed Services Committee to provide the necessary authorizing legislation over many years for the Armed Forces of the United States.

The world has changed markedly over these years and many of the decisions we reached together, particularly in conference after many hours of debate and negotiation, helped contribute to an end to the cold war and the demise of the Communist threat to world peace.

We are looking at a world today where the map makers literally cannot keep up with it—a world where we now have a united Germany, a Czechoslovakia which has divided itself into two separate countries, and a splintered former Yugoslavia.

Our military forces are in combat action once again against Saddam Hussein in the Persian Gulf region. Ground forces of our Marine Corps and our Army are conducting operations in Somalia to relieve the starvation and chaos that pervade that country. Voices grow increasingly louder each day for involvement of U.S. Forces in the former Yugoslavia.

The Republics of the former Soviet Union remain troubled and unstable. Control over nuclear weapons ballistic missile technologies, chemical and biological weapons, are a growing concern.

Mr. President, despite the end of the cold war, this Nation will continue to have a need for strong, competent military forces.

In the face of increasing calls for further reductions in the defense budget, we must remain strong militarily—with Armed Forces that can move quickly and win decisively. We must maintain a military infrastructure and a defense industrial base second to none.

Mr. President, as a member of the Armed Services Committee, I look forward to working with Mr. ASPIN in his new capacity as Secretary of Defense to meet these complex and diverse challenges.

Mr. ASPIN has focused most of his professional life on national security issues. He supported President Reagan and President Bush on many tough issues involving our national security over the past several years.

I intend to support and assist him in a bipartisan way on the important issues that affect our security as a nation—and on those occasions when we disagree, I am sure that by working together in the same constructive, cooperative way we have worked together in the past, we will find the solutions that are in our Nation's best interests.

It is with pride and confidence that I vote in favor of the confirmation of Mr. ASPIN.

(At the request of Mr. MITCHELL the following statement of Mr. BYRD was ordered to be printed in the RECORD at this point:)

Mr. BYRD. Mr. President, it is a pleasure for me to support the nomination of LES ASPIN to be our Secretary of Defense. This is a time of daunting challenge for any man in that important job. He must both shrink our forces to conform realistically to the end of the cold war, freeing up precious resources for other challenges facing our society, and, at the same time, keep those forces second to none, fit to fight, and appropriate for all reasonable contingencies. This responsibility will require great talent and considerable energy, but I am confident that Mr. ASPIN is up to the task. I look forward to working closely with him to ensure that our national defense program is worthy and adequate to provide the tools necessary, not only to react to events, but also to deter aggression, and to meet the challenge to advance and protect democracy around the globe.

LES ASPIN brings a rare combination of brilliance, studious attention and achievement over many years of public service, and wide political experience and judgment to this difficult job—a combination of qualities which should be of great value in forging a consensus with the Congress for a fresh, new, solid course for the Nation's defense into the next century.

The Armed Services Committee, which has so expeditiously reported this nomination to the floor under the talented and able direction of the distinguished Senator from Georgia, my good friend, Mr. NUNN, and the Appropriations Committee, with the leadership of the Defense Subcommittee under the steady helm of the distinguished Senator from Hawaii, Mr. INOUYE, have been working together to burn off the fat in the Department of Defense. At the same time, we have protected and nurtured the muscle and bone which have served us so well in recent years, notably during Desert Storm and now, very ably and professionally, in the difficult peacekeeping role in Somalia. We have to continue to work together to burn off more of the fat in the Defense Department and, equally as important, to shift a greater portion of the Nation's research funding away from the unnecessary and exaggerated focus on military hardware and toward the civilian economy where productivity and competitiveness have become the No. 1 problem and priority for the Nation.

This year, some 56 percent of all Federal research and development funds have been slated for weapons and associated military research. This figure is too high and must be reduced. We must find ways to shift those funds to productive, leading edge, competitive civilian technologies and uses. At the same time, the huge reservoir of talent that the Nation's laboratories have dedicated to military uses must cast their nets into a wider, more fertile sea and begin the process of re-creating industries, technologies, products, and services which will lead the world in the 21st century.

In 1960, when a new Democratic President was about to take his oath of office, his predecessor, a World War II hero, General Eisenhower, had the foresight during a dark period of the cold war to warn against the excesses of an exaggerated military-industrial complex. My colleagues might benefit from pondering his words, and wonder whether we have heeded them sufficiently in recent years. In his farewell address of January 17, 1961, he said:

> This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every statehouse, every office of the federal government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources and livelihood are all involved; so is the very structure of our society.
>
> In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

Each of us ought to consider whether we are taking into account, in our budgetary decisions, the wise counsel and admonition of President Eisenhower. We are on the cusp of another new kind of era, with a new, Democratic, young President, and a Secretary of Defense who has proved his capability to think through these kind of profound questions. But, there is a world of difference between the international situation faced by the young President Kennedy and that now faced by our young, new President from the State of Arkansas. We have before the Nation the inherited baggage of the cold war—a mountain of military hardware and systems of all kinds; ambitious plans for yet more such hardware; giant bloated inventories of military stocks; and far too many military bases that have proved politically difficult to dismantle. The staggering size and complexity of the American defense establishment has now become a drain on our economy, a drag on our productivity, an impoverishment of precious scientific talent and research—major adjustments must be made, and now is the time to make them. As President Eisenhower noted more than 20 years ago:

> The prospect of domination of the nation's scholars by federal employment, project allocations, and the power of money is ever present—and is gravely to be regarded.

This is not a call to isolationism, but to realism. Without a renewed vigor in our economy, our allies will continue to outdistance us and prevail in the worldwide contest for economic influence, investment, and growth. We stand in danger of being looked upon as the world's policeman, and increasingly as a pauperized praetorian guard. We cannot allow this to happen. We must convince our allies to face up to their responsibilities, as they have not in the case of Bosnia. In the Persian Gulf war, we carried the load in men and risk, and our allies in Europe, Japan, and the Middle East paid for it in cash. If it is right to be involved in Somalia, as it was right for different reasons to be involved in the Persian Gulf, more definite ground rules must be established to sustain American involvement in such operations. We do not know how much this operation will cost, how long it will last, nor what nation-building missions might evolve from the presence of our forces there, but we see regular commentaries that the prior chaos, violence, and starvation will quickly repeat itself when we leave. The United Nations and our allies must play a very responsible role in Somalia and gradually take over the lion's share of the responsibility. The rules of our newly evolving role are yet to be devised. I know that Mr. ASPIN is cognizant of the need to redefine this role, and we had a very useful dialog on this important matter during his confirmation hearing before the Armed Services Committee.

So, Mr. President, we are in the midst of dramatic changes in the world as a result of the shattering of the Soviet empire that justified the expenditure of huge military budgets and worldwide military systems, alliances, and bases. Right now, our Nation's security is far more dependent on reviving our flaccid economy than in fielding ever more irrelevant and exotic military technologies. Change is needed, it is in the air, and I look forward to working with the fresh, new team that will take its place in the Pentagon under the capable leadership of Secretary ASPIN.

Mr. DODD. Mr. President, I rise today to express my strong support for the nomination of Congressman LES ASPIN to serve as Secretary of Defense.

Mr. President, today is an historic day. Our Nation is poised to begin anew. Our Government is energized and ready to proceed with a positive mandate for change and renewal. And no one is better qualified to lead the Department of Defense in that spirit than LES ASPIN.

As the former chairman of the House Armed Services Committee, Congressman ASPIN has developed a stellar reputation as a dedicated legislator and scholar with a passion for detail. His keen and continual scrutiny of the Defense Department budget is legendary.

But budget lines and program details are not the only priority for the incoming Cabinet. No one knows that better than LES ASPIN. His exhaustive review of our Nation's long-term defense needs have provided a framework for our post-cold-war force structure. His recent series on "Threat Driven Methodologies" as a basis for force planning is a thoughtful, insightful, and most of all—practical guide for meeting our changing national security requirements.

And the challenges are many. From relief efforts in Somalia, continuing instability in the Persian Gulf, to base closure decisions here at home, our Nation's defense forces face new challenges. Clearly the Department of Defense must adapt and undergo major restructuring to meet these challenges. Programs must be scaled back without destroying our investment of the past 40 years and must be reoriented for dual-use capabilities.

That is why the greatest challenge facing our military forces is the downsizing of our defense industry. In Connecticut alone, over 134,000 men and women are directly employed through DOD contracting, while another 27,500 are active duty personnel stationed within our State. The need for reductions is clear, but it must be done with compassion and foresight if it is going to work.

LES ASPIN can accomplish that goal. His understanding of the difficulties facing our Nation's defense industries makes him an ideal candidate to lead our defense industrial base through these difficult times. His well documented commitment to preserving our Nation's industrial base capacity is further envidence of his strategic approach to our national defense.

Mr. President, our Nation is entering a new era. President Clinton has made it clear that his administration will provide the Nation with a solid and forward moving plan for change. As Secretary of Defense, LES ASPIN will provide the leadership, and strength necessary to fulfill those goals. I urge my colleagues to join me in support of LES ASPIN as Secretary of Defense.

Mr. LOTT. Mr. President, I have known and worked with Congressman ASPIN for many years. He is a competent and capable legislator, leader, and defense analyst. His background and expertise have served the House of Representatives—and the country with distinction.

Also on this day, America is losing—for now anyway—the service of a great American and leader in Dick Cheney. Secretary Cheney's performance over the last 3½ years has been nothing short of stellar. His leadership during times of conflict, combat and calm has steadied this Nation. Each American owes a debt to Secretary Cheney for his stewardship of American's peace and his dedication to freedom.

In 1981, President Reagan began a long and difficult journey to transform the world into a new shape and a new vision. His labor was not in vain. He set America on a new course.

President Bush continued that course. He renewed America's fight against the tyranny and oppression of dictators and despots—and he delivered victory.

Now we face a new world. A world which was largely shaped by America. Today, we strike out anew. We begin a new era under President Clinton and his Defense Secretary, LES ASPIN.

LES ASPIN, with all of his ability and skill, will face a great challenge in his new role as Secretary of Defense. Some Members of Congress assume that we no longer need a Department of Defense—they are wrong and it is essential that we protect our military capability.

While the world has changed—it remains a very dangerous place. Secretary ASPIN's fundamental job must be to continue to secure America's peace in the world and protect America's interests, wherever they may be. I am confident that Secretary ASPIN is up to the task.

I look forward to working with Secretary ASPIN and I support his confirmation to that post.

Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDENT pro tempore. Is all time yielded back? Is all time yielded back?

Mr. NUNN. I yield back my time, Mr. President.

The PRESIDENT pro tempore. The question is, Will the Senate give its advice and consent to the nomination of LES ASPIN, of Wisconsin, to be Secretary of Defense?

So, the nomination was confirmed.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SECRETARY OF STATE

The PRESIDENT pro tempore. The clerk will report the next nomination.

The legislative clerk read the nomination of Warren Christopher, of California, to be Secretary of State.

The PRESIDENT pro tempore. Who yields time? The majority leader.

Mr. MITCHELL. Mr. President, I am pleased that the Senate today will have an opportunity to vote in support of President Clinton's nomination of Warren M. Christopher to become Secretary of State.

In such a turbulent time, the role of the Secretary of State is critically important.

He must begin the process of redefining the terms of America's political, economic, and military engagement with the world.

He must forge new, more interactive relationships with the other agencies that also have global responsibilities.

And he simultaneously must respond to the many immediate crises occurring throughout the world.

I am pleased that Mr. Christopher will be the one to assume these daunting responsibilities on our behalf. I have known Warren Christopher personally and well for many years, and he has my greatest respect and confidence. I am certain that he will serve the country with great distinction.

Most Americans know Mr. Christopher from his much praised service at the State Department. He was Deputy Secretary of State from 1977–81.

As chief U.S. negotiator for the release of the American hostages, he successfully completed a mission many considered impossible.

His commitment to human rights helped to ensure that concern for individual rights became an enduring element of American foreign policy.

Having been an outstanding Deputy Secretary would by itself demonstrate that Warren Christopher is eminently prepared for the responsibility he is about to assume.

Yet Warren Christopher's experience and contribution to this nation are far broader.

He has extensive legal and judicial experience, beginning as a clerk to U.S. Justice William O. Douglas and special counsel to California Governor Brown, serving as a Deputy Attorney General from 1967–69, and practicing law for years in the private sector.

These experiences may help explain why Mr. Christopher has such a deep appreciation for the rights and freedoms of our political system and feels so strongly about helping to foster them in other nations.

Warren Christopher also understands the importance of economics. His first job at the State Department—leading U.S. delegations on textile negotiations and consulting on foreign economics—focused exclusively upon trade and economic issues. This contributes to his ability to appreciate the critical importance of ensuring economic opportunity abroad.

But for all of Warren Christopher's expertise in foreign affairs, economics, and the law, we would be doing him a disservice if we did not recognize his outstanding public service in other areas.

Not only does he have a longstanding commitment to pro bono work, but he served as vice chairman of the Governors Commission on the Los Angeles Riots in 1965 and 1966. More recently he headed what became known as the Christopher Commission to investigate the Los Angeles Police Department and charges of brutality made in the context of the beating of Rodney King. These actions say much about the character of the man who is about to become America's Secretary of State.

When he was awarded the Medal of Freedom, the Nation's highest civilian award, in 1981, Warren Christopher was described as having "the tact of a true diplomat, the tactical skills of a great soldier, the analytical ability of a fine lawyer, and the selfless dedication of a citizen-statesman."

The Medal of Freedom's citation is as fine a summation of Warren Christopher as anyone could hope to give.

I consider it a privilege to cast my vote in support of the nomination of Warren Christopher as Secretary of State.

Mr. President, I designate Senator PELL, the chairman of the Foreign Relations Committee, to control the remaining time of our side on this nomination.

The PRESIDENT pro tempore. Without objection, the request of the majority leader is granted. Senator PELL will control the time on the Democratic side.

The Republican leader.

Mr. DOLE. Mr. President, Warren Christopher comes to this extremely demanding and difficult post with much experience and much respect from Democrats and Republicans alike and certainly from this Senator as well.

That experience and respect have earned him the nomination as Secretary of State. I look forward to supporting that nomination and to working with him in the new administration.

When Warren Christopher takes his oath of office as Secretary of State, he will enter that office with an abundance of advice on the conduct of foreign policy.

His transition team and his administration colleagues, many of them veterans of President Carter's administration, will supply him with options papers for virtually every foreign policy situation from the most pressing to the most obscure.

As an experienced diplomat and former Deputy Secretary of State, much of this information will be familiar.

I'm sure he also goes to his new position with a small mountain of foreign policy proposals from think tanks, corporations, former Government officials, and concerned private citizens. I'm sure because I've received many of these proposals myself.

There is one particular paper that I know he will take with him to his new office. That is the October 1, 1992, remarks of President Clinton—who was then candidate Clinton—in Milwaukee before the Institute of World Affairs.

That speech, I believe, outlines an ambitious challenge to the new Secretary of State to expand democracy and, in President Clinton's words, to realize "why we cannot retreat to a fortress America." It outlined a very activist foreign policy making the point that "we cannot choose between international engagement and domestic reconstruction" because they are two sides of the same coin.

President Clinton went on to deplore lack of action to stop the horror in Bosnia, to advocate democratic reform in Africa, to support democracy in South America, and to help end the repressive regime in Cuba. In that speech he called for a democracy corps in the former Soviet Union, more public diplomacy through an expansion of radio broadcasting in Asia, and a redirection and reorganization of foreign assistance.

Saying that the world "is still a dangerous place," the speech declared that "military power still matters" and promised to maintain "a strong and ready defense."

To be sure, that same speech offers a rationalization for selected activism by saying our commitment to democracy abroad might have to give way to "other security needs or economic interests" and that we cannot "force every ideal, including the promotion of democracy, on other people."

Now the time has come to translate that speech of commitment to the promotion of democracy, a commitment tempered by words of caution, into decisions. Decisions on Haitian immigrants, on the dictator in Baghdad, on the killing and rape in Bosnia, and on dozens of other difficult issues which cannot be put aside.

Warren Christopher will be the translator of the commitments in that speech and some decisions will have to be made soon.

I note that in reply to my question about the situation in Armenia, Secretary-designate Christopher called for more study of all the information available and more consultation before making a decision. But winter is an enemy that will not wait for consultation in Armenia and other former Soviet Republics. To the people of Bosnia, more consultation and study mean more death and brutality.

If we have learned anything from the situations in Iraq, in Bosnia, and in Somalia, we have learned that there is a time to stop studying and consulting and a time to act.

We are fortunate to have a man of Warren Christopher's experience and integrity helping to make the important decisions which await.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL] is recognized.

Mr. PELL. Mr. President, I am pleased to give my unqualified support to this nomination. Mr. Christopher appeared before our committee on 2 days last week for two separate sessions on each day. He testified to our committee for a total of more than 12 hours and, in addition, answered more than 400 questions submitted for the record over the weekend.

I can say with utmost confidence that the committee fulfilled its responsibility to raise as broad a range of issues as possible with the prospective Secretary of State.

I commenced the committee hearing with a high regard for Mr. Christopher because of my experience with his excellent prior service with the State Department.

I concluded the hearing process with an even deeper regard for his intellect, his reason, and his comportment.

I have not the slightest doubt that he will serve ably and with honor as our Nation's top diplomat. In his presentation to the committee, Mr. Christopher laid out a sound strategy for protecting American interests in a world of profound change. And throughout the questioning process, he displayed a remarkable command of the many pressing issues on our international agenda.

More important, he demonstrated sound judgment, quickness of mind, leaving no question that he will respond effectively, prudently, decisively in the event of a crisis—and we now face several. These characteristics, vision, knowledge, and judgment, are prerequisites for what is arguably the most demanding, important, wide-ranging job in any administration.

By selecting Warren Christopher, President Clinton has placed his confidence in someone who excels in all three, and I am very happy to bring his nomination before the Senate and urge my colleagues to support him.

I am glad to yield back the remainder of my time.

The PRESIDENT pro tempore. Who yields time?

Mr. THURMOND. Will the Senator yield me about 3 minutes?

The PRESIDENT pro tempore. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, I rise today in support of Warren Christopher to be Secretary of State. In this position, Mr. Christopher will have the great responsibility of guiding our Nation's foreign policy for President Clinton.

Mr. Christopher was born and educated in California. He graduated from University of Southern California, and he received his law degree from Stanford University. Mr. Christopher served in the U.S. Naval Reserve from 1943 to 1946. He was Deputy Attorney General at the Department of Justice in the late 1960's, and he was Deputy Secretary of State in the Carter administration.

The Secretary of the Department of State has the significant responsibility of advising the President in formulating and executing foreign policy decisions for our country. In carrying out this responsibility, it is necessary to consider the safety, security, and prosperity of the United States. Our country is continually faced with new challenges and problems, and the Secretary of State must have the background and experience to meet these challenges. The situations in the Middle East, in Bosnia, and in Somalia must be addressed with strength and care. The recent actions in Iraq clearly illustrate the importance of foreign relations to the continued well-being of the United States.

Mr. Christopher's past experience as Deputy Secretary of State for President Carter should assist him as Secretary of State. I believe he possesses the qualifications necessary to successfully serve in this new position. He is recognized as a man with integrity, good judgment, and excellent negotiating skills.

I am pleased to support the nomination of Warren Christopher to be Secretary of State.

Mr. DODD. Mr. President, I rise in strong support of the nomination of Warren Christopher as Secretary of State.

Mr. President, the nomination before us today takes place at a time of remarkable change. The old world order—that bipolar balancing act of two largely hostile superpowers—has dissolved. Its most well known icons—the Berlin Wall, the Iron Curtain, The Union of Soviet Socialist Republics—have now been relegated to museum displays or the pages of history books.

What is not yet clear, Mr. President, is what will replace the old order. In practically every corner of the world, from Russia and the other former Soviet Republics to what was once Yugoslavia, ethnic tensions and nationalist tendencies have come to the surface with violent and often deadly results. The ethnic cleansing in Bosnia-Herzegovina, the clan warfare in Somalia, and the Iraqi genocide against the Kurds are only three of the more dramatic examples.

Clearly, Mr. President, we need a new world order to deal with these unspeakable acts. In my view, the starting point for that order is for the new administration to restore confidence in U.S. adherence to internationally accepted legal norms. Such confidence is absolutely essential if we and the community of nations are to build an international order that fosters and strengthens the rule of law.

Unfortunately, Mr. President, U.S. policy during the 1980's gave short shrift to international legal standards. Be it the mining of Nicaraguan harbors, the abdication of the jurisdiction of the International Court of Justice, the Iran-Contra and Iraq-gate scandals, the kidnaping of suspects on foreign soil, or most recently the politicization of the State Department in the improper search of Bill Clinton's passport files, each of these events robbed us of the moral authority to be the standard bearer of the international rule of law.

Accordingly, Mr. President, one of the first orders of business in the Clinton State Department will be to restore the rule of law to American foreign policy. And I have no doubt that Warren Christopher is the right choice to carry out that very important task. His role as Deputy Secretary of State in the Carter administration, and most recently his position as chairman of the commission investigating the conduct of the Los Angeles Police Department, leave me certain of his commitment to the principles of fairness and equal justice.

In the course of 2 days before the Foreign Relations Committee last week, and in written questions over the weekend, Warren Christopher was asked questions that covered virtually all aspects of U.S. foreign policy. His principled and disciplined answers left me confident that he has the understanding and knowledge to be a highly effective Secretary of State.

During that testimony, Mr. President, Warren Christopher also made a point that I think bears repeating here. He pointed out that our foreign policy is not only relevant to people in Kuwait, or Iraq, or Yugoslavia—it has a very direct impact on people in America as well. And he noted that foreign policy will enjoy no popular support unless it is justified in terms of its relevance to the lives of people in this country.

In short, Mr. Christopher told us, our foreign policy must begin at home. And Mr. President, I couldn't agree more. I commend Warren Christopher for making that very important observation and I look forward to an administration that puts those words into action.

Mr. President, the next decade in American foreign policy could be one of unprecedented international cooperation. After four decades of languishing under the cold war, the United Nations now has an opportunity to become the effective multilateral institution its founders envisioned 50 years ago.

But for this goal to be realized, the United States must adopt a foreign policy that adheres to internationally accepted principles and the rule of law. I am confident that Warren Christopher is the right selection for this very important task, and I urge the Senate to confirm this nomination.

Mr. KERRY. Mr. President, this is an outstanding nomination. Warren Christopher has everything we could ask for in a Secretary of State—experience, intelligence, honesty and a breathtaking capacity to see clearly through the thicket of competing interests and issues that confront all of us in public life. There are any number of jobs, aside from this one, to which Mr. Christopher could have been appointed and, for which, he would have been qualified; but this one is the best match, and I think perhaps the greatest challenge.

Upon taking the oath of office, Secretary of State Warren Christopher will assume the duties of America's chief diplomat at a time when America is, in many ways, more inward looking than at any time in my memory. There is a strong and growing vein of sentiment within our country that simply does not want to see American dollars, aid, or servicemen heading overseas for any reason—no matter how noble or urgent the cause may appear. There is a mood that says let us take care of our own; let us get our own house in order; let us leave the role of global samaritan, global risk taker, global heavy lifter to someone else, anyone else.

None of us has to spell out the principal reason for all of this. It is what the new President taught us during the campaign, with the sign in his headquarters that read "it's the economy, stupid." It is uncertainty about jobs, about our schools, about our ability to give our kids the same gift of optimism about the future that we had and that generations before us had growing up in America.

We know we have to give first priority to the problems we face here at home.

But we also know that neither our history, nor our character, nor our self-interest will allow us to withdraw from the center stage of global political and economic life. Nothing could be more shortsighted or self-destructive than for us to do that.

But we are going to have to be communicating that message to the American people every day if we are going to get it through.

We are going to have to draw the links between domestic and foreign policy more tightly and more clearly than ever before.

And we will be right to do so.

Because there is no more immediate or local an issue than whether our sons and daughters will once again be called upon to stop a madman in the Middle East; there is no more important economic issue than whether we find ourselves 2 or 3 years from now having to restore the defense cuts we are now so hopeful we can make; there are few issues more important to our families than whether Americans can be freed at long last from the fear of international terrorism and the scourge of drugs; and there can be no more important matter for our children than whether they will grow up on a world that is largely nonviolent and respectful of the law, rather than brutal, anarchic and contemptuous of the law.

For these and others reasons, the world will watch the early days of this administration with high expectations and with great interest. What will change with the new President and the new administration; what will stay the same?

For my part, I hope to see steadfastness of purpose in Iraq, in Somalia, in arms control negotiations and in pursuit of a Middle East peace.

Elsewhere, I look for change: A higher priority for environmental protection in our aid program and in international lending policies; a steadier and more principled commitment to democracy and human rights; and an all out effort to strengthen international institutions in ways that will render them truly effective.

It is, after all, partly the failure of existing international institutions that has left us negotiating to reward, not punish, Serbian aggression and atrocities; that has left a collection of thugs and drug runners exercising real power in Haiti; and that has left the peacekeeping effort in Cambodia at least partially hostage to the Khmer Rouge.

The question for the future is whether—amid all the tumult and change we see in the world—we will be able to keep our bearings; and whether we will be able to lead the international community by being clear enough about what we stand for abroad.

The inconsistencies of the past have hurt us, it seems to me. We've declared our commitment to democracy around the world, but coddled more than our share of dictators, as well; We have insisted that international boundaries are sacred, but ignored Syria's virtual conquest of Lebanon, and been slow to respond in Bosnia. We have denounced the arms sales of others but sold more arms than anyone else. We have denounced terrorism but sold arms to terrorist states. And we have been the very model of inconsistency in our policies toward Saddam Hussein.

Now is the time to set out in a new direction. I think we are going to have precisely the right man at the helm. I welcome the nomination of Warren Christopher as Secretary of State, and I urge all Senators to support his nomination today.

(At the request of Mr. MITCHELL, the following statement of Mr. BYRD was ordered to be printed in the RECORD at this point:)

Mr. BYRD. Mr. President, I support the nomination of Warren Christopher to be the next Secretary of State. Mr. Christopher comes to this task with excellent credentials and a depth of experience. He is widely known as a levelheaded, patient negotiator. I well remember his invaluable work on the Panama Canal Treaty, and I have great confidence in his ability to take on the demanding duties as the Secretary of State.

Mr. Christopher's recent testimony before the Senate Foreign Relations Committee provides a thoughtful perspective on the challenges ahead. His priorities as Secretary of State in this dramatically transforming world scene appear to be sound. I agree with him that we are now at the beginning of a new era which needs the shaping force of enlightened and activist American policy. I applaud his statement that the State Department needs to eschew some of the clientitis into which it has too often slipped, and that it needs an American orientation and an American desk. The State Department should always remember that its primary role is to further American interests. Paramount among those interests is our economic strength and leadership. Without a strong economy we cannot hope to lead the world for very long.

I commend Mr. Christopher for placing economic security as the "primary goal for our foreign policy." He will have my active support in this effort. I have included funds and requirements in appropriation bills over the last few years to more closely tie our foreign aid to the development of markets for American products and capital in Eastern Europe, the former Soviet Union, and elsewhere, and I believe that we must be far more aggressive in this arena. International competition is now based on economics, and leadership by the State Department in this arena is sorely needed. I urge the new Secretary to roll up his sleeves and act quickly on this problem.

I also agree with the priority Mr. Christopher has placed on the area of nonproliferation—first, in the stemming of the outflow of the weapons debris migrating out of the former Soviet Union to the rest of the world, and second, in stopping the practice by many nations of plying weapons and their delivery systems around the world. If we are to lead in this task, we must seriously reevaluate our own practice of arms sales. Such sales should be the exception, rather than the rule, for U.S. exports. Continued efforts should also be made to curtail proliferation through new arms control arrangements and agreements, and through the use of the full range of carrots and sticks the Secretary will have available to him.

Mr. Christopher rightly emphasizes the American task of furthering and nurturing the upsurge of democratic governments and institutions around the world. To the extent that we can succeed in fostering democratic practices where formerly bullies reigned, we will have new tools against violent solutions, wars, and oppression. And, in connection with the struggling democracies of the former Soviet empire, from Latvia to Rumania to Russia itself, America will benefit from helping to solidify the gains made to date and will do as much as we realistically can to widen the domain of market economies and democratic governments in the world.

As I have said, the tasks facing the new Secretary of State are formidable. Unfamiliar roles will be played across the board, but clearly Mr. Christopher is well aware of the need for innovative thought and action on the part of the State Department. I stand ready to lend my support to the job he is about to embark upon.

Mr. HELMS. Mr. President, I have no objection to a voice vote on the nomination of Warren Christopher to be U.S. Secretary of State. However, I do desire that the RECORD reflect my doubts about this nomination based on actions by him during previous periods of service and positions taken by him during recent nomination hearings conducted by the Senate Foreign Relations Committee.

The PRESIDENT pro tempore. Who yields time?

Mr. SIMPSON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Wyoming.

Mr. SIMPSON. I thank the Chair.

THE PRESIDENT'S NOMINATIONS

Mr. SIMPSON. We have had a most impressive ceremony in the transition of power in the United States, and it is a thrilling thing to observe, even if the results may not have been as I would have liked.

As I wished my friend George Bush adieu at the helicopter at the east front of the Capitol and then proceeded upstairs again to visit with the President of the United States, Bill Clinton, to talk about the things we have to do, I kept thinking that ours is truly a remarkable country in the history of democracy.

I just want to take a few moments. I know the time is agglimmering. But in the cooperative spirit expressed so eloquently by President Clinton in his inaugural address, I want to commend him for the excellent nominations he has made to the positions of Secretary of Defense, Secretary of Treasury, and Secretary of State. I know these people. It has been my pleasure to have observed all of them in this remarkable arena of Washington.

I have known LLOYD BENTSEN for over 14 years. He is a true statesman, who served his State and the Nation with distinction, a wonderful man with whom I have worked on many issues. We have been in agreement substantially more often than in disagreement on matters of policy. He was one of my strongest allies, as was the occupant of the chair, with regard to the sweeping immigration reform legislation of years past. He has been a strong ally on economic issues critical to my State and has often expressed to me his fondness for my State. And his lovely friend, Charles Duncan, the former Secretary of Energy, is a neighbor of mine in Wyoming. We spent many happy times with B.A. and LLOYD BENTSEN in those environs. He will be missed as a Senate colleague, and I am confident he will continue his exemplary service as Secretary of the Treasury.

Warren Christopher is a jewel. He was one of the real stars of the Carter administration. I came to know him well. I wish I could have known him better. I am sure I will. I am telling my constituents he was one of the most impressive men that I worked with during the Carter administration. He brings a wide array of talents to the demanding position of Secretary of State. He is superb in substance, an excellent administrator, a wonderful, thoughtful, creative man. I have the utmost respect for him.

Finally, LES ASPIN is a master of the defense area and he knows how to get things done in Washington. He is a good legislator. He will be a good administrator. I believe he will be a voice of moderation to those who would seek unreasonable cuts in spending for our national security. And Dick Cheney, my old sidekick from Wyoming, has indicated to me that Les Aspin is surely a wonderful choice for Secretary of Defense.

I commend those three.

I commend Senator WENDELL FORD for his work as chairman of the Inaugural Committee and Senator TED STEVENS. Both of them brought great credit to the Senate and they deserve great accolades for a very impressive and moving ceremony. It was a truly great honor and privilege to be a part of it.

I thank the Chair and I thank the majority leader, and I look forward to working with him and with the minority leader as we go forward with this new Congress.

Mr. DOMENICI. Mr. President, I join with those who have given remarks to the Senate about Warren Christopher. He is going to do a splendid job. Obviously, this Senator is going to support him.

Mr. MITCHELL. Mr. President, I believe there is no other Senator who now wishes to address the subject pending, the nomination of Warren Christopher, and I would hope that we could yield back the time and vote on that nomination now.

The PRESIDENT pro tempore. Is all time yielded back?

Mr. THURMOND. Mr. President, we yield back on our side.

The PRESIDENT pro tempore. All time is yielded back.

The question is, Will the Senate give its advice and consent to the nomination of Warren Christopher, of California, to be Secretary of State?

So the nomination was confirmed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. THURMOND. I move to lay that motion on the table, Mr. President.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. Under the previous order, the President will be immediately notified of the confirmation of the aforegoing nomination.

NOMINATIONS PLACED ON EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I will now propound a unanimous-consent request, and I am advised that this has been cleared by the Republican leader.

As in executive session, I ask unanimous consent that the following nominations received today be placed directly on the Executive Calendar: MIKE ESPY to be Secretary of Agriculture; Robert Reich to be Secretary of Labor; Donna Shalala to be Secretary of Health and Human Services; Richard Riley to be Secretary of Education; Henry Cisneros to be Secretary of Housing and Urban Development; Hazel O'Leary to be Secretary of Energy; Jesse Brown to be Secretary of Veterans Affairs; Carol Browner to be Administrator of the Environmental Protection Agency; LEON PANETTA to be Director of the Office of Management and Budget, Alice Rivlin to be Deputy Director of the Office of Management and Budget, and Roger Altman to be Deputy Secretary of the Department of Treasury.

The PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered.

Mr. MITCHELL. Mr. President, I thank the distinguished Republican leader, my friend and colleague, Senator DOLE, for his cooperation in permitting the Senate to proceed to the three nominations on which the Senate has acted.

As each Senator knows, under the rules, a waiver of the rule which would have required a brief delay was required. That was obtained with the cooperation of the Republican leader. The same is true with respect to the placement directly on the Executive Calendar of the several nominations which I have just read.

I thank my colleague for his courtesy. I thank all of my colleagues for their cooperation.

I now yield the floor.

Mr. DOLE. I would just say to the majority leader, these same courtesies were extended to President Reagan's nominees in 1981 by the Democratic majority. We do wish to work together.

We have a new President. He wants to get his Cabinet in place. I think in every case where we can we want to move as quickly as possible.

The PRESIDENT pro tempore. The Senator from Kansas [Mr. DOLE].

Mr. DOLE. Are we still in executive session?

The PRESIDENT pro tempore. The Senate is still in executive session. Is it the desire that the Senate resume legislative session?

Mr. MITCHELL. Mr. President, I have no objection.

Mr. DOLE. Mr. President, I am reminded that we were in the majority in 1981. I will change that. The Democrats were in the minority. It has been a while. I have forgotten.

Mr. MITCHELL. Mr. President, if I may interject, indeed the circumstances were more identical than the Senator first contemplated.

Mr. DOLE. That is right. That is true.

LEGISLATIVE SESSION

The PRESIDENT pro tempore. The Senate will resume, without objection, legislative session.

MORNING BUSINESS

The PRESIDENT pro tempore. The transaction of morning business is continued with Senators permitted to speak therein for not to exceed 5 minutes each.

The PRESIDENT pro tempore. The Senator from Kentucky, Mr. Ford.

IN APPRECIATION OF THE EFFORTS OF ALL THOSE WHO WERE RESPONSIBLE FOR THE SUCCESS OF THE 52D INAUGURAL CEREMONY

Mr. FORD. Mr. President, putting on an inauguration is not always as easy as it looks.

It takes a combination of stamina, dedication, skill, and determination. We have just given our people here on the Hill, in the military, at the Interior Department, and others a good workout and I am pleased to tell you that these fine qualities and a number more are alive and working in our crew. They did a first rate job.

To mention a few: my thanks to my colleagues of the Joint Congressional Committee on Inaugural Ceremonies for their efforts and for standing together when the going got tough and thanks to their staffs for their efforts.

The House and Senate Sergeants at Arms, their staffs, Chief Abrecht and his Capitol Hill Police team led by Deputy Chief Frank Shelton and Lt. Ray Carson had some long nights and some of their finest days.

My thanks to the Architect of the Capitol for the great effort of all his men and women, but particularly for not letting Tom Ward retire. Any chairman who tried to organize an inauguration without the skills, expertise, and institutional knowledge of Tom Ward would be ill-advised.

Charlie Cook and his group at the Government Printing Office brought in a first-rate product in a timely manner.

The heads of the Senate Media Gallery, Larry Janezich, Bob Petersen, Maurice Johnson, and Jim Talbert, Tina Tate in the House TV Gallery had a very big job which was done well.

My thanks to Gen. Bill Streeter and to General Stephens of the Armed Forces Inaugural Committee for their support materials and manpower. At our request, they sent us Tom Groppel and he did the tremendous job he has done in the past four inaugurations.

Three months ago Secret Service Director John McGaw pledged a 100-percent effort on the part of his agency. With Bob Alberi and Jim Varey as leads, the Service delivered.

Interior Secretary Lujan and the Park Service permitted us to increase the size of this year's ceremony. Stan Lock and his group gave us tremendous support, as did many others in offices across Capitol Hill, not the least of which was my personal staff, my Rules Committee staff and a number of former staffers on whom I count.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 103-1

Mr. MITCHELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the treaty with the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, the START II Treaty—Treaty Document No. 103-1—transmitted to the Secretary of the Senate by the President on January 15, 1993, and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I am transmitting herewith, for the advice and consent of the Senate to ratification, the Treaty between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (the START II Treaty) signed at Moscow on January 3, 1993. The Treaty includes the following documents, which are integral parts thereof:

—the Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (the Elimination and Conversion Protocol);

—the Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (the Exhibitions and Inspections Protocol); and

—the Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (the Memorandum on Attribution).

In addition, I transmit herewith, for the information of the Senate, the report of the Department of State and letters exchanged by representatives of the Parties. The letters are associated with, but not integral parts of, the START II Treaty. Although not submitted for the advice and consent of the Senate to ratification, these letters are provided because they are relevant to the consideration of the Treaty by the Senate.

The START II Treaty is a milestone in the continuing effort by the United States and the Russian Federation to address the threat posed by strategic offensive weapons, especially multiple-warhead ICBMs. It builds upon and relies on the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (the START Treaty) signed at Moscow on July 31, 1991. At the same time, the START II Treaty goes even further than the START Treaty.

The START Treaty was the first treaty actually to reduce strategic offensive arms of both countries, with overall reductions of 30-40 percent and reductions of up to 50 percent in the most threatening systems. It enhances stability in times of crisis. It not only limits strategic arms but also reduces them significantly below current levels. In addition, the START Treaty allows equality of forces and is effectively verifiable. Finally, commitments associated with the START Treaty will result in the elimination of nuclear weapons and deployed strategic offensive arms from the territories of Belarus, Kazakhstan, and Ukraine within 7 years after entry into force, and accession of these three states to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as non-nuclear-weapon States Parties. As a result, after 7 years, only Russia and the United States will retain any deployed strategic offensive arms under the START Treaty.

The START II Treaty builds upon and surpasses the accomplishments of the START Treaty by further reducing strategic offensive arms in such a way that further increases the stability of the strategic nuclear balance. It bans deployment of the most destabilizing type of nuclear weapons system—land-based intercontinental ballistic missiles with multiple independently targetable nuclear warheads. At the same time, the START II Treaty permits the United States to maintain a stabilizing sea-based force.

The central limits of the START II Treaty require reductions by January 1, 2003, to 3000-3500 warheads. Within this, there are sublimits of between 1700-1750 warheads on deployed SLBMs for each Party, or such lower number as each Party shall decide for itself; zero for warheads on deployed multiple-warhead ICBMs; and zero for warheads on deployed heavy ICBMs. Thus, the Treaty reduces the current overall deployments of strategic nuclear weapons on each side by more than two-thirds from current levels. These limits will be reached by the end of the year 2000 if both Parties reach agreement on a program of assistance to the Russian Federation with regard to dismantling strategic offensive arms within a year after entry into force of the Treaty. Acceptance of these reductions serves as a clear indication of the ending of the Cold War.

In a major accomplishment, START II will result in the complete elimination of heavy ICBMs (the SS-18s) and the elimination or conversion of their launchers. All heavy ICBMs and launch canisters will be destroyed. All but 90 heavy ICBM silos will likewise be destroyed and these 90 silos will be modified to be incapable of launching SS-18s. To address the Russians' stated concern over the cost of implementing the transition to a single-warhead ICBM force, the START II Treaty provides for the conversion of up to 90 of the 154 Russian SS-18 heavy ICBM silos that will remain after the START Treaty reductions. The Russians have unilaterally undertaken to use the converted silos only for the smaller, SS-25 type single-warhead ICBMs. When implemented, the Treaty's conversion provisions, which include extensive on-site inspection rights, will preclude the use of these silos to launch heavy ICBMs. Together with the elimination of SS-18 missiles, these provisions are intended to ensure that the strategic capability of the SS-18 system is eliminated.

START II allows some reductions to be taken by downloading, i.e., reducing the number of warheads attributed to existing missiles. This will allow the United States to achieve the reductions required by the Treaty in a cost-effective way by downloading some or all of our sea-based Trident SLBMs and land-based Minuteman III ICBMs. The Treaty also allows downloading, in Russia, of 105 of the 170 SS-19 multiple-warhead missiles in existing silos to a single-warhead missile. All other Russian launchers of multiple-warhead ICBMs—including the remaining 65 SS-19s—must be converted for single-warhead ICBMs or eliminated in accordance with START procedures.

START II can be implemented in a fashion that is fully consistent with U.S. national security. To ensure that we have the ability to respond to worldwide conventional contingencies, it allows for the reorientation, without any conversion procedures, of 100 START-accountable heavy bombers to a conventional role. These heavy bombers will not count against START II warhead limits.

The START Treaty and the START II Treaty remain in force concurrently and have the same duration. Except as explicitly modified by the START II Treaty, the provisions of the START Treaty will be used to implement START II.

The START II Treaty provides for inspections in addition to those of the START Treaty. These additional inspections will be carried out according to the provisions of the START Treaty unless otherwise specified in the Elimination and Conversion Protocol or in the Exhibitions and Inspections Protocol. As I was convinced that the START Treaty is effectively verifiable, I am equally confident that the START II treaty is effectively verifiable.

The START Treaty was an historic achievement in our long-term effort to enhance the stability of the strategic balance through arms control. The START II Treaty represents the capstone of that effort. Elimination of heavy ICBMs and the effective elimination of all other multiple-warhead ICBMs will put an end to the most dangerous weapons of the Cold War.

In sum, the START II Treaty is clearly in the interest of the United States and represents a watershed in our efforts to stabilize the nuclear balance and further reduce strategic offensive arms. I therefore urge the Senate to give prompt and favorable consideration to the Treaty, including its Protocols and Memorandum on Attribution, and to give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *January 15, 1993*.

APPOINTMENT ON BEHALF OF THE PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94-118, reappoints the Senator from West Virginia [Mr. ROCKEFELLER] to the Japan-United States Friendship Committee.

APPOINTMENT ON BEHALF OF THE REPUBLICAN LEADER AND THE MAJORITY LEADER

The PRESIDENT pro tempore. The Chair, on behalf of the Republican leader and the majority leader, pursuant to Public Law 102-166, appoints on behalf of the Senate, Mr. COVERDELL, as a member of the Glass Ceiling Committee vice the Senator from California, Mr. Seymour.

The majority leader is recognized.

THE 1992 YEAR END REPORT

The mailing and filing date of the 1992 year end report required by the Federal Election Campaign Act, as amended, is Sunday, January 31, 1993. Principal campaign committees supporting Senate candidates file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records Office will be open from 12 noon to 4 p.m. on the filing date to accept these filings. In general, reports will be available the day after receipt. For further information, please contact the Public Records Office on (202) 224-0322.

REGISTRATION OF MASS MAILINGS

The filing date for 1992 fourth quarter mass mailings is January 25, 1993. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224-0322.

SENATE QUARTERLY MAIL COSTS

Mr. FORD. Mr. President, in accordance with section 318 of Public Law 101-520, I am submitting the summary tabulations of Senate mass mail costs for the fourth quarter of fiscal year 1992, that is the period of July 1, 1992 through September 30, 1992, to be printed in the RECORD, along with the quarterly statement from the U.S. Postal Service setting forth the Senate's total postage costs for the quarter.

There being no objection, the material was ordered to be printed in the RECORD as follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING SEPT. 30, 1992

Senators	Original total piece	Pieces per capita	Original total cost	Cost per capita
Adams				
Akaka				
Baucus	136,050	0.17026	$20,698.39	$0.02590
Bentsen	107,675	.00634	21,381.73	.00126
Biden				
Bingaman	700	.00046	109.23	.00007
Bond	1,850	.00036	413.67	.00008
Boren				
Bradley				
Breaux				
Brown				
Bryan	130,180	.10832	22,066.99	.01836
Bumpers	80,960	.03444	19,473.28	.00828
Burdick				
Burns	4,899	.00613	3,351.99	.00419
Byrd				
Chafee	168,950	.16837	26,972.70	.02688
Coats				
Cochran				
Cohen	150,690	.12272	24,579.55	.02002
Conrad				
Craig				
Cranston	2,512,450	.08442	431,422.98	.01450
D'Amato	4,073,950	.22645	647,003.29	.03596
Danforth				
Daschle	15,280	.02195	2,405.08	.00346
DeConcini	5,712	.00156	4,609.77	.00126
Dixon				
Dodd	1,697	.00052	1,349.28	.00041
Dole				
Domenici	1,275	.00084	268.50	.00018
Durenberger	275,549	.06298	47,411.71	.01084
Exon				
Ford				
Fowler	103,250	.01594	14,985.95	.00231
Garn				
Glenn	595	.00005	534.90	.00005
Gore				
Gorton	593,000	.12185	103,592.24	.02129
Graham	19,781	.00153	15,658.08	.00121
Gramm	198,777	.01170	34,778.48	.00205
Grassley	462,575	.16659	82,440.31	.02969
Harkin	370,925	.13358	57,471.57	.02070
Hatch	65,900	.03825	9,987.21	.00580
Hatfield	471,300	.16582	79,379.48	.02793
Heflin	41,881	.01037	9,318.64	.00231
Helms				
Hollings				
Inouye	424,950	.38345	65,615.88	.05921
Jeffords	20,900	.03714	2,975.68	.00529
Johnston	77,450	.01835	10,850.57	.00257
Kassebaum				
Kasten	547,701	.11196	101,713.25	.02079
Kennedy	1,994	.00033	1,694.59	.00028
Kerrey	2,107	.00133	1,896.28	.00120
Kerry	118,100	.01963	20,766.94	.00345
Kohl				
Lautenberg	31,854	.00412	13,184.78	.00171
Leahy	16,000	.02843	2,470.46	.00439
Levin	58,300	.00627	11,097.83	.00119
Lieberman	9,075	.00276	1,375.48	.00042
Lott				
Lugar	33,750	.00609	5,147.84	.00093
Mack	50,700	.00392	9,621.95	.00074
McCain	35,774	.00976	12,311.10	.00336
McConnell	489,550	.13284	86,515.08	.02348
Metzenbaum				
Mikulski				
Mitchell				
Moynihan				
Murkowski	111,850	.20335	18,753.80	.03410
Nickles				
Nunn				
Packwood	222,475	.07827	36,093.41	.01270
Pell				
Pressler	104,431	.15004	57,369.68	.08243
Pryor	800	.00034	181.93	.00008
Reid	25,650	.02134	7,918.15	.00659
Riegle	576,275	.06200	90,134.60	.00970
Robb				
Rockefeller				
Roth	310,000	.46535	49,591.74	.07444
Rudman				
Sanford				
Sarbanes	181,820	.03803	26,354.76	.00551
Sasser	504,700	.10348	81,847.91	.01678
Seymour	3,468,200	.11654	595,122.36	.02000
Shelby				
Simon				
Simpson				
Smith				
Specter				
Stevens				
Symms	292,950	.29099	56,033.77	.05566
Thurmond				
Wallop	10,269	0.02264	2,280.98	.00503
Warner				
Wellstone	539,650	0.12335	87,089.41	.01991
Wirth				
Wofford				

Other offices	Total pieces	Total cost
The Vice President		
The President pro tempore		
The majority leader		
The minority leader		
The assistant majority leader		
The assistant minority leader		
Secretary of majority conference		
Secretary of minority conference		
Agriculture Committee		
Appropriations Committee		
Armed Services Committee		
Banking Committee		
Budget Committee		
Commerce Committee		
Energy Committee		
Environment Committee		
Finance Committee		
Foreign Relations Committee		
Governmental Affairs Committee		
Judiciary Committee		
Labor Committee		
Rules Committee		
Small Business Committee		
Veterans' Affairs Committee		
Ethics Committee		
Indian Affairs Committee		
Intelligence Committee		
Aging Committee		
Joint Economic Committee		
Joint Committee on Printing		
Democratic Policy Committee		
Democratic conference		
Republican Policy Committee		
Republican conference		
Legislative counsel		
Legal counsel		
Secretary of the Senate		
Sergeant at Arms		
Narcotics caucus		
SCMTE POW/MIA		±
Total		

U.S. POSTAL SERVICE,
Washington DC, November 12, 1992.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. FORD: Detailed data on franked mail usage by the U.S. Senate for the fourth quarter, Fiscal Year 1992, is enclosed. Total postage and fees for the quarter is $5,314,161.

A summary of Senate franked mail usage based upon actual data for the four quarters of Fiscal Year 1992 is as follows:

Volume 92,717,793

Revenue per piece	$0.1879
Revenue	$17,422,313
Provisional Payments (December 1991 and April 1992)	$16,000,000
Deficiency in Provisional Payments	$1,422,313

A bill is enclosed for the difference between the actual charges and the provisional payments.

Also enclosed is a copy of the comparable report for the United States House of Representatives.

If you or your staff have any question, please call Tom Galgano of my staff on (202) 268–3255.

Sincerely,

KRISTINE A. WRIGHT,
Manager, Accounting Finance and Planning.

SENATE FRANKED MAIL, POSTAL QUARTER IV, FISCAL YEAR 1992 SENATE

Subcategories	Pieces	Rate	Amount
1. Letters: 1st class (Total)	3,046,147	$0.2901	$883,687
2. Flats: 1st class (Total)	137,908	1.0992	151,589
3. Parcels:			
Priority—up to 11 oz			
Priority—over 11 oz	25,046	4.3444	108,810
4th class—regular	38,962	4.0969	159,623
Total	64,008	4.1937	268,433
4. Orange bag pouches:			
1st class	139,860	.3613	50,532
Priority—up to 11 oz	1,663	2.8984	4,820
Priority—over 11 oz	7,707	5.1510	39,699
Total	149,230	.6369	95,051
5. Agriculture bulletins:			
1st class			
Priority—up to 11 oz			
Priority—over 11 oz			
3rd class			
4th class special (Bk)			
4th class regular	34	9.4706	322
Total	34	9.4706	322
6. Yearbooks: 4th class special (Bk) (Total)	229	1.4847	340
7. Other (odd size parcels):			
Priority—up to 11 oz			
Priority—over 11 oz	343	37.8484	12,982
4th class special (Bk)			
4th class regular	2,844	10.2321	29,100
Total	3,187	13.2043	42,082
Total outside DC	427,987	.4943	211,555
Permit imprint mailings:			
1st class single piece rate			
3rd class bulk rate	23,748,592	.1224	2,907,632
Parcel post—PI			
1st class single piece—PI			
Address corrections (3547's)	439	.3508	154
Address corrections (3rd cl)	341	.2639	90
Mailing list corrections (10 names or less)			
Mailing list corrections (more than 10 names)			
Mailgrams:			
IPA—international priority airmail			
Mailing fees (registry, certified, etc.)			
Postage due/short paid mail			210
Permit fees			
Miscellaneous charges/adj			
Express mail service			753,016
Subtotal	27,578,102	.1927	5,314,161
Adjustments			
Grand total	27,578,102	.1927	5,314,161

IN HONOR OF JOHN BIRKS "DIZZY" GILLESPIE

Mr. HOLLINGS. Mr. President, I rise today in remembrance of John Birks "Dizzy" Gillespie who passed away at the age of 75.

Dizzy Gillespie was born in Cheraw, SC, on October 21, 1917—the same year that the first jazz record was recorded—and in his lifetime captured the hearts and ears of people all over the world. From his early beginnings as that dizzy trumpet player from down south to his current status as one of the legends of modern jazz, Dizzy Gillespie clearly exhibited his astounding versatility as a performer, innovator, and ambassador of jazz.

Along with the late Charlie "Bird" Parker, Dizzy spearheaded the musical drive toward a style known as bebop—a fresh harmonic and rhythmic vocabulary that transformed jazz. In addition, he was widely heralded for his successful experimentation in fusing traditional jazz with Afro-Cuban music.

But beyond his undeniable talent and proficiency, Dizzy Gillespie must also be praised for the countless hours that he spent sharing his craft with the peoples of the world. In 1956, Dizzy was the first jazz musician to be appointed by the Department of State to tour on behalf of the United States of America. After his initial success, this cultural statesman continued to crisscross the globe performing the music that so many have come to love.

Mr. President, during the 102d Congress, I introduced legislation to honor Dizzy Gillespie with the Congressional Gold Medal. While 43 Senators joined me in cosponsoring this bill, we were unable to bring it before the full Senate prior to Congress' adjournment sine die. During the 103d Congress, I intend to reintroduce this legislation and hope that my colleagues will join me in honoring the enduring legacy that Dizzy Gillespie has left for all of us.

In his autobiography, Dizzy Gillespie confided that—

> I would like to be remembered as a humanitarian, * * * maybe my role in music is just a stepping stone to a higher role. The highest role is the role in service to humanity, and if I can make that, then I'll be happy.

As millions in America and around the world will continue to attest, he did, indeed, make it.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1993, the Secretary of the Senate on January 20, 1993, during the recess of the Senate, received a treaty transmitted to the Senate by the President of the United States on January 15, 1993, and two treaties transmitted to the Senate on January 19, 1993. Also received on January 19, 1993, were messages transmitting nominations, which were referred to the Committee on Armed Services.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–166. A communication from the Architect of the Capitol, transmitting, pursuant to law, the semi-annual report of all expenditures from moneys appropriated to the Architect of the Capitol for the period April 1, 1992 through September 30, 1992; to the Committee on Appropriations.

EC–167. A communication from the Secretary of Transportation, transmitting, pursuant to law, notice of a violation of the Antideficiency Act; to the Committee on Appropriations.

EC–168. A communication from the Assistant Secretary of Defense (Force Management and Personnel), transmitting, pursuant to law, the report of the seventh quadrennial review of military compensation; to the Committee on Armed Services.

EC–169. A communication from the Chief of Programs and Legislation Division, Department of the Air Force (Office of Legislative Liaison), transmitting, pursuant to law, notice of a contract modification for the Cryogenic Infrared Radiance Instrumentation for Shuttle Full Scale Development; to the Committee on Armed Services.

EC–170. A communication from the President of the United States, transmitting, pursuant to law, the Report of the Presidential Commission on the Assignment of Women in the Armed Forces; to the Committee on Armed Services.

EC–171. A communication from the First Vice President and Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a statement to the United States Senate with respect to a transaction involving U.S. exports to the Philippines; to the Committee on Banking, Housing, and Urban Affairs.

EC–172. A communication from the President of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report concerning savings associations; to the Committee on Banking, Housing, and Urban Affairs.

EC–173. A communication from the Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report entitled "Supervising Today's Thrift Industry"; to the Committee on Banking, Housing, and Urban Affairs.

EC–174. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report entitled "Capital Needs Assessment: Multifamily Rental Housing with HUD-Insured (or Held) Mortgages"; to the Committee on Banking, Housing, and Urban Affairs.

EC–175. A communication from the President of the United States, transmitting, pursuant to law, notice of the continuation of the Libyan Emergency; to the Committee on Banking, Housing, and Urban Affairs.

EC–176. A communication from the Secretary of Commerce, transmitting, pursuant to law, notice of the expansion of certain foreign policy export controls to include certain new chemical and biological warfare; to the Committee on Banking, Housing, and Urban Affairs.

EC–177. A communication from the Commandant, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, notice of initiation of the Study on Tanker Navigation Safety Standards; to the Committee on Commerce, Science, and Transportation.

EC–178. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Report on Issues Related to Aviation Noise; to the Committee on Commerce, Science, and Transportation.

EC-179. A communication from the Chairman, U.S. Consumer Product Safety Commission, transmitting, pursuant to law, the final report on the study of aversive agents; to the Committee on Commerce, Science, and Transportation.

EC-180. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report providing 1990 and 1991 information on smokeless tobacco sales and advertising; to the Committee on Commerce, Science, and Transportation.

EC-181. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice of an extension for the time period for issuing a final decision in Ametek, Inc. v. Panther Valley Railroad Corporation; to the Committee on Commerce, Science, and Transportation.

EC-182. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report to Congress for the inspection of commercial fishing industry vessels; to the Committee on Commerce, Science, and Transportation.

EC-183. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "Status On Plans for Enforcement Actions Related to Drug Activity and the Provision of Assistance to Law Enforcement Agencies"; to the Committee on Commerce, Science, and Transportation.

EC-184. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, notice of the determination and findings on the authority to use other than full and open competition in the procurement of certain supplies and equipment; to the Committee on Commerce, Science, and Transportation.

EC-185. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report to Congress on the IVHS Strategic Plan; to the Committee on Commerce, Science, and Transportation.

EC-186. A communication from the Secretary of Energy, transmitting, pursuant to law, the fourteenth annual report on the Automotive Technology Development Program for fiscal year 1992; to the Committee on Energy and Natural Resources.

EC-187. A communication from the Assistant Secretary for Fossil Energy, Department of Energy, transmitting, pursuant to law, a report entitled "Strategic Petroleum Reserve Annual Site Environmental Report for Calendar Year 1991"; to the Committee on Energy and Natural Resources.

EC-188. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, the annual report on royalty management and collection activities for Federal and Indian mineral leases in 1991; to the Committee on Energy and Natural Resources.

EC-189. A communication from the Director of National Park Service, Department of the Interior, transmitting, pursuant to law, notice of the descriptions and maps for the National Park System units in Alaska that were created or expanded by ANILCA; to the Committee on Energy and Natural Resources.

EC-190. A communication from the Secretary of Energy, transmitting, pursuant to law, an update on the Comprehensive Program Management Plan; to the Committee on Energy and Natural Resources.

EC-191. A communication from the Secretary of Energy, transmitting, pursuant to law, the Strategic Petroleum Reserve Quarterly Report for the period ended September 30, 1992; to the Committee on Energy and Natural Resources.

EC-192. A communication from the Director of the Bureau of Mines, Department of the Interior, transmitting, pursuant to law, the annual report analyzing significant trends in the performance and short-term outlook of the domestic nonfuel minerals and materials sectors in 1989 and 1990; to the Committee on Energy and Natural Resources.

EC-193. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), the annual report on royalty management and delinquent account collection activities for Federal and Indian mineral leases during fiscal years 1990 and 1991; to the Committee on Energy and Natural Resources.

EC-194. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on Federal Government Energy Management and Conservation Programs for fiscal year 1991; to the Committee on Energy and Natural Resources.

EC-195. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the initiation of a construction equipment research and development program; to the Committee on Environment and Public Works.

EC-196. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on Radon Testing in Federal Buildings; to the Committee on Environment and Public Works.

EC-197. A communication from the Acting Chairman of the Migratory Bird Conservation Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1992; to the Committee on Environment and Public Works.

EC-198. A communication from the Inspector General of the Department of the Interior, transmitting, pursuant to law, a report entitled "Accounting for Fiscal Years 1990 and 1991 Reimbursable Expenditures of Environmental Protection Agency Bureau of Mines"; to the Committee on Environment and Public Works.

EC-199. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report concerning progress in conducting environmental remedial action at federally-owned or federally-operated facilities; to the Committee on Environment and Public Works.

EC-200. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Consolidated Federal programs under the Maternal and Child Health Services Block Grant; to the Committee on Finance.

EC-201. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the final monthly Treasury Statement of Receipts and Outlays of the U.S. Government; to the Committee on Finance.

EC-202. A communication from the Acting Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report on the Rural Health Care Transition Grant Program; to the Committee on Finance.

EC-203. A communication from the Members of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds; to the Committee on Finance.

EC-204. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on child support enforcement for fiscal year 1991; to the Committee on Finance.

EC-205. A communication from the Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, the comments of the Commission on the report of the Secretary of Health and Human Services on Medicare participation, assignment, and balance billing; to the Committee on Finance.

EC-206. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on regional variations on impact of Medicare physician payment reform; to the Committee on Finance.

EC-207. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Medicaid and Institutions for Mental Diseases"; to the Committee on Finance.

EC-208. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the annual report on Title XII—Famine Prevention and Freedom from Hunger, for fiscal year 1991; to the Committee on Foreign Relations.

EC-209. A communication from the Chairman of the Kuwaiti Association to Defend War Victims, transmitting, pursuant to law, a copy of the most recent report of the Association; to the Committee on Foreign Relations.

EC-210. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to November 19, 1992; to the Committee on Foreign Relations.

EC-211. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to December 17, 1992; to the Committee on Foreign Relations.

EC-212. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the completion of the delivery of defense articles, services, and training to the Republic of the Philippines; to the Committee on Foreign Relations.

EC-213. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, a document entitled "Complexity in Rates Inquiry, Advance Notice of Proposed Rulemaking"; to the Committee on Governmental Affairs.

EC-214. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Agriculture, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC-215. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on accounts containing unvouchered expenditures that are potentially subject to audit by the General Accounting Office; to the Committee on Governmental Affairs.

EC-216. A communication from the Chief, Programs and Legislation Division (Office of

Legislative Liaison), Department of the Air Force, transmitting, pursuant to law, notice of realignment of selected Formal Training Units from operational commands to the Air Training Command; to the Committee on Armed Services.

EC–217. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the semi-annual report to the Congress for the period April 1, 1992 through September 30, 1992; to the Committee on Governmental Affairs.

EC–218. A communication from the Chairman, Vice Chairman and a Member of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Federal Blue-Collar Employees: A Workforce In Transition"; to the Committee on Governmental Affairs.

EC–219. A communication from the Chairman from the Federal Trade Commission, transmitting, pursuant to law, a report on the final actions for the six-month period ending September 30, 1992; to the Committee on Governmental Affairs.

EC–220. A communication from the Director of the Woodrow Wilson Center, transmitting, pursuant to law, the annual report on the internal control structure of the finances and budget of the Woodrow Wilson International Center for Scholars; to the Committee on Governmental Affairs.

EC–221. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the 1992 semi-annual management report to the Congress for the period from April 1, 1992 through September 30, 1992; to the Committee on Governmental Affairs.

EC–222. A communication from the Attorney General of the United States, transmitting, pursuant to law, the semi-annual management report to Congress for the period April 1, 1992 through September 30, 1992; to the Committee on Governmental Affairs.

EC–223. A communication from the Acting Chairman of National Endowment for the Arts, transmitting, pursuant to law, the semi-annual report on final action for the period April 1, 1992 through September 30, 1992; to the Committee on Governmental Affairs.

EC–224. A communication from the Secretary of Labor, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General, Department of Labor for the period April 1, 1992 through September 30, 1992; to the Committee on Governmental Affairs.

EC–225. A communication from the Secretary of Education, transmitting, pursuant to law, the semi-annual report to Congress of the Office of Inspector General for the period April 1, 1992 through September 30, 1992; to the Committee on Governmental Affairs.

EC–226. A communication from the Secretary of Education, transmitting, pursuant to law, the semi-annual report to Congress on Audit Follow-up for the period April 1, 1992 to September 30, 1992; to the Committee on Governmental Affairs.

EC–227. A communication from the Secretary of Energy, transmitting, pursuant to law, the semi-annual report to Congress of the Office of Inspector General for the period April 1, 1992 to September 30, 1992; to the Committee on Governmental Affairs.

EC–228. A communication from the Director of the United States Soldiers' and Airmen's Home, transmitting, pursuant to law, its Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC–229. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Management Report for the period April 1, 1992 through September 30, 1992; to the Committee on Governmental Affairs.

EC–230. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the Office of Inspector General's Semi-Annual Report to the Congress for the period April 1, 1992 through September 30, 1992; to the Committee on Governmental Affairs.

EC–231. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the semi-annual report to the Congress of the Office of Inspector General for the period April 1, 1992 to September 30, 1992; to the Committee on Governmental Affairs.

EC–232. A communication from the Secretary of Interior, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General for the period April 1, 1992 through September 30, 1992; to the Committee on Governmental Affairs.

EC–233. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Federal Reserve System, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC–234. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office during the month of October 1992; to the Committee on Governmental Affairs.

EC–235. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, audit reports issued during fiscal year 1992 regarding the Thrift Savings Plan; to the Committee on Governmental Affairs.

EC–236. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of Contracts and Contracting Procedures Within the Department of Corrections"; to the Committee on Governmental Affairs.

EC–237. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, the Mail Classification Schedule, 1992, Definition of Prebarcoded Mail; to the Committee on Governmental Affairs.

EC–238. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Environmental Protection Agency, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC–239. A communication from the Executive Director of the Interagency Council on the Homeless, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect at the Council during fiscal year 1992; to the Committee on Governmental Affairs.

EC–240. A communication from the Chief Financial Officer of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–241. A communication from the Executive Secretary of the Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–242. A communication from the Archivist of the United States, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–243. A communication from the Commodity Futures Trading Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–244. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Federal Personnel Research Programs and Demonstration Projects: Catalysts for Change"; to the Committee on Governmental Affairs.

EC–245. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, a notice and order on filing of complaint of United Parcel Service; to the Committee on Governmental Affairs.

EC–246. A communication from the Deputy Assistant to the President for Management and Director of the Office of Administration, transmitting, pursuant to law, a report for personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development (Domestic Policy Staff), and the Office of Administration; to the Committee on Governmental Affairs.

EC–247. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Statistical Programs of the United States Government, Fiscal Year 1992"; to the Committee on Governmental Affairs.

EC–248. A communication from the Employee Benefits Administrator of the Farm Credit Consolidated Pension Plan for the Associations and Banks in the Ninth Farm Credit District; to the Committee on Governmental Affairs.

EC–249. A communication from the Executive Director of the Committee for Purchase from the Blind and Other Severely Handicapped, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–250. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to law, the annual report of the State Justice Institute; to the Committee on Governmental Affairs.

EC–251. A communication from the Executive Director of the Committee For Purchase From the Blind and Other Severely Handicapped, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Governmental Affairs.

EC–252. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Assurance Letter for fiscal year 1992; to the Committee on Governmental Affairs.

EC–253. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General for the period April 1, 1992 through September 30, 1992; to the Committee on Governmental Affairs.

EC–254. A communication from the Acting Chairman of Administrative Conference of the United States, transmitting, pursuant to law, the annual Federal Managers' Financial Integrity report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-255. A communication from the Public Printer of the Government Printing Office, transmitting, pursuant to law, the semi-annual report to the Congress of the Office of Inspector General for the period April 1, 1992 through September 30, 1992; to the Committee on Governmental Affairs.

EC-256. A communication from the Chairman and Chief Executive Officer, transmitting, pursuant to law, the semi-annual report to the Congress of the Office of Inspector General for the period April 1, 1992 through September 30, 1992; to the Committee on Governmental Affairs.

EC-257. A communication from the Executive Vice-President, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of the audit of the comparative financial statements for fiscal years 1990 and 1991; to the Committee on Governmental Affairs.

EC-258. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, notice of an evaluation of the system of internal accounting and management controls in effect during fiscal year ending September 30, 1992; to the Committee on Governmental Affairs.

EC-259. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, notice of the evaluations of the system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-260. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the semi-annual report to the Congress of the Office of Inspector General for the period April 1, 1992 through September 30, 1992; to the Committee on Governmental Affairs.

EC-261. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual report on the Administration of the Government In the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC-262. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, notice of an evaluation of the system of internal accounting and administrative control in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-263. A communication from the Director of the Selective Service, transmitting, pursuant to law, the Director's Federal Managers' Financial Integrity report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-264. A communication from the Acting Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-265. A communication from the Executive Director of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, transmitting, pursuant to law, the Federal Managers' Financial Integrity Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-266. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting, pursuant to law, the Federal Managers' Financial Integrity report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-267. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the semi-annual report of the Inspector General to the Congress for the period April 1, 1992 to September 30, 1992; to the Committee on Governmental Affairs.

EC-268. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the semi-annual report for the period April 1, 1992 through September 30, 1992; to the Committee on Governmental Affairs.

EC-269. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, pursuant to law, the Inspector General's semi-annual report to Congress for the period April 1, 1992 through September 30, 1992; to the Committee on Governmental Affairs.

EC-270. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, notice of the submission of the document "International Mail Study" for publication in the Federal Register; to the Committee on Governmental Affairs.

EC-271. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Consumer Product Safety Commission, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC-272. A communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General, Smithsonian Institution, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC-273. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, National Credit Union Administration, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC-274. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-275. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Purchase of One Judiciary Square"; to the Committee on Governmental Affairs.

EC-276. A communication from the United States Commissioner of the Delaware River Basin Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-277. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the annual report on the disposal of surplus Federal real property for historic monument, correctional facility, and airport purposes for fiscal year 1992; to the Committee on Governmental Affairs.

EC-278. A communication from the United States Commissioner of the Susquehanna River Basin Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-279. A communication from the United States Commissioner of the Susquehanna River Basin Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-280. A communication from the Chairman of the Board of Directors of the Corporation for Public Broadcasting, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Corporation for Public Broadcasting, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC-281. A communication from the Secretary of Commerce, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Commerce, for the period ended September 30, 1993; to the Committee on Governmental Affairs.

EC-282. A communication from the Secretary of Education, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Education, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC-283. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Federal Emergency Management Agency, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC-284. A communication from the Clerk of the United States Claims Court, transmitting, pursuant to law, the annual report of the United States Claims Court for fiscal year 1992; to the Committee on the Judiciary.

EC-285. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the four year report on the Hawaiian Revolving Loan Fund; to the Select Committee on Indian Affairs.

EC-286. A communication from the Secretary of Labor, transmitting, pursuant to law, the report to Congress on the Employee Retirement Income Security Act for calendar year 1991; to the Committee on Labor and Human Resources.

EC-287. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report on the Operations of the Office of General Counsel and the Annual Report from the Office of Program Operations for fiscal year 1991; to the Committee on Labor and Human Resources.

EC-288. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations on Special Educational Programs for Students Whose Families Are Engaged in Migrant and Other Seasonal Farmwork (High School Equivalency Program and College Assistance Migrant Program); to the Committee on Labor and Human Resources.

EC-289. A communication from the Acting Chairman of the National Endowment For the Arts, transmitting, pursuant to law, a report entitled "The Arts in America: 1992"; to the Committee on Labor and Human Resources.

EC-290. A communication from the Commissioner of the Office of Special Education and Rehabilitative Services, transmitting, pursuant to law, the annual report to the President and to the Congress for fiscal year 1991; to the Committee on Labor and Human Resources.

EC-291. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the eighteenth annual report on "The Status of Handicapped

Children in Head Start Programs"; to the Committee on Labor and Human Resources.

EC-292. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report to Congress on the Transitional Living Program for Homeless Youth for fiscal year 1991; to the Committee on Labor and Human Resources.

EC-293. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on Training and Employment for the period July 1988 through September 1990; to the Committee on Labor and Human Resources.

EC-294. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priority: Chapter 1-Migrant Education Coordination Program for State Educational Agencies; to the Committee on Labor and Human Resources.

EC-295. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priorities for fiscal years 1993 and 1994 for Fund for Innovation Education: Innovation in Education Program—State Curriculum Frameworks for English, History, Geography, Civics, and the Arts; to the Committee on Labor and Human Services.

EC-296. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priority—Technology, Educational Media, and Materials for Individuals with Disabilities Program; to the Committee on Labor and Human Resources.

EC-297. A communication from the Secretary of Education, transmitting, pursuant to law, the report on Presidential Advisory Committee Recommendations: November 1992; to the Committee on Labor and Human Resources.

EC-298. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Magnet Schools Assistance Program; to the Committee on Labor and Human Resources.

EC-299. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Guaranteed Student Loan Programs; to the Committee on Labor and Human Resources.

EC-300. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Perkins Loan (formerly National Direct Student Loan), College Work-Study, and Supplemental Educational Opportunity Grant Programs; to the Committee on Labor and Human Resources.

EC-301. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations Student Assistance General Provisions—Subparts G and H; to the Committee on Labor and Human Resources.

EC-302. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, notice of delay in preparing the report on the Abandoned Infants Assistance Program; to the Committee on Labor and Human Resources.

EC-303. A communication from the Secretary of Education, transmitting, pursuant to law, the final regulations—Disposal and Utilization of Surplus Federal Real Property for Educational Purposes; to the Committee on Labor and Human Resources.

EC-304. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of AIDS expenditures for fiscal year 1991; to the Committee on Labor and Human Resources.

EC-305. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, notice of certification to Congress with regard to the Board for International Broadcasting; to the Committee on Appropriations.

EC-306. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice of the intention to offer for transfer a vessel to the Government of Argentina; to the Committee on Armed Services.

EC-307. A communication from the Acting Assistant Secretary of the Army (Financial Management), transmitting, pursuant to law, notice of the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter July 1, 1992 through September 30, 1992; to the Committee on Armed Services.

EC-308. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report to Congress on the Preliminary Evaluation of the Home Equity Conversion Mortgage Insurance Demonstration; to the Committee on Banking, Housing and Urban Affairs.

EC-309. A communication from the Acting President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a transaction involving a long-term financial guarantee to support U.S. exports to Hungary; to the Committee on Banking, Housing and Urban Affairs.

EC-310. A communication from the Acting Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a transaction involving U.S. exports to the Philippines; to the Committee on Banking, Housing and Urban Affairs.

EC-311. A communication from the President of the United States, transmitting, pursuant to law, the 27th Annual Report of the Department of Housing and Urban Development for calendar year 1991; to the Committee on Banking, Housing and Urban Affairs.

EC-312. A communication from the Acting Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, notice of the President's memorandum reflecting three determinations and supporting statement of justification on assistance to and trade with Afghanistan; to the Committee on Banking, Housing and Urban Affairs.

EC-313. A communication from the President of the United States, transmitting, pursuant to law, notice of actions and policies toward the Governments of Serbia and Montenegro; to the Committee on Banking, Housing and Urban Affairs.

EC-314. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report for the Bureau of Export Administration for fiscal year 1992; to the Committee on Banking, Housing and Urban Affairs.

EC-315. A communication from the Director of the National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, a report to Congress on the merger of the Center for Building Technology and the Center for Fire Research; to the Committee on Commerce, Science and Transportation.

EC-316. A communication from the President of the United States, transmitting, pursuant to law, a report concerning Norway and whaling activities that diminish the effectiveness of the International Whaling Commission conservation program; to the Committee on Commerce, Science and Transportation.

EC-317. A communication from the President of the United States, transmitting, pursuant to law, notice of a determination concerning Colombia under the Pelly Amendment relating to the international dolphin conservation program; to the Committee on Commerce, Science and Transportation.

EC-318. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on Low-Level Radioactive Waste Management Progress for 1991; to the Committee on Energy and Natural Resources.

EC-319. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report on Federal Onshore Oil and Gas Management for fiscal year 1991; to the Committee on Energy and Natural Resources.

EC-320. A communication from the Secretary of the Interior, transmitting, pursuant to law, the tenth report to Congress on the Tule Elk in California; to the Committee on Environment and Public Works.

EC-321. A communication from the Secretary of Labor, transmitting, pursuant to law, the quarterly report to Congress on the Expenditure and Need for Worker Adjustment Assistance Training Funds Under the Trade Act of 1974; to the Committee on Finance.

EC-322. A communication from the President of the United States, transmitting, pursuant to law, notice of the intention to add Ethiopia to the list of beneficiary developing countries under the Generalized System of Preferences; to the Committee on Finance.

EC-323. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the quarterly report of the Treasury Bulletin; to the Committee on Finance.

EC-324. A communication from the Acting Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Rural Health Care Transition Grant Program"; to the Committee on Finance.

EC-325. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the U.S. Government Annual Report for fiscal year 1992; to the Committee on Finance.

EC-326. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, the annual report on the operation of the Special Defense Acquisition Fund for fiscal year 1992; to the Committee on Foreign Relations.

EC-327. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Foreign Relations.

EC-328. A communication from the Acting Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, notice of a determination relating to the former Republic of Yugoslavia; to the Committee on Foreign Relations.

EC-329. A communication from the President of the United States, transmitting, pursuant to law, notice of the justification for the waiving of restrictions on the delivery of items sold under the foreign military sales program to China; to the Committee on Foreign Relations.

EC-330. A communication from the President of the United States, transmitting, pursuant to law, notice of action toward Somalia; to the Committee on Foreign Relations.

EC-331. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, notice of an agreement between the U.S.

and the Government of Armenia; to the Committee on Foreign Relations.

EC-332. A communication from the Special Counsel, transmitting, pursuant to law, the Federal Managers' Financial Integrity Report; to the Committee on Governmental Affairs.

EC-333. A communication from the Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the annual report on audit and investigative activities for fiscal year 1992; to the Committee on Governmental Affairs.

EC-334. A communication from the Director of the Office of Management and Budget, Executive Office of the President, a report to the Congress on Civil Monetary Penalty Assessments, Collections, and Status of Receivables for fiscal year 1992; to the Committee on Governmental Affairs.

EC-335. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-328 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC-336. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-327 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC-337. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-326 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC-338. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-325 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC-339. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-324 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC-340. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-300 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC-341. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-299 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC-342. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-305 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC-343. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-304 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC-344. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-311 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC-345. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-310 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC-346. A communication from the Chairman of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Federal Managers' Financial Integrity Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-347. A communication from the Chairman as Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-348. A communication from the Executive Director of the Christopher Columbus Quincentenary Jubilee Commission, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-349. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-350. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-351. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-352. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the annual report of the Foundation for fiscal year 1992; to the Committee on Governmental Affairs.

EC-353. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-354. A communication from the Chief of Staff of the Office of the United States Nuclear Waste Negotiator, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-355. A communication from the Acting Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-356. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-357. A communication from the Chairman of the National Endowment For the Humanities, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-358. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-359. A communication from the Chairman, Labor Member and Management Member of the Railroad Retirement Board, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-360. A communication from the Deputy Assistant to the President for Management and Director of the Office of Administration, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-361. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-362. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-363. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-364. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-365. A communication from the President and Chief Executive Officer of Overseas Private Investment Corporation, transmitting, pursuant to law, notice of the summary of OPIC's Management Control Review Process; to the Committee on Governmental Affairs.

EC-366. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the reports and testimony: November 1992; to the Committee on Governmental Affairs.

EC-367. A communication from the Secretary of Education, transmitting, pursuant to law, notice of the transfers of surplus federal real property for education by individual transactions for the period from October 1, 1991 through September 30, 1992; to the Committee on Governmental Affairs.

EC-368. A communication from the Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-369. A communication from the Executive Director of the Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, the Federal Managers' Fiscal Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-370. A communication from the Chairman of the Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, the annual report of the Foundation for fiscal year 1992; to the Committee on Governmental Affairs.

EC-371. A communication from the Chairman of the National Commission on Responsibilities For Financing Postsecondary Education, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-372. A communication from the Chairman of the National Commission on Responsibilities For Financing Postsecondary Education, transmitting, pursuant to law, a report on audit activities for fiscal year 1992; to the Committee on Governmental Affairs.

EC–373. A communication from the Acting Secretary of the Postal Rate Commission, transmitting, pursuant to law, notice of the recycled mail incentives; to the Committee on Governmental Affairs.

EC–374. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for fiscal year 1992; to the Committee on Governmental Affairs.

EC–375. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the December 1992 transition and high-risk series reports; to the Committee on Governmental Affairs.

EC–376. A communication from the Executive Director of the National Commission on Libraries and Information Science, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–377. A communication from the Secretary of Labor, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Labor, for the period ended September 30, 1992; to the Committee on Governmental Affairs.

EC–378. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–250 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC–379. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–247 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC–380. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–329 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–381. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–298 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–382. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–297 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–383. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–256 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC–384. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–303 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–385. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–302 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–386. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–308 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–387. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–307 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–388. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–306 adopted by the Council on October 6, 1992; to the Committee on Governmental Affairs.

EC–389. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–312 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–390. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–313 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–391. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–314 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–392. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–316 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–393. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–317 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–394. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–321 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–395. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–322 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–396. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–397. A communication from the Executive Secretary of the Barry M Goldwater Scholarship and Excellence in Education Foundation, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–398. A communication from the Director of the Institute of Museum Services, transmitting, pursuant to law, the annual report of the Institute on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–399. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–400. A communication from the Acting Director of the Peace Corps, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–401. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–402. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, a report on the audit and review activities of the Commission during fiscal year 1992; to the Committee on Governmental Affairs.

EC–403. A communication from the Executive Director of the National Commission on Libraries and Information Science, transmitting, pursuant to law, a report on the audit and review activities of the Commission during fiscal year 1992; to the Committee on Governmental Affairs.

EC–404. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–323 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC–405. A communication from the United States Commissioner of the Delaware River Basin Commission, transmitting, pursuant to law, a report on the audit and review activities of the Commission during fiscal year 1992; to the Committee on Governmental Affairs.

EC–406. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–407. A communication from the Secretary of State, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–408. A communication from the Chairman of the National Mediation Board, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–409. A communication from the President and Chief Executive Officer of the Farm Credit System Assistance Board, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–410. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–411. A communication from the President of the United States, transmitting, pursuant to law, the annual report of the United States-Japan Cooperative Medical Science Program for the period July 1990 to July 1991; to the Committee on Labor and Human Resources.

EC–412. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Training Personnel for the Education of Individuals With Disabilities - Parent Training and Information Centers, Grants for Personnel Training, and

Grants to State Educational Agencies and Institutions of Higher Education; to the Committee on Labor and Human Resources.

EC-413. A communication from the Secretary of Education, transmitting, pursuant to law, the report on the recommendations of the Advisory Council on Education Statistics; to the Committee on Labor and Human Resources.

EC-414. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing the transfers of funds from state to federal campaigns; to the Committee on Rules and Administration.

EC-415. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-315 adopted by the Council on November 4, 1992; to the Committee on Governmental Affairs.

EC-416. A communication from certain citizens and voters of the State of Oregon, transmitting, a petition concerning the seating of Senator Robert Packwood of Oregon; to the Committee on Rules and Administration.

EC-417. A communication from certain citizens and voters of the State of Georgia, transmitting, a petition concerning the seating in the U.S. Seante of Paul Coverdell of Georgia; to the Committee on Rules and Administration.

EC-418. A communication from the President of the United States, transmitting, pursuant to law, a report of revisions and deferrals of certain budget authority; referred jointly to the Committee on Appropriations, Committee on the Budget, Committee on Agriculture, Nutrition and Forestry, and the Committee on Foreign Relations, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986.

EC-419. A communication from the President and Chief Executive Officer of the Farm Credit System Assistance Board, transmitting, pursuant to law, the annual report of the Farm Credit System Assistance Board; to the Committee on Agriculture, Nutrition and Forestry.

EC-420. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report for fiscal year 1991; to the Committee on Agriculture, Nutrition and Forestry.

EC-421. A communication from the President of the United States, transmitting, pursuant to law, the report of the Commodity Credit Corporation for fiscal year 1989; to the Committee on Agriculture, Nutrition and Forestry.

EC-422. A communication from the Acting Comptroller of the Department of Defense, transmitting, pursuant to law, a report of notice of transfer of certain Department of Defense funds; to the Committee on Armed Services.

EXECUTIVE REPORTS OF COMMITTEES

The following executive report of committee was submitted.

By Mr. NUNN, from the Committee on Armed Services:

Les Aspin, of Wisconsin, to be Secretary of Defense. (Executive Report No. 103-1)

ORDER FOR RECESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. on Thursday, January 21, that following the prayer, the Journal of proceedings be deemed approved to date, that following the time reserved for the two leaders, there be a period for morning business with Senators permitted to speak therein, with the first hour under the control of the majority leader or his designee and the second hour under the control of the Republican leader or his designee.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. It is so ordered.

Mr. MITCHELL. Mr. President, I am now advised that there is no further business to come before the Senate but that one Senator wishes to address the Senate.

Therefore, Mr. President, I ask unanimous consent that upon his seeking recognition, Senator GRAMM, of Texas, be recognized to address the Senate and that, upon the conclusion of his remarks, the Senate stand in recess as previously ordered.

The PRESIDENT pro tempore. Is there objection? Is there any limit on the address by the Senator from Texas [Mr. GRAMM]? Any time limit?

Mr. MITCHELL. Mr. President, let me withhold that request for a moment.

Mr. President, I amend my request to limit the time to no more than 5 minutes for Senator GRAMM.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I ask unanimous consent to speak as if in executive session, and have my comments appear before the vote on the Bentsen nomination.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Texas [Mr. GRAMM] is recognized.

(By unanimous consent, the remarks of Mr. GRAMM appeared in the RECORD during the consideration of the nomination of Mr. Bentsen.)

RECESS UNTIL 10 A.M. TOMORROW

The PRESIDENT pro tempore. Under the previous order, the Senate will now stand in recess until the hour of 10 a.m. on tomorrow, Thursday, January 21, the year of our Lord 1993.

Thereupon, at 4:03 p.m., the Senate recessed until Thursday, January 21, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received during the recess of the Senate on January 19, 1993:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. GEORGE K. ANDERSON [redacted] REGULAR AIR FORCE
BRIG. GEN. GEORGE T. BABBITT, JR. [redacted] REGULAR AIR FORCE
BRIG. GEN. RICHARD C. BETHUREM [redacted] REGULAR AIR FORCE
BRIG. GEN. WILLIAM B. DAVITTE [redacted] REGULAR AIR FORCE
BRIG. GEN. LEE A. DOWNER, [redacted] REGULAR AIR FORCE
BRIG. GEN. RALPH E. EBERHART [redacted] REGULAR AIR FORCE
BRIG. GEN. RICHARD N. GODDARD, [redacted] REGULAR AIR FORCE
BRIG. GEN. JOSEPH E. HURD [redacted] REGULAR AIR FORCE
BRIG. GEN. KENNETH R. ISRAEL [redacted] REGULAR AIR FORCE
BRIG. GEN. ELDON W. JOERSZ [redacted] REGULAR AIR FORCE
BRIG. GEN. LESTER L. LYLES [redacted] REGULAR AIR FORCE
BRIG. GEN. JAMES E. MCCARTHY [redacted] REGULAR AIR FORCE
BRIG. GEN. DAVID W. MCILVOY, [redacted] REGULAR AIR FORCE
BRIG. GEN. KENNETH A. MINIHAN, [redacted] REGULAR AIR FORCE
BRIG. GEN. JIMMEY R. MORRELL [redacted] REGULAR AIR FORCE
BRIG. GEN. JOHN M. NAUSEEF [redacted] REGULAR AIR FORCE
BRIG. GEN. LLOYD W. NEWTON, [redacted] REGULAR AIR FORCE
BRIG. GEN. TAD J. OELSTROM [redacted] REGULAR AIR FORCE
BRIG. GEN. CHARLES T. ROBERTSON, JR. [redacted] REGULAR AIR FORCE
BRIG. GEN. EUGENE D. SANTARELLI [redacted] REGULAR AIR FORCE
BRIG. GEN. RICHARD T. SWOPE [redacted] REGULAR AIR FORCE
BRIG. GEN. ARNOLD R. THOMAS, JR. [redacted] REGULAR AIR FORCE
BRIG. GEN. W. THOMAS WEST, [redacted] REGULAR AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. EUGENE R. ANDREOTTI [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. MICHAEL J. BOWERS [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. MICHAEL S. HALL [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. WALLACE D. HEGG, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. GENE A. KATKE [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. LAWRENCE A. MACIARIELLO [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. DAVID J. RIST [redacted] AIR NATIONAL GUARD OF THE UNITED STATES

To be brigadier general

COL. LARRY K. ARNOLD [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. DOUGLAS BURNETT, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. CHARLES D. BURNFIELD [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. JOHN T. BYRD [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. JOHN J. CRAWFORD, JR. [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. SAMUEL G. DEGENERES [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. GEORGE A. DEMERS, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. THOMAS H. DESPAIN [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. GARY W. FELSTEAD, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. JON C. HEATON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. GARY E. KAISER [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. STEPHEN G. KEARNEY [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. EMMETT L. MCCUTCHIN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. JAMES MCINTOSH [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. MELVYN S. MONTANO, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. DONALD L. POWELL [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. THOMAS W. POWERS, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. WILBUR E. ROSE [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. VICTOR R. SCHWANBECK, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES

IN THE ARMY

THE U.S. ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

THE U.S. ARMY NATIONAL GUARD OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. JAMES H. GARNER [redacted]
BRIG. GEN. RONALD O. HARRISON [redacted]
BRIG. GEN. CHARLES M. HOOD, JR [redacted]
BRIG. GEN. JAN P. WEPSTER [redacted]
BRIG. GEN. CLAYTON A. HOVDA [redacted]
BRIG. GEN. WILLIAM E. MURPHY [redacted]
BRIG. GEN. GEORGE W. SCHULER [redacted]

To be brigadier general

COL. SPESSARD BOATRIGHT [redacted]
COL. HENRY CASTILLON [redacted]
COL. CHARLES O. DILLARD [redacted]
COL. RICHARD S. POOLE [redacted]
COL. SHARON K. VANDER ZYL [redacted]
COL. WILLIAM B. WATSON [redacted]
COL. JESSE M. WHITTEN [redacted]
COL. RICHARD O. CARTER [redacted]
COL. DAVID W. GAY [redacted]
COL. ALBEN N. HOPKINS [redacted]
COL. DARREL P. BAKER [redacted]
COL. GEORGE J. BLYSAK [redacted]
COL. DENNIS FAGAN [redacted]
COL. TOMMY F. GRIER, JR [redacted]
COL. RONALD K. KERWOOD [redacted]
COL. LEROY S. LEGOWIK [redacted]
COL. JOSEPH O. NIXON [redacted]
COL. JOHN W. HUBBARD [redacted]
COL. JERRY C. SMITHERS [redacted]
COL. PAUL G. WISLEY [redacted]

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. DAVID B. ROBINSON, U.S. NAVY, 450–64–1881

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY AND APPOINTMENT TO THE GRADE OF REAR ADMIRAL UNDER TITLE 10, UNITED STATES CODE, SECTION 5149(A):

To be deputy judge advocate general of the Navy to be rear admiral

CAPT. HAROLD E. GRANT, JUDGE ADVOCATE GENERAL'S CORPS, U.S. NAVY [redacted]

THE FOLLOWING-NAMED CAPTAINS IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. JAMES FREDERICK AMERAULT [redacted] U.S. NAVY
CAPT. CHARLES JOSEPH BEERS, JR [redacted] U.S. NAVY
CAPT. LYLE GENE BIEN [redacted] U.S. NAVY
CAPT. WILLIAM DILLARD CENTER, 566–62–8904, U.S. NAVY
CAPT. WILLIAM "V" CROSS I [redacted] U.S. NAVY
CAPT. WALTER FRANCIS DORAN [redacted] U.S. NAVY
CAPT. JAMES OREN ELLIS, JR [redacted] U.S. NAVY
CAPT. WILLIAM JOSEPH FALLON [redacted] U.S. NAVY
CAPT. THOMAS BOULTON FARGO [redacted] U.S. NAVY
CAPT. WIRT ROSS FLADD [redacted] U.S. NAVY
CAPT. ROBERT ELLIS FRICK [redacted] U.S. NAVY
CAPT. ALBERT HENRY KONETZNI, JR. [redacted] U.S. NAVY
CAPT. KATHARINE LENORA LAUGHTON, [redacted] U.S. NAVY
CAPT. DENNIS VINCENT MCGINN [redacted] U.S. NAVY
CAPT. DANA BRUCE MCKINNEY [redacted] U.S. NAVY
CAPT. JOSEPH SCOTT MOBLEY [redacted] U.S. NAVY
CAPT. EDWARD MOORE, JR. [redacted] U.S. NAVY
CAPT. DANIEL JOSEPH MURPHY, JR. [redacted] U.S. NAVY
CAPT. RODNEY PETER REMPT [redacted] U.S. NAVY
CAPT. HARRY TAYLOR RITTENOUR [redacted] U.S. NAVY
CAPT. NORBERT ROBERT RYAN, JR. [redacted] U.S. NAVY
CAPT. CHARLES RAYMOND SAFFELL, JR [redacted] U.S. NAVY
CAPT. PATRICIA ANN TRACEY [redacted] U.S. NAVY
CAPT. ANTHONY JOHN WATSON [redacted] U.S. NAVY
CAPT. RICHARD DAVID WEST [redacted] U.S. NAVY
CAPT. ROBERT CHARLES WILLIAMSON, [redacted] U.S. NAVY

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. GEORGE PETER NANOS, JR. [redacted] U.S. NAVY
CAPT. JAMES LOUIS TAYLOR [redacted] U.S. NAVY

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. CRAIG EUGENE STEIDLE [redacted] U.S. NAVY

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral (lower half)

CAPT. THOMAS RAY WILSON [redacted] U.S. NAVY

THE FOLLOWING-NAMED CAPTAINS IN THE STAFF CORPS OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS

To be rear admiral (lower half)

CAPT. JAMES HOWARD BLACK [redacted] U.S. NAVY
CAPT. NOEL KENNEDY DYSART, JR [redacted] U.S. NAVY

SUPPLY CORPS

To be rear admiral (lower half)

CAPT. EDWARD ROBERT CHAMBERLIN, [redacted] U.S. NAVY
CAPT. JOHN TURNER SCUDI [redacted] U.S. NAVY

CIVIL ENGINEER CORPS

To be rear admiral (lower half)

CAPT. DAVID JULIAN NASH [redacted] U.S. NAVY

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE U.S. MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. JEFFREY W. OSTER [redacted]
BRIG. GEN. PAUL K. VAN RIPER [redacted]
BRIG. GEN. JAMES R. DAVIS [redacted]
BRIG. GEN. PAUL A. FRATARANGELO [redacted]
BRIG. GEN. MARVIN T. HOPGOOD, JR [redacted]
BRIG. GEN. RICHARD I. NEAL [redacted]
BRIG. GEN. DAVID A. RICHWINE [redacted]
BRIG. GEN. ANTHONY C. ZINNI, [redacted]
BRIG. GEN. JOSEPH D. STEWART [redacted]
BRIG. GEN. BERTIE D. LYNCH [redacted]
BRIG. GEN. JOHN H. ADMIRE [redacted]

THE FOLLOWING NAMED BRIGADIER GENERALS OF THE U.S. MARINE CORPS RESERVE FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

BRIG. GEN. HARVEY JR., ALBERT C., 413648406, USMCR
BRIG. GEN. TAYLOR, LARRY S., 257608930, USMCR

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. CHRISTOPHER J. COCHRAN [redacted] 20 SEP 92
MAJ. JAN C. COOPER [redacted] 8 OCT 92
MAJ. RICHARD R. CYR [redacted] 22 OCT 92
MAJ. HARRY C. DEBRUHL, JR. [redacted] 11 SEP 92
MAJ. JAMES H. FLYNN [redacted] 22 AUG 92
MAJ. RICHARD L. FRANCE [redacted] 30 OCT 92
MAJ. ALEXANDER R. HAMMOND [redacted] 26 SEP 92
MAJ. PHILLIP R. HITCH [redacted] 3 OCT 92
MAJ. LARRY E. JONES [redacted] 4 OCT 92
MAJ. HAROLD P. JORGENSEN [redacted] 18 OCT 92
MAJ. BILLY W. JOYE, JR [redacted] 17 OCT 92
MAJ. STANLEY J. KWADER [redacted] 8 OCT 92
MAJ. JOHN D. MCDONALD [redacted] 12 OCT 92
MAJ. JAMES S. MCINTYRE [redacted] 3 OCT 92
MAJ. TERRY R. MCKENNA [redacted] 9 OCT 92
MAJ. MARK R. MUSICK [redacted] 17 OCT 92
MAJ. MURRAY M. NORRED [redacted] 17 OCT 92
MAJ. ANDREW P. ONDREI [redacted] 29 SEP 92
MAJ. BILLY K. PATE [redacted] 5 OCT 92
MAJ. PAUL E. PRANGE [redacted] 20 OCT 92
MAJ. CHARLES W. WARREN [redacted] 16 OCT 92
MAJ. ROBERT L. WOLFE, II [redacted] 6 JUL 92

JUDGE ADVOCATE GENERALS DEPARTMENT

MAJ. ANTHONY D. MARTIN, [redacted] 9 SEP 92
MAJ. FRANK A. TITUS [redacted] 19 SEP 92

CHAPLAIN CORPS

MAJ. LESTER M. ARNOLD [redacted] 19 OCT 92
MAJ. JORGE A. CANEZ [redacted] 12 SEP 92

MEDICAL SERVICES CORPS

MAJ. MARCI A. DEYHLE [redacted] 1 OCT 92

BIOMEDICAL SERVICES CORPS

MAJ. DAVID E. BOYCE [redacted] 19 SEP 92
MAJ. LYMAN C. NORDEN, [redacted] 30 SEP 92
MAJ. BRUCE D. WALKER, [redacted] 19 SEP 92

MEDICAL CORPS

MAJ. MICHAEL E. HAYEK [redacted] 17 SEP 92
MAJ. JOHN K. HAYES, JR. [redacted] 26 SEP 92
MAJ. WARREN K. JAMES [redacted] 3 OCT 92
MAJ. MARY E. JENSEN [redacted] 4 OCT 92
MAJ. ROGER W. KEMP [redacted] 1 OCT 92
MAJ. ROBERT S. MCCREA [redacted] 20 SEP 92
MAJ. GUILLERMO RODRIGUEZ, JR [redacted], 21 AUG 92
MAJ. JOHN R. WALTERS [redacted] 3 OCT 92
MAJ. THOMAS D. WASSER [redacted] 19 SEP 92
MAJ. GEORGE R. WATSON [redacted] 26 SEP 92

NURSE CORPS

MAJ. SUSAN J. QUINN, [redacted] 18 SEP 92

DENTAL CORPS

MAJ. DEBORAH L. HART, [redacted] 18 OCT 92

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

BENSON, VERNON L. [redacted]
DI TULLIO, BENJAMIN J. [redacted]
ERLANDSON, RICKY D. [redacted]
HATFIELD, DENNIS J. [redacted]
JOHNSON, WAYNE A. [redacted]
LUPUS, LAWRENCE G. [redacted]
MCCOURT, MICHAEL T. [redacted]
MCKEON, MICHAEL J. [redacted]
PRITT, DOUGLAS A. [redacted]
RINTZ, RICHARD T. [redacted]
SALKA, ROBERT Y. [redacted]
RUTLEDGE, WILLIAM H. JR. [redacted]
STEISKAL, PAUL J. [redacted]

JUDGE ADVOCATE GENERAL CORPS

To be colonel

CARY, CHARLES M. JR. [redacted]
NOTEBOOM, JAMES D. [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

AUKLAND, RICHARD T. [redacted]
BAUMANN, HARRY A. [redacted]
BOWE, PATRICK F. [redacted]
BULTER, DONALD D. [redacted]
CARLSON, JEFFERY L. [redacted]
CLARK, WILLIAM G. JR. [redacted]
DEL CAMPO, ROBERT F. [redacted]
EVANS, JOHN E. [redacted]
HARGREAVES, BRUCE P. [redacted]
HUTCHISON, RICHARD A. [redacted]
JACOBSON, DENNIS E. [redacted]
JANSSEN, ROBERTA M. [redacted]
JOHNSON, ELIZABETH D. [redacted]
JOHNSON, WARREN L. JR. [redacted]
JONES, KEITH D. [redacted]
JONES, WILLIE E. JR [redacted]
LEE, ALMOND E. [redacted]
MANEY, DANIEL T. [redacted]
MONTGOMERY, JOHN L. [redacted]
PIWONKA, NORMAN L. [redacted]
PRICE, MICHAEL L. [redacted]
SANTANA-NAZARIO, ELIEZER [redacted]
SAYRE, RANDALL E. [redacted]
SCIALPI, RUSSELL [redacted]
THOMPSON, BENJAMIN E. [redacted]
TIEMANN, WILLIAM F. III [redacted]
VAN DAM, JAMES L. [redacted]
WALLER, WILLIAM L. JR. [redacted]
WIER, WILLIAM H. [redacted]
WILSON, MICHAEL E. [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

GOLDSTEIN, JACOB Z. [redacted]
HINES, LARRY O. [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

MESSICK, EUGENIA W., [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

EZHAYA, JOSEPH B., [redacted]

IN THE NAVY

THE FOLLOWING-NAMED COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be captain

FRANKEN, DANIEL JOE
GRISSOM, MARK PATTERSON
PRENDERGAST, TIMOTHY

EDWINSHURTLEFF.
WILLIAM HALL IV
SZOKA, MICHAEL ALLEN
[S20JA3-480]{S80}AEROSPACE

AEROSPACE ENGINEERING DUTY OFFICER (ENGINEERING)

To be captain

FRANKLIN, ROLAND MICHAEL

IN THE NAVY

THE FOLLOWING NAMED COMMANDERS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF CAPTAIN IN THE LINE, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

BLUNT, PAUL FREDERICK
HARSHFIELD, JAMES BERNDT
MCDONALD, JOHN EDWARD
MURPHY, PETER JOSEPH
TUCKER, EUGENE FRANK
SHEPPARD, CHRISTOPHER GERARD
WALKER, ROBERT JOHN JR.
WOIWODE, MICHAEL JOHN
WILLIAMS, SCOTT K.

UNRESTRICTED LINE OFFICERS (TAR)

CANNON, JAMES DENNIS
CHAMPION, WILLIAM THOMAS
WILDERSON, JACK LEON
SURRATT, RANDAL LEE
ZOLLA, GEORGE ALLEN JR.

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be commander

BEAMAN, GERALD ROGER
BRAUN, CARL WILLIAM
BROSKA, DENNIS NMN
BRUETTING, DALE ALLEN
CRISP, MICHAEL D.
HAUTAU, CHARLES A.
HEATLEY, HARRY ALFRED
HICKS, GARY BENNETT
LAWSON, CHARLES THOMAS
MAYS, DIXIE JOHN
MINNIS, STEVEN R.
OLIVER, JAMES DAVIS III
REIMANN, PAUL KARL
RYAN, ROBERT W.
SHERMAN, JOHN WILLIAM JR.
SILVERS, CARY ALAN
THOMPSON, ROLLAND CHARLES
WARD, JAMES FREDERICK III
WEAVER, JAMES L.
WOOD, WINSTON D.

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDER IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICER

To be commander

BROWN DAVID MCDOWELL

IN THE NAVY

THE FOLLOWING NAMED LIEUTENANT COMMANDERS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF COMMANDER IN THE LINE, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

BAYER, KENT MICHAEL
CALLAHAN, KIM FRANCIS
FRECKLETON, WILLIAM CYRUS
MCATEER, CHRISTOPHER ERNEST
MOORE, COREY S.
WASEK JOSEPH NMN JR.

UNRESTRICTED LINE OFFICERS (TAR)

DADIOMOFF, ROGER STEVEN
HUDGENS, ROBERT K.
MORGANELLI, PATRICK D.
NORRIS, ROBERT EDMUND
THOMPSON, JOHN MICHAEL

SPECIAL DUTY OFFICER (MERCHANT MARINE)

FLAHERTY, MATTHEW JOHN

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

ALCALA, ROBERT WILLIAM
BUSSMAN, MICHAEL ALOYSIUS
CALANTROPO, RICHARD JOHN
DALBERG, JAMES ERIC JR.
DEVITA, ERIC EDWARD
EBERHART, JAMES DARBY
FULLER, CHARLES RAYMOND
GALLAGHER, CHRISTOPHER PATRI
GILLIAM, STERLING GARY JR.
HAFFNER, MICHAEL FRANCIS
HAUKE, RANDALL LEE
HINSON, ERIC PETER
KENNEDY, JOHN MARTIN
KIRK, ROBERT MICHAEL
MAYBURY, DAVID ALAN
MOORE, STEVEN ANTHONY
OLIVAREZ, VICTOR RENE
OVERS, MICHAEL EDWARD
PENFIELD, JEFFREY RICHARD
RICHARDSON, SAMUEL BRISTOL
SHANLE, LELAND CHARLES JR
STEARNEY, SCOTT ANDREW
WAGNER, JAMES SCOTT
WILSON, JEFFREY SCOTT
WOOD, JOHN RANDOLPH

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be lieutenant commander

KLEIN, LEONARD R.
SCORBY, WILLIAM R.

MEDICAL SERVICE CORPS OFFICER

To be lieutenant commander

DUKOVICH, MITCHELL

NURSE CORPS OFFICERS

To be lieutenant commander

BUDA, JUANITA
MAY, ANDREW JACKSON III

NOMINATIONS

Executive nominations received by the Senate January 20, 1993:

DEPARTMENT OF STATE

WARREN CHRISTOPHER, OF CALIFORNIA, TO BE SECRETARY OF STATE.

DEPARTMENT OF THE TREASURY

LLOYD BENTSEN, OF TEXAS, TO BE SECRETARY OF THE TREASURY.

DEPARTMENT OF DEFENSE

LES ASPIN, OF WISCONSIN, TO BE SECRETARY OF DEFENSE.

DEPARTMENT OF JUSTICE

ZOE BAIRD, OF CONNECTICUT, TO BE ATTORNEY GENERAL.

DEPARTMENT OF THE INTERIOR

BRUCE BABBITT, OF ARIZONA, TO BE SECRETARY OF THE INTERIOR.

DEPARTMENT OF AGRICULTURE

MIKE ESPY, OF MISSISSIPPI, TO BE SECRETARY OF AGRICULTURE.

DEPARTMENT OF COMMERCE

RONALD H. BROWN, OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF COMMERCE.

DEPARTMENT OF LABOR

ROBERT B. REICH, OF MASSACHUSETTS, TO BE SECRETARY OF LABOR.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DONNA E. SHALALA, OF WISCONSIN, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HENRY G. CISNEROS, OF TEXAS, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF TRANSPORTATION

FEDERICO PEÑA, OF COLORADO, TO BE SECRETARY OF TRANSPORTATION.

DEPARTMENT OF ENERGY

HAZEL ROLLINS O'LEARY, OF MINNESOTA, TO BE SECRETARY OF ENERGY.

DEPARTMENT OF EDUCATION

RICHARD W. RILEY, OF SOUTH CAROLINA, TO BE SECRETARY OF EDUCATION.

DEPARTMENT OF VETERANS AFFAIRS

JESSE BROWN, OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF VETERANS AFFAIRS.

DEPARTMENT OF STATE

MADELEINE KORBEL ALBRIGHT, OF THE DISTRICT OF COLUMBIA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS WITH RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

ENVIRONMENTAL PROTECTION AGENCY

CAROL M. BROWNER, OF FLORIDA, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL KANTOR, OF CALIFORNIA, TO BE U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

LEON E. PANETTA, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

LAURA D'ANDREA TYSON, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

DEPARTMENT OF THE TREASURY

ROGER ALTMAN, OF NEW YORK, TO BE DEPUTY SECRETARY OF THE TREASURY.

DEPARTMENT OF VETERANS AFFAIRS

HERSHEL WAYNE GOBER, OF ARKANSAS, TO BE DEPUTY SECRETARY OF VETERANS AFFAIRS.

DEPARTMENT OF EDUCATION

MADELEINE KUNIN, OF VERMONT, TO BE DEPUTY SECRETARY OF EDUCATION.

EXECUTIVE OFFICE OF THE PRESIDENT

ALICE RIVLIN, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

DEPARTMENT OF STATE

CLIFTON R. WHARTON, JR., OF NEW YORK, TO BE DEPUTY SECRETARY OF STATE.

CENTRAL INTELLIGENCE

R. JAMES WOOLSEY, OF MARYLAND, TO BE DIRECTOR OF CENTRAL INTELLIGENCE.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 20, 1993:

DEPARTMENT OF STATE

WARREN CHRISTOPHER, OF CALIFORNIA, TO BE SECRETARY OF STATE.

DEPARTMENT OF THE TREASURY

LLOYD BENTSEN, OF TEXAS, TO BE SECRETARY OF THE TREASURY.

DEPARTMENT OF DEFENSE

LES ASPIN, OF WISCONSIN, TO BE SECRETARY OF DEFENSE.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE MICKEY LELAND CHILDHOOD HUNGER RELIEF ACT OF 1993

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 1993

Mr. PANETTA. Mr. Speaker, I rise today to announce the introduction of a very special piece of legislation, the Mickey Leland Childhood Hunger Relief Act. This bill responds to an ongoing national tragedy, the tragedy of hunger amidst our land of plenty. This bill has passed the House twice: In 1990 as part of the farm bill and last year in the children's initiative combining child antihunger and family preservation proposals. In August 1990, this body endorsed the Leland bill in a striking 336 to 83 vote.

The Leland bill's provisions have had strong bipartisan support. They reflect the ideas and hard work of the distinguished chairman of the Committee on Agriculture, Mr. DE LA GARZA, and of BILL EMERSON, whose advice, friendship, and dedication to ending hunger I valued and relied upon in the year he served with me as ranking member of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition and on the Select Committee on Hunger's Domestic Task Force.

The bill is named for our colleague, the late Mickey Leland. As you know, Mickey had a very personal interest in the issue of hunger, both domestic and international hunger. Mickey was a special person. He had a rare combination of compassion and commitment. I would like to think of this bill as a sort of living memorial to Mickey and his work. By providing more food to millions of American children living in poverty and by preventing some of these children and their families from being thrown into the ranks of the homeless, we can help Mickey Leland's spirit to live on.

As Mickey understood, it would be irresponsible for us to sit by and ignore the mounting evidence of the prevalence of hunger and its consequences. For example, in 1991 a ground-breaking study of childhood hunger known as the Community Childhood Hunger Identification Project [CCHIP] found that about 5 million children under the age of 12 are hungry in this country, with even more on the brink of hunger. Hungry children are two to three times more likely to have suffered recent health problems than low-income children from non-hungry households. These health problems are associated with higher school absenteeism.

The consequences of hunger among children should give all of us pause. The U.S. Public Health Service has reported that the Surgeon General's goal of eliminating growth retardation of infants and children caused by inadequate diet cannot be met under present circumstances. Recent research shows that hungry children have significantly impaired abilities to learn. It is unconscionable the children of America, who represent the future of our Nation, should have to endure these conditions.

I am proud to say that the legislation that we are introducing today, which is an updated version of the bill that the Committee on Agriculture reported out by voice vote in 1991, is an entirely fitting memorial to Mickey Leland. The bill makes a serious effort to attack the causes of hunger rather than just its symptoms.

The centerpiece of the bill is a pair of provisions designed to alleviate hunger among the homeless and near homeless. HUD and Census Bureau data show that 45 percent of all poor renters spend at least 70 percent of their incomes on shelter costs. Households that are forced to devote this much of their income to shelter costs will almost by definition be at severe risk of hunger. Moreover, the high cost of shelter for low-income Americans is forcing more and more of them to double-up in housing. Unfortunately, current food stamp rules do not properly recognize the needs of these households.

Our bill would allow households with children to deduct high shelter costs in the same way that elderly and disabled households do at present. Under current law, households may deduct shelter expenses that exceed 50 percent of their incomes, but only up to $186 a month. The cap does not apply to elderly and disabled households.

The excess shelter deduction was enacted to avoid forcing households with high housing and utility costs to choose between eating and paying their shelter costs. But for households that are not elderly or disabled, this deduction is limited to $186 a month—even if the household's excess shelter costs are greater than this. This means that the very families that face the most severe housing cost burdens—families that do not receive HUD housing aid and that pay extremely high proportions of their incomes for housing—are the families that are not permitted to deduct the full cost of their excess shelter costs. Under the current food stamp benefit structure, families with very high shelter costs are thus assumed that money is available for food that actually must go to pay the rent and utility bills—and as a direct result their food stamp benefits are set at unrealistically low levels. The cap most severely burdens families with children since it is a fixed limit with no allowance for household size.

Since the cap was enacted in 1977, the low-income housing market has changed radically. In 1978, the number of low-rent housing units, defined as units renting for no more than $250 a month, as measured in 1985 dollars, exceeded the number of households with incomes below $10,000 a year. In 1985, there were 3.7 million fewer low-rent units than there were households below $10,000, a sharp reversal of the conditions that prevailed only 7 years earlier. The result has been a stunning increase in the housing cost burdens on poor households.

Moreover, the rationale for the cap has disappeared since 1977. Congress imposed the cap to keep middle-income households from getting food stamps by claiming large shelter deductions. At the time, eligibility was based solely on income after deductions. Gross income limits have since been added to the program to exclude higher income households without regard to their deductible expenses. Lifting the cap therefore will not allow middle-income households to receive food stamps: It will only provide more realistic benefits to families with high shelter costs who are now eligible. Our bill also would simplify the current food stamp household definition. It would require that persons purchasing and preparing food together apply for food stamps as a single household. Adults who buy and cook food on their own could as separate households from their relatives. For example, when two brothers who had previously lived on their own move into the same apartment because they cannot afford separate housing, either or both could apply for food stamps independently if they bought and cooked food separately. The bill would still require parents and their minor children, and spouses, to be in the same household.

Current law requires, subject to several exceptions, that parents and their adult children, and adult siblings, be in the same household even if they buy and cook food separately. State food stamp administrators have complained that the current definition is far too complex and excessively error-prone.

The current household definition discourages low-income people from doubling-up in the homes of relatives. This is extremely counterproductive at a time of rising homelessness. These rules hurt migrant farm workers, who may live separately in their base States but double-up with relatives in labor camps during their travels to save money.

The AFDC, Medicaid, and SSI programs have no comparable rule requiring adult siblings, or parents and their adult children, to apply for and receive benefits together. This bill simplifies these rules and removes disincentives for families to live together while still preventing parents from artificially separating themselves from their own minor children or husbands and wives who live together from claiming to be separate households solely to manipulate the Food Stamp Program.

The bill seeks to promote self-sufficiency and personal responsibility in several ways. It would exclude the first $50 a month paid as child support from being counted as income in determining food stamp allotments. AFDC already allows households to keep the first $50 of child support paid each month.

The $50 exclusion in AFDC recognizes the importance of having parents assume respon-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

sibility for their children: It gives custodial parents an incentive to seek out absent parents and absent parents an incentive to pay child support. The Food Stamp Program currently undercuts these incentives by counting the $50 payments as income, which reduces food stamps.

Excluding the first $50 of child support payments for food stamps as well as AFDC will simplify the administration of the two programs and ease burdens on case workers. This reform passed this body in 1987 as part of the welfare reform bill.

The bill also would seek to encourage low-income absent parents to make support payments and ensure that the ability of these parents to feed their current families is not unduly burdened by their performance of their child support obligations. The bill would exclude from the income of a low-income household any legally binding child support payments a household member makes to support a child outside of the household.

Under present law, no exclusion from income is provided for child support payments an absent parent makes. This means that if an absent parent remarries and has children in his second family—but still has low income—the payments he makes to support the children in his first family are counted as though they represented income still available to buy food for his current family.

In addition to being an unrealistic reflection of the resources available to the father's current family, the current law also raises serious equity issues. If two absent fathers have the same level of income before child support payments—but one responsibly pays child support while the other fails to—both receive the same amount of food stamps. Yet the father who has made the support payments has less money left for food purchases than the father who makes no payments.

Just as a key principle of welfare reform was that poor parents who work should be better off than those who do not, so, too, should the families of absent parents who pay child support be better off than parents who neglect their obligation to support their absent children.

Still another problem with current law is that money paid as child support from one poor household to another is now double-counted as income. It is counted first as income to the absent parent making the child support payment, that is, the parent's gross income is counted without deduction for the amount paid as child support, and then counted again as income to the household that receives the payment. This means the same dollars are simultaneously counted as income to two different households, even though the funds can only be used once to buy food and other necessities.

The proposal would strengthen food stamp employment and training [E&T] programs by increasing the limit for reimbursements to recipients for the costs incurred in E&T activities. The bill also would raise dependent care reimbursements to the level set in the Family Support Act, actual costs up to a maximum of $200 a month for children under age 2, $175 for older children, or the local market rate for child care, at State option. The limit on reimbursements for transportation, uniforms, and other expenses, apart from child care, would rise to $75 per month. Current law limits dependent care reimbursements to $160 per dependent per month and other reimbursements to $25 per month and requires States to exempt from the work requirement those households whose costs would be higher.

Raising the reimbursement limits will allow States to bring more households into E&T programs. In many areas, child care cannot be obtained for $160 per month. In some rural areas, the cost of transportation to training sites or job contacts may well exceed $25 for many recipients. Without this increase, States may be forced to leave whole communities out of their E&T programs. Also, many training programs require tools, uniforms, or protective clothing that cost significantly more than these programs can now reimburse. Similar provisions already have passed the House, as part of the 1987 welfare reform bill, and the Senate, in its version of the 1988 Hunger Prevention Act.

The bill includes a provision that both Mr. EMERSON and Mr. DE LA GARZA crafted to address the problems of low-income people trying to finish secondary school. Current law excludes the earnings of students from calculations of their families' income, but only up to the student's 18th birthday. For any number of reasons, many members of food stamp households may not finish high school by the time they turn 18. The bill would exclude students earnings without regard to age, but only for those enrolled in elementary or secondary schools.

The bill would raise the current $4,500 limit on the fair market value of vehicles that food stamp recipients may own.

The current $4,500 vehicle limit was written into the act in 1977 and has not changed since, despite rapid inflation. As inflation passes the $4,500 vehicle resource limit by, more and more working families are made ineligible for food stamps because of cars they depend upon to get to work. The Consumer Price Index for cars has risen 120 percent since 1977. Working households may be forced to choose between going hungry for lack of food stamps and selling their cars, which can force them to leave their jobs.

The President's Task Force on Food Assistance in January 1984 recommended that this limit be increased to $5,500 immediately. Increases in the limit passed the House, with the 1985 and 1990 farm bills, and the Senate, with the 1988 Hunger Prevention Act. We should do nothing that will compromise households' opportunities to retain and enhance their abilities to be self-sustaining.

The bill would make one addition in the vehicle rules to assist a small group of households that need vehicles that may be especially durable—and hence expensive. The bill would exempt vehicles that are used to transport water or fuel where the household lacks piped-in water or fuel.

In places that still are not served by water mains, households may have to haul drums of water for long distances, and often over difficult terrain. Other rural households may have to haul firewood or coal to their homes for heat. Even the poorest of these households cannot afford to be without a dependable vehicle that can hold up under this kind of use. Yet the trucks that many of these households have for this purpose, though far from luxurious, tend to have fair market values well in excess of the current $4,500 limit or the new limits proposed by this legislation.

The bill seeks to avoid hunger and hardship caused by inadequate benefits in the Food Stamp Program. Almost two-thirds of those getting food stamps are elderly, disabled, or children. Almost 83 percent of all food stamp benefits go to families with children.

The bill would raise basic food stamp benefit levels in stages to 105 percent of the Thrifty Food Plan. This needs to be done to allow households to purchase the Thrifty Food Plan for most or all of the year. Under the Hunger Prevention Act of 1988, basic food stamp benefits are set at 103 percent of the previous June's Thrifty Food Plan. Food stamp benefit levels increase every October to reflect food costs the previous June.

Over the first 13 years of the thrifty food plan's history, the average cost of the plan in the last half of the fiscal year has exceeded the cost in the previous June by an average of 5.4 percent. The adjustment to 105 percent of the previous June's cost is needed to make it much more likely that food stamp allotments will be sufficient to allow food stamp households to purchase the Thrifty Food Plan for most or all of the year.

The experience of fiscal year 1989 is illustrative: In the latter half of fiscal year 1989, the average monthly cost of the Thrifty Food Plan exceeded the cost in the previous June by 8.9 percent.

It should be noted that even this increase is relatively modest. Food stamps provide an average of less than $0.70 per person per meal. The maximum food stamp benefit for a family of four provides only about one dollar per person per meal. FNS has reported that fewer than 1 in 10 families spending an amount of money equivalent to the cost of the Thrifty Food Plan received 100 percent of the recommended daily allowances. Less than half received even two thirds of the recommended daily allowances.

The bill would increase funding for the Nutrition Assistance Program [NAP] in Puerto Rico over baseline in each of the four remaining years of the farm bill. The increments would rise to $25 million in the final year of its authorization.

In 1981, the Food Stamp Program in Puerto Rico was replaced by the NAP, which is funded on a block grant basis. Funding was cut well below the level required to provide nutritional assistance comparable with that of the Food Stamp Program. In subsequent years, funding was frozen or increased by less than baseline. As a result, poor children in Puerto Rico have far less of a nutritional safety net to rely upon than do comparably poor children in the 50 States, Guam, or the U.S. Virgin Islands. These modest increments would make a small step toward redressing this imbalance.

The bill would return to the rule contained in OBRA 1981 and eliminate the prorating of food stamps for households reapplying within 30 days of going off of the program. OBRA 1981 required that new applicants for food stamps have their initial month's benefit prorated based upon the day of the month that they applied. OBRA 1982 extended prorating to recipients whose participation in the program is briefly interrupted because the household, for whatever reason, do not reapply by the first day of the month. GAO has recommended this change back to the OBRA 1981 rule.

GAO found that the vast majority of the households suffering short gaps in benefits remain eligible throughout the period. Gaps frequently result from State errors, forms lost or delayed in the mails, or honest misunderstandings by household members. These gaps in benefits can force households to divert some of their rent, mortgage, or utility money to pay for food, leaving them in danger of an eviction or a utility shut-off. The situation of recipients who suffer a brief gap in benefits is different from that of new applicants, who may have been living off of income from a job in the early part of the month before they applied for food stamps.

The Drought Relief Act of 1988 enacted this provision for migrant farm workers, and the Senate's version of the Hunger Prevention Act of 1988 would have applied this rule to all households.

The bill would exclude all vendor payments for housing that meets definition of transitional housing for the homeless. None of these vendor payments should be counted against homeless households since they are not in fact available to households and cannot be used for food. Current rules count part of vendor payments for transitional housing for the homeless in States that use certain methods to calculate AFDC benefits. This makes no sense. Homeless households' ability to receive food stamps should not depend on how a State happens to label its AFDC benefits. Homeless households are among the poorest of the poor, and we should not accept arbitrary policies that deny them food stamps.

The bill would exclude general assistance [GA] vendor payments provided for expenses other than housing from consideration as income in the Food Stamp Program.

In all but a handful of States, general assistance programs are primarily local, often quite informal efforts. A township supervisor or a county justice may receive a request from a family for help with a particular need—a utility shutoff notice, a medical procedure that is needed, a car that needs to be repaired so that a household member can get to work, and so forth—and authorize payment from local governmental funds to meet that need. Because these payments are sought and approved for specific purposes, the supervisors or court clerks will often make their checks out to the vendor or creditor involved. Although these payments are never in the household's hands, and are not available to meet the household's food needs, they are nonetheless counted as available income to reduce the household's food stamps.

The Food Stamp Program's current rules on vendor payments were written primarily to prevent the wholesale diversion of regular AFDC benefits into vendor payments to keep them from being counted as income to food stamp households. Unfortunately, it was written to cover GA vendor payments as well, even though the same problem does not apply with regard to GA. Few GA programs operate on anything like a statewide entitlement basis, and if GA vendor payments are made on behalf of the household it will generally be because of the custom of the official making the payment.

The 1990 farm bill excluded from consideration as income those GA vendor payments made under State laws that prohibit making direct payments to households. In some jurisdictions that routinely provide any GA relief in the form of vendor payments, however, the program is so informal that there may be no explicit State law requiring them to be issued in that form. This amendment will allow these jurisdictions to respond to households' legitimate emergencies, other than those requiring housing assistance, without causing the household to suffer a new emergency with the reduction of their food stamps.

The bill recognizes the importance of the Emergency Food Assistance Program [TEFAP] by calling for an increase in funding for the purchase of commodities to $220 million, the authorization for next year. Although the bill does not change TEFAP's long-term status as a discretionary program, we hope this initiative will send a clear message of the importance that we attached to making sure that low-income people in need are not forced to go hungry.

Finally, the bill would eliminate anachronistic procedures requiring USDA to submit monthly reports to Congress concerning the Food Stamp Program's rate of spending and the sections that authorize the reduction or cessation of benefits to households if funding is insufficient.

This approach was proposed in 1990 by the administration as part of its recommendations for the farm bill. As the administration correctly pointed out, the cap was imposed more than a decade ago, at a time when the program's growth and utilization were much harder to predict. Allotment reductions have never taken place, but the continued presence of these provisions in the act has caused unnecessary uncertainties on the part of both State administrators and recipient households.

The farm bill removed the formal authorization caps that had been in the law but retained the reporting requirements and, due to a technical drafting error, could be read to require cessation of benefits to households if a supplemental appropriations bill is delayed. The administration's provision would put the Food Stamp Program in the same position that AFDC, Medicaid, and other Federal programs intended to function as entitlements have long enjoyed.

I believe that this legislation will go a long way to address the great need for nutrition assistance in this country. Clearly assistance of this type does not come without some cost. Neglecting the problem of childhood hunger, however, also has a cost, in human suffering, in wasted potential, and ultimately in damage to America's ability potential to compete internationally in the next century. This bill should be fully paid for under the pay as you go rules, and it includes a provision that was agreed upon in the Committee on Agriculture to signify the importance of making sure that it proceeds in total compliance with the budget resolution.

I urge my colleagues to review this legislation and support its passage. It not only honors Mickey Leland but also addresses real problems faced by real families every day. Imagine having to make the choice between heating your home or eating 7 nights a week. I believe that no family should have to make that choice. This bill makes important changes to food assistance programs serving our Nation's children to ensure that families do not have to make these choices.

In conclusion, I would like to urge my colleagues to join me in this critical and long overdue effort to ensure that all of the children in America have the opportunity to enjoy what should be some of the happiest and most carefree years of their lives and to reach their full potential. I can think of no more important, no more noble, no more worthy effort for this body to dedicate itself to than protecting the children of this country against the ravages of hunger.

The text of legislation follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Mickey Leland Childhood Hunger Relief Act".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. References to Act.

TITLE I—ENSURING ADEQUATE FOOD ASSISTANCE

Sec. 101. Families with high shelter expenses.
Sec. 102. Basic benefit level.
Sec. 103. Continuing benefits to eligible households.
Sec. 104. Homeless families in transitional housing.
Sec. 105. Improving the nutritional status of children in Puerto Rico.
Sec. 106. Households benefiting from general assistance vendor payments.
Sec. 107. Helping low-income high school students.

TITLE II—PROMOTING SELF-SUFFICIENCY

Sec. 201. Child support disregard.
Sec. 202. Child support payments to nonhousehold members.
Sec. 203. Vehicles needed to seek and continue employment and for household transportation.
Sec. 204. Vehicles necessary to carry fuel or water.
Sec. 205. Improving access to employment and training activities.

TITLE III—SIMPLIFYING THE PROVISION OF FOOD ASSISTANCE

Sec. 301. Simplifying the household definition for households with children and others.
Sec. 302. Resources of households with disabled members.
Sec. 303. Assuring adequate funding for the food stamp program.

TITLE IV—COMMODITY DISTRIBUTION TO NEEDY FAMILIES

Sec. 401. Commodity purchases.

TITLE V—IMPLEMENTATION AND EFFECTIVE DATES

Sec. 501. Effective dates.
Sec. 502. Budget neutrality requirement.

SEC. 2. REFERENCES TO ACTS.

Except as otherwise specifically provided herein, references to "the Act" and sections thereof shall be deemed to be references to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) and the sections thereof.

TITLE I—ENSURING ADEQUATE FOOD ASSISTANCE

SEC. 101. FAMILIES WITH HIGH SHELTER EXPENSES.

(a) REMOVAL OF CAP.—(1) The fourth sentence of section 5(e) of the Food Stamp Act of 1977 (hereinafter referred to as "the Act") (7 U.S.C. 2014(e)) is amended by striking ": *Provided*, That the amount" and all that follows through "June 30".

(2) The fifth sentence of section 5(e) of the Act (7 U.S.C. 2014(e)) is amended by striking "under clause (2) of the preceding sentence".

(b) TRANSITIONAL CAP.—(1) Effective on the date of enactment of this Act, section 5(e) of the Act is amended by inserting after the fourth sentence the following: "In the 12-month period ending September 30, 1994, such excess shelter expense deduction shall not exceed $230 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $400, $328, $279, and $170 a month, respectively; in the 12-month period ending September 30, 1995, shall not exceed $260 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $452, $371, $315, and $192 a month, respectively; in the 12-month period ending September 30, 1996, shall not exceed $300 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $521, $420, $364, and $221 a month, respectively; and in the 12-month period ending September 30, 1997, shall not exceed $360 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $626, $514, $437, and $266 a month, respectively.".

(2) Effective October 1, 1997, section 5(e) of the Act (7 U.S.C. 2014(e)) is amended by striking the fifth sentence.

SEC. 102. BASIC BENEFIT LEVEL.

Section 3(o) of the Act (7 U.S.C. 2012(o)) is amended by striking "(4) through" and all that follows through the end of the subsection, and inserting the following: "(4) on October 1, 1993, adjust the cost of such diet to reflect 103⅓ percent of the cost of thrifty food plan in the preceding June (without regard to adjustments made under clauses (9), (10), and (11) of this subsection as in effect before the date of the enactment of the Mickey Leland Childhood Hunger Relief Act), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (5) on October 1, 1994, adjust the cost of such diet to reflect 103⅔ percent of the cost of the thrifty food plan in the preceding June (without regard to adjustments made under such clauses (9), (10), and (11) and under clause (4)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (6) on October 1, 1995, adjust the cost of such diet to reflect 104 percent of the cost of the thrifty food plan in the preceding June (without regard to adjustments made under such clauses (9), (10), and (11) and under clauses (4) and (5)), as determined by the Secretary, and round the result to the lowest dollar increment for each household size, (7) on October 1, 1996, adjust the cost of such diet to reflect 104⅓ percent of the cost of the thrifty food plan in the preceding June (without regard to adjustments made under such clauses (9), (10), and (11) and under clauses (4), (5), and (6)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (8) on October 1, 1997, adjust the cost of such diet to reflect 104⅔ percent of the cost of the thrifty food plan in the preceding June (without regard to adjustments made under such clauses (9), (10), and (11) and under clauses (4), (5), (6), and (7)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, and (9) on October 1, 1998, and on every October 1 thereafter, adjust the cost of such diet to reflect 105 percent of the cost of the thrifty food plan in the preceding June (without regard to previous adjustments made under such clauses (9), (10), and (11), under clauses (4), (5), (6), (7), and (8), and under this clause), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size.".

SEC. 103. CONTINUING BENEFITS TO ELIGIBLE HOUSEHOLDS.

Section 8(c)(2)(B) of the Act (7 U.S.C. 2017(c)(2)(B)) is amended by inserting "of more than one month in" after "following any period".

SEC. 104. HOMELESS FAMILIES IN TRANSITIONAL HOUSING.

Section 5(k)(2)(F) of the Act (7 U.S.C. 2014(k)(2)(F)) is amended to read as follows:

"(F) housing assistance payments made to a third party on behalf of a household residing in transitional housing for the homeless;".

SEC. 105. IMPROVING THE NUTRITIONAL STATUS OF CHILDREN IN PUERTO RICO.

Section 19(a)(1)(A) of the Act (7 U.S.C. 2028(a)(1)(A)) is amended:

(1) by striking "$1,091,000,000" and inserting "$1,111,000,000"; and

(2) by striking "$1,133,000,000" and inserting "$1,158,000,000".

SEC. 106. HOUSEHOLDS BENEFITING FROM GENERAL ASSISTANCE VENDOR PAYMENTS.

Section 5(k)(1)(B) of the Act (7 U.S.C. 2014(k)(1)(B)) is amended to read as follows:

"(B) a benefit payable to the household for housing expenses, not including energy or utility-cost assistance, under—

"(i) a State or local general assistance program; or

"(ii) another basic assistance program comparable to general assistance (as determined by the Secretary).".

SEC. 107. HELPING LOW-INCOME HIGH SCHOOL STUDENTS.

Section 5(d)(7) is amended by striking ", who is a student, and who has not attained his eighteenth birthday" and inserting "and who is an elementary or secondary student".

TITLE II—PROMOTING SELF-SUFFICIENCY

SEC. 201. CHILD SUPPORT DISREGARD.

Section 5 of the Act (7 U.S.C. 2014) is amended—

(1) in clause (13) of subsection (d)—

(A) by striking "at the option" and all that follows through "subsection (m)," and inserting "(A)"; and

(B) by adding at the end the following: "and (B) the first $50 of any child support payments for each month received in that month, and the first $50 of child support of each month received in that month if such payments were made by the absent parent in the month when due,"; and

(2) by striking subsection (m).

SEC. 202. CHILD SUPPORT PAYMENTS TO NON-HOUSEHOLD MEMBERS.

Section 5(d)(6) of the Act (7 U.S.C. 2014(d)(6)) is amended by striking the comma at the end and inserting the following: ": *Provided*, That child support payments made by a household member to or for a person who is not a member of the household shall be excluded from the income of the household of the person making such payments if such household member was legally obligated to make such payments,".

SEC. 203. VEHICLES NEEDED TO SEEK AND CONTINUE EMPLOYMENT AND FOR HOUSEHOLD TRANSPORTATION.

Section 5(g)(2) of the Act (7 U.S.C. 2014(g)(2)) is amended by striking $4,500" and inserting the following: "a level set by the Secretary, which shall be $4,500 through September 30, 1993, and which shall be adjusted from $4,500 on October 1, 1993, and on each October 1 thereafter, to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, for new cars, for the 12-month period ending the preceding June 30, and rounded to the nearest $50".

SEC. 204. VEHICLES NECESSARY TO CARRY FUEL OR WATER.

Section 5(g)(2) of the Act (7 U.S.C. 2014(g)(2)) is amended by adding at the end the following: "The Secretary shall exclude from financial resources the value of a vehicle that a household depends upon to carry fuel for heating or water for home use when such transported fuel or water is the primary source of fuel or water for the household.".

SEC. 205. IMPROVING ACCESS TO EMPLOYMENT AND TRAINING ACTIVITIES.

(a) DEPENDENT CARE DEDUCTION.—Section 5(e) of the Act (7 U.S.C. 2014(e)) is amended in clause (1) of the fourth sentence—

(1) by striking "$160 a month for each dependent" and inserting "$200 a month for a dependent child under age 2 and $175 a month for any other dependent"; and

(2) by striking ", regardless of the dependent's age,".

(b) REIMBURSEMENTS TO PARTICIPANTS.—(1) Section 6(d)(4)(I)(i)(I) of the Act (7 U.S.C. 2015(d)(4)(I)(i)(I)) is amended by striking "$25" and inserting "$75".

(2) Subclause (II) of section 6(d)(4)(I)(i) of the Act (7 U.S.C. 2015(d)(4)(I)(i)(II)) is amended by striking "reimbursements exceed $160" and all that follows through the end of such subclause, and inserting "reimbursements exceed the applicable local market rate as determined by procedures consistent with any such determination under the Social Security Act. Individuals subject to the program under this paragraph may not be required to participate if dependent care costs exceed the limit established by the State agency under this paragraph (which limit shall not be less than the limit for the dependent care deduction under section 5(e)).".

(c) REIMBURSEMENTS TO STATE AGENCIES.—Section 16(h)(3) of the Act (7 U.S.C. 2025(h)(3)) is amended—

(1) by striking "$25" and all that follows through "dependent care costs)" and inserting "the payment made under section 6(d)(4)(I)(i)(I) but not more than $75 per participant per month"; and

(2) by striking "representing $160 per month per dependent" and inserting "equal to the payment made under section 6(d)(4)(I)(i)(II) but not more than the applicable local market rate".

TITLE III—SIMPLIFYING THE PROVISION OF FOOD ASSISTANCE

SEC. 301. SIMPLIFYING THE HOUSEHOLD DEFINITION FOR HOUSEHOLDS WITH CHILDREN AND OTHERS.

The first sentence of section 3(i) of the Act (7 U.S.C. 2012(i)) is amended—

(1) by striking "(2)" and inserting "or (2)";

(2) by striking ", or (3) a parent of minor children and that parent's children" and all that follows through "parents and children, or siblings," and inserting ". Parents and their minor children who live together and spouses"; and

(3) by striking ", unless one of" and all that follows through "disabled member".

SEC. 302. RESOURCES OF HOUSEHOLDS WITH DISABLED MEMBERS.

Section 5(g)(1) of the Act (7 U.S.C. 2014(g)(1)) is amended by striking "a member who is 60 years of age or older," and inserting "an elderly or disabled member,".

SEC. 303. ASSURING ADEQUATE FUNDING FOR THE FOOD STAMP PROGRAM.

Section 18 of the Act (7 U.S.C. 2027) is amended by striking subsections (b), (c), and (d) and redesignating subsections (e) and (f) as subsections (b) and (c), respectively.

TITLE IV—COMMODITY DISTRIBUTION TO NEEDY FAMILIES.

SEC. 401. COMMODITY PURCHASES.

Section 214(e) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended—

(1) by striking "$175,000,000" and all that follows through "1992, and";

(2) by inserting after the first sentence the following:

"During fiscal year 1994, the Secretary shall spend $220,000,000 to purchase, process, and distribute additional commodities under this section."; and

(3) in the last sentence by striking "1991 through" and inserting "1993 and".

TITLE V—IMPLEMENTATION AND EFFECTIVE DATES

SEC. 501. EFFECTIVE DATES.

(a) GENERAL EFFECTIVE DATE.—Except as otherwise provided in this Act, the provisions of this Act shall become effective and be implemented on October 1, 1993.

(b) SPECIAL EFFECTIVE DATE.—Sections 103, 106, 201, 202, 204, 205, 301, and 302 of this Act shall become effective and be implemented on July 1, 1994.

SEC. 502. BUDGET NEUTRALITY REQUIREMENT.

None of the provisions of this Act shall become effective unless the costs are fully offset in each fiscal year through fiscal year 1998. No agriculture price or income support program administered through the Commodity Credit Corporation under the Agricultural Act of 1949 may be reduced to achieve such offset.

ART ACROSS AMERICA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 1993

Mr. KILDEE. Mr. Speaker, I would like to take a moment on the floor of the House of Representatives to bring to the attention of my colleagues and constituents a truly remarkable art exhibition being displayed this week here in our Nation's capital. Art Across America: An American Reunion, displayed in the Very Special Arts Gallery at 1331 F Street in northwest Washington, DC, is a moving exhibition comprised of pieces created by artists from across the country.

A featured artist of Art Across America: An American Reunion, I am pleased to note, is Michigander William Pardee from Freemont. His natural drawing is among the 51 works of art which make up the exhibition. Ranging from paintings to pieces of jewelry to works of folk art, Very Special Arts has assembled a unique exhibition, representative of the vast beauty of our diverse Nation including artists from each of the 50 States and the District of Columbia.

Founded in 1972 by Jean Kennedy Smith, Very Special Arts is an educational affiliate of the John F. Kennedy Center for the Performing Arts, which coordinates and promotes the education and empowerment of persons with disabilities through the arts. The Washington-based gallery is one of their recent projects, which provides a fully mainstreamed setting in which to exhibit the works of emerging and recognized professional artists with disabilities. Proceeds from gallery sales benefit other projects of the Very Special Arts organization, including intergenerational visual and performing arts programs, arts curriculum development and distribution for our Nation's school children, international conferences to enhance the promotional opportunities for artists with disabilities, and others.

I am pleased to commend Very Special Arts and its fine work on behalf of artists with disabilities—indeed—all artists. I urge my colleagues to take time to visit this extraordinary exhibition, and foster relationships with the Very Special Arts organization in the future.

TRIBUTE TO DICK ICHORD

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 1993

Mr. WHITTEN. Mr. Speaker, I am glad to join my colleagues in paying tribute to the congressional service of our late friend and colleague, Dick Ichord, who served for many years in the U.S. House of Representatives.

Dick was able, conscientious and effective, and certainly the Congress and the Nation are better for his service.

Dick was chairman of the Un-American Activities Committee for years and also was a member of the Armed Services Committee. He did a fine job in both areas.

I join with his many friends in expressing my sorrow and regrets at his untimely passing. Truly he has left a mark, the benefits of which will be felt for many years.

LEGISLATION TO AID THE SUCCESSFUL REUSE OF FORT ORD

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 1993

Mr. PANETTA. Mr. Speaker, I am introducing legislation today to direct the Department of Defense to convey to the University of California and the California State University real property at Fort Ord for the purpose of facilitating the universities' plans to establish a new California State University campus and a research and development center of the University of California on the sites.

This measure is critical to the successful reuse of Fort Ord, and it has the full support of the entire Fort Ord community task force. The two universities' proposals to establish their new facilities at Fort Ord constitute the centerpiece of our Fort Ord reuse strategy. Without the transfer of the property, the base's successful reuse will be greatly delayed. Moreover, the conveyance of the property to the universities must not carry the standard restrictions on public benefit conveyances in order to allow the universities to fund their activities through royalties from private firms reliant upon the results of their research and development.

Without this legislation, our community's highest hopes for a model of base conversion will be endangered. With the enactment of this measure, Fort Ord's conversion to an area of higher education and research and development in a number of marine, environmental and atmospheric studies, and technologies will be brought to fruition within 2 years. I urge my colleagues on the Armed Services Committee to approve this bill expeditiously, and I commend it to the full House's attention.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF SURPLUS REAL PROPERTY AT FORT ORD, CALIFORNIA

(a) CONVEYANCE.—The Secretary of Defense shall convey, without reimbursement, to the University of California and the California State University all right, title, and interest of the United States in and to a tract of real property described in subsection (b), including improvements thereon, which is located at Ford Ord, California. The Secretary shall not impose as part of the conveyance under this subsection any condition or restriction on the use of the conveyed real property by the recipients.

(d) DESCRIPTION.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by the Secretary of Defense on the basis of the Educational Public Benefit Transfer Applications submitted by the University of California and the California State University before March 8, 1993, with regard to Fort Ord.

ETHNIC CLEANSING IN KHALISTAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 1993

Mr. BURTON of Indiana. Mr. Speaker, I rise to express the deep concerns of 300,000 Sikh-Americans to India's appointment of S.S. Ray as Ambassador to the United States. Mr. Ray previously served as the Governor of the Sikh state of Punjab from 1986 to 1989. During his tenure, it is alleged that thousands of Sikhs died in fake encounters where police murdered their Sikh victims and later claimed to have acted in self-defense.

I do not have to remind Congress that India has maintained a ban on Amnesty International since 1978. What exactly is India trying to hide? Indeed there is much India would like to hide from the eyes of the international community. It refers to itself as the world's largest democracy, but minorities under Indian rule know it to be anything but.

Take the recent violence surrounding the destruction of an ancient Moslem mosque in Adyodhya by Hindu fundamentalists. What did the Indian Government do to protect Moslems in Adyodhya? What did the Indian Government do to prevent the destruction of the mosque? Prime Minister P.V. Narasimha Rao had 10,000 troops stationed 5 miles from the mosque while it was being destroyed, yet he did not deploy them. Hindus killed Moslems and burnt their homes throughout Ayodhya, yet no police or security forces were sent for protection.

In Bombay, however, India did not hesitate to use force against Moslems who protested against the injustice of the mosque destruction. At least 159 Moslems were shot and killed by police. Indeed, of all the rioting that enveloped India last month, 80 percent of those killed were Moslem, most of them shot by Indian police.

It is important to emphasize that the Adyodhya episode is not an aberration, but a manifestation of the intolerance India holds for those it demands stay under its power. In November 1984, the Indian Government exposed its character when Congress party politicians instigated angry Hindu mobs to massacre 40,000 Sikhas throughout India. Far from facing justice, the politicians responsible for the crimes are free in India. Many of them hold seats in the Parliament.

Recently, I received word that the Indian police are making movies to send to foreign countries in order to malign the Sikh character. In these movies, supposedly captured Sikh terrorists are interviewed, explain their operations, and confess to the brutal, heinous crimes they have committed. According to Dr. Aulakh, President of the Council of Khalistan, they are entirely fabricated. Those Sikhs interviewed are agents of the Indian Government, willing to produce works of pure fiction to further the propaganda goals of the Indian Government in return for money and special treatment.

Already Dr. Gurmit Singh Aulakh has been cautioned regarding attempts on his life. Other prominent Sikh and Kashmiri leaders in the United States and Europe have been cautioned about the growing possibility of assassination as well. I know Dr. Aulakh personally and can testify that he is a peaceful man working for the freedom of his people here within the boundaries of the United States. India has a history of spreading disinformation about those persons who stand up for freedom, often slandering them as terrorists and criminals.

For the CONGRESSIONAL RECORD, I submit a January 5th press release from the Council of Khalistan. I also want to submit a letter I sent to Lawrence Eagleburger regarding the upcoming village councils elections in Punjab. I commend both to those Members of Congress interested in promoting and protecting human rights in India.

[Press Release]

Council of Khalistan,
Washington, DC.

ETHNIC CLEANSING IN KHALISTAN—INDIAN GOVERNMENT ESCALATES OPPRESSION OF SIKHS NEW TARGETS: LEADERS, WOMEN AND CHILDREN

WASHINGTON, DC, January 5.—The bloody process of ethnic cleansing in former Yugoslavia has deservedly caught the attention and outrage of the international community. Equally outrageous, however, is the process of ethnic cleansing occurring in Khalistan. Since 1984, at least 110,000 Sikhs have been killed by police and other security forces of the Indian government. In recent months India has noticeably increased its brutal offensive against Sikhs in an effort to deal a final blow to the movement of Sikh freedom.

Sikh youth, once the primary target of India's state sponsored terrorism, are now seeing their elder leaders, women and children falling victim as well. Indian police and paramilitary forces have been given an open license to kill by government leadership, and all evidence indicates an absolute willingness to use it. While anarchy reigns in former Yugoslavia, Khalistan has been transformed into a police state where the human rights of its inhabitants are daily violated as a matter of government policy.

On December 20, Gurdev Singh Kaunke, former Jathedar, or high priest, of the Akal Takht (the seat of the Sikh faith) was arrested by Indian police in his home village near Jagraon. Mr. Kaunke was released on December 22 so that he could attend the funeral of his nephew. Re-arrested on December 25, Mr. Kaunke was then tortured and killed. Police did not return his remains to the family claiming that the former high priest had escaped during custody. Amnesty International and other international human rights organizations have reported such "escapes" to be a common *modus operandi* of the Indian police. Tomorrow, Sikhs plan a massive gathering in Mr. Kaunke's home village to protest his murder and the general repression of the Sikh nation.

Early in November, Kulwinder Kaur, wife of Chamkaur Singh Dala, an active figure in the Sikh freedom struggle, was arrested along with her 2 year old daughter, Jagwinder Kaur. Indian police held Mrs. Kaur and her daughter in illegal custody, raped and tortured them. Police continue to refuse to divulge their whereabouts. It is feared that the mother and her two year old daughter may have been murdered. Such has become the fate of an increasing number of women in the Sikh homeland.

Take the case of Majit Kaur Sekhon. Her husband was tortured by police repeatedly for speaking out for Sikh independence. Eventually he had to flee to the United States in fear of his life. In his absence Mrs. Sekhon and her family have become the surrogate target of police rage. In one particularly heinous instance, the police took the family's 7 month old daughter, poured molasses over her body, placed her on top of an ant colony, and watched as she was eaten away at by the ants. Mrs. Kaur was forced to watch this sadistic scene. When she protested in indignant outrage, the police responded by torturing her. Today she remains bedridden. It is difficult to tell if she will ever fully recover.

Or take the case of Baba Manochahal, head of the Panthic Committee. His son, father, uncle and two of his brothers have all been recently killed by Indian police. The women in his family have been arrested as well and remain in police custody. It is reported that his mother has suffered permanent psychological damage as a result of the trauma.

All the emphasis on the killing of Sikh leaders and family members of Sikh freedom fighters is not to say that India is easing up on Sikh youth. On Dec. 2, Indian police killed 19 Sikh youth in cold blood in a Khalistan sugar cane field. Taken from police custody, they were brought to the field and shot in a fake encounter. The killing, torture and rape of Sikhs continues unabated.

To augment its offensive against the Sikh nation, India has endeavored to slander the character of the Sikh freedom movement through a relentless campaign of disinformation. The new blitz was launched late last year with the appointment of S.S. Ray as Indian ambassador to the United States. According to Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, "S.S. Ray is a murderer and should not be allowed to set foot on American soil."

As Governor of Punjab from 1986 to 1989, Mr. Ray is responsible for thousands of Sikh deaths, most of them committed as "fake encounters" where police murder their Sikh victims and later claim to have acted in self-defense. As former Chief Minister of Bengal, Mr. Ray is also responsible for the killings of thousands of Bengalis and the burning of Bengali villages. "Clearly, Mr. Ray is not fit to associate within diplomatic circles," said Dr. Aulakh, "and the 300,000 Khalistani-Americans adamantly oppose his appointment."

"The Indian government cannot deter the Khalsa Panth," continued Dr. Aulakh. "The Sikh nation declared independence on October 7, 1987 forming the separate country of Khalistan and we fully intend to obtain that freedom. We have acted in full accordance with the principle of self-determination as enshrined in the United Nations Charter. Sikhs constitute a separate nation unto themselves and India has no right to hold us in bondage. The Punjab is our homeland, no Sikh has ever signed the Indian constitution, and we simply want our freedom. We will not be deterred.

"I warn the Indian government to stop killing Sikhs. It is already being exposed as the one of the worst violators of human rights in the world. It cannot hide behind its facade of democracy forever. The U.S. Congress already approved the termination of aid to India due to its oppression of Sikhs. India cannot hold the Sikhs and hold its head in the international community at the same time. I suggest that the Indian government settle this issue peacefully by removing its occupying forces from Sikh soil, sitting down with the Sikh leadership, and demarcating the boundaries between India and Khalistan today. The Sikh nation will not submit. India has no other choice.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 6, 1993.

Hon. LAWRENCE EAGLEBURGER,
Secretary of State, Washington, DC.

DEAR SECRETARY EAGLEBURGER: We wish to draw your attention to the upcoming elections of Village Councils in Punjab, India which are scheduled for January 15 to January 22, 1993. We urge the State Department to pay close attention to this process.

Unlike other elections, several Sikh political parties are participating in these elections. We urge that independent and impartial observers from the U.S., the United Nations, and International Human Rights organizations be sent to watch these elections.

Such actions will help prevent the intimidation of voters as occurred in the February, 1992 elections for the state assembly in Punjab.

Intimidation of voters in the February election was widely reported by the Indian newspapers and international human rights organizations. Between March and April of 1992, most village councils and village mayors resigned to protest the continuing unrelenting human rights violations in Punjab under the new regime. The Indian government is now attempting to fill the resulting vacancies with their own people. We believe that observers should be sent to Punjab to ensure that Sikhs can freely exercise their right to vote.

We have received many reports that pro-Sikh movement candidates are being intimidated and coerced into withdrawing as candidates. Some candidates have been arrested by the police and detained at undisclosed locations. This has happened in previous elections. In 1991, one of the candidates for state assembly, Avtar Singh, was tortured to death by the Punjab police.

Once again, we urge that outside observers be sent to prevent human and civil rights violations and to ensure honest and free elections.

DAN BURTON.

LEGISLATION TO REFORM MILITARY HEALTH CARE

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 1993

Mr. PANETTA. Mr. Speaker, I am introducing legislation to reform the way in which our Federal Government, and the Defense Department [DOD] in particular, makes decisions on the number and size of health care facilities for Government beneficiaries, particularly our retired military personnel and their families.

For years, the DOD has insisted on making its decisions whether to open, close, reduce, or enlarge military health care facilities solely on the basis of the local active duty military population. But that analysis is simplistic, given the multitude of DOD and other Government beneficiaries who exist in every region of the Nation. In my view, the Federal Government ought to use a broader and more inclusive analysis of each region's Federal beneficiaries when it makes decisions on the provision of health care to those individuals. Often, for example, the closure of a military health care facility necessitates the placement of military retirees and their dependents under the Medicare Insurance Program or CHAMPUS [Civilian Health and Medical Program of the Uniformed Services] insurance, forcing them to go to private health care facilities. This phenomenon results in higher costs to the U.S. Government. DOD is satisfied with the results insofar as its own costs are lower, but the Government as a whole pays more for DOD's myopic cost-cutting.

My legislation is intended to force the entire Government, and the DOD in particular, to pay special attention to these facts, and to refrain from such hospital closures when the cost to the entire Government will rise rather than fall with those closures.

The bill was promoted by the case of the Silas B. Hays Hospital at Fort Ord. The DOD has not yet made its final decision on the status of the hospital, but I have not waited for its fiat. Instead, I authored a provision in the fiscal year 1993 defense appropriations bill to retain 50 beds at the hospital in fiscal year 1993 to guard against the DOD's inclination to close the facility.

I am hopeful and confident that this legislation, if adopted by the Congress and signed by the President, will improve the provision of health care to Government beneficiaries, increase savings to the American taxpayer, and preserve critical health care facilities for our Nation's retired military personnel and their families. I would strongly encourage my friends on the Armed Services committee to act on this measure expeditiously, and I commend it to my colleagues' attention.

H.R. —

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled,

SECTION 1. CONDITIONS ON CLOSURE OF, OR REDUCTION IN CARE AT, MILITARY MEDICAL FACILITIES.

(a) CONDITIONS.—The Secretary of a military department may not take any action to close, or reduce the level of care provided at, a military medical facility in the United States under the jurisdiction of the Secretary until 90 days after the date on which the Secretary determines that the closure or reduction will be cost effective, as calculated under subsection (b). If the closure of a military medical facility or a reduction in the level of care provided at a military medical facility is proposed as part of the closure or realignment of a military installation selected for closure or realignment under a base closure law, the Secretary of Defense shall make the determination required by the subsection.

(b) CALCULATION OF COST EFFECTIVENESS.—To determine whether the closure of a military medical facility or a reduction in the level of care provided at a military medical facility is cost effective, the Secretary of Defense or the Secretary of the military department concerned, as the case may be, shall calculate whether—

(1) the cost to the Federal government of continuing to provide care at the military medical facility to persons who are eligible to receive care at the facility pursuant to section 1074(b), 1074a, 1074b, 1076, or 1145(a) of title 10, United States Code, and receive or are likely to seek treatment at the facility; exceeds

(2) the cost to the Federal Government of providing alternate equivalent care to such persons at other Federal or private health care facilities as a consequence of the closure or reduction.

(c) NOTIFICATION OF CONGRESS.—The Secretary of Defense or the Secretary of a military department shall notify Congress of each determination made by the Secretary concerned under subsection (a), and the basis for making the determination, not later than 10 days after the Secretary makes the determination.

(d) NOTIFICATION OF AND CONSULTATION WITH COMMUNITY REUSE ENTITIES.—In the case of a military medical facility located on a military installation in the United States selected for closure or realignment under a base closure law, the Secretary of Defense shall promptly notify all community reuse entities formed with respect to the installation if the Secretary is considering the closure of the military medical facility or a reduction in the level of care provided at the military medical facility as part of the closure or realignment of the installation. The Secretary shall consult with such community reuse entities in making the determination under subsection (a) with regard to that military medical facility.

(e) APPLICATION OF SECTION.—This section shall apply with respect to any closure of a military medical facility in the United States or any reduction in the level of care provided at a military medical facility in the United States, even if the military medical facility is located on a military installation selected for closure or realignment under a base closure law.

(f) DEFINITION.—For purposes of this section, the term "base closure law" means the following:

(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 104 Stat. 1808; U.S.C. 2687 note).

(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 26271 19 U.S.C. 2687 note).

(3) Section 2687 of title 10, United States Code.

(4) Any other similar law enacted after the date of the enactment of this Act.

TRIBUTE TO DICK ICHORD, JR.

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 1993

Mr. ROSTENKOWSKI. Mr. Speaker, it is with great sadness that I join my colleagues in remembering our former colleague and friend, Congressman Richard H. Ichord, Jr.

Dick Ichord gave 20 years of his life in service to his country as a Member of the House of Representatives. His work as a member of the House Armed Services Committee and chairman of the Subcommittee on Research and Development helped keep this Nation strong both militarily and economically. His legacy is the peace and stability which we now enjoy with the end of the cold war. His dedication earned him the honor and respect of all his colleagues.

Dick didn't confine his service to his public life. He also worked in private, through organizations such as the Jhoon Rhee Foundation to improve the quality of life for children by developing their self-respect, self-discipline, physical and mental health, and motivation.

My deepest sympathy and sincere condolences go to Dick's family and friends. We will all miss him.

LEGISLATION TO PRESERVE THE FORT ORD COASTAL CORRIDOR

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 1993

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation to transfer the ownership of the shoreline and dunes located on Fort Ord property to the California Department of Parks and Recreation to be used for public recreational purposes, once the property is declared excess by the Army.

Anyone who is familiar with the central coastline of California knows what a truly unique and fragile area these sand dunes represent. The shoreline owned by Fort Ord helps to comprise the southern Monterey Bay dunes system, one of the most extensive dune systems on the west coast. The Monterey Bay dunes are some of the tallest dunes in California, rising several stories high.

While tremendous in stature, these castles of sand, and the plants and animals which reside in them, are terribly fragile. There is great concern in the local community over the deterioration of the dunes and comprehensive plans to restore the dunes complex are underway.

Fort Ord owns a large portion of the Monterey Bay dunes system. The Army has left the dunes relatively intact and, to its credit, has wisely allowed little development of the area. This legislation would ensure the preservation and proper management of this important area when the base begins closure later this year.

To aid the economic transition caused by the base closure, I am heading a local Fort Ord community task force that is developing a reuse strategy for Fort Ord. I have made clear to the surrounding communities that no action will be taken on this legislation until the Fort Ord community task force has developed its consensus strategy for the reuse of Fort Ord.

The Fort Ord community task force released its strategy report for the reuse of Fort Ord last June. The report makes an initial recommendation for the coastal area west of Highway 1 be retained as open space for public recreation. The task force's reuse group is now in the process of reviewing the area and mapping out the area which should be protected. Once the FORG base reuse plan has been completed and a recommendation made in the base reuse plan, I would hope that my successor in the Congress would work for the enactment of this legislation and other legislation necessary to codify the recommendation of the reuse group.

At that time, I hope my colleagues will add their support to this legislation which will protect these unique dunes and the quality of life we enjoy in the Monterey Bay area.

A copy of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER.

(a) IN GENERAL.—Upon a determination by the Secretary of the Army that the parcel described in subsection (b) is excess to the needs of the Department of the Army, and after making the certification under section 2, all right, title, and interest in and to the parcel shall be transferred, without consideration, to the State of California Department of Parks and Recreation for use solely for public recreational and open space purposes in a manner consistent with the preservation of the sand dunes located on the parcel.

(b) AREA.—The parcel referred to in subsection (a) is that area which consists of the lands and interests in lands within the area of Fort Ord, California, which is bounded by the Pacific Ocean on the west and State Highway Route 1 on the east.

(c) REVERSION.—If the parcel transferred to the State of California under subsection (a) ceases to be used for public recreational and open space purposes, all right, title, and interest in and to that parcel shall revert to the United States.

SEC. 2. SAFETY OF PARCEL FOR PUBLIC USE.

Not later than the 18-month period beginning on the date the parcel described in section 1 is determined to be excess, the Secretary of the Army shall—

(1) take such actions as may be necessary to ensure that the parcel is not contaminated with explosive, toxic, or other hazardous materials; and

(2) certify to the State of California that the parcel is not contaminated with explosive, toxic, or other hazardous materials.

OPERATION RESTORE HOPE TAX RELIEF ACT OF 1993

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 1993

Mr. REYNOLDS. Mr. Speaker, I rise today to introduce legislation designed to address a very real need facing the brave men and women of our Armed Forces serving in Operation Restore Hope. I am joined in this effort by Congressmen McHUGH, WHEAT, BAKER of Louisiana, OWENS, and MONTGOMERY.

The legislation I am introducing today would provide to those soldiers serving in Operation Restore Hope the exact same tax relief as provided soldiers who served in Operation Desert Storm. The need for this legislation is simple.

Under the provisions of our Tax Code, soldiers serving in a Presidentially declared combat zone, receive certain tax benefits, such as exclusion from payment of Federal taxes on their combat-related pay. Operation Desert Storm was declared a combat zone. Operation Restore Hope, by contrast, has not been declared such a zone, and therefore, the benefits associated with such a declaration have not been accorded to our soldiers in Somalia.

There are two ways to correct this inequity. One way is for the President to declare the area of operation a combat zone. The other way is to provide the same benefits legislatively, in the absence of a declaration of the area of operation a combat zone. At the present time, it is unlikely that the men and women of our Armed Forces will receive the benefits they deserve.

There can be no question as to the danger and risk associated with the mission of mercy to the people of Somalia. While it may not technically be called a combat zone, there can be no doubt that our service personnel face the same risks faced by our personnel in Operation Desert Storm.

My legislation seeks to offer nothing more and nothing less than what was provided to our forces in Operation Desert Storm. It has been crafted to mirror exactly what was provided to our men and women in the gulf. What I seek to do is provide fair and equitable treatment for our forces in Somalia.

Mr. Speaker, this legislation recognizes the tremendous contribution our men and women in uniform are providing to the people in Somalia. They deserve our praise, our thanks, and our assistance whenever necessary. This legislation will do just that. I urge my colleagues' support of this legislation.

KRIEBLE INSTITUTE SPONSORS SEMINARS

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 1993

Mr. SENSENBRENNER. Mr. Speaker, recently I had the opportunity to participate in a series of seminars in Tallinn, Estonia, Prague in the Czech Republic, and Ljubljana in Slovenia, sponsored by the Krieble Institute of the Free Congress Foundation.

It was exciting to take part in nongovernment, privately sponsored instruction of those who until so recently were deprived of their freedom.

The Krieble Institute has worked to assist democracy movements in the East since 1987, and began seminars on campaigns, democratic governing, and principles of free enterprise and business development in 1989—before the fall of the Berlin Wall.

Since that time the Krieble Institute has sponsored some 65 such training conferences throughout the former Soviet empire, covering every country in Eastern and Central Europe, and half of the Republics of the former Soviet Union. Sixty percent of the institute's activity has been concentrated in Russia and Ukraine taking the institute to the far reaches of Siberia and the Russian far east.

The institute has recruited and trained more than 30 field persons who after 2 months of intensive training at the Free Congress Foundation headquarters in Washington and in the field in U.S. campaigns are home in their native lands assisting democracy efforts and furthering small business development. They have helped thousands in the former Soviet empire.

The genius behind this effort and the man who has funded most of it personally is Dr. Robert H. Krieble.

At 77 years of age he travels with the teaching teams and spends full-time in institute activities. As he tells everyone, "The Krieble Institute is my life."

He began this activity after a remarkable career in business. Following a successful career at the General Electric Co., he and his father founded the Loctite Corp.—which first made what we now call super glue for industrial and later domestic purposes.

He built Loctite from a company with three employees to a Fortune 500 enterprise. With the financial rewards reaped, he could have retired to a life of leisure. Instead he is as busy as ever.

He tells his audiences that the Soviet empire was the greatest threat to world peace and stability in his lifetime and he wanted to do what he could to bring about its demise. Dr. Krieble was nearly alone in predicting the end of the Soviet Union in 1988. More recently, the remaining Communist press in Russia honored Dr. Krieble with scathing attacks on the Krieble Institute for its role in the Soviet empire's demise. One glaring headline read, "Krieble cracks the Kremlin."

All of this Dr. Krieble has done—spending several million dollars of his own money and devoting all his personal time—without asking anything in return. In that sense he is typical of the generosity of American entrepreneurs.

It was an honor for me to share in Dr. Krieble's work. I might add that in this most recent work I was joined by several other Wisconsinites. My administrative assistant, Todd Schultz, also served as one of the instructors on the government side of the parallel conferences which take place. Also joining us was the president of the Krieble Institute, Paul M. Weyrich, a Racine native and former TV and newspaper reporter in Milwaukee. Louis Andrew, a businessman from Fond du Lac, taught on the business side.

I might add, two other Wisconsinites, J. Fritz Rench of Racine and Terry Kohler of Sheboygan are on the Krieble Institute board of directors and participate actively in the work of the institute.

America—indeed the world—needs more selfless men of principle like Bob Krieble. The world would be a better place if the sort of dedication to principle he exemplifies was more commonplace. I am honored to have played a part in his noble effort.

INTRODUCTION OF THE ENHANCED RESCISSION/RECEIPTS ACT OF 1993

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 1993

Mr. MICHEL. Mr. Speaker, today I am introducing legislation which builds on the legislative line-item veto proposal that has already been introduced by Congressman SOLOMON. My proposal would broaden the focus of the legislative line-item veto to encompass both pork-barrel spending items in appropriations and special tax provisions in revenue bills.

Under this bill the President could rescind all or any part of any discretionary budget authority in appropriations bills or veto any targeted tax benefit within a revenue bill. Congress would then have 20 days after the submission of a rescission or veto proposal in which to enact a rescission/receipts disapproval bill by majority vote of both Houses.

I believe that it is important that the President be able to single out both pork-barrel spending and special tax provisions for an individual vote. Often such provisions are buried in large bills and Members may not even be aware of all of these individual provisions tucked away in an omnibus bill.

As an example, H.R. 11, the Revenue Act of 1992, contained over 50 special tax provisions that totaled $2.5 billion in cost over a 5-year period. H.R. 11 was Congress' response to the Los Angeles riots last spring. The supposed cornerstone of that legislation was the enterprise zone provisions. I was surprised to learn that the 5-year, $2.4 billion cost of the enterprise zone provisions was less than the total for the special tax provisions within that bill. There should be a way for the President to get at such targeted tax benefits providing special treatment to a particular taxpayer or limited class of taxpayers which are buried in massive revenue bills.

I urge my colleagues to review this legislation, a copy of which is printed below, and join me in the effort to provide the President with a legislative line-item veto.

H.R. 493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "The Enhanced Rescission/Receipts Act of 1993".

SEC. 2. LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY.

(a) IN GENERAL.—Notwithstanding the provisions of part B of title X of The Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of any discretionary budget authority or veto any targeted tax benefit within any revenue bill which is subject to the terms of this Act if the President—

(1) determines that—

(A) such rescission or veto would help reduce the Federal budget deficit;

(B) such rescission or veto will not impair any essential Government functions; and

(C) such rescission or veto will not harm the national interest; and

(2) notifies the Congress of such rescission or veto by a special message not later than twenty calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriation act or a joint resolution making continuing appropriations providing such budget authority or a revenue bill containing a targeted tax benefit.

The President shall submit a separate rescission message for each appropriation bill and for each revenue bill under this paragraph.

SEC. 3 RESCISSION EFFECTIVE UNLESS DISAPPROVED.

(a)(1) Any amount of budget authority rescinded under this Act as set forth in a special message by the President shall be deemed canceled unless, during the period described in subsection (b), a rescission/receipts disapproval bill making available all of the amount rescinded is enacted into law.

(2) Any provision of law vetoed under this Act as set forth in a special message by the President shall be deemed repealed unless, during the period described in subsection (b), a rescission/receipts disapproval bill restoring that provision is enacted into law.

(b) The period referred to in subsection (a) is—

(1) a congressional review period of twenty calendar days of session during which Congress must complete action on the rescission/receipts disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional ten days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission/receipts disapproval bill; and

(3) if the President vetoes the rescission/receipts disapproval bill during the period in paragraph (2), an additional five calendar days of session after the date of the veto.

(c) If a special message transmitted by the President under this Act and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission or veto, as the case may be, shall not take effect. The message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such first day.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "rescission/receipts disapproval bill" means a bill or joint resolution which—

(A) only disapproves a rescission of budget authority, in whole, rescinded, or

(B) only disapproves a veto of any provision of law that would decrease receipts,

in a special message transmitted by the President under this Act.

(2) The term "calendar days of session" shall mean only those days on which both Houses of Congress are in session.

(3) The term "targeted tax benefit" means any provision which has the practical effect of providing a benefit in the form of a differential treatment to particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

SEC. 5. CONGRESSIONAL CONSIDERATION OF LEGISLATIVE LINE ITEM VETO RESCISSIONS.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in this Act or vetoes any provision of law as provided in this Act, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded or the provision vetoed;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority or veto any provision pursuant to this Act;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission or veto; and

(5) all factions, circumstances, and considerations relating to or bearing upon the rescission or veto and the decision to effect the rescission or veto, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGES TO HOUSE AND SENATE.—

(1) Each special message transmitted under this Act shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(2) Any special message transmitted under this Act shall be printed in the first issue of the Federal Register published after such transmittal.

(c) REFERRAL OF RESCISSION/RECEIPTS DISAPPROVAL BILLS.—Any rescission/receipts disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

(d) CONSIDERATION IN THE SENATE.—

(1) Any rescission/receipts disapproval bill received in the Senate from the House shall

be considered in the Senate pursuant to the provisions of this Act.

(2) Debate in the Senate on any rescission/receipts disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than ten hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to one hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed one, not counting any day on which the Senate is not in session) is not in order.

(e) POINTS OF ORDER.—

(1) It shall not be in order in the Senate or the House of Representatives to consider any rescission/receipts disapproval bill that relates to any matter other than the rescission of budget authority or veto of the provision of law transmitted by the President under this Act.

(2) It shall not be in order in the Senate or the House of Representatives to consider any amendment to a rescission/receipts disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

MEMORIAL SERVICE FOR FORMER REPRESENTATIVE RICHARD (DICK) ICHORD

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 1993

Mr. MONTGOMERY. Mr. Speaker, former Congressman Richard H. (Dick) Ichord of Missouri died on Christmas Day. On January 7, a memorial service was held in the House Armed Services Committee hearing room for our friend and former colleague, who served in the House from 1961–81.

I want to share with the House the program and the statements of those who participated in this service to remember our good friend. I also am including statements from other Members who wanted to pay tribute to Dick Ichord:

Remarks of Hon. G.V. Montgomery

As Dick looks down on us today, I think he would say, "Thanks for coming, but make it brief so we can go to the gym."

We are pleased to have some members of Dick's family with us. I especially want to recognize Penny Ichord and Kyle White.

I heard from Fred Gage this week. He and Dick wrote a book together years ago. He wanted me to read this portion of the letter he sent from California: "Dick was my friend, and there's a miracle called friendship. It dwells within the heart, and you don't know how it happens or when it gets its start * * * but the happiness it brings you always gives a special lift * * * and you realize that friendship then is God's special gift. Thanks Dick, for giving me and others the special gift of friendship."

Remarks of Dr. James David Ford, Chaplain, U.S. House of Representatives

We are gathered today in loving memory of Dick Ichord and to hear God's words of hope and peace. The Psalms have provided a source of strength for all the years and I will read Psalms 139 and Psalms 23 for they give us the peace of God.

O Lord, thou has searched me, and known me. Thou knowest my downsitting and mine uprising, thou understandest my thought afar off. Thou compassest my path and my lying down, and art acquainted with all my ways. For there is not a word in my tongue, but, O Lord, thou knowest it altogether. Thou has beset me behind and before, and laid thine hand upon me. Such knowledge is too wonderful for me; it is high, I cannot attain unto it. Whither shall I go from thy spirit? or whither shall I flee from thy presence? If I ascend up into heaven, thou art there: if I make my bed in hell, behold, thou art there. If I take the wings of the morning, and dwell in the uttermost parts of the sea; Even there shall thy hand lead me, and thy right hand shall hold me. If I say, Surely the darkness shall cover me; even the night shall be light about me. Yea, the darkness hideth not from thee; but the night shineth as the day: the darkness and the light are both alike to thee. Search me, O God, and know my heart: try me, and know my thoughts: And see if there be any wicked way in me, and lead me in the way everlasting.—Psalms 139.

The Lord is my shepherd: I shall not want. He maketh me to lie down in green pastures: he leadeth me beside the still waters. He restoreth my soul: he leadeth me in the paths of righteousness for his Name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me. Thou preparest a table before me in the presence of mine enemies; thou annointest my head with oil, my cup runneth over. Surely, goodness and mercy shall follow me all the days of my life and I will dwell in the house of the Lord forever.—Psalms 23.

Let us pray: O God, before whose face the generations rise and pass away, the strength of those who labor, and the repose of the blessed dead, we rejoice in the communion of thy saint. We remember all who have faithfully lived and died and especially those most dear to us who rest in thee. Give us at length our portion with those who have trusted in thee and striven in all things to do thy holy will and unto thy name, with the faithful on earth and the faithful in heaven, we ascribe all honor and glory, world without end. Amen.

O, God, who healest the broken in heart and bindest up their wounds, look in tender pity and compassion upon thy servants whose joy has been turned into mourning. Leave them not comfortless, but grant that they may be drawn closer to thee and to one another by their common sorrow. Fill their souls with the light and comfort of thy presence. Grant unto them such a vision of that life wherein all mysteries shall be revealed, and all tears be wiped away, that they may be able to endure as seeing thee who art invisible. So dwell with them and be their God, until the day break and the shadows flee away. Amen.

Remarks of Congressman Ike Skelton

We are all here today because Richard Ichord touched our lives in one way or another. I had the privilege of knowing him as a fellow Missourian and patriot, colleague, and friend.

A native of Licking, Missouri, Dick Ichord was a Navy veteran of World War II, and earned bachelor's and law degrees from the University of Missouri. After serving four terms in the Missouri House of Representatives, including one as speaker, he was elected to the U.S. House of Representatives in 1960.

A conservative Democrat from southern Missouri, he served 10 terms in Congress, from 1961–1981. He worked tirelessly for the rural Missouri district he represented. His successful efforts to designate Ozark National Scenic Rivers in his district will have a lasting impact on the environment and people of central Missouri. He was a true patriot, and was known as a supporter of efforts to maintain our national security and a strong military.

As a member of the House Armed Services Committee, Dick was a champion of Fort Leonard Wood, a key Army base in the district I now represent. His chairmanship of the Research and Design Subcommittee, and promotion of new technologies, helped assure our powerful military arsenal. As he prepared to leave Congress in 1980, he said, "diplomatic power doesn't mean anything without the military power to back it up."

But he was perhaps best known for his six-year tenure as chairman of the House Un-American Activities Committee and the subsequent Internal Security Committee. While fighting the elimination of the committee in 1975, he warned against America letting its guard down on intelligence and security matters. Upon retiring from the Congress, the Army honored him with the Distinguished Civilian Service Award for his outstanding contributions to our national security policy.

He was very active in the American Freedom Coalition, and Dr. Grant, who heads up this coalition, is with us here today. The Honorable Bob Wilson, a close friend of Dick Ichord and also active with the coalition, said he wanted to be here today for this special memorial service.

Dick will be missed by his former colleagues and his many friends throughout our country. He is survived by his widow, Penny; a son, Richard H. Ichord III, of Houston, Missouri; a daughter, Mrs. Pam Ehlers, of Nevada, Missouri; and three grandchildren.

Dick Ichord left his footprints on his south central Missouri district. He left footprints on Fort Leonard Wood Army Base. He left footprints on our national security policy. And he left his footprints in the lives he touched throughout his distinguished career in public service.

Henry Wadsworth Longfellow wrote:

"Lives of great men all remind us
We can make our lives sublime.
And, departing, leave behind us
Footprints on the sands of time."

Dick Ichord left this world a better place than he found it, and I was proud to call him my friend.

Remarks of Hon. Susan Livingstone, Assistant Secretary of the Army for Installations, Logistics and Environment

Penny, Pam, Kyle and friends and colleagues of Dick Ichord.

Your presence here today honors Dick Ichord. And on behalf of his family, I thank you for your personal tribute to him. For some, Dick Ichord was our boss—a man who earned our loyalty and dedication. For some, Dick Ichord was a father and husband—much beloved. For some, he was our friend and colleague—a man known as a work horse, not a show horse—a man who always did what he felt was right—a man loyal to his friends, loyal to his constituents and loyal to his Nation. For some he was our mentor—a man who was at heart an academic and philosopher—who gave us opportunity and helped us grow as individuals. And for all of us, we will miss him.

Dick Ichord was born in the rural farming community of Licking, Missouri, on June 27, 1926. And he never lost sight of his roots. He rode a horse to school. And in that school, he excelled, possessed of an almost photographic memory and ethic of hard work, Ozark pride and strong faith. In those depression years, the times in Licking were hard, but not desperate. Once when Dick was 8, a "federal relief man" came to his Licking school with coffee, sugar, potatoes and fruit. The children all brought a sack home but, the next day, Dick Ichord brought his sack back. In fact, 80% of the children in his school brought their sacks back, an experience which embedded in him the strong belief that if you were physically and mentally able, you should work for what you got. He graduated valedictorian at Licking High and gave a speech which the basketball coach said was "better by far than the guy we paid to speak." Already, he was reaching out to the career of public service which lay in front of him.

In 1944 Dick entered the U.S. Naval Air Corps, flying submarine patrol in the Pacific. Discharged in 1946, he went to the University of Missouri in Columbia on the GI Bill, received a bachelor's degree in accounting, and, taking advantage of the 4th year allowed under the GI Bill, he entered law school. At law school, he got the fever for public service from his friend Warren Hearnes. At 26 he became a Missouri state representative and at 32 was elected the Speaker of the Missouri House, the youngest person to have ever held that position. In just the first three decades of his life, Dick Ichord achieved and contributed more than many do in a lifetime.

Two years later, in 1961, he was elected Congressman from the 8th Congressional District in Missouri, and for the next 20 years served his Nation, his State and his constituents with dedication and vigor, leaving a record of contribution and legacy, such as the creation of the Ozark National Scenic Riverways, which endures today.

The issues he fought for these 20 years remain issues today:

Federal red tape and overregulation;

Deficit spending and the mortgaging of America's future;

The need to preserve a strong defense structure;

The need to make Congress a more effective, productive organizational entity; (in fact, Dick once said, "I think you should measure the value of a legislator by the legislation that he helps to defeat, rather than pass.")

The need to rationalize foreign aid.

He called himself a "Jeffersonian Democrat." Most would say he was a staunch conservative. Indeed, he strongly believed in getting government as close to the people as you could. But he also voted as he saw the issues. He supported the "war on poverty", he supported the 1964 Civil Rights Act, he voted for the Equal Rights Amendment. He voted in favor of public financing of presidential elections. In a statement made in 1977 which rings a clear note today, he said "My friends, you cannot assume the posture of a dove when it comes to defense spending, and then fight like a ferocious tiger when they are going to take a base out of your district."

I could go on. But perhaps two phases sum up Dick Ichord's 20 years in Congress. He had common sense. And he had courage—two personal characteristics that he daily brought to bear to do what was right for this Nation, his State of Missouri and his beloved constituents. Since 1981, he continued that devoted service as a private citizen. When he told his constituents in 1979 that he had decided not to seek reelection, he said that no person is indispensable. He quoted his favorite scriptural passage: "To every thing there is a season and a time", and as he said, for him, it was time "to step forward to new paths of service" to this country he loved so well.

And he did step forward until last month, when a heart attack took him from his family and from us.

Today he has stepped forward to be with God. And while that leaves us with great sadness, Dick Ichord would not want us to grieve. So we do not come grieving. We come hoping and believing, as Dick Ichord did, that today and tomorrow will always be grand days in America and days that can be made even better if all of us as citizens of this great Nation do, as Dick Ichord did, and work hard to serve it.

As Theodore Roosevelt said, "The credit belongs to the man who is actually in the arena—whose face is marred by dust and sweat and blood . . . a leader who knows the great enthusiasms, the great devotions and spends himself in a worthy cause—who, at best if he wins, knows the thrills of high achievement—and if he fails, fails while daring greatly." Dick Ichord was a man in the arena—who always dared greatly. And when the bell tolls for us, we can only hope the same can be said.

So Dick, go with God. This world, this Nation, and all of us are better because of you. And we will miss you greatly.

REMARKS OF RONALD C. WILLIS

Congressional staff members are called upon to do many things for and on behalf of the members they serve. Some things are done as a routine part of fulfilling the role of congressional employee. Other things take on a deeper significance because they involve a personal friend or concern.

Two or three years ago, Ron Dellums asked me to meet with a friend of his regarding a youth program for the District of Columbia. The request was not unusual for Ron as Chair of the D.C. Committee. What was unusual was the caveat he added. He said "Keep in mind, politically you and I could not agree with Dick Ichord on anything and we never will.

However, his heart is in the right place, and for that reason. I want you to do whatever it is you can to assist him." Ron added this note, "I'm not sure what he wants, but I trust him because he has always been a straight shooter."

With that as an introduction, I met with Dick Ichord and became a part of his team to make a difference in the lives of inner city children.

Richard Ichord was president of the Jhoon Rhee Foundation, which developed the "Black Belts Against Drugs" through the "Joy of Discipline" program. This was a true labor of love and one which has impacted the lives of hundreds of grade school children in the District of Columbia and other cities.

Dick believed in this program, and if you look at the list of directors and advisors, he made some others believe in it also.

Let me read to you just a portion of the list:

Hon. Stanley Kimmitt;
Hon. Donnald K. Anderson;
Hon. Robert A. Borski, Jr.;
Hon. Mike Espy;
Hon. Duncan L. Hunter;
Hon. Robert L. Livingston;
Hon. James T. Molloy;
Hon. Howard Pollock;
Hon. Thomas J. Ridge;
Hon. Toby Roth;
Hon. Gerry Sikorski;
Hon. Ike Skelton;
Hon. Gene Taylor; and
Hon. Paul Trible.

A wide range of individuals representing a cross section of the American political system.

What Dick Ichord got us involved in was a program that goes directly to the heart of the problem, facing today's school children. That is, a program of personal discipline and training that brings the child a deep sense of self-worth and begins when the child is in the first and second grades.

Under the firm and loving hand of Master Rhee, the children learn basic rules for living in harmony with themselves and others.

On May 26th of last year, I was privileged to attend the "Joy of Discipline" graduation ceremony for children from seven D.C. public elementary schools. I watched with amazement as 300 children sat in an orderly fashion, eyes forward, and heads straight for nearly an hour.

By the end of the ceremony, all of the adults in attendance were moved nearly to tears at the precision and order these children displayed as they went through the routines that are a major part of the "Joy of Discipline" program.

In the Old Testament, living and dying are considered a part of the great scheme of things. If a man lived a full and generous life, when he died, he was remembered for his integrity, his stewardship and his generosity, and he was buried with his name, that is, with honor, and his name was forever held in the highest esteem.

I believe with all my heart that it can be said of Dick Ichord that, like the great men of the Old Testament, he was buried with his name and shall be remembered for his integrity, his stewardship and his generosity, and as he stands before almighty God, he is judged worthy of a job well done.

THE FEDERAL FOREIGN LANGUAGE INSTITUTE CONSOLIDATION ACT

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 1993

Mr. PANETTA. Mr. Speaker, we are embarked upon a new era. It is an era as yet undefined and unnamed. It will not be characterized by a "new world order," but rather, as we have seen, by regional economic and military competition and ethnic disputes within and among neighboring States. It is an era in which military power will diminish as a tool of larger powers, and it is an era in which economic contests will define nations' power and progress.

At the same time, the interdependence of nations grows inexorably. Our international commerce, monetary flows, trade ties, and multilateral activities with other nations are building layer upon layer of interconnecting relationships among nations. Yet, as citizens of a historically and geographically isolated giant, Americans remain far behind nearly every other nation's populace in their foreign language abilities and in their knowledge of the world around them.

Our competitive edge among nations will hinge upon our productivity, the quality of our work force, our educational systems, and our ability to compete in every economic arena. And our competitiveness will depend in no small degree upon Americans' ability to communicate in foreign languages.

The new era demands innovative thinking about our Federal institutions and our national intelligence resources in particular. It behooves us to focus our attention on outdated national intelligence resources with a view to modernizing and streamlining our education and training resources. I believe that we must also strengthen the human resources of the intelligence community and other agencies, and our foreign language instruction and translation capabilities in preparation for the fast-paced changes occurring in this, the first decade of the rapidly forming new era. Since World War II, the national security apparatus has maintained a well-funded program of instruction in languages for each of its component agencies. The logic of the preceding review leads us to the following conclusion: the Federal Government ought now to devote the same attention and resources to our language and area studies programs tailored not only to national security but also to our economic security.

Accordingly, my purpose today is to call for the transformation of the Defense Language Institute Foreign Language Center [DLI] into the Federal Language Institute. I envision this institution serving as the single organization at which Federal personnel would learn foreign languages and related area issues, at which the Federal Government would translate unclassified documents, and at which a wide variety of foreign language services would be performed for all Federal agencies.

In fiscal year 1991, the Defense Language Institute trained 4,025 students, of which the majority were in the Department of the Army. DLI offers courses covering the entire range of language proficiency and tailored to specialized subject areas. DLI has done an outstanding job of providing expertise in languages not commonly taught in American schools and colleges. Its intensive methods have served to augment existing programs at schools around the country in more common languages, and it has reacted quickly to changes in international relations as demands for language proficiency in different languages have fluctuated.

DLI conducts important research on techniques for language instruction with the use of computer technology and administers other DOD language resources as well as foreign language training under contract with the Department of State's Foreign Service Institute in Washington, DC.

The Institute anticipates receiving advanced translation and communication equipment within the year, enabling it to offer translation and communications services to any Federal agency requiring them around the world and around the clock. The Institute already possesses 6 transmission and receiving devices capable of teleconferencing DLI personnel with other Federal personnel throughout the United States at 60 different sites. DLI features 650 classrooms and 36 language labs, and its library offers more than 80,000 volumes in over 40 languages.

Without exaggeration, DLI can be said to possess the finest instruction facilities in the world, using the most advanced heuristic methods. Rounding out its students' linguistic skills, the Institute also offers courses in area studies, including the history, culture, and politics of the nations in which each language is spoken.

I would add that any needs DLI might have for greater space in the future would be easily remedied through the acquisition of available space at Fort Ord, located just a few miles away. Fort Ord, comprising 28,000 acres, is scheduled to close in the fall of 1995.

After careful study of DLI's capabilities and potential, and consultation with the DLI administration and faculty and other public and private foreign language institutions, I have concluded that DLI's expansion and transformation into an institute serving the entire Federal Government would yield cost savings, streamline our Federal foreign language instruction programs, and provide powerful new incentives and capabilities to our national foreign language instruction and translation apparatus.

This is the kind of bold and innovative approach required in the new era of competition. If we are to adopt fresh approaches and reforms to boost our competitiveness in all aspects of international commerce, we ought to begin by renovating and consolidating our foreign language instruction apparatus.

In conclusion, Mr. Speaker, it is long past the time to bring our Federal language instruction programs into the 1990's and into accordance with the demands of our budgetary constraints. I do not make this proposal lightly. Any innovative plan requires bold leadership, but I hold that we can accomplish greater efficiencies in these programs even as we boost their resources and their applicability. The transformation of the Defense Language Institute into a Federal Language Institute handling language and area studies instruction for the Federal Government would achieve a valuable synergy from which not only governmental but private sector organizations would benefit. A Federal Language Institute will fortify our national economic security and our intelligence community's preparedness for the new age. I urge my colleagues to reflect on the wisdom of this proposal and to join with me to support making the Federal Language Institute a reality.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Foreign Language Institute Consolidation Act".

SEC. 2. CONSOLIDATION.

(a) IN GENERAL.—Each program to learn a foreign language of each agency and department of the executive branch shall be consolidated in accordance with this section into the Defense Language Institute in Monterey, California.

(b) SUPERVISION AND TIME.—The consolidation required by subsection (a) shall be carried out—

(1) under the supervision of the Secretary of Defense, and

(2) within 5 years of the date of the enactment of this Act.

(c) COORDINATION.—The Secretary of Defense, the Secretary of State, the Director of the Central Intelligence Agency, and the Center for Advancement of Language Learning shall coordinate in the consolidation required by subsection (a).

(d) NEW INSTITUTE.—The consolidation required by subsection (a) shall be placed in a new Federal Language Institute. Upon completion of the consolidation under subsection (a), the Federal Language Institute shall incorporate the Defense Language Institute.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 21, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 22

9:30 a.m.

Labor and Human Resources

Children, Family, Drugs, and Alcoholism Subcommittee

To hold hearings on proposed legislation to grant employees family and temporary medical leave under certain circumstances.

SD–430

10:00 a.m.

Foreign Relations

To hold hearings on the prospective nomination of Clifton R. Wharton, Jr., of New York, to be Deputy Secretary of State.

SH–216

11:00 a.m.

Veterans' Affairs

To hold hearings on the prospective nomination of Hershel W. Gober, to be Deputy Secretary of Veterans Affairs.

SR–418

2:00 p.m.

Foreign Relations

To continue hearings on the prospective nomination of Clifton R. Wharton, Jr., of New York, to be Deputy Secretary of State.

SH-216

JANUARY 25

2:00 p.m.

Select on Indian Affairs

To hold hearings on the prospective nomination of Bruce Babbitt, of Arizona, to be Secretary of the Interior.

SH-216

JANUARY 26

9:30 a.m.

Governmental Affairs

To hold an organizational meeting to consider pending committee business.

SD-342

10:00 a.m.

Budget

To hold hearings on the nation's economic and budget outlook.

SD-608

Foreign Relations

Business meeting, to consider the prospective nominations of Clifton R. Wharton, Jr., of New York, to be Deputy Secretary of State, and Madeleine K. Albright, of the District of Columbia, to be the U.S. Representative to the United Nations, with the rank of Ambassador, and the U.S. Representative in the Security Council of the United Nations; and to hold an organization meeting, to consider committee's funding resolution, committee's rules of procedure for the 103rd Congress, and its subcommittee assignments.

S-116, Capitol

Select on Indian Affairs

To hold an organizational meeting, to consider proposed legislation requesting certain funds in operating expenses, and other pending committee business.

SR-485

JANUARY 27

9:30 a.m.

Energy and Natural Resources

Organizational meeting, to consider proposed legislation requesting funds for the committee's operating expenses.

SD-366

JANUARY 28

9:30 a.m.

Governmental Affairs

To hold hearings on proposed legislation to redesignate the Environmental Protection Agency as the Department of Environmental Protection, an executive agency.

SD-342

Rules and Administration

Organizational meeting to consider committee's rules of procedures for the 103rd Congress, membership for the Joint Committee on Printing and the Joint Committee on the Library of Congress, and pending legislative and administrative business, including the committee's budget for the 103rd Congress.

SR-301

10:00 a.m.

Budget

To hold hearings on the nation's economic outlook.

SD-608

FEBRUARY 3

9:30 a.m.

Rules and Administration

To hold hearings on proposed committee resolutions requesting funds for operating expenses for 1993 and 1994.

SR-301

FEBRUARY 4

9:30 a.m.

Governmental Affairs

To hold hearings to examine the General Accounting Office analysis of TRIAD cost effectiveness.

SD-342

Rules and Administration

To continue hearings on proposed committee resolutions requesting funds for operating expenses for 1993 and 1994.

SR-301

FEBRUARY 23

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans.

345 Cannon Building

FEBRUARY 25

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Blinded Veterans of America, the Military Order of the Purple Heart, the Jewish War Veterans, and the Retired Officers Association.

345 Cannon Building

MARCH 2

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Veterans of Foreign Wars.

345 Cannon Building

MARCH 31

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the Veterans of World War I, the Vietnam Veterans of America, the American Ex-Prisoners of War, and the Non-Commissioned Officers Association.

345 Cannon Building

POSTPONEMENTS

FEBRUARY 2

9:30 a.m.

Governmental Affairs

To hold hearings to examine performance measurement in Federal programs.

SD-342

HOUSE OF REPRESENTATIVES—*Thursday, January 21, 1993*

The House met at 11 a.m.

Elder Paul S. Morton, Sr., the Greater St. Stephen Full Gospel Baptist Church, New Orleans, LA, offered the following prayer:

O Lord our help in ages past. Our hope for years to come. Our shelter from a stormy blast and our eternal home.

Dear Heavenly Father, we enter into Your gates with thanksgiving and into Your courts with praise. Your word teaches us in all things give thanks. We thank You for this day. We thank You for this opportunity to share with so many great minds making difficult decisions for this Nation. I pray a special blessing upon these men and women in authority. Lead them and guide them in all their decisions. For You said; in all Thy ways if we acknowledge You, You will direct our path. We pray for that guidance to make for a better world. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from New Jersey [Mr. ANDREWS] will please come forward and lead the House in the Pledge of Allegiance.

Mr. ANDREWS of New Jersey led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ELDER PAUL S. MORTON, SR.

(Mr. JEFFERSON asked and was given permission to address the House for 1 minute.)

Mr. JEFFERSON. Mr. Speaker, it is my privilege to welcome to this House the guest chaplain, who is my pastor in New Orleans, Elder Paul Morton.

Elder Morton came to New Orleans from Ontario, Canada. He came some 20 years ago with a church that had some 600 members, and he now is the pastor of a church that has some 10,000 members. He is the pastor of a church that is unique. He has one church in two locations in our city, and it is the largest church in the State of Louisiana and for many States that adjoin us. So he is a builder, he is a teacher, he is a leader.

Mr. Speaker, we are very proud of him, and on behalf of all who are here today, Elder Morton, I welcome you to the House of Representatives.

SWEARING IN OF THE HONORABLE CASS BALLENGER AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Member-elect present himself in the well and raise his right hand?

Mr. BALLENGER appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, Mr. BALLENGER. You are now a Member of the House.

SELECTION OF MEMBERS TO BE ACCREDITED BY THE PRESIDENT AS OFFICIAL ADVISERS RELATING TO TRADE AGREEMENTS

The SPEAKER. Pursuant to the provisions of section 161(a) of the Trade Act of 1974, 19 U.S.C. 2211, and upon the recommendation of the chairman of the Committee on Ways and Means, the Chair has selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the first session of the 103d Congress: Mr. ROSTENKOWSKI of Illinois; Mr. GIBBONS of Florida; Mr. MATSUI of California; Mr. ARCHER of Texas; and Mr. CRANE of Illinois.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 20, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: For the past 22 years I have had the great honor and privilege of serving the people of Wisconsin as a Member of the U.S. House of Representatives.

On December 22, 1992, President-elect Clinton asked me to become his nominee as Secretary of Defense. Since the Senate has now confirmed my nomination I will be assuming office later today.

Accordingly, I hereby notify you that I have resigned as a Member of the U.S. House of Representatives from the State of Wisconsin to assume the office of Secretary of Defense. Enclosed is a copy of my letter of resignation to Governor Tommy G. Thompson.

I shall always be grateful for the opportunity to serve with you and my colleagues in the House. I look forward to working with you in my new position as Secretary of Defense.

Sincerely,

LES ASPIN.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 12, 1993.

Hon. GEORGE V. VOINOVICH,
Governor, State of Ohio, Columbus, OH.

DEAR GEORGE: I am writing to inform you that I will be resigning my seat in the U.S. House of Representatives effective at the close of business January 31, 1993.

Sincerely,

BILL GRADISON.

RESIGNATION AS A MEMBER OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The SPEAKER laid before the House the following resignation as a member of the Committee on Interior and Insular Affairs:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 6, 1993.

Hon. TOM FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER FOLEY: I would like to resign my appointment to the Committee on Interior and Insular Affairs and retain my appointment to the Committee on Government Operations.

Thank you for your assistance in this matter.

Sincerely,

COLLIN C. PETERSON,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS A MEMBER OF THE COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER laid before the House the following resignation as a member

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of the Committee on Government Operations:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 6, 1993.
Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby submit my resignation from the Committee on Government Operations.

Sincerely,

LYNN WOOLSEY.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 20, 1993.
Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: For the past 22 years I have had the great honor and privilege of serving the people of Wisconsin as a Member of the U.S. House of Representatives.

On December 22, 1992 President-elect Clinton asked me to become his nominee as Secretary of Defense. Since the Senate has now confirmed my nomination I will be assuming office later today.

Accordingly, I hereby notify you that I have resigned as a Member of the U.S. House of Representatives from the State of Wisconsin to assume the office of Secretary of Defense. Enclosed is a copy of my letter of resignation to Governor Tommy G. Thompson.

I shall always be grateful for the opportunity to have served with you and my colleagues in the House. I look forward to working with you in my new position as Secretary of Defense.

Sincerely,

LES ASPIN.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 20, 1993.
Hon. TOMMY G. THOMPSON,
Governor, State of Wisconsin, State Capitol, Madison, WI.

DEAR GOVERNOR THOMPSON: For the past 22 years I have had the great honor and privilege to serve the people of Wisconsin as a Member of the U.S. House of Representatives.

On December 22, 1992, President-elect Clinton asked me to become his nominee for Secretary of Defense. Since the Senate has now confirmed my nomination I will assume this office later today.

Accordingly, I must resign as a Member of the U.S. House of Representatives from the State of Wisconsin effective immediately so that I may assume the office of Secretary of Defense.

It has been a distinct pleasure working with you and the officials of your administration over the past several years. I look forward to working with you and your fellow Governors as I assume my new duties as Secretary.

Sincerely,

LES ASPIN.

Done at Washington, DC, this twentieth day of January, nineteen hundred and ninety-three at 5:05 p.m.

□ 1110

MAKING AMERICA GREAT AGAIN

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, yesterday as the Nation watched Bill Clinton take the oath of office as the 42d President of the United States, we witnessed a seasonal change. The season of hopelessness gave way to the season of renewal.

Today the spirit of optimism and opportunity prevails. All around the country people are inspired to become part of our political process. President Clinton and Vice President GORE have given Americans a new lease on life. They believe great things are possible if only we work together and make the commitment for a greater good, rather than for one's own good.

The President has taken over the reins of power with deftness and a vision for action. President Clinton will keep faith with the promises he has made to the American people to invest in our futures. By example and by ethical deed he will restore the confidence of Americans in their government. Americans will once again have pride in, rather than scorn for, the call for public service.

President Clinton has extended his hand in friendship to Congress and has presented us with the challenge to do good work to make this country great again. He has appealed to the American people to join with him and us in this quest. Working together, we can do it.

PRESIDENT SHOULD SET FIXED DEFICIT TARGET

(Mr. KASICH asked and was given permission to address the House for 1 minute.)

Mr. KASICH. Mr. Speaker, yesterday President Clinton told the Nation that we have to face hard truths and take strong steps to solve our country's problems. Today, he has an opportunity to take a strong step of his own to reduce our $300 billion Federal deficit.

The Budget Enforcement Act of 1990 requires President Clinton to decide today whether to accept a fixed deficit target, or allow the deficit to continue growing. By choosing the fixed target, the President would be sending an unmistakable signal that he is serious about deficit reduction.

A recent New York Times-CBS news poll found that only 26 percent of the American people expect President Clinton to significantly reduce the deficit. Should he accept a fixed target, the President can reassure both those of us in this Chamber and those across the country that he intends to act on the deficit reduction pledges he made in his campaign.

Setting a fixed deficit target would be one of the strong steps President Clinton spoke about yesterday, but it would only be a first step. Should he take it, I and many others on both sides of the aisle stand ready to work with him in the months ahead to reform Government and cut the red ink.

THE WINDS OF CHANGE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, we are in the opening days of a new Congress, fresh from the celebration of our new President taking office. We are full of optimism, energized by hope, and empowered by those who have sent us here to fulfill this country's promise and lead them to a brighter future.

Our first order of business must be to marshal the tremendous resources of this country and, with all the energy we possess, begin to rebuild our economy. We do not start from scratch. Our workers are the most productive in the world, we spend more money on research and development than any other country, and our telecommunications, computer and aerospace industries are world leaders.

And now we have the leadership we need to make the most of these advantages. If we devote ourselves to the task, we can energize our economy, bringing it back to life, and creating jobs and a rising living standard for many hard-working middle class families.

With President Clinton's vision we can make the necessary investments in infrastructure and education and cut the health care costs that will otherwise cripple any recovery.

But we cannot rely on President Clinton alone. We, in this House, must act now to pass an economic recovery program that fulfills the promise that people feel as they look to a new generation of leaders.

On this floor, we too feel the winds of change. Let us get to work.

BEGIN DEFICIT REDUCTION BY NOT REDUCING THE MDA TARGETS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, yesterday's inaugural revelry now turns into today's awesome responsibility as the President finds himself confronted with the problem of the deficit. By law, the President must decide whether to raise the deficit targets or to reduce the deficit. If he is serious about his No. 1 promise to the American people, he has no choice but to leave the targets where they are.

It will be a long journey to reach fiscal responsibility. We won't get there easily or quickly, but we must get there. Today President Clinton should take the first step. By keeping the maximum deficit amount [MDA] targets where they are, the deficit is guaranteed to be smaller. By keeping the deficit targets where they are, President Clinton will insure that we start our journey by going in the right direction.

Yesterday the new President said, "We must provide for our Nation the way a family provides for its children * * *." Families don't do that by living beyond their means and neither does the Federal Government. Yesterday was one of beginnings, today must be one as well. The President must not miss this first opportunity to act on his promises. Let's begin to eliminate the deficit today.

SLEIGHT OF HAND NOT NEEDED IN DEALING WITH DEFICIT

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, the games have begun. The party that took the American debt from $900 billion to $4 trillion starts the lecture off with a sleight of hand on the first day we are on the floor. The reality is that this technical adjustment is the result of changes in the economy that happened automatically over the last several years. At the request of President Bush, in this year the President has to sign for this technical adjustment in the budget process.

At the beginning of this campaign a lot of people tried to identify with Harry Truman. The one thing we ought to learn from the admiration that President Truman received, rightfully, is that he talked to the American people forthrightly and honestly.

The honest statement that the President makes today has nothing to do with the reality of reducing our debt. If we want to work together to comprehensively attack the kind of spending in water projects, in other wasteful programs, we can do that together. If you want to continue the sleight of hand, you will be able to do that. But I think President Clinton and this Congress are going to join together with the American people to deliver an economy that gives people jobs, that deals with economic conversion, reforms in health care, and not the kind of sleight of hand we see from the other side of the aisle this morning.

STATEMENT ON VOTING "NO"

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, with one party now fully in control of both the White House and Congress, Government can no longer hide behind partisan politics to explain inaction on the deficit. The politics are now as simple as the math: If enough Democrats want to join those of us on this side of the aisle fighting for a balanced budget, this country will get a balanced budget.

Regardless of seniority, party affiliation or committee assignment, we all have a vote—and collectively, that vote has the power to stop spending and balance the budget, maybe not in a day, not in a year, but certainly in the next few years. If this Congress wants to show the American people it is serious about deficit reduction, it is time to put votes behind those campaign promises we all kept hearing.

That is why I will be voting "no" on spending bills until we get a commitment from majority leadership for a plan to achieve a balanced budget, and I urge my colleagues to do the same. True, this means voting against some worthwhile expenditures, but we have got to get used to saying "no" before we succumb to the temptation to spend more.

THE CHALLENGE BEFORE US

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, this week's inaugural celebrations underscore the mandate that we in this House have from the American people, a mandate that will sustain us as we move from the inaugural season to confront the challenge facing our country.

We must accept the challenge our new President has put before us, a challenge that will require both concentration and cooperation. Concentration on revitalizing our economy, returning fiscal sanity to our Government, and bringing affordable health care within reach of every American. First things first. Cooperation in ending gridlock and working together for the common good.

It won't always be easy. But with discipline, energy, and the courage of our convictions, we can face hard truths and take strong steps; we can renew America.

PRESIDENT SHOULD SET FIXED DEFICIT TARGET

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, in his inaugural address, President Clinton said, "We must cut our massive debt."

I couldn't agree more.

That is why I urge him to fix a definite deficit target for fiscal year 1994. By doing so, Mr. Clinton could reduce next year's deficit by $22 billion.

This may seem like a small step for our debt, but I assure you it is a giant leap from recent history.

For the last 3 years, we have had floating deficit targets that have made it easier to ignore our increasing debt.

We cannot ignore these debts any longer.

Setting a fixed target will focus our attention on the work that must be done to balance our budget.

Mr. Speaker, this first crucial decision will give us a glimpse into what the next 4 years will be like under President Clinton.

I hope he does not let us down.

□ 1120

LET US SEIZE THE DAY

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, the fog is lifted. The haze of ideology and partisanship that cost people their confidence in this Congress has cleared. The clamor and the bickering that compromised all of us has been silenced, and this change gives us a chance, no more than a chance.

Seize it. It is a decisive moment in the life of this country, for the social and economic ills that plague us all cannot continue to mount or America will be a fundamentally different place where we will not have the opportunity to seize our future again.

Seize this chance or in the future we will find that we deal with circumstances that will be imposed upon us, not a future that we can once again shape with our own hands. Seize this moment or the opportunity will not come again. We will see it each morning, each day and in every debate on this House floor, whether we come here to do the people's business, looking to work together, or only, as we have received a hint again here this morning, to seek opportunities to bicker and to fight, to argue rather than seize the chances to do the people's business.

REFORM OF THE U.S. CONGRESS

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, as I listened to the speeches that have been made here this morning and as I listened to President Clinton yesterday deliver his inaugural address, I was struck with the fact that there is a desire to move ahead and to get things done, as my friend, the gentleman from New Jersey, has just said.

Mr. Clinton yesterday spoke about the need for the American people to have better from this institution, the U.S. Congress. That is why I am ecstatic about work that is about to begin. The gentleman from Pennsylvania [Mr. WALKER] is a member of the Joint Committee on the Organization of Congress, which will begin its work next week.

Interestingly enough, Mr. Speaker, next week we will have the opportunity, after we report out of the Committee on Rules this morning, later this morning a resolution which will put into place an opportunity for the Congress to have on hold an extension of the so-called select committees here so that we will simply extend them for 1 year.

I hope very much that this Congress will do that, allowing the Joint Committee on Organization to, for the first time in half a century, bring about meaningful reform of this institution so that we can, in fact, implement the will of the people.

A WELCOME TO THE NEW ADMINISTRATION AND INTRODUCTION OF LEGISLATION TO AFFECT MILITARY RESERVISTS

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, I rise with my colleagues to welcome a new administration in Washington but not to engage in a partisan colloquy in that regard. We welcome our new President. We wish him well. We hope that Congress and the administration will work together.

I also rise to advise my colleagues that this morning I introduced legislation to correct an inequity to those young men and women who serve in our military Reserves, thousands of whom were called upon 2 years ago in active duty.

Let me tell my colleagues what has happened to many of those young reservists. During the past 2 years they have become unemployed. And yet, when they are called upon on a monthly basis to go for their training renewal and their training requirements, they are paid their expenses for going to the armory, going to the field, camping overnight, doing the things they must do to prepare themselves to protect us.

In the meantime, those dollars that they are using for reimbursement of their expenses are denying them unemployment compensation benefits in most of our States.

I hope that my colleagues will join me in an effort to make it uniform throughout the country that those reimbursements of expenses will not be used in a calculation to deny the young men and women who serve in our military Reserves, who will be needed in the future, who are there to help us, that it will not be used to deny them their unemployment compensation benefits. Please join me in that effort.

REAL DEFICIT RELIEF

(Mr. BACHUS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS of Alabama. Mr. Speaker, yesterday I stood as did most of you on the steps of the Capitol to hear our new President deliver his inaugural address.

He spoke of change and the need to make sacrifices for future generations. I am willing and the people of Alabama are willing to make sacrifices, but sacrifices for deficit reduction without raising taxes. Not sacrifices that result in more Government spending and a runaway deficit. We are pleased to do our part to give our children and our children's children the same opportunities that we have had without the burden of a $3 trillion deficit.

I am a strong supporter of mechanisms that will achieve real deficit relief: the balanced budget amendment, the line-item veto, tax reduction, and various proposals to stimulate private investment.

However, I was deeply concerned by one particular statement in President Clinton's inaugural address, "We must provide for our Nation as a family provides for its children."

Voting Americans are not children and should not be treated as such. Government cannot be all things to all people.

Young children need their parents around all of the time to guide them in every action, to train them, to instill values, and to support them financially and emotionally. This is not the role of Government.

I, along with 44 new Members of Congress sent a letter to President Clinton today vowing to work with him to reduce the deficit without raising taxes.

I will not work with him and I imagine the majority of that group will not work with him to allow government to provide for this country and the people of Alabama as a parent does a child.

ELECTION OF MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES AS MEMBERS OF CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. HOYER. Mr. Speaker, I ask unanimous consent to adopt a resolution that I have at the desk, and I offer that resolution at this time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 34

Resolved, That the following named Members, Resident Commissioner, and Delegates, be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Armed Services: Tim Holden, Pennsylvania; vacancy; vacancy.

Committee on Banking, Finance and Urban Affairs: Calvin Dooley, California; Ron Klink, Pennsylvania; Eric Fingerhut, Ohio.

Committee on Education and Labor: Ron de Lugo, Virgin Islands; Eni Faleomavaega, American Samoa; Scotty Baesler, Kentucky.

Committee on Foreign Affairs: Don Edwards, California; Frank McCloskey, Indiana; Tom Sawyer, Ohio; vacancy.

Committee on Government Operations: Collin Peterson, Minnesota (to rank following Gary A. Condit, California); Don Payne, New Jersey; vacancy; vacancy; vacancy; vacancy; vacancy; vacancy; vacancy; vacancy; vacancy.

Committee on House Administration: Charles Rose, North Carolina, Chairman; Al Swift, Washington; William (Bill) Clay, Missouri; Sam Gejdenson, Connecticut; Martin Frost, Texas; Thomas J. Manton, New York; Steny Hoyer, Maryland; Gerald D. Kleczka, Wisconsin; Dale E. Kildee, Michigan; Butler Derrick, South Carolina; Barbara Kennelly, Connecticut; Ben Cardin, Maryland.

Committee on the Judiciary: Xavier Becerra, California.

Committee on Merchant Marine and Fisheries: Tom Andrews, Maine (to rank following H. Martin Lancaster, North Carolina); Maria Cantwell, Washington; Peter Deutsch, Florida; vacancy.

Committee on Natural Resources: Howard Berman, California; Lane Evans, Illinois; Patsy Mink, Hawaii; Tom Barlow III, Kentucky; Tom Barrett, Wisconsin.

Committee on Post Office and Civil Service: William (Bill) Clay, Missouri, Chairman; Patricia Schroeder, Colorado; Frank McCloskey, Indiana; Gary L. Ackerman, New York; Thomas C. Sawyer, Ohio; Paul E. Kanjorski, Pennsylvania; Eleanor Holmes Norton, District of Columbia; Barbara-Rose Collins, Michigan; Leslie Byrne, Virginia; Mel Watt, North Carolina; Albert Wynn, Maryland; vacancy; vacancy; vacancy; vacancy.

Committee on Science, Space and Technology: Lynn Woolsey, California; Nathan Deal, Georgia; Bobby Scott, Virginia; Xavier Becerra, California (in lieu of ranking as provided for in H. Res. 8).

Committee on Small Business: Martin Lancaster, North Carolina; Tom Andrews, Maine (in lieu of ranking as provided for in H. Res. 8); vacancy.

Mr. HOYER (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. WALKER. Mr. Speaker, reserving the right to object, I would prefer to have the resolution read. I would ask that the gentleman withdraw his request.

Mr. HOYER. Mr. Speaker, I will withdraw it.

The SPEAKER pro tempore. The Clerk will continue to read the resolution.

The Clerk concluded the reading of the resolution.

□ 1130

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Does the gentleman from Maryland [Mr. HOYER] request time?

Mr. HOYER. Yes, Mr. Speaker, I do. I would simply say I had asked for unanimous-consent. Obviously this was not done by unanimous-consent.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. HOYER] is entitled to 1 hour. This is a privileged resolution.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The gentleman in the chair expressed that this is a unanimous-consent request earlier. I would ask the Chair, that is not the procedure we are operating under?

The SPEAKER pro tempore. The unanimous-consent request to adopt the resolution was withdrawn and it is a privileged resolution.

Mr. HOYER. Mr. Speaker, I withdraw the unanimous-consent request, because that was incorrect. My verbiage was incorrect. In fact, this is a privileged resolution, as I understand it, Mr. Speaker, and I move the immediate adoption of the resolution now that it has been read.

Mr. WALKER. Mr. Speaker, if the gentleman will yield, I just had one question that I wanted to get answered.

Mr. HOYER. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I would ask the gentleman, were the names that were just read pursuant to the ratios previously agreed upon between the two parties?

Mr. HOYER. Mr. Speaker, I would say to the gentleman, yes, they are.

Mr. WALKER. I thank the gentleman for his response. That is all I need to know.

Mr. HOYER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRESS AND THE PRESIDENT CAN BRING AMERICA BACK ON THE RIGHT TRACK

(Ms. CANTWELL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CANTWELL. Mr. Speaker, I rise today to congratulate our new President and urge every Member of the House to heed his call to action. This Nation is at a crossroads, and it is time to put partisan bickering aside and step up to solve our Nation's problems. Only if we work together can we bring about real economic growth, address real deficit reduction, and put health care reform where it needs to be.

President Clinton said that as a new generation we are called upon to redefine our country. This 103d Congress is committed to breaking gridlock and bringing about real change. People throughout my district and this country want government to be responsive to their problems. Today Congress and a new President embark on that new path that I think will bring about confidence and make the investment in a new spirit of openness that will address this country's most challenging problems.

These challenges facing us in Congress are daunting, but by working together, not separately but together, we can address these and put the country on the right track.

WELCOME TO WASHINGTON, PRESIDENT WILLIAM JEFFERSON CLINTON

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, welcome, President William Jefferson Clinton.

Welcome to an economy that grew 3.4 percent in last year's third quarter.

Welcome to an economy where inflation rose less than 3 percent last year and where the prime interest rate stands at only 6 percent.

Welcome, President Clinton, to an economy where, over the past 6 months, unemployment fell and more than half a million jobs were created.

Welcome, in short, to an economy that's not booming but is growing, with indicators moving in the right direction.

This is the economy that you represented as justification to remove a sitting President.

You are now in a more enviable position than that held by every one of your predecessors in the 20th century.

On the foreign front, there is no Communist or Nazi threat. This gives you an advantage over any newly elected President in this century.

Domestically, you inherit a stable and growing economy, and your party controls both Houses of Congress.

In short, there is no conceivable reason you cannot succeed except—except for the decisions you and your fellow Democrats will make.

It's all in your hands and, believe me, you will be held accountable. Welcome to Washington.

URGING MEMBERS TO WITHHOLD CRITICISMS AND NEGATIVE SUGGESTIONS FOR ECONOMIC REFORM

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I guess there are some people in town who just cannot wait to resume the same kind of political bickering which has plagued this city and this House for the last few years. I find it ironic that one day after President Clinton asked the country to engage in unification, that instead we are hearing echoes of the past sniping, and we are hearing people ask President Clinton to use a budget technicality in a way which would throw the economy of this country into reverse.

The fact is that we heard no requests for George Bush to do what is now being suggested today by using a technicality to take $22 billion out of the economy, further depressing the economy, at a time when the economy needs growth, not shrinkage.

I would suggest if we want to be responsible and if we want to act in a manner which I think our constituents expect us to act, that we will cease the partisan sniping, that we will hold our tongue for a while, we will get off the new President's back and give him the time he needs to send down a real budget, since we have not been sent one yet, and we are not going to have an opportunity to deal with that until March 15.

I think we will have plenty of time to criticize Presidential economic judgments after some of them have been made. It seems to me one day after he has been sworn in is a mite early, even under the old ways of doing things in this town.

POLITICAL WILL

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, when this House debated a balanced budget constitutional amendment last year, many opponents argued that the amendment simply wasn't necessary. They said Congress and the administration have the power right now to balance the budget, if they would only show the political will to do so. Today President Clinton has an opportunity to demonstrate his will to reduce the budget deficit in a small but significant way.

The Budget Enforcement Act requires the President to notify Congress today whether he intends to fix a definite deficit target for fiscal year 1994 or let the target float as it has done for the past 3 years. The difference is worth noting. With floating targets, our deficits have ballooned from $221 billion in 1990 to an estimated $327 billion this year. By imposing a fixed target, the President could take a step toward reducing next year's deficit by about $22 billion.

That amount might not seem large in the face of $300-billion-a-year deficits. But it is $22 billion that would not be borrowed by government. Consequently, that amount would stay in the private sector as investment in economic growth.

Mr. Clinton has said in recent weeks that he is revising his economic stimulus plans, looking more toward the long term than the short term. Deficit reduction is an absolutely necessary component of long-term economic growth. I hope President Clinton will take this 1 day opportunity to show his commitment to real economic growth for America's future.

DEDICATION TO CHANGE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Mr. Speaker, I wish to say that the members of the Democratic freshman class heard the President when he issued a call for service, and that we are prepared to grant that. We are here, ready to serve all of the American people.

Once in a great while ordinary people, reflecting and looking like many of the American people, caring and progressing, citizens, women, and minorities, have had an opportunity to sit at the table and to make an impact on policies that affect ordinary people. Now that we have had this opportunity, it is incumbent upon us that we be granted the opportunity to serve and to lead, and that we bring to bear that determination to put on the forefront those issues that affect American people.

We also must gain the public trust of the people who sent us and the people who observe us. We do that by making this Congress responsive to the needs of people, families, children, senior citizens. We do that by taking tough decisions when they are unpopular.

□ 1140

We must put family issues, health care, jobs and the deficit at the forefront. That will not be easy. We cannot say either/or. We must do them all.

We cannot deny that this country is suffering, and this Congress is called upon to respond to its needs. We cannot expect to survive in this economy if we stifle our economy with health care costs.

We must join the President with a vision to face the task before us.

INVESTMENT TAX INCENTIVE ACT OF 1993

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I rise to ask that Republicans as well as Democrats start working together to accomplish some of the things that we know need to be done.

Today I am introducing legislation to stimulate the economy by providing a new investment tax incentive to allow increased depreciation for American businesses who invest in new machinery, equipment, and technology.

My proposal, cosponsored by nearly 50 of my colleagues, is a measure to encourage business to buy more equipment to increase efficiency of production. If we are going to increase jobs, we need to be more competitive by being more productive. We need to change tax policy to stop penalizing companies that invest in new equipment and technology. The purpose of the bill is to allow a depreciation deduction for business that is not negated by inflation.

We are in a global market. Every other industrialized country treats business better than the United States to encourage investment in new machinery and equipment.

Our bill, the Investment Tax Incentive Act of 1993, was crafted with the support of the U.S. Chamber of Commerce which has endorsed this concept of neutral cost recovery to index depreciation schedules to inflation.

Under this legislation, business would have the option to choose a new form of depreciation in addition to existing depreciation alternatives. This legislation would not replace existing depreciation laws, but simply supplement them with a new option. Simply put, the legislation adds a factor to represent the time value of money for the depreciation of equipment that will not be taken until future years.

In comparison to G-7 countries, the United States ranks behind Japan, France, Italy, Germany, and Canada in capital investment per worker. Japan alone invests 46 percent more capital per worker than the United States.

The Investment Tax Incentive Act would allow investors to fully recover the value of their investments over the life of an asset and end up creating thousands of new jobs. The United States trails the world in our tax policy to encourage investment. It is not surprising that we lag behind competing nations in the increase of growth in investment and productivity per worker.

Mr. Speaker, the key to stimulating long-term growth for our economy is to reduce the cost of machinery and equipment for business. While I am supportive of the objective to reduce the cost of capital through an investment tax credit, I believe the Investment Tax Incentive Act has advantages that should be considered in any discussion by the Clinton administration on an economic package.

I urge my colleagues to join me in creating jobs for American workers by cosponsoring the Investment Tax Incentive Act.

BEGINNING A NEW AND EXCITING CHAPTER IN AMERICAN HISTORY

(Mr. MCHALE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHALE. Mr. Speaker, yesterday, in the bright sunshine of a crisp winter day, many of us watched as President Clinton placed his left hand on Sacred Scripture and raised his right hand in solemn oath. At that moment we began a new and exciting chapter in American history. President Clinton symbolized and summoned a new generation of leadership. We as a Nation—and we as a Congress—now have the duty to respond.

During the next 2 years the Congress must act boldly to rebuild our Nation's economic strength through lower debt and higher investment, to reform our health care system so that no American, especially no American child, will be without access to basic health insurance, to fully fund Head Start, to enact family and medical leave, to restore the reality and perception of public integrity through effective campaign finance reform, and to reshape our country's defense in the wake of the cold war.

These are not easy challenges, but I am confident they are well within the leadership capacity of our President and the Congress. Historic change is no longer a threat. It is now an opportunity for greatness.

WAR CRIMES RESOLUTION

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I have a resolution which would put the Congress on record in support of war crimes trials with regard to what is happening in Yugoslavia.

I was in Yugoslavia on Labor Day of this past year, in the airport in Sarajevo, in Vukovar when we heard the stories of what was happening; over 50,000 women, many young women, women of all ages having been raped, ethnic cleansings. We were at a concentration camp where conditions were absolutely horrible.

The Congress did not cover itself with glory last year in dealing with this issue. Historians did many stories years after World War II to ask why did not many other countries act because of the atrocities by Nazi Germany. I predict in 5 or 10 years from now historians will say what countries acted and what countries did not act.

The least we can do, and I would ask Members on both sides to join in cosponsoring this resolution. President Clinton, day before yesterday in the New York Times, said that he favors Nuremberg-type trials. I think it is the least we can do.

We went down into a wine cellar in Vukovar and people asked what is the position of the United States. We are the leaders of the free world whether we want to be or not, and how we act makes a difference.

So I ask all Members, please, on a bipartisan basis cosponsor the resolution that would put the Congress on record in support of war crime trials. Otherwise, 5 or 10 years from now, people will say why did Congress not act.

COMMENCEMENT OF THE ADMINISTRATION OF BILL CLINTON

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, I rise to congratulate President Bill Clinton and Vice President AL GORE as they assume office.

Yesterday was indeed an historic day for all Americans. The President, in his tremendous address, spoke of new opportunities for all, and a restoration of hope.

With this new beginning come new challenges. We must remain faithful to the trust the people have placed in us.

The President spoke yesterday about sacrifice, about fostering community in our neighborhoods. He shared a vision of America that can once again be the shining city on the Hill.

President Clinton and Vice President GORE succeeded in their quest for the White House not simply because they heard the voices of Americans disillusioned with their government.

They succeeded, Mr. Speaker, because they listened, and therefore, arrive ready for the challenges ahead.

I look forward to working with the President and Vice President to make real the unspoken dreams and unrealized goals of the American people.

NOMINATION OF ZOE BAIRD AS U.S. ATTORNEY GENERAL

(Mr. CAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMP. Mr. Speaker, I rise today with concern. Zoe Baird, President Clinton's choice for Attorney General, knowingly violated Federal immigration law for more than 2 years. If this is the example the new administration is going to set with regard to law and order, I worry about the future of the American justice system.

Zoe Baird hired two illegal immigrants to work in her home. Hundreds of thousands of American parents with lesser means work full time and find legal ways to obtain child care. They do not break the law.

Zoe Baird's actions raise questions about her credentials to serve as the top U.S. law enforcement official. Her abuse is a discredit to the rule of law. Withdrawing voluntarily from her nomination as U.S. Attorney General is the best thing to do for the integrity of that office and the credibility of President Clinton's administration.

Zoe Baird has not earned the trust to be Attorney General.

THE TIME TO ACT IS NOW

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, President Clinton's message yesterday, the clarion call was one of action, and hope, and it also had another message. It told all of us to put our bumper stickers and our campaign brochures up, the time to take action and govern is now.

The message went forth to the unemployed, and yes the underemployed who make less today than they did just a few years ago, to the 7 percent that are unemployed, those overhung with a $4 trillion debt: The time to act is now.

The message went forth to those of us who believe the economy should be growing at a faster rate than it is with real investment being made: The time to act is now.

To those such as a family in the eastern panhandle who are traumatized with health care costs, to the man and woman who had to resign from their positions to be on public assistance so that they could get vitally needed medical care for their children: The time to act is now.

To those grown disgruntled by business as usual in this Congress and this Government, campaign finance reform must be on the agenda, and cleaning up with new ethical considerations must be on the agenda. The time to act is now.

The President promised change, and the time to act is now for all of us to support President Clinton as he moves this agenda forward.

□ 1150

DEFICITS: A VIEW FROM THE EDGE

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HORN. Mr. Speaker, I rise to congratulate President Clinton on his inauguration as our Nation's 42d President. Despite differences of party and policy, all Americans want to see the economy revitalized and our deficit reduced. Yesterday I wrote to urge President Clinton to reinstate the Gramm-Rudman budget deficit process and to consider a freeze on Federal spending. These policies would forcefully restrain deficit spending.

We need leadership, not meek responses to interest group muscle flexing. I am proposing a solution to the deficit. Some may not like it. If not, they should propose one of their own. But let us show the leadership and willingness to sacrifice. And above all, let us take action now to rectify this situation.

Excepting Social Security, Medicare, Head Start, and interest on the Federal debt, I would like to see a 5-percent reduction in Federal spending for fiscal years 1993 through 1995. A cut of $50 billion and a spending freeze of this sort for 2½ years might reduce the deficit by as much as $200 billion. This proposal would allow the President discretion to move up to 10 percent of appropriated funds from one function to another.

If there is not a plan to reduce the deficit from its current level, I do not plan to cast my vote to increase the ceiling on the Federal debt. Congress and the executive should not support more debt until we begin to address the root of the problem: Runaway Federal spending.

Mr. Speaker, I am including my letter to the President to be printed in the RECORD.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 20, 1993.

Hon. BILL CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Congratulations on your successful inauguration as our Nation's President. Despite differences of party, like all Americans, I want you to succeed.

As I mentioned to you during the Library of Congress reception for new members, I made a pledge to my constituents to work in a bipartisan manner to balance the budget. The annual deficit and the level of the national debt constitute a national crisis. This is the most serious economic crisis since Franklin D. Roosevelt took office in March 1933. Although some of the problems differ in nature from that earlier crisis, it is critical for you to take the same kind of bold steps that FDR took. Action must be taken now, and cannot wait for the next fiscal year.

I respectfully urge you to reimpose the Gramm-Rudman deficit reduction targets and consider the merits of a spending freeze. When California Governor George Deukemjian inherited a previously unforeseen $1 billion deficit from his predecessor, he instituted a freeze on state expenditures within an hour of taking the oath of office.

The Gramm-Rudman deficit target levels, abandoned by the 1990 Budget Enforcement Act, should be reinstated. Under Gramm-Rudman, inflation-adjusted domestic spending grew 1.1 percent annually. Since the Gramm-Rudman targets were suspended, all semblance of fiscal order seems to have been abandoned. Indeed, since Gramm-Rudman's demise, inflation-adjusted domestic spending has increased an average of 7.3 percent annually.

In dollar terms, domestic entitlement spending grew by an average of $5 billion annually during the periods covered by Gramm-Rudman. The similar figures for the period since the enactment of the 1990 Budget Enforcement Act have been $38.5 billion per year. Gramm-Rudman with its sequestration mechanism was clearly more effective in reducing the deficit than the 1990 Budget Enforcement Act.

Excepting Social Security, Medicare, Head Start and interest on the federal debt, I would also like you to consider the merits of a 5 percent reduction in federal spending for fiscal years 1993 through 1995. A cut of $50 billion and a spending freeze of this sort for two and one-half years might reduce the deficit by as much as $200 billion. This proposal would also allow the President discretion to move up to 10 percent of appropriated funds from one function to another. This is the best way to assure accountability for the budget deficit.

If there is not a plan to reduce the deficit from its current level, I do not plan to cast my vote to increase the ceiling on the federal debt. I hope to be able to offer this 5 percent cut and freeze plan when the federal debt increase legislation is before the House. Congress and the executive should not support more debt until we begin to address the root of the problem: runaway federal spending.

I want to support creative approaches for the revitalization of our economy. You have spoken eloquently on this subject. If the needed incentives are to be provided, a freeze on the budgets through FY 1995 must also be provided.

The annual deficit slows private capital formation, raises interest rates, forces future taxpayers to fund current spending, and contributes to the trade deficit. In short, high deficit spending retards the long-term health of our economy. The deficit slows the expansion and modernization of plants and equipment and restrains productivity, growth, wages and living standards. The deficit is at a crisis level. Our fiscal situation will only get worse as our workforce ages and medical inflation continues unabated. I believe that reducing the annual deficit is the most immediate task facing this Congress. I hope you will agree.

With kindest regards,

Sincerely yours,

STEPHEN HORN.

HIGHER EDUCATION IS A NECESSITY

(Mr. ANDREWS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of New Jersey. Mr. Speaker, there is no area of our national endeavors that requires more in the new season of hope called for by President Clinton than the field of education.

Mr. Speaker, people are depending on us, whether it is young parents who are searching for quality affordable child care for their kids, whether it is teachers, parents, and students in our elementary and secondary schools across the country who need not only new resources to educate but new flexibility and new power to make their own judgments about how to educate; they are depending on us.

Also depending on us are millions of displaced workers, millions of young people looking to get a higher education. Higher education is no longer an option in this economy. It is a necessity. It is time that we clean house, clean up our act and straighten out our system of paying for and financing higher education. They are depending on us.

Mr. Speaker, the decisions we make over the next several years will affect the next several generations in the field of education. Now is the time for us to join together, Republican and Democrat, the President and Congress, to make our education system better.

AMERICA WANTS THE CLINTON ADMINISTRATION TO SUCCEED

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, let me salute several of my Republican colleagues who stood up here and made constructive and positive suggestions on the important issues which not only face the Clinton administration but certainly face this Congress. Unfortunately, among the speakers this morning on the Republican side of the aisle, all of those who made comments were not quite as positive.

Let the record show, Mr. Speaker, that fewer than 24 hours after William Jefferson Clinton was sworn in as President of the United States, many Republicans in the House have begun to declare the Clinton Presidency a fraud and a failure. Before the debris has been gathered from the Mall in Washington, DC, while the strains of the Sousa marches and saxophone riffs still ring in our ears from yesterday's inaugural events, several Republicans have already declared that the Clinton Presidency has failed.

The role of a loyal opponent is a difficult one, but I would urge my Republican colleagues to give the new administration the opportunity to lead and succeed. Make no mistake about it, the American people want the Clinton administration to bring us together and to go beyond political stalemate.

I would urge my Republican colleagues not to allow the GOP to stand for "Gridlock on Parade." Let us hope that at least a few Republicans will show that their good wishes to the President yesterday have not disintegrated into political backbiting today.

REAL INVESTMENT

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, we want the President to succeed, and we want to make our suggestions on his success.

Mr. Speaker, recent estimates showing that the Federal budget deficit will continue to grow in the foreseeable future have put virtually all of President Clinton's economic proposals on hold. That is as it should be. The various so-called investments that Mr. Clinton promised are nothing more than a return to the big spending that got us into the deficit problem in the first place. We simply cannot afford them as long as the deficit continues to grow.

It is also important to recognize that reducing the deficit is investment. By reducing Government borrowing, we leave more capital in the private sector, where it gets invested in far more diverse and productive ways than the Government could imagine. This is what produces economic growth.

President Clinton has a chance today—and only today—to show that he truly wants to reduce the deficit and promote private investment. Under the Budget Enforcement Act, the President is to notify Congress today whether he intends to fix a definite deficit target for fiscal year 1994 or let the target float as it has done for the past 3 years. With floating targets, our deficits have increased from $221 billion in 1990 to an estimated $327 billion this year. Imposing a fixed target could reduce next year's deficit by about $22 billion.

This is a small step but a real one. It would demonstrate through a deliberate act that President Clinton wants real investment in the American economy through a determined pursuit of real deficit reduction.

I firmly hope he takes the opportunity seriously.

DISTRICT OF COLUMBIA HOME RULE

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, as the Member who represents 600,000 Washingtonians, I rise with pleasure this morning to welcome a new administration and a new Congress to Washington.

We seek a new partnership with both the administration and the Congress. It is summed up in the very simple words "the right to self-government," respected everywhere in the Nation, including the four territories, except occasionally here in the District of Columbia, where the freedom-loving Congress of the United States sits.

Mr. Speaker, we are burdened this year, as my colleagues have amply pointed out this morning, with awesome problems such as deficit reduction and health-care reform. This is no time to micromanage the affairs of a jurisdiction of the United States, the District of Columbia.

We must work together with the President and the Congress, and I myself will seek in every way to do so, recognizing the constitutional right of the Congress and the President to review our affairs until statehood comes.

But the Home Rule Act, Mr. Speaker, 20 years ago contemplated the District of Columbia would, like every other jurisdiction in the United States, run itself. As American citizens, we are due that respect.

I ask this new Congress to let democracy work its will in the District of Columbia this session.

A PROMISE MR. CLINTON SHOULD KEEP

(Mr. MCINNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCINNIS. Mr. Speaker, I and the Members from the State of Colorado extend their congratulations to the new President and his administration, as well. Yesterday was a day of celebration. Today we begin our work.

Mr. Speaker, since the first of the year, Bill Clinton and his aides have been reevaluating the economic program they promised during the 1992 campaign. The middle-class tax cut, the economic stimulus package, the major health care reform, and other initiatives all seem to have lost their momentum.

Before his inauguration yesterday, Mr. Clinton said the reassessments were necessary because of changing economic conditions—chiefly the recently released projections of Federal budget deficits. If we accept this explanation, then it is further evidence of a warning issued year after year: Persistent budget deficits are making it more and more difficult to govern. Therefore, the most important task of the new administration and the new Congress is to bring the deficit under control.

President Clinton has an opportunity right now, today, to take a step in this direction, but the opportunity will be gone at midnight. Under the current budget law—the Budget Enforcement Act—the President must notify Congress today whether he intends to establish a fixed maximum deficit target for fiscal years 1994 and 1995 or permit the target to automatically increase in response to changing economic conditions.

This may sound like a budget technicality with no real impact, but it's not. Since 1990, using the floating targets approach, the deficit has increased every year, from $221 billion to an estimated $327 billion this year. This has occurred under a budget agreement that raised taxes $167 billion and was supposed to reduce the deficit by $500 billion over five years. According to recent estimates, by imposing a fixed deficit target President Clinton can reduce next year's deficit by about $22 billion.

More important, it would demonstrate that of all the promises made during the campaign, Mr. Clinton intends to keep his pledge to cut the deficit. I strongly urge him to do so.

□ 1200

COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore (Mrs. KENNELLY) laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 5, 1993.
Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,
WERNER W. BRANDT,
Sergeant at Arms.

HEALTH FREEDOM ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. GALLEGLY] is recognized for 5 minutes.

Mr. GALLEGLY. Madam Speaker, I am pleased to introduce today on behalf of myself, Mr. INHOFE, Mr. SHAYS, Mr. COX, Mr. TAYLOR of North Carolina, Mr. STUMP, Mr. BURTON, Mr. HANSEN, Mr. HUNTER, Mr. HASTERT, Mr. UPTON, and Mr. SCHIFF, the Health Freedom Act of 1993, a bill designed to protect the consumers of dietary supplements from unnecessary Federal regulation. This legislation is identical to H.R. 5703, the bill I introduced in the 102d Congress, and to S. 2835, which was also introduced in the last Congress by Senator ORRIN HATCH of Utah, then ranking member of the Senate Labor and Human Resources Committee.

Extensive research has shown conclusively that dietary supplements can and do promote health and prevent certain diseases, especially among certain users. Judging by the amount of mail I have been receiving from constituents, primarily health-conscious consumers, there is widespread concern that the Government seeks to regulate dietary supplements so that they will no longer be readily available to those who wish to purchase them freely. Many people are upset with both Congress and the Food and Drug Administration because they perceive a Government threat to remove from the market beneficial vitamins, minerals, herbs, and other food substances that they wish to use to supplement their regular diet.

Most of us are familiar with the endorsement by scientist Linus Pauling of the salutary effects of ingesting vitamin C tablets and claims by nutritionists and other experts for the health-producing properties of various multivitamins and capsules containing herbs or fish oil or other natural substances. Regardless of what we personally feel about such products, in a free society consumers should be able to purchase any food they want, so long as that product is safe, the labeling and advertising claims about it are truthful and not misleading, and there is reasonable scientific evidence to support such claims.

I have no doubt that there are some Members of this body and bureaucrats at the FDA who believe they know best what foods are good for us and would like to make it as difficult as possible for people to consume dietary supplements that they disapprove of. As a consequence, while the FDA allows people to eat conventional food products that may be high in calories, cholesterol, saturated fat, caffeine, or sodium, or that lack important vitamins or minerals, the agency has raised objections over safe dietary supplements of food substances that many consumers want and many health professionals recommend.

In recent years the FDA has been threatening to impose unreasonable regulatory restrictions on these dietary supplements, thereby making it more difficult or too costly for consumers to obtain. This legislation would remove any threat of such unnecessary and unwise regulations.

What does the Health Freedom Act of 1993 propose to accomplish?

First, this bill provides a definition of dietary supplements that includes and is intended to supplement the diet with a vitamin, a mineral, an herb, or another similar nutritional substance, including a concentrate or an extract of such a substance.

Second, the bill makes clear that a dietary supplement shall not be considered a drug solely because of the potency of a substance in that supplement. This provision extends to all dietary supplements the principle embodied in the so-called Proxmire amendments—section 411 of the FDC Act—as applied to vitamins and minerals; namely, that the FDA may not classify a food substance as a drug merely because it exceeds the level of potency that the FDA believes is nutritionally rational or useful—see title 21, United States Code, section 350(a)(1)(B). The bill also provides that a dietary supplement shall not be deemed a drug solely because the labeling or advertising for the supplement provides information about the potency of a substance in that supplement. In addition, a dietary supplement is not to be considered a drug solely because the labeling or advertising for the supplement contains a health claim of the type permitted under the law.

The bill states that a food substance provided by a dietary supplement is not subject to FDA regulation as a "food additive," provided that the substance is identified in the labeling as being provided by the product to supplement the diet. I do not think that the FDA should impose food additive requirements to prevent consumers from obtaining safe vitamins, minerals, herbs, oils or other similar substances that they knowingly wish to add to their diets through the consumption of dietary supplements. Just look at how the FDA has treated chromium as an "unapproved food additive" and thus illegal when added to dietary supplements, even though chromium is an essential mineral frequently found in dietary supplement products—such as One-A-Day, Centrum, and Geritol, although it is safe and is not optimally present in the diets of many Americans.

The Health Freedom Act of 1993 provides that labeling or advertising about dietary supplements may include claims or other information about the relationship of the supplement, or of one or more of the substances provided by the supplement, or of the absence of one or more of these substances, to a disease or health-related condition, provided that such claims or information are truthful and not misleading and there is scientific evidence, whether published or unpublished, that provides a reasonable basis for such claims or other information.

Dietary supplements must be marketed in such a way that consumers can be readily informed of their health-promoting and disease-prevention benefits. There must be flexibility so that the health-conscious public can keep abreast with scientific advances that show that long-term disease prevention is linked to improved dietary supplementation.

Provided that the information is truthful and not misleading and there is a reasonable scientific basis for such information, manufacturers of dietary supplements should be permitted to provide health-related information, without restrictions or other restraints being imposed by the FDA. The Health Freedom Act of 1993 makes it clear that the FDA cannot establish any requirement that disease- or health-related claims or other information concerning a dietary supplement must be approved by or conform to a regulation issued by the FDA before they can be used in labeling or advertising of that supplement.

Mr. Speaker, I want to emphasize that if a labeling or advertising claim is false or misleading, or if there is not reasonable scientific basis for such a claim, the FDA has the authority to take action against the product involved as a misbranded food. Obviously the Government can prevent the marketing of any dangerous or unsafe food product. Nothing contained in this legislation would affect or remove that power of the FDA to protect consumers.

Finally, the Health Freedom Act of 1993 provides that if the FDA issues a warning letter concerning a dietary supplement, asserting that a disease- or health-related claim is false or misleading or that there is insufficient scientific evidence to back up the claim, the manufacturer or other responsible party may promptly seek judicial review of the merits of the FDA's assertion. Currently, the FDA maintains that when it issues warning letters to makers of dietary supplements, the companies should not be able to test the validity of the agency's allegations by immediate review in a court of law.

Mr. Speaker, I believe that commercial speech should enjoy considerable freedom and latitude, provided the information is not false and there is no deliberate attempt to deceive or mislead. This is certainly as true for dietary supplements as for any other food products. To subject dietary supplements to unnecessary regulation, merely to provide some convenience of enforcement to the FDA, would result in prior restraints on truthful labeling and advertising of these products.

In my opinion, the Health Freedom Act of 1993 is a reasonable approach to the problem of balancing the interest of Government in protecting consumers against fraudulent and misleading claims with the right of consumers to purchase dietary supplement products and companies to sell such products to the public without undue Government interference with the free flow of health- and disease-related information.

I realize that in the waning days of the 102d Congress, the Congress saw fit to pass legislation providing for a 1-year moratorium to December 31, 1993, on regulations related to dietary supplements under the Federal labeling law. However, the basic issue remains—the FDA has no business regulating dietary supplements at all, and there is no need for it. This legislation will take care of that problem and remove the threat of regulation once and for all.

I ask my colleagues to support this legislation, and I urge the Congress to act on it as soon as possible. Mr. Speaker, I submit the complete text of the bill.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Freedom Act of 1993".

SEC. 2. DEFINITIONS.

(a) DIETARY SUPPLEMENT.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following new paragraph:

"(ff) The term 'dietary supplement' means an article that—

"(1) includes, and is intended to supplement the diet with—

"(A) a vitamin;

"(B) a mineral;

"(C) an herb; or

"(D) another similar nutritional substance, including a concentrate or extract of an item described in clause (A), (B), or (C); and

"(2)(A) is intended for ingestion in a form described in paragraph (1)(B)(i) or (2) of section 411(c), or another similar form; or

"(B) complies with section 411(c)(1)(B)(ii).".

(b) DRUG.—Section 201(g)(1) of such Act is amended by adding at the end the following: "A dietary supplement shall not be considered to be a drug solely because of the potency of a substance in the dietary supplement. A dietary supplement shall not be considered to be a drug under clause (B) solely because the labeling or adverting for the supplement contains a claim, or provides information, that is described in section 413(b) and meets the requirements specified in paragraphs (1) and (2) of such section, or that concerns the potency of a substance in the supplement.".

(c) FOOD ADDITIVE.—Section 201(s) of such Act is amended—

(1) by redesignating subparagraphs (1) through (5) as clauses (A) through (E), respectively;

(2) by inserting "(1)" after "(s)"; and

(3) by adding at the end the following:

"(2) A substance in a dietary supplement is not a food additive if the substance is identified in the labeling of the dietary supplement as a substance provided by the product to supplement the diet.".

SEC. 3. DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

"SEC. 413. LABELING AND ADVERTISING OF DIETARY SUPPLEMENTS.

"(a) DESCRIPTION.—Notwithstanding any other provision of this Act, an article that is a dietary supplement may be described as a dietary supplement in labeling or advertising.

"(b) RELATIONSHIP TO DISEASE OR HEALTH-RELATED CONDITION.—Notwithstanding any other provision of this Act, labeling or advertising for a dietary supplement may include a claim or other information that characterizes the relationship of the dietary supplement, or of one or more of the substances provided by the dietary supplement, or of the absence of one or more of the substances, to a disease or health-related condition, if—

"(1) such claim or other information is truthful and not misleading; and

"(2) there is scientific evidence, whether published or unpublished, that provides a reasonable basis for such claim or other information.

"(c) PROHIBITION ON PRIOR APPROVAL OR REGULATION.—Notwithstanding any other provision of this Act, the Secretary shall not establish any requirement that such a claim or other information that meets the requirements specified in paragraphs (1) and (2) of subsection (b) shall be approved by or conform to a regulation issued by the Secretary before the claim or information may be used.

"(d) ACTIONS.—

"(1) RIGHT OF ACTION.—If the Secretary asserts that labeling or advertising for a dietary supplement includes such a claim or other information that fails to comply with paragraph (1) or (2) of subsection (b), whether the Secretary makes the assertion in a warning letter issued by an officer or employee of the Department, or in connection with another action to enforce a provision of this Act, the manufacturer, processor, packer, distributor, or retailer, of the dietary supplement, or other person to whom the assertion is addressed, may—

"(A) bring an action in a United States district court in any appropriate judicial district under section 1391 of title 28, United States Code, to secure a declaratory judgment regarding the validity of the assertion; and

"(B) obtain any other means of judicial review authorized by law.

"(2) INFERENCE.—The absence of any action described in subparagraph (A) or (B) in paragraph (1) with respect to an assertion shall not establish any inference that the assertion is valid.".

(b) CONFORMING AMENDMENT.—Section 403(r)(5) of such Act (21 U.S.C. 343(r)(5)) is amended by striking clause (D).

HEALTH CARE COST CONTAINMENT AND REFORM ACT OF 1993, H.R. 200

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Madam Speaker, today I am pleased to introduce H.R. 200, the Health Care Cost Containment and Reform Act of 1993.

This bill is the product of hard work and careful thought by the Democratic members of the Subcommittee on Health of the Committee on Ways and Means during the 102d Congress.

H.R. 200 addresses the fundamental problems that plague our health care system today. It responds to the No. 1 concern of the American people by establishing real and significant cost controls in the health-care sector—cost controls that really work, and are not just rhetoric.

Through a disciplined national health expenditure budget enforced through State cost containment programs and through local health maintenance organizations, the bill assures that skyrocketing health costs will finally be brought under control.

This bill provides for a managed competition system throughout the country to assure that consumers have a choice of cost-effective health plans. Under H.R. 200, individuals would have the freedom to elect coverage under a managed-care plan; there are no requirements for enrollment under the bill.

H.R. 200 would also implement significant improvements in the health insurance system. These reforms are designed to assure the availability of private insurance at a fair price, regardless of health status or condition.

A uniform electronic system for health insurance would be created by the bill to minimize unnecessary and costly paperwork. It also imposes strict Federal standards to combat health care fraud and abuse.

This bill is a significant and important step forward toward universal health insurance coverage. Under this bill, 25 million of the 35 million uninsured Americans would be provided health insurance through the Medicaid Program within the next decade.

This bill establishes a framework for universal health insurance coverage without prejudicing the discussion of future comprehensive reform plans. It is compatible with all of the major alternatives now under discussion including a Canadian-style comprehensive plan, a fully public system, Medicare for all, and a pay-or-play plan.

It should be emphasized that H.R. 200 includes no new taxes. Savings achieved from cost containment are used to expand health insurance coverage and to improve benefits under the Medicare Program.

All cost provisions are fully funded with savings achieved from cost containment, rather than taxes.

HEALTH CARE COST CONTAINMENT

The American people are justifiably concerned about the rising cost of health care.

Health care costs are out of control, increasing at more than 12 percent a year, more than three times the rate of general inflation.

Rising costs are driving up health insurance premiums by more than 15 percent each year. At the current rate of increase, health insurance premiums will double every 4 years.

Ever-increasing costs at the No. 1 reason small businesses are not providing health insurance to their employees.

Rising costs restrict our ability to compete in international markets. The United States spends more on health care as a percent of its gross domestic product [GDP] than any of our major trading partners.

The United States spends 14 percent of our GDP for health, whereas Canada is at 9 percent, Germany is at 8 percent, and Japan is at 6 percent. While health as a portion of the GDP remains relatively constant for many countries, in the U.S. health is expected to continue to grow to 18 percent of the GDP by the end of the decade.

Under this plan, a national health budget would be set for 1995 to reflect current spending plus 1 percent less than the projected increase. The annual increase would phase down over 5 years to equal the increase in the nominal GDP.

Total payments to hospitals and physicians would not be reduced. When the growth limits proposed in this bill are fully phased-in, hospital and physician payments would grow at the rate of increase of the economy as a whole, about 6 percent a year.

The annual increase in national health spending would be held to preset levels through a three-part system of State programs, qualified HMO's and a system of residual maximum payment rates.

Under this bill, States could establish their own payment programs for hospital and/or physician services, however, the total cost of services covered by a State program would be limited to the projected total costs for such services under the national rates.

It is anticipated that over several years, most States would establish State payment programs. The national payment rates would only apply to providers in States without approved programs.

The residual national maximum payment rates for hospitals, physicians, and other health services would be set annually following Medicare methods. The rates would be the maximum could be charged by providers for services payable by insurers or individuals.

MANAGED CARE AND MANAGED COMPETITION

The bill includes strong incentives to enhance the development of cost-effective managed care. The bill would also create a new system of health-plan-purchasing cooperatives to enhance competition in the health care financing system.

Under the bill, all health care plans, including HMO's, PPO's, and other types of managed-care plans would be free to negotiate rates below those set under the national payment rates. In addition, staff and group model HMO plans could negotiate rates with hospitals and physicians directly, as they would be exempt from all of the provisions of the national payment rate program.

To assure the creation of more staff and group model HMO's, the bill would provide grants to develop and expand these cost-effective types of managed-care organizations. Staff and group model HMO's are the only types of managed-care organizations for which there is solid evidence of effectiveness in controlling costs; therefore, developing organizations of this type is an important part of the bill's overall cost containment strategy.

The bill creates a new system of health-plan-purchasing cooperatives throughout the Nation. These cooperatives will allow employers and employees to choose cost-effective health care plans on a competitive basis.

HEALTH SYSTEM REFORMS

H.R. 200 would provide for significant reforms of the private health insurance system, bringing fairness and reliability to the private market. It would greatly simplify the administration of the health care system, saving tens of billions of dollars in paperwork costs each year. It would set up tough Federal standards to combat fraud and abuse in the private sector.

It is not surprising that Americans are demanding a response to the problem of health insurance coverage. Our constituents are worried that they will lose their health insurance when they need it most or that their insurance will not be adequate to cover their medical expenses.

There is great fear about job lock, not being able to change jobs because preexisting condition exclusions at a new employer will curtail coverage for an existing illness.

The health insurance reforms of this proposal provide for real, comprehensive reform of the health insurance system. The reforms will apply to all insurers, not just those in the small group market.

The plan would impose nondiscrimination requirements for all employer groups, including self-insured groups. Discrimination based upon health status or medical condition would be prohibited.

Health insurers, other than self-insured employer groups, would be required to provide year-round open enrollment for groups and individuals within a geographical area. Premiums would be based on community rates phased in over 3 years. Renewals of policies would be guaranteed.

Under the proposal, workers would be protected from job lock. Preexisting condition exclusions would be limited to the first 6 months a worker is employed. Any worker changing jobs with less than a 3-month break in employment-based health insurance coverage, including coverage under COBRA, could not have a exclusion period applied. Preexisting exclusions would otherwise be limited to a 6-month period.

The U.S. health care system is severely crippled by unnecessary paperwork requirements and multiple layers of rules imposed by 1,500 health insurance companies and thousands of self-insured plans.

The administrative simplifications proposed in this bill would virtually eliminate costly paperwork. Under this proposal, there would be uniform, electronic billing for all health insurance claims. Electronic billing will save doctors, hospitals, and payers billions of dollars in claims processing costs.

A uniform system for processing claims would assure that all claims are processed in the same way. Uniformity in processing will allow doctors and hospitals to reduce their current staff assigned to billing by more than 60 percent. This would also have the benefit of assisting providers in meeting the cost containment targets of the bill.

The plan calls for universal health insurance identification cards. Coupled with computerized verification of eligibility and benefits, this reform would allow doctors and hospitals to know up front who to bill for services.

In addition to insurance reform and administrative simplification, the plan would establish a federally coordinated program to fight fraud and abuse in the health care system.

Fraud and abuse wastes vast amounts of vital resources every year. According to the U.S. General Accounting Office, $80 billion each year is lost to fraud and abuse. The GAO report found there to be a general failure on the part of private payers to develop effective systems to control fraud.

The bill, in applying Medicare's proven and effective fraud and abuse policies, would establish a coordinated program to control health care fraud and abuse in both private and public health care programs.

EXPANSION OF BENEFITS

H.R. 200 would provide health insurance coverage to approximately 25 million low-income Americans under a greatly improved Medicaid Program.

Under the plan, all pregnant women and children to age 18 with income up to 200 percent of the Federal poverty line would be eligible to be covered under the Medicaid Program on a phased-in schedule beginning October 1, 1997. All nonaged adults with family income up to 200 percent of the Federal poverty level would be eligible for benefits by fiscal year 2003, with phased-in coverage beginning on or after October 1, 1999.

The new benefits provided by this plan would be fully funded with Federal dollars, preventing further burdens on State budgets.

All of the Medicaid provisions of the bill are, of course, under the jurisdiction of the Committee on Energy and Commerce, and would be considered by that committee.

The bill would establish a new voluntary health insurance program for children to age 19. Parents would be able to buy into the public plan in order to purchase reasonably priced health insurance for their children.

The plan would provide coverage for newborn, well-baby, and well-child care without copayments or deductibles. In addition, it would cover the usual Medicare-type services.

A second benefit funded with savings achieved from cost containment would be prescription drugs for the elderly.

Under this bill, coverage for outpatient prescription drugs would become a part B benefit. It would be subject to a deductible—$850 in 1997—and would be funded with the usual 25-percent premium.

In addition, the bill would establish special coverage for low-income senior citizens. Beneficiaries with income below 100 percent poverty, known as qualified Medicare beneficiaries, would be entitled to prescription drug benefits under the State Medicaid Program, and would not be subject to the Medicare prescription drug copayments.

The bill would also improve Medicare coverage of essential preventive health services. It would provide Medicare coverage under part B for annual mammography screening, colorectal cancer screening, and annual influenza and tetanus vaccinations.

Finally, this bill would help self-employed farmers and others who purchase health insurance on their own. It would allow such individuals to deduct up to 100 percent of their health insurance expenses effective January 1, 1993.

CONCLUSION

H.R. 200 will control the growth in the health care costs, greatly simplify the health care system, and provide coverage to more than half of the uninsured Americans.

Health care costs in the United States must be limited someday. We cannot afford to spend 18 percent in the year 2000—or 30 percent by 2020—of our economy for health care when our major trading partners like Canada spend 9 percent or Japan only 6 percent.

The costs to our society and to our economy as a whole of spending hundreds of billions of additional dollars in health care are far too high.

I urge all my colleagues to join the support for the Health Care Cost Containment and Reform Act of 1993.

THE FLOATING DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Madam Speaker, we had some interesting discussions on the floor today with regard to the maximum deficit amount, and I thought it was particularly interesting that the gentleman from Illinois [Mr. DURBIN] came out here and did a hit and run and then left the floor accusing the Republicans of being partisan today by raising the question of the maximum deficit amount and saying that some Republicans had said already that the Clinton administration had failed. It sounded to me as though he prepared the remarks in advance and was going to just have Republicans being bad guys regardless of what was said.

But the fact was I heard no Republican today suggest that the Clinton administration was a failure. I think he was absolutely wrong. I listened to every speech that was made on the floor today, and I heard no Republican say that. What I did hear was a number of Republicans raise the question of the maximum deficit amount. I also heard Democrats tell us that this is a mere technicality that ought to be ignored and to even suggest that somebody ought to do something about it is to suggest that we are not willing to cooperate with the President.

Well, let us talk a little bit about the history of the maximum deficit amount and then decide whether or not this is a mere technicality. First of all, when the 1990 Budget Act was passed, with only a few Republican votes, this was not something that the Republicans crafted and supported. There were only a handful of Republicans who passed this bill. It was mostly supported by Democrats.

The Democrats crafted the bill, they wanted tax increases and they wanted the bill rewritten. One of the things that was done in that particular bill was to eliminate the deficit targets or the deficit amounts, the maximum deficits under the Gramm-Rudman Act. The Gramm-Rudman Act was effectively suspended for the years 1992 and 1993. And what we said was, instead of having upward limits on the amount of deficit we would have, we would allow it to float.

Now, as most Americans know, what happened is it floated upward. So instead of meeting what we had hoped back some years ago would be the maximum deficit, what we ended up with was very, very high deficits and going up. However, the correction built into the system was that after the years 1992 and 1993, when we got to 1994 and 1995, then we were going to have the President make a decision as to what should happened in those years, whether or not we would allow the deficit to continue to float, probably upward, or whether we would again establish maximum amounts that the deficit would be allowed to go to and therefore we would have to make real adjustments in spending.

The date put in that bill, years ago, the date put in the bill for the President to make that decision, was January 21, 1993. Now I would have to suspend, I will tell you, that one of the reasons why the date was put in there was because a number of Democrats at that time did not believe that they were going to win the Presidency in 1992 and so therefore they were seeking to embarrass a Republican President the day after his inauguration. That is an assumption I have. Maybe I am wrong, but the fact is that was the date built into the law.

This is not a mere technicality, this is something that was built specifically into the law to make the President make the decision about what maximum deficits would look like. That date is today.

Republicans had nothing to do with that; we did not vote for the bill, we did not craft the language. This is something that the Democrats came up with as a time in which a decision had to be made about maximum deficit amounts.

Today is that day. The President of the United States is President Clinton. Many of us thought that the analysis that he gave on the steps yesterday was in fact the right analysis of what is happening in the world. One of the things he mentioned clearly was the fact that the deficits that we have been mounting and the debt that we have accumulated are in fact destroying our economy.

The fact is that right today there is a chance to make a decision, not some technicality, a decision pursuant to law. The law, as passed in 1990, says that today is the day that Presidents should make the decision about how much deficit we are going to have in 1994 and 1995. This is not just something which is a 1-day kind of decision. This says what we are going to have as far as maximum deficits allowable in both 1994 and 1995. It is not something that can be repeated sometime later. The decision under law has to be made today.

So, if it is not made today, the fact is the deficit will be allowed to float not only in 1994 but it will be allowed to float upward again in 1995.

That is what the Nation cannot afford. Those massive deficits have accumulated the massive debt that we are now buried under. American families today owe about $16,000 per person as a result of that debt. Today the President can do something about it. He ought to fix the maximum deficit amount.

□ 1210

UPDATE ON BNL INVESTIGATION

The SPEAKER pro tempore (Mrs. KENNELLY). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Madam Speaker, I take the floor today to update my colleagues on the Banking Committee's investigation of Banca Nationzale del Lavoro, or the BNL as it is popularly known. Since we adjourned last October, much has transpired and a lot of things have happened that I want to bring my colleagues up to date on.

For one, the Italian Senate voted to reestablish or create a second commission to look into the BNL scandal. I have reported on numerous occasions how well I had worked with the previous and the first investigating committee of the Senate in Italy with Chairman Carta at the time and how when we were refused documents on the orders of the late departed, but not lamented Attorney Generals Barr and Thornburgh, to such entities as the Federal Reserve Board not to turn over documents to us, we were very much able to obtain those same documents from the Italian Senate Investigating Committee.

Also, top BNL executives in Rome were indicted in Venice, Italy, for their role in secretly financing the sale of over $100 million in armaments to Iran.

In December BNL sued the United States Department of Agriculture, as I had been saying all late last year and which our Government, through the State Department and Justice Department were doing their best to help BNL recover the $340 million from the taxpayers on defaulted Iraqi loans that were guaranteed by the United States Department of Agriculture's Commodity Credit Corporation. I ask my colleagues to look back into the RECORD if you are interested to get the particulars. Anyway, in the meanwhile in December BNL sued to recover over $340 million in defaulted Iraqi loans that were guaranteed by the United States Department of Agriculture's Commodity Credit Corporation [CCC].

December also saw Judge Lacey, Attorney General Barr's patsy, announce that there was no need to appointment an independent counsel to look into the Justice Department's handling of the BNL scandal. At best Lacey's probe was a whitewash. Of course Judge Lacey's law firm did receive a bundle of taxpayer money for his strained and much discredited explanations.

True to form, the Bush administration stuck to the bitter end with its refusal to turn over all documents related to Iraq and the BNL scandal requested by the Banking Committee and also subpoenaed by the Banking Committee. Top officials of the White House, Justice Department, CIA, State Department, and other agencies decided against turning over hundreds of BNL-related documents requested or even subpoenaed by the Banking Committee.

Finally, in Great Britain, John Major's government felt the wrath of public discontent when government documents disclosed during the aborted Matrix-Churchill trial revealed that the highest levels of the Major and Thatcher governments secretly approved Matrix-Churchill export licenses knowing that the sophisticated machine tools were destined for Iraqi armaments factories.

Incidentally and by way of parenthesis, those revelations came after contact by Parliament Members with us and then a Member of the Parliament of the mother country placing in public a display of the documents, and mind you, in Great Britain, can you imagine what would have been done to me if we in America did not have the first amendment or if we had what Great Britain has, which is actually censorship through their secret documents proviso, which makes it a criminal offense, but the British and the Members of the Parliament are far more attuned to their constitutional history than we are here. So this Member of Parliament caused great exultation in Great Britain last year when he placed for public record in the record of the proceedings those documents.

The occurred machine tool transactions destined for Iraqi armament factories through Great Britain despite a so-called British Government ban on such sales.

The reason for the approvals was supposedly that United Kingdom intelligence organizations, MI5 and MI6, were gathering information on Iraq's technology procurement network through several Matrix-Churchill employees. Key players in the Thatcher and Major governments also argued for approval of the licenses under the pretext that the British machine tool industry needed the Iraqi orders to stave off extinction. Whether the sales were for intelligence gathering purposes or to preserve British jobs, or possibly both, is impossible for us on this side of the Atlantic to tell. What is clear is that the Iraq-BNL scandal befuddled governments on both sides of the Atlantic, and revealed the dirty underside of policies that cannot differentiate between addition to the arms trade and genuine national interest.

There are still many unanswered questions related to the BNL scandal and the prewar Iraq policy. Events such as the British version of Iraqgate, so-called, raise many additional questions, particularly, as I have said before, to us who are interested from the banking aspect and the protection of our very vulnerable system, financial and banking system in our country. I have gone into that before. I will not now.

This is where we are headed. We are trying to get the full information so that we can shape and mold legislation that this country has desperately needed and needs now more than ever. This now amounts to almost $1 trillion that is working through the arterial system or financial system in the United States. I would say that over 80 percent of that is involved in illegal drug money laundering operations, direct and indirect. Should we not be concerned? Should we be obstructed in that endeavor?

I cannot understand the willful and the most bitter partisan attempts to try to gag us on the Banking Committee.

Did the British Government explicitly inform the Bush administration that Matrix-Churchill had a United States affiliate operating in Cleveland, OH, as we have brought out? Did the United Kingdom Government inform the United States that Matrix-Churchill's exports to Iran were being financed by an Atlanta, GA, bank called Banca Nazionale del Lavoro [BNL]? It seems impossible that Britain would have gathered all this information about Matrix-Churchill and BNL, and not share that information with our Government. This means that President Bush must also have known—how else can we conclude otherwise—what Saddam Hussein was doing, and decided to tolerate it—the evidence of this is clear and plentiful. A myriad of questions need to be addressed before the Banking Committee ends its investigation.

Not all the facts have been laid upon the table for the public to see, evaluate, and digest. I pledge to continue the investigation until all important questions are fully investigated and satisfactory answers are obtained, and we are in a good, plain, and explicit condition to offer the legislation our national interest demands.

The Congress and citizens of this Nation deserve no less than a complete accounting of the activities of this last administration in its handling of the BNL scandal and the prewar policy toward Iraq.

LACEY REPORT ON BNL A WHITEWASH

On October 16, 1992, Attorney General Barr appointed retired Federal Judge Fred Lacey to conduct an investigation of limited scope of matters dealing with the Justice Department's handling of the BNL scandal.

□ 1220

At the time of the appointment, the Justice Department, CIA, and other agencies were under severe pressure from several congressional committees and the press for their role in the bungled handling of the BNL prosecution and the conduct of the prewar policy toward Iraq.

Attorney General Barr, after consultation with Boyden Gray, President Bush's lawyer and eminence grise, appointed Judge Lacey as special counsel to quell the growing negative publicity associated with the BNL scandal. From the start it was apparent that Judge Lacey was nothing more than a lackey. For example, in appointing Judge Lacey, Attorney General Barr limited the scope of the inquiry to issues surrounding the Justice Department's handling of the BNL case. Mr. Barr's request to Judge Lacey and the ensuing investigation ignored several most important issues raised during the course of congressional investigations of prewar Iraq policy.

Mr. Barr's letter to Judge Lacey outlining his responsibilities totally ignored charges that the White House and the Commerce Department altered export licensing information prior to providing the information to the Congress. Judge Lacey took a cursory look at the allegations, but typical of the entire Lacey investigation, key witnesses such as former Export Administration Director Dennis Kloske were not interviewed and key documents showing White House involvement in the document alternation were not requested. Lacey concluded that the issue merited further investigation, but of course he did not go as far to suggest that an independent counsel, truly independent, investigate the charges. After all, his job was to find a way to justify not appointing an independent counsel. There are other flaws in what I call the Lacey Job. Two weeks after appointing Judge Lacey, Attorney General Barr ordered Lacey to report on his findings by December 8, 1992. In other words, Judge Lacey was given just 6 weeks to become familiar with the voluminous documents and to fully investigate all the potential avenues. Even Judge Lacey admitted he did not have time to conduct as thorough an investigation as he wanted or, rather, as a conscientious worker would have demanded. Mr. Barr's artificial deadline was most unfortunate and obviously premeditated. To top it off, an entire appendix of the Lacey report, supposedly packed with evidence showing that the Justice Department and CIA were vindicated of any wrongdoing in their handling of the BNL case, were stamped with the highest security classification in the land. They are still secret. If these documents were supposed to vindicate, why hide them? This classification meant that the public and committees in Congress were denied access to the documents, and of course, the ability to evaluate the documents for themselves. The Bush administration tried to use this same secrecy technique to keep documents about the failed prewar Iraq policy from public and congressional scrutiny.

Let me point out to my colleagues where we are in our national security state. This last administration was securitizing—that is, it was stamping "security classification" on 7,117,017 documents in a year. That is over 19,000 a day. What point have we reached in America when a government can embrace and control that kind of power with the sole purpose in mind of keeping it secret? And from whom? The American people and by consequence, the Congress. That is 7,117,017 documents a year, over 19,000 a day.

There are more flaws in the Lacey investigation, and I will address those in a future floor statement. At present, the Justice Department is dragging its feet in turning over all BNL-related prosecution documents requested by the Banking Committee. When I get all the appropriate documents from the Justice Department, I will make a further report and evaluation of the so-called Lacey report. I hope that the new administration will prove more cooperative.

Meanwhile in another development, the Italian Senate voted in November to create a second special commission to look into the BNL scandal. Interest in forming a second Italian Senate Commission was reignited last September when I revealed on the House floor that the CIA had information showing that BNL's top management was aware of the supposedly illicit loans to Iraq.

If that is the case—and we know it is—their lawsuit to try to get over $300 million from the taxpayers will not have any grounding. But who was the one who was getting up and trying to save these henchmen? It was our State Department, our Justice Department, all of those involved in the so-called Rostow Gang, from the National Security Council, of all places.

So that the information we brought out and that triggered this agitation in Rome that led to the formation of the second Senate investigating committee was contrary to the first Italian Senate Commission's findings which could not offer much hard proof that BNL's top executives were aware of the over $5 billion in BNL Atlanta loans to Iraq.

The final Italian Senate report was critical of the BNL management and concluded, based on numerous convincing pieces of circumstantial evidence, that BNL's top management must have known about the roughly $5 billion in supposedly unauthorized loans to Iraq by the Atlanta branch of BNL.

Now, let me point out to my colleagues that banks like BNL are not like our banks. They are Government owned. The Italian Government is the one that also lost about $2 billion to BNL transactions not only to Iran and Iraq and a few others, but those banks are Government owned. This is the big difference that still has not penetrated our regulatory authorities and apparently the generally unrestrained banking oligarchy in our country.

The new Senate commission's mandate is to probe whether Italian Government bodies, possibly acting in concert with foreign governments—that means ours—acted to aid Iraq's military industrialization effort. This at least seems likely, in light of the involvement that both the British and United States Governments had in the Iraq armament business. The commission will also investigate the increasingly obvious role BNL-financed firms played in helping to arm Iraq.

Hopefully, the second Senate commission will do a thorough investigation of Italian intelligence, defense, and foreign service agencies.

The first Senate commission did not receive many documents. I recall Senator Carta first meeting with me in order to request what we had, which we gave him. Those were the hearings which had not even been reported in the American press and which began in 1990. In fact, we did not even have much of a turnout of the committee. So that was their problem.

Last December, after 3 years of intense investigation, prosecutors in Venice, Italy, filed a 523-page indictment implicating former top level BNL officers and Italian export licensing officials in an illegal scheme to secretly send arms to Iran during the latter half of the 1980's. The secret arms shipments violated an Italian Government ban on arms sales to either side during the Iran-Iraq war.

☐ 1230

The indictment charges that senior BNL executives in Rome, and BNL branch officials in Paris and Turin, provided over $100 million in financial support for the secret shipments. The indictment also implicates several BNL employees along with Italian secret service agents and Ministry of Defense officials for their part in the helping to disguise the arms shipments. In total 59 persons have been indicted. BNL officials have pleaded innocent to the charges.

Some of the very same BNL Rome executives implicated in the Venice indictment are at the center of the scandal involving BNL Atlanta loans to Iraq. Remarkably, senior BNL executives in Rome claim that they were unaware of the their Atlanta branch's $5 billion in loans to Iraq. Despite CIA information incriminating senior BNL officials in the scandal, the United States Justice Department chose to absolve BNL executives in Rome of any wrongdoing in the scheme to help advance Iraq's massive armaments program. Instead, prosecutors in the United States chose to focus most of the blame for the $5 billion in illicit loans to Iraq on a lone individual, Christopher Drogoul, the former BNL Atlanta branch manager. Justice Department prosecutors also pointed the finger at several Iraqi Government officials for their role in supposedly defrauding BNL.

The irony of all this is that while United States prosecutors in Atlanta were concluding that the BNL scheme involving Iraq did not implicate senior BNL executives, a totally separate investigation into arms deals involving Iran reached an entirely opposite conclusion about the same BNL executives.

When asked about Western governments policies toward Middle East arms trade, the Venice prosecutor stated:

> I'm not a politician, I'm a Judge. But my main impression is that it was all greed * * *. Nobody had a straight policy.

It seems highly unlikely that BNL executives in Rome were involved in $100 million in illegal Iranian arms deals, but at the same time remained ignorant of over $5 billion in illicit loans to Iraq. If you believe Justice Department prosecutors, that is exactly what happened.

Another interesting note from the Venice indictment involves a now defunct British firm called Allivane. The indictment identifies Allivane as one of several firms involved in secretly supplying Iran with armaments. According to the Venice indictment, Allivane supposedly supplied millions of fuses to Iran that were used to detonate artillery shells. But Allivane did not just concentrate on helping to arm Iran.

Allivane also had contracts to supply Iraq with a million artillery fuses and it was to help construct two high-technology fuse assembly lines in Iraq. In early 1992, two former Allivane directors were convicted in Britain of illegal arms shipments related to the Iraqi fuse deals.

What is interesting about Allivane is that it was set up and run by an American man named Terry Byrne. Mr. Byrne, who was never indicted for the Allivane deals with Iraq, is reportedly back in the United States. He has a very interesting background, very much like Mr. Gerald Bull, who was assassinated in Brussels. I brought out a little of his history. I will bring out more later. Mr. Bull was the developer of the giant gun that he enabled Iraq to possess.

Prior to starting Allivane, Mr. Byrne worked for a Pennsylvania-based firm called ISC and prior to that, a New Jersey firm called Rexon Corp. ISC was founded by James Guerin, who is serving time in jail after being convicted of, among other things, illegally shipping military technology to Iraq.

Rexon, a New Jersey-based firm, is currently under criminal investigation for illegal shipments of artillery fuse parts and technology to Iraq. Rexon's activities involved a contract to provide parts for an Iraqi artillery fuse project being run by the assassinated ballistics genius Gerald Bull and his Space Research Corp. Rexon is also under investigation involving Chilean arms dealer Carlos Cardoen's activities in Iraq.

The committee has attempted to contact Mr. Byrne and Rexon. For the present, Rexon refuses to talk and Mr. Byrne remains elusive. The committee has many questions for both of them and wants to know if BNL Atlanta loans figured in the fuse deals with Iraq.

BNL SUES THE USDA

On December 15, 1992, BNL filed a lawsuit in the United States Court of Federal Claims in Washington, DC, seeking recovery of over $340 million in principle on defaulted loans to Iraq that were guaranteed under the USDA's CCC program for Iraq. The lawsuit resulted after the USDA refused to make good on the BNL claims because of unanswered questions about BNL's involvement in the Iraqgate scandal.

I have sought to protect the taxpayer by repeatedly asking the USDA to withhold payments to BNL until it could be determined whether or not BNL was involved in defrauding the CCC program. If it could be proven that BNL was involved in a scheme to defraud the CCC program, that could be legal grounds for denying payment to BNL, and saving the taxpayer over $340 million.

To my dismay the USDA never conducted a proper investigation to determine if BNL had engaged in a scheme to fraudulently obtain export credits for Iraq. Instead of assigning this type of investigation to the USDA's inspector general's office, which has jurisdiction to conduct criminal investigations, the USDA conducted a so-called administrative review of the BNL scandal.

The USDA's administrative review has been proven to be a complete whitewash. The review did not even address the issue of whether or not BNL management in Rome engaged in a scheme to defraud the CCC. In the end the USDA was not concerned about protecting the taxpayer's pocketbook. The USDA bowed to White House and State Department pressure to downplay the significance of the BNL scandal in order to keep the CCC program for Iraq alive for another year. All this to appease Saddam Hussein, the master of what the world has come to call the tactics of cheat and retreat.

The Iraqgate scandal spread to the United Kingdom when the Customs and Excise's case against the former British directors of the Iraqi front company Matrix-Churchill Ltd., who had been charged with violating United Kingdom's export control laws, collapsed after a government minister admitted that he told the machine tool executives to be economical with the facts when apply for export licenses to send machine tools to Iraq.

The most damaging aspect of the case involved the release of several hundred British Government documents detailing the United Kingdom Government's policy toward Iraq. By far the most astounding documents released during the trial revealed that the United Kingdom Government approved export licenses for Matrix Churchill because the British spy agencies, MI5 and MI6, had been utilizing the services of several high level Matrix Churchill employees to gather intelligence information on Iraq's technology procurement activities in the United Kingdom.

The documents reveal that as early as 1987 Matrix Churchill sources told United Kingdom intelligence that machine tools shipped to the Nassr and Hutteen state establishments in Iraq were used in armaments production, yet high level United Kingdom Government officials approved export licenses for Matrix Churchill well into 1990, just months before the Iraqi invasion of Kuwait. The approvals were granted in spite of United Kingdom Government guidelines on sales to Iraq and Iran that should have prohibited such exports.

The aborted trial posed a particularly sticky issue for the Major government in that the charges were brought against the former Matrix directors even though the government had reason to believe the charges were false.

As in the United States, the scandal has raised serious questions about the Major government's policy toward Iraq as well as the veracity of public statement about the prewar Iraq policy.

□ 1240

In all Members of Parliament have charged that Ministers in the Major and Thatcher governments have: Broken the nuclear nonproliferation treaty; violated their own guidelines on selling arms to Iraq; systematically misled the Parliament and the public; and have conceived the imprisonment of innocent men.

I am including for the RECORD a collection of these British intelligence documents. My fellow minority Members that were trying to make me an offender for having placed documents, of all places, in the CONGRESSIONAL RECORD, eat your hearts out, as well as CIA Director Gates.

These documents are marked secret. They are British intelligence documents. Some have been blurred out, but they make most entertaining reading.

I am placing them in the RECORD because they have since been public matter in Great Britain, since my colleague, fellow parliamentarian put it in the public record. But I think I ought to read a little bit here to show my colleagues what a droll sense the British have.

It says here, "As a result, we agreed to put back this meeting until 14 December at 1800, arrived on time. And then he," referring to this individual, "relaxed and talked for some time. Relaxed in our chairs, drinking tea and munching through the fruit from the bowl in the hotel room. I believed this was to be one of the routine visits. Unfortunately, when I turned the conversation towards the subjects, it was clear not all was well."

Would it not be wonderful if our documents, like the ones that the Rostow gang was so sensitive about, would be written that way, where they could say, "Well, we met and we went down to the basement room here at the White House or the National Security and while we had coffee or whatever and some goodies, why we discussed this." It would be great.

I think that is very, very revelatory of the droll and witty, typical British approach to things.

In response to these charges Prime Minister Major appointed Lord Justice Scott to conduct a nonstatutory inquiry to get to the bottom of the charges. Members of Parliament as well as editorials in the British press feel that the Prime Minister should have appointed a statutory tribunal to investigate the charges.

This past administration, Justice Borman have been right in tune with our fellow Brits.

They charge that the nonstatutory approach chosen by Major, which under British law has far less power than a statutory appointment, is unlikely to establish the truth or to secure public acceptance of its findings.

They are more sensitive in England about public acceptance than our Governors in the United States are about the governed's acceptance.

As I said many times in special orders heretofore, I do not know if any Member has looked at them or listened to them, I pointed out for some time that we have had a transformation in our country. We are no longer like Citizen Tom Paine. We are not citizens. We are subjects, like the British Crown subjects.

Just look at the way our public is treated nowadays.

This appointment of Lord Justice Scott is akin to the U.S. Government appointing Judge Lacey to investigate the BNL scandal. At present it appears there will be no truly independent look at the Matrix-Churchill fiasco.

Events in the United Kingdom also have a profound influence on the committee's BNL investigation. BNL was a major source of funds for Iraq's secret technology procurement network. In fact, Matrix-Churchill Ltd. and its affiliates in the United Kingdom and United States were the listed beneficiaries of nearly $100 million in BNL loans that benefited Iraq's military industrialization effort.

The Banking Committee wants to know to what extent did British intelligence pass along information on Matrix-Churchill to United States authorities. Several documents released during the aborted United Kingdom trail reveal that British intelligence was informed that Matrix-Churchill in London had a United States affiliate. Was this information forwarded to U.S. authorities? If so, when and what was done with the information?

The committee is also interested to learn if British intelligence gathered any intelligence on BNL's role in funding Matrix-Churchill's Iraq-related activities. If they gathered such information, was it passed to U.S. authorities? If yes, when and what was done with the information?

Another reason the committee is keenly interested in the United Kingdom developments is that United States officials approved an Iraq-related export license for Matrix-Churchill's United States-based affiliate in late May 1990—2 years after British intelligence was told that Matrix-Churchill exports were utilized to produce armaments in Iraq. Were United States export licensing officials made aware that Matrix-Churchill was an Iraqi front company, or was the information concealed so that United States intelligence could gather information on Matrix-Churchill's United States operations? These important questions and many more need to be answered. I will continue to pursue this aspect of the case until the truth is known.

BUSH ADMINISTRATION REFUSED FULL PUBLIC DISCLOSURE

Until Wednesday, the Bush administration continued to obstruct the Banking Committee's probe of BNL and the prewar policy toward Iraq. Just like the Iran-Contra affair, the President and his attendants stood by the disgraceful principle that the citizens of this Nation do not have the right to know the full and unvarnished truth about the foreign policy activities of highest levels of the executive branch. Like the Iran-Contra affair, the President and his entourage have used the vast powers of the Presidency to obstruct congressional investigations of various aspects of the prewar policy toward Iraq.

In total, the Bush administration refused to turn over hundreds of BNL and Iraq-related documents to the Banking Committee. The White House, State Department, Justice Department, CIA, DIA, NSA, Custom Service, Commerce Department, and USDA all refused to turn over documents requested by the committee. I will include in the RECORD a list of Banking Committee data requests that have been ignored by the Bush administration.

It is unfortunate that the legacy of President Bush and his top advisers such as Richard Thornburgh, William Barr, James Baker, Brent Scowcroft, Lawrence Eagleburger, Boyden Gray, and Robert Gates will be clouded by their inability to understand and accept a basic principle of democracy—the right of the people to know the truth about Government policy. In the case of Iraqgate, the President and his advisers chose to obstruct my inquiries rather than to cooperate. They chose to obfuscate the truth rather than to illuminate the public so that we can learn from our mistakes. The President and his top advisers chose a similar path in the Iran-Contra affair. The truth played second fiddle to saving political reputations.

I am not discouraged by the Bush administration's obstruction. I will not give up. I will request all BNL and Iraq-related documents from the new Clinton administration, including requests for documents from the White House, State Department, Justice Department, and the CIA. I perceive that President Clinton, Vice President GORE and their top advisers have a better understanding of the Constitution and a better grasp of the principles of democracy than did the previous administration. I trust that they will be fully cooperative. After all, it is the people that deserve the truth.

We have strayed so far from the Constitution. All of these, this secrecy and all reveals the contempt for the first words of the Preamble of our Constitution where all the source of our power is: "We, the people of the United States, in order to form a more perfect Union," et cetera, et cetera.

It does not say "We, the Congress" or "I, the President." It says, "We, the people." That is all, the exclusive source of power or sovereignty. This is the issue.

In the final days of this last administration, there were more attacks on Iraq, some designed to kill off air defense systems that supposedly threaten the United States or so-called allied aircraft patroling over Iraq and some that were designed to destroy nuclear weapons facilities. At least this is what the newspapers report.

I want my colleagues to know that every one of these targets were in one way or another created with technology that this same administration allowed and even helped Iraq to acquire. Even today, United States troops are maneuvering along the Kuwait-Iraq border. We remain entangled in the most dangerous way, the ultimate consequences of which only the Lord Almighty would be able to tell us, in the most dangerous corner of the world, because right next is the other tragedy that some of our colleagues have referred in the Balkans, in which this is related to.

□ 1250

There is no sign that we will soon escape the web created by the shallowness, shortsighted and deceitful policy Mr. Bush maintained toward Saddam Hussein, and so desperately wanted to hide. But the truth will come out.

Madam Speaker, I attach for the RECORD at this point records entitled "British Intelligence Document."

BRITISH INTELLIGENCE DOCUMENT

Contact date and time Thursday 14 December 1987 at 1800 hours.

Account of meeting: ———.

As a result, ——— we agreed to put back this meeting until 14 December at 1800. ——— arrived on time. He appeared relaxed and we talked for some time about ———.

Relaxed in our chairs, drinking tea and munching through the fruit from the bowl in the hotel room, I believed this was to be one of our routine visits. Unfortunately, when I turned the conversation towards ——— subjects, it was clear not all was well. Two days ago the DTI had telephoned around the companies doing business with Iraq to tell them that the export licences could be revoked afterall. The DTI caller told TI that "HMG did not wish to prolong the Gulf War". ——— was very upset and turned to me for an explanation. Although he did not specifically link the information he had given me with the change in fortunes, this explanation was clearly in his mind. Over the next one-half hour, we talked about the problem. I suggested (and he agreed) there had always been an undercurrent that things might go wrong. The DTI have many sources, ———. It is unreasonable to expect that the actual destination would be uncovered at some time or another. I told ——— that his information would not have reached the DTI (MGFM).

——— outlined the penalties to be paid by U.K. companies if the licenses are revoked (£60m and 1,500 jobs). He would loose personally because he had remortgaged the house to buy shares in TI at director's discount rate. If the contracts are cancelled much of this money would be lost. ——— hopes to change jobs to ———, a company which would be the sales outlet for TI as well as other U.K companies. With cancellation, this job (at £100,000 pa) would be lost.

After this very tricky period, with my nose growing ever longer, ——— accepted that our meetings could not be held responsible. He told me more about TEG plans and purchases in U.S. He even offered the name and address of his new MD so that if he changes jobs we can still meet.

We agreed to meet again at 1730 on 16 February ———. We parted good friends. I promised myself an early telegram to ——— to find out exactly what had gone on in the DTI.

20 January 1988.

TELEGRAM, JULY 2, 1990

For the record, the following is ——— first person record of his contacts with ——— before and after the Customs' visit to his company during 19–22 June.

As I had been tipped off, first by ——— and then ——— before the visit I knew in advance and managed to speak to Peter Wiltshire in Customs, who is aware that we have a source in Matrix Churchill Ltd. (MCL). Both then and since Peter Wiltshire has been very helpful in keeping me informed on the general thrust of the investigation and detailed points about it. He has in no way resented my enquiries: he describes the case as sensitive and political not because of our interest but because of the relevant matters involved export licence applications, with the companies sending large amounts of documentation, including component drawings, to the DTI. Therefore, any prosecution would risk a large amount of potentially damaging Government documentation being produced in court.

Perhaps the most significant indication of whether my relationship with ——— will have any bearing on this case is that ——— did not ring me until Thursday, 21 June three to four days after he knew the Customs were going to make enquiries. Naturally, he was worried by the investigation and both for himself and for his staff. The cautioning of one of the members of staff and suggesting that we seek legal advice worried him further. However, he was reassured to some extent by the low-key nature of the Customs' interviews (at no time did they interview him) and he says that in the particular case involved, the "Cardoen" connection MCL have copies of the large number of component drawings that they sent to the DTI.

Speaking to both Wilshire and ——— I got the feeling that on balance they seemed to feel that prosecutions are less likely not only because any contraventions of the law might be described as technical as DTI have large amounts of information and because the companies concerned feel that they were being encouraged to expand their trade in Iraq by the Government: also nearly all of the equipment concerned will not be licencable before 1 July, and retrospective prosecutions are less likely.

When I met ——— at his office on 26 June he seemed slightly more concerned about MCL's financial problems rather than the threat of prosecution. He is angry at the way Lloyds Bank have made them seek alternative bankers and unless he gets a letter of credit for the hot dye forging plan confirmed in Iraq the company could become insolvent. His emergency trip to Baghdad was prompted by the investigation and to make sure that ——— realises that TDG pressure for continuing contact with Cardoen and space research corporation would be dangerous. I advised him on the line to take with ——— and told him not to exaggerate the threat of prosecution to ——— as this might lead the authorities in Baghdad to cut off contact completely and more importantly not pay the letter of credit. ———.

I will see ——— after his return from Baghdad bearing in mind that MCL undoubtedly have some skeleton in their cupboard. The question of the K1000 project has not been resolved, although Customs do not seem be specifically interested in that. In general, it is not the supply of MCL equipment a such which has caused these problems but the activities of their project department in Iraq, mainly involving the supply including re-export of other company's equipment. ——— says that he is still hoping to buy out the machinery production part of the company as he thinks that it would be viable without any involvement with Iraq.

Source: British Intelligence Document.

TELEGRAM JANUARY 19, 1989

At the Restricted Enforcement Unit (REU) meeting on Friday 23 December 1988, we discussed control of exports of machine tools to Iraq and release of our reporting on the subject ———.

DESS reported that, at a meeting a few days earlier, which was chaired by Lord Trefgarne, a decision on whether to relax export controls on machine tools for Iraq had been deferred pending our advice on how this would effect ——— and the future of Matrix-Churchill. We ——— told the REU that the security of our source was now best guaranteed if reasonable exports of machine tools by Matrix-Churchill were allowed to continue. We also drew attention to the recent expansion of activities of the procurement network into the nuclear proliferation field and the importance this placed on maintaining access, through ——— to the general activities of the network. We suggested that the criteria for denying exports of machine tools to Iraq should be the same as for other proliferating countries ———. These are set out clearly in EG(C)O's (to which you could reasonably draw ———'s attention) and apply only to sophisticated CNC, multi-axis tools well above the specification of those presently supplied by Matrix-Churchill. Our advice accorded with the line which DTI, DESS and FCO wished to take and we expect it will now be implemented without delay.

We reminded the REU that, at a previous meeting we had sought agreement on issuing the ——— series of reports on Iraq to ———. There had been concern expressed at the time that machine tools manufactured by the Matrix-Churchill Corporation in Cleveland Ohio could have been exported to Matrix-Churchill here for re-export to Iraq. This would have caused embarrassment to DTI if U.S. authorities found out. We reported that we had taken up this point with our source who was able to confirm that no such diversion had taken place. ——— had also confirmed that it would not embarrass him if ——— were to receive our reporting, indeed he was keen for this to happen. The REU has therefore withdrawn its objection and we will now go ahead and release the previous reporting to ———. Our plan is to include this in one package together with the new report which is now being prepared which will contain the procurement network 'organization'. * * *

Source: British Intelligence Document.

THE DEPARTMENT FOR ENTERPRISE,
June 20, 1990.

Re exports to Iraq.

SIMON WOODSIDE, Esq.,
Private Secretary to the Chairman, HM Customs and Excise, New King's Beam House, 22 Upper Ground, London.

This is to confirm our telephone conversation, earlier this afternoon, about Matrix Churchill. We noted that your officers propose to make a routine visit to the company tomorrow (Thursday) but you had given DTI Ministers the opportunity to object. You assured me that the visit would be used for fact finding only, and no action would be taken as a result without consulting Ministers. I confirmed that my Secretary of State did not want to object to the visit taking place on this basis.

I also told you that my Secretary of State would shortly be writing to the Prime Minister asking that Ministers should collectively and urgently discuss the issues concerned with this case.

I am copying this to Charles Powell (No 10) and to the Private Secretaries to the Foreign Secretary, the Chancellor and the Secretary of State for Defence.

MARTIN STANLEY,
Principal Private Secretary.

THE DEPARTMENT FOR ENTERPRISE,
June 21, 1990.

Re trade with Iraq.

To: Prime Minister

I am concerned about the course of our relations with Iraq. On the one hand we need to minimise our involvement in the Iraqi military procurement programme. But we also need to bear in mind the implication of export controls on our exports to Iraq and on ECGD's large exposure on that market. The immediate issue is the prospect of further Customs and Excise investigations which could strengthen Iraqi accusations that we are interfering with civil trade.

Customs and Excise have received information (from the West German Customs) suggesting that Matrix Churchill (part Iraqi owned) exported machine tools to Chile which were onsold to Iraq and used for munitions manufacture, and that they and other companies exported machine tools to Iraq direct for that purpose, despite furnishing statements that the equipment was required for general industrial purposes. I understand that Customs are today making an ostensibly routine visit to that company and will report on what, if anything, they uncover. But any action following that visit is likely to worsen relations with Iraq.

Relations are of course already strained. Following our action to intercept shipments of parts of the big gun and the nuclear triggers, the Iraqi Ministry of Industry and Military Manufacture, which accounts for around 60 percent of Iraqi industrial procurement, announced that trade with the UK was under review. The Machine Tool Trades Association and other UK exporters have made representations to DTI that the Iraqi review amounts to an embargo on new business with the UK which will have serious consequences for some of them.

I wrote to the Iraqi Minister to assure him of our wish for normal commercial relations with Iraq and that while our policy on supply of defense equipment remains in force, we have no intention of interfering with normal civil trade. Our Ambassador delivered my letter at a call on the Iraqi Minister last week. The Iraqi Minister's response was not reassuring. He insisted that the UK was interfering with civil trade and encouraging other countries to do likewise. The Minister is the President's son-in-law and a member of the inner circle of the Regime.

I can see no prospect of any improvement in the position while investigations into possible breaches of export controls continue. On the contrary, I see a considerable risk of further deterioration from which only our competitors can benefit since we have no evidence that they take as a restrictive a view as we do on trade with Iraq.

A Customs and Excise investigation involving Matrix Churchill is likely to be reported to Baghdad and to confirm the Regime's impression that we are applying an embargo going well beyond defence supplies. This could provoke further reprisals against our exports and also perhaps a general default on repayments of credit.

ECGD's exposure in Iraq is $1 billion. A further $250 million was offered and accepted at the Joint Commission Meeting last November. The Iraqis have since indicated that they wish to draw $65 million of this for Al Anbar Power Station. They have not so far indicated their precise intentions for the balance. ECGD have meanwhile suspended the approval of a new contracts under existing lines of credit until the Iraqis reduce their ECGD guaranteed arrears which currently stand at $140 million. While Iraq has hitherto treated the UK as a preferred creditor, the present high level of arrears reflects the cessation of payments during the last two months or so which was evidently linked with the current political coolness. The latest news is that the Iraqis have promised to remit $30 million over the next few days, which may be a sign that, barring future upsets, commercial relations are gradually improving. We must hope so. Consequences of a systematic Iraqi default would clearly be extremely serious for ECGD and would have implications for the PSBR.

More generally, certain applications for a renewal of licenses for export of machine tools to Iraq are outstanding. I understand that the Foreign Office are not willing to agree to renewal of the licenses on the grounds that the goods might be used for munitions manufacture, notwithstanding that the companies concerned have valid contracts and that comparable equipment is widely available internationally. The intention to apply a unilateral embargo to such exports to Iraq (and to Libya, Syria and Iran), is arguably consistent with the Guidelines agreed in 1985, but may be difficult to justify to industry given the imminent removal of controls, agreed with COCOM partners on exports of such goods to Eastern Europe and the USSR.

I see a strong case for a more thorough review of our policy in this area which would take into account the policy and political arguments in favour of export controls, the commercial consequences for British industry and the financial risks for ECGD of continuing friction in our relations with Iraq. We need to reconsider the rationale of the Guidelines for defence sales to Iraq (and Iran) in the light of evidence of moves on each side towards peace negotiations and in the light of impending liberalisation of export controls agreed with COCOM partners, and the trading practices of our competitors. I would welcome your agreement to an urgent meeting to consider these issues.

I am sending copies of this minute to members of OD and to Sir Robin Butler.

DEPARTMENT OF TRADE AND INDUSTRY.

JANUARY 1989.

1. At the restricted enforcement unit (REU) meeting on Friday 23 December 1988, we discussed control of exports of machine tools to Iraq ——.

2. DESS reported that, at a meeting a few days earlier, which was chaired by Lord Trefgarne, a decision on whether to relax export controls on machine tools for Iraq had been deferred pending our advice on how this would effect —— and the future of Matrix-Churchill. We —— told the REU that the security of our source was now best guaranteed if reasonable exports of machine tools by Matrix-Churchill were allowed to continue. We also drew attention to the recent —— expansion of activities of —— and the importance this placed on —— maintaining access, through —— to the general activities of ——. These are set out clearly in EG(C)O's (to which you could reasonably draw —— attention) and apply only to sophisticated CNC, multi-axis tools well above the specification of those presently supplied by Matrix-Churchill. Our advice accorded with the line which DTI, DESS and FCO wished to take and we expect it will now be implemented without delay.

Source: BRITISH INTELLIGENCE.

JANUARY 1989.

To: DESS2 (Personal for A. Barrett Esq).

Subject: Iraq—Machine Tools for various facilities.

1. In the reference we outlined our objections to the continued export of machine tools to two facilities in Iraq based upon intelligence received from Box 850. They are adamant that this intelligence cannot be used in isolation to support this case because they wish to protect their source.

2. The current DIS assessment of the two establishments is:

a. Hutteen State Establishment.—This is subordinate to the State Organisation of Technical Industries. SOTI is in turn responsible to both the Ministry of Defence and the Ministry of Industry and Minerals. Hutteen is the main ammunition manufacturing plant in Iraq. This assessment is not totally reliant on Box 850 information.

b. Nassr Establishment for Mechanical Industries.—Until now our only knowledge that this plant was involved in the manufacture of armaments came from the Box 850 source. However, a recent Form 680 has stated that they require a moulding machine to produce polyurethane internal filler parts for missiles. Whilst this is not necessarily positive proof that they are armaments manufacturers I believe that collated with the Box information there is little doubt that the establishment is involved in such activity.

3. As the Form 680 (copy attached) now gives us the collateral we have sought I think that we can now present a case against these tools being shipped to either establishment without compromising the Box 850 source. The grounds that we would expect to be used is that it represents an significant enhancement of capability contrary to the Ministerial guidelines.

4. I have copied this to Box 850 and I intend to raise this at REU on Friday 20 Jan 89.

P.R. JEFFERIES.

Source: Ministry of Defense.

MATRIX CHURCHILL

JUNE 14, 1990.

Secretary of State.

From: M.V. Coolican, Head OT 2/3, Room 6.31 Kingsgate House.

ISSUE

What action to take in respect of a request from Customs & Excise for our agreement for them to visit Matrix Churchill, other UK companies to obtain evidence that machine tool export have been used for arms manufacture in Iraq.

RECOMMENDATION

That officials on the Iraq Gun Committee should be asked to prepare urgent advice for Ministers.

TIMING

Immediate. Customs are planning to visit the firms in the next week or so.

BACKGROUND

Customs have prima facie evidence that current machine tools exports from Matrix Churchill and other UK companies under license are being routed via Chile to Iraq for arms manufacture.

Evidence was available in 1987 to the same effect but to protect sources Ministers took a decision to let the particular exports by Matrix Churchill go ahead.

Subsequent applications were made by Matrix Churchill who claimed the equipment was for general engineering use. There was no firm evidence available about end use and Ministers agreed to allow these exports. A significant factor in reaching that decision was the cessation of the Iran/Iraq war.

Customs now have absolute evidence of the fact that Matrix Churchill and some other companies not subject to the current investigations knew about the real end-use of all these machine tools and thus made false declarations to us and Customs. An investigation will clearly bring all these cases to light.

Most of the machine tools in question will be removed from any export control following the recent COCOM meeting unless a decision is taken now to retain control to all or selected destinations.

ARGUMENT

There are three issues to be addressed:

(1) are Ministers willing to have the 1987 and subsequent decisions exposed and made the subject of courtroom argument?

(2) are Ministers willing to face a worsening in our relations with Iraq?

(3) if the answer to (1) & (2) are affirmative should we retain controls on machine tools despite the COCOM relaxation and if so to what destinations?

Given the fact that all machine tools *can* be used for manufacture of arms of decision in principle is now needed on whether the UK should license such exports to countries subject to a UK arms embargo. (Currently Syria, Libya, Iran, Iraq, S. Africa, Burma, China and Taiwan). While a stout defence of not doing so can be mounted any such decision would contrast sharply with the very far-reaching interpretation currently placed on the embargo (eg not supplying parts or spares for aircraft which *could* be converted for in-flight refueling). Presentationally such a decision would sit uncomfortably with the concern over the super-gun.

Iraq is already very huffy about recent successful attempts to break-up their arms procurement activities and a move against Matrix-Churchill which is Iraq owned will only add to the problem. To the extent that other companies are involved the current line—that if people break our laws they must expect punishment and that we are not picking on Iraq—can be sustained. But UK trade interests in Iraq will no doubt suffer (and possibly some unfortunate people also).

The dirty washing liable to emerge from the action proposed by Customs & Excise will add to the problems posed by the gun. For DTI the timing is extraordinarily embarrassing given recent correspondence between ourselves, MoD and FCO. Needless to say we were not aware of Customs knowledge and activity when we briefed MFT on this issue. This underlines the need for our formal inter-departmental forum for exchanging this sort of information to be looked at—this is currently in hand.

CONCLUSION

I expect you will wish to discuss this and Mr. Steadman and I are ready for this.

[From the Independent, Dec. 6, 1992]

WHITEWASH OR WITCH-HUNT?

(By Vernon Bogdanor)

The enquiry into Matrix Churchill will never get to the bottom of the scandal.

No one disputes the seriousness of the charges being investigated, declared Michael Heseltine of the Matrix Churchill affair in the House of Commons on November 23. It has been alleged that ministers have broken the Nuclear non-proliferation treaty, as well as their own guidelines on selling arms to Iraq, that they have systematically misled Parliament and the public, and have been prepared to connive at the imprisonment of innocent men. It is in everyone's interest, not least that of the ministers concerned, that these allegations be dealt with speedily and effectively. How should this best be done?

The right procedure would be to establish a statutory tribunal as provided for by the Tribunals of Inquiry (Evidence) Act of 1921, for matters "of urgent public importance". Such a tribunal would have the powers of the High Court, or in Scotland, the Court of Session, with regard to the examination of witnesses and the production of documents.

Unfortunately, however, the government has chosen to establish a non-statutory enquiry under Lord Justice Scott, similar to that set up after the Profumo affair in 1963 under Lord Denning. But an enquiry of this type is unlikely to be able to establish the truth or to secure public acceptance of its findings. Witnesses will not be examined on oath, and those against whom allegations are made will be unable to check the evidence brought against them by cross-examination, and to rebut it. So it will be difficult for any fair-minded person to determine whether the allegations are justified. Therefore, if Lord Justice Scott does not wish to make adverse findings against those who cannot fully defend themselves, he will be accused, however unfairly, of a "whitewash". Being unable to exculpate the accused ministers, he will fail to allay public disquiet.

It is for this reason that the Royal Commission on Tribunals of Inquiry chaired by Lord Justice Salmon, declared in 1966 that it was "extremely difficult, if not practically impossible" for an enquiry of the Denning type to establish the truth. For, if it "felt justified in making an adverse finding against anyone, that person would and the public might also feel that he had a real grievance in that he had had no chance of defending himself; accordingly the truth may remain hidden from the light of day." Its conclusion was unequivocal: "No Government in the future should ever in any circumstances whatsoever set up a Tribunal of the type adopted in the Profumo case to investigate any matter causing nation-wide public concern."

That the worries of the Salmon Commission were not merely theoretical can be shown, not only from the Denning enquiry, but also from the Crichel Down enquiry of 1954. The latter was conducted by Sir Andrew Clark, QC, a former Conservative parliamentary candidate, said to have been the only man able to lose Barnet for the Conservatives. His report has been shown by I.F. Nicolson in The Mystery of Crichel Down (Clarendon Press, 1986) to be vitiated by serious mistakes both of fact and of law. Indeed, Sir Andrew succeeded, in the very first paragraph of his factual narrative, both in misdating the year in which Crichel Down was acquired by the Air Ministry, and in falsely asserting that the land was "compulsorily acquired". Sir Andrew, a bitter opponent of bureaucracy, attacked in his report, the integrity of civil servants who were unable to make public their side of the case.

In the absence of proper judicial procedures, officials and perhaps private citizens too may be exposed to similar vilification by the Scott enquiry. In the House of Commons on November 23, Robin Cook attacked by name an official who had worked with John Major, both at the Foreign Office and in 10 Downing Street; while Keith Hampson attacked the probity of Paul Henderson, the managing director of Matrix Churchill, even though Customs and Excise had withdrawn its prosecution against him. In neither case could those attacked defend themselves.

The Denning Report of 1963 has provided scurrilous entertainment for generations of undergraduates, yet, since the witnesses were not on oath, there is no reason to believe their evidence, especially as they had financial motives for producing stories which could later be sold to the newspapers. Lord Denning admitted the difficulties involved in establishing the truth. He had to act as "detective, inquisitor, advocate and judge". He had no doubt, however, that "I have been told as much truth without an oath as if it were on oath," a statement which those unable to accept Lord Denning's belief in his own judicial infallibility might find difficult to accept.

It was precisely because of these problems that the Salmon Commission argued in 1966 that any future nationwide crisis of confidence should be investigated by a statutory tribunal. Such a tribunal would examine witnesses, who should be legally represented, on oath. Witnesses would be informed beforehand of allegations made against them, and allowed to cross-examine those making them.

They should be granted immunity from later civil or criminal proceedings, since the tribunal's purpose would be to investigate the allegations against ministers in order, in the words of the Attorney-General, "to examine whether ministerial responsibility should be pinned in any particular area".

The government has said that if Lord Justice Scott finds his powers inadequate it will convert the enquiry into a statutory one as provided under the 1921 Act.

MATRIX CHURCHILL: EXPORT OF LATHE EQUIPMENT TO IRAQ

FEBRUARY 1, 1989.

PROBLEM

1. Matrix Churchill has three applications before the IDC for the export of lathe equipment to Iraq. Should we be prepared to approve these applications?

RECOMMENDATION

2. I recommend that all three applications be approved. MCD and DTI officials are submitting similar recommendations to their Ministers. SEND and PUSD concur.

BACKGROUND AND ARGUMENT

3. Matrix Churchill is a company which produces general purpose industrial lathe equipment, suitable for use in any branch of industry. We have had to consider various applications from the company to export equipment to Iraq since 1987. Some of these have been approved and not all the equipment the company wishes to export is subject to control. However we now have to consider the following licenses:

3M 1029/88: 1x Matrix Takisawa VZE machining centre (£52,000).

1x Churchill TFCNC Lathe (£160,000).

3G/54014/88: Kits for 2 and 3 axes machines (£644,000).

3G/53234/88: 11x FMV55 Lathes (£3,960,000).

1x FMV654 Lathe (£262,000).

2x Churchill 52 (£288,000).

(The machine tools covered by license 3G/54014/88 are only licensable by virtue of their import under an International Importing Certificate requested by the Japanese licensing authorities).

4. The IDC has had reservations about allowing the export of Matrix Churchill equipment since before the ceasefire. Export of this general purpose equipment is not prohibited under the ministerial guidelines and in 1987 export licenses for Matrix Churchill were approved. However, the security services subsequently obtained intelligence information which revealed that Matrix Churchill UK had been taken over by Iraqi shareholders. Our information suggested that the Iraqis intended to use the company to supply machinery for the new armaments and munitions factories of the Nassir and Hutteen State Establishments for Mechanical industries in Iraq, headed by Dr. Safir Al Habobi. As Mr. Cowell argued in his submission of 29 June, by allowing the export of Matrix Churchill equipment we understand that effectiveness of our own policy on defense sales. He recommended that, in practice, no licensable equipment should be cleared for export by Matrix Churchill to Iraq. However, no outright ban could be issued as this would compromise the intelligence source for which we had no collateral. A temporary compromise was reached in practice by deferring the applications.

5. We do in fact now have a collateral for our intelligence, as an arms working party application (680D/Des 178/38) has been placed (and subsequently revoked) by Engineering

Services (Urethanes Ltd, which implicates the Nassir Establishment in munitions manufacture. But it does not implicate Matrix Churchill as such. Furthermore, the Iraqis now have a considerable need to rebuild their industrial base. Establishments such as Nassir and Hutteen will have a significant role to play in this. Machine tools are an essential requirement in this process. We can no longer convincingly argue that munitions production is the top priority of the Iraqis, and in practice, we acknowledge this fact by allowing the export of similar equipment by other companies, most especially 600 Services Ltd. This makes it difficult to argue in favor of withholding Matrix Churchill equipment simply because of its potential military applications.

6. However, there has since been evidence ——— which implicates another part of Habobi's procurement network (but not Matrix Churchill itself) in Iraqi attempts to obtain equipment for the development of gas centrifuge technology for uranium enrichment. This is a serious development which confirms our long-held suspicions that Iraq, although a party to the Treaty on the Nonproliferation of nuclear weapons (NPT), has ambitions to develop a nuclear weapons capability.

7. There is good reason to be sceptical about allowing any export which might help in the achievement of Iraq's nuclear objectives. However, officials from interested departments have agreed that there is no reason to believe that Matrix Churchill lathe equipment is of specific interest to the Iraqi nuclear programme. We know of course that machine tools capable of contouring in two axes, as is the case with these machines, are essential for the production of nuclear weapons. But they also have many other legitimate industrial uses. Consequently, no international agreements are in place to prevent the export of such machines to potential proliferators. Therefore, unless we had convincing evidence which we were prepared to disclose to show that the Iraqis were developing a nuclear weapon, we should not be in a position to persuade our partners in the non-proliferation regime to apply equal restraint in the export of machine tools. Simply withholding the Matrix Churchill latches would not therefore be an effective obstacle to the Iraqis' objectives. Neither would it absolve Britain morally from any involvement in this network, since all non-licensable Matrix Churchill equipment would remain freely available to Iraq.

8. There remains one more important factor. We have reason to believe that the refusal of these export licenses could force Matrix Churchill to close down. If this happened, we would lose our intelligence access to Habobi's procurement network. By keeping access open, we could obtain more important information, in particular on the procurement of some item which is far more incriminating than magnet rigs. Such evidence could then be used to try and stimulate the widest possible agreement on the need to counter Iraqi nuclear procurement efforts. We are already preparing the ground by informing partners of an Iraqi attempt to procure magnets which could only have been intended for centrifuge rotors. At the same time we will be providing work for a British-based company and thereby helping British industry to secure an increased stake in Iraq's reconstruction process. It is doubtful that wider political considerations will have been sacrificed in favour of short-term commercial objectives.

1. The key points are:

(i) The Matrix Churchill lathes for which licences have been sought may be destined for munitions manufacture. But in the circumstances of the ceasefire this is not a sufficient reason to withhold licences.

(ii) Matrix Churchill is now owned by Iraqis and part of its output is destined for an establishment headed by a Dr. Habobi. He is now known to be involved in trying to obtain equipment from the U.K. for the development of gas centrifuge technology. But this does not appear to involve Matrix Churchill.

(iii) Withholding the lathes would not stop the Iraqis developing a nuclear weapon, but it could force Matrix Churchill to close down and lose us our intelligence access to Habobi's network. We have a clear interest in maintaining the source in the hope of obtaining more incriminating evidence that we can use to persuade our partners to act collectively to counter Iraqi nuclear procurement efforts.

2. I therefore agree that the application for lathes should be approved.

Source: Foreign and Commonwealth Office.

MATRIX CHURCHILL: EXPORT OF LATHE EQUIPMENT TO IRAQ

FEBRUARY 6, 1989.

From: PS/Mr. Waldegrave.

1. You may wish to show the Secretary of State the attached papers, concerning a potentially politically sensitive export to Iraq. The machinery in question has legitimate civil uses—but could also be employed in munitions manufacture, or even uranium enrichment.

2. Mr. Waldegrave's inclination (pace Mr. Gore-Booth) is to support Mr. Lillie's recommendation that the applications be approved. He has commented that "screwdrivers are also required to make hydrogen bombs".

DTI ADMITS MI6 ROLE OF MATRIX CHIEF

(By John Mason)

A top Whitehall official yesterday admitted that the managing director of a UK machine tools exporter worked for MI6, the intelligence service, to gather information on Iraq's nuclear programme.

Ministers also approved the continued export of equipment by Matrix Churchill to one of Iraq's main defence procurement agencies a year before the invasion of Kuwait in order to preserve the intelligence link.

Giving evidence at the trial of three former Matrix directors at the Old Bailey, Mr. Eric Beston, an assistant secretary at the Department of Trade and Industry, agreed that one reason ministers approved an export licence to Matrix in early 1989 was to maintain an intelligence source.

He did not know at the time that the source was Mr. Paul Henderson, then managing director, and only learnt this when Customs officials began to gather material to bring the prosecution, he said.

Mr. Beston's admission followed a revelation by Mr Henderson's attorney that his client worked for MI6 and helped gather information about Saddam Hussein's attempt to develop a nuclear bomb.

Mr. Geoffrey Robertson told the court approval by ministers of the export licences of machine tools destined for military use enabled Matrix to survive as a company and Mr. Henderson to continue acting for MI6. Matrix went into receivership earlier this year.

Mr. Henderson, along with Mr. Peter Allen, the company's former sales director and Mr. Trevor Abraham, the former commercial director, all deny four counts of breaching export regulations between July 1988 and August 1990.

The prosecution has alleged the three men deceived the DTI by pretending machine tools and computer software exported to Iraq were for civilian, not military use.

Some of the equipment exported by Matrix Churchill was sold to the Iraqi company Nassr, which the UK government knew played a leading role in the Iraqi defence procurement programme, Mr. Robertson told the court. The two companies were connected, with Dr. Safa Al Hobobi being the chairman of Matrix Churchill and a director of Nassr. This connection was known to the DTI, Mr. Beston agreed. According to a secret Foreign Office memo, evidence existed linking Dr. Hobobi with the Iraqi nuclear programme, the court heard.

Mr. Robertson asked if the main reason for ministers granting the licenses was so that the intelligence service could continue to have access to Dr. Hobobi's intelligence network through Matrix Churchill. "That was one of the considerations," Mr. Beston said.

Mr. Beston also agreed that it was known both within the DTI and by ministers that the goods to be exported would be used in Iraqi munitions factories. He also agreed that Mr. Abraham had told DTI officials that most of the machine tools exported would be used for munitions production.

Earlier, Mr. David Byars, a senior principal with the Export Credits Guarantee Department, agreed that it had known that Industries Cardoen, the Chilean intermediary in an earlier transaction, was an arms manufacturer.

THREE BRITISH EXECUTIVES CLEARED IN IRAQ ARMS SALE CASE

(By William Tuohy and Douglas Frantz)

LONDON—Three British business executives were cleared Monday of charges that they illegally sold arms-making equipment to Iraq, ending a trial that had raised new questions about the support of Saddam Hussein's regime by Western governments before the Persian Gulf War.

The charges were thrown out by a judge after two weeks of testimony indicated that the British government had given tacit approval to the exports from 1987 to 1990 so it could continue receiving secret intelligence on Iraq's war-making potential.

The dismissal fueled speculation in the United States over whether the Bush Administration also allowed Iraq to receive weapons technology and other benefits as part of its prewar efforts to appease Baghdad.

Several influential Senate Democrats are discussing the possible creation of a select committee to coordinate congressional investigations of the Administration's pre-war dealings with Iraq and allegations of a postwar cover-up, according to sources.

Senate Majority Leader George J. Mitchell (D-Me.) talked Monday with senior Democrats about establishing an investigative committee, the sources said. The committee would be similar to panels that investigated Watergate and the Iran-Contra scandal, consolidating inquiries by the Senate Agriculture, Intelligence and Banking, Housing and Urban Affairs committees.

Sen. David L. Boren (D-Okla.), chairman of the Intelligence Committee, and Banking Chairman Donald W. Riegle Jr. (D-Mich.) were mentioned as candidates to lead the broad inquiry.

Concerns about what the Bush Administration knew about Iraq's military buildup were heightened by testimony in the London trial of three former executives of Matrix Churchill Corp., an Iraqi-owned company in Coventry, England, that sold millions of dollars worth of sophisticated machinery to Baghdad.

Bobby Lee Cook, the lawyer for a former banker charged in a separate case in Atlanta with providing $5 billion in secret loans to Iraq, said that Monday's dismissal indicated that both the British and U.S. governments were aware of Iraq's arms-acquisition effort and turned their heads.

"It is illustrative of the fact that England and America knew exactly what was going on with reference to the shipment of arms and technology to Iraq and that the policies of our government and the United Kingdom were operating in tandem," said Cook.

His client, Christopher P. Drogoul, a former official of Italian-owned Banca Nazionale del Lavoro in Atlanta, withdrew his guilty plea in connection with the loans after claiming that he was allowed to make the loans because they fit with the Bush Administration's pro-Iraq policy.

The defendants in the British case—Paul Henderson, Trevor Abraham and Peter Allen—said that the British government knew the company's machinery was being used by Iraq to manufacture artillery shells and other weapons.

British intelligence agents testified that Matrix Churchill was allowed to sell machinery to Iraq to keep intelligence information flowing from two company employees who provided data on Iraq's attempts to acquire Western military technology. One agent said that he presumed the information was passed along to other Western intelligence agencies, including the CIA.

A former British sub-Cabinet minister, Alan Clark, acknowledged that the government was aware of the Matrix Churchill shipments and allowed them to continue so that it would continue to receive intelligence information.

Clark, who served at the Department of Trade and Industry, said that his job was to maximize exports despite anti-weapons restrictions, which he found "tiresome and intrusive."

A Matrix Churchill subsidiary in Solon, Ohio, arranged for Iraq to purchase millions of dollars worth of technology used in Iraqi weapons projects. The Ohio operation was not shut down until September, 1990, a month after Iraq's invasion of Kuwait and well after U.S. and British intelligence reports about the role of Matrix Churchill in Iraq's arms network.

After the dismissal of the case in London by Judge Brian Smedley, the Labor Party opposition called on Michael Heseltine, the head of Britain's Department of Trade and Industry, to make a full disclosure of the department's "Complicity" in arms deals with Iraq.

[From the New York Times, Oct. 17, 1992]

BRITAIN TRADED EXPORT PERMITS FOR IRAQI ARMS DATA

(By Dean Baquet)

LONDON, October 26.—As part of an intelligence-gathering effort, the British Government helped Iraq build up its military forces in the years before the invasion of Kuwait in 1990 by allowing the illegal sale of arms-manufacturing equipment to Baghdad, according to evidence presented in a little-noticed trial here. The case involves a British-based company that sold millions of dollars of machine tools to Iraq that were used to make arms.

According to British Government documents, two executives of the company provided British intelligence with frequent reports on the company's activities and Iraq's efforts to obtain weapons technology. To maintain the intelligence connection, the Government permitted improper sales to be made, the documents show.

The previously undisclosed British role is the clearest indication yet of Western government involvement in at least indirectly supporting the development of Iraq's arsenal. The disclosure also suggests that London was better informed about President Saddam Hussein's efforts to acquire military technology and equipment than it has ever acknowledged.

What, if anything, the Bush Administration knew about these activities is not known. But British and American intelligence agencies have worked together closely over the years, routinely exchanging information. In a case like this, former United States intelligence officials said, London would probably have shared anything it learned about Iraq's acquisition of weapons and military technology, but would not necessarily have acknowledged that it was encouraging such sales in an effort to gather information.

Peter Earnest, a spokesman for the Central Intelligence Agency, said that as a rule, the agency "never discusses relationships with other intelligence services."

Even the possibility that the C.I.A. knew of the British role is likely to fuel Democratic charges that the Administration, in an effort to improve relations with Iraq, condoned the improper sale of American and other military technology to Baghdad. Customs agents and Federal investigators have complained that the Administration seemed unenthusiastic about inquiries about United States companies that did business with Iraq.

The British Foreign Office said any comment would have to come from the Department of Trade and Industry, which approved the sales to Iraq. Sian Lewis, a spokeswoman for that agency, said, "There's no way we would comment on a trial while it is in court."

THE U.S. CONNECTION

The British role involved the Matrix Churchill Corporation, a machine-tool manufacturer with offices in Coventry, England, and Solon, Ohio. From 1987 to 1990, Matrix Chruchill, which was owned by Iraq, served as the main channel for the acquisition of military technology.

Matrix Churchill made magnets, lathes and other parts used to make rifles and other weapons. Matrix Churchill's American subsidiary also brokered deals between Iraqi and United States manufacturers.

During this same period, at least two high-ranking company executives reported regularly to British intelligence agencies on Iraq's efforts to obtain conventional weapons and to develop nuclear and chemical weapons, according to Government documents in the trial of three former company executives.

These documents show that London approved exports of arms-manufacturing equipment by Matrix Churchill, even though it knew the company lied when it sought export licenses saying Iraq would use the equipment only for civilian purposes.

THE GOVERNMENT'S CHARGES

Three Matrix Churchill executives are standing trial on charges they illegally exported arms-manufacturing equipment to Iraq. The Government records show that one executive, Paul Henderson, a former managing director, was among those supplying information to British intelligence.

Some Democrats in Congress have complained that while the company's operation in the United States was shut down during the Persian Gulf war, none of its employees in the United States have ever been accused of a crime, despite a two-year investigation by the Customs Service. And law-enforcement officials in Ohio and elsewhere have complained that some United States agencies have been slow to cooperate with investigations of Matrix Churchill's operations.

Mr. Henderson's defense—that the Government knew everything he was doing—has given him the opportunity to obtain and make use of a remarkable number of classified documents, including notes of his interviews with British intelligence and internal memos describing the debate within the Government over how to handle Matrix Churchill's applications for export licenses.

It is not clear why he has been charged, given his cooperation with the intelligence authorities, since the Government does not dispute his role as informant. But prosecutors have indicated that he may not have told the Government about all of his dealings with Iraq.

THE CORPORATE HISTORY

In 1987, Matrix Churchill was bought by the TMG Engineering Company of London, which was owned by Iraq. Sometime that year, Matrix Churchill's export sales' manager, Mark Gutteridge, began supplying British intelligence with detailed reports about the company's growing business with Iraq. Mr. Gutteridge has not been charged with a crime.

Geoffrey Robertson, Mr. Henderson's lawyer, has described Mr. Gutteridge as "an agent of intelligence and security, run by one of their officers." But it is not clear whether Mr. Gutteridge, who is expected to testify, was a paid agent planted by intelligence, or a businessman who decided to cooperate with his Government.

Sometime after 1987, Mr. Henderson also began cooperating with intelligence agents, the records read into evidence show, though his motivations are not clear.

Mr. Henderson says he gave intelligence agencies the blueprint for an Iraqi arms plant, and Mr. Gutteridge described the details of Iraq's purchase of the company, which was not public information. Mr. Gutteridge was asked if it was possible to turn Matrix Churchill's president, Safa Haji al-Habobi, an Iraqi engineer, into an informant, according to Mr. Robertson. It is not known whether this effort was made.

THE INTERNAL DEBATE

On at least two occasions in 1988 and 1989, the company's request to ship parts to Iraq started a debate within the Government.

Eric Wayne Beston, an official of the Department of Trade and Industry, said in court that he had seen intelligence reports during this time alleging that Matrix Churchill was an integral part of President Hussein's arms development. Witnesses say this information convinced some within the Government that Matrix Churchill's licenses should be closely scrutinized.

But others argued successfully that stopping Matrix Churchill would mean losing a window on the Iraqi arms network.

On Feb. 1, 1989, Stephen Lilly, then head of the Middle East Department of the Foreign Office, wrote a memo responding to internal skepticism over Matrix Churchill's application to ship magnet rings that could be used to make weapons.

Mr. Lilly wrote: "We have reason to believe that the refusal of these export licenses could force Matrix Churchill to close down. If this happened, we would lose our intelligence access to Habobi's procurement network. By keeping access open, we could obtain more important information, in particular on the procurement of some item which is far more incriminating than magnet rings."

In a December 1988 document, written in response to another application for export licenses, another Government official wrote that stopping the licenses would "compromise the source" who has supplied crucial information about the procurement network, including Iraq's efforts to acquire chemical and nuclear weapons. These applications were also for equipment that was to be used to make weapons.

[From the Washington Post, Oct. 28, 1992]

OLD BAILEY TAKES UP IRAQI ARMS NETWORK

(By Eugene Robinson and R. Jeffrey Smith)

LONDON, October 27.—The U.S. government had evidence that an Iraqi-owned machine tool firm in England was involved in illicit exports to Iraq long before U.S. and British authorities took any action against it, according to U.S. documents.

The company, Matrix Churchill, has been at the center of a trial here at which British officials have acknowledged delaying any action against the firm to avoid cutting off a flow of intelligence from two company officials to the British secret service.

The Coventry-based company, which was bought by an Iraqi-controlled holding company in 1987, was one of the main vehicles for Iraq's massive military buildup that culminated in the invasion of Kuwait in August 1990.

Three former officials of Matrix Churchill are on trial in London's Old Bailey criminal courthouse on charges of violating Britain's export laws. Company officials contend that the government knew that the equipment sent to Iraq was being used in weapons manufacture, and that British intelligence was receiving information on the arms buildup in return.

"They knew because I told them," defendant Paul Henderson, former managing director of Matrix Churchill, said today after court had adjourned.

The case raises questions about the extent to which Western intelligence services knew about, and perhaps abetted through inaction, Iraq's program to build up its arsenal following the end of the Iran-Iraq war—possibly because of their desire to keep an eye on the Iraqi activities at the expense of actually halting the leakage of Western technology.

U.S. officials said he was referring to a CIA report that outlined Matrix Churchill's role in Iraq's Al Arabi procurement network under the control of Safa Habobi, the company's president and a director of the Nassr State Enterprise weapons complex in Iraq.

Additional evidence of U.S. suspicions about Matrix Churchill's activities can be found in Justice Department documents. According to the documents and U.S. officials, the U.S. Customs Service had evidence in late 1989 suggesting Matrix Churchill was connected to an Iraqi effort to buy U.S. electronic equipment that could be used to trigger nuclear explosives.

Customs officials, who conducted a joint investigation with the British, said they never proved any direct connection between the company and Iraq's attempted purchase of the nuclear triggers.

Henderson, former Matrix Churchill commercial director Trevor Abraham and former sales director Peter Allen have pleaded not guilty to charges of violating export regulations by pretending that the machine tools and other items they sent to Iraq were for civilian, not military, use.

The defense has been granted extensive access to classified documents, some of which appear to bolster their case that the British government was more concerned with maintaining its intelligence sources within the company than enforcing the letter of Britain's export laws.

The British government has declined to comment on the case while it is pending in court.

Henderson and another Matrix Churchill official who has not been charged, Mark Gutteridge, have been named in court as the two sources who were passing information on Iraq's arms program to the intelligence service MI6.

British and U.S. intelligence agencies share information extensively, and defense attorneys say they will demonstrate that U.S. intelligence was aware of Matrix Churchill's dealings as well.

Evidence of extensive U.S. familiarity with Matrix Churchill's operations on behalf of Iraq in the late 1980s can be found in classified U.S. intelligence documents about the covert Iraqi procurement network, some of which came to light in the U.S. congressional probe of Washington's ties to Iraq before the war.

U.S. intelligence reports "as far back as June 1989 reveal that Matrix Churchill Corp. was part of Iraq's military technology procurement network, yet the Bush administration allowed it to operate despite knowing that the network was responsible for . . . Iraq's covert nuclear, biological, and chemical weapons programs," said U.S. Rep. Henry B. Gonzalez (D-Tex.), who has been investigating what U.S. intelligence and industry—which had to approve export licenses—testified Monday and today that one reason the government approved a license for Matrix Churchill in early 1989 was to ensure continued access to Iraqi installations for an intelligence source within the company.

That concern was spelled out in a February 1989 memo, written by an official in the Middle East department of the Foreign Office, that defense attorney Geoffrey Robertson read in court.

The final decision on that license application was made weeks later following a high-level discussion involving ministers from the Foreign Office and the departments responsible for trade and defense procurement, according to Beston and documents read in court.

Beston acknowledged under cross-examination today that he considered this a case that required a "political decision" at the ministerial level. Asked whether continued access for the intelligence sources within Matrix Churchill was a factor in deciding to approve the license, Beston replied, "That was one of the considerations."

A U.S. Justice Department document said it was understood that the British "have obtained the cooperation of Paul Henderson and other officers and employees."

The government maintains that it had no firm proof that the Matrix Churchill equipment was being used to make arms. But Beston has acknowledged that he and others argued to continue granting export permission even after receiving intelligence reports indicating that the machine tools were destined for installations that were being used, at least in part, as weapons factories.

Despite the intelligence reports, Beston testified, he believed it was "credible" that Iraq was merely seeking to build up its civilian industrial base following nearly a decade of war with neighboring Iran.

His department's view, Beston said, was that even if it were documented that some of the equipment were being used for military purposes, this was "a matter of less concern" because the war had ended.

Matrix Churchill, headquartered in England's industrial heartland, was a well-established manufacturer of lathes, magnets and other heavy equipment before it was bought by Iraqi-owned TMG Engineering Co. in 1987. Both firms were shut down by the British Government after the Iraqi invasion of Kuwait in 1990.

The jury in the case has also heard testimony concerning a 1988 Matrix Churchill sale to Industries Cardoen, a Chilean arms manufacturer believed to have acted as a conduit for Iraq's military buildup.

An official in the department that issued credit guarantees for export transactions said his agency agreed to assist the Cardoen deal despite suspicions that the equipment might eventually be put to military use.

The defense contends that the government was anxious to continue the flow of information from Henderson and Gutteridge because of concerns that Iraq was working hard to develop a nuclear weapons capability.

A TIME FOR CHANGE: A TIME TO ELIMINATE PROXY VOTING

The SPEAKER pro tempore (Mrs. KENNELLY). Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Madam Speaker, the President of the United States in his inaugural address reiterated the earnest desire of the American people to see change occur in the Congress of the United States, to end gridlock and to bring about those kinds of reforms for which we have yearned for so long. Yet, in the first day of the meeting of the House Committee on the Judiciary, when we confronted the business-as-usual concept of proxy voting, when we on the Republican side attempted to eliminate proxy voting again, as we have tried to do on several occasions before, we were met with business-as-usual: gridlock, refusal to accept this modicum of change that the American people would welcome in the Halls of the Congress of the United States.

Proxy voting, what is it? It means that in committee, in the Judiciary Committee, where we serve, that if a member is absent for any reason or unable to attend because on official business somewhere, that that individual could leave with the chairman a proxy vote, and the chairman, armed with this proxy vote of one or more members, can vote those proxies in favor of or against an amendment or a bill that is before the committee.

We have tried to end that practice. We are here in Washington to do the business of the people, and in committee we ought to be able to vote only if we are present. To take it one step further, what if the wording of that rule, as it now exists, permits one to be on official business somewhere and vote by proxy?

That would mean that I could be back in my district, in Hershey, PA, or Harrisburg, or Ephrata, Lancaster County or Elizabethtown, 150 miles, 120 miles from Washington addressing a group of senior citizens, shall we say, on an important topic, and then to send a proxy vote to vote me or have the chairman vote my vote in the Committee on the Judiciary in Washington. That is outrageous.

At any rate, we attempted on the Republican side to change that procedure, to eliminate that rule, to say that no proxy voting should be allowed, but business-as-usual prevailed and we were rejected in our motion by the Democratic majority in the Judiciary Committee.

That is not the change that the American people want to see. That is business as usual, the exact type of thing that brings contempt on the heads of the Members of Congress, and rightly so, by the American people.

Later, when that motion was changed, was rejected, to eliminate proxy voting altogether, recognizing, as I did, that it was going to be allowed, I moved to change it just a little bit to say that if we are going to have proxy voting, let us at least restrict it to those moments and those days, those hours, in which we are under the dome in the Capitol doing official business. Let us eliminate the possibility that someone back home in California or the State of Washington or Minnesota or Alabama or any other place could send a proxy vote to be voted in Washington while that individual remained back home in the district doing other things.

I think that is outrageous. I think in time the American people will bring enough pressure on the leadership in the Committee on the Judiciary, specifically, in the Congress, on the House, and on the entire institution in general. If the time for change that the President has evoked in his inaugural address has come, then let us take advantage of it, not revert back to the practices that have brought the bitterness and disgust that the American people have felt for so long about their people's House.

EXCHANGE OF SPECIAL ORDER TIME

Mr. GINGRICH. Madam Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. CONYERS] be allowed to precede me with his special order.

The SPEAKER pro tempore. The Chair would ask, for how long does the gentleman from Michigan wish to address the House?

Mr. GINGRICH. Madam Speaker, I believe the gentleman has 20 minutes under an earlier unanimous-consent request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

TROUBLING QUESTIONS ON THE NOMINATION OF ATTORNEY GENERAL-DESIGNATE ZOE BAIRD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] was recognized for 20 minutes.

Mr. CONYERS. Madam Speaker, I thank the Speaker and I thank the minority whip, the gentleman from Georgia [Mr. GINGRICH], for his kindness in letting me precede him. I assure the Speaker that I will not take 20 minutes, that I will only take 5, because of the time constraints that we are all under.

Madam Speaker, I rise today about the troubled nomination of the Attorney General designate, Ms. Zoe Baird. I do this in good conscience as a supporter of the President, as one who has worked tirelessly to bring change at the Federal level, as one who has applauded a great number of his nominations to the Cabinet.

However, in this particular instance I think that my friendship and my loyalty would be compromised if I did not indicate how troubled I am about the facts, the allegations, and the testimony that is coming forward in the U.S. Senate in the Judiciary Committee, in which the hearings, the confirmation proceedings, are going on even as we speak.

It has come to my attention that the Attorney General designate, Zoe Baird, is a member of a New Haven association that is currently being used by the Department of Justice for housing discrimination, and that it is of such great moment that the Justice Department has filed a lawsuit which has charged the association with violating the Fair Housing Act.

At the time of that lawsuit it was claimed that Ms. Baird and her husband were active members in the association, and that one of them was doing volunteer legal work for that association. I have a complaint filed in the District of Columbia, signed by the former Assistant Attorney General for Civil Rights, John R. Dunne, and by others in the Civil Rights Division of the Department of Justice, claiming that the actions of this association were so egregious, were so contrary to our law and sense of fairness, that the U.S. Government, indeed, the Department to which she has been nominated to be the chief officer, has filed suit against this association.

□1300

I have only the information of the U.S. district court filings in the District of Connecticut, the reports of the Los Angeles Times dated January 21, 1993 and the Nation magazine article of February 1.

So I would ask that the members of the Judiciary Committee in the House, indeed the Members of Congress examine the matter of this troubled nomination without partisanship, without rushing to judgment, but that we make certain that we do not have the repetition of what happened in the other body when a particular nominee to the Supreme Court was nominated. We kept finding out what was happening as the witnesses took the stand.

This nomination clearly could have a couple of very positive things done with it that would help us. The first is that the nominee herself withdraw her name. The second is that the committee consider a more thorough investigation into the continuing breaking developments around this nomination so that if it goes forward, it goes forward with everyone aware of the investigation on the allegations that continue to rise.

I might also refer to the Roll Call newspaper dated January 21, 1993, which again from a completely different angle weighs in on this nomination. Mary McGrory in the Washington Post reported several days ago that at least one person that she interviewed hoped even then that this nomination would be withdrawn.

I think we have a problem here with fairness. To me, the most important position in the Cabinet of the President of the United States is the Attorney General. That is the post that is most sensitive in determining what the moral climate will be, what our sense of fairness will actually turn into and how this great Constitution will be interpreted in the courts under the present contemporary circumstances, and who the nominees to the Federal court positions will be that will go from the Attorney General to the President of the United States.

As one who has witnessed the evolution of the civil rights law within this last generation, no one can reinforce the importance to me of the work of the Department of Justice in creating a climate for fairness in America by setting the tone by which that climate of fairness will operate, by determining which cases will receive the imprimatur of support of the U.S. Government, of which violations are serious enough to be forcefully and fully prosecuted.

So I am in the well as a Member who is delighted that the question of gender should be resolved on the side of women for the Attorney General. Excellent. But I think that we ought to examine very carefully who that woman is supposed to be.

I am in the process of recapturing the filmed comments of our former colleague in the Congress, Barbara Jor-

dan, the former member from Texas who has made suggestions similar to those that are being made by myself today. There is disquiet.

Mr. President, if you really want to make people understand that there is change in the Government, please let us not let this molehill build into a mountain so that we will end up having this name withdrawn under far more embarrassing circumstances than those that already exist.

Madam Speaker, I include for the RECORD the articles that I have referred to in my comments today, as follows:

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

United States of America, Plaintiff v. Duncan Robinson, Elizabeth Robinson, Ronan-Edgehill Neighborhood Association, Jack Brownlow, Defendants.

The United States of America alleges:

1. This action is brought by the United States to enforce the provisions of the Fair Housing Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§3601–3619 ("the Act").

2. This Court has jurisdiction over this action under 28 U.S.C. §1345 and 42 U.S.C. §3614(a).

3. The defendant Duncan and Elizabeth Robinson reside at 142 Huntington Street in New Haven, Connecticut.

4. The defendant Ronan-Edgehill Neighborhood Association is incorporated under the laws of the State of Connecticut. Its registered agent is located at 309 St. Ronan Street, New Haven, Connecticut. The Corporation's membership is voluntary.

5. The defendant James Brownlow resides at 683 Prospect Street in New Haven, Connecticut.

6. Marjorie Eichler is the mother of ten children, seven of whom she adopted and three of whom are foster children whom Ms. Eichler is in the process of adopting.[1]

7. Ms. Eichler's family's status is encompassed within the protections of the Fair Housing Act, as amended, 42 U.S.C. §3602(k), which defines "familial status" to mean families with one or more children who live with a parent or other legal custodian, 42 U.S.C. §3602(k)(1), with "the designee of such . . . person having such custody" with written permission, 42 U.S.C. §3602(k)(2), or with "any person who . . . is in the process of securing legal custody," 42 U.S.C. §3602(k). Ms. Eichler retains legal custody of her adopted children and is both the designee of the legal custodian and in the process of obtaining legal custody, through adoption, of her foster children.

8. Based upon the determination of an examining physician, each of Ms. Eichler's children is considered to be handicapped by the State of Connecticut Department of Children and Youth Services. Each of Ms. Eichler's children is handicapped within the meaning of the Fair Housing Act, 42 U.S.C. §3602(h).

9. Ms. Eichler provides to her children a "permanent family residence" as defined by Conn. Gen. Stat. §17a–154. Permanent family residences are defined by the statute to provide disabled children with permanent foster or adoptive homes. Permanent Family Residences, including Ms. Eichler's, are intended to be normal family homes.

10. Ms. Eichler is the president of a non-profit, tax-exempt corporation called "There's No Place Like Home," whose primary purpose is to assist Ms. Eichler in managing her family's financial affairs, and which receives foster care payments and adoption subsidies for her children, which money is used solely to care for her children. Connecticut state law authorizes nonprofit corporations such as There's No Place Like Home to purchase the residence in which permanent families such as the Eichlers live. Conn. Gen. Stat. §17a–154(3)(B).

11. Albertus Magnus College owns a residence located at 150 Huntington Street in New Haven, Connecticut. The residence served as a student dormitory from approximately 1962 until 1989. Approximately twenty-eight students resided there during that time. In or about December, 1991, Albertus Magnus College offered the residence for sale.

12. On March 5, 1992, Ms. Eichler, on behalf of There's No Place Like Home, put down a $5,000 deposit in an offer to purchase the residence located at 150 Huntington Street. On March 10, 1992, Albertus Magnus accepted her offer in a contract which designated June 16, 1992 as the final closing date of the sale. The contract also required that Ms. Eichler secure a definite commitment of financing by June 8, 1992. Ms. Eichler applied to the Connecticut Department of Human Resources ("DHR") for financing. DHR provisionally agreed to provide financing on May 15, 1992.

13. On or about March 28, 1992, Duncan and Elizabeth Robinson held a meeting of the Ronan-Edgehill Neighborhood Association at the Robinsons' home to discuss the Eichler family and their prospective residence in the neighborhood. The neighbors discussed the fact that some of the children were foster children and that many were handicapped. Many neighbors expressed opposition to the proposed purchase and the Eichlers' prospective occupancy.

14. On or about April 2, 1992, James Brownlow, a member of the Prospect Street North Neighborhood Association, which neighborhood borders the Ronan-Edgehill Neighborhood, wrote a letter to Kamp & Neilsen, the realtor representing Ms. Eichler in the real estate transaction, threatening that his Association would institute legal proceedings if there was "even a hint" that the Huntington Street property would be used as, among other things, a "foster home." Brownlow sent copies of the letter to the listing realtor for the property, Albertus Magnus College, and the New Haven Zoning Enforcement Office.

15. On or about April 4, 1992, the president of the Ronan-Edgehill Neighborhood Association, Robie Pooley, wrote a letter to the buying realtor requesting information about the proposed use of the property. Ms. Pooley sent copies of the letter to the listing realtor and to the seller, Albertus Magnus College.

16. On May 1, 1989, the Robinsons filed suit against Ms. Eichler and There's No Place Like Home in State Superior Court, seeking to bar the sale to and/or occupancy by the Eichlers of the property unless and until Ms. Eichler applied for and received a zoning variance or special use permit. The complaint on its face, relying on a City zoning ordinance, sought to bar the Eichler family from residing in a home in the neighborhood because the family includes foster children.

17. Also on May 1, 1992, the Robinsons filed a Motion for a Temporary Restraining Order to enjoin the Eichlers from purchasing and occupying the property. The Application for the Temporary Restraining Order alleged that the presence of the Eichler children in the neighborhood would cause imminent harm to the Robinsons by diminishing the attractiveness and value of the Robinsons' property, among other things.

18. On May 18, 1992, the state court ordered the parties to "maintain the status quo" and forbade the Eichler family to move into the property at 150 Huntington. On May 26, 1992, the state court reaffirmed its order.

19. On May 26, 1992, the Ronan-Edgehill Neighborhood Association intervened in the state court lawsuit against Ms. Eichler and There's No Place Like Home, filing a complaint alleging claims similar to those the Robinsons asserted and also seeking injunctive relief barring the Eichler's from purchasing or occupying the house at 150 Huntington.

20. Although the Robinsons and the Ronan Edgehill Neighborhood Association subsequently dismissed their state court lawsuit, following notice of a federal government investigation of their actions, the pendency of that litigation endangered the State's commitment to provide financing and Ms. Eichler's ability to fulfill her contractual obligation to purchase the house at 150 Huntington.

21. The Robinsons and the Ronan-Edgehill Neighborhood Association have discriminated against the Eichler family because of their familial status, as defined in 42 U.S.C. §3602(k), by filing and maintaining a lawsuit to bar the Eichlers from purchasing their home, unless and until the Eichlers applied for and obtained a zoning variance or permit, which other families are not required to obtain prior to residing in this single-family neighborhood. The Robinsons and Ronan-Edgehill Neighborhood Association prosecuted the lawsuit in order to interfere with the Eichlers' exercise of their fair housing rights, and to make unavailable to them their prospective home, because of the Eichlers' status as a foster family. The lawsuit therefore was interposed for a discriminatory purpose and sought relief that is illegal under the Fair Housing Act, 42 U.S.C. §§3604(a), 3617.

22. The Ronan-Edgehill Neighborhood Association has discriminated against the Eichler family because of the children's handicaps, as defined in 42 U.S.C. §3602(h), by filing and maintaining a lawsuit to bar the Eichlers from purchasing their home, unless and until the Eichlers applied for and obtained a zoning variance or permit, which other families are not required to obtain prior to residing in this single-family neighborhood. The Ronan-Edgehill Neighborhood Association prosecuted the lawsuit to interfere with the Eichlers' exercise of their fair housing rights, and to make unavailable to them their prospective home, because of the children's handicaps. The lawsuit therefore was interposed for a discriminatory purpose and sought relief that is illegal under the Fair Housing Act, 42 U.S.C. §§3604(f), 3617.

23. On May 22, 1992, the Eichlers filed with the Secretary of the Department of Housing and Urban Development ("HUD") a complaint of housing discrimination pursuant to 42 U.S.C. §3610, alleging discrimination on the basis of familial status and handicap, among other characteristics, in violation of the Fair Housing Act, 42 U.S.C. §§3601 *et seq.*, by the Robinsons and the Ronan-Edgehill Neighborhood Association, among others.

24. On June 6, 1992, the General Counsel of HUD, noting that the complaint appeared to involve a denial of rights to a group of persons, and raised an issue of general public importance, referred this matter to the At-

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[1] Hereinafter, "Eichler family" will refer to Ms. Eichler and her ten adopted or foster children.

torney General pursuant to Section 810(e)(2) of the Act, 42 U.S.C. §3610(e)(3).

25. The Attorney General is authorized to bring this action by 42 U.S.C. §3614(a).

26. By their acts referred to in Paragraphs 13, 16, 17, 20 and 21, above, the Robinsons intended to make a dwelling unavailable to persons on account of familial status, in violation of 42 U.S.C. §3604(a), and have "interfered with, threatened, intimidated, and coerced persons in the exercise of their fair housing rights" on account of familial status, in violation of 42 U.S.C. §3617.

27. By its acts and the acts of its agents referred to in Paragraphs 13, 15, 19, 20, 21, and 22 above, the Neighborhood Association intended to make a dwelling unavailable to persons on account of familial status and handicap, in violation of 42 U.S.C. §§3604(a), 3604(f), and interfered with, threatened, intimidated, and coerced persons in the exercise of their fair housing rights on account of familial status and handicap, in violation of 42 U.S.C. §3617.

28. By his acts referred to in Paragraph 14, above, James Brownlow made a statement with respect to the sale of a dwelling that "indicates [a] preference, limitation, or discrimination based on . . . familial status," in violation of 42 U.S.C. §3604(c), and interfered with, threatened, intimidated, and coerced persons in the exercise of their rights to fair housing on account of familial status, in violation of 42 U.S.C. §3617.

29. The conduct of each of the Defendants described in Paragraphs 13-22, above, has denied to a group of persons rights granted by the Fair Housing Act, 42 U.S.C. §§3601-3619, which denial raises an issue of general public importance.

30. Each member of the Eichler family is an aggrieved person as defined in 42 U.S.C. §3602(i), and has suffered damages in the form of economic loss, emotional distress, and the loss of equal housing opportunity as a result of the defendants' conduct.

31. The defendants' conduct was intentional, willful, and taken in disregard of the rights of the Eichler family.

Wherefore, the United States prays that the Court enter an Order that:

1. Declares that the actions of each of the Defendants described above constitute a violation of the Fair Housing Act;

2. Enjoins the defendants, their agents, employees, and successors, and all other persons in active concert or participation with any of them, from interfering with the purchase by There's No Place Like Home, and the Eichler family's occupancy and use, of the property at 150 Huntington Street because of handicap or familial status;

3. Requires such action by each of the defendants as may be necessary to restore each member of the Eichler family to the position he or she would have occupied but for the defendants' discriminatory conduct;

4. Awards such damages as would fully compensate each member of the Eichler family for his or her economic loss, emotional distress, and loss of equal housing opportunity caused by the defendants' discriminatory conduct, pursuant to 42 U.S.C. §3614(d)(1)(B);

5. Awards each member of the Eichler family punitive damages because of the intentional and willful nature of the defendants' conduct, pursuant to 42 U.S.C. §3614(d)(1)(B); and

6. Assesses a civil penalty against each defendant in an amount of money authorized by 42 U.S.C. §3614(d)(1)(C), in order to vindicate the public interest.

The United States further prays for such additional relief as the interests of justice may require.

Respectfully submitted,

WILLIAM P. BARR,
Attorney General.

VERIFIED COMPLAINT, SUPERIOR COURT, J.D. OF NEW HAVEN, MAY 1, 1992

Duncan Robinson and Elizabeth Robinson vs. Marjorie Eichler and There's No Place Like Home, Inc.

FIRST COUNT

1. Plaintiffs, Duncan Robinson and Elizabeth Robinson are residents of the City of New Haven, Connecticut and are owners of their home located at 142 Huntington Street, New Haven, CT.

2. Defendant Marjorie Eichler (hereinafter "Eichler") is an individual believed to reside at 4 Hilltop Road, New Haven, Connecticut.

3. Defendant There's No Place Like Home, Inc. is a corporation organized and existing under the laws of the State of Connecticut with its mailing address listed with the Secretary of State as 4 Hilltop Road, New Haven, Connecticut.

4. Defendants are currently under contract for the purchase of property located at 150 Huntington Street, New Haven, Connecticut which is currently owned by Albertus Magnus College, which it operated as a student dormitory until 1991 under a use variance issued by the City of New Haven in 1966 ("the Property").

5. The building on the Property is now vacant and Albertus Magnus College no longer intends to use the Property as a dormitory. In 1992, it listed the Property for sale through realtors in the multiple listing service as a residential property.

6. This Property abuts plaintiffs' property and contains a structure with twenty-one rooms of which eighteen are bedrooms, having been converted from original residential use in 1967.

7. The maximum distance between the walls of the houses on the two abutting properties is no more than 32 feet, and the properties' porches are only 15 feet apart.

8. The zoning district in which plaintiffs reside and in which the Property is located is designated as an RS 1 District for special single-family dwellings in accordance with New Haven Zoning Ordinance Article III, §11, which provides:

"These districts exist for the protection of certain fully developed single-family areas of relatively small total size but of unique and irreplaceable value to the community as a whole. The specific purpose of these districts is to stabilize and preserve the low-density residential character of these areas to the maximum possible extent. To this end the use of land and buildings within these areas is limited primarily to single-family homes. The particular character, size and surroundings of these areas create little need for the location within their boundaries of further such non-residential uses as generally support a low-density residential area, and the location of any further such uses within these areas would undesirably limit or diminish the number of homes in them. It is hereby found and declared that these regulations are necessary to the protection of these areas and that their protection is essential to the maintenance of a balanced community of sound residential areas of diverse types.

"All RS 1 Districts are subject to the General Provisions for Residence Districts set forth in Article IV as well as to all other provisions of this ordinance."

(See Exhibit A, attached).

9. New Haven Zoning Ordinance, Article 1, §1 defines the term "family" in relevant part as:

FAMILY: One or more persons related by blood, marriage or adoption, and in addition, any domestic servants or gratuitous guests thereof; *or* a group of not more than four persons who need not be so related.

(See Exhibit B, attached).

10. In January, 1992, Albertus Magnus College, recognizing the neighborhood concern that the zone is for single-family homes, held an informational meeting with residents of the neighborhood, and expressed its hope that residential buyers would be found to purchase and restore the Property consistent with the surrounding neighborhood.

11. At some unknown time thereafter, defendants and Albertus Magnus College entered into a real estate purchase and sales agreement for the Property for use as a permanent family residence for which defendants have been licensed by the Department of Children and Youth Services ("DCYS)" pursuant to C.G.S. §17-154 et seq. for placement of up to six foster children.

12. Albertus Magnus College and their realtors thereafter became secretive and uncommunicative about the prospective purchasers and their intended use of the Property. Neither defendants nor Albertus Magnus College has made any application for any zoning or use variance to permit use of the Property as a permanent family residence.

13. During this time, defendant Eichler has visited the Property bringing several of her pre-school children who were left unsupervised during the visit and who roamed in and through the property of the plaintiffs and adjoining neighbors.

14. On information and belief, defendant Eichler intends to move into the Property with her extended family consisting of her son, daughter-in-law and six adopted children as well as at least four foster children, and operate a "permanent family residence."

15. Defendant Eichler and There's No Place Like Home, Inc.'s intended use of the Property in such a manner is in violation of the applicable New Haven Zoning Ordinances governing the Property in that defendant Eichler will reside there with her extended family, including children related to her by blood, adoption or marriage, and at least four persons unrelated to her by blood, adoption or marriage, in violation of the limitation of an RS 1 District which is limited to single-family homes, and the definition of "family" which is, in relevant part, "one or more persons related by blood, marriage or adoption," or a group of not more than four persons who need not be so related.

16. If defendants Eichler and There's No Place Like Home, Inc. implement their intended purpose of occupying the Property with a single "family" and four unrelated persons without obtaining a zoning variance for the purpose, plaintiffs will suffer imminent, irreparable harm for which they have no adequate remedy at law, in that:

1. Their legal right and opportunity to appear to be heard by the New Haven Zoning Board of Appeals prior to defendants' intended use will be infringed; and

2. Their right to use and enjoy their home consistent with their expectations of residence in an RS 1 District will be diminished or destroyed in that:

a. There will be increased noise, traffic and disruption from such impermissibly high density, including visits by DCYS staff having responsibility for the unrelated minors placed with defendant, the unrelated minors' relatives, and the general increased transportation needs;

b. Plaintiffs' right to the use and quiet enjoyment of their own property will be immediately and substantially impaired by the close proximity of the unlawful use of the adjoining Property, since that presence of the unrelated persons in addition to defendants' "family," under the circumstances presents a substantial likelihood that unsupervised preschool children will enter plaintiffs' premises from defendants' adjoining Property, thereby (1) diminishing plaintiffs' quietude and causing anxiety and worry for the children's safety and plaintiffs' liability therefore, (2) producing a noise and activity level antagonistic to the low density residential character of the neighborhood and (3) diminishing the attractiveness, value and unique qualities plaintiffs have enjoyed and expected from an RS 1 zone.

Wherefore, Duncan Robinson and Elizabeth Robinson pray for judgment:

1. Awarding (a) temporary and permanent injunctive relief restraining defendants Marjorie Eichler and There's No Place Like Home, Inc. from taking, possession of the Property for any use in violation of New Haven Zoning Ordinances governing the Property, including contemporaneous use by defendant's extended family and a group of unrelated persons.

2. For any such other and further relief as to this Court may seem just and proper.

THE PLAINTIFFS, BY JANET BOND
ARTERTON, LISA M. GRASSO, GARRISON & ARTERTON, P.C. NEW
HAVEN, CT.

[From the Los Angeles Times, Jan. 21, 1993]

NEIGHBORS SAY BAIRD'S HUSBAND ATTENDED MEETING ON BIAS SUIT

(By Douglas Frantz and Ronald J. Ostrow)

WASHINGTON—Atty. Gen.-designate Zoe Baird's husband last summer attended a neighborhood association meeting where the members discussed a threat by the Justice Department to sue the organization for housing discrimination, the group's president said Wednesday.

The disclosure could raise questions about Baird's testimony Tuesday, in which she told the Senate Judiciary Committee that all she knew about the suit was what she had read in newspapers.

The Justice Department ultimately sued the New Haven neighborhood organization, charging that it violated fair housing laws by trying to block a woman with 10 foster and adopted children from moving into the affluent neighborhood.

Baird's husband, Yale law professor Paul Gewirtz, is likely to be questioned about the matter if he testifies today at the second day of Baird's confirmation hearing. The issue could stir up further trouble for Baird, who already has apologized for breaking the law by hiring two illegal immigrants as household servants.

It could not be determined what position, if any, Gewirtz took on the threatened suit during the meeting. Attempts to reach him, his wife and transition officials late Wednesday were unsuccessful.

The controversy began last year when Marjorie Eichler tried to purchase a 25-room mansion in the neighborhood. The Ronan-Edgehill Neighborhood Assn. and some individual residents filed suit in state court to block the move. They claimed Eichler would be operating a group home in violation of zoning regulations for the neighborhood.

Eichler complained to federal housing officials that neighbors were trying to keep her from buying the house because her children are Latino and black. The matter was referred to the Justice Department's civil rights division, which opened an investigation last May.

Robie Pooley, president of the neighborhood group, said the Justice Department tried to persuade the association to avoid a discrimination suit by paying a settlement and agreeing not to engage in such activities in the future—terms that would allow the sale to proceed.

Last June or July, Pooley said, the association held a board meeting at her house to discuss the settlement offer and the merits of the threatened suit. She said Gewirtz was among 10 to 20 people who attended the meeting, although he was not on the board or a member of the association.

"Paul was at the meeting and I remember him participating to a certain extent," said Pooley. "I don't remember what he said, and he had to leave early."

Another participant, who declined to be identified, also said Gewirtz was there. After Gewirtz left, another Yale law professor, Anthony Kronman, reportedly made comments that he said represented his position and that of Gewirtz. Kronman declined to discuss the meeting when contacted Wednesday.

"I would rather not comment on that at this point, particularly given the possibility that Mr. Gewirtz will be testifying at the hearing tomorrow," he said.

The Justice Department filed a discrimination suit against the neighborhood group and some individual residents last summer. It is pending in federal court in Bridgeport, Conn.

When Sen. Arlen Specter (R-Pa.) asked Baird about the suit Tuesday, she said, "I knew nothing about the activity that led to the lawsuit or the lawsuit except what I read recently in the paper, and I can't tell you anything, really, beyond that."

Specter and Sen. Carol Moseley-Braun (D-Ill.) asked that Gewirtz be called to testify today about the hiring of the illegal immigrants and other matters, but it could not be determined Wednesday whether he was going to appear.

[From the Nation, Feb. 1, 1993]

BAIRD FACTS

(By Bruce Shapiro)

If any Judiciary Committee members are trawling for evidence of conflict of interest in the appointment of Zoë Baird as Attorney General, they won't have to fish through the confidential files of her former employers, G.E. and Aetna: They need look no further than the street where she lives. Baird is an active member of a New Haven association currently being sued by the Justice Department for housing discrimination.

Baird and her husband, Yale law professor Paul Gewirtz, live in a $500,000 house in New Haven's most aristocratic enclave, Prospect Hill. Last spring an assortment of Baird's distinguished and generally liberal neighbors—among them a state judge, a Yale museum director and a former mayoral candidate—went into a frenzy when Marjorie Eichler, a woman with ten adopted and foster children, all of them with disabilities and all African-American or Latino, decided to buy a venerable house long used as a dormitory by nearby Albertus Magnus College, on Huntington Street, a block away from the Baird-Gewirtz residence. The angry property owners organized through the Ronan-Edgehill Neighborhood Association to muscle Eichler and her children out: They called meetings, phoned realtors and filed a zoning lawsuit claiming that the foster family amounted to a "group home." (The campaign was deliciously chronicled by Carole Bass of The Connecticut Law Tribune.) The association's zoning suit was finally withdrawn—but not before it delayed Eichler's closing for several months and instilled in her children a deep fear of harassment by their neighbors.

Stunned, Eichler called HUD, which in turn called the Justice Department Justice took her side in the zoning case and then filed a discrimination lawsuit charging the neighborhood association and assorted individuals with violating the Fair Housing Act, which forbids both racial discrimination and discrimination on the basis of "familial status." According to Justice the association's campaign clearly amounted to family-status discrimination and possibly racial discrimination as well. The case is pending in federal court.

Baird isn't named as a defendant in the case. But she is an active member of the neighborhood association. According to the association's president and The Hartford Courant, Baird served on a committee and helped the group with a local property tax campaign last spring, the very time the association started fighting Marjorie Eichler and her children. And as a neighborhood homeowner, Baird remains a member of the association even while the Justice Department she has been nominated to head carries forward its discrimination suit.

Baird's involvement in the Ronan-Edgehill case raises disturbing questions. (She could not be reached for comment at press time.) Why hasn't she recused herself from a pending case of which she's clearly aware? Why hasn't she stood up against discrimination in her own backyard? Could it be that Zoë Baird is all for "the advancement of civil rights," as she said in a statement at the time of her nomination—as long as it does not affect her own property values?

[From the Roll Call, Jan. 21, 1993]

UNDER SCRUTINY BY JUSTICE, HATCH RAISES QUESTIONS WITH SOLICITOUS BEHAVIOR TOWARD NOMINEE BAIRD

(By Glenn R. Simpson)

Sen. Orrin Hatch (R–Utah) remains under scrutiny by the Department of Justice for his activities in connection with the BCCI scandal, according to a report yesterday in the Washington Post that was independently confirmed by Roll Call.

The ongoing investigation raises questions about Hatch's solicitous behavior Tuesday toward Zoë Baird, the corporate lawyer who was nominated to be Attorney General and has since come under fire for hiring two illegal aliens and not paying their Social Security taxes.

Baird was criticized by several members of the Judiciary Committee at her hearings this week—but was defended by Hatch, the new ranking member, who raised eyebrows when he criticized "partisan politics."

Reports of a Justice Department investigation of Hatch followed an article in Roll Call Monday disclosing Hatch has set up a legal expense fund to defray expenses in any probes by the Senate Ethics Committee or law enforcement agencies, and an earlier story in the New York Post claiming that Hatch is a "target" of Manhattan District Attorney Robert Morgenthau, who next month will try Washington lawyer Robert Altman on fraud and bribery charges involving the Bank of Credit and Commerce International. Altman, a BCCI lawyer and former member of First American Bank's board, is a close friend of Hatch.

BCCI was exposed in 1991 as a worldwide criminal enterprise involved in bribery, drugs, and illegal arms transactions.

Two ethics experts said in interviews yesterday that the existence of a Justice probe of Hatch and the Senator's outspoken support of Baird's nomination raise serious questions about whether Baird will now have a conflict if she participates in decisions regarding the Hatch inquiry.

A third expert, however, said Baird's judgment should not be presumed to have been compromised and dismissed questions about Hatch's motives as "cynical."

Hatch, who assumed the ranking minority member post on the Judiciary Committee earlier this month, endorsed Baird last weekend, and on Tuesday in his opening statement at Baird's confirmation hearings dismissed questions about Baird's admitted employment of illegal aliens. His support for Baird has widely been seen as critical in sustaining the nomination's viability in the Senate amid public criticism of Baird.

Several high-placed Senate aides expressed surprise and puzzlement at Hatch's conduct in interviews earlier this week. While Hatch's friendships in the Senate cross partisan lines, his overall reputation is that of an aggressive partisan.

In October 1991 Judiciary Committee hearings, Hatch publicly suggested that some of Anita Hill's sexual harassment allegations against Supreme Court nominee Clarence Thomas were borrowed from William Peter Blatty's novel The Exorcist. The claim was allegedly part of an organized Republican campaign to discredit Hill, but last weekend Hatch declared himself "so sick of partisan politics" and said of the Democrat Baird, "I don't want her smeared."

Hatch's attorneys at the white-collar firm Miller, Cassidy, Larroca & Lewin have been preparing for a BCCI-related probe of some sort since at least October, according to one source, who says the lawyers began at that time to question current and former Hatch aides who had contact with BCCI figures or with Hatch business partner Monzer Hourani. This newspaper first received unconfirmed reports of an FBI investigation of Hatch last spring, several months after Hatch voluntarily met with Justice officials regarding his dealings with BCCI figures.

"I can't see it being a conflict of interest," said Hatch spokesman Paul Smith of the Senator's support for Baird. "Other than that, I just wouldn't want to comment."

Among ethics experts interviewed by Roll Call, Charles Lewis, executive director of a Washington-based non-profit watchdog group called the Center for Public Integrity, was most critical of Hatch. Lewis called for the Senator to recuse himself from further consideration of the Baird nomination and said Hatch's potential conflict should be taken up by the Judiciary Committee today when Baird's hearings resume.

But Stephen Gillers, a professor at New York University Law School, said the problem is more Baird's than Hatch's. "If he's an ardent supporter of the nomination, it could mean that she should not participate in decisions regarding this investigation," he said. "Not because she could not be objective, but because it would appear that she might be influenced by his support."

If Baird asked for his advice, Gillers said, "I would tell her that the perception of fairness requires that she step aside."

But Gillers saw no reason for Hatch to recuse himself. "It's a political issue, obviously, for the Senator's constituents to consider, but being under investigation does not disable him from participating as a member of the Judiciary Committee." Added Gillers: "It's an awkward situation, but there's no other solution. You can't make him suspend his work as a Senator while there's an investigation. That would be draconian, I think."

Nonetheless, he said of Hatch's role, "His early support for her, to this observer, will make a difference. And I think she should not participate in final decisions regarding the investigation."

Gillers and Lewis agreed that at the very least, the question of a possible conflict because of the Justice probe is significant. "That's certainly newsworthy and noteworthy," said Gillers.

But Michael Josephson, a Los Angeles-based ethics consultant, said that "to assume the worst is not acceptable" with regard to possible conflicts for Baird or Hatch arising from these circumstances. "It's something that would make me a bit skeptical," he said of the situation, "but I guess I'm just not that cynical yet. I'm not a huge fan of Orrin Hatch's, but it seems to me that it's hard to believe [a Justice investigation] itself would make the difference for him."

Josephson cautioned that he was unfamiliar with the details of Hatch's dealings with BCCI and the questions about the Senator's finances. But he added, "We have got to still believe, in the absence of evidence to the contrary, that people will use their public office properly."

Yesterday's Post report, citing "sources close to the investigations," said that Justice and Morgenthau are looking into Hatch's dealings with mysterious BCCI shareholder Mohammed Hammoud and his dealings with Lebanese-American businessman Hourani, a Texas developer.

Hatch gave a Senate floor speech in February 1990 that was drafted by BCCI attorney Altman and was beneficial to the bank, which had pleaded guilty to money-laundering charges. Shortly thereafter, Hatch called the bank's CEO on behalf of Hourani, who was seeking a loan. Hourani manages a $10,000 investment for Hatch and at one point Hatch sought unsuccessfully to make Hourani the trustee for the investment.

Hatch has previously met with Justice officials regarding his dealings with BCCI, and the department early last year said he was not a subject or a target of their BCCI investigation. The Post said yesterday there is "no indication" that Hatch has been informed he is a subject or target of any probe, and Hatch spokesman Paul Smith asserted that the Post article contains "no new news."

The newspaper said that Justice officials declined on-the-record comment about the reported investigation, while FBI officials denied the bureau was conducting any Hatch investigation.

Government offices were closed yesterday because of the Inauguration.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. KENNELLY). The Chair reminds all Members to refrain from any remarks that command or indicate a course of action for the Senate.

BIPARTISAN COOPERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Madam Speaker, I want to talk about bipartisan cooperation and the opportunity of the new administration and the new Congress.

I listened very carefully yesterday to President Clinton's inaugural address, and in fact, I thought some of it was so helpful and so encouraging that I wanted to take a few minutes today to comment on it. And I want to say, on behalf I think of virtually all of the Republicans I have talked with, that we very much would like to cooperate and work with the new President wherever we can.

As somebody who has taught courses on the future, and who has worked with Alvin Toffler and others developing futurism, and in looking at how much the world is changing, I thought that President Clinton struck a very powerful note early in his speech when he said,

> When George Washington first took the oath I have just sworn to uphold, news traveled slowly across the land by horseback and across the ocean by boat. Now, the sights and sounds of this ceremony are broadcast instantaneously to billions around the world.
>
> Communications and commerce are global; investment is mobile; technology is almost magical; and ambition for a better life is now universal. We earn our livelihood in America today in peaceful competition with people all across the Earth.
>
> Profound and powerful forces are shaking and remaking our world, and the urgent question of our time is whether we can make change our friend and not our enemy.

I thought frankly those three paragraphs were remarkably accurate, clear, and effective. And I want to commend the new President for his awareness of the scale of change we are living through.

I think that it is important for all of us as we try to deal with the challenges of America's future to recognize and to study and to understand what I think are key points that were made by President Clinton yesterday. First, that we are inexorably tied into the world, and as he said, "Communications and commerce are global; investment is mobile." Now think about that. Investment is mobile means very simply if we raise taxes on capital and on savings in America, it will simply flow to Taiwan or Hong Kong or Germany or somewhere else. But you cannot track it. It can move, something the French Socialists found in 1981 when they tried to inflate their economy and frankly were forced by the world market to change their policy. So investment can come to America to create jobs or it can go to Brazil. Investment can choose where to be.

One of the challenges to this Congress is to find a way to encourage savings and investment and job creation in America, because as the new President said, "Investment is mobile."

Second, "Communications and commerce are global." And President Clinton is right. When we start every day, whether it is on CNN, which I think is in 130 countries, or it is on C-SPAN, which is often excerpted by people all over the world, or whether it is in thinking about the next industrial policy, the next effort to create jobs, we are doing so in a world market with a world information system.

☐ 1310

That is a totally different world than we have ever seen before on the planet.

Somebody commented that Desert Storm is the first truly televised war, that Vietnam was really film at 11, and that they still had to fly the film back, and still there was a distance. But starting with Desert Storm, and I guess earlier with Just Cause in Panama, we began to have a process where, literally, you were at the battlefield while sitting in your living room, and certainly everybody who watched Tel Aviv and Jerusalem waiting to see whether the Iraqi missiles were chemical warheads or conventional warheads knew, in their living room, they could sense, they could feel the tension that was happening in Israel at that point. So President Clinton, I think, correctly pointed us in the direction of being concerned about where the world was going.

He said, and I thought it was a terrific phrase, "Technology is almost magical." I want to come back to this.

I would say that one of the things we have to start focusing on as Americans is the degree to which technology can be our friend and create a better future, technology for a healthier environment, technology for less expensive, better health care, technology for learning systems that are decentralized and user-friendly, technology to increase our safety in our neighborhoods, technology to dramatically downsize Government bureaucracies and make Government more customer-friendly, that we need to rethink technology, and we need to get away from the welfare state bias against technology and get into a period of accelerating technological development and technological opportunity.

I believe this question, as President Clinton said it, of "the urgent question of our time is whether we can make change our friend and not our enemy," that there are another two words that could have been used there that would make it even clearer, and where I think his very powerful point could become even more decisive. The issue for America is whether we will continue the decay of American civilization or whether we will go back to progress as our most important product.

We do not just want change. If I walk out this afternoon and get mugged, that is a change in my status but it is not progress; if I go out this afternoon and discover that I have cancer, that is a change of may status, but I have not made progress; if I go out this afternoon and learn that I have lost my job, that is a change in my status, but I have not made progress. We want to reestablish the concept of progress.

What do we mean by progress? What is real progress? Where are we going in the future? What do we want which is a change for the better, not just change for its own sake?

President Clinton went on to say a little bit later, and I am just going through the high points, because I think there were a number of them that were very important, "We know we have to face hard truths and take strong steps, but we have not done so. Instead, we have drifted, and that drifting has eroded our resources, fractured our economy, and shaken our confidence."

Let me say that I agree with him. I think, frankly, that whether you are a Republican or Democrat, however you voted or whether or not you voted in the last election, it is an objective fact that we have not solved the problems of the welfare state. We have not reclaimed our great cities. We have not modernized our education system. We have not reformed our health system, that there is much to be done.

I agree with him that, as he said, "We have to face hard truths and take strong steps."

Let me offer, and I believe I can do so on behalf of virtually every House Republican Member, let me offer that we want to work with the new administration and with the Democratic leadership in facing hard truths and taking strong steps, but that we want to work from the beginning. We want to be in the room helping define what needs to be done. We want to be in the room helping plan the reforms that need to be passed. What we do not want is to be approached after everything is designed and be told that this is what we have to buy onto. I think that the President will find a tremendous outreach, and his Cabinet will find a tremendous outreach, on the part of House Republicans, whether it is health reform, education reform, welfare reform, line-item veto. On topic after topic he will find a real interest on the part of the House Republicans in working with them from the very beginning. As Lyndon Johnson once said in being in on the takeoff, "if they want us to be in on the landing."

I think in that sense we do have an opportunity to genuinely have a more bipartisan and a more productive Congress than we have had in a long time.

The President said, and I thought this was one of his most profound comments, but I think one that the administration, the Democratic leadership need to think about a long time. He said, "There is nothing wrong with America that cannot be cured by what is right with America." And it says in here there was applause. I was one of those applauding. I want to repeat it, because I thought it was just a very powerful comment, "There is nothing wrong with America that cannot be cured by what is right with America." I believe that.

I am like Reagan, I have studied Franklin Roosevelt and Ronald Reagan, because they are, I believe, the two greatest American leaders of the 20th century, and they are both worth studying. One of the reasons they were both successful was that each in his heart, in the core of his being, believed as a natural optimist in the inherent goodness of the American people and in the potential of the American people to do enormous things.

As Reagan said in his first inaugural, "We have every right to dream heroic dreams." And FDR told us, "There is nothing to fear but fear itself," and pointed out to us that we are in a position where our generation has a rendezvous with destiny.

I would simply say, and I think I am trying to make a point that President Clinton made, that for the baby-boomers the time has come to have a rendezvous with destiny just as Franklin Roosevelt, I believe, meant it in 1940 when he first said it.

In that sense, the challenge, I think, to many of our friends on the left, and one where I think President Clinton can play a major leadership role in helping bring along many of the members of his own party is to recognize that much that is right with America are things that the welfare state naturally cripples. Let me give you some examples. One of the things that is most right with America is small business. We are the most successful small-business job-creating system in the history of the human race, and yet mandates, and I am told they will be bringing up an antibusiness mandate, an antijobs mandate in about 2 weeks, mandates hurt small business, enriching the trial lawyers with more opportunity for litigation, which hurts small business. Creating more paperwork that that businessman or businesswoman has to take home at night to fill out at their own expense on their own time hurts small business. In area after area, the welfare state is inherently anti-small business.

That is why, when you look at the large cities of America, in most of them they are driving small businesses out of their cities, and the result is they are not creating jobs, because it is small business which creates over 80 percent of the jobs in America.

One of the things that is right with America is small business. One of the things that I hope the new President will do is invite about 20 or 30 or 40 or 50 small-business owners and ask them what shall we do to change the welfare state, what shall we do to change the tax law, what shall we do to change red tape and regulation to encourage more small business. That is why I am such a strong believer in enterprise zones, for example, and I have every hope that our former colleague, Mr. Espy, as the new Secretary of Agriculture, is going to continue to fight for enterprise zones.

I had a brief opportunity yesterday to talk with the new Secretary of Housing and Urban Development, and I have every hope that Mr. Cisneros will be active in fighting for enterprise zones, creating the opportunity for more small business, particularly in the inner cities among the poorest Americans where we most need to create entrepreneurship, and wealth, and jobs, so people have a better future.

When you look at what is right with America and what is wrong with America, one of the things most wrong with America is the work rules of our big-city municipal unions, whether it is New York, which is the most outrageous example, or across the board, and the example cited in Philadelphia where it took literally three workers, and this is not a joke, where it took three workers under the union work rules to change a light bulb at the airport, one worker to deal with turning the electricity off, one worker to deal with taking off the fixture, and one worker to actually change the light bulb. That is crazy. You cannot afford to have that happen.

All of the great cities are decaying in part because we have not taken the work ethic and common sense and pragmatism and reapplied them to union work rules.

Another example of what is right with America that is changing things is the determined downsizing of all of our great corporations, the willingness to recognize that the computer and quality between them, the computer and information systems on the one hand, allowing people to communicate better without layers of management, and the concept of quality as defined by Edwards Deming allows teams to work together better without lots of middle management.

The result is, and whether it is IBM, General Motors, Xerox, or Ford, you see a shrinking of the management level which, from a customer's standpoint, allows you to have faster turnaround, better decisions, better quality, better equipment at lower cost.

Now, what do we see at every level of government? I do not currently know, and maybe somebody could call my office or write me a letter and tell me if they know of an example, but I do not currently know of any example of a government which has successfully downsized on the scale we are talking about. There are a few small isolated cases of privatization, but when we look at a New York City or you look at the Department of Agriculture, or look at the Department of Labor bureaucracy, if we were to downsize the Federal Government bureaucracy by the same percentage as IBM, Xerox, or Ford Motor Co., and in the process, if we could do it not by pure seniority and not within unionized work rules, not within an 1880's Civil Service Act, if we could actually apply Deming's concept of quality and think it through and do it correctly, we would have better government at lower cost with a more customer-oriented attitude by people who are glad they work for a government which is competent and that they could be proud of.

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This is a totally different mind set and a totally different model from our current system and something we need to work on.

A third area, and one where, as Governor, President Clinton had the right attitudes, one of the things right with America is the work ethic. Most Americans know that work matters. If you ask most Americans where they rank the work ethic, it is very, very high. When asked a year ago by the Atlanta Constitution whether or not we should require work from people on welfare, including women with young children, 79 percent of the southerners in 10 States said "yes." Interestingly, 80 percent of southern blacks said "yes."

So, in fact, there is an enormous coalition out there potentially ready to have a work requirement because people understand that is a part of being American, that to not work is in a sense to give up part of the essence of being American.

Having private property is an important part of being American. The work done by Jack Kemp and Bob Woodson and others on encouraging people in public housing to have a stake in their neighborhood; we know as a matter of fact that what is right with America is when you own your own house you take care of it, when you have pride in your property you take care of it.

You do not see riots where people own their own property. You do not see looting where people own property.

So, some kind of dramatic effort to change public housing would be an enormous step in the right direction. The President said in his very fine inaugural speech, and I quote, "To renew America we must be bold."

Well, I had a major national reporter talk to me two Sundays ago who said to me, "You know, probably Medicaid is the most absurd program in implementation we currently have. It is rapidly rising in cost, it has not cost controls built into it, and it has no responsibility." If you declare yourself poor enough, you show up and you are taken care of.

This particular person said to me that what we should do is require $5 every time somebody uses Medicaid. I think that is too high, but the principle is right. I do not think you can turn to poor people and say, "You should have to turn over $5 every time you use any kind of medical care." But as a principle, could we not require $1, as a principle, should we not require some kind of initial copayment? Should we not establish some sense of responsibility and accountability and some level of cost so you do not have people with a bad hangover or a bad headache at 2 in the morning calling a cab for free, in order to go to the emergency room for free, in order to be given an aspirin for free?

So, instead of having some minimum level—I am told that the simple act of requiring $1 every time you go to a doctor or an emergency room to get a pharmacy prescription filled, just $1 would in fact dramatically change the cost of Medicaid and begin to establish a sense of accountability and responsibility.

I know that is bold, but it seems to me that it is important that as we look at President Clinton's inaugural, that we be prepared to be very genuinely bold.

I have said on the other end of the income scale that if you have over $100,000 a year in retirement income, retirement income, that you should be required to pay all of your Medicare premium because at $100,000 a year in retirement income you are well enough off that it is just wrong for us to be taxing a young man or woman at $15,000 or $20,000 a year income, with one or two children, in order to transfer the wealth to Frank Sinatra or David Rockefeller.

Now, if we required everyone with $100,000 and up to pay all of their Medicare premiums, we would save, I believe the number is, about $3.5 billion over the next 5 years. I know that is bold, but it seems to me if we are in fact having to pinch pennies, that is a legitimate place to look at to pinch pennies.

The President went on to say, and I quote, "It will not be easy; it will require sacrifice."

Well, I am very prepared to sacrifice. I am very prepared to lay out a set of real changes. I am prepared to be for a smaller defense budget, I am prepared to look at a lot of changes. But let me say it is not a sacrifice if politicians talk about raising taxes on private families but do nothing about bureaucracy, do nothing about welfare, do nothing about Medicaid, do nothing about public employee unions and simply say, "Let us all sacrifice, you in the middle class pay."

Raising the gasoline tax is the easy out; changing the work rules in the New York City unions is hard. Raising the tax rate on working Americans is an easy out; applying a workfare requirement so that everybody gets in the habit of working is hard. Raising taxes on people in small business is the easy out; being prepared to rethink and downsize the entire Federal bureaucracy is hard.

So I am prepared to talk about sacrifice, but I want to start with Government. I want to start with the systems of Government.

We spend over $1 trillion a year in the Federal Government. Before I go to a family that earns $22,000 a year and tell them it is going to be harder for them to get to work because we are raising the gasoline tax and it is going to be harder for them to do other things because we are going to raise other taxes, before we hit that family of $22,000, I want to look at every aspect of the Federal Government and every aspect of city and State governments.

When I learned, for example, that, I think the correct number is, 62 cents out of every dollar in New York City schools is spent on bureaucracy, only 38 cents is spent in the classroom—62 cents is spent on bureaucracy—I do not want to go out to that working family and say, "Let me raise your taxes in order to send 62 cents more to the most expensive bureaucracy in America."

I instead want to say to that bureaucracy, "Let's see if we can't find a way to learn what IBM and Xerox and Ford know, and let's downsize."

Actually, the President came close to that when he said, and I quote, "We must do what America does best, offer more opportunity for all and demand more responsibility from all."

I think that is close to exactly on target. I think President Clinton has really hit on something. Our goal has to be to say to every American, "We can give you more opportunity, but only if you are prepared to take some pretty significant responsibility."

We need to rethink unemployment compensation, to tie it into retraining, relearning, new skills, creating businesses, learning how to move into the 21st century. I do not think we can ever again say to somebody, "Let us give you 26 weeks of money so you can sit around and wait for your company to reopen." And then, "Let's extend it 20 weeks." And then, after a year of getting unemployment compensation, you have no new skills, no new job opportunities, no new opportunities, and now your unemployment has run out and they still have not reopened the plant.

So I think we have to modernize and rethink unemployment compensation. I think we have to take this concept of more responsibility from all, which I think is exactly right, and we have to go and look at, for example, workman's compensation. One of the reasons California is in trouble is it has the most expensive workman's compensation program in America.

Now, just north of California, in Oregon, there was a study done last year that estimates that 25 percent of the workman's compensation paid in Oregon is fraud.

Now, why should we raise taxes on honest Americans before we thoroughly overhaul a system in which 25 cents out of every taxpayer's dollar is going to pay fraud? That is a fundamental question about this whole process of what the welfare state has gotten us to.

If we are prepared to say to people, "Maybe you have an inability to do work in this area, but we are going to retrain you. Maybe you can't be a truck driver anymore, but here is how to be a computer programmer. Maybe you can't do something over here, but here is how to do something over there." When I see the people who compete in the Special Olympics and I see the people who compete and who earn a living as paraplegics and as quadraplegics, and I see people with very severe mental and physical challenges who are nonetheless out there doing something, trying something, doing work every day, and then I run into somebody who has lower back pain and has not done anything for 2 years because they are drawing workman's compensation, there is something wrong.

When a State like Oregon, which has been a very progressive State, finds out that 25 percent of its generosity has gone into fraud, we need a serious overhaul. I believe the number for California, at that rate of fraud, would be over $2.2 billion in California alone that is fraudulent workman's compensation every year. Now, why should we raise taxes $2.2 billion on honest people in order to subsidize fraud because we do not have the nerve or aggressiveness or willingness to reform?

The President went on to say, "It is time to break the bad habit of expecting something for nothing from our Government or from each other. Let's all take more responsibility not only for ourselves and our families but for our communities and our country." I think that is exactly right. I am here to say as a Republican I think all too often we Republicans have not been aggressive enough in being willing to work on saving the inner city.

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I think if we are going to have a healthy America and a successful America, we want to work. We want to reach out to the Black Caucus and other elements who represent all the different people who are concerned about the inner city and willing to say across party lines that we would like to work with you in developing new approaches based on President Clinton's Inaugural and based on bringing together the best ideas in both parties. We are prepared to take on real responsibility for helping to rethink the inner city if the people who represent the inner city are willing to be open to the possibility of rethinking the structure of government and the structure of work rules and the structure of welfare and move in the direction that President Clinton has outlined.

Let me also say on health care, which I think is probably the hardest and most complicated issue that we have in the United States today. Congressman BOB MICHEL in June 1991, established a House Republican Leadership Task Force on Health Care. We had 23 members of the House Republican Party on the Task Force. We met every Thursday morning. We worked with the Health Care Financing Administration, the Office of Management and Budget, and Dr. Sullivan's staff in Health and Human Services, and we met regularly every week. We developed a bill which we introduced over a year later in 1992.

We stand ready, and I just talked to Congressman MICHEL a few minutes ago about this, we stand ready to work with the Democrats from day one getting a room, designing from the start a health reform program that is truly bipartisan; but I would discourage the new administration from sitting in isolation at the other end of Pennsylvania Avenue writing their proposal and sending it up without consultation.

I would encourage them very strongly to set up a bipartisan consultation on the principles of health reform and look at it in a bipartisan way and work together.

Let me close by citing President Clinton who cited President Roosevelt again. He said:

> Let us resolve to make our Government a place for what Franklin Roosevelt called "bold, persistent experimentation," a government for our tomorrows, not our yesterdays.

I think that is a tremendous paragraph. As I said, I think there are a number of places in his inaugural speech where President Clinton was right at the cutting edge of the future. He was right at the crossroads of American history. He laid out for us words and thoughts and vision and principles that all of us ought to think about a great deal.

I am very prepared, and I believe virtually every Republican is prepared to develop bold, persistent experimentation. We are going to be going to Princeton at the end of next month and have a retreat for the House Republican Conference, led by our conference chairman, DICK ARMEY, and by our policy chairman, HENRY HYDE, looking at new solutions for America, new approaches and following this tradition of bold, persistent experimentation.

I do think it is possible to have the legislative and executive branches working together. I do think it is possible to have a bipartisan effort to genuinely create a new beginning. I do think it is possible to take awareness of the radical changes in the world since George Washington and rethink how America works, so that Americans can succeed in the 21st century.

I simply wanted to take a few minutes today to say that I believe we can reestablish progress as our goal. We can turn change from decay into progress. We can work together.

I think we have an opportunity and we owe it to our children and grandchildren to work together.

I was very privileged to be allowed to be part of the process of the inauguration, to go to the inaugural lunch yesterday and as part of the leadership I was very moved by what I heard and I look forward very much to starting a new beginning this year, and I hope that we will be able to work together from the very beginning.

INTRODUCTION OF RESOLUTION TO ADDRESS BRUTALITY IN BOSNIA

The SPEAKER pro tempore (Mrs. KENNELLY). Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 60 minutes.

Mr. HOYER. Madam Speaker, I thank the Chair for giving me this opportunity to address the House on a matter which is pressing on us and the new administration. We are about to embark on a new era in American politics. A new generation has been summoned to guide our Nation into the eve of an untouched century. It is a time of hope, of great expectations, as well as a somber realization that we as a country can indeed, as President Clinton has stated, meet both our domestic and international responsibilities with what is good about us as a people.

As we begin we are confronted with old unmet challenges: With yet another violent, racist dictator in the heart of Europe, one who in my opinion bears the ultimate responsibility for the deaths of over 100,000 individuals during the past 9 months in the former Yugoslavia, as well as the creation of 2 million refugees. It is a situation in which citizens of Bosnia-Hercegovina remain under siege, on the brink of starvation and threatened with torture and total degradation. And unfortunately, the political situation remains untouched by progress despite months of diplomatic negotiations.

Today I am introducing a resolution which addresses the ongoing brutality in Bosnia. It is a call to action. It is an attempt to respond to the most pressing concerns. It is based, in large part, upon elements of resolutions already adopted by the United Nations Security Council and the General Assembly, resolutions which have been neither fully implemented nor enforced. As former Secretary of State George Schultz recently remarked, "Resolutions without follow-through are empty threats, and nobody takes them seriously."

This resolution urges our Government to take a leading role in seeking the immediate lifting of the international arms embargo as it applies to Bosnia-Hercegovina in keeping with that country's right to self-defense as provided for under article 51 of the Charter of the United Nations.

It calls upon the United States to assemble a multinational coalition for the following purposes:

To enforce the existing U.N. no-fly zone over the territory of Bosnia-Hercegovina, including through the use of military air force, if required;

To ensure that irregular forces in Bosnia-Hercegovina either withdraw, or be subject to the authority of the Government of Bosnia-Hercegovina, or be disbanded and disarmed with their weapons placed under effective international monitoring. In the event that such steps are not taken by irregular forces immediately, every effort, including the use of military air force, should be made to neutralize heavy arms in the hands of such forces;

To provide for the immediate, effective, and unimpeded delivery of humanitarian aid to all civilian populations in Bosnia-Hercegovina, including through the use of military force, if required; and

To gain unimpeded access to all camps, prisons and detention centers in Bosnia-Hercegovina by the International Committee of the Red Cross and other international humanitarian organizations, facilitating the release of all detainees from such facilities.

In addition, this resolution calls upon the United States to: Seek an increase in the number of refugees from Bosnia-Hercegovina permitted to enter the United States and other European countries, and to work to ensure that those responsible for war crimes in Bosnia-Hercegovina are held accountable by an international criminal tribunal.

Madam Speaker, we cannot remain on the sidelines while such brutality ravages a people. We speak of forming the political and institutional framework for a new world order—yet the events in Bosnia-Hercegovina suggest that the worst of the old order has been carried over by demagogues and megalomaniacs liberated by the end of the cold war. If we permit these people to prevail the new era will be shaped by the voices of hate, violence and brutality and not by the principles of democracy and responsibility.

Madam Speaker we are losing one of the most important battles being waged on the continent of Europe through abstention. The costs are going to haunt us in the new century.

A MANDATE FOR CHANGE IN THE PEOPLE'S HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 15 minutes.

Mr. MICHEL. Mr. Speaker, today I am introducing a resolution that reflects what the House rules would be under a Republican-led House of Representatives. The resolution is appropriately titled, "A Mandate for Change in the People's House."

I believe the American people expected the House to reform its ways. Frankly, I do not see the same commitment from many in this House to reform today as I heard them profess before the election.

We Republicans are willing to work with the majority party through the Hamilton-Gradison Task Force, with President Clinton or anyone else interested in reform of the House. We want to fulfill our commitment to the American people. They want action, not words.

SECTION-BY-SECTION SUMMARY OF H. RES. 36—A MANDATE FOR CHANGE IN THE PEOPLE'S HOUSE

Sec. 101.—Presentment of Bills to the President: The Speaker would be required to submit to the President any bill originating in the House not later than ten calendar days after it has been finally agreed to by both Houses.

Sec. 102.—Veto Messages: Immediately after the reading of a veto message from the President, the Speaker would be required to put the question on reconsideration of the vetoed bill, without intervening motion (except to postpone consideration for not more than 10-legislative days), in order to prevent avoidance of a veto by indefinite referral to a committee.

Sec. 103.—Broadcast Coverage: The Speaker would be required to provide for uniform visual broadcast coverage of House proceedings throughout the day, which could include periodic views of the entire Chamber providing they do not detract from the person speaking

Sec. 104.—House Scheduling: At the beginning of each session of the House, the Speaker shall announce a legislative program for the session which shall include target dates for the consideration of major legislation, weeks in which the House would be in session (with five-day work weeks assumed unless otherwise indicated), dates for district work periods, and the target adjournment date.

Sec. 105.—Abolition of Office of Doorkeeper: The Office of Doorkeeper would be abolished and its functions transferred to the Sergeant-at-Arms. The latter officer should be a nationally respected law enforcement professional.

Sec. 106.—Oversight Reform: Committee would be required to adopt oversight plans for the Congress and submit them to the Committee on House Administration by March 1st of the first session. The Committee on House Administration would report the plans to the House by March 15th together with any recommendations of the committee or joint leadership to ensure maximum coordination. Committees would be required to include an oversight section in their final activity reports on the implementation of their plans. The Speaker would be authorized to appoint ad hoc oversight committees for specific oversight projects from committees sharing jurisdiction.

Sec. 107.—Multiple Bill Referral Reform: The joint referral of bills to two or more committees would be abolished, while split and sequential referrals would be retained. The Speaker would designate a committee of principal jurisdiction upon the initial referral of a bill.

Sec. 108.—Early Organization of Committees: House standing committees would be elected no later than the seventh calendar day after the beginning of a Congress; committees would be required to hold their organizational meetings no later than four calendar days after their election and complete it no later than seven days after their election.

Sec. 109.—Equitable Party Ratios on Committees: The party ratios on committees, subcommittees, select committees and conference committees would be required to reflect that of the full House (unless otherwise provide by House Rules).

Sec. 110.—Control of Government Operations Committee: When the President and a majority of the House are of the same political party, a majority of the members of the Committee on Government Operations (and its chairman) shall be members of the other major political party.

Sec. 111.—Term Limits on Committee Chairman and Ranking Minority Members: no Member shall be the chairman and ranking minority member of any committee for more than three consecutive Congresses.

Sec. 112.—Subcommittee Limits: No committee shall have more than five subcommittees, except Appropriations, which shall have no more than 13, and 9 major committees which shall have no more than six; and no Members shall have more than four subcommittee assignments.

Sec. 113.—Proxy Voting Ban: No vote may be cast by proxy on any committee or subcommittee thereof.

Sec. 114.—Open Meetings: Committee meetings, which can now be closed for any reason, could only be closed for national security or personal privacy reasons, by majority rollcall vote.

Sec. 115.—Majority Quorums: A majority of each committee and subcommittee shall constitute a quorum for the conduct of any business, including the markup of legislation.

Sec. 116.—Report Accountability: Committee reports on any bill or other matter shall include the names of those voting for and against reporting, in the case of a recorded vote, and, in the case of a nonrecord vote, the names of those members actually present.

Sec. 117.—Committee Documents: Any committee or subcommittee prints to be made available to the public (other than factual materials) shall either be voted on by the committee or subcommittee (and opportunity afforded for the inclusion of minority or additional views), or shall contain on their cover a disclaimer that matter does not reflect the views of the committee or its members. In the case of a matter not approved, members of the committee shall have three days to review it before it is publicly released; and no such material shall be publicly released after the sine die adjournment of a Congress.

Sec. 118.—Official Foreign Travel Reporting: All Members and staff taking part in any foreign travel at House expense would be required to disclose their official itinerary (including meetings, interviews, functions and inspections), by country and by date, in addition to the current expense disclosure requirement. Such reports would be available for public inspection in committee offices not later than 60 days after the completion of travel.

Sec. 119.—Same Day Consideration of Rules Committee Reports: An order of business resolution ("special rule") reported from the Committee on Rules shall not be considered on the same calendar day as reported or on a subsequent calendar day of the same legislative day, except by a two-thirds vote of the House.

Sec. 120.—Affirming Minority's Right on Motions to Recommit: The Rules Committee could not report a special rule denying the minority the right to offer amendatory instructions in a motion to recommit.

Sec. 121.—Restrictive Rule Limitation: The Rules Committee could not report a special rule limiting the right of Members to offer floor amendments unless the chairman has announced to the House at least four days in advance of a meeting on the measure that such a rule may be reported.

Sec. 122.—Limitation on Self-Executing Rules: The Rules Committee could not report a special rule providing for the automatic adoption of an amendment, bill, joint resolution, conference report, or other motion or matter, unless the House, by a two-thirds vote agrees to the consideration of such a rule.

Sec. 123.—Budget Waiver Limitation: The report on any special rule waiving any provision of the Budget Act would be required to carry an explanation and justification of the waiver as well as a summary or text of any comments on the waiver received from the Budget Committee. A separate vote could be demanded in the House on any such waiver contained in a rule.

Sec. 124.—Committee Staffing Reform: Prior to the adoption of committee expense resolutions, the House must adopt a resolution report from the House Administration Committee establishing an overall ceiling on House committee staff. The Committees on Budget and Appropriations would be subject to the same committee expense resolutions and statutory staff limits as other committees. The number of committee staff would be reduced by 10% a year over three years. The minority on each Committee would be entitled to up to one-third of investigative staff funds on request.

Sec. 125.—Commemorative Calendar. A House Commemorative Calendar would be established on which unreported commemorative legislation could be placed upon the written request of the chairman and ranking minority member of the Post Office Committee. The Calendar would be called twice a month and two objections would cause a commemorative to be removed from the Calendar.

Sec. 126.—Accuracy of Congressional Record: The Congressional Record would be a verbatim account of proceedings, subject only to technical, grammatical and typographical corrections by the Member speaking. Unparliamentary remarks may be deleted only by unanimous consent or order of the House.

Sec. 127.—Automatic Roll Call Votes: Automatic roll call votes would be required on final passage of appropriations, tax and Member pay raise bills and conference reports, and on final adoption of budget resolutions and conference reports containing debt limit increases.

Sec. 128.—Appropriations Reforms: The present restrictions on offering limitation amendments to appropriations bills would be abolished. Short term continuing appropriations measures (30-days or less) could only provide for the lesser spending amounts and more restrictive authority as provided in either the House or Senate passed bills, the conference agreement, or the previous year's act, and a three-fifths vote would be required to waive this requirement. Long-term continuing appropriations (more than 30-days) would be required to contain the full text of the provisions to be enacted. The present prohibition on legislative language and unauthorized matters in appropriations measures would be extended to long-term CRs. A three-fifths vote of the House would be required to consider a rule waiving points of order against or denying amendments to unauthorized or legislative provisions in any appropriations bill if those provisions had not been previously agreed to by the House for that fiscal year. CBO cost estimates would be required in the committee reports on any long-term CR. Reports on all appropriations bills, would be required to include not only a listing of legislative provisions contained in the measures (as presently required), but of all unauthorized activities being funded by the measure. Off-setting, deficit neutral amendments could be offered en bloc to any appropriations measure.

Sec. 129.—Prohibition on Extraneous Matters in Reconciliation Bills: A point of order would lie against any provision in a reconciliation bill, or amendment thereto, which is not directly related to a committee's reconciliation instructions to either reduce spending or raise revenues. Determination would be made by the Budget Committee as to whether such a provision in a reported bill is extraneous.

Sec. 130.—Authorization Reporting Deadline: It would not be in order to consider any bill authorizing budget authority for a fiscal year if reported after May 15 preceding the beginning of the fiscal year (former Budget Act requirement).

Sec. 131.—Pledge of Allegiance: The Pledge of Allegiance would be required in the House as the third order of business each day.

Sec. 132.—Suspension of the Rules: Measures could not be considered under a suspension of the rules except by direction of the committees of jurisdiction or on the request of the chairman and ranking minority member of the committees. No measure could be considered under suspension which authorizes or appropriates more than $50-million for any fiscal year. Notice of any suspension must be placed in the Congressional Record at least one day in advance of its consideration together with the text of any amendment to be offered to it. No constitutional amendment could be considered under suspension.

Sec. 133.—Discharge Motions: The Clerk of the House would be required to publish in the Congressional Record the names of those Members signing a discharge petition once a threshold of 100 signatures has been reached, and to publish an updated list of names at the end of each succeeding week.

Sec. 134.—Inclusion of Views in Conference Reports: Members of conference committees would be permitted three calendar days after a majority of signatures had been secured in support of the conference report, in which to file supplemental, minority, or additional views to be published with the report.

Sec. 135.—Protection of Classified Materials: The Code of Official Conduct would be amended to require that, prior to having access to any classified materials, Members, officers and employees take an oath not to disclose such materials except as authorized by the House or its Rules.

Sec. 136.—Composition of Intelligence Committee: The House Permanent Select Committee on Intelligence would be reduced in size from 19 to 13 members, with a 7–6 majority to minority ratio.

Sec. 137.—Enhanced Rescission Authority: The Committees on Rules and Government Operations would be directed to report to the House not later than May 31, 1993, legislation granting the President enhanced rescission authority, subject to disapproval by congressional enactment. If such a bill is not reported, the committees would be discharged of consideration of the first such bill introduced on May 31st, and it would be privileged for consideration by the House on any day after June 3, 1993.

Sec. 138.—Biennial Budget-Appropriations Process: The House members of the Joint

Committee on Organization of Congress would be directed to request that the Joint Committee study and make recommendations by December 31, 1993, on the advisability and feasibility of changing to a two-year budget and appropriations cycle.

Sec. 139.—Realignment of Committee Jurisdictions: The House members of the Joint Committee on the Organization of Congress would be directed to request that the Joint Committee study and report recommendations on realigning House and Senate committee jurisdictions along more functional and rational lines in order to eliminate duplication, overlap and inefficiencies and to make the committees of the two Houses more parallel with each other and with Executive Departments.

Sec. 140.—Applicability of Certain Laws to the House: Not later than June 30, 1993, the appropriate committees of jurisdiction would be required to report to the House legislation bringing the House under the coverage of certain specified laws: National Labor Relations Act, Occupational Safety and Health Act, Equal Pay Act, Age Discrimination Act, Freedom of Information Act, Privacy Act, Title VII of the 1964 Civil Rights Act (relating to equal employment opportunity), and the Independent Counsel Act. Provisions are included in this paragraph to ensure that each such bill is acted upon by the House.

Sec. 141.—Abolition of Select Committees: The House Select Committees on Aging; Children, Youth and Families; Hunger; and Narcotics Abuse and Control, would be immediately abolished.

Sec. 142.—Campaign Reform: The House Administration Committee would be required to report a campaign reform bill not later than June 30, 1993, and any other committee to which the bill is referred must report not later than July 31st. The Rules Committee would be directed to report the bill to the floor under an open amendment process not later than three legislative days thereafter.

Sec. 143.—Chief Financial Officer: The Chief Financial Officer would be responsible for reviewing and analyzing the financial operations of the House, including the efficiencies of its operations, the functions of its offices, and the cost-effectiveness of its operations, and providing periodic recommendations to the Speaker and Minority Leader respecting these operations.

Sec. 144.—Committee on House Administration: Committee on House Administration would have equal representation of majority party and minority party members.

Sec. 145.—Appropriations Subcommittee on Legislative Appropriations: The Appropriations Subcommittee with jurisdiction over financing the operations of the House of Representatives would have equal number of majority and minority members.

Sec. 146.—Reprogramming of Funds in the House: No funds may be reprogrammed without the written approval of the Speaker and the Minority Leader.

Sec. 147.—Office of General Counsel: The General Counsel would serve as legal advisor to Members, officers and employees of the House in relation to their official duties. The Counsel would seek prior approval by resolution of the House regarding entering an appearance before any court, or filing a brief.

Sec. 148.—Repeal of Certain Amendments to Rules: The following amendments to House Rules adopted on January 5, 1993 (H. Res. 5, 103rd Congress) would be repealed: (a) permitting two-day delays of consideration of questions of House privileges; (b) permitting the Speaker to remove and appoint members to select and conference committees; (c) permitting committees to sit while the House is amending legislation; (d) permitting "rolling quorums" in committees to report legislation; and (e) allowing non-Member delegates to vote in and preside over the Committee of the Whole.

H. RES. 36

Resolved, That this resolution may be cited as, "A Mandate for Change in the People's House."

PRESENTMENT OF BILLS TO THE PRESIDENT

Sec. 101. In rule I of the Rules of the House, clause 4 is amended by adding the following sentence at the end thereof: "In the case of a bill originating in the House of Representatives, he shall take care that the bill is presented to the President not later than the tenth calendar day beginning after the date upon which a bill has been agreed to in identical form by the House of Representatives and the Senate.".

VETO MESSAGES

Sec. 102. In rule I of the Rules of the House, clause 5 is amended by adding the following new paragraph:

"(c) He shall, immediately after the reading of a veto message from the President, and without intervening motion or business, state the question on reconsideration of the vetoed measure, and no motion shall have precedence over a demand for the previous question on such question except one motion to postpone the vote on reconsideration to a date certain which shall not be later than the tenth legislative day thereafter.".

BROADCAST COVERAGE

Sec. 103. In rule I, clause 9(b)(1) is amended by inserting after the first sentence the following new sentence: "He shall provide for the visual coverage of the proceedings of the House on a uniform basis throughout each day's session, and any such coverage may include periodic views of the entire Chamber provided that it is uniform throughout the day and does not detract from the visual coverage of any person who is speaking.".

HOUSE SCHEDULING

Sec. 104. In rule I, add the following new clause:

"11. (a) At the beginning of each session of the Congress the Speaker shall, after consultation with the minority leader and the chairmen of the committees of the House, announce a legislative program for the session which shall include: (1) target dates for the consideration of specified major budgetary, authorization and appropriations bills; (2) an indication of those weeks during which the House will be in session (which, unless otherwise indicated, shall be assumed to be full, five-day work weeks for the conduct of committee and House floor business); (3) those weeks set aside for district work periods (which shall be scheduled at periodic intervals), holidays and other recesses; and (4) the target date for the adjournment of that session.

"(b) the Speaker shall ensure that the minority leader is fully consulted in developing the legislative program for the house each week.".

ABOLITION OF OFFICE OF DOORKEEPER

Sec. 105(a). Rule V, relating to the "Duties of the Doorkeeper," is repealed; the provisions of clauses 1 and 2 of rule V are redesignated as clauses 3 and 4 of rule IV ("Duties of the Sergeant-at-Arms; and the words "The Doorkeeper" in clause 3 (as redesignated) are stricken and replaced by the word "He".

(b) In rule II ("Election of Officers") the word "Doorkeeper" is stricken wherever it appears, and, after the words "Sergeant-at-Arms" where it first appears, the following is inserted: ", who should be a nationally-respected law enforcement professional".

(c) In rule XIV, clause 7 is amended by striking the words "and the Doorkeeper are" and inserting in lieu thereof the word "is".

OVERSIGHT REFORM

Sec. 106(a). In rule X, clause 2 is amended by adding the following new paragraphs:

"(d)(1) Not later than March 1 of the first session of a Congress, each standing committee of the house shall, in a meeting which is open to the public and with a quorum present, adopt its oversight plans for that Congress, and such plans shall be submitted to the Committee on house Administration. In developing such plans each committee shall, to the maximum extent feasible—

"(A) consult with other committees of the House which have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction with the objective of ensuring that such laws, programs, or agencies are reviewed in the same Congress and that there is maximum coordination between such committees in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to assure such coordination and cooperation;

"(B) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority;

"(C) have a view toward insuring that all significant laws, programs, or agencies within its jurisdictions are subject to review at least once every ten years.

"(2) It shall not be in order to consider any committee expense resolution, or any amendment thereto, pursuant to clause 5 of rule XI for any committee which has not submitted its oversight plans as required by this paragraph.

"(3) Not later than March 15 in the first session of a Congress, after consultation with the Speaker, the majority leader, and the minority leader, the Committee on House Administration shall report to the House the oversight plans submitted by each committee together with any recommendations which it, or the House leadership group referred to above, may make to assure the most effective coordination of such plans and otherwise achieve the objectives of this clause.

"(e) The Speaker, with the approval of the House, may appoint special ad hoc oversight committees for the purpose of reviewing specific matters within the jurisdiction of two or more standing committees.".

(b) In rule XI of the Rules of the House, clause 1(d) is amended to read as follows:

"(d)(1) Each committee shall submit to the House not later than January 2 of each odd-numbered year, a report on the activities of that committee under this rule and Rule X during the Congress ending on January 3 of such year.

"(2) Such report shall include separate sections summarizing the legislative and oversight activities of that committee during that Congress.

"(3) The oversight section of such report shall include a summary of the oversight plans submitted by the committee pursuant to clause 2(c) of Rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by that committee, and any recommendations made or actions taken thereon.".

MULTIPLE REFERRAL REFORM

Sec. 107. In rule X, clause 5(c) is amended to read as follows:

"(c) In carrying out paragraphs (a) and (b) with respect to any matter, the Speaker shall initially refer the matter to one committee which he shall designate as the committee of principal jurisdiction; but, he may also refer the matter to one or more additional committees, for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the committee of principal jurisdiction; or refer portions of the matter to one or more additional committees (reflecting different subjects and jurisdictions) for the exclusive consideration of such portion or portions; or refer the matter to a special ad hoc committee appointed by the Speaker, with the approval of the House, from the members of the committees having legislative jurisdiction, for the specific purpose of considering that matter and reporting to the House thereon; or make such other provisions as may be considered appropriate.".

EARLY ORGANIZATION OF COMMITTEES

Sec. 108. In rule X, the first sentence of clause 6(a)(1) is amended to read as follows: "The standing committees specified in clause 1 shall be elected by the House within the seventh calendar day after the commencement of each Congress, from nominations submitted by the respective party caucuses, and said committees shall hold their organizational meetings beginning not later than four calendar days after their election and concluding not later than seven calendar days after their election.".

EQUITABLE PARTY RATIOS ON COMMITTEES

Sec. 109(a). In rule X, clause 6(a) is amended by adding at the end thereof the following new subparagraph:

"(3) The membership of each committee (and such subcommittee, task force, or other subunit thereof) shall reflect the ratio of majority to minority party Members of the House at the beginning of the Congress (unless otherwise provided by House Rules). For the purposes of this clause, the Resident Commissioner from Puerto Rico and the Delegates to the House shall not be counted in determining the party ratio of the House.".

(b) In rule X, clause 6(f) is amended by inserting after the first sentence the following: "The membership of each such select committee (and of any subcommittee, task force or subunit thereof), and of each such conference committee, shall reflect the ratio of the majority to minority party Members of the House at the time of its appointment.".

CONTROL OF COMMITTEE ON GOVERNMENT OPERATIONS

Sec. 110. In rule X, clause 6(a) is amended by adding the following new subparagraph:

"(4) Notwithstanding the provisions of the preceding paragraph, the majority of the membership, including the chairman, of the Committee on Government Operations, shall be composed of Members of a major political party other than the political party of which the President of the United States is a member.".

TERMS LIMITS FOR CHAIRMEN AND RANKING MINORITY MEMBERS

Sec. 111. In rule X, clause 6(c) is amended by inserting after the first sentence the following: "The terms of the chairman and ranking minority member of each standing committee shall not exceed three consecutive Congresses, beginning with the One Hundred Third Congress.".

SUBCOMMITTEE LIMITS

Sec. 112. In rule X, clause 6(d) is amended to read as follows:

"(d)(1) No committee of the House shall have more than five subcommittees except the Committee on Appropriations, which shall have not more than 13 subcommittees, and the following committees which shall have not more six subcommittees: Ways and Means; Agriculture; Armed Services; Banking, Finance and Urban Affairs; Education and Labor; Foreign Affairs; Energy and Commerce; the Judiciary; and Public Works and Transportation.

"(2) No Member may serve at any one time as a member of more than four subcommittees of the committees of the House.

"(3) For the purposes of this paragraph, the term 'subcommittee' includes any panel, task force, special subcommittee, or any subunit of a standing committee, or any select committee, which is established for a period of longer than six months in any Congress.".

PROXY VOTING BAN

Sec. 113. In rule XI, clause 2(f) if amended to read as follows:

"(f) No vote by any member of any committee or subcommittee with respect to any measure or matter may be cast by proxy.".

OPEN MEETINGS

Sec. 114. In rule XI, clause 2(g)(1) is amended—

(a) by inserting before the colon in the first sentence the following: "because disclosure of matters to be considered would endanger national security, would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House, or involves committee personnel matters."; and,

(b) by inserting in the second sentence a period after the word "paragraph" and striking all that follows through the end of the sentence.

MAJORITY QUORUMS

Sec. 115. In rule XI, clause 2(h)(2) is amended to read as follows:

"(2) A majority of the members of each committee or subcommittee shall constitute a quorum for the transaction of any business, including the markup of legislation.".

REPORT ACCOUNTABILITY

Sec. 116(a). In rule XI, clause 2(1)(2)(B) is amended to read as follows:

"(B) With respect to each rollcall vote on a motion to report any bill, resolution or matter of a public character, the total number of votes cast for and against reporting, and the names of those members voting for and against, shall be included in the committee report on the measure or matter.".

(b) In rule XI, clause 2(1)(2) is further amended by adding at the end thereof the following:

"(C) With respect to each non-record vote on a motion to report any measure or matter of a public character, the names of those members of the committee actually present at the time the measure or matter is ordered reported shall be included in the committee report.".

COMMITTEE DOCUMENTS

Sec. 117. In rule XI, clause 2(1) is amended by inserting after subparagraph (5) the following new subparagraph, and by redesignating subparagraphs (6) and (7) as (7) and (8), respectively:

"(6)(A) Any committee or subcommittee print, document, or other material, other than reports subject to the preceding provisions of this clause, prepared for public distribution, shall either be approved by the committee or subcommittee prior to such public distribution, and opportunity shall be afforded for the inclusion of supplemental, minority, or additional views in accordance with the provisions of subparagraph (5), or such print, document or other material shall contain on its cover the following disclaimer in bold face type:

"This material has not been officially approved by the committee [or subcommittee, as the case may be] on [name of the committee or subcommittee] and may not therefore necessarily reflect the views of its members.'

and any such print, document, or other material not approved by the committee or subcommittee may not include the names of its members, other than the name of the committee or subcommittee chairman releasing the document, but shall be made available to all of the members of the committee not less than three calendar days (excluding Saturdays, Sundays, and public holidays) prior to its being made public, and in no event shall any such unapproved material be made public following the adjournment of a Congress sine die.

"(B) The provisions of this subparagraph do not apply to prints of bills or resolutions, summaries thereof, or prints containing the names of committee of subcommittee members, staff, or other factual information regarding the committees or its subcommittees, their jurisdictions or rules, or any matters pending before such committee or its subcommittees, provided that such documents do not also contain opinions, views, findings or recommendations.

"(C) Nothing in this subparagraph shall be construed to authorize any subcommittee or chairman thereof to issue any print, document or other material not otherwise auhorized by the rules of the committee.".

OFFICIAL FOREIGN TRAVEL REPORTING

Sec. 118. In rule XI of the Rules of the House, clause 2(n)(1)(B) is amended by inserting after the first sentence the following new sentence: "All such individual reports shall also include a listing of all official meetings, interviews, inspection tours or other functions in which the individual participated, by country and date.".

SAME DAY CONSIDERATION OF RULES COMMITTEE REPORTS

Sec. 119. In rule XI, the first sentence of clause 4(b) is amended by substituting the following for the matter in parenthesis: "(except that it shall not be called up for consideration on the same calendar day, nor on the subsequent calender day of the same legislative day, that it is presented to the House, unless so determined by vote of not less than two-thirds of the members voting, but this provision shall not apply during the last three days of the session)".

AFFIRMING MINORITY'S RIGHT ON MOTIONS TO RECOMMIT

Sec. 120. In rule XI, the second sentence in clause 4(b) is amended by substituting the following for the final clause: "nor shall it report any rule or order which would prevent the motion to recommit from being made as provided in clause 4 of rule XVI, including a motion with amendatory instructions (except in the case of a Senate measure for which the language of a House-passed measure has been proposed to be substituted).".

RESTRICTIVE RULE LIMITATION

Sec. 121. In rule XI, clause 4 is amended by adding the following new paragraph:

"(e) It shall not be in order to consider any resolution reported from the Committee on Rules providing for the consideration of any bill or resolution otherwise subject to amendment under House Rules if that resolution limits the right of Members to offer germane amendments to such bill or resolution unless the chairman of the Committee on Rules has orally announced to the House, at least four legislative days prior to the scheduled consideration of such matter by the Committee on Rules, that less than an open amendment process might be recommended by the Committee for the consideration of such bill or resolution.".

LIMITATION ON SELF-EXECUTING RULES

Sec. 122. In rule XI, clause 4 is amended by adding the following new paragraph:

"(f) It shall not be in order to consider any order of business resolution reported from the Committee on Rules which provides that, upon the adoption of such resolution, the House shall be considered to have automatically adopted a motion (other than for the previous question), amendment, or resolution, or to have passed a bill, joint resolution, or conference report thereon, unless the consideration of such order of business resolution is agreed to by not less than two-thirds of the members voting, and the yeas and nays shall be considered as ordered when the Speaker puts the question on consideration.".

BUDGET WAIVER LIMITATION

Sec. 123. In rule XI, clause 4 is amended by adding at the end thereof the following new paragraph:

"(g)(1) It shall not be in order to consider any resolution reported from the Committee on Rules for the consideration of any measure which waives any specified provisions of the Congressional Budget Act of 1974, as amended, unless the report accompanying such resolution includes an explanation of, and justification for, any such waiver, an estimated cost of the provisions to which the waiver applies, and a summary or text of any written comments on the proposed waiver received by the committee from the Committee on the Budget.

"(2) It shall be in order after the previous question has been ordered on any such resolution, to offer motions proposing to strike one or more such waivers from the resolution, and each such motion shall be decided without debate and shall require for adoption the requisite number of affirmative votes as required by the Budget Act or the rules of the House. After disposition of any and all such motions, the House shall proceed to an immediate vote on adoption of the resolution.".

COMMITTEE STAFFING REFORM

Sec. 124(a). In rule XI, clause 5 is amended by inserting the following new paragraph and by redesignating existing paragraphs accordingly:

"(a)(1) It shall not be in order to consider any primary expense resolution until the Committee on House Administration has reported, and the House has adopted, a resolution establishing an overall ceiling for the House on the total number of statutory and investigative staff personnel for that year for committees requiring such expense resolutions, and any such staff ceiling resolution shall be privileged for consideration by the House.

"(2) In developing any primary expense resolution, the Committee on House Administration shall specify in the resolution the number of staff positions authorized by the resolution. The committee shall verify in the report accompanying any such primary expense resolution that the number of staff positions authorized by such resolution is in conformity with the overall ceiling on such positions established by the House.

"(3) In no event shall the total number of additional staff positions authorized by all such primary expense resolutions, taken together with the number of staff positions authorized by clause 6 of this rule (providing for professional and clerical staff), exceed the ceiling established by the House for that year.

"(4) In allocating staff positions pursuant to the overall ceiling established by the House, the committee shall take into account the past and anticipated legislative and oversight activities of each committee.

"(5) In any supplemental expense resolution, and in any amendment thereto, the committee shall specify the number of additional staff positions, if any, authorized by such resolution, and shall indicate in the report accompanying any such resolution whether the additional staff positions are in conformity with or exceed the overall ceiling established by the House.

"(6) It shall not be in order to consider any supplemental expense resolution, or any amendment thereto, authorizing additional staff positions in excess of the overall ceiling established by the House except by a vote of two-thirds of the Members voting, a quorum being present.

"(7) It shall not be in order to consider any primary or supplemental expense resolution for one or more committees unless the report on such resolution includes a statement verifying that each such committee has adopted and complied with a committee rule entitling the minority party on such committee, upon the request of a majority of such minority, to not less than one-third of the funds provided for committee staff pursuant to each primary or supplemental expense resolution.

"(8)(a) For the purposes of the first and second sessions of the One Hundred Third Congress, and the first session of the One Hundred Fourth Congress, the overall ceiling established for committee staff in a resolution reported by the committee pursuant to subparagraph (1) or contained in any amendment thereto, shall not exceed 90 percentum of the total of such committee staff personnel employed in the previous session of Congress.

"(b) In order to ensure the comprehensive applicability of the foregoing provisions, the Committee on Appropriations and Committee on the Budget shall be treated the same as other standing committees under this clause, subject to committee expense resolutions, and clause 6 of this rule, authorizing the appointment of a specified number of professional and clerical staff.".

(b) Technical and conforming amendments:

(1) In rule XI, clause 5(b) (as redesignated) by striking the following in the first sentence thereof: "(except the Committee on Appropriations and the Committee on the Budget)".

(2) In rule XI, clause 6(a)(5) is amended to read as follows:

"(5) The provisions of subparagraph (3) do not apply to shared staff, or designated associate staff members of committees provided that such staff engage only in official business of the House and, in the case of associate staff, committee rules specifically authorize them to engage in other official business of the House.".

(3) In rule XI, clause 6 is amended by striking subparagraph (b)(4) and subparagraph (d).

COMMEMORATIVE CALENDAR

Sec. 125. In rule XIII, insert the following new clause 6 and redesignate succeeding clauses accordingly:

"6. There shall also be a Commemorative Calendar to be comprised of unreported bills and resolutions respecting commemorative holidays and celebrations referred to the Committee on Post Office and Civil Service and requested by the chairman and ranking minority member of such committee, in writing to the Speaker, to be placed thereon. On the first and third Tuesdays of each month, after the disposal of such business on the Speaker's table as requires reference only and bills and resolutions called on the Private Calendar, the Speaker shall direct the Clerk to call the bills and resolutions on the Commemorative Calendar. Should objection be made by two or more Members to the consideration of any bill or resolution so called, it shall be removed from such Calendar. Such bills and resolutions, if considered, shall be considered in the House.".

ACCURACY OF THE CONGRESSIONAL RECORD

Sec. 126. In rule XIV, add the following new clause:

"9.(a) The Congressional Record shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to technical, grammatical and typographical corrections authorized by the Member making the remarks involved.

"(b) Unparliamentary remarks may be deleted only by unanimous consent or by order of the House.

"(c) The provisions of clause 4(e)(1) of rule X shall apply to violations of this rule.".

AUTOMATIC ROLL CALL VOTES

Sec. 127. In rule XV, add the following new clause:

"7. The yeas and nays shall be considered as ordered when the Speaker puts the question upon the final passage of any bill, joint resolution, or conference report thereon, making general appropriations, providing revenue, or adjusting the statutory rate of pay of Members of Congress, or on final adoption of any concurrent resolution on the budget or conference report thereon which provides an increase in the statutory debt limit.".

APPROPRIATION REFORMS

Sec. 128(a). In rule XXI, clause 2 is amended by striking the second sentence of paragraph (c) and paragraph (d) in its entirety, and by inserting the following new paragraph (d):

"(d)(1) For the purpose of House Rules, a 'general appropriation bill' shall include any bill or joint resolution making continuing appropriations in a fiscal year for a period excess of thirty days, and any such measure shall include the full text of the language proposed to be enacted (as opposed to mere reference to measures, or amendments thereto, which have been reported or passed by either House, or agreed to by a committee on conference).

"(2) the provisions of clause 2(l)(3)(B) of rule XI shall apply to any 'general appropriation bill' as defined in subparagraph (1).

"(3) For the purposes of this clause, all points of order shall be considered as having been reserved against any general appropriation bill at the time it was reported.

(b) In rule XXI, clause 2 is amended by inserting after subparagraph (d) the following:

"(e) It shall not be in order to consider any bill or joint resolution making continuing appropriations for a period of thirty days or less unless such measure only provides for appropriations in the lesser amount and under the more restrictive authority of each pertinent appropriations measure: as passed by the House; as passed by the Senate; as agreed to by a committee of conference; or as enacted for the preceding fiscal year.".

(c) In rule XXI, clause 2 is amended by inserting the following new subparagraph:

"(f) It shall always be in order during the consideration of any appropriations measure for amendment to consider off-setting, deficit-neutral amendments en bloc, even though they may amend portions of the bill not yet read for amendment, said amendments shall be considered as read when offered, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.".

(d) In rule XXI, clause 3 is amended by inserting before the period: ",and shall contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law".

(e) In rule XI, clause 2(l)(3)(B) is amended by inserting after "(other than continuing appropriations" the following: "except as provided by clause 2(d) of rule XXI".

(f) In rule XI, clause 4 is amended by adding at the end thereof the following:

"(h) It shall not be in order, except by a vote of not less than three-fifths of the Members of the House duly chosen and sworn, to consider any rule or order from the Committee on Rules which waives the provisions of clause 2(e) of rule XXI against the consideration of any short-term continuing appropriations measure as defined therein; or which waives the provisions of clause 2 of rule XXI against, or denies amendment to, any provision in any appropriation measure if an authorization for such provision has not been previously considered and agreed to by the House with respect to the fiscal year to which the provision applies.".

PROHIBITION ON EXTRANEOUS MATTERS IN RECONCILIATION BILLS

Sec. 129. In rule XXI, add the following new clause:

"8.(a) No provision shall be reported in the House to any reconciliation bill pursuant to the most recently agreed to concurrent resolution on the budget, or be in order as an amendment thereto in the House or the Committee of the Whole, which is not related to achieving the purpose of the directives to House committees contained in such concurrent resolution.

"(b) Nothing in this clause shall be construed to prevent the consideration of any provision in a reconciliation bill, or any amendment thereto, which achieves savings greater than those directed of a committee and which conforms to paragraph (c) of this clause, or to prevent the consideration of motions to strike made in order by the Committee on Rules to achieve the purposes of the directives.

"(c) For the purposes of this clause, a provision shall be considered related to achieving the purposes of directives contained in the most recently agreed to concurrent resolution on the budget if it is estimated by the House Committee on the Budget, in consultation with the Congressional Budget Office, to effectuate or implement a reduction in budget authority or in new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act, or to raise revenues, or both, and, in the case of an amendment, if it is within (in whole or in part) the jurisdiction of any committee instructed in the concurrent resolution.

"(d) The point of order provided for by this clause shall not apply to Senate amendments or to conference reports.

"(e) For the purposes of this clause, all points of order shall be considered as having been reserved against a reconciliation bill at the time it was reported.".

AUTHORIZATION REPORTING DEADLINE

Sec. 130. In rule XXI, add the following new clause:

"9. It shall not be in order to consider in the House any bill or joint resolution which directly or indirectly authorizes the enactment of new budget authority for a fiscal year unless that bill or joint resolution is reported in the House on or before May 15 preceding the beginning of such fiscal year.".

PLEDGE OF ALLEGIANCE

Sec. 131. In rule XXIV, clause 1 is amended by inserting after the second order of business the following new order of business, and by redesignating succeeding orders accordingly: "Third. The Pledge of Allegiance to the Flag.".

SUSPENSION OF THE RULES

Sec. 132. In rule XXVII, clause 1 is amended by inserting after "1." the designation "(a)", and by inserting after paragraph (a) the following new paragraphs:

"(b) It shall not be in order to entertain a motion to suspend the rules and pass or agree to any measure or matter unless by direction of the committee or committees of jurisdiction over the measure or matter, or unless a written request is filed with the Speaker by the chairman and ranking minority member of the committee or committees having jurisdiction over the measure or matter, asking for its consideration under suspension of the rules.

"(c) A motion to suspend the rules and pass or agree to any measure or matter shall not be in order if the measure or matter would enact or authorize the enactment of new budget authority or new spending authority in excess of $50,000,000 for any fiscal year; nor shall it be in order to suspend the rules to pass any joint resolution which proposes to amend the Constitution.

"(d) It shall not be in order to entertain a motion to suspend the rules and pass or agree to any measure or matter unless written notice is placed in the Congressional Record of its scheduled consideration at least one calendar day prior to its consideration, and such notification shall include the numerical designation of the measure or matter, its short title, and the text of any amendments to be offered thereto (if such amendments are not printed in the measure as reported), and the date on which the measure or matter is scheduled to be considered.".

DISCHARGE MOTIONS

Sec. 133. In rule XXVII, clause 4 is amended by inserting after the fourth sentence the following new sentence: "When one-hundred Members have signed the motion, the Clerk shall cause to be printed in the Congressional Record the name of each Member who has signed or withdrawn a signature to the motion, and shall thereafter publish an updated list in the Congressional Record at the end of each succeeding week the House is in session.".

INCLUSION OF VIEWS WITH CONFERENCE REPORTS

Sec. 134. In rule XXVIII, clause 1 is amended by adding at the end thereof the following new paragraph:

"(e) If, on the day a report of any committee of conference has received the requisite number of signatures for approval by House conferees, any House conferee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than three calendar days (excluding Saturday, Sundays, and legal holidays) on which to file such views with the principal manager on the part of the House, such views shall be in writing and signed by the Member. All such views so filed by one or more members of the committee shall be published in the same volume as the report of the committee of conference and the joint explanatory statement filed in the House, and the volume shall bear on its cover a recital that any such supplemental, minority, or additional views are included as part of that volume. This paragraph shall not preclude the immediate filing or printing of a conference report if a timely request to file such views was not made as provided by this paragraph.".

PROTECTION OF CLASSIFIED MATERIALS

Sec. 135. In rule XLIII ("Code of Official Conduct"), add the following new clause:

"13. Before any Member, officer or employee of the House of Representatives may have access to classified information, the following oath shall be executed:

'I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service with the House of Representatives, except as authorized by House of Representatives or in accordance with its Rules.'

Copies of the executed oath shall be retained by the Clerk of the House as part of the records of the House.".

COMPOSITION OF INTELLIGENCE COMMITTEE

Sec. 136. In rule XLVIII ("Permanent Select Committee on Intelligence"), clause 1(a) is amended by striking-out "nineteen Members with representation to" and inserting in lieu thereof "thirteen Members, of which not more than seven may be from the same party. The select committee shall".

ENHANCED RESCISSION AUTHORITY

Sec. 137(a). The Committee on Rules and the Committee on Government Operations shall, not later than May 31, 1993, report legislation granting the President enhanced rescission authority with respect to any discretionary budget authority in any fiscal year. Such legislation shall provide that any such budget authority shall be considered to be permanently canceled unless a joint resolution disapproving such rescission is enacted within a specified number of days of continuous session of Congress (as defined by section 1011 of the Congressional Budget Act of 1974) after the date on which the President's special rescission message is received.

(b) If such legislation is not reported by the committees named above by the date specified, the Committees not reporting shall be considered as having been discharged from the further consideration of the first such bill introduced and it shall be in order on any day after June 3, 1993, for any Member of the House (after consultation with the Speaker as to the most appropriate time for consideration), as a matter of highest privilege, to move to resolve into the Committee of the Whole House on the State of the Union for its consideration, and the bill shall be subject to two hours of general debate to be equally divided and controlled by the majority and minority ladders, or their designees, followed by consideration of the measure for amendment under the five-minute rule.

BIENNIAL BUDGET-APPROPRIATIONS PROCESS

Sec. 138. The House members of the Joint Committee on the Organization of Congress are directed to request that the Joint Committee conduct a complete and thorough study of the advisability and feasibility of converting to a biennial budget and appropriations process and corresponding multiyear authorizations and that it report back its findings and recommendations not later than December 31, 1993.

REALIGNMENT OF COMMITTEE JURISDICTIONS

Sec. 139. The House members of the Joint Committee on the Organization of the Congress shall request that the Joint Committee conduct a complete and thorough study of the committees of the House and the Senate with a view to realigning the jurisdictions along more functional and rational lines in order to eliminate the duplication, overlap, and inefficiencies in the present committee system and to ensure, to the extent feasible, that the committee systems of the two Houses are as parallel and compatible as possible with each other and with the Executive Departments under their jurisdiction.

APPLICABILITY OF CERTAIN LAWS TO THE HOUSE

Sec. 140(a). It is the policy of the House that the laws of the United States set forth in subparagraph (b) should be amended to apply to the House of Representatives in the same or similar manner as such laws apply, in the case of subparagraph (b)(1)–(8), to private sector employees; and, in the case of subparagraph (b)(9)–(11), to the Executive Branch; and that any bill reported by a committee of the House in the 103d Congress shall conform to this same principle. Such application shall include, absent manifest constitutional limitations, the same remedies, including, where applicable, damages) and enforcement procedures (including, where applicable, private law suits) as those provided under the identified laws.

(b) Not later than June 30, 1993, the standing committees of the House with subject matter jurisdiction over the following laws of the United States shall report to the House legislation to implement subparagraph (a):

(1) The National Labor Relations Act;

(2) The Occupational Safety and Health Act of 1970;

(3) The Equal Pay Act of 1963;

(4) The Age Discrimination in Employment Act of 1967;

(5) Title VII of the Civil Rights Act of 1964 (relating to equal employment opportunity);

(6) The Fair Labor Standards Act;

(7) The Americans with Disabilities Act;

(8) The Employee Polygraph Protection Act;

(9) Section 552 of title 5, United States Code (popularly known as the Freedom of Information Act);

(10) Section 552a of title 5, United States Code (popularly known as the Privacy Act of 1974); and

(11) Chapter 39 of title 28, United States Code (relating to an independent counsel).

(c) The Committee on Rules shall, not later than ten legislative days after any such legislation has been reported, report a resolution providing for the consideration of such measure in the Committee of the Whole House on the State of the Union under an open amendment process.

(d) If such legislation is not reported by all the committees named above by the date specified, the first bill introduced which implements the policy referred to in subparagraph (a) and which encompasses all the laws referred to in subparagraph (b) shall be considered as having been discharged from all the committees to which it was referred. It shall be in order on any day after July 15, 1993, for any Member of the House (after consultation with the Speaker as to the most appropriate time for consideration), as a matter of highest privilege, to move to resolve into the Committee of the Whole House on the State of the Union for its consideration, and the bill shall be subject to four hours of general debate to be equally divided and controlled by the majority and minority leaders, or their designees, followed by consideration of the measure for amendment under the five-minute rule.

ABOLITION OF SELECT COMMITTEES

Sec. 141(a). The following select committees shall be abolished and their funding for investigations and studies is terminated for purposes of clause 5(f)(2) of House Rule XI: (1) the Select Committee on Children, Youth and Families; (2) the Select Committee on Hunger; and (3) the Select Committee on Narcotics Abuse and Control.

(b) Clause (6)(i) of rule X of the Rules of the House, establishing a Select Committee on Aging, is repealed, the select committee is abolished, and its funding for investigations and studies is terminated.

(c) It shall not be in order during the first session of the One Hundred Third Congress to consider any resolution reestablishing the above-named select committees, nor shall it be in order to consider any order of business resolution waiving this prohibition except by a two-thirds vote of the House.

CAMPAIGN REFORM

Sec. 142(a). The Committee on House Administration is directed to report to the House no later than June 30, 1993, legislation to reform Federal election law and campaign practices.

(b) Not later than July 31, 1993, all other committees to which such bill may have been referred shall report such bill to the House with such amendments as may have been recommended. Any committee which has not reported as directed by such date shall be deemed to be discharged from the further consideration of such bill.

(c) Not later than ten legislative days after the July 31, 1993, reporting deadline, the Committee on Rules shall report a resolution providing for the consideration of such campaign reform bill under an open amendment process. If such a resolution is not reported by such date, it shall be in order on any day thereafter for any Member to move that the House resolve into the Committee of the Whole House on the State of the Union for the consideration of the bill.

CHIEF FINANCIAL OFFICER

Sec. 1439(a). Strike clause 1(a) of Rule VI, insert in lieu thereof the following, and redesignate clause 2 as clause 6.

"Rule VI

"CHIEF FINANCIAL OFFICER

"1. There shall be elected by not less than two-thirds of Members voting, a quorum being present, the Chief Financial Officer of the House.

"2. The Chief Financial Officer should have appropriate education and training, have demonstrated an ability to manage large and complex administrative activities and resources, and have experience that is relevant to the management of the financial operations of the House.

"3. The Chief Financial Officer shall be responsible for:

"(a) reviewing and analyzing the financial operations of the House, including the efficiencies of its operations, the functions of its offices, and the cost-effectiveness of its operations, and providing periodic recommendations to the Speaker and minority leader respecting these operations;

"(b) conducting periodic audits of the financial operations of the House, simultaneously sending audit reports to the Speaker and minority leader, and making these audit reports available to the public;

"(c) keeping the accounts for the pay and mileage of Members, Delegates, and the Resident Commissioner from Puerto Rico, and paying them as provided by law; and

"(d) carrying out all other financial functions and operations that were exercised by the Clerk before the date of the adoption of this rule, including, but not limited to—

"(1) keeping full and accurate accounts of the disbursements of the contingent fund of the House.

"(2) keeping the stationery account of the Members, Delegates, and Resident Commissioner of Puerto Rico.

"(3) paying the salaries of officers and employees of the House, and

"(4) making or approving all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives in pursuance of law or order of the House.

"(e)(1) reviewing existing and proposed rules of the House to determine the effect of such rules on the economy and efficiency of the financial operations of the House, taking into consideration the need to prevent fraud, waste, and abuse in such operations.

"(2) based on such review, providing periodic recommendations to the Speaker and the Minority Leader with respect to the Rules of the House.

"(f) keeping the House fully and currently informed of any instance of fraud, waste, or abuse, or any other serious deficiency in the financial operations of the House, including corrective actions taken or recommended;

"(g) reporting to the Speaker and the Minority Leader—

"(1) any such instance that, because of its particularly serious nature, requires immediate attention; and

"(2) any lack of cooperation by a Member, officer, or employee of the House that inhibits the carrying out of the responsibilities of the Chief Financial Officer;

"(h) not later than October 31 of each year, submitting to the House with respect to the financial operations of the House in the preceding fiscal year a report of the activities of the Chief Financial Officer, including—

"(1) a description of significant problems, abuses, and deficiencies in the financial operations of the House, the recommendations made, the corrective actions completed, and the corrective actions uncompleted;

"(2) a summary of matters the Chief Financial Officer referred to the Committee on Standards of Official Conduct and the actions which have resulted from such referrals; and

"(3) a summary of each recommendation by the Chief Financial Officer to the Speaker and minority leader under these Rules;

"(i) receiving and investigating complaints from employees of the House with respect to fraud, waste, and abuse in the financial operations of the House, if such complaints assert the existence of a violation of law, a violation of these Rules, mismanagement, gross waste of funds, or abuse of authority, and

"(j) developing and maintaining an integrated accounting and financial management system for the House, including financial reporting and internal controls to provide performance measurement, cost information, and integration of accounting and budgeting information; and

"(k) directing, managing, providing policy guidance for, and conducting oversight of financial management personnel and operations, including preparation of a 5-year financial system plan, development of financial management budgets, recruitment, selection and training of personnel to carry out financial management functions, and implementation of asset management systems, such as cash and credit management, debt collection, and property and internal controls.

"4.(a) In carrying out clause 3(I), the Chief Financial Officer may not disclose the identity of a complaining employee without the consent of the employee, unless the Chief Financial Officer determines such disclosure is unavoidable.

"(b) Any intimidation of, or reprisal against, an employee of the House by an employing authority because of a complaint made by the employee is a violation of rule LI.

"5. In accordance with policies and procedures approved by the Committee on House Administration, the Chief Financial Officer shall appoint such employees as may be necessary for the prompt and efficient performance of the duties of the Chief Financial Officer under these Rules. Such employees shall serve at the pleasure of the Chief Financial Officer.".

(b) In the newly designated clause 6(c)(1), strike "Director of Non-legislative and Financial Services" and insert in lieu thereof "Chief Financial Officer".

COMMITTEE ON HOUSE ADMINISTRATION

Sec. 144. Clause 6(a) of Rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(5)(A) One-half of the members of the Committee on House Administration shall be from the majority party and one-half shall be from the minority party.

"(B) In the case of the Committee on House Administration, subpoenas may be authorized and issued as provided by clause 2(m) of rule XI, except that either the chairman or ranking minority party member of that committee may authorize and issue subpoenas under that clause.".

APPROPRIATIONS SUBCOMMITTEE ON LEGISLATIVE APPROPRIATIONS

Sec. 145(a). The membership of the Subcommittee on Legislative Appropriations of the Committee on Appropriations shall be divided equally between the majority party and the minority party. Staff positions for the subcommittee shall be divided in the same manner.

LIMITATION ON REPROGRAMMING OF FUNDS IN THE HOUSE OF REPRESENTATIVES

Sec. 146(a). No funds may be reprogrammed or otherwise transferred between appropriation accounts of the House of Representatives without the written approval of the Speaker and the minority leader of the House of Representatives.

OFFICE OF THE GENERAL COUNSEL

Sec. 147(a). Strike clause 11 of Rule I and insert the following new Rule C:

"Rule V"

"OFFICE OF THE GENERAL COUNSEL"

"1. There is established in the House of Representatives an office to be known as the Office of the General Counsel, referred to hereinafter in this title as the "Officer".

"2. Accountability. The Office shall be directly accountable to the Leadership Group, composed of—(a) the Speaker of the House of Representatives; (b) the majority leader and minority leader of the House of Representatives; (c) the majority whip and minority whip of the House of Representatives; (d) the chairman and ranking minority party member of the Committee on the Judiciary of the House of Representatives; and (e) 2 Members of the House to be appointed by the Speaker of the House of Representatives, one of whom shall be appointed upon the recommendation of the minority leader.

"3. Purpose and Policy. The purpose of the Office is to provide legal assistance to Members, officers, and employees of the House of Representatives on matters directly related to their duties, other than matters committed by law, rule, or other authority to the Office of the Parliamentarian, the Office of the Legislative Counsel, the Office of the Law Revision Counsel, the Legislative Classification Office, the Congressional Research Service, the Comptroller General, or the Office of Fair Employment Practices, or to another office, officer, or employee of the House of Representatives. The Office shall maintain—(1) impartiality as to issues of policy to be determined by the House of Representatives; and (2) the attorney-client relationship with respect to all communications between it and any Member or committee of the House.

"4. Specific Approval Requirements.

"(a) Approval by Resolution—Unless approved by unanimous vote of the Leadership Group, the following actions of the Office require prior approval by resolution of the House of Representatives.

(1) Entering an appearance before any court.

(2) Filing a brief in any court.

(3) Representing any Member of the House of Representatives in any contested matter that will result in formal legal proceedings.

(b) Approval by the Leadership Group. The Following activities of the Office require prior approval by the Leadership Group:

(1) Preparation of any legal memorandum or other item of legal research that requires more than 4 hours of preparation time.

(2) Work other than in the routine course of business of the Office.

(c) Special Rule—In carrying out any action under this title, the Office, in the case of any matter that affects an area of responsibility committed to another office, officer, or employee referred to in section 123, shall consult the office, officer, or employee involved and coordinate such action with the office, officer, or employee.

"5. General Counsel. The management, supervision, and administration of the Office are vested in the General Counsel, who shall be appointed by the Speaker of the House of Representatives, upon the recommendation of the majority leader and minority leader of the House of Representatives, acting jointly, without regard for political affiliation and solely on the basis of fitness to perform the duties of the position. The General Counsel shall serve at the pleasure of the Leadership Group.

"6. Staff. With the approval of the Leadership Group or in accordance with policies and procedures approved by the Leadership Group, the General Counsel may employ such attorneys and other employees as may be necessary for the performance of the functions of the Office, except that not more than 4 attorneys and 3 other employees may be so employed and at least one attorney in the Office shall be appointed upon the recommendation of the minority leader. Any individual employed under this section may be removed by the General Counsel, with the approval of the Leadership Group.

"7. Compensation.

(a) General Counsel.—The General Counsel shall be paid at a per annum gross rate fixed by the Leadership Group, but not more than the rate payable for positions at level III of the Executive Schedule, under section 5314 of title 5, U.S. Code.

(b) Staff.—Members of the staff of the Office shall be paid at per annum gross rates fixed by the General Counsel, with the approval of the Leadership Group or in accordance with policies and procedures approved by the Leadership Group, but not more than the rate payable for positions at level IV of the Executive Schedule, under section 5315 of title 5, U.S. Code.

"8. Expenditures. Subject to appropriation and in accordance with policies and procedures approved by the Leadership Group, the General Counsel may make such expenditures as may be appropriate for the functioning of the Office.

"9. Time Sheets. The Attorneys and professional staff in the Office shall maintain regular, written records of the time expended on legal matters, consistent with generally accepted practices in private law firms. Such time records shall be maintained on forms and according to procedures established by the General Counsel, and shall provide for the recordation of time allotted to legal work in increments of no more than one-quarter hour. The time records shall be reviewable by the Leadership Group and may not be made public other than by direction of the Leadership Group or resolution of the House.".

REPEAL OF CERTAIN AMENDMENTS TO RULES

Sec. 148. In House Resolution 5, One Hundred Third Congress, adopting the Rules of the House of the One Hundred Third Congress, the amendments to Rules of the House of the One Hundred Second Congress made by the following paragraphs are hereby repealed and, to the extent applicable, the original language from the Rules of the One Hundred Second Congress shall be restored as the language of the Rules of the House for the One Hundred Third Congress:

(a) paragraph (4) relating to questions of privilege;

(b) subparagraph (7)(a), relating to the Speaker's authority to appoint and remove members of select and conference committees;

(c) subparagraph (8)(a) relating to the authority of committees to sit when the House is considering bills for amendment under the five-minute rule;

(d) subparagraph (8)(b) relating to the required quorum in a committee for the purpose of reporting a measure or recommendation;

(e) paragraphs (9), (13), and (14), regarding granting the right to vote in and preside over the Committee of the Whole to the Resident Commissioner from Puerto Rico, and the Delegates from American Samoa, the District of Columbia, Guam and the Virgin Islands.

A FAREWELL TO CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 60 minutes.

Mr. PANETTA. Mr. Speaker, with profound gratitude I rise this morning to thank the good people of California's central coast for the opportunity to serve as their Representative. This is not a farewell as a resident, for this district has been and always will be my home. It is not a final goodbye, for I will remain in close touch with many of my friends at home, and my life as a public servant will continue to keep me in tough with the issues affecting this area.

But I do bring to a close a career of 16 years of representing the central coast in the Congress. I would like to take this opportunity, therefore, to review my tenure in the House of Representatives, take stock of the state of the district and the Nation, and leave a few thoughts for the citizens of this district and the new Representative they will elect this spring.

President-elect Clinton has nominated me to be the Director of the Office of Management and Budget [OMB] in his administration, and I have accepted the challenge of helping him to establish a new economic policy for the Nation, reduce the Federal budget deficit, restore long-term economic growth, and reform the management of the Federal Government. While I will not be dealing with the problems of my constituents in this district, I will remain their representative in higher position, fighting the larger economic battles that will determine the future of our children and the Nation.

The past few weeks are a blur, but moments of reflection are inevitable, as I have reminisced about the thousands of people, places, events, projects, and legislation I have made a part of my life over my 16-year tenure in this great body. All of it is a tremendous personal and living memory for me. For the privilege of serving them in this capacity, and for their enduring friendship and support throughout those 16 years, I am deeply indebted to my fellow central coast citizens. From their support, I have drawn great strength and inspiration as I have faced the challenges of the last 16 years.

I would like to take a moment to review the banners I have carried on behalf of my home district. This is a time of great change for our Nation, and I carry with me a sense of history as I join that wave of change. For historical purposes, as an offering to my constituents and as an agenda for my successor, then, I would like to review my accomplishments since 1977. In doing so, I want to focus on issues and matters of both urgent and long-term importance to the counties of Monterey, Santa Cruz, San Benito, and northern San Luis Obispo.

From the beginning, I have strived to hold the Federal Government to its vital responsibilities in several critical areas. I consider these goals to be foundation stones of a successful and just Federal Government: No. 1, a budget that is disciplined and compassionate, providing for a clear accounting of the Government's revenues, expenditures and priorities; No. 2, provisions to improve the health, nutrition, and education of citizens in need; No. 3, support for, and encouragement of, a strong and free marketplace for our agricultural community; No. 4, careful stewardship of our natural resources, particularly our coastlines; and No. 5, leadership in the transition of our strong and prudent national defense in a changing would.

Those who know my work in the House—as most citizens of my district do—realize that these have been my objectives as I have taken on a number of initiatives to reform the budget process and reduce the Federal budget deficit, protect our coastal waters and forests, provide adequate nutrition and health care to Americans, and improve the Defense Department's operations within the 16th District, and around the Nation. I would like to summarize some of the highlights of my record in the House.

THE ECONOMY AND THE BUDGET

Since entering the Congress, I have been concerned about the failure of this Nation to face up to the crisis of the deficit and its impact on our economy and our future. For that reason, I became involved with budget issues and joined the House Budget Committee in 1979. My focus has been to shine the light of public scrutiny on the cost of new Government programs, to streamline the budget decision-making process and to impose discipline on the congressional budget process from the start of its consideration rather than the end. One of the first bills I introduced was a proposal for 2-year budgeting. As chairman of the Legislative Savings Task Force in 1980, I was instrumental in bringing about $8.3 billion in savings in the Federal budget deficit through legislative savings. I continued my involvement in budget issues and participated in the key budget summits of 1985 and 1987.

Since becoming chairman of the House Budget Committee, I have led the fight for the passage of four budget resolutions which set the course for fiscal responsibility while allocating scarce Federal resources into areas of the budget that will have a positive influence on the future economic and social fabric of our country. Some of these budgeted areas have included programs in education, such as Head Start, and in health, such as WIC, the program to provide food for women, infants, and children in need of assistance.

But no single budget issue has, and will have, more of a determining effect on the future of this country than how we address the problem of our massive Federal budget deficit. Since coming to Congress, I have focused my efforts on restoring a sense of sanity to Federal budgets by trying to convince my colleagues in the Congress and past administrations to attack the deficit head-on. In some respects, we have had a measured amount of success. In 1990, I participated in negotiations with congressional leaders and the Bush administration which produced the largest deficit reduction package in the history of the United States, cutting projected deficits by nearly $500 billion. This package included not only the type of politically unpopular spending cuts and revenue increases that I had been urging for years, but tough new budgetary process reforms which significantly restrict new deficit spending.

As we all well know, however, the economic recession, the savings and loan disaster and rising health care costs caused further sharp deterioration in the budget deficit since the passage of the 1990 Budget Act. Measures even tougher than the 1990 Budget Act will be required to bring the deficit under control. I successfully led the effort in the House last year to defeat the passage of a balanced budget amendment to the Constitution. The amendment was billed as a way to address our budget problems, but Congress and the President already have all of the constitutional power they need to reduce the deficit right now. As an alternative, I fashioned balanced budget enforcement legislation that would require a defined level of deficit reduction each year, with tough actions on spending and taxes if those levels were not achieved. Regardless of what process we use, however, there remains no substitute for strong leadership and direct action by the President and the Congress on the deficit.

My work on the budget has led to my nomination to be Director of the Office of Management and Budget [OMB]. While I am thrilled by the honor, I am also humbled by the challenge. I look forward to continuing to work with my colleagues in this House, and with the other body, the new administration and the Americans we serve to succeed at this essential endeavor. I am looking forward not just to the challenge of constructing an honest and tough budget and deficit reduction plan but also to the very real capacity of my new position to reform the management of the Federal bureaucracy.

HUMAN NEEDS

Hunger: To my mind, one of the failures of the American promise in the 20th century has been our inability to feed all Americans satisfactorily every day while our farmers produce more food than they can sell. As a member of the House Agriculture Committee and the Select Committee on Hunger, and as a former chairman of the Subcommittee on Nutrition and the Task Force on Domestic Hunger, I have worked very hard to overcome that failure. In 1979 I examined the Food Stamp Program and found severe problems. The results of my efforts were new laws to prevent the Agriculture Department from padding its budget by carrying funds over from one year to the next and to combat fraud and abuse, generating annual savings of over $400 million.

In 1984, I sponsored the Emergency Food Assistance and Commodity Distribution Act to improve the system for distribution of surplus commodities to the needy. The bill was enacted into Public Law 98–92. Two years later, the Congress and President approved my legislation to reform the Nation's nutrition programs to streamline them, to require employment and training programs, and to improve work incentives. Again, in 1988, I authored legislation adopted by the Congress and President to improve the administration of the surplus food distribution program, Public Law 100–237.

In 1989, I sponsored the Hunger Prevention Act, which responded to the Nation's hunger problem by making improvements in Federal food and nutrition programs. It is now Public Law 100–435. For several years now, I have been pushing legislation known as the Mickey Leland Childhood Hunger Relief Act in honor of our late colleague and defender of the underprivileged. This legislation would significantly boost our national capacity for providing food to malnourished children. The bill passed the House last August, but the Senate failed to approve it. I would strongly encourage my colleagues and my successor to carry on the battle against hunger on behalf of those who have no other voice.

HEALTH CARE

Hospice Care: I have long extolled the need for compassionate and cost-effective care for the terminally ill. I was the author of legislation establishing and making permanent the reimbursement of hospice services under Medicare. Additionally, I sponsored legislation establishing and making permanent the reimbursement of hospice services under Medicare. Additionally, I sponsored legislation providing States the option of providing hospice care under Medicaid and most of the States have taken up that option.

Hospice is the practice of caring for the terminally ill in the their homes and communities, in a familiar setting among family and friends. Just as important as the humanitarian contributions of hospice, however, is the fact that hospice programs save money. Hospice allows people to move out of acute care facilities and into less expensive care arrangements. In a year when the new administration and Congress are focusing on reforming our Nation's health care system, we must not lose sight of the savings and compassion realized through hospice care. As a leading proponent of various forms of health care at home, I have also been the sponsor of legislation approved to require Medicare to reimburse organizations and families for home care, as well as annual bills to designate National Home Care Week to draw attention to the benefits and advantages of home health care, including hospice care. I would urge the Congress to work with the President to expand home health care coverage and allowances as part of any national health care reform legislation.

Watsonville Community Hospital: Some of the battles I have fought continue today, Mr. Speaker. I want my successor to know that the community of Watsonville deserves an expedited resolution of the disaster relief case of Watsonville Community Hospital. It has been 3 years since the hospital was devastated by the Loma Prieta earthquake, yet the future of the facility remains uncertain. The Federal Emergency Management Agency owes it to the hospital and the entire community of southern Santa Cruz County to work toward resolving this case.

EDUCATION AND FOREIGN LANGUAGES

Combining my interest in nutrition with my passion for education, one of my first bills enacted into law was my amendment to the School Lunch Program legislation in 1977. The amendment opened summer school programs to mentally and physically handicapped students over the age of 18.

One of the distinctive strengths of the Monterey Bay area is our collection of foreign language instructional institutions, including the Monterey Institute for International Studies [MIIS], the Defense Language Institute [DLI] and the University of California at Santa Cruz. Unfortunately, Americans are notable for their ignorance of foreign languages, and that missing skill is one factor in our inability to compete in the international marketplace. I have done what I can for these institutions to nourish their growth and prosperity, and I am proud of their national reputations today.

Seeking to strengthen the Nation's foreign language capabilities, I have sponsored legislation to broaden elementary, secondary and undergraduate foreign language instruction programs across the Nation and to provide awards and resources to foreign language teachers to enable them to maintain their careers. The latter bill was enacted into law as Public Law 100–297 in 1989. In 1992, the Congress and President approved my Global Education Opportunities Act, which encourages and improves the teaching and learning of foreign languages and international studies in the United States. Also passed into law last year was my legislation authorizing the Defense Department to reform its personnel system for the civilian faculty at the Defense Language Institute, a reform which will enable current faculty to enhance their heuristic credentials and allow the institute to attract and retain additional qualified faculty.

YOUTH SERVICE

I am particularly proud of this body's passage of my legislation to encourage States and local governments to establish volunteer youth service programs. That bill, enacted into law in 1990 as Public Law 101–610, authorized Federal matching grants for such programs, including conservation programs. It was the culmination of a decade's work on this issue. The provisions created a Youth Service Corps and an American Conservation Corps as well as a summer program. Important education and training are a part of these programs, and they target economically disadvantaged youth. I know that President-elect Clinton will build upon these initiatives, and I look forward to working with him and with the Congress to strengthen and increase the availability of such programs nationwide.

CIVIL RIGHTS AND IMMIGRATION

As a lifelong activist in the area of civil rights, and as one who is devoted to this institution, I am particularly proud of the resolution I authored which was adopted by the House in 1988, extending civil rights protections to House employees for the first time in history. I have retained a strong interest in the enforcement of Americans' civil rights as I have supported congressional civil rights reforms from the late 1970's to the Americans with Disabilities Act of 1990. At the local level, I have also tried to play a positive role in aiding the efforts of our Latino communities to empower themselves politically and legally.

The immigration of Latinos to our region is an ever-present issue for our communities. I was pleased to be a part of the Congress' response to the problems of seasonal agricultural workers when the Congress passed reforms of our immigration laws related to such workers in the mid-1980's. The reforms established a feasible immigration system for seasonal agricultural laborers as well as a workable system for enforcing the law.

DISASTER ASSISTANCE

Unfortunately, natural disasters have struck California's central coast on a number of occasions, including mudslides, fires, freezes, a 7-year drought, and the Loma Prieta earthquake of 1989. In the aftermath of each disaster, I have sought to ensure that the Federal Government lived up to one of its most important responsibilities, to care for those whose livelihoods and homes have been destroyed. In 1982, after mudslides decimated homes of residents in and near Love Creek, I shepherded through to enactment legislation to ensure fair tax treatment for victims of the slides, Public Law 98–369. In 1984, I authored legislation adopted by the Congress and President to improve terms and amounts of disaster loans; this provision was included in Public Law 98–270. Earlier, I described legislation I authored to aid farmers affected by disasters.

The most devastating of these was the October 1989 Loma Prieta earthquake. The quake, which lasted only 15 seconds, left massive destruction in communities stretching from San Francisco to Monterey. Lives were lost, homes and businesses destroyed and individuals were traumatized for a lifetime. Santa Cruz, Watsonville, and San Benito County suffered extensive damage. Much to my dismay, the Federal response to this terrible disaster was inadequate.

When a disaster of this proportion occurs, it is critical that the Federal Government respond quickly and smoothly. Victims of an earthquake are already traumatized from the loss and displacement that occurs; undue delay in providing disaster assistance is the last thing victims need. As a witness to the shortcomings of the United States' ability to respond to natural disasters, I made every effort to help the victims receive adequate assistance.

As I have done after every disaster that has hit our area, I immediately established a task force of Federal, State, and local officials involved in disaster recovery to coordinate relief efforts; the California delegation in Congress gained enactment of an emergency bill providing $2.85 billion in disaster assistance to restore highways and bridges, help homeowners and businesses, and get other relief to individuals and families.

I also introduced legislation, which the Congress passed, to provide assistance to farmers affected by the earthquake. After I strenuously and repeatedly intervened, the Federal Emergency Management Administration finally provided 150 emergency mobile homes for families made homeless by the earthquake. At my urging, the Department of Housing and Urban Development also provided housing vouchers for low-income families, and at my insistence, the California Department of Transportation worked 24 hours a day to complete the repairs of a damaged bridge on Highway 1.

Additionally, I made extensive efforts to help the various communities, individuals and businesses damaged by the earthquake to obtain Economic Development Administration grants, Small Business Administration loans and community development block grants. In 1991, I sponsored legislation, enacted as Public Law 101–625, to expand long-term low- and middle-income housing assistance for areas affected by disasters.

Finally, I have participated in investigating FEMA's response to the earthquake and requested the General Accounting Office to conduct a study with respect to FEMA and Federal disaster programs. It is my hope that these efforts will result in an overhaul of FEMA and improved Federal disaster programs.

AGRICULTURE

As a member of the House Agriculture Committee, and as the member of a family that has farmed in Monterey County for many years, I have come to know and appreciate the special needs of our world-famous Salinas Valley farmers. Acting on their behalf, as well as in the interests of consumers nationwide, I have been a part of efforts to reform Government assistance programs for farmers, and I have led efforts to secure a fair trading environment for some of our specialty crops, such as artichokes, strawberries, cut flowers, lettuce, asparagus, brussel sprouts, and broccoli.

The Congress and President Carter enacted one of my first bills into law in 1978 when we approved by legislation to extend the availability of FmHA loans to producer cooperatives. In 1981, the Congress and President approved by legislation to include nursery stock as an eligible commodity for coverage under the Federal Crop Insurance Act. That same year, I saw my bill granting export financing authority to banks for agricultural cooperatives approved by the Congress and President.

In 1982, my Plant Pest Emergency Act, which provides indemnities to farmers who suffer losses from quarantines or destruction of infested crops, was enacted into law, and I successfully authored an amendment to the Perishable Agricultural Commodities Act [PACA] to ensure the stability of the Nation's commodity brokerage industry. Two years later, the Congress and President approved my legislation to strengthen legal protection for sellers of perishable crops against buyers who do not pay for the produce they purchase.

In 1986, I sponsored legislation ultimately enacted into law to amend the Food Security Act to increase research on overcoming barriers to agricultural exports, and in 1988 the Congress and President approved my bill to establish agricultural aid and trade missions to assist other countries desiring to participate in United States agricultural missions.

Three years later, I engineered the passage into law of my legislation to strengthen the monitoring of imported crops for pesticide contamination. More needs to be done in this area, and I hope that Congress will enact the circle of poison proposal I have introduced with others. In the aftermath of the October 1989 earthquake, I pushed through legislation to expand Federal disaster assistance programs to cover farmers and farm-related businesses affected by earthquakes. Finally, last fall the Congress and President enacted into law my legislation to enable first-time ranchers and farmers in California to participate in a new loan program providing credit to self-starters. This provision was incorporated into Public Law 102–554.

WATER RESOURCES

An important component of the Government's assistance to our farmers, particularly farmers in California, is the provision of adequate water supplies. Every year, I have requested whatever Federal funds have been available for the maintenance, repair and construction of water distribution and treatment facilities throughout the Salinas Valley region. In my first year in the House, I sponsored an amendment ultimately written into law to provide Federal support for water recycling facilities. In 1982, I amended that year's farm bill to allow for an agreement between the Boronda Water District and the California Water Co. for the supply of water to the Boronda area. I have also sponsored and supported water desalinization measures, and I would hope that my successor will continue to press for the provision of adequate and clean water to our counties.

NATURAL RESOURCES

As a young candidate in 1976, my first standard arose from the very geography of our District—the majestic Pacific Ocean. Our beloved coast, home to everything from sea otters to professional golfers to highway one tourists to wild coastal forests to a sea canyon deeper than the Grand Canyon, has demanded national stewardship, and I have fought long and hard, year after year, for protection for our district's environment, from inland forests to coastal oceanic zones far offshore.

MONTEREY BAY NATIONAL MARINE SANCTUARY

One victory for our region and for the Monterey Bay environment itself was our designation last fall of Monterey Bay and surrounding coastal waters as a national marine sanctuary. That designation bans harmful industrial activities, including offshore oil and gas drilling, within the boundaries of the sanctuary and preserves an unusually pristine and deep oceanic environment, famous around the world for its deep canyons and flourishing marine life.

More than 15 years in the making, the Monterey Bay designation had to overcome innumerable obstacles—including the drill-at-any-cost policies of Interior Secretary James Watt and the objections of the Reagan-Bush administration. Over the administration's opposition to the Monterey Bay designation, I authored legislation passed by the Congress in 1988 to mandate the designation of Monterey Bay as a national marine sanctuary. More recently, I authored the provision enacted into law this September to put the sanctuary designation in effect. Fifteen years, a decade of annual offshore oil leasing bans, incessant battles with the administration, and two acts of Congress later, Monterey Bay—the Nation's largest national marine sanctuary—is designated.

The designation of the Monterey Bay Sanctuary is a great milestone in this Nation's history of natural resource management. As Yosemite Park pioneered land preservation efforts 100 years ago, so will the Monterey Bay Sanctuary pioneer marine preservation and management for the future. It is important to remember that the Monterey Bay designation is not the end of a process—that the battle is not won yet. The sanctuary designation will merely provide us with the tools we need to protect this magnificent treasure. We stewards of the Bay must fulfill our promise of protection.

COASTAL PROTECTION

This issue first became a serious issue in 1980, but it was in 1981, when the Reagan administration sought to lease practically the entire California coast, that the greatest danger was posed to the coast. In every Congress since, I have led my colleagues in successful efforts to enact temporary moratoria and in laying the groundwork for a permanent ban in defined areas of our coastal waters. Not one rig has been placed off the central coast, and no new leasing has taken place since 1981 along the California coast. I am certainly hopeful that the new administration will join the Congress in making permanent current bans in sensitive areas, which have been in law since 1981.

In 1990, important legislation I authored to provide coastal States with a greater role in decisions concerning offshore oil and gas development was finally enacted into law, after several years of perseverance. The consistency provision, made necessary by an earlier Supreme Court decision which went counter to the intent of Congress, permits States to review Federal offshore oil and gas plans to make sure they are consistent with its coastal management plans. It provides the States with an important tool in deciding whether or not offshore oil and gas development is environmentally sound and appropriate before an area is leased by the Federal Government. The provision was incorporated into Public Law 101–508.

LOS PADRES NATIONAL FOREST AND VENTANA WILDERNESS

Mr. Speaker, providing strong protection to the sensitive resources of the Big Sur coastline and the Los Padres National Forest has been an important priority to me. During my years in the Congress, I have obtained Federal acquisition of thousands of acres in Big Sur to protect this magnificent area for the enjoyment and appreciation of generations of Americans to come. In addition, provisions I authored to add areas to the Ventana Wilderness Area and designate the Silver Peak Wilderness Area were enacted into law in 1992 as part of the Los Padres Condor Range and River Protection Act.

BIG SUR ADVISORY COUNCIL

The Big Sur Multi-Agency Council comprises representatives of all the local, State, and Federal agencies involved in the management of Big Sur's natural resources. I helped to create this council in the late 1980's in conjunction with the establishment of the coastal partnership for Big Sur, a joint citizen, county, State, and Federal effort aimed at preserving the Big Sur area. The effort seeks to build on local community actions to maintain the quality of life and scenic values of the Big Sur coastline by coordinating public agencies at every level of government behind the goals and objectives of the local coastal plan adopted by Monterey County.

The goal of the partnership is to develop a strong private and public strategy that effectively responds to the concerns over the future of Big Sur without mandating a larger Federal presence. I have been very active in this effort, and I have been committed to preserving Big Sur in a manner in keeping with its traditions.

ENERGY

Hand in hand with my efforts to protect our environment directly, I have worked over the past few years to reform our energy exploration, conservation and consumption. In 1992, the Congress enacted into law several important measures I had proposed as part of my own omnibus energy legislation. The final law included provisions I had authored to encourage the development of alternative fuel vehicles by assisting the transition of government and other large vehicle fleets; encourage energy conservation research and development; assist Federal agencies in the development of energy management plans; and require State public utility commissions to consider enacting energy conservation incentive plans similar to those implemented by the New York and California Public Utility Commissions.

MILITARY MISSIONS

FORT ORD

As I have said, one of the greatest disappointments of my tenure in the Congress was the decision to close Fort Ord. Despite the analysis of the Fort Ord community task force I founded, the Defense Department, the President, the Defense Base Closure and Realignment Commission, and the Congress approved the Army's recommendation to relocate the 7th Infantry Division—Light—and close Fort Ord.

Yet, out of that disappointment I believe that the task force and I have laid the groundwork for a successful reuse of the base. The task force took in the labor and expertise of over 300 citizen volunteers in its year-long effort to fashion a reuse strategy acceptable to all neighboring communities. Today, the Fort Ord Reuse Group [FORG] is implementing that strategy as it develops a detailed base reuse plan. I have worked ceaselessly with the task force and FORG to obtain sufficient Federal cooperation and resources for this endeavor, and I have taken a number of actions in the Congress to facilitate the process.

The Congress and President last fall enacted into law my Community Environmental Response Facilitation Act, Public Law 102–426, to require the Federal Government to identify which portions of closing Federal facilities are not contaminated by hazardous waste and to do so in a timely manner. It also assigns responsibility for the cleanup of any areas contaminated by the Defense Department to the Federal Government, even if it is discovered long after the property has been turned over to a new owner, and it maintains high standards for the identification of clean areas and the cleanup of contaminated areas.

In 1991, the Congress and President approved by amendment imposing a deadline on the Defense Department for the completion of its studies of hazardous waste sites at closing bases. Over the past 2 years, I have led the campaign for additional and sufficient funding for the actual cleanup of these bases before they are turned over to communities for reuse. I have also joined the effort to indemnify communities from suits based upon waste caused by the Federal Government at property transferred to local governments.

In 1992, I successfully attached an amendment to the Defense Department fiscal year 1993 appropriations bill which requires that Hays Hospital at Fort Ord retain a minimum of 50 beds in fiscal year 1993. Yesterday, I introduced legislation to reform the Federal Government's treatment of military hospitals in order to clarify its interest in retaining military hospitals to serve not just active duty personnel but also retirees, veterans and other Federal beneficiaries. I would encourage my successor to take up this cause as well. I am convinced that the Federal Government loses money when it forces its own beneficiaries to seek care in private facilities.

I also worked hard in the last Congress to pass an amendment to housing authorization legislation making communities in my district eligible for much-needed community development funds. My amendment makes nonentitlement communities affected by national defense cutbacks eligible to participate in the special project grant portion of the Community Development Block Grant Program. The amendment opens up a new potential source of funds for communities in Fort Ord's vicinity and elsewhere.

I have waged a great many other battles for funding and the provision of resources associated with Fort Ord's closure, but the preeminent requirement in coming years remains the Army's responsibility to contribute its share of the multiagency venture to stop seawater intrusion in the Fort Ord area and institute new water distribution systems in the region.

DEFENSE LANGUAGE INSTITUTE

I have spoken above of my emphasis on the importance of the foreign language instructional community to our region. A vital part of that community is the Defense Language Institute [DLI]. Apart from the foreign language initiatives I have already mentioned, I have taken several noteworthy actions on behalf of the DLI faculty and the Federal foreign language apparatus.

After 6 years of legislative spade work, last year I finally saw the enactment of my legislation to reform the personnel system at DLI. With nearly annual fluctuations in the termination and hiring of faculty, a low salary range, and inflexible personnel policies, DLI's faculty have suffered under a personnel system unfit for the faculty of a large, prestigious foreign language institute. The new law, which is to be implemented this year, gives the faculty hope that they will now be able to achieve tenure, higher salaries in return for better performance, and added credentials through a continuing education program. I am optimistic that the new statutory authority for the institute will yield immediate improvements in the quality of the institute's instruction, its ability to retain qualified faculty and its outreach to potential instructors.

For years, I have steadfastly opposed the Defense Department's policy of firing faculty in certain languages as soon as its immediate requirements for personnel with proficiency in those languages drop. As I have said elsewhere many times, our military and intelligence personnel ought to retain a core cadre of specialists in every national language in the world, and we ought not to put our troops and our DLI faculty through the pain and administrative nonsense of cyclical reductions in force [RIFs] followed by mass hirings as soon as conflict arises in some unforeseen hot spot.

Toward that end, and in accordance with my general endeavor to streamline and consolidate the Federal Government, I introduced legislation yesterday to combine nearly all Federal foreign language programs in a new Federal Language Institute at what is now the DLI. There are a plethora of such programs, as well as agencies that contract out the teaching of foreign languages, throughout the Federal Government, and this proposal in intended to rationalize that function.

NAVAL POSTGRADUATE SCHOOL

Located in Monterey, the Naval Postgraduate School is home to an advanced and prestigious postgraduate program for naval officers. It offers the best laboratories, faculty and other facilities for scientific, engineering, and technical studies of all kinds. I have strongly supported the school's requests for Federal assistance, and I am proud to say that the school's reputation as a center for learning excellence has only grown in the past 16 years. Its focus on naval issues dovetails perfectly with the Monterey Bay's civilian marine resources, including the sanctuary itself, the Monterey Bay Aquarium, the National Oceanic And Atmospheric Administration's facilities [NOAA] and the Hopkins Marine Lab and the Fleet Numerical Oceanography Center [FNOC], all of which combine to constitute a renowned and growing national marine center.

FLEET NUMERICAL OCEANOGRAPHY CENTER

FNOC is the world's preeminent marine weather prediction center. As one who worked tirelessly on behalf of the center to assist its request for one of the most advanced Cray large-scale computers, I am very proud of its prominence in the field, its cooperation with a number of private and civilian agencies, and its contributions to advances in marine weather prediction.

MILITARY FAMILIES

In the mid-1980's, in response to a tragedy that occurred in a local military family, I organized an annual military community conference to discuss military and community concerns about all aspects of our relations. The 17th District retains seven major military installations, and our relations remain very important. Following up on the clear need for satisfactory housing for all military personnel, I pushed through legislation in 1986 to improve such housing and other benefits for military personnel and their families, and I have continued to request full funding for all family housing and service facilities.

VETERANS

As a veteran of the U.S. Armed Forces, and as a member and former vice chairman of Vietnam-era Veterans in Congress, I have been deeply committed to improving Federal programs to ensure that they meet the needs of our Nation's veterans. Knowing the unique hardships and conditions that accompanied service in Southeast Asia, I worked to establish compensation for Vietnam veterans suffering diseases resulting from exposure to agent orange. Additionally, I pushed for the expansion of the Veterans Out-Reach Center in Marina to establish outpatient medical care. Nationally, as chairman of the House Budget Committee, I have supported increased funding for services to benefit all American veterans.

I have also remained steadfast in my commitment to the recognition of World War II-era Philippine Scouts and Filipino veterans who served honorably in the United States Army. These dedicated individuals demonstrated unique courage and resolve in support of the Allied war effort; they deserve our gratitude and recognition. I have fought to provide Philippine Scouts and their survivors with the same pay and benefits of their American counterparts, as they were promised. In 1986, the House enacted an amendment requiring the Army to study and report on this important issue. I have also been the sponsor of legislation to establish a Philippine Scout war memorial to honor this fighting unit. While there are issues left to be addressed in righting the long injustice of the United States' treatment of the Philippine Scouts, I believe that my colleagues are aware today of their contributions and selfless sacrifice, and I encourage my successor to continue to press this campaign.

THANKS AND APPRECIATION

Mr. Speaker, for all their sacrifices, patience, understanding, and support, I want to thank my family—Sylvia, Chris, Carmelo, and Jim. As many of you know, Sylvia has borne not only the personal trials of marriage to a Representative but the professional duties as well, in her capacity as the director of my California offices. I want to offer my public appreciation to them for their support through all these years and for the strength they continue to provide as we enter a new life together.

I would also like to take this moment to extend my appreciation to my staff, both current and past, who have contributed so much to my successes in this House. As a former congressional staffer myself, I know well their own sacrifices, and they will have my lasting gratitude for all they have done. Their loyalty and their long, productive, and exemplary public service are rare, and I pay tribute to their record as well.

To my constituents, my electors I extend a final note of appreciation, for their extraordinary votes of confidence, their letters and calls of support, their activism and their participation in our thriving democracy. They have made possible my 16-year tenure; and our mutual friendship has been a source of great inspiration and strength to me.

Mr. Speaker, I would like to thank my colleagues and you for your own instruction, camaraderie, and encouragement. I have learned much from my seniors in this body, friends past and present, and I have formed lasting and deep friendships in this House. This House stands as the world's greatest parliament, and I cannot imagine a more enriching experience. It has been made so by the personal qualities of my distinguished colleagues and dear friends.

THE DISTRICT'S FUTURE

As I make my own rite of passage this week, I have attempted to set forth a record of accomplishment of which I believe I can be proud, and I offer it to the people of California's unmatched central coast as a final note of thanks. It is also my hope that my successor will pick up where I left off. Following are a few thoughts on the critical issues facing the district as well as some guiding tenets of my own representation.

PROTECT THE QUALITY OF LIFE

THE ENVIRONMENT

I return to my goals. Let us exercise our stewardship of the environment with greatest care. The district is a jewel; it ought to be a model to the Nation of natural resource management. Our coast and our mountains are extraordinary natural wonders in rare condition. We ought to protect them as they are, knowing that in doing so, we are protecting our own quality of life as well.

ECONOMIC DIVERSITY

Without a sound budget, all of our efforts to lift up this Nation are futile. It is the single most important issue facing us. At the local level, my constituents have rewarded me with resounding votes of confidence for my willingness to make the tough choices that have to be made in that venture.

Locally, our agricultural community, tourism along the coast and in the forests, the military missions and our highest education institutions constitute the four pillars of our economy. We have got to do more to protect the family farmer from the ravages of the multinational corporation and nearly annual natural disasters, the foremost of which remains our long-term drought. Tourism is reliant upon the quality of our environment. The military missions must have the support of the community even as they must exercise strict cooperation with the community's wishes on issues of mutual concern. Our educational institutions deserve our most assiduous aid from all levels of government in an era of declining governmental aid for education. These four diverse sectors must be nourished and protected.

Of the four, the military mission is undergoing vast change. Fort Ord's successful reuse is absolutely vital to the area's continued prosperity and growth. The task force and reuse group are working well together today. They must continue to do so, as they know all too well, and they need the entire community's support for that effort.

PROTECT HUMAN DIVERSITY

Our district is changing demographically, just as California and the Nation continue to welcome immigrants of all origins and migrants from all over the Nation. Our strength continues to reside in our diversity. I have represented all constituents of the central coast, and I urge my successor to do likewise. Whether they require enforcement of their voting rights, their legal rights, or their right to live a human existence, all residents of the district deserve the best representation and protection.

JUDGMENTS BASED UPON CONSCIENCE

All Members of Congress face difficult choices with nearly every vote they cast. Often, such votes pit the interests of one group against another, or the interests of one constituency against the larger national interest. I have wrestled with all manner of choices over the past 16 years, and I have sought to be consistent, fair, and judicious. It is a record of which I am proud, and it is one for which my constituents have reelected me on eight occasions. Most importantly, it is a record on which my conscience is clear. My guiding principle through the years has been the same philosophy of representation Edward Burke made famous. In all my judgments and votes, I have tried to analyze the situation as best I can, take counsel from respected experts and my valued constituents and, in the end, take the course of action dictated by my best judgment based upon my conscience. I am satisfied with that philosophy and that experience, and I commend it to my successor and my colleagues. I believe that I have done my job well. Using this guidance, I know that my successor will be able to say the same.

Mr. Speaker, thank you for this opportunity to bid a fond farewell to the people of the central coast, to my colleagues and to you. I look forward to continuing each of these relationships in my new position, and I wish the 17th District of California, this Congress, and this Nation all the best as we take up our new challenges with renewed hope and invigorated spirits.

RULES OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION OF THE 103D CONGRESS

(Mr. MINETA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MINETA. Mr. Speaker, pursuant to House rule XI, clause 1, I am submitting for publication in the CONGRESSIONAL RECORD the official rules of the Committee on Public Works and Transportation for the 103d Congress.

The enclosed rules were adopted at the committee's January 6 organizational meeting.

RULES OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

RULE NO. I.—GENERAL PROVISIONS

(a) The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable motions of high privilege in committees and subcommittees.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of House Rules and (subject to the adoption of expense resolutions as required by Rule XI, clause 5 of House Rules) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the contingent fund of the House.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under Rules X and XI of House Rules during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE NO. II.—REGULAR AND SPECIAL MEETINGS: OPEN COMMITTEE MEETINGS

(a) Regular meetings of the committee shall be held on the first Tuesday of every month to transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the committee for that month. The Chairman shall give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting. If the Chairman believes that the committee will not be considering any bill or resolution before the full committee and that there is no other business to be transacted at a regular meeting, the meeting may be cancelled, delayed or deferred until such time as, in the judgment of the Chairman, there may be such matters which require the committee's consideration. This paragraph shall not apply to meetings of any subcommittee.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the Chairman of the filing of the requests. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measures or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) If the Chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) The committee may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.

(f)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided*, however, that no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by clause 4(a)(1) of House Rule X or by subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives.

Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony,

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate clause (g)(5) of Rule VII, or

(B) may vote to close the hearing, as provided in clause (g)(5) of Rule VII.

No member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the committee or any subcommittee, unless the House of Representatives shall by majority vote authorize the committee or a particular subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedure designated in this subparagraph for closing hearings to the public; *Provided*, however, that the committee or subcommittee may by the same procedure vote to close one subsequent day of hearings.

(g) A Committee Member may address the committee or a subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing only when recognized by the Chairman for that purpose. The time a Member may address the committee or subcommittee for any such purpose shall be limited to 5 minutes, except that this time limit may be waived by the Chairman, and a Member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce the preceding sentence.

(h) All hearings, markups and regular and special meetings of the Committee shall commence promptly at the time so stipulated in the public announcement of such proceedings.

RULE NO. III.—RECORDS AND ROLL CALLS

(a) There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the committee; and such records shall be the property of the House and all members of the House shall have access thereto.

RULE NO. IV.—PROXIES

(a) A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

(b) Proxies shall be in the following form:

Hon. ——
House of Representatives,
Washington, DC.

Dear ——: Anticipating that I will be absent on official business or otherwise unable to be present, I hereby authorize you to vote in my place and stead in the consideration of —— and any amendments or motions pertaining thereto.

——,
Member of Congress.

Executed this the —— day of ——, 19— , at the time of —— p.m./a.m.

RULE NO. V.—POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the committee, or any subcommittee thereof, is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within or without the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents

as it deems necessary. The Chairman of the committee, or any member designated by the Chairman, may administer oaths to any witness.

(b)(1) A subpoena may be issued by the committee or subcommittee under subparagraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the committee or by any member designated by the committee. If a specific request for a subpoena has not been previously rejected by either the committee or subcommittee, the Chairman of the committee, after consultation with the ranking minority member, may authorize and issue a subpoena under subparagraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the committee. Whenever a subpoena is issued under this subparagraph, as soon as practicable thereafter, the Chairman shall notify all members of the committee of such action.

(2) Compliance with any subpoena issued by the committee or subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

(c) Each witness who has been subpoenaed, upon the completion of his testimony before the committee or any subcommittee, may report to the office of counsel of the committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, DC, the witness may contact the counsel of the committee, or his representative, prior to leaving the hearing room.

RULE NO. VI.—QUORUMS

(a) One-third of the members of the committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to subparagraph (f) of committee Rule II, the authorizing of a subpoena pursuant to subparagraph (b) of committee Rule V, the reporting of a measure or recommendation pursuant to subparagraph (b)(1) of committee Rule VIII, and the actions described in subparagraph (b), (c) and (d) of this Rule.

(b) A majority of the members of the committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) A majority of the members of the committee or a subcommittee shall constitute a quorum for approval of any of the following actions:

(1) Construction, alteration, purchase or acquisition of a public building involving an expenditure in excess of $500,000 and lease of space at an average annual rental in excess

of $500,000 (section 2 of P.L. 92-313, 40 U.S.C. 606).

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding $15,000,000 (section 201 of the Flood Control Act of 1965, as amended).

(4) Continuation of the authorization of a water resources development project to be constructed by the Corps of Engineers where such project has been recommended for deauthorization pursuant to the provisions of section 12 of the Water Resources Development Act of 1974.

(5) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(6) Authorization of a Soil Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress, as amended).

(d) Two members of the committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE NO. VII.—HEARING PROCEDURES

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee Chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the Chairman or the subcommittee Chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 2 working days before the day of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) Upon announcement of a hearing, to the extent practicable the Clerk and Staff Director shall cause to be prepared a concise summary of the subject matter (including legislative reports and other material) under consideration which shall be made available immediately to all members of the committee. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the committee any official reports from departments and agencies on such matter.

(e) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearing or deliberations, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(f) The questioning of witnesses in both full and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The Chairman may accomplish this by recognizing two majority members for each minority member recognized.

(g) The following additional rules shall apply to investigative hearings:

(1) The Chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause (f)(2) of Rule No. II, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity to voluntarily appear as a witness; and receive and dispose of requests from such person to subpoena additional witnesses.

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the Chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

(10) No major investigation by a subcommittee shall be initiated without approval of a majority of such subcommittee.

RULE NO. VIII.—PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a)(1) It shall be the duty of the Chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

(2) With respect to each roll call vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(c) The report of the committee on a measure which has been approved by the committee shall include—

(1) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House separately set out and clearly identified;

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 4(c)(2) of Rule X of the House separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (3) and (4) of subparagraph (c)) are included as part of the report.

This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(f)(1) All committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under Rule VIII, that purport to express publicly views of the committee or any of its subcommittees or members of the committee or its subcommittees shall be approved by the committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release and distribution in accordance with subparagraph (e) of this rule.

(2) No committee or subcommittee document containing views other than those of members of the committee or subcommittee shall be published without approval of the committee or subcommittee.

RULE NO. IX.—OVERSIGHT

(a) In order to assist the House in:

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, there shall be in conformity with Rule XV a Subcommittee on Investigations and Oversight.

(b) The Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee. The Subcommittee on Investigations and Oversight shall in no way limit the responsibility of the subcommittees from carrying out their oversight responsibilities.

(c) The Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the committee.

RULE NO. X.—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(d) of Rule XIII of House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) The committee shall, within six weeks after receipt of the President's budget, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. XI.—BROADCASTING OF COMMITTEE HEARINGS

(a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings, or committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered, under authority of this clause, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations and shall not be such as to—

(1) distort the objects and purposes of the hearings or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or any member or bring the House, the committee, or any member into disrepute.

(d) The coverage of committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever any hearing or meeting conducted by any committee of the House is open to the public, that committee may permit, by majority vote of the committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, and still photography, or by any of such methods of coverage, but only under such written rules as the committee may adopt in accordance with the purposes, provisions, and requirements of this clause: *Provided*, however, Each committee or subcommittee Chairman shall determine, in his or her discretion, the number of television and still cameras permitted in hearing or meeting room.

(f)(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to

subparagraph (g)(5) of Rule VII, relating to protection of the rights of witnesses.

(3) The allocation among the television media of the positions of the number of television cameras permitted by a committee or subcommittee Chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level necessary to provide adequate television coverage of the hearing or the meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by a committee or subcommittee Chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee Chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE NO. XII.—COMMITTEE AND SUBCOMMITTEE BUDGETS

(a) The Chairman, in consultation with the chairman of each subcommittee, the majority members of the committee and the minority membership of the committee, shall, for each session of the Congress, prepare a consolidated committee budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the full committee and its subcommittees.

(b) Authorization for the payment of additional or unforeseen committee and subcommittees' expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Rule XIV within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) Once monthly, the Chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the full committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the committee office for review by members of the committee.

RULE NO. XIII.—COMMITTEE AND SUBCOMMITTEE STAFF

(a) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority members of the committee shall determine within the budget approved for such purposes; *Provided*, however, that no minority staff person shall be compensated at a rate which exceeds that paid his or her majority party staff counterpart.

(b) The professional and clerical employees of the committee not assigned to a subcommittee or to the minority under the above provision shall be appointed, and may be removed, and their remuneration determined by the Chairman.

(c) The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the ranking minority party member of the full committee who may delegate such authority as he determines appropriate.

(d) The professional and clerical staff of the committee not assigned to a subcommittee or to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(e) It is intended that the skills and experience of all members of the committee staff shall be available to all members of the committee.

(f)(1) The Chairman of each standing subcommittee of this committee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee Chairman.

(2) The ranking minority member of each standing subcommittee on this committee is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee Chairman not to exceed (A) 75 per centum of the maximum established in paragraph (c) of clause 6 of House Rule XI; *Provided*, however, a staff person appointed by a ranking minority member shall be compensated at a rate not to exceed that paid his or her majority party staff counterpart.

(4) Subparagraphs (1), (2), and (3) shall apply to six subcommittees only, and no member shall appoint more than one person pursuant to the above provisions.

(5) The staff positions made available to the subcommittee chairmen and ranking minority party members pursuant to subparagraphs (1) and (2) shall be made available from the staff positions provided under clause 6 of House Rule XI unless such staff positions are made available pursuant to a primary or additional expense resolution.

(6) Except as provided by the above provisions, the professional and clerical members of the subcommittee staffs shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman in consultation with and with the approval of a majority of the majority members of the subcommittee, and with the approval of the Chairman.

(7) The professional and clerical staff of a subcommittee shall be under the supervision and direction of the Chairman of that subcommittee.

RULE NO. XIV.—TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee of any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) The location of the event for which the travel is to be made;

(4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a) and in addition thereto setting forth that subcommittee funds are available to cover the expenses of the person or persons being authorized by the subcommittee chairman to undertake the travel and that there has been a compliance where applicable with Rule VII of the committee.

(c)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel, when requested by the Chairman.

(d) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

RULE NO. XV.—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be 6 standing subcommittees. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees, respectively:

(1) Subcommittee on Aviation

(2) Subcommittee on Economic Development

(3) Subcommittee on Investigations and Oversight

(4) Subcommittee on Public Buildings and Grounds

(5) Subcommittee on Surface Transportation

(6) Subcommittee on Water Resources and Environment.

(b) The committee may provide for such additional subcommittees as determined to be appropriate; *Provided*, however, that such additional subcommittees are approved by a majority of the majority members on the committee.

RULE NO. XVI.—POWERS AND DUTIES OF SUBCOMMITTEES

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meeting of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings wherever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

(d) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(e) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and where practicable shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct. No bill reported by a subcommittee shall be considered by the full committee unless it has been delivered to the offices of all members at least 48 hours prior to the meeting, unless the chairman determines that such bill is of such urgency that it should be given early consideration. Where practicable, such bills, resolutions, or other matters shall be accompanied by a comparison with present law and a section-by-section analysis of the proposed change.

RULE NO. XVII.—REFERRAL OF LEGISLATION TO SUBCOMMITTEES

(a) Each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee named in Rule XV referred to or initiated by the full committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks, unless, by majority vote of the majority members of the full committee, consideration is to be by the full committee.

(b) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen have given written notice to the Chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regulary scheduled meeting of the committee, or at a special meeting of the committee called for that purpose at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(c) In carrying out Rule XVII with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees, consistent with Rule XV, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or refer the matter to a special ad hoc subcommittee appointed by the Chairman (from the members of the subcommittee having legislative jurisdiction) for the specific purpose of considering that matter and reporting to the full committee thereon, or make such other provisions as may be considered appropriate.

RULE NO. XVIII.—SIZES AND PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

(a) To the extent that the number of subcommittees and their party ratios permit, the size of all subcommittees shall be established so that the majority party members of the committee have an equal number of subcommittee assignments; *Provided*, however, that a member may waive his or her right to an equal number of subcommittee assignments on the committee; and *provided further*, that the majority party members may limit the number of subcommittee assignments of the Chairman and the subcommittee chairman in order to equalize committee workloads.

(b) On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full committee. In calculating the ratio of majority party members to minority party members, there shall be included all *ex officio* voting members of the subcommittees.

(c) The following shall be the size and the Majority/Minority ratios for each subcommittee, exclusive of Delegates:

(1) Subcommittee on Aviation: (36 Members); (22 Majority; 14 Minority);

(2) Subcommittee on Economic Development: (36 Members); (22 Majority; 14 Minority);

(3) Subcommittee on Investigations and Oversight: (18 Members); (11 Majority; 7 Minority);

(4) Subcommittee on Public Buildings and Grounds: (10 Members); (6 Majority; 4 Minority);

(5) Subcommittee on Surface Transportation: (36 Members); (22 Majority; 14 Minority);

(6) Subcommittee on Water Resources and Environment: (36 Members); (22 Majority; 14 Minority).

(d) The full committee Chairman shall recommend to the Speaker as conferees the names of those members (1) selected by the majority party members of the committee in a manner determined by them, and (2) selected by the minority. *Provided*, however, that recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full committee.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. BACHUS of Alabama) to revise and extend their remarks and include extraneous material:)

Mr. BAKER of California, for 60 minutes, on February 2.

Mr. GALLEGLY, for 5 minutes, today.

Mr. BILIRAKIS, for 60 minutes, on March 25.

Mr. WALKER, for 5 minutes, today.

Mr. GINGRICH, for 60 minutes, today.

Mr. MICHEL, for 15 minutes, today.

Mr. GEKAS, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

Mr. PANETTA, for 60 minutes, today.

Ms. WATERS, for 60 minutes each day, on February 3 and 10.

Mr. GONZALEZ, for 60 minutes each day, on January 25 and 27.

Mr. STOKES, for 60 minutes each day, on February 23, 24, and 25.

Mr. CONYERS, for 20 minutes, today.

Mr. STARK, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HOYER, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BACHUS of Alabama) and to include extraneous matter:)

Mr. GOODLING in two instances.

Mr. GALLEGLY.

Mr. CRANE.

Mr. GILMAN in three instances.

Mr. SOLOMON.

Mr. EWING in two instances.

Mr. BEREUTER in two instances.

Mr. GINGRICH in three instances.

Mr. CLINGER.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. LEHMAN.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. SWETT.

Mr. SWIFT.

Mr. CLEMENT.

Mr. MCCURDY.

Mrs. LOWEY.

Mr. MILLER of California.

Mr. WAXMAN.

Mr. SARPALIUS.

Mr. PETERSON of Florida.

ADJOURNMENT

Mr. HOYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 40 minutes p.m.), under its previous order the House adjourned until Monday, January 25, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2. A letter from the Secretary of Education, transmitting final regulations student assistance general provisions—subparts G and H, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3. A letter from the Chairman, Farm Credit Administration, transmitting the annual report of the Administration for calendar year 1991, pursuant to 12 U.S.C. 2252(a)(3); to the Committee on Agriculture.

4. A communication from the President of the United States, transmitting a report of two new deferrals and three revised deferrals of budget authority which affect programs in international security assistance, and the Departments of Agriculture and State, pursuant to 2 U.S.C. 684(a) and 685(c) (H. Doc. No. 103–10); to the Committee on Appropriations and ordered to be printed.

5. A communication from the President of the United States, transmitting request for transfer of funds within the Department of Defense in order to provide funding for the incremental costs arising from Operation Restore Hope, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103–28); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Assistant Secretary of the Army for Financial Management transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter July 1, 1992, through September 30, 1992, pursuant to Public Law 101–165, section 9008 (103 Stat. 1130); to the Committee on Appropriations.

7. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's 104th special impoundment message for fiscal year 1992, pursuant to 2 U.S.C. 685 (H. Doc. No. 103–29); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's first special impoundment message for fiscal year 1993, pursuant to 2 U.S.C. 685 (H. Doc. No. 103–30); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Comptroller of the Department of Defense, transmitting a report on a transfer of funds under the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Cost of Operation Desert Shield/Desert Storm Act of fiscal year 1992, with the Russian federation, pursuant to section 108, Public Law 102–229; to the Committee on Appropriations.

10. A letter from the Comptroller of the Department of Defense, transmitting a report pursuant to section 108 of Public Law 102–229; to the Committee on Appropriations.

11. A letter from the Comptroller of the Department of Defense, transmitting a report pursuant to section 108 of Public Law 102–229; to the Committee on Appropriations.

12. A letter from the Director, Congressional Budget Office, transmitting CBO's fiscal sequestration report, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587); to the Committee on Appropriations.

13. A letter from the Chairman, Federal Election Commission, transmitting a report of a violation of the Antideficiency Act which occurred in the Federal Election Commission, salaries and expenses, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

14. A communication from the President of the United States, transmitting a report on programs being made toward the withdrawal of the Armed Forces of Russia and the Commonwealth of Independent States [CIS] from the territories of Estonia, Latvia, and Lithuania and on the status of negotiations regarding the establishment of a timetable for total withdrawal, pursuant to Public Law 102–391; to the Committee on Appropriations.

15. A letter from the Secretary of Transportation, transmitting a report of a violation of the Antideficiency Act, in the Coast Guard's acquisition, construction, and improvements account, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

16. A letter from the Director, Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of October 1, 1992, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103–24); to the Committee on Appropriations and ordered to be printed.

17. A letter from the Director, Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of November 1, 1992, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103–25); to the Committee on Appropriations and ordered to be printed.

18. A letter from the Director, Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of November 1, 1992, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103–26); to the Committee on Appropriations and ordered to be printed.

19. A communication from the President of the United States, transmitting a report making available an appropriation in budget authority for the Department of Agriculture, pursuant to section 251(b)(2)(D)(i) of the Budget Enforcement Act of 1990 (H. Doc. No. 103–8); to the Committee on Appropriations and ordered to be printed.

20. A communication from the President of the United States, transmitting a report making available an appropriation in budget authority to the Department of Agriculture, Commerce, HUD, the Interior, and Labor, pursuant to 251(b)(2)(D)(i) of the Budget Enforcement Act of 1990 (H. Doc. No. 103–9); to the Committee on Appropriations and ordered to be printed.

21. A letter from the Chairman, U.S. Architectural and Transportation Barriers Compliance Board, transmitting one report of violation that occurred in the U.S. Architectural and Transportation Barriers Compliance Board, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

22. A letter from the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics, transmitting the seventh quadrennial review of military compensation, pursuant to 37 U.S.C. 1008(b); to the Committee on Armed Services.

23. A letter from the Comptroller, Department of Defense, transmitting a determina-

tion that it is in the national interest to transfer working capital funds for fiscal year 1988, fiscal year 1989, fiscal year 1991, and fiscal year 1992, pursuant to Public Law 100–463, section 8014 (102 Stat. 2270–20); to the Committee on Armed Services.

24. A letter from the Deputy Under Secretary of Defense for Acquisition, transmitting selected acquisition reports [SARS] for the quarter ending September 30, 1992, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

25. A letter from the Director of Legislation, Department of the Navy, transmitting notification that the Department intends to offer for lease a naval vessel to the Government of Argentina, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on Armed Services.

26. A letter from the Comptroller of the Department of Defense, transmitting a list of finalists for the Opportunity for Economic Growth Program; to the Committee on Armed Services.

27. A letter from the legislative liaison, Department of the Air Force, transmitting notice that the performance of the F–15 full scale development contract will continue for a period exceeding 10 years; to the Committee on Armed Services.

28. A letter from the Department of the Air Force, transmitting notification that the performance of the cryogenic infrared radiance instrumentation for shuttle [CIRRIS] full scale development contract, F1928–81–C–0123, will continue for a period exceeding 10 years, pursuant to 10 U.S.C. 2352; to the Committee on Armed Services.

29. A letter from the Deputy Assistant Secretary of the Air Force for Environment, Safety, and Occupational Health, transmitting notice of the recent discovery of three chemical bombs on the Edwards AFB bombing range on September 17, 1992; to the Committee on Armed Services.

30. A letter from the Deputy Secretary of Defense, transmitting a copy of a report on the START treaty signed by the United States and the former Soviet Union, but not yet entered into force, pursuant to section 153 of the National Defense Authorization Act, 1992; to the Committee on Armed Services.

31. A letter from the Administrator, National Aeronautics and Space Administration, transmitting his determination that it is in the public interest to use other than competitive procedures for the procurement of certain supplies and services from Small Disadvantaged Businesses including women-owned businesses, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

32. A communication from the President of the United States, transmitting the 1992 Annual Report of the Commission on the Assignment of Women in the Armed Forces, pursuant to Public Law 102–190, section 543(a)(1) (105 Stat. 1367); to the Committee on Armed Services.

33. A letter from the Under Secretary of Defense, transmitting a report pursuant to section 222 of the National Defense Authorization Act, 1988 and 1989; to the Committee on Armed Services.

34. A letter from the Secretary of Housing and Urban Development, transmitting the annual report of the operations of the Federal National Mortgage Association [FNMA] and the Federal Home Loan Mortgage Corporation Association [FHLMC] for the calendar year 1991, pursuant to 12 U.S.C. 1723a(h) and 12 U.S.C. 1452; to the Committee on Banking, Finance and Urban Affairs.

35. A communication from the President of the United States, transmitting the 27th Annual Report of the Department of Housing and Urban Development for calendar year 1991, pursuant to 42 U.S.C. 3536; to the Committee on Banking, Finance and Urban Affairs.

36. A letter from the Deputy Secretary, Department of Housing and Urban Development, transmitting HUD interim report to Congress on the Nehemiah Housing Opportunity Grant Program [NHOP]; to the Committee on Banking, Finance and Urban Affairs.

37. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Hungary, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

38. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Philippines, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

39. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Philippines, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

40. A letter from the First Vice President and Vice Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a transaction involving United States exports to Brazil, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

41. A letter from the First Vice President and Vice Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a transaction involving United States exports to Argentina, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

42. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a report on credit availability for small businesses and small farms for 1992; to the Committee on Banking, Finance and Urban Affairs.

43. A letter from the President and CEO, Resolution Trust Corporation, transmitting the annual report regarding the affordable housing disposition program for the period between December 13, 1991 and June 30, 1992, pursuant to Public Law 102–233, section 616 (105 Stat. 1787); to the Committee on Banking, Finance and Urban Affairs.

44. A letter from the Secretary of Housing and Urban Development, transmitting a report on multifamily rental housing with HUD-insured (or held) mortgages; to the Committee on Banking, Finance and Urban Affairs.

45. A letter from the President, Thrift Depositor Protection Oversight Board, transmitting the Board's report pursuant to section 21A(k)(9) of the Federal Home Loan Bank Act, as amended; to the Committee on Banking, Finance and Urban Affairs.

46. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–247 "Handgun Possession Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

47. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–256 "Law Enforcement Witness Protection Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

48. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–250 "Safe Streets Forfeiture Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

49. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–297 "Southeast Neighborhood House Equitable Withholding and Employment Compensation Tax Penalty and Interest Relief Temporary Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

50. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–298 "Civilian Complainant Review Board Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

51. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–299 "Medical Cause of Death Privacy and Expected Death at Home Vital Records and Kenilworth-Parkside Equitable Water and Sewer Service Relief Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

52. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–297 "Southeast Neighborhood House Equitable Withholding and Employment Compensation Tax Penalty and Interest Relief Temporary Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

53. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–298 "Civilian Complaint Review Board Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

54. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–299 "Medical Cause of Death Privacy and Expected Death at Home Vital Records and Kenilworth-Parkside Equitable Water and Sewer Service Relief Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

55. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–300 "Fraternal Benefit Association Beneficiaries Designation Temporary Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

56. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–302 "Department of Public Health Establishment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

57. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–303 "Radon Contractor Proficiency Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

58. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–304 "Architect Licensure and Regulation Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

59. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–305 "Public Funds Investment Policy in Financial Institutions and Companies Making Loans to or Doing Business with Northern Ireland Amendment Act of 1992," pursuant to D.C. Code, section 1–

233(c)(1); to the Committee on the District of Columbia.

60. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-306 "Closing of a Portion of Southern Avenue, SE., between E Street, SE., and Drake Place, SE., S.O. 90-348, Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

61. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-307 "Banking Institutions Trust Investment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

62. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-308 "Health Care Provider Assessment Temporary Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

63. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-310 "Real Estate Sign Placement Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

64. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-311 "Advisory Neighborhood Commission Office Space Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

65. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-312 "Unitary Rent Ceiling Adjustment Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

66. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-313 "Drug Abuse, Alcohol Abuse, and Mental Illness Insurance Coverage Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

67. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-314 "Fraternal Benefit Association Beneficiaries Designation Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

68. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-315 "District of Columbia Youth Services Act of 1976 Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

69. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-316 "Estelle Simms, Bloomingdale, Edgewood, Eckington (BEE) Civic Park Designation Act of 1922," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

70. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-317 "Anti-Stalking Temporary Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

71. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-321 "Uniform Commercial Code Investment Securities Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

72. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-322 "Health Services Planning Program Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

73. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-323 "District of Columbia Government Comprehensive Merit Personnel Act of 1978 Employee Benefits Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

74. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-324 "Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

75. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-325 "District of Columbia Unemployment Compensation Act Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

76. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-326 "District of Columbia Retirement Board Judicial Appointment of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

77. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-327 "Stable and Reliable Source of Revenues for WMATA Act of 1982 Temporary Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

78. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-328 "Carjacking Prevention Temporary Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

79. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-329 "District of Columbia Government Comprehensive Merit Personnel Act of 1978 Compensation Settlement Review Period Temporary Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

80. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Review of Contracts and Contracting Procedures within the Department of Corrections," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

81. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Purchase of One Judiciary Square," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

82. A communication from the President of the United States, transmitting the final report of the White House Conference on Indian Education and statement thereon, pursuant to 25 U.S.C. 2001 note; to the Committee on Education and Labor.

83. A letter from the Commissioner for Rehabilitation Services, transmitting the annual report of the Rehabilitation Services Administration on Federal activities related to the administration of the Rehabilitation Act of 1973, fiscal year 1991, pursuant to 29 U.S.C. 712; to the Committee on Education and Labor.

84. A letter from the Commissioner, Rehabilitation Services Administration, transmitting a report on the accomplishments of the supported employment programs for fiscal year 1991, pursuant to 29 U.S.C. 777a; to the Committee on Education and Labor.

85. A letter from the Secretary of Education, transmitting Notice of Final Priority—Chapter 1-Migrant Education Coordination Program for State Educational Agencies education programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

86. A letter from the Secretary of Education, transmitting final regulations—Training Personnel for the Education of Individuals with Disabilities—Parent Training and Information Centers, Grants for Personnel Training, and Grants to State Educational Agencies and Institutions of Higher Education, pursuant to 20 U.S.C. 1232 (d)(1); to the Committee on Education and Labor.

87. A letter from the Secretary of Education, transmitting final regulations—Funding Priorities for the Research and Demonstration Projects, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

88. A letter from the Secretary of Education, transmitting final regulations—Institutional Eligibility under the Higher Education Act of 1965, as amended; and Student Assistance General Provisions, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

89. A letter from the Secretary of Education, transmitting final regulations—Magnet Schools Assistance Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

90. A letter from the Secretary of Education, transmitting final regulations—Magnet Schools Assistance Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

91. A letter from the Secretary of Education, transmitting notice of final funding priorities for the Rehabilitation Research and Training Centers Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

92. A letter from the Secretary of Education, transmitting notice of final funding priorities for the rehabilitation engineering centers, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

93. A letter from the Secretary of Education, transmitting final regulations—Perkins Loan (formerly National Direct Student Loan), College Work-Study, and Supplemental Educational Opportunity Grant Programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

94. A letter from the Secretary of Education, transmitting final regulations for the guaranteed student loan programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

95. A letter from the Secretary of Education, transmitting notice of final priority—Business and Education Standards Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

96. A letter from the Secretary of Education, transmitting notice of final priorities for fiscal years 1993 and 1994 for Fund for Innovation Education: Innovation in Education Program—State Curriculum Frameworks for English, History, Geography, Civics, and the Arts, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

97. A letter from the Secretary of Education, transmitting notice of final priority—Technology, Educational Media, and Materials for Individuals with Disabilities Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

98. A letter from the Secretary of Education, transmitting final regulations—Disposal and utilization of surplus Federal real property for educational purposes, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

99. A letter from the Secretary of Education, transmitting final regulations—Special educational programs for student whose families are engaged in migrant and other seasonal farmwork—High School Equivalency Program and College Assistance Migrant Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

100. A letter from the Secretary of Education, transmitting notice of final priorities for fiscal year 1993—Rehabilitation short-term training, pursuant to 20 U.S.C. 1332(d)(1); to the Committee on Education and Labor.

101. A letter from the Secretary of Education, transmitting final regulations—Library Literacy Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

102. A letter from the Secretary of Education, transmitting final regulations—Institutional Eligibility under the Higher Education Act of 1965, as amended; student assistance general provisions, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

103. A letter from the Secretary of Education, transmitting final regulations—Bilingual Education: Evaluation Assistance Centers Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

104. A letter from the Secretary of Education, transmitting final regulations—National Program for Mathematics and Science Education; Fund for the Improvement and Reform of Schools and Teaching: Schools and Teachers Program; and Fund for the Improvement and Reform of Schools and Teaching: Family-School Partnership Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

105. A letter from the Secretary of Education, transmitting final regulations—Law School Clinical Experience Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

106. A letter from the Secretary of Education, transmitting notice of final priorities for fiscal year 1993—Special projects and demonstrations for providing vocational rehabilitation services to individuals with severe handicaps, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

107. A letter from the Secretary of Education, transmitting notice of final priorities—Early Education Program for Children with Disabilities, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

108. A letter from the Secretary, Department of Health and Human Services, transmitting the 18th annual report on "Status of handicapped children in Head Start programs," pursuant to 42 U.S.C. 9835(d); to the Committee on Education and Labor.

109. A letter from the Secretary, Department of Health and Human Services, transmitting the 1991 annual report on the Transitional Living Program for Homeless Youth, pursuant to 42 U.S.C. 5715(b); to the Committee on Education and Labor.

110. A letter from the Secretary of Health and Human Services, transmitting a copy of the Four-Year Report on the Native Hawaiian Revolving Loan Fund [NHRLF], pursuant to 42 U.S.C. 2991b–1; to the Committee on Education and Labor.

111. A letter from the Secretary of Labor, transmitting a report covering the administration of the Employee Retirement Income Security Act [ERISA] during calendar year 1991, pursuant to 29 U.S.C. 1143(b); to the Committee on Education and Labor.

112. A letter from the Secretary of Labor, transmitting the Secretary's annual report on employment and training programs, pursuant to 29 U.S.C. 1579(d); to the Committee on Education and Labor.

113. A letter from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a report on the activities of the Commission for fiscal year 1991, pursuant to 42 U.S.C. 2000e–4(e); to the Committee on Education and Labor.

114. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting a summary of research concerning the use of fitness tests by police, corrections, and fire departments; to the Committee on Education and Labor.

115. A communication from the President of the United States, transmitting notice to suspend the Davis-Bacon Act of March 3, 1931, within a limited geographic area in response to the national emergency caused by Hurricanes Andrew and Iniki; to the Committee on Education and Labor.

116. A letter from the Secretary of Education, transmitting a report on programs and activities assisted under the Women's Educational Equity Act [WEEA] Program from fiscal years 1988–92; to the Committee on Education and Labor.

117. A letter from the Secretary of Education, transmitting a report with respect to the recommendations contained in the report of the Advisory Council on Education Statistics; to the Committee on Education and Labor.

118. A letter from the Secretary of Education, transmitting the followup report on the Presidential Advisory Council on Educational Research and Improvement, pursuant to Public Law 99–498, section 1401 (100 Stat. 1591); to the Committee on Education and Labor.

119. A communication from the President of the United States, transmitting the 25th Annual Report of the United States-Japan Cooperative Medical Science Program for the period of July 1990 to July 1991, pursuant to 22 U.S.C. 2103(h); to the Committee on Energy and Commerce.

120. A letter from the Secretary of Health and Human Services, transmitting the 25th Annual Report of the United States-Japan Cooperative Medical Science Program for the period of July 1990 to July 1991, pursuant to 22 U.S.C. 2103(h); to the Committee on Energy and Commerce.

121. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a report on renewable energy and energy conservation incentives of the Clean Air Act Amendments of 1990, pursuant to Public Law 101–549, section 808(d) (104 Stat. 2690); to the Committee on Energy and Commerce.

122. A letter from the Secretary of Energy, transmitting the quarterly report of activities undertaken with respect to the development of the Strategic Petroleum Reserve during the period July 1, 1992 through September 20, 1992, pursuant to 42 U.S.C. 6245(b); to the Committee on Energy and Commerce.

123. A letter from the Secretary of Energy, transmitting the annual report to the State Energy Conservation Program for calendar year 1991, pursuant to 42 U.S.C. 6325; to the Committee on Energy and Commerce.

124. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the expenditures of amounts appropriated for the preceding fiscal year 1991 with respect to acquired immune deficiency syndrome (AIDS), pursuant to Public Law 100–607, section 201 (102 Stat. 3063); to the Committee on Energy and Commerce.

125. A letter from the Secretary of Health and Human Services, transmitting the 1990 report on the Consolidated Federal Programs under the Maternal and Child Health Services Block Grant, pursuant to 42 U.S.C. 706(a)(2); to the Committee on Energy and Commerce.

126. A letter from the Attorney General of the United States, transmitting impact of voluntary agreements under the International Energy Program on competition and small business, pursuant to 42 U.S.C. 6272(i); to the Committee on Energy and Commerce.

127. A letter from the Acting Assistant Attorney General, Antitrust Division, Department of Justice, transmitting a report on the voluntary agreement and plan of action to implement the International Energy Program, pursuant to 42 U.S.C. 6272(i); to the Committee on Energy and Commerce.

128. A letter from the Secretary, Department of Transportation, transmitting a report regarding the implementation of the "Imported Vehicle Safety Compliance Act of 1988", pursuant to 15 U.S.C. 1397 note; to the Committee on Energy and Commerce.

129. A letter from the Chairman, Consumer Product Safety Commission, transmitting the final report on the study of aversive agents, pursuant to Public Law 101–608, section 204 (104 Stat. 3124); to the Committee on Energy and Commerce.

130. A letter from the Deputy Inspector General, Department of Defense, transmitting a report entitled "FY 91 Superfund Financial Transactions U.S. Army Engineer District, New York, pursuant to Public Law 99–499, Section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

131. A letter from the Inspector General, Department of Energy, transmitting the annual audit on the use of the Environmental Protection Agency's [EPA] Superfund moneys for fiscal year 1991, pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

132. A letter from the Acting Assistant General Counsel, Department of Energy, transmitting notice of meeting related to the International Energy Program in Washington, DC; to the Committee on Energy and Commerce.

133. A letter from the Assistant Secretary for Fossil Energy, Department of Energy, transmitting the Strategic Petroleum Reserve Annual Site Environmental Report for calendar year 1991; to the Committee on Energy and Commerce.

134. A letter from the Acting Assistant General Counsel, Department of Energy, transmitting meeting notice of the Industry Supply Advisory Group [ISAG] to the International Energy Agency [IEA] will be held on November 3 and 6, 1992, in Paris, France; to the Committee on Energy and Commerce.

135. A letter from the Secretary, Department of Health and Human Services, transmitting the final report on the study of the Medicaid Eligibility Quality Control [MEQC] negative case action [NCA] program; to the Committee on Energy and Commerce.

136. A letter from the Administrator, Environmental Protection Agency, transmitting the report on Radon Testing in Federal

Buildings; to the Committee on Energy and Commerce.

137. A letter from the Inspector General, Environmental Protection Agency, transmitting the annual audit on the use of the Environmental Protection Agency's [EPA] Superfund moneys for fiscal year 1991, pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

138. A letter from the Chairman, Federal Communications Commission, transmitting the final report on whether the statutory objectives of the Telephone Operator Consumer Services Improvement Act are being achieved, pursuant to 47 U.S.C. 226; to the Committee on Energy and Commerce.

139. A letter from the Secretary, Federal Trade Commission, transmitting a report providing 1990 and 1991 information on smokeless tobacco sales and advertising, pursuant to 15 U.S.C. 4407(b); to the Committee on Energy and Commerce.

140. A letter from the Administrator, Health and Human Services, transmitting a report on the "Rural Health Care Transition Grant Program"; to the Committee on Energy and Commerce.

141. A letter from the Inspector General, transmitting a copy of a final audit report entitled "Accounting for Fiscal Year 1990 and 1991 Reimbursable Expenditures of Environmental Protection Agency Superfund Money, Bureau of Mines," report No. 93-I-169, dated November 1992, pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

142. A letter from the Inspector General, transmitting a copy of a final audit report entitled "Accounting for Fiscal Year 1991 Reimbursable Expenditures of Environmental Protection Agency Superfund Money, Water Resources Division, U.S. Geological Survey," report No. 93-I-144, dated November 1992, pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

143. A letter from the Secretary, Interstate Commerce Commission, transmitting notification that the Commission has extended the time period for issuing a final decision in Docket No. 40664, *Ameteck, Inc.* v. *Panther Valley Railroad Corporation*, et al., by 35 days to January 15, 1993, pursuant to 49 U.S.C. 11345(e); to the Committee on Energy and Commerce.

144. A letter from the Secretary of Energy, transmitting the annual report for fiscal year 1991 on Federal Government Energy Management and Conservation Programs; to the Committee on Energy and Commerce.

145. A letter from the Secretary of Energy, transmitting the nineteenth report on enforcement actions and comprehensive status of Exxon and stripper well oil overcharge funds; to the Committee on Energy and Commerce.

146. A letter from the Secretary of Health and Human Resources, transmitting a report entitled "Medicaid and Institutions for Mental Diseases"; to the Committee on Energy and Commerce.

147. A letter from the Secretary of Health and Human Services, transmitting a report on the effectiveness of childhood lead poisoning prevention activities under the Lead Contamination Control Act of 1988; to the Committee on Energy and Commerce.

148. A letter from the Secretary of Transportation, transmitting the annual report on the progress in conducting environmental remedial action at federally-owned or federally-operated facilities as required by the Superfund Amendments and Reauthorization Act of 1986, pursuant to Public law 99-499, section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

149. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 1991 Annual Report of its activities, pursuant to 15 U.S.C. 78w(b), 15 U.S.C. 79(w), 15 U.S.C. 80a-45(a), 15 U.S.C. 80b-16; to the Committee on Energy and Commerce.

150. A letter from the Administrator, Agency for International Development, transmitting the Agency's fiscal year 1991 annual report on title XII—Famine Prevention and Freedom from Hunger, pursuant to 22 U.S.C. 2220e; to the Committee on Foreign Affairs.

151. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of the antiterrorism training courses to be offered to the civilian security forces of the Government of Lithuania, pursuant to 22 U.S.C. 2349aa-3(a)(1); to the Committee on Foreign Affairs.

152. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Norway for defense articles and services (Transmittal No. 93-2), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

153. A letter from the Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Kuwait for defense articles and services (Transmittal No. 93-05), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

154. A letter from the Director, Defense Security Assistance Agency, transmitting notice of proposed lease to France for defense articles (Transmittal No. 1-93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

155. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to the United Kingdom (Transmittal No. 2-93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

156. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of intent to exercise authority under section 506(a)(2)(A)(i) of the Foreign Assistance Act of 1961, as amended, in order to provide military assistance to the Philippines, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

157. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 03-92, concerning a proposed agreement with the Supreme Allied Commander, Atlantic, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

158. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Denmark for defense articles and services (Transmittal No. 93-1), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

159. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to the Netherlands for defense articles and services (Transmittal No. 93-3), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

160. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Belgium for defense articles and services (Transmittal No. 93-4), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

161. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement (Transmittal No. DTC-3-93), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

162. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Japan (Transmittal No. DTC-6-92), pursuant to U.S.C. 2776(c); to the Committee on Foreign Affairs.

163. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Canada (Transmittal No. DTC-35-92), pursuant to U.S.C. 2776(c); to the Committee on Foreign Affairs.

164. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Turkey (Transmittal No. DTC-5-93), pursuant to U.S.C. 2776(c); to the Committee on Foreign Affairs.

165. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Korea (Transmittal No. DTC-4-93), pursuant to U.S.C. 2776(c); to the Committee on Foreign Affairs.

166. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting the price and availability report for the quarter ending September 30, 1992, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

167. A letter from the Director, Defense Security Assistance Agency, transmitting the fiscal year 1992 annual report on the operation of the Special Defense Acquisition Fund, pursuant to 22 U.S.C. 2795b(a); to the Committee on Foreign Affairs.

168. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. A-93 which relates to enhancements or upgrades from the level of sensitivity of technology or capability described in section 36(b)(1), AECA certification 89-35 of August 3, 1989, pursuant to 22 U.S.C. 2776(b)(5); to the Committee on Foreign Affairs.

169. A communication from the President of the United States, transmitting the July and August 1992 report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

170. A communication from the President of the United States, transmitting his justification for waiving legislative prohibitions on approval of U.S.-origin exports to the People's Republic of China, pursuant to Public Law 101-246, section 902(b)(2) (104 Stat. 85); to the Committee on Foreign Affairs.

171. A communication from the President of the United States, transmitting his executive order taking additional steps with respect to the actions and policies of the Government of Iraq and the national emergency described and declared in Executive Order No. 12722, pursuant to 50 U.S.C. 1621(a) (H. Doc. No. 103-11); to the Committee on Foreign Affairs and ordered to be printed.

172. A communication from the President of the United States, transmitting a report on developments since his last report of July 7, 1992, concerning the national emergency with respect to Libya, pursuant to 50 U.S.C. 1641(c) (H. Doc. No. 103–12); to the Committee on Foreign Affairs and ordered to be printed.

173. A communication from the President of the United States, transmitting a report on developments since his last report of May 14, 1992, concerning the national emergency with respect to Iran, pursuant to 50 U.S.C. 1641(c) (H. Doc. No. 103–13); to the Committee on Foreign Affairs and ordered to be printed.

174. A communication from the President of the United States, transmitting a report on developments since his last report of May 30, 1992, concerning the national emergency with respect to Serbia and Montenegro, pursuant to 50 U.S.C. 1641(c) (H. Doc. No. 103–16); to the Committee on Foreign Affairs and ordered to be printed.

175. A communication from the President of the United States, transmitting a report on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102–1, section 3 (105 Stat. 4) (H. Doc. No. 103–16); to the Committee on Foreign Affairs and ordered to be printed.

176. A communication from the President of the United States, transmitting notification that the emergency regarding export control regulations for chemical and biological weapons is to continue in effect beyond November 16, 1992, pursuant to 50 U.S.C. 1622(d) (H. Doc. No. 103–18); to the Committee on Foreign Affairs and ordered to be printed.

177. A communication from the President of the United States, transmitting notification that the Iran emergency is to continue in effect beyond November 14, 1992, pursuant to 50 U.S.C. 1622(d) (H. Doc. No. 103–19); to the Committee on Foreign Affairs and ordered to be printed.

178. A communication from the President of the United States, transmitting notification that the Libyan emergency is to continue in effect beyond January 7, 1993, pursuant to 50 U.S.C. 1622(d) (H. Doc. No. 103–20); to the Committee on Foreign Affairs and ordered to be printed.

179. A communication from the President of the United States, transmitting his report regarding the humanitarian crisis in Somalia, pursuant to 22 U.S.C. 2151 note (H. Doc. No. 103–21); to the Committee on Foreign Affairs and ordered to be printed.

180. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

181. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

182. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

183. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

184. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

185. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

186. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a listing of gifts by the U.S. Government to foreign individuals during fiscal year 1992, pursuant to 22 U.S.C. 2694(2); to the Committee on Foreign Affairs.

187. A letter from the Acting Assistant Secretary of State (Legislative Affairs), transmitting his determination that the furnishing of assistance to Kenya is in the national interest of the United States, pursuant to 22 U.S.C. 2370(q); to the Committee on Foreign Affairs.

188. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting a draft of proposed legislation for the adjudication of certain claims against Iraq and for other purposes; to the Committee on Foreign Affairs.

189. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting a report of the transfer of a defense article made available to the Government of Honduras under the Foreign Military Sales [FMS] Program, pursuant to section 3(e) of the AECA; to the Committee on Foreign Affairs.

190. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting a report on the feasibility of the United States hosting the 1998 ITU Plenipotentiary Conference; to the Committee on Foreign Affairs.

191. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting a report on continuation of assistance in support of private voluntary organizations [PVO's] providing humanitarian assistance in Haiti during fiscal year 1993; to the Committee on Foreign Affairs.

192. A letter from the Assistant Secretary of State for Legislative Affairs and Assistant Secretary of the Treasury for Legislative Affairs, transmitting the fourth report on foreign contributions in response to the Persian Gulf crisis, pursuant to Public Law 102–25, section 402(c)(1) (105 Stat. 102); to the Committee on Foreign Affairs.

193. A letter from the Director, Defense Security Assistance Agency, transmitting reports of the listing of all outstanding letters of offer to sell any major defense equipment for $1 million or more as of September 30, 1992, and the listing of those that were accepted, pursuant to Arms Export Control Act, section 36(a); to the Committee on Foreign Affairs.

194. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a request from the Government of Saudi Arabia asking for a redesignation of the F–15S (Transmittal No. 92–42); to the Committee on Foreign Affairs.

195. A letter from the Acting Assistant Secretary (Legislative Affairs), Department of State, transmitting Presidential Determination No. 93–2 of the Migration and Refugee Assistance Act of 1962, concerning Kenya and Somalia; to the Committee on Foreign Affairs.

196. A letter from the Chairman, Japan-United States Friendship Commission, transmitting the Commission's annual report for fiscal year 1992, pursuant to 22 U.S.C. 2904(b); to the Committee on Foreign Affairs.

197. A letter from the Secretary of Commerce, transmitting notification that the Department is expanding foreign policy export controls to include certain new chemical and biological warfare [CBW] items; to the Committee on Foreign Affairs.

198. A letter from the Secretary of Commerce, transmitting the Bureau of Export Administration's annual report for fiscal year 1992; to the Committee on Foreign Affairs.

199. A letter from the Inspector General, U.S. Arms Control and Disarmament Agency, transmitting the report reviewing ACDA and the arms control function in the executive branch; to the Committee on Foreign Affairs.

200. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 5377 and H.R. 5400, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

201. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 5193, and H.R. 5617, and H.R. 6135, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

202. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 2321, and H.R. 5258, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

203. A letter from the Director, Office of Management and Budget, transmitting OMB estimates of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 5237, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

204. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 5013, H.R. 5328, H.R. 5575, H.R. 1101, H.R. 5164, H.R. 5998, S. 1181, S. 2661, and H.R. 5006, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

205. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 5428, H.R. 5503, H.R. 6056, H.R. 5518, H.R. 5679, H.R. 5368, H.R. 5427, H.R. 5488, H.R. 5677, H.R. 5678, and H.R. 5504, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

206. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 2448, H.R. 3508, H.R. 5673, H.R. 5925, S. 3195, H.R. 2144, and H.R. 2324, pursuant to Public Law 101–508, section 13101(a)

(104 Stat. 1388–582); to the Committee on Government Operations.

207. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of S. 1216, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

208. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 5126, S. 3175, S. 12, H.R. 2194, H.R. 3654, and S. 1766, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

209. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 4542, S. 1002, H.R. 2042, H.R. 5419, H.R. 3635, H.R. 4250, H.R. 5763, H.R. 6180, and H.R. 6182, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

210. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 776, H.R. 4398, H.R. 4773, H.R. 5095, H.R. 5686, S. 6047, S. 1583, S. 2201, S. 2322, and S. 2875, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

211. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 2130, H.R. 5008, H.R. 5482, H.R. 5809, and S. 1569, pursuant to Public Law 101–508, sec. 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

212. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 707, H.R. 939, H.R. 3598, H.R. 4996, H.R. 5334, H.R. 6125, H.R. 6191, S. 893, and S. 1623, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

213. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 429, S. 775, H.R. 6167, and H.R. 2152, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

214. A letter from the Director, Office of Management and Budget, transmitting the third annual report on civil monetary penalty assessments, collections, and status of receivables for fiscal year 1992, pursuant to Public Law 101–410, section 6 (104 Stat. 892); to the Committee on Government Operations.

215. A letter from the Secretary of Agriculture, transmitting the semiannual report of the inspector general for the period April 1, 1992 through September 30, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

216. A letter from the Secretary of Education, transmitting the semiannual report of the inspector general for the period April 1, 1992 through September 30, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

217. A letter from the Secretary of Energy, transmitting the semiannual report of the Office of Inspector General covering the period April 1, 1992 to September 30, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

218. A letter from the Secretary of Health and Human Services, transmitting the semiannual report of the inspector general for the period April 1, 1992 through September 30, 1992 and Management Report, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

219. A letter from the Secretary of the Interior, transmitting the semiannual report of the Department's inspector general for the period April 1, 1992 through September 30, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

220. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in November 1992, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

221. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in October 1992, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

222. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in September 1992, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

223. A letter from the Acting Secretary of the Treasury, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

224. A letter from the Acting Administrator, Agency for International Development, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

225. A letter from the Chief, Insurance and Pension Administration Division, Army and Air Force Exchange Service, transmitting reports for the Retirement Plan for Employees of the Army and Air Force Exchange Service, and for the Supplemental Deferred Compensation Plan for Members of the Executive Management Program, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

226. A letter from the Director, ACTION, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

227. A letter from the Executive Secretary, Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

228. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report of the Office of the Inspector General for the period April 1, 1992 through September 30, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

229. A letter from the Director, United States Information Agency, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

230. A letter from the President, Overseas Private Investment Corporation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

231. A letter from the U.S. Commissioner, Delaware River Basin Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

232. A letter from the Chairman, Consumer Product Safety Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

233. A letter from the Executive Director, National Commission on Libraries and Information Science, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

234. A letter from the Secretary of Labor, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

235. A letter from the Executive Director, Committee for Purchase From the Blind and Other Severely Handicapped, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

236. A letter from the Acting Executive Vice President, Commodity Credit Corporation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1991, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

237. A letter from the Chairman, Commodity Futures Trading Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

238. A letter from the Comptroller General of the United States, transmitting a report entitled "Compliance With the Budget Enforcement Act of 1990"; to the Committee on Government Operations.

239. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report of the Office of the Inspector General for the period April 1, 1992 through September 30, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

240. A letter from the Chairman, Corporation for Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period April 1, 1991, through September 30, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

241. A letter from the Retirement Plan Administrator, Department of the Air Force, transmitting a report on the Air Force Nonappropriated Fund Retirement Plan for Civilian Employees, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

242. A letter from the Director, Division of Commissioned Personnel, Department of Health and Human Services, transmitting the U.S. Army Nonappropriated Fund Employee Retirement Plan's year ended September 30, 1991, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

243. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Agency's annual report on the Program Fraud Civil Remedies Act for fiscal year 1992, pursuant to 31 U.S.C. 3810; to the Committee on Government Operations.

244. A letter from the Administrator, Environmental Protection Agency, transmitting the annual report on actions taken under the Program Fraud Civil Remedies Act for the year ending September 30, 1992; to the Committee on Government Operations.

245. A letter from the Administrator, Environmental Protection Agency, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

246. A letter from the Chief Financial Officer, Export-Import Bank, transmitting a report on activities of the Bank for the fiscal year ended September 30, 1991, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

247. A letter from the President, Farm Credit System Assistance Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

248. A letter from the Chairman, Federal Communications Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

249. A letter from the Chairman, Federal Election Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

250. A letter from the Chairman, Federal Labor Relations Authority, transmitting the annual report under the Federal Managers' Financial Integrity Act for 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

251. A letter from the Chairman, Federal Maritime Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

252. A letter from the Chairman, Federal Maritime Commission, transmitting the semiannual report of the Office of the Inspector General for the period April 1, 1992 through September 30, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

253. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a semiannual report on activities pursuant to the Inspector General Act, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

254. A letter from the Chairman, Federal Trade Commission and Agency, transmitting the Commission's report on final actions for the period ending September 30, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

255. A letter from the Chairman, Federal Trade Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

256. A letter from the Administrator, General Services Administration, transmitting the annual report under the Federal Managers' Financial Integrity Act for 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

257. A letter from the Administrator, General Services Administration, transmitting notice of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(r) to the Committee on Government Operations.

258. A letter from the Administrator, General Services Administration, transmitting a report covering the disposal of surplus Federal real property for historic monument, correctional facility, and airport purposes for fiscal year 1992, pursuant to 40 U.S.C. 484(o); to the Committee on Government Operations.

259. A letter from the Chairman, International Trade Commission, transmitting the semiannual report of the Office of the Inspector General for the period April 1, 1992 through September 30, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

260. A letter from the Chairman, Interstate Commerce Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

261. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

262. A letter from the Archivist of the United States, National Archives, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

263. A letter from the Acting Chairman, National Endowment for the Arts, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

264. A letter from the Acting Chairman, National Endowment for the Arts, transmitting the semiannual report of the Office of the Inspector General for the period April 1, 1992 through September 30, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

265. A letter from the Chairman, National Labor Relations Board, transmitting the semiannual report of the Office of the Inspector General, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

266. A letter from the President, National Safety Council, transmitting the Council's report and financial audit for the fiscal years ended June 30, 1992 and 1991, pursuant to 36 U.S.C. 1101(36), 1103; to the Committee on Government Operations.

267. A letter from the Chairman, National Science Board, transmitting the semiannual report of the Office of the Inspector General for the period April 1, 1992 through September 30, 1992, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

268. A letter from the Chairman, National Transportation Safety Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

269. A letter from the Acting Chairman, Nuclear Regulatory Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

270. A letter from the Director, Office of Management and Budget, transmitting a copy of "Statistical Programs of the United States Government, Fiscal Year 1993," pursuant to Public Law 99-591, section 814(a); to the Committee on Government Operations.

271. A letter from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

272. A letter from the Commissioner, Office of Navajo and Hopi Indian relocation, transmitting an internal audit of activities during fiscal year 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

273. A letter from the Acting Director, Peace Corps, transmitting the semiannual report of the Office of the Inspector General for the period April 1, 1992 through September 30, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

274. A letter from the Chairman, Postal Rate Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

275. A communication from the President of the United States, transmitting a report of activities under the Freedom of Information Act for calendar years 1988-89, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

276. A letter from the Chairman, Railroad Retirement Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

277. A letter from the Secretary of the Treasury, transmitting the semiannual report of activities of the inspector general for the period April 1, 1992 through September 30, 1992, pursuant to Public Law 95-452, section (5)(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

278. A letter from the Secretary of Agriculture, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

279. A letter from the Secretary of Education, transmitting a report on transfers of surplus Federal real property for education from October 1, 1991 through September 30, 1992, pursuant to 40 U.S.C. 484(o); to the Committee on Government Operations.

280. A letter from the Secretary of Energy, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

281. A letter from the Secretary of Health and Human Services, transmitting the an-

nual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

282. A letter from the Secretary of Transportation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

283. A letter from the Director, Selective Service System, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

284. A letter from the Assistant Secretary for Finance and Administration, Smithsonian Institution, transmitting the annual pension reports for the Smithsonian Institution, the Woodrow Wilson International Center for Scholars, and Reading is Fundamental, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

285. A letter from the Secretary, Smithsonian Institution, transmitting the semiannual report of the Office of the Inspector General for the period April 1, 1992 through September 30, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

286. A letter from the U.S. Commissioner, Susquehanna River Basin Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

287. A letter from the Secretary, The Commission of Fine Arts, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

288. A letter from the Deputy Assistant to the President, the White House, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

289. A letter from the U.S. Consumer Product Safety Commission, transmitting its activities during calendar year 1991 in administering the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

290. A letter from the Director, U.S. Information Agency, transmitting the semiannual report of the inspector general covering the period April 1, 1992 through September 30, 1992, pursuant to Public Law 99-399, section 412(a); to the Committee on Government Operations.

291. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

292. A letter from the Special Counsel, U.S. Office of Special Counsel, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

293. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

294. A letter from the Executive Director, U.S. Commission for the Preservation of America's Heritage Abroad, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

295. A letter from the Director, U.S. Soldiers' and Airmen's Home, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

296. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations governing the transfers of funds from State to Federal campaigns, pursuant to 2 U.S.C. 438(d); to the Committee on House Administration.

297. A letter from the Clerk of the House, transmitting a list of reports pursuant to clause 2, rule III of the Rules of the House of Representatives, pursuant to rule III, clause 2, of the Rules of the House (H. Doc. No. 103-7); to the Committee on House Administration and ordered to be printed.

298. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 1992 through September 30, 1992, pursuant to 2 U.S.C. 104a (H. Doc. No. 103-5); to the Committee on House Administration and ordered to be printed.

299. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

300. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

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308. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

309. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the annual report on royalty management and collection activities for Federal and Indian mineral leases in 1991, pursuant to 30 U.S.C. 237; to the Committee on Natural Resources.

310. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the annual report on royalty management and collection activities for Federal and Indian mineral leases during fiscal years 1990 and 1991, pursuant to 30 U.S.C. 237; to the Committee on Natural Resources.

311. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting filing the legal boundary descriptions and maps for the National Park System units in Alaska that were created or expanded by ANILCA, pursuant to 16 U.S.C. 3103(b); to the Committee on Natural Resources.

312. A letter from the Director, Bureau of Mines, transmitting the annual report of the Secretary of the Interior on the domestic nonferrous metal industry for 1990; to the Committee on Natural Resources.

313. A letter from the National Commander, American Ex-Prisoners of War, transmitting their 1992 report and financial audit, pursuant to 36 U.S.C. 1101(57), 1103; to the Committee on the Judiciary.

314. A letter from the American Gold Star Mothers, Incorporated, transmitting the corporation's report and financial audit as of June 30, 1992, pursuant to 36 U.S.C. 1101(63), 1103; to the Committee on the Judiciary.

315. A letter from the Chief Justice, Supreme Court of the United States, transmitting notification that pursuant to section 49 of title 28, United States Code, Circuit Judge David B. Sentelle of the U.S. Court of Appeals for the District of Columbia has been appointed to succeed Judge George E. MacKinnon as the presiding judge of the special division to appoint independent counsels, pursuant to 28 U.S.C. 599; to the Committee on the Judiciary.

316. A letter from the Clerk, U.S. Claims Court, transmitting the court's report for the year ended September 30, 1992, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

317. A communication from the President of the United States, transmitting his determination that sanctions will not be imposed against Colombia at this time while the administration continues to implement an international dolphin conservation program in the eastern tropical Pacific Ocean, pursuant to 22 U.S.C. 1978(b) (H. Doc. No. 103-23); to the Committee on Merchant Marine and Fisheries and ordered to be printed.

318. A letter from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting the biennial report

on coastal zone management for fiscal years 1990 and 1991, pursuant to 16 U.S.C. 1462; to the Committee on Merchant Marine and Fisheries.

319. A letter from the Secretary, Department of the Interior, transmitting the annual report on expenditures for the conservation of endangered or threatened species, pursuant to 16 U.S.C. 1544; to the Committee on Merchant Marine and Fisheries.

320. A letter from the Secretary, Department of the Interior, transmitting the 10th report on Tule elk herds in California, pursuant to 16 U.S.C. 673f; to the Committee on Merchant Marine and Fisheries.

321. A letter from the Secretary, Department of Transportation, transmitting a report on the inspection of commercial fishing industry vessels, pursuant to 46 U.S.C. 4502 note; to the Committee on Merchant Marine and Fisheries.

322. A letter from the Migratory Bird Conservation Commission, transmitting the annual report of activities for the fiscal year ended September 30, 1992, pursuant to 16 U.S.C. 715b; to the Committee on Merchant Marine and Fisheries.

323. A letter from the Special Assistant to the President for Administration, the President of the United States, transmitting the White House personnel report for the fiscal year 1992, pursuant to 3 U.S.C. 113; to the Committee on Post Office and Civil Service.

324. A communication from the President of the United States, transmitting notification of his exclusion of the U.S. Marshals, U.S. Department of Justice, from coverage under the Performance Management and Recognition System, pursuant to 5 U.S.C. 5401(b)(2)(B) (H. Doc. No. 103–17); to the Committee on Post Office and Civil Service and ordered to be printed.

325. A letter from the Vice Chair, Merit Systems Protection Board, transmitting a report entitled, "Federal Personnel Research Programs and Demonstration Projects: Catalysts for Change," pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

326. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled, "Civil Service Evaluation: The Role of the U.S. Office of Personnel Management," pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

327. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled, "Federal Blue-Collar Employees: A Workforce in Transition," pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

328. A letter from the Acting Director, Office of Personnel Management, transmitting the agency's annual report on drug and alcohol abuse prevention, treatment, and rehabilitation programs and services for Federal civilian employees covering fiscal year 1991, pursuant to 5 U.S.C. 7363; to the Committee on Post Office and Civil Service.

329. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting a copy of a report on public participation in reservoir management, pursuant to Public Law 101–640, section 310(b) (104 Stat. 4639); to the Committee on Public Works and Transportation.

330. A letter from the Secretary, Department of Transportation, transmitting, a copy of a report on methods to reduce traffic congestion during construction, pursuant to Public Law 102–240, section 1090(d) (105 Stat, 2023); to the Committee on Public Works and Transportation.

331. A letter from the Administrator, Federal Aviation Administration, transmitting a report on its coordination of aviation sensitive drug-related information among Federal, State, and local law enforcement agencies, pursuant to Public Law 100–690, section 7210 (102 Stat, 4432); to the Committee on Public Works and Transportation.

332. A letter from the Administrator, Federal Highway Administration, transmitting a copy of a report on fundamental properties of asphalts and modified asphalts, pursuant to Public Law 102–240, section 6016(e) (105 Stat. 2183); to the Committee on Public Works and Transportation.

333. A letter from the Secretary of Transportation, transmitting a report entitled, "Highway Safety Performance—1990 Fatal and Injury Accident Rates on Public Roads in the United States," pursuant to 23 U.S.C. 401 note; to the Committee on Public Works and Transportation.

334. A letter from the Secretary of Transportation, transmitting a report to determine the blood alcohol concentration level at or above which an individual when operating any motor vehicle should be deemed to be DWI, pursuant to 23 U.S.C. 410 note; to the Committee on Public Works and Transportation.

335. A letter from the Administrator, Federal Aviation Administration, transmitting a report on the assessment of air safety impact—expanded east coast plan; to the Committee on Public Works and Transportation.

336. A letter from the Assistant Secretary of the Army for Civil Works, transmitting the views and recommendations of the Department on possible hurricane and storm damage protection improvements at Wrightsville Beach—North Portion, NC; to the Committee on Public Works and Transportation.

337. A letter from the Acting Assistant Secretary of the Army for Civil Works, Department of the Army, transmitting notice that the White River Basin study be deleted from the list submitted by the Department's annual report for fiscal year 1992; to the Committee on Public Works and Transportation.

338. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting the views and recommendations of the Secretary of the Army on a study done by the Army Corps of Engineers of possible flood control improvements at Frog Pond, Dade County, FL; to the Committee on Public Works and Transportation.

339. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting a report providing the views and recommendations of the Secretary of the Army on a study done by the Army Corps of Engineers to evaluate water resource problems related to regional water supply needs, recreation, hydropower, and flood control in the Savannah River Basin, GA, SC, and NC; to the Committee on Public Works and Transportation.

340. A letter from the Secretary of Transportation, transmitting a report on issues related to aviation noise; to the Committee on Public Works and Transportation.

341. A letter from the Assistant Secretary of the Army for Civil Works, transmitting a letter from the Acting Chief of Engineers, Department of the Army, dated June 29, 1992, submitting a report together with accompanying papers and illustrations (H. Doc. No. 103–32); to the Committee on Public Works and Transportation and ordered to be printed.

342. A letter from the Assistant Secretary of the Army for Civil Works, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 4, 1992, submitting a report together with accompanying papers and illustrations (H. Doc. No. 103–33); to the Committee on Public Works and Transportation and ordered to be printed.

343. A letter from the Assistant Secretary of the Army for Civil Works, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 25, 1992, submitting a report together with accompanying papers and illustrations (H. Doc. No. 103–34); to the Committee on Public Works and Transportation and ordered to be printed.

344. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 27, 1992, submitting a report together with accompanying papers and illustrations (H. Doc. No. 103–31); to the Committee on Public Works and Transportation and ordered to be printed.

345. A letter from the Acting Secretary for Civil Works, Department of the Army, transmitting a letter from the Acting Chief of Engineers, Department of the Army, dated June 29, 1992, submitting a report together with accompanying papers and illustrations (H. Doc. No. 103–35); to the Committee on Public Works and Transportation and ordered to be printed.

346. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting a letter from the Acting Chief of Engineers, Department of the Army, dated June 29, 1992, submitting a report together with accompanying papers and illustrations (H. Doc. No. 103–36); to the Committee on Public Works and Transportation and ordered to be printed.

347. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting a letter from the Acting Chief of Engineers, Department of the Army, dated June 29, 1992, submitting a report together with accompanying papers and illustrations (H. Doc. No. 103–37); to the Committee on Public Works and Transportation and ordered to be printed.

348. A letter from the Secretary, Department of Commerce, transmitting a report entitled, "Global Markets for Supercomputers: The Impact of the U.S.-Japan Supercomputer Procurement Agreement," pursuant to Public Law 102–194, section 208(c) (105 Stat. 1604); to the Committee on Science, Space, and Technology.

349. A letter from the Secretary of Energy, transmitting the Department's 13th annual report on the Automotive Technology Development Program, fiscal year 1992, pursuant to 42 U.S.C. 5914; to the Committee on Science, Space, and Technology.

350. A letter from the Secretary of Energy, transmitting a comprehensive technology application and market development plan for ocean thermal energy, pursuant to 42 U.S.C. 9005(b); to the Committee on Science, Space, and Technology.

351. A letter from the Administrator, Small Business Administration, transmitting the 1991 report on minority small business and capital ownership development, pursuant to Public Law 100–656, section 408 (102 Stat. 3877); to the Committee on Small Business.

352. A letter from the Secretary, Department of Labor, transmitting a report on the labor market situation for certain disabled veterans and Vietnam theater veterans, pursuant to 38 U.S.C. 2010A; to the Committee on Veterans' Affairs.

353. A letter from the Acting Director, Office of Personnel Management, transmitting

the annual report on employment of disabled veterans and Vietnam veterans in the Federal Government for fiscal year 1991, pursuant to 38 U.S.C. 2014(e); to the Committee on Veterans' Affairs.

354. A letter from the National Adjutant, the Disabled American Veterans, transmitting the report of the proceedings of the organization's 71st national convention, including their annual audit report of receipts and expenditures as of December 31, 1991, pursuant to 36 U.S.C. 90i; 44 U.S.C. 1332 (H. Doc. No. 103-6); to the Committee on Veterans' Affairs and ordered to be printed.

355. A communication from the President of the United States, transmitting notice of his intention to add Ethiopia to the list of beneficiary developing countries under the generalized system of preferences [GSP], pursuant to 19 U.S.C. 2462(a) (H. Doc. No. 103-15); to the Committee on Ways and Means and ordered to be printed.

356. A letter from the U.S. Trade Representative, transmitting the annual report on the operation of the International Coffee Agreement for the period of October 1, 1991, to September 30, 1992, pursuant to 19 U.S.C. 1356n; to the Committee on Ways and Means.

357. A letter from the Secretary, Department of Health and Human Services, transmitting a report on progress for research on outcome of health care services and procedures, pursuant to Public Law 101-239, section 6103(b)(1) (103 Stat. 2198); to the Committee on Ways and Means.

358. A letter from the Secretary of Health and Human Services, transmitting the 16th annual report on the Child Support Enforcement Program, pursuant to 42 U.S.C. 652(a)(10); to the Committee on Ways and Means.

359. A letter from the Secretary of Health and Human Services, transmitting the final annual report on the impact of the Medicare Hospital Prospective Payment System, pursuant to 42 U.S.C. 1395ww note; to the Committee on Ways and Means.

360. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

361. A letter from the Assistant Secretary, Department of the Treasury, transmitting the final monthly statement of receipts, expenditures, and balances of the U.S. Government for fiscal year 1992, pursuant to 31 U.S.C. 331(c); to the Committee on Ways and Means.

362. A letter from the Secretary of the Treasury, transmitting the U.S. Government annual report for fiscal year ended September 30, 1992, pursuant to 31 U.S.C. 331(a); to the Committee on Ways and Means.

363. A letter from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting a report entitled, "The Social Security Disability Insurance Program: An Analysis"; to the Committee on Ways and Means.

364. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a copy of the December 1992 issue of the Treasury Bulletin, pursuant to 26 U.S.C. 9602(a); to the Committee on Ways and Means.

365. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's 71st quarterly report on trade between the United States and the nonmarket economy countries, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

366. A letter from the Director, the Office of Management and Budget, transmitting OMB's final sequestration report to the President and Congress for fiscal year 1993, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-587) (H. Doc. No. 103-27); to the Committee on the State of the Union of the Whole House and ordered to be printed.

367. A letter from the President and CEO, Resolution Trust Corporation, transmitting the RTC's report for September 1992 on the cost of agreements entered into by FSLIC and insolvent institutions, pursuant to 12 U.S.C. 1441a note; jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs.

368. A letter from the President, Resolution Trust Corporation, transmitting the RTC's report for November 1992 on the cost of agreements entered into by FSLIC and insolvent institutions, pursuant to 12 U.S.C. 1441a note; jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs.

369. A letter from the Director, Office of Management and Budget, transmitting the 20th report on U.S. costs in the Persian Gulf conflict and foreign contributions to offset such costs, pursuant to Public Law 102-25, section 401 (105 Stat. 99); jointly, to the Committees on Armed Services and Foreign Affairs.

370. A letter from the Director, Office of Management and Budget, transmitting the final report on U.S. costs in the Persian Gulf conflict and foreign contributions to offset such costs, pursuant to Public Law 102-25, section 401 (105 Stat. 99); jointly, to the Committees on Armed Services and Foreign Affairs.

371. A letter from the Assistant Secretary for Environmental Restoration and Waste Management, Department of Energy, transmitting the Department's second delay on the environmental restoration and waste management 5-year plan for the Department, pursuant to 42 U.S.C. 7274g; jointly, to the Committees on Armed Services and Energy and Commerce.

372. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual report on the Proliferation of Missiles and Essential Components of Nuclear Biological, and Chemical Weapons, pursuant to 22 U.S.C. 2751 note; jointly, to the Committees on Armed Services and Foreign Affairs.

373. A letter from the President and CEO, Resolution Trust Corporation, transmitting a status report of the review required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act for the month of October 1992, pursuant to Public Law 101-507, section 519(a) (104 Stat. 1386); jointly, to the Committees on Banking, Finance and Urban Affairs and Appropriations.

374. A letter from the Secretary of Housing and Urban Development, transmitting a report on removal of regulatory barriers to the Affordable Housing Act of 1992; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

375. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the most effective care methods for abandoned infants and young children, pursuant to 42 U.S.C. 670 note; jointly, to the Committees on Energy and Commerce and Education and Labor.

376. A letter from the Secretary, Department of Health and Human Services, transmitting the 1992 annual report on the Indian Health Service [IHS] Health Facilities Construction Priority System, pursuant to Public Law 100-713, section 301 (102 Stat. 4813); jointly, to the Committees on Energy and Commerce and Natural Resources.

377. A letter from the Secretary of Health and Human Services, transmitting the Secretary's report on the Operation of Utilization and Quality Control Peer Review Organizations for fiscal year 1992, pursuant to 42 U.S.C. 1320c-10; jointly, to the Committees on Energy and Commerce and Ways and Means.

378. A letter from the Assistant Secretary (Environment, Safety, and Health), Department of Energy, transmitting a Draft Environmental Impact Statement [DEIS] on the proposed expansion of the Strategic Petroleum Reserve [SPR]; jointly, to the Committees on Energy and Commerce and Merchant Marine and Fisheries.

379. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending September 30, 1992, pursuant to 42 U.S.C. 2167(e); jointly, to the Committees on Energy and Commerce and Natural Resources.

380. A letter from the Nuclear Waste Technical Review Board, transmitting the Board's findings, conclusions, recommendations relating to high-level radioactive waste or spent nuclear fuel, pursuant to 42 U.S.C. 10268; jointly, to the Committee on Energy and Commerce and the Select Committee on Narcotics Abuse and Control.

381. A letter from the Under Secretary for Political Affairs, Department of State, transmitting a copy of his certification and determination that it is in the national interest to waive the transfer of foreign assistance funds under the Fishermen's Protective Act, pursuant to 22 U.S.C. 1975; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

382. A letter from the Secretary, Department of Labor, transmitting the second biennial report on international labor problems and workers rights, pursuant to 29 U.S.C. 565; jointly, to the Committees on Foreign Affairs and Ways and Means.

383. A letter from the Acting Comptroller of the Department of Defense, transmitting the quarterly report on program activities for facilitation of weapons destruction and nonproliferation in the former Soviet Union for the period July 1, 1992, through September 30, 1992; jointly, to the Committees on Foreign Affairs and Appropriations.

384. A letter from the Office of Management and Budget, transmitting certification that the amounts appropriated for the Board for International Broadcasting for grants to Radio Free Europe/Radio Liberty, Inc., are less than the amount necessary to maintain the budget level of operation because of exchange rate losses in fiscal year 1992, pursuant to 22 U.S.C. 2877(a)(2); jointly, to the Committees on Foreign Affairs and Appropriations.

385. A letter from the Comptroller General, transmitting the annual rural telephone bank interest rates and loan prepayments review, pursuant to 7 U.S.C. 948(b)(3); jointly, to the Committees on Government Operations and Agriculture.

386. A letter from the Comptroller General of the United States, transmitting a report on their review of the State Department's accounting and financial management operations and systems (GAO/AFMD-93-9, November 1992); jointly, to the Committees on Government Operations and Foreign Affairs.

387. A communication from the President of the United States, transmitting a report

on the certification by the Secretary of Commerce concerning Norway conducting whaling activities that diminish the effectiveness of the International Whaling Commission conservation program, pursuant to 22 U.S.C. 1978(b) (H. Doc. No. 103–22); jointly, to the Committee on Merchant Marine and Fisheries and Foreign Affairs, and ordered to be printed.

388. A letter from the Secretary of Transportation, transmitting the annual report on the status of the public ports of the United States for calendar years 1990-91, pursuant to 49 U.S.C. 308(c); jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

389. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the activities of the National Estuary Program; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

390. A letter from the Secretary, Department of Transportation, transmitting a report on instrumented internal inspection devices, pursuant to 49 U.S.C. app. 1680 note; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

391. A letter from the Commandant of the U.S. Coast Guard, transmitting a progress report on the study on tanker navigation safety standards; jointly to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

392. A letter from the Secretary of Transportation, transmitting a report on initiation of a construction equipment research and development program; jointly, to the Committees on Public Works and Transportation and Science, Space, and Technology.

393. A letter from the Chairman, National Commission for Employment Policy, transmitting the Commission's report on recommendations on the employment effects of the North American Free-Trade Agreement; jointly to the Committee on Ways and Means and Education and Labor.

394. A letter from the Chairman, Physician Payment Review Commission, transmitting the Commission's comments on the report by the Secretary of Health and Human Services on Medicare participation, assignment, and balance billing; jointly, to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLINGER (for himself, Mr. SYNAR, and Mr. HOBSON):

H.R. 495. A bill to amend subtitle C of the Solid Waste Disposal Act to require the preparation of a community information statement for new hazardous waste treatment or disposal facilities; to the Committee on Energy and Commerce.

By Mr. CONDIT:

H.R. 496. A bill to amend the Perishable Agricultural Commodities Act, 1930, to prevent the imputation to cooperatives of conduct by their members and affiliates for the purposes of the prohibition relating to labeling of certain commodities; to the Committee on Agriculture.

H.R. 497. A bill to amend the Trade Act of 1974 to authorize the U.S. Trade Representative to respond in a reciprocal manner to foreign acts, policies, and practices that deny national treatment to U.S. trade; to the Committee on Ways and Means.

By Mr. CONDIT (for himself and Mr. DOOLEY):

H.R. 498. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase and installation of water conservation systems on farm land; to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 499. A bill to establish national voter registration procedures for Federal elections, and for other purposes; jointly to the Committees on House Administration and Post Office and Civil Service.

By Mr. KANJORSKI:

H.R. 500. A bill to amend the Internal Revenue Code of 1986 to enhance tax equity and fairness by imposing an alternative minimum tax on corporations importing products into the United States at artificially inflated prices; to the Committee on Ways and Means.

By Mr. DARDEN:

H.R. 501. A bill to amend the Federal Deposit Insurance Act to include foreign deposits in the assessment base; to the Committee on Banking, Finance and Urban Affairs.

H.R. 502. A bill to prohibit the expenditure of Federal funds on metric system highway signing; to the Committee on Public Works and Transportation.

By Mr. DARDEN (for himself and Mr. SCHUMER):

H.R. 503. A bill to repeal the mandatory 20-percent income tax withholding on eligible rollover distributions which are not rolled over; to the Committee on Ways and Means.

By Mr. DARDEN:

H.R. 504. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from an individual's individual retirement account for use by such individual or the children of such individual in acquiring a first home, and to provide that a parent's guarantee of a loan to his child shall not be a gift for gift tax purposes; to the Committee on Ways and Means.

H.R. 505. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. FRANKS of Connecticut:

H.R. 506. A bill to allow individuals to participate in voluntary prayer or a moment of silence in any public building supported in whole or in part through the expenditure of Federal funds; to the Committee on the Judiciary.

H.R. 507. A bill to amend the Internal Revenue Code of 1986 to permit loans from individual retirement plans for certain first-time home buyer, education, and medical emergency expenses; to the Committee on Ways and Means.

H.R. 508. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage corporations to provide financing and management support services to small business concerns operating in urban areas designated as enterprise zones; to the Committee on Ways and Means.

By Mr. GALLEGLY (for himself, Mr. INHOFE, Mr. SHAYS, Mr. COX, Mr. TAYLOR of North Carolina, Mr. STUMP, Mr. BURTON of Indiana, Mr. HANSEN, Mr. HUNTER, Mr. HASTERT, Mr. UPTON, and Mr. SCHIFF):

H.R. 509. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish provisions regarding the composition and labeling of dietary supplements; to the Committee on Energy and Commerce.

By Mr. GILMAN:

H.R. 510. A bill to protect indigenous people throughout the world; to the Committee on Foreign Affairs.

H.R. 511. A bill to amend title 5, United States Code, to establish a program of public service scholarships, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 512. A bill to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GOSS (for himself, Mr. SHAYS, Mr. RAMSTAD, Mr. PETRI, Mr. TAYLOR of North Carolina, Mr. JACOBS, Mr. BATEMAN, Mr. HYDE, Mr. KLUG, Mr. HERGER, Mr. FRANKS of Connecticut, Mr. SCHIFF, Mrs. MEYERS of Kansas, Ms. ROS-LEHTINEN, Mr. LEWIS of Florida, Mr. BEREUTER, Mr. BAKER of Louisiana, Mr. COX, Mr. SENSENBRENNER, Mr. HEFLEY, Mr. ZELIFF, Mr. PENNY, Mr. KYL, Mr. ROTH, Mr. GREENWOOD, Mr. BARTLETT, Mr. INGLIS, Mr. HOEKSTRA, Mr. GOODLATTE, Mr. INHOFE, and Ms. FOWLER):

H.R. 513. A bill to limit the duration of payments of expenses of former Speakers of the House of Representatives; to the Committee on House Administration.

By Mr. HENRY:

H.R. 514. A bill to amend the Federal Election Campaign Act of 1971 to provide for a House of Representatives election limitation on contributions from persons other than local individual residents; to the Committee on House Administration.

By Mr. HOBSON:

H.R. 515. A bill to require State agencies to register all offenders convicted of any acts involving child abuse with the National Crime Information Center of the Department of Justice; to the Committee on the Judiciary.

By Mr. KLUG:

H.R. 516. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the labeling of milk; to the Committee on Energy and Commerce.

H.R. 517. A bill to provide for assistance in the preservation of Taliesin in the State of Wisconsin, and for other purposes; to the Committee on Natural Resources.

By Mr. LEHMAN (for himself, Mr. MILLER of California, Mr. VENTO, Mr. STARK, Mr. OWENS, Mr. OLVER, Mr. MFUME, Ms. PELOSI, Mr. MINETA, Mr. MCDERMOTT, Mr. BROWN of California, Mr. FRANK of Massachusetts, Mr. WAXMAN, Mr. STOKES, Mr. DEFAZIO, Ms. MALONEY, and Mr. HINCHEY):

H.R. 518. A bill to designate certain lands in the California desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes; to the Committee on Natural Resources.

By Mrs. LOWEY:

H.R. 519. A bill to prohibit grants under the community development block grant program to communities that fail to adopt a policy of enforcing laws that prevent the use or threat of force against individuals for exercise of abortion rights; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. LOWEY (for herself, Mrs. MORELLA, Mr. ANDREWS of New Jersey, Mr. MILLER of California, Mr. OWENS, Mr. PAYNE of New Jersey, and Mrs. UNSOELD):

H.R. 520. A bill to establish a program of grants for the provision of coordinated educational support services to at-risk youth; to the Committee on Education and Labor.

By Mr. MILLER of California (for himself, Mr. Owens, Mrs. Unsoeld, Ms. Norton, Ms. Pelosi, Mr. Foglietta, Mr. Rangel, Mr. Towns, Mr. Mazzoli, Mr. Frost, Ms. Kaptur, Mrs. Morella, Mr. Matsui, and Mr. Mfume):

H.R. 521. A bill to reauthorize the National Writing Project, and for other purposes; to the Committee on Education and Labor.

By Mrs. MORELLA:

H.R. 522. A bill to provide a grant to a nonprofit private organization to establish and operate a national domestic violence hotline; to the Committee on Education and Labor.

H.R. 523. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance technology transfer for works prepared under certain cooperative research and development agreements; jointly to the Committees on Science, Space, and Technology and the Judiciary.

H.R. 524. A bill to allow a deduction for the amount of the premiums paid on a life insurance contract the beneficiary of which is a trust established for the benefit of a disabled individual, and for other purposes; to the Committee on Ways and Means.

By. Mr. MURPHY:

H.R. 525. A bill to prevent States from reducing unemployment compensation benefits by certain remuneration for services in the military Reserves; to the Committee on Ways and Means.

By Mr. MURTHA:

H.R. 526. A bill to increase the number of weeks for which emergency unemployment compensation is payable, and for other purposes; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 527. A bill to amend the Internal Revenue Code of 1986 to permit individuals who withdrew certain amounts from individual retirement accounts to recontribute such amounts; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself and Mr. Frank of Massachusetts):

H.R. 528. A bill to amend the Internal Revenue Code of 1986 to clarify the employment status of certain fishermen; to the Committee on Ways and Means.

By Mr. PANETTA (for himself, Mr. Emerson, Mr. de la Garza, and Mr. Hall of Ohio):

H.R. 529. A bill to amend the Food Stamp Act of 1977 to respond to the hunger emergency afflicting American families and the children, to attack the causes of hunger among all Americans, to ensure an adequate diet for low-income people who are homeless or at risk of homelessness because of the shortage of affordable housing, to promote self-sufficiency among food stamp recipients, to assist families affected by adverse economic conditions, to simplify food assistance programs' administration, and for other purposes; to the Committee on Agriculture.

By Mr. PANETTA:

H.R. 530. A bill to condition the closure of a military medical facility in the United States or a reduction in the level of care provided at a military medical facility in the United States upon a determination by the Secretary of Defense and the Secretary of the military department concerned that the closure or reduction is cost effective for the Federal Government; to the Committee on Armed Services.

H.R. 531. A bill to provide for the conveyance of real property at Ft. Ord, CA, to the University of California and the California State University; to the Committee on Armed Services.

H.R. 532. A bill to provide for the consolidation of Government foreign language programs into the Defense Language Institute in Monterey, CA, to form a new Federal Language Institute; jointly, to the Committees on Armed Services, Foreign Affairs, Intelligence (Permanent Select), and Education and Labor.

H.R. 533. A bill to provide for the transfer of a parcel of land at Ft. Ord, CA, when that parcel is declared to be excess property; to the Committee on Armed Services.

H.R. 534. A bill to provide that a special census shall be conducted, without charge to a requesting State, county, or other unit of government, if necessary to correct a significant undercount in a decennial census which is due, in whole or in part, to a natural disaster or similar situation; to the Committee on Post Office and Civil Service.

By Mr. PETERSON of Florida:

H.R. 535. A bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROBERTS:

H.R. 536. A bill to amend title XVIII of the Social Security Act to extend and revise programs to assist rural hospitals under part A of the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SCHUMER:

H.R. 537. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of cooperative housing corporations; to the Committee on Ways and Means.

By Mr. SERRANO (for himself, Mr. Engel, Mr. Ridge, Ms. Molinari, and Mr. Pastor):

H.R. 538. A bill to provide assistance to local educational agencies for the prevention and reduction of violent crime in elementary and secondary schools; to the Committee on Education and Labor.

By Mr. SMITH of Michigan (for himself, Mr. Armey, Mr. Bacchus of Florida, Mr. Bachus of Alabama, Mr. Baker of Louisiana, Mr. Barcia, Mr. Bartlett of Maryland, Mr. Blute, Mr. Bonilla, Mr. Burton of Indiana, Mr. Buyer, Mr. Calvert, Mr. Canady, Mr. Crapo, Mr. Cunningham, Mr. DeLay, Mr. Doolittle, Mr. Dornan, Ms. Dunn, Mr. Everett, Ms. Fowler, Mr. Goodlatte, Mr. Grams, Mr. Greenwood, Mr. Hutchinson, Mr. Hunter, Mr. Istook, Mr. Kasich, Mr. Kim, Mr. Knollenberg, Mr. Linder, Mr. McCollum, Mr. McHugh, Mr. McInnis, Mr. Manzullo, Mr. Mica, Ms. Molinari, Mr. Paxon, Mr. Pombo, Mr. Ravenel, Mr. Rohrabacher, Mr. Schiff, Mr. Sensenbrenner, Mr. Skeen, Mr. Solomon, Mr. Torkildsen, Mr. Upton, Mr. Wolf, Mr. Herger, Mr. Franks of New Jersey, Mr. Camp, Mr. Quinn, and Mr. Zeliff):

H.R. 539. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for depreciation shall be computed on a neutral cost recovery basis, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 540. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [Superfund] to provide that municipalities and other persons shall not be liable under that act for the generation or transportation of municipal solid waste; to the Committee on Energy and Commerce.

H.R. 541. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [Superfund] to establish a maximum limit of liability for municipalities and other persons liable under that act for the generation or transportation of municipal solid waste; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 542. A bill to extend the statute of limitations applicable to civil actions brought by the Federal conservator or receiver of a failed depository institution; to the Committee on Banking, Finance and Urban Affairs.

By Mr. THOMAS of California (for himself, Mr. Doolittle, Mr. Dooley, Mr. Archer, Mr. Gallegly, and Mr. Zimmer):

H.R. 543. A bill to remove the restrictions on the export of Alaskan North Slope oil; jointly, to the Committees on Foreign Affairs, Energy and Commerce, and Natural Resources.

By Mr. TORRICELLI (for himself, Mr. Moran, Mr. Barrett of Wisconsin, Mr. Ackerman, Ms. Maloney, Mr. Beilenson, and Mrs. Morella):

H.R. 544. A bill to amend title 18, United States Code, to prohibit the transfer of 2 or more handguns to an individual in any 30-day period; to the Committee on the Judiciary.

By Mr. TORRICELLI:

H.R. 545. A bill to amend the Internal Revenue Code of 1986 to provide that the provision enacted as part of the Energy Policy Act of 1992 requiring the recognition of precontribution gain in the case of certain partnership distributions to a contributing partner shall be fully prospective, and for other purposes; to the Committee on Ways and Means.

By Mrs. UNSOELD (for herself, Mr. Bilirakis, Mr. Dicks, Mr. LaRocco, Mr. McDermott, Mr. Swift, and Mr. Wolf):

H.R. 546. A bill to limit State taxation of certain pension income, and for other purposes; to the Committee on the Judiciary.

By Mr. UPTON:

H.R. 547. A bill to require the Secretary of the Treasury to revise certain regulations relating to hold-in-custody repurchase transactions in Government securities; to the Committee on Energy and Commerce.

H.R. 548. A bill to amend the Federal Election Campaign Act of 1971 to restrict the amount of money spent on congressional campaigns, and for other purposes; to the Committee on House Administration.

H.R. 549. A bill to amend the formula for determining the official mail allowance for Members, and for other purposes; to the Committee on House Administration.

H.R. 550. A bill to amend section 207 of title 18, United States Code, to prohibit Members of Congress after leaving office from representing foreign governments before the U.S. Government; to the Committee on the Judiciary.

H.R. 551. A bill to provide for the granting of asylum in the United States to nationals of Laos, Vietnam, Cambodia, and Burma who assist in the return to the United States of living Vietnam POW/MIA's; to the Committee on the Judiciary.

H.R. 552. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide certain protections under that act for members of the Armed Forces on active duty who have entered into housing leases and are unexpectedly deployed or reassigned to new duty assignments requiring relocation; to the Committee on Veterans' Affairs.

H.R. 553. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies and that such benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of the recipient's death; to the Committee on Ways and Means.

H.R. 554. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction of up to $100 for contributions made to candidates for public office; to the Committee on Ways and Means.

By Ms. WOOLSEY:

H.R. 555. A bill to ensure that consumer credit reports include information on any overdue child support obligations of the consumer; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. ZIMMER (for himself, Mr. GALLO, and Mr. TORRICELLI):

H.R. 556. A bill to provide for aviation noise management and reduction in residential areas; to the Committee on Public Works and Transportation.

H.R. 557. A bill to direct the Administrator of the Federal Aviation Administration to modify the expanded east coast plan for the purpose of reducing aviation noise in the States of New York and New Jersey, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. PETERSON of Florida:

H.R. 558. A bill to amend title 10, United States Code, to provide for the award of the Purple Heart to persons wounded in action by friendly fire; to the Committee on Armed Services.

By Mr. GALLEGLY (for himself, Mr. LEWIS of California, Mr. WOLF, Ms. NORTON, Mr. DELAY, Mr. BEREUTER, Mrs. MORELLA, Mr. MCDADE, Mr. DORNAN, Mr. PACKARD, Mr. GILMAN, Mr. HUNTER, Mr. CUNNINGHAM, Mr. COX, Mr. HEFLEY, Mr. THOMAS of California Mr. SMITH of Oregon, Mr. YOUNG of Alaska, Mr. DUNCAN, Mr. BAKER of Louisiana, Mr. BEILENSON, Mr. DREIER, Mr. HERGER, Mr. BERMAN, Mr. RAHALL, Mr. MINETA, Mr. MOORHEAD, Mr. ROHRABACHER, Mr. MURPHY, Mrs. VUCANOVICH, Mr. FALEOMAVAEGA, Mr. MARTINEZ, Mr. ROYCE, Mr. DOOLITTLE, Mr. TAYLOR of North Carolina, Mr. BACCHUS of Florida, Mr. SOLOMON, Mr. CALVERT, Mr. POMBO, Mr. KIM, Mr. MCCANDLESS, Mr. BAKER of California, Mr. MONTGOMERY, Mr. MICHEL, Mr. HORN, and Mr. HYDE):

H.J. Res. 67. Joint resolution to designate the visitors center at the Channel Islands National Park, CA, as the "Robert J. Lagomarsino Visitors Center"; to the Committee on Natural Resources.

By Mr. CRANE (for himself, Mr. APPLEGATE, Mr. SPENCE, Mr. HANCOCK, and Mr. STUMP):

H. Con. Res. 17. Concurrent resolution expressing the sense of the Congress that the President should seek to negotiate a new base rights agreement with the Government of Panama to permit the United States Armed Forces to remain in Panama beyond December 31, 1999, and to permit the United States to act independently to continue to protect the Panama Canal; to the Committee on Foreign Affairs.

By Mr. GOSS (for himself, Mr. SHAYS, Mr. PETRI, Ms. ROS-LEHTINEN, Mr. SENSENBRENNER, Mr. SCHIFF, Mr. HEFLEY, and Mr. KLUG):

H. Con. Res. 18. Concurrent resolution expressing the sense of Congress that the laws that apply to the private sector and the other branches of the Federal Government should apply to Congress; to the Committee on House Administration.

By Mr. GOSS:

H. Con. Res. 19. Concurrent resolution repressing the sense of the Congress regarding terms of office for Members of the Congress; jointly, to the Committees on the Judiciary and House Administration.

By Mrs. MORELLA:

H. Con. Res. 20. Concurrent resolution expressing the sense of Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, should be admissible when offered in a State court by a defendant in a criminal case; to the Committee on the Judiciary.

By Mr. HOYER:

H. Res. 34. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. HOYER (for himself, Mr. SMITH of New Jersey, and Mr. MCCLOSKEY):

H. Res. 35. Resolution expressing the sense of the House of Representatives with respect to Bosnia-Hercegovina; to the Committee on Foreign Affairs.

By Mr. MICHEL (for himself, Mr. GINGRICH, Mr. ARMEY, Mr. HYDE, Mr. HUNTER, Mr. MCCOLLUM, Mr. DELAY, Mr. PAXON, and Mr. SOLOMON):

H. Res. 36. Resolution to amend House rules and direct certain committees to report legislation to reform the House, restore its committee system, and make the legislative process more rational, deliberative, representative, and accountable; to the Committee on Rules.

By Mr. UPTON (for himself and Mr. HOEKSTRA):

H. Res. 37. Resolution expressing the sense of the House of Representatives that the Federal excise taxes on gasoline and diesel fuel collected from vehicles shall be used exclusively for purposes of meeting the Nation's surface transportation needs; jointly, to the committees on Ways and Means and Public Works and Transportation.

By Ms. WOOLSEY (for herself and Mr. HAMILTON):

H. Res. 38. Resolution urging the President to complete the review of the Convention on the Elimination of All Forms of Discrimination Against Women in order that the Senate may give its advice and consent to ratification; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

1. By the SPEAKER: Memorial of the State Senate, Lansing Michigan of Michigan, relative to hunger in America; to the Committee on Agriculture.

2. Also, memorial of the Legislature of the State of Florida, relative to U.S. Department of Defense Finance and Accounting Service Center within the State of Florida; to the Committee on Armed Services.

3. Also, memorial of California Legislature of California, relative to higher education; to the Committee on Education and Labor.

4. Also, memorial of California Legislature of California, relative to higher education; to the Committee on Education and Labor.

5. Also, memorial of California Legislature of California, relative to Summer Food Service Program for Children; to the Committee on Education and Labor.

6. Also, memorial of Arkansas Legislative Council of Arkansas, relative to Federal Medicaid; to the Committee on Energy and Commerce.

7. Also, memorial of California Legislature of California, relative to Multipurpose Senior Services Program; to the Committee on Energy and Commerce.

8. Also, memorial of California Legislature of California, relative to Multipurpose Senior Services Program; to the Committee on Energy and Commerce.

9. Also, memorial of the Legislature of the State of California, relative to birth defect; to the Committee on Energy and Commerce.

10. Also, memorial of the Legislature of the State of California, relative to Resource Conservation and Recovery Act reauthorization; to the Committee on Energy and Commerce.

11. Also, memorial of the Legislature of the State of California, relative to pharmacy; to the Committee on Energy and Commerce.

12. Also, memorial of California Legislature of California, relative to discrimination against women; to the Committee on Foreign Affairs.

13. Also, memorial of the Legislature of the State of California, relative to Native American religious rights; to the Committee on Natural Resources.

14. Also, memorial of California Legislature of California, relative to highspeed chases; to the Committee on the Judiciary.

15. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to desecration of the flag; to the Committee on the Judiciary.

16. Also, memorial of the Legislature of the State of California, relative to foreign-flagged passenger ships; to the Committee on Merchant Marine and Fisheries.

17. Also, memorial of the General Assembly of the State of New Jersey, relative to New York-New Jersey Harbor Estuary Program; to the Committee on Merchant Marine and Fisheries.

18. Also, memorial of the State Senate, Lansing, Michigan of Michigan, relative to Great Lakes water; to the Committee on Public Works and Transportation.

19. Also, memorial of the Legislature of the State of California, relative to aviation policy; to the Committee on Public Works and Transportation.

20. Also, memorial of California Legislature of California, relative to NASA Space Station Freedom Program; to the Committee on Science, Space, and Technology.

21. Also, memorial of California Legislature of California, relative to veterans; to the Committee on Veterans' Affairs.

22. Also, memorial of the California Legislature of California, relative to Income Tax Credits for Health Insurance; to the Committee on Ways and Means.

23. Also, memorial of the California Legislature of California, relative to Federal tax subsidies; to the Committee on Ways and Means.

24. Also, memorial of California Legislature of California, relative to first-time homebuyers; to the Committee on Ways and Means.

25. Also, memorial of Legislature of the State California, relative to clean fuel vehicles; to the Committee on Ways and Means.

26. Also, memorial of Legislature of the State of California, relative to Supplemental Security; to the Committee on Ways and Means.

27. Also, memorial of Legislature of the State of Nevada, relative to Public Lands; to the Select Committee on Narcotics Abuse and Control.

28. Also, memorial of the House of Representatives of the State of Pennsylvania, relative to Social Security and Medicare; jointly, to the Committees on Ways and Means, and Energy and Commerce.

29. Also, memorial of Legislature of the State of Texas, relative to all Americans still missing in Southeast Asia; jointly, to the Committees on Intelligence (Permanent Select), Armed Services, and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mr. GEPHARDT, Mr. ACKERMAN, Mr. BACCHUS of Florida, Mr. BAESLER, Mr. BARRETT of Wisconsin, Mr. BERMAN, Mr. BILBRAY, Mr. BORSKI, Mr. BROWN of California, Ms. BYRNE, Mr. CHAPMAN, Mr. CLYBURN, Mr. CONYERS, Mr. COSTELLO, Mr. DEFAZIO, Ms. DELAURO, Mr. DELLUMS, Mr. DE LUGO, Ms. ESHOO, Mr. ESPY, Mr. FALEOMAVAEGA, Mr. FAZIO, Mr. FLAKE, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. GIBBONS, Ms. HARMAN, Mr. HINCHEY, Mr. HOLDEN, Mr. HYDE, Mr. JOHNSTON of Florida, Mr. KOPETSKI, Mr. LEHMAN, Ms. LONG, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MACHTLEY, Ms. MALONEY, Mr. MANTON, Mr. MARKEY, Mr. MAZZOLI, Mr. MEEHAN, Mr. MINETA, Mrs. MORELLA, Mr. MURTHA, Ms. NORTON, Mr. OLVER, Mr. PANETTA, Mr. PASTOR, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. PETERSON of Florida, Mr. POMEROY, Mr. RAHALL, Mr. REYNOLDS, Ms. SCHENK, Mr. SCHUMER, Mr. SHAYS, Mr. STARK, Mr. STUDDS, Mr. STUPAK, Mr. SWIFT, Mr. VENTO, Mr. WASHINGTON, Mr. WAXMAN, Mr. WISE, Mr. WYNN, Ms. BROWN of Florida, Mr. BLACKWELL, Mr. DOOLEY, Mr. COLEMAN of Texas, Mrs. COLLINS of Illinois, Mr. EVANS, Mr. FISH, Mr. LEVIN, Ms. MOLINARI, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. POSHARD, Mr. SABO, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Ms. WATERS, Mr. WHEAT, Mr. DIXON, Mr. SERRANO, Mr. RANGEL, Mr. PALLONE, Mr. TRAFICANT, Mr. CARDIN, Mr. ANDREWS of Maine, Mr. SANGMEISTER, Mr. WILSON, Mr. EDWARDS of California, Mr. RAVENEL, Mr. KLECZKA, and Mr. DURBIN.

H.R. 34: Mr. ACKERMAN, Mr. TOWNS, Mr. WYNN, and Mr. BOUCHER.

H.R. 35: Mr. FILNER, and Ms. PELOSI.

H.R. 37: Mr. MCCOLLUM, Mr. KING, Mr. SOLOMON, Mr. SUNDQUIST, Mr. BARTON of Texas, Ms. FOWLER, Mr. DOOLITTLE, and Mr. INGLIS.

H.R. 82: Mr. BAKER of California, Mr. DEFAZIO, Mr. GINGRICH, Mr. GOODLING, Mr. HOUGHTON, Mr. KING, Mr. QUINN, Mr. RAMSTAD, Mr. ROWLAND, and Mr. SMITH of New Jersey.

H.R. 101: Mr. HOUGHTON, Mr. SUNDQUIST, Mr. EWING, Mr. GALLEGLY, Mr. INGLIS, Mr. SKEEN, Mr. FRANKS of Connecticut, Mr. MANZULLO, and Mr. BALLENGER.

H.R. 140: Mr. ENGLISH of Oklahoma, Mr. GORDON, Ms. KAPTUR, Mr. INGLIS, Mr. WYNN, Mr. ZELIFF, Mr. FAWELL, and Ms. FURSE.

H.R. 159. Mr. FRANKS of Connecticut, Mr. SAXTON, Mr. DELAY, Mr. HERGER, Mr. SANTORUM, Mr. GOODLATTE, Mr. MOORHEAD, Mr. BALLENGER, and Mr. EWING.

H.R. 291: Mr. PORTER, Mr. HOCHBRUECKNER, Mr. POSHARD, Mr. HAMILTON, Mr. EVANS, Mr. COX, Mr. SHAYS, Mr. ZELIFF, and Ms. MOLINARI.

H.R. 419: Mr. DELLUMS, Mr. MILLER of California, Mr. WYNN, Mr. MATSUI, and Mr. BOEHLERT.

H.R. 436: Mr. HAYES of Louisiana, Mr. INGLIS, Mr. SAXTON, Mr. ROWLAND, MR. BLILEY, Mr. KING, Mr. MCHUGH, Mr. WELDON, Mr. WYNN, Mr. BAKER of California, Mr. BLACKWELL, and Mr. GREENWOOD.

H.R. 465: Mr. MANZULLO and Mr. BEREUTER.

H.R. 493: Mr. HYDE, Mr. SOLOMON, Mr. KASICH, Mr. PAXON, and Mr. HUNTER.

H.J. Res. 10: Mr. PORTER, Mr. REED, Mr. TORRICELLI, Ms. SNOWE, Ms. JOHNSON, E.B. of Texas, Mr. GALLEGLY, Ms. MALONEY, Mr. SCHUMER, Mr. HOKE, Mr. BATEMAN, Mr. MCHUGH, Mr. RAVENEL, Mr. SMITH of New Jersey, Mr. MCNULTY, Mr. VENTO, Mr. FORD of Michigan, Mr. KING, Mr. ACKERMAN, Mr. SISISKY, Mr. WOLF, Mr. KILDEE, Ms. PELOSI, Mr. MEEHAN, Mr. GALLO, Mr. WAXMAN, Mr. POSHARD, Mr. DURBIN, Mr. FAWELL, Mr. SHAYS, Ms. FURSE, Mrs. MORELLA, and Mr. HINCHEY.

H.J. Res. 30: Mr. KLUG, Mr. SOLOMON, Mr. BAKER of Louisiana, Mr. HYDE, Mr. GILCHREST, Mr. ROTH, Mr. SMITH of Oregon, Mr. SAXTON, Mr. RAVENEL, and Mr. BALLENGER.

H. Con. Res. 15: Mr. ABERCROMBIE, Mrs. COLLINS of Illinois, Mrs. COLLINS of Michigan, Ms. DELAURO, Mr. EDWARDS of California, Ms. FURSE, Mr. GEJDENSON, Ms. JOHNSON, E.B. of Texas, Mr. LAROCCO, Ms. PELOSI, Mr. SERRANO, Ms. VELAZQUEZ, Mr. WHEAT, and Mr. FROST.

H. Res. 20: Mr. BREWSTER, Ms. MALONEY, Mr. ESPY, Mr. GUTIERREZ, Mr. BACCHUS of Florida, Ms. VELAZQUEZ, Mr. FILNER, Mr. MENENDEZ, Mr. QUINN, Mr. MEEHAN, Mr. SERRANO, Mr. DELLUMS, Mr. WATT, Mr. HINCHEY, Mr. OWENS, Mr. WHEAT, Mr. MCNULTY, Mrs. COLLINS of Michigan, Mr. BLACKWELL, Mr. KING, Mr. MANTON, Mr. REYNOLDS, Mr. ENGEL, Mr. CLYBURN, Ms. KAPTUR, Mr. HALL of Ohio, Mr. SCOTT, Mr. HOUGHTON, Mr. DIXON, Mr. TUCKER, Mr. CONYERS, and Mr. WILSON.

H. Res. 32: Ms. BYRNE, Mr. SANTORUM, Mr. MCNULTY, Mrs. UNSOELD, Mr. BILBRAY, Mr. SWIFT, Mr. LAFALCE, Mrs. LLOYD, Mr. GLICKMAN, Mr. HUGHES, Mr. ROYCE, Mr. WASHINGTON, Mr. SISISKY, Mr. APPLEGATE, Ms. SLAUGHTER, Mr. SHAYS, Ms. JOHNSON, E.B. of Texas, Mr. LIPINSKI, Mr. FALEOMAVAEGA, Mr. JOHNSON of South Dakota, Ms. ROS-LEHTINEN, Mr. HEFNER, Mr. MAZZOLI, Mr. SPENCE, Mr. MARKEY, Mr. DURBIN, Mr. FROST, Ms. FURSE, and Mr. SERRANO.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1. By the SPEAKER: Petition of the county legislature of Orange County, NY., relative to funding for the USMA Band: to the Committee on Armed Services.

2. Also, petition of the county council of LaPorte, IN, relative to replacements during strikes; to the Committee on Education and Labor.

3. Also, petition of Western States Water Council, relative to Safe Drinking Water Act; to the Committee on Energy and Commerce.

4. Also, petition of the Episcopal Church Center, relative to military violence; to the Committee on Foreign Affairs.

5. Also, petition of the Synod of the Northeast, relative to annual meeting; to the Committee on the Judiciary.

6. Also, petition of the county board of Peoria, IL, relative to desecration of the flag; to the Committee on the Judiciary.

7. Also, petition of Office of the City Clerk, Clifton, NJ, relative to sound barriers; to the Committee on Public Works and Transportation.

8. Also, petition of the council of the city of New York, relative to safety standards; to the Committee on Public Works and Transportation.

9. Also, petition of mayor, Woonsocket, RI, relative to certain restrictions placed on municipalities by Internal Revenue Code; to the Committee on Ways and Means.

10. Also, petition of the city council of Detroit, MI, relative to city council; jointly, to the Committees on Banking, Finance and Urban Affairs, Ways and Means, Public Works and Transportation, Energy and Commerce, and Education and Labor.

SENATE—*Thursday, January 21, 1993*

(Legislative day of Tuesday, January 5, 1993)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Senate will be led in prayer to the Creator of life, and life eternal, by the Reverend Richard C. Halverson, Jr., of Falls Church, VA.

Mr. Halverson, please.

PRAYER

The guest chaplain, the Reverend Richard C. Halverson, Jr., offered the following prayer:

Let us pray:

Father in heaven, it is written:

Except the Lord build the house, they labor in vain that build it: except the Lord keep the city, the watchman waketh but in vain.—Psalm 127:1.

The Sun has risen on a new administration, and a day of hard work awaits those who serve in this Senate. In Your divine providence You have allowed to be assembled here a household of remarkably gifted public servants and staff members. You have granted them the resources and opportunity to accomplish great things. Yet, lest their striving be in vain, it is our prayer, Lord, that Your strong arm undergird the efforts of those who labor here and that Your vigilant eye keep watch over all their pursuits.

We are mindful, also, of the new elected officials and administrative staff who have joined this body and ask—just as You have caused the rain to fall upon all people, regardless of their understanding of You—that You bring a shower of blessing upon them and their families as they make the many adjustments required of this new calling. Bless also those who have moved on from here in search of new challenges.

We make this prayer in the name of Christ. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Senate will be in order.

The majority leader is recognized.

THE AGENDA OF THE 103D CONGRESS

Mr. MITCHELL. Mr. President, and Members of the Senate, yesterday President Clinton and Vice President GORE took the oath of office. Every American has a stake in the success of the new administration, because when an American President succeeds, America succeeds.

President Clinton's goal for our future is to make America first by putting Americans first; to focus on economic expansion, job growth, and income growth. The 103d Congress agrees with that focus: We want working Americans to prosper, their families to face a brighter future. We want our children equipped for the challenges and opportunities that only America can provide.

The needs are many. We need more job creation, so everyone who wants to work can find a job: so we can end welfare dependency and restore individual pride and self-respect to every American parent and worker. We need to invest in our Nation to build the basis for economic expansion and new jobs; we must invest in our infrastructure, our cities, our technology, and our people.

We need job training to equip working people for a dynamic, expanding economy. We need education reform to equip our children to be their best, and to give every student with the will to study a chance to earn a college education.

We must restore security to family budgets by removing the single greatest uncertainty facing today's families: The fear of bankruptcy from uninsured health costs.

Our health insurance system is breaking down. When companies can unilaterally reduce coverage as soon as a worker contracts a serious illness, and when insurers can refuse to cover a preexisting condition, the premise of shared risk—the heart of any insurance system—is being abandoned. Healthy people should not be the only ones who can afford health insurance.

The underinsurance and lack of coverage is fueling a growth in public health care costs that threatens to erode our economic future. If health care costs climb at the rate they have in recent years, we will never get the deficit under control.

The investments we need in public safety, education, job creation, the investments in long-term growth to put our Nation back on the road to healthy economic expansion, depend on our success in controlling the health costs that are driving our deficit higher.

Economic recovery, job growth, health care reform and deficit reduction are different parts of a single problem. We will not correct one without correcting the others. We cannot win just one of these battles: We have to win them all.

That is the task that lies before President Clinton and the Congress. It is a tough challenge. It is going to demand serious change from most of us. It is going to ask Americans in and out of Government to look to the common good and the common future.

Soon we will receive the President's program for economic growth, job creation and investment for our future. The agenda of the 103d Congress will be focused on those goals.

Today the Senate begins legislative business with the introduction of bills for the 103d Congress. We will complete work on the agenda of reform in our electoral system, in health care research, and in the workplace.

In that category fall four of the first five bills to be introduced today: S. 1, the reauthorization for the National Institutes of Health; S. 2, the National Voter Registration Act, S. 3, the campaign finance reform legislation; and S. 5, the Family and Medical Leave Act.

The fourth bill will be a competitiveness package that builds on the work of last year. It is a package of initiatives designed to accelerate the spread of improved technologies and to strengthen capital investment for modernization and growth in midsized and smaller manufacturing firms.

S. 1, the NIH reauthorization, honors a commitment I made last year when it became clear that a good piece of legislation, backed by a bipartisan majority, would fail because of the insistence of a small minority of Senators on a symbolic victory over the issue of abortion.

The claim that permitting the use of fetal tissue in potentially life-saving medical research would induce women to have abortions which they otherwise would not have is a baseless claim. It is insulting to women. The NIH bill is an important commitment to focus research on women's health issues, a long-overdue realignment of our Nation's research priorities.

S. 3, the campaign finance reform bill, is crucial to the reform of our electoral system. Last year's election proved that Americans have not lost faith in their system of government. But they do not trust a system based on enormous campaign contributions. They demand reform and we owe it to them.

American elections cost too much and last too long. They are too long on symbols and too short on substance. Americans last year proved that they are interested in real debate on serious issues. We need an electoral system that is free of the insatiable funding demands, a system to discourage sound bites and to restore intelligent debate about public policy choices.

That is also the reason we need to pass S. 2, the so-called motor voter bill. Today's working families and young people deserve a chance to register to vote conveniently. Working people commute long hours. They have to deal with child care arrangements and many other chores in their free time. The Nation that invented around-the-clock supermarket shopping can cope with the innovation of letting people register when they pick up a driver's license.

The experience of many States has shown repeatedly that easier and more convenient voter registration does not increase voter fraud. It does increase voter turnout.

I might add for my colleagues that I am very proud of the fact that in the recent election, the State which had the highest level of participation by the people in the electoral process was my own State of Maine. And one of the reasons for that, an important reason for that, is Maine adopted improved voter registration a few years ago. When it was proposed in our State, we heard the same arguments that have been heard here in the Senate by our colleagues, alleging that if we permit improved voter registration procedures, there will be a massive increase in fraud. Yet, in every State in which there has been improved voter procedures, voter turnout has gone up and there has been little or no fraud. In my own State, there has not been a single case of voter fraud—not one. And yet, on the positive side, our citizens' participation has increased and is now highest in the country. That is a goal to which every American ought to aspire and to which every Senator should contribute.

S. 5, the Family and Medical Leave Act, is unfinished business whose purpose is well known. It will give men and women who work full time outside the home leave time to care for ailing parents and sick children, time to cope with childbirth or adoption.

It is a very basic recognition that working people are not just cogs in a corporate wheel; they are also parents, they are children, they are spouses, and they have family responsibilities that are very important.

The competitiveness package, S. 4, is designed to support capital investment for modernization of our manufacturing base. Despite the claims of supply-side economists, capital investment in plant and equipment has been disappointing in the past decade. In 1991, it fell to a 14-year low, just half the rate of the Japanese economy.

The efforts of our private sector to commercialize and bring to market the fruits of research and technology have not had the support they deserve. Too often, traditional lenders are unwilling to embark on what they perceive as speculative production. Too often, industry-led research produces technology that our own private sector does not exploit.

That is why the technologies for transistor radios, VCR's, and colored television were American, but the products of those technologies are not.

S. 4 is designed to change that. It will provide matching funds for industry-led efforts to develop new technologies in fields such as electronics, advanced manufacturing, materials, and bioprocessing.

The bill enlarges programs that help State governments bring advanced manufacturing technology to the companies in their States. In the same way that an earlier agricultural America learned modern farming from a network of agricultural extension services, these programs will deploy information and assistance about modern equipment and techniques to our manufacturers.

The bill will create a new technology loan program to help finance the transition from laboratory model to production. If we can shorten the product development cycle to meet new demands and anticipate emerging technologies, our economy will regain dynamic growth.

These are steps that build on the work we began last year. They are part of economic revitalization, along with the defense conversion effort now underway. This broad economic effort will also include additional manufacturing and technology initiatives, such as dual use and advanced materials, job training, and trade initiatives. With new leadership in the White House committed to the regeneration of our economy, the Senate is ready to do its part.

It is also evidence of our confidence that the economic problems we face today are a temporary roadblock, not a permanent obstacle to achieving the kind of economic growth that all Americans want.

For too long, we have tinkered with the ideas of the past. For too long Government has focused on realigning the slices of the pie, trying to make certain that everyone got an equal slice of the pie. But the future does not lie in slicing the pie into fairer segments ever smaller. The future lies in making the economic pie grow. The future lies in more pies. American industry and enterprise can create them. American Government can help. Working Americans want to be a part of the picture.

We are a nation anxious to get back to productive work. Our people want good jobs. They know they are the best workers in the world, and they know they can be even better. The competitiveness package in groundwork in that effort. The Clinton economic program will build a sound structure on it. The Nation will prosper as a result.

The first five bills introduced are often taken as symbolic, as they are to some extent. But they should not overshadow the other important work the Senate will take up.

The renewed confrontation with Iraq in the last week of the Bush administration is a sharp reminder that unfinished business abroad will not wait on our convenience.

The START II Treaty has been signed. START II will ban the weapons that have done the most to destabilize world peace for many decades—MIRV'd warheads and intercontinental ballistic missiles. It is an achievement for which President George Bush will receive and deserve the praise and thanks of future generations. I commend President Bush again publicly. I do not think we can say it too often. The negotiation of the two START Treaties is one of the great achievements of this or any other administration in the nuclear age. I intend to bring the START II Treaty to the floor for ratification as soon as possible.

It paves the way, as well, to a test ban treaty, a subject in which there is bipartisan interest and which, despite the demise of the cold war, demands action. I hope to work with Senators on both sides of the aisle on that goal this year.

The former Soviets are facing tough economic times. Tough economic times can call forth dangerous political responses. We have provided some aid. We have to face the possibility that more may be needed. There will be other calls from the international community on the generous spirit of Americans. We will not be able to heed them all, for we must tend first to our needs at home. But we should debate them with awareness of where our interests most clearly lie.

American troops in Somalia today are testing the question of whether disinterested efforts for humanity can overcome the entrenched enmities and local hatreds to which much of the human race is still held hostage.

Bosnia poses the same question in a different environment. The two are not the same. Action that may be useful in Somalia is not guaranteed to work elsewhere. That is not a reason to ignore the elsewheres.

It is an argument for more skilled diplomacy where diplomacy can help. It is an argument for more measured responses where they can help. We do not face a one-size-fits-all world. One policy will not work everywhere. World events will always demand our response. Our response must reflect our interest. The American interest must dominate our considerations in a world where the values of democracy are strengthened, because all people want freedom; a world where trade and economic growth improve the lives of all the world's people.

At home, we face a familiar and busy agenda.

Americans want reform in our public education system. The Senate will take up the Elementary and Secondary Education Act bill this year. Middle-class families cannot pay college tuition and the burden of loans imposes an unmanageable debt on many graduates.

Americans expect Government to restore public safety on our cities' streets and neighborhoods. No mother should be afraid to allow a child to play outdoors. No senior citizen should fear the walk to the neighborhood grocery store. The plague of violence must end.

Is there anything more tragic than the recent images we have all seen on television of young American children who cannot leave their home for fear that they will be shot by a stray bullet.

I will sign a letter to President Clinton urging prompt State Department Action on the U.N. Convention on Women's Rights, an international codification of the rights of one-half the human race. Senator BIDEN will introduce the Violence Against Women Act, designed to protect women against the most common hazards they face. I will reintroduce S. 25, the Freedom of Choice Act, to ratify Roe versus Wade and the guarantees it provided that women, not Government, have the right to make their own reproductive choices.

We will focus on the needs of the 29 percent of American families headed by a single parent. They are raising 20 percent of our children. Most of those single parents are mothers, not fathers. Only about a quarter of them receive child support payments. Half get no help at all.

The Commission on Interstate Child Support has reported its findings; I appointed a democratic task force to turn them into legislation. I hope that in the coming months, we will see some bipartisan interest in creating a uniform and enforceable code of law for child support. A family value that every one of us can support is the responsibility of both parents for the well-being of their children.

There is one family value that everyone of us can support and that value is that it is the responsibility of both parents for the well-being of their children.

We have a full agenda of essential environmental legislation as well. The Endangered Species Act must be reauthorized. The Clean Water Act must be strengthened to give our communities the help they need to keep America's water clean. Progress on making good the promises of the Clean Air Act must be renewed.

The single most difficult, controversial, and potentially divisive issue this Congress will face is health care reform. Reform is essential, because we have a system that delivers less care for a higher price than any in the world.

Reform demands change in the behavior of health professionals, insurers, and patients. Change is often difficult. For that reason, it is often resisted.

But without serious, substantial change in our system, we cannot come to grips with the economic health of the country, because health care costs are what is driving the deficit today. If we want to reduce the Federal budget deficit, we have to restrain health costs.

If we do not restrain health costs, all the calls for restraint and reductions in the rest of the Federal budget will produce no more deficit reduction in the future than they have produced in the last dozen years.

Health care can not be permitted to devour most of our resources. Nothing is more important than the economic health on which all our futures rest. I do not expect health care reform to be easy, or swift or painless. But I do expect it to be accomplished.

Above all, we have to work for economic expansion, job creation, and health care reform for the sake of deficit control These goals are inseparable. They depend upon one another.

Unless we reform health care, we will not be able to control the deficit. And unless we control the deficit, we won't see more jobs and higher incomes. Unless we produce a growing economy that creates more jobs, we will not produce a better life for American working families.

In his election campaign, President Clinton spoke of the people who do their duty, bring up their children, pay their taxes, and live by the rules. Those Americans are the heart and soul of the country, its backbone.

It is my intention, my goal, that those Americans will once again become the primary focus of their Government. If we succeed in placing their well-being at the center of our agenda, we will succeed and all Americans will succeed.

Throughout history men and women have struggled to define the proper purpose of government. In my view no one did it better or more consistently than one of the great and, I believe, one of the underrated men in American history. James Madison was a cofounder of the Democratic Party and the principal author of the American Constitution. Madison said that the purpose of government is the well-being of the people. In six words with conciseness and directness he summed up our purpose and our agenda. We, in this Congress, must join with the new President and the new administration to enhance the well-being of the people.

If we do that we will all have succeeded.

RECESS FROM 12:30 P.M. TO 2:15 P.M.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate stand in recess today from 12:30 p.m. to 2:15 p.m. in order to accommodate a party conference luncheon.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield the floor.

ORDER OF PROCEDURE

The PRESIDENT pro tempore. The Senate presently is conducting morning business under the previous order. And under the previous order Senators are permitted to speak during the transaction of morning business. This first hour is under the control of the majority leader or his designee. The second hour will be under the control of the Republican leader or his designee according to the order entered yesterday.

Mr. MITCHELL. Mr. President, I yield 10 minutes to the Senator from Connecticut.

The PRESIDENT pro tempore. The senior Senator from Connecticut [Mr. DODD] is recognized for 10 minutes.

Mr. DODD. Mr. President, I appreciate that.

COMMENDATION OF MAJORITY LEADER

Mr. DODD. Mr. President, let me commend the majority leader for a very concise and thoughtful statement this morning outlining not only the five principal pieces of legislation that will be introduced either today or very shortly, but also the other items on the agenda that this new Congress with this new administration will undertake to grapple with and hopefully enact in order to pass on to the President for his signature.

(The remarks of Mr. DODD pertaining to the introduction of S. 5 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. Without objection, the time consumed by the quorum call will not be charged against either side.

The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oklahoma [Mr. BOREN].

Mr. BOREN. Mr. President, I ask unanimous consent that I be yielded 5 minutes out of the leadership time to make a statement.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized for 5 minutes.

Mr. BOREN. I thank the Chair.

(The remarks of Mr. BOREN pertaining to the introduction of S. 3 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. Without objection, the time consumed by the call will not be charged to either side.

Mr. BURNS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana [Mr. BURNS].

Mr. BURNS. Mr. President, is a quorum in progress?

The PRESIDENT pro tempore. Not yet.

Mr. BURNS. I ask unanimous consent I may have maybe 2 minutes as if in morning business.

The PRESIDENT pro tempore. The Senate is transacting morning business.

Mr. BURNS. Thank you, Mr. President.

THE PASSING OF RUSSELL BURNS AND ERWIN KUHLMANN

Mr. BURNS. Mr. President, as we open this Congress on a very positive note, I know it is the wishes and the prayers of all who are Members of this body and are assembled here, it will remain that way till the same gavel that opened this session, closes it. We have witnessed the transfer of power from one President to another as envisioned by our forefathers and expressed in our Constitution. It was done with great dignity and ceremony and now our prayers of good will are for our new national leader and President, William Jefferson Clinton. May his judgment be keen, may his day-to-day decisions be based on his strong inner-self, that we pray, knows the difference between good and evil, right from wrong.

Mr. President, while it is time to go to work, I could not help but look up in the gallery as we were swearing in our new colleagues a couple of weeks ago and my memory wandered back to 4 years ago and my father setting up there so proudly when I took my oath. It was a very proud day in my life. But, as only time can do, at the age of 86 years, on December 11, 1992, cancer claimed my father.

Russell Burns was a farmer and a stockman, a native son of Gallatin, MO. Tough but tender, and not burdened with a great amount of formal education, he understood, with great wisdom, the true meaning of the relationship of soil and life, how sacred individual rights are, and property rights as the cornerstone of a free society. He knew and understood the difference between self-rule and government rule. He also knew and understood that the very rights granted to every American by the Constitution cannot be claimed for oneself without personal responsibility. We tend to forget that and it seems to get lost in our day-to-day living. He was my teacher and my friend. He was my link to the most dynamic period of American history and maybe in the history of mankind. As he noted, it was we, man, that went from horse back to the Moon just in his lifetime. He often reminded me that he did not fear growing old, he did fear growing too old. He did not grow too old.

Mr. President, 1992 also claimed another son of the soil. On October 21, 1992, Erwin Kuhlmann, 77 years old and a native son of North Plate, NE, passed from this life. He was, as was my father, a farmer and stockman and my wife's father. There just seems to be something special about men and women who are born of the land. They spend their whole life taking from the soil but had a way to give it all back for the next generation. Such wisdom and insight they had and I, for one, am very fortunate and greatful to have known such men.

These men slip into the past but their place in history is secure as they were a big part in building the strongest, the most secure, country and society that offers more freedoms and opportunities in the history of man. Mr. President, in a time when we see some who would destroy the values and the institutions that built this country, we can remember these builders and what they taught us. It has been said any jackass can kick down a barn but only a carpenter can build one. Russell Burns and Erwin Kuhlmann were builders.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll, and without objection the time consumed by the call will not be charged to either side.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, as I understand it, under the order 1 hour is under the control of Senator MITCHELL or his designee; and 1 hour is under the control of the Republican leader, or his designee.

The PRESIDENT pro tempore. The Senator is correct.

Mr. DOLE. All time has not been used on that side. If we could proceed, we would be happy to yield when anyone appears on the other side just to save time.

The PRESIDENT pro tempore. Fifteen minutes fifty seconds remain under the majority leader's control. How much time would the Republican leader like to yield at this point?

Mr. DOLE. I think probably 20 minutes.

The PRESIDENT pro tempore. The Republican leader yields to himself 20 minutes, without objection, at this point.

TRIBUTE TO PRESIDENT BUSH

Mr. DOLE. Mr. President, 51 years ago last month, the attack on Pearl Harbor brought the United States into World War II.

Within a few months, a young 17-year-old named George Bush was on his way to battle, knowing what so many of his generation knew—that there was only one place for him to be—defending freedom.

And from the missions he flew as America's youngest naval aviator, to the mission he completed yesterday, George Bush has defended and promoted freedom as few have ever done before.

As a successful businessman, he advanced the strengths of our free enterprise system, by bringing jobs and paychecks to many Texas families.

As a Congressman, he courageously fought for civil rights for all Americans.

As Ambassador to the United Nations, he fought to extend freedom, democracy, and human rights across the globe. It was a fight he would continue as our envoy to China and as Director of Central Intelligence.

And as Vice President of the United States, he helped Ronald Reagan in restarting the American economy, regaining our military strength, and in reclaiming our role as leader of the free world.

But George Bush's greatest contributions to this country and to the world were made during his term as President of the United States.

In his inaugural address 4 years ago, President Bush said he saw history "as a book with many pages, and each day we fill a page with acts of hopefulness and meaning."

I would venture to say that no one in this Chamber—and no one in this country—could have predicted just how many pages of history George Bush would help to write these past 4 years.

Under George Bush, the tide of democracy that was running high 4 years ago, became a tidal wave, as courageous men and women seized the freedoms that had been denied them for decade after decade: Poland, Bulgaria, Romania, Hungary, Czechoslovakia, Nicaragua, the rollcall of nations that turned to freedom and democracy during the Bush administration goes on and on.

History will always reflect the fact that it was President George Bush who brought the cold war to a close, without a single shot being fired.

And when the cold war was won, it was the experienced hand of President

Bush that guided the United States-Soviet relationship from an era of mistrust and suspicion to one of unprecedented cooperation.

It was the leadership and vision of President Bush that brought about the START treaties—treaties which substantially diminish the threat of nuclear war.

It was President Bush who worked tirelessly to achieve the first face to face talks ever held between Israel and all of its Arab neighbors.

It was President Bush who launched and supported the efforts that led to the freeing of America's hostages in Lebanon.

It was President Bush who sponsored the first-ever drug summit with leaders of Colombia, Bolivia, and Peru.

It was President Bush who negotiated the North American Free-Trade Agreement with Mexico and Canada, creating the world's largest market.

It was President Bush who helped resolve regional conflicts in Angola, Afghanistan, Cambodia, and El Salvador—helping to put these countries on the road to peace.

It was President Bush who made the tough call and brought hope to the starving people of Somalia.

And, of course, it was President Bush who forged a historic international coalition in the Persian Gulf, a coalition that would drive the dictator Saddam Hussein out of Kuwait.

There are those who have said that the Bush administration spent too must time dealing with foreign policy.

I am willing to let history be the judge of that, but let me just say this: If someone had come to George Bush 4 years ago and given him a choice between serving for one term as President and having the cold war won, the Berlin Wall come down, the threat of nuclear holocaust ended, and the world unite against a dictator. Or, serving two terms as President and having the Iron Curtain survive, a tyrant in control of the Mideast, and the nuclear clock a little closer to midnight, then there is no doubt what his decision would have been.

But—even though the media chose to ignore it—the fact is that along with changing the world for the better, President George Bush also changed America for the better.

Under his leadership:

We have held our own during a global recession, and as the economic figures have shown over the past few weeks, the Bush economic recovery is well underway.

And the fact is that America's standard of living is the highest in the world, and our workers are the most productive in the world.

Forty-three million men and women with disabilities will have the same rights as other Americans.

The country rallied behind the national education goals and reinventing American education became a national priority.

Working families now have tax credits to help offset the cost of child care.

A civil rights bill which opens doors to all Americans is now the law of the land.

More disadvantaged children than ever before are helped by the Head Start Program.

The air we breathe is cleaner.

Housing is more affordable than in the past 15 years.

America is once again the world's top exporter.

Farm exports are the highest level since 1981.

Drug use among young Americans has been drastically reduced.

And because of President Bush and our remarkable First Lady, a new spirit of volunteerism and neighbor helping neighbor is alive and sweeping across America.

It was no surprise, by the way, to see Barbara Bush once again on top of this year's list of the most admired women in the world. She and the entire Bush family have survived 4 years of media intrusion with good humor and good grace.

In March 1991 President Bush stood in the House Chamber to tell the Nation that the war in the gulf was over. And at the conclusion of his remarks he said that "we're coming home now—proud, confident, heads high."

And because he changed America and the world for the better—because our children are safer—George Bush had every reason to leave the White House in the same way: proud, confident, and his head held high.

On behalf of all my colleagues on this side of the aisle—and I think on the other side of the aisle, certainly—and on behalf of American people, and the men and women around the world who now live in freedom, I say, "thank you, Mr. President."

CHANGE FOR THE BETTER PREVIEW OF 103D CONGRESS

Mr. DOLE. Mr. President, it will be my privilege to serve as Republican leader in the 103d Congress. I thank the voters of Kansas for again placing their trust in me this past November; and I thank my Republican colleagues for allowing me to continue to serve as their leader.

I also want to congratulate the distinguished majority leader, as he begins his fifth year in that position. Throughout our service as leaders, we have developed a relationship based on mutual trust and respect. This body could not operate in the absence of such a relationship.

For the first time, Senator MITCHELL will serve as majority leader with a President of the United States who shares his party affiliation. I know he is looking forward to this responsibility, and I look forward to working with him in these exciting and challenging times.

I listened to the majority leader's statement outlining his goals for the 103d session, and I commend him for his eloquence. His is an ambitious agenda, but the people are expecting no less. And I believe that in many of the areas he touched upon, we can find common ground.

As I said yesterday, my Republican colleagues and I stand today with the American people in wishing the best of luck to our new President as he deals with the complex challenges facing America and the world.

I believe these challenges can be met only if Democrats and Republicans work together. I have long been a great believer in the strengths of our two-party system—and those strengths can most clearly be seen when we work together to do what is right.

I know that working with Republicans is a new area for the President. As Governor of Arkansas, he dealt with a legislature which consisted almost entirely of Democrats. And though there are only 43 Republicans in the Senate, our rules provide those 43 Senators—indeed they provide every single Senator—with a great deal of power.

It is not my intention to use that power to constantly block President Clinton's proposals, or the will of the Senate. Indeed, as you have seen in the Cabinet confirmation process, we have cooperated with the majority in scheduling of confirmation hearings. And yesterday—within hours of President Clinton taking the oath of office—we confirmed the first three members of his Cabinet.

We will probably confirm an additional 10 members today without a rollcall vote. Some will indicate in the RECORD that they might object to a particular nominee. I believe, as everybody believes, that we have had the hearings, the scrutiny, and we think we have done a good job. And I commend my colleague now on the floor, the Senator from Mississippi [Mr. LOTT] for coordinating all of the different areas. We believe President Clinton is entitled to have his people in place at the earliest possible time.

But let me be clear in saying that I expect there will be times where my colleagues and I will disagree with the direction in which President Clinton is steering the ship of state.

As Republicans, we are committed to less taxes, less spending, less government, less regulation, and a strong and secure America. And when President Clinton's proposals stray from those principles, we will not be afraid to speak out—just as Senator MITCHELL and the Democrats spoke out when they disagreed with Presidents Bush and Reagan. The American people expect no less.

Earlier today, I paid tribute to the remarkable career of President Bush, but it is worth mentioning again that the Nation President Clinton inherits is much for the better because of 12 years of Republican leadership in the White House.

Some may disagree, but when the Reagan-Bush era began in January 1981, America was in danger and decline. Our economy was in shambles. Interest rates and inflation went through the roof. Abroad, Americans were held hostage, and the Soviet Empire was bristling with nuclear arms and hostile intentions.

What a difference 12 years have made. Thanks to Ronald Reagan and George Bush, America made a remarkable comeback. Presidents Reagan and Bush presided over the biggest, and longest, economic expansion in U.S. history. During that time, interest rates have been cut in half and then some, and inflation is practically nonexistent.

The economy hit some rough spots during the past years, but recent figures prove that President Bush was right. Anyone who squeezed their way through the stores this Christmas, knows that the recession is over, and the Bush recovery is well underway.

Most importantly, the cold war was finally brought to an end, as communism collapsed under the weight of its own incompetence and the steely resolve of Ronald Reagan, George Bush, and the American people.

Our allies agree that America is the only remaining undisputed military and moral superpower on the face of the Earth. And our adversaries have no doubt that America will stand up for freedom across the globe. And thanks to President Bush's vision, historic treaties have been signed which have permanently moved back the hands on the nuclear doomsday clock.

These are facts, and will be remembered in history—no matter how hard bitter partisans try to rewrite it.

It's an outstanding record, but we can do even more. Far too many Americans are jobless, and have not yet felt the effects of the economic recovery. A staggering deficit threatens the economic health of this generation, and that of our children and grandchildren. Countless Americans cannot afford even basic health care for their families. And despite the end of the cold war, the world is still a very dangerous place, full of dictators and tyrants who prey on their own citizens, as well as other nations.

President Clinton addressed these and other issues during the Presidential campaign—a campaign in which he made some very specific promises to the American people—promises such as cutting the deficit in half in 4 years, a middle-class tax cut, a total reform of the welfare system, and reform of our health care system.

As candidate Clinton became President-elect Clinton, some of these unequivocal promises were downgraded to goals and I suspect that President Clinton may now reevaluate some other campaign promises.

But the one promise which President Clinton most assuredly will not reevaluate is one that he made at every campaign stop—and one that he repeated yesterday in his inaugural address—the promise that he would be an agent of change.

Yes, the American people want change. But what remains to be seen is what type of change will be proposed. The American people don't need change for change's sake. And they most assuredly don't need, and can't afford change back to the failed big spending and big taxing policies of the past. What America needs, and what Senate Republicans support, is change for the better.

And from our perspective there are a number of areas of concern that are in dire need of change for the better, and that should be tackled during the coming session.

Topping the list of the President's agenda, Senator MITCHELL's agenda, our agenda, and the American people's agenda is the economy. We all agree that the economy is not as strong as it could be, nor is it creating as many jobs as we would like.

President Clinton has often stated that he will focus like a laser beam on the economy. It is my belief that the best prescription for America's long-term economic health, is to have President Clinton and Congress focus the laser beam of change on the deficit.

Everyone in this Chamber knows that Congress has been spending more than we can afford. For far too long, we have treated the Federal Treasury as if it were a giant shopping mall, offering an unlimited supply of merchandise on a no-money-down, no-credit-limit basis. The result is a $4½ trillion debt which we will pass on to our children's credit cards.

Secretary BENTSEN, and OMB Director-designate PANETTA talked in their confirmation hearing about sacrifice, as did the President in his inaugural address yesterday.

"Sacrifice" is a word that strikes fear in the hearts of many in Washington. It does not, however, strike fear in the hearts of Senate Republicans and many colleagues on the other side. In 1985, we put together the toughest deficit and budget cutting legislation in history—a package which froze Government outlays, deferred COLA's on entitlement programs, and cut 14 Federal programs that had outlived their usefulness. It passed by only one vote, and I might add that only one of my colleagues on the other side, one Democrat crossed party lines to vote for tough but fair medicine.

If President Clinton agrees that tough action is needed, then Republicans stand ready to help, assuming that our colleagues on the other side of the aisle are also willing to join us in telling the public what they need to know, and not just what they want to hear.

Republicans will also be proposing a series of budget reforms which we have proposed before, and which have long held the overwhelming support of the American people—a balanced budget amendment to the Constitution, and line-item veto authority for the President. These are essential budget trimming tools that have been blocked by the majority party year after year.

As Governor of Arkansas, President Clinton operated under both a requirement to balance the budget and the authority to veto line items in spending bills. During the Presidential campaign, he endorsed giving the President line-item veto authority.

We hope the Senate Democrats will join us in making him feel at home by bringing these ideas to the Federal Government.

Republicans are also introducing today enhanced rescission legislation. This legislation will allow the President to slice out unnecessary spending, and send it back to Congress for a second look.

With enhanced rescission, Congress will be forced to vote up or down on any proposed rescission of spending. Today, Congress can simply ignore any rescissions, forcing the spending to take place, in spite of the President's objections.

One sure way to stifle economic growth, and recovery, is to strangle it in regulations, bureaucracy, and mandates.

I must say just in this recess period I have had an opportunity to visit a lot of businessmen and businesswomen, small business people, middle-sized, big businessmen, big businesswomen, whatever. One thing they are unanimous about, and that is that regulation has a choke hold on their business. They cannot build plants. They cannot expand. They cannot do it because of some regulation, EPA regulation, or some other Federal agency, and it does not take just months; it takes month after month after month and in some cases years. So in many cases the decision is made to move the plant somewhere else, built it in some other country, create jobs somewhere else.

So I think one thing we have to come to grips with is the stranglehold that regulations have on the American economy, the bureaucracy, and the mandates. It seems to me that we have a big opportunity but we have a big responsibility, too, to somehow preserve the environment, do all those good things we want to do but at the same time not destroy jobs and destroy the economy in the process.

Throughout the past decade, Senate Republicans have served as guardians of America's small business men and women, opposing an avalanche of mandates and redtape.

Indeed, instead of holding small business down, Government should extend a helping hand. And, today, I will be joined by other Senate Republicans in introducing the Small Business Investment Act of 1993. This legislation contains a number of items which simplify—that is right, I said "simplify"—small business reporting regulations, and which ease access to capital.

Another bill we will introduce today is our version of family leave legislation. There are those who would have you believe that Republicans do not care about working families. That is simply not the case.

I listened earlier to my friend from Connecticut, Senator DODD. He introduced, I think, bill No. 5, which is the mandated family leave the Democrats propose. It does not cover very many employees.

Not only do we care about working families, but we also care enough not to saddle employers with costly mandates.

Again, as I said about regulation, this is another mandate. It is another tax on business. If we are going to mandate family leave, one size fits all. No matter what size the business, what kind of employee you may be—whether young, middle aged, whether with or without children, whatever it is—one size fits all. That is the approach my colleagues on the other side have taken and one I assume will pass the Congress and this time will not be vetoed, because President Clinton said he will sign it.

Instead, our legislation provides for refundable tax credits for businesses with fewer than 500 employees that provide for up to 12 weeks of family leave. Rather than mandating a one-size-fits-all Government mandate, we should trust employers and employees to work out the type of parental leave plan which best fits their circumstances. Some indicate different employers have different circumstances.

And, yes, we are honest enough to pay for the expense of this legislation, that we will be introducing later today, through an increase in corporate estimated tax payments.

President Clinton has said that he wants to "put people first." One way he can do this is to ensure that Government mandates and Government bureaucrats do not run over individual citizens and individual rights.

Therefore, I will be reintroducing legislation—passed by the Senate last year—which simply requires Federal agencies to determine whether any new regulation being published would result in the taking of any private property.

This is a legislative area pursued vigorously by our departed colleague, Senator Symms from Idaho, who did an outstanding job.

So, if it does result in taking of private property, then legitimate health and safety reasons must be documented, which I think our citizens have enough, whether on the farm or small business or cities or small towns or suburbs, of some Federal bureaucracy walking in and in fact taking away your property. We hope this bill will have bipartisan support.

President Clinton has strongly committed himself to reforming America's health care system. He will suffer no shortage of advice in this mission. Last year, there were more than 30 health care reform proposals in Congress, none of which had the support necessary to pass.

Even the harshest critics of the American health care system acknowledge that the 85 percent of Americans who have insurance enjoy the highest standards of medical care in the world. Keep in mind that is 85 percent.

The United States continues to have the best doctors, the most advanced technology, and the strongest commitments to research and development in the world.

Still, the system is troubled. Health care costs are rising at dizzying rates, an estimated 35 million people are without basic health coverage, and still others are in jeopardy of losing their coverage. It is clear that our response to the health care crisis cannot be, "Take two aspirin and call us in 4 years."

My colleagues and I on the Republican side of the aisle have worked on this issue for many years, and we have proposals and suggestions which we believe will improve the system. But we do not have all the answers.

So again, I hope this is an area in which we are going to have bipartisan cooperation. It seems to me in this area, particularly, we are going to need bipartisan cooperation working with the executive branch.

If the debate disintegrates into a political contest, then everyone loses. Therefore, as Republican leader, I am not introducing a major reform proposal today because I am hopeful we can ultimately work together and avoid the polarization that has plagued us in the past.

We simply must work together—the White House, Congress, Democrats, Republicans, providers, insurance companies, consumers, and the Government. I am convinced that reform can take place. And that it can be done without creating another Government bureaucracy, or another Government program, or relying on the old standbys of giant tax increases and Big Government mandates.

There is one health care bill which I will be introducing today—one that focuses on an issue of great concern to me—and to the President—and that is the preservation of rural health care in America.

This bill reauthorizes some provisions which have been critical to enabling rural Americans to receive health care. If they are not reauthorized—and reauthorized quickly—many of these provisions would expire. In fact, in some cases, they have already done so. If we do not act soon, then some rural hospitals will have to cancel vital outreach services, and some will be forced to close their doors forever.

One of the factors behind the high cost of health care is the crisis in our civil justice system. And a priority of Senate Republicans in this Congress—as it has been many times before—is to change our civil justice system for the better through commonsense reform of our products liability and malpractice systems.

Along with our civil justice system, it has long been apparent to Senate Republicans that our criminal justice system is also in need of change for the better.

Surveys reflect the fact that Americans believe that while the economy is the most important problem facing the country, crime is the most important problem facing their neighborhood. And no doubt about it, from one end of the country to the other, in rural as well as urban areas, Americans live in fear.

Today, as in past sessions, Senate Republicans, led by Senator HATCH, will be introducing tough, no-nonsense crime legislation. The proposals contained in this legislation—cracking down on legal loopholes for criminals, and giving law officials the clout they need to make convictions stick—have been debated over and over again by this body. Now it is time to pass them. There is no reason why a tough crime bill can not be sent to the President within a matter of months.

President Clinton has expressed support for a National Police Corps—an idea I have long advocated. I know that Senator HATCH looks forward to working with Senator BIDEN in making this idea a reality, within our budgetary constraints.

Included in our crime bill are provisions regarding violence against women. I am also introducing these provisions as a separate piece of legislation as I have done in the past 2 years.

It is estimated that a staggering 2.5 million violent crimes are committed against women each year. I believe this number is a national disagrace—a disgrace we must have the courage to recognize and the commitment to reform. The Sexual Assault Prevention Act of 1993, which will also be introduced in the House by Congresswoman SUSAN MOLINARI, is a comprehensive response to violence against women, both on the streets, and in the home.

This January, the House and Senate welcomed record numbers of new Members. And most of these Members came to Washington with a pledge to change for the better the way Congress does business.

Within a few weeks, Senate Republicans will introduce a meaningful congressional reform package. This package will include proposals to reduce the staff and spending of Congress, as well as housekeeping measures such as eliminating proxy voting and strengthening the prohibition on attaching unauthorized appropriations to appropriations bills.

Just as Congress needs reforming, so, too, does the way in which you are elected to Congress. And today, as we have done before, Senate Republicans will be introducing legislation to reform our campaign finance system. Our legislation promotes competition and our two-party system. It does not, as the Senate Democrats have continued to insist over the years, require taxpayers to pay for our campaigns.

Again, this is an area in which I think we are going to need bipartisan effort if we are going to have a meaningful campaign finance reform bill.

I listened to my distinguished colleague from Oklahoma, Senator BOREN, earlier today. I certainly know of his good intentions. But again, there are areas of disagreement, and we believe unless we do it on a bipartisan basis, the American public is going to say: Well, you are not serious about it. You want to continue to raise millions and spend millions of dollars, and get money from special interests; whatever.

So I hope that we can maybe impose some deadline—30, 60 days—for Democrats and Republicans to work out a bipartisan package. And I will be talking to the majority leader about that later.

We introduce our campaign finance reform legislation with the knowledge that, while it is an improvement over our current system, we do not have the votes to pass it.

If ever there was an issue that cried out for bipartisan cooperation, it is campaign finance. Senator BOREN of Oklahoma and Senator MCCONNELL of Kentucky are this Chamber's acknowledged campaign finance reform experts. Perhaps if Senator MITCHELL and I gave them 30 days to get together and hammer out a comprehensive reform proposal, they would succeed. I ask the distinguished majority leader to join me in doing just that.

As President Clinton said yesterday, the avalanche of freedom which swept the globe under Presidents Reagan and Bush have led to some instability. I suspect that foreign policy, which received short shrift during the Presidential campaign, will soon come to dominate many of President Clinton's days.

There are several trouble spots which will demand the President's immediate and constant attention.

Saddam Hussein evidently got the message sent by the Bush administration and is talking in softer tones, but if there is any constant in Iraqi policy, it's that Saddam cannot be trusted for 1 minute.

If there is anyone in the world who can match Saddam Hussein for deceit and brutality, it is Serbia's Slobodan Milosevic. The new State Department report on human rights practices finds that Serbian forces in Bosnia have committed atrocities against civilians on a scale unrivaled since the Nazi era.

This Senator believes that the U.S. objective should not be to slow the slaughter in Bosnia-Hercegovina, but to stop it, and to prevent its spread to Kosova, where 2 million Albanians now live in constant fear and oppression. And the goal of the Geneva negotiations should be to reach a settlement that will restore the territorial integrity and sovereignty of Bosnia-Hercegovina, instead of ratifying its de facto dismemberment, thereby rewarding those who have brought suffering and slaughter to the Bosnian people.

In Somalia, some United States forces are coming home, but we need to get on with a master plan for restoring stability there, and turning control over to the United Nations.

Assistance to the Republics of the former Soviet Union, future relations with Vietnam, and fostering the admirable progress of democratic and economic reform in Latin America are other matters now on President Clinton's plate.

It is also my hope that the Clinton administration will place a high priority on halting the proliferation of weapons of mass destruction. Concern for nonproliferation was one of the primary motivating factors behind the Nunn-Lugar Act, which initiated some truly innovative approaches to the problem of potential proliferation in the Soviet Union.

Before I conclude, Mr. President, let me add that this institution has taken a lot of hits from the media and from some politicians these past few years—some of the criticism is deserved, some of it is not.

But no one can deny that the enduring strengths of the Senate are great—and perhaps they were best stated by the late Claude Pepper, who said:

> Like democracy itself, the Senate is inefficient, unwieldy, inconsistent * * * but like democracy also, it is strong, it is sound at the core, it has survived many changes, it has saved the country many catastrophes, (and) it is a safeguard against any form of tyranny * * *

We are all privileged, indeed, Mr. President to serve in this safeguard. In closing, let me again express my desire, and the desire of Senate Republicans, to work with our new President, with the distinguished majority leader, and with the American people, to bring change for the better to America and the world.

The PRESIDENT pro tempore. Is it the desire of the Republican leader that Members of the minority continue to be recognized under the time over which he has control, until such time as the Democratic leader or his designee appears to claim the remainder of their time?

Mr. DOLE. That is our desire, if there is no objection.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The Senator from Mississippi [Mr. LOTT].

Mr. LOTT. If I may inquire of the Chair, do I need to get time yielded from the leader, or would I be recognized on my own time?

The PRESIDENT pro tempore. There is time under the control of the Republican leader or his designee.

Under the order previously entered, the time under the control of the Republican leader was to begin at the conclusion of the time under the control of the Democratic leader. The Democratic leader has 15 minutes and 50 seconds remaining. Senator SIMPSON may ask that he be recognized for whatever amount of time he wishes.

The Republican leader has already asked consent that the sequence be broken until such time as the majority leader claims his time.

Mr. LOTT. Mr. President, I ask that I be allowed to proceed for at least 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is recognized for not to exceed 15 minutes.

THIS NEW SESSION OF CONGRESS

Mr. LOTT. Mr. President, I would like to begin my remarks in this new session of Congress by saying that I am optimistic, and, indeed, hopeful—we have heard that word mentioned so much in the last few days—about what we can do in this new session of Congress with a new President and a lot of new Members of Congress, House and Senate. In the luncheon that we attended after the President's swearing-in yesterday I thought he said the right things. He talked about a partnership between the President and the Congress. And that is the way it should work. Surely the Congress as a whole will sometimes disagree with the President. And sometimes those of us within the Congress will disagree as to how we should proceed in working with the President. But that is the way we should all begin. We should begin with the attitude we are going to try to work together.

There certainly is a responsibility on all of us to be prepared to stand up and resist recommendations which we think are not proper and right and to the benefit of our constituents, both in our States and in our country. But I am going to start off with the attitude of trying to find ways and places that I can work with the President for the overall good of our country.

I think it is appropriate that our leaders, both the Democratic leader and the Republican leader, today stand up and begin to enumerate the first bills that we will bring up for consideration in this new session; identify our top priorities. I want to commend our distinguished leader from Kansas, Senator DOLE, for the first five bills that he has introduced. I understand his first bill will be one to prevent violence against women. Certainly, that indicates a concern on his part, and that of all Americans. Like so many crimes it is one that is just so difficult to understand. This bill would lead to a process to find out what the statistics are, what the real numbers are in this particular area of crime—violence against women. What makes it happen and how can we deal with it? How can we help women that are so abused and how can we find ways to prevent this kind of abuse? So, typically of our leader, I think it appropriate that he put a high emphasis on this area of concern of all Americans.

Republicans and Democrats wish to find a way to reform elections, to have campaign finance reform. I think most Americans agree with that. I do not think they necessarily would put that number 1 or 2 or 3 on their list of concerns, but they feel that things are not quite right.

We, perhaps, disagree between the parties as to how to do it. I certainly would prefer the McConnell bill, the one that has been introduced second among the Republican list of bills. It would put everything on the table. It would ban soft money. It would eliminate PAC's. It would improve the positions of the two political parties. It restricts gerrymandering. It includes a lot of good ideas.

On the other hand, S. 3, the bill that Senator MITCHELL referred to earlier today, would take a different approach. It would have, as I understand it, public financing of campaigns from the General Treasury. I find that objectionable. And there are other ideas that should be considered. I think we are indicating, by both parties introducing a bill high on our lists of priorities today, we are going to try to deal with it. Whether we will do it and do it properly or not remains to be seen.

Also on Senator DOLE'S list is a crime bill. The Congress labored mightily over the past 2 years to produce a crime bill. We labored to produce a mountain and we did not even produce a mouse, I fear. The bill that we were considering had too much emphasis, in my opinion, on protecting criminals' rights and on the things like gun control. There are other ways we should be going. We should try to streamline the law enforcement process. We should give some consideration to good faith efforts by our law enforcement people. We should stop criminals from going back out on the streets because of technicalities, for heaven's sake. While we may want to look at how we deal with guns, to think that is going to reduce or stop crimes is just not a practical position. So I am glad that our Republican leader has a crime bill high on his list, and a real crime bill, not a "protect the criminals" bill.

We do need to have a process whereby Congress can be reviewed when it is spending—or tries to spend—money that really should not be spent. We can argue over how best to do this. President Clinton has argued for a line-item veto. He has also indicated support for enhanced rescission. We should find a way to give the President increased ability to say, things have changed, or this is too much, or I have reconsidered. Enactment of enhanced rescission or the line-item veto would be one way to do that.

I know there will be a lot of debate, and I do not want to diminish the involvement of the Congress—House and Senate—in our primary responsibility in appropriations, how they begin and how they are spent. But I do think Presidents need more ability to be involved in that process and perhaps stop unnecessary spending.

The distinguished Senator from Idaho has a family leave proposal. The Democratic list also has a family leave bill. I certainly much prefer the one that is being proposed by the Senator from Idaho, which I think he will probably speak on later. It is more voluntary. It provides an incentive for employers to provide leave through offering them a refundable tax credit. Certainly that is the way to go, rather than mandating that employers provide paid leave to employees.

But let me make this point about both lists. If you ask the American people to list the top three items they are most concerned about, I believe they would say the economy; they would say education; and they would say health care. They may not rank them in that order, but I think probably those could be the top three.

Yet if you look down this list of both parties' leaders there is not anything on any one of these three concerns, or only marginally. We have one competitiveness bill on the Democratic list, and a line-item veto enhanced rescission on the other list. There is a reason for it. Those bills addressing the economy, education, and health care are going to be big and complex bills. You cannot always present the solution right at the beginning of a session. But I, frankly, worry a little bit that we are not putting the proper emphasis on the first day on the economy, how we strengthen the economy, how we help people have jobs by creating jobs. I wish we had some sort of economic growth package proposed by both parties so we could begin the dialog. We will do that soon enough, but education and health care should also be high up on this list. I presume both parties will have proposals that will be presented very soon.

Mr. President, let me shift just one moment now to another area of concern. There have been those in the media and those in the Congress who have been critical of our new President Clinton because he has been, as they might say, breaking his promises. He said one thing in the campaign and now he seems to be saying a different thing.

Let me give my colleagues a different twist on that. When you are campaigning, when you have not been in the Congress, when you have not been in the White House, sometimes things look a little different out there on the campaign than they do when you start confronting realities. I think President Clinton, when he was campaigning, made mistakes.

When he said back in May of 1992 that he would give Haitian refugees asylum and bashed President Bush's policy in that area, he was wrong. Now as he has looked at what might happen with this influx of illegal Haitian boat people coming in to Florida. Perhaps he has realized, wait a minute now, that is not the right way to go. He has changed his position. I say he has moved in the right direction. Give him credit for realizing, perhaps, that was a mistake. He has moved in the right direction.

In the campaign he said repeatedly we were going to have a middle-class tax cut. I love that. I represent middle-income and low-income people in Mississippi. They need help. They need a break. But the realities are, when you are campaigning it is easy to say, but when you get elected you have to deal with realities. The realities are that we cannot afford it. It will add to the deficit. It will compound our problems. It will hurt the economy. So, again, he was wrong in the campaign. Now he is moving in the right direction.

He talked during the campaign, about how we should have a 25-percent reduction in the staffs of Congress and the White House. Maybe we can save some money. We should certainly try to. But a 25-percent reduction was not realistic then; it is not realistic now. It is not realistic for the Congress. It is not realistic for the White House. He was wrong then. He is right now. So at least I give him credit for moving in the right direction.

During the campaign he also promised a 50-percent reduction in the budget deficit over the next 4 years. They all say it. We all say it. Going back over the 24 years that I have been in this city, every 4 years, candidates for President, Republican and Democrat, say we are going to eliminate the deficit, we are going to cut it in half, we are going to attack this monster. And they run smack dab into reality. It was not doable under his plan back in the summer when he was talking about it. You cannot say it was based on economic assumptions that have changed or were wrong. Actually the economic numbers that were available in the fall were very close to where we are. I do commend him for focusing on it, though. He is now saying the deficit, and what it does to the economy, is one of his priorities—maybe his number 1 issue. He is right on that. If he wants to deal with it, if he wants to confront it by cutting spending and reordering priorities, he can sign me up. I will try to help.

If he starts talking about doing it by raising taxes, including gasoline taxes that would be regressive and hurt the middle-income and low-income working Americans—worst of all to raise that gas tax and but it into the black hole of the deficit—no deal. If he wants to do something in that area to help highways and collapsing bridges, airports, railroad beds—we will talk about that. But I think he goes toward attacking the deficit by saying let us just raise taxes, it will not work. It did not work in 1990. I stood on this floor and said in 1990 the budget deal was a no good deal. It was going to raise taxes; it was going to allow spending to go up; it was going to hurt the economy. And it did all of the above. Raising taxes is not the way to go. We have to have the courage to cut spending. If he is ready to do that we ought to be prepared to work with him in a bipartisan way.

Also, the President promised to introduce bills on the first day after he was sworn in, today, to address the economy and jobs. Now he is saying it may be February or March.

I do not think that is unreasonable, frankly. I think he needs a little more time to think about it. But he should not have said he would have it on the first day. I do not think he realized what would go into taking over the Office of President. But, that aside, the economy and job creation is where we all should focus quickly. The clock is running. Every day that passes and we do not address the improvement of the economy and the creation of jobs in this country is a day lost that we cannot afford.

I will sum it up by saying, yes, maybe he is due for some criticism but, in my opinion, he is now moving in the right direction. I hope he will continue to do that and he will present bills that will really accomplish what we would all like to see for our country. Thank you, Mr. President.

Mr. GRASSLEY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. GRASSLEY]. How much time does the Senator wish to yield himself?

Mr. GRASSLEY. Four minutes.

The PRESIDENT pro tempore. Without objection, the Senator is recognized for 4 minutes.

LINE-ITEM VETO

Mr. GRASSLEY. Mr. President, one of those things we can start working on right now is something President Clinton has spoken in favor of because in his State of Arkansas, he has had the tool to use as the Governor, and that is the issue of the line-item veto. I know that my friend in the Chair, the distinguished President pro tempore, has strong feelings on the other side of this issue, but I support the line-item veto. Republicans in this Chamber have led the fight to grant the President explicit line-item veto authority so that the President will have one of the strongest possible tools to establish some discipline in the Federal budget process. Unfortunately, every time we bring up the line-item veto for a vote, our proposal is defeated pretty much on a party-line vote. The refusal to grant the President the power to veto specific appropriations is a betrayal of Congress' public trust since, as any Senator who keeps in touch with his constituents knows, the overwhelming majority of the people in this country support the line-item veto.

In the past, there has seemed little hope for the passage of a statutory line-item veto so long as the majority party held steadfast in opposing it. Now, perhaps, with a new President of the Democratic Party, the picture is different. The new President, like his Republican predecessors, supports a line-item veto and has talked about making it one of his legislative priorities, and I hope he sticks to that promise.

On page 25 of his campaign book entitled "Putting People First," the President says:

> To eliminate pork barrel projects and to cut Government waste, give the President the line-item veto.

Just as it took President Nixon to go to China, maybe President Clinton can get the Democrat leadership in Congress to give him and future Presidents a line-item veto. Hopefully, they will push it through as quickly as possible and support his intentions to do that. If he backs down on his pledge to secure a line-item veto, the American people I think will remember.

Line item veto power is needed along with other reforms because the Federal budget process remains in disarray despite the best efforts of policymakers in the past several years.

Although last year was an exception in that we passed appropriations bills separately, too often it is a typical practice for this Congress to bunch together all the appropriation bills into what we call continuing resolutions or omnibus spending bills. Since this trillion dollar catchall measure is amended and passed in the 11th hour of the legislative session, individual Members are less able to scrutinize each and every detail of the spending bill. This very undisciplined practice also increases the power and the opportunity for a committee or subcommittee chair to include an item that may not otherwise have passed the Congress on its own merits. Under this framework, the President is forced to accept or reject the whole bill that is passed by Congress, including a lot of irresponsible spending proposals.

I am going to put in the RECORD just a small list of those: $25,000 to study the location for a new gym for Members of the House of Representatives; $92,000 to study houses of ill repute in Peru; $12,000 on mooring docks in Pago Pago; $5 million for a parliament building in the Solomon Islands; $8 million spent on the Washington, DC, lottery and charitable games enterprise fund; $400,000 on Arctic goose management; $700,000 for the construction of a Lawrence Welk Museum in North Dakota; $225,000 to build an onion storage facility at the University of Georgia; and $1 million to refurbish a sports stadium in New Orleans.

I will say of that list that I could go on and on and on, but I will not. You can bet that your average taxpayer would say no to their hard-earned money being spent on most of these projects, and that is why a vast majority of Americans support granting the President the line-item veto.

According to the General Accounting Office, a line-item veto would save taxpayers more than $70 billion over 5 years. Let me repeat, it would save $70 billion over 5 years. But the Democrat Congress continues to say "no" to these savings while saying "yes" to increased deficits. It is time for Democrats to get behind their President and support the Republican line-item veto legislation. We must bring our budget under control.

Several Senators addressed the Chair.

Mr. CRAIG. I defer to the Senator from Washington.

The PRESIDENT pro tempore. The Senator from Washington [Mr. GORTON]. How much time does he yield himself?

Mr. GORTON. Five minutes.

The PRESIDENT pro tempore. Without objection, the Senator is recognized for not to exceed 5 minutes.

NOMINATION OF BRUCE BABBITT TO BE SECRETARY OF THE INTERIOR

Mr. GORTON. Mr. President, during the years in which this Senator was privileged to serve as attorney general of the State of Washington, he served with a large number of highly outstanding and thoughtful individuals, including his close friend, the recent Senator from New Hampshire, Warren Rudman, the junior Senator from New Mexico, Mr. BINGAMAN, the junior Senator from Nevada, Mr. BRYAN, and, of course, our outstanding and eloquent colleague, the senior Senator from Missouri, Mr. DANFORTH. Even in that august company, however, Mr. President, this Senator never met or served with a person whom he admired more than he did and does the President's nominee for Secretary of the Interior, Bruce Babbitt of Arizona.

Mr. Babbitt and this Senator became close personal friends, and associates as attorneys general of our respective States. Mr. Babbitt went on to become perhaps the outstanding Governor of the State of Arizona during the course of its entire history. And so, speaking for this Senator, he can express joy and happiness at the nomination by the President of the United States of Mr. Babbitt to be Secretary of Interior of the United States.

To a certain extent, Mr. President, there is a price in making this statement. Mr. Babbitt and I disagreed occasionally during the time that we were attorneys general. We have found ourselves on the opposite sides of issues more frequently since I have been a Member of the U.S. Senate. I know that many of my constituents are concerned about his views on a number of natural resources issues which are of vital importance to them. In fact, it was less than a year ago, Mr. President, that this Senator, perhaps foolishly, agreed to engage in a debate with Mr. Babbitt on the Endangered Species Act on his own home turf in Washington, DC, at the office of the League of Conservation Voters. But even during the course of that debate, my respect for Mr. Babbitt's intellect and ability and thoughtfulness and honesty and character did nothing but grow.

So I express the deep hope and the expectation, based on his time as Governor of Arizona, that Mr. Babbitt will deal thoughtfully and objectively with the natural resources issues which are his as Secretary of the Interior. Though we may differ, we will almost certainly differ in the future on a number of those issues. I commend him to my colleagues in the Senate as perhaps the single individual here who knows him best from a personal standpoint as an outstanding individual and as one whom I believe will listen with great care to the views of others which may not be his own. He is a wonderful nominee, and he should be confirmed.

Mr. CRAIG addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed for 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized for not to exceed 10 minutes.

Mr. CRAIG. I thank the Chair.

(The remarks of Mr. CRAIG and Mr. DOLE pertaining to the introduction of S. 10 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NOMINATION OF ZOE BAIRD

Mr. CRAIG. Mr. President, the other issue I wish to discuss this morning is an important one at this time.

The Senate is deliberating on those nominees the new President has selected to serve him and, therefore, serve the people of this country.

In selecting those men and women now before us in hearing, this new President has established the highest ethics standard in the history of this country. He has said without question that those he selects to serve us, the administration and our citizens, will be without question, beyond question because their records will be exemplary.

I will have to tell you this morning I do not believe that is the case at this moment. A person who has been nominated to serve as the Attorney General of this country has had very serious question brought as to the conduct of herself and her husband. This morning I sent a letter to the Judiciary Committee members, and I also sent a letter to our President because I think it is important that he start on the right foot, that he uphold the ethics standards that he prescribed for the people who will be working under him.

Let me suggest, Mr. President, we are talking about top cop, cop No. 1, in this country, that individual who is going to be the enforcer of the laws of this country and she has now before the Judiciary Committee of this Senate admitted that she violated the law. She knowingly violated the law, at least on one and probably several other occasions, and the argument coming up from down at the other end of Pennsylvania Avenue is to let us get beyond this; "let us put this aside."

No, here is a Senator who cannot do that. There is a principle here, but it goes well beyond that. There is a firm commitment by this President that there is an ethic that we cannot go beyond.

Now, the reason it is important to me is multifold. We have had hundreds of phone calls from the citizens of our State, but we have gone through a very high profile case in our State, Mr. President. A young man who was accused of similar acts has now just had his case brought to a close. He is now a felon in the eyes of the law. He has lost his rights to own a gun. He has lost his rights to vote. Up until the time the INS said you violated the law, he had not had one speeding ticket. That young man happens to be the son of a U.S. Senator. But I will tell you that it is not just the son of a U.S. Senator. It is that there are hundreds of men and women across this country today, small business people, who hire aliens and have to credentialize them within the law, have to determine whether they are legal employees. That is the responsibility of the employer.

This young man did not knowingly violate the law, made a mistake, and, when he did, he went on to pay the taxes because he thought he had done the right thing. But it cost him and his family over a quarter of a million dollars to defend his rights as an American citizen, and in the end they lost. The INS and the Justice Department, the very agency that Zoe Baird is being asked to be the top cop for, spent a half million dollars of taxpayers' money creating the computer program to ferret out the alleged illegal activities of this young man.

Now, I will tell you that is the excessive hand of government, and this young man is a felon today.

Zoe Baird said I violated the law and I know I did, and I did it intentionally.

Are we going to reward her to become the Attorney General of the United States, top cop No. 1, the person who must stand before all Americans as an example of what this country is and what it means and what it ought to be and what this new President has said it will be.

Now, I have asked our President in a letter this morning—and I will not read the text of it; it is a letter to the President from me—Mr. President, if you proceed and if you choose to argue that this individual continue as your nominee for Attorney General and she so becomes, then I am obligated to come forth and ask you to pardon young Dan Symms. And I am going to ask the President to pardon all other citizens in this country who made the mistake and got caught in the web and the tentacles of Federal regulation and paid thousands of dollars to defend their person and lost, because they made a mistake, an honest mistake, no conniving, no manipulation of the law, and not knowingly violating the law.

That is a very important issue for us, Mr. President. I hope that the Judiciary Committee and our President in the coming hours would withdraw the name of Zoe Baird and select another qualified person to serve in the capacity of the Attorney General of the United States. We must take seriously the enforcement of our laws. We must have people who serve as the kind of examples not just for the adults, not just for the young people, but for all Americans who must abide by the law of the land.

I yield back the remainder of my time.

The PRESIDENT pro tempore. The Senator's time has expired, The time under the control of the minority lead-

er has expired. The majority leader has 15 minutes and 50 seconds remaining.

Mr. BINGAMAN. Mr. President, I ask for 4 minutes from the majority leader's time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New Mexico [Mr. BINGAMAN] is recognized for not to exceed 4 minutes.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 4 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BINGAMAN. Mr. President, I yield the floor and reserve the remainder of the majority leader's time.

Mr. MCCONNELL addressed the Chair.

The PRESIDENT pro tempore. The Senator from Kentucky [Mr. MCCONNELL] is recognized.

Mr. MCCONNELL. I ask unanimous consent to proceed for 5 minutes as if in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

Mr. MCCONNELL. I thank the Chair.

(The remarks of Mr. MCCONNELL pertaining to the introduction of S. 7 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MCCONNELL. Mr. President, I yield the floor.

The PRESIDENT pro tempore. Who seeks recognition? What is the will of the Senate?

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may proceed for 15 minutes as if in morning business.

The PRESIDENT pro tempore. The Senate is in a period for the transaction of morning business.

Is there objection to the Senator proceeding for 15 minutes?

The Chair hears no objection, and the senior Senator from Pennsylvania [Mr. SPECTER] is recognized for not to exceed 15 minutes.

Mr. SPECTER. I thank the Chair.

THE INAUGURATION SPEECH AND PROPOSED LEGISLATION

Mr. SPECTER. Mr. President, on this date, January 21, 1993, the first day of the Senate's legislative session, I begin by complimenting the new President, President Clinton, on his inauguration speech yesterday. I thought it was well delivered with a good tone. I especially appreciated his gracious reference to President Bush.

To express one preference: I would like to have seen President Clinton direct more attention to some of the substantive issues facing America. He did speak briefly about the economy, a reference to health care, and some reference to crime control. I would have preferred to have seen more explicit statements on those subjects as well as reference to other matters of tremendous importance such as education reform, environmental protection, trade policy, and perhaps more specifically to direction as to his current thinking on his campaign commitments on deficit reduction.

But now it is up to the Congress to proceed on the matters of great urgency which face this country. And this morning I am going to introduce legislative proposals directed toward two of the subjects: health care and economic recovery.

I was disappointed to note that on the first five bills—reserved by the Democratic side were bills 1 through 5 for the majority party, and 6 through 10 for the Republican minority party—none of the bills addressed by the majority party refer to health care legislation, which in my personal judgment is a substantial oversight.

I am advised that Senate bill 1 refers to NIH reauthorization, bill 2 to voter registration, so-called motor-voter, bill 3 to campaign finance, bill 4 to defense conversion, and bill 5 to family leave.

In light of the tremendous emphasis placed upon health care reform during the great national debate of 1992, I would have thought that this would be an item to be addressed immediately. And it is my hope that legislation will be considered very promptly by the appropriate committees and very promptly by the Senate and the House with a bill to be submitted by President Clinton.

(The remarks of Mr. SPECTER pertaining to the introduction of Senate Joint Resolution 4 and Senate Joint Resolution 5 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, I will today introduce legislation on comprehensive health care which deals with two objectives: First, to cover the 37 million Americans who are now not covered and, second, to reduce the cost of health care for Americans who do have health care at the present time.

My legislation contains some 8 titles, and a floor statement of some 45 pages. I will merely summarize it at the present time.

The essence of the legislation is to make specific suggestions for reducing costs by approximately $112.4 billion from the $830 billion which we currently spend. There are specific indications in the course of this prepared floor statement as to where those savings will come from.

As I note in the prepared statement itself and repeat now, it is virtually impossible to be certain as to exactly what the dollar amount will be, but these are estimates based upon the best knowledge available at the present time with the appropriate source cited. There are new programs which have been suggested in the course of this floor statement which would cost approximately $30.4 billion, leaving a net saving of approximately $82 billion, which would be sufficient to cover the Americans which would not be covered under the extensions provided for in this legislation.

The first title deals with health insurance market reforms and provides among other things for full deductibility for all the self-employed. It is an anomaly that today if the person is an employee, the employer may pay the insurance of the individual and deduct 100 percent of the cost, but if someone is self-employed and has a health plan that may not be deducted at all. It is basically unfair and to advance that deductibility would include many other Americans with a tax break to have that kind of health insurance.

The second title refers to preventative health services significantly devoted to the so-called low birth weight babies. One-pound babies are a human tragedy, to come into this world weighing a single pound, about as big as the size of my hand, and are also a financial tragedy with billions being expended. This correlates with ideas from Dr. C Everett Koop, former Surgeon General.

My legislation providing for payment to teenage pregnant women for prenatal and post-natal visits will be calculated to tremendously relieve human suffering and also enormous financial savings.

Also under this title is an extension of health education being directed in a significant matter to the toddlers age 2 until 4, when the learning habits are very important, and continuing through high school.

The third title relates to the disclosure of information to beneficiaries under Medicare and Medicaid so that beneficiaries will know what the risk factors, alternative procedures, and whether the providers have been subject to censor by the regulatory agencies or for settlement or verdicts in malpractice suits.

The fourth title relates to the patient's right to decline treatment and reduce the delivery of unwanted and unnecessary care by strengthening the Federal law regarding patient self-determination. A legitimate action by the Federal Government would be to prohibit the expenditures of Federal funds under Medicare and Medicaid when the patient has stated in writing the intention not to have those treatments.

The fifth title relates to primary care providers expanding the role of nurse practitioners and physician assistants.

The sixth title relates to managed health care where there is the opportunity to save very substantially, perhaps up to 20 percent, based upon the experience of managed health care in the Medicare Program.

The seventh title relates to cost containment on outcomes research, so that there would be a way of knowing what has been successful in the past and a better guide for the kind of treatment for the future.

Mr. President, this bill has been prepared after very, very extensive consideration and thought. It incorporates new ideas after talking to experts in a variety of fields, enumerated and coalesces a number of legislative proposals which this Senator had introduced last year, Senate bill 1995, Senate bill 3176, and Senate bill 1122, and also my cosponsorship of the work of the Chafee task force.

Mr. President, I now address the second subject, and that is a proposal for an economic recovery which again I think is a matter of tremendous importance on a priority basis.

Again I note my disappointment that none of the first five bills under the control of the Democrats was directed toward the economic recovery. And again, similarly, I note my disappointment that the new President has not moved forward with specific legislation for an economic recovery.

And I comment, Mr. President, about the reduction of political power in this city of ours. The new President has tremendous authority. Some may already have dissipated from November 3, the election date, to January 20, the inauguration date. It is much easier to move ahead with the steam and pressure that the new President has.

The Economic Recovery Act of 1993, which I submit on behalf of myself and the distinguished Senator from New Mexico [Mr. DOMENICI] builds upon a group of five proposals which have gained general acceptance and I think could be promptly enacted.

One relates to the use of the individual retirement accounts, IRA's, penalty free, so that individuals may withdraw up to $10,000 from IRA's without penalty and without tax, providing they are used for homes or for cars.

This legislation was conceived last year when we faced the problem of the impossibility of additional Federal expenditures because of the budget agreement—that is, no additional Federal expenditures without an offset—and noted that there are some $800 billion in funds in IRA's and related Keough's and 401(k) proposals. And this is separate from the $3 to $4 trillion in other retirement accounts.

Estimates have been submitted that as much as $40 to $125 billion would be injected into the economy to provide a real economic stimulus.

Notwithstanding some signs of growth, the substantial indicators show, Mr. President, that we need an impetus for the economy. The $10,000 withdrawal would not be subject to tax in 1993. But 25 percent would be subject to tax in each of the 4 succeeding years, or the taxpayer would have the alternative to repay $2,500 in each year so as to maintain savings.

A second item in this proposed legislation is a $5,000 first-time home buyer tax credit, which is calculated to produce some 415,000 new jobs.

A third item is the 15-percent investment tax allowance.

A fourth item is modification of passive losses so that there is no conclusive presumption that because a person invests in real estate that it comes in the passive loss category.

And the final, fifth, item is the modification of debt finance income rules to facilitate investment in real estate from pension funds.

Mr. President, a third legislative proposal which I am introducing now relates to a constitutional amendment for a balanced budget. We are facing increased deficits and an overwhelming national debt in excess of $4 trillion. The State of Pennsylvania, my home State, has a constitutional mandate for balancing its budget, as does each county and each city in my State. And only the Federal Government issues script and borrows money.

In the early 1980's, the Senate passed a constitutional amendment for a balanced budget by a vote of 69 to 31; and later we were one vote short, 66 to 34. The constitutional amendment for a balanced budget passed in the 101st Congress in the House, and I think that we really ought to move ahead on this important line.

The fourth and final legislative proposal which I introduce at the present time related to the line-item veto, which I consider to be very important. I cosigned a letter, drafted by Senator DOLE, last year to President Bush urging President Bush to exercise the line-item veto under his existing constitutional authority. President Bush declined to do so on the advice of counsel.

It is my legal judgment that there is sufficient authority under the Constitution at the present time. But to eliminate all doubt, Mr. President, this constitutional amendment would provide that express authority. The difference on overriding the line-item veto would be that the Congress could reinstate that item by a simple majority vote.

Mr. President, the Specter-Domenici Economic Recovery Act of 1993 and pushing ahead with the constitutional amendment for a balanced budget and the line-item veto would be substantial steps toward an economic recovery to put 10 million Americans back to work in this Nation.

Mr. SPECTER. Mr. President, I thank the Chair for the allowance of time, and noting that no other Senator is on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been noted.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, is it appropriate for me to introduce a piece of legislation at this moment and speak to it for 5 minutes?

The PRESIDENT pro tempore. Without objection, the Senator may proceed for 5 minutes.

(The remarks of Mr. BIDEN pertaining to the introduction of S. 11 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 1. MIKE ESPY, to be Secretary of Agriculture;

Calendar 2. Robert B. Reich, to be Secretary of Labor;

Calendar 3. Donna E. Shalala, to be Secretary of Health and Human Services;

Calendar 4. Henry G. Cisneros, to be Secretary of Housing and Urban Development;

Calendar 5. Hazel R. O'Leary, to be Secretary of Energy;

Calendar 6. Richard W. Riley, to be Secretary of Education;

Calendar 7. Jesse Brown, to be Secretary of Veterans Affairs;

Calendar 8. Carol M. Browner, to be Administrator of the Environmental Protection Agency;

Calendar 9. LEON E. PANETTA, to be Director of the Office of Management and Budget;

Calendar 10. Roger Altman, to be Deputy Secretary of the Treasury; and

Calendar 11. Alice Rivlin, to be Deputy Director of the Office of Management and Budget.

One of the nominations reported earlier today by the Commerce Committee:

Mr. Federico Peña, to be Secretary of Transportation.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

Mr. President, I add to my request the nomination of Michael Kantor, to be U.S. Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary, for which I ask unanimous consent that the Senate Finance Committee be discharged from further consideration.

The PRESIDENT pro tempore. Is there objection?

The Chair, hearing no objection, the Senate proceeds to executive session to consider the foregoing nominations enunciated by the majority leader en bloc; they are considered en bloc, agreed to en bloc, the motion to reconsider en bloc is laid on the table. Appropriate statements will be placed in the RECORD in accordance with the request and the President will be immediately notified of the confirmation of the nominees.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF AGRICULTURE

Mike Espy, of Mississippi, to be Secretary of Agriculture.

DEPARTMENT OF LABOR

Robert B. Reich, of Massachusetts, to be Secretary of Labor.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Donna E. Shalala, of Wisconsin, to be Secretary of Health and Human Services.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Henry G. Cisneros, of Texas, to be Secretary of Housing and Urban Development.

DEPARTMENT OF ENERGY

Hazel Rollins O'Leary, of Minnesota, to be Secretary of Energy.

DEPARTMENT OF EDUCATION

Richard W. Riley, of South Carolina, to be Secretary of Education.

DEPARTMENT OF VETERANS AFFAIRS

Jesse Brown, of the District of Columbia, to be Secretary of Veterans Affairs.

ENVIRONMENTAL PROTECTION AGENCY

Carol M. Browner, of Florida, to be Administrator of the Environmental Protection Agency.

EXECUTIVE OFFICE OF THE PRESIDENT

Leon E. Panetta, of California, to be Director of the Office of Management and Budget.

DEPARTMENT OF THE TREASURY

Roger Altman, of New York, to be Deputy Secretary of the Treasury.

EXECUTIVE OFFICE OF THE PRESIDENT

Alice Rivlin, of the District of Columbia, to be Deputy Director of the Office of Management and Budget.

DEPARTMENT OF TRANSPORTATION

Federico Peña, of Colorado, to be Secretary of Transportation.

THE EXECUTIVE OFFICE OF THE PRESIDENT

Michael Kantor, of California, to be U.S. Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary.

STATEMENT ON THE CONFIRMATION OF MIKE ESPY

Mr. BAUCUS. Mr. President, I wish to add a few words of support for this nomination. I do so because I believe that MIKE ESPY is the right person for the job. I believe he will strive—successfully strive—to make the U.S. Department of Agriculture the effective, efficient, and farmer friendly agency it ought to be.

OPPORTUNITIES FOR THE NEW SECRETARY

The new secretary joins an administration which is characterized by hope and optimism. The Department of Agriculture should be no exception.

This Secretary has the opportunity to foster greater cooperation between this Department and the others of the administration. Mr. ESPY has the chance to help level the playing field of international trade for agricultural commodities. He will help guide the formulation of agricultural policy to carry American agriculture into the 21st century.

Since the USDA was established in 1862, there have been 24 previous Secretaries of Agriculture. They directed a tremendous growth and diversification. Now, with over 112,000 employees, that growth is probably over but trials will still be found. In fact, with issues like budgets, trade imbalances, and environmental issues at hand, Mr. ESPY may soon envy the job of his predecessors.

CHALLENGES IN AGRICULTURE

This nominee is now poised to become the focal point for an industry which needs help. Prices which are too low. The unavailability of credit. Programs which are sometimes unfair. Trade practices which play favorites. The dictation of agricultural policy from other agencies. These are all potential difficulties you will face.

In States like Montana where agriculture is the dominant economic influence, Mr. ESPY's appointment is met with hope for tomorrow. This hope is based on the expectation of success. An effective Secretary of Agriculture can help shore up the foundation of States like Montana.

CONCLUSION

Mr. ESPY has made a favorable impression on me. He has also made a favorable impression on the committee and on the Nation. I am confident that MIKE ESPY is an excellent choice for Secretary of Agriculture. I look forward to working Mr. ESPY as he helps to create a bright future for agriculture.

STATEMENT ON THE CONFIRMATION OF MIKE ESPY

Mr. LEAHY. Mr. President, it is a pleasure and an honor for me as the chairman of the Committee on Agriculture to take the floor this morning to support the nomination of MIKE ESPY as Secretary of Agriculture.

It is a special pleasure, because this is the first Democratic nominee for this position that I have presented to the Senate since I became chairman of the committee.

But as the events of recent days make clear, this is much more than a time for partisan pleasure.

This is a time for hope. A time of renewal.

MIKE ESPY represents the emotions that we all have felt so deeply in recent days.

The Senate Committee on Agriculture, Nutrition, and Forestry met last week on the nomination of MIKE ESPY to be Secretary of Agriculture. All members attended the hearing, and Mr. ESPY was questioned for over 3 hours. I am pleased that Mr. ESPY has broad bipartisan support from our committee, and I think that all Senators present were both impressed and moved by Mr. ESPY's testimony and response to their questions.

After the hearing, over 100 questions were sent to and have been answered by Mr. ESPY. The responses will be included in the Agriculture Committee's published hearing record. The committee met again on Tuesday and unanimously recommended by voice vote that Mr. ESPY be confirmed as President Clinton's Secretary of Agriculture. This is indeed a great day for American agriculture and rural America.

MIKE ESPY has a strong commitment to things that I believe in—a renewed focus on rural America, support for the family farmer, and investment in nutrition programs, rural development projects, and trade and marketing programs.

We all agree that the world has changed dramatically since our agriculture policies were crafted. Abraham Lincoln's original mission for the Department of Agriculture served the Nation well, and FDR restructured the Department to deal with the problems that faced the United States during the Great Depression. Now it is time for us to make another transition and lead the U.S. Department of Agriculture into the 21st century. USDA must adapt to the new realities of American agriculture and the U.S. economy.

The Department of Agriculture must be revitalized so that it will be in a position to refocus on environmental and marketing issues—issues that are essential to the survival of American agriculture.

A revitalized Department of Agriculture will be a partner with farmers in helping to keep America a world leader in nutrition and food safety, agricultural production, marketing, conservation, and rural development. USDA can again be a driving force in agriculture—a force that when teamed with farmers, can advance American agriculture and agricultural products to the front of world markets that are growing increasingly competitive.

There are a number of key issues that face the new Secretary. The most demanding of which involve nutrition and food safety, agricultural production, conservation and the environment, rural development, trade, marketing, and congressional demands to restructure the Department. The Secretary of Agriculture must lead USDA through what will most likely prove to be a very demanding time.

The new Secretary of Agriculture will have the responsibility of overseeing an $83 billion budget and some 115,000 employees. Managing and revitalizing the Department of Agriculture is a huge undertaking—but I believe President Clinton has made a great choice in nominating MIKE ESPY to be Secretary of Agriculture.

I think that it is of great importance that President Clinton has chosen his long-time friend for this post. As such, Mr. ESPY will be in a position to bring agricultural and rural issues directly to the President—the plight of rural America will be on the Cabinet table and will not be lost in the shuffle.

Mr. ESPY has served his district of rural Mississippi extremely well. He identified their agricultural problems and set about to solve them. He formed an agricultural advisory commission to guide him, and every 2 months the 65,000 farmers in his district got a letter from their Congressman. Such efforts, along with his role in passing legislation to create a Mississippi Delta Commission stand as an example of Mr. ESPY'S understanding of and commitment to rural America.

And we must be committed to rural America—it can wait no longer. As we lose our small family farms, we lose not only our rural heritage, but the economic strength of our rural communities. In my work as chairman I have tried to give a voice to our small family farmers so they have a fighting chance.

I know Mr. ESPY shares this commitment. Family farmers are the backbone of his home district in Mississippi just as they are in my home State of Vermont. I trust he will hold fast to the responsibility of helping small farmers in all of rural America.

I know that the dairy farmers in Vermont have been frustrated at the closed doors at USDA. Their suggestions for dairy reform made sense to both dairy farmers and the taxpayers, but were ignored or opposed by the Department in recent years. I was reassured by MIKE ESPY'S openness to new ideas in this area when we met last week.

MIKE ESPY represents the best of rural America. He is a symbol of positive changes for the Department of Agriculture—the Department that touches each and every American. MIKE ESPY has a rural heritage that will guide him at USDA, and stands as our assurance that rural America will not be left behind.

I admire MIKE ESPY. I admire the work that he has accomplished in the House of Representatives. We broke new ground with the 1990 farm bill, and I look forward to working together with the new Secretary and with the Department.

I am confident that MIKE ESPY is the right person to lead the Department of Agriculture. MIKE ESPY will indeed be the Secretary for Agriculture.

STATEMENT ON THE CONFIRMATION OF DONNA SHALALA

Mr. BAUCUS. Mr. President, I am pleased to support the confirmation of Donna Shalala as Secretary of Health and Human Services. I am quite impressed with Dr. Shalala and her background. She clearly has tremendous energy and dedication. And a real take-charge attitude which I think is terrific.

As an Assistant Secretary for the Department of Housing and Urban Development, she initiated creative and effective programs so that women would receive fair treatment under Federal housing policies.

As president of Hunter College and the University of Wisconsin, she again showed her talent for successfully running large institutions and making them more efficient and effective.

That is impressive. I think it is clear that she has the experience and the creativity to not only oversee, but also to improve the Department of Health and Human Services.

The new Secretary of Health and Human Services faces a difficult road ahead. Many experts believe our health care system is in crisis. Medicare and Medicaid costs are soaring; more and more working Americans are being priced out of the health care system; the United States has one of the lowest immunization rates among industrialized countries; and Americans living in rural areas have less and less access to health care.

I believe that our health system needs comprehensive reform. The new Secretary of HHS likely will play a large role in the crafting of national health reform legislation this year.

I share President Clinton's goal to reform our health care system this Congress. I also support many of the same health reform concepts.

I am a strong supporter of controlling health costs by combining managed competition and global budgeting. We are the only industrialized country that fails to budget our health care spending. And this is a major reason why we spend so much more than other countries on health care even though our health statistics are lower.

However, I have two major concerns. First, I am concerned about how rural areas, like Montana, will fare under comprehensive health reform. I hear a lot of talk about managed competition. But what will happen in areas where there are not any doctors to compete? Or if reimbursement rates are set too low so that needed rural hospitals are forced to close?

Rural areas face unique health care problems. It is not enough to increase the number of people with health insurance. National health reform must address the delivery and access problems faced in rural areas.

National health reform can be a tremendous improvement for rural areas if it is structured correctly. I urge Dr. Shalala to pay close attention to rural health care needs as she moves forward on health reform legislation.

I am also concerned about setting up a different health insurance system for small businesses than for large businesses. If we are going to create a managed competition system, then our health reform plan should ultimately lead to everybody playing by the same rules. Large businesses should be as much as part of a managed competition system as smaller businesses.

This is the first time in decades that the Government will have a chance to enact comprehensive health reform. What I am saying is that we may not get another chance. So we should do it right this time.

But it is not just with national reform that I am concerned about the treatment of rural areas. There are many pressing problems facing rural areas right now which could be alleviated through improved public policy.

According to the General Accounting Office many rural hospitals, which are the sole health providers in their area, will face financial problems from losing money on Medicare patients.

People living in rural areas are more likely to be uninsured than urban residents. And rural areas continue to face a desperate shortage of health professionals and resources.

In Montana the statistics are truly alarming. About 20 percent of Montanans have no health insurance. Eight of our 56 counties have no physician and almost half of our counties have no physician who will deliver a baby.

Federal policy can and should be targeted to alleviate these serious problems. Dr. Shalala and I discussed elevating the Director of the Office of Rural Health Policy to the status of Deputy Secretary. I strongly support this view and urge Dr. Shalala to implement this proposal.

While we are all working together on national health reform, I will also be working on rural health care legislation to address these immediate health delivery problems in rural areas. I hope to work with Dr. Shalala on these issues in the future.

Mr. President, I am pleased that President Clinton chose Dr. Shalala to be Secretary of HHS. With her experience, energy, and creativity, I am sure she will make HHS more responsive to the needs of the American public.

I wish Dr. Shalala well and look forward to working with her in the future.

STATEMENT ON THE NOMINATION OF HENRY G. CISNEROS

Mr. RIEGLE. Mr. President, I support the nomination of Henry G. Cisneros as Secretary of Housing and Urban Development. I believe President Clinton's selection of Mr. Cisneros as Secretary is an excellent choice. As the first Hispanic mayor of a major U.S. city, Mr. Cisneros demonstrated vision and innovation in addressing the problems of the city of San Antonio. He possesses a wealth of hands-on experience in urban policy and problem-solving. As chairman of the Committee on Banking, Housing and Urban Affairs, I look forward to the opportunity to work closely with Mr. Cisneros to enhance the vitality of our distressed communities.

According to the 1990 census, more than half of our Nation's population lives in urban areas. Yet, today our cities face increasingly difficult problems. The policies developed by the 103d Congress will have a direct impact on the quality of life of all Americans for many years to come:

The initiatives we adopt have the potential to boost our economic prosperity. The United States spends less of its gross domestic product on infrastructure than 54 other countries. As a result, 23 percent of our bridges and 10 percent of our roads—many of which are in urban areas—are structurally deficient. Furthermore, recent studies have shown that a weak urban core drags down the economy of the entire metropolitan area. By the year 2000, minorities concentrated in inner cities will provide 57 percent of new work force entrants.

The solutions we find to the problems of our inner cities will affect the safety and quality of life for all Americans. Since 1980, violent crime increased nearly 33 percent. The risk of a teenager being murdered has doubled since 1985. And, in 1990, the leading killer of young blacks aged 15 to 25 was violence. Lack of economic opportunity is a key cause of violence. Since the mid-1970's, blacks have suffered consistent double digit unemployment and black teenage unemployment has topped 30 percent. Today, 10 percent of the work force—over 16 million people—are unemployed, underemployed, or so discouraged they've stopped looking for work. If we want to build strong and safe communities, we must ensure there are opportunities for all.

The course we navigate will determine the future for millions of American children. Thirty percent of children under the age of 6 live in poverty. One-fourth of the babies born in inner city hospitals are drug addicts at birth. Furthermore, half the children in many inner city neighborhoods are not vaccinated against serious and preventable diseases. And, between 40 and 50 percent of children in schools drop out before they graduate. If we want our children to have the opportunity to play productive roles in society, we must create an environment where they can grow and thrive.

The answers we find will impact the ability of millions of families to prosper. It is estimated that 5.1 million very low-income families pay more than half of their income for rent or live in substandard housing. In addition, three-quarters of a million people are homeless on any given day. These conditions squeeze the incomes of families so tightly they cannot afford other necessities including food, clothing, and medicine. If we want strong families, we must ensure that the hurdles to their survival are not insurmountable.

I believe Mr. Cisneros possesses the leadership to address not only the housing needs of our Nation, but the urban development component of the Department of Housing and Urban Development. The Nation needs a centralized and coherent strategy to address the challenges facing the inner cities. Programs to aid urban areas are under the jurisdiction of over 10 different agencies and departments, yet there is no mechanism to promote sharing of information and coordination of policy among these agencies. Last week, several members of the Banking Committee and I sent a letter to President-elect Clinton recommending Mr. Cisneros to lead such an effort which I ask to have printed in the RECORD.

I strongly support the nomination of Henry Cisneros. As I have stated I believe he will make an excellent Secretary of HUD and I encourage the Senate to act favorably and immediately on his nomination.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON BANKING, HOUSING,
AND URBAN AFFAIRS,
Washington, DC, January 14, 1993.

Hon. BILL CLINTON,
President-Elect, Presidential Transition Office, Washington, DC.

DEAR MR. PRESIDENT-ELECT: We are writing to urge you to create a formal mechanism within the White House to coordinate all federal programs affecting urban areas and to develop a coherent national policy to address the problems confronting our cities.

A central theme that arose during the Senate Banking Committee's hearing on the confirmation of Henry Cisneros to serve as Secretary of Housing and Urban Development was the nation's desperate need for a unified strategy to address the challenges facing its urban centers.

An effective national urban policy must take into account the complex relationships among the various challenges facing our cities and the various federal programs designed to address those challenges. Housing and community development programs, other economic development programs, crime and drug prevention efforts, job training programs, transportation programs, programs to provide health and human services, and tax policy, all have impacts on one another and on the urban environment.

Currently, no mechanism exists to facilitate sharing information among the more than ten agencies responsible for programs with urban impact, and to ensure their effective coordination. We therefore recommend that you create such a formal coordinating structure and place it under the leadership of the Secretary of Housing and Urban Development.

We urge your prompt attention to this recommendation which we believe is central to developing the most effective federal response to the social and economic crisis that confronts our cities and to getting maximum impact from the national resources we are able to apply.

Sincerely,

Donald W. Riegle, Jr., Chairman; Paul S. Sarbanes; Christopher J. Dodd; Jim Sasser; John F. Kerry; Alfonse M. D'Amato; Christopher S. Bond; Robert Bennett; Richard H. Bryan; Barbara Boxer; Carol Moseley-Braun; Patty Murray; Ben Nighthorse Campbell.

STATEMENT ON THE NOMINATION OF HENRY CISNEROS

Mr. D'AMATO. Mr. President, I am pleased to offer my support for the confirmation of Secretary-designate, Henry Cisneros for the Department of Housing and Urban Development. As ranking minority member of the Committee on Banking, Housing, and Urban Affairs, I have had the opportunity to hear Mr. Cisneros present the ideas of what the incoming administration plans to do in addressing the housing concerns of our Nation. I feel confident that by continuing bipartisan efforts, we can make a difference in our urban centers, in our rural towns, and in our suburban communities.

I would be remiss if I did not acknowledge the strong bipartisan cooperation on housing policy that we have enjoyed in the Senate with Secretary Jack Kemp. Secretary Kemp brought innovation and insight to our dialogue on housing and inner city issues facing this country. Thanks to Jack Kemp, we can never view problems facing our inner cities again without recognizing the need to provide individuals with opportunities to better themselves, own their own homes, and have a stake in their own communities. I hope that Mr. Cisneros will continue to work toward the goals set out by Secretary Kemp. I speak both of the Secretary's HOPE Program which allows residents of public housing to realize the dream of homeownership and his strident advocacy of enterprise zones.

If we are to undertake a concerted effort to rebuild the depressed areas of our cities and create sound and attractive neighborhoods, there is no question that housing will be a key component of any Enterprise Zone Program. People must not only be given incentives to work in urban areas but they must also want to live there.

This Congress will look for leadership from the Secretary of Housing and Urban Development in many areas including maintaining the health of the FHA insurance funds while balancing the desire to assist low and moderate income home buyers. The Secretary should make the elimination of drugs in federally assisted housing a top priority. Scarce resources such as CDBG dollars and elderly and handicapped housing funds must be maximized. Focus on safety and security issues, such as requiring smoke detectors in federally assisted housing, must continue. Elimination of wasteful practices, such as lump-sum relocation payments for residents of public housing, should become standard practice.

I believe that with Mr. Cisneros as Secretary of Housing and Urban Development, we can and will make a profound difference in the lives of those who live and work in our Nation's urban centers, rural towns, and suburban communities. I look forward to working closely with him and his staff in continuing bipartisan cooperation on housing policy.

STATEMENT ON THE NOMINATION OF HAZEL ROLLINS O'LEARY

Mr. JOHNSTON. Mr. President, today I am pleased to recommend to the Senate confirmation of Hazel Rollins O'Leary to be Secretary of the Department of Energy. Mrs. O'Leary is an excellent choice for Secretary of Energy. She has a strong background in the energy business, and she will bring to this position her experience in both the Federal Government and the private sector. Her experience in business in the private sector will bring a healthy and fresh perspective to the Department of Energy.

I feel confident that Hazel O'Leary is up to the task of taking on the Department of Energy. If anyone can succeed at this position—and solve the many problems facing the Department—I am certain that Hazel can.

The position of Secretary of Energy is one of the most important jobs in the Federal Government. The Department of Energy has a critical role to play in the administration's plans for economic recovery as well as its traditional role in the development and maintenance of energy supply for the future. Development of a sustained and balanced energy policy—coupled with careful utilization and management of the assets of the Department of Energy—will be critical to the administration's near-term efforts to stimulate economic growth and international competitiveness.

The position of Secretary of Energy will also be a very challenging one. It will take strong management skills and a strong will to get things done. It will take a commitment to developing a balanced energy policy that recognizes the need for both efficiency measures and a diversity of supply. It will require an ability to juggle at the same time the many issues facing the Department that are not strictly related to energy supply.

There are many daunting tasks that await the Secretary of Energy—cleanup of the nuclear weapons complex, effective management of the civilian nuclear waste program, and development of an effective partnership between the national laboratories and private enterprise, to name just a few of them. The nuclear weapons complex, civilian nuclear waste, and the national laboratories account for a significant portion of the Department of Energy's annual budget. Each of these areas will present the Secretary of Energy with a significant and unique challenge.

One of the most important tasks facing the Secretary of Energy will be managing the cleanup of the environmental problems of the Department's nuclear facilities. Estimates of the total cost of cleanup range as high as $150 billion. Annual expenditures are in the range of $5 billion. One of the most difficult challenges in this program will be to establish priorities for cleanup that will ensure that the worst environmental problems are cleaned up first. In establishing priorities, it will also be necessary to develop realistic and sensible standards for cleanup and to make decisions on the extent of cleanup and schedules for cleanup based upon the risk involved.

Equally important to success at the Department of Energy will be effective management of the civilian nuclear waste program. Mrs. O'Leary will bring a fresh perspective to this issue. She has seen first hand the problems of the nuclear waste program from the perspective of a utility customer. She has felt the frustration of the waste of money in this program and knows all too well the need for improvements in its management. With each year, this program gets more expensive and its schedule for completion gets further away. We simply must structure this program in a way that it can succeed on a timely schedule.

The Department of Energy is the Federal Government's largest employer of scientists and engineers and owns the Nation's premier laboratories and facilities for basic science. These laboratories—and the Department's role in science—have evolved over time from a primary emphasis on nuclear weapons development to a broader role in the development of technology across the full spectrum of fundamental sciences. These laboratories are on the brink of change in how they operate. Properly managed, the tremendous assets of the national laboratories can ensure the continued preeminence of American science while also making a major contribution to the administration's efforts to stimulate economic growth and competitiveness. To accomplish these goals, we must develop an effective partnership between the national laboratories and the private sector.

Competition for Federal dollars for science throughout the Federal Government will be keen over the next several years. The Department has within its purview some of the most advanced facilities and programs of the entire Federal Government. Many of these programs have the potential both to keep the United States at the forefront of science and to enhance U.S. competitiveness. As competition for Federal dollars becomes more fierce, the administration will have to develop priorities for science. The Department will need to play a key role in the development of those priorities.

Finally, the Energy Policy Act of 1992 contains major new initiatives and far-reaching provisions affecting almost every aspect of energy policy. Effective implementation of these provisions will be a challenge, and there will be severe competition for limited Federal dollars. The Secretary of Energy will need to find the right balance and level of support for these programs. The Energy Act provisions in energy efficiency, renewable energy, alternative fuels, and global climate policy, taken together with the Clean Air Act amendments, represent the most significant programmatic response by any nation to the Treaty on Climate Change signed in Rio. Success at the implementation of these provisions will be especially important.

Mr. President, I look forward to working with Mrs. O'Leary and the Clinton administration on energy issues, and I urge strongly the prompt confirmation of this nominee.

STATEMENT ON THE NOMINATION OF HAZEL O'LEARY

Mr. BAUCUS. Mr. President, I wish to add a few enthusiastic words of support for this nomination.

The new Secretary takes charge of an agency whose mission is as diverse as it is important. The Department of Energy's role as energy provider to many communities and businesses in Montana underscores the impact which that agency has on the everyday lives of millions of Americans.

The importance of the DOE to my State was underscored several weeks ago when the Bonneville Power Administration announced a temporary 25-percent cutback in energy to its direct service industry customers. In real terms, BPA's actions mean that workers are laid off and that the long hoped for economic rebound in Montana's aluminum industry will not come about in the near future.

The new Secretary of Energy will face the challenge of ensuring that States like Montana are provided with accessible and affordable power. The lack of either clearly hampers our ability to be productive and contribute to any kind of economic recovery.

Having met Ms. O'Leary, I am sure that she is up to the task. The vitality and knowledge which she brings to the position is a real benefit to the Department of Energy. I am confident that Ms. O'Leary is an excellent choice for

Secretary of Energy, and I look forward to working with her.

STATEMENT ON THE NOMINATION

Mr. WALLOP. Mr. President, I rise in support of the confirmation of Mrs. Hazel O'Leary as Secretary of Energy. In nominating her as Secretary of Energy, President Clinton has selected someone with solid qualifications.

Mrs. O'Leary brings to the Department of Energy two decades of experience as both a regulator and as the regulated. She has served within the Department as assistant administrator for Conservation and as Administrator of the Economic Regulatory Administration. In this capacity she has firsthand experience with heavy handed government price regulations that did not work. As Mrs. O'Leary observed in her statement before the Energy and Natural Resources Committee yesterday, in the private sector she was aware of the importance of a strong and resilient energy policy, one that protects the environment but which also maximizes the Nation's demand and supply-side options and sustains economic growth.

The Department of Energy is at a critical juncture in its history. With enactment of the 1992 Energy Policy Act, the 102d Congress and the Bush administration redefined DOE's charter and set it on a course to meet the challenges of the next century. Whether it gets there or not rests on the leadership of the next Secretary of Energy.

The Energy Policy Act of 1992 contains many of the necessary reforms to assure sustainable economic development. This bipartisan agreement recognizes that an expanding national and global economy requires that America rely both on energy production and increased efficiency and conservation.

From this perspective I was encouraged by Mrs. O'Leary's December 12 acceptance remarks when she stated:

> Our energy policy decisions are central to creating jobs, to maintaining the health of our nation's economy, and to improving the quality of our environment. The experience that I have has taught me that balance is essential in effective public policy, and most essential in making energy policy. We've got to utilize the wide range of demand-side and supply-side options to ensure adequate supplies of energy resources at reasonable and environmentally correct costs.

She then observed:

> That eventually we are going to discover that there are natural and physical limitations to efficiency, conservation and renewables. People will come to realize that you need a supply strategy as well.

This reality is reflected in the Energy Policy Act of 1992 which provides a long-term, comprehensive, and consensus-based energy policy for the United States. The act sets forth an energy strategy that will further our national security, create American jobs, help our balance of payments, and lessen our dependence on foreign energy markets and international cartels.

But the challenge does not stop there. The responsibilities of the Secretary of Energy are not limited to just the administration of a national energy policy. They extend to administration of our national laboratories, the crown jewels of our Nation's scientific research capabilities, and administration of the Federal Government's nuclear weapons production facilities.

The environmental issues associated with the operations and decontamination of these facilities are numerous. Many of these facilities are more than 45 years old. Under Admiral Watkins, significant steps were taken to bring this situation under control; however, the task of bringing them into compliance with contemporary environmental requirements will confront the Department for many years.

The role of the Secretary within the decision making process in the Clinton administration is pivotal to the success of all of these missions. During her testimony and in her answers for the record, Mrs. O'Leary demonstrated her experience in dealing with the ongoing balancing act among and between legitimate environmental interests and concerns, and legitimate energy or economic concerns.

As the Secretary of Energy, she will be called upon to be the voice of reason in many contentious debates. As we all know, some of the ideas are just plain stupid; for example, such misguided proposals as a carbon tax will have significant, adverse employment, energy, and trade competitive implications for the United States. Similarly, proposals to eliminate development of advanced, passively safe, nuclear reactor designs are shortsighted and exhibit a lack of vision for the long-term energy security and environmental well-being of the Nation.

Too often we overlook the economic, social, and energy costs of our environmental policies. By our failure to consider the cost-effectiveness of our policies we incur an unnecessary dampening of the marketplace and a loss of competitiveness internationally. A reconciliation of environmental and energy policies is needed in order to assure sustainable economic development and international competitiveness.

Mr. President, significant benefits can be derived from the United States export of new energy technologies such as clean coal technologies as well as renewable and energy efficiency technologies. The 1992 Energy Policy Act, for the first time, places significant responsibilities in the Secretary of Energy in this regard. Now priority must be given to establishment of the necessary interagency mechanisms if the United States is going to realize the full economic, employment, and trade potentials of these technologies.

Among the critical issues which will immediately face Mrs. O'Leary as Secretary will be implementation of the Uranium Enrichment Corp. statutes. The administration also needs to conclude the arrangements necessary for DOE's purchase of weapons grade uranium from Russia.

Equally important is the timely characterization of the nuclear waste site at Yucca Mountain. The Federal Government needs to fulfill its commitment to the American people to provide for the long-term disposal of nuclear waste. It is critical that evaluation of the suitability of the Yucca Mountain site proceed as expeditiously as possible.

Other critical issues of concern to me are the issues surrounding energy consumption; initiatives in the areas of energy supply and production; and technology transfer.

In addition, there are the Department's nuclear weapons programs. These programs require a special expertise that is not reflected within Mrs. O'Leary's areas of experience. It therefore is critical that she have access to the necessary expertise and advisers so that she can affectively carry out her national security duties and responsibilities.

Mr. President, I would observe that our Nation has made significant progress in the formulation of a national energy strategy since the shortages of the 1970's. We have learned that the command-and-control policies of that period did not work. The Energy Policy Act of 1992 reflects that experience. Congress and the administration must resist the temptation to again try to dictate specific human behavior.

Let me say, Mr. President, that I do not envy Mrs. O'Leary the task ahead. However, she brings to the position a wealth of experience and knowledge. As we move forward I am confident that we can do so together as partners, with candor and cooperation as our hallmark. I recommend her confirmation. She is an excellent choice.

STATEMENT ON THE CONFIRMATION OF RICHARD RILEY

Mr. PELL. Mr. President, I rise in strong and enthusiastic support of the nomination of Richard Riley of South Carolina to be the Secretary of Education. This is a nomination we should confirm with dispatch.

I will be brief in my remarks on Governor Riley's behalf. Let me say at the outset that the fact that President Clinton has chosen a friend and former colleague underscores the fact that education will be high on the new administration's agenda. It is clear that its concerns will be heard in the highest levels of our government.

Richard Riley is an individual of very considerable talents. He has served South Carolina as State representative, State senator, and for two 4-year terms, Governor. Throughout his governorship, education was a major priority. He fought hard for educational reform, and he won. He fought hard for increased education funding, and he won. He fought hard for better teacher training and improved instruction in basic skills, and he won. In short, he was truly an education governor.

On three different occasions Governor Riley was given the South Carolina Friend of Education Award. To earn such an award once is a considerable accomplishment; to have it happen three times is remarkable.

American education is at a crossroads. Either we move to make excellence the byword of education, or resign ourselves to mediocrity. Either we move to insure that American education responds to the need to keep our Nation competitive, or resign ourselves to second-class status. Either we invest in education, or resign ourselves to an underfunded and inadequate education that cannot spur this nation forward. The choice may seem to be an easy one, but we are all too painfully aware that rhetoric is not enough * * * that actions speak louder than words.

In President Clinton we have someone who has demonstrated his commitment to education time and time again while he was Governor of Arkansas. His friend, Richard Riley, has done the same as Governor of South Carolina. We now have the chance to team them together, and to bring to education the one-two punch it needs at the national level.

I urge my colleagues to join me in confirming Richard Riley as the next Secretary of Education.

STATEMENT ON THE NOMINATION OF LEON PANETTA AND ALICE RIVLIN

Mr. DOMENICI. Mr. President, I rise in strong support of the confirmation of LEON PANETTA to be Director and Alice Rivlin to be Deputy Director of the Office of Management and Budget. I have known and worked with these two very capable candidates for over a decade.

I think the President has made an excellent choice in selecting the former chairman of the House Budget Committee as his OMB Director. Few bring such a strong familiarity with the scope and dangers associated with this Nation's fiscal problems. Moreover, Mr. PANETTA fully understands the complexities of our budget processes and brings unique skills to address the most serious long-term economic problem facing our country—the budget deficit.

Combined with Dr. Rivlin's skills and experience, particularly as the first Director of the Congressional Budget Office, the President has chosen an excellent team to head up OMB.

The Senate Governmental Affairs Committee was gracious enough to allow me to attend their hearings on Mr. PANETTA's and Dr. Rivlin's nominations. I was impressed with their commitment to make a major reduction in the budget deficit, particularly their recognition that we must confront mandatory spending as part of the solution.

Mr. President, none of the choices for deficit reduction are easy. This problem requires strong Presidential leadership and a bipartisan solution.

STATEMENT ON THE NOMINATION OF RICHARD W. RILEY

Mr. JEFFORDS. Mr. President, I rise in support of the nomination of Richard W. Riley to the Office of Secretary of Education. Governor Riley comes with high credentials and an impressive record. Beyond his documented success as a governor with a commitment to education, Mr. Riley's possesses the unique ability to work well with others which will serve him well in his new position.

As Governor, Mr. Riley gained his reputation as an ardent supporter of education. During his tenure, he initiated a comprehensive, nationally recognized education reform package for his State of South Carolina. He has had to deal with the tough issue of college desegregation and has had a strong record of education funding during his tenure as Governor.

I am anxious to work with Mr. Riley as Congress embarks on a full agenda of education reform in the upcoming session. Among those issues is the reauthorization of the Elementary and Secondary Act. Clearly, his understanding of these issues will bring great insight to the proposals now being considered for education reform. Furthermore, the recommendations of the National Commission on Responsibilities for Financing Postsecondary Education will be announced on February 3. The Commission's report has proposed significant reforms for the financing and restructuring of higher education. We can expect big changes and I look forward to working closely with the Secretary-designate.

I am also pleased that Mr. Riley will be assisted by a good friend of mine, Gov. Madeline Kunin. Governor Kunin has been nominated for the post of Deputy Secretary of Education. I can think of no one more qualified than she to assist in the process of reform and change. Her record in Vermont speaks for itself and I hope we can move swiftly with her confirmation.

This is an exciting time for the education community. I can think of few individuals more qualified than those nominated by our new President to assist in the vital work of education reform.

STATEMENT ON THE NOMINATION OF MICKEY KANTOR

Mrs. KASSEBAUM. Mr. President, I want to express concern about the nomination of Mickey Kantor for U.S. Trade Representative. In particular, I have serious reservations about his lack of experience and the potential conflict of interest between his private career as a lobbyist and this new position.

President Clinton has highlighted trade issues as central to our own renewal. As he stated in his inaugural address, we are living in a world where communications and commerce are global—we are living in a world in which we must compete for every opportunity.

I certainly agree with President Clinton's perspective, and it is for this reason that I am concerned that Mr. Kantor does not have a strong enough background in trade issues to hit the ground running. Given the challenges before us in the trade area from friend and foe alike and given the close integration between trade and our foreign and domestic policies, I believe experience is critical for this nomination.

While Mr. Kantor is clearly a very capable lawyer, it is still unclear after his hearings what his trade views are and what our trade policy will be. We cannot afford to lose time and, as President Clinton has said, opportunities, while our Trade Representative gets up to speed.

I am also very concerned that questions regarding potential conflict between his veteran lobbying career and the position of U.S. Trade Representative have not been fully answered. For example, Mr. Kantor and his firm Manatt, Phelps, Phillips & Kantor had represented Japanese firms involved in semiconductor and auto issues.

While nothing was raised during the hearing process that would have disqualified Mr. Kantor for the job, I believe the approval of this nomination places responsibility directly in the hands of the President to make clear to the American people what our trade policy will be and how we will effectively tackle the vast challenges before us in this area.

STATEMENT ON THE NOMINATION OF DONNA SHALALA

Mrs. KASSEBAUM. Mr. President, I would like to offer my support for Donna Shalala as Secretary of Health and Human Services. Dr. Shalala is a woman of undisputed talent, with an impressive record of varied public service—both inside and outside of government.

Taking the helm of the huge and often unwieldy HHS bureaucracy will require every ounce of her much-praised abilities as a forceful and effective administrator.

Of all the challenges facing the next HHS Secretary, none is greater than the urgent need to develop comprehensive national health care reform. I and many on my side of the aisle are very interested in working with Dr. Shalala and the incoming administration in the development of a bipartisan, responsible reform program.

I was very encouraged by a statement Dr. Shalala made at the time of her nomination in which she vowed to "energize that huge HHS bureaucracy to demonstrate that Government can be sensitive, caring, and accountable." One of my own priorities in the coming session will be to pursue ways in which the vast bureaucracy at HHS can be reformed to assure better efficiency and return on taxpayer dollars.

Perhaps nowhere is the lack of Federal program coordination more starkly evident than in the area of children's services. The Federal Government spends hundreds of billions of dollars on income support, nutrition, social service, education, health, and housing programs designed to provide support to children and their families. And yet, our many different programs exist at best as an inadequate patchwork, with little coordination or integration.

A priority of mine in the coming Congress will be to try to rethink the way we provide assistance to children and their families, then create a response that makes more effective use of our resources.

I very much look forward to working with Dr. Shalala in the critical months and years ahead.

STATEMENT ON THE NOMINATION OF ROBERT REICH

Mrs. KASSEBAUM. Mr. President, I would like to express my support today for the confirmation of Robert Reich as Secretary of Labor. I have listened to Mr. Reich's testimony before the Labor and Human Resources Committee, and believe that he has the vision and skill necessary to lead this important Department.

Over the past decade, Mr. Reich has been at the forefront of innovative ideas on job training, economic transition, and global competition. He has written extensively on these and other subjects, and I compliment him for his contribution to these areas.

Mr. President, one part of nurturing our work force is promoting economic opportunity through private sector job creation. Mr. Reich has spoken frequently about assuring that our workers are prepared to take advantage of economic opportunity by increasing their job skills. But let us remain committed to the ultimate goal—job growth. All the preparation in the world will not help our workers if no jobs are available at the end of their training. I hope that Mr. Reich is committed to this effort.

In addition, I urge Robert Reich to focus on reshaping the Department of Labor. Unfortunately, many of the programs at the Department, especially job training programs, lack focus and coordination. In 1991, we spent $16 billion on 125 job training programs at the Departments of Education and Labor. I hope that we can reorganize our Federal Government to make sense of these programs. Along with our members of the Labor Committee, I look forward to working with Mr. Reich on reshaping the Labor Department.

STATEMENT ON THE NOMINATION OF RICHARD RILEY

Mrs. KASSEBAUM. Mr. President, I am pleased to offer my support for Gov. Richard Riley for Secretary of Education. I am genuinely looking forward to working with him. I had the pleasure of meeting with Governor Riley a few weeks ago and of talking with him further at the confirmation hearing last week. I am pleased and encouraged with what I have heard so far from him. Certainly, his record on behalf of school reform in South Carolina speaks for itself.

Governor Riley has a healthy respect for State and local control of our schools. He stated that he is committed to the decentralization of the Nation's education systems and that one of the main aspects of education reform is giving citizens a feeling of ownership of their public education system and their children's destiny. He also said that he is a strong believer in States controlling their own destiny in education.

In addition, when questioned about a Federal role in school finance equalization, he expressed reservations about the advisability of the Federal Government trying to deal with this complex State legal issue and indicated that it would be more appropriate to provide information and leadership to try to encourage States to take action themselves.

I find it reassuring that he feels a direct loan pilot is the right approach and indicated that he wanted more information about direct loans before he would consider replacing the entire student loan program with direct loans. Whether we should switch over to a full-scale direct loan program is a very serious question. Since I have grave reservations about the wisdom of adopting such a plan, the ability of Federal Government to manage such a program, and the accuracy of the cost savings, I was heartened to see that Governor Riley was not rushing into this decision.

Although I have concerns about the current national testing movement, I agree wholeheartedly with the Governor that any tests that the Federal Government helps develop or endorses should only be tests which help the student. He assured me that he is opposed to tests which are used for political purposes, to make a point, to put on a wall, or to belittle or drive students. I could not agree with him more. I also agree with Governor Riley that any national education standards that the Federal Government helps develop or endorses should be voluntary.

Finally, I share Governor Riley's view that we need collaboration and coordination across jurisdictions, agencies, and government programs. And most importantly, I share his hope that the bipartisanship that marked President Clinton's and his approach to education policy in the past will continue.

STATEMENT ON THE NOMINATION OF FEDERICO PEÑA

Mr. BAUCUS. Mr. President, I wish to speak in strong support of this nomination. I believe Mr. Peña possesses the intellect, experience, and drive to make the Department of Transportation an example of Federal Government at its best.

As chairman of the Senate Environment and Public Works Committee, I am particularly interested in the manner in which the Department of Transportation shapes our country's surface transportation policy during the next 4 years. In my home State of Montana, surface transportation, particularly highways, is of paramount importance.

The new Secretary will face the challenge of being a strong advocate for the unique transportation needs of each and every State. Fortunately, the Intermodal Surface Transportation Efficiency Act [ISTEA] of 1991 goes a long way in providing for the many different surface transportation requirements in the country.

I would encourage the new Secretary to take note of the forward looking nature of ISTEA and use it as a model for setting the surface transportation goals of the Department of Transportation. This act is literally a recipe for meeting this Nation's transportation needs in the 21st century.

I have met with Mr. Peña and am most impressed. I believe the Environment and Public Works Committee was equally impressed. I look forward to working with you, Mr. Peña, and wish you the best of luck.

STATEMENT ON THE NOMINATION OF HAZEL O'LEARY

Mr. CRAIG. Mr. President, I will vote to confirm Hazel O'Leary as Secretary of Energy. She is a women who possesses the capabilities and the desire to manage the complex problems that will face the Department of Energy.

In her responses to questions before the Energy and Natural Resources Committee, she expressed the administration's intent to open a high-level nuclear waste repository and to assure the waste isolation pilot project is tested for suitability for long-term waste disposal of plutonium contaminated wastes. This is good news for all Idahoans and the Nation as a whole. I encourage the Department of Energy to move forward with haste on both of those proposals.

As a person familiar with the nuclear industry, she recognizes the growing problems surrounding the issue of commercial nuclear waste. Several weeks ago, the Department of Energy suggested that, due to the difficulties associated with the development of a repository and MRS's, there is a possibility that our national labs and other Federal facilities would have to begin storing commercial waste sometime in the future.

While this statement was based on a reading of the Nuclear Waste Policy Act, let me say very clearly that this is not an acceptable option. I am speaking for Idaho's congressional delegation and our Governor when I say Idaho must not become a storage site for commercial waste.

It is good to know the administration views the National Laboratories as a precious resource that will be a central element in efforts to develop new technologies to stimulate long-term economic growth. Those labs offer some of the finest science and technology that this Nation possesses. In the case of the Idaho National Engineering Laboratory, I have seen first hand the ability of the labs to apply basic science to solutions of complex problems in the real world. It is this type of work at the labs that must be fostered and increased in the future.

Ms. O'Leary should be confirmed by this body.

STATEMENT ON THE NOMINATION OF HAZEL O'LEARY

Mr. THURMOND. Mr. President, I rise today in support of Hazel O'Leary to be Secretary of the Department of Energy. Ms. O'Leary will bring to this position both industry experience and knowledge of Federal Government operations.

Ms. O'Leary graduated from Fisk College and received her law degree from Rutgers University School of Law. She served in both the Carter and Ford administrations as a utility regulator at the Department of Energy and its predecessor, the Federal Energy Administration. She was vice president of an energy consulting firm in Washington, and most recently, she was to have been promoted to president of Northern States Power's Natural Gas Utility, but her nomination to Secretary of Treasury preceded this action.

The Department of Energy serves the important purpose of providing a balanced overall national energy plan. The Department must coordinate the energy functions of the Federal Government and must research and develop new energy technology to meet the growing needs of our Nation. The Department of Energy also has the important responsibility of overseeing our energy conservation policy and our nuclear weapons program.

Ms. O'Leary's background as a utility regulator and as a utility executive should assist her in addressing the needs and responsibilities of the Department of Energy. With the volatile situation in the Middle East, conservation and energy issues will continue to challenge our country. Therefore, I support Hazel O'Leary to be Secretary of Energy.

STATEMENT ON THE NOMINATION OF CAROL BROWNER

Mr. THURMOND. Mr. President, I rise today in support of Ms. Carol Browner to be the Administrator of the Environmental Protection Agency.

Ms. Browner was born and educated in Florida, and has a broad background in addressing environmental issues. Her career includes service as counsel to the Senate Committee on Energy and Natural Resources and Secretary of the Department of Environmental Regulation. She also served as legislative director to Vice President GORE while he served in this body.

The Environmental Protection Agency is charged with the responsibility of protecting our environment under the laws of this country. As Administrator of this important agency, it will be necessary for Ms. Browner to balance Federal environmental rules with continued growth and productivity of our industries. Because it is necessary that she work with State and local governments to coordinate efforts to combat pollution, she must also ensure that Federal rules preserve our environment without unduly burdening the States and local governments.

Ms. Browner's experience should be extremely helpful to her as Administrator of the Environmental Protection Agency and should assist her in being an effective advocate for a safe, healthy environment. I am pleased to support her nomination for this important position.

STATEMENT ON THE NOMINATION OF MICKEY KANTOR

Mr. THURMOND. Mr. President, I rise in support of the nomination of Mickey Kantor to be U.S. Trade Representative [USTR].

Mr. Kantor received his bachelor's degree from Vanderbilt University and his law degree from Georgetown University Law Center. Since the early 1970's, Mr. Kantor has been active in numerous political campaigns. He has held high positions with many Democratic campaigns, such as with former Senator Alan Cranston in 1974, with Gov. Jerry Brown in his unsuccessful bid to become President in 1976, with President Carter in 1980, with Walter Mondale in 1984, and most recently with our new President.

Since 1975, he has been a partner with the law firm of Manatt, Phelps, Phillips & Kantor in California. Further, in 1991, he served on the Independent Commission To Investigate the Los Angeles Police Department.

Once confirmed as USTR, Mr. Kantor will have the challenging job of representing the interests of the United States in negotiations in the international trade arena and will be instrumental in shaping our trade policy. Several items, like implementing the North American Free Trade Agreement, completing negotiations on the Uruguay round of the GATT, and deciding on the continuing fate of most-favorite-nation trading status for the People's Republic of China, will make this an important job over the next few years. Additionally, trying to slow the growth of the ever-increasing amount of imported textile and apparel items entering this country will make this a tough assignment. However, I hope that he will be a tough negotiator and represent the United States well.

Accordingly, I will support the nomination of Mr. Kantor for U.S. Trade Representative.

STATEMENT ON THE NOMINATION OF REPRESENTATIVE LEON PANETTA

Mr. THURMOND. Mr. President, I rise today in support of President Clinton's nominee to be Director of the Office of Management and Budget, Representative LEON PANETTA.

Representative PANETTA was born and educated in California. He received his law degree from the University of Santa Clara, and served honorably in the U.S. Army from 1963 to 1965. He was elected to the House of Representatives in 1976, and has served in that body since that time.

Representative PANETTA will bring considerable experience to his new position as Director of the Office of Management and Budget. He was named to the House Budget Committee in 1979 and was chairman of that committee from 1989 to 1992. Representative PANETTA is well known for his commitment to reducing the deficit.

The Office of Management and Budget has the significant responsibility of supervising and controlling the administration of the Federal budget. This Office also assists the President in formulating the annual Federal budget. In his position as Director, Representative PANETTA will have great influence over policy decisions affecting the Federal budget.

I believe that Representative PANETTA is a man who possesses the qualities of integrity, good judgment, and leadership, and I am pleased to support his nomination for Director of the Office of Management and Budget.

STATEMENT ON THE NOMINATION OF GOVERNOR RICHARD RILEY

Mr. THURMOND. Mr. President, I rise today to support the nomination of Richard Riley to be Secretary of the Department of Education.

Mr. President, Governor Riley has a long and distinguished career. He is a nationally recognized leader in the areas of public education reform, nuclear waste disposal, and preventive health care. He is now a partner with the distinguished law firm of Nelson, Mullins, Riley & Scarborough, one of the oldest and largest firms in South Carolina.

Richard Wilson Riley was born and raised in my home State of South Carolina. He has a lovely wife, Tunky, and four children. After earning his undergraduate degree from Furman University, he served in the U.S. Navy as an operations officer on a minesweeper. In 1959, he received his juris doctorate from the University of South Carolina School of Law and then served as a legal counsel to the Judiciary Committee of the U.S. Senate.

From 1963 to 1977, Richard Riley served in the South Carolina State Legislature. On January 10, 1979, Richard Riley became the 81st Governor of South Carolina.

During his tenure, Governor Riley initiated many outstanding pieces of legislation. Among his most significant accomplishments was the South Carolina Education Improvement Act of 1984. This act was judged the most comprehensive educational reform measure in the country by a RAND Corp. study. The act called for increasing academic standards at all grades, improving the teaching and testing of basic skills, improving the training and evaluation of teachers and administrators, and evaluating and rewarding schools for measurable progress.

Mr. President, Governor Riley's administration was marked by conservative fiscal management of government and progress in job development and quality education. As Secretary of the Department of Education, Governor Riley will again be faced with this task. He will have to make wise use of limited resources. He will be challenged with the responsibility to redirect educational funding so that more goes into the classroom and less into bureaucracy.

Mr. President, I believe Richard Wilson Riley possesses all the virtues necessary to be the Secretary of the Department of Education. He is a leader. He is capable, intelligent, industrious, and honorable. He is a long time friend and colleague.

Accordingly, Mr. President, I urge my colleagues to support Richard Riley's nomination.

STATEMENT ON THE NOMINATION OF JESSE BROWN

Mr. THURMOND. Mr. President, I rise today to support the nomination of Jesse Brown to be Secretary of the Department of Veterans' Affairs.

Mr. President, Mr. Brown served in the U.S. Marine Corps from 1963 to 1966. While serving his country, Jesse Brown was wounded on combat duty in Vietnam and received the Purple Heart.

Mr. Brown has served as a member of the Chicago Mayor's Committee on Employment of the Handicapped. Since 1967, he has also served as an officer of the Disabled American Veterans. Mr. Brown achieved the status of executive director of the Disabled American Veterans in 1988 and continued in that capacity until January 5 of this year.

Mr. Brown has been a tireless advocate for the veterans of this Nation. I have enjoyed his articles in the DAV monthly magazine. I have also enjoyed his presentations before the Committee on Veterans' Affairs as a representative of the Disabled American Veterans.

Mr. President, I have met with Mr. Brown and we have discussed his duties as the Secretary of Veterans Affairs. I believe Mr. Brown is a man of integrity, honor, and ability. Accordingly, I urge my colleagues to support Jesse Brown's nomination.

STATEMENT ON THE NOMINATION OF HENRY CISNEROS

Mr. THURMOND. Mr. President, I rise today in support of the nomination of Henry Cisneros by President Clinton to be Secretary of Housing and Urban Development.

Mr. Cisneros is a proven individual, who will bring strength and energy to the agency as Secretary of Housing and Urban Development. As the mayor of San Antonio, the 10th largest city in the United States, he has considerable experience in urban policy and housing programs.

After graduating from Texas A&M, Mr. Cisneros received a doctorate in public administration from George Washington University and a master's degree from Harvard's John F. Kennedy School. He also was a White House fellow serving under Elliot L. Richardson, the Secretary of Health, Education and Welfare during President Nixon's administration.

In 1975, Mr. Cisneros was elected to the city council in San Antonio where he served 6 years before he won his first mayoral election in 1981. Mr. Cisneros held the position of mayor of San Antonio for 8 years, and during this period he briefly was president of the National League of Cities. His ambition and innovative ideas brought economic growth to his city and in 1982, the national Jaycees selected him as one of the "10 Outstanding Young Men of America."

Mr. Cisneros later set up a successful asset management business and sat on the board of the Federal Reserve Bank of Dallas. He also was a member of the Los Angeles task force created to deal with the tragedies of the L.A. riots. After the election, he joined the Clinton transition team.

After confirmation, Mr. Cisneros will be forced to deal with the monumental housing problems facing our cities today that include the role of community development programs, public housing modernization and Government enterprise zones. I am confident that Mr. Cisneros recognizes the problems facing both rural and urban communities and will reclaim HUD's status as advocate for the people of America.

I urge my colleagues to support his nomination.

STATEMENT ON THE NOMINATION OF REPRESENTATIVE MIKE ESPY

Mr. THURMOND. Mr. President, I rise today in support of the nomination of Mississippi Representative MIKE ESPY for Secretary of Agriculture. Mr. ESPY possesses ample qualifications for this position.

Mr. ESPY was born in Yazoo City, MS, and attended the local schools for his early education. In 1975, he graduated from Howard University, located here in Washington, DC. He then received his law degree from the University of Santa Clara Law School.

Mr. ESPY started his legal career with the Central Mississippi Legal Services as a managing attorney. He later worked as the assistant secretary of State, as director of the Division of Public Lands and as the assistant attorney general, as director of Consumer Protection in his home State of Mississippi.

In 1986, Mr. ESPY was elected to the U.S. House of Representatives, and he has served on the House Agriculture Committee and the House Budget Committee since his election. He was recently reelected with 78 percent of the vote.

Mr. President, Mr. ESPY will be the second Secretary of Agriculture who was not born into farming or agribusiness since Orville Freeman who served under Presidents Kennedy and Johnson. However, Mr. ESPY has worked extremely hard for the agriculture interests of his constituents. He has become active in the formulation of rural development, nutritional, crop insurance, disaster assistance, and alternative cropping programs. Further, he is given much credit with helping to develop and to promote the catfish industry in Mississippi.

Accordingly, Mr. President, I will support his confirmation to be the 25th Secretary of Agriculture.

STATEMENT ON THE NOMINATION OF ROBERT REICH

Mr. THURMOND. Mr. President, I rise in support of the nomination of Robert Reich to be Secretary of Labor.

Mr. President, Mr. Reich possesses excellent qualifications for the position of Secretary of Labor. He has earned degrees from Dartmouth College, Oxford University and Yale Law School. He was also a Rhodes Scholar. He is currently a lecturer on public policy at the John F. Kennedy School of Government.

The Secretary of Labor has the responsibility to organize the Department of Labor so that it will revitalize and strengthen our work force. The Secretary must create an atmosphere that will promote the creation of more permanent jobs. He must assist dislocated workers and promote competition.

As a nation, we must promote and harness the productivity of the American worker. We must assure small and large businesses that we will be careful to implement regulations which foster job growth and productivity. I believe Mr. Reich has the necessary qualifications to accomplish this.

Accordingly, Mr. President, I urge my colleagues to support Robert Reich's nomination.

STATEMENT ON THE NOMINATION OF FEDERICO PEÑA

Mr. THURMOND. Mr. President, today I rise in support of the nomination by President Clinton of Federico Peña to be Secretary of Transportation.

Mr. Peña brings to Washington experience in transportation policy, fiscal planning, economic development and management gained from his service as the mayor of Denver, CO for 8 years.

Mr. Peña received his bachelor's degree and law degree from the University of Texas at Austin. After law school, he joined his brother's law practice in Denver, CO.

In 1979, Mr. Peña began his career as a public servant when he was elected to Colorado's State Legislature. He served two terms, during which he rose to become Democratic minority leader and was voted outstanding legislator in 1981. Mr. Peña became the mayor of Denver in 1983 and held that office until 1991. He then started his own investment advisory business and was counsel for Brownstein, Hyatt, Farber & Strickland. He then served as the head of the President's team studying U.S. transportation needs.

Mr. Peña's legal background and experience with transportation issues will enable him to serve as a capable and industrious Secretary of Transportation. I urge my colleagues to support his nomination.

STATEMENT ON THE NOMINATION OF DONNA SHALALA

Mr. THURMOND. Mr. President, I rise today to support the nomination of Ms. Donna Shalala to be Secretary of Health and Human Services.

Ms. Shalala has an extensive background in education and public services. She is a 1962 graduate of Western College for Women. After college, Ms. Shalala spent 2 years in the Peace Corps in Iran. She earned her doctorate in 1970 from Syracuse University. In 1977, she served as Assistant Secretary for Policy Development and Research at the Department of Housing and Urban Development. Since December of 1988, she has been chancellor at the University of Wisconsin-Madison.

Mr. President, the Secretary of the Department of Health and Human Services has the responsibility to oversee the Social Security Administration, the Health Care Financing Administration, the Administration for Children and Families, and the Public Health Service.

The Secretary has the responsibility to organize the Department of Health and Human Services so that it will create and maintain an atmosphere that continues to service the health and well-being of American citizens from newborn infants to our most elderly citizens. The Secretary must constantly plan and evaluate the services provided by the Federal Government.

The incoming Secretary will be challenged with the responsibility to confront the growing crisis in our medical care system.

Medicare alone is the fourth largest item in the Federal budget. Recent reports indicate that Medicare and Medicaid are troubled by fraud and abuse. In this time of scarce Federal resources, we must streamline the bureaucracy and cut out payment policies that may encourage abuse and excessive charges.

Mr. President, I urge my colleagues to support Ms. Shalala's nomination.

STATEMENT ON THE CONFIRMATION OF CAROL BROWNER

Mr. SMITH. Mr. President, I would like to join my colleagues today in support of Carol Browner's appointment to head the U.S. Environmental Protection Agency [EPA]. Although she faces numerous challenges in managing a large Federal bureaucracy like EPA, I believe her State government experience gives her a unique perspective on what it means to be regulated by this Agency.

While Ms. Browner's duty will be to formulate and implement policy to protect our country's health and environment, she must also recognize our limited financial resources to accomplish this goal. I believe that creativity, flexibility and adequate risk assessment will be critical to the successful management of EPA.

The challenge for both Congress and the administration will be to preserve the intent and goals of our environmental laws without encouraging unnecessary regulations that strangle our Nation's businesses and local governments. As a State government official, Ms. Browner should be acutely aware of the problems that State and local governments are having in complying with the plethora of Federal regulations.

In my State of New Hampshire, and for most States, the situation is a serious and growing problem. Between Safe Drinking Water Act requirements that many towns simply cannot pay for and Superfund costs that have already put many small companies out of business, there seems to be no recognition of the economic realities that exist.

We cannot continue to pass on the burden of unfunded Federal mandates to our States and local governments without jeopardizing the livelihood of the citizens in our communities. In my view, our goal should be twofold: First, we need to create a partnership between business and Government to protect the environment and promote economic growth. And second, we need to prioritize our limited resources to achieve the greatest environmental benefit.

Ms. Browner stated during her confirmation hearing that EPA should spend more time listening to the particular concerns of businesses and communities affected by environmental problems and will seek to reform regulatory practices that unnecessarily harm economic activity without significantly aiding the environment. She also stated her support for more incentive-based programs and use of cost-benefit analysis in the regulatory review process. I hope these are not just words, but a real objective that is carried out aggressively by the new Administrator.

Mr. President, I look forward to working with Ms. Browner and EPA to meet these goals and hope we can embark on a more cooperative, commonsense approach to environmental policymaking.

STATEMENT ON THE NOMINATION OF DONNA SHALALA

Mr. SMITH. Mr. President, I would just like to say a few words about the nomination of Donna Shalala for Secretary of Health and Human Services. My understanding is that other than myself, only one other Senator raised an objection to her confirmation. I do not wish to hold up the Senate needlessly, so I have agreed to allow a voice vote. I thank the distinguished minority leader for noting in the RECORD that I would have voted against confirming Ms. Shalala in a recorded vote.

I take the duty of giving advice and consent on Presidential nominees very seriously. However, I do believe that in general, a Senator should not object to a nomination solely on policy or political grounds, as was the case during Judge Robert Bork's failed nomination. After all, a President has a right to appoint individuals that share his ideas. That notwithstanding, I feel a Senator has a duty to object when he or she feels the nominee lacks that proper qualifications for a post, has ethical problems, or has demonstrated a lack of commitment to upholding the Constitution.

Using that standard, I feel that this nomination is objectionable. I think most in this body would agree that one of the most cherished of all rights guaranteed by the Constitution is the first amendment's right to free speech. I am alarmed that students at institutions of higher education across the Nation are finding that this precious right is being eroded by so-called speech codes. As chancellor of the University of Wisconsin, Donna Shalala gave her support to one of the most broad-reaching speech codes in the country, a code that was found unconstitutional by a U.S. district court. I feel this raises questions about the nominee's commitment to upholding the Constitution.

That much said, I will offer my cooperation to Ms. Shalala when she becomes head of the Department of Health and Human Services. Some of the Nation's most pressing challenges, such as the need for health care and welfare reform, will confront her in the years ahead. She will be helped by the talent and energy she has demonstrated throughout her career and during her confirmation hearings, but she will also need the cooperation of Republicans and Democrats alike to succeed. I wish her the best of luck.

STATEMENT ON THE NOMINATION OF JESSE BROWN

Mr. ROCKEFELLER. Mr. President, as chairman of the Veterans Affairs' Committee, I am delighted to voice my strong support for the confirmation of Jesse Brown as Secretary of Veterans Affairs. He will bring to this tremendously important position a firm grasp of the issues and a keen sensitivity to the needs of veterans. I am confident he will be an effective Secretary.

Jesse Brown's 25-year career as an advocate for veterans reflects a deep-seated commitment to ensuring that the Government fulfills its fundamental obligation to those who have defended our country in times of war and peace. He is truly a veteran's veteran—a decorated combat marine who experienced great personal hardship in Vietnam.

Following his service, he returned to devote his entire adult life to helping his fellow veterans secure adequate health care, get a fair shake from the Government, provide for their families and survivors, and overcome the physical and mental injuries that are, tragically, so often related to military service.

Mr. President, it is a long way from the Chicago regional office, where Jesse Brown first began his career of service to veterans as a DAV national service officer, to the Secretary of Veterans Affairs. Every step that Jesse Brown has taken on that road has been marked by principled hard work, unwavering commitment, and excellence. He embodies the noble concepts of which we so often speak in the Veterans' Affairs Committee—patriotism, heroism, service to country, and honoring the fundamental obligation this Nation owes to veterans. Through his distinguished career with the DAV, Mr. Brown excelled in each position he occupied and advanced to the position of executive director. He earned the reputation as an incredibly hard worker, effective and compassionate advocate, clear thinker, and dynamic and hard-working manager and leader. In addition to his strong record of accomplishment within that organization, Mr. Brown has been active in many other volunteer and public service endeavors.

Mr. President, on January 9, the committee held a hearing on the then expected nomination of Mr. Brown. He was questioned extensively by members about programmatic matters, policy issues, and how his prior employment with a veterans service organization might affect his ability to manage and lead VA. He responded directly and openly to all questions, including dozens of written questions submitted before and after the hearing, and displayed detailed understanding of various VA programs as well as a clear commitment to addressing the many problem areas that confront VA. He understands the critical nature of VA's budget and assured members that he will be deeply involved in the development of the President's budget requests and that he will not hesitate to pursue additional resources that he believes would be necessary for VA to carry out its mission. I have no doubts about his ability to function as an independent manager of the Department—he demonstrated a spirit of authority and independence during his confirmation hearing.

Mr. President, Jesse Brown's confirmation as Secretary of Veterans Affairs is the first and most important step in putting President Clinton's stamp on VA. Tomorrow our committee will have a hearing on the President's nominee to be the VA's Deputy Secretary, Hershel Gober. I anticipate prompt action on his nomination as well and I look forward to receiving nominations for the other top management positions at VA so that the full team can be assembled and we can get on with the business of meeting the needs of America's veterans, their dependents, and survivors.

STATEMENT ON THE CONFIRMATION OF MIKE ESPY

Mr. CRAIG. Mr. President, today we will be voting to confirm Congressman MIKE ESPY as the next Secretary of Agriculture. I have worked with MIKE ESPY in the House of Representatives and will support his confirmation as Secretary of Agriculture.

I would like to thank the distinguished majority leader, Mr. MITCHELL and the distinguished Republican leader, Mr. DOLE, for the timely scheduling of this vote and the cooperative spirit shown by the Agriculture Committee, Chairman LEAHY and Mr. LUGAR, and all the members of the Agriculture Committee. It is essential that we have continuity at the Department of Agriculture and having the Secretary of Agriculture in position early will facilitate this.

Due to previous commitments in Idaho, I was unable to attend the confirmation hearing of Congressman ESPY. I have noted several of the comments made by Mr. ESPY at that hearing and would like to make some remarks on several issues.

I was delighted with the commitment of Mr. ESPY to have a Department of Agriculture that represents the entire country. Much of my home State of Idaho has a dry, arid climate. This dictates a unique approach to agriculture, very different from the wet, warm Mississippi agriculture. I join with other Senators in inviting the new Secretary of Agriculture to visit other parts of the country to become familiar with the diversity.

Environmental issues are daily on the minds of farmers and ranchers of this Nation. Individual rights and property rights must always be foremost in our minds as decisions are made regarding wetlands, endangered species, utilization of the natural resources of the Federal lands, and other such issues. The pledge by Mr. ESPY to defend individual farmers on such matters is reassuring.

Mr. President, it was refreshing to learn that Mr. ESPY not only considers the health of American agriculture dependent upon trade but that, no deal is better than a bad deal, regarding trade. I have serious concerns regarding the North American Free-Trade Agreement as it relates to sugar, Canadian rail subsidies, price transparency, end-use certificates, and such. I was pleased to know that Mr. ESPY was intent in working out the trade problems, specifically as related to GATT and NAFTA.

Mr. President, I was also impressed by the commitment of Mr. ESPY that he supported reorganization initiatives taken by Secretary Madigan and he pledged to move quickly to reorganize and streamline the Department of Agriculture, at all levels, in order to make it more efficient. This is a laudable goal and there is not a person in this country who has had to deal with that, or any department of government, who would not support such action. We must also keep in mind, however, that improved service must accompany any effort to increase efficiency and reduce cost.

In order for American agriculture to be able to take full advantage of the experience and expertise of MIKE ESPY, he must be surrounded with Under and Assistant Secretaries with similar commitments to improve agriculture through more efficient and responsive service, not simply reduced cost. I am anxious to see the names of those to fill the several Senate-confirmed positions that will compliment the USDA team.

There will be many tugs and pulls on the budget in the coming months and years. I would also caution Mr. ESPY that the USDA budget review be based upon the needs of agriculture first.

I look forward to working with Mr. ESPY and the others he brings together at the Department of Agriculture.

STATEMENT ON THE NOMINATION OF HENRY CISNEROS

Mr. GRAMM. Mr. President, I rise today to recommend to the Senate Henry Cisneros to be Secretary of Housing and Urban Development. As I told my colleagues when I introduced Henry to the Banking Committee at the hearing on his nomination, I have known him since he was at Texas A&M University.

Henry Cisneros has served Texas in various capacities, including city manager of my hometown of Bryan, and city councilman and later mayor of San Antonio. I know that his leadership at HUD will equal the record of service at those previous posts. Henry will bring a wealth of experience to the job of HUD Secretary, including service as president of the League of Cities and active involvement in urban programs while mayor of San Antonio.

One objective of Federal housing policy has been to transform public housing into a community asset and to promote private ownership as a way of accomplishing this goal. I believe Henry's past involvement with public housing initiatives, his experience with local government, and with one of our Nation's largest cities all qualify him to serve as President Clinton's HUD Secretary.

I am happy to support the nomination of Henry Cisneros to be Secretary of Housing and Urban Development. I hope the Senate approves his nomination unanimously.

STATEMENT ON THE NOMINATION OF ROBERT REICH

Mr. LEAHY. Mr. President, President Clinton promised Americans change and innovation in government and through his nomination of Robert Reich to be Secretary of Labor he has delivered. Achieving the goal of renewed and continued economic growth and prosperity begins with rebuilding our economy at its foundation by investing in our workers. No one understands the importance of putting people first better than Robert Reich. He wrote the book.

The appointment of Mr. Reich, one of President Clinton's top economic advisors during the recent campaign, is significant because it speaks to the importance of American workers in the formation of the new administration's economic policy. As the American economy makes its difficult transition to the global marketplace, many painful challenges face our workers through labor-saving technologies and the permanent elimination of jobs in industries such as the defense industry. Mr. Reich understands that for the United States to successfully compete in the global economy, investment in our work force is essential. Without well-trained, well-educated, healthy workers, there is little prospect of long-term economic growth.

In Bob Reich our Nation will benefit from a Labor Secretary who will get America looking to the future again. His vision for a more competitive work force includes greater cooperation between management and labor organizations. It includes building career paths for the 75 percent of our young people who do not complete 4 years of college. Mr. Reich understands that good jobs not only mean good wages, but also proper health and child care, safe working conditions, and the eradication of all types of discrimination in the workplace.

Mr. Reich's long-established commitment to retraining and aiding workers caught in the transition to a global economy is a refreshing and badly needed change from the policies of the last 12 years. I eagerly await the progressive leadership Secretary Reich will bring to the Department of Labor.

STATEMENT ON THE NOMINATION OF DONNA SHALALA

Mr. DODD. Mr. President, I rise today to offer strong support for President Clinton's nomination of Dr. Donna Shalala as Secretary of Health and Human Services. Her demonstrated commitment and concern for children raises hope for the Nation that our Government will at last be responsive to the pressing needs of today's families. Moreover, Dr. Shalala's outstanding record as a manager of complex institutions—such as the Nation's fourth largest university—makes her a particularly strong candidate to run the organization that consumes 40 percent of the Federal budget.

Dr. Shalala has shown unparalleled dedication in every endeavor she has undertaken—from her beginnings as a Peace Corps volunteer, to her work at Housing and Urban Development, to her term as the youngest president in the history of Hunter College—and, finally, to Wisconsin, where she accomplished the nearly impossible task of exceeding university fundraising goals while simultaneously cutting costs. Each institution she touched is a better place for her having passed through it.

As chair of the Children's Defense Fund, Dr. Shalala recognizes, as I do, that unless we improve the lives of millions of children in this country, the future of our Nation will indeed be bleak. For it is not just a matter of family values, nor of our obvious moral obligation to protect our most vulnerable citizens—it is also a question of our ability to survive and compete as a world-class power in the global marketplace of the 21st century.

As chairman of the Labor Subcommittee on Children, Family, Drugs and Alcoholism, I would emphasize the need for HHS to address the issues confronting children and families, for they are truly our most precious resource. Government cannot substitute for the family, but we can give families the tools they need to remain strong and to nurture their children. I fully support the new administration's ideal of investing upfront in our people, in order to ensure a productive work force for the future and to reduce long-term dependency on public assistance programs.

At this time in our history, children are our poorest citizens—with one out of every five children living below the poverty level. For children in female-headed households, the rate is staggering: every other child lives in poverty. In the past 20 years, we have seen the numbers of children in poverty increase by nearly 100 percent.

Poverty brings with it all manner of related problems for children and families, which the Secretary of HHS must address. Lack of prenatal care, premature and low-birth weight infants, and limited availability of pediatric care and immunizations are just a few of the health-related issues we face. Dr. Shalala understands that urgency of these issues, stating, for example, that full funding for immunization programs will be one of her first priorities. Such support is especially critical at this time in history, when barely more than half of all U.S. children are fully immunized, and we are seeing some diseases returning that had been virtually eradicated in the past.

The health and welfare problems of U.S. families translate into a full 35 percent of kindergarteners entering school in 1991 unprepared to learn. The Head Start Program has shown marked success in improving poor children's chances of success. In 1990 I sponsored the Head Start reauthorization that, for the first time, laid a blueprint for funding levels that would permit every eligible child to participate. Yet 65 percent of the children eligible for Head Start still are not being served. President Clinton and Dr. Shalala have expressed support for fully funding Head Start, and I look forward to working with the administration to finally realize that dream.

Working parents also are struggling to make ends meet, and they often lack access to adequate, affordable child care. In 1990, the Labor Committee led the effort to enact a landmark child care law that created a new direct service grant program and a substantial expansion in Federal tax credits available to working families with children. I am confident we will be able to work with Dr. Shalala to implement a strong and coordinated administrative structure for this and other child care programs, and to correct deficiencies in the Bush administration's initial regulations.

Finally, Mr. President, no one doubts that our health care system needs reform. We need a comprehensive health care policy that preserves the quality of our current system while addressing the problems of spiraling costs and increased numbers of uninsured individuals. I am especially concerned that our health care policy meet the needs of children, who represent a disproportionate number of the uninsured. The health status of our children is declining; for example, the United States ranks 20th in the world on infant mortality. President Clinton and Dr. Shalala are committed to reforming our health care system, and I look forward to working with them toward a consensus for a comprehensive reform proposal.

In conclusion, I strongly support the nomination of this accomplished, dedicated professional to lead this powerful organization. Her creative leadership skills are sorely needed for the arduous tasks we must tackle if we are to make this country work again.

STATEMENT ON THE NOMINATION OF HENRY G. CISNEROS

Mr. DODD. Mr. President, I rise today in strong support of the nomination of Henry G. Cisneros for the Secretary of Housing and Urban Development.

Our Nation, Mr. President, faces no greater challenge than the revitalization of our cities. Too many of our urban residents are out of work and struggling to make ends meet. Additionally, that struggle is taking place in neighborhoods with desperate problems—neighborhoods where gun battles, burned-out houses, and hungry children are a part of everyday life.

We must adopt a comprehensive strategy to deal with these problems and we need a strong and skilled Secretary of Housing and Urban Development to implement that strategy. Henry Cisneros will provide that leadership.

Henry's years of public service demonstrate an understanding of the diverse views and ideas emanating from our communities, and an ability to forge those thoughts into a coherent vision. As mayor of San Antonio, he brought community organizations, local officials, and businesses together and focused everyone on the need to create jobs and improve living conditions. That approach to urban issues will serve Henry well as he works with Congress, Governors, mayors, and citizens to fight urban decay.

And Henry will hit the ground running. During his confirmation hearing, he outlined three main goals: revitalizing our urban areas, working to expand housing opportunities, and overhauling the management systems at the Department of Housing and Urban Development.

Each of these goals is critically important. As I mentioned earlier, our cities have become difficult and dangerous places to live. But there is cause for optimism. Because our urban residents have not given up hope. Instead, with the help of churches and community organizations, they are forming block patrols, operating day care centers, rehabilitating housing, and developing small businesses. They are fighting to reclaim their neighborhoods, and we must help them.

Similarly, Henry's second goal—the expansion of housing opportunities—is also fundamental. Far too many of our citizens are living in substandard housing. Additionally, it has become increasingly difficult for middle- and low-income families to purchase a home. Clearly, we must make it easier for these families to obtain quality housing.

Of course, it will be impossible to improve our cities and expand housing opportunities if the Department of Housing and Urban Development is not managed effectively. Consequently, Henry's commitment to reforming the Department is encouraging. He also stressed the need to make Federal programs work together and in coordination with local efforts. That approach will help ensure that tax dollars are used as effectively as possible.

I was also impressed by Henry's familiarity with, and concern for, the problems facing Connecticut's cities. In response to my question concerning the need to address the problems of smaller cities like Bridgeport, New Haven, Hartford, and New London, he pledged to review the formulas that HUD uses to allocate funds and to ensure that these cities would be treated fairly.

In short, Henry's skills and energy make him an ideal candidate for Secretary of Housing and Urban Development. Working with him, we can provide comprehensive help to the men, women, and children who are struggling to survive in our cities. I strongly support his nomination and I look forward to working with him in the years ahead.

STATEMENT ON THE NOMINATION OF ROBERT REICH

Mr. DODD. Mr. President, I am pleased today to rise in strong support of the nomination of Robert Reich to serve as Secretary of Labor.

Mr. President, as the response to the inauguration yesterday demonstrates, there is, across our great country, a feeling that our Nation today is on the brink of great change—change which will assure a quality education for all children; access to health care for all Americans; a cleaner environment; renewal in our Nation's cities; and safe, good jobs for American workers.

But achieving significant change will not be easy. Our Nation is confronted today with a host of problems from a huge Federal deficit to an anemic economy. Too many children go to school hungry and too few graduate from high school with marketable skills; 9.2 million Americans are currently looking for work; 1.3 million manufacturing jobs have been lost in the United States since 1989. In my State alone, we have lost 170,000 jobs in the last several years, many of these losses are concentrated in defense-related industries. While I have faith our economy will emerge from this recession, it will be a fundamentally different economy.

As a nation, we must develop and adopt a comprehensive strategy to help America and American workers meet the challenges of our changed economy. And I believe that Robert Reich has the unique talents to provide our Nation with the leadership to meet this challenge.

Robert Reich, born in Pennsylvania and educated at Dartmouth, Oxford, and Yale, has a distinguished record of Government service at the Federal Trade Commission during the Carter administration. He is, however, much more widely known for his academic work in the field of political economics and his brilliant observations on the American and world economy. In his most recent book, "The Work of Nations," Reich argues eloquently that Government should invest in its infrastructure and its most precious asset—its people—to improve its competitive position.

As Secretary of Labor, Reich promises to put these ideas to work and to turn the Department of Labor into the Department of the American work force. I am hopeful that we here in the Senate can start him off on the right foot with early passage of the Family and Medical Leave Act, which I introduced this morning. With close to two-thirds of women with young children working, we need a national policy to assure that workers do not have to choose between their jobs and their families. But family and medical leave is only the beginning—there is job training and education for tomorrow's economy, free trade talks, workplace safety issues and more.

Mr. President, there is much to be done and I can think of no candidate more qualified to take on this challenge than Robert Reich. I urge my colleagues to join me in support of his nomination.

STATEMENT ON THE NOMINATION OF RICHARD RILEY

Mr. DODD. I rise today to express my strong support for the nomination of Gov. Richard Riley to serve as Secretary of Education.

Mr. President, I believe it would be nearly impossible to find an individual as qualified or with a record of such success in education reform as Richard Riley.

As Governor of South Carolina from 1978–1986, Richard Riley pushed through a package of visionary education reforms that today make South Carolina one of the leading States in our Nation in education reform. Governor Riley overcame the objections of State legislators and passed a $240 million educational reform package, which included higher academic standards for promotion and graduation, better assessments, improved teacher training, salaries and accountability, and upper level course work at all high schools.

Indeed, our new President Bill Clinton, well-known for his interest, expertise and involvement in education reform, called Governor Riley, his mentor in education matters. I am pleased to support his nomination and believe we are truly privileged that Governor Riley has agreed to take on this task and serve our Nation as the Secretary of Education.

And we will need Governor Riley's many talents. The challenges that we face in improving education in America are clearly great. Too many children go to school hungry and too few graduate from high school with marketable skills. Too many student loans fall into default and too few minority students seek higher education. Even in my home State of Connecticut, one out of every five children under the age of 6 lives in poverty. In 1991, over 3,000 of these young children lived in homeless shelters and 94,000 had no health insurance. Twenty-two percent of the students in Bridgeport, CT drop out of school.

Just last week, I had a letter from the New Haven Board of Education about the Clinton Avenue School—a magnet school dedicated to preparing students for the multicultural workplace of the 21st century.

No one would be surprised that a school board would write their Senator about their magnet school. But this letter says much about the conditions of schools in America today. The school board wrote asking for help—they asked, not for fiber optics or an advanced film lab for their magnet school, but instead, for help in preparing numerous leaks in the classroom ceilings, for paint for water-damaged walls, for a library, for separate bathrooms for the boys and girls, and for text books with bindings intact. Too many schools across our Nation have this same wish list.

Buildings are only part of the story—many of our Nation's children are badly in need of help. Our Nation's first educational goal states that by the year 2000, all children will start school ready to learn. Yet, in 1991, 35 percent of kindergarten students came to school unprepared to begin learning, according to a survey by the Carnegie Foundation. In some States, as many as one out of five children have to repeat first grade.

We must also renew our commitment to equity in education and equal access to a quality education for all children. It is clear that inequities exist across town lines in my State and in others across the Nation. With this trend toward growing inequality, our Nation's commitment to equity in education is being brought increasingly into question.

The dreams and hopes of so many Americans rest in our educational system. Learning is truly the ladder of economic opportunity in our Nation. But it little resembles a ladder for too many of our young people—young people who have discovered, in the decaying walls of their schools, in the classrooms plagued with violence, that the rungs on their ladder are missing.

Mr. President, I can think of no issue more critical to our Nation's future than the quality of education for our children. And I can think of no candidate more qualified to take on this challenge than Richard Riley. I urge my colleague to join me in support of his nomination.

STATEMENT ON THE NOMINATION OF LEON PANETTA

Mr. DODD. Mr. President, I rise today in strong support of President Clinton's nomination of my colleague and friend, Leon Panetta, to head the Office of Management and Budget.

No one questions Leon's qualifications, although some may understandably question Leon's judgment in taking this job. He represents one of the most beautiful districts in the country, a chunk of California that includes Monterrey and Big Sur. I know he loves to go home on the weekends to his house in the Carmel Valley to tend his walnut trees and play his piano. Yet he is giving all that up to head an Agency that is generally less popular than the grinch that stole Christmas.

In taking the OMB job, Leon is, I know, motivated by the same deep sense of duty he has demonstrated throughout his career in public service. After graduating from law school at Santa Clara in 1963, Leon served in the Army for 2 years, and then as Legislative aide and counsel to California Senator Thomas Kuchel, where he helped craft key civil rights legislation.

In 1969, Leon was named Director of the Department of Health, Education, and Welfare's Office of Civil Rights. His job was to enforce civil rights legislation and hasten the desegregation of public schools throughout the Nation.

Negotiating agreements with school boards and elected officials intractably opposed to integration was not easy work, but Leon was sustained always by his steadfast belief in the equality of all Americans. In 1970, his deep commitment to justice led him to resign his post, after it became apparent to him that others in the administration aimed to slow down faithful execution of civil rights laws.

Leon returned home to California and practiced law for several years, before running successfully for the House of Representatives in 1976. In the 16 years since then, Leon has served his constituents with distinction, and has grown to be widely respected and admired for his compassion, his knowledge, and his effectiveness.

His compassion has been evident in his work on hunger issues during his tenure in the House. He has long supported food and nutrition programs to banish hunger from America. Just last year, he pushed a children's initiative in the wake of the Los Angeles riots which included significant provisions to attack hunger among our Nation's young people.

Leon's thoughtfulness, knowledge, and hard work were on constant display during his past 4 years as chairman of the House Budget Committee. While many have sought to skirt the deficit issue, Leon has always been forthright, both about the scope of the problem, and about the tough choices that are required to get our fiscal house in order. Last year, while others sought delay and proposed half-measures, Leon Panetta was busy offering a real plan to tackle the problem.

The challenges that face the Clinton administration are substantial, and in no case will the going be tougher than with the deficit. To do nothing is to place our children's future further at risk. But making real progress will not be easy, because it will require sacrifice that is shared fairly and equitably by all Americans.

Leon Panetta is the right choice to help President Clinton lead the charge on this issue. He is a deeply committed public servant who understands the intricacies of budgeting and the budget process. He is a person of integrity who is dedicated to finding real solutions and making real progress. He is a warm and gifted man who recognizes that our Government must be leaner, not meaner.

Leon is an outstanding addition to the Clinton economic team. He will be a very real asset to the administration and the country in the months and years ahead. I look forward to working with him to address the deficit and other issues, and I urge my colleagues to join with me in supporting his nomination.

STATEMENT ON THE NOMINATION OF MICKEY KANTOR

Mr. HOLLINGS. I am pleased today to enthusiastically support Mr. Mickey Kantor for U.S. Trade Representative. As America faces new economic and social challenges which profoundly impact our future as a world power, it is necessary that the position of U.S. Trade Representative be manned with a skilled negotiator willing to formulate a tough, new trade policy. In Mickey Kantor, we have such a candidate.

As his long and impressive resume reveals, Mr. Kantor has repeatedly achieved success in finding the elusive middle ground required to facilitate agreement and stimulate cooperation among conflicting interests. With experience that spans the fields of energy, agriculture and aviation, Mr. Kantor has proven his skills as a zealous, artful negotiator. This is exactly the kind of person we need in this job.

I had an opportunity recently to meet with Mr. Kantor. We talked at length about trade policy and I am convinced that Mr. Kantor has the resolve to create an aggressive American trade policy. He will serve this county well, as he brings his formidable bargaining skills to the international table, as U.S. Trade Representative.

STATEMENT ON THE CONFIRMATION OF RICHARD RILEY

Mr. KENNEDY. Mr. President, I urge the Senate to approve the nomination of Richard Riley as Secretary of Education in the Clinton administration.

On Tuesday, January 12, 1993, the Labor and Human Resources Committee, of which I am Chair, held a hearing on this nomination. At the hearing he displayed a complete grasp of the difficult issues he must address as Sec-

retary of Education. On Thursday, January 14, 1993, the committee voted unanimously to recommend Governor Riley's nomination to the Senate.

Governor Riley has a strong record in education and did a wonderful job leading the education reform efforts in South Carolina. Unafraid to tackle the difficult issues, Governor Riley was a tireless advocate for education, crisscrossing the State, explaining the need to prepare South Carolina's students for the 21st century.

The results of Governor Riley's reform effort, The South Carolina Education Improvement Act, was a multifaceted program that became nationally renowned for boosting student achievement. Among its accomplishments:

SAT scores in South Carolina increased faster than anywhere else in the country in the last 7 years.

The achievement gap between black students and white students has narrowed.

More high school graduates are going to college than ever before.

More students are taking advanced placement examinations.

Job placements for vocational education students have increased.

Teacher salaries have increased.

I asked the Congressional Research Service to report on Governor Riley's education record in South Carolina, and that report is attached to this statement.

Governor Riley understands that real change requires not a single simple solution, but a complex remaking of the whole system. He also understands that we will not get meaningful reform without greater resources, and he successfully convinced the voters of South Carolina of the need to raise the sales tax by 1 cent and to dedicate those revenues for schools.

I am confident that Governor Riley will be equally successful as Secretary Riley, and bring to the national level the same excellence and success in education that characterized his tenure in South Carolina. We look forward to working with him on transforming the Nations' schools.

I urge the Senate to approve his nomination unanimously.

I ask unanimous consent the attached Congressional Research Service Report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, January 4, 1993.

To: Senate Committee on Labor and Human Resources, Senator Edward M. Kennedy, Chair.
From: Wayne Riddle, Specialist in Education Finance, Education and Public Welfare Division.
Subject: Education Policies in South Carolina During the Tenure of Richard Riley as Governor.

This memorandum was prepared in response to your request of December 29, 1992, for a brief review and analysis of the education policies and legislation promoted by former South Carolina Governor Richard Riley, President-elect Clinton's designee for U.S. Secretary of Education.

EDUCATIONAL IMPROVEMENT ACT OF 1984

Mr. Riley was Governor of South Carolina for 1978–1986. While several pieces of education legislation were adopted in South Carolina during this period, the most comprehensive and noteworthy of these was the South Carolina Education Improvement Act of 1984 (EIA). The EIA was adopted in response to a proposal made by Governor Riley,[1] and was one of the earliest efforts to adopt comprehensive, statewide education reform in the period following publication of A Nation at Risk in 1983. This proposal and the subsequent legislation were organized on the basis of 7 "initiatives." These initiatives are listed below, along with the most significant of the specific provisions related to each theme:[2]

Raising student performance by increasing academic standards—course requirements for high school graduation were increased; passing grades in four academic courses were required for students to participate in extracurricular activities; it was specified that the school day should be 6 hours (excluding lunch); all local educational agencies (LEAs) were required to provide advanced placement (AP) courses in high school; special programs were to be provided for gifted and talented students; pupil discipline was to be enhanced through establishment of "clear rules of behavior," extra law enforcement officers to enforce drug laws in schools, and greater enforcement of school attendance requirements; higher order problem solving skills were to be emphasized in school curricula; kindergarten attendance was to become mandatory (unless a waiver is granted); African-American history and South Carolina history coursework were to be required for all pupils; job placement standards were to be established for vocational education programs; services to certain groups of disabled pupils were to be expanded; and a study was to be conducted of vocational and technical education in South Carolina.

Strengthening the teaching and testing of the basic skills—a mandatory basic skills examination was to be administered to pupils in the 10th grade, with passage of it required for high school graduation; stricter pupil promotion policies were to be established; half-day, voluntary preschool programs were to be offered to 4-year old children with "predicted significant readiness deficiencies"; State-funded compensatory and remedial instruction programs were to be provided to pupils in grades 1–6 with low achievement levels; pupil-teacher ratios were to be reduced in certain mathematics and language arts classes; the State's school finance program was to be modified to provide additional funds on the basis of pupils who are in compensatory, handicapped, or vocational programs; and alcohol and drug abuse education and treatment programs were to be established for students.

Elevating the teaching profession by strengthening teacher training, evaluation, and compensation—postsecondary student loans for prospective teachers were to be provided, with repayment canceled in return for service; conditional, temporary certification was to be authorized for individuals to teach in areas of critical need; teacher salaries were increased (to be equal to the projected average for the Southeastern States); performance incentive pay was authorized for teachers; standards for approval of teacher training programs in the State's colleges and universities were to be raised; inservice training for currently employed teachers was to be expanded, particularly at Centers of Teaching Excellence; teacher evaluation procedures were to be established; teacher recruitment efforts would be expanded; and grants to individual teachers to implement innovative techniques were authorized.

Improving leadership, management, and fiscal efficiency of schools at all levels—an Assessment Center Program was established to evaluate potential principals, as well as train and evaluate them; expansion of inservice training for school administrators; performance standards and evaluation system for school superintendents and principals were to be developed; performance incentive awards for principals were authorized; and standards for approval of administrator preparation programs at colleges and universities were to be raised.

Implementing strict quality controls and rewarding productivity—performace incentive grants for schools and LEAs were authorized, and awards to be made on the basis of such factors as achievement test score increases, improved attendance, or increased parental participation; competitive grants to LEAs for the implementation of instructional innovations were authorized; annual improvement reports were required to be prepared for each school, such reports to be focused "on factors found by research to be effective in improving schools," and to be prepared by school improvement councils that include representatives of parents, teachers, community representatives and, for high schools, students; a Public Accountability Division was established in the State education agency (SEA), to monitor implementation of the EIA and report annually to the public; a select committee of State legislators, the State superintendent of education, plus the governor and lieutenant governor was created, to make recommendations on implementation of the EIA; and intervention by the SEA in LEAs that do not meet minimum performance standards was authorized.

Create more effective partnerships among the schools, parents, community and business—parental involvement in the schools was to be increased, through such mechanisms as school improvement councils (see above), regular conferences of parents and teachers, and parenting skills instruction; business, volunteer, and civic or professional asssociations involvement in the schools was encouraged; and a Public Education Foundation to support exemplary or innovative programs was to be established.

Providing school buildings conducive to improved student learning—assistance would be provided for the renovation and repair of school facilities, or to subsidize the repayment of school construction revenue bonds.

The costs of implementing this legislation were to be paid by an increase in the State's general sales tax from 4 to 5 percent, which was included in the EIA. By 1988–89, this earmarked tax was raising approximately $270 million annually for EIA activities. The increased funding has been focused largely on increasing teacher salaries, remedial instruction, school construction, and gifted/talented programs.

While the EIA was quite broad and reflected many of the popular themes of school reform efforts in several States in the early and middle 1980s, certain consistent, functional themes may be identified. These themes include:

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[1] South Carolina. Office of the Governor. "The New Approach to Educational and Economic Excellence in South Carolina." 1984. 24 p.

[2] The specific language used to describe these themes is taken from the legislation.

Increased services and resources for disadvantaged children;

Enhanced involvement of parents, business, and the community in the schools;

Extensive reporting requirements and other forms of accountability;

Increased pay, higher standards, and expanded evaluation of teachers and administrators;

A variety of financial incentives for school staff;

Higher standards for pupil achievement and behavior;

Expansion of kindergarten and prekindergarten services;

While some provisions addressed higher order skills, there was an overall emphasis on basic skills instruction and assessment for pupils; and

Expanded programs for gifted and talented students.

EVIDENCE ON IMPLEMENTATION AND EFFECTS OF THE EIA

As with any single influence on educational performance, no matter how comprehensive in legislative terms, it is impossible to precisely specify the effect of the EIA on the educational system of South Carolina. Nevertheless, one of the accountability measures required under the EIA—a series of annual reports entitled What is the Penny Buying for South Carolina?, by the SEA's Division of Public Accountability—has attempted to catalog a wide variety of direct, and possible indirect, effects of the Act.[3] Evidence on the effects of the EIA that is cited in these reports includes:

Increases in Scholastic Aptitude Test (SAT) scores between 1984 and 1989 that were greater than for any other State (see further discussion below);

A 7 percentage point increase in the proportion of high school graduates who directly enter college;

A doubling of the number of high school students taking advanced placement examinations;

Positive responses by teachers, students, and the public in a variety of opinion surveys;

Increased enrollment in programs for gifted and talented students;

Increased placement of vocational education graduates in jobs related to their training;

Increased percentages of 10th grade students passing the mandatory basic skills examination;

Reductions in the proportion of pupils determined to require compensatory instruction;

Increased overall scores, and reduced gap between African-American and white student averages, on the national Comprehensive Test of Basic Skills (CTBS), a national norm-referenced, standardized test given to pupils at several grade levels;

A tie with one other State for the greatest percentage increase in teacher salaries between 1981-82 and 1986-87;

Increased teacher recruitment;

A 13 percent decrease in private school enrollment between 1983-84 and 1988-89, while public school enrollment marginally increased; and

Large numbers of individual school affiliations with businesses, civic organizations, and individual volunteers;

In addition to the report described above, there are limited sources of information on educational trends in South Carolina that might indirectly reflect the impact of the EIA. It must be emphasized that all of these indicators are quite imperfect as measures of educational quality, although analyses of their specific limitations are beyond the scope of this memorandum. Further, some of these indicators—e.g., increased expenditures for public elementary and secondary education—may be viewed positively by some analysts, but negatively by others (i.e., as "unnecessary" public taxation and spending). These indicators include:

Average scores for South Carolina students on the SAT rose from a total of 780 in 1981 to 832 in 1991, an increase of 52 points, while national average scores rose from 890 to 896, an increase of only 6 points. However, the South Carolina scores are still well below the national average.

South Carolina's average per pupil expenditure for public elementary and secondary education rose from $2,183 in 1983-84, 47th among the 50 States plus the District of Columbia, to $4,088 in 1989-90, with a ranking of 39th. Thus, relative expenditures per pupil rose substantially for South Carolina, but are still well below the national average.

Average teacher salaries in South Carolina rose from $17,384 in 1983-84, 46th among the 50 States plus the District of Columbia, to $28,301 in 1990-91, with a ranking of 34th. Again, this represents a large increase in ranking, but teacher salaries remain substantially below the national average.

POSSIBLE CRITICISMS OF THE EIA

As with all education reform legislation, certain criticisms have been, or might be, made of the EIA by some observers. Several of these points reflect primarily the passage of several years since enactment of the EIA; over this time, many educational reform priorities have arisen that generally did not receive substantial attention in 1984. Please keep in mind that one observer's "negative" criticism, as listed below, may be another observer's "positive" comment on the EIA. These potential criticisms might include the following.

The EIA generally placed greater emphasis on basic skills instruction and assessment than higher order skills. In particular, there was little emphasis on making curriculum content more challenging.

The EIA relied heavily on conventional forms of pupil assessment (standardized, norm-referenced tests) that are currently widely criticized. There was little emphasis on increasing the quality of pupil assessments.

Some have expressed concern that the various financial incentives in the EIA have lead to "excessive" amounts of "teaching to the test" in South Carolina, or that the incentive programs are unfairly administered.

The EIA contained no provisions regarding school choice, school based management, or regulatory flexibility.

While most EIA provisions have been implemented, funds have been inadequate to substantially implement some EIA provisions, especially a provision calling for reduced pupil-teacher ratios and grants for school facility construction and renovation.

While a variety of spending levels and achievement measures have increased significantly in South Carolina since 1984, the State still is well below the national average on most such measures.

While South Carolina is not among the States usually deemed to have the greatest disparities among localities in education funding, and some EIA provisions might have indirectly served to reduce finance disparities, the EIA did not directly provide to greater school finance equalization.

High school dropout rates have not significantly declined, according to the measure used by the South Carolina SEA.

STATEMENT ON THE CONFIRMATION OF ROBERT REICH

Mr. KENNEDY. Mr. President, I am pleased to speak on behalf of the nomination of Robert Reich to be Secretary of Labor. I have known Mr. Reich for many years and believe that he is an excellent choice for this post.

On January 7, 1993, the Senate Committee on Labor and Human Resources, which I am privileged to chair, held a hearing on Mr. Reich's nomination. At this hearing, Mr. Reich displayed a superb command of the many complex issues that he must address as Secretary of Labor.

His facility with these issues stems from a distinguished career in both academe and government.

His academic background is impressive. He studied at Dartmouth College, then at Oxford University where he was a Rhodes Scholar, and finally at Yale Law School. For the last decade, he has lectured at the John F. Kennedy School of Government at Harvard University where he has been a prolific author and a popular teacher.

Mr. Reich has also had extensive experience in the Federal Government as the Director of Policy, Planning, and Evaluation at the Federal Trade Commission and as the Assistant to the Solicitor General of the United States.

Mr. President, all Members of this body know that in the last two decades we have seen great changes in the economy and in the way Americans work. We have learned that in the global economy, nations which invest in the training and the education of their work force outperform those nations that do not.

President Clinton has repeatedly said that if we are to prosper as a nation, we must invest in the education and training of our people. I know that from his confirmation hearing and from my review of his writings that Bob Reich shares this vision.

In his testimony before the Labor Committee, Mr. Reich laid out an impressive agenda for the Department. If confirmed, he pledged to ensure that the Department of Labor is the Department of the American Work Force—dedicated to nurturing our most important national asset. The overarching goal is not only more jobs for our citizens, but higher wage jobs, and business organizations which foster such jobs by continuously upgrading their work forces and providing safe and rewarding work for all their employees.

Mr. President, this is a distinguished appointment to head this vitally important agency. I look forward to working with Mr. Reich if the Senate approves his nomination and urge my colleagues to do so unanimously.

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[3] See, for example: South Carolina. Department of Education. "What is the Penny Buying for South Carolina? Assessment of the Fifth Year of the South Carolina Education Improvement Act of 1984." Dec. 1, 1989. 152 p.

STATEMENT ON THE NOMINATION OF LEON PANETTA

Mr. LEAHY. Mr. President, in choosing Cabinet members that look like America and that are eminently qualified to manage the Government, President Clinton could not have made a finer choice than LEON PANETTA to be the Director of the Office of Management and Budget.

The son of Italian immigrant parents, Mr. PANETTA served 2 years in the Army and later worked in the Nixon administration as Director of the Office for Civil Rights. Since 1977, Mr. PANETTA has represented his home district in the Congress. The last 4 years he has very ably served as the chairman of the House Budget Committee.

Mr. PANETTA has also been a leader in attacking the problems of hunger in this country, an issue I hope will continue to be a priority of his at OMB. He has been a leader in the fight for increased investment in the Women, Infants and Children feeding program and he introduced the House version of the Mickey Leland Hunger Relief Act. His support on the Budget Committee has also been essential in the ongoing effort to combat hunger.

During his stewardship of the Budget Committee, Mr. PANETTA has earned the respect of the Nation and his fellow Members of Congress for his detailed knowledge of the budget process and his clear vision of the fiscal challenges that face this country. The Director of the OMB, more than any job in the Cabinet, demands leadership that tells it like it is. The integrity with which Mr. PANETTA has distinguished himself as Budget Committee chairman will truly be appreciated by the American people who are tried of the smoke and mirror gimmicks of the last decade.

Mr. PANETTA will face the greatest economic obstacle this country has faced since the Great Depression: getting control of the escalating budget deficit. Last year in his fight against a balanced budget amendment to the Constitution, Mr. PANETTA outlined different budget scenarios that would lead us to a balanced budget. He knows the tough choices that have to be made and that budget trickery only creates problems. He knows that cutting the fat in the Federal bureaucracy—and there is plenty—will need to be a top priority.

Getting this economy growing at a healthy rate will require a shift in Federal spending policies. Mr. PANETTA understands the need to invest in programs that will ensure better economic performance. Investing in public infrastructure, in education and job training, in preventive medicine will build the foundation for growth. This Mr. PANETTA understands.

Mr. President, to deal with the challenges of the budget deficit and the investment deficit, President Clinton has tapped the most qualified person to head the OMB.

STATEMENT ON THE NOMINATION OF WARREN CHRISTOPHER

Mr. LEAHY. Mr. President, I rise to commend President Clinton for his choice of Warren Christopher to be Secretary of State. I am pleased that he has been confirmed by the Senate.

Let us use this opportunity to demonstrate once again that partisanship has no place in foreign policy. The President has chosen well. Mr. Christopher is superbly qualified for this critical post, and I confidently anticipate that he will be an outstanding Secretary of State.

Warren Christopher began public service in 1949 as a clerk for Justice William O. Douglas at the Supreme Court. He rapidly demonstrated his excellent legal and diplomatic skills. In 1965 he was appointed as vice chairman of the McCone Commission that investigated the 1965 Watts riots in Los Angeles and he coordinated the Federal response to racial turmoil in Chicago and Detroit as Deputy Attorney General during the Johnson administration.

Mr. Christopher's adroitness and resolve while handling these racial incidents established his reputation as a troubleshooter of the first rank. Mayor Tom Bradley asked him to head the commission that examined the Los Angeles Police Department after the crisis there last year. Once again, he performed a difficult and sensitive task admirably and with consummate skill.

Mr. Christopher is best known for his distinguished service as Deputy Secretary of State during the Carter administration. Always discreet, measured, deliberate, and dignified, Mr. Christopher adeptly negotiated treaties and championed human rights abroad. His mastery of negotiation culminated with this successful diplomacy that resulted in the release of American hostages from Iran in 1981.

At his confirmation hearing, Mr. Christopher laid out his views on the basis of U.S. foreign policy under the Clinton administration. I was particularly impressed with two aspects of his policy objectives.

First, Mr. Christopher believes in diplomacy and negotiation as the preferred means of resolving international disputes. He stated that the United States "must apply new dispute resolution techniques and forms of international arbitration to the conflicts that plague the world." With Warren Christopher as our chief negotiator, I believe we will see diplomacy become the primary method of resolving international conflict.

The United Nations will continue to play a major role in deterring aggression, relieving suffering and keeping the peace. Mr. Christopher has pledged to work with the United Nations to ensure that it has the means to carry out the formidable tasks confronting it, including ensuring that the United States pays its obligations.

Second, Mr. Christopher recognizes that our foreign aid program must coordinate with other aspects of our foreign policy to reflect our commitment to the spread of democracy and human rights and to serve more effectively as an instrument or our international economic and commercial interests. To help accomplish this, Mr. Christopher has advocated an overhaul of the Agency for International Development and streamlining the State Department. As hearings in my Foreign Operations Subcommittee and in other committees have amply demonstrated, a top to bottom overhaul of foreign aid is urgently needed.

I applaud Mr. Christopher for his commitment to aligning our foreign aid program with the realities of the post-cold war era. I look forward to working with him to examine the rationale and structure of our foreign aid program so that it responds to the challenges of the 21st century.

Warren Christopher brings exemplary skills in diplomacy, negotiation, management, and problem solving to the position of Secretary of State. These skills and his philosophies on U.S. foreign policy make him the right person for this difficult job during what will certainly be challenging times.

As chairman of the Foreign Operations Subcommittee, I look forward to working with Chris as Secretary of State.

STATEMENT ON THE CONFIRMATION OF RICHARD RILEY

Mr. HARKIN. Mr. President, I rise to support the nomination of Mr. Riley to be the Secretary of Education. President Clinton has made an excellent choice for his Secretary of Education.

Governor Riley has the vision, background, and record to put us on the right path of progress toward reaching the national education goals. He has demonstrated his abilities in South Carolina and he is ready to break new ground at the national level as well. He has the commitment and the energy to define the problem and shape the plan. This Nation is, indeed, fortunate that Richard Riley is available to lead our educational reform effort.

Governor Riley's long fight to reform education in South Carolina is a lesson in perseverance and coalition building. This was more than just a fight to convince the State legislature to adopt his legislation. Governor Riley built support across South Carolina city by city, almost parent by parent. He worked with business leaders pointing out that illiterate labor and unskilled employees made their businesses less competitive. He worked with teachers to increase their salaries but only in return for greater accountability. And, of course, he worked with the State legislature, member by member to have his reforms adopted.

The results of Governor Riley's leadership in his State on education are impressive:

Average per pupil expenditures for public elementary and secondary students rose from $2,183 in 1983–84 to $4,088 in 1989–90;

Teachers salaries have increased and teacher recruitment has improved. Teachers salaries rose from $17,384 in 1983–84 to $28,301 in 1990–91;

South Carolina's SAT scores have increased and enrollment has increased in programs for gifted and talented students; and

Placement of vocational education graduates in jobs related to their training has increased.

Mr. President, Mr. Riley has had a brilliant career both in politics and in education. He is extremely well qualified to be the Secretary of Education.

STATEMENT ON THE CONFIRMATION OF DONNA E. SHALALA

Mr. HARKIN. Mr. President, President Clinton has made an excellent choice in the nomination of Donna E. Shalala to head the Department of Health and Human Services.

At Dr. Shalala's confirmation hearings, she spoke in a strong and compassionate manner about addressing the AIDS crisis, the TB epidemic, the shortfall in the immunization program, and the need to address the inequities in areas of women's health. She strongly supported the need for continued and expanded disease prevention programs and the need to improve the quality of our rural health care system. She vigorously stressed the importance of reforming the health care system to reduce the growth rate of health care costs to a rate of growth similar to the rate of general economic growth. She pledged to work vigorously to reform the Nation's welfare system and certainly not least, very high on this Senator's priorities, she focused on the need to help our Nation's children.

Donna Shalala knows what must be done and I believe she can do it.

Dr. Shalala has had a long and notable career in public service which started as a U.S. Peace Corps volunteer in 1962. She has worked at the city, State, and Federal level in government; she has served as a teacher; an academic; and a university administrator; she had been the president of Hunter College in New York City and the chancellor of the University of Wisconsin at Madison. In her last job as chancellor of the University of Wisconsin, she managed an important state university with a budget of $1 billion. Donna Shalala has published dozens of books and articles and has served on a long and impressive list of foundations, forums, task forces, and commissions.

As the Secretary of the Department of Health and Human Services, Donna Shalala will manage a department with more than 126,000 employees and a budget that covers 250 different categorical programs. The Department's budget of $590 billion representing almost 40 percent of the Federal Government is the world's third largest budget, smaller only than the entire Federal budget and the budget of Japan. The budget of the Department of Health and Human Services touches the lives of every American.

Mr. President, there is no Cabinet Secretary that faces as many challenges as does Donna Shalala at the Department of Health and Human Services. While she faces a monumental and important challenge, I can think of no one else better suited to the job. Donna Shalala is a tough manager. She is a person of immense intelligence and compassion who cares greatly about the issues that she faces. We are indeed fortunate to have a person of Donna Shalala's talent to serve as Secretary of the Department of Health and Human Services.

STATEMENT ON THE CONFIRMATION OF ROBERT REICH

Mr. HARKIN. Mr. President, I serve on the Labor and Human Resources Committee that approved Mr. Reich's nomination for Secretary of Labor on January 19. Let me just say a few words in support of his confirmation by the full Senate.

Bob Reich has been a tireless advocate of President Clinton's program of putting people first, and has eloquently stated the need for upgrading the skills, education, and training of our work force. As a nation, if we are to compete internationally, we must not forget those in our work force who are not college bound. Bob Reich has made the point that to reverse the trend toward lower wages, we need significantly greater investment in the development of our front line work force.

Bob Reich is one of our Nation's foremost political economists and he knows what needs to be done to transform America into a high wage, high-skilled jobs economy that will raise the standard of living and help our Nation effectively compete in the global marketplace.

Mr. Reich's nomination shows that the Clinton administration will give a high priority to creating more high-wage jobs that provide a good work environment. Greater attention will be focused on the 75 percent of our young people who do not complete 4 years of college. We can expect Bob Reich to take the lead in developing apprenticeship-type programs for our youth, which will improve school-to-work transition for the non-college educated.

Bob Reich has pledged to make significant progress toward coordination and consolidation of the various vocational training programs administrated through several Federal agencies, which will provide convenient one-stop shopping for clients, and improve the efficiency and effectiveness of program operations. He has the ideas, the reputation, and the support of President Clinton to make this happen.

At Harvard's John F. Kennedy School of Government, Bob Reich lectured widely and authored many books that recognize the importance of investing in human capital by fully developing the skills and abilities of our frontline work force. His previous government experience includes service as Assistant to the Solicitor General in the Ford administration, and as Director of the Federal Trade Commission's policy planning staff.

Mr. President attention to work force issues will undoubtedly be vital for determining the standard of living for Americans as we approach the 21st century. Senate confirmation of Robert B. Reich as Secretary of Labor will therefore be an enormously important step toward reviving the American dream.

STATEMENT ON THE CONFIRMATION OF FEDERICO PEÑA

Mr. LAUTENBERG. Mr. President, I am pleased to rise in support of the nomination of Federico Peña to be Secretary of Transportation.

I met Mr. Peña when he was mayor of Denver, and he came to me seeking support for important transportation efforts in his city. As chairman of the Senate Transportation Appropriations Subcommittee, I routinely hear from officials of towns, cities, and States all over the country. They all recognize the importance of transportation to their economies, and to the future of their areas. And I work to address the transportation needs across this country, in my home State, New Jersey, and elsewhere. But, in all my dealings, no one was more determined and focused than Federico Peña.

Federico Peña's views of transportation and the role it can play in accomplishing broader goals is very consistent with mine, and with those enacted in the Intermodal Surface Transportation Efficiency Act of 1991. I believe that, when it comes to environmental problems, transportation is now too often part of the problem. Transportation accounts for approximately 63 percent of all petroleum used in this country. And, in many areas, automobiles are the single largest contributor to air quality problems.

Denver in the early 1980's was a prime example of this. I've aggressively pushed greater support for Amtrak and mass transit as part of an effort to make transportation part of the solution. And, as mayor, Federico Peña worked to make transportation improvements work in coordination with environmental goals. We worked together to secure funding for the construction of high occupancy vehicle lanes, bus acquisition, and other measures to help relieve congestion and cut down on emissions. The implementation of these measures is an important part of the success of his efforts to clean up Denver's air. I'm sure that, as Secretary, Federico Peña will work to see that transportation policies are not only coordinated with environmental policies, but that they actively enhance environmental efforts.

Mr. President, the challenge facing Mr. Peña at the Department of Transportation are tremendous. Over the last two decades, our infrastructure has been neglected, and the results are clear. Thirty-nine percent of the Nation's bridges are in need of repair or replacement, and approximately two-thirds of our roads are in disrepair. Our transit systems are overburdened, as is our air traffic control network. Amtrak, after years of repeated attacks from the Reagan and Bush administrations, is playing a vital role, but needs to be expanded to serve the Nation better. Our airline industry is in turmoil, and tough decisions need to be made about competition and globalization of air carriers. The Coast Guard continues to see its mission expanded beyond its traditional marine safety role to include drug interdiction, oilspill prevention and response, and a growing presence in our national defense.

As Secretary, Federico Peña will have to deal with many critical issues in his tenure. I hope that, drawing on his experience, he'll be an advocate for increased investment in our transportation infrastructure. In the past, he's shown the ability and willingness to take on tough issues, and deal with them in an effective manner.

I am pleased to support his nomination, and look forward to working with him on the many important issues facing us in the coming months and years.

STATEMENT ON THE CONFIRMATION OF MICKEY KANTOR

Mr. BAUCUS. Mr. President, I wish to express my strong support for this nomination. Throughout his testimony before the Finance Committee and during private meetings, Mr. Kantor has impressed me as a man of enormous integrity and ability.

The post of U.S. Trade Representative is one of the most important posts in the administration. It is also one of the most difficult.

The U.S. Trade Representative is charged with conducting literally dozens of complex international trade negotiations covering dozens of topics and involving hundreds of nations. The USTR is also charged with winning congressional approval for trade agreements and trade legislation as well as coordinating trade policy with the private sector.

And all of these tasks must be accomplished with the help of a professional staff of about 125.

Mr. Kantor is likely to log nearly tens of thousands of air miles and spend months overseas each year. Mr. Kantor and his family will be making some heavy sacrifices. But those sacrifices could open markets for billions of dollars worth of new U.S. exports and create tens of thousands of new American jobs.

If he does his job well—and I believe he will do his job very well—Mr. Kantor could create more jobs and have a greater impact on American incomes than any other Cabinet member.

I congratulate President Clinton on this superb choice. As chairman of the Finance Committee's International Trade Subcommittee, I look forward to working with Mr. Kantor and the rest of the new administration's international trade team. Working together, we can help build a better economy and quality of life for every American.

STATEMENT ON THE CONFIRMATION OF CAROL BROWNER

Mr. LAUTENBERG. Mr. President, I rise in support of the nomination of Carol Browner to be the Administrator of the Environmental Protection Agency. Her nomination represents a step, a giant step, in the right direction—that of greater commitment to solving some of our Nation's environmental problems. And she has the experience and knowledge to fulfill that obligation.

The election of Bill Clinton and AL GORE signaled the end of the politics of division and legislative gridlock that has blocked the solution of many of our Nation's most pressing problems. Carol Browner's nomination, also, marks the end of environmental stalemate and brings to a close an era of antiquated thinking about the environmental challenges we face.

For the last 12 years, the politics of diversion has meant that passing meaningful legislation on the environment was highly unlikely. With Carol Browner's selection, it is clear that enlightened thinking about our environmental problems, and cooperation in working to solve them, will prevail.

And, it shores up a view I have that environmental regulation is consistent with economic growth and will find a home in a Browner EPA. A healthy environment is not only consistent with, but essential for, a prosperous, sustained-growth economy. President Clinton and Vice President GORE understand this truth well, and spoke eloquently about it during the campaign.

In New Jersey, we already know that a clean environment and a growing economy go hand in hand. Our State faces some of the toughest environmental problems in the Nation, and has adopted some of the most far-reaching and innovative environmental laws. Yet, until the most recent recession, New Jersey enjoyed robust economic growth and business expansion, even in many industries regulated by tough environmental requirements. And a new report by MIT Professor Stephen M. Meyer confirms that over the past two decades, the States with the stronger environmental programs outperformed States with weaker environmental programs on all measures of economic growth.

With a new, environmentally sophisticated team in the White House, and with Carol Browner at EPA, we can move swiftly to break through the environmental logjam that prevented progress on some of our most significant environmental problems. We face many challenges—on Superfund, Clean Water, RCRA, Safe Drinking Water Act, radon and indoor air pollution. The Congress must work with the new administration to break the gridlock and legislate the solutions we need to preserve our environment and foster our economy.

The selection of a committed environmentalist with a knack for aggressively crafting creative solutions to environmental problems sends an unmistakable signal that this administration means business on the environment. Carol Browner understands that a clean environment and a prosperous economy go hand in hand. She has a reputation as a tough but fair negotiator, and a strong record of accomplishment in the short time she headed the Florida Department of Environmental Regulation.

With her experience as head of a State environmental department, and her Senate experience, Carol Browner should be well prepared to help lead our Nation in a new direction on the environment.

It's been said, and I quote, "We do not inherit the Earth from our parents, we merely borrow it from our children." I am committed to working with Carol Browner and with President Clinton and Vice President GORE, to make sure that the Earth that we borrow from our children is passed on to them in as fine a condition, and with as few environmental problems, as possible.

I urge my colleagues to support the nomination of Carol Browner to be Administrator of the Environmental Protection Agency.

STATEMENT ON THE NOMINATION OF FEDERICO PEÑA

Mr. GORTON. Federico Peña has been nominated to fill a position which is critically important to all Americans—the Secretary of Transportation.

I have had the opportunity to meet briefly with Mr. Peña and begin what I hope will be a continuing open dialog about issues of concern both specific to the State of Washington and to the Nation as a whole.

Reports that I had read regarding Mr. Peña's views on the reregulation of certain transportation sectors caused me concern. I was pleased to hear that his views have been misinterpreted and that it is not his intent to be an advocate of reregulation. Indeed, he believes, as I do, that strong, healthy competition is the best regulator. We have had the opportunity to briefly discuss maritime reform, a subject that must be a priority if this Nation is going to continue to have an American flagged fleet. We have discussed the need for a healthy airline industry which is obviously so critical to consumers and to business and a special priority to me as the Senator that represents the home State of the largest aircraft manufacturer in the world. We have also discussed the need to complete the work that has begun on the auto safety regulations included in the 1991 Intermodal Surface Transportation Efficiency Act.

The State of Washington has many diverse and important transportation needs. One in six jobs in my State is dependent upon trade and healthy trade is only possible with a strong transportation component. Secretary Card was an advocate for intermodalism and our ports lead the Nation in innovative maritime, rail, highway, and air links. Mr. Peña apparently shares Secretary Card's belief in the importance of intermodalism. The last decade in the Puget Sound region has made it clear that transportation must look forward and find innovative solutions. For too many hours a day, Puget Sound residents face gridlock on the highways. The 1991 Intermodal Surface Transportation Efficiency Act recognized the diverse needs of States and properly gave the State and local governments much more of a say in how Federal transportation dollars are spent. I believe we must look toward the future in Puget Sound and emphasize increased ferry service, more HOV lanes and eventually to develop rapid transit. I look forward to working with DOT to support these projects.

If confirmed by the Senate, as I certainly expect he will be, Mr. Peña has a tremendous and important challenge in front of him. I wish him the best of success.

STATEMENT ON THE NOMINATION OF RON BROWN

Mr. GORTON. Mr. President, today, the Senate is voting to consider the nomination of Ron Brown to be Secretary of Commerce. He has been nominated to fill a position which is critically important to the Nation and to the Pacific Northwest in particular.

Many newspaper articles have been written about Mr. Brown's nomination. Some reporters have questioned whether his past business dealings or his representation of certain companies should disqualify him for a Cabinet post. Along with other members of the Commerce, Science, and Transportation Committee, I have carefully looked into these concerns. While Mr. Brown wouldn't have been my choice for the Secretary of Commerce, and I dare say, wouldn't have been other Republicans choice either, it is my strong belief that Cabinet Secretaries and most other high-ranking administration officials serve at the pleasure of the President. As a consequence, I believe that a President should be given the widest possible latitude in choosing such person. Absent any evidence of wrongdoing of a nominee, a Senator should not substitute his judgment or philosophy for that of the President. I have not found any evidence of wrongdoing by Mr. Brown and it is my belief that he should be confirmed.

The issues before the Commerce Department are complex and important to everyone in the United States. I am confident that Mr. Brown understands the importance of increasing economic opportunities and jobs for Americans and will be a strong advocate for American workers. Many of these jobs, and especially those in my State, depend upon exports. The Commerce Department will play a key role in assuring that U.S. companies are in a good position to sell their products abroad. It will be critical that the new administration avoid protectionist policies which only provide an excuse for retaliatory actions against U.S. companies.

Half of the Department of Commerce's budget is spent on the activities of the National Oceanic and Atmospheric Administration. This agency, and particularly the National Marine Fisheries Agency, oversees some of the most difficult, controversial and complex problems that we face in the Northwest. Perhaps it is a good thing that Mr. Brown's background does not include experience in these fields because many of these matters are in desperate need of a new, fresh perspective. When I met with Mr. Brown, we discussed upcoming reauthorization bills including the Magnuson Act, the Endangered Species Act, and the Marine Mammal Protection Act. All of these bills are critical to the very survival of my State and they will require the patience, diligence, and study not only of this Congress, but of the new administration officials. I look forward to many more discussions about these topics with Mr. Brown. Assuming he is confirmed by the Senate, as I do, I hope he will soon accept my suggestion to visit the Northwest, meet with the people whose lives will be so dramatically affected by his decisions, and to learn more about the real day to day impact the decisions made by his Department will have upon so many of the people of the State of Washington.

ALICE RIVLIN

Mr. SIMPSON. Mr. President, I would like to say a few words of commendation regarding the nomination of Alice Rivlin to be Deputy Director of the Office of Management and Budget.

A phrase that has come into vogue in Washington in recent times has been the characterization of some individuals as "deficit hawks"—people who press for deficit-reduction as the single most important issue that we face, one that must be addressed immediately, even to the short-term detriment of some other policy goals—because no other policy goal can be ultimately met if we do not achieve this one.

Alice Rivlin has a reputation of being particularly zealous on the deficit issue, and it is my earnest hope that she will add to that reputation during her service with the new administration. During her time with the Brookings Institute, and with the Congressional Budget Office, she has repeatedly stressed the need for deficit reduction, and has been unstinting in her descriptions of the politically difficult actions that are necessary to do that. Ms. Rivlin is one of the coauthors of the "Strengthening of America" report with which I was involved this past year—that report spells out very clearly in what direction this country is going if we do not, very quickly, begin to face up to our Federal fiscal situation. I therefore applaud her appointment. She is a splendid choice and a splendid person. And I urge my colleagues to confirm as I know they will.

CONGRESSMAN PANETTA

Mr. SIMPSON. Mr. President, I would like to say a few words of commendation for the nomination of LEON PANETTA to be Director of the Office of Management and Budget.

I was particularly and personally pleased to hear of Congressman PANETTA'S nomination. He is one fine person. I have always admired him greatly. Prior to the time of the nomination, there was a great amount of speculation in the media about whether the new President would seek to focus on new "investment"—that is, new Government spending—or whether he would be willing to direct a serious assault on the deficit. Selecting LEON PANETTA, someone who has been very honest "up front" and outspoken about the need to reduce the deficit, sent a powerful signal that I personally found to be very positive.

During LEON PANETTA'S time here in Congress, he would frequently share information with the rest of the Congress about what kinds of difficult steps would be necessary to conscientiously and seriously address the deficit—he was never one to posture, but rather he would produce various scenarios, with examples of the kinds of programs that would have to be cut if we were to make any serious progress on the deficit.

So this fine man knows exactly what is required—indeed, he knows better than most in Washington do. After Congressman PANETTA'S appointment, President Clinton said that he would give the new OMB Director a "chance to teach me some math." I sincerely hope—and I fully expect—that Congressman PANETTA will be ever forthright and truthful in his analyses of just what kinds of spending cuts will need to be made if we are to ever recapture control of the Federal budget.

STATEMENT OF SENATOR ALAN K. SIMPSON ON THE NOMINATION OF PEÑA

Mr. SIMPSON. Mr. President, I have cast my "aye" vote to confirm Federico Peña as Secretary of Transportation. I believe that Mr. Peña is a sound choice to serve this administration in this vital Cabinet post. I have come to know him.

I was very impressed by Mr. Peña's awareness of the issues and his attitude of cooperation during his confirmation hearings. He will do well, I am certain, in ensuring that the improvements made to our transportation infrastructure made by the Bush administration will continue.

I am also very pleased to see that the Clinton administration has "looked to the West" to fill this Cabinet position. Highways and transportation are, literally, our lifelines in the West and particularly in the Rocky Mountain States, such as my home State of Wyoming.

I look forward to observing Mr. Peña's sensitivity to Western concerns and issues as he works to implement administration policy within the Department of Transportation. I trust that he will work as openly and candidly with us in the future as he has worked with all of us during the confirmation process.

CAROL BROWNER

Mr. SIMPSON. Mr. President, the position of EPA Administrator is a most challenging position as we all know. EPA's responsibilities have increased greatly over the years without any real increase in funding. Environmental problems have become more complex and more technical. The easy problems have been solved. Now we are dealing with the more difficult and contentious issues. I have met with Ms. Browner and learned she has had a good deal of experience in being a regulator and she will surely find this experience to be most useful in her new endeavor. Regulating is never easy. It requires the balancing of competing interests while keeping the goal of environmental protection and the state of the national economy in mind.

Among the many challenges the new EPA Administrator will face is the need to revamp the Superfund toxic waste cleanup program. Now there is a real challenge! The existing Superfund Program is simply not doing the job it was designed to do. I know Carol Browner wants to revitalize that program and Congress is going to have to pitch in and help. We need to look hard and closely at the current system of strict, joint, and several liability, among other things.

Municipal waste, funding for wastewater projects, enforcement, safe drinking water standards and testing requirements, indoor air pollution, implementation of the Clean Air Act, and many other regulatory issues will be simmering along as the new Administrator takes office. I believe Carol Browner will be able to "hit the ground running." I was impressed with her experience and credentials and I think she will take into account the different problems which different regions of the country face. I also think she understands the special needs of rural areas and small communities. EPA should not treat these areas in the same manner as the huge metropolitan areas are treated. I am also aware that she knows the importance of taking economic considerations into account and I find that most heartening. As she herself has said so well on previous occasions—the economy is the number one problem for Congress and the administration today.

I look forward to working with Ms. Browner in her new capacity as EPA Administrator.

STATEMENT ON THE NOMINATION OF JESSE BROWN

Mr. SIMPSON. Mr. President, I rise today to support the nomination of Jesse Brown to be Secretary of Veterans Affairs.

This is a memorable occasion because Mr. Brown is the first veterans advocate—one who comes from the ranks of the service organizations—and will now serve America as the Secretary of Veterans Affairs.

It will be a most challenging time for Jesse Brown as well as for Congress. We will face very difficult choices between balancing entitlement programs with an everburgeoning national debt.

We will be taking a close look at cutting the fat in some programs and increasing funding in others where needs have been genuinely demonstrated.

We must all realize that Government in general, and the Department of Veterans Affairs in particular, can not be and were never intended to be "all things to all people." I think Jesse Brown understands this concept full well.

I know Jesse Brown to be an extremely capable, qualified, dedicated and honorable person who cares about America's veterans and also about the deficit and the burgeoning debt and I do look forward to working with him as he takes over his new Cabinet position. I wish him well and urge him not to heed the keening wail of some of the professional fund raising veterans organizations who are often interested only in more, more, more. Those days are gone.

STATEMENT ON THE NOMINATION OF MIKE ESPY

Mr. COCHRAN. Mr. President, I was very pleased today when the Senate voted to approve the nomination of U.S. Congressman MIKE ESPY to serve as Secretary of Agriculture.

It has been my pleasure to work as a fellow Member of the Mississippi congressional delegation with MIKE ESPY since he was elected to serve in the House to represent the Second District of Mississippi in 1986. I have worked closely with him in matters relating to agriculture, because he was selected to serve on the House Agriculture Committee. It has been my honor to serve on the Senate Agriculture Committee and the Appropriations Subcommittee for Agriculture and Related Agencies.

I have come to know him in that working relationship, and I have come to respect him and appreciate him. I have seen him work very hard and diligently to understand the various farm programs and also the rural development needs in the Mississippi River Delta and throughout the county. He has become a very conscientious, knowledgeable, and effective Congressman and our State has benefited from his service.

He was educated at Howard University and at Santa Clara Law School. After he graduated from law school he served as assistant attorney general in the State of Mississippi and as an Assistant Secretary of State.

Since this election to Congress he has become better known throughout our State. And to show you the kind of support he had in his district in the last elections last November, he was reelected to the Congress with 78 percent of the popular vote in the general election.

I also feel constrained to point out, Mr. President, that our State is very proud to have someone from within our borders selected to serve in the President's Cabinet. It has been a long time since we have had a member of the Cabinet from the State of Mississippi. As a matter of fact, the last Mississippian to serve in the Cabinet of the President of the United States was L.Q.C. Lamar, who was an outstanding U.S. Senator from our State, widely regarded as a person of great intellect and influence in the Congress. He was appointed by President Grover Cleveland in 1885. His appointment was viewed at the time as a symbol of reconciliation between the South and the rest of the United States, because he was the first Southerner appointed to serve in the Cabinet following the Civil War.

But L.Q.C. Lamar was more than a symbol. He served with great distinction as Secretary of Interior in the Cabinet of President Grover Cleveland, and he was then appointed to serve on the U.S. Supreme Court where he also served with great distinction.

Well, MIKE ESPY is more than a symbol, too. He is the first African-American to serve as Secretary of Agriculture, and he is the first Mississippian to serve in the President's Cabinet since L.Q.C. Lamar in 1888. MIKE ESPY has been good for Mississippi. I predict that he will be good for the Department of Agriculture and good for America. And it was an honor to present him to the Committee on Agriculture and to recommend his confirmation.

I want to thank Chairman LEAHY and the ranking member, Senator LUGAR, for their courtesies during the confirmation process. I am confident that MIKE ESPY will continue to reflect credit on the State of Mississippi.

STATEMENT ON THE NOMINATION OF ALICE RIVLIN

Mr. MITCHELL. Mr. President, Alice Rivlin is an excellent choice for Deputy Director of the Office of Management and Budget. As our first Director of the Congressional Budget Office, she is acutely aware of the disparate interests that influence Federal fiscal policy. I think her background gives her unique insight into how the Federal Government can and should allocate taxpayers' money.

President Clinton will benefit from a wealth of ideas Dr. Rivlin will bring to his Cabinet. Her job of helping formulate and communicate fiscal policy decisions will be one of the toughest in Washington. I have no doubts she is capable of meeting the challenge.

I look forward to working with Alice Rivlin, and LEON PANETTA as we work together to enact rational, investment-oriented budgets for the Nation's future. Mr. President, I wholeheartedly endorse this nomination and urge my colleagues to do the same.

STATEMENT ON THE NOMINATION OF LEON E. PANETTA

Mr. MITCHELL. Mr. President, President Clinton recognizes the tough economic decisions he will make in helping lead this country. None will be more difficult than fiscal policy. His choice of LEON PANETTA to head the Office of Management and Budget demonstrates this administration will tackle tough choices head on and well armed with vital facts. Few Americans know Federal programs as well as LEON. His participation in budget battles, including the 1990 budget agreement, provide him critical experience in achieving consensus necessary for meaningful budget policy.

The President yesterday said our future posterity will require near-term sacrifice. Soon he will send us a plan for long-term economic growth that features investment in education, our national manufacturing base, job training, and national security. It will also offer ideas for balanced deficit reduction. LEON PANETTA and other truly dedicated public servants are working on that plan with the President.

We in Congress look forward to contributing to and ultimately helping enact a budget for America's future. I think LEON PANETTA will play a crucial role in these deliberations.

STATEMENT ON THE NOMINATION OF MICKEY KANTOR

Mr. MITCHELL. Mr. President, I rise in support of President Clinton's nomination of Mickey Kantor as U.S. Trade Representative.

Trade policy must be an important part of an integrated strategy to revitalize this Nation's economy. The global marketplace offers tremendous opportunities for U.S. businesses and workers. We must open foreign markets to U.S. manufactured goods, agricultural products, and services. But we also must vigorously enforce both the international and domestic trade laws to ensure that U.S. exports can compete fairly. The gesture of opening a foreign market is meaningless if the rules of fair trade are ignored.

I am confident that Mickey Kantor will aggressively empower our businesses and workers to compete and win in the global marketplace. His reputation as a hardworking, tough, and highly efficient negotiator and his practiced negotiation skills will make him an effective trade ambassador for U.S. interests. Before the Finance Committee on Tuesday, he demonstrated that he quickly grasped the complexities of the international trading rules and relationships. I look forward to working with Mr. Kantor to expand and defend U.S. interests in the world markets.

STATEMENT ON THE NOMINATION OF CAROL M. BROWNER

Mr. BAUCUS. Mr. President, on Tuesday the Committee on Environment and Public Works voted unanimously to recommend that the nomination of Carol M. Browner to be Administrator of the Environmental Protection Agency be confirmed when it is received by the Senate.

Ms. Browner's nomination has now been received, and in behalf of the committee I recommend without reservation that the Senate confirm her nomination.

In my judgment, President Clinton made an excellent choice in naming Carol Browner to be EPA Administrator, and based on the vote by the committee, I think every other member of the committee shares this view. Ms. Browner has demonstrated that she is thoughtful, articulate, and principled in her approach to environmental policy. She has pledged to work closely with the members of this committee and other Senators and Members of Congress in addressing the most pressing environmental issues now before us, and I know that we all look forward to working with her.

Ms. Browner also has expressed her intent to make EPA a more effective government agency and her desire to forge a new era of cooperation between the EPA and American business. These goals are of paramount importance. We must move beyond the present adversarial relationships that have taken over the regulatory process. As Ms. Browner herself pointed out, the present system too often ignores the real complexities of environmental problems and creates delay. Ultimately, neither businesses, local communities, nor the environment are well served by the present system.

It is clear that Ms. Browner understands that environmental protection and economic growth must go hand in hand, and that America must have both to compete in the international marketplace. She said when named by President Clinton that she was looking forward to serving at a time "when we will finally move away from the tradeoff and the debate that we have focused on for far too long between jobs and the environment, toward a sustainable economic future." In our hearing, she specifically mentioned that we must develop a stronger sense of innovation when it comes to environmental problems—that as a society we need to approach these issues as challenges to American ingenuity.

It is this sort of vision and deliberate sense of purpose that impresses me most about Carol Browner. We have reached a critical moment for the environment in the United States; there is a great deal of work ahead of us, and I feel very confident Ms. Browner will serve her country well.

Ms. Browner, a 37-year-old Miami native, received a law degree in 1979 from the University of Florida, where she also did her undergraduate work. Subsequently, she was general counsel for the Government Operations Committee of the Florida House of Representatives. In that capacity, Ms. Browner helped revise Florida's Conservation and Recreational Lands Program. From 1983 to 1986, Ms. Browner worked on environmental issues as associate editor for Citizen Action, a not-for-profit, grassroots organizing group. She was Senator Chiles' legislative assistant for environmental issues from 1986 to 1989. In that capacity, Ms. Browner helped negotiate legislation establishing the Big Cypress Natural Preserve northwest of the Everglades and Pinhook Swamp in the Osceola National Forest. She also worked on legislation that imposed a moratorium on oil drilling off the Florida Keys. Ms. Browner served briefly as a counsel on the Senate Energy and Natural Resources Committee in 1989. She then worked as legislative director to Senator GORE from 1989 to 1991.

In January 1991, Governor Lawton Chiles named Carol M. Browner to be Secretary of the Florida Department of Environmental Regulation [DER]. The DER is the State of Florida's principal environmental protection agency. It is responsible for regulation of activities affecting air and water quality, including wetlands, and hazardous waste activities.

As secretary of the DER, Ms. Browner has been described as a proactive administrator who is pragmatic and willing to try new solutions to problems in order to get results. Ms. Browner moved quickly to settle the Everglades lawsuit and to gain enactment of legislation implementing that settlement, under which the State is converting thousands of acres of farmland into wetlands to act as a filter to remove pollutants from water flowing into the Everglades. She worked successfully with Walt Disney World and the Nature Conservancy to fashion an agreement that will result in the preservation and restoration of 8,500 acres of environmentally sensitive land and that will minimize the environmental impact of Disney World's development over the next 20 years. Ms. Browner was the pivotal mediator in the settlement of a lawsuit in which, for the first time, States will take an systemwide approach to managing a shared ecosystem. She was the force behind passage of a new State law that significantly improves the way petroleum cleanups will be addressed and encourages greater owner/operator responsibility for cleanup and restoration costs. And Ms. Browner worked with the Florida legislature to enact legislation that creates the framework for the DER to obtain delegation from the EPA to implement the Federal Clean Air Program. The legislation also established a Small Business Technical Assistance Program to assist small businesses in achieving compliance with the new law.

In September 1992, Ms. Browner received the Nature Conservancy's President's Conservation Achievement Award, the highest honor given by that organization to public officials.

I urge my colleagues to vote to confirm Carol Browner as Administrator of the Environmental Protection Agency.

STATEMENT ON THE NOMINATION OF ROGER ALTMAN

Mr. MITCHELL. Mr. President, I am confident that Roger Altman will be an excellent Deputy Secretary of the Treasury and I look forward to working closely with him in the years ahead.

The U.S. Treasury Department has critically important responsibilities for managing the Nation's financial system and providing leadership to the entire world in the conduct of international economic affairs. The Secretary and his Deputy also have a preeminent role as economic advisers to the President.

Roger Altman is tremendously well qualified to help manage these responsibilities for the Treasury Department and I strongly support his confirmation. He has an impressive background, both in business and Government. During the Carter administration, Roger served as Assistant Secretary for Domestic Finance. He then went on to a very successful career in investment banking, first for Lehman Bros. and then for the Blackstone Group.

His keen understanding of business, investment, and the financial markets will serve him well at the Treasury Department. More importantly, those skills will serve the Nation well as Roger Altman advises President Clinton and Secretary Bentsen.

I congratulate Roger and wish him well in this new position.

STATEMENT OF THE NOMINATION OF MIKE ESPY

Mr. KERREY. Mr. President, I am pleased to have the opportunity today to support the confirmation of MIKE ESPY to serve as our next Secretary of Agriculture.

I know from my conversations with Congressman ESPY that he will bring a perspective to USDA that spans, to borrow a theme from our new President, what is wrong with rural America and what, with bold leadership, could be made right in that part of our Nation that still provides a home and livelihood for one in every four Americans.

MIKE ESPY's vision for rural America is shaped by his understanding that new opportunities, such as state-of-the-art telecommunications technology, could revitalize life on the farms and ranches, and in the small communities, that make up the rural landscape. He recognizes that new technology can ensure for rural Americans a fair chance to secure the high-skill, high-wage jobs of the future, and allow them to enjoy many of the educational and cultural advantages once thought available only to city dwellers.

Though Congressman ESPY's enthusiasm for the bright future that technology could bring to rural America is high, it is tempered by his deeply personal recognition that the promise of fiber optics and interactive learning is a rather distant concept to the many rural residents who do not, in the United States in the year 1993, have, as he said during his confirmation hearing, such basics as running water in their homes. He knows that too many Americans today, and especially those in rural areas, have basic needs that are unfulfilled, including access to health care, a sound diet, and the other essentials that one needs simply to live before one can begin to learn or otherwise lead a productive, self-sufficient life.

The need to maintain basic services in rural areas is particularly acute in my own State of Nebraska. Nebraska has more land in farms and ranches—92.4 percent—than any other State in the Nation. Thus, the lifeline of rural Nebraskans to the services that make rural living possible is as tenuous for them as for anyone in the country. I am confident, therefore, that Nebraskans will welcome Secretary Espy's special commitment to rural development and the need to maintain rural services.

Two other positions enunciated by Congressman ESPY during his confirmation hearing are likely to strike a particularly responsive chord among Nebraska farmers and ranchers.

First was his declaration that any reorganization and consolidation efforts implemented at USDA must include, if not begin with, reductions in the bureaucracy and redtape at the Department of Agriculture in Washington. That is the same message that I hear from virtually every farmer who has contacted me to express concerns about the proposed closing of USDA field offices at the county level. These farmers, and their new Secretary, understand and agree that sacrifice and hardship must be a shared burden.

Second, Congressman ESPY has observed that, during his service as a member of the House Budget and Agriculture Committees and during his trips to monitor the progress of the Uruguay round of GATT negotiations, he came to fully appreciate the sheer folly of the United States making unilateral reductions, for budgetary reasons, in our farm price support and export programs at the very same time that we were pressing the European Community, without success, to roll back its more costly and elaborate system of support for European agriculture. As he has said, this one-sided forfeiture of negotiating leverage has simply caused the EC to sit back and say, "Let's not agree to make any cuts, since, over time, the Americans are going to do themselves in."

To our new Secretary of Agriculture I say, among Nebraska producers, your on-the-mark observation gives new hope that this administration will break a 12-year policy drought that saw U.S. farm numbers shrivel by one-fourth—1.5 million people—during the decade of the 1980's. Nebraska producers do not expect the Secretary of Agriculture to win every battle within an administration. But they do hope that the Secretary of Agriculture will speak up for them. I believe they have in MIKE ESPY an advocate for agriculture, and that is why I will vote for him.

STATEMENT ON THE NOMINATIONS OF LEON PANETTA AND ALICE RIVLIN

Mr. GLENN. Mr. President, I rise today to praise President Clinton in his selection of LEON PANETTA to be Director of the Office of Management and Budget and of Alice Rivlin to be Deputy Director of the Office of Management and Budget.

As chairman of the Committee on Governmental Affairs, it was my privilege to hold the nomination hearings for Congressman PANETTA and Dr. Rivlin. The committee favored both nominations, and I am very happy that the Senate has agreed to confirm these nominees. These were terrific choices for very difficult jobs, and I extend my best wishes to both of them.

As we discussed at some length at their nomination hearings, both OMB Director PANETTA and Deputy Director Rivlin have an incredible task facing them. All of us know that the time has come to make hard choices. Our national debt and our Federal budget deficit must be brought down. The economy, though coming out of a recession, is moving forward slowly. Our rate of national capital investment, already less than one-half the investment rate of Japan and lower than our other major trading partners, continues to fall. And the number of Americans without health coverage continues to rise.

For the day-in, day-out operation of Government that affects every American—the matching of policy with money resources, the monitoring of stifling over-regulation, the reduction of waste and abuse, cutting the deficit, etc.—we depend on the leadership shown by OMB. In my opinion, Congressman PANETTA and Dr. Rivlin have exactly what it takes to make the decisions—the trade-offs, the investments, the spending cuts—that will be critically important to our future.

Congressman PANETTA and Dr. Rivlin stressed that they will work to finally put the "M" back in OMB. This is more important than ever, after Comptroller General Charles Bowsher's statement at a hearing 2 weeks ago, that he could think of almost no Federal agency that was well-managed. In fact, he said that the Army was about the only agency in the entire Government which had made significant management improvements. Obviously, this state of affairs cannot be allowed to continue, and we look to Congressman PANETTA and Dr. Rivlin to oversee the changes necessary to make the executive branch work more effectively. The "M" in OMB must come to mean more than it has in the past.

There are, no doubt, some Federal programs which are poorly conceived, but many other programs are not operating effectively because of inadequate investment, and as a result, some agencies no longer have the capacity to perform their public missions. And like any undercapitalized business, the result is often failure and a waste of investment, even if the underlying ideas and objectives are good. Determining which programs should be retained and which should be eliminated are among the tough choices facing OMB.

Again, I am pleased that President Clinton selected Congressman PANETTA and Dr. Rivlin to lead OMB because I believe they understand the magnitude of our problems, as well as the urgency we face in finding solutions. I congratulate them both, and look forward to working together with them to solve the problems of our Government and our country.

STATEMENT ON THE NOMINATION OF CAROL M. BROWNER

Mr. MITCHELL. Mr. President, I am pleased to support the nomination of Carol Browner to be Administrator of the U.S. Environmental Protection Agency. Ms. Browner brings valuable State experience to this position that will serve her well.

EPA is responsible for implementing and setting policies to protect the public health and the environment. EPA runs programs that focus on pollutants that contaminate the air, water, and soil. These are large, complex programs. In addition, many States have their own delegated programs that EPA must assure meet Federal standards. Virtually all sectors of the economy are affected by what EPA does.

The burdens are many; the resources are few. Yet the pressures on human health and the environment have never been greater. The pressure of increasing population taxes the ecosystem as never before. The demands of an increasing population threaten to overrun the progress we make in improved pollution controls, leaving the public at risk from unhealthy levels of exposure to contaminants.

To successfully negotiate these potential conflicts, the EPA Administrator needs to have a firm hand, an ability to lead, and a vision for the future. Ms. Browner has these qualities. I strongly support her nomination.

STATEMENT ON THE NOMINATION OF JESSE BROWN

Mr. MITCHELL. Mr. President, I rise today to express my support for the nomination of Jesse Brown as Secretary of Veterans Affairs.

President Clinton has made an excellent choice in selecting this decorated Vietnam combat veteran to head the second largest agency in the Federal Government. Certainly Jesse Brown brings a wealth of personal and professional experience to the job.

Jesse Brown enlisted in the Marine Corps shortly after graduating from high school in Chicago. Wounded in Vietnam, he went to work for the Disabled American Veterans in 1967. In the past 24 years, he has served with distinction rising from National Service Officer in Chicago to executive director of DAV's Washington headquarters.

In the period following the announcement of his nomination, I was pleased to see a series of stories in various newspapers regarding Mr. Brown, the headlines of which described him as a "defender of the rights of veterans," a "master of regulations," a "warrior" in fighting for veterans benefits and "hard-driving." Those are valuable qualities to bring to the challenges he faces as the new Secretary.

First and foremost, he takes over a health-care system whose medical programs, operations, and expertise are wide ranging and extensive—with more than 200,000 employees, hundreds of hospitals, clinics, nursing homes, and domiciliaries and an annual budget of $15 billion.

It will take considerable effort and attention to restore the system's ability, which has been compromised over the past decade, to provide first-class medical care to America's veterans. But, I know the new Secretary will be up to the challenge in this area, as well as the others facing him.

We want him to succeed as Secretary of Veterans Affairs. For we share a common goal, to see to it that those benefits earned by veterans through their service to this country are provided them in an efficient, fair, equitable, and cost-effective manner.

I congratulate the President for his selection of Jesse Brown to be Secretary of Veterans Affairs. I urge my colleagues to support this nomination.

STATEMENT ON THE NOMINATION OF RICHARD W. RILEY

Mr. MITCHELL. Mr. President, I strongly support the nomination of Richard Riley to be Secretary of Education. His successful experience as a reformer of education is matched, perhaps, only by the man who nominated him. The longstanding relationship between Governor Riley and President Clinton, much of it forged in the trenches of school restructuring, indicates education will properly assume a place at the head of the Cabinet table. Both men expended tremendous energy convincing their legislatures and citizens that educational and economic outcomes are inextricably tied.

As Governor in the early 1980's Mr. Riley led education reform at the State level. He was the first among Southern Governors to recognize his State could compete in the future for high-wage jobs only if all youngsters received better preschool educational and nutritional services. Richard Riley in 1984 forced through a comprehensive $200 million reform plan that included rigorous standards and an evaluation program for all public schools that remains in place today. He reiterated the importance of these programs as well as services for gifted students during his confirmation hearing. I look forward to working with Secretary Riley.

STATEMENT ON THE NOMINATION OF HAZEL R. O'LEARY

Mr. MITCHELL. Mr. President, the Secretary of Energy plays an important role in the security and economic prosperity of this Nation. Our Nation's dependence on foreign oil and the continuing turmoil in the Persian Gulf makes Americans painfully aware of the importance of energy to the security and future of this Nation. Moving this country away from its dependency on foreign oil, dismantling our nuclear weapons complex, managing a complex environmental clean-up program, and expanding research and development in new energy technologies requires a Secretary of Energy with broad experience in energy policy and management. The position demands a person with a keen understanding and broad experience in energy affairs and the workings of American government. I am pleased that President Clinton has selected such a person for this most important position.

With a law degree from Rutgers University, Ms. O'Leary served as a county prosecutor and an assistant attorney general for the State of New Jersey. During the Ford administration, she became Director of the Office of Consumer Affairs in the Federal Energy Administration, the forerunner of the Department of Energy. In the Carter administration, Ms. O'Leary headed the Economic Regulatory Administration of the newly created Department of Energy. In this capacity, Ms. O'Leary was responsible for overseeing a staff of more than 2,000 lawyers, accountants and engineers.

Following her service in the Federal Government, she created her own energy consulting firm. In 1989, Ms. O'Leary joined the Northern States Power Co. where she managed the environmental, human resources and law departments. Currently, she serves as the executive vice president for corporate affairs. Ms. O'Leary's experience in Government and the private sector has made her familiar with a wide range of energy issues including utility regulation and management, energy efficiency, conservation, alternate and renewable energy technologies.

As a Federal regulator and corporate vice president, Ms. O'Leary will bring experience and balance to an agency facing a crucial restructuring in the post-cold war era. I believe Ms. O'Leary will lead the Department of Energy in to a new era in which technology serves as an engine for job creation, industrial energy efficiency and environmental management. I am confident that she will make the Department of Energy integral part of this Nation's long term economic strategy. Without question, Ms. O'Leary possesses the knowledge and experience to carry out this mission. It is for this reason that I support her nomination.

STATEMENT ON THE NOMINATION OF HENRY CISNEROS

Mr. MITCHELL. Mr. President, Henry Cisneros has been a leader throughout his life. Bright, articulate, and energetic, Henry has a proven track record as an effective manager and a man of great vision.

As the first Hispanic elected mayor in a major American city in 1981, Mr. Cisneros brought about remarkable change for San Antonio. It is that same spirit for change that we hope will transform the Department of Housing and Urban Development. With his broad base of knowledge about housing and community development issues, Henry Cisneros will bring hands-on experience to HUD.

Despite internal management changes at the agency to comply with the 1989 HUD Reform Act, a December 1992 GAO transition report found that many fundamental management problems remain unresolved. Those deficiencies include:

> In adequate information and financial management systems, weak internal controls, and insufficient staff resources to perform necessary functions, such as monitoring and enforcing program requirements.

As HUD Secretary, I hope that Mr. Cisneros will take the corrective actions necessary to ensure that the agency operates as intended. I look forward to working with Mr. Cisneros to enable HUD to regain its key role in revitalizing American communities.

STATEMENT ON THE NOMINATION OF DONNA E. SHALALA

Mr. MITCHELL. Mr. President, I rise today in support of the nomination of Donna E. Shalala as Secretary of the Department of Health and Human Services.

Ms. Shalala brings a wealth of experience to this most demanding position, having served as chair of the board of the children's defense fund, president of Hunter College, Assistant Secretary for Policy Development and Research in the Department of Housing and Urban Development during the Carter administration, and most recently, chancellor of the University of Wisconsin-Madison.

Ms. Shalala faces a tremendous task. Many of the most difficult challenges facing the new administration are within the purview of the Department of Health and Human Services. The HHS budget is estimated to be about $590 billion next year, representing about 40 percent of all Federal spending—only the Government of Japan and the United States have larger total budgets.

Perhaps the greatest challenge facing Ms. Shalala in her new capacity is the reform of the Nation's health care system. President Clinton has made health care reform one of his top priorities, as it is a priority for me. We must get the rapidly escalating cost of health care under control if we are to reduce the Federal deficit. We must also address the unmet health care needs of millions of Americans without access to affordable care.

Other difficult challenges for Ms. Shalala include welfare reform and reforming our child support enforcement system. I share the President's view that welfare should not be a way of life. Clearly, we need to create jobs to ensure that families can become and remain self sufficient. We also need to ensure that single-parent families, primarily headed by women, receive sufficient child support. Both parents, not only the parent with whom children live, have a financial responsibility in raising children.

I look forward to working with Ms. Shalala on these and other issues of concern to American families.

STATEMENT OF THE NOMINATION OF ROBERT REICH

Mr. MITCHELL. Mr. President, as our economy changes, the American workplace also is changing. In a time of American renewal, there is a need for Government to work with both business and labor to promote a renewal of a progressive spirit in American labor-management relations.

Robert Reich is uniquely qualified to lead the efforts to promote this spirit. He has given thoughtful consideration to and has written extensively of his vision for the future. This vision includes providing job training for the American work force, encouraging labor-management cooperation and increasing America's technology competitiveness.

As Robert Reich has stated over and over, America's workers are one of our most important economic assets. Under Robert Reich's leadership, the Department of Labor will foster partnership between business, labor, educational institutions, States and other Federal agencies to utilize this asset to its fullest. I also anticipate policies which support child care, family and parental leave, and a safe work environment.

I look forward to working with Robert Reich in the years ahead.

STATEMENT ON THE NOMINATION OF MIKE ESPY

Mr. MITCHELL. Mr. President, I rise today to express my support for the nomination of MIKE ESPY as Secretary of Agriculture.

MIKE ESPY has represented Mississippi's Second Congressional District with distinction for the past 6 years. It is a rural district, one in which agriculture is the dominant force in the economy.

As a member of the House Agriculture and Budget Committees, MIKE ESPY has been a leader in Congress on trying to fashion bipartisan, responsible and fiscally sound agriculture legislation on issues ranging from hunger prevention, rural development, and international trade. He will bring a solid background in agricultural policy to the Department based on his tenure in Congress.

As Secretary of Agriculture, MIKE ESPY will oversee a $67 billion budget and some 115,000 employees. The mandate of the Department of Agriculture in nutrition and food safety; agricultural production, marketing and trade; environmental protection; forestry and rural development makes USDA a dominant force in the economy of many States as well as the Nation.

Earlier this year, I had the opportunity to meet with the Secretary-designate with the rest of Maine's congressional delegation. We wanted to alert the incoming Secretary to several very serious problems facing our State's potato industry. I would characterize our meeting with Mr. ESPY as very positive.

I was very impressed with MIKE ESPY at that time, much beyond his obvious sensitivity to the circumstances facing many Maine farmers. He demonstrated a good grasp of the USDA disaster assistance programs we raised and he clearly understood the impact USDA disaster, lending, rural development and commodity programs have on farmers and rural America.

I believe MIKE ESPY will be an excellent Secretary of Agriculture. In fact, the more I see and learn of MIKE ESPY, the more I believe he will be a forceful advocate for agriculture, producers and consumers, and rural America within our Government and with other governments worldwide.

I very much look forward to working with Secretary ESPY in the coming months to find and fashion solutions to the many problems he will face, from reorganizing the Department's field and central office structure so that the Department will operate in an efficient, fair, equitable, and cost-effective manner to improving America's markets in international trade and maintaining our world leadership in food safety.

I congratulate the President for his selection of MIKE ESPY to be Secretary of Agriculture. I urge my colleagues to support this nomination.

STATEMENT ON THE NOMINATION OF ROBERT REICH

Mr. BYRD. Mr. President, these are exciting times for our Nation. We begin the year with a new President and a new Congress, and with a renewed sense of hope and great expectations for the future. Yet, these are also challenging times. As a nation, we are confronted by the legacy of a decade of debt; a decade of living for the present, seemingly without any real concern for the future; a decade of borrowing against our children's inheritance.

Clearly, the time has come to change course. We must begin to invest in the future, rather than borrow from it. We can no longer afford to live so wildly beyond our means, nor can we afford to continue to ignore the tremendous public investment needs that exist across our country. If we are serious in our concern about the future, we must act to solve both our budget and our investment deficits. To neglect either would be to fall short of the challenges before us.

It is with precisely such a concern in mind that I am so encouraged and pleased by President Clinton's nomination of Robert Reich to be the next Secretary of Labor. I believe that Mr. Reich understands not only the need to bring our budget under control, but also the critically important role that public investment plays in promoting long-term economic growth. He understands how public investment complements, rather than competes with, private investment; how public investment encourages private investment by making it more productive. He understands that public investment is a necessary part of any strategy designed to ensure that American workers remain the most productive in the world. Simply put, Robert Reich understands that public investment is essential if Americans, now and in the future, are to enjoy an ever-rising standard of living.

In testimony presented to the Senate Appropriations Committee last year, Mr. Reich explained:

> * * * in the emerging global economy, public investment is especially important. Global capital is not yet perfectly mobile, but it is highly mobile and becoming ever more so. If Americans want to attract global capital to the United States to create jobs here, the Nation faces the same fundamental choice of methods as that faced by other nations: We can either attract global capital by promising low wages and low costs of meeting environmental, safety, and other standards; or we can lure global capital by promising a highly skilled work force and a world-class infrastructure of communications, energy, transportation, water and sewage systems—linking the work force together and with the rest of the world. Only the second method will enhance our standard of living. But a highly skilled work force and a world-class infrastructure require public investments. * * * Ultimately, of course, it is the American people who must decide whether their children and their children's children are to live at least as well as we do today—and how much we are willing to sacrifice in order to ensure that they do.

Mr. President, I commend Mr. Reich for the insight he has shown with respect to the challenges that confront America. I commend our new President, Bill Clinton, for the good judgment he has shown in his selection of Robert Reich to head the Department of Labor. Having risen many times on this floor to speak of the need to commit ourselves to the task of investing in America, in our infrastructure and our people, I am pleased to be able to rise today in support of the nomination of Robert Reich for Secretary of Labor, an individual who understands the positive role that Government can play—that Government must play—in promoting economic growth and prosperity.

STATEMENT ON THE NOMINATION OF HAZEL O'LEARY

Mr. DURENBERGER. Mr. President, I join my Senate colleagues in congratulating President Clinton for his selection of Hazel O'Leary to be the new Secretary of Energy. When confirmed, she will be the seventh Secretary of Energy since the department was first created in 1977. She is truly one of Minnesota's finest, and we are all very thrilled and optimistic about her appointment.

During the last several years, I have known and worked with Hazel and am aware of her many contributions to Minnesota and the country. In her service as executive vice president of Northern States Power Co. [NSP] in Minnesota, I have found her to be bright, competent, and insightful. I have also come to know her as an excellent leader and as someone who understands the complex nature of the energy industry.

Mr. President, Minnesota has always prided itself on being environmentally progressive and forward thinking. As such, we are fortunate to have major power utility companies that understand the need to protect the environment and make wise use of the State's natural resources. Under her watch, NSP has made significant advances and contributions to progressive environmental policies. One example is the Clean Air Act.

As one of its authors, I can personally attest to NSP's involvement in the passage and implementation of the Clean Air Act, as well as the debate on global climate change, energy conservation measures, and alternative sources of energy such as its recent proposal to implement a 100-megawatt wind energy program in southwest Minnesota.

Mr. President, as energy policy is viewed more in the context of economic growth and revitalization, a commitment of President Clinton, Hazel's strong background in both the public and private sector will prove to be a tremendous asset to the country. Hazel has always demonstrated a unique ability to interweave sound energy policy with sound economic strategy. She has a reputation for being able to reach a consensus on difficult issues, an ability that is essential to this position.

I extend my sincere congratulations to Hazel O'Leary on her nomination. The President has my strong support for his outstanding nominee and I urge my colleagues to vote to confirm her, as well. I look forward to working with her in the coming years and watching her succeed at the Department of Energy.

STATEMENT ON THE NOMINATION OF CAROL M. BROWNER

Mr. DURENBERGER. Mr. President, I join my Senate colleagues in congratulating President Clinton for his selection of Carol Browner to be the new Administrator of the Environmental Protection Agency. She will be the eighth Administrator of EPA since it was created in 1970. Her experience on the frontline of environmental policy as the head of Florida's Department of Environmental Regulation will bring a new perspective to EPA's leadership.

The framework of environmental policy in the United States is established by the National Government. But the policy is actually carried out at the State level. It is the States which issue the permits, hear the appeals and enforce the regulations. It is the State officials who work daily with the millions of businesses, local governments and private citizens who are affected by environmental law. Experience at the State level provides an invaluable perspective on our national environmental laws.

Ms. Browner reflected this experience at the hearing on her confirmation. Her principal message was a concern for those businesses, local governments and citizens who are directly affected by environmental regulations. Here is what she said:

> EPA must deliver quick, consistent decisions. We must recognize the special problems of small businesses. EPA should spend more time listening to the particular concerns of businesses and communities affected by environmental problems and the EPA must recognize the value of State regulators. And the EPA should promote, encourage and develop rewards for businesses that develop pollution prevention and recycling strategies.

I am sure that message will be warmly received by business people and local government officials all across the country.

During the hearings of the Environment and Public Works Committee on her nomination and at an earlier courtesy call, I raised three issues with Ms. Browner that I would like to touch upon today. My statement to the Senate, and to Ms. Browner, comes in the way of a caution on three major themes that one hears over and over again in contemporary discussions of EPA, its missions and its operations.

The first theme is about risk. The assertion made by many is that EPA's priorities should be realigned so that they better reflect the public health risks that are actually confronting the Nation. There is a suggestion that we may be wasting billions of dollars on some problems, like cleaning up hazardous waste sites, while other more serious threats to public health receive relatively little attention. The solution sometimes put forth is to turn over the priority setting process to some quasi-scientific body that will, using the tools of risk assessment, help us better allocate our environmental budget and regulatory effort.

No one can argue with the proposition that we ought to allocate our environmental dollars as carefully as possible. And everyone would agree that decisions based on solid scientific information are better than decisions guided by hunches, superstition or bias. Congress is constantly called upon to make decisions that allocate billions of public and private dollars toward one problem or another often before the science on causes and solutions is settled. We make difficult choices that are criticized from every direction.

But there is no technical or scientific fix for our condition. There is no philosopher king or committee of Ph.D.'s who can relieve the policymakers in Congress and in the executive branch of this difficult job of setting priorities in a world of competing interests and limited knowledge. And there is no reason to believe that we have chosen incorrectly in the past.

To properly express these concerns, I should need more time than I have today. But let me just list the three main problems with the argument for comparative risk assessment. First, is the state of the science. Risk assessment is in its infancy. There is no agreed-upon methodology of risk assessment. We know a lot about some health problems, cancer for instance, but next to nothing about the environmental factors in other adverse effects like birth defects or neurological disorders or suppression of the human immune system.

Second, even if the methods reflected a solid consensus, there are questions that risk assessment cannot answer. EPA's mission covers a wide range of public values from childhood health to natural resource protection. There is not one objective, scientific yardstick on which one can rank the relative importance of healthy children in comparison to the population of migratory waterfowl. How much do you spend on children's health, before you start spending money on ducks? This is a question of preferences that in our system of government is assigned to elected officials, not appointed members of science boards. The choice between kids and ducks can be informed by science, but ultimately it can only be resolved in a democratic society by an appeal to the preferences of the public.

Third, even where one yardstick of risk can be applied, for instance, the risk of contracting fatal cancer, it does not necessarily follow that achieving the largest risk reduction is an absolute guide to policy. I believe that the public is more willing to accept small risks widely distributed, than large risks focused on the few. It is not just the absolute mortality, but also the equity, the distribution of the risk, that informs the public's sense of priorities.

The public gets incensed about hazardous waste sites or chemical spills because they are immediately devastating to their victims, even if those victims are few in number, and hundreds more could be saved by spending the same dollars addressing some other problem. Allocating public and private resources to achieve the greatest reduction in risk for each dollar spent is not the best public policy, because it fails to reflect the public's sense of equity and justice.

I am all for more science. And the Federal Government has a fundamental obligation to spend the taxpayers' money as wisely as possible. But I do not agree that these propositions call into question either the process we have used to select environmental priorities or the allocation of resources now reflected in the budget and regulations of the EPA and the other agencies we charge to protect public health and the environment.

The second theme I would touch upon goes by the shorthand phrase "market incentives". The notion here is that our current approach to environmental regulation which is called "command-and-control" by its critics is inefficient and unworkable for the environmental challenges that we face in the future. The new conventional wisdom says that we should move to an alternative set of regulatory mechanisms including taxes, fees, trading systems and other market-based approaches to influence private behavior in a way that is favorable to the environment.

Again, there is something to be said for the use of market incentives to achieve environmental objectives. But as with comparative risk assessment, the push for market incentives has been embraced with so much uncritical enthusiasm that its limitations have been overlooked.

The acid rain provisions of the 1990 Clean Air Act Amendments are often cited as an outstanding example of market incentives replacing command and control regulations in environmental policy. It is true that the 1990 Clean Air Act Amendments include a very innovative emissions trading scheme that will help reduce the costs of acid rain controls. But people who think that command and control has had its day should go back and read the acid rain title of the Clean Air Act.

It lists every powerplant in the country by name and sets a cap on the tons of sulfur dioxide that each plant is allowed to emit each year, a different amount for each plant based on its historic emissions. That's about as "command-and-control" as you can get. The authority to trade allowances as a way to reduce costs is a second step that can only be taken because of the "command-and-control" limits that have been established for each plant. Trading in this example doesn't have any relevance as a public policy tool unless a cap on emissions has already been established by command-and-control regulations.

It's also important to keep in mind that in the case of acid rain we are dealing with a single pollutant, SO_2, from a limited universe of plants, about 600, with continuous monitoring and a long history of pollution data. We hope that trading helps reduce the cost of the acid rain control program, but I don't know that a limited use of a trading scheme like that can be translated into a clarion call to abandon traditional environmental regulations for market solutions.

There are other examples of market incentives that one can cite. For instance, in 1989 the Congress imposed a tax on the production of chlorofluorocarbons or CFC's. These are substances that deplete the ozone layer. The tax is substantial. Current revenues to the Government from this tax exceed $1 billion per year. The tax has clearly discouraged the production and use of CFC's.

But the real effort on ozone depleting chemicals is not being carried by the tax. Rather, we have a worldwide treaty called the Montreal protocol that bans the production of CFC's and other ozone depleting chemicals by the year

2000. Considering the risk that these chemicals present to human health and to the global environment, I don't think that anyone would now suggest that we replace the Montreal protocol with a mere tax or fee designed to change behavior.

There are areas where fees or taxes can be used in ways that advance our environmental objectives. There are trading schemes that can appropriately be used to bring down the cost of a command and control system regulations. But there are fundamental limitations on these mechanisms that must also be kept in mind. Efficiency is only one objective to be reflected in our regulatory system. Equity and enforceability are also essential considerations in designing environmental policy.

The third subject that I would touch upon today is called regulatory negotiation. It is a process that is sometimes used by EPA to reduce the conflict that may be associated with the promulgation of a major rule. In a regulatory negotiation, EPA calls in representatives of all the groups that may have an interest in a specific rule and they meet over a period of time to see if their views can be reconciled into one consensus regulation.

There is great value in this negotiated process. It may shorten the time it takes to put a rule in place. It may also eliminate the litigation that often occurs after a major rule is promulgated. And during the negotiations EPA may acquire information from the negotiating parties that improves the quality of the rule and assures its effectiveness.

But the process can be abused. Recently, we have seen a new motivation behind these negotiations. EPA has been using negotiations to circumvent oversight by the White House. It has been widely reported that EPA regulators and White House officials have had serious disagreements about major environmental policies. In this atmosphere some at EPA have pushed regulatory negotiations as a way to limit White House review. If all the interest groups agree to a rule before it is sent to OMB, then OMB's role will be limited.

The interest groups also see an opportunity for circumvention in these negotiations. They sometimes see it as a way to rewrite the law—to get around the clear mandates that the Congress has established. The most important example of this abuse of regulatory negotiation is the reformulated gasoline rule that was negotiated by EPA in 1991. The proposed rule that resulted from those negotiations sets aside some clear provisions of the law including a cap on emissions of nitrogen oxides and a requirement that reformulated gas achieve a 15 percent reduction in VOC emissions.

There are some benefits to negotiated rulemaking. It can make the administrative process work better and it can produce better rules.

But if the motivation at EPA and among the interest groups is to use regulatory negotiation as a way to get around the law or rewrite the law or as a way to avoid oversight by the White House and those were significant factors motivating the regulatory negotiation on reformulated gasoline—then ultimately, regulatory negotiation will not serve the country well.

The law is more than a deal reached by the special interests in a hotel ballroom under the tutelage of EPA contractors. The pledge not to sue—which is the ticket that gets a special interest into the reg neg process—is not a test of lawfulness. Even if all the interests promise to stay out of the courts, EPA still has a duty to the Congress and to the public to determine whether a rule is in compliance with the law.

As I said earlier, Mr. President, I have raised each of these issues with Ms. Browner. Based on her responses at the hearing and in our private discussion, I am satisfied with her understanding of the limitations of risk assessment, market incentives and regulatory negotiation. Each is a tool that can be used to improve environmental regulation. But our enthusiasm for new methods must not blind us to the fundamentals of policy and process in a democratic government.

STATEMENT ON THE NOMINATION OF RICHARD W. RILEY

Mr. DURENBERGER. Mr. President, I am pleased to rise to support the nomination of Richard W. Riley as Secretary of Education. I intend to vote to confirm the nominee and look forward to working closely with him in the months and years to come.

Mr. President, Members of the body on both sides of the aisle know of my strong personal interest in education and my commitment to work on a bipartisan basis on a wide variety of initiatives designed to encourage and support what I like to call real education reform.

Both the incoming and outgoing Presidents have correctly identified a better educated work force as an essential element in a long-term economic strategy that will keep this Nation competitive as we enter the 21st century.

President Clinton has included reforming and improving education as one of the top priorities for his new administration. I believe he has chosen an excellent Secretary of Education to help him turn those objectives into reality.

Governor Riley brings to this challenge many of the same assets that defined his predecessor—another southern Governor with recent experience in higher education—who had previously launched a major education reform initiative designed to improve quality and outcomes in his State's elementary and secondary schools.

Both Lamar Alexander and Dick Riley also became national leaders in education reform through their work in the National Governor's Association. And, both these former Governors have shared common objectives in education—and a long and positive personal relationship—with a third southern Governor who is now President of the United States.

Mr. President, this Nation was very well-served by the last Secretary of Education this body confirmed. And I cannot let this opportunity pass without saying how much I will miss Lamar Alexander, and the vision and energy and commitment he brought to his job.

But, the American people have elected a new President, and that new President has selected a new Secretary of Education whom I also believe is an excellent choice to continue the quest for excellence in education that was begun in the preceding administration.

Governor Riley and I have already had an opportunity to establish a number of points of common interest and common concern in a brief meeting in my office and during his confirmation hearing before the Senate Labor and Human Resources Committee.

Given the kind of strong support he will need from the new President, I believe he will succeed.

I believe he will use—and, I believe he will need—the ideas and support that I and my colleagues on this side of the aisle have a duty and an obligation to help provide.

I make that observation, Mr. President, because of my strong belief that any real reform in education must be bipartisan.

Last year, for example, I joined with Senator LIEBERMAN, Senator KENNEDY, and others in a bipartisan initiative to allow Federal education improvement funds to be used to support public school choice programs, and to help start innovative new public schools—including charter schools.

And, last year, I joined the Senators SIMON, BRADLEY, KENNEDY, and others in a bipartisan initiative to design new and better ways of paying for college.

These three ideas for change—public school choice, charter schools, and new and better ways of paying for college—are all part of the Clinton education reform agenda.

In fact, one of the items I'd like to enter into the record of this confirmation, Mr. President, is the chapter on needed changes in education from the Progressive Policy Institute's new book, "Mandate for Change."

One of the three core recommendations from that chapter urges the new President to, and I quote:

> Promote charter schools and other State efforts to harness choice and competition to improve our public schools.
>
> President Clinton—

The recommendation continues:

> should put the resources of his Education Department behind State efforts to design

and enact public school choice laws. He should further encourage the States by proposing that they be allowed to use a significant portion of Federal education aid to set up innovative public schools. Presidential leadership also is essential for setting broad, national standards of performance for all public schools, including charter schools.

Also included earlier in this same chapter, Mr. President, is a specific recommendation that the new President support the legislation that Senator LIEBERMAN and I introduced last year to allow States to use Federal education improvement grants to help set up new charter public schools.

Mr. President, I would ask that relevant portions of the education chapter of "Mandate for Change" be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

FOUR PRIORITIES FOR THE CONGRESS AND NEW PRESIDENT

Mr. DURENBURGER. During the course of his confirmation hearing, Mr. President, I identified for Governor Riley four personal priorities I have for the Senate's work on education during the course of the coming year. I believe these are all priorities that are shared by the new administration and by many members of this body—on both sides of the aisle.

Briefly, Mr. President, those priorities are:

First, the recommendation I just read from "Mandate for Change"—to authorize Federal funding of State-level public school choice initiatives and start-up funding for innovative new public schools—including charter schools.

The logical vehicle for this proposal is legislation reauthorizing the Elementary and Secondary Education Act which the Labor Committee will draft this year. In addition, Senator LIEBERMAN and I intend to reintroduce our legislation authorizing a new Federal grant program to fund start-up expenses for new charter schools.

A second priority is to authorize expanded Federal support for colocation of health and other services in and around schools.

In addition to legislation considered by the Labor Committee, I intend to author legislation in the Finance Committee to expand support for school-based health services using the Maternal and Child Health Block Grant Program.

And, I'm also exploring ways of inceasing Medicaid reimbursement for otherwise eligible primary care services that are delivered in school-based settings.

A third priority for this coming year, Mr. President, is to use elements of the Simon-Durenburger IDEA proposal to help shape the income-contingent direct loan components of a Clinton national service initiative.

I am also helpful that the new administration will draw on the IDEA proposal as it implements the direct loan demonstration we included in last year's reauthorization. I have written a letter to the new President detailing my thoughts on how some elements of IDEA could be incorporated into the President's national service proposal which I would ask to be printed in the RECORD at the conclusion of my remarks.

A fourth priority, Mr. President, is that we ensure that legislation implementing a Clinton national service proposal is considered in the context of broader education reform.

Service in the community can be a powerful force in improving teaching and learning—as well as an alternative way to help pay for college.

That's why I believe that expanded service learning opportunities should be included in this year's reauthorization of the Elementary and Secondary Education Act, as well as legislation reauthorizing the Commission on National and Community Service.

All four of these goals are consistent with campaign themes and priorities we have heard from the new President. But, they are not Democratic ideas or Republican ideas. They are good ideas that deserve bipartisan support in the Congress and from both consumers and providers of education all across America.

I am confident that these good ideas are also high priorities for Governor Riley. Beyond his excellent qualifications, that's one of the reasons I strongly support his nomination. I urge my colleagues to vote to confirm him, as well.

EXHIBIT 1

STATEMENT BY U.S. SENATOR DAVE DURENBERGER AT A HEARING CONDUCTED BY THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE—DECEMBER 14, 1992, MINNEAPOLIS, MN

Let me begin by joining Senator Wellstone in welcoming the Commission—and the rest of our out-of-town guests and witnesses—to Minnesota.

We're all proud that you chose North High School for one of only two national hearings you're conducting outside of Washington. You've made a wise choice. And, I know you'll be impressed with what you hear from the witnesses . . . and from the "open mike" period later on.

I've stated many times before that most of what I've learned about this subject has come from a lot of the people in this room.

That's why I asked that Paul and I be on this side of the table this morning . . . doing more listening than talking . . . and having a chance to engage in at least some of the dialogue the Commission will be having with the students and other witnesses who are here to testify.

I've said many times before that, I came to this issue several years ago with a much narrower vision of what we've traditionally called "volunteerism".

My vision was limited by my own experience as a community volunteer . . . as president of the South St. Paul Jaycees . . . as president of the Burroughs Elementary School PTA . . . as an active participant in the Citizens League and a lot of other community projects and community organizations.

It was also defined as "volunteerism" by my years as a director of VOLUNTEER, the National Center for Voluntary Action, and by my work in the 1970's on the National Study Commission on Volunteering in America.

I did my "volunteering" out of a strong sense of "civic duty." And, I still believe that promoting what President Bush calls a "Thousand Points of Light" is an important part of what the Commission on National and Community Service is all about.

But, from people like Jim Kielsmeier and a lot of teachers and students in Minnesota, I've also learned that integrating community service into the school curriculum can be an essential element in "education reform."

And, I've learned service corps and other forms of stipended service can be an effective "education alternative" for students who aren't well-suited for more traditional schooling that's totally based on textbooks used in the classroom.

This growing awareness of these broader values of community service is one reason I became the lead Republican co-sponsor of the Commission's authorizing legislation when it first passed the Congress two years ago this fall.

Because both Paul and I serve on the committee that will draft the bill, I'm also looking forward to playing an active and positive role in the Commission's reauthorization this coming year.

And, I'm especially pleased that President-elect Clinton has placed a high priority on both changing the way we pay for college—and on creating new opportunities for youth and community service—in his campaign, and in the priorities he's now setting for the next session of Congress.

Some of what Governor Clinton is proposing sounds a lot like legislation that Senator Paul Simon and I introduced last year to create a new student loan program.

Our proposal—called IDEA—creates a new type of student loan that's available to everyone regardless of income. And, the payments on IDEA loans go up or down every year because they're based on the borrower's post-college income.

We got a pilot project to test IDEA loans included in the Higher Education Amendments that Congress passed earlier this year.

And, both Senator Simon and I would like to see an expansion of this "better way of paying for college" become part of what the Clinton Administration proposes to the Congress.

Perhaps like a lot of you, I have mixed feelings about the other half of the Clinton proposal—to make completing some period of community service a way to help pay the cost of going to college.

In fact, I've written a letter to the President-elect that identifies at least some of the issues raised by both parts of his proposal that I would ask be made a part of the record of this hearing (letter attached).

I'm looking forward to our discussion of these issues this morning and at future hearings in Washington—

Discussion about the wisdom of further complicating our already complex student aid system—

About the value of a centralized national service system or a decentralized national service program that builds on new or existing programs at the state or local level—

About whether participation in some type of service should be a requirement for high school graduation or be a condition of getting college student aid

About the fairness of a service option or mandate to low income and non-traditional students—students who have jobs and families and less time or financial flexibility to do some period of service in exchange for helping to pay the rising cost of going to college.

These are complex issues that deserve the kind of debate we're starting here this morning.

In beginning that debate, it helps me to ask two parallel questions—

"Is community service a different and better way to teach and learn?"

"Or, is community service a different and better way to pay for college?"

Nothing could really be that simple, of course. And, it's also probably not an "either/or" question.

But, much of what we hear today—and much of what we hear in the debate to come in Washington—will revolve around those two questions about "what" we're doing and "why."

I think I've already stated my personal bias that service learning can be a powerful force to both tap the enormous energies and contributions of young people and to improve the outcomes of teaching and learning in this country.

I also believe we'd be better off building on existing initiatives in states like Minnesota, rather than creating a huge new national program that's run entirely from Washington.

Today's hearing—and future hearings—will help explore these issues further. So, I'm looking forward to listening and learning everything I can.

Thank you all for coming.

DECEMBER 14, 1992.

Hon. BILL CLINTON,
Office of the Governor, Little Rock, AR.

DEAR MR. PRESIDENT-ELECT: During the course of this year's campaign, I was pleased to hear your repeated calls for fundamental changes in the way we pay for college. And, you have made it clear in your initial statements since the election that you intend to place a high priority on bringing specific proposals to the Congress to implement those changes early in your new administration.

As a member of the Senate Labor and Human Resources Committee—and one who shares your interest in fundamental change—I want to commend you for your leadership and make this offer to play a constructive role in turning good ideas into sound legislative policy.

As you know, the concepts of direct lending, income-contingent loan repayment, and stipended national service were all given extensive debate in Congress over the past three years.

In 1990, we authorized the National and Community Services Act, which sets up the framework for a more coordinated federal role in promoting a variety of youth and community service initiatives around the country. I was pleased to be the principal Republican co-sponsor of that legislation which comes up for reauthorization in the coming session of Congress.

And, earlier this year, the Congress included a new direct loan demonstration in legislation reauthorizing the Higher Education Act. That demonstration was based in part on a proposal that Senator Paul Simon and I introduced creating a new program called "IDEA" (for Income Dependent Education Assistance). IDEA is a direct loan program, available to all borrowers regardless of income, with income-contingent repayment made through the IRS.

According to the Congressional Budget Office, the Simon-Durenberger IDEA proposal could have saved $2.7 billion dollars a year through increased efficiencies, better targeted subsidies, and substantially fewer defaults.

Senator Simon and I proposed transferring most of that savings to the Pell program. Again using CBO estimates, the savings from IDEA would have paid for a $600 increase in every eligible student's Pell Grant.

The Simon-Durenberger proposal would also have financed a new program offering $1000 bonus scholarships to up to 500,000 Pell-eligible students based on academic merit. And, it would have paid for a new $100 million grant program to states to finance early intervention programs—to better prepare at-risk high school students for college.

Principles for changes in higher education financing

It's my understanding that your advisors are now working on details for a higher education financing proposal to be transmitted to the Congress early next year. As that process goes forward, I'd like to suggest three principles for change that I believe merit your consideration, and the consideration of my colleagues in the Congress.

Principle I—Fundamental Change

The first of those principles is that we must accept your premise that *fundamental change is needed if we're to guarantee access to college for present and future generations.*

We do have to make our current programs work better and more efficiently. Savings from fewer defaults and less overhead should be shifted into grants. And, we must work toward funding the larger Pell grants that Congress authorized this year.

But, there is also a clear message in this year's election that we must bring down the deficit. And, there's a clear message that the American people want fundamental change.

So, even if we are able to increase grants, we still won't assure access to higher education for every American.

And, without new and better ways of paying for college, a larger and larger share of the population will simply be priced out of an opportunity they can't afford to go without.

Principle II—Fairness and Individual Responsibility

A second principle for reform must be to *support your emphasis on fairness and individual responsibility.*

Both those goals were what attracted me to the IDEA proposal in the first place.

IDEA recognizes the direct correlation between education and income. Generally speaking, the more education you get, the more income you will earn over a lifetime of work.

But, IDEA also acknowledges that many of today's college graduates earn less, relative to the cost of their education, than did their predecessors. That's especially true for graduates who take jobs in fields like teaching, social work, and nursing.

And, IDEA recognizes that college graduates stepping into today's uncertain economy often face periods of unemployment or underemployment—either prior to settling into a permanent job in their field—or even *between* jobs in what might be an up and down career.

But, even with these ups and down, a college education is still a lifetime investment that pays off.

That's why IDEA supports the notion that individuals need to take responsibility for paying for something that contributes so much to their future.

At the same time, that responsibility needs to be assigned and accepted within the realities of today's economy . . . drawing on the fairness and flexibility that an income-contingent loan program like IDEA can allow.

This notion of individual responsibility is also at the root of your proposal to give college graduates the opportunity to work off tuition or student loans through some period of national or community service.

There are a lot of policy and operational issues that will need to be addressed in creating that kind of program. Some of those issues are identified below.

But, there's also a lot of appeal to offering students the opportunity to earn some part of the cost of going to college by tapping their own time and talents in ways that benefit the larger community.

Principle III—Do Reform Carefully and Do It Right

Finally, a third principle I would offer is that, *while we're doing big change, we must do it carefully, and we must do it right.*

I've learned over the past several years that there are about as many ways to do income-contingent loan repayment as there are smart people and computers. And, I've also learned that how we design who pays back how much can have a big impact on whether a loan program like IDEA will actually work.

There are thousands of differences in the fine print, but, the proposals I looked at prior to introducing IDEA had at least three big differences.

First, the proposals differ on where they get their initial source of capital.

Some of the proposals draw on surpluses in the Social Security Trust Fund. But, I personally concluded it wasn't wise to take on all the special interests who oppose direct lending *and* all those who are counting on Social Security.

I also couldn't buy into Bill Bradley's proposal to use a 10 percent surcharge on millionaires to launch a new student loan program. Last year at least, such a suggestion always triggered partisan gridlock.

So, Senator Simon and I relied on the upfront sale of government bonds to help launch IDEA. The bonds would be put in a revolving fund and paid back by loan payments . . . then loaned out again and again over time.

A second big difference in the various income-contingent loan plans is who does the collection.

I concluded it makes sense to do loan collection through the IRS because of its efficiency and because it is well equipped to make annual calculations of loan payments that are based on income.

But, I also learned that the IRS will need to become a whole lot more comfortable about taking on that new responsibility. And, beyond administrative concerns, some of my colleagues on the Finance and Ways and Means Committees also argued that getting the IRS involved in student loan collection would increase the current rate of tax fraud and tax avoidance—driving up the deficit.

My initial reaction to that concern was pretty simple. It's against the law to cheat on your taxes. And, if more people do it—in this case to avoid repaying their student loans—we need to make sure they get caught!

The reality, of course, is that without real experience with IRS collection of student loans, it's hard to know what impact something like IDEA might actually have on the ability of the IRS to perform its traditional job and on the level of tax fraud and tax avoidance. That's one big reason we agreed to test the IDEA concept with a demonstration program run at a limited number of schools.

Finally, a third big difference in these proposals—and probably the most important—is exactly how the size of loan payments gets tied to income.

There's a lot of fine print in these different proposals, but the issue really comes down to two inter-related questions:

First, should the student loan program also become an income transfer program, with higher income college graduates subsidizing student borrowers who end up earning less?

And, second, if some students think they might have higher than average incomes, will they then decide not to participate, and—in the process—deny revenues to the program that are needed to help subsidize others?

In the health insurance business, of course, that's known as "the problem of adverse selection." Too many sick people—or too few healthy people—make a health insurance plan actuarially unsound.

The best advice I got was to design a plan under which nobody pays back more than they borrow, plus interest. IDEA does anticipate some losses from people who die or never generate enough income—even over 25 years—to pay back their loan.

But, the plan is set up to cover those losses out of the difference between what the government pays in interest on the bonds it sells and the interest the government charges to the student borrowers who end up taking out loans.

And, borrowers who end up with high incomes—and who don't need the full term of the loan—can pay off their loan early without having to pay a pre-payment penalty.

Same complexities need addressing on national service proposal

There are a lot of the same kinds of complexities on the other side of your higher education agenda—using national service as a way of paying tuition or working off student loans.

And, I personally believe there's a lot to be learned from people in Minnesota and other states about how to deal with those complexities. Some of the issues include:

How to make sure that non-profit agencies and state and local governments decide what community problems could benefit the most from an infusion of young volunteers.

How to make sure that a volunteer experience is also a learning experience—by linking community service to schools or colleges or some other source of more formal education.

How to make sure that volunteers don't displace people who are already employed.

In designing a new program for national service, you and your advisors will also have to decide how to build off a number of existing initiatives like:

Programs all around the country that are just getting started with grants from the new Commission on National Service.

All the existing programs that use loan forgiveness to encourage young people to take jobs in fields like teaching and medicine.

The service corps programs now being run by dozens of states and local governments all over the country.

The incentives now in place that encourage young people to serve in programs like the Peace Corps or the military.

As you stated in your first post-election news conference, integrating a national service option with our already complex system of student financial aid is also no simple task.

Deciding how large a stipend to offer, for example, and, deciding whether family income or the cost of instruction should make any difference in the size of the award will have a major impact on cost and on the level of interest the program will generate among students who qualify for other types of grants or scholarships.

There will also be the need to respond to some very serious questions about equity in using national service to finance higher education.

As you know, some supporters of stipended service would make a period of service a requirement for getting student aid.

But, that kind of mandate would immediately divide students into two classes—those who had to do service and those who could afford not to.

A service mandate—or even making national service a more attractive way of financing college—could also be less feasible for non-traditional students who are older, or who are working full or part-time . . . students who have family and other responsibilities and who can't take time off to do one or two years of service to their country or their community.

Finally, I, and others who strongly support non-stipended service learning initiatives at the K-12 and post-secondary levels, will need to be assured that a major new stipended national service program won't draw needed attention and resources away from those (largely local) initiatives.

Four quick suggestions for getting started

By raising all these issues and concerns, I'm certainly not intending to throw sand in the gears of your proposal to change the way we pay for college.

I support the general ideas for change that you have put forward. And, I welcome the leadership you seem prepared to offer those ideas as you and your advisors give them more depth.

Within that constructive spirit, I have four quick suggestions on initial steps to implement your ideas that could be taken early in the next session of Congress.

First, I would ask the Congress to accelerate and expand the direct loan demonstration we passed this year.

I would move up the starting date by twelve months—to the 1993-94 school year. And, I would increase the number of schools involved—especially the number of schools that offer income-contingent loan repayment.

Second, for all the reasons I've stated previously, I believe it would be wise to use the major features in the Simon-Durenberger IDEA proposal in those schools in the demonstration that offer income-contingent loan repayment.

All that would take is a directive to the Secretary of Education, who has the authority to decide how the size of the payments gets determined and who does the collection.

Third, I believe the best place to expand the role of community service in paying for college is to expand on the National and Community Service Act as it comes up for reauthorization next year.

There are sound models for testing a variety of stipended service options already being funded. We just need to evaluate those models carefully, and, where they work, make sure they get expanded and replicated elsewhere around the country.

And, finally, I believe you would be wise to keep national service as an option, not a mandate, and to use existing federal legislation to expand the links between community service and education that are being established in states like Minnesota.

The National and Community Service Act envisions a highly decentralized system of promoting and supporting service opportunities ranging from service learning projects in the K-12 and post-secondary education systems to full and part-time stipended service. I believe that current policy direction should not be replaced by a single national program run from Washington.

It's also important to note that both the Higher Education Act and Elementary and Secondary Education Act include opportunities to expand the link between community service and education. Several such provisions were expanded this year in the Higher Education Amendments of 1992. And, it may be that next year's reauthorization of the Elementary and Secondary Education Act represents another forum for firming up this link.

To summarize, I strongly agree with you that we need a new and better way of paying for college. And, I agree with your emphasis on individual responsibility and fiscal reality. But, I also believe we must do big change carefully, so we get the job done right.

I look forward to working closely with you, your advisor~~t~~s, and my colleagues in the Congress to implement the good ideas you have put forward in ways that work to the benefit of all Americans.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.

STATEMENT ON THE NOMINATION OF MIKE ESPY

Mr. LUGAR. Mr. President, I rise today in support of the nomination of MIKE ESPY to serve as Secretary of Agriculture.

I have visited with Mr. ESPY both personally and as a member of the Agriculture Committee reviewing his credentials and qualifications to serve as Secretary, and have explored in some detail his views on rural development, nutrition and reform of the U.S. Department of Agriculture. Mr. ESPY has good credentials in these areas and is in a position to well serve rural America. Further, with regard to an area important to me—the restructuring and revitalization of USDA—I believe that Mr. ESPY will not be content to sit atop the heap at the U.S. Department of Agriculture and dabble in a handful of pet projects while the 42 nearly autonomous agencies beneath him continue on disparate courses, apparently oblivious to the Secretary and the larger mission of the Department.

The restructuring of USDA is a very important issue for U.S. agriculture and taxpayers in general and is one that I hope will become a priority for the new Secretary. Mr. ESPY seems to be interested. In his nomination hearing before the committee, he indicated that it will indeed be one of his priorities.

As many of you know, when I first started this streamlining effort, the Department could not even tell me how many regional, State and local USDA offices there were in the country or precisely where they were, quite apart from how many people were served or the dollar sums involved. Over the course of 1992 the beginnings of a near revolution in management at the Department of Agriculture—a revolution that has resulted the beginning of a top to bottom review of the mission and mechanisms of USDA. With that beginning, I hope that when the next Secretary's tenure at the Department ends, the USDA should have fewer offices, fewer employees, and should offer better service to farmers and consumers at much less expense to all taxpayers.

I hope that upon confirmation, Mr. ESPY, will actively involve himself in the business of managing the diverse facets of USDA. It will not be an easy task, nor one without controversy. Strong pressures will be brought to bear in attempts to deter or delay the departmental streamlining we all know must occur if U.S. agriculture is to remain strong.

Many other important issues will confront the new Secretary. During his confirmation hearing Mr. ESPY indicated a concern about the level of the Federal deficit and acknowledged the handicap that such a deficit placed on the effectiveness of government. Unfortunately it is that deficit that will produce one of the first problems for the new Secretary. The bumper crop of the last growing season has translated into new cost projections for USDA commodity programs, increasing 1993 projected costs to $17.1 billion from the $9.7 billion of last year.

In addition, the Secretary will have enormous responsibilities as manager of U.S. commodity and export programs. Sales to the former Soviet Union, concerns about the United States marketing order system, multilateral trading treaties are issues that are reaching critical stages.

Mr. President, in terms of the health of U.S. agriculture, there is simply no substitute for increasing exports of American farm goods. Even though some U.S. commodities do not fare as well as others under an export-oriented farm and trade policy, the fact is that 40 percent of our farm products are exported each year.

We have an occasional tendency to focus inordinately upon a few supposed problems associated with export-oriented farm policy, such as occasional price instability. But the alternative to exporting more is the acceptance of fewer total jobs and a dramatic reduction in farm population. Every Member of this body wants to keep as many farmers as possible actively employed on the farm, but in order to do this, we must have growing export markets.

I make this point because as an incoming Secretary of Agriculture in a new administration, Mr. ESPY will come under pressure to depart from export-oriented farm policy. The 1985 and 1990 farm bills were truly a product of bipartisan cooperation, and have resulted in record net income for American farmers. I believe that Congress legislated the correct farm policy directives in those two bills, and I would urge that that direction be continued. I urge that the Secretary resist arguments to alter the current programming and instead focus on those areas where reform is truly in order. Policy changes that result in reduced exports such as higher loan rates, the abandonment of meaningful GATT discussions, or failure to ratify NAFTA would in my opinion be a grave error.

Wetlands and environmental policy will also be at the forefront of important issues for U.S. farmers. As is the case with all of the aforementioned, I hope that the new Secretary actively and forcefully carries the banner for sound farm policy. U.S. agriculture is an industry that is too important to compromise.

Mr. President, I look forward to working with Mr. ESPY. I hope that his tenure will be one of unprecedented reform of USDA and of continued prosperity for American agriculture.

STATEMENT ON THE NOMINATION OF MIKE ESPY

Mr. DURENBERGER. Mr. President, I rise today to congratulate MIKE ESPY on his confirmation as Secretary of Agriculture. My State of Minnesota is the seventh largest agriculture State and I look forward to working closely with him in the months and years ahead.

Secretary ESPY'S record on the Agriculture Committee in the House of Representatives reflects his dedication to the protection of our Nation's family farmers. Minnesota is a diverse agricultural State, and I know that MIKE ESPY has the knowledge and concern to represent them well. We are the No. 1 producer of sugar beets; No. 2 producer of turkeys; No. 3 producer of soybeans, spring wheat, sunflowers, green peas, hogs, and mink; and No. 4 producer of corn, oats, barley, hay, and dairy. Minnesota also has significant honey, beef, and chicken operations.

I look forward to working with Secretary ESPY to reform the Federal milk marketing order system and the Federal crop insurance program. I will shortly reintroduce my legislation, the Midwest Dairy Equity Act and the Federal Crop Insurance Fairness Act, to accomplish these goals.

I also look forward to working with Secretary ESPY as well as Ambassador Kantor to negotiate a side agreement that will strengthen the provisions related to sugar in the North American Free-Trade Agreement.

Mr. President, the next 4 years will be critical to the future of American agriculture. The 1995 Food, Agriculture, Conservation, and Trade Act will have to provide a visionary framework to carry American agriculture into the 21st century. I am confident that Secretary ESPY will provide the leadership during this important period.

STATEMENT ON THE NOMINATION OF MIKE ESPY

Mr. GRASSLEY. Mr. President, I rise in support of MIKE ESPY, Secretary-designate for the U.S. Department of Agriculture.

At first glance, the Mississippi Delta that Secretary-designate ESPY represents could not be more different from my home State of Iowa. Constituencies, program crops and even the weather, give our respective districts very different priorities, problems and outlooks when it comes to agriculture. But on deeper examination, we indeed have much in common.

For both of our regions, the past decade was not kind. In Iowa alone, the number of farms dropped by 15,000 between 1980 and 1990. During that same time period, Iowa's farm population declined by 135,000. I know Mississippi experienced a similar exodus. Whether it be Yazoo County, MS, or my own home county of Butler in Iowa we find fathers and mothers unable to pass the family farm on to their children because the barriers to entry are simply too high. We find small towns with large elderly populations and dwindling tax bases struggling to provide the barest of municipal services. We find family farms—long the backbone of this country's food production—constantly facing new threats.

Reflecting on these strong commonalities that transcend our few differences, I take solace in this nomination. I take solace in this nomination after receiving assurances in person that he will fight on behalf of the American farmer. Indeed, on his watch, there will be many battles here and abroad. Overseas, he recognizes that in light of flat domestic demand for agricultural exports, we need to fight for new markets, and for freer and fairer existing markets. Toward that end, he knows that he will have to ensure that American farmers have a seat at the table in all trade negotiations; that trade barriers must be removed and illegal subsidies curtailed. He cannot, and will not—in my view—lose sight of the fact that agriculture is, and always was, the linchpin to a successful conclusion of the Uruguay Round. He recognizes the enormous potential markets in a North American Free-Trade Agreement. His forceful advocacy on behalf of the catfish farmers in the lower Mississippi River Delta demonstrates that he understands that value-added products create not only domestic demand of agricultural products, but also jobs in agriculture, processing and transportation.

But the battles at home are just as formidable as those abroad. From the

Office of Management and Budget, he will have to fight the mounting pressure to balance the budget on the backs of the farmers. With the Environmental Protection Agency, he will have to be a forceful advocate for the interests of the farmers. And with the Secretary of State, he will have to argue that the United States should play hardball with our trading partners who have also been our traditional allies.

Mr. President, these are not tasks to be taken lightly, and I have received every assurance from Secretary-designate ESPY that he will champion the cause of the farmer.

MIKE ESPY once described America as a great chain of States, and stressed that like any chain, it is only as strong as its weakest link. Sadly, despite being the production envy of the agricultural world, many of our country's weakest links are found in rural America.

I know he shares my concern for the future of the family farm and the conditions in our rural communities. And I know he recognizes that expanded markets—domestic and abroad—are the lifeblood of rural America.

I look forward to working with Mr. ESPY and urge my colleagues to pass favorably on his nomination.

STATEMENT ON THE NOMINATION OF FEDERICO PEÑA

Mr. MITCHELL. Mr. President, I rise today in support of the nomination of Federico Peña to be Secretary of the Department of Transportation. Having worked with Mr. Peña on a variety of issues during consideration of the Clean Air Act, I personally believe he will be an excellent Secretary and I urge my colleagues in the Senate to confirm him.

Mr. Peña brings experience, enthusiasm, and intelligence to this demanding position. As the former mayor of Denver, he has taken a leadership role and worked closely with State and Federal transportation authorities on numerous major projects. As a former Colorado State house minority leader, he understands that competing priorities need to be balanced and minority views taken into consideration as well as the desires of the majority. And as the recent leader of President Clinton's transition transportation policy team, he has had the opportunity to become familiar with the many varied transportation issues of national importance.

Mr. Peña is a strong supporter of the 1991 Intermodal Surface Transportation Act and has promised to make implementation of ISTEA one of his top priorities. He realizes that transportation policy involves not just modes of transportation, but a myriad of interconnected issues, including economics, environmental concerns, safety, quality of life, mobility, and technological innovation.

I believe Mr. Peña will be a superior Transportation Secretary, and I look forward to working with him on improving and modernizing our Nation's transportation infrastructure.

STATEMENT ON THE NOMINATION OF RONALD H. BROWN

Mr. MITCHELL. Mr. President, I would like to express my strong support for the confirmation of Ronald H. Brown to be Secretary of Commerce. I have known and worked closely with Ron for years, and I am not aware of a more qualified nominee to lead the Department of Commerce into the 21st century.

Our Nation's prosperity relies upon an integrated and coordinated economic strategy to bolster the competitiveness of U.S. businesses in the global marketplace. The Department of Commerce must serve a central role in both formulating and coordinating policies to revitalize our economy. It must play a leadership role in strengthening Federal support for civilian technology and manufacturing. The Nation's industrial competitiveness relies on investment in the development of modern technology and the dissemination of current technologies to America's 350,000 small and medium-sized firms.

Also, in the years leading to the year 2000, issues concerning the prudent management and conservation of the Earth's sealife will demand the careful attention of our Secretary of Commerce.

I have known Ron through his many years of public service and I am confident that he has the experience, the qualifications and the knowledge necessary to address these critical issues. Ron Brown brings unique and diverse experience to the job of Secretary of Commerce. His experience ranges from social worker and civil rights advocate to international trade. Ron has wide knowledge and experience in the workings of Congress which will foster a sense of partnership between the Department of Commerce and the Congress in the development of our country's business and trade.

Clearly, President Clinton has made a great choice for Secretary of Commerce. I look forward to working with Ron in the years to come.

STATEMENT ON THE CONFIRMATION OF RICHARD RILEY

Mr. LEAHY. Mr. President, I want to express my strong support for Gov. Richard Riley who was confirmed by the Senate earlier today as Secretary of Education. Governor Riley is a leader in education who will bring fresh ideas and proven effectiveness to the job of revitalizing our educational system.

As Governor of South Carolina, Richard Riley paid special attention to education issues. He fought for a series of reforms in his State's schools. His efforts led to an increase in high school graduates, higher overall SAT scores and greater numbers of students passing basic skills tests.

Secretary Riley brings these successes and many more to the demanding job of overseeing national education reform. I am particularly pleased that he will have a strong and most capable Deputy Secretary in Madeleine Kunin, Vermont's former Governor and my close friend.

Mr. President, I congratulate Governor Riley on his confirmation and look forward to working with him to improve our schools and build a stronger, more educated America.

STATEMENT ON THE CONFIRMATION OF DR. DONNA E. SHALALA

Mr. LEAHY. Mr. President, the mission President Clinton has laid out for the Department of Health and Human Services [HHS] is formidable. Meeting it will require vision, leadership, and innovative thinking. I support President Clinton's selection of Donna Shalala who was confirmed by the Senate earlier today as Secretary of HHS.

With experience as a teacher, an urban policy analyst, a leader of two higher education institutions, and a public servant at the Department of Housing and Urban Development, Secretary Shalala has an acute understanding of a number of health and human service issues.

Foremost in her activities will be working to reform our health care system. President Clinton plans to introduce his landmark health care reform bill later this year and HHS will be called on to provide its input and expertise in developing it. Dr. Shalala has expressed her commitment to this important goal, and I look forward to working with her on it. I am further encouraged that Dr. Shalala believes strongly in helping rural communities shape health care delivery systems that meet their special needs. This is something that I care deeply about, and I believe it must be an important part of the debate on health care reform.

I also look forward to working with Secretary Shalala on strengthening our AIDS programs, giving women's health care the attention it deserves, strengthening our commitment to the Head Start Program, and immunizing our children against preventable diseases.

From health care reform to welfare reform, HHS faces many ambitious undertakings in the years ahead. I congratulate Secretary Shalala on her confirmation and wish her well in this challenging new role.

STATEMENT ON THE NOMINATION OF JESSE BROWN

Mr. BAUCUS. Mr. President, I am pleased to support the confirmation of Jesse Brown as Secretary of Veterans Affairs.

I have spent some time with Mr. Brown recently and have been very impressed with his concern for our Nation's veterans. Specifically, we discussed a situation veterans are facing in Miles City, MT. Mr. Brown promised to review this situation and to make this review one of his first priorities upon confirmation.

The situation in Miles City is grave. The VA recently announced plans to downgrade the Miles City VA Medical Center. This decision, however, directly contradicts the recommendations from a recent comprehensive review by a VA clinical team. The VA's own internal report specifically states that, "A serious threat to the region's veterans would result from downgrading this surgical service."

Although the VA's press release announcing this decision claims it was made for quality of care reasons, the VA's internal report found no problems with the quality of care at the Miles City VAMC. In fact, the report states that, "the potential clearly exists for developing a sorely needed, good quality, primary surgical mission at VAMC Miles City."

The Miles City VAMC is desperately needed since it is the only VA surgical facility serving eastern Montana, the western half of the Dakotas, and northern Wyoming. This medical center serves an area of 77,000 square miles and includes 45,000 veterans. The average Miles City veteran travels 330 miles one way to reach that facility. Requiring that they travel even further, and often at their own expense, is unworkable and unacceptable. Many of the veterans that would be required to make such a trip lack the physical capability to drive their own vehicles, and the remainder could not endure a trip of that magnitude.

Mr. President, eastern Montana's veterans have served their country with honor and dignity. I believe that Jesse Brown will see that veterans are treated with the respect they have earned. I fully support this confirmation.

STATEMENT ON THE NOMINATION OF CAROL M. BROWNER

Mr. CHAFEE. Mr. President, it is a pleasure to support the confirmation of Carol M. Browner as Administrator of the Environmental Protection Agency. Ms. Browner's experience as the Commissioner of Florida's Department of Environmental Regulation, her experience here in the Senate as an aide to Vice President GORE and Senator Lawton Chiles, and her lifelong dedication to the cause of environmental protection are a solid foundation for success in her new endeavor.

Last week the Environment and Public Works Committee held its hearing on this nomination. Members of the committee asked questions across a broad spectrum of environmental issues. We were especially pleased that Governor Chiles of Florida, formerly a Member of this body, came to that hearing to introduce and speak for Ms. Browner in the confirmation process. Everything that the committee has learned indicates that Ms. Browner will be a fine Administrator of EPA.

I am especially impressed with her experience in the area of wetlands protection. It is one of the most difficult issues now facing EPA. I am sure that her success in resolving disputes related to the Florida Everglades will provide a useful model for many of the wetlands and natural resource questions occurring in other parts of the Nation.

So, I congratulate President Clinton on his choice of Carol Browner to head EPA. As Ms. Browner enters this new job, we also say farewell to Bill Reilly who has been the EPA Administrator for the last 4 years. Bill Reilly has done an excellent job. We are proud of his efforts and grateful for his public service.

He shaped the clean air bill that President Bush sent to Congress. The allowance trading system for sulfur dioxide emissions in that bill was truly innovative and broke the long deadlock on acid rain here in the Congress. Mr. Reilly continued U.S. leadership in the world community on the issue of ozone depletion. He pushed the administration to play a full role in the Rio summit and moved the United States along the road to international environmental cooperation.

As we make this transition, I have heard some disparage the environmental accomplishments of the last 12 years. Well, I believe that it has been a period of real accomplishment. Since 1981 when President Reagan took office, we have enacted several major pieces of environmental legislation. The Clean Air Act, Superfund, the Solid Waste Disposal Act, and the Safe Drinking Water Act have all been reauthorized and strengthened. We passed a coastal barriers protection law and reauthorized it during this period. The Clean Water Act was extended on two occasions. We passed an oilspill bill and legislation to protect children from lead, asbestos, and radon. We revamped the highway law so that it is more friendly to the environment and open to other modes of transportation. The world joined in the Montreal protocol to protect the ozone layer and strengthened the protocol with the London accord.

This is a very substantial record that we as a nation can be proud of. We wish the new administration every success. But we surely also say, "Well done," to those who have contributed much over the past 12 years.

Finally, Mr. President I want to pay tribute to all the hard-working folks in the trenches at EPA who served Mr. Reilly and his predecessors and who will be there tomorrow and in the days ahead as Ms. Browner leads the Agency. The permanent staff of the Environmental Protection Agency is an extraordinarily dedicated and highly talented group of people. Carrying out the environmental laws enacted by the Congress is not an easy duty. Expectations are high, resources are small, time pressures are great, and public rewards are few. The ability and dedication of these public servants who serve the American people at EPA is the most important ingredient for a successful EPA.

Mr. President, we extend to Carol Browner our best wishes for success as she enters into her new duties as Administrator of the Environmental Protection Agency.

STATEMENT ON THE NOMINATION OF CONGRESSMAN LEON PANETTA

Mr. ROTH. Mr. President, I would like to congratulate Congressman LEON PANETTA on his designation by President Clinton to be the new Director of the Office of Management and Budget. As the chairman of the House Budget Committee during the 101st and 102d Congress, LEON PANETTA will bring to OMB a wealth of knowledge about the budget, and about the kinds of difficult choices we will have to make if we are to reduce, and then eliminate the deficit.

Congressman PANETTA has also shown a real interest in the organization and management of the executive branch. This is vital, because how the Government is structured and operates will determine whether it spends money efficiently and effectively. These issues comprise the types of fundamental reforms that have come to be known as reinventing government.

Unfortunately, while management is named first in OMB's title, it is often thought of last. This is because in the Federal Government, it is generally seen as largely unrelated to the budget. But well-run governments elsewhere more properly view management and budget as two sides of the same coin. Management's program performance goals are incorporated into the budget, showing what results each budgeted amount is to achieve.

Good management is fundamental to deficit reduction, because it will help us do more with less. Also, program performance goals will help us better shape our budget debates. When we ask how much we should spend on a program, we should also ask what that money will achieve.

This is why I introduced S. 20—the Government Performance and Results Act—2 years ago. It would require agencies to specify goals and report results. When enacted and fully implemented, it will enable us to develop a performance-based budget. This legislation passed the Senate in October, and I will be reintroducing it today.

From what I know of Congressman PANETTA's interest in improving management—and of President Clinton's interest in reinventing government—I believe the new administration might find this proposal very appealing. During his confirmation hearing, Congressman PANETTA stated his support for establishing program goals and the reporting of actual results: "You have got to have a system of being able to determine whether or not an agency is doing the job." I look forward to working with him and the new administration to enact program performance goals and budgeting based on actual results.

With respect to government reorganization, I note that both Congressman PANETTA and I introduced legislation creating commissions to accomplish this. During his confirmation hearing, I was pleased to hear him reaffirm his conviction that Federal agencies should be streamlined, downsized, and refocused, and that this needs to be done wholesale, and not just with a little tinkering here and there. And if I read the tea leaves right, President Clinton may be of like mind. He has a history of preferring the commission approach to achieving a consensus in addressing these kinds of issues.

I hope the new administration will consider a commission with a broad scope, to cover not only structural reforms, but also operational issues like civil service reform and greater managerial flexibility. My own commission bill, which I will be reintroducing today as S. 15, provides for a broad mandate. These issues are central to reinventing government, and maximizing performance for the tax dollar.

As the future Director of OMB, Congressman PANETTA understands OMB's central role in making the executive branch work rationally, effectively, and efficiently through its review of regulations. OMB is the hub of the wheel of government. It alone can undertake the ongoing function of unifying various government directives into a coherent whole. It alone can insure that the President's team is executing his policies. It alone can insure that well-intended regulations in one area do not have unintended consequences in another. In a Government as large as ours, this function is indispensable. The problem is that it is not authorized by law. Special interests, who believe that they can control their relevant agency, do not want it authorized.

Ultimately, my concern in this area is that Government regulations will continue to strangle the creation of new small businesses, the true engine of job growth in our economy. If the new administration is going to succeed in their top priority to create new jobs, they must understand the difficulty new businesses face in setting up shop. In response to a question from Senator COHEN regarding the burdens placed on business by the lack of a responsible timeframe in formulating Government regulations, the Director-designate responded:

> I just want to assure you that the President-elect has this at the top of his agenda, because from the State level, he has experienced the kind of regulations and requirements that the Federal Government has handed down, and he has said that there has to be a better way to expedite these things.

Yet, it requires more than expediting regulations. It requires that the social or environmental goals we have enacted are properly balanced against the economic progress we must seek to achieve in order to remain competitive. I hope the new administration understands this and I am interested in working with the new OMB Director to achieve this goal through statute.

Turning to the budget, during the campaign, the American people were presented with putting people first, President Clinton's plan for the economy and budget. As we consider our economic future, we must examine whether the current recovery can afford $150 billion in new taxes as the President has proposed. Can our Nation afford $220 billion in new spending at a time when we have these tremendous deficits as far as the eye can see? From looking at the numbers, it seems this is simple more tax and spend.

Today, on his first full day in office, President Clinton faces his first true test on deficit reduction. The 1990 budget agreement provides that on January 21, 1993, the President shall decide whether to adjust the maximum deficit amounts allowable under the law. This may appear to be a technical matter, but it sends a very important message. The decision on whether to adjust the maximum deficit amounts for 1994 and 1995 provides President Clinton with his first opportunity to demonstrate his commitment to deficit reduction. He will have to decide: between higher targets and lower targets, that is, between higher deficits and lower deficits. Today, the American people and the financial markets will see how serious this new administration will be about the deficit.

The new President's second test on deficit reduction will come soon: whether to combine his short-term economic package with a long-term deficit reduction package. At the 2-day economic summit in Little Rock, Congressman PANETTA stated something that all of us in this Chamber know to be true:

> If you do a stimulus package, let me assure you, Congress loves to pass the sugar, but hates to deal with the vinegar, which is the deficit part of it. So it does have to be locked into a single package if you're going to be able to get it through.

In response to a question during his confirmation hearing, he reaffirmed this belief:

> You have got to have both working in conjunction. Obviously you may want to move some of the investments up front, but you have to show the American public that it is tied to a long term, credible deficit reduction plan. Because if you simply throw money out there, I think it could do incredible harm in terms of the markets and people's trust in our ability to again get the deficit down. So the two have to be tied together.

I hope President Clinton will take this advice. Without a long-term deficit reduction package, the financial markets will respond to a short-term economic package with an increase in long-term interest rates. This will make it more expensive for businesses to invest in long-term projects, as well as swell the Government's cost of borrowing money long term—directly adverse to our mutual goal of reducing the deficit.

During the past 2 weeks, there has been much discussion, including major stories in the Washington Post and the New York Times, as to whether President Clinton will abide by his pledge that his budget plan will reduce the Federal deficit in half.

Some have suggested that the budget numbers released by the OMB 2 weeks ago present a budget situation unforeseen. But one only has to look at the CBO baseline numbers presented last August, during the height of the campaign, to realize that the latest OMB projections are really no surprise. Congressman PANETTA acknowledged that he was aware of the CBO deficit projections last August, and that those numbers, taken alone, are not a reason to do away with the pledge to meet the deficit reduction proposed.

What exactly is the President's pledge? That his plan would reduce the deficit in half in 4 years. In 1992, the budget deficit reached a record high $290 billion. To reduce the deficit in half, the budget deficit in 1996 would have to be less than $145 billion. During his confirmation hearing, Congressman PANETTA went even further, telling the committee that "we need to grind this deficit down, and we need to try to get it below 1 percent of GDP." This would result in a deficit of less than $60 billion, and if that is the administration's new goal, it is definitely worth striving toward.

During his confirmation hearing, Congressman PANETTA expressed his strong preference for deficit reduction goals rather than fixed deficit targets. While there may not appear to be any difference between the two, there is, in fact, a subtle, yet critical difference between them.

A deficit reduction goal commits one to a series of changes designed to achieve a specific amount of deficit reduction, such as the 1990 budget agreement which purported to save $500 billion. A fixed deficit target, on the other hand, commits one to a specific deficit amount at the end of a year, such as zero by a 1997.

The difference is fundamental in terms of the approach one takes toward deficit reduction. Even with a deficit reduction goal, the actual deficit can continue to rise. In fact, that is what has happened during the past 2 years. Even with the 1990 budget agreement and its $500 billion deficit reduction, the 1991 and 1992 budget deficits reached all time records. And that is because spending cuts do not reflect actual reductions in spending, but simply reductions in projected spending levels in the future.

Only in Washington does a budget cut result in an increase in spending. With our family budgets, if we reduce spending for a certain expense, we mean an actual reduction. But within the Federal budget, so-called budget cuts occur from an inflated baseline. Before spending cuts occur, current year spending is adjusted upward based on inflation projections. From these inflated numbers flow any cuts that are agreed upon by the Congress and the President. Thus, a program funded at $100 million in 1992 could be funded at $101 million the following year, yet under the budget rules by which we play, receive a 2-percent cut. Thus, spending continues to rise despite the cuts which are made.

Congressman PANETTA made a commitment to practice truth in budgeting. I urge him to have the resolve to meet this commitment. I am concerned that the baseline budget will be inflated during the next round of budget forecasts. Not only will this offer another excuse for moving away for the President's promise because the projected deficit will appear even larger, but inflating the baseline will make it easier for the new administration to claim that their deficit reduction goal of $145 billion has been met.

There is a tremendous amount of difference between reducing projected deficits by $145 billion in 1996, and getting the deficit down to $145 billion in that year. According to the Director-designate, everything is on the table: this includes defense spending, domestic discretionary spending, international aid, entitlements, and new taxes. I am concerned that the new administration is going to feel much more comfortable raising taxes relative to reducing spending. I am concerned that we will end up with a package of phantom cuts and real tax increases.

Throughout his confirmation hearing, Congressman PANETTA reiterated his belief that increased taxes had to be part of the solution. At one point, he stated:

> You have to look at revenues * * * you cannot fashion a package, a credible package on deficit reduction, and take revenues off the table. You just can't.

Yet, that was the theory of the 1990 budget agreement—that there would be a certain amount of revenue raising and a certain amount of budget cutting. But what did it do? It simply helped worsen the recession, which of course had a very negative impact on the deficit.

During the confirmation hearing, Congressman PANETTA and I discussed legislation he introduced last year which included an automatic tax increase in the event Congress failed to enact new taxes to meet the goals that it had previously established. I must say, Mr. President, this concerns me greatly. Surely we must focus first on the bloated Federal budget before seeking to raise $150 billion in new taxes. Federal revenues have more than doubled since 1980. The problem is, Federal spending has grown even faster. We do not need automatic tax increases. What we need is a serious effort to hold down levels of spending.

Which brings me to my last area of concern. Throughout the campaign, President Clinton stressed time and again that one can not achieve real deficit reduction without getting a handle on health care expenses. This was reiterated by Congressman PANETTA. At the same time, President Clinton has promised to improve access to affordable health care to the tens of million of Americans currently without health insurance. How does the administration plan to trim health care expenses to reduce the deficit, yet increase access for 35 million more Americans? Congressman PANETTA responded that this would be one of the new administration's greatest challenges. Indeed, it will be. He stated that at the very least, any health care reform should be deficit neutral. If that is that case, then other entitlement programs are going to have to take major cuts to meet the President's deficit reduction goals.

Four years from now, what will matter will be President Clinton's promises and the results that have been achieved. LEON PANETTA understands the tough choices that face the new administration. I would like to end with a quote from him from the confirmation hearing:

> Are there constituencies out there that will take it out on us? You bet there are. Are there people who will say you don't have to do this kind of pain? You bet there are. But in the end, if we do the job, and we take the steps, and we put this country on the right track, then I think all of us, at least from an historical point of view, will be regarded as having been good public servants. That is, I think, the challenge that confronts us.

I am confident that Congressman PANETTA is fully aware of the tough choices ahead. I am not so confident that any single adviser, no matter how wise, can control the appetites whetted for greater spending by the last election. But I hope he can.

STATEMENT ON THE NOMINATION OF ROGER ALTMAN

Mr. BAUCUS. Mr. President, I am very pleased to vote in favor of the confirmation of Roger Altman as Deputy Treasury Secretary of the United States. Mr. Altman's prior experience at the Treasury, as well as his long and distinguished career as an investment banker, testify to his readiness for the responsibilities that await him.

Those responsibilities will be heavy. The economic revitalization of this country has finally made it to the very top of our Government's agenda. We have seen a lot of speeches and reports on competitiveness, economic decline, the budget and trade deficits, and the like. Secretary Bentsen and Mr. Altman will provide the Treasury Department leadership required to take action.

To put America back on the road to healthy, long-term economic growth, we need to address some simple but large problems. We have all seen the statistics. Our national savings rate is half that of Japan. Investment lags by almost as much.

As a result, productivity growth has hovered at one-quarter the Japanese rate for more than three decades. This is what lies behind stagnating living standards and the dimming of America's future.

Tackling this problem means the formulation of a long-term strategy to increase savings and investment in the American economy. We have heard plenty about the direct problem already. The Federal budget deficit effectively lowers our national savings rate by several percentage points of GDP. We cannot tolerate that any longer.

The tax policy reflected in the Internal Revenue Code results in incentives that reward consumption and penalize savings and investment. It is time to shift those priorities. There are a number of proposals on the table. Right now I wish only to point out that the United States is the only OECD country without a broad-based national consumption tax.

I am encouraged by what I hear from the new administration. I think they are taking a hard look at what we need to do to get our House in order, and I look forward to supporting Secretary Bentsen, Mr. Altman, and the rest of the economic team over the coming months and years.

STATEMENT ON THE NOMINATION OF DR. ALICE RIVLIN

Mr. ROTH. Mr. President, I would like to congratulate Dr. Alice Rivlin on her designation by President Clinton to be the new Deputy Director of OMB. As the first Director of the Congressional Budget Office and currently a senior fellow at the Brookings Institution, she will bring to OMB a wealth of knowledge about the budget and the kinds of difficult choices we will have to make if we are to reduce, and then eliminate the deficit.

Dr. Rivlin's recent book, "Reviving the American Dream," presents three different scenarios for the future of our Nation—"The Eighties Continued," which means a continuation of the status quo and large budget deficits, "Back to the Sixties," which includes a return to a very activist Federal Government, or "Dividing the Job," which suggests that the Federal Government return to the States the central authority for many programs currently performed at the Federal level.

Reading over the President's program, Putting People First, there is reason for concern that the Nation is headed toward scenario No. 2. Writing before the recent Presidential election, Dr. Rivlin described the second of her three scenarios:

> With the energy of a Franklin D. Roosevelt or a Lyndon B. Johnson, the new President puts together an aggressive program of Federal spending and tax increases and steers it through Congress. The Federal Government launches major new grants to both State and local governments—to improve skills, subsidize low- and middle-income housing, modernize infrastructure, and reform the schools.

I hope that the new administration will take a good look at Dr. Rivlin's new book and the concerns that she raises with the Federal Government assuming more responsibilities.

One of the strongest arguments for clarifying the role of the Federal Government versus State and local governments is that it fixes accountability for performance. If all levels of Government are responsible for solving a particular problem, then no level of Government is ultimately accountable when the problem remains. The public does not really know who to hold accountable. To me, this raises several questions: Doesn't the inclination for the Federal Government to solve every societal problem result in a never-ending drain on the Federal Treasury? Don't we need to better define the limits on the Federal Government's responsibility?

Whether or not we are able to better define the limits of Federal responsibility, we need another step to strengthen the accountability of the Federal Government. We must do a much better job of focusing on the performance of Federal programs. And to do that, we have to begin defining what each program is supposed to accomplish, by requiring agencies to state specific, measurable performance goals.

This is key to improving the management side—the often overlooked "M" in OMB. But it is also key to improving the budget process—because it then allows us to develop a performance-based budget. This is the incorporation of program management goals into a program's budget—something that would tell us and the American people a lot more about what the money is supposed to buy. Directly linking program resources with program performance is a commonsense reform, long overdue in the Federal Government.

During the campaign, the American people were presented with putting people first, President Clinton's plan for the economy and budget. As we consider our economic future, we must examine whether the current recovery can afford $150 billion in new taxes. Can our Nation afford $220 billion in new spending at a time when we have these tremendous deficits as far as the eye can see?

Today, the new President will face his first true test on deficit reduction. The decision on whether to adjust the maximum deficit amounts for 1994 and 1995 provides President Clinton with his first opportunity to demonstrate his commitment to deficit reduction. He will have to decide between higher targets and lower targets, that is, between higher deficits and lower deficits. Today, the American people and the financial markets will see how serious this new administration will be about the deficit.

I am confident that both Dr. Rivlin and LEON PANETTA, President Clinton's pick to lead the Office of Management and Budget, understand the difficult choices which confront our Nation. But as I stated to Congressman PANETTA, I am not so confident that any single adviser, or any two for that matter, no matter how wise, can control the appetites whetted for greater spending by the last election. But working as a team, I hope that Dr. Rivlin and Congressman PANETTA can meet the challenges ahead.

ANNOUNCEMENT OF POSITION ON A VOTE—DONNA SHALALA TO BE SECRETARY OF HEALTH AND HUMAN SERVICES

Mr. DOLE. Mr. President, on the voice vote just taken on the nomination of Donna Shalala to be Secretary of Health and Human Services, Senators HELMS and SMITH have requested that they be recorded as having voted in the negative.

Mr. President, I just say additionally I am pleased to cooperate with the majority leader and the incoming administration. We think we have done a good job in scrutinizing the nominees. We believe they have met the test. As I have said many times before, I believe we should act as quickly as possible and we have done that. And we will be following that policy from here on wherever we can.

The PRESIDENT pro tempore. The majority leader.

Mr. MITCHELL. I wish to thank the distinguished Republican leader for his cooperation in this matter. We have worked closely on these and he has been fully cooperative and supportive. And I believe that the President and members of his administration will be pleased at the prompt action taken by the Senate with respect to these many nominations.

Others remain outstanding. As all Senators know, the hearings on the Attorney General designee are continuing in the Judiciary Committee today.

The hearings have been completed on the nomination for the Secretary of Commerce, Ronald Brown. I inquire of the Republican leader whether, in his view, it will be possible to reach an agreement to take up and dispose of that matter later in the day today?

Mr. DOLE. Mr. President, I say in response to the majority leader's question, I hope that can be done. I understand the majority has a policy meeting. Following that meeting, we hope to be in a position to approve that nomination. There may be requests for a rollcall. If that happens, we will have a rollcall. Otherwise, there will be statements made. I hope we can clear the nomination for action.

Mr. MITCHELL. Mr. President, I thank my colleague. I say, of course, we will be pleased to have such time for debate as any Senator wishes and, if a rollcall is requested, to accommodate that request as well, of course.

Mr. President, I thank my colleague.

LEGISLATIVE SESSION

The PRESIDENT pro tempore. The Senate returns to legislative session.

REGARDING THE FINAL REPORT OF THE SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS: CYNICISM, CREDIBILITY, AND CONCLUSIONS

Mr. KOHL. Mr. President, one of the central problems which faced the Senate Select Committee on POW/MIA Affairs, and one of the central problems which faces this country, is how to overcome the cynicism which surrounds almost any statement made by Government.

When I was growing up, in an earlier and perhaps more innocent age, people took comfort from Government: The fireside chats gave us hope; the Truman walks gave us confidence; the Eisenhower smile gave us a peaceful feeling.

But those feelings have faded. The credibility gap created in the Johnson administration became a chasm under Nixon; the malaise of Carter surrendered briefly to the charm of Reagan but reappeared as deficits mounted, arms and money were diverted, and divided Government flourished; and while the Bush administration strengthened our standing in the world, last year's campaign enshrined running against Washington as a major part of our political liturgy.

It is in that more cynical environment which this committee operated. And in that environment, conspiracy theories—even if they are based on minimal and marginal evidence—flourish. From the space aliens which the Government is keeping in deep storage somewhere out West to the CIA's role in killing Elvis—if you have a conspiracy theory which involves the Government, someone will believe it.

But this committee, Mr. President, did not operate in a realm of speculation and fantasy. In this case, conspiracy theories—while dubious and incomplete—at least have some substance to them.

As I evaluated the testimony presented to us and looked at the records made available to us, I concluded that when our Government said that all American POW's had returned, it had reason to believe that was not the case. That is not to say that our Government "lied"; it is to say that it did not tell us the whole truth. I am making more than a semantic distinction here: "lying" implies some intention to deceive; "not telling the whole truth" suggests that a statement does not fully describe a complex reality.

Whatever the difference in actual meaning, it is clear that our Government did not reveal everything that was known and was less than truthful when it talked publicly about POW's and MIA's at the end of the Vietnam war. As a result, when people charge that there was "a Government conspiracy to hide the truth from the American people," there is at least some factual basis for their belief.

The problem that creates is obvious. This committee, as a part of the Government, is asking people to believe that we are telling the truth. But it is the very Government which the committee represents which did not give its citizens all the facts in the beginning. Based on the overall credibility of Government, why should people believe we are telling the truth now about how we misled people in the past?

There are, in my judgment, several reasons. But, Mr. President, the most important is simply this: We are making virtually all the information upon which we relied available to the American people. They do not have to believe us: they can read the same records we did, evaluate the same testimony we heard, go through the same investigation and evaluation that we are engaged in—and they can reach their own conclusions. We are not asking anyone to take anything on faith; we are giving everything we received to every one and allowing them to draw their own conclusions.

But the issue here, Mr. President, is broader than the credibility of the committee's work. In truth, I feel no need to defend the committee and no sympathy for those who doubt the sincerity of our efforts. Personally, I believe that Chairman KERRY and Vice Chairman SMITH, along with the other members of the committee and the superb staff they assembled, have done a magnificent job. They have been fair. They have been thorough. And they have been able to disagree about what conclusions the evidence supports without in any way demeaning each other's intelligence or patriotism or dedication to finding out every thing that we can.

The issue is not the credibility of the committee. But an issue of credibility is at the heart of the POW issue. Indeed, it is at the very heart of a Government's moral right to ask men and women to risk their lives for our country.

Our military might is based on our ability to persuade young men and women to risk their lives for this country. That willingness to face death is based on many factors: love of country, courage, comradeship. But perhaps most importantly, service is based on a belief in, and trust of, their Government: That it will train them well, equip them superbly, and do everything it reasonably can to protect them and care for them.

It is the credibility of those promises which the POW/MIA issue strains. For if, after all, the Government does not keep its promises, then why should our soldiers honor their pledge to follow orders even at the risk of their own lives?

This report demonstrates that the Government has not kept its promises to those who served in Vietnam. Even more disturbing is the evidence which suggests—strongly suggests—that the Government failed to keep its promises to those who served in World War II, the Korean war, and the cold war as well.

This trail of failure suggests that Vietnam may not have been a unique situation. It was not just the nature of that dirty war which led the Government to act in less than full faith. The continuing controversy about the fate of POW's and MIA's could have raged after other conflicts—but in the less cynical environment of those times, even the suspicion that the Government would do anything less than everything possible was so incredible that it was not entertained.

The saving grace in all of this is that the American people now know more of the facts. Knowing the facts can help us establish more of the truth. And that can prevent us from repeating the mistakes of the past.

The committee report contains suggestions to help the families of our POW's and MIA's—structural reforms which should make more information and more help available to them. Even with those reforms, however, we have to recognize that the fog of war makes it impossible to provide exact answers to every question. We cannot account for every MIA, we may never be able to know the exact fate of those who once were held as POW's. Even under the best of circumstances—and these are far from the best of circumstances—"truth," in any absolute sense, is difficult to come by. Some level of uncertainty is inherent to the human condition.

The report also makes suggestions for ways to minimize the forces which lead to uncertainty about the fate of POW's and MIA's in the future. Without impugning the integrity or efforts or motives of anyone, the report makes it clear that if we had done some things differently during negotiations to end the Vietnam war, some of the problems and questions we now face would have been resolved then. The report does not simply point out those mistakes: It makes specific suggestions for changes in negotiating strategy and tactics which should be adopted in the future. In that sense, the report attempts to help prevent the past from being repeated in the future.

The report does not answer every question. In many ways, our investigation simply opened the door to further inquiry. And that inquiry will be made. The executive and legislative branches of our Government cannot turn back now. We have come so far and done so much in terms of declassifying information and becoming more open, that it will be impossible to return to the days when top secret was used as a way to extinguish legitimate criticism and questions.

I would like to add one final word of a more personal nature. Service on this committee has been difficult. I have seen my colleagues struggle to resolve doubts and differences; I have been touched by the bravery, the love, the loneliness, and the frustration of the POW and MIA families I have met, many from my own State; I have been appalled by what I have learned about our own Government's behavior. But at the same time, I have experienced a sense of liberation as the ghosts of the past have been exposed. The willingness of the committee—and ultimately of the executive branch—to uncover the mistakes that were made and bring them to light has vindicated the validity of the democratic process. Though some may believe that our Government tried to create a form of Orwell's "Newspeak," this report proves that in a free society such distortions cannot be sustained. We have dug through the mud and muck; we have had our hands in the dirt of distortion; and we have emerged cleaner, and healthier, and freer for the effort.

STATEMENT ON THE REPORT OF THE SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS

Mr. KERREY. Mr. President, the work of the Senate Select Committee on America's prisoners and missing from the war in Vietnam is finished. In the beginning I was deeply skeptical of the value of this effort; in the end I was convinced—thanks in particular to the work of Senator JOHN KERRY—the committee had measurably advanced the cause of knowing more about the tragedy of this war's ending.

In the end we reached a conclusion which is supported by exhaustive investigation: There is no compelling evidence to reach a judgment of proof that American prisoners are being held against their will in Vietnam or any other foreign locations.

There is compelling evidence that our Federal Government did not do all it should have done to make certain we did not leave our men behind. We expect and are not disappointed when Vietnam's Government lies to us, but we cannot excuse and should not be surprised when the lies of our Government anger those who have the greatest right to know—the families of the missing. For there is compelling evidence that our Government withheld information from family members which had the perverse effect of increasing their pain and suffering.

Further, there is compelling evidence that much more needs to be done before we are through with this issue. This report makes it clear that the failure to obtain evidence sufficient to stand the tests and burdens of proof does not mean we have eliminated all doubt and ambiguity. This report makes clear our belief that much more work must be done by the American and the Vietnamese Government before we have removed this stain from our consciences.

In the beginning, I was concerned about the work of this committee because I have grown weary with the self-indulgent moaning which often accompany Vietnam post mortems. In spite of having wounds which provide a daily reminder of how the war changed me; in spite of the uncontrollable sadness and longing which builds inside when I stand at the Vietnam Memorial and consider what might have been; in spite of the anger I feel toward policymakers who were too blind or too frightened to see and tell the truth; in spite of the heart-breaking passion I feel for those veterans whose spirits were shattered in the war. In spite of all of the negatives, I still feel I was lucky to have had the experience.

Money could not buy the lessons I learned in service to my country. In short, the debt is still on my side. That I consider it important to make this declaration reinforces the uniqueness of the Vietnam war in American history. Having served on this committee, and having faced the angry accusations of my fellow citizens, I am reminded again how terribly divisive and destructive this war was. Thus, I know it is unlikely this report will heal the wounds of Vietnam.

However, the fate of missing Americans and the larger questions arising from America's participation in the war dictate that we risk the emotional fire arising from legitimate differences of opinion. As I have listened to testimony and reviewed documents over the past year, my feelings about the war and about our efforts to account for POW/MIA's have shifted between anger and sadness. Despite the disagreements that have sometimes arisen, I believe, in the end, the committee has always managed to retain its focus on the most important objective: Obtaining the fullest possible accounting for missing Americans.

Over the past year, the committee has examined information from every available source, from refugee live-sighting reports to satellite imagery, in the hope that some Americans might still be found alive. In addition, the committee has been able to draw on substantial resources on the ground in Vietnam, Laos, and the republics of the former Soviet Union to investigate reports and gather information.

Our conclusion does not change our commitment to achieving the fullest possible accounting for missing Americans. The United States has expanded its presence on the ground in Vietnam and as a result of the recent cooperation by the Vietnamese Government has considerable opportunity to pursue information relating to missing Americans. Coordination between the Federal agencies that are responsible for accounting for POW/MIA's has improved and more resources have been devoted to intelligence analysis. Finally, with the ongoing declassification process, all the information that the committee has reviewed will be available to the American people to decide the quality of the evidence for themselves. After too many years, the U.S. Government finally seems to be pursuing POW/MIA issues as a matter of the "highest national priority."

The movement toward resolving this issue will affect the present direction of United States policy toward Vietnam. Some in the United States seem to believe that we can achieve the goal of obtaining a full accounting in isolation of the goals of political and economic freedom for the people of Vietnam. I believe the issue of accounting for missing Americans is inseparable from the larger context of American objectives in the war and relations with Vietnam today.

At its best, the Vietnam war was a struggle against communism for the principles of self-determination and political freedom for the people of Vietnam. At worst, the war was a misguided exercise in balance of power politics. For myself and many other Americans who went to Vietnam, and who believed that we were fighting for democracy and for freedom, the reality of the war and its outcome were profoundly disillusioning experiences.

I believe that sometime during the war we lost our resolve. Reading the too heavily classified documents of the negotiations over the Paris peace accords and Operation Homecoming, this loss of resolve to fight for the principles that were at the heart of its most noble aspirations for the people of Vietnam is painfully clear. Vietnam had become a political liability to be shed like an old set of clothes. We, as a nation, wanted out of a continuing war that was threatening our society and our economy, and we were willing to accept what was expedient to accomplish that purpose. Rather than self-determination for the people of Vietnam, or even "peace with honor," we got a decent interval between our withdrawal and the fall of Saigon. Rather than pursue every means that we might have to resolve POW/MIA questions, we settled for less.

The record of the negotiation and implementation of the Paris peace accords makes it clear that the principles of self-determination for the South Vietnamese and obtaining a full accounting for missing Americans were subordinated to the dominant American concern: to end United States involvement in the war. The compromises in the Paris peace accords set the stage for the failure of the United States to secure either freedom for the South Vietnamese or a full accounting for missing Americans.

We are all familiar with the outcome. Two years after the Paris peace accords, the North Vietnamese made a mockery of the agreement by invading South Vietnam and imposing a totalitarian Communist government. The North Vietnamese were not cooperative in returning United States prisoners and after 20 years there has still not been a satisfactory accounting for missing Americans. Americans lost sight of the principles that were the basis for our involvement in Vietnam and we were willing to make compromises for what was expedient at the time. We must not make the same mistake again.

For 20 years the United States has maintained a trade embargo and refused to establish diplomatic relations with the Socialist Republic of Vietnam. This policy is consistent with the United States treatment of other hardline Communist states, notably North Korea and Cuba. Current United States policy toward Vietnam is based on two considerations: Cooperation in accounting for missing Americans; and the removal of Vietnamese troops from Cambodia. The United States has established a road map that matches progress by the Vietnamese in these areas with improved trade and diplomatic relations with the United States.

The most noticeable aspect of the current road map is the conspicuous absence of mention of human rights or political freedom for the people of Vietnam. For North Korea, progress in human rights is one of the central conditions for improving relations. It must also be for Vietnam. The United States was willing to fight for political freedom and human rights for the people of Vietnam; 58,183 Americans died there, countless billions were spent, and since that time the United States has refused to establish relations in part because of the repressive nature of the Vietnamese regime.

It is ironic that after 20 years we appear willing to sacrifice these principles for the people of Vietnam just as democracy is triumphing around the world, and perhaps once again subjugate, this time probably forever, the question of a full accounting for those missing in Vietnam. One of the key factors in the democratic revolution in the former Soviet Union and throughout Eastern Europe was the hard line that the United States took against the repressive Communist regimes that dominated those societies. Today the leaders of those nations thank us for our tough stand, even though that stand meant economic hardship and isolation for their people.

What is missing our discussions today is a vision of 70 million Vietnamese with the freedoms for which we fought and for which our Nation stands—freedom of religion, speech, travel, due process under the law, and the right to protest the policies of their government. God help us if we come back to Vietnam just to make a little money.

A free Vietnam is the best way to honor the sacrifice of Americans and to help the Vietnamese people. We do not need to go to war to win this battle, nor do we need to stop moving toward normal relations. We need to believe it is desirable and we need to believe it is possible. We need at least to say the words.

The United States should be willing to take a stand for the people of Southeast Asia. Obtaining a full accounting for our missing soldiers will never happen as long as Vietnam remains a closed society. Before opening the door to Vietnam, the United States should demonstrate its support for democracy and human rights by raising these issues with the Vietnamese Government.

AMBASSADOR ARMITAGE AND HIS STAFF

Mr. LUGAR. Mr. President, I rise to commend Ambassador Richard L. Armitage, his chief associate—Frederic Hof and Richard Nelson—and the rest of his staff for an outstanding job working directly for Secretary Eagleburger coordinating United States assistance to the 12 new independent States of the former Soviet Union.

Rich Armitage has accomplished in the past year what no one believed could be done: he conceived and spearheaded a multifaceted program of technical and humanitarian assistance that got a show of concern and a message of hope through to the people of Russia, Ukraine, Armenia, and the other new independent states. This effort started last January with a massive airlift of humanitarian aid to 11 of the 12 new states—organized on two weeks notice, with a borrowed staff of five, delivering 2,000 tons of food and 490 tons of medicine in 16 days to 24 locations in the former Soviet Union.

Rich Armitage and his staff continued through the rest of the year generating and learning the administration's efforts to reprogram existing funds, push through the Freedom Support Act, and organize and coordinate the assistance activities of over 15 Government departments and agencies. In addition, he followed up on Secretary Baker's initiative to host the first of three international conferences to coordinate the assistance efforts of all donor nations and organizations.

He and his staff guided the process through the follow-on meetings in Lisbon and Tokyo, firmly establishing the United States as the world's leader in organizing and delivering assistance to the peoples of the 12 nations of the former Soviet Union. This has been a gargantuan effort that could only have been done by someone with the energy, experience, personality, ability to cut across interagency turf, and leadership of a Rich Armitage. The Nation owes him a debt of thanks.

His staff, gathered mostly from—and in some cases dispersed back to—various agencies and the private sector, deserves recognition and thanks as well. They are Kevin Aanestad, Healther Bomberger, Theodor Bradtrud, Elizabeth Cheney, Katherine Devera, John Donohue, Fred Fox, Keith Gilgore, David Hatcher, Nina Haulst, Brenda Heaster, Ann Hogan, James Johnson, Zana Kizzee, Harry Klein, Janice Langley, Charles Lawson, James Leahy, Tara Mayo, Andrew Messing, Cheryl, McCan, Thomas McKay, Thomas Michaels, Gerald Oberndorfer, John Post, Daniel Puzon, Priscilla Rabb-Ayers, Christina Rufenacht, Barbra Shupe, Charles Slagel, Julia Taft, William Taylor, Jerry Tighe, Karen Volker, Robert Watters, and Deatrice Womack.

ROBERT H. ATWELL: HIGHER EDUCATION'S TOP LOBBYIST

Mr. KENNEDY. Mr. President, the Washington Post recently carried a profile of Robert H. Atwell, the president of the American Council on Education [ACE].

As all of the Members of this body know, postsecondary education in the United States is incredibly diverse. There are thousands of institutions, each with a slightly different set of interests and needs. While there are many interest groups representing various segments of the postsecondary education universe, there is only one organization—the American Council on Education—that represents all of these institutions.

Robert Atwell has been president of ACE for the last 7 years. By all accounts, this has been a turbulent time for higher education. Throughout this period, Mr. Atwell has provided steady, thoughtful leadership on a wide variety of complex issues—from athletics to college prices to increasing minority participation in higher education. The members of the Labor Committee have learned that Bob Atwell's insight and judgment on higher education issues is superb.

One area where I have benefited from Bob's leadership is on the issues surrounding college athletics. Even before he assumed the presidency at ACE, he was a champion of reform and improvement in college athletics. Largely through his herculean efforts, the higher education community began—however tentatively—an effort to reform some of the abuses in intercollegiate athletics long before the public became aware of the extent of the problems. Last year, the Labor Committee worked closely with him as we wrote the Student Right to Know and Campus Security Act. With Bob's help, we wrote a law that, I believe, assures that students and their families have easy access to vitally important consumer information without creating an excessive paperwork burden on the institutions.

Thanks to Bob Atwell's leadership, higher education is well represented in Washington. Given the wide range of complex public policy issues facing higher education these days, America's colleges and universities are fortunate to have him in this position. I hope that, as a result of the Post article, the vitally important role that he plays will be more widely appreciated.

Mr. President, I would like to have a copy of this article printed in the RECORD so that all of my colleagues will be sure to see it.

TRIBUTE TO ROD FASONE

Mr. LUGAR. Mr. President, on behalf of Mr. COATS and myself, we inform the Senate that a truly remarkable young man who served Hoosiers in so many ways passed away on December 10, 1992. Rod Fasone was only 21 years old, but he accomplished more in his lifetime than many people two and three times his age. To honor Rod, we submit our eulogy for the RECORD.

In high school and college, Rod excelled both academically and in competitive sports. At North Central High School, he was captain of his swim team, served in student government, and captured first-place honors in the 1984 Indiana Spanish competition. Rod graduated from Indiana University earlier this year. While studying criminal justice and Spanish in Bloomington, Rod was both a participant and coach in the renowned "Little 500" annual bicycle race. He also served on the student athletic board and was chairman of the Beta Theta Pi Philanthropy.

Rod spent his young adult life participating in community and philanthropic activities. He worked diligently on behalf of the United Way and the Arthritis Foundation. He served actively as a youth deacon at the First Meridian Heights Presbyterian Church. His strong faith and desire to help others led Rod to work with many young people in other States and in Mexico.

While maintaining his studies and serving his community, Rod also found time to hold positions of responsibility in both the public and private sector. We are sure that everyone who had the pleasure to work with him will attest to his dedicated work ethic and desire to give everything of himself to the tasks at hand.

Rod completed an internship in Senator LUGAR's Capitol Hill office 2 years ago, and, earlier this year, joined our joint constituent services staff in Indianapolis. He was assigned the task of assisting constituents who came to our office for help with income and health care problems. Despite facing tremendous personal adversity, Rod always put aside his personal situation and vigorously helped those in need of assistance. He truly embodied the spirit and commitment of public service.

Rod's many personal and professional achievements will serve as lasting tributes to his meaningful and rewarding life. His leadership, his sense of humor, and his inner strength touched so many lives in positive and constructive ways. Those of us who had the honor of knowing him are much richer because of it.

Rod was the kind of son all parents strive to rear. He was loving, caring, filled with happiness, and above all else, optimistic. His family should be so proud of him for everything he was. Our hearts and prayers go out to his parents, brothers, sisters, and grandparents. They suffered emotionally with him, and yet they remained strong, persevered, and provided the comfort and love that carried him through his ordeal.

All of us who knew Rod owe his family a great debt of gratitude for making it possible for him to share his life with us and for serving his fellow man so honorably. Their support and guidance allowed him to live his life to its fullest and to improve the lives of others less fortunate than him.

Rod's absence creates a void that no one will ever fill; however, we must remember that his legacy of love, leadership, and service will live on. We celebrate his memory as a reminder of how well a life can be lived. May God's blessings be upon his family.

(At the request of Mr. MITCHELL the following statement of former Senator Lloyd Bentsen was ordered to be printed in the RECORD at this point:)

Mr. BENTSEN. Mr. President, 22 years ago on this date, near this very hour, I swore my first oath of office as a U.S. Senator. So I find an interesting symmetry in resigning from the Senate at this day and hour to join America's new President in his Cabinet.

After 22 years, there are not adequate words to relate my feeling for this Chamber, for the honor of serving here, and for the privilege of having two decades of distinguished Members as colleagues. So rather than try my own words, I fall back on those I read long ago.

I remember them from a letter a young career soldier had written, one I'm sure he thought wouldn't be opened for years. His final words were: "I wish you could have known my life and how much I enjoyed living it."

That is what I wish to say about my 22 years in this Chamber. May each of you know the satisfactions I have known. And I particularly hope that is the case for my friend who follows me in this Chamber and the distinguished friend who succeeds me as chairman of the Finance Committee.

My service here has given me an immense respect for the uniqueness of the Government our Founders created.

You and I have seen our government act quickly in crisis, just as we have seen our balance of powers, our system of checks and balances, sometimes spread delays. Those delays assure America a measured response to change. They avoid the whiplash and backlash of systems bound by party discipline or the iron whims of factions or strongmen.

A trend doesn't have to bring dislocation in America. We can renew ourselves as a nation because we need not continually re-erect our Government. We can be a vibrant country and a stable republic at the same time.

In spite of America's problems—and I don't downplay them—our system works.

It works because the diversity of the American people and the American economy are represented in this Capitol. In larger part, it works because the elected have reason to react when constituents relate their ideas, their concerns, and their problems—especially their problems with agencies of Government. The American people can petition their representatives to remedy the shortcomings of their government: That is a grand right, one that deserves to be more noticed and remarked on more often.

The quality of America's legislators also should be remarked on more often. For I have known them—the vast, overwhelming majority of them—as able colleagues committed to making a difference.

The rewards of public service are many and gratifying. Descriptions of Congress as removed, distant, and divorced from concerns of everyday Americans are astonishingly off the beam. The relationship between Congressman and constituent can be personal, sometimes almost intimate. Ask anyone who's received a thank-you from a teenager bound for West Point or Annapolis or a letter from a retiree whose Social Security check has been found.

The rewards of public service are high, but the price also can be high—often far higher than for careers offering more money, more privacy, more personal and family life. We who serve accept that price willingly, and from time to time we should be willing to remind those who demand we pay it.

As one who knows the satisfactions and sacrifices, I close my Senate career by sharing with you a remark from a newcomer to public service. He said this:

> I've seen America's hay fields and corn fields, so I know our Nation will grow. I've seen the skyline in Seattle and Chicago and New York, and I know our country will stand. I've seen the Capitol dome, brilliant and dazzling at midnight, and I know it's lighted so people with integrity and purpose can find their way to it.

Thank you, Mr. President. Thank you.

SALUTE TO BILL FARMER

Mr. DOLE. Mr. President, I join Senator MITCHELL in congratulating Bill Farmer on his retirement from the Senate family after 28 years of distinguished service, including more than 21 years at the rostrum in the Senate Chamber.

Many people may only recognize his Kentucky-bred voice, but anyone who has served in this body in the past two decades knows the man well, and respects him tremendously for his dedication. No doubt about it, there is no such thing as 9 to 5 around this place. Bill may have served 38 years, but if you added up the hours it might come out to 48—that is based on official Senate time. In his more than 12 years as chief legislative clerk, Bill has also probably read more legislation than he cares to remember, especially those enjoyable filibusters.

Bill, thanks for your years of hard work. It is much appreciated. I know all my colleagues join me in wishing Bill all the best in his retirement and in extending our thanks and appreciation for his service to the U.S. Senate.

OPENING OF THE 103D CONGRESS

Mr. D'AMATO. Mr. President, today as we begin anew in the 103d Congress, I plan to address the needs, cries and, and yes the hopes of the American people. I come here today representing a State that chose its new leaders with a spirit of bipartisan cooperation in mind. New Yorkers, independently minded as they are, chose Bill Clinton as their President and AL D'AMATO as their U.S. Senator. Together they believe our cooperation can make a difference in their lives. Mr. President, I intend to honor my commitment to make that happen.

President Clinton and I agree, without a doubt, that the growth of the economy and the preservation and creation of jobs for Americans are the most important issues facing our country today. Consumer confidence has turned around reflecting a positive feeling toward the economy. It is imperative that we build upon this momentum and move forward to strengthen that confidence which has been instilled in the American people.

I say this to our new President, I will stand shoulder to shoulder with you on your pledges to revive the economy, cap Federal spending, reduce the deficit and lower taxes. We must face up to these tasks in order to keep working, middle-class citizens from being forced to carry an increasingly heavier burden. It is not just about getting control of the current tax and spend policies for today. It is about providing a productive, stable environment for our children and grandchildren and creating a foundation for economic growth into the future.

Mr. President, today I join my colleague Senator MACK in introducing a legislative package that incorporates the key pledges made by President Clinton. They include President Clinton's promise to control spending and invigorate the economy. Beginning with a line-item veto, a capital gains tax cut, a lifting of the limits on the Social Security earnings test down to the creation of enterprise zones and the President's commitment to workfare, not welfare.

We, as public officials, must keep our commitments and pledges to the American people. As we work to meet these goals, we will restore the people's faith in the economy and in our commitment to public service. I look forward to working with President Clinton to accomplish these goals through swift action on his key campaign pledges.

A NEW BEGINNING

Mr. METZENBAUM. Mr. President, today we undertake a new beginning. With a new Congress and a new administration we are going to make America a better place for our children and our children's children.

I wish today to introduce a number of bills on many subjects including civil rights, the environment, business competitiveness, child safety, labor fairness, and others. My plan is to see them all enacted during the 103d Congress.

Yesterday, President Clinton took office with a mandate to bring Government back to the people.

Last summer, the Supreme Court handed down a decision denying an important right of citizens—to sue their Government when it refuses to enforce provisions of the Endangered Species Act.

In that decision, the court said citizens could no longer challenge the Government's policy of funding projects overseas that threaten endangered species and their habitats.

Today, I am introducing legislation to restore the original intent of Congress, which was to ensure that the people have the right to bring suit against their Government pursuant to the Endangered Species Act.

President Clinton also has a mandate to revitalize the American workplace, to increase productivity, and to expand opportunities for growth. These are important goals, but without an independent labor movement they cannot be achieved and without the right to strike there can be no labor movement.

Accordingly, I am today introducing the Workplace Fairness Act.

This legislation, which passed the House and received 57 votes in the Senate last year, prohibits the hiring of permanent striker replacements.

The American people support this bill, President Clinton supports it. This year we are going to get it enacted.

I am also introducing legislation to close serious loopholes that exist in the Child Labor Act enacted 50 years ago.

Recent child labor law violations against Burger King and Food Lion have shown that exploitative labor practices involving children still occur.

The bill will permit imprisonment for child labor law violators, and will bar willful and repeat offenders from receiving Federal grants, loans, or contracts.

I believe it is an appropriate step against unscrupulous companies that exploit children.

Fourth, I am reintroducing my bill from last year to overturn the Pentagon's ban on homosexuals serving in the military.

The time has come to overturn this last bastion of government sponsored discrimination.

President Clinton agrees. He is committed to overturning the ban, and may do so as early as today.

Nothing would please me more than seeing this issue resolved without the need for legislation.

Eight in 10 Americans believe homosexuals should have the right to serve in the military. With this bill, we show our solidarity with those Americans and with our new President on this important civil rights matter.

Fifth, I am reintroducing legislation granting the Food and Drug Administration explicit jurisdiction over health claims companies make in food advertising.

In 1990, Congress enacted the Nutrition Labeling and Education Act, the most extensive food labeling reform in this country's history.

Unfortunately, the intent of this landmark bill—to reduce coronary heart disease and death through better information about diet and nutrition—is being thwarted because the Federal Trade Commission is failing to take enforcement action against companies that continue to mislead consumers through advertising.

This legislation gives the Food and Drug Administration authority to go after companies that engage in such false and/or misleading food advertising.

Sixth, I am reintroducing the International Fair Competition Act of 1993.

Mr. President, our antitrust laws do not protect American consumers or companies from the devastating effects of foreign cartels—closed business organizations that compete successfully here in the United States because they fix prices and engage in other monopoly practices at home.

This bill will safeguard our free markets by permitting lawsuits against foreign manufacturers that sell goods here at below cost who then turn around and prevent our products from being sold in their markets.

This bill will keep American workers on the job, and American companies competing on an even playing field.

The measure enjoyed wide, bipartisan support last year, and was reported by the Judiciary Committee unanimously.

Once again, Mr. President, I am introducing legislation to amend the McCarran-Ferguson Act to prohibit anticompetitive conduct by the insurance industry.

This bill would repeal the insurance industry's blanket exemption from the Federal antitrust laws. Very simply, the McCarran-Ferguson antitrust exemption has outlived any useful purpose that it may once have had.

Eighth, I am reintroducing legislation, to provide low cost banking services to the general public. This bill represents a very careful compromise worked out during the last session of Congress between the American Association of Retired Persons and the Independent Bankers Association of America.

It requires banks to offer low-income and elderly Americans low-cost checking accounts or Government check cashing services. Neither service would be free.

It is an extremely reasonable bill. If not for the intransigence of the big banks and the Bush administration, we would have enacted it long ago.

In the area of environment, I am reintroducing my Great Lakes water quality legislation from last year.

This bill would enable the Government to protect Great Lakes water by better managing the disposal of sediments dredged from the bottom of the lakes. I am confident that we will be able to enact the bill this year.

On another subject, Mr. President, it has been 12 long years since the 11,400 FAA air traffic controllers walked off the job and were summarily fired by President Reagan.

Since that time, there has been no redemption and no forgiveness. Many of these controllers found work with the military and our allies during Desert Shield and Desert Storm. Many were commended, yet the Government still prohibits them from returning to their old jobs.

Enough is enough. It is a fact that violent criminals are punished less severely than these controllers have been.

My bill would enable these men and women back on the job, provided they are still qualified. It is the fair and decent thing to do.

Finally, Mr. President, I am reintroducing legislation encouraging the use of bicycle helmets by children.

In 1990, 400 children died as a result of head injuries caused in bicycle accidents. Two-thirds of all bicycle-related head injuries occurred among children under age 14.

This bill passed the Senate last year. This year, I intend to see it enacted into law.

That is it for now, Mr. President. During the weeks ahead, I am sure I will have additional bills, including the 7-day waiting period for gun purchases legislation, and a bill on the subject of the major league baseball antitrust exemption.

I yield the floor.

TRIBUTE TO MUHAMMAD ALI

Mr. SPECTER. Mr. President, I wish to pay tribute to a great athlete and American who is being recognized tomorrow evening in Atlantic City as the "Legend of Boxing."

Certainly all of my colleagues would agree that the "Legend of Boxing" is none other but Muhammad Ali. In recognition of this event, I ask that the Senate join me in this tribute that I am presenting to the "Champ."

Mr. President, I ask unanimous consent that the following tribute be placed in the RECORD.

The tribute follows:

RESOLUTION

Whereas the World Boxing Association will honor Muhammad Ali as a "Legend of Boxing" on January 22, 1993, at a dinner at Resorts International in Atlantic City, and

Whereas Muhammad Ali has been a great heavyweight boxing champion who brought excitement, flamboyance and enormous skill to an always difficult and often dangerous profession; and

Whereas Muhammad Ali showed great courage outside the ring in refusing to sacrifice principle for pelf and in adhering to his beliefs in the face of considerable public opprobrium, and

Whereas Muhammad Ali displayed wit, charm and bonhomie in his world travels, ingratiating himself with young and old, rich and poor, persons of all races, religions and ethnic origins; and

Whereas Muhammad Ali, despite his precision, prowess and power inside the ring which wrought havoc on his opponents, has given evidence of gentleness, altruism and love of his fellow man in his daily living; and

Whereas Muhammad Ali has truly been a "Legend of Boxing," one whom many experts believe may have been the greatest heavyweight boxing champion of all time, a pugilist who combined speed with power and who could take a punch with the best of all time: Now, therefore, be it

Resolved, That all lovers of prize fighting take note of this honor bestowed upon Muhammad Ali, truly a singular man, congratulate him for his great boxing career, and thank him for the innumerable thrills he has brought to boxing fans around the world.

STATEMENT ON THE NOMINATION OF LES ASPIN

Mr. LEAHY. Mr. President, I wish to express my congratulations to Representative Aspin on his confirmation as Secretary of Defense. President Clinton could not have selected a stronger candidate.

Les Aspin has few peers when it comes to defense policy. It is hard to think of more than a handful of individuals in Government, whether serving in Congress, the military or the executive branch, who can match Les Aspin's knowledge of our national defense. His entire public career has prepared him for this prestigious position. He and I have not always agreed on what our policy should be on defense affairs, but I honestly cannot think of anyone who I respect more for his understanding of our Armed Forces and the inner workings of the Pentagon. I will remember our first meeting at then-Congressman Don Riegle's home 18 years ago when I was a Senator-elect and how impressed I was by Secretary Aspin.

Since President Clinton is taking away such an impressive legislator, many comments have been made about the future leadership of the House Armed Services Committee. RON DELLUMS and I have worked closely together on defense and arms control issues in the past. I have the utmost confidence that his critics will soon be silenced by his impressive stewardship of the Committee.

Mr. President, I once again voice my strong support for Les Aspin as Secretary of Defense and I congratulate RON DELLUMS on his new position as chairman of the House Armed Services Committee.

STATEMENT ON THE NOMINATION OF WARREN CHRISTOPHER

Mr. LEAHY. Mr. President, I rise to commend President Clinton for his choice of Warren Christopher to be Secretary of State, and am pleased that he was confirmed by unanimous vote of the Senate. Let us use this opportunity to demonstrate once again that partisanship has no place in foreign policy. The President has chosen well. Mr. Christopher is superbly qualified for this critical post, and I confidently anticipate that he will be an outstanding Secretary of State.

Warren Christopher began public service in 1949 as a clerk for Justice William O. Douglas at the Supreme Court. He rapidly demonstrated his excellent legal and diplomatic skills. In 1965 he was appointed as vice chairman of the McCone Commission that investigated the 1965 Watts riots in Los Angeles and he coordinated the Federal response to racial turmoil in Chicago and Detroit as Deputy Attorney General during the Johnson administration.

Mr. Christopher's adroitness and resolve while handling these racial incidents established his reputation as a troubleshooter of the first rank. Mayor Tom Bradley asked him to head the commission that examined the Los Angeles Police Department after the crisis there last year. Once again, he performed a difficult and sensitive task admirably and with consummate skill.

Mr. Christopher is best known for his distinguished service as Deputy Secretary of State during the Carter administration. Always discreet, measured, deliberate, and dignified, Mr. Christopher adeptly negotiated treaties and championed human rights abroad. His mastery of negotiation culminated with his successful diplomacy that resulted in the release of American hostages from Iran in 1981.

At his confirmation hearing, Mr. Christopher laid out his views on the basis of U.S. foreign policy under the Clinton administration. I was particularly impressed with two aspects of his policy objectives:

First, Mr. Christopher believes in diplomacy and negotiation as the preferred means of resolving international disputes. He stated that the United States "must apply new dispute resolution techniques and forms of international arbitration to the conflicts that plague the world." With Warren Christopher as our chief negotiator, I believe we will see diplomacy become the primary method of resolving international conflict.

The United Nations will continue to play a major role in deterring aggression, relieving suffering and keeping the peace. Mr. Christopher has pledged to work with the United Nations to ensure that it has the means to carry out the formidable tasks confronting it, including ensuring that the United States pays its obligations.

Second, Mr. Christopher recognizes that our foreign aid program must coordinate with other aspects of our foreign policy to reflect our commitment to the spread of democracy and human rights and to serve more effectively as an instrument of our international economic and commercial interests. To help accomplish this, Mr. Christopher has advocated an overhaul of the Agency for International Development and streamlining the State Department. As hearings in my Foreign Operations Subcommittee and in other committees have amply demonstrated, a top-to-bottom overhaul of foreign aid is urgently needed.

I applaud Mr. Christopher for his commitment to aligning our foreign aid program with the realities of the post-cold-war era. I look forward to working with him to examine the rationale and structure of our foreign aid program so that it responds to the challenges of the 21st century.

Warren Christopher brings exemplary skills in diplomacy, negotiation, management, and problem solving to the position of Secretary of State. These skills and his philosophies on U.S. foreign policy make him the right person for this difficult job during what will certainly be challenging times.

As chairman of the Foreign Operations Subcommittee, I look forward to working with him as Secretary of State.

STATEMENT ON THE NOMINATION OF LLOYD BENTSEN

Mr. LEAHY. In selecting Senator Bentsen for his Treasury Secretary, President Clinton has tapped one of the most esteemed and distinguished Members of the U.S. Senate. The Nation is gaining a statesman with great vision in the area of economic policy. This vision will be sorely missed in the Senate.

As chairman of the Finance Committee, Senator Bentsen has been a leader and innovator in tax policy, health care reform, and trade issues. Senator Bentsen receives praise from both sides of the aisle for his efforts to form coalitions that result in action. He was the driving force behind the United States-Canada Free-Trade Agreement which has been so important to Vermont and the Nation, and the Trade and Competitiveness Act of 1988. Acting as a moderating influence, he played a major role in crafting the 1990 budget compromise. On the complex issue of health care reform, I have worked with Senator Bentsen. He has worked tirelessly to form a consensus on this issue so that all Americans have access to affordable health care.

Facing the collosal problems of a $4 trillion Federal debt and anemic economic growth, Secretary Bentsen will have to call on his most masterful coalition-building skills. Certainly no one is more experienced at shepherding controversial legislation through the minefield of Congress than Senator Bentsen.

Senator Bentsen understands how to get the American economy going again. He understands the necessity of rebuilding America through investment in people and infrastructure. He understands the need for Americans to improve their savings habits and abilities. He understands the importance of opening foreign markets for American goods and of coordinating monetary policy with other industrialized nations. I am confident in his leadership to steer us away from the regressive tax policies of the last 12 years.

I want to thank my friend Lloyd Bentsen for his superior service in this body and for the people of Texas. I look forward to working with him in his new capacity as Treasury Secretary and also to the results of that labor.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, about 11 months ago, February 25, 1992, I called the Senate's attention to the fact that on February 21, 1992, the U.S. Federal debt stood at $3,823,909,309,474.57.

Every day the Senate has been in session since, I have presented updated boxscores of the exact Federal debt, down to the penny. A great many citizens have been astonished to learn of the enormity of the debt which Congress has run up, and which is a burden to be passed along to their children, and their grandchildren. There was a period last summer when Senator CRAIG made this daily report on my behalf during my absence.

I intend to continue these reports into the 103d Congress—and longer, as may be necessary, until our Nation's debt is brought under control.

Mr. President, during the past 11 months since February 25, 1992, the Federal debt has increased by $363,897,300,894.59 to its present total of $4,187,806,610,369.16 as of Tuesday, January 19, 1993.

All of us know that anyone familiar with the U.S. Constitution is aware that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on Federal spending approved by Congress—spending over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day, just to pay the interest on the existing Federal debt.

On a per capita basis, every man, woman, and child in America owes $16,303.91—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

Which brings up the question: What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

TRIBUTE TO BOB STRAUSS

Mr. DECONCINI. Mr. President, on December 11, 1992, in Tucson, AZ, Robert A. Strauss was honored by his friends and colleagues at the Tucson Unified School District [TUSD] for his 8 years of leadership and service to the students of this school district. I want to take a moment of the Senate's time to join Tucsonans in recognizing Bob's achievements during his tenure as a member of TUSD's board.

Bob was first elected to the board in 1984 and was reelected again in 1988. While on the board, he served in a variety of positions including board president. The one thing that characterized his service on the board is his concern for the student, first and foremost. This is demonstrated by his efforts to secure the passage of bond issues in both 1985 and 1989. As a leader in the Tucson community, he was able to use his extensive contacts to mobilize support for these bond issues. it has been recently said of Bob's efforts concerning the 1989 bond issue:

> The passage of the bonds in 1989 has already funded dozens of badly needed renovations and transformed learning environments for thousands of children. These upgrades have made possible new and enhanced libraries, science labs, classrooms, fine arts studios and many other facilities serving students. This broad array of citywide improvements will always be remembered as part of the Strauss legacy.

Mr. President, TUSD has almost 58,000 students and 8,000 employees. In order to govern an enterprise this large and diverse, one must devote themselves to learning all aspects of it. Bob did just that. He traveled extensively throughout the district participating in many programs. For example, he spent a great deal of time reading to elementary schoolchildren during the "love of reading" week. Bob also made extraordinary efforts to attend graduation ceremonies and other events to recognize the achievements of the district's students.

Bob was also extensively involved in expanding programs to increase graduation rates among distressed students, promoting fine arts, math, and science programs at the Tucson high magnet school and creating opportunities for the involvement of parents.

But, probably the crowning achievement of Bob's service on the board is his efforts to reduce the extracurricular participation fees in order to make it more affordable for all students to participate in these activities. In leading this effort, he recognized the importance of these programs to the total development of the student. His efforts enabled many students to participate in sports and arts programs who had otherwise been prevented from doing so. As the Tucson Citizen stated:

> If Bob Strauss is remembered for nothing else during his tenure as a school board member, he will be remembered—and quite fondly—for the pressure he applied to have the extracurricular participation fees slashed in the Tucson Unified School District.

Mr. President, in addition to his service on the TUSD board, Bob is active in many other civic activities, too numerous to name, that primarily focus on the young people in southern Arizona. He recognizes the importance of ensuring that our young people are given the necessary tools and foundation so that they may become the leaders of tomorrow.

I know Bob's service on the TUSD board will be sorely missed, but I am sure he will remain involved. This Senator is honored to consider Bob Strauss a friend and I ask that my colleagues join me in saluting him.

HUMAN RIGHTS VIOLATIONS IN UZBEKISTAN

Mr. DECONCINI. Mr. President, as Chairman of the Helsinki Commission, I would like to speak out about the deteriorating situation for human rights and democratic reform in the newly independent country of Uzbekistan. I visited Uzbekistan last April and had great hopes for the new country. I supported that country's right to come out from under the clutches of Moscow and welcomed it into the community of independent nations. I was especially heartened by Uzbekistan's membership in the CSCE process, which I felt would be an excellent guide, as the country embarked on the difficult road to democratization. In April, Uzbek officials, including the Foreign Minister Ubaidulla Abdurazzakov, assured me of their government's commitment to the implementation of Helsinki principles in Uzbekistan and to developing a respect for human rights that was so sorely lacking during the long years of Russian colonization and Soviet domination.

I regret to report that recent events have made a folly of the Foreign Minister's pledge. It has become increasingly clear that the Uzbek Government apparently has no intention of respecting human rights and implementing democratic reforms in that country. Though 1992 began hopefully with a presidential election in which for the first time in Uzbek history there were two candidates for the office, the ensuing months provide that the government of President Islam Karimov has no regard for democracy or human rights. The Helsinki Commission began to receive reports of harassment of opposition members, which included arbitrary arrests and detentions, the ransacking of homes and offices, the unexplained closure of meeting halls, and the confiscation of all publications which did not support the government. The actions against opposition groups culminated in the harsh attack on June 30 against Abdurrahim Pulatov, chairman of Birlik, which is the largest opposition group in Uzbekistan. Mr. Pulatov and his colleague, Miralim Adylov, were brutally beaten with steel rods and barely escaped with their lives. In a gross display of cruelty, Uzbek doctors, under government threat, refused to treat the two men, who were forced to seek treatment in Moscow.

Unfortunately, Mr. President, the brutal crackdown on all those who speak out against the government has continued to this very day. Just last month, several human rights and democratic activists from Uzbekistan were detained and prevented from attending a groundbreaking human rights conference for the Central Asian countries held in neighboring Kyrgyzstan. And in the most flagrant disregard for all standards of justice, on the day after the conference ended, one of its chief organizers, Abdumannob Pulatov, an Uzbek and brother to the Birlik chairman who was so brutally attacked in June, was abducted from Kyrgyzstan by Uzbek KGB agents and forcibly returned to Tashkent where he is in prison. Uzbek authorities have refused to allow representatives of the United States Embassy, and international human rights groups, to see Mr. Pulatov and his whereabouts, and even the state of his health, are unknown.

Mr. Pulatov, and other Uzbeks who did manage to attend the conference, are charged with the crimes of insulting the dignity and honor of the president and attending an unauthorized meeting. In fact, the Kyrgyzstan conference, which was attended by a staffer from the Helsinki Commission, was a courageous first step of democratic and human rights activists from all the Central Asian countries on behalf of freedom and democracy. I, myself, met with Abdumannob Pulatov last April in Tashkent and was impressed with his thoughtful and genuine commitment to peaceful democratic reform in his country.

I hereby call on the Uzbek authorities to release Abdumannob Pulatov immediately and to cease all its brutal actions against groups in Uzbekistan whose only crime is to hold opinions which are different from the government's. I call on President Karimov to respect the principles of democracy and human rights as embodied in the Helsinki Final Act, which he, himself, signed in Helsinki in February 1992. I say to President Karimov, the goal of political stability to which you claim to adhere, dose not justify the brutal repression of other human beings.

Mr. President, the events in Uzbekistan provoke both outrage and sadness. During my visit there last April, I visited the beautiful city of Samarkand, and it became clear the extent to which the rich and remarkable culture of the Uzbek people had been smothered for so many years under Soviet repression and the lies of Soviet ideology. I understand very well that Uzbekistan, a brand new country, now faces many economic, social and political hardships as it gropes its way out of the darkness of colonization and repression. Unfortunately, the repressive practices of the current leaders of Uzbekistan have shown that Uzbek leaders intend not to bring in the light to democracy, but to continue those dark days of totalitarian repression.

S. 1, NATIONAL INSTITUTES OF HEALTH REVITALIZATION

Mr. HATCH. Mr. President, I deeply regret that I am unable to cosponsor the NIH reauthorization bill (S. 1) today due to my continuing concerns regarding its fetal tissue research provisions. It is regrettable that these provisions are included in this bill, particularly since President Clinton has made it clear that he will override the fetal tissue moratorium. In all probability, by the time the bill is marked up in committee next week, it will be a fait accompli.

I am gratified, however, that the bill does not repeal the fetal tissue banks that were begun last year. I am firmly convinced that if these research banks are allowed to flourish they will provide an alternative source of fetal tissue than that from induced abortions.

With a few exceptions, I believe the bill's provisions merit support. In particular, I wish to emphasize my continuing support for the concept of reforming the NIH AIDS research program.

I have long supported AIDS research. Few areas or demographic groups have been left untouched by this tragic disease. This NIH bill contains a provision for essential AIDS vaccine trials for women and children that I requested be included.

The AIDS research program has grown over the years and through the tireless effort of those like Anthony Fauci, M.D., has been successful. The AIDS research budget is spread out across the 13 institutes, and the tiny office of AIDS research has struggled in its attempt to coordinate the far flung research efforts. The current AIDS research budget is over $1 billion—larger than many institutes. There is unnecessary duplication and the program is without focus.

The provisions contained in this bill, while not perfect, provide AIDS research with the leadership, strategic planning, and coordination that are so essential into other life-threatening diseases. Specifically, I support the concept of a unified program focus through the development of a strategic plan and budget for AIDS research and the authority for the allocation of the research funds to the Office of AIDS Research, Moreover, the proposed changes will not cost additional monetary or personnel resources.

I believe that it is imperative to enhance the position of Director of the Office of AIDS Research to that of a full-time, Presidential appointee who will: First, report directly to the Director of the NIH; and second, sit on relevant executive branch AIDS task forces.

It is my sincere hope that these provisions will be included in the NIH reauthorization bill (S. 1). I believe them to be a critical component of our continuing search for treatments and, ultimately, a cure for AIDS and HIV disease. I remain committed to working with the distinguished chairman and ranking member of the Labor and Human Resources Committee to further refine these provisions as this bill moves forward.

THE SELECT COMMITTEE ON POW/MIA'S

Mrs. KASSEBAUM. Mr. President, the Senate Select Committee on POW/MIA Affairs has culminated its work with the release of its report, which provides a very extensive review of the issue.

I would like to join my colleagues in commending the chairman, Senator JOHN KERRY for his leadership on this committee. Senator KERRY, despite the committee's differences on various aspects of this issue, kept the committee nonpartisan and kept our eye on the central fact that we were all working for the families. In this same regard, Senator BOB SMITH, our vice chairman also deserves our commendation.

The members of this committee started with a wide range of views on this issue, but every Member shared the determination to find answers and provide recommendations on how our Government could better serve the families whose sons and daughters had made the greatest sacrifice for our Nation. It was this shared spirit that the chairman and the vice chairman tapped and were successfully able to mold into a productive force.

As someone who had not had an extensive knowledge of this issue when this process began, I have come to know firsthand the pain this tragedy has caused for countless families. This experience has only served to reinforce my own commitment to ensuring that our Government is responsive to its citizenry, particularly in areas as important as this one.

In my view, the most important accomplishment for the committee has been the release of an unprecedented amount of information that will help ultimately resolve the questions about U.S. servicemen still unaccounted for in Southeast Asia. While the committee was not able to resolve all of the questions surrounding this issue, its main success was to put in place a process in which questions can be answered about missing Americans and that over time this process will provide additional answers.

This process includes the most rapid and extensive declassification of public files and documents on a single issue in American history. The release of these documents, combined with our hearing record and with this report will now provide an unprecedented amount of resources which can help resolve this issue.

The report is a unanimous report supported by all 12 members of the committee. It is a very honest and direct report. Where there are differences among the members, these differences are noted. While it provides a review of the background of this issue, including an analysis of the Paris peace accords, it would be beyond the scope of this report to give a complete history of the more than 20 years covered. What we tried to do was highlight those areas and factors over the years which had an important impact on this issue. I believe the result of this effort is the most comprehensive review of the POW/MIA issue that has ever been provided.

The committee's main conclusion was that there is no compelling evidence that any American POW's are alive today in Southeast Asia. Nevertheless, the committee also determined that despite official statements to the contrary, our Government expected over 100 more Americans home at Operation Homecoming. While we do not believe that American officials had certain knowledge that any specific prisoner or prisoners were left behind after Operation Homecoming, the fact that these individuals were not accounted for began the 20 year agony on this issue.

Ultimately we are still dependent on the Southeast Asian countries, particularly Vietnam and Laos, for cooperation on this issue. But, a more effective and responsive policy on the part of our Government can help heal the wounds and answer remaining questions.

It is in this regard, that I would strongly recommend the implementation of the committee's recommendations for the executive branch on how to improve its handling of the POW/MIA issue.

By far the greatest obstacle to a successful accounting effort over the years has been the refusal of the foreign governments involved, until recently, to allow the United States access to key files or to carry out in-country, onsite investigations. But, I would like to underscore the committee's conclusion that the U.S. Government's process for accounting for Americans missing in Southeast Asia has been flawed by a lack of resources, organizational clarity, coordination and consistency. These problems had their roots during the war and worsened after the war as frustration about the ability to gain access and answers from Southeast Asian governments increased.

The committee's recommendations include encouraging the executive branch to establish a process of live sighting response, investigation and evaluation that is more extensive and professional than ever before. They also include:

Accounting for missing Americans from the war in Southeast Asia should continue to be treated as a matter of highest national priority by our diplomats, by those participating in the accounting process, by all elements of our intelligence community and by the Nation, as a whole.

Continued, best efforts should be made to investigate the remaining, unresolved discrepancy cases in Vietnam, Laos, and Cambodia.

The United States should make a continuing effort, at a high level, to arrange regular tripartite meetings with the Governments of Laos and Vietnam to seek information on the possible control and movement of unaccounted for United States personnel by Pathet Lao and North Vietnamese forces in Laos during the Southeast Asia war.

The President and Secretary of Defense should order regular, independent reviews of the efficiency and professionalism of the DOD's POW/MIA accounting process for Americans still listed as missing from the war in Southeast Asia.

A clear hierarchy of responsibility for handling POW/MIA related issues that may regrettably arise as a result of future conflicts must be established. This requires full and rapid coordination between and among the intelligence agencies involved and the military services. It requires the integration of missing civilians and suspected deserters into the overall accounting process. It requires a clear liaison between those responsible for the accounting—and related intelligence—and those responsible for negotiating with our adversaries about the terms for peace. It requires procedures for the full, honest, and prompt disclosure of information to next of kin, at the time of incident and as other information becomes available. And it requires, above all, the designation within the executive branch of an individual who is clearly responsible and fully accountable for making certain that the process works as it should.

In the future, clear categories should be established and consistently maintained in accounting for Americans missing during time of war. At one end of the listings should be Americans known with certainty to have been taken prisoner; at the other should be Americans known dead with bodies not recovered. The categories should be carefully separated in official summaries and discussions of the accounting process and should be applied consistently and uniformly.

Present law needs to be reviewed to minimize distortions in the status determination process that may result from the financial considerations of the families involved.

Wartime search and rescue [SAR] missions have an urgent operational value, but they are also crucial for the purposes of accounting for POW/MIA's. The records concerning many Vietnam era SAR missions have been lost or destroyed. In the future, all information obtained during any unsuccessful or partially successful military search and rescue mission should be shared with the agency responsible for accounting for POW/MIA's from that conflict and should be retained by that agency.

If these reforms are implemented, we will be even further along in answering the outstanding questions. It is important to emphasize that the release of this report is not the end of our concern here in the Senate or in the Government. One of the committee's most significant conclusions is that we must keep the door open on this issue until its is ultimately resolved.

GOODBYE, CHRIS STREET

Mr. HARKIN. Mr. President, I rise today to say goodbye to a young man who left this world too soon.

History tells us that on the day John F. Kennedy died, a tailor in New York put a sign on the door that read, "Closed Due to a Death in the Family." Mr. President, that's how Iowa feels today—we've had a death in the family. And that's what makes this so hard.

Two days ago, on a lonely stretch of highway just north of Iowa City, a young man named Chris Street died when the car he was driving collided with a snowplow. It was a tragic and senseless death that rocked Iowa to the very core.

The reason Chris felt like part of the family was because every week during the winter he entered the homes and visited the family rooms of Iowans all over the State. You see, Chris was a starting forward for the University of Iowa basketball team.

Just last Saturday, he set a school record by making his 33d and 34th straight free throws. Last year, as a sophomore, he earned honorable mention in the Big Ten Conference. This year, he was a star on a team ranked No. 14 in the Nation.

None of this came as any surprise to those of us who watched him grow up. I used to represent the congressional district he was from. While at Indianola High School, Chris was an all-State basketball player—not to mention the fact that in his senior year, USA Today named him an all-American quarterback. But it was as a Hawkeye where we really grew to love him.

In Iowa, we don't have any major league sports teams. The Iowa Hawkeyes and the Iowa State Cyclones are our major league athletes. And over the last few years, Chris Street had become a household name to Iowans and a hero to thousand of kids.

It was a title he wore well. In addition to being one of the best players on one of the best teams in the country, he was also the most quotable, the most emotional, and the most friendly player out there.

No wonder it rained in Iowa City for 2 days following his death. The family, friends, and fans of Chris Street cried the rain down.

My thoughts and prayers go out to his friends and family today, as they say their last goodbyes to a truly wonderful young man.

To paraphrase what a philosopher once said when Gandhi died, "In his lifetime, this young man managed to become enshrined in millions and millions of hearts, so that all of us became somewhat of the stuff he was made of." Chris Street may be gone, but his inspiration lives inside each and every one of us. We will miss him, but we will never forget him.

RECESS

Mr. MITCHELL. Mr. President, I now ask that the Senate stand in recess as under the previous order.

Thereupon, at 12:50 p.m., the Senate recessed until 2:15 p.m.; whereupon the Senate reassembled when called to order by the President pro tempore [Mr. BYRD].

ORDER OF PROCEDURE

The PRESIDENT pro tempore. The Senator from North Carolina [Mr. HELMS].

Mr. HELMS. Mr. President, the able Senator from Oklahoma wishes to make some remarks, and I ask unanimous consent that it be in order for him to make those remarks and then the floor will be mine again.

The PRESIDENT pro tempore. The Chair would state that the Senate is in a period for the transaction of morning business, and under the order previously entered, Senators may speak therein. Does the Chair understand that the Senator from North Carolina wishes to seek recognition?

Mr. HELMS. I wish to be recognized and yield to the Senator from Oklahoma briefly.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. BOREN. Mr. President, I thank my colleague from North Carolina. I make an inquiry of the Chair if the introduction of bills is also in order at this time.

The PRESIDENT pro tempore. The Senator is correct.

Mr. BOREN. I thank the Chair.

(The remarks of Mr. BOREN pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOREN. Mr. President, I again thank my colleague from North Carolina for allowing me to proceed.

I yield the floor.

The PRESIDENT pro tempore. In accordance with the unanimous-consent request previously granted, the senior Senator from North Carolina [Mr. HELMS] retains the floor.

Mr. HELMS. I thank the Chair.

ROBERT E. LEE—THE NOBLEST AMERICAN

Mr. HELMS. Mr. President, Tuesday, January 19, marked the 186th anniversary of the birth of Robert E. Lee, the man whom Winston Churchill correctly, in my view, called "the noblest American who ever lived and one of the greatest captains known to the annals of war."

In an age when revisionist academics spend their careers tearing the lives of those who do not fit their politically tainted agendas, Robert E. Lee still stands as one of the most inspiring and beloved men in the history of this country. But beyond the mythical general who struck with a thunderbolt on the battlefield and led the Army of Northern Virginia into legend, there was a gentle man of simplicity and perseverance who met each crisis and task with unquestioned faith in his Creator and unfailing devotion to his duty. For our times, Robert E. Lee the man is more the measure than the marble symbols of Lee the warrior which adorn so many shrines.

All of us, I suppose, have done some reading about Robert E. Lee, and in my case, looking at his life, I am reminded that at each turn, from his refusal to take command of the Union Army in 1861 to his heartwrenching decision to ask Grant for surrender terms in 1865, Robert E. Lee asked himself the same question over and over, "What is my duty as a Christian and a gentleman?" As his foremost biographer, Dr. Douglas Southall Freeman, noted, "he answered by the sure criterion of right and wrong and, having answered, acted."

Robert E. Lee's religious conviction was clearly expressed in his sense of honor and duty. He revealed this in a note he wrote to himself: "There is a true glory and a true honor: the glory of duty done—the honor of the integrity of principle."

As Dr. Freeman records, Lee's creed was no more sorely tested than in those dark hours when he faced the decision of whether to surrender his ragged but still defiant army. Robert E. Lee told his subordinates, "If it is right, then I will take the responsibility." Lee subjected his decision to the belief that his God's desire would work out for the benefit of all, including himself. Because of this he endured, despite facing insurmountable odds and even when he knew that the cause for which he fought was doomed.

Despite being born to greatness, Robert E. Lee was a man of simple humility. His sense of self-denial and basic decency prepared him for the terror of war and its equally devastating aftermath. He could have easily rode to victory at the head of Lincoln's armies, but he denied himself a chance at glory.

Rather than surrender, he could have led his men into a guerrilla war which would have probably ended any chance for restoration of the Union. Instead of continuing the battle he chose to fight for tranquility. After Appomattox he dedicated his life to restoring peace to his country by imbuing southern youth with a sense of obligation and self-sacrifice, not vengeance and acrimony. He refused to get rich by letting others use his name. There were no speaking tours or self-serving memoirs blaming other men for the South's defeat.

He was satisfied to fill out his life with the presidency of a small Virginia college. Again he denied himself in order to be an example to us.

In one of his last public acts, he took a young child from his mother's arms and in lifting him up said softly, "Teach him he must deny himself." There is no greater testament to the man.

Mr. President, as we honor Robert E. Lee this week, I close with a passage from a distinguished southern essayist, Benjamin Harvey Hill:

> He was a foe without hate, a friend without treachery, a soldier without cruelty, and a victim without murmuring. He was a public officer without vices, a private citizen without wrong, a neighbor without reproach, a Christian without hypocrisy, and a man without guile. He was a Caesar without his ambition, a Frederick without his tyranny, a Napoleon without his selfishness, and a Washington without his reward.

INTRODUCTION OF LEGISLATION

Mr. HELMS. Mr. President, today I introduce a four-pronged package of legislation to: No. 1, restore the rights of 1.5 million unborn Americans slaughtered each year; No. 2, to restore the right of our children to voluntarily pray in schools; No. 3, to restore the supremacy of the individual over State-imposed quotas; and No. 4, to treat AIDS as a public health issue rather than one of civil or political rights.

Needless to say, I will say more later about each of these proposals. For the present I will talk about the need to change the direction of the country, it being fashionable to talk about change these days.

Amid all of the cheers being raised as we enter a new Congress and a new administration, there is growing trouble across our land. Our traditions, our children, and the institutions which have made this Nation the light of the world, are all under assault.

We are not threatened in a military or material sense. We are—despite reports to the contrary—the globe's military and economic colossus. America's armed might stand unchallenged. The evil empire is a thing of the past. Our economy is twice the size of our nearest competitor—Japan.

Why then is our great country in danger? Mr. President, I believe we are in a war—in the sense that we are engaged in a struggle for the soul of America.

The residue of the 1960's—the dream decade of the left—continues to wreak havoc. Free sex translated into wave after wave of sexual diseases, the most recent manifestation, AIDS, having turned the public health agenda of this country on its head.

Illegitimacy is rampant. The Department of Health and Human Services reports that 9 of every 10 children in the District of Columbia are born to unwed teenage mothers. According to the Wall Street Journal, in the Nation's Capital, two-thirds of 10th grade boys and one-fifth of 10th grade girls report that they have already had at least four sexual partners.

Pornography is taken for granted. Unnatural lifestyles have been elevated to the level of legitimacy. At the Democratic Convention several speakers called AIDS a Reagan-Bush disease. Forget the fact that the Centers for Disease Control claim that the average male AIDS carrier has had over 500 sexual partners, and far more Federal dollars have been spent on AIDS than on heart disease and cancer combined.

Not one speaker at last year's Democratic Convention dared mention that there is a moral factor missing in this debate. To have done so, the speakers probably would have had to reject the so-called progressive creed that every person must be liberated from traditional values—in other words if it feels good, do it. In this bizarre world there are no universal standards, and like the Orwellian nightmare of "1984," right becomes wrong, bad becomes good, and the lie becomes the truth.

Tolerance of the drug culture in the popular media and the breakup of the traditional family have combined to give us three generations of a professional criminal class—the power of which raised its ugly head on the streets of Los Angeles a few months ago.

When a spokesman for former President Bush said that many of our social problems stem from the failed policies of the secular welfare state, he was hooted down and pilloried by the talking heads in the media and the political opposition.

So I think it is a significant question, a relevant question to ask, "Where are we headed?" Quo vadis, America?

What can be said in a Nation where the highest Court in the land declares that the display of the Ten Commandments and the recitation of the Pledge of Allegiance in a public school is illegal while the very same public school hands out condoms to sixth graders and preaches the equality of perverted sexual lifestyles?

Mr. President, we are losing a spiritual war and it is eating away at our national security from within. As the remarkable French statesman Alexis de Tocqueville noted in the 1850's, the source of American virtue will never be found in the Government or Government programs. The source of American virtue, he said, will always be found in the churches and synagogues of America.

Los Angeles political commentator Dennis Prager recently noted that religious Americans have not only conceded the Government and the media to left wing activits, we are now allowing those forces to define a new creed for America. The trinity of Christianity—Father, Son, and Holy Ghost—and the trinity of Judaism—God, the Torah, and Israel—have been replaced by a new creed—race, gender, and class.

In this new religion we can no longer judge people in terms of good or evil—only in the context of black versus white, male versus female, and rich versus poor. Rather than proclaim the responsibilities and duties of citizenship, the cult of victimhood is enshrined as gospel. The liberals always blame someone or something else—Reagan, Bush, lack of gun control, not enough condoms for children, et cetera, et cetera.

On the academic campus and in enlightened circles, the new religion has spawned a fashionable word: multiculturalism. Multiculturalism does not stand for the celebration of Greek-American culture, Italian-American culture, or African-American culture. Multiculturalism means multimorality—the denial of the universal truths embodied in the Judeo-Christian ethic.

Under the multicultural banner, a rock music producer—who happens to be chairman of the Southern California ACLU—in defending a particularly offensive rap singer declared with a straight face that, "What is vile to a Mormon family in Utah is not vile to a black family in south central Los Angeles." The Los Angeles Times sneered that the espousal of traditional values is simply a right wing euphemism for an oppressive organization where a white father heads a family. In other words, a married man and woman, living together with children is not a universal value—certainly not one to be encouraged and nurtured by all Americans.

I do not buy that and I do not believe many people do.

Mr. President, America has reached a point in popular culture where morality is nothing more than a matter of personal preference—like choosing where to shop, or what movie to see.

Values become simply a matter of how you look at them—no Ten Commandments, no psalms, no beatitudes, no "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights"—you know the rest.

But I say, Mr. President, and I do not claim even better than average wisdom, but I say that if America is to survive, there must be an American reawakening. We cannot continue down this destructive path or we will duplicate the fall of Rome and all other beaten civilizations in history. Before it is too late, we must have the courage and the decency to stand up for life, the family, and all of the other principles that made this Nation great in the first place.

SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

Mr. HELMS. Mr. President, I am today introducing a resolution proposing an amendment to the U.S. Constitution, which, according to recent polls, is supported by 75 percent of the American people. Specifically, the proposed constitutional amendment restores the right of voluntary prayer in the public schools, including the offering of prayers at public school graduation ceremonies and sports events, such as football and basketball games.

Mr. President, in line with the comments that were just made, this proposed constitutional amendment focuses on the survival of our Nation.

During the recent Presidential campaign, the news media cited ad nauseam a sign posted in the Clinton campaign headquarters which reportedly said, "It's the economy, stupid." But what the media lost sight of—indeed, probably never recognized—is that at the core of the free enterprise system is a moral society, and unless the fact that the Lord governs in the affairs of mankind is recognized, no economy can ever be strong.

Unlike the media, the American people recognize the moral—and practical—imperatives of returning voluntary prayer to our schools. "Reader's Digest" commissioned the Wirthlin Group to conduct a poll on the issue and reported the results this past November. They found that 80 percent of the American people disapprove of the Supreme Court's recent ruling that it is unconstitutional for prayers to be offered at high school graduations and that 75 percent of Americans generally favor prayer in public schools. As "Reader's Digest" pointed out, these opinions in favor of prayer "were expressed by Democrats, Republicans, blacks and whites, rich and poor, high-school dropouts and college graduates—reflecting a profound disparity between the citizenry and the Court."

What this demonstrates, Mr. President, is that the vast majority of Americans intuitively, and properly, understand that the moral collapse in our schools, and our country, is in great part due to the Supreme Court's deemphasizing moral principles that deserve to survive—indeed, must survive if this Nation is to survive.

Mr. President, Justice Potter Stewart, dissenting in one of the Supreme Court's earliest cases outlawing school prayer, made this profound observation:

> A compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion. And a refusal to permit religious exercises thus is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism.

Justice Stewart's words accurately predicted that governmental intolerance of religion would be the natural and precise effect of the Court's decision banning school prayer. The effect of those decisions has been to outlaw, for all practical purposes, any manifestation of religious faith on public school property.

Mr. President, consider the havoc wrought by implications far beyond the schools themselves: Rising crime rates, increased illegitimate births, abortion, incest, poverty, teen-age suicide, AIDS, pornography masquerading as art, and a tragic erosion of the American citizen's love and concern for his fellow man into a cold indifference. All have a common thread: A massive collapse of morals in America.

Repeated statistics show that the public schools have been going downhill morally and academically since the Supreme Court outlawed school prayer in the 1960's. I have a book of graphs based on statistics from the Federal Government and other widely respected institutions which illustrate the moral and academic decline in the schools since that time. The statistics make all too clear the importance of restoring the right of voluntary prayer and Bible reading in the public schools and at public school events.

Senators may recall that on January 23d last year, I offered a Senate resolution urging the Supreme Court to use the then upcoming Weisman versus Lee school prayer case to restore to America's children the right of voluntary prayer and/or Bible reading in the public schools. While the Senate's rejection of that simple resolution by a vote of 38 to 55 did not surprise me, the Supreme Court's subsequent decision last June 24 in the Weisman case did. In that decision, the Court shamefully adhered to its historically insupportable view that the Constitution somehow forbids any and all religious expression in the public schools. In Weisman, the Court took such faulty logic yet another step forward in order to outlaw voluntary prayers during public school graduation ceremonies—based on the insane notion that an individual's mere presence during the offering of a prayer constitutes forcing that individual to participate in the prayer.

Most Senators no doubt heard from the new media and hundreds of constituents this past fall, as I have, that the ACLU and other liberal extremists have used the ruling in the Weisman case to force school boards all over the country to ban public prayers at high school football and basketball games.

But this time, Mr. President, ordinary Americans have been fighting back. In many cities and towns, school officials are providing a moment of silence in lieu of a public prayer—and the people are grasping the opportunity to spontaneously recite the Lord's Prayer in unison. But such spontaneous acts of prayer has been too much for antireligious bigots in some cities and with the ACLU's help they have gone back to the Federal courts to try and block even moments of silence before ball games.

It is my firm belief that the Founding Fathers would be horrified at such a twisted interpretation of the first amendment's establishment and free exercise clauses. Has the Court forgotten that there are two parts to the first amendment's clause dealing with religion? The amendment prohibits government from interfering with the "free exercise of religion" just as strongly as it prohibits the government from establishing a religion. The words are, "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof."

Is the Supreme Court blind to the second half of that sentence?

Mr. President, how ironic it is that while we in the Senate deem it helpful and necessary to begin our day's activities by corporately and publicly asking God's blessing on our efforts, the Supreme Court denies this same right and privilege to millions of schoolchildren across this Nation.

It is also ironic, Mr. President, that instead of engendering official attitudes of neutrality toward religion in the schools—as the Supreme Court initially assured us they would in the early 1960's—the school prayer decisions have in fact fueled government intolerance of, and active assaults on, any vestige of Christianity in the public schools.

In North Carolina alone, within the last several years, such government-induced intolerance toward religion has produced the following results:

First, a teacher in Lexington, NC, Ronald Chapman, resigned his job because he refused to end his 23-year tradition of reading the Bible and praying with his special education students. His efforts throughout the 32 years had the enthusiastic approval of every student and every one of their parents;

Second, just a few miles down the road in the same county, in Thomasville, NC, the school superintendent banned the decades-old tradition of permitting a public prayer for the safety and protection of football players before high school football games;

Third, the Federal courts prohibited a State judge in Charlotte from opening his court sessions with a prayer for wisdom and guidance from God; and

Fourth, a school teacher in Charlotte was prohibited by the local school board from reading her Bible during her lunch hour.

Mr. President, similar governmental restraints on religious freedom in public have taken place all over the Nation.

In the State of Florida, a school principal felt personally compelled by the Supreme Court decisions to use his scissors to remove pictures of the Bible Club from all copies of the high school annual.

In various States, students have been prohibited from praying in their cars in the school parking lot—or even bringing their personal Bibles onto school property.

In Colorado, a Denver school tried to have all copies of the Bible removed from the school library on the grounds that their presence on the shelves was an infringement of the Supreme Court's decisions on school prayer.

In Schuylerville, NY, a Federal judge ordered the removal of a former student's painting of Jesus' crucifixion that had hung on a school wall for 25 years. The judge stated that the painting conveyed a message of "government endorsement of Christianity." Yet the Federal courts have been strangely silent on the message of "government intolerance of Christianity" conveyed by National Endowment for the Arts' use of Federal funds to subsidize an artist who put a crucifix in a glass vat of urine and claimed it was art.

Three separate studies, Mr. President, have noted that textbooks in the public schools systematically shun the role of religion in molding the Nation and motivating our leaders because publishers believe the Supreme Court decisions require such censorship.

Perhaps most absurd, Mr. President, is the insistence of the American Civil Liberties Union in California that the "teaching that monogamous, heterosexual sexual intercourse within marriage as a traditional American value is an unconstitutional establishment of a religious doctrine in the public schools." No wonder the teenage pregnancy rate is going through the roof when such absurdities as this are entertained seriously in the Federal courts.

Mr. President, can the situation get further out of hand? Such ludicrous episodes clearly demonstrate the duplicity of the Supreme Court's empty assurances in 1962 in Abington School District versus Schemp that despite their decision banning school prayer:

> The State may not establish a "religion of secularism" in the sense of affirmatively opposing or showing hostility to a religion, thus preferring those who believe in no religion over those who do.

But that is exactly what has happened. Time magazine acknowledged in its December 9, 1991, edition that Angela Davis can walk into any public school in the country and sing the praises of dogmatic Marxist atheism. Yet the students themselves cannot so much as read the Ten Commandments in rebuttal.

Mr. President, perhaps the irony of ironies in the whole situation are the recent news reports about the spiritual resurgence in the Republics of the former Soviet Union. I have here a 3-week-old article from the January 4 edition of "Newsweek" magazine detailing how those Republics are allowing prayer and religious instruction in the public schools. Let me quote from that article:

> [T]here is a religious revival in Russia, and educators—pressured, at times, by parents—are searching for ways to give students an ethic to live by. In a change as radical as its embrace of democracy, Russia—like several other former Soviet Republics—has embarked on a massive effort to bring the teaching of religion back into its 160,000 schools.

As Aleksandr Asmolov, the deputy minister of education explains, the dream is to provide Russian students with enough information about the history of spiritual culture to allow them "to freely choose any religion they want."

Even Evgenia Tikhona, a Soviet teacher for 40 years—and an atheist—understands the need for religious foundations in order to maintain her country's social fabric. In a comment about the social problems besetting the Russian schools she said:

> Now that belief [in Lenin] is gone and that is why we have to turn to Jesus. Either the children will learn from his example, or they will turn to crime, drugs, and alcohol.

Mr. President, I could not agree with her more. Without freedom of religion in the schools, American students have indeed turned to crime, drugs, and alcohol as the statistics I have here at my desk demonstrate.

The former Soviet Republics have obviously learned the hard way that devoid of the underpinnings of religion, no society—or economy—can survive, much less prosper. Unfortunately, it appears that the cultural and media elite in this country are determined to force us to learn the very same lesson the hard way, with or without the consent of a majority of Americans.

Mr. President, freedom of religion, guaranteed to us by the Founding Fathers in the first amendment to the U.S. Constitution, is fundamental to our democracy. This has been recognized as a fact from the Nation's very inception. Religious liberty, and recognition of the part played by Almighty God in creation of our country, have been foundation stones in our national existence.

One of the earliest official acts undertaken by a leader of the new Nation in 1789 acknowledged as much. President George Washington's first inaugural address, delivered in New York City on April 30, 1789, declared that:

> * * * it would be peculiarly improper (for me) to omit, in this first official act, my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that his benediction may consecrate to the liberties and happiness of the people of the United States a government instituted by themselves * * * In tendering this homage to the great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own; not less those of my fellow-citizens at large * * *

The Senate to this day—following George Washington's example—continues the tradition of holding a morning prayer to invoke God's blessings in our daily decisions. If we can do it in the Senate, then why are the Federal courts prohibiting a State judge in North Carolina from doing it in his courtroom every day? More importantly, why do the Federal courts prevent our children from saying such a prayer at school?

Mr. President, could George Washington have imagined that the day would come when the Supreme Court would outlaw the exercise of religion anywhere in the United States of America? Could any of those great men who led us from colonial servitude to the status of a proud new Nation—with the world's first guarantee of liberty to its people—could any of them have had the merest suspicion that 180 years into the future the Court would contravene the plain meaning and intent of the first amendment?

We know that some of those Founding Fathers harbored reservations about the role of the Supreme Court in the new Government. But surely no Founding Father could remotely have envisioned a court that could cancel a child's right to offer voluntary prayers in the company of those of like beliefs in his or her public school.

Mr. President, I am not alone in believing that this is not what the Founding Fathers intended. Prof. Charles Rice of Notre Dame Law School explains that it has been:

> * * * incorrectly asserted, by the Supreme Court and others, that the establishment clause ordained a government abstention from all matters of religion, a neutrality between those who believe in God and those who do not. An examination of the history of Clause, however, will not sustain that analysis. Its end was neutrality, but only of a sort. It commanded impartiality on the part of

> government as among the various sects of theistic religions, that is, religions that profess a belief in God. But as between theistic religions and those non-theistic creeds that do not acknowledge God, the precept of neutrality under the establishment did not obtain. Government, under the establishment clause, could generate an affirmative atmosphere of hospitality toward theistic religion, so long as not substantial partiality was shown toward any particular theistic sect or combination of sects.

Mr. President, the Founding Fathers' sole intent in the Constitution's establishment clause was to prohibit the establishment of a national church; all remaining issues concerning church-state relations were left strictly with the States. And the pending amendment simply calls on the Supreme Court to restore the original intent of the Constitution's Framers in this regard.

Michael Novak of the American Enterprise Institute astutely pointed out that:

> There is no issue in American life in which the public will is so clear and the political establishment is so heedless. The cultural and political elites have simply ignored the overwhelming support of the American people for voluntary school prayer—indeed for the role of religion and faith in the nation's life.

Mr. Novak hit the nail on the head. There are few more pressing duties facing Congress than to restore the true spirit of the first amendment regarding religion. Restoring balance and freedom to the public schools regarding the role of religion in our public—as well as our private affairs—is imperative if we really want to see an improvement in our schools in both academics and discipline. If we are really interested in the welfare of our Nation's children, as many of us espouse, we will restore to them a most fundamental right—the right to seek guidance and help from the Almighty each and every day at school, if and when they want to.

Earlier I quoted George Washington's first address to the Nation as President, so in closing I will recite his final counsel—and warning—to the Nation as he left office. It is as applicable today—perhaps more so—as it was more than 200 years ago. He cautioned the Nation that:

> Of all the dispositions and habits which lead to political prosperity, religion, and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 3

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE—

"Nothing in this Constitution shall be construed to prohibit voluntary individual or group prayer in public schools or other public institutions, or to prohibit prayer at public school baccalaureate services, athletic events, or other extracurricular activities. No person shall be required by the United States or by any State to participate in prayer or to be present during any prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools or other public institutions, or at events sponsored by public schools or other public institutions."

Mr. HELMS. Mr. President, I send the joint resolution to the desk and I ask that it be given first reading.

The PRESIDENT pro tempore. The Clerk will read the joint resolution for the first time.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 3) proposing an amendment to the Constitution of the United States restoring the right of Americans to pray in public institutions, including public schools, at graduation ceremonies and athletic events.

Mr. HELMS. Mr. President, I ask for second reading of the bill.

Mr. LEVIN. I object.

The PRESIDENT pro tempore. Objection is heard. Second reading will go over to the next legislative day.

CIVIL RIGHTS RESTORATION ACT OF 1993

Mr. HELMS. Mr. President, on June 25, 1991, I offered an amendment to the omnibus crime bill which would have done away with quotas in the workplace by amending title VII of the Civil Rights Act of 1964. According to the August 12, 1991 edition of the New Republic, that amendment caused a great deal of agitation within the Senate because it forced those Senators who say they oppose quotas to take a stand on outlawing the practice of racial quotas.

The New Republic went on to say that in order to force a showdown on preferences in hiring and promotion, this Senator—meaning JESSE HELMS of North Carolina—should accept a modification of the original amendment as offered by the distinguished Republican leader, Mr. DOLE. As Senators may recall the Republican leader proposed, during the debate in June 1991, that the Helms amendment contain language which would permit special recruitment of minorities and women for the employer's applicant pool—the broadly acceptable form of affirmative action. At that time, I agreed that Senator DOLE'S modification was an important addition to my amendment. However, because of objection on the other side, I was prevented from modifying the text of the amendment.

Mr. President, the legislation introduced today—The Civil Rights Restoration Act of 1993—offers Senators the opportunity to pick up the gauntlet laid down 2 years ago by this Senator and Senator DOLE.

The Helms legislation is very simple. It prevents Federal agencies and the Federal courts from interpreting title VII of the Civil Rights Act of 1964 to permit an employer to grant preferential treatment in employment to any group or individual on account of race. The Helms proposal prohibits the use of racial quotas in employment once and for all.

In the last 2 years, almost every Member of the Senate and every candidate for President has proclaimed that he or she looks with disfavor on quotas. This measure will give Senators an opportunity to reinforce their statements with a clear-cut vote against quotas.

I am not here on behalf of business—large, medium, or small. I am here on behalf of working people of all races, ethnic groups, and gender in North Carolina and around the country. They don't have 500 organizations trying to protect their civil rights. They are not organized into Washington pressure groups. They simply want to work for a living free of discrimination.

Unfortunately, government-imposed and government-encouraged quotas are a fact of life. According to the June 3, 1991, edition of Newsweek magazine, a substantial number of Fortune 500 companies have very clear minority hiring goals which they treat as quotas. In a survey of CEO's of Fortune 500 companies, 72 percent acknowledged that they use some form of quota hiring system. Only 14 percent of those CEO's claim that they hire solely on merit.

I note with interest that Business Roundtable favored the so-called Civil Rights Act passed in the last Congress. Mr. President, for whom does the Business Roundtable speak? Surely not for the little man. As the Newsweek article suggests, there are very big businesses who regularly engage in reverse discrimination. They are interested in public relations, not the civil rights of the individual worker.

Mr. President, all the Helms legislation says is that from here on out, employers will hire on a race neutral basis. They can reach out into the community to the disadvantaged—something all Senators support—and they can even have businesses with 90, 90 percent minority work forces as long as the motivating factor in employment is not race.

The Helms legislation clarifies section 703(j) of title VII of the Civil Rights Act of 1964 to make it consistent with the intent of its authors, Hubert Humphrey and Everett Dirksen. Let me read it:

> It shall be an unlawful employment practice for any employer, employment agency,

> labor organization, or joint labor committee that is subject to this title to grant preferential treatment, with respect to selection, compensation, terms, condition, or privileges of employment or union membership, to any individual or to any group of individuals on account of the race, color, religion, sex, or national origin of such individual or group for any purpose, except as provided in subsection (e) of this section.
>
> It shall not be an unlawful employment practice for any person described in paragraph (1) to establish an affirmative action program designed to recruit qualified minorities and women to expand the applicant pool of the person.

Why is this proposal necessary? It is necessary because in the 29 years since the passage of the Civil Rights Act, the Federal Government and the courts have corrupted the spirit of the act and created a tolerance for the very evil which Hubert Humphrey and Everett Dirksen fought so strongly against: the racial quota.

This legislation simply makes part (j) of section 703 of the 1964 Civil Rights Act consistent with subsections (a) and (d) of that section. It contains the identical language used in those sections to make preferential treatment on the basis of race—that is, quotas—an unlawful employment practice.

This legislation will prevent the Federal Government from ever again terrorizing the small businesses of this country with threats and fines for not meeting some bureaucrat's vision of a proportionalized and racially correct society.

Perhaps Senators are familiar with the Daniel Lamp Co., a small Chicago lamp factory recently visited by the investigators of the Equal Employment Opportunity [EEOC]. On March 24, 1991, the CBS News Program, "60 Minutes"—a program not known for a conservative bias—blew the cover off to EEOC's attempt to impose its quota mentality on one defenseless businessman.

As Morley Safer put it, the Daniel Lamp Co. "is guilty of not playing the numbers game." You see, the EEOC found the owner of the Daniel Lamp Co. to be a practitioner of racial discrimination and leveled a fine of $148,000 against him. What was interesting about the charges was the fact that of the company's 28 employees the only two who were not black or Hispanic were the owner and his father—who, by the way, is a survivor of Auschwitz. There were 18 Hispanics and 8 blacks on the payroll when 60 Minutes began its investigation.

The trouble began when a disgruntled job applicant filed an EEOC racial discrimination complaint against the Daniel Lamp Co. The EEOC demanded the records of the company. The owner, who hired only minorities, was proud of his work force and happy to allow the Federal Government to inspect the ledger. He thought he might be commended for providing jobs for minorities. How wrong he was.

In its investigation CBS found that the only information the EEOC was using against the Daniel Lamp Co. was the agency's computerized quota numbers. The EEOC's computer told the agency that based on the employment statistics of Chicago businesses with over 100 employees—a fascinating comparison since the Lamp company never had more than 3 workers—the Daniel Lamp Co. had to employ exactly 8.45 blacks. That sounds like a quota to me, and it even sounded like a quota to Morley Safer who was puzzled as to why the agency was disobeying the law which as Mr. Safer put it "says the EEOC can't set quotas."

Despite the denials by the EEOC, Mr. Safer concluded that, "* * * it [the EEOC] did set numbers by telling Mike [the owner of the company] that based on other larger companies' personnel, Daniel Lamp should employ 8.45 blacks." When the Daniel Lamp Co. stood up to the intimidation of the EEOC, the agency tightened the noose. Not only did the company have to meet the quota and pay a huge fine, it also had to spend $10,000 to advertise in newspapers to tell other job applicants that they might have been discriminated against and to please contact the Daniel Lamp Co. for a potential financial windfall.

Mr. President, do you see what is going here? The Daniel Lamp Co. isn't one of those Fortune 500 companies that can afford a bunch of lawyers and can placate the varous special groups by hiring according to quotas. The Daniel Lamp Co. is a small, struggling enterprise which can afford to pay its few employees a scant $4 an hour. This company hired only minorities. But that was not good enough for the quota bureaucrats in Washington. They said the company did not hire enough of the right minorities.

This bill will put an end to this disgraceful power play by the quota crowd in the Federal bureaucracy.

Mr. President, do we want a nation where privilege and employment are handed out on the basis of group identity rather than merit? Already police and firemen in our major cities are clashing over who can be classified as black or Hispanic to ensure they receive job preference because of their minority status. Check the newspapers in San Francisco, Chicago, and Boston to see if I'm correct.

The Helms legislation protects the Daniel Lamp Co. and the firemen and the policemen, of whatever race, who are out there working hard at their jobs in the belief that they will be rewarded for their hard work—not judged on the color of their skin.

This proposal also includes an important safeguard which will protect those businesses and institutions whose special needs require personnel qualified for the job on the basis of religion, sex, or national origin. Like the other sections of title VII, this amendment protects the religious school or institution which grants preferences in hiring or admission to those of its own religion. It protects those ethnic-based enterprises which require special language skills and familiarity with particular customs.

Mr. President, there will be many Senators who will say the Helms legislation destroys affirmative action and outreach programs. Let me knock that strawman down.

If you equate affirmative action with goals otherwise known as hiring by the numbers, then the critics are correct: This bill does away with that practice.

If you support race conscious programs, if you support race norming tests, you lose under this legislation and you should vote against it.

If you equate affirmative action with outreach programs then you have nothing to worry about. Using language supplied by the distinguished Republican leader, a company can recruit and hire in the inner city, prefer people who are disadvantaged, create literacy programs, recruit in the schools, establish day care programs, and expand its labor pool in the poorest sections of the community. In other words expansion of the employee pool—what Senator DOLE calls good affirmative action—is provided for under this act.

Mr. President, America was founded on the philosophy of individual rights, not group entitlement. With that understanding, the distinguished former mayor of the city of New York, Ed Koch recently addressed the issue of numbers oriented affirmative action. In a letter to me, Mayor Koch made the following observation:

> As to the already existing social problems caused by preferental affirmative action programs, several scholars, including the noted professor and sociologist Thomas Sowell, have observed that racial quotas and discriminatory affirmative action programs have not helped the intended beneficiaries. Those who are often preferred are the very ones who could have competed with the best.
>
> If we are to uphold our commitment to civil rights—as we should—we must set in motion programs to ensure that all deprived persons—without regard to race, color, religion, sex or national origin—have the opportunity to achieve their full potential.
>
> We should focus our attention on assisting minorities who have suffered from unequal opportunity * * * never excluding from programs others equally poor or deprived simply because they are white. The solution is not to place unqualified minority workers, or others of different national origin, in jobs for which they are not adequately trained as a Band-Aid to end discrimination. If anything that is the way to destroy the self-esteem of many workers, heightening anger and discrimination among fellow employees when some members of the work force are unable to carry their fair share of the load * * * such practices unfairly reflect upon many minority members who were hired because they were qualified and are better than other applicants. They unfairly become judged, not as individuals, but as members of a protected class, not able to compete with others.

As usual Mayor Koch cuts to the heart of the matter.

It makes absolutely no sense to this Senator that we can tolerate programs that discriminate against the poor Asian from San Francisco, or the poor white from western North Carolina because they do not fall into the class of protected minorities.

Mr. President, a few days ago I came across a scholarly paper titled "Equality and the American Creed: Understanding the Affirmative Action Debate," by Seymour Lipset. By the way, this paper was sponsored by the Democratic Leadership Council. The central thesis of this paper was summed up in this fashion:

> Affirmative action policies, hiring or promoting people by the numbers or group identity challenge the basic American tenet that

> rights to equal treatment should be guaranteed to individuals, and that remedial preferences should not be given to groups. And given the strength of individualism in the American tradition, it is not surprising that most Americans, including a considerable majority of women and a plurality of blacks, have continued to reject applying emphasis on protected rights to groups.
>
> It is crucial that civil rights leaders, liberals, and Democrats rethink the politics of special preference. The American Left from Jefferson to Humphrey stood for making equality of opportunity a reality.

Mr. President, those sentiments are right on the mark. I applaud the DLC for its foresight and hope its members join the fight to eliminate the use of quotas in our society.

The Helms proposition puts America back on the course that Thomas Jefferson, Hubert Humphrey, and Sam Ervin envisioned. It offers Senators an opportunity to back up their speeches and press statements against quotas. It gives Senators an opportunity to vote against quotas.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 37

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Restoration Act of 1993".

SEC. 2. PREFERENTIAL TREATMENT.

(a) UNLAWFUL EMPLOYMENT PRACTICE.—Section 703(j) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2(j)) is amended to read as follows:

"(j)(1) It shall be an unlawful employment practice for any entity that is an employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or group with respect to selection for, discharge from, compensation for, or the terms, conditions, or privileges of, employment or union membership, on the basis of the race, color, religion, sex, or national origin of such individual or group, for any purpose, except as provided in subsection (e) or paragraph (2).

"(2) It shall not be an unlawful employment practice for an entity described in paragraph (1) to undertake affirmative action designed to recruit individuals of an underrepresented race, color, religion, sex, or national origin, to expand the applicant pool of the individuals seeking employment or union membership with this entity.".

(b) CONSTRUCTION.—Nothing in this amendment made by subsection (a) shall be construed to affect the authority of courts to remedy intentional discrimination under section 706(g) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g)).

Mr. HELMS. I now send the bill to the desk and ask it be read for the first time.

The PRESIDENT pro tempore. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 37) to amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes.

Mr. HELMS. I ask for the second reading.

The PRESIDENT pro tempore. Is there objection to second reading?

Mr. LEVIN. I object.

The PRESIDENT pro tempore. Objection is heard. The bill will go over to the next legislative day.

GENDER SELECTIVE ABORTIONS

Mr. HELMS. Mr. President, in 1989, our distinguished former colleague from New Hampshire, Mr. Humphrey, brought to the attention of the Senate a new and particularly brutal form of discrimination in America, at least that is the way he saw it and certainly that is the way I see it to this day.

On Christmas Day 1988, the New York Times detailed what Senator Humphrey was talking about. For the most part, the comments by Senator Humphrey were just like a ship passing in the night. The media totally ignored what Senator Humphrey was saying.

The New York Times article was headed "Fetal Sex Test Used as Step to Abortion." That article stated that:

> In a major change in medical attitudes and practices, many doctors are providing prenatal diagnoses to pregnant women who want to abort a fetus on the basis of the gender of the unborn child.
>
> Geneticists say that the reasons for this change in attitude are an increased availability of diagnostic technologies, a growing disinclination of doctors to be paternalistic, deciding for patients what is best, and an increasing tendency for patients to ask for the tests. Many geneticists and ethicists say they are disturbed by the trend.

That was the New York Times.

Prof. George Annas of the Boston University School of medicine is quoted in the article as saying:

> I think the [medical] profession should set limits and I think most people would be outraged and properly so at the notion that you would have an abortion because you don't want a boy or you don't want a girl. If you are worried about a woman's right to an abortion, the easiest way to lose it is not set any limits on this technology.

Mr. President, the focus of this legislation addresses Professor Annas' argument—setting a limit on discriminatory abortion. Sex selection abortion is as cruel and inhuman a practice as can be imagined. I do not think anybody can imagine anything worse than that. Every year in this Chamber the cries go out for equal rights for one group or another, no matter how offensive those groups may be. but what about equal rights for these children who are killed solely for being a gender which their parents don't happen to prefer?

Then, Mr. President, there was an article published in USA Today on February 2, 1989 which ought to be referred to in this discussion. Let me quote it.

> In a break with past medical attitudes more geneticists are open to identifying gender for parents early—so they can decide whether to abort.
>
> The change has ethicists debating where a parent's right to information ends and the rights of the unborn begin.
>
> A recent national survey of 212 medical geneticists found 20 percent approved of performing prenatal testing for sex selection; in a 1973 survey, only 1 percent approved.
>
> Probably 99 percent of nonmedical requests for prenatal diagnosis are made because people want a boy, says Dr. Mark Evans, and obstetrician and geneticist at Wayne State University, Detroit. Some experts are concerned about the social impact.
>
> Evans turns down nonmedical sex selection requests. "Being female," he says "is not a disease."

Mr. President, it is astonishing that the radical feminist movement in this country has not lifted one finger to halt the wanton destruction of female infants. We simply cannot follow the path of India where a survey in Bombay disclosed that of 8,000 abortions, 7,999 were female. You see, in India it is considered a liability to have female children.

Mr. President, I have always been opposed to the senseless slaughter of unborn babies. Others may try to dodge the issue, and squirm, and flip-flop—but not this Senator. Somewhere along the line, I want someone to try to explain how it can be justified to destroy millions of little lives when millions of Americans are standing in line to adopt babies.

And while they're at it let them explain why they favor destroying little babies because they happen to be the wrong sex.

The American people know that I am speaking from a deeply held conviction. In one of the most noble documents ever created by the mind of man, our Founding Fathers wrote about certain truths that were self-evident—that we are endowed by our Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

I take that to mean that little babies in the womb were endowed—by their Creator—with the right to life, so that they can love and be loved. It is that simple.

Mr. President, there are many parts of the abortion, antilife agenda which the American people reject. Among these are abortion as a means of birth control, or when a pregnancy would cause a strain on the job or hinder a career. But on no issue are the people clearer than when they are asked about abortion when the parents want a boy instead of a girl or a girl instead of a boy.

According to a March 1989 Boston Globe poll, 93 percent of the American people reject the taking of life as a means of gender selection. Let me repeat those numbers from a news organization not noted for its adherence to conservative principles—93 percent consider gender selective abortion to be immoral.

Even a Newsweek/Gallup poll taken in April 1989 shows that four out of every five Americans oppose abortion simply because a parent wants a child of a different sex.

Mr. President, when NOW and the other antifamily groups invaded Capitol Hill several years ago, Molly Yard said that when it came to abortion on demand "its time for Congress to understand we are the majority." Molly had better take another look at the American people.

Fortunately, the people are once again ahead of their so-called leaders.

This legislation amends title 42 of the United States Code, the law which governs civil rights. Anyone who administers an abortion for the sake of choosing the gender of the infant will be subject to the same laws which protect any other citizen who is a victim of discrimination.

I urge my colleagues to speak out for the unborn.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 40

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights of Infants Act".

SEC. 2. DEPRIVING PERSONS OF THE EQUAL PROTECTION OF LAWS BEFORE BIRTH.

Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended—

(1) by inserting "(a)" before "Every person"; and

(2) by adding at the end thereof the following new subsection:

"(b) For purposes of subsection (a), and for purposes of other provisions of law, it shall be a deprivation of a 'right' secured by the laws of the United States for an individual to perform an abortion with the knowledge that the pregnant woman is seeking the abortion solely because of the gender of the fetus. No pregnant woman who seeks to obtain an abortion solely on the basis of the gender of the fetus shall be liable in any manner under this section.".

Mr. HELMS. I send to the desk a bill and I ask for its first reading, please.

The PRESIDENT pro tempore. The clerk will state the title for the first time.

The legislative clerk read as follows.

A bill (S. 40) to make it a violation of the rights secured by the Constitution and laws of the United States to perform an abortion with knowledge that such abortion is being performed solely because of the gender of the fetus, and for other purposes.

Mr. HELMS. I ask for second reading of the bill.

Mr. LEVIN. I object.

The PRESIDENT pro tempore. Objection is heard. The bill will go over to the next legislative day for its second reading.

AIDS CONTROL ACT OF 1993

Mr. HELMS. Mr. President, I am today introducing the AIDS Control Act of 1993 which is a comprehensive bill designed to treat AIDS as the public health issue it is rather than the civil rights issue it has become. I have no doubt that if we take this vital step, we will curb the spread of this lethal disease.

Mr. President, the AIDS Control Act of 1993 is similar, but not identical to, a bill I introduced on January 14, 1991.

Let me first speak about the distorted priorities which guided AIDS legislation in the last Congress. The Labor/HHS appropriations bill alone contained over $2 billion in AIDS research, education, and treatment programs. In fact, AIDS spending is so out of control that it is the only disease which had its own chapter in the committee report. The report states that the number of AIDS cases in America rose only 9 percent over last year, yet the AIDS budget has grown 37 percent in 1 year.

In 1990, 731,000 people died of heart disease, and we spent $219 million on research. Also that year, 494,000 people died from cancer; we spent $1.24 billion research.

Now let's look at funding for AIDS. During 1990, AIDS was responsible for 22,000 deaths, less than half of the number of American who died of diabetes and less than one-third of the number who die of flu.

Yet we spent more on AIDS related research than we spent on research for heart disease and cancer combined.

In 1990, 36.2 percent of the Federal health research, education, and prevention budget was spent on AIDS. Yet AIDS accounts for only 1.3 percent of all deaths in America.

Mr. President, the AIDS lobby says such out of control and unfair spending is warranted because of the greed and indifference of our society. The AIDS lobby also argues that we have to take into account the years of lost productivity as justification for such spending.

Well let's examine that argument for a moment. In 1988, cancer caused 24,052 deaths among people under 45; prenatal conditions caused 18,527 deaths; heart disease, 17,520 deaths; and AIDS?—12,912 deaths.

Mr. President, in this country, approximately 39,000 children die before the age of 1 each year. That is 64 years of lost productivity from the most helpless, most innocent segments of society.

The National Commission on AIDS say that the disease deserves more funding because it is contagious while diabetes, cancer, and heart disease are not. In fact, AIDS is contagious through behavior. A change in behavior among two high-risk populations, homosexual men and IV drug users, would reduce the spread of this disease without one more dime of Federal money or the discovery of a cure.

In fact Mr. President, AIDS is such an isolated disease that a homosexual male who lives outside of such areas as New York, Los Angeles, and San Francisco, has less a chance of getting AIDS than he does of dying of cancer or heart disease.

The unwarranted concentration of Federal resources on AIDS has created problems for other diseases such as Alzheimers, the cruel, devastating killer of senior citizens, which afflicts 4 million Americans and takes more lives in 10 months than AIDS has taken in 10 years.

The American people are often accuse of being indifferent to the suffering of the AIDS community. A look at this appropriations bill says otherwise. We are spending more money on AIDS education than we are spending on Alzheimers. As the Washington Times said on June 28, 1990, "It is past time for AIDS activities to acknowledge that greed and indifference—such as they are—do not kill, but irresponsible behavior does."

Unfortunately, Mr. President, our efforts to treat AIDS as a public health concern have been thwarted by a vocal, militant minority which has used the AIDS issue to promote a political agenda it has failed to achieve in its own right. Of course, I am referring to the homosexual lobby. Members of this militant movement have masterfully manipulated the American public. By feeding on America's compassion, they have turned the AIDS epidemic to their political advantage by using it to promote something they have never achieved before—homosexual rights.

Mr. President, just listen to a quote from an article entitled, "The Overhauling of Straight America," which appeared in the November 1987 issue of Guide magazine:

> In any campaign to win over the public, gays must be cast as victims in need of protection so that straights will be inclined by reflex to assume the role of protector. If gays are presented, instead, as a strong and prideful tribe promoting a rigidly nonconformist and deviant lifestyle, they are more likely to be seen as a public menace that justifies resistance and oppression. For that reason, we must forego the temptation to strut our gay pride publicly when it conflicts with the Gay Victim image.

I commend some members of this movement for one thing, Mr. President. At least some admit they are using the AIDS issue to convert straight America. In an August 2, 1985, Washington Post article, Gary McDonald, executive director of the AIDS Action Council summed it up this way:

> We have to wear down the old stereotypes, and it is a burning irony that it will take AIDS to do that * * * But after thousands of men like Rock Hudson, men you thought you knew, go on TV, it's going to get harder to tell those old faggot jokes about swishy limp-wristed men. I'm sorry it's going to take so many dead men to make that point.

If anyone doubts the power of this movement, they should read the Hate Crimes Statistics Act and the American Disabilities Act to determine just how fast the homosexual lobby is moving.

Mr. President, if someone even suggests that traditional public health measures should be taken, such as testing and contact tracing, there are outcrys of "homophobia."

Mr. President, for the sake of our children and grandchildren, we must begin treating AIDS as the public health concern it is. While some are using the AIDS issue to promote political and societal acceptance of an anti-Christian lifestyle, thousands of innocent Americans are dying.

My bill, Mr. President, will move us in the right direction. It addresses five major areas: AIDS education; testing and contact tracing; record-keeping on the prevalence of the HIV infection; protection of the organ, semen and blood supply; AIDS testing in the military, in prisons and federally operated hospitals.

Mr. President, let me now review in detail the provisions of the legislation.

Section 2 would simply require the Centers for Disease Control [CDC] to keep records of those individuals infected with the human immunodeficiency virus. Currently the CDC records only individuals with AIDS.

Mr. President, by keeping records only of those individuals with AIDS and ignoring the numbers of those infected, we will never be able to grasp the magnitude of this epidemic. The Centers for Disease Control keeps track of all stages of syphilis. It should certainly do so for all stages of AIDS as well.

Section 3 requires all blood banks to test individuals for the AIDS virus. Mr. President, although I am sure that most blood banks are testing for the AIDS virus, it is not a condition of licensing. This section will simply ensure the highest standard of safety in our blood supply.

Mr. President, section 4 changes the rules for blood banks. All collectors and distributors of blood must be federally licensed. Under this provision, in order to obtain a license, the entity must provide the patient with the option of using his or her own blood for elective surgery and also provide the patient with the option of using a designated donor's blood.

Despite assurances from experts that the public has nothing to fear, Mr. President, many medical professionals are skeptical about the safety of the blood supply. In a survey of 4,000 doctors, nearly half—45 percent—of the doctors in private practice who responded to the survey said that if a family member were about to have elective surgery, they would shun publicly donated blood and would make arrangements to have their own blood or that of other family members used instead.

Mr. President, some blood banks and blood suppliers are openly opposed to autologous and directed blood donations. However, in high-risk areas, such as San Francisco and New York City, some blood suppliers have bowed to public pressure and are now allowing autologous and directed blood donations. In San Francisco, the rate of individuals wanting autologous blood donations reached 17.5 percent in 1988. In Chicago, 12 percent of the elective surgery patients in 1988 chose to reserve a supply of their own blood. In New York City, officials at Columbia Presbyterian Medical Center reported that the number of patients who asked to store their own blood jumped 50 percent in a few short years.

In areas where the AIDS epidemic has not reached the proportions found in San Francisco or New York City, autologous or directed blood donations are much more difficult to obtain.

The earlier opposition to autologous donations is now waning. The AMA and NIH have recently endorsed autologous blood donations. At a July 1986 symposium sponsored by NIH, an expert panel concluded that autologous blood is the safest form of transfusion therapy. Blood banks and blood centers should make this option available to all qualified healthy people. The panel did not take a position on directed blood donations.

The opposition to directed donations has deteriorated as well. In many institutions, however, directed donations are not encouraged and, in some cases, discouraged. Some State legislatures have legislatively counteracted this opposition. California, for instance, has enacted a bill mandating that all blood banks within California allow directed blood donations.

Unfortunately, Mr. President, it is my understanding that some blood banks still refuse to allow directed donations. I find it alarming that a person going into a hospital for elective surgery may not be able to take his wife's compatible blood, or his child's or his neighbor's. Individuals should have the freedom to choose whose blood they will receive and should not be held hostage by the blood banks.

Section 4, modeled after the California law, will allow patients to receive blood from a compatible donor of his or her choice.

Section 5 of the bill amends title X of the Public Health Service Act—the so-called family planning program—to require grantees of the title X program to notify clients about the risk of contracting AIDS and that contraceptives—including condoms—will not provide full protection against the AIDS infection.

As of November 1990, Mr. President, 2,627 children under the age of 13 had been reported as having AIDS and 585 children between the ages of 13 and 20 have been reported to have AIDS. Obviously, this is the tip of the iceberg since these figures represent children who have developed full-blown AIDS, not children who are infected with the AIDS virus.

It is a fact, Mr. President, over one-third of the title X clientele are sexually promiscuous teenagers. It is imperative that if the Federal Government is going to be involved in what some have called the "safe sex business," we owe it to the recipients of these services to tell them the truth about how safe certain measures are.

Section 6 of the bill would require States who want to participate in the Federal venereal disease program or other programs for AIDS prevention, treatment, or counseling to take legislative or administrative action to require reporting of all cases of HIV infection to the State health officials.

Mr. President, in order to contain the spread of the HIV virus, it is imperative for States to treat HIV infection in the same manner that they treated the syphilis epidemic of the 1930's. At that time, because of public health concerns, States enacted laws to contain the spread of the disease including mandatory reporting of cases to the State public health departments and premarital testing.

The majority of States have mechanisms in place to require reporting of other venereal diseases and almost one half the States still require premarital testing for syphilis or rubella, both with adequate confidentiality laws. In light of the fatal nature and rapid spread of the AIDS virus, it is imperative that States take similar precautions with respect to AIDS.

The States can then send these figures to the Centers for Disease Control, giving the Federal Government better statistics on the growth of the epidemic.

Mr. President, section 7 would require that those States receiving moneys for AIDS education and prevention take legislative or administrative steps to ensure that spouses of individuals infected with the AIDS virus are promptly notified.

Mr. President, this section should sound familiar to most Senators. The language is similar to, but not identical, to language I proposed to be added to the fiscal year 1989 Labor/HHS appropriations bill. As Senators will recall, that amendment failed by one vote.

Senators will recall the reason I proposed this amendment. During the summer of 1987 I received a call from a young woman whose mother wanted to come by and thank me for what I have done on the AIDS issue. As is the case with all Senators, I meet dozens of people each day, but the face to face meeting with that lovely lady and her daughter is something I will never forget as long as I live.

The meeting did not last long. After the usual amenities, the three of us began to discuss why this lady had come to see me. Tears began to well up in the woman's eyes as she began her painful story. She told me that she had AIDS and was dying. Her bisexual husband had infected her with the AIDS virus. He had not told her he was infected and State law prohibited his doctor from telling her.

Mr. President, we hear so much about protecting the confidentiality of the AIDS-infected patient. Yet, we hear nothing about the fatal consequences of iron-clad confidentiality laws. We see the homosexuals march in Washington for their rights. Yet, we are blind to the rights of this woman and the thousands like her who through no fault of their own have become infected with the deadly AIDS virus.

As one Senator, I hear the cries of that woman and the thousands like her. She deserves to live. She has a right to know that she is exposing herself to the deadly AIDS virus.

Section 7 does not require States to initiate a spousal notification program. It simply says that if a State wants hard-earned tax dollars to combat the AIDS virus, that State must make a serious effort to protect a spouse from exposing himself or herself to the AIDS virus.

Section 8 would simply require States receiving Federal moneys to combat AIDS to close all homosexual bathhouses.

Mr. President, traditionally, this country's Federal and State health authorities have taken action to eliminate sources of contagion. Public health authorities routinely inspect restaurants, hotels, public swimming pools, beauty salons, barbershops and other facilities to make sure they are safe for public use. If they are found to be spreading a disease or there is evidence that they pose a serious health threat to patrons, they are shut down.

Mr. President, I agree with this traditional health measure. The health and safety of our Nation is paramount. Facilities which pose a health threat to patrons should be closed.

Closing bathhouses makes good sense, Mr. President. As of November 1990 there were 149,498 cases of AIDS in this country. Almost 65 percent of those cases are among homosexual or bisexual men—another 25-30 percent are IV drug users.

Many communities have closed bathhouses because of the health threat, but the sessions of the last World AIDS Conference in San Francisco determined that the baths are slowly working their way back as a breeding ground for AIDS.

This section will turn off the spigot, so to speak, Mr. President. Just as public health officials are quick to close other facilities which pose a health threat to the American people, we should not provide an exception for homosexual bathhouses.

Section 9 would prohibit Federal dollars from being used for so-called needle exchange programs.

Yet, Mr. President, when we talk about the AIDS epidemic, the mood seems to change. Some in this Chamber believed—and still do—that distributing clean needles in exchange for dirty ones is a good thing, despite the hard facts that such programs have not significantly reduced the spread of the AIDS virus.

Mr. President, this section would ensure that hard-earned tax dollars are not used to fund illegal and deadly behavior.

Section 10 would prohibit Federal dollars from being used to distribute condoms or pay for printed, visual, or audio advertising recommending condom use.

Mr. President, despite what the self-proclaimed experts want you to believe, not a single study shows that condom use will prevent AIDS transmission. While condom use may reduce your chances of contracting the virus, it certainly is not 100-percent effective.

Mr. President, the condom's dismal record as a contraceptive should give the American public some cause for alarm. According to most studies condoms fail to prevent pregnancy 10 percent of the time. A woman can conceive a child only a few days each month. In contrast, a person can contract the AIDS virus every minute of every day of every month. This fact suggests that condom failure is even higher in preventing the spread of the AIDS virus.

Advocating condom use has accomplished one thing, Mr. President. It has put this Government's stamp of approval on the anti-Christian ideals of the sexual revolution, a revolution that can be credited with family breakups, rising abortions, rising out-of-wedlock births, rising VD rates, and rising school dropout rates.

This section would prevent further Federal funding of this misdirected approach to the AIDS problem.

Section 11 would prohibit any Federal moneys from being used to promote homosexuality and would require that all AIDS education emphasize abstinence from sexual activity outside a monogamous marriage.

Mr. President, despite what the homosexual lobby wants you to believe, there is absolutely no credible evidence showing that explicit, pornographic AIDS education has reduced the spread of the AIDS virus. Just like the condom campaign, the AIDS education campaign has pointed this Nation down the improper path of discarding a moral ethic in public health policy. Until we return to that ethic, we will never solve the AIDS epidemic.

Section 12 would require States receiving Federal monies for AIDS education and treatment to take administrative or legislative action to require premarital testing.

Mr. President, despite all the hemming and hawing to the contrary, mandatory premarital testing for a contagious disease is a good idea. Traditionally, States have required premarital testing for syphilis, rubella, tuberculosis, and so forth, especially during epidemic periods. About one half the States still require testing for these diseases despite the fact that these diseases are no longer epidemics and there are now known cures. If we can test for these diseases, I see no reason why we shouldn't test for AIDS, a disease which is far deadlier for parents and for unborn children than any disease in history.

Section 13 addresses the problem of AIDS transmission through tainted organs, semen, and blood. It would codify a 1985 recommendation by the Public Health Service that individuals who have AIDS or who are at high risk of contracting it should refrain from donating blood, semen, or organs. My bill would simply ensure compliance with this recommendation by imposing a fine of $10,000, a term of 10 years, or both for those at high risk or those with AIDS who donate or attempt to donate blood, semen, and organs.

Section 14 of my bill would impose mandatory testing in Federal prisons.

As more AIDS prone populations enter Federal penitentiaries, the virus will certainly spread. A study of homosexual activity and sexual assault in Federal prisons revealed that overall, 12 percent of those surveyed had engaged in homosexual activity while in prison. In penitentiaries, where more dangerous offenders have longer incarceration periods, 20 percent of the penitentiary inmates stated they had had a homosexual experience in their current Federal institution. In response to the question, "Have you had a homosexal experience in a prison as an adult?," 30 percent responded, "yes."

The study also showed that some Federal inmates were victims of sexual assault. Nine percent responded positively when asked if anyone had forced or attempted to force the inmate to perform sex against his will while in a prison. Two percent of the Federal inmates were targets in a Federal institution; 0.6 percent of Federal inmates were forced to perform an undesired sex act in Federal prison; 0.3 percent of Federal inmates were sodomized in a Federal institution.

Section 15 of the bill would impose mandatory testing of members of the Armed Forces. Specifically, this provision would require testing prior to entrance and annual testing thereafter.

Mr. President, since I first proposed annual testing in the military, the Navy and the Marine Corps have begun yearly testing. The Army and the Air Force, unfortunately, test only every 2 years.

Mr. President, for the health and well-being of our Armed Forces, I believe it is imperative for all military personnel to be tested annually for infection with human immunodeficiency virus.

I am also concerned about blood transfusions in times of crisis. In those situations, soldiers are assigned a blood partner and blood is not tested prior to transfusions. In cases where the member of the military is unaware that he is infected with the virus, he may be the recipient of blood tainted with the lethal AIDS virus.

Mr. President, we owe it to our soldiers, who risk their lives to protect our freedom, to protect them from the deadly AIDS virus.

Section 16 would require routine testing of all veterans under the age of 40 seeking inpatient treatment in VA hospitals.

Unfortunately, Mr. President, the numbers of AIDS patients in the VA system have skyrocketed. As of November 1990, over 8,000 people have been diagnosed with AIDS and cared for in our 172 VA medical centers. Of course, this probably represents only the tip of the iceberg since these are people with AIDS rather than people infected with the AIDS virus.

AIDS testing is necessary. It will ensure an accurate diagnosis. It gives the veteran an opportunity to obtain the most up-to-date care in AIDS treatment, and it will provide a valuable opportunity to educate the veteran about AIDS, whether or not he decides to be tested for the disease.

Mr. President, the AIDS test will ensure optimum care for the veteran infected with the AIDS virus. Research suggests that early detection and treatment of individuals infected with the AIDS virus or those with AIDS-related complex [ARC] reap more favorable results than treatment of patients with full-blown AIDS.

Routinely testing during an epidemic is nothing new, Mr. President. We did it during the syphilis epidemic and we should do it today with a disease which is far more lethal and spreading far more rapidly than the syphilis epidemic of the 1930's.

Furthermore, this bill would also require officials of the Veterans Administration to notify all spouses and sexual partners discovered during counseling about their potential AIDS infection.

Section 17 would require routine testing of individuals seeking treatment for tuberculosis at federally funded tuberculosis centers.

Tuberculosis, Mr. President, is the latest of the known diseases associated with the AIDS epidemic. Unlike other opportunistic infections, however, it is an air-born virus and, as far as current research shows, is far more easily contracted than the other opportunistic infections associated with AIDS.

Make no mistake about it, Mr. President. Cases of TB have increased at alarming rates. In New York City tuberculosis incidence rates have increased 60 percent since 1980.

According to some research, AIDS is largely to blame for the rise in TB. According to an April 1987 study by Dr. Arthur E. Pitchenik:

> Tuberculosis-infected patients who develop T-cell immunodeficiency are at increased risk of contracting tuberculosis, and this disease appears to occur with increased frequency among patients with acquired immunodeficiency syndrome.

Numerous other studies have found a direct correlation between AIDS and tuberculosis.

AIDS testing of patients suspected of having TB is wise health policy, Mr. President. It will guarantee an accurate diagnosis. A number of doctors, including the Public Health Service, have recommended dual testing because immunosuppression can result in a false negative test result.

Mr. President, routine AIDS testing for those infected with the tuberculin virus will ensure an accurate diagnosis and proper treatment for an individual infected with the tuberculin virus.

Section 18 requires routine testing in federally funded drug treatment centers.

Mr. President, intravenous drug use is the primary transporter of the AIDS virus into the heterosexual community.

Section 19 would require federally funded sexually transmitted disease centers to routinely test incoming patients for the AIDS virus.

Mr. President, it is no secret in public health circles that an alarming percentage of men and women attending STD clinics are also infected with the AIDS virus.

In a January 1988 article which appeared in the New England Journal of Medicine, researchers concluded:

> In particular, we are concerned by the equal rates of HIV infection in young heterosexual men and women, and the close association of HIV infection with sexually transmitted diseases such as syphilis, genital herpes, and genital warts.

Researchers are also finding that clinic attendees who are infected with the virus are not at high risk of contracting AIDS. In a report released by the National Institute for Allergies and Infectious Diseases, researchers stated:

> Among the most significant of the study's findings was that one-third of the infected men and one half of all the infected women were either unaware of or did not acknowledge behavior considered to be at high-risk for HIV exposure.

Realizing the strong correlation between an STD infection and infection with the AIDS virus, the Centers for Disease Control have recommended AIDS testing in STD centers. This section would require AIDS testing in all those centers receiving Federal dollars.

Section 20 would return the United States to a sound public health-based immigration policy.

On June 2, 1987, the U.S. Senate voted 96 to 0 to protect the health of the American people by adding the human immunodeficiency virus to the list of dangerous contagious diseases for which an immigrant can be excluded from entry into this Nation.

In 1987, the Senate unanimously approved my AIDS immigration amendment because it was, and is, good public health policy. In fact, I offered my amendment on the recommendation of the then Surgeon General, Dr. Koop, and other officials of the Public Health Service. I agreed with General Koop, as did every one of my colleagues, liberal and conservative, Democrat and Republican, that the public health of this Nation will be at risk if the United States continued to allow immigrants with AIDS into this country.

Incredibly, Mr. President, it has come to my attention that officials at the Department of Health and Human Services will now remove the AIDS immigration prohibition as well as the prohibitions now placed on all people with sexually transmitted diseases who attempt to enter this country.

I had assumed that every possible political concession had been made to the AIDS lobby, and to the homosexual rights movement which fuels it, but what is now going on at HHS is beyond belief.

It is not enough that the public health agenda of America has been torn apart by the AIDS movement, and that innocent children—like Ryan White—continue to die because the lobby and its allies promote civil rights rather than public safety? Apparently not, because some in the administration are bowing to the incessant cries of the homosexual rights movement to throw open the floodgates which our sensible immigration restrictions have previously kept shut.

The administration at first attempted to appease the homosexual rights fanatics by creating a special immigration waiver policy. Under this policy people with HIV may enter the country for up to 30 days to attend medical conferences, receive medical treatment, or visit family members. In order to gain this waiver, however, the infected individuals must answer questions about their medical condition, including whether or not they are infected with HIV.

Of course, the homosexuals were not happy—and they will never be until homosexuality is elevated to the civil rights equivalent of race and religion—they cried "discrimination." They claimed that America is stigmatizing homosexuals and that everyone should be allowed to come into the country without disclosing his or her medical condition.

At the behest of the President's Commission on AIDS and HHS Secretary

Louis Sullivan, legislation was introduced in the House to allow HHS to remove the HIV immigration restriction. In addition, on April 13, 1990, the administration issued a special 10-day visa to allow anyone who wants to attend so-called medical conferences, such as the AIDS conference in San Francisco last year, to come into the country.

What is the logic in treating HIV differently from other dangerous diseases when the great difference between AIDS and the others is that AIDS kills every time?

Mr. President, the Department of Health and Human Services is not promoting a health agenda. It is promoting an agenda skewed to placate the appetite of a radical and repugnant political movement. Once again the politics of AIDS is given priority over common sense and the public good.

Let's once and for all set the record straight: The Helms amendment, as my colleagues affirmed in 1987, is sound policy. And it works.

In late 1989 the house of delegates of the American Medical Association made it perfectly clear that the AIDS immigration policy makes medical sense. The AMA resolution said:

> Immigrants have historically undergone a health assessment before admission into the citizenship process. To exclude HIV infection from the health assessment of those seeking United States citizenship would be a change in long standing U.S. policy and difficult to justify on medical, scientific, or economic grounds.

Although the delegates opposed mandatory testing of all visitors, it is important to note that the Immigration and Naturalization Service does not require AIDS testing for nonimmigrants. Rather, it asks visitors if they have any of the diseases which are on the list of dangerous contagious diseases.

An Article in the August 25, 1989 issue of Morbidity and Mortality Weekly Reports [MMWR], a publication of the Centers for Disease Control, documents cases of HIV-2 infection which have been discovered by public health authorities as a result of the Helms amendment. For the information of Senators, HIV-2, according to the CDC, is rare in the United States, but it is prevalent outside of our borders. In fact the CDC credits the mandatory medical screening process for the detection of the HIV-2 cases.

In other words the Helms amendment works.

Mr. President, let no one assume that the AIDS lobbyists will stop here. Each day they grow more strident. Each day they clamor for more special rights and more and more money to be funneled to AIDS programs. There is not a corresponding call for a measured and sensible public health response to this disease.

Congress should put the Department of Health and Human Services, and the AID lobby, on notice. The existing immigration law works for the good of all the American people; it must not be treated like a special interest football to be kicked around at the whim of any militant group and its apologists in government. I intend to do everything I can to see that the AIDS immigration prohibition remains in place. If I lose, the American people will lose also.

Section 21 and 22 should be familiar to Senators. In fact both provisions passed this body overwhelmingly in 1991.

Section 21 would protect the health care workers of America by allowing all health professionals who perform exposure-prone invasive medical procedures—as defined by the CDC—to determine if their patients carry the virus which causes AIDS. This measure passed the Senate 55 to 44 on July 30, 1991. Unfortunately it was dropped in conference.

Section 22 protects the patients of America from those health care professionals who recklessly expose their patients to HIV. I introduced this measure on July 18, 1991, in honor of the late Kimberly Bergalis, the brave young Florida woman who contracted HIV from her dentist. This section requires the health worker to notify the patient if he or she has HIV or full-blown AIDS prior to the performance of an exposure-prone invasive medical procedure. This section passed the Senate by a vote of 91 to 18 only to feel the pressure of the professional AIDS lobby in conference.

As I stated at the outset of my remarks, Mr. President, I believe the AIDS issue should be addressed as a public health problem, not as a civil rights one. Strides have been made in the right direction but a long journey lies ahead. Research to discover more about the virus and how it spreads is mandatory if we are ever going to discover a vaccine. Education and counseling are laudable efforts but more needs to be done. The Government, State and Federal, should not be afraid to take steps to contain the AIDS virus. This bill serves as a vital first step.

I ask unanimous consent that the text of the AIDS Control Act of 1993 be placed in the RECORD at the conclusion of these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 42

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "AIDS Control Act of 1993".

SEC. 2. RECORDKEEPING.

Part B of title III of the Public Health Service Act is amended by inserting after section 318A (42 U.S.C. 247c–1) the following new section:

"SEC. 318B. RECORDKEEPING OF CASES OF ACQUIRED IMMUNE DEFICIENCY SYNDROME, ACQUIRED IMMUNE DEFICIENCY RELATED COMPLEX, AND HUMAN IMMUNODEFICIENCY VIRUS INFECTIONS.

"The Director of the Centers for Disease Control and Prevention shall keep records of cases of individuals who are infected with the human immunodeficiency virus.".

SEC. 3. TESTING OF BLOOD.

Section 351(d) of the Public Health Service Act (42 U.S.C. 262(d)) is amended by adding at the end thereof the following new paragraph:

"(3) Not later than 180 days after the date of enactment of the AIDS Control Act of 1993, the Secretary shall promulgate regulations to require that, as a condition of receiving a license under this section, any entity that collects or distributes blood or blood components or derivatives shall test all donors of such blood for the presence of the human immunodeficiency virus prior to accepting a contribution of such blood.".

SEC. 4. PERMITTING DIRECTED AND AUTOLOGOUS BLOOD DONATIONS.

Section 351(d) of the Public Health Service Act (42 U.S.C. 262(d)) (as amended by section 3) is further amended by adding at the end thereof the following new paragraphs:

"(4) Not later than 180 days after the date of enactment of the AIDS Control Act of 1993, the Secretary shall promulgate regulations to require that, as a condition of receiving a license under this section, any entity that collects or distributes blood or blood components or derivatives—

"(A) permit blood donations made by a donor to be used directly for blood transfusions for such donor or for an individual designated by the donor;

"(B) permit a donor of blood to direct that any blood donated by such donor be used in a blood transfusion for such donor or for an individual designated by such donor if the blood type of such donated blood is compatible with the blood type of such donor or the blood type of the designated individual, as the case may be, and the use of such donated blood is not contraindicated, as determined by the physician of such donor or such designated individual, as the case may be; and

"(C) permit blood donated in accordance with subparagraphs (A) or (B) to be used for an individual other than the donor or an individual designated by a donor, as the case may be, if—

"(i) the physician of such donor or such designated individual determines that there is a more immediate need for such blood; or

"(ii) the donor consents to the use of such blood for an individual other than the donor or such designated individual.

"(5) Regulations promulgated by the Secretary to carry out paragraph (4) shall provide that any entity to which such paragraph applies is only required to permit the donations of blood described in such paragraph during the normal business hours of such entity.".

SEC. 5. REQUIREMENTS FOR RECIPIENT OF SERVICES AUTHORIZED UNDER TITLE X OF THE PUBLIC HEALTH SERVICE ACT.

Section 1006 of the Public Health Service Act (42 U.S.C. 300a–4) is amended by adding at the end thereof the following new subsection:

"(e) A grant may be made or a contract entered into under this title only after the intended recipient provides assurances satisfactory to the Secretary that such recipient of the grant or contract will, prior to providing to any individual any services with amounts appropriated under this title, inform the individual—

"(1) of the effectiveness of the particular contraceptive method provided to the individual by the recipient as a method to prevent infection with the human immunodeficiency virus and a comparison of such effectiveness with the effectiveness of sexual abstinence;

"(2) that many individuals who are infected with the human immunodeficiency virus will develop acquired immunodeficiency syndrome, which is a fatal disease; and

"(3) that the most effective way to avoid becoming infected with the human immunodeficiency virus is to abstain from homosexual relations, from heterosexual relations outside of a monogamous marriage, and from the sharing of needles used to administer intravenous drugs.".

SEC. 6. CONDITIONS ON GRANTS FOR THE PREVENTION, TREATMENT, AND CONTROL OF ACQUIRED IMMUNE DEFICIENCY SYNDROME.

Title XXV of the Public Health Service Act (42 U.S.C. 300ee et seq.) is amended by adding at the end thereof the following new part:

"PART C—PROHIBITION ON AWARDING OF GRANTS

"SEC. 2531. PROHIBITION ON AWARDING OF GRANTS.

"The Secretary may not make a grant under this title to any State or political subdivision of any State to support a project for education, testing, or counseling concerning acquired immune deficiency syndrome unless the State has taken administrative or legislative action to require that—

"(1) any physician practicing in the State report to the appropriate State public health authorities the name and address of any individual residing in the State who is treated by such physician and known by such physician to be infected with the human immunodeficiency virus;

"(2) any physician or medical technician who analyzes the results of clinical tests performed in the State report to the appropriate State public health authorities the name and address of any individual residing in the State who is determined as a result of an analysis conducted by such physician or medical technician to be infected with the human immunodeficiency virus; and

"(3) reporting under the laws described in paragraphs (1) and (2) to be carried out in accordance with State laws regulating the confidentiality of records maintained by the State or individuals with sexually transmitted diseases.".

SEC. 7. SPOUSAL NOTIFICATION.

Part C of title XXV of the Public Health Service Act (as added by section 6) is amended by adding at the end thereof the following new section:

"SEC. 2532. SPOUSAL NOTIFICATION.

"(a) PROHIBITION ON USE OF FUNDS.—The Secretary may not make a grant under this title to any State or political subdivision of any State, nor shall any other funds made available under this Act, be obligated or expended in any State unless such State takes administrative or legislative action to require that, within 30 days of diagnosis, a good faith effort shall be made to notify a spouse of an AIDS-infected patient that such AIDS-infected patient is infected with the human immunodeficiency virus.

"(b) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a State on January 1 of the calendar year following the first regular session of the legislative body of such State that is convened following the date of enactment of this section.

"(c) DEFINITIONS.—As used in this section:

"(1) AIDS-INFECTED PATIENT.—The term 'AIDS-infected patient' means any person who has been diagnosed by a physician or surgeon practicing medicine in such State to be infected with the human immunodeficiency virus.

"(2) GOOD FAITH EFFORT—A 'good faith' effort includes, but is not limited to, a certified letter sent to the last known address of the spouse.

"(3) STATE.—The term 'State' means a State, the District of Columbia, or any territory of the United States.

"(4) SPOUSE.—The term 'spouse' means a person who is or at any time since December 31, 1976, has been the marriage partner of a person diagnosed as an AIDS-infected patient.".

SEC. 8. BATHHOUSES.

Part C of title XXV of the Public Health Service Act (as added by section 6 and amended by section 7) is further amended by adding at the end thereof the following new section:

"SEC. 2533. BATHHOUSES.

"(a) PROHIBITION.—None of the funds made available under this title shall be obligated or expended in any State if such State does not close all bathhouses where a pattern of continuous homosexual sexual activity or continuous illegal intravenous drug use occurs.

"(b) HOMOSEXUAL ACTIVITY.—The homosexual activity described in subsection (a) means any sexual activity between two or more males as described in section 2256(2)(A) of title 18, United States Code.

"(c) ILLEGAL DRUGS.—The illegal drug use described in subsection (a) means and includes any controlled substance as defined in section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)).

"(d) BATHHOUSE.—The term 'bathhouse' means any business that charges a fee for admission and for that fee offers the use of one or more of the following—

"(1) a swimming pool;

"(2) a spa or whirlpool; or

"(3) a communal bath.

"(e) STATE.—The term 'State' means any State, the District of Columbia, or territory of the United States.

"(f) FAILURE TO ACT.—If on January 1 of the calendar year following the first regular session that is convened following the date of enactment of this Act, such State fails to take the action as described in subsection (a), it shall refund to the Federal Government by that date such sums as it received in accordance with this section.".

SEC. 9. PROHIBITION ON USE OF FUNDS FOR NEEDLES AND SYRINGES.

Part C of title XXV of the Public Health Service Act (as added by section 6 and amended by sections 7 and 8) is further amended by adding at the end thereof the following new section:

"SEC. 2534. PROHIBITION ON USE OF FUNDS FOR NEEDLES AND SYRINGES.

"None of the funds made available under this title shall be used to provide individuals with hypodermic needles or syringes so that such individuals may use illegal drugs, or to distribute bleach for the purpose of cleansing needles for such use.".

SEC. 10. PROHIBITION ON USE OF FUNDS FOR CONDOMS.

Part C of title XXV of the Public Health Service Act (as added by section 6 and amended by sections 7, 8, and 9), is further amended by adding at the end thereof the following new section:

"SEC. 2535. PROHIBITION ON USE OF FUNDS FOR CONDOMS.

"None of the funds made available under this title shall be used in any manner to provide persons with condoms. Furthermore, none of the funds made available under this title shall be used to promote condoms as a method to prevent the spread of AIDS.".

SEC. 11. PROHIBITION ON PROMOTION OF HOMOSEXUAL ACTIVITY.

Part C of title XXV of the Public Health Service Act (as added by section 6 and amended by sections 7, 8, 9, and 10) is further amended by adding at the end thereof the following new section:

"SEC. 2536. PROHIBITION ON PROMOTION OF HOMOSEXUAL ACTIVITY.

"(a) IN GENERAL.—None of the funds made available under this title shall be used to provide AIDS education, information, or prevention materials and activities that promote or encourage, directly or indirectly, homosexual sexual activities.

"(b) REQUIREMENT.—Education information, and prevention activities and materials paid for with funds appropriated under this Act shall emphasize—

"(1) abstinence from sexual activity outside a sexually monogamous marriage (including abstinence from homosexual sexual activities); and

"(2) abstinence from the use of illegal intravenous drugs.

"(c) HOMOSEXUAL ACTIVITY.—The homosexual activity referred to in subsection (b) includes any sexual activity between two or more males as described in section 2256(2)(A) of title 18, United States Code.

"(d) ILLEGAL SUBSTANCES.—The illegal drugs referred to in subsections (a) and (b) includes any controlled substance as defined in section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)).

"(e) FAILURE TO COMPLY.—If the Secretary of Health and Human Services finds that a recipient of funds under this Act has failed to comply with this section, the Secretary shall notify the recipient, if the funds are paid directly to the recipient, or notify the State if the recipient receives the funds from the State, of such finding and that—

"(1) no further funds shall be provided to the recipient;

"(2) no further funds shall be provided to the State with respect to noncompliance by the individual recipient;

"(3) further payment shall be limited to those recipients not participating in such noncompliance; and

"(4) the recipient shall repay to the United States, amounts found not to have been expended in accordance with this section.".

SEC. 12. HIV TEST AND NOTIFICATION AS A CONDITION OF MARRIAGE LICENSES.

Part C of title XXV of the Public Health Service Act (as added by section 6 and amended by sections 7, 8, 9, and 10) is further amended by adding at the end thereof the following new section:

"SEC. 2535. HIV TESTING AND NOTIFICATION AS A CONDITION OF MARRIAGE LICENSES.

"(a) IN GENERAL.— None of the funds made available under this title shall be available for use in any State, the District of Columbia, or any territory of the United States unless such State, District or territory requires, as a condition for the granting of a marriage license, a test to determine whether the individuals applying for such a license are infected with the human immunodeficiency virus and that both individuals seeking such license shall be notified of each test result.

"(b) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a State, District, or territory on January 1 of the calendar year following the first regular session of the legislative body of the State, District, or territory that is convened following the date of enactment of this Act.".

SEC. 13. PROTECTING THE NATION'S BLOOD AND TISSUE SUPPLY.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 89 the following new chapter:

"CHAPTER 90—PUBLIC HEALTH PRESERVATION

"Sec.

"1831. Contamination of blood and tissue supply.

"§ 1831. Contamination of blood and tissue supply

"(a) It shall be unlawful for any individual to knowingly donate, or to knowingly attempt to donate blood, semen, or organs, if such individual—

"(1) knows, on the basis of clinical or laboratory evidence, that such individual is infected with the human immunodeficiency virus;

"(2) is a male individual who has had sexual intercourse with another male individual at any time on or after January 1, 1977;

"(3) is an individual who, on or after January 1, 1977, is or has been a user of any intravenous drug the sale, distribution, or use of which is prohibited under Federal or State law at the time the individual injected the drug;

"(4) is an individual who has emigrated to the United States from Haiti, the Central African Republic, Zaire, Rwanda, Burundi, the Congo, Chad, or Uganda on or after January 1, 1977;

"(5) is an individual who has hemophillia and has received a clotting factor concentrate on or after January 1, 1977;

"(6) is an individual who has engaged in prostitution on or after January 1, 1977;

"(7) is an individual who has had sexual intercourse with an individual described in paragraph (1), (2), (3), (4), (5), (6), (8), or (9);

"(8) is an individual who has used a needle for an intravenous drug injection that the individual knows has previously been used for an intravenous drug injection by an individual described in paragraph (1), (2), (3), (4), (5), (6), (7), or (9);

"(9) knows such individual is at high risk of contracting acquired immune deficiency syndrome (as defined by the Director of the Centers for Disease Control); or

"(10) is an individual who has engaged in an activity that such individual knows places such individual at a high risk of contracting such syndrome (as defined by such Director).

"(b) Any person who violates the provisions of subsection (a) shall be subject to a fine of $10,000 or imprisonment for not more than 10 years, or both.

"(c) For purposes of this section, the term 'sexual intercourse' includes the acts described in section 2255(2)(A) of this title.".

(b) CHAPTER ANALYSIS.—The chapter analysis at the beginning of part I of title 18 is amended by inserting after the item for chapter 89 the following:

"90. Public Health Preservation .... 1831".

SEC. 14. TESTING OF FEDERAL PRISONERS.

(a) IN GENERAL.—Chapter 305 of part III of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 4087. AIDS testing

"(a) The Director of the Bureau of Prisons shall test each person incarcerated in a Federal penal or correctional institution for infection with the human immunodeficiency virus—

"(1) on the date such person enters a Federal penal or correctional institution;

"(2) every 12 months after the date described in paragraph (1); and

"(3) at such other times as the Director determines are appropriate.

"(b) The Director of the Bureau of Prisons shall report to the Director of Centers for Disease Control the incidence of each individual who tests positively for infection with the human immunodeficiency virus.

"(c) Not later than 180 days after the date of enactment of the AIDS Control Act of 1993, the Director of the Bureau of Prisons shall promulgate regulations requiring that each individual tested under this section who tests positively for infection with the human immunodeficiency virus—

"(1) be placed in separate residential facilities in a penal or correctional institution, if possible; and

"(2) be restricted from holding any employment in a penal or correctional institution which involves duties that may increase the transmission of the human immunodeficiency virus, such as assignments in blood services, the barber shop, or medical and dental services in any capacity.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 305 of part III of title 18, United States Code, is amended by adding at the end thereof the following:

"4087. AIDS testing.".

SEC. 15. DISQUALIFICATION OF PERSONS FOR INDUCTION OR RETENTION IN THE ARMED FORCES ON THE BASIS OF INFECTION WITH THE HUMAN IMMUNODEFICIENCY VIRUS.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 983. Disqualification of persons for induction or retention on the basis of infection with the human immunodeficiency virus

"(a) Except as provided in subsection (d)(2), no person may be inducted into or retained in the armed forces (other than in a retired status) if it is determined, on the basis of a test or tests administered to such person under subsection (b), that such person is infected with the human immunodeficiency virus.

"(b) Under regulations prescribed by the Secretary concerned—

"(1) each person examined for induction and re-enlistment into the armed forces shall be tested for infection with the human immunodeficiency virus before induction,

"(2) each member of the armed forces shall be tested for infection with the human immunodeficiency virus at least once each year;

"(3) each time a member of the armed forces is admitted to any medical facility of the uniformed services or of the Veterans' Administration in order to receive in-patient care in such facility, such member shall be tested for infection with the human immunodeficiency virus; and

"(4) each member of the armed forces shall be tested for infection with the human immunodeficiency virus at such times (other than the times specified in paragraphs (2) and (3) of this subsection) as the Secretary concerned considers appropriate.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 49 of such title is amended by adding at the end thereof the following:

"9830. Disqualification of persons for induction or retention on the basis of infection with the human immunodeficiency virus.".

SEC. 16. VETERANS' ADMINISTRATION.

(a) TESTING.—Section 124(b) of Veterans' Benefits and Services Act of 1988 (38 U.S.C. 4133 note) is amended to read as follows:

"(b) TESTING.—(1) The Administrator shall provide for a program under which the Veterans' Administration routinely tests each patient to whom the Veterans' Administration is furnishing health care or services, as described in paragraph (2), for the human immunodeficiency virus to determine whether such patient is infected with the virus.

"(2) Patients referred to in paragraph (1) are—

"(A) patients who are receiving treatment for intravenous drug abuse;

"(B) patients who are receiving treatment for a disease associated with the human immunodeficiency virus;

"(C) patients who are receiving treatment for a sexually transmitted disease;

"(D) patients who are otherwise at high risk for infection with such virus; and

"(E) patients seeking in-patient treatment who are 40 and under.

"(3) The Administration shall provide pre- and post-test counseling to each patient described in paragraph (2).".

(b) DISCLOSURE TO SPOUSE OR SEXUAL PARTNERS.—Section 4132 of title 38, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f)(1) Notwithstanding subsection (a), and subject to paragraph (2) of this subsection, a physician or a professional counselor shall disclose information or records indicating that a patient or subject is infected with the human immunodeficiency virus if the disclosure is made to—

"(A) the current spouse of the patient;

"(B) any other person who at any time since December 31, 1976 has been the marriage partner of the patient; or

"(C) to any individual whom the patient or subject has, during the process of professional counseling or of testing to determine whether the patient or subject is infected with such virus, identified as being a sexual partner of such patient or subject.

"(2) A disclosure under paragraph (1) may be made by a physician or counselor other than the physician or counselor referred to in paragraph (1)(A) if such physician or counselor is unavailable to make the disclosure by reason of absence or termination of employment.".

SEC. 17. USE OF PREVENTIVE HEALTH SERVICES APPROPRIATIONS.

(a) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations requiring the recipient of moneys appropriated under section 317 of the Public Health Service Act (42 U.S.C. 247b) to—

(1) routinely test each person receiving treatment for tuberculosis to determine if such person is infected with the human immunodeficiency virus; and

(2) provide pre- and post-test counseling on acquired immunodeficiency syndrome to each such person.

(b) CONFIDENTIALITY.—In promulgating regulations under subsection (a), the Secretary shall ensure that confidentiality shall be provided to those tested under such regulations in accordance with section 552(a) of title 5 of the United States Code.

SEC. 18. REQUIREMENT OF TESTING BY BLOCK GRANT RECIPIENTS.

(a) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the

Secretary of Health and Human Services shall promulgate regulations requiring the recipient of grant moneys under subpart I of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.) to—

(1) routinely test each person receiving treatment for substance abuse through funds provided under such subpart for substance abuse to determine if such person is infected with the human immunodeficiency virus; and

(2) provide pre- and post-test counseling on acquired immunodeficiency syndrome to each such patient.

(b) CONFIDENTIALITY.—In promulgating regulations under subsection (a), the Secretary shall ensure that confidentiality shall be provided to those tested in accordance with section 552(a) of title 5 of the United States Code.

SEC. 19. PROGRAMS FOR THE PREVENTION OF THE SPREAD OF AIDS.

(a) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations requiring the recipient of grant moneys appropriated under section 318 of the Public Health Service Act (42 U.S.C. 247c) to—

(1) routinely test each person receiving treatment for a sexually transmitted disease from the recipient to determine if such person is infected with the human immunodeficiency virus; and

(2) provide pre- and post-test counseling on acquired immunodeficiency syndrome to each such person.

(b) CONFIDENTIALITY.—In promulgating regulations under subsection (a), the Secretary shall ensure that confidentiality shall be provided to those tested under such regulations in accordance with section 552(a) of title 5 of the United States Code.

SEC. 20. IMMIGRATION REFORM.

Notwithstanding any other provision of law or any decision of the Secretary of Health and Human Services or any other Federal official, the President shall, pursuant to section 212(a)(6) of the Immigration and Nationality Act, add infection with the human immunodeficiency virus and syphillis to the list of dangerous contagious diseases contained in title 42 of the Code of Federal Regulations.

SEC. 21. HEALTH CARE WORKERS PROTECTION ACT.

(a) EXPOSURE PRONE INVASIVE PROCEDURES.—Notwithstanding any other provision of law, a State shall, not later than 1 year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that such State has in effect regulations, or has enacted legislation, to protect licensed health care professionals from contracting the human immunodeficiency virus and the hepatitis B virus during the performance of exposure prone invasive procedures.

(b) TESTING.—The regulations or legislation referred to in subsection (a) shall permit health care professionals to require that, prior to the commencement of or during the conduct of an exposure prone invasive procedure, a patient may be tested for the etiologic agent for the human immunodeficiency virus. Such regulations or legislation shall not apply in emergency situations when the patient's life is in danger.

(c) CONFIDENTIALITY OF RESULTS AND ENFORCEMENT.—

(1) RESULTS.—The result of tests conducted under subsection (b) shall be confidential and shall not be released to any other party without the prior written consent of the patient.

(2) ENFORCEMENT.—The regulations or legislation referred to in subsection (a) shall contain enforcement provisions that subject an individual who violates the provisions of paragraph (1) to a $10,000 fine or a prison term of not more than one year for each such violation.

(d) FAILURE TO PROVIDE CERTIFICATION.—Except as provided in subsection (e), if a State does not provide the certification required under subsection (a) within the 1-year period described in such subsection, such State shall be ineligible to receive assistance under the Public Health Service Act (42 U.S.C. 301 et seq.) until such certification is provided.

(e) EXCEPTION.—The Secretary of Health and Human Services shall extend the time period described in subsection (a) for a State, if—

(1) the State has determined not to promulgate regulations to adopt the guidelines referred to in subsection (a); and

(2) the State legislature of such State meets on a biennial basis and has not met within the 1-year period beginning on the date of enactment of this Act.

(f) DEFINITION.—As used in this section, the term "exposure prone invasive procedure" means such procedures as listed in guidelines promulgated by the Centers for Disease Control and Prevention concerning recommendations for preventing the transmission by health care professionals, of the human immunodeficiency virus and the hepatitis B virus to patients during exposure prone invasive procedures.

SEC. 22. DELIBERATE TRANSMISSION OF THE AIDS VIRUS.

(a) IN GENERAL.—Whoever, being a registered physician, dentist, nurse, or other health care provider, knowing that he or she is infected with the human immunodeficiency virus, intentionally provides medical or dental treatment to another individual, without prior notification to such individual of such infection, shall be fined not more than $10,000, or imprisoned not less than 10 years, or both.

(b) APPLICABILITY.—The provisions of this section shall not be applicable in the case of a medical emergency in which alternative medical treatment is not reasonably available.

(c) DEFINITIONS.—As used in this section the term "treatment" means the performance of any medical diagnosis or procedure that involves an invasive physical contact between the patient being treated and the physician or health professional administering the procedure.

Mr. HELMS. Mr. President, I send said bill to the desk and ask it be given first reading.

The PRESIDENT pro tempore. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 42) to control the spread of AIDS and for other purposes.

Mr. HELMS. Mr. President, I would like to ask for a second reading.

The PRESIDENT pro tempore. Is there objection?

Mr. LEVIN. I object.

The PRESIDENT pro tempore. Objection is heard. The bill will go over until the next legislative day for the second reading.

The Senator from North Carolina [Mr. HELMS] is recognized.

FEDERAL ADOPTION SERVICES ACT OF 1991

Mr. HELMS. Mr. President, I am today introducing the Federal Adoption Services Act of 1991. This legislation which was originally proposed by our former colleague from New Hampshire, Mr. Humphrey, would amend title X of the Public Health Services Act to allow family planning services to provide adoption services.

This legislation provides that family planning clinics may offer adoption services based on their understanding of the needs of the community as well as the ability of the individual clinic to provide those services.

As we have discovered during debates on title X, there is excessive attention paid in these programs to the prevention or spacing of pregnancies and the limiting of the size of the American family. But the debate should be about much more. It should be about the affirmation of life. That is why adoption should be a part of family planning—since the benefits are obvious for parents unable to care for children as well as for parents who are unable to have children.

More importantly, adoption is a better alternative than abortion in dealing with an unplanned pregnancy.

Mr. President, more than one-third of the women who use title X services are teenagers. If a young, unmarried teenager finds herself pregnant she may not be aware that adoption is an option. The employees of the family planning clinic may be as poorly informed as well. The bill I am introducing would change that.

Let me be clear, no woman would be threatened or cajoled into giving up her child for adoption, but she would be allowed to make an informed, compassionate, judgment based on all of her available options.

This legislation is written to provide family planning clinics a new option. It is not my intent to force family planning clinics to provide adoption services which they are unable to offer. This legislation merely makes it clear that Federal policy will allow, and hopefully encourage, the use of adoption as a means of family planning.

Mr. President, adoption was called by a wise man, "the loving option." I have seen the joy that it has brought to my family and to many others. In a world where hundreds of children are murdered each day—some simply because their parents do not like the child's gender—why not give life a chance.

It is the responsibility of Government to stand and protect the most innocent among us. Let us take up that responsibility.

I urge my colleagues to support this effort to ensure that adoption does not become a forgotten weapon in the war to protect our children.

Now, Mr. President, I send to the desk a bill and I ask for first reading.

The PRESIDENT pro tempore. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services and for other purposes.

Mr. HELMS. I ask for second reading, Mr. President.

The PRESIDENT pro tempore. Is there objection to the second reading of the bill?

Mr. LEVIN. I object.

The PRESIDENT pro tempore. Objection is heard. The bill will go over to the next legislative day for its second reading.

Mr. HELMS. I thank the Chair.

The PRESIDENT pro tempore. Does the Senator from North Carolina seek recognition again?

Mr. HELMS. Yes, I do indeed.

The PRESIDENT pro tempore. The Senator from North Carolina, Mr. HELMS, is recognized.

UNBORN CHILDREN'S CIVIL RIGHTS ACT

Mr. HELMS. Mr. President, I am again introducing a bill which I have introduced in the three prior Congresses. It is entitled, the "Unborn Children's Civil Rights Act." If enacted, this bill would take a first step in overcoming the Roe versus Wade decision.

Specifically, this bill would accomplish four things.

First, it would put Congress clearly on record as finding that abortion takes the life of an unborn child, that the Constitution sanctions no right to abortion and that Roe versus Wade was erroneously decided.

Second, it would prohibit congressional appropriations from being used to pay for or to promote abortion. In this regard, it permanently defunds abortion, thereby relieving Congress of annual fights over abortion restrictions in appropriations bills.

Third, it would end certain indirect funding for abortion by prohibiting discrimination, at federally funded institutions, against individuals who object in conscience to abortion and by curtailing attorney's fees in abortion-related cases.

Fourth, it would provide for appeals to the Supreme Court as a right if a Federal court declares State restrictions on abortion unconstitutional. As a practical matter, this provision will assure Supreme Court reconsideration of the abortion issue in the future.

Mr. President, there's the old adage, "Those who cannot remember the past are condemned to repeat it." All of us have heard those words, but many in our government have refused to heed them. Only 45 years after hundreds of thousands of European Jews and other civilians died at the hands of Hitler's Nazis, we have forgotten the critical lesson of that atrocity—that all human life is sacred regardless of color, race, religion, or physical, or mental capabilities of that human being.

We are today reliving the Holocaust. We know it by a different name. It is called abortion. Yet, the same fate that was met by millions of Jews is being met by millions of unborn children right here in this country. At latest count, over 22 million unborn children—the most innocent of human life—have been murdered.

Abortion has become a tool of convenience, Mr. President. We have slipped so far down the slippery slope that now children are being aborted because they do not have the desired hair color, sex, physical attributes, or mental capabilities. The same excuses for murdering countless Jews are now being used to justify the murder of the most innocent and helpless members of humanity.

Mr. President, Roe versus Wade was, simply put, an unconstitutional decision. It has no foundation whatsoever in the text or history of the Constitution. It was invented out of whole cloth. As Justice White said in his dissent, Roe was an exercise in raw judicial power.

How has it endured for 17 long years? Why do we permit some 4,000 unborn babies to perish every day through legalized abortion?

The answer is woefully simple, Mr. President. Even though Roe versus Wade is an unconstitutional decision, Congress has been unwilling to right the wrong—to exercise its powers to check and balance a usurping Supreme Court which has destroyed the right to life of the most defenseless among us. The powers exist, but Congress has nonetheless permitted Roe to stand because many Members of Congress are apparently committed to legalized abortion. These Members share the same antihistorical, secularized, liberal view of law and public order as the activist justices who gave us Roe versus Wade in the first place.

In their view—with which I disagree—the Ten Commandments are not the eternal rules of Almighty God and the source of authority for human law, but the transitory precepts of a bygone age in need of periodic updating by wiser heads here on Earth. Of course, human nature being what it is, there is never any shortage of wiser heads.

Mr. President, for these reasons, Roe versus Wade still stands and the Holocaust continues. It is not the Constitution or our system of Government which is at fault. Ample means exist within them, even apart from a constitutional amendment, to overturn Roe. The fault, on the part of Members of Congress, lies in a failure of intellect to perceive the true nature of abortion and a failure of will to do something about it. These are the ingredients which perpetuate the travesty of Roe versus Wade.

But, Mr. President, this Senator from North Carolina is ever hopeful that, with God's help and human effort, hearts and minds—even in Congress—will change. Enactment of the Unborn Children's Civil Rights Act, certainly would be a step in the right direction. I urge Senators to seek its early enactment.

Mr. President, I send this bill to the desk and ask it be given first reading.

The PRESIDENT pro tempore. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill to protect the lives of unborn human beings and for other purposes.

Mr. HELMS. Mr. President, I ask for a second reading.

The PRESIDENT pro tempore. Is there objection to the request the bill be given a second reading?

Mr. LEVIN. I object.

The PRESIDENT pro tempore. Objection is heard. The bill will go over until the next legislative day for a second reading.

Mr. HELMS. Mr. President, one final item of business?

The PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair. In order to save time of the Senate I wish to submit en bloc all of the bills that I have just offered. But this time I want them, each of them, to be referred to committee.

I ask unanimous consent that the Chair approve that.

The PRESIDENT pro tempore. The Senator has the right to introduce the bills over again.

Mr. HELMS. I understand that but I wanted the Chair to understand what I am doing.

The PRESIDENT pro tempore. Without objection the Senator's request is granted. The bills will be appropriately received and appropriately referred.

Mr. HELMS. Mr. President, the Chair has as always been patient with me. I thank the Chair and I yield the floor.

The PRESIDENT pro tempore. The Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. I thank the Chair.

(The remarks of Mr. HELMS pertaining to the introduction of S. 24 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

WELCOMING THE VICE PRESIDENT

Mr. MITCHELL. Mr. President, following up on Senator LEVIN's comments, in behalf of all Members of the Senate, I would like to take official notice of the fact that the Vice President of the United States, an important part of whose duties includes presiding over the Senate, is now presiding over the Senate for the first time and we welcome him. I ask my colleagues to join in welcoming him at this time.

[Applause, Senators rising.]

The VICE PRESIDENT. I am told demonstrations are not allowed.

[Laughter.]

LETTER OF RESIGNATION

The VICE PRESIDENT. The Chair lays before the Senate the letter of resignation of Senator Lloyd Bentsen of Texas.

Without objection, the letter is deemed read and spread upon the Journal.

The document, ordered to be printed in the RECORD, is as follows:

U.S. SENATE,
Washington, DC, January 20, 1993.

HON. ALBERT GORE,
Office of the Vice President of the United States, S-212, Washington, DC.

MR. VICE PRESIDENT: I hereby tender my resignation effective today as United States Senator from Texas.

I depart the Senate with profound respect for the Chamber we both have served. I have been honored to call its members colleagues and to share in its history for twenty-two years. It will be my continuing privilege to work with them and with you as we advance an agenda of growth for our Nation.

Respectfully submitted.

LLOYD BENTSEN.

CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate the certificate of appointment of Senator designate ROBERT C. KRUEGER of the State of Texas.

Without objection, the certificate of appointment will be deemed to have been read and spread upon the Journal.

The document, ordered to be printed in the RECORD, is as follows:

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Texas, I, Ann Richards, the Governor of said State, do hereby appoint Robert C. Krueger a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the resignation of Lloyd Bentsen, is filled by election as provided by law.

Witness: Her excellency our Governor Ann Richards, and our seal hereto affixed this 21st day of January, in the year of our Lord 1993.

ANN RICHARDS,
Governor of Texas.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator designate will present himself at the desk, the Chair will administer the oath of office as required by the Constitution and prescribed by law. [Applause.]

The Senator designate, escorted by Mr. Bentsen, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the official oath book.

[Applause, Senators rising.]

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Arizona [Mr. DECONCINI] is recognized.

(The remarks of Mr. DECONCINI pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DECONCINI Mr. President, it is with great sadness that I note the recent passing of the famous songwriter, Sammy Cahn. Mr. Cahn, who died Friday, January 15, at the age of 79, was known universally as a talented, witty, and wisecracking lyricist whose passion for music spanned more than seven decades. He was a high-school dropout who went on to write hundreds of popular songs for radio, television, Broadway, and Hollywood. His memorable songs include "Three Coins in the Fountain," "Call Me Irresponsible," "Ring-a-Ding Ding," and "Only the Lonely."

As a tribute to his enduring and catchy lyrics, Mr. Cahn was awarded four Oscars and a special Emmy, for "Love and Marriage." He worked closely with such renowned composers as James Van Heusen, Saul Chaplin, and Jule Styne. Many of his songs were written specifically for the legendary singer, Frank Sinatra. One of these, "High Hopes," was revised and used as a theme song for John F. Kennedy's 1960 Presidential campaign.

Having known Sammy, I can attest to the fact that his genius and sense of humor will be greatly missed. Sammy Cahn wrote a special song about me when I was recently honored in New York. His lyrics were great, as always, and gave me a tremendous amount of enjoyment and entertainment, just as he has millions of others throughout the years. We are fortunate that his music will live on forever, for he was truly one of a kind.

Mr. HOLLINGS addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Carolina [Mr. HOLLINGS].

THE NOMINATION OF FEDERICO PEÑA TO BE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION

Mr. HOLLINGS. Mr. President, earlier today we confirmed the nomination of Mr. Federico Peña from Colorado as the Secretary of Transportation. He is an outstanding individual. He headed up the transitional team in transportation as the mayor of Denver. And in his other activities, he shows a deep knowledge, awareness, and sensitivity of motor transport, the railroads, the airlines, and the different problems we have there. He was very responsive to our committee.

I believe that through his experience heading the transportation transition team for President Clinton and as mayor of Denver, he is cognizant of the many challenges that will face him as Secretary of Transportation.

With respect to transportation, Government has a vital role in fostering an economic climate in which U.S. companies can thrive, and the traveling and shipping public can receive responsive, efficient and cost-effective service. The Secretary of Transportation has a key role in fostering such a climate being an advocate for our transportation industries. He will have an opportunity to shape the future of the Nation's transportation system—a critical job given the importance of transportation to our economy and our ability to compete in world markets.

At his confirmation hearing before the Commerce Committee 2 weeks ago, Mr. Peña proved that he is well aware of the divergent transportation issues and views. He reviewed with the committee in both oral and written questions many pressing transportation issues, including the declining state of the airline and aircraft manufacturing industries; a shrinking U.S. merchant marine; the impact of our economy on the motor carrier industry; the need to maintain our vital rail system; the development of high speed rail transportation; and the need to ensure improved safety in our transportation network. He exhibited an open mind in looking at the problems, an understanding of the urgency of these issues, and a resolve to bring the parties together to find appropriate solutions. His task will not be an easy one, and I am pleased he is prepared to take on the challenge. I look forward to working with him to act quickly and decisively to address these urgent problems.

The PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator

COVERDELL be recognized to address the Senate for up to 5 minutes; that at the conclusion of his remarks, Senator KASSEBAUM be recognized to address the Senate for up to 5 minutes; and that at the conclusion of her remarks, the Senate proceed to executive session to consider the nomination of Ronald H. Brown to be the Secretary of the Department of Commerce, a nomination reported earlier today by the Commerce Committee; that there be 1 hour of debate on the nomination equally divided and controlled between Senators HOLLINGS and DANFORTH or their designees; that at the conclusion or yielding back of time on the nomination, the Senate proceed to vote without any intervening action or debate on the disposition of the nomination; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

Mr. President, before the Chair acts on the request, I am authorized to state that I have discussed this with Senator DOLE. He has no objection to this request.

The PRESIDENT pro tempore. Is there objection to the request?

The Chair hears no objection. That will be the order.

Mr. MITCHELL. Mr. President, I have also discussed with Senator DOLE and with our colleagues the manner of voting on the Brown nomination. We have no request for a recorded rollcall vote at this time. We do not anticipate such a request. Therefore, in the event no request is forthcoming, it is my expectation that the vote will occur by voice vote.

I thank my colleagues. I yield the floor.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Georgia [Mr. COVERDELL].

Mr. COVERDELL. Mr. President, I ask unanimous consent to be added as an original cosponsor of Senate bill 9 introduced earlier today by Senator MCCAIN of Arizona.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The PRESIDENT pro tempore. Under the order previously entered, the Chair recognizes the junior Senator from Kansas [Mrs. KASSEBAUM] for not to exceed 5 minutes.

AUDREY HEPBURN

Mrs. KASSEBAUM. Mr. President, yesterday the world lost one of its caring and dedicated unofficial ambassadors. On January 20, Audrey Hepburn died at her home in Switzerland.

Born in 1929 in Belgium to a Dutch mother and English father, Ms. Hepburn grew up in Europe during the Second World War. As a teenager, she and her mother were caught in Holland when the Nazis invaded. They suffered much during the conflict. Her experiences as a frightened and hungry little girl caught in the midst the war would lead her to give so much of herself in later life to the children of the world.

I first met Ms. Hepburn several years ago after her return from the Horn of Africa. In front of the Foreign Relations Committee, she spoke with eloquence and passion about the children starving in Africa and the need for international action to help them.

AS UNICEF goodwill ambassador, she traveled extensively to Africa and Latin America to draw attention to the plight of the children caught in famines and civil wars in those regions. Most recently, Ms. Hepburn traveled to Somalia to publicize the tragic situation in that country.

Audrey Hepburn's tireless efforts on behalf of the children of the world will not be forgotten. Her dignity and quiet passion saved the lives of thousands of destitute children. She will be missed by all of us—but particularly by the world's children.

I would just like to comment that I got to know Ms. Hepburn as the UNICEF goodwill ambassador, particularly in regard to her work on behalf of the children of Africa. I think it was her trip in September to Somalia that really did raise the public's consciousness to the tragedy that was befalling the children in Somalia.

So for her dedication, her thoughtfulness, her dignity and quiet passion, she not only will be missed by all of us around the world, but particularly by the children.

(The remarks of Mrs. KASSEBAUM pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. KASSEBAUM. Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. HOLLINGS. Mr. President, on behalf of the majority leader—which has been cleared—I ask unanimous consent that upon the disposition of Mr. Brown's nomination, the approval or disapproval vote, upon the return to legislative session that the Senator from Massachusetts, Senator JOHN KERRY, be recognized to speak in morning business for up to 15 minutes; and all other speeches thereafter be limited to 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

The PRESIDENT pro tempore. Under the order previously entered, the Senate now will proceed to executive session to consider the nomination of Mr. Ronald H. Brown to be Secretary of the Department of Commerce.

The Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nomination will be stated.

DEPARTMENT OF COMMERCE

The legislative clerk read the nomination of Ronald H. Brown, of the District of Columbia, to be Secretary of Commerce.

The PRESIDENT pro tempore. There is a time limitation of 1 hour, to be equally divided and controlled by the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Missouri [Mr. DANFORTH].

Upon the conclusion of the hour, or upon the yielding back thereof or enforcement thereof, the Senate will immediately proceed without further debate to the vote on the nomination.

The Senator from South Carolina [Mr. HOLLINGS].

Mr. HOLLINGS. Mr. President, the first step that is to be taken to revive the American economy is to revitalize the Department of Commerce and forge a new relationshp between business and government to meet the challenges of a vastly competitive national economy.

In Ron Brown, American industry and American workers are getting a man prepared for this task.

Mr. President, the first step that must be taken to revive the American economy is to revitalize the Department of Commerce and forge a new relationship between business and government to meet the challenges of a fiercely competitive international economy. In Ron Brown, American industry and American workers are getting a man prepared for this task—a man with the drive, the intelligence, and the commitment that they deserve. As a civil rights leader, a public servant, a lawyer, a businessman, and a party leader, Mr. Brown has distinguished himself in facing successfully many important challenges. His job as Secretary of Commerce will likewise be a challenge but one for which he is ready.

Several issues concerning Mr. Brown's distinguished career as an attorney and businessman have been raised. The Committee carefully examined each issue and has found no conflicts. In addition, the OGE (Office of Government Ethics) and the general counsel of the Department of Commerce have reviewed Mr. Brown's circumstances and concluded that he is in compliance with applicable laws and regulations regarding conflicts of interest. We are satisfied that Mr. Brown has complied with the highest ethical standards. In fact, Mr. Brown is making a tremendous personal and financial sacrifice in order to serve the American people.

In Mr. Brown's appearance before the Commerce Committee, he displayed a deep understanding of the economic challenges that must be met if we are going to restore American competitiveness. As Secretary of Commerce, his next task will be to turn one of the largest and most diverse government agencies, with its important responsibilities for oceans and atmosphere and trade and technology, into a forceful agency that will be a strong advocate for the interests of American business and the American worker.

Given years of neglect, this is a formidable assignment. Some think that it does not matter if the United States manufactures computer chips or potato chips. This hands-off trade and economic policy has resulted in the loss of two million manufacturing jobs, a 12 percent decline in hourly wages, and steadily eroding market shares in important industries from basic manufacturing, like textiles and automobiles, to high-technology products, like aircraft and computers.

Our competitors in Europe and Asia have not shared the past administration's zeal for a free-market approach to international trade. While our government remained indifferent, governments in Europe and Asia protected their home markets and targeted specific industries. The Europeans poured $26 billion into the development of Airbus and then captured 30 percent of the market for civil aviation. The Japanese targeted semiconductors and the machine tool industry and promptly captured a major share of the market. While in recent years the United States was writing off the textile and steel industries, the European Community was providing its steel industry with billions in subsidies and its textile industry with $500 million in subsidies that enabled that industry to modernize its manufacturing facilities. The Germans and the Japanese have out invested the United States by 2 to 1, at the same time that American industries' ability to attract capital has been hampered by government indifference—once an industry has been targeted by foreign competition, capital disappears.

That was the past, but, as President John Kennedy once said, our task is not to fix the blame for the past, but to set the course for the future. The new Commerce Secretary must be part of this new course at the forefront of an economic policy that promotes America's economic interests with the same fervor and the same commitment which led to our triumph in the cold war. As the new Secretary, Mr. Brown will be responsible not only for promoting our exports, and developing and fostering new technologies, but also for enforcing vigorously the Nation's trade laws to ensure that these investments in future technologies are not overwhelmed by the kind of unfair trade practices that drove American companies out of the consumer electronics industry and almost drove them out of the semiconductor industry.

If the United States is to stay competitive, industry and government must be allies in promoting the development of high technology industries and the so-called mature industries, which provide many jobs in our manufacturing sector. The Department of Commerce will have to take the lead in developing a coordinated strategy that uses our leverage both to open markets abroad and to preserve American jobs. In an era in which national power is increasingly dependent upon economic strength, Mr. Brown's primary job responsibility will be to preserve the American dream so that the next generation of Americans will have economic opportunity, rather than a declining standard of living.

His background suits him well.

I enthusiastically urge that my colleagues support his nomination.

Now, Mr. President, as we are waiting the approach of the handlers of the bill on the other side, let me acknowledge certain things.

To be specific, as of yesterday, for example, the tempest that media had worked itself into culminated in an article by the distinguished writer Hobart Rowan.

Mr. Rowan said and I quote:

> That is the package that Clinton has to deliver, or see Ross Perot push him out of the White House in 1997. Nothing else counts. It is the economy, stupid. But, you ask, "Wasn't Brown insensitive to proper ethical procedure? Answer, yes, he was."

I take exception to that very strongly. The fact of the matter is that the Office of Government Ethics and the general counsel in the Department of Commerce has stated time and again that Mr. Brown is in total compliance with all the applicable conflict of interest regulations.

First they said we were ramrodding Mr. Brown through, Mr. President. The fact of the matter is that the last time we had a change of administration from Democratic to Republican back in 1981, we held hearings for the distinguished Secretary of Commerce nominee, Mr. Malcolm Baldrige, on January 6.

Your Commerce Committee also held, some 2 weeks ago, the confirmation hearing on January 6 of this year for Mr. Brown. So there was no ramrodding.

In fact we held the record open for additional questions for 2 weeks after the hearing.

Questions were raised regarding his recusals.

Mr. Brown has agreed to recuse himself from his former clients 1 year, similar to actions taken by other nominees. He has also, in correspondence to this Senator, the committee, and others said that he will not meet with members of his firm for a 4-year period, and that his son, who is an associate of Global U.S.A., will not appear before him.

Questions were also raised about awarding Chemfix a sludge contract and its connection to the selection of New York City for the Democratic National Convention. Of course, no contract was awarded and the convention was selected by a 50-member site selection committee of the Democratic Party and had no relation whatsoever to Chemfix.

Questions were raised about his association with the Capital Pepsco. Mr. Brown has totally diversified his interest in that particular venture. Questions were raised about his severance from his law partnership. He was treated just like any other partner who resigned from the firm. A lump-sum settlement is what the firm agreed to as of yesterday, January 20.

So he is totally severed as of yesterday. This lump-sum settlement is in actuality a financial penalty to him. But we wanted to make absolutely clear that everything was answered and handled in an ethical fashion.

The firm has asserted—that is Patton, Boggs & Blow—that there is no understanding as to future employment, and Mr. Brown has asserted that as well. So he has no agreement to go back.

The Office of Government Ethics, as I said, has approved these. And in addition thereto he has taken the 5-year Clinton pledge not to lobby the Department of Commerce for 5 years after he leaves that post as Secretary.

The PRESIDENT pro tempore. Who yields time?

Mr. BOND. Mr. President, I ask unanimous consent I might proceed 1 minute as in morning business.

The PRESIDENT pro tempore. The Senate is in executive session.

Is there objection to the request that the Senator proceed as in legislative session for 1 minute?

There is no objection. The Senator is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 3 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The Senate is in executive session. Who yields time?

Mr. LOTT. Parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LOTT. I understand the time on this side, perhaps, is controlled by the distinguished Republican leader?

The PRESIDENT pro tempore. By Mr. Danforth.

Mr. LOTT. It is by Mr. DANFORTH.

Mr. President, I am a member of the committee and I ask unanimous consent I be able to proceed on this time designated for the executive session on the nomination of Ron Brown to be Secretary of Commerce.

The PRESIDENT pro tempore. How much time does the Senator request?

Mr. LOTT. I think 10 minutes, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the Senator as the designee of Mr. DANFORTH, and he yields himself 10 minutes on the nomination?

Mr. LOTT. That is correct.

The PRESIDENT pro tempore. The Senator is so recognized.

Mr. LOTT. Mr. President, I ask unanimous consent a series of letters, correspondence that I have had with the nominee, from him and from his law firm, be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF COMMERCE,
January 20, 1993.

Hon. TRENT LOTT,
Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: In follow-up to our telephone conversation this morning, let me further clarify the statement in my letter to you dated January 18, 1993, that "for the duration of my term as Secretary of Commerce, I will not engage in any personal professional contact with any member or employee of my former law firm on any issue before the Department of Commerce." (I have enclosed a copy of my January 18 letter for your ease in reference.)

As I assured you this morning, I will not communicate with or discuss with any partner, associate or other employee of Patton, Boggs and Blow any matter which is before the Department of Commerce during my entire tenure as Secretary of Commerce. Further, I will not communicate with or discuss with any partner, associate or other employee of Patton, Boggs and Blow any matter likely to come before the Department of Commerce during my entire tenure as Secretary of Commerce.

You received today under separate cover a letter from Timothy J. May which concisely sets forth the position of Patton, Boggs and Blow as to my future involvement with Patton, Boggs and Blow (I have attached a copy of Mr. May's letter). I can assure you that my resignation from Patton, Boggs and Blow, which became effective today, is final and permanent. There have been no discussions concerning my possible return to the firm and there is no understanding of any nature about my return to Patton, Boggs and Blow at any time in the future.

I hope this provides complete clarification as to your questions. I look forward to working with you and the other senators of the Committee on Commerce, Science and Transportation in the months and years to come.

Sincerely,

RONAND H. BROWN,
Commerce Secretary-Designee.

PATTON, BOGGS & BLOW,
Washington, DC, January 20, 1993.

Senator TRENT LOTT,
Senate Russell Office Building, Washington, DC.

DEAR SENATOR LOTT: I have previously delivered to the Committee a copy of the provisions in the Patton, Boggs and Blow partnership agreement relevant to the departure of a partner from the law firm. You have inquired whether Mr. Brown's resignation is permanent and, in any event, whether there are any understandings, express or implied, written or unwritten, respecting Mr. Brown's return to this law firm after government service. I want to state categorically there is no understanding of any nature with Mr. Brown about a possible return to this law firm. Mr. Brown's resignation, effective today, is final. From this day forward he has no connection whatsoever with this law firm, nor have there been any discussions concerning a possible return to this firm. Should Mr. Brown in the future seek to return to this law firm he would have to be voted into partnership by two-thirds vote of the partners, as is the case with any person unrelated to this law firm who seeks admission as a partner. In sum, there is no provision in the partnership agreement for Mr. Brown's return; there are no understandings express or implied for his return; nor have there been any discussions with respect to that possibility.

Please let me know if you wish any further clarification on this point.

Sincerely yours,

TIMOTHY J. MAY,
Managing Partner.

DEPARTMENT OF COMMERCE,
January 18, 1993.

Hon. TRENT LOTT,
Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: I am writing in response to your two letters of January 8 and your subsequent letter dated January 14. Attached to and made a part of my response is a copy of a letter (with enclosures) to Senator Danforth (identical letters were sent to Chairman Hollings) from Timothy J. May, Managing Partner of Patton, Boggs and Blow which sets forth in detail the basis upon which I will receive any and all payments from Patton, Boggs and Blow following my resignation from the firm. (Appendix 1) As Mr. May states in his letter, termination of my financial interests in Patton, Boggs and Blow will be in accordance with paragraph 4.05 of the partnership Agreement to which I referred during my confirmation hearing on January 6, 1993. (Transcript at page 30). Specifically, as a departing equity Partner, I will receive the same treatment as any other equity Partner "who dies, resigns, retires or is expelled":

(a) My capital account balance on the date of departure;

(b) My percentage interest in the accounts receivable of the firm; and

(c) The already-earned interest on partner's capital account.

Paragraph 4.05(e) of the Partnership Agreement allows for a lump sum liquidation payment to be made, which payment will be contiguous with my departure from the firm. Additionally, the record of my hearing testimony reflects my representation to the Committee that I would provide the Committee with a copy of the Partnership Agreement on the condition that the firm was "willing to share the partnership agreement". (Transcript at page 30). As reflected in Mr. May's letter, I have discussed providing the full partnership Agreement to the Committee in response to your request. Mr. May has provided those provisions which may be deemed relevant. However, Mr. May declined, on behalf of the Patton, Boggs and Blow partners, to provide the full Partnership Agreement in that the agreement is regarded as highly confidential. It is important to note however that Mr. May's letter fully details the financial terms of my departure from the firm.

As concerns any pension benefits associated with Patton, Boggs and Blow, there are none. However, as disclosed on my financial disclosure report which was provided to the Committee, I have a retirement account invested in a number of securities. These securities will be divested and will be re-invested in a broadly diversified mutual fund or other non-conflicting interests.

My response to Section D(4) of the United States Senate Committee on Commerce, Science and Transportation Questionnaire Submitted for Completion by Presidential Nominees was my response to questions concerning my lobbying activities rather than to client representations in the broader context. Certainly, I provided services as a member of my firm to many clients over the course of the past 10 years. Obviously my resignation from the firm terminates my involvement with the firm and any of its clients. I would like to emphasize that for the duration of my term as Secretary of Commerce, I will not engage in any personal professional contact with any member or employee of my former law firm on any issue before the Commerce Department.

In response to your questions concerning my various business holdings and the waivers which I will seek upon the advice of the Office of Government Ethics and the Office of the General Counsel of the U.S. Department of Commerce, you should know that both offices spent considerable time and effort formulating their opinions before issuing the certification as to potential conflicts of interest. Further, it is important for me to point out that my actions regarding potential conflicts of interest or appearance of conflict exceed OGE standards as well as interpretation of those standards by the ethics office at the Department of Commerce. Before addressing your specific questions to the companies for which waivers will be sought, I would like to inform you that I am terminating my personal business relationship with Public Employee Benefit Service Corp. (formerly PEBSCO Municipal Securities Corp.) and Kellee Communications. Therefore, I will not be seeking a waiver as to either of these entities.

Boston Bank of Commerce, a single bank holding company located in Boston, MA, is 100% minority owned. I am a passive investor in the holding company with ownership of less than 10% of the outstanding and issued stock. Having resigned as a Director, I have no operational or management involvement in the activities of the company. Harmon International is an equipment leasing company of which I am the sole shareholder. I have served in the past as President of the company, a position from which I have resigned. As to the companies discussed in this paragraph, I intend to seek a waiver, as authorized under conflict of interest laws, for my financial interests. My interest in each of these companies is less than 10% of my net worth and is not substantial. Thus, I am eligible for a waiver under the applicable conflict of interest statute, 18 (U.S.C.) 208(b)(1). If the waiver is issued, I will disqualify myself from matters which are likely to have a specific or differential effect on the companies. Given the business activities of these companies, it is unlikely such a matter would be pending at Commerce, in any event. I would be able to participate in matters which may have an incidental effect on any of the companies as a member of any industry sector, however. For example, I will be able to participate in trade issues concerning banking services which are likely to affect the entire banking industry.

As to your inquiry concerning contributions to the Democratic National Committee or Democratic candidates, I have no financial interests in such contributors and will not be influenced by their past political contributions.

You expressed concern about my recusal regarding members of my family. I am unclear as to your meaning relative to the term "involved". However, as provided in Federal ethics regulations, I will not participate in any matter in which a member of my household has a financial interest. Regarding my adult children and other close relatives who are not members of my household, also, as provided in Federal ethics rules, I will not participate in any matter in which they are a party or serve as a representative.

You also inquired as to my ownership of Capitol PEBSCO and Public Employee Benefit Services Corporation. I am, I'm sure you are now aware, divesting of all my interest in these entities.

Finally, neither I nor any of my staff had contact or communications with Special prosecutor Walsh, his assistants or any member of his staff concerning the Weinberger indictment and the timing of its announcement.

I hope that these are satisfactory responses to your questions. If further information is required, I will be pleased to provide it.

Sincerely,

RONALD H. BROWN,
Commerce Secretary-Designee.

APPENDIX 1—LETTER FROM TIMOTHY J. MAY TO SENATOR JOHN C. DANFORTH, DATED JANUARY 15, 1993

PATTON, BOGGS & BLOW,
Washington, DC, January 15, 1993.

Hon. JOHN C. DANFORTH,
Ranking Minority Member, Commerce, Science, and Transportation Committee, Washington, DC.

DEAR SENATOR DANFORTH: This letter responds to your request to Ron Brown that the Committee be supplied with information about Mr. Brown's partnership rights and obligations upon his resignation from Patton, Boggs & Blow, effective January 20, 1993. I have enclosed a copy of those provisions of the Partnership Agreement ("Agreement") which relate to distributions to former partners, specifically paragraph 4.05 of that Agreement.

I would particularly draw your attention to paragraph 4.05(b) dealing with equity partners, which Mr. Brown has been. You will note that paragraph provides that an equity partner "who dies, resigns, retires or is expelled" will receive distributions in accordance with this paragraph. I point this out to emphasize the fact that Mr. Brown will receive neither more nor less than he would have received if he had been expelled from the firm or if he were to have died. The suggestion in the press, as well as comments made during Mr. Brown's confirmation hearing, relating to a "golden handshake" from this law firm, are entirely false and without any foundation whatsoever. Mr. Brown will be paid only that which he presently owns. That is why he will receive no more than would a partner who died; that partner's estate would also receive that which he or she presently owns. As the partnership provisions make clear, what Mr. Brown, or any other departing equity partner owns, is the following:

(a) His or her capital account balance on the date of departure (the amounts the partner has been required to invest in the firm);

(b) His or her percentage interest in the accounts receivable of the firm, which will not be distributed to that partner until and unless those receivables are collected; and the partner's percentage interest in work in process, that is, work already performed but not yet billed; distributions for that will be made only if and when that work is billed and collected; and

(c) The already-earned interest on the partner's capital account.

We have had experience in the past with equity partners who have both died or resigned from the firm. In each instance it has taken a number of years for the full distributions to which these partners are entitled to be paid to them; this is so for the simple reason that, in the normal course of events, it takes several years for all of the receivables and the work in process to be collected.

It is important to point out that, unlike many so-called legal partnerships, Patton, Boggs & Blow is a true partnership. Each equity partner has a fixed percentage of the profits, losses, and expenses of this law firm for each year the law firm operates. That percentage changes from year to year, based upon a complicated formula that weighs the amount of work performed by the partner, the amount of business originated by the partner, and the seniority of the partner. Each equity partner's percentage is fixed in advance for the year based upon the performance of that partner, relative to the performance of all other equity partners, in the preceding year.

Once that percentage is fixed, then that partner is charged, on a daily basis, with that partner's share of all expenses of the firm for that year; that partner is credited on the positive side only when the work done in that year has been billed and collected. To be specific, if a partner had a 2% interest for 1992, then that partner has been charged (that partner's capital account has been charged) with 2% of every expense the law firm incurred during 1992. That partner is credited with 2% of the fees collected for work done in 1992 only when those fees are actually collected. Consequently, at the conclusion of 1992, each equity partner has already been charged with, and has had to pay for, his or her percentage share of the expenses of operating the law firm in 1992. It is for that reason that each partner owns his or her percentage share of the fees that will be realized from that work when those fees are collected. Thus, the equity partners own their share of the receivables; they own their share of the work in process not yet billed; and nothing that the law firm wishes to do can defeat that partner's ownership rights. It is for that reason, even if we were to expel a partner, that partner would have the same entitlement as Ron Brown has as a resigned partner. In both cases those partners own their right to receive payments.

You will note that paragraph 4.05(e) of the Agreement provides for an exception which would allow the former partner and the firm to agree upon a lump sum liquidation payment in satisfaction of the former partner's rights and obligations where that partner has accepted a position in government. We are informed that the Office of Government Ethics requires payment now in full liquidation of our obligation to Mr. Brown. We have agreed to do that. Such a lump sum settlement will require us to make an evaluation of the probability of the collection of receivable and work-in-process. In making that evaluation, it is our firm intention that Mr. Brown be treated, as he is entitled to under his contractual partnership rights, the same exact way as any other partner that departs this firm, whether that departure is occasioned through a resignation, retirement, expulsion, or death. Our accounting firm is making the calculations necessary to determine the proper settlement payment, and that final payment will be made to Mr. Brown before January 20, 1993.

Because we have had partners who have departed this firm under various circumstances, including death, we have an established track record to document what happens upon the departure of a partner; it is a track record against which our treatment of Mr. Brown can be compared so that the proper authorities can be assured that Mr. Brown is treated in no more favorable fashion than would be the case with any other partner that departs this law firm, under whatever circumstances.

It is also important for the Committee and the public to understand that there is no possible way we can vary what Mr. Brown is legally entitled to whatever Mr. Brown's future attitude towards or dealings with the law firm may be in his official capacity in the government.

I want to assure you we will cooperate in every way to provide all the information that the Committee needs to fulfill its obligation.

Please let me know if the materials supplied herewith are adequate for your needs, or if you need additional information about the Partnership Agreement.

Sincerely yours,

TIMOTHY J. MAY,
Managing Partner.

4.05. Distributions to Former Partners.

(a) Non-Equity Partners and Lateral Partners. A Non-Equity Partner or a Lateral Partner who dies, resigns, retires or is expelled during a taxable year shall receive at the end of the month of such death, resignation, retirement or expulsion a pro-rated portion of such Former Partner's compensation for that month. Within sixty (60) days of such death, resignation, retirement or expulsion, the balance of such Former Partner's capital account shall be paid to such Former Partner. If such Former Partner is entitled to any additional compensation (such as interest pursuant to Section 3.02(b)) for such taxable year, it shall be paid to such Former Partner at the same time as it would have been paid if such Former Partner had remained a Partner.

(b) Equity Partners. An Equity Partner who dies, resigns, retires or is expelled shall not be entitled to monthly draws following the date of such death, resignation, retirement, or expulsion. Within ninety (90) days from the date of death, resignation, retirement or expulsion, the Partnership shall distribute to the Former Partner an amount equal to such Partner's capital account balance as of the date of death, resignation, retirement or expulsion, plus interest thereon to the date of payment. For purposes of the preceding sentence, the Former Partner's capital account balance shall be an amount—

(i) determined pursuant to the rules of Section 3.02 as if the taxable year had ended on the date of death, resignation, retirement or expulsion (and as if Section 3.06 did not apply),

(ii) reduced by the Former Partner's share of the net interest expense accrued, but not paid, on the capital accounts of all other Partners up to the date of death, resignation, retirement or expulsion, and

(iii) adjusted by debiting all sums owed by the Former Partner to the Partnership and crediting all sums owed by the Partnership to the Former Partner (other than death payments pursuant to Section 8.03).

Such balance will be estimated by the Managing Partner with the assistance of the Partnership's accountants. If such balance is negative, it shall be deducted from future payments owed to the Former Partner or collected from the Former Partner as provided below. The amount of interest on the Former Partner's capital account and the amount of interest expense accrued on the capital accounts of other Partners shall be estimated in general accordance with Section 3.02(b).

(c) Future Adjustments for Equity Partners.

(i) Within thirty (30) days after the Partnership's accountants distribute to Partners the tax return for the taxable year of the death, resignation, retirement or expulsion of a Former Partner, the Partnership shall pay to such Former Partner the positive capital account balance, if any, shown on the return. If the capital account balance is negative, the Former Partner shall owe such amount to the Partnership. Such amount shall be paid by being debited from future payments owed to the Former Partner by the Partnership, unless the Managing Partner determines that the future payments will be insufficient to cover the deficit, in which case, the deficit will be payable upon demand of the Partnership.

(ii) Following the accounting described in clause (i), such Former Partner shall be entitled to receive amounts equal to the amounts by which such Former Partner's distributive share of items of income or gain (such as Clause (i) Allocations) exceeds such Former Partner's distributive share of items of deduction or loss (such as Clause (ii) Items). Computations and distributions of such excess amounts shall be made in conjunction with distributions under Section 4.03.

(d) Adjustments for Equity Partners. If the adjustments taken into account under Section 3.05(d) in determining the Formula Percentage of an Equity Partner do not operate as intended to recapture prior distributions because of the resignation, retirement or expulsion of an Equity Partner, the Executive Committee shall make appropriate reductions in such Former Partner's future distributions to recapture the distributions which such Partner received in a prior taxable year.

(e) Lump Sum Liquidations. Except in the case of a Former Partner who accepts a position in government and whom the Executive Committee concludes shall receive a lump sum liquidation payment in satisfaction of such Former Partner's rights and obligation under this Section 4.05, no Former Partner shall have a right to receive a lump sum liquidation payment in lieu of the payments described in Section 4.05 (a), (b) and (c), but the Partnership may by the affirmative vote of the Partners holding a majority of Voting Percentages make a lump sum payment to a Former Partner in satisfaction of such Former Partner's rights and obligations under this Section 4.05. Such lump sum shall reflect the estimated present value of amounts that the Partner would otherwise receive under this Section 4.05.

(f) Payments in Cash. All payments pursuant to this Section 4.05 shall be made in cash, except that the Partnership may elect to set aside and deliver to a resigning Partner (but not a disabled Partner or the estate of a deceased Partner) such Partner's pro rata share of the Partnership's capital assets in lieu of cash. In the event that the Partnership sets aside property for this purpose, it shall have discretion as to what items to set aside, all items being valued for the purpose of partition, either by agreement between the Partnership and the resigning Partner or by an independent appraisal, at current market prices.

U.S. SENATE,
Washington, DC, January 14, 1993.

Hon. RON BROWN,
Secretary Designate, Washington, DC.

DEAR MR. BROWN: After reviewing the documents you submitted to the committee, I have some further questions. You indicated that you will seek a conflict of interest waiver to allow you to continue your ownership of Capitol PEBSCO and your participation in PEBSCO Municipal Securities Corporation.

Could you please provide me with a list of the officers of this corporation? Who are the owners of this corporation? How much money is managed by the corporation? From what sources does the money come? Are any pension funds handled by the corporation? What municipalities, local, State, university, or corporate pension funds, if any, are invested by the corporation? Who make the actual investment decisions for the corporation? Are they registered investment advisors?

Thank you for your help in answering these questions, and I look forward to your answers to these and other questions.

Sincerely yours,

TRENT LOTT.

U.S. SENATE,
Washington, DC, January 8, 1993.

Secretary Designate, RON BROWN,
Democratic National Committee, Washington, DC.

DEAR MR. BROWN: I would like to thank you for your thoughtful responses to the many questions during your Senate nomination hearing on January 6, 1993. And as I stated during that exchange there would be additional follow-up questions. This one focuses on your service as the Chairman of the Democratic National Committee (DNC). Specifically, your involvement in the recently completed presidential campaign as it relates to the indictment of Mr. Weinberger on October 30, 1992.

The timing of this event just days before the election causes one to wonder and worry. In fact, the media felt at best there was an awkward coincidence and at worst a collusion between the Democratic Party and the Office of the Special Prosecutor. It was further highlighted by the press reporting there were campaign contributions of certain members of Mr. Walsh's staff to the Democratic Party, and subsequent dropping of the indictment following the election.

I would like to give you an opportunity to clear away all of these suspicions by carefully responding to the following question:

Did you, anyone on your staff, or employed/contracted by the DNC have any contact or communications formal or informal with Special Prosecutor Walsh, his assistants (Mr. Brosnahan or Mr. Gillen), or any other members of his staff concerning the Weinberger indictment and the timing of its announcement?

I appreciate your careful attention and considered response to this question.

Sincerely yours,

TRENT LOTT.

U.S. SENATE,
Washington, DC, January 8, 1993.

Mr. RON BROWN,
Secretary Designate, Democratic National Committee, Washington, DC.

DEAR RON: I appreciate your willingness to respond to our additional questions. As you will recall I requested a copy of your separation agreement with Patton, Boggs, and Blow. This is particularly critical because of your very narrow recusal policy and the limited duration for which you plan to recuse yourself.

Specifically, Senators need to know whether your separation agreement is to be made as a fixed payment, a lump sum, or a payout schedule. If it is on payout schedule, what is that schedule? Are there any specific pension benefits which are a part of this agreement? How and when are they to be paid? Without the full written separation agreement there is no way to be confident that your narrow recusal policy vis a' vis Patton, Boggs, and Blow clients will be sufficient to remove any conflict of interest problems or the appearance of any conflict of interest problems.

The review of your list of clients from your 10 year association with Patton, Boggs, and Blow, the list which you say will serve as the basis of your one year recusal policy, lists only six clients. Did you not participate as a member of the firm in providing services to any other clients, if so, what representations were made by you or the firm regarding your future involvement with those clients or their interests?

In the letter from Barbara Frederick regarding your plans to avoid any conflict of interest, a request for a waiver was mentioned. Would you please supply more specific information on these holdings, your past involvement in these businesses, and specifically in what types of matters you will continue to participate under this waiver?

The possible relationships from your other recent employment also interest me. As chairman of the Democratic National Committee did you ever participate in efforts to raise so-called soft corporate contributions? If so, from what corporations that might have dealings with the Commerce Department? What will be your recusal policy regarding any of these companies and their dealings with the Department of Commerce?

Finally, what will be your recusal policy regarding any case in which by employment or association a member of your family may be involved?

Sincerely Yours,

TRENT LOTT.

DEPARTMENT OF COMMERCE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, January 4, 1993.

Hon. JOHN C. DANFORTH,
Ranking Minority Member, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR SENATOR DANFORTH: President-elect Clinton has announced his intention to nominate Mr. Ronald H. Brown for the position of Secretary of Commerce.

By letter to Stephen D. Potts of the Office of Government Ethics, my office certified that Mr. Brown's financial disclosure report is complete and does not disclose any financial interest or outside activity that violates or appears to violate applicable conflict of interest laws or regulations.

The mission of the Department of Commerce is to foster, promote, and develop the foreign and domestic commerce of the United States. This encompasses the broad responsibility to serve and promote the nation's economic development and technological advancement.

Mr. Brown is currently chairman of the Democratic National Committee. He also is a partner with a law firm, Patton, Boggs & Blow. Mr. Brown serves on several corporate and educational and public policy non-profit boards of directors. In addition Mr. Brown has stock holdings in companies in several industry sectors, as well as holdings in money market funds, accounts in financial institutions, and real estate holdings, including several residential real estate limited partnerships. Additionally, Mr. Brown has financial interests in banking, communications, consulting, pension plan record-keeping, telephone installation, television equipment leasing, and waste management business entities. Also, Mr. Brown's wife receives a salary from a communications company.

Mr. Brown is taking a number of actions to avoid a conflict between his private interests and any responsibilities he would have as Secretary. He will resign from his position as chairman of the Democratic National Committee and from all director and officer positions with outside business and non-profit entities.

Mr. Brown also will terminate his relationship with Patton, Boggs & Blow and terminate his financial interest in the firm. Mr. Brown will also convert his independently managed, defined contribution plan into a diversified investment fund or other non-conflicting interest.

Mr. Brown will convert his interests in a Prudential Securities Managed Account, as well as any other stock in a widely-traded company, into a diversified investment fund or other non-conflicting interest.

Mr. Brown will disqualify himself from participating in any matter likely to have a direct and predictable effect on Albimar Communications, Capital PEBSCO, First International Communications, Huntcliff Associates Limited Partnership, Potomac Housing Fund Limited Partnership, residential property in Davis, West Virginia, Rollingbrook Associates Limited Partnership, and Willow Springs Associates Limited Partnership.

Because one of the companies in which Mr. Brown has a financial interest has significant contractual dealings with the District of Columbia, Mr. Brown will also disqualify himself from participating in any particular matter likely to have a specific and differential effect on the District of Columbia.

Although he will retain no financial interest in the Democratic National Committee and Patton, Boggs & Blow, to avoid any potential appearance of a conflict of interest, he will disqualify himself from participating in any matter likely to have a specific and differential effect on those entities for one year following his appointment. Similarly, he will disqualify himself for one year from participating in any particular matter in which he or his firm provided legal services to one of his current clients. Current clients include all entities Mr. Brown brought to the firm or personally provided legal services during the past year.

Mr. Brown will seek a conflict of interest waiver which will allow him to participate in matters likely to have a direct and predictable effect on Boston Bank of Commerce, Harmon International, Kellee Communications, and PEBSCO Municipal Securities Corp. Until such a waiver is granted, he will not participate in any matter likely to have a direct and predictable effect on those entities. Following issuance of the waiver, he will continue to disqualify himself from participating in matters likely to have a specific and differential effect on those entities. In the event a waiver is not granted, Mr. Brown will either divest the financial interests or continue to disqualify himself from matters likely to have a direct and predictable effect on those companies.

Programs and policies of the Department are unlikely to have a direct and predictable effect on Mr. Brown's interests which are outside the coverage of the actions described in this letter. Mr. Brown's actions as Secretary are not likely to influence significantly, or be influenced by, those interests. If a particular matter arises which would have a direct and predictable effect on such interests, he could disqualify himself from participating in that matter or seek a conflict of interest waiver for interests which are insubstantial.

In light of Mr. Brown's plans to terminate certain interests, resign positions, issue a disqualification statement, and seek a waiver, his financial holdings should present no impediment under 18 U.S.C. §208 and related regulations to the execution of his duties as Secretary. I am not aware of any other potential conflict of interest or appearance of a conflict or any other legal impediment to Mr. Brown serving as Secretary of Commerce.

Sincerely,

BARBARA S. FREDERICKS,
Assistant General Counsel
for Administration.

STATEMENT ON THE CONFIRMATION OF RONALD H. BROWN

Mr. LOTT. Mr. President, the next Secretary of Commerce will play an important role in the future of the United States. Critical policy decisions facing our Nation must be resolved involving international trade, new and advanced technology development, American competitiveness, and our oceans and atmosphere.

New missions and structures will be needed if the Department and administration are to effectively promote U.S. exports, expand our economy and create new jobs and opportunity.

So, this is a very important position and we need the best possible person to serve as the Secretary of this Department.

In that context, the Senate is charged with the constitutional responsibility of advice and consent on the nomination and confirmation of Ron Brown to be Secretary of Commerce.

The confirmation process ensures the nominee's qualifications, his or her public record, policy views, and character are fully considered. The process provides important information not only for the Senate but also for the public.

If possible conflicts of interest exist, it is essential to know how those issues will be handled. It is a process which affords every nominee an opportunity to address such questions and issues for the record. In the end, I hope it is a process which instills public confidence in our Nation's leaders and decisions.

This becomes increasingly important when we consider the credibility of our governing institutions and leaders. The American people must have confidence that their officials have an interest only in the common good.

It is in that light that as a member of the Commerce, Science and Transportation Committee chaired by the distinguished Senator from South Carolina, that I did ask a number of questions when the committee had hearings of the designee, Ron Brown.

I thought he answered those questions straightforwardly and honestly, but additional questions needed to be pursued. That is why I did correspond and discuss with him potential problems.

I have to say at this point that he made a number of changes that helped address those questions. He has done everything I think we could reasonably expect of him and I have enjoyed working with him in this area. I think it will help remove clouds that might have been hovering over his stewardship at Commerce if these changes had not been made.

The Clinton administration must start by demonstrating that it is truly committed to the overall common good and not to special interests. There cannot and should not be any question lingering.

If it does do this then I believe a very needed step can be made in building public trust and confidence.

I would like to point out a number of the questions that were raised during the hearing and how he has addressed them.

We did raise questions about representation of foreign clients: who they were; what his relationship with them had been in the firm; were there other foreign clients.

That is a matter of record. There is no question that when he practiced law with a very successful law firm that he did represent the Duvalier regime or Government of Haiti.

The firm, I think, maybe did some other foreign work. But I have the impression he was not directly involved with that.

There were a number of municipal contracts which were awarded to firms and companies with which the nominee had an interest, or was associated, some of them under controversial circumstances. But there was not any evidence that came to the record or that I was able to find that he did anything illegal or unethical in those relationships.

So I did not address those particular areas in my questions to him.

Mr. Brown has taken steps to address these questions. I did not raise questions about the party that was going to be sponsored in his honor, for a variety of reasons. I understood it had been planned for a long time. But the point is there was one that was going to be sponsored by corporate sponsors. He made the right decision to cancel it and I think he should get credit for that.

Here are the points I asked him about where he made changes.

He significantly broadened his recusal policy in relation to his former law firm, Patton, Boggs & Blow, from 1 year to the duration of his term as Secretary of Commerce.

He said:

> I will not communicate with or discuss with any partner, associate or other employee of Patton, Boggs, and Blow, any matter before, or likely to come before, the Department of Commerce during my entire tenure as Secretary of Commerce.

That is a very broad recusal policy and probably he did not necessarily have to go that far, but he did. Now that question has been removed.

Second, he assured the committee and the Senate that his separation from the firm is final and permanent. There are no reentry provisions or continuing financial interests.

That was not clear during the committee meeting. He has further clarified that. He said in his letter:

> I can assure you that my resignation from the firm is final and permanent.

Third, he made available to the committee portions of his separation agreement and the firm's policy on distributions to departing partners. This disclosure addresses and removes the perception of a "golden handshake."

He said:

> I will receive the same treatment as any other equity partner who dies, resigns or is expelled.

To this extent:

> (A) My capital account balance on the date of departure;
>
> (B) My percentage interest in the accounts receivable of the firm; and
>
> (C) The already-earned interest on partner's capital account.

Four, in other areas the nominee withdrew waiver requests—which he had asked for in his request to the committee and which he reiterated when we had the hearing—that waivers be granted on, I believe, a bank and two corporations. He has now withdrawn those waiver requests and has said that he will sell all of his interest in the Pebsco Municipal Securities Corp. and Kellee Communications.

Again, this is going the extra mile. In a way, it is very hard for these nominees to give up some of their investments and the benefits of their life's work. But if you are dealing not only with ethical problems but the appearances, sometimes you have to do it and he has agreed to not ask for the waivers.

In addressing the allegations surrounding the Weinburger indictment prior to the November election, he stated that neither he, nor anyone on his staff, had at any time at the Democratic National Headquarters had anything to do with the Walsh investigation. He stated emphatically he did not have any contact and there had been no contact in any way by him or his staff with that office.

Finally, he recused himself from any matter where a family member would be representing a client before the Department.

I believe these actions are good and necessary steps in the right direction to remove any appearance of conflicts of interest. I am satisfied that Mr. Brown has done everything possible at this time to avoid potential problems.

In a larger sense I think it is important that the nominee has had the opportunity to establish the record so that the people will be able to look at it and know what he has agreed to do.

So, Mr. President, I think it was important that I rise today, because the questions had been raised and these matters needed to be clarified. The American people need to know that he has taken the proper steps.

I think that has been done. Therefore, I have withdrawn my reservations about him and any effort to hold up the nomination. I think he is qualified by education and by experience to do this job. He was selected by the President of the United States for this job and after he has taken these actions, I do think he should be confirmed.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Carolina [Mr. HOLLINGS].

Mr. HOLLINGS. Mr. President, I am pleased to work with the distinguished Senator from Mississippi. His points are well taken. As he stated, it is above and beyond the requirements legally and ethically taken by Mr. Brown and is a compliment to this particular nominee because he came as a chairman of a political party and the media invariably had a heyday: "Wait a minute. Here is a chairman of a political party making money representing clients."

If that is to be controlled barring any statutory provisions that we may provide, it is up to the party itself. We found out Republican and Democratic Party chairmen all had clients, established new law firms, expanded their law practice. That is a question that concerns the distinguished Senator but it was not Mr. Brown's fault. When he complies with the ethics and provisions of the community in which he practices, he is to be complimented and not have aspersion against him with respect to unethical conduct. Otherwise, with respect to foreign corporate or foreign entity representation, I more or less yield to the view expressed by Pat Choate in his book "Agents of Influence" whereby he listed the Washington merry-go-round or representing all these folks. I had long since, years back, taken the position of restricting the Special Trade Representative from representation of any of the clients or affairs before the Government later as clients.

I tried as a rider on the appropriations for the Special Trade Representative measure a 5-year bar. It was knocked off in conference each time as a matter of veto bait. More recently, however, we finally got a compromise this past year not to apply it to the present occupant of the Office of Special Trade Representative, but to ensuing ones, namely to Mr. Mickey Kantor. And we got a 3-year provision that bars him from having any interest or activity with respect to anybody that has been before the Government and his particular role as Special Trade Representative.

So I take a similar view and concern. It worried me at the time when it came up and I did make that comment, which I reiterate, that I had represented clients. I represented murderers, and I have been elected, fortunately, Mr. President, six times to this distinguished body. I do not favor murder and I am confident that Mr. Brown does not favor any of the activity of Baby Doc Duvalier of Haiti. Mr. Brown answered on top of the table that he was working with Members of Congress and the State Department on the political situation down in Haiti trying to get them additional aid and help from this Government, which is an ethical practice, as the distinguished Senator from Mississippi has pointed out. There is nothing illegal or nothing unethical.

So I think we have cleared the air. I am indebted to the distinguished Senator from Mississippi for pursuing these questions, making the record and entering it into the official record of the confirmation process.

The distinguished Senator from West Virginia [Mr. ROCKEFELLER] was approaching the floor. I am of the school of thought of the senior Senator from West Virginia, our distinguished President pro tempore, that we have to move things along. I am ready. Unless he appears, I certainly will ask consent that his statement be printed in the RECORD as if delivered on the floor. I ask unanimous consent now that the statement of the junior Senator from West Virginia be printed in the RECORD as if delivered on the floor.

Mr. President, thereupon, I ask the Senator from Mississippi, on behalf of the Senator from Missouri, my ranking member, are we ready to yield back time?

Mr. LOTT. Mr. President, I do believe we have at least one more speaker. I believe the Republican leader wanted 10 minutes. If we could at this moment put in a quorum call and get him to come over and do that.

Mr. HOLLINGS. I think the distinguished Senator from Washington could use the time and we will not object.

Mr. GORTON. Will the Senator defer?

Mr. LOTT. I certainly will and we will get in contact with him right now.

The PRESIDENT pro tempore. The Senator from Washington. Who yields time?

Mr. GORTON. Mr. President, on the basis that no other Member wishes to use time on the nomination, I ask unanimous consent to proceed for 8 minutes as in morning business.

The PRESIDENT pro tempore. Is there objection? The Senate is in executive session. Is there objection to the request that the Senator proceed for not to exceed 8 minutes as in legislative session and as in morning business? The Chair hears no objection. Does the Senator ask that the time not be charged against the time controlled?

Mr. GORTON. He does.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF ZOE BAIRD

Mr. GORTON. Mr. President, Zoe Baird's nomination to the post of Attorney General presents the Clinton administration with a dilemma. The President can stand beside his nominee or withdraw her name. I believe that it is in the interest of President Clinton's administration and of the country as a whole that her nomination be withdrawn.

Ms. Baird's professional qualifications are outstanding. She is eminently qualified for the position, but her credibility as a member of the Clinton Cabinet has been mortally wounded. In choosing to hire illegal aliens to care for her child, she knowingly circumvented some of the very laws she would be sworn to uphold as America's highest law enforcement officer.

This situation is truly regrettable. Were it not for her single set of unfortunate but clear transgressions, Ms. Baird would certainly have received my full and enthusiastic support.

To begin with, Zoe Baird is a fellow Washingtonian, having been raised and educated in Puget Sound country, not too far from my own home. And while a shared heritage may provide little basis for confirmation to the President's Cabinet, it is a point of pride. The people of Washington State, including this Senator, continue to hold great respect for Ms. Baird's accomplishments.

Second, Ms. Baird has been a champion of tort reform; I had hoped that she would continue her efforts in that arena as Attorney General. Tort reform must and will be achieved as an integral component of more encompassing reforms to our Nation's legal system. Ms. Baird's leadership from the Office of the Attorney General would have proven invaluable.

Third, it is my conviction that any President of the United States—Republican or Democrat—has the right—both practically and constitutionally—to select his or her Cabinet members. In the absence of an important infraction of propriety or law, this body should not impede the President from choosing to advise him those whom he most trusts and respects.

For these reasons I am, only with great reluctance, forced to conclude that the seriousness of Ms. Baird's lapse should not be overlooked by the President, regardless of the larger contribution her presence on his Cabinet might provide.

And finally, I sympathize with Zoe Baird in regard to the situation that faced her 3 years ago: Possessed of a brilliant mind and at the peak of her intellectual powers, she wanted to continue her extraordinary career, and she wanted the best possible care for her child. I have two married daughters. Both have young children, and I have listened to and understand their frustrations with the supreme difficulty women face in juggling career and family obligations. I also understand that society has been slow to come forward to meet their needs. I know of the wrenching decisions made by my daughters, by women on my staff, and by other women friends as they have struggled to combine motherhood with careers outside the home.

But while I sympathize with Zoe Baird and while I admire her professional qualifications I still conclude that President Clinton should withdraw her name.

I have listened to those who seek to exonerate her. One defense I have heard often is that "everyone does it." No, everyone does not do it. As Senator BIDEN pointed out Tuesday during Ms. Baird's confirmation hearings, there are millions of American citizens who have but a fraction of the income of Zoe Baird and her husband, but who do not break the law to solve their child care problems.

Second, and more importantly, Zoe Baird is not everyone. Zoe Baird has been nominated to be the highest legal officer in this Nation. The Office of Attorney General is different from every other Cabinet position. The Attorney General is ultimately responsible for the prosecution of all violations of U.S. immigration laws. The person who enforces these laws cannot credibly be a person who has knowingly and intentionally broken those very laws for years. In many cases involving issues of ethics in Government the issues are gray or cloudy. Sometimes the law is unclear and it is unclear exactly who did what and whether those laws were broken. This case is neither gray nor cloudy. Ms. Baird knew exactly the laws she was breaking.

I urge President Clinton not to overlook this legal and ethical breach of judgment at the beginning of his administration. I do not wish for Ms. Baird or President Clinton the embarrassment of further Senate scrutiny and, in my opinion, likely rejection. Her nomination should simply be withdrawn. The price to a new administration for which the American people have such high hopes is simply too great to warrant any other course of action.

Whatever Zoe Baird's destiny turns out to be—and, given her talent and ability, I have no doubt it will be significant—it should not be as Attorney General of the United States of America.

If the election just past taught us anything, it taught us that Americans wanted change. The most fundamental change demanded by the electorate was in the behavior of those elected and reelected to wield the power of Government. Americans sent a clear signal that public officials must not hold themselves above the laws they create and administer, and that the President and Members of Congress must not turn a blind eye when clear transgressions occur. The American people, Mr. President, wanted a change in business as usual, and they elected Bill Clinton to implement that change.

In his eloquent inaugural remarks yesterday to an America ready to listen, President Clinton spoke of that change. He offered the gift of hope to Americans, and they responded with cheers and trust.

But cheers are fleeting, and hope is fragile. And trust is purchased with deeds, not words.

For the sake of his new administration and for America, I urge President Clinton to withdraw the name of Zoe Baird from nomination to the post of Attorney General.

NOMINATION OF RONALD H. BROWN

The PRESIDENT pro tempore. The Senate resumes consideration of the nomination of Mr. Ronald H. Brown, of the District of Columbia, to be Secretary of Commerce. Who yields time?

Mr. ROCKEFELLER addressed the Chair.

The PRESIDENT pro tempore. The Senator from West Virginia [Mr. ROCKEFELLER].

Mr. ROCKEFELLER. Mr. President, I would just like to speak for about 3 minutes on the nomination.

Mr. HOLLINGS. I yield to the Senator.

The PRESIDENT pro tempore. The Senator is recognized.

Mr. ROCKEFELLER. I thank my distinguished colleague from South Carolina. I feel so strongly about the confirmation of Ron Brown. One of the things that President Clinton made very clear throughout this campaign was that he was going to make restructuring and the competitiveness of our economy matters of great importance.

Essential to that theme is that the Department of Commerce, long a languishing backwater Department, is going to become central to that purpose. You must have a strong export policy. You must be sure of enforcing our trade laws in this country. You must be sure of making exports possible for small business people in States like the distinguished Presiding Officer and my own State of West Virginia, where there are many small business people who would like to be doing export business with other parts of the world but do not have the opportunities or the financing.

In Ron Brown, for the first time as long as I can remember in my public life, we have a real champion. I think he has a passion to succeed in this position like few I have seen in any job. I watched him as the chief fund raiser for the Democratic National Committee take a party which was torn asunder in every single way and bring it together. I do not mention that for political purposes, but I said to him once that I felt if he could bring the Democratic Party together, he could sure do a lot for strengthening the economy of our country.

Ron Brown is so smart, and so shrewd, and so tough, and he knows business so well that the prospect of his being Secretary of Commerce is I think one of the truly bright spots of the new Clinton Presidency.

So I support him strongly, Mr. President, and look forward to his serving in that position.

Mr. EXON addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from Nebraska.

Who yields time?

Mr. HOLLINGS. I yield whatever time is necessary.

The PRESIDENT pro tempore. How much time does the Senator require?

Mr. EXON. Three minutes.

The PRESIDENT pro tempore. Is 3 minutes yielded?

Mr. HOLLINGS. Yes.

Mr. EXON. I thank the Chair and I thank the distinguished chairman of the committee of jurisdiction.

The PRESIDENT pro tempore. The Senator is yielded 3 minutes.

Mr. EXON. When Ron Brown was first mentioned as a possible nominee for the position for which he has been approved in the Commerce Committee, I was very much impressed because I have known Ron Brown for a long, long time. I had a long conversation with him in my office prior to his appearing before the Commerce Committee. I was further impressed, Mr. President, with his keen knowledge, his keen insight, the fact he has been a success in everything that Ron Brown has ever touched. I am simply delighted the President of the United States has seen fit to nominate a man with Ron Brown's intellect, with Ron Brown's experience, with Ron Brown's knowledge of the workings of the U.S. Senate and the Congress as a whole, a man who I think after 4 years very likely will set a record that will be looked back on as a standard for those who have served in that position and those who will serve that position in the future.

So I simply congratulate Senator HOLLINGS, the chairman of the committee, for the expeditious action that has been taken after a thorough process, after visitation I think with all members of the committee on both sides of the aisle, after a rather lengthy hearing process where everything I believe was aired very fully, after answering in detail by mail not only the original questions submitted to him by the committee but also several follow-up questions that were asked of him after the hearing, and as it was explained earlier today when we confirmed and recommended that he be approved. He has gone beyond the call of duty to be very, very forthright, and I am very pleased to soundly endorse my friend Ron Brown and a friend of the American people for Secretary of Commerce.

I yield back the remainder of my time.

Mr. HOLLINGS. Mr. President, I yield 3 minutes to the distinguished Senator from Louisiana.

The PRESIDENT pro tempore. The Senator from Louisiana [Mr. BREAUX] is recognized for 3 minutes.

Mr. BREAUX. I thank my chairman for yielding me the 3 minutes.

Mr. President, I think Ron Brown is the right person for the right job at the right time. In our hearings, which I think were really very good hearings, I think the minority, the Republican members, really handled this nomination with the appropriate and proper procedures incumbent upon their role. The committee, under the leadership of our distinguished chairman, had some good hearings.

We are in a period of time with a new sense of ethics in Government. President Clinton has set out a very strong sense of what officers in this Government are going to be able to do when they serve and during their tenure in office as well as what they do after they leave the Government. The American people have the right to feel we are starting this new administration off in the right direction and with the proper degree of concern for ethics in Government.

With Ron Brown's nomination and the hearing processes, we have really set a standard which will do us proud. I think he will be outstanding in the position of Secretary of Commerce, and I think this Senate has done itself proud by conducting the hearings in such fine fashion. I commend our chairman for heading up those hearings.

I yield back my time.

Mr. HOLLINGS. Mr. President, I thank our distinguished colleague from Louisiana.

I ask unanimous consent, Mr. President, that a column in yesterday's Washington Post by the distinguished writer William Raspberry be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY DID RON BROWN BECOME A TARGET?

(By William Raspberry)

Ron Brown is my friend. That explains why I have steered clear of both the controversies and the successes in which he has been involved, as chairman of the Democratic National Committee and, lately, as Bill Clinton's nominee for secretary of commerce.

I didn't write about his expert handling of the party chairmanship or the clockwork smoothness with which he ran the party convention, and I didn't write about the political contretemps in which he sometimes found himself. Praising a friend seemed somehow incestuous, and siding with him on controversies would have demanded some sort of disclosure.

Besides, he was doing awfully well—in the media and in fact—without me.

Now I'm hearing about a stranger called Ron Brown: a man of poor judgment and questionable ethics who, if he isn't watched, will sell the government to the highest corporate bidder.

What are they doing to my friend? I read as editorialists hold him to unwritten and constantly changing ethical standards. I watch as media critics "force" him to cancel a pre-inaugural celebration because it was sponsored by corporate figures with whom he might, as commerce secretary, have to do business. I listen—incredulously—as celebrated talk-show journalists pooh-pooh Zoe Baird's knowing violation of immigration rules (the nominee for attorney general hired a couple of illegal workers and failed to make Social Security payments on their behalf) but scorch Brown for—for what?

I'm not really sure. Some of it is in the normal course of journalism—for instance, the attempts, when he decided to seek the Democratic chairmanship, to figure out what sort of man he was, where he got his money, where his loyalties lay. Some of it was a cynical assumption that behind every successful politician there must be a few skeletons. Some of it was dirt planted by enemies.

But was some of it more sinister than that? I watched with relief as my friend sailed through his confirmation hearings, hardly breaking a sweat. (Republican leaders had hinted that they were ready to pounce on him for various possible conflicts of interest, partly because there were real questions of conflict and partly to get even for the rough treatment Democrats had given the late John Tower, Bush's original nominee for defense secretary.)

Then two things happened. The Wall Street Journal and the New York Times chastised Sen. Trent Lott (R-Miss.) for his "softball" treatment of Brown, and it was learned from Brown's financial disclosure documents that Brown had earned some $750,000 last year.

Since then, there's been, in effect, contest to see who can make the nastiest insinuations about the nominee's "riches." Contracts landed by firms in which Brown had an interest have been discussed as though they were tainted (though there has been no contention that the work was poorly performed or overpaid). Brokerage fees have been written about as though they were the next thing to under-the-table bribes. And when the word circulated that Brown might leave his law firm with a "million-dollar handshake," the "aha!" was almost audible.

Granted, $750,000 is a lot of money. But two questions come to mind. First, if Brown could make that kind of money while George Bush was in the White House, didn't he stand to make a heck of a lot more under Bill Clinton, whose election he helped engineer? In other words, if money is what principally motivates him, he'd be far better off staying with his law firm and choosing among the fat-cat clients who would inevitably throw business his way. The second question is simpler: Why do the media watchdogs who scent corruption at Brown's $750,000 smell nothing unsavory about the money the widely admired Bob Strauss made—and makes.

Can any part of what is going on have something to do with race—an uneasiness with "black leaders" from other than a civil rights background, an unwillingness on the part of some whites to believe that a black guy can dramatically out-earn them without being a crook?

I don't know, and there's more than a little irony in the question. Ron Brown and I are most likely to be kidded as naive by other members of our social group for our insistence on looking always for the nonracial explanation when things go wrong.

We come to our attitude by slightly different paths. For Brown, it is the "integrated" experience. He has gone to school with, worked with, lived among and enjoyed the friendship of whites all his life. He has dear friends (and committed enemies) of all colors, and a predisposition to see people as individuals, not as racial abstractions.

For me, it's largely a question of pragmatics. I have spent an adulthood urging young blacks to look first for explanations over which they have some control: exertion, dedication, cooperation, loyalty, personality, working at being necessary. These may in fact be the real explanations. And even if they are not working at them can go a long way toward overcoming racism. In either case, working at the things we can control is likely to bring us nearer our goals.

So what will I tell these young people now? That working hard, playing by the rules, overcoming barriers of all sorts and winning earns you the chance to stand up and declare like some besieged Richard Nixon: "I am not a crook"?

Mr. HOLLINGS. I yield now to my distinguished friend from Mississippi.

Is the Senator ready to yield back time?

Mr. LOTT. Mr. President, if I could say to the distinguished Senator from South Carolina, we do understand that our leader would like to be here and present his statement, and if we have a request for more time we could go ahead with that. If necessary, I would suggest the absence of a quorum but I will desist at this time.

Mr. BREAUX addressed the Chair.

The PRESIDENT pro tempore. The Senator from Louisiana.

Mr. BREAUX. I ask unanimous consent with this understanding that I be allowed to speak for 3 minutes as if in morning business.

The PRESIDENT pro tempore. Without the time being charged.

Mr. BREAUX. Without the time being charged.

The PRESIDENT pro tempore. Is there objection?

The Chair hears no objection.

The Senator from Louisiana [Mr. BREAUX] is recognized for 3 minutes as in legislative session.

Mr. BREAUX. I thank the Chair.

(The remarks of Mr. BREAUX pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EXECUTIVE SESSION

The PRESIDENT pro tempore. The Senate is in executive session.

Who yields time?

Mr. DOLE addressed the Chair.

The PRESIDENT pro tempore. The Republican leader.

How much time does the Republican leader yield to himself?

Mr. DOLE. Two minutes.

The PRESIDENT pro tempore. The Senator is recognized for 2 minutes.

STATEMENT ON THE NOMINATION OF RON BROWN

Mr. DOLE. Mr. President, I rise in support of the nomination of Ron Brown to be the next Secretary of Commerce.

As we all know, this nomination has not been without controversy. There have been concerns over Mr. Brown's ties with his former law firm and with his extensive lobbying activities.

Many of us on my side of the aisle—including myself—also find ourselves in the situation of not having agreed with a thing Ron Brown said the past 4 years, during his service as chairman of the Democrat National Committee.

While I may not agree with Ron Brown at all times, I do admire his intelligence and his eloquence. I believe he can be an effective advocate for American commerce. I believe the nominee has been most cooperative with the Commerce Committee and its members during the confirmation process.

Mr. Brown has personally assured me that he will act in a strictly nonpartisan manner in the fulfillment of his new responsibilities. And if he is as successful at the Department of Commerce as he was the DNC, then America will be very well served.

I also believe that Mr. Brown has answered the questions pertaining to his past lobbying experience, and I am confident he will do everything possible to avoid even the appearance of impropriety.

Certainly, President Clinton has pledged to ensure the highest standard of conduct for his administration. Indeed, his first act as President was to sign an Executive order pertaining to ethical behavior.

Let me also thank and congratulate the distinguished Senator from Mississippi, Senator TRENT LOTT, for his yeoman work in serving as the Republican point man on President Clinton's Cabinet nominations.

With little time and the demands of a new Congress, Senator LOTT made sure that those issues that needed to be addressed were addressed—in a fair and nonpartisan manner.

I further want to commend Senator LOTT for his interest and his insistence on getting the facts. We have an obligation in this body to make certain that anyone who is confirmed by the Senate is qualified.

Obviously, it is important that the President have the right to select his own people to serve in the Cabinet. I think because of the diligence of the Senator from Mississippi, we can be assured that Mr. Brown has passed all appropriate tests.

Mr. HELMS. Mr. President, I ask that the RECORD reflect my view that there should be a rollcall vote on this nomination. However, inasmuch as a number of Senators on both sides of the aisle are necessarily absent, and inasmuch as this nominee would be confirmed even if a rollcall vote were demanded, out of deference to my absent colleagues, I will not request a rollcall. However, if a rollcall were to be called, I would vote in the negative.

Mr. PRESSLER. Mr. President, I want to take a moment to address the nomination of Ronald H. Brown to serve as Secretary of Commerce. Today, I joined my colleagues on the Commerce Committee to recommend unanimously that the Senate confirm Mr. Brown. I support his nomination. I look forward to his tenure as Commerce Secretary.

During his confirmation hearing, I raised several questions regarding Mr. Brown's severance arrangement with his former law firm, Patton, Boggs and Blow. My specific concern was with his receiving a payment for his partnership interest valued at $1 million. The prospect of a Secretary of Commerce with continuing financial ties to a prominent Washington-based lobbying firm would have placed the Commerce Department under an ethical cloud. Mr. Brown has worked diligently to lift this cloud.

In response to additional questions that I and other members of the committee raised about potential conflicts of interest, Mr. Brown has made clear that his termination with his former firm is final and permanent. Mr. Brown also has made additional changes in his recusal policy, as first described to the committee. He now promises that, throughout his term as Secretary, he will not discuss any matter which is before the Commerce Department with any partner, associate or employee of Patton, Boggs, and Blow. Mr. Brown's pledge should ensure that his former firm and its clients have no special access or direct line to the office of Secretary of Commerce.

The Department of Commerce has a key role to play in revitalizing our economy, modernizing our Nation's infrastructure, and expanding international markets for U.S. exports. Mr. Brown shares my concerns about expanding export opportunities for small business, encouraging economic development in rural areas, and coordinating Federal high-tech research and development efforts. I look forward to working with him. I wish him the very best of success.

Mr. THURMOND. Mr. President, I rise today in support of the nomination of Ronald H. Brown by President Clinton to be Secretary of Commerce.

Mr. Brown is a distinguished individual, who is well qualified to be Secretary of Commerce. His political leadership roles and his experience with various businesses in his role as partner in Patton, Boggs and Blow law firm lend him the knowledge needed for efficiency as Secretary.

Regarding his formal education, Mr. Brown received his bachelor of arts degree from Middlebury College in Middlebury, VT in 1962. After graduation, he joined the Army where he rose to the level of captain. Mr. Brown then went to law school at St. John's University and graduated in 1970.

Mr. Brown began his career in public service in 1971 when he became general counsel for the National Urban League. Two years later he became the national spokesperson for that organization, and in 1974 he became the executive national director for another 2 years. He later became the vice president of Washington operations for the National Urban League.

In 1979, Mr. Brown began his political career as the deputy national campaign manager for Senator EDWARD KENNEDY's 1980 Presidential campaign. He then became a staff member and later chief counsel to the Senate Judiciary Committee. After 1 year as chief counsel, Mr. Brown joined Senator EDWARD KENNEDY's staff as general counsel and staff director. In 1981 he joined the law firm of Patton, Boggs, and Blow.

Throughout his career, Mr. Brown has participated in various leadership and executive roles. He was a member of UNESCO for 2 years, the legislative chairman of the Leadership Conference on Civil Rights for 2 years and was a member of the advisory counsel for the Federal Home Loan Bank Board. He also served as Democratic Convention manager for Jesse Jackson, and senior political advisor to the Dukakis-Bentsen campaign.

Mr. Brown held several positions in the Democratic National Committee throughout the 1980's and has served as a skillful chairman of that committee since 1989.

I am sure that Mr. Brown will be diligent in his attempts to deal with the trade issues that face this great Nation and will prove his capabilities as Secretary of Commerce. I strongly urge my colleagues to support his nomination.

Mr. DODD. Mr. President, I rise in strong support of the nomination of Ron Brown to be Secretary of Commerce.

Mr. President, today our economy is undergoing dramatic structural change. Declines in defense spending, the rapid rise in world trade and the breathtaking development of new technologies present overwhelming challenges for American companies and the working men and women they employ. In the State of Connecticut, unfortunately, this change has been accompanied by an element of pain: we have lost roughly 25 percent of our jobs in durable manufacturing during the last decade.

In this era of change, America's industries need someone to stand for them. They need a Secretary of Commerce who will be an unflinching advocate for American business. They need a Secretary of Commerce who will help to develop an industrial policy that promotes the growth of manufacturing and new technologies. They need a Secretary of Commerce who understands the challenges small businesses face in this increasingly competitive world.

Most of all, Mr. President, our Nation's industries need someone with a proven track record of success—someone who knows how to be an advocate and who knows how to be a leader.

Mr. President, Ron Brown meets that test. After a successful stint with the Urban League that started in 1968, Ron Brown rose quickly through the ranks to become the chief counsel to the Senate Judiciary Committee in 1980. He then became the first African-American partner at the law firm of Patton, Boggs and Blow.

In 1989, he became the first African-American ever to serve as chairman of the Democratic National Committee, a job he held with distinction and obvious success.

Mr. President, I have had the pleasure of knowing Ron Brown personally for several years. I know him to be an outspoken and aggressive individual who understands the needs of private industry and never backs down from a fight. In my view, that is exactly the type of advocate American businesses need—and exactly the type of advocate they will get if Ron Brown's nomination is confirmed.

Mr. President, I urge the confirmation of this nomination.

Mr. DOLE. I yield the remainder of my time.

Mr. HOLLINGS. I yield the remainder of my time, Mr. President.

The PRESIDENT pro tempore. All time has been yielded.

The question is, Will the Senate advise and consent to the nomination of Ronald H. Brown, from the District of Columbia, to be Secretary of the Department of Commerce?

So the nomination was confirmed.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. Under the order that was entered, the President will be immediately notified of the confirmation of the nominee.

Mr. DOLE. Mr. President, on the vote just taken on the nomination of Ron Brown to be Secretary of Commerce, the Senator from North Carolina, Senator FAIRCLOTH, has requested he be reported as having voted in the negative.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDENT pro tempore. The Senate will return to legislative session.

Under the order previously entered, Mr. KERRY of Massachusetts is recognized for not to exceed 15 minutes in morning business.

(The remarks of Mr. KERRY pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The Senate continues its period for the transaction of morning business with time limitation thereon and with Senators permitted to speak therein for not to exceed 10 minutes.

The senior Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, let me first talk about a bill which I am introducing. Needless to say this is the day when many bills are being introduced with reference to campaign reform.

The PRESIDENT pro tempore. The Senator is recognized for 10 minutes.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

INCREASE IN THE MAXIMUM DEFICIT AMOUNT

Mr. DOMENICI. Mr. President, let me give you one other quick one before I return to an economic issue.

Again I say to fellow Senators, there is much talk about the maximum deficit amount that is in the 5-year budget agreement and the President of the United States has the sole authority to alter that and alter it by tonight at midnight, where now there would be a major sequester in 1994 and 1995, half from defense and half from domestic unless we reach those agreed-upon, now enforceable Gramm-Rudman-Hollings limitations.

The President can agree to change them. This is a statement urging the President not do that. It is saying, even if they are tough, we ought to leave them in and take the whole year to work out a deficit plan. That would be the time to ask Congress to change them. Leave them there so there will be some discipline built in as the budget plans come down.

It seemed to me, in his message to the American people, our President was suggesting that we do not want to ease up on deficit reduction, we do not want to ease up on sacrifice and treating everybody the same and trying to get an equitable plan. I think he was saying we should do that with more vigor. I submit the way to make it less vigorous is to change these maximum deficit numbers now in advance of the discipline of a multiyear approach.

In his inaugural address yesterday, President Clinton asked us to "demand more responsibility from all." He also told us that: "We know we have to face hard truths and take strong steps." Today, we have an opportunity to do just that. Today, President Clinton can set the tone and display his resolve in combating our burgeoning Federal deficit. And, I believe I can safely say, Republicans stand ready to work with President Clinton in reducing deficit spending and putting our Nation on a sound fiscal footing.

Today, President Clinton must notify the Congress today whether he will weaken the discipline in Gramm-Rudman. By preliminary estimates, if he chooses to take the teeth out of Gramm-Rudman and adjust the deficit targets upward, he will increase the deficit by $72.2 billion.

The President will clearly be within his rights in the law on this decision. The 1990 Budget Enforcement Act required President Bush to adjust these targets for deposit insurance, economic, and technical changes for 1991 through 1993. The Bush administration always supported fixed deficit targets and supported the return to fixed deficit targets as contemplated in the law for 1994 and 1995.

The law continues to require President Clinton to make adjustments for deposit insurance, but it gives the new President the option as to whether he wants to stick to fixed deficit targets or allow them to continue to float for economic and technical adjustments.

The law also provides a $6.4 billion dividend in additional spending authority for the Appropriations Committee. If the President adjusts the deficit targets, he must also adjust the spending caps upward for budget authority by an estimated $3.5 billion in 1994 and $2.9 billion in 1995. The outlays associated with this adjustment amount to a total of $3.6 billion for the 2 years.

While I understand the problems with Gramm-Rudman's fixed deficit targets, if nothing else, they serve as an action forcing mechanism. It will force us to work together and confront the deficit and our debt problems this year.

I think the President makes a mistake if he chooses to adjust these deficit targets upward. The American people realize the dangers of a $350 billion deficit and a debt accelerating toward $5 trillion. The budget deficit represents the most serious long-term economic problem facing this country.

While I will not agree with the President if he chooses to make this adjustment, it will not affect my strong desire to work with this administration to meet the President's pledge to cut the deficit in half, down to $141 billion in 1996.

I ask unanimous consent that a table relating to maximum deficit amounts be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAXIMUM DEFICIT AMOUNTS (MDA)

[In billions of dollars]

	1994	1995
October 23, 1992 MDA's	307.8	302.5
Mandatory adjustment for deposit insurance	+27.1	+.1
New MDA's	334.9	302.6
Optional adjustment for economic and technicals	+22.4	+42.8
Optional adjustment for discretionary caps	+1.4	+2.2
Subtotal optional adjustments	+25.5	+46.7
Adjusted MDA's	360.4	349.4

Note.—Based on OMB estimates. The actual adjustments will depend on the assumptions in President Clinton's fiscal year 1994 budget submission. The maximum deficit amount calculations do not include the receipts and disbursements of off-budget programs, such as Social Security.

SENATE REPUBLICAN ECONOMIC POLICY TASK FORCE

Mr. DOMENICI. Mr. President, today is the first day of the 103d Congress when Senators may introduce bills they hope may someday become law. In truth, another law—the law of averages—suggests that few of the bills introduced will actually become law. In the previous Congress, of the nearly 3,400 Senate bills introduced, only 131, or less than 4 percent, were signed into law.

A number of the proposals introduced today are also aimed at signaling a Senator's area of legislative focus he or she intends to pursue in the new Congress. Today there will be numerous bills introduced, by Members on both sides of the aisle, which have one basic theme: The economy and deficit reduction. These measures reflect what is unquestionably emerging as the major congressional debate of 1993—how to simultaneously foster economic growth while achieving long-term deficit reduction and increased job growth.

Clearly, the national economy has improved significantly in the last 6 months. Indeed the economy grew 3.4 percent in the last quarter, the strongest level of growth since 1988. But, as CBO Director Reischauer has astutely observed, this has been a nonpartisan recovery: It was 6 months too late for President Bush's reelection, and it is 6 months too early for President Clinton to claim the credit. So it is a nonpartisan recovery.

I am certain President Clinton, congressional Democrats, and Republicans all want to sustain our recent economic growth. But I believe we all want to see this growth occur within the overall context of creating more jobs and reducing the Federal deficit.

Yes, the deficit has grown these last 12 years, facts do not lie—in truth, increasing deficit spending has been a trend in this country for the past 30 years. But it is blatantly unfair to attribute the increase in the deficit solely to Republican control of the White House during the past 12 years. We in Congress control appropriations. We control changing the entitlements to agree with Presidents or not agree. So there is plenty of blame to go around.

We Republicans join in wishing President Clinton well as he crafts his policies, outlined in yesterday's inaugural address to: "invest more in our people, in their jobs, and in their future, and"—and I emphasize this—"at the same time cut our massive debt." We heartily endorse his goal of cutting the deficit in half in 4 years. But in the words of our new President: "It will not be easy, it will require sacrifice."

And I might add to this my own thought that it will require a lot of change in what we are used to paying for and what we are used to letting go unattended in terms of spiraling costs.

As ranking Republican on the Senate Budget Committee, I pledge my support to work with the new administration and the majority here in the Congress to reach this goal. I do not believe, however, that it can be achieved on a partisan basis. It is going to take hard work and an honest dialog with each other, and with the American people. Together we all have produced these deficits. Only together can we reduce them.

We Senate Republicans have many ideas. The Senate Republican leadership has established an Economic Policy Task Force to help define and refine our ideas and suggestions for addressing the economic issues that confront this country. I, along with Senator PACKWOOD, the ranking member on the Finance Committee, will chair the task force. A core group of Senators will report to the Republican leadership on our suggestions. I am honored that the core group includes Senators ROTH, MACK, DANFORTH, MCCONNELL, D'AMATO, and two freshmen Republican Senators: BENNETT and FAIRCLOTH. Other Republican task forces will be looking at other issues such as health care and the environment.

The Economic Policy Task Force will meet regularly. Our first meeting will be next Tuesday morning. But our staffs have been meeting and already some consensus is clear.

While we Republicans have many ideas and suggestions that we think can help the new administration achieve its goals, we also have some basic principles that we strongly believe in and cannot be compromised. We believe that reducing Federal deficit spending should be the highest domestic economic priority. We believe that deficit spending erodes U.S. competitiveness and limits future economic growth by absorbing national savings and raising the cost of capital. We believe in the private sector as the real engine of economic growth. We believe in as low taxation as possible. Some of these ideas have taken the form of legislation already introduced today.

Amongst ourselves, we obviously have different approaches. Some proposals we have will sound very familiar. Some will sound new. Indeed, some of the policies the new President presented in the campaign we Republicans can support. In the near term, the Task Force on Economics will review and formulate legislative initiatives in the following areas:

One, small business incentives that foster growth among the businesses that generate the majority of jobs in this country.

Two, reduction of unnecessary regulations, mandates, litigation, and other overhead costs that stifle the entrepreneurial spirit and job creation.

And while I am on that No. 2, let me suggest that those talking about stimulating the American economy are saying, simultaneously, so it will create more jobs. I am not sure we need significantly more growth; 3.4 percent is pretty good. If this President could maintain that for his 4 years, it would be rather healthy and sound and probably very positive.

But the issue is why, with that growth, are we not producing more jobs? I think there are two reasons that cry out for our attention. One, productivity is increasing, especially in our service industries. With increased productivity, you get more done with less people. So we have simultaneously a craving for more productivity and the need for less jobs if you want to stay in the marketplace. That has to be looked at from the standpoint not of getting rid of productivity increases, but how do we solve more jobs that are needed in the economy. What do we do with the private sector to help with that mission?

Second, the overhead cost of putting on a new employee, man or woman, in America is getting so prohibitive that businesses are using part-time workers and overtime in abundance, because, even at its expense, it is cheaper than putting on new people, because of the enormous cost of health care and related expenses to business people.

Continuing on to make my third point—we are interested in: Investment and savings incentives that reduce the cost of capital and raise its returns; increasing the access to credit, especially among small businesses; and expanding global markets by striving for free and fair trade by all nations.

Let us work together to take the best of these ideas and more. The country's economic future should transcend politics.

The PRESIDENT pro tempore. The distinguished Senator from Vermont [Mr. LEAHY] is recognized for not to exceed 10 minutes.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from New Mexico back on his feet, and so I yield back whatever time I have.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from New Mexico, Senator DOMENICI.

Mr. DOMENICI. Mr. President, I ask unanimous consent I be permitted to speak for 3 minutes as in morning business.

The PRESIDING OFFICER. The Senator is recognized accordingly.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Republican leader is recognized.

PRESIDENTIAL INAUGURAL: SENATE MEDIA GALLERIES, A BEHIND-THE-SCENES SUCCESS STORY—PRINT, RADIO/TV, PERIODICALS, AND PHOTOGRAPHERS GALLERIES GET THE JOB DONE ONCE AGAIN

Mr. DOLE. Mr. President, as the world watched Bill Clinton take the oath of office yesterday, a behind-the-scenes success story came to a close without much recognition.

That is why I want to publicly salute today the four Senate media galleries, whose superintendents and staffs—along with their House counterparts—did such a fantastic job in handling the huge challenge of the Presidential Inaugural.

No doubt about it, it was not just a 1-day task for these dedicated Senate employees. Planning and organizing took months of hard work as the enormity of the event, and the demands of the media worldwide must have looked like a tidal wave.

But, as usual, the galleries were more than up to the challenge. Thousands of reporters, photographers, and camera crews from all over the world were issued credentials, and finally took their places in their convenient observation posts yesterday to witness and report the changing of the guard at the White House.

It was the professionalism and dedication of our galleries that made it all happen. It was not easy, given the fact that approximately 2,000 print reporters, 2,500 radio and television correspondents and± technicians, 300 still photographers, and 230 periodical journalists covered yesterday's inauguration. But looking at all the TV, radio, and print coverage the world is viewing today, it is clear the media were once again well served.

I would like to salute superintendents Bob Petersen of the press gallery, Larry Janezich of the radio/TV gallery, Louise Curran of the periodical gallery, and Maurice Johnson of the press photographers' gallery for their great work. We might sometimes take their work for granted, but yesterday's success story reminds us just how good they are, and how invaluable they are to our constitutional ideals of an open and free press.

I also want to salute their excellent staffs, too, because they are absolutely essential to gallery operations. It is lots of late hours, and probably not a whole lot of thank you's, but let me tell you, we appreciate your efforts.

RETIREMENT OF KATHLENE E. LUTHER

Mr. DOLE. Mr. President, on February 4, 1993, Kathlene Elizabeth Luther, a trusted and valued member of my staff, is retiring after 19 years of service to the Senate. She will be deeply missed.

Kay began her career with the Senate in 1974 as a legislative secretary for Senator Warren Magnuson, whom she served as office secretary until January 1981. His loss was certainly my gain as Kay joined my staff shortly thereafter. Since then, Kay has been my legislative secretary, office manager, and friend.

As is the case in all busy congressional offices, she has had to handle a wide range of duties and responsibilities. I could always count on Kay to get the job done. Whether it was setting up meetings, rooms, and services for a large group of visiting constituents, scheduling, maintaining voting records, and floor statements, or managing the mountain of paperwork that makes a Senate office run, Kay was always on top of things. I have known few people who are more graceful and cheerful, regardless of the circumstances.

No doubt about it, some of the best people come from North Carolina—and I should know. To be sure, Kay Luther is one of the finest from that great State, or anywhere for that matter.

Over the past 19 years, Kay has earned the complete respect of the Senate and everyone who has had the privilege to work with her. I will miss her. And I know that everyone here will join me in extending a most heartfelt thank you and our very best wishes to Kay Luther.

THANKS TO MAUREEN P. WEST

Mr. DOLE. Mr. President, I rise to commend Maureen West who has served me as legislative assistant for disabilities issues for the past 4 years. Over that time, and throughout her career, Mo has worked tirelessly to assist those with disabilities in becoming equal and productive members of society. She has fought tenaciously to tear down the barriers, both social and physical, that have hampered those with disabilities.

Perhaps no one worked harder or with more dedication than Mo West to make the Americans with Disabilities Act a reality. And 43 million Americans who will now have the chance they deserve owe her a debt of gratitude.

Over the past 4 years, Mo has become well known to the many organizations that have supported the cause of the disabled. She has given of her time freely and generously and she was always there to hear their concerns, work to get them a voice in the Congress, and ultimately achieve fairness and opportunity.

As Mo leaves my staff in February to pursue her career in Seattle, WA, she can be proud of the job she has done. She has left an indelible mark. She has made a difference. Mo West is an outstanding example of what public service is all about.

I know my colleagues will join me in wishing Maureen P. West all the best in her future endeavors and extend to her a most heartfelt thank you. The Senate will miss Mo, and so will I.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SALUTE TO BILL FARMER

Mr. DOLE. Mr. President, I join Senator MITCHELL in congratulating Bill Farmer on his retirement from the Senate family after 28 years of distinguished service, including more than 21 years at the rostrum in the Senate Chamber.

Many people may only recognize his Kentucky-bred voice, but anyone who has served in this body in the past two decades knows the man well, and respects him tremendously for his dedication. No doubt about it, there is no such thing as 9 to 5 around this place. Bill may have served 28 years, but if you added up the hours it might come out to 48—that is based on official Senate time. In his more than 12 years as chief legislative clerk, Bill has also probably read more legislation than he cares to remember, especially those enjoyable filibusters.

Bill, thanks for your years of hard work. It is much appreciated.

I know all my colleagues join me in wishing Bill all the best in his retirement and in extending our thanks and appreciation for his service to the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed into executive session to consider the nomination of Bruce Babbitt to be Secretary of the Interior, reported earlier today by the Energy and Natural Resources Committee; that the nomination be confirmed; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action, and that the Senate then return to legislative session, and that any statements with respect to the nomination appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the nomination was confirmed.

Mr. BYRD. Mr. President, I rise today in support of the nomination of Bruce Babbitt, of Arizona, to serve as Secretary of the Interior in the Clinton administration.

Mr. Babbitt is the former Governor of Arizona, having served in that position from 1978 to 1987. Prior to that time, Mr. Babbitt was the attorney general for Arizona. Most recently, Mr. Babbitt has served as the president of the League of Conservation Voters. He is very familiar with the public land, Indian, water, mineral, and other issues that are at the core of the Interior Department's mission.

As chairman of the Interior and Related Agencies Subcommittee of the Appropriations Committee, I look forward to working with Governor Babbitt as he attempts to lead the Department at a time of tight budgets and growing conflicts over the programs for which he has been nominated to be the Nation's steward. Governor Babbitt comes to this job with a reputation as an aggressive supporter of land conservation and environmental protection, tempered with the realism necessary to secure compromise and get the job done.

I encourage Governor Babbitt to work closely with the authorizing committees of the Congress to begin addressing some of the policy issues affecting public lands today. For the last several years, fierce debates over matters that are properly the jurisdiction of the authorizing committee have occurred during consideration of the Interior appropriation bill. These debates have consumed a great deal of time in the Senate, as well as in conference. The debate is much the same year after year. I hope that the new Secretary and the Congress will be able to resolve these policy issues in the proper forum.

The contentiousness of the public lands issues that Governor Babbitt will have to deal with as Secretary of the Interior cannot be overstated. With a number of the States having over one-third of their land base owned by the Federal Government, the policies of the Interior Department affect the everyday lives of citizens residing in the surrounding communities. West Virginia is fortunate in that the Federal Government owns just 14 percent of our State, as compared to 50, 60, 70, or even 80 percent in other States. But the potential significance of Federal action on local communities is no different if the town is Payson, AZ, or Hot Springs, AR, or Roseburg, OR, or Glen Jean, WV. I encourage Governor Babbitt to be sensitive to these needs as he contemplates policy decisions on matters such as grazing fees, mining law reforms, timber harvesting, endangered species, wetlands protection, park development, and oil and gas activity.

Mr. President, Governor Babbitt brings a keen sense of the need to protect our environment for future generations to the job of Secretary of the Interior. I urge my colleagues to support his nomination.

Mr. THURMOND. Mr. President, I rise in support of Bruce Babbitt to be Secretary of the Interior.

Governor Babbitt was born in Los Angeles and currently makes his home in Phoenix, AZ. He graduated from the University of Notre Dame, received his masters from the University of Newcastle in England, and received his law degree from Harvard Law School in 1965. Governor Babbitt was attorney general for the State of Arizona from 1975 to 1978, and he served as Governor from 1978 to 1987. He has been in private legal practice since leaving public office.

Governor Babbitt has an extensive background in environmental matters. During his term as Governor, he pushed a comprehensive water management bill through the Arizona Legislature. In his recent private practice, he has become involved in national environmental and natural resource issues. He served as president of the League of Conservation Voters, and his nomination has been well received by various environmental groups.

The Department of the Interior serves as our country's primary conservation agency, and oversees most of our nationally owned public lands and natural resources. The incoming Secretary will have the responsibility of ensuring that our lands, wildlife, and water resources are protected and are properly maintained and utilized. Further, the Secretary must preserve our valuable parks and historic sites to enable the public to continue to enjoy their benefits.

Mr. President, Bruce Babbitt has considerable experience which should assist him in carrying out his new duties. I am pleased to support his nomination and look forward to working with him in the future.

Mr. SIMPSON. Mr. President, I rise in support of the nomination of Bruce Babbitt. Through the years, I have come to know and respect this able man. In the course of our careers, Bruce and I have disagreed strongly on some matters and agreed—just as strongly—on other matters.

He is a very fair and kind man. I met him in 1979 when we were both involved in the after-accident investigation of the nuclear incident at Three Mile Island. I trust that as Secretary of the Interior he will demonstrate what I believe to be his appreciation for the sound policy of multiple use of our public lands. Bruce Babbitt has never equated multiple use with massive abuse, as some in the more extreme ranks of the environmentalist community assert. With sound and balanced management, we can preserve and protect our precious natural resources and still enjoy the fruits of the land and the benefits these resources provide to the American people.

I will continue to do all I can to work with my fine senior colleague, MALCOLM WALLOP, to ensure a cooperative and mutually respectful relationship with the Department of the Interior. I trust that Secretary Babbitt will remain objective and open minded as public land issues generally, and specifically those which affect Wyoming, are dealt with at the Department of the Interior. I am optimistic that he will demonstrate how very important water development and domestic mineral production is to the West; to our national security; and to our standard of living. We must develop our resources to their maximum potential while, at the same time, maintaining the quality of the environment. Coal, uranium, oil and gas, hard rock mining, trona, and all of the other commodity resources beneath our Federal lands are so crucial to the national and States' well being in terms of jobs and local economies.

Mr. WALLOP. Mr. President, I rise in support of Governor Babbitt to be Secretary of the Interior. I do so with some reservations, but it is my belief that in the absence of any question of morality or illegal conduct, a President deserves to have Cabinet officers of his own choosing.

My reservations center around the ability of Governor Babbitt to administer the programs within his responsibility in a balanced manner. As Governor of Arizona, he showed a degree of creativity, integrity, and balance which was commendable. However, as President of the League of Conservation voters, he advocated extreme environmental positions with which I strongly disagree and don't believe represent constructive approaches to resource decisions.

During the 2 days of hearings on Governor Babbitt's nomination held by the Energy and Natural Resources Committee, Governor Babbitt assuaged some of my concerns in the responses to members' questions and in his statement that upon taking the post at Interior he will take off his advocacy hat and put back on his public service hat. I take him at his word and look forward to working with him to craft policies and solutions to natural resource problems which are sensible and reflect the balanced stewardship which the law requires.

In closing, I want to note the speed by which the Energy and Natural Resources Committee acted on this nomination. My colleagues may recall the lengthy and excruciatingly painful hearings that two of my friends from Wyoming, Stan Hathaway and Jim Watt, endured at the hands of the Democrats in this body. We would have been justified to hold Governor Babbitt to that new level of scrutiny, but instead chose to cooperate with the Clinton administration and move forward.

The lives and livelihood of so many of my constituents, citizens in the other Western States, as well as the rest of the Nation depend on the policies and interpretations which Governor Babbitt will make. If President Clinton's promise that economic growth and protection of the environment are not incompatible is to be upheld, then Governor Babbitt will have to demonstrate the balance he pledged to the committee. I look forward to working with him and wish him well in his new endeavor.

Mr. JOHNSTON. Mr. President, I rise in support of President Clinton's nomination of Bruce Babbitt of Arizona to be Secretary of the Interior. The Committee on Energy and Natural Resources has conducted 2 days of hearings on this nomination and has voted 20 to 0 in favor of Mr. Babbitt's confirmation.

Mr. President, in the past 25 years, the role of the Secretary of the Interior has changed dramatically. The Secretary is no longer the guardian of narrow Western regional interests.

Now, under laws enacted by Congress, the Secretary is the steward, for all Americans, of much of our national land heritage, including our national parks, wildlife refuges, and public lands.

The Secretary is manager of nationwide programs for outdoor recreation, restoration of lands affected by coal mining, historic preservation, and mineral and water resources. His decisions on energy and environmental matters affect the interests of every American. The old days of few users and little or no constraints on the Secretary's decisions are gone forever. This is particularly true with respect to use of the Federal lands.

The Secretary of the Interior and the entire Department are challenged to provide for needed development without sacrificing vital environmental interests. This effort will require a high degree of competence, careful planning, constant effort to achieve a balance between development and preservation, and complete integrity in the decision making process.

In this regard, I believe that there are certain principles established by Congress which should guide the Secretary.

First, decisions should be based on comprehensive planning and professional judgment with ample public participation.

Second, maximum protection of the environment should be one of the highest priorities.

Third, the Federal Government should receive fair market value for private use of public resources.

And, fourth, the Secretary should cooperate to the maximum extent possible with State and local governments, and local citizens.

Many of the recent complaints from traditional users about Federal resource management stem not so much from new rules of the management game, but from the fact that there are many new players. Increasing scarcity of basic commodities, a rapid shift of the urbanized population center of the Nation to the West and South, and a growing appreciation for environmental values have increased pressures for such competing purposes as energy production, urban growth, recreation, and wilderness preservation. As a result, there are new definitions of public interest, new constituencies to be served, and new claims on the resources of the Federal lands.

Mr. President, Bruce Babbitt is well qualified to fill this challenging assignment. I commend President Clinton for choosing Mr. Babbitt, and look forward to working with him as Secretary of the Interior.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

NOTICE OF ADJUSTMENT OF THE MAXIMUM DEFICIT AMOUNT—MESSAGE FROM THE PRESIDENT—PM 2

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which, pursuant to the order of August 4, 1977, was referred jointly to the Committee on the Budget and the Committee on Governmental Affairs:

To the Congress of the United States:

Pursuant to section 254(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended ("Act") (2 U.S.C. 904(c)), notification is hereby provided of my decision that the adjustment of the maximum deficit amount, as allowed under section 253(g)(1)(B) of the Act (2 U.S.C. 903(g)(1)(B)), shall be made.

William J. Clinton.

The White House, *January 21, 1993.*

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on January 21, 1993, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the joint resolution (S.J. Res. 1) to ensure that the compensation and other emoluments attached to the office of the Secretary of the Treasury are those which were in effect on January 1, 1989; without amendment.

The message also announced that pursuant to the provisions of section 4(a) of the Technology Assessment Act of 1972 (2 U.S.C. 473(a)), the Speaker appoints as members of the Technology Assessment Board, the following Members on the part of the House: Representatives Brown of California and Dingell.

The message further announced that pursuant to the provisions of Senate Concurrent Resolution 2, 103d Congress, the Speaker reappoints as members of the Joint Committee To Make the Necessary Arrangements for the Inauguration of the President-Elect and the Vice President-Elect of the United States on the 20th day of January, 1993, the following Members of the House: Mr. Foley, Mr. Gephardt, and Mr. Michel.

The message also announced that pursuant to the provisions of section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211) and upon the recommendation of the chairman of the Committee on Ways and Means, the Speaker selects the following members of that committee to be accredited by the President as official advisers on the part of the House to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the first session of the 103d Congress: Mr. Rostenkowski, Mr. Gibbons, Mr. Matsui, Mr. Archer, and Mr. Crane.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-423. A communication from the President of the United States, transmitting, pursuant to law, a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council; to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

Ronald H. Brown, of the District of Columbia, to be Secretary of Commerce.

Federico Pena, of Colorado, to be Secretary of Transportation.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. KENNEDY. Mr. President, for the Committee on Labor and Human Resources, I report favorably three nomination lists in the Public Health Service which were printed in full in the Congressional Records of January 5 and 6, 1993, and ask, to save the cost of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Bruce Babbitt, of Arizona, to be Secretary of the Interior.

(The nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself, Mrs. Boxer, Mr. Wellstone, Mr. Dodd, Mr. Lautenberg, Ms. Mikulski, Mr. Pell, Mr. Simon, Mr. Wofford, Mr. Inouye, Mr. Sarbanes, Ms. Moseley-Braun, Mr. Leahy, Mr. Riegle, Mr. Durenberger, and Mr. Metzenbaum):

S. 1. A bill to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FORD (for himself, Mr. Hatfield, Mr. Mitchell, Mr. Lautenberg, Mr. Wellstone, Mr. Sarbanes, Ms. Moseley-Braun, Mr. Conrad, Mr. Harkin, Mr. Leahy, Mr. Pell, Mr. Moynihan, and Mr. Riegle):

S. 2. A bill to establish national voter registration procedures for Federal elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. BOREN (for himself, Mr. Mitchell, Mr. Ford, Mr. Byrd, Mr. Bryan, Mr. DeConcini, Mr. Lautenberg, Mr. Reid, Ms. Moseley-Braun, Mr. Harkin, Mr. Levin, Mr. Pell, and Mr. Riegle):

S. 3. A bill entitled the "Congressional Spending Limit and Election Reform Act of 1993"; to the Committee on Rules and Administration.

By Mr. HOLLINGS (for himself, Mr. Mitchell, Mr. Rockefeller, Mr. Bingaman, Mr. Lieberman, Mr. Riegle, Mr. Robb, Mr. Wofford, Mr. Kerry, Ms. Moseley-Braun, and Mr. Leahy):

S. 4. A bill to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mr. Kennedy, Mr. Packwood, Mr. Mitchell, Mr. Jeffords, Ms. Mikulski, Mr. Hatfield, Mr. Bond, Mr. Metzenbaum, Mr. Coats, Mr. D'Amato, Mr. Chafee, Mr. DeConcini, Mr. Pell, Mr. Simon, Mr. Specter, Mr. Bradley, Mr. Moynihan, Mr. Kerry, Mr. Inouye, Mr. Biden, Mr. Rockefeller, Mr. Lautenberg, Mr. Lieberman, Mr. Reid, Mr. Sarbanes, Mr. Akaka, Mr. Bingaman, Mr. Daschle, Mr. Exon, Mr. Harkin, Mr. Riegle, Mr. Bryan, Mr. Kerrey, Mr. Levin, Mr. Wellstone, Mr. Kohl, Mr. Ford, Mr. Feingold, Mrs. Boxer, Mrs. Feinstein, Mrs. Murray, Ms. Moseley-Braun, and Mr. Campbell):

S. 5. A bill to grant family and temporary medical leave under certain circumstances; to the Committee on Labor and Human Resources.

By Mr. DOLE (for himself, Mr. Thurmond, Mr. Simpson, Mr. McCain, Mr. Specter, and Mr. Coverdell):

S. 6. A bill to prevent and punish sexual violence and domestic violence, to assist and protect the victims of such crimes, to assist State and local effects, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. McConnell, Mr. Packwood, Mr. Lott, Mr. Gorton, Mr. Thurmond, Mr. Domenici, Mr. Lugar, Mr. D'Amato, Mr. Simpson, Mr. Stevens, Mr. Nickles, and Mr. Chafee):

S. 7. A bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes; to the Committee on Rules and Administration.

By Mr. HATCH (for himself, Mr. Thurmond, Mr. Simpson, Mr. Grassley, Mr. Specter, Mr. Dole, Mr. Brown, Mr. Pressler, and Mr. Nickles):

S. 8. A bill to control and prevent crime; to the Committee on the Judiciary.

By Mr. COATS (for Mr. McCain) (for himself, Mr. Coats, Mr. Thurmond, Mr. Brown, Mr. Gramm, Mr. Simpson, Mr. McConnell, Mr. Wallop, Mr. Nickles, Mr. Bond, Mr. Mack, Mr. Smith, Mrs. Kassebaum, Mr. Helms, Mr. Burns, Mr. Kempthorne, Mr. Lott, Mr. Chafee, Mr. Lugar, Mr. Warner, Mr. Danforth, Mr. Coverdell, Mr. Pressler, and Mr. Boren):

S. 9. A bill to grant the power to the President to reduce budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. CRAIG (for himself, Mr. Dole, Mr. Hatch, Mr. Grassley, Mr. Burns, Mr. Simpson, Mr. Kempthorne, and Mr. Hatfield):

S. 10. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the adoption of flexible family leave policies by employers; to the Committee on Finance.

By Mr. BIDEN (for himself, Mrs. Boxer, Mr. Cohen, Mr. Kennedy, Mr. Kohl, Mr. Boren, Mr. Akaka, Mr. Glenn, Mr. Graham, Mr. Hollings, Mr. Johnston, Mr. Lieberman, Mr. Sarbanes, Mr. Shelby, Mr. Rockefeller, Mr. Robb, Mr. Warner, Mr. Pell, Mr. Simon, Mr. Moynihan, Mr. Bradley, Mr. Wellstone, Mr. Breaux, Mr. Harkin, Mr. Levin, Mr. Hatfield, Mr. DeConcini, Mr. Reid, Mr. Campbell, Mr. Riegle, Mr. Bryan, Mr. Kerry, Mr. Dodd, Mr. Conrad, Mr. Baucus, Mr. D'Amato, Mr. Durenberger, Mr. Kerrey, Mr. Inouye, Mr. Lautenberg, Ms. Murray, Ms. Moseley-Braun, Mr. Leahy, and Mr. Specter):

S. 11. A bill to combat violence and crimes against women on the streets and in homes; to the Committee on the Judiciary.

By Mr. BIDEN:

S. 12. A bill to authorize the Secretary of Commerce to make grants to States and local governments for the construction of projects in areas of high unemployment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 13. A bill to institute accountability in the Federal regulatory process, establish a program for the systematic selection of regulatory priorities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HATCH (for himself and Mr. Bennett):

S. 14. A bill to amend the amount of grants received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965; to the Committee on Labor and Human Resources.

By Mr. ROTH (for himself and Mr. Campbell):

S. 15. A bill to establish a Commission on Government Reform; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 16. A bill to amend title IV of the Social Security Act to require full funding of the job opportunity and basic skills training program under part F of such title, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Durenberger, Mr. Packwood, Mr. Akaka, Mr. Bradley, Ms. Moseley-Braun, Mr. DeConcini, Mr. Feingold, Mrs. Feinstein, Mr. Inouye, Ms. Mikulski, Mrs. Murray, Mr. Pell, Mr. Robb, Mr. Simon, Mr. Wellstone, Mr. Rockefeller, Mrs. Boxer, Mr. Bingaman, Mr. Wofford, Mr. Leahy, Mr. Campbell, Mr. Biden, Mr. Dodd, Mr. Metzenbaum, Mr. Lautenberg, Mr. Moynihan, Mr. Riegle, Mr. Mitchell, Mr. Cohen, Mr. Harkin, and Mr. Specter):

S. 17. A bill to amend section 1977A of the Revised Statutes to equalize the remedies available to all victims of intentional employment discrimination, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SPECTER:

S. 18. A bill to provide improved access to health care, enhance informed individual choice regarding health care services, lower health care costs through the use of appropriate providers, improve the quality of health care, improve access to long-term care, and for other purposes; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. Domenici):

S. 19. A bill to amend the Internal Revenue Code of 1986 to provide economic growth in 1993 and for other purposes; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. Glenn, Mr. Graham, Mr. Metzenbaum, Mr. McCain, Mr. Akaka, Mr. Lugar, and Mr. Robb):

S. 20. A bill to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Mrs. Boxer, Mr. Akaka, Mr. Bingaman, Mr. Boren, Mr. Bryan, Mr. Feingold, Mr. Harkin, Mr. Kennedy, Mr. Kohl, Mr. Lautenberg, Mr. Leahy, Mr. Metzenbaum, Ms. Mikulski, Mrs. Murray, Mr. Nunn, Mr. Pell, Mr. Reid, Mr. Rockefeller, Mr. Simon, Mr. Wellstone, Mr. Wofford, and Mr. Jeffords):

S. 21. A bill to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. DeConcini):

S. 22. A bill to amend the Child Nutrition Act of 1966 to make available certain amounts of funding for the special supplemental food program for women, infants, and children (WIC), and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S. 23. A bill to amend title 17, United States Code, to clarify news reporting monitoring as a fair use exception to the exclusive rights of a copyright owner; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mr. Cohen):

S. 24. A bill to reauthorize the independent counsel law for an additional 5 years, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MITCHELL (for himself, Mr. Akaka, Mr. Baucus, Mr. Biden, Mr. Bingaman, Mr. Boren, Mrs. Boxer, Mr. Bradley, Mr. Bryan, Mr. Campbell, Mr. Chafee, Mr. Cohen, Mr. Dodd, Mr. Feingold, Mrs. Feinstein, Mr. Glenn, Mr. Harkin, Mr. Inouye, Mr. Jeffords, Mr. Kennedy, Mr. Kerry, Mr. Kerrey, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mr. Metzenbaum, Ms. Mikulski, Ms. Moseley-Braun, Mr. Moynihan, Mrs. Murray, Mr. Packwood, Mr. Pell, Mr. Riegle, Mr. Robb, Mr. Sarbanes, Mr. Simon, Mr. Wellstone, Mr. Specter, and Mr. Kohl):

S. 25. A bill to protect the reproductive rights of women, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DORGAN:

S. 26. A bill to amend the Internal Revenue Code of 1986 to end deferral for United States shareholders on income of controlled foreign corporations attributable to property imported into the United States; to the Committee on Finance.

By Mr. SARBANES:

S. 27. A bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia; to the Committee on Rules and Administration.

By Mr. McCAIN:

S. 28. A bill to improve the health of the Nation's children, and for other purposes; to the Committee on Finance.

By Mr. McCAIN:

S. 29. A bill to fully apply the rights and protections of Federal law to employment by Congress; to the Committee on Governmental Affairs.

By Mr. McCAIN (for himself, Mr. Shelby, Mr. Mack, Mr. Smith, Mr. Helms, Mr. DeConcini, and Mr. Coats):

S. 30. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

By Mr. McCAIN:

S. 31. A bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new providers; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. Chafee):

S. 32. A bill to provide for the collection and dissemination of information on injuries, death, and family dissolution due to bullet-related violence, to require the keeping of records with respect to dispositions of ammunition, and to require that persons comply with State and local firearms licensing laws before receiving a Federal license to deal in firearms; to the Committee on Finance.

By Mr. DANFORTH (for himself and Mr. Bond):

S. 33. A bill to require the Secretary of Education to waive certain regulations in considering an application submitted by the Winona R-III School District, Missouri; to the Committee on Labor and Human Resources.

By Mr. DURENBERGER:

S. 34. A bill for the relief of Randall G. Hain; to the Committee on the Judiciary.

By Mr. CRAIG:

S. 35. A bill to provide for an extension of regional referral center classifications, and for other purposes; to the Committee on Finance.

By Mr. BOREN:

S. 36. A bill to amend section 207 of title 18, United States Code, to tighten the restrictions on former executive and legislative branch officials and employees; to the Committee on Governmental Affairs.

By Mr. HELMS:

S. 37. A bill to amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes.

By Mr. THURMOND:

S. 38. A bill to reform procedures for collateral review of criminal judgments, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. BAUCUS, Mr. LIEBERMAN, Mr. DURENBERGER, Mr. BRADLEY, Mr. MOYNIHAN, Mr. LEAHY, Mr. SIMON, Mr. BIDEN, Mr. HARKIN, Mr. KENNEDY, Mr. METZENBAUM, Mr. KERRY, Mr. PELL, Mr. LAUTENBERG, Mr. AKAKA, Mr. BRYAN, Mr. WELLSTONE, Mr. JEFFORDS, Ms. MIKULSKI, and Mr. DODD):

S. 39. A bill to amend the National Wildlife Refuge Administration Act; to the Committee on Environment and Public Works.

By Mr. HELMS:

S. 40. A bill to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with knowledge that such abortion is being performed solely because of the gender of the fetus, and for other purposes.

By Mr. THURMOND:

S. 41. A bill granting an extension of patent to the United Daughters of the Confederacy; to the Committee on the Judiciary.

By Mr. HELMS:

S. 42. A bill to control the spread of AIDS, and for other purposes.

S. 43. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services, and for other purposes.

By Mr. THURMOND:

S. 44. A bill to amend title 18, United States Code, to prohibit any person who is being compensated for lobbying the Federal Government from being paid on a contingency fee basis; to the Committee on the Judiciary.

S. 45. A bill to establish constitutional procedures for the imposition of the death penalty for terrorist murders and for other purposes; to the Committee on the Judiciary.

S. 46. A bill to provide that a justice or judge convicted of a felony shall be suspended from office without pay; to the Committee on the Judiciary.

S. 47. A bill to amend title 28, United States Code, to provide special habeas corpus procedures in capital cases; to the Committee on the Judiciary.

By Mr. HELMS:

S. 48. A bill to protect the lives of unborn human beings, and for other purposes.

By Mr. THURMOND (for himself and Mr. DECONCINI):

S. 49. A bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. ROBB, Mr. GRAMM, and Mr. DANFORTH):

S. 50. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD:

S. 51. A bill to consolidate overseas broadcasting services of the United States Government, and for other purposes; to the Committee on Foreign Relations.

S. 52. A bill to amend the Public Health Service Act to establish a program to provide information and technical assistance and incentive grants to encourage the development of services that facilitate the return to home and community of individuals awaiting discharge from hospitals or acute care facilities who require manage long-term care, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HELMS:

S. 53. A bill to amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PELL (for himself and Mr. WOFFORD):

S. 54. A bill to amend the Communications Act of 1934 and the Federal Election Campaign Act of 1971 to better inform the electorate in Senate elections; to the Committee on Foreign Relations.

By Mr. METZENBAUM (for himself, Mr. KENNEDY, Mr. HATFIELD, Mr. PELL, Mr. DODD, Mr. SIMON, Mr. HARKIN, Mr. WELLSTONE, Mr. WOFFORD, Mr. AKAKA, Mr. BIDEN, Mrs. BOXER, Mr. BRADLEY, Mr. CAMPBELL, Mr. DASCHLE, Mr. FEINGOLD, Mr. KERRY, Mr. KERREY, Mr. GLENN, Mr. INOUYE, Mr. LEVIN, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. RIEGLE, Mr. SARBANES, Mr. LAUTENBERG, Ms. MIKULSKI Mr. MITCHELL, Mr. SASSER, and Mr. BAUCUS):

S. 55. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 56. A bill to redefine "extortion" for purposes of the Hobbs Act; to the Committee on the Judiciary.

S. 57. A bill for the relief of Maria Eduarda Lorenzo; to the Committee on the Judiciary.

S. 58. A bill for the relief of Ibrahim Al-Assaad; to the Committee on the Judiciary.

By Mr. HELMS:

S. 59. A bill to control the spread of AIDS, and for other purposes; to the Committee on Labor and Human Resources.

S. 60. A bill to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with knowledge that such abortion is being performed solely because of the gender of the fetus, and for other purposes; to the Committee on the Judiciary.

S. 61. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DECONCINI:

S. 62. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; to the Committee on Rules and Administration.

By Mr. EXON:

S. 63. A bill for the relief of Luis A. Gonzalez and Virginia Aguilla Gonzalez; to the Committee on the Judiciary.

By Mr. HELMS:

S. 64. A bill to protect the lives of unborn human beings, for other beings; to the Committee on Governmental Affairs.

By Mr. NICKLES:

S. 65. A bill to amend the Internal Revenue Code of 1986 to impose a fee on the importation of crude oil and refined petroleum products; to the Committee on Finance.

By Mr. NICKLES (for himself, Mr. FORD, Mr. GRASSLEY, Mr. SMITH, Mr. COHEN, Mr. HELMS, Mr. D'AMATO, and Mr. BOREN):

S. 66. A bill to amend title IV of the Social Security Act to enhance educational opportunity, increase school attendance, and promote self-sufficiency among welfare recipients; to the Committee on Finance.

By Mrs. KASSEBAUM (for herself, Mr. DOLE, Mr. MCCAIN, Mr. DANFORTH, Mr. SMITH, and Mr. GORTON):

S. 67. A bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents; to the Committee on Commerce, Science, and Transportation.

By Mr. METZENBAUM:

S. 68. A bill to amend the Federal Food, Drug, and Cosmetic Act to prevent misleading advertising of the health benefits of foods; to the Committee on Labor and Human Resources.

By Mr. BREAUX (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. PELL, Mr. BRADLEY, Mr. COHEN, Mr. HOLLINGS, Mr. JOHNSTON, Mr. MACK, Mr. GRAHAM, Mr. LEVIN, Mr. DURENBERGER, Mr. SHELBY, Ms. MIKULSKI, Mr. HELMS, Mr. LIEBERMAN, Mr. GORTON, and Mr. DODD):

S. 69. A bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats; to the Committee on Finance.

By Mr. COCHRAN:

S. 70. A bill to reauthorize the National Writing Project, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. METZENBAUM (for himself, Mrs. MURRAY, Mr. KERRY, Mr. CAMPBELL, and Mr. WELLSTONE):

S. 71. A bill to prohibit discrimination by the Armed Forces on the basis of sexual orientation; to the Committee on Armed Services.

By Mr. MOYNIHAN (for himself and Mr. SIMON):

S. 72. A bill to amend Section 481(c) of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

By Mr. METZENBAUM (for himself and Mr. LAUTENBERG):

S. 73. A bill to provide for the rehiring by the Federal Aviation Administration of certain former air traffic controllers; to the Committee on Governmental Affairs.

By Mr. METZENBAUM:

S. 74. A bill to amend the Endangered Species Act of 1973 to clarify citizen suit provisions, and for other purposes; to the Committee on Environment and Public Works.

By Mr. METZENBAUM (for himself, Mr. GLENN, and Mr. LEVIN):

S. 75. A bill to amend the River and Harbor Act of 1970 to improve Great Lakes Water Pollution Control, and for other purposes; to the Committee on Environment and Public Works.

By Mr. METZENBAUM:

S. 76. A bill to establish a grant program under the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by individuals under the age of 16; to the Committee on Commerce, Science, and Transportation.

By Mr. THURMOND (for himself and Mr. DeConcini):

S. 77. A bill to amend title 18 to limit the application of the exclusionary rule; to the Committee on the Judiciary.

S. 78. A bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts; to the Committee on the Judiciary.

By Mr. DECONCINI:

S. 79. A bill to restore public confidence in the performance and merits of elected officials and Federal employees; to the Committee on Governmental Affairs.

By Mr. GRAMM:

S. 80. A bill to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor Unit, the Big Sandy Corridor unit, and the Canyonlands Unit; to the Committee on Energy and Natural Resources.

By Mr. NICKLES (for himself, Mr. Reid, Mr. Shelby, Mr. McCain, Mr. Bond, Mr. McConnell, and Mr. Helms):

S. 81. A bill to require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 82. A bill to establish a higher education recruitment and retention initiative, and a leadership for human survival initiative; to the Committee on Labor and Human Resources.

By Mr. GRAMM (for himself, Mr. Cochran, Mr. Lott, Mr. Shelby, and Mr. Mack):

S. 83. A bill to ensure the preservation of the Gulf of Mexico by establishing within the Environmental Protection Agency a Gulf of Mexico Program; to the Committee on Environment and Public Works.

By Mr. METZENBAUM (for himself, Mr. Kennedy, Mr. Biden, and Mr. Simon):

S. 84. A bill to modify the antitrust exemption applicable to the business of insurance; to the Committee on the Judiciary.

By Mr. METZENBAUM:

S. 85. A bill to provide for basic financial services; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. METZENBAUM (for himself, Mr. Kennedy, and Mr. Dodd):

S. 86. A bill to amend the Fair Labor Standards Act of 1938 to improve enforcement of child labor provisions of such Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KERRY (for himself, Mr. Biden, and Mr. Bradley):

S. 87. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; to the Committee on Rules and Administration.

By Mr. LUGAR (for himself, Mr. Dole, Mr. Kennedy, Mr. Cochran, Mr. Simon, Mr. McCain, and Mr. Roth):

S. 88. A bill to amend the National School Lunch Act to remove the requirement that schools participating in the school lunch program offer students specific types of fluid milk, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOLE:

S. 89. A bill to amend 2 USC 437c; to the Committee on Rules and Administration.

By Mr. HOLLINGS:

S. 90. A bill to improve the enforcement of the trade laws of the United States, and for other purposes; to the Committee on Finance.

By Mr. THURMOND:

S. 91. A bill to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia and for other purposes; to the Committee on Governmental Affairs.

By Mr. HOLLINGS (for himself, Mr. Heflin, Mr. Biden, and Mr. Robb):

S. 92. A bill to create a legislative line item veto by requiring separate enrollment of items in appropriations bills; to the Committee on Rules and Administration.

By Mr. HARKIN (for himself, Mr. Kennedy, Mr. Inouye, Mr. Conrad, and Mr. Daschle):

S. 93. A bill to amend the Public Health Service Act to establish the National Center for Nursing Research as a National Institute, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOMENICI:

S. 94. A bill to provide a comprehensive congressional campaign financing reform to encourage grassroots campaign giving, lessen the role of special economic interests, prohibit the use of soft money, discourage candidate expenditures of personal wealth, and otherwise restore greater competitive balance to the congressional electoral process; to the Committee on Rules and Administration.

By Mr. HARKIN (for himself, Mr. Packwood, Mr. Hatfield, and Mr. Lieberman):

S. 95. A bill to amend the Public Health Service Act to provide for the development and operation of centers to conduct research with respect to contraception and centers to conduct research with respect to infertility, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself and Mr. Kerry):

S. 96. A bill to amend the Internal Revenue Code of 1986 to clarify the employment status of certain fishermen; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. Conrad):

S. 97. A bill to amend title XVIII of the Social Security Act and title III of the Public Health Service Act to protect and improve the availability and quality of health care in rural areas; to the Committee on Finance.

By Mr. BRADLEY:

S. 98. A bill to establish a Link-up for Learning grant program to provide coordinated services to at-risk youth; to the Committee on Labor and Human Resources.

By Mr. METZENBAUM (for himself, Mr. Grassley, Mr. Simon, and Mr. Brown):

S. 99. A bill to amend the antitrust laws to provide a cause of action for persons injured in United States commerce by unfair foreign competition; to the Committee on the Judiciary.

By Mr. RIEGLE:

S. 100. A bill to provide tax incentives for the establishment of tax enterprise zones, and for other purposes; to the Committee on Finance.

By Mr. GLENN:

S. 101. A bill to establish a National Commission on Executive Organization Reform; to the Committee on Governmental Affairs.

By Mr. MACK (for himself, Mr. Bond, Mr. Burns, Mr. Coats, Mr. D'Amato, Mr. Gramm, Mr. Craig, Mr. Grassley, Mr. Helms, Mr. Murkowski, Mr. Nickles, Mr. Smith, Mr. Thurmond, Mr. Gorton, Mr. Brown, Mr. Wallop, Mr. Kempthorne, Mr. Bennett, Mr. Lott, Mr. Dole, and Mr. Coverdell):

S. 102. A bill to provide for a line item veto; capital gains tax reduction; enterprise zones; raising the Social Security earnings limit; and workfare; to the Committee on Finance.

By Mr. NICKLES (for himself, Mrs. Kassebaum, Mr. Packwood, Mr. Brown, Mr. Coats, Mr. Kempthorne, and Mr. Coverdell):

S. 103. A bill to fully apply the rights and protections of Federal civil rights and labor laws to employment by Congress; to the Committee on Governmental Affairs.

By Mr. HATFIELD (for himself, Mr. Kennedy, Mr. Chafee, and Mr. Simon):

S. 104. A bill to establish a National Center for Sleep Disorders Research within the National Heart, Lung and Blood Institute, to coordinate sleep disorders research within the National Institutes of Health, to further facilitate the study of sleep disorders, and to establish a mechanism for education and training in sleep disorders, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. JEFFORDS (for himself, Mr. Durenberger, and Mrs. Kassebaum):

S. 105. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to improve pension plan funding; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. Rockefeller, Mr. Roth, Mr. Grassley, and Mr. Danforth):

S. 106. A bill to modernize the United States Customs Service; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. Chafee):

S. 107. A bill to mandate a study of the effectiveness of a National Drug Strategy and to provide for an accounting of funds devoted to its implementation, and for other purposes; to the Committee on Labor and Human Resources.

S. 108. A bill to prohibit the importation of semiautomatic assault weapons, large capacity ammunition feeding devices, and certain accessories; to the Committee on Finance.

S. 109. A bill to amend section 923 of title 18, United States Code, to require the keeping of records with respect to dispositions of ammunition, and to require a study of the use and possible regulation of sales of ammunition; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 110. A bill to require the Administrator of the Environmental Protection Agency to seek advice concerning environmental risks, and for other purposes; to the Committee on Environment and Public Works.

S. 111. A bill to amend title IV of the Social Security Act to direct the Secretary of Health and Human Services to develop and implement an information gathering system to permit the measurement, analysis, and reporting of welfare dependency; to the Committee on Finance.

S. 112. A bill to establish the Hudson River Artists National Historical Park in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself and Mr. Chafee):

S. 113. A bill to amend title 18, United States Code, to require that persons comply with State and local firearms licensing laws before receiving a Federal license to deal in firearms; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 114. A bill to authorize reduced postage rates for certain mail matter sent to Members of Congress; to the Committee on Governmental Affairs.

S. 115. A bill for the relief of Timothy Bostock; to the Committee on the Judiciary.

S. 116. A bill for the relief of Fanie Phily Mateo Angeles; to the Committee on the Judiciary.

S. 117. A bill for the relief of Susan Rebola Cardenas; to the Committee on the Judiciary.

S. 118. A bill to require the Commodity Credit Corporation to refund to first processors of sugarcane and sugar beets marketing assessments collected by the Corporation during fiscal year 1991, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 119. A bill to restore the traditional observance of Memorial Day and Veterans Day; to the Committee on the Judiciary.

S. 120. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for the purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans Affairs.

S. 121. A bill to authorize a certificate of documentation for the vessel Enterprise; to the Committee on Commerce, Science, and Transportation.

S. 122. A bill to authorize a certificate of documentation for the vessel Kalena; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. SIMON):

S. 123. A bill to amend the Immigration and Nationality Act to provide for prompt parole in the United States of aliens in order to attend the funeral of an immediate blood relative in the United States and to delay parole status to aliens who are excluded from admission into the United States; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 124. A bill to establish a temporary program under which parenteral diacetyl- morphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer, and for other purposes; to the Committee on Labor and Human Resources

S. 125. A bill to amend title 5, United States Code, to require the issuance of a prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Governmental Affairs.

S. 126. A bill to amend title VII of the Public Health Service Act to establish a psychology postdoctoral fellowship program, and for other purposes; to the Committee on Labor and Human Resources.

S. 127. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in clinical psychology eligible to participate in various health professions loan programs, and for other purposes; to the Committee on Labor and Human Resources.

S. 128. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary stores and post and base exchanges; to the Committee on Armed Services.

S. 129. A bill to amend title 10, United States Code, to provide for jurisdiction, apprehension, and detention of members of the Armed Forces and certain civilians accompanying the Armed Forces outside the United States, and for other purposes; to the Committee on Armed Services.

S. 130. A bill to direct the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Armed Services.

S. 131. A bill to amend title 10, United States Code, to exclude Nurse officers from the computation of authorized grade strength; to the Committee on Armed Services.

S. 132. A bill to amend section 1086 of title 10, United States Code, to provide for payment under CHAMPUS of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under medicare, and for other purposes; to the Committee on Armed Services.

S. 133. A bill to amend title 10, United States Code, to authorize the appointment of health care professionals to the positions of the Surgeon General of the Army, the Surgeon General of the Navy, and the Surgeon General of the Air Force; to the Committee on Armed Services.

S. 134. A bill to amend title 10, United States Code, to authorize former members of the Armed Forces who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

S. 135. A bill to increase the role of the Secretary of Transportation in administering section 901 of the Merchant Marine Act, 1936; to the Committee on Commerce, Science, and Transportation.

S. 136. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of child restraint systems used in motor vehicles; to the Committee on Finance.

S. 137. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of algal blooms off the coast of Maui, Hawaii, and for other purposes; to the Committee on Environment and Public Works.

S. 138. A bill to prohibit a suspension of the Act of March 3, 1931 (commonly known as the "Davis-Bacon Act") in the State of Hawaii; to the Committee on Labor and Human Resources.

S. 139. A bill to amend the Internal Revenue Code of 1986 to extend the period for the rollover of gain from the sale of a principal residence to a principal residence located in a disaster area; to the Committee on Finance.

S. 140. A bill to provide that the State Health Insurance Program of Hawaii is eligible for reimbursement from certain funds appropriated to the Public Health and Social Services Emergency Fund, and for other purposes; to the Committee on Labor and Human Resources.

S. 141. A bill to waive certain limitations on assistance for losses resulting from Hurricane Andrew, Typhoon Omar, or Hurricane Iniki, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 142. A bill to provide that the Secretary of Commerce shall not set minimum or maximum amounts on grants made for the purpose of providing financial assistance to States whose tourism promotion needs have increased due to Hurricane Andrew, Hurricane Iniki, or other disasters; to the Committee on Commerce, Science, and Transportation.

S. 143. A bill to recognize the organization known as the National Academies of Practice, and for other purposes; to the Committee on the Judiciary.

S. 144. A bill to waive certain requirements under the Small Business Act for disaster relief assistance; to the Committee on Small Business.

S. 145. A bill to amend chapter 74 of title 38, United States Code, to revise certain provisions relating to the appointment of clinical and counseling psychologists in the Veterans Health Administration, and for other purposes; to the Committee on Veterans Affairs.

S. 146. A bill to require that all Government records that contain information bearing on the last flight and disappearance of Amelia Earhart be transmitted to the Library of Congress and made available to the public; to the Committee on Governmental Affairs.

By Mr. SIMON:

S. 147. A bill to provide for the liquidation or reliquidation of certain entries of dog and cat treats as free of certain duties; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. HATCH, and Mr. WOFFORD):

S. 148. A bill to amend section 337 of the Tariff Act of 1930 and title 28 of the United States Code to provide effective procedures to deal with unfair practices in import trade and to conform section 337 and title 28 to the General Agreement on Tariffs and Trade, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, Mr. HATCH, and Mr. WOFFORD):

S. 149. A bill to amend section 182 of the Trade Act of 1974 to permit the United States to respond to the actions of countries that do not provide adequate and effective patent protection to the United States nationals; to the Committee on Finance.

By Mr. KOHL:

S. 150. A bill to provide for assistance in the preservation of Taliesin in the State of Wisconsin, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DANFORTH:

S. 151. A bill to amend title XIX of the Social Security Act to permit payments under a State plan to certain vaccine manufacturers; to the Committee on Finance.

By Mr. PRESSLER:

S. 152. A bill to amend the Mount Rushmore Commemorative Coin Act to conform to the intent of Congress; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THURMOND:

S. 153. A bill to amend the Internal Revenue Code of 1986 to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax; to the Committee on Finance.

By Mr. GRAMM:

S. 154. A bill to insure that any peace dividend is invested in America's families and deficit reduction; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DASCHLE (for himself, Mr. Conrad, Mr. Grassley, Mr. Packwood, Mr. Harkin, and Mr. Baucus):

S. 155. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company; to the Committee on Finance.

By Mr. DASCHLE:

S. 156. A bill to amend the Internal Revenue Code of 1986 to allow the energy investment credit for solar energy and geothermal property against the entire regular tax and the alternative minimum tax; to the Committee on Finance.

S. 157. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles; to the Committee on Finance.

S. 158. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for travel expenses of certain loggers; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. Burns, Mr. Durenberger, Mr. Hatch, Mr. Mack, Mr. McCain, Mr. Murkowski, Mr. Nickles, Mr. Shelby, Mr. Simpson, Mr. Stevens, Mr. Smith, and Mrs. Kassebaum):

S. 159. A bill to amend the Internal Revenue Code of 1986 to repeal the luxury excise tax; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. Packwood, Mr. Pressler, Mr. Domenici, Mr. Danforth, Mr. Nickles, Mr. Hatch, Mr. Simpson, Mr. Wallop, Mr. Mack, Mr. Cochran, and Mr. Durenberger):

S. 160. A bill to amend the Internal Revenue Code of 1986 to promote investment in small businesses by providing Federal Tax Relief and simplication for such businesses and their investors; to the Committee on Finance.

By Mr. SARBANES:

S. 161. A bill to provide for an endowment grant program to support college access programs nationwide, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE:

S. 162. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of inventory; to the Committee on Finance.

S. 163. A bill to require the Secretary of the Treasury to perform a study of the structure, operation, practice and regulation of Japan's capital and securities markets, and their implications for the United States; to the Committee on Banking, Housing, and Urban Affairs.

S. 164. A bill to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WALLOP:

S. 165. A bill to amend chapter 6 of title 5, United States Code, relating to regulatory flexibility analysis; to the Committee on the Judiciary.

S. 166. A bill entitled "The Private Sector Whistleblowers' Protection Act of 1992"; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 167. A bill to create a bipartisan commission to recommend ways to strengthen the protection of classified information and eliminate the classification of nonsensitive information; to the Committee on Governmental Affairs.

By Mr. GLENN (for himself and Mr. Akaka):

S. 168. A bill to provide for procedures for the review of Federal department and agency regulations, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 169. A bill to prohibit the solicitation or diversion of funds to carry out activities forbidden by law; to the Committee on Foreign Relations.

By Mr. HOLLINGS (for himself, Mr. Akaka, Mr. Bradley, Mr. Breaux, Mr. Brown, Mr. Conrad, Mr. Danforth, Mr. DeConcini, Mr. Durenberger, Mr. Hatch, Mr. Heflin, Mr. Johnston, Mr. Kohl, Mr. Lautenberg, Mr. Levin, Mr. Metzenbaum, Mr. Nunn, Mr. Reid, Mr. Shelby, Mr. Simon, Mr. Simpson, Mr. Thurmond, and Mr. Wofford):

S. 170. A bill to award a congressional gold medal in honor of the late John Birks "Dizzy" Gillespie; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GLENN (for himself, Mr. Boren, Mr. Bradley, Mr. Bryan, Mr. Bumpers, Mr. Cohen, Mr. Dodd, Mr. Graham, Mr. Jeffords, Mr. Kennedy, Mr. Kohl, Mr. Leahy, Mr. Levin, Mr. Lieberman, Ms. Mikulski, Mr. Riegle, Mr. Lautenberg, and Mr. Sasser):

S. 171. A bill to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BRYAN (for himself and Mr. Reid):

S. 172. A bill to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DECONCINI (for himself, Mr. Harkin, Mr. Heflin, Mr. Hollings, Mr. Shelby, Mr. Daschle, Mr. Burns, Mr. Pressler, Mr. Pell, Ms. Mikulski, and Mr. Bryan):

S. 173. A bill to amend title II of the Social Security Act to provide for a more gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in the years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such worker's benefits accordingly, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 174. A bill to end certain Cold War practices; to the Select Committee on Intelligence.

By Mr. DECONCINI:

S. 175. A bill to amend the Child Nutrition Act of 1966 to make the special supplemental food program for women, infants, and children (WIC) an entitlement program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOLE (for himself, Mr. McCain, Mr. Danforth, Mr. Grassley, Mr. Durenberger, Mrs. Kassebaum, Mr. Craig, Mr. Nickles, Mr. Jeffords, Mr. Bond, Mr. Packwood, Mr. Burns, Mr. McConnell, Mr. Wallop, Mr. Shelby, Mr. Boren, and Mr. Baucus):

S. 176. A bill to amend title XVIII of the Social Security Act with respect to essential access community hospitals, the rural transition grant program, regional referral centers, medicare-dependent small rural hospitals, interpretation of electrocardiograms, payment for new physicians and practitioners, prohibitions on carrier forum shopping, treatment of nebulizers and aspirators, and rural hospital demonstrations; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. Craig, Mr. Wallop, Mr. Gramm, Mr. Simpson, Mr. Helms, Mr. Nickles, Mr. Bond, Mr. McConnell, Mr. Stevens, and Mr. Lott):

S. 177. A bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 178. A bill to amend chapter 44 of title 18, United States Code, to prohibit the manufacture, transfer, or importation of .25 caliber and .32 caliber and 9 millimeter ammunition; to the Committee on the Judiciary.

S. 179. A bill to tax 9 millimeter, .25 caliber, and .32 caliber bullets; to the Committee on Finance.

By Mr. HELMS:

S.J. Res. 3. A joint resolution proposing an amendment to the Constitution of the United States restoring the right of Americans to pray in public school graduation ceremonies and athletic events.

By Mr. SPECTER:

S.J. Res. 4. A joint resolution proposing a constitutional amendment to authorize the President to exercise a line-item veto over individual items of appropriation; to the Committee on the Judiciary.

S.J. Res. 5. A joint resolution proposing a constitutional amendment to require a Federal balanced budget; to the Committee on the Judiciary.

By Mr. GRAMM (for himself and Mr. Dole):

S.J. Res. 6. A joint resolution to provide for a Balanced Budget Constitutional Amendment; to the Committee on the Judiciary.

By Mr. GRAMM (for himself, Mr. Lott, Mr. Coverdell, Mr. Packwood, Mr. McCain, Mr. Bond, Mr. Kempthorne, Mr. Gorton, Mr. Grassley, Mr. Danforth, Mr. Helms, Mr. McConnell, Mr. Lugar, and Mr. Smith):

S.J. Res. 7. A joint resolution to provide for a Balanced Budget Constitutional Amendment; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. DeConcini, and Mr. Simpson):

S.J. Res. 8. A joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. Simpson):

S.J. Res. 9. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S.J. Res. 10. A joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect congressional and Presidential elections; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Mr. Glenn, Mr. D'Amato, Mr. Kennedy, Mr. Daschle, Mr. Dorgan, Mr. Hollings, Ms. Mikulski, Mr. Hatch, and Mr. Stevens):

S.J. Res. 11. A joint resolution to designate May 3, 1993, through May 9, 1993, as "Public Service Recognition Week"; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself and Mr. EXON):

S.J. Res. 12. A joint resolution proposing a constitutional amendment to limit congressional terms; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 13. A joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

S.J. Res. 14. A joint resolution to designate the month of May 1993, as "National Foster Care Month"; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. SIMPSON):

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation; to the Committee on the Judiciary.

By Mr. HELMS:

S.J. Res. 16. A joint resolution proposing an amendment to the Constitution of the United States restoring the right of Americans to pray in public institutions, including public school graduation ceremonies and athletic events; to the Committee on the Judiciary.

By Mr. PELL:

S.J. Res. 17. A joint resolution proposing an amendment to the Constitution of the United States relative to the commencement of the terms of office of the President, Vice President, and Members of Congress; to the Committee on the Judiciary.

By Mr. COATS:

S.J. Res. 18. A joint resolution proposing an amendment to the Constitution of the United States to limit the terms of office for Members of Congress; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. INOUYE):

S.J. Res. 19. A joint resolution to acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii, and to offer an apology to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii; to the Select Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DECONCINI:

S. Res. 11. A resolution relating to Bosnia-Hercegovina's right to self-defense; to the Committee on Foreign Relations.

By Mr. PRESSLER (for himself, Mr. HEFLIN, and Mr. WALLOP):

S. Res. 12. A resolution expressing the sense of the Senate that meaningful reforms with respect to agricultural subsidies must be achieved in the GATT negotiations; to the Committee on Finance.

By Mrs. KASSEBAUM (for herself, Mr. INOUYE, Mr. DASCHLE, Mr. DODD, Mr. LUGAR, Mr. MCCAIN, Mr. PELL, Mr. GORTON, Mr. SIMON, Mr. COHEN, and Mr. NUNN):

S. Res. 13. A resolution to amend the rules of the Senate to improve legislative efficiency, and for other purposes; to the Committee on Rules and Administration.

By Mr. MITCHELL:

S. Res. 14. A resolution to appoint the chairman of Environment and Public Works Committee and the Chairman of the Committee on Finance; considered and agreed to.

S. Res. 15. A resolution to appoint Mr. CONRAD to the Committee on Finance; considered and agreed to.

S. Res. 16. A resolution to appoint Mr. KRUEGER to the Committee on Commerce, Science and Transportation; considered and agreed to.

S. Res. 17. A resolution to amend paragraph 4 of Rule XXV of the Standing Rules of the Senate; considered and agreed to.

S. Res. 18. A resolution to amend paragraph 3 of Rule XXV; considered and agreed to.

S. Res. 19. A resolution to make majority party appointments to Senate Committees under paragraph 3 (a) and (b) of Rule XXV for the One Hundred and Third Congress; considered and agreed to.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 20. A resolution reappointing Kenneth U. Benjamin, Jr. as Deputy Senate Legal Counsel; considered and agreed to.

S. Res. 21. A resolution to authorize testimony and to authorize representation by the Senate Legal Counsel; considered and agreed to.

By Mr. DOLE:

S. Res. 22. A resolution to constitute the minority party's membership on certain committees for the 103rd Congress, or until their successors are chosen; considered and agreed to.

By Mr. COATS:

S. Res. 23. A resolution to establish a procedure for the appointment of independent counsels to investigate ethics violations in the Senate, transfer to the Committee on Rules and Administration the remaining authority of the Select Committee on Ethics, and abolish the Select Committee on Ethics; to the Committee on Rules and Administration.

By Mr. DANFORTH (for himself and Mrs. KASSEBAUM):

S. Res. 24. A resolution urging the criminal prosecution of persons committing crimes against humanity, including participation in mass rapes, in Bosnia-Herzegovina; to the Committee on Foreign Relations.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Con. Res. 4. A concurrent resolution to authorize printing of "Senators of the United States: A Historical Bibliography", as prepared by the Secretary of the Senate; considered and agreed to.

S. Con. Res. 5. A concurrent resolution to authorize printing of "Guide to Research Collections of Former United States Senators", as prepared by the Office of the Secretary of the Senate; considered and agreed to.

S. Con. Res. 6. A concurrent resolution to authorize printing of "Senate Election, Expulsion, and Censure Cases", as prepared by the Office of the Secretary of the Senate; considered and agreed to.

By Mr. WALLOP:

S. Con. Res. 7. A concurrent resolution to provide that each committee of the Congress that reports employee benefit legislation shall secure an objective analysis of the impact of such legislation on employment and international competitiveness, and include such analysis in the committee report; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mrs. BOXER, Mr. WELLSTONE, Mr. DODD, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. PELL, Mr. SIMON, Mr. WOFFORD, Mr. INOUYE, Mr. SARBANES, Ms. MOSELEY-BRAUN, Mr. LEAHY, Mr. RIEGLE, Mr. DURENBERGER, Mr. METZENBAUM

S. 1. A bill to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT

Mr. KENNEDY. Mr. President, We stand at a unique point in medical history: As we have gained control over the past plagues of humanity, such as smallpox, diphtheria, and polio, we are confronted with newer and greater medical challenges from cancers, aging, AIDS, and other serious diseases. We seek not only means to control death, but to live with dignity and autonomy in the extra years that science has now granted. The reauthorization of the National Institutes of Health will guarantee Americans' health and American leadership in biomedical research through the end of this century.

I am today introducing the National Institutes of Health Reauthorization Act of 1993. The NIH is the best known biomedical research institute in the world—and with good reason. For a generation, its landmark discoveries have been the hallmark of modern medicine, and we must do all we can to maintain this high standard.

This year's bill is an improved version of the NIH conference agreement that passed the Senate on June 4 by a vote of 85-12, and was vetoed by President Bush. The House of Representatives failed by 14 votes to override the veto.

The most controversial issue continues to be fetal tissue transplantation research. It lifts the administration ban on such research. The bill contains all the safeguards in last year's bill to prevent abuses, including a clear separation between a woman's decision to have an abortion and her decision to donate the tissue for research.

The women's health provisions of this bill are critical to promote first rate health care for women. This legislation establishes permanent statutory authority for the Office of Research on Women's Health to oversee new plans and policies for addressing women's health concerns in each of the Institutes. It specifically requires women to be included in research projects supported or conducted by the NIH. In addition, the National Cancer Institute will develop a comprehensive plan to expand, intensify, and coordinate all

research efforts emphasizing prevention, early detection and treatment of breast cancer. The bill authorizes an additional $325 million to expand breast cancer research activities and an additional $75 million for ovarian, cervical, and other cancers of women's reproductive systems.

The bill also authorizes $40 million to intensify basic, clinical, and behavioral research on osteoporosis and related bone disorders, and to establish an information clearinghouse to enhance the understanding of bone disorders by health professionals and the public.

Major initiatives in children's health are also addressed, including:

A separate children's vaccine initiative to develop affordable new and improved vaccines for the prevention of other infectious diseases.

A study of the safety and effectiveness of HIV vaccines for treatment and prevention of HIV infection in infants, children, and their mothers.

A child health research center program to speed the transfer of knowledge from basic research to clinical applications that will benefit the health of children.

Centers for basic and clinical research on cardiovascular disease in children.

A Juvenile Arthritis Program to expand research into the cause, diagnosis, early detection, control, treatment, and rehabilitation of children suffering from arthritis and related diseases.

Prostate cancer has reached epidemic levels. The bill expands and strengthens prostate cancer research at the NIH.

The AIDS research provision in S. 1 have the potential of putting AIDS research at the NIH on track at last. AIDS research has been plagued for years by a lack of coordination, strategic planning, and evaluation. The reforms in S. 1 will provide for the substantial strengthening of the Office of Aids Research including budget authority across Institute lines, and mandate the office to create and implement a budget for AIDS research throughout the NIH, supported by a detailed, scientifically justified strategic plan. The proposals, which are based in part on a major study of the AIDS research effort completed by the Institute of Medicine in 1991, have received widespread support from, among others, major AIDs advocacy organizations, many research scientists, and the National Commission on AIDS. We look forward to the increased focus and sound management practices the proposals may bring to the NIH AIDS research effort.

The bill will also ensure the validity and future of the taxpayers' investment in research by improving the biomedical research infrastructure through:

Funding to provide a program to increase the competitiveness of research proposals in States whose facilities have experienced low success rates in obtaining research awards from the NIH.

A peer reviewed matching grant program for extramural facilities construction to repair the crumbling national biomedical infrastructure.

A National Research Service Award Program of training grants to scholars to assure a continuing supply of scientists.

New Federal policies on scientific misconduct, conflicts of interest, and prevention of retaliation against whistleblowers in connection with NIH research.

The NIH continues to produce significant advances in the health of people everywhere. Over the past 2 years, we have witnessed tremendous growth in our understanding of disease. NIH-supported research has resulted in numerous practical applications that bring the benefits of research to the bedside of the patient as rapidly as possible.

The National Institutes of Health Reauthorization Act is comprehensive and important legislation that will advance our knowledge of medical science. Its goal is to save lives and improve the health status of all Americans. There are few better investments in our future than the investment we make in biomedical research. This legislation will continue a long tradition of research excellence, and I urge the Senate to act on it as soon as possible.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "National Institutes of Health Revitalization Act of 1993".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

Part I—Review of Proposals for Biomedical and Behavioral Research

Sec. 101. Establishment of certain provisions regarding research conducted or supported by National Institutes of Health.

Part II—Research on Transplantation of Fetal Tissue

Sec. 111. Establishment of authorities.
Sec. 112. Purchase of human fetal tissue; solicitation or acceptance of tissue as directed donation for use in transplantation.
Sec. 113. Nullification of moratorium.
Sec. 114. Report by General Accounting Office on adequacy of requirements.

Part III—Miscellaneous Repeals

Sec. 121. Repeals.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

Part I—Women and Minorities as Subjects in Clinical Research

Sec. 131. Requirement of inclusion in research.
Sec. 132. Peer review.
Sec. 133. Applicability to current projects.

Part II—Office of Research on Women's Health

Sec. 141. Establishment.

Part III—Office of Research on Minority Health

Sec. 151. Establishment.

Subtitle C—Scientific Integrity

Sec. 161. Establishment of Office of Scientific Integrity.
Sec. 162. Commission on Scientific Integrity.
Sec. 163. Protection of whistleblowers.
Sec. 164. Requirement of regulations regarding protection against financial conflicts of interest in certain projects of research.
Sec. 165. Effective dates.

TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

Sec. 201. Health promotion research dissemination.
Sec. 202. Programs for increased support regarding certain States and researchers.
Sec. 203. Children's vaccine initiative.
Sec. 204. Plan for use of animals in research.
Sec. 205. Increased participation of women and members of underrepresented minorities in fields of biomedical and behavioral research.
Sec. 206. Requirements regarding surveys of sexual behavior.
Sec. 207. Discretionary fund of Director of National Institutes of Health.
Sec. 208. Miscellaneous provisions.

TITLE III—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

Sec. 301. Appointment and authority of Directors of national research institutes.
Sec. 302. Program of research on osteoporosis, Paget's disease, and related disorders.
Sec. 303. Establishment of interagency program for trauma research.

TITLE IV—NATIONAL CANCER INSTITUTE

Sec. 401. Expansion and intensification of activities regarding breast cancer.
Sec. 402. Expansion and intensification of activities regarding prostate cancer.
Sec. 403. Authorization of appropriations.

TITLE V—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

Sec. 501. Education and training.
Sec. 502. Centers for the study of pediatric cardiovascular diseases.
Sec. 503. National Center on Sleep Disorders.
Sec. 504. Authorization of appropriations.

TITLE VI—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

Sec. 601. Provisions regarding nutritional disorders.

TITLE VII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

Sec. 701. Juvenile arthritis.

TITLE VIII—NATIONAL INSTITUTE ON AGING
Sec. 801. Alzheimer's disease registry.
Sec. 802. Aging processes regarding women.
Sec. 803. Authorization of appropriations.
Sec. 804. Conforming amendment.
TITLE IX—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES
Sec. 901. Tropical diseases.
Sec. 902. Chronic fatigue syndrome.
TITLE X—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT
Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility
Sec. 1001. Grants and contracts for research centers.
Sec. 1002. Loan repayment program for research with respect to contraception and infertility.
Subtitle B—Program Regarding Obstetrics and Gynecology
Sec. 1011. Establishment of program.
Subtitle C—Child Health Research Centers
Sec. 1021. Establishment of centers.
Subtitle D—Study Regarding Adolescent Health.
Sec. 1031. Prospective longitudinal study.
TITLE XI—NATIONAL EYE INSTITUTE
Sec. 1101. Clinical research on diabetes eye care.
TITLE XII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE
Sec. 1201. Research on multiple sclerosis.
TITLE XIII—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES
Sec. 1301. Applied Toxicological Research and Testing Program.
TITLE XIV—NATIONAL LIBRARY OF MEDICINE
Subtitle A—General Provisions
Sec. 1401. Additional authorities.
Sec. 1402. Authorization of appropriations.
Subtitle B—Financial Assistance
Sec. 1411. Establishment of program of grants for development of education technologies.
Subtitle C—National Information Center on Health Services Research and Health Care Technology
Sec. 1421. Establishment of Center.
Sec. 1422. Conforming provisions.
TITLE XV—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH
Subtitle A—Division of Research Resources
Sec. 1501. Redesignation of Division as National Center for Research Resources.
Sec. 1502. Biomedical and behavioral research facilities.
Sec. 1503. Construction program for national primate research center.
Subtitle B—National Center for Nursing Research
Sec. 1511. Redesignation of National Center for Nursing Research as National Institute of Nursing Research.
Sec. 1512. Study on adequacy of number of nurses.
Subtitle C—National Center for Human Genome Research
Sec. 1521. Purpose of Center.
TITLE XVI—AWARDS AND TRAINING
Subtitle A—National Research Service Awards
Sec. 1601. Requirement regarding women and individuals from disadvantaged backgrounds.
Sec. 1602. Service payback requirements.
Subtitle B—Acquired Immune Deficiency Syndrome
Sec. 1611. Loan repayment program.
Subtitle C—Loan Repayment for Research Generally
Sec. 1621. Establishment of program.
Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by National Institutes of Health
Sec. 1631. Establishment of programs.
Sec. 1632. Funding.
Subtitle E—Funding for Awards and Training Generally
Sec. 1641. Authorization of appropriations.
TITLE XVII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH
Sec. 1701. Establishment of Foundation.
TITLE XVIII—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME
Sec. 1801. Revision and extension of various programs.
TITLE XIX—STUDIES
Sec. 1901. Acquired immune deficiency syndrome.
Sec. 1902. Malnutrition in the elderly.
Sec. 1903. Research activities on chronic fatigue syndrome.
Sec. 1904. Report on medical uses of biological agents in development of defenses against biological warfare.
Sec. 1905. Personnel study of recruitment, retention and turnover.
Sec. 1906. Procurement.
Sec. 1907. Report concerning leading causes of death.
Sec. 1908. Relationship between the consumption of legal and illegal drugs.
TITLE XX—MISCELLANEOUS PROVISIONS
Sec. 2001. Designation of Senior Biomedical Research Service in honor of Silvio Conte, and limitation on number of members.
Sec. 2002. Technical corrections.
Sec. 2003. Biennial report on carcinogens.
Sec. 2004. Master plan for physical infrastructure for research.
Sec. 2005. Transfer of provisions of title xxvii.
Sec. 2006. Certain authorization of appropriations.
Sec. 2007. Prohibition against SHARP adult sex survey and the American teenage sex survey.
Sec. 2008. Support for bioengineering research.
TITLE XXI—EFFECTIVE DATES
Sec. 2101. Effective dates.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

SEC. 101. ESTABLISHMENT OF CERTAIN PROVISIONS REGARDING RESEARCH CONDUCTED OR SUPPORTED BY NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 492 the following new section:

"CERTAIN PROVISIONS REGARDING REVIEW AND APPROVAL OF PROPOSALS FOR RESEARCH

"SEC. 492A. (a) REVIEW AS PRECONDITION TO RESEARCH.—

"(1) PROTECTION OF HUMAN RESEARCH SUBJECTS.—

"(A) In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to review under section 491(a) by an Institutional Review Board unless the application has undergone review in accordance with such section and has been recommended for approval by a majority of the members of the Board conducting such review.

"(B) In the case of research that is subject to review under procedures established by the Secretary for the protection of human subjects in clinical research conducted by the National Institutes of Health, the Secretary may not authorize the conduct of the research unless the research has, pursuant to such procedures, been recommended for approval.

"(2) PEER REVIEW.—In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to technical and scientific peer review under section 492(a) unless the application has undergone peer review in accordance with such section and has been recommended for approval by a majority of the members of the entity conducting such review.

"(b) ETHICAL REVIEW OF RESEARCH.—

"(1) PROCEDURES REGARDING WITHHOLDING OF FUNDS.—If research has been recommended for approval for purposes of subsection (a), the Secretary may not withhold funding for the research on ethical grounds unless—

"(A) the Secretary convenes an advisory board in accordance with paragraph (4) to study the ethical implications of the research; and

"(B) the majority of the advisory board recommends that, on ethical grounds, the Secretary withhold funds for the research.

"(2) APPLICABILITY.—The limitation established in paragraph (1) regarding the authority to withhold funds on ethical grounds shall apply without regard to whether the withholding of funds is characterized as a disapproval, a moratorium, a prohibition, or other description.

"(3) PRELIMINARY MATTERS REGARDING USE OF PROCEDURES.—

"(A) If the Secretary makes a determination that an advisory board should be convened for purposes of paragraph (1), the Secretary shall, through a statement published in the Federal Register, announce the intention of the Secretary to convene such a board.

"(B) A statement issued under subparagraph (A) shall include a request that interested individuals submit to the Secretary recommendations specifying the particular individuals who should be appointed to the advisory board involved. The Secretary shall consider such recommendations in making appointments to the board.

"(C) The Secretary may not make appointments to an advisory board under paragraph (1) until the expiration of the 30-day period beginning on the date on which the statement required in subparagraph (A) is made with respect to the board.

"(4) ETHICS ADVISORY BOARDS.—

"(A) Any advisory board convened for purposes of paragraph (1) shall be known as an ethics advisory board (hereafter in this paragraph referred to as an 'ethics board').

"(B)(i) An ethics board shall advise, consult with, and make recommendations to the Secretary regarding the ethics of the project of biomedical or behavioral research with respect to which the board has been convened.

"(ii) Not later than 180 days after the date on which the statement required in paragraph (3)(A) is made with respect to an ethics board, the board shall submit to the Secretary, and to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report describing the findings of the board regarding the project of research involved and making a recommendation under clause (i) of whether the Secretary should or should not withhold funds for the project. The report shall include the information considered in making the findings.

"(C) An ethics board shall be composed of no fewer than 14, and no more than 20, individuals who are not officers or employees of the United States. The Secretary shall make appointments to the board from among individuals with special qualifications and competence to provide advice and recommendations regarding ethical matters in biomedical and behavioral research. Of the members of the board—

"(i) no fewer than 1 shall be an attorney;

"(ii) no fewer than 1 shall be an ethicist;

"(iii) no fewer than 1 shall be a practicing physician;

"(iv) no fewer than 1 shall be a theologian; and

"(v) no fewer than one-third, and no more than one-half, shall be scientists with substantial accomplishments in biomedical or behavioral research.

"(D) The term of service as a member of an ethics board shall be for the life of the board. If such a member does not serve the full term of such service, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(E) A member of an ethics board shall be subject to removal from the board by the Secretary for neglect of duty or malfeasance or for other good cause shown.

"(F) The Secretary shall designate an individual from among the members of an ethics board to serve as the chair of the board.

"(G) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall conduct inquiries and hold public hearings.

"(H) With respect to information relevant to the duties described in subparagraph (B)(i), an ethics board shall have access to all such information possessed by the Department of Health and Human Services, or available to the Secretary from other agencies.

"(I) Members of an ethics board shall receive compensation for each day engaged in carrying out the duties of the board, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

"(J) The Secretary, acting through the Director of the National Institutes of Health, shall provide to each ethics board such staff and other assistance as may be necessary to carry out the duties of the board.

"(K) An ethics board shall terminate 30 days after the date on which the report required in subparagraph (B)(ii) is submitted to the Secretary and the congressional committees specified in such subparagraph.".

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

SEC. 111. ESTABLISHMENT OF AUTHORITIES.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498 the following new section:

"RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

"Sec. 498A. (a) Establishment of Program.—

"(1) In general.—The Secretary may conduct or support research on the transplantation of human fetal tissue for therapeutic purposes.

"(2) Source of tissue.—Human fetal tissue may be used in research carried out under paragraph (1) regardless of whether the tissue is obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth.

"(b) Informed Consent of Donor.—

"(1) In general.—In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman, declaring that—

"(A) the woman donates the fetal tissue for use in research described in subsection (a);

"(B) the donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of the tissue; and

"(C) the woman has not been informed of the identity of any such individuals.

"(2) Additional statement.—In research carried out under subsection (a), human fetal tissue may be used only if the attending physician with respect to obtaining the tissue from the woman involved makes a statement, made in writing and signed by the physician, declaring that—

"(A) in the case of tissue obtained pursuant to an induced abortion—

"(i) the consent of the woman for the abortion was obtained prior to requesting or obtaining consent for the tissue to be used in such research; and

"(ii) no alteration of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue;

"(B) the tissue has been donated by the woman in accordance with paragraph (1); and

"(C) full disclosure has been provided to the woman with regard to—

"(i) such physician's interest, if any, in the research to be conducted with the tissue; and

"(ii) any known medical risks to the woman or risks to her privacy that might be associated with the donation of the tissue and that are in addition to risks of such type that are associated with the woman's medical care.

"(c) Informed Consent of Researcher and Donee.—In research carried out under subsection (a), human fetal tissue may be used only if the individual with the principal responsibility for conducting the research involved makes a statement, made in writing and signed by the individual, declaring that the individual—

"(1) is aware that—

"(A) the tissue is human fetal tissue;

"(B) the tissue may have been obtained pursuant to a spontaneous or induced abortion or subsequent to a stillbirth; and

"(C) the tissue was donated for research purposes;

"(2) has provided such information to other individuals with responsibilities regarding the research;

"(3) will require, prior to obtaining the consent of an individual to be a recipient of a transplantation of the tissue, written acknowledgment of receipt of such information by such recipient; and

"(4) has had no part in any decisions as to the timing, method, or procedures used to terminate the pregnancy made solely for the purposes of the research.

"(d) Availability of Statements for Audit.—

"(1) In general.—In research carried out under subsection (a), human fetal tissue may be used only if the head of the agency or other entity conducting the research involved certifies to the Secretary that the statements required under subsections (a)(3), (b)(2), and (c) will be available for audit by the Secretary.

"(2) Confidentiality of audit.—Any audit conducted by the Secretary pursuant to paragraph (1) shall be conducted in a confidential manner to protect the privacy rights of the individuals and entities involved in such research, including such individuals and entities involved in the donation, transfer, receipt, or transplantation of human fetal tissue. With respect to any material or information obtained pursuant to such audit, the Secretary shall—

"(A) use such material or information only for the purposes of verifying compliance with the requirements of this section;

"(B) not disclose or publish such material or information, except where required by Federal law, in which case such material or information shall be coded in a manner such that the identities of such individuals and entities are protected; and

"(C) not maintain such material or information after completion of such audit, except where necessary for the purposes of such audit.

"(e) Applicability of State and Local Law.—

"(1) Research conducted by recipients of assistance.—The Secretary may not provide support for research under subsection (a) conduct the research in accordance with applicable State and local law.

"(2) Research conducted by Secretary.—The Secretary may conduct research under subsection (a) only in accordance with applicable State and local law.

"(f) Definition.—For purposes of this section, the term 'human fetal tissue' means tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth.".

SEC. 112. PURCHASE OF HUMAN FETAL TISSUE; SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.

Part G of title IV of the Public Health Service Act, as amended by section 111 of this Act, is amended by inserting after section 498A the following new section:

"PROHIBITIONS REGARDING HUMAN FETAL TISSUE

"Sec. 498B. (a) Purchase of Tissue.—It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.

"(b) Solicitation or Acceptance of Tissue as Directed Donation for Use in Transplantation.—It shall be unlawful for any person to solicit or knowingly acquire, receive, or accept a donation of human fetal tissue for the purpose of transplantation of such tissue into another person if the donation affects interstate commerce, the tissue will be or is obtained pursuant to an induced abortion, and—

"(1) the donation will be or is made pursuant to a promise to the donating individual that the donated tissue will be transplanted into a recipient specified by such individual;

"(2) the donated tissue will be transplanted into a relative of the donating individual; or

"(3) the person who solicits or knowingly acquires, receives, or accepts the donation has provided valuable consideration for the costs associated with such abortion.

"(c) CRIMINAL PENALTIES FOR VIOLATIONS.—

"(1) IN GENERAL.—Any person who violates subsection (a) or (b) shall be fined in accordance with title 18, United States Code, subject to paragraph (2), or imprisoned for not more than 10 years, or both.

"(2) PENALTIES APPLICABLE TO PERSONS RECEIVING CONSIDERATION.—With respect to the imposition of a fine under paragraph (1), if the person involved violates subsection (a) or (b)(3), a fine shall be imposed in an amount not less than twice the amount of the valuable consideration received.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'human fetal tissue' has the meaning given such term in section 498A(f).

"(2) The term 'interstate commerce' has the meaning given such term in section 201(b) of the Federal Food, Drug, and Cosmetic Act.

"(3) The term 'valuable consideration' does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.".

SEC. 113. NULLIFICATION OF MORATORIUM.

(a) IN GENERAL.—Except as provided in subsection (c), no official of the executive branch may impose a policy that the Department of Health and Human Services is prohibited from conducting or supporting any research on the transplantation of human fetal tissue for therapeutic purposes. Such research shall be carried out in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act), without regard to any such policy that may have been in effect prior to the date of the enactment of this Act.

(b) PROHIBITION AGAINST WITHHOLDING OF FUNDS IN CASES OF TECHNICAL AND SCIENTIFIC MERIT.—

(1) IN GENERAL.—In the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may not withhold funds for the research if—

(A) the research has been approved for purposes of section 492A(a) of the Public Health Service Act (as added by section 101 of this Act);

(B) the research will be carried out in accordance with section 498A of such Act (as added by section 111 of this Act); and

(C) there are reasonable assurances that the research will not utilize any human fetal tissue that has been obtained in violation of section 498B(a) of such Act (as added by section 112 of this Act).

(2) STANDING APPROVAL REGARDING ETHICAL STATUS.—In the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the issuance in December 1988 of the Report of the Human Fetal Tissue Transplantation Research Panel shall be deemed to be a report—

(A) issued by an ethics advisory board pursuant to section 492A(b)(4)(B)(ii) of the Public Health Service Act (as added by section 101 of this Act); and

(B) finding, on a basis that is neither arbitrary nor capricious, that there are no ethical grounds for withholding funds for the research.

(c) AUTHORITY FOR WITHHOLDING FUNDS FROM RESEARCH.—In the case of any research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may withhold funds for the research if any of the conditions specified in any of subparagraphs (A) through (C) of subsection (b)(1) are not met with respect to the research.

(d) DEFINITION.—For purposes of this section, the term "human fetal tissue" has the meaning given such term in section 498A(f) of the Public Health Service Act (as added by section 111 of this Act).

SEC. 114. REPORT BY GENERAL ACCOUNTING OFFICE ON ADEQUACY OF REQUIREMENTS.

(a) IN GENERAL.—With respect to research on the transplantation of human fetal tissue for therapeutic purposes, the Comptroller General of the United States shall conduct an audit for the purpose of determining—

(1) whether and to what extent such research conducted or supported by the Secretary of Health and Human Services has been conducted in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act); and

(2) whether and to what extent there have been violations of section 498B of such Act (as added by section 112 of this Act).

(b) REPORT.—Not later than May 19, 1995, the Comptroller General of the United States shall complete the audit required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made pursuant to the audit.

PART III—MISCELLANEOUS REPEALS

SEC. 121. REPEALS.

(a) CERTAIN BIOMEDICAL ETHICS BOARD.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by striking part J.

(b) OTHER REPEALS.—Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended—

(1) in section 498, by striking subsection (c); and

(2) by striking section 499; and

(3) by redesignating section 499A as section 499.

(c) NULLIFICATION OF CERTAIN REGULATION.—The provisions of section 204(d) of part 46 of title 45 of the Code of Federal Regulations (45 CFR 46.204(d)) shall not have any legal effect.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

SEC. 131. REQUIREMENT OF INCLUSION IN RESEARCH.

Part G of title IV of the Public Health Service Act, as amended by section 101 of this Act, is amended by inserting after section 492A the following new section:

"INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH

"SEC. 492B. (a) In conducting or supporting clinical research for purposes of this title, the Director of NIH shall, subject to subsection (b), ensure that—

"(1) women are included as subjects in each project of such research; and

"(2) members of minority groups are included as subjects in such research.

"(b) The requirement established in subsection (a) regarding women and members of minority groups shall not apply to a project of clinical research if the inclusion, as subjects in the project, of women and members of minority groups, respectively—

"(1) is inappropriate with respect to the health of the subjects;

"(2) is inappropriate with respect to the purpose of the research; or

"(3) is inappropriate under such other circumstances as the Director of NIH may designate.

"(c) In the case of any project of clinical research in which women or members of minority groups will under subsection (a) be included as subjects in the research, the Director of NIH shall ensure that the project is designed and carried out in a manner sufficient to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other subjects in the research.

"(d)(1) The Director of NIH, in consultation with the Director of the Office of Research on Women's Health, shall establish guidelines regarding—

"(A) the circumstances under which the inclusion of women and minorities in projects of clinical research is inappropriate for purposes of subsection (b);

"(B) the manner in which such projects are required to be designed and carried out for purposes of subsection (c), including a specification of the circumstances in which the requirement of such subsection does not apply on the basis of impracticability; and

"(C) the conduct of outreach programs for the recruitment of women and members of minority groups as subjects in such research.

"(2) With respect to the circumstances under which the inclusion of women or members of minority groups (as the case may be) as subjects in clinical research is inappropriate for purposes of subsection (b), the guidelines established under paragraph (1)(A)—

"(A) shall provide that the costs of such inclusion in a project of clinical research is not a permissible consideration in determining whether such inclusion is inappropriate unless the data of comparable quality regarding women or members of minority groups, respectively, that would be obtained in such project in the event that such inclusion were required will be obtained through other means; and

"(B) may provide that such inclusion in a project of clinical research is not required if there is substantial scientific data demonstrating that there is no significant difference between—

"(i) the effects that the variables to be studied in the project have on women or members of minority groups, respectively; and

"(ii) the effects that the variables have on the individuals who would serve as subjects in the project in the event that such inclusion were not required.

"(3) The guidelines required in paragraph (1) shall be established and published in the Federal Register not later than 120 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(4) For fiscal year 1994 and subsequent fiscal years, the Director of NIH may not approve any proposal of clinical research to be conducted or supported by any agency of the National Institutes of Health unless the proposal specifies the manner in which the research will comply with subsection (a).

"(e) The advisory council of each national research institute shall annually submit to the Director of NIH and the Director of the institute involved a report describing the manner in which the agency has complied with subsection (a).".

SEC. 132. PEER REVIEW.

Section 492 of the Public Health Service Act (42 U.S.C. 289a) is amended by adding at the end the following new subsection:

"(c)(1) In technical and scientific peer review under this section of proposals for clinical research, the consideration of any such proposal (including the initial consideration) shall, except as provided in paragraph (2), include an evaluation of the technical and scientific merit of the proposal regarding compliance with section 492B(a).

"(2) Paragraph (1) shall not apply to any proposal for clinical research that, pursuant to subsection (b) of section 492B, is not subject to the requirement of subsection (a) of such section regarding the inclusion of women and members of minority groups as subjects in clinical research.".

SEC. 133. APPLICABILITY TO CURRENT PROJECTS.

Section 492B of the Public Health Service Act, as added by section 131 of this Act, shall not apply with respect to projects of clinical research for which initial funding was provided prior to the date of the enactment of this Act. With respect to the inclusion of women and minorities as subjects in clinical research conducted or supported by the National Institutes of Health, any policies of the Secretary of Health and Human Services regarding such inclusion that are in effect on the day before the date of the enactment of this Act shall continue to apply to the projects referred to in the preceding sentence.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

SEC. 141. ESTABLISHMENT.

(a) IN GENERAL.—Title IV of the Public Health Service Act, as amended by section 2 of Public Law 101-613, is amended—

(1) by redesignating section 486 as section 485A;

(2) by redesignating parts F through H as parts G through I, respectively; and

(3) by inserting after part E the following new part:

"PART F—RESEARCH ON WOMEN'S HEALTH

"SEC. 486. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Women's Health (in this part referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on women's health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on women's health that should be so conducted or supported;

"(3) carry out paragraphs (1) and (2) with respect to the aging process in women, with priority given to menopause;

"(4) promote coordination and collaboration among entities conducting research identified under any of paragraphs (1) through (3);

"(5) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(6) recommend an agenda for conducting and supporting such research;

"(7) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research;

"(8) assist in the administration of section 492B with respect to the inclusion of women as subjects in clinical research; and

"(9) prepare the report required in section 486B.

"(c) COORDINATING COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Coordinating Committee').

"(2) The Coordinating Committee shall be composed of the Directors of the national research institutes (or the designees of the Directors).

"(3) The Director of the Office shall serve as the chair of the Coordinating Committee.

"(4) With respect to research on women's health, the Coordinating Committee shall assist the Director of the Office in—

"(A) identifying the need for such research, and making an estimate each fiscal year of the funds needed to adequately support the research;

"(B) identifying needs regarding the coordination of research activities, including intramural and extramural multidisciplinary activities;

"(C) supporting the development of methodologies to determine the circumstances in which obtaining data specific to women (including data relating to the age of women and the membership of women in ethnic or racial groups) is an appropriate function of clinical trials of treatments and therapies;

"(D) supporting the development and expansion of clinical trials of treatments and therapies for which obtaining such data has been determined to be an appropriate function; and

"(E) encouraging the national research institutes to conduct and support such research, including such clinical trials.

"(d) ADVISORY COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Advisory Committee').

"(2)(A) The Advisory Committee shall be composed of no fewer than 12, and not more than 18 individuals, who are not officers or employees of the Federal Government. The Director of the Office shall make appointments to the Advisory Committee from among physicians, practitioners, scientists, and other health professionals, whose clinical practice, research specialization, or professional expertise includes a significant focus on research on women's health. A majority of the members of the Advisory Committee shall be women.

"(B) Members of the Advisory Committee shall receive compensation for each day engaged in carrying out the duties of the Committee, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

"(3) The Director of the Office shall serve as the chair of the Advisory Committee.

"(4) The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on women's health;

"(ii) research on gender differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on gender differences in disease etiology, course, and treatment;

"(iv) research on obstetrical and gynecological health conditions, diseases, and treatments; and

"(v) research on women's health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on the development of the methodologies described in subsection (c)(4)(C) and recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of women in clinical research.

"(5)(A) The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on women's health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) The report required in subparagraph (A) shall be submitted to the Director of NIH for inclusion in the report required in section 403.

"(e) REPRESENTATION OF WOMEN AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel and in collaboration with the Director of the Office, shall determine the extent to which women are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(f) DEFINITIONS.—For purposes of this part:

"(1) The term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in women;

"(B) for which the factors of medical risk or types of medical intervention are different for women, or for which it is unknown whether such factors or types are different for women; or

"(C) with respect to which there has been insufficient clinical research involving women as subjects or insufficient clinical data on women.

"(2) The term 'research on women's health' means research on women's health conditions, including research on preventing such conditions.

"SEC. 486A. NATIONAL DATA SYSTEM AND CLEARINGHOUSE ON RESEARCH ON WOMEN'S HEALTH.

"(a) DATA SYSTEM.—

"(1) The Director of NIH, in consultation with the Director of the Office, shall establish a data system for the collection, storage, analysis, retrieval, and dissemination of information regarding research on women's health that is conducted or supported by the national research institutes. Information from the data system shall be available through information systems available to health care professionals and providers, researchers, and members of the public.

"(2) The data system established under paragraph (1) shall include a registry of clinical trials of experimental treatments that have been developed for research on women's health. Such registry shall include information on subject eligibility criteria, sex, age, ethnicity or race, and the location of the trial site or sites. Principal investigators of such clinical trials shall provide this information to the registry within 30 days after it is available. Once a trial has been completed, the principal investigator shall provide the registry with information pertaining to the results, including potential toxicities or adverse effects associated with the experimental treatment or treatments evaluated.

"(b) CLEARINGHOUSE.—The Director of NIH, in consultation with the Director of the Office and with the National Library of Medicine, shall establish, maintain, and operate a program to provide information on research and prevention activities of the national research institutes that relate to research on women's health.

"SEC. 486B. BIENNIAL REPORT.

"(a) IN GENERAL.—With respect to research on women's health, the Director of the Office shall, not later than February 1, 1994, and biennially thereafter, prepare a report—

"(1) describing and evaluating the progress made during the preceding 2 fiscal years in research and treatment conducted or supported by the National Institutes of Health;

"(2) describing and analyzing the professional status of women physicians and scientists of such Institutes, including the identification of problems and barriers regarding advancements;

"(3) summarizing and analyzing expenditures made by the agencies of such Institutes (and by such Office) during the preceding 2 fiscal years; and

"(4) making such recommendations for legislative and administrative initiatives as the Director of the Office determines to be appropriate.

"(b) INCLUSION IN BIENNIAL REPORT OF DIRECTOR OF NIH.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH for inclusion in the report submitted to the President and the Congress under section 403.".

(b) REQUIREMENT OF SUFFICIENT ALLOCATION OF RESOURCES OF INSTITUTES.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (10), by striking "and" after the semicolon at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (11) the following new paragraph:

"(12) after consultation with the Director of the Office of Research on Women's Health, shall ensure that resources of the National Institutes of Health are sufficiently allocated for projects of research on women's health that are identified under section 486(b).".

PART III—OFFICE OF RESEARCH ON MINORITY HEALTH

SEC. 151. ESTABLISHMENT.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following new section:

"OFFICE OF RESEARCH ON MINORITY HEALTH

"SEC. 403A. (a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Minority Health (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on minority health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on minority health that should be so conducted or supported;

"(3) promote coordination and collaboration among entities conducting research identified under paragraph (1) or (2);

"(4) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(5) recommend an agenda for conducting and supporting such research;

"(6) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research; and

"(7) assist in the administration of section 492B with respect to the inclusion of members of minority groups as subjects in clinical research.".

Subtitle C—Scientific Integrity

SEC. 161. ESTABLISHMENT OF OFFICE OF SCIENTIFIC INTEGRITY.

(a) IN GENERAL.—Section 493 of the Public Health Service Act (42 U.S.C. 289b) is amended to read as follows:

"OFFICE OF SCIENTIFIC INTEGRITY

"SEC. 493. (a) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall establish an office to be known as the Office of Scientific Integrity (hereafter referred to in this section as the 'Office'), which shall be established as an independent entity in the Department of Health and Human Services.

"(2) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary, be experienced and specially trained in the conduct of research, and have experience in the conduct of investigations of scientific misconduct. The Secretary shall carry out this section acting through the Director of the Office. The Director shall report to the Secretary.

"(b) EXISTENCE OF ADMINISTRATIVE PROCESSES AS CONDITION OF FUNDING FOR RESEARCH.—The Secretary shall by regulation require that each entity that applies for a grant, contract, or cooperative agreement under this Act for any project or program that involves the conduct of biomedical or behavioral research submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that such entity—

"(1) has established (in accordance with regulations which the Secretary shall prescribe) an administrative process to review reports of scientific misconduct in connection with biomedical and behavioral research conducted at or sponsored by such entity; and

"(2) will report to the Director any investigation of alleged scientific misconduct in connection with projects for which funds have been made available under this Act that appears substantial.

"(c) PROCESS FOR RESPONSE OF DIRECTOR.—The Secretary shall establish by regulation a process to be followed by the Director for the prompt and appropriate—

"(1) response to information provided to the Director respecting scientific misconduct in connection with projects for which funds have been made available under this Act;

"(2) receipt of reports by the Director of such information from recipients of funds under this Act;

"(3) conduct of investigations, when appropriate; and

"(4) taking of other actions, including appropriate remedies, with respect to such misconduct.

"(d) MONITORING BY DIRECTOR.—The Secretary shall by regulation establish procedures for the Director to monitor administrative processes and investigations that have been established or carried out under this section.

"(e) EFFECT ON PRESENT INVESTIGATIONS.—Nothing in this section shall affect investigations which have been or will be commenced prior to the promulgation of final regulations under this section.".

(b) ESTABLISHMENT OF DEFINITION OF SCIENTIFIC MISCONDUCT.—Not later than 90 days after the date on which the report required under section 152(d) is submitted to the Secretary of Health and Human Services, such Secretary shall by regulation establish a definition for the term "scientific misconduct" for purposes of section 493 of the Public Health Service Act, as amended by subsection (a) of this section.

SEC. 162. COMMISSION ON SCIENTIFIC INTEGRITY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a commission to be known as the Commission on Scientific Integrity (in this section referred to as the "Commission").

(b) DUTIES.—The Commission shall develop recommendations for the Secretary of Health and Human Services on the administration of section 493 of the Public Health Service Act (as amended and added by section 161 of this Act).

(c) COMPOSITION.—The Commission shall be composed of 12 members to be appointed by the Secretary of Health and Human Services from among individuals who are not officers or employees of the United States. Of the members appointed to the Commission—

(1) three shall be scientists with substantial accomplishments in biomedical or behavioral research;

(2) three shall be individuals with experience in investigating allegations of misconduct with respect to scientific research;

(3) three shall be representatives of institutions of higher education at which biomedical or behavioral research is conducted; and

(4) three shall be individuals who are not described in paragraphs (1), (2), or (3), at least one of whom shall be an attorney and at least one of whom shall be an ethicist.

(d) COMPENSATION.—Members of the Commission shall receive compensation for each day engaged in carrying out the duties of the Commission, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS–18 of the General Schedule.

(e) REPORT.—Not later than 120 days after the date of enactment of this section, the Commission shall prepare and submit to the Secretary of Health and Human Services, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report containing the recommendations developed under subsection (b).

SEC. 163. PROTECTION OF WHISTLEBLOWERS.

Section 493 of the Public Health Service Act, as amended by section 161 of this Act, is amended by adding at the end the following new subsection:

"(f) PROTECTION OF WHISTLEBLOWERS.—

"(1) IN GENERAL.—In the case of any entity required to establish administrative processes under subsection (b), the Secretary shall by regulation establish standards for preventing, and for responding to the occurrence of retaliation by such entity, its officials or agents, against an employee in the terms and conditions of employment in response to the employee having in good faith—

"(A) made an allegation that the entity, its officials or agents, has engaged in or failed to adequately respond to an allegation of scientific misconduct; or

"(B) cooperated with an investigation of such an allegation.

"(2) MONITORING BY SECRETARY.—The Secretary shall establish by regulation procedures for the Director to monitor the implementation of the standards established by an entity under paragraph (1) for the purpose of determining whether the procedures have been established, and are being utilized, in accordance with the standards established under such paragraph.

"(3) NONCOMPLIANCE.—The Secretary shall by regulation establish remedies for noncompliance by an entity, its officials or agents, which has engaged in retaliation in violation of the standards established under paragraph (1). Such remedies may include termination of funding provided by the Secretary for such project or recovery of funding being provided by the Secretary for such project, or other actions as appropriate.

"(4) FINAL RULE FOR REGULATIONS.—The Secretary shall issue a final rule for the regulations required in paragraph (1) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(5) REQUIRED AGREEMENTS.—For any fiscal year beginning after the date on which the regulations required in paragraph (1) are issued, the Secretary may not provide a grant, cooperative agreement, or contract under this Act for biomedical or behavioral research unless the entity seeking such financial assistance agrees that the entity—

"(A) will maintain the procedures described in the regulations; and

"(B) will otherwise be subject to the regulations.".

SEC. 164. REQUIREMENT OF REGULATIONS REGARDING PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH.

Part H of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 493 the following new section:

"PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH

"SEC. 493A. (a) ISSUANCE OF REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall define by regulation, the specific circumstances that constitute the existence of a financial interest in a project on the part of an entity or individual that will, or may be reasonably expected to, create a bias in favor of obtaining results in such project that are consistent with such financial interest. Such definition shall apply uniformly to each entity or individual conducting a research project under this Act. In the case of any entity or individual receiving assistance from the Secretary for a project of research described in paragraph (2), the Secretary shall by regulation establish standards for responding to, including managing, reducing, or eliminating, the existence of such a financial interest. The entity may adopt individualized procedures for implementing the standards.

"(2) RELEVANT PROJECTS.—A project of research referred to in paragraph (1) is a project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment and for which such entity is receiving assistance from the Secretary.

"(3) IDENTIFYING AND REPORTING TO THE DIRECTOR.—The Secretary shall ensure that the standards established under paragraph (1) specify that as a condition of receiving assistance from the Secretary for the project involved, an entity described in such subsection is required—

"(A) to have in effect at the time the entity applies for the assistance and throughout the period during which the assistance is received, a process for identifying such financial interests as defined in paragraph (1) that exist regarding the project; and

"(B) to report to the Director such financial interest as defined in paragraph (1) identified by the entity and how any such financial interest identified by the entity will be managed or eliminated such that the project in question will be protected from bias that may stem from such financial interest.

"(4) MONITORING OF PROCESS.—The Secretary shall monitor the establishment and conduct of the process established by an entity pursuant to paragraph (1).

"(5) RESPONSE.—In any case in which the Secretary determines that an entity has failed to comply with paragraph (3) regarding a project of research described in paragraph (1), the Secretary—

"(A) shall require that, as a condition of receiving assistance, the entity disclose the existence of a financial interest as defined in paragraph (1) in each public presentation of the results of such project; and

"(B) may take such other actions as the Secretary determines to be appropriate.

"(6) DEFINITION.—As used in this section:

"(A) The term 'financial interest' includes the receipt of consulting fees or honoraria and the ownership of stock or equity.

"(B) The term 'assistance', with respect to conducting a project of research, means a grant, contract, or cooperative agreement.

"(b) FINAL RULE FOR REGULATIONS.—The Secretary shall issue a final rule for the regulations required in subsection (a) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.".

SEC. 165. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by this subtitle shall become effective on the date that occurs 180 days after the date on which the final rule required under section 493(f)(4) of the Public Health Service Act, as amended by sections 161 and 163, is published in the Federal Register.

(b) AGREEMENTS AS A CONDITION OF FUNDING.—The requirements of subsection (f)(5) of section 493 of the Public Health Service Act, as amended by sections 161 and 163, with respect to agreements as a condition of funding shall not be effective in the case of projects of research for which initial funding under the Public Health Service Act was provided prior to the effective date described in subsection (a).

TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

SEC. 201. HEALTH PROMOTION RESEARCH DISSEMINATION.

Section 402(f) of the Public Health Service Act (42 U.S.C. 282(f)) is amended by striking "other public and private entities." and all that follows through the end and inserting "other public and private entities, including elementary, secondary, and post-secondary schools. The Associate Director shall—

"(1) annually review the efficacy of existing policies and techniques used by the national research institutes to disseminate the results of disease prevention and behavioral research programs;

"(2) recommend, coordinate, and oversee the modification or reconstruction of such policies and techniques to ensure maximum dissemination, using advanced technologies to the maximum extent practicable, of research results to such entities; and

"(3) annually prepare and submit to the Director of NIH a report concerning the prevention and dissemination activities undertaken by the Associate Director, including—

"(A) a summary of the Associate Director's review of existing dissemination policies and techniques together with a detailed statement concerning any modification or restructuring, or recommendations for modification or restructuring, of such policies and techniques; and

"(B) a detailed statement of the expenditures made for the prevention and dissemination activities reported on and the personnel used in connection with such activities.".

SEC. 202. PROGRAMS FOR INCREASED SUPPORT REGARDING CERTAIN STATES AND RESEARCHERS.

Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by adding at the end the following new subsection:

"(g)(1)(A) In the case of entities described in subparagraph (B), the Director of NIH, acting through the Director of the National Center for Research Resources, shall establish a program to enhance the competitiveness of such entities in obtaining funds from the national research institutes for conducting biomedical and behavioral research.

"(B) The entities referred to in subparagraph (A) are entities that conduct biomedical and behavioral research and are located in a State in which the aggregate success rate for applications to the national research institutes for assistance for such research by the entities in the State has historically constituted a low success rate of obtaining such funds, relative to such aggregate rate for such entities in other States.

"(C) With respect to enhancing competitiveness for purposes of subparagraph (A), the Director of NIH, in carrying out the program established under such subparagraph, may—

"(i) provide technical assistance to the entities involved, including technical assistance in the preparation of applications for obtaining funds from the national research institutes;

"(ii) assist the entities in developing a plan for biomedical or behavioral research proposals; and

"(iii) assist the entities in implementing such plan.

"(2) The Director of NIH shall establish a program of supporting projects of biomedical or behavioral research whose principal researchers are individuals who have not previously served as the principal researchers of such projects supported by the Director.".

SEC. 203. CHILDREN'S VACCINE INITIATIVE.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following new section:

"CHILDREN'S VACCINE INITIATIVE

"SEC. 404. (a) DEVELOPMENT OF NEW VACCINES.—The Secretary, in consulation with the Director of the National Vaccine Program under title XXI and acting through the Directors of the National Institute for Allergy and Infectious Diseases, the National Institute for Child Health and Human Development, the National Institute for Aging, and other public and private programs, shall carry out activities, which shall be consistent with the global Children's Vaccine Initiative, to develop affordable new and improved vaccines to be used in the United States and in the developing world that will increase the efficacy and efficiency of the prevention of infectious diseases. In carrying out such activities, the Secretary shall, to the extent practicable, develop and make available vaccines that require fewer contacts to deliver, that can be given early in life, that provide long lasting protection, that obviate refrigeration, needles and syringes, and that protect against a larger number of diseases.

"(b) REPORT.—In the report required in section 2104, the Secretary, acting through the Director of the National Vaccine Program under title XXI, shall include information with respect to activities and the progress made in implementing the provisions of this section and achieving its goals.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated for activities of the type described in this section, there are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 204. PLAN FOR USE OF ANIMALS IN RESEARCH.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act, as amended by section 203 of this Act, is amended by adding at the end the following new section:

"PLAN FOR USE OF ANIMALS IN RESEARCH

"SEC. 404A. (a) The Director of NIH, after consultation with the committee established under subsection (e), shall prepare a plan—

"(1) for the National Institutes of Health to conduct or support research into—

"(A) methods of biomedical research and experimentation that do not require the use of animals;

"(B) methods of such research and experimentation that reduce the number of animals used in such research; and

"(C) methods of such research and experimentation that produce less pain and distress in such animals;

"(2) for establishing the validity and reliability of the methods described in paragraph (1);

"(3) for encouraging the acceptance by the scientific community of such methods that have been found to be valid and reliable; and

"(4) for training scientists in the use of such methods that have been found to be valid and reliable.

"(b) Not later than October 1, 1993, the Director of NIH shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, the plan required in subsection (a) and shall begin implementation of the plan.

"(c) The Director of NIH shall periodically review, and as appropriate, make revisions in the plan required under subsection (a). A description of any revision made in the plan shall be included in the first biennial report under section 403 that is submitted after the revision is made.

"(d) The Director of NIH shall take such actions as may be appropriate to convey to scientists and others who use animals in biomedical or behavioral research or experimentation information respecting the methods found to be valid and reliable under subsection (a)(2).

"(e)(1) The Director of NIH shall establish within the National Institutes of Health a committee to be known as the Interagency Coordinating Committee on the Use of Animals in Research (hereafter in this subsection referred to as the 'Committee').

"(2) The Committee shall provide advice to the Director of NIH on the preparation of the plan required in subsection (a).

"(3) The Committee shall be composed of—

"(A) the Directors of each of the national research institutes and the Director of the Center for Research Resources (or the designees of such Directors); and

"(B) representatives of the Environmental Protection Agency, the Food and Drug Administration, the Consumer Product Safety Commission, the National Science Foundation, and such additional agencies as the Director of NIH determines to be appropriate.".

(b) CONFORMING AMENDMENT.—Section 4 of the Health Research Extension Act of 1985 (Public Law 99-158; 99 Stat. 880) is repealed.

SEC. 205. INCREASED PARTICIPATION OF WOMEN AND MEMBERS OF UNDERREPRESENTED MINORITIES IN FIELDS OF BIOMEDICAL AND BEHAVIORAL RESEARCH.

Section 402 of the Public Health Service Act, as amended by section 202 of this Act, is amended by adding at the end the following new subsection:

"(h) The Secretary, acting through the Director of NIH and the Directors of the agencies of the National Institutes of Health, may conduct and support programs for research, research training, recruitment, and other activities to provide for an increase in the number of women and members of underrepresented minority groups in the fields of biomedical and behavioral research.".

SEC. 206. REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR.

Part A of title IV of the Public Health Service Act, as amended by section 204 of this Act, is amended by adding at the end the following new section:

"REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR

"SEC. 404B. With respect to any survey of human sexual behavior proposed to be conducted or supported through the National Institutes of Health, the survey may not be carried out unless—

"(1) the proposal has undergone review in accordance with any applicable requirements of sections 491 and 492; and

"(2) the Secretary, in accordance with section 492A, makes a determination that the information expected to be obtained through the survey will assist—

"(A) in reducing the incidence of sexually transmitted diseases, the incidence of infection with the human immunodeficiency virus, or the incidence of any other infectious disease; or

"(B) in improving reproductive health or other conditions of health.".

SEC. 207. DISCRETIONARY FUND OF DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.

Section 402 of the Public Health Service Act, as amended by section 205 of this Act, is amended by adding at the end the following new subsection:

"(i)(1) There is established a fund, consisting of amounts appropriated under paragraph (3) and made available for the fund, for use by the Director of NIH to carry out the activities authorized in this Act for the National Institutes of Health. The purposes for which such fund may be expended include—

"(A) providing for research on matters that have not received significant funding relative to other matters, responding to new issues and scientific emergencies, and acting on research opportunities of high priority;

"(B) supporting research that is not exclusively within the authority of any single agency of such Institutes; and

"(C) purchasing or renting equipment and quarters for activities of such Institutes.

"(2) Not later than February 10 of each fiscal year, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities undertaken and expenditures made under this section during the preceding fiscal year. The report may contain such comments of the Secretary regarding this section as the Secretary determines to be appropriate.

"(3) For the purpose of carrying out this subsection, there are authorized to be appropriated $25,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 208. MISCELLANEOUS PROVISIONS.

(a) TERM OF OFFICE FOR MEMBERS OF ADVISORY COUNCILS.—Section 406(c) of the Public Health Service Act (42 U.S.C. 284a(c)) is amended in the second sentence by striking "until a successor has been appointed" and inserting the following: "for 180 days after the date of such expiration".

(b) LITERACY REQUIREMENTS.—Section 402(e) of the Public Health Service Act (42 U.S.C. 282(e)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(5) ensure that, after January 1, 1994, at least one-half of all new or revised health education and promotion materials developed or funded by the National Institutes of Health is in a form that does not exceed a level of functional literacy, as defined in the National Literacy Act of 1991 (Public Law 102-73).".

(c) DAY CARE REGARDING CHILDREN OF EMPLOYEES.—Section 402 of the Public Health Service Act, as amended by section 207 of this Act, is amended by adding at the end the following new subsection:

"(i)(1) The Director of NIH may establish a program to provide day care service for the employees of the National Institutes of Health similar to those services provided by other Federal agencies (including the availability of day care service on a 24-hour-a-day basis).

"(2) Any day care provider at the National Institutes of Health shall establish a sliding scale of fees that takes into consideration the income and needs of the employee.

"(3) For purposes regarding the provision of day care service, the Director of NIH may enter into rental or lease purchase agreements.".

TITLE III—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

SEC. 301. APPOINTMENT AND AUTHORITY OF DIRECTORS OF NATIONAL RESEARCH INSTITUTES.

(a) ESTABLISHMENT OF GENERAL AUTHORITY REGARDING DIRECT FUNDING.—

(1) IN GENERAL.—Section 405(b)(2) of the Public Health Service Act (42 U.S.C. 284(b)(2)) is amended—

(A) in subparagraph (A), by striking "and" after the semicolon at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) shall receive from the President and the Office of Management and Budget directly all funds appropriated by the Congress for obligation and expenditure by the Institute.".

(2) Conforming Amendment.—Section 413(b)(9) of the Public Health Service Act (42 U.S.C. 285a–2(b)(9)) is amended—

(A) by striking "(A)" after "(9)"; and

(B) by striking "advisory council;" and all that follows and inserting "advisory council.".

(b) Appointment and Duration of Technical and Scientific Peer Review Groups.—Section 405(c) of the Public Health Service Act (42 U.S.C. 284(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) may, in consultation with the advisory council for the Institute and with the approval of the Director of NIH—

"(A) establish technical and scientific peer review groups in addition to those appointed under section 402(b)(6); and

"(B) appoint the members of peer review groups established under subparagraph (A); and"; and

(2) by adding after and below paragraph (4) the following:

"The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under paragraph (3).".

SEC. 302. PROGRAM OF RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 121(b) of Public Law 102-321 (106 Stat. 358), is amended by adding at the end the following new section:

"RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS

"Sec. 410. (a) Establishment.—The Directors of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, and the National Institute of Diabetes, Digestive and Kidney Diseases, shall expand and intensify the programs of such Institutes with respect to research and related activities concerning osteoporosis, Paget's disease, and related bone disorders.

"(b) Coordination.—The Directors referred to in subsection (a) shall jointly coordinate the programs referred to in such subsection and consult with the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the Interagency Task Force on Aging Research.

"(c) Information Clearinghouse.—

"(1) In general.—In order to assist in carrying out the purpose described in subsection (a), the Director of NIH shall provide for the establishment of an information clearinghouse on osteoporosis and related bone disorders to facilitate and enhance knowledge and understanding on the part of health professionals, patients, and the public through the effective dissemination of information.

"(2) Establishment through grant or contract.—For the purpose of carrying out paragraph (1), the Director of NIH shall enter into a grant, cooperative agreement, or contract with a nonprofit private entity involved in activities regarding the prevention and control of osteoporosis and related bone disorders.

"(d) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 303. ESTABLISHMENT OF INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.

(a) In General.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended by adding at the end the following part:

"Part E—Interagency Program for Trauma Research

"SEC. 1251. ESTABLISHMENT OF PROGRAM.

"(a) In General.—The Secretary, acting through the Director of the National Institutes of Health (hereafter in this section referred to as the 'Director'), shall establish a comprehensive program of conducting basic and clinical research on trauma (hereafter in this section referred to as the 'Program'). The Program shall include research regarding the diagnosis, treatment, rehabilitation, and general management of trauma.

"(b) Plan for Program.—

"(1) In general.—The Director, in consultation with the Trauma Research Interagency Coordinating Committee established under subsection (g), shall establish and implement a plan for carrying out the activities of the Program, including the activities described in subsection (d). All such activities shall be carried out in accordance with the plan. The plan shall be periodically reviewed, and revised as appropriate.

"(2) Submission to congress.—Not later than June 1, 1993, the Director shall submit the plan required in paragraph (1) to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, together with an estimate of the funds needed for each of the fiscal years 1994 through 1996 to implement the plan.

"(c) Participating Agencies; Coordination and Collaboration.—The Director—

"(1) shall provide for the conduct of activities under the Program by the Directors of the agencies of the National Institutes of Health involved in research with respect to trauma;

"(2) shall ensure that the activities of the Program are coordinated among such agencies; and

"(3) shall, as appropriate, provide for collaboration among such agencies in carrying out such activities.

"(d) Certain Activities of Program.—The Program shall include—

"(1) studies with respect to all phases of trauma care, including prehospital, resuscitation, surgical intervention, critical care, infection control, wound healing, nutritional care and support, and medical rehabilitation care;

"(2) basic and clinical research regarding the response of the body to trauma and the acute treatment and medical rehabilitation of individuals who are the victims of trauma; and

"(3) basic and clinical research regarding trauma care for pediatric and geriatric patients.

"(e) Mechanisms of Support.—In carrying out the Program, the Director, acting through the Directors of the agencies referred to in subsection (c)(1), may make grants to public and nonprofit entities, including designated trauma centers.

"(f) Resources.—The Director shall assure the availability of appropriate resources to carry out the Program, including the plan established under subsection (b) (including the activities described in subsection (d)).

"(g) Coordinating Committee.—

"(1) In general.—There shall be established a Trauma Research Interagency Coordinating Committee (hereafter in this section referred to as the 'Coordinating Committee').

"(2) Duties.—The Coordinating Committee shall make recommendations regarding—

"(A) the activities of the Program to be carried out by each of the agencies represented on the Committee and the amount of funds needed by each of the agencies for such activities; and

"(B) effective collaboration among the agencies in carrying out the activities.

"(3) Composition.—The Coordinating Committee shall be composed of the Directors of each of the agencies that, under subsection (c), have responsibilities under the Program, and any other individuals who are practitioners in the trauma field as designated by the Director of the National Institutes of Health.

"(h) Definitions.—For purposes of this section:

"(1) The term 'designated trauma center' has the meaning given such term in section 1231(1).

"(2) The term 'Director' means the Director of the National Institutes of Health.

"(3) The term 'trauma' means any serious injury that could result in loss of life or in significant disability and that would meet pre-hospital triage criteria for transport to a designated trauma center.".

(b) Conforming Amendment.—Section 402 of the Public Health Service Act, as amended by section 208(c) of this Act, is amended by adding at the end the following new subsection:

"(k) The Director of NIH shall carry out the program established in part E of title XII (relating to interagency research on trauma).".

TITLE IV—NATIONAL CANCER INSTITUTE

SEC. 401. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING BREAST CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

"BREAST AND GYNECOLOGICAL CANCERS

"Sec. 417. (a) Expansion and Coordination of Activities.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on breast cancer, ovarian cancer, and other cancers of the reproductive system of women.

"(b) Coordination With Other Institutes.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to breast cancer and other cancers of the reproductive system of women.

"(c) Programs for Breast Cancer.—

"(1) In general.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, breast cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of breast cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of breast cancer;

"(C) control programs with respect to breast cancer in accordance with section 412;

"(D) information and education programs with respect to breast cancer in accordance with section 413; and

"(E) research and demonstration centers with respect to breast cancer in accordance with section 414, including the development and operation of centers for breast cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on breast cancer.

Not less than six centers shall be operated under subparagraph (E). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than May 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(d) OTHER CANCERS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research on ovarian cancer and other cancers of the reproductive system of women. Activities under such subsection shall provide for the conduct and support of—

"(1) basic research concerning the etiology and causes of ovarian cancer and other cancers of the reproductive system of women;

"(2) clinical research and related activities into the causes, prevention, detection and treatment of ovarian cancer and other cancers of the reproductive system of women;

"(3) control programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 412;

"(4) information and education programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 413; and

"(5) research and demonstration centers with respect to ovarian cancer and cancers of the reproductive system in accordance with section 414.

"(e) REPORT.—The Director of the Institute shall prepare, for inclusion in the biennial report submitted under section 407, a report that describes the activities of the National Cancer Institute under the research programs referred to in subsection (a), that shall include—

"(1) a description of the research plan with respect to breast cancer prepared under subsection (c);

"(2) an assessment of the development, revision, and implementation of such plan;

"(3) a description and evaluation of the progress made, during the period for which such report is prepared, in the research programs on breast cancer and cancers of the reproductive system of women;

"(4) a summary and analysis of expenditures made, during the period for which such report is made, for activities with respect to breast cancer and cancers of the reproductive system of women conducted and supported by the National Institutes of Health; and

"(5) such comments and recommendations as the Director considers appropriate.".

SEC. 402. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING PROSTATE CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 401 of this Act, is amended by adding at the end the following new section:

"PROSTATE CANCER

"SEC. 417A. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on prostate cancer.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to prostate cancer.

"(c) PROGRAMS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, prostate cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of prostate cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of prostate cancer;

"(C) prevention and control and early detection programs with respect to prostate cancer in accordance with section 412, particularly as it relates to intensifying research on the role of prostate specific antigen for the screening and early detection of prostate cancer;

"(D) an Inter-Institute Task Force, under the direction of the Director of the Institute, to provide coordination between relevant National Institutes of Health components of research efforts on prostate cancer;

"(E) control programs with respect to prostate cancer in accordance with section 412;

"(F) information and education programs with respect to prostate cancer in accordance with section 413; and

"(G) research and demonstration centers with respect to prostate cancer in accordance with section 414, including the development and operation of centers for prostate cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on prostate cancer.

Not less than six centers shall be operated under subparagraph (G). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than May 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 402 of this Act, is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 417B. (a) ACTIVITIES GENERALLY.—For the purpose of carrying out this subpart, there are authorized to be appropriated $2,200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) BREAST CANCER AND GYNECOLOGICAL CANCERS.—

"(1) BREAST CANCER.—

"(A) For the purpose of carrying out subparagraph (A) of section 417(c)(1), there are authorized to be appropriated $225,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(B) For the purpose of carrying out subparagraphs (B) through (E) of section 417(c)(1), there are authorized to be appropriated $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(2) OTHER CANCERS.—For the purpose of carrying out subsection (d) of section 417, there are authorized to be appropriated $75,000,000 for fiscal year 1994, and such sums as are necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(c) PROSTATE CANCER.—For the purpose of carrying out section 417A, there are authorized to be appropriated $72,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(d) ALLOCATION REGARDING CANCER CONTROL.—Of the amounts appropriated for the

National Cancer Institute for a fiscal year, the Director of the Institute shall make available not less than 10 percent for carrying out the cancer control activities authorized in section 412 and for which budget estimates are made under section 413(b)(9) for the fiscal year.".

(b) SPECIAL RULE REGARDING FUNDS FOR SECTION 412 FOR FISCAL YEAR 1994.—Notwithstanding section 417B(d) of the Public Health Service Act, as added by subsection (a) of this section, the amount made available under such section for fiscal year 1994 for carrying out section 412 of such Act shall be an amount not less than an amount equal to 75 percent of the amount specified for activities under such section 412 in the budget estimate made under section 413(b)(9) of such Act for such fiscal year.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 408 of the Public Health Service Act (42 U.S.C. 284c) is amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a);

(C) by redesignating paragraph (5) of subsection (a) (as so redesignated) as subsection (b); and

(D) by amending the heading for the section to read as follows:

"CERTAIN USES OF FUNDS".

(2) CROSS-REFERENCE.—Section 464F of the Public Health Service Act (42 U.S.C. 285m-6) is amended by striking "section 408(b)(1)" and inserting "section 408(a)(1)".

TITLE V—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

SEC. 501. EDUCATION AND TRAINING.

Section 421(b) of the Public Health Service Act (42 U.S.C. 285b-3(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) shall, in consultation with the advisory council for the Institute, conduct appropriate intramural training and education programs, including continuing education and laboratory and clinical research training programs.".

SEC. 502. CENTERS FOR THE STUDY OF PEDIATRIC CARDIOVASCULAR DISEASES.

Section 422(a)(1) of the Public Health Service Act (42 U.S.C. 285b-4(a)(1)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) three centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment (including genetic studies, intrauterine environment studies, postnatal studies, heart arrhythmias, and acquired heart disease and preventive cardiology) for cardiovascular diseases in children.".

SEC. 503. NATIONAL CENTER ON SLEEP DISORDERS.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following new section:

"NATIONAL CENTER ON SLEEP DISORDERS

"SEC. 424. (a) Not later than 1 year after the date of the enactment of the National Institutes of Health Revitalization Act of 1993, the Director of the Institute shall establish the National Center on Sleep Disorders (in this section referred to as the 'Center'). The Center shall headed by a director, who shall be appointed by the Director of the Institute.

"(b) The general purpose of the Center is the conduct and support of research, training, health information dissemination, and other activities with respect to sleep disorders.".

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

Subpart 2 of part C of title IV of the Public Health Service Act, as amended by section 503 of this Act, is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 425. (a) For the purpose of carrying out this subpart, there are authorized to be appropriated $1,500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) Of the amounts appropriated under paragraph (1) for a fiscal year, the Director of the Institute shall make available not less than 10 percent for carrying out community-based prevention and control activities that include clinical investigations, clinical trials, epidemiologic studies, and prevention demonstration and education projects.".

TITLE VI—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

SEC. 601. PROVISIONS REGARDING NUTRITIONAL DISORDERS.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by adding at the end the following new section:

"NUTRITIONAL DISORDERS PROGRAM

"SEC. 434. (a) The Director of the Institute shall establish a program of conducting and supporting research, training, health information dissemination, and other activities with respect to nutritional disorders, including obesity.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall conduct and support each of the activities described in such subsection. The Director of NIH shall ensure that, as appropriate, the other national research institutes and agencies of the National Institutes of Health have responsibilities regarding such activities.

"(c) In carrying out the program established under subsection (a), the Director of the Institute shall carry out activities to facilitate and enhance knowledge and understanding of nutritional disorders, including obesity, on the part of health professionals, patients, and the public through the effective dissemination of information."

(b) DEVELOPMENT AND EXPANSION OF RESEARCH AND TRAINING CENTERS.—Section 431 of the Public Health Service Act (42 U.S.C. 285c-5) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) The Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the development or substantial expansion of centers for research and training regarding nutritional disorders, including obesity.

"(2) The Director of the Institute shall carry out paragraph (1) in collaboration with the Director of the National Cancer Institute and with the Directors of such other agencies of the National Institutes of Health as the Director of NIH determines to be appropriate.

"(3) Each center developed or expanded under paragraph (1) shall—

"(A) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Director;

"(B) conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control and treatment of nutritional disorders, including obesity and the impact of nutrition and diet on child development;

"(C) conduct training programs for physicians and allied health professionals in current methods of diagnosis and treatment of such diseases and complications, and in research in such disorders; and

"(D) conduct information programs for physicians and allied health professionals who provide primary care for patients with such disorders or complications.".

TITLE VII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

SEC. 701. JUVENILE ARTHRITIS.

(a) PURPOSE.—Section 435 of the Public Health Service Act (42 U.S.C. 285d) is amended by striking "and other programs" and all that follows and inserting the following: "and other programs with respect to arthritis and musculoskeletal and skin diseases (including sports-related disorders), with particular attention to the effect of these diseases on children.".

(b) PROGRAMS.—Section 436 (42 U.S.C. 285d-1) is amended—

(1) in subsection (a), by inserting after the second sentence, the following: "The plan shall place particular emphasis upon expanding research into better understanding the causes and the development of effective treatments for arthritis affecting children."; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(5) research into the causes of arthritis affecting children and the development, trial, and evaluation of techniques, drugs and devices used in the diagnosis, treatment (including medical rehabilitation), and prevention of arthritis in children.".

(c) CENTERS.—Section 441 of the Public Health Service Act (42 U.S.C. 286d-6) is amended by adding at the end thereof the following new subsection:

"(f) Not later than October 1, 1994, the Director shall establish a multipurpose arthritis and musculoskeletal disease center for the purpose of expanding the level of research into the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

(d) ADVISORY BOARD.—

(1) TITLE.—Section 442(a) of the Public Health Service Act (42 U.S.C. 285d-7(a)) is amended by inserting after "Arthritis" the the first place such term appears the following: "and Musculoskeletal and Skin Diseases".

(2) COMPOSITION.—Section 442(b) of the Public Health Service Act (42 U.S.C. 285d-7(b)) is amended—Section 442(b) of the Public Health Service Act (42 U.S.C. 285d-7(b)) is amended—

(A) in the matter preceding paragraph (1), by striking "eighteen" and inserting "twenty"; and

(B) in paragraph (1)(B)—

(i) by striking "six" and inserting "eight"; and

(ii) by striking "including" and all that follows and inserting the following: "including one member who is a person who has such a disease, one person who is the parent of an adult with such a disease, and two members who are parents of children with arthritis.".

(3) ANNUAL REPORT.—Section 442(j) of the Public Health Service Act (42 U.S.C. 285d-7(j)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(5) contains recommendations for expanding the Institute's funding of research directly applicable to the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

TITLE VIII—NATIONAL INSTITUTE ON AGING

SEC. 801. ALZHEIMER'S DISEASE REGISTRY.

(a) IN GENERAL.—Section 12 of Public Law 99–158 (99 Stat. 885) is—

(1) transferred to subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.);

(2) redesignated as section 445G; and

(3) inserted after section 445F of such Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 445G of the Public Health Service Act, as transferred and inserted by subsection (a) of this section, is amended—

(1) by striking the section heading and all that follows through "may make a grant" in subsection (a) and inserting the following:

"ALZHEIMER'S DISEASE REGISTRY

"SEC. 445G. (a) IN GENERAL.—The Director of the Institute may make a grant"; and

(2) by striking subsection (c).

SEC. 802. AGING PROCESSES REGARDING WOMEN.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 801 of this Act, is amended by adding at the end the following new section:

"AGING PROCESSES REGARDING WOMEN

"SEC. 445H. The Director of the Institute, in addition to other special functions specified in section 444 and in cooperation with the Directors of the other national research institutes and agencies of the National Institutes of Health, shall conduct research into the aging processes of women, with particular emphasis given to the effects of menopause and the physiological and behavioral changes occurring during the transition from pre- to post-menopause, and into the diagnosis, disorders, and complications related to aging and loss of ovarian hormones in women.".

SEC. 803. AUTHORIZATION OF APPROPRIATIONS.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 802 of this Act, is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 445I. For the purpose of carrying out this subpart, there are authorized to be appropriated $500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 804. CONFORMING AMENDMENT.

Section 445C of the Public Health Service Act (42 U.S.C. 285e–5(b)) is amended—

(1) in subsection (b)(1), in the first sentence, by inserting after "Council" the following: "on Alzheimer's Disease (hereafter in this section referred to as the 'Council')"; and

(2) by adding at the end the following new subsection:

"(d) For purposes of this section, the term 'Council on Alzheimer's Disease' means the council established in section 911(a) of Public Law 99–660.".

TITLE IX—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

SEC. 901. TROPICAL DISEASES.

Section 446 of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting before the period the following: ", including tropical diseases".

SEC. 902. CHRONIC FATIGUE SYNDROME.

(a) RESEARCH CENTERS.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f) is amended by adding at the end the following new section:

"RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME

"SEC. 447. (a) The Director of the Institute, after consultation with the advisory council for the Institute, may make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct basic and clinical research on chronic fatigue syndrome.

"(b) Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.".

(b) EXTRAMURAL STUDY SECTION.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall establish an extramural study section for chronic fatigue syndrome research.

(c) REPRESENTATIVES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall ensure that appropriate individuals with expertise in chronic fatigue syndrome or neuromuscular diseases and representative of a variety of disciplines and fields within the research community are appointed to appropriate National Institutes of Health advisory committees and boards.

TITLE X—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

SEC. 1001. GRANTS AND CONTRACTS FOR RESEARCH CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 3 of Public Law 101–613, is amended by adding at the end the following new section:

"RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 452A. (a) The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of improving methods of diagnosis and treatment of infertility.

"(b) In carrying out subsection (a), the Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of three centers with respect to contraception and for two centers with respect to infertility.

"(c)(1) Each center assisted under this section shall, in carrying out the purpose of the center involved—

"(A) conduct clinical and other applied research, including—

"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and females (including barrier methods); and

"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in males and females;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals and the public.

"(2) A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.

"(d) The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.

"(e) Each center assisted under subsection (a) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(f) Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(g) For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 1002. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 487A the following section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 487B. (a) The Secretary, in consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program of entering into agreements with qualified health professionals (including graduate students) under which such health professionals agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(b) The provisions of sections 338B, 338C, and 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

Subtitle B—Program Regarding Obstetrics and Gynecology

SEC. 1011. ESTABLISHMENT OF PROGRAM.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1001 of this Act, is amended by adding at the end the following new section:

"PROGRAM REGARDING OBSTETRICS AND GYNECOLOGY

"Sec. 452B. The Director of the Institute shall establish and maintain within the Institute an intramural laboratory and clinical research program in obstetrics and gynecology.".

Subtitle C—Child Health Research Centers

SEC. 1021. ESTABLISHMENT OF CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1011 of this Act, is amended by adding at the end the following new section:

"CHILD HEALTH RESEARCH CENTERS

"Sec. 452C. The Director of the Institute shall develop and support centers for conducting research with respect to child health. Such centers shall give priority to the expeditious transfer of advances from basic science to clinical applications and improving the care of infants and children.".

Subtitle D—Study Regarding Adolescent Health

SEC. 1031. PROSPECTIVE LONGITUDINAL STUDY.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1021 of this Act, is amended by adding at the end the following new section:

"PROSPECTIVE LONGITUDINAL STUDY ON ADOLESCENT HEALTH

"Sec. 452D. (a) In General.—The Director of the Institute shall conduct a study for the purpose of providing information on the general health and well-being of adolescents in the United States, including, with respect to such adolescents, information on—

"(1) the behaviors that promote health and the behaviors that are detrimental to health; and

"(2) the influence on health of factors particular to the communities in which the adolescents reside.

"(b) Design of Study.—

"(1) In general.—The study required in subsection (a) shall be a longitudinal study in which a substantial number of adolescents participate as subjects. With respect to the purpose described in such subsection, the study shall monitor the subjects throughout the period of the study to determine the health status of the subjects and any change in such status over time.

"(2) Population-specific analyses.—The study required in subsection (a) shall be conducted with respect to the population of adolescents who are female, the population of adolescents who are male, various socioeconomic populations of adolescents, and various racial and ethnic populations of adolescents. The study shall be designed and conducted in a manner sufficient to provide for a valid analysis of whether there are significant differences among such populations in health status and whether and to what extent any such differences are due to factors particular to the populations involved.

"(c) Coordination With Women's Health Initiative.—With respect to the national study of women being conducted by the Secretary and known as the Women's Health Initiative, the Secretary shall ensure that such study is coordinated with the component of the study required in subsection (a) that concerns adolescent females, including coordination in the design of the 2 studies.

"(d) Allocation of Funds for Study.—Of the amounts appropriated for each of the fiscal years 1994 through 1996 for the National Institute of Child Health and Human Development, the Secretary of Health and Human Services, acting through the Director of such Institute, shall reserve $3,000,000 to conduct the study required in subsection (a). The amounts so reserved shall remain available until expended.".

TITLE XI—NATIONAL EYE INSTITUTE

SEC. 1101. CLINICAL RESEARCH ON DIABETES EYE CARE.

(a) In General.—Subpart 9 of part C of title IV of the Public Health Service Act (42 U.S.C. 285i) is amended by adding at the end the following new section:

"CLINICAL RESEARCH ON EYE CARE AND DIABETES

"Sec. 456. (a) Program of Grants.—The Director of the Institute, in consultation with the advisory council for the Institute, may award not more than three grants for the establishment and support of centers for clinical research on eye care for individuals with diabetes.

"(b) Authorized Expenditures.—The purposes for which a grant under subsection (a) may be expended include equipment for the research described in such subsection and the construction and modernization of facilities for such research.".

(b) Conforming Amendment.—Section 455 of the Public Health Service Act (42 U.S.C. 285i) is amended in the second sentence by striking "The Director" and inserting "Subject to section 456, the Director".

TITLE XII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

SEC. 1201. RESEARCH ON MULTIPLE SCLEROSIS.

Subpart 10 of part C of title IV of the Public Health Service Act (42 U.S.C. 285j et seq.) is amended by adding at the end the following new section:

"RESEARCH ON MULTIPLE SCLEROSIS

"Sec. 460. The Director of the Institute shall conduct and support research on multiple sclerosis, especially research on effects of genetics and hormonal changes on the progress of the disease.".

TITLE XIII—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

SEC. 1301. APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM.

(a) In General.—Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285l) is amended by adding at the end the following new section:

"APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM

"Sec. 463A. (a) There is established within the Institute a program for conducting applied research and testing regarding toxicology, which program shall be known as the Applied Toxicological Research and Testing Program.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall, with respect to toxicology, carry out activities—

"(1) to expand knowledge of the health effects of environmental agents;

"(2) to broaden the spectrum of toxicology information that is obtained on selected chemicals;

"(3) to develop and validate assays and protocols, including alternative methods that can reduce or eliminate the use of animals in acute or chronic safety testing;

"(4) to establish criteria for the validation and regulatory acceptance of alternative testing and to recommend a process through which scientifically validated alternative methods can be accepted for regulatory use;

"(5) to communicate the results of research to government agencies, to medical, scientific, and regulatory communities, and to the public; and

"(6) to integrate related activities of the Department of Health and Human Services.".

(b) Technical Amendment.—Section 463 of the Public Health Service Act (42 U.S.C. 285l) is amended by inserting after "Sciences" the following: "(hereafter in this subpart referred to as the 'Institute')".

TITLE XIV—NATIONAL LIBRARY OF MEDICINE

Subtitle A—General Provisions

SEC. 1401. ADDITIONAL AUTHORITIES.

(a) In General.—Section 465(b) of the Public Health Service Act (42 U.S.C. 286(b)) is amended—

(1) by striking "and" after the semicolon at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) publicize the availability from the Library of the products and services described in any of paragraphs (1) through (5);

"(7) promote the use of computers and telecommunications by health professionals (including health professionals in rural areas) for the purpose of improving access to biomedical information for health care delivery and medical research; and".

(b) Limitation Regarding Grants.—Section 474(b)(2) of the Public Health Service Act (42 U.S.C. 286b–S(b)(2)) is amended by striking "$750,000" and inserting "$1,000,000".

(c) Technical and Conforming Amendments.—

(1) Repeal of certain authority.—Section 215 of the Department of Health and Human Services Appropriations Act, 1988, as contained in section 101(h) of Public Law 100–202 (101 Stat. 1329–275), is repealed.

(2) Applicability of certain new authority.—With respect to the authority established for the National Library of Medicine in section 465(b)(6) of the Public Health Service Act, as added by subsection (a) of this section, such authority shall be effective as if the authority had been established on December 22, 1987.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

(a) Establishment of Single Authorization.—Subpart 1 of part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 468. (a) For the purpose of carrying out this part, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) Amounts appropriated under subsection (a) and made available for grants or contracts under any of sections 472 through 476 shall remain available until the end of the fiscal year following the fiscal year for which the amounts were appropriated.".

(b) Conforming Amendments.—Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by striking section 469 and section 478(c).

Subtitle B—Financial Assistance

SEC. 1411. ESTABLISHMENT OF PROGRAM OF GRANTS FOR DEVELOPMENT OF EDUCATION TECHNOLOGIES.

Section 473 of the Public Health Service Act (42 U.S.C. 286b-4) is amended by adding at the end the following new subsection:

"(c)(1) The Secretary shall make grants to public or nonprofit private institutions for the purpose of carrying out projects of research on, and development and demonstration of, new education technologies.

"(2) The purposes for which a grant under paragraph (1) may be made include projects concerning—

"(A) computer-assisted teaching and testing of clinical competence at health professions and research institutions;

"(B) the effective transfer of new information from research laboratories to appropriate clinical applications;

"(C) the expansion of the laboratory and clinical uses of computer-stored research databases; and

"(D) the testing of new technologies for training health care professionals.

"(3) The Secretary may not make a grant under paragraph (1) unless the applicant for the grant agrees to make the projects available with respect to—

"(A) assisting in the training of health professions students; and

"(B) enhancing and improving the capabilities of health professionals regarding research and teaching.".

Subtitle C—National Information Center on Health Services Research and Health Care Technology

SEC. 1421. ESTABLISHMENT OF CENTER.

Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following new subpart:

"Subpart 4—National Information Center on Health Services Research and Health Care Technology

"NATIONAL INFORMATION CENTER

"SEC. 478A. (a) There is established within the Library an entity to be known as the National Information Center on Health Services Research and Health Care Technology (in this section referred to as the 'Center').

"(b) The purpose of the Center is the collection, storage, analysis, retrieval, and dissemination of information on health services research, clinical practice guidelines, and on health care technology, including the assessment of such technology. Such purpose includes developing and maintaining data bases and developing and implementing methods of carrying out such purpose.

"(c) The Director of the Center shall ensure that information under subsection (b) concerning clinical practice guidelines is collected and maintained electronically and in a convenient format. Such Director shall develop and publish criteria for the inclusion of practice guidelines and technology assessments in the information center database.

"(d) The Secretary, acting through the Center, shall coordinate the activities carried out under this section through the Center with related activities of the Administrator for Health Care Policy and Research.".

SEC. 1422. CONFORMING PROVISIONS.

(a) IN GENERAL.—Section 903 of the Public Health Service Act, as amended by section 3 of Public Law 102-410 (106 Stat. 2094), is is amended to read as follows:

"(e) REQUIRED INTERAGENCY AGREEMENT.—The Administrator and the Director of the National Library of Medicine shall enter into an agreement providing for the implementation of section 478A.".

(b) RULE OF CONSTRUCTION.—The amendments made by section 3 of Public Law 102-410 (106 Stat. 2094), by section 1421 of this Act, and by subsection (a) of this section may not be construed as terminating the information center on health care technologies and health care technology assessment established under section 904 of the Public Health Service Act, as in effect on the day before the date of the enactment of Public Law 102-410. Such center shall be considered to be the center established in section 478A of the Public Health Service Act, as added by section 1421 of this Act, and shall be subject to the provisions of such section 478A.

TITLE XV—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

Subtitle A—Division of Research Resources

SEC. 1501. REDESIGNATION OF DIVISION AS NATIONAL CENTER FOR RESEARCH RESOURCES.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)(B), by amending such subparagraph to read as follows:

"(B) The National Center for Research Resources."; and

(2) in part E—

(A) in the heading for subpart 1, by striking "Division of" and inserting "National Center for";

(B) in section 479, by striking "the Division of Research Resources" and inserting the following: "the National Center for Research Resources (hereafter in this subpart referred to as the 'Center')";

(C) in sections 480 and 481, by striking "the Division of Research Resources" each place such term appears and inserting "the Center"; and

(D) in sections 480 and 481, as amended by subparagraph (C), by striking "the Division" each place such term appears and inserting "the Center".

SEC. 1502. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES

"SEC. 481A. (a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

"(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

"(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but do not include the cost of acquisition of land or off-site improvements.

"(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—

"(1) IN GENERAL; APPROVAL AS PRECONDITION TO GRANTS.—

"(A) There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (hereafter referred to in this section as the 'Board').

"(B) The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

"(2) DUTIES.—

"(A) The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (hereafter in this section referred to as the 'Advisory Council') on carrying out this section.

"(B) In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

"(C) In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided in the grant.

"(D) In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

"(i) summarize and analyze expenditures made under this section;

"(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

"(iii) contain the recommendations of the Board for any changes in the administration of this section.

"(3) MEMBERSHIP.—

"(A) Subject to subparagraph (B), the Board shall be composed of such appointed and ex officio members as the Director of the Center may determine.

"(B) Not more than 3 individuals who are officers or employees of the Federal Government may serve as members of the Board.

"(C) Of the members of the Board—

"(i) 12 shall be appointed by the Director of the Center (without regard to the civil service laws); and

"(ii) 1 shall be an official of the National Science Foundation designated by the National Science Board.

"(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Director of the Center shall ensure that the members are individuals who, by the virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Director of the Center shall ensure that the members of the Board collectively—

"(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

"(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

"(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

"(D) are experienced with emerging centers of excellence, as described in subsection (c)(3).

"(5) CERTAIN AUTHORITIES.—

"(A) In carrying out paragraph (2), the Board may establish subcommittees, convene workshops and conferences, and collect data as the Board considers appropriate.

"(B) In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

"(6) TERMS.—

"(A) Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

"(B) Of the initial members appointed to the Board (as specified by the Director of the Center when making the appointments)—

"(i) 3 shall hold office for a term of 3 years;

"(ii) 3 shall hold office for a term of 2 years; and

"(iii) 3 shall hold office for a term of 1 year.

"(C) No member is eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

"(7) COMPENSATION.—Members of board who are not officers or employees of the United States shall receive compensation for each day engaged in carrying out the duties of the board, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

"(c) REQUIREMENTS FOR GRANTS.—

"(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

"(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

"(B) The applicant provides assurances satisfactory to the Director that—

"(i) for not less than 20 years after completion of the construction, the facility will be used for the purposes of research for which it is to be constructed;

"(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

"(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

"(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

"(C) The applicant meets reasonable qualifications established by the Director with respect to—

"(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

"(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

"(iii) the need of the applicant for such facilities in order to maintain or expand the applicant's research and training mission;

"(iv) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

"(v) the age and condition of existing research facilities and equipment.

"(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

"(2) CONSIDERATION OF CERTAIN FACTORS.—In making grants under subsection (a), the Director of the Center may, in addition to the requirements established in paragraph (1), consider the following factors:

"(A) To what extent the applicant has the capacity to broaden the scope of research and research training programs of the applicant by promoting—

"(i) interdisciplinary research;

"(ii) research on emerging technologies, including those involving novel analytical techniques or computational methods; or

"(iii) other novel research mechanisms or programs.

"(B) To what extent the applicant has broadened the scope of research and research training programs of qualified institutions by promoting genomic research with an emphasis on interdisciplinary research, including research related to pediatric investigations.

"(3) INSTITUTIONS OF EMERGING EXCELLENCE.—Of the amounts appropriated under subsection (i) for a fiscal year, the Director of the Center shall make available 25 percent for grants under subsection (a) to applicants that, in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

"(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

"(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

"(C) The applicant has been productive in research or research development and training.

"(D) The applicant—

"(i) has been designated as a center of excellence under section 739;

"(ii) is located in a geographic area a significant percentage of whose population has a health-status deficit, and the applicant provides health services to such population; or

"(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

"(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(e) AMOUNT OF GRANT; PAYMENTS.—

"(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

"(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

"(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

"(2) RESERVATION OF AMOUNTS.—On approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available therefore, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of the Director of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

"(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under this subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

"(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

"(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(4) WAIVER OF LIMITATIONS.—The limitations imposed by paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in paragraphs (1) and (2) of subsection (c).

"(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

"(1) the applicant or other owner of the facility shall cease to be a public or nonprofit private entity; or

"(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

"(g) NONINTERFERENCE WITH ADMINISTRATION OF ENTITIES.—Except as otherwise specifically provided in this section, nothing contained in this part shall be construed as authorizing any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or impose any requirement or condition with respect to the administration of any entity funded under this part.

"(h) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 1503. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTER.

Subpart 1 of part E of title IV of the Public Health Service Act, as amended by section 1502 of this Act, is amended by adding at the end the following new section:

"CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES

"SEC. 481B. (a) With respect to activities carried out by the National Center for Research Resources to support regional centers for research on primates, the Director of NIH shall, for each of the fiscal years 1994 through 1996, reserve from the amounts appropriated under section 481A(i) $7,000,000 for the purpose of making awards of grants and contracts to public or nonprofit private entities to construct, renovate, or otherwise improve such regional centers. The reservation of such amounts for any fiscal year is subject to the availability of qualified applicants for such awards.

"(b) The Director of NIH may not make a grant or enter into a contract under subsection (a) unless the applicant for such assistance agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward such costs in an amount equal to not less than $1 for each $4 of Federal funds provided in such assistance.".

Subtitle B—National Center for Nursing Research

SEC. 1511. REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AS NATIONAL INSTITUTE OF NURSING RESEARCH.

(a) IN GENERAL.—Subpart 3 of part E of title IV of the Public Health Service Act (42 U.S.C. 287c et seq.) is amended—

(1) in section 483—

(A) in the heading for the section, by striking "CENTER" and inserting "INSTITUTE"; and

(B) by striking "The general purpose" and all that follows through "is" and inserting the following: "The general purpose of the National Institute of Nursing Research (hereafter in this subpart referred to as the 'Institute') is";

(2) in section 484, by striking "Center" each place such term appears and inserting "Institute";

(3) in section 485—

(A) in subsection (a), in each of paragraphs (1) through (3), by striking "Center" each place such term appears and inserting "Institute";

(B) in subsection (b)—

(i) in paragraph (2)(A), by striking "Center" and inserting "Institute"; and

(ii) in paragraph (3)(A), in the first sentence, by striking "Center" and inserting "Institute"; and

(C) in subsections (d) through (g), by striking "Center" each place such term appears and inserting "Institute"; and

(4) in section 485A (as redesignated by section 141(a)(1) of this Act), by striking "Center" each place such term appears and inserting "Institute".

(b) CONFORMING AMENDMENTS.—

(1) ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.—Section 401(b) of the Public Health Service Act (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

"(Q) The National Institute of Nursing Research."; and

(B) in paragraph (2), by striking subparagraph (D).

(2) TRANSFER OF STATUTORY PROVISIONS.—Sections 483 through 485A of the Public Health Service Act, as amended by subsection (a) of this section—

(A) are transferred to part C of title IV of such Act;

(B) are redesignated as sections 464V through 464Y of such part; and

(C) are inserted, in the appropriate sequence, at the end of such part.

(3) HEADING FOR NEW SUBPART.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended—

(A) in part C, by inserting before section 464V the following new heading:

"Subpart 17—National Institute of Nursing Research"; and

(B) by striking the heading for subpart 3 of part E.

(4) CROSS-REFERENCES.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended in subpart 17 of part C—

(A) in section 464W, by striking "section 483" and inserting "section 464V";

(B) in section 464X(g), by striking "section 486" and inserting "section 464Y"; and

(C) in section 464Y, in the last sentence, by striking "section 485(g)" and inserting "section 464X(g)".

SEC. 1512. STUDY ON ADEQUACY OF NUMBER OF NURSES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institute of Nursing Research, shall enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining whether and to what extent there is a need for an increase in the number of nurses in hospitals and nursing homes in order to promote the quality of patient care and reduce the incidence among nurses of work-related injuries and stress.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Institute declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "nurse" means a registered nurse, a licensed practical nurse, a licensed vocational nurse, and a nurse assistant.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(d) REPORT.—The Secretary shall ensure that, not later than October 1, 1994, the study required in subsection (a) is completed and a report describing the findings made as a result of the study is submitted to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate.

Subtitle C—National Center for Human Genome Research

SEC. 1521. PURPOSE OF CENTER.

Title IV of the Public Health Service Act, as amended by sections 141(a)(1) and 1611(b)(1)(B) of this Act, is amended—

(1) in section 401(b)(2), by adding at the end the following new subparagraph:

"(D) The National Center for Human Genome Research."; and

(2) in part E, by adding at the end the following new subpart:

"Subpart 4—National Center for Human Genome Research

"PURPOSE OF THE CENTER

"SEC. 485B. (a) The general purpose of the National Center for Human Genome Research (hereafter in this subpart referred to as the 'Center') is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

"(1) planning and coordinating the research goal of the genome project;

"(2) reviewing and funding research proposals;

"(3) developing training programs;

"(4) coordinating international genome research;

"(5) communicating advances in genome science to the public; and

"(6) reviewing and funding proposals to address the ethical issues associated with the genome project.

"(b)(1) Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Center shall make available not less than 5 percent for carrying out paragraph (6) of such subsection.

"(2) With respect to providing funds under subsection (a)(6) for proposals to address the ethical issues associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Center certifies to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492.".

TITLE XVI—AWARDS AND TRAINING

Subtitle A—National Research Service Awards

SEC. 1601. REQUIREMENT REGARDING WOMEN AND INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

Section 487(a) of the Public Health Service Act (42 U.S.C. 288(a)(4)) is amended by adding at the end the following paragraph:

"(4) The Secretary shall carry out paragraph (1) in a manner that will result in the recruitment of women, and members from underrepresented minority groups, into fields of biomedical or behavioral research and in the provision of research training to women and such individuals.".

SEC. 1602. SERVICE PAYBACK REQUIREMENTS.

Paragraph (2) of section 487(c) of the Public Health Service Act (42 U.S.C. 288(c)(2)) is amended to read as follows:

"(2)(A) For the initial year for which an individual receives a National Research Service Award for the conduct of postdoctoral training or research, such individual shall engage in one year of health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment, or complete a second year of training or research under such Award.

"(B) Service obligations for National Research Service Awards that are less than 12 months may be satisfied—

"(i) by the conduct of health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment for a period of time equal to the amount of time under the Award; or

"(ii) by reimbursing the Federal government for the amounts provided to such individual under the Award.

Subtitle B—Acquired Immune Deficiency Syndrome

SEC. 1611. LOAN REPAYMENT PROGRAM.

Section 487A of the Public Health Service Act (42 U.S.C. 288-1) is amended to read as follows:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

"SEC. 487A. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct, as employees of the National Institutes of Health, research with respect to acquired immune deficiency syndrome in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B)(i) was not employed at the National Institutes of Health during the 1-year period preceding the date of the enactment of the Health Professions Reauthorization Act of 1988; or

"(ii) agrees to serve as an employee of such Institutes for purposes of paragraph (1) for a period of not less than 3 years.".

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) FUNDING; REIMBURSABLE TRANSFERS.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(2) TRANSFERS FOR RELATED PROGRAM.—The Commissioner of Food and Drugs may carry out for the Food and Drug Administration a program similar to the program established in subsection (a), which program shall be carried out with respect to the review of applications concerning acquired immune deficiency syndrome that are submitted to such Commissioner. From the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may transfer amounts to the Commissioner for the purpose of carrying out such program. The Commissioner shall provide a reimbursement to the Secretary for the amount so transferred, and the reimbursement shall be available only for the program established in subsection (a). Any transfer and reimbursement made for purposes of this paragraph for a fiscal year shall be completed by April 1 of such year.".

Subtitle C—Loan Repayment for Research Generally

SEC. 1621. ESTABLISHMENT OF PROGRAM.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1002 of this Act, is amended by inserting after section 487B the following new section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH GENERALLY

"SEC. 487C. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct research, as employees of the National Institutes of Health, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B)(i) was not employed at the National Institutes of Health during the 1-year period preceding the date of the enactment of the Health Professions Reauthorization Act of 1988; or

"(ii) agrees to serve as an employee of such Institutes for purposes of paragraph (1) for a period of not less than 3 years.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section other than with respect to acquired immune deficiency syndrome, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.".

Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by Certain Agencies

SEC. 1631. ESTABLISHMENT OF PROGRAMS FOR NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1621 of this Act, is amended by inserting after section 487C the following new sections:

"UNDERGRADUATE SCHOLARSHIP PROGRAM REGARDING PROFESSIONS NEEDED BY NATIONAL RESEARCH INSTITUTES

"SEC. 487D. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH, may carry out a program of entering into contracts with individuals described in paragraph (2) under which—

"(A) the Director of NIH agrees to provide to the individuals scholarships for pursuing, as undergraduates at accredited institutions of higher education, academic programs appropriate for careers in professions needed by the National Institutes of Health; and

"(B) the individuals agree to serve as employees of the National Institutes of Health, for the period described in subsection (c), in positions that are needed by the National Institutes of Health and for which the individuals are qualified.

"(2) INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—The individuals referred to in paragraph (1) are individuals who—

"(A) are enrolled or accepted for enrollment as full-time undergraduates at accredited institutions of higher education; and

"(B) are from minority groups that are underrepresented in the fields of biomedical or behavioral research.

"(b) FACILITATION OF INTEREST OF STUDENTS IN CAREERS AT NATIONAL INSTITUTES OF HEALTH.—In providing employment to individuals pursuant to contracts under subsection (a)(1), the Director of NIH shall carry out activities to facilitate the interest of the individuals in pursuing careers as employees of the National Institutes of Health.

"(c) PERIOD OF OBLIGATED SERVICE.—

"(1) DURATION OF SERVICE.—For purposes of subparagraph (B) of subsection (a)(1), the period of service for which an individual is obligated to serve as an employee of the National Institutes of Health is 12 months for each academic year for which the scholarship under such subsection is provided.

"(2) SCHEDULE FOR SERVICE.—

"(A) Subject to subparagraph (B), the Director of NIH may not provide a scholarship under subsection (a) unless the individual applying for the scholarship agrees that—

"(i) the individual will serve as an employee of the National Institutes of Health full-time for not less than 10 consecutive weeks of each year during which the individual is attending the educational institution involved and receiving such a scholarship;

"(ii) the period of service as such an employee that the individual is obligated to provide under clause (i) is in addition to the period of service as such an employee that the individual is obligated to provide under subsection (a)(1)(B); and

"(iii) not later than 60 days after obtaining the educational degree involved, the individual will begin serving full-time as such an employee in satisfaction of the period of service that the individual is obligated to provide under subsection (a)(1)(B).

"(B) The Director of NIH may defer the obligation of an individual to provide a period of service under subsection (a)(1)(B), if the Director determines that such a deferral is appropriate.

"(3) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO APPOINTMENT AND COMPENSATION.—For any period in which an individual provides service as an employee of the National Institutes of Health in satisfaction of the obligation of the individual under subsection (a)(1)(B) or paragraph (2)(A)(i), the individual may be appointed as such an employee without regard to the provisions of title 5, United States Code, relating to appointment and compensation.

"(d) PROVISIONS REGARDING SCHOLARSHIP.—

"(1) APPROVAL OF ACADEMIC PROGRAM.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless—

"(A) the individual applying for the scholarship has submitted to the Director a proposed academic program for the year and the Director has approved the program; and

"(B) the individual agrees that the program will not be altered without the approval of the Director.

"(2) ACADEMIC STANDING.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless the individual applying for the scholarship agrees to maintain an acceptable level of academic standing, as determined by the educational institution involved in accordance with regulations issued by the Secretary.

"(3) LIMITATION ON AMOUNT.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year in an amount exceeding $20,000.

"(4) AUTHORIZED USES.—A scholarship provided under subsection (a) may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attending the school involved.

"(5) CONTRACT REGARDING DIRECT PAYMENTS TO INSTITUTION.—In the case of an institution of higher education with respect to which a scholarship under subsection (a) is provided, the Director of NIH may enter into a contract with the institution under which the amounts provided in the scholarship for tuition and other educational expenses are paid directly to the institution. Payments to the institution under the contract may be made without regard to section 3324 of title 31, United States Code.

"(e) PENALTIES FOR BREACH OF SCHOLARSHIP CONTRACT.—The provisions of section 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(f) REQUIREMENT OF APPLICATION.—The Director of NIH may not provide a scholarship under subsection (a) unless an application for the scholarship is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(g) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for scholarships under this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.

"LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS

"SEC. 487E. (a) IMPLEMENTATION OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH may, subject to paragraph (2), carry out a program of entering into contracts with appropriately qualified health professionals who are from disadvantaged backgrounds under which such health professionals agree to conduct clinical research as employees of the National Institutes of Health in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of the health professionals.

"(2) LIMITATION.—The Director of NIH may not enter into a contract with a health professional pursuant to paragraph (1) unless such professional has a substantial amount of education loans relative to income.

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—Except to the extent inconsistent with this section, the provisions of sections 338C and 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(b) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

SEC. 1632. FUNDING.

Section 487(a)(1) of the Public Health Service Act (42 U.S.C. 288(a)(1)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) provide contracts for scholarships and loan repayments in accordance with sections 487D and 487E, subject to providing not more than an aggregate 50 such contracts during the fiscal years 1994 through 1996.".

Subtitle D—Funding

SEC. 1641. AUTHORIZATION OF APPROPRIATIONS.

Section 487(d) of the Public Health Service Act (42 U.S.C. 288(d)) is amended—

(1) in the first sentence, by amending the sentence to read as follows: "For the purpose of carrying out this section, there are authorized to be appropriated $400,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996."; and

(2) in paragraph (3)—

(A) by striking "one-half of one percent" each place such term appears and inserting "1 percent"; and

(B) by striking "780, 784, or 786" and inserting "747, 748, or 749".

TITLE XVII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

SEC. 1701. ESTABLISHMENT OF FOUNDATION.

Section 499 of the Public Health Service Act, as redesignated by section 121(b), is amended to read as follows:

"SEC. 499A. ESTABLISHMENT AND DUTIES OF FOUNDATION.

"(a) IN GENERAL.—The Secretary shall establish a nonprofit corporation to be known as the National Foundation for Biomedical Research (hereafter in this section referred to as the 'Foundation'). The Foundation shall not, except for the purposes of the Ethics in Government Act and the Technology Transfer Act, be an agency or instrumentality of the United States Government.

"(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation shall be to conduct and support research with respect to any particular disease or groups of diseases or any other aspect of human health.

"(c) ENDOWMENT FUND.—

"(1) IN GENERAL.—In carrying out subsection (b), the Foundation shall establish a fund whose primary purpose shall be to provide endowments for positions at the National Institutes of Health to conduct biomedical research, and dedicated to the purpose described in such subsection. Such positions may be held by scientists without regard to whether the scientists are employees of the Federal Government. Subject to subsection (g)(1)(B), the fund shall consist of such donations as may be provided by non-Federal entities and such non-Federal assets of the Foundation (including earnings of the Foundation and the fund) as the Foundation may elect to transfer to the fund.

"(2) AUTHORIZED EXPENDITURES OF FUND.—The provision of endowments under paragraph (1) shall be the primary function of the fund established under such paragraph. Such endowments may be expended only for the compensation of individuals holding the positions, for staff, equipment, quarters, travel, and other expenditures that are appropriate in supporting the positions, and for recruiting individuals to hold the positions endowed by the fund.

"(d) CERTAIN ACTIVITIES OF FOUNDATION.—In carrying out subsection (b), and subject to subsection (c), the Foundation may provide for the following with respect to the purpose described in such subsection:

"(1) Endowed chairs for distinguished senior investigators.

"(2) Positions for support of visiting scientists in mid-career who participate in the National Institutes of Health Scholars program.

"(3) Studies, projects, and research conducted by scientists under paragraphs (1) and (2).

"(4) Forums for the exchange of information between scientists. Participants in such forums may include institutions of higher education and appropriate private and public organizations.

"(5) Meetings, conferences, courses, and training workshops.

"(6) Programs to improve the collection and analysis of data.

"(7) Programs for writing, editing, printing, and publishing of books and other materials.

"(8) Other activities to carry out the purpose described in subsection (b).

"(e) POWERS.—In carrying out subsection (b), the Foundation shall—

"(1) operate under the direction of its Board;

"(2) adopt, alter, and use a corporate seal, which shall be judicially noticed;

"(3) provide for 1 or more officers, employees, and agents, as may be necessary, define their duties, and require surety bonds or make other provisions against losses occasioned by acts of such persons;

"(4) hire, promote, compensate, and discharge officers and employees of the Foundation;

"(5) prescribe by its Board its bylaws, as described in subsection (g)(1)(A);

"(6) with the consent of any executive department or independent agency, use the information, services, staff, and facilities of such in carrying out this section;

"(7) sue and be sued in its corporate name, and complain and defend in courts of competent jurisdiction;

"(8) modify or consent to the modification of any contract or agreement to which it is a party or in which it has an interest under this subtitle;

"(9) establish a mechanism for the selection of candidates, subject to the approval of the Director of the National Institutes of Health for the endowed scientific positions within the organizational structure of the intramural research programs of the National Institutes of Health and candidates for participation in the National Institutes of Health Scholars program;

"(10) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;

"(11) take such action as may be necessary to obtain patents and licenses for devices and procedures developed by the Foundation and its employees;

"(12) accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation;

"(13) enter into such other contracts, leases, cooperative agreements, and other transactions as the Executive Director considers appropriate to conduct the activities of the Foundation;

"(14) appoint other groups of advisors as may be determined necessary from time to time to carry out the functions of the Foundation; and

"(15) exercise other powers as set forth in this section, and such other incidental powers as are necessary to carry out its powers, duties, and functions in accordance with this subtitle.

"(f) GENERAL STRUCTURE OF FOUNDATION; NONPROFIT STATUS.—

"(1) BOARD OF DIRECTORS.—The Foundation shall have a board of directors (in this part referred to as the 'Board'), which shall be established and conducted in accordance with subsection (g). The Board shall establish the general policies of the Foundation for carrying out subsection (b), including the establishment of the bylaws of the Foundation.

"(2) EXECUTIVE DIRECTOR.—The Foundation shall have an executive director (in this part referred to as the 'Director'), who shall be appointed by the Board, who shall serve at the pleasure of the Board, and for whom the Board shall establish the rate of compensation. Subject to compliance with the policies and bylaws established by the Board pursuant to paragraph (1), the Director shall be responsible for the daily operations of the Foundation in carrying out subsection (b).

"(3) NONPROFIT STATUS.—In carrying out subsection (b), the Board shall establish such policies and bylaws under paragraph (1), and the Director shall carry out such activities under paragraph (2), as may be necessary to ensure that the Foundation maintains status as an organization that—

"(A) is described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986; and

"(B) is, under subsection (a) of such section, exempt from taxation.

"(4) LIAISON.—The Director of the National Institutes of Health shall serve as the liaison representative of the National Institutes of Health to the Board and the Foundation.

"(g) BOARD OF DIRECTORS.—

"(1) CERTAIN BYLAWS.—

"(A) In establishing bylaws under subsection (f)(1), the Board shall ensure that the bylaws of the Foundation include bylaws for the following:

"(i) Policies for the selection of the officers, employees, agents, and contractors of the Foundation.

"(ii) Policies for the acquisition, holding, and transfer of property.

"(iii) Policies, including ethical standards, for the acceptance and disposition of donations to the Foundation and for the disposition of the assets of the Foundation.

"(iv) Policies for the conduct of the general operations of the Foundation.

"(v) Policies for writing, editing, printing, and publishing of books and other materials, and the acquisition of patents and licenses for devices and procedures developed by the Foundation.

"(B) In establishing bylaws under subsection (f)(1), the Board shall ensure that the bylaws of the Foundation (and activities carried out under the bylaws) do not—

"(i) reflect unfavorably upon the ability of the Foundation, or the National Institutes of Health, to carry out its responsibilities or official duties in a fair and objective manner; or

"(ii) compromise, or appear to compromise, the integrity of any governmental program or any officer or employee involved in such program.

"(2) COMPOSITION.—

"(A) The Foundation shall have a Board of Directors (hereafter referred to in this section as the 'Board'), which shall initially be composed of ex officio and appointed members in accordance with this subsection until such time as all the appointed members, including the Chairperson, are fully appointed by the Board under paragraph (4).

"(B) The ex officio members of the Council shall be—

"(i) the Chairperson and ranking minority member of the Subcommittee on Health and the Environment (Committee on Energy and Commerce) or their designees, in the case of the House of Representatives;

"(ii) the Chairperson and ranking minority member of the Committee on Labor and Human Resources or their designees, in the case of the Senate; and

"(iii) the Director of the National Institutes of Health.

"(C) The ex officio members of the Board under subparagraph (B) shall appoint to the Council 9 individuals. Of such appointed members—

"(i) 2 shall be representative of the general biomedical field;

"(ii) 2 shall be representatives of the general biobehavioral field; and

"(iii) 3 shall be representatives of the general public.

"(3) CHAIRPERSON.—The ex officio members of the Board under paragraph (2)(B) shall designate an appointed member of the Board to serve as the first Chairperson of the Board. Subsequently, the Chairperson of the Board shall be chosen by the Board according to its bylaws.

"(4) APPOINTMENTS, VACANCIES, AND TERMS.—The following shall apply to the Board:

"(A) Any vacancy in the membership of the Board shall be filled by appointment by the Board, after consideration of suggestions made by the Chairperson and the Director regarding the appointments. Any such vacancy shall be filled not later than the expiration of the 180-day period beginning on the date on which the vacancy occurs.

"(B) The term of office of each member of the Board appointed under subparagraph (A) shall be 5 years, except that the terms of office for the initial appointed members of the Board shall expire as determined by the Chairperson of the Board, in consultation with the Director of the National Institutes of Health.

"(C) A vacancy in the membership of the Board shall not affect the power of the Board to carry out the duties of the Board. If a member of the Board does not serve the full term applicable under subparagraph (B), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(5) COMPENSATION.—Members of the Board may not receive compensation for service on the Board. Such members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board, as set forth in the bylaws issued by the Board.

"(h) INCORPORATION.—The initial members of the Board shall serve as incorporators and shall take whatever actions necessary to incorporate the Foundation.

"(i) GENERAL PROVISIONS.—

"(1) ADMINISTRATIVE CONTROL.—No officer, employee, or member of the Board of the Foundation may exercise any administrative or managerial control over any Federal employee.

"(2) APPLICABILITY OF CERTAIN STANDARDS TO NON-FEDERAL EMPLOYEES.—In the case of any individual who is not an employee of the Federal Government and who serves with financial support from the Foundation, the Foundation shall negotiate a memorandum of understanding with the individual and the Director of the National Institutes of Health specifying that the individual—

"(A) shall be subject to the ethical and procedural standards regulating Federal employment, scientific investigation, and research findings (including publications and patents) that are required of individuals employed by the National Institutes of Health, including standards under this Act, the Ethics in Government Act, and the Technology Transfer Act; and

"(B) shall be subject to such ethical and procedural standards under chapter 11 of title 18, United States Code (relating to conflicts of interest), as the Director of the National Institutes of Health determines is appropriate, except such memorandum may not provide that the individual shall be subject to the standards of section 209 of such chapter.

"(3) FINANCIAL CONFLICTS OF INTEREST.—Any individual who is an officer, employee, or member of the Board of the Foundation may not directly or indirectly participate in the consideration or determination by the Foundation of any question affecting—

"(A) any direct or indirect financial interest of the individual; or

"(B) any direct or indirect financial interest of any business organization or other entity of which the individual is an officer or employee or in which the individual has a direct or indirect financial interest.

"(4) AUDITS; AVAILABILITY OF RECORDS.—The Foundation shall—

"(A) provide for biennial audits of the financial condition of the Foundation; and

"(B) make such audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

"(5) REPORTS.—

"(A) Not later than February 1 of each fiscal year, the Foundation shall publish a report describing the activities of the Foundation during the preceding fiscal year. Each such report shall include for the fiscal year involved a comprehensive statement of the operations, activities, financial condition, and accomplishments of the Foundation.

"(B) With respect to the financial condition of the Foundation, each report under subparagraph (A) shall include the source, and a description of, all gifts to the Foundation of real or personal property, and the source and amount of all gifts to the Foundation of money. Each such report shall include a specification of any restrictions on the purposes for which gifts to the Foundation may be used.

"(C) The Foundation shall make copies of each report submitted under subparagraph (A) available for public inspection, and shall upon request provide a copy of the report to any individual for a charge not exceeding the cost of providing the copy.

"(j) FEDERAL FUNDING.—

"(1) AUTHORITY FOR ANNUAL GRANTS.—

"(A) The Secretary, acting through the Director of the National Institutes of Health, shall for each of the fiscal years 1994 through 1996, make a grant to the Foundation.

"(B) A grant under subparagraph (A) may be expended only for the purpose of the administrative expenses of the Foundation.

"(C) A grant under subparagraph (A) may not be expended to provide amounts for the fund established under subsection (c).

"(2) FUNDING FOR GRANTS.—

"(A) For the purpose of grants under paragraph (1), there is authorized to be appropriated $500,000 for each of the fiscal years 1994 through 1996.

"(B) For the purpose of grants under paragraph (1), the Secretary may for each fiscal year make available not more than $500,000 from the amounts appropriated for the fiscal year for the programs of the National Institutes of Health. Such amounts may be made available without regard to whether amounts have been appropriated under subparagraph (A).".

TITLE XVIII—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

SEC. 1801. REVISION AND EXTENSION OF VARIOUS PROGRAMS.

Title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304(c)(1)—

(A) in the matter preceding subparagraph (A), by inserting after "Director of such Institute" the following: "(and may provide advice to the Directors of other agencies of the National Institutes of Health, as appropriate)"; and

(B) in subparagraph (A), by inserting before the semicolon the following: ", including recommendations on the projects of research with respect to diagnosing immune deficiency and with respect to predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases";

(2) in section 2311(a)(1), by inserting before the semicolon the following: ", including evaluations of methods of diagnosing immune deficiency and evaluations of methods of predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases";

(3) in section 2315—

(A) in subsection (a)(2), by striking "international research" and all that follows and inserting "international research and training concerning the natural history and pathogenesis of the human immunodeficiency virus and the development and evaluation of vaccines and treatments for acquired immune deficiency syndrome and opportunistic infections."; and

(B) in subsection (f), by striking "and 1991" and inserting "through 1996";

(4) in section 2318—

(A) in subsection (a)(1)—

(i) by inserting after "The Secretary" the following: ", acting through the Director of the National Institutes of Health and after consultation with the Administrator for Health Care Policy and Research,"; and

(ii) by striking "syndrome" and inserting "syndrome, including treatment and prevention of HIV infection and related conditions among women"; and

(B) in subsection (e), by striking "1991." and inserting the following: "1991, and such sums as may be necessary for each of the fiscal years 1994 through 1996.";

(5) in section 2320(b)(1)(A), by striking "syndrome" and inserting "syndrome and the natural history of such infection";

(6) in the part heading for part D, by striking "DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH" and inserting "OFFICE OF AIDS RESEARCH";

(7) in section 2351—

(A) by redesignating subsections (a), (b) and (c) as subsections (b), (d) and (e), respectively;

(B) by striking subsection (a) and inserting the following new subsection:

"(a) IN GENERAL.—In carrying out research with respect to acquired immune deficiency syndrome, the Secretary, acting through the Director of the National Institutes of Health—

"(1) shall establish an office to be known as the Office of AIDS Research, which Office shall be headed by a Director who shall be—

"(A) appointed by the Secretary;

"(B) determined by the Secretary to be an individual who is an outstanding scientist and a highly skilled administrator; and

"(C) the primary Federal official responsible for the conduct of AIDS-related research at the National Institutes of Health; and

"(2) shall provide administrative support and support services to the Director of such Office.";

(C) in subsection (b) (as so redesignated)—

(i) by striking the subsection designation and all that follows through paragraph (1) and inserting in lieu thereof the following:

"(b) ACTIVITIES OF THE OFFICE OF AIDS RESEARCH.—

"(1) IN GENERAL.—The Secretary, acting through the director of the Office of AIDS Research, shall ensure that AIDS research activities are coordinated across and throughout the institutes, centers, and divisions of the National Institutes of Health.

"(2) GENERAL DUTIES.—The Director of the Office of AIDS Research shall, based upon a strategic plan as defined in paragraph (3), develop and implement a budget for AIDS-related research at the National Institutes of Health and coordinate all AIDS-related research activities conducted at the institutes, centers, and divisions of the National Institutes of Health, and conduct evaluations on all such programs.

"(3) STRATEGIC PLAN.—

"(A) DEVELOPMENT.—The Director of the Office of AIDS Research shall, with the advice of the directors of the institutes, centers, and divisions of the National Institutes of Health, and in consultation with the advisory council established in paragraph (5) and the coordinating groups established in subparagraph (B), develop and implement a comprehensive, long-range plan for the conduct and support of such research by the National Institutes of Health. Such plan shall be updated annually, and shall—

"(i) determine and prioritize among critical scientific AIDS-related questions;

"(ii) based upon such determinations, specify the range of objectives to be achieved, the date the objectives are expected to be achieved, and provide an estimate of the resources needed to achieve the objectives by such date;

"(iii) evaluate the sufficiency of existing AIDS research programs to meet such objectives, and establish standard evaluation criteria, timelines and objectives for future program evaluation activities; and

"(iv) make recommendations for changes and necessary resource allocation in and among such programs.

"(B) COORDINATING GROUPS.—The Director of the Office of AIDS Research shall establish AIDS coordinating groups for each research discipline within the AIDS research program, composed of representatives of relevant agencies of the National Institutes of Health and qualified extramural scientists, to evaluate and assess the efforts of the AIDS Research Program at the National Institutes of Health, to advise on the development of the strategic plan described in subparagraph (A), and to determine the extent to which such efforts are in accordance with such strategic plan.

"(4) COORDINATION.—The Director of the Office of AIDS Research shall act as the primary Federal official with responsibility for overseeing all AIDS-related research efforts undertaken by the National Institutes of Health, and

"(A) shall serve to represent the National Institutes of Health AIDS Research Program at all relevant Executive branch task forces and committees; and

"(B) shall maintain communications with all relevant Public Health Service agencies and with various other departments of the Federal Government, to ensure the timely transmission of information concerning advances in AIDS-related research and the clinical treatment of AIDS and its related conditions, to these various agencies for dissemination to affected communities and health care providers.

"(5) ADVISORY COUNCIL.—

"(A) ESTABLISHMENT.—The Director of the Office of AIDS Research shall establish an advisory council to be known as the Office of AIDS Research Advisory Council (hereafter referred to as the "Council"), which shall serve to replace the AIDS Program Advisory Committee which is operating on the date of enactment of this subsection.

"(B) COMPOSITION.—The Council shall be composed of biomedical, behavioral, and social scientists, and representatives of diverse HIV affected communities, and shall be appointed by the Director.

"(C) AUTHORITY.—The Council shall, consistent with section 406—

"(i) advise the Director of the Office of AIDS Research and make recommendations concerning the development of the AIDS-related research budget, and the development and implementation of the strategic plan for AIDS-related research at the National Institutes of Health;

"(ii) provide the second level of peer review for awards made directly to the Office of AIDS Research from the discretionary fund described in paragraph (7); and

"(iii) carry out such other activities determined appropriate by the Director of the Office of AIDS Research.

"(6) BUDGETARY AUTHORITY.—The Director of the Office of AIDS Research shall—

"(A) in consultation with the advisory council established under paragraph (5) and based upon budget requests and additional advice from the directors of the institutes, centers, and divisions of the National Institutes of Health, prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate for the AIDS-related research program conducted within the agencies of the National Institutes of Health, after reasonable opportunity for comment (but without change) by the Secretary and the Director of the National Institutes of Health;

"(B) receive from the President and the Office of Management and Budget directly all AIDS-related research funds appropriated by Congress for obligation and expenditure by the agencies of the National Institutes of Health in accordance with the strategic plan developed under paragraph (3)(A); and

"(C) distribute AIDS research funding to the various institutes, centers, and divisions of the National Institutes of Health in accordance with the strategic plan.

"(7) DISCRETIONARY FUND.—

"(A) AVAILABILITY OF FUNDS.—The Secretary shall ensure that not to exceed 25 percent of the funds available in excess of the amount of baseline AIDS research spending during the previous fiscal year, but in no event less than $50,000,000 each fiscal year, be made available to the Director of the Office of AIDS Research for the establishment of an AIDS research discretionary fund.

"(B) USE.—The Director of the Office of AIDS Research, in consultation with the advisory council established under paragraph (5), shall use amounts in the AIDS research discretionary fund to—

"(i) fund emergency AIDS research programs;

"(ii) fund programs for the conduct of research aimed at filling gaps that exist in existing research programs;

"(iii) conduct conferences, convene committees, hold meetings or carry out other activities determined appropriate by the Director.

"(C) REDUCTION IN ADMINISTRATIVE IMPEDIMENTS.—Notwithstanding any other provision of law, with respect to the number of full-time equivalent individuals employed, the Director of the Office of AIDS Research shall be permitted to authorize the employment of such full-time equivalent individuals to perform AIDS-related research through the agencies of the National Institutes of Health.

"(c) OTHER DUTIES.—The director of the office—"; and

(ii) by redesignating paragraphs (2) through (8) (as such paragraphs existed one day prior to the date of enactment of this Act) as paragraphs (1) through (7), respectively; and

(C) in subsection (c) (as added by the amendment made by subparagraph (B)) by striking "for the appropriate national research institute of the National Institutes of Health" in paragraph (4) (as so designated by the amendments made by subparagraph (B));

(8) in section 2361, by striking "For purposes" and all that follows and inserting the following:

"For purposes of this title:

"(1) The term 'infection', with respect to the etiologic agent for acquired immune deficiency syndrome, includes opportunistic cancers and infectious diseases and any other conditions arising from infection with such etiologic agent.

"(2) The term 'treatment', with respect to the etiologic agent for acquired immune deficiency syndrome, includes primary and secondary prophylaxis.";

(9) in section 2315(f), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.";

(10) in section 2320(e)(1), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year."; and

(11) in section 2341(d), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.".

TITLE XIX—STUDIES

SEC. 1901. ACQUIRED IMMUNE DEFICIENCY SYNDROME.

(a) CERTAIN DRUG-RELEASE MECHANISMS.—

(1) The Secretary of Health and Human Services shall, subject to paragraph (2), enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining, with respect to acquired immune deficiency syndrome, the impact of parallel-track drug-release mechanisms on public and private clinical research, and on the activities of the Commissioner of Food and Drugs regarding the approval of drugs.

(2) The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study described in such paragraph. If such Institute declines to conduct the study, the Secretary shall carry out paragraph (1) through another public or nonprofit private entity.

(b) THIRD-PARTY PAYMENTS REGARDING CERTAIN CLINICAL TRIALS.—The Secretary of Health and Human Services shall conduct a study for the purpose of—

(1) determining the policies of third-party payors regarding the payment of the costs of appropriate health services that are provided incident to the participation of individuals as subjects in clinical trials conducted in the development of drugs with respect to acquired immune deficiency syndrome; and

(2) developing recommendations regarding such policies.

(c) ADVISORY COMMITTEES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of determining—

(1) whether the activities of the various advisory committees established in the National Institutes of Health regarding acquired immune deficiency syndrome are being coordinated sufficiently; and

(2) whether the functions of any of such advisory committees should be modified in order to achieve greater efficiency.

(d) VACCINES FOR HUMAN IMMUNODEFICIENCY VIRUS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the National Institutes of Health, shall develop a plan for the appropriate inclusion of HIV-infected women, including pregnant women, HIV-infected infants, and HIV-infected children in studies conducted by or through the National Institutes of Health concerning the safety and efficacy of HIV vaccines for the treatment and prevention of HIV infection. Such plan shall ensure the full participation of other Federal agencies currently conducting HIV vaccine studies and require that such studies conform fully to the requirements of part 46 of title 45, Code of Federal Regulations.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report concerning the plan developed under paragraph (1).

(3) IMPLEMENTATION.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall implement the plan developed under paragraph (1), including measures for the full participation of other Federal agencies currently conducting HIV vaccine studies.

(4) For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

SEC. 1902. MALNUTRITION IN THE ELDERLY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the National Institute on Aging, coordinating with the Agency for Health Care Policy and Research and, to the degree possible, in consultation with the head of the National Nutrition Monitoring System established under section 1428 of the Food and Agriculture Act of 1977 (7 U.S.C. 3178), shall conduct a 3-year nutrition screening and intervention activities study of the elderly.

(2) EFFICACY AND COST-EFFECTIVENESS OF NUTRITION SCREENING AND INTERVENTION ACTIVITIES.—In conducting the study, the Secretary shall determine the efficacy and cost-effectiveness of nutrition screening and intervention activities conducted in the elderly health and long-term care continuum, and of a program that would institutionalize nutrition screening and intervention activities. In evaluating such a program, the Secretary shall determine—

(A) if health or quality of life is measurably improved for elderly individuals who receive routine nutritional screening and treatment;

(B) if federally subsidized home or institutional care is reduced because of increased independence of elderly individuals resulting from improved nutritional status;

(C) if a multidisciplinary approach to nutritional care is effective in addressing the nutritional needs of elderly individuals; and

(D) if reimbursement for nutrition screening and intervention activities is a cost-effective approach to improving the health status of elderly individuals.

(3) POPULATIONS.—The populations of elderly individuals in which the study will be conducted shall include populations of elderly individuals who are—

(A) living independently, including—

(i) individuals who receive home and community-based services or family support;

(ii) individuals who do not receive additional services and support;

(iii) individuals with low incomes; and

(iv) individuals who are minorities;

(B) hospitalized, including individuals admitted from home and from institutions; and

(C) institutionalized in residential facilities such as nursing homes and adult homes.

(b) MALNUTRITION STUDY.—The Secretary, acting through the National Institute on Aging, shall conduct a 3-year study to determine the extent of malnutrition in elderly individuals in hospitals and long-term care facilities and in elderly individuals who are living independently.

(c) REPORT.—The Secretary shall submit a report to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives containing the findings resulting from the studies described in subsections (a) and (b), including a determination regarding whether a program that would institutionalize nutrition screening and intervention activities should be adopted, and the rationale for the determination.

(d) ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary, acting through the Director of the National Institute on Aging, shall establish an advisory panel that shall oversee the design, implementation, and evaluation of the studies described in subsections (a) and (b).

(2) COMPOSITION.—The advisory panel shall include representatives appointed for the life of the panel by the Secretary from the Health Care Financing Administration, the Social Security Administration, the National Center for Health Statistics, the Administration on Aging, the National Council on the Aging, the American Dietetic Association, the American Academy of Family Physicians, and such other agencies or organizations as the Secretary determines to be appropriate.

(3) COMPENSATION AND EXPENSES.—

(A) COMPENSATION.—Each member of the advisory panel who is not an employee of the Federal Government shall receive compensation for each day engaged in carrying out the duties of the panel, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

(B) TRAVEL EXPENSES.—Each member of the advisory panel shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(4) DETAIL OF FEDERAL EMPLOYEES.—On the request of the advisory panel, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the advisory panel to assist the advisory panel in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) TECHNICAL ASSISTANCE.—On the request of the advisory panel, the head of a Federal agency shall provide such technical assistance to the advisory panel as the advisory panel determines to be necessary to carry out its duties.

(6) TERMINATION.—Notwithstanding section 15 of the Federal Advisory Committee Act (5 U.S.C. App.), the advisory panel shall terminate 3 years after the date of enactment of this Act.

SEC. 1903. RESEARCH ACTIVITIES ON CHRONIC FATIGUE SYNDROME.

The Secretary of Health and Human Services shall, not later than May 1, 1993, and annually thereafter for the next 3 years, prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that summarizes the research activities conducted or supported by the National Institutes of Health concerning chronic fatigue syndrome. Such report should include information concerning grants made, cooperative agreements or contracts entered into, intramural activities, research priorities and needs, and a plan to address such priorities and needs.

SEC. 1904. REPORT ON MEDICAL USES OF BIOLOGICAL AGENTS IN DEVELOPMENT OF DEFENSES AGAINST BIOLOGICAL WARFARE.

The Secretary of Health and Human Services, in consultation with other appropriate executive agencies, shall report to the House Energy and Commerce Committee and the Senate Labor and Human Resources Committee on the appropriateness and impact of the National Institutes of Health assuming responsibility for the conduct of all Federal research, development, testing, and evaluation functions relating to medical countermeasures against biowarfare threat agents. In preparing the report, the Secretary shall identify the extent to which such activities are carried out by agencies other than the National Institutes of Health, and assess the impact (positive and negative) of the National Institutes of Health assuming responsibility for such activities, including the impact under the Budget Enforcement Act and the Omnibus Budget Reconciliation Act of 1990 on existing National Institutes of Health research programs as well as other programs within the category of domestic discretionary spending. The Secretary shall submit the report not later than 12 months after the date of the enactment of this Act.

SEC. 1905. PERSONNEL STUDY OF RECRUITMENT, RETENTION AND TURNOVER.

(a) STUDY OF PERSONNEL SYSTEM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study to review the retention, recruitment, vacancy and turnover rates of support staff, including firefighters, law enforcement, procurement officers, technicians, nurses and clerical employees, to ensure that the National Institutes of Health is adequately supporting the conduct of efficient, effective and high quality research for the American public. The Director of NIH shall work in conjunction with appropriate employee organizations and representatives in developing such a study.

(b) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report containing the study conducted under subsection (a) together with the recommendations of the Secretary concerning the enactment of legislation to implement the results of such study.

SEC. 1906. PROCUREMENT.

(a) IN GENERAL.—The Director of the National Institutes of Health and the Administrator of the General Services Administration shall jointly conduct a study to develop a streamlined procurement system for the National Institutes of Health that complies with the requirements of Federal law.

(b) REPORT.—Not later than March 1, 1994, the officials specified in subsection (a) shall complete the study required in such subsection and shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

SEC. 1907. REPORT CONCERNING LEADING CAUSES OF DEATH.

(a) REPORT.—The Secretary of Health and Human Services shall, not later than February 1, 1993, prepare a report that lists—

(1) the 20 illnesses that, in terms of mortality, number of years of expected life lost, and of number of preventable years of life lost, are the leading causes of death in the United States and the number of deaths from each such cause, the age-specific and age-adjusted death rates for each such cause, the death rate per 100,000 population for each such cause, the percentage of change in cause specific death rates for each age group, and the percentage of total deaths for each such cause;

(2) the amount expended by the Department of Health and Human Services for research, prevention, and education with respect to each of the 20 illnesses described in paragraph (1) for the most recent year for which the actual expenditures are known;

(3) an estimate by the Secretary of the amount to be expended on research, prevention, and education with respect to each of the 20 illnesses described in paragraph (1) for the year for which the report is prepared; and

(4) with respect to the years specified in paragraphs (2) and (3), the percentage of the total of the annual expenditures for research, prevention, and education on the 20 illnesses described in paragraph (1) that are attributable to each illness.

(b) SUBMISSION TO CONGRESS.—The Secretary of Health and Human Services shall submit the report required under subsection (a), together with relevant budget information, to the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives and the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate.

SEC. 1908. RELATIONSHIP BETWEEN THE CONSUMPTION OF LEGAL AND ILLEGAL DRUGS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall review and consider all existing relevant data and research concerning whether there is a relationship between an individual's receptivity to use or consume legal drugs and the consumption or abuse by the individual of illegal drugs. On the basis of such review, the Secretary shall determine whether additional research is necessary. If the Secretary determines additional research is required, the Secretary shall conduct a study of those subjects where the Secretary's review indicates additional research is needed, including, if necessary, a review of—

(1) the effect of advertising and marketing campaigns that promote the use of legal drugs on the public;

(2) the correlation of legal drug abuse with illegal drug abuse; and

(3) other matters that the Secretary determines appropriate.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report containing the results of the review conducted under subsection (b). If the Secretary determines additional research is required, no later than 2 years after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report containing the results of the additional research conducted under subsection (b).

TITLE XX—MISCELLANEOUS PROVISIONS

SEC. 2001. DESIGNATION OF SENIOR BIOMEDICAL RESEARCH SERVICE IN HONOR OF SILVIO O. CONTE, AND LIMITATION ON NUMBER OF MEMBERS.

(a) IN GENERAL.—Section 228(a) of the Public Health Service Act (42 U.S.C. 237(a)), as added by section 304 of Public Law 101-509, is amended to read as follows:

"(a)(1) There shall be in the Public Health Service a Silvio O. Conte Senior Biomedical Research Service, not to exceed 750 members.

"(2) The authority established in paragraph (1) regarding the number of members in the Silvio O. Conte Senior Biomedical Research Service is in addition to any authority established regarding the number of members in the commissioned Regular Corps, in the Reserve Corps, and in the Senior Executive Service. Such paragraph may not be construed to require that the number of members in the commissioned Regular Corps, in the Reserve Corps, or in the Senior Executive Service be reduced to offset the number of members serving in the Silvio O. Conte Senior Biomedical Research Service (hereafter in this section referred to as the 'Service').".

(b) CONFORMING AMENDMENT.—Section 228 of the Public Health Service Act (42 U.S.C. 237), as added by section 304 of Public Law 101-509, is amended in the heading for the section by amending the heading to read as follows:

"SILVIO O. CONTE SENIOR BIOMEDICAL RESEARCH SERVICE".

SEC. 2002. TECHNICAL CORRECTIONS.

(a) TITLE III.—Subsection (c) of section 316 of the Public Health Service Act (42 U.S.C. 247a(c)) is repealed.

(b) TITLE IV.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 406—

(A) in subsection (b)(2)(A), by striking "Veterans' Administration" each place such term appears and inserting "Department of Veterans Affairs"; and

(B) in subsection (h)(2)(A)(v), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(2) in section 408, in subsection (b) (as redesignated by section 501(c)(1)(C) of this Act), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(3) in section 421(b)(1), by inserting a comma after "may";

(4) in section 428(b), in the matter preceding paragraph (1), by striking "the the" and inserting "the";

(5) in section 430(b)(2)(A)(i), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(6) in section 439(b), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(7) in section 442(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(8) in section 464D(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(9) in section 464E—

(A) in subsection (d), in the first sentence, by inserting "Coordinating" before "Committee"; and

(B) in subsection (e), by inserting "Coordinating" before "Committee" the first place such term appears;

(10) in section 464P(b)(6) (as added by section 123 of Public Law 102-321 (106 Stat. 362)), by striking "Administration" and inserting "Institute";

(11) in section 466(a)(1)(B), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(12) in section 480(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(13) in section 485(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(14) in section 487(d)(3), by striking "section 304(a)(3)" and inserting "section 304(a)"; and

(15) in section 496(a), by striking "Such appropriations," and inserting the following: "Appropriations to carry out the purposes of this title,".

(c) TITLE XXIII.—Part A of title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304—

(A) in the heading for the section, by striking "**clinical research review committee**" and inserting "**research advisory committee**"; and

(B) in subsection (a), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(2) in section 2312(a)(2)(A), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(3) in section 2314(a)(1), in the matter preceding subparagraph (A), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(4) in section 2317(d)(1), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee established under section 2304"; and

(5) in section 2318(b)(3), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee".

(d) SECRETARY.—Section 2(c) of the Public Health Service Act (42 U.S.C. 201(c)) is amended by striking "Health, Education, and Welfare" and inserting "Health and Human Services".

(e) DEPARTMENT.—Section 201 of the Public Health Service Act (42 U.S.C. 202) is amended—

(1) by striking "Health, Education, and Welfare" and inserting "Health and Human Services"; and

(2) by striking "Surgeon General" and inserting "Assistant Secretary for Health".

(f) DEPARTMENT.—Section 202 of the Public Health Service Act (42 U.S.C. 203) is amended—

(1) by striking "Health, Education, and Welfare" and inserting "Health and Human Services";

(2) by striking "Surgeon General" the second and subsequent times that such term appears and inserting "Secretary"; and

(3) by inserting ", and the Agency for Health Care Policy and Research" before the first period.

(g) VOLUNTEER SERVICES.—Section 223 of the Public Health Service Act (42 U.S.C. 217b) is amended by striking "Health, Education, and Welfare" and inserting "Health and Human Services".

SEC. 2003. BIENNIAL REPORT ON CARCINOGENS.

Section 301(b)(4) of the Public Health Service Act (42 U.S.C. 241(b)(4)) is amended by striking "an annual" and inserting in lieu thereof "a biennial".

SEC. 2004. MASTER PLAN FOR PHYSICAL INFRASTRUCTURE FOR RESEARCH.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall present to the Congress a master plan to provide for the replacement or refurbishment of less than adequate buildings, utility equipment and distribution systems (including the resources that provide electrical and other utilities, chilled water, air handling, and other services that the Secretary, acting through the Director, deems necessary), roads, walkways, parking areas, and grounds that underpin the laboratory and clinical facilities of the National Institutes of Health. Such plan may make recommendations for the undertaking of new projects that are consistent with the objectives of this section, such as encircling the National Institutes of Health Federal enclave with an adequate chilled water conduit.

SEC. 2005. TRANSFER OF PROVISIONS OF TITLE XXVII.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 101 of Public Law 101-381 and section 304 of Public Law 101-509, is amended—

(1) by transferring sections 2701 through 2714 to title II;

(2) by redesignating such sections as sections 231 through 244, respectively;

(3) by inserting such sections, in the appropriate sequence, after section 228;

(4) by inserting before section 201 the following new heading:

"PART A—ADMINISTRATION"; and

(5) by inserting before section 231 (as redesignated by paragraph (2) of this subsection) the following new heading:

"Part B—Miscellaneous Provisions".

(b) CONFORMING AMENDMENTS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in the heading for title II, by inserting "AND MISCELLANEOUS PROVISIONS" after "ADMINISTRATION";

(2) in section 406(a)(2), by striking "2701" and inserting "231";

(3) in section 465(f), by striking "2701" and inserting "231";

(4) in section 480(a)(2), by striking "2701" and inserting "231";

(5) in section 485(a)(2), by striking "2701" and inserting "231";

(6) in section 497, by striking "2701" and inserting "231";

(7) in section 505(a)(2), by striking "2701" and inserting "231";

(8) in section 926(b), by striking "2711" each place such term appears and inserting "241"; and

(9) in title XXVII, by striking the heading for such title.

SEC. 2006. CERTAIN AUTHORIZATION OF APPROPRIATIONS.

Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e-4(a)), as added by Public Law 102-515 (106 Stat. 3376), is amended—

(1) in the first sentence, by striking "the Secretary" and all that follows and inserting the following: "there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997."; and

(2) in the second sentence, by striking "Out of any amounts used" and inserting "Of the amounts appropriated under the preceding sentence".

SEC. 2007. PROHIBITION AGAINST SHARP ADULT SEX SURVEY AND THE AMERICAN TEENAGE SEX SURVEY.

The Secretary of Health and Human Services may not during fiscal year 1993 or any subsequent fiscal year conduct or support the SHARP survey of adult sexual behavior or the American Teenage Study of adolescent sexual behavior. This section becomes effective April 15, 1993.

SEC. 2008. SUPPORT FOR BIOENGINEERING RESEARCH.

(a) STUDY.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of—

(1) determining the sources and amounts of public and private funding devoted to basic research in bioengineering and biomaterials sciences;

(2) evaluating whether that commitment is sufficient to maintain the innovative edge that the United States has in these technologies; and

(3) evaluating the need to modify the structure of the National Institutes of Health or any other Federal agency to achieve a greater commitment to innovation in bioengineering, and evaluating the need for better coordination and collaboration among Federal agencies and between the public and private sectors.

In conducting such study, the Director shall work in conjunction with appropriate organizations and representatives including academics, industry leaders, bioengineering societies, and public agencies (such as the National Science Foundation, Veterans Administration, Department of Defense, National Aeronautics and Space Administration, and the White House Office of Science and Technology Policy).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report containing the findings of the study conducted under subsection (a) together with recommendations concerning the enactment of legislation to implement the results of such study.

TITLE XXI—EFFECTIVE DATES

SEC. 2101. EFFECTIVE DATES.

Subject to section 155, this Act and the amendments made by this Act take effect upon the date of the enactment of this Act.

Mr. PELL. Mr. President, I am pleased to join in introducing S. 1, the National Institutes of Health Reauthorization Act of 1993. This important legislation, which will reauthorize certain programs at NIH and provide congressional guidance for others, enjoyed very strong support in the 102d Congress but was vetoed by President Bush. True to his word and keeping faith with the millions of Americans whose lives depend on federally supported biomedical research, the majority leader allow the NIH bill to be introduced as the first bill of this new Congress.

As a member of the Senate Labor and Human Resources Committee, I have followed the progress of this bill with care, concern, and until today, disappointment. This bill contains important and needed changes in policy that, in my view, have hindered the progress of scientific research in this Nation and throughout the world. Today I am invigorated by the bill's prospects in this Congress and the promise that the Clinton-Gore administration holds for biomedical research specifically, and for science in general.

Mr. President, I am most pleased with the legislation that is pending before us today. It will revitalize many programs at NIH, including research on breast and prostate cancer, AIDS, and women's health needs. It also recognizes and addresses a disease of growing importance to many Rhode Islanders and others across this Nation, chronic fatigue syndrome [CFS], also known as chronic fatigue immunodeficiency syndrome [CFIDS].

I strongly support the provisions in this bill that provide additional support to the National Cancer Institute, and in particular, to its research and cancer control programs. As the author of the legislation that created the NCI's International Cancer Research Data Bank [ICRDB], which assists in the exchange of information on the diagnosis and treatment of cancer between clinicians here and abroad, I urge the NCI to explore further ways to serve the ICRDB's services and needs.

Mr. President, I am particularly pleased that the legislation before us today will overturn the Bush administration's ban on fetal tissue transplantation research. Last year, 77 Senators agreed that the Federal Government should resume funding this vital research that holds great promise for victims of many debilitating and painful diseases, including Parkinson's disease. President Clinton has made it clear that he also opposes this ban and is expected to overturn it by Executive order. In my view, it makes sense for Congress not only to codify the President's decision in this regard, but also to establish legislatively the very sensible safeguards that have been recommended.

I urge my colleagues to support this important legislation and hope that the President will act expeditiously to sign it.

• Mr. DURENBERGER. Mr. President, I am pleased today to join my distinguished colleague from Massachusetts in introducing S. 1, The Reauthorization of the National Institutes of Health.

Mr. President, I have stated many times in this chamber how much respect I have for the National Institutes of Health. NIH is a national treasure. The work of its scientists and the research that it supports in universities form the cornerstone of our contributions to the reduction of suffering and disease in America and throughout the world.

I might add, too, that I have enormous respect for the Director of NIH, Dr. Bernadine Healy, who has exhibited impressive leadership in biomedical research.

Mr. President, this reauthorization has been a long time coming. The Senate twice passed bills in the last Congress to reauthorize the NIH. However, these bills were vetoed by the President.

I strongly support this bill, particularly the efforts to coordinate research on women's health. I am also pleased that the bill contains provisions for a new study on the status of basic biomedical engineering research. I have asked NIH to study this problem and report to Congress on its findings. I request permission to include a brief statement on this problem into the RECORD.

I have been a strong supporter of AIDS research and enhancing our commitment to find a cure for this dread disease. This bill, in its present form, includes some expansion of authority to address this issue.

I believe that it is important that we coordinate all our efforts in this area, so that the research can proceed efficiently and with dispatch. However, I have some reservations about how the institutional arrangements have been drafted. In particular, I hope we can avoid fragmentation of the general NIH research effort, prevent increased bureaucracy, and allow for the orderly research processes at NIH. I am assured by the chairman of the Labor and Human Resources Committee that my concerns and those of my colleagues about this provision can be accommodated before final passage of the bill.

I urge my colleagues to support the passage of S. 1 so that the important work of the NIH can proceed, and I ask unanimous consent that a factsheet on the bill be printed in the RECORD.

There being no objection, the factsheet was ordered to be printed in the RECORD, as follows:

FACTSHEET ON EMERGING TECHNOLOGIES IN BIOMEDICAL ENGINEERING

WHAT IS BIOENGINEERING?

Biomedical engineering uses principles of science and engineering to solve problems in biology and medicine. It is a relatively new field, and one that is highly innovative and rapidly growing. Bioengineering contributes to basic health sciences in the following ways:

Biomaterials and biocompatibility.—Studies of materials that are used in implantable devices and their compatibility with the human body. Heart valves and hip and joint replacements are just two examples. We need major breakthroughs in materials science to realize the enormous potential of this field.

Biomechanics.—Dynamics of human motion leading to development of prosthetic devices and robotic systems to help handicapped people, especially disabled veterans.

Membrane technology and artificial organs.—Research includes filtering and separating molecules and engineering cells and tissues to carry out certain biochemical functions. On the horizon are artificial livers, nerve grafts for victims of Parkinson's disease and Alzheimer's disease.

Medical devices and instrumentation.—Designing and developing instruments for research and clinical use such as biosensors that convert biological information into electronic signals used for diagnosis and therapy. There are potential breakthroughs in osteoporosis, and other degenerative diseases.

Imaging and modeling technologies.—Studying physical and biochemical properties of body tissues, organs, and cells through tools such as CT scans, PET scans, ultrasonography, and MRI. These technologies may allow us to see metabolic dysfunctions to diagnose diseases such as cancer and cardiovascular problems far earlier than we can now.

WHY IS BASIC RESEARCH ESSENTIAL?

Basic research in this field is essential to innovation in medicine. As medical device products proliferate, basic scientific understanding is critical to adequate evaluation of their safety and efficacy. Bioengineering research can make major contributions to decreasing the costs of health care and to improving the quality of care, particularly in the area of restoration of body functions.

Basic research will enhance the U.S. leadership role in the development of medical devices. This field is central to our economic growth and international competitiveness, particularly when global competitors are developing R&D strategies to enter the medical devices field.

WHY HAS RESEARCH SUPPORT BEEN OVERLOOKED?

Due to the interdisciplinary nature of biomaterials, biomedical imaging and biomedical engineering research, the development of a national infrastructure is necessary to support basic research. While we have a strong tradition of government support for basic science through the NIH, bioengineering has not received comparable support. Total support for all bioengineering projects at NIH totalled $40.07 million out of a budget of $8 billion.

WHAT CAN WE DO ABOUT IT?

An NIH sponsored study is necessary to determine the status of bioengineering research, the levels of present funding and support, and to offer proposals to Congress for improving the present funding policies. The reauthorization of the National Institutes of

Health provides an opportunity to ask NIH to conduct this vital study.

Attached is proposed language to include in the Reauthorization Bill.•

• Mrs. BOXER. Mr. President, I support the National Institutes of Health Reauthorization Act because the health of our citizens is a priority that has not received adequate attention.

It is time to declare war on heart disease, cancer, AIDS, osteoporosis, and Alzheimer's disease—the real enemies we face today. We are a nation rich in resources; we must dedicate these resources to fighting these diseases.

I am especially proud to be an original cosponsor of this bill because it will begin to rectify the gender imbalance in health research. This bill would permanently establish the Office for Research on Women's Health, mandate the inclusion of women in clinical trials, establish contraception and infertility research centers, and authorize critically needed funds for research on breast cancer, ovarian, and other reproductive cancers.

Mr. President, it is time to listen to the people. I urge my colleagues to support this important bill.•

By Mr. FORD: (for himself, Mr. HATFIELD, Mr. MITCHELL, Mr. LAUTENBERG, Mr. WELLSTONE, Mr. SARBANES, Ms. MOSELEY-BRAUN, Mr. CONRAD, Mr. HARKIN, Mr. LEAHY, Mr. PELL, Mr. MOYNIHAN, and Mr. RIEGLE

S. 2. A bill to establish national voter registration procedures for Federal elections, and for other purposes; to the Committee on Rules and Administration.

NATIONAL VOTER REGISTRATION ACT OF 1993

Mr. FORD. Mr. President, today, I am introducing the National Voter Registration Act of 1993. This bill, commonly referred to as the motor-voter bill, will establish universal voter registration procedures for Federal elections. I am pleased to be joined in this effort by the distinguished senior Senator from Oregon [Mr. HATFIELD].

The bill which Senator HATFIELD and I are introducing is the same bill which passed both Houses of Congress in the 102d Congress. It is the same bill which was introduced in the House of Representatives earlier this month. And, it is the same bill which has the endorsement of President Clinton.

Mr. President, the motor-voter bill is the culmination of long term effort to reform the burdensome and confusing registration practices that exist in the States. Throughout our Nation's history, through constitutional amendment and various other laws, the Congress has sought to expand the franchise to more and more citizens. Because of those efforts, there are no more poll taxes or literacy tests. Women are no longer prohibited from voting. The right to vote has been expanded to include those who are 18 years of age and older. And it is required that the polling place be accessible to disabled and elderly citizens.

Unfortunately, despite these historic efforts to secure the right to vote for all Americans, there remains one final roadblock to full citizen participation. And that is the confusing array of registration practices. It is these registration practices that are frustrating people from getting to the ballot box.

The reform of archaic and antiquated voter registration practices is long overdue. That is what the motor-voter bill is all about.

Mr. President, I think we are all encouraged by the fact that in the 1992 election, 55 percent of the eligible voters in this country went to the polls. This represents an increase of 4 percentage points from the 1988 Presidential election. But the reality is that almost 70 million Americans are unable to vote because they are not registered.

Mr. President, the right to vote is the fundamental right of every eligible citizen in this country. Yet, too many people are being denied that right because they have not successfully maneuvered the confusing maze of registration practices that continue to exist. If the right to vote is a fundamental right, why is the burden to register placed upon the citizen? It should be the role of government to see that every eligible citizen is offered the change to register in the most convenient and accessible manner possible. And that is what the motor-voter bill is all about.

Motor-voter creates an active voter registration program that is in tune with our ever mobile and busy Nation. It seeks to create a program of voter registration that will reach almost all of the eligible voters.

What does the motor-voter bill do exactly?

It establishes national voter registration procedures for elections to Federal office.

States will be required to establish voter registration procedures: First, simultaneously with an application for a drivers license; second, by uniform mail application; and third, by application in person, either at an appropriate registration office, or at a Federal, State or private sector location, the so-called agency based registration.

The bill prohibits purging for nonvoting and requires that the name of a registered voter may only be removed from the list of eligible voters at the request of the voter; by reason of death; by a change of residence; or for criminal conviction or mental incapacity, as provided by State law.

Further, the bill provides that any State program or activity to protect the integrity of the electoral process by ensuring an accurate and current voter registration roll must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965.

States must conduct a general program that makes a reasonable effort to remove the name of ineligible voters by reason of death or a change of residence. The State must complete such a program at least 90 days before a Federal election.

No State may remove the name of a voter from the rolls due to a possible change of address unless the registrant confirms in writing or has failed to respond to a mail notice and has not appeared to vote in two Federal general elections following the date of the notice.

Mr. President, the motor-voter bill creates a balanced three-tier approach to voter registration. It expands the opportunities for eligible citizens to vote while protecting the integrity of the voter rolls with proven and effective safeguards against fraud. It clearly establishes that fraud in voting and voter registration is a Federal crime. And it applies the same Federal criminal penalties as in the Voting Rights Act of 1965.

Mr. President, motor-voter exists in some form in 28 States, including the District of Columbia. Mail registration exists in 28 States and the District of Columbia. Their experiences have proven that active voter registration programs are effective in increasing the rolls of eligible voters. And these programs have also proven effective in safeguarding the integrity of our voter rolls.

Mr. President, in the 102d Congress, the motor-voter bill received widespread support. There were several editorials in newspapers across the country calling on the Congress and then-President Bush to sign this legislation. One editorial in particular, which appeared in the Pittsburgh Post-Gazette, summarized in a very clear manner the reasons for this legislation:

> This increasingly mobile nation has left too much to chance in enrolling people in the democratic process. In an era of fast food, instant gratification and see-it-now TV, it's appalling that government requires people to jump through hoops and scale ladders to register to vote. What the United States needs is an active voter registration policy, one that is bent on including people rather than leaving certain ones out.

Mr. President, both Senator HATFIELD and I have said that we cannot guarantee an increase in voter turnout with this bill. But, I am encouraged by the fact that registered voters do vote.

Last fall, an article appeared in the Brookings Review by Ruy Teixeira, pronounced Roy Tess-era, entitled "Voter Turnout in America: Ten Myths." The author dispels 10 myths about low voter turnout with 10 realities. The 10th myth, according to the author, is that "there is nothing we can do to increase voter turnout, given the current sorry state of American politics." But the author explains in his reality that "there are quite a few things we could do to increase voter turnout, some of which are virtually certain to work."

Among those things that are certain to work, Mr. Teixeira says that:

> Simply making it easier to vote, by reforming the personal registration system, would probably result in increased levels of voter turnout. * * * My estimate is an increase of about 8 percentage points, which translates into adding about 15 million voters to the electorate—a substantial expansion of citizen participation by any reasonable standard.

Motor-voter is not the cure to reverse the trend of low voter turnout. But we strongly believe that is one step in the right direction toward increasing the chances of higher voter participation.

By ensuring that almost every eligible citizen will be registered to vote, we can ensure that every eligible citizen will have the opportunity to go to the polls on election day. No one will have to stay home simply because they are not registered. Mr. President, democracy is not a spectator sport. It requires the participation of all citizens, in order to make our Nation work better. Motor-voter is the season ticket to participate in our democratic system. You may not always want to participate or become involved in an election; however, ensuring that you are registered to vote guarantees that when you do want to make your voice heard, you will have that opportunity.

Mr. President, the vitality of our Republic depends on the strength of our participation. The National Voter Registration Act strengthens democracy by making voter registration an automatic right of citizenship.

With the support of our new President, I am more confident than ever before that motor-voter will become law.

I urge my colleagues to join Senator HATFIELD and myself in supporting this legislation. As the New York Times has noted in the past, "support democracy by supporting motor-voter."

Mr. President, I ask unanimous consent that the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;

(2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and

(3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Except as provided in subsection (b), each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) DECLINATION TO REGISTER.—(1) An applicant for a State motor vehicle driver's license may decline in writing to be registered by means of the motor vehicle driver's license application.

(2) No information relating to a declination pursuant to paragraph (1) may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) shall include a means by which an applicant may decline to register to vote pursuant to subsection (b);

(C) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(D) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2); or

(ii) the office's own form if it is substantially equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) CONFIRMATION OF VOTER REGISTRATION.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) VOTER REMOVAL PROGRAMS.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1992.".

(2) Section 2401(c) of title 39, United States Code, is amended by striking "and 3626(a)–(h)" and inserting "3626(a)–(h), and 3629".

(3) Section 3627 of title 39, United States Code, is amended by striking "or 3626 of this title," and inserting ", 3626, or 3629 of this title".

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for voter registration purposes.".

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, the heads of the departments, agencies, and other entities of the executive branch of the Federal Government, and representatives of nongovernmental entities, shall prescribe such regulations as are necessary to carry out this Act;

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury; and

(3) may not include any requirement for notarization or other formal authentication.

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on January 1, 1996; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

SUMMARY OF THE NATIONAL VOTER REGISTRATION ACT OF 1993

To establish national voter registration procedures for elections for Federal office, and for other purposes.

States shall establish procedures to permit voter registration: i. Simultaneously with application for a driver's license; ii. by uniform mail application; iii. by application in person, either at an appropriate registration office, or at a Federal, State or private sector location—agency registration.

The Act does not apply to States with either or both of the following: in a State in which there is no voter registration requirement for any voter in the State with respect to elections for Federal office or to a State in which all voters may register to vote at the polling place at the time of voting in a general election for Federal office; the term "State" means a State of the United States and the District of Columbia.

DRIVER'S LICENSE APPLICATION REGISTRATION

1. Unless a person declines in writing, an application for or the renewal of a driver's license shall serve as an application for voter registration.

2. The voter registration application shall be part of the driver's license application; shall not require information which duplicates the license portion of the form except such information as shall be required to prevent duplicate registration and to make an assessment of eligibility; shall include a means by which an applicant may decline to register in writing; shall include a statement that specifies each eligibility requirement, contains attestation clause that applicant meets each requirement and requires signature of applicant under penalty of perjury; and shall be made available to appropriate state election officials.

3. A driver's license change of address notice may serve as a voter registration change of address unless the driver declines.

MAIL REGISTRATION

1. Each State shall accept and use a mail voter registration application form promulgated by the FEC. In addition, a State may develop and use its own form which meets the criteria of the FEC form. Notarization or other formal authentication is not allowed. Forms shall be readily available for public and private distribution, and especially for organized registration programs.

2. A State may, by law, require a personal appearance to vote if the person was registered to vote in a local jurisdiction by mail and the person has not previously voted in that jurisdiction. Individuals who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act and those provided the right to vote other than in person by the Voting Accessibility for the Elderly and Handicapped Act are exempt.

AGENCY REGISTRATION

1. State, Federal and private sector locations shall be designated for the distribution and processing of voter registration applications. All offices providing public assistance, unemployment compensation, and related services, and all offices which provide State-funded programs primarily engaged in providing services to persons with disabilities, shall be included in the designated locations and shall provide same assistance in completion of registration application as is provided with regard to that agency's forms. States shall designate other agencies, such as libraries, schools, fishing/hunting license bureaus, marriage license offices, and any offices that provide services to persons with disabilities that are not included in the mandatory section, etc. to provide forms, assistance and processing of applications.

2. The Federal Government shall cooperate in this program.

3. An applicant for services may decline in writing to be registered to vote and no information relating to a declination may be used for any other purpose.

4. If a voter registration office designated by a State provides services to a person with disabilities at the person's home, the office shall provide the voting registration services at the person's home.

OTHER REQUIREMENTS

1. Registration cut-off is 30 days before election or such lesser period as State may provide.

2. State election official will notify each applicant of the disposition of his or her registration application.

3. A voter's name may be removed from voter rolls only: (1) at the request of the voter; or (2) as provided by State law, by reason of criminal conviction or mental incapacity. The States shall conduct a general program that makes a reasonable effort to remove the names of ineligible voters by reason of (1) death; or (2) by reason of a change of residence of the voter. A voter's name may not be removed for non-voting.

4. Any State program or activity designed to ensure the maintenance of an accurate and current voter registration roll shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965.

5. A State must complete a systematic procedure to confirm voting lists at least 90 days before a Federal election.

6. A State may use the National Change of Address (NCOA) program and be in full compliance with the requirements of the Act and may make the change of address on the registration rolls with a notification to the voter of such change.

7. No State may remove the name of a voter from the rolls due to possible change of address unless the registrant confirms in writing having moved out of voting jurisdiction, or the voter fails to respond to a notice and does not appear to vote and correct the record during period between date of notice and second general election for Federal office. Where the change of address is to an address covered by the same polling place, the voter shall be permitted to vote upon oral or written affirmation of the change of address. If a registrant has moved to a residence in a new polling place within the jurisdiction of the same voting registrar and the same congressional district, the registrant shall be permitted to vote in one of the following manners, at the option of the registrant: (1) with oral or written affirmation of the new address at the old polling place or, (2) upon written affirmation of the change of address at a designated central location where a list of eligible voters is maintained. Such a registrant may also appear at the appropriate polling place for the new address for the purposes of correcting the registration record, and shall vote, if permitted by State law. If State law permits voting at the new polling place with oral or written affirmation, vot-

ing at the former polling place or a designated central location need not be provided as options. If registration records indicate that a registrant has moved, the voter may vote upon oral or written affirmation that the voter continues to reside at the same address.

8. The FEC will promulgate regulations, prescribe the mail registration application form for use by all States, and report to Congress its assessment of the Act's impact and its recommendations following each general Federal election.

9. Civil enforcement through injunction or declaratory relief may be brought by U.S. Attorney General, or a person with notice to the chief election official of the State. The rights and remedies established by the Act are in addition to any other rights and remedies provided by law and no provision shall supersede, restrict, or limit the application of the Voting Rights Act of 1965. Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965.

10. Federal criminal penalties will apply for registration offenses which are knowing and willful.

11. State and local voting registration officials would be able to receive reduced postal rates for the purpose of making any mailing which is required or authorized by the Act. This reduced rate would be funded through a revenue foregone appropriation.

12. Each State is required to maintain and make available for public inspection and copying upon payment of reasonable costs, all records concerning the implementation of programs and activities designed to ensure the accuracy of the voting rolls. These records shall include lists of the names and addresses of those individuals sent notices and information regarding whether or not these individuals have responded. The identity of the voter registration agency through which any particular voter is registered shall not be disclosed to the public.

13. The effective date of the Act is January 1, 1995 for all States; except those States that have constitutional obstacles to conforming state requirements of the Act, in which case, the effective date would be January 1, 1996.

Mr. HATFIELD. I am pleased to join my colleague from Kentucky, Senator FORD, in introducing today the National Voter Registration Act of 1993, commonly known as the motor-voter bill. This is the same legislation which has passed this body before and its mission remains identical—to increase access to the voting system in America. The difference this year is that the time for this legislation has now arrived. Citizens across the Nation are calling for electoral reform covering everything from campaign financing to term limits. Overhauling our electoral process must begin by addressing the most fundamental feature of our democracy—registering to vote.

Yesterday, the Republican leader, Senator DOLE, noted that we are all Americans first, not Democrats or Republicans. I ask my colleagues today to consider this legislation in light of our common heritage in the American democracy. We can work together, in a bipartisan fashion, to make sure this legislation protects our electoral process from fraud and abuse and that it works to ease access for our citizens, rather than restrict participation in the process with its complications.

Voter participation in our most recent election improved significantly. Fifty-five percent of the registered voters in America voted in the 1992 election, approximately 13 million more people voting than in 1988. Our citizens, coming out in droves in November, recognized and enhanced their power as voters. Each voter speaks not as a lone voice, but as part of a community of voices. Americans voted this year because they felt power of this community.

But, while this last election made clear to us the vast numbers of people who voted, it also brought to light the vast numbers of people who did not. Why did millions of people stay home on November 3? We may never know the answer. One possibility, however, is that these people felt so far removed from the political process that they believed that one vote would make little difference in their lives. They believed that their vote would not count for much, that their voice would not be heard by anyone who would want to listen.

Mr. President, their concern is reflected in the core of the motor-voter proposal. This legislation is about spreading the word that every vote counts. Each American has a role to play and ultimately, a responsibility to exercise their power as a citizen of this country. We as policymakers have an obligation to make the system as accessible and uncomplicated as we can while still ensuring the integrity of each individual's vote. This pure purpose is not about party affiliation, or struggles for power, it is about letting our democracy work.

The concept of motor-voter is a simple one. All Americans will be able to register to vote at the same facility in which they obtain their driver's license. Voting registration will be transformed from the patchwork of State regulations which exist today to a uniform procedure for voter registration. The concept is straightforward and fair. This bill contains safeguards against the possibility of voter fraud and provisions for assisting States with potential initial costs. While I have worked to improve the bill's antifraud provisions over the past few years, I remain committed to working with Members of the Senate to continue to improve the ideas contained in this legislation.

My home State of Oregon has had motor-voter registration for 2 years. It has been successful for our State and has the full support of our Governor, Barbara Roberts. I stand here today as a witness to the effectiveness and convenience of motor-voter registration. I believe my colleagues in the other 10 States with similar laws can do the same. Motor-voter, while not flawless, has proven to streamline voter registration and ultimately increase voter participation.

But 10 States are not enough. Voting registration can be made easier for the entire Nation and I believe we, as Federal policymakers, have an obligation to examine the means we have to make it happen.

Mr. President, in this last election a furious wave sweep the Nation as voters cried out for change in Government. Over and over we heard about "the powers that be in Washington * * *" who, many people felt, gave no thought at all to "the folks back home." No voter should feel so removed from the very Government they helped to create. Americans are waiting for Washington to listen. What better answer can be given than our assurance that we want to hear?

I urge my colleagues to join me in supporting the National Voter Registration Act. Its time has come. Its has the support of our new President and of many in Congress. To see its passage this year would make the long wait worthwhile.

By Mr. BOREN (for himself, Mr. MITCHELL, Mr. FORD, Mr. BYRD, Mr. BRYAN, Mr. DECONCINI, Mr. LAUTENBERG, Mr. REID, Ms. MOSELEY-BRAUN, Mr. HARKIN, Mr. PELL, Mr. LEVIN, Mr. LEAHY, and Mr. RIEGLE):

S. 3. A bill entitled (Congressional Campaign Spending Limit and Election Reform Act of 1993); to the Committee on Rules and Administration.

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

Mr. BOREN. Mr. President, it is with pride that I join our distinguished majority leader, the distinguished Presiding Officer, the President pro tempore of the Senate, the chairman of the Rules Committee, Senator FORD, Senators BRYAN, DECONCINI, and LAUTENBERG in, once again, introducing campaign finance reform. It is significant that this bill will be one of the first three bills introduced this year. It will be designated as Senate bill 3. It underlines the desire on the part of all of us offering this legislation that real reform be accomplished this year.

Yesterday, the President in his eloquent inaugural address called upon all of us to do everything that we can to make sure that the American people understand that this Capitol belongs to them, not to special interests, but to the people themselves. And we are doing exactly that in introducing this piece of legislation.

This year, as we look at the figures for the elections which have just occurred, we find that 93 percent of the incumbents running for office were reelected. Senate incumbents were able to outspend challengers by a ratio of 2 to 1. House incumbents apparently were able to outspend their challengers by a ratio of 3 to 1. When we track where the money came from, we find that those special interests, political action committees gave to incumbents on the Senate side a ratio of $4 for every $1 they gave to challengers. In the House, political action committees gave to incumbents by a ratio of $9 to incumbents for every $1 given to challengers. Over $160 million was poured into the process by political action committees this year, and well over half the Members of Congress elected to this great institution received more than half of their campaign funds not from the people back home but from the special interest groups, the political action committees, many of them with relatively little or no connection to the home districts or home States of those to whom they make contributions.

The money chase has gone on, as not only has special interest been giving to campaigns but total campaign spending has again set new records. The average cost of winning a contested Senate seat was well over $3.6 million, and that figure may go higher when the final reports are in and there has been an opportunity to analyze them.

And so, Mr. President, as the American people view this institution which is at the heart of our democratic process, which is at the cornerstone of our constitutional system, this place where the people are to be represented themselves, their hopes, their dreams, their aspirations for this country, they receive an impression that this institution and this Capitol no longer belongs to them because they see more and more money being poured into the political process, they see that those with the most money are generally winning the elections and they see more and more of that money coming from those who have a special interest in a particular outcome on a particular piece of legislation.

There is no more significant act that we could take to restore the confidence of the American people in this institution than to pass meaningful campaign finance reform which will stop runaway campaign spending, which will stop the money chase, which will allow the Members of Congress to concentrate on solving the serious problems of this Nation instead of having to spend their time raising $15,000 or $20,000 every single week of a 6-year term in order to raise the average amount of money that it takes to get reelected, with more and more of that money not coming from the voters back home but from the special interest groups here.

And so, Mr. President, the time has come. During his election campaign, this President said that if we could pass the campaign finance reform bill similar to the bill we passed last year, he would sign it. This is the greatest opportunity that we have had, those of us who have struggled in this effort for now a decade, including the distinguished Presiding Officer, to see real reform enacted and signed into law by the President of the United States and to help in a very meaningful way to restore the confidence of the American people in this great institution.

The bill which we are introducing today is essentially the same bill that was passed by this body last year. It is introduced really in the spirit of offering it as a starting point for the legislative process this year. We realize it is not perfect.

We understand that changes will have to be made in this bill as it works its way through the legislative process. As we try to make an even stronger bill, as we consult with the new administration—and certainly over the next few days and weeks we will be consulting with our new President to receive his suggestions as to how we can improve this bill—as we consult with those on the other side of the aisle in an effort to make this truly an American bipartisan piece of legislation, we will be considering whether or not we should place limits on the amount of campaign contributions that can be carried over; we will be seeking ways in which we can tighten up even further the restrictions on the use of soft money in American politics, on the use of a system called bundling, to put together individual contributions to have special interest influence; we will be looking at the possibility of adding lobbying reform including the reform of the process in a way that would prevent former Members of Congress and those serving the executive branch to act on behalf of foreign governments.

I will be introducing a separate piece of legislation on that subject today. Hopefully, it may end up being a part of the campaign finance reform package.

We will be looking at ways we can strengthen the Federal Election Commission provisions of this bill so that we can have true and effective enforcement of its provisions.

So there are many areas in which we will be making an examination to see how we can improve this legislation. We introduce the bill today not in the spirit of saying this is the last word, this is exactly the bill that should be enacted into law but, rather, as a starting point for real legislative effort that hopefully will unite all of the Members of this body and the other body on the other side of the Capitol in a bipartisan effort to do something important for the political process and something that the American people have been demanding for a long time.

If there is any message that we should have received from the last election, it is that the American people are fed up with politics as usual. The American people have had enough of special interest influence. The American people have had enough of our having to spend our time raising campaign funds instead of solving the Nation's problems. The American people, indeed, want control of their Government back in their own hands at the grassroots where it belongs. And we can take a major step in this direction by dedicating ourselves to the proposition that Senate bill 3, which is being introduced today, will indeed become law. It can be one of the greatest contributions of the new administration, one of the greatest contributions of this new Congress. We must not rest until it is accomplished. We must not let the people down. We must keep faith with them. We must act as the trustees of this institution which is so important to the political process.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Congressional Campaign Spending Limit and Election Reform Act of 1993".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of Campaign Act; table of contents.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

Sec. 101. Senate spending limits and benefits.
Sec. 102. Restrictions on activities of political action and candidate committees in Federal elections.
Sec. 103. Reporting requirements.
Sec. 104. Disclosure by noneligible candidates.

Subtitle B—Expenditure Limitations, Contribution Limitations, and Matching Funds for Eligible House of Representatives Candidates

Sec. 121. Provisions applicable to eligible House of Representatives candidates.
Sec. 122. Limitations on political committee and large donor contributions that may be accepted by House of Representatives candidates.
Sec. 123. Excess funds of incumbents who are candidates for the House of Representatives.

Subtitle C—General Provisions

Sec. 131. Broadcast rates and preemption.
Sec. 132. Extension of reduced third-class mailing rates to eligible House of Representatives and Senate candidates.
Sec. 133. Reporting requirements for certain independent expenditures.
Sec. 134. Campaign advertising amendments.
Sec. 135. Definitions.
Sec. 136. Provisions relating to franked mass mailings.

TITLE II—INDEPENDENT EXPENDITURES

Sec. 201. Clarification of definitions relating to independent expenditures.

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

Sec. 301. Personal contributions and loans.
Sec. 302. Extensions of credit.

Subtitle B—Provisions Relating to Soft Money of Political Parties

Sec. 311. Contributions to political party committees.
Sec. 312. Provisions relating to national, State, and local party committees.
Sec. 313. Restrictions on fundraising by candidates and officeholders.
Sec. 314. Reporting requirements.

TITLE IV—CONTRIBUTIONS

Sec. 401. Contributions through intermediaries and conduits.
Sec. 402. Contributions by dependents not of voting age.
Sec. 403. Contributions to candidates from State and local committees of political parties to be aggregated.
Sec. 404. Limited exclusion of advances by campaign workers from the definition of the term "contribution".

TITLE V—REPORTING REQUIREMENTS

Sec. 501. Change in certain reporting from a calendar year basis to an election cycle basis.
Sec. 502. Personal and consulting services.
Sec. 503. Reduction in threshold for reporting of certain information by persons other than political committees.
Sec. 504. Computerized indices of contributions.

TITLE VI—FEDERAL ELECTION COMMISSION

Sec. 601. Use of candidates' names.
Sec. 602. Reporting requirements.
Sec. 603. Provisions relating to the general counsel of the Commission.
Sec. 604. Enforcement.
Sec. 605. Penalties.
Sec. 606. Random audits.
Sec. 607. Prohibition of false representation to solicit contributions.
Sec. 608. Regulations relating to use of non-Federal money.

TITLE VII—BALLOT INITIATIVE COMMITTEES

Sec. 701. Definitions relating to ballot initiatives.
Sec. 702. Amendment to definition of contribution.
Sec. 703. Amendment to definition of expenditure.
Sec. 704. Organization of ballot initiative committees.
Sec. 705. Ballot initiative committee reporting requirements.
Sec. 706. Enforcement amendment.
Sec. 707. Prohibition of contributions in the name of another.
Sec. 708. Limitation on contribution of currency.

TITLE VIII—MISCELLANEOUS

Sec. 801. Prohibition of leadership committees.
Sec. 802. Polling data contributed to candidates.
Sec. 803. Debates by general election candidates who receive amounts from the Presidential Election Campaign Fund.
Sec. 804. Prohibition of certain election-related activities of foreign nationals.
Sec. 805. Amendment to FECA section 316.
Sec. 806. Telephone voting by persons with disabilities.
Sec. 807. Prohibition of use of Government aircraft in connection with elections for Federal office.
Sec. 808. Sense of the Congress.

TITLE IX—EFFECTIVE DATES; AUTHORIZATIONS

Sec. 901. Effective date.
Sec. 902. Delay of effective dates until funding legislation enacted.
Sec. 902. Budget neutrality.
Sec. 903. Severability.
Sec. 904. Expedited review of constitutional issues.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

SEC. 101. SENATE SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

"(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (b) and (c);

"(2) meets the primary and runoff election expenditure limits of subsection (d); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration that—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (d); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(b); and

"(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 502(a).

"(2) The declaration under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files a certification with the Secretary of the Senate under penalty of perjury that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (d); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable, reduced by any amounts transferred to this election cycle from a preceding election cycle;

"(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

"(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(D) such candidate and the authorized committees of such candidate—

"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 502(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of the amount of the general election expenditure limit under section 502(b) and the amounts described in subsections (c) and (d) of section 502, reduced by—

"(I) the amount of voter communication vouchers issued to the candidate; and

"(II) any amounts transferred to this election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission; and

"(vi) will cooperate in the case of any audit and examination by the Commission under section 506; and

"(E) the candidate intends to make use of the benefits provided under section 503.

"(2) The declaration under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

"(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 502(b); or

"(ii) $2,750,000.

"(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(b).

"(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Secretary of the Senate with respect to such period under section 304(c).

"(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to the lesser of—

"(A) 10 percent of the general election expenditure limit under section 502(b); or

"(B) $250,000.

"(2) For purposes of this section and section 503(b)—

"(A) The term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

"(B) The term 'allowable contributions' shall not include—

"(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

"(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or

"(iii) contributions from individuals residing outside the candidate's State to the extent such contributions exceed 50 percent of the aggregate allowable contributions (without regard to this clause) received by the candidate during the applicable period.

Clauses (ii) and (iii) shall not apply for purposes of section 503(b).

"(3) For purposes of this subsection and section 503(b), the term 'applicable period' means—

"(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

"(i) the date on which the certification under subsection (c) is filed by the candidate; or

"(ii) for purposes of section 503(b), the date of such general election; or

"(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) INDEXING.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for purposes of subsection (d)(1), the base period shall be calendar year 1992.

"SEC. 502. LIMITATIONS ON EXPENDITURES.

"(a) LIMITATION ON USE OF PERSONAL FUNDS.—(1) The aggregate amount of expenditures which may be made during an election cycle by an eligible Senate candidate or such candidate's authorized committees from the sources described in paragraph (2) shall not exceed the lesser of—

"(A) 10 percent of the general election expenditure limit under subsection (b); or

"(B) $250,000.

"(2) A source is described in this paragraph if it is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) GENERAL ELECTION EXPENDITURE LIMIT.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $950,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) In the case of an eligible Senate candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 501(f) (relating to indexing).

"(c) LEGAL AND ACCOUNTING COMPLIANCE FUND.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures made by a candidate or the candidate's authorized committees or a Federal officeholder from a legal and accounting compliance fund meeting the requirements of paragraph (2).

"(2) A legal and accounting compliance fund meets the requirements of this paragraph if—

"(A) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate amounts transferred to, and expenditures made from, the fund do not exceed the sum of—

"(i) the lesser of—

"(I) 15 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

"(II) $300,000; plus

"(ii) the amount determined under paragraph (4); and

"(C) no funds received by the candidate pursuant to section 503(a)(3) may be transferred to the fund.

"(3) For purposes of this subsection, the term 'qualified legal and accounting expenditures' means the following:

"(A) Any expenditures for costs of legal and accounting services provided in connection with—

"(i) any administrative or court proceeding initiated pursuant to this Act during the election cycle for such general election; or

"(ii) the preparation of any documents or reports required by this Act or the Commission.

"(B) Any expenditures for legal and accounting services provided in connection with the general election for which the legal and accounting compliance fund was established to ensure compliance with this Act with respect to the election cycle for such general election.

"(4)(A) If, after a general election, a candidate determines that the qualified legal and accounting expenditures will exceed the limitation under paragraph (2)(B)(i), the candidate may petition the Commission by filing with the Secretary of the Senate a request for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed such limitation. Such determination shall be subject to judicial review under section 506.

"(B) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

"(5) Any funds in a legal and accounting compliance fund shall be treated for purposes of this Act as a separate segregated fund, except that any portion of the fund not used to pay qualified legal and accounting expenditures, and not transferred to a legal and accounting compliance fund for the election cycle for the next general election, shall be treated in the same manner as other campaign funds.

"(d) PAYMENT OF TAXES.—The limitation under subsection (b) shall not apply to any expenditure for Federal, State, or local taxes with respect to a candidate's authorized committees.

"(e) EXPENDITURES.—For purposes of this title, the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or a candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) or (vi) thereof.

"SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE.

"(a) IN GENERAL.—An eligible Senate candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b) of the Communications Act of 1934;

"(2) the mailing rates provided in section 3626(e) of title 39, United States Code;

"(3) payments in the amounts determined under subsection (b); and

"(4) voter communication vouchers in the amount determined under subsection (c).

"(b) AMOUNT OF PAYMENTS.—(1) For purposes of subsection (a)(3), the amounts determined under this subsection are—

"(A) the independent expenditure amount; and

"(B) in the case of an eligible Senate candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 502(b), the excess expenditure amount.

"(2) For purposes of paragraph (1), the independent expenditure amount is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate which are required to be reported by such persons under section 304(c) with respect to the general election period and are certified by the Commission under section 304(c).

"(3) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of a major party candidate, an amount equal to the sum of—

"(i) if the excess described in paragraph (1)(B) is not greater than 133⅓ percent of the general election expenditure limit under section 502(b), an amount equal to one-third of such limit applicable to the eligible Senate candidate for the election; plus

"(ii) if such excess equals or exceeds 133⅓ percent but is less than 166⅔ percent of such limit, an amount equal to one-third of such limit; plus

"(iii) if such excess equals or exceeds 166⅔ percent of such limit, an amount equal to one-third of such limit.

"(B) In the case of an eligible Senate candidate who is not a major party candidate, an amount equal to the lesser of—

"(i) the allowable contributions of the eligible Senate candidate during the applicable period in excess of the threshold contribution requirement under section 501(e); or

"(ii) 50 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(c) Voter Communication Vouchers.—(1) The aggregate amount of voter communication vouchers issued to an eligible Senate candidate shall be equal to 20 percent of the general election expenditure limit under section 502(b) (10 percent of such limit if such candidate is not a major party candidate).

"(2) Voter communication vouchers shall be used by an eligible Senate candidate to purchase broadcast time during the general election period in the same manner as other broadcast time may be purchased by the candidate.

"(d) Waiver of Expenditure and Contribution Limits.—(1) An eligible Senate candidate who receives payments under subsection (a)(3) which are allocable to the independent expenditure or excess expenditure amounts described in paragraphs (2) and (3) of subsection (b) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 502(b).

"(2)(A) An eligible Senate candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 501(c)(1)(D) or subsection (a) or (b) of section 502 if any one of the eligible Senate candidate's opponents who is not an eligible Senate candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 200 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(B) The amount of the expenditures which may be made by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(3)(A) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 501(c)(1)(D) if—

"(i) a major party candidate in the same general election is not an eligible Senate candidate; or

"(ii) any other candidate in the same general election who is not an eligible Senate candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 502(b).

"(B) The amount of contributions which may be received by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(e) Use of Payments.—Payments received by a candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

"(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate;

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) subject to the provisions of section 315(k), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) In General.—(1) The Commission shall certify to any candidate meeting the requirements of section 502 that such candidate is an eligible Senate candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) No later than 48 hours after an eligible Senate candidate files a request with the Secretary of the Senate to receive benefits under section 505, the Commission shall issue a certification stating whether such candidate is eligible for payments under this title or to receive voter communication vouchers and the amount of such payments or vouchers to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Determinations by Commission.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 and judicial review under section 506.

"SEC. 505. EXAMINATION AND AUDITS; REPAYMENTS; CIVIL PENALTIES.

"(a) Examination and Audits.—(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of all candidates for the office of United States Senator to determine, among other things, whether such candidates have complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act. Such candidates shall be designated by the Commission through the use of an appropriate statistical method of random selection. If the Commission selects a candidate, the Commission shall examine and audit the campaign accounts of all other candidates in the general election for the office the selected candidate is seeking.

"(2) The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(b) Excess Payments; Revocation of Status.—(1) If the Commission determines that payments or vouchers were made to an eligible Senate candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay an amount equal to the excess.

"(2) If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the payments and vouchers received under this title.

"(c) Misuse of Benefits.—If the Commission determines that any amount of any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay the amount of such benefit.

"(d) Excess Expenditures.—If the Commission determines that any eligible Senate candidate who has received benefits under this title has made expenditures which in the aggregate exceed—

"(1) the primary or runoff expenditure limit under section 501(d); or

"(2) the general election expenditure limit under section 502(b),

the Commission shall so notify such candidate and such candidate shall pay an amount equal to the amount of the excess expenditures.

"(e) Civil Penalties for Excess Expenditures and Contributions.—(1) If the Commission determines that a candidate has committed a violation described in subsection (c), the Commission may assess a civil penalty against such candidate in an amount not greater than 200 percent of the amount involved.

"(2)(A) Low amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 2.5 percent or less shall pay an amount equal to the amount of the excess expenditures.

"(B) Medium amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by more than 2.5 percent and less than 5 percent shall pay an amount equal to three times the amount of the excess expenditures.

"(C) Large amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 5 percent or more shall pay an amount equal to three times the amount of the excess expenditures plus a civil penalty in an amount determined by the Commission.

"(f) Unexpended Funds.—Any amount received by an eligible Senate candidate under this title may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid.

"(g) Limit on Period for Notification.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"SEC. 506. JUDICIAL REVIEW.

"(a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) APPLICATION OF TITLE 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"SEC. 507. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCES.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 506 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) INSTITUTION OF ACTIONS.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to the Secretary.

"(c) INJUNCTIVE RELIEF.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) APPEALS.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 508. REPORTS TO CONGRESS; REGULATIONS.

"(a) REPORTS.—The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible Senate candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 504 as benefits available to each eligible Senate candidate; and

"(3) the amount of repayments, if any, required under section 505 and the reasons for each repayment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) RULES AND REGULATIONS.—The Commission is authorized to prescribe such rules and regulations, in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) STATEMENT TO SENATE.—Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"SEC. 509. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE SENATE CANDIDATES.

"No eligible Senate candidate may receive amounts under section 503(a)(3) unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner that contains, is accompanied by, or otherwise readily permits closed captioning of the oral content of the commercial to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies.".

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1994.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1994, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1994, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1994, to pay for expenditures which were incurred (but unpaid) before such date.

(c) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—If section 501, 502, or 503 of title V of FECA (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act shall be treated as invalid.

SEC. 102. RESTRICTIONS ON ACTIVITIES OF POLITICAL ACTION AND CANDIDATE COMMITTEES IN FEDERAL ELECTIONS.

(a) CONTRIBUTIONS.—Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) CONTRIBUTIONS BY POLITICAL ACTION COMMITTEES TO SENATE CANDIDATES.—(1) In the case of a candidate for election, or nomination for election, to the United States Senate (and such candidate's authorized committees), subsection (a)(2)(A) shall be applied by substituting "$2,500" for "$5,000".

"(2) It shall be unlawful for a multicandidate political committee to make a contribution to a candidate for election, or nomination for election, to the United States Senate (or an authorized committee) to the extent that the making of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

"(A) $825,000; or

"(B) the greater of—

"(i) $375,000; or

"(ii) 20 percent of the sum of the general election spending limit under section 502(b) plus the primary election spending limit under section 501(d)(1)(A) (without regard to whether the candidate is an eligible Senate candidate).

"(3) In the case of an election cycle in which there is a runoff election, the limit determined under paragraph (2) shall be increased by an amount equal to 20 percent of the runoff election expenditure limit under section 501(d)(1)(B) (without regard to whether the candidate is such an eligible Senate candidate).

"(4) The $825,000 and $375,000 amounts in paragraph (2) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that for purposes of paragraph (2), the base period shall be calendar year 1992.

"(5) A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under paragraph (2) shall return the amount of such excess contribution to the contributor.".

SEC. 103. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE SENATE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Secretary of the Senate under section 501(c) shall file with the Secretary of the Senate a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b). Such declaration shall be filed at the time provided in section 501(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible Senate candidate under section 501; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 75 percent of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b),

shall file a report with the Secretary of the Senate within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 24 hours after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 200 percent of such limit) with the Secretary of the Senate within 24 hours after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 133⅓, 166⅔, and 200 percent of such limit.

"(3) The Commission—

"(A) shall, within 24 hours of receipt of a declaration or report under paragraph (1) or (2), notify each eligible Senate candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 502(b), shall certify, pursuant to the provisions of subsection (d), such eligibility for payment of any amount to which such eligible Senate candidate is entitled under section 503(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible Senate candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 24 hours after making each such determination, notify each eligible Senate candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 502(b), certify (pursuant to the provisions of subsection (d)) such candidate's eligibility for payment of any amount under section 503(a).

"(b) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle expends more than the limitation under section 502(a) during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 24 hours after such expenditures have been made or loans incurred.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each eligible Senate candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 24 hours after making such determination shall notify each eligible Senate candidate in the general election involved about each such determination.

"(c) CANDIDATES FOR OTHER OFFICES.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Secretary of the Senate the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate for the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(d) CERTIFICATIONS.—Notwithstanding section 505(a), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination.

"(e) COPIES OF REPORTS AND PUBLIC INSPECTION.—The Secretary of the Senate shall transmit a copy of any report or filing received under this section or of title V (whenever a 24-hour response is required of the Commission) as soon as possible (but no later than 4 working hours of the Commission) after receipt of such report or filing, and shall make such report or filing available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such reports and filings in the same manner as the Commission under section 311(a)(5).

"(f) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V.".

SEC. 104. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Section 318 of FECA (2 U.S.C. 441d), as amended by section 133, is amended by adding at the end thereof the following:

"(e) If a broadcast, cablecast, or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible Senate candidate, or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to voluntary campaign spending limits.'.".

Subtitle B—Expenditure Limitations, Contribution Limitations, and Matching Funds for Eligible House of Representatives Candidates

SEC. 121. PROVISIONS APPLICABLE TO ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES.

(a) IN GENERAL.—FECA, as amended by section 101(a), is amended by adding at the end the following new title:

"TITLE VI—EXPENDITURE LIMITATIONS, CONTRIBUTION LIMITATIONS, AND MATCHING FUNDS FOR ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES

"SEC. 601. EXPENDITURE LIMITATIONS.

"(a) IN GENERAL.—An eligible House of Representatives candidate may not, in an election cycle, make expenditures aggregating more than $600,000, of which not more than $500,000 may be expended in the general election period.

"(b) RUNOFF ELECTION AND SPECIAL ELECTION AMOUNTS.—

"(1) RUNOFF ELECTION AMOUNT.—In addition to the expenditures under subsection (a), an eligible House of Representatives candidate who is a candidate in a runoff election may make expenditures aggregating not more than 20 percent of the general election period limit under subsection (a).

"(2) SPECIAL ELECTION AMOUNT.—An eligible House of Representatives candidate who is a candidate in a special election may make expenditures aggregating not more than $500,000 with respect to the special election.

"(c) CLOSELY CONTESTED PRIMARY.—If, as determined by the Commission, an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 10 percentage points or less, subject to the general election period limitation in subsection (a), the candidate may make additional expenditures of not more than $150,000 in the general election period. The additional expenditures shall be from contributions described in section 603(h) and payments described in section 604(f).

"(d) NONPARTICIPATING OPPONENT PROVISIONS.—

"(1) LIMITATION EXCEPTION.—The limitations imposed by subsections (a) and (b) do not apply in the case of an eligible House of Representatives candidate if any other candidate seeking nomination or election to that office—

"(A) is not an eligible House of Representatives candidate; and

"(B) makes expenditures in excess of 80 percent of the general election period limitation specified in subsection (a).

"(2) CONTINUED ELIGIBILITY AND ADDITIONAL MATCHING FUNDS.—An eligible House of Representatives candidate referred to in paragraph (1)—

"(A) shall continue to be eligible for all benefits under this title; and

"(B) shall receive matching funds without regard to the ceiling under section 604(a).

"(3) REPORTING REQUIREMENT.—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress—

"(A) who is not an eligible House of Representatives candidate; and

"(B) who—

"(i) receives contributions in excess of 50 percent of the general election period limitation specified in subsection (a)(1); or

"(ii) makes expenditures in excess of 80 percent of such limit;

shall report that the threshold has been reached to the Clerk of the House of Representatives not later than 48 hours after reaching the threshold. The Clerk shall transmit a report received under this paragraph to the Commission as soon as possible (but no later than 4 working hours of the Commission) after such receipt, and the Commission shall transmit a copy to each other candidate in the election within 48 hours of receipt.

"(e) EXEMPTION FOR CERTAIN COSTS AND TAXES.—Payments for legal and accounting compliance costs, and Federal, State, or local taxes with respect to a candidate's authorized committees, shall not be considered in the computation of amounts subject to limitation under this section.

"(f) EXEMPTION FOR FUNDRAISING COSTS.—

"(1) Any costs incurred by an eligible House of Representatives candidate or his or her authorized committee in connection with the solicitation of contributions on behalf of such candidate shall not be considered in the computation of amounts subject to limitation under this section to the extent that the aggregate of such costs does not exceed 5 percent of the limitation under subsection (a) or subsection (b).

"(2) An amount equal to 5 percent of salaries and overhead expenditures of an eligible House of Representatives candidate's campaign headquarters and offices shall not be considered in the computation of amounts subject to limitation under this section. Any amount excluded under this paragraph shall be applied against the fundraising expenditure exemption under paragraph (1).

"(g) CIVIL PENALTIES.—

"(1) LOW AMOUNT OF EXCESS EXPENDITURES.—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subsection (a) or subsection (b) by 2.5 percent or less shall pay to the Commission an amount equal to the amount of the excess expenditures.

"(2) MEDIUM AMOUNT OF EXCESS EXPENDITURES.—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subsection (a) or subsection (b) by more than 2.5 percent and less than 5 percent shall pay to the Commission an amount equal to three times the amount of the excess expenditures.

"(3) LARGE AMOUNT OF EXCESS EXPENDITURES.—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subsection (a) or subsection (b) by 5 percent or more shall pay to the Commission an amount equal to three times the amount of the excess expenditures plus a civil penalty in an amount determined by the Commission.

"(h) INDEXING.—The dollar amounts specified in subsections (a), (b), (c), and (e) shall be adjusted at the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1992.

"SEC. 602. STATEMENT OF PARTICIPATION; CONTINUING ELIGIBILITY.

"(a) IN GENERAL.—The Commission shall determine whether a candidate is in compliance with this title and, by reason of such compliance, is eligible to receive benefits under this title. Such determination shall—

"(1) in the case of an initial determination, be based on a statement of participation submitted by the candidate; and

"(2) in the case of a determination of continuing eligibility, be based on relevant additional information submitted in such form and manner as the Commission may require.

"(b) FILING.—The statement of participation referred to in subsection (a) shall be filed with the Clerk of the House of Representatives not later than January 31 of the election year or on the date on which the candidate files a statement of candidacy, whichever is later. The Clerk of the House of Representatives shall transmit a statement received under this section to the Commission as soon as possible.

"SEC. 603. CONTRIBUTION LIMITATIONS.

"(a) ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATE LIMITATION.—An eligible House of Representatives candidate may not, with respect to an election cycle, accept contributions aggregating in excess of $600,000.

"(b) NONPARTICIPATING OPPONENT PROVISIONS.—The limitations imposed by subsection (a) do not apply in the case of an eligible House of Representatives candidate if any other candidate seeking nomination or election to that office—

"(1) is not an eligible House of Representatives candidate; and

"(2) receives contributions in excess of 50 percent of the general election period limitation specified in section 601(a).

"(c) TRANSFER PROVISIONS.—

"(1) If an eligible House of Representatives candidate transfers any amount from an election cycle to a later election cycle, the limitation with respect to the candidate under subsection (a) for the later cycle shall be an amount equal to the difference between the amount specified in that subsection and the amount transferred.

"(2) If an eligible House of Representatives candidate transfers any amount from an election cycle to a later election cycle, each limitation with respect to the candidate under section 315(j) for the later cycle shall be one-third of the difference between the applicable amount specified in subsection (a) and the amount transferred.

"(d) RUNOFF AMOUNT.—In addition to the contributions under subsection (a), an eligible House of Representatives candidate who is a candidate in a runoff election may accept contributions aggregating not more than 20 percent of the general election expenditure limit under section 601(a) in the general election period. Of such contributions, one-half may be from political committees and one-half may be from persons referred to in section 315(j)(2).

"(e) PERSONAL CONTRIBUTIONS.—

"(1) IN GENERAL.—An eligible House of Representatives candidate may not, with respect to an election cycle, make contributions to his or her own campaign totaling more than $50,000 from the personal funds of the candidate. The amount that the candidate may accept from persons referred to in section 315(j)(2) shall be reduced by the amount of contributions made under the preceding sentence. Contributions from the personal funds of a candidate may not be matched under section 604.

"(2) LIMITATION EXCEPTION.—The limitation imposed by paragraph (1) does not apply in the case of an eligible House of Representatives candidate if any other candidate—

"(A) is not an eligible House of Representatives candidate; and

"(B) receives contributions in excess of 50 percent of the general election period limitation specified in section 601(a).

"(3) TRIPLE MATCH.—An eligible House of Representatives candidate, whose opponent makes contributions to his or her own campaign in excess of 50 percent of the general election period limitation specified in section 601(a), shall receive $3 in matching funds for each $1 certified by the Commission as matchable for the eligible candidate.

"(f) CIVIL PENALTIES.—

"(1) LOW AMOUNT OF EXCESS CONTRIBUTIONS.—Any eligible House of Representatives candidate who accepts contributions that exceed the limitation under subsection (a) by 2.5 percent or less shall refund the excess contributions to the persons who made the contributions.

"(2) MEDIUM AMOUNT OF EXCESS CONTRIBUTIONS.—Any eligible House of Representatives candidate who accepts contributions that exceed a limitation under subsection (a) by more than 2.5 percent and less than 5 percent shall pay to the Commission an amount equal to three times the amount of the excess contributions.

"(3) LARGE AMOUNT OF EXCESS CONTRIBUTIONS.—Any eligible House of Representatives candidate who accepts contributions that exceed a limitation under subsection (a) by 5 percent or more shall pay to the Commission an amount equal to three times the amount of the excess contributions plus a civil penalty in an amount determined by the Commission.

"(g) EXEMPTION FOR CERTAIN COSTS.—(1) Any amount—

"(A) accepted by a candidate for the office of Representative in, or Delegate or Resident Commissioner to the Congress; and

"(B) used for legal and accounting compliance costs, or used to pay Federal, State, or local taxes with respect to a candidate's authorized committees shall not be considered in the computation of amounts subject to limitation under subsection (a).

"(2) The balance of funds maintained for legal and accounting compliance costs by the authorized committees of an eligible House of Representatives candidate shall not exceed 20 percent of the limit under subsection (a) at any time.

"(3) No funds received by a candidate under section 604 may be transferred to a separate legal and accounting compliance fund.

"(h) CLOSELY CONTESTED PRIMARY.—If, as determined by the Commission, an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 10 percentage points or less, notwithstanding the limitation in subsection (a), the candidate may, in the general election period, accept additional contributions of not more than $150,000, consisting of—

"(1) not more than $50,000 from political committees; and

"(2) not more than $50,000 from individuals referred to in section 315(j)(2).

"(i) INDEXING.—The dollar amounts specified in subsections (a), (d), (e), and (h) shall be adjusted at the beginning of the calendar year based on the increase in the price index determined under section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1992.

"SEC. 604. MATCHING FUNDS.

"(a) IN GENERAL.—An eligible House of Representatives candidate shall be entitled to receive, with respect to the general election, an amount equal to the amount of contributions from individuals received by the candidate, but not more than $200,000, and not to the extent that contributions from any individual during the election cycle exceed $250 in the aggregate.

"(b) INDEPENDENT EXPENDITURE PROVISION.—If, with respect to a general election involving an eligible House of Representatives candidate, independent expenditures totaling $10,000 are made against the eligible House of Representatives candidate or in favor of another candidate, the eligible House of Representatives candidate shall be entitled, in addition to any amount received under subsection (a), to a matching payment of $10,000 and additional matching payments equal to the amount of such independent expenditures above $10,000, and expenditures may be made from such payments without regard to the limitations in section 601.

"(c) SPECIFIC REQUIREMENTS.—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may receive matching funds under subsection (a) only if the candidate—

"(1) in an election cycle, has received $60,000 in contributions from individuals, with not more than $250 to be taken into account per individual;

"(2) qualifies for the general election ballot;

"(3) has an opponent on the general election ballot; and

"(4) files a statement of participation in which the candidate agrees to—

"(A) comply with the limitations under sections 601 and 603;

"(B) cooperate in the case of any audit by the Commission by furnishing such campaign records and other information as the Commission may require; and

"(C) comply with any repayment requirement under section 605.

"(d) WRITTEN INSTRUMENT REQUIREMENT.—No contribution in any form other than a gift of money made by a written instrument that identifies the individual making the contribution may be used as a basis for any matching payment under this section.

"(e) CERTIFICATION AND PAYMENT.—

"(1) CERTIFICATION.—Except as provided in paragraphs (2) and (3), not later than 5 days after receiving a request for payment, the Commission shall certify for payment the amount requested under subsection (a) or (b).

"(2) PAYMENTS.—The initial payment under subsection (a) to an eligible candidate shall be $60,000. All payments shall be—

"(A) made not later than 48 hours after certification under paragraph (1); and

"(B) subject to proportional reduction in the case of insufficient funds.

"(3) INCORRECT REQUEST.—If the Commission determines that any portion of a request is incorrect, the Commission shall withhold the certification for that portion only and inform the candidate as to how the candidate may correct the request.

"(f) CLOSELY CONTESTED PRIMARY.—If, as determined by the Commission, an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 10 percentage points or less, the candidate shall be entitled to matching funds totaling not more than $50,000, in addition to any other amount received under this section.

"(g) CONVERSIONS TO PERSONAL USE.—A candidate may not convert any amount received under this section to personal use other than for reimbursement of verifiable prior campaign expenditures.

"(h) INDEXING.—The dollar amounts specified in subsections (a), (b), (c) (other than the amount in subsection (c) to be taken into account per individual), and (f) shall be adjusted at the beginning of the calendar year based on the increase in the price index determined under section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1992.

"SEC. 605. EXAMINATION AND AUDITS; REPAYMENTS.

"(a) GENERAL ELECTION.—After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of the eligible House of Representatives candidates, as designated by the Commission through the use of an appropriate statistical method of random selection, to determine whether such candidates have complied with the conditions of eligibility and other requirements of this title. No other factors shall be considered in carrying out such an examination and audit. In selecting the accounts to be examined and audited, the Commission shall select all eligible candidates from a congressional district where any eligible candidate is selected for examination and audit.

"(b) SPECIAL ELECTION.—After each special election, the Commission shall conduct an examination and audit of the campaign accounts of all eligible candidates in the election to determine whether the candidates have complied with the conditions of eligibility and other requirements of this title.

"(c) AFFIRMATIVE VOTE.—The Commission may conduct an examination and audit of the campaign accounts of any eligible House of Representatives candidate in a general election if the Commission, by an affirmative vote of 4 members, determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(d) PAYMENTS.—If the Commission determines that any amount of a payment to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify the candidate, and the candidate shall pay an amount equal to the excess.

"SEC. 606. JUDICIAL REVIEW.

"(a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within 30 days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) APPLICATION OF TITLE 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"SEC. 607. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCES.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 606 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) INSTITUTION OF ACTIONS.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to the Secretary.

"(c) INJUNCTIVE RELIEF.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) APPEALS.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 608. REPORTS TO CONGRESS; CERTIFICATIONS; REGULATIONS.

"(a) REPORTS.—The Commission shall, as soon as practicable after each election, submit a full report to the House of Representatives setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the aggregate amount of matching fund payments certified by the Commission under section 604 for each eligible candidate; and

"(3) the amount of repayments, if any, required under section 605, and the reasons for each repayment required.

Each report submitted pursuant to this section shall be printed as a House document.

"(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under section 604) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 605 or judicial review under section 606.

"(c) RULES AND REGULATIONS.—The Commission is authorized to prescribe such rules and regulations, in accordance with the provisions of subsection (d), to conduct such audits, examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(d) REPORT OF PROPOSED REGULATIONS.—The Commission shall submit to the House of Representatives a report containing a detailed explanation and justification of each rule, regulation, and form of the Commission under this title. No such rule, regulation, or form may take effect until a period of 30 legislative days has elapsed after the report is received. As used in this subsection—

"(1) the term 'legislative day' means any calendar day on which the House of Representatives is in session; and

"(2) the terms 'rule' and 'regulation' mean a provision or series of interrelated provisions stating a single, separable rule of law.

"SEC. 609. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES.

"No eligible House of Representatives candidate may receive amounts under section 604 unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner that contains, is accompanied by, or otherwise readily permits closed captioning of the oral content of the commercial to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies.".

(b) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—If title VI of FECA (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act, shall be treated as invalid.

SEC. 122. LIMITATIONS ON POLITICAL COMMITTEE AND LARGE DONOR CONTRIBUTIONS THAT MAY BE ACCEPTED BY HOUSE OF REPRESENTATIVES CANDIDATES.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 102, is amended by adding at the end the following new subsection:

"(j)(1) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not, with respect to an election cycle, accept contributions from political committees aggregating in excess of $200,000.

"(2) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not, with respect to an election cycle, accept contributions aggregating in excess of $200,000 from persons other than political committees whose contributions total more than $250.

"(3) In addition to the contributions under paragraphs (1) and (2), a House of Representatives candidate who is a candidate in a runoff election may accept contributions aggregating not more than $100,000 with respect to the runoff election. Of such contributions, one-half may be from political committees and one-half may be from persons referred to in paragraph (2).

"(4) Any amount—

"(A) accepted by a candidate for the office of Representative in, or Delegate or Resident Commissioner to the Congress; and

"(B) used for legal and accounting compliance costs, Federal, State, and local taxes,

shall not be considered in the computation of amounts subject to limitation under paragraphs (1), (2), and (3), but shall be subject to the other limitations of this Act.

"(5) In addition to any other contributions under this subsection, if, as determined by the Commission, an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 10 percentage points or less, the candidate may, in the general election period, accept contributions of not more than $150,000, consisting of—

"(A) not more than $50,000 from political committees; and

"(B) not more than $50,000 from persons referred to in paragraph (2).

"(6) The dollar amounts specified in paragraphs (1), (2), (3), and (5) (other than the amounts in paragraphs (2) and (5) relating to contribution totals) shall be adjusted in the manner provided in section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1992.".

SEC. 123. EXCESS FUNDS OF INCUMBENTS WHO ARE CANDIDATES FOR THE HOUSE OF REPRESENTATIVES.

An individual who—

(1) is a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress in an election cycle to which title VI of FECA (as enacted by section 121 of this Act) applies;

(2) is an incumbent of that office; and

(3) as of the date of the first statement of participation submitted by the individual under section 502 of FECA, has campaign accounts containing in excess of $600,000;

shall deposit such excess in a separate account subject to the provision of section 304 of FECA. The amount so deposited shall be available for any lawful purpose other than use, with respect to the individual, for an election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress.

Subtitle C—General Provisions

SEC. 131. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "forty-five" and inserting in lieu thereof "30";

(B) by striking out "sixty" and inserting in lieu thereof "45"; and

(C) by striking out "lowest unit charge of the station for the same class and amount of time for the same period" and insert "lowest charge of the station for the same amount of time for the same period on the same date"; and

(2) by adding at the end the following new sentence:

"In the case of an eligible Senate candidate (as defined in section 301(19) of the Federal Election Campaign Act of 1971), the charges during the general election period (as defined in section 301(21) of such Act) shall not exceed 50 percent of the lowest charge described in paragraph (1).".

(b) PREEMPTION; ACCESS.—Section 315 of such Act (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (e) and (f), respectively, and by inserting immediately after subsection (b) the following new subsection:

"(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to the provisions of subsection (b)(1).

"(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.

"(d) In the case of a legally qualified candidate for the United States Senate, a licensee shall provide broadcast time without regard to the rates charged for the time.".

SEC. 132. EXTENSION OF REDUCED THIRD-CLASS MAILING RATES TO ELIGIBLE HOUSE OF REPRESENTATIVES AND SENATE CANDIDATES.

Section 3626(e) of title 39, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) by striking out "and the National" and inserting in lieu thereof "the National"; and

(B) by striking out "Committee;" and inserting in lieu thereof "Committee, and, subject to paragraph (3), the principal campaign committee of an eligible House of Representatives or Senate candidate;";

(2) in paragraph (2)(B), by striking out "and" after the semicolon;

(3) in paragraph (2)(C), by striking out the period and inserting in lieu thereof "; and";

(4) by adding after paragraph (2)(C) the following new subparagraph:

"(D) the terms 'eligible House of Representatives candidate', 'eligible Senate candidate', and 'principal campaign committee' have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971."; and

(5) by adding after paragraph (2) the following new paragraph:

"(3) The rate made available under this subsection with respect to an eligible House of Representatives or Senate candidate shall apply only to—

"(A) the general election period (as defined in section 301 of the Federal Election Campaign Act of 1971); and

"(B) that number of pieces of mail equal to the number of individuals in the voting age population (as certified under section 315(e) of such Act) of the congressional district or State, whichever is applicable.".

SEC. 133. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304(c) of FECA (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking out the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2), as amended by paragraph (1), the following new paragraphs:

"(3)(A) Any independent expenditure (including those described in subsection (b)(6)(B)(iii) of this section) aggregating $1,000 or more made after the 20th day, but more than 24 hours, before any election shall be reported within 24 hours after such independent expenditure is made.

"(B) Any independent expenditure aggregating $10,000 or more made at any time up to and including the 20th day before any election shall be reported within 48 hours after such independent expenditure is made. An additional statement shall be filed each time independent expenditures aggregating $10,000 are made with respect to the same election as the initial statement filed under this section.

"(C) Such statement shall be filed with the Clerk of the House of Representatives or the Secretary of the Senate, whichever is applicable, and the Secretary of State of the State involved and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Clerk of the House of Representatives and the Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

"(D) For purposes of this section, the term 'made' includes any action taken to incur an obligation for payment.

"(4)(A) If any person intends to make independent expenditures totaling $5,000 during the 20 days before an election, such person shall file a statement no later than the 20th day before the election.

"(B) Such statement shall be filed with the Clerk of the House of Representatives or the Secretary of the Senate, whichever is applicable, and the Secretary of State of the State involved, and shall identify each candidate whom the expenditure will support or oppose. The Clerk of the House of Representatives and the Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a statement under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

"(5) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election which in the aggregate exceed the applicable amounts under paragraph (3) or (4). The Commission shall notify each candidate in such election of such determination within 24 hours of making it.

"(6) At the same time as a candidate is notified under paragraph (3), (4), or (5) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 504(a) or section 604(b).

"(7) The Clerk of the House of Representatives and the Secretary of the Senate shall make any statement received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such statements in the same manner as the Commission under section 311(a)(5)."

SEC. 134. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of FECA (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking "an expenditure" and inserting "a disbursement";

(2) in the matter before paragraph (1) of subsection (a), by striking "direct";

(3) in paragraph (3) of subsection (a), by inserting after "name" the following "and permanent street address"; and

(4) by adding at the end the following new subsections:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the statement required by paragraph (1) shall—

"(A) appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) be accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

'   is responsible for the content of this advertisement.'

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor; and, if broadcast or cablecast by means of television, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. 135. DEFINITIONS.

(a) IN GENERAL.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

"(19) The term 'eligible Senate candidate' means a candidate who is eligible under section 502 to receive benefits under title V.

"(20) The term 'general election' means any election which will directly result in the election of a person to a Federal office, but does not include an open primary election.

"(21) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

"(22) The term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(23) The term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified under State law for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of title V.

"(24) The term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

"(25) The term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

"(26) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

"(27) The term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.

"(28) The term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"(29) The term 'eligible House of Representatives candidate' means a candidate for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress, who, as determined by the Commission under section 602, is eligible to receive matching payments and other benefits under title VI by reason of filing a statement of participation and complying with the continuing eligibility requirements under section 602.

"(30) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.".

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking "mailing address" and inserting "permanent residence address".

SEC. 136. PROVISIONS RELATING TO FRANKED MASS MAILINGS.

(a) MASS MAILINGS OF SENATORS.—Section 3210(a)(6) of title 39, United States Code, is amended—

(1) in subparagraph (A), by striking "It is the intent of Congress that a Member of, or a Member-elect to, Congress" and inserting "A Member of, or Member-elect to, the House"; and

(2) in subparagraph (C)—

(A) by striking "if such mass mailing is postmarked fewer than 60 days immediately before the date" and inserting "if such mass mailing is postmarked during the calendar year"; and

(B) by inserting "or reelection" immediately before the period.

(b) MASS MAILINGS OF HOUSE MEMBERS.—Section 3210 of title 39, United States Code, is amended—

(1) in subsection (a)(7), by striking ", except that—" and all that follows through the end of subparagraph (B) and inserting a period; and

(2) in subsection (d)(1), by striking "delivery—" and all that follows through the end of subparagraph (B) and inserting "delivery within that area constituting the congressional district or State from which the Member was elected.".

(c) PROHIBITION ON USE OF OFFICIAL FUNDS.—The Committee on House Administration of the House of Representatives may not approve any payment, nor may a Member of the House of Representatives make any expenditure from, any allowance of the House of Representatives or any other official funds if any portion of the payment or expenditure is for any cost related to a mass mailing by a Member of the House of Representatives outside the congressional district of the Member.

TITLE II—INDEPENDENT EXPENDITURES

SEC. 201. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17)(A) The term 'independent expenditure' means an expenditure for an advertisement or other communication that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of a candidate or a candidate's representative.

"(B) The following shall not be considered an independent expenditure:

"(i) An expenditure made by a political committee of a political party.

"(ii) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

"(iii) An expenditure if there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure.

"(iv) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

"(v) An expenditure if the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office.

"(vi) An expenditure if the person making the expenditure retains the professional services of any individual or other person also providing those services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office.

"(vii) An expenditure if the person making the expenditure has consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person.

"(18) The term 'express advocacy' means, when a communication is taken as a whole, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity.".

(b) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking "or" after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii).".

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

SEC. 301. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 122, is amended by adding at the end the following new subsection:

"(k) Limitations on Payments to Candidates.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors.".

SEC. 302. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as amended by section 201(b), is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by inserting at the end the following new clause:

"(iv) with respect to a candidate and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mailings, or relating to other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period greater than the period, not in excess of 60 days, for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished or the date of the mailing in the case of advertising by a mailing.".

Subtitle B—Provisions Relating to Soft Money of Political Parties

SEC. 311. CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.

(a) Individual Contributions to State Party.—Paragraph (1) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to political committees established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000; or".

(b) Multicandidate Committee Contributions to State Party.—Paragraph (2) of section 315(a) of FECA (2 U.S.C. 441a(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to political committees established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000; or".

(c) Increase in Overall Limit.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended by adding at the end thereof the following new sentence: "The limitation under this paragraph shall be increased (but not by more than $5,000) by the amount of contributions made by an individual during a calendar year to political committees which are taken into account for purposes of paragraph (1)(C).".

SEC. 312. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) Expenditures by State Committees in Connection With Presidential Campaigns.—Section 315(d) of FECA (2 U.S.C. 441a(d)) is amended by inserting at the end thereof the following new paragraph:

"(4) A State committee of a political party, including subordinate committees of that State committee, shall not make expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party which, in the aggregate, exceed an amount equal to 4 cents multiplied by the voting age population of the State, as certified under subsection (e). This paragraph shall not authorize a committee to make expenditures for audio broadcasts (including television broadcasts) in excess of the amount which could have been made without regard to this paragraph.".

(b) Contribution and Expenditure Exceptions.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(A) in clause (xi), by striking "direct mail" and inserting "mail"; and

(B) by repealing clauses (x) and (xii).

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended by repealing clauses (viii) and (ix).

(c) Soft Money of Committees of Political Parties.—(1) Title III of FECA is amended by inserting after section 323 the following new section:

"POLITICAL PARTY COMMITTEES

"Sec. 324. (a) Any amount solicited, received, or expended directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to an activity which, in whole or in part, is in connection with an election to Federal office shall be subject in its entirety to the limitations, prohibitions, and reporting requirements of this Act.

"(b) For purposes of subsection (a)—

"(1) Any activity which is solely for the purpose of influencing an election for Federal office is in connection with an election for Federal office.

"(2) Except as provided in paragraph (3), any of the following activities during a Federal election period shall be treated as in connection with an election for Federal office:

"(A) Voter registration and get-out-the-vote activities.

"(B) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that—

"(i) are generic campaign activities; or

"(ii) identify a Federal candidate regardless of whether a State or local candidate is also identified.

"(C) The preparation and dissemination of campaign materials that are part of a generic campaign activity or that identify a Federal candidate, regardless of whether a State or local candidate is also identified.

"(D) Development and maintenance of voter files.

"(E) Any other activity affecting (in whole or in part) an election for Federal office.

"(3) The following shall not be treated as in connection with a Federal election:

"(A) Any amount described in section 301(8)(B)(viii).

"(B) Any amount contributed to a candidate for other than Federal office.

"(C) Any amount received or expended in connection with a State or local political convention.

"(D) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that are exclusively on behalf of State or local candidates and are not activities described in paragraph (2)(A).

"(E) Administrative expenses of a State or local committee of a political party, including expenses for—

"(i) overhead;

"(ii) staff (other than individuals devoting a substantial portion of their activities to elections for Federal office);

"(iii) meetings; and

"(iv) conducting party elections or caucuses.

"(F) Research pertaining solely to State and local candidates and issues.

"(G) Development and maintenance of voter files other than during a Federal election period.

"(H) Activities described in paragraph (2)(A) which are conducted other than during a Federal election period.

"(I) Any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office.

"(4) For purposes of this subsection, the term 'Federal election period' means the period—

"(A) beginning on June 1, of any even-numbered calendar year (April 1 if an election to the office of President occurs in such year), and

"(B) ending on the date during such year on which regularly scheduled general elections for Federal office occur.

In the case of a special election, the Federal election period shall include at least the 60-day period ending on the date of the election.

"(c) Solicitation of Committees.—(1) A national committee of a political party may not solicit or accept contributions not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to contributions that—

"(A) are to be transferred to a State committee of a political party for use directly for activities described in subsection (b)(3); or

"(B) are to be used by the committee primarily to support such activities.

"(d) Amounts Received From State and Local Candidate Committees.—(1) For purposes of subsection (a), any amount received by a national, State, district, or local committee of a political party (including any subordinate committee) from a State or local candidate committee shall be treated as meeting the requirements of subsection (a) and section 304(d) if—

"(A) such amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount, and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements are met, and

"(ii) certifies to the other committee that such requirements were met.

"(2) Notwithstanding paragraph (1), any committee receiving any contribution described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act with respect to receipt of the contribution from such candidate committee.

"(3) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office.".

(2) Section 315(d) of FECA (2 U.S.C. 441a(d)), as amended by subsection (a), is amended by adding at the end thereof the following new paragraph:

"(5)(A) The national committee of a political party, the congressional campaign committees of a political party, and a State or local committee of a political party, including a subordinate committee of any of the preceding committees, shall not make expenditures during any calendar year for activities described in section 324(b)(2) with respect to such State which, in the aggregate, exceed an amount equal to 30 cents multiplied by the voting age population of the State (as certified under subsection (e)).

"(B) Expenditures authorized under this paragraph shall be in addition to other expenditures allowed under this subsection, except that this paragraph shall not authorize a committee to make expenditures to which paragraph (3) or (4) applies in excess of the limit applicable to such expenditures under paragraph (3) or (4).

"(C) No adjustment to the limitation under this paragraph shall be made under subsection (c) before 1992 and the base period for purposes of any such adjustment shall be 1990.

"(D) For purposes of this paragraph—

"(i) a local committee of a political party shall only include a committee that is a political committee (as defined in section 301(4)); and

"(ii) a State committee shall not be required to record or report under this Act the expenditures of any other committee which are made independently from the State committee.".

(3) Section 301(4) of FECA (2 U.S.C. 431(4)) is amended by adding at the end the following new sentence:

"For purposes of subparagraph (C), any payments for get-out-the-vote activities on behalf of candidates for office other than Federal office shall be treated as payments exempted from the definition of expenditure under paragraph (9) of this section.".

(d) Generic Activities.—Section 301 of FECA (2 U.S.C. 431), as amended by section 135, is amended by adding at the end thereof the following new paragraph:

"(31) The term 'generic campaign activity' means a campaign activity the preponderant purpose or effect of which is to promote a political party rather than any particular Federal or non-Federal candidate.".

SEC. 313. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) State Fundraising Activities.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 301, is amended by adding at the end thereof the following new subsection:

"(l) Limitations on Fundraising Activities of Federal Candidates and Officeholders and Certain Political Committees.—(1) For purposes of this Act, a candidate for Federal office (or an individual holding Federal office) may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under this Act, and are not from sources prohibited by this Act with respect to elections to Federal office.

"(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

"(B) A person is described in this subparagraph if such person is a candidate for Federal office, an individual holding Federal office, or any national, State, district, or local committee of a political party (including subordinate committees).

"(3) The appearance or participation by a candidate or individual in any activity (including fundraising) conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if—

"(A) such appearance or participation is otherwise permitted by law; and

"(B) such candidate or individual does not solicit or receive, or make expenditures from, any funds resulting from such activity.

"(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

"(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual is described in section 101(f) of the Ethics in Government Act of 1978.".

(b) Tax-Exempt Organizations.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(m) Tax-Exempt Organizations.—(1) If during any period an individual is a candidate for, or holds, Federal office, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns.

"(2) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual is described in section 101(f) of the Ethics in Government Act of 1978.".

SEC. 314. REPORTING REQUIREMENTS.

(a) Reporting Requirements.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end thereof the following new subsection:

"(d) Political Committees.—(1) The national committee of a political party and any congressional campaign committee, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 324 applies shall report all receipts and disbursements in connection with a Federal election (as determined under section 324).

"(3) Any political committee to which section 324 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 324(c) and the reason for the transfer.

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election.

"(5) If any receipt or disbursement to which this subsection applies exceeds $200, the political committee shall include identification of the person from whom, or to whom, such receipt or disbursement was made.

"(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) Report of Exempt Contributions.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by inserting at the end thereof the following:

"(C) The exclusions provided in clauses (v) and (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions in excess of $200 shall be reported.".

(c) Reporting of Exempt Expenditures.—Section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)) is amended by inserting at the end thereof the following:

"(C) The exclusions provided in clause (iv) of subparagraph (B) shall not apply for purposes of any requirement to report expenditures under this Act, and all such expenditures in excess of $200 shall be reported.".

(d) Contributions and Expenditures of Political Committees.—Section 301(4) of FECA (2 U.S.C. 431(4)) is amended by adding at the end the following: "For purposes of this paragraph, the receipt of contributions or the making of, or obligating to make, expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office or of any political party, in general public political advertising; and the proximity to any primary, runoff, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(e) Reports by State Committees.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(e) Filing of State Reports.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information."

TITLE IV—CONTRIBUTIONS

SEC. 401. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.

Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection:

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

“(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

“(ii) the intermediary or conduit is—

“(I) a political committee with a connected organization;

“(II) an officer, employee, or agent of such a political committee;

“(III) a political party;

“(IV) a partnership or sole proprietorship;

“(V) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.); or

“(VI) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

“(C)(i) The term ‘intermediary or conduit’ does not include—

“(I) a candidate or representative of a candidate receiving contributions to the candidate's principal campaign committee or authorized committee;

“(II) a professional fundraiser compensated for fundraising services at the usual and customary rate;

“(III) a volunteer hosting a fundraising event at the volunteer's home, in accordance with section 301(8)(B); or

“(IV) an individual who transmits a contribution from the individual's spouse.

“(ii) The term ‘representative’ means an individual who is expressly authorized by the candidate to engage in fundraising, and who occupies a significant position within the candidate's campaign organization, provided that the individual is not described in subparagraph (B)(ii).

“(iii) The term ‘contributions made or arranged to be made’ includes—

“(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

“(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting.

“(iv) The term ‘acting on the organization's behalf’ includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(IV):

“(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

“(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

“(III) Soliciting contributions for a particular candidate by substantially directing the solicitations to other officers, employees, or agents of such a person.

“(D) Nothing in this paragraph shall prohibit—

“(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

“(I) 2 or more candidates;

“(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

“(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

“(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

“(iii) bona fide fundraising efforts conducted by and solely on behalf of an individual for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, but only if all contributions are made directly to a candidate or a representative of a candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient.”.

SEC. 402. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 313(b), is amended by adding at the end the following new subsection:

“(n) For purposes of this section, any contribution by an individual who—

“(1) is a dependent of another individual; and

“(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.”.

SEC. 403. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

“(9) A candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.”.

SEC. 404. LIMITED EXCLUSION OF ADVANCES BY CAMPAIGN WORKERS FROM THE DEFINITION OF THE TERM “CONTRIBUTION”.

Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(1) in clause (xiii), by striking “and” after the semicolon at the end;

(2) in clause (xiv), by striking the period at the end and inserting: “; and”; and

(3) by adding at the end the following new clause:

“(xv) any advance voluntarily made on behalf of an authorized committee of a candidate by an individual in the normal course of such individual's responsibilities as a volunteer for, or employee of, the committee, if the advance is reimbursed by the committee within 10 days after the date on which the advance is made, and the value of advances on behalf of a committee does not exceed $500 with respect to an election.”.

TITLE V—REPORTING REQUIREMENTS

SEC. 501. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.

Paragraphs (2) through (7) of section 304(b) of FECA (2 U.S.C. 434(b)(2)–(7)) are amended by inserting after “calendar year” each place it appears the following: “(election cycle, in the case of an authorized committee of a candidate for Federal office)”.

SEC. 502. PERSONAL AND CONSULTING SERVICES.

Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end the following: “, except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his or her authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed”.

SEC. 503. REDUCTION IN THRESHOLD FOR REPORTING OF CERTAIN INFORMATION BY PERSONS OTHER THAN POLITICAL COMMITTEES.

Section 304(b)(3)(A) of FECA (2 U.S.C. 434(b)(3)(A)) is amended by striking “$200” and inserting “$50”.

SEC. 504. COMPUTERIZED INDICES OF CONTRIBUTIONS.

Section 311(a) of FECA (2 U.S.C. 438(a)) is amended—

(1) by striking “and” at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) maintain computerized indices of contributions of $50 or more.”.

TITLE VI—FEDERAL ELECTION COMMISSION

SEC. 601. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of FECA (2 U.S.C. 432(e)(4)) is amended to read as follows:

“(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

“(B) A political committee that is not an authorized committee shall not include the name of any candidate in its name or use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.”.

SEC. 602. REPORTING REQUIREMENTS.

(a) OPTION TO FILE MONTHLY REPORTS—Section 304(a)(2) of FECA (2 U.S.C. 434(a)(2)) is amended—

(1) in subparagraph (A) by striking “and” at the end;

(2) in subparagraph (B) by striking the period at the end and inserting “; and”; and

(3) by inserting the following new subparagraph at the end:

“(C) in lieu of the reports required by subparagraphs (A) and (B), the treasurer may file monthly reports in all calendar years, which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-primary election report and a pre-general election report shall be filed in accordance with subparagraph (A)(i), a post-general election report shall be filed in accordance with subparagraph (A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.".

(b) FILING DATE.—Section 304(a)(4)(B) of FECA (2 U.S.C. 434(a)(4)(B)) is amended by striking "20th" and inserting "15th".

SEC. 603. PROVISIONS RELATING TO THE GENERAL COUNSEL OF THE COMMISSION.

(a) VACANCY IN THE OFFICE OF GENERAL COUNSEL.—Section 306(f) of FECA (2 U.S.C. 437c(f)) is amended by adding at the end the following new paragraph:

"(5) In the event of a vacancy in the office of general counsel, the next highest ranking enforcement official in the general counsel's office shall serve as acting general counsel with full powers of the general counsel until a successor is appointed.".

(b) PAY OF THE GENERAL COUNSEL.—Section 306(f)(1) of FECA (2 U.S.C. 437c(f)(1)) is amended—

(1) by inserting "and the general counsel" after "staff director" in the second sentence; and

(2) by striking the third sentence.

SEC. 604. ENFORCEMENT.

(a) BASIS FOR ENFORCEMENT PROCEEDING.—Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended by striking "it has reason to believe that a person has committed, or is about to commit" and inserting "facts have been alleged or ascertained that, if true, give reason to believe that a person may have committed, or may be about to commit".

(b) AUTHORITY TO SEEK INJUNCTION.—(1) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end the following new paragraph:

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found.".

(2) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended—

(A) in paragraph (7) by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(B) in paragraph (11) by striking "(6)" and inserting "(6) or (13)".

SEC. 605. PENALTIES.

(a) PENALTIES PRESCRIBED IN CONCILIATION AGREEMENTS.—(1) Section 309(a)(5)(A) of FECA (2 U.S.C. 437g(a)(5)(A)) is amended by striking "which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than 50 percent of all contributions and expenditures involved in the violation (or such lesser amount as the Commission provides if necessary to ensure that the penalty is not unjustly disproportionate to the violation); and

"(ii) not greater than all contributions and expenditures involved in the violation".

(2) Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 150 percent of all contributions and expenditures involved in the violation".

(b) PENALTIES WHEN VIOLATIONS ARE ADJUDICATED IN COURT.—(1) Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)) is amended by striking all that follows "appropriate order" and inserting ", including an order for a civil penalty in the amount determined under subparagraph (A) or (B) in the district court of the United States for the district in which the defendant resides, transacts business, or may be found.".

(2) Section 309(a)(6)(B) of FECA (2 U.S.C. 437g(a)(6)(B)) is amended by striking all that follows "other order" and inserting ", including an order for a civil penalty which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 200 percent of all contributions and expenditures involved in the violation,

upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 of chapter 96 of the Internal Revenue Code of 1986.".

(3) Section 309(a)(6)(C) of FECA (29 U.S.C. 437g(6)(C)) is amended by striking "a civil penalty" and all that follows and inserting "a civil penalty which is—

"(i) not less than 200 percent of all contributions and expenditures involved in the violation; and

"(ii) not greater than 250 percent of all contributions and expenditures involved in the violation.".

SEC. 606. RANDOM AUDITS.

Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1), the Commission may from time to time conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process. This paragraph does not apply to an authorized committee of an eligible Senate candidate subject to audit under section 505(a) or an authorized committee of an eligible House of Representatives candidate subject to audit under section 605(a).".

SEC. 607. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of FECA (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a)"; and

(2) by adding at the end the following:

"(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 608. REGULATIONS RELATING TO USE OF NON-FEDERAL MONEY.

Section 306 of FECA (2 U.S.C. 437c) is amended by adding at the end the following new subsection:

"(g) The Commission shall promulgate rules to prohibit devices or arrangements which have the purpose or effect of undermining or evading the provisions of this Act restricting the use of non-Federal money to affect Federal elections.".

TITLE VII—BALLOT INITIATIVE COMMITTEES

SEC. 701. DEFINITIONS RELATING TO BALLOT INITIATIVES.

Section 301 of FECA (2 U.S.C. 431), as amended by section 312(d), is amended by adding at the end the following new paragraphs:

"(32) The term 'ballot initiative political committee' means any committee, club, association, or other group of persons which makes ballot initiative expenditures or receives ballot initiative contributions in excess of $1,000 during a calendar year.

"(33) The term 'ballot initiative contribution' means any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing the outcome of any referendum or other ballot initiative voted on at the State, commonwealth, territory, or District of Columbia level which involves—

"(A) interstate commerce;

"(B) the election of candidates for Federal office and the permissible terms of those so elected;

"(C) Federal taxation of individuals, corporations, or other entities; or

"(D) the regulation of speech or press, or any other right guaranteed under the United States Constitution.

"(34) The term 'ballot initiative expenditure' means any purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made by any person for the purpose of influencing the outcome of any referendum or other ballot initiative voted on at the state, commonwealth, territory, or District of Columbia level which involves—

"(A) interstate commerce;

"(B) the election of candidates for Federal office and the permissible terms of those so elected;

"(C) Federal taxation of individuals, corporations, or other entities; or

"(D) the regulation of speech or press, or any other right guaranteed under the United States Constitution.".

SEC. 702. AMENDMENT TO DEFINITION OF CONTRIBUTION.

Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)), as amended by section 404, is amended—

(1) in clause (xiv), by striking "and" after the semicolon;

(2) in clause (xv), by striking the period and inserting "; and"; and

(3) by adding at the end the following new clause:

"(xvi) a ballot initiative contribution.".

SEC. 703. AMENDMENT TO DEFINITION OF EXPENDITURE.

Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended—

(1) in clause (ix)(3), by striking "and" after the semicolon;

(2) in clause (x), by striking the period and inserting "; and"; and

(3) by adding at the end the following new clause:

"(xi) a ballot initiative expenditure.".

SEC. 704. ORGANIZATION OF BALLOT INITIATIVE COMMITTEES.

Title III of FECA (2 U.S.C. 431 et seq.) is amended by inserting after section 302 (2 U.S.C. 432) the following new section:

"ORGANIZATION OF BALLOT INITIATIVE COMMITTEES

"SEC. 302A. (a) Every ballot initiative political committee shall have a treasurer. No ballot initiative contribution shall be accepted or ballot initiative expenditure shall be made by or on behalf of a ballot initiative political committee during any period in which the office of treasurer is vacant.

"(b)(1) Every person who receives a ballot initiative contribution for a ballot initiative political committee shall—

"(A) if the amount is $50 or less, forward to the treasurer such contribution no later than 30 days after receiving the contribution; and

"(B) if the amount of the ballot initiative contribution is in excess of $50, forward to the treasurer such contribution, the name, address, and occupation of the person making such contribution, and the date of receiving such contribution, no later than 10 days after receiving such contribution.

"(2) All funds of a ballot initiative political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

"(3) The treasurer of a ballot initiative political committee shall keep an account for—

"(A) all ballot initiative contributions received by or on behalf of such ballot initiative political committee;

"(B) the name and address of any person who makes a ballot initiative contribution in excess of $50, together with the date and amount of such ballot initiative contribution by any person;

"(C) the identification of any person who makes a ballot initiative contribution or ballot initiative contributions aggregating more than $200 during a calendar year, together with the date and amount of any such contribution;

"(D) the identification of any political committee or ballot initiative political committee which makes a ballot initiative contribution, together with the date and amount of any such contribution; and

"(E) the name and address of every person to whom any ballot initiative expenditure is made, the date, amount and purpose of such ballot initiative expenditure, and the name of the ballot initiative(s) to which the ballot initiative expenditure pertained.

"(c) The treasurer shall preserve all records required to be kept by this section 3 years after the report is filed.".

SEC. 705. BALLOT INITIATIVE COMMITTEE REPORTING REQUIREMENTS.

Title III of FECA (2 U.S.C. 431 et seq.), as amended by section 103, is amended by inserting after section 30A (2 U.S.C. 434) the following new section:

"BALLOT INITIATIVE COMMITTEE REPORTING REQUIREMENTS

"SEC. 304B. (a)(1) Each treasurer of a ballot initiative political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

"(2) All ballot initiative political committees shall file either—

"(A)(i) quarterly reports in each calendar year when a ballot initiative is slated regarding which the ballot initiative committee plans to make or makes a ballot initiative expenditure or plans to receive or receives a ballot initiative contribution, which shall be filed no later than the 15th day after the last day of each calendar quarter: except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year; and

"(ii) preballot initiative reports, which shall be filed 5 days before the occurrence of each ballot initiative in which the ballot initiative committee plans to make or has made a ballot initiative expenditure or plans to receive or has received a ballot initiative contribution; or

"(B) monthly reports in all calendar years which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month.

"(3) If a designation, report, or statement filed pursuant to this section (other than under paragraph (2)(A)(ii)) is sent by registered or certified mail, the United States postmark shall be considered the date of filing of the designation, report, or statement.

"(4) The reports required to be filed by this section shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during each year, only the amount need be carried forward.

"(b) Each report under this section shall disclose—

"(1) the amount of cash on hand at the beginning of the reporting period;

"(2) for the reporting period and the calendar year, the total amount of all receipts, and the total amount of all receipts in the following categories:

"(A) ballot initiative contributions from persons other than political committees;

"(B) ballot initiative contributions from political party committees;

"(C) ballot initiative contributions from other political committees and ballot initiative political committees;

"(D) transfers from affiliated political committees;

"(E) loans;

"(F) rebates, refunds, and other offsets to operating expenditures; and

"(G) dividends, interest, and other forms of receipts;

"(3) the identification of each—

"(A) person (other than a political committee or ballot initiative political committee) who makes a ballot initiative contribution to the reporting committee during the reporting period, whose ballot initiative contribution or ballot initiative contributions have an aggregate amount or value in excess of $50 within the calendar year, or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution and the address and occupation (if an individual) of the person;

"(B) political committee or ballot initiative political committee which makes a ballot initiative contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;

"(C) affiliated political committee or affiliated ballot initiative political committee which makes a transfer to the reporting committee during the reporting period;

"(D) person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan and the address and occupation (if an individual) of the person;

"(E) person who provides a rebate, refund, or other offset to operating expenditures to the reporting committee in an aggregate amount or value in excess of $200 within the calendar year, together with the date and amount of such receipt and the address and occupation (if an individual) of the person; and

"(F) person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of $200 within the calendar year, together with the date and amount of any such receipt and the address and occupation (if an individual) of the person;

"(4) for the reporting period and the calendar year, the total amount of disbursements, and all disbursements in the following categories:

"(A) ballot initiative expenditures;

"(B) transfers to affiliated political committees or ballot initiative political committees;

"(C) ballot initiative contribution refunds and other offsets to ballot initiative contributions;

"(D) loans made by the reporting committee and the name of the person receiving the loan together with the date of the loan and the address and occupation (if an individual) of the person; and

"(E) independent expenditures; and

"(5) the total sum of all ballot initiative contributions to such ballot initiative political committee.".

SEC. 706. ENFORCEMENT AMENDMENT.

Section 309 of FECA (2 U.S.C. 437g) is amended by adding at the end the following new subsection:

"(e) The civil penalties of this Act shall apply to the organization, recordkeeping, and reporting requirements of a ballot initiative political committee under section 302A or 304B, insofar as such committee conducts activities solely for the purpose of influencing a ballot initiative and not for the purpose of influencing any election for Federal office.".

SEC. 707. PROHIBITION OF CONTRIBUTIONS IN THE NAME OF ANOTHER.

Section 320 of FECA (2 U.S.C. 441f) is amended to read as follows:

"PROHIBITION OF CONTRIBUTIONS IN THE NAME OF ANOTHER

"SEC. 320. No person shall make a contribution or ballot initiative contribution in the name of another person or knowingly permit his name to be used to effect such a contribution or ballot initiative contribution, and no person shall knowingly accept a contribution or ballot initiative contribution made by one person in the name of another person.".

SEC. 708. LIMITATION ON CONTRIBUTION OF CURRENCY.

Section 321 of FECA (2 U.S.C. 441g) is amended to read as follows:

"LIMITATION ON CONTRIBUTION OF CURRENCY

"SEC. 321. No person shall make contributions or ballot initiative contributions of currency of the United States or currency of any foreign country which in the aggregate, exceed $100, to or for the benefit of—

"(1) any candidate for nomination for election, or for election, to Federal office;

"(2) any political committee (other than a ballot initiative political committee) for the purpose of influencing an election for Federal office; or

"(3) any ballot initiative political committee for the purpose of influencing a ballot initiative.".

TITLE VIII—MISCELLANEOUS

SEC. 801. PROHIBITION OF LEADERSHIP COMMITTEES.

Section 302(e) of FECA (2 U.S.C. 432(e)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."; and

(2) by adding at the end the following new paragraph:

"(6)(A) A candidate for Federal office or any individual holding Federal office may not establish, maintain, or control any political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office.

"(B) For one year after the effective date of this paragraph, any such political committee may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified under section 501(c)(3) of the Internal Revenue Code of 1986; making a contribution to the Treasury of the United States; contributing to the national, State or local committees of a political party; or making contributions not to exceed $1,000 to candidates for elective office.".

SEC. 802. POLLING DATA CONTRIBUTED TO CANDIDATES.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 314(b), is amended by inserting at the end the following new subparagraph:

"(D) A contribution of polling data to a candidate shall be valued at the fair market value of the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made.".

SEC. 803. DEBATES BY GENERAL ELECTION CANDIDATES WHO RECEIVE AMOUNTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Section 315(b) of FECA (2 U.S.C. 441a(b)) is amended by adding at the end the following new paragraph:

"(3)(A) The candidates of a political party for the offices of President and Vice President who are eligible under section 9003 of the Internal Revenue Code of 1986 to receive payments from the Secretary of the Treasury shall not receive such payments unless both of such candidates agree in writing—

"(i) that the candidate for the office of President will participate in at least 4 debates, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are eligible under that section; and

"(ii) that the candidate of the party for the office of Vice President will participate in at least 1 debate, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are eligible under that section.

"(B) If the Commission determines that either of the candidates of a political party failed to participate in a debate under subparagraph (A) and was responsible at least in part for such failure, the candidate of the party involved shall—

"(i) be ineligible to receive payments under section 9006 of the Internal Revenue Code of 1986; and

"(ii) pay to the Secretary of the Treasury an amount equal to the amount of the payments made to the candidate under that section.".

SEC. 804. PROHIBITION OF CERTAIN ELECTION-RELATED ACTIVITIES OF FOREIGN NATIONALS.

Section 319 of FECA (2 U.S.C. 441e) is amended by adding at the end the following new subsections:

"(c) A foreign national shall not directly or indirectly direct, control, influence or participate in any person's election-related activities, such as the making of contributions or expenditures in connection with elections for any local, State, or Federal office or the administration of a political committee.

"(d) A nonconnected political committee or the separate segregated fund established in accordance with section 316(b)(2)(C) or any other organization or committee involved in the making of contributions or expenditures in connection with elections for any Federal, State, or local office shall include the following statement on all printed materials produced for the purpose of soliciting contributions:

"'It is unlawful for a foreign national to make any contribution of money or other thing of value to a political committee.'.".

SEC. 805. AMENDMENT TO FECA SECTION 316.

Section 316(b) of FECA (2 U.S.C. 441b(b)) is amended—

(1) by inserting "(A)" at the beginning of paragraph (2) and redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) at the beginning of the first sentence in subparagraph (A), by inserting the following: "Except as provided in subparagraph (B),"; and

(3) by adding at the end of paragraph (2) the following:

"(B) Expenditures by a corporation or labor organization for candidate appearances, candidate debates and voter guides directed to the general public shall be considered contributions unless—

"(i) in the case of a candidate appearance, the appearance takes place on corporate or labor organization premises or at a meeting or convention of the corporation or labor organization, and all candidates for election to that office are notified that they may make an appearance under the same or similar conditions;

"(ii) in the case of a candidate debate, the organization staging the debate is either an organization described in section 301 whose broadcasts or publications are supported by commercial advertising, subscriptions or sales to the public, including a noncommercial educational broadcaster, or a nonprofit organization exempt from Federal taxation under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986 that does not endorse, support, oppose candidates or political parties; and

"(iii) in the case of a voter guide, the guide is prepared and distributed by a corporation or labor organization and consists of questions posed to at least two candidates for election to that office,

except that no communication made by a corporation or labor organization in connection with the candidate appearance, candidate debate or voter guide contains express advocacy, or that no candidate is favored through the structure or format of the candidate appearance, candidate debate or voter guide.".

SEC. 806. TELEPHONE VOTING BY PERSONS WITH DISABILITIES.

(a) STUDY OF SYSTEMS TO PERMIT PERSONS WITH DISABILITIES TO VOTE BY TELEPHONE.—

(1) IN GENERAL.—The Federal Election Commission shall conduct a study to determine the feasibility of developing a system or systems by which persons with disabilities may be permitted to vote by telephone.

(2) CONSULTATION.—The Federal Election Commission shall conduct the study described in paragraph (1) in consultation with State and local election officials, representatives of the telecommunications industry, representatives of persons with disabilities, and other concerned members of the public.

(3) CRITERIA.—The system or systems developed pursuant to paragraph (1) shall—

(A) propose a description of the kinds of disabilities that impose such difficulty in travel to polling places that a person with a disability who may desire to vote is discouraged from undertaking such travel;

(B) propose procedures to identify persons who are so disabled; and

(C) describe procedures and equipment that may be used to ensure that—

(i) only those persons who are entitled to use the system are permitted to use it;

(ii) the votes of persons who use the system are recorded accurately and remain secret;

(iii) the system minimizes the possibility of vote fraud; and

(iv) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

(4) REQUESTS FOR PROPOSALS.—In developing a system described in paragraph (1), the Federal Election Commission may request proposals from private contractors for the design of procedures and equipment to be used in the system.

(5) PHYSICAL ACCESS.—Nothing in this section is intended to supersede or supplant efforts by State and local governments to make polling places physically accessible to persons with disabilities.

(6) DEADLINE.—The Federal Election Commission shall submit to Congress the study required by this section not later than 1 year after the date of enactment of this Act.

SEC. 807. PROHIBITION OF USE OF GOVERNMENT AIRCRAFT IN CONNECTION WITH ELECTIONS FOR FEDERAL OFFICE.

Title III of FECA (2 U.S.C. 431 et seq.), as amended by section 312(c) is amended by adding at the end the following new section:

"PROHIBITION OF USE OF GOVERNMENT AIRCRAFT IN CONNECTION WITH ELECTIONS FOR FEDERAL OFFICE

"SEC. 325. (a) No aircraft that is owned or operated by the Government (including any aircraft that is owned or operated by the Department of Defense) may be used in connection with an election for Federal office.

"(b)(1) Subsection (a) shall not apply to travel provided to the President or Vice President.

"(2) The portion of the cost of any travel provided to the President or Vice President that is allocable to activities in connection with an election for Federal office shall be paid by the authorized committee of the President. Such portion shall be paid within 10 days of the travel. For purposes of this section, travel which is in any part related to campaign activity, shall be treated as in connection with an election for Federal office, and the payment for such travel shall be sufficient to reflect that portion which is campaign-related.

"(3) The actual costs and payment for costs of any travel provided to the President and Vice President shall be disclosed in accordance with section 304.".

SEC. 808. SENSE OF THE CONGRESS.

The Congress should consider legislation that would provide for an amendment to the Constitution to set reasonable limits on campaign expenditures in Federal elections.

TITLE IX—EFFECTIVE DATES; AUTHORIZATIONS

SEC. 901. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1995.

SEC. 902. BUDGET NEUTRALITY.

(a) DELAYED EFFECTIVENESS.—The provisions of this Act (other than this section) shall not be effective until the estimated costs under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 have been offset by the enactment of subsequent legislation effectuating this Act.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that subsequent legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal program, or increase the Federal budget deficit.

SEC. 903. SEVERABILITY.

Except as provided in sections 101(c) and 121(b), if any provision of this Act (including any amendment made by this Act), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this Act, or the application of such provision to other persons and circumstances, shall not be affected thereby.

SEC. 904. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

Mr. MITCHELL. Mr. President, today I am joining Senators BOREN and FORD in the reintroduction of campaign finance reform legislation. The bill is identical to the conference report that passed Congress last year except that the effective date has been changed. This marks the third Congress that Senators BOREN, FORD and I have introduced this legislation to reform the campaign finance system. But this year we face entirely different prospects for enactment. For this year, we have a President who is strongly committed to the cause of campaign finance reform.

President Clinton has endorsed the basic provisions of this legislation including voluntary spending limits on congressional campaigns, limitations on the activities of political action committees, prohibitions on the use of soft money to affect Federal elections, and reductions in the cost of broadcast time. These changes will help restore public confidence in our election finance system by reducing the role of money in the election process and by making elections more competitive.

We have introduced the conference report to last year's bill to serve as a starting point. This is not where we expect to end up because we believe there are many modifications that can be made in that legislation; not to change the basic thrust of the bill but to respond to suggestions for improvement.

That will include discussions with the new President. He has a lot of good ideas that should be reflected in any final legislation. I also continue to hold out the hope of gaining the support of Republican Members of Congress. The conference report approved last year was endorsed by many Republicans, including 17 former Members of Congress. It was also endorsed by 32 Republicans who have run for Congress against incumbents. These current and former candidates for Federal office understand how the election finance system works and they support this legislation.

Yet the bill last year was strongly opposed by most Republican Members of Congress. While I recognize a substantial body of Republicans are philosophically opposed to spending limits, I also know that there are many others who are prepared to accept such a voluntary system. They are as fed up with the current money chase as are Democrats. Now that they no longer have a President strongly opposed to spending limits, I hope they will reconsider their support for this legislation.

At every turn we have endeavored to make this legislation balanced so that it neither favors Republicans nor Democrats. I believe it does provide a more level playing field for challengers. Today I ask Republican Senators to take a fresh look at this issue; review our bill, and let us know where we can make improvements to make this a bipartisan effort.

Since completion of the conference report we have received input from many different individuals who have suggested modifications to the bill; areas that need clarification or tighter language to prevent abuse. We are reviewing those suggestions and I hope many can be included in the final bill. We are also reviewing the legislative recommendations of the Federal Election Commission to respond to need changes in the presidential system and to improve some of the disclosure and reporting rules.

Additionally, one area where I believe last year's bill was deficient was in dealing with the problem of enforcement. Public trust in our election laws requires confidence that the law will be enforced. A system of spending limits puts an even higher premium on effective enforcement. Yet, the structure of the FEC frequently results in a deadlocked 3 to 3 vote of Commissioners that prevents enforcement of the law. Occasionally, this sends the signal that the law can be ignored with impunity. This is a dangerous situation that could severely undermine our proposed voluntary spending limit system.

For that reason, I believe it is important to include provisions in this bill to encourage better compliance with the law and to give the FEC better tools for enforcing the law. In that connection, I have named Senator FOWLER to a position at the FEC as an ex officio member and I have asked him to review these issues and report to me. I invite others as well to review this important issue and recommend needed changes.

Yesterday in his inaugural address, our new President called upon us to "reform our politics, so that power and privilege no longer shout down the voice of the people." "To renew America", he said, "we must revitalize our democracy."

I fully agree with President Clinton and I intend to honor his commitment with prompt congressional approval of campaign finance reform legislation.

Mr. FORD. Mr. President, today, I join the distinguished majority leader, Mr. MITCHELL, and the senior Senator from Oklahoma [Mr. BOREN], in introducing the Congressional Campaign Spending Limit and Election Reform Act of 1993.

The legislation which we are introducing today is the same bill which passed by the 102d Congress.

Last year, the Congress took an historic step towards the long awaited and necessary reform of our campaign finance laws. The passage of campaign finance reform was the first time since the 1979 amendments to the Federal Election Campaign Act that both houses of Congress were able to agree to a bill. Despite that historic effort, that bill did not become law.

Mr. President, the introduction of the very same bill which was passed by the Congress last year is the appropriate starting point for us to begin this process of enacting real and effective reform of the campaign finance system. In the next few months, Members will have the opportunity to debate this bill. Every issue is on the table. Every issue is subject to debate before the Rules Committee and the full Senate in the months ahead

There are a number of issues that we must address in this debate. We must examine closely the role of political action committees. We need to examine the problems of bundling, soft money, and independent expenditures. In addition, there are a number of other issues to examine, including legislative recommendations that the Federal Election Commission recently issued. And above all, we need to examine a real means of reducing or limiting spending.

Mr. President, in past debates, I have said that there can be no real reform without meaningful spending limits. I believe that the terms of these spending limits remain negotiable. But the issue of whether to establish spending limits is not.

In postelection disclosure reports filed with the Federal Election Commission, general election candidates raised $498 million and spent $504 million. This represents an increase of $113 million during the same period in the 1990 election cycle.

In the Senate, general election candidates spent $190 million. Political action committees contributed $44 million to Senate candidates.

Mr. President, winning Senate campaigns now cost an average of $4 million. How many consecutive increases in the cost of running our Senate campaigns will it take before we are willing to impose meaningful spending limits?

Mr. President, if there was one clear message from the American people during the 1992 election, it was that they are demanding change in the way our system of elections works. They are cynical about how Members of Congress are elected. They are concerned how we work to stay here, and how we spend our time once we are here. And the American people have grown tired of the perception that the general interest is being held hostage to the special interest.

As a Member who has been here for 18 years, I feel very deeply that something must be done to improve the public attitude toward this institution.

President Clinton shares that concern as well. In his inaugural address, our new President said that we must renew America by reforming our politics. Campaign finance reform must end the perception that the general interest is held hostage to the special interest. Real reform must put an end to the money chase so that we, as representatives of the people, can do the people's business.

True and meaningful campaign finance reform must not only curb the excessive influence of special interests and control the money chase. It must also create a system that is fair to all—incumbents and challengers, Democrats and Republicans.

President Clinton has made it clear that campaign finance reform is an important element of his legislative program. There is no question that if the Congress is able to enact campaign finance reform, it will become law.

Mr. President, it is my hope that we can move this legislation as quickly as possible. As chairman of the Committee on Rules and Administration, I plan to schedule hearings on the campaign finance legislation in March and to proceed to mark up of this bill promptly upon conclusion of the hearings.

This is an issue where every Member of the Senate is an expert, and I urge my colleagues to join with me and others in drafting a fair solution in the months ahead.

• Mr. PELL. Mr. President, I introduce a bill to provide free broadcast time for the use of candidates for the U.S. Senate.

As a cosponsor of S.3, the Senate Election Ethics Act, I am deeply committed to continuing modification and reform of our election campaign process. The bill which I am introducing today has some special features which I believe recommend it for consideration in the context of comprehensive campaign reform: It does not involve public financing; it can help reduce the costs of campaigning; and it directly deals with the problem of negative advertising.

The purpose of this legislation is simple and straightforward. It attacks one of the principal sources of the spiraling costs of Federal political campaigns. It would make available at no cost a major element in the cost spiral, and that is media broadcast time.

I should note at the outset that my bill provides an alternative to the provision of S. 3 which would give eligible candidates vouchers for broadcast time which would be redeemed by the Federal treasury. My approach differs in that broadcasters would be required to provide limited time for political campaigns as a public service, without reimbursement from public funds.

My bill requires TV stations—as a condition of their license to use public air waves—to provide time for campaign use to the national committees of the political parties, which would in turn allocate the time to eligible candidates for the Senate. Minor parties showing support of at least 5% of the electorate would also be eligible to participate.

Committees receiving free broadcast time may use up to 15 minutes per day up to a limit of three hours on any one station during the 60 day period immediately preceding a general or special election. The bill does not apply to primaries.

All time is to be provided during the so-called prime time access period, from 7:30 to 8 p.m. local time, each weekday evening. This is a time period which local stations are supposed to use for community-oriented programming, but which in practice is not always well used.

The free time must be used in a manner which promotes a rational discussion and debate of issues pertinent to the election involved. At least 75 percent of the time must be taken up by a candidate's own remarks. In this way, I believe the bill provides a positive alternative to negative campaign ads without in any way imposing limits on present practices.

While my bill would place an administrative burden on the parties, I suggest that it is a burden they should be glad to accept. The plan of the bill permits the party organizations to decide which of their candidates—particularly in metropolitan areas where Senate candidates from more than one state may be competing for time—can best benefit from the media exposure offered by the bill.

This bill is no way restrictive of present campaign practices. Any candidate, whether or not a recipient of free time under this bill, is still at liberty to go out and purchase as much additional media time as he or she can afford and needs. Hopefully, however, the substantial infusion of free time provided by the bill will reduce substantially campaign expenditures for media purchases.

I would emphasize that this is a no-cost bill in terms of the value of the media time that would be given to the political process. The basic commodity of the bill is an existing public resource—namely, the airwaves—which the Congress can properly require to be used for political debate.

The idea is by no means a new one. I introduced it in the 99th Congress as S. 2837, in the 100th Congress as S. 593, in the 101st Congress as S. 751 and in the 102d Congress as S. 2076. And the idea has been espoused, quite independent of my own efforts, by scholars and commentators as diverse as Charles Krauthammer, Arthur M. Schlesinger, Jr. and Larry J. Sabato. So there has been ample opportunity for the concept to be absorbed into the fabric of campaign reform.

I am especially pleased to note that the basic concept of this bill was included among the recommendations of a recent bipartisan campaign finance reform panel appointed by the Senate Majority and Minority Leaders. In its report of March 6, 1990, the panel specifically recommended that broadcasters be required, as a condition of license renewal, to make free time available to political parties for campaign use. There are some differences in the distribution formula, but essentially my bill matches the panel's recommendation.

Finally, I would note that this concept has particular relevance at this time when Congress as an institution is under attack, and when so much uncritical attention is being given to panaceas such as mandatory limitations on the number of terms a member can serve.

The best alternative to mandatory term limitations, in my view, is to assure that the existing system of term limitation—namely the right of the electorate to throw out an incumbent every time he runs for reelection—is as competitive as it can be. This bill would help assure that objective.

So the time seems ripe to translate this idea into action.

Mr. President, studies of recent elections have shown that as much as 40% of all political campaign expenditures—and up to 75% in some media markets—are spent on media advertising. If we are truly concerned about curbing the cost of campaigning, it makes sense to use an available public resource to substitute for this major category of expenditure.

I share the optimism of the distinguished senator from Oklahoma [Mr. BOREN], that this year will be a watershed time of accomplishment in the area of campaign reform. With the commitment of the new administration, we should be able to enact many of the progressive concepts which have been held captive to the ideological differences of the past decade. I hope that the solid core of reform in S. 3 can be a vehicle for other worthy concepts for making political campaigns less susceptible to financial abuse. I offer this bill at this time for consideration in that context. •

By Mr. HOLLINGS (for himself, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. RIEGLE, Mr. ROBB, Mr. WOFFORD, Mr. KERRY, Ms. MOSELEY-BRAUN, and Mr. LEAHY):

S. 4. A bill to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL COMPETITIVENESS ACT

Mr. HOLLINGS. Mr. President, on behalf of myself, the distinguished majority leader, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. RIEGLE, Mr. ROBB, Mr. WOFFORD, Mr. KERRY, Ms. MOSELEY-BRAUN, Mr. LEAHY, and others, I send to the desk the National Competitiveness Act of 1993. I ask that it be appropriately referred.

Seeing others on the floor now waiting to be recognized, let me just say that in addition to the particular provisions that we have in the Competitiveness Act reauthorizing our Advanced Technology Program, our National Institute of Standards and Technology, the manufacturing centers, and a new outreach program, we have also included in the bill the 1992 computer legislation provided by then-Senator GORE, now Vice President GORE, for that "information highways" and communications, legislation which I had the opportunity of cosponsoring as chairman of the Committee on Commerce.

Mr. President, I am very pleased today to join the distinguished Majority Leader and a number of our colleagues in introducing S. 4, the National Competitiveness Act of 1993. This landmark bill will expand significantly Federal support for industry's efforts to restore U.S. leadership in technology and manufacturing. More to the point, it will help to create and preserve good jobs for our citizens.

For years, several of us in Congress have watched other governments actively support their companies, their workers, and their national prosperity while our Government has stood on the sidelines, blinded by a simplistic, indifferent economic ideology that ignored the global economic challenge facing us. The results have been clear and often devastating. Entire United States industries have been lost, and now the Department of Commerce [DOC] estimates that the United States is losing, or losing badly, to Japan and Europe in many of the key emerging technologies of the future. Overall, we have seen a steady, debilitating decline in real wages and our Nation's living standards.

It is time to return to the true American fundamentals. The budget deficit is a cancer on our economy and Government's ability to meet the Nation's needs. Unfair trade practices, particularly dumping and closed markets, are used by our competitors as a strategic weapon to weaken our industries and take our jobs. Education and training levels in America still lag other countries, and our children and workers suffer as a result. Companies and countries which lead in technology and manufacturing will lead in the quest for markets, jobs, and wealth. In all of these areas, Government has a responsibility to work with business and labor to build prosperity.

These are not great secrets. Anyone who has served as a governor, as I have, knows that real prosperity cannot be won without Government leadership and investment to support private initiative. Industry-government-labor partnerships work at the State level; it is time to bring them onto the national stage.

My colleagues have heard me speak often regarding budgets, trade, and education. I will continue to speak out on these issues. Today, however, my focus is on technology and manufacturing.

When this country chose to promote agriculture, it created a Department of Agriculture with strong research and extension arms. When we decided to lead the world in aviation, the old National Advisory Committee on Aeronautics, later part of NASA, was created. When war forced us to create nuclear weapons, we created the Manhattan Project. Later, to beat the Soviets in advanced technology we created the Advanced Research Projects Agency.

Today, when our greatest challenge is economic, the United States must maintain a true civilian technology agency, one dedicated to supporting industry's efforts to lead the world in key technologies of the 21st century. We need to fund that agency adequately, making it viable and effective.

In my view, we do not need to waste time and effort creating some new organization. We already have a civilian technology agency, and in fact we have had it since 1901. It is the Commerce Department's National Institute of Standards and Technology [NIST], formerly the old National Bureau of Standards. For decades, it has labored quietly, effectively, and with little fanfare and little money to help industry improve manufacturing, reduce costs, and improve quality.

In 1988, I authored legislation to expand this agency's services to industry. We expanded its laboratory work in support of new basic technologies, particularly in manufacturing. We created the advanced technology program, to support industry-led projects to overcome the technical problems that slow business' efforts to commercialize important new inventions. Following the example of agriculture, we created Manufacturing Technology Centers to help small and medium-sized manufacturers across the Nation to modernize their equipment and business practices so that they could boost profits and save jobs.

These programs are working, and they are helping real companies solve real problems and save real jobs. Now we are in a position to expand these proven programs and invest enough money to make them effective on the national level.

S. 4, the National Competitiveness Act, would strengthen and expand NIST's technology and manufacturing programs, and is based on legislation from last year introduced by myself, Congressman GEORGE BROWN, and others. We were not successful in enacting the legislation last year, but this year we are back and, I am pleased to say, with more support than ever.

Mr. President, the bill we are introducing today has four main provisions. First, it authorizes expanded support for that most critical and, unfortunately, often most neglected part of our economy—manufacturing. The bill would expand NIST support for both industry-led manufacturing technology projects and for State-led efforts to help small manufacturers. It would do so at a time when the Japanese are pursuing a $1 billion project to create a new generation of manufacturing technology—what they call intelligent manufacturing systems—and when the Japanese have some 170 centers to help Japan's small and medium-sized manufacturers. Specifically, the bill creates a new 21st-century manufacturing infrastructure program at NIST, with two parts: First, an industry-led advanced manufacturing technology development program, managed through NIST's existing advanced technology program; and second, a national manufacturing outreach program combining NIST support of State-run manufacturing outreach centers, an increase in the number of NIST manufacturing technology centers, and an enhanced State technology extension program that will ensure that all interested States can develop manufacturing extension services. The bill also contains an industry-led Manufacturing Advisory Committee, a work force quality initiative authored by Congressman TIM VALENTINE, and several new National Science Foundation [NSF] manufacturing activities. If the new administration decides to proceed for a full interagency advanced manufacturing initiative, as I hope they will, this legislation will ensure that DOC and NSF can play strong and effective roles in that effort.

Second, the bill authorizes a significant expansion in both the overall advanced technology program and NIST's important in-house laboratory services to American industry. It also proposes three pilot programs to stimulate additional private investment in cutting-edge technology companies. If there is one lesson that we must learn in this new world economy, it is that victory goes not to those who invent first but to those who commercialize first and produce with the highest level of quality and the lowest possible cost. Speed, quality, and cost are everything. NIST specializes in working with industry in these critical areas. Providing the agency's technology programs with adequate funding will help give the United States a fighting chance to succeed in fast-paced world markets.

Third, the legislation crates a new Office of Technology Monitoring and Competitive Assessment within DOC's Technology Administration. U.S. Government and industry alike must better understand the technological capabilities and industrial targeting strategies of our major trading partners.

Fourth, S. 4 contains the provisions of last year's S. 2937, a bill to encourage industry-government cooperation in developing a new information and computer infrastructure for the Nation and to ensure that American companies, not others, lead the world in developing lucrative and useful computer applications in such areas as education and health. S. 2937 was written by our former colleague, Vice President GORE.

Mr. President, this is a good bill—a set of concrete steps based on proven programs. I hope that it will lead to a broad discussion, and I welcome suggestions from industry, State officials, the new administration, and our colleagues. Some of the issues, such as stimulating additional private investment in technology firms, need more debate than we have been able to give them so far, and I look forward to hearing people's views.

Mr. President, I cannot conclude this statement without expressing my application for the support of colleagues and groups which have worked with me long and hard on these issues. I have enjoyed working with my Commerce Committee colleagues on these issues. More recently, I worked with Senator LIEBERMAN, Senator BINGAMAN, and other members of the Economic Leadership Strategy Group. That group has helped to put together a broad plan which includes important complementary initiatives from the Armed Services, Banking, and Labor Committees, and I will continue to work with these colleagues. I also look forward to continuing to work with Chairman BROWN and the members of the House Science Committee.

Several groups have provided us with invaluable advice and suggestions. I particularly thank the National Coalition for Advanced Manufacturing, the National Association of Manufacturers, the American Electronics Association, the Industrial Union Department [AFL–CIO], the National Center for Manufacturing Sciences, and the Modernization Forum and its friends. I look forward to continuing to work with these groups and others to shape the final bill.

Mr. President, just as the best welfare program is a job, so the best Government investments are those that boost employment and increase national wealth. In an age of high technology and tough global competition, supporting industry's efforts in technology and manufacturing is one of the smartest investments we can make.

I thank the majority leader and our colleagues for joining me today in introducing the National Competitiveness Act, and I look forward to working with the new administration to refine the bill and ensure its speedy enactment.

I ask unanimous consent that a fact sheet on the bill and the text of the bill itself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Competitiveness Act of 1993".

(b) TABLE OF CONTENTS.—

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title; table of contents.
Sec. 102. Findings.
Sec. 103. Purposes.
Sec. 104. Definitions

TITLE II—MANUFACTURING

Sec. 201. Short title.

SUBTITLE A—MANUFACTURING TECHNOLOGY AND EXTENSION

Sec. 211. Findings and purpose.
Sec. 212. Manufacturing technology and extension amendments to the Stevenson-Wydler Act.
Sec. 213. Miscellaneous and conforming amendments.
Sec. 214. Manufacturing Technology Centers.
Sec. 215. State Technology Extension Program.
Sec. 216. American workforce quality partnerships.
Sec. 217. Report on options for accelerating the adoption of new manufacturing equipment.

SUBTITLE B—NATIONAL SCIENCE FOUNDATION MANUFACTURING PROGRAM

Sec. 221. National Science Foundation manufacturing activities.

TITLE III—CRITICAL TECHNOLOGIES

Sec. 301. Findings.

SUBTITLE A—ADVANCED TECHNOLOGY PROGRAM AND RELATED

Sec. 311. Development of plan for the Advanced Technology Program.
Sec. 312. Advanced Technology Program support of large-scale joint ventures.
Sec. 313. Technical amendments.
Sec. 314. Technology monitoring and competitive assessment.
Sec. 315. Commerce Technology Advisory Board.
Sec. 316. Study of semiconductor lithography technologies.

SUBTITLE B—TECHNOLOGY FINANCING PILOT PROGRAMS

Sec. 321. Findings and purpose.
Sec. 322. Civilian Technology Loan Program.
Sec. 323. Assistance to critical technology investment companies.
Sec. 324. Assistance to State technology development programs.

TITLE IV—ADDITIONAL COMMERCE DEPARTMENT PROVISIONS

Sec. 401. International standardization.
Sec. 402. Malcolm Baldrige Award amendments.
Sec. 403. Cooperative research and development agreements.
Sec. 404. Clearinghouse on State and Local Initiatives.
Sec. 405. Use of domestic products.
Sec. 406. Severability.
Sec. 407. Wind engineering research programs.

TITLE V—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 501. Technology Administration.
Sec. 502. National Institute of Standards and Technology.
Sec. 503. Additional activities of the Technology Administration.
Sec. 504. National Science Foundation.
Sec. 505. Availability of appropriations.

TITLE VI—INFORMATION INFRASTRUCTURE AND TECHNOLOGY

Sec. 601. Short title.
Sec. 602. Findings and purpose.
Sec. 603. Information Infrastructure Development Program.

Sec. 604. Applications for education.
Sec. 605. Applications for manufacturing.
Sec. 606. Applications for health care.
Sec. 607. Applications for libraries.
Sec. 608. Access to scientific and technical information.

SEC. 102. FINDINGS.

Congress finds and declares the following:

(1) In an increasingly competitive world economy, the companies and nations which lead in the rapid development, commercialization, and application of new technologies, and in the low-priced, high-quality manufacture of products based on those technologies, will lead in economic growth, employment, and high living standards.

(2) While the United States remains the world leader in science and invention, it has not done as well as it should in commercializing and manufacturing new inventions. This lag and the unprecedented competitive challenge that the Nation has faced from abroad have contributed to a drop in real wages and living standards.

(3) While the private sector must take the lead in the development, application, and manufacture of new technologies, the Federal Government should—

(A) assist industry in the development of high-risk, long-term precommercial technologies which promise large economic benefits for the Nation;

(B) support industry-led efforts to develop and refine advanced manufacturing technologies;

(C) work with States, the private sector, and worker organizations to help small and medium-sized manufacturers throughout the Nation to adopt best current manufacturing technologies and practices, to improve worker skills, and prepare, as appropriate, to adopt the advanced computer-controlled manufacturing technologies of the 21st century; and

(D) cooperate with industry and academia to help create an advanced information infrastructure for the United States.

(4) In working with industry to promote the technological leadership and economic growth of the United States, the Federal Government also has a responsibility to consult with business leaders on industry's long-term technological needs, to monitor technological trends and technology targeting efforts in other nations, and generally to ensure that Federal technology programs help United States to remain competitive and create good domestic jobs.

(5) The Department of Commerce, and particularly its Technology Administration and National Institute of Standards and Technology, is and should remain the civilian government agency which helps commercial industry to speed the development and commercialization of new technologies, improve manufacturing, and ensure a growing and healthy national industrial base and good manufacturing jobs. To promote the long-term economic growth of the Nation, these Department of Commerce programs should be strengthened and expanded.

SEC. 103. PURPOSES.

The purposes of this Act are to—

(1) strengthen and expand the ability of Federal technology programs, particularly those of the Department of Commerce, to support industry-led efforts to improve the technological capabilities, manufacturing performance, information infrastructure, and employment opportunities of the United States;

(2) promote and facilitate, particularly through the Advanced Technology Program of the Department of Commerce the creation, development, and adoption of technologies that will contribute significantly to United States economic competitiveness, employment, and prosperity;

(3) develop a nationwide network of sources of technological advice for manufacturers, particularly small and medium-sized firms, and to provide high quality, current information to that network;

(4) encourage the development and rapid application of advanced manufacturing technologies and processes;

(5) create pilot programs to stimulate and supplement the flow of capital to business concerns engaged principally in development or utilization of critical civilian and other advanced technologies;

(6) ensure the widest possible application of high-performance computing and high-speed networking and to aid United States industry to develop an advanced national information infrastructure; and

(7) enhance and expand the core programs of the National Institute of Standards and Technology.

SEC. 104. DEFINITIONS.

For purposes of this Act—

(1) the term "advanced manufacturing technology" includes—

(A) numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving manufacturing and industrial production which advance the state-of-the-art; and

(B) novel techniques and processes designed to improve manufacturing quality, productivity, and practice, and to promote sustainable development, including engineering design, quality assurance, concurrent engineering, continuous process production technology, energy efficiency, waste minimization, design for recyclability or parts reuse, inventory management, upgraded worker skills, and communications with customers and suppliers;

(2) the term "Director" means the Director of the Institute;

(3) the term "Institute" means the National Institute of Standards and Technology;

(4) the term "modern technology" means the best available proven technology, techniques, and processes appropriate to enhancing the productivity of manufacturers;

(5) the term "Secretary" means the Secretary of Commerce; and

(6) the term "Under Secretary" means the Under Secretary of Commerce for Technology.

TITLE II—MANUFACTURING

SEC. 201. SHORT TITLE.

This title may be cited as the "Manufacturing Technology and Extension Act of 1993".

SUBTITLE A—MANUFACTURING TECHNOLOGY AND EXTENSION

SEC. 211. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds and declares the following:

(1) United States manufacturers, especially small businesses, require the adoption and implementation of both modern (that, appropriate and currently available) technologies and advanced manufacturing and process technologies to meet the challenge of foreign competition.

(2) The development and deployment of modern and advanced manufacturing technologies are vital to the economic growth, environmental sustainability, standard of living, competitiveness in world markets, and national security of the United States.

(3) New developments in flexible, computer-integrated manufacturing, electronic manufacturing communications networks, and other new technologies make possible dramatic improvements across all industrial sectors in productivity, quality, and the speed with which manufacturers can respond to changing market opportunities.

(4) The Department of Commerce's Technology Administration can continue to play an important role in assisting United States industry to develop, test, and deploy modern and advanced manufacturing technologies.

(b) PURPOSE.—It is the purpose of this subtitle to help ensure the continued leadership of the United States in manufacturing by enhancing the Department of Commerce's technology programs to—

(1) provide domestic manufacturers, especially small and medium-sized companies, with ready access to high quality Federal advice and assistance in the development, deployment, and improvement of modern manufacturing technology, and in solving their specific technology-based problems; and

(2) encourage, facilitate, and promote the development and adoption of advanced manufacturing technologies by the private sector.

SEC. 212. MANUFACTURING TECHNOLOGY AND EXTENSION AMENDMENTS TO THE STEVENSON-WYDLER ACT.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following new title:

"TITLE III—MANUFACTURING TECHNOLOGY

"SEC. 301. STATEMENT OF POLICY.

"Congress declares that it is the policy of the United States that—

"(1) Federal agencies, particularly the Department of Commerce, shall work with industry and labor to ensure that within 10 years of the date of enactment of this Act the United States is second to no other nation in the development, deployment, and use of advanced manufacturing technology;

"(2) all the major Federal research and development agencies shall place a high priority on the development and deployment of advanced manufacturing technologies, and shall work closely with United States industry and with the Nation's universities to develop and test those technologies; and

"(3) other Federal departments and agencies which work with civilian industry and labor shall be encouraged, as appropriate and consistent with applicable statutes and duties, to work with and through the programs of the Department of Commerce.

"SEC. 302. ROLE OF THE DEPARTMENT OF COMMERCE.

"(A) IN GENERAL.—The Department of Commerce shall, consistent with the policies and purposes of section 301, work with United States commercial industry and labor to—

"(1) help develop new generic advanced manufacturing technologies, including advanced flexible computer-integrated manufacturing systems and electronic communications networks; and

"(2) assist the States and the private sector to help United States manufacturers, especially small and medium-sized manufacturing enterprises, to adopt best current manufacturing technologies and practices and, as appropriate, new advanced manufacturing equipment and techniques.

"(b) TWENTY-FIRST CENTURY MANUFACTURING INFRASTRUCTURE PROGRAM.—(1) As one important step to carry out the responsibilities of the Department of Commerce under subsection (a) of this section, there is established within the Institute a Twenty-First Century Manufacturing Infrastructure Program, which shall include—

"(A) the Advanced Manufacturing Technology Development Program established under section 303 of this title; and

"(B) the National Manufacturing Outreach Program established under section 304 of this title and the associated programs established under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k-l).

"(2) The Secretary, through the Under Secretary and the Director, may accept the transfer of funds from any other Federal agency and may use those funds to implement the Twenty-First Century Manufacturing Infrastructure Program and support its activities.

"SEC. 303. ADVANCED MANUFACTURING TECHNOLOGY DEVELOPMENT PROGRAM.

"(a) PROGRAM DIRECTION.—The Secretary, through the Under Secretary and the Director, shall establish an Advanced Manufacturing Technology Development Program which shall include advanced manufacturing systems and networking projects.

"(b) PROGRAM GOAL.—The goal of the Advanced Manufacturing Technology Development Program is to create collaborative multiyear technology development programs involving United States industry and, as appropriate, other Federal agencies, the States, worker organizations, universities, and other interested persons, in order to develop, refine, test, and transfer design and manufacturing technologies and associated applications, including advanced computer integration and electronic networks.

"(c) PROGRAM COMPONENTS.—The Advanced Manufacturing Technology Development Program shall include—

"(1) the advanced manufacturing research and development activities at the Institute; and

"(2) one or more technology development testbeds within the United States, selected in accordance with procedures, including cost sharing, established for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), whose purpose shall be to develop, refine, test, and transfer advanced manufacturing and networking technologies and associated applications through a direct manufacturing process.

"(d) ACTIVITIES.—The Advanced Manufacturing Technology Development Program, under the coordination of the Secretary, through the Director, shall—

"(1) test and, as appropriate, develop the equipment, computer software, and systems integration necessary for the successful operation within the United States of advanced design and manufacturing systems and associated electronic networks;

"(2) establish at the Institute and the technology development testbed or testbeds—

"(A) prototype advanced computer-integrated manufacturing systems; and

"(B) prototype electronic networks linking manufacturing systems;

"(3) assist industry to develop, and implement voluntary consensus standards relevant to advanced computer-integrated manufacturing operations, including standards for networks, electronic data interchange, and digital product data specifications;

"(4) help to make high-performance computing and networking technologies an integral part of design and production processes where appropriate;

"(5) conduct research to identify and overcome technical barriers to the successful and cost-effective operation of advanced manufacturing systems and networks;

"(6) facilitate industry efforts to develop and test new applications for manufacturing systems and networks;

"(7) involve in the Advanced Manufacturing Technology Development Program, to the maximum extent practicable, both those United States companies which make manufacturing and computer equipment and a broad range of company personnel from those companies which buy the equipment;

"(8) identify training needs, as appropriate, for company managers, engineers, and employees in the operation and applications of advanced manufacturing technologies and networks, with a particular emphasis on training for production workers in the effective use of new technologies;

"(9) work with private industry, universities, and other interested parties to develop standards for the use of advanced computer-based training systems, including multi-media and interactive learning technologies;

"(10) involve small- and medium-sized manufacturers in its activities; and

"(11) exchange information and personnel, as appropriate, between the technology development testbeds and the electronic network created under section 303.

"(e) TESTBED AWARDS.—(1) In selecting applicants to receive awards under subsection (c)(2) of this section, the Secretary shall give particular consideration to applicants that have existing computer expertise in the management of business, product, and process information such as digital data product and process technologies and customer-supplier information systems, and the ability to diffuse such expertise into industry, and that, in the case of joint research and development ventures, include both suppliers and users of advanced manufacturing equipment.

"(2) An industry-led joint research and development venture applying for an award under subsection (c)(2) of this section may include one or more State research organizations, universities, independent research organizations, or Regional Centers for the Transfer of Manufacturing Technology (as created under section 25 of the National Institute of Standards and Technology Act) and other organizations as the Secretary considers appropriate.

"(f) ADVICE AND ASSISTANCE.—(1) Within 6 months after the date of enactment of this title, and before any request for proposals is issued, the Secretary shall hold one or more workshops to solicit advice from United States industry and from other Federal agencies, particularly the Department of Defense, regarding the specific missions and activities of the testbeds.

"(2) The Secretary shall, to the greatest extent possible, coordinate activities under this section with activities of other Federal agencies and initiatives relating to Computer-Aided Acquisition and Logistics Support, electronic data interchange, flexible computer-integrated manufacturing, and enterprise integration.

"(3) The Secretary may request and accept funds, facilities, equipment, or personnel from other Federal agencies in order to carry out responsibilities under this section.

"(g) APPLICATION OF ANTITRUST LAWS.—Nothing in this section shall be construed to create any immunity to any civil or criminal action under any Federal or State antitrust law, or to alter or restrict in any manner the applicability of any Federal or State antitrust law.

"SEC. 304. NATIONAL MANUFACTURING OUTREACH PROGRAM.

"(a) ESTABLISHMENT AND PURPOSE.—There is hereby established a National Manufacturing Outreach Program (hereafter in this section referred to as the 'Outreach Program'). The Secretary, acting through the Under Secretary and the Director, shall implement and coordinate the Outreach Program in accordance with an initial plan to be prepared and submitted to Congress within 6 months after the date of enactment of this title and a 5-year plan for the Outreach Program to be submitted to the Congress within a year after the date of enactment of this title and to be updated annually. The purpose of the Outreach Program is to link and strengthen the Nation's manufacturing extension centers and activities in order to assist United States manufacturers, especially small- and medium-sized firms, to expand and accelerate the use of modern manufacturing practices, and to accelerate the development and use of advanced manufacturing technology.

"(b) COMPONENTS.—The Outreach Program shall be a partnership of the Department of Commerce, the States, the private sector, and, as appropriate, other Federal agencies to provide a national system of manufacturing extension centers and technical services to United States companies, particularly small and medium-sized manufacturers. The Outreach Program shall include the following components—

"(1) Manufacturing Outreach Centers, as provided for under subsection (c) of this section;

"(2) Regional Centers for the Transfer of Manufacturing Technology, as established under section 25 of the National Institute of Standards and Technology Act, and the State Technology Extension Program, as established under section 26 of the National Institute of Standards and Technology Act;

"(3) an organization, coordinated and funded by the Institute, which links and supports Manufacturing Outreach Centers and Regional Centers for the Transfer of Manufacturing Technology, and which operates the Technology Extension Network and Clearinghouse established under subsection (d) of this section; and

"(4) such technology and manufacturing extension centers supported by other Federal departments and agencies as the Secretary may deem appropriate for inclusion in the Outreach Network.

"(c) MANUFACTURING OUTREACH CENTERS.—(1) Government and private sector organizations, actively engaged in technology or manufacturing extension activities, may apply to the Secretary to be designated as Manufacturing Outreach Centers. Eligible organizations may include State and local government agencies, their extension programs, and their laboratories; small business development centers; and appropriate programs run by professional societies, worker organizations, industrial organizations, for-profit or nonprofit organizations, universities, community colleges, and technical schools and colleges, including, where appropriate, vendor-supported demonstrations of production applications.

"(2) The Secretary shall establish terms and conditions of participation and may provide financial assistance, on a cost-shared basis and through competitive, merit-based review processes to nonprofit or government participants throughout the United States to enable them to—

"(A) join the Outreach Program and disseminate its technical and information services to United States manufacturing firms, particularly small and medium-sized firms; and

"(B) strengthen their efforts to help small and medium-sized United States manufacturers to expand and accelerate the use of modern and advanced manufacturing practices.

"(3) Each Manufacturing Outreach Center shall have the option of affiliating or not affiliating with one or more Regional Centers for the Transfer of Manufacturing Technology. If such a Manufacturing Outreach Center chooses to make such an affiliation, the Secretary, through the Director, shall take such steps as appropriate to ensure a productive working partnership between such center and the Regional Center or Centers with which it affiliates.

"(d) TECHNOLOGY EXTENSION COMMUNICATIONS NETWORK.—The Department of Commerce shall provide for an instantaneous, interactive communications network to serve the Outreach Program to facilitate interaction among Manufacturing Outreach Centers, Regional Centers for the Transfer of Manufacturing Technology and Federal agencies and to permit the collection and dissemination in electronic form, in a timely and accurate manner, of information described in subsection (e). Such communications infrastructure shall, wherever practicable, make use of existing computer networks, data bases, and electronic bulletin boards. Communications infrastructure arrangements, including user fees and appropriate electronic access for public and private information suppliers and users shall be addressed in the 5-year plan prepared under subsection (a) of this section.

"(e) CLEARINGHOUSE.—(1) The Secretary shall develop a clearinghouse system, using the National Institute of Standards and Technology, the National Technical Information Service, and private sector information providers and carriers where appropriate, to—

"(A) identify expertise and acquire information, appropriate to the purpose of the Outreach Program stated in subsection (a), from all available Federal sources, and where appropriate from other sources, providing assistance where necessary in making such information electronically available and compatible with the electronic network;

"(B) ensure ready access by United States manufacturers and other interested private sector parties to the most recent relevant available such information and expertise; and

"(C) to the extent practicable, inform such manufacturers of the availability of such information.

"(2) The clearinghouse shall include information available electronically on—

"(A) activities of Manufacturing Outreach Centers, Regional Centers for the Transfer of Manufacturing Technology, the State Technology Extension Program, and the users of the electronic network;

"(B) domestic and international standards from the Institute and private sector organizations and other export promotion information, including conformity assessment requirements and procedures;

"(C) the Malcolm Baldrige Quality program, and quality principles and standards;

"(D) manufacturing processes minimizing waste and negative environmental impact;

"(E) federally-funded technology development and transfer programs;

"(F) responsibilities assigned to the Clearinghouse for State and Local Initiatives on Productivity, Technology, and Innovation under section 102 of this Act;

"(G) how to access data bases and services; and

"(H) other subjects relevant to the ability of companies to manufacture and sell competitive products throughout the world.

"(e) PRINCIPLES.—In carrying out this section, the Department of Commerce shall take into consideration the following principles:

"(1) The Outreach Program and the electronic network shall be established and operated through cooperation and co-funding among Federal, State, and local governments, other public and private contributors and end users.

"(2) The Outreach Program and the electronic network shall utilize and leverage, to the extent practicable, existing organizations, data bases, electronic networks, facilities, and capabilities, and shall be designed to complement rather than supplant State and local programs.

"(3) The Outreach Program should, to the extent practicable, involve key stakeholders at all levels in the planning and governance of modernization strategies; concentrate on assisting local clusters of firms; promote collaborative learning and cooperative action among small and large manufacturers; link industrial modernization programs tightly to existing and future Federal training initiatives, including those for youth apprenticeship programs; encourage small firms to seek modernization services by working with major manufacturers to strengthen and coordinate their supplier assessment, certification, and development programs; identify and honor best practices by firms and the programs that support them; provide funding based on performance and ensure rigorous evaluation of extension services; as appropriate, coordinate Federal programs that support manufacturing modernization; and work with Federal, State, and private organizations so that Outreach Centers and Regional Centers for the Transfer of Manufacturing Technology can provide referrals to other important business services, such as assistance with financing, training, and exporting.

"(4) The Outreach Program and the electronic network and communications infrastructure provided for under subsection (d), shall be subject to all applicable provisions of law for the protection of trade secrets and business confidential information.

"(5) Local or regional needs should determine the management structure and staffing of the Manufacturing Outreach Centers. The Outreach Program shall strive for geographical balance with the ultimate goal of access for all United States manufacturers.

"(6) Manufacturing Outreach Centers should have the capability to deliver outreach services directly to manufacturers; actively work with, rather than supplant, the private sector; and to the extent practicable, maximize the exposure of manufacturers to demonstrations of modern technologies in use.

"(7) Manufacturing Outreach Centers shall focus, where possible, on the development and deployment of flexible manufacturing practices applicable to both defense and commercial applications.

"(8) The Department of Commerce shall develop mechanisms for—

(A) soliciting the perspectives of manufacturers using the services of the Manufacturing Outreach Centers and Regional Centers for the Transfer of Manufacturing Technology; and

"(B) evaluating the effectiveness of the Manufacturing Outreach Centers.

"SEC. 305. INDUSTRY-LED MANUFACTURING ADVISORY COMMITTEE.

"(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy, after consultation with the Secretary of Commerce and other appropriate Federal officials, shall establish within that office a Manufacturing Advisory Committee (hereafter in this section referred to as the 'Committee'), led by industry officials, to provide advice and, as appropriate, guidance to Federal manufacturing programs.

"(b) FUNCTIONS.—The Committee shall—

"(1) collect and analyze information on the range of factors which determine the success of United States-based manufacturing industries, and particularly factors regarding the development and deployment of advanced manufacturing technologies and the application of best manufacturing practices;

"(2) identify areas where appropriate cooperation between the Federal Government and the private sector, including Government support for industry-led joint research and development ventures and for manufacturing extension activities, would enhance United States industrial competitiveness, and provide advice and guidance for such cooperative efforts;

"(3) provide guidance on what Federal policies and practices are necessary to strengthen United States-based manufacturing, particularly Federal policies and practices regarding research budgets, interagency coordination and initiatives, technology transfer, regulation, and procurement; and

"(4) generally develop recommendations for guiding Federal agency and interagency activities related to United States-based manufacturing.

"(c) MEMBERSHIP AND PROCEDURES.—(1)(A) The Committee shall be composed of 13 members, 7 of whom shall constitute a quorum.

"(B) The director of the Office of Science and Technology Policy, the Secretary, the Secretary of Defense, and the Director of the National Science Foundation, or their designees, shall serve as members of the Committee.

"(C) The President, acting through the Director of the Office of Science and Technology Policy, shall within 120 days of the date of enactment of this Act appoint 9 additional members from the private manufacturing industry, worker organizations, State technology agencies, and academia. At least 1 such member shall be from small business.

(2) The Director of the Office of Science and Technology Policy or the Director's designee shall chair the Board.

(3) The chairman shall call the first meeting of the Board within 30 days after the appointment of members is completed.

(4) The Board may use such personnel detailed from Federal agencies as may be necessary to enable it to perform its functions.

(5) Members of the Board, other than full-time employees of the Federal Government, while attending meetings of the Board or otherwise performing duties of the Board while away from their homes or regular places of business, shall be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code.

(6) The Board shall submit a report of its activities once every year after its establishment to the President, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for the fiscal years 1994 and 1995.".

SEC. 213. MISCELLANEOUS AND CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 4 of the Stevenson-Wydler Technology Innovation Act of

1980 (15 U.S.C. 3703) is amended by adding at the end the following new paragraphs:

"(14) 'Director' means the Director of the National Institute of Standards and Technology.

"(15) 'Institute' means the National Institute of Standards and Technology.

"(16) 'Assistant Secretary' means the Assistant Secretary of Commerce for Technology Policy.

"(17) 'Advanced manufacturing technology' includes—

"(A) numerically-controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving manufacturing and industrial production which advance the state-of-the-art; and

"(B) novel techniques and processes designed to improve manufacturing quality, productivity, and practices, and to promote sustainable development, including engineering design, quality assurance, concurrent engineering, continuous process production technology, energy efficiency, waste minimization, design for recyclability or parts reuse, inventory management, upgraded worker skills, and communications with customers and suppliers.

"(18) 'Modern technology' means the best available proven technology, techniques, and processes appropriate to enhancing the productivity of manufacturers.".

(b) REDESIGNATIONS.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended—

(1) by inserting immediately after section 4 the following new title heading:

"TITLE I—DEPARTMENT OF COMMERCE AND RELATED PROGRAMS";

(2) by redesignating sections 5 through 10 as sections 101 through 106, respectively;

(3) by striking section 21;

(4) by redesignating sections 16 through 20, and 22, as sections 107 through 112, respectively;

(5) by inserting immediately after section 112 (as redesignated by paragraph (4) of this subsection) the following new title heading:

"TITLE II—FEDERAL TECHNOLOGY TRANSFER";

(6) by redesignating sections 11 through 15 as sections 201 through 205, respectively;

(7) by redesignating section 23 as section 206;

(8) in section 4—

(A) by striking "section 5" each place it appears and inserting in lieu thereof "section 101";

(B) in paragraphs (4) and (6), by striking "section 6" and "section 8" each place they appear and inserting in lieu thereof "section 102" and "section 104", respectively; and

(C) in paragraph (13), by striking "section 6" and inserting in lieu thereof "section 102";

(9) in section 105 (as redesignated by paragraph (2) of this subsection) by striking "section 6" each place it appears and inserting in lieu thereof "section 102";

(10) in section 106(d) (as redesignated by paragraph (2) of this subsection) by striking "7, 9, 11, 15, 17, or 20" and inserting in lieu thereof "103, 105, 108, 111, 201, or 205";

(11) in section 202(b) (as redesignated by paragraph (6) of this subsection) by striking "section 14" and inserting in lieu thereof "section 204";

(12) in section 204(a)(1) (as redesignated by paragraph (6) of this subsection) by striking "section 12" and inserting in lieu thereof "section 202";

(13) in section 112 (as redesignated by paragraph (4) of this subsection) by striking "sections 11, 12, and 13" and inserting in lieu thereof "sections 201, 202, and 203";

(14) in section 206 (as redesignated by paragraph (7) of this subsection)—

(A) by striking "section 11(b)" in subsection (a)(2) and inserting in lieu thereof "section 201(b)"; and

(B) by striking "section 6(d)" in subsection (b) and inserting in lieu thereof "section 102(d)"; and

(15) by adding at the end of section 201 (as redesignated by paragraph (6) of this subsection) the following new subsection:

"(j) ADDITIONAL TECHNOLOGY TRANSFER MECHANISMS.—In addition to the technology transfer mechanisms set forth in this section and section 202 of this Act, the heads of Federal departments and agencies also may transfer technologies through the technology transfer, extension, and deployment programs of the Department of Commerce and the Department of Defense.".

SEC. 214. MANUFACTURING TECHNOLOGY CENTERS.

Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended—

(1) by amending the section heading to read as follows: "**MANUFACTURING TECHNOLOGY CENTERS**";

(2) in subsection (c)(5), by striking "which are designed" and all that follows through "operation of a Center" and inserting in lieu thereof "to a maximum of one-third Federal funding. Each Center which receives financial assistance under this section shall be evaluated during its sixth year of operation, and at such subsequent times as the Secretary considers appropriate, by an evaluation panel appointed by the Secretary in the same manner as was the evaluation panel previously appointed. The Secretary shall not provide funding for additional years of the Center's operation unless the evaluation is positive and the Secretary finds that continuation of funding furthers the goals of the Department. Such additional Federal funding shall not exceed one-third of the cost of the Center's operations";

(3) by striking subsection (d); and

(4) by adding at the end the following new subsections:

"(d) If a Center receives a positive evaluation during its third year of operation, the Director may, any time after that evaluation, contract with the Center to provide additional technology extension or transfer services above and beyond the baseline activities of the Center. Such additional services may include, but are not necessarily limited to, the development and operation of the following:

"(1) Services focused on the testing, development, and application of manufacturing and process technologies within specific technical fields such as advanced materials or electronics fabrication for the purpose of assisting United States companies, both large and small and both within the Center's original service region and in other regions, to improve manufacturing, product design, workforce training, and production in those specific technical fields.

"(2) Industrial service facilities which provide tools to help companies with the low-cost, low-volume, rapid prototyping of a range of new products and the refinement of the manufacturing and process technologies necessary to make these products.

"(3) Programs to assist small- and medium-sized manufacturers and their employees in the Center's region to learn and apply the technologies, techniques, and processes associated with systems management technology, electric commerce, or improving manufacturing productivity.

"(4) Industry-led demonstration programs that explore the value of innovative nonprofit manufacturing technology consortia to provide ongoing research, technology transfer, and worker training assistance for industrial members. An award under this paragraph shall be for no more than $500,000 per year, and shall be subject to renewal after a 1-year demonstration period.".

SEC. 215. STATE TECHNOLOGY EXTENSION PROGRAM.

(a) Section 26(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278l(a)) is amended—

(A) by inserting immediately after "(a)" the following new sentence: "There is established within the Institute a State Technology Extension Program."; and

(B) by inserting "through that Program" immediately after "technical assistance".

(b) Section 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278l) is amended by adding at the end the following new subsection:

"(c) In addition to the general authorities listed in subsection (b) of this section, the State Technology Extension Program also shall, through merit-based competitive review processes and as authorizations and appropriations permit—

"(1) make awards to States and conduct workshops, pursuant to section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988, in order to help States improve their planning and coordination of technology activities;

"(2) assist States, particularly States which historically have had no manufacturing or technology extension programs or only small programs, to plan, develop, and coordinate such programs and to help bring those State programs to a level of performance where they can apply successfully for awards to establish Manufacturing Outreach Centers, Regional Centers for the Transfer of Manufacturing Technology, or both.

"(3) support industrial modernization demonstration projects to help States create networks among small manufacturers for the purpose of facilitating technical assistance, group services, and improve productivity and competitiveness;

"(4) support State efforts to develop and test innovative ways to help small and medium-sized manufacturers improve their technical capabilities;

"(5) support State efforts designed to help small manufacturers in rural as well as urban areas improve and modernize their technical capabilities, including, as appropriate, interstate efforts to achieve such end;

"(6) support State efforts to assist interested small defense manufacturing firms to convert their production to nondefense or dual-use purposes;

"(7) support worker technology education programs in the States at institutions such as research universities, community colleges, labor education centers, labor-management committees, and worker organizations in production technologies critical to the Nation's future, with an emphasis on high-performance work systems, the skills necessary to use advanced manufacturing systems well, and best production practice; and

"(8) help States develop programs to train personnel who in turn can provide technical skills to managers and workers of manufacturing firms.".

SEC. 216. AMERICAN WORKFORCE QUALITY PARTNERSHIPS.

(a) PROGRAM AUTHORIZED.—(1) The Secretary, after consultation with the Secretary of Labor and the Secretary of Education, may make awards to eligible applicants to establish and operate American workforce quality partnerships in accordance with the provisions of this section. The purpose of these partnerships is to provide training to industrial employees, particularly in order to enable them to utilize best current manufacturing technologies and practices, including total quality management techniques.

(2) An American workforce quality partnership shall be a collaboration between—

(A) one or more technology-based or manufacturing sector firms, in conjunction with a labor organization when appropriate or worker representatives or employee representatives; and

(B) a local community or technical college, other appropriate institution higher education, a vocational training institution, a Regional Center for the Transfer of Manufacturing Technology, a Manufacturing Outreach Center, or a consortium of such institutions,

to train the employees of the participating industrial firms through both workplace-based and classroom-based training programs.

(b) AWARDS.—(1) Awards made under this section may be for a period of 5 years. The Federal share of the cost of an American workforce quality partnership may not exceed 50 percent of the total cost of the partnership. The non-Federal share of such costs may be provided in-cash or in-kind, fairly valued.

(2) The Secretary shall make awards under this section on a competitive basis.

(c) USE OF FUNDS.—(1) An American workplace quality partnership may use Federal funds for—

(A) the direct costs of workplace-based and classroom-based training in advanced technical, technological, and industrial management, skills, and training for the implementation of total quality management strategies, or other competitiveness strategies, contained in the plan;

(B) the purchase or lease of equipment or other materials for the purpose of instruction to aid in training;

(C) the development of in-house curricula or coursework or other training-related programs, including the training of teachers and other eligible participants to utilize such curricula or coursework; and

(D) reasonable administrative expenses and other indirect costs of operating the partnership which may not exceed 10 percent of the total cost of the program.

(2) Federal funds may not be used for non-training related costs of adopting new competitive strategies including the replacement of manufacturing equipment, product redesign and manufacturing facility construction costs, or salary compensation of the partners' employees. Grants shall not be made under this section for programs that will impair any existing program, contract, or agreement without the written concurrence of the parties to such program, contract, or agreement.

(d) ADVISORY BOARDS.—Each partnership receiving assistance under this section shall establish an advisory board, which shall—

(1) include representatives from participating firms, labor organizations or worker representatives, and the education partners; and

(2) advise the partnership on the direction, policies, and activities of the partnership, including training, instruction, and related issues.

SEC. 217. REPORT ON OPTIONS FOR ACCELERATING THE ADOPTION OF NEW MANUFACTURING EQUIPMENT.

Within one year of the date of enactment of this Act, the Secretary shall submit to Congress a report on—

(1) the degree to which both small and large manufacturing enterprises in the United States have difficulty obtaining financing for the purpose of purchasing new equipment and modernizing operations;

(2) the policies and practices followed in other industrialized countries to help manufacturing firms obtain financing for modernization;

(3) the advantages, disadvantages, and costs of major options by which the Federal Government might help stimulate the flow of capital to manufacturers and thus accelerate industrial modernization, including—

(A) creation of a Government-sponsored enterprise to stimulate the flow of capital to manufacturing;

(B) increasing technical advice to banks and other financial institutions, perhaps through the National Manufacturing Outreach Program, in order to increase their ability to judge whether or not individual manufacturers have sound modernization plans; and

(C) tax incentives.

SUBTITLE B—NATIONAL SCIENCE FOUNDATION MANUFACTURING PROGRAMS

SEC. 221. NATIONAL SCIENCE FOUNDATION MANUFACTURING ACTIVITIES.

(a) IN GENERAL.—The Director of the National Science Foundation, after, as appropriate, consultation with the Secretary, the Under Secretary, and the Director, shall—

(1) work with United States industry to identify areas of research in manufacturing technologies and practices that offer the potential to improve United States productivity, competitiveness, and employment;

(2) support research at United States universities to improve manufacturing technologies and practices; and

(3) work with the Technology Administration and the Institute and, as appropriate, other Federal agencies to accelerate the transfer to United States industry of manufacturing research and innovations developed at universities.

(b) ENGINEERING RESEARCH CENTERS AND INDUSTRY/UNIVERSITY COOPERATIVE RESEARCH CENTERS.—The Director of the National Science Foundation shall strengthen and expand the number of Engineering Research Centers and strengthen and expand the Industry/University Cooperative Research Centers Program with the goals of increasing the engineering talent base versed in technologies critical to the Nation's future, with emphasis on advanced manufacturing, and of advancing fundamental engineering knowledge in these technologies. At least one Engineering Research Center shall have a research and education focus on the concerns of traditional manufacturers, including small and medium-sized firms * * * on supporting individuals who not only have expertise and practicable experience in manufacturing but who also will work to foster cooperation between 2-year colleges and nearby manufacturing firms.

(e) PROGRAMS TO TEACH TOTAL QUALITY MANAGEMENT.—The Director of the National Science Foundation, in consultation with the Secretary, the Under Secretary, and the Director, may establish a program to develop innovative curricula, courses, and materials for use by institutions of higher education for instruction in total quality management and related management practices, in order to help improve the productivity of United States industry.

TITLE III—CRITICAL TECHNOLOGIES

SEC. 301. FINDINGS.

The Congress finds that—

(1) the rapid, effective use of advanced technologies in the design and production of products is a key determinant of economic competitiveness;

(2) investment in the development and adoption of advanced technology contributes significantly to long-term economic growth and employment;

(3) the governments of our most successful competitor nations in the global marketplace have created supportive structures and programs that have been effective in helping their domestic industries increase their global market shares;

(4) agriculture and aerospace are two examples of industries that have achieved commercial success with strong support from the United States Government; and

(5) the United States Government must promote and facilitate the creation, development, and adoption of advanced technologies to ensure long-term economic prosperity for the United States.

SUBTITLE ADVANCED TECHNOLOGY PROGRAM AND RELATED

SEC. 311. DEVELOPMENT OF PLAN FOR THE ADVANCED TECHNOLOGY PROGRAM.

The Secretary, acting through the Under Secretary and the Director, shall, within 6 months after the date of enactment of this Act, submit to the Congress a plan for the expansion of the Advanced Technology Program established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), with specific consideration given to

(1) closer coordination and cooperation with the Defense Advanced Research Projects Agency and other Federal research and development agencies as appropriate;

(2) establishment of staff positions that can be filled by industrial or technical experts for a period of one to two years;

(3) broadening of the scope of the program to include as many critical technologies as is appropriate;

(4) changes that may be needed when annual funds available for grants under the Program reach levels of $200,000,000 and $500,000,000; and

(5) administrative steps necessary for Program support of large-scale industry-led consortia similar to, or possibility eventually including, the Semi-conductor Manufacturing Technology Institute.

SEC. 312. ADVANCED TECHNOLOGY PROGRAM SUPPORT OF LARGE-SCALE JOINT VENTURES.

Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended by adding at the end the following new subsection:

"(k) In addition to the general authority under this section to provide financial assistance to joint ventures, the Secretary, through the Director, also may, as permitted by levels of authorizations and appropriations, provide financial support to large-scale joint ventures requesting $20 million or more a year in Department funds. Any such support shall be subject to the matching funds requirements of in subsection (b)(1)(B)(ii) of this section, except that the Secretary may provide assistance to such large-scale joint ventures for up to 7 years. The Secretary may work with industrial groups to develop such proposed large-scale joint ventures and shall give preference to proposals which represent a broad spectrum of companies for a given industry and which focus on either speeding the commercialization of important new technologies or in accelerating the development, testing, and deployment of valuable new process technologies. The Secretary and Director, as appropriate, shall obtain independent technical reviews of industry proposals submitted under this subsection.''.

SEC. 313. TECHNICAL AMENDMENTS.

Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended—

(1) in subsection (b)(1)(B)(ii), by striking ''provision of a minority, share of the cost of such joint ventures for up to 5 years'' and inserting in lieu thereof ''the option of provision of either—

''(I) a minority share of the cost of such joint ventures for up to 5 years; or

''(II) only direct costs, and not indirect costs, profits, or management fees, for up to 5 years''; and

(2) by adding at the end the following new subsection:

''(k) Notwithstanding Subsections (b)(1)(B)(ii) and (d)(3), the Director may grant an extension of not to exceed 6 months beyond the deadlines of not to exceed 6 months beyond the deadlines established under those subsections for joint venture and single applicant awardees to expend Federal funds to complete their projects, if such extension may be granted with no additional cost to the Federal Government.''.

SEC. 314. TECHNOLOGY MONITORING AND COMPETITIVE ASSESSMENTS.

Section 101(e) of the Stevenson-Wydler Technology Innovation Act of 1980, as redesignated by section 213(b)(2) of this Act, is amended to read as follows:

''(e) OFFICE OF TECHNOLOGY MONITORING AND COMPETITIVE ASSESSMENT.—(1) The Secretary, through the Under Secretary, shall establish within the Technology Administration an Office of Technology Monitoring and Competitive Assessment, to collect, evaluate, assess, and disseminate information on—

''(A) foreign science and technology, specifically information assessing foreign capabilities relative to the United States; and

''(B) policies and programs used by foreign governments and industries to develop and apply economically important critical technologies, how these policies and programs compare with public and private activities in the United States, and the effects that these foreign policies and programs have on the competitiveness of United States industry; and

''(C) the ways in which the economic competitiveness of United States industry can be enhanced through Federal programs, including Department of Commerce programs, and evaluations of the effectiveness of Federal technology programs in helping to promote United States industrial competitiveness and economic growth.

''(2) Based on the information gathered under paragraph (1) of this subsection, the President, with the assistance of the Secretary, shall submit to Congress an annual report on United States technology and competitiveness analyzing the condition of United States technology relative to major trading partners, key trends in foreign technology and competitiveness policies and targeting, and the degree to which Federal programs are helping the United States to stay competitive with other countries.

''(3) The Office of Technology Monitoring and Competitive Assessment is authorized to—

''(A) act as a focal point within the Federal Government for the collection and dissemination, including electronic dissemination, of information on foreign process and product technologies, including information collected under the Japanese Technical Literature Program;

(B) coordinate the extensive foreign technology monitoring and assessment activities already underway in the Federal Government;

(C) act as an electronic clearinghouse for this information or otherwise provide for this function;

(D) direct and fund the collection of additional information;

(E) direct and fund analysis of foreign research and development activities and technical capabilities, particularly in those technical areas where the United States is considered to be at par or lagging foreign capabilities;

(F) establish a program to identify technical areas needing a full-scale technical evaluation, and provide grants, on a cost-shared basis, to private sector or government-industry joint ventures, to conduct the evaluation;

(G) establish and administer a fellowship program to support Technology Fellows in those countries that are major competitors of the United States in critical technologies to collect and provide initial analysis of information on foreign science and technology capabilities; and

(H) work with the Department of State to place technical experts from the institute and other Federal laboratories into United States embassies to serve as technology attachés and counselors.

SEC. 315. COMMERCE TECHNOLOGY ADVISORY BOARD.

Title I of the Stevenson-Wydler Technology Innovation Act of 1980 (as amended by title II of this Act) is further amended by adding at the end thereof the following new section:

"SEC. 113. COMMERCE TECHNOLOGY ADVISORY BOARD.

''(A) ESTABLISHMENT.—There is established a Commerce Technology Advisory Board (hereafter in this section referred to as the 'Advisory Board'), the purpose of which is to advise the Secretary, Under Secretary, and Director regarding ways in which to—

''(1) promote the development and rapid application of advanced commercial technologies, including advanced manufacturing technologies;

''(2) strengthen the programs of the Technology Administration; and

''(3) generally improve the global competitiveness of industries within the United States.

(b) COMPOSITION.—The Advisory Board shall be composed of at least 17 members, appointed by the Under Secretary from among individuals who, because of their experience and accomplishments in technology development, business development, or finance are exceptionally qualified to analyze and formulate policy that would improve the global competitiveness of industries in the United States. The Under Secretary shall designate 1 member to serve as chairman. Membership of the Advisory Board shall be composed of—

(1) representatives of—

(A) United States small business;

(B) other United States manufactures;

(C) research universities and independent research institutes;

(D) State and local government agencies involved in industrial extension;

(E) national laboratories;

(F) industrial, worker, and professional organizations; and

(G) financial organizations; and

(2) other individuals that possess important insight to issues of national competitiveness.

(c) MEETINGS.—(1) The chairman shall call the first meeting of the Advisory Board not later than 90 days after the date of enactment of this Act.

(2) The Advisory Board shall meet at least once every 6 months, and at the call of the Under Secretary.

(d) TRAVEL EXPENSES.—Members of the Advisory Board, other than full-time employees of the United States, shall be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code, while engaged in the business of the Advisory Board.

(e) CONSULTATION.—In carrying out this section, the Under Secretary shall consult with other agencies, as appropriate.

(f) TERMINATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Board.''.

SEC. 316. STUDY OF SEMICONDUCTOR LITHOGRAPHY TECHNOLOGIES.

Within 9 months after the date of enactment of this Act, the Critical Technologies Institute established under section 822 of the National Defense Authorization Act for Fiscal Year 1991 (in this section referred to as the ''Institute'') shall, after consultation with the private sector and appropriate officials from other Federal agencies, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on advanced lithography technologies for the production of semiconductor devices. The report shall include the Institute's evaluation of the likely technical and economic advantages and disadvantages of each such technology, an analysis of current private and Government research to develop each such technology, and any recommendations the Institute may have regarding future Federal support for research and development in advanced lithography.

SUBTITLE B—TECHNOLOGY FINANCING PILOT PROGRAMS

SEC. 321. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds and declares the following:

(1) In recent years, financing from venture capitalists and banks appears to have become more difficult for technology firms in the United States to obtain.

(2) While tax incentives are often the preferred method to help firms accelerate the development, commercialization, and production of advanced technology products, these incentives are of limited value to those firms, including start-up firms, which have limited revenues but nonetheless provide much of the Nation's innovation and new employment.

(3) Difficulties in obtaining financing particularly hurts those technology firms which face foreign competitors which have received substantial direct or indirect financial help from their governments.

(4) The Nation would benefit from pilot programs which involve government-industry partnerships to develop and test innovative industry-led methods to increase the amount of financing available to United States technology firms.

(b) PURPOSE.—It is the purpose of Congress in this subtitle to establish, under the Department of Commerce is Technology Administration, three experimental technology financing pilot programs.

SEC. 322. CIVILIAN TECHNOLOGY LOAN PROGRAM.

(a) AUTHORITY TO MAKE LOANS.—The Secretary of Commerce may make loans—

(1) acting through the Under Secretary of Commerce for Technology, to small and medium sized businesses eligible for assistance under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), to the extent provided in section 504(b) of the Congressional Budget Act of 1974; or

(2) acting through critical technologies development companies licensed under section 323 of this title, to small and medium sized businesses.

(b) PURPOSE.—Loans under this section shall be for growth, modernization, and expansion of small and medium sized businesses engaged in research, development, demonstration, or exploitation of advanced technologies and products, including those in fields such as automation, electronics, advanced materials, biotechnology, and optical technologies.

(c) INTEREST RATE, TERMS, AND CONDITIONS.—Loans under this section shall be made at an interest rate equal to the Government borrowing rate plus an insurance surcharge of up to 2 percent, and shall be subject to such terms and conditions as the secretary may prescribe.

SEC. 323. ASSISTANCE TO CRITICAL TECHNOLOGY INVESTMENT COMPANIES.

(a) IN GENERAL.—(1) The Secretary, through the Under Secretary, is authorized to provide financial assistance to critical technology investment companies licensed under this section, for the purpose of stimulating and expanding the flow of private capital to qualified joint ventures and qualified individual firms in order to help them finance the development and commercialization of critical civilian technologies.

(2) Each critical technology investment company licensed under this section may provide venture capital to qualified joint ventures and qualified individual firms, in such manner and under such terms as the licensee may fix in accordance with the regulations of the Secretary. Venture capital provided to incorporated qualified joint ventures and individual firms may be provided directly or in cooperation with other investors, incorporated or unincorporated, through agreements to participate on an immediate basis.

(3) Each licensee may make loans, directly or in cooperation with other lenders, incorporated or unincorporated, through agreements to participate on an immediate or deferred basis, to qualified joint ventures and qualified individual firms to provide such ventures and firms with funds needed for sound financing related to development or utilization of critical civilian technologies.

(4) This section shall be carried out in a manner that will ensure the maximum participation of private financial sources and ensure prudent diversification and sound management of operations.

(b) REQUIREMENTS AND AUTHORITIES.—Except as provided in subsections (c) and (d) of this section, the Secretary shall, in providing financial assistance to licensees under the provisions of this section, follow the statutory requirements and use the statutory authorities which apply to the Small Business Administration's Small Business Investment Program, as set forth in subchapter 14B of title 15, United States Code (15 U.S.C. 681 et seq.). Any amendments to subchapter 14B enacted after the date of enactment of this title shall not apply to this section unless explicitly provided for in statute.

(c) ADDITIONAL AUTHORITIES.—In addition to the authorities provided to the Secretary under subsection (b) of this section, the Secretary is authorized to—

(1) purchase nonparticipating preferred securities from licensed critical technology investment companies as one way to provide financial assistance to those companies;

(2) issue trust certificates representing ownership of all or a fractional part of preferred securities issued by licenses and guaranteed by the Secretary under this section, with such trust certificates based on and backed by a trust or pool approved by the Secretary and composed of preferred securities and such other contractual obligations as the Secretary may undertake to facilitate the sale of such trust certificates;

(3) guarantee, upon such terms and conditions as are deemed appropriate, the timely payment of the principal of and interest on trust certificates issued by the Secretary or the Secretary's agent for purposes of this section, provided that such guarantee shall be limited to the extent of the redemption price of and dividends on the preferred securities, plus any related contractual obligations, which compose the trust or pool; and

(4) issue its own rules and regulations concerning how it will carry out this section under the applicable requirements and authorities.

(d) OTHER PROVISIONS.—(1) Amounts received by the Secretary from the payment of dividends and the redemption of preferred securities pursuant to this section, and fees paid to the United States by a licensee pursuant to this section, shall be deposited in an account established by the Secretary and shall be available solely for carrying out this section, to the extent provided in advance in appropriations Acts.

(2) Nothing in this section or in any other provision of law imposes any liability on the United States or the Secretary with respect to any obligations entered into, or stocks issued, or commitments made by any licensee operating under this section.

SEC. 324. ASSISTANCE TO STATE TECHNOLOGY DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—The Secretary through the Under Secretary, may provide financial, technical, and business assistance to programs run by or chartered by State governments for the purpose of accelerating the development and commercialization of critical civilian technologies, including technologies developed by universities and colleges within the States. Such State technology development programs may—

(1) directly fund critical civilian technology development projects at qualified joint ventures and qualified individuals firms; and

(2) when appropriate, assist intermediary organizations, including universities, to develop new critical civilian technologies to the point where qualified joint ventures and qualified individual firms will invest in their further development and commercialization.

(b) FINANCIAL ASSISTANCE.—(1) The Secretary may make awards for up to three years to any State technology development program which meets the eligibility requirements of paragraph (2). State programs which win awards may reapply if they still meet eligibility requirements. Any financial assistance from the Secretary to State technology development programs shall be made only through a competitive, merit-reviewed process.

(2) A State technology development program must meet the following requirements before it shall be eligible to apply for and receive assistance under this section:

(A) at least one-third of the cost of the proposal to which such assistance applies must be provided by such State program; and

(B) the State program must demonstrate that any technology or intellectual property developed under the program shall be made available only to joint ventures and individual firms which legally commit to manufacture substantially in the United States any products resulting from any project funded in whole or in part by Federal funds provided under this section.

TITLE VI—ADDITIONAL COMMERCE DEPARTMENT PROVISIONS

SEC. 401. INTERNATIONAL STANDARDIZATION.

(a) FINDINGS.—The Congress finds that—

(1) private sector consensus standards are essential to the timely development of competitive products;

(2) Federal Government contribution of resources, more active participation in the voluntary standards process in the United States, and assistance, where appropriate, through government to government negotiations, can increase the quality of United States standards, increase their compatibility with the standards of other countries, and ease access of United States-made products to foreign markets; and

(3) the Federal Government, working in cooperation with private sector organizations including trade associations, engineering societies, and technical bodies, can effectively promote United States Government use of United States consensus standards and, where appropriate, the adoption and United States Government use of international standards.

(b) STANDARD PILOT PROGRAM.—Section 104(e) of the American Technology Preeminence Act of 1991 is amended—

(1) by inserting "(1)" before "Pursuant to the"; and

(2) by adding at the end of the following new paragraph:

"(2) As necessary and appropriate, the Institute shall expand the program established under section 112 of the National Institute of Standards and Technology Authorization Act for Fiscal Year 1989 (15 U.S.C. 272 note) by extending the existing program and by entering into additional contracts with non-Federal organizations representing United States companies, as such term is defined in section 28(d)(9)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(d)(9)(B)). Such contracts shall require cost sharing between Federal and non-Federal sources for such purposes. In awarding such contracts, the Institute shall seek to promote and support the dissemination of United States technical standards to additional foreign countries, in cooperation with governmental bodies, private organizations including standards setting organizations and industry, and multinational institutions that promote economic development. The organizations receiving such contracts may establish training programs to bring to the United States foreign standards experts for the purpose of receiving in-depth training in the United States standards system".

(c) REPORT ON GLOBAL STANDARDS.—The Secretary, in consultation with the Institute and the Commerce Technology Advisory Board established under section 204 of this Act, shall submit to the Congress a report describing the appropriate roles of the Department of Commerce in aid to United States companies in achieving conformity assessment and accreditation and otherwise qualifying their products in foreign markets, and in the development and promulgation of domestic and global product and quality standards, including a discussion of the extent to which each of the policy options provided in such Office of Technology Assessment report contributes to meeting the goals of—

(1) increasing the international adoption of standards beneficial to United States industries; and

(2) improving the coordination of United States representation to international standards setting bodies.

(d) FEDERAL GOVERNMENT ROLE.—Section 508(a) of the American Technology Preeminence Act of 1991 is amended by adding at the end the following new paragraph:

"(6) The appropriate role of the Federal Government in aid to United States companies in achieving conformity assessment and accreditation and otherwise qualifying their products in foreign markets, and in the development and promulgation of domestic and global product and quality standards, including a discussion of the extent to which each of the policy options provided in the Office of Technology Assessment report on global standards contributes to meeting the goal of improving the coordination of United States representation to international standards-setting bodies.

SEC. 402. MALCOLM BALDRIGE AWARD AMENDMENTS.

(a) Section 108(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(4) of this Act, is amended to read as follows:

"(3) No award shall be made within any category or subcategory if there are no qualifying enterprises in that category or subcategory.".

(b)(1) Section 108(c)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(1)) is amended by adding at the end the following new subparagraph:

"(D) Educational institutions.".

(2)(A) Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report containing—

(i) criteria for qualification for a Malcolm Baldrige National Quality Award by various classes of educational institutions;

(ii) criteria for the evaluation of applications for such awards under section 108(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980; and

(iii) a plan for funding awards described in clause (i).

(B) In preparing the report required under subparagraph (A), the Secretary shall consult with the National Science Foundation and other public and private entities with appropriate expertise, and shall provide for public notice and comment.

(C) The Secretary shall not accept applications for awards described in subparagraph (A)(i) until after the report required under subparagraph (A) is submitted to the Congress.

SEC. 403. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 202(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), as redesignated by section 206(b)(6) of this Act, is amended by inserting "(including both real and personal property)" after "or other resources" both places it appears.

SEC. 404. CLEARINGHOUSE ON STATE AND LOCAL INITIATIVES.

Section 102(a) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(2) of this Act, is amended by striking "Office of Productivity, Technology, and Innovation" and inserting in lieu thereof "Institute".

SEC. 405. USE OF DOMESTIC PRODUCTS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this Act and the amendments made by this Act, including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act, and the amendments made by this Act, to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(C) The Secretary, before January 1, 1994, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

SEC. 406. SEVERABILITY.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application thereof to other persons or circumstances shall not be affected thereby.

SEC. 407. WIND ENGINEERING RESEARCH PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Wind Engineering Program Act of 1992".

(b) FINDINGS AND PURPOSES.—Congress finds the following:

(1) Hurricanes and tornadoes kill more Americans and destroy more property than any other natural disaster.

(2) Each year, in the United States, extreme winds cause billions of dollars of damage to homes, schools, and other buildings, roads and bridges, electrical power distribution networks, and communications networks.

(3) Research on wind and wind engineering has resulted in improved methods for making buildings and other structures less vulnerable to extreme winds, but additional research funding is needed to develop new, improved, and more cost-effective methods of wind-resistant construction.

(4) Federal funding for wind engineering research has decreased drastically over the last 20 years.

(5) Wind research has been hampered by a lack of data on near-surface wind speed and distribution during hurricanes, tornadoes, and other severe storms.

(6) Many existing methods for wind-resistant construction are inexpensive and easy to implement but often they are not applied because the construction industry and the general public are unaware of such methods.

(7) Various Federal agencies have important roles to play in wind engineering research, but at present there is little interagency cooperation in this area.

(8) Establishment of a Federal Wind Engineering Program would result in new technologies for wind-resistant construction, and ultimately decreased loss of life and property due to extreme winds.

(c) PURPOSE.—The purpose of this Act is to create a Wind Engineering Program within the National Institute of Standards and Technology, which would—

(1) provide for wind engineering research;

(2) serve as a clearinghouse for information on wind engineering; and

(3) improve interagency coordination on wind engineering research between the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, the National Science Foundation, the Federal Aviation Administration, and other appropriate agencies.

(d) ESTABLISHMENT.—Within the National Institute of Standards and Technology, there shall be established a Wind Engineering Program which shall—

(1) conduct research and development, in cooperation with the private sector and academia, on new methods for mitigating wind damage due to tornadoes, hurricanes, and other severe storms;

(2) fund construction and maintenance of wind tunnels and other research facilities needed for wind engineering research;

(3) promote the application of existing methods for, and research results on, reducing wind damage to buildings that are usually incompletely- or non-engineered, such as single family dwellings, mobile homes, light industrial buildings, and small commercial structures;

(4) transfer technology developed in wind engineering research to the private sector so that it may be applied in building codes, design practice, and construction;

(5) conduct, in conjunction with the National Oceanic and Atmospheric Administration, post-disaster research following hurricanes, tornadoes, and other severe storms to evaluate the vulnerability of different types of buildings to extreme winds;

(6) serve as a point of contact for dissemination of research information on wind engineering and work with the private sector to develop education and training programs on construction techniques, developed from research results, for reducing wind damage;

(7) work with the National Oceanic and Atmospheric Administration, the Federal Aviation Administration, and other agencies as is appropriate, on meteorology programs to collect and disseminate more data on extreme wind events; and

(8) work with the National Science Foundation to support and expand basic research on wind engineering.

TITLE V—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 501. TECHNOLOGY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, to carry out the activities of the Under Secretary and the Assistant Secretary of Commerce for Technology Policy—

(1) for the Office of the Under Secretary, $5,000,000 for fiscal year 1994 and $8,000,000 for fiscal year 1995;

(2) for Technology Policy $5,000,000 for fiscal year 1994 and $6,000,000 for fiscal year 1995;

(3) for Japanese Technical Literature, $2,000,000 for fiscal year 1994 and $3,000,000 for fiscal year 1995; and

(4) for the Office of Technology Monitoring and Competitive Assessment, $1,500,000 for fiscal year 1994 and $2,500,000 for fiscal year 1995.

(b) TRANSFERS.—(1) Funds may be transferred among the line items listed in subsection (a), so long as—

(A) the net funds transferred to or from any line item do not exceed 10 percent of the amount authorized for that line item in such subsection;

(B) the aggregate amount authorized under subsection (a) is not changed; and

(C) the Committee on Commerce, Science and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives are notified in advance of any such transfer.

(2) The Secretary may propose transfers to or from any line item listed in subsection (a) exceeding 10 percent of the amount authorized for such line item, but such proposed transfer may not be made unless—

(A) a full and complete explanation of any such proposed transfer and the reason therefore are transmitted in writing to the Speaker of the House of Representatives, the President of the Senate, and the appropriate authorizing Committees of the House of Representatives and the Senate; and

(B) 30 days have passed following the transmission of such written explanation.

(c) NATIONAL TECHNICAL INFORMATION SERVICE FACILITIES STUDY.—As part of its modernization effort and before signing a new facility lease, the National Technical Information Service, in consultation with the General Service Administration, shall study and report to Congress on the feasibility of accomplishing all or part of its modernization by signing a long-term lease with an organization that agrees to supply a facility and supply and periodically upgrade modern equipment which permits the National Technical Information Service to receive, store, manipulate, and print electronically created documents and reports and to carry out the other functions assigned to the National Technical Information Service.

SEC. 502. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) INTRAMURAL SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.—(1) There are authorized to be appropriated to the Secretary, to carry out the intramural scientific and technical research and services activities of the Institute, $250,000,000 for fiscal year 1994 and $300,000,000 for fiscal year 1995.

(2) Of the amount authorized under paragraph (1)—

(A) $1,000,000 for fiscal year 1994 and $1,000,000 for fiscal year 1995 are authorized only for the evaluation of nonenergy-related inventions;

(B) $9,000,000 for fiscal year 1994 and $10,000,000 for fiscal year 1995 are authorized only for the technical competence fund; and

(C) $5,000,000 for fiscal year 1994 and $5,000,000 for fiscal year 1995 are authorized only for the standards pilot project established under section 104(e) of the American Technology Preeminence Act of 1991.

(b) FACILITIES.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Secretary $105,000,000 for each of fiscal years 1994 and 1995, for the renovation and upgrading of the Institute's facilities. The Institute may enter into a contract for the design work for such purposes only if Federal Government payments under the contract are limited to amounts provided in advance in appropriations Acts.

(c) EXTRAMURAL INDUSTRIAL TECHNOLOGY SERVICES.—In addition to the amounts authorized under subsections (a) and (b), there are authorized to be appropriated to the Secretary, to carry out the extramural industrial technology services activities of the Institute—

(1) for the National Manufacturing Outreach Program, $150,000,000 for fiscal year 1994 and $280,000,000 for fiscal year 1995, of which—

(A) $50,000,000 for fiscal year 1994 and $80,000,000 for fiscal year 1995 are authorized only for the support of Regional Centers for the Transfer of Manufacturing Technology;

(B) $40,000,000 for fiscal year 1994 and $100,000,000 for fiscal year 1995 are authorized only for the support of Manufacturing Outreach Centers;

(C) $40,000,000 for fiscal year 1994 and $70,000,000 for fiscal year 1995 are authorized only for the State Technology Extension Program;

(D) $20,000,000 for fiscal year 1994 and $30,000,000 for fiscal year 1995 are authorized only for the Institute activities in support of the Outreach Program, including support of the Technology Extension Communications Network and the associated Clearinghouse; and

(2) for the Advanced Technology Program, $210,000,000 for fiscal year 1994 and $420,000,000 for fiscal year 1995, of which $30,000,000 for fiscal year 1994 and $50,000,000 for fiscal year 1995 are authorized only for support of the Advanced Manufacturing Technology Development Program established under section 303 of the Stevenson-Wydler Technology Innovation Act of 1980.

(d) WIND ENGINEERING.—(1) There are authorized to be appropriated to the Institute for the purposes of title V of this Act, $1,000,000 for fiscal year 1994 and $3,000,000 for fiscal year 1995.

(2) Of the amounts appropriated under paragraph (1), no less than 50 percent shall be used for cooperative agreements with the National Oceanic and Atmospheric Administration, the National Science Foundation, and Federal Aviation Administration, or other agencies, for wind engineering research, development of improved practices for structures, and the collection and dissemination of meteorological data needed for wind engineering.

SEC. 503. ADDITIONAL ACTIVITIES OF THE TECHNOLOGY ADMINISTRATION.

In addition to the amounts authorized under sections 601 and 602, there are authorized to be appropriated to the Secretary—

(1) for the Civilian Technology Loan Program established under section 322 of this Act, $60,000,000 for the period encompassing fiscal years 1994 and 1995;

(2) for the Civilian Technologies Venture Capital Program established under section 323 of this Act, $105,000,000 for the period encompassing fiscal years 1994 and 1995;

(3) for assistance to State Technology Assistance programs, as provided under section 324 of this Act, $25,000,000 for fiscal year 1994 and $50,000,000 for fiscal year 1995; and

(4) for carrying out the American workforce quality partnership program established under section 216 of this Act, $50,000,000 for fiscal year 1994 and $50,000,000 for fiscal year 1995.

Amounts appropriated under paragraph (1) or (2) shall remain available for expenditure through September 30, 1996. Of the amounts made available under paragraph (1) for a fiscal year, not more than $2,000,000 or 10 percent, whichever is greater, shall be available for administrative expenses. Of the amounts made available under paragraph (2) for a fiscal year, not more than $5,000,000 or 10 percent, whichever is greater, shall be available for administrative expenses. The Secretary, through the Under Secretary and the Director, may accept the transfer of funding appropriated to any other agency for purposes similar or related to those of the programs established and carried out under title III of the Stevenson-Wydler Technology Innovation Act of 1980, or the programs established and carried out under sections 25 and 26 of the National Institute of Standards and Technology Act, and to use those funds to implement such programs as provided in those statutory provisions.

SEC. 504. NATIONAL SCIENCE FOUNDATION.

In addition to such other sums as may be authorized by other Acts to be appropriated to the Director of the National Science Foundation, there are authorized to be appropriated to that Director, to carry out the provisions of section 221 of this Act, $50,000,000 for fiscal year 1994 and $75,000,000 for fiscal year 1995.

SEC. 505. AVAILABILITY OF APPROPRIATIONS.

Appropriations made under the authority provided in this title shall remain available for obligation, for expenditure, or for obligation and expenditure for period specified in the Acts making such appropriations.

TITLE VI—INFORMATION INFRASTRUCTURE AND TECHNOLOGY

SEC. 601. SHORT TITLE.

This title may be cited as the "Information Infrastructure and Technology Act of 1992".

SEC. 602. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) High-performance computing and high-speed networks have proven to be powerful tools for improving America's national security, industrial competitiveness, and research capabilities.

(2) Federal programs, like the High-Performance Computing Program established by Congress in 1991, have played a key role in maintaining United States leadership in high-performance computing, especially in the defense and research sectors.

(3) High-performance computing and high-speed networking have the potential to revolutionize many fields, including education, libraries, health care, and manufacturing, if adequate resources are invested in developing the technology needed to do so.

(4) The Federal Government should ensure that the technology developed under research and development programs like the High-Performance Computing Program can be widely applied for the benefit of all Americans.

(5) A coordinated, interagency program is needed to identify and promote development of applications of high-performance computing and high-speed networking which will provide large economic and social benefits to the Nation. These so-called "Grand Applications" should include tools for teaching, digital libraries of electronic information, computer systems to improve the delivery of health care, and computer and networking technology to promote the United States competitiveness.

(6) The Office of Science and Technology Policy is the appropriate office to coordinate such a program.

(b) PURPOSE.—It is the purpose of this Act to help ensure the widest possible application of high-performance computing and high-speed networking. This requires that the United States Government—

(1) expand Federal support for research and development on applications of high-performance computing and high-speed networks for—

(A) improving education at all levels, from preschool to adult education, by developing new educational technology;

(B) building digital libraries of electronic information accessible over computer networks like the National Research and Education Network;

(C) improving the provision of health care by furnishing health care providers and their patients with better, more accurate, and more timely information; and

(D) increasing the productivity of the Nation's workers, especially in the manufacturing sector; and

(2) improve coordination of Federal efforts to deploy these technologies in cooperation with the private sector as part of an advanced, national information infrastructure.

SEC. 603. INFORMATION INFRASTRUCTURE DEVELOPMENT PROGRAM.

The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following new title:

"TITLE VII—INFORMATION INFRASTRUCTURE DEVELOPMENT PROGRAM

"SEC. 701. The Director of the Office of Science and Technology Policy, through the Federal Coordinating Council for Science, Engineering, and Technology (hereafter in this title referred to as the 'Council'), shall, in accordance with this title—

"(1) establish an Information Infrastructure Development Program (hereafter in this title referred to as the 'Program') that shall provide for a coordinated interagency effort to develop technologies needed to apply high-performance computing and high-speed networking in education, libraries, health care, manufacturing, and other appropriate fields; and

"(2) develop an Information Infrastructure Development Plan (hereafter in this title referred to as the 'Plan') describing the goals and proposed activities of the Program.

"SEC. 702. (a) The Plan shall contain recommendations for a five-year national effort and shall be submitted to the Congress within one year after the date of enactment of this title. The Plan shall be resubmitted upon revision at least once every two years thereafter.

"(b) The Plan shall—

"(1) establish the goals and priorities for the Program for the fiscal year in which the Plan (or revised Plan) is submitted and the succeeding four fiscal years;

"(2) set forth the role of each Federal agency and department in implementing the Plan;

"(3) describe the levels of Federal funding for each agency and department, and specific activities, required to achieve the goals and priorities established under paragraph (1); and

"(4) assign particular agencies primary responsibility for developing particular Grand Applications of high-performance computing and high-speed networks.

"(c) Accompanying the Plan shall be—

"(1) a summary of the achievements of Federal efforts during the preceding fiscal year to develop technologies needed for deployment of an advanced information infrastructure;

"(2) an evaluation of the progress made toward achieving the goals and objectives of the Plan;

"(3) a summary of problems encountered in implementing the Plan; and

"(4) any recommendations regarding additional action or legislation which may be required to assist in achieving the purposes of this title.

"(d) The Plan shall address, where appropriate, the relevant programs and activities of the following Federal agencies and departments:

"(1) The National Science Foundation.

"(2) The Department of Commerce, particularly the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, and the National Telecommunications and Information Administration.

"(3) The National Aeronautics and Space Administration.

"(4) The Department of Defense, particularly the Defense Advanced Research Projects Agency.

"(5) The Department of Energy.

"(6) The Department of Health and Human Services, particularly the National Institutes of Health and the National Library of Medicine.

"(7) The Department of the Interior, particularly the United States Geological Survey.

"(8) The Department of Education.

"(9) The Department of Agriculture, particularly the National Agricultural Library.

"(10) Such other agencies and departments as the President or the Chairman of the Council considers appropriate.

"(e) In addition, the Plan shall take into consideration the present and planned activities of the Library of Congress, as deemed appropriate by the Librarian of Congress.

"(f) The Council shall—

"(1) serve as lead entity responsible for development of the Plan and interagency coordination of the Program;

"(2) coordinate the high-performance computing research and development activities of Federal agencies and departments undertaken pursuant to the Plan and report at least annually to the President, through the Chairman of the Council, on any recommended changes in agency or departmental roles that are needed to better implement the Plan;

"(3) review, prior to the President's submission to the Congress of the annual budget estimate, each agency and departmental budget estimate in the context of the Plan and make the results of that review available to the appropriate elements of the Executive Office of the President, particularly the Office of Management and Budget; and

"(4) consult and ensure communication between Federal agencies and research, educational, and industry groups and State agencies conducting research and development on and using high-performance computing.

"(g) The Director of the Office of Science and Technology Policy shall establish an advisory committee on high-performance computing and high-speed networking and their applications, consisting of prominent representatives from industry and academia who are specially qualified to provide the Council with advice and information on uses of high-performance computing and high-speed networking. The advisory committee shall provide the Council with an independent assessment of—

"(1) progress made in implementing the Plan;

"(2) the need to revise the Plan;

"(3) the balance between the components of the Plan;

"(4) whether the research and development funded under the Plan is helping to maintain United States leadership in the application of computing technology;

"(5) ways to ensure government-industry cooperation in implementing the Plan; and

"(6) other issues identified by the Director.

"(h)(1) Each Federal agency and department involved in the Program shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to that Office identifying each element of its high-performance computing activities, which—

"(A) specifies whether each such element (i) contributes primarily to the implementation of the Plan or (ii) contributes primarily to the achievement of other objectives but aids Plan implementation in important ways; and

"(B) states the portion of its request for appropriations that is allocated to each element.

"(2) The Office of Management and Budget shall review each such report in light of the goals, priorities, and agency and departmental responsibilities set forth in the Plan, and shall include, in the President's annual budget estimate, a statement of the portion of each appropriate agency or department's annual budget estimate that is allocated to efforts to develop applications of high-performance computing.

"SEC. 703. In this title, the following definitions apply:

"(1) The term 'Grand Application' means an application of high-performance computing and high-speed networking that will provide large economic and social benefits to a broad segment of the Nations' populace.

"(2) The term 'information infrastructure' means a network of communications systems and computer systems designed to exchange information among all citizens and residents of the United States.".

SEC. 604. APPLICATIONS FOR EDUCATION.

(a) RESPONSIBILITIES OF NATIONAL SCIENCE FOUNDATION AND OTHER AGENCIES.—In accordance with the Plan developed under section 701 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), as added by section 3 of this Act, the National Science Foundation and other appropriate agencies shall provide for the development of high-performance computing and high-speed networking technology for use in education at all levels. Such applications shall include but not be limited to the following:

(1) Pilot projects that connect primary and secondary schools to the Internet and the National Research and Education Network to aid in development of the software, hardware, and training material needed to enable students and teachers to use networks to—

(A) communicate with their peers around the country;

(B) communicate with educators and students in colleges and universities;

(C) access databases of electronic information; and

(D) access other computing resources.

(2) Development of computer software, computer systems, and networks for teacher training.

(3) Development of advanced educational software.

(b) COOPERATION.—In carrying out this section, the National Science Foundation shall work with the computer and communications industry, authors and publishers educational materials, State education departments, local school districts, and the Department of Education, as appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation for the purposes of this section, $20,000,000 for fiscal year 1993, $40,000,000 for fiscal year 1994, and $60,000,000 for fiscal year 1995.

SEC. 605. APPLICATIONS FOR MANUFACTURING

(a) ADVANCED MANUFACTURING SYSTEMS AND NETWORKING PROJECTS.—In accordance with the Plan developed under section 701 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), as added by section 3 of this Act, the National Institute of Standards and Technology (hereafter in this section referred to as the "Institute") shall, as provided under section 303 of the Stevenson-Wydler Technology Innovation Act (as amended by title II of this Act) establish an Advanced Manufacturing Program, including advanced manufacturing systems and networking projects. Activities under the Advance Manufacturing Program shall, as appropriate, be coordinated with activities of the Defense Advanced Research Projects Agency, the National Science Foundation, other Federal agencies, and the States to develop, refine, test, and transfer advanced computer-integrated electronically-networked manufacturing technologies and associated applications.

(b) SUPPORT FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Director of the Institute may request and accept funds, facilities, equipment, or personnel from other Federal departments and agencies in order to carry out responsibilities under this section.

SEC. 606. APPLICATIONS FOR HEALTH CARE.

(a) DEVELOPMENT OF TECHNOLOGIES BY NATIONAL INSTITUTES OF HEALTH.—In accordance with the Plan developed under section 701 of the National Science and Technology Policy, Organization and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), as added by section 3 of this Act, the National Institutes of Health, and particularly the National Library of Medicine, in cooperation with the National Science Foundation and other appropriate agencies, shall develop technologies for applications of high-performance computing and high-speed networking in the health care sector. Such applications shall include but not be limited to the following:

(1) Testbed networks for linking hospitals, clinics, doctor's offices, medical schools, medical libraries, and universities to enable health care providers and researchers to share medical data and imagery.

(2) Software and visualization technology for visualizing the human anatomy and analyzing imagery from X-rays, CAT scans, PET scans, and other diagnostic tools.

(3) Virtual reality technology for simulating operations and other medical procedures.

(4) Collaborative technology to allow several health care providers in remote locations to provide real-time treatment to patients.

(5) Database technology to provide health care providers with access to relevant medical information and literature.

(6) Database technology for storing, accessing, and transmitting patients' medical records while protecting the accuracy and privacy of those records.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Library of Medicine for the purposes of this section, $20,000,000 for fiscal year 1993, $40,000,000 for fiscal year 1994, and $60,000,000 for fiscal year 1995.

SEC. 607. APPLICATIONS FOR LIBRARIES.

(a) DIGITAL LIBRARIES.—In accordance with the Plan developed under section 701 of the National Science and Technology Policy, Organization and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), as added by section 3 of this Act, the National Science Foundation, the National Aeronautics and Space Administration, the Defense Advanced Research Projects Agency, and other appropriate agencies shall develop technologies for "digital libraries" of electronic information. Development of digital libraries shall include the following:

(1) Development of advanced data storage systems capable of storing hundreds of trillions of bits of data and giving thousands of users nearly instantaneous access to that information.

(2) Development of high-speed, highly accurate systems for converting printed text, page images, graphics, and photographic images into electronic form.

(3) Development of database software capable of quickly searching, filtering, and summarizing large volumes of text, imagery, data, and sound.

(4) Encouragement of development and adoption of standards for electronic data.

(5) Development of computer technology to categorize and organize electronic information in a variety of formats.

(6) Training of database users and librarians in the use of and development of electronic databases.

(7) Development of technology for simplifying the utilization of networked databases distributed around the Nation and around the world.

(8) Development of visualization technology for quickly browsing large volumes of imagery.

(b) DEVELOPMENT OF PROTOTYPES.—The National Science Foundation, working with the supercomputer centers it supports, shall develop prototype digital libraries of scientific data available over the Internet and the National Research and Education Network.

(c) DEVELOPMENT OF DATABASES OF REMOTE-SENSING IMAGES.—The National Aeronautics and Space Administration shall develop databases of software and remote-sensing images to be made available over computer networks like the Internet.

(d) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the National Science Foundation for the purposes of this section, $10,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, $30,000,000 for fiscal year 1995, $40,000,000 for fiscal year 1996, and $50,000,000 for fiscal year 1997.

(2) There are authorized to be appropriated to the National Aeronautics and Space Administration for the purposes of this section $10,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $30,000,000 for fiscal year 1995.

SEC. 608. ACCESS TO SCIENTIFIC AND TECHNICAL INFORMATION.

(A) ASSOCIATE DIRECTORS.—Section 203 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6612) is amended—

(1) by striking "four" in the second sentence and inserting in lieu thereof "five"; and

(2) by adding at the end the following new sentence: "Among other duties, one Associate Director shall oversee Federal efforts to disseminate scientific and technical information.".

(b) FUNCTIONS OF DIRECTOR.—Section 204(b) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6613(b)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (4) the following new paragraph:

"(5) assist the President in disseminating scientific and technical information.".

FACT SHEET ON S. 4, THE NATIONAL COMPETITIVENESS ACT OF 1993

PURPOSE

To promote United States economic growth, industrial competitiveness, and jobs by strengthening Federal support for civilian technology and manufacturing—specifically through expanded support for both industry-led technology development projects and State-led efforts to help small and medium-sized manufacturers. In particular, the bill expands the programs of the Technology Administration and its National Institute of Standards and Technology (NIST) within the Department of Commerce (DOC).

BACKGROUND

The legislation is based on two technology and manufacturing bills from 1991-92, S. 1330 and H.R. 5231, and has been updated to reflect the Clinton-Gore campaign statements supporting an expansion of manufacturing and technology programs. The bill also includes the provisions of 1992's S. 2937, the Information Infrastructure and Technology Act (a follow-on bill to 1991's High-Performance Computing Act). The key provisions of the new bill are part of the Senate Democratic Economic Leadership Strategy.

MAIN PROVISIONS

The bill has six titles:

Title I—General Provisions

States the bill's title ("National Competitiveness Act of 1993") and its findings, purposes, and definitions. One major purpose is to strengthen the ability of Federal technology programs, particularly those at DOC, to support industry-led efforts to improve the technological capabilities, manufacturing performance, information infrastructure, and employment opportunities of the United States. A second major purpose is to develop a nationwide network of technological advice for manufacturers, particularly small and medium-sized firms.

Title II—Manufacturing

Sets a goal that within 10 years the United States will be second to no other nation in the development, deployment, and use of advanced manufacturing technology.

Substitle A—DOC manufacturing programs

Amends the Stevenson-Wydler Technology Innovation Act of 1980 to create a DOC 21st Century Manufacturing Infrastructure Program, which consists of two parts: (1) a new Advanced Manufacturing Technology Development Program, which will support industry-led efforts to develop, refine, and test advanced computer-controlled manufacturing systems; and (2) a new National Manufacturing Outreach Program, which will create a nationwide manufacturing extension system linking State-run Manufacturing Outreach Centers, NIST Manufacturing Technology Centers, and new efforts by NIST's State Technology Extension Program (STEP) to help those States currently without manufacturing extension programs to develop such programs. Also creates an industry-led Manufacturing Advisory Committee, and expands DOC's efforts to work industry to improve the quality of the manufacturing workforce.

Subtitle B—NSF manufacturing programs

Expands the manufacturing research and training programs of the National Science Foundation (NSF).

Title III—Critical Technologies

States that investment in the development and adoption of advanced technology contributes significantly to long-term economic growth and employment.

Subtitle A—Advanced Technology Program

Requires DOC to submit a long-term plan for NIST's Advanced Technology Program (ATP), the Government's principal civilian program for supporting industry-led projects to overcome the technical obstacles which slow the commercialization of important new technologies. Also creates a new DOC Office of Technology Monitoring and Competitive Assessment, to provide better information on the technological capabilities and industrial targeting practices of America's major trading partners; and establishes a Commerce Technology Advisory Board to provide high-level industry and labor input to DOC technology programs.

Subtitle B—Stimulating investment

Authorizes three experimental programs to stimulate the flow of investment capital to technology firms: (1) a small DOC loan program; (2) a pilot program to assist venture capital firms, modelled on the proven Small Business Investment Company Program; and (3) a program to assist State technology development programs.

Title IV—Additional Commerce Department Provisions

Includes provisions regarding: (1) international standardization, a subject which has major implications for U.S. exports; (2) the extension of the Malcolm Baldrige National Quality Award to educational institutions; (3) cooperative research and development agreements between Federal laboratories and research partners; (4) DOC's Clearinghouse on State and Local Initiatives; (5) the use of domestic U.S.-made products; (6) a severability clause; and (7) creation of a new NIST research program in "wind engineering" to help the construction industry build structures which can better withstand hurricanes and tornadoes.

Title V—Authorizations of Appropriations

Provides fiscal year (FY) 1994 and 1995 authorizations for DOC technology and manufacturing programs and the new NSF manufacturing programs. The attached table provides details.

Title VI—Information Infrastructure and Technology

Builds on the existing Federal high-performance computing and communications program by establishing a coordinated, interagency program to identify and promote the development of computing applications in education, manufacturing (including NIST's programs), health care, and libraries. The aim is for government and industry to work together to develop new computer applications that will benefit both users and the overall U.S. economy. Title VI contains computer authorizations (exclusive of the DOC manufacturing research projects) which total $60M for FY 1993, $120M for FY 1994, and $180M for FY 1995.

SUMMARY OF AUTHORIZATIONS IN S. 4

[Dollars in millions]

	Fiscal year 1993 appro	Fiscal year 1994 auth	Fiscal year 1995 auth
Tech Admin (non-NIST)	5	13.5	19.5
NIST lab research	193	250	300
NIST research facilities	105	0	105
NIST Manuf Outreach	[1] 18	150	280
NIST ATP	68	210	[2] 420
New NSF manufacturing	0	50	75
DOC workforce quality	0	50	50
DOC tech financing	0	[3] 120	120
Wind engineering	0	1	3
Info infrastructure	[4] 0	120	180
Total	389	964.5	1552.5

[1] Possibly will be supplemented by up to $70M in fiscal year 1993 defense conversion funds.

[2] Fiscal year 1994 and fiscal year 1995 levels include funds for the ATP-managed portion of the Advanced Manufacturing Technology Development Program.

[3] Authorization is technically $240M over the two-year period (fiscal year 1994–95).

[4] Information infrastructure title contains a fiscal year 1993 authorization of $60M, but no fiscal year 1993 funds have been appropriated.

Mr. KERRY. I thank the President.

Mr. President, I rise for two purposes.

One, I wish to join in support of the legislation introduced earlier by the distinguished chairman of the Commerce Committee. I am pleased to be a cosponsor of the National Competitiveness Act of 1993, an important piece of legislation, which he has worked on in the Commerce Committee for some period of time.

I think in view of the nomination that we have just approved, it is especially appropriate on this day and at this moment to talk for a moment about this bill.

I also rise to introduce legislation, and will shortly send to the desk a broad, sweeping campaign finance reform bill on behalf of myself, Senator BIDEN, and Senator BRADLEY. I will talk about that in a few moments.

But I would like to say a few things, if I may, about the legislation introduced by the distinguished chairman of the Commerce Committee.

The legislation that I join Senator HOLLINGS in supporting, the National Competitiveness Act of 1993, is an effort to expand the manufacturing and technology programs of the Department of Commerce. Now that the cold war is behind us, we can begin finally to focus resources on the Nation's economic security, reversing the decline in living standards of the last decade.

As the recent Presidential campaign illustrated, we need to focus our Nation's resources much more intensely on creating jobs. And President Clinton has made it very clear that this is one of his top priorities: How we are going to increase investment—public and private—in the tools that are needed by our industries to succeed, export, and create high-wage jobs.

We need especially to help our small- and medium-sized manufacturers which create the majority of jobs and which supply more and more of the components for our larger, exporting companies. These companies need assistance to learn about the manufacturing processes of the nineties—about automation, work organizations, new materials, worker training, flexible manufacturing, environmental technologies, and so on—so that they can compete against foreign competitors in quality and price and so that they can help their U.S. customers compete against their foreign competitors as well. More than anything, these small- and medium-sized companies need access to information.

Japan has a system of 170 manufacturing extension centers which give smaller Japanese companies the information they need. So does the United States in the agricultural sphere. We need a similar extension program for industry. The Department of Commerce has matched local funding to create seven manufacturing technology centers, known as the Hollings Centers, for their creator, and many of the States have established manufacturing extension centers of their own.

The State programs need to be expanded and strengthened and they need a national infrastructure to ensure that good ideas are cross-pollinated and quality kept high. By providing matching funds for local centers, standards for evaluation, training for extension workers, and a computer network to connect centers to each other and to other economic development services, the Department of Commerce will play a crucial role in creating a national manufacturing extension system. This system is sorely needed and and will be greatly appreciated by our Nation's smaller manufacturers who form the backbone of our economy.

One of the ways in which the extension centers can be especially useful to smaller manufacturers is in providing them information about environmental technologies, especially in the area of pollution prevention. Pollution prevention will be the environmental issue of the 1990's. Like preventive medicine, it aims to stop waste before it happens. Since eliminating waste-producing manufacturing processes means lowering costs to producers by improving the process and reducing the use of toxic chemicals, pollution prevention will improve American competitiveness. The extension centers, as part of their mission to deploy technology, should offer environmental assessment services as well as help companies realize the cost savings inherent in purchasing environmental technologies. I hope to work with Senator HOLLINGS on this issue.

In addition to deploying technologies, the Department of Commerce has a special role in formulating and implementing a technology policy which will allow U.S. companies to commercialize the state-of-the-art research performed in this country. There is a list of critical manufacturing technologies that industry, labor, and government—both here and abroad—agree are necessary for advance manufacturing in the twenty-first century. And the United States, despite its lead in basic research, is behind in these technologies. The Department of Commerce can help to right this by working with the other relevant agencies—such as the Department of Defense, the Department of Energy, and others—to develop a coordinated strategy to encourage the development of technology. In order to accomplish this, we need to expand its Advanced Technology Program administrated by the National Institute of Standards and Technology. NIST has already shown evidence that it knows how to run these programs well.

Since any technology policy must incluce environmental technologies among its targets, environmental technologies must be an integral feature of the ATP and we must ensure that the Department of Commerce works closely with EPA to develop this crucial industry.

I am especially excited about the provision in this legislation which builds on the existing Federal high-performance computing and communications program by establishing an interagency program to begin developing true applications for an information infrastructure in education, manufacturing, health care, and libraries. It is time that we started to reap some of the benefits of our Nation's extraordinary computer technology base and I can think of no better way to do so than the improve the functioning of a select group of crucial industries.

The legislation which Senator HOLLINGS introduces today will bring the process of reversing our investment deficit by leveraging public funds to improve the manufacturing and technology base of American industry. I look forward to working with him, the other members of the committee who have an interest in these issues as well as our new Commerce Secretary to ensure that this is only the beginning of a government-industry partnership to improve the competitiveness of U.S. industry and U.S. workers.

• Mr. ROCKEFELLER. Mr. President, pop psychologists of the 1970's urged Americans to think that, "Today is the first day of the rest of your life." Well, Mr. President, that may have become a cliche for many people, but today nonetheless is an important first day in at least one respect. Today is the first day for a national technology competitiveness policy, thanks to the Clinton administration's determination to restore our manufacturing and technology base.

This is particularly gratifying for those of us in the Senate who worked so hard last year to develop the Democratic economic leadership strategy that addresses precisely this issue. That initial effort, which was largely successful, focused primarily on reorienting Government spending priorities in favor of more support for research, development, and commercialization of critical technologies. But it takes time to achieve our technology goals, and there are many more battles that need to be fought before we can say not only that we have a policy but also that we are implementing it effectively.

There is no question that we face a significant challenge in that regard. Part of it is macroeconomic. According to the Competitiveness Policy Council, average real wages are lower now than they were 20 years ago; aggregate productivity has grown only 1 percent per year for the past decade; and the U.S. share of developed country [OECD] manufacturing export has declined from 22 percent in 1962—and 18 percent in 1980—to 15 percent in 1990.

The latter is a particularly important number because it is the best measure of how we are doing in manufacturing compared to our competitors. That, in turn, is important because it directly demonstrates our competitiveness and our ability to be an effective trader. Manufacturing has consistently been the most important element of our trade balance. If we lose our manufacturing base, we lose our ability to increase our exports and to compete on a global basis.

Unfortunately, that process of erosion is already well underway. According to "Regaining U.S. Manufacturing Leadership," by Robert B. Costello of the Hudson Institute, and a Defense Department official in the Reagan administration, for the 1980's as a whole, growth of manufacturing output averaged 3.6 percent, an improvement over the 2.9 percent of the 1970's. However, some 30 percent of that growth is due to a single sector—computers and office equipment, whose output was much smaller in preceding years. Without that sector the annual growth rate was only 2.5 percent, worse than the 1970's. More important, the good news in this data was in the early 1980's. In 1989 U.S. manufacturing output per hour increased only 2 percent, a 60-percent drop from 1983–84.

The job picture is even gloomier. The rate of employment growth in the 1980's was 1.7 percent per year compared to 2.25 percent in the 1970's. The rate of growth of manufacturing hours worked actually declined 0.3 percent per year in the 1980's, compared to a 0.4-percent increase in the 1970's. It is also important to keep in mind the fact that the growth of the work force will slow in the 1990's, and to sustain even the GNP growth of the 1980's will require nearly doubling labor productivity—a very difficult accomplishment.

Important though these numbers are, Mr. President, the fact is that in global competitiveness the real battleground is microeconomic, not macroeconomic. How we are doing in critical technology areas will define our ability to compete in the 21st century.

In that regard, the Council on Competitiveness concludes we are losing badly or have lost in the following critical technologies: structural ceramics, electronic ceramics, electronic packing materials, gallium arsenide, silicon, display materials, integrate circuit fabrication and test equipment, robotics and automated equipment, memory chips, multichip packaging systems, printed circuit board technology, display technologies, optical information storage.

We are weak in such things as advanced metals, scientific instruments, manufacturing design, flexible manufacturing, high-speed machining, precision bearings, precision machining and forming, lasers, photonics.

A report of the National Science Board, which is affiliated with the National Science Foundation, that was issued last August comes to a very clear conclusion about where we stand on research and development:

> The real rate of growth in U.S. industrial R&D spending has declined since the late 1970's and early 1980's. In addition, the Nation's position has deteriorated relative to that of its major international competitors whose investment in nondefense R&D has been growing at a faster pace than U.S. nondefense R&D since the mid-1980's.
>
> Domestic industrial R&D expenditures slowed from an average annual growth rate of 7.5 percent (constant dollars) during 1980–85 to only 0.4 percent during 1985–91. The federally supported portion of these expenditures dropped from a growth rate of 8.1 percent to −1.7 percent over these two periods * * *. The United States now trails Japan and (West) Germany, its strongest competitors, in nondefense R&D spending as a percentage of gross domestic product (GDP).

The report goes on to observe that we spend too little on process-oriented R&D, put insufficient emphasis on emerging technologies, risk losing our lead in pioneering discoveries and inventions, and fail to make decisions based on strategic technological considerations. These are all precisely the failures the initial national economic leadership strategy that Senate Democrats announced last July 1 was intended to correct.

That strategy consisted of 30 specific proposals, some reoriented spending, some new legislation, to get our industrial and technology base back on the right track. Those of us who worked so hard on that effort, particularly Senators LIEBERMAN, BINGAMAN, and myself, were pleased that we substantially achieved our objectives on 23 of those items.

The proposals deferred for action until this year, along with the need to address fiscal year 1994 funding priorities and move forward on the President's campaign commitments create a new agenda for action for the 103d Congress. And it is a major part of that new economic leadership strategy that we introduce today.

Other Senators will describe in detail the provisions of this bill. I would like to make a few comments about the context of this effort. Most important, we are not trying to solve all our manufacturing problems in one bill. Some issues are not ready for final congressional action and need further hearings. Other issues, such as defense technology funding, trade, tax, and worker training issues, are deferred for separate legislation to avoid jurisdictional complications. It is, however, important to state that it is our intent that these other matters be addressed this year—in the regular annual defense authorization, anticipated trade and tax legislation, and revision of JTPA and trade adjustment assistance programs, either on their own or in the context of NAFTA implementing legislation.

Therefore, this bill consists primarily of matters within the jurisdiction of the Commerce Committee, namely those that relate to civilian technology research, development, and commercialization. I am particularly pleased to note the presence of proposals based on two ideas I have promoted for some time—a loan program for technology commercialization and a pilot program to supplement the private venture capital market's investment in new technologies. These provisions differ in some significant details from my own proposals, including the Advanced Technologies Capital Consortium bill, S. 2286 in the last Congress, which I will be reintroducing shortly, but they are an important step forward and a good basis for initial action. Obviously, I will have more to say about them during the process of committee consideration. These proposals will be particularly important for West Virginia and other States with active technology companies that are often overlooked by the conventional venture capital market.

The result of the past administration's long opposition to efforts to increase Federal technology research and development activity is a continuing serious lack of venture capital for critical technology firms at critical stages in their development. More and more such firms find themselves with no choice but to sell themselves and their technology to foreign investors, primarily Japanese, if they want to continue their work, with the resulting transfer of technology and future profits overseas.

I am also particularly pleased that this bill will also implement an important Clinton campaign promise by significantly expanding the Government's two major manufacturing technology extension and diffusion programs—the Hollings Manufacturing Technology Centers and the State Technology Extension Program [STEP], which have been badly underfunded and have had little support from the administration.

Mr. President, this bill is an important step toward addressing the real competitiveness problems that our country faces—restoring our manufacturing base, improving our productivity, and creating jobs. President Clinton understands that and has committed himself to these same goals. With the introduction of this bill, we join in that commitment. I hope we can now move on to fulfill our commitment with prompt action.

Mr. President, I ask that a factsheet describing the National Competitiveness Act of 1993 be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET ON S. 4, THE NATIONAL COMPETITIVENESS ACT OF 1993

PURPOSE

To promote United States economic growth, industrial competitiveness, and jobs by strengthening Federal support for civilian technology and manufacturing—specifically through expanded support for both industry-led technology development projects and State-led efforts to help small and medium-sized manufacturers. In particular, the bill expands the programs of the Commerce Department's Technology Administration and its National Institute of Standards and Technology (NIST).

BACKGROUND

The legislation is based on two 1992 technology and manufacturing bills, S. 1330 and H.R. 5231, and has been updated to reflect the Clinton-Gore campaign statements supporting an expansion of manufacturing and technology programs. The bill also includes the provisions of 1992's S. 2937, the Information Infrastructure and Technology Act (a follow-on bill to 1991's High-Performance Computing Act).

MAIN PROVISIONS

The bill has six titles:

Title I—General Provisions

States the bill's title ("National Competitiveness Act of 1993") and its findings, purposes, and definitions. One major purpose is to strengthen the ability of Federal technology programs, particularly those of the Department of Commerce (DOC), to support industry-led efforts to improve the technological capabilities, manufacturing performance, information infrastructure, and employment opportunities of the United States. A second major purpose is to develop a nationwide network of technological advice for manufacturers, particularly small and medium-sized firms.

Title II—Manufacturing

Sets a goal that within 10 years the United States will be second to no other nation in the development, deployment, and use of advanced manufacturing technology.

Subtitle A—DOC manufacturing programs

Amends the Stevenson-Wydler Technology Innovation Act of 1980 to create a DOC 21st Century Manufacturing Infrastructure Program, which consists of two parts: (1) a new Advanced Manufacturing Technology Development Program, which will support industry-led efforts to develop, refine, and test advanced computer-controlled manufacturing systems; and (2) a new National Manufacturing Outreach Program, which will create a nationwide manufacturing extension system linking State-run Manufacturing Outreach Centers, NIST Manufacturing Technology Centers, and new efforts by NIST's State Technology Extension Program (STEP) to help those States currently without manufacturing extension programs to develop such programs. Also creates an industry-led Manufacturing Advisory Committee, and expands DOC's efforts to work with industry to improve the quality of the manufacturing workforce.

Subtitle B—NSF manufacturing programs

Expands the manufacturing research and training programs of the National Science Foundation (NSF).

Title III—Critical Technologies

States that investment in the development and adoption of advanced technology contributes significantly to long-term economic growth and employment.

Subtitle A—Advanced Technology Program

Requires DOC to submit a long-term plan for NIST's Advanced Technology Program (ATP), the Government's principal civilian program for supporting industry-led projects to overcome the technical obstacles which slow the commercialization of important new technologies. Also creates a new DOC Office of Technology Monitoring and Competitive Assessment, to provide better information on the technological capabilities and industrial targeting practices of Amercia's major trading partners; and establishes a Commerce Technology Advisory Board to provide high-level industry and labor input to DOC technology programs.

Subtitle B—Stimulating investment

Authorizes three experimental programs to stimulate the flow of investment capital to technology firms: (1) a small DOC loan program; (2) a pilot program to assist venture capital firms, modelled on the proven Small Business Investment Company Program; and (3) a program to assist State technology development programs.

Title IV—Additional Commerce Department Provisions

Includes provisions regarding: (1) international standardization, a subject which has major implications for U.S. exports; (2) the extension of the Malcolm Baldrige National Quality Award to educational institutions; (3) cooperative research and development agreements between Federal laboratories and research partners; (4) DOC's Clearinghouse on State and Local Initiatives; (5) the use of domestic U.S.-made products; (6) a severability clause; and (7) creation of a new NIST research program in "wind engineering" to help the construction industry build structures which can better withstand hurricanes and tornadoes.

Title V—Authorizations of Appropriations

Provides fiscal year (FY) 1994 and 1995 authorizations for DOC technology and manufacturing programs and the new NSF manufacturing programs. The attached table provides details.

Title IV—Information Infrastructure and Technology

Builds on the existing Federal high-performance computing and communications program by establishing a coordinated, interagency program to identify and promote the development of computing application in education, manufacturing (including NIST's programs), health care, and libraries. The aim is for government and industry to work together to develop new computer applications that will benefit both users and the overall U.S. economy. Authorizations (exclusive of the DOC manufacturing research projects) total $60M for FY93, $120M for FY 94, and $180M for FY95.

Summary of Authorizations in S. 4

[Dollars in millions]

	Fiscal year 1993 appropriation	Fiscal year 1994 authorization	Fiscal year 1995 authorization
Tech Admin (non-NIST)	5	13.5	19.5
NIST lab research	193	250	300
NIST research facilities	105	0	105
NIST Manuf Outreach	[1] 18	150	280
NIST ATP	68	[2] 210	[2] 420
New NSF manufacturing	0	50	75
DOC workforce quality	0	50	50
DOC tech financing	0	[3] 120	120
Wind engineering	0	1	3
Info infrastructure	(4)	120	180
Totals	389	964	1552.5

[1] Possibly will be supplemented by up to $70M in fiscal year 1993 defense conversion funds.

[2] Fiscal year 1994 and fiscal year 1995 levels include funds for the industry-led part of the Advanced Manufacturing Technology Development Program.

[3] Authorization is technically $240M over the two-year period (fiscal year 1994–95).

(4) Information infrastructure title contains an fiscal year 1993 authorization of $60M, but no fiscal year 1993 funds have been appropriated.•

• Mr. BINGAMAN. Mr. President, I am pleased to rise today as an original cosponsor of Senator Hollings bill, S. 4, the National Competitiveness Act of 1993. The heart of this bill is S. 1330, which Senator Hollings introduced in the last Congress as part of a series of bills on technology and manufacturing policy introduced by Senators NUNN, HOLLINGS, GORE, MITCHELL, and myself. These bills represented an unprecedented display of cooperation between the Armed Services and Commerce Committees aimed at harnessing a larger share of the Federal R&D enterprise to meeting the needs of the industrial sector.

In introducing these bills, we noted that technologies critical to our national security and technologies critical to our industrial competitiveness were fast becoming one and the same. Just as we were cooperating across committees with defense and civilian jurisdictions in the Congress, the executive branch agencies, defense and nondefense, needed to begin to work closer together in cooperation with industry to target a larger share of the $75 billion Federal R&D enterprise to industry's needs. We felt the executive branch needed a comprehensive set of strategic roadmaps in these critical technologies aimed at insuring continued leadership by American industry in these sectors. We felt that the Federal Government as a whole needed to sort out what it could do to strengthen American industry, building on the comparative advantages of each of the mission agencies, just as the Government has done under former Senator GORE'S leadership in the case of high-performance computing.

In the last Congress we were able to enact the provisions of S. 1327 and S. 1328 as part of the fiscal year 1992 and 1993 Defense Authorization Acts. We were not able to see S. 1330 all the way to enactment despite heroic efforts by Senator HOLLINGS and his House counterpart Congressman GEORGE BROWN. With a new and supportive administration in place I hope now that we will be able to see S. 4, which aims to strengthen the Commerce Department's and the National Science Foundation's technology and manufacturing programs, enacted early on.

I also see this bill as part of a much broader strategy we outlined back in June of 1991, a strategy that must involve all of the Federal mission agencies under strong leadership from the White House. I serve on the Labor, Energy, and Armed Services Committees. In the Labor Committee we have been supportive of Bernadine Healy's efforts to tie the $10 billion National Institutes of Health research and development enterprise to the economic competitiveness of this country. Dr. Healy appropriately made this one of the four key goals in the NIH strategic plan. I have spoken with Secretary of Health and Human Services-designate Donna Shalala about continuing this thrust and have received a very strong commitment to do so.

In the Energy Committee under Senator Johnston's leadership, we have moved to better connect the DOE labs to the needs of the industrial sector and have rapidly increased funding for such technology partnerships to at least $141 million in fiscal year 1993. There is more that needs to be done here both legislatively and administratively to streamline the industrial sector's interactions with the DOE labs. The Council on Competitiveness in a recent report entitled "Industry as Customer of the Federal Laboratories" has proposed giving authority to enter such partnerships to the lab directors, something I originally proposed in 1989, but which was deleted from the National Competitiveness Technology Transfer Act of 1989 before enactment because of administration opposition. I hope to win the Clinton-Gore administration's and my colleagues in the Congress' support for this change as part of broader Federal labs initiative. I was delighted to see Secretary of Energy-designate O'Leary state during her confirmation hearing her strong support for the DOE labs playing an important role in the Clinton-Gore technology policy.

Finally, on the Armed Services Committee, under Senator Nunn's and now Defense Secretary Aspin's leadership, we have already moved in the past 2 years to strengthen the dual-use technology and manufacturing programs of the Department of Defense, to strengthen the ability of the Office of Science and Technology Policy to coordinate Federal R&D programs, in particular by creating the Critical Technologies Institute, and to foster a commercial-military integration strategy within the defense acquisition system. There is much we can do to build on those programs. If this morning's newspaper is correct that the President and Secretary Aspin have chosen Bill Perry as Deputy Secretary of Defense, they have chosen the ideal person to build on our past efforts in technology and manufacturing policy, for he was the key mentor of many of us on these issues over the past decade.

So, I am proud to cosponsor S. 4. I commend Senator Hollings for his continued leadership in this area. I hope this bill becomes the first of many pieces of legislation aimed at the long-term health of our economy which the Clinton-Gore administration will ask this Congress to enact. We can and must better connect the entire Federal R&D enterprise to the needs of the industrial sector in partnership with industry and State governments. This new partnership will, I am sure, be one of the cornerstones of our economic policy in the years ahead.•

• Mr. LIEBERMAN. Mr. President, I rise today to speak in support of legislation. S 4, that is being introduced today by the distinguished chairman of the Commerce Committee, the gentleman from South Carolina. Earlier today the majority leader announced it as one of his top legislative priorities. This legislation, when enacted, will help recharge American manufacturing, which has been seriously harmed by a decade of neglect and ideological bickering.

The state of U.S. manufacturing has clearly been in decline and indicators of that decline are acutely visible. The U.S. merchandise trade deficit remains stubbornly high, despite a significant downward change in the value of the dollar. Growth in productivity continues to be sluggish as compared to our major competitors. And, U.S. manufacturers, including defense manufacturers, are becoming increasingly dependent on foreign companies for an ever-increasing range of machinery, machine tools, and manufactured components.

In the debate over the state of American manufacturing and industrial competitiveness, we routinely address issues such as the high cost of capital; our low rate of savings and investment; chronic trade and budget deficits; and the failure of our educational system to prepare our workers for the jobs we need done, but we rarely address the fundamental issue of technological advancement, which is among the most important.

Technological advancement can drive an economy by creating new goods, services, industries, jobs, and capital. Technological advancement, when applied to existing systems, can improve productivity and the quality of products. And, Mr. President, technological advancement can help compensate for competitive disadvantages U.S. firms must face including comparatively higher costs of capital and labor.

While the United States remains the undisputed world leader in basic research and in many areas of applied research—largely due to direct Federal support—we must understand that research alone does not lead to improved productivity and economic growth. Research and development is merely the first step. It is commercialization—the process of moving products from our laboratories to our factories—that leads to increased productivity, continued economic growth, and the ultimate rise in our standard of living. But, Mr. President, this is also where we fail. We must, as our competitors do, aggressively support emerging technologies, so they can be transformed into commercially viable products for the international marketplace.

Our chief economic competitors are not afraid to do just that. According to the private sector funded Council on Competitiveness, in 1988 the United States spent 0.2 percent of the total Federal Government R&D budget on industrial development—compared to 4.8 percent in Japan and 14.5 percent in Germany. Additionally, the Ministry of International Trade and Industry [MITI] is the most celebrated example of how the Japanese economic miracle came into being. We may not want to create an American MITI, but we certainly ought to be thinking about long term blueprints for keeping America ahead of the high technology curve. This legislation, like other groundbreaking legislation introduced by the gentleman from South Carolina, will go a long way toward reaching that goal.

This initiative includes provisions for coordinated planning and management of Federal manufacturing activities; increased federal support for the development of industry-led advanced manufacturing technology; programs for manufacturing extension activities, particularly for small and medium sized firms; and expanded technological education programs.

Mr. President, there are those who take issue with this legislation because they believe it is just another example of the Federal Government business picking winners and losers. But what these critics forget is that the Government is and always has been deeply involved in the economy. The Government helped to build our railroads. Government support also helped to build our highways. That's also how the American aerospace industry and American agriculture have become the standards for American excellence—the Government has been an ally of economic development. In fact, the aerospace industry produces a larger trade surplus for the United States than any other manufacturing industry and agriculture is a big contributor to trade surpluses as well.

Even Adam Smith, the author of laissez-faire, understood that the free market is not always perfect or ideal. He suggested that there is a legitimate role for government to play in the market, particularly in caring for the indigent and needy, in building public infrastructure, in education, in public health, in providing for the national defense, and in preventing firms from conspiring against the public good.

This bill, of course, does not purport to replace the free market. Nothing could be further from the case. What the provisions of this legislation say is that there is also a constructive supporting role for the government to play in technology policy.

Evaluate the case of the aerospace industry. According to the Office of Technology Assessment, the first Federal contract for a military aircraft was let in 1907, and in 1911 Congress appropriated $25,000 to purchase the first airplane for the Navy. The Europeans, however, were the first to establish aeronautical research centers and between 1907 and 1915 the Europeans made landmark advances in aerospace technology. During this period, the United States felt itself falling far behind the curve in aerospace advancement, and finally, in 1915, Theodore Roosevelt endorsed and Congress supported the concept of a National Advisory Committee for Aeronautics, which was a Government organization designed specifically to advance the science and technology associated with aerospace.

Since that time, the Federal Government has aggressively supported aerospace research, development, commercialization, and production—albeit primarily for military functions. Many would argue, however, that this support—which has led to a variety of dual-use technologies—is what made the U.S. commercial aerospace industry what it is today. I cannot help but note that almost 90 years later the greatest challenge to U.S. civilian aerospace predominance is coming from Airbus—a firm which is wholly supported and which has received billions of dollars in R&D and working capital from a coalition of four European countries.

Mr. President, in 1991, the President's National Critical Technologies Panel, which was part of the Office of Science and Technology Policy, prepared a list of 22 key technologies along with a report which stresses the need for increased cooperation between government and corporations. In that report, the National Critical Technologies Panel stated:

> The failure to maintain world class manufacturing capabilities would compromise the nation's ability to compete in domestic and international markets, and would threaten our ability to obtain access to the full range of components and equipment required for a strong national defense.

If maintaining a world class manufacturing capability, as the report suggests, is critical to both our national defense and economic security, then we should not be debating whether or not the Federal Government should be supporting technological advancement; rather, we should be asking what is the best way for us to do so? How can we put the resources and leverage capacity of the Federal Government directly behind American industrial technologies to improve our industrial competitiveness over the long term? By recognizing that this bill is an important step in the direction of answering these questions, then passing it and fully funding it.

Mr. President, the gentleman from South Carolina has long been a leader in bringing together business and government for the good of the American economy, particularly our manufacturing sector. Through his efforts, he created the National Institute for Standards and Technology and its new programs. I applaud his hard work and foresight and pledge to help him secure the passage of this bill.

It is also my hope that other related legislation will be enacted. A group of Senators with the effective support of the majority leader have for the last year been working on something we call the economic leadership strategy. Last year, we helped secure the passage of, and $1.6 billion in reallocated funding for, a variety of programs from improving education and job training programs to programs that will help defense firms begin to make products for the commercial market.

We hope to be even more successful this year in our efforts to fund the program that comprise the economic leadership strategy and the five critical areas that it covers: First, keeping the United States on the cutting edge of high technology and applied research; second, commercializing inventions to create quality U.S. jobs and products; third, improving manufacturing technology and extending those technologies to businesses across the United States; fourth, improving education and job training to ensure a highly skilled U.S. work force; and fifth, strengthening trade tools to open markets abroad.

The economic leadership strategy, including the legislation that Senator HOLLINGS is introducing today, can provide the foundation for increased economic growth for our Nation in years to come. The programs the legislation and the strategy support are the type of programs that can help American companies compete in a highly competitive global economy.

America must regain its lead in the civilian high tech industry. What is at stake here in both the national and economic security of our Nation, and the standard of living of our people. Government initiatives should not be dismissed as interference. They should be viewed as support for American competitiveness and a strong economy. By passing this legislation and other bills like it, we can better secure our Nation's economic future.•

• Mr. RIEGLE. Mr. President, I am pleased to rise in support of S. 4, the National Competitiveness Act of 1993. This bill is an important step forward in strengthening the technological foundation upon which our Nation's international competitiveness is built. The provisions contained in this bill are especially important to reinvigorating our manufacturing base.

Manufacturing is the heart of our economy, it keeps the lifeblood of the economy flowing. Manufacturing is the key to maintaining middle-class jobs that are the backbone of our Nation—jobs that pay middle-class incomes with health care protection and pension benefits. These are the jobs we are losing. The number of manufacturing jobs, after growing on a fairly steady basis since the end of World War II, peaked in 1979. Since then, we have lost almost 3 million manufacturing jobs. In 1990, only 18 percent of the U.S. workforce was in manufacturing. In Japan, 24.1 percent work in manufacturing; in Germany the number is 31.5 percent.

This loss of jobs has resulted in a decline in earnings for working Americans. In 1989, the number of jobs in retail trade surpassed those in manufacturing. In retail trade, the average weekly gross earning is about $200. In manufacturing, it is about $470. The average real weekly earnings for production or non-supervisory workers peaked in 1972. By 1991, it had dropped by almost 20 percent, reaching the lowest level since the 1950's.

The result of this trend in wages is frightening. After declining steadily since World War II, we are now seeing a dramatic increase in the proportion of full-time workers working for wages that put them below the poverty line. According to the Census Bureau, in 1990 14.4 million American workers with full-time jobs—18 percent of all full time workers—made less than $12,195.

To reverse this trend, we must increase manufacturing productivity. We need to increase the value-added of American production. Better products, produced more quickly and at lower cost is way of adding higher value. That means it's not just the number of cars per hour we produce that's important—it's how well those cars are as well. To move to this higher value-added production requires increasing the skills and knowledge of our workers. It also requires providing them with the best equipment and infrastructure possible. In essence, it means a shift to a strategy of creating high-skill, high-wage jobs rather than competing with low-skill, low-wage production.

Mr. President, this bill is a strong starting point for taking action to strengthen our Nation's technology and manufacturing base. Parts of this bill dealing with technology financing issues are of particular interest to the Banking Committee, which I chair. I look forward to working constructively with the sponsor of this bill with regard to these sections.

The creation of high-skill, high-wage jobs must be the central goal that drives our economic strategy for the future. High wage jobs increase the standard of living and increase investment, which in turn generates a new round of economic growth and even more jobs. This is the cycle of growth we need to restart. By addressing the critical areas of technology and manufacturing, this bill, the National Competitiveness Act of 1993, is an important step toward our economic renewal.•

By Mr. DODD (for himself, Mr. KENNEDY, Mr. PACKWOOD, Mr. MITCHELL, Mr. JEFFORDS, Ms. MIKULSKI, Mr. HATFIELD, Mr. BOND, Mr. METZENBAUM, Mr. COATS, Mr. D'AMATO, Mr. CHAFEE, Mr. DECONCINI, Mr. PELL, Mr. SIMON, Mr. SPECTER, Mr. BRADLEY, Mr. MOYNIHAN, Mr. KERRY, Mr. INOUYE, Mr. BIDEN, Mr. ROCKEFELLER, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. REID, Mr. SARBANES, Mr. AKAKA, Mr. BINGAMAN, Mr. DASCHLE, Mr. EXON, Mr. HARKIN, Mr. RIEGLE, Mr. BRYAN, Mr. KERREY, Mr. LEVIN, Mr. WELLSTONE, Mr. KOHL, Mr. FORD, Mr. FEINGOLD, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. MOSELEY-BRAUN, and Mr. CAMPBELL):

S. 5. A bill to grant family and temporary medical leave under certain circumstances; to the Committee on Labor and Human Resources.

FAMILY AND MEDICAL LEAVE ACT

Mr. DODD. Mr. President, I rise today to introduce S. 5, the Family and Medical Leave Act of 1993. I have been joined in sponsoring this measure by Senators KENNEDY, MITCHELL, JEFFORDS, BOND, PACKWOOD, COATS, and more than three dozen other Senators.

Yesterday at noon, the 42nd President of the United States was sworn into office just a few steps from where we now gather in the Chamber. Today, we begin to illustrate the real meaning of this historic event as we embark on what promises to be the final chapter in a 7-year effort to establish a national leave policy for millions of working families. This is a time of great opportunity—to show the American people both in our words and our deeds—that Government can be a positive force in their lives.

Over the next few weeks, we will have the opportunity to respond in a tangible way to a real problem that real people face all over this Nation—the daily struggle to balance work and family responsibilities. We will have the opportunity to symbolize with concrete action the end of Government gridlock, and that Republicans and Democrats can work together for the common good. We will have the opportunity to show that as we begin to tackle the economic challenges of the 21st century, Government and business can invest in a real partnership to help make our citizens productive workers and good parents at the same time without being in conflict.

Mr. President, S. 5 embodies a simple and but critically important idea: short-term job security for working people in times of family or medical emergency. The bill we are introducing today is virtually identical to the conference report that was vetoed last year, with minor technical changes to facilitate administration and enforcement of the new law. S. 5 provides up to 12 weeks of unpaid, job-protected leave per year—with health insurance coverage—for the birth or adoption of a child, or the serious illness of an employee or an immediate family member. The bill exempts small businesses and covers only employers with 50 or more employees. In order to be eligible for leave, employees must have worked in excess of 1,200 hours over the previous 12 months and at least for 1 year for that employer. And medical certifications are required to prove that an employee must take leave in order to deal with a serious health condition.

Through 7 years of scrutiny, including passage twice I might add, by Congress in the last 3 years, we have amassed strong and convincing evidence that family leave is not only good for working families but, just as importantly, it makes good business sense as well. A 1991 study by the Small Business Administration concluded that "the net cost to employers of placing workers on leave is always substantially smaller than the cost of terminating an employee." A revised analysis of this study last year concluded that more than 300,000 people have lost their jobs since a similar bill was vetoed in 1990 because they had no job-guaranteed medical leave. This 1992 study also found that mid-size and large businesses would have saved nearly $500 million in unnecessary hiring and training costs for new workers had this legislation become law 3 years ago.

Let me emphasize, Mr. President: Those are not my calculations; those are calculations done by objective studies—one of them by the Small Business Administration, under the previous administration of President Bush—concluding that this legislation made good business sense, that people would have held on to jobs and business dollars would have been saved.

Individual companies report tremendous savings with leave policies already in place. The Aetna Life and Casualty Co. of my home State of Connecticut estimated last year that its family leave program saves them $2 million annually in reduced employee turnover and lower hiring and training costs.

AT&T has reported that the leave policy it established on itself saved it $15 million each year in replacement costs alone.

That is testimony from two rather large companies in this country that have adopted leave policies that have saved them millions of dollars.

So when the arguments are raised—as they surely will be—that this legislation is costly to business, I would urge my colleagues and others who may be interested in following this legislation to remember what business has said, businesses who have adopted leave policies, that this is a program that saves them dollars.

Mr. President, in many ways, the Family and Medical Leave Act embodies our commitment to tackle a critical set of challenges facing the American people and the new Congress that convenes today. It is a sound family policy that enables working people to deal with family emergencies without losing their jobs in the process.

It is a sound health care policy that guarantees insurance protection just when families need it the very most—during a family medical crisis. To lose your job and to lose health care coverage when your child is sick or your spouse is ill or a parent you are caring for is in trouble, to lose a job and lose the health care coverage, what more cruel set of facts could strike a family?

So this legislation will do an awful lot just to save and protect good people who are trying to hold body and soul and family together at a time when they need it most.

It's a sound welfare policy that enables low-income single parents to raise their children and be productive, working members of society. It's a sound family planning policy that promotes adoption and provides real alternatives to abortion for women who must work and raise children at the same time. Perhaps most important, it's a sound economic policy that recognizes Government and business must work together to invest in both a productive work force and strong families as we move into the 21st century.

Mr. President, the Family and Medical Leave Act establishes a basic standard of human decency. That is what this 7-year-long struggle has been about, human decency—that is all this is—that every other industrialized nation in the world provides for its citizenry.

It represents a rare opportunity to fulfill both national goals and individual needs; a prudent expense today that is also a sound investment for tomorrow. The Family and Medical Leave Act is truly an idea, Mr. President, whose time has come.

Mr. President, I hope that our colleagues will provide the same strong sense of support they have in the past when this legislation reaches the floor of this body, that the other body will also move expeditiously, and that very shortly we can present to our new President, President Clinton, a Family and Medical Leave Act which he will be proud to sign into law.

It has been 7 long years. I do not think it was wasted time. We have learned a lot. We produced a good bill, Mr. President, because we have worked on it together, both sides of the aisle here, and I am confident that before the next few weeks or few months pass, we will have for the first time in this country family and medical leave legislation recognizing that working families today need to be able to be with their families during a time of crisis without losing their jobs. Holding onto the job you need and the family you love should not be in conflict unnecessarily, and we intend to correct that wrong with this legislation.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family and Medical Leave Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—GENERAL REQUIREMENTS FOR LEAVE

Sec. 101. Definitions.
Sec. 102. Leave requirement.
Sec. 103. Certification.
Sec. 104. Employment and benefits protection.
Sec. 105. Prohibited acts.
Sec. 106. Investigative authority.
Sec. 107. Enforcement.
Sec. 108. Special rules concerning employees of local educational agencies.
Sec. 109. Notice.

TITLE II—LEAVE FOR CIVIL SERVICE EMPLOYEES

Sec. 201. Leave requirement.

TITLE III—COMMISSION ON LEAVE

Sec. 301. Establishment.
Sec. 302. Duties.
Sec. 303. Membership.
Sec. 304. Compensation.
Sec. 305. Powers.
Sec. 306. Termination.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Effect on other laws.
Sec. 402. Effect on existing employment benefits.
Sec. 403. Encouragement of more generous leave policies.
Sec. 404. Regulations.
Sec. 405. Effective dates.

TITLE V—COVERAGE OF CONGRESSIONAL EMPLOYEES

Sec. 501. Leave for certain Senate employees.
Sec. 502. Leave for certain congressional employees.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the number of single-parent households and two-parent households in which the single parent or both parents work is increasing significantly;

(2) it is important for the development of children and the family unit that fathers and mothers be able to participate in early childrearing and the care of family members who have serious health conditions;

(3) the lack of employment policies to accommodate working parents can force individuals to choose between job security and parenting;

(4) there is inadequate job security for employees who have serious health conditions that prevent them from working for temporary periods;

(5) due to the nature of the roles of men and women in our society, the primary responsibility for family caretaking often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men; and

(6) employment standards that apply to one gender only have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.

(b) PURPOSES.—It is the purpose of this Act—

(1) to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity;

(2) to entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition;

(3) to accomplish the purposes described in paragraphs (1) and (2) in a manner that accommodates the legitimate interests of employers;

(4) to accomplish the purposes described in paragraphs (1) and (2) in a manner that, consistent with the Equal Protection Clause of the Fourteenth Amendment, minimizes the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons, on a gender-neutral basis; and

(5) to promote the goal of equal employment opportunity for women and men, pursuant to such clause.

TITLE I—GENERAL REQUIREMENTS FOR LEAVE

SEC. 101. DEFINITIONS.

As used in this title:

(1) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any "industry affecting commerce", as defined in paragraphs (1) and (3) of section 501 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (1) and (3)).

(2) ELIGIBLE EMPLOYEE.—

(A) IN GENERAL.—The term "eligible employee" means an employee who has been employed—

(i) for at least 12 months by the employer with respect to whom leave is requested under section 102; and

(ii) for at least 1,250 hours of service with such employer during the previous 12-month period.

(B) EXCLUSIONS.—The term "eligible employee" does not include—

(i) any Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code (as added by title II of this Act); or

(ii) any employee of an employer who is employed at a worksite at which such employer employs less than 50 employees if the total number of employees employed by that employer within 75 miles of that worksite is less than 50.

(C) DETERMINATION.—For purposes of determining whether an employee meets the hours of service requirement specified in subparagraph (A)(ii), the legal standards established under section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall apply.

(3) EMPLOY; EMPLOYEE; STATE.—The terms "employ", "employee", and "State" have the same meanings given such terms in subsections (c), (e), and (g) of section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203 (c), (e), and (g)).

(4) EMPLOYER.—

(A) IN GENERAL.—The term "employer"—

(i) means any person engaged in commerce or in any industry or activity affecting commerce who employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year;

(ii) includes—

(I) any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer; and

(II) any successor in interest of an employer; and

(iii) includes any "public agency", as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).

(B) PUBLIC AGENCY.—For purposes of subparagraph (A)(iii), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

(5) EMPLOYMENT BENEFITS.—The term "employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan", as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

(6) HEALTH CARE PROVIDER.—The term "health care provider" means—

(A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(B) any other person determined by the Secretary to be capable of providing health care services.

(7) PARENT.—The term "parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.

(8) PERSON.—The term "person" has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

(9) REDUCED LEAVE SCHEDULE.—The term "reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

(10) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(11) SERIOUS HEALTH CONDITION.—The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves—

(A) inpatient care in a hospital, hospice, or residential medical care facility; or

(B) continuing treatment by a health care provider.

(12) SON OR DAUGHTER.—The term "son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

SEC. 102. LEAVE REQUIREMENT.

(a) IN GENERAL.—

(1) ENTITLEMENT TO LEAVE.—Subject to section 103, an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period for one or more of the following:

(A) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.

(B) Because of the placement of a son or daughter with the employee for adoption or foster care.

(C) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.

(D) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

(2) EXPIRATION OF ENTITLEMENT.—The entitlement to leave under subparagraphs (A) and (B) of paragraph (1) for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

(b) LEAVE TAKEN INTERMITTENTLY OR ON A REDUCED LEAVE SCHEDULE.—

(1) IN GENERAL.—Leave under subparagraph (A) or (B) of paragraph (1) shall not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the employer of the employee agree otherwise. Subject to subparagraph (B), subsection (e)(2), and section 103(b)(5), leave under subparagraph (C) or (D) of paragraph (1) may be taken intermittently or on a reduced leave schedule when medically necessary. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.

(2) ALTERNATIVE POSITION.—If an employee requests intermittent leave, or leave on a reduced leave schedule, under subparagraph (C) or (D) of paragraph (1), that is foreseeable based on planned medical treatment, the employer may require such employee to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that—

(A) has equivalent pay and benefits; and

(B) better accommodates recurring periods of leave than the regular employment position of the employee.

(c) UNPAID LEAVE PERMITTED.—Except as provided in subsection (d), leave granted under subsection (a) may consist of unpaid leave. Where an employee is otherwise exempt under regulations issued by the Secretary pursuant to section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)), the compliance of an employer with this title by providing unpaid leave shall not affect the exempt status of the employee under such section.

(d) RELATIONSHIP TO PAID LEAVE.—

(1) UNPAID LEAVE.—If an employer provides paid leave for fewer than 12 workweeks, the additional weeks of leave necessary to attain the 12 workweeks of leave required under this title may be provided without compensation.

(2) SUBSTITUTION OF PAID LEAVE.—

(A) IN GENERAL.—An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or family leave of the employee for leave provided under subparagraph (A), (B), or (C) of subsection (a)(1) for any part of the 12-week period of such leave under such subsection.

(B) SERIOUS HEALTH CONDITION.—An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for leave provided under subparagraph (C) or (D) of subsection (a)(1) for any part of the 12-week period of such leave under such subsection, except that nothing in this title shall require an employer to provide paid sick leave or paid medical leave in any situation in which such employer would not normally provide any such paid leave.

(e) FORESEEABLE LEAVE.—

(1) REQUIREMENT OF NOTICE.—In any case in which the necessity for leave under subparagraph (A) or (B) of subsection (a)(1) is foreseeable based on an expected birth or placement, the employee shall provide the employer with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of the birth or placement requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

(2) DUTIES OF EMPLOYEE.—In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a)(1) is foreseeable based on planned medical treatment, the employee—

(A) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate; and

(B) shall provide the employer with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

(f) SPOUSES EMPLOYED BY THE SAME EMPLOYER.—In any case in which a husband and wife entitled to leave under subsection (a) are employed by the same employer, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period, if such leave is taken—

(1) under subparagraph (A) or (B) of subsection (a)(1); or

(2) to care for a sick parent under subparagraph (C) of such subsection.

SEC. 103. CERTIFICATION.

(a) IN GENERAL.—An employer may require that a request for leave under subparagraph (C) or (D) of section 102(a)(1) be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse, or parent of the employee, as appropriate. The employee shall provide, in a timely manner, a copy of such certification to the employer.

(b) Sufficient Certification.—Certification provided under subsection (a) shall be sufficient if it states—

(1) the date on which the serious health condition commenced;

(2) the probable duration of the condition;

(3) the appropriate medical facts within the knowledge of the health care provider regarding the condition;

(4)(A) for purposes of leave under section 102(a)(1)(C), a statement that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent; and

(B) for purposes of leave under section 102(a)(1)(D), a statement that the employee is unable to perform the functions of the position of the employee; and

(5) in the case of certification for intermittent leave for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.

(c) Second Opinion.—

(1) In general.—In any case in which the employer has reason to doubt the validity of the certification provided under subsection (a) for leave under subparagraph (C) or (D) of section 102(a)(1), the employer may require, at the expense of the employer, that the eligible employee obtain the opinion of a second health care provider designated or approved by the employer concerning any information certified under subsection (b) for such leave.

(2) Limitation.—A health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employer.

(d) Resolution of Conflicting Opinions.—

(1) In general.—In any case in which the second opinion described in subsection (c) differs from the opinion in the original certification provided under subsection (a), the employer may require, at the expense of the employer, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified under subsection (b).

(2) Finality.—The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employer and the employee.

(e) Subsequent Recertification.—The employer may require that the eligible employee obtain subsequent recertifications on a reasonable basis.

SEC. 104. EMPLOYMENT AND BENEFITS PROTECTION.

(a) Restoration to Position.—

(1) In general.—Except as provided in subsection (b), any eligible employee who takes leave under section 102 for the intended purpose of the leave shall be entitled, on return from such leave—

(A) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(B) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(2) Loss of benefits.—The taking of leave under section 102 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(3) Limitations.—Nothing in this section shall be construed to entitle any restored employee to—

(A) the accrual of any seniority or employment benefits during any period of leave; or

(B) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(4) Certification.—As a condition of restoration under paragraph (1) for an employee who has taken leave under section 102(a)(1)(D), the employer may have a uniformly applied practice or policy that requires each such employee to receive certification from the health care provider of the employee that the employee is able to resume work, except that nothing in this paragraph shall supersede a valid State or local law or a collective bargaining agreement that governs the return to work of such employees.

(5) Construction.—Nothing in this subsection shall be construed to prohibit an employer from requiring an employee on leave under section 102 to report periodically to the employer on the status and intention of the employee to return to work.

(b) Exemption Concerning Certain Highly Compensated Employees.—

(1) Denial of restoration.—An employer may deny restoration under subsection (a) to any eligible employee described in paragraph (2) if—

(A) such denial is necessary to prevent substantial and grievous economic injury to the operations of the employer;

(B) the employer notifies the employee of the intent of the employer to deny restoration on such basis at the time the employer determines that such injury would occur; and

(C) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

(2) Affected employees.—An eligible employee described in paragraph (1) is a salaried eligible employee who is among the highest paid 10 percent of the employees employed by the employer within 75 miles of the facility at which the employee is employed.

(c) Maintenance of Health Benefits.—

(1) Coverage.—Except as provided in paragraph (2), during any period that an eligible employee takes leave under section 102, the employer shall maintain coverage under any "group health plan" (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

(2) Failure to return from leave.—The employer may recover the premium that the employer paid for maintaining coverage for the employee under such group health plan during any period of unpaid leave under section 102 if—

(A) the employee fails to return from leave under section 102 after the period of leave to which the employee is entitled has expired; and

(B) the employee fails to return to work for a reason other than—

(i) the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under subparagraph (C) or (D) of section 102(a)(1); or

(ii) other circumstances beyond the control of the employee.

(3) Certification.—

(A) Issuance.—An employer may require that a claim that an employee is unable to return to work because of the continuation, recurrence, or onset of the serious health condition described in paragraph (2)(B)(i) be supported by—

(i) a certification issued by the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate, in the case of an employee unable to return to work because of a condition specified in section 102(a)(1)(C); or

(ii) a certification issued by the health care provider of the eligible employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(1)(D).

(B) Copy.—The employee shall provide, in a timely manner, a copy of such certification to the employer.

(C) Sufficiency of certification.—

(i) Leave due to serious health condition of employee.—The certification described in subparagraph (A)(i) shall be sufficient if the certification states that a serious health condition prevented the employee from being able to perform the functions of the position of the employee on the date that the leave of the employee expired.

(ii) Leave due to serious health condition of family member.—The certification described in subparagraph (A)(ii) shall be sufficient if the certification states that the employee is needed to care for the son, daughter, spouse, or parent who has a serious health condition on the date that the leave of the employee expired.

SEC. 105. PROHIBITED ACTS.

(a) Interference With Rights.—

(1) Exercise of rights.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this title.

(2) Discrimination.—It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this title.

(b) Interference With Proceedings or Inquiries.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(1) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this title;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this title; or

(3) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this title.

SEC. 106. INVESTIGATIVE AUTHORITY.

(a) In General.—To ensure compliance with the provisions of this title, or any regulation or order issued under this title, the Secretary shall have, subject to subsection (c), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)).

(b) Obligation To Keep and Preserve Records.—Any employer shall make, keep, and preserve records pertaining to compliance with this title in accordance with section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and in accordance with regulations issued by the Secretary.

(c) Required Submissions Generally Limited to an Annual Basis.—The Secretary shall not under the authority of this section require any employer or any plan, fund, or program to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this title or any regulation or order issued pursuant to this title, or is investigating a charge pursuant to section 107(b).

(d) SUBPOENA POWERS.—For the purposes of any investigation provided for in this section, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).

SEC. 107. ENFORCEMENT.

(a) CIVIL ACTION BY EMPLOYEES.—

(1) LIABILITY.—Any employer who violates section 105 shall be liable to any eligible employee affected—

(A) for damages equal to—

(i) the amount of—

(I) any wages, salary, employment benefits, or other compensation denied or lost to such employee by reason of the violation; or

(II) in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost to the employee, any actual monetary losses sustained by the employee as a direct result of the violation, such as the cost of providing care, up to a sum equal to 12 weeks of wages or salary for the employee;

(ii) the interest on the amount described in clause (i) calculated at the prevailing rate; and

(iii) an additional amount as liquidated damages equal to the sum of the amount described in clause (i) and the interest described in clause (ii), except that if an employer who has violated section 105 proves to the satisfaction of the court that the act or omission which violated section 105 was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of section 105, such court may, in the discretion of the court, reduce the amount of the liability to the amount and interest determined under clauses (i) and (ii), respectively; and

(B) for such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(2) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in paragraph (1) may be maintained against any employer (including a public agency) in any Federal or State court of competent jurisdiction by any one or more employees for and in behalf of—

(A) the employees; or

(B) the employees and other employees similarly situated.

(3) FEES AND COSTS.—The court in such an action shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(4) LIMITATIONS.—The right provided by paragraph (2) to bring an action by or on behalf of any employee shall terminate—

(A) on the filing of a complaint by the Secretary in an action under subsection (d) in which restraint is sought of any further delay in the payment of the amount described in paragraph (1)(A) to such employee by an employer responsible under paragraph (1) for the payment; or

(B) on the filing of a complaint by the Secretary in an action under subsection (b) in which a recovery is sought of the damages described in paragraph (1)(A) owing to an eligible employee by an employer liable under paragraph (1), unless the action described in subparagraph (A) or (B) is dismissed without prejudice on motion of the Secretary.

(b) ACTION BY THE SECRETARY.—

(1) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of section 105 in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

(2) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover the damages described in subsection (a)(1)(A).

(3) SUMS RECOVERED.—Any sums recovered by the Secretary pursuant to paragraph (2) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each employee affected. Any such sums not paid to an employee because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), an action may be brought under this section not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

(2) WILLFUL VIOLATION.—In the case of such action brought for a willful violation of section 105, such action may be brought within 3 years of the date of the last event constituting the alleged violation for which such action is brought.

(3) COMMENCEMENT.—In determining when an action is commenced by the Secretary under this section for the purposes of this subsection, it shall be considered to be commenced on the date when the complaint is filed.

(d) ACTION FOR INJUNCTION BY SECRETARY.—The district courts of the United States shall have jurisdiction, for cause shown, in an action brought by the Secretary—

(1) to restrain violations of section 105, including the restraint of any withholding of payment of wages, salary, employment benefits, or other compensation, plus interest, found by the court to be due to eligible employees; or

(2) to award such other equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(e) SOLICITOR OF LABOR.—The Solicitor of Labor may appear for and represent the Secretary on any litigation brought under this section.

SEC. 108. SPECIAL RULES CONCERNING EMPLOYEES OF LOCAL EDUCATIONAL AGENCIES.

(a) APPLICATION.—

(1) IN GENERAL.—Except as otherwise provided in this section, the rights (including the rights under section 104, which shall extend throughout the period of leave of any employee under this section), remedies, and procedures under this title shall apply to—

(A) any "local educational agency" (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))) and an eligible employee of the agency; and

(B) any private elementary or secondary school and an eligible employee of the school.

(2) DEFINITIONS.—For purposes of the application described in paragraph (1):

(A) ELIGIBLE EMPLOYEE.—The term "eligible employee" means an eligible employee of an agency or school described in paragraph (1).

(B) EMPLOYER.—The term "employer" means an agency or school described in paragraph (1).

(b) LEAVE DOES NOT VIOLATE CERTAIN OTHER FEDERAL LAWS.—A local educational agency and a private elementary or secondary school shall not be in violation of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), solely as a result of an eligible employee of such agency or school exercising the rights of such employee under this title.

(c) INTERMITTENT LEAVE FOR INSTRUCTIONAL EMPLOYEES.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which an eligible employee employed principally in an instructional capacity by any such educational agency or school requests leave under subparagraph (C) or (D) of section 102(a)(1) that is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the agency or school may require that such employee elect either—

(A) to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or

(B) to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified, and that—

(i) has equivalent pay and benefits; and

(ii) better accommodates recurring periods of leave than the regular employment position of the employee.

(2) APPLICATION.—The elections described in subparagraphs (A) and (B) of paragraph (1) shall apply only with respect to an eligible employee who complies with section 102(e)(2).

(d) RULES APPLICABLE TO PERIODS NEAR THE CONCLUSION OF AN ACADEMIC TERM.—The following rules shall apply with respect to periods of leave near the conclusion of an academic term in the case of any eligible employee employed principally in an instructional capacity by any such educational agency or school:

(1) LEAVE MORE THAN 5 WEEKS PRIOR TO END OF TERM.—If the eligible employee begins leave under section 102 more than 5 weeks prior to the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of at least 3 weeks duration; and

(B) the return to employment would occur during the 3-week period before the end of such term.

(2) LEAVE LESS THAN 5 WEEKS PRIOR TO END OF TERM.—If the eligible employee begins leave under subparagraph (A), (B), or (C) of section 102(a)(1) during the period that commences 5 weeks prior to the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of greater than 2 weeks duration; and

(B) the return to employment would occur during the 2-week period before the end of such term.

(3) LEAVE LESS THAN 3 WEEKS PRIOR TO END OF TERM.—If the eligible employee begins leave under subparagraph (A), (B), or (C) of section 102(a)(1) during the period that commences 3 weeks prior to the end of the academic term and the duration of the leave is greater than 5 working days, the agency or

school may require the employee to continue to take leave until the end of such term.

(e) RESTORATION TO EQUIVALENT EMPLOYMENT POSITION.—For purposes of determinations under section 104(a)(1)(B) (relating to the restoration of an eligible employee to an equivalent position), in the case of a local educational agency or a private elementary or secondary school, such determination shall be made on the basis of established school board policies and practices, private school policies and practices, and collective bargaining agreements.

(f) REDUCTION OF THE AMOUNT OF LIABILITY.—If a local educational agency or a private elementary or secondary school that has violated this title proves to the satisfaction of the court that the agency, school, or department had reasonable grounds for believing that the underlying act or omission was not a violation of this title, such court may, in the discretion of the court, reduce the amount of the liability provided for under section 107(a)(1)(A) to the amount and interest determined under clauses (i) and (ii), respectively, of such section.

SEC. 109. NOTICE.

(a) IN GENERAL.—Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees and applicants for employment are customarily posted, a notice, to be prepared or approved by the Secretary, setting forth excerpts from, or summaries of, the pertinent provisions of this title and information pertaining to the filing of a charge.

(b) PENALTY.—Any employer that willfully violates this section may be assessed a civil money penalty not to exceed $100 for each separate offense.

TITLE II—LEAVE FOR CIVIL SERVICE EMPLOYEES

SEC. 201. LEAVE REQUIREMENT.

(a) CIVIL SERVICE EMPLOYEES.—

(1) IN GENERAL.—Chapter 63 of title 5, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER V—FAMILY AND MEDICAL LEAVE

"§ 6381. Definitions

"For the purpose of this subchapter—

"(1) the term 'employee' means any individual who—

"(A) is an 'employee', as defined by section 6301(2), including any individual employed in a position referred to in clause (v) or (ix) of section 6301(2), but excluding any individual employed by the government of the District of Columbia and any individual employed on a temporary or intermittent basis; and

"(B) has completed at least 12 months of service as an employee (within the meaning of subparagraph (A));

"(2) the term 'health care provider' means—

"(A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; and

"(B) any other person determined by the Director of the Office of Personnel Management to be capable of providing health care services;

"(3) the term 'parent' means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter;

"(4) the term 'reduced leave schedule' means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee;

"(5) the term 'serious health condition' means an illness, injury, impairment, or physical or mental condition that involves—

"(A) inpatient care in a hospital, hospice, or residential medical care facility; or

"(B) continuing treatment by a health care provider; and

"(6) the term 'son or daughter' means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

"(A) under 18 years of age; or

"(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

"§ 6382. Leave requirement

"(a)(1) Subject to section 6383, an employee shall be entitled to a total of 12 administrative workweeks of leave during any 12-month period for one or more of the following:

"(A) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.

"(B) Because of the placement of a son or daughter with the employee for adoption or foster care.

"(C) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.

"(D) Because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

"(2) The entitlement to leave under subparagraph (A) or (B) of paragraph (1) based on the birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

"(b)(1) Leave under subparagraph (A) or (B) of subsection (a)(1) shall not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the employing agency of the employee agree otherwise. Subject to paragraph (2), subsection (e)(2), and section 6383(b)(5), leave under subparagraph (C) or (D) of subsection (a)(1) may be taken intermittently or on a reduced leave schedule when medically necessary. In the case of an employee who takes leave intermittently or on a reduced leave schedule pursuant to this paragraph, any hours of leave so taken by such employee shall be subtracted from the total amount of leave remaining available to such employee under subsection (a), for purposes of the 12-month period involved, on an hour-for-hour basis.

"(2) If an employee requests intermittent leave, or leave on a reduced leave schedule, under subparagraph (C) or (D) of subsection (a)(1), that is foreseeable based on planned medical treatment, the employing agency may require such employee to transfer temporarily to an available alternative position offered by the employing agency for which the employee is qualified and that—

"(A) has equivalent pay and benefits; and

"(B) better accommodates recurring periods of leave than the regular employment position of the employee.

"(c) Except as provided in subsection (d), leave granted under subsection (a) shall be leave without pay.

"(d) An employee may elect to substitute for leave under subparagraph (A), (B), (C), or (D) of subsection (a)(1) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 12-week period of leave under such subsection, except that nothing in this subchapter shall require an employing agency to provide paid sick leave in any situation in which such employing agency would not normally provide any such paid leave.

"(e)(1) In any case in which the necessity for leave under subparagraph (A) or (B) of subsection (a)(1) is foreseeable based on an expected birth or placement, the employee shall provide the employing agency with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of the birth or placement requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

"(2) In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a)(1) is foreseeable based on planned medical treatment, the employee—

"(A) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employing agency, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate; and

"(B) shall provide the employing agency with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

"§ 6383. Certification

"(a) An employing agency may require that a request for leave under subparagraph (C) or (D) of section 6382(a)(1) be supported by certification issued by the health care provider of the employee or of the son, daughter, spouse, or parent of the employee, as appropriate. The employee shall provide, in a timely manner, a copy of such certification to the employing agency.

"(b) A certification provided under subsection (a) shall be sufficient if it states—

"(1) the date on which the serious health condition commenced;

"(2) the probable duration of the condition;

"(3) the appropriate medical facts within the knowledge of the health care provider regarding the condition;

"(4)(A) for purposes of leave under section 6382(a)(1)(C), a statement that the employee is needed to care for the son, daughter, spouse, or parent, and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, or parent; and

"(B) for purposes of leave under section 6382(a)(1)(D), a statement that the employee is unable to perform the functions of the position of the employee; and

"(5) in the case of certification for intermittent leave for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.

"(c)(1) In any case in which the employing agency has reason to doubt the validity of the certification provided under subsection (a) for leave under subparagraph (C) or (D) of section 6382(a)(1), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a second health care provider designated or approved by the employing agency concerning any information certified under subsection (b) for such leave.

"(2) Any health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employing agency.

"(d)(1) In any case in which the second opinion described in subsection (c) differs from the original certification provided under subsection (a), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employing agency and the employee concerning the information certified under subsection (b).

"(2) The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employing agency and the employee.

"(e) The employing agency may require, at the expense of the agency, that the employee obtain subsequent recertifications on a reasonable basis.

"§ 6384. Employment and benefits protection

"(a) Any employee who takes leave under section 6382 for the intended purpose of the leave shall be entitled, upon return from such leave—

"(1) to be restored by the employing agency to the position held by the employee when the leave commenced; or

"(2) to be restored to an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment.

"(b) The taking of leave under section 6382 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

"(c) Except as otherwise provided by or under law, nothing in this section shall be construed to entitle any restored employee to—

"(1) the accrual of any employment benefits during any period of leave; or

"(2) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

"(d) As a condition to restoration under subsection (a) for an employee who takes leave under section 6382(a)(1)(D), the employing agency may have a uniformly applied practice or policy that requires each such employee to receive certification from the health care provider of the employee that the employee is able to resume work.

"(e) Nothing in this section shall be construed to prohibit an employing agency from requiring an employee on leave under section 6382 to report periodically to the employing agency on the status and intention of the employee to return to work.

"§ 6385. Prohibition of coercion

"(a) An employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with the exercise of any rights which such other employee may have under this subchapter.

"(b) For the purpose of this section—

"(1) the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or taking or threatening to take any reprisal (such as deprivation of appointment, promotion, or compensation); and

"(2) the term 'employee' means any 'employee', as defined by section 2105.

"§ 6386. Health insurance

"An employee enrolled in a health benefits plan under chapter 89 who is placed in a leave status under section 6382 may elect to continue the health benefits enrollment of the employee while in such leave status and arrange to pay currently into the Employees Health Benefits Fund (described in section 8909), the appropriate employee contributions.

"§ 6387. Regulations

"The Office of Personnel Management shall prescribe regulations necessary for the administration of this subchapter. The regulations prescribed under this subchapter shall, to the extent appropriate, be consistent with the regulations prescribed by the Secretary of Labor under title I of the Family and Medical Leave Act of 1993.".

(2) TABLE OF CONTENTS.—The table of contents for chapter 63 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER V—FAMILY AND MEDICAL LEAVE

"6381. Definitions.
"6382. Leave requirement.
"6383. Certification.
"6384. Employment and benefits protection.
"6385. Prohibition of coercion.
"6386. Health insurance.
"6387. Regulations.".

(b) EMPLOYEES PAID FROM NONAPPROPRIATED FUNDS.—Section 2105(c)(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (C); and

(2) by adding at the end the following new subparagraph:

"(E) subchapter V of chapter 63, which shall be applied so as to construe references to benefit programs to refer to applicable programs for employees paid from nonappropriated funds; or".

TITLE III—COMMISSION ON LEAVE

SEC. 301. ESTABLISHMENT.

There is established a commission to be known as the Commission on Leave (referred to in this title as the "Commission").

SEC. 302. DUTIES.

The Commission shall—

(1) conduct a comprehensive study of—

(A) existing and proposed policies relating to leave;

(B) the potential costs, benefits, and impact on productivity of such policies on employers; and

(C) alternative and equivalent State enforcement of title I of this Act with respect to employees described in section 108(a); and

(2) not later than 2 years after the date on which the Commission first meets, prepare and submit, to the appropriate Committees of Congress, a report concerning the subjects listed in paragraph (1).

SEC. 303. MEMBERSHIP.

(a) COMPOSITION.—

(1) APPOINTMENTS.—The Commission shall be composed of 12 voting members and 2 ex officio members to be appointed not later than 60 days after the date of the enactment of this Act as follows:

(A) SENATORS.—One Senator shall be appointed by the Majority Leader of the Senate, and one Senator shall be appointed by the Minority Leader of the Senate.

(B) MEMBERS OF HOUSE OF REPRESENTATIVES.—One Member of the House of Representatives shall be appointed by the Speaker of the House of Representatives, and one Member of the House of Representatives shall be appointed by the Minority Leader of the House of Representatives.

(C) ADDITIONAL MEMBERS.—

(i) APPOINTMENT.—Two Members each shall be appointed by—

(I) the Speaker of the House of Representatives;

(II) the Majority Leader of the Senate;

(III) the Minority Leader of the House of Representatives; and

(IV) the Minority Leader of the Senate.

(ii) EXPERTISE.—Such members shall be appointed by virtue of demonstrated expertise in relevant family, temporary disability, and labor-management issues and shall include representatives of employers.

(2) EX OFFICIO MEMBERS.—The Secretary of Health and Human Services and the Secretary of Labor shall serve on the Commission as nonvoting ex officio members.

(b) VACANCIES.—Any vacancy on the Commission shall be filled in the manner in which the original appointment was made. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a chairperson and a vice chairperson from among the members of the Commission.

(d) QUORUM.—Eight members of the Commission shall constitute a quorum for all purposes, except that a lesser number may constitute a quorum for the purpose of holding hearings.

SEC. 304. COMPENSATION.

(a) PAY.—Members of the Commission shall serve without compensation.

(b) TRAVEL EXPENSES.—Members of the Commission shall be allowed reasonable travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when performing duties of the Commission.

SEC. 305. POWERS.

(a) MEETINGS.—The Commission shall first meet not later than 30 days after the date on which all members are appointed, and the Commission shall meet thereafter on the call of the chairperson or a majority of the members.

(b) HEARINGS AND SESSIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(c) ACCESS TO INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title, if the information may be disclosed under section 552 of title 5, United States Code. Subject to the previous sentence, on the request of the chairperson or vice chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(d) USE OF FACILITIES AND SERVICES.—Upon the request of the Commission, the head of any Federal agency may make available to the Commission any of the facilities and services of such agency.

(e) PERSONNEL FROM OTHER AGENCIES.—On the request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to serve as an Executive Director of the Commission or assist the Commission in carrying out the duties of the Commission. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(f) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the chairperson of the Commission may accept for the Commission voluntary services provided by a member of the Commission.

SEC. 306. TERMINATION.

The Commission shall terminate 30 days after the date of the submission of the report of the Commission to Congress.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EFFECT ON OTHER LAWS.

(a) FEDERAL AND STATE ANTIDISCRIMINATION LAWS.—Nothing in this Act or any amendment made by this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability.

(b) STATE AND LOCAL LAWS.—Nothing in this Act or any amendment made by this Act shall be construed to supersede any provision of any State or local law that provides greater family or medical leave rights than the rights established under this Act or any amendment made by this Act.

SEC. 402. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE.—Nothing in this Act or any amendment made by this Act shall be construed to diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established under this Act or any amendment made by this Act.

(b) LESS PROTECTIVE.—The rights established for employees under this Act or any amendment made by this Act shall not be diminished by any collective bargaining agreement or any employment benefit program or plan.

SEC. 403. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

Nothing in this Act or any amendment made by this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than any policies that comply with the requirements under this Act or any amendment made by this Act.

SEC. 404. REGULATIONS.

The Secretary of Labor shall prescribe such regulations as are necessary to carry out title I and this title not later than 120 days after the date of the enactment of this Act.

SEC. 405. EFFECTIVE DATES.

(a) TITLE III.—Title III shall take effect on the date of the enactment of this Act.

(b) OTHER TITLES.—

(1) IN GENERAL.—Except as provided in paragraph (2), titles I, II, and V and this title shall take effect 6 months after the date of the enactment of this Act.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a collective bargaining agreement in effect on the effective date prescribed by paragraph (1), title I shall apply on the earlier of—

(A) the date of the termination of such agreement; or

(B) the date that occurs 12 months after the date of the enactment of this Act.

TITLE V—COVERAGE OF CONGRESSIONAL EMPLOYEES

SEC. 501. LEAVE FOR CERTAIN SENATE EMPLOYEES.

(a) COVERAGE.—The rights and protections established under sections 101 through 105 shall apply with respect to a Senate employee and an employing office. For purposes of such application, the term "eligible employee" means a Senate employee and the term "employer" means an employing office.

(b) CONSIDERATION OF ALLEGATIONS.—

(1) APPLICABLE PROVISIONS.—The provisions of sections 304 through 313 of the Government Employee Rights Act of 1991 (2 U.S.C. 1204–1213) shall, except as provided in subsections (d) and (e)—

(A) apply with respect to an allegation of a violation of a provision of sections 101 through 105, with respect to Senate employment of a Senate employee; and

(B) apply to such an allegation in the same manner and to the same extent as such sections of the Government Employee Rights Act of 1991 apply with respect to an allegation of a violation under such Act.

(2) ENTITY.—Such an allegation shall be addressed by the Office of Senate Fair Employment Practices or such other entity as the Senate may designate.

(c) RIGHTS OF EMPLOYEES.—The Office of Senate Fair Employment Practices shall ensure that Senate employees are informed of their rights under sections 101 through 105.

(d) LIMITATIONS.—A request for counseling under section 305 of such Act by a Senate employee alleging a violation of a provision of sections 101 through 105 shall be made not later than 2 years after the date of the last event constituting the alleged violation for which the counseling is requested, or not later than 3 years after such date in the case of a willful violation of section 105.

(e) APPLICABLE REMEDIES.—The remedies applicable to individuals who demonstrate a violation of a provision of sections 101 through 105 shall be such remedies as would be appropriate if awarded under paragraph (1) or (3) of section 107(a).

(f) EXERCISE OF RULEMAKING POWER.—The provisions of subsections (b), (c), (d), and (e), except as such subsections apply with respect to section 309 of the Government Employee Rights Act of 1991 (2 U.S.C. 1209), are enacted by the Senate as an exercise of the rulemaking power of the Senate, with full recognition of the right of the Senate to change its rules, in the same manner, and to the same extent, as in the case of any other rule of the Senate. No Senate employee may commence a judicial proceeding with respect to an allegation described in subsection (b)(1), except as provided in this section.

(g) SEVERABILITY.—Notwithstanding any other provision of law, if any provision of section 309 of the Government Employee Rights Act of 1991 (2 U.S.C. 1209), or of subsection (b)(1) insofar as it applies such section 309 to an allegation described in subsection (b)(1)(A), is invalidated, both such section 309, and subsection (b)(1) insofar as it applies such section 309 to such an allegation, shall have no force and effect, and shall be considered to be invalidated for purposes of section 322 of such Act (2 U.S.C. 1221).

(h) DEFINITIONS.—As used in this section:

(1) EMPLOYING OFFICE.—The term "employing office" means the office with the final authority described in section 301(2) of such Act (2 U.S.C. 1201(2)).

(2) SENATE EMPLOYEE.—The term "Senate employee" means an employee described in subparagraph (A) or (B) of section 301(c)(1) of such Act (2 U.S.C. 1201(c)(1)) who has been employed for at least 12 months on other than a temporary or intermittent basis by any employing office.

SEC. 502. LEAVE FOR CERTAIN CONGRESSIONAL EMPLOYEES.

(a) IN GENERAL.—The rights and protections under sections 102 through 105 (other than section 104(b)) shall apply to any employee in an employment position and any employing authority of the House of Representatives.

(b) ADMINISTRATION.—In the administration of this section, the remedies and procedures under the Fair Employment Practices Resolution shall be applied.

(c) DEFINITION.—As used in this section, the term "Fair Employment Practices Resolution" means the resolution in rule LI of the Rules of the House of Representatives.

Mr. KENNEDY. Mr. President, today, Senator DODD and I are introducing S. 5, the Family and Medical Leave Act. The time for enacting this legislation is long overdue. For too long, the working men and women of our Nation have been living with the fear that they can easily lose their jobs when they fulfill their family obligations. Today, the new spirit of cooperation between the Congress and President Clinton means that family and medical leave will at last be signed into law.

The Family and Medical Leave Act is essential social justice and sound economic policy. It is good for business, and good for the working families of America, and it will achieve substantial savings for businesses and taxpayers. Taxpayers spend over $4 billion a year for welfare, unemployment compensation, food stamps, and Medicaid to support workers who have lost their jobs due to the lack of medical leave. It is more expensive for companies to terminate a worker and hire and train a new employee than it is to provide unpaid family and medical leave. Successful businesses provide such leave because they know it means higher employee morale, a more experienced work force and a more profitable company.

Balancing work and family commitments is a serious issue for all working Americans and their families. Enactment of this bill will provide desperately needed leave to the growing number of working men and women who must care for their sick children or elderly parents, or who are sick themselves. The Family and Medical Leave Act will finally guarantee that millions of American workers will no longer be forced to make the impossible choice between the job they need and the family they love. I urge swift passage of this legislation.

Mr. METZENBAUM. Mr. President, I rise as original cosponsor of the Family and Medical Leave Act of 1993. I want to commend Senator DODD for his steadfast leadership on this critical issue for working families.

This legislation should have been signed into law years ago. But regrettably, President Bush vetoed it on two occasions. I now look forward to its swift enactment under the leadership of President Clinton.

In the past two decades we have witnessed profound changes in the American working family. Today, most American families cannot survive on just one income. Both parents have to work just to put food on the table and a roof over their heads.

The business community prefers voluntary leave to mandatory leave. But the reality is that most of corporate America has not responded to this revolutionary change. Even in the biggest companies, only half of all the working mothers have adequate maternity leave. Roughly a third of American businesses provide no sick leave at all. And only 14 percent of American businesses provide spousal or elder care leave.

Workers are all too often faced with an agonizing choice between their job and their family. No worker should lose a job because he or she needs to take a few days or a few weeks off to care for a newborn infant, a sick child, or a dying parent or spouse.

And let's not kid ourselves—it is low-income workers who are most likely to have no leave. It is low-income families who are most dependent on two wage-earners. And it is they who stand to lose the most when they lose a job because they have to care for a sick family member.

The business community's opposition to this legislation is absurd. First, let's remember, this bill provides only unpaid leave. In a study of States that already require family and medical leave, 91 percent of employers said the requirements were not difficult to implement.

And under the bill's small business exemption, 95 percent of the businesses in this country would not even be covered, leaving over 60 percent of the work force unprotected. This bill ought to protect all workers, not just an arbitrary fraction. But I recognize that compromise is part of the legislative process.

Mr. President, this pro-family legislation is a matter of basic human decency. Over 70 percent of Americans support it, as do most of the Members of this body. I urge the Senate to move swiftly to enact this legislation and forward it to President Clinton for his signature.

Mr. FEINGOLD. Mr. President, I am pleased to join my distinguished colleague Senator DODD as an original cosponsor of the Family and Medical Leave Act.

I was a proud sponsor of Wisconsin's family and medical leave law which has been in effect since 1988, and hope this year we will be able to create the same pro-family atmosphere for working families across the Nation.

Indeed, we are the only industrialized country that does not have a uniform policy determining family and medical leave benefits. Both the 101st and 102d Congress passed legislation establishing family and medical leave policies, and in both instances those bills were vetoed.

Now we face a fresh opportunity to assist working families. The Family and Medical Leave Act is a reasonable response to the changing needs of our work force. With more single-parent families, and more families where both parents work, caring for a sick child or parent poses special challenges. These challenges should not be compounded by fear of losing one's job.

Throughout the committee action and debate of the last two Congresses, I believe a very workable bill has been crafted. The Family and Medical Leave Act would require employers with more than 50 employees to provide up to 12 weeks of unpaid leave yearly. Coverage includes caring for a newborn or newly adopted child, caring for a seriously ill child, parent or spouse, or the employee's own serious illness. the bill would require continued health insurance, and reinstatement in the same or similar job at the end of leave. Accrued paid leave could be substituted.

Despite warnings raised during legislative debate on the Wisconsin law about the potential harmful effects on the State's business, Wisconsin's economy has continued to outperform many other States with no such law. In fact, by the end of the legislative debate on the issue, the bill was endorsed by the largest business lobby in our State, and was signed by Republican Gov. Tommy Thompson.

At the Federal level as well, this has become a bipartisan issue. Both Republicans and Democrats realize that a parent who is distracted by thoughts of a sick child at home, is not the most productive employee. They also realize that the failure to provide family or medical leave presents other hardships for employees striving to balance the needs of their families with the demands of their jobs.

For instance, as our elderly population grows, more and more adults contribute to the care of both their children and their parents while working full-time. Striving to keep parents in their own homes and relatively independent provides a real benefit to society as well as the family structure and should not be punished by loss of a job. Both our society and our families have undergone substantial change, our family leave policies must also change.

I join my colleagues in seeking swift passage of this important family values legislation.

Mr. PELL. Mr. President, I once again join the Senator from Connecticut and many of my other colleagues in introducing family and medical leave legislation. S. 5, the Family and Medical Leave Act of 1993, is almost identical to legislation that has already been passed by the Congress and vetoed twice by President Bush.

There is a real difference this year. For the first time since the bill's introduction over 7 years ago, we have a President who will not only sign this bill, but who actively supports this legislation and recognizes its value to families across the Nation.

As you know, Mr. President, the family and medical leave bill has existed in a variety of forms since it was first introduced. But it has consistently offered us the opportunity to address what are certain well-documented needs of many American families. Today's work force includes a majority of both men and women; and about 25 percent of all households are headed by single parents. In many homes in America today, there is simply no one family member who can address urgent family needs without risking the loss of his or her job.

Mr. President, we have discussed the many benefits, and even the possible problems, of a national family and medical leave law for many years now. Such a law has existed for some years in my own State of Rhode Island and is working quite well. I do not think we need to revisit all these issues again. The American people have made it clear that they want a family and medical leave law. Many responsible and profitable corporations have enacted such policies with great success, and numerous States have adopted or are considering such laws.

It is clear that the people of this Nation are quite ready to move forward. We have elected a new President, we have many new Members of Congress, and we have reached a strong bipartisan consensus on the need for prompt enactment of family and medical leave legislation. Let us take the best possible first step in this era of change and send a family and medical leave law to President Clinton as soon as we can.

• Mr. BOND. Mr. President, I congratulate my friend from Connecticut, Senator DODD, on nearing completion of the long journey he has had with the family leave bill. We know that the question for family leave is no longer whether or not, but when.

The bill we are introducing today is nearly identical to our amendment which passed the Senate overwhelmingly in October 1991 and which was sent to the President last September. The bill provides up to 12 weeks unpaid leave per covered employee per year for the birth or adoption of a child or for family medical emergencies. Workers do not now have this basic job protection, and evidence suggests that many, many people need it.

Over these past few years we have heard many people discussing the family, family values and how we must strengthen the family. As one who believes that for too long Government has ignored the importance of families, or worse yet created policies more likely to break them up than keep them together, I welcome this discussion.

Many of the problems facing society today can be attributed to the weakening of the American family. Drugs, violence, crime, declining educational performance, and poverty can be traced back to an empty childhood or a shattered family. There is a great need to strengthen the American family by reinforcing the tie and sense of responsibility between parents and children.

Of all the efforts and initiatives that I have been involved in since coming to the Senate, none have been more important to me than my efforts in the area of family preservation and children's issues.

Thus for the past several years, working with organizations in Missouri as well as other interested individuals I have been actively pushing a series of reforms and new policies designed for the sole purpose of keeping families together.

I believe that programs to help children and families are long-term investments by today's generation that will brighten the future of our Nation.

I believe that our solutions should be preventive rather than reactive. We must address the root causes of problems rather than simply applying Band-Aids to deep cuts.

America's children hold the key to our long-term prosperity. They will lead America in the years to come and affect the progress of our country. The motivation and the capacity to learn start with from birth and need constant attention. Parental involvement in the lives of their young children is the single most important factor ensuring the children's long-term success. So as Government leaders and as employers we must make policy decisions that help parents counteract the trends of having too little time and extended family separation, or too few resources to make stable family life possible.

In particular I believe we should address the foster care crisis, lack of child immunization, lack of parent education and early childhood education, and the infant mortality crisis in this Congress. I have specific legislative proposals in each of these areas and in some cases, have devoted my entire career to solving those problems.

But while all these efforts are important I believe the single most important step we can take to help all families in America is to try to reinstill individual and family responsibility. And to do that, we as a society need to make family obligation something we encourage rather than discourage. That's why I believe we should enact the Family and Medical Leave Act.

As a society we should never force a parent to choose between a sick child and his or her job.

We should never force a parent to choose between caring for an aged parent and a job.

And we should never force a mother to leave her newborn days after its birth in order to stay employed.

That is why I developed the compromise we passed overwhelmingly in 1991 and in 1992; that is why I will continue to urge Senators of both political parties to support it. Mr. President, some feel this issue is about mandates. I believe it is simply job protection at a time when it is needed most in a family. As a society we must begin to place a higher value on parenting and family obligation.

The workplace of the nineties cannot live by the rules of the 1950's. The fact is that more mothers of young children, even infants, work outside the home than ever before. In 1988, married women with young children comprised the majority of new entrants into the labor force. More than half of women with young infants return to work outside the home within a year of their child's birth. And contrary to what some may have you believe, it is not necessarily out of choice—it simply takes two incomes to pay the bills.

To prove my point: We know that more than two-thirds of women in the work force today are either single parents or have husbands who earn less than $18,000 per year. The fact is a family of three or four cannot live comfortably on under $18,000 per year in most parts of this country. Surveys show us that many married couples would choose to have one person stay home full time if money were not an object, but it is.

So what happens when a family faces an emergency, an illness, or unexpected chance to adopt, but both partners work? Well, they had better hope they have an understanding employer.

A 1990 Bureau of Labor statistics found that only 37 percent of female employees have any type of maternity leave. And of the fortune 1,500 companies, where one might expect the best coverage of workers, only half offered parental leave beyond the standard 6-week maternity as disability period.

Paternity leave is extremely scarce. Only 18 percent of fathers at medium and large firms are covered by unpaid paternity leave.

According to the Chamber of Commerce, 82 percent of employers provide no leave to care for sick children.

And if an employee is sick himself or herself, there is a good chance that he or she works for a company that does not even provide sick leave.

That is why this bill is vital. During that unforeseen family emergency, we want our Nation's parents to think about their families' well-being, and not worry about whether their jobs will be there when their youngsters get out of the hospital.

Mr. President, I have thought long and hard about these issues, and I believe the compromise developed with Senator DODD 2 years ago which we are reintroducing today is important, necessary, and should be signed into law.

I do not take lightly criticism I have received from the business community about this bill. Some have characterized family leave as a mandated benefit and have accused me of disregarding the impact on jobs. I view the family leave bill, based on the compromise we reached 2 years ago, as a basic job protection for workers who most need it. We have made improvements to the bill in response to legitimate business concerns about the potential for abuse of leave. In addition, we have told the employee that he or she bears some responsibility in notifying employers of plans for leave, and must also provide documentation to ensure that the leave is necessary.

It is in the interest of all of us—of any political party or no political party—to keep families strong. We have a unique opportunity to forge a bipartisan consensus on children and family issues in this Congress. We will enact a family leave law this year with full congressional support. Our bipartisan efforts on behalf of family leave can serve as a model of what we can accomplish on other efforts to help children and families—specifically the parents as teachers program and reform of the child welfare system. We must take a bipartisan approach to ensure that the 103d will become the children's Congress.

This can be the Congress that does something for kids. The American family is the very foundation of our society, yet if anything, Government policy seems oftentimes to burden families, or ignore them. American families are overtaxed, and the reality of living in the 1990's is that parents don't spend enough time with their kids. Working parents can't be sure that their children are being properly cared for while they are at work. Times are tough for family life, and even tougher for poor families. When families are stressed, it's the kids who suffer most.

In the over 20 years I have worked on children and family issues, I have never suggested that Government should step in and solve all family problems. In fact, we should remember as we're tempted to do this and that for kids over the next few years, that parents know better than anyone, including all 535 Members of Congress, what is best for their own children.

But our policy decisions as Government leaders and as employers must help parents counteract the trends of having too little time and extended family separation, or too few resources to make stable family life possible.

So we begin by introducing the Family and Medical Leave Act. We can work together to pass this legislation but it will again take bipartisan support.

During this Congress, with the help of the new President we will have the opportunity to follow up on many of the good recommendations of the National Commission on Children, the Children's Defense Fund, the Child Welfare League and others who make it their business to make life better for our next generation. While I do not agree with all of the recommendations of these groups, I believe the basic premise is right on target: We should develop policies that make it possible for parents to fulfill the economic and child-rearing responsibilities they have to their children. I believe that preservation of America's families is the most critical challenge we face as individuals and as a nation as we move into the 21st century.•

• Mr. CHAFEE. Mr. President, I am pleased to join as a cosponsor of the

Family and Medical Leave Act of 1993. I have supported family leave legislation for 8 years, and I am delighted that this bill is a top priority for both the 103d Congress and the new administration.

The past quarter century has seen dramatic changes in the make-up of the Nation's work force. Women have entered the work force in record numbers, in fact about two-thirds of all women with children work full time. One-quarter of all children are being raised by single parents. And in 9 out of 10 two-parent families, both parents work outside the home—usually out of economic necessity. For most Americans it takes two incomes just to make ends meet.

The Family and Medical Leave Act would provide employees with 12 weeks of job security in the event that a worker must take leave to care for a newborn, a sick child, or an ailing parent. It would ease the fears of employees who fear dismissal if they take unpaid leave due to a family emergency. In short, it is a good bill that responds to the changing needs of the American family and the American worker.

I believe that the time has come for a strong Federal law in support of family leave policies. No father should be forced to choose between caring for a sick child and his job. No mother should fear that she will be fired from her job—and lose her health insurance—because she needs to take a few unpaid weeks of leave to stay home with her newborn. Working men and women should not have to give up their job security to care for a failing elderly parent.

This bill retains essentially the same form as the family and medical leave bill of the 102d Congress. Accordingly, it recognizes the stiff economic challenges confronting the Nation's small business community—as a result, businesses with fewer than 50 employees are exempt from the act. In addition, it limits employee eligibility to those individuals who have worked 1,250 hours, or an average of 25 hours per week, over the previous 12 months. The bill is also designed to prevent abuses by requiring employees to repay health insurance premiums if that employee does not return to work at the end of his or her absence from the work force. These are important provisions that balance the needs of working families with the legitimate concerns of the Nation's business community.

The family and medical leave bill of 1993 is the product of years of debate, compromise, and revision. I look forward to speedy Senate action on this bill, and I am hopeful that this bill will be enacted into law as quickly as possible.●

• Mr. PACKWOOD. Mr. President, I am pleased to again be an original cosponsor of the Family and Medical Leave Act for what I hope will be its last introduction in Congress.

The concept of family and medical leave, which originated as legislation back in 1985, has never seemed to me a radical idea. It is common sense that workers need and deserve certain basic benefits, not as a matter of largess by employers but because people are more productive when they can count on, for instance, a living wage, health insurance, safe work environments, and all the other things we as a nation have adopted as good policy. It is not a far jump to also consider the plight of a breadwinner—or cobreadwinner in the case of a two-earner family—who has a new baby, or an aging parent with a serious medical problem. That worker's presence in the home for the time it takes to get the family through the situation will make a difference not only in the worker's peace of mind during the crisis, but in her or his ability to do their job well for months and years after they return to work.

Mr. President, as much as I have been proud and pleased to support family and medical leave legislation for the past several years, I will be even more happy to see this bill with a public law number assigned to it. Those Members or Congress and organizations who have put in yeomans' service in this effort can then move on to other pressing issues facing American families. Thank you, Mr. President.●

Mrs. BOXER. Mr. President, it has been a long difficult fight, but today we stand a few short steps from victory. We now have a Congress that will pass the Family and Medical Leave Act and a President who has agreed to sign it into law. I am proud to be an original cosponsor of this legislation.

The Family and Medical Leave Act, which provides families with job security at a time when they most need it, is long overdue. No worker should be subject to termination for taking time off to care for a sick child. I believe that not only will this bill institute more humane workplace policies, it will make workers more productive by eliminating the prospect that they would leave to choose between their families and their jobs.

I urge my colleagues to join me in working for fast action on the Family and Medical Leave Act.

By Mr. DOLE (for himself, Mr. THURMOND, Mr. SIMPSON, Mr. MCCAIN, Mr. SPECTER, and Mr. COVERDELL):

S. 6. A bill to prevent and punish sexual violence and domestic violence, to assist ad protect the victims of such crimes, to assist State and local effects, and for other purposes; to the Committee on the Judiciary.

SEXUAL ASSAULT PREVENTION ACT OF 1993

Mr. DOLE. Mr. President, as I stated earlier, I am joined today by several of my Republican colleagues in introducing the Sexual Assault Prevention Act of 1993.

As is my right as Republican leader, I have asked that this bill be designated as "S. 6," symbolizing the fact that this bill is a top priority of Senate Republicans. This legislation is also being introduced in the House by Congresswoman SUSAN MOLINARI of New York.

I first introduced legislation similar to S. 6 in February of 1991—nearly 2 years ago. I reintroduced the legislation last fall. I know that Senator BIDEN is also very interested in this issue, and hope we can work together to write legislation that will protect women from crime in the streets and crime in their own home.

The bill contains three titles. Title I is concerned with violent sex crimes. Subtitle A of title I increases penalties for sexual violence and strengthens the rights and remedies available to victims of sexual violence.

Subtitle B contains changes in rules of evidence, practice, and procedure to facilitate effective prosecution of violent sex offenders, and to prevent abuse of victims and increase the rights of victims.

Subtitle C addresses the problem of sexual assaults at colleges and universities.

Subtitle D contains new justice assistance measures to enhance State and Local efforts against sexual violence.

Title II of the bill concerns domestic violence, stalking, and offenses against the family. It strengthens the Federal response to domestic violence, stalking, and noncompliance with child support obligations in cases with interstate elements, requires reports on a number of issues of importance to protecting the victims of domestic violence, and establishes a new justice assistance program to enhance State and local efforts to combat domestic violence and stalking, and to enforce child support obligations.

Title III of the bill establishes a national task force on violence against women. The task force would carry out a comprehensive examination of violent crime against women and recommend additional reforms and improvements.

I look forward to working with the distinguished chairman of the Judiciary Committee in finding common ground in our legislative proposals, and seeing them adopted into law.

I ask unanimous consent that the text of the bill and any additional statements be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 6

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sexual Assault Prevention Act of 1993".

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Sec. 2. Table of contents.

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Sec. 306. Powers of task force.
Sec. 307. Report.
Sec. 308. Authorization of appropriation.
Sec. 309. Termination.

TITLE I—SEXUAL VIOLENCE

SUBTITLE A—PENALTIES AND REMEDIES

SEC. 101. PRE-TRIAL DETENTION IN SEX OFFENSE CASES.

Section 3156(a)(4) of title 18, United States Code, is amended by striking ", or" at the end of subparagraph (A) and inserting a semicolon, by striking the period at the end of subparagraph (B) and inserting "; or", and by adding after subparagraph (B) the following new subparagraph:

"(C) any felony under chapter 109A or chapter 110 of this title."

SEC. 102. DEATH PENALTY FOR MURDERS COMMITTED BY SEX OFFENDERS.

Title 18 of the United States Code is amended—

(a) by adding the following new section at the end of chapter 51:

"§ 1118. Capital Punishment for Murders Committed by Sex Offenders

"(a) OFFENSE.—Whoever—

"(1) causes the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life; or

"(2) causes the death of a person through the intentional infliction of serious bodily injury;

shall be punished as provided in subsection (c) of this section.

"(b) FEDERAL JURISDICTION.—There is Federal jurisdiction over an offense described in this section if the conduct resulting in death occurs in the course of another offense against the United States.

"(c) PENALTY.—An offense described in this section is a Class A felony. A sentence of death may be imposed for an offense described in this section as provided in subsections (d)-(l), except that a sentence of death may not be imposed on a defendant who was below the age of eighteen at the time of the commission of the crime.

"(d) MITIGATING FACTORS.—In determining whether to recommend a sentence of death, the jury shall consider whether any aspect of the defendant's character, background, or record or any circumstance of the offense that the defendant may proffer as a mitigating factor exists, including the following factors:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired.

"(2) DURESS.—The defendant was under unusual and substantial duress.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal (pursuant to section 2 of this title) in the offense, which was committed by another, but the defendant's participation was relatively minor.

"(e) AGGRAVATING FACTORS.—In determining whether to recommend a sentence of death, the jury shall consider any aggravating factor for which notice has been provided under subsection (f), including the following factors—

"(1) KILLING IN COURSE OF DESIGNATED SEX CRIMES.—The conduct resulting in death occurred in the course of an offense defined in chapter 109A, 110, or 117 of this title.

"(2) KILLING IN CONNECTION WITH SEXUAL ASSAULT OR CHILD MOLESTATION.—The defendant committed a crime of sexual assault or crime of child molestation, as defined in subsection (x), in the course of an offense on which federal jurisdiction is based under subsection (b).

"(3) PRIOR CONVICTION OF SEXUAL ASSAULT OR CHILD MOLESTATION.—The defendant has previously been convicted of a crime of sexual assault or crime of child molestation as defined in subsection (x).

"(f) NOTICE OF INTENT TO SEEK DEATH PENALTY.—If the government intends to seek the death penalty for an offense under this section, the attorney for the government shall file with the court and serve on the defendant a notice of such intent. The notice shall be provided a reasonable time before the trial or acceptance of a guilty plea, or at such later time before trial as the court may permit for good cause. If the court permits a late filing of the notice upon a showing of good cause, the court shall ensure that the defendant has adequate time to prepare for trial. The notice shall set forth the aggravating factor or factors set forth in subsection (e) and any other aggravating factor or factors that the government will seek to prove as the basis for the death penalty. The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family. The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(g) JUDGE AND JURY AT CAPITAL SENTENCING HEARING.—A hearing to determine whether the death penalty will be imposed for an offense under this section shall be conducted by the judge who presided at trial or accepted a guilty plea, or by another judge if that judge is not available. The hearing shall be conducted before the jury that determined the defendant's guilt if that jury is available. A new jury shall be impaneled for the purpose of the hearing if the defendant pleaded guilty, the trial of guilt was conducted without a jury, the jury that determined the defendant's guilt was discharged for good cause, or reconsideration of the sentence is necessary after the initial imposition of a sentence of death. A jury impaneled under this subsection shall have twelve members unless the parties stipulate to a lesser number at any time before the conclusion of the hearing with the approval of the judge. Upon motion of the defendant, with the approval of the attorney for the government, the hearing shall be carried out before the judge without a jury. If there is no jury, references to "the jury" in this section, where applicable, shall be understood as referring to the judge.

"(h) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—No presentence report shall be prepared if a capital sentencing hearing is held under this section. Any information relevant to the existence of mitigating factors, or to the existence of aggravating factors for which notice has been provided under subsection (f), may be presented by either the government or the defendant. The information presented may include trial transcripts and exhibits. Information presented by the government in support of factors concerning the effect of the offense on the victim and the victim's family may include oral testimony, a victim impact statement that identifies the victim of the offense and the nature and extent of harm and loss suffered by the victim and the victim's family, and other relevant information. Information is admissible regardless of its admissibility under the rules governing the admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the government shall open the argument, the defendant shall be permitted to reply, and the government shall then be permitted to reply in rebuttal.

"(i) FINDINGS OF AGGRAVATING AND MITIGATING FACTORS.—The jury shall return special findings identifying any aggravating factor or factors for which notice has been provided under subsection (f) and which the jury unanimously determines have been established by the government beyond a reasonable doubt. A mitigating factor is established if the defendant has proven its existence by a preponderance of the evidence, and any member of the jury who finds the existence of such a factor may regard it as established for purposes of this section regardless of the number of jurors who concur that the factor has been established.

"(j) FINDING CONCERNING A SENTENCE OF DEATH.—If the jury specially finds under subsection (i) that one or more aggravating factors set forth in subsection (e) exist, and the jury further finds unanimously that there are no mitigating factors or that the aggravating factor or factors specially found under subsection (i) outweigh any mitigating factors, then the jury shall recommend a sentence of death. In any other case, the jury shall not recommend a sentence of death. In any other case, the jury shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(k) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, before the return of a finding under subsection (j), shall instruct the jury that, in considering whether to recommend a sentence of death, it shall not be influenced by prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or any victim, and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim. The jury, upon the return of a finding under subsection (j), shall also return to the court a certificate, signed by each juror, that the race, color, religion, national origin, or sex of the defendant or any victim did not affect the juror's individual decision and that the individual juror would have recommended the same sentence for such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim.

"(l) IMPOSITION OF A SENTENCE OF DEATH.—Upon a recommendation under subsection (j) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, that is authorized by law.

"(m) REVIEW OF A SENTENCE OF DEATH.—The defendant may appeal a sentence of death under this section by filing a notice of appeal of the sentence within the time provided for filing a notice of appeal of the judgment of conviction. An appeal of a sentence under this subsection may be consolidated with an appeal of the judgment of conviction and shall have priority over all non-capital matters in the court of appeals. The court of appeals shall review the entire record in the case including the evidence submitted at trial and information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under subsection (i). The court of appeals shall uphold the sentence if it determines that the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor, that the evidence and information support the special findings under subsection (i), and that the proceedings were otherwise free of prejudicial error that was properly preserved for and raised on appeal. In any other case, the court of appeals shall remand the case for reconsideration of the sentence or imposition of another authorized sentence as appropriate, except that the court shall not reverse a sentence of death on the ground that an aggravating factor was not supported by the evidence and information if at least one aggravating factor set forth in subsection (e) which was found to exist remains and the court, on the basis of the evidence submitted at trial and the information submitted at the sentencing hearing, finds no mitigating factor or finds that the remaining aggravating factor or factors which were found to exist outweigh any mitigating factors. The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"(n) IMPLEMENTATION OF SENTENCE OF DEATH.—A person sentenced to death under this section shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal. The Marshal shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed, or in the manner prescribed by the law of another State designated by the court if the law of the State in which the sentence was imposed does not provide for implementation of a sentence of death. The Marshal may use State or local facilities, may use the services of an appropriate State or local official or of a person such an official employs, and shall pay the costs thereof in an amount approved by the Attorney General.

"(o) SPECIAL BAR TO EXECUTION.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(p) CONSCIENTIOUS OBJECTION TO PARTICIPATION IN EXECUTION.—No employee of any State department of corrections, the Federal Bureau of Prisons, or the United States Marshals Service, and no person providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subjection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"(q) APPOINTMENT OF COUNSEL FOR INDIGENT CAPITAL DEFENDANTS.—A defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, under this section, shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in subsection (v) has occurred, if the defendant is or becomes financially unable to obtain adequate representation. Counsel shall be appointed for trial representation as provided in section 3005 of this title, and at least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel. Except as otherwise provided in this section, the provisions of section 3006A of this title shall apply to appointments under this section.

"(r) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death under this section has become final through affirmance by the Supreme Court on direct review, denial of certiori by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the government shall promptly notify the court that imposed the sentence. The court, within 10 days of receipt of such notice, shall proceed to make a determination whether the defendant is eligible for appointment of counsel for subsequent proceedings. The court shall issue an order appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel. The court shall issue an order denying appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation or that the defendant rejected appointment of counsel with an understanding of the consequences of that decision. Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(s) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is entitled to appointment of counsel under subsections (q)-(r), at least one counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least three years of experience in the trial of felony cases in the Federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(t) CLAIMS OF INEFFECTIVENESS OF COUNSEL IN COLLATERAL PROCEEDINGS.—The ineffectiveness of incompetence of counsel during proceedings on a motion under section 2255 of title 28, United States Code, shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"(u) TIME FOR COLLATERAL ATTACK ON DEATH SENTENCE.—A motion under section

2255 of title 28, United States Code, attacking a sentence of death under this section, or the conviction on which it is predicated, must be filed within 90 days of the issuance of the order under subsection (r) appointing or denying the appointment of counsel for such proceedings. The court in which the motion is filed, for good cause shown, may extend the time for filing for a period over all non-capital matters in the district court, and in the court of appeals on review of the district court's decision.

“(v) STAY OF EXECUTION.—The execution of a sentence of death under this section shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28, United States Code. The stay shall run continuously following imposition of the sentence and shall expire if—

“(1) the defendant fails to file a motion under section 2255 of title 28, United States Code, within the time specified in subsection (u), fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

“(2) upon completion of district court and court of appeals review under section 2255 of title 28, United States Code, the Supreme Court disposes of a petition for certiorari in a manner that leaves the capital sentence undisturbed, or the defendant fails to file a timely petition for certiorari; or

“(3) before a district court, in the presence of counsel and after having been advised of the consequences of such a decision, the defendant waives the right to file a motion under section 2255 of title 28, United States Code.

“(w) FINALITY OF THE DECISION ON REVIEW.—If one of the conditions specified in subsection (v) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

“(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

“(2) the failure to raise the claim is the result of governmental action in violation of the Constitution or laws of the United States, the result of the Supreme Court's recognition of a new Federal right that is retroactively applicable, or the result of the fact that the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

“(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

“(x) DEFINITIONS.—For purposes of this section—

“(1) 'crime of sexual assault' means a crime under Federal or State law that involved—

“(A) contact, without consent, between any part of the defendant's body or an object and the genitals or anus of another person;

“(B) contact, without consent, between the genitals or anus of the defendant and any part of the body of another person;

“(C) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

“(D) an attempt or conspiracy to engage in any conduct described in paragraphs (A)–(C);

“(2) 'crime of child molestation' means a crime under Federal or State law that involved—

“(A) contact between any part of the defendant's body or an object and the genitals or anus of a child;

“(B) contact between the genitals or anus of the defendant and any part of the body of a child;

“(C) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on a child; or

“(D) an attempt or conspiracy to engage in any conduct described in paragraphs (A)–(C); and

“(3) 'child' means a person below the age of 14.”; and

(b) by adding the following at the end of the table of sections for chapter 51:

“1118. Capital Punishment for Murders Committed by Sex Offenders.”.

SEC. 103. INCREASED PENALTIES FOR RECIDIVIST SEX OFFENDERS.—

(a) Section 2245 of title 18, United States Code, is redesignated section 2246.

(b) Chapter 109A of title 18, United States Code, is amended by inserting the following new section after section 2244:

“2245. Penalties for subsequent offenses.

“Any person who violates a provision of this chapter after a prior conviction under a provision of this chapter or the law of a State (as defined in section 513 of this title) for conduct proscribed by this chapter has become final is punishable by a term of imprisonment up to twice that otherwise authorized.”.

(c) The table of sections for chapter 109A of title 18, United States Code, is amended by—

(1) striking “2245” and inserting in lieu thereof “2246”; and

(2) inserting the following after the item relating to section 2244:

“2245. Penalties for subsequent offenses.”.

SEC. 104. INCREASED PENALTIES FOR SEX OFFENSES AGAINST VICTIMS BELOW THE AGE OF 16.—

Paragraph (2) of section 2245 of title 18, United States Code, is amended—

(1) in subparagraph (B) by striking “or” after the semicolon;

(2) in subparagraph (C) by striking “; and” and inserting in lieu thereof “; or”; and.

(3) by inserting a new subparagraph (D) as follows:

“(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;”.

SEC. 105. SENTENCING GUIDELINES INCREASE FOR SEX OFFENSES.

The United States Sentencing Commission shall amend the sentencing guidelines to increase by at least 4 levels the base offense level for an offense under section 2241 (aggravated sexual abuse) or section 2242 (sexual abuse) of title 18, United States Code, and shall consider whether any other changes are warranted in the guidelines provisions applicable to such offenses to ensure realization of the objectives of sentencing. In amending the guidelines in conformity with this section, the Sentencing Commission shall review the appropriateness and adequacy of existing offense characteristics and adjustments applicable to such offenses, taking into account the heinousness of sexual abuse offenses, the severity and duration of the harm caused to victims, and any other relevant factors. In any subsequent amendment to the sentencing guidelines, the Sentencing Commission shall maintain minimum guidelines sentences for the offenses referenced in this section which are at least equal to those required by this section.

SEC. 106. HIV TESTING AND PENALTY ENHANCEMENT IN SEXUAL OFFENSE CASES

(a) Chapter 109A of title 18, United States Code, is amended by inserting at the end the following new section:

“§ 2247. Testing for Human Immunodeficiency Virus; Disclosure of Test Results to Victim; Effect on Penalty

“(a) TESTING AT TIME OF PRE-TRIAL RELEASE DETERMINATION.—In a case in which a person is charged with an offense under this chapter, a judicial officer issuing an order pursuant to section 3142(a) of this title shall include in the order a requirement that a test for the human immunodeficiency virus be performed upon the person, and that follow-up tests for the virus be performed six months and twelve months following the date of the initial test, unless the judicial officer determines that the conduct of the person created no risk of transmission of the virus to the victim, and so states in the order. The order shall direct that the initial test be performed within 24 hours, or as soon thereafter as feasible. The person shall not be released from custody until the test is performed.

“(b) TESTING AT LATER TIME.—If a person charged with an offense under this chapter was not tested for the human immunodeficiency virus pursuant to subsection (a), the court may at a later time direct that such a test be performed upon the person, and that follow-up tests be performed six months and twelve months following the date of the initial test, if it appears to the court that the conduct of the person may have risked transmission of the virus to the victim. A testing requirement under this subsection may be imposed at any time while the charge is pending, or following conviction at any time prior to the person's completion of service of the sentence.

“(c) TERMINATION OF TESTING REQUIREMENT.—A requirement of follow-up testing imposed under this section shall be canceled if any test is positive for the virus or the person obtains an acquittal on, or dismissal of, all charges under this chapter.

“(d) DISCLOSURE OF TEST RESULTS.—The results of any test for the human immunodeficiency virus performed pursuant to an order under this section shall be provided to the judicial officer or court. The judicial officer or court shall ensure that the results are disclosed to the victim (or to the victim's parent or legal guardian, as appropriate), the attorney for the Government, and the person tested.

“(e) EFFECT ON PENALTY.—The United States Sentencing Commission shall amend existing guidelines for sentences for offenses under this chapter to enhance the sentence if the offender knew or had reason to know that he was infected with the human immunodeficiency virus, except where the offender did not engage or attempt to engage in conduct creating a risk of transmission of the virus to the victim.”.

“(b) CLERICAL AMENDMENT.—The table of sections for chapter 109A of title 18, United States Code, is amended by inserting at the end thereof the following new item:

“2247. Testing for Human Immunodeficiency Virus; Disclosure of Test Results to Victim; Effect on Penalty”.

SEC. 107. PAYMENT OF COST OF HIV TESTING FOR VICTIMS IN SEX OFFENSE CASES.

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 is amended by inserting before the period at the end thereof the following: “, the cost of up to two tests of the victim for the human immunodeficiency virus during the twelve months following the assault, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of the human immunodeficiency virus to the victim as the result of the assault".

SEC. 108. INCREASED PENALTIES FOR DRUG DISTRIBUTION TO PREGNANT WOMEN.

Section 405 of the Controlled Substances Act (21 U.S.C. 859) is amended by inserting ", or to a woman while she is pregnant," after "to a person under twenty-one years of age" in subsection (a) and subsection (b).

SEC. 109. EXTENSION AND STRENGTHENING OF RESTITUTION.

Secton 3663 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting "or an offense under chapter 109A or chapter 110" after "an offense resulting in bodily injury to a victim" in paragraph (2);

(2) in subsection (b), by striking "and" at the end of paragraph (3), by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (4) the following new paragraph:

"(4) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and"; and

(3) in subsection (d), by inserting at the end the following: "However, the court shall issue an order requiring restitution of the full amount of the victim's losses and expenses for which restitution is authorized under this section in imposing sentence for an offense under chapter 109A or chapter 110 unless the government and the victim do not request such restitution.".

SEC. 110. ENFORCEMENT OF RESTITUTION ORDERS THROUGH SUSPENSION OF FEDERAL BENEFITS.

Section 3663 of title 18, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection:

"(g)(1) If the defendant is delinquent in making restitution in accordance with any schedule of payments or any requirement of immediate payment imposed under this section, the court may, after a hearing, suspend the defendant's eligibility for all Federal benefits until such time as the defendant demonstrates to the court good-faith efforts to return to such schedule.

"(2) For purposes of this subsection—

"(A) the term 'Federal benefits'—

"(i) means any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or appropriated funds of the United States; and

"(ii) does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility; and

"(B) the term 'veterans benefit' means all benefits provided to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.".

SEC. 111. CIVIL REMEDY FOR VICTIMS OF SEXUAL VIOLENCE.

(a) CAUSE OF ACTION.—Whoever, in violation of the Constitution or laws of the United States, engages in sexual violence against another, shall be liable to the injured party in an action under this section. The relief available in such an action shall include compensatory and punitive damages and any appropriate equitable or declaratory relief.

(b) DEFINITION.—For purposes of this section, "sexual violence" means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison.

(c) ATTORNEY'S FEES.—The Civil Rights Attorney's Fees Award Act of 1976 (42 U.S.C. 1988) is amended by striking "or" after "Public Law 92–318" and by inserting after "1964" the following: ", or section 111 of the Sexual Assault Prevention Act of 1993,".

SUBTITLE B—RULES OF EVIDENCE, PRACTICE, AND PROCEDURE

SEC. 121. ADMISSIBILITY OF EVIDENCE OF SIMILAR CRIMES IN SEX OFFENSE CASES

The Federal Rules of Evidence are amended by adding after Rule 412 the following new rules:

"Rule 413. Evidence of Similar Crimes in Sexual Assault Cases

"(a) In a criminal case in which the defendant is accused of an offense of sexual assault, evidence of the defendant's commission of another offense or offenses of sexual assault is admissible, and may be considered for its bearing on any matter to which it is relevant.

"(b) In a case in which the government intends to offer evidence under this Rule, the attorney for the government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) This Rule shall not be construed to limit the admission or consideration of evidence under any other Rule.

"(d) For purposes of this Rule and Rule 415, "offense of sexual assault" means a crime under Federal law or the law of a State (as defined in section 513 of title 18, United States Code) that involved—

"(1) any conduct proscribed by chapter 109A of title 18, United States Code;

"(2) contact, without consent, between any part of the defendant's body or an object and the genitals or anus of another person;

"(3) contact, without consent, between the genitals or anus of the defendant and any part of another person's body;

"(4) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

"(5) an attempt or conspiracy to engage in conduct described in paragraphs (1)–(4).

"Rule 414. Evidence of Similar Crimes in Child Molestation Cases

"(a) In a criminal case in which the defendant is accused of an offense of child molestation, evidence of the defendant's commission of another offense or offenses of child molestation is admissible, and may be considered for its bearing on any matter to which it is relevant.

"(b) In a case in which the government intends to offer evidence under this Rule, the attorney for the government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) This Rule shall not be construed to limit the admission or consideration of evidence under any other Rule.

"(d) For purposes of this Rule and Rule 415, "child" means a person below the age of fourteen, and "offense of child molestation" means a crime under Federal law or the law of a State (as defined in section 513 of title 18, United States Code) that involved—

"(1) any conduct proscribed by chapter 109A of title 18, United States Code, that was committed in relation to a child;

"(2) any conduct proscribed by chapter 110 of title 18, United States Code;

"(3) contact between any part of the defendant's body or an object and the genitals or anus of a child;

"(4) contact between the genitals or anus of the defendant and any part of the body of a child;

"(5) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on a child; or

"(6) an attempt or conspiracy to engage in conduct described in paragraphs (1)–(5).

"Rule 415. Evidence of Similar Acts in Civil Cases Concerning Sexual Assault or Child Molestation

"(a) In a civil case in which a claim for damages or other relief is predicated on a party's alleged commission of conduct constituting an offense of sexual assault or child molestation, evidence of that party's commission of another offense or offenses of sexual assault or child molestation is admissible and may be considered as provided in Rule 413 and Rule 414 of these Rules.

"(b) A party who intends to offer evidence under this Rule shall disclose the evidence to the party against whom it will be offered, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) This Rule shall not be construed to limit the admission or consideration of evidence under any other Rule."

SEC. 122. EXTENSION AND STRENGTHENING OF RAPE VICTIM SHIELD LAW.

(a) AMENDMENTS TO RAPE VICTIM SHIELD LAW.—Rule 412 of the Federal Rules of Evidence is amended—

(1) in subdivisions (a) and (b), by striking "criminal case" and inserting "criminal or civil case";

(2) in subdivisions (a) and (b), by striking "an offense under chapter 109A of title 18, United States Code," and inserting "an offense or civil wrong involving conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison,";

(3) in subdivision (a), by striking "victim of such offense" and inserting "victim of such conduct";

(4) in subdivision (c)—

(A) by striking in paragraph (1) "the person accused of committing an offense under chapter 109A of title 18, United States Code" and inserting "the accused"; and

(B) by inserting at the end of paragraph (3) the following: "An order admitting evidence under this paragraph shall explain the reasoning leading to the finding of relevance, and the basis of the finding that the probative value of the evidence outweighs the danger of unfair prejudice notwithstanding the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased inferences."; and

(5) in subdivision (d), by striking "an offense under chapter 109A of title 18, United States Code" and inserting "the conduct proscribed by chapter 109A of title 18, United States Code,".

(b) INTERLOCUTORY APPEAL.—Section 3731 of title 18, United States Code, is amended by inserting after the second paragraph the following:

"An appeal by the United States before trial shall lie to a court of appeals from an order of a district court admitting evidence of an alleged victim's past sexual behavior in a criminal case in which the defendant is charged with an offense involving conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison.".

SEC. 123. INADMISSIBILITY OF EVIDENCE TO SHOW PROVOCATION OR INVITATION BY VICTIM IN SEX OFFENSE CASES.

The Federal Rules of Evidence are amended by adding after Rule 415 (as added by section 121 of this Act) the following:

"Rule 416. Inadmissibility of evidence to show invitation or provocation by victim in sexual abuse cases.

"In a criminal case in which a person is accused of an offense involving conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison, evidence is not admissible to show that the alleged victim invited or provoked the commission of the offense. This Rule does not limit the admission of evidence of consent by the alleged victim if the issue of consent is relevant to liability and the evidence is otherwise admissible under these Rules.".

SEC. 124. RIGHT OF THE VICTIM TO FAIR TREATMENT IN LEGAL PROCEEDINGS.

The following rules, to be known as the Rules of Professional Conduct for Lawyers in Federal Practice, are enacted as an appendix to title 28, United States Code:

"RULES OF PROFESSIONAL CONDUCT FOR LAWYERS IN FEDERAL PRACTICE

"Rule 1. Scope
"Rule 2. Abuse of Victims and Others Prohibited
"Rule 3. Duty of Enquiry in Relation to Client
"Rule 4. Duty to Expedite Litigation
"Rule 5. Duty to Prevent Commission of Crime

"Rules 1. Scope

"(a) These rules apply to the conduct of lawyers in their representation of clients in relation to proceedings and potential proceedings before federal tribunals.

"(b) For purposes of these rules, 'federal tribunal' and 'tribunal' mean a court of the United States or an agency of the federal government that carries out adjudicatory or quasiadjudicatory functions.

"Rule 2. Abuse of Victims and Others Prohibited

"(a) A lawyer shall not engage in any action or course of conduct for the purpose of increasing the expense of litigation for any person, other than a liability under an order or judgment of a tribunal.

"(b) A lawyer shall not engage in any action or course of conduct that has no substantial purpose other than to distress, harass, embarrass, burden, or inconvenience another person.

"(c) A lawyer shall not offer evidence that the lawyer knows to be false or attempt to discredit evidence that the lawyer knows to be true.

"Rule 3. Duty of Enquiry in Relation to Client

"A laywer shall attempt to elicit from the client a truthful account of the material facts concerning the matters in issue. In representing a client charged with a crime or civil wrong, the duty of enquiry under this rule includes—

(1) "attempting to elicit from the client a materially complete account of the alleged criminal activity or civil wrong if the client acknowledges involvement in the alleged activity or wrong; and

"(2) attempting to elicit from the client the material facts relevant to a defense of alibi if the client denies such involvement.

"Rule 4. Duty to Expedite Litigation

"(a) A lawyer shall seek to bring about the expeditious conduct and conclusion of litigation.

"(b) A lawyer shall not seek a continuance or otherwise attempt to delay or prolong proceedings in the hope or expectation that—

"(1) evidence will become unavailable;

"(2) evidence will become more subject to impeachment or otherwise less useful to another party because of the passage of time; or

"(3) an advantage will be obtained in relation to another party because of the expense, frustration, distress, or other hardship resulting from prolonged or delayed proceedings.

"Rule 5. Duty to Prevent Commission of Crime

"(a) A lawyer may disclose information relating to the representation of a client to the extent necessary to prevent the commission of a crime or other unlawful act.

"(b) A lawyer shall disclose information relating to the representation of a client where disclosure is required by law. A lawyer shall also disclose such information to the extent necessary to prevent—

"(1) the commission of a crime involving the use or threatened use of force against another, or a substantial risk of death or serious bodily injury to another; or

"(2) the commission of a crime of sexual assault or child molestation.

"(c) For purposes of this rule, 'crime' means a crime under the law of the United States or the law of a State, and 'unlawful act' means an act in violation of the law of the United States or the law of a State.".

SEC. 125. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY.

Rule 24(b) of the Federal Rules of Criminal Procedure is amended by striking "the Government is entitled to 6 peremptory challenges and the defendant or defendants jointly to 10 peremptory challenges" and inserting "each side is entitled to 6 peremptory challenges."

SEC. 126 VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) by striking "and" at the end of subdivision (a)(1)(B);

(2) by striking the period at the end of subdivision (a)(1)(C) and inserting "; and";

(3) by inserting after subdivision (a)(1)(C) the following:

"(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.";

(4) in the penultimate sentence of subdivision (a)(1) by striking "equivalent opportunity" and inserting "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (a)(1) by inserting "the victim," before ", or the attorney for the Government."; and

(6) by adding at the end the following new subdivision:

"(f) DEFINITIONS.—For purposes of this rule—

"(1) 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code; and

"(2) 'victim' means an individual against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

"(A) a parent or legal guardian if the victim is below the age of 18 years or incompetent; or

"(B) one or more family members or relatives designated by the court if the victim is deceased or incapacitated,

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present.

SEC. 127. VICTIM'S RIGHT OF PRIVACY.

(a) FINDINGS.—The Congress finds that—

(1) the crime of rape is underreported to law enforcement authorities because of its traumatic effect on victims and the stigmatizing nature of the crime;

(2) rape victims may be further victimized by involuntary public disclosure of their identities;

(3) rape victims should be encouraged to come forward and report the crime without fear of being revictimized through involuntary public disclosure of their identities; and

(4) any interest of the public in knowing the identity of a rape victim notwithstanding the victim's wishes to the contrary is outweighed by the interest of protecting the privacy of rape victims and encouraging rape victims to report the crime and assist in prosecution.

(b) SENSE OF CONGRESS.—It is the sense of Congress that news media, law enforcement personnel, and other persons should exercise restraint and respect a rape victim's privacy by not disclosing the victim's identity to the general public or facilitating such disclosure without the consent of the victim.

SUBTITLE C—SAFE CAMPUSES

SEC. 131. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL ASSAULT.

(a) STUDY.—The Attorney General shall provide for a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.

(b) REPORT.—Based on the study required by subsection (a), the Attorney General shall prepare a report including an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of campus sexual assaults, and to whom the allegations are reported (including authorities of the educational institution, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to authorities of educational institutions which are reported to criminal authorities;

(3) the number of campus sexual assault allegations that result in criminal prosecution in comparison with the number of non-campus sexual assault allegations that result in criminal prosecution;

(4) Federal and State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of policies and practices of educational institutions in addressing campus sexual assaults and protecting victims, including consideration of—

(A) the security measures in effect at educational institutions, such as utilization of campus police and security guards, control over access to grounds and buildings, supervision of student activities and student living arrangements, control over the consumption of alcohol by students, lighting, and the availability of escort services;

(B) the articulation and communication to students of the institution's policies concerning sexual assaults;

(C) policies and practices that may prevent or discourage the reporting of campus sexual assaults to local criminal authorities, or that may otherwise obstruct justice or interfere with the prosecution of perpetrators of campus sexual assaults;

(D) the nature and availability of victim services for victims of campus sexual assaults;

(E) the ability of educational institutions' disciplinary processes to address allegations of sexual assault adequately and fairly;

(F) measures that are taken to ensure that victims are free of unwanted contact with alleged assailants, and disciplinary sanctions that are imposed when a sexual assault is determined to have occurred; and

(G) the grounds on which educational institutions are subject to lawsuits based on campus sexual assaults, the resolution of these cases, and measures that can be taken to avoid the likelihood of lawsuits and civil liability;

(6) an assessment of the policies and practices of educational institutions that are of greatest effectiveness in addressing campus sexual assaults and protecting victims, including policies and practices relating to the particular issues described in paragraph (5); and

(7) any recommendations the Attorney General may have for reforms to address campus sexual assaults and protect victims more effectively, and any other matters that the Attorney General deems relevant to the subject of the study and report required by this section.

(c) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted to the Congress no later than September 1, 1995.

(d) DEFINITION.—For purposes of this section, "campus sexual assaults" includes sexual assaults occurring at institutions of postsecondary education and sexual assaults committed against or by students or employees of such institutions.

(e) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $200,000 to carry out the study required by this section.

SUBTITLE D—ASSISTANCE TO STATES AND LOCALITIES

SEC. 141. SEXUAL VIOLENCE GRANT PROGRAM.

(a) PURPOSE.—The purpose of this section is to strengthen and improve State and local efforts to prevent and punish sexual violence, and to assist and protect the victims of sexual violence.

(b) AUTHORIZATION OF GRANTS.—The Attorney General, through the Bureau of Justice Assistance, the Office for Victims of Crime, and the Bureau of Justice Statistics, may make grants to support projects and programs relating to sexual violence, including support of—

(1) training and policy development programs for law enforcement officers and prosecutors concerning the investigation and prosecution of sexual violence;

(2) law enforcement and prosecutorial units and teams that target sexual violence;

(3) victim services programs for victims of sexual violence;

(4) educational and informational programs relating to sexual violence;

(5) improved systems for collecting, keeping, and disseminating records and data concerning sexual violence and offenders who engage in sexual violence;

(6) background check systems that enable employers to determine whether employees and applicants for employment have criminal histories involving sexual violence, in relation to employment positions for which a person may be unsuitable on the basis of such a history, such as child care positions and positions involving access to people's homes;

(7) registration systems which require persons convicted of sexual violence to keep law enforcement authorities informed of their addresses or locations;

(8) security measures in parks, public transportation systems, public buildings and facilities, and other public places which reduce the risk that acts of sexual violence will occur in such places;

(9) programs addressing campus sexual assaults, as defined in section 131 of this Act;

(10) programs assisting runaway and homeless children or other persons who have been subjected to or are at risk of sexual violence or sexual exploitation, including sexual exploitation through prostitution or in the production of pornography;

(11) training programs for judges in relation to cases involving sexual violence; and

(12) treatment programs in a correctional setting for offenders who engage in sexual violence, which may include aftercare components, and which shall include an evaluation component to determine the effectiveness of the treatment in reducing recidivism.

(c) FORMULA GRANTS.—Of the amount appropriated in each fiscal year for grants under this section, other than the amount set aside to carry out subsection (d)—

(1) 0.25 percent shall be set aside for each participating State; and

(2) the remainder shall be allocated to the participating States in proportion to their populations;

for the use of State and local governments in the States.

(d) DISCRETIONARY GRANTS.—Of the amount appropriated in each fiscal year, 20 percent shall be set aside in a discretionary fund to provide grants to public and private agencies to further the purposes and objectives set forth in subsections (a) and (b).

(e) APPLICATION FOR FORMULA GRANTS.—To request a grant under subsection (c), the chief executive officer of a State must, in each fiscal year, submit to the Attorney General a plan for addressing sexual violence in the State, including a specification of the uses to which funds provided under subsection (c) will be put in carrying out the plan. The application must include—

(1) certification that the Federal funding provided will be used to supplement and not supplant State and local funds;

(2) certification that any requirement of State law for review by the State legislature or a designated body, and any requirement of State law for public notice and comment concerning the proposed plan, has been satisfied; and

(3) provisions for fiscal control, management, recordkeeping, and submission of reports in relation to funds provided under this section that are consistent with requirements prescribed for the program.

(f) CONDITIONS ON GRANTS.—

(1) MATCHING FUNDS.—Grants under subsection (c) may be for up to 50 percent of the overall cost of a project or program funded. Discretionary grants under subsection (d) may be for up to 100 percent of the overall cost of a project of program funded.

(2) DURATION OF GRANTS.—Grants under subsection (c) may be provided in relation to a particular project or program for up to an aggregate maximum period of four years.

(3) LIMIT ON ADMINISTRATIVE COSTS.—Not more than 5 percent of a grant under subsection (c) may be used for costs incurred to administer the grant.

(4) PAYMENT OF COST OF FORENSIC MEDICAL EXAMINATIONS.—It is a condition of eligibility for grants under subsection (c) that a State pay the cost of forensic medical examinations for victims of sexual violence.

(5) POLICIES AGAINST CAMPUS SEXUAL ASSAULTS.—For an institution of postsecondary education seeking a grant under subsection (d), it is a condition of eligibility that the institution articulate and communicate to its students a clear policy that sexual violence will not be tolerated by the institution.

(g) EVALUATION.—The National Institute of Justice shall have the authority to carry out evaluations of programs funded under this section. The recipient of any grant under this section may be required to include an evaluation component to determine the effectiveness of the project or program funded that is consistent with guidelines issued by the National Institute of Justice.

(h) COORDINATION.—The Attorney General may utilize the Office of Justice Programs to coordinate the administration of grants under this section. The coordination of grants under this section shall include prescribing consistent program requirements for grantees, allocating functions and the administration of particular grants among the components that participate in the administration of the program under this section, coordinating the program under this section with the Domestic Violence and Family Support Grant Program established by section 208 of this Act, and coordinating the program under this section with other grant programs administered by components of the Department of Justice.

(i) DEFINITION.—For purposes of this section, "sexual violence" includes non-consensual sex offenses and sex offenses involving victims who are not able to give legally effective consent because of age or incompetency.

(j) REPORT.—The Attorney General shall submit an annual report to Congress concerning the operation and effectiveness of the program under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, in each of fiscal years 1994, 1995, and 1996, $250,000,000 to carry out this section, and such sums as may be necessary in each fiscal year thereafter.

SEC. 142. SUPPLEMENTARY GRANTS FOR STATES ADOPTING EFFECTIVE LAWS RELATING TO SEXUAL VIOLENCE.

(a) SUPPLEMENTARY GRANTS.—The Attorney General may, in each fiscal year, authorize the award to a State of an aggregate amount of up to $1 million under the Sexual Violence Grant Program established by section 141 of this Act, in addition to any funds that are otherwise authorized under that program. The authority to award additional funding under this section is conditional on certification by the Attorney General that the State has laws relating to sexual violence that exceed or are reasonably comparable to the provisions of federal law (including changes in federal law adopted by this Act) in the following areas:

(1) Authorization of pre-trial detention of defendants in sexual assault cases where prevention of flight or the safety of others cannot be reasonably assured by other means, and denial of release pending appeal for persons convicted of sexual assault offenses who have been sentenced to imprisonment.

(2) Authorization of severe penalties for sexual assault offenses.

(3) Pre-trial testing for the human immunodeficiency virus of persons charged with sexual assault offenses, with disclosure of test results to the victim.

(4) Payment of the cost of medical examinations and the cost of testing for the human immunodeficiency virus for victims of sexual assaults.

(5) According the victim of a sexual assault the right to be present at judicial proceedings in the case.

(6) Protection of victims from inquiry into unrelated sexual behavior in sexual assault cases.

(7) Rules of professional conduct for lawyers that protect victims from unwarranted cross-examination and impeachment, dilatory tactics, and other abuses in sexual assault cases.

(8) Authorization of admission and consideration in sexual assault cases of evidence that the defendant has committed sexual assaults on other occasions.

(9) Authorization of the victim in sexual assault cases to address the court concerning the sentence to be imposed.

(10) Authorization of the award of restitution to victims of sexual assaults as part of a criminal sentence.

(b) Authorization of Appropriations.—There are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out this section.

TITLE II—DOMESTIC VIOLENCE, STALKING, AND OFFENSES AGAINST THE FAMILY

SEC. 201. INTERSTATE TRAVEL TO COMMIT SPOUSE ABUSE OR TO VIOLATE PROTECTIVE ORDER; INTERSTATE STALKING.

(a) Offense.—Part 1 of title 18, United States Code, is amended by inserting after chapter 110 the following:

"CHAPTER 110A—DOMESTIC VIOLENCE AND STALKING

"Sec.
"2261. Domestic violence and stalking.

"2261. Domestic violence and stalking

(a) Offense.—Whoever causes or attempts to cause bodily injury to, engages in sexual abuse against, or violates a protective order in relation to, another shall be punished—

"(1) if death results, by death or by imprisonment for any term of years or for life;

"(2) if permanent disfigurement or life-threatening bodily injury results, by imprisonment for not more than 20 years;

"(3) if serious bodily injury results, or if a firearm, knife, or other dangerous weapon is possessed, carried, or used during the commission of the offense, by imprisonment for not more than 10 years; and

"(4) in any other case, by imprisonment for not more than five years.

If, however, the defendant engages in sexual abuse and the penalty authorized for such conduct under chapter 109A exceeds the penalty which would otherwise be authorized under this subsection, then the penalty authorized for such conduct under chapter 109A shall apply.

"(b) Mandatory Penalties.—A sentence under this section shall include at least three months of imprisonment if the offense involves the infliction of bodily injury on or the commission of sexual abuse against the victim. A sentence under this section shall include at least six months of imprisonment if the offense involves the violation of a protective order and the defendant has previously violated a protective order in relation to the same victim.

"(c) Jurisdiction.—There is Federal jurisdiction to prosecute an offense under this section if the defendant traveled in interstate or foreign commerce, or transported or caused another to move in interstate or foreign commerce, with the intention of committing or in furtherance of committing the offense, and—

"(1) the victim was a spouse or former spouse of the defendant, was cohabiting with or had cohabited with the defendant, or had a child in common with the defendant; or

"(2) the defendant on two or more occasions—

"(A) has caused or attempted or threatened to cause death or serious bodily injury to or engaged in sexual abuse in relation to the victim; or

"(B) has engaged in any conduct that caused or was intended to cause apprehension by the victim that the victim would be subjected to death, serious bodily injury, or sexual abuse.

"(d) Definitions.—For purposes of this section—

"(1) 'protective order' means an order issued by a court of a State prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person;

"(2) 'sexual abuse' means any conduct proscribed by chapter 109A of this title, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison;

"(3) 'serious bodily injury' and 'bodily injury' have the meanings given in section 1365(g); and

"(4) 'State' has the meaning given in section 513(c)(5).".

"(b) Clerical Amendment.—The analysis for Part 1 of title 18, United States Code, is amended by inserting after the item for chapter 110 the following:

"110A. Domestic violence and offenses against the family .... 2261".

"(c) Mandatory Restitution.—Section 3663 of title 18, United States Code, as amended by section 109 of this Act, is further amended by striking "or chapter 110" and inserting ", chapter 110, or section 2261" in each of subsection (b)(2) and subsection (d).

"(d) Interim Protection.—Section 3156(a)(4)(C) of title 18, United States Code, as added by section 101 of this Act, is amended by striking "or chapter 110" and inserting ", chapter 110, or section 2261".

"(e) Death Penalty Procedures.—Section 1118 of title 18, United States Code, as enacted by section 102 of this Act, is amended in paragraph (1) of subsection (e) by inserting "or section 2261" after "117".

SEC. 202. FULL FAITH AND CREDIT FOR PROTECTIVE ORDERS.

"(a) Requirement of Full Faith and Credit.—Chapter 110A of title 18, United States Code, as enacted by section 201, is amended by adding at the end the following:

"§ 2262. Full Faith and Credit for Protective Orders

"(a) A protective order issued by a court of a State shall have the same full faith and credit in a court in another State that it would have in a court of the State in which issued, and shall be enforced by the courts of any State if it were issued in that State.

"(b) For purposes of this section—

"(1) 'protective order' means an order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person; and

"(2) 'State' has the meaning given in section 513(c)(5).".

(b) Clerical Amendment.—The analysis for chapter 110A of title 18, United States Code, as enacted by section 201, is amended by inserting at the end of the following:

"§ 2262. Full Faith and Credit for Protective Orders.".

SEC. 203. NON-COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS IN INTERSTATE CASES.

Chapter 11A of title 18, United States Code, is amended to read as follows:

"CHAPTER 11A—CHILD SUPPORT

"Sec.
"228. Non-compliance with child support obligations.

"§ 228. Non-compliance with child support obligations.

"(a) Offense.—Whoever—

"(1) leaves or remains outside a State with intent to avoid payment of a child support obligation; or

"(2) fails to pay a major child support obligation, as defined in subsection (e), with respect to a child who resides in another State, despite having the financial resources to pay the obligation or the ability to acquire such resources through reasonable diligence;

shall be punished as provided in subsection (c).

"(b) Presumption.—In relation to an offense charged under paragraph (1) of subsection (a), the absence of the defendant from the State for an aggregate period of six months without payment of the child support obligation shall create a rebuttable presumption that the intent existed to avoid payment of the obligation.

"(c) Penalty.—A person convicted of an offense under this section shall be punished by imprisonment for up to six months, and on a second or subsequent conviction, by imprisonment for up to two years.

"(d) Restitution.—In addition to any restitution that may be ordered pursuant to section 3663, a sentence for an offense under this section shall include an order of restitution in an amount equal to the past due support obligation as it exists at the time of sentencing. Subsections (e)–(i) of section 3663 shall apply to an order of restitution pursuant to this subsection.

"(e) Definitions.—For purposes of this section—

"(1) 'child support obligation' means an amount determined under a court order or an order of an administrative process pursuant to the law of a State to be due from a person for the support of a child or of a child and the parent with whom the child is living;

"(2) 'major child support obligation' means a child support obligation that has remained unpaid for a period exceeding one year, or that is greater than $5,000;

"(3) 'past due support obligation' means a child support obligation that is unpaid at the time of sentencing for an offense under this section; and

"(4) 'State' has the meaning given in section 513(c)(5).".

SEC. 204. PRESUMPTION AGAINST CHILD CUSTODY FOR SPOUSE ABUSERS.

(a) The Congress finds that—

(1) courts fail to recognize the detrimental effects of having as a custodial parent an individual who physically abuses his or her spouse, insofar as they do not hear or weigh evidence of domestic violence in child custody litigation;

(2) joint custody forced upon hostile parents can create a damaging psychological environment for a child;

(3) physical abuse of a spouse is relevant to the likelihood of child abuse in child custody disputes;

(4) the effects on children of physical abuse of a spouse include—

(A) traumatization and psychological damage to children resulting from observation of the abuse and the climate of violence and fear existing in a home where abuse takes place;

(B) the risk that children may become targets of physical abuse when they attempt to intervene on behalf of an abused parent; and

(C) the negative effects on children of exposure to an inappropriate role model, in that witnessing an aggressive parent may communicate to children that violence is an acceptable means of dealing with others; and

(5) the harm to children from spouse abuse may be compounded by award of exclusive or joint custody to an abuser because further abuse may occur when the abused spouse is forced to have contact with the abuser as a result of the custody arrangement, and because the child or children may be exposed to abuse committed by the abuser against a subsequent spouse or partner.

(b) Sense of Congress.—It is the sense of the Congress that, for purposes of determining child custody, evidence establishing that a parent engages in physical abuse of a spouse should create a statutory presumption that is detrimental to the child to be placed in the custody of the abusive spouse.

SEC. 205. REPORT ON BATTERED WOMEN'S SYNDROME.

(a) Report.—The Attorney General shall prepare and transmit to the Congress a report on the status of battered women's syndrome as a medical and psychological condition and on its effect in criminal trials. The Attorney General may utilize the National Institute of Justice to obtain information required for the preparation of the report.

(b) Components of Report.—The report described in subsection (a) shall include—

(1) a review of medical and psychological views concerning the existence, nature, and effects of battered women's syndrome as a psychological condition;

(2) a compilation of judicial decisions that have admitted or excluded evidence of battered women's syndrome as evidence of guilt or as a defense in criminal trials; and

(3) information on the views of judges, prosecutors, and defense attorneys concerning the effects that evidence of battered women's syndrome may have in criminal trials.

SEC. 206. REPORT ON CONFIDENTIALITY OF ADDRESSES FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) The Attorney General shall conduct a study of the means by which abusive spouses may obtain information concerning the addresses or locations of estranged or former spouses, notwithstanding the desire of the victims to have such information withheld to avoid further exposure to abuse. Based on the study, the Attorney General shall transmit a report to Congress including—

(1) the findings of the study concerning the means by which information concerning the addresses or locations of abused spouses may be obtained by abusers; and

(2) analysis of the feasibility of creating effective means of protecting the confidentiality of information concerning the addresses and locations of abused spouses to protect such persons from exposure to further abuse while preserving access to such information for legitimate purposes.

(b) The Attorney General may utilize the National Institute of Justice and the Office for Victims of Crime in carrying out this section.

SEC. 207. REPORT ON RECORDKEEPING RELATING TO DOMESTIC VIOLENCE.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall complete a study of, and shall submit to Congress a report and recommendations on, problems of recordkeeping of criminal complaints involving domestic violence. The study and report shall examine—

(1) the efforts that have been made by the Department of Justice, including the Federal Bureau of Investigation, to collect statistics on domestic violence; and

(2) the feasibility of requiring that the relationship between an offender and victim be reported in Federal records of crimes of aggravated assault, rape, and other violent crimes.

SEC. 208. DOMESTIC VIOLENCE AND FAMILY SUPPORT GRANT PROGRAM.

(a) Purpose.—The purpose of this section is to strengthen and improve State and local efforts to prevent and punish domestic violence and other criminal and unlawful acts that particularly affect women, and to assist and protect the victims of such crimes and acts.

(b) Authorization of Grants.—The Attorney General, through the Bureau of Justice Assistance, the Office for Victims of Crime, and the Bureau of Justice Statistics, may make grants to support projects and programs relating to domestic violence and other criminal and unlawful acts that particularly affect women, including support of—

(1) training and policy development programs for law enforcement officers and prosecutors concerning the investigation and prosecution of domestic violence;

(2) law enforcement and prosecutorial units and teams that target domestic violence;

(3) model, innovative, and demonstration law enforcement programs relating to domestic violence that involve pro-arrest and aggressive prosecution policies;

(4) model, innovative, and demonstration programs for the effective utilization and enforcement of protective orders;

(5) programs addressing stalking and persistent menacing;

(6) victim services programs for victims of domestic violence;

(7) shelters that provide services for victims of domestic violence and related programs;

(8) educational and informational programs relating to domestic violence;

(9) resource centers providing information, technical assistance, and training to domestic violence service providers, agencies, and programs;

(10) coalitions of domestic violence service providers, agencies, and programs;

(11) training programs for judges and court personnel in relation to cases involving domestic violence; and

(12) enforcement of child support obligations, including cooperative efforts and arrangements of States to improve enforcement in cases involving interstate elements.

(c) Formula Grants.—Of the amount appropriated in each fiscal year for grants under this section, other than the amount set aside to carry out subsection (d)—

(1) 0.25 percent shall be set aside for each participating State; and

(2) the remainder shall be allocated to the participating States in proportion to their populations; for the use of State and local governments in the States.

(d) Discretionary Grants.—Of the amount appropriated in each fiscal year, 20 percent shall be set aside in a discretionary fund to provide grants to public and private agencies to further the purposes and objectives set forth in subsections (a) and (b).

(e) Application for Formula Grants.—To request a grant under subsection (c), the chief executive officer of a State must, in each fiscal year, submit to the Attorney General a plan for addressing domestic violence and other criminal and unlawful acts that particularly affect women in the State, including a specification of the uses to which funds provided under subsection (c) will be put in carrying out the plan. The application must include.—

(1) certification that the Federal funding provided will be use to supplement and not supplant State and local funds;

(2) certification that any requirement of State law for review by the State legislature of a designated body, and any requirement of State law for public notice and comment concerning the proposed plan, has been satisfied; and

(3) provisions for fiscal control, management, recordkeeping, and submission of reports in relation to funds provided under this section that are consistent with requirements prescribed for the program.

(f) Conditions on Grants.—

(1) Matching funds.—Grants under subsection (c) may be for up to 50 percent of the overall cost of a project or program funded. Discretionary grants under subsection (d) may be for up to 100 percent of the overall cost of a project or program funded.

(2) Duration of grants.—Grants under subsection (c) may be provided in relation to a particular project or program for up to an aggregate maximum period of four years.

(3) Limit on administrative costs.—Not more than 5 percent of a grant under subsection (C) may be used for costs incurred to administer the grant.

(g) Evaluation.—The National Institute of Justice shall have the authority to carry out evaluations of programs funded under this section. The recipient of any grant under this section may be required to include an evaluation component to determine the effectiveness of the project or program funded that is consistent with guidelines issued by the National Institute of Justice.

(h) Coordination.—The Attorney General may utilize the Office of Justice Programs to coordinate the administration of grants under this section. The coordination of grants under this section shall include prescribing consistent program requirements for grantees, allocating functions and the administration of particular grants among the components that participate in the administration of the program under this section, coordinating the program under this section with the Sexual Violence Grant Program established by section 141 of this Act, and coordinating the program under this section with other grant programs administered by components of the Department of Justice.

(i) Definition.—For purposes of this section, "domestic violence" includes any act of criminal violence in which the offender and the victim are members of the same household or relatives, or in which the offender and the victim are present or former spouses or cohabitors or have a child in common.

(j) REPORT.—The Attorney General shall submit an annual report to Congress concerning the operation and effectiveness of the program under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, in each of fiscal years 1994, 1995, and 1996, $250,000,000 to carry out this section, and such sums as may be necessary in each fiscal year thereafter.

TITLE III—NATIONAL TASK FORCE ON VIOLENCE AGAINST WOMEN

SEC. 301. ESTABLISHMENT.

Not later than 30 days after the date of enactment of this Act, the Attorney General shall establish a task force to be known as the "National Task Force on Violence Against Women" (referred to in this title as the "task force").

SEC. 302. DUTIES OF TASK FORCE.

(a) GENERAL PURPOSE OF TASK FORCE.—The task force shall recommend Federal, State, and local strategies aimed at protecting women against violent crime, punishing persons who commit such crimes, and enhancing the rights of victims of such crimes.

(b) DUTIES OF TASK FORCE.—The task force shall perform such functions as the Attorney General deems appropriate to carry out of the purposes of the task force, including—

(1) considering the reports and recommendations of past Federal and State studies of violent crime, family violence, and the treatment of crime victims, including the Report of the Attorney General to the President on Combating Violent Crime (1992), the Report of the Attorney General's Task Force on Family Violence (1984), the Report of the President's Task Force on Victims of Crime (1982), and the reports and recommendations of the task forces and commissions established by the States of Alabama, Alaska, Arkansas, Hawaii, Idaho, Indiana, Kansas, Louisiana, Michigan, Minnesota, Nebraska, New Mexico, New York, North Carolina, Rhode Island, Virginia, Texas, and Wyoming;

(2) developing strategies for Federal, State, and local law enforcement designed to protect women against violent crime, and to prosecute those responsible for such crime;

(3) evaluating the adequacy of rules of evidence, practice, and procedure to ensure the effective prosecution and conviction of violent offenders against women and to protect victims from abuse in legal proceedings, and making recommendations for the improvement of such rules;

(4) evaluating the adequacy of pre-trial release, sentencing, incarceration, and post-conviction release in relation to violent offenders against women, and making recommendations designed to ensure that such offenders are restrained from causing further harm to the victim and others and receive appropriate punishment, including means of ensuring that the efficacy of criminal sanctions will not be undermined by parole or other early release mechanisms;

(5) assessing the issuance, formulation, and enforcement of protective orders, whether or not related to a criminal proceeding, and making recommendations for the effective use of such orders to protect women from violence;

(6) assessing the problem of stalking and persistent menacing of women, and recommending effective means of response to the problem;

(7) assessing the problem of sexual exploitation of women and youths through prostitution and in the production of pornography, and recommending effective means of response to the problem; and

(8) generally evaluating the treatment of women as victims of violent crime in the criminal justice system, and making recommendations designed to improve such treatment.

SEC. 303. MEMBERSHIP.

(a) IN GENERAL.—The task force shall consist of up to 10 members, who shall be appointed by the Attorney General not later than 60 days after the date of enactment of this Act. The Attorney General shall ensure that the task force includes representatives of State and local law enforcement, the State and local judiciary, and groups dedicated to protecting the rights of victims.

(b) CHAIRMAN.—The Attorney General or the Attorney General's designee shall serve as chairman of the task force.

SEC. 304. PAY.

(a) NO ADDITIONAL COMPENSATION.—Members of the task force who are officers of employees of a governmental agency shall receive no additional compensation by reason of their service on the task force.

(b) PER DIEM.—While away from their homes or regular places of business in the performance of duties for the task force, members of the task force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

SEC. 305. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT.—The task force shall have an Executive Director who shall be appointed by the Attorney General not later than 30 days after the task force is fully constituted under section 303.

(2) COMPENSATION.—The Executive Director shall be compensated at a rate not to exceed the maximum rate of the basic pay payable under GS–18 of the General Schedule as contained in title 5, United States Code.

(b) STAFF.—With the approval of the task force, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the task force.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The Executive Director and the additional personnel of the task force appointed under subsection (b) may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) CONSULTANTS.—Subject to such rules as may be prescribed by the task force, the Executive Director may procure temporary intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

SEC. 306. POWERS OF TASK FORCE.

(a) HEARINGS.—For the purpose of carrying out this title, the task force may conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the task force considers appropriate. The task force may administer oaths before the task force.

(b) DELEGATION.—Any member or employee of the task force may, if authorized by the task force, take any action that the task force is authorized to take under this title.

(c) ACCESS TO INFORMATION.—The task force may secure directly from any executive department or agency such information as may be necessary to enable the task force to carry out this title, to the extent access to such information is permitted by law. On request of the Attorney General, the head of such a department or agency shall furnish such permitted information to the task force.

(d) MAIL.—The task force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 307. REPORT.

Not later than 1 year after the date on which the task force is fully constituted under section 303, the Attorney General shall submit a detailed report to the Congress on the findings and recommendations of the task force.

SEC. 308. AUTHORIZATION OF APPROPRIATION.

There is authorized to be appropriated for fiscal year 1994, $500,000 to carry out the purposes of this title.

SEC. 309 TERMINATION.

The task force shall cease to exist 30 days after the date on which the Attorney General's report is submitted under section 307. The Attorney General may extend the life of the task force for a period of not to exceed one year.

Mr. McCAIN. Mr. President, I am very pleased to again be a cosponsor of the Sexual Assault Prevention Act, and I commend the Republican leader for his zeal and expedience in reintroducing this bill early in this session of Congress.

The phrase "increased crime in America" is no longer met with wide-eyed surprise. There was a time when law-abiding citizens reacted with skepticism at the idea that our Nation could be so riddled with crimes committed in our cities, our streets, and our homes. Now, the American people have become so accustomed to hearing over and over again that crime is on the rise that they no longer respond with surprise, but instead cry out in anger and frustration.

This outrage is especially strong against the cruel, perverse crimes committed against women. One of the most disturbing crimes infecting our society is that of sexual assault and forcible rape. These acts of violent, demented, bald-faced aggression are tantamount to terrorism against women, and the number of forcible rapes in this country is staggering. There were approximately 106,593 rapes reported in 1991, 4 percent higher than that in 1990. In my State of Arizona alone 1,590 rapes were reported.

We cannot, and must not, tolerate violence of this nature. Women in this country are singled out for this kind of violent aggression by criminals who know that our legal system is bogged down with loopholes which only succeed in keeping criminals from serving time behind bars. It is abhorrent to me that women live in fear of rape, and the victims of rape and sexual assault experience the fear and frustration of knowing that their assailant walks the streets freely where law-abiding citizens cannot.

Women in this country face distinct types of crime which need to be addressed specifically. For this reason, I believe that it is imperative that Congress enact the Sexual Assault Prevention Act. This legislation would address the crimes facing women in several ways. First, it authorizes the death penalty for murders committed by sex offenders. Second, the bill would double the maximum penalty for repeat offenders of sexual assaults. Third, it would require the testing of those accused of sexual assaults for the acquired immune deficiency syndrome [AIDS] virus, and disclosing the results of those tests to the victim. Fourth, it authorizes the admission of evidence of prior sexual assault offenses by the defendant in sexual assault trials. Fifth, it designates spousal abuse, including violation of protective orders, and "stalking," as a Federal crime. Finally, the bill would establish a comprehensive grant program to assist State and local efforts to combat sexual violence and domestic violence, and to enforce child support obligations.

Crimes against women are rampant, and this legislation would send a clear, strong message: Those who commit sexual assaults against anyone will be met with swift, stiff penalties.

Mr. President, it is untenable that the greatest democracy in the world should also suffer from this kind of cruel violence. We must use our democratic system as a tool to turn this trend around and make our lives safe again.

By Mr. DOLE (for himself, Mr. McCONNELL, Mr. PACKWOOD, Mr. LOTT, Mr. GORTON, Mr. THURMOND, Mr. DOMENICI, Mr. LUGAR, Mr. D'AMATO, Mr. SIMPSON, Mr. STEVENS, Mr. NICKLES, and Mr. CHAFEE):

S. 7. A bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes; to the Committee on Rules and Administration.

COMPREHENSIVE CAMPAIGN FINANCE REFORM ACT

Mr. McCONNELL. Mr. President, the distinguished Republican leader this morning in his remarks made reference to S. 7, the Republican campaign finance bill.

Mr. President, the Republican leader and I believe that this proposal is clearly in the best interests of the country as we seek to improve how elections are handled in the United States.

Mr. President, in 1992 voter turnout increased. Electoral competition increased. Congressional turnover increased. And campaign spending increased.

Most objective observers would say these are indications of a thriving political system. Less objective participants will twist it to fit their objective—partisan revision of campaign finance laws.

All indications are that campaign finance reform is on a fast-track—seemingly easily achievable. Something for the President and Congress to have to show for the next 100 days.

Keeping in mind that the reverberations of whatever passes likely will extend far beyond 100 days, I urge my colleagues to take great care in putting a final bill together.

Mr. President, we should not pass something that is reform in name only just for the sake of passing something. "Change" and "reform" are terms used rather loosely around here. They are not interchangeable, not synonymous. To change is to alter. To reform is to improve.

Democratic campaign finance bills based on spending limits and taxpayer financing do indeed constitute change. They do not, however, reform. They do not improve the electoral process.

The democratic bills we have seen in the past were good public relations, but lousy legislation. Spending limits have been totally discredited in the Presidential system. Mandatory spending limits are unconstitutional. A taxpayer funded congressional campaign system to provide inducements, or penalties, is not palatable to American taxpayers. In fact, the Presidential Election Campaign Fund is on the verge of bankruptcy, because taxpayers have resoundingly voted no on their annual tax returns.

In the most extensive poll we ever take in this country, every April 15 taxpayers get a chance to vote on how they feel about the public funding of elections. In overwhelming numbers, they are increasingly voting no.

Mr. President, the Democratic campaign finance bills that passed in the last two Congresses were unconstitutional. If the majority goes down that road again and the President signs such a bill into law, then my colleagues can be assured that final disposition will rest with the Supreme Court.

Republicans will not stand by while the first amendment is sacrificed for a facade of reform.

Mr. President, campaign finance reform need not be unconstitutional, partisan, bureaucratic, or taxpayer-funded.

The minority leader and I, joined by Republican colleagues, have today introduced the Comprehensive Campaign Finance Reform Act—the most extensive and effective reform bill before this Congress, bar none.

It bans PAC's, the epitome of special interest influence and a major incumbent protection tool. Our bill bans soft money. All soft money—party, labor, and that spent by tax exempt organizations. It cuts campaign costs. Provides seed money to challengers, paid for not by taxpayers, but by the political parties. It constricts the millionaire's loophole; restricts and regulates independent expenditures; fights election fraud; and restricts gerrymandering.

Real reform. In stark contrast to the Democrats' bill, the Republican bill puts all the campaign money on top of the table where voters can see it. Nothing would have a more cleansing effect on the electoral process.

Mr. President, I ask unanimous consent that at this point in the RECORD S. 7 appear in its entirety. I am introducing it on behalf of the Republican leader, and myself, as well as Senators PACKWOOD, LOTT, GORTON, THURMOND, DOMENICI, LUGAR, D'AMATO, SIMPSON, STEVENS, and CHAFEE. I anticipate that virtually all of the Republicans will join this bill shortly.

I also ask unanimous consent that a section-by-section analysis be included at this point.

S. 7

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF FECA; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Campaign Finance Reform Act of 1993".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of FECA; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Elimination of Political Action Committees From Federal Election Activities

Sec. 101. Ban on activities of political action committees in Federal elections.

Subtitle B—Ban on Soft Money in Federal Elections

Sec. 111. Ban on soft money.
Sec. 112. Restrictions on party committees.
Sec. 113. Protections for employees.
Sec. 114. Restrictions on soft money activities of tax-exempt organizations.
Sec. 115. Denial of tax-exempt status for certain politically active organizations.
Sec. 116. Contributions to certain political organizations maintained by a candidate.
Sec. 117. Contributions to State and local committees.

Subtitle C—Other Activities

Sec. 121. Modifications of contribution limits on individuals.
Sec. 122. Political parties.
Sec. 123. Contributions through intermediaries and conduits.
Sec. 124. Independent expenditures.

TITLE II—INCREASE OF COMPETITION IN POLITICS

Sec. 201. Seed money for challengers.
Sec. 202. Candidate expenditures from personal funds.
Sec. 203. Franked communications.

Sec. 204. Limitations on gerrymandering.
Sec. 205. Election fraud, other public corruption, and fraud in interstate commerce.
TITLE III—REDUCTION OF CAMPAIGN COSTS
Sec. 301. Broadcast discount.
TITLE IV—MISCELLANEOUS PROVISIONS
Subtitle A—Federal Election Commission Enforcement Authority
Sec. 401. Elimination of reason to believe standard.
Sec. 402. Injunctive authority.
Sec. 403. Time periods.
Sec. 404. Knowing violation penalties.
Sec. 405. Court resolved violations and penalties.
Sec. 406. Private civil actions.
Sec. 407. Knowing violations resolved in court.
Sec. 408. Action on complaint by Commission.
Sec. 409. Violation of confidentiality requirement.
Sec. 410. Penalty in Attorney General actions.
Sec. 411. Amendments relating to enforcement and judicial review.
Sec. 412. Tightening enforcement.
Subtitle B—Other Provisions
Sec. 421. Disclosure of debt settlement and loan security agreements.
Sec. 422. Contributions for draft and encouragement purposes with respect to elections for Federal office.
Sec. 423. Severability.
Sec. 424. Effective date.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Elimination of Political Action Committees From Federal Election Activities

SEC. 101. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 301 et seq.) is amended by adding at the end the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.".

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Section 301(4) of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof;

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year; and

"(D) any committee jointly established by a principal campaign committee and any committee described in subparagraph (B) or (C) for the purpose of conducting joint fundraising activities.".

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraphs (B) and (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder.".

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.".

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period in which the limitation under section 324 of that Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a) and (b) shall not be in effect; and

(2) it shall be unlawful for any person that—

(A) is treated as a political committee by reason of paragraph (1); and

(B) is not directly or indirectly established, administered, or supported by a connected organization which is a corporation, labor organization, or trade association,

to make contributions to any candidate or the candidate's authorized committee for any election aggregating in excess of $1,000.

Subtitle B—Ban on Soft Money in Federal Elections

SEC. 111. BAN ON SOFT MONEY.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) BAN ON SOFT MONEY.—(1) It shall be unlawful for the purpose of influencing any election to Federal office—

"(A) to solicit or receive any soft money; or

"(B) to make any payments from soft money.

"(2) For purposes of paragraph (1), the term 'soft money' means any amount—

"(A) solicited or received from a source which is prohibited under section 316(a);

"(B) contributed, solicited, or received in excess of the contribution limits under section 315; or

"(C) not subject to the recordkeeping, reporting, or disclosure requirements under section 304 or any other provision of this Act.".

SEC. 112. RESTRICTIONS ON PARTY COMMITTEES.

(a) DISCLOSURE OF INFORMATION BY POLITICAL COMMITTEE.—(1) Section 302(c) of FECA (2 U.S.C. 432(c)) is amended—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(6) each account maintained by a political committee of a political party (including Federal and non-Federal accounts), and deposits into, and disbursements from, each such account.".

(2) Section 304(b) of FECA (2 U.S.C. 434(b)) is amended—

(A) by striking "and" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(9) each account maintained by a political committee of a political party (including Federal and non-Federal accounts), and deposits into, and disbursements from, each such account.".

(b) ALLOCATION OF EXPENDITURES FOR MIXED ACTIVITIES.—Title III of FECA, as amended by section 101(a), is amended by adding at the end the following new section:

"REQUIRED ALLOCATION OF CONTRIBUTIONS AND EXPENDITURES FOR MIXED ACTIVITIES BY POLITICAL PARTY COMMITTEES

"SEC. 325. (a) REGULATIONS REQUIRING ALLOCATION FOR MIXED ACTIVITIES.—Not later than 180 days after the date of the enactment of this section, the Commission shall issue regulations providing for a method for allocating the contributions and expenditures for any mixed activity between Federal and non-Federal accounts.

"(b) GUIDELINES FOR ALLOCATION.—(1) The regulations issued under subsection (a) shall—

"(A) provide for the allocation of contributions and expenditures in accordance with this subsection; and

"(B) require reporting under this Act of expenditures in connection with a mixed activity to disclose—

"(i) the method and rationale used in allocating the cost of the mixed activity to Federal and non-Federal accounts; and

"(ii) the amount and percentage of the cost of the mixed activity allocated to such accounts.

"(2) In the case of a mixed activity that consists of a voter registration drive, get-out-the-vote drive, or other activity designed to contact voters (other than an activity to which paragraph (3) or (4) applies), amounts shall be allocated on the basis of the composition of the ballot for the political jurisdiction in which the activity occurs, except that in no event shall the amounts allocated to the Federal account be less than—

"(A) 33⅓ percent of the total amount in the case of the national committee of a political party; or

"(B) 25 percent of the total amount in the case of a State or local committee of a political party or any subordinate committee thereof.

"(3) In the case of a mixed activity that consists of preparing and distributing brochures, handbills, slate cards, or other printed materials identifying or seeking support of (or opposition to) candidates for both Federal offices and non-Federal offices, amounts shall be allocated on the basis of total space devoted to such candidates, except that in no event shall the amounts allocated to the Federal account be less than the percentages under subparagraph (A) or (B) of paragraph (2).

"(4)(A) In the case of a mixed activity by a national committee of a political party that consists of broadcast media advertising (or any portion thereof) that promotes (or is in opposition to) a political party without mentioning the name of any individual candidate for Federal office or non-Federal office, amounts allocated to the Federal account shall not be less than—

"(i) 50 percent of the total amount in the case of advertising in the national media market; and

"(ii) 40 percent in the case of advertising in other than the national media market.

"(B) In the case of a mixed activity by a State or local committee of a political party or any subordinate committee thereof that consists of broadcast media advertising (or any portion thereof) described in subparagraph (A), costs shall be allocated on the basis of the composition of the ballot for the political jurisdiction in which the activity occurs, except that in no event shall the amounts allocated to the Federal account be less than 33⅓ percent of the total amount.

"(5) Overhead and fundraising costs of a political committee of a political party for each 2-calendar year period ending with the calendar year in which a regularly scheduled election for Federal office occurs shall be allocated to the Federal account on the basis of the same ratio which—

"(A) the aggregate amount of receipts and disbursements of such political committee during such period in connection with elections for Federal office, bears to

"(B) the aggregate amount of receipts and disbursements of such political committee during such period.

"(c) Mixed Activity.—(1) For purposes of this section, the term 'mixed activity' means an activity the expenditures in connection with which are required under this Act to be allocated between Federal and non-Federal accounts because such activity affects 1 or more elections for Federal office and 1 or more non-Federal elections.

"(2) Activities under paragraph (1) include—

"(A) voter registration drives, get-out-the-vote drives, telephone banks, and membership communications in connection with elections for Federal offices and elections for non-Federal offices;

"(B) general political advertising, brochures, or other materials that include any reference (however incidental) to both a candidate for Federal office and a candidate for non-Federal office, or that urge support for or opposition to a political party or to all the candidates of a political party;

"(C) overhead expenses; and

"(D) activities described in clauses (v), (x), and (xii) of section 301(8)(B).

"(d) Accounts.—For purposes of this section—

"(1) the term 'Federal account' means an account to which receipts and disbursements are allocated to elections for Federal offices; and

"(2) the term 'non-Federal account' means an account to which receipts and disbursements are allocated to elections other than non-Federal offices.".

SEC. 113. PROTECTION FOR EMPLOYEES.

(a) Contributions to All Political Committees Included.—Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by inserting "political committee," after "campaign committee,".

(b) Applicability of Requirements to Labor Organizations.—Section 316(b) of FECA (2 U.S.C. 441b(b)) is amended by adding at the end the following new paragraph:

"(8)(A) Subparagraphs (A), (B), and (C) of paragraph (2) shall not apply to a labor organization unless the organization meets the requirements of subparagraphs (B), (C), and (D).

"(B) The requirements of this subparagraph are met only if the labor organization provides, at least once annually, to all employees within the labor organization's bargaining unit or units (and to new employees within 30 days after commencement of their employment) written notification presented in a manner to inform any such employee—

"(i) that an employee cannot be obligated to pay, through union dues or any other mandatory payment to a labor organization, for the political activities of the labor organization, including, but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns;

"(ii) that no employee may be required actually to join any labor organization, but if a collective bargaining agreement covering an employee purports to require membership or payment of dues or other fees to a labor organization as a condition of employment, the employee may elect instead to pay an agency fee to the labor organization;

"(iii) that the amount of the agency fee shall be limited to the employee's pro rata share of the cost of the labor organization's exclusive representation services to the employee's collective bargaining unit, including collective bargaining, contract administration, and grievance adjustment;

"(iv) that an employee who elects to be a full member of the labor organization and pay membership dues is entitled to a reduction of those dues by the employee's pro rata share of the total spending by the labor organization for political activities;

"(v) that the cost of the labor organization's exclusive representation services, and the amount of spending by such organization for political activities, shall be computed on the basis of such cost and spending for the immediately preceding fiscal year of such organization; and

"(vi) of the amount of the labor organization's full membership dues, initiation fees, and assessments for the current year; the amount of the reduced membership dues, subtracting the employee's pro rata share of the organization's spending for political activities, for the current year; and the amount of the agency fee for the current year.

"(C) The requirements of this subparagraph are met only if, for purposes of verifying the cost of such labor organization's exclusive representation services, the labor organization provides all represented employees an annual examination by an independent certified public accountant of financial statements supplied by such organization which verify the cost of such services; except that such examination shall, at a minimum, constitute a 'special report' as interpreted by the Association of Independent Certified Public Accountants.

"(D) The requirements of this subparagraph are met only if the labor organization—

"(i) maintains procedures to promptly determine the costs that may properly be charged to agency fee payors as costs of exclusive representation, and explains such procedures in the written notification required under subparagraph (B); and

"(ii) if any person challenges the costs which may be properly charged as costs of exclusive representation—

"(I) provides a mutually selected impartial decisionmaker to hear and decide such challenge pursuant to rules of discovery and evidence and subject to de novo review by the National Labor Relations Board or an applicable court; and

"(II) places in escrow amounts reasonably in dispute pending the outcome of the challenge.

"(E)(i) A labor organization that does not satisfy the requirements of subparagraphs (B), (C), and (D) shall finance any expenditures specified in subparagraph (A), (B), or (C) of paragraph (2) only with funds legally collected under this Act for its separate segregated fund.

"(ii) For purposes of this paragraph, subparagraph (A) of paragraph (2) shall apply only with respect to communications expressly advocating the election or defeat of any clearly identified candidate for elective public office.".

SEC. 114. RESTRICTIONS ON SOFT MONEY ACTIVITIES OF TAX-EXEMPT ORGANIZATIONS.

(a) In General.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) Denial of Tax-Exempt Status for Activities To Influence a Federal Election.—An organization shall not be treated as exempt from tax under subsection (a) if such organization participates or intervenes in any political campaign on behalf of or in opposition to any candidate for Federal office.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to any participation or intervention by an organization on or after September 1, 1992.

SEC. 115. DENIAL OF TAX-EXEMPT STATUS FOR CERTAIN POLITICALLY ACTIVE ORGANIZATIONS.

(a) In General.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax), as amended by section 114, is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) Denial of Tax-Exempt Status for Certain Politically Active Organizations.—

"(1) In general.—An organization shall not be treated as exempt from tax under subsection (a) if—

"(A) such organization devotes any of its operating budget to—

"(i) voter registration or get-out-the-vote campaigns; or

"(ii) participation or intervention in any political campaign on behalf of or in opposition to any candidate for public office; and

"(B) a candidate, or an authorized committee of a candidate, has—

"(i) solicited contributions to, or on behalf of, such organization; and

"(ii) the solicitation is made in cooperation, consultation, or concert with, or at the request or suggestion of, such organization.

"(2) Candidate defined.—For purposes of this subsection—

"(A) In general.—The term 'candidate' has the meaning given such term by paragraph (2) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(2)).

"(B) Members of congress.—The term 'candidate' shall include any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress unless—

"(i) the date for filing for nomination, or election to, such office has passed and such individual has not so filed, and

"(ii) such individual is not otherwise a candidate described in subparagraph (A).".

(b) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act, but only with respect to solicitations or suggestions by candidates made after the date of enactment of this Act.

SEC. 116. CONTRIBUTIONS TO CERTAIN POLITICAL ORGANIZATIONS MAINTAINED BY A CANDIDATE.

(a) Contributions by Persons in General and by Multicandidate Political Committees.—(1) Section 315(a)(1)(A) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking "candidate and his authorized political committees" and inserting "candidate, a candidate's authorized political committees, and any political organizations (other than authorized committees) maintained by a candidate,".

(2) Section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) is amended by striking "candidate and his authorized political committees" and inserting "candidate, a candidate's authorized political committees, and any political organizations (other than authorized committees) maintained by a candidate,".

(3) Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by section 101(c), is amended by inserting at the end the following new paragraph:

"(10) For the purposes of paragraphs (1)(A) and (2)(A), the term 'political organization maintained by a candidate' means any non-Federal political action committee, non-Federal multicandidate political committee, or any other form of political organization regulated under State law which is not a political committee of a national, State, or local political party—

"(A) that is set up by or on behalf of a candidate and engages in political activity which directly influences Federal elections; and

"(B) for which that candidate has solicited a contribution.".

(b) Contributions by National Banks, Corporations, and Labor Organizations.—(1) Section 316(b)(2) of the FECA (2 U.S.C. 441b(b)(2)) is amended by striking "candidate, campaign committee" and inserting "candidate, political organization (other than an authorized committee) maintained by a candidate, campaign committee,".

(2) Section 316(b) of FECA (2 U.S.C. 441b(b)), as amended by section 113(b), is amended by inserting at the end the following new paragraph:

"(9) For the purposes of paragraph (2), the term 'political organization maintained by a candidate' means any non-Federal political action committee, non-Federal multicandidate political committee, or any other form of political organization regulated under State law which is not a political committee of a national, State, or local political party—

"(A) that is set up by or on behalf of a candidate and engages in political activity which directly influences Federal elections; and

"(B) for which that candidate has solicited a contribution.".

(c) Date of Application.—The amendments made by subsections (a) and (b) shall apply to contributions described in sections 315 and 316 of FECA (2 U.S.C. 441a and 441b) made in response to solicitations made after January _____, 1993.

SEC. 117. CONTRIBUTIONS TO STATE AND LOCAL PARTY COMMITTEES.

Section 315(a)(1) of FECA (2 U.S.C. 441a(a)(1)) is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) to the political committees established and maintained by a State or local political party, in connection with any activity that may influence an election for Federal office, in any calendar year which, in the aggregate, exceed the lesser of

"(i) $50,000; or

"(ii) the difference between $50,000 and the amount of contributions made by such person to any political committees established and maintained by a national political party.".

Subtitle C—Other Activities

SEC. 121. MODIFICATIONS OF CONTRIBUTION LIMITS ON INDIVIDUALS.

(a) Increase in Candidate Limit.—Subparagraph (A) of section 315(a)(1) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking "$1,000" and inserting "the applicable amount".

(b) Applicable Amount Defined.—Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by section 116(a)(3), is amended by adding at the end the following new paragraph:

"(11) For purposes of subsection (a)(1)(A)—

"(A) The term 'applicable amount' means—

"(i) $1,000 in the case of contributions by a person to—

"(I) a candidate for the office of President or Vice President or such candidate's authorized committees; or

"(II) any other candidate or such candidate's authorized committees if, at the time such contributions are made, such person is a resident of the State with respect to which such candidate seeks Federal office; and

"(ii) $500 in the case of contributions by any other person to a candidate described in clause (i)(II) or such candidate's authorized committees.

"(B) At the beginning of 1993, and each odd-numbered calendar year thereafter, the Secretary of Labor shall certify in the same manner as under subsection (c)(1) the percent difference between the price index for the preceding calendar year and the price index for calendar year 1991. Each of the dollar limits under subparagraph (A) shall be increased by such percent difference and rounded to the nearest $100. Each amount so increased shall be the amount in effect for the calendar year for which determined and the succeeding calendar year.".

SEC. 122. POLITICAL PARTIES.

Items Not Treated as Contributions or Expenditures.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(A) in clauses (x) and (xii), by inserting "national," after "the payment by a"; and

(B) in clause (xii), by inserting "general research activities," after "the costs of".

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended—

(A) in clauses (viii) and (ix), by inserting "national," after "the payment by a"; and

(B) in clause (ix), by inserting "general research activities," after "the costs of".

SEC. 123. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.

Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate.

"(B) If a contribution is made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

"(C) No conduit or intermediary shall deliver or arrange to have delivered contributions from more than 2 persons who are employees of the same employer or who are members of the same trade association, membership organization, or labor organization.

"(D) No person required to register with the Clerk of the House of Representatives or the Secretary of the Senate under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), or an officer, employee or agent of such a person, may act as an intermediary or conduit with respect to a contribution to a candidate for Federal office.".

SEC. 124. INDEPENDENT EXPENDITURES.

(a) Attribution of Communications; Reports.—(1) Section 318 of FECA (2 U.S.C. 441d) is amended by adding at the end the following new subsection:

"(c)(1) If any person makes an independent expenditure through a broadcast communication on any television or radio station, the broadcast communication shall include a statement—

"(A) in such television broadcast, that is clearly readable to the viewer and appears continuously during the entire length of such communication; or

"(B) in such radio broadcast, that is clearly audible to the viewer and is aired at the beginning and ending of such broadcast, setting forth the name of such person and, in the case of a political committee, the name of any connected or affiliated organization.

"(2) If any person makes an independent expenditure through a newspaper, magazine, outdoor advertising facility, direct mailing, or other type of general public political advertising, the communication shall include, in addition to the other information required by this section—

"(A) the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.'; and

"(B) a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization, and the name of the president or treasurer of such organization.

"(3) Any person making an independent expenditure described in paragraph (1) or (2) shall furnish, by certified mail, return receipt requested, the following information, to each candidate and to the Commission, not later than the date and time of the first public transmission of the communication:

"(A) Effective notice that the person plans to make an independent expenditure for the purpose of financing a communication which expressly advocates the election or defeat of a clearly identified candidate.

"(B) An exact copy of the intended communication, or a complete description of the contents of the intended communication, including the entirety of any texts to be used in conjunction with such communication, and a complete description of any photographs, films, or any other visual devices to be used in conjunction with such communication.

"(C) All dates and times when such communication will be publicly transmitted.".

(2) Section 318(a) of FECA (2 U.S.C. 441d(a)) is amended by striking "Whenever" and inserting "Except as provided in subsection (c), whenever".

(b) DEFINITION OF INDEPENDENT EXPENDITURE.—Paragraph (17) of section 301 of FECA (2 U.S.C. 431(17)) is amended—

(1) by striking "(17) The term" and inserting "(17)(A) The term"; and

(2) by adding at the end the following new subparagraph:

"(B) For the purpose of subparagraph (A), an expenditure shall be considered to be made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, authorized committee, or agent, if there is any arrangement, coordination, or direction by the candidate or the candidate's agent prior to the publication, distribution, display, or broadcast of a communication, and it shall be presumed to be so made when it is—

"(i) based on information about the candidate's plans, projects, or needs provided to the person making the expenditure by the candidate, or by the candidate's agents, with a view toward having an expenditure made; or

"(ii) made by or through any person who is, or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees;

"(II) serving as an officer of the candidate's authorized committees; or

"(III) providing professional services to, or receiving any form of compensation or reimbursement from, the candidate, the candidate's committee, or agent.".

(c) HEARINGS ON COMPLAINTS.—Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end the following new paragraph:

"(13) Within 3 days after the Commission receives a complaint filed pursuant to this section which alleges that an independent expenditure was made with the cooperation or consultation of a candidate, or an authorized committee or agent of such candidate, or was made in concert with or at the request or suggestion of an authorized committee or agent of such candidate, the Commission shall provide for a hearing to determine such matter.".

(d) EXPEDITED JUDICIAL REVIEW.—Section 310 of the FECA (2 U.S.C. 437h) is amended by adding at the end the following new sentence: "It shall be the duty of the courts to advance on the docket and to expedite to the greatest possible extent the disposition of any matter relating to the making or alleged making of an independent expenditure.".

TITLE II—INCREASE OF COMPETITION IN POLITICS

SEC. 201. SEED MONEY FOR CHALLENGERS.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 111, is amended by adding at the end the following new subsection:

"(j)(1) Notwithstanding subsection (a)(2), the congressional campaign committee or the senatorial campaign committee of a national political party, whichever is applicable, may make contributions to an eligible candidate (and the candidate's authorized committees) which in the aggregate do not exceed the lesser of—

"(A) $100,000; or

"(B) the aggregate qualified matching contributions received by such candidate and the candidate's authorized committees.

"(2) Any contribution under paragraph (1) shall not be treated as an expenditure for purposes of subsection (d)(3).

"(3) For purposes of this subsection, the term 'qualified matching contributions' means contributions made during the period of the election cycle preceding the primary election by an individual who, at the time such contributions are made, is a resident of the State in which the election with respect to which such contributions are made is to be held.

"(4) For purposes of this subsection, the term 'eligible candidate' means a candidate for Federal office (other than President or Vice President) who does not hold Federal office.".

SEC. 202. CANDIDATE EXPENDITURES FROM PERSONAL FUNDS.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 201, is amended by adding at the end the following new subsection:

"(k)(1)(A) Not less than 15 days after a candidate qualifies for a primary election ballot under State law, the candidate shall file with the Commission, and each other candidate who has qualified for that ballot, a declaration stating whether the candidate intends to expend for the primary and general election an amount exceeding $250,000 from—

"(i) the candidate's personal funds;

"(ii) the funds of the candidate's immediate family; and

"(iii) personal loans incurred by the candidate and the candidate's immediate family in connection with the candidate's election campaign.

"(B) The declaration required by subparagraph (A) shall be in such form and contain such information as the Commission may require by regulation.

"(2) Notwithstanding subsection (a), if a candidate—

"(A) declares under paragraph (1) that the candidate intends to expend for the primary and general election funds described in such paragraph an amount exceeding $250,000;

"(B) expends such funds in the primary and general election an amount exceeding $250,000; or

"(C) fails to file the declaration required by paragraph (1),

the limitations on contributions under subsection (a), and the limitations on expenditures under subsection (d), shall be modified as provided under paragraph (3) with respect to other candidates for the same office who are not described in subparagraph (A), (B), or (C).

"(3) For purposes of paragraph (2)—

"(A) the limitation under subsection (a)(1)(A) shall be increased to $5,000; and

"(B) if a candidate described in paragraph (2)(B) expends more than $1,000,000 of funds described in paragraph (1) in the primary and general election—

"(i) the limitation under subsection (a)(1)(A) shall not apply;

"(ii) the limitation under subsection (a)(2) shall not apply to any political committee of a political party; and

"(iii) the limitation under subsection (d)(3) shall not apply.

The $5,000 amount under subparagraph (A) shall be adjusted each calendar year in the same manner as amounts are adjusted under subsection (a)(11)(B).

"(4) If—

"(A) the modifications under paragraph (3) apply for a convention or a primary election by reason of 1 or more candidates taking (or failing to take) any action described in subparagraph (A), (B), or (C) of paragraph (2); and

"(B) such candidates are not candidates in any subsequent election in the same election campaign, including the general election,

paragraph (3) shall cease to apply to the other candidates in such campaign.

"(5) A candidate who—

"(A) declares, pursuant to paragraph (1), that the candidate does not intend to expend funds described in paragraph (1) in excess of $250,000; and

"(B) subsequently changes such declaration or expends such funds in excess of that amount,

shall file an amended declaration with the Commission and notify all other candidates for the same office within 24 hours after changing such declaration or exceeding such limits, whichever first occurs, by sending a notice by certified mail, return receipt requested.

"(6) Contributions to a candidate or a candidate's authorized committees may be used to repay any expenditure or personal loan incurred in connection with the candidate's election to Federal office by a candidate or a member of the candidate's immediate family only to the extent that such repayment—

"(A) is limited to the amount of such expenditure or the principal amount of such loan (and no interest is paid); and

"(B) is not made from any such contributions received after the date of the general election to which such expenditure or loan relates.

"(7) For purposes of this subsection, the term 'immediate family' means—

"(A) a candidate's spouse;

"(B) any child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of a person described in subparagraph (B).

"(8) The Commission shall take such action as it deems necessary under the enforcement provisions of this Act to ensure compliance with this subsection.".

SEC. 203. FRANKED COMMUNICATIONS.

(a) AMENDMENT OF TITLE 39, UNITED STATES CODE.—(1) Section 3210(a)(6)(A) of title 39, United States Code is amended—

(A) by striking clause (i) and inserting the following new clause:

"(i) if the mass mailing is mailed during the calendar year of any primary or general election (whether regular or runoff) in which the Member is a candidate for reelection; or"; and

(B) in clause (ii)(II), by striking "fewer than 60 days immediately before the date" and inserting "during the year".

(2) Section 3210(a)(6)(C) of title 39, United States Code, is amended by striking "fewer than 60 days immediately before the date" and inserting "during the year".

(3) Section 3210(a)(6) of title 39, United States Code, is amended—

(A) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (G), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph:

"(D)(i)(I) When a Member of the Senate disseminates information under the frank by a mass mailing, the Member shall register annually with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary of the Senate a copy of the matter mailed and providing, on a form supplied by the Secretary of the Senate, a description of the group or groups of persons to whom the mass mailing was mailed.

"(II) The Secretary of the Senate shall promptly make available for public inspection and copying a copy of the mail matter registered and a description of the group or groups of persons to whom the mass mailing was mailed.

"(ii)(I) When a Member of the House of Representatives disseminates information under the frank by a mass mailing, the Member shall register annually with the Clerk of the House of Representatives such mass mailings. Such registration shall be made by filing with the Clerk of the House of Representatives a copy of the matter mailed and providing, on a form supplied by the Clerk of the House of Representatives, a description of the group or groups of persons to whom the mass mailing was mailed.

"(II) The Clerk of the House of Representatives shall promptly make available for public inspection and copying a copy of the mail matter registered and a description of the group or groups of persons to whom the mass mailing was mailed.".

(b) AMENDMENT OF STANDING RULES OF THE SENATE.—(1) Paragraph 1 of Rule XL of the Standing Rules of the Senate is amended by striking "less than sixty days immediately before the date" and inserting "during the year".

(2) This subsection is enacted—

(A) as an exercise of the rulemaking power of the Senate; and

(B) with full recognition of the constitutional right of the Senate to change the rules at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

SEC. 204. LIMITATIONS ON GERRYMANDERING.

(a) REAPPORTIONMENT OF REPRESENTATIVES.—Section 22 of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress," approved June 18, 1929 (2 U.S.C. 2a), is amended—

(1) by striking subsection (c); and

(2) by adding at the end the following new subsections:

"(c)(1) In each State entitled in the One Hundred Third Congress or in any subsequent Congress to more than one Representative under an apportionment made pursuant to the second paragraph of the Act entitled 'An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting', approved December 14, 1967 (2 U.S.C. 2c), as in effect prior to the date of enactment of this subsection, there shall be established in the manner provided by the law of the State a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only by eligible voters from districts so established, no district to elect more than 1 Representative.

"(2) Such districts shall be established in accordance with the provisions of this Act as soon as practicable after the decennial census date established in section 141(a) of title 13, United States Code, but in no case later than such time as is reasonably sufficient for their use in the elections for the One Hundred Third Congress and in each fifth Congress thereafter.

"(d)(1) The number of persons in congressional districts within each State shall be as nearly equal as is practicable, as determined under the then most recent decennial census.

"(2) The enumeration established according to the Federal decennial census pursuant to article I, section II, United States Constitution, shall be the sole basis of population for the establishment of congressional districts.

"(e) Congressional districts shall be comprised of contiguous territory, including adjoining insular territory.

"(f) Congressional districts shall not be established with the intent or effect of diluting the voting strength of any person, group of persons, or members of any political party.

"(g) Congressional districts shall be compact in form. In establishing such districts, nearby population shall not be bypassed in favor of more distant population.

"(h) Congressional district boundaries shall avoid the unnecessary division of counties or their equivalent in any State.

"(i) Congressional district boundaries shall be established in such a manner so as to minimize the division of cities, towns, villages, and other political subdivisions.

"(j)(1) It is the intent of the Congress that congressional districts established pursuant to this section be subject to reasonable public scrutiny and comment prior to their establishment.

"(2) At the same time that Federal decennial census tabulations data, reports, maps, or other material or information produced or obtained using Federal funds and associated with the congressional reapportionment and redistricting process are made available to any officer or public body in any State, those materials shall be made available by the State at the cost of duplication to any person from that State meeting the qualifications for voting in an election of a Member of the House of Representatives.

"(k) Nothing in this section shall be construed to supersede any provision of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

"(l)(1) A State may establish by law criteria for implementing the standards set forth in this section.

"(2) Nothing in this section shall be construed as limiting the power of a State to strengthen or add to the standards set forth in this section, or to interpret those standards in a manner consistent with the law of the State, to the extent that any additional criteria or interpretations are not in conflict with this section.

"(m)(1) The district courts of the United States shall have exclusive jurisdiction to hear and determine any action to enforce subsections (c) through (l).

"(2) A person who meets a State's qualifications for voting in an election of a Member of the House of Representatives from the State may bring an action in the district court for the district in which the person resides to enforce subsections (c) through (l) with regard to the State in which the person resides.

"(3) Notwithstanding any other provision of this section, the district courts of the United States shall have authority to issue all judgments, orders, and decrees necessary to ensure that any criteria established by State law pursuant to this section are not in conflict with this section.

"(4) With the exception of actions brought for the relief described in paragraph (3), the district court for the purposes of this section shall be a three-judge district court pursuant to section 2284 of title 28, United States Code.

"(5) On motion of any party in accordance with section 1657 of title 28, United States Code, it shall be the duty of the district court to assign the case for briefing and hearing at the earliest practicable date, and to cause the case to be in every way expedited. The district court shall have authority to enter all judgments, orders and decrees necessary to bring a State into compliance with this Act.

"(6) An action to challenge the establishment of a congressional district in a State after a Federal decennial census may not be brought after the end of the 9-month period beginning on the date on which the last such district is so established.

"(7) For the purposes of this section, an order dismissing a complaint for failure to state a cause of action shall be appealable in accordance with section 1253 of title 28, United States Code.

"(8) If a district court fails to establish a briefing and hearing schedule that will permit resolution of the case prior to the next general election, any party may seek a writ of mandamus from the United States Court of Appeals for the circuit in which the district court sits. The court of appeals shall have jurisdiction over the motion for a writ of mandamus and shall establish an expedited briefing and hearing schedule for resolution of the motion. Such a motion shall not stay proceedings in the district court.

"(9) If a district court determines that the congressional districts established by a State's redistricting authority pursuant to this Act are not in compliance with this Act, the court shall remand the plan to the State's redistricting authority to establish new districts consistent with subsections (c) through (l). The district court shall retain jurisdiction over the case after remand.

"(10) If, after a remand under paragraph (9), the district court determines that the congressional districts established by a State's redistricting authority under the remand order are not consistent with subsections (c) through (l), the district court shall enter an order establishing districts that are consistent with subsections (c) through (l) for the next general congressional election.

"(11) If any question of State law arises in a case under this section that would require abstention, the district court shall not abstain. However, in any State permitting certification of such questions, the district court shall certify the question to the highest court of the State whose law is in question. Such certification shall not stay the proceedings in the district court or delay the court's determination of the question of State law.

"(12) With the exception of actions brought for the relief described in paragraph (3), an appeal from a decision of the district court under this section shall be taken in accordance with section 1253 of title 28, United States Code. An appeal under this paragraph shall be noticed in the district court and perfected by docketing in the Supreme Court within thirty days of the entry of judgment below. Appeals brought to the Supreme Court under this paragraph shall be heard as soon as practicable.

"(13) For purposes of this section, the term 'redistricting authority' means the officer or public body having initial responsibility for the congressional redistricting of a State.".

(b) CONFORMING AMENDMENTS AND REPEALER.—(1) The first sentence of section 1657 of title 28, United States Code, is amended by striking "chapter 153 or" and inserting "chapter 153, any action under subsection (m) through (l) of section 22 of the Act entitled 'An Act to provide for the fifteenth and subsequent censuses and to provide for apportionment of Representatives in Congress,' approved June 18, 1929 (2 U.S.C. 2a), or".

(2) Section 141(c) of title 13, United States Code, is amended by adding at the end the following: "In circumstances in which this subsection requires that the Secretary provide criteria to, consult with, or report tabulations of population to (or if the Secretary for any reason provides material or information to) the public bodies having responsibility for the legislative apportionment or districting of a State, the Secretary shall provide, without cost, such criteria, consultations, tabulations, or other material or information simultaneously to the leadership of each political party represented on such

public bodies. For purposes of this subsection, the term 'political party' means any political party whose candidates for Representatives to Congress received, as the candidates of such party, 5 percent or more of the total number of votes received statewide by all candidates for such office in any of the 5 most recent general congressional elections. Such materials may include those developed by the Census Bureau for redistricting purposes for the 1990 Census.".

(3) The second paragraph of the Act entitled "An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting", approved December 14, 1967 (2 U.S.C. 2c), is repealed.

SEC. 205. ELECTION FRAUD, OTHER PUBLIC CORRUPTION, AND FRAUD IN INTERSTATE COMMERCE.

(a) Election Fraud and Other Public Corruption.—(1) Chapter 11 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 225. Public corruption

"(a) Whoever, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of such State, political subdivision, or Indian tribal government shall be fined under this title, or imprisoned for not more than 10 years, or both.

"(b) Whoever, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, runoff, special, or general election—

"(1) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(2) through paying or offering to pay any person for voting;

"(3) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(4) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title or imprisoned for not more than 10 years, or both.

"(c) Whoever, being a public official or an official or employee of a State, political subdivision of a State, or Indian tribal government, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the right to have the affairs of the State, political subdivision, or Indian tribal government conducted on the basis of complete, true, and accurate material information, shall be fined under this title or imprisoned for not more than 10 years, or both.

"(d) The circumstances referred to in subsections (a), (b), and (c) are that—

"(1) for the purpose of executing or concealing such scheme or artifice or attempting to do so, the person so doing—

"(A) places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(B) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(C) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(D) uses or causes to use of any facility of interstate or foreign commerce;

"(2) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed so affect, interstate or foreign commerce; or

"(3) as applied to an offense under subsection (b), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have some authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the twelve-month period immediately preceding or following the election or date of the offense.

"(e) Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or person who has been selected to be a public official shall be fined under this title or imprisoned for not more than 10 years, or both.

"(f) Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or any State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal any scheme or artifice described in this section, shall be fined under this title or subject to imprisonment of up to 5 years or both.

"(g)(1) An employee or official of the United States or any State or political subdivision of such State who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against because of lawful acts done by the employee as a result of a violation of subsection (e) or because of actions by the employee or official on behalf of himself or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action and shall be entitled to all relief necessary to make such employee or official whole. Such relief shall include reinstatement with the same seniority status that the employee or official would have had but for the discrimination, 3 times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including reasonable litigation costs and reasonable attorney's fees.

"(2) An individual shall not be entitled to relief under paragraph (1) if the individual participated in the violation of this section with respect to which relief is sought.

"(3) A civil action brought under paragraph (1) shall be stayed by a court upon the certification of an attorney for the Government, stating that the action may adversely affect the interests of the Government in a current criminal investigation or proceeding. The attorney for the Government shall promptly notify the court when the stay may be lifted without such adverse effects.

"(h) For purposes of this section—

"(1) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States;

"(2) the terms 'public official' and 'person who has been selected to be a public official' have the meaning set forth in section 201 and shall also include any person acting or pretending to act under color of official authority;

"(3) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in an Indian tribal government or the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) includes any person who has been nominated, appointed or selected to be an official or who has been officially informed that he or she will be so nominated, appointed or selected;

"(4) the term 'under color of official authority' includes any person who represents that the person controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official; and

"(5) the term 'uses any facility of interstate or foreign commerce' includes the intrastate use of any facility that may also be used in interstate or foreign commerce.".

(2)(A) The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following item:

"225. Public Corruption.".

(B) Section 1961(1) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(C) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

(b) Fraud in Interstate Commerce.—(1) Section 1343 of title 18, United States Code, is amended—

(A) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "uses or causes to be used any facility of interstate or foreign commerce"; and

(B) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(2)(A) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(B) The chapter analysis for chapter 63 of title 18, United States Code, is amended by striking the item for section 1343 and inserting the following:

"1343. Fraud by use of facility of interstate commerce.".

TITLE III—REDUCTION OF CAMPAIGN COSTS

SEC. 301. BROADCAST DISCOUNT.

(a) Findings.—The Congress finds that—

(1) in the 45 days preceding a primary election, and in the 60 days preceding a general election, candidates for political office need to be able to buy, at the lowest unit charge, nonpreemptible advertising spots from broadcast stations and cable television stations to ensure that their messages reach the intended audience and that the voting public has an opportunity to make informed decisions;

(2) since the Communications Act of 1934 was amended in 1972 to guarantee the lowest unit charge for candidates during these important preelection periods, the method by which advertising spots are sold in the broadcast and cable industries has changed significantly;

(3) changes in the method for selling advertising spots have made the interpretation and enforcement of the lowest unit charge provision difficult and complex;

(4) clarification and simplification of the lowest unit charge provision in the Communications Act of 1934 is necessary to ensure compliance with the original intent of the provision; and

(5) in granting discounts and setting charges for advertising time, broadcasters and cable operators should treat candidates for political office at least as well as the most favored commercial advertisers.

(b) AMENDMENT OF COMMUNICATIONS ACT.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) in subsection (b)(1) by striking "class and";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection:

"(c) A licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased such use pursuant to subsection (b)(1).".

TITLE IV—MISCELLANEOUS PROVISIONS

Subtitle A—Federal Election Commission Enforcement Authority

SEC. 401. ELIMINATION OF REASON TO BELIEVE STANDARD.

Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by striking the first sentence and inserting the following: "Except as otherwise provided in subparagraph (B), if the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities determines, by an affirmative vote of 4 of its members, that an allegation of a violation or from pending violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986 states a claim of violation that would be sufficient under the standard applicable to a motion under rule 12(b)(6) of the Federal Rules of Civil Procedure, the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such vote shall occur within 90 days after receipt of such complaint.".

SEC. 402. INJUNCTIVE AUTHORITY.

Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)), as amended by section 401, is amended by adding at the end the following new subparagraph:

"(B) The Commission may petition the appropriate court for an injunction if—

"(i) the Commission believes that there is a substantial likelihood that a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) such expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction.".

SEC. 403. TIME PERIODS.

Section 309(a)(4)(A) of FECA (2 U.S.C. 437g(a)(4)(A)) is amended—

(1) in clause (i)—

(A) by striking ", for a period of at least 30 days,"; and

(B) by striking "90 days" and inserting "60 days"; and

(2) in clause (ii) by striking "at least" and inserting "no more than".

SEC. 404. KNOWING VIOLATION PENALTIES.

Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "may require that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "shall require that the person involved in such conciliation agreement shall pay a civil penalty which is not less than the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation, except that if the Commission believes that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 has been committed during the 15-day period immediately preceding any election, a conciliation agreement entered into by the Commission under paragraph (4)(A) shall require that the person involved in such conciliation agreement shall pay a civil penalty which is not less than the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation".

SEC. 405. COURT RESOLVED VIOLATIONS AND PENALTIES.

Section 309(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(6)) is amended—

(1) in subparagraph (A)—

(A) by striking "Commission may" and inserting "Commission shall";

(B) by striking "including" and inserting "which shall include"; and

(C) by striking "which does not exceed the greater of $5,000 or an amount equal to any" and inserting "which equals the greater of $10,000 or an amount equal to 200 percent of any"; and

(2) in subparagraph (B)—

(A) by striking "court may" and inserting "court shall"; and

(B) by striking ", including" and inserting "which shall include"; and

(C) by striking "which does not exceed the greater of $5,000 or an amount equal to any" and inserting "which equals the greater of $10,000 or an amount equal to 200 percent of any".

SEC. 406. PRIVATE CIVIL ACTIONS.

Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)), as amended by section 405, is amended—

(1) by inserting "(i)" after "(6)(A)"; and

(2) by adding at the end the following new clause:

"(ii) If, by a tie vote, the Commission does not vote to institute a civil action pursuant to clause (i), the candidate involved in such election, or an individual authorized to act on behalf of such candidate, may file an action for appropriate relief in the district court for the district in which the respondent is found, resides, or transacts business. If the court determines that a violation has occurred, the court shall impose the appropriate civil penalty. Any such award of a civil penalty made under this paragraph shall be made in favor of the United States. In addition to any such civil penalty, the court shall award to the prevailing party in any action under this paragraph, all attorneys' fees and actual costs reasonably incurred in the investigation and pursuit of any such action, including those attorneys' fees and costs reasonably incurred in bringing or defending the proceeding before the Commission.".

SEC. 407. KNOWING VIOLATIONS RESOLVED IN COURT.

Section 309(a)(6)(C) of FECA (2 U.S.C. 437g(a)(6)(C)) is amended by striking "may impose a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "shall impose a civil penalty which is not less than the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation, except that if such violation was committed during the 15-day period immediately preceding the election, the court shall impose a civil penalty which is not less than the greater of $15,000 or an amount equal to 300 percent of any contribution or expenditure involved in such violation".

SEC. 408. ACTION ON COMPLAINT BY COMMISSION.

Section 309(a)(8)(A) of FECA (2 U.S.C. 437g(a)(8)(A)) is amended—

(1) by striking "act on" and inserting "reasonably pursue";

(2) by striking "120-day" and inserting "60-day"; and

(3) by striking "United States District Court for the District of Columbia" and inserting "appropriate court".

SEC. 409. VIOLATION OF CONFIDENTIALITY REQUIREMENT.

Section 309(a)(12)(B) of FECA (2 U.S.C. 437g(a)(12)(A)) is amended—

(1) by striking "$2,000" and inserting "$5,000"; and

(2) by striking "$5,000" and inserting "$10,000".

SEC. 410. PENALTY IN ATTORNEY GENERAL ACTIONS.

Section 309(d)(1)(A) of FECA (2 U.S.C. 437g(d)(1)(A)) is amended by striking "exceed" and inserting "be less than".

SEC. 411. AMENDMENTS RELATING TO ENFORCEMENT AND JUDICIAL REVIEW.

(a) TIME LIMITATIONS FOR AND INDEX OF INVESTIGATIONS.—Section 309(a) of FECA (2 U.S.C. 437g(a)), as amended by section 124, is amended by adding at the end the following new paragraphs:

"(14) The Commission shall establish time limitations for investigations under this subsection.

"(15) The Commission shall publish an index of all investigations under this section and shall update the index quarterly.".

(b) PROCEDURE ON INITIAL DETERMINATION.—Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)), as amended by section 402, is amended by adding at the end the following: "Before a vote based on information ascertained in the normal course of carrying out supervisory responsibilities, the person alleged to have committed the violation shall be notified of the allegation and shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no action should be taken against such person on the basis of the information. Prior to any determination, the Commission may request voluntary responses to questions from any person who may become the subject of an investigation. A determination under this paragraph shall be accompanied by a written statement of the reasons for the determination.".

(c) PROCEDURE ON PROBABLE CAUSE DETERMINATION.—(1) Section 309(a)(3) of FECA (2 U.S.C. 437g(a)(3)) is amended by adding at the end the following: "The Commission shall make available to a respondent any documentary or other evidence relied on by the general counsel in making a recommendation under this subsection. Any brief or report by the general counsel that replies to the respondent's brief shall be provided to the respondent.".

(2) Section 309(a)(4)(A) of FECA (2 U.S.C. 437g(a)(4)(A)) is amended by adding at the end the following new clauses:

"(iii) A determination under clause (i) shall be made only after opportunity for a hearing upon request of the respondent and shall be accompanied by a statement of the reasons for the determination.

"(iv) The Commission shall not require that any conciliation agreement under this paragraph contain an admission by the respondent of a violation of this Act or any other law.".

(d) ELIMINATION OF EN BANC HEARING REQUIREMENT.—Section 310 of FECA (2 U.S.C. 437h), as amended by section 124(d), is amended by striking ", which shall hear the matter sitting en banc".

SEC. 412. TIGHTENING ENFORCEMENT.

(a) REPEAL OF PERIOD OF LIMITATION.—Section 406 of FECA (2 U.S.C. 455) is repealed.

(b) SUPPLYING OF INFORMATION TO THE ATTORNEY GENERAL.—Section 309(a)(12) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(12)(A)) is amended by adding at the end the following new subparagraph:

"(C) Nothing in this section shall be deemed to prohibit or prevent the Commission from making information contained in compliance files available to the Attorney General, at the Attorney General's request, in connection with an investigation or trial.".

Subtitle B—Other Provisions

SEC. 421. DISCLOSURE OF DEBT SETTLEMENT AND LOAN SECURITY AGREEMENTS.

Section 304(b) of FECA (2 U.S.C. 434(b)), as amended by section 112, is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and by inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(10) for the reporting period, the terms of any settlement agreement entered into with respect to a loan or other debt, as evidenced by a copy of such agreement filed as part of the report; and

"(11) for the reporting period, the terms of any security or collateral agreement entered into with respect to a loan, as evidenced by a copy of such agreement filed as part of the report.".

SEC. 422. CONTRIBUTIONS FOR DRAFT AND ENCOURAGEMENT PURPOSES WITH RESPECT TO ELECTIONS FOR FEDERAL OFFICE.

(a) DEFINITION.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended by striking "or" after the semicolon at the end of clause (i), by striking the period at the end of clause (ii) and inserting "; and", and by adding at the end the following new clause:

"(iii) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of drafting a clearly identified individual as a candidate for Federal office or encouraging a clearly identified individual to become a candidate for Federal office.".

(b) DRAFT AND ENCOURAGEMENT CONTRIBUTIONS TO BE TREATED AS CANDIDATE CONTRIBUTIONS.—Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by this Act, is amended by adding at the end the following new paragraph:

"(12) For purposes of paragraph (1)(A) and paragraph (2)(A), any contribution described in section 301(8)(A)(iii) shall be treated, with respect to the individual involved, as a contribution to a candidate, whether or not the individual becomes a candidate.".

SEC. 423. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision, and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 424. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective on November 9, 1994, and shall apply to all contributions and expenditures made after that date.

DOLE-MCCONNELL CFR PROPOSAL

SPECIAL INTEREST INFLUENCE

PAC Ban

Eliminates all "special interest" political action committees (corporate, union, and trade association PACs). Also bans all non-connected or ideological PACs and all "leadership" PACs. [Note: if a ban on non-connected PACs is determined to be unconstitutional by the Supreme Court, the legislation will subject non-connected PACs to a $1000 per election contribution limit.]

Soft Money Ban

Bans all "soft" money from being used to influence a federal election. "Soft" money is defined as the raising and spending of political money outside of the source restrictions, contribution limits, and disclosure requirements of the Federal Election Campaign Act and its regulations.

Political Parties

Establishes new rules for political party committees to ensure that "soft" money is not used to influence federal elections, including:

(1) the requirement that national, state and local political parties establish a separate account for activities benefiting federal candidates and a separate account for activities benefiting state candidates;

(2) the requirement of full disclosure of all accounts by any political party committee that maintains a federal account; and

(3) the establishment of minimum percentages of federal funds which must be used for any party building program (e.g. voter registration, get-out-the-vote, absentee ballot, ballot security) which benefits both federal and state candidates.

Exempts certain organizational activities (research, GOTV, voter registration) from coordinated or other limitations; requires disclosure and allocation for these activities; and retains the same coordinated expenditure limits for media expenditures. Maintains the limit on total contributions of Federal party accounts at $20,000; limits to $50,000 per calendar year the total amount of contributions an individual or other entity may make to national, state and local party accounts combined.

Labor Soft Money/Employee Protections

Codifies the Supreme Court decision in Beck v. Communications Workers of America and provides certain rights for employees who are union members.

501(c) Soft Money Restrictions

Prohibits tax-exempt, 501(c) organizations from engaging in any activity which attempts to influence a federal election on behalf of a specific candidate for public office. Extends to all 501(c) organizations the current prohibition on campaign activity which applies to 501(c)(3) charities. Restricts tax-exempt organizations from engaging in voter registration or GOTV activities (which are not candidate-specific) if a candidate or Member of Congress solicits money for the organization.

State PACS Controlled Federal Candidates

Restricts federal activities by state PACs created by Members of Congress.

Individual Contribution Limits

Reduces from $1000 to $500 the maximum allowable contribution by individuals residing outside of a candidate's state. Indexes the individual contribution limit ($1000 per election for in-state contributions or $500 per election for out-of-state contributions) for Congressional candidates using the Consumer Price Index; adjustments would be rounded to the nearest $100.

Bundling

Prohibits "bundling" by registered, lobbyists, unions, trade associations, corporations, and other employers. Bundled contributions which are permitted must be made payable to the candidate and disclosed to the candidate and the Federal Election Commission.

Independent Expenditures

Requires all independently-financed political communications to disclose the person or organization financing it; requires that disclosure be complete and conspicuous; and requires timely notice to all candidates of the communications' placement and content. Defines "independent expenditure" to prohibit consultation with a candidate or his agents; requires the FCC to hold a hearing within 3 days of any formal complaint of collusion between an independent expenditure committee and a candidate. Creates an expedited cause of action in federal courts for a candidate seeking relief from expenditures which are not "independent".

CAMPAIGN COST REDUCTION

Broadcast Discount

Allows Presidential and Congressional candidates to purchase non-preemptible time at the lowest unit rate for preemptible time, in the last 45 days before a primary and the last 60 days before the general election.

COMPETITIVENESS

Challenger Seed Money

Permits political party committees to use a special coordinated expenditure fund to "match" early, in-state contributions by challengers to help begin a campaign. Party committee matching funds would be permitted to a maximum of $100,000 for any House or Senate candidate who is a challenger.

Millionaire's Loophole

Requires Congressional candidates to declare upon filing for an election whether they intend to spend or loan over $250,000 in personal funds in the race; raises the individual contribution limit to $5000 per election from $1000 for all opponents of a candidate who declares such an intention. No limits would apply to individual contributions and expenditures by party committees if a candidate spends more than $1 million in personal funds. Also prohibits candidates from recovering personal funds or loans used in their race from contributions raised after the election.

Franked Mail

Prohibits franked "mass mailings" during the election year of a Member of Congress, and requires more disclosure of the use of the frank for unsolicited mailings.

Gerrymandering

Requires new standards for Congressional reapportionment and redistricting, including the full and fair enforcement of the Voting Rights Act. This provision would: (1) codify current case law and maintain previous statutory requirements that Congressional districts be of equal population, and be contiguous and compact in form; (2) repeal current statutory provisions permitting multi-member Congressional districts and require single-member Congressional districts; and (3) limit the division of county and political subdivision boundary lines, as well as redistricting egregious partisan gerrymandering.

MISCELLANEOUS

Enhanced FEC Enforcement

Eliminates the "reason to believe" standard. The Commission, upon receiving a complaint, will have to investigate a complaint if the identity of the complainant is known, and the complaint is sufficient on its face.

Provides the FEC the authority to seek injunctive relief to stop certain violations or an impending violation. Reduces the time period by which the Commission must act on a complaint from 120 to 60 days. Streamlines the administrative procedures for a complaint brought by the Commission by eliminating the minimum waiting period of 30 days and lowering the maximum period for post-probable cause conciliation bargaining to 60 days.

Increases the penalties for knowing and willful violations which are resolved informally and requires these penalties to be mandatory. Increases the penalty for violations that must be resolved in court and requires the penalty to be mandatory.

Permits a candidate, or a person authorized by a candidate, to sue on a complaint whenever the Commission declines to pursue an alleged violation by a tie vote. Increases the penalties for knowing and willful violations resolved in court.

Increases the fines for violations of the confidentiality requirement. Increases the penalties for violations of the election laws where the Attorney General separately prosecutes.

Implements procedural recommendations proposed by the 1990 Mitchell/Dole Panel on Campaign Finance Reform. Provides the Commission with more authority to: informally resolve investigations before any determination by the Commission; provide respondents with more access to documents provided by third parties; provide respondents with access to any report submitted to the Commission by the General Counsel; and provide respondents with the right to present oral arguments before a Commission finding of probable cause. Also eliminates the ability of the Commission to routinely require admissions by the respondent that a violation has occurred; and establishes time limits for investigations, requiring the Commission to publish an index of all investigations which have been concluded.

Repeals the shortened 3-year statute of limitations for violations of the Act and returns to the general 5-year statute of limitations. Also permits the Attorney General to have access to FEC compliance files pursuant to a criminal investigation or trial.

Election Fraud/Public Corruption

Creates a new public corruption statute which codifies current case law and increases the authority of the U.S. Justice Department to combat election fraud at all levels of government.

Draft/Exploratory Committees

Defines "contribution" to include donations made to draft or exploratory committees advocating that a clearly identified individual becomes a candidate for federal office.

Severability

Provides that if any portion of this Act is found to be invalid, then the remaining portions of the Act shall continue in full force and effect.

• Mr. PACKWOOD. Mr. President, I rise today to once again join with my colleagues in introducing a very far-reaching, comprehensive campaign finance reform bill. This measure, the subject of extensive debate in the last several Congresses as well, goes farther than any other reform proposal we've had before us. It achieves what I believe should be the goals of campaign finance reform. As I have stated here on more than one occasion, I believe those goals to be twofold.

First, if the perception is that PAC's are an evil, then ban PAC contributions altogether. Whatever may have been the public perception of campaign financing in the past, there is today widespread feeling that elections are principally financed by groups who have a very narrow interest as opposed to a broad public interest. In a democracy, the public must perceive the law to be fair or confidence is severely undermined. The obvious way to respond to the growing perception that Members of Congress are bought and paid for by the special interests is to eliminate all PAC contributions—corporate, labor, trade association and independent. The bill we are introducing today does this.

Second, any campaign finance reform bill should encourage massive participation in campaigns. You don't accomplish this with expenditure limits. Such limits simply drive a candidate to raise money in the least expensive, quickest way possible and with the least effort. The candidate contracts a minimal number of contributors who are able to give the largest amount until the contribution limits are reached. I do not think this is what we want to achieve. Our goal should be to encourage millions of people to give small financial contributions directly to campaigns. If we can encourage 10 to 20 million people to give $5, $10, or $50 directly to a campaign, we will ensure the massive voter participation we are trying to achieve. While the bill before us does not go as far as I would like in this regard, it is a good start. We cut in half, from $1,000 to $500, the individual contribution limit for out-of-State contributions. The in-State individual contribution limit is left unchanged at $1,000.

The challenge is to make congressional campaigns more competitive, less dependent on large contributors, and financed by a broader segment of the population. The bill we are introducing today puts people back into the political process.

In addition to eliminating PAC contributions and lowering the out-of-State individual contribution limit, the bill contains a number of other sweeping and, I believe, very necessary reforms. We get rid of soft money contributions. We limit bundling and independent expenditures. We eliminate the millionaire's loophole. A candidate should work hard to get elected. He or she should earn the seat.

The effect of these provisions, the inevitable result, is that spending will go down. Under this bill, candidates will have to go out and raise money in smaller amounts from many, many more people. Congress to this point has taken the easy route to raising money, that is to raise it in large contributions from relatively few people or PAC's. Under this bill, we will have to broaden our base. Instead of $5,000 PAC contributions from one source, we will have to seek much smaller contributions from many sources.

What we really want to accomplish with campaign reform legislation is voter participation, a galvanization of grassroots volunteers, and money raised in small amounts. This is good for the voters, good for our States, good for politics, and good for challengers who are in local politics in our home States. You then have every benefit without having to resort to PAC's, soft money, or bundling. What you have then is a de facto reduction in spending. At the same time, you are able to run a successful campaign without 1 penny of public funds.

The real stumbling block in all our discussions on campaign finance reform has been over the issue of public funding, taxpayer financing of campaigns. That is a touchstone difference, and make no mistake, if there is any disincentive to voter participation, it is public financing. With public financing, the voter has no sense of connection to the candidate.

The spending limits as embodied in all previous Democrat campaign finance reform measures considered by the Senate are necessarily dependent on some form of public funds, of Federal largess. It may not be money directly from the Treasury, but it will be some form of Federal largess, nonetheless, in exchange for agreeing to spending limits; it will be in the form of reduced mail rates or free television time or free something else if you agree to spending limits. Public financing of campaigns, whether it be direct or indirect, is not in this bill.

Republicans are very adverse to asking the taxpayers to fund our campaigns when we are running $300 billion deficits. Whether it is direct money from the Treasury, as in Presidential campaigns, or subsidized mailing rates, it is still money from the Government. When we are running $300 billion deficits, we should not be asking on top of that for taxpayers to fund our campaigns, either fully or partially. When we don't have enough money for education, child nutrition, and all our other human resource needs, are we then going to say to the taxpayer, let's establish a new entitlement program for Senators, for Congress? Let's have the taxpayers pay for our campaigns?

I contend, and I repeat, when you have gotten rid of PAC's and soft money contributions, when you have gotten rid of bundling and lower the out-of-State contribution limit to $500 or less, the effect will be to drive campaign spending down. So I would hope that the Senate would accept this. I think most people of good conscience can say these reforms go in the right direction.

Mr. President, it is time to put aside partisan differences and ambitions and correct the flaws in our campaign finance system. There is genuine bipartisan agreement on a number of the proposed solutions. It is my hope that this session of Congress will see a real breakthrough in the negotiations between Republicans and Democrats. The time has come, and I believe we have the commitment, to enact comprehensive, meaningful reform, reform which will foster competition and encourage broad-based individual participation in our Nation's political process.●

By Mr. HATCH (for himself, Mr. THURMOND, Mr. SIMPSON, Mr. GRASSLEY, Mr. SPECTER, Mr. DOLE, Mr. BROWN, Mr. PRESSLER, and Mr. NICKLES):

S. 8. A bill to control and prevent crime; to the Committee on the Judiciary.

CRIME CONTROL ACT

Mr. HATCH. Mr. President, I rise today to introduce the Crime Control Act of 1993—a comprehensive anticrime measure. This bill: First, provides needed assistance to our country's frontline officers; second, beefs up Federal antidrug, crime, and gang initiatives in rural and urban areas; and third, proposes reform measures that will return some measure of credibility to our criminal justice system.

Rural States, like my State of Utah, have seen a dramatic increase in crime which exceeds that of many more populated areas. For example, FBI figures show that, in 1991, violent crime rose 35 percent faster in rural counties than it did in America's eight largest cities. This bill authorizes additional resources for States like Utah in addition to help for more urban States. We cannot be guided by the erroneous view that crime is a serious problem only for States with large urban centers.

The Crime Control Act of 1993 treats rural States' problems as seriously as others by ensuring that law enforcement grants are equitably distributed and by requiring that a larger percentage of new Federal agents are assigned to rural States. The bill also establishes Federal rural crime and drug task forces throughout the Nation. Also, the bill includes a comprehensive antigang program which responds to the growing problem of juvenile gangs in urban and rural States. Passage of this legislation will ensure that States like Utah are provided their fair share of Federal law enforcement aid and assistance.

Our Nation is faced with a growing violent crime epidemic which the Congress has failed to address adequately. The crisis we face is evident when one reviews the staggering statistics. In 1991, there were 24,000 murders committed in our country—which equates to 1 murder every 21 minutes. There were also 106,000 rapes—one every 5 minutes. In all, violent crimes reported to law enforcement exceeded 1.9 million offenses. In other words, there were more violent crimes committed in 1991 than ever before—a 5-percent increase in just 1 year and a 29-percent increase since 1987.

Any true reform strategy must recognize that acts of violence will only be deterred by actually punishing individuals for violent acts. My bill does so. It includes a comprehensive Federal death penalty which will ensure that the most heinous crimes against the people of the United States are appropriately punished. While the Federal Government has been a leader in other criminal reform areas, it has failed to do what 36 States have done—enact a comprehensive death penalty statute. Drug kingpins, terrorists, and other violent killers must be appropriately punished, and the Federal Government is in the best position to capture and prosecute these heinous offenders.

The Crime Control Act of 1993 also reforms Federal habeas corpus procedures. Federal habeas corpus laws, which currently serve as a de facto, and unlimited, Federal appellate jurisdiction over State criminal judgments, are largely responsible for the endless reexamination of criminal cases. This saps judicial and prosecutorial resources while diminishing the deterrent and retributive effect of punishment. My habeas proposal is identical to that which overwhelmingly passed the proposal is identical to that which overwhelmingly passed the Senate last Congress. It establishes a more appropriate standard of review in habeas corpus cases by according greater deference to the results of State adjudications. This habeas reform measure will return credibility to the Federal criminal justice system and enable the States to do so as well.

This bill also responds to the growing problem of violent crimes perpetrated against women by incorporating much of Senator DOLE's proposals in this area. It greatly enhances the effectiveness of the criminal justice system in preventing, prosecuting, and punishing sexual violence and child abuse and in safeguarding victims of rape, child molestation, and other violent crimes from gratuitous abuse and traumatization.

In addition, this bill reforms the exclusionary rule by taking the common sense step of allowing the admission of evidence obtained in warrantless searches where law enforcement officers act in an objectively reasonable belief that their search was lawful. This extends the so-called good faith exception to the exclusionary rule embodied in the Supreme Court's 1984 decision in United States versus Leon.

Finally, the bill comes through with added assistance to law enforcement. It provides over $1 billion in aid to State and local law enforcement which they can use to hire additional law enforcement officers, and it creates a $150 million grant program to encourage States and local communities to institute community policing initiatives.

In closing, President Clinton has pledged to work with the Congress in an effort to solve this country's diverse domestic problems. There is no doubt that violent crime must be one of his top priorities. I look forward to reviewing the Clinton administration's anticrime legislation, assuming Congress receives one, and I plan to work with the new administration in a bipartisan effort to pass tough, true anticrime legislation. In the meantime, I urge my colleagues to give serious consideration to the proposals I have included in this bill. I welcome their support.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Crime Control Act of 1993".

(b) TABLE OF CONTENTS.—The following is the table of contents for this Act:

Sec. 1. Short title and table of contents.

TITLE I—DEATH PENALTY

Sec. 101. Short title.

Sec. 102. Death penalty procedures.
Sec. 103. Conforming amendment relating to destruction of aircraft or aircraft facilities.
Sec. 104. Conforming amendment relating to espionage.
Sec. 105. Conforming amendment relating to transporting explosives.
Sec. 106. Conforming amendment relating to malicious destruction of Federal property by explosives.
Sec. 107. Conforming amendment relating to malicious destruction of interstate property by explosives.
Sec. 108. Conforming amendment relating to murder.
Sec. 109. Conforming amendment relating to killing official guests or internationally protected persons.
Sec. 110. Murder by Federal prisoner.
Sec. 111. Conforming amendment relating to kidnapping.
Sec. 112. Conforming amendment relating to hostage taking.
Sec. 113. Conforming amendment relating to mailability of injurious articles.
Sec. 114. Conforming amendment relating to Presidential assassination.
Sec. 115. Conforming amendment relating to murder for hire.
Sec. 116. Conforming amendment relating to violent crimes in aid of racketeering activity.
Sec. 117. Conforming amendment relating to wrecking trains.
Sec. 118. Conforming amendment relating to bank robbery.
Sec. 119. Conforming amendment relating to terrorist acts.
Sec. 120. Conforming amendment relating to aircraft hijacking.
Sec. 121. Conforming amendment to controlled substances act.
Sec. 122. Conforming amendment relating to genocide.
Sec. 123. Protection of court officers and jurors.
Sec. 124. Prohibition of retaliatory killings of witnesses, victims, and informants.
Sec. 125. Death penalty for murder of Federal law enforcement officers.
Sec. 126. Death penalty for murder of State or local law enforcement officers assisting Federal law enforcement officers.
Sec. 127. Implementation of the 1988 protocol for the suppression of unlawful acts of violence at airports serving international civil aviation.
Sec. 128. Amendment to Federal Aviation Act.
Sec. 129. Offenses of violence against maritime navigation or fixed platforms.
Sec. 130. Torture.
Sec. 131. Weapons of mass destruction.
Sec. 132. Homicides and attempted homicides involving firearms in Federal facilities.
Sec. 133. Death penalty for civil rights murders.
Sec. 134. Death penalty for murder of Federal witnesses.
Sec. 135. Drive-by shootings.
Sec. 136. Death penalty for gun murders during Federal crimes of violence and drug trafficking crimes.
Sec. 137. Death penalty for rape and child molestation murders.
Sec. 138. Protection of jurors and witnesses in capital cases.
Sec. 139. Inapplicability to uniform code of military justice.
Sec. 140. Death penalty for causing death in the sexual exploitation of children.
Sec. 141. Murder by escaped prisoners.
Sec. 142. Death penalty for murders in the District of Columbia.

TITLE II—HABEAS CORPUS REFORM

Subtitle A—General Habeas Corpus Reform

Sec. 201. Short title.
Sec. 202. Period of limitation.
Sec. 203. Appeal.
Sec. 204. Amendment of Federal rules of appellate procedure.
Sec. 205. Section 2254 amendments.
Sec. 206. Section 2255 amendments.

Subtitle B—Death Penalty Litigation Procedures

Sec. 211. Short title for Subtitle B.
Sec. 212. Death penalty litigation procedures.

Subtitle C—Equalization of Capital Habeas Corpus Litigation Funding

Sec. 221. Funding for death penalty prosecutions.

TITLE III—EXCLUSIONARY RULE

Sec. 301. Admissibility of certain evidence.

TITLE IV—RURAL CRIME AND DRUG CONTROL

Subtitle A—Drug Trafficking in rural areas

Sec. 401. Authorizations for rural law enforcement agencies.
Sec. 402. Rural crime and drug enforcement task forces.
Sec. 403. Cross-designation of Federal officers.
Sec. 404. Rural drug enforcement training.

Subtitle B—Increases in Penalties for Certain Drug Trafficking Offenses

Sec. 411. Rural substance abuse treatment and education grants.

Subtitle C—Rural Drug Prevention and Treatment

Sec. 421. Asset forfeiture.
Sec. 422. Prosecution of clandestine laboratory operators.

TITLE V—FIREARMS AND RELATED AMENDMENTS

Sec. 501. Smuggling firearms in aid of drug trafficking.
Sec. 502. Prohibition against theft of firearms or explosives.
Sec. 503. Increased penalty for knowingly false, material statement in connection with the acquisition of a firearm from a licensed dealer.
Sec. 504. Summary destruction of explosives subject to forfeiture.
Sec. 505. Elimination of outmoded language relating to parole.
Sec. 506. Receipt of firearms by nonresident.
Sec. 507. Prohibition of theft of firearms or explosives from licensee.
Sec. 508. Increased penalty for interstate gun trafficking.
Sec. 509. Prohibition of transactions involving stolen firearms which have moved in interstate or foreign commerce.
Sec. 510. Possession of explosives by felons and others.
Sec. 511. Disposition of forfeited firearms.
Sec. 512. Definition of burglary under the armed career criminal statute.

TITLE VI—JUVENILES AND GANGS

Subtitle A—Increased Penalties for Employing Children to Distribute Drugs Near Schools and Playgrounds

Sec. 601. Short title.

Subtitle A—Increased Penalties for Employing Children to Distribute Drugs Near Schools and Playgrounds

Sec. 611. Strengthened Federal penalties.

Subtitle B—Antigang Provisions

Sec. 621. Grant program.
Sec. 622. Conforming repealer and amendments.
Sec. 623. Criminal street gangs.

Subtitle C—Juvenile Penalties

Sec. 631. Treatment of violent juveniles as adults.
Sec. 632. Serious drug offenses by juveniles as armed career criminal act predicates.
Sec. 633. Certainty of punishment for young offenders.

Subtitle D—Other Provisions

Sec. 641. Bindover system for certain violent juveniles.
Sec. 642. Gang investigation coordination and information collection.
Sec. 643. Clarification of requirement that any prior record of a juvenile be produced before the commencement of juvenile proceedings.

TITLE VII—TERRORISM AND INTERNATIONAL MATTERS

Sec. 701. Terrorism civil remedy.
Sec. 702. Providing material support to terrorists.
Sec. 703. Forfeiture of assets used to support terrorists.
Sec. 704. Alien witness cooperation.
Sec. 705. Territorial sea extending to 12 miles included in special maritime and territorial jurisdiction.
Sec. 706. Assimilated crimes in extended territorial sea.
Sec. 707. Jurisdiction over crimes against United States nationals on certain foreign ships.
Sec. 708. Penalties for international terrorist acts.
Sec. 709. Authorization of appropriations.
Sec. 710. Enhanced penalties for certain offenses.
Sec. 711. Sentencing guidelines increase for terrorist crimes.
Sec. 712. Extension of the statute of limitations for certain terrorism offenses.
Sec. 713. International parental kidnapping.
Sec. 715. Extradition.
Sec. 716. FBI access to telephone subscriber information.

TITLE VIII—SEXUAL VIOLENCE, CHILD ABUSE, AND VICTIMS' RIGHTS

Subtitle A—Sexual Violence and Child Abuse

Sec. 800. Short title.

CHAPTER 1—SEXUAL VIOLENCE

SUBCHAPTER A—PENALTIES AND REMEDIES

Sec. 801. Pre-trial detention in sex offense cases.
Sec. 802. Death penalty for murders committed by sex offenders.
Sec. 803. Increased penalties for recidivist sex offenders.
Sec. 804. Increased penalties for sex offenses against victims below the age of 16.
Sec. 805. Sentencing guidelines increase for sex offenses.
Sec. 806. HIV testing and penalty enhancement in sexual offense cases.
Sec. 807. Payment of cost of HIV testing for victims in sex offense cases.
Sec. 808. Extension and strengthening of restitution.
Sec. 809. Enforcement of restitution orders through suspension of Federal benefits.

Sec. 810. Civil remedy for victims of sexual violence.
SUBCHAPTER B—RULES OF EVIDENCE, PRACTICE, AND PROCEDURE
Sec. 821. Admissibility of evidence of similar crimes in sex offense cases.
Sec. 822. Extension and strengthening of rape victim shield law.
Sec. 823. Inadmissibility of evidence to show provocation or invitation by victim in sex offense cases.
Sec. 824. Right of the victim to fair treatment in legal proceedings.
Sec. 825. Victim's right of allocution in sentencing.
Sec. 826. Victim's right of privacy.
SUBCHAPTER C—SAFE CAMPUSES
Sec. 831. National baseline study on campus sexual assault.
SUBCHAPTER D—ASSISTANCE TO STATES AND LOCALITIES
Sec. 841. Sexual violence grant program.
Sec. 842. Supplementary grants for States adopting effective laws relating to sexual violence.
CHAPTER 2—DOMESTIC VIOLENCE AND OFFENSES AGAINST THE FAMILY
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Sec. 863. Membership.
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Sec. 872. Right of the victim to an impartial jury.
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Subtitle C—National Child Protection Act
Sec. 881. Short title.
Sec. 882. Findings and purposes.
Sec. 883. Definitions.
Sec. 884. Reporting by the States.
Sec. 885. Background checks.
Sec. 886. Funding for improvement of child abuse crime information.
Subtitle D—Jacob Wetterling Crimes Against Children Registration Act
Sec. 891. Short title.
Sec. 892. Establishment of program.
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TITLE IX—EQUAL JUSTICE ACT
Sec. 901. Short title.
Sec. 902. Prohibition of racially discriminatory policies concerning capital punishment or other penalties.
Sec. 903. General safeguards against racial prejudice or bias in the tribunal.
Sec. 904. Federal capital cases.
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TITLE X—FUNDING, GRANT PROGRAMS, AND STUDIES
Subtitle A—Safer Streets and Neighborhoods
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Sec. 1002. Grants to State and local agencies for the hiring of law enforcement personnel.
Sec. 1003. Continuation of Federal-State funding formula.
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Subtitle B—Retired Public Safety Officer Death Benefit
Sec. 1011. Retired public safety officer death benefit.
Subtitle C—Study on Police Officers' Rights
Sec. 1021. Study on police officers' rights.
Subtitle D—Cop-on-the-Beat Grants
Sec. 1031. Short title.
Sec. 1032. Cop-on-the-beat grants.
Subtitle E—National Commission to Support Law Enforcement
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Sec. 1042. Findings.
Sec. 1043. Establishment of commission.
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Sec. 1047. Powers of commission.
Sec. 1048. Report.
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Sec. 1062. Law enforcement family support.
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Subtitle B—Precursor Chemicals
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Sec. 1122. Definition amendments.
Sec. 1123. Registration requirement.
Sec. 1124. Reporting of listed chemical manufacturing.
Sec. 1125. Reports by brokers and traders; criminal penalties.
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Sec. 1127. Amendments to list I.
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Sec. 1129. Administrative inspections and authority.
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Sec. 1133. Regulations and effective date.
Subtitle C—Other Provisions
Sec. 1141. Advertisements of controlled substances.
Sec. 1142. Closing of loophole for illegal importation of small drug quantities.
Sec. 1143. Drug paraphernalia amendment.
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Sec. 1145. Clarification of narcotic or other dangerous drugs under RICO.
Sec. 1146. Conforming amendments to recidivist penalty provisions of the Controlled Substances Act and the Controlled Substances Import and Export Act.
Sec. 1147. Elimination of outmoded language relating to parole.
Sec. 1148. Drugged or drunk driving child protection.
Sec. 1149. Eviction from places maintained for manufacturing, distributing, or using controlled substances.
Sec. 1150. Anabolic steroids penalties.
Sec. 1151. Program to provide public awareness of the provisions of law that condition portions of a State's Federal highway funding on the State's enactment of legislation requiring the revocation of the driver's licenses of convicted drug abusers.
Sec. 1152. Drug abuse resistance education programs.
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Sec. 1202. Public corruption.
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TITLE XIII—GENERAL PROVISIONS
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Sec. 1302. Increase in maximum penalty for assault.
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Sec. 1304. Increased penalty for travel act violations.
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Sec. 1311. Increased maximum penalties for civil rights violations.
Subtitle C—White Collar and Property Crimes
Sec. 1321. Receipt of proceeds of a postal robbery.
Sec. 1322. Receipt of proceeds of extortion or kidnapping.
Sec. 1323. Conforming addition to obstruction of civil investigative demand statute.
Sec. 1324. Conforming addition of predicate offenses to financial institutions rewards statute.
Sec. 1325. Definition of savings and loan association in bank robbery statute.
Sec. 1326. Conforming definition of "1 year period" in 18 U.S.C. 1516.
Sec. 1327. Financial institutions fraud.
Sec. 1328. Wiretaps.
Sec. 1329. Knowledge requirement for stolen or counterfeit property.
Sec. 1330. Mail fraud.
Sec. 1331. Fraud and related activity in connection with access devices.
Sec. 1332. Increased penalties for trafficking in counterfeit goods and services.
Sec. 1333. Computer abuse amendments act of 1993.
Sec. 1334. Notification of law enforcement officers of discoveries of controlled substances or large amounts of cash in weapons screening.
Subtitle D—Other Provisions
Sec. 1361. Optional venue for espionage and related offenses.

Sec. 1362. Required reporting by criminal court clerks.
Sec. 1363. Audit requirement for State and local law enforcement agencies receiving Federal asset forfeiture funds and report to Congress on administrative expenses.
Sec. 1364. Dna identification.
Sec. 1365. Safe schools.

TITLE XIV—TECHNICAL CORRECTIONS

Sec. 1401. Amendments relating to Federal financial assistance for law enforcement.
Sec. 1402. General title 18 corrections.
Sec. 1403. Corrections of erroneous cross references and misdesignations.
Sec. 1404. Obsolete provisions in title 18.
Sec. 1405. Correction of drafting error in the Foreign Corrupt Practices Act.
Sec. 1406. Elimination of redundant penalty.
Sec. 1407. Corrections of misspellings and grammatical errors.

TITLE XV—FEDERAL LAW ENFORCEMENT AGENCIES

Sec. 1501. Short title.
Sec. 1502. Authorization of appropriations for Federal law enforcement agencies.

TITLE XVI—FEDERAL PRISONS

Sec. 1601. Authorization of appropriations for new prison construction.

TITLE XVII—PRE-TRIAL INTERROGATION

TITLE I—DEATH PENALTY

SEC. 101. SHORT TITLE.

This title may be cited as the "Federal Death Penalty Act of 1993".

SEC. 102. DEATH PENALTY PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH PENALTY PROCEDURES

"Sec.
"3591. Sentence of death.
"3592. Factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Appointment of counsel.
"3599. Collateral attack on judgment imposing sentence of death.
"3600. Application in Indian country.

"§ 3591. Sentence of death

"A defendant who has been found guilty of—

"(1) an offense described in section 794 or section 2381;

"(2) an offense described in section 1751(c) if the offense, as determined beyond a reasonable doubt at a hearing under section 3593, constitutes an attempt to murder the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President;

"(3) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section which involved not less than twice the quantity of controlled substance described in subsection (b)(2)(A) or twice the gross receipts described in subsection (b)(2)(B);

"(4) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer, or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or members of the family or household of such a person;

"(5) an offense constituting a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), where the defendant, intending to cause death or acting with reckless disregard for human life, engages in such a violation, and the death of another person results in the course of the violation or from the use of the controlled substance involved in the violation; or

"(6) any other offense for which a sentence of death is provided if the defendant, as determined beyond a reasonable doubt at a hearing under section 3593, caused the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or caused the death of a person through the intentional infliction of serious bodily injury,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense or who is mentally retarded.

"§ 3592. Factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant's participation in the offense, which was committed by another, was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) NO SIGNIFICANT CRIMINAL HISTORY.—The defendant did not have a significant history of other criminal conduct.

"(5) DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

"(6) VICTIM'S CONSENT.—The victim consented to the criminal conduct that resulted in the victim's death.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's background, character or record or any other circumstance of the offense that the defendant may proffer as a mitigating factor exists.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) PREVIOUS ESPIONAGE OR TREASON CONVICTION.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of life imprisonment or death was authorized by statute.

"(2) RISK OF SUBSTANTIAL DANGER TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk to the national security.

"(3) RISK OF DEATH TO ANOTHER.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (2) or (6), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) CONDUCT OCCURRED DURING COMMISSION OF SPECIFIED CRIMES.—The conduct resulting in death occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1118 (prisoners serving life term), section 1201 (kidnapping), section 1203 (hostage taking), section 1751 (violence against the President or Presidential staff), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339A (use of weapons of mass destruction), or section 2381 (treason) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following insanity acquittal), or section 902 (i) or (n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472 (i) or (n) (aircraft piracy)).

"(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(A) during and in relation to the commission of the offense or in escaping or attempting to escape apprehension used or possessed a firearm (as defined in section 921); or

"(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use of attempted or threatened use of a firearm (as defined in section 921), against another person.

"(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping or attempting to escape apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(6) HEINOUS, CRUEL OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(10) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(11) TYPE OF VICTIM.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there was no Vice President, the officer next in order of succession to the office of the President of the United States, or any person acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A), if that official was in the United States on official business; or

"(D) a Federal public servant who was outside of the United States or who was a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

"(i) while such public servant was engaged in the performance of his official duties;

"(ii) because of the performance of such public servant's official duties; or

"(iii) because of such public servant's status as a public servant.

For purposes of this paragraph, the terms 'President-elect' and 'Vice President-elect' mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with sections 1 and 2 of title 3; a 'Federal law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense; 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and 'Federal judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a United States magistrate judge.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(d) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether a sentence of death is justified for an offense described in section 3591 (3), (4), or (5), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(4) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was a part, the defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm (as defined in section 921) to threaten, intimidate, assault, or injure a person.

"(5) DISTRIBUTION TO PERSONS UNDER 21.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act (21 U.S.C. 859) which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(6) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 419 of the Controlled Substances Act (21 U.S.C. 860) which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(7) USING MINORS IN TRAFFICKING.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 420 of the Controlled Substances Act (21 U.S.C. 861) which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"§ 3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in section 3591, the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice that the Government in the event of conviction will seek the sentence of death. The notice shall set forth the aggravating factor or factors enumerated in section 3592, and any other aggravating factor not specifically enumerated in section 3592, that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty. The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family. The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subsection (a) and the defendant is found guilty of an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Prior to such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under the section is necessary; or

"(3) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to paragraph (2) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(1) any matter relating to any mitigating factor listed in section 3592 and any other mitigating factor; and

"(2) any matter relating to any aggravating factor listed in section 3592 for which notice has been provided under subsection (a) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided. The information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant. The information presented by the Government in support of factors concerning the effect of the offense on the victim and the victim's family may include oral testimony, a victim impact statement that identifies the victim of the offense and the nature and extent of harm and loss suffered by the victim and the victim's family, and other relevant information. Information is admissible regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(1), an aggravating factor required to be considered under section 3592(b) is found to exist;

"(2) an offense described in section 3591 (2) or (6), an aggravating factor required to be considered under section 3592(c) is found to exist; or

"(3) an offense described in section 3591 (3), (4), or (5), an aggravating factor required to be considered under section 3592(d) is found to exist,

the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist under subsection (d) outweigh any mitigating factor or factors. The jury, or if there is no jury, the court shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(f) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not be influenced by prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religion, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religion, national origin, or sex of the defendant or any victim may be.

"§ 3594. Imposition of a sentence of death

"Upon the recommendation under section 3593(e) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release.

"§ 3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) AFFIRMANCE.—If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the evidence and information support the special findings of the existence of an aggravating factor or factors; and

"(C) the proceedings did not involve any other prejudicial error requiring reversal of the sentence that was properly preserved for and raised on appeal,

it shall affirm the sentence.

"(2) REMAND.—In a case in which the sentence is not affirmed under paragraph (1), the court of appeals shall remand the case for reconsideration under section 3593 or for imposition of another authorized sentence as appropriate, except that the court shall not reverse a sentence of death on the ground that an aggravating factor was invalid or was not supported by the evidence and information if at least one aggravating factor required to be considered under section 3592 remains which was found to exist and the court, on the basis of the evidence submitted at trial and the information submitted at the sentencing hearing, finds no mitigating factor or finds that the remaining aggravating factor or factors which were found to exist outweigh any mitigating factors.

"(3) STATEMENT OF REASONS.—The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§ 3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(b) SPECIAL BARS TO EXECUTION.—A sentence of death shall not be carried out upon a person who lacks the mental capacity to understand the death penalty and why it was imposed on that person, or upon a woman while she is pregnant.

"(c) EMPLOYEES MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"§ 3597. Use of State facilities

"A United States Marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"§ 3598. Appointment of counsel

"(a) REPRESENTATION OF INDIGENT DEFENDANTS.—This section shall govern the appointment of counsel for any defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, for an offense against the United States, where the defendant is or becomes financially unable to obtain adequate representation. Such a defendant shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in section 3599(b) has occurred. This section shall not affect the appointment of counsel and the provision of ancillary legal services under section 408(q) (4), (5), (6), (7), (8), (9), and (10) of the Controlled Substances Act (21 U.S.C. 848 (q) (4), (5), (6), (7), (8), (9), and (10)).

"(b) REPRESENTATION BEFORE FINALITY OF JUDGMENT.—A defendant within the scope of this section shall have counsel appointed for trial representation as provided in section 3005. At least 1 counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel.

"(c) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the district court that imposed the sentence. Within 10 days after receipt of such notice, the district court shall proceed to make a determination whether the defendant is eligible under this section for appointment of counsel for subsequent proceedings. On the basis of the determination, the court shall issue an order—

"(1) appointing 1 or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel;

"(2) finding, after a hearing if necessary, that the defendant rejected appointment of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation.

Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(d) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is entitled to appointment of counsel under this section, at least 1 counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the trial of felony cases in the federal district courts. If new counsel is appointed after judgment, at least 1 counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet the standards prescribed in the 2 preceding sentences, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(e) APPLICABILITY OF CRIMINAL JUSTICE ACT.—Except as otherwise provided in this section, section 3006A shall apply to appointments under this section.

"(f) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28 in a capital case shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"§ 3599. Collateral attack on judgment imposing sentence of death

"(a) TIME FOR MAKING SECTION 2255 MOTION.—In a case in which a sentence of death has been imposed, and the judgment has become final as described in section 3598(c), a motion in the case under section 2255 of title 28 shall be filed within 90 days of the issuance of the order relating to appointment of counsel under section 3598(c). The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. A motion described in this section shall have priority over all noncapital matters in the district court, and in the court of appeals on review of the district court's decision.

"(b) STAY OF EXECUTION.—The execution of a sentence of death shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28. The stay shall run continuously following imposition of the sentence, and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28 within the time specified in subsection (a), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, the motion under that section is denied and—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of the decision to do so, the defendant waives the right to file a motion under section 2255 of title 28.

"(c) FINALITY OF DECISION ON REVIEW.—If one of the conditions specified in subsection (b) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim was—

"(A) the result of governmental action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"§ 3600. Application in Indian country

"Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has made an election that this chapter have effect over land and persons subject to its criminal jurisdiction.".

(b) TECHNICAL AMENDMENT.—The part analysis for part II of title 18, United States Code, is amended by adding after the item relating to chapter 227 the following new item:

"228. Death penalty procedures .... 3591.".

SEC. 103. CONFORMING AMENDMENT RELATING TO DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.

Section 34 of title 18, United States Code, is amended by striking the comma after "life" and all that follows through "order".

SEC. 104. CONFORMING AMENDMENT RELATING TO ESPIONAGE.

Section 794(a) of title 18, United States Code, is amended by striking the period at the end and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds beyond a reasonable doubt at a hearing under section 3593 that the offense directly concerned—

"(1) nuclear weaponry, military spacecraft and satellites, early warning systems, or other means of defense or retaliation against large-scale attack;

"(2) war plans;

"(3) communications intelligence or cryptographic information;

"(4) sources or methods of intelligence or counterintelligence operations; or

"(5) any other major weapons system or major element of defense strategy.".

SEC. 105. CONFORMING AMENDMENT RELATING TO TRANSPORTING EXPLOSIVES.

Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 106. CONFORMING AMENDMENT RELATING TO MALICIOUS DESTRUCTION OF FEDERAL PROPERTY BY EXPLOSIVES.

Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 107. CONFORMING AMENDMENT RELATING TO MALICIOUS DESTRUCTION OF INTERSTATE PROPERTY BY EXPLOSIVES.

Section 844(i) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 108. CONFORMING AMENDMENT RELATING TO MURDER.

Section 1111(b) of title 18, United States Code, is amended to read as follows:

"(b) Within the special maritime and territorial jurisdiction of the United States—

"(1) whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life; and

"(2) whoever is guilty of murder in the second degree shall be imprisoned for any term of years or for life".

SEC. 109. CONFORMING AMENDMENT RELATING TO KILLING OFFICIAL GUESTS OR INTERNATIONALLY PROTECTED PERSONS.

Section 1116(a) of title 18, United States Code, is amended by striking the comma after "title" and all that follows through "years".

SEC. 110. MURDER BY FEDERAL PRISONER.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1118. Murder by a Federal prisoner

"(a) OFFENSE.—Whoever, while confined in a Federal prison under a sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of release.

"(b) DEFINITIONS.—For purposes of this section—

"(1) 'Federal prison' means any Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and

"(2) 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least 15 years and a maximum of life, or an unexecuted sentence of death.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1118. Murder by a Federal prisoner.".

SEC. 111. CONFORMING AMENDMENT RELATING TO KIDNAPPING.

Section 1201(a) of title 18, United States Code, is amended by striking the period at the end and inserting "and, if the death of any person results, shall be punished by death or life imprisonment".

SEC. 112. CONFORMING AMENDMENT RELATING TO HOSTAGE TAKING.

Section 1203(a) of title 18, United States Code, is amended by striking the period at the end and inserting "and, if the death of any person results, shall be punished by death or life imprisonment".

SEC. 113. CONFORMING AMENDMENT RELATING TO MAILABILITY OF INJURIOUS ARTICLES.

The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "life" and all that follows through "order".

SEC. 114. CONFORMING AMENDMENT RELATING TO PRESIDENTIAL ASSASSINATION.

Section 1751(c) of title 18, United States Code, is amended to read as follows:

"(c) Whoever attempts to murder or kidnap any individual designated in subsection (a) shall be punished—

"(1) by imprisonment for any term of years or for life; or

"(2) if the conduct constitutes an attempt to murder the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President, by death or imprisonment for any term of years or for life.".

SEC. 115. CONFORMING AMENDMENT RELATING TO MURDER FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined in accordance with this title, or both".

SEC. 116. CONFORMING AMENDMENT RELATING TO VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

Section 1959(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine in accordance with this title, or both, and for kidnapping, by imprisonment for any term of years or for life, or a fine in accordance with this title, or both;".

SEC. 117. CONFORMING AMENDMENT RELATING TO WRECKING TRAINS.

The penultimate paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "life" and all that follows through "order".

SEC. 118. CONFORMING AMENDMENT RELATING TO BANK ROBBERY.

Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

SEC. 119. CONFORMING AMENDMENT RELATING TO TERRORIST ACTS.

Section 2332(a)(1) of title 18, United States Code, as redesignated by section 601(b)(2), is amended to read as follows:

"(1) if the killing is murder as defined in section 1111(a), be fined under this title, punished by death or imprisonment for any term of years or for life, or both;".

SEC. 120. CONFORMING AMENDMENT RELATING TO AIRCRAFT HIJACKING.

Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1473) is amended by striking subsection (c).

SEC. 121. CONFORMING AMENDMENT TO CONTROLLED SUBSTANCES ACT.

Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended by striking subsections (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q) (1), (2), and (3), and (r).

SEC. 122. CONFORMING AMENDMENT RELATING TO GENOCIDE.

Section 1091(b)(1) of title 18, United States Code, is amended by striking "a fine of not more than $1,000,000 and imprisonment for life" and inserting "death or imprisonment for life and a fine of not more than $1,000,000".

SEC. 123. PROTECTION OF COURT OFFICERS AND JURORS.

Section 1503 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever";

(2) in subsection (a), as designated by paragraph (1)—

(A) by striking "commissioner" each place it appears and inserting "magistrate judge"; and

(B) by striking "fined not more than $5,000 or imprisoned not more than five years, or both" and inserting "punished as provided in subsection (b)"; and

(3) by adding at the end the following new subsection:

"(b) The punishment for an offense under this section is—

"(1) in the case of a killing, the punishment provided in sections 1111 and 1112;

"(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years; and

"(3) in any other case, imprisonment for not more than 10 years.".

SEC. 124. PROHIBITION OF RETALIATORY KILLINGS OF WITNESSES, VICTIMS, AND INFORMANTS.

Section 1513 of title 18, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting before subsection (b), as redesignated by paragraph (1), the following new subsection:

"(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

"(B) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings given by a person to a law enforcement officer,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under this subsection is—

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112; and

"(B) in the case of an attempt, imprisonment for not more than 20 years.".

SEC. 125. DEATH PENALTY FOR MURDER OF FEDERAL LAW ENFORCEMENT OFFICERS.

Section 1114 of title 18, United States Code, is amended by striking "be punished as provided under sections 1111 and 1112 of this title, except that" and inserting ", in the case of murder (as defined in section 1111), be punished by death or imprisonment for life, and, in the case of manslaughter (as defined in section 1112), be punished as provided in section 1112, and".

SEC. 126. DEATH PENALTY FOR MURDER OF STATE OR LOCAL LAW ENFORCEMENT OFFICERS ASSISTING FEDERAL LAW ENFORCEMENT OFFICERS.

Section 1114 of title 18, United States Code, is amended by inserting ", or any State or local law enforcement officer while assisting, or on account of his or her assistance of, any Federal officer or employee covered by this section in the performance of duties," after "other statutory authority".

SEC. 127. IMPLEMENTATION OF THE 1988 PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 36. Violence at international airports

"(a) Whoever unlawfully and intentionally, using any device, substance or weapon—

"(1) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or death; or

"(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport,

if such an act endangers or is likely to endanger safety at the airport, or attempts to do such an act, shall be fined under this title, imprisoned not more than 20 years, or both, and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) There is jurisdiction over the activity prohibited in subsection (a) if—

"(1) the prohibited activity takes place in the United States; or

"(2) the prohibited activity takes place outside the United States and the offender is later found in the United States.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

"36. Violence at international airports.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971, has come into force and the United States has become a party to the Protocol.

SEC. 128. AMENDMENT TO FEDERAL AVIATION ACT.

Section 902(n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(n)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

SEC. 129. OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR FIXED PLATFORMS.

(a) OFFENSE.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following new sections:

"§ 2280. Violence against maritime navigation

"(a) OFFENSE.—Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;

"(3) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

"(4) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;

"(5) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if such act is likely to endanger the safe navigation of a ship;

"(6) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safe navigation of a ship;

"(7) injures or kills any person in connection with the commission or the attempted commission of an offense described in paragraph (1), (2), (3), (4), (5), or (6); or

"(8) attempts to commit any act prohibited under paragraph (1), (2), (3), (4), (5), (6), or (7),

shall be fined under this title, imprisoned not more than 20 years, or both, and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) THREATENED OFFENSE.—Whoever threatens to commit any act prohibited under subsection (a) (2), (3), or (5), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safe navigation of the ship in question, shall be fined under this title, imprisoned not more than 5 years, or both.

"(c) JURISDICTION.—There is jurisdiction over the activity prohibited in subsections (a) and (b)—

"(1) in the case of a covered ship, if—

"(A) such activity is committed—

"(i) against or on board a ship flying the flag of the United States at the time the prohibited activity is committed;

"(ii) in the United States; or

"(iii) by a national of the United States or by a stateless person whose habitual residence is in the United States;

"(B) during the commission of such activity, a national of the United States is seized, threatened, injured, or killed; or

"(C) the offender is later found in the United States after such activity is committed;

"(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; and

"(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

"(d) DELIVERY OF PROBABLE OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that he or she has on board the ship any person who has committed an offense under Article 3 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation may deliver such person to the authorities of a State Party to that Convention. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action the master should take. When delivering the person to a country which is a State Party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of his or her intention to deliver such person and the reason therefor. If the master delivers such person, the master shall furnish the authorities of such country with the evidence in the master's possession that pertains to the alleged offense.

"(e) DEFINITIONS.—As used in this section—

"(1) 'ship' means a vessel of any type whatsoever not permanently attached to the seabed, including dynamically supported craft, submersibles or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship that has been withdrawn from navigation or laid up;

"(2) 'covered ship' means a ship that is navigating or is scheduled to navigate into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country;

"(3) 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands, and all territories and possessions of the United States.

"§ 2281. Violence against maritime fixed platforms

"(a) OFFENSE.—Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

"(3) destroys a fixed platform or causes damage to it which is likely to endanger its safety;

"(4) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance that is likely to destroy the fixed platform or likely to endanger its safety;

"(5) injures or kills any person in connection with the commission or attempted commission of an offense described in paragraph (1), (2), (3), or (4); or

"(6) attempts to do anything prohibited under paragraphs (1), (2), (3), (4), or (5);

shall be fined under this title, imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) THREATENED OFFENSE.—Whoever threatens to do anything prohibited under subsection (a) (2) or (3), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safety of the fixed platform, shall be fined under this title or imprisoned not more than 5 years, or both.

"(c) JURISDICTION.—There is jurisdiction over the activity prohibited in subsections (a) and (b) if—

"(1) such activity is committed against or on board a fixed platform—

"(A) that is located on the continental shelf of the United States;

"(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

"(C) in an attempt to compel the United States to do or abstain from doing any act;

"(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured or killed; or

"(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

"(d) DEFINITIONS.—As used in this section—

"(1) 'continental shelf' means the seabed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea;

"(2) 'fixed platform' means an artificial island, installation or structure permanently attached to the seabed for the purpose of exploration or exploitation of resources or for other economic purposes;

"(3) 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands, and all territories and possessions of the United States.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 111 of title 18, United States Code, is amended by adding at the end the following new items:

"2280. Violence against maritime navigation.
"2281. Violence against maritime fixed platforms.".

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2)(A) in the case of section 2280 of title 18, United States Code, the date on which the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become a party to that Convention; and

(B) in the case of section 2281 of title 18, United States Code, the date on which the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.

SEC. 130. TORTURE.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

"CHAPTER 113B—TORTURE

"Sec.
"2340. Definitions.
"2340A. Torture.
"2340B. Exclusive remedies.

"§ 2340. Definitions

"As used in this chapter—

"(1) 'torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control;

"(2) 'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from—

"(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

"(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

"(C) the threat of imminent death; or

"(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and

"(3) 'United States' includes all areas under the jurisdiction of the United States including any of the places described in sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(38)).

"§ 2340A. Torture

"(a) OFFENSE.—Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a) if—

"(1) the alleged offender is a national of the United States; or

"(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or the alleged offender.

"§ 2340B. Exclusive remedies

"Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 113A the following new item:

"113B. Torture .... 2340.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 131. WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—The Congress finds that the use and threatened use of weapons of mass destruction (as defined in the amendment made by subsection (b)) gravely harm the national security and foreign relations interests of the United States, seriously affect interstate and foreign commerce, and disturb the domestic tranquility of the United States.

(b) OFFENSE.—Chapter 113A of title 18, United States Code, as amended by section 601(b), is amended by adding at the end the following new section:

"§ 2339A. Use of weapons of mass destruction

"(a) OFFENSE.—Whoever uses, or attempts or conspires to use, a weapon of mass destruction—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States,

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

"(b) DEFINITIONS.—As used in this section—

"(1) 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(2) 'weapon of mass destruction' means—

"(A) a destructive device (as defined in section 921);

"(B) poison gas;

"(C) a weapon involving a disease organism; and

"(D) a weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, as amended by section 601(c), is amended by adding at the end the following new item:

"2339A. Use of weapons of mass destruction.".

SEC. 132. HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.

Section 930 of title 18, United States Code, is amended—

(1) by redesignating subsections (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), and (h), respectively;

(2) in subsection (a), by striking "(c)" and inserting "(d)"; and

(3) by inserting after subsection (b) the following new subsection:

"(c) Whoever kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall—

"(1) in the case of a killing constituting murder (as defined in section 1111(a)), be punished by death or imprisoned for any term of years or for life; and

"(2) in the case of any other killing or an attempted killing, be subject to the penalties provided for engaging in such conduct within the special maritime and territorial jurisdiction of the United States under sections 1112 and 1113.".

SEC. 133. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting "the death penalty or" before "imprisonment".

SEC. 134. DEATH PENALTY FOR MURDER OF FEDERAL WITNESSES.

Section 1512(a)(2)(A) of title 18, United States Code, is amended to read as follows:

"(A) in the case of murder (as defined in section 1111), the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112;".

SEC. 135. DRIVE-BY SHOOTINGS.

(a) OFFENSE.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 931. Drive-by shootings

"(a) OFFENSE.—Whoever knowingly discharges a firearm at a person—

"(1) in the course of or in furtherance of drug trafficking activity; or

"(2) from a motor vehicle,

shall be punished by imprisonment for not more than 25 years, and if death results shall be punished by death or by imprisonment for any term of years or for life.

"(b) DEFINITION.—As used in this section, the term 'drug trafficking activity' means a drug trafficking crime (as defined in section 929(a)(2)), or a pattern or series of acts involving one or more drug trafficking crimes.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following new item:

"931. Drive-by shootings.".

SEC. 136. DEATH PENALTY FOR GUN MURDERS DURING FEDERAL CRIMES OF VIOLENCE AND DRUG TRAFFICKING CRIMES.

Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i) Whoever, in the course of a violation of subsection (c), causes the death of a person through the use of a firearm, shall—

"(1) if the killing is a murder (as defined in section 1111), be punished by death or by imprisonment for any term of years or for life; and

"(2) if the killing is manslaughter (as defined in section 1112), be punished as provided in section 1112.".

SEC. 137. DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.

(a) OFFENSE.—Chapter 109A of title 18, United States Code, is amended—

(1) by redesignating section 2245 as section 2246; and

(2) by inserting after section 2244 the following new section:

"§ 2245. Sexual abuse resulting in death

"Whoever, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 109A of title 18, United States Code, is amended by striking the item relating to section 2245 and inserting the following:

"2245. Sexual abuse resulting in death.
"2246. Definitions for chapter.".

SEC. 138. PROTECTION OF JURORS AND WITNESSES IN CAPITAL CASES.

Section 3432 of title 18, United States Code, is amended by striking the period and inserting: ", except that the list of the veniremen and witnesses need not be furnished if the court finds by a preponderance of the evidence that providing the list may jeopardize the life or safety of any person.".

SEC. 139. INAPPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

The provisions of chapter 228 of title 18, United States Code, as added by this Act, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801 et seq.).

SEC. 140. DEATH PENALTY FOR CAUSING DEATH IN THE SEXUAL EXPLOITATION OF CHILDREN.

Section 2251(d) of title 18, United States Code, is amended by adding at the end the following new sentence: "Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

SEC. 141. MURDER BY ESCAPED PRISONERS.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, as amended by section 110, is amended by adding at the end the following new section:

"§ 1119. Murder by escaped prisoners

"(a) OFFENSE.—A person who, having escaped from a Federal prison where the person was confined under a sentence for a term of life imprisonment, kills another person, shall be punished as provided in sections 1111 and 1112.

"(b) DEFINITION.—As used in this section, the terms 'Federal prison' and 'term of life imprisonment' have the meanings stated in section 1118.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1119. Murder by escaped prisoners.".

SEC. 142. DEATH PENALTY FOR MURDERS IN THE DISTRICT OF COLUMBIA.

Title 18 of the United States Code is amended—

(a) by adding the following new section at the end of chapter 51:

"§ 1118. Capital punishment for murders in the District of Columbia

"(a) OFFENSE.— It is an offense to cause the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or to cause the death of a person through the intentional infliction of serious bodily injury.

"(b) FEDERAL JURISDICTION.—There is a federal jurisdiction over an offense described in this section if the conduct resulting in death occurs in the District of Columbia.

"(c) PENALTY.—An offense described in this section is a Class A felony. A sentence of death may be imposed for an offense described in this section as provided in subsections (d)-(1).

"(d) MITIGATING FACTORS.—In determining whether to recommend a sentence of death, the jury shall consider whether any aspect of the defendant's character, background, or record or any circumstance of the offense that the defendant may proffer as a mitigating factor exists, including the following factors:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired.

"(2) DURESS.—The defendant was under unusual and substantial duress.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal (pursuant to section 2 of this title) in the offense, which was committed by another, but the defendant's participation was relatively minor.

"(e) AGGRAVATING FACTORS.—In determining whether to recommend a sentence of death, the jury shall consider any aggravating factor for which notice has been provided under subsection (f), including the following factors—

"(1) KILLING IN FURTHERANCE OF DRUG TRAFFICKING.—The defendant engaged in the conduct resulting in death in the course of or in furtherance of drug trafficking activity.

"(2) KILLING IN THE COURSE OF OTHER SERIOUS VIOLENT CRIMES.—The defendant engaged in the conduct resulting in death in the course of committing or attempting to commit an offense involving robbery, burglary, sexual abuse, kidnaping, or arson.

"(3) MULTIPLE KILLINGS OR ENDANGERMENT OF OTHERS.—The defendant committed more than one offense under this section, or in committing the offense knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(4) INVOLVEMENT OF FIREARM.—During and in relation to the commission of the offense, the defendant used or possessed a firearm as defined in section 921 of this title.

"(5) PREVIOUS CONVICTION OF VIOLENT FELONY.—The defendant has previously been convicted of an offense punishable by a term of imprisonment of more than one year that involved the use or attempted or threatened use of force against a person or that involved sexual abuse.

(6) KILLING WHILE INCARCERATED OR UNDER SUPERVISION.—The defendant at the time of the offense was confined in or had escaped from a jail, prison, or other correctional or detention facility, was on pre-trial release, or was on probation, parole, supervised release, or other post-conviction conditional release.

"(7) HEINOUS, CRUEL OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(8) PROCUREMENT OF THE OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(9) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for receiving, or in the expectation of receiving or obtaining, anything of pecuniary value.

"(10) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(11) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(12) KILLING OF PUBLIC SERVANT.—The defendant committed the offense against a public servant—

"(i) while such public servant was engaged in the performance of his or her official duties;

"(ii) because of the performance of such public servant's official duties; or

"(iii) because of such public servant's status as a public servant.

"(13) KILLING TO INTERFERE WITH OR RETALIATE AGAINST WITNESS.—The defendant committed the offense in order to prevent or inhibit any person from testifying or providing information concerning an offense, or to retaliate against any person for testifying or providing such information.

"(f) NOTICE OF INTENT TO SEEK DEATH PENALTY.—If the government intends to seek the death penalty for an offense under this section, the attorney for the government shall file with the court and serve on the defendant a notice of such intent. The notice shall be provided a reasonable time before the trial or acceptance of a guilty plea, or at such later time as the court may permit for good cause. The notice shall set forth the aggravating factor or factors set forth in subsection (e) and any other aggravating factor or factors that the government will seek to prove as the basis for the death penalty. The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family. The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(g) JUDGE AND JURY AT CAPITAL SENTENCING HEARING.—A hearing to determine whether the death penalty will be imposed for an offense under this section shall be conducted by the judge who presided at trial or accepted a guilty plea, or by another judge if that judge is not available. The hearing shall be conducted before the jury that determined the defendant's guilt if that jury is available. A new jury shall be impaneled for the purpose of the hearing if the defendant pleaded guilty, the trial of guilt was conducted without a jury, the jury that determined the defendant's guilt was discharged for good cause, or reconsideration of the sentence is necessary after the initial imposition of a sentence of death. A jury impaneled under this subsection shall have twelve members unless the parties stipulate to a lesser number at any time before the conclusion of the hearing with the approval of the judge. Upon motion of the defendant, with the approval of the attorney for the government, the hearing shall be carried out before the judge without a jury. If there is no jury, references to "the jury" in this section, where applicable, shall be understood as referring to the judge.

"(h) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—No presentence report shall be prepared if a capital sentencing hearing is held under this section. Any information relevant to the existence of mitigating factors, or to the existence of aggravating factors for which notice has been provided under subsection (f), may be presented by either the government or the defendant, regardless of its admissibility under the rules governing the admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The information presented may include trial transcripts and exhibits. The attorney for the government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the government shall open the argument, the defendant shall be permitted to reply, and the government shall then be permitted to reply in rebuttal.

"(i) Findings of Aggravating and Mitigating Factors.—The jury shall return special findings identifying any aggravating factor or factors for which notice has been provided under subsection (f) and which the jury unanimously determines have been established by the government beyond a reasonable doubt. A mitigating factor is established if the defendant has proven its existence by a preponderance of the evidence, and any member of the jury who finds the existence of such a factor may regard it as established for purposes of this section regardless of the number of jurors who concur that the factor has been established.

"(j) Finding Concerning a Sentence of Death.—If the jury specially finds under subsection (i) that one or more aggravating factors set forth in subsection (e) exist, and the jury further finds unanimously that there are no mitigating factors or that the aggravating factor or factors specially found under subsection (i) outweigh any mitigating factors, then the jury shall recommend a sentence of death. In any other case, the jury shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(k) Special Precaution To Assure Against Discrimination.—In a hearing held before a jury, the court, before the return of a finding under subsection (j), shall instruct the jury that, in considering whether to recommend a sentence of death, it shall not consider the race, color, religion, national origin, or sex of the defendant or any victim, and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim. The jury, upon the return of a finding under subsection (j), shall also return to the court a certificate, signed by each juror, that the race, color, religion, national origin, or sex of the defendant or any victim did not affect the juror's individual decision and that the individual juror would have recommended the same sentence for such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim.

"(l) Imposition of a Sentence of Death.—Upon a recommendation under subsection (j) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law.

"(m) Review of a Sentence of Death.—

"(1) The defendant may appeal a sentence of death under this section by filing a notice of appeal of the sentence within the time provided for filing a notice of appeal of the judgment of conviction. An appeal of a sentence under this subsection may be consolidated within an appeal of the judgment of conviction and shall have priority over all noncapital matters in the court of appeals.

"(2) The court of appeals shall review the entire record in the case including the evidence submitted at trial and information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under subsection (i). The court of appeals shall uphold the sentence if it determines that the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor, that the evidence and information support the special findings under subsection (i), and that the proceedings were otherwise free of prejudicial error that was properly preserved for review.

"(3) In any other case, the court of appeals shall remand the case for reconsideration of the sentence or imposition of another authorized sentence as appropriate, except that the court shall not reverse a sentence of death on the ground that an aggravating factor was invalid or was not supported by the evidence and information if at least one aggravating factor described in subsection (e) remains which was found to exist and the court, on the basis of the evidence submitted at trial and the information submitted at the sentencing hearing, finds that the remaining aggravating factor or factors which were found to exist outweigh any mitigating factors. The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"(n) Implementation of Sentence of Death.—A person sentenced to death under this section shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal. The Marshal shall supervise implementation of the sentence in the manner prescribed by the law of a State designated by the court. The Marshal may use State or local facilities, may use the services of an appropriate State or local official or of a person such an official employs, and shall pay the costs thereof in an amount approved by the Attorney General.

"(o) Special Bar To Execution.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(p) Conscientious Objection to Participation in Execution.—No employee of any State department of corrections, the United States Marshals Service, or the Federal Bureau of Prisons, and no person providing services to that department, service, or bureau under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"(q) Appointment of Counsel for Indigent Capital Defendants.—A defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, under this section, shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in subsection (v) has occurred, if the defendant is or becomes financially unable to obtain adequate representation. Counsel shall be appointed for trial representation as provided in section 3005 of this title, and at least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel. Except as otherwise provided in this section, the provisions of section 3006A of this title shall apply to appointments under this section.

"(r) Representation After Finality of Judgment.—When a judgment imposing a sentence of death under this section has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the government shall promptly notify the court that imposed the sentence. The court, within 10 days of receipt of such notice, shall proceed to make determination whether the defendant is eligible for appointment of counsel for subsequent proceedings. The court shall issue an order appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel. The court shall issue an order denying appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation or that the defendant rejected appointment of counsel with an understanding of the consequences of that decision. Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(s) Standards For Competence of Counsel.—In relation to a defendant who is entitled to appointment of counsel under subsections (q)-(r), at least one counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least three years of experience in the trial of felony cases in the Federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(t) Claims of Ineffectiveness of Counsel in Collateral Proceedings.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28, United States Code, in a case under this section shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"(u) Time For Collateral Attack on Death Sentence.—A motion under section 2255 of title 28, United States Code, attacking a sentence of death under this section, or the conviction on which it is predicated, must be filed within 90 days of the issuance of the order under subsection (r) appointing or denying the appointment of counsel for such proceedings. The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. Such a motion shall have priority over all non-capital matters in the district court, and in the court of appeals on review of the district court's decision.

"(v) Stay of Execution.—The execution of a sentence of death under this section shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28, United States Code. The stay shall run continuously following imposition of the sentence and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28, United States Code, within the time specified in subsection (u), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, United States Code, the Supreme Court disposes of a petition for certiorari in a manner that leaves the capital sentence undisturbed, or the defendant fails to file a timely petition for certiorari; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of such a decision, the defendant waives the right to file a motion under section 2255 of title 28, United States Code.

"(w) Finality of the Decision on Review.—If one of the conditions specified in subsection (v) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim is the result of governmental action in violation of the Constitution or laws of the United States, the result of the Supreme Court's recognition of a new Federal right that is retroactively applicable, or the result of the fact that the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"(x) Definitions.—For purposes of this section—

"(1) 'State' has the meaning given in section 513 of this title, including the District of Columbia;

"(2) 'Offense', as used in paragraphs (2), (5), and (13) of subsection (e), and in paragraph (5) of this subsection, means an offense under the law of the District of Columbia, another State, or the United States;

"(3) 'Drug trafficking activity' means a drug trafficking crime as defined in section 929(a)(2) of this title, or a pattern or series of acts involving one or more drug trafficking crimes;

"(4) 'Robbery' means obtaining the property of another by force or threat of force;

"(5) 'Burglary' means entering or remaining in a building or structure in violation of the law of the District of Columbia, another State, or the United States, with the intent to commit an offense in the building or structure;

"(6) 'Sexual abuse' means any conduct proscribed by chapter 109A of this title, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States;

"(7) 'Arson' means damaging or destroying a building or structure through the use of fire or explosives;

"(8) 'Kidnapping' means seizing, confining, or abducting a person, or transporting a person without his or her consent;

"(9) 'Pre-trial release', 'probation', 'parole', 'supervised release', and 'other post-conviction conditional release', as used in subsection (e)(6), mean any such release, imposed in relation to a charge or conviction for an offense under the law of the District of Columbia, another State, or the United States; and

"(10) 'Public servant' means an employee, agent, officer, or official of the District of Columbia, another State, or the United States, or an employee, agent, officer, or official of a foreign government who is within the scope of section 1116 of this title.

"(y) When an offense is charged under this section, the government may join any charge under the District of Columbia Code that arises from the same incident."; and

"(b) by adding the following at the end of the table of sections for chapter 51:

"1118. Capital punishment for murders in the District of Columbia.".

TITLE II—HABEAS CORPUS REFORM

Subtitle A—General Habeas Corpus Reform

SEC. 201. SHORT TITLE.

This title may be cited as the "Habeas Corpus Reform Act of 1993".

SEC. 202. PERIOD OF LIMITATION.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(d) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

"(1) the time at which State remedies are exhausted;

"(2) the time at which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, where the applicant was prevented from filing by such State action;

"(3) the time at which the Federal right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

SEC. 203. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"In a habeas corpus proceeding or a proceeding under section 2255 before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

"There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, or from the final order in a proceeding under section 2255, unless a circuit justice or judge issues a certificate of probable cause.".

SEC. 204. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

"*Rule 22. Habeas corpus and section 2255 proceedings*

"(*a*) *Application for an Original Writ of Habeas Corpus*.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application will ordinarily be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

"(*b*) *Necessity of Certificate of Probable Cause for Appeal*.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant or movant may not proceed unless a circuit judge issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the Government or its representative, a certificate of probable cause is not required.".

SEC. 205. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

"(b) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the applicant. An application may be denied on the merits notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.";

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

"(d) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that has been fully and fairly adjudicated in State proceedings.";

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

"(e) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a full and fair determination of a factual issue made in the case by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting this presumption by clear and convincing evidence."; and

(5) by adding at the end the following new subsection:

"(h) In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a petitioner who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18, United States Code.".

SEC. 206. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second paragraph and the penultimate paragraph; and

(2) by adding at the end the following new paragraphs:

"A two-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

"(1) the time at which the judgment of conviction becomes final;

"(2) the time at which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action;

"(3) the time at which the right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.

"In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18, United States Code.".

Subtitle B—Death Penalty Litigation Procedures

SEC. 211. SHORT TITLE FOR SUBTITLE B.

This subtitle may be cited as the "Death Penalty Litigation Procedures Act of 1993".

SEC. 212. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.
"2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.
"2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
"2258. Filing of habeas corpus petition; time requirements; tolling rules.
"2259. Evidentiary hearings; scope of Federal review; district court adjudication.
"2260. Certificate of probable cause inapplicable.
"2261. Application to state unitary review procedures.
"2262. Limitation periods for determining petitions.
"2263. Rule of construction.

"§ 2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) APPLICATION OF CHAPTER.—This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) ESTABLISHMENT OF APPOINTMENT MECHANISM.—This chapter is applicable if a State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) OFFER OF COUNSEL.—Any mechanism for the appointment, compensation and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing 1 or more counsel to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) PREVIOUS REPRESENTATION.—No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) NO GROUND FOR RELIEF.—The ineffectiveness or incompetence of counsel during State or Federal collateral postconviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal postconviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

"§ 2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) STAY.—Upon the entry in the appropriate State court of record of an order under section 2256(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application must recite that the State has invoked the postconviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) EXPIRATION OF STAY.—A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus petition under section 2254 within the time required in section 2258, or fails to make a timely application for court of appeals review following the denial of such a petition by a district court;

"(2) upon completion of district court and court of appeals review under section 2254 the petition for relief is denied and—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel and after having been advised of the consequences of his decision, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254.

"(c) LIMITATION ON FURTHER STAY.—If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution or grant relief in a capital case unless—

"(1) the basis for the stay and request for relief is a claim not previously presented in the State or Federal courts;

"(2) the failure to raise the claim is—

"(A) the result of State action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State or Federal postconviction review; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"§ 2258. Filing of habeas corpus petition; time requirements; tolling rules

"Any petition for habeas corpus relief under section 2254 must be filed in the appropriate district court within 180 days from the filing in the appropriate State court of record of an order under section 2256(c). The time requirements established by this section shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) during any period in which a State prisoner under capital sentence has a properly filed request for postconviction review pending before a State court of competent jurisdiction; if all State filing rules are met in a timely manner, this period shall run continuously from the date that the State prisoner initially files for postconviction review until final disposition of the case by the highest court of the State, but the time requirements established by this section are not tolled during the pendency of a petition for certiorari before the Supreme Court except as provided in paragraph (1); and

"(3) during an additional period not to exceed 60 days, if—

"(A) a motion for an extension of time is filed in the Federal district court that would have proper jurisdiction over the case upon the filing of a habeas corpus petition under section 2254; and

"(B) a showing of good cause is made for the failure to file the habeas corpus petition within the time period established by this section.

"§2259. Evidentiary hearings; scope of Federal review; district court adjudication

"(a) REVIEW OF RECORD; HEARING.—Whenever a State prisoner under a capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall—

"(1) determine the sufficiency of the record for habeas corpus review based on the claims actually presented and litigated in the State courts except when the prisoner can show that the failure to raise or develop a claim in the State courts is—

"(A) the result of State action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State postconviction review; and

"(2) conduct any requested evidentiary hearing necessary to complete the record for habeas corpus review.

"(b) ADJUDICATION.—Upon the development of a complete evidentiary record, the district court shall rule on the claims that are properly before it, but the court shall not grant relief from a judgment of conviction or sentence on the basis of any claim that was fully and fairly adjudicated in State proceedings.

"§2260. Certificate of probable cause inapplicable

"The requirement of a certificate of probable cause in order to appeal from the district court to the court of appeals does not apply to habeas corpus cases subject to this chapter except when a second or successive petition is filed.

"§2261. Application to State unitary review procedure

"(a) IN GENERAL.—For purposes of this section, the term 'unitary review procedure' means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(b) OFFER OF COUNSEL.—A unitary review procedure, to qualify under this section, must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2256(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(c) APPLICATION OF OTHER SECTIONS.—Sections 2257, 2258, 2259, 2260, and 2262 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in those sections shall be understood as referring to unitary review under the State procedure. The references in sections 2257(a) and 2258 to 'an order under section 2256(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, the start of the 180-day limitation period under section 2258 shall be deferred until a transcript is made available to the prisoner or the prisoner's counsel.

"§2262. Limitation periods for determining petitions

"(a) IN GENERAL.—The adjudication of any petition under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters. The adjudication of such a petition or motion shall be subject to the following time limitations:

"(1) A Federal district court shall determine such a petition or motion within 110 days of filing.

"(2)(A) The court of appeals shall hear and determine any appeal relating to such a petition or motion within 90 days after the notice of appeal is filed.

"(B) The court of appeals shall decide any application for rehearing en banc within 20 days of the filing of the application unless a responsive pleading is required, in which case the court of appeals shall decide the application within 20 days of the filing of the responsive pleading. If en banc consideration is granted, the en banc court shall determine the appeal within 90 days of the decision to grant such consideration.

"(3) The Supreme Court shall act on any application for a writ of certiorari relating to such a petition or motion within 90 days after the application is filed.

"(b) APPLICATION OF SECTION.—The time limitations under subsection (a) shall apply to an initial petition or motion, and to any second or successive petition or motion. The same limitations shall also apply to the redetermination of a petition or motion or related appeal following a remand by the court of appeals or the Supreme Court for further proceedings, and in such a case the limitation period shall run from the date of the remand.

"(c) RULE OF CONSTRUCTION.—The time limitations under this section shall not be construed to entitle a petitioner or movant to a stay of execution, to which the petitioner or movant would otherwise not be entitled, for the purpose of litigating any petition, motion, or appeal.

"(d) NO GROUND FOR RELIEF.—The failure of a court to meet or comply with the time limitations under this section shall not be a ground for granting relief from a judgment of conviction or sentence. The State or Government may enforce the time limitations under this section by applying to the court of appeals or the Supreme Court for a writ of mandamus.

"(e) REPORT.—The Administrative Office of the United States Courts shall report annually to Congress on the compliance by the courts with the time limits established in this section.

"§2263. Rule of construction

"This chapter shall be construed to promote the expeditious conduct and conclusion of State and Federal court review in capital cases.".

(b) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

"154. Special habeas corpus procedures in capital cases .... 2256.".

Subtitle C—Equalization of Capital Habeas Corpus Litigation Funding

SEC. 221. FUNDING FOR DEATH PENALTY PROSECUTIONS.

Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after section 511 the following new section:

"FUNDING FOR DEATH PENALTY PROSECUTIONS

"SEC. 511A. Notwithstanding any other provision of this part, the Director shall provide grants to the States, from the funding allocated pursuant to section 511, for the purpose of supporting litigation pertaining to Federal habeas corpus petitions in capital cases. The total funding available for such grants within any fiscal year shall be equal to the funding provided to capital resource centers, pursuant to Federal appropriation, in the same fiscal year.".

TITLE III—EXCLUSIONARY RULE

SEC. 301. ADMISSIBILITY OF CERTAIN EVIDENCE.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following new section:

"§3509. Admissibility of evidence obtained by search or seizure

"(a) EVIDENCE OBTAINED BY OBJECTIVELY REASONABLE SEARCH OR SEIZURE.—Evidence that is obtained as a result of a search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment to the Constitution of the United States, if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that it was in conformity with the fourth amendment. The fact that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of the existence of such circumstances.

"(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR RULE.—Evidence shall not be excluded in a proceeding in a court of the United States on the ground that it was obtained in violation of a statute, an administrative rule or regulation, or a rule of procedure unless exclusion is expressly authorized by statute or by a rule prescribed by the Supreme Court pursuant to statutory authority.

"(c) RULE OF CONSTRUCTION.—This section shall not be construed to require or authorize the exclusion of evidence in any proceeding.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 223 of title 28, United States Code, is amended by adding at the end the following new item:

"3509. Admissibility of evidence obtained by search or seizure.".

TITLE IV—RURAL CRIME AND DRUG CONTROL

Subtitle A—Drug Trafficking in Rural Areas

SEC. 401. AUTHORIZATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following new paragraph:

"(7) There are authorized to be appropriated $50,000,000 for fiscal year 1994 and such sums as are necessary for fiscal years 1995 and 1996 to carry out part O of this title.".

(b) AMENDMENT TO BASE ALLOCATION.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "$100,000" and inserting "$250,000".

SEC. 402. RURAL CRIME AND DRUG ENFORCEMENT TASK FORCES.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, shall establish a Rural Crime and Drug Enforcement Task Force in each of the Federal judicial districts which encompass significant rural lands.

(b) TASK FORCE MEMBERSHIP.—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial districts. The task forces shall include representatives from—

(1) State and local law enforcement agencies;

(2) the Drug Enforcement Administration;

(3) the Federal Bureau of Investigation;

(4) the Immigration and Naturalization Service;

(5) the Customs Service;

(6) the United States Marshals Service; and

(7) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

SEC. 403. CROSS-DESIGNATION OF FEDERAL OFFICERS.

(a) IN GENERAL.—The Attorney General may cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1502(b)(6) with jurisdiction to enforce the provisions of the Controlled Substances Act on non-Federal lands and title 18 of the United States Code to the extent necessary to effect the purposes of this Act.

(b) ADEQUATE STAFFING.—The Attorney General shall ensure that each of the task forces established in accordance with this title are adequately staffed with investigators and that additional investigators are provided when requested by the task force.

SEC. 404. RURAL DRUG ENFORCEMENT TRAINING.

(a) SPECIALIZED TRAINING FOR RURAL OFFICERS.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $1,000,000 for each of fiscal years 1994, 1995 and 1996.

Subtitle B—Rural Drug Prevention and Treatment

SEC. 411. RURAL SUBSTANCE ABUSE TREATMENT AND EDUCATION GRANTS.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following new section:

"SEC. 509H. RURAL SUBSTANCE ABUSE TREATMENT.

"(a) IN GENERAL.—The Director of the Office for Treatment Improvement (referred to in this section as the 'Director') shall establish a program to provide grants to hospitals, community health centers, migrant health centers, health entities of Indian tribes and tribal organizations (as defined in section 1913(b)(5)), and other appropriate entities that serve nonmetropolitan areas to assist such entities in developing and implementing projects that provide, or expand the availability of, substance abuse treatment services.

"(b) REQUIREMENTS.—To receive a grant under this section a hospital, community health center, or treatment facility shall—

"(1) serve a nonmetropolitan area or have a substance abuse treatment program that is designed to serve a nonmetropolitan area;

"(2) operate, or have a plan to operate, an approved substance abuse treatment program;

"(3) agree to coordinate the project assisted under this section with substance abuse treatment activities within the State and local agencies responsible for substance abuse treatment; and

"(4) prepare and submit an application in accordance with subsection (c).

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section an entity shall submit an application to the Director at such time, in such manner, and containing such information as the Director shall require.

"(2) COORDINATED APPLICATIONS.—State agencies that are responsible for substance abuse treatment may submit coordinated grant applications on behalf of entities that are eligible for grants pursuant to subsection (b).

"(d) PREVENTION PROGRAMS.—

"(1) IN GENERAL.—Each entity receiving a grant under this section may use a portion of such grant funds to further community-based substance abuse prevention activities.

"(2) REGULATIONS.—The Director, in consultation with the Director of the Office of Substance Abuse Prevention, shall promulgate regulations regarding the activities described in paragraph (1).

"(e) SPECIAL CONSIDERATION.—In awarding grants under this section the Director shall give priority to—

"(1) projects sponsored by rural hospitals that are qualified to receive rural health care transition grants as provided for in section 4005(e) of the Omnibus Budget Reconciliation Act of 1987;

"(2) projects serving nonmetropolitan areas that establish links and coordinate activities between hospitals, community health centers, community mental health centers, and substance abuse treatment centers; and

"(3) projects that are designed to serve areas that have no available existing treatment facilities.

"(f) DURATION.—Grants awarded under subsection (a) shall be for a period not to exceed 3 years, except that the Director may establish a procedure for renewal of grants under subsection (a).

"(g) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, the Director shall provide grants to fund at least one project in each State.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section there is authorized to be appropriated $25,000,000 for each of fiscal years 1994 and 1995.".

Subtitle C—Rural Areas Enhancement

SEC. 421. ASSET FORFEITURE.

The assets seized as a result of investigations initiated by a Rural Drug Enforcement Task Force shall be used primarily to enhance the operations of the task force and its participating State and local enforcement agencies.

SEC. 422. PROSECUTION OF CLANDESTINE LABORATORY OPERATORS.

(a) CRIMINAL CHARGES.—State and Federal prosecutors, when bringing charges against the operators of clandestine methamphetamine and other dangerous drug laboratories, shall, to the fullest extent possible, include, in addition to drug-related counts, counts involving infringements of the Resource Conservation and Recovery Act or any other environmental protection Act, including—

(1) illegal disposal of hazardous waste; and

(2) knowing endangerment of the environment.

(b) CIVIL ACTIONS.—Federal prosecutors may bring suit against the operators of clandestine methamphetamine and other dangerous drug laboratories for environmental and health related damages caused by the operators in their manufacture of illicit substances.

TITLE V—FIREARMS AND RELATED AMENDMENTS

SEC. 501. SMUGGLING FIREARMS IN AID OF DRUG TRAFFICKING.

Section 924 of title 18, United States Code, as amended by section 136, is amended by adding at the end the following new subsection:

"(j) Whoever, with the intent to engage in or to promote conduct that—

"(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

"(2) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(3) constitutes a crime of violence (as defined in subsection (c)(3) of this section),

smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned not more than 10 years, fined under this title, or both.".

SEC. 502. PROHIBITION AGAINST THEFT OF FIREARMS OR EXPLOSIVES.

(a) FIREARMS.—Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(j) Whoever steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned not more than 10 years, fined in accordance with this title, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(j) Whoever steals any explosive materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned not more than 10 years, fined in accordance with this title, or both.".

SEC. 503. INCREASED PENALTY FOR KNOWINGLY FALSE, MATERIAL STATEMENT IN CONNECTION WITH THE ACQUISITION OF A FIREARM FROM A LICENSED DEALER.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B) by striking "(a)(6),"; and

(2) in paragraph (2) by inserting "(a)(6)," after "subsection".

SEC. 504. SUMMARY DESTRUCTION OF EXPLOSIVES SUBJECT TO FORFEITURE.

Section 844(c) of title 18, United States Code, is amended—

(1) by inserting "(1)" before "Any"; and

(2) by adding at the end the following new paragraphs:

"(2) Notwithstanding paragraph (1), in the case of the seizure of any explosive materials for any offense for which the materials would be subject to forfeiture where it is impracticable or unsafe to remove the materials to a place of storage, or where it is unsafe to store them, the seizing officer may destroy the explosive materials forthwith. Any destruction under this paragraph shall be in the presence of at least one credible witness. The seizing officer shall make a report of the seizure and take samples as the Secretary may by regulation prescribe.

"(3) Within 60 days after any destruction made pursuant to paragraph (2), the owner of, including any person having an interest in, the property so destroyed may make application to the Secretary for reimbursement of the value of the property. If the claimant establishes to the satisfaction of the Secretary that—

"(A) the property has not been used or involved in a violation of law; or

"(B) any unlawful involvement or use of the property was without the claimant's knowledge, consent, or willful blindness,

the Secretary shall make an allowance to the claimant not exceeding the value of the property destroyed.".

SEC. 505. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.

Section 924 of title 18, United States Code, is amended—

(1) in subsection (c)(1) by striking "No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein."; and

(2) in subsection (e)(1) by striking ", and such person shall not be eligible for parole with respect to the sentence imposed under this subsection".

SEC. 506. RECEIPT OF FIREARMS BY NONRESIDENT.

Section 922(a) of title 18, United States Code, is amended—

(1) in paragraph (7)(C) by striking "and";

(2) in paragraph (8)(C) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful sporting purposes.".

SEC. 507. PROHIBITION OF THEFT OF FIREARMS OR EXPLOSIVES FROM LICENSEE.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 402(a), is amended by adding at the end the following new subsection:

"(k) Whoever steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined in accordance with this title, imprisoned not more than 10 years, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, as amended by section 402(b), is amended by adding at the end the following new subsection:

"(k) Whoever steals any explosive material from a licensed importer, licensed manufacturer, licensed dealer, or permittee shall be fined in accordance with this title, imprisoned not more than 10 years, or both.".

SEC. 508. INCREASED PENALTY FOR INTERSTATE GUN TRAFFICKING.

Section 924 of title 18, United States Code, as amended by section 407(a), is amended by adding at the end the following new subsection:

"(l) Whoever, with the intent to engage in conduct that constitutes a violation of section 922(a)(1)(A), travels from any State or foreign country into any other State and acquires, or attempts to acquire, a firearm in such other State in furtherance of such purpose shall be imprisoned for not more than 10 years.".

SEC. 509. PROHIBITION OF TRANSACTIONS INVOLVING STOLEN FIREARMS WHICH HAVE MOVED IN INTERSTATE OR FOREIGN COMMERCE.

Section 922(j) of title 18, United States Code, is amended to read as follows:

"(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.".

SEC. 510. POSSESSION OF EXPLOSIVES BY FELONS AND OTHERS.

Section 842(i) of title 18, United States Code, is amended by inserting "or possess" after "to receive".

SEC. 511. DISPOSITION OF FORFEITED FIREARMS.

Subsection 5872(b) of the Internal Revenue Code of 1986 is amended to read as follows:

"(b) DISPOSAL.—In the case of the forfeiture of any firearm, where there is no remission or mitigation of forfeiture thereof—

"(1) the Secretary may retain the firearm for official use of the Department of the Treasury or, if not so retained, offer to transfer the weapon without charge to any other executive department or independent establishment of the Government for official use by it and, if the offer is accepted, so transfer the firearm;

"(2) if the firearm is not disposed of pursuant to paragraph (1), is a firearm other than a machinegun or firearm forfeited for a violation of this chapter, is a firearm that in the opinion of the Secretary is not so defective that its disposition pursuant to this paragraph would create an unreasonable risk of a malfunction likely to result in death or bodily injury, and is a firearm which (in the judgment of the Secretary, taking into consideration evidence of present value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available in ordinary commercial channels is substantially less) derives a substantial part of its monetary value from the fact that it is novel or rare or because of its association with some historical figure, period, or event, the Secretary may sell the firearm, after public notice, at public sale to a dealer licensed under chapter 44 of title 18, United States Code;

"(3) if the firearm has not been disposed of pursuant to paragraph (1) or (2), the Secretary shall transfer the firearm to the Administrator of General Services, who shall destroy or provide for the destruction of such firearm; and

"(4) no decision or action of the Secretary pursuant to this subsection shall be subject to judicial review.".

SEC. 512. DEFINITION OF BURGLARY UNDER THE ARMED CAREER CRIMINAL STATUTE.

Section 924(e)(2) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) the term 'burglary' means a crime that—

"(i) consists of entering or remaining surreptitiously within a building that is the property of another person with intent to engage in conduct constituting a Federal or State offense; and

"(ii) is punishable by a term of imprisonment exceeding 1 year.".

TITLE VI—JUVENILES AND GANGS

SEC. 601. SHORT TITLE.

SHORT TITLE.—This title may be cited as the "Anti-Gang and Juvenile Offenders Act of 1993".

Subtitle A—Increased Penalties for Employing Children to Distribute Drugs Near Schools and Playgrounds

SEC. 611. STRENGTHENED FEDERAL PENALTIES.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) Notwithstanding any other law, any person at least 18 years of age who knowingly and intentionally—

"(1) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to violate this section; or

"(2) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to assist in avoiding detection or apprehension for any offense under this section by any Federal, State, or local law enforcement official,

is punishable by a term of imprisonment, a fine, or both, up to triple those authorized by section 401.".

Subtitle B—Antigang Provisions

SEC. 621. GRANT PROGRAM.

Part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631 et seq.) is amended—

(1) by inserting after the part heading the following subpart heading:

"Subpart I—General Grant Programs"; and

(2) by adding at the end the following new subpart:

"Subpart II—Juvenile Drug Trafficking and Gang Prevention Grants

"FORMULA GRANTS

"SEC. 231. (a) AUTHORIZATION.—The Administrator may make grants to States, units of general local government, private not-for-profit anticrime organizations, or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects, directly or through grants and contracts with public and private agencies, for the development of more effective programs including prevention and enforcement programs to reduce—

"(1) the formation or continuation of juvenile gangs; and

"(2) the use and sale of illegal drugs by juveniles.

"(b) Particular Purposes.—The grants made under this section can be used for any of the following specific purposes:

"(1) To reduce the participation of juveniles in drug-related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools.

"(2) To reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles.

"(3) To develop within the juvenile justice system, including the juvenile corrections system, innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

"(4) To reduce juvenile drug and gang-related activity in public housing projects.

"(5) To reduce and prevent juvenile drug and gang-related activity in rural areas.

"(6) To provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to—

"(A) identify drug-dependent or gang-involved juvenile offenders; and

"(B) provide appropriate counseling and treatment to such offenders.

"(7) To promote the involvement of all juveniles in lawful activities, including in-school and after-school programs for academic, athletic, or artistic enrichment that also teach that drug and gang involvement are wrong.

"(8) To facilitate Federal and State cooperation with local school officials to develop education, prevention, and treatment programs for juveniles who are likely to participate in drug trafficking, drug use, or gang-related activities.

"(9) To prevent juvenile drug and gang involvement in public housing projects through programs establishing youth sports and other activities, including girls' and boys' clubs, scout troops, and little leagues.

"(10) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers.

"(11) To provide education and treatment programs for juveniles exposed to severe violence in their homes, schools, or neighborhoods.

"(12) To establish sports mentoring and coaching programs in which athletes serve as role models for juveniles to teach that athletics provides a positive alternative to drug and gang involvement.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 232. There are authorized to be appropriated $100,000,000 for fiscal year 1994 and such sums as are necessary for fiscal year 1995 to carry out this subpart.

"ALLOCATION OF FUNDS

"Sec. 233. The amounts appropriated for this subpart for any fiscal year shall be allocated as follows:

"(1) $500,000 or 1.0 percent, whichever is greater, shall be allocated to each of the States.

"(2) Of the funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the population of juveniles residing in the State bears to the population of juveniles residing in all the States.

"APPLICATION

"Sec. 234. (a) In General.—Each State or entity applying for a grant under section 231 shall submit an application to the Administrator in such form and containing such information as the Administrator shall prescribe.

"(b) Regulations.—To the extent practicable, the Administrator shall prescribe regulations governing applications for this subpart that are substantially similar to the regulations governing applications required under subpart I of this part and subpart II of part C, including the regulations relating to competition.".

SEC. 622. CONFORMING REPEALER AND AMENDMENTS.

(a) Repeal of Part D.—Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667 et seq.) is repealed, and part E of title II of that Act is redesignated as part D.

(b) Authorization of Appropriations.—Section 291 of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "(1)" and by striking "(other than part D)"; and

(B) by striking paragraph (2); and

(2) in subsection (b) by striking "(other than part D)".

SEC. 623. CRIMINAL STREET GANGS.

(a) In General.—Title 18, United States Code, is amended by inserting after chapter 25 the following new chapter:

"CHAPTER 26—CRIMINAL STREET GANGS

"Sec.

"521. Criminal street gangs.

"§ 521. Criminal street gangs

"(a) Enhanced Penalty.—A person who, under the circumstances described in subsection (c), commits an offense described in subsection (b), shall, in addition to any other sentence authorized by law, be sentenced to a term of imprisonment of not more than 10 years and may also be fined under this title. A sentence of imprisonment imposed under this subsection shall run consecutively to any other sentence that is imposed.

"(b) Offenses.—The offenses referred to in subsection (a) are—

"(1) a Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(2) a Federal felony crime of violence;

"(3) a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.); and

"(4) a conspiracy to commit an offense described in paragraph (1), (2), or (3).

"(c) Circumstances.—The circumstances referred to in subsection (a) are—

"(1) that the offense described in subsection (b) was committed by a member of, on behalf of, or in association with a criminal street gang; and

"(2) within 5 years prior to the date of the offense, the offender had been convicted of—

"(A) an offense described in subsection (b);

"(B) a State offense that—

"(i) involves a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(ii) is a crime of violence for which the maximum penalty is more than 1 year's imprisonment;

"(C) a Federal or State offense that involves the theft or destruction of property for which the maximum penalty is more than 1 year's imprisonment; or

"(D) a conspiracy to commit an offense described in subparagraph (A), (B), or (C).

"(d) Definitions.—For purposes of this section—

"(1) the term 'criminal street gang' means a group, club, organization, or association of 5 or more persons—

"(A) whose members engage, or have engaged within the past 5 years, in a continuing series of any of the offenses described in subsection (b); and

"(B) whose activities affect interstate or foreign commerce; and

"(2) the term 'conviction' includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent felony or controlled substances felony.".

(b) Technical Amendment.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 25 the following new item:

"26. Criminal street gangs .... 521".

Subtitle C—Juvenile Penalties

SEC. 631. TREATMENT OF VIOLENT JUVENILES AS ADULTS.

(a) Designation of Undesignated Paragraphs.—Section 5032 of title 18, United States Code, is amended by designating the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eleventh undesignated paragraphs as subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), and (k), respectively.

(b) Jurisdiction Over Certain Firearms Offenses.—Section 5032(a) of title 18, United States Code, as designated by subsection (a), is amended by striking "922(p)" and inserting "924 (b), (g), or (h)".

(c) Adult Status of Juveniles Who Commit Firearms Offenses.—Section 5032(d) of title 18, United States Code, as designated by subsection (a), is amended to read as follows:

"(d)(1) Except as provided in paragraphs (2) and (3), a juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless the juvenile has requested in writing upon advice of counsel to be proceeded against as an adult.

"(2) With respect to a juvenile 15 years and older alleged to have committed an act after his or her 15th birthday which if committed by an adult would be a felony that is a crime of violence or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), section 1002(a), 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959), or section 924 (b), (g), or (h) of this title, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, that such a transfer would be in the interest of justice.

"(3) A juvenile who is alleged to have committed an act after his or her 16th birthday which if committed by an adult would be a felony offense that has as an element thereof the use, attempted use, or threatened use of physical force against the person of another, or that, by its very nature, involves a substantial risk that physical force against the person of another may be used in committing the offense, or would be an offense described in section 32, 81, 844 (d), (e), (f), (h), (i) or 2275 of this title, subsection (b)(1) (A), (B), or (C), (d), or (e) of section 401 of the Controlled Substances Act, or section 1002(a), 1003, 1009, or 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b)(1), (2), and (3)), and who has previously been found guilty of an act which if committed by an adult would have been one of the offenses set forth in this subsection or an offense in violation of a State felony statute that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed, shall be transferred to the appropriate district court of the United States for criminal prosecution.".

SEC. 632. SERIOUS DRUG OFFENSES BY JUVENILES AS ARMED CAREER CRIMINAL ACT PREDICATES.

(a) ACT OF JUVENILE DELINQUENCY.—Section 924(e)(2)(A) of title 18, United States Code, as amended by section 422, is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking "and" at the end of clause (iii) and inserting "or"; and

(3) by adding at the end the following new clause:

"(iv) any act of juvenile delinquency that, if it were committed by an adult, would be punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)); and".

(b) SERIOUS DRUG OFFENSE.—Section 924(e)(2)(C) of title 18, United States Code, is amended by adding "or serious drug offense" after "violent felony".

SEC. 633. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.

(a) AMENDMENT OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part P as part Q;

(2) by redesignating section 1601 as section 1701; and

(3) by inserting after part O the following new part:

"PART P—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"SEC. 1601. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

"(b) ALTERNATIVE METHODS.—The alternative methods of punishment referred to in subsection (a) should ensure certainty of punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young offenders who can be punished more effectively in an environment other than a traditional correctional facility, including—

"(1) alternative sanctions that create accountability and certainty of punishment for young offenders;

"(2) boot camp prison programs;

"(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

"(4) innovative projects;

"(5) correctional options, such as community-based incarceration, weekend incarceration, and electric monitoring of offenders;

"(6) community service programs that provide work service placement for young offenders at nonprofit, private organizations and community organizations;

"(7) demonstration restitution projects that are evaluated for effectiveness; and

"(8) innovative methods that address the problems of young offenders convicted of serious substance abuse, including alcohol abuse, and gang-related offenses, including technical assistance and training to counsel and treat such offenders.

"SEC. 1602. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part, the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) An application under paragraph (1) shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(b) STATE OFFICE.—The office designated under section 507 of title I—

"(1) shall prepare the application required under section 1602; and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 1603. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Bureau shall make a grant under section 1601(a) to carry out the projects described in the application submitted by an applicant under section 1602 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 1602 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects, other than alternative facilities described in section 1601(b) for young offenders.

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 1604. LOCAL APPLICATIONS.

"(a) IN GENERAL.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 1602(b).

"(2) An application under paragraph (1) shall be considered approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If an application under paragraph (1) is approved, the unit of local government is eligible to receive the funds requested.

"(b) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.—A State that receives funds under section 1601 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director may waive the 45-day requirement in this section upon a finding that the State is unable to satisfy the requirement of the preceding sentence under State statutes.

"SEC. 1605. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Of the total amount appropriated for this part in any fiscal year—

"(1) 1.0 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the number of young offenders in the State bears to the number of young offenders in all the participating States.

"(b) LOCAL DISTRIBUTION.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in the State for the purposes specified under section 1601 the portion of those funds that bears the same ratio to the aggregate amount of those funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in the State for criminal justice in the preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State for purposes specified under section 1601.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for the fiscal year will not be used by the State or that a State is not eligible to receive funds under section 1601, the Director shall award such funds to units of local government in the State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1602(a) for the fiscal year for which the projects receive assistance under this part.

"SEC. 1606. EVALUATION.

"(a) IN GENERAL.—(1) Each State and local unit of government that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the National Institute of Justice.

"(2) The Director may waive the requirement specified in subsection (a) if the Director determines that such evaluation is not warranted in the case of the State or unit of local government involved.

"(b) DISTRIBUTION.—The Director shall make available to the public on a timely basis evaluations received under subsection (a).

"(c) ADMINISTRATIVE COSTS.—A State and local unit of government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the matter relating to part P and inserting the following:

"PART P—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"Sec. 1601. Grant authorization.

"Sec. 1602. State applications.
"Sec. 1603. Review of State applications.
"Sec. 1604. Local applications.
"Sec. 1605. Allocation and distribution of funds.
"Sec. 1606. Evaluation.

"PART Q—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1701. Continuation of rules, authorities, and proceedings.".

(c) DEFINITION.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(24) The term 'young offender' means an individual 28 years of age or younger.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 1401(e), is amended—

(1) in paragraph (3) by striking "and O" and inserting "O, and P"; and

(2) by adding at the end the following new paragraph:

"(10) There is authorized to be appropriated $200,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out projects under part P.".

Subtitle D—Other Provisions

SEC. 641. BINDOVER SYSTEM FOR CERTAIN VIOLENT JUVENILES.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(1) by striking "and" at the end of paragraph (20);

(2) by striking the period at the end of paragraph (21) and inserting "; and"; and

(3) by inserting after paragraph (21) the following new paragraph:

"(22) programs that address the need for effective bindover systems for the prosecution of violent 16- and 17-year-olds in courts with jurisdiction over adults for the crimes of—

"(A) murder in the first degree;

"(B) murder in the second degree;

"(C) attempted murder;

"(D) armed robbery when armed with a firearm;

"(E) aggravated battery or assault when armed with a firearm;

"(F) criminal sexual penetration when armed with a firearm; and

"(G) drive-by shootings as described in section 931 of title 18, United States Code.".

SEC. 642. GANG INVESTIGATION COORDINATION AND INFORMATION COLLECTION.

(a) COORDINATION.—The Attorney General (or the Attorney General's designee), in consultation with the Secretary of the Treasury (or the Secretary's designee), shall develop a national strategy to coordinate gang-related investigations by Federal law enforcement agencies.

(b) DATA COLLECTION.—The Director of the Federal Bureau of Investigation shall acquire and collect information on incidents of gang violence for inclusion in an annual uniform crime report.

(c) REPORT.—The Attorney General shall prepare a report on national gang violence outlining the strategy developed under subsection (a) to be submitted to the President and Congress by January 1, 1994.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1994 such sums as are necessary to carry out this section.

SEC. 643. CLARIFICATION OF REQUIREMENT THAT ANY PRIOR RECORD OF A JUVENILE BE PRODUCED BEFORE THE COMMENCEMENT OF JUVENILE PROCEEDINGS.

Section 5032(j) of title 18, United States Code, as designated by section 301(a), is amended by striking "Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until" and inserting "A juvenile shall not be transferred to adult prosecution nor shall a hearing be held under section 5037 until".

TITLE VII—TERRORISM AND INTERNATIONAL MATTERS

SEC. 701. TERRORISM CIVIL REMEDY.

(a) REINSTATEMENT OF LAW.—The amendments made by section 132 of the Military Construction Appropriations Act, 1991 (104 Stat. 2250), are repealed effective as of April 10, 1991.

(b) TERRORISM.—Chapter 113A of title 18, United States Code, as amended by subsection (a), is amended—

(1) in section 2331 (as in effect prior to enactment of the Military Construction Appropriations Act, 1991) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(2) by redesignating section 2331 (as in effect prior to enactment of the Military Construction Appropriations Act, 1991) as section 2332 and amending the heading for section 2332, as redesignated, to read as follows:

"§ 2332. Criminal penalties";

(3) by inserting before section 2332, as redesignated by paragraph (2), the following new section:

"§ 2331. Definitions

"In this chapter—

"'act of war' means any act occurring in the course of—

"(A) declared war;

"(B) armed conflict, whether or not war has been declared, between two or more nations; or

"(C) armed conflict between military forces of any origin.

"'international terrorism' means activities that—

"(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by assassination or kidnapping; and

"(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum.

"'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act.

"'person' means any individual or entity capable of holding a legal or beneficial interest in property."; and

(4) by inserting after section 2332, as redesignated by paragraph (2), the following new sections:

"§ 2333. Civil remedies

"(a) ACTION AND JURISDICTION.—Any national of the United States injured in his or her person, property, or business by reason of an act of international terrorism, or his or her estate, survivors, or heirs, may sue therefor in any appropriate district court of the United States and shall recover threefold the damages he or she sustains and the cost of the suit, including attorney's fees.

"(b) ESTOPPEL UNDER UNITED STATES LAW.—A final judgment or decree rendered in favor of the United States in any criminal proceeding under section 1116, 1201, 1203, or 2332 of this title or section 902 (i), (k), (l), (n), or (r) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472 (i), (k), (l), (n), and (r)) shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"(c) ESTOPPEL UNDER FOREIGN LAW.—A final judgment or decree rendered in favor of any foreign state in any criminal proceeding shall, to the extent that such judgment or decree may be accorded full faith and credit under the law of the United States, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"§ 2334. Jurisdiction and venue

"(a) GENERAL VENUE.—Any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district where any plaintiff resides or where any defendant resides or is served, or has an agent. Process in such a civil action may be served in any district where the defendant resides, is found, or has an agent.

"(b) SPECIAL MARITIME OR TERRITORIAL JURISDICTION.—If the actions giving rise to the claim occurred within the special maritime and territorial jurisdiction of the United States, any civil action under section 2333 against any person may be instituted in the district court of the United States for any district in which any plaintiff resides or the defendant resides, is served, or has an agent.

"(c) SERVICE ON WITNESSES.—A witness in a civil action brought under section 2333 may be served in any other district where the defendant resides, is found, or has an agent.

"(d) CONVENIENCE OF THE FORUM.—The district court shall not dismiss any action brought under section 2333 on the grounds of the inconvenience or inappropriateness of the forum chosen, unless—

"(1) the action may be maintained in a foreign court that has jurisdiction over the subject matter and over all the defendants;

"(2) that foreign court is significantly more convenient and appropriate; and

"(3) that foreign court offers a remedy that is substantially the same as the one available in the courts of the United States.

"§ 2335. Limitation of actions

"(a) IN GENERAL.—Subject to subsection (b), a suit for recovery of damages under section 2333 shall not be maintained unless commenced within 4 years from the date the cause of action accrued.

"(b) CALCULATION OF PERIOD.—The time of the absence of the defendant from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, or any concealment of the defendant's whereabouts, shall not be counted for the purposes of the period of limitation prescribed by subsection (a).

"§ 2336. Other limitations

"(a) ACTS OF WAR.—No action shall be maintained under section 2333 for injury or loss by reason of an act of war.

"(b) LIMITATION ON DISCOVERY.—If a party to an action under section 2333 seeks to discover the investigative files of the Department of Justice, the attorney for the Government may object on the ground that compliance will interfere with a criminal investigation or prosecution of the incident, or a national security operation related to the incident, which is the subject of the civil litigation. The court shall evaluate any objections raised by the Government in camera and shall stay the discovery if the court finds that granting the discovery request will substantially interfere with a criminal investigation or prosecution of the incident or a national security operation related to the incident. The court shall consider the likelihood of criminal prosecution by the Government and other factors it deems to be appropriate. A stay of discovery under this subsection shall constitute a bar to the granting of a motion to dismiss under rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure.

"(c) STAY OF ACTION FOR CIVIL REMEDIES.—(1) The Attorney General may intervene in any civil action brought under section 2333 for the purpose of seeking a stay of the civil action. A stay shall be granted if the court finds that the continuation of the civil action will substantially interfere with a criminal prosecution which involves the same subject matter and in which an indictment has been returned, or interfere with national security operations related to the terrorist incident that is the subject of the civil action. A stay may be granted for up to 6 months. The Attorney General may petition the court for an extension of the stay for additional 6-month periods until the criminal prosecution is completed or dismissed.

"(2) In a proceeding under this subsection, the Attorney General may request that any order issued by the court for release to the parties and the public omit any reference to the basis on which the stay was sought.

"§ 2337. Suits against Government officials

"No action shall be maintained under section 2333 against—

"(1) the United States, an agency of the United States, or an officer or employee of the United States or any agency thereof acting within the officer's or employee's official capacity or under color of legal authority; or

"(2) a foreign state, an agency of a foreign state, or an officer or employee of a foreign state or an agency thereof acting within the officer's or employee's official capacity or under color of legal authority.

"§ 2338. Exclusive Federal jurisdiction

"The district courts of the United States shall have exclusive jurisdiction over an action brought under this chapter.".

(c) TECHNICAL AMENDMENTS.—(1) The chapter analysis for chapter 113A of title 18, United States Code is amended to read as follows:

"CHAPTER 113A—TERRORISM

"Sec.
"2331. Definitions.
"2332. Criminal penalties.
"2333. Civil remedies.
"2334. Jurisdiction and venue.
"2335. Limitation of actions.
"2336. Other limitations.
"2337. Suits against government officials.
"2338. Exclusive Federal jurisdiction.".

(2) The item relating to chapter 113A in the part analysis for part 1 of title 18, United States Code, is amended to read as follows:

"113A. Terrorism .... 2331".

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to any pending case or any cause of action arising on or after 4 years before the date of enactment of this Act.

SEC. 702. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2339. Providing material support to terrorists

"Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used to facilitate a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, or 2339A of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(i)), or to facilitate the concealment or an escape from the commission of any of the foregoing, shall be fined under this title, imprisoned not more than 10 years, or both. For purposes of this section, material support or resources includes currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, as amended by section 601(b)(1), is amended by adding at the end the following new item:

"2339. Providing material support to terrorists.".

SEC. 703. FORFEITURE OF ASSETS USED TO SUPPORT TERRORISTS.

Section 982(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(5) Any property, real or personal—

"(A) used or intended for use in committing or to facilitate the concealment or an escape from the commission of; or

"(B) constituting or derived from the gross profits or other proceeds obtained from,

a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, or 2339A of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(i)).".

SEC. 704. ALIEN WITNESS COOPERATION.

(a) AMENDMENT OF CHAPTER 224 OF TITLE 18.—Chapter 224 of title 18, United States Code, is amended—

(1) by redesignating section 3528 as section 3529; and

(2) by inserting after section 3527 the following new section:

"§ 3528. Aliens; waiver of admission requirements

"(a) IN GENERAL.—Upon authorizing protection to any alien under this chapter, the United States shall provide the alien with appropriate immigration visas and allow the alien to remain in the United States so long as that alien abides by all laws of the United States and guidelines, rules and regulations for protection. The Attorney General may determine that the granting of permanent resident status to such alien is in the public interest and necessary for the safety and protection of such alien without regard to the alien's admissibility under immigration or any other laws and regulations or the failure to comply with such laws and regulations pertaining to admissibility.

"(b) ALIEN WITH FELONY CONVICTIONS.—Notwithstanding any other provision of this chapter, an alien who would not be excluded because of felony convictions shall be considered for permanent residence on a conditional basis for a period of 2 years. Upon a showing that the alien is still being provided protection, or that protection remains available to the alien in accordance with this chapter, or that the alien is still cooperating with the Government and has maintained good moral character, the Attorney General shall remove the conditional basis of the status effective as of the second anniversary of the alien's obtaining the status of admission for permanent residence. Permanent resident status shall not be granted to an alien who would be excluded because of felony convictions unless the Attorney General determines, pursuant to regulations which shall be prescribed by the Attorney General, that granting permanent residence status to the alien is necessary in the interests of justice and comports with safety of the community.

"(c) LIMIT ON NUMBER OF ALIENS.—The number of aliens and members of their immediate families entering the United States under the authority of this section shall in no case exceed 200 persons in any fiscal year. The decision to grant or deny permanent resident status under this section is at the discretion of the Attorney General and shall not be subject to judicial review.

"(d) DEFINITIONS.—As used in this section, the terms 'alien' and 'United States' have the meanings stated in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 224 of title 18, United States Code, is amended by striking the item relating to section 3528 and inserting the following:

"3528. Aliens; waiver of admission requirements.
"3529. Definition.".

SEC. 705. TERRITORIAL SEA EXTENDING TO 12 MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, is part of the United States, subject to its sovereignty, and, for purposes of Federal criminal jurisdiction, is within the special maritime and territorial jurisdiction of the United States wherever that term is used in title 18, United States Code.

SEC. 706. ASSIMILATED CRIMES IN EXTENDED TERRITORIAL SEA.

Section 13 of title 18, United States Code is amended—

(1) in subsection (a), by inserting after "title" the following: "or on, above, or below any portion of the territorial sea of the United States not within the territory of any State, territory, possession, or district"; and

(2) by inserting at the end the following new subsection:

"(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, territory, possession, or district, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed for purposes of subsection (a) to lie within the area of the State, territory, possession, or district within which it would lie if the boundaries of the State, territory, possession, or district were extended seaward to the outer limit of the territorial sea of the United States.".

SEC. 707. JURISDICTION OVER CRIMES AGAINST UNITED STATES NATIONALS ON CERTAIN FOREIGN SHIPS.

Section 7 of title 18, United States Code, is amended by inserting at the end the following new paragraph:

"(8) Any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States.".

SEC. 708. PENALTIES FOR INTERNATIONAL TERRORIST ACTS.

Section 2332 of title 18, United States Code, as redesignated by section 601(a)(2), is amended—

(1) in subsection (a)—

(A) in paragraph (2) by striking "ten" and inserting "20"; and

(B) in paragraph (3) by striking "three" and inserting "10"; and

(2) in subsection (c) by striking "five" and inserting "10".

SEC. 709. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated in each of the fiscal years 1994, 1995, and 1996, in addition to any other amounts specified in appropriations Acts, for counterterrorist operations and programs:

(1) for the Federal Bureau of Investigation, $25,000,000;

(2) for the Department of State, $10,000,000;

(3) for the United States Customs Service, $7,500,000;

(4) for the United States Secret Service, $2,500,000;

(5) for the Bureau of Alcohol, Tobacco, and Firearms, $2,500,000;

(6) for the Federal Aviation Administration, $2,500,000;

(7) for the United States Marshals Service, $2,500,000; and

(8) for grants to State and local law enforcement agencies, to be administered by the Office of Justice Programs in the Department of Justice, in consultation with the Federal Bureau of Investigation, $25,000,000.

SEC. 710. ENHANCED PENALTIES FOR CERTAIN OFFENSES.

(a) International Economic Emergency Powers Act.—(1) Section 206(a) of the International Economic Emergency Powers Act (50 U.S.C. 1705(a)) is amended by striking "$10,000" and inserting "$1,000,000".

(2) Section 206(b) of the International Economic Emergency Powers Act (50 U.S.C. 1705(b)) is amended by striking "$50,000" and inserting "$1,000,000".

(b) Section 1541 of Title 18.—Section 1541 of title 18, United States Code, is amended—

(1) by striking "$500" and inserting "$250,000"; and

(2) by striking "one year" and inserting "5 years".

(c) Chapter 75 of Title 18.—Sections 1542, 1543, 1544, and 1546 of title 18, United States Code, are each amended—

(1) by striking "$2,000" each place it appears and inserting "$250,000"; and

(2) by striking "five years" each place it appears and inserting "10 years".

(d) Section 1545 of Title 18.—Section 1545 of title 18, United States Code, is amended—

(1) by striking "$2,000" and inserting "$250,000"; and

(2) by striking "three years" and inserting "10 years".

SEC. 711. SENTENCING GUIDELINES INCREASE FOR TERRORIST CRIMES.

The United States Sentencing Commission shall study and, if warranted, amend its sentencing guidelines to provide an increase in the base offense level for any felony, whether committed within or outside the United States, that involves or is intended to promote international terrorism, unless such involvement or intent is itself an element of the crime.

SEC. 712. EXTENSION OF THE STATUTE OF LIMITATIONS FOR CERTAIN TERRORISM OFFENSES.

(a) In General.—Chapter 213 of title 18, United States Code, is amended by inserting after section 3285 the following new section:

"§ 3286. Extension of statute of limitations for certain terrorism offenses

"Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any offense involving a violation of section 32, 36, 112, 351, 1116, 1203, 1361, 1751, 2280, 2281, 2332, 2339A, or 2340A of this title or section 902 (i), (j), (k), (l), or (n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1572 (i), (j), (k), (l), and (n)), unless the indictment is found or the information is instituted within 10 years next after such offense shall have been committed.".

(b) Technical Amendment.—The chapter analysis for chapter 213 of title 18, United States Code, is amended by inserting after the item relating to section 3285 the following new item:

"3286. Extension of statute of limitations for certain terrorism offenses.".

SEC. 713. INTERNATIONAL PARENTAL KIDNAPPING.

(a) In General.—Chapter 55 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1204. International parental kidnapping

"(a) Offense.—Whoever removes a child from the United States or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title, imprisoned not more than 3 years, or both.

"(b) Definitions.—As used in this section—

"(1) the term 'child' means a person who has not attained the age of 16 years; and

"(2) the term 'parental rights', with respect to a child, means the right to physical custody of the child—

"(A) whether joint or sole (and includes visiting rights); and

"(B) whether arising by operation of law, court order, or legally binding agreement of the parties.

"(c) Rule of Construction.—This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980.".

(b) Technical Amendment.—The chapter analysis for chapter 55 of title 18, United States Code, is amended by adding at the end the following new item:

"1204. International parental kidnapping.".

SEC. 714. FOREIGN MURDER OF UNITED STATES NATIONALS.

(a) In General.—Chapter 51 of title 18, United States Code, as amended by section 141(a), is amended by adding at the end the following new section:

"§ 1120. Foreign murder of United States nationals

"(a) Offense.—Whoever kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113.

"(b) Approval of Prosecution.—No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same act or omission.

"(c) Criteria for Approval.—No prosecution shall be approved under this section unless the Attorney General, in consultation with the Secretary of State, determines that the act or omission took place in a country in which the person is no longer present, and the country lacks the ability to lawfully secure the person's return. A determination by the Attorney General under this subsection is not subject to judicial review.

"(d) Assistance From Other Agencies.—In the course of the enforcement of this section and notwithstanding any other law, the Attorney General may request assistance from any Federal, State, local, or foreign agency, including the Army, Navy, and Air Force.

"(e) Definition.—As used in this section, the term 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) Technical Amendments.—(1) Section 1117 of title 18, United States Code, is amended by striking "or 1116" and inserting "1116, or 1120".

(2) The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 141(b), is amended by adding at the end the following new item:

"1120. Foreign murder of United States nationals.".

SEC. 715. EXTRADITION.

(a) Scope.—Section 3181 of title 18, United States Code, is amended—

(1) by inserting "(a) In General.—" before "The provisions of this chapter"; and

(2) by adding at the end the following new subsections:

"(b) Surrender Without Regard to Existence of Extradition Treaty.—This chapter shall be construed to permit, in the exercise of comity, the surrender of persons who have committed crimes of violence against nationals of the United States in foreign countries without regard to the existence of any treaty of extradition with such foreign government if the Attorney General certifies in writing that—

"(1) evidence has been presented by the foreign government that indicates that, if the offenses had been committed in the United States, they would constitute crimes of violence (as defined under section 16); and

"(2) the offenses charged are not of a political nature.

"(c) Definition.—As used in this section, the term 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) Fugitives.—Section 3184 of title 18, United States Code, is amended—

(1) in the first sentence by inserting after "United States and any foreign government," the following: "or in cases arising under section 3181(b),";

(2) in the first sentence by inserting after "treaty or convention," the following: "or provided for under section 3181(b),"; and

(3) in the third sentence by inserting after "treaty or convention," the following: "or under section 3181(b),".

SEC. 716. FBI ACCESS TO TELEPHONE SUBSCRIBER INFORMATION.

(a) Required Certification.—Section 2709(b) of title 18, United States Code, is amended to read as follows:

"(b) Required Certification.—

"(1) Name, address, and length of service only.—The Director of the Federal Bureau of Investigation, or the Director's designee in a position not lower than Deputy Assistant Director, may request the name, address, and length of service of a person or entity if the Director (or designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that communication facilities registered in the name of the person or entity have been used, through the services of the provider, in communication with—

"(i) an individual who is engaging or has engaged in international terrorism (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States; or

"(ii) a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) or an agent of a foreign power (as defined in that section) under circumstances giving reason to believe that the communication concerned international terrorism (as defined in that section) or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States.

"(2) NAME, ADDRESS, LENGTH OF SERVICE, AND TOLL BILLING RECORDS.—The Director of the Federal Bureau of Investigation, or the Director's designee in a position not lower than Deputy Assistant Director, may request the name, address, length of service, and toll billing records of a person or entity if the Director (or designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the person or entity to whom the information sought pertains is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) or an agent of a foreign power (as defined in that section).".

(b) REPORT TO JUDICIARY COMMITTEES.—Section 2709(e) of title 18, United States Code, is amended by adding after "Senate" the following: ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,".

TITLE VIII—SEXUAL VIOLENCE, CHILD ABUSE, AND VICTIMS' RIGHTS

Subtitle A—Sexual Violence and Child Abuse

SECTION 800. SHORT TITLE.

This subtitle may be cited as the "Sexual Assault Prevention Act of 1993".

CHAPTER 1—SEXUAL VIOLENCE

Subchapter A—Penalties and Remedies

SEC. 801. PRE-TRIAL DETENTION IN SEX OFFENSE CASES.

Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking ", or" at the end of subparagraph (A) and inserting a semicolon;

(2) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(3) by adding after subparagraph (B) the following new subparagraph:

"(C) any felony under chapter 109A or chapter 110.".

SEC. 802. DEATH PENALTY FOR MURDERS COMMITTED BY SEX OFFENDERS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code is amended by adding at the end the following new section:

"§ 1118. Death penalty for murders committed by sex offenders

"(a) OFFENSE.—A person who—

"(1) causes the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life; or

"(2) causes the death of a person through the intentional infliction of serious bodily injury,

shall be punished as provided in subsection (c).

"(b) FEDERAL JURISDICTION.—There is Federal jurisdiction over an offense described in this section if the conduct resulting in death occurs in the course of another offense against the United States.

"(c) PENALTY.—An offense described in this section is a Class A felony. A sentence of death may be imposed for an offense described in this section as provided in this section, except that a sentence of death may not be imposed on a defendant who was below the age of 18 years at the time of the commission of the crime.

"(d) MITIGATING FACTORS.—In determining whether to recommend a sentence of death, the jury shall consider whether any aspect of the defendant's character, background, or record or any circumstance of the offense that the defendant may proffer as a mitigating factor exists, including the following factors:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired.

"(2) DURESS.—The defendant was under unusual and substantial duress.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal (pursuant to section 2) in the offense, which was committed by another, but the defendant's participation was relatively minor.

"(e) AGGRAVATING FACTORS.—In determining whether to recommend a sentence of death, the jury shall consider any aggravating factor for which notice has been provided under subsection (f) of this section, including the following factors—

"(1) KILLING IN COURSE OF DESIGNATED SEX CRIMES.—The conduct resulting in death occurred in the course of an offense defined in chapter 109A, 110, or 117.

"(2) KILLING IN CONNECTION WITH SEXUAL ASSAULT OR CHILD MOLESTATION.—The defendant committed a crime of sexual assault or crime of child molestation in the course of an offense on which Federal jurisdiction is based under subsection (b).

"(3) PRIOR CONVICTION OF SEXUAL ASSAULT OR CHILD MOLESTATION.—The defendant has previously been convicted of a crime of sexual assault or crime of child molestation.

"(f) NOTICE OF INTENT TO SEEK DEATH PENALTY.—If the Government intends to seek the death penalty for an offense under this section, the attorney for the Government shall file with the court and serve on the defendant a notice of such intent. The notice shall be provided a reasonable time before the trial or acceptance of a guilty plea, or at such later time before trial as the court may permit for good cause. If the court permits a late filing of the notice upon a showing of good cause, the court shall ensure that the defendant has adequate time to prepare for trial. The notice shall set forth the aggravating factor or factors the Government will seek to prove as the basis for the death penalty. The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family. The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(g) JUDGE AND JURY AT CAPITAL SENTENCING HEARING.—A hearing to determine whether the death penalty will be imposed for an offense under this section shall be conducted by the judge who presided at trial or accepted a guilty plea, or by another judge if that judge is not available. The hearing shall be conducted before the jury that determined the defendant's guilt if that jury is available. A new jury shall be impaneled for the purpose of the hearing if the defendant pleaded guilty, the trial of guilt was conducted without a jury, the jury that determined the defendant's guilt was discharged for good cause, or reconsideration of the sentence is necessary after the initial imposition of a sentence of death. A jury impaneled under this subsection shall have 12 members unless the parties stipulate to a lesser number at any time before the conclusion of the hearing with the approval of the judge. Upon motion of the defendant, with the approval of the attorney for the Government, the hearing shall be carried out before the judge without a jury. If there is no jury, references to 'the jury' in this section, where applicable, shall be understood as referring to the judge.

"(h) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—No presentence report shall be prepared if a capital sentencing hearing is held under this section. Any information relevant to the existence of mitigating factors, or to the existence of aggravating factors for which notice has been provided under subsection (f), may be presented by either the Government or the defendant. The information presented may include trial transcripts and exhibits. Information presented by the Government in support of factors concerning the effect of the offense on the victim and the victim's family may include oral testimony, a victim impact statement that identifies the victim of the offense and the nature and extent of harm and loss suffered by the victim and the victim's family, and other relevant information. Information is admissible regardless of its admissibility under the rules governing the admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and the attorney for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument, the defendant shall be permitted to reply, and the Government shall then be permitted to reply in rebuttal.

"(i) FINDINGS OF AGGRAVATING AND MITIGATING FACTORS.—The jury shall return special findings identifying any aggravating factor or factors for which notice has been provided under subsection (f) and which the jury unanimously determines have been established by the Government beyond a reasonable doubt. A mitigating factor is established if the defendant has proven its existence by a preponderance of the evidence, and any member of the jury who finds the existence of such a factor may regard it as established for purposes of this section regardless of the number of jurors who concur that the factor has been established.

"(j) Finding Concerning a Sentence of Death.—If the jury specially finds under subsection (i) that one or more aggravating factors set forth in this section exist, and the jury further finds unanimously that there are no mitigating factors or that the aggravating factor or factors specially found under subsection (i) outweigh any mitigating factors, the jury shall recommend a sentence of death. In any other case, the jury shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(k) Special Precaution To Assure Against Discrimination.—In a hearing held before a jury, the court, before the return of a finding under subsection (j), shall instruct the jury that, in considering whether to recommend a sentence of death, it shall not be influenced by prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or any victim, and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim. The jury, upon the return of a finding under subsection (j), shall also return to the court a certificate, signed by each juror, that the race, color, religion, national origin, or sex of the defendant or any victim did not affect the juror's individual decision and that the individual juror would have recommended the same sentence for such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim.

"(l) Imposition of a Sentence of Death.—Upon a recommendation under subsection (j) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, that is authorized by law.

"(m) Review of a Sentence of Death.—The defendant may appeal a sentence of death under this section by filing a notice of appeal of the sentence within the time provided for filing a notice of appeal of the judgment of conviction. An appeal of a sentence under this subsection may be consolidated with an appeal of the judgment of conviction and shall have priority over all non-capital matters in the court of appeals. The court of appeals shall review the entire record in the case including the evidence submitted at trial and information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under subsection (i). The court of appeals shall uphold the sentence if it determines that the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor, that the evidence and information support the special findings under subsection (i), and that the proceedings were otherwise free of prejudicial error that was properly preserved for and raised on appeal. In any other case, the court of appeals shall remand the case for reconsideration of the sentence or imposition of another authorized sentence as appropriate, except that the court shall not reverse a sentence of death on the ground that an aggravating factor was not supported by the evidence and information if at least one aggravating factor set forth in subsection (e) that was found to exist remains and the court, on the basis of the evidence submitted at trial and the information submitted at the sentencing hearing, finds no mitigating factor or finds that the remaining aggravating factor or factors which were found to exist outweigh any mitigating factors. The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"(n) Implementation of Sentence of Death.—A person sentenced to death under this section shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal. The Marshal shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed, or in the manner prescribed by the law of another State designated by the court if the law of the State in which the sentence was imposed does not provide for implementation of a sentence of death. The Marshal may use State or local facilities, may use the services of an appropriate State or local official or of a person such an official employs, and shall pay the costs thereof in an amount approved by the Attorney General.

"(o) Special Bar to Execution.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(p) Conscientious Objection to Participation in Execution.—No employee of any State department of corrections, the Federal Bureau of Prisons, or the United States Marshals Service, and no person providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"(q) Appointment of Counsel for Indigent Capital Defendants.—A defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, under this section, shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in subsection (v) has occurred, if the defendant is or becomes financially unable to obtain adequate representation. Counsel shall be appointed for trial representation as provided in section 3005, and at least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel. Except as otherwise provided in this section, section 3006A shall apply to appointments under this section.

"(r) Representation After Finality of Judgment.—When a judgment imposing a sentence of death under this section has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the court that imposed the sentence. The court, within 10 days of receipt of such notice, shall proceed to make a determination whether the defendant is eligible for appointment of counsel for subsequent proceedings. The court shall issue an order appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel. The court shall issue an order denying appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation or that the defendant rejected appointment of counsel with an understanding of the consequences of that decision. Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(s) Standards for Competence of Counsel.—In relation to a defendant who is entitled to appointment of counsel under this section, at least one counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the trial of felony cases in the Federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable that counsel to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(t) Claims of Ineffectiveness of Counsel in Collateral Proceedings.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28 shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"(u) Time for Collateral Attack on Death Sentence.—A motion under section 2255 of title 28 attacking a sentence of death under this section, or the conviction on which it is predicated, shall be filed within 90 days of the issuance of the order under subsection (r) appointing or denying the appointment of counsel for such proceedings. The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. Such a motion shall have priority over all non-capital matters in the district court, and in the court of appeals on review of the district court's decision.

"(v) Stay of Execution.—The execution of a sentence of death under this section shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28. The stay shall run continuously following imposition of the sentence and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28 within the time specified in subsection (u), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, the Supreme Court disposes of a petition for certiorari in a manner that leaves the capital sentence undisturbed, or the defendant fails to file a timely petition for certiorari; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of such a decision, the defendant waives the right to file a motion under section 2255 of title 28.

"(w) FINALITY OF THE DECISION ON REVIEW.—If one of the conditions specified in subsection (v) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim is the result of governmental action in violation of the Constitution or laws of the United States, the result of the Supreme Court's recognition of a new Federal right that is retroactively applicable, or the result of the fact that the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"(x) DEFINITIONS.—In this section—

"'child' means a person below the age of 14.

"'crime of child molestation' means a crime under Federal or State law that involved—

"(A) contact between any part of the defendant's body or an object and the genitals or anus of a child;

"(B) contact between the genitals or anus of the defendant and any part of the body of a child;

"(C) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on a child; or

"(D) an attempt or conspiracy to engage in any conduct described in paragraphs (A) through (C).

"'crime of sexual assault' means a crime under Federal or State law that involved—

"(A) contact, without consent, between any part of the defendant's body or an object and the genitals or anus of another person;

"(B) contact, without consent, between the genitals or anus of the defendant and any part of the body of another person;

"(C) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

"(D) an attempt or conspiracy to engage in any conduct described in paragraphs (A) through (C).".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 110A of title 18, United States Code, is amended by adding at the end the following new item:

"1118. Death penalty for murders committed by sex offenders.".

SEC. 803. INCREASED PENALTIES FOR RECIDIVIST SEX OFFENDERS.

(a) PENALTIES FOR SUBSEQUENT OFFENSES.—Chapter 109A of title 18, United States Code, is amended—

(1) by redesignating section 2245 as section 2246; and

(2) by inserting after section 2244 the following new section:

"§ 2245. Penalties for subsequent offenses

"A person who violates this chapter, after a prior conviction under this chapter or the law of a State (as defined in section 513) for conduct proscribed by this chapter has become final, is punishable by a term of imprisonment up to twice that otherwise authorized.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 109A of title 18, United States Code, is amended—

(1) by striking "2245" and inserting "2246"; and

(2) by inserting after the item relating to section 2244 the following new item:

"2245. Penalties for subsequent offenses.".

SEC. 804. INCREASED PENALTIES FOR SEX OFFENSES AGAINST VICTIMS BELOW THE AGE OF 16.

Section 2245(2) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking "; and" at the end of subparagraph (C) and inserting "; or"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;".

SEC. 805. SENTENCING GUIDELINES INCREASE FOR SEX OFFENSES.

The United States Sentencing Commission shall study and, if necessary, amend the sentencing guidelines to increase by at least 4 levels the base offense level for an offense under section 2241 (relating to aggravated sexual abuse) or section 2242 (relating to sexual abuse) of title 18, United States Code, and shall consider whether any other changes are warranted in the guidelines provisions applicable to such offenses to ensure realization of the objectives of sentencing. In amending the guidelines in conformity with this section, the Sentencing Commission shall review the appropriateness and adequacy of existing offense characteristics and adjustments applicable to such offenses, taking into account the heinousness of sexual abuse offenses, the severity and duration of the harm caused to victims, and any other relevant factors.

SEC. 806. HIV TESTING AND PENALTY ENHANCEMENT IN SEXUAL OFFENSE CASES.

(a) IN GENERAL.—Chapter 109A of title 18, United States Code, as amended by section 803, is amended by inserting at the end the following new section:

"§ 2247. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty

"(a) TESTING AT TIME OF PRE-TRIAL RELEASE DETERMINATION.—In a case in which a person is charged with an offense under this chapter, a judicial officer issuing an order pursuant to section 3142(a) shall include in the order a requirement that a test for the human immunodeficiency virus be performed upon the person and that followup tests for the virus be performed 6 months and 12 months following the date of the initial test, unless the judicial officer determines that the conduct of the person created no risk of transmission of the virus to the victim, and so states in the order. The order shall direct that the initial test be performed within 24 hours, or as soon thereafter as feasible. The person shall not be released from custody until the test is performed.

"(b) TESTING AT LATER TIME.—If a person charged with an offense under this chapter was not tested for the human immunodeficiency virus pursuant to subsection (a), the court may at a later time direct that such a test be performed upon the person, and that follow-up tests be performed 6 months and 12 months following the date of the initial test, if it appears to the court that the conduct of the person may have risked transmission of the virus to the victim. A testing requirement under this subsection may be imposed at any time while the charge is pending, or following conviction at any time prior to the person's completion of service of the sentence.

"(c) TERMINATION OF TESTING REQUIREMENT.—A requirement of follow-up testing imposed under this section shall be canceled if any test is positive for the virus or the person obtains an acquittal on, or dismissal of, all charges under this chapter.

"(d) DISCLOSURE OF TEST RESULTS.—The results of any test for the human immunodeficiency virus performed pursuant to an order under this section shall be provided to the judicial officer or court. The judicial officer or court shall ensure that the results are disclosed to the victim (or to the victim's parent or legal guardian, as appropriate), the attorney for the Government, and the person tested.

"(e) EFFECT ON PENALTY.—The United States Sentencing Commission shall amend existing guidelines for sentences for offenses under this chapter to enhance the sentence if the offender knew or had reason to know that he was infected with the human immunodeficiency virus, except where the offender did not engage or attempt to engage in conduct creating a risk of transmission of the virus to the victim.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 109A of title 18, United States Code, as amended by section 803, is amended by adding at the end the following new item:

"2247. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty.".

SEC. 807. PAYMENT OF COST OF HIV TESTING FOR VICTIMS IN SEX OFFENSE CASES.

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by inserting: ", the cost of up to two tests of the victim for the human immunodeficiency virus during the 12 months following the assault, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of the human immunodeficiency virus to the victim as the result of the assault" before the period at the end.

SEC. 808. EXTENSION AND STRENGTHENING OF RESTITUTION.

Section 3663 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2) by inserting "or an offense under chapter 109A or chapter 110" after "an offense resulting in bodily injury to a victim";

(B) by striking "and" at the end of paragraph (3);

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (4) the following new paragraph:

"(4) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and''; and

(2) in subsection (d) by adding at the end: "However, the court shall issue an order requiring restitution of the full amount of the victim's losses and expenses for which restitution is authorized under this section in imposing sentence for an offense under chapter 109A or chapter 110, unless the Government and the victim do not request such restitution.".

SEC. 809. ENFORCEMENT OF RESTITUTION ORDERS THROUGH SUSPENSION OF FEDERAL BENEFITS.

Section 3663 of title 18, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection:

"(g)(1) If the defendant is delinquent in making restitution in accordance with any schedule of payments or any requirement of immediate payment imposed under this section, the court may, after a hearing, suspend the defendant's eligibility for all Federal benefits until such time as the defendant demonstrates to the court good-faith efforts to return to such schedule.

"(2) In this subsection—

"(A) 'Federal benefits'—

"(i) means any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or appropriated funds of the United States; and

"(ii) does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility.

"(B) 'veterans benefit' means all benefits provided to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.".

SEC. 810. CIVIL REMEDY FOR VICTIMS OF SEXUAL VIOLENCE.

(a) CAUSE OF ACTION.—A person who, in violation of the Constitution or laws of the United States, engages in sexual violence against another, shall be liable to the injured party in an action under this section. The relief available in such an action shall include compensatory and punitive damages and any appropriate equitable or declaratory relief.

(b) DEFINITION.—In this section, "sexual violence" means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison.

(c) ATTORNEY'S FEES.—Section 922 of the Revised Statutes (42 U.S.C. 1988) is amended—

(1) by striking "or" after "Public Law 92-318"; and

(2) by inserting ", or section 111 of the Sexual Assault Prevention Act of 1993," after "1964".

Subchapter B—Rules of Evidence, Practice, and Procedure

SEC. 821. ADMISSIBILITY OF EVIDENCE OF SIMILAR CRIMES IN SEX OFFENSE CASES

The Federal Rules of Evidence are amended by adding after Rule 412 the following new rules:

"Rule 413. Evidence of Similar Crimes in Sexual Assault Cases

"(a) EVIDENCE ADMISSIBLE.—In a criminal case in which the defendant is accused of an offense of sexual assault, evidence of the defendant's commission of another offense or offenses of sexual assault is admissible, and may be considered for its bearing on any matter to which it is relevant.

"(b) DISCLOSURE TO DEFENDANT.—In a case in which the government intends to offer evidence under this rule, the attorney for the government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least 15 days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) EFFECT ON OTHER RULES.—This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

"(d) DEFINITION.—For purposes of this rule and rule 415, 'offense of sexual assault' means a crime under Federal law or the law of a State (as defined in section 513 of title 18, United States Code) that involved—

"(1) conduct proscribed by chapter 109A of title 18, United States Code;

"(2) contact, without consent, between any part of the defendant's body or an object and the genitals or anus of another person;

"(3) contact, without consent, between the genitals or anus of the defendant and any part of another person's body;

"(4) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

"(5) an attempt or conspiracy to engage in conduct described in paragraph (1), (2), (3), or (4).

"Rule 414. Evidence of Similar Crimes in Child Molestation Cases

"(a) EVIDENCE ADMISSIBLE.—In a criminal case in which the defendant is accused of an offense of child molestation, evidence of the defendant's commission of another offense or offenses of child molestation is admissible and may be considered for its bearing on any matter to which it is relevant.

"(b) DISCLOSURE TO DEFENDANT.—In a case in which the government intends to offer evidence under this rule, the attorney for the government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least 15 days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) EFFECT ON OTHER RULES.—This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

"(d) DEFINITION.—For purposes of this rule and rule 414, 'child' means a person below the age of 14 years, and 'offense of child molestation' means a crime under Federal law or the law of a State (as defined in section 513 of title 18, United States Code) that involved—

"(1) conduct proscribed by chapter 109A of title 18, United States Code, that was committed in relation to a child;

"(2) conduct proscribed by chapter 110 of title 18, United States Code;

"(3) contact between any part of the defendant's body or an object and the genitals or anus of a child;

"(4) contact between the genitals or anus of the defendant and any part of the body of a child;

"(5) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on a child; or

"(6) an attempt or conspiracy to engage in conduct described in paragraph (1), (2), (3), (4), or (5).

"Rule 415. Evidence of Similar Acts in Civil Cases Concerning Sexual Assault or Child Molestation

"(a) EVIDENCE ADMISSIBLE.—In a civil case in which a claim for damages or other relief is predicated on a party's alleged commission of conduct constituting an offense of sexual assault or child molestation, evidence of that party's commission of another offense or offenses of sexual assault or child molestation is admissible and may be considered as provided in rule 413 and rule 414 of these rules.

"(b) DISCLOSURE TO OTHER PARTIES.—A party who intends to offer evidence under this rule shall disclose the evidence to the party against whom it will be offered, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least 15 days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) EFFECT ON OTHER RULES.—This rule shall not be construed to limit the admission or consideration of evidence under any other rule.".

SEC. 822. EXTENSION AND STRENGTHENING OF RAPE VICTIM SHIELD LAW.

(a) AMENDMENTS TO RAPE VICTIM SHIELD LAW.—Rule 412 of the Federal Rules of Evidence is amended—

(1) in subdivisions (a) and (b) by striking "criminal case" and inserting "criminal or civil case";

(2) in subdivisions (a) and (b) by striking "an offense under chapter 109A of title 18, United States Code," and inserting "an offense or civil wrong involving conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison,";

(3) in subdivision (a) by striking "victim of such offense" and inserting "victim of such conduct";

(4) in subdivision (c)—

(A) by striking in paragraph (1) "the person accused of committing an offense under chapter 109A of title 18, United States Code" and inserting "the accused"; and

(B) by inserting at the end of paragraph (3): "An order admitting evidence under this paragraph shall explain the reasoning leading to the finding of relevance, and the basis of the finding that the probative value of the evidence outweighs the danger of unfair prejudice notwithstanding the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased inferences."; and

(5) in subdivision (d) by striking "an offense under chapter 109A of title 18, United States Code" and inserting "the conduct proscribed by chapter 109A of title 18, United States Code,".

(b) INTERLOCUTORY APPEAL.—Section 3731 of title 18, United States Code, is amended by inserting after the second paragraph the following new paragraph:

"An appeal by the United States before trial shall lie to a court of appeals from an order of a district court admitting evidence of an alleged victim's past sexual behavior in a criminal case in which the defendant is charged with an offense involving conduct proscribed by chapter 109A, whether or not the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison.".

SEC. 823. INADMISSIBILITY OF EVIDENCE TO SHOW PROVOCATION OR INVITATION BY VICTIM IN SEX OFFENSE CASES.

The Federal Rules of Evidence, as amended by section 821, are amended by adding after rule 415 the following new rule:

"Rule 416. Inadmissibility of Evidence to Show Invitation or Provocation by Victim in Sexual Abuse Cases

"In a criminal case in which a person is accused of an offense involving conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison, evidence is not admissible to show that the alleged victim invited or provoked the commission of the offense. This rule does not limit the admission of evidence of consent by the alleged victim if the issue of consent is relevant to liability and the evidence is otherwise admissible under these rules.".

SEC. 824. RIGHT OF THE VICTIM TO FAIR TREATMENT IN LEGAL PROCEEDINGS.

Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall review and make recommendations regarding the following Rules of Professional Conduct for Lawyers in Federal Practice:

"RULES OF PROFESSIONAL CONDUCT FOR LAWYERS IN FEDERAL PRACTICE

"Rule 1. Scope

"Rule 2. Abuse of Victims and Others Prohibited

"Rule 3. Duty of Enquiry in Relation to Client

"Rule 4. Duty To Expedite Litigation

"Rule 5. Duty To Prevent Commission of Crime

"Rule 1. Scope

"(a) These rules apply to the conduct of lawyers in their representation of clients in relation to proceedings and potential proceedings before federal tribunals.

"(b) For purposes of these rules, 'federal tribunal' and 'tribunal' mean a court of the United States or an agency of the federal government that carries out adjudicatory or quasi-adjudicatory functions.

"Rule 2. Abuse of Victims and Others Prohibited

"(a) A lawyer shall not engage in any action or course of conduct for the purpose of increasing the expense of litigation for any person, other than a liability under an order or judgment of a tribunal.

"(b) A lawyer shall not engage in any action or course of conduct that has no substantial purpose other than to distress, harass, embarrass, burden, or inconvenience another person.

"(c) A lawyer shall not offer evidence that the lawyer knows to be false or attempt to discredit evidence that the lawyer knows to be true.

"Rule 3. Duty of Enquiry in Relation to Client

"A lawyer shall attempt to elicit from the client a truthful account of the material facts concerning the matters in issue. In representing a client charged with a crime or civil wrong, the duty of enquiry under this rule includes—

"(1) attempting to elicit from the client a materially complete account of the alleged criminal activity or civil wrong if the client acknowledges involvement in the alleged activity or wrong; and

"(2) attempting to elicit from the client the material facts relevant to a defense of alibi if the client denies such involvement.

"Rule 4. Duty To Expedite Litigation

"(a) A lawyer shall seek to bring about the expeditious conduct and conclusion of litigation.

"(b) A lawyer shall not seek a continuance or otherwise attempt to delay or prolong proceedings in the hope or expectation that—

"(1) evidence will become unavailable;

"(2) evidence will become more subject to impeachment or otherwise less useful to another party because of the passage of time; or

"(3) an advantage will be obtained in relation to another party because of the expense, frustration, distress, or other hardship resulting from prolonged or delayed proceedings.

"Rule 5. Duty To Prevent Commission of Crime

"(a) A lawyer may disclose information relating to the representation of a client to the extent necessary to prevent the commission of a crime or other unlawful act.

"(b) A lawyer shall disclose information relating to the representation of a client where disclosure is required by law. A lawyer shall also disclose such information to the extent necessary to prevent—

"(1) the commission of a crime involving the use or threatened use of force against another, or a substantial risk of death or serious bodily injury to another; or

"(2) the commission of a crime of sexual assault or child molestation.

"(c) For purposes of this rule, 'crime' means a crime under the law of the United States or the law of a State, and 'unlawful act' means an act in violation of the law of the United States or the law of a State.".

SEC. 825. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) by striking "and" at the end of subdivision (a)(1)(B);

(2) by striking the period at the end of subdivision (a)(1)(C) and inserting "; and";

(3) by inserting after subdivision (a)(1)(C) the following:

"(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.";

(4) in the penultimate sentence of subdivision (a)(1) by striking "equivalent opportunity" and inserting "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (a)(1) by inserting "the victim," before ", or the attorney for the Government."; and

(6) by adding at the end the following new subdivision:

"(f) DEFINITIONS.—For purposes of this rule—

"(1) 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code; and

"(2) 'victim' means an individual against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

"(A) a parent or legal guardian if the victim is below the age of 18 years or incompetent; or

"(B) one or more family members or relatives designated by the court if the victim is deceased or incapacitated,

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present.".

SEC. 826. VICTIM'S RIGHT OF PRIVACY.

(a) FINDINGS.—The Congress finds that—

(1) the crime of rape is underreported to law enforcement authorities because of its traumatic effect on victims and the stigmatizing nature of the crime;

(2) rape victims may be further victimized by involuntary public disclosure of their identities;

(3) rape victims should be encouraged to come forward and report the crime without fear of being revictimized through involuntary public disclosure of their identities; and

(4) any interest of the public in knowing the identity of a rape victim notwithstanding the victim's wishes to the contrary is outweighed by the interest of protecting the privacy of rape victims and encouraging rape victims to report the crime and assist in prosecution.

(b) SENSE OF CONGRESS.—It is the sense of Congress that news media, law enforcement personnel, and other persons should exercise restraint and respect a rape victim's privacy by not disclosing the victim's identity to the general public or facilitating such disclosure without the consent of the victim.

Subchapter C—Safe Campuses

SEC. 831. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL ASSAULT.

(a) STUDY.—The Attorney General shall provide for a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.

(b) REPORT.—Based on the study required by subsection (a), the Attorney General shall prepare a report including an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of campus sexual assaults, and to whom the allegations are reported (including authorities of the educational institution, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to authorities of educational institutions which are reported to criminal authorities;

(3) the number of campus sexual assault allegations that result in criminal prosecution in comparison with the number of non-campus sexual assault allegations that result in criminal prosecution;

(4) Federal and State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of policies and practices of educational institutions in addressing campus sexual assaults and protecting victims, including consideration of—

(A) the security measures in effect at educational institutions, such as utilization of campus police and security guards, control over access to grounds and buildings, supervision of student activities and student living arrangements, control over the consumption of alcohol by students, lighting, and the availability of escort services;

(B) the articulation and communication to students of the institution's policies concerning sexual assaults;

(C) policies and practices that may prevent or discourage the reporting of campus sexual assaults to local criminal authorities, or that may otherwise obstruct justice or interfere with the prosecution of perpetrators of campus sexual assaults;

(D) the nature and availability of victim services for victims of campus sexual assaults;

(E) the ability of educational institutions' disciplinary processes to address allegations of sexual assault adequately and fairly;

(F) measures that are taken to ensure that victims are free of unwanted contact with alleged assailants, and disciplinary sanctions that are imposed when a sexual assault is determined to have occurred; and

(G) the grounds on which educational institutions are subject to lawsuits based on campus sexual assaults, the resolution of these cases, and measures that can be taken to avoid the likelihood of lawsuits and civil liability;

(6) an assessment of the policies and practices of educational institutions that are of greatest effectiveness in addressing campus sexual assaults and protecting victims, including policies and practices relating to the particular issues described in paragraph (5); and

(7) any recommendations the Attorney General may have for reforms to address campus sexual assaults and protect victims more effectively, and any other matters that the Attorney General deems relevant to the subject of the study and report required by this section.

(c) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted to the Congress no later than September 1, 1995.

(d) DEFINITION.—For purposes of this section, "campus sexual assaults" includes sexual assaults occurring at institutions of postsecondary education and sexual assaults committed against or by students or employees of such institutions.

(e) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $200,000 to carry out the study required by this section.

Subchapter D—Assistance to States and Localities

SEC. 841. SEXUAL VIOLENCE GRANT PROGRAM.

(a) PURPOSE.—The purpose of this section is to strengthen and improve State and local efforts to prevent and punish sexual violence, and to assist and protect the victims of sexual violence.

(b) AUTHORIZATION OF GRANTS.—The Attorney General, through the Bureau of Justice Assistance, the Office for Victims of Crime, and the Bureau of Justice Statistics, may make grants to support projects and programs relating to sexual violence, including support of—

(1) training and policy development programs for law enforcement officers and prosecutors concerning the investigation and prosecution of sexual violence;

(2) law enforcement and prosecutorial units and teams that target sexual violence;

(3) victim services programs for victims of sexual violence;

(4) educational and informational programs relating to sexual violence;

(5) improved systems for collecting, keeping, and disseminating records and data concerning sexual violence and offenders who engage in sexual violence;

(6) background check systems that enable employers to determine whether employees and applicants for employment have criminal histories involving sexual violence, in relation to employment positions for which a person may be unsuitable on the basis of such a history, such as child care positions and positions involving access to people's homes;

(7) registration systems which require persons convicted of sexual violence to keep law enforcement authorities informed of their addresses or locations;

(8) security measures in parks, public transportation systems, public buildings and facilities, and other public places which reduce the risk that acts of sexual violence will occur in such places;

(9) programs addressing campus sexual assaults (as defined in section 831);

(10) programs assisting runaway and homeless children who have been subjected to or at risk of sexual violence or sexual exploitation;

(11) training programs for judges and court personnel in relation to cases involving sexual violence; and

(12) treatment programs in a correctional setting for offenders who engage in sexual violence, which may include aftercare components, and which shall include an evaluation component to determine the effectiveness of the treatment in reducing recidivism.

(c) FORMULA GRANTS.—Of the amount appropriated in each fiscal year for grants under this section, other than the amount set aside to carry out subsection (d)—

(1) 1 percent shall be set aside for each participating State; and

(2) the remainder shall be allocated to the participating States in proportion to their populations;

for the use of State and local governments in the States.

(d) DISCRETIONARY GRANTS.—Of the amount appropriated in each fiscal year, 20 percent shall be set aside in a discretionary fund to provide grants to public and private agencies to further the purposes and objectives set forth in subsections (a) and (b).

(e) APPLICATION FOR FORMULA GRANTS.—To request a grant under subsection (c), the chief executive officer of a State must, in each fiscal year, submit to the Attorney General a plan for addressing sexual violence in the State, including a specification of the uses to which funds provided under subsection (c) will be put in carrying out the plan. The application shall include—

(1) certification that the Federal funding provided will be used to supplement and not supplant State and local funds;

(2) certification that any requirement of State law for review by the State legislature or a designated body, and any requirement of State law for public notice and comment concerning the proposed plan, have been satisfied; and

(3) provisions for fiscal control, management, recordkeeping, and submission of reports in relation to funds provided under this section that are consistent with requirements prescribed for the program.

(f) CONDITIONS ON GRANTS.—

(1) MATCHING FUNDS.—Grants under subsection (c) may be for up to 50 percent of the overall cost of a project or program funded. Discretionary grants under subsection (d) may be for up to 100 percent of the overall cost of a project of program funded.

(2) DURATION OF GRANTS.—Grants under subsection (c) may be provided in relation to a particular project or program for up to an aggregate maximum period of 4 years.

(3) LIMIT ON ADMINISTRATIVE COSTS.—Not more than 5 percent of a grant under subsection (c) may be used for costs incurred to administer the grant.

(4) PAYMENT OF COST OF FORENSIC MEDICAL EXAMINATIONS.—It is a condition of eligibility for grants under subsection (c) that a State pay the cost of forensic medical examinations for victims of sexual violence.

(5) POLICIES AGAINST CAMPUS SEXUAL ASSAULTS.—For an institution of postsecondary education seeking a grant under subsection (d), it is a condition of eligibility that the institution articulate and communicate to its students a clear policy that sexual violence will not be tolerated by the institution.

(g) EVALUATION.—The National Institute of Justice shall have the authority to carry out evaluations of programs funded under this section. The recipient of any grant under this section may be required to include an evaluation component to determine the effectiveness of the project or program funded that is consistent with guidelines issued by the National Institute of Justice.

(h) COORDINATION.—The Attorney General may utilize the Office of Justice Programs to coordinate the administration of grants under this section. The coordination of grants under this section shall include prescribing consistent program requirements for grantees, allocating functions and the administration of particular grants among the components that participate in the administration of the program under this section, coordinating the program under this section with the Domestic Violence and Family Support Grant Program established by section 857, and coordinating the program under this section with other grant programs administered by components of the Department of Justice.

(i) DEFINITION.—In this section, "sexual violence" includes nonconsensual sex offenses and sex offenses involving victims who are not able to give legally effective consent because of age or incompetency.

(j) REPORT.—The Attorney General shall submit an annual report to Congress concerning the operation and effectiveness of the program under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $250,000,000 for each of fiscal years 1994, 1995, and 1996; and

(2) such sums as are necessary for each fiscal year thereafter.

SEC. 842. SUPPLEMENTARY GRANTS FOR STATES ADOPTING EFFECTIVE LAWS RELATING TO SEXUAL VIOLENCE.

(a) SUPPLEMENTARY GRANTS.—The Attorney General may, in each fiscal year, authorize the award to a State of an aggregate amount of up to $1,000,000 under the Sexual Violence Grant Program established by section 141, in addition to any funds that are otherwise authorized under that program. The authority to award additional funding under this section is conditional on certification by the Attorney General that the State has laws relating to sexual violence that exceed or are reasonably comparable to the provisions of Federal law (including changes in Federal law made by this Act) in the following areas:

(1) Authorization of pre-trial detention of defendants in sexual assault cases where prevention of flight or the safety of others cannot be reasonably assured by other means, and denial of release pending appeal for persons convicted of sexual assault offenses who have been sentenced to imprisonment.

(2) Authorization of severe penalties for sexual assault offenses.

(3) Pre-trial testing for the human immunodeficiency virus of persons charged with sexual assault offenses, with disclosure of test results to the victim.

(4) Payment of the cost of medical examinations and the cost of testing for the human immunodeficiency virus for victims of sexual assaults.

(5) According the victim of a sexual assault the right to be present at judicial proceedings in the case.

(6) Protection of victims from inquiry into unrelated sexual behavior in sexual assault cases.

(7) Rules of professional conduct for lawyers that protect victims from unwarranted cross-examination and impeachment, dila-

tory tactics, and other abuses in sexual assault cases.

(8) Authorization of admission and consideration in sexual assault cases of evidence that the defendant has committed sexual assaults on other occasions.

(9) Authorization of the victim in sexual assault cases to address the court concerning the sentence to be imposed.

(10) Authorization of the award of restitution to victims of sexual assaults as part of a criminal sentence.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out this section.

CHAPTER 2—DOMESTIC VIOLENCE AND OFFENSES AGAINST THE FAMILY

SEC. 851. NONCOMPLIANCE WITH CHILD SUPPORT OBLIGATIONS IN INTERSTATE CASES.

(a) OFFENSE.—Part 1 of title 18, United States Code, is amended by inserting after chapter 110 the following new chapter:

"CHAPTER 110A—NONCOMPLIANCE WITH CHILD SUPPORT OBLIGATIONS

"Sec.
"2261. Noncompliance with child support obligations.

"§ 2261. Noncompliance with child support obligations.

"(a) DEFINITIONS.—In this section—

"'child support obligation' means an amount determined under a court order or an order of an administrative process pursuant to the law of a State to be due from a person for the support of a child or of a child and the parent with whom the child is living.

"'major child support obligation' means a child support obligation that has remained unpaid for a period exceeding one year, or that is greater than $5,000.

"'past due support obligation' means a child support obligation that is unpaid at the time of sentencing for an offense under this section.

"'State' has the meaning stated in section 513(c)(5).

"(b) OFFENSE.—A person who—

"(1) leaves or remains outside a State with intent to avoid payment of a child support obligation; or

"(2) fails to pay a major child support obligation with respect to a child who resides in another State, despite having the financial resources to pay the obligation or the ability to acquire such resources through reasonable diligence,

shall be punished as provided in subsection (d).

"(c) PRESUMPTION.—In relation to an offense charged under subsection (b)(1), the absence of the defendant from the State for an aggregate period of 6 months without payment of the child support obligation shall create a rebuttable presumption that the intent existed to avoid payment of the obligation.

"(d) PENALTY.—A person convicted of an offense under this section shall be punished by imprisonment for up to 6 months, and on a second or subsequent conviction, by imprisonment for up to 2 years.

"(e) RESTITUTION.—In addition to any restitution that may be ordered pursuant to section 3663, a sentence for an offense under this section shall include an order of restitution in an amount equal to the past due support obligation as it exists at the time of sentencing. Subsections (e) through (i) of section 3663 apply to an order of restitution pursuant to this subsection.".

(b) TECHNICAL AMENDMENT.—The part analysis for part 1 of title 18, United States Code, is amended by inserting after the item for chapter 110 the following new item:

"2261. Noncompliance with child support obligations.".

(c) CONDITION OF PROBATION AND SUPERVISED RELEASE.—Section 3563(b)(1) of title 18, United States Code, is amended by inserting before the semicolon ", including compliance with any court order or administrative order under the law of a State (as defined in section 513(c)(5)) requiring payments for the support of a child or of a child and the parent with whom the child is living".

SEC. 852. FULL FAITH AND CREDIT FOR PROTECTIVE ORDERS.

(a) REQUIREMENT OF FULL FAITH AND CREDIT.—Chapter 110A of title 18, United States Code, as added by section 851, is amended by adding at the end the following new section:

"§ 2262. Full faith and credit for protective orders

"(a) DEFINITIONS.—In this section—

"'protective order' means an order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person.

"'State' has the meaning stated in section 513(c)(5).

"(b) FULL FAITH AND CREDIT.—A protective order issued by a court of a State shall have the same full faith and credit in a court in another State that it would have in a court of the State in which issued, and shall be enforced by the courts of any State as if it were issued in that State.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 110A of title 18, United States Code, as added by section 201, is amended by adding at the end the following new item:

"2262. Full faith and credit for protective orders.".

SEC. 853. PRESUMPTION AGAINST CHILD CUSTODY FOR SPOUSE ABUSERS.

(a) FINDINGS.—The Congress finds that—

(1) courts fail to recognize the detrimental effects of having as a custodial parent an individual who physically abuses his or her spouse, insofar as they do not hear or weigh evidence of domestic violence in child custody litigation;

(2) joint custody forced upon hostile parents can create a damaging psychological environment for a child;

(3) physical abuse of a spouse is relevant to the likelihood of child abuse in child custody disputes;

(4) the effects on children of physical abuse of a spouse include—

(A) traumatization and psychological damage to children resulting from observation of the abuse and the climate of violence and fear existing in a home where abuse takes place;

(B) the risk that children may become targets of physical abuse when they attempt to intervene on behalf of an abused parent; and

(C) the negative effects on children of exposure to an inappropriate role model, in that witnessing an aggressive parent may communicate to children that violence is an acceptable means of dealing with others; and

(5) the harm to children from spouse abuse may be compounded by award of exclusive or joint custody to an abuser because further abuse may occur when the abused spouse is forced to have contact with the abuser as a result of the custody arrangement, and because the child or children may be exposed to abuse committed by the abuser against a subsequent spouse or partner.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that, for purposes of determining child custody, evidence establishing that a parent engages in physical abuse of a spouse should create a statutory presumption that it is detrimental to the child to be placed in the custody of the abusive spouse.

SEC. 854. REPORT ON BATTERED WOMEN'S SYNDROME.

(a) REPORT.—The Attorney General shall prepare and transmit to the Congress a report on the status of battered women's syndrome as a medical and psychological condition and on its effect in criminal trials. The Attorney General may utilize the National Institute of Justice to obtain information required for the preparation of the report.

(b) COMPONENTS OF REPORT.—The report described in subsection (a) shall include—

(1) a review of medical and psychological views concerning the existence, nature, and effects of battered women's syndrome as a psychological condition;

(2) a compilation of judicial decisions that have admitted or excluded evidence of battered women's syndrome as evidence of guilt or as a defense in criminal trials; and

(3) information on the views of judges, prosecutors, and defense attorneys concerning the effects that evidence of battered women's syndrome may have in criminal trials.

SEC. 855. REPORT ON CONFIDENTIALITY OF ADDRESSES FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) REPORT.—The Attorney General shall conduct a study of the means by which abusive spouses may obtain information concerning the addresses or locations of estranged or former spouses, notwithstanding the desire of the victims to have such information withheld to avoid further exposure to abuse. Based on the study, the Attorney General shall transmit a report to Congress including—

(1) the findings of the study concerning the means by which information concerning the addresses or locations of abused spouses may be obtained by abusers; and

(2) analysis of the feasibility of creating effective means of protecting the confidentiality of information concerning the addresses and locations of abused spouses to protect such persons from exposure to further abuse while preserving access to such information for legitimate purposes.

(b) USE OF COMPONENTS.—The Attorney General may use the National Institute of Justice and the Office for Victims of Crime in carrying out this section.

SEC. 856. REPORT ON RECORDKEEPING RELATING TO DOMESTIC VIOLENCE.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall complete a study of, and shall submit to Congress a report and recommendations on, problems of recordkeeping of criminal complaints involving domestic violence. The study and report shall examine—

(1) the efforts that have been made by the Department of Justice, including the Federal Bureau of Investigation, to collect statistics on domestic violence; and

(2) the feasibility of requiring that the relationship between an offender and victim be reported in Federal records of crimes of aggravated assault, rape, and other violent crimes.

SEC. 857. DOMESTIC VIOLENCE AND FAMILY SUPPORT GRANT PROGRAM.

(a) PURPOSE.—The purpose of this section is to strengthen and improve State and local efforts to prevent and punish domestic violence and other criminal and unlawful acts that particularly affect women, and to assist and protect the victims of such crimes and acts.

(b) AUTHORIZATION OF GRANTS.—The Attorney General, through the Bureau of Justice Assistance, the Office for Victims of Crime, and the Bureau of Justice Statistics, may make grants to support projects and programs relating to domestic violence and other criminal and unlawful acts that particularly affect women, including support of—

(1) training and policy development programs for law enforcement officers and prosecutors concerning the investigation and prosecution of domestic violence;

(2) law enforcement and prosecutorial units and teams that target domestic violence;

(3) model, innovative, and demonstration law enforcement programs relating to domestic violence that involve pro-arrest and aggressive prosecution policies;

(4) model, innovative, and demonstration programs for the effective utilization and enforcement of protective orders;

(5) programs addressing stalking and persistent menacing;

(6) victim services programs for victims of domestic violence;

(7) shelters that provide services for victims of domestic violence and related programs;

(8) educational and informational programs relating to domestic violence;

(9) resource centers providing information, technical assistance, and training to domestic violence service providers, agencies, and programs;

(10) coalitions of domestic violence service providers, agencies, and programs;

(11) training programs for judges and court personnel in relation to cases involving domestic violence; and

(12) enforcement of child support obligations, including cooperative efforts and arrangements of States to improve enforcement in cases involving interstate elements.

(c) FORMULA GRANTS.—Of the amount appropriated in each fiscal year for grants under this section, other than the amount set aside to carry out subsection (d)—

(1) 1 percent shall be set aside for each participating State; and

(2) the remainder shall be allocated to the participating States in proportion to their populations;

for the use of State and local governments in the States.

(d) DISCRETIONARY GRANTS.—Of the amount appropriated in each fiscal year, 20 percent shall be set aside in a discretionary fund to provide grants to public and private agencies to further the purposes and objectives set forth in subsections (a) and (b).

(e) APPLICATION FOR FORMULA GRANTS.—To request a grant under subsection (c), the chief executive officer of a State must, in each fiscal year, submit to the Attorney General a plan for addressing domestic violence and other criminal and unlawful acts that particularly affect women in the State, including a specification of the uses to which funds provided under subsection (c) will be put in carrying out the plan. The application must include—

(1) certification that the Federal funding provided will be used to supplement and not supplant State and local funds;

(2) certification that any requirement of State law for review by the State legislature or a designated body, and any requirement of State law for public notice and comment concerning the proposed plan, have been satisfied; and

(3) provisions for fiscal control, management, recordkeeping, and submission of reports in relation to funds provided under this section that are consistent with requirements prescribed for the program.

(f) CONDITIONS ON GRANTS.—

(1) MATCHING FUNDS.—Grants under subsection (c) may be for up to 50 percent of the overall cost of a project or program funded. Discretionary grants under subsection (d) may be for up to 100 percent of the overall cost of a project or program funded.

(2) DURATION OF GRANTS.—Grants under subsection (c) may be provided in relation to a particular project or program for up to an aggregate maximum period of four years.

(3) LIMIT ON ADMINISTRATIVE COSTS.—Not more than 5 percent of a grant under subsection (c) may be used for costs incurred to administer the grant.

(g) EVALUATION.—The National Institute of Justice shall have the authority to carry out evaluations of programs funded under this section. The recipient of any grant under this section may be required to include an evaluation component to determine the effectiveness of the project or program funded that is consistent with guidelines issued by the National Institute of Justice.

(h) COORDINATION.—The Attorney General may utilize the Office of Justice Programs to coordinate the administration of grants under this section. The coordination of grants under this section shall include prescribing consistent program requirements for grantees, allocating functions and the administration of particular grants among the components that participate in the administration of the program under this section, coordinating the program under this section with the Sexual Violence Grant Program established by section 841, and coordinating the program under this section with other grant programs administered by components of the Department of Justice.

(i) DEFINITION.—In this section, "domestic violence" includes any act of criminal violence in which the offender and the victim are members of the same household or relatives, or in which the offender and the victim are present or former spouses or cohabitors or have a child in common.

(j) REPORT.—The Attorney General shall submit an annual report to Congress concerning the operation and effectiveness of the program under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $250,000,000 for each of fiscal years 1994, 1995, and 1996; and

(2) such sums as are necessary for each fiscal year thereafter.

CHAPTER 3—NATIONAL TASK FORCE ON VIOLENCE AGAINST WOMEN

SEC. 861. ESTABLISHMENT.

Not later than 30 days after the date of enactment of this Act, the Attorney General shall establish a task force to be known as the National Task Force on Violence Against Women (referred to in this title as the "task force").

SEC. 862. DUTIES OF TASK FORCE.

(a) GENERAL PURPOSE OF TASK FORCE.—The task force shall recommend Federal, State, and local strategies aimed at protecting women against violent crime, punishing persons who commit such crimes, and enhancing the rights of victims of such crimes.

(b) DUTIES OF TASK FORCE.—The task force shall perform such functions as the Attorney General deems appropriate to carry out the purposes of the task force, including—

(1) considering the reports and recommendations of past Federal and State studies of violent crime, family violence, and the treatment of crime victims, including the Report of the Attorney General to the President on Combating Violent Crime (1992), the Report of the Attorney General's Task Force on Family Violence (1984), the Report of the President's Task Force on Victims of Crime (1982), and the reports and recommendations of the task forces and commissions established by the States of Alabama, Alaska, Arkansas, Hawaii, Idaho, Indiana, Kansas, Louisiana, Michigan, Minnesota, Nebraska, New Mexico, New York, North Carolina, Rhode Island, Virginia, Texas, and Wyoming;

(2) developing strategies for Federal, State, and local law enforcement designed to protect women against violent crime, and to prosecute and punish those responsible for such crime;

(3) evaluating the adequacy of rules of evidence, practice, and procedure to ensure the effective prosecution and conviction of violent offenders against women and to protect victims from abuse in legal proceedings, and making recommendations for the improvement of the rules;

(4) evaluating the adequacy of pre-trial release, sentencing, incarceration, and post-conviction release in relation to violent offenders against women, and making recommendations designed to ensure that such offenders are restrained from causing further harm to the victim and others and receive appropriate punishment, including means of ensuring that the efficacy of criminal sanctions will not be undermined by parole or other early release mechanisms;

(5) assessing the issuance, formulation, and enforcement of protective orders, whether or not related to a criminal proceeding, and making recommendations for the effective use of such orders to protect women from violence;

(6) assessing the problem of stalking and persistent menacing of women, and recommending effective means of response to the problem; and

(7) generally evaluating the treatment of women as victims of violent crime in the criminal justice system, and making recommendations designed to improve such treatment.

SEC. 863. MEMBERSHIP.

(a) IN GENERAL.—The task force shall consist of up to 10 members, who shall be appointed by the Attorney General not later than 60 days after the date of enactment of this Act. The Attorney General shall ensure that the task force includes representatives of State and local law enforcement, the State and local judiciary, and groups dedicated to protecting the rights of victims.

(b) CHAIRMAN.—The Attorney General or the Attorney General's designee shall serve as chairman of the task force.

SEC. 864. PAY.

(a) NO ADDITIONAL COMPENSATION.—Members of the task force who are officers or employees of a governmental agency shall receive no additional compensation by reason of their service on the task force.

(b) PER DIEM.—While away from their homes or regular places of business in the performance of duties for the task force, members of the task force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

SEC. 865. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT.—The task force shall have an Executive Director who shall be appointed by the Attorney General not later

than 30 days after the task force is fully constituted under section 303.

(2) COMPENSATION.—The Executive Director shall be compensated at a rate not to exceed the maximum rate of the basic pay payable for a position above GS-15 of the General Schedule contained in title 5, United States Code.

(b) STAFF.—With the approval of the task force, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the task force.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The Executive Director and the additional personnel of the task force appointed under subsection (b) may be appointed without regard to title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) CONSULTANTS.—Subject to such rules as may be prescribed by the task force, the Executive Director may procure temporary intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

SEC. 866. POWERS OF TASK FORCE.

(a) HEARINGS.—For the purpose of carrying out this title, the task force may conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the task force considers appropriate. A member of the task force may administer oaths to persons appearing before the task force.

(b) DELEGATION.—Any member or employee of the task force may, if authorized by the task force, take any action that the task force is authorized to take under this title.

(c) ACCESS TO INFORMATION.—The task force may secure directly from any executive department or agency such information as may be necessary to enable the task force to carry out this title, to the extent access to such information is permitted by law. On request of the Attorney General, the head of such a department or agency shall furnish such permitted information to the task force.

(d) MAIL.—The task force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 867. REPORT.

Not later than 1 year after the date on which the task force is fully constituted under section 303, the Attorney General shall submit a detailed report to the Congress on the findings and recommendations of the task force.

SEC. 868. AUTHORIZATION OF APPROPRIATION.

There is authorized to be appropriated to carry out this title $500,000 for fiscal year 1994.

SEC. 869. TERMINATION.

The task force shall cease to exist 30 days after the date on which the Attorney General's report is submitted under section 307. The Attorney General may extend the life of the task force for a period of not to exceed one year.

Subtitle B—Victims' Rights

SEC. 871. RESTITUTION AMENDMENTS.

Section 3663(b) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (4) the following new paragraph:

"(4) in any case, reimburse the victim for necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and".

(b) SUSPENSION OF FEDERAL BENEFITS.—Section 3663 of title 18, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection:

"(g)(1) If the defendant is delinquent in making restitution in accordance with any schedule of payments or any requirement of immediate payment imposed under this section, the court may, after a hearing, suspend the defendant's eligibility for all Federal benefits until such time as the defendant demonstrates to the court good-faith efforts to return to such schedule.

"(2) In this subsection—

"(A) 'Federal benefits'—

"(i) means any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and

"(ii) does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility.

"(B) 'veterans benefit' means all benefits provided to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.".

SEC. 872. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY.

Rule 24(b) of the Federal Rules of Criminal Procedure is amended by striking "the Government is entitled to 6 peremptory challenges and the defendant or defendants jointly to 10 peremptory challenges" and inserting "each side is entitled to 6 peremptory challenges".

SEC. 873. MANDATORY RESTITUTION AND OTHER PROVISIONS.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "may order" and inserting "shall order"; and

(B) by adding at the end the following new paragraph:

"(4) In addition to ordering restitution of the victim of the offense of which a defendant is convicted, a court may order restitution of any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

"(A) the criminal episode during which the offense occurred; or

"(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.";

(2) in subsection (b)(1)(A) by striking "impractical" and inserting "impracticable";

(3) in subsection (b)(2) by inserting "emotional or" after "resulting in";

(4) in subsection (c) by striking "If the Court decides to order restitution under this section, the" and inserting "The";

(5) by striking subsections (d), (e), (f), (h), and (i), as redesignated by section 871(b)(1);

(6) by redesignating subsection (g), as added by section 871(b)(2), as subsection (d); and

(7) by adding at the end the following new subsections:

"(e)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

"(A) the economic circumstances of the offender; or

"(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

"(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

"(A) the financial resources and other assets of the offender;

"(B) projected earnings and other income of the offender; and

"(C) any financial obligations of the offender, including obligations to dependents.

"(3) A restoration order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender.

"(4) An in-kind payment described in paragraph (3) may be in the form of—

"(A) return of property;

"(B) replacement of property; or

"(C) services rendered to the victim or to a person or organization other than the victim.

"(f) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(g) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(h)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

"(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

"(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(i) A restitution order shall provide that—

"(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the

United States Courts for accounting and payment by the entity in accordance with this subsection;

"(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

"(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful;

"(B) notify the court and the interested parties when an offender is 90 days in arrears in meeting those obligations; and

"(C) disburse money received from an offender so that each of the following obligations is paid in full in the following sequence:

"(i) a penalty assessment under section 3013;

"(ii) restitution of all victims; and

"(iii) all other fines, penalties, costs, and other payments required under the sentence; and

"(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

"(j) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

"(k) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

"(l) An order of restitution may be enforced—

"(1) by the United States—

"(A) in the manner provided for the collection and payment of fines in subchapter B of chapter 229; or

"(B) in the same manner as a judgment in a civil action; and

"(2) by a victim named in the order to receive restitution, in the same manner as a judgment in a civil action.

"(m) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.".

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

"(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs."; and

(4) by adding at the end the following new subsection:

"(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.".

Subtitle C—National Child Protection Act

SEC. 881. SHORT TITLE.

This subtitle may be cited as the "National Child Protection Act of 1993".

SEC. 882. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) more than 2,500,000 reports of suspected child abuse and neglect are made each year, and increases have occurred in recent years in the abuse of children by persons who have previously committed crimes of child abuse or other serious crimes;

(2) although the great majority of child care providers are caring and dedicated professionals, child abusers and others who harm or prey on children frequently seek employment in or volunteer for positions that give them access to children;

(3) nearly 6,000,000 children received day care in 1990, and this total is growing rapidly to an estimated 8,000,000 children by 1995;

(4) exposure to child abusers and others who harm or prey on children is harmful to the physical and emotional well-being of children;

(5) there is no reliable, centralized national source through which child care organizations may obtain the benefit of a nationwide criminal background check on persons who provide or seek to provide child care;

(6) some States maintain automated criminal background files and provide criminal history information to child care organizations on persons who provide or seek to provide child care; and

(7) because State and national criminal justice databases are inadequate to permit effective national background checks, persons convicted of crimes of child abuse or other serious crimes may gain employment at a child care organization.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to establish a national system through which child care organizations may obtain the benefit of a nationwide criminal background check to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(2) to establish minimum criteria for State laws and procedures that permit child care organizations to obtain the benefit of nationwide criminal background checks to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(3) to provide procedural rights for persons who are subject to nationwide criminal background checks, including procedures to challenge and correct inaccurate background check information;

(4) to establish a national system for the reporting by the States of child abuse crime information; and

(5) to document and study the problem of child abuse by providing statistical and informational data on child abuse and related crimes to the Department of Justice and other interested parties.

SEC. 883. DEFINITIONS.

In this subtitle—

"authorized agency" means a division or office of a State designated by a State to report, receive, or disseminate information under this subtitle.

"background check crime" means a child abuse crime, murder, manslaughter, aggravated assault, kidnapping, arson, sexual assault, domestic violence, incest, indecent exposure, prostitution, promotion of prostitution, and a felony offense involving the use or distribution of a controlled substance.

"child" means a person who is a child for purposes of the criminal child abuse law of a State.

"child abuse" means the physical or mental injury, sexual abuse or exploitation, neglectful treatment, negligent treatment, or maltreatment of a child by any person in violation of the criminal child abuse laws of a State, but does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty.

"child abuse crime" means a crime committed under any law of a State that establishes criminal penalties for the commission of child abuse by a parent or other family member of a child or by any other person.

"child abuse crime information" means the following facts concerning a person who is under indictment for, or has been convicted of, a child abuse crime: full name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, legal residence address, a brief description of the child abuse crime or offenses for which the person is under indictment or has been convicted, and any other information that the Attorney General determines may be useful in identifying persons under indictment for, or convicted of, a child abuse crime.

"child care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children.

"domestic violence" means a felony or misdemeanor involving the use or threatened use of force by—

(A) a present or former spouse of the victim;

(B) a person with whom the victim shares a child in common;

(C) a person who is cohabiting with or has cohabited with the victim as a spouse; or

(D) any person defined as a spouse of the victim under the domestic or family violence laws of a State.

"exploitation" means child pornography and child prostitution.

"mental injury" means harm to a child's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors or by a change in behavior, emotional response, or cognition.

"national criminal background check system" means the system of information and identification relating to convicted and accused child abuse offenders that is maintained by the Attorney General under this subtitle.

"negligent treatment" means the failure to provide, for a reason other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of a child.

"physical injury" includes lacerations, fractured bones, burns, internal injuries, severe bruising, and serious bodily harm.

"provider" means

(A) a person who—

(i) is employed by or volunteers with a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity;

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a child to whom the qualified entity provides child care.

"qualified entity" means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides child care or child care placement services, including a business or organization that licenses or certifies others to provide child care or child care placement services.

"sex crime" means an act of sexual abuse that is a criminal act.

"sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children.

"State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

SEC. 884. REPORTING BY THE STATES.

(a) IN GENERAL.—An authorized agency of a State shall report child abuse crime information to the national criminal background check system.

(b) PROVISION OF STATE CHILD ABUSE CRIME RECORDS TO THE NATIONAL CRIMINAL BACKGROUND CHECK SYSTEM.—(1) Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(A) investigate the criminal records of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an on-line capacity basis to the national criminal background check system;

(B) establish guidelines for the reporting of child abuse crime information, including guidelines relating to the format, content, and accuracy of child abuse crime information and other procedures for carrying out this subtitle; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of the State timetable that the State—

(A) achieve, by not later than the date that is 3 years after the date of enactment of this Act, at least 80 percent currency of child abuse crime case dispositions in computerized criminal history files for all child abuse crime cases in which there has been an entry of activity within the last 5 years; and

(B) continue to maintain such a system.

(c) EXCHANGE OF INFORMATION.—An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of information and technical assistance in cases of child abuse.

(d) ANNUAL SUMMARY.—(1) The Attorney General shall publish an annual statistical summary of the child abuse crime information reported under this subtitle.

(2) The annual statistical summary described in paragraph (1) shall not contain any information that may reveal the identity of any particular victim of a crime.

(e) ANNUAL REPORT.—The Attorney General shall publish an annual summary of each State's progress in reporting child abuse crime information to the national criminal background check system.

(f) STUDY OF CHILD ABUSE OFFENDERS.—(1) Not later than 180 days after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State;

(C) whether there are crimes or classes of crimes, in addition to those defined as background check crimes in section 883, that are indicative of a potential to abuse children; and

(D) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the Chairman of the Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1).

SEC. 885. BACKGROUND CHECKS.

(a) IN GENERAL.—(1) A State may have in effect procedures (established by or under State statute or regulation) to permit a qualified entity to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether there is a report that a provider is under indictment for, or has been convicted of, a background check crime.

(2) The authorized agency shall access and review State and Federal records of background check crimes through the national criminal background check system and other criminal justice recordkeeping systems and shall respond promptly to the inquiry.

(b) GUIDELINES.—(1) The Attorney General shall establish guidelines for State background check procedures established under subsection (a), including procedures for carrying out the purposes of this subtitle.

(2) The guidelines established under paragraph (1) shall require—

(A) that no qualified entity may request a background check of a provider under subsection (a) unless the provider first completes and signs a statement that—

(i) contains the name, address, and date of birth appearing on a valid identification document (as defined by section 1028(d)(1) of title 18, United States Code) of the provider;

(ii) the provider is not under indictment for, and has not been convicted of, a background check crime and, if the provider is under indictment for or has been convicted of a background check crime, contains a description of the crime and the particulars of the indictment or conviction;

(iii) notifies the provider that the entity may request a background check under subsection (a);

(iv) notifies the provider of the provider's rights under subparagraph (B); and

(v) notifies the provider that prior to the receipt of the background check the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care;

(B) that each State establish procedures under which a provider who is the subject of a background check under subsection (a) is entitled—

(i) to obtain a copy of any background check report and any record that forms the basis for any such report; and

(ii) to challenge the accuracy and completeness of any information contained in any such report or record and obtain a prompt determination from an authorized agency as to the validity of such challenge;

(C) that an authorized agency to which a qualified entity has provided notice pursuant to subsection (a) make reasonable efforts to complete research in whatever State and local recordkeeping systems are available and in the national criminal background check system and respond to the qualified entity within 15 business days;

(D) that the response of an authorized agency to an inquiry pursuant to subsection (a) inform the qualified entity that the background check pursuant to this section—

(i) may not reflect all indictments or convictions for a background check crime;

(ii) is not certain to include arrest information; and

(iii) should not be the sole basis for determining the fitness of a provider;

(E) that the response of an authorized agency to an inquiry pursuant to subsection (a)—

(i) at a minimum, state whether the background check information set forth in the identification document required under subparagraph (A) is complete and accurate; and

(ii) be limited to the information reasonably required to accomplish the purposes of this subtitle;

(F) that no qualified entity may take action adverse to a provider, except that the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care, on the basis of a background check under subsection (a) until the provider has obtained a determination as to the validity of any challenge under subparagraph (B) or waived the right to make such challenge;

(G) that each State establish procedures to ensure that any background check under subsection (a) and the results thereof shall be requested by and provided only to—

(i) qualified entities identified by States;

(ii) authorized representatives of a qualified entity who have a need to know such information;

(iii) the providers;

(iv) law enforcement authorities; or

(v) pursuant to the direction of a court of law;

(H) that background check information conveyed to a qualified entity pursuant to subsection (a) shall not be conveyed to any person except as provided under subparagraph (G);

(I) that an authorized agency shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check; and

(J) that a State employee or a political subdivision of a State or employee thereof responsible for providing information to the national criminal background check system shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check.

(c) EQUIVALENT PROCEDURES.—(1) Notwithstanding anything to the contrary in this section, the Attorney General may certify that a State licensing or certification procedure that differs from the procedures described in subsections (a) and (b) shall be deemed to be the equivalent of such procedures for purposes of this subtitle, but the procedures described in subsections (a) and (b) shall continue to apply to those qualified entities, providers, and background check crimes that are not governed by or included within the State licensing or certification procedure.

(2) The Attorney General shall by regulation establish criteria for certifications under this subsection. Such criteria shall include a finding by the Attorney General that the State licensing or certification procedure accomplishes the purposes of this subtitle and incorporates a nationwide review of State and Federal records of background check offenses through the national criminal background check system.

(d) RECORDS EXCHANGE.—The Attorney General may exchange Federal Bureau of Investigation identification records with authorized agencies for purposes of background checks under subsection (a) and may by regulation authorize further dissemination of such records by authorized agencies for such purposes.

(e) REGULATIONS.—(1) The Attorney General shall by regulation prescribe such other measures as may be required to carry out the purposes of this subtitle, including measures relating to the security, confidentiality, accuracy, use, misuse, and dissemination of information, and audits and recordkeeping.

(2) The Attorney General shall, to the maximum extent possible, encourage the use of the best technology available in conducting background checks.

SEC. 886. FUNDING FOR IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.

(a) USE OF FORMULA GRANTS FOR IMPROVEMENTS IN STATE RECORDS AND SYSTEMS.—Section 509(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the records required by the Attorney General under section 884 of the National Child Protection Act of 1993 with the Attorney General for the purpose of implementing the National Child Protection Act of 1993.".

(b) ADDITIONAL FUNDING GRANTS FOR THE IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.—(1) The Attorney General shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this subtitle;

(B) for the improvement of existing computerized criminal history files for the purposes of this subtitle;

(C) to improve accessibility to the national criminal background check system for the purposes of this subtitle; and

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history records in, the national criminal background check system for the purposes of this subtitle.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of $20,000,000 for fiscal years 1994, 1995, and 1996.

(c) WITHHOLDING STATE FUNDS.—Effective 1 year after the date of enactment of this Act, the Attorney General may reduce by up to 10 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for that State under section 884.

Subtitle D—Jacob Wetterling Crimes Against Children Registration Act

SEC. 891. SHORT TITLE.

This subtitle may be cited as the "Jacob Wetterling Crimes Against Children Registration Act".

SEC. 892. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—The Attorney General shall establish guidelines for State programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated State law enforcement agency for 10 years after release from prison, being placed on parole, or being placed on supervised release.

(2) DEFINITION.—For purposes of this subsection, "criminal offense against a victim who is a minor" includes—

(A) kidnapping of a minor, except by a noncustodial parent;

(B) false imprisonment of a minor, except by a noncustodial parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of minors to engage in sexual conduct;

(E) use of minors in a sexual performance; or

(F) solicitation of minors to practice prostitution.

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, OR SUPERVISED RELEASE.—An approved State registration program established by this section shall contain the following requirements:

(1) NOTIFICATION.—If a person who is required to register under this section is released from prison, paroled, or placed on supervised release, a State prison officer shall—

(A) inform the person of the duty to register;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(C) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) TRANSFER OF INFORMATION TO STATE AND THE FBI.—The officer shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the conviction data and fingerprints to the Identification Division of the Federal Bureau of Investigation.

(3) ANNUAL VERIFICATION.—On each anniversary of a person's initial registration date during the period in which the person is required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. The person shall mail the verification form to the officer within 10 days after receipt of the form. The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed his or her residence address.

(4) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—Any change of address by a person required to register under this section reported to the designated State law enforcement agency shall immediately be reported to the appropriate law enforcement agency having jurisdiction where the person is residing.

(c) REGISTRATION FOR 10 YEARS.—A person required to register under this section shall continue to comply with this section until 10 years have elapsed since the person was released from imprisonment, or placed on parole or supervised release.

(d) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in such State. It is the sense of Congress that such penalties should include at least 6 months' imprisonment.

(e) PRIVATE DATA.—The information provided under this section is private data on individuals and may be used for law enforcement purposes and confidential background checks conducted with fingerprints for child care services providers.

SEC. 893. STATE COMPLIANCE.

(a) COMPLIANCE DATE.—Each State shall have 3 years from the date of the enactment of this Act in which to implement this subtitle.

(b) INELIGIBILITY FOR FUNDS.—The allocation of funds under section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) received by a State not complying with this subtitle 3 years after the date of enactment of this Act shall be reduced by 25 percent and the unallocated funds shall be reallocated to the States in compliance with this section.

TITLE IX—EQUAL JUSTICE ACT

SEC. 901. SHORT TITLE.

This title may be cited as the "Equal Justice Act".

SEC. 902. PROHIBITION OF RACIALLY DISCRIMINATORY POLICIES CONCERNING CAPITAL PUNISHMENT OR OTHER PENALTIES.

(a) GENERAL RULE.—The penalty of death and all other penalties shall be administered by the United States and by every State without regard to the race or color of the defendant or victim. Neither the United States nor any State shall prescribe any racial quota or statistical test for the imposition or execution of the death penalty or any other penalty.

(b) DEFINITIONS.—For purposes of this title—

(1) the action of the United States or of a State includes the action of any legislative, judicial, executive, administrative, or other agency or instrumentality of the United States or a State, or of any political subdivision of the United States or a State;

(2) the term "State" has the meaning stated in section 513 of title 18, United States Code; and

(3) the term "racial quota or statistical test" includes any law, rule, presumption, goal, standard for establishing a prima facie case, or mandatory or permissive inference that—

(A) requires or authorizes the imposition or execution of the death penalty or another penalty so as to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims; or

(B) requires or authorizes the invalidation of, or bars the execution of, sentences of death or other penalties based on the failure of a jurisdiction to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims in the imposition or execution of such sentences or penalties.

SEC. 903. GENERAL SAFEGUARDS AGAINST RACIAL PREJUDICE OR BIAS IN THE TRIBUNAL.

In a criminal trial in a court of the United States, or of any State—

(1) on motion of the defense attorney or prosecutor, the risk of racial prejudice or bias shall be examined on voir dire if there is a substantial likelihood in the circumstances of the case that such prejudice or bias will affect the jury either against or in favor of the defendant;

(2) on motion of the defense attorney or prosecutor, a change of venue shall be granted if an impartial jury cannot be obtained in the original venue because of racial prejudice or bias; and

(3) neither the prosecutor nor the defense attorney shall make any appeal to racial prejudice or bias in statements before the jury.

SEC. 904. FEDERAL CAPITAL CASES.

(a) JURY INSTRUCTIONS AND CERTIFICATION.—In a prosecution for an offense against the United States in which a sentence of death is sought, and in which the capital sentencing determination is to be made by a jury, the judge shall instruct the jury that it is not to be influenced by prejudice or bias relating to the race or color of the defendant or victim in considering whether a sentence of death is justified, and that the jury is not to recommend the imposition of a sentence of death unless it has concluded that it would recommend the same sentence for such a crime regardless of the race or color of the defendant or victim. Upon the return of a recommendation of a sentence of death, the jury shall also return a certificate, signed by each juror, that the juror's individual decision was not affected by prejudice or bias relating to the race or color of the defendant or victim, and that the individual juror would have made the same recommendation regardless of the race or color of the defendant or victim.

(b) RACIALLY MOTIVATED KILLINGS.—In a prosecution for an offense against the United States for which a sentence of death is authorized, the fact that the killing of the victim was motivated by racial prejudice or bias shall be deemed an aggravating factor whose existence permits consideration of the death penalty, in addition to any other aggravating factors that may be specified by law as permitting consideration of the death penalty.

SEC. 905. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

(a) SECTION 241.—Section 241 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in".

(b) SECTION 242.—Section 242 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in", and by striking "such inhabitant" and inserting "such person".

TITLE X—FUNDING, GRANT PROGRAMS, AND STUDIES

Subtitle A—Safer Streets and Neighborhoods

SEC. 1001. SHORT TITLE.

This subtitle may be cited as the "Law Enforcement Enhancement Act of 1993".

SEC. 1002. GRANTS TO STATE AND LOCAL AGENCIES FOR THE HIRING OF LAW ENFORCEMENT PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(5) of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5)) is amended to read as follows:

"(5) There are authorized to be appropriated $1,000,000,000 for fiscal year 1994 and such sums as are necessary in fiscal years 1995 and 1996 to carry out the programs under parts D and E. Sums appropriated for fiscal years 1994, 1995, and 1996 that are in excess of sums appropriated for fiscal year 1993 shall be used primarily for the purposes of section 501(b)(22).".

(b) HIRING OF ADDITIONAL CAREER LAW ENFORCEMENT OFFICERS.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended—

(1) by striking "and" at the end of paragraph (20);

(2) by striking the period at the end of paragraph (21) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(22) hiring additional career law enforcement officers.".

SEC. 1003. CONTINUATION OF FEDERAL-STATE FUNDING FORMULA.

Section 504(a)(1) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3754(a)(1)) is amended by striking "1991" and inserting "1994".

SEC. 1004. EQUITY IN FUNDING.

Section 506(a)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756(a)(6)) is amended by striking "0.25" and inserting "0.5".

Subtitle B—Retired Public Safety Officer Death Benefit

SEC. 1011. RETIRED PUBLIC SAFETY OFFICER DEATH BENEFIT.

(a) PAYMENTS.—Section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended—

(1) in subsection (a) by inserting "or a retired public safety officer has died as the direct and proximate result of a personal injury sustained while responding to a fire, rescue, or police emergency" after "line of duty";

(2) in subsection (b) by inserting "or a retired public safety officer has become permanently and totally disabled as the direct result of a catastrophic injury sustained while responding to a fire, rescue, or police emergency" after "line of duty"; and

(3) in subsections (c), (i), and (j) by inserting "or a retired public safety officer" after "public safety officer" each place it appears.

(b) LIMITATIONS.—Section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a) is amended—

(1) in paragraph (1) by striking "the public safety officer or by such officer's intention" and inserting "the public safety officer or the retired public safety officer who had the intention";

(2) in paragraph (2) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer"; and

(3) in paragraph (3) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer".

(c) NATIONAL PROGRAM.—Section 1203 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a–1) is amended by inserting before the period "or retired public safety officers who have died while responding to a fire, rescue, or police emergency".

(d) DEFINITIONS.—Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) by striking "and" after paragraph (6);

(2) by inserting "; and" at the end of paragraph (7); and

(3) by adding at the end the following new paragraph:

"(8) 'retired public safety officer' means a former public safety officer who has served a sufficient period of time in such capacity to become vested in the retirement system of a public agency with which the officer was employed and who retired from such agency in good standing.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to death or injuries occurring after the date of enactment of this Act.

(f) IRWIN RUTMAN PROGRAM.—Part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by inserting before section 1201 the following new section:

"NAME OF PROGRAM

"SEC. 1200. The program established under this part shall be known as the 'Irwin Rutman Retired Safety Officer's Benefit Program'.".

Subtitle C—Study on Police Officers' Rights

SEC. 1021. STUDY ON POLICE OFFICERS' RIGHTS.

The Attorney General, through the National Institute of Justice, shall conduct a study of the procedures followed in internal, noncriminal investigations of State and local law enforcement officers to determine if such investigations are conducted fairly and effectively. The study shall examine the adequacy of the rights available to law enforcement officers and members of the public in cases involving the performance of a law enforcement officer, including—

(1) notice;

(2) conduct of questioning;

(3) counsel;

(4) hearings;

(5) appeal; and

(6) sanctions.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Congress a report on the results of the study, along with findings and recommendations on strategies to guarantee fair and effective internal affairs investigations.

Subtitle D—COP-ON-THE-BEAT GRANTS

SEC. 1031. SHORT TITLE.

This subtitle may be cited as "The Cop-on-the-Beat Act of 1993".

SEC. 1032. COP-ON-THE-BEAT GRANTS.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 633(a), is amended—

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following new part:

"PART R—COP-ON-THE-BEAT GRANTS

"SEC. 1701. GRANT AUTHORIZATION.

"(a) Grant Projects.—The Director of the Bureau of Justice Assistance may make grants to units of local government and to community groups to establish or expand cooperative efforts between police and a community for the purposes of increasing police presence in the community, including—

"(1) developing innovative neighborhood-oriented policing programs;

"(2) providing new technologies to reduce the amount of time officers spend processing cases instead of patrolling the community;

"(3) purchasing equipment to improve communications between officers and the community and to improve the collection, analysis, and use of information about crime-related community problems;

"(4) developing policies that reorient police emphasis from reacting to crime to preventing crime;

"(5) creating decentralized police substations throughout the community to encourage interaction and cooperation between the public and law enforcement personnel on a local level;

"(6) providing training and problem solving for community crime problems;

"(7) providing training in cultural differences for law enforcement officials;

"(8) developing community-based crime prevention programs, such as safety programs for senior citizens, community anticrime groups, and other anticrime awareness programs;

"(9) developing crime prevention programs in communities that have experienced a recent increase in gang-related violence; and

"(10) developing projects following the model under subsection (b).

"(b) Model Project.—The Director shall develop a written model that informs community members regarding—

"(1) how to identify the existence of a drug or gang house;

"(2) what civil remedies, such as public nuisance violations and civil suits in small claims court, are available; and

"(3) what mediation techniques are available between community members and individuals who have established a drug or gang house in the community.

"SEC. 1702. APPLICATION.

"(a) In General.—(1) To be eligible to receive a grant under this part, a chief executive of a unit of local government, a duly authorized representative of a combination of local governments within a geographic region, or a community group shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) In an application under paragraph (1), a single office, or agency (public, private, or nonprofit) shall be designated as responsible for the coordination, implementation, administration, accounting, and evaluation of services described in the application.

"(b) General Contents.—Each application under subsection (a) shall include—

"(1) a request for funds available under this part for the purposes described in section 1701;

"(2) a description of the areas and populations to be served by the grant; and

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(c) Comprehensive Plan.—Each application shall include a comprehensive plan that contains—

"(1) a description of the crime problems within the areas targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant shall be used to fill those gaps;

"(5) a description of the system the applicant shall establish to prevent and reduce crime problems; and

"(6) an evaluation component, including performance standards and quantifiable goals the applicant shall use to determine project progress, and the data the applicant shall collect to measure progress toward meeting project goals.

"SEC. 1703. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) Allocation.—The Director shall allocate not less than 75 percent of the funds available under this part to units of local government or combinations of such units and not more than 20 percent of the funds available under this part to community groups.

"(b) Administrative Cost Limitation.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration, technical assistance, and evaluation.

"(c) Renewal of Grants.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant, subject to the availability of funds, if the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application and if the recipient can demonstrate significant progress toward achieving the goals of the plan required under section 1702(c).

"(d) Federal Share.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1702 for the fiscal year for which the projects receive assistance under this part.

"SEC. 1704. AWARD OF GRANTS.

"(a) Selection of Recipients.—The Director shall consider the following factors in awarding grants to units of local government or combinations of such units under this part:

"(1) Need and ability.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 1702(c).

"(2) Community-wide response.—Evidence of the ability to coordinate community-wide response to crime.

"(3) Maintain program.—The ability to maintain a program to control and prevent crime after funding under this part is no longer available.

"(b) Geographic Distribution.—The Director shall attempt to achieve, to the extent practicable, an equitable geographic distribution of grant awards.

"SEC. 1705. REPORTS.

"(a) Report to Director.—Recipients who receive funds under this part shall submit to the Director not later than March 1 of each year a report that describes progress achieved in carrying out the plan required under section 1702(c).

"(b) Report to Congress.—The Director shall submit to the Congress a report by October 1 of each year containing—

"(1) a detailed statement regarding grant awards and activities of grant recipients; and

"(2) an evaluation of projects established under this part.

"SEC. 1706. DEFINITIONS.

"For the purposes of this part:

"(1) The term 'community group' means a community-based nonprofit organization that has a primary purpose of crime prevention.

"(2) The term 'Director' means the Director of the Bureau of Justice Assistance.".

(b) Technical Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 633(b), is amended by striking the matter relating to part Q and inserting the following:

"Part Q—Cop-on-the-Beat Grants

"Sec. 1701. Grant authorization.
"Sec. 1702. Application.
"Sec. 1703. Allocation of funds; limitation on grants.
"Sec. 1704. Award of grants.
"Sec. 1705. Reports.
"Sec. 1706. Definitions.

"Part R—Transition; Effective Date; Repealer

"Sec. 1701. Continuation of rules, authorities, and proceedings.".

(c) Authorization of Appropriations.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 633(b), is amended—

(1) in paragraph (3) by striking "and P" and inserting "P, and Q"; and

(2) by adding at the end the following new paragraph:

"(11) There are authorized to be appropriated $150,000,000 for each of fiscal years 1994, 1995, and 1996 to carry out projects under part Q.".

Subtitle E—National Commission to Support Law Enforcement

SEC. 1041. SHORT TITLE.

This subtitle may be cited as the "National Commission to Support Law Enforcement Act.".

SEC. 1042. FINDINGS.

The Congress finds that—

(1) law enforcement officers risk their lives daily to protect citizens, for modest rewards and too little recognition;

(2) a significant shift has occurred in the problems that law enforcement officers face without a corresponding change in the support from the Federal Government;

(3) law enforcement officers are on the front line in the war against drugs and crime;

(4) the rate of violent crime continues to increase along with the increase in drug use;

(5) a large percentage of individuals arrested test positive for drug usage;

(6) the Presidential Commission on Law Enforcement and the Administration of Justice of 1965 focused attention on many issues affecting law enforcement, and a review 25 years later would help to evaluate current problems, including drug-related crime, violence, racial conflict, and decreased funding; and

(7) a comprehensive study of law enforcement issues, including the role of the Federal Government in supporting law enforcement officers, working conditions, and responsibility for crime control would assist in redefining the relationships between the Federal Government, the public, and law enforcement officials.

SEC. 1043. ESTABLISHMENT OF COMMISSION.

There is established a national commission to be known as the "National Commission to Support Law Enforcement" (referred to in this subtitle as the "Commission").

SEC. 1044. DUTIES.

(a) In General.—The Commission shall study and recommend changes regarding law enforcement agencies and law enforcement issues on the Federal, State, and local levels, including the following:

(1) Funding.—The sufficiency of funding, including a review of grant programs at the Federal level.

(2) Employment.—The conditions of law enforcement employment.

(3) Information.—The effectiveness of information-sharing systems, intelligence, infrastructure, and procedures among law enforcement agencies of Federal, State, and local governments.

(4) Research and training.—The status of law enforcement research and education and training.

(5) Equipment and resources.—The adequacy of equipment, physical resources, and human resources.

(6) Cooperation.—The cooperation among Federal, State, and local law enforcement agencies.

(7) Responsibility.—The responsibility of governments and law enforcement agencies in solving the crime problem.

(8) Impact.—The impact of the criminal justice system, including court schedules and prison overcrowding, on law enforcement.

(b) Consultation.—The Commission shall conduct surveys and consult with focus groups of law enforcement officers, local officials, and community leaders across the Nation to obtain information and seek advice on important law enforcement issues.

SEC. 1045. MEMBERSHIP.

(a) Number and Appointment.—The Commission shall be composed of 23 members as follows:

(1) Seven individuals from among national law enforcement officers, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the Majority Leader of the Senate;

(C) One shall be appointed by the Minority Leader of the House;

(D) One shall be appointed by the Minority Leader of the Senate; and

(E) One shall be appointed by the President.

(2) Seven individuals from national law enforcement organizations representing law enforcement management, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the Majority Leader of the Senate;

(C) One shall be appointed by the Minority Leader of the House;

(D) One shall be appointed by the Minority Leader of the Senate; and

(E) One shall be appointed by the President.

(3) Two individuals with academic expertise regarding law enforcement issues, of whom—

(A) One shall be appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate.

(B) One shall be appointed by the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(4) Two Members of the House of Representatives, appointed by the Speaker and the Minority Leader of the House of Representatives.

(5) Two Members of the Senate, appointed by the Majority Leader and the Minority Leader of the Senate.

(6) One individual involved in Federal law enforcement from the Department of the Treasury, appointed by the President.

(7) One individual from the Department of Justice, appointed by the President.

(8) The Comptroller General of the United States, who shall serve as the chairperson of the Commission.

(b) Compensation.—

(1) In general.—Members of the Commission shall receive no additional pay, allowance, or benefit by reason of service on the Commission.

(2) Travel expenses.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) Appointment Dates.—Members of the Commission shall be appointed no later than 90 days after the enactment of this title.

SEC. 1046. EXPERTS AND CONSULTANTS.

(a) Experts and Consultants.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(b) Staff of Federal Agencies.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this subtitle.

(c) Administrative Support.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support services as the Commission may request.

SEC. 1047. POWERS OF COMMISSION.

(a) Hearings.—The Commission may, for purposes of this subtitle, hold hearings, sit and act at the times and places, take testimony, and receive evidence, as the Commission considers appropriate.

(b) Delegation of Authority.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this section.

(c) Information.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this subtitle. Upon request of the chairperson of the Commission, the head of an agency shall furnish the information to the Commission to the extent permitted by law.

(d) Gifts and Donations.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 1048. REPORT.

Not later than the expiration of the 18-month period beginning on the date of the appointment of the members of the Commission, a report containing the findings of the Commission and specific proposals for legislation and administrative actions that the Commission has determined to be appropriate shall be submitted to Congress.

SEC. 1049. TERMINATION.

The Commission shall cease to exist upon the expiration of the 60-day period beginning on the date on which the Commission submits its report under section 1048.

SEC. 1050. REPEALS.

Title XXXIV of the Crime Control Act of 1990 (42 U.S.C. 3721 note) and section 211(B) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (42 U.S.C. 3721 note; 104 Stat. 2122) are repealed.

Subtitle F—Other Provisions

SEC. 1062. LAW ENFORCEMENT FAMILY SUPPORT.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1032(a), is amended—

(1) by redesignating part R as part S;

(2) by redesignating section 1801 as 1901; and

(3) by inserting after part Q the following new part:

"PART R—FAMILY SUPPORT

"SEC. 1801. DUTIES OF DIRECTOR.

"The Director shall—

"(1) establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions in the Department of Justice;

"(2) study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to Federal, State, and local law enforcement agencies, related organizations, and other interested parties;

"(3) identify and evaluate model programs that provide support services to law enforcement personnel and families;

"(4) provide technical assistance and training programs to develop stress reduction and family support to State and local law enforcement agencies;

"(5) collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies, law enforcement-related organizations, and other interested entities; and

"(6) determine issues to be researched by the Bureau and by grant recipients.

"SEC. 1802. GENERAL AUTHORIZATION.

"The Director is authorized to make grants to States and local law enforcement agencies to provide family support services to law enforcement personnel.

"SEC. 1803. USES OF FUNDS.

"(a) In General.—A State or local law enforcement agency that receives a grant under this part shall use amounts provided under the grant to establish or improve training and support programs for law enforcement personnel.

"(b) Required Activities.—A law enforcement agency that receives funds under this part shall provide at least one of the following services:

"(1) Counseling for law enforcement family members.

"(2) Child care on a 24-hour basis.

"(3) Marital and adolescent support groups.

"(4) Stress reduction programs.

"(5) Stress education for law enforcement recruits and families.

"(c) Optional Activities.—A law enforcement agency that receives funds under this part may provide the following services:

"(1) Post-shooting debriefing for officers and their spouses.

"(2) Group therapy.

"(3) Hypertension clinics.

"(4) Critical incident response on a 24-hour basis.

"(5) Law enforcement family crisis telephone services on a 24-hour basis.

"(6) Counseling for law enforcement personnel exposed to the human immuno-deficiency virus.

"(7) Counseling for peers.

"(8) Counseling for families of personnel killed in the line of duty.

"(9) Seminars regarding alcohol, drug use, gambling, and overeating.

"SEC. 1804. APPLICATIONS.

"A law enforcement agency desiring to receive a grant under this part shall submit to the Director an application at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Such application shall—

"(1) certify that the law enforcement agency shall match all Federal funds with an equal amount of cash or in-kind goods or services from other non-Federal sources;

"(2) include a statement from the highest ranking law enforcement official from the State or locality applying for the grant that attests to the need and intended use of services to be provided with grant funds; and

"(3) assure that the Director or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this part.

"SEC. 1805. AWARD OF GRANTS; LIMITATION.

"(a) GRANT DISTRIBUTION.—In approving grants under this part, the Director shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

"(b) DURATION.—The Director may award a grant each fiscal year, not to exceed $100,000 to a State or local law enforcement agency for a period not to exceed 5 years. In any application from a State or local law enforcement agency for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Director shall review the progress made toward meeting the objectives of the program. The Director may refuse to award a grant if the Director finds sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for reconsideration.

"(c) LIMITATION.—Not more than 10 percent of grant funds received by a State or a local law enforcement agency may be used for administrative purposes.

"SEC. 1806. DISCRETIONARY RESEARCH GRANTS.

"The Director may reserve 10 percent of funds to award research grants to a State or local law enforcement agency to study issues of importance in the law enforcement field as determined by the Director.

"SEC. 1807. REPORTS.

"(a) REPORT FROM GRANT RECIPIENTS.—A State or local law enforcement agency that receives a grant under this part shall submit to the Director an annual report that includes—

"(1) program descriptions;

"(2) the number of staff employed to administer programs;

"(3) the number of individuals who participated in programs; and

"(4) an evaluation of the effectiveness of grant programs.

"(b) REPORT FROM DIRECTOR.—(1) The Director shall submit to the Congress a report not later than March 31 of each fiscal year.

"(2) A report under paragraph (1) shall contain—

"(A) a description of the types of projects developed or improved through funds received under this part;

"(B) a description of exemplary projects and activities developed;

"(C) a designation of the family relationship to the law enforcement personnel of individuals served; and

"(D) a statement of the number of individuals served in each location and throughout the country.

"SEC. 1808. DEFINITIONS.

"For purposes of this part—

"(1) the term 'family-friendly policy' means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and

"(2) the term 'law enforcement personnel' means individuals employed by Federal, State, and local law enforcement agencies.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1032(b), is amended by striking the matter relating to part S and inserting the following:

"PART R—FAMILY SUPPORT

"Sec. 1801. Duties of director.
"Sec. 1802. General authorization.
"Sec. 1803. Uses of funds.
"Sec. 1804. Applications.
"Sec. 1805. Award of grants; limitation.
"Sec. 1806. Discretionary research grants.
"Sec. 1807. Reports.
"Sec. 1808. Definitions.

"PART S—TRANSITION; EFFECTIVE DATE; REPEALS

"Sec. 1901. Continuation of rules, authorities, and privileges.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 1032(c), is amended—

(1) in paragraph (3) by striking "and Q" and inserting "Q, and R"; and

(2) by adding at the end the following new paragraph:

"(12) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, and 1998 to carry out part R, of which not more than 20 percent may be used to accomplish the duties of the Director under section 1801, including administrative costs, research, and training programs.".

SEC. 1063. NOTICE OF RELEASE OF PRISONERS.

Section 4042 of title 18, United States Code, is amended—

(1) by striking "The Bureau" and inserting "(a) IN GENERAL.—The Bureau";

(2) by striking "This section" and inserting "(c) Application of Section.—This section";

(3) in paragraph (4) of subsection (a), as designated by paragraph (1)—

(A) by striking "Provide" and inserting "provide"; and

(B) by striking the period at the end and inserting "; and";

(4) by inserting after paragraph (4) of subsection (a), as designated by paragraph (1), the following new paragraph:

"(5) provide notice of release of prisoners in accordance with subsection (b)."; and

(5) by inserting after subsection (a), as designated by paragraph (1), the following new subsection:

"(b) NOTICE OF RELEASE OF PRISONERS.—(1) Except in the case of a prisoner being protected under chapter 224, the Bureau of Prisons shall, at least 5 days prior to the date on which a prisoner described in paragraph (3) is to be released on supervised release, or, in the case of a prisoner on supervised release, at least 5 days prior to the date on which the prisoner changes residence to a new jurisdiction, cause written notice of the release or change of residence to be made to the chief law enforcement officer of the State and of the local jurisdiction in which the prisoner will reside.

"(2) A notice under paragraph (1) shall disclose—

"(A) the prisoner's name;

"(B) the prisoner's criminal history, including a description of the offense of which the prisoner was convicted; and

"(C) any restrictions on conduct or other conditions to the release of the prisoner that are imposed by law, the sentencing court, or the Bureau of Prisons or any other Federal agency.

"(3) A prisoner is described in this paragraph if the prisoner was convicted of—

"(A) a drug trafficking crime (as defined in section 924(c)(2)); or

"(B) a crime of violence (as defined in section 924(c)(3)).

"(4) The notice provided under this section shall be used solely for law enforcement purposes.".

(b) APPLICATION TO PRISONERS TO WHICH PRIOR LAW APPLIES.—In the case of a prisoner convicted of an offense committed prior to November 1, 1987, the reference to supervised release in section 4042(b) of title 18, United States Code, shall be deemed to be a reference to probation or parole.

TITLE XI—ILLEGAL DRUGS

Subtitle A—Drug Testing

SEC. 1101. DRUG TESTING OF FEDERAL OFFENDERS ON POST-CONVICTION RELEASE.

(a) DRUG TESTING PROGRAM.—(1) Chapter 229 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3608. Drug testing of Federal offenders on post-conviction release

"The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall, as soon as is practicable after the effective date of this section, establish a program of drug testing of Federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each district where it is feasible to do so, the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4).".

(2) The chapter analysis for chapter 229 of title 18, United States Code, is amended by adding at the end the following new item:

"3608. Drug testing of Federal offenders on post-conviction release.".

(b) DRUG TESTING CONDITION FOR PROBATION.—

(1) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (2) by striking "and";

(B) in paragraph (3) by striking the period and inserting "; and"; and

(C) by inserting after paragraph (3) the following new paragraph:

"(4) for a felony, an offense involving a firearm as defined in section 921 of this title, a drug or narcotic offense as defined in section 404(c) of the Controlled Substances Act (21 U.S.C. 844(c)), or a crime of violence as defined in section 16 of this title, that the defendant refrain from any unlawful use of the controlled substance and submit to periodic drug tests (as determined by the court) for use of a controlled substance. This latter condition may be suspended or ameliorated upon request of the Director of the Administrative Office of the United States Courts, or the Director's designee. In addition, the Court may decline to impose this condition for any individual defendant, if the defendant's presentence report or other reliable sentencing information indicates a low risk of future substance abuse by the defendant. A defendant who tests positive may be detained pending verification of a drug test result.".

(2) Drug testing for supervised release.—Section 3583(d) of title 18, United States Code, is amended by inserting after the first sentence the following: "For a defendant convicted of a felony or other offense described in section 3563(a)(4), the court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to periodic drug tests (as determined by the court), for use of a controlled substance. This latter condition may be suspended or ameliorated as provided in section 3563(a)(4).".

(3) Drug testing in connection with parole.—Section 4209(a) of title 18, United States Code, is amended by inserting after the first sentence the following: "If the parolee has been convicted of a felony or other offense described in section 3563(a)(4), the Commission shall also impose as a condition of parole that the parolee refrain from any unlawful use of a controlled substance and submit to periodic drug tests (as determined by the Commission) for use of a controlled substance. This latter condition may be suspended or ameliorated as provided in section 3563(a)(4).".

(c) Revocation of Parole.—Section 4214(f) of title 18, United States Code, is amended by inserting after "substance" the following: ", or who unlawfully uses a controlled substance or refuses to cooperate in drug testing imposed as a condition of parole,".

Subtitle B—Precursor Chemicals

SEC. 1121. SHORT TITLE.

This subtitle may be cited as "The Chemical Control and Environmental Responsibility Act of 1993".

SEC. 1122. DEFINITION AMENDMENTS.

(a) References to Listed Chemicals in Section 102.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (33) by striking "any listed precursor chemical or listed essential chemical" and inserting "any list I chemical or any list II chemical";

(2) in paragraph (34) by striking "listed precursor chemical" and inserting "list I chemical" and by striking "critical to the creation" and inserting "important to the manufacture";

(3) in paragraph (35) by striking "listed essential chemical" and inserting "list II chemical" and by striking "that is used as a solvent, reagent or catalyst" and inserting ", which is not a list I chemical, that is used"; and

(4) in paragraph (40) by striking the phrase "listed precursor chemical or a listed essential chemical" and inserting "list I chemical or a list II chemical" both places it appears.

(b) References to Listed Chemicals in Section 310.—Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended—

(1) in subsection (a)(1)(A) by striking "precursor chemical" and inserting "list I chemical";

(2) in subsection (a)(1)(B) by striking "an essential chemical" and inserting "a list II chemical"; and

(3) in subsection (c)(2)(D) by striking "precursor chemical" and inserting "chemical control".

(c) Other Amendments to Section 102.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (34) by inserting ", its esters," before "and" in subparagraphs (A), (F), and (H);

(2) in paragraph (38) by striking the period and inserting "or who acts as a broker or trader for an international transaction involving a listed chemical, a tableting machine, or an encapsulating machine";

(3) in paragraph (39)(A) by striking "or exportation" and inserting ", exportation or any international transaction which does not involve the importation or exportation of a listed chemical into or out of the United States if a broker or trader located in the United States participates in the transaction,";

(4) in paragraph (39)(A)(iii) by inserting "or any category of transaction for a specific listed chemical or chemicals" after "transaction";

(5) in paragraph (39)(A)(iv) by striking the semicolon and inserting "unless the listed chemical is ephedrine as defined in paragraph (34)(C) of this section or any other listed chemical which the Attorney General may by regulation designate as not subject to this exemption after finding that such action would serve the regulatory purposes of this chapter in order to prevent diversion and the total quantity of the ephedrine or other listed chemical designated pursuant to this paragraph included in the transaction equals or exceeds the threshold established for that chemical by the Attorney General;";

(6) in paragraph (39)(A)(v) by striking the semicolon and inserting "which the Attorney General has by regulation designated as exempt from the application of this chapter based on a finding that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical or chemicals contained in the mixture cannot be readily recovered;"; and

(7) by adding at the end the following new paragraph:

"(42) The terms 'broker' and 'trader' mean a person who assists in arranging an international transaction in a listed chemical by negotiating contracts, serving as an agent or intermediary, or bringing together a buyer and a seller, or a buyer or seller and a transporter.".

SEC. 1123. REGISTRATION REQUIREMENT.

(a) Rules and Regulations.—Section 301 of the Controlled Substances Act (21 U.S.C. 821) is amended by striking the period and inserting "and to the registration and control of regulated persons and of regulated transactions.".

(b) Persons Required To Register.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended—

(1) in subsection (a)(1) by inserting "or list I chemical" after "controlled substance" each place it appears;

(2) in subsection (b) by inserting "or list I chemicals" after "controlled substances" and by inserting "or chemicals" after "such substances";

(3) in subsection (c) by inserting "or list I chemicals" after "controlled substance" each place it appears; and

(4) in subsection (e) by inserting "or list I chemicals" after "controlled substances".

(c) Registration Requirements in Controlled Substances Act.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

"(h) The Attorney General shall register an applicant to distribute a list I chemical unless the Attorney General determines that the registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

"(1) Maintenance of effective controls against diversion of listed chemicals into other than legitimate channels.

"(2) Compliance with applicable Federal, State and local law.

"(3) Prior conviction record of applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law.

"(4) Past experience in the manufacture and distribution of chemicals.

"(5) Such other factors as may be relevant to and consistent with the public health and safety.".

(d) Denial, Revocation, or Suspension of Registration.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a) by inserting "or a list I chemical" after "controlled substance" each place it appears and by inserting "or list I chemicals" after "controlled substances";

(2) in subsection (b) by inserting "or list I chemical" after "controlled substance";

(3) in subsection (f) by inserting "or list I chemicals" after "controlled substances" each place it appears; and

(4) in subsection (g) by inserting "or list I chemicals" after "controlled substances" each place it appears and by inserting "or list I chemical" after "controlled substance" each place it appears.

(e) Registration Requirements in Controlled Substances Import and Export Act.—Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) is amended—

(1) in subsection (c)—

(A) by striking "(c) The" and inserting "(c)(1) The"; and

(B) by adding at the end the following new paragraph:

"(2) The Attorney General shall register an applicant to import or export a list I chemical unless the Attorney General determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the factors enumerated in section 303(h) shall be considered.";

(2) in subsection (d)—

(A) in paragraph (3) by inserting "or list I chemical or chemicals," after "substances,"; and

(B) in paragraph (6) by inserting "or list I chemicals" after "controlled substances" each place it appears;

(3) in subsection (e) by striking "and 307" and inserting ", 827, and 310"; and

(4) in subsections (f), (g), and (h) by inserting "or list I chemicals" after "controlled substances" each place it appears.

(f) Prohibited Acts C.—Section 403(a) of the Controlled Substances Act (21 U.S.C. 843(a)) is amended—

(1) by striking "or" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(9) in the case of a person who is a regulated person, to distribute, import, or export a list I chemical without the registration required by this title.".

SEC. 1124. REPORTING OF LISTED CHEMICAL MANUFACTURING.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended—

(1) by striking "(b) Each regulated person" and inserting "(b)(1) Each regulated person";

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)";

(4) by striking "paragraph (2)" and inserting "subparagraph (B)";

(5) by striking "paragraph (3)" and inserting "subparagraph (C)"; and

(6) by adding at the end the following new paragraph:

"(2) Each regulated person who manufactures a listed chemical shall report annually to the Attorney General, in such form and manner and containing such specific data as the Attorney General shall prescribe by regulation, information concerning listed chemicals manufactured by the person.".

SEC. 1125. REPORTS BY BROKERS AND TRADERS; CRIMINAL PENALTIES.

(a) NOTIFICATION, REPORTING, RECORDKEEPING, AND OTHER REQUIREMENTS.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended by adding at the end the following new subsection:

"(d) Any person located in the United States who is a broker or trader for an international transaction in a listed chemical that is a regulated transaction solely because of that person's involvement as a broker or trader shall, with respect to that transaction, be subject to all of the notification, reporting, recordkeeping, and other requirements placed upon exporters of listed chemicals by this title and by title II.".

(b) PENALTIES.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended to read as follows:

"(d) PENALTY FOR IMPORTATION OR EXPORTATION.—Any person who knowingly or intentionally—

"(1) imports or exports a listed chemical with intent to manufacture a controlled substance in violation of this title;

"(2) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, in violation of the laws of the country to which the chemical is exported;

"(3) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of this title; or

"(4) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of the laws of the country to which the chemical is exported,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 10 years, or both.".

SEC. 1126. EXEMPTION AUTHORITY; ADDITIONAL PENALTIES.

(a) ADVANCE NOTICE.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971), as amended by section 1125(a), is amended by adding at the end the following new subsection:

"(e)(1) The Attorney General may by regulation require that the 15-day advance notice requirement of subsection (a) apply to all exports of specific listed chemicals to specified nations, regardless of the status of certain customers in such country as regular customers if the Attorney General finds that the action is necessary to support effective diversion control programs or is required by treaty or other international agreement to which the United States is a party.

"(2) The Attorney General may by regulation waive the 15-day advance notice requirement for exports of specific listed chemicals to specified countries if the Attorney General determines that the advance notice is not required for effective chemical control. If the advance notice requirement is waived, exporters of such listed chemicals shall be required to either submit reports of individual exportations or to submit periodic reports of the exportation of such listed chemicals to the Attorney General at such time or times and containing such information as the Attorney General shall establish by regulation.

"(3) The Attorney General may by regulation waive the 15-day advance notice requirement for the importation of specific listed chemicals if the Attorney General determines that the requirement is not necessary for effective chemical control. If the advance notice requirement is waived, importers of such listed chemicals shall be required to submit either reports of individual importations or periodic reports of the importation of such listed chemicals to the Attorney General at such time or times and containing such information as the Attorney General shall establish by regulation.".

(b) PENALTIES.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)), as amended by section 1015(b), is amended by—

(1) striking "or" at the end of paragraph (3);

(2) striking the comma at the end of paragraph (4) and inserting "; or"; and

(3) by adding after paragraph (4) the following new paragraph:

"(5) imports or exports a listed chemical, with the intent to evade the reporting or recordkeeping requirements of section 1018 applicable to such importation or exportation by falsely representing to the Attorney General that the importation or exportation qualifies for a waiver of the advance notice requirement granted pursuant to section 1128(d) (1) or (2) by misrepresenting the actual country of final destination of the listed chemical or the actual listed chemical being imported or exported,".

SEC. 1127. AMENDMENTS TO LIST I.

Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended:

(1) by striking subparagraphs (O), (U), and (W);

(2) by redesignating subparagraphs (P), (Q), (R), (S), (T), (V), (X), and (Y) as subparagraphs (O), (P), (Q), (R), (S), (T), (U), and (X), respectively;

(3) by inserting after subparagraph (U), as redesignated by paragraph (2), the following new subparagraphs:

"(V) benzaldehyde.

"(W) nitroethane."; and

(4) in subparagraph (X), as redesignated by paragraph (2), by striking "(X)" and inserting "(U)".

SEC. 1128. ELIMINATION OF REGULAR SUPPLIER STATUS AND CREATION OF REGULAR IMPORTER STATUS.

(a) DEFINITION.—Section 102(37) of the Controlled Substances Act (21 U.S.C. 802(37)) is amended to read as follows:

"(37) The term 'regular importer' means, with respect to a specific listed chemical, a person who has an established record as an importer of that listed chemical that is reported to the Attorney General.".

(b) NOTIFICATION, SUSPENSION OF SHIPMENT, AND PENALTIES.—Section 1018 of the Controlled Substances Act (21 U.S.C. 971) is amended—

(1) in subsection (b)(1) by striking "regular supplier of the regulated person" and inserting "to an importation by a regular importer";

(2) in subsection (b)(2)—

(A) by striking "a customer or supplier of a regulated person" and inserting "a customer of a regulated person or to an importer"; and

(B) by striking "regular supplier" and inserting "the importer as a regular importer"; and

(3) in subsection (c)(1) by striking "regular supplier" and inserting "regular importer".

SEC. 1129. ADMINISTRATIVE INSPECTIONS AND AUTHORITY.

Section 510(a)(2) of the Controlled Substances Act (21 U.S.C. 880(a)(2)) is amended to read as follows:

"(2) places, including factories, warehouses, or other establishments, and conveyances, where a person registered under section 303 (or exempt from such registration under section 302(d) or by regulation of the Attorney General) or a regulated person may lawfully hold, manufacture, distribute, dispense, administer, or otherwise dispose of controlled substances or listed chemicals or where records relating to such an activity are maintained.".

SEC. 1130. THRESHOLD AMOUNTS.

Section 102(39)(A) of the Controlled Substances Act (21 U.S.C. 802(39)(A)), as amended by section 1112, is amended by inserting "of a listed chemical, or if the Attorney General establishes a threshold amount for a specific listed chemical," before "a threshold amount, including a cumulative threshold amount of multiple transactions".

SEC. 1131. MANAGEMENT OF LISTED CHEMICALS.

(a) AMENDMENT OF CONTROLLED SUBSTANCES ACT.—Part C of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by adding at the end the following new section:

"MANAGEMENT OF LISTED CHEMICALS

"SEC. 311. (a) OFFENSE.—It is unlawful for a person who possesses a listed chemical with the intent that it be used in the illegal manufacture of a controlled substance to manage the listed chemical or waste from the manufacture of a controlled substance otherwise than as required by regulations issued under sections 3001, 3002, 3003, 3004, and 3005 of the Solid Waste Disposal Act (42 U.S.C. 6921, 6922, 6923, 6924, and 6925).

"(b) PENALTY.—(1) In addition to a penalty that may be imposed for the illegal manufacture, possession, or distribution of a listed chemical or toxic residue of a clandestine laboratory, a person who violates subsection (a) shall be assessed the costs described in paragraph (2) and shall be imprisoned as described in paragraph (3).

"(2) Pursuant to paragraph (1), a defendant shall be assessed the following costs to the United States, a State, or other authority or person that undertakes to correct the results of the improper management of a listed chemical:

"(A) The cost of initial cleanup and disposal of the listed chemical and contaminated property.

"(B) The cost of restoring property that is damaged by exposure to a listed chemical for rehabilitation under Federal, State, and local standards.

"(3)(A) A violation of subsection (a) shall be punished as a Class D felony, or in the case of a willful violation, as a Class C felony.

"(B) It is the sense of the Congress that guidelines issued by the Sentencing Commission regarding sentencing under this paragraph should recommend that the term of imprisonment for the violation of subsection (a) should not be less than 5 years, or less than 10 years in the case of a willful violation.

"(4) The court may order that all or a portion of the earnings from work performed by a convicted offender in prison be withheld for payment of costs assessed under paragraph (2).

"(c) Sharing of Forfeited Assets.—The Attorney General may direct that assets forfeited under section 511 in connection with a prosecution under this section be shared with State agencies that participated in the seizure or cleaning up of a contaminated site.".

(b) Amendment of Title 11, United States Code.—Section 523(a) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(13) for costs assessed under section 311(b) of the Controlled Substances Act.".

SEC. 1132. ATTORNEY GENERAL ACCESS TO THE NATIONAL PRACTITIONER DATA BANK.

Part B of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11131 et seq.) is amended by adding at the end the following new section:

"SEC. 428. DISCLOSURE OF INFORMATION TO THE ATTORNEY GENERAL.

"Information respecting physicians or other licensed health care practitioners reported to the Secretary (or to the agency designated under section 424(b)) under this part or section 1921 of the Social Security Act (42 U.S.C. 1396r–2) shall be provided to the Attorney General. The Secretary shall—

"(1) transmit to the Attorney General such information as the Attorney General may designate or request to assist the Drug Enforcement Administration in the enforcement of the Controlled Substances Act (21 U.S.C. 801 et seq.) and other laws enforced by the Drug Enforcement Administration; and

"(2) transmit such information related to health care providers as the Attorney General may designate or request to assist the Federal Bureau of Investigation in the enforcement of title 18, the Act entitled 'An Act to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China', approved March 3, 1915 (21 U.S.C. 201 et seq.), and chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.).".

SEC. 1133. REGULATIONS AND EFFECTIVE DATE.

(a) Regulations.—The Attorney General shall, not later than 90 days after the enactment of this Act, issue regulations necessary to carry out this subtitle.

(b) Effective Date.—The amendments made by this subtitle shall become effective on the date that is 120 days after the date of enactment of this Act.

Subtitle C—Other Provisions

SEC. 1141. ADVERTISEMENTS OF CONTROLLED SUBSTANCES.

Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) by redesignating subsections (c) and (d) as (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) It shall be unlawful for any person to print, publish, place, or otherwise cause to appear in any newspaper, magazine, handbill, or other publication, any written advertisement knowing that it has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. As used in this section the term 'advertisement' includes, in addition to its ordinary meaning, such advertisements as those for a catalog of Schedule I controlled substances and any similar written advertisement that has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance, but does not include material that—

"(1) merely advocates the use of a similar material or advocates a position or practice; and

"(2) does not attempt to propose or facilitate an actual transaction in a Schedule I controlled substance.".

SEC. 1142. CLOSING OF LOOPHOLE FOR ILLEGAL IMPORTATION OF SMALL DRUG QUANTITIES.

Section 497(a)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1497(a)(2)(A)) is amended by adding "or $500, whichever is greater" after "value of the article".

SEC. 1143. DRUG PARAPHERNALIA AMENDMENT.

Section 422 of the Controlled Substances Act (21 U.S.C. 863) is amended by adding at the end the following new subsection:

"(g) Civil Enforcement.—The Attorney General may bring a civil action against any person who violates this section. The action may be brought in any district court of the United States or the United States courts of any territory in which the violation is taking or has taken place. The court in which such action is brought shall determine the existence of any violation by a preponderance of the evidence, and shall have the power to assess a civil penalty of up to $100,000 and to grant such other relief, including injunctions, as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law.".

SEC. 1144. CONFORMING AMENDMENT ADDING CERTAIN DRUG OFFENSES AS REQUIRING FINGERPRINTING AND RECORDS FOR RECIDIVIST JUVENILES.

Subsections (d) and (f) of section 5038 of title 18, United States Code, are amended by striking "or an offense described in section 841, 952(a), 955, or 959, of title 21," and inserting "or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841) or section 1002(a), 1003, 1005, 1009, or 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, or 960(b) (1), (2), and (3)).".

SEC. 1145. CLARIFICATION OF NARCOTIC OR OTHER DANGEROUS DRUGS UNDER RICO.

Section 1961(1) of title 18, United States Code, is amended by striking "narcotic or other dangerous drugs" each place it appears and inserting "a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))".

SEC. 1146. CONFORMING AMENDMENTS TO RECIDIVIST PENALTY PROVISIONS OF THE CONTROLLED SUBSTANCES ACT AND THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(a) Section 401(b)(1) (B), (C), and (D) of the Controlled Substances Act.—Subparagraphs (B), (C), and (D) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1) (B), (C), and (D)) are amended in the second sentence by striking "one or more prior convictions" and all that follows through "have become final" and inserting "a prior conviction for a felony drug offense has become final".

(b) Section 1010(b) (1), (2), and (3) of the Controlled Substances Import and Export Act.—Paragraphs (1), (2), and (3) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b) (1), (2), and (3)) are amended in the second sentence by striking "one or more prior convictions" and all that follows through "have become final" and inserting "a prior conviction for a felony drug offense has become final".

(c) Section 1012(b) of the Controlled Import and Export Act.—Section 1012(b) of the Controlled Substances Import and Export Act (21 U.S.C. 962(b)) is amended by striking "one or more prior convictions of him for a felony under any provision of this subchapter or subchapter I of this chapter or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant drugs, have become final" and inserting in lieu thereof "one or more prior convictions of such person for a felony drug offense have become final".

(d) Section 401(b)(1)(A) of the Controlled Substances Act.—Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking the sentence beginning "For the purposes of this subparagraph, the term 'felony drug offense' means".

(e) Section 102 of the Controlled Substances Act.—Section 102 of the Controlled Substances Act (21 U.S.C. 802), as amended by section 1012(c)(7), is amended by adding at the end the following new paragraph:

"(43) The term 'felony drug offense' means an offense that is punishable by imprisonment for more than 1 year under any law of the United States or of a State or foreign country that prohibits or restricts conduct relating to narcotic drugs, marihuana, or depressant or stimulant substances.".

SEC. 1147. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.

(a) Section 401(b)(1) of the Controlled Substances Act.—Subparagraphs (A) and (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) are amended by striking "No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein.".

(b) Section 1010(b) of the Controlled Substances Import and Export Act.—Paragraphs (1) and (2) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) are amended by striking "No person sentenced under this paragraph shall be eligible for parole during the term of imprisonment imposed therein.".

(c) Section 419(d) of the Controlled Substances Act.—Section 419(d) of the Controlled Substances Act (21 U.S.C. 860(c)), as redesignated by section 501(1), is amended by striking "An individual convicted under this section shall not be eligible for parole until the individual has served the mandatory minimum term of imprisonment as provided by this section.".

(d) Section 420(e) of the Controlled Substances Act.—Section 420(e) of the Controlled Substances Act (21 U.S.C. 861(a)) is amended by striking "An individual convicted under this section of an offense for which a mandatory minimum term of imprisonment is applicable shall not be eligible for parole under section 4202 of title 18 until the individual has served the mandatory term of imprisonment as enhanced by this section.".

SEC. 1148. DRUGGED OR DRUNK DRIVING CHILD PROTECTION.

(a) Application of State Law in Areas Within Federal Jurisdiction.—Section 13(b) of title 18, United States Code, is amended—

(1) by striking "For purposes" and inserting "(1) Subject to paragraph (2) and for purposes"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than $1,000, or both, if—

"(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

"(ii) the law of the State, commonwealth, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

"(B) For the purposes of subparagraph (A), the term 'minor' means a person less than 18 years of age.".

(b) Common Carriers.—Section 342 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever"; and

(2) by adding at the end the following new subsection:

"(b)(1) In addition to any term of imprisonment imposed for an offense under subsection (a), the punishment for such an offense shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than $1,000, or both, if a minor (other than the offender) was present in the common carrier when the offense was committed.

"(2) For the purposes of paragraph (1), the term 'minor' means a person less than 18 years of age.".

SEC. 1149. EVICTION FROM PLACES MAINTAINED FOR MANUFACTURING, DISTRIBUTING, OR USING CONTROLLED SUBSTANCES.

Section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended by adding at the end the following new subsection:

"(c) The Attorney General may bring a civil action against any person who violates this section. The action may be brought in any district court of the United States or the United States courts of any territory in which the violation is taking place. The court in which such action is brought shall determine the existence of a violation by a preponderance of the evidence, and shall have the power to assess a civil penalty of up to $100,000 and to grant such other relief including injunctions and evictions as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law.".

SEC. 1150. ANABOLIC STEROIDS PENALTIES.

Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended by inserting after subsection (a) the following new subsection:

"(b)(1) Whoever, being a physical trainer or adviser to a person, attempts to persuade or induce the person to possess or use anabolic steroids in violation of subsection (a), shall be fined under title 18, United States Code, imprisoned not more than 2 years (or if the person attempted to be persuaded or induced was less than 18 years of age at the time of the offense, 5 years), or both.

"(2) As used in this subsection, the term 'physical trainer or adviser' means a professional or amateur coach, manager, trainer, instructor, or other such person who provides athletic or physical instruction, training, advice, assistance, or any other such service to any person.".

SEC. 1151. PROGRAM TO PROVIDE PUBLIC AWARENESS OF THE PROVISIONS OF LAW THAT CONDITION PORTIONS OF A STATE'S FEDERAL HIGHWAY FUNDING ON THE STATE'S ENACTMENT OF LEGISLATION REQUIRING THE REVOCATION OF THE DRIVER'S LICENSES OF CONVICTED DRUG ABUSERS.

The Attorney General, in consultation with the Secretary of Transportation, shall implement a program of national awareness of section 333 of Public Law 101–516 (104 Stat. 2184) and section 104(a)(3) of title 23, United States Code, which shall notify the Governors and State Representatives of the requirements of those sections.

SEC. 1152. DRUG ABUSE RESISTANCE EDUCATION PROGRAMS.

Section 5122(c) of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3192(c)) is amended by inserting "or local governments with the concurrence of local educational agencies" after "for grants to local educational agencies".

SEC. 1153. MISUSE OF THE WORDS "DRUG ENFORCEMENT ADMINISTRATION" OR THE INITIALS "DEA".

Section 709 of title 18, United States Code, is amended by inserting the following new paragraph before the paragraph beginning "Shall be punished":

"Whoever, except with the written permission of the Administrator of the Drug Enforcement Administration, knowingly uses the words 'Drug Enforcement Administration' or the initials 'DEA' or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by the Drug Enforcement Administration,".

TITLE XII—PUBLIC CORRUPTION

SEC. 1201. SHORT TITLE.

This title may be cited as the "Anti-Corruption Act of 1993".

SEC. 1202. PUBLIC CORRUPTION.

(a) Offenses.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 226. Public corruption

"(a) State and Local Government.—

"(1) Honest services.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of the State or political subdivision shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) Fair and impartial elections.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, run-off, special, or general election—

"(A) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(B) through paying or offering to pay any person for voting;

"(C) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(D) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title, imprisoned not more than 10 years, or both.

"(3) Circumstances in which offense occurs.—The circumstances referred to in paragraphs (1) and (2) are that—

"(A) for the purpose of executing or concealing a scheme or artifice described in paragraph (1) or (2) or attempting to do so, a person—

"(i) places in any post office or authorized depository for mail matter, any matter or thing to be sent or delivered by the Postal Service, or takes or receives therefrom any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(ii) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(iii) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(iv) uses or causes the use of any facility of interstate or foreign commerce;

"(B) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed affect, interstate or foreign commerce; or

"(C) in the case of an offense described in paragraph (2), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have any authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(b) Federal Government.—Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or a person who has been selected to be a public official shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) Offense by an Official Against an Employee or Official.—

"(1) Criminal offense.—Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or of a State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal a scheme or artifice described in subsection (a) or (b), shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) Civil action.—(A) Any employee or official of the United States or of a State or political subdivision of a State who is discharged, demoted, suspended, threatened, harassed, or in any manner discriminated against because of lawful acts done by the employee or official as a result of a violation of this section or because of actions by the employee on behalf of himself or herself or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action and obtain all relief necessary to make the employee or official whole, including—

"(i) reinstatement with the same seniority status that the employee or official would have had but for the violation;

"(ii) 3 times the amount of backpay;

"(iii) interest on the backpay; and

"(iv) compensation for any special damages sustained as a result of the violation, including reasonable litigation costs and reasonable attorney's fees.

"(B) An employee or official shall not be afforded relief under subparagraph (A) if the employee or official participated in the violation of this section with respect to which relief is sought.

"(C)(i) A civil action or proceeding authorized by this paragraph shall be stayed by a court upon certification of an attorney for the Government that prosecution of the action or proceeding may adversely affect the interests of the Government in a pending criminal investigation or proceeding.

"(ii) The attorney for the Government shall promptly notify the court when a stay may be lifted without such adverse effects.

"(d) Definitions.—In this section—

"'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that he or she will be so nominated, appointed, or selected.

"'person acting or pretending to act under color of official authority' includes a person who represents that he or she controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official.

"'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201 and also include any person acting or pretending to act under color of official authority.

"'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States.

"'uses any facility of interstate or foreign commerce' includes the intrastate use of any facility that may also be used in interstate or foreign commerce.".

(b) Technical Amendments.—(1) The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

"226. Public corruption.".

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

SEC. 1203. INTERSTATE COMMERCE.

(a) In General.—Section 1343 of title 18, United States Code, is amended—

(1) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "uses or causes to be used any facility of interstate or foreign commerce"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) Technical Amendments.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by amending the item relating to section 1343 to read as follows:

"1343. Fraud by use of facility of interstate commerce.".

SEC. 1204. NARCOTICS-RELATED PUBLIC CORRUPTION.

(a) Offenses.—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following new section:

"§ 220. Narcotics and public corruption

"(a) Offense by Public Official.—A public official who, in a circumstance described in subsection (c), directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person in return for—

"(1) being influenced in the performance or nonperformance of any official act; or

"(2) being influenced to commit or to aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State,

shall be guilty of a class B felony.

"(b) Offense by Person Other Than a Public Official.—A person who, in a circumstance described in subsection (c), directly or indirectly, corruptly gives, offers, or promises anything of value to any public official, or offers or promises any public official to give anything of value to any other person, with intent—

"(1) to influence any official act;

"(2) to influence the public official to commit or aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State; or

"(3) to influence the public official to do or to omit to do any act in violation of the official's lawful duty,

shall be guilty of a class B felony.

"(c) Circumstances in Which Offense Occurs.—The circumstances referred to in subsections (a) and (b) are that the offense involves, is part of, or is intended to further or to conceal the illegal possession, importation, manufacture, transportation, or distribution of any controlled substance or controlled substance analogue.

"(d) Definitions.—As used in this section—

"(1) the terms 'controlled substance' and 'controlled substance analogue' have the meanings stated in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(2) the term 'official act' means any decision, action, or conduct regarding any question, matter, proceeding, cause, suit, investigation, or prosecution which may at any time be pending, or which may be brought before any public official, in such official's official capacity, or in such official's place of trust or profit; and

"(3) the term 'public official' means—

"(A) an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government thereof in any official function, under or by authority of any such department, agency, or branch of Government;

"(B) a juror;

"(C) an officer or employee or person acting for or on behalf of the government of any State, territory, or possession of the United States (including the District of Columbia), or any political subdivision thereof, in any official function, under or by the authority of any such State, territory, possession, or political subdivision; and

"(D) any person who has been nominated or appointed to a position described in subparagraph (A), (B), or (C), or has been officially informed that he or she will be so nominated or appointed.".

(b) Technical Amendments.—(1) Section 1961(1) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "Section 201 (relating to bribery),".

(2) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "section 201 (bribery of public officials and witnesses),".

(3) The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 219 the following new item:

"220. Narcotics and public corruption.".

TITLE XIII—GENERAL PROVISIONS

Subtitle A—Violent Crimes

SEC. 1301. ADDITION OF ATTEMPTED ROBBERY, KIDNAPPING, SMUGGLING, AND PROPERTY DAMAGE OFFENSES TO ELIMINATE INCONSISTENCIES AND GAPS IN COVERAGE.

(a) Robbery and Burglary.—(1) Section 2111 of title 18, United States Code, is amended by inserting "or attempts to take" after "takes".

(2) Section 2112 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(3) Section 2114 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(b) Kidnapping.—Section 1201(d) of title 18, United States Code, is amended by striking "Whoever attempts to violate subsection (a)(4) or (a)(5)" and inserting "Whoever attempts to violate subsection (a)".

(c) Smuggling.—Section 545 of title 18, United States Code, is amended by inserting "or attempts to smuggle or clandestinely introduce" after "smuggles, or clandestinely introduces".

(d) MALICIOUS MISCHIEF.—(1) Section 1361 of title 18, United States Code, is amended—

(A) by inserting "or attempts to commit any of the foregoing offenses" before "shall be punished", and

(B) by inserting "or attempted damage" after "damage" each place it appears.

(2) Section 1362 of title 18, United States Code, is amended by inserting "or attempts willfully or maliciously to injure or destroy" after "willfully or maliciously injures or destroys".

(3) Section 1366 of title 18, United States Code, is amended—

(A) by inserting "or attempts to damage" after "damages" each place it appears;

(B) by inserting "or attempts to cause" after "causes"; and

(C) by inserting "or would if the attempted offense had been completed have exceeded" after "exceeds" each place it appears.

SEC. 1302. INCREASE IN MAXIMUM PENALTY FOR ASSAULT.

(a) CERTAIN OFFICERS AND EMPLOYEES.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting ", where the acts in violation of this section constitute only simple assault, be fined under this title, imprisoned not more than 1 year, or both, and in all other cases," after "shall"; and

(2) in subsection (b) by inserting "or inflicts bodily injury" after "weapon".

(b) FOREIGN OFFICIALS, OFFICIAL GUESTS, AND INTERNATIONALLY PROTECTED PERSONS.—Section 112(a) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000" and inserting "under this title";

(2) by inserting ", or inflicts bodily injury," after "weapon"; and

(3) by striking "not more than $10,000" and inserting "under this title".

(c) MARITIME AND TERRITORIAL JURISDICTION.—Section 113 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) by striking "of not more than $1,000" and inserting "under this title"; and

(B) by striking "five" and inserting "10"; and

(2) in subsection (e)—

(A) by striking "of not more than $300" and inserting "under this title"; and

(B) by striking "three" and inserting "6".

(d) CONGRESS, CABINET, OR SUPREME COURT.—Section 351(e) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000," and inserting "under this title,";

(2) by inserting "the assault involved the use of a dangerous weapon, or" after "if";

(3) by striking "not more than $10,000" and inserting "under this title"; and

(4) by striking "for".

(e) PRESIDENT AND PRESIDENT'S STAFF.—Section 1751(e) of title 18, United States Code, is amended—

(1) by striking "not more than $10,000," each place it appears and inserting "under this title,";

(2) by striking "not more than $5,000," and inserting "under this title,"; and

(3) by inserting "the assault involved the use of a dangerous weapon, or" after "if".

SEC. 1303. INCREASED MAXIMUM PENALTY FOR MANSLAUGHTER.

Section 1112 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "fined under this title or" after "shall be" in the second undesignated paragraph; and

(B) by inserting ", or both" after "years";

(2) by striking "not more than $1,000" and inserting "under this title"; and

(3) by striking "three" and inserting "6".

SEC. 1304. INCREASED PENALTY FOR TRAVEL ACT VIOLATIONS.

Section 1952(a) of title 18, United States Code, is amended by striking "and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than five years, or both" and inserting "and thereafter performs or attempts to perform—

"(A) an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 5 years, or both; or

"(B) an act described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life.".

SEC. 1305. INCREASED PENALTY FOR CONSPIRACY TO COMMIT MURDER FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by inserting "or who conspires to do so" before "shall be fined" the first place it appears.

Subtitle B—Civil Rights Offenses

SEC. 1311. INCREASED MAXIMUM PENALTIES FOR CIVIL RIGHTS VIOLATIONS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended—

(1) by striking "not more than $10,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "results"; and

(3) by inserting "and may be fined under this title, or both" before the period.

(b) DEPRIVATION OF RIGHTS.—Section 242 of title 18, United States Code, is amended—

(1) by striking "not more more than $1,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire," after "bodily injury results";

(3) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results"; and

(4) by inserting "and may be fined under this title, or both" before the period.

(c) FEDERALLY PROTECTED ACTIVITIES.—The first sentence of section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5)—

(1) by striking "not more than $1,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results;

(3) by striking "not more than $10,000" and inserting "under this title";

(4) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results"; and

(5) by inserting "and may be fined under this title, or both" before the period.

(d) DAMAGE TO RELIGIOUS PROPERTY.—Section 247 of title 18, United States Code, is amended—

(1) in subsection (c)(1) by inserting "from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "death results";

(2) in subsection (c)(2)—

(A) by striking "serious"; and

(B) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results"; and

(3) by amending subsection (e) to read as follows:

"(e) As used in this section, the term 'religious property' means any church, synagogue, mosque, religious cemetery, or other religious property.".

(e) FAIR HOUSING ACT.—Section 901 of the Fair Housing Act (42 U.S.C. 3631) is amended—

(1) by striking "not more than $1,000," and inserting "under title 18, United States Code,";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results";

(3) by striking "not more than $10,000," and inserting "under title 18, United States Code,";

(4) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "death results";

(5) by striking "subject to imprisonment" and inserting "fined under title 18, United States Code, or imprisoned"; and

(6) by inserting ", or both" after "life".

Subtitle C—White Collar and Property Crimes

SEC. 1321. RECEIPT OF PROCEEDS OF A POSTAL ROBBERY.

Section 2114 of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(a) ROBBERY.—Whoever"; and

(2) by adding at the end the following new subsection:

"(b) RECEIPT OF PROCEEDS.—Whoever receives, possesses, conceals, or disposes of any money or other property that has been obtained in violation of this section, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.".

SEC. 1322. RECEIPT OF PROCEEDS OF EXTORTION OR KIDNAPPING.

(a) EXTORTION.—Chapter 41 of title 18, United States Code, is amended—

(1) by adding at the end the following new section:

"§ 880. Receipt of proceeds of extortion

"Whoever receives, possesses, conceals, or disposes of any money or other property that was obtained from the commission of any offense under this chapter that is punishable by imprisonment for more than 1 year, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 3 years, fined under this title, or both."; and

(2) in the chapter analysis, by adding at the end the following new item:

"880. Receipt of proceeds of extortion.".

(b) KIDNAPPING.—Section 1202 of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(a) VIOLATION OF SECTION 1201.—Whoever"; and

(2) by adding at the end the following new subsections:

"(b) VIOLATION OF STATE LAW.—Whoever transports, transmits, or transfers in interstate or foreign commerce any proceeds of a kidnapping punishable under State law by imprisonment for more than 1 year, or receives, possesses, conceals, or disposes of any such proceeds after they have crossed a State or United States boundary, knowing the proceeds to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.

"(c) DEFINITION.—For purposes of this section, the term 'State' has the meaning stated in section 245(d).".

SEC. 1323. CONFORMING ADDITION TO OBSTRUCTION OF CIVIL INVESTIGATIVE DEMAND STATUTE.

Section 1505 of title 18, United States Code, is amended by inserting "section 1968 of this title, section 3733 of title 31, United States Code, or" before "the Antitrust Civil Process Act".

SEC. 1324. CONFORMING ADDITION OF PREDICATE OFFENSES TO FINANCIAL INSTITUTIONS REWARDS STATUTE.

Section 3059A of title 18, United States Code, is amended—

(1) by inserting "225," after "215";

(2) by striking "or" before "1344"; and

(3) by inserting ", or 1517" after "1344".

SEC. 1325. DEFINITION OF SAVINGS AND LOAN ASSOCIATION IN BANK ROBBERY STATUTE.

Section 2113 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(h) As used in this section, the term 'savings and loan association' means—

"(1) any Federal saving association or State savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)) having accounts insured by the Federal Deposit Insurance Corporation; and

"(2) any corporation described in section 3(b)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)(C)) that is operating under the laws of the United States.".

SEC. 1326. CONFORMING DEFINITION OF "1 YEAR PERIOD" IN 18 U.S.C. 1516.

Section 1516(b) of title 18, United States Code, is amended—

(1) by inserting "(i)" before "the term"; and

(2) by inserting before the period the following: ", and (ii) the term 'in any 1 year period' has the meaning given to the term 'in any one-year period' in section 666.".

SEC. 1327. FINANCIAL INSTITUTIONS FRAUD.

(a) FEDERAL DEPOSIT INSURANCE ACT.—Section 19(a)(2)(A)(i)(I) of the Federal Deposit Insurance Act (12 U.S.C. 1829(a)(2)(A)(i)(I)) is amended by striking "or 1956" and inserting "1517, 1956, or 1957".

(b) FEDERAL CREDIT UNION ACT.—Section 205(d) of the Federal Credit Union Act (12 U.S.C. 1785(d)) is amended to read as follows:

"(d) PROHIBITION.—

"(1) IN GENERAL.—Except with prior written consent of the Board—

"(A) any person who has been convicted of any criminal offense involving dishonesty or a breach of trust, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such offense, may not—

"(i) become, or continue as, an institution-affiliated party with respect to any insured credit union; or

"(ii) otherwise participate, directly or indirectly, in the conduct of the affairs of any insured credit union; and

"(B) any insured credit union may not permit any person referred to in subparagraph (A) to engage in any conduct or continue any relationship prohibited under such subparagraph.

"(2) MINIMUM 10-YEAR PROHIBITION PERIOD FOR CERTAIN OFFENSES.—

"(A) IN GENERAL.—If the offense referred to in paragraph (1)(A) in connection with any person referred to in such paragraph is—

"(i) an offense under—

"(I) section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, 1032, 1344, 1517, 1956, or 1957 of title 18, United States Code; or

"(II) section 1341 or 1343 of such title which affects any financial institution (as defined in section 20 of such title); or

"(ii) the offense of conspiring to commit any such offense,

the Board may not consent to any exception to the application of paragraph (1) to such person during the 10-year period beginning on the date the conviction or the agreement of the person becomes final.

"(B) EXCEPTION BY ORDER OF SENTENCING COURT.—

"(i) IN GENERAL.—On motion of the Board, the court in which the conviction or the agreement of a person referred to in subparagraph (A) has been entered may grant an exception to the application of paragraph (1) to such person if granting the exception is in the interest of justice.

"(ii) PERIOD FOR FILING.—A motion may be filed under clause (i) at any time during the 10-year period described in subparagraph (A) with regard to the person on whose behalf such motion is made.

"(3) PENALTY.—Whoever knowingly violates paragraph (1) or (2) shall be fined not more than $1,000,000 for each day such prohibition is violated or imprisoned for not more than 5 years, or both.".

(c) CRIME CONTROL ACT OF 1990.—Section 2546 of the Crime Control Act of 1990 (28 U.S.C. 522 note; 104 Stat. 4885) is amended by adding at the end the following new subsection:

"(c) FRAUD TASK FORCES REPORT.—In addition to the reports required under subsection (a), the Attorney General is encouraged to submit a report to the Congress containing the findings of the financial institutions fraud task forces established under section 2539 as they relate to the collapse of private deposit insurance corporations, together with recommendations for any regulatory or legislative changes necessary to prevent such collapses in the future.".

SEC. 1328. WIRETAPS.

Section 2511(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (c);

(2) by adding "or" at the end of paragraph (d); and

(3) by inserting after paragraph (d) the following new paragraph:

"(e) intentionally uses, discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections 2511(2)(A)(ii), 2511 (b) and (c), 2511(e), 2516, and 2518, knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, having obtained or received the information in connection with a criminal investigation, with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation,".

SEC. 1329. KNOWLEDGE REQUIREMENT FOR STOLEN OR COUNTERFEIT PROPERTY.

(a) OFFENSE.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 21. Stolen or counterfeit nature of property for certain crimes defined

"(a) ESTABLISHMENT OF ELEMENT OF OFFENSE.—Wherever in this title it is an element of an offense that any property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated and that the defendant knew that the property was of such character, the element may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

"(b) DEFINITION.—For purposes of this section, the term 'official representation' means a representation made by a Federal law enforcement officer (as defined in section 115) or by another person at the direction or with the approval of such an officer.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 1 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"21. Stolen or counterfeit nature of property for certain crimes defined.".

SEC. 1330. MAIL FRAUD.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

SEC. 1331. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.

Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (3); and

(B) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly, and with intent to defraud, effects transactions, with 1 or more access devices issued to another person, to receive anything of value aggregating $1,000 or more during any 1-year period;

"(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

"(A) offering an access device; or

"(B) selling information regarding or an application to obtain an access device; or

"(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, 1 or more evidences or records of transactions made by an access device;";

(2) in subsection (c)(1) by striking "(a)(2) or (a)(3)" and inserting "(a) (2), (3), (5), (6), or (7)"; and

(3) in subsection (e)—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity, whether affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.".

SEC. 1332. INCREASED PENALTIES FOR TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.

(a) In General.—Section 2320(a) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "$250,000 or imprisoned not more than five years" and inserting "$2,000,000, imprisoned not more than 10 years"; and

(B) by striking "not more than $1,000,000" and inserting "not more than $5,000,000"; and

(2) in the second sentence—

(A) by striking "$1,000,000 or imprisoned not more than fifteen years" and inserting "$5,000,000, imprisoned not more than 20 years"; and

(B) by striking "not more than $5,000,000" and inserting "not more than $15,000,000".

(b) Laundering Monetary Instruments.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "or section 2319 (relating to copyright infringement)," and inserting "section 2319 (relating to copyright infringement), or section 2320 (relating to trafficking in counterfeit goods and services).".

SEC. 1333. COMPUTER ABUSE AMENDMENTS ACT OF 1993.

(a) Short Title.—This section may be cited as the "Computer Abuse Amendments Act of 1993".

(b) Prohibition.—Section 1030(a)(5) of title 18, United States Code, is amended to read as follows:

"(5)(A) through means of or in a manner affecting a computer used in interstate commerce or communications, knowingly causes the transmission of a program, information, code, or command to a computer or computer system if—

"(i) the person causing the transmission intends that such transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data, or program; or

"(II) withhold or deny, or cause the withholding or denial, of the use of a computer, computer services, system or network, information, data or program; and

"(ii) the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to 1 or more other persons of value aggregating $1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or

"(B) through means of or in a manner affecting a computer used in interstate commerce or communication, knowingly causes the transmission of a program, information, code, or command to a computer or computer system—

"(i) with reckless disregard of a substantial and unjustifiable risk that the transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data or program; or

"(II) withhold or deny or cause the withholding or denial of the use of a computer, computer services, system, network, information, data or program; and

"(ii) if the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to 1 or more other persons of a value aggregating $1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or".

(c) Penalty.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)(B) by striking "and" after the semicolon;

(2) in paragraph (3)(A) by inserting "(A)" after "(a)(5)"; and

(3) in paragraph (3)(B) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(4) a fine under this title, imprisonment for not more than 1 year, or both, in the case of an offense under subsection (a)(5)(B).".

(d) Civil Action.—Section 1030 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(g) A person who suffers damage or loss by reason of a violation of the section, other than a violation of subsection (a)(5)(B), may maintain a civil action against the violator to obtain compensatory damages and injunctive relief or other equitable relief. Damages for violations of any subsection other than subsection (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb) are limited to economic damages. No action may be brought under this subsection unless the action is begun within 2 years of the date of the act complained of or the date of the discovery of the damage.".

(e) Reporting Requirements.—Section 1030 of title 18 United States Code, as amended by subsection (d), is amended by adding at the end the following new subsection:

"(h) The Attorney General shall report to the Congress annually, during the first 3 years following the date of the enactment of this subsection, concerning prosecutions under subsection (a)(5).".

(f) Definition.—Section 1030(e)(1) of title 18 United States Code, is amended by striking ", but such term does not include an automated typewriter or typesetter, a portable hand held calculator, or other similar device".

(g) Prohibition.—Section 1030(a)(3) of title 18 United States Code, is amended by inserting "adversely" before "affects the use of the Government's operation of such computer".

SEC. 1334. NOTIFICATION OF LAW ENFORCEMENT OFFICERS OF DISCOVERIES OF CONTROLLED SUBSTANCES OR LARGE AMOUNTS OF CASH IN WEAPONS SCREENING.

Section 315 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) Discoveries of Controlled Substances or Cash in Excess of $10,000.—Not later than 90 days after the date of enactment of this subsection, the Administrator shall issue regulations requiring employees and agents described in subsection (a) to report to appropriate Federal and State law enforcement officers any incident in which the employee or agent, in the course of conducting screening procedures pursuant to subsection (a), discovers—

"(1) a controlled substance the possession of which may be a violation of Federal or State law; or

"(2) an amount of cash in excess of $10,000 the possession of which may be a violation of Federal or State law.".

Subtitle D—Other Provisions

SEC. 1361. OPTIONAL VENUE FOR ESPIONAGE AND RELATED OFFENSES.

(a) In General.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

"§ 3239. Optional venue for espionage and related offenses

"The trial for any offense involving a violation, begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, of—

"(1) section 793, 794, 798, or section 1030(a)(1) of this title;

"(2) section 601 of the National Security Act of 1947 (50 U.S.C. 421); or

"(3) section 4 (b) or (c) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783 (b) and (c)),

may be in the District of Columbia or in any other district authorized by law.".

(b) Technical Amendment.—The chapter analysis for chapter 211 of title 18, United States Code, is amended by inserting after the item relating to section 3238 the following new item:

"3239. Optional venue for espionage and related offense.".

SEC. 1362. REQUIRED REPORTING BY CRIMINAL COURT CLERKS.

(a) In General.—Each clerk of a Federal or State criminal court shall report to the Internal Revenue Service, in a form and manner as prescribed by the Secretary of the Treasury, the name and taxpayer identification number of—

(1) any individual charged with any criminal offense who posts cash bail, or on whose behalf cash bail is posted, in an amount exceeding $10,000; and

(2) any individual or entity (other than a licensed bail bonding individual or entity) posting such cash bail for or on behalf of such individual.

(b) Criminal Offenses.—For purposes of this section—

(1) the term "criminal offense" means—

(A) any Federal criminal offense involving a controlled substance;

(B) racketeering;

(C) money laundering; and

(D) any violation of State criminal law involving offenses substantially similar to the offenses described in the preceding paragraphs;

(2) the term "money laundering" means an offense under section 1956 or 1957 of title 18, United States Code; and

(3) the term "racketeering" means an offense under section 1951, 1952, or 1955 of title 18, United States Code.

(c) Copy to Prosecutors.—Each clerk shall submit a copy of each report of cash bail described in subsection (a) to—

(1) the office of the United States Attorney; and

(2) the office of the local prosecuting attorney,

for the jurisdiction in which the defendant resides (and the jurisdiction in which the criminal offense occurred, if different).

(d) Regulations.—The Secretary of the Treasury shall promulgate such regulations as are necessary to implement this section within 90 days after the date of enactment of this Act.

(e) EFFECTIVE DATE.—This section shall become effective on the date that is 60 days after the date of the promulgation of regulations under subsection (d).

SEC. 1363. AUDIT REQUIREMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES RECEIVING FEDERAL ASSET FORFEITURE FUNDS AND REPORT TO CONGRESS ON ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—Section 524(c)(7) of title 28, United States Code, is amended to read as follows:

"(7)(A) The Fund shall be subject to annual audit by the Comptroller General.

"(B) The Attorney General shall require that any State or local law enforcement agency receiving funds conduct an annual audit detailing the uses and expenses to which the funds were dedicated and the amount used for each use or expense and report the results of the audit to the Attorney General.".

(b) REPORT TO CONGRESS.—Section 524(c)(6) of title 28, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ", which report should also contain all annual audit reports from State and local law enforcement agencies required to be reported to the Attorney General under paragraph (7)(B)."; and

(3) by adding at the end the following new subparagraph:

"(D) a report for the fiscal year containing a description of the administrative and contracting expenses paid from the Fund under paragraph (1)(A).".

SEC. 1364. DNA IDENTIFICATION.

(a) FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES.—

(1) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)), as amended by section 531, is amended—

(A) by striking "and" at the end of paragraph (20);

(B) by striking the period at the end of paragraph (21) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(22) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (referred to in this title as 'DNA') for identification purposes.".

(2) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following new paragraph:

"(12) If any part of a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

"(A) DNA analyses performed at the laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis issued by the Director of the Federal Bureau of Investigation under section 1388(b) of the Crime Control Act of 1993;

"(B) DNA samples obtained by and DNA analyses performed at the laboratory will be made available only—

"(i) to criminal justice agencies, for law enforcement identification purposes;

"(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; and

"(iii) to others, if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(C) the laboratory and each analyst performing DNA analyses at the laboratory will undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1388(b) of the Crime Control Act of 1993.".

(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 1994, 1995, and 1996 there are authorized to be appropriated such sums as are necessary for grants to the States for DNA analysis.

(b) QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—

(1) PUBLICATION OF QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—(A) Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods. The Director shall appoint members of the board from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory directors. The advisory board shall include as members scientists from State and local forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology. The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(B) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(C) The standards described in subparagraphs (A) and (B) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(D) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(2) ADMINISTRATION OF THE ADVISORY BOARD.—For administrative purposes, the advisory board appointed under paragraph (1) shall be considered to be an advisory board to the Director of the Federal Bureau of Investigation. Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a). The board shall cease to exist on the date that is 5 years after the date on which initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

(c) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—

(1) IN GENERAL.—The Director of the Federal Bureau of Investigation may establish an index of—

(A) DNA identification records of persons convicted of crimes;

(B) analyses of DNA samples recovered from crime scenes; and

(C) analyses of DNA samples recovered from unidentified human remains.

(2) CONTENTS.—The index established under paragraph (1) shall include only information on DNA identification records and DNA analyses that are—

(A) based on analyses performed in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1364(b) of the Crime Control Act of 1993;

(B) prepared by laboratories and DNA analysts that undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1364(b) of the Crime Control Act of 1993; and

(C) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(i) to criminal justice agencies, for law enforcement identification purposes;

(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; or

(iii) to others, if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(3) FAILURE TO MEET REQUIREMENTS.—The exchange of records authorized by this subsection is subject to cancellation if the quality control and privacy requirements described in paragraph (2) are not met.

(d) FEDERAL BUREAU OF INVESTIGATION.—

(1) PROFICIENCY TESTING REQUIREMENTS.—(A) Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under subsection (b). Not later than 1 year after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory. As used in this subparagraph, the term "blind external test" means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(B) For each of the 5 years following the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate an annual report on the results of each of the tests described in subparagraph (A).

(2) PRIVACY PROTECTION STANDARDS.—(A) Except as provided in subparagraph (B), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(i) to criminal justice agencies for law enforcement identification purposes; or

(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged.

(B) If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(3) CRIMINAL PENALTIES.—(A) Whoever—

(i) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(ii) willfully discloses such information in any manner to any person or agency not entitled to receive it,

shall be fined not more than $100,000.

(B) Whoever, without authorization, willfully obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than $100,000.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Bureau of Investigation $2,000,000 for each of fiscal years 1994, 1995, and 1996 to carry out subsections (b), (c), and (d).

SEC. 1365. SAFE SCHOOLS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1062(a), is amended—

(1) by redesignating part S as part T;

(2) by redesignating section 1901 as section 2001; and

(3) by inserting after part R the following new part:

"PART S—SAFE SCHOOLS ASSISTANCE

"SEC. 1901. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance, in consultation with the Secretary of Education, may make grants to local educational agencies in urban, suburban, and rural areas for the purpose of providing assistance to such agencies most directly affected by crime and violence.

"(b) MODEL PROJECT.—The Director, in consultation with the Secretary of Education, shall develop a written safe schools model in a timely fashion and make such model available to any local educational agency that requests such information.

"SEC. 1902. USE OF FUNDS.

"Grants made by the Director under this part shall be used—

"(1) to fund anticrime and safety measures and to develop education and training programs for the prevention of crime, violence, and illegal drugs and alcohol;

"(2) for counseling programs for victims of crime within schools;

"(3) for crime prevention equipment, including metal detectors and video-surveillance devices; and

"(4) for the prevention and reduction of the participation of young individuals in organized crime and drug and gang-related activities in schools.

"SEC. 1903. APPLICATIONS.

"(a) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a local educational agency shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) REQUIREMENTS.—An application under subsection (a) shall include—

"(1) a request for funds for the purposes described in section 1902;

"(2) a description of the schools and communities to be served by the grant, including the nature of the crime and violence problems within such schools;

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

"(4) statistical information in such form and containing such information that the Director may require regarding crime within the schools served by such local educational agency.

"(c) COMPREHENSIVE PLAN.—An application under subsection (a) shall include a comprehensive plan that shall contain—

"(1) a description of the crime problems within the schools targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant will be used to fill gaps; and

"(5) a description of the system the applicant will establish to prevent and reduce crime problems.

"SEC. 1904. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration and technical assistance.

"(b) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

"(1) the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

"(2) the Director determines that an additional grant is necessary to implement the crime prevention program described in the comprehensive plan as required by section 1903(c).

"(c) RURAL AREAS.—The Director shall use not less than 15 percent of the funds available under this part for grants to local educational agencies in rural areas.

"SEC. 1905. AWARD OF GRANTS.

"(a) SELECTION OF RECIPIENTS.—The Director, in consultation with the Secretary of Education, shall consider the following factors in awarding grants to local educational agencies:

"(1) CRIME PROBLEM.—The nature and scope of the crime problem in the targeted schools.

"(2) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 1903(c).

"(3) POPULATION.—The number of students to be served by the plan required under section 1903(c).

"(b) GEOGRAPHIC DISTRIBUTION.—The Director shall achieve an equitable geographic distribution of grant awards.

"SEC. 1906. REPORTS.

"(a) REPORT TO DIRECTOR.—Local educational agencies that receive funds under this part shall submit to the Director a report not later than March 1 of each year that describes progress achieved in carrying out the plan required under section 1803(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year in which grants are made available under this part, which report shall contain—

"(1) a detailed statement regarding grant awards and activities of grant recipients;

"(2) a compilation of statistical information submitted by applicants under section 1903(b)(4); and

"(3) an evaluation of programs established under this part.

"SEC. 1907. DEFINITIONS.

"For the purpose of this part:

"(1) The term 'Director' means the Director of the Bureau of Justice Assistance.

"(2) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary and secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts of counties as are recognized in a State as an administrative agency for its public elementary and secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1062(b), is amended by striking the matter relating to part V and inserting the following:

"PART S—SAFE SCHOOLS ASSISTANCE

"Sec. 1901. Grant authorization.
"Sec. 1902. Use of funds.
"Sec. 1903. Applications.
"Sec. 1904. Allocation of funds; limitations on grants.
"Sec. 1905. Award of grants.
"Sec. 1906. Reports.
"Sec. 1907. Definitions.

"PART T—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1901. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 1062(c), is amended—

(1) in paragraph (3) by striking "and R" and inserting "R, and S"; and

(2) by adding at the end the following new paragraph:

"(13) There are authorized to be appropriated $100,000,000 for fiscal year 1994 to carry out projects under part S.".

TITLE XIV—TECHNICAL CORRECTIONS

SEC. 1401. AMENDMENTS RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR LAW ENFORCEMENT.

(a) TESTING OF CERTAIN SEX OFFENDERS FOR HUMAN IMMUNE DEFICIENCY VIRUS.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended—

(1) in subsection (a) by striking "Of" and inserting "Subject to subsection (f), of";

(2) in subsection (c) by striking "subsections (b) and (c)" and inserting "subsection (b)";

(3) in subsection (e) by striking "or (e)" and inserting "or (f)"; and

(4) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by striking ", taking into consideration subsection (e) but"; and

(ii) by striking "this subsection," and inserting "this subsection"; and

(B) in subparagraph (B) by striking "amount" and inserting "funds".

(b) CORRECTIONAL OPTIONS GRANTS.—(1) Section 515(b) of title I of the Omnibus Crime

Control and Safe Streets Act of 1968 (42 U.S.C. 3762a(b)) is amended—

(A) by striking "subsection (a)(1) and (2)" and inserting "subsection (a) (1) and (2)"; and

(B) in paragraph (2) by striking "States" and inserting "public agencies".

(2) Section 516 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended—

(A) in subsection (a) by striking "for section" each place it appears and inserting "shall be used to make grants under section"; and

(B) in subsection (b) by striking "section 515(a)(1) or (a)(3)" and inserting "section 515(a) (1) or (3)".

(3) Section 1001(a)(5) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5)), as amended by section 1002, is amended by inserting "(other than chapter B of subpart 2)" after "and E".

(c) DENIAL OR TERMINATION OF GRANT.—Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by striking "M.," and inserting "M,".

(d) DEFINITIONS.—Section 901(a)(21) of title I of the Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(21)) is amended by adding a semicolon at the end.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended—

(1) in paragraph (3) by striking "and N" and inserting "N, and O";

(2) by redesignating paragraph (6), relating to part N of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as paragraph (8) and removing it to follow paragraph (7), relating to part M of that title I; and

(3) by redesignating paragraph (7), relating to part O of that title, as paragraph (9).

(f) PUBLIC SAFETY OFFICERS DISABILITY BENEFITS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 1201 (42 U.S.C. 3796)—

(A) in subsection (a) by striking "subsection (g)" and inserting "subsection (h),"; and

(B) in subsection (b)—

(i) by striking "subsection (g)" and inserting "subsection (h)";

(ii) by striking "personal"; and

(iii) in the first proviso by striking "section" and inserting "subsection"; and

(2) in section 1204(3) (42 U.S.C. 3796b(3)) by striking "who was responding to a fire, rescue or police emergency".

(g) HEADINGS.—(1) The heading for part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART M—REGIONAL INFORMATION SHARING SYSTEMS".

(2) The heading for part O of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb) is amended to read as follows:

"PART O—RURAL DRUG ENFORCEMENT".

(h) TABLE OF CONTENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in the item relating to section 501 by striking "Drug Control and System Improvement Grant" and inserting "drug control and system improvement grant";

(2) in the item relating to section 1403 by striking "Application" and inserting "Applications"; and

(3) in the items relating to part O by redesignating sections 1401 and 1402 as sections 1501 and 1502, respectively.

(i) OTHER TECHNICAL AMENDMENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 202(c)(2)(E) (42 U.S.C. 3722(c)(2)(E)) by striking "crime,," and inserting "crime,";

(2) in section 302(c)(19) (42 U.S.C. 3732(c)) by striking the period at the end and inserting a semicolon;

(3) in section 602(a)(1) (42 U.S.C. 3769a(a)(1)) by striking "chapter 315" and inserting "chapter 319";

(4) in section 603(a)(6) (42 U.S.C. 3769b(a)(6)) by striking "605" and inserting "606";

(5) in section 605 (42 U.S.C. 3769c) by striking "this section" and inserting "this part";

(6) in section 606(b) (42 U.S.C. 3769d(b)) by striking "and Statistics" and inserting "Statistics";

(7) in section 801(b) (42 U.S.C. 3782(b))—

(A) by striking "parts D," and inserting "parts";

(B) by striking "part D" each place it appears and inserting "subpart 1 of part E";

(C) by striking "403(a)" and inserting "501"; and

(D) by striking "403" and inserting "503";

(8) in the first sentence of section 802(b) (42 U.S.C. 3783(b)) by striking "part D," and inserting "subpart 1 of part E or under part";

(9) in the second sentence of section 804(b) (42 U.S.C. 3785(b)) by striking "Prevention or" and inserting "Prevention, or";

(10) in section 808 (42 U.S.C. 3789) by striking "408, 1308," and inserting "507";

(11) in section 809(c)(2)(H) (42 U.S.C. 3789d(c)(2)(H)) by striking "805" and inserting "804";

(12) in section 811(e) (42 U.S.C. 3789f(e)) by striking "Law Enforcement Assistance Administration" and inserting "Bureau of Justice Assistance";

(13) in section 901(a)(3) (42 U.S.C. 3791(a)(3)) by striking "and," and inserting ", and"; and

(14) in section 1001(c) (42 U.S.C. 3793(c)) by striking "parts" and inserting "part".

(j) CONFORMING AMENDMENT TO OTHER LAW.—Section 4351(b) of title 18, United States Code, is amended by striking "Administrator of the Law Enforcement Assistance Administration" and inserting "Director of the Bureau of Justice Assistance".

SEC. 1402. GENERAL TITLE 18 CORRECTIONS.

(a) SECTION 1031.—Section 1031 of title 18, United States Code, is amended—

(1) by redesignating subsection (g), as added by Public Law 101–123, as subsection (h) and removing it to the end of the section; and

(2) in subsection (h), as redesignated by paragraph (1), by striking "a government" and inserting "a Government".

(b) SECTION 208.—Section 208(c)(1) of title 18, United States Code, is amended by striking "Banks" and inserting "banks".

(c) SECTION 1007.—The heading for section 1007 of title 18, United States Code, is amended by striking "Transactions" and inserting "transactions".

(d) SECTION 1014.—Section 1014 of title 18, United States Code, is amended by striking the comma that follows a comma.

(e) ELIMINATION OF OBSOLETE CROSS REFERENCE.—Section 3293(1) of title 18, United States Code, is amended by striking "1008,".

(f) PART I PART ANALYSIS.—The item relating to chapter 33 in the part analysis for part I of title 18, United States Code, is amended by striking "701" and inserting "700".

SEC. 1403. CORRECTIONS OF ERRONEOUS CROSS REFERENCES AND MISDESIGNATIONS.

(a) CONTRABAND IN PRISON.—Section 1791(b) of title 18, United States Code, is amended by striking "(c)" each place it appears and inserting "(d)".

(b) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207–51; 21 U.S.C. 857)" and inserting "section 422 of the Controlled Substances Act (21 U.S.C. 863)".

(c) REQUIREMENTS FOR GOVERNMENTAL ACCESS.—Section 2703(d) of title 18, United States Code, is amended by striking "section 3126(2)(A)" and inserting "section 3127(2)(A)".

(d) PROGRAMS RECEIVING FEDERAL FUNDS.—Section 666(d) of title 18, United States Code, is amended—

(1) by redesignating the second paragraph (4) as paragraph (5);

(2) by striking "and" at the end of paragraph (3); and

(3) by striking the period at the end of paragraph (4) and inserting "; and".

(e) OFFENDERS WITH MENTAL DISEASE OR DEFECT.—Section 4247(h) of title 18, United States Code, is amended by striking "subsection (e) of section 4241, 4243, 4244, 4245, or 4246," and inserting "section 4241(e), 4243(f), 4244(e), 4245(e), or 4246(e),".

(f) CONTINUING CRIMINAL ENTERPRISES.—Section 408(b)(2)(A) of the Controlled Substances Act (21 U.S.C. 848(b)(2)(A)) is amended by striking "subsection (d)(1)" and inserting "subsection (c)(1)".

(g) SENTENCING COMMISSION.—Section 994(h) of title 28, United States Code, is amended by striking "section 1 of the Act of September 15, 1980 (21 U.S.C. 955a)" each place it appears and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(h) FIREARMS.—Section 924(e)(2)(A)(i) of title 18, United States Code, is amended by striking "the first section or section 3 of Public Law 96–350 (21 U.S.C. 955a et seq.)" and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(i) ERRONEOUS CITATION IN CRIME CONTROL ACT OF 1990.—Section 2596(d) of the Crime Control Act of 1990 (104 Stat. 4908) is amended, effective as of the date of enactment of that Act, by striking "951(c)(1)" and inserting "951(c)(2)".

SEC. 1404. OBSOLETE PROVISIONS IN TITLE 18.

Title 18, United States Code, is amended—

(1) in section 212 by striking "or of any National Agricultural Credit Corporation," and by striking "or National Agricultural Credit Corporations,";

(2) in section 213 by striking "or examiner of National Agricultural Credit Corporations";

(3) in section 709 by striking the seventh and thirteenth paragraphs;

(4) in section 711 by striking the second paragraph;

(5) by striking section 754 and amending the chapter analysis for chapter 35 by striking the item relating to section 754;

(6) in sections 657 and 1006 by striking "Reconstruction Finance Corporation," and by striking "Farmers' Home Corporation,";

(7) in section 658 by striking "Farmers' Home Corporation,";

(8) in section 1013 by striking ", or by any National Agricultural Credit Corporation";

(9) in section 1160 by striking "white person" and inserting "non-Indian";

(10) in section 1698 by striking the second paragraph;

(11) by striking sections 1904 and 1908 and amending the chapter analysis for chapter 93 by striking the items relating to those sections;

(12) in section 1909 by inserting "or" before "farm credit examiner" and by striking "or an examiner of National Agricultural Credit Corporations,";

(13) by striking sections 2157 and 2391 and amending the chapter analyses for chapters 105 and 115, respectively, by striking the items relating to those sections;

(14) in section 2257 by striking subsections (f) and (g) that were enacted by Public Law 100-690 (102 Stat. 4488);

(15) in section 3113 by striking the third paragraph; and

(16) in section 3281 by striking "except for offenses barred by the provisions of law existing on August 4, 1939".

SEC. 1405. CORRECTION OF DRAFTING ERROR IN THE FOREIGN CORRUPT PRACTICES ACT.

Section 104(a)(3) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2(a)(3)) is amended by striking "issuer" and inserting "domestic concern".

SEC. 1406. ELIMINATION OF REDUNDANT PENALTY.

Section 1864(c) of title 18, United States Code, is amended by striking "(b) (3), (4), or (5)" and inserting "(b)(5)".

SEC. 1407. CORRECTIONS OF MISSPELLINGS AND GRAMMATICAL ERRORS.

Title 18, United States Code, is amended—

(1) in section 513(c)(4) by striking "association or persons" and inserting "association of persons";

(2) in section 1956(e) by striking "Evironmental" and inserting "Environmental";

(3) in section 3125—

(A) in subsection (a)(2) by striking the quotation marks; and

(B) in subsection (d) by striking "provider for" and inserting "provider of"; and

(4) in section 3731, in the second undesignated paragraph, by striking "order of a district courts" and inserting "order of a district court".

TITLE XV—FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 1501. SHORT TITLE.

This title may be cited as the "Federal Law Enforcement Act of 1993".

SEC. 1502. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL LAW ENFORCEMENT AGENCIES.

There is authorized to be appropriated $333,500,000 for fiscal year 1994 (which shall be in addition to any other appropriations) to be allocated as follows:

(1) For the Drug Enforcement Administration, $100,500,000, which shall include—

(A) not to exceed $45,000,000 to hire, equip, and train not less than 350 agents and necessary support personnel to expand DEA investigations and operations against drug trafficking organizations in rural areas; and

(B) not to exceed $25,000,000 to expand DEA State and Local Task Forces, including payment of State and local overtime, equipment, and personnel costs.

(2) For the Federal Bureau of Investigation, $98,000,000, for the hiring of additional agents and support personnel, which shall include not more than $35,000,000 for the purpose of hiring, equipping, and training not less than 250 agents and necessary support personnel to expand investigations and operations by the Federal Bureau of Investigation in rural areas.

(3) For the Immigration and Naturalization Service, $45,000,000, to be further allocated as follows:

(A) $25,000,000 to hire, train, and equip no fewer than 500 full-time equivalent Border Patrol officer positions.

(B) $20,000,000 to hire, train, and equip no fewer than 400 full-time equivalent INS criminal investigators dedicated to drug trafficking by illegal aliens and to deportations of criminal aliens.

(4) For the United States attorneys, $45,000,000 to hire and train not less than 350 additional prosecutors and support personnel dedicated to the prosecution of drug trafficking and related offenses.

(5) For the United States Marshals Service, $10,000,000.

(6) For the Bureau of Alcohol, Tobacco, and Firearms, $15,000,000 to hire, equip, and train not less than 100 special agents and support personnel to investigate firearms violations committed by drug trafficking organizations, particularly violent gangs.

(7) For the United States courts, $20,000,000 for additional magistrates, probation officers, other personnel, and equipment to address the case-load generated by the additional investigative and prosecutorial resources provided in this title.

TITLE XVI—FEDERAL PRISONS

SEC. 1601. AUTHORIZATION OF APPROPRIATIONS FOR NEW PRISON CONSTRUCTION.

There is authorized to be appropriated for fiscal year 1993 to the buildings and facilities account, Federal Prison System, Department of Justice, $500,000,000 for the planning of, acquisition of sites for, and the construction of new penal and correctional facilities, such appropriations to be in addition to any appropriations provided in regular appropriations Acts or continuing resolutions for that fiscal year.

TITLE XVII—PRE-TRIAL INTERROGATION

SEC. 1701.

It is the sense of the Congress that the Attorney General shall instruct all U.S. Attorneys, and implement policies consistent therewith, that confessions obtained in conformity with 18 U.S.C. Section 3501 will be offered into evidence.

SECTION-BY-SECTION ANALYSIS

TITLE I—FEDERAL DEATH PENALTY

This title provides necessary procedural provisions and conforming amendments to enable law enforcement authorities to seek the death penalty for the most heinous federal crimes (47 separate federal offenses) and it authorizes the death penalty for the District of Columbia. It is identical in most respects to the federal death penalty proposal which passed the House in 1991 and in 1990.

In all, the bill provides the death penalty for the following 47 federal offenses:

Existing Capital Crimes

1. espionage[1]
2. treason[1]
3. aircraft destruction where death results
4. motor vehicle destruction where death results
5. retaliatory murder against official's family
6. murder of members of Congress or Cabinet

7., 8., 9. three explosives offenses where death results

10. murder in special territorial jurisdiction
11. murder of federal judges and court officers
12. witness tampering where death results
13. mailing dangerous articles where death results
14. Assassination of President, V.P. or staff
15. wrecking trains where death results
16. bank robbery where death results
17. certain drug related killings
18. air piracy where death results

New Death Penalty Authorizations

19. violence at international airports where death results
20. federal child abuse resulting in death
21. conspiracy against civil rights where death results
22. deprivation of civil rights where death results
23. violence against exercising of federal rights w/ death
24. firearms murders during federal crimes of violence
25. fatal firearms attacks at federal facilities
26. drive by shootings where death results
27. murder in furtherance of genocide
28. murder of local law enforcement assisting feds.
29. murder of certain foreign officials
30. murder by prisoner serving life term
31. murder by escaped federal prisoner
32. kidnapping where death results
33. hostage taking where death results
34. murder of jurors and court officers
35. retaliatory murder of witnesses
36. attempted assassination of the President[1]
37. murder for hire
38. murder in aid of racketeering
39. sexual exploitation resulting in death
40. violence against maritime navigation w/ death
41. violence against maritime platforms w/ death
42. terrorist murders of Americans abroad
43. use of weapons of mass destruction w/ death
44. torture where death results
45. drug kingpins currently subject to mandatory life[1]
46. d.k. who attempt to kill to obstruct justice[1]
47. murder in the course of drug felonies

The bill also amends title 18 of the U.S. Code to authorize capital punishment for murders in the District of Columbia. It proposes a separate set of procedures applicable to cases brought in the District in order to address D.C.'s particular problems as well as the unique federal-district relationship.

TITLE II—HABEAS CORPUS REFORM

This title curbs the abuse of habeas corpus by state and federal prisoners and is identical to the habeas corpus amendment to the crime bill which passed by the Senate by a vote of 58 to 40 in 1991. Subtitle A proposes general habeas corpus reform.

Subtitle B contains reforms aimed at addressing the unique problems of abuse and delay in capital cases. It is modeled after the "Powell Committee" proposal for death penalty litigation (the States may opt in, if a State opts in it must provide counsel in state collateral review, and it limits the petitioner to a single habeas petition). It improves upon Powell by including the "full and fair" rule of deference for state court adjudications and placing time limits upon the federal courts.

Subtitle C insures that, each year, State Attorneys General shall receive habeas corpus litigation support grants equal in amount to the grants given to capital resource centers.

TITLE III—EXCLUSIONARY RULE REFORM

This title is identical to the exclusionary rule reform proposal which passed the House of Representatives as an amendment to H.R. 3371 IN 1991. This legislation would add a new section 3509 to the federal criminal code.

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[1] No resulting death is required for the death penalty to be considered.

Sec. 301. Creates new section 3509 to title 18. Subsection 3509(a) would provide that evidence shall not be excluded in any federal proceeding on the ground that the search or seizure was in violation of the Fourth Amendment if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that it was in conformity with the Fourth Amendment. A police officer's mere subjective belief in the legality of his or her own search is insufficient to support admissibility. This would extend the underlying principle of *United States* v. *Leon*, 468 U.S. 897 (1984), so as to bar the exclusion of evidence obtained in cases involving warrantless searches, as well as in cases involving searches made pursuant to a warrant.

The subsection also provides specifically that the fact that evidence was obtained pursuant to a warrant constitutes prima facie evidence of the existence of circumstances justifying an objectively reasonable belief that a search was in conformity with the Fourth Amendment.

Subsection 3509(b) would bar the exclusion of evidence in federal proceedings on the basis of non-constitutional violations except as expressly authorized by statute or rule promulgated by the Supreme Court. Subsection 3509(c) makes it clear that the section is not to be construed as reflecting legislative approval of the exclusion of evidence as a sanction for official misconduct in any circumstances.

TITLE IV—RURAL CRIME AND DRUG CONTROL

This legislation improves the fight against drug traffickers and violent criminals in rural America.

Subtitle A—Drug Trafficking in Rural Areas

Sec. 401. Amends current state and local law enforcement grants program to authorize an additional $50 million in grants for rural States.

Sec. 402. Directs the Attorney General to establish Rural Crime and Drug Enforcement Task Forces in every federal judicial district that includes significant rural areas. Headed by the local U.S. Attorneys, the Task Forces would include personnel from DEA, FBI, Customs, U.S. Park Police, U.S. Marshals, and state and local law enforcement. These Task Forces would be required to coordinate activities to ensure that resources are used as effectively as possible.

Sec. 403. Permits the A.G. to cross-designate up to 100 law enforcement officers from the U.S. Park Police, U.S. Forest Service, BLM, and other law enforcement agencies to enforce federal drug and criminal law in rural areas. As well, the section requires the A.G. to ensure that the Task Forces are adequately staffed with investigators.

Sec. 404. Establishes a specialized training program at the Federal Law Enforcement Training Center in Glynco, Georgia to teach police officers and sheriffs from rural agencies the most effective methods of conducting drug trafficking investigations.

Subtitle B—Rural Drug Prevention and Treatment

Sec. 411. Proposes a $25 million HHS drug prevention and treatment program for rural areas. Grants will go to hospitals, community health centers, and State agencies responsible for treatment. Requires that, to the extent practicable, one grant shall go to each state.

Subtitle C—Rural Areas Enhancement

Sec. 421. Requires that the assets forfeited by Rural Task Forces be used to enhance the operations of the Task Force and participating state and local law enforcement agencies.

Sec. 422. Requires federal prosecutors bringing charges against "ice" manufacturers to seek environmental related indictments as well as civil suits where environmental damage has occurred or hazardous waste has been illegally dumped.

TITLE V—FIREARMS AND RELATED AMENDMENTS

Sec. 501. Enhances penalties for smuggling firearms in furtherance of drug trafficking.

Sec. 502. Ten year maximum penalty for theft of firearms.

Sec. 503. Increase maximum penalty for making a knowingly false, material statement in connection with the purchase of a firearm.

Sec. 504. Summary destruction of explosives subject to forfeiture.

Sec. 505. Elimination of outmoded parole language.

Sec. 506. Illegal to transfer firearms to a non-resident unless for lawful sporting purpose.

Sec. 507. Prohibition against theft of firearms or explosives from a licensee.

Sec. 508. Ten year maximum penalty for interstate gun trafficking.

Sec. 509. Prohibition against transactions involving stolen firearms.

Sec. 510. Technical amendment making possession of explosives by felons equivalent to receipt of explosives.

Sec. 511. Facilitates the disposition of firearms forfeited to the federal government. Government may use forfeited weapons or sell firearms which are historic or antiques.

Sec. 512. Defines burglary under the armed career criminal statute.

TITLE VI—JUVENILES AND GANGS

Sec. 611. Enhancement of maximum penalties for using minors in drug trafficking in drug free zones.

Sec. 621. Establishes $100 million grant program for efforts at the State and local level, and by private not-for profit anti-crime organizations, to assist in prevention and enforcement programs aimed at fighting juvenile gangs.

Sec. 622. Creates a new federal offense which adds an additional period of incarceration of up to 10 years for violent crimes or drug offense committed by criminal street gangs.

Sec. 623. Creates a presumption in favor of adult prosecution of leaders of juvenile gangs or juveniles with history of violent crime or drug activity.

Sec. 631. Treats certain serious drug crimes by juveniles as armed career criminal predicate offenses.

Sec. 632. Creates a new $200 million dollar grant program to the State and local government for the purpose of developing alternative methods of punishment for young offenders.

Sec. 641. Adds another objective to State and local law enforcement block grants to support programs addressing the need for effective bindover systems for adult prosecution of juveniles who commit serious violent crimes.

Sec. 642. Requires that the Attorney General develop a national strategy aimed at coordinating federal gang-related investigations.

Sec. 643. Clarification that juveniles records be produced before the commencement of any proceedings against him or her.

TITLE VII—TERRORISM AND INTERNATIONAL MATTERS

Sec. 701. Terrorism Civil Remedy—Provides U.S. victims of terrorism with a federal civil cause of action.

Sec. 702. Criminalizes the providing of material support to terrorists.

Sec. 703. Authorizes criminal forfeiture of property used in or derived from terrorist crimes.

Sec. 704. Alien Witness Cooperation Act—authorizes admission into the U.S. of up to 200 aliens annually who cooperate in terrorism or other investigations.

Sec. 705–706. Extends territorial sea included in the special maritime and territorial jurisdiction of the U.S. to 12 miles. Assimilates crimes which occur in this extended area.

Sec. 707. Ensures jurisdiction over crimes by or against U.S. nationals on foreign ships having a scheduled departure from or arrival in the U.S.

Sec. 708. Increases the maximum penalty for crimes of manslaughter and aggravated assault committed abroad by terrorists against U.S. nationals.

Sec. 709. Authorizes additional $67.5 million in appropriations for federal (and state) anti-terrorism efforts.

Sec. 710. Enhanced maximum penalties for certain offense likely to be terrorist offenses.

Sec. 711. Instructs the Sentencing Commission to review guidelines for terrorist offense, and if warranted, increase the guidelines.

Sec. 712. Extends the statute of limitations for certain terrorism offenses.

Sec. 713. Criminalizes international parental child kidnapping where the intent is to obstruct the lawful enforcement of parental rights.

Sec. 714. Criminalizes the foreign murder of U.S. nationals.

Sec. 715. Facilitation of the extradition of murderers of U.S. citizens abroad.

Sec. 716. Improves FBI access to telephone subscriber information in connection with counterintelligence and anti-terrorism investigations.

TITLE VIII—SEXUAL VIOLENCE, CHILD ABUSE, AND VICTIMS' RIGHTS.

TITLE IX—EQUAL JUSTICE ACT

The Equal Justice Act establishes additional safeguards against racial bias in the administration of capital punishment and other penalties. It codifies certain Supreme Court decisions addressing racial discriminatory practices in the imposition of the death penalty. It permits a motion by the defense attorney to examine jurors on the risk of racial prejudice during voir dire (*Turner* v. *Murray* (1986)); permits a change of venue where an impartial jury cannot be obtained (*Irvin* v. *Dowd* (1967)), and prohibits all appeals to racial prejudice or bias by defense counsel or the prosecutor before the jury.

TITLE X—FUNDING, GRANT PROGRAM, AND STUDIES

Subtitle A—Safer Streets and Neighborhoods

Sec. 1001–1004. These provisions incorporate the Republican alternative to Police Corps. It increases the current DOJ formula law enforcement grant program from $900 million to $1 billion. It requires that all additional appropriations under this program (current funding is at approximately $500 million) be used to hire additional law enforcement officers. The bill also adjusts the DOJ formula to treat rural states more fairly.

Subtitle B—Retired Public Safety Officer Death Benefits

Sec. 1011. Extends existing death benefits to cover retired officers killed or injured while responding to an emergency.

Subtitle C—Study of Police Officer's Bill of Rights

Sec. 1021. The Attorney General, through the NIJ shall study the fairness and effectiveness of police disciplinary investigations and adjudications.

Subtitle D—Cop-on-the-Beat Grants

Sec. 1031–1032. Creates a new $150 million DOJ grant program for the State and local governments to establish community policing.

Subtitle E—National Commission to Support Law Enforcement

Sec. 1041–1050. Create a National Commission to Support Law Enforcement (18 month period) which will study and recommend changes regarding law enforcement agencies and issues at the federal, state, and local level.

Subtitle F—Other Provisions

Sec. 1062. $5 million grant program to provide family support services to law enforcement personnel.

Sec. 1063. Requires the Bureau of Prisons to notify local police of the release from custody of any prisoner convicted of a crime of violence or drug trafficking offense.

TITLE XI—ILLEGAL DRUGS

Sec. 1101. General requirement that federal offenders be tested for drugs on post-conviction release.

Sec. 1121–1133. Precursor chemicals provision which the DEA has worked out with chemical manufacturers. It has passed the Senate on three separate occasions.

Sec. 1141. Prohibits the advertising of illegal transactions involving controlled substances.

Sec. 1142. Closes loophole for the illegal importation of small amounts of marijuana.

Sec. 1143. Authorizes civil penalties and injunctions against drug paraphernalia violations.

Sec. 1144–47. Various conforming amendments: adding certain drug offenses as requiring fingerprinting and records for recidivist juveniles; definition of a narcotic or other dangerous drugs under RICO; elimination of outmode language relating to parole.

Sec. 1148. Enhanced penalties for federal drugged or drunk driving that endangers or kills minors.

Sec. 1149. Authorizes the Attorney General to bring civil actions seeking injunctions, evictions, and civil penalties in relation to premises used in drug activities.

Sec. 1150. Criminal offenses for coaches, trainers, etc. who promote the use of steroids by persons in their charge.

Sec. 1151. Public awareness program of existing federal law relating to loss of highway funding for States which fail to revoke driver's licenses of convicted drug abusers.

Sec. 1152. Allows local governments to participate in DARE with the approval of local educational agency.

Sec. 1153. Prohibits the unauthorized use of the words Drug Enforcement Administration or DEA in a manner calculated to convey the impression that DEA endorses the labeled item.

TITLE XII—PUBLIC CORRUPTION

Sec. 1201–1204. Strengthen federal laws against public corruption, including increased penalties, more adequate basis of federal jurisdiction to prosecute corruption offenses, prohibition of retaliation against whistleblowers who expose public corruption, and specific provisions relating to election fraud and drug-related corruption.

TITLE XIII—GENERAL PROVISIONS

Subtitle A—Violent Crimes

Sec. 1301–1305. Addition of the attempt liability for robbery, kidnapping, smuggling, and property damage offenses. Increase the maximum penalty for assault, manslaughter, travel act violations, and conspiracy to commit murder for hire.

Subtitle B—Civil Rights

Sec. 1311. Increase the maximum penalties for serious violent acts in violation of criminal civil rights statutes.

Subtitle White Collar and Property Crime

Sec. 1321–1326. Technical and conforming amendments to cover receipt of proceeds of robbery, extortion and kidnapping; and other changes. Defines savings and loan for purposes of bank robbery statute.

Sec. 1327. Federal Deposit Insurance Act prohibitions relating to convicted criminals involvement with financial institutions is extended to cover federal credit unions.

Sec. 1328. Prohibits the disclosure of wiretap information with the intent to obstruct, impede, or interfere with criminal investigations.

Sec. 1329. The state of mind requirement for offenses concerning stolen or counterfeit property is satisfied if the defendant believed, on the basis of representations by law enforcement, that property was stolen or counterfeit. The measure clears, facilitates undercover investigations of fencing operations.

Sec. 1330. Extension of mail fraud statute to cover mail delivered by private interstate carriers.

Sec. 1331. Makes minor amendments to existing "access device" fraud statute to cover illegal use of a credit card number.

Sec. 1332. Increase in the fines and maximum penalties for trafficking in counterfeit goods and services.

Sec. 1333. Criminalizes the knowing or reckless distribution of a computer virus.

Sec. 1334. Requires the notification of law enforcement officers concerning drugs and large amounts of cash discovered in airport weapons screenings.

Subtitle D—Other Provisions

Sec. 1361–63. Misc. enhancements to venue, and administrative aspects of criminal justice system.

Sec. 1364. Establishes a system of funding, quality control, and information relating to DNA identification process. Legislation was the product of negotiations with FBI and Congress.

Sec. 1365. Safe schools $100 million grant program for the purpose of anti-crime and safety measures in urban, suburban, and rural schools. Formula insures that money is distributed fairly amongst the states.

TITLE XIV—TECHNICAL CORRECTIONS

Sec. 1401–7. Minor and technical corrections.

TITLE XV—FEDERAL LAW ENFORCEMENT

Authorizes an additional $333.5 million for federal law enforcement personnel to be divided as such: $100.5 DEA (of which $45 goes to rural areas), $98 FBI (of which $35 goes to rural areas), $45 INS, $45 U.S. Attys., $10 U.S. Marshals, $15 BATF, and $20 the Courts.

TITLE XVI—FEDERAL PRISONS

Authorizes an additional $500 million for the construction of new federal prisons for the increased number of inmates entering the federal system.

TITLE XVII—PRE-TRIAL INTERROGATION

Establishes that the Attorney General shall implement 18 U.S.C. §3501 relating to the admissibility of confessions. Section 3501 directs the courts to admit confessions under the pre-Miranda voluntariness standard but has not been implemented by the Department of Justice.

• **Mr. SPECTER.** Mr. President, I am pleased to join many of my colleagues, including the distinguished minority leader and the new ranking member of the Judiciary Committee, Senator HATCH, and our former ranking member, Senator THURMOND, to cosponsor the Crime Control Act of 1993. Passage of a strong, effective, and comprehensive crime control bill must be a priority for Congress this year.

Everyone recognizes that crime is one of the most serious problems confronting our Nation. Criminals hold many neighborhoods in our inner cities in their grasp. The law-abiding majority in these communities have become prisoners of these vicious criminals. People fear to leave their homes after dark. Some corners are off-limits to anyone not a member of some gang at all hours of the day. Weapons have become commonplace, and the handgun has become the preferred method for settling disputes. Fear reigns in many of our inner-city neighborhoods. At the same time, violent crime, formerly a stranger to many of our mid-size cities and smaller communities and rural areas, has spread into these locales. Local police in small towns can be overwhelmed as national gangs move into the community to use as a drug distribution center or to set up a methamphetamine laboratory.

We are unanimous in Congress in saying every year that the plague of violent crime must stop. But we appear unwilling to confront the real issues and pass tough legislation that will assist police officers and benefit our people who are held in terror at the seeming power of criminals to control their communities. In the 102d Congress, the Senate passed a tough anticrime bill, only to see its toughest provisions eviscerated in conference. With the start of the 103d Congress, the time comes to try again to develop and enact tough anticrime legislation.

The Crime Control Act of 1993 is such a tough, comprehensive bill. It addresses many of the most important issues confronting our Nation. It provides for a constitutional Federal death penalty for a wide range of murders. Adoption of such a law, strongly supported by a large majority of the American people, is long overdue.

The bill also provides tough, increased penalties for those who use firearms in the commission of crimes. Since the adoption of my Armed Career Criminal Act in 1984 and its expansion in 1986 to cover additional crimes, the Federal Government has turned its resources against violent criminals. The Armed Career Criminal Act has proved to be extremely successful in ridding our streets of thousands of our most violent criminals by putting them in jail for lengthy mandatory sentences. Increasing penalties for using firearms in the commission of crimes will have a similar salutary effect. We will not curb the plague of gun violence until we get serious about punishing those who use firearms illegally.

This bill also adopts many of the provisions included in the antigang legislation I introduced in the 102d Congress, S.1337. Gangs have become a serious national problem, and we must fight them at the Federal level. Small communities throughout our Nation which never had serious crime problems have recently been turned into local headquarters for national gangs like the Crips and the Bloods, both founded in Los Angeles but now involved in a crime-spree across the Nation. The antigang proposals in this bill will put effective tools into the hands of Federal law enforcement agencies to fight gang crime and violence.

I am also pleased to see the increased authorization for block grants to State and local police to assist them to hire additional officers. Law enforcement remains primarily a local responsibility. Local police know their communities best and are closest to their neighbors and friends. The Federal Government does have responsibilities in law enforcement, and I have worked for years to expand these responsibilities. But in the end, we must rely on our local police to keep our neighborhoods safe. That is why the Federal Government must assist in making some of its resources available to State and local governments to hire more police. This bill will increase the authorization levels to do just that. Once enacted, we can work to secure increases in appropriations to make the promise of this bill a reality.

In this connection, I want to note briefly the absence from this legislation of my Police Corps proposal. The fact that the Police Corps is not included in this bill, despite its inclusion in the Republican alternative anticrime bill of last year, does not indicate any lack of support for the program. Indeed, it indicates just the opposite. The Police Corps won approval in both the Senate and the House in the 102d Congress, and it was endorsed by both President Bush and President Clinton during the campaign. It is not included in this package only because we want to work closely with the incoming administration in drafting a Police Corps bill that will be enacted speedily on its own.

I want to point out that I do not support all the elements of this package. Habeas corpus reform has been a top priority of mine for several years now. I am troubled by the provisions of this bill that might be read to restrict Federal habeas corpus review to cases that have been fully and fairly adjudicated in State courts. I believe that finality in these cases is necessary, but Federal courts must be free to determine Federal rights. I will work closely with my colleagues to fashion comprehensive habeas corpus reform that will result in finality without sacrificing the traditional role of the Federal courts.

I am also very troubled by the provision of the bill cutting back on the exclusionary rule. This court-fashioned rule excludes illegally seized evidence from use at trial. As far as I can tell, police and courts manage quite well under the strictures of the rule, and very few cases are thrown out because of the effects of the exclusionary rule. The Supreme Court has created a good faith exception to the rule, under which evidence seized illegally by police officers otherwise acting in good faith under a defective warrant can tbe relied on in a prosecution. Some courts, like the U.S. Court of Appeals for the Fifth Circuit, have extended the good faith exception further and the law continues to develop in the courts to meet the particulars of each specific case. I believe that continued judicial development of the exclusionary rule is the wisest course. Thus, I opposed the provision of this bill on the exclusionary rule in the 102d Congress, as I opposed the attempted codification contained in the conference report on the anticrime bill last year. This is an issue that should be left to the courts.

Despite my reservations over two of this bill's key provisions, I view this legislation on the whole as a positive development. I will support this bill, even as I work to ameliorate some of its provisions. I am pleased to join in cosponsoring this measure, and I look forward to working with my colleagues to fashion necessary anticrime legislation this year.●

By Mr. COATS (for Mr. McCain (for himself, Mr. Coats, Mr. Thurmond, Mr. Brown, Mr. Gramm, Mr. Simpson, Mr. McConnell, Mr. Wallop, Mr. Nickles, Mr. Bond, Mr. Mack, Mr. Smith, Mrs. Kassebaum, Mr. Helms, Mr. Burns, Mr. Kempthorne, Mr. Lott, Mr. Chafee, Mr. Lugar, Mr. Warner, Mr. Danforth, Mr. Coverdell, Mr. Pressler, and Mr. Boren)):

S. 9. A bill to grant the power to the President to reduce budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be charged.

BUDGET REDUCTION AUTHORITY

Mr. McCAIN. Mr. President, yesterday President Clinton gave our Nation a call to arms. He called for an American renewal. I pledge to work with our newly elected President to renew our country and refurbish our Nation's vitality.

Now, Mr. President, is the time to move quickly and decisively. Now is the time to give the President what he has asked for. Now is the time to pass the line-item veto.

Today I am joining Senators Coats, Thurmond, Brown, Gramm, Simpson, McConnell, Wallop, Nickles, Bond, Mack, Smith, Kassebaum, Helms, Burns, Kempthorne, Lott, Chafee, Lugar, Warner, and Danforth in reintroducing as one of the Republican priority bills the legislative line-item veto.

This bill is very simple. It enables the President, 20 days after the enactment of an appropriations bill, to identify items of spending within that bill which the President believes are wasteful, and to notify the Congress that the President is eliminating or reducing the funds for those items.

The President may veto part or all of the funds for programs deemed wasteful. It also allows the President to submit such enhanced rescissions with the budget submission at the beginning of the year. This second opportunity to propose rescissions ensures that the President has the opportunity to strike at wasteful pork barrel spending that may not be obvious during the first rescission period.

The Congress is required to overturn these line-item vetoes with majority votes in the House and Senate within 20 days or they become effective. The President may veto the rescission disapproval bill. In that case, the veto may be overridden by a two-thirds vote of the House and Senate. Last, this bill would not allow the President to rescind appropriations for entitlements such as Social Security, Medicaid, or food stamps.

More specifically, the Line-Item Veto Act of 1993 amends part B of title X of the Impoundment Control Act of 1974. It does not amend part A of title X of the Impoundment Control Act of 1974.

Mr. President, to those who charge that the line-item veto is a partisan game or a unneeded shift in power, I resoundingly state, you are wrong. The line-item veto is a necessity. Our Nation's fiscal house is in disarray. We are mortgaging our children's future. We must pay heed to President Clinton and listen to the trumpets that are heralding change throughout our country.

We must give the President the line-item veto.

On page 17 of then-Governor Clinton's "Putting People First, A National Economic Strategy for America," the President specifically states the following:

> Line-Item Veto. To eliminate pork-barrel projects and cut government waste. I will ask Congress to give me the line-item veto.

During the President's stirring Inauguration Address, he boldly and most correctly declared:

> Americans deserve better . . . so that power and privilege no longer shout down the voice of the people. Let us put aside personal ad-

vantage so that we can feel the pain and see the promise of America. . . . Let us give this capital back to the people to whom it belongs.

It is time to give the President the power that 43 governors possess. It is time to give the President the line-item veto. It is time to do the people's bidding. The people who send us here want the line-item veto. We must now put aside partisan and institutional pride and do what the people demand: we must give the President the line-item veto.

While as some will wax eloquently on the floor, giving us history lessons, explaining theoretical concepts that baffle the working men and women on America's streets, the public is demanding more. They want change. They want a renewed America.

The public has grown full of "pork books" and "pork kings." As the Washington Times stated on January 20, 1993:

> The economy is down. Unemployment is up. The deficit is rising. Respect for government officialdom is failing. Yet the Congress of the United States can still spend billions on projects of absolutely no use to the taxpayers. Appropriately, our elected leaders have also allocated $140,000 for swine research.

A line-item veto will allow President Clinton an opportunity to do what we have shown ourselves incapable of doing—exercising fiscal restraint and eliminating funding for things like swine research.

Mr. President, I state again, we must give the President the line-item veto. I hope the Congress will act quickly on this issue.

I ask unanimous consent that the full text of the Legislative Line-Item Veto Act of 1993 appear in the Record following my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 9

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act of 1993."

SEC. 2. ENHANCEMENT OF SPENDING CONTROL BY THE PRESIDENT.

The Impoundment Control Act of 1974 is amended by adding at the end thereof the following new title:

"TITLE XI—LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY

"Part A—Legislative Line Item Veto Rescission Authority

"GRANT OF AUTHORITY AND CONDITIONS

"Sec. 1101. (a) In General.—Notwithstanding the provisions of part B of title X and subject to the provisions of part B of this title, the President may rescind all or part of any budget authority, if the President—

"(1) determines that—

"(A) such rescission would help balance the Federal budget, reduce the Federal budget deficit, or reduce the public debt;

"(B) such rescission will not impair any essential Government functions; and

"(C) such rescission will not harm the national interest; and

"(2)(A) notifies the Congress of such rescission by a special message not later than 20 calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriations Act or a joint resolution making continuing appropriations providing such budget authority, or

"(B) notifies the Congress of such rescission by special message accompanying the submission of the President's budget to Congress and such rescissions have not been proposed previously for that fiscal year.

The President shall submit a separate rescission message for each appropriations bill under paragraph (2)(A).

"(b) Recission Effective Unless Disapproved.— (1)(A) Any amount of budget authority rescinded under this title as set forth in a special message by the President shall be deemed canceled unless during the period described in subparagraph (B), a rescission disapproval bill making available all of the amount rescinded is enacted into law.

"(B) The period referred to in subparagraph (A) is—

"(i) a Congressional review period of 20 calendar days of session under part B, during which Congress must complete action on the rescission disapproval bill and present such bill to the President for approval or disapproval;

"(ii) after the period provided in clause (i), an additional 10 days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission disapproval bill; and

"(iii) if the President vetoes the rescission disapproval bill during the period provided in clause (ii), an additional 5 calendar days of session after the date of the veto.

"(2) If a special message is transmitted by the President under this section during any Congress and the last session of such Congress adjourns sine die before the expiration of the period described in paragraph (1)(B), the rescission shall not take effect. The message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the review period referred to in paragraph (1)(B) (with respect to such message) shall run beginning after such first day.

"DEFINITIONS

"Sec. 1102. For purposes of this title the term 'rescission disapproval bill' means a bill or joint resolution which only disapproves a rescission of budget authority, in whole, rescinded in a special message transmitted by the President under section 1101.

"Part B—Congressional Consideration of Legislative Line Item Veto Rescissions

"PRESIDENTIAL SPECIAL MESSAGE

"Sec. 111. Whenever the President rescinds any budget authority as provided in section 1101, the President shall transmit to both Houses of Congress a special message specifying—

"(1) the amount of budget authority rescinded;

"(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

"(3) the reasons and justifications for the determination to rescind budget authority pursuant to section 1101(a)(1);

"(4) to the maximum extend practicable, the estimated fiscal, economic, and budgetary effect of the rescission; and

"(5) all facts, circumstances, and considerations relating to or bearing upon the rescission and the decision to effect the rescission, and to the maximum extend practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

"TRANSMISSION OF MESSAGES; PUBLICATION

"Sec. 1112. (a) Delivery to House and Senate.—Each special message transmitted under sections 1101 and 1111 shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

"(b) Printing in Federal Register.—Any special message transmitted under sections 1101 and 1111 shall be printed in the first issue of the Federal Register published after such transmittal.

"PROCEDURE IN SENATE

"Sec. 1113. (a) Referral.—(1) Any rescission disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

"(2) Any rescission disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this section.

"(b) Floor Consideration in the Senate.—

"(1) Debate in the Senate on any rescission disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(2) Debate in the Senate on any debatable motion or appeal in connection with such a bill shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(3) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 1, not counting any day on which the Senate is not in session) is not in order.

"(c) Point of Order.—(1) it shall not be in order in the Senate or the House of Representatives to consider any rescission disapproval bill that relates to any matter other than the rescission of budget authority transmitted by the President under section 1101.

"(2) It shall not be in order in the Senate or the House of Representatives to consider any amendment to a rescission disapproval bill.

"(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifth of the members duly chosen and sworn.".

• Mr. CHAFEE. Mr. President, I am happy to join Senators McCAIN and COATS in introducing the legislative Line-Item Veto Act. This legislation gives the President the authority to strike specific provisions from spending bills without having to veto the entire bill.

It is clear to most of us here in the Senate that we must begin to take the necessary steps to reduce the deficit. The national debt—now exceeding $4 trillion—is choking the Federal Government, and threatens our ability, as elected representatives, from effectively addressing the problems facing this country. Most economists agree that the Federal Government's huge Federal deficits were a factor in the recent recession, and hinder the recovery that is underway.

Last year the Federal Government paid almost as much in interest as it spent on all domestic discretionary programs combined. Interest expense is the third largest single expenditure in the Federal budget, behind Social Security and defense. If we continue our present course, interest will soon surpass defense as the second largest spending item in our budget.

We must remember that paying interest on the debt does nothing to address this country's most pressing needs. Interest does not assist in providing pregnant women and newborns with the medical and nutritional help they need. It does nothing in support of enhancing research and development to make our country more competitive. Interest provides no funds for expanding the Head Start Program so that all eligible children can receive the educational assistance they need. In short, the interest we now pay to support our past excesses robs us of the ability to meet today's pressing needs.

The line-item veto authority is one tool that we can give to the President to combat the deficit. It alone cannot balance the budget. Entitlement programs comprise almost half of all Federal outlays, yet they are not subject to the annual appropriations process. We must also find a way to control these programs. And, finally, it may be necessary to look at additional revenue sources to help balance the budget, but it is my hope that we will look long and hard at the spending side of the budget before we take that step.

Mr. President, I commend the Senator from Arizona, Mr. McCAIN and the Senator from Indiana, Mr. COATS for reintroducing this legislation. I urge my colleagues to support this effort so that the new President has the tools he needs to fulfill his campaign pledge to reduce the deficit.•

Mr. COVERDELL. Mr. President, during this past year the citizens of my State and the country have demonstrated grave concerns with regard to the fiscal crisis and dilemma being experienced by our country.

In the Presidential campaign, all candidates spoke eloquently and often to issues of debt and deficit. In his inaugural speech, President Clinton addressed the issue of debt in our Nation.

In record numbers, Georgians and Americans turned out to express their frustration and concern in this past election. It is clear to me that much of this concern is rooted in the issue of the financial crisis faced by our country as shown by this debt and deficit.

Mr. President, 49 Governors of the United States, including the former Governor of Arkansas and now the President of the United States, had as a fiscal tool to utilize in financial discipline, the line-item veto.

Mr. President, as a member of the Georgia Senate for many years, I had the opportunity to witness first hand the value of the chief executive of our State having as a financial discipline the tool of the line-item veto.

I believe it is exceedingly important that the 103d Congress be responsive to the call of our new President. I believe it is responsible for us to react to the electorate of this country when it calls for enormous proportions the institution of new disciplines and rules that relate to the manner in which we manage our financial affairs.

Therefore, I join with the President of the United States, Senator McCAIN, and others, and the people of this country, in their call for the institution of a line-item veto.

Mr. President, thank you.

I yield the floor.

By Mr. CRAIG (for himself, Mr. DOLE, Mr. HATCH, Mr. GRASSLEY, Mr. BURNS, Mr. SIMPSON, Mr. KEMPTHORNE, and Mr. HATFIELD):

S. 10. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the adoption of flexible family leave policies by employers; to the Committee on Finance.

FLEXIBLE FAMILY LEAVE TAX CREDIT ACT

Mr. CRAIG. Mr. President, I rise to urge my colleagues to support and cosponsor legislation I am introducing today with our distinguished Republican, the Senator from Kansas [Mr. DOLE], and several other colleagues. This bill, numbered S. 10, is the Flexible Family Leave Tax Credit Act of 1993.

I want to remind my colleagues of a little of the history behind this bill. Back in the middle of the last decade, some concerns began to arise because demographic shifts and changes in the economy and the work force were forcing some working parents to make difficult decisions between work and family, when critical family events occur.

The not-surprising response of some, those who see Government control as the answer to every challenge, was to propose that the Federal Government impose a one-size-fits-all, inflexible mandate that employers provide the Government's idea of an appropriate personnel policy change.

And there were those of us who care deeply about families and who also realize that business owners are laborers too, who have families of their own, and who value every dimension of their employees' well-being. Small businesses, especially, often operate at the margin, and generally provide what they can—based also on what their employees want—in the way of compensation and benefits.

Congresses and Presidents and Federal public policy has long recognized the constraints that a dynamic economy places on both employers and employees, and—until very recently—understood that incentives are the best Government tool for introducing changes in the employment relationship.

In that spirit, some 4 years ago, as a Member of the other body, I cosponsored legislation to create a tax incentive for employers to provide family and medical leave. Because of the restrictive rules of that body, we were never given a fair hearing and we were never allowed to offer a floor amendment along those lines.

Two years ago, as a Member of this body, I introduced similar legislation. I discussed my bill back then with colleagues, the business community, family advocates, and the administration. I did not offer my bills as an amendment when the Senate took up S. 5 in the 102d Congress, because it was obvious then that no alternative was going to be given serious consideration until after a veto was sustained.

The proof of that fact came in the treatment accorded the one major substitute that was offered during the 1991 floor debate. Those of us who had a variety of ideas on alternatives to mandated benefits decided to support one of them and deferred to the distinguished ranking minority member of the Labor and Human Resources Committee at the time, Senator HATCH. The gentleman from Utah had put much thought and effort into his bill, the preferred rehire alternative. I know he and his staff were working on it well before the beginning of the 102d Congress and that it was a very serious undertaking. But, when it came to the floor, arms were twisted, the special interest groups howled, and Senator HATCH'S very good proposal was not given the consideration it deserved. It was obvious that the same fate would befall any other serious alternative, as well.

Before S. 5 was vetoed, several of us in this body and the last administration worked on a new family leave tax credit that improved on our previous proposals. We were ready then to go to the table to work out a bill—a nonmandate bill, an incentive bill—that could have become law last year. But again, we were not really given that chance.

Now, once again, we have the opportunity to really consider all sides of this issue fully and seriously. We, who support family leave but oppose writing private sector employers' personnel policies for them, offer a positive alternative. We want to see a family leave bill become law, if it provides an incentive, if it applies broadly, and if it increases the family-friendly benefits employers offer voluntarily because they are now able to do so.

I understand that the family leave mandate bill that will be introduced today will be the same as last year's vetoed version. I would like to add to the RECORD a brief side-by-side analysis comparing these two approaches. I ask unanimous consent to print that in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 10

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flexible Family Leave Tax Credit Act of 1993".

TITLE I—FAMILY LEAVE CREDIT

SEC. 101. CREDIT CREATED.

Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45A. FAMILY LEAVE CREDIT.

"(a) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—For purposes of section 38, the amount of the family leave credit for any employer for any taxable year is 20 percent of the qualified compensation with respect to an employee who is on family leave.

"(2) LIMITATIONS ON AVAILABILITY AND AMOUNT OF CREDIT.—

"(A) FEWER THAN 500 EMPLOYEES.—An employer is not entitled to a family leave credit for any taxable year unless—

"(i) in the case of an employer that is in its first taxable year, the employer had fewer than 500 employees at the close of that year, and

"(ii) in the case of other employers, the employer averaged fewer than 500 employees for its preceding taxable year.

An employer is considered to average fewer than 500 employees for a taxable year if the sum of its employees on the last day of each quarter in that year divided by the number of quarters is fewer than 500.

"(B) DOLLAR CAP ON QUALIFIED COMPENSATION.—The amount of qualified compensation that may be taken into account with respect to an employee may not exceed $100 per business day.

"(C) MAXIMUM PERIOD OF FAMILY LEAVE.—No family leave credit will be available to the extent that the period of family leave for an employee exceeds 12 weeks, defined as 60 business days, in any 12-month period.

"(D) ADDITIONAL LIMITATION ON LEAVE FOR PERSONAL SERIOUS HEALTH CONDITIONS.—Leave from an employer in connection with a qualified purpose described in subsection (b)(2)(D) will qualify as family leave only if the employee on leave has no unused sick, disability, or similar leave.

"(b) FAMILY LEAVE.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this section, an employee is considered to be on 'family leave' if the employee is on leave from the employer in connection with any qualified purpose.

"(2) QUALIFIED PURPOSES.—The term 'qualified purposes' means—

"(A) the birth of a child,

"(B) the placement of a child with the employee for adoption or foster care,

"(C) the care of a child, parent or spouse with a serious health condition, or

"(D) the treatment of a serious health condition which makes the employee unable to perform the functions of his or her position.

"(3) DEFINITIONS OF CHILD, PARENT AND SERIOUS HEALTH CONDITION.—

"(A) CHILD.—The term 'child' means an individual who is a son, stepson, daughter, stepdaughter, eligible foster child as described in sections 32(c)(3)(B)(iii) (I) and (II), or legal ward of the employee or employee's spouse, or a child of a person standing in loco parentis and who either has not reached the age of 19 by the commencement of the period of family leave or is physically or mentally incapable of caring for himself or herself.

"(B) PARENT.—The term 'parent' means an individual with respect to whom the employee would be considered a 'child' within the meaning of subsection (b)(2)(A) without regard to the age limitation.

"(C) SERIOUS HEALTH CONDITION.—The term 'serious health condition' means an illness, injury, impairment, or physical or mental condition that involves the inpatient care in a hospital, hospice or residential health care facility, or substantial and continuing treatment by a health care provider.

"(c) CREDIT REFUNDABLE.—In the case of so much of the section 38 credit as is attributable to the family leave credit—

"(1) section 38(c) will not apply, and

"(2) for purposes of this section, such credit will be treated as if it were allowed under section 103 of the Flexible Family Leave Tax Credit Act of 1993.

"(d) NONDISCRIMINATION REQUIREMENT.—The family leave credit is available to an employer for a taxable year only if the employer provides family leave to its employees for that year on a nondiscriminatory basis.

"(e) OTHER DEFINITIONS AND SPECIAL RULES.—

"(1) IN GENERAL.—For purposes of this section—

"(A) EMPLOYER.—Except as otherwise provided in this subpart, the term 'employer' has the meaning provided by section 3306(a)(1) and (3).

"(B) EMPLOYEE.—The term 'employee' includes only permanent employees who have been employed by the employer for at least 12 months and have provided over 1000 hours of service to the employer during the 12 months preceding commencement of the family leave.

"(C) QUALIFIED COMPENSATION.—The term 'qualified compensation' means the greater of—

"(i) cash wages paid or incurred by the employer to or on behalf of the employee as remuneration for services during the period of family leave, and

"(ii) cash wages that would have been paid or incurred by the employer to or on behalf of the employee as remuneration for services during the period of family leave had the employee not taken the leave.

"(D) COMPUTATION.—For purposes of subsection (e)(1)(C)(ii), the amount of cash wages that would have been paid to the employee for any business day the employee is on family leave is the average daily cash wages of that employee for the four calendar quarters preceding the commencement of the family leave.

"(E) AVERAGE DAILY CASH WAGES.—For purposes of the computation described in subsection (e)(1)(D), an employee's average daily cash wages is his or her total cash wages for the period described in such subsection divided by the number of business days in that period.

"(F) BUSINESS DAY.—The term 'business day' includes any day other than a Saturday, Sunday or legal holiday.

"(2) EMPLOYMENT AND BENEFITS PROTECTION.—

"(A) IN GENERAL.—Leave taken under this section shall qualify an employer for a family leave credit only if—

"(i) upon return from such leave, the employee is entitled to be restored by the employer to the position of employment held by the employee when the leave commenced, or to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment;

"(ii) the taking of such leave does not result in the loss of any employment benefit accrued prior to the date on which the leave commenced; and

"(iii) the employer maintains coverage under any 'group health plan' (as defined in section 5000(b)(1)) for the duration of such leave, at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously during the leave period.

"(B) LIMITATION.—Nothing in this paragraph shall be construed to require an employer, as a condition of qualifying for a family leave credit, to entitle any employee taking leave to—

"(i) the accrual of any seniority or employment benefits during any period of leave; or

"(ii) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

"(3) EXPECTATION THAT EMPLOYEE WILL RETURN TO WORK.—No family leave credit will be available for any portion of a period of family leave during which the employer does not reasonably believe that the employee will return from leave to work for the employer.

"(4) SPECIAL RULES.—Rules similar to the rules of section 52 shall apply for purposes of this section.

"(5) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including guidance relating to ensuring adequate employment and benefits protection and guidance to prevent abuse of this section.".

SEC. 102. COORDINATION WITH REFUND PROVISION.

For purposes of section 1324(b)(2) of title 31 of the United States Code, section 45A of the Internal Revenue Code of 1986 (as added by this Act) will be considered to be a credit provision of the Internal Revenue Code of 1954 enacted before January 1, 1978.

SEC. 103. CONFORMING AMENDMENTS.

(a) Section 38 is amended by deleting the "plus" after subsection (b)(7) and "." after subsection (b)(8), by inserting ", plus" after subsection (b)(8), and by adding a new subsection (b)(9) to read as follows:

"(9) the family leave credit under section 45A."

(b) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45A. Family leave credit."

SEC. 104. EFFECTIVE DATE.

The amendments made by this title shall apply to family leave that commences 90 days after the date of the enactment of this Act.

TITLE II—DEFICIT NEUTRAL REVENUE OFFSET

SEC. 201. CORPORATE ESTIMATED TAX PROVISIONS.

(a) INCREASE IN ESTIMATED TAX.—

(1) IN GENERAL.—Subsection (d) of section 6655 of the Internal Revenue Code of 1986 (relating to amount of required installments) is amended—

(A) by striking "91 percent" each place it appears in paragraph (1)(B)(i) and inserting "100 percent",

(B) by striking "91 PERCENT" in the heading of paragraph (2) and inserting "100 PERCENT", and

(C) by striking paragraph (3).

(2) CONFORMING AMENDMENTS.—

(A) Clause (ii) of section 6655(e)(2)(B) of such Code is amended by striking the table contained therein and inserting the following new table:

"In the case of the following required installments:	**The applicable percentage is:**
1st	25
2nd	50
3rd	75
4th	100."

(B) Clause (i) of section 6655(e)(3)(A) of such Code is amended by striking "91 percent" and inserting "100 percent".

(b) MODIFICATION OF PERIODS FOR APPLYING ANNUALIZATION.—

(1) Clause (i) of section 6655(e)(2)(A) of such Code is amended—

(A) by striking "or for the first 5 months" in subclause (II),

(B) by striking "or for the first 8 months" in subclause (III), and

(C) by striking "or for the first 11 months" in subclause (IV).

(2) Paragraph (2) of section 6655(e) of such Code is amended by adding at the end thereof the following new subparagraph:

"(C) ELECTION FOR DIFFERENT ANNUALIZATION PERIODS.—

"(i) If the taxpayer makes an election under this clause—

"(I) subclause (II) of subparagraph (A)(i) shall be applied by substituting '4 months' for '3 months',

"(II) subclause (III) of subparagraph (A)(i) shall be applied by substituting '7 months' for '6 months', and

"(III) subclause (IV) of subparagraph (A)(i) shall be applied by substituting '10 months' for '9 months'.

"(ii) If the taxpayer makes an election under this clause—

"(I) subclause (II) of subparagraph (A)(i) shall be applied by substituting '5 months' for '3 months',

"(II) subclause (III) of subparagraph (A)(i) shall be applied by substituting '8 months' for '6 months', and

"(III) subclause (IV) of subparagraph (A)(i) shall be applied by substituting '11 months' for '9 months'.

"(iii) An election under clause (i) or (ii) shall apply to the taxable year for which made and such an election shall be effective only if made on or before the date required for the payment of the second required installment for such taxable year."

(3) The last sentence of section 6655(g)(3) of such Code is amended by striking "and subsection (e)(2)(A)" and inserting "and, except in the case of an election under subsection (e)(2)(C), subsection (e)(2)(A)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any installment due date occurring more than 90 days after the date of enactment of this act.

COMPARISON OF DIFFERENT FAMILY LEAVE APPROACHES

	Federally mandated Family Leave Act—S./H.R. 1 (Dodd-Ford)	Flexible Family Leave Tax Credit Act—S. 10/H.R. (Craig-Goodling)
Business workplaces covered	Those with 50 or more employees (about 5 percent).[1]	Those with 500 or fewer employees (99.8 percent).[2]
Employees in covered workplaces	40–50 percent[1]	80.5 percent.[2]
Type of legislation	Federally mandated fringe benefit	20 percent refundable tax credit incentive.
Budget revenue impact	NA[3]	Cost: $4.8 billion/5 yr. Offset: $5.7 billion/5 yr.—deficit-neutral.
Cost imposed on employers	$2.4 billion minimum[5]	NA—leave is based on employee-employer negotiation and encouraged by tax incentive.
Type of leave	Unpaid	Unpaid or paid.
	Birth, adoption, serious health condition of child, parent, or employee.	Same.
Health coverage continued	Yes	Yes.
Job and benefits protected/reinstated:	Yes	Yes.
Enforcement	Secretary of Labor issues regulations; aggrieved employee obtains complaint and enforcement from Secretary or files civil action.	Secretary of Treasury issues regulations; credit is conditional on leave granted.

[1] Source: Committee reports on S. 5/H.R. 2.

[2] Source: Office of Management and Budget.

[3] In the committee reports on S. 5/H.R. 2, the Congressional Budget Office estimated no revenue impact. Since the additional costs mandated will likely cause the loss of thousands of jobs and much taxable income, this conclusion in arguable.

[4] Based on Joint Tax Committee estimates of S. 3265 and H.R. 11, 102d Congress.

[5] Based on a combination of General Accounting Office and Small Business Administration methodologies. In 1991, SBA estimated that 12 weeks of mandated maternity leave alone would cost employers $1.2 to $7.9 billion a year. GAO's earlier report estimated this type leave would account for about half of the leave taken under the mandate bill.

Mr. CRAIG. Mr. President, our bill, S. 10, offers the compromise approach of creating a new, refundable, 20-percent tax credit that would be a powerful incentive for employers to offer family and medical leave benefits.

I ask unanimous consent to print in the RECORD a description and factsheet on this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REINTRODUCTION OF FLEXIBLE FAMILY LEAVE TAX CREDIT

Senators LARRY CRAIG (ID), BOB DOLE (KS), ORRIN HATCH (UT), ALAN SIMPSON (WY), CHUCK GRASSLEY (IA), CONRAD BURNS (MT), and DICK KEMPTHORNE (ID) today introduced S. 10, the Flexible Family Leave Tax Credit Act of 1993.

The bill would make available a refundable tax credit, based on 20% of an employee's usual compensation, when the employee's employer gives him or her up to 12 weeks of family leave—paid or unpaid—due to the birth or adoption of a child, the serious health condition of an immediate family member, or the employee's own serious health condition.

S. 10 is similar to S. 3265 in the 102nd Congress, which built on earlier family leave tax incentive proposals introduced in the 102nd and 101st Congress. Summary information about S. 3265 is attached. Besides technical changes, the new bill would allow intermittent leave to qualify for the tax credit, and include clearer language on the tax credit being conditional on the protection of reinstatement and benefits.

The Joint Tax Committee (JTC) has just estimated the cost of the S. 3265 tax credit at $4.8 billion through FY 1998. To offset this revenue loss, S. 10 includes a 100% estimated tax payment rule for large corporations (see attached), would yield almost $5.7 billion over 5 years. This provision was included in last year's HR 11 and was not controversial. This provision simply would require large corporations (i.e., with taxable income of $1 million or more) to base their quarterly estimated tax payments on 100% of their current year tax liability (rather than the current law 97% through 1996 and 91% thereafter). Most corporations already overpay as a precaution.

Staff Contact: Damon Tobias, 4-2752.

FLEXIBLE PARENTAL LEAVE POLICY (102D CONGRESS)

President Bush has consistently supported employer policies to provide parental leave. But he has opposed mandates that require businesses to provide leave to employees. These mandates are a hidden tax on employers and employees that will cost the economy thousands of jobs.

However, the President supports tax credits for employers that will encourage flexible parental leave policies without stifling economic growth.

PARENTAL LEAVE TAX CREDIT

The Administration supports refundable tax credits for businesses that establish nondiscriminatory parental leave policies. The credit would be available for:

All businesses with under 500 employees, so long as the benefit is provided to all employees on a nondiscriminatory basis;

For 20% of total employee benefits and compensation of up to $2,000 per month, for a period of up to 12 weeks;

For birth or adoption leave, or for the care of a seriously ill child, parent or spouse; and

The cost of the credit would be less than $500 million per year.

The advantages of this approach over parental leave mandates are:

It gives employers the *flexibility* to design a leave package that best fits their employees' needs. The $400/month or $100/week credit is designed to allow the employer to cover the benefits of an absent employee—whether those costs are for continued health coverage, pension or 401k contributions, partial pay, or any other component of a flexible benefits package that an employer may offer. It may also partially defray the cost of temporary replacement employees.

It provides incentives for most small and mid-sized employers, where the need is greatest and the costs are more burdensome, to develop responsible parental leave policies. The Democratic plan excludes companies with under 50 employees in a weak attempt to limit the economic damage to small and mid-sized businesses. The Republican plan would offer positive incentives to all employers—of any size—to provide parental leave.

Instead of mandating hidden payroll taxes on small and mid-sized businesses, it would provide direct economic incentives to encourage the adoption of the responsible parental leave policies that President Bush has long supported.

FACT SHEET

CURRENT LAW

No deduction or credit is available to an employer who provides employees with unpaid leave for childbirth, medical care of children or parents or other serious medical needs. Compensation paid to employees during leave for these purposes is deductible under general tax principles.

REASONS FOR CHANGE

Care for family members with serious mental or physical health problems, including injuries and sickness necessitating hospital, hospice or substantial and continuous medical treatment, present substantial hardships on families. Families are further burdened by the requirements of childbirth and childcare. The increase in the number of two wage-earner families, as well as single parent families, has resulted in pressures to balance these family needs with employment requirements. This balancing has resulted in difficult decisions for both employers and employees.

Employers face significant costs related to extended employee absences. Extended absences could result in substantial lost production and lost business opportunities if the employee is not replaced. These costs are particularly high for small and medium-sized businesses. Economies of scale permit large firms to reduce these costs. Large businesses can train and maintain floating employees, temporarily shift employees to replace absentees or enter into regular arrangements with third parties for trained temporary employees. The costs of extended absences on small and medium size businesses may not be as readily reduced. For small and medium-sized businesses, it is often not economically reasonable to maintain floating employees, to shift employees from other duties or to retrain workers for only a temporary need. Accordingly, small and medium size businesses are more likely to experience severe economic consequences if they do not quickly replace absent workers.

Regardless of a business' ability to mitigate costs, all businesses must balance the legitimate family needs of their employees with the costs of extended absences. Since most businesses cannot economically tolerate unlimited employee absences, employers frequently must place limits on such absences. As a result of these limitations, employees can be placed in the situation of choosing between their employment and the serious medical or health needs of their families.

The proposal's tax incentives encourage small and medium-sized businesses to adopt flexible leave policies related to childbirth, adoption or serious family health problems. The tax incentives do not require that any particular form of flexible leave be adopted. Instead, the proposal allows employers and employees to arrive at a program based on their specific needs, while also providing an offset to the cost of extended employee absences.

EXPLANATION OF PROVISION

The provision provides a 20% refundable tax credit to small or medium-sized employers that provide family leave to their employees. "Family leave" is leave in connection with the birth of a child; the placement of a child with the employee for adoption or foster care; caring for a child, parent or spouse with a serious physical or mental health condition; or a serious physical or mental health condition that prevents the employee from performing his or her job. All employers with fewer than 500 employees are eligible for the family leave tax credit.

The amount of the credit is 20% of the cash wages that the employer provided to the employee during the period of family leave, or would have been provided to the employee during that period had he or she not taken the leave. The cash wages that would have been provided is based on the average wages for the preceding calendar year (or absent a sufficient period of employment, the preceding four calendar quarters). The maximum amount of wages taken into account for this purpose is $100 for each business day. The maximum period of family leave for which the credit is available shall not exceed 60 business days (12 calendar weeks) in any 12-month period. This results in a maximum available family leave credit of $1,200 per employee per year.

The proceeds of the family leave credit may be used by an employer for any purpose. For example, the proceeds may be contributed to a pool of funds provided by the employer and other employees to defray employee leave costs, paid as partial wage supplements to employees on leave or used to purchase wage continuation insurance or other insurance to cover leave related costs or to provide leave related benefits.

The credit is only available with respect to employees (whether part-time or full-time) who satisfy certain length of service requirements. Under these requirements, the employees must have been employed by the employer for at least 12 months before beginning the family leave and must have performed at least 1,000 hours of service for the employer in the preceding 12 months. Moreover, the credit applies only for the portion of family leave during which the employer reasonably expects that the employee will return to work for the employer.

In order to qualify for the credit, employers must provide employment and benefits protection to employees on family leave. Health benefits must continue during the leave under the terms and conditions that would have applied had the employees remained at work. In addition, all family leave must be provided on a nondiscriminatory basis.

REVENUE OFFSET

Modify estimated tax payment rules for large corporations.

PRESENT LAW

A corporation is subject to an addition to tax for any underpayment of estimated tax. For taxable years beginning after June 30, 1992 and before 1997, a corporation does not have an underpayment of estimated tax if it makes four equal timely estimated tax payments that total at least 97 percent of the tax liability shown on the return for the current taxable year. A corporation may estimate its current year tax liability based upon a method that annualizes its income through the period ending with either the month or the quarter ending prior to the estimated tax payment date.

For taxable years beginning after 1996, the 97-percent requirement becomes a 91-percent requirement. The present-law 97-percent and 91-percent requirements were added by the Unemployment Compensation Amendments of 1992.

A corporation that is not a "large corporation" generally may avoid the addition to tax if it makes four timely estimated tax payments each equal to at least 25 percent of its tax liability for the preceding taxable year (the "100 percent of last year's liability safe harbor"). A large corporation may use this rule with respect to its estimated tax payment for the first quarter of its current taxable year. A large corporation is one that had taxable income of $1 million or more for any of the three preceding taxable years.

REASONS FOR CHANGE

The committee believes that corporate estimated tax requirements should be increased to require corporations to more timely remit their current year tax liabilities. In addition, the committee believes that in order to simplify and rationalize the calculation of annualized income for corporate estimated tax purposes, an additional set of annualization periods should be provided and applied consistency.

EXPLANATION OF PROVISION

For taxable years beginning after 1992, a corporation that does not use the 100 percent of last year's liability safe harbor for its estimated tax payments is required to base its estimated tax payments on 100 percent (rather than 97 percent or 91 percent) of its current year tax liability, whether such liability is determined on an actual or annualized basis.

The bill does not change the present-law availability of the 100 percent of last year's liability safe harbor for large or small corporations.

In addition, the bill modifies the rules relating to income annualization for corporate estimated tax purposes. Under the bill, annualized income is to be determined based on the corporation's activity for the first 3 months of the taxable year (in the case of the first and second estimated tax installments); the first 6 months of the taxable year (in the case of the third estimated tax installment); and the first 9 months of the taxable year (in the case of the fourth estimated tax installment). Alternatively, a corporation may elect to determine its annualized income based on the corporation's activity for either: (1) the first 3 months of the taxable year (in the case of the first estimated tax installment); the first 4 months of the taxable year (in the case of the second estimated tax installment); the first 7 months of the taxable year (in the case of the third estimated tax installment); and the first 10 months of the taxable year (in the case of the fourth estimated tax installment); or (2) the first 3 months of the taxable year (in the case of the first estimated tax installment); the first 5 months of the taxable year (in the case of the second estimated tax installment); the first 8 months of the taxable year (in case of the third estimated tax installment); and the first 11 months of the taxable year (in the case of the fourth estimated tax installment). An election to use either of the annualized income patterns described in (1) or (2) above must be made on or before the due date of the second estimated tax installment for the taxable year for which the election is to apply, in a manner prescribed by the Secretary of the Treasury.

Mr. CRAIG. Mr. President, a tax credit incentive to provide family and medical leave—as opposed to mandating fringe benefits in Federal law—is the approach that is consistent with how we always have approached both employee benefits and tax policy.

Generally speaking, we pass laws that punish to deter bad behavior and enact incentives to encourage good behavior. That is the approach we are taking in introducing the Family Leave Tax Credit Act.

Sixty years ago, there were virtually no employer-provided employee benefits. Congress enacted tax incentives. Today, more than 85 percent of employers provide health insurance. Some 90 percent of employees in medium and large firms have disability leave with at least some income replacement. According to surveys of employee benefits by the U.S. Chamber of Commerce in recent years, 97–99 percent of employers voluntarily provide some type of paid benefits.

It is not a fair or an accurate assessment of need, merely to identify how many employers provide the precise benefits provided for in S. 5. To a significant extent, when such benefits are not offered it is because other benefits were negotiated, instead. A Gallup Poll from a couple of years ago found that parental leave was the most important benefit to only 1 percent of respondents.

Because employee benefits must be carved from a finite pie of resources the employer has available for compensation, mandating one set of benefits means that employee choice will be overridden and, in some cases, employees will wind up losing other benefits they would have preferred.

The mandate bill represents one of the noble, but most misguided, impulses of legislators: The tendency to legislate by anecdote, to govern according to relatively isolated horror stories, and to ignore the possibility that, in doing so, the baby can be thrown out with the bath water.

In saying this, I do not argue that we should ignore each and every workplace that is without family leave benefits. The question is how best to expand the availability of such benefits. Experience shows us that tax incentives obviously have worked when Congress has wanted to expand the universe of available benefits.

The answer also turns on how we judge human nature. A balanced view is that the laws of human nature apply equally to employers and employees. Those of us who believe that individuals will be as good to others as they can be, believe in using the carrot rather than the club to foster good behavior.

I urge my colleagues, if you want to enact the fairest and most balanced bill, if you want a true compromise, if you want a family leave law this year, let us start by looking at our Flexible Family Leave Tax Credit Act. It's a new Congress. Let us sit down with the leadership from both sides of the aisle and the administration, and work out an effective, nonmandated, compromise.

Mr. President, let me discuss in this time that I have remaining the legislation that my leader, BOB DOLE, and I have introduced today, Senate S. 10, Flexible Family Leave Tax Credit Act of 1993. This issue has been debated on the floor before. Obviously by the introduction of both Republican leadership and Democratic leadership of this issue this year, it will be front and center and it probably deserves that kind of treatment.

I introduced this legislation a year ago, but it was obvious that it was not going to get the kind of treatment that it deserved because, frankly enough, this important issue became a political issue in the final days of the session and Members on the other side wished to use it for scoring purposes in the election process. That is unfair. It is unfortunate. Those kinds of things happen. I understand it.

Hopefully, with my introduction of opposing or differing approaches to the same problem this year early on in the session of the 103d, we will be able to deal with it in a fair and justifiable way. It is very important that that happen.

Mr. President, let me, therefore, in a brief way look at the two bills that have been offered because it is important that early on we begin to understand where all of us are coming from. We are talking about working people, people out there who, by necessity the commitment for the family, for their own personal reasons, need to leave the workplace for a period of time and in that, let me give that kind of an analogy.

That legislation introduced today by the Democratic majority leader covers a certain percentage of people working out there today estimated to be between 40 and 50 percent of those working. What about the rest of them? It is important that they be covered. The legislation we are looking at would address nearly 99 percent of the working people of this country in groups of 500 or fewer employees. We understand that the large companies already have oftentimes leave requirements.

So we would strive to cover a great many more of the citizens of this country, and we would not mandate. It is not going to be the heavy hand of the Federal Government reaching down and saying, "You will." It is going to be, as it should be in the workplace, management and labor coming together and saying here it what we have agreed is best for our work environment. We would create the incentive for that kind of chemistry to exist, and that would be created in the form of a tax credit. That is the way it ought to be.

As it relates to the budget impact of this kind of thing, when you mandate it, the private sector picks it up, obviously. You say to the private sector, you are going to do it; it is going to come out of your back pockets; we are not worried about competition; in an international economy, you do it. That is what was just spoken to by the other side.

What we are suggesting is that that relationship is going to cost some money, and if we give tax credits, it will cost. We have some offsets. And in doing those effective offsets we create a revenue neutral situation that I think is important as we struggle with the deficit in the coming year. Cost imposed on employers, well, in a general sense, the mandatory one as argued would be about $2.4 billion and we give the kind of encouragements through incentive that it ought to be.

As it relates to the type of leave, we are both suggesting unpaid although ours could be a paid environment, depending again upon the incentives, for all of the reasons I have given: birth, adoption, serious health conditions of the child, the parent, and the employee. And it is broken out in the text I have submitted to the RECORD. It is an important issue. We will move aggressively on it this year and I hope effectively address it for the working men and women of this country.

Mr. DOLE. Mr. President, I am pleased to be an original cosponsor of the Flexible Family Leave Tax Credit Act of 1993, which provides for refundable tax credits for businesses that establish nondiscriminatory parental leave policies.

FLEXIBLE FAMILY LEAVE TAX CREDIT ACT OF 1993

This credit would be available for all businesses with under 500 employees—covering 6 million businesses and almost 50 million workers.

The amount of the credit would be for 20 percent of total employee compensation of up to $2,000 per month for a period of up to 12 weeks. In other words, the credit would amount to $100/week or a maximum of $1,200 per employee to cover agreed-upon benefits during the period of absence.

An employee would be eligible to take leave in the event of the birth of a child, the placement of a child with the employee for adoption or foster care, or for a child, parent, or spouse with a serious health condition, or a serious health condition that prevents the employee from performing his or her job.

ADVANTAGES OF LEGISLATION

Mr. President, the need to enact family leave legislation is greater than ever. We have more and more households where both parents are in the workplace and more and more households run by single parents. We are told that these trends are here to stay.

The key for me is to find a legislative solution to this issue that is both pro-family and pro-business. I believe that the legislation introduced by the distinguished Senator from Idaho meets these two important objectives.

PRO-FAMILY

It is pro-family because it provides for a flexible leave program that allows the employer and employee—and not the Federal Government—to freely determine the terms of leave that works best for them.

It provides for the same types of leave and the same types of protections as legislation supported by my colleagues on the other side of the aisle. And this it accomplishes without all of the harmful effects that mandates cause to the economy and to efforts to create new jobs.

Finally, it is worth noting that the legislation offered by my distinguished colleague helps 15 million more families than legislation promoted by the other side of the aisle which excludes businesses with under 50 employees in a weak attempt to limit the acknowledged economic damage such legislation would do to smaller businesses.

PRO-BUSINESS

The legislation introduced by my distinguished colleague from Idaho is also a pro-business package and stands in sharp contrast to legislation supported by my colleagues on the other side of the aisle.

The Flexible Family Leave Tax Credit Act provides an incentive for businesses to establish family and medical leave programs.

Democrat alternatives, on the other hand, are mandates; hidden taxes; Washington, DC reaching out into every community, every office, and every factory telling the American people what is best for them.

It is an approach that for all its good intentions to help families—will ultimately cause more harm than good.

PRO-JOBS

Indeed, legislation mandating benefits demands an offset and will force employers to cut jobs or other more desirable employee benefits to pay for the hidden tax.

Some cost estimates run as high as $7 billion for such legislation.

To say the least, that's a lot of jobs—particularly at a time when we have an unemployment rate that is unacceptably high.

The legislation offered by the distinguished Senator from Idaho is a pro-jobs bill. Not only does it not tax employers to pay for a congressionally mandated benefit, but the credit provides an incentive to create new jobs to temporarily fill the places of those workers on leave.

You hear a lot of speeches around this place and in the media about creating jobs—preserving jobs.

And yet, anyone who supports legislation mandating that employers provide this benefit are doing the exact opposite. Simply put, mandating family leave will force employers to mandate a permanent leave program for some of their other workers.

DEFICIT NEUTRAL

The legislation introduced by the distinguished Senator from Idaho is also deficit neutral. It contains a pay-for previously contained in H.R. 11 from the 102d Congress which increases the corporate estimated tax to 100 percent.

I think everyone will agree that it is not easy to pay for legislation. Indeed, rather than do so, my colleagues on the other side of the aisle prefer to impose mandates on business so that they have to pay for it.

In this Senator's opinion, that is not the direction we should be moving in.

It hurts the economy and it hurts jobs. It is the easy way out—an out of sight-out of mind approach that shirks the responsibility we have to pay for the programs we make into laws.

JUDGE LEGISLATION BY MERIT—NOT BY POLITICS

Mr. President, we all support family and medical leave. There has never been a debate on the need and value of such programs. Rather, the debate has always been how you go about doing it, and it is there that the difference of opinion could not be greater.

I urge my colleagues to carefully review this legislation based on its merits—not on the politics that has governed this issue for the last 7 years.

My colleagues on the other side of the aisle support a bill that is an in kind tax on business—a clumsy, harmful one-size-fits-all mandate.

I think we can do better and the distinguished Senator from Idaho has done just that in the legislation he has introduced today.

By Mr. BIDEN (for himself, Mrs. BOXER, Mr. COHEN, Mr. KENNEDY, Mr. KOHL, Mr. BOREN, Mr. AKAKA, Mr. GLENN, Mr. GRAHAM, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LIEBERMAN, Mr. SARBANES, Mr. SHELBY, Mr. ROCKEFELLER, Mr. ROBB, Mr. WARNER, Mr. PELL, Mr. SIMON, Mr. MOYNIHAN, Mr. BRADLEY, Mr. WELLSTONE, Mr. BREAUX, Mr. HARKIN, Mr. LEVIN, Mr. HATFIELD, Mr. DECONCINI, Mr. REID, Mr. CAMPBELL, Mr. RIEGLE, Mr. BRYAN, Mr. KERRY, Mr. DODD, Mr. CONRAD, Mr. BAUCUS, Mr. D'AMATO, Mr. DURENBERGER, Mr. KERREY, Mr. INOUYE, Mr. LAUTENBERG, Ms. MURRAY, Ms. MOSELEY-BRAUN, Mr. LEAHY, and Mr. SPECTER):

S. 11. A bill to combat violence and crimes against women on the streets and in homes; to the Committee on the Judiciary.

VIOLENCE AGAINST WOMEN ACT

Mr. BIDEN. Mr. President, I rise today to introduce Senate bill number 11, the Violence Against Women Act of 1993—the first comprehensive legislation to address the growing problem of violent crime confronting American women.

Since I first introduced this legislation in 1990, the Judiciary Committee has held a series of four hearings; we have refined the legislation and issued reports; we have garnered the support of prominent groups and individuals with widely differing interests—from law enforcement, women's groups, and victims' advocates. The bill has twice received the unanimous approval of the Judiciary Committee. Now, it is time to complete our efforts.

I am particularly heartened that my colleague, the gentlewoman from California [Mrs. BOXER], the author of this measure in the House of Representatives—can join me this year, here in the Senate, to help fight for this legislation. I know that she shares my conviction that we must do everything in our power to ensure that the Violence Against Women Act becomes law this year.

We have waited in my view too long, already, to recognize the horror and the sweep of this violence. For too many years, our idea of crime has left no room for violence against women. We now face a problem that has become doubly dangerous, as invisible to policymakers as it is terrifying to its victims.

Our blindness costs us dearly:

Every week, 21,000 women report to police that they been beaten in their own homes;

Every day, over 2,500 women visit an emergency room because of a violent act perpetrated against their persons;

Every hour, as many as 70 women across the Nation will be attacked by rapist—every hour.

Today, I believe more firmly than ever before, that this Nation will be powerless to change this course of violent crime against women unless the Congress takes a leadership role with the cooperation of the President of the United States. Only then can we as a Nation inscribe this violence with a name so that it will never be mistaken or dismissed as anything other than brutal, a brutal series of crimes and unconditionally, whether in the home or out of the home—wrong.

It bothers me when we talk about domestic violence, Mr. President. It implies somehow it is like a domesticated cat or a domesticated dog—that domestic violence is less violent than any other type.

The women who suffer the consequence of domestic violence are women who are shot, murdered, killed, beaten, deformed. This violence is of a most coarse nature. It is perpetrated and committed by someone who a person in that household trusts; had at one time, at least, loved; in fact lives with. It is the worst of all violence.

The bill I introduce today attacks violent crime against women at all levels—from our streets to our homes, from squad cars to courtrooms, from schoolrooms to hospitals. In large measure, it is the same bill that was introduced in the 102d Congress, with the addition of minor and technical amendments and a special new provision authored by Senator KENNEDY to provide Federal funds for a national domestic violence hotline.

Let me briefly review the principal parts of the legislation.

TITLE I—SAFE STREETS FOR WOMEN ACT

Title I focuses on making our streets safer by boosting funding for police, prosecutors, and victim advocates, promoting rape education, and changing evidentiary rules to make our justice system fairer for the victims of this violence—to make our courts more user-friendly.

TITLE II—SAFE HOMES FOR WOMEN

Title II—The Safe Homes for Women Act—acknowledges, for the first time, the role of the Federal Government in fighting spouse abuse. It creates the first Federal laws against battering, provides nationwide coverage for stay-away orders, encourages arrest of spouse abusers, and boosts funding for battered women's shelters.

TITLE III—CIVIL RIGHTS FOR WOMEN

Title III—the most innovative provision of this bill—recognizes that violence against women presents questions not only of criminal justice, but also of equal justice. It takes a dramatic step forward by defining gender-motivated crime as bias crime and declaring, for the first time, that civil rights remedies should be available to victims of such crimes.

TITLE IV—SAFE CAMPUSES FOR WOMEN

Title IV, much of which passed in the higher education amendments of 1992, now authorizes increased funding for campus rape education efforts.

TITLE V—EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT

Finally, Title V of the bill recognizes the crucial role played by the judicial branch in forming an effective response to violence against women, authorizing comprehensive training programs for State and Federal judges.

Let me close by urging my colleagues to join me in supporting this desperately needed legislation. Already, 40 Senators have indicated their support as original cosponsors. I hope that a significant number of others will join us so that we can ensure swift consideration and debate in the full Senate. Let us not wait another year as millions more suffer the pain of violence against women.

I will not take any further time to describe the contents of the bill. I ask unanimous consent that a summary and the complete text of the legislation appear in the RECORD following my remarks.

S. 11

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violence Against Women Act of 1993".

SEC. 2. TABLE OF CONTENTS.

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Sec. 2. Table of contents.

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TITLE I—SAFE STREETS FOR WOMEN

SEC. 101. SHORT TITLE.

This title may be cited as the "Safe Streets for Women Act of 1993".

Subtitle A—Federal Penalties for Sex Crimes

SEC. 111. REPEAT OFFENDERS.

(a) IN GENERAL.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2247. Repeat offenders

"Any person who violates a provision of this chapter, after one or more prior convictions for an offense punishable under this chapter, or after one or more prior convictions under the laws of any State or foreign country relating to aggravated sexual abuse, sexual abuse, or abusive sexual contact, is punishable by a term of imprisonment up to twice that otherwise authorized.".

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

"2247. Repeat offenders.".

SEC. 112. FEDERAL PENALTIES.

(a) RAPE AND AGGRAVATED RAPE.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to provide that a defendant convicted of aggravated sexual abuse under section 2241 of title 18, United States Code, or sexual abuse under section 2242 of title 18, United States Code, shall be assigned a base offense level under chapter 2 of the sentencing guidelines that is at least 4 levels greater than the base offense level applicable to criminal sexual abuse under the guidelines in effect on November 1, 1992, or otherwise shall amend the guidelines applicable to such offenses so as to achieve a comparable minimum guideline sentence. In amending such guidelines, the Sentencing Commission shall review the appropriateness of existing specific offense characteristics or other adjustments applicable to such offenses, and make such changes as it deems appropriate, taking into account the severity of rape offenses, with or without aggravating factors; the unique nature and duration of the mental injuries inflicted on the victims of such offenses; and any other relevant factors.

(b) EFFECT OF AMENDMENT.—If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instructions set forth in subsection (a) so as to achieve a comparable result.

SEC. 113. MANDATORY RESTITUTION FOR SEX CRIMES.

(a) IN GENERAL.—Chapter 109A of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 2248. Mandatory restitution

"(a) IN GENERAL.—Notwithstanding the terms of section 3663 of this title, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—(1) The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (2); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) necessary transportation, temporary housing, and child care expenses;

"(D) lost income;

"(E) attorneys' fees, expert witness and investigators' fees, interpretive services, and court costs; and

"(F) any other losses suffered by the victim as a proximate result of the offense.

"(3) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(A) the economic circumstances of the defendant; or

"(B) the fact that a victim has, or is entitled to receive, compensation for his or her injuries from the proceeds of insurance or any other source.

"(4)(A) Notwithstanding the terms of paragraph (3), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid.

"(B) For purposes of this paragraph, the term 'economic circumstances' includes—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the defendant, including obligations to dependents.

"(C) An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals. The order shall also provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(D) In the event that the victim has recovered for any amount of loss through the proceeds of insurance or any other source, the order of restitution shall provide that restitution be paid to the person who provided the compensation, but that restitution shall be paid to the victim for the victim's other losses before any restitution is paid to any other provider of compensation.

"(5) Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—(1) Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

"(2) If no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. Any records filed, or testimony heard, pursuant to this section, shall be in camera in the judge's chambers.

"(4) In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1), the United States Attorney (or the United States Attorney's delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) DEFINITIONS.—For purposes of this section, the term 'victim' includes the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court: *Provided*, That in no event shall the defendant be named as such representative or guardian.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 109A of title 18, United States Code, is amended by adding at the end thereof the following:

"2248. Mandatory restitution.".

SEC. 114. AUTHORIZATION FOR FEDERAL VICTIM'S COUNSELORS.

There is authorized to be appropriated for fiscal year 1993 $1,500,000 for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia).

Subtitle B—Law Enforcement and Prosecution Grants to Reduce Violent Crimes Against Women

SEC. 121. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by—

(1) redesignating part P as part Q;

(2) redesignating section 1601 as section 1701; and

(3) adding after part O the following new part:

"PART N—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"SEC. 1601. PURPOSE OF THE PROGRAM AND GRANTS.

"(a) GENERAL PROGRAM PURPOSE.—The purpose of this part is to assist States, Indian tribes, cities, and other localities to develop effective law enforcement and prosecution strategies to combat violent crimes against women and, in particular, to focus efforts on those areas with the highest rates of violent crime against women.

"(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this part shall provide additional personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women and specifically, for the purposes of—

"(1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

"(3) developing and implementing police and prosecution policies, protocols, or orders specifically devoted to identifying and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(4) developing, installing, or expanding data collection systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, prosecutions, and convictions for the crimes of sexual assault and domestic violence; and

"(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, to increase reporting and reduce attrition rates for cases involving violent crimes against women, including the crimes of sexual assault and domestic violence.

"Subpart 1—High Intensity Crime Area Grants

"SEC. 1611. HIGH INTENSITY GRANTS.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') shall make grants to areas of 'high intensity crime' against women.

"(b) DEFINITION.—For purposes of this part, 'high intensity crime area' means an area with one of the 40 highest rates of violent crime against women, as determined by the Bureau of Justice Statistics pursuant to section 1612.

"SEC. 1612. HIGH INTENSITY GRANT APPLICATION.

"(a) COMPUTATION.—Within 45 days after the date of enactment of this part, the Bureau of Justice Statistics shall compile a list of the 40 areas with the highest rates of violent crime against women based on the combined female victimization rate per population for assault, sexual assault (including, but not limited to, rape), murder, robbery, and kidnapping (without regard to the relationship between the crime victim and the offenders).

"(b) USE OF DATA.—In calculating the combined female victimization rate required by subsection (a), the Bureau of Justice Statistics may rely on—

"(1) existing data collected by States, municipalities, Indian reservations or statistical metropolitan areas showing the number of police reports of the crimes listed in subsection (a); and

"(2) existing data collected by the Federal Bureau of Investigation, including data from those governmental entities already complying with the National Incident Based Reporting System, showing the number of police reports of crimes listed in subsection (a).

"(c) PUBLICATION.—After compiling the list set forth in subsection (a), the Bureau of Justice Statistics shall convey it to the Director who shall publish it in the Federal Register.

"(d) QUALIFICATION.—Upon satisfying the terms of subsection (e), any high intensity crime area shall be qualified for a grant under this subpart upon application by the chief executive officer of the governmental entities responsible for law enforcement and prosecution of criminal offenses within the area and certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for at least 3 of the purposes outlined in section 1601(b);

"(2) grantees and subgrantees shall develop a plan for implementation, and otherwise consult and coordinate program grants, with nongovernmental nonprofit victim services programs; and

"(3) at least 25 percent of the amount granted shall be allocated, without duplication, to each of the following three areas: prosecution, law enforcement, and victim services.

"(e) APPLICATION REQUIREMENTS.—The application requirements provided in section 513 of this title shall apply to grants made under this subpart. In addition, each application must provide the certifications required by subsection (d) including documentation from nonprofit nongovernmental victim services programs showing their participation in developing the plan required by subsection (d)(2). Applications shall—

"(1) include documentation from the prosecution, law enforcement, and victim services programs to be assisted showing—

"(A) need for the grant funds;

"(B) intended use of the grant funds;

"(C) expected results from the use of grant funds; and

"(D) demographic characteristics of the population to be served, including age, marital status, disability, race, ethnicity, and language background; and

"(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 162 of this title.

"(f) DISBURSEMENT.—

"(1) No later than 60 days after the receipt of an application under this subpart, the Director shall either disburse the appropriate sums provided for under this subpart or shall inform the applicant why the application does not conform to the terms of section 513 of this title or to the requirements of this section.

"(2) In disbursing monies under this subpart, the Director shall issue regulations to ensure that grantees—

"(A) equitably distribute funds on a geographic basis;

"(B) determine the amount of subgrants based on the population to be served;

"(C) give priority to areas with the greatest showing of need; and

"(D) recognize and address the needs of underserved populations.

"(g) GRANTEE REPORTING.—(1) Upon completion of the grant period under this subpart, the grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this part.

"(2) A section of the performance report shall be completed by each grantee or subgrantee performing the services contemplated in the grant application, certifying performance of the services under the grants.

"(3) The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if funds are expended for purposes other than those set forth under this subpart. Federal funds may be used to supplement, not supplant, State funds.

"Subpart 2—Other Grants to States To Combat Violent Crimes Against Women

"SEC. 1621. GENERAL GRANTS TO STATES.

"(a) GENERAL GRANTS.—The Director may make grants to States, for use by States, units of local government in the States, and nonprofit nongovernmental victim services programs in the States, for the purposes outlined in section 1601(b), and to reduce the rate of violent crimes against women.

"(b) AMOUNTS.—From amounts appropriated, the amount of grants under subsection (a) shall be—

"(1) $500,000 to each State; and

"(2) that portion of the then remaining available money to each State that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

"(c) QUALIFICATION.—Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this part upon certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for at least 3 of the purposes outlined in section 1601(b);

"(2) grantees and subgrantees shall develop a plan for implementation, and otherwise consult and coordinate, with nonprofit nongovernmental victim services programs, including sexual assault and domestic violence victim services programs;

"(3) at least 25 percent of the amount granted shall be allocated, without duplication, to each of the following three areas: prosecution, law enforcement, and victim services.

"(d) APPLICATION REQUIREMENTS.—The application requirements provided in section 513 of this title shall apply to grants made under this subpart. In addition, each application shall include the certifications of qualification required by subsection (c) including documentation from nonprofit nongovernmental victim services programs showing their participation in developing the plan required by subsection (c)(2). Applications shall—

"(1) include documentation from the prosecution, law enforcement, and victim services programs to be assisted showing—

"(A) need for the grant funds;

"(B) intended use of the grant funds;

"(C) expected results from the use of grant funds; and

"(D) demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and language background; and

"(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 162 of this title.

"(e) DISBURSEMENT.—(1) No later than 60 days after the receipt of an application under this subpart, the Director shall either disburse the appropriate sums provided for under this subpart or shall inform the applicant why the application does not conform to the terms of section 513 of this title or to the requirements of this section.

"(2) In disbursing monies under this subpart, the Director shall issue regulations to ensure that States will—

"(A) give priority to areas with the greatest showing of need;

"(B) determine the amount of subgrants based on the population and geographic area to be served;

"(C) equitably distribute monies on a geographic basis including nonurban and rural areas, and giving priority to localities with populations under 100,000; and

"(D) recognize and address the needs of underserved populations.

"(f) GRANTEE REPORTING.—Upon completion of the grant period under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if funds are expended for purposes other than those set forth under this subpart. Federal funds may only be used to supplement, not supplant, State funds.

"SEC. 1622. GENERAL GRANTS TO TRIBES.

"(a) GENERAL GRANTS.—The Director is authorized to make grants to Indian tribes, for use by tribes, tribal organizations or nonprofit nongovernmental victim services programs on Indian reservations, for the purposes outlined in section 1401(b), and to reduce the rate of violent crimes against women in Indian country.

"(b) AMOUNTS.—From amounts appropriated, the amount of grants under subsection (a) shall be awarded on a competitive basis to tribes, with minimum grants of $35,000 and maximum grants of $300,000.

"(c) QUALIFICATION.—Upon satisfying the terms of subsection (d), any tribe shall be qualified for funds provided under this part upon certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for at least 3 of the purposes outlined in section 1401(b);

"(2) grantees and subgrantees shall develop a plan for implementation, and otherwise consult and coordinate with nonprofit; and

"(3) at least 25 percent of the grant funds shall be allocated to each of the following three areas: prosecution, law enforcement, and victim services.

"(d) APPLICATION REQUIREMENTS.—(1) Applications shall be made directly to the Director and shall contain a description of the tribes' law enforcement responsibilities for the Indian country described in the application and a description of the tribes' system of courts, including whether the tribal government operates courts of Indian offenses under section 201 of Public Law 90-284 (25 U.S.C. 1301) or part 11 of title 25, Code of Federal Regulations.

"(2) Applications shall be in such form as the Director may prescribe and shall specify the nature of the program proposed by the applicant tribe, the data and information on which the program is based, and the extent to which the program plans to use or incorporate existing victim services available in the Indian country where the grant will be used.

"(3) The term of any grant shall be for a minimum of 3 years.

"(e) GRANTEE REPORTING.—At the end of the first 12 months of the grant period and at the end of each year thereafter, the Indian tribal grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if funds are expended for purposes other than those set forth under this subpart. Federal funds may only be used to supplement, not supplant, State funds.

"(f) DEFINITIONS.—(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

"(2) The term 'Indian country' has the meaning stated in section 1151 of title 18, United States Code.

"Subpart 3—General Terms and Conditions

"SEC. 1631. GENERAL DEFINITIONS.

"As used in this part—

"(1) the term 'victim services' means any nongovernmental nonprofit organization that assists victims, including rape crisis centers, battered women's shelters, or other rape or domestic violence programs, including nonprofit nongovernmental organizations assisting victims through the legal process;

"(2) the term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim/witness programs);

"(3) the term 'law enforcement' means any public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs);

"(4) the term 'sexual assault' includes not only assaults committed by offenders who are strangers to the victim but also assaults committed by offenders who are known or related by blood or marriage to the victim;

"(5) the term 'domestic violence' includes felony or misdemeanor offenses committed by a current or former spouse of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or committed by any other adult person upon a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies; and

"(6) the term 'underserved populations' includes populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs, such as language barriers or physical disabilities.

"SEC. 1632. GENERAL TERMS AND CONDITIONS.

"(a) NONMONETARY ASSISTANCE.—In addition to the assistance provided under subparts 1 or 2, the Director may direct any Federal agency, with or without reimbursement, to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts.

"(b) BUREAU REPORTING.—No later than 180 days after the end of each fiscal year for which grants are made under this part, the Director shall submit to the Judiciary Committees of the House and the Senate a report that includes, for each high intensity crime area (as provided in subpart 1) and for each State and for each grantee Indian tribe (as provided in subpart 2)—

"(1) the amount of grants made under this part;

"(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

"(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability; and

"(4) a copy of each grantee report filed pursuant to sections 1612(g), 1621(f), and 1622(c).

"(c) REGULATIONS.—No later than 90 days after the date of enactment of this part, the Director shall publish proposed regulations implementing this part. No later than 120 days after such date, the Director shall publish final regulations implementing this part.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1993, 1994, and 1995, $100,000,000 to carry out subpart 1, and $190,000,000 to carry out subpart 2, and $10,000,000 to carry out section 1622 of subpart 2.".

Subtitle C—Safety for Women in Public Transit and Public Parks

SEC. 131. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION.

Section 24 of the Urban Mass Transportation Act of 1964 (49 U.S.C. App. 1620) is amended to read as follows:

"GRANTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION

"SEC. 24. (a) GENERAL PURPOSE.—From funds authorized under section 21, not to exceed $10,000,000, the Secretary shall make capital grants for the prevention of crime and to increase security in existing and future public transportation systems. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.

"(b) GRANTS FOR LIGHTING, CAMERA SURVEILLANCE, AND SECURITY PHONES.—

"(1) From the sums authorized for expenditure under this section for crime prevention, the Secretary is authorized to make grants and loans to States and local public bodies or agencies for the purpose of increasing the safety of public transportation by—

"(A) increasing lighting within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

"(B) increasing camera surveillance of areas within and adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

"(C) providing emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages; or

"(D) any other project intended to increase the security and safety of existing or planned public transportation systems.

"(2) From the sums authorized under this section, at least 75 percent shall be expended on projects of the type described in subsection (b)(1) (A) and (B).

"(c) REPORTING.—All grants under this section are contingent upon the filing of a report with the Secretary and the Department of Justice, Office of Victims of Crime, showing crime rates in or adjacent to public transportation before, and for a 1-year period after, the capital improvement. Statistics shall be broken down by type of crime, sex, race, ethnicity, language, and relationship of victim to the offender.

"(d) INCREASED FEDERAL SHARE.—Notwithstanding any other provision of this Act, the Federal share under this section for each capital improvement project which enhances the safety and security of public transportation systems and which is not required by law (including any other provision of this chapter) shall be 90 percent of the net project cost of such project.

"(e) SPECIAL GRANTS FOR PROJECTS TO STUDY INCREASING SECURITY FOR WOMEN.—From the sums authorized under this section, the Secretary shall provide grants and loans for the purpose of studying ways to reduce violent crimes against women in public transit through better design or operation of public transit systems.

"(f) GENERAL REQUIREMENTS.—All grants or loans provided under this section shall be subject to all the terms, conditions, requirements, and provisions applicable to grants and loans made under section 2(a).".

SEC. 132. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN NATIONAL PARKS.

Public Law 91-383 (commonly known as the National Park System Improvements in Administration Act) (16 U.S.C. 1a-1 et seq.) is amended by adding at the end the following new section:

"SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION ASSISTANCE.

"(a) From the sums authorized pursuant to section 7 of the Land and Water Conservation Act of 1965, not to exceed $10,000,000, the Secretary of the Interior may provide Federal assistance to reduce the incidence of violent crime in the National Park System.

"(b) The Secretary shall direct the chief official responsible for law enforcement within the National Park Services to—

"(1) compile a list of areas within the National Park System with the highest rates of violent crime;

"(2) make recommendations concerning capital improvements, and other measures, needed within the National Park System to reduce the rates of violent crime, including the rate of sexual assault; and

"(3) publish the information required by paragraphs (1) and (2) in the Federal Register.

"(c) No later than 120 days after the date of enactment of this section, and based on the recommendations and list issued pursuant to subsection (b), the Secretary shall distribute funds throughout the National Park Service. Priority shall be given to those areas with the highest rates of sexual assault.

"(d) Funds provided under this section may be used for the following purposes:

"(1) To increase lighting within or adjacent to public parks and recreation areas.

"(2) To provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas.

"(3) To increase security or law enforcement personnel within or adjacent to public parks and recreation areas.

"(4) Any other project intended to increase the security and safety of public parks and recreation areas.".

SEC. 133. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC PARKS.

Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8) is amended by adding at the end the following new subsection:

"(h) CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE CRIME.—In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated, the Secretary shall provide financial assistance to the States, not to exceed $15,000,000 in total, for the following types of projects or combinations thereof:

"(1) For the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

"(A) increase lighting within or adjacent to public parks and recreation areas;

"(B) provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

"(C) increase security personnel within or adjacent to public parks and recreation areas; and

"(D) any other project intended to increase the security and safety of public parks and recreation areas.

"(2) In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection is dependent upon a showing of need. In providing funds under this subsection, the Secretary shall give priority to those projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

"(3) Notwithstanding subsection (c), the Secretary may provide 70 percent improvement grants for projects undertaken by any State for the purposes outlined in this subsection. The remaining share of the cost shall be borne by the State.".

Subtitle D—National Commission on Violence Against Women

SEC. 141. ESTABLISHMENT.

There is established a commission to be known as the National Commission on Violence Against Women (referred to as the "Commission").

SEC. 142. DUTIES OF COMMISSION.

(a) GENERAL PURPOSE OF THE COMMISSION.—The Commission shall carry out activities for the purposes of promoting a national policy on violent crime against women, and for making recommendations for how to reduce violent crime against women.

(b) FUNCTIONS.—The Commission shall—

(1) evaluate the adequacy of, and make recommendations regarding, current law enforcement efforts at the Federal and State levels to reduce the rate of violent crimes against women;

(2) evaluate the adequacy of, and make recommendations regarding, the responsiveness of State prosecutors and State courts to violent crimes against women;

(3) evaluate the adequacy of, and make recommendations regarding, the adequacy of current education, prevention, and protection services for women victims of violent crime;

(4) evaluate the adequacy of, and make recommendations regarding, the role of the Federal Government in reducing violent crimes against women;

(5) evaluate the adequacy of, and make recommendations regarding, national public awareness and the public dissemination of information essential to the prevention of violent crimes against women;

(6) evaluate the adequacy of, and make recommendations regarding, data collection and government statistics on the incidence and prevalence of violent crimes against women;

(7) evaluate the adequacy of, and make recommendations regarding, the adequacy of State and Federal laws on sexual assault and the need for a more uniform statutory response to sex offenses, including sexual assaults and other sex offenses committed by offenders who are known or related by blood or marriage to the victim;

(8) evaluate the adequacy of, and make recommendations regarding, the adequacy of State and Federal laws on domestic violence and the need for a more uniform statutory response to domestic violence; and

(9) evaluate and make recommendations regarding the feasibility of maintaining the confidentiality of addresses of domestic violence victims in voting, welfare, licensed public utilities, and other public records.

SEC. 143. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) APPOINTMENT.—The Commission shall be composed of 15 members as follows:

(A) Five members shall be appointed by the President—

(i) 3 of whom shall be—

(I) the Attorney General;

(II) the Secretary of Health and Human Services; and

(III) the Director of the Federal Bureau of Investigation,

who shall be nonvoting members, except that in the case of a tie vote by the Commission, the Attorney General shall be a voting member;

(ii) two of whom shall be selected from the general public on the basis of such individuals being specially qualified to serve on the Commission by reason of their education, training, or experience; and

(iii) at least one of whom shall be selected for their experience in providing services to women victims of sexual assault or domestic violence.

(B) Five members shall be appointed by the Speaker of the House of Representatives on the joint recommendation of the Majority and Minority Leaders of the House of Representatives.

(C) Five members shall be appointed by the President pro tempore of the Senate on the joint recommendation of the Majority and Minority Leaders of the Senate.

(2) CONGRESSIONAL COMMITTEE RECOMMENDATIONS.—In making appointments under subparagraphs (B) and (C) of paragraph (1), the Majority and Minority Leaders of the House of Representatives and the Senate shall duly consider the recommendations of the Chairmen and Ranking Minority Members of committees with jurisdiction over laws contained in title 18 of the United States Code.

(3) REQUIREMENTS OF APPOINTMENTS.—The Majority and Minority Leaders of the Senate and the House of Representatives shall—

(A) select persons who are specially qualified to serve on the Commission by reason of their experience in State or national efforts to fight violence against women and demonstrate experience in State or national advocacy or service organizations specializing in sexual assault and domestic violence; and

(B) engage in consultations for the purpose of ensuring that the expertise of the ten members appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate shall provide as much of a balance as possible and, to the greatest extent possible, include representatives from law enforcement, prosecution, judicial administration, legal expertise, public health, social work, victim compensation boards, victim advocacy, and survivors of violence.

(4) TERM OF MEMBERS.—Members of the Commission (other than members appointed under paragraph (1)(A)(i)) shall serve for the life of the Commission.

(5) VACANCY.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made.

(b) CHAIRMAN.—Not later than 15 days after the members of the Commission are appointed, such members shall select a Chairman from among the members of the Commission.

(c) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may be authorized by the Commission to conduct hearings.

(d) MEETINGS.—The Commission shall hold its first meeting on a date specified by the Chairman, but such date shall not be later than 60 days after the date of the enactment of this Act. After the initial meeting, the Commission shall meet at the call of the Chairman or a majority of its members, but shall meet at least 6 times.

(e) PAY.—Members of the Commission who are officers or employees or elected officials of a government entity shall receive no additional compensation by reason of their service on the Commission.

(f) PER DIEM.—Except as provided in subsection (e), members of the Commission shall be allowed travel and other expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

(g) DEADLINE FOR APPOINTMENT.—Not later than 45 days after the date of enactment of this Act, the members of the Commission shall be appointed.

SEC. 144. REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date on which the Commission is fully constituted under section 143, the Commission shall prepare and submit a final report to the President and to congressional committees that have jurisdiction over legislation addressing violent crimes against women, including the crimes of domestic and sexual assault.

(b) CONTENTS.—The final report submitted under paragraph (1) shall contain a detailed statement of the activities of the Commission and of the findings and conclusions of the Commission, including such recommendations for legislation and administrative action as the Commission considers appropriate.

SEC. 145. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT.—The Commission shall have an Executive Director who shall be appointed by the Chairman, with the approval of the Commission, not later than 30 days after the Chairman is selected.

(2) COMPENSATION.—The Executive Director shall be compensated at a rate not to exceed the maximum rate of the basic pay payable for a position above GS-15 of the General Schedule contained in title 5, United States Code.

(b) STAFF.—With the approval of the Commission, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Commission.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The Executive Director and the additional personnel of the Commission appointed under subsection (b) may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) CONSULTANTS.—Subject to such rules as may be prescribed by the Commission, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

SEC. 146. POWERS OF COMMISSION.

(a) HEARINGS.—For the purpose of carrying out this subtitle, the Commission may conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths before the Commission.

(b) DELEGATION.—Any member or employee of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this subtitle.

(c) ACCESS TO INFORMATION.—The Commission may request directly from any executive department or agency such information as may be necessary to enable the Commission to carry out this subtitle, on the request of the Chairman of the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 147. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $500,000 for fiscal year 1993.

SEC. 148. TERMINATION.

The Commission shall cease to exist 30 days after the date on which its final report is submitted under section 144. The President may extend the life of the Commission for a period of not to exceed 1 year.

Subtitle E—New Evidentiary Rules

SEC. 151. SEXUAL HISTORY IN ALL CRIMINAL CASES.

The Federal Rules of Evidence are amended by inserting after rule 412 the following new rule:

"Rule 412A. Evidence of victim's past behavior in other criminal cases

"(a) REPUTATION AND OPINION EVIDENCE EXCLUDED.—Notwithstanding any other law, in a criminal case, other than a sex offense case governed by rule 412, reputation or opinion evidence of the past sexual behavior of an alleged victim is not admissible.

"(b) ADMISSIBILITY.—Notwithstanding any other law, in a criminal case, other than a sex offense case governed by rule 412, evidence of an alleged victim's past sexual behavior (other than reputation and opinion evidence) may be admissible if—

"(1) the evidence is admitted in accordance with the procedures specified in subdivision (c); and

"(2) the probative value of the evidence outweighs the danger of unfair prejudice.

"(c) PROCEDURES.—(1) If the defendant intends to offer evidence of specific instances of the alleged victim's past sexual behavior, the defendant shall make a written motion to offer such evidence not later than 15 days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which such evidence relates has newly arisen in the case. Any motion made under this paragraph shall be served on all other parties and on the alleged victim.

"(2) The motion described in paragraph (1) shall be accompanied by a written offer of proof. If necessary, the court shall order a hearing in chambers to determine if such evidence is admissible. At the hearing, the parties may call witnesses, including the alleged victim and offer relevant evidence. Notwithstanding subdivision (b) of rule 104, if the relevancy of the evidence which the defendant seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the hearing in chambers or at a subsequent hearing in chambers scheduled for such purpose, shall accept evidence on the issue of whether such condition of fact is fulfilled and shall determine such issue.

"(3) If the court determines on the basis of the hearing described in paragraph (2), that the evidence the defendant seeks to offer is relevant, not excluded by any other evidentiary rule, and that the probative value of such evidence outweighs the danger of unfair prejudice, such evidence shall be admissible in the trial to the extent an order made by the court specifies the evidence which may be offered and areas with respect to which the alleged victim may be examined or cross-examined. In its order, the court should consider (A) the chain of reasoning leading to its finding of relevance, and (B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences.".

SEC. 152. SEXUAL HISTORY IN CIVIL CASES.

The Federal Rules of Evidence, as amended by section 151, are amended by adding after rule 412A the following new rule:

"Rule 412B. Evidence of past sexual behavior in civil cases

"(a) REPUTATION AND OPINION EVIDENCE EXCLUDED.—Notwithstanding any other law, in a civil case in which a defendant is accused of actionable sexual misconduct, reputation or opinion evidence of the plaintiff's past sexual behavior is not admissible.

"(b) ADMISSIBLE EVIDENCE.—Notwithstanding any other law, in a civil case in which a defendant is accused of actionable sexual misconduct, evidence of a plaintiff's past sexual behavior other than reputation or opinion evidence may be admissible if—

"(1) it is admitted in accordance with the procedures specified in subdivision (c); and

"(2) the probative value of the evidence outweighs the danger of unfair prejudice.

"(c) PROCEDURES.—(1) If the defendant intends to offer evidence of specific instances of the plaintiff's past sexual behavior, the defendant shall make a written motion to offer such evidence not later than 15 days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which such evidence relates has newly arisen in the case. Any motion made under this paragraph shall be served on all other parties and on the plaintiff.

"(2) The motion described in paragraph (1) shall be accompanied by a written offer of proof. If necessary, the court shall order a hearing in chambers to determine if such evidence is admissible. At the hearing, the parties may call witnesses, including the plaintiff and offer relevant evidence. Notwithstanding subdivision (b) of rule 104, if the relevancy of the evidence that the defendant seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the hearing in chambers or at a subsequent hearing in chambers scheduled for the purpose, shall accept evidence on the issue of whether the condition of fact is fulfilled and shall determine such issue.

"(3) If the court determines on the basis of the hearing described in paragraph (2) that the evidence the defendant seeks to offer is relevant and not excluded by any other evidentiary rule, and that the probative value of the evidence outweighs the danger of unfair prejudice, the evidence shall be admissible in the trial to the extent an order made by the court specifies evidence that may be offered and areas with respect to which the plaintiff may be examined or cross-examined. In its order, the court should consider—

"(A) the chain of reasoning leading to its finding of relevance; and

"(B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences.

"(d) DEFINITIONS.—For purposes of this rule, a case involving a claim of actionable sexual misconduct, includes sexual harassment or sex discrimination claims brought pursuant to title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000(e)) and gender bias claims brought pursuant to title III of the Violence Against Women Act of 1993.".

SEC. 153. AMENDMENTS TO RAPE SHIELD LAW.

Rule 412 of the Federal Rules of Evidence is amended—

(1) by adding at the end the following new subdivisions:

"(e) INTERLOCUTORY APPEAL.—Notwithstanding any other law, any evidentiary rulings made pursuant to this rule are subject to interlocutory appeal by the government or by the alleged victim.

"(f) RULE OF RELEVANCE AND PRIVILEGE.—If the prosecution seeks to offer evidence of prior sexual history, the provisions of this rule may be waived by the alleged victim."; and

(2) by adding at the end of subdivision (c)(3) the following: "In its order, the court should consider (A) the chain of reasoning leading to its finding of relevance; and (B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences.".

SEC. 154. EVIDENCE OF CLOTHING.

The Federal Rules of Evidence, as amended by section 152, are amended by adding after rule 412B the following new rule:

"Rule 413. Evidence of victim's clothing as inciting violence

"Notwithstanding any other law, in a criminal case in which a person is accused of an offense under chapter 109A of title 18, United States Code, evidence of an alleged victim's clothing is not admissible to show that the alleged victim incited or invited the offense charged.".

Subtitle F—Assistance to Victims of Sexual Assault

SEC. 161. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

Part A of title XIX of the Public Health and Health Services Act (42 U.S.C. 300w et seq.) is amended by adding at the end the following new section:

"SEC. 1910A. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

"(a) PERMITTED USE.—Notwithstanding section 1904(a)(1), amounts transferred by the State for use under this part may be used for rape prevention and education programs conducted by rape crisis centers or similar nongovernmental nonprofit entities, which programs may include—

"(1) educational seminars;

"(2) the operation of hotlines;

"(3) training programs for professionals;

"(4) the preparation of informational materials; and

"(5) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved racial, ethnic, and language minority communities.

"(b) TARGETING OF EDUCATION PROGRAMS.—States providing grant monies must ensure that at least 25 percent of the monies are devoted to education programs targeted for middle school, junior high school, and high school students.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $65,000,000 for each of fiscal years 1993, 1994, and 1995.

"(d) LIMITATION.—Funds authorized under this section may only be used for providing rape prevention and education programs.

"(e) DEFINITION.—For purposes of this section, the term 'rape prevention and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

"(f) TERMS.—States shall be allotted funds under this section pursuant to the terms of sections 1902 and 1903, and subject to the conditions provided in this section and sections 1904 through 1909.".

SEC. 162. RAPE EXAM PAYMENTS.

(a) No State or other grantee is entitled to funds under title I of the Violence Against Women Act of 1993 unless the State or other grantee incurs the full cost of forensic medical exams for victims of sexual assault. A State or other grantee does not incur the full medical cost of forensic medical exams if it chooses to reimburse the victim after the fact unless the reimbursement program waives any minimum loss or deductible requirement, provides victim reimbursement within a reasonable time (90 days), permits applications for reimbursement within one year from the date of the exam, and provides information to all subjects of forensic medical exams about how to obtain reimbursement.

(b) Within 90 days after the enactment of this Act, the Director of the Office of Victims of Crime shall propose regulations to implement this section, detailing qualified programs. Such regulations shall specify the type and form of information to be provided victims, including provisions for multilingual information, where appropriate.

SEC. 163. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF FEMALE RUNAWAY, HOMELESS, AND STREET YOUTH.

Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq.) is amended by—

(1) redesignating sections 316 and 317 as sections 317 and 318, respectively; and

(2) inserting after section 315 the following new section:

"GRANTS FOR PREVENTION OF SEXUAL ABUSE AND EXPLOITATION

"SEC. 315. (a) IN GENERAL.—The Secretary shall make grants under this section to private, nonprofit agencies for street-based outreach and education, including treatment, counseling, and information and referral, for female runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse.

"(b) PRIORITY.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to agencies that have experience in providing services to female runaway, homeless, and street youth.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1993, 1994, and 1995.

"(d) DEFINITIONS.—For the purposes of this section—

"(1) the term 'street-based outreach and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim; and

"(2) the term 'street youth' means a female less than 21 years old who spends a significant amount of time on the street or in other areas of exposure to encounters that may lead to sexual abuse.".

SEC. 164. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) by striking "and" at the end of subdivision (a)(1)(B);

(2) by striking the period at the end of subdivision (a)(1)(C) and inserting "; and";

(3) by inserting after subdivision (a)(1)(C) the following new subdivision:

"(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.";

(4) in the penultimate sentence of subdivision (a)(1), by striking "equivalent opportunity" and inserting "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (a)(1) by inserting "the victim," before "or the attorney for the Government."; and

(6) by adding at the end the following new subdivision:

"(f) DEFINITIONS.—For purposes of this rule—

"(1) the term 'victim' means any person against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

"(A) a parent or legal guardian in case the victim is below the age of 18 years or incompetent; or

"(B) 1 of more family members or relatives designated by the court in case the victim is deceased or incapacitated,

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present; and

"(2) the term 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code.".

TITLE II—SAFE HOMES FOR WOMEN

SEC. 201. SHORT TITLE.

This title may be cited as the "Safe Homes for Women Act of 1993".

Subtitle A—Family Violence Prevention and Services Act Amendments

SEC. 211. GRANTS FOR A NATIONAL DOMESTIC VIOLENCE HOTLINE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

"SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to 1 or more private, nonprofit entities to provide for the operation of a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence.

"(b) Activities.—Funds received by an entity under this section shall be utilized to open and operate a national, toll-free domestic violence hotline. Such funds may be used for activities including—

"(1) contracting with a carrier for the use of a toll-free telephone line;

"(2) employing, training and supervising personnel to answer incoming calls and provide counseling and referral services to callers on a 24-hour-a-day basis;

"(3) assembling, maintaining, and continually updating a database of information and resources to which callers may be referred throughout the United States; and

"(4) publicizing the hotline to potential users throughout the United States.

"(c) Application.—A grant, contract or cooperative agreement may not be made or entered into under this section unless an application for such grant, contract or cooperative agreement has been approved by the Secretary. To be approved by the Secretary under this subsection an application shall—

"(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register;

"(2) include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of—

"(A) the training program for hotline personnel;

"(B) the hiring criteria for hotline personnel;

"(C) the methods for the creation, maintenance and updating of a resource database; and

"(D) a plan for publicizing the availability of the hotline;

"(3) demonstrate that the applicant has nationally recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence; and

"(4) contain such other information as the Secretary may require.

"(d) Special Considerations.—In considering an application under subsection (c), the Secretary shall also take into account the applicant's ability to offer multilingual services and services for the hearing impaired.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $500,000 for each of fiscal years 1993, 1994, and 1995.".

Subtitle B—Interstate Enforcement

SEC. 221. INTERSTATE ENFORCEMENT.

(a) In General.—Part 1 of title 18, United States Code, is amended by inserting after chapter 110 the following new chapter:

"CHAPTER 110A—VIOLENCE AGAINST SPOUSES

"Sec. 2261. Traveling to commit spousal abuse.
"Sec. 2262. Interstate violation of protection orders.
"Sec. 2263. Interim protections.
"Sec. 2264. Restitution.
"Sec. 2265. Full faith and credit given to protection orders.
"Sec. 2266. Definitions.

"§ 2261. Traveling to commit spousal abuse

"(a) In General.—Any person who travels across State lines—

"(1) and who, in the course of or as a result of such travel, commits an act that injures his or her spouse or intimate partner; or

"(2) for the purpose of harassing, intimidating, or injuring a spouse or intimate partner and who, in furtherance of that purpose, commits an act that injures his or her spouse or intimate partner,

shall be fined not more than $1,000 or imprisoned for not more than 10 years but not less than 3 months, or both, in addition to any fine or term of imprisonment provided under State law.

"(b) Causing the Crossing of State Lines.—Any person who causes a spouse or intimate partner to cross State lines by force, coercion, duress or fraud and, in the course or as a result of that conduct, commits an act that injures his or her spouse or intimate partner shall be punished as provided in subsection (c).

"(c) Penalties.—A person who violates this section shall be punished as follows:

(1) If permanent disfigurement or life-threatening bodily injury results, by imprisonment for not more than 20 years; if serious bodily injury results, by fine under this title or imprisonment for not more than 10 years, or both; if bodily injury results, by fine under this title or imprisonment for not more than 5 years, or both.

"(2) If the offense is committed with intent to commit another felony, by fine under this title or imprisonment for not more than 10 years, or both.

"(3) If the offense is committed with a dangerous weapon, with intent to do bodily harm, by fine under this title or imprisonment for not more than 5 years, or both.

"(4) If the offense constitutes sexual abuse, as that conduct is described under chapter 109A of title 18, United States Code (without regard to whether the offense was committed in the maritime, territorial or prison jurisdiction of the United States) by fine or term of imprisonment as provided for the applicable conduct under chapter 109A.

"(d) Criminal Intent.—The criminal intent of the offender required to establish an offense under subsection (b) is the general intent to do the acts that result in injury to a spouse or intimate partner and not the specific intent to violate the law of a State.

"(e) No Prior State Action Necessary.—Nothing in this section requires a prior criminal prosecution or conviction or a prior civil protection order issued under State law to initiate Federal prosecution.

"§ 2262. Interstate violation of protection orders

"(a) In General.—Any person against whom a valid protection order has been entered who travels across State lines—

"(1) and who, in the course of or as a result of such travel, commits an act that injures his or her spouse or intimate partner in violation of a valid protection order issued by a State; or

"(2) for the purpose of harassing, injuring, finding, contacting, or locating a spouse or intimate partner and who, in furtherance of that purpose, commits an act that injures his or her spouse or intimate partner in violation of a valid protection order issued by a State, shall be punished as provided in subsection (c).

"(b) Causing the Crossing of State Lines.—Any person who causes a spouse or intimate partner to cross State lines by force, coercion, duress, or fraud, and, in the course or as a result of that conduct, commits an act that injures his or her spouse or intimate partner in violation of a valid protection order issued by a State shall be punished as provided in subsection (c).

"(c) Penalties.—A person who violates this section shall be punished as follows:

"(1) If permanent disfigurement or life-threatening bodily injury results, by imprisonment for not more than 20 years; if serious bodily injury results, by fine under this title or imprisonment for not more than 10 years, or both; if bodily injury results, by fine under this title or imprisonment for not more than 5 years, or both.

"(2) If the offense is committed with intent to commit another felony, by fine under this title or imprisonment for not more than 10 years, or both.

"(3) If the offense is committed with a dangerous weapon, with intent to do bodily harm, by fine under this title or imprisonment for not more than 5 years, or both.

"(4) If the offender has previously violated any prior protection order issued against that person for the protection of the same victim, by fine under this title or imprisonment for not more than 5 years and not less than 6 months, or both.

"(5) If the offense constitutes sexual abuse, as that conduct is described under chapter 109A of title 18, United States Code (without regard to whether the conduct was committed in the special maritime, territorial or prison jurisdiction of the United States) by fine or term of imprisonment as provided for the applicable offense under chapter 109A.

"(d) Criminal Intent.—The criminal intent required to establish the offense provided in subsection (a) is the general intent to do the acts which result in injury to a spouse or intimate partner and not the specific intent to violate a protection order or State law.

"(e) No Prior State Action Necessary.—Nothing in this section requires a prior criminal prosecution or conviction under State law to initiate Federal prosecution.

"§ 2263. Interim protections

"(a) In General.—In furtherance of the purposes of this chapter, and to protect against abuse of a spouse or intimate partner, any judge or magistrate before whom a criminal case under this chapter is brought, shall have the power to issue temporary orders of protection for the protection of an abused spouse or intimate partner pending final disposition of the case, upon a showing of a likelihood of danger to the abused spouse or intimate partner.

"(b) Limitation on Jurisdiction.—This section does not confer original jurisdiction in a Federal district court to issue any order of protection in a case of injury to a spouse or intimate partner unless the case—

"(1) has been brought by a Federal prosecutor pursuant to section 2261 or 2262; and

"(2) includes the interstate nexus required under section 2261 or 2262.

"(c) Application of State Law.—In issuing a temporary order of protection pursuant to subsection (a), the judge or magistrate shall look to the law of the State where the injury occurred to determine the types of relief that are appropriate.

"§ 2264. Restitution

"(a) In General.—In addition to any fine or term of imprisonment provided under this chapter, and notwithstanding section 3663, the court shall order restitution to the victim of an offense under this chapter.

"(b) Scope and Nature of Order.—(1) An order of restitution under this section shall direct that—

"(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (2); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) lost income;

"(D) attorneys' fees, plus any costs incurred in obtaining a civil protection order; and

"(E) any other losses suffered by the victim as a proximate result of the offense.

"(3) A restitution order under this section is mandatory. A court may not decline to issue an order under this section because of—

"(A) the economic circumstances of the defendant; or

"(B) the fact that victim has, or is entitled to receive, compensation for his or her injuries from the proceeds of insurance.

"(4)(A) Notwithstanding paragraph (3), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid, including—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the offender, including obligations to dependents.

"(B) An order under this section may direct the defendant to make a single lump-sum payment, or partial payments at specified intervals. The order shall provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(C) If the victim has recovered for any amount of loss through the proceeds of insurance or any other source, the order of restitution shall provide that restitution be paid to the person who provided the compensation, but that restitution shall be paid to the victim for the victim's other losses before any restitution is paid to any other provider of compensation.

"(5) Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—(1) Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

"(2) If no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. Any records filed, or testimony heard, pursuant to this subsection, shall be in camera in the judge's chambers.

"(4) If the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1), the United States Attorney (or the United States Attorney's delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such an order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) RESTITUTION AND CRIMINAL PENALTIES.—An award of restitution to the victim of an offense under this chapter shall not be a substitute for imposition of punishment under sections 2261 and 2262.

"(e) DEFINITIONS.—For purposes of this section, the term 'victim' includes the person harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such a representative or guardian.

"§ 2265. Full faith and credit given to protection orders

"(a) FULL FAITH AND CREDIT.—Any protection order issued consistent with subsection (b) by the court of 1 State (the issuing State) shall be accorded full faith and credit by the court of another State (the enforcing State) and enforced as if it were the order of the enforcing State.

"(b) PROTECTION ORDER.—(1) A protection order issued by a State court is consistent with this subsection if—

"(A) the court has jurisdiction over the parties and matter under the law of the State; and

"(B) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process.

"(2) In the case of an order under paragraph (1) that is issued ex parte, notice and opportunity to be heard shall be provided within the time required by State law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

"(c) CROSS- OR COUNTER-PETITION.—A protection order issued by a State court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

"(1) no cross- or counter-petition, complaint, or other written pleading was filed seeking such a protection order; or

"(2) if a cross- or counter-petition has been filed, if the court did not make specific findings that each party was entitled to such an order.

"§ 2266. Definitions

"As used in this chapter—

"(1) the term 'spouse or intimate partner' includes—

"(A) a present or former spouse, a person who shares a child in common with an abuser, and a person who cohabits or has cohabited with an abuser as a spouse; and

"(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides, or any other adult person who is protected from an abuser's acts under the domestic or family violence laws of the State in which the injury occurred or where the victim resides;

"(2) the term 'protection order' includes an injunction or other order issued for the purpose of preventing violent or threatening acts by 1 spouse against his or her spouse or intimate partner, including a temporary or final order issued by a civil or criminal court (other than a support or child custody order or provision) whether obtained by filing an independent action or as a pendente lite order in another proceeding, so long as, in the case of a civil order, the order was issued in response to a complaint, petition, or motion filed by or on behalf of an abused spouse or intimate partner;

"(3) the term 'act that injures' includes any act, except one done in self-defense, that results in physical injury or sexual abuse;

"(4) the term 'State' includes a State of the United States, the District of Columbia, and any Indian tribe, commonwealth, territory, or possession of the United States; and

"(5) the term 'travel across State lines' includes any travel except travel across State lines by an Indian tribal member when that member remained at all times on tribal lands.".

(b) TECHNICAL AMENDMENT.—The part analysis for part 1 of title 18, United States Code, is amended by inserting after the item for chapter 110 the following new item:

"110A. Violence against spouses .... 2261.".

Subtitle C—Arrest in Spousal Abuse Cases

SEC. 231. ENCOURAGING ARREST POLICIES.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.), as amended by section 211, is amended by adding at the end the following new section:

"SEC. 317. ENCOURAGING ARREST POLICIES.

"(a) PURPOSE.—To encourage States, Indian tribes and localities to treat spousal violence as a serious violation of criminal law, the Secretary may make grants to eligible States, Indian tribes, municipalities, or local government entities for the following purposes:

"(1) To implement pro-arrest programs and policies in police departments and to improve tracking of cases involving spousal abuse.

"(2) To centralize police enforcement, prosecution, or judicial responsibility for, spousal abuse cases in one group or unit of police officers, prosecutors, or judges.

"(3) To coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts.

"(4) To educate judges in criminal and other courts about spousal abuse and to improve judicial handling of such cases.

"(b) ELIGIBILITY.—(1) Eligible grantees are those States, Indian tribes, municipalities or other local government entities that—

"(A) demonstrate, through arrest and conviction statistics, that their laws or policies have been effective in significantly increasing the number of arrests made of spouse abusers;

"(B) certify that their laws or official policies—

"(i) mandate arrest of spouse abusers based on probable cause that violence has been committed; or

"(ii) permit warrantless arrests of spouse abusers, encourage the use of that authority, and mandate arrest of spouses violating the terms of a valid and outstanding protection order;

"(C) demonstrate that their laws, policies, practices and training programs discourage 'dual' arrests of abused and abuser; and

"(D) certify that their laws, policies, and practices prohibit issuance of mutual protection orders in cases where only one spouse has sought a protection order, and require findings of mutual aggression to issue mutual protection orders in cases where both parties file a claim.

"(2) For purposes of this section—

"(A) the term 'protection order' includes any injunction issued for the purpose of preventing violent or threatening acts of spouse abuse, including a temporary or final order issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding; and

"(B) the term 'spousal or spouse abuse' includes a felony or misdemeanor offense committed by a current or former spouse of the victim, a person with whom the victim shares a child in common, a person who is cohabiting with or has cohabited with the victim as a spouse, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or committed by any other adult person upon a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies.

"(3) The eligibility requirements provided in this section shall take effect on the date that is 1 year after the date of enactment of this section.

"(c) DELEGATION AND AUTHORIZATION.—The Secretary shall delegate to the Attorney General of the United States the Secretary's responsibilities for carrying out this section. There are authorized to be appropriated not in excess of $25,000,000 for each fiscal year to be used for the purpose of making grants under this section.

"(d) APPLICATION.—An eligible grantee shall submit an application to the Secretary. Such an application shall—

"(1) contain a certification by the chief executive officer of the State, Indian tribe, municipality, or local government entity that the conditions of subsection (b) are met;

"(2) describe the entity's plans to further the purposes listed in subsection (a);

"(3) identify the agency or office or groups of agencies or offices responsible for carrying out the program; and

"(4) identify and include documentation showing the nonprofit nongovernmental victim services programs that will be consulted in developing, and implementing, the program.

"(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to a grantee that—

"(1) does not currently provide for centralized handling of cases involving spousal or family violence in any one of the areas listed in this subsection—police, prosecutors, and courts; and

"(2) demonstrates a commitment to strong enforcement of laws, and prosecution of cases, involving spousal or family violence.

"(f) REPORTING.—Each grantee receiving funds under this section shall submit a report to the Secretary evaluating the effectiveness of the plan described in subsection (d)(2) and containing such additional information as the Secretary may prescribe.

"(g) REGULATIONS.—No later than 45 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. No later than 120 days after such date, the Secretary shall publish final regulations implementing this section.".

Subtitle D—Funding for Shelters

SEC. 241. AUTHORIZATION OF APPROPRIATIONS.

Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $85,000,000 for fiscal year 1993, $100,000,000 for fiscal year 1994, and $125,000,000 for fiscal year 1995.".

Subtitle E—Family Violence Prevention and Services Act Amendments

SEC. 251. GRANTEE REPORTING.

(a) SUBMISSION OF APPLICATION.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by inserting "and a plan to address the needs of underserved populations, including populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation" after "such State".

(b) APPROVAL OF APPLICATION.—Section 303(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)) is amended by adding at the end the following new paragraph:

"(4) Upon completion of the activities funded by a grant under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this subpart, after following the procedures set forth in paragraph (3). Federal funds may be used only to supplement, not supplant, State funds.".

Subtitle F—Youth Education and Domestic Violence

SEC. 261. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) as amended by section 231, is amended by adding at the end the following new section:

"SEC. 318. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.

"(a) GENERAL PURPOSE.—For purposes of this section, the Secretary shall delegate the Secretary's powers to the Secretary of Education (hereafter in this section referred to as the "Secretary"). The Secretary shall select, implement and evaluate 4 model programs for education of young people about domestic violence and violence among intimate partners.

"(b) NATURE OF PROGRAM.—The Secretary shall select, implement and evaluate separate model programs for 4 different audiences: primary schools, middle schools, secondary schools, and institutions of higher education. The model programs shall be selected, implemented, and evaluated in the light of the comments of educational experts, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters, State coalitions and resource centers. The participation of each of those groups or individual consultants from such groups is essential to the selection, implementation, and evaluation of programs that meet both the needs of educational institutions and the needs of the domestic violence problem.

"(c) REVIEW AND DISSEMINATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall transmit the design and evaluation of the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $400,000 for fiscal year 1993.".

Subtitle G—Confidentiality for Abused Persons

SEC. 271. CONFIDENTIALITY OF ABUSED PERSON'S ADDRESS.

Not later than 90 days after enactment of this Act, the United States Postal Service shall promulgate regulations to secure the confidentiality of domestic violence shelters and abused persons' addresses consistent with the following guidelines:

(1) Confidentiality shall be provided to a person upon the presentation to an appropriate postal official of a valid court order or a police report documenting abuse.

(2) Confidentiality shall be provided to any domestic violence shelter upon presentation to an appropriate postal authority of proof from a State domestic violence coalition (within the meaning of section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410)) verifying that the organization is a domestic violence shelter.

(3) Disclosure of addresses to State or Federal agencies for legitimate law enforcement or other governmental purposes shall not be prohibited.

(4) Compilations of addresses existing at the time the order is presented to an appropriate postal official shall be excluded from the scope of the proposed regulations.

Subtitle H—Technical Amendments

SEC. 281. STATE DOMESTIC VIOLENCE COALITIONS.

Section 311(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(a)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5);

(2) by inserting before paragraph (2), as redesignated by paragraph (1), the following new paragraph:

"(1) working with local domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence within the State, including—

"(A) training and technical assistance for local programs and professionals working with victims of domestic violence;

"(B) planning and conducting State needs assessments and planning for comprehensive services;

"(C) serving as an information clearinghouse and resource center for the State; and

"(D) collaborating with other governmental systems which affect battered women;"

(3) in paragraph (2)(K), as redesignated by paragraph (1), by striking "and court offi-

cials and other professionals" and inserting ", judges, court officers and other criminal justice professionals,";

(4) in paragraph (3), as redesignated by paragraph (1)—

(A) by inserting ", criminal court judges," after "family law judges," each place it appears;

(B) in subparagraph (F), by inserting "custody" after "temporary"; and

(C) in subparagraph (H), by striking "supervised visitations that do not endanger victims and their children," and inserting "supervised visitations or denial of visitation to protect against danger to victims or their children"; and

(5) in paragraph (4), as redesignated by paragraph (1), by inserting ", including information aimed at underserved racial, ethnic or language-minority populations" before the semicolon.

Subtitle I—Data and Research

SEC. 291. REPORT ON RECORDKEEPING.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Government Accounting Office shall complete a study of, and shall submit to Congress, a report on the progress of the Department of Justice in collecting statistics showing the relationship between an offender and victim for all reported Federal crimes, including the crimes of rape, kidnapping, assault, aggravated assault, and robbery.

(b) REPORT TO CONGRESS.—No later than 180 days after the date of enactment of this Act, the study required under subsection (a) shall be completed and a report describing the findings made submitted to the Committee on the Judiciary of the House of Representatives, the Committee on the Judiciary of the Senate, and the National Commission on Violence Against Women.

SEC. 292. RESEARCH AGENDA.

(a) REQUEST FOR CONTRACT.—The Director of the National Institute of Justice shall request the National Academy of Sciences, through its National Research Council, to enter into a contract to develop a research agenda to increase the understanding and control of violence against women, including rape and domestic violence. In furtherance of the contract, the National Academy shall convene a panel of nationally recognized experts on violence against women, in the fields of law, medicine, criminal justice and the social sciences. In setting the agenda, the Academy shall focus primarily upon preventive, educative, social, and legal strategies. Nothing in this section shall be construed to invoke the terms of the Federal Advisory Committee Act.

(b) DECLINATION OF REQUEST.—If the National Academy of Sciences declines to conduct the study and develop a research agenda, it shall recommend a nonprofit private entity that is qualified to conduct such a study. In that case, the Director of the National Institute of Justice shall carry out subsection (a) through the nonprofit private entity recommended by the Academy. In either case, whether the study is conducted by the National Academy of Sciences or by the nonprofit group it recommends, the funds for the contract shall be made available from sums appropriated for the conduct of research by the National Institute of Justice.

(c) REPORT.—The Director of the National Institute of Justice shall ensure that no later than 9 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committee on the Judiciary of the House of Representatives, the Committee on the Judiciary of the Senate, and the National Commission on Violence Against Women.

SEC. 293. STATE DATABASES.

(a) IN GENERAL.—The National Institute of Justice, in conjunction with the Bureau of Justice Statistics, shall study and report to the States and to Congress on how the States may collect centralized databases on the incidence of domestic violence offenses within a State.

(b) CONSULTATION.—In conducting its study, the National Institute of Justice shall consult persons expert in the collection of criminal justice data, State statistical administrators, law enforcement personnel, and nonprofit nongovernmental agencies that provide direct services to victims of domestic violence. The Institute's final report shall set forth the views of the persons consulted on the Institute's recommendations.

(c) REPORT.—The Director of the National Institute of Justice shall ensure that no later than 9 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as are necessary to carry out this section.

SEC. 294. NUMBER AND COST OF INJURIES.

(a) STUDY.—The Secretary of Health and Human Services, acting through the Centers for Disease Control Injury Control Division, shall conduct a study to obtain a national projection of the incidence of injuries resulting from domestic violence, the cost of injuries to health care facilities, and recommend health care strategies for reducing the incidence and cost of such injuries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000 for fiscal year 1993.

TITLE III—CIVIL RIGHTS

SEC. 301. SHORT TITLE.

This title may be cited as the "Civil Rights Remedies for Gender-Motivated Violence Act".

SEC. 302. CIVIL RIGHTS.

(a) FINDINGS.—The Congress finds that—

(1) crimes motivated by the victim's gender constitute bias crimes in violation of the victim's right to be free from discrimination on the basis of gender;

(2) current law provides a civil rights remedy for gender crimes committed in the workplace, but not for gender crimes committed on the street or in the home;

(3) State and Federal criminal laws do not adequately protect against the bias element of gender-motivated crimes, which separates these crimes from acts of random violence, nor do those laws adequately provide victims of gender-motivated crimes the opportunity to vindicate their interests;

(4) existing bias and discrimination in the criminal justice system often deprives victims of gender-motivated crimes of equal protection of the laws and the redress to which they are entitled;

(5) gender-motivated violence has a substantial adverse effect on interstate commerce, by deterring potential victims from traveling interstate, from engaging in employment in interstate business, and from transacting with business, and in places involved, in interstate commerce;

(6) gender-motivated violence has a substantial adverse effect on interstate commerce, by diminishing national productivity, increasing medical and other costs, and decreasing the supply of and the demand for interstate products;

(7) a Federal civil rights action as specified in this section is necessary to guarantee equal protection of the laws and to reduce the substantial adverse effects of gender-motivated violence on interstate commerce; and

(8) victims of gender-motivated violence have a right to equal protection of the laws, including a system of justice that is unaffected by bias or discrimination and that, at every relevant stage, treats such crimes as seriously as other violent crimes.

(b) RIGHT TO BE FREE FROM CRIMES OF VIOLENCE.—All persons within the United States shall have the right to be free from crimes of violence motivated by gender (as defined in subsection (d)).

(c) CAUSE OF ACTION.—A person (including a person who acts under color of any statute, ordinance, regulation, custom, or usage of any State) who commits a crime of violence motivated by gender and thus deprives another of the right declared in subsection (b) shall be liable to the party injured, in an action for the recovery of compensatory and punitive damages, injunctive and declaratory relief, and such other relief as a court may deem appropriate.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "crime of violence motivated by gender" means a crime of violence committed because of gender or on the basis of gender; and

(2) the term "crime of violence" means an act or series of acts that would come within the meaning of State or Federal offenses described in section 16 of title 18, United States Code, whether or not those acts have actually resulted in criminal charges, prosecution, or conviction and whether or not those acts were committed in the special maritime, territorial, or prison jurisdiction of the United States.

(e) LIMITATION AND PROCEDURES.—

(1) LIMITATION.—Nothing in this section entitles a person to a cause of action under subsection (c) for random acts of violence unrelated to gender or for acts that cannot be demonstrated, by a preponderance of the evidence, to be motivated by gender (within the meaning of subsection (d)).

(2) NO PRIOR CRIMINAL ACTION.—Nothing in this section requires a prior criminal complaint, prosecution, or conviction to establish the elements of a cause of action under subsection (c).

SEC. 303. ATTORNEY'S FEES.

Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended in the last sentence—

(1) by striking "or" after "Public Law 92-318,"; and

(2) by inserting ", or title III of the Violence Against Women Act of 1993," after "1964".

SEC. 304. SENSE OF THE SENATE CONCERNING PROTECTION OF THE PRIVACY OF RAPE VICTIMS.

(a) FINDINGS AND DECLARATION.—The Congress finds and declares that—

(1) there is a need for a strong and clear Federal response to violence against women, particularly with respect to the crime of rape;

(2) rape is an abominable and repugnant crime, and one that is severely underreported to law enforcement authorities because of its stigmatizing nature;

(3) the victims of rape are often further victimized by a criminal justice system that is insensitive to the trauma caused by the

crime and are increasingly victimized by news media that are insensitive to the victim's emotional and psychological needs;

(4) rape victims' need for privacy should be respected;

(5) rape victims need to be encouraged to come forward and report the crime of rape without fear of being revictimized through involuntary public disclosure of their identities;

(6) rape victims need a reasonable expectation that their physical safety will be protected against retaliation or harassment by an assailant;

(7) the news media should, in the exercise of their discretion, balance the public's interest in knowing facts reported by free news media against important privacy interests of a rape victim, and an absolutist view of the public interest leads to insensitivity to a victim's privacy interest; and

(8) the public's interest in knowing the identity of a rape victim is small compared with the interests of maintaining the privacy of rape victims and encouraging rape victims to report and assist in the prosecution of the crime of rape.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that news media, law enforcement officers, and other persons should exercise restraint and respect a rape victim's privacy by not disclosing the victim's identity to the general public or facilitating such disclosure without the consent of the victim.

TITLE IV—SAFE CAMPUSES FOR WOMEN

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

Section 1541(i) of the Higher Education Amendments of 1992 (20 U.S.C. 1145h(i)) is amended to read as follows:

"(i) For the purpose of carrying out this part, there are authorized to be appropriated $20,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, 1996, and 1997.".

TITLE V—EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT

SECTION 501. SHORT TITLE.

This title may be cited as the "Equal Justice for Women in the Courts Act of 1993".

Subtitle A—Education and Training for Judges and Court Personnel in State Courts

SEC. 511. GRANTS AUTHORIZED.

The State Justice Institute may award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States in training judges and court personnel in the laws of the States on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim's gender.

SEC. 512. TRAINING PROVIDED BY GRANTS.

Training provided pursuant to grants made under this subtitle may include current information, existing studies, or current data on—

(1) the nature and incidence of rape and sexual assault by strangers and nonstrangers, marital rape, and incest;

(2) the underreporting of rape, sexual assault, and child sexual abuse;

(3) the physical, psychological, and economic impact of rape and sexual assault on the victim, the costs to society, and the implications for sentencing;

(4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;

(5) the historical evolution of laws and attitudes on rape and sexual assault;

(6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of witnesses, sentencing, and other aspects of the administration of justice;

(7) application of rape shield laws and other limits on introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape cases, including the need for sua sponte judicial intervention in inappropriate cross-examination;

(8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;

(9) the legitimate reasons why victims of rape, sexual assault, and incest may refuse to testify against a defendant;

(10) the nature and incidence of domestic violence;

(11) the physical, psychological, and economic impact of domestic violence on the victim, the costs to society, and the implications for court procedures and sentencing;

(12) the psychology and self-presentation of batterers and victims and the implications for court proceedings and credibility of witnesses;

(13) sex stereotyping of female and male victims of domestic violence, myths about presence or absence of domestic violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;

(14) historical evolution of laws and attitudes on domestic violence;

(15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered woman syndrome;

(16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;

(17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant;

(18) the need for orders of protection, and the implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence cases;

(19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims; and

(20) current information on the impact of pornography on crimes against women, or data on other activities that tend to degrade women.

SEC. 513. COOPERATION IN DEVELOPING PROGRAMS IN MAKING GRANTS UNDER THIS TITLE.

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this subtitle are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

SEC. 514. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $600,000 for fiscal year 1993. Of amounts appropriated under this section, the State Justice Institute shall expend no less than 40 percent on model programs regarding domestic violence and no less than 40 percent on model programs regarding rape and sexual assault.

Subtitle B—Education and Training for Judges and Court Personnel in Federal Courts

SEC. 521. AUTHORIZATIONS OF CIRCUIT STUDIES; EDUCATION AND TRAINING GRANTS.

(a) STUDY.—In order to gain a better understanding of the nature and the extent of gender bias in the Federal courts, the circuit judicial councils are encouraged to conduct studies of the instances, if any, of gender bias in their respective circuits. The studies may include an examination of the effects of gender on—

(1) the treatment of litigants, witnesses, attorneys, jurors, and judges in the courts, including before magistrate and bankruptcy judges;

(2) the interpretation and application of the law, both civil and criminal;

(3) treatment of defendants in criminal cases;

(4) treatment of victims of violent crimes;

(5) sentencing;

(6) sentencing alternatives, facilities for incarceration, and the nature of supervision of probation and parole;

(7) appointments to committees of the Judicial Conference and the courts;

(8) case management and court sponsored alternative dispute resolution programs;

(9) the selection, retention, promotion, and treatment of employees;

(10) appointment of arbitrators, experts, and special masters; and

(11) the aspects of the topics listed in section 512 that pertain to issues within the jurisdiction of the Federal courts.

(b) CLEARINGHOUSE.—The Judicial Conference of the United States shall designate an entity within the Judicial branch to act as a clearinghouse to disseminate any reports and materials issued by the gender bias task forces under subsection (a) and to respond to requests for such reports and materials. The gender bias task forces shall provide this entity with their reports and related material.

(c) MODEL PROGRAMS.—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, may—

(1) include in the educational programs it presents and prepares, including the training programs for newly appointed judges, information on issues related to gender bias in the courts including such areas as are listed in subsection (a) along with such other topics as the Federal Judicial Center deems appropriate;

(2) prepare materials necessary to implement this subsection; and

(3) take into consideration the findings and recommendations of the studies conducted pursuant to subsection (a), and to consult with individuals and groups with relevant expertise in gender bias issues as it prepares or revises such materials.

SEC. 522. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated—

(1) $400,000 to the Salaries and Expenses Account of the Courts of Appeals, District Courts, and other Judicial Services, to carry out section 521(a), to be available until expended through fiscal year 1994;

(2) $100,000 to the Federal Judicial Center to carry out section 521(c) and any activities designated by the Judicial Conference under section 521(b); and

(3) such sums as are necessary to the Administrative Office of the United States Courts to carry out any activities designated

by the Judicial Conference under section 521(b).

(b) THE JUDICIAL CONFERENCE OF THE UNITED STATES.—(1) The Judicial Conference of the United States Courts shall allocate funds to Federal circuit courts under this subtitle that—

(A) undertake studies in their own circuits; or

(B) implement reforms recommended as a result of such studies in their own or other circuits, including education and training.

(2) Funds shall be allocated to Federal circuits under this subtitle on a first come first serve basis in an amount not to exceed $50,000 on the first application. If within 6 months after the date on which funds authorized under this Act become available, funds are still available, circuits that have received funds may reapply for additional funds, with not more than $200,000 going to any one circuit.

BIDEN VIOLENCE AGAINST WOMEN ACT OF 1993

(S. 11)

TITLE I—SAFE STREETS FOR WOMEN

Creates new penalties for sex crimes

Creates new penalties for sex offenders.

Increases restitution for the victims of sex crimes.

Encourages women to prosecute their attackers

Extends "rape shield law" protection to civil cases (e.g. sexual harassment cases) and all criminal cases (other than sexual assault cases where it already applies) to bar embarrassing and irrelevant inquiries into a victim's sexual history at trial.

Bars the use of a woman's clothing to show, at trial, that the victim incited or invited a sexual assault.

Requires States to pay to rape exams.

Targets places most dangerous for women, including public transit and parks

Authorizes $300 million for law enforcement efforts to combat violence against women, aiding police, prosecutors and victim advocates.

Funds increased lighting and camera surveillance at bus stops, bus stations, subways and parking lots and targets existing funds for increased lighting, emergency telephones and police in public parks.

Education and prevention

Authorizes $65 million for rape education, starting in junior high.

Establishes the "National Commission on Violent Crime Against Women"

Creates a commission to develop a national strategy for combating violence against women.

TITLE II—SAFE HOMES FOR WOMEN

Protects women from abusive spouses

Creates federal penalties for spouse abusers who cross state lines to continue their abuse.

Requires all states to enforce any "stay-away" order, regardless of which state issues it.

Promotes arrests of abusive spouses

Authorizes $25 million for states that promote the arrest of abusing spouses and experiment with new techniques to increase prosecution.

Provides more money for shelters

Boosts funding for battered women's shelters.

Establishes a national domestic violence hotline

Provides federal funding for a national domestic violence hotline (Senator Kennedy).

Increases research and data

Authorizes research and increases data collection on violence against women.

TITLE III—CIVIL RIGHTS FOR WOMEN

Extends "Civil Rights" protections to all gender-motivated crimes

Makes gender-based assaults a violation of federal civil rights laws.

Allows victims of all felonies "motivated by gender" to bring civil rights suits against their assailants.

TITLE IV—SAFE CAMPUSES FOR WOMEN

Funds rape prevention programs

Boosts of $20 million funding for the neediest colleges to fund campus rape education and prevention programs.

TITLE V—EQUAL JUSTICE FOR WOMEN

Makes courts fairer by training judges

Creates training programs for State and Federal judges to raise awareness and increase sensitivity about crimes against women.

• Mr. **KENNEDY**. Mr. President, I am honored to join Senator BIDEN and many other colleagues today in introducing the Violence Against Women Act of 1993, a bill to combat violence and crimes against women on the streets and in their homes.

Domestic violence has reached epidemic proportions in this country. A Judiciary Committee staff report last October found that more than 1.1 million women every year are victims of reported domestic violence and as many as 3 million more domestic violence crimes go unreported each year.

Domestic violence occurs everywhere. It is not confined to any one class, race, or ethnic group. Women in all walks of life are the victims. They are beaten and maimed by husbands and boyfriends, stabbed in their homes, killed on the street. Sometimes they are battered while pregnant, or with their children looking on.

On December 31, the Boston Globe published a list of 26 women and 18 children and bystanders who lost their lives in Massachusetts in 1992 as a result of domestic violence. The articles described the horrible circumstances of each death. No one can read this grisly list without pledging to do something to combat such violence.

I commend Senator BIDEN for his leadership in holding a series of Judiciary Committee hearings on violence against women, and in drafting comprehensive legislation to address the problem in a variety of creative ways. The Violence Against Women Act will establish Federal penalties for such crimes where the perpetrator crosses State lines. It will authorize additional Federal funds for training and information sharing by State and local law enforcement authorities, and new funds for shelters for battered women.

These measures are urgently needed. Better training of police and prosecutors will help to ensure that abuse of women in their own homes is treated like the crime that it is. Establishment of more battered women's shelters will help to ensure that women who decide to leave home have a safe place to go. All too often, women in abusive situations are trapped between fear of staying where they are and fear of leaving, because they simply have no place to go.

One resource that has proved to be of great assistance to women in abusive situations is the 24-hour telephone hotline—a link to information and counseling that can help guide victims out of danger. Unfortunately, many communities do not have a local hotline. In the past, women in these areas could call a toll-free national line that would provide counseling and referrals to local agencies and shelters.

The national hotline, however, ran out of funds and went out of business last June. According to experts in this field, its restoration is urgently needed. It averaged 7.5 calls an hour, 180 calls a day, 65,520 calls a year. These numbers represent victims not being served—and violence not being prevented.

We have therefore included, in the Violence Against Women Act, a new provision authorizing Federal grants for the operation of a national toll-free domestic violence hotline. The national hotline must be revived, and soon. Women's lives are at stake.

All of us who support this legislation hope that it will be enacted this year. I look forward to working with other Senators on certain issues of concern, such as the mandatory sentencing provisions that affect the important role of the Sentencing Commission, and to enacting this important bill as soon as possible.•

• Mrs. **BOXER**. Mr. President, I am honored to join Senator BIDEN in reintroducing the Violence Against Women Act today.

For too long, society has chosen to ignore the growing epidemic of violence against women—so much so that even our statistics fail to adequately describe the full scope of the problem. In a groundbreaking report issued by the Senate Judiciary Committee last year, the committee documented that the 200 incidents of violence against women in their week long survey represented less than one-hundredth of the violent attacks against women reported to the police every week.

We live in a world where women are afraid to work late in offices, or to take public transit alone at night for fear of being sexually assaulted. They are afraid to walk the streets of their neighborhood and have become prisoners in their own homes. Tragically, for millions of women each year, even their own homes are unsafe. Domestic violence is now the leading cause of injury to women.

It is time to end the terror and the assault on women by passing the Violence Against Women Act. This far-reaching proposal focuses needed attention on this issue and provides for solutions which aid the survivors, increase the police and prosecutor response, and work to break persistent stereotypes which cause both society and our judicial institutions to treat the crimes of rape and domestic violence as less serious and deserving of our resources than other violent crimes.

Like Senator BIDEN, I intend to make passage of the Violence Against Women Act one of my highest legislative priorities. I urge my colleagues to join us in supporting this bill.•

• Mr. DURENBERGER. Mr. President, I rise to express my support for the Violence Against Women Act, a bill that was introduced today. I am proud to be an original cosponsor of this important piece of legislation.

It is unconscionable that in a land that places so much emphasis on individual rights, one group is repeatedly denied their most basic rights by the crimes of rape and domestic violence. The No. 1 health risk to women today is violent attacks by men. Over the past decade, crimes against women have increased four times as much as other crimes. In fact, a woman is now 10 times more likely to be the victim of sexual assault than she is to die in a car accident.

The Violence Against Women Act significantly strengthens three areas essential to combating crimes against women: First, law enforcement, responsible for preventing these crimes and apprehending the suspects; second, the courts, responsible for protecting the rights of victims and punishing offenders; and third, the social service community, responsible for providing shelter, counseling, and other support services.

I encourage each of my colleagues to support this comprehensive bill, which simply promotes a basic right for women that all Americans should enjoy. Americans deserve the right to feel safe—in our homes, on the street, and in our courts. I hope that this Congress moves quickly to enact the Violence Against Women Act.•

• Mr. PACKWOOD. Mr. President, today I once again join as an original cosponsor of the Equal Remedies Act. This simple bill would expeditiously deal with an inequity in our civil rights laws.

Currently, unlimited monetary damages may be requested by a person who proves to a court that they suffered racial discrimination in employment. However, only limited damages are available to those who prove they were subjected to discrimination based on nonracial factors such as gender or handicap.

Like many flukes in our laws, this one has an interesting history. Briefly, in 1976 the Supreme Court decided that an old post-Civil War law making race discrimination in contracts illegal, applies to employment contracts. That law allows unlimited damages. However, title VII of the Civil Rights Act of 1964, which governs other types of employment discrimination, does not allow monetary damages. We partially addressed this unequal remedy scheme in the Civil Rights Act of 1991 by allowing limited damages for nonracial discrimination. Now we seek to lift these limits so that all employment discrimination, regardless of the group being protected, may receive the same remedy.

I know some employers fear an explosion of litigation if this legislation is passed. I am sensitive to those concerns. However, data provided by the National Women's Law Center suggests otherwise. Statistics are available on cases involving race discrimination in employment, in which unlimited damages are already available. From 1980 to 1991 a total of 594 such cases—less than 60 a year—were tried by Federal courts. In only 69 cases—11.6 percent of the total—were damages awarded. Only three awards were over $200,000 and one of those was reversed on appeal.

In addition to this information, which seems to indicate that uncapping damages will not encourage frivolous litigation, it is important to remember two things: One, that the Equal Remedies Act would allow uncapped damages only for intentional employment discrimination, not so-called "adverse impact" discrimination where an employer uses a practice which unintentionally results in discrimination. Second, to receive damages under the Equal Remedies Act, a plaintiff must prove to a court of law that the employer intentionally discriminated—not an easy burden of proof.

Mr. President, the Equal Remedies Act will bring parity to our scheme of civil rights laws and should be enacted. I urge my colleagues' support.•

By Mr. BIDEN:

S. 12. A bill to authorize the Secretary of Commerce to make grants to States and local governments for the construction of projects in areas of high unemployment, and for other purposes; to the Committee on Environment and Public Works.

INFRASTRUCTURE GROWTH AND EMPLOYMENT ACT

• Mr. BIDEN. Mr. President, our economy is balanced precariously between the grim reality of recent stagnation and the hope for revived growth in the future. I want to be optimistic about our economy. But more than once in the recent past, we have been told that full recovery was just around the corner, only to find ourselves still stuck in a rut of growth too slow to revive jobs and investment.

Today, I am introducing legislation that will provide a support for our fragile recovery, legislation that will create private sector jobs on State and local projects that need doing now. By rehabilitating the public foundations of our private enterprise economy, these projects will also help to sustain economic growth in the future.

Mr. President, I know there are many today who—based on mixed economic statistics—question the need for such a boost to our economy. Because this is such an important issue, I want to address those concerns.

Some point to encouraging statistics, claiming that the recovery we have been waiting for is here. But in fact, the prolonged economic stagnation that has marked so-called recovery from the last recession has driven home the lesson that our economy no longer operates the way it used to.

Global changes in important industries like autos, steel, electronics, and finance continue to force painful adjustments. Corporate restructuring continues to eliminate jobs and idle resources.

The current slump in the international economy and our prolonged hangover from the debt binge of the 1980's have slowed what used to be the normal process of creating new jobs and businesses. And continuing reductions in defense spending, a necessary adjustment to new circumstances, only add to these problems.

Because of these factors, this recovery is running far behind our modern experience in replacing lost jobs. High unemployment has persisted long after the last recession, and the best estimates are for a weak labor market for at least the next year, more likely for years to come.

In my own State of Delaware, the world's largest corporation, General Motors, has announced plans to close its Boxwood assembly plant. Last year, DuPont cut thousands of positions from its Delaware work force. Every day brings news of similar corporate restructuring—IBM may be the most striking recent example—from what used to be our economy's most stable employers.

These realities were undoubtedly behind the resounding support my plan received last year in my home State of Delaware. The State Chamber of Commerce and local public officials, building trades workers and building contractors—all agreed that quick investment in needed local infrastructure projects would give an important boost to Delaware's economy that the private sector alone could not provide.

Many in the business community agree with this analysis. Just last month, Business Week editorialized that "there is no clear-cut evidence that, unaided,"—and I emphasize "unaided"—"the U.S. economy can sustain the 3-percent growth needed for a significant long-term decline in unemployment.

Still, Mr. President, some observers point to discouraging projections for Federal budget deficits and argue that economic stimulus will come at the expense of long-term growth, as deficits threaten public and private investment.

This is a serious concern, Mr. President, but in fact quick, focused support for employment, incomes, and public confidence is essential to our goals of long-term growth and deficit reduction.

Stronger growth is a necessary step toward bringing the deficit under control. Of course, in addition to providing the additional stimulus needed now we must also address the long-term deficit problem with a comprehensive program that includes a review of entitlement programs and health care cost controls.

I have supported a line-item veto, sunset legislation, budget freeze, and other steps to restore balance to our Government's finances. But without economic growth, none of these steps could achieve its goal.

Recent experience shows that increasing deficits are due in large part to weak economic activity. Unless and until we revive economic growth, bringing down the deficit will not only force much more difficult political choices—which are therefore more likely to be deferred—but also threaten to cut off our fragile recovery.

Finally, even some who agree that economic stimulus is justified by continued weak economic performance are skeptical that we can design legislation that will achieve its goals.

The legislation I am introducing today answers that objection: It will provide jobs quickly for millions of Americans, rehabilitating our Nation's economic foundations—the roads, bridges, water systems, and other facilities that support our private enterprise system.

This legislation is limited to 1 year—or less if the national unemployment rate drops below 6 percent. The Secretary of Commerce will allocate funds to States and localities based on their histories of unemployment and approve projects based on their capacity to create jobs and support private sector growth in the future.

Local governments will provide 20 percent matching funds, to ensure their commitment to the projects they propose. Sixty-day approval of the projects by the Secretary of Commerce will speed the process of job creation and keep the focus on those projects, already locally approved, that have been put on hold due to strained State and local budgets.

In a hearing last year, a similar proposal of mine earned the support of respected economists Alan Blinder and David Alan Aschauer. It has the endorsement of the AFL–CIO, National League of Cities, the National Association of Towns and Townships, National Association of Counties, National Association of Development Organizations, American Consulting Engineers Council, and other groups.

I hope my colleagues will join with me in this proposal, a program to support economic recovery now and to rehabilitate the foundations of our economy for the future.

I ask unanimous-consent that the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 12

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Infrastructure Growth and Employment Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the national economy has failed for several years to maintain sufficient levels of economic growth;

(2) the current inadequate levels of economic activity and job creation are anticipated to persist into the foreseeable future;

(3) this prospect will mean continued high rates of business failures and unemployment, increased Federal spending and reduced revenues, thereby deepening the Federal deficit;

(4) recovery of the economy and reduction of the Federal deficit depend on the creation of higher levels of employment and economic activity;

(5) in recent years all levels of government have neglected to add to or maintain existing public infrastructure essential to economic efficiency and the future prosperity of the country; and

(6) economic growth rates and the future efficiency and competitiveness of the national economy will be substantially enhanced by a program of Federal Government assistance to State and local governments to construct and rehabilitate the Nation's economic infrastructure.

SEC. 3. DIRECT GRANTS.

(a) CONSTRUCTION.—The Secretary is authorized to make grants to any State or local government for the construction (including demolition and other site preparation activities), renovation, repair, or other improvement of local public works projects, including those public works projects of State and local governments for which Federal financial assistance is authorized under provisions of law other than this Act. To the extent appropriate, the Secretary may coordinate with other Federal agencies in assessing grant request and in providing appropriate levels of support.

(b) FEDERAL SHARE.—The Federal share of any project for which a grant is made under this section shall be no more than 80 percent of the cost of the project.

(c) TERMINATION OF GRANTS.—No new grants shall be made pursuant to this Act after the expiration of any 3-consecutive-month period during which the national unemployment rate remained below 6 percent for each such month, or after September 30, 1994, whichever first occurs.

SEC. 4. ALLOCATION OF FUNDS; PREFERENCES.

(a) ALLOCATION OF FUNDS.—The Secretary shall allocate funds appropriated pursuant to section 8 of this Act as follows:

(1) INDIAN TRIBES.—Three-quarters of one percent of such funds shall be set aside and shall be expended only for grants for public works projects under this Act to Indian tribes and Alaska Native villages. None of the remainder of such funds shall be expended for such grants to such tribes and villages.

(2) OTHERS.—After the set-aside required by paragraphs (1), (3) and (4) of this subsection, 60 percent of such funds shall be allocated among the States on the basis of the ratio that the number of unemployed persons in each State bears to the total number of unemployed persons in all the States and 40 percent of such funds shall be allocated among those States with an average unemployment rate for the preceding 6-month period in excess of 6 percent on the basis of the relative severity of unemployment in each such State, except that no State shall be allocated less than three-quarters of one percent or more than twelve and one-half percent of such funds for local public works projects within such State, except that in the case of Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, not less than one-half of one percent in the aggregate shall be granted for such projects in all 4 of such territories.

(3) SET-ASIDE.—Not less than 10 percent of each State's allocations shall be set aside and shall be expended only for grants for public work projects under this Act for local units of general government with populations under 10,000.

(4) DEVELOPMENT AND ADMINISTRATION.—Up to three-quarters of one percent of the total grant award will be available for project development and preparation, and for ongoing project administration. This allocation will be available for local units of government defined as nonentitlement under the Housing and Urban Development Community Development Block Grant Program. Such allocation shall not exceed $15,000 for any single grant award.

(b) PREFERENCES.—

(1) LOCAL GOVERNMENT PROJECTS.—In making grants under this Act, the Secretary shall give priority and preference to public works projects of local governments.

(2) LOCALLY ENDORSED PROJECTS.—In making grants under this Act, the Secretary shall also give priority and preference to any public works project requested by a State or by a special purpose unit of local government which is endorsed by a general purpose local government within such State.

(3) SCHOOL DISTRICT PROJECTS.—A project requested by a school district shall be accorded the full priority and preference to public works projects of local governments provided in this subsection.

(4) APPLIED INDUSTRIAL RESEARCH PROJECTS.—A project that creates or adds to an applied research facility at an institution of higher education, and that facility is intended to promote the development of new products and processes, or that the Secretary determines will improve the competitiveness of American industry shall be accorded full priority and preference. For projects under this section, matching funds requirements shall be waived if the company or companies and school involved commit, in the Secretary's determination, to undertake all future equipment and maintenance expenses.

(c) HIGH UNEMPLOYMENT RATES.—

(1) PRIORITY.—In making grants under this Act, if for the 12 most recent consecutive months, the average national unemployment rate is equal to or exceeds 6 percent, the Secretary shall (A) expedite and give priority to applications submitted by States or local governments having unemployment rates for

the 12 most recent consecutive months in excess of the national unemployment rate, and (B) shall give priority thereafter to applications submitted by States or local governments having average unemployment rates for the 12 most recent consecutive months in excess of 6 percent, but less than the national unemployment rate.

(2) INFORMATION REGARDING UNEMPLOYMENT RATES.—Information regarding unemployment rates may be furnished either by the Federal Government, or by States or local governments, provided the Secretary (A) determines that the unemployment rates furnished by States or local governments are accurate, and (B) shall provide assistance to States or local governments in the calculation of such rates to ensure validity and standardization.

(3) LIMITATION OF APPLICABILITY.—Paragraph (1) of this subsection shall not apply to any States which receives a minimum allocation pursuant to paragraph (2) of subsection (a) of this section.

(d) STATE AND LOCAL PRIORITIZATION OF APPLICATIONS.—Whenever a State or local governments submits applications for grants under this Act for 2 or more projects, such State or local government shall submit as part of such applications its priority for each such project.

(e) LOCALIZATION OF UNEMPLOYMENT DETERMINATIONS.—The unemployment rate of a local government may, for the purposes of this Act, and upon request of the applicant, be based upon the unemployment rate of any community or neighborhood (defined without regard to political or other subdivisions or boundaries) within the jurisdiction of such local government.

SEC. 5. RULES, REGULATIONS, AND PROCEDURES.

(a) IN GENERAL.—The Secretary shall, not later than 30 days after date of enactment of this Act, prescribe those rules, regulations, and procedures (including application forms) necessary to carry out this Act. Such rules, regulations, and procedures shall assure that adequate consideration is given to the relative needs of various sections of the country. The Secretary shall consider among other factors (1) the severity and duration of unemployment in proposed project areas, (2) the income levels and extent of underemployment in proposed project areas, and (3) the extent to which proposed projects will contribute to the reduction of unemployment and future economic growth.

(b) CONSIDERATION OF APPLICATIONS.—The Secretary shall make a final determination with respect to each application for a grant submitted to him under this Act not later than the 60th day after the date the Secretary receives such application.

(c) CONSIDERATION OF CONSTRUCTION INDUSTRY UNEMPLOYMENT.—For purposes of this section, in considering the extent of unemployment or underemployment, the Secretary shall consider the amount of unemployment or underemployment in the construction and construction-related industries.

SEC. 6. GENERAL LIMITATIONS.

(a) ACQUISITION OF LAND.—No part of any grant made under section 3 of this Act shall be used for the acquisition of any interest in real property.

(b) MAINTENANCE COSTS.—Nothing in this Act shall be construed to authorize the payment of routine scheduled maintenance costs in connection with any projects constructed (in whole or in part) with Federal financial assistance under this Act.

(c) ON-SITE LABOR.—Grants made by the Secretary under this Act shall be made only for projects for which the applicant gives satisfactory assurances, in such manner and form as may be required by the Secretary and in accordance with such terms and conditions as the Secretary may prescribe, that, if funds are available, on-site labor work can begin within 90 days of project approval.

(d) CONTRACTING.—

(1) CONTRACTING OUT REQUIRED.—No part of the construction (including demolition and other site preparation activities), renovation, repair, or other improvement of any public works project for which a grant is made under this Act shall be performed directly by any department, agency, or instrumentality of any State or local government.

(2) COMPETITIVE BIDDING.—Construction of each project for which a grant is made under this Act shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project, an alternative method is in the public interest.

(3) LOWEST RESPONSIVE BID.—Contracts for the construction of each project for which a grant is made under this Act shall be awarded only on the basis of the lowest responsive bid submitted by a bidder meeting established criteria of responsibility.

(4) ADVERTISING.—No requirement or obligation shall be imposed as a condition precedent to the award of a contract to a bidder for a project for which a grant is made under this Act, or to the Secretary's concurrence in the award of a contract to such bidder, unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications.

(e) ENVIRONMENTAL SAFEGUARDS.—All local public works projects carried out with Federal financial assistance under this Act shall comply with all relevant Federal, State, and local environmental laws and regulations.

(f) BUY AMERICAN.—If a local public works project carried out with Federal financial assistance under this Act would be eligible for Federal financial assistance under provisions of law other than this act and, under such other provisions of law, would be subject to title III of the Act of March 3, 1933, popularly known as the Buy American Act, or similar requirements, such project shall be subject to such title of such Act of March 3, 1933, or similar requirements under the Act in the same manner and to the same extent as such project would be subject to such title of such Act of March 3, 1933, or such similar requirements under such other provisions of law.

(g) MINORITY PARTICIPATION.—If a local public works project carried out with Federal financial assistance under this Act would be eligible for Federal financial assistance under provisions of law other than this Act and, under such other provisions of law, would be subject to any minority participation requirement, such project shall be subject to such requirement under this Act in the same manner and to the same extent as such project would be subject to such requirement under such other provisions of law.

(h) APPLICABILITY OF LAWS REGARDING INDIVIDUALS WITH DISABILITIES.—Section 504 and 505 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990 shall apply to local public works projects carried out under this Act.

SEC. 7. PREVAILING RATE OF WAGES.

If a local public works project carried out with Federal financial assistance under this Act would be eligible for Federal financial assistance under provisions of law other than this Act and, under such other provisions of law, would be subject to the Act of March 3, 1931, known as the Davis-Bacon Act (40 U.S.C. 276a–276a-5), or similar requirements, such project shall be subject to such Act in the same manner and to the same extent as such project would be subject to such Act of March 3, 1931, or such similar requirements under such other provisions of law.

SEC. 8. FUNDING.

There is authorized to be appropriated $20,000,000,000 to carry out this Act. Moneys appropriated pursuant to this authorization shall remain available until expended. Any amounts made available under this Act for fiscal year 1992 shall be deemed to be emergency spending under section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 9. DEFINITIONS.

As used in this Act, the following definitions apply:

(1) SECRETARY.—The term "Secretary" means the Secretary of Commerce, acting through the Economic Development Administration.

(2) LOCAL GOVERNMENT.—The term "local government" means any city, county, town, parish, or other political subdivision of a State, and any Indian tribe.

(3) PUBLIC WORKS.—The term "public works" includes water and sewer lines, streets and roads, water and sewage treatment plants, port facilities, police and fire stations, detention centers, schools, health facilities, and industrial research or development parks, research facilities at institutions of higher education, and other projects the Secretary determines to be appropriate.

(4) STATE.—The term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

INFRASTRUCTURE, GROWTH AND EMPLOYMENT ACT OF 1993

Section 1. Short Title:

Section 2. Findings:

Economic recovery, deficit reduction, and future competitiveness require funds for infrastructure and employment.

Section 3. Grants:

For public works.

20 percent matching funds required.

Funds available immediately.

Sunset at less than 6 percent national unemployment or one year after enactment, whichever comes first.

Section 4. Allocation of Funds:

To states based on severity of unemployment.

Minimum of ¾ of one percent per state.

10 percent set-aside for local governments under 10,000 population.

Priorities for schools, applied research facilities.

½ of one percent for Native Americans.

½ of one percent for U.S. possessions.

Section 5. Rules and Regulations:

Secretary of Commerce shall consider local construction unemployment in allocating grants. Decision rules made within 30 days of enactment. Grant decisions made within 60 days of application.

Section 6. Limitations:

No funds for land purchases, routine maintenance costs.

Competitive bids, private contractors.

Standard environmental, minority participation, and American content considerations.

Section 7. Wages:

Davis-Bacon requirements imposed.
Section 8. Funding:
$20 Billion Total.
Section 9. Definitions:
Public works means roads, schools, bridges, water, and sewer systems, health and public safety facilities, university research facilities.●

By Mr. HATCH:

S. 13. A bill to institute accountability in the Federal regulatory process, establish a program for the systematic selection of regulatory priorities, and for other purposes; to the Committee on Governmental Affairs.

REGULATORY ACCOUNTABILITY ACT OF 1993

Mr. HATCH. Mr. President, today I am introducing the Regulatory Accountability Act of 1993. This legislation is designed to make the Federal regulatory process more accountable and to establish a program for the systematic selection of regulatory priorities.

Jean Baptiste Colbert once said:

> The art of taxation consists in so plucking the goose as to obtain the largest amount of feathers with the least amount of hissing.

Well Mr. President, the Government has found a way to pluck the goose by increasing the burdens on its citizens without voting for tax increases: Federal regulation.

Federal regulation is a hidden tax. The costs of compliance and the costs of enforcement are necessarily passed on to American families. For example, if to comply with a new regulation a company has to purchase a new scrubber system for a smokestack at a cost of $2 million, the consumers of products produced by that factory will pay more.

If other regulations force that same company to spend another $4 or $5 million on special packaging and to hire extra staff to comply with the paperwork requirements that document compliance with those regulations, the prices of its goods will rise again to absorb these added costs. Since they do not contribute to the production or distribution of economic goods or services, this additional staff is nonproductive. Of course, if the market in which that company competes cannot bear these extra costs, then the company may even be forced to go out of business.

Not only that, these regulatory costs also steal valuable resources from other sectors of that firm: research and development, upgrading equipment and facilities, and hiring productive staff to produce goods and services.

Mr. President, these are not unrealistic examples. There are countless indicators of costly regulation adversely affecting business, both large and small throughout this Nation. In my home State of Utah, job growth relies heavily on a spirit of entrepreneurship that is reflected in the creation of small businesses statewide. Unfortunately, Federal regulation often hits these small businesses the hardest. Many of these small businesses, for the first few years of existence, operate on a shoestring and make just enough to continue paying their operating costs. Regulation steals these valuable funds for compliance, making business starts more difficult and threatening the ability of small business to succeed.

As I examined the costs and effects of regulation, I went to some people who actually have to live with rules created here in Washington—the people of Utah. I asked business people how regulation affected them, and I received some very clear responses. In addition, I have also been contacted by elected officials in Utah's small towns who are frustrated with a Federal Government that not only interferes in local decisionmaking, but also provides no means to pay for compliance with the regulations the Federal Government mandates.

For example, I received a letter from Mr. Don Gallent, the president and chief executive officer, and Mrs. Loretta Gallent, chairman, of Digitran Simulation Systems. Mrs. Gallent founded this company and, together with her husband, operates an international organization from Logan, UT, that successfully markets products around the world.

They have told me that the effects of Government regulation on American business are many. While some of these regulations may serve to help a few selected industries, by and large, the effect on most businesses is negative. When the hand of Government weighs heavily upon us, it stifles our ability to create, to grow, and, indeed, to even exist.

Mr. President, I believe that Mr. Frank Shaw, manufacturing services manager of National Semiconductor of West Jordan, UT, has hit the issue directly on target when he states:

> National Semiconductor fully supports the intent of all health, safety, environment, and employment regulations. These requirements establish a sound foundation for good business policies. However, just as our manufacturing process must continually be improved for us to remain competitive in a world marketplace, the procedures and cost of regulation compliance must also be improved and simplified.

Mr. President, we continue to regulate new burdens on top of our businesses, regardless of the costs or number of jobs lost. Yet, ironically, we expect these same businesses to get back on their feet and produce a sustained economic recovery.

Mr. President, this is not only a small business problem, it is also affecting our local governments. Let me share a few of the experiences of Utah's small towns.

Stockton, UT, has a population of approximately 440. These Utahns work hard, and they don't have a lot of money to spare. This small town has been trying to come to grips with the Americans with Disabilities Act and the costs to comply with the regulations.

Mayor Elden Sandino writes:

> We support these regulations in theory and are willing to do what we can to abide by them. Unfortunately, like most small towns in the State of Utah, we are very limited in our funds and feel if these regulations are to be imposed on us, some kind of federal or state funding or grants also need to be addressed.

Mr. President, regulations are a way of imposing the costs of Governments' priorities on others. Who is going to provide the funds for remodeling public buildings in Stockton and other small Utah towns? Additionally, how are very small businesses located in these areas going to find the funds to pay for compliance with regulations?

Two other small towns in Utah, Fountain Green and Enoch, are struggling to decide who is going to pay for provisions of the Clean Water Act that would require them to install expensive sewer systems. Fountain Green has discovered that, to satisfy the regulations implementing this statute, the town would have to borrow $2.1 million to install a new sewer system for 250 users. They have concluded that they would have to charge each resident $35 per month for 20 years just to pay back the loan. This does not include the cost of operating the facility and the residents' usual water bills. The town of Enoch would be forced to charge each resident $54.67 per month over a 20-year period on a $6.5 million loan for its new sewer system.

Mr. President, these amounts may not seem large to those who deal in billions of dollars every day, but to the residents of rural Utah, these costs are tremendous. New regulation on top of new regulation is burdening these Utahns beyond belief, and they want to know why. They, and others like them across the Nation, want to be sure the benefits of a new regulation will justify its cost.

Mr. President, I agree that there are benefits to certain regulations. I am not arguing that all regulations are bad or unnecessary. Regulation, used properly, is a positive tool that can provide the American people with some protection against the bad actors in our society.

But, there are some regulations that have not been reviewed in decades. Some regulations have become inflexible and inefficient given rapid changes in the American economy, the development of new technologies, and increased competition in the global marketplace. Instead of regulating more, instead of filling out additional forms and conducting more and more audits, it is time for us to regulate smarter.

THE HIDDEN TAX

Mr. President, how many of us truly realize the staggering burden the hidden tax of regulation is placing on each and every American household? How many of us truly comprehend what the cost of Government regulation is and how these costs affect our economy?

In a recently published report entitled "The Costs of Federal Regulation," Professor Thomas Hopkins of the Rochester Institute of Technology provides some very startling information regarding the overall cost of Government regulation. He estimates that currently the United States spends over $400 billion each year on the entire spectrum of Government regulation and compliance with promulgated rules. Professor Hopkins concludes that, given the current rate of growth, regulatory costs could easily balloon to over $600 billion per year by the year 2000. These staggering amounts do not even include State and local regulation. The average American household picks up this tab through higher prices, decreased product selection, increased paperwork, lost time, job loss, and other costs of compliance.

Mr. President, this cost does not show up on any Government ledgers. It does not appear in any withholding category on a paycheck stub. But in all, according to Professor Hopkins, this hidden tax in 1988 accounted for over $4,100 per household and has been on the rise ever since. By comparison, the average Federal tax burden for an American family during that same time was under $4,000, according to the Bureau of Labor Statistics Consumer Expenditure Survey, 1988–89.

Mr. President, there are some on both sides of the aisle who are shaking their heads in disbelief. I did the same thing when I first saw these figures. But report after report supports the fact that regulatory costs are both substantial and increasing. Esteemed economists such as Prof. Murray Weidenbaum, of Washington University in St. Louis and former Chairman of the Council of Economic Advisers from 1981–82; Dr. Ronald Utt, vice president, of the National Chamber Foundation; Robert Hahn, adjunct professor, Carnegie Mellon University; and John A. Hird, assistant professor of political science and research associate, University of Massachusetts have all concluded studies that build on each others' work and support this startling picture. Imagine, over $400 billion spent in complying with Federal regulation.

The economic impact of most regulations is never studied because they are considered relatively minor. By minor, I mean that the agency estimates the cost of implementing the regulation to be under $100 million. However, the cumulative effect of these so-called minor regulations can be staggering. For example, in the October 1991 edition of the Unified Agenda of Federal Regulations only 102 of 4,863 regulatory entries had a regulatory impact analysis either finished or in the process of completion. How much do the other 4,761 regulations cost?

Mr. President, add up the cost of 10, 20, 50, or 100 of these regulations at just $100 million apiece, and you end up with a monstrous burden. For example, implementation of new regulations in just one area are expected to significantly increase compliance costs in 1992. Prof. Robert Hahn has estimated that, in 1992 alone, the compliance costs associated with environmental regulation will increase by $70.5 billion over 1991 costs.

Mr. President, in the Regulatory Program of the U.S. Government, April 1991 through March 1992, the Office of Management and Budget outlines general guidelines each agency should apply to pending regulations so that new rules will be the most beneficial and the most efficient. This report also stresses the need for accountability. While these guidelines are admirable and look good on paper, they are only guidelines and as such, difficult to enforce.

Government must take responsibility for this hidden tax of regulation. It is time to be honest with the American people. We simply cannot continue to turn our heads and pretend this burden does not exist. It does.

The level of public interest in regulatory policy was confirmed in a recent poll compiled by Penn & Schoen Associates, Inc., on March 30, 1992, just after President Bush's 90-day moratorium on new regulations was announced. When asked whether or not the country currently has a lot of unnecessary and costly regulation, 83 percent answered yes.

When asked if Congress and agencies adequately considered the impact of regulations on jobs, 71 percent said no.

Another question revealed very interesting results. When asked if Congress and Federal agencies currently adequately consider how much the regulations will cost consumers, 82 percent answered no.

Obviously, Mr. President, shifting the public policy agenda from direct spending—which we cannot afford—to regulatory requirements—so we can get business and individuals to pick up the tab—is not fooling anyone.

THE REGULATORY ACCOUNTABILITY ACT OF 1993

For these reasons, Mr. President, I am introducing the Regulatory Accountability Act of 1993.

It is time to take control of this skyrocketing burden. This is especially important during this period of economic recovery. It should be the task of this Congress, starting with this Senate, to take responsibility for setting guidelines. And, we must force each promulgating agency to account for the entire impact of a pending regulation. We must make certain that the American people receive the greatest benefit in the most cost-effective and efficient manner.

This legislation places a 3-year cap on the overall costs of regulation. Under this cap, in order for a new regulation to go into effect, the agency would be required to offset any new costs by equal regulatory savings achieved through revoking or revising existing regulations, trimming and streamlining the paperwork burden, or by any other regulatory offsets. After a regulation has undergone this offsetting process, it may then be promulgated. During this time, agencies promulgating new rules would be required to study the entire cost of compliance and outline effective alternative approaches.

Nothing in this legislation would prohibit an agency from issuing a new rule. If the overall cap has been reached, however, and unless the President declares that the rule is needed to address an emergency, before a new regulation could be issued the agency would have to offset the cost of the new rule by revoking or reversing already existing rules.

The revisions and revocations to existing regulations could be on a rule issued by that agency or by another agency of the Federal Government. The President would be responsible for coordinating these interagency offsets. If the President believes the rule cannot wait to be implemented, and declares an emergency need for the rule, the requirement to offset the costs could be delayed until the necessary research and coordinating action could be considered. However, the President would be required to set a deadline for compliance with the statute.

Now, what would this legislation mean for future regulatory policy?

Essentially this: New regulations must be prioritized. Agencies will only promulgate the most important new rules. This bill will promote more effective and efficient regulation and accountability.

The act would sunset in 3 years. This period will give American enterprise the opportunity to grow without an increasing regulatory burden. Resources that otherwise would be used in complying with new regulations would be available for research and development, new jobs, and investments in plan and equipment.

Also, this act will provide relief to the American people—a chance to see exactly what their hard-earned money is paying for before some unseen regulatory hand in Washington digs into their pockets again.

CONCLUSION

Mr. President, I believe a leaner, more effective regulatory policy will grow from this legislation. Nothing in this act would prohibit the promulgation of new, necessary protections. Rather, we are simply giving the American people the ability to understand what they are receiving for their hard-earned money and the power to control

the hidden tax they are being forced to pay. Mr. President, this legislation will ensure that the hidden tax is not an irresponsible tax.

Mr. President, I ask unanimous consent that the full text of the bill; the letters I have received from Mr. and Mrs. Gallent, Mayor Sandino, and Prof. Thomas Hopkins, and an article by Robert Genetski from the Wall Street Journal of February 19, 1992, be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 13

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Accountability Act of 1993".

SEC. 2. CONGRESSIONAL FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) the overall cost of Federal regulation in the United States has risen to well over $400,000,000,000 per year;

(2) this regulatory burden is paid by individual citizens and their families in the form of a "hidden tax" because intermediaries have no option that do not pass these expenditures to individuals;

(3) the most recent data reveals that the "hidden tax" paid by the citizens of this Nation now exceeds $4,100 annually for each household;

(4) left unchecked, this "hidden tax" will increase by 50 percent between now and the year 2000; and

(5) it is in the best interests of the American people to have the Federal Government devise a systematic way to account for the new regulatory costs that taxpayers are forced to absorb and to have this financial burden better controlled.

(b) PURPOSE.—It is the purpose of this Act to establish that each agency shall, as a mandatory requirement for the issuance of—

(1) any proposed regulation—

(A) thoroughly assess and document the anticipated benefits, reasonable alternative approaches, and all foreseeable compliance costs of each approach; and

(B) assess, and include in all proposed regulatory actions, a range of possible offsets for the costs; and

(2) any final regulation—

(A) have selected the most cost-effective alternative; and

(B) for a period of 3 years following enactment, have fully offset all foreseeable costs through revocation or revision of one or more existing regulations.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "agency" has the same meaning given such term in section 3502(1) of title 44, United States Code, excluding those agencies specified in section 3502(10) of title 44, United States Code; and

(2) the term "regulation" or "rule" means any agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency, but does not include—

(A) administrative actions governed by the provisions of sections 556 and 557 of title 5, United States Code;

(B) regulations issued with respect to a military or foreign affairs function of the United States; or

(C) regulations related to agency organization, management, or personnel.

SEC. 4. MANDATORY REQUIREMENT FOR THE ISSUANCE OF NEW REGULATIONS.

In taking any regulatory action, each agency shall strictly adhere to the following requirements:

(1) Administrative regulatory decisions shall be based on substantial evidence on the public record documenting—

(A) the ability of an action to result in specific, reasonably anticipated benefits;

(B) all alternative regulatory approaches, including performance-based approaches, that will result in the benefits documented under subparagraph (A); and

(C) all foreseeable costs that can reasonably be expected to flow, directly or incidentally, from each approach documented under subparagraph (B).

(2) No final regulatory actions may be taken unless the specific benefits resulting from a specific regulatory approach documented under paragraph (1) clearly outweigh the costs documented under paragraph (1).

(3) Agencies shall—

(A) for all proposed new regulatory actions that will generate any cost, propose a range of possible revisions to, or revocation of, one or more existing regulations, that can reasonably be expected to fully offset the reasonably anticipated costs of such proposed regulatory action; and

(B) fully offset the costs documented under paragraph (1) through revision to, or revocation of, existing Federal regulation.

SEC. 5. EXEMPTION.

The requirements of section 4(3) shall not apply in the case of regulatory actions for which the President includes in the Federal Register, accompanying the regulatory action, a statement of waiver that fully outlines the reasons and needs for waiving the requirements of section 4(3) because of emergency need for such specific regulatory action and includes a timetable for satisfying the requirements of section 4 at the earliest possible date thereafter.

SEC. 6. INDEPENDENT EVALUATION.

(a) IN GENERAL.—Three years following the date of enactment of this Act, the President shall provide for independent evaluation of the regulatory process and the effect of regulations on the different areas of the economy, including—

(1) business startups and viability;

(2) employment, including job creation, compensation, and employment of foreign nationals by United States firms;

(3) international trade and competitiveness with foreign entities;

(4) research and development;

(5) impact on State and local governments; and

(6) direct Federal spending for enforcement of regulations.

(b) STUDY FOCUS.—The evaluation required by this section shall also include a study of—

(1) the effect of the regulatory cost cap imposed by this Act;

(2) the methodologies used by regulatory agencies to estimate the cost of a rule or regulation; and

(3) the use of alternative regulatory approaches described in section 4(1)(B).

(c) OMB.—The Office of Management and Budget shall carry out the provisions of this section.

(d) FUNDING.—Notwithstanding section 1346 of title 31, United States Code, the President is authorized to transfer up to $50,000 from the funds available to any agency for administrative purposes to the Office of Management and Budget for the purpose of carrying out this section.

SEC. 7. EFFECTIVE DATE; SUNSET PROVISION.

(a) EFFECTIVE DATE.—The provisions of this Act shall take effect upon the date of enactment of this Act, except that the effective date for regulations or rules promulgated pursuant to a law enacted after the date that is 2 years before the date of enactment of this Act and not later than the date of enactment of this Act shall be 6 months after the date of enactment of this Act.

(b) SUNSET.—The requirements of section 4(3) shall cease to have effect on the date that is 3 years following the date of enactment of this Act.

DIGITRAN SIMULATION SYSTEMS,
Logan, UT, May 28, 1992.

Hon. ORRIN G. HATCH,
U.S. Senator, Russell Senate Office Bldg., Washington, DC.

DEAR SENATOR HATCH: The effects of government regulation on American businesses are many. While some of these regulations may serve to help a few select industries, by and large, the effect on most businesses is negative. When the hand of government weighs heavily upon us, it stifles our ability to create, to grow, and, indeed, to even exist.

A good example of this is an incident which recently took place involving our company. Last year, Digitran undertook the necessary procedures to be listed on the National Association of Security Dealers Automated Quotation System (NASDAQ). What should have been a relatively easy listing procedure turned into a nightmare when we learned that the Securities and Exchange Commission, acting under the mandate of the Penny Stock Reform Act of 1990, had changed the listing rules.

Suddenly we were required to have between two and five million dollars in net tangible assets and a five dollar per share stock price. Under these new regulations, if our stock ever fell below that $5 per share price, our company and any broker dealing with our stock would be penalized severely. These regulations have a rippling effect of great consequence. To begin with, no broker in his right mind would touch a company's stock that couldn't be maintained above five dollars. This in turn would slam the door on capital formation. Without capital, the company would be unable to grow, growth necessary to meet the five dollar per share price. Without capital and without growth, the company would die.

As the Creator of most new jobs and economic prosperity in this country, small business needs a friend in government. The current adversarial relationship between business and government is detrimental to the very growth for which both are seeking.

The story is told of a new car traveling the backroads of Brazil in the early part of this century. This car with its large body and powerful engine took the hills and valleys of the country with ease until it encountered a cloud of migratory butterflies. One by one the tiny butterflies were pressed against the radiator of the car until no more air could be circulated, the engine overheated, the car stopped.

Like this car, American business has been tied down with excessive rules and regulations which have effectively stifled the spirit of the free enterprise system. I find it ironic that the very country we criticize most in fits of economic jealousy, is known by the term of Japan Inc. Japan's government-business relationship is one of friendship and cooperation. While its foreign trade practices may be irritating and frustrating, there is no question as to the value Japan places on her businesses. No less frustrating is the fact that members of Congress will verbally flail Japan one day and the next day enact dozens more of business regulations which only make American business weaker and less competitive.

We look to you and the other members of Congress for relief of this situation. America's competitiveness problem will not be fixed by turning to the workplace, the schools, or even Japan. It will have to be resolved in the United States Congress.

Sincerely,

DON GALLENT,
President and CEO.
LORETTA GALLENT,
Chairman.

TOWN OF STOCKTON,
Stockton, UT, Oct. 25, 1991.

Re ADA regulations.

Senator ORRIN G. HATCH,
125 South State Street, Room 3438, Salt Lake City, UT.

DEAR SENATOR HATCH: We recently received a copy of the ADA Regulations from the League of Cities and Towns and would like to address some of our concerns.

We support these regulations in theory and are willing to do what we can to abide by them. Unfortunately, like most small towns in the State of Utah, we are very limited in our funds and feel if these regulations are to be imposed upon us, some kind of Federal or State funding or grant also needs to be addressed.

Our building does have a ramp access in the rear, however our restrooms are down stairs. Our building used to be an elementary school and the stairs and stalls in the restrooms are rather small. Making these facilities handicap accessible would be a major undertaking and very costly. The Town Board has discussed the matter and has decided it would be feasible to rent a handicap accessible portable toilet for times when many people would be using the building (such as elections) but don't know if this would be an acceptable solution.

We would appreciate these concerns being addressed for small towns in Utah.

Respectively,

ELDEN SANDINO,
Mayor.

ROCHESTER INSTITUTE OF TECHNOLOGY,
Rochester, NY, Apr. 28, 1992.

Senator ORRIN G. HATCH,
Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: Thank you for the opportunity to review draft legislation entitled "Regulatory Accountability Act of 1992."

It is clear to me that regulatory costs are not now adequately monitored and controlled. In my judgment, the bill directly and effectively addresses this troublesome weakness in our current regulatory system. I believe it warrants the Senate's serious consideration.

Sincerely,

THOMAS D. HOPKINS,
Arthur J. Gosnell
Professor of Economics.

[From the Wall Street Journal, Feb. 19, 1992]

THE TRUE COST OF GOVERNMENT

(By Robert Genetski)

President Bush showed he had some understanding of problems of the economy when he announced his 90-day freeze on regulation in the State of the Union address. But it is clear that Mr. Bush hasn't grasped the full extent to which regulation has added to the burden that taxes impose on the economy. Regulation's effect on the economy can be every bit as damaging as the effect of taxes. Even though Americans have not seen it in their pay stubs, they have borne the equivalent of growing tax burdens. And tax burdens have climbed as dramatically during his watch as they have under any other President.

The table shows the combined tax and regulatory burden that has been placed on American businesses and workers in recent years. The numbers refer only to increases over and above whatever was imposed the previous year. For example, a new tax of $25 billion in year one and nothing thereafter. Only if the tax is increased above its initial level is the increase presented in a subsequent year.

HIDE BURDEN

In a few cases, Congress and the administration have decided to hide the true burden of government programs by ordering businesses to spend the necessary money to comply with certain edicts. But ordering companies to spend $25 billion to fulfill a public need does not mean that the public has avoided a $25 billion tax. Businesses today earn only 4 cents in profit for every dollar of sales. When a businessman receives the bill for a mandated benefit, the business must reorganize its operations in order to survive. This often means layoffs, plants closing and other cost-cutting moves. Companies that are not able to cut cost sufficiently to pay for the additional burdens are forced to close entirely.

The Clean Air Act and the Americans with Disabilities Act represent two of the largest hidden tax burdens to hit the economy in 1991 and 1992. In both of these cases, the administration and Congress appear to have seriously underestimated the cost of compliance with these acts. Both of these acts are worded so vaguely that the regulatory bodies have raised the cost of compliance far above the official figures. The numbers presented in the accompanying table are conservative estimates.

The official estimate for complying with the Clean Air Act was put at roughly $25 billion per year. Nongovernmental estimates of the cost of complying with the act range as high as $100 billion per year. The table shows a compromise compliance cost of $25 billion in new compliance expenditures for 1991 and an additional $25 billion for 1992.

It appears too that the cost of complying with the Americans with Disabilities Act will be staggering. The disabilities act was supposed to cost $2 billion annually, but depending on how aggressively it is implemented, the cost of compliance could easily amount to at least $20 billion a year for the next five years.

Based on an early sample of plans to alter office buildings to comply with the Americans with Disabilities Act, the cost of compliance appears to be close to $5 per square foot. This figure does not take into account all possible modifications, but just those that are deemed "reasonable."

There are an estimated 180,000 square feet in an average office building. This places the cost of compliance at almost $1 million per building. There are an estimated nine billion square feet of office space in the nation, bringing the total compliance cost nationwide to $45 billion., And that's just for office space.

The American Hospital Association, a hospital lobby, estimates that its members will have to spend $20 billion and counting—and that's before considering the costs for equipping trains, buses, restaurants, rental cars and public facilities.

In addition to the costs of complying which these mandates, there are legal and administrative costs to consider. In the case of the Americans with Disabilities Act vague terminology virtually assures billions of dollars per year in legal expenses. No attempt was made to estimate these legal and administrative expenses.

None of these calculations should be taken to suggest that it is somehow wrong or bad to spend money for cleaner air or to help the disabled. The list of worthy causes has no real limits. Unfortunately, there are definite limits to the amount by which tax and regulatory burdens can be raised without having a serious economic impact. The present economic situation strongly suggests that the push toward higher tax and regulatory burdens has had much greater costs in terms of lost jobs and weaker productivity than most people had assured.

Recent productivity trends clearly support the sense that something is wrong. But the problem is not the Americans are "lazy" as a Japanese politician has recently been quoted as suggesting. Part of the recent weakness in productivity can be attributed to the recession. Productivity tends to increase more slowly than normal during recessions and faster than normal during recoveries.

Still, adjustments can be made for cyclical developments. Judging from past experience, the magnitude of the current recession should have caused actual productivity to fall approximately 2% below a level consistent with a fully employed economy. After making such an adjustment, we see that it becomes readily apparent that U.S. cyclically adjusted productivity has deteriorated dramatically in recent years. The record of what we can call underlying productivity is convincing support for the widespread sense that America's economic problems are more fundamental than cyclical.

Each society has its fair share of workers and loafers. The extent to which those workers improve their productivity depends far more on the overall economic environment in which they operate than on their inherent intelligence or initiative. Tax burdens are an important determinant of that environment.

During the period from the late 1970's to 1981, productivity growth in the U.S. deteriorated dramatically as tax burdens rose. With the tax cuts of 1982–84, U.S. productivity growth returned to its long-term average. Productivity rose by approximately 1.5% per year in the mid-1980's, and the nation experienced its longest peacetime expansion. More recently, the resumption of higher traditional and hidden tax burdens has again brought about a fundamental deterioration in the nation's productivity trend and a renewed sense of economic malaise.

After showing the rest of the world how lower tax rates could boost productivity and living standards, the U.S. regressed. Fortunately, the U.S. economy can revive. Layoffs can be brought to an end and productivity growth restored.

PAINFUL MEASURES

Many politicians have maintained that such a revival would mean painful measures. In a sense, they are right. A true revival would involve major cuts in traditional and hidden taxes to offset the increased burdens that have occurred. This, of course, would not be painful for most workers and businesses; they would keep more of their income. But it would be painful for politicians and, in some cases, those who benefit from regulation, such as the handicapped. Cuts in traditional taxes or in regulation would mean that politicians would be forced to recognize that there are effective limits to what public policy can accomplish.

In a democracy, the public seldom tolerates poor economic performance for very long. For those politicians who fail to recognize the limits to public policy, there will eventually be political costs as well.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 14. A bill to amend the amount of grants received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965; to the Committee on Labor and Human Resources.

EDUCATIONAL EQUITY ACT OF 1993

Mr. HATCH. Mr. President, there is not one of us in this body who is not concerned about education. Republican or Democrat, there is not one of us who does not want to help our State and local governments cope with the mounting demand for more rigorous curricula, new and expanded equipment and facilities, and more specialized and experienced teachers.

One of the things we can do at the Federal level to help improve our schools is to ensure fairness in the distribution of scarce Federal resources. Today, I am reintroducing the Educational Equity Act to do precisely that. Congressman JIM HANSEN, the dean of Utah's delegation in the House of Representatives, will sponsor an identical bill in the House.

Under current law, the dominant factor in the chapter 1 program formula is State per pupil expenditure. States that can afford to spend more money per pupil receive a greater share of the chapter 1 money than States that spend less. This means that a poor child living in a wealthy State is valued more highly in terms of chapter 1 funds than the same poor child if he or she lived in a poorer State. Despite the floors and ceilings currently built into the chapter 1 formula, there are still wide disparities. Even after the 1990 census data is taken into account, an estimated 28 States would benefit from this legislation.

The bill I am introducing today, S. 14, would simply change the chapter 1 formula so that allocations are based on the national per pupil expenditure. This means that poor children will be treated the same under this program regardless of whether they live in Utah or Massachusetts, Mississippi, or Connecticut. The problem of inequality in the distribution of Federal funds was made especially clear in the recent report prepared for the Department of Education by Stephen M. Barro, "The Distribution of Federal Elementary-Secondary Education Grants Among the States."

Some may argue that this bill would simply reward States for not spending their own resources on education. In response, I would make two points. First, the Federal Government supplies only about 7 percent of all education funding. States and local governments are already bearing the lion's share of the costs of educating our children. Second, the current chapter 1 formula does not measure tax effort. In that category, Utah, for example, ranks 10th in the Nation.

And, Mr. President, let me emphasize that I am not proposing to rob from the rich to give to the poor. S. 14 does not require that States with higher per capita incomes receive less in chapter 1 funds per eligible student than any other State. On the contrary, my legislation, the Educational Equity Act, would treat each eligible child the same regardless of whether the child lived in Utah or Maryland. It's treating Johnny and Mary who live in Arkansas the same as Johnny and Mary who live in Michigan.

The inherent unfairness—and inefficiency—of the current chapter 1 formula has also been compounded over the years because it has been used to allocate funds for a number of other education programs—some of which do not even have low-income children as their primary target.

If chapter 1 is a program to help States and local school districts serve educationally/economically disadvantaged children, it makes no sense to me that wealthier States get a disproportionate share of the funds. It's not pork, and it's not partisan. It's just good education policy.

Mr. President, I am proud of what my State has been able to accomplish in education. Utahns are above the national average in years of schooling completed. Our school administration costs are among the lowest in the Nation. Utah citizens make an above average contribution to education through their taxes. Utah is 50th in the Nation of Federal education aid despite being 10th in the Nation in total tax effort. And, Utah has the highest percentage of students who pass advanced placement exams.

The Educational Equity Act will, however, provide equal treatment for educationally/economically disadvantaged children in all States so that Utah and 27 other States can better address continuing educational needs. While many of our States have been able to make do with less than their fair share, it is time to rectify this longstanding imbalance in the chapter 1 formula.

I am very pleased to have the support of the Utah State Office of Education for this important bill, and I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

I urge all Senators to join me as a cosponsor of this important education legislation.

I ask unanimous consent that the text of S. 14 be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 14

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Educational Equity Act of 1993".

SEC. 2. AMOUNT OF GRANTS.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

(1) in subparagraph (A) of section 1005(a)(2), by striking the second sentence and inserting "The amount determined under this sentence shall be the average per pupil expenditure in the United States."; and

(2) in each of sections 1201(b), 1221(c), and 1241(b), by striking "in the State (or (A) in the case where the average per pupil expenditure in the State is less than 80 percent of the average per pupil expenditure in the United States, of 80 percent of the average per pupil expenditure in the United States, or (B) in the case where the average per pupil expenditure in the State is more than 120 percent of the average per pupil expenditure in the United States, of 120 percent of average per pupil expenditure in the United States)" and inserting "in the United States".

THE UTAH STATE OFFICE
OF EDUCATION,
Salt Lake City UT, January 20, 1993.

Hon. ORRIN G. HATCH,
U.S. Senator, Washington, DC.

DEAR SENATOR HATCH: We understand that you will soon be introducing legislation in the Senate which will focus on revising the funding formula currently in place for Chapter 1 of Title 1 under Public Law 100–297. As you well know, the current formula makes use of state per pupil expenditure (PPE) amounts rather than utilizing the national average per pupil expenditure. This approach has resulted in poorer states receiving less funding than those with greater financial resources, although the avowed purpose of Chapter 1 is to provide additional educational assistance to children of poverty.

The change which you are suggesting, that of revising the formula to utilize the national average per pupil expenditure, will be a significant move toward providing equitable educational opportunity for all children of poverty. Regardless of how poor a particular state may be, the formula change which you are proposing will generate equal per pupil amounts of funding for all Chapter 1 students in all states. No longer will the students in poorer states be faced with the double jeopardy of low state per public expenditures and low Chapter 1 federal funding allocations. Your proposed formula revision will truly provide equitable support for all Chapter 1 students and should result in significant educational benefits.

Please know that Utah educators appreciate and applaud the leadership you are taking with this important issue. We wish you every success in securing passage of this critical legislation.

Sincerely,

SCOTT W. BEAN,
State Superintendent of Public Instruction.

By Mr. ROTH (for himself and Mr. CAMPBELL):

S. 15. A bill to establish a Commission on Government Reform.

REINVENTING GOVERNMENT ACT

Mr. ROTH. Mr. President, yesterday, in his inaugural address, President Clinton talked about the vision and courage to reinvent America. President Clinton, this is an answer to your call. I rise today to introduce legislation aimed at fundamental reform of the organization and operations of the Federal Government.

If the recent election was about anything, it was about change. The American people are demanding that the Government be more responsive to their needs and more efficient in its missions. And, frankly, the people are right. The Federal Government plays a tremendous role in our lives. Yet whenever we try to accomplish something, the number of agencies one must go through, the bureaucratic struggles one must engage in, the regulations and redtape one must conquer, are enough to discourage even the most courageous among us. This must change if America is to change.

The American people are demanding a Government that is responsive, efficient, capable of completing the mission it has been given. In addition, the Federal Government must become more responsive to making our Nation economically competitive. While the Government plays a fundamental role in our lives and the Nation's business, its structure is based on the outdated model of the 1930's, 1940's, and 1950's. President Clinton's inaugural sounded this same theme:

> Let us resolve to make our government a place for what Franklin Roosevelt called "bold, persistent experimentation," a government for the tomorrows, not our yesterdays.

If we are to reinvent America, Mr. President, we must reinvent government.

We need to reform the structure and operations of our Government. The American people are yearning for a government that works. I find it very troubling to have the Comptroller General of the United States, Charles Bowsher, recently tell the Committee on Governmental Affairs that there are practically no programs, no agencies, no departments that he can say are well run.

That is why I am introducing legislation to establish a Presidential Commission on Government Reform.

We all know that a new President comes in with the best of intentions, but the President has so many matters before him. Internationally, this new President is going to have his plate full on just that alone. But we must look into bringing this Government into the 21st century. That is why establishing a Presidential Commission on Government Reform is so necessary.

During the confirmation hearing for Congressman Leon Panetta, the President Clinton's designee to be the new Director of the Office of Management and Budget, I asked him whether he would support such an approach. He responded that:

> I think you have to do it. I think you do need to have a Commission do it, because, frankly, the problem is it has to be done in a comprehensive fashion. And if you just try to nit-pick away at this, you will never get anywhere. You will run into jurisdictional problems in the Congress on both sides * * * I do think it is essential that we do that. We have not moved into the 21st century yet in terms of our structure of government.

I could not agree with the new Director of OMB more, and I look forward to working with him during this session to see this legislation enacted.

We need to create a new government structure that is much less bureaucratic and more responsive in its provision of daily services to the public. From environmental laws to workplace safety to the regulation of the financial industry, the government is involved in almost every aspect of American business and trade. Instead of an impediment to being competitive, the Government must employ policies which promote competitiveness. The Government must also be able to respond quickly to needs of new business. In formulating such a Commission, I am not suggesting that we weaken laws which help to achieve cleaner air, safer workplaces, and stable financial markets. I am simply proposing that whatever role we mandate for government, that it be performed efficiently and effectively.

With this goal in mind, I am introducing the Reinventing Government Act, which would establish a nine-member Commission on Government Reform. The bipartisan Presidential Commission would develop up to five major pieces of legislation restructuring the executive branch and overhauling personnel systems. Those proposals approved by the President would be voted on, unamended, by Congress. Unless disapproved by both Houses, they would go into effect. This legislative mechanism is similar to that recently used to close military bases and may be the only way we can hope to achieve real action on these politically difficult issues.

The legislation mandates the Commission to propose ways to consolidate and streamline agencies and programs, to reduce the size of the Federal workforce through attrition, and to sunset programs every 5 years.

The Commission would recommend reforms to personnel and management systems which promote personal accountability, maximize productivity, and reward excellence. It also would recommend ways to consolidate the nearly 600 separate grant programs to State and local governments, and to establish criteria for awarding the grants on the basis of performance.

Mr. President, I want to give this new Commission the authority to reorganize the executive branch and to reform the Civil Service System. Government needs to be less costly and more results-oriented. We need to eliminate obsolete programs, unnecessary offices, and overlapping responsibilities. We need more personal accountability and pay-for-performance. Mr. President, this legislation would help to achieve all of these goals.

This Nation is challenged by an increasingly complex set of economic and social problems in the period since World War II. The complicated, seemingly intractable nature of these problems has spawned a host of public sector responses. New agencies, new programs and a vast array of regulatory mandates are evidence of this governmental response.

But as government has tried to grapple with the tough problems, the role of government in our lives has expanded immensely, governmental expenditure levels have risen almost exponentially, and the institutional relationships within government have taken on the complexity of the very problems that government seeks to address. It is no secret to me or to the American people that governmental performance rarely lives up to its promise.

The Commission on Government Reform provides the means for us to step back and examine the broad sweep of how our Government is structured and how it operates. The recommendations produced by the Commission will lay the groundwork for the structural and managerial changes so badly needed in government today.

We have already begun such a process aimed at reforming Congress: The Joint Committee on Organization of Congress, which is due to report on the operations of Congress and recommend ways to make Congress more efficient. Now a similar examination of the executive branch is needed. Its departments and agencies need to be restructured, consolidated, and streamlined. The size of government reduced through attrition, while we take advantage of the technological progress which will take us into the 21st century.

Mr. President, the Commission would consider such ideas as a major restructuring of the Federal Government to make it more efficient and responsive to the needs of the public. Of equal importance, the legislation provides a strategy for carrying through with the implementation of the recommended changes. Like the Base Closure and Realignment Commission, the recommendations of this Commission will have real teeth. I believe this mechanism has worked well for the Base Commission, and I believe it can work well here.

It is important to emphasize that the Commission will be strictly bipartisan in nature. The Commission will be comprised of nine members, appointed by the President with the advice and consent of the Senate. The members of the Commission will be selected by the President after consultation with congressional leaders. It will not be subject to the influence of one political party or another, or to any particular philosophical bias other than the one based upon effective public service delivery at a minimal cost.

The Commission on Government Reform will provide the independent and objective review we need to improve Government service and efficiency. It will encourage action on the commonsense governmental reforms that so often receive inadequate attention. And it will break the strangle hold of special interests which has prevented Congress from reforming those Government agencies and services in most need of change.

In his inaugural, President Clinton sounded the trumpet of change: "Thomas Jefferson believed that to preserve the very foundations of our Nation, we would need dramatic change from time to time. Well, my fellow citizens, this is our time. Let us embrace it." President Clinton pledged his efforts to America renewal. Government reform will be an essential part of America's renewal. I pledge my efforts for that renewal, and look forward to working with the new President to see these changes take effect.

I ask unanimous consent that a section-by-section analysis and the text of the legislation be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 15

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Reinventing Government Act".

(b) FINDINGS.—

The Congress finds that the American people face a crisis of confidence in the Federal Government that cannot be remedied without dramatic and fundamental reform. Recent polls indicate that an all-time low of only 17 percent of the public approves of Congress, that 78 percent are dissatisfied or angry about the Federal Government, and that Americans think an average of 48 cents out of every dollar in Federal taxes is wasted. While the American people are demanding more performance from their Government for less money, Congress and the executive branch still debate the same old options of fewer services or higher taxes.

The Federal Government has many talented and hardworking employees whose effectiveness is hindered by existing organizations and operations. Such organizations have too often become inefficient and have structures and missions not reflecting current domestic and international priorities. These organizations were developed during the industrial era and have large, centralized bureaucracies, a preoccupation with rules and regulations, and a hierarchical chain of command. Such governmental organizations are so obsessed with regulating processes and procedures that they have ignored the outcomes of their programs.

Unlike the Federal Government, American corporations have spent the last decade making revolutionary changes by streamlining their organizations, decentralizing authority, flattening hierarchies, focusing on quality, and emphasizing responsiveness to the customer. State and local governments have also begun to apply those same principles of post-industrial organization and uses of technology in successful efforts aimed at reinventing government. There is now a crucial need for a serious examination of how the Federal Government might apply such organizational and operational reforms to its own institutions.

SEC. 2. DEFINITIONS.

In this Act—

(1) "Commission" means the Commission on Government Reform established by section 3.

(2) "executive entities" includes all Federal departments, independent agencies, Government-sponsored enterprises, and Government corporations.

SEC. 3. THE COMMISSION.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the "Commission on Government Reform".

(b) DUTIES.—The Commission shall carry out the duties specified for it in this Act.

(c) APPOINTMENT.—(1) The Commission shall be bipartisan, composed of 9 members appointed by the President, by and with the advice and consent of the Senate, of whom there must be at least 4 each from the two major political parties.

(2) The President shall transmit to the Senate the nominations for the appointment to the Commission not later than 60 days after the date of enactment of this Act.

(3) In selecting nominees for appointment to the Commission, the President shall consult with—

(A) the Speaker of the House of Representatives;

(B) the majority leader of the Senate;

(C) the minority leader of the House of Representatives; and

(D) the minority leader of the Senate.

(4) When the President submits to the Congress nominations for appointment to the Commission, the President shall designate 1 nominee to serve as chairman of the Commission.

(d) TERMS.—Each member of the Commission appointed under paragraph (1)(A) shall serve until the termination of the Commission.

(e) MEETINGS.—(1) Each meeting of the Commission, except a meeting in which classified information is to be discussed, shall be open to the public.

(2) All the proceedings, information, and deliberations of the Commission shall be open, upon request, to the chairman and the ranking minority member of the Committee on Governmental Affairs of the Senate and the chairman and the ranking minority member of the Committee on Government Operations of the House of Representatives.

(f) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as was the original appointment.

(g) PAY AND TRAVEL EXPENSES.—(1)(A) The chairman of the Commission shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including traveltime) during which the chairman is engaged in the performance of duties vested in the Commission.

(B) Each member of the Commission other than the chairman shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which the member is engaged in the performance of duties vested in the Commission.

(2) Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) DIRECTOR AND STAFF.—(1) The Commission shall appoint a director of the Commission without regard to section 5311(b) of title 5, United States Code.

(2) The director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(i) STAFF.—(1) The Director may, with the approval of the Commission, appoint and fix the pay of employees of the Commission without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and any Commission employee may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that a Commission employee may not receive pay in excess of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) Upon request of the director, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission in carrying out its duties under this title.

(3) The Comptroller General of the United States shall provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(j) OTHER AUTHORITY.—(1) The Commission may procure by contract the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(2) The Commission may lease space and acquire personal property to the extent that funds are available for that purpose.

(k) FUNDING.—There are authorized to be appropriated to the Commission such sums as are necessary to enable the Commission to carry out its duties under this Act, such sums to remain available until expended.

(l) TERMINATION.—The Commission shall terminate 2 years after the date of enactment of this Act.

SEC. 4. PROCEDURES FOR MAKING RECOMMENDATIONS.

(a) IN GENERAL.—The Commission shall transmit to the President findings and recommendations regarding reforms of the organization and operations of the executive branch of the Federal Government that would improve governmental performance while minimizing costs. Such recommendations shall promote economy, efficiency, and improved service in the transaction of the public business, and shall include ways to—

(1) define program missions in terms of measurable outcomes, emphasizing quality of service, customer satisfaction, and result-oriented accountability;

(2) reform personnel and management systems so as to improve morale, inspire initiative, maximize productivity and effectiveness, promote personal accountability, and reward excellence;

(3) increase program responsiveness by reducing paperwork and procedural requirements and increasing managerial discretion, in return for greater accountability for achieving results;

(4) consolidate and streamline departments, agencies, and programs so as to reduce costs, minimize hierarchy, and focus responsibility;

(5) reduce the size of the Federal work force through attrition and redirect funding toward improved training and rewarding excellence in the work force;

(6) promote the application of new information technologies to improve management and reduce administrative costs;

(7) consolidate Federal grant programs to State and local governments and establish criteria for awarding grants on the basis of performance;

(8) develop procedures for the substantive review and reauthorization of each Federal program at least once every 5 years; and

(9) develop mechanisms to promote greater cooperation and coordination between the legislative and executive branches and greater attention to the long-term impacts of budgetary and policy decisions.

(b) Action by the Congress, Comptroller General, and the Director of the Office of Management and Budget.—The Comptroller General of the United States and the Director of the Office of Management and Budget shall—

(1) assist the Commission, to the extent requested, in the Commission's review and analysis of the matters described in subsection (a); and

(2) not later than January 1, 1994, transmit to the Congress and to the Commission a report containing a detailed analysis of any findings and statutory recommendations they may choose to offer.

(c) Reports.—Not later than June 1, 1994, the Commission shall transmit to the President and Congress not more than 5 reports containing the Commission's findings and statutory recommendations for the restructuring of, or improving the operations of, governmental entities.

(d) Underlying Information.—After June 1, 1994, the Commission shall, upon request, promptly provide to any member of Congress information used by the Commission in making its findings and statutory recommendations.

(e) Reports by the President.—(1) Not later than July 1, 1994, the President shall transmit to the Commission and Congress separate reports containing the President's approval or disapproval of the Commission's reports made pursuant to subsection (c).

(2) If the President approves a report of the Commission, the President shall transmit a copy of the report to the Congress, together with a certification of the approval.

(3) If the President disapproves a report of the Commission, in whole or in part—

(A) the President shall transmit to the Commission and Congress the reasons for the disapproval; and

(B) not later than July 15, 1994, the Commission shall transmit to the President a revised report containing revised findings and statutory recommendations.

(4) If the President approves a revised report of the Commission submitted to the President pursuant to paragraph (3)(B), the President shall transmit to Congress a copy of the revised report together with a certification of such approval.

(5) If the President does not transmit to the Congress an approval and certification of a report or reports by August 1, 1994, the process by which the report or reports of the Commission are to be implemented shall be terminated.

SEC. 5. IMPLEMENTATION OF COMMISSION RECOMMENDATIONS FOR THE EXECUTIVE BRANCH.

(a) In General.—Subject to subsection (b), the President shall—

(1) restructure and improve the operation of all executive branch organizations recommended for reform by the Commission in its reports transmitted to the Congress by the President pursuant to section 4 (c) and (e);

(2) initiate all such restructuring and improvements not later than 2 years after the date on which the President transmits a report to the Congress pursuant to section 4 (c) and (e) containing such restructurings and improvements; and

(3) complete all such restructurings and improvements not later than the end of the 6-year period beginning on the date on which the President transmits the report pursuant to section 4 (c) and (e) containing such restructurings and improvements.

(b) Congressional Disapproval.—

(1) In general.—The President may not carry out any restructuring and improvements recommended by the Commission in a report transmitted from the President pursuant to section 4 (c) and (e) if a joint resolution is enacted, in accordance with subsection (c), disapproving the recommendations of the Commission before the earlier of—

(A) the end of the 30-day period beginning on the date on which the President transmits the report; or

(B) the adjournment of Congress sine die for the session during which the report is transmitted.

(2) Congress not in session.—For the purposes of paragraph (1) and subsection (c) (1) and (3), the days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of a period.

(c) Congressional Consideration of Commission Report.—

(1) Terms of the resolution.—For the purposes of subsection (b), the term "joint resolution" means a joint resolution that—

(A) is introduced within the 5-day period beginning on the date on which the President transmits a report to the Congress under section 4 (c) and (e);

(B) does not have a preamble;

(C) states after the resolving clause "That Congress disapproves the recommendations of the Commission on Government Reform submitted by the President on   ", the blank space being filled in with the appropriate date; and

(D) is entitled a "Joint resolution disapproving the recommendations of the Commission on Government Reform.".

(2) Referral.—(A) A resolution described in paragraph (1) that is introduced in the House of Representatives shall be referred to the Committee on Government Operations of the House of Representatives.

(B) A resolution described in paragraph (1) that is introduced in the Senate shall be referred to the Committee on Governmental Affairs of the Senate.

(3) Discharge.—If the committee to which a resolution described in paragraph (1) is referred has not reported the resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President transmits the report to the Congress under section 4 (c) and (e), such committee shall, at the end of that period, be discharged from further consideration of the resolution, and the resolution shall be placed on the appropriate calendar of the House of Representatives or the Senate, as the case may be.

(4) Consideration.—(A)(i) On or after the third day after the date on which the committee to which a joint resolution described in paragraph (1) is referred has reported, or has been discharged (under paragraph (3)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any member of the House of Representatives or the Senate, respectively, to move to proceed to the consideration of the resolution (but only on the date after the calendar day on which the member announces to the House concerned the member's intention to do so).

(ii) All points of order against a resolution described in paragraph (1) (and against consideration of the resolution) are waived.

(iii)(I) A motion to proceed to the consideration of a joint resolution described in paragraph (1) is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable.

(II) A motion described in subclause (I) is not subject to amendment, to a motion to postpone consideration of the resolution, or to a motion to proceed to the consideration of other business.

(III) A motion to reconsider the vote by which a motion described in subclause (I) is agreed to or not agreed to shall not be in order.

(IV) If a motion described in subclause (I) is agreed to, the House of Representatives or the Senate, as the case may be, shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the House of Representatives or the Senate, as the case may be, until disposed of.

(B)(i) Debate on a joint resolution described in paragraph (1) and on all debatable motions and appeals in connection therewith shall be limited to not more than 5 hours, which shall be divided equally between those favoring and those opposing the resolution.

(ii) An amendment to a joint resolution described in paragraph (1) is not in order.

(iii) A motion further to limit debate on a joint resolution described in paragraph (1) is in order and not debatable.

(iv) A motion to postpone consideration of a joint resolution described in paragraph (1), a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order.

(v) A motion to reconsider the vote by which a resolution described in paragraph (1) is agreed to or not agreed to is not in order.

(C) Immediately following the conclusion of the debate on a joint resolution described in paragraph (1) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the House of Representatives or the Senate, as the case may be, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives or of the Senate, as the case may be, to the procedure relating to a joint resolution described in paragraph (1) shall be decided without debate.

(5) Consideration by other house.—(A) If, before the passage by one House of a joint resolution described in paragraph (1) that was introduced in that House, that House re-

ceives from the other House a joint resolution described in paragraph (1)—

(i) the resolution of the other House shall not be referred to a committee and may not be considered in the House that receives it otherwise than on final passage under clause (ii)(II); and

(ii)(I) the procedure in the House that receives such a resolution with respect to such a resolution that was introduced in that House shall be the same as if no resolution had been received from the other House; but

(II) the vote on final passage shall be on the resolution of the other House.

(B) Upon disposition of a joint resolution described in paragraph (1) that is received by one House from the other House, it shall no longer be in order to consider such a resolution that was introduced in the receiving House.

(6) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

THE REINVENTING GOVERNMENT ACT—SECTION-BY-SECTION ANALYSIS

SEC. 1. SHORT TITLE AND FINDINGS

This Act may be cited as the "Reinventing Government Act".

The Congress finds that—

The American people face a crisis of confidence in the Federal Government, which cannot be remedied without fundamental reform. While the American people are demanding more performance from their government for less money, Congress and the Executive branch continue to debate the same old options of fewer services or higher taxes. The public wants governmental institutions that respond quickly to citizens needs, with high-quality services delivered at the minimum necessary cost, and with ever more value squeezed out of each tax dollar.

The government has many talented and hardworking employees whose effectiveness is hindered by existing organizational structures and operations. Such organizations have too often become inefficient and have structures and missions not reflecting current priorities. These organizations were developed during the industrial era, and have large, centralized bureaucracies, a preoccupation with rules and regulations, and a hierarchical chain of command. Such governmental organizations are so obsessed with regulating processes and procedures, that they have ignored the outcomes of their programs.

Unlike the Federal Government, American corporations have spent the last decade making revolutionary changes by streamlining their organizations, decentralizing authority, focusing on quality, and emphasizing responsiveness to the customer. State and local governments have also begun to apply those same principles of post-industrial organization and uses of technology in successful efforts aimed at reinventing government. There is a crucial need for a serious examination of how the Federal Government might apply such organizational and operational reforms to its own institutions.

SEC. 2. DEFINITIONS

Defines the term "Commission" as the Commission on Government Reform.

Defines the term "governmental entities" as all Federal departments, independent agencies, Government-sponsored enterprises, and Government corporations.

SEC. 3. THE COMMISSION

The bipartisan Commission shall be composed of nine members appointed by the President, by and with the advice and consent of the Senate. There must be at least four members from each of the two major political parties. The President shall transmit to the Senate the nominations for appointment no later than 60 days after enactment.

In selecting individuals for the bipartisan Commission, the President shall consult with the Speaker of the House, the majority leader of the Senate, the minority leader of the House, and the minority leader of the Senate.

Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public.

SEC. 4. PROCEDURES FOR MAKING RECOMMENDATIONS

The Commission shall transmit to the President findings and statutory recommendations regarding reforms to the organization and operations of the executive branch which would improve governmental performance while minimizing costs. Such recommendations shall promote economy, efficiency, and improve service in the transaction of the public business, and include ways to—

(1) define program missions in terms of measurable outcomes, emphasizing quality of service, customer satisfaction, and results-oriented accountability;

(2) reform personnel and management systems so as to improve morale, inspire initiative, maximize productivity and effectiveness, promote personal accountability, and reward excellence;

(3) increase program responsiveness, by reducing paperwork and procedural requirements and increasing managerial discretion, in return for greater accountability for achieving results;

(4) consolidate and streamline departments, agencies, and programs, so as to reduce costs, minimize hierarchy, and focus responsibility;

(5) reduce the size of the Federal workforce through attrition and redirect funding toward improved training and rewarding excellence in the workforce;

(6) promote the application of new information technologies, to improve management and reduce administrative costs;

(7) consolidate Federal grant programs to State and local governments and establish criteria for awarding grants on the basis of performance;

(8) develop procedures for the substantive review and reauthorization of each Federal program at least once every five years; and

(9) develop mechanisms to promote greater cooperation and coordination between the legislative and executive branches, and greater attention to the long-term impacts of budgetary and policy decisions.

The Director of the Office of Management and Budget and the Comptroller General of the United States shall assist the Commission to the extent requested by the Commission. Not later than January 1, 1994, both the OMB Director and Comptroller General may transmit to the Congress and Commission any recommendations they may choose to offer.

The Commission shall conduct public hearings on the recommendations. The Commission shall, by no later than June 1, 1994, transmit to the President a series of no more than five reports containing the Commission's findings and statutory recommendations.

The President shall, by no later than July 1, 1994, transmit to the Commission and to the Congress the President's approval or disapproval of the Commission's recommendations. The President shall treat each report of the Commission as a separate report. If the President approves the recommendations of the Commission, the President shall transmit a copy of such recommendations to the Congress, together with a certification of the approval.

If the President disapproves the recommendations in any of the reports of the Commission, the President shall transmit to the Commission and to the Congress the reasons for that disapproval. The Commission shall then transmit to the President, by no later than July 15, 1994, a revised list of recommendations with regard to that report. If the President approves the revised report, the President shall transmit a copy of the revised report to the Congress, together with a certification of such approval.

If the President does not transmit to the Congress an approval and certification by August 1, 1994, of a particular report, the process by which the recommendations under this Act are to be implemented shall be terminated.

SEC. 5. IMPLEMENTATION OF EXECUTIVE BRANCH RECOMMENDATIONS

Subject to Congressional disapproval of a particular report, the President shall initiate all the recommendations within two years and complete all action no later than the end of six years.

The President may not carry out any of the recommendations if a joint resolution is enacted disapproving such recommendations of a particular report of the Commission before the earlier of the end of the 30-day period beginning on the date on which the President transmits the report or the adjournment of Congress sine die for the session.

A joint resolution is required to be introduced within the 5-day period beginning on the date on which the President transmits a report to the Congress. The resolution shall be referred to the Committee on Government Operations in the House and the Committee on Governmental Affairs in the Senate.

If the committee has not reported a resolution by the end of the 20-day period beginning the date the President transmits the report, the committee will be discharged from further consideration, and the resolution placed on the calendar of the House involved.

On or after the third day after the date on which the committee reported or been discharged of the resolution, it is in order for any Member to move to proceed to the consideration of the resolution. Debate on the resolution shall be limited to not more than five hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order.

TIMETABLE

60 days after enactment: President submits names of the bipartisan Presidential Com-

mission members to Senate for confirmation.

January 1, 1994: Optional reports to Commission by the Office of Management and Budget and the Comptroller General of the United States.

June 1, 1994: Commission reports recommendations in a maximum of five separate reports.

July 1, 1994: President accepts recommendations and sends them to Congress or returns recommendations to the Commission for further review.

July 15, 1994: If President returned recommendations, Commission can issued revised recommendations.

August 1, 1994: President either sends recommendations to the Congress or rejects them.

30 Days: If accepted by the President, the Congress then has 30 days to vote on resolution of disapproval for both executive and legislative branch findings and statutory recommendations.

By Mr. MOYNIHAN:

S. 16. A bill to amend title IV of the Social Security Act to require full funding of the Job Opportunity and Basic Skills Training Program under part F of such title, and for other purposes; to the Committee on Finance.

WORK FOR WELFARE ACT

Mr. MOYNIHAN. Mr. President, ask American parents what they dislike about how things are in our country, and chances are good that pretty soon they'll get to welfare.

Americans are the most generous people on Earth. But we have to go back to the insight of Franklin Roosevelt who, when he spoke of what became the welfare program, warned that it must not become "a narcotic" and a "subtle destroyer" of the spirit.

Welfare was never meant to be a lifestyle; it was never meant to be a habit; it was never supposed to be passed from generation to generation like a legacy.

It is time to replace the assumptions of the welfare state, and help reform the welfare system.

Today I am introducing a bill to do just that.

In his State of the Union Address of 1935, FDR was not addressing the subject of welfare as we know it today. He was referring, as he stated, to the then gigantic relief rolls which cared for able-bodied men and their families in the depths of the Great Depression. Probably a quarter of work force was then unemployed. He was proposing a giant public works program.

What we now call welfare is title IV of the Social Security Act which was enacted later in 1935. Originally designed as a "widow's pension," it has since become a vast program supporting single parent, female headed households. There are at present twice as many AFDC cases as unemployment cases. AFDC supports some 4.4 million adults at this time, along with 9 million children, over 13 million Americans in all.

In 1988 the Family Support Act, overwhelmingly passed by Congress and signed by President Reagan changed the terms of the AFDC program. The bill would not have passed without the leadership of a chairman of the Governors Association, namely Bill Clinton, our new President. With his help, a new social contract was put in place. Society would help the dependents in return for a concerted effort by dependents to help themselves. Welfare would be temporary; it would lead to work.

Title II of the act created the Job Opportunities and Basic Skills Training Program [JOBS].

The terms of the JOBS Program are simple and direct. All able-bodied adult recipients of AFDC must enroll or lose their benefits. The exceptions are mothers with children under age 3, or, at State option, under age 1.

The program has been coming along. There are now some 500,000 adults in the JOBS pipeline, with about half that number actually in education or jobs programs. Current expenditures, including day care, are $1.5 billion per year.

However, Federal funds for JOBS are capped at $1 billion, and the State match is such that in the current recession many States are not using all the Federal funds available.

The Work for Welfare Act of 1993 would respond to this emergency by: eliminating the cap on Federal funds, and eliminating State matching requirement beyond current outlays.

The additional funding will come to $4.5 billion, including some $1.4 billion for day care.

The bill answers the public's demand for action. As of the date of enactment, signing up for JOBS becomes part of signing up for welfare.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 16

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Work for Welfare Act of 1993".

SEC. 2. FULL FUNDING OF JOB OPPORTUNITY AND BASIC SKILLS TRAINING PROGRAM.

(a) IN GENERAL.—Section 402(a)(19) of the Social Security Act (42 U.S.C. 602(a)(19)) is amended—

(1) in subparagraph (B)(i), by striking "and State resources otherwise permit"; and

(2) in subparagraph (E)(i), by striking "and State resources otherwise permit".

(b) REMOVAL OF FEDERAL PAYMENT LIMITATION AND IMPOSITION OF STATE MAINTENANCE OF EFFORT.—Section 403(k) of such Act (42 U.S.C. 603(k)) is amended—

(1) in paragraph (1)—

(A) by striking "of the applicable percentages (specified in such subsection)"; and

(B) by striking "but such payments" and all that follows through "the State";

(2) by striking paragraphs (2), (3), and (4) and by inserting after paragraph (1) the following new paragraph:

"(2) In order to receive the payments described in paragraph (1), each State must maintain its payments in any fiscal year under this part at or above the level of such payments as of fiscal year 1993.";

(3) by redesignating paragraph (5) as paragraph (3); and

(4) by adding at the end the following new paragraph:

"(4) The State's expenditures for the costs of operating a program established under part F may be in cash or in kind, fairly evaluated.".

(c) REMOVAL OF CERTAIN PAYMENT LIMITS AND MANDATED STATE PARTICIPATION RATES.—Section 403(l) of such Act (42 U.S.C. 603(l)) is amended—

(1) in paragraph (3)(A)—

(A) by striking "Notwithstanding paragraph (1), the" and inserting "The";

(B) by striking "(in lieu of any different percentage specified in paragraph (1)(A))";

(C) in clause (v), by striking "15" and inserting "50"; and

(D) in clause (vi), by striking "20" and inserting "50";

(2) in paragraph (3)(C), by striking "(in lieu of paragraph (1)(A))";

(3) in paragraph (4)(B)(i), by striking "40" and inserting "50"; and

(4) by striking paragraphs (1) and (2) and redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively.

(d) REPEAL OF STATE MATCH REQUIREMENT FOR SUPPORTIVE SERVICES.—Section 402(g) of such Act (42 U.S.C. 602(g)) is amended by striking paragraph (3)(A) and inserting the following:

"(3)(A) In the case of amounts expended for child care pursuant to paragraph (1)(A) by any State to which section 1108 does not apply, there shall be no requirement for State resources for purposes of section 403(a), except that no such State shall expend amounts for child care in any fiscal year less than the amount such State expended in fiscal year 1993.".

(e) TIME LIMITATION.—Section 482(b) of such Act (42 U.S.C. 682(b)) is amended by adding at the end the following new paragraph:

"(4) For all individuals required to participate in the program pursuant to section 402(a)(19)(C), the State agency shall conduct the assessment, develop the employability plan, and refer the individuals to a program component (as required in this subsection) within 60 days of the date upon which the individual is found eligible for such program.".

(f) EFFECTIVE DATE.—The amendments made by this section shall become effective with respect to expenditures made after September 30, 1993.

By Mr. KENNEDY (for himself, Mr. DURENBERGER, Mr. PACKWOOD, Mr. AKAKA, Mr. BRADLEY, Ms. MOSELEY-BRAUN, Mr. DECONCINI, Mr. FEINGOLD, Ms. FEINSTEIN, Mr. INOUYE, Ms. MIKULSKI, Ms. MURRAY, Mr. PELL, Mr. ROBB, Mr. SIMON, Mr. WELLSTONE, Mr. ROCKEFELLER, Mrs. BOXER, Mr. BINGAMAN, Mr. WOFFORD, Mr. LEAHY, Mr. CAMPBELL, Mr. BIDEN, Mr. DODD, Mr. METZENBAUM, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. RIEGLE, Mr. MITCHELL, Mr. COHEN, Mr. HARKIN, and Mr. SPECTER):

S. 17. A bill to amend section 1977A of the Revised Statutes to equalize the remedies available to all victims of intentional employment discrimination, and for other purposes; to the Committee on Labor and Human Resources.

EQUAL REMEDIES ACT OF 1993

• Mr. KENNEDY. Mr. President, on behalf of Senators DURENBERGER, PACKWOOD, AKAKA, BRADLEY, MOSELEY-BRAUN, DECONCINI, FEINGOLD, FEINSTEIN, INOUYE, MIKULSKI, MURRAY, PELL, ROBB, SIMON, WELLSTONE, ROCKEFELLER, BOXER, BINGAMAN, WOFFORD, LEAHY, CAMPBELL, BIDEN, DODD, and METZENBAUM, I am pleased to reintroduce the Equal Remedies Act, to repeal the caps on the amount of damages available in employment discrimination cases brought under the Civil Rights Act of 1991.

The Civil Rights Act of 1991 for the first time gave women, religious minorities, and the disabled the right to recover compensatory and punitive damages when they suffer intentional discrimination on the job—but only up to specified monetary limits. Victims of discrimination on the basis of race or national origin, by contrast, can recover such damages without arbitrary upper limits. The Equal Remedies Act will remove this inequity by eliminating the caps on damages that were imposed by the 1991 act.

The caps on damages in the Civil Rights Act of 1991 were a compromise necessitated by concern about passing a bill that then-President Bush would sign. The issue was only one of the important issues covered in that piece of legislation, which also reversed a series of Supreme Court decisions that had made it far more difficult for working Americans to challenge discrimination. The bill as a whole represented a significant advance in the ongoing battle to overcome discrimination in the workplace. In order to guarantee that the bill would become law, many Senators joined in agreeing to the compromise on damages. However, many of us made clear that we intended to work for swift enactment of separate legislation to remove the caps.

I am committed to enactment of the Equal Remedies Act in this Congress. We must end the double standard that relegates women, religious minorities, and the disabled to second-class remedies under the civil rights laws.

The caps on damages deny an adequate remedy to the most severely injured victims of discrimination. For example, if a woman proves that as a result of discrimination, she needs extensive and costly medical treatment exceeding the level of the caps, she will be limited to receiving only partial compensation for her injury.

At the same time, the caps limit the extent to which employers who discriminate—particularly the worst violators—are punished for their discriminatory acts and deterred from engaging in such conduct in the future. The more offensive the conduct and the greater the damages inflicted, the more the employer benefits from the caps.

The caps on damages are unjustifiable and unacceptable. Damages available to victims of job discrimination based on race and national origin are not limited in this way. No similar caps exist in any other civil rights laws, and they are not appropriate in this instance. Enactment of the Equal Remedies Act is essential to remove this glaring injustice in our civil rights laws.

Mr. President, I ask unanimous consent that the text of the bill may be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 17

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equal Remedies Act of 1993".

SEC. 2. EQUALIZATION OF REMEDIES.

Section 1977A of the Revised Statutes (42 U.S.C. 1981a), as added by section 102 of the Civil Rights Act of 1991, is amended—

(1) in subsection (b)—

(A) by striking paragraph (3), and

(B) by redesignating paragraph (4) as paragraph (3), and

(2) in subsection (c), by striking "section—" and all that follows through the period and inserting "section, any party may demand a jury trial.".•

• Mr. FEINGOLD. Mr. President, I am pleased to join my distinguished colleague, Senator KENNEDY, and other Members of this body in sponsoring the Equal Remedies Act, which was first introduced in the 102d Congress. I strongly support this bill, which is aimed at achieving equitable application of our civil laws.

Title VII of the Civil Rights Act of 1964 was intended to guarantee equity in employment, proscribe discrimination, and remedy injury caused by discrimination by ensuring accountability for intentional wrongdoing by employers. The Civil Rights Act of 1991 reinforced the original act's intent, and for the first time established the right of women, religious minorities, and the disabled to recover compensatory and punitive damages. However, the 1991 act set arbitrary limits on the amount of damages that can be recovered by these groups of individuals. The limits range from $50,000 to $300,000, depending on the number of employees who work for the defendant. For 15 to 100 employees, the limit is $50,000; for 101 to 200 employees, the limit is $100,000; for 201 to 500 employees the limit is $200,000; and for more than 500 employees, the limit is $300,000.

The effect of these limits violates the fundamental principles of equality, which underlie our uniquely American form of democracy. Within this context, no law can remedy injustice if it is unjust on its face. As it stands, the 1991 Civil Rights Act creates a double standard remedy for those who are victims of intentional illegal discrimination. This bill seeks to eliminate the double standard, and to avoid the creation of a two-tiered system of justice. At its heart is a reaffirmation of the basic principles of civil rights law, full and fair remedy for employment discrimination. Further, the current act's arbitrary treatment of women, religious minorities and the disabled flies in the face of the 14th amendment to the Constitution of the United States. Equal treatment under law requires that the same standards be applied in the application of law and the administration of justice to all those who are affected and protected by the law.

Opponents of this legislation will argue that it will open the flood gates of litigation. However, a 10-year study of litigation under the civil rights statute without arbitrary limitations or damages did not reveal excessive awards. There is simply no basis for assuming any different results in cases involving intentional discrimination covered by the Equal Remedies Act of 1993.

Employers who intentionally discriminate must be held fully accountable for their actions. We cannot tolerate laws that shield lawbreakers from full responsibility. The employing community itself should welcome strict enforcement and imposition of penalties for those who intentionally commit acts that damage the reputation of all businesses.

Mr. President, the Equal Remedies Act of 1993 would simply establish equitable treatment for all victims of invidious discrimination, regardless of whether that discrimination is based upon race or national origin, gender, religious beliefs, or disability. There is no justifiable basis for continuing this double standard of justice.•

• Mr. METZENBAUM. Mr. President, I rise as an original cosponsor of the Equal Remedies Act of 1993. For millions of working women, as well as millions of religious minorities and disabled Americans, this bill represents a giant step toward equal treatment under the law.

The Civil Rights Act of 1991 addressed a longstanding injustice in terms of the remedies available under Federal civil rights law. The injustice was a simple one: Racial minorities could recover unlimited compensatory and punitive damages for intentional discrimination, but women, religious minorities, and the disabled could not.

The Civil Rights Act of 1991 allowed these excluded groups to recover damages for the first time. But President Bush refused to sign the bill unless we included strict limits on the damages they could recover. So the injustice in Federal law remains: Racial minorities can still recover unlimited punitive and compensatory damages, but women, religious minorities, and the disabled cannot. Instead, these groups are stuck with limited damages no matter how outrageous an employer's conduct was, no matter how many months or years that conduct continued, and no matter how severe a worker's injuries or losses were.

The Equal Remedies Act we are introducing today eliminates these monetary limitations, to ensure that we treat all forms of intentional discrimination equally.

For workers, the costs of job discrimination go far beyond just lost wages. There is living evidence all around us of the emotional and psychological damage that bigotry inflicts on its victims. Often this harm is accompanied by physical symptoms as well, such as migraines, ulcers, miscarriages, and other stress-related injuries.

In addition, there may be other economic losses. These include medical expenses, as well as professional injuries.

One of the principal goals of our Federal civil rights laws is to make discrimination victims whole for all losses they have suffered. Putting a limit on compensatory damages is completely incompatible with this purpose. The losses suffered by these victims are not capped in any way; why should their remedies be?

Our Nation was built upon the premise that every person has a fair chance, based on ability, to make it in our society. That is the essence of the American dream. But the very laws that embody that dream of equal opportunity discriminate against women, religious minorities, and the disabled in terms of the remedies they may recover. We must remove this inequity from our laws.•

• Mrs. BOXER. Mr. President, I support the Equal Remedies Act of 1993 because all Americans have a right to work in an environment free from harassment and intimidation.

Our Constitution promises equal opportunity and our Government must guarantee it. The Civil Rights Act of 1991 took an important step toward eradicating discrimination in the workplace. The Equal Remedies Act will finish the job.

By lifting the cap on damages for intentional discrimination against women, religious minorities, and the disabled, we will and the double standard that has offered these groups second-class remedies under civil rights laws.

I urge my colleagues to support this important legislation.•

By Mr. SPECTER:

S. 18. A bill to provide improved access to health care, enhance informed individual choice regarding health care services, lower health care costs through the use of appropriate providers, improve the quality of health care, improve access to long-term care, and for other purposes; to the Committee on Finance.

COMPREHENSIVE HEALTH CARE ACT

Mr. SPECTER. Mr. President, the Federal Government should act promptly to reform the health care system in the United States. Aside from stimulating an economic recovery, the 1992 great national political debate demonstrated that health care legislation is our Nation's highest priority.

Escalating costs are out of control while 37 million Americans have no health care insurance. In 1992, Americans spend $839 billion[1] on health care or 14 percent of our gross national product. Those figures for 1970 were $74.4 billion and 7.4 percent of the GNP. At the current rate of increase, the cost of national health care by the year 2000 is projected to be $1.6 trillion, or 18 percent of GNP.[2]

This bill has two objectives:

First, to provide health insurance for 37 million Americans now not covered;

Second, to reduce the health care costs for all Americans.

Health care reform is a very complex issue for Congress to address. But it is not so complex that we cannot act now. As many of my colleagues will recall, in 1990 the Congress passed the Clean Air Act that many said was not possible. That issue was brought to the Senate floor, and task forces were formed which took up the complex question of sulfuric acid in the air. We targeted the removal of 10 million tons in a year. We made significant changes in industrial pollution and in tailpipe emissions. We produced a balanced bill which protected the environment and retained jobs.

During the 102d Congress, I pressed to have the Senate take action on this issue. On July 29, 1992, I offered an amendment on health care to other legislation then pending on the Senate floor. When the majority leader argued that the health care amendment did not belong on that bill, I offered to withdraw the amendment if he would set a date certain to take up health care, just as product liability legislation had been placed on the calendar for September 8, 1992. The majority leader rejected that suggestion and the Senate did not consider comprehensive health care legislation during the balance of the 102d Congress.

While there were early suggestions that the new administration and the congressional leaders would place health care legislation on a priority basis, recent reports suggest that it will be deferred until the end of the first 100 days or perhaps beyond that time.

I urge the new President and the congressional leaders to act now on health care legislation. I suggest this bill is a good starting point.

The health care legislation which I am introducing is comprised of initiatives which are reforms that our health care system can readily adopt—now. They are reforms which both improve access and affordability of insurance coverage and implement systemic change to bring down the escalating cost of care in this country.

This bill, entitled the Comprehensive Health Care Act of 1993, melds together the three health care reform bills I introduced in the 102d Congress and builds upon them with significant additions. The additions include the implementation of small business insurance market reforms which I pressed for, and which were adopted by the Senate in modified form, during the last Congress. They also include new incentives to increase the supply of generalists physicians and a program to provide comprehensive health education to children from preschool through high school.

Taken together, I believe these reforms will both improve the quality of health care delivery and will cut the escalating cost of health care in this country. They represent a blueprint which can be modified, improved, and expanded. In total, I believe this bill can significantly reduce the number of uninsured Americans, improve the affordability of care, and yield cost savings of billions of dollars to the Federal Government which can be used to insure the remaining uninsured and underinsured Americans.

SUMMARY OF THE BILL

In the eight titles described below, this bill seeks to reduce the health care costs for the 219 million Americans now covered, 86.1 percent, and to cover the other 37 million Americans, 13.9 percent, who are not. The 219 million Americans now covered derive their health insurance coverage as follows: approximately 64.3 percent from employer plans; 15 percent from Medicare; 9.6 percent from Medicaid; 3.6 percent from the military; and 7.5 percent from individual private insurance.[3]

Title I, which deals with health insurance market reforms, targets the 29 million uninsured who are employed or are dependents of employed persons. While it is not possible to predict with certainty how many additional Americans will be covered by the full deductibility of health insurance costs for the self-employed, small employer health insurance market reforms, health insurance purchasing groups, and the elimination of managed care plan restrictions imposed by the States, as set forth in title I, a reasonable expectation would be that approximately 15 million Americans would be added to those covered at a cost of $8.6 billion over 5 years. The coverage estimate is based on the fact that over 50 percent of the 29 million uninsured individuals who are employed, or dependents of employed persons, work in businesses covered by the insurance market reforms under title I of the bill. It is anticipated that cost would be offset by administrative savings from the development of purchasing groups as I propose. Such savings have been estimated as high as $9 billion.[4]

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[1] The Commerce Department Annual U.S. Industrial Outlook Report.

[2] Agency for Health Care Policy and Research, "Nutritional Health Expenditures as Percent of GNP Over Time: 1970 to 1987"; Congressional Budget Office, "Study of Projections of National Health Expenditures," October 1992.

[3] Congressional Budget Office study, "Projections of National Health Expenditures," October 1991.

With the expansion of primary and preventive health services—focusing particularly on low-birthweight babies—and the expansion of health care education to cover toddlers through 12th graders, as proposed in title II, it is conservatively projected that approximately $2.5 billion per year could be saved. I believe the savings will be higher. Again, it is impossible to be certain of such savings; only experience will tell. For example, how do you quantify today the savings that will surely be achieved tomorrow from future generations of children that are truly educated in a range of health-related subjects including hygiene, nutrition, physical and emotional health, drug and alcohol abuse, accident prevention and safety, et cetera? I suggest these projections, subject to future modification, only to give some generalized perspective on the impact of this bill.

Title III of the bill, relating to disclosure of information to Medicare and Medicaid beneficiaries, can lead to savings of very substantial dollars because consumers will be provided with material information regarding the quality and cost of health care services. This will cause the health care services market to function more efficiently, with a concomitant decrease in health care costs. I believe that such disclosure will result in savings, but there is no source material available estimating such savings.

Title IV, concerning the patient's right to decline medical treatment, will also lead to substantial dollar savings. Approximately 27 percent of Medicare expenditures are made in the final days of life,[5] and conservatively estimating that approximately 10 percent of such expenditures are unwanted, we could save well over $3 billion.[6]

Increasing the number of primary care providers like generalists, physicians, nurse practitioners, and physician assistants, as proposed in title V, I believe will also yield substantial savings. A study of the Canadian health system utilizing nurse practitioners projected a 10 to 15 percent savings for all medical costs—or $300 million to $450 million. While our system is dramatically different from Canada's, it may not be unreasonable to project a 5-percent—or $41.5 billion—savings from the increase in the number of primary care providers in our system. Again, experence will raise or lower this projection. Assuming this savings, though, it seems reasonable, based on an average expenditure for health care of $3,742 per person projected for 1992, that we could cover another 10 million uninsured persons.[7]

I believe that we can achieve 20 percent, if not more, savings by increasing the use of managed care in the Medicare Program. Title VI promotes this. Managed care has worked in the private sector to help control costs. Successful private sector management principles can, and should, be applied to Medicare beneficiaries. This could control costs, improve quality of care, and could result in a savings of as much as $26 billion, based on projected Medicare expenditures in 1993 of $131 billion.

Outcomes research is another area where we can achieve considerable health care savings in the long run. According to the former editor-in-chief of the New England Journal of Medicine, Dr. Marcia Angell, 20 to 30 percent of health care procedures are either inappropriate, ineffective, or unnecessary. If the implementation of medical practice guidelines eliminates 10 to 20 percent of these costs, savings between $8 and $16 billion can be realized.[8] To achieve this we must, as Dr. C. Everett Koop, former Surgeon General of the United States says, have a well funded program for outcomes research. Title VII accomplishes this by imposing a one-tenth of 1 cent surcharge on all health insurance premiums. Based on the Congressional Budget Office's estimate that in 1992 private health insurance premiums totaled $254 billion, this surcharge would result in a $254 million outcomes research fund—compared to the approximately $70 million appropriated for fiscal year 1993.

Finally, title VIII addresses the issue of home nursing care. The costs of such care to those requiring it are exorbitant. Title VIII proposes, among other things, tax credits and tax deductions to defray such costs and proposes home and community-based care benefits as less costly alternatives to institutional care. The cost to the Treasury of this needed proposal is also expected to be costly, however, possibly approximately $20 billion.

Action must also be taken to eliminate health care fraud and streamline the cumbersome and costly administrative structure within the health care system. The General Accounting Office has estimated that $70 billion per year is the cost of health care fraud in this country.

Last year the Labor, HHS, and Education Appropriations Subcommittee, on which I serve as the ranking member, appropriated nearly $400 million for fiscal year 1993 to safeguard Medicare payments and combat fraud and abuse in the system. While this is a substantial amount, a recent report by the General Accounting Office stated that limited resources and the fluctuations in administrative budgets have disrupted fraud detection efforts and limited enforcement capabilities. In reviewing five of the Medicare contractors, the GAO found that only half of the complaints involving allegations of fraud or abuse Medicare contractors reported receiving in fiscal year 1990 were investigated. As ranking member, I intend to press for additional funding in fiscal year 1994 to ensure that allegations involving fraud and abuse in the Medicare Program are fully investigated.

Estimates for administrative costs range as high as 25 cents per dollar spent on health care, or over $200 billion annually. Regarding action to reduce administrative costs, the Senate report accompanying the Labor, HHS, and Education appropriations bill for fiscal year 1993 noted that substantial savings could be achieved from the $838 billion expended for health care services through the development of a national uniform electronic billing system. The report directed the Health Care Financing Administration to use a portion of the funds appropriated for research and demonstration projects to support projects designed to enable a speedier and more successful move to a national uniform electronic billing and data system.

While the development of a national electronic claims system to handle the billions of dollars in claims is complex and will take time to implement fully, I believe it is essential for operating a more efficient health care system and achieving the savings necessary to provide insurance for the remaining uninsured Americans. I am prepared to work with other Senators and take a leadership role in the development of implementing legislation, to press this important area of health care reform.

To repeat, the specifications of expanded coverage and savings are necessarily imprecise. Suggested modifications on the projections are welcome from other Senators or anyone else interested in this subject. It is hoped that this bill and hearings will stimulate discussion and input from specialists in the field.

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[4] Congressional Budget Office testimony before the Committee on Ways and Means, U.S. House of Representatives, March 4, 1992.

[5] J. Lubitz and R. Prihoda, "The Use and Costs of Medicare Services in the Last Two Years of Life," Health Care Financing Review, Spring, 1984.

[6] Based on 1992 Medicare expenditures of $116 billion and 1993 projected expenditures of $131 billion.

[7] Based on Congressional Budget Office projections of the number of insured persons in 1992 divided by the estimated total expenditures for health care for the same year.

[8] Dr. Marcia Angell, former Editor of the New England Journal of Medicine, "Cost Containment and the Physician," The Journal of the American Medical Association, September 6, 1985.

While precision is again impossible, it is a reasonable projection that we could achieve under my proposal a net savings of approximately $82 billion I arrived at this sum by totaling the projected savings of $112.4 billion—$9 billion in small business administrative cost savings; $12.5 billion for preventive health services; $15 billion for reducing unwanted care; $41.9 billion from increasing primary care providers; $26 billion through managed care reform; and $8 billion through outcomes research—and netting against that the projected cost of $30.4 billion—$254 million for funding outcomes research, $8.6 billion for the health insurance market reforms, $20 billion for long term care, and approximately $1.6 billion in funding for the primary and preventive health care, low birth weight, health education and generalists physician—for the initiatives that I am proposing. I believe this net savings of $82 billion would be sufficient for new Federal programs to provide health care coverage for the 12 million Americans who would still not be covered. Obviously, experience will require modification of these projections, but at least it is a beginning.

TITLE I

HEALTH INSURANCE MARKET REFORMS

We have the greatest health system that has ever been devised, but it needs substantial improvement. Our system covers 86 percent of the American people, yet 37 million Americans are uncovered, and it is too expensive for those who are covered. It is estimated that 80 percent of the individuals without health insurance today have jobs or are dependents of those who are employed. In 1990, about half of the working uninsured and their dependents were connected to the labor force through small businesses which employed fewer than 25 persons. Clearly, one means of improving access to health care is to make insurance more affordable to these employers and their employees. Title I, therefore, implements a series of health insurance market reforms in order to make health insurance more affordable and available to employers and employees of small businesses.

The substance of each of these initiatives passed the Senate on two occasions during the last Congress. Regretably, they did not become law. The reforms are long overdue, and given their bipartisan support, they deserve our prompt attention. They include the following: First, expanding full deductibility of insurance premiums to self-employed individuals; second, establishing a basic health benefits plan for small employers and setting minimum standards for insurers offering insurance to small businesses; third, authorizing Federal grants for the support of small business health insurance purchasing groups; and fourth, fostering the development of efficient managed care plans by exempting plans which meet Federal standards from State mandates.

DEDUCTIBILITY FOR SELF-EMPLOYED

Under current law, businesses are permitted to deduct 100 percent of what they pay for the health insurance of their employees, but self-employed individuals may not deduct any of their costs. The provision permitting self-employed individuals to deduct 25 percent of their health insurance costs expired on December 31, 1992. It is hard to find a provision in the Internal Revenue Code that is more discriminatory than this one concerning the deductibility of health care costs.

It is estimated that 13.6 percent of uninsured workers are self-employed. Providing full deductibility of health insurance premiums for self-employed individuals is a simple matter of fairness. It also should make health insurance coverage more affordable for the estimated 4.6 million self-employed individuals and their families who are now uninsured.

It is estimated that the cost of this provision is $1.7 billion in the first year and $8.6 billion over the next 5 years.[9]

SMALL EMPLOYER HEALTH INSURANCE

Two factors contribute heavily to the cost and lack of availability of health insurance for small employers. The first is State mandated benefits. There are over 800 mandated benefit requirements which states have enacted to regulate health insurance coverage. Overall, estimates of the cost of mandates vary from a low of 3 percent of premiums in Iowa to a high of 21 percent of premiums in Maryland. For those health plans which meet the Secretary's basic benefit standards for small employers, the bill would exempt insurers from these State mandated benefit requirements.

The second factor which limits the ability of small employers to afford insurance coverage is insurers engaging in activities with regard to small groups, such as medical underwriting and exclusionary practices, that effectively preclude small employers from obtaining coverage. For example, in setting premiums insurers build a margin of 8.5 percent of claims for risk and profit for groups of one to four employees, compared with 1.1 percent for larger firms.

To combat these practices, the bill implements several Federal standards for the sale of insurance to employers with 3 to 49 employees who work at least 20 hours per week. Insurers would be required to meet these standards or, failing that, they would lose valuable tax deductions for reserves set aside to meet future liabilities. The standards include: First, guaranteed issue and renewability requirements; second, strict limits on preexisting condition exclusions in order to expand coverage to the estimated 1.5 million persons presently excluded from group plans; third, limits on the variation of premiums across and within business classes; fourth, meeting the minimum benefits requirements established by the bill; and lastly, permit termination of small employer insurance contracts only if the entire class of business is terminated.

HEALTH INSURANCE PURCHASING GROUPS

A major obstacle for making health insurance affordable to small employers is the fact that they generally pay higher premiums for comparable benefits than large employers. This is due in large measure to the fact that charges for administrative costs in premiums for small employers can be as high as 40 percent of claims. This contrasts with an average charge for large firms of 5.5 percent.

In order to help reduce the administrative costs associated with marketing and administering plans to small employers, title I also establishes a new grant program intended to encourage the development of health insurance purchasing groups for small employers. The program authorizes the Secretary of Health and Human Services to award grants to assist in the formation and initial operation of qualified small employer purchasing groups. The purchasing groups, consisting of a minimum of 100 small employers, would enter into health insurance contracts with insurance carriers, and would market and administer the products in order to provide health insurance for their employee members. The establishment of these purchasing groups should substantially reduce the cost of insurance to participating small businesses and to their employees.

My bill authorizes such sums as may be necessary to implement this provision. Similar proposals have included authorizations of up to $150 million per year.

MANAGED CARE PLAN RESTRICTIONS

Increasingly, managed care plans, such as health maintenance organizations and preferred provider organizations, are viewed as critical components to controlling the cost of care and increasing the affordability of coverage. Because these plans actually manage both the providers and the delivery of health care, they are able to better control costs.

Many States, however, have enacted restrictions on managed care plans which have hampered the ability of insurers to operate efficiently and effectively. To remedy this problem, the bill directs the Secretary of Health and Human Services to develop standards for approved managed care plans which meet the basic benefit requirements. The Secretary is to take into account the recommendations of the Managed

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[9] Congressional Joint Committee on Taxation, March 1992.

Care Advisory Committee established in the bill. For those health plans which meet these standards, the bill would exempt them from State restrictions on managed care.

Key aspects of the bill I am introducing today focus on expanding primary and preventive health services, and enhancing the management of health care costs in several areas: First, enhancing consumer decision-making about their health care; second, reducing inefficient and unnecessary care; third, preventing disease and ill health, particularly low-birthweight births which result in costly neonatal care; fourth, expanding Federal health education and disease prevention programs among children from preschool through high school; fifth, improving efficiency by permitting access to the most appropriate providers and increasing the number of generalists physicians; sixth, encouraging the development of medical practice guidelines; and lastly, studying the feasibility of implementing health care expenditure targets.

TITLE II

PRIMARY AND PREVENTIVE HEALTH SERVICES

LOW BIRTHWEIGHT BABIES

While examining the issues that contribute to our health care crisis, I was struck by the fact that so much attention is being focused on treating the symptoms and so little on some of its root causes. Granted, our existing health care system suffers from some very serious structural problems. But there also are some commonsense steps we can take to head off problem before they reach crisis proportions. Subtitle A includes three initiatives which enhance primary and preventive care services aimed at preventing disease and ill health.

Each year about 7 percent, or 287,000, of the 4,100,000 American babies born in the United States are born of low birthweight, multiplying their risk of death and disability. Although the infant mortality rate in the United States fell to an all-time low in 1989, an increasing percentage of babies still are born of low-birthweight. The Executive Director of the National Commission to Prevent Infant Mortality, put it this way: More babies are being born at risk and all we are doing is saving them with expensive technology."

It is a human tragedy for a child to be born weighing 16 ounces with attendant problems which last a lifetime. I first saw 1-pound babies in 1984, when I was astounded to learn that Pittsburgh, PA, had the highest infant mortality rate of African-American babies of any city in the United States. I wondered, how could that be true of Pittsburgh, which has such enormous medical resources. It was an amazing thing for me to see a 1-pound baby, about as big as my hand.

It is tough enough coming into this world if you weigh 8 pounds 10 ounces, as I was reported to have weighed when I was born. If you weigh 16 or 20 ounces, it is a tragedy. Even if the child responds to the medical treatment and survives, the physical and developmental consequences of being born of such low weight last long into life.

Beyond the human tragedy of low birth weight there are the financial consequences. Low-birthweight children, those who weigh less than 5.5 pounds, account for 16 percent of all costs for initial hospitalization, rehospitalization, and special services up to age 35. The short- and long-term costs of saving and caring for infants of low birth weight is staggering. A study issued by the Office of Technology Assessment in 1988, concluded that $8 billion was expended in 1987 for the care of 262,000 low-birthweight infants in excess of that which would have been spent on an equivalent number of babies born of normal weight. Furthermore, the OTA estimated that for every low-birthweight birth averted by earlier or more frequent prenatal care, the U.S. health care system saves between $14,000 and $30,000 in the first year in addition to the projected savings in lifetime care.

The Department of Health and Human Services estimated that by reducing the number of children born of low-birthweight by 82,000 births, we could save between $1.1 billion and $2.5 billion per year.

The costs associated with low-birthweight babies obviously are more pronounced for those of exceptional low-birthweight, babies who weigh 2 pounds or less at birth. It is also a financial disaster. According to the National Association of Children's Hospitals, the costs of hospital care for a 1–2 pound baby range from $120,000 to $180,000 during their initial hospitalization, with a length of stay between 80 and 100 days.

We know that in most instances prenatal care is effective in preventing low-birthweight babies. Numerous studies have demonstrated that low-birthweight is associated with inadequate prenatal care or lack of prenatal care. To improve pregnancy outcomes for women at risk of low-birthweight, subtitle A authorizes the establishment of an innovative maternal and infant care coordination Federal grant program.

The program targets Federal resources to States to assist them in the development and implementation of coordinated, comprehensive primary health care, social services, and health and nutrition education for women at high risk for low-birthweight pregnancies. Participating States would be required to offer comprehensive services including:

Family planning counseling;

Pregnancy testing;

Prenatal care;

Delivery, intrapartum and postpartum care;

Pediatric care for infants, including in-home services for low-birthweight babies; and

Social services, including, outreach, home visits, child care, transportation, risk assessment, nutrition counseling, dental care, mental health services, substance abuse services, services relating to HIV infection, and prevention counseling.

States would coordinate to the maximum extent possible existing Federal and State resources, such as, Medicaid, WIC, and other maternal and child health programs. They also would be required to demonstrate that the major service providers, and community-based organizations involved in maternal and child health, are involved in the program. Finally, the grantees would need to demonstrate that health promotion and outreach activities under the State program are targeted to women of childbearing age, particularly those at risk for having low-birthweight babies.

At the suggestion of Dr. Koop, the program authorizes incentives of $500 for pregnant teenagers, women 19 years of age and under, who agree to enroll in prenatal care consisting of five prenatal and one postnatal care visit. Dr. Koop noted that the French once paid pregnant women to have such prenatal and postnatal visits, and this resulted in materially improving the health of French babies. While in an ideal world such an incentive payment should not be necessary, if it is effective, it is money well spent, both in humanitarian and economic terms.

HEALTH EDUCATION

The second initiative involves the provisions of comprehensive health education for our Nation's children. The Carnegie Foundation for the Advancement of Teaching recently conducted a survey of teachers. More than half of the respondents said that poor nourishment among students is a serious problem at their schools; 60 percent cited poor health as a serious problem. Another study issued last year by the Children's Defense Fund reported that children deprived of basic health care and nutrition are ill-prepared to learn. Both studies indicated that poor health and social habits are carried into adulthood and often passed on to the next generation.

To interrupt this tragic cycle this Nation must invest in proven preventive health education programs. My legislation includes two comprehensive health education and prevention initiatives.

The first focuses on elementary and secondary school students. To meet the needs of these children my bill establishes a $50 million program of grants to local educational agencies to develop and strengthen comprehensive health education programs. A portion of these funds could be used for curriculum development, teacher training, coordination, and program evaluation.

Drawn from the recommendations of the Carnegie Foundation's report entitled "Ready to Learn," this effort supports school-based instruction in health education. Through an integrated health curriculum, students advancing from grade to grade would be taught a range of health-related subjects, including nutrition, physical and emotional health, drug and alcohol abuse, accident prevention and safety, and environmental hazards. Throughout the course of study, special emphasis will be placed on prevention of chronic and communicable disease ranging from the basics of washing hands before meals to stopping the spread of AIDS and other sexually transmitted diseases.

About one million teenage girls each year risk their futures through early pregnancy and childbearing. My proposal would deal with this issue by teaching preteens prevention options, the consequences of becoming pregnant, responsibilities of parenting, and the challenges of child rearing.

As it stands now, over half of the teens who become pregnant receive no early prenatal care. My bill would provide information to these teens on the importance of nutrition during pregnancy, early prenatal care and effective use of health services and the health care delivery system. "This Nation", Dr. Ernest Boyer, of the Carnegie Foundation recently wrote, "simply must interrupt the cycle of ignorance that will have such tragic consequences for the coming generations. Today's students urgently need to be taught the facts of health—as well as the facts of life."

In order to lay the foundation for sound health and nutrition habits, however, we must begin when children are in their most formative years. As Dr. Koop has recently suggested, everything we do in public education is too late; we have neglected to focus on toddlers through kindergartners. "These early years in every child's life when preventive measures can actually stop a lifetime of poor health and poor prospects for learning, deserve our caring and nurturing attention."

The second phase of my proposal would address this issue by authorizing a $40 million grant program to be awarded to Head Start resource centers to support health education training programs for teachers and other day care workers. This amount, according to the Children's Defense Fund would provide sufficient funds for expansion of the current training program.

Head Start currently serves 722,000 children, or approximately 36 percent of the eligible 3-, 4-, and 5-year olds. My proposal would support training to enhance teacher skills and the development of a comprehensive health education curriculum at the preschool level. Expanding training to day care workers will support health and education instruction for preschool children who now receive little or no training in health and personal hygiene. By emphasizing the consequences of alcohol and drug use, seat belt safety, proper use of smoke detectors, and health and fitness, this initiative would instill in these young minds good behavior patterns which will have social as well as cost-saving benefits for the future. Other components of this effort will strengthen the role of parent involvement, ensure coordination, and the transition of students into the public school environment.

This Nation's children spend thousands of hours in day care, Head Start, and elementary and secondary schools. These experiences shape the quality of their lives. If a comprehensive health education program is begun in the early childhood programs and continued through the formative years, the health of the next generation, and succeeding generations, will be greatly improved and this Nation will be well on its way to solving a large part of the health care crisis.

Title II further expands the authorization for a variety of public health programs, such as breast and cervical cancer prevention, childhood immunizations, family planning, and community health centers. These existing programs are designed to improve the public health and prevent disease through primary and secondary prevention initiatives. It is essential that we invest more resources now in these programs if we are to make any substantial progress in reducing the costs of acute care in this country.

TITLE III

DISCLOSURE OF INFORMATION TO BENEFICIARIES UNDER MEDICARE & MEDICAID

The Nation's attention is focused today on improving the access to, and the financing of, health care for all Americans. These two issues cannot be resolved satisfactorily, however, without expanding the involvement of the consumer in decisionmaking and focusing on patient-centered care. This should include, at a minimum, a payment system that gives patients a choice of health care plans, physicians and nonphysician providers, and hospitals; access to the kind of patient information and education that allows informed choice; and rewards the practitioners and facilities that provide the type of care consumers choose. Consumers should compare hospitals and health care providers on price and performance, much as people compare mileage rating, service records, and sticker prices when they shop for automobiles.

A recent report issued by the Congressional Budget Office [CBO] on the economic implications of rising health care costs found that consumers lack information regarding the quality and cost of health care services. The CBO argued that this is a key factor in the increasing cost of care. According to the CBO, consumers do not have information about the full range of alternative treatments and prospective outcomes of treatment alternatives. Furthermore, consumers lack basic information about the cost of care that is required to make informed decisions about health care providers and procedures.

To address patient-centered care and increase consumer information and participation, my bill requires that institutional health care providers receiving payment for services provided under the Medicare and Medicaid Programs make an annual report available to the beneficiaries. The annual report would include: First, mortality rates relating to services provided to individuals, including incidence and outcomes of surgical and other invasive procedures; second, hospital-originated infection rates; third, a list of routine preoperative tests and other frequently performed medical tests and the cost of such tests; and fourth, the number and types of malpractice claims filed, decided or settled against the institution.

Each noninstitutional provider receiving Medicare and Medicaid payments is also required to make an annual report available to the beneficiaries. The annual report would include: First, provider's education, experience, qualifications, board certification, and a license to provide health care services; second, disciplinary actions taken against the provider by any health care facility, State medical agency, or medical organization which result in a finding of improper conduct; third, malpractice action taken against the provider resulting in verdict, judgment, or settlement; and fourth, a disclosure of any provider health care ownership.

Finally, all health care providers receiving payment under Medicare and Medicaid will be required to make certain information available to the patient prior to the performance of a procedure. The following information is required: First, the nature of the procedure or treatment; second, a description of the procedure or treatment; third, the risk and benefits associated with the procedure; fourth, the success rate for the procedure or treatment generally, and for the provider; fifth, the provider's cost range for the procedure; sixth, any alternative treatment which may be available; seventh, any know side effects of any medications required in connection with the procedure; and eighth, the interactive effect of the complete regimen of medications associated with the procedure.

TITLE IV

PATIENT'S RIGHT TO DECLINE MEDICAL TREATMENT

It has become increasingly apparent that, despite the enactment of landmark legislation by the Congress in November 1990, added safeguards should be enacted in order to assure that patients are not needlessly and unlawfully treated against their will.

In 1990, the Congress enacted the Patient Self-Determination Act [PSDA] as part of the Omnibus Budget Reconciliation Act of 1990. This legislation states, in summary, that health care providers must adopt written policies concerning adult patients' rights, under State law, to consent to, or to refuse, treatment. The statute states further that providers must adopt written policies concerning adult patients' rights under State law to formulate so-called advance directives—written instruments by which incapacitated patients may speak, despite incapacity, concerning their treatment wishes. Finally and most important, the Patient Self-Determination Act requires that health care providers inform patients of these rights in writing. Thus, the PSDA enlists the assistance of health care providers in educating patients concerning their rights under State law.

The Patient Self-Determination Act's reliance entirely on State law in defining the scope and extent of patients' rights appears to have given rise to at least two problems. First, in many States the full scope of patients' rights has not yet been clearly articulated by the legislatures or by the courts. A recent white paper issued by The Annenberg Washington Program of Northwestern University entitled "The Patient Self-Determination Act—Implementation Issues and Opportunities" supports this conclusion, stating:

> The Act relies on state law governing withdrawal and withholding of life-support, yet the status of such law in most states is confused and conflicting. * * * By pragmatically avoiding an effort to declare a uniform, national law regarding end-of-life decisions, the Act relies instead on vague and widely varying interpretations of the law in 51 separate jurisdictions.

As a result, health care providers are placed in an uncertain position with respect to their duty to notify patients, in writing, of their rights under the Patient Self-Determination Act. In short, in too many States, health care providers face great difficulty in informing patients of their rights since the precise scope of those rights has not yet been defined by State law.

A second problem which continues to surface is a product of the degree to which our society is mobile. In many States, the law on patient self-determination is relatively clear. For example, many States have adopted model "living will" and/or "Durable Power of Attorney for Health Care" forms which are recognized by health care providers throughout the State. Forms however, vary from State to State; there is no uniform national form.

As a result, there is, in the words of the Annenberg white paper, a portability problem. That is, patients continue to present in local hospitals out-of-State forms to document their treatment wishes. In cases where the patient is competent, such an out-of-State form may not present an insurmountable obstacle since such patients may always sign the in-State form provided to them when they are admitted to the health care facility. In many cases, however, patients who have signed out-of-State forms have lost the capacity to sign new forms.

In such cases, the health care provider again is placed in a highly tenuous position. Should the unfamiliar form be honored even though it differs from the form sanctioned by local law? Or should the patient's written wishes be disregarded due to legal technicality? If the patient's wishes are to be disregarded, who, then, is to make critical decisions concerning care? Such problems—which are not uncommon—could be avoided entirely by the creation of nationally recognized advance directive and "Durable Power of Attorney for Health Care" forms.

Title IV addresses these problems by first stating that the patient's right to self-determination, including the patient's personal right to decline treatment, shall be recognized in all States. This is a fundamental right of self-determination which has been sustained by the U.S. Supreme Court in its 1990 landmark decision in the Cruzan case. Second, it directs that the Secretary of Health and Human Services, in conjunction with the U.S. Attorney General, develop nationally recognized forms for advanced directives and "Durable Powers of Attorney for Health Care."

Uniformity and portability, however, are not the only issues left unresolved with the enactment of the Patient Self Determination Act. For example, the Annenberg white paper notes that despite the Patient Self Determination Act, patients still are reluctant to exercise their rights, and health care providers still are hesitant to honor those rights. Reinforcing the point, a special report in the New England Journal of Medicine, authored by a panel of distinguished physicians, nurses, ethicists, attorneys, and educators, concluded that despite "widespread agreement that (written) directives can have many benefits * * * few Americans have executed advance directives." Another recent study by the National Center for Health Statistics of the Public Health Service found that only 8.9 percent of decedents in 1986 had executed living wills.

This of course points out the need for educating both providers and patients on the need for, and use of, advanced directives and durable powers of attorney for health care and related end-of-life decisions. To improve the education of patients and providers, my bill directs the Secretary to examine a number of other issues related to the PSDA, such as, education and training of health care professionals and patients, ethical considerations, and the timing for initiating discussions with patients regarding their rights to determine their course of treatment. The bill requires that the Secretary report to the Congress within 180 days from enactment on these subjects. To educate patients, the bill also requires the periodic dissemination of information to Social Security beneficiaries when they receive their checks and to Medicare and Medicaid beneficiaries on the utility of such forms and related end-of-life decisions. Consideration has been given to distributing the forms to recipients; however, no provision has been included in this legislation awaiting hearings on this issue.

There has been no definitive study of the fraction of end-of-life care dollars which are spent on treatments which have been declined either verbally or by advance directives. A frequently cited 1978 health care financing review study reported that Medicare expenditures were 6.2 times higher per enrollee for people who died than for survivors. The 1.1 million Medicare beneficiaries who died that year consumed 27.9 percent of all Medicare expenditures. About 30 percent of expenditures for people who died were spent in the last 30 days of life and constituted 8 percent of total Medicare expenditures that year. In a 1985 update of the 1978 study, few changes were found. In 1985, 5.3 percent of the Medicare population died which accounted for 26.7 percent of expenditures. Assuming a conservative estimate that 5 to 10 percent of these costs are for unwanted care, nearly $3.5 billion could be saved from the projected costs of the Medicare Program in 1993.

Nonetheless, I believe that the conclusion of the Annenberg white paper, which states that greater respect for the patient's right to decline treatment could result in reduced health care costs, is valid.

Nothing in my bill mandates the use of uniform forms—their use would be completely voluntary. The point, however, is that terminal patients should have the option—uniformly recognized in each State—to decline unwanted care. A legitimate basis for action by the Federal Government would be to prohibit the expenditure of Federal funds under Medicare and Medicaid to providers who knowingly deliver care to patients contrary to written directive.

I believe unnecessary and unwanted expenses amount to billions of health care expenditures each year. It is crucial that reliable data be developed to evidence the magnitude of expense being incurred unnecessarily for unwanted treatment. This bill directs the Secretary to take steps necessary to develop these data.

TITLE V

PRIMARY CARE PROVIDERS

During my tenure on the Appropriations Subcommittee on Labor, Health and Human Services, and Education, I have met with many nurses and nurses' organizations and discussed with them our Nation's health care crisis and requested their recommendations for alleviating the problems of access and for reducing health care costs. Central to their recommendations is the provision of improved access to nurses as a means of advancing the Nation's health, increasing consumers' satisfaction with their care, and reducing health care costs.

Nurses have innovative solutions to some of health care's most pressing problems. Indeed, current health care trends, such as an aging population, increasing prevalence of chronic diseases, the AIDS epidemic, increased reliance on medical technologies, and the resultant problems from substance abuse, are increasing the strain on our national health resources, which demand new solutions.

I believe that effective utilization of nurse practitioners [NP's] and physician assistants [PA's] has the potential to increase access to health care, to increase efficiency in health care, and to provide cost savings. In a 1983 review of the literature on the impact of nurse practitioners, the American Nurses' Association [ANA] found consistently good conclusions about their cost effectiveness. Subsequent studies support ANA's report.

For example, in a report comparing direct-care providers, the Office of Technology Assessment recommends extending reimbursement to NP's, PA's, and certified-nurse midwives [CNM's] and believes that in some settings this "could benefit the health status of segments of the population currently not receiving appropriate care and that the long term effect could be a decrease in total costs." Although OTA did not stipulate the exact savings for the United States, they reported on the potential health care savings for Canada. OTA cites findings in 1980 by Canadian researchers that the utilization of NP's and PA's could result in 10–15 percent savings for all medical costs—or from $300 to $450 million. While no comparative studies are available in the United States, it is clear that the savings from utilization of these providers could amount to billions of dollars.

A more specific example of cost-effective quality nursing care is a study conducted by a group of University of Pennsylvania School of Nursing researchers, dealing with early discharge of very low birth-weight infants, with home followup by nurse specialists.[10] In this study, very low birth-weight infants were discharged from the hospital early and received home followup services from a master's prepared perinatal nurse specialist.

The group of infants was discharged a mean of 11 days earlier, 200 grams less in weight, and 2 weeks younger than those babies that remained in the hospital. There was also a mean savings of $18,560 per infant over conventional care.

In an era in which cost, quality, and access present increasingly difficult problems, NP's, PA's, and CNM's are an extremely valuable and untapped resource. In their 1992 report to Congress, the Physician Payment Review Commission stressed the importance of NP's, PA's, and CNM's in meeting the primary health care needs of underserved communities. Primary health care is a vital component in the delivery of health care. It includes identification, management, and referral of health problems, as well as promotion of health-maintaining behavior and prevention of illness.

These nonphysician providers evolved in response to shortages of primary health care providers in certain parts of the country. To encourage retention of these health care professionals and potentially attract more of them to shortage areas, the Commission recommended in their 1991 report to Congress that the Medicare bonus payment or approximately 10 percent over the established reimbursement amount be applied to the services of these providers in underserved urban and rural health care settings. This recommendation has been incorporated into my legislation. As high-quality, cost-effective health care providers these professionals are prepared to make a vital contribution to addressing our Nation's access and cost problems. Accordingly, the bill provides consumers access to services by nurse practitioners, clinical nurse specialists, certified nurse midwives, and physician assistants. These nonphysician providers would receive direct reimbursement through the Medicare and Medicaid Programs.

GENERALISTS PHYSICIANS

This subtitle also provides incentives to improve the supply of general physicians. There is a critical need for Congress not only to increase access to affordable health care services, but to assure that this Nation's citizens have an adequate supply of generalists physicians—primary care providers—family physicians, general internists, and general pediatricians. In testifying before Congress, Dr. Koop has stated that "if we are to control the skyrocketing cost of health care, we need to get a handle on the partition of generalists versus specialist." Dr. Koop maintains that "generalists seem able to function adequately as diagnosticians and therapists without resorting to overuse of resources now rather common among specialists."

The number of generalists physicians practicing in the United States has declined significantly over the last several years even though the need for their services has increased. According to a recent report issued by the Council on Graduate Medical Education, created by Congress in 1986 to advise the Department of Health and Human Services on improving the Nation's physician work force, only about one-third of all doctors today are family physicians, general internists, and pediatricians. The Federal advisory panel reported that only one-sixth of all medical school graduates are choosing to become generalists. This is a dramatic change from 1961, when the ratio was 50–50. The ratio began to shift in 1962 when health professionals began increasingly choosing to specialize.

The number of generalists physicians versus specialist physicians in other countries is far different than in our country. For example, in England, 73 percent of the physicians are generalists. In Germany and Belgium, the figures are 54 percent and 53 percent respectively. In Canada, where the Government funds universal health insurance, 47 percent of the physicians are generalists.

Despite a doubling of the physician population in the last 30 years, from 300,009 to 600,000, inner-city and rural areas continue to suffer from a critical shortage of physicians, making access to care extremely difficult. Today, 99 of the Nation's 126 medical schools have departments of family medicine. But this hasn't reversed the continuing trend toward specialization. In my home State of Pennsylvania, 1990 data for family practice graduates reflects the national average: University of Pennsylvania 3.3 percent, Pittsburgh's Medical School 8.2 percent, Medical College of Pennsylvania 10 percent, Pennsylvania State 3.8 percent, Temple University 8.6 percent, Hahnemann Medical College 2.6 percent, and Jefferson Medical School 14.4 percent.

Given the critical improvement of the generalists physician to the health and welfare of our country, this legislation would enact several important reforms to encourage medical students to pursue training as general physicians.

First, the bill realigns the Federal financial support for graduate medical education [GME] under the Medicare Program in order to encourage residency training of generalists physicians. Currently, the Medicare Program provides payments only to hospitals and hospital-owned clinics for the direct and indirect cost of training medical residents. Under my bill, eligibility to receive payment for approved direct medical education costs is expanded to include all hospital and nonhospital public and nonprofit private entities that sponsor approved medical residency training programs. Thus, health maintenance organizations, clinics, and physicians practices who train generalists physicians would now be eligible to receive Medicare GME payments.

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[10] D. Brooten, S. Kumar, et al., "A randomized clinical trial of early hospital discharge and home follow up of very low birth-weight infants," New England Journal of Medicine, 1986.

Direct GME support payments would be limited to residents in the first three years of postgraduate training. Medicare support for the indirect costs of GME would also be extended to qualified noninpatient services provided in all sites affiliated with approved medical residency programs in family medicine, general medicine, and general pediatrics. Expanding these payments will create more avenues for the training of residents as generalist physicians.

Second, the bill authorizes a new Federal health professions grant program in the area of the generalists physician. The program is designed to increase medical students' involvement in the community to encourage them to continue in general medicine, increase the profile of family practice, pediatrics, and general internal medicine among undergraduate and high-school-age students considering the medical profession as a career through mentor relationships, and demonstrate effective means of increasing the percentage of medical school students graduating as generalists physicians. The program authorizes grants to accredited schools of medicine to pay medical students, specializing in primary care, to tutor public high school students in the areas of math and science. The funds also would support medical students involved in health promotion and disease prevention activities in community settings. This interaction is crucial if we are to elevate the status of the generalists within the community and to increase the future supply of primary care physicians. This interaction will also serve to heighten the medical students' comprehension of the real problems of children and their families, and the challenge of teaching health as opposed to just treating disease.

The new program also authorizes the Secretary to award grants to eligible medical schools, hospitals, and nonprofit entities to demonstrate effective strategies for increasing the number of medical school students graduating as generalists physicians. It is essential that effective strategies be developed to overcome the growing trend toward specialty medicine.

Finally, in the 102d Congress, we enacted the Health Professions Education Extension Amendments of 1992—Public Law 102-408. The act authorizes the Secretary to develop a direct medical student loan program which provides low interest loans to encourage medical students and residents to enter primary health care; for example, family medicine, general internal medicine, general pediatrics, preventive medicine, or osteopathic general practice. The act authorizes appropriations of $15 million to capitalize the fund. As the ranking member of the Labor, HHS, and Education Appropriations Subcommittee, I intend to press for the maximum appropriation to get this program under way in the next fiscal year.

TITLE VI

MEDICARE PREFERRED PROVIDER DEMONSTRATION PROJECTS

In October of 1990, I visited a Pennsylvania health care company. After touring the facility, I discussed with company officials their methods of containing costs. They reported that in their experience the key to improving quality and controlling health care costs is the management of specialty care. Such services are expensive, are associated with significant complications, show considerable small area variation, and frequently fail to meet the appropriateness of care criteria.

Successful management of these costs have yielded savings of an estimated 20 percent. Furthermore, they reported their cost savings strategy could be replicated and applied to federally supported programs, such as Medicare and Medicaid. A suggestion was made to initiate a Medicare demonstration program to test the efficacy of a coordinated care network for Medicare beneficiaries which manages the use of specialty care.

I subsequently have met with other providers from Pennsylvania who have adopted and found success in managed care approaches to containing health care costs and improving the quality of care. On several occasions, I raised this matter with former Secretary Sullivan with the view that the Department undertake a pilot program to test this approach with Medicare beneficiaries. On October 31, 1990, I sent a letter to the Secretary suggesting this approach be tested as a pilot program. Again, on April 8, 1991, I wrote the Secretary raising the matter of undertaking a model Medicare coordinated care demonstration program. I also raised the pilot program with the Secretary during a January 23, 1992, meeting regarding health care reform, and during the Secretary's appearance before the Labor, HHS, and Education Appropriations Subcommittee on May 12 of last year. While the Secretary expressed support for the concept, no demonstration has yet been undertaken by the Department.

In the meantime, Medicare expenditures have increased at an alarming rate. Despite the introduction of the hospital prospective payment system, Medicare spending will have grown from $34 billion in 1980 to an estimated $131 billion by 1993. Without reform, Medicare will grow at an average rate of 12 percent per year. It is estimated that Medicare will exceed 27 percent of the Federal budget by the year 2025.

Coordinated care plans have shown promise for providing the management necessary to control the volume and intensity of specialty services. A number of studies have reported cost savings of up to 30 percent with the use of managed care contrasted with fee-for-service plans. Assuming cost reductions of just 10 percent, it would yield a decrease in the projected expenditures for the Medicare Program in 1993 of $13 billion. A 20-percent reduction would yield savings of twice the amount, or $26 billion.

The Medicare Program, however, has not seen the rapid expansion of managed care found in the private sector. Only 7 percent, or 2.1 million, of Medicare beneficiaries participate in Medicare HMO's; this is contrasted with a participation of 27 percent in the private sector.

The reasons for the low participation rate are not clear. What is needed is a series of projects to demonstrate a Medicare managed care program which effectively recruits participants and provides cost effective quality care. These demonstration projects would combine the new Medicare part B fee schedule with a specialty provider network with three managed care components: The monitoring of physician and nonphysician provider performance; the provision of individual incentives for quality improvement and the coordination patient care; and health promotion activities.

Accordingly, title VI directs the Secretary of Health and Human Services to institute up to 10 pilot projects within 1 year after enactment to test the efficacy of establishing these coordinated networks of primary and specialty care providers. The network of providers would be selected and monitored based on quality and appropriateness of care measures.

This approach has successfully been implemented in the private sector. I am convinced these management principles can be applied to Medicare beneficiaries, and can both control Medicare costs and improve the quality of care delivered to Medicare patients.

TITLE VII

COST CONTAINMENT

In fiscal year 1990, the National Institutes of Health had approved, but was not able to fund, over $110 million in major new clinical trials. This underfunding of clinical trials occurred in spite of the social and economic costs of the leading diseases. For example, Alzheimer's disease has societal costs of $88 billion compared to $290 million in federally funded research; heart disease has societal costs of $94 billion compared to $704 million in federally funded research; cancer, including breast, cervical, ovarian, and prostate cancers, has societal costs of $72 billion compared to $2 billion in federally funded research; AIDS societal costs $66 billion compared to $1.1 billion in federally funded research.

Title VII specifically authorizes a program at the National Institutes of

Health to expand support for clinical trials on promising new drugs and disease treatments. Priority will be given to the most costly diseases and those impacting the most number of people.

Rapid development and diffusion of technologies is a component of our high-technology health care system. Our ability to produce more health care devices and procedures is going beyond our knowledge of when and how they should be used. There is also extensive variation in our physician's practice patterns as well as the resultant health care outcomes. The problem of increasing technology and proliferation of high-technology services within our health care system contributes to the high, and rapidly rising, health care costs. There exists a potential that medical practice research may address these concerns and reduce health care costs and improve quality.

In an article which appeared in the Washington Post last year regarding the need for fundamental reform of the health care system, Dr. Koop stated:

> The scientific basis of medicine is much weaker than most patients or even physicians realize, and this leads to treatment based on uncertainty.* * * We need to undertake a systematic well-funded program of outcomes research to enable patients and physicians to know the outcomes of all medical treatments. If we allocated about one-fourth of a cent of each insurance dollar to fund outcomes research, we would achieve lower costs and higher quality health care for everyone.

In this context the Rand Corporation has looked at several major, expensive health care procedures. Their study convened panels of physicians to examine their colleagues' decisions on procedures, such as coronary artery bypass, upper GI tract endoscopy, and coronary angiography. The panels found rates of inappropriate care ranging from 14 to 32 percent. A former editor-in-chief of the New England Journal of Medicine, Dr. Marcia Angell, has stated that at least 20 to 30 percent of all care delivered by well-meaning physicians in good hospitals is either inappropriate, ineffective, or unnecessary.

No one knows with any degree of certainty the cost of waste in the health care system; however, based on the above-mentioned items, estimates range from 10 to 30 percent. It is reasonable to expect that accelerating the development and implementation of medical practice guidelines will help eliminate much of these unnecessary costs. Furthermore, while no precise savings can be projected, it seems reasonable to assume they will achieve savings of at least 10 to 20 percent, or between $8 to $16 billion, as discussed in the summary.

Accordingly, title VII establishes a trust fund for medical effectiveness research. The trust fund will be financed by implementing a .001 percent—one-tenth of 1 cent—surcharge on all health insurance premiums. Based on the Congressional Budget Office's estimate that in 1992 private health insurance premiums totaled $254 billion, this surcharge would result in a $254 million outcome research fund—compared to the approximately $70 million appropriated for fiscal year 1993. This would dramatically increase the level of effort in this country to define effective medical treatment, including establishing medical practice guidelines on the conditions for which there is found to be a wide variation in current medical practice. These systematically developed guidelines will assist the practitioner and the patient in decisions about appropriate health care.

Finally, title VII establishes the Health Care Cost Control Advisory Committee to make recommendations to the Congress regarding the development of national spending targets for health care and health care services. In November 1991, I participated in a joint hearing of the Special Committee on Aging and the Government Affairs Committee regarding strategies of cutting the cost of health care. Witnesses at the hearing testified concerning the fact that health care expenditures in the United States continue to increase at a rate well above inflation. The percent of our country's gross domestic product devoted to health care grew from 7.3 percent in 1970 to 14 percent in 1992. The Congressional Budget Office projects that for the year 2000 health care costs will consume 18 percent of the Nation's economic output.

In contrast, other industrialized nations have had some success at limiting the growth in health care expenditures by establishing caps and targets for health care spending and for the payment of services. A General Accounting Office report, released on November 15, 1991, found that France, Germany, and Japan have implemented health care spending targets and caps and have successfully lowered the rate of increase in health care costs. In Germany, for example, the report found that spending caps had reduced expenditures by as much as 17 percent below what would have been spent on physician care without the caps.

While I am opposed to capping health care spending, my bill would create an advisory committee to explore the feasibility of implementing national spending targets. The bill directs the Secretary of Health and Human Services to issue a report to the Congress regarding establishing national spending targets for health care and health care services as a means of controlling health care costs. The report is to be prepared after the Secretary's consideration of the recommendations of the Health Care Cost Control Advisory Committee. The committee is to be comprised of representatives from the provider communities, organized labor, business, academia, and private insurers.

TITLE VIII

HOME NURSING CARE

Addressing the growing need for, and the high cost of, long-term care is essential for achieving meaningful health care reform. According to the Congressional Research Service [CRS], in 1988, the country spent $43 billion on nursing home care. The Health Care Financing Administration [HCFA] estimates that total spending for nursing home care will grow from almost $36 billion in 1985 to $129 billion by the year 2000. Only 1 percent of these costs were paid for by private insurance while 48 percent were paid for out of pocket. With both the population over age 65 rapidly rising and the average life expectancy increasing, our country faces an ever-growing need for appropriate and cost-effective long-term care which the present system is ill equipped to handle.

Unfortunately, few but the wealthiest of Americans can afford the exorbitant costs of extended nursing home stays. In my travels throughout my home State of Pennsylvania, I have visited with residents of long-term care facilities and their families, and have heard about their personal tragedies in having their homes and all of their savings depleted by nursing home stays. I responded by introducing legislation in 1991, which is being incorporated as title III of this bill, to help Americans plan for, and afford, their families' long-term care needs. The legislation also assists individuals dependent on medical assistance for their health care to get appropriate long-term care.

Title VIII includes: First, creating tax credits for the purchase of long-term care insurance and tax deductions for amounts paid toward long-term care services of family members; second, excluding life insurance and IRA savings used to pay for long-term care from income tax; third, implementing an "extraordinary cost protection provision" by expanding Medicaid to include coverage of any individual, excluding the wealthiest Americans, who has been confined to a nursing home for at least 30 months; and fourth, setting standards that require long-term care insurance and State Medicaid Programs to provide home and community-based care benefits as alternatives to nursing home care to eliminate the current bias that favors institutional care over other, often less costly, alternatives.

This plan sets a starting point for addressing this important issue confronting millions of families. I support comprehensive long-term care which provides access to services based on need rather than age, cause of disability or income level; covers social and medical services aimed at maximizing functional independence; provides support—financial and other—to assist rather than supplant home and community caregivers; and offers a range of choices for long-term care that are culturally appropriate.

CONCLUSION

The provisions which I have outlined today contain the framework for providing affordable health care for all Americans. I am opposed to rationing health care. I do not want it for myself, for my family, or for America. The question is whether we have essential resources—doctors and other health care providers, hospitals, pharmaceutical products, et cetera—to provide medical care for all Americans. I am confident that we do.

I welcome comments and suggestions on the provisions of this bill. I am fully prepared to consider modifications warranted by the facts, and I look forward to hearings and debate on the concepts and proposals herein which will lead to final legislation.

In my judgment, we should not scrap, but build on our current health delivery system. I believe that we can provide care for the 37 million Americans who are now not covered and reduce the cost of health care for those who are now covered within the $838 billion a year which is now being expended for health coverage.

With the savings projected in this bill, I believe we can provide comprehensive affordable health care to all Americans. If experience shows that cannot be done, I am prepared to extend Medicare and Medicaid and to provide tax credits and deductions for the purchase of health insurance to those who cannot be covered within these initiatives and the projected savings.

It is obvious that the total answer to the health care issue will not be achieved immediately or easily but time has come—if not already passed—for concerted action on this subject.

I understand and acknowledge that there are many controversial issues presented in this bill and I am open to suggestions on possible modifications. I urge the congressional leadership, including the appropriate committee chairmen, to move this legislation and other health care bills forward promptly.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 18

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Health Care Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—HEALTH CARE INSURANCE REFORM PROVISIONS
Subtitle A—Model Health Care Insurance Benefits Plan
Sec. 101. Model health care insurance benefits plan.
Sec. 102. Definitions.
Subtitle B—Managed Care
Sec. 111. Development of standards for managed care plans.
Sec. 112. Preemption of provisions relating to managed care.
Subtitle C—Small Employer Purchasing Groups
Sec. 121. Qualified small employer purchasing groups.
Sec. 122. Preemption from insurance mandates for small employer purchasing groups.
Subtitle D—Insurance Market Reform
Sec. 131. Failure to satisfy certain standards for health care insurance provided to small employers.
Subtitle E—Deduction for Health Insurance Costs of Self-Employed Individuals
Sec. 141. Increase in deductible health insurance costs for self-employed individuals.
TITLE II—PRIMARY AND PREVENTIVE CARE SERVICES
Sec. 201. Maternal and infant care coordination.
Sec. 202. Reauthorization of certain programs providing primary and preventive care.
Sec. 203. Comprehensive school health education program.
Sec. 204. Comprehensive early childhood health education program.
TITLE III—DISCLOSURE OF CERTAIN INFORMATION TO BENEFICIARIES UNDER THE MEDICARE AND MEDICAID PROGRAMS
Sec. 301. Regulations requiring disclosure of certain information to beneficiaries under the medicare and medicaid programs.
Sec. 302. Outreach activities.
TITLE IV—PATIENT'S RIGHT TO DECLINE MEDICAL TREATMENT
Sec. 401. Right to decline medical treatment.
Sec. 402. Federal right enforceable in Federal courts.
Sec. 403. Suicide and homicide.
Sec. 404. Rights granted by States.
Sec. 405. Effect on other laws.
Sec. 406. Information provided to certain individuals.
Sec. 407. Recommendations to the Congress on issues relating to a patient's right of self-determination.
Sec. 408. Effective date.
TITLE V—PRIMARY AND PREVENTIVE CARE PROVIDERS
Sec. 501. Increasing payments to certain nonphysician providers under the Medicare program.
Sec. 502. Requiring coverage of certain nonphysician providers under the Medicaid program.
Sec. 503. Medical student tutorial program grants.
Sec. 504. General medical practice grants.
Sec. 505. Payments for direct and indirect graduate medical education costs.
TITLE VI—MEDICARE PREFERRED PROVIDER DEMONSTRATION PROJECTS
Sec. 601. Establishment of Medicare primary and specialty preferred provider organization demonstration projects.
TITLE VII—COST CONTAINMENT
Sec. 701. New drug clinical trials program.
Sec. 702. Medical treatment effectiveness.
Sec. 703. Health care cost control—expenditure targets.
TITLE VIII—LONG-TERM CARE
Subtitle A—Tax Treatment of Qualified Long-Term Care Insurance Policies
Sec. 801 Amendment of 1986 Code.
Sec. 802. Definitions of qualified long-term care insurance and premiums.
Sec. 803. Treatment of qualified long-term care insurance as accident and health insurance for purposes of taxation of insurance companies.
Sec. 804. Treatment of accelerated death benefits under life insurance contracts.
Subtitle B—Tax Incentives for Purchase of Qualified Long-Term Care Insurance
Sec. 811. Credit for qualified long-term care premiums.
Sec. 812. Deduction for expenses relating to qualified long-term care.
Sec. 813. Exclusion from gross income of benefits received under qualified long-term care insurance.
Sec. 814. Employer deduction for contributions made for long-term care insurance.
Sec. 815. Inclusion of qualified long-term care insurance in cafeteria plans.
Sec. 816. Exclusion from gross income for amounts withdrawn from individual retirement plans and section 401(k) plans for qualified long-term care premiums and expenses.
Sec. 817. Exclusion from gross income for amounts received on cancellation of life insurance policies and used for qualified long-term care insurance.
Sec. 818. Use of gain from sale of principal residence for purchase of qualified long-term health care insurance.
Subtitle C—Medicaid Amendments
Sec. 821. Expansion of Medicaid eligibility for long-term care benefits.
Sec. 822. Effective date.

TITLE I—HEALTH CARE INSURANCE REFORM PROVISIONS

Subtitle A—Model Health Care Insurance Benefits Plan

SEC. 101. MODEL HEALTH CARE INSURANCE BENEFITS PLAN.

(a) IN GENERAL.—The Secretary shall request that the NAIC—

(1) develop a model health care insurance benefits plan that shall contain standards that entities offering health care insurance policies should meet with respect to the benefits and coverage provided under such policies, and

(2) report to the Secretary on such standards, not later than 1 year after the date of the enactment of this Act.

If the NAIC develops such a plan by such date and the Secretary finds that such plan implements the requirements of subsection (c), such plan shall be the model health care insurance benefits plan under this Act.

(b) ROLE OF THE SECRETARY IN ABSENCE OF NAIC PLAN.—If the NAIC fails to develop and report a model health care insurance benefits plan by the date specified in subsection (a) or the Secretary finds that such plan does not implement the requirements of subsection (c), the Secretary shall develop and publish such a plan, by not later than 18 months after the date of the enactment of this Act. Such plan shall then be the plan under this Act.

(c) CONTENTS.—The standards under the model benefits plan should require—

(1) that coverage be provided under health care insurance policies for basic hospital, medical and surgical services, including preventive care services, mental health services, and other ancillary services determined appropriate by the Secretary;

(2) reasonable cost sharing by the beneficiaries under such policies; and

(3) appropriate copayments and deductibles.

SEC. 102. DEFINITIONS.

As used in this title:

(1) HEALTH CARE INSURANCE.—The term "health care insurance" means any hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, health maintenance subscriber contract, multiple employer welfare arrangement, other employee welfare plan (as defined in the Employee Retirement Income Security Act of 1974), or any other health insurance arrangement, and includes an employment-related reinsurance plan, but does not include—

(A) a self-insured health care insurance plan; or

(B) any of the following offered by an insurer—

(i) accident only, dental only, or disability income only insurance,

(ii) coverage issued as a supplement to liability insurance,

(iii) worker's compensation or similar insurance, or

(iv) automobile medical-payment insurance.

(2) MANAGED CARE PLAN.—The term "managed care plan" means a health care insurance plan in which the insurer offering such plan utilizes the recommended standards developed under section 111 concerning the benefits and coverage under such plan.

(3) MODEL BENEFITS PLAN.—The term "model benefits plan" means the model health care insurance benefits plan developed under section 101(a).

(4) NAIC.—The term "NAIC" means the National Association of Insurance Commissioners.

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(6) SMALL EMPLOYER.—

(A) IN GENERAL.—The term "small employer" means any employer which, on an average business day during the preceding taxable year, had more than 2 but less than 100 employees.

(B) EMPLOYEE.—The term "employee" shall not include—

(i) a self-employed individual as defined in section 401(c)(1) of the Internal Revenue Code of 1986, or

(ii) an employee who works less than 20 hours per week.

Subtitle B—Managed Care

SEC. 111. DEVELOPMENT OF STANDARDS FOR MANAGED CARE PLANS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary, taking into account recommendations of the Managed Care Advisory Committee, shall develop recommended standards that insurers offering managed care plans should meet with respect to the benefits, coverage, and delivery systems provided under such plans. Such standards shall encompass the standards by which managed care entities operate.

(b) MANAGED CARE ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—There shall be established a Managed Care Advisory Committee (hereinafter referred to as the "Committee").

(2) MEMBERSHIP.—The Committee shall be composed of individuals appointed by the Secretary, representing the following:

(A) Consumers.

(B) Physicians.

(C) Nurses.

(D) Hospitals.

(E) Community-based providers.

(F) Organizations delivering managed care services.

(G) Academia (with specific expertise in managed care plans).

(H) Business management.

(I) Organized labor.

(3) COMPENSATION.—

(A) IN GENERAL.—Members of the Committee shall serve without compensation.

(B) EXPENSES, ETC., REIMBURSED.—While away from their homes or regular places of business on the business of the Committee, the members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

(C) APPLICATION OF ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Committee.

(D) SUPPORT.—The Secretary shall supply such necessary office facilities, office supplies, support services, and related expenses as necessary to carry out the functions of the Committee.

SEC. 112. PREEMPTION OF PROVISIONS RELATING TO MANAGED CARE.

In the case of a managed care plan meeting the recommended standards developed under section 111 that is offered by an insurer, the following provisions of State law are preempted and may not be enforced against the managed care plan with respect to an insurer offering such plan:

(1) RESTRICTIONS ON REIMBURSEMENT RATES OR SELECTIVE CONTRACTING.—Any law that restricts the ability of the insurer to negotiate reimbursement rates with health care providers or to contract selectively with one provider or a limited number of providers.

(2) RESTRICTIONS ON DIFFERENTIAL FINANCIAL INCENTIVES.—Any law that limits the financial incentives that the managed care plan may require a beneficiary to pay when a nonplan provider is used on a nonemergency basis.

(3) RESTRICTIONS ON UTILIZATION REVIEW METHODS.—

(A) IN GENERAL.—Any law that—

(i) prohibits utilization review of any or all treatments and conditions;

(ii) requires that such review be made by a resident of the State in which the treatment is to be offered or by an individual licensed in such State, or by a physician in any particular specialty or with any board certified specialty of the same medical specialty as the provider whose services are being rendered;

(iii) requires the use of specified standards of health care practice in such review or requires the disclosure of the specific criteria used in such review;

(iv) requires payments to providers for the expenses of responding to utilization review requests; or

(v) imposes liability for delays in performing such review.

(B) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as prohibiting a State from requiring that utilization review be conducted by a licensed health care professional, or requiring that any appeal from such a review be made by a licensed physician or by a licensed physician in any particular specialty or with any board certified specialty of the same medical specialty as the provider whose services are being rendered.

(4) RESTRICTIONS ON BENEFITS.—Any law that mandates benefits under the managed care plan that are greater than the benefits recommended under the standards developed under section 111.

Subtitle C—Small Employer Purchasing Groups

SEC. 121. QUALIFIED SMALL EMPLOYER PURCHASING GROUPS.

(a) DEFINED.—For purposes of this title, an entity is a qualified small employer purchasing group if—

(1) the entity submits an application to the Secretary at such time, in such form and containing such information as the Secretary may require; and

(2) on the basis of information contained in the application and any other information the Secretary may require, the Secretary determines that—

(A) the entity is administered solely under the authority and control of its member employers;

(B) the membership of the entity consists solely of small employers (except that an employer member of the group may retain its membership in the group if, after the Secretary determines that the entity meets the requirements of this subsection, the number of employees of the employer member increases to more than 100);

(C) with respect to each State in which its members are located, the entity consists of not fewer than 100 employers;

(D) at the time the entity submits its application, the health care insurance plans with respect to the employer members of the entity are in compliance with applicable State laws and the model benefits plan relating to such plans;

(E) the health care insurance plans of the entity and the employer members of the entity are not self-insured plans;

(F) each enrollee in the program of the entity may enroll with any participating carrier that offers health care insurance coverage in the geographic area in which the enrollee resides; and

(G) such entity will be a nonprofit entity; and

(3) such entity has a board of directors as described in subsection (b) with authority to act as described in subsection (c).

(b) OPERATIONS.—A small employer purchasing group shall be administered by a board of directors. The members of such board shall be elected by the employers that are members of the group, and such board members shall serve at the pleasure of the majority of such employers.

(c) DUTIES OF BOARD.—

(1) IN GENERAL.—The board shall have the authority to—

(A) enter into contracts with carriers to provide health care insurance coverage to eligible employees and their dependents;

(B) enter into other contracts as are necessary or proper to carry out the provisions of this subtitle;

(C) employ necessary staff;

(D) appoint committees as necessary to provide technical assistance in the operation of the entity's program;

(E) assess participating employers a reasonable fee for necessary costs in connection with the program;

(F) undertake activities necessary to administer the program including marketing and publicizing the program and assuring carrier, employer, and enrollee compliance with program requirements;

(G) issue rules and regulations necessary to carry out the purpose of this subtitle; and

(H) accept and expend funds received through fees, grants, appropriations, or other appropriate and lawful means.

(2) PROGRAM MANAGEMENT.—

(A) GEOGRAPHIC AREAS OF COVERAGE.—The board shall establish geographic areas within which participating carriers may offer health care insurance coverage to eligible employees and dependents. The board shall contract with sufficient numbers and types of carriers in an area to assure that employees have a choice from among a reasonable number and type of competing health care insurance carriers.

(B) CONTRACT REQUIREMENTS.—

(i) IN GENERAL.—The board shall enter into contracts with qualified carriers for the purpose of providing health care insurance coverage to eligible employees and dependents, and shall pay qualified carriers on at least a monthly basis at the contracted rates.

(ii) GENERAL QUALIFICATIONS OF CARRIERS.—Participating carriers shall be qualified if such carriers have—

(I) adequate administrative management,

(II) financial solvency, and

(III) the ability to assume the risk of providing and paying for covered services.

A participating carrier may utilize reinsurance, provider risk sharing, and other appropriate mechanisms to share a portion of the risk described in subclause (III). The board may establish risk adjustment mechanisms that can be utilized to address circumstances where a participating carrier has a significantly disproportionate share of high risk or low risk enrollees based upon valid data provided by the carrier. Any such risk adjustment mechanism may be developed and applied only after consultation with the participating carriers.

(C) PROGRAM STANDARDS.—The board shall require that participating carriers that contract with or employ health care providers shall have mechanisms to accomplish at least the following, satisfactory to the program:

(i) Review the quality of care covered.

(ii) Review the appropriateness of care covered.

(iii) Provide accessible health services.

(D) UNIFORMITY OF BENEFITS.—The board shall assure that participating carriers—

(i) shall offer substantially similar benefits to enrollees in the program, except that enrollees cost sharing required by participating carriers may vary according to the basic method of operation of the carrier, and

(ii) shall not vary rates to small employers or enrollees in the program on account of claim experience, health status, or duration from issue.

(E) PAYMENT MECHANISM.—The board shall establish a mechanism to collect premiums from small employers, including remittance of the enrollee's share of the premium.

(3) NOTIFICATION OF PROGRAM BENEFITS.—The board shall use appropriate and efficient means to notify employers of the availability of sponsored health care insurance coverage under the program. The board shall make available marketing materials which accurately summarize the carriers' insurance plans and rates which are offered through the program. A participating carrier may contract with an agent or broker to provide marketing, advertising, or presentation proposals or otherwise disseminate information regarding coverage or services or rates offered in connection with the program.

(4) CONDITIONS OF PARTICIPATION.—

(A) IN GENERAL.—The board shall establish conditions of participation for small employers and enrollees that—

(i) assure that the entity is a valid small employer purchasing group and is not formed for the purpose of securing health care insurance coverage;

(ii) assure that individuals in the group are not added for the purpose of securing such coverage;

(iii) require that a specified percentage of employees and dependents obtain health care insurance coverage;

(iv) require minimum employer contributions; and

(v) require prepayment of premiums or other mechanisms to assure that payment will be made for coverage.

(B) MINIMUM PARTICIPATION.—The board may require participating employers to agree to participate in the program for a specified minimum period of time and may include in any participation agreements with employers a requirement for a financial deposit or provision for a financial penalty, which would be invoked in the event the employer violates the participation agreement.

(d) GRANTS.—

(1) AUTHORITY.—The Secretary may award grants to qualified small employer purchasing groups to assist such groups in paying the expenditures associated with the formation and initial operations of such groups.

(2) APPLICATION.—To be eligible to receive a grant under this subsection, a qualified small employer purchasing group shall request such a grant as part of the application submitted by such group under subsection (a)(1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for awarding grants under this subsection such sums as may be necessary.

(e) FREEDOM OF CONTRACT.—Nothing in this subtitle shall be construed to prohibit a participating carrier from offering health care insurance coverage to small employers that are not participating in the program of a small employer purchasing group.

SEC. 122. PREEMPTION FROM INSURANCE MANDATES FOR SMALL EMPLOYER PURCHASING GROUPS.

(a) FINDING.—The Congress finds that qualified small employer purchasing groups organized for the purpose of obtaining health insurance for the employer members of such groups affect interstate commerce.

(b) PREEMPTION OF STATE MANDATES.—In the case of a qualified small employer purchasing group, no provision of State law shall apply that requires the offering, as part of the health care insurance plan with respect to an employer member of such a group, of any services, category of care, or services of any class or type of provider that is in excess of that recommended under the model benefit plan.

Subtitle D—Insurance Market Reform

SEC. 131. FAILURE TO SATISFY CERTAIN STANDARDS FOR HEALTH CARE INSURANCE PROVIDED TO SMALL EMPLOYERS.

(a) IN GENERAL.—Subchapter L of chapter 1 of the Internal Revenue Code of 1986 (relating to insurance companies) is amended by adding at the end thereof the following new part:

"PART IV—HEALTH CARE INSURANCE PROVIDED TO SMALL EMPLOYERS

"Sec. 850. Failure to satisfy standards for health care insurance of small employers.
"Sec. 850A. General issuance requirements.
"Sec. 850B. Specific contractual requirements.
"Sec. 850C. State compliance agreements.
"Sec. 850D. Definitions and other rules.

"SEC. 850. FAILURE TO SATISFY CERTAIN STANDARDS FOR HEALTH CARE INSURANCE OF SMALL EMPLOYERS.

"(a) GENERAL RULE.—No health insurance contract issued to an eligible small employer shall be treated as a contract for purposes of section 807 or 832 if the issuer of such a contract fails to meet at any time during any taxable year—

"(1) the general issuance requirements of section 850A, or

"(2) the specific contractual requirements of section 850B.

"(b) LIMITATION.—

"(1) SECTION NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—Subsection (a) shall not apply with respect to any failure for which it is established to the satisfaction of the Secretary that the person described in such subsection did not know, or exercising reasonable diligence would not have known, that such failure existed.

"(2) SECTION NOT TO APPLY WHERE FAILURES CORRECTED WITHIN 30 DAYS.—Subsection (a) shall not apply with respect to any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period beginning on the 1st date any of the persons described in such subsection knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive the application of subsection (a).

"SEC. 850A. GENERAL ISSUANCE REQUIREMENTS.

"(a) GENERAL RULE.—The requirements of this section are met if a person meets—

"(1) the mandatory policy requirements of subsection (b),

"(2) the guaranteed issue requirements of subsection (c), and

"(3) the mandatory registration and disclosure requirements of subsection (d).

"(b) MANDATORY POLICY REQUIREMENTS.—

"(1) IN GENERAL.—The requirements of this subsection are met if any person issuing a health care insurance contract to any eligible small employer makes available to such employer a health care insurance contract which—

"(A) provides benefits and coverage consistent with the model health care insurance benefits plan developed under section 101 of the Comprehensive Health Care Act of 1993, and

"(B) is for a term of not less than 12 months.

"(2) PRICING AND MARKETING REQUIREMENTS.—The requirements of paragraph (1) are not met unless—

"(A) the price at which the contract described in paragraph (1) is made available is not greater than the price for such contract determined on the same basis as prices for other health care insurance contracts within the same class of business made available by the person to eligible small employers, and

"(B) such contract is made available to eligible small employers using at least the marketing methods and other sales practices which are used in selling such other contracts.

"(c) GUARANTEED ISSUE.—

"(1) IN GENERAL.—The requirements of this subsection are met if the person offering health care insurance contracts to eligible small employers issues such a contract to any eligible small employer seeking to enter into such a contract.

"(2) FINANCIAL CAPACITY EXCEPTION.—Paragraph (1) shall not require any person to issue a health care insurance contract to the extent that the issuance of such contract would result in such person violating the financial solvency standards (if any) established by the State in which such contract is to be issued.

"(3) DELIVERY CAPACITY EXCEPTION.—Paragraph (1) shall not require any person to issue a health care insurance contract to the extent that the issuance of such contract would result, upon demonstration to the Secretary, in such person exceeding such person's administrative capacity to serve previously enrolled groups and individuals (and additional individuals who will be expected to enroll because of affiliation with such previously enrolled groups).

"(4) EXCEPTION FOR CERTAIN EMPLOYERS.—Paragraph (1) shall not apply to a failure to issue a health care insurance contract to an eligible small employer if—

"(A) such employer is unable to pay the premium for such contract, or

"(B) in the case of an eligible small employer with fewer than 15 employees, such employer fails to enroll a minimum percentage of the employer's eligible employees for coverage under such contract, so long as such percentage is enforced uniformly for all eligible small employers of comparable size.

"(5) EXCEPTION FOR ALTERNATIVE STATE PROGRAMS.—

"(A) IN GENERAL.—Paragraph (1) shall not apply if the State in which the health care insurance contract is issued—

"(i) has a program which—

"(I) assures the availability of health care insurance contracts to eligible small employers through the equitable distribution of high risk groups among all persons offering such contracts to such employers, and

"(II) is consistent with a model program developed by the NAIC;

"(ii) has a qualified State-run reinsurance program, or

"(iii) has a program which the Secretary of Health and Human Services has determined assures all eligible small employers in the State an opportunity to purchase a health care insurance contract without regard to any risk characteristic.

"(B) REINSURANCE PROGRAM.—

"(i) PROGRAM REQUIREMENTS.—For purposes of subparagraph (A)(ii), a State-run reinsurance program is qualified if such program is one of the NAIC reinsurance program models developed under clause (ii) or is a variation of one of such models, as approved by the Secretary of Health and Human Services.

"(ii) MODELS.—Not later than 120 days after the date of the enactment of the Comprehensive Health Care Act of 1993, the NAIC shall develop several models for a reinsurance program, including options for program funding.

"(d) MANDATORY REGISTRATION AND DISCLOSURE REQUIREMENTS.—The requirements of this subsection are met if the person offering health care insurance contracts to eligible small employers in any State—

"(1) registers with the State commissioner or superintendent of insurance or other State authority responsible for regulation of health insurance,

"(2) fully discloses the rating practices for small employer health care insurance contracts at the time such person offers a health care insurance contract to an eligible small employer, and

"(3) fully discloses the terms for renewal of the contract at the time of the offering of such contract and at least 90 days before the expiration of such contract.

"SEC. 850B. SPECIFIC CONTRACTUAL REQUIREMENTS.

"(a) GENERAL RULE.—The requirements of this section are met if the following requirements are met:

"(1) The coverage requirements of subsection (b).

"(2) The rating requirements of subsection (c).

"(b) COVERAGE REQUIREMENTS.—

"(1) IN GENERAL.—The requirements of this subsection are met with respect to any health care insurance contract if, under the terms and operation of the contract, the following requirements are met:

"(A) GUARANTEED ELIGIBILITY.—No eligible employee (and the spouse or any dependent child of the employee eligible for coverage) may be excluded from coverage under the contract.

"(B) LIMITATIONS ON COVERAGE OF PREEXISTING CONDITIONS.—Any limitation under the contract on any preexisting condition—

"(i) may not extend beyond the 6-month period beginning with the date an insured is first covered by the contract, and

"(ii) may only apply to preexisting conditions which manifested themselves, or for which medical care or advice was sought or recommended, during the 3-month period preceding the date an insured is first covered by the contract.

"(C) GUARANTEED RENEWABILITY.—

"(i) IN GENERAL.—The contract must be renewed at the election of the eligible small employer unless the contract is terminated for cause.

"(ii) CAUSE.—For purposes of this subparagraph, the term 'cause' means—

"(I) nonpayment of the required premiums;

"(II) fraud or misrepresentation of the employer or, with respect to coverage of individual insureds, the insureds or their representatives;

"(III) noncompliance with the contract's minimum participation requirements;

"(IV) noncompliance with the contract's employer contribution requirements; or

"(V) repeated misuse of a provider network provision in the contract.

"(2) WAITING PERIODS.—Paragraph (1)(A) shall not apply to any period an employee is excluded from coverage under the contract solely by reason of a requirement applicable to all employees that a minimum period of service with the employer is required before the employee is eligible for such coverage.

"(3) DETERMINATION OF PERIODS FOR RULES RELATING TO PREEXISTING CONDITIONS.—For purposes of paragraph (1)(B), the date on which an insured is first covered by a contract shall be the earlier of—

"(A) the date on which coverage under such contract begins, or

"(B) the first day of any continuous period—

"(i) during which the insured was covered under one or more other health insurance arrangements, and

"(ii) which does not end more than 120 days before the date employment with the employer begins.

"(4) CESSATION OF SMALL EMPLOYER HEALTH INSURANCE BUSINESS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, a person shall not be treated as failing to meet the requirements of paragraph (1)(C) if such person terminates the class of business which includes the health care insurance contract.

"(B) NOTICE REQUIREMENT.—Subparagraph (A) shall apply only if the person gives notice of the decision to terminate at least 90 days before the expiration of the contract.

"(C) 5-YEAR MORATORIUM.—If, within 5 years of the year in which a person terminates a class of business under subparagraph (A), such person establishes a new class of business, the issuance of such contracts in that year shall be treated as a failure to which this section applies.

"(D) TRANSFERS.—If, upon a failure to renew a contract to which subparagraph (A) applies, a person offers to transfer such contract to another class of business, such transfer must be made without regard to risk characteristics.

"(c) RATING REQUIREMENTS.—

"(1) IN GENERAL.—The requirements of this subsection are met if—

"(A) the requirements of paragraphs (2) and (3) are met, and

"(B) any increase in any premium rate under the renewal contract over the corresponding rate under the health care insurance contract being renewed does not exceed the applicable annual adjusted increase.

"(2) LIMIT ON VARIATION OF PREMIUMS BETWEEN CLASSES OF BUSINESS.—

"(A) IN GENERAL.—The requirements of this paragraph are met if the index rate for a rating period for any class of business of the insurer does not exceed the index rate for any other class of business by more than 20 percent.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply to a class of business if—

"(i) the class is one for which the insurer does not reject, and never has rejected, eligible small employers included within the class of business or otherwise eligible employees and dependents who enroll on a timely basis, based upon risk characteristics,

"(ii) the insurer does not transfer, and never has transferred, a health care insurance contract involuntarily into or out of the class of business, and

"(iii) the class of business is currently available for purchase.

"(3) LIMIT ON VARIATION IN PREMIUM RATES WITHIN A CLASS OF BUSINESS.—The requirements of this paragraph are met if the premium rates charged during a rating period to eligible small employers with similar case characteristics (other than risk characteristics) for the same or similar coverage, or the rates which could be charged to such employers under the rating system for that class of business, do not vary from the index rate by more than 20 percent of the index rate.

"(4) APPLICABLE ANNUAL ADJUSTED INCREASE.—For purposes of paragraph (1)(B)—

"(A) IN GENERAL.—The applicable annual adjusted increase is an amount equal to the sum of—

"(i) the applicable percentage of the premium rate under the health care insurance contract being renewed, plus

"(ii) any increase in the rate under the renewal contract due to any change in coverage or to any change of case characteristics (other than risk characteristics), plus

"(iii) 5 percentage points.

"(B) APPLICABLE PERCENTAGE.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the applicable percentage is the percentage (if any) by which—

"(I) the premium rate for newly issued contracts for substantially similar coverage for an employer with similar case characteristics (other than risk characteristics) as the employer under the health care insurance contract (determined on the 1st day of the rating period applicable to such contracts), exceeds

"(II) such rate on the 1st day of the rating period applicable to the contract being renewed.

"(ii) CASES WHERE NO NEW BUSINESS.—If no new contracts are being issued for a class of business during any rating period, the applicable percentage shall be the percentage (if any) by which the base premium rate determined under paragraph (5)(B) with respect to the renewal contract exceeds such rate for the contract to be renewed.

"(5) DEFINITIONS.—For purposes of this subsection—

"(A) INDEX RATE.—The term 'index rate' means, with respect to a class of business, the arithmetic average of the applicable base premium rate and the corresponding highest premium rate for that class.

"(B) BASE PREMIUM RATE.—The term 'base premium rate' means, for each class of business for each rating period, the lowest premium rate which could have been charged under a rating system for that class of business by the insurer to eligible small employers with similar case characteristics (other than risk characteristics) for health care insurance contracts with the same or similar coverage.

"SEC. 850C. STATE COMPLIANCE AGREEMENTS.

"(a) AGREEMENTS.—The Secretary of Health and Human Services may enter into an agreement with any State—

"(1) to apply the standards set by the NAIC for health care insurance contracts in lieu of the requirements of this subchapter, and

"(2) to provide for the State to make the initial determination as to whether a person is in compliance with such standards for purposes of applying the sanctions under section 850.

"(b) STANDARDS.—An agreement may be entered into under subsection (a)(1) only if—

"(1) the chief executive officer of the State requests that such agreement be entered into,

"(2) the Secretary of Health and Human Services determines that the NAIC standards to be applied under the agreement will carry out the purposes of this subchapter, and

"(3) the Secretary determines that the NAIC standards to be applied under the agreement will apply to substantially all health care insurance contracts issued in such State to eligible small employers.

"(c) TERMINATION.—The Secretary of Health and Human Services shall terminate any agreement if the Secretary determines that the application of NAIC standards by the State ceases to carry out the purposes of this subchapter.

"(d) NAIC STANDARDS.—Not later than 270 days after the date of the enactment of the Comprehensive Health Care Act of 1993, the NAIC shall develop standards which provide for requirements substantially similar to the requirements of this subchapter.

"SEC. 850D. DEFINITIONS AND OTHER RULES.

"For purposes of this part—

"(1) HEALTH CARE INSURANCE.—The term 'health care insurance' means any hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, health maintenance subscriber contract, multiple employer welfare arrangement, other employee welfare plan (as defined in the Employee Retirement Income Security Act of 1974), or any other health insurance arrangement, and includes an employment-related reinsurance plan, but does not include—

"(A) a self-insured health care insurance plan; or

"(B) any of the following offered by an insurer—

"(i) accident only, dental only, or disability income only insurance,

"(ii) coverage issued as a supplement to liability insurance,

"(iii) worker's compensation or similar insurance, or

"(iv) automobile medical-payment insurance.

"(2) CLASS OF BUSINESS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'class of business' means, with respect to health care insurance provided to eligible small employers, all health care insurance provided to such employers.

"(B) ESTABLISHMENT OF GROUPINGS.—

"(i) IN GENERAL.—An issuer may establish separate classes of business with respect to health care insurance provided to eligible small employers but only if such classes are based on one or more of the following:

"(I) Business marketed and sold through persons not participating in the marketing and sale of such insurance to other eligible small employers.

"(II) Business acquired from other insurers as a distinct grouping.

"(III) Business provided through an association of not less than 20 eligible small employers which was established for purposes other than obtaining insurance.

"(IV) Business related to managed care plans (as defined in section 102(2) of the Comprehensive Health Care Act of 1993.

"(V) Any other business which the Secretary of Health and Human Services determines needs to be separately grouped to prevent a substantial threat to the solvency of the insurer.

"(ii) EXCEPTION ALLOWED.—Except as provided in subparagraph (C), an insurer may not establish more than one distinct group of eligible small employers for each category specified in clause (i).

"(C) SPECIAL RULE.—An insurer may establish up to 2 groups under each category in subparagraph (A) or (B) to account for differences in characteristics (other than differences in plan benefits) of health insurance plans that are expected to produce substantial variation in health care costs.

"(3) CHARACTERISTICS.—

"(A) IN GENERAL.—The term 'characteristics' means, with respect to any insurance rating system, the factors used in determining rates.

"(B) RISK CHARACTERISTICS.—The term 'risk characteristics' means factors related to the health risks of individuals, including health status, prior claims experience, the duration since the date of issue of a health insurance plan or arrangement, industry, and occupation.

"(C) GEOGRAPHIC FACTORS.—

"(i) IN GENERAL.—In applying geographic location as a characteristic, an insurer may not use for purposes of this subchapter areas smaller than 3-digit postal zip code areas.

"(ii) STUDY AND REPORT.—Not later than 120 days after the date of the enactment of the Comprehensive Health Care Act of 1993, the Comptroller General of the United States shall study and report to the Congress concerning—

"(I) insurance industry practices in determining the geographic boundaries of communities used for setting rates,

"(II) the feasibility and desirability of establishing standardized geographic communities for setting rates, and

"(III) the effect such standardized geographic communities would have on rates charged small employers.

"(4) ELIGIBLE SMALL EMPLOYER.—

"(A) IN GENERAL.—The term 'eligible small employer' means any person which, on an average business day during the preceding taxable year, had more than 2 but less than 50 employees.

"(B) AGGREGATION RULES.—All members of the same controlled group of corporations (within the meaning of section 52(a)) and all persons under common control (within the meaning of section 52(b)) shall be treated as 1 person.

"(C) EMPLOYEE.—The term 'employee' shall not include—

"(i) a self-employed individual as defined in section 401(c)(1), or

"(ii) an employee who works less than 20 hours per week.

"(5) NAIC.—The term 'NAIC' means the National Association of Insurance Commissioners.".

(b) CONFORMING AMENDMENT.—Subchapter L of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Part IV. Health Care Insurance Provided to Small Employers."

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to contracts issued, or renewed, after the date of the enactment of this Act.

(2) GUARANTEED ISSUE.—The provisions of section 850A(c) of the Internal Revenue Code of 1986, as added by this section, shall apply to contracts which are issued, or renewed, after the date which is 18 months after the date of the enactment of this Act.

(3) PREMIUM RANGE.—In the case of any contract in effect on the date of the enactment of this Act, the provisions of section 850B(c)(1)(A) of such Code, as added by this section, shall not apply to the premiums under such contract or any renewal contract for benefits provided during the period beginning on such date and ending on the last day of the 2nd plan year beginning after such date.

Subtitle E—Deduction for Health Insurance Costs of Self-Employed Individuals

SEC. 141. INCREASE IN DEDUCTIBLE HEALTH INSURANCE COSTS FOR SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking "25 percent" and inserting "100 percent".

(b) REPEAL OF TERMINATION PROVISION.—Paragraph (6) of section 162(l) of such Code (relating to termination) is repealed.

(c) CONFORMING AMENDMENT.—Section 110(a) of the Tax Extension Act of 1991 is amended by striking paragraph (2).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after June 30, 1992.

TITLE II—PRIMARY AND PREVENTIVE CARE SERVICES

SEC. 201. MATERNAL AND INFANT CARE COORDINATION.

(a) PURPOSE.—It is the purpose of this section to assist States in the development and implementation of coordinated, multidisciplinary, and comprehensive primary health care and social services, and health and nutrition education programs, designed to improve maternal and child health.

(b) GRANTS FOR IMPLEMENTATION OF PROGRAMS.—

(1) AUTHORITY.—The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") is authorized to award grants to States to enable such States to plan and implement coordinated, multidisciplinary, and comprehensive primary health care and social service programs targeted to pregnant women and infants.

(2) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall—

(A) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

(B) provide assurances that under the program established with amounts received under a grant, individuals will have access (without any barriers) to comprehensive family planning counseling, pregnancy testing, prenatal care, delivery, intrapartum and postpartum care, pediatric care for infants, and social services as appropriate, including outreach activities, home visits, child care, transportation, risk assessment, nutrition counseling, dental care, mental health services, substance abuse services, services relating to HIV infection, and prevention counseling;

(C) provide assurances that under the program individuals will have access, without any barriers, to the full range of pediatric services provided by pediatric nurse practitioners and clinical nurse specialists, including in-home services for low birth weight babies;

(D) as part of the State application, submit a plan for providing incentive payments of up to $500 to pregnant women who—

(i) have not attained age 20;

(ii) are at risk of having low birth weight babies;

(iii) agree to attend not less than 5 prenatal visits and 1 postnatal visit; and

(iv) agree to attend a requisite number of prenatal care and parenting classes, as determined by the State;

(E) as part of the State application, submit a plan for the coordination and maximization of existing and proposed Federal and State resources, including amounts provided under the medicaid program under title XIX of the Social Security Act, the special supplemental food program under section 17 of the Child Nutrition Act of 1966, family planning programs, substance abuse programs, State maternal and child health programs funded under title V of the Social Security Act, community and migrant health center programs under the Public Health Service Act, and other publicly, or where practicable, privately supported programs;

(F) demonstrate that the major service providers to be involved, including private nonprofit entities committed to improving maternal and infant health, are committed to and involved in the program to be funded with amounts received under the grant;

(G) with respect to States with high infant mortality rates among minority populations, demonstrate the involvement of major health, multiservice, professional, or civic group representatives of such minority groups in the planning and implementation of the State program; and

(H) demonstrate that health promotion and outreach activities under the State program are targeted to women of childbearing age, particularly those at risk for having low birth weight babies.

(3) TERM OF GRANT.—A grant awarded under this subsection shall be for a period of 5 years.

(4) USE OF AMOUNTS.—Amounts received by a State under a grant awarded under this subsection shall be used to establish a State program to provide coordinated, multidisciplinary, and comprehensive primary health care and social services, and health and nutrition education program services, that are designed to improve maternal and child health.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $100,000,000 for fiscal year 1994, $300,000,000 for fiscal year 1995, and $500,000,000 for each of the fiscal years 1996 through 1998.

(c) MODEL HEALTH AND NUTRITION EDUCATION CURRICULA.—

(1) AUTHORITY.—The Secretary, in conjunction with the Secretary of Education and the Secretary of Agriculture, is authorized to award grants, on a competitive basis, to public or nonprofit private entities to enable such entities to develop model health and nutrition education curricula for children in grades kindergarten through twelfth.

(2) APPLICATION.—To be eligible to receive a grant under paragraph (1), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) CURRICULA.—Curricula developed under paragraph (1) should be consistent with the goals of "Healthy People 2000: National Health Promotion and Disease Prevention Objectives", published by the Department of Health and Human Services in September 1990, and shall address the cultural and lifestyle realities of racial and ethnic minority populations.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $10,000,000 for fiscal year 1994.

SEC. 202. REAUTHORIZATION OF CERTAIN PROGRAMS PROVIDING PRIMARY AND PREVENTIVE CARE.

(a) IMMUNIZATION PROGRAMS.—Section 317(j)(1)(A) of the Public Health Service Act (42 U.S.C. 247b(j)(1)(A)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "each of the fiscal years 1992 through 1995" and inserting "each of the fiscal years 1992 and 1993, $380,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(b) TUBERCULOSIS PREVENTION GRANTS.—Section 317(j)(2) of the Public Health Service Act (42 U.S.C. 247b(j)(2)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "each of the fiscal years 1992 through 1995" and inserting "each of the fiscal years 1992 and 1993, $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(c) SEXUALLY TRANSMITTED DISEASES.—Section 318(d)(1) of the Public Health Service Act (42 U.S.C. 247c(d)(1)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by inserting before the first period the following: "$125,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(d) MIGRANT HEALTH CENTERS.—Section 329(h)(1)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(1)(A)) is amended by striking "and 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1994" and inserting "through 1993, $80,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(e) COMMUNITY HEALTH CENTERS.—Section 330(g)(1)(A) of the Public Health Service Act (42 U.S.C. 254c(g)(1)(A)) is amended by striking "and 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1994" and inserting "through 1993, $700,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(f) HEALTH CARE SERVICES FOR THE HOMELESS.—Section 340(q)(1) of the Public Health Service Act (42 U.S.C. 256(q)(1)) is amended by striking "and such sums" and all that follows through the period and inserting "$90,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

(g) FAMILY PLANNING PROJECT GRANTS.—Section 1001(d) of the Public Health Service Act (42 U.S.C. 300(d)) is amended—

(1) by striking "and $158,400,000" and inserting "$158,400,000"; and

(2) by inserting before the period the following: ", $200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(h) BREAST AND CERVICAL CANCER PREVENTION.—Section 1509(a) of the Public Health Service Act (42 U.S.C. 300n-5(a)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "for each of the fiscal years 1992 and 1993" and inserting "for each of the fiscal years 1992 and 1993, $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(i) PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT.—Section 1901(a) of the Public Health Service Act (42 U.S.C. 300w(a)) is amended by striking "$205,000,000" and inserting "$235,000,000".

(j) HIV EARLY INTERVENTION.—Section 2655 of the Public Health Service Act (42 U.S.C. 300ff-55) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "each of the fiscal years 1992 through 1995" and inserting "each of fiscal years 1992 and 1993, $310,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(k) MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT.—Section 501(a) of the Social Security Act (42 U.S.C. 701(a)) is amended by striking "$686,000,000 for fiscal year 1990 and each fiscal year thereafter" and inserting "$800,000,000 for fiscal year 1994, and such sums as may be necessary in each of the fiscal years 1995 through 1998".

SEC. 203. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAM.

Section 4605 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3155) is amended to read as follows:

"SEC. 4605. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.

"(a) PURPOSE.—It is the purpose of this section to establish a comprehensive school health education and prevention program for elementary and secondary school students.

"(b) PROGRAM AUTHORIZED.—The Secretary, through the Office of Comprehensive School Health Education established in subsection (d), shall award grants to States to enable such States to—

"(1) award grants to local or intermediate educational agencies, and consortia thereof, to enable such agencies or consortia to establish, operate and improve local programs of comprehensive health education and prevention, early health intervention, and health education, in elementary and secondary schools (including preschool, kindergarten, intermediate, and junior high schools); and

"(2) develop training, technical assistance and coordination activities for the programs assisted pursuant to paragraph (1).

"(c) USE OF FUNDS.—Grant funds under this section may be used to improve elementary and secondary education in the areas of—

"(1) personal health and fitness;

"(2) prevention of chronic diseases;

"(3) prevention and control of communicable diseases;

"(4) nutrition;

"(5) substance use and abuse;

"(6) accident prevention and safety;

"(7) community and environmental health;

"(8) mental and emotional health;

"(9) parenting and the challenges of raising children; and

"(10) the effective use of the health services delivery system.

"(d) OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION.—The Secretary shall establish within the Office of the Secretary an Office of Comprehensive School Health Education which shall have the following responsibilities:

"(1) To recommend mechanisms for the coordination of school health education programs conducted by the various departments and agencies of the Federal Government.

"(2) To advise the Secretary on formulation of school health education policy within the Department of Education.

"(3) To disseminate information on the benefits to health education of utilizing a comprehensive health curriculum in schools.

(e) Reservations and State Allotments.

(a) RESERVATIONS.—Except as provided in subsection (c), from the sums appropriated or otherwise made available to carry out this title for any fiscal year, the Secretary shall reserve—

(1) 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs;

(2) 1 percent for programs for Indian youth under section 5133;

(3) 0.2 percent for programs for Hawaiian natives under section 5134;

(4) 8 percent for programs with institutions of higher education under section 5131;

(5) 3.5 percent for Federal activities under section 5132; and

(6) 4.5 percent for regional centers under section 5135.

(b) STATE ALLOTMENTS.—(1) From the remainder of the sums not reserved under subsection (a), the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall be allotted less than an amount equal to 0.5 percent of such remainder.

(2) The Secretary may reallot any amount of any allotment to a State to the extent that the Secretary determines that the State will not be able to obligate such amount within 2 years of allotment. Any such reallotment shall be made on the same basis as an allotment under paragraph (1).

(3) For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotment under this subsection from amounts appropriated for that fiscal year.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 and 1996 to carry out this section.

"(2) AVAILABILITY.—Funds appropriated pursuant to the authority of paragraph (1) in any fiscal year shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which such funds were appropriated.".

SEC. 204. COMPREHENSIVE EARLY CHILDHOOD HEALTH EDUCATION PROGRAM.

(a) PURPOSE.—It is the purpose of this section to establish a comprehensive early childhood health education program.

(b) PROGRAM.—The Secretary of Health and Human Services shall conduct a program of awarding grants to agencies conducting Head Start training to enable such agencies to provide training and technical assistance to Head Start teachers and other child care providers. Such program shall—

(1) establish a training system through the Head Start agencies and organizations conducting Head Start training for the purpose of enhancing teacher skills and providing comprehensive early childhood health education curriculum;

(2) enable such agencies and organizations to provide training to day care providers in order to strengthen the skills of the early childhood workforce in providing health education;

(3) provide technical support for health education programs and curricula; and

(4) provide cooperation with other early childhood providers to ensure coordination of such programs and the transition of students into the public school environment.

(c) USE OF FUNDS.—Grant funds under this section may be used to provide training and technical assistance in the areas of—

(1) personal health and fitness;

(2) prevention of chronic diseases;

(3) prevention and control of communicable diseases;

(4) dental health;

(5) nutrition;

(6) substance use and abuse;

(7) accident prevention and safety;

(8) community and environmental health;

(9) mental and emotional health; and

(10) strengthening the role of parent involvement.

(d) RESERVATION FOR INNOVATIVE PROGRAMS.—The Secretary shall reserve 5 percent of the funds appropriated pursuant to the authority of subsection (e) in each fiscal year for the development of innovative model health education programs or curricula.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $40,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 and 1996 to carry out this section.

TITLE III—DISCLOSURE OF CERTAIN INFORMATION TO BENEFICIARIES UNDER THE MEDICARE AND MEDICAID PROGRAMS

SEC. 301. REGULATIONS REQUIRING DISCLOSURE OF CERTAIN INFORMATION TO BENEFICIARIES UNDER THE MEDICARE AND MEDICAID PROGRAMS.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

"DISCLOSURE OF CERTAIN INFORMATION TO BENEFICIARIES UNDER THE MEDICARE AND MEDICAID PROGRAMS

"SEC. 1144. (a) ANNUAL REPORTS.—

"(1) INSTITUTIONAL HEALTH CARE PROVIDERS.—

"(A) IN GENERAL.—The Secretary shall issue regulations requiring that each institutional health care provider receiving payment for services provided under title XVIII or XIX shall make an annual report available to the recipients of services under such title.

"(B) CONTENTS OF REPORT.—The annual report referred to in subparagraph (A) shall include—

"(i) mortality rates relating to services provided to individuals, including incidence and outcomes of surgical and other invasive procedures;

"(ii) nosocomial infection rates;

"(iii) a list of routine preoperative tests and other frequently performed medical tests, including blood tests, chest x-rays, magnetic resonance imaging, computerized axial tomography, urinalysis, and heart catherizations, and the cost of such tests;

"(iv) the number and types of malpractice claims against the provider decided or settled for the year; and

"(v) such other information as the Secretary shall require.

"(2) NONINSTITUTIONAL HEALTH CARE PROVIDERS.—

"(A) IN GENERAL.—The Secretary shall issue regulations requiring that each noninstitutional provider receiving payment for services provided under title XVIII or XIX shall make an annual report available to the recipients of services under such title.

"(B) CONTENTS OF REPORT.—The report referred to in subparagraph (A) shall include—

"(i) information regarding the provider's education, experience, qualifications, board certification, and license to provide health care services, including a list of the States in which such provider is licensed and any limitations on such provider's license;

"(ii) any disciplinary actions taken against the provider by any health care facility, State medical agency, or medical organization which result in a finding of improper conduct;

"(iii) any malpractice action against the provider decided or settled;

"(iv) a disclosure of any ownership interest the provider may have in any health care facility, laboratory, or health care supply company; and

"(v) such other information as the Secretary shall require.

"(b) DISCLOSURE OF INFORMATION REGARDING HEALTH CARE PROCEDURES AND FORMS.—

"(1) INFORMATION REGARDING HEALTH CARE PROCEDURES AND FORMS.—The Secretary shall issue regulations requiring that each institutional and noninstitutional health care provider receiving payment for services under title XVIII or XIX shall make available any forms required in connection with the receipt of any services under such title which consist of any diagnostic, surgical, or other invasive procedure, prior to the performance of such procedure.

"(2) INFORMATION PROVIDED BEFORE PERFORMANCE OF PROCEDURE.—The Secretary shall issue regulations requiring each institutional and noninstitutional health care provider receiving payment for services provided under title XVIII or XIX to disclose to any individual receiving any surgical, palliative, or other health care procedure or any drug therapy or other treatment, the following information prior to the performance of such procedure or treatment:

"(A) The nature of the procedure or treatment.

"(B) A description of the procedure or treatment.

"(C) The risk and benefits associated with the procedure or treatment.

"(D) The success rate for the procedure or treatment generally, and for the provider.

"(E) The provider's cost range for the procedure or treatment.

"(F) Any alternative treatment which may be available to such individual.

"(G) Any known side effects of any medications required in connection with the procedure or treatment.

"(H) The interactive effect of the complete regimen of medications associated with the procedure.

"(I) The availability of the information under this subsection and under subsections (a) and (c).

"(J) Such other information as the Secretary shall require.

"(3) EMERGENCIES.—The Secretary shall issue regulations with respect to the waiver of any requirement established under paragraphs (1) and (2) in a case where emergency health care is needed.

"(c) PATIENT'S RIGHT TO REFUSE INFORMATION AND TREATMENT.—The Secretary shall issue regulations requiring each institutional and noninstitutional health care provider receiving payment for services provided under title XVIII or XIX to inform any individual receiving services under such title of such individual's right—

"(1) to refuse any information which is available to such individual under the regulations described in subsections (a) and (b);

"(2) to refuse any procedure or treatment;

"(3) to refuse attendance by any such provider; or

"(4) to leave the premises of any such provider.

"(d) DEFINITIONS.—As used in this section—

"(1) INSTITUTIONAL HEALTH CARE PROVIDER.—The term 'institutional health care provider' means any hospital, clinic, skilled nursing facility, comprehensive outpatient rehabilitation facility, home health agency, hospice program, or other facility receiving payment for services provided under title XVIII or XIX, as determined by the Secretary.

"(2) NONINSTITUTIONAL HEALTH CARE PROVIDER.—The term 'noninstitutional health care provider' means any physician, physician assistant, nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or other individual receiving payment for services provided under title XVIII or XIX, as determined by the Secretary.

"(e) COMPLIANCE.—

"(1) PENALTIES FOR FAILURE TO COMPLY.—The Secretary shall issue regulations establishing appropriate penalties for any failure to comply with the regulations issued under this section.

"(2) WAIVER OF COMPLIANCE.—The Secretary may waive any of the requirements under the regulations issued under this section if a health care provider demonstrates that such requirements will result in an undue burden on such provider.".

SEC. 302. OUTREACH ACTIVITIES.

(a) MEDICARE PROGRAM.—

(1) GRANTS TO NONPROFIT PRIVATE ENTITIES FOR OUTREACH ACTIVITIES.—

(A) AUTHORITY.—The Secretary of Health and Human Services (hereafter referred to in this paragraph as the "Secretary"), is authorized to award grants, on a competitive basis, to nonprofit private entities to enable such entities to develop outreach activities to inform beneficiaries under title XVIII of the Social Security Act of the information available to such beneficiaries pursuant to regulations issued by the Secretary under section 1144 of the Social Security Act as added by section 311 of this Act.

(B) APPLICATION.—To be eligible to receive a grant under subparagraph (A), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1994, $5,000,000 for fiscal year 1995, and $5,000,000 for fiscal year 1996.

(2) OUTREACH THROUGH NOTICE OF MEDICARE BENEFITS.—Section 1804 of the Social Security Act (42 U.S.C. 1395b-2) is amended—

(A) in paragraph (2), by striking ", and" and inserting a comma,

(B) in paragraph (3), by striking the period and inserting ", and", and

(C) by inserting after paragraph (3), the following new paragraph:

"(4) a description of the information available to beneficiaries under this title pursuant to regulations issued by the Secretary under section 1144.".

(b) MEDICAID PROGRAM.—

(1) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), is amended—

(A) by striking "and" at the end of paragraph (54),

(B) by striking the period at the end of paragraph (58) (as added by section 4751(a)(1)(C) of the Omnibus Budget Reconciliation Act of 1990) and inserting a semicolon,

(C) by redesignating the second paragraph (58) (as added by section 4752(c)(1)(C) of the Omnibus Budget Reconciliation Act of 1990) as paragraph (59) and by striking the period at the end and inserting "; and", and

(D) by adding at the end the following new paragraph:

"(60) provide for an outreach program informing individuals who receive medical assistance under this title of the information available to such individuals pursuant to regulations issued by the Secretary under section 1144.".

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Paragraph (1) shall apply to calendar quarters beginning on or after January 1, 1994.

(B) GENERAL RULE.—In the case of a State which the Secretary determines requires State legislation (other than legislation authorizing or appropriating funds) in order to comply with paragraph (1), the State shall not be regarded as failing to comply with such paragraph solely on the basis of its failure to meet the requirements of such paragraph before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

TITLE IV—PATIENT'S RIGHT TO DECLINE MEDICAL TREATMENT

SEC. 401. RIGHT TO DECLINE MEDICAL TREATMENT.

(a) RIGHTS OF COMPETENT ADULTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State may not restrict the right of a competent adult to consent to, or to decline, medical treatment.

(2) LIMITATIONS.—

(A) AFFECT ON THIRD PARTIES.—A State may impose limitations on the right of a competent adult to decline treatment if such limitations protect third parties (including minor children) from harm.

(B) TREATMENT WHICH IS NOT MEDICALLY INDICATED.—Nothing in this section shall be construed to require that any individual be offered, or that any individual may demand, medical treatment which the health care provider does not have available, or which is futile, or which is otherwise not medically indicated.

(b) RIGHTS OF INCAPACITATED ADULTS.—

(1) IN GENERAL.—Notwithstanding incapacity, each adult has a right to consent to, or to decline, medical treatment. Except as provided in subsection (a)(2)(A), States may not restrict the right to consent to, or to decline, medical treatment as exercised by an adult through the documents specified in this subsection, or through similar documents or other written methods of directive which clearly and convincingly evidence the adult's treatment choices.

(2) ADVANCE DIRECTIVES AND POWERS OF ATTORNEY.—

(A) IN GENERAL.—In order to facilitate the communication, despite incapacity, of an adult's treatment choices, the Secretary of Health and Human Services (hereafter in this title referred to as the "Secretary"), in consultation with the Attorney General, shall develop a national advance directive form that—

(i) shall not limit or otherwise restrict, except as provided in subsection (a)(2)(A), an adult's right to consent to, or to decline, medical treatment; and

(ii) shall, at a minimum—

(I) provide the means for an adult to declare such adult's own treatment choices in the event of a terminal condition;

(II) provide the means for an adult to declare, at such adult's option, treatment choices in the event of other conditions (such as persistent vegetative state) which are chronic and debilitating, which are medically incurable, and from which such adult likely will not recover; and

(III) provide the means by which an adult may, at such adult's option, declare such adult's wishes with respect to all forms of medical treatment, including forms of medical treatment such as the provision of nutrition and hydration by artificial means which may be, in some circumstances, relatively nonburdensome.

(B) NATIONAL DURABLE POWER OF ATTORNEY FORM.—The Secretary, in consultation with the Attorney General, shall develop a national durable power of attorney form for health care decisionmaking. The form shall provide a means for any adult to designate another adult or adults to exercise the same decisionmaking powers which would, under State law, otherwise be exercised by next of kin.

(C) HONORED BY ALL HEALTH CARE PROVIDERS.—The national advance directive and durable power of attorney forms developed by the Secretary shall be honored by all health care providers.

(D) LIMITATIONS.—No individual shall be required to execute an advance directive.

This title makes no presumption concerning the intention of an individual who has not executed an advance directive. An advance directive shall be sufficient, but not necessary, proof of an adult's treatment choices with respect to the circumstances addressed in the advance directive.

(3) DEFINITION.—For purposes of this subsection, the term "incapacity" means the inability to understand the nature and consequences of health care decisions (including the intended benefits and foreseeable risks of, and alternatives to, proposed treatment options), and to reach informed decisions concerning health care. Individuals who are incapacitated include adjudicated incompetents and individuals who have not been adjudicated incompetent but who, nonetheless, lack the capacity to formulate or communicate decisions concerning health care.

(c) HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—No health care provider may provide treatment to an adult contrary to the adult's wishes as expressed personally, by an advance directive as provided for in subsection (b)(2), or by a similar written advance directive form or another written method of directive which clearly and convincingly evidence the adult's treatment choices. A health provider who acts in good faith pursuant to the preceding sentence shall be immune from criminal or civil liability or discipline for professional misconduct.

(2) HEALTH CARE PROVIDERS UNDER THE MEDICARE AND MEDICAID PROGRAMS.—Any health care provider who knowingly provides services to an adult contrary to the adult's wishes as expressed personally, by an advance directive as provided for in subsection (b)(2), or by a similar written advance directive form or another written method of directive which clearly and convincingly evidence the adult's treatment choices, shall be denied payment for such services under titles XVIII and XIX of the Social Security Act.

(3) TRANSFERS.—Health care providers who object to the provision of medical care in accordance with an adult's wishes shall transfer the adult to the care of another health care provider.

(d) DEFINITION.—For purposes of this section, the term "adult" means an individual who is 18 years of age or older.

SEC. 402. FEDERAL RIGHTS ENFORCEABLE IN FEDERAL COURTS.

The rights recognized in this title may be enforced by filing a civil action in an appropriate district court of the United States.

SEC. 403. SUICIDE AND HOMICIDE.

Nothing in this title shall be construed to permit, condone, authorize, or approve suicide or mercy killing, or any affirmative act to end a human life.

SEC. 404. RIGHTS GRANTED BY STATES.

Nothing in this title shall impair or supersede rights granted by State law which exceed the rights recognized by this title.

SEC. 405. EFFECT ON OTHER LAWS.

(a) IN GENERAL.—Except as specified in subsection (b), written policies and written information adopted by health care providers pursuant to sections 4206 and 4751 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), shall be modified within 6 months of enactment of this title to conform to the provisions of this title.

(b) DELAY PERIOD FOR UNIFORM FORMS.—Health care providers shall modify any written forms distributed as written information under sections 4206 and 4751 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) not later than 6 months after promulgation of the forms referred to in subparagraphs (A) and (B) of section 401(b)(2) by the Secretary.

SEC. 406. INFORMATION PROVIDED TO CERTAIN INDIVIDUALS.

The Secretary shall provide on a periodic basis written information regarding an individual's right to consent to, or to decline, medical treatment as provided in this title to individual's who are beneficiaries under titles II, XVI, XVIII, and XIX of the Social Security Act.

SEC. 407. RECOMMENDATIONS TO THE CONGRESS ON ISSUES RELATING TO A PATIENT'S RIGHT OF SELF-DETERMINATION.

Not later than 180 days after the date of the enactment of this Act the Secretary shall provide recommendations to the Congress concerning the medical, legal, ethical, social, and educational issues related to this title. In developing recommendations under this section the Secretary shall address the following issues:

(1) the contents of the forms referred to in subparagraphs (A) and (B) of section 401(b)(2);

(2) issues pertaining to the education and training of health care professionals concerning patients' self-determination rights;

(3) issues pertaining to health care professionals' duties with respect to patients' rights, and health care professionals' roles in identifying, assessing, and presenting for patient consideration medically indicated treatment options; and

(4) such other issues as the Secretary may identify.

SEC. 408. EFFECTIVE DATE.

This title shall take effect on the date that is 6 months after the date of enactment of this Act.

TITLE V—PRIMARY AND PREVENTIVE CARE PROVIDERS

SEC. 501. INCREASING PAYMENTS TO CERTAIN NONPHYSICIAN PROVIDERS UNDER THE MEDICARE PROGRAM.

(a) INCREASE IN PAYMENTS TO NURSE PRACTITIONERS, CLINICAL NURSE SPECIALISTS, CERTIFIED NURSE MIDWIVES, AND PHYSICIAN ASSISTANTS.—

(1) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) in subparagraph (K), by striking "80 percent" and all that follows through "physician)" and inserting "97 percent of the fee schedule amount provided under section 1848 for the same service performed by a physician";

(B) by redesignating subparagraph (M) the second place it appears and subparagraph (N), as subparagraphs (N) and (O), respectively; and

(C) by amending subparagraph (N), as redesignated, to read as follows: "(N) with respect to services described in section 1861(s)(2)(K) (relating to services provided by a nurse practitioner, clinical nurse specialist, or physician assistant) the amounts paid shall be 97 percent of the fee schedule amount provided under section 1848 for the same service performed by a physician,".

(2) NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS.—Section 1842(b)(12) of such Act (42 U.S.C. 1395u(b)(12)) is amended to read as follows:

"(12) With respect to services described in clauses (i), (ii), or (iv) of section 1861(s)(2)(K) (relating to physician assistants and nurse practitioners)—

"(A) payment under this part may only be made on an assignment-related basis; and

"(B) the prevailing charges determined under paragraph (3) shall not exceed—

"(i) in the case of services performed as an assistant at surgery, 97 percent of the amount that would otherwise be recognized if performed by a physician who is serving as an assistant at surgery, or

"(ii) in other cases, 97 percent of the fee schedule amount specified in section 1848 for such services performed by physicians who are not specialists.".

(3) DIRECT PAYMENT FOR ALL NURSE PRACTITIONERS OR CLINICAL NURSE SPECIALISTS.—Section 1832(a)(2)(B)(iv) of such Act (42 U.S.C. 1395k(a)(2)(B)(iv)) is amended by striking "provided in a rural area (as defined in section 1886(d)(2)(D))".

(4) REMOVAL OF RESTRICTIONS ON SETTINGS.—Section 1861(s)(2)(K) of such Act (42 U.S.C. 1395x(s)(2)(K)) is amended—

(A) in clause (i), by striking "(I) in a hospital" and all that follows through "professional shortage area,";

(B) in clause (ii), by striking "in a skilled" and all that follows through "1919(a)"; and

(C) in clause (iii), by striking "in a rural" and all that follows through "(d)(2)(D))".

(b) BONUS PAYMENT FOR SERVICES PROVIDED IN HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 1833(m) of the Social Security Act (42 U.S.C. 1395l(m)) is amended—

(1) by inserting "(1)" after "(m)"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of services of a nurse practitioner, clinical nurse specialist, physician assistant, certified nurse midwife, or certified registered nurse anesthetist furnished to an individual described in paragraph (1) in an area that is a health professional shortage area as described in such paragraph, in addition to the amount otherwise paid under this part, there shall also be paid to such service provider (or to an employer in the cases described in subparagraph (C) of section 1842(b)(6)) (on a monthly or quarterly basis) from the Federal Supplementary Medical Trust Fund an amount equal to 10 percent of the payment amount for such services under this part.".

SEC. 502. REQUIRING COVERAGE OF CERTAIN NONPHYSICIAN PROVIDERS UNDER THE MEDICAID PROGRAM.

Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (21), by striking "; and" and inserting a semicolon;

(2) in paragraph (24), by striking the period at the end and inserting a semicolon;

(3) by redesignating paragraphs (22), (23), and (24) as paragraphs (25), (22), and (23), respectively;

(4) by inserting after paragraph (23) the following new paragraph:

"(24) services furnished by a physician assistant, nurse practitioner, clinical nurse specialist (as defined in section 1861(aa)(5)), and certified registered nurse anesthetist (as defined in section 1861(bb)(2)); and";

(5) by striking the semicolon at the end of paragraph (25), as redesignated, and inserting a period; and

(6) by transferring and inserting paragraph (25), as redesignated, after paragraph (24).

SEC. 503. MEDICAL STUDENT TUTORIAL PROGRAM GRANTS.

Part C of title VII of the Public Health Service Act is amended by adding at the end thereof the following new section:

"SEC. 753. MEDICAL STUDENT TUTORIAL PROGRAM GRANTS.

"(a) ESTABLISHMENT.—The Secretary shall establish a program to award grants to eligible schools of medicine or osteopathic medicine to enable such schools to provide medical students for tutorial programs or as participants in clinics designed to interest high school or college students in careers in general medical practice.

"(b) Application.—To be eligible to receive a grant under this section, a school of medicine or osteopathic medicine shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including assurances that the school will use amounts received under the grant in accordance with subsection (c).

"(c) Use of Funds.—

"(1) In general.—Amounts received under a grant awarded under this section shall be used to—

"(A) fund programs under which students of the grantee are provided as tutors for high school and college students in the areas of math, science, health promotion and prevention, first aide, nutrition and prenatal care;

"(B) fund programs under which students of the grantee are provided as participants in clinics and seminars in the areas described in paragraph (1); and

"(C) conduct summer institutes for high school and college students to promote careers in medicine.

"(2) Design of programs.—The programs, institutes and other activities conducted by grantees under paragraph (1) shall be designed to—

"(A) give medical students desiring to practice general medicine access to the local community;

"(B) provide information to high school and college students concerning medical school and the general practice of medicine; and

"(C) promote careers in general medicine.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995.".

SEC. 504. GENERAL MEDICAL PRACTICE GRANTS.

Part C of title VII of the Public Health Service Act (as amended by section 503) is further amended by adding at the end thereof the following new section:

"SEC. 754. GENERAL MEDICAL PRACTICE GRANTS.

"(a) Establishment.—The Secretary shall establish a program to award grants to eligible public or private nonprofit schools of medicine or osteopathic medicine, hospitals, residency programs in family medicine or pediatrics, or to a consortium of such entities, to enable such entities to develop effective strategies for recruiting medical students interested in the practice of general medicine and placing such students into general practice positions upon graduation.

"(b) Application.—To be eligible to receive a grant under this section, an entity of the type described in subsection (a) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including assurances that the entity will use amounts received under the grant in accordance with subsection (c).

"(c) Use of Funds.—Amounts received under a grant awarded under this section shall be used to fund programs under which effective strategies are developed and implemented for recruiting medical students interested in the practice of general medicine and placing such students into general practice positions upon graduation.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $25,000,000 for each of the fiscal years 1994 through 1998, and such sums as may be necessary for fiscal years thereafter.".

SEC. 505. PAYMENTS FOR DIRECT AND INDIRECT GRADUATE MEDICAL EDUCATION COSTS.

(a) Direct Medical Education Costs.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended—

(1) in paragraph (1)—

(A) by striking "hospitals for direct medical education costs" and inserting "hospitals and public and private nonprofit entities with approved medical residency training programs for direct medical education costs"; and

(B) by striking "hospitals associated" and inserting "hospitals and public and private nonprofit entities with approved medical residency training programs associated";

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A) by striking "each hospital" and inserting "each hospital or public or private nonprofit entity";

(B) in subparagraph (A)—

(i) in the heading, by striking "HOSPITAL'S ";

(ii) by striking "the hospital's" and inserting "the hospital's or entity's"; and

(iii) by striking "the hospital" and inserting "the hospital or entity";

(C) in clause (ii) of subparagraph (B), by striking "a hospital if the hospital's" and inserting "a hospital or entity if the hospital's or entity's";

(D) in subparagraph (C), by striking "the hospital" each place it appears and inserting "the hospital or the entity";

(E) in subparagraph (D), by striking "the hospital" and inserting "the hospital or the entity"; and

(F) in subparagraph (E), by striking "a hospital" and inserting "a hospital or entity";

(3) in paragraph (3)—

(A) in the heading, by striking "HOSPITAL";

(B) in subparagraph (A),

(i) in the matter preceding clause (i), by striking "hospital cost reporting period" and inserting "cost reporting period of a hospital or a public or private nonprofit entity"; and

(ii) in clause (ii), by striking "the hospital's" and inserting "the hospital's or entity's";

(C) in subparagraph (B),

(i) in the matter preceding clause (i), by striking "hospital cost reporting period" and inserting "cost reporting period of a hospital or a public or private nonprofit entity"; and

(ii) in clauses (i) and (ii), by striking "hospital's" each place it appears and inserting "hospital's or entity's"; and

(D) in subparagraph (C), by striking "hospital's cost reporting period" and inserting "cost reporting period of a hospital or a public or private nonprofit entity"; and

(4) in paragraph (4)—

(A) in subparagraph (B), by striking "hospital" each place it appears and inserting "hospital or public or private nonprofit entity"; and

(B) in subparagraph (E), by striking "hospital" and inserting "hospital or public or private nonprofit entity".

(b) Indirect Medical Education Costs.—

(1) In general.—Section 1848 of such Act (42 U.S.C. 1395w-4) is amended—

(A) by redesignating subsection (j) as subsection (k); and

(B) by inserting after subsection (i) the following new subsection:

"(j) Payments For Indirect Graduate Medical Education Costs.—

"(1) In general.—The Secretary shall provide for an additional payment for indirect costs of medical education in an amount equal to the product of—

"(A) the amount determined under subsection (a)(1) for qualified physician's services (as defined in paragraph (2)), and

"(B) the indirect teaching adjustment factor determined in accordance with section 1886(d)(5)(B)(ii) with 'r' equal to .2.

"(2) Qualified physician's services.—

"(A) In general.—For purposes of paragraph (1), the term 'qualified physician's services' means physician's services (as defined in subsection (k)(3)) that are—

"(i) provided during the course of clinical training by medical residents in the initial 3 years of postgraduate medical training in approved medical residency training programs in the fields of family medicine (as defined by the Secretary), general internal medicine (as defined by the Secretary), and general pediatrics (as defined by the Secretary), and

"(ii) provided at clinical training sites affiliated with approved medical residency training programs in family medicine, general internal medicine, and general pediatrics.

"(B) Certain services excluded.—For purposes of paragraph (1), the term 'qualified physician's services' shall not include services provided during an inpatient hospital stay for which payment is made under part A of this title.".

(2) Conforming amendments.—Section 1848 of such Act (42 U.S.C. 1395w-4) is amended—

(A) in subsection (a)(1), by striking "subsection (j)(3)" and inserting "subsection (k)(3)";

(B) in subsection (b)(1), by striking "subsection (j)(2)" and inserting "(k)(2)"; and

(C) in subparagraphs (C) and (D) of subsection (d)(2), by striking "subsection (j)(1)" and inserting "subsection (k)(1)".

(c) Subsection (d) hospitals.—Section 1886(d)(5)(B) of such Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following new clause:

"(v) In determining such adjustment the Secretary shall count only those interns and residents who are in the initial 3 years of postgraduate medical training.".

(d) Effective Date.—The amendments made by this section shall be effective for cost reporting periods beginning on or after October 1, 1993.

TITLE VI—MEDICARE PREFERRED PROVIDER DEMONSTRATION PROJECTS

SEC. 601. ESTABLISHMENT OF MEDICARE PRIMARY AND SPECIALTY PREFERRED PROVIDER ORGANIZATION DEMONSTRATION PROJECTS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act the Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") shall provide for up to 10 demonstration projects to test the effectiveness of providing payment under the medicare program under title XVIII of the Social Security Act for primary and specialty procedures and services (as determined appropriate by the Secretary) furnished by preferred provider organizations. The demonstration projects provided for under this section by the Secretary shall—

(1) test the cost-effectiveness of preferred provider organizations furnishing primary and specialty services in controlling the volume of such services performed or ordered by physicians, and nonphysician providers such as nurse practitioners, clinical nurse specialists, certified nurse midwives, certified registered nurse anesthetists, and physician as-

sistants, for which payment is made under title XVIII of the Social Security Act;

(2) gather information on factors which may encourage medicare beneficiaries to participate in a preferred provider organizational network;

(3) examine the efficacy of permanently establishing managed care networks of primary and specialty service providers; and

(4) examine the factors necessary to increase the quality and efficiency of primary and specialty services furnished by preferred provider networks in order to realize increased savings under the medicare program and to increase medicare beneficiary participation in such networks.

(b) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary may waive such requirements of title XVIII of the Social Security Act as the Secretary determines necessary in conducting demonstration programs under this section, including—

(1) coinsurance requirements;

(2) provider payment arrangements;

(3) beneficiary deductibles; and

(4) reimbursement for nonphysician providers.

(c) DURATION OF PROJECTS.—The demonstration projects provided for under this section shall be conducted for a period not to exceed 3 years from the date of the enactment of this Act.

(d) REPORT.—Not later than 180 days after the date of expiration of the demonstration projects conducted under this section the Secretary shall report to the Congress on the results of the demonstration projects including recommendations for modifications in the medicare program to increase the utilization of preferred provider organizations in providing primary and specialty services under such program.

TITLE VII—COST CONTAINMENT

SEC. 701. NEW DRUG CLINICAL TRIALS PROGRAM.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

"SEC. 409A. NEW DRUG CLINICAL TRIALS PROGRAM.

"(a) IN GENERAL.—The Director of the National Institutes of Health (hereafter referred to in this section as the 'Director') is authorized to establish and implement a program for the conduct of clinical trials with respect to new drugs and disease treatments determined to be promising by the Director. In determining the drugs and disease treatments that are to be the subject of such clinical trials, the Director shall give priority to those drugs and disease treatments targeted toward the diseases determined—

"(1) to be the most costly to treat;

"(2) to have the highest mortality; or

"(3) to affect the greatest number of individuals.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $120,000,000 for fiscal year 1994, and such sums as may be necessary in each of the fiscal years 1995 through 1998.".

SEC. 702. MEDICAL TREATMENT EFFECTIVENESS.

(a) RESEARCH ON COST-EFFECTIVE METHODS OF HEALTH CARE.—Section 926 of the Public Health Service Act (42 U.S.C. 299c-5) is amended—

(1) in subsection (a), by striking "and $115,000,000 for fiscal year 1993" and inserting "$115,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997"; and

(2) by adding at the end the following new subsection:

"(f) USE OF ADDITIONAL APPROPRIATIONS.—Within amounts appropriated under subsection (a) for each of the fiscal years 1993 through 1996 that are in excess of the amounts appropriated under such subsection for fiscal year 1992, the Secretary shall give priority to expanding research conducted to determine the most cost-effective methods of health care and for developing and disseminating new practice guidelines related to such methods. In utilizing such amounts, the Secretary shall give priority to diseases and disorders that the Secretary determines are the most costly to the United States and evidence a wide variation in current medical practice.".

(b) RESEARCH ON MEDICAL TREATMENT OUTCOMES.—

(1) IMPOSITION OF TAX ON HEALTH INSURANCE POLICIES.—

(A) IN GENERAL.—Chapter 36 of the Internal Revenue Code of 1986 (relating to certain other excise taxes) is amended by adding at the end thereof the following new subchapter:

"Subchapter G—Tax on Health Insurance Policies

"Sec. 4501. Imposition of tax.

"Sec. 4502. Liability for tax.

"SEC. 4501. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax equal to .001 cent on each dollar, or fractional part thereof, of the premium paid on a policy of health insurance.

"(b) DEFINITION.—For purposes of subsection (a), the term 'policy of health insurance' means any policy or other instrument by whatever name called whereby a contract of insurance is made, continued, or renewed with respect to the health of an individual or group of individuals.

"SEC. 4502. LIABILITY FOR TAX.

"The tax imposed by this subchapter shall be paid, on the basis of a return, by any person who makes, signs, issues, or sells any of the documents and instruments subject to the tax, or for whose use or benefit the same are made, signed, issued or sold. The United States or any agency or instrumentality thereof shall not be liable for the tax.".

(B) CONFORMING AMENDMENT.—The table of subchapters for chapter 36 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"SUBCHAPTER G. TAX ON HEALTH INSURANCE POLICIES.".

(2) ESTABLISHMENT OF TRUST FUND.—

(A) IN GENERAL.—Subchapter A of chapter 98 of such Code (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9512. TRUST FUND FOR MEDICAL TREATMENT OUTCOMES RESEARCH.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Trust Fund for Medical Treatment Outcomes Research' (hereafter referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There is hereby appropriated to the Trust Fund an amount equivalent to the taxes received in the Treasury under section 4501 (relating to tax on health insurance policies).

"(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—On an annual basis the Secretary shall distribute the amounts in the Trust Fund to the Secretary of Health and Human Services. Such amounts shall be available to the Secretary of Health and Human Services to pay for research activities related to medical treatment outcomes.".

(B) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end thereof the following new item:

"Sec. 9512. Trust Fund for Medical Treatment Outcomes Research.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to policies issued after December 31, 1993.

SEC. 703. HEALTH CARE COST CONTROL—EXPENDITURE TARGETS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary"), after considering the recommendations of the Health Care Cost Control Advisory Committee established under subsection (b), shall prepare and submit to the appropriate committees of the Congress a report concerning the establishment of national spending targets for health care and health care services. Such report shall contain the recommendations of the Secretary concerning the feasibility—

(1) for controlling the cost of health care, reducing cost shifting and maintaining the quality of care;

(2) of establishing national targets for health expenditures;

(3) of establishing national reimbursement targets for hospital services;

(4) of establishing national reimbursement targets for physicians' services; and

(5) of establishing national reimbursement targets for prescription drug services.

(b) HEALTH CARE COST CONTROL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—There shall be established a Health Care Cost Control Advisory Committee (hereafter referred to in this subsection as the "Committee").

(2) MEMBERSHIP.—The Committee shall be composed of 8 individuals appointed by the Secretary, representing—

(A) physicians;

(B) hospitals;

(C) pharmacies;

(D) private insurers;

(E) State and local governments;

(F) employers;

(G) organized labor; and

(H) academia with expertise as a health economist.

(3) COMPENSATION.—

(A) IN GENERAL.—Members of the Committee shall serve without compensation.

(B) EXPENSES REIMBURSED.—While away from their homes or regular places of business on the business of the Committee, the members of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

(C) APPLICATION OF THE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Committee.

(D) SUPPORT.—The Secretary shall supply such necessary office facilities, office supplies, support services, and related expenses as necessary to carry out the functions of the Committee.

TITLE VIII—LONG-TERM CARE

Subtitle A—Tax Treatment of Qualified Long-Term Care Insurance Policies

SEC. 801. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 802. DEFINITIONS OF QUALIFIED LONG-TERM CARE INSURANCE AND PREMIUMS.

(a) In General.—Chapter 79 (relating to definitions) is amended by adding at the end the following new section:

"SEC. 7705. QUALIFIED LONG-TERM CARE INSURANCE AND PREMIUMS.

"(a) Qualified Long-Term Care Insurance.—

"(1) In general.—For purposes of this title, the term 'qualified long-term care insurance' means insurance under a policy or rider, issued by a qualified issuer, which—

"(A) provides coverage for not less than 12 consecutive months for each covered person,

"(B) provides benefits on an expense incurred, indemnity, disability, prepaid, capitation, or other basis,

"(C) provides benefits for—

"(i) medically necessary diagnostic, preventive, therapeutic, rehabilitation, or maintenance services,

"(ii) personal care services necessitated by physical disability, or

"(iii) preventive, therapeutic, rehabilitation, maintenance, or personal care services necessitated by cognitive impairment or the loss of functional capacity,

when provided in a nursing home, a respite care facility, the home of the covered individual, or any other setting which is not an acute care unit of a hospital or a medical clinic, and

"(D) provides coverage for care described in subparagraph (C) (other than nursing home care) equal to not less than 47.5 percent of the national median cost of nursing care coverage, as determined by the Secretary.

"(2) Qualified issuer.—For purposes of paragraph (1), the term 'qualified issuer' means any of the following, if subject to the jurisdiction and regulation of at least 1 State insurance department:

"(A) Private insurance company.

"(B) Fraternal benefit society.

"(C) Nonprofit health corporation.

"(D) Nonprofit hospital corporation.

"(E) Nonprofit medical service corporation.

"(F) Prepaid health plan.

"(b) Qualified Long-Term Care Premiums.—

"(1) In general.—For purposes of this title, the term 'qualified long-term care premiums' means the amount paid during a taxable year for qualified long-term care insurance covering an individual, to the extent such amount does not exceed the limitation determined under the following table:

"In the case of an individual with an attained age before the close of the taxable year of:	**The limitation is:**
40 or less	$200
More than 40 but not more than 50	375
More than 50 but not more than 60	750
More than 60 but not more than 70	1,000
More than 70	2,000.

"(2) Indexing.—

"(A) In general.—In the case of any taxable year beginning after December 31, 1993, each dollar amount contained in paragraph (1) shall be increased by the medical care cost adjustment for such taxable year. If any increase determined under the preceding sentence is not a multiple of $10, such increase shall be rounded to the nearest multiple of $10.

"(B) Medical care cost adjustment.—For purposes of subparagraph (A), the medical care cost adjustment for any taxable year is the percentage (if any) by which—

"(i) the medical care component of the Consumer Price Index (as defined in section 1(f)(5)) for August of the calendar year preceding the calendar year in which the taxable year begins, exceeds

"(ii) such component for August of 1992.".

(b) Clerical Amendment.—The table of sections for chapter 79 is amended by inserting after the item relating to section 7704 the following new item:

"Sec. 7705. Qualified long-term care insurance and premiums.".

SEC. 803. TREATMENT OF QUALIFIED LONG-TERM CARE INSURANCE AS ACCIDENT AND HEALTH INSURANCE FOR PURPOSES OF TAXATION OF INSURANCE COMPANIES.

(a) In General.—Section 818 (relating to other definitions and special rules) is amended by adding at the end the following new subsection:

"(g) Qualified Long-Term Care Insurance Treated as Accident or Health Insurance.—For purposes of this subchapter, any reference to noncancellable accident or health insurance contracts shall be treated as including a reference to qualified long-term care insurance.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 804. TREATMENT OF ACCELERATED DEATH BENEFITS UNDER LIFE INSURANCE CONTRACTS.

(a) Exclusion of Amounts Received.—Section 101 (relating to certain death benefits) is amended by adding at the end the following new subsection:

"(g) Treatment of Certain Accelerated Death Benefits.—

"(1) In general.—For purposes of this section, any amount paid to an individual under a life insurance contract on the life of an insured who is a terminally ill individual, who has a dread disease, or who has been permanently confined to a nursing home shall be treated as an amount paid by reason of the death of such insured.

"(2) Terminally ill individual.—For purposes of this subsection, the term 'terminally ill individual' means an individual who has been certified by a physician, licensed under State law, as having an illness or physical condition which can reasonably be expected to result in death in 12 months or less.

"(3) Dread disease.—For purposes of this subsection, the term 'dread disease' means a medical condition which has required or requires extraordinary medical intervention without which the insured would die, or a medical condition which would, in the absence of extensive or extraordinary medical treatment, result in a drastically limited life span.

"(4) Permanently confined to a nursing home.—For purposes of this subsection, an individual has been permanently confined to a nursing home if the individual is presently confined to a nursing home and has been certified by a physician, licensed under State law, as having an illness or physical condition which can reasonably be expected to result in the individual remaining in a nursing home for the rest of the individual's life.".

(b) Treatment of Qualified Accelerated Death Benefit Riders as Life Insurance.—

(1) In general.—Section 818 (relating to other definitions and special rules), as amended by section 803, is amended by adding at the end the following new subsection:

"(h) Qualified Accelerated Death Benefit Riders Treated as Life Insurance.—For purposes of this part—

"(1) In general.—Any reference to a life insurance contract shall be treated as including a reference to a qualified accelerated death benefit rider on such contract.

"(2) Qualified accelerated death benefit rider.—For purposes of this subsection, the term 'qualified accelerated death benefit rider' means any rider or addendum on, or other provision of, a life insurance contract which provides for payments to an individual on the life of an insured upon such insured becoming a terminally ill individual (as defined in section 101(g)(2)), incurring a dread disease (as defined in section 101(g)(3)), or being permanently confined to a nursing home (as defined in section 101(g)(4)).".

(2) Definitions of life insurance and modified endowment contracts.—

(A) Rider treated as qualified additional benefit.—Subparagraph (A) of section 7702(f)(5) (relating to definition of life insurance contract) is amended by striking "or" at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

"(v) any qualified accelerated death benefit rider (as defined in section 818(h)(2)), or any qualified long-term care insurance which reduces the death benefit, or".

(B) Transitional rule.—For purposes of applying section 7702 or 7702A of the Internal Revenue Code of 1986 to any contract (or determining whether either such section applies to such contract), the issuance of a rider or addendum on, or other provision of, a life insurance contract permitting the acceleration of death benefits (as described in section 101(g)) or for qualified long-term care insurance shall not be treated as a modification or material change of such contract.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

Subtitle B—Tax Incentives for Purchase of Qualified Long-Term Care Insurance

SEC. 811. CREDIT FOR QUALIFIED LONG-TERM CARE PREMIUMS.

(a) General Rule.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. LONG-TERM CARE INSURANCE CREDIT.

"(a) General Rule.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of the qualified long-term care premiums (as defined in section 7705(b)) paid during such taxable year for such individual or the spouse of such individual.

"(b) Applicable Percentage.—

"(1) In general.—For purposes of this section, the term 'applicable percentage' means 28 percent reduced (but not below zero) by 1 percentage point for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds the base amount.

"(2) Base amount.—For purposes of paragraph (1) the term 'base amount' means—

"(A) except as otherwise provided in this paragraph, $25,000,

"(B) $40,000 in the case of a joint return, and

"(C) zero in the case of a taxpayer who—

"(i) is married at the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such taxable year, and

"(ii) does not live apart from his or her spouse at all times during the taxable year.

"(c) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—Any amount allowed as a credit under this section shall not be taken into account under section 213.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 35 and inserting the following:

"Sec. 35. Long-term care insurance credit.
"Sec. 36. Overpayments of tax.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 812. DEDUCTION FOR EXPENSES RELATING TO QUALIFIED LONG-TERM CARE.

(a) DEDUCTION FOR QUALIFIED LONG-TERM CARE PREMIUMS.—Subparagraph (C) of section 213(d)(1) (relating to the definition of medical care) is amended by striking "aged)" and inserting the following: "aged, and amounts paid as qualified long-term care premiums (as defined in section 7705(b))".

(b) DEDUCTION FOR LONG-TERM CARE EXPENSES FOR PARENT OR GRANDPARENT.—Section 213 (relating to deduction for medical expenses) is amended by adding at the end the following new subsection:

"(g) SPECIAL RULE FOR CERTAIN LONG-TERM CARE EXPENSES.—For purposes of subsection (a), the term 'dependent' shall include any parent or grandparent of the taxpayer for whom the taxpayer has long-term care expenses described in section 7705(a)(1)(C), but only to the extent of such expenses.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 813. EXCLUSION FROM GROSS INCOME OF BENEFITS RECEIVED UNDER QUALIFIED LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Section 105 (relating to amounts received under accident and health plans) is amended by adding at the end the following new subsection:

"(j) SPECIAL RULES RELATING TO QUALIFIED LONG-TERM CARE INSURANCE.—For purposes of section 104, this section, and section 106—

"(1) BENEFITS TREATED AS PAYABLE FOR SICKNESS, ETC.—Any benefit received through qualified long-term care insurance shall be treated as amounts received through accident or health insurance for personal injuries or sickness.

"(2) EXPENSES FOR WHICH REIMBURSEMENT PROVIDED UNDER QUALIFIED LONG-TERM CARE INSURANCE TREATED AS INCURRED FOR MEDICAL CARE OR FUNCTIONAL LOSS.—

"(A) EXPENSES.—Expenses incurred by the taxpayer or spouse, or by the dependent, parent, or grandparent of either, to the extent of benefits paid under qualified long-term care insurance shall be treated for purposes of subsection (b) as incurred for medical care (as defined in section 213(d)).

"(B) BENEFITS.—Benefits received under qualified long-term care insurance shall be treated for purposes of subsection (c) as payment for the permanent loss or loss of use of a member or function of the body or the permanent disfigurement of the taxpayer or spouse, or the dependent, parent, or grandparent of either.

"(3) REFERENCES TO ACCIDENT AND HEALTH PLANS.—

"(A) IN GENERAL.—Any reference to an accident or health plan shall be treated as including a reference to a plan providing qualified long-term care insurance.

"(B) LIMITATION.—Subparagraph (A) shall apply for purposes of section 106 only to the extent of qualified long-term care premiums (as defined in section 7705(b)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 814. EMPLOYER DEDUCTION FOR CONTRIBUTIONS MADE FOR LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Subparagraph (B) of section 404(b)(2) (relating to plans providing certain deferred benefits) is amended to read as follows:

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply to—

"(i) any benefit provided through a welfare benefit fund (as defined in section 419(e)), or

"(ii) any benefit provided under qualified long-term care insurance through the payment (in whole or in part) of qualified long-term care premiums (as defined in section 7705(b)) by an employer pursuant to a plan for its active or retired employees, but only if any refund or premium is applied to reduce the future costs of the plan or increase benefits under the plan.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 815. INCLUSION OF QUALIFIED LONG-TERM CARE INSURANCE IN CAFETERIA PLANS.

(a) IN GENERAL.—Paragraph (2) of section 125(d) (relating to the exclusion of deferred compensation) is amended by adding at the end the following new subparagraph:

"(D) EXCEPTION FOR LONG-TERM CARE INSURANCE CONTRACTS.—For purposes of subparagraph (A), amounts paid or incurred for any long-term care insurance contract shall not be treated as deferred compensation to the extent section 404(b)(2)(A) does not apply to such amounts by reason of section 404(b)(2)(B)(ii).".

(b) CONFORMING AMENDMENT.—Subsection (f) of section 125 (relating to qualified benefits) is amended by striking "and such term includes" and inserting the following: ", qualified long-term care insurance, and".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 816. EXCLUSION FROM GROSS INCOME FOR AMOUNTS WITHDRAWN FROM INDIVIDUAL RETIREMENT PLANS AND SECTION 401(k) PLANS FOR QUALIFIED LONG-TERM CARE PREMIUMS AND EXPENSES.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS AND SECTION 401(k) PLANS FOR QUALIFIED LONG-TERM CARE PREMIUMS AND EXPENSES.

"(a) GENERAL RULE.—In the case of an individual, gross income shall not include any qualified distribution.

"(b) QUALIFIED DISTRIBUTION.—For purposes of this section, the term 'qualified distribution' means any amount distributed from an individual retirement plan or a section 401(k) plan during the taxable year if such amount is used during such year—

"(1) to pay qualified long-term care premiums (as defined in section 7705(b)) for the benefit of the payee or distributee or the spouse of the payee or distributee, if such policy may not be surrendered for cash, or

"(2) to pay long-term care expenses (as described in section 7705(a)(1)(C)) of such an individual.

"(c) SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED DISTRIBUTIONS FROM IRA DEEMED MADE FIRST FROM DESIGNATED NONDEDUCTIBLE CONTRIBUTIONS.—For purposes of section 72, qualified distributions from an individual retirement plan shall be treated as made from designated nondeductible contributions to the extent thereof and then from other amounts.

"(2) SPECIAL RULES FOR SECTION 401(k) PLANS.—

"(A) QUALIFIED DISTRIBUTIONS FROM SECTION 401(k) PLAN MAY NOT EXCEED ELECTIVE DEFERRALS.—This section shall not apply to any distribution from a section 401(k) plan to the extent the aggregate amount of such distributions for the use described in subsection (a) exceeds the aggregate employer contributions made pursuant to the employee's election under section 401(k)(2) (and the income thereon).

"(B) WITHDRAWALS NOT TO CAUSE DISQUALIFICATION.—A plan shall not be treated as failing to satisfy the requirements of section 401, and an arrangement shall not be treated as failing to be a qualified cash or deferred arrangement (as defined in section 401(k)(2)), merely because under the plan or arrangement distributions are permitted which are excludable from gross income by reason of this section.

"(d) SECTION 401(k) PLAN.—For purposes of this section, the term 'section 401(k) plan' means any employer plan which meets the requirements of section 401(a) and which includes a qualified cash or deferred arrangement (as defined in section 401(k)).".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (k) of section 401 is amended by adding at the end the following new paragraph:

"(11) CROSS REFERENCE.—

"For provision permitting tax-free withdrawals for qualified long-term care premiums and expenses, see section 136.".

(2) Subsection (d) of section 408 is amended by adding at the end the following new paragraph:

"(8) CROSS REFERENCE.—

"For provision permitting tax-free withdrawals for qualified long-term care premiums and expenses, see section 136.".

(3) The table of sections for such part III is amended by striking the item relating to section 136 and inserting the following new items:

"Sec. 136. Distributions from individual retirement plans and section 401(k) plans for qualified long-term care premiums and expenses.
"Sec. 137. Cross references to other Acts.".

(c) INCREASE IN AMOUNT OF DEDUCTIBLE CONTRIBUTIONS TO INDIVIDUAL RETIREMENT PLANS.—

(1) IN GENERAL.—Subparagraph (A) of section 219(b)(1) (relating to maximum amount of deduction) is amended by striking "$2,000" and inserting "$4,000".

(2) SPOUSAL IRA.—Paragraph (2) of section 219(c) (relating to special rules for certain married individuals) is amended by striking "$2,250" and "$2,000" and inserting "$4,500" and "$4,000", respectively.

(3) CONFORMING AMENDMENTS.—

(A) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(B) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(C) Section 408(j) is amended by striking "$2,000".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 817. EXCLUSION FROM GROSS INCOME FOR AMOUNTS RECEIVED ON CANCELLATION OF LIFE INSURANCE POLICIES AND USED FOR QUALIFIED LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—

(1) EXCLUSION FROM GROSS INCOME.—

(A) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income), as amended by section 216, is further amended by redesignating section 137 as section 138 and by inserting after section 136 the following new section:

"SEC. 137. AMOUNTS RECEIVED ON CANCELLATION, ETC. OF LIFE INSURANCE CONTRACTS AND USED TO PAY PREMIUMS FOR QUALIFIED LONG-TERM CARE INSURANCE.

"No amount (which but for this section would be includible in the gross income of an individual) shall be included in gross income on the whole or partial surrender, cancellation, or exchange of any life insurance contract during the taxable year if—

"(1) such individual has attained age 59½ on or before the date of the transaction, and

"(2) the amount otherwise includible in gross income is used during such year to pay for any policy of qualified long-term care insurance which—

"(A) is for the benefit of such individual or the spouse of such individual if such spouse has attained age 59½ on or before the date of the transaction, and

"(B) may not be surrendered for cash.".

(B) CLERICAL AMENDMENT.—The table of sections for such part III is amended by striking the last item and inserting the following new items:

"Sec. 137. Amounts received on cancellation, etc. of life insurance contracts and used to pay premiums for qualified long-term care insurance.

"Sec. 138. Cross references to other Acts.".

(2) CERTAIN EXCHANGES NOT TAXABLE.—Subsection (a) of section 1035 (relating to certain exchanges of insurance contracts) is amended by striking the period at the end of paragraph (3) and inserting "; or", and by adding at the end the following new paragraph:

"(4) in the case of an individual who has attained age 59½, a contract of life insurance or an endowment or annuity contract for a policy of qualified long-term care insurance, if such policy may not be surrendered for cash.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 818. USE OF GAIN FROM SALE OF PRINCIPAL RESIDENCE FOR PURCHASE OF QUALIFIED LONG-TERM HEALTH CARE INSURANCE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to 1-time exclusion of gain from sale of principal residence by individual who has attained age 55) is amended by adding at the end the following new paragraph:

"(10) ELIGIBILITY OF HOME EQUITY CONVERSION SALE-LEASEBACK TRANSACTION FOR EXCLUSION.—

"(A) IN GENERAL.—For purposes of this section, the term 'sale or exchange' includes a home equity conversion sale-leaseback transaction.

"(B) HOME EQUITY CONVERSION SALE-LEASEBACK TRANSACTION.—For purposes of subparagraph (A), the term 'home equity conversion sale-leaseback' means a transaction in which—

"(i) the seller-lessee—

"(I) has attained the age of 55 before the date of the transaction,

"(II) sells property which during the 5-year period ending on the date of the transaction has been owned and used as a principal residence by such seller-lessee for periods aggregating 3 years or more,

"(III) uses a portion of the proceeds from such sale to purchase a policy of qualified long-term care insurance, which policy may not be surrendered for cash,

"(IV) obtains occupancy rights in such property pursuant to a written lease requiring a fair rental, and

"(V) receives no option to repurchase the property at a price less than the fair market price of the property unencumbered by any leaseback at the time such option is exercised, and

"(ii) the purchaser-lessor—

"(I) is a person,

"(II) is contractually responsible for the risks and burdens of ownership and receives the benefits of ownership (other than the seller-lessee's occupancy rights) after the date of such transaction, and

"(III) pays a purchase price for the property that is not less than the fair market price of such property encumbered by a leaseback, and taking into account the terms of the lease.

"(C) ADDITIONAL DEFINITIONS.—For purposes of subparagraph (B)—

"(i) OCCUPANCY RIGHTS.—The term 'occupancy rights' means the right to occupy the property for any period of time, including a period of time measured by the life of the seller-lessee on the date of the sale-leaseback transaction (or the life of the surviving seller-lessee, in the case of jointly held occupancy rights), or a periodic term subject to a continuing right of renewal by the seller-lessee (or by the surviving seller-lessee, in the case of jointly held occupancy rights).

"(ii) FAIR RENTAL.—The term 'fair rental' means a rental for any subsequent year which equals or exceeds the rental for the first year of a sale-leaseback transaction.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after December 31, 1992, in taxable years beginning after such date.

Subtitle C—Medicaid Amendments

SEC. 821. EXPANSION OF MEDICAID ELIGIBILITY FOR LONG-TERM CARE BENEFITS.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

"ELIGIBILITY FOR LONG-TERM CARE BENEFITS

"SEC. 1931. (a) ELIGIBILITY FOR NURSING FACILITY SERVICES.—Any individual—

"(1) who is 65 years of age or older,

"(2) who has resources (including resources of the individual's spouse) which do not exceed the resource limitation specified in subsection (c)(1),

"(3) who is not otherwise eligible for medical assistance for nursing facility services under this title, and

"(4) who has been provided 30 months of nursing facility services (during a period in which the individual required the level of care provided in a nursing facility) during the previous 48 months (or, with respect to the application of subsection (e), 72 months), is eligible, notwithstanding any other provisions of this title, for medical assistance under this title for nursing facility services so long as the individual continues to meet the requirements of this subsection (other than paragraph (4)) and is confined to a nursing facility or otherwise requires the same level of care as is provided in a nursing facility.

"(b) ELIGIBILITY FOR HOME AND COMMUNITY-BASED CARE.—Any individual—

"(1) who is 65 years of age or older,

"(2) who has resources (including resources of the individual's spouse) which do not exceed the resource limitation specified in subsection (c)(1), and

"(3) who is not otherwise eligible for medical assistance for home and community-based long-term care under this title,

is eligible, notwithstanding any other provisions of this title, for medical assistance under this title for home and community-based long-term care so long as the individual continues to meet the requirements of this subsection and requires the same level of care as is provided in a nursing facility.

"(c) RESOURCE LIMITATION.—

"(1) IN GENERAL.—For purposes of this section, the resource limitation specified in this subsection is $500,000, increased, for each year after 1993, by the percentage increase in the Consumer Price Index for All Urban Consumers (all items; U.S. city average) from July 1992 to July of the previous year, rounded (if not a multiple of $1,000) to the nearest $1,000.

"(2) CERTAIN PERSONAL PROPERTY NOT INCLUDED.—Personal property items with a fair market value less than $5,000 in the aggregate shall not be included in any calculation of resources under subsections (a) and (b) which are subject to the resource limitation specified in paragraph (1).

"(d) TREATMENT OF LEVEL OF CARE.—

"(1) IN GENERAL.—For purposes of subsections (a) and (b), an individual is considered to require the level of care provided in a nursing facility if the individual cannot perform (without substantial human assistance) at least 3 activities of daily living or needs substantial human assistance because of cognitive or other mental impairment (including Alzheimer's disease).

"(2) ACTIVITIES OF DAILY LIVING DEFINED.—The 'activities of daily living' referred to in paragraph (1) are the following: eating, bathing, dressing, toileting, and transferring in and out of a bed or in and out of a chair.

"(e) SUBSTITUTION OF EXPENSES INCURRED FOR QUALIFIED HOME CARE FOR MONTHS IN NURSING FACILITY.—

"(1) IN GENERAL.—In determining whether an individual has been provided 30 months of nursing facility services under subsection (a)(4), expenses incurred (whether paid for by insurance, themselves, or relatives but not including expenses for which payment is made under this title, by the Department of Veterans Affairs, the Department of Defense, or other Federal programs) for qualified home care (as defined in paragraph (3)) shall be taken into account in the manner specified in paragraph (2).

"(2) CONVERTING EXPENSES TO MONTHS.—Expenses described in paragraph (1) shall be converted to months of nursing facility services by dividing such expenses by the national median monthly cost (as determined by the Secretary, and using a weighted average for both public and private nursing facilities) for nursing facility services in the month in which the expenses are incurred.

"(3) QUALIFIED HOME CARE DEFINED.—In this subsection, the term 'qualified home care' means home and community-based services described in section 1915(d).''.

(b) CONFORMING AMENDMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)), as amended by section 302, is further amended—

(1) in paragraph (10)—

(A) in clause (i) of subparagraph (A), by striking "or'' at the end of subclause (VI), by striking the semicolon at the end of subclause (VII) and inserting ", or'', and by adding at the end the following:

"(VIII) who are described in subsections (a) and (b) of section 1931;''; and

(B) in the matter following subparagraph (F)—

(i) by striking "; and (XI)''; and inserting ", (XI);

(ii) by striking ", and (XI)'' and inserting ", (XII); and

(iii) by inserting before the semicolon at the end the following: ", and (XIII) the making available of medical assistance for certain nursing facility services and home and community-based long-term care in accordance with section 1931 shall not, by reason of this paragraph, require such assistance to be made available to other individuals'';

(2) in paragraph (59), by striking "; and'' and inserting a semicolon,

(3) in paragraph (60), by striking the period at the end and inserting "; and'', and

(4) by adding at the end the following new paragraph:

"(61) provides for medical assistance for certain nursing facility services and home and community-based long-term care in accordance with section 1931.''.

SEC. 822. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this subtitle apply (except as provided under subsection (b)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after 1 year after the date of the enactment of this Act, without regard to whether regulations to implement such amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation authorizing or appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this subtitle, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(c) TRANSITION.—In applying the amendments made by this subtitle, only months beginning after the date of the enactment of this Act may be counted toward meeting the 30-month deductible described in section 1931(a)(4) of the Social Security Act, as added by this subtitle.

By Mr. SPECTER (for himself and Mr. DOMENICI):

S. 19. A bill to amend the Internal Revenue Code of 1986 to provide economic growth incentives in 1993 and for no other purpose; to the Committee on Finance.

ECONOMIC RECOVERY ACT

Mr. SPECTER. Mr. President, I am today introducing legislation intended to assure strong and sustained growth in our economy. The legislation includes the common elements of the economic recovery proposals made by President Bush and the economic recovery program passed by the Senate during the 102d Congress. Unfortunately, they did not become law. Notwithstanding recent optimistic reports about the state of our economy, I believe this plan remains very necessary for a solid economy; hence its reintroduction.

Recent reports suggests an upturn in our economy—consumers made significant expenditures during the holiday season, inventories are thinning, and orders for goods and factory output seem to be picking up. In fact, the National Bureau of Economic Research reported on December 22, 1992, its determination that the recession is over, having ended in March 1991.

However, sustained consumer spending of the type just experienced over the holidays is not expected. And the economic strength of some of our major trading partners remains in question. This could jeopardize the strength and sustainability of U.S. economic growth. Moreover, in view of the continuing lack of new job growth, I remain concerned that the recent signs of strength in our economy will remain just that—signs.

In order to move ahead with as far-reaching a program as possible, I urge enactment of the portions of the economic recovery proposals advanced by the President and the Senate. While it is not a perfect approach to take the commonly agreed upon provisions from the last Congress, it is, I believe, vastly preferable to no action at all.

In my judgment, we should enact a reduction in the capital gains tax. Unfortunately, that is not possible given the present opposition. As my colleagues will recall, during the 101st Congress the House of Representatives passed a capital gains tax cut, and in 1991 there were 56 votes in the Senate for that tax cut, which was insufficient for cloture.

In the immediate term, however, we must work to avoid the on-again, off-again economic recovery we have experienced during the last year. That is why I am introducing legislation comprised largely of the provisions that both sides agree will sustain a recovery.

The principal components of this legislation include: First, a $5,000 first-time homebuyer tax credit, which is estimated to stimulate approximately 215,000 housing starts and 415,000 new jobs; second, penalty-free IRA withdrawal for middle-income purchasers of homes and new automobiles, which last year was estimated to create between $40 billion and $120 billion in increased spending; third, a 15-percent investment tax allowance proposal, which would promote capita investment, modernization, and more rapid cost recovery; fourth, passive loss liberalization for real estate professionals intended to help stabilize the real estate market; and fifth, liberalization of the debt-financed income rules to facilitate investment in real estate by pension funds, also intended to stabilize real estate market values.

The first two provisions of this legislation, the $5,000 first-time homebuyers tax credit and penalty-free IRA withdrawals, would assist tremendously the homebuilding and automobile industries, the two industries that traditionally have led this country out of recessions. Under the credit for first-time homebuyers, a taxpayer would be entitled to a credit equal to 10 percent of the purchase price of the home up to a maximum of $5,000. The provision would also be available to first-time homebuyers buying older homes. According to the National Association of Home Builders, this provision would stimulate 215,000 housing starts and 415,000 additional jobs.

Similarly, the penalty-free IRA withdrawal provisions would assist the homebuilding industry. It would also assist the automobile industry. This provision would permit individuals with incomes under $75,000—$100,000 for married couples filing jointly—to withdraw penalty-free up to $10,000 from an IRA, 401(k), or Keogh plan, provided that the funds are expended on new automobiles or first-time home purchases within 6 months from withdrawal. The tax on such withdrawal would be due over the succeeding 4 years. However, in each year that the tax is due, taxpayers would have the option to either pay the tax on one-fourth of the withdrawal or recontribute to their account one-fourth of the withdrawal and avoid such tax.

There are more than $800 billion in assets currently existing in IRA, 401(k), and Keogh retirement plans. This is a big pool of money, a modest amount of which could be accessed for the purpose of consumers making big ticket or capital expenditures—homes and cars. This is not a frivolous use of funds especially when it will strengthen our apparent economic recovery. Moreover, it would not be inconsistent with the saving purpose of IRA's because of the provision's short-term duration and because of the incentive to recontribute the funds back to these accounts—namely, avoiding the tax due on the withdrawal.

Mr. President, when Senator DOMENICI and I offered this provision as an amendment to the first Senate tax bill in the last Congress, the Joint Committee on Taxation had estimated the cost of this measure as negligible; that is costing less than $1 million, over 5 years. The country's return on this in-

vestment would be great. I have received consumer spending estimates based on its provision ranging from approximately $40 billion—from the Board of Governors of the Federal Reserve System Chairman Alan Greenspan—to well over $120 billion according to the results of a consumer poll conducted by Interpublic Group of Companies, Inc., in New York. This poll was conducted back in December 1991, shortly after our predecessor bill, S. 1984, was introduced. Ninety days later, March 1992, Interpublic conducted a second poll refining its questions on S. 1984, and the results were even more encouraging. As stated by Mr. Philip Geier, chairman and CEO of Interpublic, in a letter to me dated April 3, 1992—which letter, I am informed, was also mailed to each member of the Senate Finance Committee and House Ways and Means Committee:

> Bottom line is that [this] proposal would free up $32 billion from retirement plan savings to help get our economy moving. When multipliers are included the money Americans would use to complete their purchases results in a total of $153 billion—home purchase $116 billion; new car purchase $29 billion; home improvement $8 billion dollars that would move into our economy. * * *
>
> Findings in the March 1992 survey make it very conclusive. This is a plan which Americans believe in. A plan from which they and our nation's economy will benefit. Clearly this proposal has a powerful triggering effect. It comes at a time when the effect of lowered interest rates is being blunted by the more restrictive consumer lending policies of our financial institutions. This proposal allows responsible access to funds. These will go to responsible investment. Economic activity will be triggered, jobs ensured and created. It provides a stimulus we need right now.

Mr. President, I ask unanimous consent that the Interpublic Group letters dated December 24, 1991, and April 3, 1992, describing its poll results be printed in the RECORD at the conclusion of my remarks, as well as a copy of the full page ad Interpublic placed in the March 6, 1992, edition of USA Today describing this proposal. I also ask unanimous consent that the Federal Reserve Board memorandum to me dated February 12, 1992, also detailing the consumer spending impact of my proposal also be printed in the RECORD at the conclusion of my remarks.

The investment tax allowance is another provision on which there is much agreement between the political parties as well as Congress and the President on its utility and benefit to the economy. I have taken note of recent reports suggesting that President Clinton may be proposing an investment tax credit. While I support investment tax credits, I am concerned that in view of our budget constraints such legislation may be too costly. Hence, I am making a more modest proposal.

Under this proposal, productivity enhancing equipment such as machinery, computers, and machine tools, purchased on or after January 1, 1993, and before January 1, 1994, and placed in service before June 1, 1994, would be eligible for a 15-percent additional depreciation allowance in the first year after the property was placed in service. Many believe, and I do not disagree, that this temporary acceleration of depreciation would promote capital investments by businesses, and when coupled with the consumer investments I have already mentioned, would have a very positive effect on our economy.

Passive loss reform and facilitating pension fund investment in real estate, will further this effect. Again Mr. President, Republicans and Democrats agree that these reforms will help our economy. Congress adopted these proposals at the end of the last Congress. Regrettably, they did not become law.

The passive loss provision of the bill I have introduced repeals the irrebuttable presumption that real estate rental activities are per se passive activities regardless of the taxpayer's participation. Thus, it allows real estate activities to be treated like other trade or business activities. The present passive loss rules prevent real estate professionals from deducting necessary business expenses. This, in turn, exacerbates cash flow problems they may have with their properties, and is a significant contributing factor in their losing their properties to lenders who hold mortgages on those properties. Reforming the passive loss rules as I propose will encourage these property owners to hold and maintain their property rather than default and relinquish it to their lenders. Fewer defaults will also facilitate the availability of credit and, in turn, strengthen the economic expansion.

That expansion will also be bolstered by better enabling pension funds to invest in real estate. Pension funds are a major source of investment capital for real estate. Making these funds available for investment will assist in the stabilization of real estate values, which is necessary for economic growth.

Mr. President, the Congress and President Clinton should act to stave off another economic downturn. The bill I have introduced avoids the intensely partisan issues that have prevented the enactment and signing of economic recovery legislation to date. It is a bill that we all agree will help our Nation. Therefore, I call on my colleagues to join me in supporting this legislation.

I ask unanimous consent a bill and other material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 19

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Economic Recovery Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents; amendment of 1986 Code.

TITLE I—ECONOMIC GROWTH INCENTIVES

Sec. 101. Credit for first-time homebuyers.
Sec. 102. Special depreciation allowance for certain equipment acquired in 1992.
Sec. 103. Penalty-free withdrawals from pension plans through 1992.
Sec. 104. Passive loss equity for real estate professionals.
Sec. 105. Real property acquired by a qualified organization.
Sec. 106. Special rules for investments in partnerships.

TITLE II—REVENUE OFFSETS

Subtitle A—General Provisions

Sec. 201. Elimination of the statute of limitations on collection of guaranteed student loans.
Sec. 202. Increase tax on ozone depleting chemicals.
Sec. 203. Mark to market inventory method for securities dealers.
Sec. 204. Disallowance of interest on certain overpayments of tax.

Subtitle B—Electromagnetic Spectrum Function

Sec. 211. Short title.
Sec. 212. Findings.
Sec. 213. National spectrum planning.
Sec. 214. Identification of reallocable frequencies.
Sec. 215. Withdrawal of assignment to United States Government stations.
Sec. 216. Distribution of frequencies by the Commission.
Sec. 217. Authority to reclaim reassigned frequencies.
Sec. 218. Competitive bidding.
Sec. 219. Definitions.

Subtitle C—Other Provisions

Sec. 221. Extension of current law regarding lump-sum withdrawal of retirement.
Sec. 222. Extension of the patent and trademark office user fee surcharge through 1996.
Sec. 223. One-year extension of customs user fees.
Sec. 224. Disclosures of information for veterans benefits.
Sec. 225. Revision of procedure relating to certain loan defaults.
Sec. 226. Application of medicare part B limits to FEHBP enrollee age 65 or older.

(c) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—ECONOMIC GROWTH INCENTIVES

SEC. 101. CREDIT FOR FIRST-TIME HOMEBUYERS.

(a) IN GENERAL.—Subpart A of part IV of chapter 1 is amended by inserting after section 22 the following new section:

"SEC. 23. PURCHASE OF PRINCIPAL RESIDENCE BY FIRST-TIME HOMEBUYER.

"(a) ALLOWANCE OF CREDIT.—If an individual who is a first-time homebuyer purchases a principal residence (within the meaning of section 1034), there shall be allowed to such individual as a credit against the tax imposed by this subtitle an amount equal to 10 percent of the purchase price of the principal residence.

“(b) Limitations.—

“(1) Maximum credit.—The credit allowed under subsection (a) shall not exceed $5,000.

“(2) Limitation to one residence.—The credit under this section shall be allowed with respect to only one residence of the taxpayer.

“(3) Married individuals filing jointly.—In the case of a husband and wife who file a joint return under section 6013, the credit under this section is allowable only if both the husband and wife are first-time homebuyers, and the amount specified under paragraph (1) shall apply to the joint return.

“(4) Other taxpayers.—In the case of individuals to whom paragraph (3) does not apply who together purchase the same new principal residence for use as their principal residence, the credit under this section is allowable only if each of the individuals is a first-time homebuyer, and the sum of the amount of credit allowed to such individuals shall not exceed the lesser of $5,000 or 10 percent of the total purchase price of the residence. The amount of any credit allowable under this section shall be apportioned among such individuals under regulations to be prescribed by the Secretary.

“(5) Application with other credits.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year, reduced by the sum of any other credits allowable under this chapter.

“(c) Definitions and Special Rules.—For purposes of this section—

“(1) Purchase price.—The term ‘purchase price’ mears the adjusted basis of the principal residence on the date of the acquisition thereof.

“(2) First-time homebuyer.—

“(A) In general.—The term ‘first-time homebuyer’ means any individual if such individual has not had a present ownership interest in any residence (including an interest in a housing cooperative) at any time within the 36-month period ending on the date of acquisition of the residence on which the credit allowed under subsection (a) is to be claimed. An interest in a partnership, S corporation, or trust that owns an interest in a residence is not considered an interest in a residence for purposes of this paragraph except as may be provided in regulations.

“(B) Certain individuals.—Notwithstanding subparagraph (A), an individual is not a first-time homebuyer on the date of purchase of a residence if on that date the running of any period of time specified in section 1034 is suspended under subsection (h) or (k) of section 1034 with respect to that individual.

“(3) Special rules for certain acquisitions.—No credit is allowable under this section if—

“(A) the residence is acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under section 267 or 707(b), or

“(B) the basis of the residence in the hands of the person acquiring it is determined—

“(i) in whole or in part by reference to the adjusted basis of such residence in the hands of the person from whom it is acquired, or

“(ii) under section 1014(a) (relating to property acquired from a decedent).

“(d) Recapture for Certain Dispositions.—

“(1) In general.—Except as provided in paragraphs (2) and (3), if the taxpayer disposes of property with respect to the purchase of which a credit was allowed under subsection (a) at any time within 36 months after the date the taxpayer acquired the property as his principal residence, then the tax imposed under this chapter for the taxable year in which the disposition occurs is increased by an amount equal to the amount allowed as a credit for the purchase of such property.

“(2) Acquisition of new residence.—If, in connection with a disposition described in paragraph (1) and within the applicable period prescribed in section 1034, the taxpayer purchases a new principal residence, then the provisions of paragraph (1) shall not apply and the tax imposed by this chapter for the taxable year in which the new principal residence is purchased is increased to the extent the amount of the credit that could be claimed under this section on the purchase of the new residence (determined without regard to subsection (e)) is less than the amount of credit claimed by the taxpayer under this section.

“(3) Death of owner; casualty loss; involuntary conversion; etc.—The provisions of paragraph (1) do not apply to—

“(A) a disposition of a residence made on account of the death of any individual having a legal or equitable interest therein occurring during the 36-month period to which reference is made under paragraph (1),

“(B) a disposition of the old residence if it is substantially or completely destroyed by a casualty described in section 165(c)(3) or compulsorily or involuntarily converted (within the meaning of section 1033(a)), or

“(C) a disposition pursuant to a settlement in a divorce or legal separation proceeding where the residence is sold or the other spouse retains the residence as a principal residence.

“(e) Property to Which Section Applies.—

“(1) In general.—The provisions of this section apply to a principal residence if—

“(A) the taxpayer acquires the residence on or after February 1, 1993, and before January 1, 1994, or

“(B) the taxpayer enters into, on or after February 1, 1993, and before January 1, 1994, a binding contract to acquire the residence, and acquires and occupies the residence before July 1, 1994.”

(b) Clerical Amendment.—The table of sections for subpart A of part IV of chapter 1 is amended by inserting after section 22 the following new item:

“Sec. 23. Purchase of principal residence by first-time homebuyer.”

(c) Effective Date.—The amendments made by this section are effective on August 1, 1993.

SEC. 102. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN EQUIPMENT ACQUIRED IN 1993.

(a) In General.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

“(j) Special Allowance for Certain Equipment Acquired in 1993.—

“(1) Additional allowance.—Except as provided in paragraph (2), in the case of any qualified equipment—

“(A) the depreciation deduction provided by section 167(a) for the taxable year in which such equipment is placed in service shall include an allowance equal to 15 percent of the adjusted basis of the qualified equipment, and

“(B) the adjusted basis of the qualified equipment shall be reduced by the amount of such deduction (without regard to paragraph (2)) before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

“(2) Maximum first-year deduction.—Of the aggregate deduction allowable under paragraph (1)—

“(A) 0 percent shall be allowed for the taxable year in which the property is placed in service, and

“(B) 100 percent shall be allowed for the succeeding taxable year.

“(3) Qualified equipment.—For purposes of this subsection—

“(A) In general.—The term ‘qualified equipment’ means property to which this section applies—

“(i) which is section 1245 property (within the meaning of section 1245(a)(3)),

“(ii) the original use of which commences with the taxpayer on or after February 1, 1993,

“(iii) which is—

“(I) acquired by the taxpayer on or after February 1, 1993, and before January 1, 1994, but only if no written binding contract for the acquisition was in effect before February 1, 1993, or

“(II) acquired by the taxpayer pursuant to a written binding contract which was entered into on or after February 1, 1993, and before January 1, 1994, and

“(iv) which is placed in service by the taxpayer before July 1, 1994.

“(B) Exceptions.—

“(i) Alternative depreciation property.—The term ‘qualified equipment’ shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

“(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

“(II) after application of section 280F(b) (relating to listed property with limited business use).

“(ii) Election out.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

“(C) Special rules relating to original use.—

“(i) Self-constructed property.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property on and after February 1, 1993, and before January 1, 1994.

“(ii) Sale-leasebacks.—For purposes of subparagraph (A)(ii), if property—

“(I) is originally placed in service on or after February 1, 1993, by a person, and

“(II) is sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

“(D) Coordination with section 280F.—For purposes of section 280F—

“(i) Automobiles.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified equipment, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i), and decrease each other limitation under subparagraphs (A) and (B) of section 280F(a)(1), to appropriately reflect the amount of the deduction allowable under paragraph (1).

"(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2)."

(b) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(a)(1)(A) (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following new clause:

"(iii) ADDITIONAL ALLOWANCE FOR EQUIPMENT ACQUIRED IN 1993.—The deduction under section 168(j) shall be allowed."

(2) CONFORMING AMENDMENT.—Clause (i) of section 56(a)(1)(A) is amended by inserting "or (iii)" after "(ii)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after February 1, 1993, in taxable years ending on or after such date.

SEC. 103. PENALTY-FREE WITHDRAWALS FROM PENSION PLANS THROUGH 1993.

(a) IN GENERAL.—In the case of any qualified withdrawal—

(1) no additional tax shall be imposed under section 72(t)(1) of the Internal Revenue Code of 1986 with respect to such qualified withdrawal, and

(2) except as provided in subsection (b), any amount includible in gross income by reason of such qualified withdrawal (determined without regard to this section) shall be includible ratably over the 4-taxable year period beginning with the taxable year in which such qualified withdrawal occurs.

(b) ELECTION TO RECONTRIBUTE TO PLAN.—

(1) IN GENERAL.—The amount required to be included in gross income for any taxable year under subsection (a)(2) shall be reduced by any designated recontribution.

(2) DESIGNATED RECONTRIBUTION.—For purposes of paragraph (1), a designated recontribution is any contribution to any plan described in subsection (c)(1)(B)—

(A) which the taxpayer designates (in such manner as the Secretary of the Treasury may prescribe) as in lieu of all (or any portion of) any amount required to be included in gross income under subsection (a)(2) for a taxable year, and

(B) which is made not later than the due date (without extensions) for such taxable year.

(3) NO DEDUCTION ALLOWED FOR RECONTRIBUTION, ETC.—For purposes of the Internal Revenue Code of 1986, a designated recontribution shall not be treated as a contribution for any taxable year.

(c) QUALIFIED WITHDRAWAL.—For purposes of this section—

(1) IN GENERAL.—The term "qualified withdrawal" means any payment or distribution—

(A) which is made to an individual during 1992,

(B) which is made from—

(i) an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) established for the benefit of the individual, or

(ii) amounts attributable to employer contributions made on behalf of the individual pursuant to elective deferrals described in section 402(g)(3) (A) or (C) or 501(c)(18)(D)(iii) of such Code, and

(C) which is used by the individual for a qualified acquisition not later than the earlier of—

(i) the date which is 6 months after the date of such payment or distribution, or

(ii) the date on which the individual files the individual's income tax return for the taxable year in which such payment or distribution occurs.

(2) QUALIFIED ACQUISITION.—The term "qualified acquisition" means—

(A) the payment of qualified acquisition costs with respect to a principal residence of a first-time homebuyer who is the taxpayer or the child or grandchild of the taxpayer, or

(B) the purchase of a new passenger automobile.

(3) DOLLAR LIMITATION.—The aggregate amount which may be treated as qualified withdrawals under paragraph (1) with respect to all plans and amounts of an individual described in paragraph (1)(B) shall not exceed $10,000.

(4) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

(A) QUALIFIED ACQUISITION COSTS.—The term "qualified acquisition costs" means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs associated with such qualified acquisition costs.

(B) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—

(i) FIRST-TIME HOMEBUYER.—The term "first-time homebuyer" means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 2-year period ending on the date of acquisition of the principal residence to which this paragraph applies.

(ii) PRINCIPAL RESIDENCE.—The term "principal residence" has the same meaning as when used in section 1034.

(iii) DATE OF ACQUISITION.—The term "date of acquisition" means the date—

(I) on which a binding contract to acquire the principal residence to which this subsection applies is entered into, or

(II) on which construction or reconstruction of such a principal residence is commenced.

(C) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If—

(i) any amount is paid or distributed from an individual retirement plan to an individual for purposes of being used as provided in paragraph (1), and

(ii) by reason of a delay in the acquisition of the residence, the requirements of paragraph (1) cannot be met,

the amount so paid or distributed may be paid into an individual retirement plan as provided in section 408(d)(3)(A)(i) of the Internal Revenue Code of 1986 without regard to section 408(d)(3)(B) of such Code, and, if so paid into such other plan, such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) of such Code applies to any other amount.

(D) DISTRIBUTION RULES.—Any qualified withdrawal shall not be treated as failing to meet the requirements of sections 401(k)(2)(B)(i) or 403(b)(11) of such Code.

(d) ORDERING RULES FOR INCOME TAX PURPOSES.—For purposes of the Internal Revenue Code of 1986—

(1) all plans and amounts described in subsection (c)(1)(B) with respect to an individual shall be treated as one plan, and

(2) qualified withdrawals from such plan shall be treated as made—

(A) first from amounts which are includible in gross income of the individual when distributed to such individual, and

(B) then from amounts not so includible.

SEC. 104. PASSIVE LOSS EQUITY FOR REAL ESTATE PROFESSIONALS.

(a) RENTAL REAL ESTATE ACTIVITIES OF PERSONS IN REAL PROPERTY BUSINESS NOT AUTOMATICALLY TREATED AS PASSIVE ACTIVITIES.—Section 469(c) (defining passive activity) is amended by adding at the end thereof the following new paragraph:

"(7) RULES FOR TAXPAYERS IN REAL PROPERTY BUSINESS TO END DISCRIMINATION.—

"(A) IN GENERAL.—If this paragraph applies to any taxpayer for a taxable year—

"(i) paragraph (2) shall not apply to any rental real estate activity of such taxpayer for such taxable year, and

"(ii) this section shall be applied as if each interest of the taxpayer in rental real estate were a separate activity.

Notwithstanding clause (ii), a taxpayer may elect to treat all interests in rental real estate as one activity.

"(B) TAXPAYERS TO WHOM PARAGRAPH APPLIES.—This paragraph shall apply to a taxpayer for a taxable year if more than one-half of the personal services performed in trades or businesses by the taxpayer during such taxable year are performed in real property trades or businesses in which the taxpayer materially participates.

"(C) SPECIAL RULES FOR SUBPARAGRAPH (B).—

"(i) CLOSELY HELD C CORPORATIONS.—In the case of a closely held C corporation, the requirements of subparagraph (B) shall be treated as met for any taxable year if more than 50 percent of the gross receipts of such corporation for such taxable year are derived from real property trades or businesses in which the corporation materially participates.

"(ii) PERSONAL SERVICES AS AN EMPLOYEE.—For purposes of subparagraph (B), personal services performed as an employee (other than as an owner-employee) shall not be treated as performed in real property trades or businesses."

(b) CONFORMING AMENDMENT.—Section 469(c)(2) is amended by striking "The" and inserting "Except as provided in paragraph (7), the".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after February 1, 1993.

SEC. 105. REAL PROPERTY ACQUIRED BY A QUALIFIED ORGANIZATION.

(a) INTERESTS IN MORTGAGES.—The last sentence of subparagraph (B) of section 514(c)(9) is hereby transferred to subparagraph (A) of section 514(c)(9) and added at the end thereof.

(b) MODIFICATIONS OF EXCEPTIONS.—Paragraph (9) of section 514(c) is amended by adding at the end thereof the following new subparagraph:

"(G) SPECIAL RULES FOR PURPOSES OF THE EXCEPTIONS.—For purposes of subparagraph (B), except as otherwise provided by regulations, the following additional rules apply—

"(i) IN GENERAL.—

"(I) For purposes of clauses (iii) and (iv) of subparagraph (B), a lease to a person described in clause (iii) or (iv) shall be disregarded if no more than 10 percent of the leasable floor space in a building is covered by the lease and if the lease is on commercially reasonable terms.

"(II) Clause (v) of subparagraph (B) shall not apply to the extent the financing is commercially reasonable and is on substantially the same terms as loans involving unrelated persons; for this purpose, standards for determining a commercially reasonable interest rate shall be provided by the Secretary.

"(ii) QUALIFYING SALES OUT OF FORECLOSURE BY FINANCIAL INSTITUTIONS.—In the case of a qualifying sale out of foreclosure by a financial institution, clauses (i) and (ii) of subparagraph (B) shall not apply. For this purpose, a 'qualifying sale out of foreclosure by a financial institution' exists where—

"(I) a qualified organization acquires real property from a person (a 'financial institution') described in section 581 or 591(a) (including a person in receivership) and the financial institution acquired the property pursuant to a bid at foreclosure or by operation of an agreement or of process of law after a default on indebtedness which the property secured ('foreclosure'), and the financial institution treats any income realized from the sale or exchange of the property as ordinary income,

"(II) the amount of the financing provided by the financial institution does not exceed the amount of the financial institution's outstanding indebtedness (determined without regard to accrued but unpaid interest) with respect to the property at the time of foreclosure,

"(III) the financing provided by the financial institution is commercially reasonable and is on substantially the same terms as loans between unrelated persons for sales of foreclosed property (for this purpose, standards for determining a commercially reasonable interest rate shall be provided by the Secretary), and

"(IV) the amount payable pursuant to the financing that is determined by reference to the revenue, income, or profits derived from the property ('participation feature') does not exceed 25 percent of the principal amount of the financing provided by the financial institution, and the participation feature is payable no later than the earlier of satisfaction of the financing or disposition of the property."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt-financed acquisitions of real estate made on or after February 1, 1993.

SEC. 106. SPECIAL RULES FOR INVESTMENTS IN PARTNERSHIPS.

(a) MODIFICATION TO ANTI-ABUSE RULES.—Paragraph (9) of section 514(c) (as amended by section 131 of this Act) is amended by adding at the end thereof the following new subparagraph:

"(H) PARTNERSHIPS NOT INVOLVING TAX AVOIDANCE.—

"(i) DE MINIMIS RULE FOR CERTAIN LARGE PARTNERSHIPS.—The provisions of subparagraph (B) shall not apply to an investment in a partnership having at least 250 partners if—

"(I) investments in the partnership are organized into units that are marketed primarily to individuals expected to be taxed at the maximum rate prescribed for individuals under section 1,

"(II) at least 50 percent of each class of interests is owned by such individuals,

"(III) the partners that are qualified organizations owning interests in a class participate on substantially the same terms as other partners owning interests in that class, and

"(IV) the principal purpose of partnership allocations is not tax avoidance.

"(ii) EXCEPTION WHERE TAXABLE PERSONS OWN A SIGNIFICANT PERCENTAGE.—In the case of any partnership, other than a partnership to which clause (i) applies, in which persons who are expected (under the regulations to be prescribed by the Secretary), at the time the partnership is formed, to pay tax at the maximum rate prescribed in section 1 or 11 (whichever is applicable) throughout the term of the partnership own at least a 25-percent interest, the provisions of subparagraph (B) shall not apply if the partnership satisfies the requirements of subparagraph (E)."

(b) PUBLICLY TRADED PARTNERSHIPS; UNRELATED BUSINESS INCOME FROM PARTNERSHIPS.—Subsection (c) of section 512 is amended by striking paragraph (2) (relating to publicly traded partnerships), by redesignating paragraph (3) as paragraph (2), and by striking "paragraph (1) or (2)" in paragraph (2) (as so redesignated) and inserting "paragraph (1)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to partnership interests acquired on or after February 1, 1992.

TITLE II—REVENUE OFFSETS

Subtitle A—General Provisions

SEC. 201. ELIMINATION OF THE STATUTE OF LIMITATIONS ON COLLECTION OF GUARANTEED STUDENT LOANS.

Section 3(c) of the Higher Education Technical Amendments of 1991 (Public Law 102-26) is amended by striking out "that are brought before November 15, 1992".

SEC. 202. INCREASED BASE TAX RATE ON OZONE-DEPLETING CHEMICALS AND EXPANSION OF LIST OF TAXED CHEMICALS.

(a) IN GENERAL.—Paragraph (1) of section 4681(b) (relating to amount of tax) is amended to read as follows:

"(B) BASE TAX AMOUNT.—The base tax amount for purposes of subparagraph (A) with respect to any sale or use during a calendar year before 1997 with respect to any ozone-depleting chemical is the amount determined under the following table for such calendar year:

Calendar year:	Base tax amount:
1993	$1.85
1994	$2.75
1995	$3.65
1996	$4.55."

(b) CONFORMING AMENDMENTS.—

(1) Rates retained for chemicals used in rigid foam insulation.—The table in subparagraph (B) of section 4682(g)(2) (relating to chemicals used in rigid foam insulation) is amended—

(A) by striking "15" and inserting "13.5", and

(B) by striking "10" and inserting "9.6".

(2) FLOOR STOCK TAXES.—

(A) Subparagraph (C) of section 4682(h)(2) (relating to other tax-increase dates) is amended by striking "1993, and 1994" and inserting "1995 and 1996, and July 1, 1993".

(B) Paragraph (3) of section 4682(h) (relating to due date) is amended—

(i) by inserting "or July 1" after "January 1", and

(ii) by inserting "or December 31, respectively," after "June 30".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable chemicals sold or used on or after July 1, 1993.

SEC. 203. MARK TO MARKET INVENTORY METHOD FOR SECURITIES DEALERS.

(a) GENERAL RULE.—Subpart D of part II of subchapter E of chapter 1 (relating to inventories) is amended by adding at the end thereof the following new section:

"SEC. 475. MARK TO MARKET INVENTORY METHOD FOR DEALERS IN SECURITIES.

"(a) GENERAL RULE.—Notwithstanding any other provision of this subpart, the following rules shall apply to securities held by a dealer in securities:

"(1) Any security which is inventory in the hands of the dealer shall be included in inventory at fair market value.

"(2) In the case of any security which is not inventory in the hands of the dealer and which is held at the close of any taxable year—

"(A) the dealer shall recognize gain or loss as if such security were sold for its fair market value on the last business day of such taxable year, and

"(B) any gain or loss shall be taken into account for such taxable year.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence. The Secretary may provide by regulations for the application of this paragraph at times other than the times provided in this paragraph.

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—Subsection (a) shall not apply to—

"(A) any security held for investment,

"(B) any security described in subsection (c)(2)(C) which is originated or acquired by the taxpayer in the ordinary course of a trade or business of the taxpayer and which is not held for sale, and

"(C) any hedge with respect to—

"(i) a security to which subsection (a) does not apply, or

"(ii) a position or a liability which is not a security in the hands of the taxpayer.

Subparagraph (C) shall not apply to any security held by a person in its capacity as a dealer in securities.

"(2) IDENTIFICATION REQUIRED.—Any security shall not be treated as described in subparagraph (A), (B), or (C) of paragraph (1), as the case may be, unless such security is clearly identified in the dealer's records as being described in such subparagraph before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may by regulations prescribe).

"(3) SECURITIES SUBSEQUENTLY NOT EXEMPT.—If a security ceases to be described in paragraph (1) at any time after it was identified as such under paragraph (2), this section shall apply to such security as of the time such cessation occurs.

"(4) SPECIAL RULE FOR PROPERTY HELD FOR INVESTMENT.—To the extent provided in regulations, subparagraph (A) of paragraph (1) shall not apply to any security described in subparagraph (D) or (E) of subsection (c)(2) which is held by a dealer in such securities.

"(c) DEFINITIONS.—For purposes of this section—

"(1) DEALER IN SECURITIES DEFINED.—The term 'dealer in securities' means a taxpayer who—

"(A) regularly purchases securities from or sells securities to customers in the ordinary course of a trade or business; or

"(B) regularly offers to enter into, assume, offset, assign or otherwise terminate positions in securities with customers in the ordinary course of a trade or business.

"(2) SECURITY DEFINED.—The term 'security' means any—

"(A) share of stock in a corporation;

"(B) partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust;

"(C) note, bond, debenture, or other evidence of indebtedness;

"(D) any interest rate, currency, or equity notional principal contract;

"(E) evidence of an interest in, or a derivative financial instrument in, any security described in subparagraph (A), (B), (C), or (D), or any currency, including any option, forward contract, short position, and any similar financial instrument in such a security (but not including any contract to which section 1256(a) applies); and

"(F) position which—

"(i) is not a security described in subparagraph (A), (B), (C), (D), or (E),

"(ii) is a hedge with respect to such a security, and

"(iii) is clearly identified in the dealer's records as being described in this subparagraph before the close of the day on which it was acquired or entered into (or such other time as the Secretary may by regulations prescribe).

"(3) HEDGE.—The term 'hedge' includes any position which reduces the dealer's risk of interest rate or price changes or currency fluctuations.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) CERTAIN RULES NOT TO APPLY.—The rules of sections 263(g) and 263A shall not apply to securities to which subsection (a) applies.

"(2) IMPROPER IDENTIFICATION.—If a taxpayer—

"(A) identifies any security or position under subsection (b)(2) as being described in such subsection and such security or position is not so described, or

"(B) fails under subsection (c)(2)(F)(iii) to identify a security or position which is described in such subsection at the time such identification is required,

the provisions of subsection (a) shall apply to such security or position, except that any loss under this section prior to the disposition of the security shall be recognized only to the extent of gain previously recognized under this section with respect to such security.

"(e) REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including rules—

"(1) to prevent the use of year-end transfers, related parties, or other arrangements to avoid the provisions of this section, and

"(2) to provide for the application of this section to hedges which do not hedge a specific security, position, or liability."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 988(d) is amended—

(A) by striking "section 1256" and inserting "section 475 or 1256", and

(B) by striking "1092 and 1256" and inserting "475, 1092, and 1256".

(2) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 475. Mark to market inventory method for dealers in securities."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to all taxable years ending on or after December 31, 1994.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by this section to change its method of accounting for any taxable year—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 10-taxable year period beginning with the first taxable year ending on or after December 31, 1993.

SEC. 204. DISALLOWANCE OF INTEREST ON CERTAIN OVERPAYMENTS OF TAX.

(a) GENERAL RULE.—Subsection (e) of section 6611 is amended to read as follows:

"(e) DISALLOWANCE OF INTEREST ON CERTAIN OVERPAYMENTS.—

"(1) REFUNDS WITHIN 45 DAYS AFTER RETURN IS FILED.—If any payment of tax imposed by this title is refunded within 45 days after the last day prescribed for filing the return of such tax (determined without regard to any extension of time for filing the return) or, in the case of a return filed after such last date, is refunded within 45 days after the date the return is filed, no interest shall be allowed under subsection (a) on such overpayment.

"(2) REFUNDS AFTER CLAIM FOR CREDIT OR REFUND.—If—

"(A) the taxpayer files a claim for a credit or refund for any overpayment of tax imposed by this title, and

"(B) such overpayment is refunded within 45 days after such claim is filed,

no interest shall be allowed on such overpayment from the date the claim is filed until the day the refund is made.

"(3) IRS INITIATED ADJUSTMENTS.—Notwithstanding any other provision, if an adjustment, initiated by or on behalf of the Secretary, results in a refund or credit of an overpayment, interest on such overpayment shall be computed by subtracting 45 days from the number of days interest would otherwise be allowed with respect to such overpayment."

(b) EFFECTIVE DATES.—

(1) Paragraph (1) of section 6611(e) of the Internal Revenue Code of 1986 (as amended by subsection (a)) shall apply in the case of returns the due date for which (determined without regard to extensions) is on or after July 1, 1993.

(2) Paragraph (2) of section 6611(e) of such Code (as so amended) shall apply in the case of claims for credit or refund of any overpayment filed on or after July 1, 1993 regardless of the taxable period to which such refund relates.

(3) Paragraph (3) of section 6611(e) of such Code (as so amended) shall apply in the case of any refund paid on or after July 1, 1993 regardless of the taxable period to which such refund relates.

Subtitle B—Electromagnetic Spectrum Function

SEC 211. SHORT TITLE.

This subtitle may be cited as the "Emerging Telecommunications Technologies Act of 1993".

SEC. 212. FINDINGS.

The Congress finds that—

(1) spectrum is a valuable natural resource;

(2) it is in the national interest that this resource be used more efficiently;

(3) the spectrum below 6 gigahertz (GHz) is becoming increasingly congested, and, as a result entities that develop innovative new spectrum-based services are finding it difficult to bring these services to the marketplace;

(4) scarcity of assignable frequencies can and will—

(A) impede the development and commercialization of new spectrum-based products and services;

(B) reduce the capacity and efficiency of the United States telecommunications system; and

(C) adversely affect the productive capacity and international competitiveness of the United States economy;

(5) the United States Government presently lacks explicit authority to use excess radiocommunications capacity to satisfy non-United States Government requirements;

(6) more efficient use of the spectrum can provide the resources for increased economic returns;

(7) many commercial users derive significant economic benefits from their spectrum licenses, both through the income they earn from their use of the spectrum and the returns they realize upon transfer of their licenses to third parties; but under current procedures, the United States public does not sufficiently share in their benefits;

(8) many United States Government functions and responsibilities depend heavily on the use of the radio spectrum, involve unique applications, and are performed in the broad national and public interest;

(9) competitive bidding for spectrum can yield significant benefits for the United States economy by increasing the efficiency of spectrum allocations, assignment, and use; and for United States taxpayers by producing substantial revenues for the United States Treasury; and

(10) the Secretary, the President, and the Commission should be directed to take appropriate steps to foster the more efficient use of this valuable national resource, including the reallocation of a target amount of 200 megahertz (MHz) of spectrum from United States Government use under section 305 of the Communications Act to non-United States Government use pursuant to other provisions of the Communications Act and the implementation of competitive bidding procedures by the Commission for some new assignments of the spectrum.

SEC. 213. NATIONAL SPECTRUM PLANNING.

(a) PLANNING ACTIVITIES.—The Secretary and the Chairman of the Commission shall, at least twice each year, conduct joint spectrum planning meetings with respect to the following issues—

(1) future spectrum needs;

(2) the spectrum allocation actions necessary to accommodate those needs, including consideration of innovation and marketplace developments that may affect the relative efficiencies of different portions of the spectrum; and

(3) actions necessary to promote the efficient use of the spectrum, including proven spectrum management techniques to promote increased shared use of the spectrum as a means of increasing non-United States Government access; and innovation in spectrum utilization including means of providing incentives for spectrum users to develop innovative services and technologies.

(b) REPORTS.—The Secretary and the Chairman of the Commission shall submit a joint annual report to the President on the joint spectrum planning meetings conducted under subsection (a) and any recommendations for action developed in such meetings.

(c) OPEN PROCESS.—The Secretary and the Commission will conduct an open process under this section to ensure the full consideration and exchange of views among any interested entities, including all private, public, commercial, and governmental interests.

SEC. 214. IDENTIFICATION OF REALLOCABLE FREQUENCIES.

(a) IDENTIFICATION REQUIRED.—The Secretary shall prepare and submit to the President the reports required by subsection (d) to identify bands of frequencies that—

(1) are allocated on a primary basis for United States Government use and eligible for licensing pursuant to section 305(a) of the Communications Act;

(2) are not required for the present or identifiable future needs of the United States Government;

(3) can feasibly be made available during the next 15 years after enactment of this title for use under the provisions of the Communications Act for non-United States Government users;

(4) will not result in costs to the Federal Government that are excessive in relation to the benefits that may be obtained from the potential non-United States Government uses; and

(5) are likely to have significant value for non-United States Government uses under the Communications Act.

(b) AMOUNT OF SPECTRUM RECOMMENDED.—

(1) IN GENERAL.—The Secretary shall recommend as a goal for reallocation, for use by non-United States Government stations, bands of frequencies constituting a target amount of 200 MHz, that are located below 6 GHz, and that meet the criteria specified in paragraphs (1) through (5) of subsection (a). If the Secretary identifies (as meeting such criteria) bands of frequencies totalling more than 200 MHz, the Secretary shall identify and recommend for reallocation those bands (totalling not less than 200 MHz) that are likely to have the greatest potential for non-United States Government uses under the Communications Act.

(2) MIXED USES PERMITTED TO BE COUNTED.—Bands of frequencies which the Secretary recommends be partially retained for use by United States Government stations, but which are also recommended to be reallocated and made available under the Communications Act for use by non-United States Government stations, may be counted toward the target 200 MHz of spectrum required by paragraph (1) of this subsection, except that—

(A) the bands of frequencies counted under this paragraph may not count toward more than one-half of the amount targeted by paragraph (1) of this subsection;

(B) a band of frequencies may not be counted under this paragraph unless the assignments of the band to United States Government stations under section 305 of the Communications Act are limited by geographic area, by time, or by other means so as to guarantee that the potential use to be made by which United States Government stations is substantially less (as measured by geographic area, time, or otherwise) than the potential United States Government use to be made; and

(C) the operational sharing permitted under this paragraph shall be subject to procedures which the Commission and the Department of Commerce shall establish and implement to ensure against harmful interference.

(c) CRITERIA FOR IDENTIFICATION.—

(1) NEEDS OF THE UNITED STATES GOVERNMENT.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(2), the Secretary shall—

(A) consider whether the band of frequencies is used to provide a communications service that is or could be available from a commercial provider;

(B) seek to promote—

(i) the maximum practicable reliance on commercially available substitutes;

(ii) the sharing of frequencies (as permitted under subsection (b)(2));

(iii) the development and use of new communications technologies; and

(iv) the use of nonradiating communications systems where practicable;

(C) seek to avoid—

(i) serious degradation of United States Government services and operations;

(ii) excessive costs to the United States Government and civilian users of such Government services; and

(iii) identification of any bands for reallocation that are likely to be subject to substitution for the reasons specified in section 405(b)(2)(A) through (C); and

(D) exempt power marketing administrations and the Tennessee Valley Authority from any reallocation procedures.

(2) FEASIBILITY OF USE.—In determining whether a frequency band meets the criteria specified in subsection (a)(3), the Secretary shall—

(A) assume such frequencies will be assigned by the Commission under section 303 of the Communications Act over the course of fifteen years after the enactment of this title;

(B) assume reasonable rates of scientific progress and growth of demand for telecommunications services;

(C) determine the extent to which the reallocation or reassignment will relieve actual or potential scarcity of frequencies available for non-United States Government use;

(D) seek to include frequencies which can be used to stimulate the development of new technologies; and

(E) consider the cost to reestablish United States Government services displaced by the reallocation of spectrum during the fifteen year period.

(3) COSTS TO THE UNITED STATES GOVERNMENT.—In determining whether a frequency band meets the criteria specified in subsection (a)(4), the Secretary shall consider—

(A) the costs to the United States Government of reaccommodating its services in order to make spectrum available for non-United States Government use, including the incremental costs directly attributable to the loss of the use of the frequency band; and

(B) the benefits that could be obtained from reallocating such spectrum to non-United States Government users, including the value of such spectrum in promoting—

(i) the delivery of improved service to the public;

(ii) the introduction of new services; and

(iii) the development of new communications technologies.

(4) NON-UNITED STATES GOVERNMENT USE.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(5), the Secretary shall consider—

(A) the extent to which equipment is commercially available that is capable of utilizing the band; and

(B) the proximity of frequencies that are already assigned for non-United States Government use.

(d) PROCEDURE FOR IDENTIFICATION OF REALLOCABLE BANDS OF FREQUENCIES.—

(1) SUBMISSION OF REPORTS TO THE PRESIDENT TO IDENTIFY AN INITIAL 50 MHZ TO BE MADE AVAILABLE IMMEDIATELY FOR REALLOCATION, AND TO PROVIDE PRELIMINARY AND FINAL REPORTS ON ADDITIONAL FREQUENCIES TO BE REALLOCATED.—

(A) Within 3 months after the date of the enactment of this title, the Secretary shall prepare and submit to the President a report which specifically identifies an initial 50 MHz of spectrum that are located below 3 GHz, to be made available for reallocation to the Federal Communications Commission upon issuance of this report, and to be distributed by the Commission pursuant to competitive bidding procedures.

(B) The Department of Commerce shall make available to the Federal Communications Commission 50 MHz as identified in subparagraph (A) of electromagnetic spectrum for allocation of land-mobile or land-mobile-satellite services. Notwithstanding section 553 of the Administrative Procedure Act and title III of the Communications Act, the Federal Communications Commission shall allocate such spectrum and conduct competitive bidding procedures to complete the assignment of such spectrum in a manner which ensures that the proceeds from such bidding are received by the Federal Government no later than September 30, 1993. From such proceeds, Federal agencies displaced by this transfer of the electromagnetic spectrum to the Federal Communications Commission shall be reimbursed for reasonable costs directly attributable to such displacement. The Department of Commerce shall determine the amount of, and arrange for, such reimbursement. Amounts to agencies shall be available subject to appropriation Acts.

(C) Within 12 months after the date of the enactment of this title, the Secretary shall prepare and submit to the President a preliminary report to identify reallocable bands of frequencies meeting the criteria established by this section.

(D) Within 24 months after the date of enactment of this title, the Secretary shall prepare and submit to the President a final report which identifies the target 200 MHz for reallocation (which shall encompass the initial 50 MHz previously designated under subparagraph (A)).

(E) The President shall publish the reports required by this section in the Federal Register.

(2) CONVENING OF PRIVATE SECTOR ADVISORY COMMITTEE.—Not later than 12 months after the enactment of this title, the Secretary shall convene a private sector advisory committee to—

(A) review the bands of frequencies identified in the preliminary report required by paragraph (1)(C);

(B) advise the Secretary with respect to—

(i) the bands of frequencies which should be included in the final report required by paragraph (1)(D); and

(ii) the effective dates which should be established under subsection (e) with respect to such frequencies;

(C) receives public comment on the Secretary's preliminary and final reports under this subsection; and

(D) prepare and submit the report required by paragraph (4).

The private sector advisory committee shall meet at least quarterly until each of the actions required by section 405(a) have taken place.

(3) COMPOSITION OF COMMITTEE; CHAIRMAN.—The private sector adviser committee shall include—

(A) the Chairman of the Commission, and the Secretary, or their designated representatives, and two other representatives from two different United States Government agencies that are spectrum users, other than the Department of Commerce, as such agencies may be designated by the Secretary; and

(B) Persons who are representative of—

(i) manufacturers of spectrum-dependent telecommunications equipment;

(ii) commercial users;

(iii) other users of the electromagnetic spectrum; and

(iv) other interested members of the public who are knowledgeable about the uses of the electromagnetic spectrum to be chosen by the Secretary.

A majority of the members of the committee shall be members described in subparagraph (B), and one of such members shall be designated as chairman by the Secretary.

(4) Recommendations on spectrum allocation procedures.—The private sector advisory committee shall, not later than 12 months after its formation, submit to the Secretary, the Commission, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate, such recommendations as the committee considers appropriate for the reform of the process of allocating the electromagnetic spectrum between United States Government users and non-United States Government users, and any dissenting views thereon.

(e) Timetable for Reallocation and Limitation.—The Secretary shall, as part of the final report required by subsection (d)(1)(D), include a timetable for the effective dates by which the President shall, within 15 years after enactment of this title, withdraw or limit assignments on frequencies specified in the report. The recommended effective dates shall—

(1) permit the earliest possible reallocation of the frequency bands, taking into account the requirements of section 406(a);

(2) be based on the useful remaining life of equipment that has been purchased or contracted for to operate on identified frequencies;

(3) be based on the need to coordinate frequency use with other nations; and

(4) avoid the imposition of incremental costs on the United States Government directly attributable to the loss of the use of frequencies or the changing to different frequencies that are excessive in relation to the benefits that may be obtained from non-United States Government uses of the reassigned frequencies.

SEC. 215. WITHDRAWAL OF ASSIGNMENT TO UNITED STATES GOVERNMENT STATIONS.

(a) In General.—The President shall—

(1) within 3 months after receipt of the Secretary's report under section 404(d)(1)(A), withdraw or limit the assignment to a United States Government station of any frequency on the initial 50 MHz which that report recommends for immediate reallocation;

(2) with respect to other frequencies recommended for reallocation by the Secretary's report in section 404(d)(1)(D), by the effective dates recommended pursuant to section 404(e) (except as provided in subsection (b)(4) of this section), withdraw or limit the assignment to a United States Government station of any frequency which that report recommends be reallocated or available for mixed use on such effective dates;

(3) assign or reassign other frequencies to United States Government stations as necessary to adjust to such withdrawal or limitation of assignments; and

(4) publish in the Federal Register a notice and description of the actions taken under this subsection.

(b) Exceptions.—

(1) Authority to substitute.—If the President determines that a circumstance described in section 405(b)(2) exists, the President—

(A) may, within 1 month after receipt of the Secretary's report under section 404(d)(1)(A), and within 6 months after receipt of the Secretary's report under section 404(d)(1)(D), substitute an alternative frequency or band of frequencies for the frequency or band that is subject to such determination and withdraw (or limit) the assignment of that alternative frequency or band in the manner required by subsection (a); and

(B) shall publish in the Federal Register a statement of the reasons for taking the action described in subparagraph (A).

(2) Grounds for substitution.—For purposes of paragraph (1), the following circumstances are described in this paragraph:

(A) the reassignment would seriously jeopardize the national security interests of the United States;

(B) the frequency proposed for reassignment is uniquely suited to meeting important United States Governmental needs;

(C) the reassignment would seriously jeopardize public health or safety; or

(D) the reassignment will result in incremental costs to the United States Government that are excessive in relation to the benefits that may be obtained from non-United States Government uses of the reassigned frequency.

(3) Criteria for substituted frequencies.—For purposes of paragraph (1), a frequency may not be substituted for a frequency identified by the final report of the Secretary under section 404(d)(1)(D) unless the substituted frequency also meets each of the criteria specified by section 404(a).

(4) Delays in implementation.—If the President determines that any action cannot be completed by the effective dates recommended by the Secretary pursuant to section 404(e), or that such an action by such date would result in a frequency being unused as a consequence of the Commission's plan under section 406, the President may—

(A) withdraw or limit the assignment to United States Government stations on a later date that is consistent with such plan, by providing notice to that effect in the Federal Register, including the reason that withdrawal at a later date is required; or

(B) substitute alternative frequencies pursuant to the provisions of this subsection.

(c) Costs of Withdrawing Frequencies Assigned to the United States Government; Appropriations Authorized.—Any United States Government licensee, or non-United States Government entity operating on behalf of a United States Government licensee, that is displaced from a frequency pursuant to this section may be reimbursed not more than the incremental costs it incurs, in such amounts as provided in advance in appropriation Acts, that are directly attributable to the loss of the use of the frequency pursuant to this section. The estimates of these costs shall be prepared by the affected agency, in consultation with the Department of Commerce.

(d) There are authorized to be appropriated to the affected licensee agencies such sums as may be necessary to carry out the purposes of this section.

SEC. 216. DISTRIBUTION OF FREQUENCIES BY THE COMMISSION.

(a) Plans Submitted.—

(1) With respect to the initial 50 MHz to be reallocated from United States Government to non-United States Government use under section 404(d)(1)(A), not later than 6 months after enactment of this title, the Commission shall complete a public notice and comment proceeding regarding the allocation of this spectrum and shall form a plan to assign such spectrum pursuant to competitive bidding procedures, pursuant to section 408, during fiscal years 1994 through 1996.

(2) With respect to the remaining spectrum to be reallocated from United States Government to non-United States Government use under section 404(e), not later than 2 years after issuance of the report required by section 404(d)(1)(D), the Commission shall complete a public notice and comment proceeding; and the Commission shall, after consultation with the Secretary, prepare and submit to the President a plan for the distribution under the Communications Act of the frequency bands reallocated pursuant to the requirements of this title. Such plan shall—

(A) not propose the immediate distribution of all such frequencies, but, taking into account the timetable recommended by the Secretary pursuant to section 404(e), shall propose—

(i) gradually to distribute the frequencies remaining, after making the reservation required by subparagraph (ii), over the course of a 10-year period beginning on the date of submission of such plan; and

(ii) to reserve a significant portion of such frequencies for distribution beginning after the end of such 10-year period;

(B) contain appropriate provisions to ensure—

(i) the availability of frequencies for new technologies and services in accordance with the policies of section 7 of the Communications Act (47 U.S.C. 157); and

(ii) the availability of frequencies to stimulate the development of such technologies; and

(C) not prevent the Commission from allocating bands of frequencies for specific uses in future rulemaking proceedings.

(b) Amendment to the Communications Act.—Section 303 of the Communications Act is amended by adding at the end thereof the following new subsection:

"(u) Have authority to assign the frequencies reallocated from United States Government use to non-United States Government use pursuant to the Emerging Telecommunications Technologies Act of 1991, except that any such assignment shall expressly be made subject to the right of the President to reclaim such frequencies under the provisions of section 407 of the Emerging Telecommunications Technologies Act of 1991.".

SEC. 217. AUTHORITY TO RECLAIM REASSIGNED FREQUENCIES.

(a) Authority of President.—The President may reclaim reallocated frequencies for reassignment to United States Government stations in accordance with this section.

(b) Procedure for Reclaiming Frequencies.—

(1) Unassigned frequencies.—If the frequencies to be reclaimed have not been assigned by the Commission, the President may reclaim them based on the grounds described in section 405(b)(2).

(2) Assigned frequencies.—If the frequencies to be reclaimed have been assigned by the Commission, the President may reclaim them based on the grounds described in section 405(b)(2), except that the notification required by section 405(b)(1) shall include—

(A) a timetable to accommodate an orderly transition for licensees to obtain new frequencies and equipment necessary for their utilization; and

(B) an estimate of the cost of displacing the licensees.

(c) Costs of Reclaiming Frequencies.—Any non-United States Government licensee that is displaced from a frequency pursuant to this section shall be reimbursed the incremental costs it incurs that are directly attributable to the loss of the use of the frequency pursuant to this section.

(d) EFFECT ON OTHER LAW.—Nothing in this section shall be construed to limit or otherwise affect the authority of the President under section 706 of the Communications Act (47 U.S.C. 606).

SEC. 218. COMPETITIVE BIDDING.

(a) COMPETITIVE BIDDING AUTHORIZED.—Section 309 of the Communications Act is amended by adding the following new subsection:

"(j)(1)(A) The Commission shall use competitive bidding for awarding all initial licenses or new construction permits, including licenses and permits for spectrum reallocated for non-United States Government use pursuant to the Emerging Telecommunications Technologies Act of 1991, subject to the exclusions listed in paragraph (2).

"(B) The Commission shall require potential bidders to file a first-stage application indicating an intent to participate in the competitive bidding process and containing such other information as the Commission finds necessary. After conducting the bidding, the Commission shall require the winning bidder to submit a second-stage application. Upon determining that such application is acceptable for filing and that the applicant is qualified pursuant to subparagraph (C), the Commission shall grant a permit or license.

"(C) No construction permit or license shall be granted to an applicant selected pursuant to subparagraph (B) unless the Commission determines that such applicant is qualified pursuant to section 308(b) and subsection (a) of this section, on the basis of the information contained in the first- and second-stage applications submitted under subparagraph (B).

"(D) Each participant in the competitive bidding process is subject to the schedule of changes contained in section 8 of this Act.

"(E) The Commission shall have the authority in awarding construction permits or licenses under competitive bidding procedures to (i) define the geographic and frequency limitations and technical requirements, if any, of such permits or licenses; (ii) establish minimum acceptable competitive bids; and (iii) establish other appropriate conditions on such permits and licenses that will serve the public interest.

"(F) The Commission, in designing the competitive bidding procedures under this subsection, shall study and include procedures—

"(i) to ensure bidding access for small and rural companies,

"(ii) if appropriate, to extend the holding period for winning bidders awarded permits or licenses, and

"(iii) to expand review and enforcement requirements to ensure that winning bidders continue to meet their obligations under this Act.

"(G) The Commission shall, within 6 months after enactment of the Emerging Telecommunications Technologies Act of 1991, following public notice and comment proceedings, adopt rules establishing competitive bidding procedures under this subsection, including the method of bidding and the basis for payment (such as flat fees, fixed or variable royalties, combinations of flat fees and royalties, or other reasonable forms of payment); and a plan for applying such competitive bidding procedures to the initial 50 MHz reallocated from United States Government to non-United States Government use under section 404(d)(1)(A) of the Emerging Telecommunications Technologies Act of 1991, to be distributed during the fiscal years 1994 through 1996.

"(2) Competitive bidding shall not apply to—

"(A) license renewals;

"(B) the United States Government and State or local government entities;

"(C) amateur operator services, over-the-air terrestrial radio and television broadcast services, public safety services, and radio astronomy services;

"(D) private radio end-user licenses, such as Specialized Mobile Radio Service (SMRS), maritime, and aeronautical end-user licenses;

"(E) any license grant to a non-United States Government licensee being moved from its current frequency assignment to a different one by the Commission in order to implement the goals and objectives underlying the Emerging Telecommunications Technologies Act of 1991;

"(F) any other service, class of services, or assignments that the Commission determines, after conducting public comment and notice proceedings, should be exempt from competitive bidding because of public interest factors warranting an exemption; and

"(G) small businesses, as defined in section 3(a)(1) of the Small Business Act.

"(3) In implementing this subsection, the Commission shall ensure that current and future rural telecommunications needs are met and that existing rural licensees and their subscribers are not adversely affected.

"(4) Monies received from competitive bidding pursuant to this subsection shall be deposited in the general fund of the United States Treasury.".

(b) RANDOM SELECTION NOT TO APPLY WHEN COMPETITIVE BIDDING REQUIRED.—Section 309(i)(1) of the Communications Act is amended by striking the period after the word "selection" and inserting ", except in instances where competitive bidding procedures are required under subsection (j).".

(c) SPECTRUM ALLOCATION DECISIONS.—Section 303 of the Communications Act is amended by adding the following new subsection:

"(v) In making spectrum allocation decisions among services that are subject to competitive bidding, the Commission is authorized to consider as one factor among others taken into account in making its determination, the relative economic values and other public interest benefits of the proposed uses as reflected in the potential revenues that would be collected under its competitive bidding procedures.".

SEC. 219. DEFINITIONS.

As used in this subtitle:

(1) The term "allocation" means an entry in the National Table of Frequency Allocations of a given frequency band for the purpose of its use by one or more radiocommunications services.

(2) The term "assignment" means an authorization given by the Commission or the United States Government for a radio station to use a radio frequency or radio frequency channel.

(3) The term "Commission" means the Federal Communications Commission.

(4) The term "Communications Act" means the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(5) The term "Secretary" means the Secretary of Commerce.

Subtitle C—Other Provisions

SEC. 221. EXTENSION OF CURRENT LAW REGARDING LUMP-SUM WITHDRAWAL OF RETIREMENT CONTRIBUTIONS FOR CIVIL SERVICE RETIREES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8343a(f)(3) of title 5, United States Code, is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1996".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8420a(f)(3) of title 5, United States Code, is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 6, 1996".

SEC. 222. EXTENSION OF THE PATENT AND TRADEMARK OFFICE USER FEE SURCHARGE THROUGH 1996.

Section 10101 of the Omnibus Budget Reconciliation Act of 1990 (35 U.S.C. 41 note) is amended—

(1) in subsection (a) by striking "1995" and inserting "1996";

(2) in subsection (b)(2) by striking "1995" and inserting "1996"; and

(3) in subsection (c)—

(A) by striking "1995" the first place it appears and inserting "1996"; and

(B) by adding at the end the following new paragraph:

"(6) $107,000,000 in fiscal year 1996."

SEC. 223. ONE-YEAR EXTENSION OF CUSTOMS USER FEES.

Paragraph (3) of section 13031(j) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking out "1995" and inserting "1996".

SEC. 224. DISCLOSURES OF INFORMATION FOR VETERANS BENEFITS.

(a) IN GENERAL.—Section 6103(l)(7)(D) (relating to programs to which rule applies) is amended by striking "September 30, 1992" in the last sentence and inserting "September 30, 1998".

(b) CONFORMING AMENDMENT.—Section 5317(g) of title 38, United States Code, is amended by striking "September 30, 1992" and inserting "September 30, 1998".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 1992.

SEC. 225. REVISION OF PROCEDURE RELATING TO CERTAIN LOAN DEFAULTS.

(a) REVISION.—Section 3732(c)(1)(C)(ii) of title 38, United States Code, is amended by striking out "resale," and inserting in lieu thereof "resale (including losses sustained on the resale of the property),".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1991.

SEC. 226. APPLICATION OF MEDICARE PART B LIMITS TO FEHBP ENROLLEE AGE 65 OR OLDER.

(a) FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—Subsection 8904(b) of title 5, United States Code, is amended:

(1) by amending paragraph (1) to read as follows:

"(b)(1)(A) A plan, other than a prepayment plan described in section 8903(4) of this title, may not provide benefits under this chapter, in the case of any individual enrolled in the plan who is not an employee and who is age 65 or older, to the extent that—

"(i) a benefit claim involves a charge by a health care provider for a type of service or medical item which is covered for purposes of benefit payments under both this chapter and title XVIII of the Social Security Act (42 U.S.C. 1395–1395ccc) relating to medicare hospital and supplementary medical insurance, and

"(ii) benefits otherwise payable under such provisions of law in the case of such individual would exceed applicable limitations on hospital and physician charges established for medicare purposes under sections 1886 and 1848 of the Social Security Act (42 U.S.C. 1395ww and 1395w-4), respectively.

"(B)(i) For purposes of this subsection, hospitals, physicians, and other suppliers of medical and health services who have in force participation agreements with the Secretary of Health and Human Services consistent with sections 1842(h) and 1866 of the Social Security Act (42 U.S.C. 1395u(h) and 1395cc), whereby the participating provider accepts medicare benefits in full payment of charges for covered items and services after applicable patient copayments under sections 1813, 1833 and 1866(a)(2) of the Social Security Act (42 U.S.C. 1395e, 1395*l*, and 1395cc(a)(2)) have been satisfied, shall accept equivalent benefit payments and enrollee copayments under this chapter as full payment for any item or service described under subparagraph (A) which is furnished to an individual who is enrolled under this chapter and is not covered for purposes of benefit payments applicable to such item or service under provisions of title XVIII of the Social Security Act.

"(ii) Physicians and other health care suppliers who are nonparticipating physicians, as defined by section 1842(i)(2) of the Social Security Act (42 U.S.C. 1395u(i)(2)) for purposes of services furnished to medicare beneficiaries, may not bill in excess of the limiting charge prescribed under section 1848(g) of the Social Security Act (42 U.S.C. 1395w–4(g)) when providing services described under subparagraph (A) to an individual who is enrolled under this chapter and is not covered for purposes of benefit payments applicable to those services under provisions of title XVIII of the Social Security Act.

"(iii) The Office of Personnel Management shall notify the Secretary of Health and Human Services if a hospital, physician, or other supplier of medical services is found to knowingly and willfully violate this subsection and the Secretary shall invoke appropriate sanctions in accordance with subsections 1128A(a)(2), 1848(g)(8), and 1866(b)(2) of the Social Security Act (42 U.S.C. 1320a–7a(a)(2), 1395w–4(g)(8), and 1395cc(b)(2)) and applicable regulations."; and

(2) by amending paragraph (3)(B) to read as follows:

"(B) For purposes of this paragraph, the term 'medicare program information' includes—

"(i) the limitations on hospital charges established for medicare purposes under section 1886 of the Social Security Act (42 U.S.C. 1395ww) and the identity of hospitals which have in force agreements with the Secretary of Health and Human Services consistent with section 1866 of the Social Security Act (42 U.S.C. 1395cc); and

"(ii) the annual fee schedule amounts for services of participating physicians and 'limiting charge' information for nonparticipating physicians established for medicare purposes under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) and the identity of physicians and suppliers who have in force participation agreements with the Secretary consistent with subsection 1842(h) of the Social Security Act (42 U.S.C. 1395u(h).".

(b) MEDICARE AGREEMENTS WITH INSTITUTIONAL PROVIDERS.—Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

(1) by striking out "and" at the end of subparagraph (P);

(2) by striking out the period at the end of subparagraph (Q) and inserting ", and", and

(3) by inserting after subparagraph (Q) the following new paragraph:

"(R) to accept as payment in full the amounts that would be payable under this part (including the amounts of any coinsurance and deductibles required of individuals entitled to have payment made on their behalf) for an item or service which the provider normally furnishes to patients (or others furnish under arrangement with the provider) and which is furnished to an individual who has attained age 65, is ineligible to receive benefits under this part, and is enrolled, other than as an employee, under a health benefits plan described in paragraphs (1) through (3) of section 8903 and section 8903a of title 5, United States Code, if such item or service is of a type that is covered under both this title and chapter 89 of title 5, United States Code.".

(c) MEDICARE PARTICIPATING PHYSICIANS AND SUPPLIERS.—Section 1842(h)(1) of the Social Security Act (42 U.S.C. 1395u(h)(1)) is amended, after the second sentence, by inserting the following new sentence: "Such agreement shall provide, for any year beginning with 1993, that the physician or supplier will accept as payment in full the amounts that would be payable under this part (plus the amounts of any coinsurance or deductibles required of individuals on whose behalf payments are made under this title) for an item or service furnished during such year to an individual who has attained age 65, is ineligible to receive benefits under this part, and is enrolled, other than as an employee, under a health benefits plan described in paragraphs (1) through (3) of section 8903 and section 8903a of title 5, United States Code, if such item or service is of a type that is covered under both this part and chapter 89 of title 5, United States Code.".

(d) MEDICARE ACTUAL CHARGE LIMITATION FOR NONPARTICIPATING PHYSICIANS.—Section 1848(g) of the Social Security Act (42 U.S.C. 1359w–4(g)) is amended by adding at the end thereof the following paragraph:

"(8) LIMITATION OF ACTUAL CHARGES FOR ENROLLEES OF THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—(A) A nonparticipating physician shall not impose an actual charge in excess of the limiting charge defined in paragraph (2) for items and services furnished after 1993 in any case involving—

"(i) an individual who has attained age 65, is ineligible to receive benefits under this part, and is enrolled, other than as an employee, under a health benefits plan described in paragraphs (1) through (3) or section 8903 or section 8903a of title 5, United States Code; and

"(ii) an item or service of a type that is covered for benefits under both this part and chapter 89 of title 5, United States Code.

"(B) If a person knowingly and willfully bills for physicians' services in violation of subparagraph (A), the Secretary shall apply sanctions against the person in accordance with section 1842(j)(2).".

(e) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the amendments made by this section shall be effective with respect to health care provider charges for items and services furnished to individuals enrolled in plans under chapter 89 of title 5, United States Code, in contract years beginning after December 31, 1993.

(2) The amendment made by subsection (b) applies to agreements for periods after 1991.

THE INTERPUBLIC GROUP
OF COMPANIES, INC.,
New York, NY, December 24, 1991.
Mr. NICHOLAS F. BRADY,
Secretary of the Treasury, Department of the Treasury, Washington, DC.

DEAR NICK: I recently reviewed the Specter/Domenici Bill (S#1984) which has the possibility of stimulating the economy in two key sectors—housing and automobiles—major indicators of economic vitality both with the so-called experts on the economy, but more importantly, with the consumer (not to mention the impact this would have on unemployment).

We amended some of the aspects of the Bill (see attachment) and put it into national consumer research; I found the results more than interesting, and I believe you and the White House should review the data and the approach as a possible major element in a package of measures for stimulating an economic recovery.

With due respect, I point out that the consumer confidence level, which is a major problem and has been so for many months, was not addressed. The past is the past but if scenarios had been worked out in advance (what if the economy did not respond, etc.), the Administration might be in a better position to be on the attack with Congress. Of course, the media has not helped the situation at all. If you consider that the 1981–82 recession which had almost 10 percent unemployment and interest rates in the high teens (but a solid banking system and reasonable ability to lend), versus what we have today where the primary problems of the lending institutions require not only larger down-payments but a stronger consumer credit-worthiness as well, we can understand one of the major problems we face.

Because I share this concern and was intrigued by the Specter/Domenici approach, my company commissioned a study through a leading research company to estimate the number of American families who would make use of their IRA and 401K savings for housing and automobiles on a one-time basis, and to estimate the amount of money these families would invest above the levels they would spend without the use of these funds. Please note that the proposal provides that the IRA and 401K monies used would be tax free for five years, whereupon the consumer could put this money back into those retirement funds on a tax free basis (see attachment). Therefore, the program would be revenue neutral.

We have amended the Specter/Domenici Bill as follows:

A. We limited the use of IRA and 401K funds to housing and autos. These industries are the key industries for economic resurgence, and new vigor here would have a huge effect on the overall economy.

B. We suggested that autos purchased have at least 75 percent of content made in the USA. I recognize the GATT issue, but I believe our trading partners could be persuaded that a non-deficit 6 month domestic program that lifts the US economy would be to their own benefit over time as well. Additionally, this provision certainly would shake up the Japanese which the President politically must consider.

The research, a national probability sample of 1,000 households, was conducted in the middle of December, and is representative of U.S.A. demographics by age, sex, religion and race. Let me summarize the findings on this basis:

1. This proposed use of IRA and 401K funds would increase intentions to buy or improve a home or to buy a car from 26 to 44 million families—a gain of 18 million families.

2. One in three (33.5 percent) American families claim they would use some of their IRA and/or 401K funds to buy a new home, improve their home or buy a car under this proposal. Of these, over 10,300,000 families say they are "very" likely to take positive action.

3. Another 20,700,000 households say they are "somewhat" likely to act per this proposal.

4. Of these 31,000,000 households, fully 65 percent say they would use the maximum $10,000. Another 18 percent report they would use more than $5,000 but less than $10,000. This proposed legislation would motivate 26,000,000 American families to spend more than $5,000 on housing and autos, with another 5,000,000 families spending less than $5,000.

5. If they do as they say, these 31 million families would theoretically transfer over $224 billion dollars from existing IRA and 401K funds to the housing and auto industries. According to the BEA, American families spent $647 billion in these two sectors in 1990—not including maintenance and operations. At a very minimum, the proposed action would produce impactful double-digit gains in both industries.

6. Over half (55%) of the 31 million families who say they would make use of IRA and/or 401K funds for housing and autos, report, they do not intend to invest at this time in new or improved housing or buy a new car without this proposal. In other words, the Specter/Domenici proposal motivates many more people to act now. Using just this 55% figure, the impact would be over $120 billion in incremental spending coming into these two industries at this critical time.

I am very enthused about these findings. Although the sample size is not large, the responses are statistically reliable within 3%. Even if one applies a conservative adjustment to these stated consumer actions, the numbers are still very impressive.

I have heard a lot of qualitative research recently which suggests the President should adopt a more pro-American business stance. While we are all believers in free trade, there is a deep seated popular concern that the Japanese are receiving special treatment with respect to their markets versus ours. This viewpoint is being strengthened by the current U.S. auto industry problems and the attendant negative publicity. I believe this proposal is an appropriate response.

I do hope this study might be of help to you and the President. We would be happy to have our research analyst come to Washington to go over the detailed results with your staff or whomever you wish.

On a related note, a lot of us believe that a cut in the capital gains tax rate would be revenue positive and is the right thing to do. However, I believe the average American family is much more concerned with holding onto or getting jobs, and unless this tax change can be explained simply and succinctly and backed up with facts on how it creates jobs, we really should let it pass. Our indications are that this will be a detriment with the average person in getting a tax stimulus approved.

In my view, the direction proposed in the Spector/Domenici Bill is exactly right for this time and these conditions.

I hope you and your family have a very happy holiday, and I look forward to seeing you soon in the New Year.

Sincerely,

PHILIP H. GEIER, Jr.

AMENDED STATEMENT OF SENATOR SPECTER'S PROPOSAL AS USED IN RESEARCH

As you may know, recently the US economy has been stagnant. A proposal is before the US Senate to help get things moving again. It is intended to provide the economy with needed stimulation from consumers such as yourself. This Senate proposal would allow consumers to withdraw up to $100,000 from their own individual IRA or 401K accounts penalty free and without tax consequences.

The funds may be used within six months either, for purchase of a home, for improvements to a home or for purchase of an automobile having at least 75% of its content made in the USA.

If consumers choose to eliminate the tax consequence, they only need to return the withdrawal to their IRA or 401K account within the next five tax years.

If consumers choose not to return the funds withdrawn, they can still reduce the tax consequences by paying tax on only ⅕ of the amount in each of the next five years.

THE INTERPUBLIC GROUP
OF COMPANIES, INC.,
New York, NY, April 3, 1992.

Hon. ARLEN SPECTER,
Hart Senate Office Building,
Washington, DC.

DEAR MR. SPECTER: In December 1991, we commissioned a consumer survey—a national probability sample of 1000 adults—to learn how Americans would respond to the Specter/Domenici proposal S-1984. We described the proposal to these people, in consumer language. We told them the Senate proposal would permit them to withdraw up to $10,000 from their IRA's or 401K's without penalty if they used the monies to either buy a new car, make a home improvement or buy a new home within the next six months.

The results were very encouraging. Fully one out of every three households in the country said they'd like to take advantage of this Senate proposal . . . 31 million households said they would act on this proposal . . . if it were passed.

Ninety days later, we conducted a second round of research. This time we beefed up the questionnaire to make sure those Americans who said they would act on this Senate proposal were, in fact, qualified to act on the proposal.

The results of the second round of research are even more encouraging. Among the 26 million families that qualify . . . those who say they have an IRA, a 401K, or a Keogh plan and a household income of no more than $100K (75K for single heads) . . . fully *40%*, that is 10.5 million families, say they will take advantage of the Senate proposal to buy a new car, van or truck, make a home improvement or buy a new home.

We also asked *everybody* we interviewed, regardless of whether they qualify or don't qualify, whether they thought this proposal would be good for the economy.

69% of all American families think the Senate proposal will have a positive impact on our economy. That is 65,000,000 families favor seeing this proposal passed. Even more impressive is the fact that 74% of America's middle-class families (HH income from $25K to $50K) believe the Senate proposal will stimulate our economy.

Both rounds of research say that Americans . . . those qualified and those who *wish* they were, are very much in favor of seeing this Senate proposal passed. Not once but twice they told us they would use their own funds to get our economy moving.

The proposal is powerful. It stimulates people to spend money; their own money. It motivates people to take action and buy a new home, make a home improvement or buy a new car. The research shows there are 10,500,000 qualified families who would withdraw money from their IRA's, their 401K, or their Keogh plan to make these investments.

Nearly 50% of these qualified families, (5,000,000) were motivated to invest in these properties *solely* by the Senate proposal. That is 5 million families did *not* intend to buy a new car, a new home or do any home improvements *before* this Senate proposal made it possible for them to consider taking these actions within the next six months.

These 5 million families say they will withdraw $32 billion dollars to invest: 2.1 million families investing $14 billion for new cars; 1.2 million families investing $10 billion for new homes and 1.6 million families investing $8 billion in home improvements.

But that's not all. The $24 billion for new homes and new cars is "seed money". It needs to be multiplied by the money they would take from their savings or borrow from banks to complete their purchases. (We're making the conservative assumption that the money they withdraw to spend on home improvement is their *total* investment.)

The average cost of a "new" home last year was $95,000. The money they would "borrow" from their plans (on average $7,900) needs to be multiplied by about 11X to equal the balance of the down payment (assuming 20%) and mortgage requirements to complete the purchase cost of a new home. That alone is an additional $106 billion dollars that would flow from lending institutions to support these intentions.

The average cost of a new car, van or truck last year was $13,500. In the survey new car buyers "borrowed" $6,450 (on average) from their plans. The additional funds from savings or a bank loan needed to complete the purchase is $7,050. The multiplier is 1.1x. Therefore, the "seed money" this Senate proposal would put into the economy generates an additional $15 billion dollars in economic activity.

Bottom line is that the Senate proposal would free up $32 billion from retirement plan savings to help get our economy moving. When multipliers are included the money Americans would use to complete their purchases results in a total of $153 billion . . . home purchase $116 billion; new car purchase $29 billion; home improvement $8 billion dollars that would move into our economy.

And 75% of these qualified Americans say they will return the money they borrow from their plans within the time frame required to avoid paying any penalties or additional taxes.

As I indicated, the findings were encouraging when we initially surveyed the issue in December 1991.

Findings in the March 1992 survey make it very conclusive. This is a plan which Americans believe in. A plan from which they and our nations economy will benefit. Clearly this proposal has a powerful triggering effect. It comes at a time when the effect of lowered interest rates is being blunted by the more restrictive consumer lending policies of our financial institutions. This proposal allows responsible access to funds. These will go to responsible investments. Economic activity will be triggered, jobs ensured and created. It provides a stimulus we need right now.

I urge you to make this opportunity available to our citizens. There is no doubt of their response and there can be little doubt concerning its positive and immediate economic impact.

With regards,

PHILIP H. GEIER, Jr.

NOTE.—This letter is being sent to each member of the House Ways and Means Committee and the Senate Finance Committee and to Senators Domenici and Specter. A copy of this letter is being sent to The White House.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM—DIVISION OF RESEARCH AND STATISTICS

Date: February 12, 1992.

Subject: Analysis of Senator Specter's proposal regarding penalty-free withdrawals from retirement accounts.

This memorandum analyzes Senator Specter's proposal regarding penalty-free withdrawals from retirement accounts, focusing especially on the issue of how great an impact the action would have on household spending. Section I describes in greater detail the provisions of the proposal; Section II discusses some analytical considerations bearing on the spending issue; Section III presents some relevant estimates derived from the national Survey of Consumer Finance; Section IV offers some conjectures on the likely spending effects.

I. The proposal

The proposed legislation would allow certain taxpayers to make penalty-free withdrawals from retirement-type accounts, provided the withdrawals are applied toward one or more qualified purchases. Specifically:

The proposal would allow withdrawals from IRAs, Keoghs, and 401(k)s.

Eligibility would be restricted to those earning less than $100,000 (if married and filing jointly), $50,000 (if married and filing separately), or $75,000 (all others).

According to the legislation in its current form, qualified expenditures would include the purchase or improvement of real property, and the purchase of durable goods. In his floor speech and in other communications, Senator Specter has also mentioned medical expenses and college tuition.

Each taxpayer would be allowed to withdraw no more than $10,000.

Withdrawals would have to be made on or before December 31, 1992; associated expenditure would have to be made either (a) within six months of the withdrawal, or (b) by the time the taxpayer files his/her return for the relevant tax year (in most cases, no later than April 15, 1993). The more restrictive of (a) or (b) would be the binding rule.

Regular tax liability on the withdrawn funds would still be owed; however, the liability could be spread over a period of four years following the withdrawal.

In his floor speech and written communications, Senator Specter also mentions the possibility of allowing those who take advantage of this proposal to replenish the funds in their IRA or 401(k) over the five years following the withdrawal. The existing legislation does not contain this provision.

II. Analytical considerations

Several analytical points are worth making about the likely impact of the proposal on household spending:

It is useful to think of qualifying households as falling in one of three categories: not liquidity-constrained, extremely liquidity-constrained, and somewhat liquidity-constrained.

Households that are not liquidity-constrained will probably not be interested in tapping their retirement savings, because doing so would remove those savings from their current tax-sheltered status.

Households that are extremely pressed for the funds will be tapping their funds in any event, and would choose to pay the 10 percent penalty in the absence of Senator Specter's proposal. The extra spending generated by the Senator's proposal via these households would be only $1,000—smaller by an order of magnitude than the overall amount of $10,000.

Therefore, the proposal likely would have its greatest impact on the spending of the intermediate group: those households that are somewhat liquidity-constrained, but not too much so. These households will be induced to make a withdrawal that they otherwise would not have made.

About two-thirds of 401(k)s have borrowing provisions. Therefore, owners of these accounts have access to the wealth they hold in 401(k)s even in the absence of Senator Specter's proposal. Evidence suggests that many households take advantage of these loan provisions. For example, one recent survey found that 9 percent of account-holders initiated a new loan during 1990, while 21 percent had a loan outstanding at the end of 1990.[1] Roughly 90 percent of such plans allow general-purpose loans (and therefore cover a wider range of expenditures than would Senator Specter's plan).

The tax amortization feature probably will make relatively little difference to the proposal's influence on spending: Standard theories of consumer behavior predict that taxpayers who know that a liability is outstanding will be inclined to set aside most, if not all, of the tax liability upon receipt of the withdrawal. This prediction is supported by available evidence concerning the relationship between ordinary income tax refunds and consumer spending.[2,3]

III. Empirical evidence

The following estimates from the 1989 Survey of Consumer Finance shed further light on the likely impact of the proposal on household spending:

According to the SCF, qualified accounts (including IRAs, 401(k)s, Keoghs, thrift, and saving plans) amounted to $1.239 trillion in 1989.[4]

Of this amount, $893 billion was held by families headed by someone aged less than 59 years old. Older people already can withdraw funds from retirement accounts without penalty.

Next $736 billion was held by families meeting both the income constraints specified under the Specter proposal and the above-mentioned age cutoff.

Ownership of that $736 billion was highly concentrated, however. If we count only the first $10,000 in retirement funds per family, then the qualified pool of funds shrinks to only $136 billion.

Median liquid assets held by all families meeting the proposed age and income criteria were $1,950.[5] Among families reporting ownership of some retirement funds, median liquid asset holdings were $6,180. Among families holding at least $5,000 in retirement funds, median liquid asset holdings were $9,800. This result conforms with the common finding that those who save via IRAs and Keoghs also tend to save by other means. Families that are holding substantial amounts outside their retirement accounts will be less interested in tapping their retirement funds if given the opportunity to do so penalty-free.

Transaction costs could be sufficiently great to persuade some families who otherwise would take advantage of Senator Specter's proposal not to liquidate their IRAs or 401(k)s. These costs would include, for example, early withdrawal penalties on time deposits and broker commissions.

IV. Spending effects

A fundamental fact should be kept in mind while assessing the likely influence of the proposed program on household spending: The proposal would do nothing to raise the wealth of households, other than of those who anticipated incurring a withdrawal penalty. Therefore, the proposal would influence household spending mainly be relaxing liquidity constraints currently binding on some households. The above data from the SCF suggest that this impact probably would not be very great, given that a considerable portion of the available retirement related wealth is owned by families holding substantial amounts of other liquid assets.

Some withdrawals undoubtedly would occur if the proposal were to be adopted, but the incremental effect of the proposal on expenditure will be less than the total amount withdrawn for two reasons: First, some withdrawals would have been taken, even in the absence of the program, by families extremely pressed for liquidity. Second, some withdrawals from 401(k)s will represent, in effect, a substitution of outright withdrawal for borrowing that would have taken place in the absence of the program.

There is no way of predicting with any confidence the amount of additional expenditure that would be forthcoming in response to implementation of the proposal. It seems reasonable to guess, on the basis of the evidence presented here, that the increment to spending would amount to less than one percent of personal consumption expenditure (or $40 billion)—and it quite possibly would be substantially less. If the permissible penalty-free withdrawal were to be raised to $20,000, it would raise the amount released on the estimates above from $136 billion to $206 billion. However, while the spending effect probably would be greater, it would likely be only modestly so, because the additional balances affected would, on average, be held by individuals who are less liquidity-constrained.

FOOTNOTES

[1] Hewitt Associates, Lincolnshire, IL. News and Information Release. January 23, 1992.

[2] See "Income Tax Refunds and the Timing of Consumer Expenditure," David W. Wilcox, mimeo. Federal Reserve Board.

[3] Low-income taxpayers will experience some benefit from being allowed to smooth some of the liability into lower tax brackets. However, evidence from the Survey of Consumer Finance suggests that eligible families would have higher-than-normal incomes, and so would not benefit from this aspect of the proposal to any great degree.

[4] Respondents to the 1989 SCF reported total holdings in IRAs and Keoghs of $598 billion. For comparison. The Employee Benefit Research Institute puts the total for IRAs and Keoghs in 1989 at $494 billion. SCF respondents reported an additional $295 billion in 401(k)s, quite close to the estimate for 1988 of $277 billion based on data from the Department of Labor's Form 5500. Finally, SCF respondents reported $346 billion in thrift or saving plans, or other defined-contribution plans with borrowing provisions.

[5] Liquid assets were defined as the sum of checking accounts, money market accounts, CDs, other bank accounts, mutual fund holdings, savings bonds, other government and private bonds, direct stock holdings, and accounts held at brokers.

[An advertisement from USA Today, Mar. 6, 1992]

In the next 6 months, Congress can help Detroit sell more than a million more new cars, help builders sell more than 500,000 more new homes, and American tradesmen improve millions of old homes.

Without costing the taxpayers a penny. And without waiting for a new tax bill.

It's remarkable. It's immediate. And it's a conservative estimate based on an independent market research response to an amended version of the Specter/Domenici Bill S–1984.

When asked whether they would use up to $10,000 of their money currently in IRA's and/

Footnotes at end of article.

or 401K's—if there were no penalty—to purchase a new home, improve their current home, or buy an automobile or truck, Americans overwhelmingly answered "yes."

Indeed, 38% more people than are currently in the auto market said this would turn them from being bystanders into buyers. That's 4.8 million more people spending 65 billion new dollars. Out of a projected total of over $200 billion in purchasing power that this suggested amended bill could unleash. (and this doesn't include additional mortgage money generated, either.)

Additionally, they understood the only time qualifications was that they do this in the next six months, and return the money to their accounts within five years to reinstate tax-free benefits without a taxable event taking place.

And because people had not planned on withdrawing the money anyway, there would be no loss of revenue to the government from the loss of withdrawal penalties.

It's a provocative idea. A practical idea. And an affordable idea. And judging from the response to the market research, it's an idea for jump-starting the economy whose time has come.

By Mr. ROTH (for himself, Mr. GLENN, Mr. GRAHAM, Mr. METZENBAUM, Mr. MCCAIN, Mr. AKAKA, Mr. ROBB, and Mr. LUGAR):

S. 20. A bill to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

GOVERNMENT PERFORMANCE AND RESULTS ACT

Mr. ROTH. Mr. President, I am reintroducing today S. 20, the Government Performance and Results Act. This legislation represents a very important and fundamental reform of the way Federal Government does business. When fully implemented, after an initial series of pilot projects, all Federal agencies would have to establish measurable program performance goals and to report actual results.

The legislation, in other words, would bring about a new form of accountability to the American taxpayers—an accountability by Federal agencies for the results they achieve when they spend tax dollars.

That this commonsense reform is long overdue is evidenced by the broad, bipartisan cosponsorship it received in the last Congress, and by the fact that it passed the Senate under unanimous consent on October 1. I am hopeful that with similar support in this Congress and from the new administration, we can move this bill quickly to enactment during the first 100 days.

This new emphasis on Government performance and results is a fundamental element underlying what has come to be referred to as reinventing Government. It is what will allow us to give program administrators greater managerial flexibility and discretion—the freedom to be innovative—in return for greater results-oriented accountability. It is what allows us to move toward performance-based budgeting, with specific program goals linked directly in the budget to the required resources. These reforms, too, are incorporated as objectives of S. 20.

For too long, Federal program performance has suffered from a lack both of specific program goals and the measurement of results. Accountability has been strictly process-oriented—did program managers properly follow a detailed set of procedural requirements, in a rigidly mandated program structure, with resources used in precisely the manner prescribed? That is what seems to matter most, not whether the program is achieving the desired results.

Rarely is the question even asked, much less answered, "What outcomes do we want for the money we are going to spend?" As a result, on those seemingly few occasions when program outcomes are actually reported, there is no preestablished benchmark against which to objectively measure success or failure. This, in turn, makes it difficult to spotlight excellence or to expose mismanagement.

The Government Performance and Results Act will address this major shortcoming in how the Federal Government operates. In doing so, it will go a along way toward improving the efficiency, effectiveness, and responsiveness of governmental institutions.

I believe it is significant that the National Academy of Public Administration and the American Society for Public Administration have called for the types of reforms mandated by S. 20. Both organizations, whose members include many esteemed present and former Government managers, have endorsed the need for such legislation, and made valuable suggestions in the develop of the bill.

This is because most Government managers truly do want to do a good job. But to do this, they need a clear understanding of specifically what it is their programs should accomplish, and accurate, timely information on program performance. They want program goals that relate to program resources, and they want the discretion to manage those resources to achieve maximum results. In all of this, they are no different than managers in the private sector.

Both the Office of Management and Budget, and the General Accounting Office, in testimony before the Governmental Affairs Committee, stated that the measures called for in S. 20 are already now being adopted in various State and local governments—and at the national government level in such countries as Australia and the United Kingdom. While the specifics of implementation are necessarily different for our Federal Government, many of the fundamental principles are applicable.

The legislation incorporates those principles. Each agency would develop a 5-year strategic plan, with a set of specific, long-term program goals. It would then develop an annual performance plan, also with measurable program goals, aiming its day-to-day activities at achieving the long-term objectives. And then each agency would publish an annual performance report, showing what it achieved compared to those goals.

Implementation of these steps would begin first on a pilot project basis, in programs within at least 10 agencies for 3 years. If satisfied with the results of those pilot projects, Congress would then approve a resolution mandating governmentwide implementation of the requirements. At that point, several pilot projects in performance-based budgeting would begin—showing proposed program budgets in a format that directly links recommended spending levels with expected results.

Mr. President, public opinion polls indicate that the average American believes 48 cents out of every tax dollar sent to Washington is wasted. This is a key reason underlying the public's frustration with the Federal Government. The Government Performance and Results Act is a major reform of how Government operates, and is aimed squarely at addressing that frustration. Its enactment will be an important and significant step toward restoring the public's confidence in our institutions of Government.

I ask unanimous consent that the text of the bill be printed following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Performance and Results Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) waste and inefficiency in Federal programs undermine the confidence of the American people in the Government and reduces the Federal Government's ability to address adequately vital public needs;

(2) Federal managers are seriously disadvantaged in their efforts to improve program efficiency and effectiveness, because of insufficient articulation of program goals and inadequate information on program performance; and

(3) congressional policymaking, spending decisions and program oversight are seriously handicapped by insufficient attention to program performance and results.

(b) PURPOSES.—The purposes of this Act are to—

(1) improve the confidence of the American people in the capability of the Federal Government, by systematically holding Federal agencies accountable for achieving program results;

(2) initiate program performance reform with a series of pilot projects in setting program goals, measuring program performance against those goals, and reporting publicly on their progress;

(3) improve Federal program effectiveness and public accountability by promoting a

new focus on results, service quality, and customer satisfaction;

(4) help Federal managers improve service delivery, by requiring that they plan for meeting program objectives and by providing them with information about program results and service quality;

(5) improve congressional decisionmaking by providing more objective information on achieving statutory objectives, and on the relative effectiveness and efficiency of Federal programs and spending; and

(6) improve internal management of the Federal Government, and the intent of this Act is not to create any right or benefit, substantive or procedural, enforceable at law by any party against the United States, or any agency or office of the United States.

SEC. 3. STRATEGIC PLANNING.

Chapter 3 of title 5, United States Code, is amended by adding after section 305 the following new section:

"§ 306. Strategic plans

"(a) No later than September 30, 1997, the head of each agency shall submit to the Director of the Office of Management and Budget a strategic plan for program activities. Such plan shall contain—

"(1) a comprehensive mission statement covering the major functions and operations of the agency;

"(2) general goals and objectives, including outcome-related goals and objectives, for the major functions and operations of the agency;

"(3) a description of how the goals and objectives are to be achieved, including a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

"(4) a description of how the performance goals included in the plan required by section 1115(a) of title 31 shall be related to the general goals and objectives in the strategic plan;

"(5) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives; and

"(6) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations.

"(b) The strategic plan shall cover a period of not less than five years forward from the fiscal year in which it is submitted, and shall be updated and revised at least every three years.

"(c) The performance plan required by section 1115 of title 31 shall be consistent with the agency's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

"(d) When developing a strategic plan, the agency shall consult with the Congress, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan.

"(e) For purposes of this section the term 'agency' means an Executive agency defined under section 105, but does not include the Central Intelligence Agency, the General Accounting Office, the Panama Canal Commission, the United States Postal Service, and the Postal Rate Commission.".

SEC. 4. ANNUAL PERFORMANCE PLANS AND REPORTS.

(a) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(29) beginning with fiscal year 1999, a Federal Government performance plan for the overall budget as provided for under section 1115.".

(b) PERFORMANCE PLANS AND REPORTS.—Chapter 11 of title 31, United States Code, is amended by adding after section 1114 the following new sections:

"§ 1115. Performance plans

"(a) In carrying out the provisions of section 1105(a)(29), the Office of Management and Budget shall require each agency to prepare an annual performance plan covering each program activity set forth in the budget of such agency. Such plan shall—

"(1) establish performance goals to define the level of performance to be achieved by a program activity;

"(2) express such goals in an objective, quantifiable, and measurable form unless permitted an alternative form under subsection (b);

"(3) describe the operational processes, skills and technology, and the human, capital, information, and other resources required to meet the performance goals;

"(4) establish performance indicators to be used in measuring or assessing the relevant outputs, service levels, and outcomes of each program activity;

"(5) provide a basis for comparing actual program results with the established performance goals; and

"(6) describe the means to be used to verify and validate measured values.

"(b) If an agency, in consultation with the Office of Management and Budget, determines that it is not feasible to express the performance goals for a particular program activity in an objective and quantifiable form, the Office of Management and Budget may authorize an alternative form. Such alternative form shall—

"(1) include separate descriptive statements of—

"(A) a minimally effective program, and

"(B) a successful program,

with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of either description; or

"(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

"(c) In preparing a comprehensive and informative plan under this section, an agency may aggregate, disaggregate, or consolidate program activities, provided that any aggregation or consolidation does not omit or minimize the significance of any program activity constituting a major function or operation for the agency.

"(d) An agency may prepare a classified or non-public annex to its plan covering program activities or parts of program activities relating to—

"(1) national security;

"(2) the conduct of foreign affairs; or

"(3) the avoidance of interference with criminal prosecution or revenue collection.

"(e) For purposes of this section and sections 1116 through 1119, and section 9704 the term—

"(1) 'agency' means an Executive agency defined under section 105 of title 5, United States Code, but does not include the Central Intelligence Agency, the General Accounting Office, the Panama Canal Commission, the United States Postal Service, and the Postal Rate Commission;

"(2) 'outcome measure' refers to an assessment of the results of a program activity compared to its intended purpose;

"(3) 'output measure' refers to the tabulation, calculation, or recording of activity or effort and can be expressed in a quantitative or qualitative manner;

"(4) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement shall be compared, including a goal expressed as a quantitative standard, value, or rate;

"(5) 'performance indicator' refers to a particular value or characteristic used to measure output or outcome;

"(6) 'program activity' means a specific activity or project as listed in the program and financing schedules of the annual budget of the United States Government; and

"(7) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives.

"§ 1116. Program performance reports

"(a) No later than March 31, 2000, and no later than March 31 of each year thereafter, the head of each agency shall prepare and submit to the President and the Congress, a report on program performance for the previous fiscal year.

"(b)(1) Each program performance report shall set forth the performance indicators established in the departmental or agency performance plan, along with the actual program performance achieved compared with the performance goals expressed in the plan for that fiscal year.

"(2) If performance goals are specified by descriptive statements of a minimally effective program activity and a successful program activity, the results of such program shall be described in relationship to those categories, including whether the performance failed to meet the criteria of either category.

"(c) The report for fiscal year 2000 shall include actual results for the preceding fiscal year, the report for fiscal year 2001 shall include actual results for the two preceding fiscal years, and the report for fiscal year 2002 and all subsequent reports shall include actual results for the three preceding fiscal years.

"(d) Each report shall—

"(1) review the success of achieving the performance goals of the fiscal year;

"(2) evaluate the performance plan for the current fiscal year relative to the performance achieved towards the performance goals in the fiscal year covered by the report;

"(3) explain and describe, where a performance goal has not been met, including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 1115(b)(2)—

"(A) why the goal was not met;

"(B) those plans and schedules for achieving the established performance goal; and

"(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended;

"(4) describe the use and assess the effectiveness in achieving performance goals of any waiver under section 9703 of this title; and

"(5) include the summary findings of those program evaluations completed during the fiscal year covered by the report.

"(e) The agency head may include all program performance information required annually under this section in an annual financial statement required under section 3515 if any such statement is submitted to the Congress no later than March 31 of the applicable fiscal year.

"§ 1117. Exemption

"The Director of the Office of Management and Budget may exempt from the requirements of sections 1115 and 1116 and section 306 of title 5, any agency with annual outlays of $20,000,000 or less.".

SEC. 5. MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.

(a) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Chapter 97 of title 31, United States Code, is amended by adding after section 9702, the following new section:

"§ 9703. Managerial accountability and flexibility

"(a) Beginning with fiscal year 1999, the performance plans required under section 1115 may include proposals to waive administrative procedural requirements and controls, including specification of personnel staffing levels, limitations on compensation or remuneration, and prohibitions or restrictions on funding transfers among budget object classification 20 and subclassifications 11, 12, 31, and 32 of each annual budget submitted under section 1105, in return for specific individual or organization accountability to achieve a performance goal. In preparing and submitting the performance plan under section 1105(a)(29), the Office of Management and Budget shall review and may approve any proposed waivers. A waiver shall take effect at the beginning of the fiscal year for which the waiver is approved.

"(b) Any such proposal under subsection (a) shall describe the anticipated effects on performance resulting from greater managerial or organizational flexibility, discretion, and authority, and shall quantify the expected improvements in performance resulting from any waiver. The expected improvements shall be compared to current actual performance, and to the projected level of performance that would be achieved independent of any waiver.

"(c) Any proposal waiving limitations on compensation or remuneration shall precisely express the monetary change in compensation or remuneration amounts, such as bonuses or awards, that shall result from meeting, exceeding, or failing to meet performance goals.

"(d) Any proposed waiver of procedural requirements or controls imposed by an agency (other than the proposing agency or the Office of Management and Budget) shall be endorsed by the agency that established the requirement, and the endorsement included in the proposing agency's performance plan.

"(e) A waiver shall be in effect for one or two years. A waiver may be renewed for a subsequent year. After a waiver has been in effect for three consecutive years, the performance plan prepared under section 1115 may propose that a waiver, other than a waiver of limitations on compensation or remuneration, be made permanent.".

SEC. 6. PILOT PROJECTS.

(a) PERFORMANCE PLANS AND REPORTS.—Chapter 11 of title 31, United States Code, is amended by inserting after section 1117 (as added by section 4 of this Act) the following new section:

"§ 1118. Pilot projects for performance goals

"(a) The Director of the Office of Management and Budget, after consultation with the head of each agency, shall designate not less than ten agencies as pilot projects in performance measurement for fiscal years 1994, 1995, and 1996. The selected agencies shall reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall undertake the preparation of performance plans under section 1115, and program performance reports under section 1116, other than section 1116(c), for one or more of the major functions and operations of the agency. A strategic plan shall be used when preparing agency performance plans during one or more years of the pilot period.

"(c) No later than May 1, 1997, the Director of the Office of Management and Budget shall submit a report to the President and to the Congress which shall—

"(1) assess the benefits, costs, and usefulness of the plans and reports prepared by the pilot agencies in meeting the purposes of the Government Performance and Results Act of 1992;

"(2) identify any significant difficulties experienced by the pilot agencies in preparing plans and reports; and

"(3) set forth any recommended changes in the requirements of the provisions of Government Performance and Results Act of 1992, section 306 of title 5, sections 1105, 1115, 1116, 1117, 1119 and 9704 of this title, and this section.".

(b) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Chapter 97 of title 31, United States Code, is amended by inserting after section 9703 (as added by section 5 of this Act) the following new section:

"§ 9704. Pilot projects for managerial accountability and flexibility

"(a) The Director of the Office of Management and Budget shall designate not less than five agencies as pilot projects in managerial accountability and flexibility for fiscal years 1995 and 1996. Such agencies shall be selected from those designated as pilot projects under section 1118 and shall reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall include proposed waivers in accordance with section 9703 for one or more of the major functions and operations of the agency.

"(c) The Director of the Office of Management and Budget shall include in the report to the President and to the Congress required under section 1118(b) the following—

"(1) an assessment of the benefits, costs, and usefulness of increasing managerial and organizational flexibility, discretion, and authority in exchange for improved performance through a waiver; and

"(2) an identification of any significant difficulties experienced by the pilot agencies in preparing proposed waivers.

"(d) For purposes of this section the definitions under section 1115(e) shall apply.".

(c) PERFORMANCE BUDGETING.—Chapter 11 of title 31, United State Code, is amended by inserting after section 1118 (as added by section 6 of this Act) the following new section:

"§ 1119. Pilot projects for performance budgeting

"(a) The Director of the Office of Management and Budget, after consultation with the head of each agency shall designate not less than five agencies as pilot projects in performance budgeting for fiscal years 1998 and 1999. At least three of the agencies shall be selected from those designated as pilot projects under section 1118, and shall also reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall cover the preparation of performance budgets. Such budgets shall present, for one or more of the major functions and operations of the agency, the varying levels of performance, including outcome-related performance, that would result from different budgeted amounts.

"(c) The Director of the Office of Management and Budget shall include, as an alternative budget presentation in the budget submitted under section 1105 for fiscal year 1999, the performance budgets of the designated agencies for this fiscal year.

"(d) No later than March 31, 2001, the Director of the Office of Management and Budget shall transmit a report to the President and to the Congress on the performance budgeting pilots which shall—

"(1) assess the feasibility and advisability of including a performance budget as part of the annual budget submitted under section 1105;

"(2) describe any difficulties encountered by the pilot agencies in preparing a performance budget;

"(3) recommend whether legislation requiring performance budgets should be proposed and the general provisions of any legislation; and

"(4) set forth any recommended changes in the other requirements of the Government Performance and Results Act of 1992, section 306 of title 5, sections 1105, 1115, 1116, 1117, 1118, and 9704 of this title, and this section.

"(e) After receipt of the report required under subsection (d), the Congress may specify that a performance budget be submitted as part of the annual budget submitted under section 1105.".

SEC. 7. UNITED STATES POSTAL SERVICE.

Part III of title 39, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 28—STRATEGIC PLANNING AND PERFORMANCE MANAGEMENT

"Sec.
"2801. Definitions.
"2802. Strategic plans.
"2803. Performance plans.
"2804. Program performance reports.

"§ 2801. Definitions

"For purposes of this chapter the term—

"(1) 'outcome measure' refers to an assessment of the results of a program activity compared to its intended purpose;

"(2) 'output measure' refers to the tabulation, calculation, or recording of activity or effort and can be expressed in a quantitative or qualitative manner;

"(3) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement shall be compared, including a goal expressed as a quantitative standard, value, or rate;

"(4) 'performance indicator' refers to a particular value or characteristic used to measure output or outcome;

"(5) 'program activity' means a specific activity related to the mission of the Postal Service; and

"(6) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Postal Service programs achieve intended objectives.

"§ 2802. Strategic plans

"(a) No later than September 30, 1997, the Postal Service shall submit to the President and the Congress a strategic plan for its program activities. Such plan shall contain—

"(1) a comprehensive mission statement covering the major functions and operations of the Postal Service;

"(2) general goals and objectives, including outcome-related goals and objectives, for the major functions and operations of the Postal Service;

"(3) a description of how the goals and objectives are to be achieved, including a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

"(4) a description of how the performance goals included in the plan required under section 2803 shall be related to the general goals and objectives in the strategic plan;

"(5) an identification of those key factors external to the Postal Service and beyond its control that could significantly affect the achievement of the general goals and objectives; and

"(6) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations.

"(b) The strategic plan shall cover a period of not less than five years forward from the fiscal year in which it is submitted, and shall be updated and revised at least every three years.

"(c) The performance plan required under section 2803 shall be consistent with the Postal Service's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

"(d) When developing a strategic plan, the Postal Service shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan, and shall advise the Congress of the contents of the plan.

"§ 2803. Performance plans

"(a) The Postal Service shall prepare an annual performance plan covering each program activity set forth in the Postal Service budget, which shall be included in the comprehensive statement presented under section 2401(g) of this title. Such plan shall—

"(1) establish performance goals to define the level of performance to be achieved by a program activity;

"(2) express such goals in an objective, quantifiable, and measurable form unless an alternative form is used under subsection (b);

"(3) describe the operational processes, skills and technology, and the human, capital, information, and other resources required to meet the performance goals;

"(4) establish performance indicators to be used in measuring or assessing the relevant outputs, service levels, and outcomes of each program activity;

"(5) provide a basis for comparing actual program results with the established performance goals; and

"(6) describe the means to be used to verify and validate measured values.

"(b) If the Postal Service determines that it is not feasible to express the performance goals for a particular program activity in an objective and quantifiable form, the Postal Service may use an alternative form. Such alternative form shall—

"(1) include separate descriptive statements of—

"(A) a minimally effective program, and

"(B) a successful program,

with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of either description; or

"(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

"(c) In preparing a comprehensive and informative plan under this section, the Postal Service may aggregate, disaggregate, or consolidate program activities, provided that any aggregation or consolidation does not omit or minimize the significance of any program activity constituting a major function or operation.

"(d) The Postal Service may prepare a nonpublic annex to its plan covering program activities or parts of program activities relating to—

"(1) the avoidance of interference with criminal prosecution; or

"(2) matters otherwise exempt from public disclosure under section 401(c) of this title.

"§ 2804. Program performance reports

"(a) The Postal Service shall prepare a report on program performance for each fiscal year, which shall be included in the annual comprehensive statement presented under section 2401(g) of this title.

"(b)(1) The program performance report shall set forth the performance indicators established in the Postal Service performance plan, along with the actual program performance achieved compared with the performance goals expressed in the plan for that fiscal year.

"(2) If performance goals are specified by descriptive statements of a minimally effective program activity and a successful program activity, the results of such program shall be described in relationship to those categories, including whether the performance failed to meet the criteria of either category.

"(c) The report for fiscal year 2000 shall include actual results for the preceding fiscal year, the report for fiscal year 2001 shall include actual results for the two preceding fiscal years, and the report for fiscal year 2002 and all subsequent reports shall include actual results for the three preceding fiscal years.

"(d) Each report shall—

"(1) review the success of achieving the performance goals of the fiscal year;

"(2) evaluate the performance plan for the current fiscal year relative to the performance achieved towards the performance goals in the fiscal year covered by the report;

"(3) explain and describe, where a performance goal has not been met, including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 2803(b)(2)—

"(A) why the goal was not met;

"(B) those plans and schedules for achieving the established performance goal; and

"(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended; and

"(4) include the summary findings of those program evaluations completed during the fiscal year covered by the report.".

SEC. 8. CONGRESSIONAL OVERSIGHT AND LEGISLATION.

(a) IN GENERAL.—Nothing in this Act shall be construed as limiting the ability of Congress to establish, amend, suspend, or annul a performance goal. Any such action shall have the effect of superseding that goal in the plan submitted under section 1105(a)(29) of title 31, United States Code.

(b) GAO REPORT.—No later than June 1, 1997, the Comptroller General of the United States shall report to Congress on the implementation of this Act, including the prospects for compliance by Federal agencies beyond those participating as pilot projects under sections 1118 and 9704 of title 31, United States Code.

SEC. 9. TRAINING.

The Office of Personnel Management shall, in consultation with the Director of the Office of Management and Budget and the Comptroller General of the United States develop a strategic planning and performance measurement training component for its management training program and otherwise provide managers with an orientation on the development and use of strategic planning and program performance measurement.

SEC. 10. APPLICATION OF ACT.

No person who is not an officer or employee of the United States acting in such capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this Act. No provision or amendment made by this Act may be construed as creating any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in such capacity.

SEC. 11. TECHNICAL AND CONFORMING AMENDMENT.

(a) AMENDMENT TO TITLE 5, UNITED STATES CODE.—The table of sections for chapter 3 of title 5, United States Code, is amended by adding after the item relating to section 305 the following:

"306. Strategic plans.".

(b) AMENDMENTS TO TITLE 31, UNITED STATES CODE.—

(1) AMENDMENT TO CHAPTER 11.—The table of sections for chapter 11 of title 31, United States Code, is amended by adding after the item relating to section 1114 the following:

"1115. Performance plans.
"1116. Program performance reports.
"1117. Exemptions.
"1118. Pilot projects for performance goals.
"1119. Pilot projects for performance budgeting.".

(2) AMENDMENT TO CHAPTER 97.—The table of sections for chapter 97 of title 31, United States Code, is amended by adding after the item relating to section 9702 the following:

"9703. Managerial accountability and flexibility.
"9704. Pilot projects for managerial accountability and flexibility.".

(c) AMENDMENT TO TITLE 39, UNITED STATES CODE.—The table of chapters for part III of title 39, United States Code, is amended by adding at the end thereof the following new item:

"28. Strategic planning and performance management .... 2801".

SEC. 12. EFFECTIVE DATES AND PROCEDURES.

(a) IN GENERAL.—The provisions of this Act and amendments made by this Act shall take effect on the date of the enactment of this Act, except sections 3, 4, 5, 6(c), and 7 of this Act, and the amendments made by such sections, shall take effect on the date of enactment of the resolution described in subsection (b).

(b) RESOLUTION APPROVING PERFORMANCE PLANS.—

(1) RESOLUTION DESCRIBED.—A resolution referred to in subsection (a) is a joint resolution the matter after the resolving clause of which is as follows: "That Congress approves the development of departmental and agency strategic plans, performance plans and reports pursuant to section 306 of title 5, United States Code, sections 1105(a)(29) and 9703 of title 31, United States Code, sections 1115, 1116, 1117, and 1119 of title 31, United States Code, and chapter 28 of title 39, United States Code (as amended by sections 3, 4, 5, 6, and 7 of the Government Performance and Results Act of 1992).".

(2) INTRODUCTION OF RESOLUTION.—No later than 30 days after the transmittal by the Comptroller General of the United States to

the Congress of the report referred to in section 7(b), a resolution as described in paragraph (1) shall be introduced in the Senate by the chairman of the Committee on Governmental Affairs of the Senate, or by a Member or Members of the Senate designated by such chairman, and shall be introduced in the House by the chairman of the Committee on Government Operations of the House of Representatives, or by a Member or Members of the House designated by such chairman.

(3) REFERRAL.—A resolution described in paragraph (1), shall be referred to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee shall make its recommendations to the Senate or the House of Representatives, respectively, within 30 calendar days following the date of such resolution's introduction.

(4) DISCHARGE OF COMMITTEE.—If the committee to which is referred a resolution introduced pursuant to paragraph (2) (or, in the absence of such a resolution, the first resolution introduced with respect to the same departmental or agency plans and reports) has not reported such resolution or identical resolution at the end of 30 calendar days after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(5) PROCEDURE AFTER REPORT OR DISCHARGE OF COMMITTEE; VOTE ON FINAL PASSAGE.—(A) When the committee has reported, or has been deemed to be discharged (under paragraph (4)) from further consideration of a resolution described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is passed or rejected shall not be in order.

(C) Immediately following the conclusion of the debate on the resolution and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1), shall be decided without debate.

(E) If, prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to departmental or agency strategic plans, performance plans and reports from the other House, then—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(F) It shall not be in order in either the Senate or the House of Representatives to consider a resolution described in paragraph (1), or to consider any conference report on such a resolution, unless the Comptroller General of the United States transmits to the Congress a report under section 7(b).

(6) RULEMAKING POWER OF CONGRESS.—The provisions of this section are enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives and as such shall be considered as part of the rules of each House, and shall supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

• Mr. GLENN. Mr. President, I rise today to cosponsor the Government Performance and Results Act of 1993. This legislation, which is very similar to a bill I cosponsored with Senator ROTH in the last Congress, will bring greater accountability and performance to the delivery of our public services, along with a wiser use of taxpayer dollars.

For too long, the Federal Government has been largely unable to measure the successes and failures of the hundreds of programs it administers. The absence of any systematic measurement of performance has meant that no one really knows whether programs are effective and reach the people they were intended to help, and whether the taxpayers footing the bill are getting their money's worth.

Today, more than ever, as we make the tough choices necessary to reduce the deficit while still providing essential public services, we must ensure that the programs and services of government operate as effectively as possible. The Government's role is to provide Americans with the vital services they need, and to provide those services at the least possible cost.

In my opinion, the Government Performance and Results Act will go a long way toward accomplishing these goals. This bill will help Federal agencies to take the steps they need to make programs work for the people and the taxpayer—and to make the Government accountable to both. The most important contribution that this bill can make is to help restore the confidence of the American people in their government, by systematically holding Federal agencies accountable for achieving program results.

Mr. President, I also would like to commend Senator ROTH for his leadership on this issue. He first introduced S. 20 at the beginning of the 102d Congress, laying the groundwork for the committee's subsequent work in this area. Since the introduction of the bill, Senator ROTH and I have worked closely together to hold hearings and to make subsequent revisions to the legislation. Then on August 5, 1992, we held a committee markup at which time we approved a revised version of the bill.

Now I believe that this new bill makes some important improvements on the original concept. One very important change is that we will begin our Federal performance measurement effort with a number of carefully selected pilot projects. Before we have the entire Federal Government instituting performance measurement systems, we must have several successful Federal models for the rest of the agencies to follow. Considering the very limited number of agencies which are currently using this concept, and considering the lingering uncertainties about how to apply performance measurement at the Federal level, it would be unwise to have the entire government trying to do it simultaneously.

Only when we have seen the results of the pilot projects and are convinced that performance measurement is working at the Federal level should we go ahead to mandate it governmentwide. S. 20 provides for an expedited resolution process that will give the Congress an opportunity to expand the use of performance measurement at that time.

In order to make that determination, the bill calls for a report by the General Accounting Office by June 1, 1997. This report will analyze the success of the pilot projects, as well as looking ahead to the prospects for expansion to the entire government. Thus, the Congress will have the objective analysis we need to determine whether performance measurement has lived up to our expectations.

All-in-all, this process strikes a good balance between our desire to institute worthwhile improvements and our concern about creating new paper exercises. The agencies will have a chance to experiment with this potentially useful concept, but we will hold off on broader application until we are certain that it is worth the effort.

Mr. President, we must also understand that in order to measure and then judge the performance of Federal agencies, we must first make sure that those agencies have the capacity to perform the public missions that we ask of them. In recent years, many Federal agencies have not had the adequate resources—in qualified people, in management systems and in equipment, for instance—to do their jobs well. Capacity and performance measurement must go hand in hand if we are to fairly and accurately judge the success and failure of Federal programs.

The Government Performance and Results Act will, I believe, help to improve the effectiveness of Federal programs by promoting a new focus on results, on service quality and on customer satisfaction. The bill will help Federal managers improve service delivery by requiring that they plan for meeting program objectives and by setting up a system that will for the first time provide agencies with information about program results and service quality.

Moreover, the act would improve our own decisionmaking here in the Congress, by providing us with more objective information about achieving statutory objectives and helping us to make wiser program spending choices based on more accurate, complete, and timely information.

Our Government and our country need this legislation if we are to move forward to truly serve the needs of the people and at the same time reduce our mounting deficit. I look forward to working with the new administration on this issue, and on improving the performance of government programs.●

By Ms. FEINSTEIN (for herself, Mrs. BOXER, Mr. AKAKA, Mr. BINGAMAN, Mr. BOREN, Mr. BRYAN, Mr. FEINGOLD, Mr. HARKIN, Mr. KENNEDY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. METZENBAUM, Ms. MIKULSKI, Ms. MURRAY, Mr. NUNN, Mr. PELL, Mr. REID, Mr. ROCKEFELLER, Mr. SIMON, Mr. WELLSTONE, Mr. WOFFORD, and Mr. JEFFORDS):

S. 21. A bill to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes; to the Committee on Energy and Natural Resources.

CALIFORNIA DESERT PROTECTION ACT

Ms. FEINSTEIN. Mr. President, today I am introducing the California Desert Protection Act, a bill to provide for the protection of public lands in the California desert. I'm very pleased that my colleague from California, Senator BARBARA BOXER, and 20 other Senators are joining me as cosponsors of this legislation.

The California desert contains some of the most outstanding scenic, cultural, ecological, scientific, and recreational resources in the Nation. Comprising 25 million acres, the California desert is incredibly diverse, with sand dunes, extinct volcanoes, 90 mountain ranges, the world's largest Joshua Tree forest, and over 100,000 archaeological sites. These varied landforms provide habitats rich in biological diversity, with more than 760 different wildlife species. The finest of these resources deserve protection as part of the National Park and National Wilderness System. The California Desert Protection Act provides that protection.

The bill designates 74 Bureau of Land Management wilderness areas and 1 wilderness study area in the California desert, comprising nearly 4 million acres. It adds 1.3 million acres of national park quality land to Death Valley National Monument and national park quality land to Death Valley National Monument and redesignates the area as a national park, adds 234,000 acres to Joshua Tree National Monument and redesignates the area a national park, and establishes a 1.5 million-acre Mojave National Park.

The bill also designates national park wilderness for Death Valley, 3.18 million acres, Joshua Tree, 131,800 acres, and Mojave, 695,000 acres. It transfers 20,500 acres of Bureau of Land Management land to the State of California for addition to Red Rock Canyon State Park. And it designates a 2,040-acre Desert Lily Sanctuary.

In addition to protecting these nationally significant natural resources, the bill recognizes other important uses of the California desert. It allows livestock grazing to continue for up to 25 years in the Mojave National Park and gives priority to acquisition of ranchers' private property on a willing seller basis. It provides for the continuation of utility rights-of-way, upgrading of utility facilities, and continuation of customary operations of utilities, maintenance, repair, and replacement activities. The boundaries of the parks and wilderness areas have been drawn to avoid known or potential mineral conflicts. For example, I have excluded the Viceroy Gold Corp. mining claims in the Mojave where more than 200 people are currently working at an operating mine. More than 33,000 miles of roads and primitive routes providing access to desert lands are unaffected by the legislation and remain available for offroad vehicle use.

Finally, the bill recognizes the important military testing, training, and research activities conducted in the California desert. It withdraws public lands for continued military use of China Lake Naval Weapons Center and Chocolate Mountain Aerial Gunnery Range and does not restrict or preclude low-level overflights of military aircraft in the California desert.

Mr. President, there is tremendous support in California for desert protection. Thirty-six cities in the State, including the eight largest, have endorsed the California Desert Protection Act. A September 1988 survey conducted by the Field Institute found that the vast majority of Californians support more parks and wilderness in the California desert. Seventy-five percent of those polled said they want to see more protection for desert wildlife and ecology. More recently, a September 1992 Field Institute poll found that more than 70 percent of Californians, including more than 70 percent of the people living in desert counties, support park status for the Mojave as the bill provides.

I hope this Congress will pass the California Desert Protection Act, not only for the people of California, but so all Americans will continue to enjoy this spectacular and fragile landscape.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 21

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "California Desert Protection Act of 1993".

FINDINGS AND POLICY

SEC. 2. (a) The Congress finds and declares that—

(1) the federally owned desert lands of Southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

(2) these desert wildlands display unique scenic, historical, archaeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation;

(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

(4) the California desert, embracing wilderness lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the Federal Government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

(b) In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that—

(1) appropriate public lands in the California desert shall be included within the National Park System and the National Wilderness Preservation System, in order to—

(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;

(C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, pattern of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;

(D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features and historic, paleontological, and archaeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and

(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.

TITLE I—WILDERNESS ADDITIONS

FINDINGS

SEC. 101. The Congress finds and declares that—

(1) wilderness is a distinguishing characteristic of the public lands in the California desert, one which affords an unrivaled opportunity for experiencing vast areas of the Old West essentially unaltered by man's activities, and which merits preservation for the benefit of present and future generations;

(2) the wilderness values of desert lands are increaingly threatened by and especially vulnerable to impairment, alteration, and destruction by activities and intrusions associated with incompatible use and development; and

(3) preservation of desert wilderness necessarily requires the highest forms of protective designation and management.

DESIGNATION OF WILDERNESS

SEC. 102. In furtherance of the purpose of the Wilderness Act (78 Stat. 890, 16 U.S.C. 1131 et seq.), and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), the following lands in the State of California, as generally depicted on maps, referenced herein, dated February 1986 (except as otherwise dated), are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred and ninety acres, as generally depicted on a map entitled "Argus Range Wilderness—Proposed 1", dated May 1991, and two maps entitled "Argus Range Wilderness—Proposed 2" and "Argus Range Wilderness—Proposed 3", dated January 1989, and which shall be known as the Argus Range Wilderness.

(2) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand three hundred and eighty acres, as generally depicted on a map entitled "Bigelow Cholla Garden Wilderness—Proposed", date October 1991, and which shall be known as the Bigelow Cholla Garden Wilderness.

(3) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and within the San Bernardino National Forest, which comprise approximately thirty-nine thousand two hundred acres, as generally depicted on a map entitled "Bighorn Mountain Wilderness—Proposed", dated September 1991, and which shall be known as the Bighorn Mountain Wilderness.

(4) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-seven thousand five hundred and seventy acres, as generally depicted on a map entitled "Big Maria Mountains Wilderness—Proposed", and which shall be known as the Big Maria Mountains Wilderness.

(5) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise thirteen thousand nine hundred and forty acres, as generally depicted on a map entitled "Black Mountain Wilderness—Proposed", and which shall be known as the Black Mountain Wilderness.

(6) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately nine thousand five hundred and twenty acres, as generally depicted on a map entitled "Bright Star Wilderness—Proposed", dated May 1991, and which shall be known as the Bright Star Wilderness.

(7) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-eight thousand five hundred and fifteen acres, as generally depicted on two maps entitled "Bristol Mountains Wilderness—Proposed 1", and "Bristol Mountains Wilderness—Proposed 2", dated September 1991, and which shall be known as Bristol Mountains Wilderness.

(8) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-two thousand six hundred and forty areas, as generally depicted on a map entitled "Cadiz Dunes Wilderness—Proposed", and which shall be known as the Cadiz Dunes Wilderness.

(9) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-five thousand nine hundred and seventy acres, as generally depicted on a map entitled "Cady Mountains Wilderness—Proposed", dated July 1992, and which shall be known as the Cady Mountains Wilderness.

(10) Certain lands in the California Desert Conservation Area and Eastern San Diego County, of the Bureau of Land Management, which comprise approximately fifteen thousand seven hundred acres, as generally depicted on a map entitled "Carrizo Gorge Wilderness—Proposed", and which shall be known as the Carrizo Gorge Wilderness.

(11) Certain lands in the California Desert Conservation Area and Yuma District, of the Bureau of Land Management, which comprise approximately sixty-four thousand six hundred and forty acres, as generally depicted on a map entitled "Chemehuevi Mountains Wilderness—Proposed", dated October 1991, and which shall be known as the Chemehuevi Mountains Wilderness.

(12) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirteen thousand seven hundred acres, as generally depicted on two maps entitled "Chimney Peak Wilderness—Proposed 1" and "Chimney Peak Wilderness—Proposed 2", dated May 1991, and which shall be known as the Chimney Peak Wilderness.

(13) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty thousand seven hundred and seventy acres, as generally depicted on two maps entitled "Chuckwalla Mountains Wilderness—Proposed 1" and "Chuckwalla Mountains Wilderness—Proposed 2", dated July 1992, and which shall be known as the Chuckwalla Mountains Wilderness.

(14) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise thirty-four thousand three hundred and eighty acres, as generally depicted on a map entitled "Cleghorn Lakes Wilderness—Proposed", dated September 1991, and which shall be known as the Cleghorn Lakes Wilderness. The Secretary may, pursuant to an application filed by the Department of Defense, grant a right-of-way for, and authorize construction of, a road within the area depicted as "non-wilderness road corridor" on such map.

(15) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Clipper Mountain Wilderness—Proposed", dated May 1991, and which shall be known as Clipper Mountain Wilderness.

(16) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty thousand five hundred and twenty acres, as generally depicted on a map entitled "Coso Range Wilderness—Proposed", dated May 1991, and which shall be known as Coso Range Wilderness.

(17) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighteen thousand six hundred acres, as generally depicted on a map entitled "Coyote Mountains Wilderness—Proposed", dated May 1991, and which shall be known as Coyote Mountains Wilderness.

(18) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand six hundred acres, as generally depicted on a map entitled "Darwin Falls Wilderness—Proposed", dated May 1991, and which shall be known as Darwin Falls Wilderness.

(19) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-eight thousand eight hundred and fifty acres, as generally depicted on a map entitled "Dead Mountains Wilderness—Proposed", dated October 1991, and which shall be known as Dead Mountains Wilderness.

(20) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirty-six thousand three hundred acres, as generally depicted on two maps entitled "Domeland Wilderness Additions—Proposed 1" and "Domeland Wilderness Additions—Proposed 2", and which are hereby incorporated in, and which shall be deemed to be a part of, the Domeland Wilderness as designated by Public Laws 93-632 and 98-425.

(21) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand one hundred acres, as generally depicted on a map entitled "El Paso Mountains Wilderness—Proposed", and which shall be known as the El Paso Mountains Wilderness.

(22) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand three hundred acres, as generally depicted on a map entitled "Fish Creek Mountains Wilderness—Proposed", dated May 1991, and which shall be known as Fish Creek Mountains Wilderness.

(23) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-eight thousand one hundred and ten acres, as generally depicted on a map entitled "Funeral Mountains Wilderness—Proposed", dated May 1991, and which shall be known as Funeral Mountains Wilderness.

(24) Certain lands in the California Desert Conservation Area, of the Bureau of Land

Management, which comprise approximately thirty-seven thousand seven hundred acres, as generally depicted on a map entitled "Golden Valley Wilderness—Proposed", and which shall be known as Golden Valley Wilderness.

(25) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand seven hundred and twenty acres, as generally depicted on a map entitled "Grass Valley Wilderness—Proposed", and which shall be known as the Grass Valley Wilderness.

(26) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Great Falls Basin Wilderness—Proposed", and which shall be known as the Great Falls Basin Wilderness.

(27) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand two hundred and forty acres, as generally depicted on a map entitled "Hollow Hills Wilderness—Proposed", dated May 1991, and which shall be known as the Hollow Hills Wilderness.

(28) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand four hundred and sixty acres, as generally depicted on a map entitled "Ibex Wilderness—Proposed", dated May 1991, and which shall be known as the Ibex Wilderness.

(29) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-five thousand and fifteen acres, as generally depicted on a map entitled "Indian Pass Wilderness—Proposed", dated October 1991, and which shall be known as the Indian Pass Wilderness.

(30) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, and within the Inyo National Forest, which comprise approximately two hundred five thousand and twenty acres, as generally depicted on three maps entitled "Inyo Mountains Wilderness—Proposed", numbered in the title one through three, and dated May 1991, and which shall be known as the Inyo Mountains Wilderness.

(31) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-four thousand five hundred and fifty acres, as generally depicted on a map entitled "Jacumba Wilderness—Proposed", dated October 1991, and which shall be known as the Jacumba Wilderness.

(32) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred and twenty-nine thousand five hundred and eighty acres, as generally depicted on a map entitled "Kelso Dunes Wilderness—Proposed 1", dated October 1991, a map entitled "Kelso Dunes Wilderness—Proposed 2", dated May 1991, and a map entitled "Kelso Dunes Wilderness—Proposed 3", dated September 1991, and which shall be known as the Kelso Dunes Wilderness.

(33) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and the Sequoia National Forest, which comprise approximately eighty-eight thousand two hundred and ninety acres, as generally depicted on a map entitled "Kiavah Wilderness—Proposed 1", dated February 1986, and a map entitled "Kiavah Wilderness—Proposed 2", dated May 1991, and which shall be known as the Kiavah Wilderness.

(34) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred forty-nine thousand and three hundred and sixty-eight acres, as generally depicted on two maps entitled "Kingston Range Wilderness—Proposed 2", dated October 1991, and "Kingston Range Wilderness—Proposed 4", dated January 1989, and two maps entitled "Kingston Range Wilderness—Prposed 1" and "Kingston Range Wilderness—Proposed 3", dated May 1991, and which shall be known as the Kingston Range Wilderness.

(35) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-six thousand four hundred and sixty acres, as generally depicted on a map entitled "Little Chuckwalla Mountains Wilderness—Proposed", dated October 1991, and which shall be known as the Little Chuckwalla Mountains Wilderness.

(36) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately thirty-six thousand four hundred and forty acres, as generally depicted on a map entitled "Little Picacho Wilderness—Proposed", dated October 1991, and which shall be known as the Little Picacho Wilderness.

(37) Certain loans in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and sixty acres, as generally depicted on a map entitled "Malpais Mesa Wilderness—Proposed", dated September 1991, and which shall be known as the Malpais Mesa Wilderness.

(38) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand one hundred and five acres, as generally depicted on a map entitled "Manly Peak Wilderness—Proposed", dated October 1991, and which shall be know as the Manly Peak Wilderness.

(39) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-four thousand two hundred and eighty acres, as generally depicted on a map entitled "Mecca Hills Wilderness—Proposed", dated October 1991, and which shall be known as the Mecca Hills Wilderness.

(40) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-seven thousand three hundred and thirty acres, as generally depicted on a map entitled "Mesquite Wilderness—Proposed", dated May 1991, and which shall be known as the Mesquite Wilderness.

(41) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand nine hundred acres, as generally depicted on a map entitled "Newberry Mountains Wilderness—Proposed", and which shall be known as the Newberry Mountains Wilderness.

(42) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred ten thousand eight hundred and eighty acres, as generally depicted on a map entitled "Nopah Range Wilderness—Proposed", dated May 1991, and which shall be known as the Nopah Range Wilderness.

(43) Certain lands in the California Desert Conservation Area, of the bureau of Land Management, which comprise approximately thirty-two thousand two hundred and forty acres, as generally depicted on a map entitled "North Algodones Dunes Wilderness—Proposed", dated October 1991, and which shall be know as the North Algodones Dunes Wilderness.

(44) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand five hundred and forty acres, as generally depicted on a map entitled "North Mesquite Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the North Mesquite Mountains Wilderness.

(45) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-six thousand and seventy acres, as generally depicted on a map entitled "Old Woman Mountains Wilderness—Proposed 1", dated May 1991 and a map entitle "Old Woman Mountains Wilderness—Proposed 2", dated October 1991, and which shall be known as the Old Woman Mountains Wilderness.

(46) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand seven hundred and seventy acres, as generally depicted on a map entitled "Orocopia Mountains Wilderness—Proposed", dated July 1992, and which shall be known as the Orocopia Mountains Wilderness.

(47) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately seventy-four thousand six hundred and forty acres, as generally depicted on a map entitled "Owens Peak Wilderness—Proposed 1", dated February 1986, and two maps entitled "Owens Peak Wilderness—Proposed 2" and "Owens Peak Wilderness—Proposed 3", dated May 1991, and which shall be known as the Owens Peak Wilderness.

(48) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred acres, as generally depicted on a map entitled "Pahrump Valley Wilderness—Proposed", and which shall be known as the Pahrump Valley Wilderness.

(49) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred fourteen thousand one hundred and forty-nine acres, as generally depicted on a map entitled "Palen/McCoy Wilderness—Proposed 1", dated May 1991 and a map entitled "Palen/McCoy Wilderness—Proposed 2", dated February 1986, and which shall be known as the Palen/McCoy Wilderness.

(50) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and twenty acres, as generally depicted on a map entitled "Palo Verde Mountains Wilderness—Proposed", dated January 1987, and which shall be known as the Palo Verde Mountains Wilderness.

(51) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand seven hundred acres, as generally depicted on a map entitled "Picacho Peak Wilderness—Proposed", dated May 1991, and which shall be known as the Picacho Peak Wilderness.

(52) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-two thousand six hundred acres, as generally depicted on a map entitled "Piper Mountain Wilderness—Proposed", dated May 1991, and which shall be known as the Piper Mountain Wilderness.

(53) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand eight hundred acres, as generally depicted on a map entitled "Piute Mountains Wilderness—Proposed", dated October 1991, and which shall be known as Piute Mountains Wilderness.

(54) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-eight thousand eight hundred and sixty-eight acres, as generally depicted on a map entitled "Resting Spring Wilderness—Proposed", dated May 1991, and which shall be known as the Resting Spring Range Wilderness.

(55) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand eight hundred and twenty acres, as generally depicted on a map entitled "Rice Valley Wilderness—Proposed", dated May 1991, and which shall be known as the Rice Valley Wilderness.

(56) Certain lands in the California Desert Conservation Area and the Yuma Distirct, of the Bureau of Land Management, which comprise approximately twenty-two thousand three hundred eighty acres, as generally depicted on a map entitled "Riverside Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the Riverside Mountains Wilderness.

(57) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-seven thousand seven hundred acres, as generally depicted on a map entitled "Rodman Mountains Wilderness—Proposed", dated January 1989, and which shall be known as the Rodman Mountains Wilderness.

(58) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately fifty-one thousand nine hundred acres, as generally depicted on two maps entitled "Sacatar Trail Wilderness—Proposed 1" and "Sacatar Trail Wilderness—Proposed 2", dated May 1991, and which shall be known as the Sacator Trail Wilderness.

(59) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one thousand eight hundred acres, as generally depicted on a map entitled "Saddle Peak Hills Wilderness—Proposed", dated May 1991, and which shall be known as the Saddle Peak Hills Wilderness.

(60) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand five hundred acres, as generally depicted on a map entitled "San Gorgonio Wilderness—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the San Gorgonio Wilderness as designated by Public Laws 88-577 and 98-425.

(61) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty-three thousand two hundred and forty acres, as generally depicted on a map entitled "Santa Rosa Wilderness Additions—Proposed", dated May 1991, and which are hereby incorporated in, and which shall be deemed to be a part of, the Santa Rosa Wilderness as designated by Public Law 98-425.

(62) Certain lands in the California Desert District, of the Bureau of Land Management, which comprise approximately thirty-five thousand four hundred acres, as generally depicted on a map entitled "Sawtooth Mountains Wilderness—Proposed", and which shall be known as the Sawtooth Mountains Wilderness.

(63) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred seventy-four thousand eight hundred acres, as generally depicted on two maps entitled "Sheephole Valley Wilderness—Proposed 1", dated October 1991, and "Sheephole Valley Wilderness—Proposed 2", dated February 1986, and which shall be known as the Sheephole Valley Wilderness.

(64) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-one thousand six hundred and thirty acres, as generally depicted on a map entitled "South Algodones Dunes Wilderness—Proposed", dated January 1989, and which shall be known as the South Algodones Dunes Wilderness.

(65) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand seven hundred and eighty acres, as generally depicted on a map entitled "South Nopah Range Wilderness—Proposed", and which shall be known as the South Nopah Range Wilderness.

(66) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand and fifty acres, as generally depicted on a map entitled "Stateline Wilderness—Proposed", dated May 1991, and which shall be known as the Stateline Wilderness.

(67) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-one thousand six hundred acres, as generally depicted on a map entitled "Stepladder Mountains Wilderness—Proposed", and which shall be known as the Stepladder Mountains Wilderness.

(68) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand one hundred and eighty acres, as generally depicted on a map entitled "Surprise Canyon Wilderness—Proposed", dated September 1991, and which shall be known as the Surprise Canyon Wilderness.

(69) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand eight hundred and twenty acres, as generally depicted on a map entitled "Sylvania Mountains Wilderness—Proposed", and which shall be known as the Sylvania Mountains Wilderness.

(70) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand seven hundred and twenty acres, as generally depicted on a map entitled "Trilobite Wilderness—Proposed", dated May 1991, and which shall be known as the Trilobite Wilderness.

(71) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-four thousand five hundred acres, as generally depicted on a map entitled "Turtle Mountains Wilderness—Proposed 1", dated February 1986 and a map entitled "Turtle Mountains Wilderness—Proposed 2", dated May 1991, and which shall be known as the Turtle Mountains Wilderness.

(72) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately seventy-five thousand three hundred acres, as generally depicted on a map entitled "Whipple Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the Whipple Mountains Wilderness.

(73) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-six thousand and seventy acres, as generally depicted on a map entitled "Avawatz Mountains Wilderness—Proposed", dated July 1992, and which shall be known as the Avawatz Mountains Wilderness.

(74) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise fifty-five thousand five hundred and sixty acres, as generally depicted on a map entitled "Soda Mountains Wilderness—Proposed", dated July 1992, and which shall be known as the Soda Mountains Wilderness."

ADMINISTRATION OF WILDERNESS AREAS

Sec. 103. Subject to valid existing rights, each wilderness area designated under section 102 shall be administered by the appropriate Secretary in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

GRAZING

Sec. 104. Within the wilderness areas designated under section 102, the grazing of livestock, where established prior to the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 108 of Public Law 96-560 (16 U.S.C. 133 note).

BUFFER ZONES

Sec. 105. The Congress does not intend for the designation of wilderness areas in section 102 of this Act to lead to the creation of protective perimeters or buffer zones around any such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

MINING CLAIM VALIDITY REVIEW

Sec. 106. The Secretary of the Interior and the Secretary of Agriculture shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within any wilderness area designated under section 102.

FILING OF MAPS AND DESCRIPTIONS

Sec. 107. As soon as practicable after enactment of section 102, a map and a legal description on each wilderness area designated under this title shall be filed by the Secretary concerned with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and each such map and description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in each such legal description and map. Each such map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, Department of the Interior, or the Chief of the Forest Service, Department of Agriculture, as is appropriate.

WILDERNESS REVIEW

SEC. 108. The Congress hereby finds and directs that lands in the California Desert Conservation Area, of the Bureau of Land Management, not designated as wilderness or wilderness study areas by this Act have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), and are no longer subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

DESIGNATION OF WILDERNESS STUDY AREA

SEC. 109. In furtherance of the provisions of the Wilderness Act, certain lands in the California Desert Conservation Area of the Bureau of Land Management which comprise eleven thousand two hundred acres as generally depicted on a map entitled "White Mountains Wilderness Study Area—Proposed", dated May 1991, are hereby designated the White Mountains Wilderness Study Area and shall be administerd by the Secretary in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976.

SUITABILITY REPORT

SEC. 110. The Secretary is required, ten years after the date of enactment of this Act, to report to Congress on current and planned exploration, development or mining activities on, and suitability for future wilderness designation of, the lands as generally depicted on maps entitled "Surprise Canyon Wilderness—Proposed", "Middle Park Canyon Wilderness—Proposed", and "Death Valley National Park Boundary and Wilderness 15", dated September 1991 and a map entitled "Manly Peak Wilderness—Proposed", dated October 1991.

WILDERNESS DESIGNATION AND MANAGEMENT IN THE NATIONAL WILDLIFE REFUGE SYSTEM

SEC. 111. (a) In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Havasu National Wildlife Refuge, California, which comprise approximately three thousand one hundred and ninety-five acres, as generally depicted on a map entitled "Havasu Wilderness—Proposed", and dated October 1991, and which shall be known as the Havasu Wilderness.

(2) Certain lands in the Imperial National Wildlife Refuge, California, which comprise approximately five thousand eight hundred and thirty-six acres, as generally depicted on two maps entitled "Imperial Refuge Wilderness—Proposed 1" and "Imperial Refuge Wilderness—Proposed 2", and dated October 1991, and which shall be known as the Imperial Refuge Wilderness.

(b) Subject to valid existing rights, the wilderness areas designated under this section shall be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act.

(c) As soon as practicable after enactment of this section, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committees on Energy and Natural Resources and Environment and Public Works of the Senate and Natural Resources and Merchant Marine and Fisheries of the House of Representatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Director, United States Fish and Wildlife Service, Department of the Interior.

TITLE II—DEATH VALLEY NATIONAL PARK

FINDINGS

SEC. 201. The Congress hereby finds that—

(1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;

(2) Death Valley National Monument is today recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the Monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, geological, archaeological, paleontological, cultural, historical and wilderness values;

(4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous Federal lands of national park caliber and afforded full recognition and statutory protection as a national park; and

(5) the wilderness within Death Valley should receive maximum statutory protection by designation pursuant to the Wilderness Act.

ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK

SEC. 202. There is hereby established the Death Valley National Park, as generally depicted on 23 maps entitled "Death Valley National Park Boundary and Wilderness—Proposed", numbered in the title one through twenty-three, and dated September 1991 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

TRANSFER AND ADMINISTRATION OF LANDS

SEC. 203. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 202 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The Secretary shall administer the areas added to the National Park System by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4).

MAPS AND LEGAL DESCRIPTION

SEC. 204. Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the park designated under this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 202. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.

DISPOSITION UNDER MINING LAWS

SEC. 205. Subject to valid existing rights, the Federal lands and interests therein added to the National Park System by this title are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 206. The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the additions to the park and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

GRAZING

SEC. 207. The privilege of grazing domestic livestock on lands within the park may continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations, by those persons holding permits for such grazing on July 1, 1991. Upon the expiration of such permits the Secretary, acting through the Director of the National Park Service, may issue to such persons new permits for such grazing, subject to applicable laws and National Park Service regulations, but all grazing of such livestock on such lands shall cease on July 1, 2016. Further, if such a permittee informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which the permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition.

Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

TITLE III—JOSHUA TREE NATIONAL PARK

FINDINGS

Sec. 301. The Congress hereby finds that—

(1) a proclamation by President Franklin Roosevelt in 1936 established Joshua Tree National Monument to protect various objects of historical and scientific interest;

(2) Joshua Tree National Monument today is recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the Monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archaeological, paleontological, cultural, historical and wilderness values;

(4) Joshua Tree National Monument should be enlarged by the addition of contiguous Federal lands of national park caliber, and afforded full recognition and statutory protection as a national park; and

(5) the nondesignated wilderness within Joshua Tree should receive statutory protection by designation pursuant to the Wilderness Act.

ESTABLISHEMENT OF JOSHUA TREE NATIONAL PARK

Sec. 302. There is hereby established the Joshua Tree National Park, as generally depicted on a map entitled "Joshua Tree National Park Boundary—Proposed", dated May 1991, and four maps entitled "Joshua Tree National Park Boundary and Wilderness", numbered in the title one through four, and dated October 1991 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Joshua Tree National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Joshua Tree National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

TRANSFER AND ADMINISTRATION OF LANDS

Sec. 303. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 302 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The Secretary shall administer the areas added to the National Park System by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4).

MAPS AND LEGAL DESCRIPTION

Sec. 304. Within six months after the enactment of this title, the Secretary shall file maps and legal description of the park designated by this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 302. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.

DISPOSITION UNDER MINING LAWS

Sec. 305. Subject to valid existing rights, Federal lands and interests therein added to the National Park System by this title are withdrawn from disposition under the public lands laws and from entry of appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from the operation of the Geothermal Steam Act of 1970.

UTILITY RIGHTS-OF-WAY

Sec. 306. Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted to the Metropolitan Water District pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b), which is located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 501(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. Nothing in this title shall have the effect of terminating the fee title to lands or customary operation, maintenance, repair, and replacement activities on or under such lands granted to the Metropolitan Water District pursuant to the Act on June 18, 1932 (47 Stat. 324), which are located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 501(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. The Secretary shall prepare within 180 days after the date of enactment of this Act, in consultation with the Metropolitan Water District, plans for emergency access by the Metropolitan Water District to its lands and rights-of-way.

STUDY AS TO VALIDITY OF MINING CLAIMS

Sec. 307. The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the park and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

TITLE IV—MOJAVE NATIONAL PARK

FINDINGS

Sec. 401. The Congress hereby finds that—

(1) Death Valley and Joshua Tree National Parks, as established by this Act, protect unique and superlative desert resources, but do not embrace the particular ecosystems and transitional desert type found in the Mojave Desert area lying between them on public lands now afforded only impermanent administrative designation as a national scenic area;

(2) the Mojave Desert area possesses outstanding natural, cultural, historical, and recreational values meriting statutory designation and recognition as a unit of the National Park System;

(3) the Mojave Desert area should be afforded full recognition and statutory protection as a national park;

(4) the wilderness within the Mojave Desert should receive maximum statutory protection by designation pursuant to the Wilderness Act; and

(5) the Mojave Desert area provides an outstanding opportunity to develop services, programs, accommodations and facilities to ensure the use and enjoyment of the area by individuals with disabilities, consistent with section 504 of the Rehabilitation Act of 1973, Public Law 101-336, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

ESTABLISHMENT OF THE MOJAVE NATIONAL PARK

Sec. 402. There is hereby established the Mojave National Park, comprising approximately one million four hundred and sixty thousand acres, as generally depicted on a map entitled "Mojave National Park Boundary—Proposed", dated July 1992, and ten maps entitled "Mojave National Park Boundary and Wilderness—Proposed", numbered in the title one through ten, and dated July 1992 or prior, which shall be on file and available for inspection in the offices of the Director of the National Park Service, Department of the Interior.

TRANSFER OF LANDS

Sec. 403. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 402 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service. The boundaries of the public lands shall be adjusted accordingly.

MAPS AND LEGAL DESCRIPTION

Sec. 404. Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the park designated under this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 402. The maps and legal description shall be on file and available for public inspection in the offices of the National Service, Department of the Interior.

ABOLISHMENT OF SCENIC AREA

Sec. 405. The East Mojave National Scenic Area, designated on January 13, 1981 (46 FR 3994), and modified on August 9, 1983 (48 FR 36210), as hereby abolished.

ADMINISTRATION OF LANDS

Sec. 406. The Secretary shall administer the park in accordance with this title and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4).

DISPOSITION UNDER MINING LAWS

Sec. 407. Subject to valid existing rights, Federal lands within the park, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS

Sec. 408. The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the park and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

REGULATION OF MINING

Sec. 409. Subject to valid existing rights, all mining claims located within the park shall be subject to such reasonable regulations as the Secretary may prescribe to assure that mining will, to the maximum extent practicable, be consistent with the protection for the scenic, scientific, cultural and other resources of the park, and any patent which may be issued after the date of enactment of this title shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations.

GRAZING

Sec. 410. The privilege of grazing domestic livestock on lands within the park may continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations, by those persons holding permits for such grazing on July 1, 1991. Upon the expiration of such permits the Secretary, acting through the Director of the National Park Service, may issue to such persons new permits for such grazing, subject to applicable laws and National Park Service regulations, but all grazing of such livestock on such lands shall cease on July 1, 2016. Further, if such a permittee informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which the permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

UTILITY RIGHTS OF WAY

Sec. 411. (a)(1) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted to Southern California Edison Company, which is located on lands included in the Mojave National Park, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

(2) Nothing in this title shall have the effect of prohibiting the upgrading of an existing electrical transmission line for the purpose of increasing the capacity of such transmission line in the Southern California Edison Company validly issued Eldorado-Lugo Transmission Line right-of-way and Mojave-Lugo Transmission Line right-of-way, or in a right-of-way if issued, granted, or permitted by the Secretary adjacent to the existing Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as "adjacent right-of-way"), including construction of a replacement transmission line: Provided, That—

(A) in the Eldorado-Lugo Transmission Line rights-of-way (hereafter in this section referred to as the "Eldorado rights-of-way") at no time shall there be more than 3 electrical transmission lines,

(B) in the Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as the "Mojave right-of-way") and adjacent right-of-way, removal of the existing electrical transmission line and reclamation of the site shall be completed no later than three years after the date on which construction of the upgraded transmission line begins, after which time there may be only one electrical transmission line in the lands encompassed by Mojave right-of-way and adjacent right-of-way,

(C) if there are no more than two electrical transmission lines in the Eldorado rights-of-way, two electrical transmission lines in the lands encompassed by the Mojave right-of-way and adjacent right-of-way may be allowed,

(D) in the Eldorado rights-of-way and Mojave right-of-way no additional land shall be issued, granted, or permitted for such upgrade unless an addition would reduce the impacts to park resources,

(E) no more than 350 feet of additional land shall be issued, granted, or permitted for an adjacent right-of-way to the south of the Mojave right-of-way unless a greater addition would reduce the impacts to park resources, and

(F) such upgrade activities, including helicopter aided construction, shall be conducted in a manner which will minimize the impact on park resources.

(3) The Secretary shall prepare within 180 days after the date of enactment of this Act, in consultation with the Southern California Edison Company, plans for emergency access by the Southern California Edison Company to its rights-of-way.

(b) Nothing in this title shall have the effect of terminating any validly issued right-of-way, or customary operation, maintenance, repair, and replacement activities in such right-of-way; prohibiting the upgrading of and construction on existing facilities in such right-of-way for the purpose of increasing the capacity of the existing pipeline; or prohibiting the renewal of such right-of-way; issued, granted, or permitted to the Southern California Gas Company, which is located on lands included in the Mojave National Park, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

(c) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted for communications cables or lines, which are located on lands included in the Mojave National Park, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

PREPARATION OF MANAGEMENT PLAN

Sec. 412. Within three years of the date of enactment of this title, the Secretary shall submit to the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives a detailed and comprehensive management plan for the park. Such plan shall place emphasis on historical and cultural sites and ecological and wilderness values within the boundaries of the park. Any development, including road improvements, proposed by such plan shall be strictly limited to that which is essential and appropriate for the administration of the park and shall be designed and located so as to maintain its primitive nature of the area and to minimize the impairment of park resources or ecological values. To the extent practicable, administrative facilities, employee housing, commercial visitor services, accommodations, and other park-related development shall be located or provided for outside of the boundaries of the park. Such plan shall evaluate the feasibility of using the Kelso Depot and existing railroad corridor to provide public access to and a facility for special interpretive, educational, and scientific programs within the park. Such plan shall specifically address the needs of individuals with disabilities in the design of services, programs, accommodations and facilities consistent with section 504 of the Rehabilitation Act of 1973, Public Law 101-336, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

GRANITE MOUNTAINS NATURAL RESERVE

Sec. 413. (a) There is hereby designated the Granite Mountains Natural Reserve within the park comprising approximately 9,000 acres as generally depicted on a map entitled "Mojave National Park Boundary and Wilderness—Proposed 6", dated May 1991.

(b) Upon enactment of this title, the Secretary of the Interior shall enter into a cooperative management agreement with the University of California for the purposes of managing the lands within the Granite Mountains Natural Reserve. Such cooperative agreement shall ensure continuation of arid lands research and educational activities of the University of California, consistent with the provisions of law generally applicable to units of the National Park System.

SODA SPRINGS DESERT STUDY CENTER

Sec. 414. Upon enactment of this title, the Secretary shall enter into a cooperative management agreement with California State University for the purposes of managing facilities at the Soda Springs Desert Study Center. Such cooperative agreement shall ensure continuation of the desert research and educational activities of California State University, consistent with the provisions of law generally applicable to units of the National Park System.

CONSTRUCTION OF VISITOR CENTER

Sec. 415. The Secretary is authorized to construct a visitor center in the park for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the resources of the park.

ACQUISITION OF LANDS

Sec. 416. The Secretary is authorized to acquire all lands and interest in lands within the boundary of the park by donation, purchase, or exchange, except that—

(1) any lands or interests therein within the boundary of the park which are owned by the State of California, or any political subdivision thereof, may be acquired only by donation or exchange except for lands managed by California State Lands Commission; and

(2) lands or interests therein within the boundary of the park which are not owned by the State of California or any political subdivision thereof may be acquired only with

the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the park or which is otherwise incompatible with the purposes of this title.

SUITABILITY REPORT

Sec. 417. The Secretary is required, twenty years after the date of enactment of this Act, to report to Congress on current and planned exploration, development or mining activities on, and suitability for future park designation of, the lands as generally depicted on a map entitled "Mojave National Park Study Area—Proposed", dated July 1992.

TITLE V—NATIONAL PARK WILDERNESS

DESIGNATION OF WILDERNESS

Sec. 501. The following lands are hereby designated as wilderness in accordance with the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131 et seq.) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act:

(1) Death Valley National Park Wilderness, comprising approximately three million one hundred eighty-three thousand four hundred and thirty-eight acres, as generally depicted on 23 maps entitled "Death Valley National Park Boundary and Wilderness", numbered in the title one through twenty-three, and dated September 1991 or prior, and three maps entitled "Death Valley National Park Wilderness", numbered in the title one through three, and dated May 1991 or prior, and which shall be known as the Death Valley Wilderness;

(2) Joshua Tree National Park Wilderness Additions, comprising approximately one hundred thirty-one thousand seven hundred and eighty acres, as generally depicted on four maps entitled "Joshua Tree National Park Boundary and Wilderness—Proposed", numbered in the title one through four, and dated October 1991 or prior, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree Wilderness as designated by Public Law 94-567; and

(3) Mojave National Park Wilderness, comprising approximately six hundred ninety-five thousand fifty-six acres, as generally depicted on ten maps entitled "Mojave National Park Boundary and Wilderness—Proposed", numbered in the title one through ten, and dated October 1991 or prior, and seven maps entitled "Mojave National Park Wilderness—Proposed", numbered in the title one through seven, and dated October 1991 or prior, and which shall be known as the Mojave Wilderness.

(4) Upon cessation of all uses prohibited by the Wilderness Act and publication by the Secretary in the Federal Register of notice of such cessation, potential wilderness, comprising approximately six thousand eight hundred and forty acres, as described in "1988 Death Valley National Monument Draft General Management Plan Draft Environmental Impact Statement" (hereafter in this title referred to as "Draft Plan") and as generally depicted on map in the Draft Plan entitled "Wilderness Plan Death Valley National Monument", dated January 1988, and which shall be deemed to be a part of the Death Valley Wilderness as designated in paragraph (1). Lands identified in the Draft Plan as potential wilderness shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

FILING OF MAPS AND DESCRIPTIONS

Sec. 502. Maps and a legal description of the boundaries of the areas designated in section 501 of this title shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of each area designated in section 501. As soon as practicable after this title takes effect, maps of the wilderness areas and legal descriptions of their boundaries shall be filed with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and such maps and descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such maps and descriptions.

ADMINISTRATION OF WILDERNESS AREAS

Sec. 503. The areas designated by section 501 of this title as wilderness shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provision to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

TITLE VI—MISCELLANEOUS PROVISIONS

TRANSFER OF LANDS TO RED ROCK CANYON STATE PARK

Sec. 601. Upon enactment of this title, the Secretary of the Interior shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on two maps entitled "Red Rock Canyon State Park Additions 1" and "Red Rock Canyon State Park Additions 2", dated May 1991, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State Park System, ownership of the lands shall revert to the Department of the Interior to be managed as part of the California Desert Conservation Area to provide maximum protection for the area's scenic and scientific values.

DESERT LILY SANCTUARY

Sec. 602. (a) There is hereby established the Desert Lily Sanctuary within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately two thousand forty acres, as generally depicted on a map entitled "Desert Lily Sanctuary", dated February 1986. The Secretary of the Interior shall administer the area to provide maximum protection to the desert lily.

(b) Subject to valid existing rights, Federal lands within the sanctuary, interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

LAND TENURE ADJUSTMENTS

Sec. 603. In preparing land tenure adjustment decisions with the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and wilderness areas designated by this Act.

LAND DISPOSAL

Sec. 604. Notwithstanding any other provision of law, the Secretary of the Interior and the Secretary of Agriculture may not dispose of any lands within the boundaries of the wilderness or park designated under this Act or grant a right-of-way in any lands within the boundaries of the wilderness designated under this Act. Further, none of the lands within the boundaries of the wilderness or park designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District and any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b) or any similar acts.

MANAGEMENT OF NEWLY ACQUIRED LANDS

Sec. 605. Any lands within the boundaries of a wilderness area designated under this Act which are acquired by the Federal Government, shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such wilderness area.

NATIVE AMERICAN USES

Sec. 606. In recognition of the past use of the parks and wilderness areas designed under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such parks and wilderness areas by Indian people for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of park or wilderness areas in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996) commonly referred to as the "American Indian Religious Freedom Act", and with respect to areas designated as wilderness, the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131).

WATER RIGHTS

Sec. 607. (a) With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.

(b) The Secretary of the Interior and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined and which is conducted in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 560, 44 U.S.C. 666; commonly referred to as the McCarran Amendment).

(c) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.

(d) The Federal water rights reserved by this Act are specific to the wilderness areas located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

AUTHORIZATION OF APPROPRIATIONS

SEC. 608. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

STATE SCHOOL LANDS

SEC. 609. (a) Upon request of the California State Lands Commission (hereinafter in this section referred to as the "Commission"), the Secretary shall enter into negotiations for an agreement to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) for California State School Lands (hereinafter in this section referred to as "State School Lands") or interests therein which are located within the boundaries of one or more of the wilderness areas or park units designated by this Act. The Secretary shall negotiate in good faith to reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976.

(b) Within 6 months after the date of enactment of this Act, the Secretary shall send to the Commission and to the Committees a list of the following:

(1) The State School Lands or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park units designated by this Act.

(2) Lands under the Secretary's jurisdiction to be offered for exchange, including in the following priority:

(A) Lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues.

(B) Federal lands in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project.

(C) Any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(c)(1) If an agreement under this section is for an exchange involving five thousand acres or less of Federal land or interests therein, or Federal lands valued at less than $5,000,000, the Secretary may carry out the exchange in accordance with the Federal Land Policy and Management Act of 1976.

(2) If an agreement under this section is for an exchange involving more than five thousand acres of Federal land or interests therein, or Federal land valued at more than $5,000,000, the agreement shall be submitted to the Committees, together with a report containing—

(A) a complete list and appraisal of the lands or interests in lands proposed for exchange; and

(B) a determination that the State School Lands proposed to be acquired by the United States do not contain any hazardous waste, toxic waste, or radioactive waste.

(d) An agreement submitted under subsection (c)(2) shall not take effect unless approved by a joint resolution enacted by the Congress.

(e) If exchanges of all of the State School Lands are not completed by October 1, 1996, the Secretary shall adjust the appraised value of any remaining inholdings consistent with the provisions of section 206 of the Federal Land Management Policy Act of 1976. The Secretary shall establish an account in the name of the Commission in the amount of such appraised value. Title to the State School Lands shall be transferred to the United States at the time such account is credited.

(f) The Commission may use the credit in its account to bid, as any other bidder, for excess or surplus Federal property to be sold in the State of California in accordance with the applicable laws and regulations of the Federal agency offering such property for sale. The account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales. In the event that the balance in the account has not been reduced to zero by October 1, 2000, there are authorized to be appropriated to the Secretary for payment to the California State Lands Commission funds equivalent to the balance remaining in the account as of October 1, 2000.

(g) As used in this section, the term "Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

EXCHANGES

SEC. 610. (a) Upon request of the Catellus Development Corporation (hereafter in this section referred to as "Catellus"), the Secretary shall enter into negotiations for an agreement or agreements to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) of this section for lands of Catellus or interests therein which are located within the boundaries of one or more of the wilderness areas or park units designated by this Act.

(b) Within six months after the date of enactment of this Act, the Secretary shall send to Catellus and to the Committees a list of the following:

(1) Lands of Catellus or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park units designated by this Act.

(2) Lands, wherever located, under the Secretary's jurisdiction to be offered for exchange, in the following priority:

(A) Lands, including lands with mineral and geothermal interests, which have the potential for commercial development but which are not currently under lease or producing Federal revenues.

(B) Federal lands managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project.

(C) Any public lands that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(c)(1) If an agreement under this section is for (A) an exchange involving lands outside the State of California, (B) more than 5,000 acres of Federal land or interests therein in California, or (C) Federal lands in any State valued at more than $5,000,000, the Secretary shall provide to the Committees a detailed report of such land exchange agreements.

(2) All land exchange agreements shall be consistent with the Federal Land Policy and Management Act of 1976.

(3) Any report submitted to the Committees under this subsection shall include the following:

(A) A complete list and appraisal of the lands or interests in land proposed for exchange.

(B) A complete list of the lands, if any, to be acquired by the United States which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or State law, together with the estimated costs of any such action.

(4) An agreement under this subsection shall not take effect unless approved by a joint resolution enacted by the Congress.

(d) The Secretary shall provide the California State Lands Commission with a 180-day right of first refusal to exchange for any Federal lands or interests therein, located in the State of California, on the list referred to in subsection (b)(2). Any lands with respect to which a right of first refusal is not noticed within such period or exercised under this subsection shall be available to Catellus for exchange in accordance with this section.

(e) On January 3, 1996, the Secretary shall provide to the Committees a list and appraisal consistent with the Federal Land Policy and Management Act of 1976 of all Catellus lands eligible for exchange under this section for which an exchange has not been completed. With respect to any of such lands for which an exchange has not been completed by October 1, 1996 (hereafter in this section referred to as "remaining lands"), the Secretary shall establish an account in the name of Catellus (hereafter in this section referred to as the "exchange account"). Upon the transfer of title by Catellus to all or a portion of the remaining lands to the United States, the Secretary shall credit the exchange account in the amount of the appraised value of the transferred remaining lands at the time of such transfer.

(f) Catellus may use the credit in the exchange account to bid, as any other bidder, for any property real, personal, or mixed, wherever located, owned or controlled by the United States, including in a corporate capacity or as a receiver, conservator, or similar fiduciary capacity to be sold in accordance with the applicable laws and regulations of the Federal agency or instrumentality, or any element thereof, offering such property for sale. Upon approval by the Secretary in writing, the credits in Catellus' exchange account may be transferred or sold in whole or in part by Catellus to any other party, thereby vesting such party with all the rights formerly held by Catellus. The exchange account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales.

(g)(1) The Secretary shall not accept title pursuant to this section to any lands unless such title includes all right, title, and interest in and to the fee estate.

(2) Notwithstanding paragraph (1), the Secretary may accept title to any subsurface estate where the United States holds title to the surface estate.

(3) This subsection does not apply to easements and rights-of-way for utilities or roads.

(h) In no event shall the Secretary accept title under this section to lands which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or State law unless such remedial action has been completed prior to the transfer.

(i) For purposes of the section, any appraisal shall be consistent with the provisions of section 206 of the Federal Land Policy and Management Act of 1976.

(j) As used in this section, the term "Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

TITLE VII—DEFINITIONS

SEC. 701. For the purposes of this Act:

(1) The term "Secretary", unless specifically designated otherwise, means the Secretary of the Interior.

(2) The term "public lands" means any land and interest in land owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management.

TITLE VIII—MILITARY LANDS AND OVERFLIGHTS

SEC. 801. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1991".

(b) FINDINGS.—The Congress finds that—

(1) Military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system;

(2) the national parks and wilderness areas designated by this Act lie within a region critical to providing training, research, and development for the Armed Forces of the United States and its allies;

(3) there is a lack of alternative sites available for these military training, testing, and research activities;

(4) continued use of the lands and airspace in the California desert region is essential for military purposes; and

(5) continuation of these military activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

SEC. 802. MILITARY OVERFLIGHTS.

(a) Nothing in this Act shall restrict or preclude low-level overflights of military aircraft over the new units of the National Park or Wilderness Preservation System (or any additions to existing units) designated by this Act, including military overflights that can be seen or heard within the areas designated by this Act.

(b) Nothing in this Act shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight training routes over the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act.

(c) Nothing in this section shall be construed to modify, expand, or diminish any authority under other Federal law.

SEC. 803. WITHDRAWALS.

(a) CHINA LAKE.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support; and

(D) subject to the requirements of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands, located within the boundaries of the China Lake Naval Weapons Center, comprising approximately 1,100,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985, and filed in accordance with section 803.

(b) CHOCOLATE MOUNTAIN.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 226,711 acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated November 1991 and filed in accordance with section 803.

SEC. 804. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of enactment of this title, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the Office of the Director of the Bureau of Land Management, Washington, District of Columbia; the Office of the Director, California State Office of the Bureau of Land Management, Sacramento, California; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for the cost of implementing this section.

SEC. 805. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary of the Interior shall manage the lands withdrawn under section 802 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this title.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 802 may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of enactment of this title;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 802(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing on the lands withdrawn under section 802(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—The Secretary of the Interior (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 802 during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this title.

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 802 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the Secretary of the Navy shall (with respect to each land withdrawal under section 802) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 802 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 802.

(f) ADDITIONAL MILITARY USES.—(1) Lands withdrawn by section 802 may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 802. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary of the Interior may assign the management responsibility for the lands withdrawn under section 802(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary of the Interior and the Secretary of the Navy. In the case that the Secretary of the Interior assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary of the Interior) shall develop such management plan.

(2) The Secretary of the Interior shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 802(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 802(a), shall be subject to such conditions as the Secretary of the navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary of the Interior an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 802(a). The Secretary of the Interior shall transmit such report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 802(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary of the Interior and the Secretary of the Navy.

(5) Neither this title nor any other provision of law shall be construed to prohibit the Secretary of the Interior from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 802(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Secretary of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of Title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary of the Interior before taking action under that section with respect to the lands withdrawn under section 802(a).

SEC. 806. DURATION OF WITHDRAWALS.

(a) DURATION.—The withdrawal and reservation established by this title shall terminate 25 years after the date of enactment of this title.

(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—No later than 22 years after the date of enactment of this title, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact state published pursuant to this subsection. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) EXTENSIONS OF RENEWALS.—The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution.

SEC. 807. ONGOING DECONTAMINATION.

(a) PROGRAM—Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this title at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this title and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and to the Committees on Appropriations, Armed Services, and natural Resources of the House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including:

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.

SEC. 808. REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary of the Interior as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 802 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) ALTERNATIVES.—If the Secretary of the Interior, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept the land proposed for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary of the Interior determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the interior; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

SEC. 809. DELEGABILITY.

(a) DEFENSE.—The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 807(f) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 810. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this title shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 811. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 802 of this title.

SEC. 812. EL CENTRO RANGES.

The Secretary of the Interior is authorized to permit the Secretary of the Navy to use until January 1, 1996, the approximately 44,870 acres of public lands in Imperial County, California, known as the East Mesa and West Mesa ranges, in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy. Such use shall be consistent with such Memorandum of Understanding and such additional terms and conditions as the Secretary of the Interior may require in order to protect the natural, scientific, environmental, cultural, and other resources and values of such lands and to minimize the extent to which use of such lands for military purposes impedes or restricts use of such or other public lands for other purposes. All military uses of such lands shall cease on January 1, 1996, unless authorized by subsequent Act of Congress.

By Mr. LEAHY (for himself and Mr. DECONCINI):

S. 22. A bill to amend the Child Nutrition Act of 1966 to make available certain amounts of funding for the Special Supplemental Food Program for Women, Infants, and Children [WIC], and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MATERNAL AND CHILD INVESTMENTS ACT OF 1993

• Mr. LEAHY. Mr. President, children are our most precious resource. They are our future. Yet when it comes to facing children's problems on the national level, other priorities seem to command more attention.

Now is the time to rethink our priorities and set them straight once and for all. With the end of the cold war, we have a once-in-a-generation opportunity to redirect taxpayer money into programs that help our children.

I agree with President Clinton that we must end this era of greed and self-interest, and act now to protect our children. Let us not wait, let us make the most of the opportunity before us, and do what is right—help those children crying out for our attention.

The Special Supplemental Food Program for Women, Infants and Children [WIC], created by Congress in 1972, is universally acclaimed as one of our Nation's most successful nutritional programs. In addition to food, WIC provides nutritional instruction, health assessments, and medically prescribed supplements. WIC also is a cost-saving program.

Much of the short-term savings realized by investments in WIC result because WIC reduces the chances that babies will have low birthweights, or that they will be born prematurely. Babies with low birthweight are at greater risk of a range of physical impairments, and often require very expensive long-term care. A USDA study showed that for every WIC dollar spent on a pregnant woman, between $1.77 and $3.13 was saved in Medicaid cost during the first 60 days after birth.

The purpose of the Maternal and Child Investment Act is simple—to provide mandatory funding for WIC and ensure that all eligible pregnant women, infants and children are served by the program. The bill would put the WIC program in the same general budgetary category as most other Federal nutrition programs.

President Clinton strongly supports increases in WIC to achieve full funding. In fact, the Bipartisan National Commission on Children, of which then Governor Clinton was a member, recommended funding increases to allow all eligible persons access to WIC.

The President knows that investments in WIC immediately produce savings in Federal mandatory programs.

WIC is one of America's best investments in our future. I am not just referring to the savings in Medicaid costs, or State medical costs, or regarding family medical expenses.

Much of the savings are generated because fewer newborns need emergency intensive medical care. Those savings represent healthier babies—babies with fewer medical problems.

Mental and physical handicaps can last a lifetime—lets invest some money up front to prevent these problems from happening in the first place.

If I were talking about any of your children—would anyone not invest the money? Would any Senator in this room say for their child, or grandchild—save the money and take the risk. Of course not. We should do the same for all low-income pregnant women and infants.

We must invest in our children and make their future our top priority. To be a productive and competitive Nation we must nurture and support our children.

If the United States is to progress into the 21st century, we must dedicate ourselves to sustaining and strengthening our Nation's children. Fully funding WIC is a giant step toward achieving that goal.

This body continues to appropriate more funding for WIC. We should guarantee that funding with this bill.

I recognize that there is automatic opposition to mandatory spending programs because of the fear of continuing cost escalations and litigation on the part of individual recipients.

My bill will solve both problems. It will not provide an entitlement to individual WIC participants but will instead assure funding levels to States based on mandatory spending caps set forth in the bill. Individuals would not have the right to file legal actions nor could costs exceed the caps.

My approach will also allow States to better plan in advance since they will be better able to predict funding levels. The bill will result in significant savings in other Federal mandatory programs and will assure funding for the WIC program at level that I—and many other Members—would have requested be appropriated.

Another WIC study showed that "for every dollar spent on the prenatal component of the WIC program, the associated savings in Medicaid costs for illnesses beginning in the first 60 days after birth ranged from $1.92 to $4.21 for newborns and mothers and from $2.98 to $4.75 for newborns only." In 1991 an estimated 662,562 pregnant women were on WIC, and around 260,000 pregnant women eligible for WIC were not served.

Longer term savings are also generated by investments in WIC. According to GAO, each dollar invested in WIC saves $3.50 over the next 18 years.

In 1990 five CEO's of major corporations testified at Congressional hearings about the need to fully fund WIC by the year 1996. They concluded that—

> Each pregnant woman, infant and child who could benefit from WIC but is left out of the program represents a potential drain both on budgetary outlays in subsequent years and on our nation's future economic growth, not to mention a tragic loss in human potential.

This bill will phase in full funding for WIC by providing specified mandatory spending amounts for the WIC Program for fiscal years 1994 through 1996. The 1996 full funding amount is approximately $4.1 billion. The 1996 baseline for WIC is just over $3 billion.

A modest reserve fund would be created by the bill to deal with unanticipated cost escalations without requiring further action of Congress. This will prevent States from having to take WIC participants off the program if food costs rise unexpectedly. In addition, the Secretary will be required to administer the WIC Program—the program is now optional. All the other provisions of current law, save for technical or conforming changes, remain the same.

As many of you will recall, this body passed a bill to permit States to borrow ahead and use almost $100 million more than appropriated because of freezes in California and in Florida. Twenty-seven States were preparing to take persons of the WIC rolls after juice, and other, costs rose. President Bush signed the final version of that bill into law.

The pay-as-you-go funding source is not set forth in the bill although I want to make clear that I will not seek to bring the bill to the floor unless it is paid for in some way. I will work with this body, and the new administration to find a source of funds to pay for the bill.

I strongly urge all Senators to support this important legislation.●

By Mr. HATCH:

S. 23. A bill to amend title 17, United States Code, to clarify news reporting monitoring as a fair use exception to the exclusive rights of a copyright owner; to the Committee on the Judiciary.

FAIR USE EXCEPTION TO RIGHTS OF COPYRIGHT OWNER

Mr. HATCH. Mr. President, I am introducing today a bill to clarify the state of the law with respect to the fair use of copyrighted materials. Specifically, my bill amends section 107 of title 17, United States Code, to clarify that the monitoring of news reporting can qualify as a fair use exception to the otherwise exclusive rights of a copyright owner when such news monitoring meets the four-factor test of section 107.

This bill does not create a blanket license to copy news programs nor does it lessen in any way the strict obstacle course posed by the current four-factor test of section 107. It simply provides that video news monitoring be considered an activity similar to scholarly research, to criticism, or to news reporting itself, in other words, an activity that should be entitled to rely on the fair use exception.

Mr. President, broadcast monitors have for some time been challenged in the courts by broadcasters and cable operators who claim that their services infringe the copyright in the news that program producers are entitled to. In their defense, broadcast monitors have relied on the fair use doctrine of the Copyright Act, to prove that monitoring activities are not an infringement of copyright. I believe that, when correctly applied to broadcast monitors, the copyright law—and the fair use doctrine—can be read to protect their services from claims of infringement. Because the courts have been inconsistent in their resolution of this issue, it is appropriate for Congress to resolve the question, and I believe it is correct for Congress to resolve the question, as my bill does, on the side of greater public access to the news.

Article I, section 8 of the U.S. Constitution grants Congress the authority to "promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

Congress gave exclusive rights to authors as an incentive for them to create new works for the public good. These rights, however, can create a tension with other rights and interests of the public—as embodied in the first amendment—in the broad dissemination of works of public significance.

Congress and the courts have developed, enacted, and applied the fair use doctrine to harmonize these disparate interests. The fair use doctrine is not, therefore, only a statutory exception to the exclusive rights afforded by the Copyright Act. Rather, it is a necessary bulwark of our constitutional scheme, protecting the public's interest in access to information as a balance to the exclusive rights of copyright owners.

When it enacted the Copyright Act of 1976, Congress decided that it was important to codify the longstanding common law doctrine of fair use. See 17 U.S.C. section 107. Section 107 states that it is not a copyright infringement to make certain uses of copyrighted material, where the use is for an important public purpose, such as "criticism, comment, news reporting, teaching, scholarship or research." In the legislative history accompanying the Act, section 107 was described as codifying "one of the most important and well-established limitations on the exclusive rights of copyright owners." (H.R. Rept. 1476, 94th Cong., 2d Sess., at 65 (1976).

After indicating the types of uses that qualify for fair use consideration, section 107 sets out the factors a court should consider in determining whether a particular use of copyrighted material is a fair use. Those factors are:

First, the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purpose;

Second, the nature of the copyrighted work;

Third, the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

Fourth, the effect of the use upon the potential market for or value of the copyrighted work.

The legislative history of the Copyright Act makes clear that while "the bill endorses the purpose and general scope of the judicial doctrine of fair use," there "is not disposition to freeze the doctrine in the statute, especially during a period of rapid technological change." (H.R. Rept. supra, at 96). Thus, Congress intended that the fair use doctrine be flexible enough to protect new technological uses of copyrighted works. Important, productive and beneficial uses—such as broadcast monitoring—were not foreseeable when the Copyright Act was enacted.

Video clipping companies that provide news monitoring services would seem to fall squarely within the core range of activities protected by the fair use doctrine. In fact, the ultimate purposes of monitoring are precisely those defined in the first sentence of section 107, that is, they advance "criticism, comment, teaching, scholarship, and research." Therefore, I have concluded that news monitoring is exactly the type of activity that has traditionally been the subject of common fair use protections and the kind of activity that Congress intended to protect in its 1976 codification of the fair use doctrine. Thus, when a video news compilation satisfies the four-factor analysis of section 107, there should be no question of copyright infringement.

Broadcast monitors play an integral role in the broad dissemination of news and other public affairs programs. Recognizing this fact, most broadcasters have excellent working relations with monitors that serve their communities. Indeed, many refer viewer requests for clips of recent broadcasts to monitors. In this way broadcasters and broadcast monitors together ensure that the demand for both immediate news by local audiences and for retrieval of footage by a national audience is wholly satisfied.

The Supreme Court has correctly interpreted the fair use doctrine to mean that courts should not "inhibit access to ideas without any countervailing benefit." *Sony Corp.* v. *Universal City Studios*, 464 U.S. 417, at 450–51 1984). Because monitoring has no real or potential economic impact on newscasters, monitors simply do not diminish the incentive to produce news or other programs. There is no countervailing benefit, economic or otherwise, to be derived from a decision to suppress the news, which is the inevitable result of a rule disqualifying news monitors from fair use consideration.

On the other hand, we must consider the harm that is manifestly present in viewing newscasters as the only appropriate gatekeepers to the news. Among the important individual rights that have been recognized in this country since its inception are the rights to an individual's good name and reputation. Without video monitors, there would be a very limited ability of slandered individuals to learn the source and content of slanders committed and almost no ability to assert their rights in courts.

For all these reasons, Mr. President, I believe that Congress should act to correct the judicial imbalance that has been created by those courts that have tilted the copyright law against the public's right to have access to broadcast information. We should enact legislation so that companies and individuals that provide clips, or compilations of clips, of broadcast news programming for the internal use of third parties will be recognized as engaged in an activity protected by the fair use doctrine.

It is true, Mr. President, that a useful hearing on this subject was held last year by the Subcommittee on Patents, Copyrights, and Trademarks. At that hearing, the Register of Copyrights, Mr. Ralph Oman, volunteered to oversee deliberations among the parties interested in this legislation to see if an industry agreement, or other arrangement, could not be fashioned to resolve this issue without the need of new legislation. While it is my understanding that substantial progress has been made in these informal deliberations, it remains true that no final resolution of the issue has yet been reached. Therefore, I continue to believe that, at this point in time, a legislative solution is required to restore the balance of rights between producers of news programs and the public.

By Mr. LEVIN (for himself and Mr. COHEN):

S. 24. A bill to reauthorize the independent counsel law for an additional 5 years, and for other purposes; to the Committee on Governmental Affairs.

INDEPENDENT COUNSEL REAUTHORIZATION ACT

Mr. LEVIN. Mr. President, today I am introducing with Senator COHEN the Independent Counsel Reauthorization Act of 1993, S. 24.

The goal of this legislation is to return to the statute books the law that establishes the system for appointing independent counsel to investigate persons close to the President when there are allegations of criminal misconduct. That law expired at the end of 1992.

The bill is being introduced on a bipartisan basis, and reauthorization has the strong support of President Clinton. In 1983 and 1987, the law was reenacted with large bipartisan majorities in both Houses of Congress. On both occasions, President Reagan signed the bill into law. In 1988, by a vote of 7 to 1, the Supreme Court found the law constitutional.

It is our hope that early in this Congress the independent counsel law will once more be renewed with bipartisan support and widespread recognition of the contribution it makes to public confidence in Government.

The independent counsel law was the product of Watergate's bitter lesson that no administration can with public confidence, investigate and prosecute its own top officials. Controversies over the past 20 years, from the Iran-Contra affair to the HUD scandal to the BNL prosecution, demonstrate the continuing validity of that lesson. It is a lesson that applies to Democratic administrations as well as to Republican administrations.

The basis for the law is the need for public trust in our criminal justice system. Twenty years ago, Watergate did great injury to that public trust. The culminating event was the Saturday night massacre in which President Nixon ordered his Attorney General to fire the Watergate special prosecutor who had subpoenaed the White House tapes. Attorney General Elliot Richardson resigned instead. So did Deputy Attorney General William Ruckelshaus. Solicitor General Robert Bork, however, obeyed the President's directive and fired Special Prosecutor Archibald Cox.

This interference with the Watergate criminal prosecutions left the country reeling. The result was a constitutional crisis, the resignation of a President, the appointment of a new special prosecutor, and years of criminal investigations, prosecutions and convictions.

Another result was the creation of the independent counsel law as part of the Ethics in Government Act of 1978. Since its enactment over 14 years ago, 13 independent counsels have been appointed. Most closed their investigations without indictments—but with the public's confidence that the individuals being investigated were not given any special treatment.

Four independent counsels have issued indictments. All four have obtained convictions either through jury trials or guilty pleas, although some convictions have been reversed on appeal on legal grounds. One independent counsel, appointed in December to investigate the Clinton passport matter, has yet to reach a decision on indictments.

The longest and most complex independent counsel matter has been the Iran-Contra investigation. In December 1986, then Attorney General Edwin Meese asked the special court to appoint an independent counsel to investigate all crimes arising out of the Iranian arms sales and diversion of profits to the Nicaraguan Contras. In response to Mr. Meese's request, which was supported by President Reagan, the special court appointed Lawrence Walsh—a respected lawyer who was a life-long Republican, former Federal judge, and former head of the American Bar Association and who possessed a strong résumé of professional experience and honors.

Mr. Walsh accepted the assignment and has since worked through one of the most complex criminal investigations in the history of American jurisprudence. He has filed 14 indictments of top Government officials in the Defense Department, State Department, and CIA. Eleven have resulted in criminal convictions, either from guilty pleas or jury verdicts. One indictment was dismissed due to the Government's refusal to release relevant classified information. Two indictments never went before a jury due to pardons issued by President Bush on Christmas Eve.

Today, most of the criticism of the independent counsel law consists of criticism of the Iran-Contra investigation. It would be surprising, of course, if there were no criticism of this investigation, given its focus on powerful people, complex facts, and covert actions involving terrorists, hostages, and a disputed conflict in Central America.

But what is overlooked is that the debate is generally on whether the prosecutor is being overly zealous, not on whether he is letting top officials off the hook. There have been no cries of whitewash or widespread loss of public confidence in his investigation. That is because the independent counsel law has addressed the lessons of Watergate. While people have complained that the wheels of justice in this case have moved too slowly and cost too much, none has, as in Watergate's dark days, questioned the willingness of the prosecutors to get to the truth.

President Bush's apparent agreement with the critics of Mr. Walsh came to a head, last month, when he issued pardons to six Iran-Contra defendants, the two who were awaiting trial and four others who had been convicted after a guilty plea or jury trial. The primary charges against the six were that they had illegally lied to or withheld information from Congress.

In explaining his decision to issue the pardons, President Bush said the prosecutions represented "the criminalization of policy differences." But none of the six had been prosecuted for his policy views; each had been prosecuted by the independent counsel for misrepresenting important facts when questioned by Congress or the independent counsel. These facts went to the heart of the Iran-Contra scandal and to many of the central controversies of the Reagan years: the sale of weapons to a terrorist nation; trading arms for hostages; bankrolling a war in Nicaragua which Congress had specifically refused to fund.

Appointed officials who lie to Congress are not engaging in policy differences, they are engaging in criminal misconduct. Three of the defendants had pled guilty; one had been convicted by a jury; two were awaiting trial on indictments which the courts had upheld against attacks by their lawyers. By implying that none of these individuals had committed crimes and that each had been improperly prosecuted by the independent counsel, President Bush not only blurred the facts and set back the cause of accountability in Government, he also demonstrated the importance of and need for the independent counsel process in the first place.

Last summer, the Governmental Affairs Subcommittee on Oversight of Government Management, which I chair and on which Senator COHEN serves as ranking Republican, and which has jurisdiction over the independent counsel law, held a hearing to air concerns about the law. The full committee then approved legislation, on a bipartisan basis, to address many of the problems identified. However, that legislation did not become law last session because of a threatened filibuster.

Early this year, the subcommittee plans to hold additional hearings and will invite critics of the law, such as former Defense Secretary Caspar Weinberger, to testify. We also plan to get comments on the bill we have introduced today which includes not only the reforms suggested last year but several more as well.

Essentially, the bill does three things: It reauthorizes the law for 5 years, strengthens fiscal and administrative controls on independent counsel operations, and makes it clear that the law applies to Members of Congress. In short, it retains the basic shape of the law as approved by the Supreme Court, while recognizing that the law is not perfect and improvements can be made.

We have also worked with Congressman JACK BROOKS, chairman of the House Judiciary Committee, on this bill together with other members of that committee. He strongly supports reauthorization and will introduce companion legislation in the House.

I want to thank Senator COHEN for his long leadership in this area. We hope our colleagues will view our legislation in the same bipartisan manner in which we have operated and support its early passage this session.

Mr. President, I am delighted with two things that are going on here: First, to be the first one I believe to ask a unanimous consent request of our new Vice President.

I ask unanimous consent of the Chair that the bill and a summary of the bill be printed in the RECORD, and I add how pleased I am that the occupant of the Chair is the occupant of the Chair.

There being no objection, the material is ordered to be printed in the RECORD, as follows:

S. 24

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Counsel Reauthorization Act of 1993".

SEC. 2. FIVE-YEAR REAUTHORIZATION.

Section 599 of title 28, United States Code, is amended by striking "1987" and inserting "1993".

SEC. 3. ADDED CONTROLS.

(a) COST CONTROLS AND ADMINISTRATIVE SUPPORT.—Section 594 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(l) COST CONTROLS AND ADMINISTRATIVE SUPPORT.—

"(1) COST CONTROLS.—

"(A) IN GENERAL.—An independent counsel shall—

"(i) conduct all activities with due regard for expense;

"(ii) authorize only reasonable and lawful expenditures; and

"(iii) promptly, upon taking office, assign to a specific employee the duty of certifying that expenditures of the independent counsel are reasonable and made in accordance with law.

"(B) DEPARTMENT OF JUSTICE POLICIES.—An independent counsel shall comply with the established policies of the Department of Justice respecting expenditures of funds, except to the extent that compliance would be inconsistent with the purposes of this chapter.

"(2) ADMINISTRATIVE SUPPORT.—The Administrative Office of the United States Courts shall provide administrative support and guidance to each independent counsel. The Administrative Office shall not disclose information related to an independent counsel's expenditures, personnel, or administrative acts or arrangements without the authorization of the independent counsel.

"(3) OFFICE SPACE.—The General Services Administration, in consultation with the Administrative Office, shall promptly provide appropriate office space for each independent counsel. Such office space shall be within a Federal building unless the General Services Administration determines that other arrangements would cost less."

(b) INDEPENDENT COUNSEL PER DIEM EXPENSES.—Section 594(b) of title 28, United States Code, is amended—

(1) by striking "An independent counsel" and inserting "(1) IN GENERAL.—An independent counsel"; and

(2) by adding at the end the following new paragraphs:

"(2) TRAVEL EXPENSES.—Except as provided in paragraph (3), an independent counsel and persons appointed under subsection (c) shall be entitled to the payment of travel expenses as provided by subchapter 1 of chapter 57 of title 5, United States Code, including travel expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

"(3) TRAVEL TO PRIMARY OFFICE.—An independent counsel and persons appointed under subsection (c) shall not be entitled to the payment of travel and subsistence expenses under subchapter 1 of chapter 57 of title 5, United States Code, with respect to duties performed in the city in which the primary office of that independent counsel or person is located after 1 year of service under this chapter unless the employee assigned duties under subsection (l)(1)(A)(iii) certifies that the payment is in the public interest to carry out the purposes of this chapter.".

(c) INDEPENDENT COUNSEL EMPLOYEE PAY COMPARABILITY.—Section 594(c) of title 28, United States Code, is amended by striking the last sentence and inserting: "Such employees shall be compensated at levels not to exceed those payable for comparable positions in the Office of United States Attorney for the District of Columbia under sections 548 and 550, but in no event shall any such employee be compensated at a rate greater than the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5.".

(d) ETHICS ENFORCEMENT.—Section 594(j) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) ENFORCEMENT.—The Department of Justice and Office of Government Ethics have authority to enforce compliance with this subsection.".

(e) COMPLIANCE WITH POLICIES OF THE DEPARTMENT OF JUSTICE.—Section 594(f) is amended by striking "shall, except where not possible, comply" and inserting "shall, except to the extent that to do so would be inconsistent with the purposes of this chapter, comply".

(f) PUBLICATION OF REPORTS.—Section 594(h) of title 28, United States Code, is amended—

(1) by adding at the end the following new paragraph:

"(3) PUBLICATION OF REPORTS.—At the request of an independent counsel, the Public Printer shall cause to be printed any report previously released to the public under paragraph (2). The independent counsel shall certify the number of copies necessary for the public service, and the Public Printer shall place the cost of the required number to the debit of such independent counsel. Additional copies shall be made available to the public through the depository library program and Superintendent of Documents sales program pursuant to sections 1702 and 1903 of title 44."; and

(2) in the first sentence of paragraph (2), by striking "appropriate" the second place it appears and inserting "in the public interest, consistent with maximizing public disclosure, ensuring a full explanation of independent counsel activities and decisionmaking, and facilitating the release of information and materials which the independent counsel has determined should be disclosed".

(g) ANNUAL REPORTS TO CONGRESS.—Section 595(a)(2) of title 28, United States Code, is amended by striking "such statements" and all that follows through "appropriate" and inserting "annually a report on the activities of the independent counsel, including a description of the progress of any investigation or prosecution conducted by the independent counsel. Such report may omit any matter that in the judgment of the independent counsel should be kept confidential, but shall provide information adequate to justify the expenditures that the office of the independent counsel has made".

(h) PERIODIC REAPPOINTMENT OF INDEPENDENT COUNSEL.—Section 596(b)(2) of title 28, United States Code, is amended by adding at the end the following new sentence: "If the Attorney General has not made a request under this paragraph, the division of the court shall determine on its own motion whether termination is appropriate under this paragraph no later than 3 years after the appointment of an independent counsel and at the end of each succeeding 3-year period.".

(i) AUDITS BY THE COMPTROLLER GENERAL.—Section 596(c) of title 28, United States Code, is amended to read as follows:

"(c) AUDIT.—By December 31 of each year, an independent counsel shall prepare a statement of expenditures for the fiscal year that ended on the immediately preceding September 30. An independent counsel whose office is terminated prior to the end of the fiscal year shall prepare a statement of expenditures by the date that is 90 days after the date on which the office is terminated. The Comptroller General shall audit each such statement and report the results of each audit to the appropriate committees of the Congress not later than March 31 of the year following the submission of any such statement.".

SEC. 4. MEMBERS OF CONGRESS.

Section 591(c) of title 28, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by designating the text as paragraph (1) and inserting at the beginning of the text the following: "(1) IN GENERAL.—"; and

(3) by adding at the end the following new paragraphs:

"(2) MEMBERS OF CONGRESS.—When the Attorney General determines that it would be in the public interest, the Attorney General may conduct a preliminary investigation in accordance with section 592 if the Attorney General receives information sufficient to constitute grounds to investigate whether a Member of Congress may have violated any Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall become effective on the date of enactment of this Act.

SUMMARY OF INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1993

S. 24, the Independent Counsel Reauthorization Act of 1993 would do essentially 3 things: (1) reauthorize the independent counsel law for 5 years, (2) strengthen fiscal and administrative controls on independent counsel operations, and (3) make it clear that the law applies to Members of Congress.

Short Title. Section 1 is the short title of the bill.

Five-year Reauthorization. Section 2 would reauthorize the law for five additional years.

Added Controls. Section 3 would impose additional fiscal and administrative controls on independent counsel operations. These provisions would:

Reasonable Expenditures: require independent counsels to comply with Justice Department spending policies, act with "due regard for expense," authorize only reasonable and lawful expenditures, and appoint a staff person to track and certify actual expenditures;

Administrative Support: clarify the responsibility of the Administrative Office of the U.S. Courts to provide administrative support and guidance to each independent counsel office;

Federal Office Space: require the General Services Administration to provide independent counsels with office space in federal buildings, unless other arrangements are less costly;

Per Diem Expenses: limit per diem expenses, by making it clear, after one year in office, independent counsels and staff are not entitled to travel and subsistence expenses when working in the city of which their primary office is located, unless payment is certified as in the public interest;

Staff Compensation: require independent counsel staff compensation to be comparable to the compensation paid by U.S. Attorney's Office in the District of Columbia;

Ethics Enforcement: make it clear that the Department of Justice and Office of Government Ethics can enforce standards of conduct for independent counsels, their staffs and law firms;

Law Enforcement Policies: clarify the obligation of independent counsels to comply with Justice Department law enforcement policies;

Annual Reports: require independent counsels to file annual reports with Congress, ensure public availability of their final reports;

Periodic Reappointment: require the special court to determine at least once every three years whether an independent counsel office should be terminated because its work is substantially complete; and

Audits: require annual expenditure statements by independent counsels and annual audits by GAO.

Members of Congress. Section 4 would make it clear that the Attorney General may use the independent counsel process in cases involving Members of Congress.

Effective Date. The bill's provisions would become effective on the date of the enactment of the Act.

INDEPENDENT COUNSEL REAUTHORIZATION

• Mr. COHEN. Mr. President, I am pleased to join with Senator LEVIN today in introducing legislation to reauthorize the independent counsel provisions of the Ethics in Government Act of 1978 which, regrettably, expired in December of last year.

As my colleagues know, the independent counsel process was established by the Congress in 1978—reauthorized in 1982 and 1987—as necessary to ensure that investigations and prosecutions of top-level executive branch officials are conducted fully and fairly.

Over the years, critics have challenged the wisdom and need for the independent counsel law. Justice Holmes once said that—

> The life of the law has not been logic: it has been experience.

In this case, both logic and experience are on the side of reauthorizing the independent counsel law.

The law serves two ends, both equally important in our democratic society. One is that justice must be done, and the other that it must appear to be done. The appearance of justice is just as important as justice itself, in terms of maintaining public confidence in our judicial system. Such confidence is undermined when the administration of the law appears to be compromised.

By providing for a judicially appointed independent counsel to handle such cases in limited circumstances, the process established by the Ethics Act helps to assure the public that criminal wrongdoing by top-level government officials will not be buried or tolerated, and that top-level officials will not be treated as if they are above the law.

The independent counsel process should not be viewed as an affront to the integrity of the Department of Justice or administration. Conflict of interest problems are not unique to any one administration or political party. Scandals involving high-ranking government officials date far back in our Nation's history and transcend party lines.

I believe that an institutional mechanism, such as the independent counsel law, will always be necessary to guard against inherent conflicts of interest that occur whenever the executive branch is called upon to investigate itself. Not only does a statutory process enhance public confidence in the handling of prosecutions involving officials, but it also helps the officials themselves who have been cleared by such a process, by removing the suspicion that the official was let off easy by his or her own administration.

The independent counsel process is one that has worked, albeit with some flaws over its 14-year history of the law. Most recently, significant concerns have been raised over the monetary costs of the law, in light of the unanticipated scope and cost of independent counsel investigations in the past several years.

To address the cost issue, the legislation that Senator LEVIN and I are introducing includes several provisions to tighten fiscal controls. The bill would require independent counsels to conduct all activities with due regard for expense, to authorize only reasonable and lawful expenditures, and promptly upon taking office, assign to a specific employee the duty of certifying that expenditures are made in accordance with these principles.

The bill would also require independent counsels to comply with Justice Department spending policies, require GSA to provide independent counsels with office space in Federal buildings unless other arrangements would cost less, and require the administrative office of the U.S. courts to provide administrative support and guidance.

The bill also addresses a second, more controversial issue which is the law's coverage of Members of Congress. Most of those familiar with the statute recognize that Members were already covered by the so-called catchall provision. This provision allowed the Attorney General to seek appointment of an independent counsel whenever he determined that an investigation of a Member of Congress by the Justice Department may pose a conflict of interest—either personal, financial, or political.

There is, of course, no inherent conflict of interest when the Justice Department investigates or prosecutes Members of Congress, nor is there any evidence that the Department is hesitant to investigate or prosecute Members. However, to accommodate those who sincerely believe that the old law is inadequate in this respect, the legislation would give the Attorney General the authority to seek the appointment of an independent counsel in any case involving allegations of criminal wrongdoing by Members of Congress.

This new provision would not require a finding of a conflict of interest before it can be used. Therefore, the Attorney General could—if he or she chose—use an independent counsel in every case involving a Member of Congress, effectively creating mandatory coverage, or could confine its use to situations where a conflict exists as under current law. The discretionary nature of the provision would obviate any constitutional concerns raised by an absolute bar on Justice Department investigations of Members of Congress.

Mr. President, the Subcommittee on Oversight of Government Management, chaired by Senator LEVIN and on which I serve as ranking member, will hold a hearing on the independent counsel provisions later this year. The hearing will provide an opportunity to discuss fully the continued need for the independent counsel process and the means by which it can be improved. The legislation we are introducing today proposes some solutions to concerns that have arisen in the implementation of the Ethics Act. I look forward to working with Senator LEVIN and my colleagues to ensure enactment of legislation that restores and strengthens this important law.●

By Mr. MITCHELL (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mr. BOREN, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. CAMPBELL, Mr. CHAFEE, Mr. COHEN, Mr. DODD, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GLENN, Mr. HARKIN, Mr. INOUYE, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KERREY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Ms. MURRAY, Mr. PACKWOOD, Mr. PELL, Mr. RIEGLE, Mr. ROBB, Mr. SARBANES, Mr. SIMON, Mr. SPECTER, Mr. WELLSTONE, and Mr. KOHL):

S. 25. A bill to protect the reproductive rights of women, and for other purposes; to the Committee on Labor and Human Resources.

FREEDOM OF CHOICE ACT

Mr. MITCHELL. Mr. President, I am introducing today the Freedom of Choice Act, to give statutory strength to the right of American women to govern their reproductive lives without coercive government interference.

The bill is identical to last year's Freedom of Choice Act, introduced with the original sponsor, former Senator Cranston, which gained 47 cosponsors by the close of the session.

We were unable to take up the measure last year, so it is reintroduced this year, with the expectation that the 103d Congress will be willing to debate it on the merits and vote.

The only small change made in the measure since last year is a change worked out last year, with the Catholic Health Association, the leadership group for the Nation's network of community Catholic hospitals.

That change provides that States have the right to protect unwilling private health care institutions, as well as private individuals, from providing abortion services against their will. Its practical effect is to continue what has been national policy since the ruling in the case of Roe versus Wade, which is to permit conscientiously opposed individuals and institutions to refrain from providing these services.

This change, worked out with the cooperation and agreement of the Catholic Health Association, makes it clear to the members of that body that passage of the Freedom of Choice Act will impose on them no obligations that existing law does not impose.

Our goal in doing this is to assure all parties that the goal of the Freedom of Choice Act is to do no more, but no less, than to codify the holding in Roe.

Since 1973, when the Supreme Court, in the Roe case, determined that the constitutional right of privacy is broad enough to include a woman's right to choose to terminate a pregnancy, American women have had the assurance that their choices in life are their own. American women have been free of the nightmare fears of back-alley abortions or unwanted pregnancies.

Abortion is no one's first preference. The best possible world would be one in which their were no unwanted pregnancies, where every pregnancy was the forerunner of a much-wanted and loved child.

That is not the reality, however.

Birth control does not always work. Women are raped. Young women are the victims of incest, a particularly disgusting form of rape. Far too many women don't have regular access to primary health care, including birth control.

Our society does far too little to enforce on men the idea that conceiving a child carries with it an obligation to care for that child. Too often, instead, single mothers are condemned for the crime of having a child, just as women seeking abortions are condemned for the crime of not wanting a child.

Most Americans, including many who dislike abortion and do not wish to encourage abortion, have concluded that the standards set by the Supreme Court's decision in Roe versus Wade, along with the subsequent cases defining the limits of State regulation of abortion, are a workable standard for a diverse society.

That is the majority view, because Americans know that the real-world alternative is either a reversion to the pre-1973 world of illegal abortions or a post-Roe world of intrusive government questioning of women's decisions about childbearing.

That is why the Freedom of Choice Act seeks to preserve the Roe standard and nothing more.

The availability of safe, legal abortion is the premise on which the broad majority of Americans make judgments about related matters, such as minors' rights, funding, and so forth. My bill does the same.

From 1973 to 1988, the Supreme Court reviewed various State restrictions on abortion and determined which were intentional obstacles to the free exercise of a woman's choice and which were not, based on the holding in Roe that the right to choose abortion is a right of constitutional standing.

From 1989 forward, however, with changes in the makeup of the Court, the standing of the right to choose has been under assault within the Court itself. There has been no change in public opinion about the fact that the Roe standard works. There has been no change in the real world outcome: The overwhelming majority—97 percent—of abortions are performed in the first 15 weeks of pregnancy.

The change has been in the political debate and in the makeup of the court. As a result, today, we face two conflicting and contradictory standards by which the right to choose abortion is judged.

On the one hand, there is the standard of strict scrutiny, applied in Roe and in subsequent cases, which holds that the right to reproductive choice is constitutionally based and thus demands the same level of protection as other constitutional rights. On the other hand, last year a 5-to-4 majority of the Court in the Casey ruling enunciated a new standard, the "undue burden" standard, whose parameters are not clear and whose main outcome seems likely to be a proliferation of new litigation, as persons opposed to all abortions seek to probe the extent to which the new standard relaxes the Constitutional protection of the basic right.

The Roe decisions was rooted, in part, in the understanding that of all the parties with an interest in a woman's pregnancy, the person with the greatest interest, for whom the consequences of a pregnancy are most direct, is the woman herself.

The findings in Roe, despite efforts to distort them, are clearcut: Until fetal viability, a woman has the right to choose an abortion for herself. After fetal viability, a State may restrict that right, except when the life or health of the woman is threatened. Appropriate, medically necessary State regulation of the procedure is recognized.

Roe did not foreclose further adjudication of related issues and in the years since Roe, such other cases have been decided involving questions of minors' rights and adult involvement, State funding obligations, and the right of conscientious refusal to participate in the provisions of abortion services.

Because the bill tracks the decision and does not seek to expand it, these factors are explicit in the language of the bill. At the same time, because the bill does intend to track Roe, and not to contract its area of protection, it does not grant new and untested rights of regulation to the States. States themselves must judge if they wish to legislative and litigate in such fields.

Abortion is a controversial subject because the views of Americans on the status of fetal life vary enormously.

Some believe that a fertilized ovum is the legal equivalent in every sense of an adult person. Some believe that at no point before birth does a fetus acquire any significance.

These differences are not reconcilable. The Roe ruling didn't reconcile them and my bill doesn't.

But the majority of Americans don't hold extreme views. They believe there are circumstances where an abortion is the only alternative. They believe that at some point in a pregnancy, the right of the woman must give way before the right of a potential life. That is the view the Roe decision upheld and the view my bill echoes.

The Roe Court agreed that the right of a woman to choose the outcome of a pregnancy is a right rooted in her personal right of privacy.

Since the late 19th century, the Supreme Court, in a series of rulings, has developed a body of law and precedent which establishes that Americans enjoy many rights not specifically unenumerated in the Constitution. Among them is a right of personal privacy.

Privacy is not the only unenumerated right: The right of citizens to associate freely with each other is nowhere mentioned in the Constitution. The right of Americans to travel is not specified in the Constitution. The right to marry is not spelled out. Neither is the right to have children. But no one denies that these rights are fundamental rights of every American.

In Roe versus Wade, the Supreme Court concluded that the right of privacy "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy."

That finding is what my bill seeks to uphold, no more and no less.

This right is controversial today. The assertion of the right to use birth control was controversial 30 years ago. The right of persons to marry across race lines was controversial.

Even today, when many of these cases have been settled law for decades, some Americans still find their premises offensive. We are a diverse and pluralistic society; we allow all our citizens to seek to persuade each other by peaceful means. But we don't let the preferences of some rule the actions and choices of others.

When one citizen asserts a constitutional right, the fact that its exercise may be offensive to someone else is not a ground for curtailing that right.

Lawmakers have an additional affirmative responsibility to examine all the alternatives to any course of action.

In this instance, opponents of this legislation offer absolutely no realistic alternatives.

The claim that changing a Supreme Court ruling will stop abortion is disproven by history and fact. It will not.

Before Roe, illegal abortions—back-alley abortions for the poor, self-induced abortion attempts for the young and desperate, and trips abroad for the fortunate few—were a common reality. So were neglected, unwanted and un-adopted children.

And, of course, opponents of this legislation are often—although not always—in the forefront of those opposed to family planning.

Many of today's most vocal opponents of abortion oppose birth control for any reason by any person.

The fact is that the opponents of abortion simply want to make abortion illegal. They know they can't stop it because abortions occur in every society, regardless of the legal position the society takes.

Opponents claim they don't want to make criminals of women. But their actions speak louder than their words. And their actions are directed entirely at making abortion illegal—not unnecessary.

The majority of Americans has seen through that argument and that is why, even though abortion is a difficult, painful and wrenching issue for most people, the majority nonetheless believes it must remain legal.

My bill achieves that goal: Not more, but not less. It makes the Roe standard, under which the nation has now lived for almost two decades, the law of the land. I ask unanimous consent that the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 25

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom of Choice Act of 1993".

SEC. 2. CONGRESSIONAL STATEMENT OF FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The 1973 Supreme Court decision in *Roe v. Wade* established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy. Under the strict scrutiny standard enunciated in *Roe v. Wade*, States were required to demonstrate that laws restricting the right of a woman to choose to terminate a pregnancy were the least restrictive means available to achieve a compelling State interest. Since 1989, the Supreme Court has no longer applied the strict scrutiny standard in reviewing challenges to the constitutionality of State laws restricting such rights.

(2) As a result of the Supreme Court's recent modification of the strict scrutiny standard enunciated in *Roe v. Wade*, certain States have restricted the right of women to choose to terminate a pregnancy or to utilize some forms of contraception, and these restrictions operate cumulatively to—

(A)(i) increase the number of illegal or medically less safe abortions, often resulting in physical impairment, loss of reproductive capacity or death to the women involved;

(ii) burden interstate commerce by forcing women to travel from States in which legal barriers render contraception or abortion unavailable or unsafe to other States or foreign nations;

(iii) interfere with freedom of travel between and among the various States;

(iv) burden the medical and economic resources of States that continue to provide women with access to safe and legal abortion; and

(v) interfere with the ability of medical professionals to provide health services;

(B) obstruct access to and use of contraceptive and other medical techniques that are part of interstate and international commerce;

(C) discriminate between women who are able to afford interstate and international travel and women who are not, a disproportionate number of whom belong to racial or ethnic minorities; and

(D) infringe upon women's ability to exercise full enjoyment of rights secured to them by Federal and State law, both statutory and constitutional.

(3) Although Congress may not by legislation create constitutional rights, it may, where authorized by its enumerated powers and not prohibited by a constitutional provision, enact legislation to create and secure statutory rights in areas of legitimate national concern.

(4) Congress has the affirmative power both under section 8 of Article I of the Constitution of the United States and under section 5 of the Fourteenth Amendment of the Constitution to enact legislation to prohibit State interference with interstate commerce, liberty or equal protection of the laws.

(b) PURPOSE.—It is the purpose of this Act to establish, as a statutory matter, limitations upon the power of States to restrict the freedom of a woman to terminate a pregnancy in order to achieve the same limitations as provided, as a constitutional matter, under the strict scrutiny standard of review enunciated in *Roe v. Wade* and applied in subsequent cases from 1973 to 1988.

SEC 3. FREEDOM TO CHOOSE.

(a) IN GENERAL.—A State—

(1) may not restrict the freedom of a woman to choose whether or not to terminate a pregnancy before fetal viability;

(2) may restrict the freedom of a woman to choose whether or not to terminate a pregnancy after fetal viability unless such a termination is necessary to preserve the life or health of the woman; and

(3) may impose requirements on the performance of abortion procedures if such re-

quirements are medically necessary to protect the health of women undergoing such procedures.

(b) RULES OF CONSTRUCTION.—Nothing in this Act shall be construed to—

(1) prevent a State from protecting unwilling individuals or private health care institutions from having to participate in the performance of abortions to which they are conscientiously opposed;

(2) prevent a State from declining to pay for the performance of abortions; or

(3) prevent a State from requiring a minor to involve a parent, guardian, or other responsible adult before terminating a pregnancy.

SEC. 4. DEFINITION OF STATE.

As used in this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each other territory or possession of the United States.

Mr. FEINGOLD. Mr. President, I am pleased to join my distinguished colleague, Senator MITCHELL in proposing legislation which would restore womens' reproductive freedom to the standard established in the 1973 Supreme Court decision on Roe versus Wade.

The Freedom of Choice Act is a vital step toward attaining full reproductive freedom for women. It would reinstate the level of protection afforded women until the 1989 Webster versus Reproductive Health Services decision open the door for States to impose burdensome restrictions.

Since the Webster decision, the Court has retreated even further from full protection by abandoning the strict scrutiny standard that is normally applied to other fundamental, constitutionally guaranteed rights. Instead, the Court has adopted a much less protective standard for women which allows States to legislate restrictions deemed not to pose an undue burden on a woman seeking to terminate a pregnancy.

Since these Court decisions, more than 500 antichoice bills have been introduced at the State level.

The Court and many of the individual 50 States are conducting a blow-by-blow assault on the reproductive rights of women. Federal legislation is necessary to stem the erosion of these rights and remove unwanted government interference from what should be a purely personal and private decision.

Some have called the Freedom of Choice Act a radical bill, but it is not. In reality it would simply reinstate what was the guiding principle for 17 years in this country under Roe versus Wade.

Specifically, Roe versus Wade states that the right to determine whether to terminate a pregnancy is protected by the Constitution, therefore the States may not interfere with a woman's right to obtain a safe and legal abortion. Once medical viability is determined however, the State may elect to impose restrictions or even prohibit an abortion unless the pregnancy jeopardizes the life or health of the mother. The Freedom of Choice Act closely follows this framework.

The authors of the Freedom of Choice Act were careful not to expand beyond the scope of Roe versus Wade in other areas. As under the original decision, States may pass parental consent or notification laws for minors as long as those laws contain a constitutional bypass provision.

I see these requirements as an onerous restriction for many teenagers who do not have a healthy family support system, and who may be understandably intimidated by court proceedings. Our overriding goal should be protecting the rights and privacy of all women in need of abortion services.

During the last 4 years I have witnessed a gradual chiseling away at a basic individual freedom. Burdensome restrictions such as waiting periods, spousal notice requirements and informed consent measures belittle a woman's ability to make her own decisions based on her own individual set of circumstances. S

Not only is the hand of government reaching into a woman's private decisionmaking, it is erecting a set of obstacles which many women may never clear. Women whom our society should most seek to empower face the greatest barriers; poor women, women in abusive relationships, or those with few outside sources of information and education.

These women are also the least likely to have the resources to pay for abortion or family planning services. The Freedom of Choice Act remains silent on government funding for abortion services, although I understand funding will be addressed through the Reproductive Health Equity Act. Without adequate funding levels and protection from government interference, we are creating a two-tiered system that will further trap women in the poverty spiral. Access to abortion services should not be dependent on wealth and education.

We have made great strides in eliminating inequality in the treatment of individual rights in this century. The Freedom of Choice Act will return to all American women the protection they deserve under the law.

As this new legislative session continues, I anticipate many new bills, under various guises, will attempt to make the right to an abortion more difficult to attain. Our swift movement to codify a long-held standard will help protect a woman's right to choose. The Freedom of Choice Act is a reasonable response to such attempts, and I urge my colleagues to push for swift passage of this important legislation.

Mr. KENNEDY. Mr. President, I am pleased to join Senator MITCHELL and many other colleagues today in sponsoring the Freedom of Choice Act, a bill to codify the constitutional right to reproductive freedom established by the Supreme Court in 1973 in the landmark case of Roe versus Wade.

Tomorrow marks the 20th anniversary of Roe versus Wade. In that historic decision, the Supreme Court recognized, as part of the constitutional right to privacy, the fundamental right of a woman to choose to terminate her pregnancy. The Roe decision invalidated a variety of State laws that had prohibited or sharply restricted abortions, and put an end to the back-alley abortions that had maimed and killed so many women in the past.

In recent years, however, as the membership of the Supreme Court has changed, the barriers blocking access to safe and legal abortion have begun to be rebuilt. In the Webster case in 1989, the Court indicated that it would no longer hold State antichoice laws to the strict scrutiny standard of review. The States reacted by beginning to enact laws imposing a variety of restrictions on abortion. Then last summer in the Casey decision, the Court, upholding restrictions adopted in Pennsylvania, made it clear that it had indeed abandoned strict scrutiny of abortion legislation.

The Casey decision severely undermines the right of a woman to choose to terminate her pregnancy. Restrictions on abortion of the sort approved by the Court are all too likely to cause large numbers of women to sacrifice their dignity, risk their health, and sometimes give their lives, to terminate their pregnancies.

Two types of restrictions upheld by the Court in Casey that often operate in practice to prevent women from exercising their constitutional right to choose are the so-called informed consent provisions and mandatory waiting periods. Most informed consent laws do not actually ensure that a woman is genuinely informed about her options, which good medical practice guarantees in any event, nor are they intended to do so. Rather, these laws require abortion providers to recite a litany of biased and often irrelevant information in order to harass, frighten, and intimidate women.

Mandatory waiting periods are equally unnecessary and burdensome on the right to choose. A 24-hour waiting period requires women to make two trips to an abortion provider. For women who do not have an abortion provider near where they live, a waiting period can mean another day of travel, perhaps overnight accommodations, arranging for another day off from work, and extra child care arrangements. These burdens fall particularly heavily on poor women and those in rural areas. Their effect is at a minimum to delay access to a safe and legal abortion, and in many instances to deny such access altogether.

A recent study by the American Medical Association Council on Scientific Affairs found that restrictions which delay abortions—including mandatory waiting periods—increase the costs of the procedure and, more important, the health risks to the woman. The AMA report concluded:

> As access to safer, earlier legal abortion becomes increasingly restricted, there is likely to be a small but measurable increase in mortality and morbidity among women in the United States.

American women deserve better than this.

Enactment of the Freedom of Choice Act is critical to ensure that the principles of Roe are restored and the right to a safe and legal abortion is guaranteed. The Freedom of Choice Act will ensure that the dark days of back-alley abortions do not return.

We should all work to reduce the need for abortions through more effective family planning, contraception research and adoption services. But we must also safeguard a woman's freedom to make the deeply personal choice to terminate a pregnancy, and to ensure that she can safely implement her choice without government interference.

Mr. President, I hope that Congress will expedite its action on this important legislation.

Mr. GLENN. Mr. President, I rise today to reaffirm my support for S. 25, the Freedom of Choice Act, and to add my name as an original cosponsor. It is my hope that Congress passes and President Clinton signs this important legislation into law as soon as possible.

On June 29, 1992, the Supreme Court changed the standard under which States could restrict a woman's access to abortion. In Planned Parenthood of Southeastern Pennsylvania versus Casey, the Court ruled that States could restrict a woman's right to choose whether to have an abortion as long as it did not impose an undue burden on that right. In Casey, the Court determined that requiring a woman to wait 24 hours for an abortion and to listen to her physician discuss specific antichoice material is not an undue burden, but that requiring her to notify her husband is an undue burden.

Mr. President, I believe that in its Casey decision, the Court not only abandoned its previous strict scrutiny standard; it abandoned American women as well. Under the 1973 Roe versus Wade decision, which I support, a woman's right to choose was considered a fundamental right to be protected under strict judicial scrutiny. Today that right has significantly less protection. In fact, the right of women to choose can be altered at whim. Today's Supreme Court has decided that a State's forcing a woman to notify her husband of her decision to have an abortion poses an undue burden on the woman's right to choose. What will tomorrow's Supreme Court decide? The lives of American women are now at the mercy of courts and State legislatures.

I support the Freedom of Choice Act because I believe that a woman has a fundamental right to make this most personal decision on her own. The Freedom of Choice Act would codify the Supreme Court's decision in Roe versus Wade. It would prevent States from restricting a woman's right to choose, and it would remove this important matter from an everchanging Supreme Court and State legislatures that can place obstacles in the way of women who choose to exercise their right to an abortion.

It is imperative that we pass S. 25 as soon as possible. As written, the Freedom of Choice Act codifies Roe versus Wade. It does nothing more. The bill would still allow States to restrict a woman's right to abortion after fetal viability except when the life of the mother is in danger, to impose medically necessary requirements on the performance of abortion procedures, to require the involvement of a parent or other responsible adult in a minor's abortion, and to protect individuals who oppose abortion from having to perform the procedure. The bill would not require States to fund abortions. The Freedom of Choice Act would allow States to regulate abortions but at the same time would assure that all American women have access to safe, legal abortions.

Before the Roe decision, each State was free to set its own abortion laws. Women with resources traveled to States with less restrictive laws, while women without resources often died. Poor women and young women who did not have access to safe, legal abortions often resorted to illegal or self-induced abortions. Most of today's young women cannot remember these tragic times. I fear that if the Freedom of Choice Act is not present, they will be forced to learn of this tragedy first hand.

Mr. President, in the interest of assuring that the women of this Nation have access to safe and legal abortions, I believe that we must pass the Freedom of Choice Act. I understand that some Americans oppose a woman's right to choose, and others would like to make changes to S. 25 before it is passed. I have heard from Ohioans who feel this way. While I certainly respect their views, I do not believe that the Government should prevent a woman from determining what is best for her life and her body. For this reason, I will fight to see that the Freedom of Choice Act, as introduced today, is enacted into law. Our Nation's women have struggled long and hard to gain their rights, and it is time that the Congress and the President act to ensure that the right of women to choose is not taken away by courts or politicians.

Mr. RIEGLE. Mr. President, I rise today to support the Freedom of Choice Act. Enactment of the Freedom of Choice Act is vitally important for the women of Michigan and America.

Recent Supreme Court decisions have eroded the constitutional rights expounded under Roe versus Wade. The weakening of that landmark ruling has encouraged and given rise to a crazy quilt of patchwork laws across the 50 States. States can now put up more road blocks for women choosing to have abortions prior to fetal viability. These road blocks continue to chip away at a woman's right to choose. In Michigan, the 2.2 million women of childbearing age are no longer protected from State government intrusion in this highly personal and difficult decision.

I strongly believe that the reproductive rights of American women should be the same regardless of which State they live in. That is why Congress must enact S. 25, the Freedom of Choice Act. The Freedom of Choice Act guarantees the essential protections provided for under the Roe versus Wade decision for a woman to choose to have an abortion before fetal viability.

A decision regarding abortion is deeply personal and I believe, is best made by the individual woman herself, guided by her own personal beliefs and convictions, in consultation with her doctor. This decision should be free from political interference. Enactment of the Freedom of Choice Act will keep the decision where it should be made, with the woman.

Mr. President, while I today ask my colleagues to enact legislation that will secure the reproductive rights for women across America, I also call upon President Clinton to take immediate administrative action to repeal the gag rule policy of restricting all federally funded health facilities that receive title X funding from discussing abortion as a medical option. I am pleased that President Clinton has indicated that one of his first acts as President will be to repeal the gag rule policy.

Over the years, this country, at the national, State, and local levels, and particularly through our court system, has continued to evaluate the issues surrounding abortion. In my years in Congress, I have consistently opposed legislative initiatives designed to limit the rights of individuals as defined by constitutional law. I am committed to supporting legislation to ensure that women have reproductive freedom in this country.

Mr. DODD. Mr. President, I rise today to cosponsor the Freedom of Choice Act which our distinguished majority leader is introducing today.

The Freedom of Choice Act will restore the full intent of Roe versus Wade and ensure, once and for all, that women have the right to choose. In Planned Parenthood versus Casey, the Supreme Court called this issue into question once again with its ruling empowering States with the right to impose new regulations on a woman seeking to terminate a pregnancy. It is critical that Congress act now and take the appropriate action before it is too late.

Currently, women are subject to the laws of their States. I am pleased that my home State of Connecticut recognizes a woman's right to choose. In 1990, the Connecticut General Assembly passed a law making the decision to terminate a pregnancy prior to fetal viability solely that of the pregnant women in consultation with her physician. Because nearly all abortions occur before viability, the law means that women in Connecticut will have the opportunity to make their own choices.

Unfortunately, this is not the case nationwide. States are now free to put up nearly insurmountable barriers for women seeking abortions. Mandatory 24-hour waiting periods, informed consent, and husband notice laws create onerous situations for many women. Without uniform regulations on the Federal level we are increasing the chances of forced pregnancies and illegal abortions that may result in life-threatening conditions.

Mr. President, the decision to have an abortion is a deeply private, personal, and often difficult matter—one that should not be decided by the courts. By stripping a woman of her right to choose we are denying her individual privacy. Roe versus Wade upholds that principle. In 1973, the Court ruled that the 14th amendment to the Constitution is broad enough to encompass a woman's decision whether or not to terminate her pregnancy. The *Casey* ruling indicates that the Court feels differently today.

For over 20 years we have been fighting to preserve women's choice. It is clear that we can no longer rely on the Courts to guarantee women their constitutional rights. For the past 12 years we have watched a concerted effort to stack the Court with individuals who have taken a strong position in opposition of the right to choose. As a result, the legislative branch must take a stand—one that is pro-choice and pro-women.

I am hopeful that the voice of millions of Americans demanding congressional action will be heard and that the Freedom of Choice Act will quickly become the law of the land. If passed, this legislation will safeguard a woman's privacy and codify the standards promised them by the U.S. Constitution. I urge my colleagues to support this vital and long overdue piece of legislation.

Mr. LEVIN. Mr. President, I am pleased to be an original cosponsor of the Freedom of Choice Act, S. 25, a bill to codify the 1973 Roe versus Wade decision which annunciated as a matter of constitutional law a woman's right to choose relating to the question of abortion. Abortion is a personal matter. The decision relative to it should be made by the woman who has the opportunity to consult with those she trusts. It is an intimate, private decision which should be treated with caring concern and not the heavy hand of government.

We are here today because the basic fundamental right to choose has been under attack. The Supreme Court's Casey decision allows for restrictions under a weaker standard than Roe. The Casey decision reveals that the Court is only one vote away from completely overruling Roe. The Freedom of Choice Act would safeguard the right to choose as a matter of statutory right under the Roe standard, even if the Supreme Court overturns Roe, thereby striking down the constitutional right. The right to choose with the Roe standard for judging State restrictions could therefore be part of statutory law.

I have consistently believed in the privacy rights as detailed in Roe. That ruling answered the fundamental question, "Who decides?" and I agree with the Court's conclusion: "The woman, not the government."

I was a cosponsor of the revised Freedom of Choice Act in the 102d Congress because it included clarifying provisions concerning minors and States rights to legislate in that area. The legislation introduced today by Senator MITCHELL includes these provisions.

Specifically, the Freedom of Choice Act specifically states that the bill would not prevent States from requiring the involvement of a parent, guardian, or other responsible adult before a minor terminates a pregnancy. I had been concerned that the initial Freedom of Choice Act introduced in the 102d Congress could have been construed to prohibit States from enacting any adult involvement statutes.

I believe that teenage pregnancy is a serious problem. A minor who is pregnant needs and deserves the support and help of an adult who cares. However, not all teenagers can go to their parents for such guidance. Not every young woman has the gift of a supportive, understanding parent. This is why there needs to be a way to involve an adult before a minor decision, whether that adult is a family member of a counselor or other advisor. The purpose is not to make the decision for her, but for consultation that leads to an informed choice.

The Freedom of Choice Act also clarifies that it would not require States to fund the performance of abortions or require anyone who is opposed to abortions to participate in the provision of abortions. Further, it explicitly preserves the right of States to restrict abortion after fetal viability.

It is time to secure the fundamental right of choice as a matter of statute in the face of its uncertain future constitutional status.

• Mr. PACKWOOD. Mr. President, I am most pleased to again be an original cosponsor of the Freedom of Choice Act. No legislation before the 103d Congress is more critical or more timely.

The Supreme Court decision in Webster versus Reproductive Health Services in 1989 began the gradual sunsetting of the most important constitutional right of women—the ability to control their own destinies by deciding whether and when to bear children. I would challenge those who would minimize the importance of choice to consider its impact on, for instance, a woman's education and job opportunities. While discrimination against a women because of pregnancy or motherhood is illegal, there is no doubt that bearing and raising a child is a profound lifelong commitment, probably unequal in time and effort to any other type of endeavor. The ability to plan ones family is therefore crucial.

When the Freedom of Choice Act is taken up, we will probably see a slew of proposals which are presented as reasonable restrictions on the right to choose: waiting periods, so-called informed consent provisions requiring doctors to discourage women seeking abortions, and the like. I urge my colleagues to examine such proposals critically and ask, is this medically necessary to the health of the woman? Because anything less is not reasonable, but rather an attempt to place obstacles before women seeking abortions.

Mr. President, there is no bill I would be more pleased to have as part of the U.S. Code than the Freedom of Choice Act. During the bleak years before Roe my efforts to enact such legislation met with little support. In all the years since Roe, we have engaged in battle after battle to preserve it. I maintain a stubborn and persistent hope that we will bring this matter to a close, and will permanently guarantee reproductive rights to American women. Nineteen ninety-three would be a great year to do it.•

• Mr. CHAFEE. Mr. President, I am pleased to join as an original cosponsor of the Freedom of Choice Act. This is a very important piece of legislation that will protect the rights and privacy of American women.

Twenty years ago, the Supreme Court ruled in Roe versus Wade that States cannot restrict the right of a woman to terminate a pregnancy prior to fetal viability. In doing so, the Court established two basic constitutional principles: first, that a woman's right to terminate a pregnancy is a fundamental right; and second, that laws infringing on that right must be subjected to the most exacting judicial scrutiny. For nearly 17 years, that landmark decision permitted women to live secure in the knowledge that difficult and personal reproductive choices will be theirs to make.

But in 1989, the Supreme Court complicated the principles set forth in Roe when it issued its Webster versus Reproductive Health Care Services decision. The Webster decision presaged the beginning of the gradual erosion of this fundmental right. And since Webster there has been tremendous legislative activity at the State level to restrict choice, as well as another Supreme Court ruling—Planned Parenthood of Southeastern Pennsylvania versus Casey, in which the Court upheld most of the provisions of the Pennsylvania Abortion Control Act by applying an undue burden test.

Congress must respond to these unsettling Supreme Court decisions that have chipped away at Roe by affirming its commitment to choice. The Freedom of Choice Act is such a response. Simply stated, the bill codifies the Supreme Court's decision in Roe versus Wade, guaranteeing a woman's right to choose to terminate a pregnancy as part of her constitutional right to privacy.

Women in America fought long and hard to attain this right. It is unconscionable to think that the government would take this basic right away, sending, women back to fight State-by-State battles they have already won. Enactment of the Freedom of Choice Act will ensure that it does not.•

Mrs. BOXER. Mr. President, I rise in support of the Freedom of Choice Act, and commend the distinguished majority leader, Senator MITCHELL, for all his hard work on this issue.

Women must be free to make their most personal and private decisions. Passage of the Freedom of Choice Act is critical to ensuring a woman's legal right to choose an abortion. This legislation would codify the Supreme Court's 1973 decision in Roe versus Wade which established that right.

Since 1989 the Supreme Court has backed away from protecting a woman's right to choose. The Webster case opened the door for States to enact new laws placing restrictions on a woman's right to choose. Then Pennsylvania versus Casey officially sanctioned those restrictions. And last week, the Court ruled in Bray versus Alexandria Women's Health Clinic, that health care clinic blockades set up by anti-abortion protectors do not discriminate against women. These rulings eliminate the essence of the Roe decision by establishing dangerous and insulting obstacles between women and the exercise of their fundamental rights.

Since American women can no longer rely on the Supreme Court to protect them, it is time to put Roe versus Wade into the Federal statutes and make it the law of the land. To do that, we must pass the Freedom of Choice Act.

I am proud to work with Senator MITCHELL and my colleagues in the Senate for quick passage of this important measure.

By Mr. DORGAN:

S. 26. A bill to amend the Internal Revenue Code of 1986 to end deferral for U.S. shareholders on income of controlled foreign corporations attributable to property imported into the United States; to the Committee on Finance.

AMERICAN JOBS AND MANUFACTURING PRESERVATION ACT OF 1993

Mr. DORGAN. Mr. President, I couldn't agree more with President Clinton on one point: We can no longer afford to ignore the adverse impact of misdirected U.S. tax policies which have contributed to a massive exodus of American businesses to foreign shores.

That is why I rise today to introduce the American Jobs and Manufacturing Preservation Act of 1993 to remove a perverse Federal tax incentive that persuades many of our finest U.S. companies to shut down manufacturing plants in the United States and to supply the U.S. markets from abroad.

Over the past decade, thousands of U.S. workers have lost jobs with domestic companies that have opened up operations abroad only to manufacture similar, if not identical, products for sale in the U.S. Domestic businesses that have remained to manufacture goods for sale in the U.S. market must unfairly compete with multinational companies who generally enjoy the lucrative benefit of U.S. tax deferral on foreign subsidiary income.

Specifically, my legislation removes this tax break for certain imported property income arising from runaway manufacturing plants that are controlled by a U.S. parent corporation. Identical legislation was passed by the House of Representatives in 1987, but was later dropped in conference.

It's patently unfair that our tax laws are permitted to shortchange both American workers and producers. We ought to rethink our tax code that pays some of our best and strongest companies to locate overseas. In 1992, the Joint Tax Committee estimated the tax deferral benefit provided to U.S. companies that set up shop in foreign tax havens—but manufacture for sale in the U.S. market—to be about $1.3 billion over 5 years. It is no wonder that U.S. companies leave to produce goods for U.S. consumption when we offer tax deferral that makes it more advantageous for them to operate abroad. This is especially true when foreign countries entice them with low tax rates or labor costs.

In this respect, the Federal tax code's deferral provisions fly in exactly the opposite direction of the incentives we ought to be providing. We ought to be encouraging U.S. companies to invest at home in the strength of this country—the American worker—by repealing the incentives for moving abroad. Yet, current tax policy only works to accelerate the exodus of domestic plants and jobs. That makes absolutely no sense.

This legislation will pull the plug on this U.S. tax deferral provision by imposing U.S. taxes currently on the income that arises from the activities of a U.S. controlled foreign plant operating in a tax haven, when it manufactures and sells a product to be used or consumed in the United States. Opponents to the legislation may claim that it will impede the ability of multinational companies to complete and grow in the global economy. However, that's simply not the case.

First, let's talk about the issue of competitive disadvantage. Imagine two competing companies on Mainstreet, USA manufacturing a product for sale in the U.S. market. Company A has a plant in the U.S. with American workers. It sells its product here at home, paying U.S. taxes currently on its sale proceeds. However, Company B decides to build a new plant in a foreign country because it can produce the same goods at a lower cost, using foreign workers who are frequently underpaid and overworked. Moreover, Company B pays almost no taxes in the foreign country and no taxes currently in the U.S. because it is entitled to tax deferral under our income tax laws. It seems to me that the U.S. company operating at home is really the one which is placed at a competitive disadvantage.

Second, the fact is that my bill does nothing to prevent U.S. multinationals from being competitive with foreign firms which produce goods for foreign markets. This legislation is carefully targeted to ensure that tax deferral is removed only for controlled foreign companies that supply our domestic markets from tax havens around the world.

Some folks have also raised a concern that the bill may be too difficult for the government to administer properly because it requires the tracking of goods. Let me be clear on this point. It is not my intention to set up a maze of complex rules in order to enforce this provision. But, the concept of tracking the destination of goods is not new to the code. Other existing tax benefits turn upon the flow and final destination of goods, and these provisions will provide helpful guidance to the Treasury Department in promulgating workable regulations. And I plan to work closely with the Treasury Department in order to craft rules that make sense in this area.

In conclusion, I think it is unfair that American workers—who have been the backbone of our Nation's economy—are losing thousands of jobs every year as companies shutdown U.S. operations to seek greater profits by supplying the U.S. market from overseas.

President Clinton believes that Congress must act quickly to both protect American jobs and prevent any further erosion of our domestic economic base. I agree. Many greedy companies may still choose to dislocate thousands of workers in America in search for greater profits abroad. But, at a minimum, we must stop participating in the outmigration of these businesses by refusing to pick up the tab for the move. I urge my colleagues to cosponsor this legislation to help protect America's economic future.

A detailed explanation of the bill follows.

The bill imposes current tax on U.S. shareholders of a controlled foreign corporation [CFC] to the extent of the corporation's imported property income. The bill also adds a new separate foreign tax credit limitation for imported property income, whether earned by a controlled foreign corporation or directly by a U.S. taxpayer.

Imported property income means income—whether in the form of profits, commissions, fees, or otherwise—derived in connection with manufacturing, producing, growing, or extracting imported property; the sale, exchange, or other disposition of imported property; or the lease, rental or licensing of imported property. Imported property income does not include any foreign oil and gas extraction income or any foreign oil-related income.

The bill defines "imported property" as property which is imported into the United States by the controlled foreign corporation or a related person. It also includes any property imported into the United States by an unrelated person if, when the property was sold to the unrelated person by the controlled foreign corporation—or a related person—it reasonable to expect that the property would be imported into the United States or that the property would be used as a component in other property which would be imported into the United States. The Treasury Department would provide guidance concerning whether it is reasonable to expect that property sold to an unrelated person will be imported into the United States. Imported property does not include any property which is imported into the United States and which, before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States, or is used by the CFC or a related person as a component of other property which is sold, leased, or rented.

The term "import" means entering into, or withdrawal from the warehouse, for consumption or use. The term "import" for this purpose generally includes licensing or any grant to use marketing or manufacturing intangibles in the United States. For example, assume that a CFC produces a film in a foreign country. The CFC licenses that film to unrelated U.S. persons for viewing in the United States. Assume that the royalty payment is not subject to Subpart F under current tax law because it is derived in the conduct of an active trade or business and it is received from a person other than a related person. Under the bill, the income of the CFC that is attributable to the royalty is subject to current tax under Subpart F as imported property income; for foreign tax credit purposes, that subpart F inclusion is U.S. source income.

The term "import" doesn't include foreign currency, securities, or other financial instruments.

Under the look-through rules of the foreign tax credit limitation, interest, rents, and royalties from a CFC in which the recipient—or in certain cases, a related party—is a 10 percent owner are to be treated as imported property income to the extent properly allocable to imported property income of the CFC. Thus, foreign taxes imposed on other income could not offset U.S. tax on this income.

In the case of income that would be both foreign base company sales income and imported property income, that income is to be treated as imported property income.

In the application of subpart F to imported property income, various exceptions obtain. For example, assume that a CFC derives imported property income that is taxed by a foreign country at an effective rate greater than 90 percent of the maximum U.S. rate, and its U.S. shareholder elects the high tax kickout—section 954(b)(4)—from subpart F treatment. Subsequently, distributed dividends from the CFC will be treated as imported property income on a pro rata basis.

These provisions apply to taxable years for CFC's beginning after December 1992 and to U.S. shareholders within which such taxable years of such CFC's ends. In the case of imported property income earned by a U.S. person directly, the amendments apply to taxable years beginning after December 1992.

Mr. President, I ask unanimous consent that the entire text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 26

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Jobs and Manufacturing Preservation Act of 1993".

SEC. 2. TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.

(a) GENERAL RULE.—Subsection (a) of section 954 of the Internal Revenue Code of 1986 (defining foreign base company income) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(6) imported property income for the taxable year (determined under subsection (h) and reduced as provided in subsection (b)(5))."

(b) DEFINITION OF IMPORTED PROPERTY INCOME.—Section 954 of such Code is amended by adding at the end thereof the following new subsection:

"(h) IMPORTED PROPERTY INCOME.—

"(1) IN GENERAL.—For purposes of subsection (a)(6), the term 'imported property income' means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

"(A) manufacturing, producing, growing, or extracting imported property,

"(B) the sale, exchange, or other disposition of imported property, or

"(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

"(2) IMPORTED PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'imported property' means property which is imported into the United States by the controlled foreign corporation or a related person.

"(B) IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PERSONS.—The term 'imported property' includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

"(i) such property would be imported into the United States, or

"(ii) such property would be used as a component in other property which would be imported into the United States.

"(C) EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.—The term 'imported property' does not include any property which is imported into the United States and which—

"(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States, or

"(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

"(3) DEFINITIONS AND SPECIAL RULES.—

"(A) IMPORT.—For purposes of this subsection, the term 'import' means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use an intangible (as defined in section 936(b)(3)(B)) in the United States.

"(B) UNRELATED PERSON.—For purposes of this subsection, the term 'unrelated person' means any person who is not a related person with respect to the controlled foreign corporation.

"(C) COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.—For purposes of this section, the term 'foreign base company sales income' shall not include any imported property income."

(c) SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY INCOME.—

(1) IN GENERAL.—Paragraph (1) of section 904(d) of such Code (relating to separate application of section with respect to certain categories of income) is amended by striking "and" at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following new subparagraph:

"(I) imported property income, and".

(2) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d) of such Code is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

"(H) IMPORTED PROPERTY INCOME.—The term 'imported property income' means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(h))."

(3) LOOK-THRU RULES TO APPLY.—Subparagraph (F) of section 904(d)(3) of such Code is amended by striking "or (E)" and inserting "(E), or (H)".

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) of such Code (relating to certain prior year deficits may be taken into account) is amended by inserting the following subclause after subclause (II) (and by redesignating the following subclauses accordingly):

"(III) imported property income,".

(2) Paragraph (5) of section 954(b) of such Code (relating to deductions to be taken into account) is amended by striking "and the foreign base company oil related income" and inserting "the foreign base company oil related income, and the imported property income".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 1992, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

(2) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 1992.

By Mr. SARBANES:

S. 27. A bill to authorize the Alpha Phi Alpha fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia; to the Committee on Rules and Administration.

MEMORIAL TO MARTIN LUTHER KING, JR., IN THE DISTRICT OF COLUMBIA

• Mr. SARBANES. Mr. President, on January 18, 1993, we commemorated the 64th anniversary of Dr. Martin Luther King, Jr.'s birth. As a cosponsor of the legislation enacted in 1983 which authorized the national observance of the Martin Luther King, Jr., birthday holiday, I am very pleased to once again rise to recognize one of our Nation's greatest leaders in the ongoing struggle to achieve full equality for all our citizens.

The holiday we observed on Monday served to remind us of the importance of Martin Luther King, Jr.'s dream which he articulated so dramatically in August 1963, in the march on Washington speech at the Lincoln Memorial:

> I have a dream that one day on the red hills of Georgia, sons of former slaves and sons of former slave owners will be able to sit down together at the table of brotherhood. . . . I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

Twenty-five years after his death, we are still working toward the fruition of Dr. King's dreams. Our national celebration of Martin Luther King, Jr.'s birthday serves to pay tribute to a great leader and places us on record as rededicating ourselves to the principles of justice and equality which Dr. King's life so richly exemplified. In this regard, I am pleased to note that my State of Maryland has celebrated January 15, the actual birthday of Martin Luther King, Jr., as a legal holiday since 1974.

I am also pleased to rise today to reintroduce legislation to authorize Alpha Phi Alpha, the oldest African-American fraternity in the United States, to establish a monument to Martin Luther King, Jr., on Federal land in the District of Columbia. An identical bill passed the Senate in the 102d Congress with 60 cosponsors, but was unfortunately not passed by the House of Representatives before adjournment sine die.

Pursuant to this proposal, the Alpha Phi Alpha fraternity of which Dr. King was a member, will coordinate the design and funding of the monument. The bill provides that the monument be established entirely with private contributions at no cost to the Federal Government. The Department of the Interior, in consultation with the National Capital Park and Planning Commission and the Commission on Fine Arts, will select the site and approve the design.

Alpha Phi Alpha was founded in 1906 at Cornell University and has hundreds of chapters across the country and many prominent citizens as members, including former Supreme Court Justice Thurgood Marshall. Alpha Phi Alpha has strongly endorsed the Martin Luther King, Jr., memorial project and is committing its considerable human resources to the project's development.

Since 1955, when in Montgomery, AL, Dr. King became a national hero and an acknowledged leader in the civil rights struggle, until his tragic death in Memphis, TN in 1968, Martin Luther King, Jr., made an extraordinary contribution to the evolving history of our Nation. His courageous stands and unyielding belief in the tenet of nonviolence reawakened our Nation to the injustice and discrimination which continued to exist 100 years after the Emancipation Proclamation and the enactment of the guarantees of the 14th and 15th amendments to the Constitution.

A memorial to Dr. King erected in the Nation's Capital will provide continuing inspiration to all who visit it, and particularly to the thousands of students and young people who visit Washington, DC, every year. While these young people may have no personal memory of the condition of civil rights in America before Dr. King, nor of the struggle in which he was the major figure, they do understand that there is much more that still needs to be done. As Coretta King said so articulately:

> Young people in particular need nonviolent role models like him. In many ways, the civil rights movement was a youth movement. Young people of all races, many of whom were jailed, were involved in the struggle, and some gave their lives for the cause. Yet none of the youth trained by Martin and his associates retaliated in violence, including members of some of the toughest gangs of urban ghettos in cities like Chicago and Birmingham. This was a remarkable achievement. It has never been done before; it has not been duplicated since.

It is my hope that the young people who visit this monument will come to understand that it represents not only the enormous contribution of this great leader, but also two very basic principles necessary for the effective functioning of our society. The first is that change, even very fundamental change, is to be achieved through nonviolent means; that this is the path down which we should go as a nation in resolving some of our most difficult problems. The other basic principle is that the reconciliation of the races, the inclusion into the mainstream of American life of all its people, is essential to the fundamental health of our Nation.

Mr. President, Martin Luther King, Jr., dedicated his life to achieving equal treatment and enfranchisement for all Americans through nonviolent means. I urge all of my colleagues to join me in this effort to ensure that the essential principles taught and practiced by Dr. King are never forgotten.•

By Mr. MCCAIN:

S. 28. A bill to improve the health of the Nation's children, and for other purposes; to the Committee on Finance.

CHILDREN'S HEALTH CARE IMPROVEMENT ACT OF 1993

• Mr. MCCAIN. Mr. President, I rise today to introduce the Children's Health Care Improvement Act of 1993.

America is in the throes of a health care crisis, and most at risk are our children. The legislation I am introducing today directly addresses the problem of many American children lacking health care coverage.

While the quality of the American health care system is revered around the world, more than 37 million Americans have no health care coverage—nearly 10 million of whom are children. And, costs continue to go through the roof—with no apparent end in sight.

It was once said that the strength and energy of a society may be measured today and predicted for tomorrow by the health of its children. Applying such a measurement today would reveal that we are clearly a nation at risk.

The medical chart on the end of the health system's bed reveals some grim realities about our current health care system and children:

Nearly 10 million American children are without health care coverage, making up more than one-fourth of the uninsured;

There is a lack of access to primary and preventive care;

Many American children use the emergency room for their primary care because they lack insurance;

America's infant mortality rate exceeds that of every other industrialized country;

Twenty-four percent of pregnant women in America lack access to prenatal care;

And 20 to 30 percent of American children aged 2 and younger go without the necessary immunizations.

Without the excellent efforts of our Nation's Medicaid Programs, these statistics would be even more grim. Medicaid, however, is not able to address the whole problem.

The Children's Health Care Improvement Act of 1993 addresses the health care crisis facing our Nation's children head on. It will ensure access to coverage and bring down costs, while preserving quality and choice.

First, it would make a basic health insurance policy available to every child in our Nation's school systems.

In the same way the school lunch program has guaranteed that no child will go without a nutritious lunch, this legislation would guarantee that no child has to go without health insurance.

In Arizona, Blue Cross and Blue Shield has developed a policy that could serve as a model for this program. There are also managed care plans that could serve as models.

Second, it would expand the excellent Community and Migrant Health Center Program which provides ready access to primary and preventive care for lower income Americans, and those residing in underserved areas. In Arizona, last year this excellent program accommodated nearly 700,000 patient visits—many of them children.

Third, to make sure all of our Nation's children are immunized, it would increase funding for the critical Childhood Immunization Program.

Fourth, to reach out and serve the needs of mothers and/or children at high-risk for abuse and neglect, this legislation would provide funding to assist States in establishing a program to track at-risk children and pregnant women to ensure they are receiving the care and assistance they need.

And, fifth, it will eliminate needless bureaucracy by permitting States to combine the application and eligibility process for Medicaid, WIC, and Maternal and Child Health Programs. Together, these programs serve the nutritional, health screening, and basic health services needs of many low-income expectant mothers and children. As currently configured in most States, needy women and children face barriers to service because these programs usually operate independent of one another.

Together with a provision prohibiting discrimination based on preexisting conditions, and reform of the small employer insurance marketplace, which will be contained in other pieces of my health reform package to be introduced in the coming weeks, and part of which was reported out of the Finance Committee last year, this initiative will ensure that all of our Nation's children have access to health coverage.

One area not covered by this initiative is that of school nurses. As the Flynn Foundation put it, in a recent report on the health status of Arizona's children, school nurses are the Mash unit of health care for children. So right they are. Currently, the Arizona Medical Association and the Arizona Nurses Association are working jointly on a project to expand the role and presence of school nurses. I look forward to working with them and supporting their efforts.

Does the initiative I am introducing today cost money? Sure it does. But, so, too, does sending a child to the emergency room for nontrauma cases, overusing the neonatal care wards due to a lack of adequate prenatal care, and the like. If adopted, this legislation will actually end up reducing costs and ultimately holding costs in check by giving all children access to primary and preventive care.

For example, we know that every dollar spent on prenatal care saves $3 in the child's first year of life. Every dollar spent on immunizations saves $10 to $14 by reducing illness, disease, and death. Poor children who have comprehensive primary and preventive care have been shown to have annual health costs 10 percent lower than those children who did not receive such care. We will save a great deal of money by delivering basic care outside of the emergency room.

Addressing this aspect of our health care crisis is a national imperative. The current situation just cannot continue. It is my hope that as we pursue health reform in the 103d Congress, this legislation will receive serious consideration so that we will no longer risk sacrificing the future of this great country because of inadequate health care for our children. Under this initiative, all of our children will have access to health coverage. Our new President has indicated that addressing the needs of children will be among his highest priorities. I applaud him for this commitment, and would hope that he and his staff would consider this legislation as they study how best to address the health care coverage needs of our Nation's children.

Mr. President, I encourage my colleagues to review this legislation and consider joining me as a cosponsor. I look forward to continuing to work with all of my colleagues as we grapple with how best to address the critical problem of 10 million children who lack health care coverage.

I ask unanimous consent that the full text of the Children's Health Care Improvement Act of 1993 be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 28

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Health Care Improvement Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) America's children represent the hope and future of our country, and are a resource we cannot afford to squander;

(2) Americans under 18 represent one-fourth of those without health insurance, with nearly 9.8 million children completely uninsured;

(3) uninsured children are less likely to see a doctor for preventive or basic care and more likely to visit the more expensive emergency room setting for care when they become ill;

(4) uninsured children are more likely to miss school and may not learn as effectively as insured children;

(5) elementary and secondary schools provide a large applicant pool for insurance, much like that of a university, permitting children to join with their peers in purchasing insurance will result in lower rates;

(6) the WIC, Medicaid and Maternal and Child Health block grant programs each provide critical services to low income mothers and children, but barriers to services exist due to the fact that in most States these programs have individual eligibility processes;

(7) routine immunization of children against common disease is cost effective and an effective measure against disease proliferation;

(8) migrant and community health centers are a critical link to preventive and primary health care services, and there is a need for expansion of this critical program; and

(9) early identification and monitoring of those children and mothers at risk of abuse or neglect to ensure that they have access to health and social services is cost effective.

TITLE I—SCHOOL-BASED HEALTH INSURANCE

SEC. 101. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary of Education, in consultation with the Secretary of Health and Human Services, shall establish a program under which local educational agencies (as such term is defined in section 1471(12) of the Elementary and Secondary Education Act of 1965) shall offer basic health insurance coverage to eligible students in such schools.

(b) REQUIREMENTS.—

(1) APPLICABILITY.—The provisions of this section shall apply to each local education agency that receives Federal educational assistance.

(2) STATE EDUCATION DEPARTMENTS.—

(A) POLICIES.—The department of education for a State shall determine the types of health insurance policies that should be offered under this section by local education agencies of such State. In making such determination, the department shall ensure that coverage under a fee-for-service plan and a managed care plan is available to the local educational agencies in the State.

(B) ANNUAL REPORTS.—The department of education for a State shall annually prepare and submit to the Secretary of Education a report that describes the health insurance policies offered under this section in the public schools in such State.

(3) HEALTH INSURANCE COVERAGE.—The Secretary of Health and Human Services, shall determine the minimum requirements that any health insurance plan offered under this section must meet, including—

(A) the primary, preventative, medical, emergency and surgical care services and benefits to be covered under such plan; and

(B) any other matter determined appropriate by such Secretary.

(4) LOCAL ADMINISTRATION.—The department of education for a State shall administer the requirements of this section through the local educational agencies.

(c) ELIGIBLE STUDENTS.—To be eligible to be covered under a health insurance plan offered by a local educational agency, an individual shall—

(1) not be more than 18 years of age and reside in the school district;

(2) be uninsured for a period of not less than 6 months prior to the date on which coverage under the plan offered by such school would commence;

(3) not be covered or enrolled under title XIX of the Social Security Act or under any other public health insurance program; and

(4) meet any other requirements determined appropriate by the State department of education or the Secretary of Education.

(d) ENFORCEMENT.—If the Secretary determines that a local educational agency is not in compliance with the requirements of this section, the Secretary may withhold, or request a remittance, of not to exceed 10 percent of the total amount of Federal educational assistance to be made available, or previously made available, to such local educational agency for the fiscal year during which such noncompliance is occurring.

(f) CONSTRUCTION.—This section shall not be construed as requiring the purchase of policies under this section.

(g) ADMINISTRATIVE SUPPORT.—The Secretary may provide assistance to local educational agencies to assist such agencies in off-setting the additional administrative costs to such agencies in complying with this section.

(h) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall promulgate regulations necessary to carry out this section.

SEC. 102. REFUNDABLE TAX CREDIT FOR CHILDREN'S HEALTH INSURANCE EXPENSES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable personal credits) is amended by inserting after section 34 the following new section:

"SEC. 34A. CHILDREN'S HEALTH INSURANCE EXPENSES.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the qualified health insurance expenses paid by such individual during the taxable year.

"(b) QUALIFIED HEALTH INSURANCE EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified health insurance expenses' means amounts paid during the taxable year for medical care (within the meaning of section 213(d)(1)(C)) with respect to insurance policies issued pursuant to any program approved under section 101 of the Children's Health Care Improvement Act. For purposes of the preceding sentence, the rules of section 213(d)(6) shall apply.

"(2) DOLLAR LIMIT ON QUALIFIED HEALTH INSURANCE EXPENSES.—The amount of the qualified health insurance expenses paid during any taxable year which may be taken into account under subsection (a) shall not exceed $1,000 per qualifying child adjusted under regulations promulgated by the Secretary to reflect any increase in the consumer price index.

"(3) PHASEOUT.—In the case of any taxpayer whose adjusted gross income exceeds 100 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved, the dollar amount under paragraph (2) shall be reduced (but not below zero) by the percentage by which such income exceeds such poverty line.

"(4) ELECTION NOT TO TAKE CREDIT.—A taxpayer may elect for any taxable year to have amounts described in paragraph (1) not treated as qualified health insurance expenses.

"(5) COORDINATION WITH HEALTH INSURANCE PREMIUM CREDIT.—Paragraph (1) shall not apply to any amount taken into account in computing the amount of the credit allowed under section 32.

"(6) SUBSIDIZED EXPENSES.—No expense shall be treated as a qualified health insurance expense if—

"(A) such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof under title XIX of the Social Security Act, and

"(B) the payment, reimbursement, or subsidy of such expense is not includible in the gross income of the recipient.

"(c) QUALIFYING CHILD.—For purposes of this section, the term 'qualifying child' has the meaning given to such term by section 32(c)(3) (determined without regard to subparagraph (A)(iii)).

"(d) COORDINATION WITH ADVANCE PAYMENTS OF CREDIT.—

"(1) RECAPTURE OF EXCESS ADVANCE PAYMENTS.—If any payment in excess of the amount of the credit allowable under this section is made to the individual under 7524 during any calendar year, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) RECONCILIATION OF PAYMENTS ADVANCED AND CREDIT ALLOWED.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under this subpart.

"(f) REDUCTION OF CREDIT TO TAXPAYERS SUBJECT TO ALTERNATIVE MINIMUM TAX.—The credit allowed under this section for the taxable year shall be reduced by the amount of tax imposed by section 55 (relating to alternative minimum tax) with respect to such taxpayer for such taxable year.

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by inserting after section 7523 the following new section:

"SEC. 7524. ADVANCE PAYMENT OF CREDIT FOR CHILDREN'S HEALTH INSURANCE EXPENSES.

"(a) GENERAL RULE.—The Secretary of the Treasury shall make advance payments of refunds to which eligible taxpayers are entitled by reason of section 34A.

"(b) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means, with respect to any taxable year, any taxpayer if the taxpayer furnishes, at such time and in such manner as the Secretary may prescribe, to the Secretary such information as the Secretary may require in order to—

"(1) determine if the individual will be eligible to receive the credit provided by section 34A for the taxable year, and

"(2) estimate the amount of qualified health insurance expenses (as defined in section 34A(b)) for the calendar year.

"(c) PAYMENTS.—The Secretary shall make payment of the amount determined under subsection (b)(2) upon receipt of the information described in subsection (b).

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(c) CONFORMING AMENDMENT.—Section 213 of the Internal Revenue Code of 1986 (relating to deduction for medical, dental, etc., expenses) is amended by adding the following new subsection:

"(g) COORDINATION WITH HEALTH INSURANCE EXPENSES CREDIT UNDER SECTION 34A.—The amount otherwise taken into account under subsection (a) as expenses paid for medical care shall be reduced by the amount (if any) of the children's health insurance expenses credit allowable to the taxpayer for the taxable year under section 34A."

(d) TECHNICAL AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period "or from section 34A of such Code".

(e) CLERICAL AMENDMENTS.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 34 the following new item:

"Sec. 34A. Children's health insurance expenses."

(2) The table of sections for chapter 77 of such Code is amended by inserting after the item relating to section 7523 the following new item:

"Sec. 7524. Advance payment of credit for children's health insurance expenses."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

TITLE II—WIC PROGRAM, MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT PROGRAM, AND MEDICAID

SEC. 201. DEVELOPMENT OF UNIFORM APPLICATION FORM AND PROCESS.

(a) UNIFORM MODEL APPLICATION FORM AND PROCESS.—The Secretary of Health and Human Services (hereafter referred to in this title as the "Secretary"), working in consultation with the Secretary of Agriculture, shall develop a single model uniform application form and process to be utilized in applying for and obtaining benefits under the Special Supplemental Food Program under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Maternal and Child Health Services Block Grant Program under title V of the Social Security Act (42 U.S.C. 701 et seq.), and the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.). The Secretary of Health and Human Services shall provide any waivers necessary to carry out this section.

(b) AVAILABILITY OF FORM AND PROCESS.—The single model uniform application form and process shall be made available to States electing to adopt such form and process for use in applying for and obtaining benefits under such programs.

(c) OUTREACH PROGRAM.—The Secretary, working in consultation with the Secretary of Agriculture, shall provide an outreach program for States electing to adopt the single model uniform application form and process. The outreach program shall be designed to inform recipients and potential recipients of benefits under the Special Supplemental Food Program under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Maternal and Child Health Services Block Grant Program under title V of the Social Security Act (42 U.S.C. 701 et seq.), and the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) of the option to apply for benefits under those programs using the single model uniform application form and process.

SEC. 202. DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall make grants to not more than five States to enable such States to conduct demonstration projects for the purpose of encouraging women to obtain prenatal and well-baby care under the Special Supplemental Food Program under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Maternal and Child Health Services Block Grant Program under title V of the Social Security Act (42 U.S.C. 701 et seq.), and the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(b) APPLICATION.—

(1) SUBMISSION OF APPLICATION.—To be eligible to receive a grant under this section a State shall prepare and submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

(2) REVIEW AND APPROVAL OF APPLICATION.—The Secretary shall review and approve each application submitted pursuant to paragraph (1) in accordance with such criteria as the Secretary finds appropriate.

(c) AMOUNT OF GRANT.—The amount of a grant to a State under this section shall be an amount that the Secretary finds reasonable and necessary for the development and implementation of the State's demonstration program.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE III—EXPANSION OF MIGRANT AND COMMUNITY HEALTH CENTER PROGRAM

SEC. 301. EXPANSION OF MIGRANT AND COMMUNITY HEALTH CENTER PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated, $250,000,000 to enable the Secretary of Health and Human Services to award grants for the planning and development of additional migrant and community health centers under sections 329 and 330 of the Public Health Service Act (42 U.S.C. 254b and 254c) in medically underserved areas or areas in which there is a high concentration of medically underserved populations.

(b) FUNDING FOR OPERATIONS.—There are authorized to be appropriated, $290,000,000 in each fiscal year to enable the Secretary of Health and Human Services to provide operational assistance to migrant and community health centers developed under subsection (a).

TITLE IV—REVISION OF NATIONAL HEALTH SERVICE CORPS PRIORITIES

SEC. 401. MISSION OF THE CORPS.

Section 331(a) of the Public Health Service Act (42 U.S.C. 254d(a)) is amended by adding at the end thereof the following new paragraph:

"(4) It shall be a principal mission of the National Health Service Corps to increase the access to primary health care services of urban and inner-city poverty stricken target populations (particularly infants and children), rural residents, high-risk pregnant women, migrant workers and their families, substance abusers, and homeless individuals.".

SEC. 402. PRIMARY CARE PHYSICIAN STRATEGY.

(a) IN GENERAL.—Subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.) is amended by inserting after section 335, the following new section:

"SEC. 335A. PRIMARY CARE PHYSICIAN STRATEGY.

"(a) ESTABLISHMENT OF STRATEGY.—The Secretary shall develop and implement, using amounts appropriated under section 338(c), a strategy to provide incentives to encourage primary care physicians to serve—

"(1) in migrant or community health centers or in related health programs; or

"(2) in medically underserved inner-city and rural areas.

"(b) REQUIREMENTS.—The Secretary shall ensure that the strategy developed under subsection (a) requires the implementation of at least one of the programs described in paragraph (1) or (2) through the National Health Service Corps program.

"(1) RECRUITMENT PROGRAM.—Under the strategy developed under subsection (a), the Secretary shall establish a program under the National Health Service Corps to recruit individuals from medically underserved areas to serve as Corps members in the areas from which such individuals were recruited.

"(2) CONTINUED SERVICE PROGRAM.—Under the strategy developed under subsection (a), the Secretary shall establish a program under the National Health Service Corps to encourage Corps members to continue to serve in medically underserved areas after such individuals have discharged their service obligations to the Corps. In determining the method by which to encourage such individuals to continue such service, the Secretary shall evaluate the desirability of providing incentives for such individuals to start a private medical practice or join medical groups, hospitals, and health care systems operating in, or within a reasonable distance from, such medically underserved areas.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 338 of such Act (42 U.S.C. 254K) is amended by adding at the end thereof the following new subsection:

"(c) There are authorized to be appropriated to carry out section 335A, $100,000,000 for each fiscal year.".

TITLE V—CHILDHOOD IMMUNIZATIONS

SEC. 501. INCREASE IN AUTHORIZATION FOR CHILDHOOD IMMUNIZATIONS.

Section 317(j)(1)(B) of the Public Health Service Act (42 U.S.C. 247b(j)(1)(b)) is amended by striking out "such sums as may be necessary" and inserting in lieu thereof "$240,000,000 for each of the fiscal years 1993 through 1997".

TITLE VI—CHILDREN AT RISK

SEC. 601. ESTABLISHMENT OF HEALTHY START DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a demonstration program to award grants to five States to enable such States to implement healthy start programs that would track mothers and children at high-risk of abuse and neglect, and at risk of not receiving necessary services and care and enable such services to be obtained.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section a State shall prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the program to be implemented in the State with amounts received under the grant.

(c) PROGRAM REQUIREMENTS.—

(1) DISTRIBUTION OF FUNDS.—In implementing a healthy start program with amounts received under this section, a State shall distribute funds through the State department of health to community health centers or other community social service programs that agree to perform identification and monitoring activities with respect to at risk children.

(2) IDENTIFICATION AND TRACKING SERVICES.—In implementing a healthy start program with amounts received under this section, the department of health of a State shall develop and implement, either directly or through agreements with entities of the type described in paragraph (1), procedures to identify and track infants born in target areas designated by such department as areas in which children are more likely to be subject to abuse or neglect.

(3) INFORMATION.—In implementing a healthy start program with amounts received under this section, a State shall require that caseworkers providing services under such program to mothers provide such mothers with information concerning services or assistance available under the Special Supplemental Food Program under section 17 of the Child Nutrition Act of 1966, the Food Stamp Act of 1977, titles V and XIX of the Social Security Act and section 8 of the United States Housing Act of 1937.

(d) MODEL SCREENING PROGRAM.—The Secretary of Health and Human Services shall develop and implement, in States that receive assistance under this section, a screening program to identify children determined to be at risk of being subject to abuse or neglect.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.●

By Mr. MCCAIN:

S. 29. A bill to fully apply the rights and protections of Federal law to employment by Congress; to the Committee on Governmental Affairs.

OMNIBUS CONGRESSIONAL COMPLIANCE ACT OF 1993

• Mr. MCCAIN. Mr. President, today I am introducing the Omnibus Congressional Compliance Act of 1993. This legislation, which is long overdue, will apply to the Congress all the measures that the Congress believes worthy enough to pass into law for the remainder of society.

Mr. President, there is no excuse for the laws that govern our society not being applied to the Congress.

Mr. President, this bill will apply the Civil Rights Act of 1964, the Americans With Disabilities Act, the Age Discrimination in Employment Act of 1967, the Rehabilitations Act of 1973, the National Labor Relations Act, the Fair Labor Standards Act, the Equal Pay Act of 1963, the Occupational Safety and Health Act of 1970, the Freedom of Information Act, and the Privacy Act to the Congress in the same manner that these laws apply to the general public. Additionally, this bill applies these laws to Presidential appointees.

In the past, the Senate and the House have taken only token steps in this area. This legislation builds on the steps of the past but goes much further. The Omnibus Congressional Compliance Act of 1993 will fully apply these laws to the Congress, including allowing for enforcement of actions in court and compensatory and punitive damages to be awarded to aggrieved parties.

In recent years, during debate on this subject, I have heard many knowledgeable individuals argue, for this or that high-minded reason, for this or that political purpose, for this or that security reason, that the laws we pass should not be fully applicable to the Congress. The time for such debate is over. The public has demanded action. The public will no longer be duped by eloquent rhetoric. We must apply the laws of our country, fully and completely, to the Congress.

Mr. President, the Declaration of Independence, July 4, 1776, states:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.
>
> That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.—

The words and the intent of our Founding Fathers is clear: We are a Congress of, by, and for the people. We are a Congress which derives its powers from the people. By exempting the Congress from our Nation's laws, we are allowing the existence of a royal Congress, separate and above the people.

Mr. President, such royal trappings are wrong. In 1776, royal arrogance and separation led the Founding Fathers to revolt. Some of the incumbents who lost their last election may say a new revolt has already begun.

Our new President has stated:

> We cannot put people first and create jobs and economic growth without a revolution in government. We must take away power from entrenched bureaucracies and special interests that dominate Washington.

I wholeheartedly agree with our President, and I trust he will agree with me that we must apply the laws to Congress. Additionally, Mr. President, this legislation will apply all the laws to Presidential appointees. President Clinton has said he would hold his employees to the highest standards. I know he will support efforts to ensure that his appointees also live by all the laws of our great country.

Thomas Jefferson noted:

> The basis of our Government being the opinion of the people, the very first object should be to keep that right.

I am dismayed to see that we have not kept sacred these words. My purpose is to remind my colleagues of the perception of hypocrisy that informs the public's judgment of our actions here, and of their dismay with how we are doing our jobs. We will not engender much public respect if we persist in legally committing the public to standards for a just society, from which we, the Congress, are excused.

Mr. President, it is time we remedied this situation.

I ask unanimous consent that the text of Omnibus Congressional Compliance Act of 1993 appear in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 29

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Congressional Compliance Act of 1993".

SEC. 2. COVERAGE OF CONGRESS.

(a) CONGRESSIONAL EMPLOYMENT.—

(1) APPLICATION.—

(A) IN GENERAL.—The rights and protections provided pursuant to the provisions specified in subparagraph (B) shall apply with respect to employment by Congress.

(B) PROVISIONS.—The provisions that shall apply with respect to employment by Congress shall be—

(i) the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.);

(ii) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(iii) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(iv) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(v) section 1977 of the Revised Statutes (42 U.S.C. 1981);

(vi) section 1977A of the Revised Statutes (42 U.S.C. 1981a);

(vii) the National Labor Relations Act (29 U.S.C. 151 et seq.);

(viii) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

(ix) the Equal Pay Act of 1963 (29 U.S.C. 206); and

(x) the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(2) ENFORCEMENT BY ADMINISTRATIVE ACTION.—

(A) IN GENERAL.—

(i) RIGHT TO BRING ACTION.—Notwithstanding any other provision of law, and subject to the limitations contained in this paragraph, a congressional employee or any person, including a class or organization on behalf of a congressional employee, may bring an administrative action to enforce a provision of law referred to in paragraph (1) against the House of Representatives or the Senate, as appropriate, or the congressional employer of the employee, if a similarly situated complaining party may bring such an action before an Executive agency, as defined in section 105 of title 5, United States Code.

(ii) ENTITY.—Such an action may be brought, as appropriate—

(I) in the case of an employee of the House of Representatives, before a hearing panel of the Office of Fair Employment Practices of the House of Representatives, the Committee on House Administration of the House of Representatives, or such other entity as the House of Representatives may designate;

(II) in the case of an employee of the Senate, before a hearing panel of the Office of Senate Fair Employment Practices, the Select Committee on Ethics of the Senate, or such other entity as the Senate may designate; or

(III) in the case of an employee of an instrumentality of the Congress, before such hearing panel or other entity as the instrumentality may designate.

(B) LIMITATIONS ON COMMENCEMENT OF ADMINISTRATIVE ACTION.—Except as provided in subparagraphs (D) and (E), an administrative action commenced under this paragraph to enforce a provision of law referred to in paragraph (1) shall be commenced in accordance with the limitations, exhaustion, and other procedural requirements of the law otherwise applicable to a similarly situated complaining party seeking to enforce the provision.

(C) ACTION.—Except as provided in subparagraphs (D) and (E), in any administrative action brought before a panel, committee, or entity designated in subparagraph (A) to enforce a provision of law referred to in paragraph (1), the panel, committee, or entity may take such action against the House of Representatives or the Senate, as appropriate, or the congressional employer as the agency could take in an action brought by a similarly situated complaining party.

(D) CIVIL RIGHTS VIOLATIONS.—

(i) HOUSE OF REPRESENTATIVES.—The provisions of clauses 3, 5 through 8, 10 through 12, 14, and 15, of Rule LI of the Rules of the House of Representatives of the One Hundred Third Congress, shall—

(I) apply with respect to an allegation of a violation of a provision of Federal law specified in any of clauses (i) through (vi), of section 2(a)(1)(B), with respect to employment by the House of Representative of an employee of the House of Representatives; and

(II) apply to such an allegation in the same manner and to the same extent as such sections of such rule apply with respect to an allegation of a violation under such rule.

(ii) SENATE.—The provisions of sections 304 through 308, 310 through 313, and 316, of the Government Employee Rights Act of 1991 (2 U.S.C. 1204-1208, 1210-1213, and 1215) shall—

(I) apply with respect to an allegation of a violation of a provision of Federal law specified in any of clauses (i) through (vi) of section 2(a)(1)(B), with respect to Senate employment of a Senate employee; and

(II) apply to such an allegation in the same manner and to the same extent as such sections of the Government Employee Rights Act of 1991 apply with respect to an allegation of a violation under such Act.

(E) LABOR VIOLATIONS.—The provisions of clauses 1, 3, 5 through 8, 10 through 12, 14, and 15, of Rule LI of the Rules of the House of Representatives of the One Hundred Third Congress, shall—

(i) apply with respect to an allegation of a violation of a provision of Federal law specified in section 2(a)(1)(B)(viii), with respect to employment by the House of Representative of an employee of the House of Representatives; and

(ii) apply to such an allegation in the same manner and to the same extent as such clauses of such rule apply with respect to an allegation of a violation under such rule.

(3) ENFORCEMENT BY CIVIL ACTION.—

(A) CIVIL RIGHTS VIOLATIONS.—

(i) IN GENERAL.—Within 30 days of receipt of the decision or order of a hearing panel described in section 2(a)(2)(A)(ii), or of a committee, instrumentality, or entity described in such section on an appeal from such a decision or order, on a complaint of a violation of a provision of Federal law specified in any of clauses (i) through (vi) of section 2(a)(1)(B) brought pursuant to this Act, or after 180 days from the filing of such a complaint with an Office or instrumentality described in section 2(a)(2)(A)(ii) or the notice of appeal with a committee, instrumentality, or entity described in such section on an appeal from a decision or order of such hearing panel until such time as final action may be taken by the hearing panel, instrumentality, committee, or entity, a congressional employee, if aggrieved by the final disposition of the complaint of the employee, or by the failure to take final action on the complaint, may file a civil action as provided in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5), in which civil action the Senate, the House of Representatives, or the congressional employer of the employee shall be the defendant.

(ii) PROCEDURES.—The provisions of paragraphs (3) through (5) of subsection (f), and subsections (g) through (k), of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5 (f) (3)-(5), and (g)-(k)), as applicable, shall govern civil actions brought to enforce a provision of Federal law specified in any of clauses (i) through (vi) of section 2(a)(1)(B). The remedies and right to a jury trial made available to complaining parties under section 1977 of the Revised Statutes (42 U.S.C. 1981a) shall be equally available to any congressional employee bringing such a civil action.

(iii) PUNITIVE DAMAGES.—Notwithstanding any other provision of Federal law, in such a civil action a congressional employee may be awarded punitive damages on the same terms and conditions as such damages may be awarded to an aggrieved individual who is a nongovernmental complaining party.

(B) OTHER VIOLATIONS.—

(i) IN GENERAL.—Notwithstanding any other provision of law, and subject to the limitations contained in this subparagraph, a congressional employee or any person, including a class or organization on behalf of a congressional employee, may bring a civil action to enforce a provision of Federal law specified in any of clauses (vii) through (x) of section 2(a)(1)(B) in a court specified in clause (iii) against the House of Representatives or Senate, as appropriate, or the congressional employer of the employee, if a similarly situated complaining party may bring such an action.

(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—A civil action commenced under this subparagraph to enforce such a provision of Federal law shall be commenced in accordance with the limitations, exhaustion, and other procedural requirements of the law otherwise applicable to a similarly situated complaining party seeking to enforce the provision.

(iii) VENUE.—An action may be brought under this subparagraph to enforce such a provision of Federal law in any court of competent jurisdiction in which a similarly situated complaining party may otherwise bring an action to enforce the provision.

(iv) RELIEF.—In any civil action brought under this subparagraph to enforce such a provision of Federal law, the court—

(I) may grant as relief against the House of Representatives or the Senate, as appropriate, or the congressional employer any equitable relief otherwise available to a similarly situated complaining party bringing an action to enforce the provision;

(II) may grant as relief against the House of Representatives or the Senate, as appropriate, or the congressional employer any damages that would otherwise be available to such a complaining party; and

(III) shall allow such fees and costs as would be allowed in such an action.

(4) PAYMENTS BY THE PRESIDENT OR A MEMBER.—The President, a Member of the House of Representatives, or a Member of the Senate shall reimburse the appropriate Federal account for any payment made on the behalf of the President or Member out of such account for a violation of a provision of Federal law specified in section 2(a)(1)(B) by the President or Member, not later than 60 days after the payment is made.

(b) CONDUCT REGARDING MATTERS OTHER THAN EMPLOYMENT.—

(1) APPLICATION.—In accordance with section 509(a)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209(a)(2)) the rights and protections provided pursuant to such Act shall apply with respect to the conduct of Congress regarding matters other than employment.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, any person may bring an administrative action described in subsection (a)(2) in accordance with subparagraphs (A), (B), and (C) of such subsection, or a civil action described in subsection (a)(3)(B) in accordance with such subsection, against the House of Representatives or the Senate, as appropriate, or a congressional employer, to enforce paragraph (1).

(c) INFORMATION.—

(1) APPLICATION.—The rights and protections provided pursuant to section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act") and section 552a of title 5, United States Code (commonly known as the "Privacy Act of 1974") shall apply with respect to information in the possession of the Congress.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, any person may bring an administrative action described in subsection (a)(2) in accordance with subparagraphs (A), (B), and (C) of such subsection, or a civil action described in subsection (a)(3)(B) in accordance with such subsection, against the House of Representatives or the Senate, as appropriate, or the congressional employer in possession of the information, to enforce paragraph (1).

(d) ETHICS IN GOVERNMENT.—

(1) APPLICATION.—The rights and protections provided pursuant to chapter 40 of title 28, United States Code (commonly known as title VI of the Ethics in Government Act of 1978) shall apply with respect to investigation of congressional improprieties.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, any person may bring a civil action described in subsection (a)(3)(B) in accordance with such subsection against any party with a duty under chapter 40 of title 28, to enforce paragraph (1).

(e) PRESIDENTIAL APPOINTEES.—

(1) APPLICATION.—The rights and protections provided pursuant to the provisions described in subsections (a)(1), (b)(1), (c)(1), and (d)(1), shall apply with respect to employment of Presidential appointees.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, a Presidential appointee or any person, including a class or organization on behalf of a Presidential appointee, may bring an administrative action before an Executive agency in accordance with subparagraphs (A)(i), (B), and (C) of subsection (a)(2), or a civil action described in subsection (a)(3)(B) in accordance with such subsection, against the United States to enforce paragraph (1), if a similarly situated complaining party may bring such an administrative or civil action.

(f) OTHER ENFORCEMENT.—Notwithstanding any other provision of law, no congressional employee or Presidential appointee may commence a proceeding or action to enforce a provision of Federal law specified in subsection (a)(1), (b)(1), (c)(1), or (d)(1), except as provided in this section.

(g) ADMINISTRATION.—

(1) SENATE.—The Committee on Rules and Administration of the Senate shall issue such requirements as the Committee may determine to be appropriate to effectuate the application of the rights, protections, and requirements described in subsections (a) through (d) to the Senate.

(2) HOUSE OF REPRESENTATIVES.—The Committee on House Administration of the House of Representatives shall issue such requirements as the Committee may determine to be appropriate to effectuate the application of the rights, protections, and requirements described in subsections (a) through (d) to the House of Representatives.

(3) INSTRUMENTALITIES.—Each congressional employer described in subsection (i)(1)(C) shall issue such requirements as the Committee may determine to be appropriate to effectuate the application of the rights, protections, and requirements described in subsections (a) through (d) to the employees of the employer.

(h) ALTERNATIVE MEANS OF DISPUTE RESOLUTION.—Where appropriate and to the extent authorized by law, the use of alternative means of dispute resolution, including settlement negotiations, conciliation, facilitation, meditation, mediation, factfinding, minitrials, and arbitration, is encouraged to resolve complaints arising under a provision of Federal law specified in subsection (a)(1), (b)(1), (c)(1), or (d)(1).

(i) DEFINITIONS.—As used in this section:

(1) CONGRESSIONAL EMPLOYER.—The term "congressional employer" means—

(A) a supervisor, as described in paragraph 12 of rule XXXVII of the Standing Rules of the Senate;

(B)(i) a Member of the House of Representatives, with respect to the administrative, clerical, or other assistants of the Member;

(ii)(I) a Member who is the chairman of a committee, with respect, except as provided in subclause (II), to the professional, clerical, or other assistants to the committee; and

(II) the ranking minority Member on a committee, with respect to the minority staff members of the committee;

(iii)(I) a Member who is a chairman of a subcommittee which has its own staff and financial authorization, with respect, except as provided in subclause (II), to the professional, clerical, or other assistants to the subcommittee; and

(II) the ranking minority Member on the subcommittee, with respect to the minority staff members of the committee;

(iv) the Majority and Minority Leaders and the Majority and Minority Whips, with respect to the research, clerical, or other assistants assigned to their respective offices; and

(v) the other officers of the House of Representatives, with respect to the employees of the officers; and

(C)(i) the Architect of the Capitol, with respect to the employees of the Architect of the Capitol;

(ii) the Director of the Congressional Budget Office, with respect to the employees of the Office;

(iii) the Comptroller General, with respect to the employees of the General Accounting Office;

(iv) the Public Printer, with respect to the employees of the Government Printing Office;

(v) the Librarian of Congress, with respect to the employees of the Library of Congress;

(vi) the Director of the Office of Technology Assessment, with respect to the employees of the Office; and

(vii) the Director of the United States Botanic Garden, with respect to the employees of the United States Botanic Garden.

(2) CONGRESSIONAL EMPLOYEE.—The term "congressional employee" means an employee who is employed by, or an applicant for employment with, a congressional employer.

(3) INSTRUMENTALITY.—The term "instrumentality" includes the Office of the Architect of the Capitol, the Congressional Budget Office, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the United States Botanic Garden.

(4) PRESIDENTIAL APPOINTEE.—The term "Presidential appointee" means an employee, or an applicant seeking to become an employee—

(A) whose appointment is made by and with the advice and consent of the Senate; or

(B) whose position has been determined to be of a confidential, policy-determining, policy-making, or policy-advocating character by—

(i) the President for a position that the President has excepted from the competitive service;

(ii) the Office of Personnel Management for a position that the Office has excepted from the competitive service; or

(iii) the President or head of an agency for a position excepted from the competitive service by statute.

(5) SIMILARLY SITUATED COMPLAINING PARTY.—The term "similarly situated complaining party" means—

(A) in the case of a party seeking to enforce a provision with a separate enforcement mechanism for governmental complaining parties, a governmental complaining party; or

(B) in the case of a party seeking to enforce a provision with no such separate mechanism, a nongovernmental complaining party.

(j) EFFECTIVE DATE.—This section shall take effect 120 days after the date of the enactment of this Act.•

By Mr. McCAIN (for himself, Mr. SHELBY, Mr. MACK, Mr. SMITH, Mr. HELMS, Mr. DECONCINI, and Mr. COATS).

S. 30. A bill to amend title II of the Social Security Act, to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

ELIMINATION OF SOCIAL SECURITY EARNINGS TEST

• Mr. McCAIN. Mr. President, I am pleased to be joined by my colleagues, Senators SHELBY, MACK, SMITH, HELMS, DECONCINI, and COATS in introducing this bill, the Older Americans Freedom to Work Act of 1993, to fully repeal the Social Security earnings test for older Americans between the ages of 65 and 69. This legislation is identical to that which I introduced last year. It was adopted by the Senate, and would have provided freedom, opportunity, and fairness for our Nation's senior citizens. Unfortunately, the House failed to adopt it prior to the end of the 102d Congress.

Most people are amazed to find that older Americans are actually penalized for their productivity. For every $3 earned by a retiree over the $10,560 limit, they lose $1 in Social Security benefits. Due to this cap on earnings, our senior citizens, many of whom exist on low incomes, are effectively burdened with a 33.3 percent tax. Combined with Federal, State, and other Social Security taxes, it will amount to a shocking 70-percent tax bite, and sometimes even more—Federal tax—15 percent, FICA—15.3 percent, earnings test penalty—33.3 percent, State and local tax—5 percent. Obviously, this earnings cap is a tremendous disincentive to work. No one who is struggling along at $10,000 a year wants to face an effective marginal tax rate of 70 percent.

Mr. President, this is unquestionably an issue of fairness. No American should be discouraged from working. Unfortunately, as a result of the earnings test, Americans over the age of 65 are being punished for attempting to be productive. The earnings test doesn't take into account an individual's desire or ability to contribute to society. It arbitrarily mandates that a person retire at age 65 or face losing benefits. It is plainly age discrimination; it is plainly wrong.

There are more than 40 million Americans age 60 or older who have over 1 billion years of cumulative work experience—all going to waste. Three out of five of these people do not have any disability that would preclude them from working. Furthermore, almost half a million elderly individuals who do work earn annual incomes within 10 percent of the earnings limit. They are struggling to get ahead without hitting the limit. If not for the earnings test, many more would work, but the system is coercing them into retirement and idleness.

Perhaps most importantly, the earnings cap is a serious threat to the welfare of low-income senior citizens. Once the earnings cap has been met, a person with a job providing just $5 an hour would find the after tax value of that wage dropping to only $2.20. A person with no private pension or liquid investments—which, by the way, are not counted as earnings—from his or her working years may need to work in order to meet the most basic expenses, such as shelter and food. Health care costs, rising at an astronomical rate, are another expense many elderly Americans have trouble meeting. There is also a myth that repeal of the earnings test would benefit only the rich. Nothing could be further from the truth. The highest effective marginal rates are imposed on the middle income elderly who must work to supplement their income.

Finally, it is simply outrageous to pursue a policy that keeps people out of the work force who are experienced and want to work. We have been warned to expect a labor shortage. Why should we discourage our senior citizens from helping to meet that challenge? As the U.S. Chamber of Commerce, which strongly supports this legislation, has pointed out, "retraining older workers already is a priority in labor intensive industries, and will become even more critical as we approach the year 2000."

We have a massive Federal deficit. Studies have found that repealing the earnings test could net $140 million in extra Federal revenue. Furthermore, the earnings test is costing us $15 billion a year in reduced production. Taxes on that lost production would help to reduce the budget deficit. Nor, as it continues to become tougher to compete globally, can America afford to pursue any policy that adversely affects production or effectively prevents our citizens from working.

Repeal would also save the taxpayer over $200 million a year in reduced compliance costs. According to the Social Security Administration, the earnings test is its largest administrative burden. Sixty percent of all overpayments and 45 percent of benefit underpayments are attributable to the earnings test.

And, according to the Social Security Administration, repeal of the earnings test would only have a negligible impact on the health of the Social Security Trust Funds.

Several of our Nation's largest seniors organizations strongly support this particular bill: the National Committee to Preserve Social Security and Medicare, the Seniors Coalition, the National Alliance of Senior Citizens, the Retired Officers Association, and the National Association of Retired Federal Employees.

My effort in the Senate last year to address this issue of fairness was nearly met with success. The Senate adopted this measure as an amendment to the Older Americans Act Reauthorization Bill, but the House leadership allowed it to languish in an attempt to kill it. It is hard to understand the unwillingness of some in Congress to resolve this issue of basic fairness. In the final days of the 102d Congress, I was left with little choice but to intervene in order to save the Older Americans Act Reauthorization Bill as they were willing to let both measures die. At that time, I resolved to continue the pressure for passage of this measure in the 103d Congress.

During the Presidential campaign, I noted with interest that addressing the injustice of the Social Security earnings test was among the few specific items related to the elderly on which Bill Clinton articulated a position. He indicated that he would help lead the fight to address this issue. I look forward to working with him to see that this injustice is finally brought to end.

Mr. President, it is my hope that we can act on the legislation I am introducing today very early in the first session of the 103d Congress. And, I hope that all of my colleagues will review this legislation and consider adding their name as a cosponsor.

I ask unanimous consent that the text of the Older Americans Freedom to Work Act be printed in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 30

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Americans' Freedom to Work Act of 1993".

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Section 203 of the Social Security Act is amended—

(1) in paragraph (1) of subsection (c) and paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(l))";

(2) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(l))";

(3) in subsection (f)(3), by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8)," and by striking "age 70" and inserting "retirement age (as defined in section 216(l))";

(4) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(l))"; and

(5) in subsection (j), by striking "Age Seventy" in the heading and inserting "Retirement Age", and by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(l))".

SEC. 3. CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) UNIFORM EXEMPT AMOUNT.—Section 203(f)(8)(A) of the Social Security Act is amended by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be applicable".

(b) CONFORMING AMENDMENTS.—Section 203(f)(8)(B) of such Act is amended—

(1) in the matter preceding clause (i), by striking "Except" and all that follows through "whichever" and inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever";

(2) in clause (i), by striking "corresponding"; and

(3) in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(c) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Section 203(f)(8)(D) of such Act is repealed.

SEC. 4. ADDITIONAL CONFORMING AMENDMENTS.

(a) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act is amended—

(1) in the last sentence of subsection (c), by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(2) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60, or".

(b) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE OF ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of such Act is amended—

(1) by striking "either"; and

(2) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

(c) CONTINUED APPLICATION OF RULE GOVERNING ENTITLEMENT OF BLIND BENEFICIARIES.—The second sentence of section 223(d)(4) of such Act is amended by inserting after "subparagraph (D) thereof' where it first appears the following: "(or would be applicable to such individuals but for the amendments made by the Older Americans' Freedom to Work Act of 1990)".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply only with respect to taxable years beginning after December 31, 1993.●

By Mr. McCAIN:

S. 31. A bill to amend title XVIII of the Social Security Act to repeal the reduced Medicare payment provision for new providers; to the Committee on Finance.

REPEAL OF REDUCED MEDICARE PAYMENT PROVISION

● Mr. McCAIN. Mr. President, I rise today to introduce a bill which would eliminate discrimination in Medicare reimbursement practices for physicians and other health care providers receiving Medicare reimbursement. Current practices result in new physicians and other providers receiving less reimbursement for the same procedure than physicians and other providers who have been practicing for a longer period of time. This legislation is similar to that which I introduced last year which became a part of H.R. 11.

Specifically, the legislation I am introducing today will repeal the inequitable provision of existing law that reduces Medicare payment to so-called new physicians and other providers in their first 4 years of practice. With some limited exceptions, current law reduces the payment base or allowed amount by some 20 percent in the first year of practice, 15 percent in the second year, 10 percent in the third, and 5 percent in the fourth year. My bill would repeal this discriminatory law.

The rationale behind this discriminatory law, which was enacted a couple of years ago, was to achieve budget savings at the expense of young physicians and other providers who are new to providing care for Medicare beneficiaries, under the assumption that a new physician's or other provider's services are of less value—and therefore less worthy of full compensation—than those of a more experienced physician or other provider. However, the value of these physicians' or other providers' services, as evidenced by the new Medicare physician payment system which bases reimbursement on a resource-based relative value scale [RBRVS], is not modified based on the experience of the physician or other provider providing the care. Furthermore, the RBRVS assigns a value to each service—and that service does not cost those designated as new physicians or other providers any less to perform than physicians or other providers who have been in practice for a longer time. Under the current law, the definition of a new physician or other provider is so general and so vague that physicians or other providers who have served in the military for years, but have not previously billed the Medicare Program, are viewed as new physicians or other providers. Payments for their services to Medicare beneficiaries are reduced during the first 4 years of civilian private practice. Clearly, the existing law does not reward these dedicated physicians and other providers on a level commensurate with their experience.

The current law reducing payments to new physicians and other providers violates the underlying concepts behind the landmark Medicare physician payment reform, which became effective as of January 1, 1992. It also ignores the financial reality facing new physicians and other providers of meeting high start-up costs associated with building a new practice, and the skyrocketing costs of medical education. The provisions of the current law serve only to discourage new physicians and other providers from certain targeted specialties and providing care for Medicare beneficiaries, as well as causing group practices to steer Medicare beneficiaries away from those physicians and other providers defined under the law as new.

I urge support for this legislation, which will ensure that all physicians and other providers are treated fairly, and which corrects the inequities of the current law. I ask unanimous consent that the text of the bill be printed in the Record following my remarks.•

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 31

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Provider Payment Equity Act of 1993".

SEC. 2. REPEAL OF REDUCED MEDICARE PAYMENT PROVISION FOR NEW PROVIDERS.

(a) PHYSICIANS.—Section 1848(a) (42 U.S.C. 1395w–4(a)) is amended by repealing paragraph (4).

(b) OTHER PRACTITIONERS.—Section 1842(b)(4) (42 U.S.C. 1395u(b)(4)) is amended by striking subparagraph (F).

(c) BUDGET NEUTRALITY.—The Secretary of Health and Human Services shall provide that in carrying out the amendments made by subsections (a) and (b) that payments under section 1848 of the Social Security Act are no greater or lesser than what such payments would have been but for the provisions of this Act.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to physicians' services furnished on or after January 1, 1993.•

By Mr. MOYNIHAN (for himself and Mr. CHAFEE):

S. 32. A bill to provide for the collection and dissemination of information on injuries, death, and family dissolution due to bullet-related violence, to require the keeping of records with respect to dispositions of ammunition, and to require that persons comply with State and local firearms licensing laws before receiving a Federal license to deal in firearms; to the Committee on Finance.

VIOLENT CRIME CONTROL ACT OF 1993

• Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill that comprehensively seeks to control the epidemic proportions of violence in America. This legislation, the Violent Crime Control Act of 1993, combines most of the provisions of three other crime-related bills I am introducing today as well.

By including several different crime-related provisions, my bill attacks the crime epidemic on numerous fronts. If we are truly serious about confronting our Nation's crime problem, we must learn about the nature of the epidemic of bullet-related violence and ways to control it, including the requirement of recordkeeping on the dispositions of ammunition. We need to insist that persons first comply with State and local firearms licensing laws before receiving a Federal license to deal in firearms.

Last October, the testimony we received during a Finance Committee hearing demonstrated that public health and safety experts have independently come to the conclusion that there is an epidemic of bullet-related violence. The facts are staggering.

In 1989, 34,776 people lost their lives in the United States from bullets, 14,464 were murdered, 18,178 committed suicide, the rest died from accidents or legal intervention. By focusing on bullets, and not guns, we realize that much like nuclear waste, guns remain active for centuries. With minimum care, they do not deteriorate. However, bullets are consumed. We have only a 4 year supply of them.

Not only am I proposing that we tax bullets used disproportionately in crimes—for examples 9 millimeter, .25, and .32 caliber bullets—I also believe we must set up a Bullet Death, and Injury Control Program within the Centers for Disease Control's National Center for Injury Prevention and Control. This center will enhance our knowledge of the distribution and status of bullet-related death and injury and subsequently make recommendations about the extent and nature of bullet-related violence.

So that the center would have substantive information to study and analyze, this bill also requires importers and manufacturers of ammunition to keep records and submit an annual report to the Bureau of Alcohol, Tobacco, and Firearms [BATF] on the disposition of ammunition. Currently, importers and manufacturers of ammunition are not required to do so.

Finally, this bill would prevent the issuance of a Federal license to deal firearms unless the applicant has a State and local license for the same purpose. A 3-year Federal license to deal in firearms may be obtained from BATF for just $30. A valid State or local dealers license is not required. It's a loophole you can drive a truck through, one Federal law enforcement official told the Washington Post. We can reduce unlawful gunrunning by closing this loophole.

Clearly, it will take intense effort on all or our parts to reduce violent crime in America. My legislation rests on the notion that we must confront this epidemic from several different angles, recognizing that there is no simple solution to this problem.

I ask unanimous consent that the text of this bill be printed in the Record at this time.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 32

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violent Crime Control Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) there is no reliable information on the amount of ammunition available;

(2) importers and manufacturers of ammunition are not required to keep records to report to the Federal Government on ammunition imported, produced, or shipped;

(3) a loophole in current law permits a Federal licensee to order unlimited amounts of guns from a manufacturer, whether or not the licensee is legally permitted to sell them under State or local law;

(4) the rate of bullet-related deaths in the United States is unacceptably high and growing;

(5) three calibers of bullets are used disproportionately in crime: 9 millimeter, .25 caliber, and .32 caliber bullets;

(6) injury and death are greatest in young males, and particularly young black males;

(7) epidemiology can be used to study bullet-related death and injury to evaluate control options;

(8) bullet-related death and injury has placed increased stress on the American family resulting in increased welfare expenditures under title IV of the Social Security Act;

(9) bullet-related death and injury have contributed to the increase in Medicaid expenditures under title XIX of the Social Security Act;

(10) bullet-related death and injury have contributed to increased supplemental security income benefits under title XVI of the Social Security Act;

(11) a tax on the sale of bullets will help control bullet-related death and injury;

(12) there is no central responsible agency for trauma, there is relatively little funding available for the study of bullet-related death and injury, and there are large gaps in research programs to reduce injury;

(13) current laws and programs relevant to the loss of life and productivity from bullet-related trauma are inadequate to protect the citizens of the United States; and

(14) increased research in bullet-related violence is needed to better understand the causes of such violence, to develop options for controlling such violence, and to identify and overcome barriers to implementing effective controls.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to increase the tax on the sale of 9 millimeter, .25 caliber, and .32 caliber bullets (except with respect to any sale to law enforcement agencies) as a means of reducing the epidemic of bullet-related death and injury;

(2) to undertake a nationally coordinated effort to survey, collect, inventory, synthesize, and disseminate adequate data and information for—

(A) understanding the full range of bullet-related death and injury, including impacts on the family structure and increased demands for benefit payments under provisions of the Social Security Act;

(B) assessing the rate and magnitude of change in bullet-related death and injury over time;

(C) educating the public about the extent of bullet-related death and injury; and

(D) expanding the epidemiologic approach to evaluate efforts to control bullet-related death and injury and other forms of violence;

(3) to develop options for controlling bullet-related death and injury;

(4) to build the capacity and encourage responsibility at the individual, group, community, State and Federal levels for control and elimination of bullet-related death and injury;

(5) to promote a better understanding of the utility of the epidemiologic approach for evaluating options to control or reduce death and injury from nonbullet-related violence; and

(6) to control the proliferation of illegal firearms currently causing an alarming rate of death.

TITLE I—BULLET DEATH AND INJURY CONTROL PROGRAM

SEC. 101. BULLET DEATH AND INJURY CONTROL PROGRAM.

(a) ESTABLISHMENT.—There is established within the Centers for Disease Control's National Center for Injury Prevention and Control (referred to as the "Center") a Bullet Death and Injury Control Program (referred to as the "Program").

(b) PURPOSE.—The Center shall conduct research into and provide leadership and coordination for—

(1) the understanding and promotion of knowledge about the epidemiologic basis for bullet-related death and injury within the United States;

(2) developing technically sound approaches for controlling, and eliminating, bullet-related deaths and injuries;

(3) building the capacity for implementing the options, and expanding the approaches to controlling death and disease from bullet-related trauma; and

(4) educating the public about the nature and extent of bullet-related violence.

(c) FUNCTIONS.—The functions of the Program shall be—

(1) to summarize and to enhance the knowledge of the distribution, status, and characteristics of bullet-related death and injury;

(2) to conduct research and to prepare, with the assistance of State public health departments—

(A) statistics on bullet-related death and injury;

(B) studies of the epidemic nature of bullet-related death and injury; and

(C) status of the factors, including legal, socioeconomic, and other factors, that bear on the control of bullets and the eradication of the bullet-related epidemic;

(3) to publish information about bullet-related death and injury and guides for the practical use of epidemiological information, including publications that synthesize information relevant to national goals of understanding the bullet-related epidemic and methods for its control;

(4) to identify socioeconomic groups, communities, and geographic areas in need of study, develop a strategic plan for research necessary to comprehend the extent and nature of bullet-related death and injury, and determine what options exist to reduce or eradicate such death and injury;

(5) to provide for the conduct of epidemiologic research on bullet-related death and injury through grants, contracts, cooperative agreements, and other means, by Federal, State, and private agencies, institutions, organizations, and individuals;

(6) to make recommendations to Congress, the Bureau of Alcohol, Tobacco, and Firearms, and other Federal, State, and local agencies on the technical management of data collection, storage, and retrieval necessary to collect, evaluate, analyze, and disseminate information about the extent and nature of the bullet-related epidemic of death and injury as well as options for its control;

(7) to make recommendations to the Congress, the Bureau of Alcohol, Tobacco, and Firearms, and other Federal, State and local agencies, organizations, and individuals about options for actions to eradicate or reduce the epidemic of bullet-related death and injury;

(8) to provide training and technical assistance to the Bureau of Alcohol, Tobacco, and Firearms and other Federal, State, and local agencies regarding the collection and interpretation of bullet-related data; and

(9) to research and explore bullet-related death and injury and options for its control.

(d) ADVISORY BOARD.—

(1) IN GENERAL.—The Center shall have an independent advisory board to assist in setting the policies for and directing the Program.

(2) MEMBERSHIP.—The advisory board shall consist of 13 members, including—

(A) 1 representative from the Centers for Disease Control;

(B) 1 representative from the Bureau of Alcohol, Tobacco and Firearms;

(C) 1 representative from the Department of Justice;

(D) 1 member from the Drug Enforcement Agency;

(E) 3 epidemiologists from universities or nonprofit organizations;

(F) 1 criminologist from a university or nonprofit organization;

(G) 1 behavioral scientist from a university or nonprofit organization;

(H) 1 physician from a university or nonprofit organization;

(I) 1 statistician from a university or nonprofit organization;

(J) 1 engineer from a university or nonprofit organization; and

(K) 1 public communications expert from a university or nonprofit organization.

(3) TERMS.—Members of the advisory board shall serve for terms of 5 years, and may serve more than 1 term.

(4) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(5) TRAVEL EXPENSES.—A member of the advisory board that is not otherwise in the Federal Government service shall, to the extent provided for in advance in appropriations Acts, be paid actual travel expenses and per diem in lieu of subsistence expenses in accordance with section 5703 of title 5, United States Code, when the member is away from the member's usual place of residence.

(6) CHAIR.—The members of the advisory board shall select 1 member to serve as chair.

(e) CONSULTATION.—The Center shall conduct the Program required under this section in consultation with the Bureau of Alcohol, Tobacco, and Firearms and the Department of Justice.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1993, $2,500,000 for fiscal year 1994, and $5,000,000 for each of fiscal years 1995, 1996, and 1997 for the purpose of carrying out this section.

(g) REPORT.—The Center shall prepare an annual report to Congress on the Program's findings, the status of coordination with other agencies, its progress, and problems encountered with options and recommendations for their solution. The report for December 31, 1995, shall contain options and recommendations for the Program's mission and funding levels for the years 1996–2000, and beyond.

TITLE II—INCREASE IN EXCISE TAX ON CERTAIN BULLETS

SEC. 201. INCREASE IN TAX ON CERTAIN BULLETS.

(a) IN GENERAL.—Section 4181 of the Internal Revenue Code of 1986 (relating to the imposition of tax on firearms, etc.) is amended by adding at the end the following new flush sentence:

"In the case of 9 millimeter, .25 caliber, or .32 caliber ammunition, the rate of tax under this section shall be 1,000 percent.".

(b) EXEMPTION FOR LAW ENFORCEMENT PURPOSES.—Section 4182 of the Internal Revenue Code of 1986 (relating to exemptions) is amended by adding at the end the following new subsection:

"(d) LAW ENFORCEMENT.—The last sentence of section 4181 shall not apply to any sale (not otherwise exempted) to, or for the use of, the United States (or any department, agency, or instrumentality thereof) or a State or political subdivision thereof (or any department, agency, or instrumentality thereof).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, 1995.

TITLE III—USE OF AMMUNITION

SEC. 301. RECORDS OF DISPOSITION OF AMMUNITION.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 923(g) of title 18, United States Code, is amended—

(1) in paragraph (1)(A) by inserting after the second sentence "Each licensed importer and manufacturer of ammunition shall maintain such records of importation, production, shipment, sale, or other disposition of ammunition at the licensee's place of business for such period and in such form as the Secretary, in consultation with the Director of the National Center for Injury Prevention and Control of the Centers for Disease Control (for the purpose of ensuring that the information that is collected is useful for the Bullet Death and Injury Control Program), may by regulation prescribe. Such records shall include the amount, caliber, and type of ammunition."; and

(2) by adding at the end thereof the following new paragraph:

"(6) Each licensed importer or manufacturer of ammunition shall annually prepare a summary report of imports, production, shipments, sales, and other dispositions during the preceding year. The report shall be prepared on a form specified by the Secretary, in consultation with the Director of the National Center for Injury Prevention and Control of the Centers for Disease Control (for the purpose of ensuring that the information that is collected is useful for the Bullet Death and Injury Control Program), shall include the amounts, calibers, and types of ammunition that were disposed of, and shall be forwarded to the office specified thereon not later than the close of business on the date specified by the Secretary.".

(b) STUDY OF CRIMINAL USE AND REGULATION OF AMMUNITION.—The Secretary of the Treasury shall request the Centers for Disease Control to—

(1) prepare, in consultation with the Secretary, a study of the criminal use and regulation of ammunition; and

(2) submit to Congress, not later than July 31, 1996, a report with recommendations on the potential for preventing crime by regulating or restricting the availability of ammunition.

TITLE IV—COMPLIANCE WITH STATE AND LOCAL FIREARMS LAWS

SEC. 401. COMPLIANCE WITH STATE AND LOCAL FIREARMS LICENSING LAWS REQUIRED BEFORE ISSUANCE OF FEDERAL LICENSE TO DEAL IN FIREARMS.

(a) IN GENERAL.—Section 923(d)(1) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) in the case of an application for a license to engage in the business of dealing in firearms—

"(i) the applicant has complied with all requirements imposed on persons desiring to engage in such a business by the State and political subdivision thereof in which the applicant conducts or intends to conduct such business; and

"(ii) the application includes a written statement which—

"(I) is signed by the chief of police of the locality, or the sheriff of the county, in which the applicant conducts or intends to conduct such business, the head of the State police of such State, or any official designated by the Secretary; and

"(II) certifies that the information available to the signer of the statement does not indicate that the applicant is ineligible to obtain such a license under the law of such State and locality.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to applications for a license that is issued on or after the date of the enactment of this Act.•

By Mr. DANFORTH (for himself and Mr. BOND):

S. 33. A bill to require the Secretary of Education to waive certain regulations in considering an application submitted by the Winona R-III School District, MO; to the Committee on Labor and Human Resources.

WAIVER OF CERTAIN REGULATIONS

• Mr. DANFORTH. Mr. President, once again, as we did more than 5 years ago, Senator BOND and I join together to request that the Senate move swiftly to help the people of Winona, MO. I know that Congressman BILL EMERSON has also introduced companion legislation to the bill we offer here today.

Educating the children of Winona is the responsibility of the Winona R-III School District. It is a small, impoverished district which has suffered under a crippling financial burden since 1986. This burden arose out of an unfortunate sequence of circumstances, quite beyond the district's control, combined with the district's commitment to the safety of its children.

Approximately 47 percent of the Winona R-III School District's land is federally owned. A further 27 percent of the land is owned by the State of Missouri. As a consequence, almost three-fourths of the land in that district generates zero tax revenue. Moreover, even the revenue generated from the mere 26 percent which remains, is slight.

In fact, according to State income tax records, the average 1989 income of Winona was only $13,973—far lower than Missouri's average income that year of $49,048. Obviously, the burden of providing a decent education to its children is breaking the backs of the Winona taxpayers.

Nonetheless, Winona is trying. In 1985, Winona applied to the Department of Education for Federal impact aid construction funding. At that time, the Winona High School was located in a decrepit 68-year-old building with crumbling mortar which had already been declared by the State to be a hazard to public health and safety. But that was not all. Winona is situated near the New Madrid Fault line. The fault is subject to tremors and earthquakes. In fact, geologists expect a tremor of significant magnitude within this decade. A new building was needed because the old one could easily have collapsed.

In 1987, Federal officials came to Winona to determine its eligibility to receive the requested impact aid. They witnessed first hand the tax consequences of Federal ownership of land in and around Winona. They witnessed, too, the practical effects of the school district's poverty and the condition of the school building. The Federal Government acknowledged the district's need by ranking the Winona School District first in priority for impact aid construction funding.

At this point, the Winona school district's most immediate difficulties appeared to have been at least partially alleviated. However, circumstances conspired to present Winona with an ongoing problem from which it cannot escape without our help.

In 1985, when Winona first applied for impact aid, the district's valuation was assessed at $2,470,000. Later that year, however, the assessed valuation skyrocketed to $5,980,000. Prior to the reassessment, the property levy was $4 per $100 in assessed valuation. The State recognized that, despite the considerable change in the paper value of the land, the ability of the residents to generate revenue remained about the same. Missouri, therefore, enacted a law requiring a rollback of the property levy so that the paper increase would not result in any additional taxes. After the reassessment, the rollback resulted in a levy ceiling of $2.09 per $100 in assessed valuation, and the tax burden remained the same.

Unfortunately, the statewide reassessment also had a marked impact on Winona's school construction funding application. The impact aid school construction law requires a demonstration by each applicant school district of a substantial local effort toward building the school. And, the Department of Education considers 10 percent of the district's assessed valuation a satisfactory demonstration.

Cognizant of the Department's guidelines, at the time Winona applied to the Department, it expected to contribute this 10 percent, that is, a little under $250,000, toward construction. As burdensome as this would be, the new construction was simply a necessity. There was no alternative. In light of the subsequent reassessment, however, the Department of Education demanded that Winona pay almost $600,000 up front before it saw any of the impact aid dollars.

The district was caught between a rock and a hard place. Without the up-front $598,000, Winona would lose the Federal construction funding. Winona's school children would be forced to continue spending their days in a truly dangerous, ever more decrepit, old school building. Clearly, tempting fate with the health and safety of its children was out of the question. On the other hand, Winona simply did not have the up-front money.

In the end, the Winona School District took the only route it truly could have taken. Despite the obvious financial dangers, the district borrowed the $598,000 at uncomfortably high interest rates and contributed the money toward the new construction which was completed successfully, and houses its high school today.

Mr. President, as Congressman EMERSON stated when he introduced this legislation in the House of Representatives, "this tale should have had a happing ending." Unfortunately, the tale is far from over and the Winona School District still finds itself in financial desperation. Because of the timing of Missouri's reassessment and rollback, Winona now has a $598,000 debt which it is unable to repay. The government-owned acreage still contributes no revenue and the people have become no wealthier. An added complication is Missouri State law which forbids local school districts to finish a school year in deficit. Thus, Winona's meager educational resources are first channeled into servicing its debt. Only if funds remain can they be put toward educational needs.

Mr. President, this is not the first time I have risen on Winona's behalf. Nor is it the first time this body has considered Winona's situation and sought assistance. In the fiscal year 1987 supplemental appropriations bill, the Senate recognized Winona's plight and inserted language to the effect that Winona's local effort would be satisfied by a $200,000 contribution. When that provision was in conference, however, the conferees determined that the Secretary of Education already had discretion to provide relief to Winona. Accordingly, the conferees removed the statutory language and, in the report, "direct[ed] the Secretary to consider an amount of local effort not in excess of $200,000 as reasonable and adequate to satisfy the requirements of section 14(c)." (House Rpt. No. 100–195, 100th Congress p. 70, June 27, 1987).

Thus, Winona's problems should now be a matter of the past. Nonetheless, despite the direction given to the Department of Education over 5 years ago, the Winona School District, Senator BOND, Congressman EMERSON and I have had no success whatsoever in persuading the Department of Education to follow the direction of the conferees. Despite the conference report, the Department of Education insists it has no discretion to accept $200,000. It is inexplicable.

This bill is not about a free ride for anybody. It is about simple equity for Americans in dire straits. Americans who put the safety and education of their children first, despite terrible cost. If this legislation is passed, Winona will be relieved of the additional $398,000 the Department of Education has demanded due to reassessment. However, it will still be required to contribute a fair and reasonable local effort of $200,000 toward construction.

Even with this relief, Winona will be required to do its utmost. Indeed, the school district will still be required to pay the accrued and accruing high interest payments on its loan. Nonetheless, the relief embodied in this legislation will remove the heaviest burden now on its shoulders.

Senator BOND, Congressman EMERSON and I have lost no time in introducing this legislation at the first possible moment in both the Senate and the House of Representatives. It is a simple, clear bill, which addresses a very specific problem. And, although this legislation is intended to alleviate the suffering of just one school district in Missouri, it is appropriate that it be considered at the earliest possible moment. For the taxpayers of that district, and for their children, this situation has been an albatross for more than 7 years. Only we, the Congress, can help them. More than 5 years ago, this body resolved to help Winona. We agreed the relief in this bill was the appropriate vehicle. Let us now translate that resolve into action.•

By Mr. DURENBERGER:

S. 34. A bill for the relief of Randall G. Hain; to the Committee on the Judiciary.

RELIEF OF RANDALL G. HAIN

• Mr. DURENBERGER. Mr. President, today I am introducing a private bill for the relief of Randall G. Hain of Minnesota.

Mr. Hain was drafted into the Army and served in Vietnam from October 13, 1966 to August 21, 1968. He attained the rank of specialist 5th class and received an honorable discharge.

In 1963, prior to entering the military, Mr. Hain was involved in a motorcycle/automobile accident. As a result of the accident, he underwent two surgeries and spent 5 months in traction. The surgeons strengthened his left leg by inserting a metal plate secured by 10 metal screws. This insertion shortened his left leg by 1¼ inches.

In September 1966, Mr. Hain was drafted and given a pre-induction physical; the surgery scars on his left leg were noted in the record, but the leg was not x rayed. This was a violation of the requirements of the Surgeon General's Medical Fitness Standards according to Army Regulation 40–501, chapter 6.

The Surgeon General's Office has stated that he "should have been considered unfit for induction because of residuals of a fracture of the left tibia and femur with retained metallic plate and screws."

During basic training at Fort Hood, Mr. Hain went on sick call and the Darnell Army Hospital did x ray the left leg, but due to lack of followup, no medical discharge recommendation was recorded.

The physical activity of basic training and being stationed in a war zone unwillingly exacerbated his original condition and have contributed to both his deteriorating physical and mental health.

Mr. Hain has attempted to right this wrong by filing claims with the Department of Veterans' Affairs six times. Only 20 percent disability compensation has been granted him. He has also filed unsuccessful claims with the Army Board for Correction of Military Records and the U.S. District Court in Minnesota. He now has exhausted all of his legal remedies.

Randall Hain has been unable to hold a steady job or lead a normal, productive life since his wrongful induction into the Army. Therefore, I offer this private bill to partially compensate for lost employment opportunity and provide him with 50 percent veteran's disability compensation. Had he not been inducted into the military, he would have pursued an academic career. I hope that this still could become a reality for him with the benefits we seek today.

Mr. President, I ask unanimous consent that a text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 34

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SATISFACTION OF CLAIM AGAINST THE UNITED STATES.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Randall G. Hain of Eden Prairie, Minnesota, the sum of $50,000 for any damages incurred by that individual (including any injury or aggravation of any injury relating to or arising from a leg injury of that individual) as a result of—

(1) the induction of that individual into the United States Army; and

(2) the service of that individual in the United States Army during the period from October 13, 1966, to August 23, 1968.

(b) CONDITION OF PAYMENT.—The payment of the sum referred to in subsection (a) shall be in full satisfaction of any claim of the individual referred to in that subsection against the United States arising out of the induction and service described in that subsection.

SEC. 2. DISABILITY RATING.

(a) IN GENERAL.—Nothwithstanding any other provision of law, Randall G. Hain of Eden Prairie, Minnesota, shall be deemed to have a service-connected disability rated at 50 percent for the purposes of chapter 11, title 38, United States Code, as a result of injuries of that individual incurred during or aggravated by the service referred to in section 1(a)(2).

(b) PROHIBITION ON RETROACTIVE BENEFITS.—Benefits may not be paid under chapter 11 of title 38, United States Code, to Randall G. Hain as a result of the enactment of this Act for any period before the date of the enactment of this Act.

SEC. 3. LIMITATION ON ATTORNEY AND AGENT FEES.

(a) IN GENERAL.—Not more than 10 percent of the amount appropriated pursuant to section 1 to the individual referred to in that section shall be paid by or on behalf of that individual to any agent or attorney or received by any agent or attorney from or on behalf of that individual for services rendered in connection with the claim described in that section.

(b) ENFORCEMENT.—Any person who violates the provisions of this section shall be fined not more than $1,000.•

By Mr. CRAIG:

S. 35. A bill to provide for an extension of regional referral center classifications, and for other purposes.

EXTENSION OF REGIONAL REFERRAL CENTER CLASSIFICATION

Mr. CRAIG. Mr. President, today, I am introducing legislation that is of great importance to the citizens of my State, Idaho—and to citizens across the Nation who live in rural areas. This measure addresses a very pressing concern: The future provision of health care in rural America.

Action needs to be taken if this Nation's rural referral centers are to continue meeting the needs of their patients. The legislation I am introducing today would simply provide for the retroactive extension of a sunset provision of law which expired at the end of fiscal year 1992. It would be extended until fiscal year 1995, when the urban-rural differential will be phased out and reimbursements will be more equitable for rural hospitals.

The provision is commonly referred to as the "rural referral grandfather clause" and provides these unique hospitals with a reimbursement rate comparable to that of their urban counterparts.

Similar legislation extending the grandfather clause through fiscal year 1992 was included in the Omnibus Reconciliation Act of 1989. However, that expired last October. I introduced this legislation in the 102d Congress. It passed as a provision of H.R. 11, which was vetoed by President Bush. Now it is time to address this problem once again.

In my State of Idaho and in 41 other States, rural referral centers are the cornerstones of rural health care. In some communities, they are the sole source of health care—the only source of health care for other communities in their region.

Rural referral centers provide a larger variety of specialized services and are therefore reimbursed from Medicare funds at a rate higher than that given to small rural hospitals. The larger rural referral centers must also pay salaries and expenses comparable to urban hospitals. If they are to continue offering the much needed, specialized care, rural referral centers must be reimbursed at a rate which properly reflects their costs. This legislation is fundamentally important to these hospitals if they are to be allowed to continue operating until the urban-rural differential is phased out.

Mr. President, rural referral centers are more than just health care centers—they are an important thread in the fabric of rural society. America's rural hospitals continue to face financial difficulties—difficulties that threaten not only their existence, but also the existence of the communities they serve. Medicare payments have long been inequitable to our rural referral centers. Let us protect them and the people they serve, until the present inequities in the system are phased out.

By Mr. BOREN:

S. 36. A bill to amend section 207 of title 18, United States Code, to tighten the restrictions on former executive and legislative branch officials and employees; to the Committee on Governmental Affairs.

ETHICS IN GOVERNMENT REFORM ACT

Mr. BOREN. Mr. President, earlier today I introduced a bill which would reform the way campaigns are financed in our country. My hope is that this legislation will help restore some of the faith Americans have lost in our democracy. However, while campaign finance reform is a necessary step toward reforming our Government, if we ever expect the American people to trust their leaders, we must put an end to the revolving door of lobbying which has done so much to damage people's hope for honest Government in our Capitol.

Throughout last year's campaign, one of President Clinton's central themes was his promise to reform the executive branch by requiring his political appointees to pledge never to work for foreign governments. The country responded by electing him President. Yesterday, in his inaugural speech, President Clinton stated:

> To renew America, we must revitalize our democracy.
>
> This capital, like every capital since the dawn of civilization, is often a place of intrigue and calculation. Powerful people maneuver for position and worry endlessly about who is in and who is out, who is up and who is down, forgetting those people whose toil and sweat sends us here and pays our way.
>
> Americans deserve better, and in this city today, there are people who want to do better. And so I say to all of us here, let us resolve to reform our politics, so that power and privilege no longer shout down the voice of the people. Let us put aside personal advantage so that we can feel the pain and see the promise of America.
>
> Let us resolve to make our government a place for what Franklin Roosevelt called "bold, persistent experimentation," a government for our tomorrows, not our yesterdays.
>
> Let us give this Capitol back to the people whom it belongs.

President Clinton backed these words with action by signing his executive order on lobbing restrictions as one of his first official actions as President. And while he continues to do his part by requiring antilobbying pledges from his Cabinet members and other top appointees, those restrictions cannot be a fully effective means of government reform unless they extend to Congress. In addition, to ensure that these restrictions are permanent and will continue after this President leaves office, they must be enacted into law. The bill I am introducing would do just that.

Today, I call upon Congress to help President Clinton in his reform efforts and to help itself by restoring the faith of the American people in government. Congress can answer this challenge by supporting the legislation I introduce today. The Ethics in Government Reform Act of 1993 codifies President Clinton's lobbying restrictions on executive branch appointees and extends those same restrictions to the Congress.

This legislation would mandate that executive branch appointees who are paid at or above Executive Schedule V would not be allowed to lobby their former agencies for 5 years after leaving office. It would also require that Executive Office of the President appointees abide by the aforementioned restrictions as well as refrain from lobbying for 2 years any other top appointees in the executive branch or independent agencies. The aforementioned political appointees and trade negotiators are also banned from ever becoming registered agents for any foreign government or political party.

In extending these same provisions to Congress, this legislation bans Members of Congress from lobbing committees on which they served for 5 years after the end of their tenure. Congressmen also may not lobby any Member of Congress or their staff members for 2 years after leaving office. These same measures apply to congressional staff who are paid at or above Executive Schedule V. As with appointees to the executive branch, there would be a lifetime ban on Members of Congress in the representation of or political parties.

These lobbying restrictions are stringent. Some may even call them harsh and claim that they discourage people from seeking government service. To those people I say, Heaven help our democracy if we cannot find people willing to serve their country through government service without the promise of future personal gains.

The American people have spoken, and they expect a new attitude in government—an attitude which puts the common person first and removes the special interests, lobbyists, and politics of personal gain from holding sway over our Nation's Capitol. In demanding lobbying restrictions, the American people have proven they have a voice. As their elected representatives, we must not ignore that voice. My hope is that the people will keep the pressure on us until we act and hold us accountable if we do not measure up.

I hope my colleagues will study this bill closely because there will be a chance to vote on this legislation this year. I can assure my colleagues that, if it does not come to the floor in bill form, it will be offered by me as an amendment to major legislation on the floor, and it will be offered again and again until meaningful reform is enacted. As one Senator, I will make sure there are many opportunities to cast recorded votes on this issue so that the people can hold us accountable. This issue will not go away. Because we will be casting recorded votes. I earnestly solicit input from my colleagues on ways in which this legislation can be improved.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 36

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ethics in Government Reform Act of 1993".

SEC. 2. SPECIAL RULES FOR HIGHLY PAID EXECUTIVE APPOINTEES AND MEMBERS OF CONGRESS AND HIGHLY PAID CONGRESSIONAL EMPLOYEES.

(a) IN GENERAL.—

(1) APPEARANCES BEFORE AGENCY.— Section 207(d) of title 18, United States Code, is amended by adding at the end thereof the following:

"(3) RESTRICTIONS ON POLITICAL APPOINTEES.—(A) In addition to the restrictions set forth in subsections (a), (b), and (c) and paragraph (1) of this subsection, any person who—

"(i) serves in the position of Vice President of the United States; or

"(ii) is employed in a position subject to Presidential appointment in the executive branch of the United States (including any independent agency) at a rate of pay equal to or greater than the rate of pay payable for level V of the Executive Schedule,

and who, after the termination of his or her service or employment as such officer or employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of a department or agency in which such person served within 5 years before such termination, during a period beginning on the termination of service or employment as such officer or employee and ending 5 years after the termination of service in the department or agency, on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of such department or agency, shall be punished as provided in section 216 of this title.

"(B) In addition to the restrictions set forth in subsections (a), (b), and (c) and paragraph (1) of this subsection, any person who is employed in a position in the Executive Office of the President at a rate of pay equal to or greater than the rate of pay payable for level V of the Executive Schedule, and who—

"(i) after the termination of his or her service or employment as such employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of a department or agency with respect to which the person had substantial personal responsibility within 5 years before such termination, during a period beginning on the termination of service or employment as such employee and ending 5 years after the termination of substantial personal responsibility with respect to the department or agency, on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of such department or agency; or

"(ii) within 2 years after the termination of his or her service or employment as such employee, knowingly makes, with the intent to influence, any communication to or appearance before any person described in paragraph (2)(B) on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by the person described in paragraph (2)(B),

shall be punished as provided in section 216 of this title.".

(2) FOREIGN AGENTS.—Section 207(f) of title 18, United States Code, is amended by—

(A) redesignating paragraph (2) as paragraph (3);

(B) adding after paragraph (1) the following:

"(2) SPECIAL RESTRICTIONS.—Any person who—

"(A) serves in the position of Vice President of the United States;

"(B) is employed in a position subject to Presidential appointment in the executive branch of the United States (including any independent agency) at a rate of pay equal to or greater than the rate of pay payable for level V of the Executive Schedule;

"(C) is employed in a position in the Executive Office of the President at a rate of pay equal to or greater than the rate of pay payable for level V of the Executive Schedule; or

"(D) is a Member of Congress or employed in a position by the Congress at a rate of pay equal to or greater than the rate of pay payable for level V of the Executive Schedule,

and who after such service or employment acts as an agent of a foreign government or foreign political party shall be punished as provided in section 216 of this title.".

(3) TRADE NEGOTIATORS.—Section 207(b)(1) of title 18, United States Code, is amended by—

(A) inserting "(A)" after "IN GENERAL.—"; and

(B) adding at the end thereof the following:

"(B) For any person who—

"(i) is employed in a position subject to Presidential appointment in the executive branch of the United States (including any independent agency) at a rate of pay equal to or greater than the rate of pay payable for level V of the Executive Schedule;

"(ii) is employed in a position in the Executive Office of the President at a rate of pay equal to or greater than the rate of pay payable for level V of the Executive Schedule; or

"(iii) is a Member of Congress or employed in a position by the Congress at a rate of pay equal to or greater than the rate of pay payable for level V of the Executive Schedule,

the restricted period after service referred to in subparagraph (A) shall be permanent.".

(4) CONGRESS.—Section 207(e) of title 18, United States Code, is amended—

(A) in paragraph (1)(A) by striking "within 1 year" and inserting "within 2 years";

(B) in paragraph (1) by adding at the end thereof the following:

"(D) Any person who is a Member of Congress and who, within 5 years after leaving the position, knowingly makes, with intent to influence, any communication to or appearance before any committee member or a staff member of any committee over which the Member had jurisdiction, on behalf of any other person (except the United States) in connection with any matter on which such former Member seeks action by the committee member or a staff member of the committee in his or her official capacity, shall be punished as provided in section 216 of this title.";

(C) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(D) by inserting after paragraph (5) the following new paragraph:

"(6) HIGHLY PAID STAFFERS.—For any person described in paragraph (2), (3), (4), or (5), employed in a position at a rate of pay equal to or greater than the rate of pay payable for level V of the Executive Schedule—

"(A) the restriction provided in paragraph (1)(A) shall apply; and

"(B) the restricted period after termination in paragraph (2), (3), (4), or (5), applicable to such person shall be 5 years.".

(b) PENALTIES.—

(1) FUTURE LOBBYING.—Section 216 of title 18, United States Code, is amended by adding at the end thereof the following:

"(d) In addition to the penalties provided in subsections (a), (b), and (c), the punishment for violations of section 207 may include a prohibition on lobbying the United States for a period of not to exceed 5 years for each violation.".

(2) USE OF PROFITS.—Section 216(b) of title 18, United States Code, is amended by adding after the first sentence the following: "Any amount of compensation recovered pursuant to the preceding sentence for a violation of section 207 shall be deposited in the general fund of the Treasury to reduce the deficit.".

SEC. 3. EFFECTIVE DATE.

The restrictions contained in section 207 of title 18, United States Code, as added by section 2 of this Act—

(1) shall apply only to persons whose service as officers or employees of the Government, or as Members of Congress terminates on or after the date of the enactment of this Act; and

(2) in the case of officers, employees, and Members of Congress described in section 207(b)(1)(B) of title 18, United States Code (as added by section 2 of this Act), shall apply only with respect to participation in trade negotiations or treaty negotiations, and with respect to access to information, occurring on or after such date of enactment.

By Mr. THURMOND:

S. 38. A bill to reform procedures for collateral review of criminal judgments, and for other purposes; to the Committee on the Judiciary.

REFORM OF INTERVENTION IN STATE PROCEEDINGS ACT

Mr. THURMOND. Mr. President, the bill I am introducing today would reform Federal habeas corpus and collateral attack procedures. This legislation will minimize Federal judicial interference with State criminal convictions and deal with common abuses typical of habeas prisoner petitions. The Senate passed a bill identical to the one I am introducing by a vote of 67 to 9 several years ago. In fact, the habeas corpus proposal which passed the Senate as an amendment to the Senate crime bill by a vote of 58 to 40 was based in large part on this legislative proposal. This legislation is identical to S. 148 which I introduced last Congress.

This bill proposes amendments to various sections of chapter 153 of title 28 of the United States Code, and a related rule of appellate procedure. Its objectives are to establish a more appropriate scope and function for Federal habeas corpus for State prisoners, accord more appropriate weight to State procedures in criminal adjudication, improve the efficiency of habeas corpus litigation and appellate review of such litigation, and effect certain corresponding improvements in the operation of collateral remedies for Federal prisoners. The proposed amendments would change the operation of Federal collateral remedies in several respects.

First, the proposed amendments would preclude granting relief with respect to matters that have been fully and fairly adjudicated in State proceedings. This important change would enhance the finality of State criminal adjudications and avoid duplicative litigation of claims that have already been adequately considered and decided.

Second, the proposed amendments would generally bar the consideration of claims that have not been properly raised in State proceedings, provided the State has afforded the petitioner an opportunity, consistent with the requirements of Federal law, to raise his claims in the State proceedings.

Third, the proposed amendments would establish a 1 year limitation period for the filing of habeas corpus petitions by State prisoners, which would generally run from the time the prisoner exhausts his State remedies. This limitation period would bar petitions in cases in which the passage of time has made reliable adjudication of the petitioner's claim, or retrial of the petitioner, difficult or impossible. The limitation period would also advance the policies supporting the finality and repose in criminal adjudication.

Fourth, the proposed legislation would clearly state that a Federal habeas court can deny a petition on the merits without requiring prior exhaustion of State remedies. This would avoid the waste of judicial resources that result when a person presenting a frivolous petition is sent back to the State system to exhaust State remedies.

Fifth, the proposed amendments would vest in the judges of the courts of appeals exclusive authority to issue certificates of probable cause for appeal in habeas corpus proceedings. This would entrust the decision concerning the propriety of an appeal to the judges who are in the best position to determine if there is a realistic likelihood for reversal. It would also avoid duplicative consideration of the suitability of a case for appeal, first by a district judge and then by a circuit judge.

Finally, the proposed amendments would make similar changes in the law governing applications for collateral relief by Federal prisoners pursuant to 28 U.S.C. 2255 in the areas of appeal, procedural default, and time limitation.

Federal habeas corpus and collateral attack procedures are in dire need of reform. This is evidenced by the glut of habeas petitions in the Federal system and by the fact that there are over 2,600 convicted murderers sitting on death row. It is time to change the law and limit these unnecessary, frivolous appeals. Federal habeas corpus law has brought our criminal justice system into disrepute. We must pass meaningful habeas corpus reform. The Senate should consider true, tough legislation to resolve this problem.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 38

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reform of Federal Intervention in State Proceedings Act of 1993".

SEC. 2. Section 2244 of title 28, United States Code, is amended by adding at the end thereof the following new subsections:

"(d) When a person in custody pursuant to the judgment of a State court fails to raise a claim in State proceedings at the time or in the manner required by State rules of procedure, the claim shall not be entertained in an application for a writ of habeas corpus unless actual prejudice resulted to the applicant from the alleged denial of the Federal right asserted and—

"(1) the failure to raise the claim properly or to have it heard in State proceedings was the result of State action in violation of the Constitution or laws of the United States;

"(2) the Federal right asserted was newly recognized by the Supreme Court subsequent to the procedural default and is retroactively applicable; or

"(3) the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence prior to the procedural default.

"(e) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of the following times:

"(1) the time at which State remedies are exhausted;

"(2) the time at which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, where the applicant was prevented from filing by such State action;

"(3) the time at which the Federal right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

SEC. 3. Section 2253 of title 28, United State Code, is amended to read as follows:

"§ 2253. Appeal

"In a habeas corpus proceeding or a proceeding under section 2255 of this title before a circuit or district judge, the final order shall be subject to review, on appeal, but the court of appeals for the circuit where the proceeding is had.

"There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, or from the final order in a proceeding under section 2255 of this title, unless a circuit justice or judge issues a certificate of probable cause.".

SEC. 4. Federal Rule of Appellate Procedure 22 is amended to read as follows:

"RULE 22

"HABEAS CORPUS AND § 2255 PROCEEDINGS

"(a) Application for an Original Writ of Habeas Corpus. An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application will ordinarily be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

"(b) Necessity of Certificate of Probable Cause for Appeal. In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant or movant may not proceed unless a circuit judge issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges or as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If any appeal is taken by a State or the government or its representative, a certificate of probable cause is not required.".

SEC. 5. Section 2254 of title 28, United States Code, is amended by redesignating subsections "(e)" and "(f)" as subsections "(f)" and "(g)", respectively, and is further amended—

(a) by amending subsection (b) to read as follows:

"(b) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the applicant. An application may be denied on the merits notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the States.";

(b) by redesignating subsection "(d)" as subsection "(e)", and amending it to read as follows:

"(e) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a full and fair determination of a factual issue made in the case by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting this presumption by clear and convincing evidence."; and

(c) by adding a new subsection (d) reading as follows:

"(d) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that has been fully and fairly adjudicated in State proceedings.".

SEC. 6. Section 2255 of title 28, United States Code, is amended by deleting the second paragraph and the penultimate paragraph thereof, and by adding at the end thereof the following new paragraphs:

"When a person fails to raise a claim at the time or in the manner required by Federal rules of procedure, the claim shall not be entertained in a motion under this section unless actual prejudice resulted to the movant from the alleged denial of the right asserted and—

"(1) the failure to raise the claim properly, or to have it heard, was the result of governmental action in violation of the Constitution or laws of the United States;

"(2) the right asserted was newly recognized by the Supreme Court subsequent to the procedural default and is retroactively applicable; or

"(3) the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence prior to the procedural default.

"A two-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of the following times:

"(1) the time at which the judgment of conviction becomes final;

"(2) the time at which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action;

"(3) the time at which the right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

By Mr. ROTH (for himself, Mr. BAUCUS, Mr. LIEBERMAN, Mr. DURENBERGER, Mr. BRADLEY, Mr. MOYNIHAN, Mr. LEAHY, Mr. SIMON, Mr. BIDEN, Mr. HARKIN, Mr. KENNEDY, Mr. METZENBAUM, Mr. KERRY, Mr. PELL, Mr. LAUTENBERG, Mr. AKAKA, Mr. BRYAN, Mr. WELLSTONE, Mr. JEFFORDS, Ms. MIKULSKI, and Mr. DODD):

S. 39. A bill to amend the National Wildlife Refuge Administration Act; to the Committee on Environment and Public Works.

NATIONAL WILDLIFE REFUGE ADMINISTRATION AMENDMENTS

Mr. ROTH. Mr. President, today I am introducing with 20 of my colleagues legislation that would add the coastal plain of the Arctic National Wildlife Refuge [ANWR] to the national wilderness preservation system. The Arctic refuge covers over 19 million acres, 8 million of which are designated as wilderness. Part of this area, the coastal plain, is one of America's last great wildlife refuges and one of our last unprotected ecosystems. I believe it is as valuable as any of our national parks, such as the Grand Canyon or Yellowstone.

The coastal plain of the Arctic refuge also sits atop what some speculate to be the last undeveloped onshore oil field in North America. Experts have differed about the quantity of oil contained in the Arctic refuge, but one thing is clear, we face a serious decision about whether to open this land for oil exploration and drilling. Do we drill, extracting the oil that can be found? Or do we protect this land from the ravages of drilling? I believe that a vote for this bill is a vote for future generations. The decision we make will reflect our values and determine our future.

People all across this Nation are beginning to understand that environmental decisions are long-term decisions. You don't take your remaining wilderness areas—which comprise only 2 percent of all the land in the United States—to the pawn shop for a quick shot of domestic oil.

Mr. President, mark my words, Arctic oil will not make us energy independent. It will be merely a temporary palliative. I'm no antagonist to energy development. I favor a commonsense approach to our energy needs, and that means looking to a variety of sources. But drilling for oil in the Arctic refuge is neither a common sense, nor an environmentally sound solution. The truth is, Americans can conserve as much energy as we can extract from the Arctic refuge. Let's face it—conservation is a renewable energy source. We can continue to conserve energy far beyond the time when the Arctic refuge would be drained dry of oil. But we cannot, and I emphasize this, we cannot get the Arctic refuge back once we have thrown it away. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 39

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provisions of the National Wildlife Refuge Administration Act, a portion of the Arctic National Wildlife Refuge in Alaska comprising approximately 1,485,581 acres, as generally depicted on a map entitled "Arctic National Wildlife—1002 Area. Alternative E—Wilderness Designation October 28, 1991, and available for inspection in the offices of the Secretary of the Interior, is hereby designated as a component of the National Wilderness Preservation System.

Mr. PELL. Mr. President, I am joining in reintroducing a bill to amend the National Wildlife Refuge Administration Act and increase our protection of the fragile Arctic coastal plain wilderness—one of the world's richest ecosystems.

The Alaska lands bill provides the limited protection that the Arctic wilderness now enjoys. As an original cosponsor of that conservation bill of the century, I wholeheartedly support this measure to strengthen the protection it affords Alaska's wilderness.

I am pleased to join the senior Senator from Delaware [Mr. ROTH], the senior Senator from Montana [Mr. BAUCUS], and many of our colleagues in seeking permanent protection for the Arctic wilderness.

Our legislation would designate the Arctic coastal plain as part of the national wilderness preservation system. It would take one of our country's last great wilderness areas and put it clearly off limits to development interests.

I hope the Senate will take a commonsense approach to the Arctic coastal plain, but I am concerned that we may become embroiled in a highly emotional confrontation between wilderness preservation and energy development interests.

Such a debate is likely to obscure what I consider the most fundamental facts: Our Nation must not risk a globally irreplaceable wilderness for the long odds of finding enough oil reserves for a short-term energy fix.

Exploration for oil is a gamble and, anyone who says otherwise is not to be trusted. We should be particularly careful because the stakes we may be asked to offer are literally priceless and irreplaceable.

Let's look at the odds. The Department of the Interior has estimated there is less than 1 chance in 5 of finding an economically available supply of oil in the Arctic coastal plain.

Such long-shot odds are not justified, especially when we consider the treasure we would be surrendering.

Let's look at what's in the pot. Estimates vary widely, but the mean estimate of the recoverable oil in the Arctic coastal plain is about 3.2 billion barrels. That's about a 6-month supply of oil for the United States.

Let's look at the payoff. Oil industry experts agree it would take 7 years to see the first oil production, if any is found, and as many as 15 years to hit full production.

Let's look again at our stake. The abundance and diversity of wildlife on the Arctic coastal plain, focused in an area only slightly larger than my home State of Rhode Island, makes it one of the richest ecosystems in the world.

As one who is concerned about the need to preserve our wilderness areas in public trust, I think we would be foolish to gamble. Exploring for oil in this priceless wilderness is a sucker's bet.

Others, with the very best of motives, will argue that the risk may not be as great and the payoff may be greater.

I respect their views and understand their desire for energy reserves, but I cannot support them. We must remember the earlier assurances of safety that were exposed to the world as wishful thinking by the *Exxon Valdez*.

Although the glaring headlines of that vast spill have faded into history, the legacy of that tragedy remains. It could have been worse and, along the Arctic coastal plain, such an ecological disaster could be even more devastating.

It is my view that, instead of risking our wilderness heritage and our children's legacy, we must work even harder to foster greater energy efficiency and to encourage the development of innovative, alternative energy sources.

We must never forget our long-range duty to protect our natural heritage and we must never sacrifice that rich heritage in a blind rush for more oil to feed our profligate energy habits.

• Mr. DURENBERGER. Mr. President, I rise to support S. 39, the Arctic National Wildlife Refuge [ANWR] Act. For the third time in as many sessions, I am an original cosponsor of the legislation offered by my colleague from Delaware, Senator ROTH. This bill would designate the Arctic coastal plain wilderness within ANWR, Alaska, as a component of the national wilderness preservation system.

For me, the question of whether the United States should look for oil in ANWR is an easy one to answer for several reasons. First, Mr. President, I believe that the last undisturbed Arctic ecosystem in North America should be preserved in perpetuity so that future generations may learn and benefit from ANWR as ours has.

Second, the best estimates project that even if oil is found in ANWR, it will only provide a temporary supply of petroleum to this country. Then what? The proponents of drilling must realize that such a policy not only places an undue burden on the coastal plain of Alaska, it also perpetuates our continued off-shore interests in the areas of California and Florida, as well as maintains our lack of very important conservation initiatives. I believe that this routine has been, and continues to be, fundamentally against this country's long-term energy and economic needs.

Third, I have very serious reservations concerning the conclusion that development in ANWR could take place in an environmentally benign manner. In the short term, opening the coastal plain would irrevocably destroy that area's pristine wilderness qualities. Moreover, the potential exists for much more severe damage to the region's fish and wildlife. As we have seen, development at Prudhoe Bay has proven to be, in many instances, extremely destructive to that environment, and I refuse to believe that the same thing would not happen at ANWR.

Finally, Mr. President, this country has made only minor commitments to developing alternative and renewable energy resources. Relatively small steps have been taken to develop alternative fuels, and even they have been in the context of clean air—not energy security.

Mr. President, energy conservation is the most crucial factor of an energy policy. For more than a decade, this country's energy policies have been running on empty. As a nation, our modus operandi has been one of unlimited consumption and importation of foreign oil and this all has been underscored with the line of thinking in Congress which has been "Don't do today something that could as easily be done tomorrow."

Well Mr. President, tomorrow has finally come.

These are among the best reasons that I know of to oppose drilling in ANWR. I believe that we all have the responsibility to ourselves, to this country, and to future generations, to work as hard as we can to develop long-term, economically sound, environmentally beneficial energy policies and to conserve oil. This is not occurring nor are we moving in that direction.

Mr. President, I am not willing to live with the ramifications of opening ANWR, and I am heartened that today that we are once again sending a clear signal that we place environmental concerns above shortsighted oil development initiatives.

I am proud to again be an original cosponsor of this important legislation and I urge my colleagues to support it as well. Thank you, Mr. President, and I yield the floor.•

By Mr. THURMOND:

S. 41. A bill granting an extension of patent to the United Daughters of the Confederacy; to the Committee on the Judiciary.

EXTENSION OF PATENT TO THE UNITED DAUGHTERS OF THE CONFEDERACY

Mr. THURMOND. Mr. President, today, I rise to introduce legislation which will extend and renew the design patent for the insignia of the United Daughters of the Confederacy. This design patent was originally issued on November 8, 1998, and has been extended on numerous occasions since then. It was extended in 1926, 1941, 1955, and 1977. In November of last year the patent expired. In order to ensure continued protection for the insignia, Congress must pass this legislation. This is a noncontroversial bill. In fact, it twice passed the Senate by unanimous consent last Congress. Unfortunately, the House failed to act on either measure.

When I first introduced the bill last Congress, it was in response to a request by the president of the United Daughters of the Confederacy, June H. Leake. Mrs. Leake informed me that continued protection of this insignia is vital to her organization.

Mr. President, legislation extended the statutory period for design patents for emblems or badges of patriotic, fraternal, or religious organizations is recognized by Congress as being meritorious and is commonplace. The United Daughters of the Confederacy is the outgrowth of a number of memorial, monument, and Confederate home associations which were organized after the Civil War. It was officially formed in 1890. In fact, I have been informed that the United Daughters of the Confederacy, by way of its consolidation with the auxiliaries of the Confederate Veterans Association, is the oldest patriotic organization in our country. The organization's objectives are noble. Members work to educate others about the Civil War and they work to honor the memory of those who served and those who fell in the service of the Confederate States of America.

Mr. President, it is important that Congress continues to assist and promote patriotic organizations. Passage of this measure will help ensure that the United Daughters of the Confederacy continues to prosper.

For these reasons, I urge my colleagues to support this legislation.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 41

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain design patent issued by the United States Patent Office of date November 8, 1898, being patent numbered 28,611, which is the insignia of the United Daughters of the Confederacy, which was renewed and extended for a period of fourteen years by the Act entitled "An Act granting an extension of patent to the United Daughters of the Confederacy", approved November 11, 1977 (Public Law 95-168; 91 Stat. 1349), is hereby renewed and extended for an additional period of fourteen years from and after the date of enactment of this Act, with all the rights and privileges pertaining to the same, being generally known as the insignia of the United Daughters of the Confederacy.

By Mr. HELMS:

S. 43. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services, and for other purposes; read the first time.

FEDERAL ADOPTION SERVICES ACT

Mr. HELMS. Mr. President, I am today introducing the Federal Adoption Services Act of 1991. This legislation which was originally proposed by our former colleagues from New Hampshire, Mr. Humphrey, would amend title X of the Public Health Services Act to allow family planning services to provide adoption services.

This legislation provides that family planning clinics may offer adoption services based on their understanding of the needs of the community as well as the ability of the individual clinic to provide those services.

As we have discovered during debates on title X, there is excessive attention paid in these programs to the prevention or spacing of pregnancies and the limiting of the size of the American family. But the debate should be about much more. It should be about the affirmation of life. That is why adoption should be a part of family planning—since the benefits are obvious for parents unable to care for children as well as for parents who are unable to have children.

More importantly, adoption is a better alternative than abortion in dealing with an unplanned pregnancy.

Mr. President, more than one-third of the women who use title X services are teenagers. If a young, unmarried teenager finds herself pregnant she may not be aware that adoption is an option.

The employees of the family planning clinic may be as poorly informed as well. The bill I am introducing would change that.

Let me be clear, no woman would be threatened or cajoled into giving up her child for adoption, but she would be allowed to make an informed, compassionate, judgment based on all of her available options.

This legislation is written to provide family planning clinics a new option. It is not my intent to force family planning clinics to provide adoption services which they are unable to offer. This legislation merely makes it clear that Federal policy will allow, and hopefully encourage, the use of adoption as a means of family planning.

Mr. President, adoption was called by a wise man, "the loving option." I have seen the joy that it has brought to my family and to many others. In a world where hundreds of children are murdered each day—some simply because their parents do not like the child's gender—why not give life a chance.

It is the responsibility of government to stand and protect the most innocent among us. Let us take up that responsibility.

I urge my colleagues to support this effort to ensure that adoption does not become a forgotten weapon in the war to protect our children.

I ask unanimous consent that the bill printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 43

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Adoption Services Act of 1993".

SEC. 2. ADOPTION SERVICES.

Section 1001(a) of the Public Health Service Act (42 U.S.C. 300(a)) is amended by inserting after the first sentence the following new sentences: "Such projects may also offer adoption services. Any adoption services provided under such projects shall be nondiscriminatory as to race, color, religion, or national origin.".

By Mr. THURMOND:

S. 44. A bill to amend title 18, United States Code, to prohibit any person who is being compensated for lobbying the Federal Government from being paid on a contingency fee basis; to the Committee on the Judiciary.

BANNING CONTINGENCY FEES FOR LOBBYING ACTIVITIES

Mr. THURMOND. Mr. President, today, I am introducing a bill which would prohibit any person who is being compensated for lobbying the Federal Government from being paid on a contingency fee basis. This bill is virtually identical to a bill I introduced during the final months of the 100th Congress. This legislation takes an important step toward ensuring integrity in the administration of the Federal Government.

Congress as a great responsibility to ensure integrity in the administration of the Federal Government in all its departments. This has become even more important now that we have entered the era of the $1 trillion Federal budget. Vast sums of money are appropriated by Congress for various projects and studies. Contracts worth millions of dollars are regularly entered into by Federal agencies. The competition for these funds and contracts is intense.

It is not realistic to assume that Congress can legislate integrity. However, we can, through legislation, make efforts to remove certain incentives to use undue influence and to enter into contracts which are contrary to the fiscal and ethical interests of our Nation. Accordingly, I have introduced this legislation which will prohibit payment for lobbying on a contingency fee basis.

Mr. President, I have heard reports of certain lobbying activities which greatly disturb me. Specifically, I was informed that one lobbyist approached an institution and inquired as to how much Federal money was needed to fund a particular project. When the response was $12 million, the lobbyist responded that he would ask Congress for $14 million. If successful, he would be paid $2 million. If he was unsuccessful, only a base fee would be charged. When our Nation is bridled with such a huge debt, we certainly cannot afford to borrow more money to provide such suspect incentive payments which work to further increase the deficit.

Many lobbying firms do not operate on a contingency fee basis. Yet, other firms follow this practice. The president of the American League of Lobbyists does not oppose charging a contingency fee for lobbying efforts. Hearings on these issues would be very helpful as this legislation moves through Congress. However, even if it is determined that such arrangements are rare—I take the view that even one is too much. Such arrangements are clearly wrong, and should not be tolerated.

I firmly believe that lobbying on a contingency fee basis is wrong and should not be allowed. Congress should follow the lead of most States by enacting this legislation which would prohibit such arrangements.

Mr. President, the question of the propriety of contingency fees in lobbying activities is not a new one. Common law has held such contracts unenforceable for decades. In fact, in 1916, the Supreme Court ruled on the character of such financial arrangements in the case of Crocker versus United States. The Court, quoting from a prior case, stated:

> All contracts * * * should be made with those * * * who will execute them most faithfully, and at the least expense to the Government. [Contingency fee arrangements] * * * tend to introduce personal solicitation, and personal influence, as elements in the procurement of contracts; and thus directly lead to inefficiency in the public service, and to unnecessary expenditures of the public funds.

Mr. President, recognizing the improper incentives contingency fees for lobbyists have injected into Government, 35 States have laws on the books which prohibit payment for lobbying on a contingent fee basis. My home State of South Carolina has prohibited this type of lobbying since 1935.

At the Federal level, contingency fee arrangements are addressed to some extent in the executive branch. Two laws covering contracts awarded by the executive departments—41 U.S.C. 254(a) and 10 U.S.C. 2306(b)—restrict the use of "commission, percentage, brokerage or contingent fee" arrangements to secure these contracts. However, the scope of these statutes is deficient in two respects. First, the violation of these provisions carries little penalty. The Government can only annul the contract secured by a contingency fee arrangement, or deduct from the contract the full amount of the contingency fee. They carry no criminal penalties. Second, these statutes only apply to the executive branch and not to activities involving Congress.

Mr. President, the legislation I am introducing would make contingency fee arrangements to influence government action a crime under Federal law. Any person who violates the provisions of this section shall be fined up to $100,000, or imprisoned not more than 5 years, or both.

Moreover, the Attorney General is empowered to bring a civil action to recover twice the proceeds obtained by that person due to such conduct. This act is prospective in nature and would only apply to contracts entered into after enactment.

Lobbyists often provide expertise and helpful information not otherwise available. I want to be clear on this point. This is an important role for lobbyists, but I am opposed to contractual arrangements which impugn the integrity and efficiency of our system. Clearly, a person should be entitled to reasonable fees for legitimate services in presenting officials of the government with information as may apprise them of the character and value of the project or service offered, and thus enable those officers to act for the best interest of the Nation. However, the law has long recognized that contingency fees are not appropriate in some areas while appropriate in others. For instance, contingency fees in tort actions provide the poor with access to the courts and are viewed favorably. In other areas, such as criminal and domestic law, such fees are inappropriate because they introduce improper incentives into the system. Similar principles should apply to contingency fees for lobbying.

Mr. President, I urge my colleagues to support this legislation and I look forward to hearings on this important issue. The public deserves action on the part of Congress.

I ask unanimous consent that this bill be printed in its entirety following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 44

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 11 of title 18, United States Code, is amended by—

(1) inserting between sections 219 and 223, the following new section:

"§ 220. Contingency fees in lobbying

"(a)(1) It shall be unlawful for any person to make, with intent to influence, any oral or written communication on behalf of any other person other than the United States to any department, agency, court, House of Congress, or commission of the United States, for compensation if such compensation has knowingly been made dependent—

"(A) upon any action of Congress, including but not limited to actions of either the House of Representatives or the Senate, or any committee or member thereof, or the passage or defeat of any proposed legislation;

"(B) upon the securing of an award, or upon the denial of an award of a contract or grant by establishment of the Federal Government; or

"(C) upon the securing, or upon the denial, of any Federal financial assistance or any other Federal contract or grant.

"(2) The provisions of paragraph (1) shall not apply in any case involving the collection of any amount owed on a debt or on a contract claim owed to a person by the Federal Government.

"(b) Any person who violates the provisions of this section shall be fined not more than $50,000 or imprisoned not more than two years, or both.

"(c) The Attorney General may bring a civil action in any United States district court, on behalf of the United States, against any person who engages in conduct prohibited by this section in lieu of or in addition to an action taken pursuant to subsection (b), and, upon proof of such conduct by a preponderance of the evidence, may recover twice the amount of any proceeds obtained by that person due to such conduct. Such civil action shall be barred unless the action is commenced within six years after the later of (1) the date on which the prohibited conduct occurred, or (2) the date on which the United States became or reasonably should have become aware that the prohibited conduct had occurred."; and

(2) amending the table of sections by striking out the item between the item relating to section 219 and the item relating to section 224 and inserting in lieu thereof the following:

"220. Contingency fees in lobbying.".

SEC. 2. This Act and the amendments made by this Act shall become effective on the date of enactment of this Act and shall apply to any contract entered into on or after such date of enactment.

By Mr. THURMOND:

S. 45. A bill to establish constitutional procedures for the imposition of the death penalty for terrorist murders and for other purposes; to the Committee on the Judiciary.

PROTECTION AGAINST TERRORISM ACT

Mr. THURMOND. Mr. President, today I rise to introduce a measure which responds to the increased threat of terrorism against the United States and its citizens. This bill would authorize the death penalty for terrorist murders—committed either here in the United States or abroad. The measure also enhances penalties for terrorism in cases where death does not result. In addition, this bill would enhance the Government's ability to remove known terrorist aliens from the United States.

Saddam Hussein, in the first days following Desert Storm, called for the international network of terrorists to strike out against the United States and its people. Congress must respond to this threat. Acts of international terrorism against the citizens of the United States must not be permitted to go unpunished. Terrorism—the heinous, politically motivated acts carried out against the world's innocent—must be brought to an end. We must not allow these vicious murders to hide behind a veil of political struggle and spill innocent American blood without facing severe punishment.

Mr. President, this bill would amend title 18 to authorize a sentence of death for a terrorist murder committed against any person inside the United States or committed against United States nationals outside the United States. In order for the death penalty to be sought, the Attorney General would have to certify that the murder was a terrorist act intended to coerce, intimidate, or retaliate against a Government or a civilian population.

Currently, numerous Federal statutes provide that a sentence of death may be imposed if a person is found guilty. However, the reality is that the death penalty may not be imposed for these offenses because constitutional procedures for imposing such a sentence have not existed. In addition to this bill, I am also introducing a measure which would establish the necessary constitutional procedures for the implementation of a comprehensive Federal death penalty. Although I strongly believe that Congress should pass a comprehensive death penalty measure, the unique situation which confronts this Nation dictates that we move swiftly to pass a terrorism death penalty bill. Congress should ensure that those who respond to Saddam's calls for terrorism pay the ultimate price.

Mr. President, this measure also enhances the penalties for other terrorist acts. For example, the maximum penalty for those who engage in an attempted act of terrorism is increased from 20 to 35 years imprisonment. In addition, if an individual engages in physical violence with the intent to cause serious bodily injury and such injury does result, then that individual will face up to 10 years imprisonment.

Mr. President, according to the Federal Bureau of Investigation, there are numerous known operatives for international terrorist organizations currently residing in the United States. Congress must respond to this threat by ensuring that these individuals pay the ultimate price if they choose to act. Furthermore, Congress should assist the administration in its efforts to remove these aliens from our soil. I have included in this bill a measure which the FBI has requested that will amend current law to facilitate the removal of known terrorists from the United States. Under current law, the Federal Government finds it difficult to remove these terrorists from our country due to cumbersome deportation procedures. Meanwhile, these dangerous individuals are permitted to roam our streets and plan their vicious cowardly acts. This bill also includes a provision requested by the FBI which amends current law to enhance its ability to identify the subscriber to a phone company or other communications facility if he or she has been in contact with a foreign power or agent of a foreign power. In other words, it will facilitate the FBI's ability to learn the identity of individuals who have been in telephone contact with known terrorists.

Mr. President, the FBI has responded well to the threat of terrorism, both domestically and abroad. Congress must strengthen the ability of the FBI to deter terrorist activity. This bill would give those responsible for protecting America from terrorism the tools they need to remove known terrorists—those who have previously committed vicious acts in other countries—from our soil.

In summary, terrorism has plagued the world for many years. Increasingly, the United States has been the focus of such acts. For example, no one can forget the 241 U.S. military servicemen killed in Beirut by a suicide truck bomber in October 1983 or the innocent Americans killed in the December 1988 bombing of Pan Am flight 103 over Scotland. In 1991, a terrorist accidentally detonated a bomb, killing himself, on his way to plant it in a U.S. Government building in Manila. All of these incidents, combined with the Butcher of Baghad's call to terrorism, clearly illustrate the fact that there is, indeed, an increased threat of terrorism against our people.

Mr. President, this bill will send a strong signal to those international terrorist groups that choose to make victims of innocent Americans. That message is, "If you choose to prey upon innocent Americans, you will pay the supreme price—your life." We simply cannot hesitate any longer to ensure that terrorist acts will be dealt with harshly.

In closing, Saddam Hussein has made it clear that he is unmoved by human decency and encourages acts of terrorism. His amoral acts of gassing his own people, dropping Scud missiles on Israeli civilians, and his threats during the Gulf conflict to use American POW's as human shields illustrate his barbarism. Congress must act to deter and punish those who commit terrorism and take the lives of innocent Americans. Those who are known terrorists must not be permitted to lurk among us. Instead, they must be removed from our soil. In addition, those who would commit vicious, brutal acts must pay the ultimate price. We must treat terrorists for what they are—murderers—who should face the death penalty for their heinous crimes.

For these reasons, I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 45

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Protection Against Terrorism Act of 1993".

TITLE I—"TERRORISM DEATH PENALTY ACT OF 1993".

SEC. 101. DEATH PENALTY FOR TERRORIST ACTS.

(a) Offense.—Subsections 2331 (a) through (c) of title 18 of the United States Code are amended to read as follows:

"(a) Homicide.—Whoever kills a person while such person is inside the United States, or kills a national of the United States, while such national is outside the United States, shall—

"(1)(A) if the killing is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, or be fined under this title, or both; and

"(B) if the killing is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;

"(2) if the killing is a voluntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than thirty years, or both; and

"(3) if the killing is an involuntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than ten years, or both.

"(b) Attempt or Conspiracy With Respect to Homicide.—Whoever attempts to kill, or engages in a conspiracy to kill, any human being inside the United States or any national of the United States while such national is outside the United States shall—

"(1) in the case of an attempt to commit a killing that is a murder as defined in this chapter, be fined under this title or imprisoned not more than thirty-five years, or both; and

"(2) in the case of a conspiracy by two or more persons to commit a killing that is a murder as defined in section 1111(a) of this title, if one or more of such persons do any overt act to effect the object of the conspiracy, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned.

"(c) Other Conduct.—Whoever engages in physical violence—

"(1) with intent to cause serious bodily injury to a person inside the United States, or a national of the United States while such national is outside the United States; or

"(2) with the result that serious bodily injury is caused to a person inside the United States, or to a national of the United States while such national is outside the United States;

shall be fined under this title or imprisoned not more than ten years, or both".

(b) Death Penalty.—Section 2331 of title 18 of the United States Code, is amended by adding at the end thereof the following:

"(f) Death Penalty Procedures.—

"(1) Sentence of death.—A defendant who has been found guilty of an offense described in subsection (a)(1)(A), if the defendant, as determined beyond a reasonable doubt at a hearing under paragraph 3—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury that resulted in the death of the victim;

"(C) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(D) intentionally and specifically engaged in an act, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act.

shall be sentenced to death if, after consideration of the factors set forth in paragraph (2) in the course of a hearing held pursuant to paragraph (3) it is determined that imposition of a sentence of death is justified; provided that no person may be sentenced to death who was less than sixteen years of age at the time of the offense.

"(2) Factors to be considered in determining whether a sentence of death is justified—

"(A) Mitigating factors.—In determining whether a sentence of death is justified, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(i) the defendant's mental capacity was significantly impaired, although the impairment was not such as to constitute a defense to prosecution;

"(ii) the defendant was under unusual and substantial duress, although not such duress as would constitute a defense to prosecution; and

"(iii) the defendant was an accomplice and participation in the offense was relatively minor.

The jury, or if there is no jury, the court, shall consider whether any other mitigating factor exists.

"(B) Aggravating factors.—In determining whether a sentence of death is justified, the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(i) the death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property in interstate commerce by explosives), section 1118 (prisoners serving life term), section 1201 (kidnaping), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (i) or (n)) (aircraft piracy);

"(ii) the defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute;

"(iii) the defendant has previously been convicted of two or more Federal or State offenses, punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person;

"(iv) the defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense;

"(v) the defendant committed the offense in an especially heinous, cruel, or depraved manner;

"(vi) the defendant procured the commission of the offense by payment or promise of payment of anything of pecuniary value;

"(vii) the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value;

"(viii) the defendant committed the offense after planning and premeditation to cause the death of a person or commit an act of terrorism;

"(ix) the defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance;

"(x) the victim was particularly vulnerable due to old age, youth or infirmity, the defendant committed the offense against—

"(I) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice-President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(II) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(III) a foreign official listed in section 1116(b)(3)(A) of this title, if he is in the United States on official business; or

"(iv) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—

"(aa) while he is engaged in the performance of his official duties;

"(bb) because of the performance of his official duties; or

"(cc) because of his status as a public servant.

For purposes of this subparagraph, a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(3) SPECIAL HEARING TO DETERMINE WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

"(A) NOTICE BY THE GOVERNMENT.—If the attorney for the Government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, he shall, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, sign and file with the court, and serve on the defendant, a notice—

"(i) stating that the Government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter and that the Government will seek the sentence of death; and

"(ii) setting forth the aggravating factor or factors that the Government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(B) HEARING BEFORE A COURT OR JURY.—If the attorney for the Government has filed a notice as required under subsection (a) and the defendant is found guilty of or pleads guilty to an offense described in paragraph (1), the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(i) before the jury that determined the defendant's guilt;

"(ii) before a jury impaneled for the purpose of the hearing if—

"(I) the defendant was convicted upon a plea of guilty;

"(II) the defendant was convicted after a trial before the court sitting without a jury;

"(III) the jury that determined the defendant's guilt was discharged for good cause; or

"(IV) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(iii) before the court alone, upon the motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to paragraph (3)(b)(2) shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(C) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under paragraph (1), no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under paragraph (2). Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to a mitigating or aggravating factor may be presented by either the attorney for the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The Government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(D) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return a special finding as to each mitigating and aggravating factor, concerning which information is presented at the hearing, required to be considered under paragraph (2). The jury must find the existence of an aggravating factor by a unanimous vote although it is unnecessary that there be a unanimous vote on any specific aggravating factor if a majority of the jury finds the existence of such a specific factor. A finding with respect to a mitigating factor may be made by one or more members of the jury and any member of the jury who finds the existence of a mitigating factor may consider such a factor established for purposes of this section, regardless of the number of jurors who consider that the factor has been established.

"(E) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If an aggravating factor required to be considered under subparagraph (2)(c) is found to exist; the jury, or if there is no jury, the court, shall then consider whether all the aggravating factors found to exist sufficiently outweigh all the mitigating factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court shall return a finding as to whether a sentence of death is justified.

"(F) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subparagraph (E), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, national origin, creed, or sex of the defendant. The jury, upon return of a finding under subparagraph (E), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, national origin, creed, or sex of the defendant was not involved in reaching the juror's individual decision.

"(4) IMPOSITION OF A SENTENCE OF DEATH.—Upon a finding under subparagraph (3)(E) that a sentence of death is justified, the court shall sentence the defendant to death. Upon a finding under subparagraph (3)(E) that a sentence of death is not justified, or under subparagraph (3)(E) that no aggravating factor required to be found exsits, the court shall impose any sentence other than death that is authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment the court may impose a sentence of life imprisonment without parole.

"(5) REVIEW OF A SENTENCE OF DEATH.—

"(A) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(B) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(i) the evidence submitted during the trial;

"(ii) the information submitted during the sentencing hearing;

"(iii) the procedures employed in the sentencing hearing; and

"(iv) the special findings returned under subparagraph (3)(D).

"(C) DECISION AND DISPOSITION.—

"(i) If the court of appeals determines that—

"(I) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(II) the information supports the special finding of the existence of an aggravating factor required to be considered under paragraph (2); it shall affirm the sentence.

"(ii) In any other case, the court of appeals shall remand the case for reconsideration under paragraph (3).

"(iii) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"(6) IMPLEMENTATION OF A SENTENCE OF DEATH.—A person who has been sentenced to death pursuant to the provisions of this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the latter State in the manner prescribed by such law. A sentence of death shall not be carried out upon a woman while she is pregnant.

"(7) USE OF STATE FACILITIES.—

"(A) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(B) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required as a condition of that employment, or contractual obligation to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participation in execution' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.".

TITLE II—TERRORIST ALIEN REMOVAL

SEC. 201. This Act may be cited as the "Terrorist Alien Removal Act of 1993".

SEC. 2. The Congress finds that (a) Terrorist groups have been able to create significant infrastructures and cells in the United States among persons who are in the United States either temporarily, as students or in other capacities, or as permanent resident aliens.

(b) International terrorist groups that sponsor these infrastructures were responsible for—

(1) conspiring to bomb the Turkish Honorary Consulate in Philadelphia, Pennsylvania in 1982;

(2) hijacking Trans World Airlines Flight 847 during which a United States Navy diver was murdered in 1985;

(3) hijacking Egypt Air Flight 648 during which three Americans were killed in 1985;

(4) murdering an American citizen aboard the Achille Lauro cruise liner in 1985;

(5) hijacking Pan Am Flight 73 in Karachi, Pakistan, in which forty-four Americans were held hostage and two were killed in 1986;

(6) conspiring to bomb an Air India aircraft in New York City in 1986;

(7) attempting to bomb the Air Canada cargo facility at the Los Angeles International airport in 1986; and

(8) numerous bombings and murders in Northern Ireland over the past decade.

(c) Certain governments and organizations have directed their assets in the United States to take measures in preparation for the commission of terrorist acts in this country.

(d) Present immigration laws have not been used to any significant degree by law enforcement officials to deport alien terrorists because compliance with these laws with respect to such aliens would compromise classified intelligence sources and information. Moreover, appellate procedures routinely afforded aliens following a deportation hearing frequently extend over several years resulting in an inability to remove expeditiously aliens engaging in terrorist activity.

(e) Present immigration laws are inadequate to protect the national security of the United States from terrorist attacks by certain aliens. Therefore, new procedures are needed to remove alien terrorists from the United States and thus reduce the threat that such aliens pose to the national security and other vital interests of the United States.

SEC. 203. (a) Subsection 241(a) of the Immigration and Nationality Act (8 U.S.C. 1251(a)) is amended by adding at the end thereof a new paragraph 21 as follows:

"(21) either prior or subsequent to entry is engaging in or has engaged in terrorist activity.".

(b) Subsection 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end thereof the following new paragraphs:

"(43) The term 'terrorist activity' means any activity which is unlawful under the laws of the place where it is committed, or which, if committed in the United States would have been unlawful under the laws of the United States or of any State and which involves—

"(A) the hijacking of an aircraft, vessel, or vehicle;

"(B) the sabotage of an aircraft, vessel, or vehicle;

"(C) the seizing or detaining and threatening to kill, injure, or continue to detain another person in order to compel a third person or governmental organization to do or abstain from doing any act as an explicit or implicit condition for the release of the person detained or seized;

"(D) a violent attack upon the person or liberty of an 'internationally protected person' as defined in 18 U.S.C. 1116(b)(4);

"(E) the use of any explosive, biological agent, chemical agent, nuclear weapon or device, or firearm with intent to endanger, directly or indirectly, the safety of people or cause substantial damage to property;

"(F) an assassination; or

"(G) any threat, attempt, or conspiracy to do any of the foregoing.

"(44) The term 'engage in a terrorist activity' means to commit an act of terrorist activity or to do an act which the actor knows, or reasonably should know, affords material support to any individual or enterprise in conducting terrorist activity at any time including, but not limited to—

"(A) the preparation and planning of terrorist activity;

"(B) the gathering of intelligence on potential targets for terrorist activity;

"(C) the providing of any type of material support including but not limited to a safe house, transportation, funds, false identification, weapon, or explosive to any individual who the actor knows or has reason to believe has committed or plans to commit an act of terrorist activity;

"(D) the soliciting of funds or other things of value for terrorist activity or for any organization which engages in or which has engaged in terrorist activity; or

"(E) the solicitation of any individual for membership in a terrorist enterprise;

The term does not include lawful speeches, writings, or attendance and participation in peaceful public assemblies; *Provided, however*, That evidence of any speech, writing, or participation in any public assembly may be used to show the actor's awareness of the unlawful methods of an individual or enterprise conducting terrorist activity.

"(45) The term 'individual' means a human being.

"(46) The term 'enterprise' means an organization or government.".

SEC. 204. The Immigration and Nationality Act is amended by adding at the end thereof a new title V as follows:

"TITLE V—REMOVAL OF ALIEN TERRORISTS

"Sec.

"501 (adds 8 U.S.C. §1601). Applicability.

"502 (adds 8 U.S.C. §1602). Special Removal Hearing.

"503 (adds 8 U.S.C. §1603). Designation of Judges.

"504 (adds 8 U.S.C. §1604). Miscellaneous Provisions.

"§ 501. Applicability

"(a) The provisions of this title may be followed in the discretion of the Department of Justice whenever the Department of Justice has information that an alien described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a)(21)) is subject to deportation because of that paragraph.

"(b) Whenever an official of the Department of Justice files, under section 502, an application with the court established under section 503 for authorization to seek removal pursuant to the provisions of this title, the alien's rights regarding removal and expulsion shall be governed solely by the provisions of this title. Except as they are specifically referenced, no other provisions of the Immigration and Nationality Act shall be applicable. An alien subject to removal under these provisions shall have no right of discovery of information derived from electronic surveillance authorized under the Foreign Intelligence Surveillance Act or otherwise for national security purposes, nor shall such alien have the right to seek suppression of evidence derived in such manner. Further, the Government is authorized to use, in the removal proceeding, the fruits of electronic surveillance authorized under the Foreign Intelligence Surveillance Act without regard to subsections 106 (c), (e), (f), (g), and (h) of that Act.

"(c) This title is enacted in response to findings of Congress that aliens described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a)(21)) represent a unique threat to the security of the United States. It is the intention of Congress that such aliens be promptly removed from the United States following—

"(1) a judicial determination of probable cause to believe that a person is such an alien; and

"(2) a judicial determination pursuant to the provisions of this title that an alien is removable on the grounds that he is an alien described in paragraph 21 of subsection 241(a) (8 U.S.C. 1251(a)(21));

and that such aliens not be given a deportation hearing and are ineligible for any discretionary relief from deportation and for relief under subsection 243(h) of the Immigration and Nationality Act.

"§ 502. Special Removal Hearing

"(a) Whenever removal of an alien is sought pursuant to the provisions of this title, a written application upon oath or affirmation shall be submitted in camera and ex parte to the court established under section 503 for an order authorizing such a procedure. Each application shall require the approval of the Attorney General, the Deputy Attorney General, or the Associate Attorney General based upon his finding that it satisfies the criteria and requirements for such application as set forth in this title. Each application shall include—

"(1) the identity of the Department of Justice attorney making the application;

"(2) the approval of the Attorney General, the Deputy Attorney General, or the Associate Attorney General for the making of the application;

"(3) the identity of the alien for whom authorization for the special removal procedure is sought; and

"(4) a statement of facts and circumstances relied on by the Department of Justice to establish that—

"(A) an alien as described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a)(21)) is physically present in the United States, and

"(B) with respect to such alien, adherence to the provisions of title II of this Act regarding the deportation of aliens would tend to harm the national security of the United States, adversely affect foreign relations, reveal an investigative technique important to efficient law enforcement, or disclose a confidential source of information.

"(b) The application shall be filed under seal with the court established under section 503. The Attorney General may take into custody any alien with respect to whom such an application has been filed and, notwithstanding any other provision of law, may retain such an alien in custody in accordance with the procedures authorized by this title.

"(c) In accordance with the rules of the court established under section 503, the judge shall consider the application and may consider other information presented under oath or affirmation at an in camera and ex parte hearing on the application. A verbatim record shall be maintained of such a hearing. The application and any other evidence shall be considered by a single judge of that court who shall enter an ex parte order as requested if he finds, on the basis of the facts submitted in the application and any other information provided by the Department of Justice at the in camera and ex parte hearing, there is probable cause to believe that—

"(1) the alien who is the subject of the application has been correctly identified and is an alien as described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a)); and

"(2) adherence to the provisions of title II of this Act regarding the deportation of the identified alien would tend to harm the national security of the United States, adversely affect foreign relations, reveal an investigative technique important to efficient law enforcement or disclose a confidential source of information.

"(d)(1) In any case in which the application for the order is denied, the judge shall prepare a written statement of his reasons for the denial and the Department of Justice may seek a review of the denial by the Court of Appeals for the Federal Circuit by notice of appeal which must be filed within twenty days. In such a case the entire record of the proceeding shall be transmitted to the Court of Appeals under seal and the Court of Appeals shall hear the matter ex parte.

"(2) If the Department of Justice does not seek review, the alien shall be released from custody unless such alien may be arrested and taken into custody pursuant to title II of this Act as an alien subject to deportation, in which case such alien shall be treated in accordance with the provisions of this Act concerning the deportation of aliens.

"(3) If the application for the order is denied because the judge has not found probable cause to believe that the alien who is the subject of the application has been correctly identified or is an alien as described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a)) and the Department of Justice seeks review, the alien shall be released from custody unless such alien may be arrested and taken into custody pursuant to title II of this Act as an alien subject to deportation, in which case such alien shall be treated in accordance with the provisions of this Act concerning the deportation of aliens simultaneously with the application of this Title.

"(4) If the application for the order is denied because, although the judge found probable cause to believe that the alien who is the subject of the application has been correctly identified and is an alien as described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a)), the judge has found that there is not probable cause to believe that adherence to the provisions of title II of this Act regarding the deportation of the identified alien would tend to harm the national security of the United States, adversely affect foreign relations, reveal an investigative technique important to efficient law enforcement, or disclose a confidential source of information, the judge shall release the alien from custody subject to the least restrictive condition or combination of conditions of release described in subsection 3142 (b) and (c)(1)(B)(i)–(xiv) of title 18 that will reasonably assure the appearance of the alien at any future proceeding pursuant to this title and will not endanger the safety of any other person or the community, but if the judge finds no such condition or combination of conditions the alien shall remain in custody until the completion of any appeal authorized by this title. The provisions of sections 3145–3148 of title 18 pertaining to review and appeal of a release or detention order, penalties for failure to appear, penalties for an offense committed while on release, and sanctions for violations of a release condition shall apply to an alien to whom the previous sentence applies and—

"(A) for purposes of section 3145 an appeal shall be taken to the Court of Appeals for the Federal Circuit; and

"(B) for purposes of section 3146 the alien shall be considered released in connection with a charge of an offense punishable by life imprisonment.

"(e)(1) In any case in which the application for the order authorizing the special procedures of this title is approved, the judge who granted the order shall consider separately each item of evidence the Department of Justice proposes to introduce in camera and ex parte at the special removal hearing. The judge shall authorize the introduction in camera and ex parte of any item of evidence for which the judge determines that the introduction other than in camera and ex parte would tend to harm the national security of the United States, adversely affect foreign relations, reveal an investigative technique important to efficient law enforcement, or disclose a confidential source of information. With respect to any evidence which the judge authorizes to be introduced in camera and ex parte, the judge shall cause to be prepared and shall sign, and the Department of Justice shall cause to be delivered to the alien, either—

"(A) a written summary which shall be sufficient to inform the alien of the general nature of the evidence that he is an alien as described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a)(21)) and to permit the alien to marshal the facts and prepare a defense, but which shall not tend to harm the national security, adversely affect foreign relations, reveal an investigative technique important to efficient law enforcement, or disclose a confidential source; or

"(B) if necessary to prevent serious harm to the national security or death or serious bodily injury to any person, a statement informing the alien that no such summary is possible.

"(2) The Department of Justice may take an interlocutory appeal to the United States Court of Appeals for the Federal Circuit of any determination by the judge pursuant to paragraph (1)—

"(A) concerning whether an item of evidence may be introduced in camera and ex parte;

"(B) concerning the contents of any summary of evidence to be introduced in camera and ex parte prepared pursuant to subparagraph (e)(1)(A); or

"(C) ruling that no summary of evidence to be introduced in camera and ex parte is possible pursuant to subparagraph (e)(1)(B).

In any interlocutory appeal taken pursuant to this paragraph, the entire record, including any proposed order of the judge or summary of evidence, shall be transmitted to the Court of Appeals under seal which shall hear the matter ex parte. The Court of Appeals shall consider the appeal as expeditiously as possible.

"(f) In any case in which the application for the order is approved the special removal hearing authorized by this section shall be conducted for the purpose of determining if the alien to whom the order pertains should be removed from the United States on the grounds that he is an alien as described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a)(21)). In accordance with subsection (e), the alien shall be given reasonable notice of the nature of the charges against him. The alien shall be given notice, reasonable under all the circumstances, of the time and place at which the hearing will be held. The hearing shall be held as expeditiously as possible.

"(g) The special removal hearing shall be held before the same judge who granted the order pursuant to subsection (e) unless that judge is deemed unavailable due to illness or disability by the chief judge of the court established pursuant to section 503, or has died. A decision by the chief judge pursuant to the preceding sentence shall not be subject to review by either the alien or the Department of Justice.

"(h) The hearing shall be open to the public. The alien shall have a right to be present as such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent him. Such counsel shall be appointed by the judge pursuant to the plan for furnishing representation for any person financially unable to obtain adequate representation for the district in which the hearing is conducted as provided for in section 3006A of title 18, all provisions of that section shall apply, and for purposes of determining the maximum amount of compensation, the matter shall be treated as if a felony was charged. The alien may be called as a witness by the Department of Justice. The alien shall have a right to introduce evidence on his own behalf. Except as provided in subsection (j), the alien shall have a reasonable opportunity to examine the evidence against him and to cross-examine any witnesses. A verbatim record of the proceedings and of all testimony and evidence offered or produced at such a hearing shall be kept. The decision of the judge shall be based only on the evidence introduced at the hearing, including evidence introduced under subsection (j).

"(i) At any time prior to the conclusion of the hearing, either the alien or the Department of Justice may request the judge to issue a subpoena for the presence of a named witness (which subpoena may also command the person to whom it is directed to produce books, papers, documents, or other objects designated therein) upon a satisfactory showing that the presence of the witness is necessary for the determination of any material matter. Such a request may be made ex parte except that the judge shall inform the Department of Justice of any request for a subpoena by the alien for a witness or material if compliance with such a subpoena would reveal evidence or the source of evidence which has been introduced, or which the Department of Justice has received permission to introduce, in camera and exparte pursuant to subsection (j), and the Department of Justice shall be given a reasonable opportunity to oppose the issuance of such a subpoena. If an application for a subpoena by the alien also makes a showing that the alien is financially unable to pay for the attendance of a witness so requested, the court may order the costs incurred by the process and the fees of the witness so subpoenaed to be paid for from funds appropriated for the enforcement of title II of this Act. A subpoena under this subsection may be served anywhere in the United States. A witness subpoenaed under this subsection shall receive the same fees and expenses as a witness subpoenaed in connection with a civil proceeding in a court of the United States. Nothing in this subsection is intended to allow an alien to have access to classified information.

"(j) Evidence which has either been summarized pursuant to subsection (e)(1)(A) or for which no summary has been deemed possible pursuant to subsection (e)(1)(B) shall be introduced (either in writing or through testimony) in camera and ex parte and neither the alien, nor the public shall be informed of such evidence or its source other than through reference to the summary provided pursuant to subsection (e)(1)(A) or to the explanation that no summary could be provided pursuant to subsection (e)(1)(B). Notwithstanding the previous sentence, the Department of Justice may, in its discretion, elect to introduce such evidence in open session.

"(k) Evidence introduced at the hearing, either in open session or in camera and ex parte may, in the discretion of the Department of Justice, include all or part of the information presented under subsections (a) through (c) used to obtain the order for the hearing under this section.

"(l) Following the receipt of evidence, the attorney for the Department of Justice and for the alien shall be given fair opportunity to present argument as to whether the evidence is sufficient to justify the removal of the alien. The attorney for the Department of Justice shall open the argument. The attorney for the alien shall be permitted to reply. The attorney for the Department of Justice shall then be permitted to reply in rebuttal. The judge may allow any part of the argument that refers to evidence received in camera and ex parte to be heard in camera and ex parte.

"(m) The Department of Justice has the burden of showing by clear and convincing evidence that the alien is subject to removal because he is an alien as described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a)(21)). If the judge finds that the Department of Justice has met this burden, the judge shall order the alien removed.

"(n)(1) At the time of rendering a decision as to whether the alien shall be removed, the judge shall prepare a written order containing a statement of facts found and conclusions of law. Any portion of the order that would reveal the substance or source of evidence received in camera and ex parte pursuant to subsection (j) shall not be made available to the alien or the public.

"(2) The decision of the judge may be appealed by either the alien or the Department of Justice to the Court of Appeals for the Federal Circuit by notice of appeal which must be filed within twenty days, during which time such order shall not be executed. In any case appealed pursuant to this subsection, the entire record shall be transmitted to the Court of Appeals and information received pursuant to subsection (j), and any portion of the judge's order that would reveal such information or its source, shall be transmitted under seal. The Court of Appeals shall consider the case as expeditiously as possible.

"(3) In an appeal to the Court of Appeals pursuant to either subsections (d) or (e) or this subsection, the Court of Appeals shall review questions of law de novo but a prior finding on any question of fact shall not be set aside unless such finding was clearly erroneous.

"(o) If the judge decides, pursuant to subsection (n), that the alien should not be removed, the alien shall be released from custody unless such alien may be arrested and taken into custody pursuant to title II of this Act as an alien subject to deportation in which case, for purposes of detention, such alien may be treated in accordance with the provisions of this Act concerning the deportation of aliens.

"(p) Following a decision by the Court of Appeals pursuant to either subsection (d) or subsection (n), either the alien or the Department of Justice may petition the Supreme Court for a writ of certiorari. In any such case, any information transmitted to the Court of Appeals under seal shall, if such information is also submitted to the Supreme Court, be transmitted under seal.

"§ 503. Designation of Judges

"(a) The Chief Justice of the United States shall publicly designate five district court judges from five of the United States judicial circuits who shall constitute a court which shall have jurisdiction to conduct all matters and proceedings authorized by section 502. One of the judges so appointed shall be publicly designated as the presiding judge by the Chief Justice. The presiding judge shall promulgate rules to facilitate the functioning of the court and shall be responsible for assigning the consideration of cases to the various judges.

"(b) Proceedings under section 502 shall be conducted as expeditiously as possible. The Chief Justice, in consultation with the Attorney General and other appropriate Federal officials, shall, consistent with the objectives of this title, provide for the maintenance of appropriate security measures for applications for ex parte orders to conduct the special removal hearing authorized by section 502, the orders themselves, evidence received in camera and ex parte, and other matters as necessary to protect information concerning matters before the court from harming the national security of the United States, adversely affecting foreign relations, revealing investigative techniques, or disclosing confidential sources of information.

"(c) Each judge designated under this section shall serve for a term of five years and shall be eligible for redesignation except that the four associate judges first designated under subsection (a) shall be designated for terms of from one to four years so that one term expires each year.

"§ 504. Miscellaneous Provisions

"(a)(1) Following a determination pursuant to this title that an alien shall be removed, and after the conclusion of any judicial review thereof, the Attorney General may retain the alien in custody, or if the alien was released pursuant to subsection 502(o) may return the alien to custody, and shall cause the alien to be transported to any country which the alien shall designate provided such designation does not, in the Attorney General's judgment, impair any treaty (including a treaty pertaining to extradition) obligation of the United States or otherwise adversely affect the foreign policy of the United States.

"(2) If the alien refuses to chose a country to which he wishes to be transported, or if the Attorney General determines that removal of the alien to a selected country would impair a treaty obligation or adversely affect foreign policy, the Attorney General shall cause the alien to be transported to any country willing to receive such alien.

"(3) Before an alien is transported out of the United States pursuant to paragraph (1) or (2) or pursuant to an order of exclusion because such alien is excludable under paragraph 34 of subsection 212(a) of this Act (8 U.S.C. 1182(a)(34)), he or she shall be photographed and fingerprinted, and shall be advised of the provisions of subsection 276(b) of this Act (8 U.S.C. 1326(b)).

"(4) If no country is willing to receive such an alien, the Attorney General may, notwithstanding any other provision of law, retain the alien in custody. The Attorney General shall make periodic efforts to reach agreement with other countries to accept such an alien and shall submit a written report on his efforts to obtain such an agreement to the alien at least every six months. Any alien in custody pursuant to this subsection shall be released from custody solely at the discretion of the Attorney General and subject to such conditions as the Attorney General shall deem appropriate. The actions of the Attorney General pursuant to this subsection shall not be subject to judicial review, including application for a writ of habeas corpus except for a claim that his rights under the Constitution are being violated by continued detention. Jurisdiction over any such challenge shall lie exclusively in the Court of Appeals for the Federal Circuit.

"(b)(1) Notwithstanding the provisions of subsection (a), the Attorney General may hold in abeyance the removal of an alien who has been ordered removed pursuant to this title to allow the trial of such alien on any federal or State criminal charge and the service of any sentence of confinement resulting from such a trial.

"(2) Pending the commencement of any service of a sentence of confinement, by an alien described in paragraph (1), such an alien shall remain in the custody of the Attorney General, unless the Attorney General determines that temporary release of the alien to the custody of State authorities for confinement in a State facility is appropriate and would not endanger national security or public safety.

"(3) Following the completion of a sentence of confinement by an alien described in paragraph (1) or following the completion of State criminal proceedings which do not result in a sentence of confinement of an alien released to the custody of State authorities pursuant to paragraph (2), such an alien shall be returned to the custody of the Attorney General who shall proceed to carry out the provisions of subsection (a) concerning removal of the alien.

"(c) For the purposes of sections 751 and 752 of title 18, an alien in the custody of the Attorney General pursuant to this title shall be considered as being committed to the custody of the Attorney General by virtue of an arrest on a charge of felony.

"(d)(1) An alien in the custody of the Attorney General pursuant to this title shall be given reasonable opportunities to communicate with and receive visits from members of his or her family, and to contact, retain, and communicate with an attorney.

"(2) An alien in the custody of the Attorney General pursuant to this title shall have the right to contact an appropriate diplomatic or consular official of the alien's country, or an official of any country providing representation services for that country. The Attorney General shall notify the appropriate embassy of the alien's detention.".

SEC. 205. Subsection 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended by adding at the end thereof a new paragraph 34 as follows:

"(34) Aliens with respect to whom the consular officer or the Attorney General knows or has reasonable ground to believe are engaging in, have engaged in, or probably would, after entry, engage in terrorist activity.".

SEC. 206. (a) Subsection 235(c) if the Immigration and Nationality Act (8 U.S.C. 1225(c)) is amended by striking out "or (29)" and inserting in lieu thereof "(29), or (34)".

(b) Section 106(b) (8 U.S.C. 1105a(b)) of the Immigration and Nationality Act is amended by adding at the end thereof the following sentence: "Jurisdiction to review an order entered pursuant to the provisions of section 235(c) of this Act concerning an alien excludable under paragraph 34 of subsection 212(a) (8 U.S.C. 1182(a)) shall rest exclusively in the United States Court of Appeals for the Federal Circuit.".

SEC. 207. Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by inserting "(a)" before the phrase "Any alien who" at the beginning thereof and by adding a new subsection (b) as follows:

"(b) Any alien who has been excluded from the United States pursuant to subsection 235(c) of the Immigration and Nationality Act (8 U.S.C. 1225(c)) because such alien was excludable under paragraph 34 of subsection 212(a) of said Act (8 U.S.C. 1182(a)(34)) or has been removed from the United States pursuant to the provisions of title V of the Immigration and Nationality Act and who thereafter, without the permission of the Attorney General, enters the United States or attempts to do so shall be imprisoned for a period of ten years which sentence shall not run concurrently with any other sentence and fined in accordance with the provisions of title 18, United States Code.".

SEC. 208. Subsection 106(a) (8 U.S.C. 1105a(a)) of the Immigration and Nationality Act is amended by—

(1) striking from the end of paragraph 8 "; and" and inserting a period; and

(2) striking paragraph (9).

TITLE III—COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS

SEC. 301. Section 2709 of title 18 of the United States Code is amended by—

(1) striking out subsections (b) and (c); and

(2) inserting the following new subsections (b) and (c)

"(b) REQUIRED CERTIFICATION.—The Director of the Federal Bureau of Investigation (or an individual within the Federal Bureau of Investigation designated for this purpose by the Director) may:

"(1) request any such information and records if the Director (or the Director's designee) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the person or entity about whom information is sought or pertains is a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

"(2) request subscriber information regarding a person or entity if the Director certifies in writing to the wire or electronic communications service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) that information available to the Federal Bureau of Investigation indicates there is reason to believe that communication facilities registered in the name of the person or entity have been used; through the services of such provider, in communication with a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).".

"(c) PENALTY FOR DISCLOSURE.—No wire or electronic communication service provider, or officer, employee, or agent thereof, shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information under this section. Violators of this section shall be subject to penalty under section 3571 of this title.".

By Mr. THURMOND:

S. 46. A bill to provide that a justice or judge convicted of a felony shall be suspended from office without pay; to the Committee on the Judiciary.

SUSPENSION OF CONVICTED JUDGES FROM OFFICE WITHOUT PAY

Mr. THURMOND. Mr. President, today I am introducing legislation which provides that a justice or judge convicted of a felony shall be suspended from office without pay pending the disposition of impeachment proceedings.

I believe that the citizens of the United States will agree that those who have been convicted of felonies should not be allowed to continue to occupy positions of trust and responsibility in our Government. Nevertheless, under current constitutional law it is possible for judges to continue to receive a salary and to still sit on the bench and hear cases even after being convicted of a felony. If they are unwilling to resign, the only method which may be used to remove them from the Federal payroll is impeachment.

Currently, the Congress has the power to impeach officers of the Government who have committed treason, bribery, or other high crimes and misdemeanors. Even when a court has already found an official guilty of a serious crime, Congress must then essentially retry the official before he or she can be removed from the Federal payroll. The impeachment process is typically very time consuming and can occupy a great deal of the resources of Congress.

Mr. President, one way to solve this problem would be to amend the Constitution. Today, I am also introducing a Senate resolution providing for forfeiture of office by Government officials and judges convicted of felonies. While I believe that a constitutional amendment may be the best solution to the problem, I am also introducing this statutory remedy to address the current situation.

This legislation will provide that a judge convicted of a felony shall be suspended from office without pay pending the disposition of impeachment proceedings. The framers of the Constitution could not have intended convicted felons to continue to serve on the bench and to receive compensation once they have violated the law and the trust of the people.

Mr. President, I urge my colleagues to carefully consider this legislation and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 46

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of title 28, United States Code, is amended by—

(1) inserting "(a)" before "Whenever the";

(2) adding at the end thereof the following:

"(b) Justices of Supreme Court shall hold office during good behavior.

"(c) For purposes of the tenure or appointment of a justice, 'good behavior' shall not include any offense committed by a justice if the conviction of such offense is punishable by death or imprisonment for a term exceeding one year. Any justice so convicted shall be suspended from office without pay pending the disposition of impeachment proceedings.

SEC. 2. Sections 44(b) and 134(a) of title 28, United States Code, are each amended by adding at the end thereof the following: "For purposes of the tenure or appointment of a judge, 'good behavior' shall not include any offense committed by a judge if the conviction of such offense is punishable by death or imprisonment for a term exceeding one year. Any judge so convicted shall be suspended from office without pay pending the disposition of impeachment proceedings.".

By Mr. THURMOND:

S. 47. A bill to amend title 28, United States Code, to provide special habeas corpus procedures in capital cases; to the Committee on the Judiciary.

SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

Mr. THURMOND. Mr. President, I rise today to introduce the legislative recommendations of the Ad Hoc Committee on Federal Habeas Corpus in Capital Cases chaired by former Associate Supreme Court Justice Lewis Powell. This committee, commonly referred to as the Powell committee, was formed by Chief Justice William Rehnquist in June 1988. The Powell committee was charged with inquiring into the "necessity and desirability of legislation directed toward avoiding delay and the lack of finality" in capital cases in which the prisoner had or had been offered counsel. Pursuant to the Chief Justice's request, the Powell committee has made its recommendations and has proposed a legislative remedy to the problem of habeas corpus review in capital cases. It is these recommendations I introduce today. While I have introduced and fought for tougher reform than that recommended by the Powell committee, it is necessary that this bill be introduced so that their recommendations may be considered.

This Nation is facing a crisis in its criminal justice system. Federal habeas corpus and collateral attack procedures are in dire need of reform. This is evidenced by the glut of habeas petitions in the Federal system. The large increases in the number of habeas corpus filings, many of which are frivolous and used as a delaying tactic, require that legislation be enacted to address this problem.

Habeas petitions have grown by vast numbers in recent years. The problem of these numerous filings is compounded by the extraordinary delay in habeas corpus filings. The result is a criminal justice system which is overburdened with piecemeal and repetitious litigation and years of delay between sentencing and a final judicial resolution of the criminal matter.

Mr. President, I would like to discuss a particular case which exemplifies the problem of habeas corpus abuse. In February 1979, Ronald Woomer went on an 8 hour crime spree in South Carolina. By the time he was finished, four people were murdered. Woomer, who had never disputed his guilt, was convicted of murder and sentenced to death that summer. It took over 11 years for his execution to be carried out. His case went to the Supreme Court of the United States four times. The Woomer case is a prime example of the obstruction of justice and inordinate delay surrounding these habeas corpus cases.

Mr. President, it is appropriate that the Powell committee recommendation be before the Senate for consideration. This legislation I am introducing today proposes new statutory procedures for Federal habeas corpus review of capital sentences. The Powell committee proposal is aimed at achieving the following goal: Capital cases should be subject to one complete and fair course of collateral review in the State and Federal system, free from the time pressure of impending execution, and with the assistance of competent counsel for the defendant. Once this appropriate, fair review is completed, the criminal process should be brought to a conclusion.

This proposal allows a State to bring capital litigation by its prisoners within the new statute by providing competent counsel for inmates on State collateral review. Participation in the new procedures is optional with the States. This legislation also provides for a 6-month period within which a Federal habeas petition must be filed. This 6-month period begins to run on the appointment of counsel for the prisoner and is tolled during the pendency of all State court proceedings. In addition, this legislation provides for an automatic stay of execution, which is to remain in place until Federal habeas proceedings are completed. This provision ensures that habeas claims not be considered by a court under the time pressure of an impending execution.

In summary, this proposal attempts to balance the need for finality in death penalty cases with the requirement that a defendant have a fair examination of his claims. Thereafter, if the conviction and sentence are found to be appropriate, judicial proceedings will be at an end, absent any exceptional developments in the defendants case.

In closing, we cannot continue to delay action on legislation to correct the growing problem in habeas corpus cases. Criminal cases must be brought to a close. Endless consideration of issues that have no merit in criminal cases and are filed only for purposes of delay must be eliminated from our judicial system. The principles of justice, upon which our criminal system is based, demands that we take action to address the habeas problem.

For these reasons I urge my colleagues to carefully consider this measure.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 47

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

(a) Title 28, United States Code, is amended by inserting the following new chapter immediately following chapter 153:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.
"2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.
"2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
"2258. Filing of habeas corpus petition; time requirements; tolling rules.
"2259. Evidentiary hearings; scope of Federal review; district court adjudication.
"2260. Certificate of probable cause inapplicable.

"§ 2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) This chapter shall apply to cases arising under section 2254 of this title brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State to have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing one or more counsel to represent the prisoner upon a finding that the prisoner—

"(A) is indigent and has accepted the offer; or

"(B) is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing, if necessary, that the prisoner has rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel during State or Federal collateral post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under this chapter or section 2254 of this title. This subsection shall not preclude the appointment of different counsel at any phase of State or Federal post-conviction proceedings.

"§ 2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Upon the entry in the appropriate State court of record of an order pursuant to section 2256(c) of this title, a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed pursuant to section 2254 of this title. The application must recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus petition under section 2254 of this title within the time required in section 2258 of this title; or

"(2) upon completion of district court and court of appeals review under section 2254 of this title, the petition for relief is denied and—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254 of this title, in the presence of counsel and after having been advised of the consequences of making the waiver.

"(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution or grant relief in a capital case unless—

"(1) the basis for the stay and request for relief is a claim not previously presented in the State or Federal courts;

"(2) the failure to raise the claim—

"(A) was the result of State action in violation of the Constitution or laws of the United States;

"(B) was the result of a recognition by the Supreme Court of a new Federal right that is retroactively applicable; or

"(C) is due to the fact that the claim is based on facts that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State or Federal post-conviction review; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the jury's determination of guilt on the offense or offenses for which the death penalty was imposed.

"§ 2258. Filing of habeas corpus petition; time requirements; tolling rules

"(a) Any petition for habeas corpus relief under section 2254 of this title must be filed in the appropriate district court not later than 180 days after the filing in the appropriate State court of record of an order issued in compliance with section 2256(c) of this title. The time requirements established by this section shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner seeks review of a capital sentence that has been affirmed on direct appeal by the court of last resort of the State or has otherwise become final for State law purposes;

"(2) subject to subsection (b), during any period in which a State prisoner under capital sentence has a properly filed request for post-conviction review pending before a State court of competent jurisdiction; and

"(3) during an additional period not to exceed 60 days, if counsel for the State prisoner—

"(A) moves for an extension of time in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus petition under section 2254 of this title; and

"(B) makes a showing of good cause for counsel's inability to file the habeas corpus petition within the 180-day period established by this section.

"(b)(1) The time requirement established by subsection (a) shall be continuously tolled under paragraph (2) of that subsection from the date the State prisoner initially files for post-conviction review until the date of final disposition of the case by the highest court of the State so long as all State filing rules are timely met.

"(2) Tolling shall not occur under subsection (a)(2) during the pendency of a petition for certiorari before the Supreme Court following State post-conviction review.

"§ 2259. Evidentiary hearings; scope of Federal review; district court adjudication

"(a) When a State prisoner under a capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall—

"(1) determine the sufficiency of the evidentiary record for habeas corpus review based on the claims actually presented and litigated in the State courts, unless the prisoner shows that the failure to raise or develop a claim in the State courts—

"(A) was the result of State action in violation of the Constitution or laws of the United States;

"(B) was the result of a recognition by the Supreme Court of a new Federal right that is retroactively applicable; or

"(C) is due to the fact that the claim is based on facts that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State post-conviction review; and

"(2) conduct any requested evidentiary hearing necessary to complete the record for habeas corpus review.

"(b) Upon the development of a complete evidentiary record, the district court shall rule on the merits of the claims properly before it.

"§ 2260. Certificate of probable cause inapplicable

"The requirement of a certificate of probable cause in order to appeal from the district court to the court of appeals does not apply to habeas corpus cases subject to this chapter except when a second or successive petition is filed.".

By Mr. HELMS:

S. 48. A bill to protect the lives of unborn human beings, and for other purposes; read the first time.

UNBORN CHILDREN'S CIVIL RIGHTS ACT

Mr. HELMS. Mr. President, I am again introducing a bill which I have introduced in the three prior Congresses. It is entitled the Unborn Children's Civil Rights Act. If enacted, this bill would take a first step in overcoming the Roe versus Wade decision.

Specifically, this bill would accomplish four things.

First, it would put Congress clearly on record as finding that abortion takes the life of an unborn child, that the Constitution sanctions no right to abortion and that Roe versus Wade was erroneously decided.

Second, it would prohibit congressional appropriations from being used to pay for or to promote abortion. In this regard, it permanently defunds abortion, thereby relieving Congress of annual fights over abortion restrictions in appropriations bills.

Third, it would end certain indirect funding for abortion by prohibiting discrimination, at federally funded institutions, against individuals who object in conscience to abortion and by curtailing attorneys' fees in abortion-related cases.

Fourth, it would provide for appeals to the Supreme Court as a right if a Federal court declares State restrictions on abortion unconstitutional. As a practical matter, this provision will assure Supreme Court reconsideration of the abortion issue in the future.

Mr. President, there's the old adage, "Those who cannot remember the past are condemned to repeat it." All of us have heard those words, but many in our Government have refused to heed them. Only 45 years after hundreds of thousands of European Jews and other civilians died at the hands of Hitler's Nazis, we have forgotten the critical lesson of that atrocity—that all human life is sacred regardless of color, race, religion, or physical, or mental capabilities of that human being.

We are today reliving the Holocaust. We know it by a different name. It is call abortion. Yet, the same fate that was met by millions of Jews is being met by millions of unborn children right here in this country. At latest count, over 22 million unborn children—the most innocent of human life—have been murdered.

Abortion has become a tool of convenience, Mr. President. We have slipped so far down the slippery slope that now children are being aborted because they do not have the desired hair color, sex, physical attributes, or mental capabilities. The same excuses for murdering countless Jews are now being used to justify the murder of the most innocent and helpless members of humanity.

Mr. President, Roe versus Wade was, simply put, an unconstitutional decision. It has no foundation whatsoever in the text or history of the Constitution. It was invented out of whole cloth. As Justice White said in his dissent, Roe was an exercise in raw judicial power.

How has it endured for 17 long years? Why do we permit some 4,000 unborn babies to perish every day through legalized abortion?

The answer is woefully simple, Mr. President. Even though Roe versus Wade is an unconstitutional decision, Congress has been unwilling to right the wrong—to exercise its powers to check and balance a usurping Supreme Court which has destroyed the right to life of the most defenseless among us. The powers exist, but Congress has nonetheless permitted Roe to stand because many Members of Congress are apparently committed to legalized abortion. These Members share the same antihistorical, secularized, liberal view of law and public order as the activist justices who gave us Roe versus Wade in the first place.

In their view—with which I disagree—the Ten Commandments are not the eternal rules of Almighty God and the source of authority for human law, but the transitory precepts of a bygone age in need of periodic updating by wiser heads here on Earth. Of course, human nature being what it is, there is never any shortage of wiser heads.

Mr. President, for these reasons, Roe versus Wade still stands and the holocaust continues. It is not the Constitution or our system of government which is at fault. Ample means exist within them, even apart from a constitutional amendment, to overturn Roe. The fault, on the part of Members of Congress, lies in a failure of intellect to perceive the true nature of abortion and a failure of will to do something about it. These are the ingredients which perpetuate the travesty of Roe versus Wade.

But, Mr. President, this Senator from North Carolina is ever hopeful that, with God's help and human effort, hearts and minds—even in Congress—will change. Enactment of the Unborn Children's Civil Rights Act, certainly would be a step in the right direction. I urge Senators to seek its early enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately after my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 48

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unborn Children's Civil Rights Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) scientific evidence demonstrates that abortion takes the life of an unborn child who is a living human being;

(2) a right to abortion is not secured by the Constitution; and

(3) in the cases of Roe v. Wade, 410 U.S. 113 (1973) and Doe v. Bolton, 410 U.S. 179 (1973) the Supreme Court erred in not recognizing the humanity of the unborn child and the compelling interest of the States in protecting the life of each person before birth.

SEC. 3. PROHIBITION ON USE OF FUNDS FOR ABORTION.

No funds appropriated by Congress shall be used to take the life of an unborn child, except that such funds may be used only for those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

SEC. 4. PROHIBITION ON USE OF FUNDS TO ENCOURAGE OR PROMOTE ABORTION.

No funds appropriated by Congress shall be used to promote, encourage, counsel for, refer for, pay for (including travel expenses), or do research on, any procedure to take the life of an unborn child, except that such funds may be used in connection with only those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

SEC. 5. PROHIBITION ON ENTERING INTO CERTAIN INSURANCE CONTRACTS.

Neither the United States, nor any agency or department thereof shall enter into any contract for insurance that provides for payment or reimbursement for any procedure to take the life of an unborn child, except that the United States, or an agency or department thereof may enter into contracts for payment or reimbursement for only those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

SEC. 6. LIMITATIONS ON RECIPIENTS OF FEDERAL FUNDS.

No institution, organization, or other entity receiving Federal financial assistance shall—

(1) discriminate against any employee, applicant for employment, student, or applicant for admission as a student on the basis of such person's opposition to procedures to take the life of an unborn child or to counseling for or assisting in such procedures;

(2) require any employee or student to participate, directly or indirectly, in a health insurance program which includes procedures to take the life of an unborn child or which provides counseling or referral for such procedures; or

(3) require any employee or student to participate, directly or indirectly, in procedures to take the life of an unborn child or in counseling, referral, or any other administrative arrangements for such procedures.

SEC. 7. LIMITATION ON CERTAIN ATTORNEY'S FEES.

Notwithstanding any other provision of Federal law, attorneys' fees shall not be allowable in any civil action in Federal court involving, directly or indirectly, a law, ordinance, regulation, or rule prohibiting or restricting procedures to take the life of an unborn child.

SEC. 8. APPEALS OF CERTAIN CASES.

Between the first and second paragraphs of section 1252 of title 28, United States Code, insert the following new paragraph:

"Notwithstanding the absence of the United States as a party, if any State or any subdivision of any State enforces or enacts a law, ordinance, regulation, or rule prohibiting procedures to take the life of an unborn child, and such law, ordinance, regulation, or rule is declared unconstitutional in an interlocutory or final judgment, decree, or order of any court of the United States, any party in such a case may appeal such case to the Supreme Court, notwithstanding any other provision of law.".

By Mr. THURMOND (for himself and Mr. DECONCINI):

S. 49. A bill to establish constitutional procedures for the imposition of the sentence of death; to the Committee on the Judiciary.

FEDERAL DEATH PENALTY ACT

Mr. THURMOND. Mr. President, as the 103d Congress convenes, I am introducing a bill that establishes constitutional procedures for the imposition of the death penalty and provides the death penalty for certain Federal offenses. The death penalty is not a new issue for the Senate. Last Congress, as part of the Biden-Thurmond Violent Crime Control Act of 1991, legislation similar to this measure passed the Senate and passed the House. Yet, the Congress failed to send this tough proposal to the President. The need for a comprehensive Federal death penalty is clear in light of the serious violent crime problem our Nation faces. In 1988, legislation was enacted which provides constitutional procedures for the implementation of the death penalty in limited cases involving certain drug related murders and killing of law enforcement officers.

Regarding constitutional procedures, this bill provides procedures similar to those put in place by the death penalty included in the drug bill. Currently, numerous Federal statutes provide that a sentence of death may be imposed if a person is found guilty. However, the reality is that the death penalty cannot be imposed because constitutional procedures for imposing such a sentence have not existed. The 1972 Supreme Court decision of Furman versus Georgia rendered the Federal death penalty procedures unconstitutional. Subsequently, in a series of landmark decisions handed down in 1976, the Supreme Court determined that the death penalty was constitutional when imposed under certain procedures specifically designed to guard against the jury using its unfettered discretion. The Supreme Court has subsequently handed down numerous decisions clarifying the circumstances and means by which the death penalty may be implemented.

In the past, I have undertaken numerous efforts in the Senate to establish procedures which satisfy the constitutional standards set by the Supreme Court. The bill I am offering today comports with the constitutional requirements outlined by the Supreme Court and establishes the procedures for the imposition of the death penalty for the numerous Federal crimes that currently authorize a sentence of death.

Briefly, I will discuss these procedures. The bill mandates a bifurcated process which the factfinder must follow when determining whether a sentence of death is justified. This process consists of a first hearing to determine the guilt or innocence of the defendant and a second hearing to determine whether the death penalty should be imposed if the defendant is found guilty.

Additionally, this bill requires that in order to seek a sentence of death, the Government must give notice to the defendant within a reasonable time before the trial is initiated. The Government must also identify in that notice the statutory aggravating factors it intends to prove. As well, the sentencing hearing would be held before the same jury which determined the guilt of the defendant, unless the defendant requests and the Government agrees to have the hearing before the trial judge alone.

The factfinder, whether the jury or judge, in its deliberation following the sentencing hearing, would have to make a series of determinations before a sentence of death could be imposed. First, depending upon the crime involved, the factfinder must determine that special threshold requirements exist, such as the defendant intentionally killed the victim or the defendant intentionally engaged in conduct which the defendant knew would create a grave risk of death to a person. If none are found to exist, a sentence other than death would have to be imposed. Second, if the required threshold factors are found to exist, the factfinder would have to make a special finding as to the existence of a statutory aggravating factor presented at the sentencing hearing. All members of the jury must find the existence of at least one aggravating factor, although they need not agree upon the same one, in order to move onto a final weighing process. If any one member of the jury fails to find the existence of an aggravating factor, a sentence other than death would have to be imposed. Only those aggravating factors found to exist by a majority of the jury may be considered in the final weighing process.

Finally, the deliberation moves to the third step, the final weighing process. Here the jury or judge will weigh all of the aggravating factors against all the mitigating factors to determine whether the aggravating factors sufficiently outweigh the mitigating factors. During this final process, any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of the final weighing as to whether the death penalty should be applied, regardless of the number of jurors who believe the factor has been established. If the jury or judge does in fact determine that the aggravating factors sufficiently outweigh the mitigating factors, a death sentence could then be appropriately imposed.

As well as applying these constitutional procedures to crimes where the death penalty is already authorized, this bill authorizes the death penalty for the following offenses: First, certain attempts to assassinate the President; second, murder by a Federal prisoner serving a life term in a Federal correctional institution; third, hostage taking situations where death results to the hostage, or to a person attempting to rescue a hostage or apprehend the hostage takers; fourth, murder for hire and murder in aid of racketeering activity; and fifth, genocide where death results.

In closing, the death penalty is a familiar issue to the Senate. The last two Congresses have witnessed the Senate and the House each pass comprehensive death penalty proposals only to see them gutted by liberal death penalty opponents during conference. We should not hesitate any longer. The law abiding citizens—the good people of America—demand action and they demand it now. I urge my colleagues to taken action on this bill.

Mr. President, I ask that the full text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 49

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Death Penalty Act of 1993".

SEC. 2. CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH.

(a) IN GENERAL.—Part II of title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—DEATH SENTENCE

"Sec.
"3591. Sentence of death.
"3592. Factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.

"§ 3591. Sentence of death

"A defendant who has been found guilty of—

"(a) an offense described in section 794 or section 2381 of this title;

"(b) an offense described in section 1751(c) of this title, if the offense, as determined beyond a reasonable doubt at the hearing under section 3593, constitutes an attempt to kill the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President; or

"(c) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at the hearing under section 3593—

"(1) intentionally killed the victim;

"(2) intentionally inflicted serious bodily injury that resulted in the death of the victim;

"(3) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(4) intentionally and specifically engaged in an act, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified; provided that no person may be sentenced to death who was less than 16 years of age at the time of the offense.

"§ 3592. Factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) the defendant's mental capacity was significantly impaired, although the impairment was not such as to constitute a defense to prosecution;

"(2) the defendant was under unusual and substantial duress, although not such duress as would constitute a defense to prosecution; and

"(3) the defendant was an accomplice whose participation in the offense was relatively minor.

The jury, or if there is no jury, the court, shall consider whether any other mitigating factor exists.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(a), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) the defendant has previously been convicted of another offense involving espionage or treason for which either a sentence of life imprisonment or death was authorized by statute;

"(2) in the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security; and

"(3) in the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591(b) or (c), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) the death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property in interstate commerce by explosives), section 1118 (prisoners serving life term), section 1201 (kidnaping), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (i) or (n)) (aircraft piracy);

"(2) the defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute;

"(3) the defendant has previously been convicted of two or more Federal or State offenses, punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person;

(4) the defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense;

"(5) the defendant committed the offense in an especially heinous, cruel, or depraved manner;

"(6) the defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value;

"(7) the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value;

"(8) the defendant committed the offense after planning and premeditation to cause the death of a person or commit an act of terrorism;

"(9) the defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance;

"(10) the victim was particularly vulnerable due to old age, youth, or infirmity;

"(11) the defendant had previously been convicted of violating title II or title III of the Controlled Substances Act for which a sentence of 5 or more years may be imposed or had previously been convicted of engaging in a continuing criminal enterprise;

"(12) the defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice-President-elect, the Vice-President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A) of this title, if he is in the United States on official business; or

"(D) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—

"(i) while he is engaged in the performance of his official duties;

"(ii) because of the performance of his official duties; or

"(iii) because of his status as a public servant.

For purposes of this subparagraph, a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"§ 3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—If, in a case involving an offense described in section 3591, the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, he shall, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, sign and file with the court, and serve on the defendant, a notice—

"(1) stating that the goverment believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter and that the government will seek the sentence of death; and

"(2) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of or pleads guilty to an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant and with the approval of the attorney for the government.

A jury impaneled pursuant to paragraph (2) shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under section 3591, no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to a mitigating or aggravating factor may be presented by either the attorney for the government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return a special finding as to each mitigating and aggravating factor, concerning which information is presented at the hearing, required to be considered under section 3592. The jury must find the existence of an aggravating factor by a unanimous vote, although it is unnecessary that there be a unanimous vote on any specific or aggravating factor if a majority of the jury finds the existence of such a specific factor. A finding with respect to a mitigating factor may be made by one or more members of the jury and any member of the jury who finds the existence of a mitigating factor may consider such a factor established for purposes of this section, regardless of the number of jurors who consider that the factor has been established.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(a), an aggravating factor required to be considered under section 3592(b) is found to exist; or

"(2) an offense described in section 3591 (b) or (c), an aggravating factor required to be considered under section 3592(c) is found to exist;

the jury, or if there is no jury, the court, shall then consider whether all the aggravating factors found to exist sufficiently outweigh all the mitigating factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall return a finding as to whether a sentence of death is justified.

"(f) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, national origin, creed, or sex of the defendant. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, national origin, creed, or sex of the defendant was not involved in reaching the juror's individual decision.

"§ 3594. Imposition of a sentence of death

"Upon a finding under section 3593(e) that a sentence of death is justified, the court shall sentence the defendant to death. Upon a finding under section 3593(e) that a sentence of death is not justified, or under section 3593(d) that no aggravating factor required to be found exists, the court shall impose any sentence other than death that is authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without parole.

"§ 3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(B) the information supports the special finding of the existence of an aggravating factor required to be considered under section 3592;

it shall affirm the sentence.

"(2) In any other case, the court of appeals shall remand the case for reconsideration under section 3593.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§ 3596. Implementation of a sentence of death

"A person who has been sentenced to death pursuant to the provisions of this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the latter State in the manner prescribed by such law. A sentence of death shall not be carried out upon a woman while she is pregnant.

"§ 3597. Use of State facilities

"(a) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required as a condition of that employment, or contractual obligation to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.".

(b) REPEAL.—Sections 3566 and 3567 of title 18, United States Code, are hereby repealed.

(c) AMENDMENTS TO CHAPTER ANALYSIS.—(1) The chapter analysis of part II of title 18, United States Code, is amended by adding the following new item after the item relating to chapter 227:

"228. Death sentence .... 3591".

(2) The section analysis of chapter 227 of title 18, United States Code, is amended by amending the items relating to sections 3566 and 3567 to read as follows:

"3566. Repealed.
"3567. Repealed.".

SEC. 3. CONFORMING CHANGES IN TITLE 18.

(a) AIRCRAFTS AND MOTOR VEHICLES.—Section 34 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the section.

(b) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the section and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence of cryptographic information; or any other major weapons system or major element of defense strategy.".

(c) EXPLOSIVE MATERIALS.—(1) Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(2) Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(3) Section 844(i) of title 18, United States Code, is amended by striking the words "as provided in section 34 of this title".

(d) MURDER.—(1) The second undesignated paragraph of section 1111(b) of title 18, United States Code, is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

(2) Section 1116(a) of title 18, United States Code, is amended by striking "any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and".

(e) KIDNAPPING.—Section 1201(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(f) NONMAILABLE INJURIOUS ARTICLES.—The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the paragraph.

(g) PRESIDENTIAL ASSASSINATIONS.—Subsection (c) of section 1751 of title 18, United States Code, is amended to read as follows:

"(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if the conduct constitutes an attempt to kill the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President.".

(h) WRECKING TRAINS.—The second to the last undesignated paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the section.

(i) BANK ROBBERY.—Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

(j) HOSTAGE TAKING. Section 1203(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(k) RACKETEERING.—(1) Section 1952A(a) of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined not more than $250,000, or both".

(2) Section 1952B(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine of not more than $250,000, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine of not more than $250,000, or both;".

(l) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking "a fine of not more than $1,000,000 or imprisonment for life," and inserting ", where death results, a fine of not more than $1,000,000, or imprisonment for life or a sentence of death.".

SEC. 4. CONFORMING AMENDMENT TO FEDERAL AVIATION ACT OF 1954.

Section 903 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1473), is amended by striking subsection (c).

SEC. 5. CONTROLLED SUBSTANCES ACT.

Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended by striking subsections (g) through (r).

SEC. 6. APPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

The provisions of chapter 228 of title 18, United States Code, as added by this Act, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801).

SEC. 7. MURDER BY A FEDERAL PRISONER.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 1118. Murder by a Federal prisoner

"(a) Whoever, while confined in a Federal correctional institution under a sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of parole.

"(b) For the purposes of this section—

"(1) the term 'Federal correctional institution' means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house;

"(2) the term 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death; and

"(3) the term 'murders' means committing first degree or second degree murder as defined by section 1111 of this title.".

(b) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following:

"1118. Murder by a Federal prisoner.".

By Mr. WARNER (for himself, Mr. ROBB, Mr. GRAMM, and Mr. DANFORTH):

S. 50. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson; to the Committee on Banking, Housing, and Urban Affairs.

JEFFERSON COMMEMORATIVE COIN ACT OF 1993

• Mr. WARNER. Mr. President, I rise today to introduce legislation to authorize the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson.

Last Congress, I introduced legislation to authorize the creation of a Federal commission to assist in the planning of the celebration commemorating Jefferson's birth. This bill was signed into law by President Bush on August 17, 1992. The Jefferson Commemorative Coin Act of 1993 will serve as an accompaniment to this effort.

Passage of this bill would allow citizens the opportunity to honor Thomas Jefferson by purchasing a commemorative coin, the design of which will be emblematic of a Jefferson profile and frontal view of his home, Monticello.

It is important to realize the continued great popularity of Jefferson and Monticello not only in our country but throughout the world. In the past 3 years alone, Monticello has been visited by 10 heads of state. As the President of Bulgaria, stated "Jefferson is the father of the democratic movement." And of course just this past Sunday, President Clinton began his trip to Washington with a visit and tour of Monticello.

The proceeds from the sale of the coin would be dedicated to the restoration and preservation of Jefferson's homes at both Monticello and Poplar Forest, and for the educational programs of the International Center for Jefferson Studies. Poplar Forest, located in Bedford, VA, is one of the two homes designed and built by Jefferson for his own use. Privately owned since Jefferson created it, Poplar Forest became endangered in 1984. The nonprofit Corporation for Jefferson's Poplar Forest was created after a small group of private citizens raised adequate funds to purchase the threatened landmark. The Corporation is now endeavoring to raise additional funds to restore and maintain the home. The sales from this commemorative coin would greatly aid in the mission to restore Poplar Forest to its former glory.

The International Center for Jefferson Studies is planned as a hub of scholarship and teaching in all areas that were of interest to Thomas Jefferson during his extraordinary life, including architecture, archaeology, horticulture, law, and political philosophy. The center will be a permanent expression of the commemorative celebrations of 1993—celebrations designed to promulgate his legacy both nationally and internationally.

I believe no other American is more deserving of being honored with a commemorative coin than Thomas Jefferson: the third President of the United States, Vice President to John Adams; the first Secretary of State; Commissioner to France; author of the Declaration of Independence, Governor of Virginia; and author of the preamble to the Virginia Constitution for Religious Freedom.

I respectfully ask each of my colleagues to cosponsor this worthwhile legislation. •

By Mr. FEINGOLD:

S. 51. A bill to consolidate overseas broadcasting services of the U.S. Government, and for other purposes; to the Committee on Foreign Relations.

OVERSEAS BROADCASTING CONSOLIDATION AND DEFICIT REDUCTION ACT

• Mr. FEINGOLD. Mr. President, I am today introducing S. 51, the Overseas Broadcasting Consolidation and Deficit Reduction Act, legislation designed to bring about a consolidation of certain overseas broadcasting activities funded by the United States and termination of several overseas broadcasting projects.

This legislation is based upon a proposal for reducing Federal expenditures in overseas broadcasting services which was outlined by the Congressional Budget Office in its February 1992 report on options for reducing the Federal deficit. Several of the provisions in this measure were also recommended by a nonpartisan commission, the U.S. Advisory Commission on Public Diplomacy, in a report released in August 1992, calling for major changes in U.S. international broadcasting.

The Overseas Broadcasting Consolidation and Deficit Reduction Act, as I will discuss in detail in a moment, does three things: First, it provides for the consolidation of United States overseas broadcasting activities now conducted through two separate agencies, the independent Board for International Broadcasting which administers Radio Free Europe and Radio Liberty, and the Bureau of Broadcasting within the U.S. Information Agency [USIA] which oversees the operation of the Voice of America and various television broadcasting services funded by the Federal Government; second, it terminates authority for USIA to operate two television services, WORLDNET and TV Marti; and third, it provides for termination of further expenditures on a radio transmitting facility in Israel.

The purpose of this measure is simple. The United States cannot afford to continue to operate its overseas broadcasting services without regard to the fiscal constraint facing this Nation. Just as every American family must review its annual expenditures to determine where savings can be achieved, Congress must do the same. The changes I am proposing were estimated by the Congressional Budget Office to save the American taxpayers approximately $1 billion over the next 5 years. They are also changes which experts have recommended should be done to reflect the changing political environment throughout the world and the reduced need for separate broadcasting services in Eastern Europe and the former Soviet Union. Duplication and overlapping services that might have somehow been justifiable in the past simply cannot be sustained in light of today's fiscal and political realities.

CONSOLIDATION OF BROADCASTING SERVICES

Mr. President, I want to discuss briefly some of the history behind the overseas broadcasting services currently being funded by the U.S. Government and some of the factors which have increasingly led to recommendations for consolidation and restructuring of these services.

The Voice of America [VOC] is, of course, the principal overseas broadcasting service carrying news and U.S. related information to audiences worldwide. VOA celebrated its 50th anniversary last year of carrying America's voice to the world. VOA currently offers newscasts in 47 languages worldwide with an annual operating budget for fiscal year 1993 of $226 million.

In addition to VOA, the Federal Government has appropriated for 1993 an almost identical amount, $220 million, to operate two radio systems, Radio Free Europe and Radio Liberty. Unlike the VOA which is broadcast worldwide, Radio Free Europe and Radio Liberty are aimed exclusively at Eastern Europe and the former Soviet republics. These two radio services, originally supported by funding through the CIA, were established in 1949 and 1953. They are currently operated out of an independent Federal agency, the Board for International Broadcasting. Nearly $2 million goes annually for the administrative costs of operating the Board for International Broadcasting.

Radio Free Europe and Radio Liberty were originally designed to serve a different function from that of VOA. While VOA transmits news and information from the United States throughout the world, Radio Free Europe and Radio Liberty were established to provide surrogate broadcasting services; that is, providing local news in countries where no domestic free press existed. Both stations, headquartered in Munich, Germany, were designed to transmit behind the Iron Curtain. Both played a tremendous role in providing a critical source of news and information to people in Communist countries and helped set in motion the forces which have changed the course of history.

The leaders of the new democratic governments in Eastern Europe are uniform in their praise, rightly so, of the role that Radio Free Europe and Radio Liberty played in bringing about the dramatic changes in Eastern Europe.

Vaclev Havel noted that Radio Free Europe straightened up the backbone of the trod down and doubting people, it strengthened their national self-consciousness and gave them hope for the future. Lech Walesa, writing to President Bush, said that along with Solidarity, Radio Free Europe "played a vital role in overthrowing communism and creating the democratic system in Poland and the neighboring countries." And nominating them for the Nobel Peace Prize, Estonian Foreign Minister Lennar Meri said that Radio Free Europe/Radio Liberty helped the rebirth of democracy.

But Mr. President, changes has taken place. With the help of Radio Free Europe/Radio Liberty, the Iron Curtain has fallen. The question we must face in 1993 is whether the status quo can be justified given the realities of the world, and Eastern Europe in particular.

The Chicago Tribune, in a September 21, 1992, editorial, observed that it is difficult to justify the continued operation of these two radio services at a cost of over $200 million per year, as it would be to sustain American troops and weaponry in Europe at the cold war levels. Even a New York Times editorial, published on September 8, 1992, which labeled calls for termination of Radio Free Europe and Radio Liberty as premature, observed that while the stations ought not be abandoned in the next year or two, their payrolls and programming can be trimmed now. I ask unanimous consent that both editorials be printed in the RECORD at the conclusion of my remarks along with a August 8, 1992, editorial from the Boston Globe which also supported a reordering of resources in overseas broadcasting services.

Mr. President, it is clear that just as we are reassessing the need to maintain American military forces in this region of the world, we must reassess in a realistic way the continuing need for three separate radio broadcasting services in Eastern Europe and two administrative agencies in Washington to oversee these services.

That was the unanimous conclusion also reached by the U.S. Advisory Commission on Public Diplomacy in a report it issued last August. This commission concluded that Radio Free Europe and Radio Liberty have served the Nation well, but the duplication of services is no longer justifiable. It recommended an orderly phaseout, not overnight, but beginning now.

Mr. President, the legislation that I am introducing today does not terminate authority to operate Radio Free Europe or Radio Liberty. It simply transfers authority to operate these services into the Bureau of Broadcasting within USIA and abolishes the separate administrative entity, the Board for International Broadcasting, which now costs the U.S. taxpayers some $2 million a year. Whatever arguments there may be for maintaining certain functions provided by these radio services can hardly be made for maintaining a separate administrative structure here in Washington.

Consolidation of planning and programming for all of the federally funded broadcasting services in one central agency makes sense in a number of ways. A recent report by the Congressional Research Service, U.S. International Broadcasting: An Assessment for Reform, noted the frustrations that already exist over the lack of coordination and overall strategy in our activities in this area. For example, in one case described, VOA placed high priority on the construction of a new relay facility in Morocco to improve its short-wave broadcasts into Eastern Europe, while 375 miles away, Radio Free Europe/Liberty was also constructing new transmitters for broadcast into the same Eastern European areas. Moreover, the report noted, while both radio services were increasing their short-wave capacity in Europe, where the short-wave audience is declining, capability in Africa, which has one of the largest short-wave audiences in the world, was declining.

Others have pointed out the need to increase services in Asia, particularly in China. I know that there is strong support for some form of Radio China, and there certainly is a compelling argument to enhance our efforts in that area of the world. Consolidation of radio services in one agency will allow for more realistic allocation of scarce resources, as well as reduce unnecessary expenditures.

Mr. President, in order to facilitate this process, my legislation requires USIA develop a plan for the orderly consolidation of the overseas broadcasting services and phasing out of duplicative and redundant services over a 3-year period. The plan is to be submitted to the appropriate committees of Congress within 9 months of the date of enactment of the legislation. The bill provides for termination of the Board for International Broadcasting and transfer of authority to operate Radio Free Europe/Radio Liberty to the Bureau of Broadcasting within USIA 3 months after submission of this plan. A number of critical issues regarding exactly how these services should be consolidated and how the distinct features of each of the radio services, particularly the research capacities of the surrogate services, will be maintained should be addressed in the development of this plan.

I recognize that there are concerns about the fragile hold that democracy has in Eastern Europe and concerns that termination of these specialized radio services may be premature. But these radio services were not intended to support struggling democracies. They were intended, frankly, to undermine totalitarian regimes that exercised complete control over the flow of information. Those regimes are gone for now and if they reappear, Radio Free Europe and Radio Liberty can be reinvigorated under the auspices of the Voice of America which would continue to operate in Europe under my proposal.

But the status quo of overlapping and redundant broadcasting services cannot continue. We need to begin now to plan carefully for implementation of significant changes in our activities and expenditures in this area.

Mr. President, while there is broad support for reordering our priorities and expenditures in the area of international broadcasting, there are some who will fight strenuously against any changes. I have already heard arguments against any consolidation of broadcasting activities in Europe ranging from concerns about the cost of paying unemployment benefits to foreign nationals working in Munich to claims that maintaining duplicative services is necessary in the event of equipment failures. Some of these arguments may have some merit. Indeed, there is undoubtedly an argument that can be made for every item in the Federal budget and some groups who will argue strenuously to maintain the status quo for every line item.

But the simple reality is that we cannot afford to continue with the status quo. Just as every American family is forced to establish budget priorities, the Federal Government must do the same. Maintaining a duplicative and redundant overseas broadcasting structure is no longer a luxury America can afford.

TERMINATION OF ISRAEL RELAY STATION

Mr. President, let me move to the second part of the Overseas Broadcasting Consolidation and Deficit Reduction Act, the termination of the Israel relay station for Voice of America, Radio Free Europe, and Radio Liberty.

This massive, 16 transmitter, 2,000-acre relay station was originally proposed as a way to overcome jamming in Eastern Europe and the Soviet Union. With the end of the cold war, though, the former Soviet bloc countries no longer jam our radio signals, and the need for such a project has disappeared.

Beyond the price we pay to sustain this cold war dinosaur during a time of enormous budget imbalance, there are other costs as well. As a November 27 1992, article in the New York Times pointed out, environmentalists have argued against the project. Sitting astride one of the major flyways linking Europe and Asia to Africa, the relay station could have a detrimental effect on bird life. Further, because constructing the relay station will necessitate moving an air force training zone to a tract of Negev Desert wilderness, environmentalists fear possible damage to animal and plant life.

The New York Times article also quotes local residents who have concerns about the unknown effects the massive electromagnetic radiation coming from the relay station will have on them, and quotes a former Israeli Government official as saying that neither the Israeli nor American Governments are interested in the project any more, but that it continues to run on bureaucratic inertia.

I ask unanimous consent that the November 27 New York Times article be printed in the RECORD at the conclusion of my remarks.

Mr. President, the U.S. Advisory Commission on Public Diplomacy, in its August 1992 report, recommend that we terminate the Israel relay station. The Commission noted that a less costly, possibly more effective and politically sensitive alternative is now supported by Voice of America. A site in Kuwait has been developed that broadcasts more clearly over water, and will be able to reach Africa and the old Soviet bloc countries with both shortwave and AM broadcasts, a critical advantage at a time when, according to the Advisory Commission report, shortwave listnership is plummeting.

The Congressional Budget Office similarly identified this relay station as a candidate for termination in its 1992 proposal for cutting back spending in the overseas broadcasting field.

Mr. President, by terminating the troublesome relay station in Israel and pursuing the Kuwait alternative, we save the taxpayers money, let the Voice of America do its job better, and avoid possible damage to the environment. Alone, any of those reasons might be sufficient to terminate the relay station; taken together, they are a compelling justification.

TERMINATION OF WORLDNET AND TV MARTI

Mr. President, let me touch on the final provision of the Overseas Broadcasting Consolidation and Deficit Reduction Act, namely the termination of authority for USIA to operate two television services, WORLDNET and TV Marti. The Federal Government will spend $24 million in fiscal year 1993 for WORLDNET and close to $20 million for TV Marti.

Though the impact on the Federal budget may be smaller than other sections of this act, the elimination of these two television services has a significance more important than the millions of dollars of tax revenue it will save. Terminating these two programs will demonstrate our willingness to end Government programs that are not getting the job done.

And, Mr. President, WORLDNET and TV Marti are not getting the job done.

My good friend and distinguished colleague, the Senator from Pennsylvania [Mr. WOFFORD], has been one of the principal advocates for eliminating WORLDNET, the program conceived as the television network of the U.S. Government. Two years ago, he offered an amendment, which received substantial support, to terminate WORLDNET's authorization. As Senator WOFFORD so forcefully argued, WORLDNET is a costly governmental experiment that has never worked, but has been impossible to eliminate.

WORLDNET has neither viewers to receive our Government's message, nor, apparently, willing and enthusiastic messengers to deliver it.

In response to the obviously inflated claims of total WORLDNET viewers, Congress mandated an independent survey that revealed fewer than one actual viewer for every 100 claimed. In some areas, the survey failed to unearth even a single viewer during certain time slots.

But the apathy of the viewership is matched by those who are responsible for articulating official U.S. policy. As Senator WOFFORD noted in July 1991 during the floor debate on his amendment to eliminate WORLDNET, then Secretary of State James A. Baker III had failed to appear on the Government network, and instead chose to speak to the rest of the world on CNN and other private television networks when he wanted to communicate our Government's policy. Though Baker has since appeared on WORLDNET, his perfunctory appearance does not alter the clear preference State Department officials and others have exhibited for CNN and other networks over WORLDNET.

This preference is reasonable. People watch CNN; they do not watch WORLDNET.

Mr. President, we should be reasonable as well and eliminate this ineffective program.

Mr. President, let us also put an end to TV Marti.

TV Marti was intended to broadcast news, commentary, and other information into Cuba to promote the cause of freedom. That noble mission has been thwarted in part because of the fragile nature of the broadcasting systems, in part because of restrictions imposed by international broadcasting law, and in part by Castro's jamming of TV Marti programming.

That the Cuban dictator feels compelled to block this programming exposes the underlying weakness of his rule. However, as the GAO observed, U.S. diplomats in Havana reported that the jamming of TV Marti has effectively limited viewership to between 50,000 and 70,000.

Beyond Castro's mischief, TV Marti is seriously limited by bad weather. On at least one occasion, the giant blimp that reflects the beamed television signal into Cuba has broken loose of its tether. A spokesman for TV Marti was quoted in the January 18, 1991, edition of the Washington Post conceding that bad weather prevents TV Marti's transmitter from operating about 20 percent of the time. No firm I know could do business if they were down 1 day in every 5. Certainly no radio or television operation could hope to develop a loyal following under such conditions.

I ask unanimous consent that the January 18, 1991, edition of the Washington Post article be printed in the RECORD at the conclusion of my remarks.

Mr. President, many others with far more experience in the field of international broadcasting have called for an end to TV Marti. In their December 1991 report, the President's Task Force on U.S. Government International Broadcasting called for the termination of TV Marti unless its hours of transmission could be expanded and improved—unlikely given the Castro regime's actions. The United States Advisory Commission on Public Diplomacy, in its report released in August 1992, also recommended that TV Marti be terminated, noting that unlike Radio Marti with its significant Cuban audience, its television cousin was simply not cost-effective.

Mr. President, the goal of opening up communications with the people of Cuba is commendable, but let us pursue more productive alternatives. In a February 1990 editorial, the Chicago Tribune listed several, including working toward a television news program exchange and facilitating computer and fax links. There are certainly others.

Let us pursue those more cost-effective approaches rather than blindly adhering to an expensive program that has failed to accomplish the mission for which it was created.

CONCLUSION

Mr. President, during my campaign for the Senate, I presented an 82-point plan for deficit reduction, based upon options such as those outlined by the Congressional Budget Office in its February 1992 report to Congress on ways to cut the Federal deficit. Many of those proposals involve relatively small annual reductions. In the case of the overseas broadcasting, the savings amount to several hundred million dollars per year—a tiny amount in a trillion dollar budget. But over a 5-year period, these changes would result in roughly $1 billion in savings to the Federal taxpayers.

If we are going to reduce the Federal deficit, we must begin now. My introduction of this measure today as the first bill I have introduced in the U.S. Senate is part of my commitment to work steadily to achieve significant deficit reduction. Enactment of this bill will allow us to eliminate duplicative and redundant services and make more effective use of scarce resources. I plan to work hard to achieve these goals in this and other areas of the Federal budget.

I ask unanimous consent that the text of the bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 51

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Overseas Broadcasting Consolidation and Deficit Reduction Act of 1993".

TITLE I—REDUCTION IN GOVERNMENT-FUNDED RADIO AND TELEVISION BROADCASTING OVERSEAS

SEC. 101. PROHIBITION ON USE OF FUNDS FOR ISRAEL RADIO TRANSMITTER FACILITY.

None of the funds appropriated or otherwise made available under any provision of law may be used for the design, construction, or operation of a radio transmitter facility in Israel.

SEC. 102. TERMINATION OF USIA TELEVISION MARTI PROGRAM.

(a) REPEAL.—Part D of title II of the Foreign Relations Authorization Act, Fiscal

Years 1990 and 1991 (Public Law 101-246), relating to television broadcasting to Cuba, is repealed.

(b) CONFORMING AMENDMENTS.—Section 5 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465c) is amended—

(1) in subsection (a), by striking "Advisory Board for Cuba Broadcasting" and inserting "Advisory Board for Radio Broadcasting to Cuba";

(2) in subsection (b), by striking "the Television Broadcasting to Cuba Act"; and

(3) by amending subsection (d) to read as follows:

"(d) The head of the Cuba Service shall serve, ex officio, as a member of the Board.".

(c) REFERENCES.—A reference in any provision of law to the "Advisory Board for Cuba Broadcasting" shall be considered to be a reference to the "Advisory Board for Radio Broadcasting to Cuba".

SEC. 103. TERMINATION OF AUTHORITY OF USIA SATELLITE AND TELEVISION.

(a) REPEAL.—Section 505 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1464a) is repealed.

(b) CONFORMING AMENDMENT.—Section 506 of such Act is redesignated as section 505 of such Act.

TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

SEC. 201. DEFINITIONS.

For purposes of this title, unless otherwise provided or indicated by the context—

(1) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(2) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(3) the term "transferee agency" means the United States Information Agency (acting through the Bureau for Broadcasting); and

(4) the term "transferor agency" means the Board for International Broadcasting.

SEC. 202. TRANSFER OF FUNCTIONS.

There are transferred to the transferee agency all functions which the head of the transferor agency exercised before the effective date of this title (including all related functions of any officer or employee of the transferor agency).

SEC. 203. DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.

If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under section 202.

SEC. 204. PERSONNEL PROVISIONS.

(a) APPOINTMENTS.—The head of the transferee agency may appoint and fix the compensation of such officers and employees as may be necessary to carry out the respective functions transferred under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The head of the transferee agency may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The head of the transferee agency may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

SEC. 205. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the head of the transferee agency may delegate any of the functions transferred to the head of the transferee agency by this title and any function transferred or granted to such head of the transferee agency after the effective date of this title to such officers and employees of the transferee agency as the head of the transferee agency may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the head of the transferee agency under this section or under any other provision of this title shall relieve such head of the transferee agency of responsibility for the administration of such functions.

SEC. 206. REORGANIZATION.

The head of the transferee agency is authorized to allocate or reallocate any function transferred under section 202 among the officers of the transferee agency, and to establish, consolidate, alter, or discontinue such organizational entities in the transferee agency as may be necessary or appropriate.

SEC. 207. RULES.

The head of the transferee agency is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the head of the transferee agency determines necessary or appropriate to administer and manage the functions of the transferee agency.

SEC. 208. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the transferee agency. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 209. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 210. EFFECT ON PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the transferee agency to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

SEC. 211. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the head of the transferee agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the transferor agency at the time this title takes effect, with respect to functions transferred by this title but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the transferor agency, or by or against any individual in the official capacity of such individual as an officer of the transferor agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the transferor agency relating to a function transferred under this title may be continued by the transferee agency with the same effect as if this title had not been enacted.

SEC. 212. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 213. TRANSITION.

The head of the transferee agency is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the transferor agency with respect to functions transferred to the transferee agency by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 214. REFERENCES.

Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the head of the transferor agency with regard to functions transferred under section 202, shall be deemed to refer to the head of the transferee agency; and

(2) the transferor agency with regard to functions transferred under section 202, shall be deemed to refer to the transferee agency.

SEC. 215. DEVELOPMENT OF CONSOLIDATION PLAN.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Director of the United States Information Agency, after consultation with the appropriate congressional committees, shall submit to those committees a plan for the consolidation of the functions transferred under section 202 with the existing broadcasting activities carried out by the Bureau for Broadcasting.

(b) CONTENTS OF PLAN.—Such plan shall include—

(1) a proposal for the reduction of broadcasting activities by RFE/RL, Inc., during the 36-month period which begins on the date of submission of the plan; and

(2) any recommendations for legislative changes as may be necessary.

SEC. 216. REPEAL.

The Board for International Broadcasting Act of 1973 (22 U.S.C. 2871 et seq.) is repealed.

SEC. 217. EFFECTIVE DATE.

This title shall take effect 12 months after its date of enactment.●

[From the Chicago Tribune, Sept. 21, 1992]

RADIO FREE EUROPE'S JOB IS DONE

A bright idea can become a feeble one when it has outlived its usefulness. The Cold War broadcasting system known as Radio Free Europe/Radio Liberty is becoming just such an anachronism, and it's time for Congress to start programming a signoff.

The U.S.-operated network, which beams to nations of eastern Europe and the former Soviet Union in their native languages, kept hope and news of freedom alive during the postwar decades of communist rule. The radio operations won a share of the credit when the Iron Curtain finally fell.

Now, however, it is as difficult to justify their continued operation, which this year cost U.S. taxpayers $207 million, as it would be to sustain American troops and weaponry at Cold War levels.

The shortwave radio broadcasts compete increasingly with independent homegrown and international media, with more popular technologies such as television and AM-FM radio, and with the United States' own Voice of America, which offers newscasts in 47 languages worldwide on its own $210 million budget.

A presidential commission has twice recommended the phaseout of Radio Free Europe and Radio Liberty, as well as an end to the absurdly unproductive TV Marti broadcasts to Cuba. Congress has yet to listen.

Of course, these decisions are being rendered in the arena of politics, and practical considerations are not much in play. Rather, Congress has ordered new VOA broadcasts that even the agency deems unnecessary, and it is now considering a "Radio Free China/Radio Free Asia" that would duplicate VOA service.

There are several reasons to scale back on overseas broadcasts. The first is, obviously, the end of the Cold War and the necessary examination of the relevance and cost of the forces that once helped to fight it.

Also, with a new political landscape and the development of independent media in ex-communist countries, credibility is a vital issue for the U.S. voice abroad. Such credibility would be enhanced by consolidating broadcasts under the VOA umbrella. That's because the VOA's charter allows it at least a degree of independence, while Radio Free Europe has often been used as a propaganda device. And while Radio Free Europe has put more emphasis on targeted "local" news to east European nations, there's no reason why VOA can't take on more of this role.

Still, the most wasteful use of government broadcast dollars has to be TV Marti, which spends $25 million to broadcast to Cuba for two hours in the middle of the night. TV Marti has few viewers and has only prompted Fidel Castro to jam the more effective broadcasts of its less costly radio equivalent.

The United States can offer a vital example to the emerging independent media of newly free nations. This role is not served by propping up outdated propaganda machines.

[From the Boston Globe, Aug. 6, 1992]

SIGN-OFF FOR COLD WAR RELICS

With communism in Eastern Europe going the way of the dodo, it makes little sense to continue US subsidies for Radio Free Europe and Radio Liberty, those warhorses of the '50s. An advisory committee has wisely recommended that they be scrapped, along with the silly effort to relay TV broadcasts to Cuba, and that the money be invested in improving the Voice of America.

A foreign broadcast service is a worthwhile investment for the United States because of its involvement in all regions of the world. But since the fall of the Soviet Union, the $207 million for special stations aimed exclusively at Eastern Europe has been wasted. Voice of America, which broadcasts all over the world, needs the extra funds to respond quickly to new demands for service. Congress recently ordered it to broadcast in Kurdish, Croatian and Tibetan, for a total of 47 languages.

Malcolm Forbes Jr., chairman of the board that supervises Radio Free Europe, says, "No other media organization in the world provides these countries with as much information." Perhaps this is true, but in a fast-changing world, why should Romania or Poland get special consideration over Burma or Zaire?

As for TV Marti, it transmits its telecasts to Cuba from 3 a.m. to 6 a.m., hardly prime time, especially when so much of the island is crippled by electricity blackouts. The chief function of the service is to enrage Fidel Castro, who must keep irregular hours. Better to invest the $25 million in additional radio broadcasts to Cuba at more convenient times of day.

The advisory committee also recommended against inauguration of a special service to China equivalent to Radio Free Europe—a proposal that is gaining support in Congress. There is no need to annoy the Beijing leadership, which can be just as touchy as Castro, when beefed-up service by the Voice of America will do just as well.

[From the New York Times, Sept. 8, 1992]

WHY RUSH TO SILENCE DEMOCRACY?

Fifty years ago, the U.S. became a global radio power. "This is a voice speaking from America," promised the Voice of America's first broadcast in February 1942. "The news may be good or bad—we shall tell you the truth."

The V.O.A., originating in Washington and operated by the U.S. Information Agency, now broadcasts in 47 languages. Along the way, it helped spawn Radio Free Europe and Radio Liberty. These are administratively distinct "surrogate stations" based in Munich and covering Eastern Europe and the former Soviet republics.

But does America still need a global radio voice now that global cold wars are over? A bipartisan commission created by Congress offers a provocative answer: Phase out the Munich stations and cut back the V.O.A. language services. The proposal rests on the argument that radio programming has less impact than television, which should claim budgetary priority.

With the fall of the Soviet empire, that may seem a sensible conclusion. But it's dangerously premature. New forms of tyranny and violence provide strong arguments for using all these voices, at least for a while.

For one thing, television is easily jammed, as Cuba has shown in blocking TV Marti, the Florida-based station established three years ago by the U.S.I.A. The Advisory Commission on Public Diplomacy would shut TV Marti because it is "not cost-effective"—unlike nine-year-old Radio Marti, which the report praises. Elsewhere, however, the commission feels the future lies with TV satellite transmissions and imported TV crews.

This markedly underrates the reach and influence of radio. Foreign broadcasts can bring stunned people together in times of crisis. For example, Boris Yeltsin's statements on Radio Liberty helped rally public opposition to the attempted coup in Moscow last year.

Even so, some argue that the Munich services can be safely abandoned as long as the V.O.A. remains on the job. The argument overlooks two important points.

The first is that the Voice provides world coverage, while Radio Free Europe and Radio Liberty report local news within the listeners' own country. The two stations have spent years developing sources and archives for close-in coverage that the Voice simply does not attempt.

The second point is that democracy's victory is not yet final, despite the collapse of the Iron Curtain. For example, Vladimir Meciar, the separatist leader in Slovakia, now threatens to silence broadcasts and muzzle publications he judges as hostile. There is still no independent press in post-liberation Afghanistan, which Radio Liberty serves.

In these circumstances, a skilled external news operation can give post-Communist nations a yardstick for judging their own press. Emotional issues like anti-Semitism and minority rights are often treated more fully in Munich than by local media. That is the routine justification for the stations; in extraordinary circumstances—wars, coups—their silence could be calamitous.

Radio Free Europe and Radio Liberty could, of course, be eliminated eventually, when press freedom is accepted from the Baltics to the Balkans. Payrolls and programming can be trimmed now.

But the stations ought not to be abandoned in the next year or two, as the Public Diplomacy Commission seems to feel. Leaders like Mr. Meciar, of course, wouldn't mind at all if they were. But leaders in Congress would do well to ignore the too-hasty recommendations in this too-simple report and keep these Voices alive.

[From the Washington Post, Jan. 18, 1991]

TV MARTI OFF THE AIR AFTER BLIMP BREAKS LOOSE

(By Laura Parker)

MIAMI, January 17.—TV Marti, the controversial government-funded television station that beams baseball, films, soap operas and news from the United States to Cuba, has been blown off the air—not by Fidel Castro but by gusting winds.

The broadcasts stopped early Wednesday after the Air Force blimp containing TV Marti's transmitter broke loose from its tether over the Florida Keys and drifted into the Everglades.

Officials are trying to determine how best to extract the deflated blimp and its cargo of high-technology equipment from a dense mangrove forest at the southwest edge of Everglades National Park.

The broadcasts to Cuba began last March amid congressional criticism that TV Marti was an unnecessary expense, that its equipment frequently would be out of commission because of bad weather and that jamming by the Cuban government would prevent many Cubans from receiving the broadcasts.

Backers argued that TV Marti, named for Cuban patriot Jose Marti, and its sister station, Radio Marti, were essential to ensure a free flow of information about the United States to Cuban citizens. But critics maintained that Cubans already could tune into various radio and television programs originating on Caribbean islands.

This week, the Air Force blimp, known as "Fat Albert," broke free from its tether off Cudhoe Key as it was being lowered from maintenance, according to a spokesman at TV Marti's Washington headquarters. Normally, the blimp is raised to 10,000 feet to transmit broadcasts 100 miles to Cuba.

"TV Marti had just gone off the air for the day," said Joe O'Connell, the spokesman. "The balloon began to drift toward the Everglades National Park."

Officials chased Fat Albert to a southwestern corner of the park by helicopter and deflated it so it could be lowered.

O'Connell said it appears that sophisticated electronic equipment in the blimp was not seriously damaged and that TV Marti may be back on the air soon. He said bad weather prevents TV Marti's transmitter from operating about 20 percent of the time.

TV Marti went on the air as a $7.5 million experiment last March 27. In August, based on the results of four months of test broadcasts, President Bush signed legislation making TV Marti permanent. It is funded at $16 million for 1991.

The General Accounting Office criticized two surveys that estimated viewership at between 1 million and 7 million Cubans. The GAO observed that U.S. diplomats in Havana reported that TV Marti was effectively jammed and estimated viewership at between 50,000 and 70,000.

[From the New York Times, Nov. 27, 1992]

LOUD "NO" TO VOICE IN THE WILDERNESS

(By Joel Greenberg)

HATZEVA, ISRAEL.—When evening settles over the desolate Arava valley, Yaacov Ravitz savors the lingering sunset as it casts a rosy glow over the desert. The last thing he wants is a forest of radio antennas looming over the silent wilderness.

"I don't need a giant monster spewing radiation near my house," said Mr. Ravitz, who grows fruits and vegetables in this moshav, an agricultural collective, in the Negev.

The giant in question is a bitterly debated project of the United States Government for a 2,000-acre relay station for the Voice of America, Radio Free Europe and Radio Liberty.

The dispute began a few years ago, focusing on environmental concerns like loss of wilderness areas, possibly harmful radiation and the effect on migrating birds. But it has taken on new dimensions since the collapse of the Soviet empire.

REMEMBER THE COLD WAR?

To opponents like Mr. Ravitz, the station is another cold-war dinosaur. It was conceived during the Reagan Administration to overcome jamming of shortwave broadcasts to Eastern Europe and the Soviet Union. Now that the jamming has stopped, there is no need for the station, say its opponents, who include at least half the members of Parliament. They hope to prevail under the Clinton Administration.

Supporters argue that even in the post-cold-war era, it would be an important service to broadcast messages of democracy to former Soviet republics in central Asia, to Iran and to other Islamic countries.

Environmental risks are minimal, they say, adding that the project would create jobs and strengthen the Israeli-American alliance. Prime Minister Yitzhak Rabin has pressed for speedy construction.

Although the United States and Israel signed an agreement in 1987 to build the $300 million station, Israeli planned authorities have yet to give their required approval and Congress still has a final say.

But efforts to promote the project have run into stiff resistance.

Among other things, the station would require the relocation of an air force training zone to a large tract of Negev wilderness. Environmentalists say the shift would harm animal and plant life.

"Eighty percent of the Negev is already taken up by army firing zones," said Yoav Sagi, chairman of the Society for the Protection of Nature in Israel. "Israel is one of the most densely populated countries in the world, and we have to leave some breathing room."

Another issue is electromagnetic radiation. Planners say the expected levels meet strict international safety standards. But residents are troubled by studies that suggest a link between certain types of radiation and cancer, especially in children.

BIRDS CAN'T BE BOUGHT

"The data isn't unequivocal, but it's still a relatively new area of research, the way smoking and asbestos were years ago," said Mr. Ravitz, the farmer. "I'm not prepared to be a guinea pig."

Local residents have rejected a United States offer of $11 million for local development. They are also left cold by arguments that the project would create jobs, noting that fewer than 200 people would be employed once construction was finished.

Then there are the birds, the 150 million of them that migrate each year through the Arava valley along one of the major flyways linking Europe and Asia to Africa.

A study commissioned by the Government found that the station would cause the birds little harm, but environmental groups say that many could collide with the station's towers and antenna grids.

Yossi Leshem, an ornithologist and executive director of the nature society, warns of potentially "irreversible damage" to bird populations that could also be affected by heat radiation and electromagnetic waves.

WHO, EXACTLY, WANTS IT?

As objections pile up in Israel, doubts have also surfaced in Washington. In August, a Presidential commission recommended that the station be scrapped and the funds switched to other broadcasting needs, like a V.O.A. relay station in Kuwait.

Uri Marinov, until recently director-general of the Environment Ministry, says that the project is running on bureaucratic inertia.

"Israelis said, 'We don't want it but the Americans do,'" Mr. Marinov recalled. "Americans said, 'We're not interested but the Israelis are,' Someone has to get up and say we don't need it. The emperor has no clothes."

By Mr. FEINGOLD:

S. 52. A bill to amend the Public Health Service Act to establish a program to provide information and technical assistance and incentive grants to encourage the development of services that facilitate the return to home and community of individuals awaiting discharge from hospitals or acute care facilities who require long-term care, and for other purposes; to the Committee on Labor and Human Resources.

HOSPITAL TO HOME- AND COMMUNITY-CARE LINKAGE DEVELOPMENT AND INCENTIVE GRANT PROGRAM

• Mr. FEINGOLD. Mr. President, today I am introducing S. 52, the Hospital to Home- and Community-Care Linkage Development and Incentive Grant Program, legislation designed to establish, enhance, and expand on efforts, already developed in some communities, to discharge individuals, needing managed long-term care, from hospitals and other acute care facilities directly back to their homes and other community-based settings.

Mr. President, our country is facing a health care crisis. Although there is disagreement on precisely how we should proceed, with over 35 million Americans lacking health care coverage, and the cost of care exploding, the need for comprehensive acute care reform is widely acknowledged.

What must be more clearly recognized, however, is the critical need for long-term care reform at the national level.

Although it is true that some health care reform proposals include long-term care reform, others leave the matter largely untouched. Such neglect will prove to be a serious error as long-term care reform must be part and parcel of reform of the entire health care system.

The demographic imperatives of health care are most strikingly felt in the area of long-term care. The elderly are the fastest growing segment of the population, and those over age 85—individuals most in need of long-term care—are the fastest growing segment of the elderly. Failure to reform our current long-term care system will mean a growing population of long-term care consumers served by a shrinking set of alternatives, all of them increasingly costly.

Mr. President, it is my intention to introduce legislation later in this session that addresses the larger issue of long-term care reform, legislation that will emphasize community- and home-based flexible services that respond to individual consumer choice and preference, and that will relieve pressure on the Federal deficit and on families, who are often forced to spend their life savings to pay for the long-term care of a loved one.

The bill I am introducing today dovetails with that larger reform package, not only as a specific effort to solve a major problem within our long-term care system, but as a model for that larger reform that stresses individual consumer choice and preference.

The bill also highlights another important feature I feel should be incorporated in an overall long-term reform package; namely, a State-based approach within a universal system.

Mr. President, at the State and local level we have seen some of the most exciting and productive work on long-term care. This legislation encourages public and private non-profit agencies to draw upon the work done in these State laboratories and implement the approaches developed from those practical experiences.

Much has been done to stimulate innovations at the State and local level. Dozens of pilot projects have been enacted, many providing useful, even exciting results. But too often we fail to take the next steps—building on those results by replicating individual successes, then integrating reforms supported by multiple successes into the existing structure.

This legislation seeks to take that second step—replicating experiences as a prelude to larger structural reform.

Mr. President, this bill targets the problem of overcoming systemic barriers that prevent individuals, who need managed long-term care and who are about to be discharged from hospitals and other acute-care facilities, from going back to their home or into other community-based settings. These individuals all too often end up being discharged into a nursing home, thus placing a financial burden on families and taxpayers, and limiting consumer choice of long-term care services.

As Chair of the Aging Committee in the Wisconsin State Senate for the past 10 years, I have worked to provide long-term care consumers with the opportunity to remain in their own homes and communities when they choose to do so.

The long-term care structure that has evolved since Medicaid began in the mid-1960's has strong systemic incentives for institutional care, often to the exclusion of community-based alternatives. Services for long-term care consumers who wish to remain in their homes represent only a fraction of the total long-term care budget, and waiting lists for those services are the norm. In Wisconsin, it is not unusual to find people waiting for 2 years for home- and community-based services.

One feature of this structural bias is most visible in trying to discharge patients from hospitals back to their homes when they need some managed long-term care.

The hospital discharge is a critical point of entry into the long-term care system, and as such, has posed a significant problem for those individuals who wish to return to their own homes.

The population most in need of long-term care uses the hospital and acute care facility at a disproportionate rate. In my own State, according to the 1990 Health Care Data Report, "Annual Report: Hospital Utilization and Charges in Wisconsin: Jan.-Dec. 1990," published by the Wisconsin Department of Health and Social Services, Office of Health Care Information, patients age 65 and older account for nearly one-third of all discharges from hospitals. Indeed, a large number of people over 65 spend some time in a hospital—nearly 32 people in every 100 over age 65 were discharged from a hospital. Looking at older groups, the discharge rate grows to even more dramatic levels. For those age 75 to 85, the rate was nearly 38 of every 100, and for those over age 85, the biggest users of long-term care services, the rate was 45 of every 100.

Once their acute care needs are met, these long-term care consumers all too often are sent to nursing homes.

A recent survey done in Milwaukee County showed that more than 70 percent of the older adults discharged from hospitals never return home. Rather, those individuals in need of managed long-term care all too frequently end up in a nursing home.

The single greatest source of admissions into nursing homes is often the hospital.

In Wisconsin, according to a 1990 report, "Wisconsin Nursing Home Utilization, 1990," published by the Wisconsin Department of Health and Social Services, Division of Health, Center for Health Statistics, 70 percent of all nursing home admissions are from the hospital—four times the number of nursing home admissions from private homes.

The reasons for this lopsided statistic are straightforward.

As I mentioned earlier, grossly inadequate funding for community- and home-based long-term care alternatives have resulted in long waiting lists. Even individuals fortunate enough not to be languishing on a waiting list must often wait for some days or weeks before over burdened community care case managers are able to perform the necessary screening, assessment, and case planning.

The Medicare DRG and prospective payment system have put substantial pressures on hospitals to discharge more quickly, keeping the hospital stay as short as possible. The uncertainty of community- and home-based services, especially when contrasted with the easy alternative of an accessible nursing home bed that may be available, makes the choice for the discharge planner easy.

In addition, hospitals and the local agencies administering the community- and home-based long-term care programs each have their own sets of rules and procedures. Because community long-term care alternatives are relatively new, there has been little time for those two different systems to interact and become familiar with each other. Discharge planners often find it difficult to identify patients who might be well served by community care programs, and thus frequently fail to give enough lead time for local community care agencies to react effectively in providing community- and home-based services in a timely fashion.

By contrast, nursing homes and hospitals have learned to interact well with each other. There are few, if any, bureaucratic barriers to discharging a patient from a hospital into a nursing home.

As Chair of the Wisconsin State Senate Committee on Aging, I became aware of this problem through a series of hearings I held in 1988. I authored a provision that was included in the State budget initiating a pilot program to explore ways to enhance linkages between hospitals and community care agencies. This pilot program has proven to be a success.

The primary goal of decreasing nursing home placements from hospital discharges was achieved. On top of those expected results, though, the pilot program also produced some unexpected additional benefits as the average inpatient costs to participating hospitals dropped as did the average length of stay. For one hospital participating in the program, there was a 23-percent drop in the discharge rate to nursing homes, while the average inpatient costs dropped by an average of nearly $2,250. At the same time, the average length of stay for the patient population participating in the pilot dropped by over 2 days. The hospital also reported improvements in the quality of discharge planning for its most complicated and problematic cases.

There are many examples chronicling the success of the Wisconsin project. Here are two examples from the narrative report of the project.

A 65-year-old woman had a medical history that included diabetes mellitus, hypertension, Bell's palsy, chronic obstructive pulmonary disease, congestive heart failure, hypertensive heart disease, atherosclerosis, obesity, cerebral vascular accident, and degenerative dementia. A life-long shy introvert, she had dementia that compounded her problems and caused her to fear people with whom she was not familiar.

As a participant in the Wisconsin Hospital Link Program, she was discharged from the hospital back to her home, and is now cared for by her spouse and grown children, supported by one person who was hired to help with her care.

A 92-year-old widowed woman named Daisy was hospitalized for a large, deep decubitus ulcer on her lower back. Grieving the death of her son a year before, she was receiving less daily contact, and spent long lengths of time lying in bed. Her grandson and his wife opted to move in with her to act as caregivers, but they each worked full time and their young daughters attended school. Needing assistance for dressing changes toward wound care, plus hygiene, ambulating, and transfers, she was discharged with home health aide support Monday through Friday while her family works. Several pieces of durable medical equipment were delivered to her home, most notably an alternating pressure pad positional bed. An RN makes regular assessment of her wound's slow healing process. The family has adapted with great comfort to the aides assigned and Daisy describes herself as doing well.

Every party involved in the program—State and county government, hospitals, and patients—benefited. As discharge planners noted, a particularly valuable benefit was the ability of the case managers to monitor the discharge plan in the patient's home. Often, patients, older patients especially, looked different at home than they did in the hospital. Having a case manager who can monitor changing conditions and needs is a critical asset for planners.

By every measure, this pilot program was beneficial.

Mr. President, we now need to take the next step—to replicate the hospital discharge-community link program by allowing States and local agencies to establish, enhance, and expand on this pilot program.

In light of our massive Federal deficit, we need to move carefully when considering any new services. This program, however, has been demonstrated to save money, both by reducing the length of hospital stays and placing individuals in less costly home- and community-based settings. I think whenever we can provide better and more appropriate services and reduce expenditures, we should do so. The fiscal success of the pilot hospital link program in Wisconsin, as well as the human success, has led to its continued support at a time when every spending program, at the State or Federal level, is subject to exacting scrutiny. I want to see our limited revenues devoted to replicating an existing, successful innovation in the area of long-term care, such as the Wisconsin Hospital Link Program.

SUMMARY OF LEGISLATION

Mr. President, the bill I am introducing today has two basic components.

First, it requires the Secretary of Health and Human Services to establish an information and technical assistance program and actively promote the exchange of information among agencies that have had experience with facilitating the discharge of long-term care consumers from hospitals and acute care facilities back to their homes and communities. This provision is designed to encourage various entities to embark on a variety of approaches to the hospital discharge program, building upon the experiences that others have had in the area.

Mr. President, I want to make it very clear that under this legislation the Secretary is expected to do more than simply provide a clearinghouse on programs aimed at dealing with the hospital discharge program that I have described. To achieve the desired discussion and interaction between those States and entities that have had experience dealing with the discharge problem, the Secretary is expected to play an active role in facilitating as much meaningful communication and sharing of experiences between those entities which already have experience in this field and those who want to develop these programs.

I am convinced that the experiences of entities who have already created and explored innovative techniques to address this matter are valuable resources that ought to be shared and disseminated in a way that can have timely and practical results. In too many cases, the real experts are in the field running pilot programs and we ought to be doing a great deal more to put their experience to work in helping replicate similar programs. I know in my own work in aging issues, I have learned a great deal from visiting demonstration programs not only in Wisconsin, but in other States as well.

Second, Mr. President, the legislation authorizes a modest incentive grant program to provide seed money to enable States to establish or expand hospital link programs. Under this legislation, States would be eligible to apply for funds to assist local entities to establish, enhance, or expand on programs to facilitate the discharge of individuals who need managed long-term care, from a hospital or other acute care facility directly back to their home or other community-based setting. If a State did not elect to apply for this program, other eligible entities in a local community could apply.

The legislation requires that an application for a grant under this program contain assurances that adequate community- and home-based managed care services are available for the acute care patients being discharged under the program for which funds are being made available. If an adequate supply of these services is not available, no case management program can function adequately. Other than case management, this program is not designed to provide direct services; rather, its purpose is to link patients being discharged from acute care facilities with home- or community-based services instead of institutional care.

The legislation also provides that grants be made available to those applicants who wish to expand on existing programs, to further establish a network of innovative hospital discharge methods, and to refine and enhance those methods.

Recognizing that waiting lists for community care programs represent one of the most difficult barriers to coordination between community care and hospital discharge planning, this proposal directs the Secretary to give expedited consideration of any waiver application that is necessary under title XIX of the Social Security Act for an applying agency to ensure that adequate home- and community-based long-term care services are available to those individuals being discharged from hospitals. Doing so will help assure that the efforts of applying entities are not thwarted by inadequate community service slots.

Mr. President, mindful of the pressure any expenditure puts on the Federal deficit, even one such as this which will save more revenue over time than is initially appropriated, and similarly cognizant of the danger that local entities can be tempted to look to Federal taxpayers as a permanent funding source for programs, this legislation not only limits funding for 3 fiscal years, it also permits the Secretary to require applicants to describe how these programs will be administered after the Federal startup funding ends. Thus, applicants must demonstrate an ability to continue the program once the Federal seed money is terminated, protecting against both an ongoing dependence on Federal revenue and continuing pressure on the deficit. This should also help focus attention on those applications that are most likely to succeed in the long run, and that will attract alternative funding sources.

Though grants are generally limited to $300,000 per year, with the Secretary empowered to waive even that limitation, this legislation envisions smaller grants for many applicants, particularly those applicants seeking to establish an initial discharge program. Larger grants would be appropriate for those applicants with a proven record in the area, seeking to expand on successful systems.

An annual grant of $300,000 can provide more than enough funding for an effective program. In Wisconsin, a biennial appropriation of $150,000 produced striking results. Administrative costs were entirely absorbed by the State agency directing the program, and the bulk of the funds allocated by the legislature were used for case management services. I expect a similar experience under this legislation.

Mr. President, this legislation will help, at least in a modest way, lay the foundation for the larger matter of long-term care reform.

We need to bring a new attitude to health care reform generally, and long-term reform in particular. The consumer of long-term care services must be seen more as a customer than a patient. The long-term care system we adopt should be flexible enough to respond to the individual preferences of the customer, from the initial assessment right on through to ongoing services. This means that case managers and others need to consult regularly with the customer, as well as family members, to be sure their needs are met in a satisfying manner.

It also means that the quality assurance, and, more importantly, the quality improvement programs instituted by States should be customer oriented.

Mr. President, this legislation is both consistent with those principles, and will help usher in that new approach to long-term care as we move toward the needed larger structural reform. I believe that, given the Wisconsin experience, it is a program that will reduce health care costs while providing better services for individuals in need of long-term health care.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 52

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hospital to Home- and Community-Care Linkage Development and Incentive Grant Program".

SEC. 2. FINDINGS.

Congress finds that—

(1) demonstration programs and projects have been developed to offer care management to hospitalized individuals awaiting discharge who are in need of long-term health care services that meet individual needs and preferences in home- and community-based settings as an alternative to long-term nursing home care or institutional placement; and

(2) there is a need to disseminate information and technical assistance to hospitals and State and local community organizations regarding such programs and projects and to provide incentive grants to State and local public and private agencies, including area agencies on aging, to establish and expand programs that offer care management to individuals awaiting discharge from acute care hospitals who are in need of long-term care so that services to meet individual needs and preferences can be arranged in home- and community-based settings as an alternative to long-term placement in nursing homes or other institutional settings.

SEC. 3. DISSEMINATION OF INFORMATION, TECHNICAL ASSISTANCE AND INCENTIVE GRANTS TO ASSIST IN THE DEVELOPMENT OF HOSPITAL LINKAGE PROGRAMS.

Part C of title III of the Public Health Service Act (42 U.S.C. 248 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 327B. DISSEMINATION OF INFORMATION, TECHNICAL ASSISTANCE AND INCENTIVE GRANTS TO ASSIST IN THE DEVELOPMENT OF HOSPITAL LINKAGE PROGRAMS.

"(a) DISSEMINATION OF INFORMATION.—The Secretary shall compile, evaluate, publish and disseminate to appropriate State and local officials and to private organizations and agencies that provide services to individuals in need of long-term health care services, such information and materials as may assist such entities in replicating successful programs that are aimed at offering care management to hospitalized individuals who are in need of long-term care so that services to meet individual needs and preferences can be arranged in home- and community-based settings as an alternative to long-term nursing home placement. The Secretary may provide technical assistance to entities seeking to replicate such programs.

"(b) INCENTIVE GRANTS TO ASSIST IN THE DEVELOPMENT OF HOSPITAL LINKAGE PROGRAMS.—The Secretary shall establish a program under which incentive grants may be awarded to assist private and public agencies, including area agencies on aging, and organizations in developing and expanding programs and projects that facilitate the discharge of individuals in hospitals or other acute care facilities who are in need of long-term care services and placement of such individuals into home- and community-based settings.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (b) an entity shall be—

"(A)(i) a State agency as defined in section 102(43) of the Older Americans Act of 1965; or

"(ii) a State agency responsible for administering home and community care programs under title XIX of the Social Security Act; or

"(B) if no State agency described in subparagraph (A) applies with respect to a particular State, a public or nonprofit private entity.

"(2) APPLICATIONS.—To be eligible to receive an incentive grant under subsection (b), an entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require, including—

"(A) an assessment of the need within the community to be served for the establishment or expansion of a program to facilitate the discharge of individuals in need of long-term care who are in hospitals or other acute care facilities into home- and community-care programs that provide individually planned, flexible services that reflect individual choice or preference rather than nursing home or institutional settings;

"(B) a plan for establishing or expanding a program for identifying individuals in hospital or acute care facilities who are in need of individualized long-term care provided in home- and community-based settings rather than nursing homes or other institutional settings and undertaking the planning and management of individualized care plans to facilitate discharge into such settings;

"(C) assurances that nongovernmental case management agencies funded under grants awarded under this section are not direct providers of home- and community-based services;

"(D) satisfactory assurances that adequate home- and community-based long term care services are available, or will be made available, within the community to be served so that individuals being discharged from hospitals or acute care facilities under the proposed program can be served in such home- and community-based settings, with flexible, individualized care which reflects individual choice and preference;

"(E) a description of the manner in which the program to be administered with amounts received under the grant will be continued after the termination of the grant for which such application is submitted; and

"(F) a description of any waivers or approvals necessary to expand the number of individuals served in federally funded home- and community-based long term care programs in order to provide satisfactory assurances that adequate home- and community-based long term care services are available in the community to be served.

"(3) AWARDING OF GRANTS.—

"(A) PREFERENCES.—In awarding grants under subsection (b), the Secretary shall give preference to entities submitting applications that—

"(i) demonstrate an ability to coordinate activities funded using amounts received under the grant with programs providing individualized home- and community-based case management and services to individuals in need of long term care with hospital discharge planning programs; and

"(ii) demonstrate that adequate home- and community-based long term care management and services are available, or will be made available to individuals being served under the program funded with amounts received under subsection (b).

"(B) DISTRIBUTION.—In awarding grants under subsection (b), the Secretary shall ensure that such grants—

"(i) are equitably distributed on a geographic basis;

"(ii) include projects operating in urban areas and projects operating in rural areas; and

"(iii) are awarded for the expansion of existing hospital linkage programs as well as the establishment of new programs.

"(C) EXPEDITED CONSIDERATION.—The Secretary shall provide for the expedited consideration of any waiver application that is necessary under title XIX of the Social Security Act to enable an applicant for a grant under subsection (b) to satisfy the assurance required under paragraph (1)(D).

"(4) USE OF GRANTS.—An entity that receives amounts under a grant under subsection (b) may use such amounts for planning, development and evaluation services and to provide reimbursements for the costs of one or more case managers to be located in or assigned to selected hospitals who would—

"(A) identify patients in need of individualized care in home- and community-based long-term care;

"(B) assess and develop care plans in cooperation with the hospital discharge planning staff; and

"(C) arrange for the provision of community care either immediately upon discharge from the hospital or after any short term nursing-home stay that is needed for recuperation or rehabilitation;

"(5) DIRECT SERVICES SUBJECT TO REIMBURSEMENTS.—None of the amounts provided under a grant under this section may be used to provide direct services, other than case management, for which reimbursements are otherwise available under title XVIII or XIX of the Social Security Act.

"(6) LIMITATIONS.—

"(A) TERM.—Grants awarded under this section shall be for terms of less than 3 years.

"(B) AMOUNT.—Grants awarded to an entity under this section shall not exceed $300,000 per year. The Secretary may waive the limitation under this subparagraph where an applicant demonstrates that the number of hospitals or individuals to be served under the grant justifies such increased amounts.

"(C) SUPPLANTING OF FUNDS.—Amounts awarded under a grant under this section may not be used to supplant existing State funds that are provided to support hospital link programs.

"(d) EVALUATION AND REPORTS.—

"(1) BY GRANTEES.—An entity that receives a grant under this section shall evaluate the effectiveness of the services provided under the grant in facilitating the placement of individuals being discharged from hospitals or acute care facilities into home- and community-based long term care settings rather than nursing homes. Such entity shall prepare and submit to the Secretary a report containing such information and data concerning the activities funded under the grant as the Secretary determines appropriate.

"(2) BY SECRETARY.—Not later than the end of the third fiscal year for which funds are appropriated under subsection (e), the Secretary shall prepare and submit to the appropriate committees of Congress, a report concerning the results of the evaluations and reports conducted and prepared under paragraph (1).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1994 through 1996.''.•

By Mr. METZENBAUM (for himself, Mr. KENNEDY, Mr. HATFIELD, Mr. PELL, Mr. DODD, Mr. SIMON, Mr. HARKIN, Mr. WELLSTONE, Mr. WOFFORD, Mr. AKAKA, Mr. BIDEN, Mrs. BOXER, Mr. BRADLEY, Mr. CAMPBELL, Mr. DASCHLE, Mr. FEINGOLD, Mr. KERRY, Mr. KERREY, Mr. GLENN, Mr. INOUYE, Mr. LEVIN, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. RIEGLE, Mr. SARBANES, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. MITCHELL, Mr. SASSER, and Mr. BAUCUS.

S. 55. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Labor and Human Resources.

WORKPLACE FAIRNESS ACT OF 1993

• Mr. METZENBAUM. Mr. President, I rise to introduce the Workplace Fairness Act. This legislation prohibits the hiring of permanent striker replacements. Without this bill, the right to strike is no more than a right to lose one's job.

Yesterday the Clinton administration took office with a mandate from the American people to revitalize the American workplace, increase productivity, and expand opportunity. These are great and important goals, but without an effective labor movement they cannot be achieved. And without the right to strike, there can be no labor movement.

We need a healthy relationship between labor and management, built on trust, in order to ensure U.S. competitiveness into the next century. But the balance of power has shifted too far in management's direction. Without this bill, we will face strife, not serenity; we will have distrust and dissension, not cooperation and coordination. How can we hope to compete if those who labor cannot work with those who manage? The fabric of our industrial relations is frayed, and we must mend it.

By its terms, this legislation prohibits the hiring of permanent striker replacements. But just as importantly, this legislation will restore balance to our Nation's labor laws, and ensure that the American labor movement can continue to contribute to our national growth.

I regret that this bill is not yet law. We should have enacted it 3 years ago, when I first introduced it. We should have enacted it in the last Congress, when the House passed the bill by a 65-vote margin. A majority of the Members of this body supported the bill in the last Congress, but we were prevented from voting on it last year by a filibuster. Fifty-seven Members of this body voted to close off the debate, but that was not enough to defeat the filibuster.

By now, the Members of this body are familiar with the basic issue addressed by the Workplace Fairness Act. But let me briefly describe the problem, so that we may not lose sight of the urgent need for a solution.

Fifty-eight years ago, Congress recognized that labor disputes were taking a terrible toll on the economic and social fabric of this country. By enacting the NLRA in 1935, Congress sought to promote collective bargaining as the preferred method of resolving labor-management disputes and preserving economic stability.

Collective bargaining allows labor and management to seek a peaceful resolution of labor disputes through negotiation. Where negotiation fails to resolve a dispute, each side is permitted to exercise peaceful self-help options. To succeed, this system depends upon a balance of economic power between the parties.

For labor, the right to strike is essential because it provides economic leverage. That is why the National Labor Relations Act has expressly protected that right for 58 years.

Although the right to strike is labor's most effective weapon, workers are loathe to exercise it. Striking means foregoing wages, walking the picket line, and exhausting the family's life savings. So it is no surprise that workers choose to strike in less than 1 percent of all bargaining negotiations. But even if the right to strike is seldom exercised, it brings the employer to the table.

Nevertheless, under a 1938 Supreme Court decision called Mackay Radio, employers in certain circumstances may hire permanent replacements for their striking workers. That ruling left us with a bizarre contradiction: An employer cannot discharge or discipline employees for striking, but it can permanently replace them.

For decades, the Mackay case had little practical effect. American employers valued their workers and counted on their returning after a strike. When faced with a strike, employers hired temporary replacements, subcontracted or transferred the struck work, operated with management personnel or even ceased operations entirely for the duration of the strike.

But since 1980, a new breed of employer has emerged, one that does not hesitate to replace its union work force. Employers now hire or threaten to hire permanent replacements in one out of every three strikes. Tens of thousands of workers have suffered the economic death penalty of permanent replacement for exercising what they thought was a federally protected right. And hundreds of thousands more have refrained from exercising that right because of the threat of permanent replacement.

Different factors are cited as reasons for this alarming increase. Some cite President Reagan's harsh treatment of 12,000 air traffic controllers, which signalled to a new generation of American managers that it was acceptable to fire strikers. Some blame the so-called new breed of fast-buck takeover artists that do not hesitate to replace a union work force. And still others cite gradual changes in our labor laws that eliminated many forms of peaceful secondary activity and made it more difficult for unions to obtain commitments of strike solidarity. These changes have tilted the balance of power between labor and management, and in effect encouraged employers to play the permanent replacement card.

The right to strike, the worker's principal economic weapon, has become nothing more than a hollow promise. Without it, workers lose the ability to bargain effectively—how can they back up their bargaining demands with economic leverage if exercising their principal self-help weapon means losing their jobs?

The resulting imbalance of power jeopardizes the continued existence of the American labor movement. More and more, employers use the permanent replacement threat to attack the very concept of collective action. During organizing campaigns, employers warn their workers that a vote for the union could mean a strike and the loss of their jobs. Even if a union is certified, employers often make that victory meaningless by refusing to agree to a contract, and by threatening to replace workers if they strike.

Even if a contract is signed, the parties may never establish a stable collective bargaining relationship. To succeed, cooperative efforts must be based on mutual trust; that trust may not be possible given the current imbalance of economic power between labor and management. Finally, in many instances employers have sought to rid themselves altogether of unions by demanding substantial givebacks, precipitating a strike, replacing the striking workers, and seeking to decertify the union.

Without an effective labor movement, our Federal labor policy—favoring the peaceful resolution of labor disputes through collective bargaining—cannot be fulfilled. That would mean a return to the disruptive labor strife that characterized the American workplace in the years prior to enactment of the NLRA.

Of course, it's not just the 16 percent of American workers that belong to labor organizations that need this legislation. Millions of nonunion workers have benefited from the minimum standards of wages, benefits, and working conditions achieved by organized labor. It is no accident that as union membership has declined in the past decade, the real wages of most American workers have declined by nearly 10 percent. And the labor movement has repeatedly fought for and won legislation—such as social security, Head Start, and unemployment insurance—that has improved the lives of all Americans.

A strong labor movement is also critical to improving our ability to compete successfully in the global marketplace. If you need proof, just look around at our most successful competitor nations. Virtually all of them have strong labor movements and have banned the hiring of permanent striker replacements. As labor Secretary-designate Robert Reich stated at his confirmation hearing 2 weeks ago:

> If America is to be competitive in the world economy, government must stand ready to encourage the private sector as a whole to treat their work force as their most precious asset.* * * Business must be ready to collaborate, to become a true partner. Labor has to join the partnership.

Recent studies have confirmed the negative impact that the hiring of permanent replacements can have on our productivity. The use of permanent replacements triggers longer and more bitterly divisive struggles, by transforming a dispute from one about wages or benefits into one about the future of every striker's job. In a 1989 study of 56 strikes, University of Alabama Professor Cynthia Gramm found that the strikes lasted substantially longer when permanent replacements were hired, a mean duration of 363 days, than when temporary replacements were hired, 72 days, or when no replacements were hired, 64 days.

In a 1992 report, three City University of New York researchers studied seven major U.S. strikes in which permanent replacements were hired. They concluded that hiring permanent replacements imposed high costs on the employer, the workers, and the community. "In today's highly competitive economic environment," the study concluded, "The losses associated with union busting exact a high toll on the entire country, at a time when we all depend on an economy able to meet aggressive foreign competition." It is no wonder that our principal competitors—including Germany, Canada, France, and Japan—have long recognized that using permanent replacements is unwise as a matter of both public policy and good business.

The Workplace Fairness Act would simply restore the balance to labor-management relations, and reaffirm that the right to strike must mean more than the right to lose your job. The act prohibits the hiring of permanent replacements where a union engages in a lawful economic strike. In addition, the act prohibits employers from otherwise discriminating against employees who lawfully strike. I ask unanimous consent that a copy of the bill be printed in the RECORD in full.

The legislation is identical to the bill reported by the Labor and Human Resources Committee in 1991. It provides a reasonable and responsible solution to what has become a major anomaly in our Federal labor law.

The American public overwhelmingly supports a ban on the hiring of permanent replacements. In a Roper Organization poll conducted in April of last year, 72 percent—nearly three-quarters of the 1,009 individuals contacted in a telephone survey—supported a ban on the hiring of permanent replacements. Only 14 percent said workers should not have the right to strike without fear of losing their jobs. Similar results were obtained in a November, 1991 poll and in two 1990 polls.

President Clinton has also repeatedly expressed his support for the Workplace Fairness Act. Last April, he visited striking Caterpillar workers, who had been forced by the company to choose between their right to strike and their jobs. He told them that the use of permanent replacements would have a devastating effect, not only on the employees and their families, but on the whole fabric of worker-management relations all over this country. The need to prohibit the hiring of permanent replacements has similarly been recognized by State governments, civil rights groups, labor law scholars, newspaper editorial boards, and the religious community.

In closing, there is much at stake here. First, the future of the American labor movement depends on restoring the right to strike as an effective economic weapon. In turn, a healthy labor movement will restore balance to labor-management relations, facilitate greater labor peace, and contribute much towards ensuring U.S. competitiveness in world markets.

Second, for america's hardworking men and women, whose hours are growing longer and whose paycheck is growing smaller, this is an issue of basic fairness. Simply put, American workers should not have to choose between their jobs and their right to take collective action.

Many of my colleagues have joined me today as original co-sponsors of this legislation. I urge the remainder of my colleagues to add their names as supporters of the Workplace Fairness Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 55

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".•

• Mr. FEINGOLD. Mr. President, I am please to join my distinguished colleague, Senator METZENBAUM, in introducing legislation to restore a measure of equality to Federal labor law by guaranteeing workers the right to strike without the fear of being permanently replaced.

The abusive use of replacement workers by employers during labor disputes has a long history in Wisconsin, and it is an issue about which I have been deeply concerned. In fact, I was the author of the Wisconsin striker replacement bill, and testified several years ago at a hearing before the House of Representatives on this issue. I am proud to now add my name in the effort to pass a national striker protection law.

The use of permanent replacements is a many faceted issue. At the core, however, is the question, "Should workers have the right to use the strike as an economic voice during times when negotiations with their employers break down?" The National Labor Relations Act of 1935 clearly guarantees the right to workers to organize and engage in concerted activities. Included in this is the right to strike.

When I was growing up in Janesville, WI, a United Auto Workers labor town, this country was enjoying a long period of prosperity. There seemed to be a balance, then, between labor and management.

However, the economic declines of the 1970's and increased competition from abroad laid the groundwork for a dramatic shift from cooperative to hostile management labor relations.

In 1938, the Supreme Court in the McCay decision allowed the hiring of permanent replacement workers. However, the use of permanent replacements was never put into widespread practice until the 1980's when President Ronald Reagan led by example in firing 12,000 striking air traffic control workers.

Until that time, workers and management had shared relatively equally in the risks and hardships of a strike. Workers lost income, their families, and often whole communities, faced economic insecurity and the threat of losing their homes and their savings.

At the same time a clear incentive existed for management to come to an agreement, as they struggled to maintain production, productivity and market-share with a limited workforce.

Strikes were to be avoided by both sides if possible, which was the force driving collective bargaining and peaceful negotiation. For many years, even during strikes, labor and management were able to cooperate and come to an agreement.

It should be no surprise that in the merger and acquisition frenzy of the 1980's management found it had a new tool and used it frequently. Management now often advertise for permanent replacements the moment a strike begins, and the threat of permanently lost jobs casts a pall over the entire bargaining process.

The power behind the use of permanent replacements is quite clear. Whether used as they were in Wisconsin prior to the passage of National Labor Relations Act during the Northern Paper Co. strike of 1921 or during the International Paper Co. strike of 1987, permanent replacements produced the same result—the overwhelming defeat of labor.

As the power of the strike becomes more and more tenuous, the voice of the laborer in negotiations over his or her employment weakens considerably. Knowing that workers are very unlikely to strike, employers are free to make greater, sometimes excessive, demands.

If the use of permanent replacements is allowed to continue, the voice of the working sector of this country could be silenced for good.

My efforts and those of other States to pass legislation to correct this enormous flaw in Federal labor law have been thwarted by court interpretations such as the ruling on the Illinois Strikebreakers Act. The Federal court held that "the general subject of conditions for replacement strikers, or locked-out employees, in an industry affecting interstate commerce, is a matter which has been delegated to the National Labor Relations Board by Federal law." Many State laws have been struck down or vetoed due to this interpretation making expeditious Federal action on this issue even more critical.

During disputes between employer and employee, government should act to ensure that both sides are playing on a level playing field. At times, such actions have taken the form of police protection for strikers and nonstrikers, at others, the form of court proceedings. The time has come for that action to take yet another form, that of an amendment to the National Labor Relations Act to prohibit the use of permanent replacements. I urge my colleagues to support this important legislation.•

By Mr. THURMOND:

S. 56. A bill to redefine "extortion" for purposes of the Hobbs Act; to the Committee on the Judiciary.

EXTORTION REDEFINITION

Mr. THURMOND. Mr. President, today, I am introducing legislation to amend the Hobbs Anti-Racketeering Act to reverse the Supreme Court's decision in United States versus Enmons, and to address a serious, long-term, festering problem under our Nation's labor laws. The United States regulates labor relations on a national basis and our labor management policies are national policies. These policies and regulations are enforced by laws such as the National Labor Relations Act that Congress designed to preempt comparable State laws.

Although labor violence is a widespread problem in labor management relations today, our Government appears unwilling to deal with it. What might be the most obvious example of this Government's reluctance is what the Supreme Court did when it rendered its decision in the case of United States versus Enmons in 1973. It is this decision's unfortunate result which this bill is intended to rectify.

The Enmons decision involved the Hobbs Anti-Racketeering Act which is intended to prohibit extortion by labor unions. It provides that: "Whoever in any way * * * obstructs, delays, or affects commerce in the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires to do so or commits or threatens physical violence to any person or property * * *" commits a criminal act. This language is very clear. It outlaws extortion by labor unions. It outlaws violence by labor unions.

Although this language is very clear, the Supreme Court in Enmons created an exemption to the law which says that as long as a labor union commits extortion and violence in furtherance of legitimate collective bargaining objectives, no violation of the Act will be found. Simply put, the Court held that if the ends are correct, the means to that end, no matter how horrible or reprehensible, will not result in a violation of the act.

The Enmons decision is wrong. This bill will make it clear that the Hobbs Act is intended to punish the actual or threatened use of force or violence to obtain property irrespective of the legitimacy of the extortionist's claim to such property and irrespective of the existence of a labor-management dispute.

Let me discuss the Enmons case.

In that case, the defendants were indicted for firing high-powered rifles at property, causing extensive damage to the property, owned by a utility company—all done in an effort to obtain higher wages and other benefits from the company for striking employees. The indictment was, however, dismissed by the district court on the theory that the Hobbs Act did not prohibit the use of violence in obtaining legitimate union objectives. On appeal, the Supreme Court affirmed.

The Supreme Court held that the Hobbs Act does not proscribe violence committed during a lawful strike for the purpose of achieving legitimate collective bargaining objectives, like higher wages. By its focus upon the motives and objectives of the property claimant, who uses violence or force to achieve his goals, the Enmons decision has had several unfortunate results. It has deprived the Federal Government of the ability to punish significant acts of extortionate violence when they occur in a labor management context. Although other Federal statutes prohibit the use of specific devices or the use of channels of commerce in accomplishing the underlying act of extortionate violence, only the Hobbs Act proscribes a localized act of extortionate violence whose economic effect is to disrupt the channels of commerce. Other Federal statutes are not adequate to address the full effect of the Enmons decision.

The Enmons decision affords parties to labor-management disputes an exemption from the statute's broad proscription against violence which is not available to any other group in society. This bill would make it clear that the Hobbs Act punishes the actual or threatened use of force and violence which is calculated to obtain property without regard to whether the extortionist has a colorable claim to such property, and without regard to his status as a labor representative, businessman, or private citizen.

Mr. President, attempts to rectify the injustice of the Enmons decision have been before the Senate on several occasions. Shortly after the decision was handed down, a bill was introduced which was intended to repudiate the decision. Over the next several years, attempts were made to come up with language which was acceptable to organized labor and at the same time restored the original intent of the Hobbs Act.

In 1978, S. 1437, a bill which was substantially the same as the bill I am introducing today, passed the Senate; however, the bill died in the House. It is time for the Senate to reexamine this issue and to restate its opposition to violence in labor disputes. Encouraged by their special exemption from prosecution for acts of violence committed in pursuit of legitimate union objectives, union officials who are corrupt routinely use terror tactics to achieve their goals.

Mr. President, violence has no place in our society, regardless of the setting. Our national labor policy has always been directed toward the peaceful resolution of labor disputes. It is ironic that the Hobbs Act, which was enacted in large part to accomplish this worthy goal, has been virtually emasculated. The time has come to change that. I think that my colleagues on both sides of the aisle share a common concern that violence in labor disputes, whatever the source, should be eliminated. Government has been unwilling to deal with this problem for too long. It is time for this Congress to act.

I ask unanimous consent that the full text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 56

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF EXTORTION UNDER HOBBS ACT.

Paragraph (2) of section 1951(b) of title 18, United States Code (commonly known as the "Hobbs Act"), is amended to read as follows:

"(2)(A) The term 'extortion' means the obtaining of property of another—

"(i) by threatening or placing another person in fear that any person will be subjected to bodily injury or kidnapping or that any property will be damaged; or

"(ii) under color of official right.

"(B) In a prosecution under subparagraph (A)(i) in which the threat or fear is based on conduct by an agent or member of a labor organization consisting of an act of bodily injury to a person or damage to property, the pendence, at the time of such conduct, of a labor dispute (as defined in section 2(9) of the National Labor Relations Act (29 U.S.C. 152(9))) the outcome of which could result in the obtaining of employment benefits by the actor, does not constitute prima facie evidence that property was obtained 'by' such conduct.".

By Mr. DECONCINI:

S. 62. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; to the Committee on Rules and Administration.

CAMPAIGN FINANCE REFORM

Mr. DECONCINI. Mr. President, I am pleased to introduce today a bill that will reform our system of financing Senate campaigns. Since I arrived in the Senate in 1977, I have vigorously pursued campaign finance reform. The bill I am introducing today is tougher than any bill that I have introduced in the past.

Throughout my career in Congress, I have cosponsored numerous pieces of legislation to reform Senate elections, including bills to provide public financing and to limit spending, to increase disclosure of PAC activity, limit PAC contributions, reverse Buckley versus Valeo, end the practice of converting leftover campaign funds to private use, combat negative advertising, enhance voter registration, and the list goes on. Many of my colleagues and I have spoken repeatedly on the Senate floor on these same issues. We have voted again and again to pass solid, responsible reform legislation.

In 1992, the 102d Congress passed a comprehensive campaign finance reform bill only to be vetoed by the Bush administration. Today we have a new President, a President committed to changing our current system. On November 3, Americans voted loudly and clearly for change. They are disillusioned by the inordinate amount of time candidates must spend raising money, and they are disenchanted by the evolution of political campaigns into catchy 30-second sound bites. Let us act now. We have waited far too long to institute effective campaign finance reform. The time has come to put the brakes on campaign spending and to restore the public's faith in the electoral process.

The bill that I am introducing today varies in some important aspects from the campaign finance reform legislation that was sent to the President last year. It embodies a tough and solid approach to this pressing issue. Some may say that it is too tough. I would argue that these changes, including spending limits, partial public financing of Senate campaigns, an emphasis on small grassroots contributions, reduction of incumbent advantage, and reducing the high media costs that have made political campaigns a multimillion dollar endeavor, are essential to true reform. I expect intense debate on all aspects of campaign financing before the Senate passes a bill in the 103d Congress. I am not unalterably committed to every provision in my bill, but we must pass tough effective reform legislation.

First, and most importantly, this bill sets voluntary limits on total campaign spending through a formula based on the voting age population [VAP] of a candidate's State. For a general Senate election, the limit would be $400,000 plus 18 cents for each voter up to 4 million, plus 18 cents for each voter over 4 million, with a minimum limit of $900,000 and a maximum limit of $5.5 million. The spending limit for primary elections would be 50 percent of the general limit. My bill has lower spending limits than previous proposals.

Since I ran for office in 1976, the aggregate cost of Senate campaigns has risen by nearly four times. In 1990, the average amount spent by Senate incumbents in reelection campaigns was close to $4 million. In 1992, Federal candidates spent 25 percent more than they did in 1990. These outrageous costs must be controlled.

Under my bill, fully half of the Senate races would be kept below $1.5 million. In Arizona it would limit the amount a Senate candidate running could spend to $1.46 million—half a million dollars less than the bill that was passed by the 102d Congress last spring. I have prepared a table that shows the key numbers for every State under this bill—spending limits, PAC limits, qualifying thresholds, and the amount of funding grants. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

Second, this bill levels the political playing field for challengers by reducing PAC contributions and prohibiting bundling and soft-money expenditures. The dollar figures speak for themselves. In 1992, Senate candidates raised almost $160 million. Incumbents received $83 million while their challengers received only $45 million.

Over the past 10 years, PAC contributions have almost doubled. According to October FEC figures, PAC's contributed $37 million to 1992 elections, with 70 percent going to incumbents. This bill would drastically cut PAC contributions by 80 percent, limiting them to $1,000 per election, as opposed to the $5,000 allowable under current law. Additionally, candidates would have to limit their aggregate acceptance of PAC contributions to 10 percent of their total cycle spending limit. These limits provide ample opportunity for people to contribute to political action committees promoting the causes they feel are important while preventing PAC's from overshadowing small individual contributors. These limits would force candidates to focus on the small contributor and help restore public trust in the political system.

My legislation also contains a variety of mechanisms for reducing costs of Senate campaigns. First, it restricts the campaign period to the period beginning 6 months prior to the primary election. With this limitation, costs will immediately be reduced simply by virtue of not having to purchase as much media time. Limiting the campaign period also restores grassroots interest and participation in the election. Long, drawn out campaigns result in voter burnout and apathy at the polls.

Second, participating candidates would receive both preferred mail rates and the lowest unit broadcast rates based on the lowest rate over the past 12-month period.

One of the most significant provisions of this legislation is the implementation of partial public financing of Senate races. This would most effectively reduce the amount of time a candidate is forced to spend on fundraising and would return the focus of a campaign to substantive issues. In order to qualify for this and other benefits, a candidate would have to garner broad grassroots support, by raising a threshold of funds made up of small contributions primarily from in-state sources. Upon reaching the threshold and agreeing to comply with the various campaign financing limitations, the candidate would receive a flat grant of one-third of the remaining general election spending limit amount. For the remaining two-thirds of the amount above the threshold, the candidate would be eligible to receive matching grants for small contributions of $250 or less, and grants equal to $250 for contributions between $251 and $1,000. No matching funds would be made for PAC contributions in any amount.

This financing mechanism accomplishes several goals. It eases the candidate's fundraising burden without putting the entire burden on the Federal Government, and it encourages the candidate to focus on small contributions—the kind made by individuals. This is by no means the highest level of public financing I would consider. A greater level of public financing would do even more to level the playing field between incumbents and challengers and to eliminate the perception that money influences the outcome of Senate elections. I am open to proposals of higher levels of public funding, but the plan I am proposing today is a fair and responsible start.

This bill would do a few other things that warrant mention. It would prohibit franked mass mailings of over 250 pieces during the period beginning 6 months prior to the primary election through the general election, including newsletters, notices of town meetings, and opinion surveys. The limit on franked mailings is simply one more step in assuring that Senate races are not biased in favor of incumbents.

And finally, this legislation abolishes all member PAC's.

Mr. President, it is time to restore public confidence in our election process. Let us quickly to institute changes that the Congress truly needs and the American people most desperately want. This bill does just that.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 62

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Senate Election Reform Act of 1993".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means FECA (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of Campaign Act; table of contents.
Sec. 2. Spending limits.
Sec. 3. Senate account.
Sec. 4. Broadcast rates.
Sec. 5. Reporting requirements.
Sec. 6. Limits on contributions by multicandidate political committees and separate segregated funds.
Sec. 7. Intermediary or conduit.
Sec. 8. Independent expenditures.
Sec. 9. Independent expenditure broadcast disclosure.
Sec. 10. Referral to the Department of Justice.
Sec. 11. Extension of credit.
Sec. 12. Preferential rates for mail.
Sec. 13. Disclosure.
Sec. 14. Excess campaign funds.
Sec. 15. Political committee postal rates.
Sec. 16. Soft money.
Sec. 17. Federal Election Commission reform.
Sec. 18. Franked mail.
Sec. 19. One campaign committee allowed.
Sec. 20. Severability.
Sec. 21. Effective date.

SEC. 2. SPENDING LIMITS.

FECA is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC FINANCING FOR SENATE GENERAL ELECTION CAMPAIGNS

"SEC. 501. DEFINITIONS.

"For the purposes of this title—

"(1) the term 'authorized committee' means, with respect to a candidate for election to a seat in the United States Senate, a political committee that is authorized in writing by the candidate to accept contributions or make expenditures on behalf of the candidate to further the election of the candidate;

"(2) the term 'candidate' means an individual who is seeking nomination for election, or election to a seat in the United States Senate, and such an individual shall be deemed to be seeking nomination for election, or election, if the individual meets the criteria stated in subparagraph (A) or (B) of section 301(2);

"(3) the term 'eligible candidate' means a candidate who has made the filings prescribed by section 502 (a) and (b);

"(4) the term 'election cycle' means, with respect to an election to any Senate seat—

"(A) in the case of a candidate or the authorized committee of a candidate, the period beginning on the day after the date of the most recent general election for the seat that the candidate seeks and ending on the date of the next general election; or

"(B) in the case of other persons, the period beginning on the first day following the date of the last general election and ending on the date of the next election;

"(5) the term 'general election' means an election that will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(6) the term 'general election period' means the period beginning on the day after the date of a primary or runoff election, whichever is later, and ending on the first of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election;

"(7) the term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of a person described in subparagraph (B);

"(8) the term 'major party' has the meaning stated in section 9002(6) of the Internal Revenue Code of 1986 (the Presidential Election Campaign Fund Act), provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the selection of the candidate and at least one other candidate for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(9) the term 'primary election', with respect to an election for any Senate seat, means an election that may result in the selection of a candidate for the Senate on the ballot of in a general election;

"(10) the term 'primary election period', with respect to an election for any Senate seat, means the period beginning on the day following the date of the last Senate election for that seat and ending on the first of—

"(A) the date of the first primary election for that seat following the last Senate election for that seat; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election;

"(11) the term 'runoff election', with respect to an election for any Senate seat, means an election held after a primary election for that seat, prescribed by State law as the means for determining the candidates that will be certified as nominees for the Senate;

"(12) the term 'runoff election period', with respect to an election for any Senate seat, means the period beginning on the day following the date of the most recent primary election for that seat and ending on the date of the runoff election for that seat;

"(13) the term 'Senate Account' means the Senate Election Campaign Account maintained, pursuant to section 506, by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(14) the term 'voting age population' means the resident population, 18 years of age or older, as certified for a State pursuant to section 315(e).

"SEC. 502. ELIGIBILITY TO RECEIVE BENEFITS.

"(a) To be eligible to receive benefits under this title, a candidate shall make the filings required by subsections (b) and (c).

"(b) To become an eligible candidate, a candidate shall, on the day that the candidate files as a candidate for the primary election, file with the Commission a declaration whether—

"(1) the candidate and the candidate's authorized committees agree to make expenditures for the primary election in an amount greater than the lesser of—

"(A) 50 percent of the general election spending limit applicable to the candidate under section 503(b); or

"(B) $2,750,000;

"(2) the candidate and the candidate's authorized committees agree to make expenditures for a runoff election, in an amount equal to no more than 20 percent of the general election spending limit applicable to the candidate under section 503(b); and

"(3) the candidate and the candidate's authorized committees agree to make expenditures for the general election in an amount equal to no more than the general election spending limit applicable to the candidate under section 503(b).

"(c) To become an eligible candidate, a candidate shall, not later than 7 days after qualifying for the general election ballot under State law or, if the candidate's State is one that has a primary election to qualify for the general election ballot after September 1, not later than 7 days after the date such candidate wins in such primary, whichever occurs first, file a certification with the Commission under penalty of perjury stating that—

"(1) during the period beginning on January 1 of the calendar year preceding the year of the general election, or in the case of a special election for the seat of a United States Senator, during the period beginning on the day on which the seat was vacated, and ending on the day the certification is made, the candidate and the candidate's authorized committees have received contributions in an amount at least equal to the lesser of—

"(A) $650,000; or

"(B) the greater of—

"(i) $150,000; or

"(ii) 10 cents multiplied by the voting age population of the State;

"(2) all contributions received for purposes of paragraph (1) have come from individuals, and no contribution received from an individual, when added to all contributions to or for the benefit of the candidate from the individual, was taken into account to the extent that the contributions from that individual exceed $250;

"(3) the candidate and the candidate's authorized committees have not expended for the primary election more than the amount described in subsection (b)(1);

"(4) the candidate and the candidate's authorized committees have not expended for any runoff election more than the amount described in subsection (b)(2);

"(5) at least 80 percent of the amount of contributions received for purposes of paragraph (1) have come from individuals residing in the candidate's State;

"(6) at least one other candidate has qualified for the same general election ballot under State law;

"(7) the candidate and the candidate's authorized committees—

"(A) have not made and will not make expenditures for the general election that exceed the general election spending limit applicable to the candidate under section 503(b), unless permitted to do so under section 504(a)(2);

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election except to the extent that the contribution is necessary to defray expenditures for the general election that in the aggregate do not exceed the general election spending limit applicable to the candidate under section 503(b), unless permitted to do so under section 504(a)(2);

"(D) will deposit all payments received under this section in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(E) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission;

"(F) will cooperate in any audit and examination conducted by the Commission pursuant to section 507; and

"(G) will not make any expenditures until the date that is 6 months before the date of the primary election, or use payments received under this section for expenses incurred prior to such date for media advertising, direct mail, and telephone banks unless such expenses for mail or telephones are directly related to raising funds or recruiting volunteers for that election;

"(8) the candidate and the candidate's authorized committees will not use a broadcast station, pursuant to section 315 of the Communications Act of 1934 (47 U.S.C. 315), for a political advertisement or broadcast communication on a television broadcast station until the date that is 6 months before the date of the primary election in which such candidate is involved; and

"(9) the candidate intends to make use of the benefits provided in section 504.

"(d) For the purposes of subsection (c)(1) and section 504(a)(2)(B), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument that identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from a person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to all other contributions made by that individual to or for the benefit of such candidate since the date specified in paragraph (4); and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election is held or received after the date on which the general election is held shall be taken into account, and in the case of a special election, no contribution received prior to the date on which the seat was vacated or received after the date on which the general election is held shall be taken into account.

"SEC. 503. LIMITATIONS ON EXPENDITURES.

"(a) No candidate shall—

"(1) make expenditures from the personal funds of the candidate or the funds of a member of the immediate family of the candidate; or

"(2) incur personal debt,

in excess of $100,000 in connection with the candidate's campaign for the Senate during an election cycle.

"(b) No candidate may make expenditures for a general election in excess of the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $900,000; or

"(ii) $400,000 plus 21 cents multiplied by the voting age population of 4,000,000 or less, plus 18 cents multiplied by the voting age population over 4,000,000,

plus any amount permitted under section 504 (b) and (c).

"(c) No candidate who is otherwise eligible to receive benefits under this title for use in a general election may receive such benefits if the candidate makes expenditures for the primary election in excess of the lesser of—

"(1) $2,750,000; or

"(2) the amount equal to 50 percent of the limitation on expenditures for the general election determined under subsection (b).

"(d) No candidate who is otherwise eligible to receive benefits under this title for use in a general election may receive such benefits if the candidate makes expenditures for a runoff election in excess of an amount equal to 20 percent of the limitation on expenditures for the general election determined under subsection (b).

"(e)(1) The limitation stated in subsection (b) shall not apply to expenditures by a candidate or the candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act, if—

"(A) the compliance fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313) received in accordance with the limitations, prohibitions, and reporting requirements of this Act, and does not contain any funds received by the candidate pursuant to section 504(a);

"(B) the amount of contributions to and expenditures from the compliance fund do not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

"(C) no transfers are made from the compliance fund to any other accounts of the candidate's authorized committees.

"(2) If, after a general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from a compliance fund in excess of the limitation stated in paragraph (1), the candidate may petition the Commission for a waiver of such limitation up to any additional amount that the Commission may authorize, the determination of which shall be subject to Federal review under section 508.

"(3) Any money remaining in a compliance fund when a candidate decides to terminate or dissolve the compliance fund shall be—

"(A) contributed to the United States Treasury to reduce the budget deficit; or

"(B) transferred to any fund of a subsequent campaign of that candidate.

"(f) If during a primary election period or runoff election period preceding a general election, independent expenditures aggregating more than $10,000 are made or obligated to be made in opposition to a candidate or for the opponent of a candidate, the limitations stated in subsections (c) and (d), as they apply to such candidate, shall be deemed to be increased for that primary or runoff election in an amount equal to the amount of such independent expenditures made during the primary election period or runoff election period.

"(g) No candidate who receives a benefit under this title for use in a general election campaign shall receive any such benefits if the candidate makes any expenditure before the date that is 6 months before the date of the primary election in which the candidate is a candidate.

"(h) No candidate who receives a benefit under this title shall make any expenditure, directly or indirectly, for any political advertisement or broadcast communication on a television broadcast until after the date that is 6 months before the date of the primary election in which such candidate is a candidate.

"SEC. 504. ENTITLEMENT OF ELIGIBLE CANDIDATES TO BENEFITS.

"(a) An eligible candidate shall be entitled to—

"(1) the broadcast media rates provided under subsections (b) and (d)(3) of section 315 of the Communications Act of 1934 (47 U.S.C. 315);

"(2) mailing rates provided in section 3629 of title 39, United States Code; and

"(3) a payment equal to the greater of—

"(A) $250,000; or

"(B) one-third of the difference between—

"(i) the general election spending limit applicable to the candidate under section 503(b); and

"(ii) the threshold amount applicable to the candidate under section 502(b)(1),

to the extent that such payment will not result in the candidate's having received contributions and payments under this subparagraph and subparagraph (C) aggregating an amount in excess of the general election spending limit applicable to the candidate under section 503(b);

"(C) payments equal to the sum of—

"(i) all contributions that the candidate has received from contributors (excluding multicandidate political committees) who have made contributions for the general election aggregating no more than $250 each; and

"(ii) $250 times the number of contributors (excluding multicandidate political committees) from whom the candidate has received contributions for the general election aggregating more than $250,

to the extent that such payment will not result in the candidate's having received contributions and payments under this subparagraph and subparagraph (B) aggregating an amount in excess of the general election spending unit applicable to the candidate under section 503(b); and

"(D) payments under section 506 equal to the total amount of independent expenditures made or obligated to be made in the general election by any person in opposition to, or on behalf of an opponent of, the eligible candidate, as such expenditures are reported by such person or determined by the Commission under section 304(f);

"(4) if an eligible candidate's opponent who is not an eligible candidate either raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the general election that exceed the general election spending limit applicable to the eligible candidate under section 503(b)—

"(A) in the case of an eligible candidate who is a major party candidate a payment under section 506 (in addition to payments to which the candidate is entitled under paragraph (1)) in an amount equal to—

"(i) two-thirds of the amount of the general election spending limit applicable to the eligible candidate under section 503(b) in a case in which the opponent either raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the general election that exceed 100 percent of the applicable general election spending limit; and

"(ii) one-third of the amount of the general election spending limit applicable to the eligible candidate under section 503(b) in a case in which the opponent either raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the general election that exceed 133⅓ percent of the applicable general election spending limit; and

"(B) in the case of an eligible candidate who is not a major party candidate matching payments under section 506 (in addition to payments to which the candidate is entitled under paragraph (1)) equal to the amount of each contribution received by such eligible candidate and the candidate's authorized committees, provided that in determining the amount of each such contribution—

"(i) section 502(b) shall apply; and

"(ii) threshold contributions required to be raised under section 502(b)(1) shall not be matched,

to the extent that aggregate payments to a candidate under this subparagraph do not exceed 50 percent of the amount of the general election spending limit applicable to the candidate under section 503(b).

"(b) An eligible candidate who receives payments under paragraph (1)(C) or (2) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the general election spending limit applicable to the candidate under section 503(b).

"(c)(1) An eligible candidate who receives benefits under this section may make expenditures for the general election without regard to subparagraph (A) of section 502(a)(7) or subsection (a) or (b) of section 503 if any one of the eligible candidate's opponent who is not an eligible candidate either raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the general election that exceed 133⅓ percent of the general election spending limit applicable under section 503(b).

"(2) A candidate who receives benefits under this section may receive contributions for the general election without regard to subparagraph (C) of section 502(a)(7) if a major party candidate in the same general election is not an eligible candidate, or if any other candidate in the same general election who is not an eligible candidate raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the general election that exceed 75 percent of the general election spending limit applicable to the candidate under section 503(b).

"(d) Benefits received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such benefits shall not be used—

"(1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate,

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"SEC. 505. CERTIFICATION BY COMMISSION.

"(a) No later than 48 hours after an eligible candidate files a request with the Commission to receive benefits under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. Such request shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation;

"(2) a certification that the candidate has raised contributions in the applicable threshold amount states in section 502(b)(1) and has met all other requirements to become an eligible candidate; and

"(3) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"SEC. 506. ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES.

"(a)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Account'. The Secretary shall deposit into the Senate Account, for use by eligible candidates, the amounts available after the Secretary determines that the amounts in the fund, plus the amounts of revenue the Secretary projects will accrue to the fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the amount in the Senate Fund, and determine whether that amount, plus the amount of revenue the Secretary projects will accrue to the Senate Account (based on the computation made by the Secretary with respect to the fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Account during that period. If the Secretary determines that an excess amount exists, the Secretary shall transfer the excess to the general fund of the Treasury of the United States.

"(b) Upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate named in the certification, out of the Senate Account, the amount certified by the Commission.

"SEC. 507. EXAMINATION AND AUDITS; REPAYMENTS.

"(a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of the eligible candidates of each major party and 10 percent of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that the candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify the candidate, and the candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any part of a payment benefit made to a candidate under this title was not used as required by this title, the Commission shall so notify the candidate and the candidate shall pay to the Secretary an amount equal to 200 percent of the amount of the benefit that was used otherwise than as permitted by this title.

"(d) If the Commission determines that a candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 percent or less the general election spending limit applicable to the candidate under section 503(b), the Commission shall so notify the candidate, and the candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that a candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 percent general election spending limit applicable to the candidate under the limitation set forth in section 503(b), the Commission shall so notify the candidate, and the candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure.

"(f) Any amount received by an eligible candidate under this title may be retained for no more than 60 days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during the general election period. At the end of 60 days any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than 3 years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Account.

"SEC. 507A. CRIMINAL PENALTIES.

"(a) No candidate shall knowingly or willfully accept benefits under this title in excess of the aggregate benefits to which the candidate is entitled or knowingly or willfully use such benefits for any purpose other than one permitted by this title or knowingly or willfully make expenditures from the candidate's personal funds, or the personal funds of the candidate's immediate family, in excess of the general election spending limit applicable to the candidate under section 503(b).

"(b) A person who violates subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to the making of an expenditure in violation of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or authorize the use of, such benefit or such portion except as provided in section 504(d).

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report) to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title; or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any benefits received by a candidate, or an authorized committee of a candidate who receives benefits under this title.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by a candidate or an authorized committee of a candidate pursuant to the provisions of this title shall pay to the Secretary for deposit in the fund, an amount equal to 125 percent of the kickback or benefit received.

"SEC. 508. JUDICIAL REVIEW.

"(a) Any action by the Commission made under this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in that court not later than 30 days after the Commission action for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) Chapter 7 of title 5, United States Code, applies to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"SEC. 509. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) The Commission may appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission may, through attorneys and counsel described in subsection (a), institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission may, through attorneys and counsel described in subsection (a), petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to this section.

"SEC. 510. REPORTS TO CONGRESS; REGULATIONS.

"(a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission deems appropriate) made by each eligible candidate and the authorized committees of that candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each such repayment; and

"(4) the balance in the fund, the Senate Account and any other account maintained in the fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission may prescribe such rules and regulations in accordance with subsection (c), conduct such examinations and investigations, and require the keeping and submission of such books, records, and information, as it deems necessary to carry out its functions and duties under this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"SEC. 511. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Commission such sums as are necessary for the purpose of carrying out the Commission's functions and duties under this title.".

SEC. 3. SENATE ACCOUNT.

Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking "$1" each place it appears in that subsection and inserting "$2"; and

(2) by striking "$2" each place it appears in that subsection and inserting "$4".

SEC. 4. BROADCAST RATES.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) in subsection (a) by striking "section" and inserting "subsection";

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively;

(3) by inserting immediately after subsection (a) the following new subsections:

"(b)(1) If any licensee permits a person to utilize a broadcasting station to broadcast material which either endorses a legally qualified candidate for any Federal elective office or opposes a legally qualified candidate for that office, such licensee shall, within a reasonable period of time, provide to any eligible candidate opposing the candidate endorsed (or to an authorized committee of such eligible candidate), or to any eligible candidate who was so opposed (or to an authorized committee of such eligible candidate), the opportunity to utilize, without charge, the same amount of time on such broadcasting station, during the same period of the day, as was utilized by such person.

"(2) For purposes of this subsection, the term 'person' includes an individual, partnership, committee, association, corporation, or any other organization or group of persons, but such term does not include a legally qualified candidate for any Federal elective office or an authorized committee of any such candidate.

"(c) A licensee shall not preempt the use, during any period specified in subsection (d)(1), of a broadcasting station by a legally qualified candidate for Federal office who has purchased such use pursuant to such subsection (d)(1).";

(4) by amending subsection (d)(1), as redesignated by paragraph (2), to read as follows:

"(1) during the 6 months preceding the date of a primary, runoff, general, or special election in which such person is a candidate, the lowest unit charge of the station over the preceding 12-month period for the same class and amount of time for the same period, except that in the case of candidates for the United States Senate in a general election, as such term is defined in section 501(5) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive benefits under title V of that Act;"; and

(5) by amending subsection (e), as redesignated by paragraph (2) to read as follows:

"(e) For purposes of this section—

"(1) the term 'authorized committee' means, with respect to any candidate for nomination for election, or election, to any Federal elective office, any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000 and which is authorized by such candidate to accept contributions or make expenditures on behalf of such candidate to further the nomination or election of such candidate;

"(2) the term 'broadcasting station' includes a community antenna television system; and

"(3) the terms 'licensee' and 'station licensee', when used with respect to a community antenna system, mean the operator of such system.".

SEC. 5. REPORTING REQUIREMENTS.

(a) ADDITIONAL REQUIREMENTS.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as that term is defined in section 501(5), or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first, each such candidate in such election shall file with the Commission a declaration whether the candidate intends to make expenditures in excess of the general election spending limit applicable to the candidate under section 503(b).

"(2) A declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of the declaration, and may not be further amended or changed.

"(e)(1) A candidate for the United States Senate who qualifies for the ballot for a general election, as that term is defined in section 501(5)—

"(A) who is not eligible to receive benefits under section 502; and

"(B) who either raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the general election that exceed 75 percent of the general election spending limit applicable to the candidate under section 503(b) for such Senate election,

shall file a report with the Commission not later than 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made, or not later than 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election. Thereafter such candidate shall file additional reports with the Commission not later than 24 hours after each time additional contributions are raised or expenditures are made, or are obligated to be made, which aggregate an additional 5 percent of such limit. A candidate shall continue to file such reports until the candidate has raised aggregate contributions or made or has become obligated to make aggregate expenditures equal to 133⅓ percent of the general election spending limit applicable to the candidate under section 503(b).

"(2) The Commission, not later than 24 hours after such a report has been filed, shall notify each candidate in an election who is eligible to receive benefits pursuant to this title of the filing of such report, and after an opposing candidate has raised aggregate contributions or made or has become obligated to make aggregate expenditures in excess of the applicable general election spending limit, the Commission shall certify, pursuant to subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(5), who is not eligible to receive benefits under section 504, has raised aggregate contributions or has made or has become obligated to make aggregate expenditures for such election that exceed general election spending limit applicable to a candidate under section 503(b). The Commission, not later than 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about the making of such determination, and shall certify, pursuant to subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which any such candidate is entitled.

"(f)(1) All independent expenditures, if any (including those described in subsection (b)(6)(B)(iii)), made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(5), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person referred to in paragraph (1) shall be reported not later than 24 hours after the aggregate amount of such expenditures incurred or obligated exceeds $10,000. Thereafter, independent expenditures referred to in paragraph (1), made by the same person in the same election, shall be reported not later than 24 hours after each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and the

Secretary of State for the State of the election involved and shall contain—

"(A) the information required by subsection (b)(6)(B)(iii); and

"(B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. The Commission shall, not later than 24 hours after such report is made, notify each candidate in the election involved who is eligible to receive benefits pursuant to section 504(a)(1)(C), about the making of each such report, and shall certify such eligibility to the Secretary of the Treasury for payment in full of any amount to which any such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(5), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, not later than 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive benefits under section 504(a)(1)(C) about the making of each determination under subparagraph (A), and shall certify, pursuant to subsection (i), such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by a person shall constitute an expenditure in coordination, consultation, or concert with another person when—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same 2-year election cycle, 1 of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities that may influence an election to any Federal office include—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising that includes references, however incidental, to clearly identify Federal and non-Federal candidates for public office, or that does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities that require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor (except donors whose aggregate donations do not exceed $200 in a calendar year) together with the amount and date of each donation with regard to the receipts of the non-Federal account that comprise disbursements reported under subparagraph (A).

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, if such donations or disbursements are governed solely by such State laws and not subject to paragraph (1).

"(i) The certifications required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding section 505(a).

"(j) Not later than 15 days after a candidate for the Senate qualifies for the primary ballot under applicable State law, such candidate shall file with the Commission a declaration stating whether or not such candidate agrees to expend from the candidate's personal funds, or the funds of the candidate's immediate family, or incur personal loans, in connection with the candidate's campaign for such office, in the aggregate of $100,000 or more, for the election cycle.

"(k)(1) A candidate for the United States Senate who expends from the candidate's personal funds or the funds of the candidate's immediate family, or incurs personal loans, in connection with the candidate's campaign for such office, in the aggregate in excess of $100,000, for the election cycle, shall file a report with the Commission not later than 24 hours after such expenditures have been made or loans incurred. Thereafter the expenditures referred to in this paragraph shall be reported not later than 24 hours after each time the aggregate of additional expenditures or loans exceeds $10,000.

"(2) Not later than 24 hours after a report has been filed under paragraph (1), the Commission shall notify each candidate in the election who is eligible to receive payments under section 504 of the filing of each such report.

"(3) Notwithstanding the reporting requirements in this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures from the personal funds of such candidate or the funds of any member of a candidate's immediate family or incurred personal loans in connection with the candidate's campaign aggregating in excess of $100,000, or thereafter in increments of $10,000 during the election cycle. Not later than 24 hours after making such determination, the Commission shall notify each candidate in the general election who is eligible to receive benefits under section 504 of the making of each such determination.".

(b) DEFINITIONS.—Section 301 of FECA (2 U.S.C. 431) is amended—

(1) in paragraph (4) by adding at the end the following:

"Whether a committee, club, association, or other group of persons has received contributions within the meaning of this paragraph shall be determined by the Commission on the basis of facts and circumstances, in any combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election."; and

(2) by adding at the end the following new paragraph:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or an authorized committee of a candidate, the period beginning on the day after the date of the most recent election for the seat that the candidate seeks and ending on the date of the next general election; or

"(B) in the case of other persons, the period beginning on the first day following the date of the most recent general election and ending on the date of the next election.".

SEC. 6. LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS.

(a) DOLLAR LIMITS.—Section 315(a)(2) of FECA (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (A) by striking "$5,000" and inserting "$1,000";

(2) by striking "or" at the end of subparagraph (B);

(3) in subparagraph (C)—

(A) by striking "$5,000" and inserting "$1,000"; and

(B) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 (or $125,000 if at least two candidates qualify for the ballot in the general or special election and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and the candidate's authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and the candidate's authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and the candidate's authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 10 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 10 percent of the limitation on expenditures provided in section 315(j) for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such State committee exceeds the greater of—

"(i) 2 cents multiplied by the voting age population of the State of such State committee; or

"(ii) $25,000.

The limitation of subparagraph (F) shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b) SENATE ELECTIONS.—(1) Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsections:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation for the election cycle shall be an amount equal to the lesser of—

"(1) $5,500,000; or

"(2) the greater of—

"(A) $900,000; or

"(B) 50 percent of the sum of—

"(i) $400,000; and

"(ii) 21 cents multiplied by the voting age population of 4,000,000 or less, plus 18 cents multiplied by the voting age population over 4,000,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation for the election cycle shall be an amount equal to the lesser of—

"(1) $5,500,000; or

"(2) the greater of—

"(A) $900,000; or

"(B) 20 percent of the sum of—

"(i) $400,000; and

"(ii) 25 cents multiplied by the voting age population of 4,000,000 or less, plus 20 cents multiplied by the voting age population over 4,000,000.".

(2) Section 315(c) of FECA (2 U.S.C. 441a(c)) is amended—

(A) in paragraph (1) by striking "subsection (b) and subsection (d)" and inserting "subsections (b), (d), (i), and (j)"; and

(B) in paragraph (2)(B) by inserting before the period at the end "as applied in subsections (b) and (d), and the term 'base period' means the calendar year of the first election after the date of enactment of the Senate Election Reform Act of 1993, as applied in subsections (i) and (j)".

(c) CONGRESSIONAL CAMPAIGN COMMITTEES.—Section 315(d) of FECA (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking "(2) and (3)" and inserting "(2), (3), (4), and (5)"; and

(2) by adding at the end the following new paragraphs:

"(4) No congressional campaign committee may accept contributions from multicandidate political committees and separate segregated funds, during two-year election cycle, which, in the aggregate, exceed 30 percent of the total expenditures that may be made during such election cycle by that campaign committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during two-year election cycle, which, in the aggregate, are in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which—

"(A) clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for the Federal office of President, Senator or Representative; and

"(B) does not constitute a direct mail communication designed primarily for fundraising purposes that makes only incidental reference to a Federal candidate.".

SEC. 7. INTERMEDIARY OR CONDUIT.

Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8)(A) For purposes of this subsection—

"(i) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate; and

"(ii) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(I)(aa) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(bb) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(II) the conduit or intermediary is required to register as a lobbyist or lobby organization as defined under the Federal Regulation of Lobbying Act (2 U.S.C. 266), or an officer, employee or other agent of such an organization.

"(B) The limitations imposed by this subsection shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by—

"(I) two or more candidates;

"(II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by either two or more candidates or one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

SEC. 8. INDEPENDENT EXPENDITURES.

Section 301(17) of FECA (2 U.S.C. 431(17)) is amended by adding at the end the following new sentence: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate when—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees;

"(ii) serving as an officer of the candidate's authorized committees; or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with—

"(i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, if the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

SEC. 9. INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE.

Section 318(a)(3) of FECA (2 U.S.C. 441d(a)(3)) is amended by striking the period at the end and inserting the following: ", except that when a person makes an independent expenditure through a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and, in the case of a political committee, the name of any connected or affiliated organization, and when a person makes an independent expenditure through a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection—

"(A) the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.'; and

"(B) a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

SEC. 10. REFERRAL TO THE DEPARTMENT OF JUSTICE.

Section 309(a)(5)(C) of FECA (2 U.S.C. 437g(a)(5)(C)) is amended by striking "may refer" and inserting "shall refer".

SEC. 11. EXTENSION OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) with respect to a candidate for the office of United States Senator and the candidate's authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

SEC. 12. PREFERENTIAL RATES FOR MAIL.

(a) IN GENERAL.—Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following new section:

"§ 3629. Reduced rates for certain Senate candidates

"The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501 of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1),

subject to the condition that the total paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) shall not exceed 5 percent of the general election spending limit applicable to such candidate under section 503(b) of the Federal Election Campaign Act of 1971.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates.".

SEC. 13. DISCLOSURE.

Section 318(a) of FECA (2 U.S.C. 441d) is amended—

(1) by striking the period at the end of paragraph (3) and inserting "; and"; and

(2) by adding at the end the following new paragraph:

"(4) if paid for or authorized by a general election candidate for the Senate, or the authorized committee of such candidate who has NOT agreed to abide by the expenditure limits in section 503, such advertisement or announcement shall contain the following sentence: 'This candidate has NOT agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.'.".

SEC. 14. EXCESS CAMPAIGN FUNDS.

Section 313 of FECA (2 U.S.C. 439a) is amended—

(1) by inserting "(a)" after the section designation;

(2) by striking "political party;" through the end of the paragraph and inserting "political party."; and

(3) by adding at the end the following new subsection:

"(b) The authorized committee of a Senator or Representative in, Delegate or Resident Commissioner to, or candidate for, the Congress, may not make any contribution, either directly or indirectly, to any other Senator or Representative in, Delegate or Resident Commissioner to, the Congress, or, to any State or local elected official or any candidate (or any authorized committee for the candidate) for such office, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit (including any political committee) to the Senator, Representative, Delegate, Resident Commissioner, or candidate.".

SEC. 15. POLITICAL COMMITTEE POSTAL RATES.

Subsection (e) of section 3626 of title 39, United States Code, is repealed.

SEC. 16. SOFT MONEY.

(a) PROHIBITION.—Section 315(d) of FECA (2 U.S.C. 441a(d)), as amended by section 6(c), is amended by adding at the end the following new paragraph:

"(5) A State committee of a political party, including any subordinate committee of a political party, may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party.".

(b) DEFINITIONS.—Section 301 of FECA (2 U.S.C. 431) is amended by repealing clauses (x) and (xii) of paragraph (8)(B) and clauses (viii) and (ix) of paragraph (9)(B).

(c) APPLICATION OF FECA TO COMMITTEES OF POLITICAL PARTIES.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 6(b), is amended by adding at the end the following new subsection:

"(k)(1) Any amount solicited, received or spent by a national, State, or local committee of a political party, directly or indirectly, shall be subject to the provisions of this Act, if such amount is solicited, received or spent in connection with a Federal election. No part of such amount may be allocated to a non-Federal account or otherwise maintained in, or paid from, an account that is not subject to this Act. This section shall not apply to amounts described in section 301(b)(9)(B)(viii).

"(2) For purposes of this subsection, the term 'in connection with a Federal election' includes any activity that may affect a Federal election including but not limited to the following:

"(A) voter registration and get out the vote activities;

"(B) generic activities, including but not limited to any broadcasting, newspaper, magazine, billboard, mail, or similar type of communication or public advertising; and

"(C) campaign materials which identify a federal candidate, regardless of any other candidate who may also be identified.".

SEC. 17. FEDERAL ELECTION COMMISSION REFORM.

(a) MEMBERSHIP.—Section 306(a)(1) of FECA (2 U.S.C. 437e(a)(1)) is amended—

(1) by striking "6 members" and inserting "7 members"; and

(2) by amending the last sentence to read as follows: "No more than 4 members of the Commission appointed under this paragraph may be affiliated with the same political party, and such appointments shall be made in a manner to assure that the same political party shall not have 4 or more members affiliated with such party on such Commission for two succeeding years.".

(b) Terms.—Section 306(a)(2) of FECA (2 U.S.C. 437c(a)(2)) is amended to read as follows:

"(2)(A) Members of the Commission shall serve for terms of 7 years, except that of the members appointed after April 30, 1993—

"(i) one of the two members appointed for the term beginning May 1, 1995, shall be appointed for a term of 6 years;

"(ii) one of the two members appointed for the term beginning May 1, 1997, shall be appointed for a term of 6 years; and

"(iii) one of the two members appointed for the term beginning May 1, 1999, shall be appointed for a term of 6 years.

"(B) One additional member of the Commission shall be appointed for a term beginning May 1, 1993, and shall be appointed for a term of 5 years.".

SEC. 18. FRANKED MAIL.

(a) Title 39, United States Code.—Section 3210(a)(6) of title 39, United States Code is amended—

(1) in subparagraph (A), by striking "60 days" each place it appears and inserting "6 months";

(2) in subparagraph (C), by striking "60 days" and inserting "6 months"; and

(3) in subparagraph (E), by—

(A) inserting ", town meeting notices, opinion surveys," after "news-letters"; and

(B) striking "five hundred" and inserting "250".

(b) Senate Rules.—Paragraph 1 of Rule 40 of the Standing Rules of the Senate is amended by striking "sixty days" and inserting "6 months".

SEC. 19. ONE CAMPAIGN COMMITTEE ALLOWED.

(a) Definition.—Section 301(6) of FECA (2 U.S.C. 431(6)) is amended by inserting ", other than a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress," after "a candidate".

(b) Organization of Committees.—Section 302 of FECA (2 U.S.C. 432(e)) is amended—

(1) in subsection (e)(1) by inserting ", other than a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress," after "A candidate"; and

(2) by adding at the end the following new subsection:

"(j) Notwithstanding any other law, no candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to the Congress shall have any authorized committee or campaign committee other than one committee which shall be the principal campaign committee for such individual.".

SEC. 20. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 21. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election held in 1994 or thereafter.

(b) Immediate Effectiveness.—The amendments made by sections 3, 7, 8, and 9 shall become effective on the date of enactment of this Act.

DeCONCINI CAMPAIGN FINANCE REFORM/STATE-BY-STATE BREAKDOWN

State	VAP	General limit	Primary limit	Cycle limit	Threshold	Automatic grant	PAC limit
Alabama	3.018	1,033,780.00	516,890.00	1,550,670.00	301,800.00	250,000.00	155,067.00
Alaska	.391	900,000.00	450,000.00	1,350,000.00	150,000.00	250,000.00	135,000.00
Arizona	2.740	975,400.00	487,700.00	1,463,100.00	274,000.00	250,000.00	146,310.00
Arkansas	1.746	900,000.00	450,000.00	1,350,000.00	174,600.00	250,000.00	135,000.00
California	22.218	4,519,240.00	2,259,620.00	6,778,860.00	650,000.00	1,276,849.20	677,886.00
Colorado	2.493	923,530.00	461,765.00	1,385,295.00	249,300.00	250,000.00	138,529.50
Connecticut	2.527	930,670.00	465,335.00	1,396,005.00	252,700.00	250,000.00	139,600.50
Delaware	.512	900,000.00	450,000.00	1,350,000.00	150,000.00	250,000.00	135,000.00
Florida	10.280	2,370,400.00	1,185,200.00	3,555,600.00	650,000.00	567,732.00	355,560.00
Georgia	4.848	1,392,640.00	696,320.00	2,088,960.00	484,800.00	299,587.20	208,896.00
Hawaii	.846	900,000.00	450,000.00	1,350,000.00	150,000.00	250,000.00	135,000.00
Idaho	.721	900,000.00	450,000.00	1,350,000.00	150,000.00	250,000.00	135,000.00
Illinois	8.545	2,058,100.00	1,029,050.00	3,087,150.00	650,000.00	464,673.00	308,715.00
Indiana	4.144	1,265,920.00	632,960.00	1,898,880.00	414,400.00	281,001.60	189,888.00
Iowa	2.069	834,490.00	417,245.00	1,251,735.00	206,900.00	250,000.00	125,173.50
Kansas	1.822	900,000.00	450,000.00	1,350,000.00	182,200.00	250,000.00	135,000.00
Kentucky	2.754	978,340.00	489,170.00	1,467,510.00	275,400.00	250,000.00	146,751.00
Louisiana	3.018	1,033,780.00	516,890.00	1,550,670.00	301,800.00	250,000.00	155,067.00
Maine	.924	900,000.00	450,000.00	1,350,000.00	150,000.00	250,000.00	135,000.00
Maryland	3.659	1,168,390.00	584,195.00	1,752,585.00	365,900.00	264,821.70	175,258.50
Massachusetts	4.622	1,351,960.00	675,980.00	2,027,940.00	462,200.00	293,620.80	202,794.00
Michigan	6.884	1,759,120.00	879,560.00	2,638,680.00	650,000.00	366,009.60	263,868.00
Minnesota	3.243	1,081,030.00	540,515.00	1,621,545.00	324,300.00	250,000.00	162,154.50
Mississippi	1.841	900,000.00	450,000.00	1,350,000.00	184,100.00	250,000.00	135,000.00
Missouri	3.818	1,201,780.00	600,890.00	1,802,670.00	381,800.00	270,593.40	180,267.00
Montana	.585	900,000.00	450,000.00	1,350,000.00	150,000.00	250,000.00	135,000.00
Nebraska	1.158	900,000.00	450,000.00	1,350,000.00	150,000.00	250,000.00	135,000.00
Nevada	.962	900,000.00	450,000.00	1,350,000.00	150,000.00	250,000.00	135,000.00
New Hampshire	.824	900,000.00	450,000.00	1,350,000.00	150,000.00	250,000.00	135,000.00
New Jersey	5.919	1,585,420.00	792,710.00	2,378,130.00	591,900.00	327,861.60	237,813.00
New Mexico	1.089	900,000.00	450,000.00	1,350,000.00	150,000.00	250,000.00	135,000.00
New York	13.691	2,984,380.00	1,492,190.00	4,476,570.00	650,000.00	770,345.40	447,657.00
North Carolina	5.094	1,436,920.00	718,460.00	2,155,380.00	509,400.00	306,081.60	215,538.00
North Dakota	.461	900,000.00	450,000.00	1,350,000.00	150,000.00	250,000.00	135,000.00
Ohio	8.120	1,981,600.00	990,800.00	2,972,400.00	650,000.00	439,428.00	297,240.00
Oklahoma	2.330	889,300.00	444,650.00	1,333,950.00	233,000.00	250,000.00	133,395.00
Oregon	2.174	856,540.00	428,270.00	1,284,810.00	217,400.00	250,000.00	128,481.00
Pennsylvania	9.132	2,163,760.00	1,081,880.00	3,245,640.00	650,000.00	499,540.80	324,564.00
Rhode Island	.774	900,000.00	450,000.00	1,350,000.00	150,000.00	250,000.00	135,000.00
South Carolina	2.622	950,620.00	475,310.00	1,425,930.00	262,200.00	250,000.00	142,593.00
South Dakota	.503	900,000.00	450,000.00	1,350,000.00	150,000.00	250,000.00	135,000.00
Tennessee	3.723	1,181,830.00	590,915.00	1,772,745.00	372,300.00	267,144.90	177,274.50
Texas	12.380	2,748,400.00	1,374,200.00	4,122,600.00	650,000.00	692,472.00	412,260.00
Utah	1.128	900,000.00	450,000.00	1,350,000.00	150,000.00	250,000.00	135,000.00
Vermont	.422	900,000.00	450,000.00	1,350,000.00	150,000.00	250,000.00	135,000.00
Virginia	4.748	1,374,640.00	687,320.00	2,061,960.00	474,800.00	296,947.20	206,196.00
Washington	3.703	1,177,630.00	588,815.00	1,766,445.00	370,300.00	266,418.90	176,644.50
West Virginia	1.364	900,000.00	450,000.00	1,350,000.00	150,000.00	250,000.00	135,000.00
Wisconsin	3.644	1,165,240.00	582,620.00	1,747,860.00	364,400.00	264,277.20	174,786.00
Wyoming	.323	900,000.00	450,000.00	1,350,000.00	150,000.00	250,000.00	135,000.00

By Mr. NICKLES:

S. 65. A bill to amend the Internal Revenue Code of 1986 to impose a fee on the importation of crude oil and refined petroleum products; to the Committee on Finance.

DOMESTIC PETROLEUM SECURITY ACT

• Mr. NICKLES. Mr. President, today I am introducing the Domestic Petroleum Security Act of 1993. This bill imposes a variable tariff on imported oil that phases out once the landed price reaches $25 a barrel. This will have the effect of establishing a price floor on imported crude of $25 per barrel. The purpose of the measure, which is similar to bills I introduced in the past three Congresses, is to stimulate and maintain a reasonable level of investment in domestic oil production.

It is the uncertainty of long-term price of crude oil—with the specter that it could drop into the mid or even low teens again—that has kept producers and financiers from making investment decisions in domestic exploration and production. During the 1980's, the oil and gas industry and lending institutions learned the hard way about the imprudence of making exploration and production decisions based on escalating projections on the price of crude. The most devastating of the oil drops culminated in August 1986, when domestic crude sold for less than $10 a barrel. However, even in July 1990, crude dipped as low as $15 a barrel.

Since the mid-1980's, we in the oil patch have been reluctant witnesses to the tragedies of friends losing productive jobs, banks failing, expertise and capital equipment permanently disappearing, and marginal wells prematurely shut-in and the remaining oil forever lost.

Last year, Oklahoma produced 278,000 barrels a day, a 34-percent drop in production since 1985. In 1981, there were 698 rigs operating in Oklahoma as compared to 129 on January 16, 1993. Stripper well production in Oklahoma accounts for 80 percent of Oklahoma oil production even though average production from stripper wells is 2.9 barrels a day. These wells are being plugged and abandoned at an alarming rate because they are no longer economic to operate.

As a nation, too, we have suffered dearly for this cheap oil. Since 1985, domestic production—excluding Alaska—has dropped by 24 percent or, on average, 1.7 million barrels per day which is the equivalent of 630 million barrels a year. The rig count has fallen from 3,974 in 1981 to 838 nationwide. In June last year, the national rig count dropped to 596, the lowest number ever recorded since we began keeping records in the 1940's. Currently, domestic production equals, on average, 7.4 million barrels per day resulting in the lowest level of production since 1950. This loss in production since 1985 has cost Americans approximately $11 billion in 1992 alone. This loss essentially negates the positive trade balance that we had from all our agricultural exports of corn, wheat, and cotton in 1991. Every barrel of lost domestic production must be made up by spending more money for foreign oil—which is already over half of our trade deficit. And, today we are all too aware of the national security implications of heavy reliance on Middle East oil.

Congress can do something about this perilous decline in domestic oil production and rapid increase in oil imports. We can dampen the risks associated with world oil price declines that are orchestrated at will by foreign governments by stopping the world oil price slides at $25 per barrel. There are plenty of risks inherent in finding oil in the ground without continuing to subject U.S. business and banks to the risks of more foreign price manipulation.

Moreover, the money raised by the tariff imposed when world prices fall below $25 would go into the Federal Treasury, as would increased revenues from Federal oil royalties and lease bonuses. This new revenue could be used for deficit reduction.

The bill I introduce today would impose a tariff on imported crude oil and products that is calculated by the Secretary of the Treasury to be the difference between $25 and the average international price of crude oil during the preceding 4 weeks. If the 4-week average international price of crude oil is $25 or more, then the tariff would be zero. The tariff would be adjusted each week to reflect changes in the average international price during the preceding 4 weeks.

For imported petroleum products, the bill adds an additional $3 per barrel to the tariff calculated by the Secretary. This surcharge to the crude oil tariff will ensure that the imposition of the tariff will not inadvertently encourage importation of petroleum products by making them proportionately less expensive than importing and refining crude oil. The bill also provides that the tariff would not apply to crude oil or refined products that are subsequently exported.

I first introduced this floor price tariff approach in September 1986. If the Congress had passed that measure we would have prevented much of the economic hardships and increases in petroleum imports that we have seen in the last 2 years. The first bill and the one I introduced at the beginning of the 100th Congress both set a floor price of $20 per barrel. However, I introduce today's measure with a floor price target of $25 per barrel to address the undeniable need for this Nation to rebuild as strong a domestic oil producing industry as possible.

One of the best investments we can make in the energy sector of this country is by placing a floor price on domestic crude oil. With a floor price, we will maintain energy conservation and oil production during periods of world oil overproduction, yet not add to the burdens on the American consumer when world prices climb above $25 per barrel.

I hope that now with drilling at one of its lowest points in history and with the concurrent loss of over 400,000 jobs in the oil and gas industry alone, that Congress will have the courage to pass a measure that will contribute to the long-term vitality of our domestic petroleum industry as well as contribute to our national security.

Mr. President, I ask unanimous consent that the text of the bill be included in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 65

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Petroleum Security Act of 1993".

SEC. 2. FEE ON IMPORTED CRUDE OIL OR REFINED PETROLEUM PRODUCTS.

(a) In General.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 55—IMPORTED CRUDE OIL OR REFINED PETROLEUM PRODUCTS

"Sec. 5891. Imposition of tax.
"Sec. 5892. Definitions.
"Sec. 5893. Registration.
"Sec. 5894. Procedures, returns; penalties.

"SEC. 5891. IMPOSITION OF TAX.

"(a) Imposition of Tax.—In addition to any other tax imposed under this title, an excise tax is hereby imposed on—

"(1) the first sale within the United States of each barrel (or its equivalent) of—

"(A) any crude oil, or

"(B) any refined petroleum product, that has been imported into the United States, and

"(2) the use within the United States of each barrel (or its equivalent) of—

"(A) any crude oil, or

"(B) any refined petroleum product, that has been imported into the United States if no tax has been imposed with respect to such crude oil or refined petroleum product prior to such use.

"(b) Rate of Tax.—

"(1) Crude Oil.—For purposes of paragraphs (1)(A) and (2)(A) of subsection (a) the rate of tax on any barrel (or its equivalent) shall be the excess, if any, of—

"(A) $25, over

"(B) the energy policy price per barrel of crude oil.

"(2) Refined petroleum product.—For purposes of paragraphs (1)(B) and (2)(B) of subsection (a), the rate of tax on any barrel (or its equivalent) shall be equal to—

"(A) $3, plus

"(B) the tax determined under paragraph (1) of this subsection.

"(3) Fractional parts of barrels.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

"(c) Determination of Energy Policy Price.—

"(1) In general.—For purposes of this section, the energy policy price with respect to any week during which the tax under subsection (a) is imposed shall be determined by the Secretary and published in the Federal Register on the first day of such week.

"(2) Basis of determination.—For purposes of paragraph (1), the energy policy price for any week is the weighted average international price of a barrel of crude oil for the preceding 4 weeks as determined by the Secretary, after consultation with the Administrator of the Energy Information Administration of the Department of Energy, pursuant to the formula for determining such international price as used in publishing the Weekly Petroleum Status Report and as in effect on the date of the enactment of this section.

"(d) Liability for Payment of Tax.—

"(1) Sales.—The taxes imposed by subsection (a)(1) shall be paid by the first person who sells the crude oil or refined petroleum product within the United States.

"(2) Use.—The taxes imposed by subsection (a)(2) shall be paid by the person who uses the crude oil or refined petroleum product.

"(3) Tax-free exports.—

"(A) In general.—Under regulations prescribed by the Secretary, no tax shall be imposed under this chapter on the sale of crude oil or refined petroleum products for export or for resale by the purchaser to a second purchaser for export.

"(B) Proof of export.—Where any crude oil or refined petroleum product has been sold free of tax under subparagraph (A), such subparagraph shall cease to apply with respect to the sale of such crude oil or refined petroleum product, unless, within the 6-month period which begins on the date of the sale, the seller receives proof that the crude oil or refined petroleum product, has been exported.

"SEC. 5892. DEFINITIONS.

"For purposes of this chapter—

"(1) CRUDE OIL.—The term 'crude oil' means crude oil other than crude oil produced from a well located in the United States (within the meaning of section 638(2)) or a possession of the United States.

"(2) BARREL.—The term 'barrel' means 42 United States gallons.

"(3) REFINED PETROLEUM PRODUCT.—The term 'refined petroleum product' shall have the same meaning given to such term by section 3(5) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 752(5)).

"(4) EXPORT.—The term 'export' includes shipment to a possession of the United States; and the term 'exported' includes shipment to a possession of the United States.

"SEC. 5893. REGISTRATION.

"Every person subject to tax under section 5891 shall, before incurring any liability for tax under such section, register with the Secretary.

"SEC. 5894. PROCEDURES; RETURNS; PENALTIES.

"For purposes of this title, the tax imposed by section 5891 shall be treated in the same manner as the tax imposed by section 4986 (as in effect before its repeal)."

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end thereof the following new item:

"Chapter 55. Imported crude oil or refined petroleum products."

(c) DEDUCTIBILITY OF IMPORTED OIL TAX.—The first sentence of section 164(a) (relating to deductions for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The imported oil taxes imposed by section 5891."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to sales and use of imported crude oil or imported refined petroleum products on or after the date of enactment.•

By Mr. NICKLES (for himself, Mr. GRASSLEY, Mr. SMITH, Mr. COHEN, Mr. HELMS, Mr. BOREN, and Mr. D'AMATO):

S. 66. A bill to amend title IV of the Social Security Act to enhance educational opportunity, increase school attendance, and promote self-sufficiency among welfare recipients; to the Committee on Finance.

CHILDREN'S EDUCATION OPPORTUNITY ACT

• Mr. NICKLES. Mr. President, today I, along with Senators GRASSLEY, SMITH, HELMS, COHEN, D'AMATO, and BOREN am introducing legislation that will give States greater flexibility in enacting laws that link school attendance to welfare benefits. These innovative State initiatives are known as Learnfare.

State governments all over the Nation are looking for new ways to reduce the prevalence of welfare dependency and lower high school dropout rates. Learnfare calls on adults to be held accountable for their actions, and holds parents on public assistance accountable for the education of their children. This is just plain common sense.

Most policymakers agree that education is the best way to break the cycle of generational poverty that plagues our Nation's poor. Children who drop out of high school are more likely to be unemployed, more likely to turn to a life of crime, and more likely to end up on welfare than their peers who remain in school. We must take every measure possible to insure that every child in the country benefits from our Nation's educational systems.

Pioneered in Wisconsin, Learnfare is the linkage of AFDC dollars to school attendance. Interest in these programs has been voiced from Massachusetts to California and from Washington to Florida. Currently, States are able to enact these measures by obtaining a waiver from the Department of Health and Human Services to expand their mandated Job Opportunities and Basic Skills [JOBS] Programs to include school age dependents of AFDC recipients. Unfortunately, States seeking to gain this waiver have met with Federal, bureaucratic stonewalling.

My legislation will remove this Federal stumbling block by amending the State programs section of the Social Security Code's AFDC regulations to allow States the option of implementing learnfare programs. Doing away with the necessity for a Federal waiver will encourage States to implement innovative ways of keeping at-risk youths in school. Knowing the importance of educational opportunities, the Nation's Governors adopted a 90-percent graduation rate as one of the national education goals. Learnfare will help assure attainment of this goal.

I truly hope this will be the first step toward reestablishing the once commonplace notion that individuals are answerable for their actions. Requiring responsible actions of welfare recipients will create a two-way obligation between the States and those on welfare. States are obliged to assist recipients in getting off the welfare rolls and recipients, in turn, are encouraged to use their benefits to better their situation.

In the September 10 issue of the Black Chronicle, a weekly newspaper in Oklahoma, an editorial writer wrote:

> Mr. Nickles' justification for this is that the proposal offers a way for welfare recipients to eventually free themselves from the shackles of dependence on welfare and the senator said he anticipates, that, at some point, through education, etc., a generation of families may be able to break the cycle of welfare dependence.

This truly sums up what I believe this legislation is all about. We must challenge all Americans to take a stake in our Nation's education systems. We must reignite the thirst for knowledge that we all shared as children. As the debate on welfare and education reform unfolds, I challenge my colleagues to support this legislation. It will give the States the opportunity to enact programs that insure every school age child in America the educational opportunity they deserve.•

• Mr. D'AMATO. Mr. President, I rise today to join Senator NICKLES in sponsoring the Children's Education Opportunities Act. This bill relieves the necessity for States to obtain a waiver under Social Security regulations allowing them the option to implement Learnfare programs for children of families receiving welfare. This legislation is an important step in ending welfare dependence through the education of children that might ordinarily be left in the vicious cycle of dependence that has gone on for far too long.

Welfare was never intended to become a way of life, but unfortunately, it has. Therefore, it is our duty to provide children and teenagers on AFDC the minimus level of education needed to become productive citizens and wage earners. These children must grow to become part of the mainstream, not be doomed to live outside of it.

President Clinton supports welfare reform, changing the current welfare system from a way of life to providing people with a second chance. I see no reason why we cannot join him in this effort. Congress, therefore, must act. That is why this legislation can provide hope for an end to the cycle of poverty in which children of welfare recipients have become trapped. I commend my colleague Mr. NICKLES for this worthy start at welfare reform. I also urge my colleagues to join us in cosponsoring this legislation.•

By Mrs. KASSEBAUM (for herself, Mr. DOLE, Mr. MCCAIN, Mr. DANFORTH, and Mr. SMITH):

S. 67. A bill to regulate interstate commerce by providing for uniform standards of liability arising out of general aviation accidents; to the Committee on Commerce, Science, and Transportation.

GENERAL AVIATION ACCIDENT LIABILITY STANDARDS

Mrs. KASSEBAUM. Mr. President, I rise today to introduce the General Aviation Accident Liability Standards Act of 1993. This legislation would replace the current patchwork of unpredictable and inconsistent State general aviation liability laws with uniform, fair, and reasonable Federal standards of liability.

America has always dominated the world in all aspects of aviation—military, commercial, and general aviation. Today, however, U.S. dominance in the general aviation field is being threatened by foreign competition. Under our country's current product liability system, it is unclear whether or not U.S. manufacturers can survive the foreign challenge. Since 1979 unit sales of new, domestically produced aircraft have plummeted nearly 95 percent, and employment is down 70 percent.

The advantage foreign companies have in manufacturing general aviation aircraft is that, unlike most American companies, they do not have to build high-product liability costs into the selling price of their airplanes. Because the foreign companies are not liable for a huge fleet of very old aircraft still in operation in the United States, they are not adversely affected by those States which do not have a statute of repose. Moreover, a majority of the foreign planes are sold in Europe where there is a 10-year statute of repose.

American manufacturers, on the other hand, are responsible for a fleet of over 200,000 general aviation planes that is, on average, over 22 years old. In those States that do not have a statute of repose, domestic manufacturers are still liable for every plane they have ever produced—including the ones built in the 1920's, 1930's, and 1940's. Manufacturers have no choice but to build the cost of this liability exposure into the price of every new airplane they produce.

Mr. President, it does not make sense for us to allow unpredictable and often conflicting State liability laws to destroy an industry that is completely regulated by the Federal Government. Every aspect of the general aviation industry—everything from airplane design to pilot licensing and airplane maintenance—is controlled by Federal law. Nevertheless, when a general aviation accident occurs it is State, rather than Federal, liability standards that apply.

This is the fifth consecutive term of Congress in which I have introduced the General Aviation Accident Liability Standards Act. Throughout this period, sales of domestically produced general aviation aircrafts have consistently fallen while foreign manufacturers have increased their share of the U.S. market. In order to save the domestic general aviation industry, and the jobs that go with it, it is essential that we enact uniform, fair, and reasonable Federal standards of liability.

Obviously, innocent victims should not pay the price for defective aircraft, and no Federal law should change that. However, manufacturers should not pay for defective maintenance, defective servicing, or defective operation. These are things that are beyond the manufacturer's control. Moreover, at some point, manufacturers should cease to be liable for planes that were neither built, nor warranted, to last forever.

The legislation I am introducing today is not only supported by the manufacturers of general aviation aircraft, it is also supported by consumers. The Aircraft Owners and Pilots Association—which represents the very people who buy and fly general aviation airplanes—have again joined with the General Aviation Manufacturers Association, the National Business Aircraft Association, the Experimental Aircraft Association, and National Air Transport Association in endorsing this bill.

Mr. President, the general aviation industry is dying, and 30,000 workers have already lost their jobs. Unless uniform Federal liability standards are passed, domestic manufacturers will continue to be at a competitive disadvantage with foreign companies, and the United States will unnecessarily lose jobs and technology. In order to save this important industry, I urge the Senate to give prompt and careful consideration to the General Aviation Accident Liability Standards Act of 1993.

By Mr. METZENBAUM:

S. 68. A bill to amend the Federal Food, Drug, and Cosmetic Act to prevent misleading advertising of the health benefits of foods; to the Committee on Labor and Human Resources.

FDA ADMINISTRATION NUTRITION ADVERTISING ACT

Mr. METZENBAUM. Mr. President, the Food and Drug Administration Nutrition Advertising Act of 1993, amends the Federal Food, Drug and Cosmetic Act to grant the Food and Drug Administration [FDA] expanded jurisdiction to prevent false and misleading nutrition and health claims in food advertising. The FDA already has the authority to control the use of false and misleading claims in food labeling. The purpose of this bill is to ensure that consumers receive consistent and reliable nutritional information from food labeling as well as food advertising.

In 1990, Congress overwhelmingly approved the Nutrition Labeling and Education Act [NLEA], the most extensive food labeling reform in this country's history. According to the FDA, the improved nutrition information required by this landmark bill will prevent at a minimum, 39,000 cases of coronary heart disease and 12,000 deaths in the next 20 years by enabling consumers to change to more healthy diets that are lower in fat, cholesterol, sodium and calories. By 1994, consumers will finally see accurate nutrition labels on almost all of the products in their supermarket.

Despite this tremendous progress for consumer rights, a critical and inappropriate gap in food labeling coverage still exists. The Federal Trade Commission [FTC], which as a result of a 1954 agreement between the FTC and FDA has sole jurisdiction over food advertising, has not followed the FDA's lead. While the FTC repeatedly states that it is working closely with the FDA to harmonize advertising and labeling policies, several recent FTC enforcement actions indicate otherwise. The bottom line is that the FTC allows food companies to make nutrition and health claims in ADS that the FDA believes are misleading.

The FTC has failed to take enforcement action against numerous companies that are currently misusing such well-defined terms as "low sodium" or "lean" in food advertising. In addition, the FTC has not indicated that it will prevent companies from using nutrient terms not permitted under the NLEA. The use of an endless number of other nutrient terms, limited only by the creativity of Madison Avenue advertising executives, will only serve to mislead health conscience consumers.

Legislation granting the FDA explicit jurisdiction over health and nutrition claims in advertising is necessary to remedy these problems. S. 2968 would do just that. FDA scientists, nutritionists and other experts are clearly qualified to evaluate the validity of nutrition and health claims in advertising.

The FTC's policies on food advertising must not be permitted to undermine important health and consumer benefits. The Nutrition Advertising Coordination Act of 1993, will help ensure that the benefits of nutrition labeling are enhanced and not diminished.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 68

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food and Drug Administration Nutrition Advertising Act of 1993".

SEC. 2. MISLEADING FOOD ADVERTISEMENTS.

(a) REQUIREMENTS.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following new paragraph:

"(s) Except as provided in clauses (A) through (C) of paragraph (r)(5), if it is a food intended for human consumption that is offered for sale, and the advertising for the food—

"(1) makes a claim, expressly or by implication, of the type described in paragraph (r)(1)(A), unless the claim is in accordance with regulations promulgated by the Secretary that are consistent with regulations issued by the Secretary to implement paragraph (r)(2);

"(2) makes a claim, expressly or by implication, of the type described in paragraph (r)(1)(B), unless the claim is in accordance with regulations promulgated by the Secretary that are consistent with regulations issued by the Secretary to implement subparagraph (3) or (5)(D) of paragraph (r);

"(3) makes a claim, expressly or by implication of the type described in clause (A) or (B) of paragraph (r)(1), unless the claim is in accordance with regulations promulgated by the Secretary that are consistent with regulations issued by the Secretary to implement subparagraph (1) or (2) of paragraph (q); or

"(4) fails to include clearly and conspicuously the following statement: 'See product label for complete nutrition information.'".

(b) REGULATIONS.—

(1) IN GENERAL.—

(A) PROPOSED REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue proposed regulations to implement section 403(s) of the Federal Food, Drug, and Cosmetic Act.

(B) FINAL REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue final regulations to implement section 403(s) of the Federal Food, Drug, and Cosmetic Act.

(2) PROPOSED REGULATIONS CONSIDERED TO BE FINAL.—If the Secretary of Health and Human Services fails to issue final regulations under paragraph (1)(B) upon the expiration of 12 months after the date of enactment of this Act, the proposed regulations issued in accordance with paragraph (1)(A) shall be considered to be the final regulations upon the expiration of such 12 months. The Secretary of Health and Human Services shall promptly publish in the Federal Register notice of the new status of the proposed regulations.

SEC. 3. EFFECTIVE DATE.

The amendment made by section 2(a) shall take effect 15 month after the date of enactment of this Act.

By Mr. BREAUX (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. PELL, Mr. BRADLEY, Mr. HOLLINGS, Mr. JOHNSTON, Mr. MACK, Mr. GRAHAM, Mr. LEVIN, Mr. DURENBERGER, Mr. SHELBY, Ms. MIKULSKI, Mr. HELMS, Mr. LIEBERMAN, Mr. GORTON, and Mr. DODD):

S. 69. A bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats; to the Committee on Finance.

REPEAL OF LUXURY TAX ON BOATS

• Mr. BREAUX. Mr. President, my colleagues, I rise this afternoon to reintroduce legislation that my distinguished colleague, Senator CHAFEE of Rhode Island, and I introduced, along with a large number of cosponsors, in the last Congress. That legislation was to repeal the so-called luxury tax on boats and vessels which was, I think, a very serious mistake in this Congress, levying this so-called 10-percent luxury tax in the first place.

What we have done with this tax, which is now in place, is not to raise revenues for the Government to reduce the deficit; but what we have done is to discourage the creation of jobs in a very important segment of our Nation's business and industry. Fewer boats are being bought as a result of this tax. Therefore, fewer sales occur, less money is generated, and literally thousands of Americans have lost their jobs because companies are not able to continue production of a product that Americans were actually purchasing before the tax was put into place.

Senator CHAFEE and I, and all of our colleagues who joined in this, passed this bill twice in the House and in the Senate on two separate occasions. Unfortunately, the legislation that it was part of was vetoed twice by the administration. We were never able to get it adopted. It is a clear sense of what is appropriate and proper.

Congress wants this legislation to be repealed. The American public thinks it was a mistake, and Congress is responding to that by repealing it on two separate occasions. I am hopeful that with the introduction of the Breaux-Chafee bill, with about 20 cosponsors this time, that we will be able to get it moving.

The Secretary of Treasury, our former colleague, Senator BENTSEN, has been one of our strongest supporters of this effort. I am hopeful that he will be in the position to convince this administration—and, hopefully, they will—to support this legislation when Congress passes it again in this Congress, and that President Clinton will be able to affix his signature, thereby repealing this onerous tax, which is not accomplishing the purpose for which it was intended.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 69

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF LUXURY TAX ON BOATS.

(a) IN GENERAL.—Subpart A of part I of subchapter A of chapter 31 of the Internal Revenue Code of 1986 (relating to retail excise taxes) is amended by striking section 4002 and by redesignating sections 4003 and 4004 as sections 4002 and 4003, respectively.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 4003(b) of the Internal Revenue Code of 1986, as redesignated by subsection (a), is amended—

(A) by striking "vehicle, boat," in subparagraph (A)(iii) and inserting "vehicle", and

(B) by striking "vehicle, $100,000 in the case of a boat," in subparagraph (B) and inserting "vehicle".

(2) Paragraph (2) of section 4011(c) of such Code is amended—

(A) by striking "vehicle, boat," in subparagraph (A) and inserting "vehicle",

(B) by striking "a boat or" in subparagraph (B)(i),

(C) by striking "section 4004(c)" in subparagraph (C)(iii) and inserting "section 4003(c)", and

(D) by striking "VEHICLES, BOATS," in the heading thereof and inserting "VEHICLES".

(3) Subsection (c) of section 4221 of such Code is amended by striking "4002(b), 4003(c), 4004(a)" and inserting "4002(c), 4003(a)".

(4) Subsection (d) of section 4222 of such Code is amended by striking "4002(b), 4003(c), 4004(a)" and inserting "4002(c), 4003(a)".

(5) The table of sections for subpart A of part I of subchapter A of chapter 31 of such Code is amended—

(A) by striking the item relating to section 4002, and

(B) by striking "4003" and "4004" and inserting "4002" and "4003", respectively.

(6) The heading for subpart A of part I of subchapter A of chapter 31 of such Code is amended by striking **"Vehicles, Boats,"** and inserting **"Vehicles"**.

(7) The table of subparts for part I of subchapter A of chapter 31 of such Code is amended by striking "vehicles, boats," in the item relating to subpart A and inserting "vehicles".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, 1991.•

Mr. COHEN. Mr. President, I am pleased to join my colleague from Louisiana, Senator BREAUX, in offering this legislation to repeal the luxury tax on recreational boats.

I am deeply concerned about the condition of the boat building and related industries in my State of Maine. Since enactment of the new luxury tax, I have heard from many representatives of and workers in the boating industry, both in my State and across the country, on the serious toll that this new tax is taking on their industry. The pleasure boat industry has experienced declining sales over the past 2 years due to the economic recession, and this new tax is sharply exacerbating the industry's decline.

A report prepared by the staff of the Joint Economic Committee confirms that the luxury boat tax will result in massive job losses nationwide in boat manufacturing and related industries. This report estimated that, even using conservative estimates, over 7,600 jobs will have been lost in 1991 directly because of the 10-percent excise tax on boats. Boat builders and employers in boat related industries in my State of Maine are already feeling the devastating effects of lost boat sales, in large part due to the new excise tax. The Hinckley Company in Southwest Harbor, ME, for example, has been forced to lay off at least 10 percent of its work force. As the second largest employer in Hancock County, reductions at Hinckley have taken a great toll on this part of my State.

This case is certainly not unique: every Maine boat builder has reported worker layoffs and significant slowdowns in production due to this tax. Customers are backing out of contracts once they realize that a tax is being applied to their boat purchases, thus affecting even those sales that were generated before the tax went into effect.

These job losses in my State are particularly difficult to bear since the workers who lose their job due to the slowdown often have no transferable skills and are unable to find other jobs in the State. The demise of the boating industry will quickly have a wide ripple effect on other parts of the Maine economy, from the State government which depends upon revenues from new and used boat sales, to the hotels, restaurants, marinas, and other Maine industries that rely on a thriving recreational boat industry for their survival.

The staff report of the Joint Economic Committee also provides important evidence to support a concern that boat builders, their workers, and I have shared for some time, namely, that the luxury tax will not yield the $3 million in revenues that were estimated to be gained by the tax when it was included in the Budget Reconciliation Act of 1990. In fact, this report estimated that the luxury tax on boats will actually cost the Government $18.2 million in lost income taxes, employer and employee FICA contributions, and unemployment outlays in fiscal year 1991. In other words, this tax will cost the Government over six times the amount of money that it was supposed to raise.

To me, this is convincing evidence that the luxury tax on boats is costing far more than it is worth, and should be repealed.

I would further point out that this tax is not meeting the other goal for which it was intended, that is, to impose a greater portion of the tax burden on high-income taxpayers. It is abundantly clear that this tax will not be borne solely by wealthy taxpayers. These people often have the financial means to pay the 10-percent tax, but choose to spend their money on some other item that is not taxed. Instead, the real burden of this tax falls on the hardworking men and women of the boating industry who are losing their jobs.

Mr. President, I recognize that some may misconstrue efforts to repeal this tax as an attempt to help rich taxpayers. Nothing could be further from the truth. Those that have been hurt by the tax are the working people in Maine and other boat-building States, not the rich. Furthermore, I should point out that I am not opposed to higher taxes on the wealthiest taxpayers if these taxes are part of a comprehensive deficit-reduction package that includes serious spending reform.

The many comments of concern that I have received from my constituents in these industries, the recent staff report of the Joint Economic Committee, and the compelling testimony of industry representatives at hearings before the Senate Finance Committee have more than convinced me that the luxury tax on boats must be repealed. I regret that we were unable to repeal this tax in the 102d Congress. I am confident, however, that we will be successful in this regard early in this Congress.

Mr. CHAFEE. Mr. President, once again I join my distinguished colleague from Louisiana in introducing legislation repealing the luxury tax on boats. Since its enactment as part of the budget agreement in 1990, Senator BREAUX and I, along with several others, have argued that this tax has done far more harm than good. Instead of helping to fill the Federal coffers with revenue, as was anticipated, it has forced many profitable boatbuilders out of business. That, in turn, has led to the loss of thousands of jobs in the industry.

The boatbuilding industry certainly was not the target when this tax was originally proposed. Instead, it was viewed as a clever way to get the wealthy to bear a greater share of the tax burden. What Senator BREAUX and I tried to explain at the time, and have continuously argued over the past 2 years, is that the luxury tax is the easiest of all taxes to avoid. By simply choosing not to buy a boat, the tax need not be paid.

That is exactly what has happened to the boatbuilding industry. Potential boat purchasers are avoiding the tax by either buying other luxury items which are not subject to the tax or they are taking their business overseas.

What was not recognized in 1990 was who would bear the brunt of the luxury tax. It has not been the wealthy who were so much of the focus during the debate over the 1990 budget agreement. Instead, workers in the boatbuilding industry paid the tax in the form of lost jobs. As boat sales plummeted, boatbuilding jobs were eliminated. Nineteen thousand jobs have been lost across this country as a result of the ill-conceived luxury tax. This is on top of the estimated 100,000 jobs lost as a result of the recession. Many of these jobs were in my home State of Rhode Island, where the boatbuilding industry once thrived.

For the boatbuilding industry to have any chance for survival, the luxury tax must be repealed within the next few months. The industry is heading into its prime buying season, but sales will not materialize as long as the tax continues. Rather than pay the Federal surcharge, buyers will continue to take their business elsewhere.

The legislation Senator BREAUX and I are introducing today makes repeal of the luxury tax effective January 1, 1992. As my colleagues are well aware, there is near unanimous agreement that this tax has been a failure. Three times last year the Senate expressed its desire to repeal the tax. Repeal was included in both tax bills passed by Congress last year, and on September 10 the Senate unanimously voted in support of Senate Resolution 339 expressing its desire to have the tax repealed effective January 1, 1992.

When the luxury tax was enacted, no one in Congress had as his or her objective the loss of jobs by American workers. Unfortunately, that is what has happened. It is time for Congress to correct this flagrant error. I urge my colleagues to support Senator BREAUX and me in repealing the luxury tax early this year, retroactive to January 1, 1992.•

• Mr. PELL. Mr. President, I am pleased to join Senator BREAUX in introducing legislation to repeal the luxury excise tax on boats over $100,000. This tax was enacted in 1990 with two objectives: to raise revenue and to tax the wealthy. The reality is that it has failed to accomplish either goal. Instead this tax, in tandem with the economic downturn, is simply crippling the boatbuilding industry in our country.

Rhode Island is one of our Nation's leading producers of recreational boats, with a proud heritage of the great names in American yachting history. That industry in Rhode Island has now been devastated by bankruptcy, plant closings, and layoffs.

The complaints about this tax are not coming from the wealthy yachtsman. The desperate cries for the repeal of the luxury tax are instead coming from those in the industry who face the challenge of selling motor and sailing yachts to the wealthy, the owners of boatyards and marinas, shipwrights, sailmakers, marine architects, skilled workers in wood and fiberglass, and engineers. The men and women who hold these jobs have produced some of the world's greatest and most admired sailing vessels, and now many are either jobless or fear they soon will be.

In truth, the luxury tax on boats is not taxing the wealthy who can easily avoid this tax. An affluent sailor can buy a yacht in another country and continue to pursue his recreation without paying the luxury tax. Or a well-off individual can simply decide to invest in a hobby that does not come with a hefty 10 percent tax.

Although there is consensus that the luxury tax should be repealed, it continues to remain in place. Both Republicans and Democrats agree that this tax is not working. Both the Senate and the House of Representatives have passed legislation to repeal it. Unfortunately, President Bush vetoed the bill which included repeal of the luxury tax for reasons unrelated to that tax. it is no wonder that the people of this Nation are frustrated with the way Washington works and have called for a change. One of the first changes I think we need to make is the repeal of the luxury tax on boats. It is not adding to our Nation's coffers. What it is adding to is the number of skilled American workers standing in the unemployment line. We must move quickly to sink this tax before it sinks us.•

By Mr. COCHRAN:

S. 70. A bill to reauthorize the National Writing Project, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL WRITING PROJECT

Mr. COCHRAN. Mr. President, I am pleased to introduce important legislation today to reauthorize the National Writing Project, the only Federal program to improve the teaching of writing in the Nation's classrooms.

The National Writing Project is a national network of university-based teacher training programs designed to improve the teaching of writing and student achievement in writing. Since its inception 20 years ago, the National Writing Project has distinguished itself by gradually building a broad network of teacher training workshops which successfully address the need for improved writing skills among elementary, secondary, and college-level students. The National Writing Project has become a national model for teacher training programs and has been emulated by training programs developed by other disciplines. It continues to receive national awards and live up to the National Endowment for the Humanities [NEH] assessment of it when the project was funded for an unprecedented 10th year. A spokesman from NEH said at that time,

> I have no hesitation in saying that the National Writing Project has been by far the most effective and cost-effective project in the history of the Endowment's support for elementary and secondary education programs.

The National Writing Project began as the Bay Area Writing Project 1973 because students were required to do less writing in the classroom and were losing the skill:

An increasing number of American students were entering the Nation's universities unprepared to do the writing demanded of them;

The great majority of America's classroom teachers, elementary school through university, had not been trained to teach writing;

Little writing of any length or substance was being asked of American students, in the classroom or in homework; and

There were new developments in the teaching of writing but no systemic or effective way to inform teachers of these developments.

In short, attention to writing and the teaching of writing, though fundamental to student learning, was neglected in America's classrooms, and schools, and universities. In addition to problems in writing, little attention was being paid to professional development programs and the need for the continuing education of the classroom teacher. Unfortunately, this remains a problem today, but the National Writing Project has begun to make a difference.

Since 1973, the National Writing Project has grown into an international network of university school projects based upon the model of teachers teaching teachers to make writing and thinking an integral part of the learning process.

Federal support for the National Writing Project began in 1991, and has allowed the project to expand to reach more students and teachers. Modest Federal support has had remarkable results:

For every Federal dollar spent, the National Writing Project garnered five additional dollars from State, university, school district, and other local sources of support;

Last year 106,423 teachers participated in National Writing Project summer and school year programs. This brings the total number of teachers who have participated in the National Writing Project to nearly 1 million;

In the past year 7,506,500 students, or 19 percent of the Nation's K-12 public school students, benefited from Federal funding at a cost of 26 cents per student;

Through Federal matching dollars, 11 new sites were added to the National Writing Project and 2 sites were restored to activity, bringing the total number of sites to 150 in 47 States;

Local National Writing Project sites in 16 States, Alabama, Alaska, California, Connecticut, Hawaii, Indiana, Kentucky, Louisiana, Mississippi, Nevada, North Carolina, Pennsylvania, Utah, Virginia, Washington, and West Virginia, now receive State matching funds.

In Mississippi, National Writing Project sites have contributed to a remarkable improvement in the quality of teaching and student achievement. Program participants include not only English teachers, but math, reading, science, and elementary school teachers. The result has been a rekindling of teachers' enthusiasm, confidence, and morale while student test scores are rising.

Many teachers totally transform the way they teach after participating in a Writing Project Program. I would like to cite the experience of a Mississippi high school English teacher who attended a Writing Project summer institute. She said:

> One of the things I learned in the writing project was that writing can be used to help students learn and think. I began to ask my students to keep logs while they read the stories and books we were studying together. I asked them to write about what they made of the literature, what they understood about it from their own experience, what they thought of the characters and the ways they solve their problems. Would the students solve these problems in the same way? For the first time, my students came to class eager to talk about what they read and eager to read on. They were able to analyze and evaluate and understand in a rich, personally meaningful manner.

Continued Federal support for the National Writing Project will carry forward the work begun to improve the teaching of writing at all levels of instruction and emphasize student writing as a way to improve learning in all disciplines in classrooms nationwide.

Continued Federal support will improve staff development programs for teachers and provide a model for the continuing education of our national teachers corps.

It will support the development of the National Writing Project into a network of 250 sites that will serve teachers and students in all States and regions of the country.

The matching funds requirement will stimulate and generate local and State support for the national effort to improve writing in America's schools.

It will support needed programs in writing and literacy for America's disadvantaged students.

It will provide grants to teachers to promote improvement in classroom instruction, teacher research projects, the publication of exemplary student writing, and other programs not currently possible in most schools.

It will create an informed corps of teacher-scholars in the elementary and secondary schools to help all teachers use writing more effectively in the classroom.

And most important, it will continue to improve the performance of all of America's students in the key basic skills of writing, reading, thinking, and learning.

When this bill was first introduced in 1990, it was cosponsored by 40 Senators from both sides of the aisle. I hope it will receive support equal to or greater in the 103d Congress. In the Senate, we rarely use Federal dollars so effectively. I urge other Senators to join me in sponsoring this legislation.

Mr. President, I ask unanimous consent that an article which recently appeared in the Wall Street Journal highlighting the National Writing Project be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

READING, 'RITING AND MORE 'RITING: AFTER YEARS OF NEGLECT, SCHOOLS ARE PUTTING MORE EMPHASIS ON THE WRITTEN WORD

(By Gary Putka)

Amid overflowing bookshelves in a Texas classroom, Tricia Shaughnessy's second-graders are giving proof of their studies on Christopher Columbus. But there isn't a test in sight.

Sitting on the floor, discussing dialogue and narration, the students collectively, and noisily, write a biographical play. Names and dates sprew forth—Isabella, 1492, the West Indies—but also a discourse. Coral is defined; "drop ankle" is giddily corrected to "drop anchor" in the script. But what to call the people on the beach?

"Native Americans!" several students shout. Ms. Shaughnessy finds a raised hand. "Bobby?"

"I think we should call them Indians because Columbus was trying to find the Indies and he called them Indians."

A vote is taken. Bobby's view prevails, but not without an argument. Another line is added to a fast-lengthening script.

WRITING REVIVED

This pint-sized playwrights' exercise, conducted at Nathaniel Hawthorne Elementary School in San Antonio this past school year, is part of a renaissance in the uses of writing in U.S. schools. Urged on by teachers employing a variety of new instructional approaches, students are writing more in and out of school, behaving somewhat contrary to conventional wisdom about literacy and the images of an electronic age.

Students are increasing their in-school output of essays, stories, poems and letters, and are doing even more writing at home, according to a survey released by the federally funded National Assessment of Education Progress, or NAEP, last November. In the 1990 survey, 47% of eighth-graders reported that they write letters to friends or relatives at least once a week, a huge gain from the 37% who reported similar activity in 1984.

The writing boom has been fed by a coterie of educators ever since researchers began bemoaning the paucity of time spent in composition in the 1970s. Many of these advocates now argue that more writing also leads to better reading comprehension and to better understanding of other subjects, including mathematics and science.

"Writing simply makes people smarter," says Nancie Atwell, author of a popular writing-instruction textbook and operator of a private school in Boothbay Harbor, Maine. "It allows kids to think, things they never would have thought otherwise. If we want them to learn content, if we want them to think big thoughts—there's simply no better vehicle."

THE VIRTUES OF WRITING

Convinced that the creation of written words compels a depth of reflection and understanding unattainable through other exercises, teachers like Ms. Shaughnessy are throwing out work sheets, casting aside textbooks, cutting back on formalized phonics and grammar instruction, and demanding more extended writing.

"Writing is a higher level of learning," says Wendy Howk, another San Antonio teacher, who keeps her first-graders writing 40% of the time. "Seeing the kids writing, I'm sometimes floored by what they can do."

Disciples of the popular "whole language" method of reading instruction urge students to write from a tender age, even if they have to invent spelling, and to keep a journal—fast becoming as ubiquitous as the lunch box in the primary grades. Other elements of the whole-language approach include teaching whole words instead of phonic sounds, and assigning whole stories for reading instead of the abridged textbook version.

Curricular standards developed by the National Council of Teachers of Mathematics urge more writing as a key to greater student numeracy. Collecting and judging writing portfolios, meanwhile, is the hottest thing in the field of educational assessment. Even the College Board, which administers the Scholastic Aptitude Test, is adding a full-scale writing test as an optional supplement to the multiple-choice SAT in 1994.

DOES MORE MEAN BETTER?

But all this activity has raised some troubling issues. Many parents remain unconvinced that the best way to introduce students to the written language is to teach them to invent spelling. Some reading experts charge that whole language is not improving reading comprehension and may even be hampering it for some students who need more phonics. Indeed, NAEP reading scores during the 1980s were flat. And although students may be writing more, there is little empirical evidence on a national scale that they are writing better.

Between 1984 and 1990, the NAEP showed that eighth-grade students had slipped in writing proficiency and that students in grades four and 11 had made no progress. The 11th-graders, with an average score of 212 on a 400-point scale, barely exceeded the level that the NAEP defines as "minimal" and were far from the 300 score needed to be considered "adequate."

Students typically get 15 minutes for their NAEP essays. Eager to size up writing produced when students had more time, the NAEP followed up by asking English teachers of fourth- and eighth-graders who took the 1990 test for a sample of the students' best school writing. Marks improved slightly, but they were still dismal.

Although it was supposed to be students' best work, none of the 2,200 writing samples rated a top score of six on a scoring scale of one to six. The stories were short (a 140-word average for eighth-graders), replete with grammar and spelling errors, and undeveloped. Judges found that only about a quarter of eighth-graders' narrative work contained more than one anecdotal episode, a clear sequence of events, and detailed description of setting and characters.

Claudia Gentile, an Educational Testing Service analyst who wrote the NAEP portfolio report, says the NAEP results make her dubious about the benefits of changed writing instruction. "If students are indeed doing more writing than they were 20 years ago, why hasn't the writing improved?" she asks. Some educators involved in the national assessments say teachers have been so eager to get reluctant students to write that they are accepting bad work.

LESS HARD WORK?

According to a commentary on the NAEP findings by Mark Musick, president of the state-funded Southern Regional Education Board in Atlanta, "teacher grading [has] changed—with more interest in the way feelings are expressed and less attention to marking mistakes. Students now write more stories, but no more reports or analytic essays. Overall . . . there appears to be less demand for hard work."

Some writing advocates, however, insist that there is more good writing in the schools. They say that the NAEP's scoring system is flawed and isn't capturing the gains in initiative, creativity and understanding of other subject areas that students are receiving from writing more.

Worried about the high numbers of freshmen being placed in remedial writing courses in 1973, the University of California at Berkeley helped fund a program that instructed schoolteachers in the Bay Area on how to teach writing. The program, which has evolved into the National Writing Project, now has federal financing, 160 local outposts, and a booming roster of classes. Last year, it reached 114,000 teachers, double the number of five years ago.

THE PROCESS APPROACH

James Gray, director of the project, says the NAEP is inadequate to capture what he calls the "high quality of writing now being produced by students in our nation's classrooms." According to Mr. Gray, several research studies—but nothing on a national level—have shown benefits to students of teachers who have gone through Writing Project classes. The Writing Project uses the so-called process approach to writing, which employs different methods from those of the whole-language advocates. The process approach stresses repeated efforts to get it right—drafts, revisions and redrafts of the same piece. In one 1983 study, conducted in the Ferguson Florrisant School District in Missouri, junior-high-school students with Writing Project teachers scored 30% higher on writing tests than those without such teachers.

Ronald Adams, a seventh-grade teacher, says that Writing Project methods have transformed his classes at Broad Meadows Middle School in Quincy, Mass. Students are writing much more, taking more initiative, showing more imagination, and doing more in-depth research in history and social studies, he says.

LEARNING FIVE STEPS

Under the process method, students follow a strictly prescribed five-step format—brainstorming, first draft, conferences with peers or teacher, editing, and final draft. But they are typically allowed more freedom to choose their own topics, and are urged to start by writing from experience.

Because the process is "student-directed instead of teacher-directed," Mr. Adams says, his students are more enthusiastic. He adds that before he learned how to use process approaches at a Boston Writing Project workshop in 1985, he was lucky to get three pieces of writing from his students during a 10-week term. Now they write 30. And because the entire Quincy system has accepted this approach, Mr. Adams says, his students come to him more capable.

The gains go well beyond writing, Mr. Adams believes. Students are required to write him letters assessing their progress in mathematics, leading to much faster overcoming of learning roadblocks.

One of the great dividends has come in the area of citizenship. Mr. Adams teaches his students that "letter writing is the underutilized cornerstone of democracy." When they come to him with problems, he urges them to write letters—sometimes to great effect.

WINNIE THE WELDERS

Assigned to write about local history last year, one student chose the women who worked in Quincy's shipyards during World War II. When the student discovered that the subject had been ignored in the local library, she wrote to city hall, and Mr. Adams's class turned up the gas. They interviewed 40 of the surviving women, made a videotape, and inspired Quincy to stage a "Winnie the Welders" day in their honor.

Students rode on the bus with the former workers and a local TV crew, and were assigned to recount the experience in writing. "The women welders were so proud you could see it in their eyes,"wrote Sandy Buonopone, one of the seventh graders. "The end of the ceremony came. The women were all happy. It was a special moment for all of them. Then they started singing 'America the Beautiful' and started laughing and hugging." There were, Sandy surmised, "a lot of proud and probably everlasting memories."

[In a given week, this percentage of students wrote at least one paper for English class]

WEEKLY WRITING

	Grade 4	Grade 8	Grade 11
Essay, composition for theme:			
1990	24	45	64
1984	19	41	60
Book report:			
1990	38	34	28
1984	27	27	38
Other report:			
1990	31	30	39
1984	27	27	38
Letter:			
1990	42	24	18
1984	38	21	16
Story:			
1990	43	49	39
1984	37	42	40
Poem:			
1990	27	17	25
1984	25	15	18
Play:			
1990	14	12	14
1984	13	10	13

Source: National Assessment of Educational Progress.

By Mr. METZENBAUM (for himself, Mrs. MURRAY, Mr. KERRY, Mr. CAMPBELL, and Mr. WELLSTONE):

S. 71. A bill to prohibit discrimination by the Armed Forces on the basis of sexual orientation; to the Committee on Armed Services.

PROHIBITING DISCRIMINATION BY ARMED FORCES

Mr. METZENBAUM. Mr. President, on behalf of myself, and Senators MURRAY, KERRY of Massachusetts, CAMPBELL, and WELLSTONE, I am today introducing legislation to overturn the Pentagon's ban on homosexuals serving in the military.

This bill is identical to the legislation I introduced on the subject last year, and it is the same as the bill introduced in the House of Representatives by Congresswoman SCHROEDER a few weeks ago.

The time has come to overturn one of the last bastions of government-sponsored discrimination in this country.

The Pentagon's prohibition of gay men and lesbians serving in the military is completely outdated. It is senseless and it is cruel.

It is a policy based on fear and ignorance.

It is discrimination against a distinct group of individuals who repeatedly and throughout history have shown that they are every bit as capable, hardworking, brave, and patriotic as their heterosexual counterparts.

It is a fact that the job performance of homosexuals in the military has been superb.

I know that to be true because every time a gay man or lesbian is discharged from the service for reason of being a homosexual, his or her service record becomes part of the official investigative process.

In nearly every instance, the job performance of these individuals is above average.

Mr. President, I am delighted that our new President—Bill Clinton—is committed to overturning the ban on homosexuals serving in the military.

He promised to do it during his campaign, and he has never wavered from that commitment. He knows it is the right thing to do.

Despite the President's strong commitment, however, I believe it is important that this legislation be reintroduced in the Senate.

It is important that our military leaders—who are engaged in a full-court press to change President Clinton's mind on this—understand that there is broad national support for what the President wants to do.

Eight in 10 Americans believe gays should have the right to serve in the military.

Most Americans believe homosexuals should receive due process under the law and basic civil rights protection. Most Americans are concerned about arbitrary restrictions against homosexuals in employment, housing, and other walks of life. Most Americans care about fair play.

Mr. President, the Pentagon rationale for the ban is that homosexuality is a threat to morale and discipline.

The directive states that homosexuality is "incompatible with military service." And that homosexuals "seriously impair the accomplishment of the military mission."

But the Pentagon admits there is no empirical evidence to back this up.

The General Accounting Office stated that the policy is "not based on scientific or empirical data," and further stated the existing scientific studies disagree that homosexuality is in any way incompatible with military service.

There is another part of the Pentagon's rationale—as it seems to be continually evolving—that disturbs me greatly.

Military leaders are now talking publicly about the likelihood of increased acts of violence against homosexuals that choose to come out if the ban is lifted—as if the military were powerless to discipline and educate its own troops.

Instead of wringing their hands about this, the Joint Chiefs should be stating publicly and clearly for everyone to hear that the military will not tolerate violence in the ranks directed against any distinct group, including homosexuals.

If Tailhook taught the military a lesson, it was that commanders can no longer look the other way—as leaders, they are responsible for communicating the essential truth to the troops. In the case of Tailhook, the truth was that it is wrong for servicemen to sexually harass their female colleagues-in-arms.

With respect to homosexuals, the truth is: They are as good soldiers as anyone else.

Let us not forget that between 5 and 10 percent of the men and women that serve in the military right now are homosexual. I am not aware of a morale problem as a result of it.

Nothing is better for moral than a military that knows how to get the job done. What is important when the bullets are flying is whether the soldier or sailor or officer is brave, smart, and well trained. Heroes come from every race, gender, and sexual orientation.

I commend President Clinton for wanting to do the right thing.

It is time to put an end once and for all to the discrimination against gay men and lesbians in the military.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 71

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON DISCRIMINATION IN THE MILITARY ON THE BASIS OF SEXUAL ORIENTATION.

(a) IN GENERAL.—No member of the Armed Forces, or person seeking to become a member of the Armed Forces, may be discriminated against by the Armed Forces on the basis of sexual orientation.

(b) PRESERVATION OF RULES AND POLICIES REGARDING SEXUAL MISCONDUCT.—Nothing in subsection (a) may be construed as requiring the Armed Forces to modify any rule or policy regarding sexual misconduct or otherwise to sanction or condone sexual misconduct, but such rules and policies may not be applied in a manner that discriminates on the basis of sexual orientation.

By Mr. MOYNIHAN (for himself and Mr. SIMON):

S. 72. A bill to amend section 481(c) of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

FOREIGN ASSISTANCE ACT AMENDMENTS

• Mr. MOYNIHAN. Mr. President, I rise today to reintroduce legislation which seeks to address a most serious problem in the foreign relations of the United States: an international perception that the United States is a lawless state which supports the practice of kidnaping. I would hope, in particular, that this legislation would help to repair the rift over this issue between the United States and our neighbors, Mexico and Canada.

Mr. President, I know that my colleagues are well aware of the decision by the U.S. Drug Enforcement Agency to arrange for the kidnaping of a Mexican citizen to stand trial in the United States for allegedly participating in the torture and murder of a DEA agent. The United States did not even attempt to use the extradition treaty in effect between the United States and Mexico to obtain the trial of this person. Nonetheless, when the kidnaping was challenged by both Mexico and Canada as a violation of the United States-Mexico extradition treaty, the United Nations Charter, the charter of the Organization of American States and customary international law, the prior administration—indeed the Attorney General—choose to defend the kidnaping. The judge overseeing the trial of this Mexican citizen has acquitted him of all charges. He has been released and returned to Mexico.

The Supreme Court found that this kidnaping did not violate the literal terms of the United States-Mexico extradition treaty. I have already discussed this decision—which was denounced in a stinging dissent written by Justice Stevens as "monstrous"—at some length on the Senate floor and will not repeat my comments now.

I wish to bring to my colleagues' attention some of the international reaction to this decision, particularly in Canada. Mr. President, the United States has a 3,000-mile-long border with Canada. Our relations with our neighbor to the north area absolutely extraordinary in their degree of comity and cooperation. There is not a longer undefended international border in the world. It is imperative, Mr. President, to appreciate the significance of that fact. The United States simply cannot prevent persons from fleeing the United States into Canada. We perforce must rely upon the good offices and friendship of the Government of Canada in arresting and returning criminals to the United States. It will, therefore, come as no surprise that approximately 50 percent of all United States requests for extradition are directed to Canada. There were 74 such requests in 1991 alone.

Mr. President, it is not surprising that the Government of Mexico would strongly disagree with the Supreme Court's decision. It denounced the decision as "invalid and unacceptable", demanded immediate renegotiation of the extradition treaty and temporarily suspended cooperation on antidrug efforts. In response, the State Department issued a demonstrably false statement that: "[We] have the utmost respect for Mexican sovereignty.* * * " I have been critical of the Mexican judiciary, but others accused in this heinous murder have been successfully prosecuted there and long prison terms meted out. Yet, the United States did not even attempt to use the extradition treaty in this case.

Outrage from Mexico might, therefore, be expected. What is not fully appreciated, however, is the uproar that this decision has caused in Canada and other nations of the world. Justice Stevens wrote: "I suspect most courts throughout the civilized world * * * will be deeply disturbed by the 'monstrous' decision the Court announces today." He has been proven correct. Canadian parliamentarians have denounced the decision, arguing that it "makes a mockery of extradition treaties which have been signed by the U.S." The Department of State has been candid about the enormous outrage that this abduction and Supreme Court decision have caused in Canada and elsewhere. Deputy Legal Advisor Alan Kreczko testified on July 24 before the Civil and Constitutional Rights Subcommittee of the House Committee on the Judiciary that:

> Many governments have expressed outrage that the United States believes it has the right to decide unilaterally to enter their territory and abduct one of their nationals. Governments have informed us that they would regard such action as a breach of international law. They have also informed us that they would protect their nationals from such action, that such action would violate their domestic law, that they would vigorously prosecute such violations.

Significantly, Mr. Kreczko reported that: "[s]ome have indicated that the decision could affect their parliaments' review of pending law enforcement agreements with the United States."

This testimony strongly supports the wise testimony of Michael Abbell, a Justice Department official in the Carter and Reagan administrations and an expert on extradition law, who testified at the same hearing that: "[n]ot only is the position of the administration and of the Supreme Court legally and morally wrong, but, ironically it is also antithetical to the long-term law enforcement interests of the United States." That statement bears repeating: "ironically it is * * * antithetical to the long-term law enforcement interests of the United States." Mr. President, it cannot be emphasized too strongly that the decision to embrace kidnaping is harmful to law enforcement, not helpful. It will not assist the United States in combating crime. On the contrary, it will diminish the very international cooperation against crime which is essential to success against drug traffickers and other criminals.

The United States has now unequivocally pledged in a letter from President Bush to President Salinas that the United States will "neither conduct, encourage nor condone" abductions from Mexico. Thus, we will not use this tool in Mexico again. In the meantime, however, we have jeopardized cooperation on extradition matters with nations around the world.

Mr. President, the legislation I offer today will provide governments around the world which wish to cooperate with the United States the assurance that the United States will not take unilateral actions which violate our solemn treaty commitments and customary international law. It reserves to the United States the right to act where there is no effective sovereignty over a particular region and reserves the right to act against a state with which we are at war. It does no more than enact President Bush's pledge to Mexico and merely extends the substance of the Mansfield amendment—a provision which has been a part of United States law for 16 years—outside the narcotics control area. It leaves the United States with many tools against terrorists and other criminals, such as those steps we are now taking at the United Nations to obtain the criminals who are alleged to have bombed Pan Am flight 103.

Finally, I would note with great satisfaction that at his confirmation hearing, our distinguished Secretary of State Warren Christopher, an outstanding lawyer, described the kidnaping and the Supreme Court decision as bad policy and bad law respectively.

I ask unanimous consent that the text of this legislation, which I send to the desk, be printed in the RECORD at this point, and I yield the floor.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 72

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(a) In 1976 the Congress adopted the International Security Assistance and Arms Export Control Act which amended Section 481(c) of the Foreign Assistance Act of 1961 to prohibit U.S. officials from participating in any direct arrest in a foreign country with respect to narcotics control efforts;

(b) In adopting this provision, known as the Mansfield Amendment, the Committee on Foreign Affairs stated that its purpose was "to insure that U.S. personnel [in foreign states] do not * * * adversely affect U.S. relations with that country";

(c) Close cooperation between the United States and other nations, including the extradition of criminals to the United States, is essential to combat international crime;

(d) The abduction of a Mexican citizen by persons acting at the direction of the United States Drug Enforcement Agency and the decision of the United States Supreme Court holding that this abduction did not violate an existing extradition treaty between the United States and Mexico cast doubt on the meaning of this and other extradition treaties ratified by the United States and threaten to disrupt cooperation between the United States and Mexico, Canada and the 101 other nations with which the United States has extradition treaties;

(e) The Government of Mexico vigorously protested the abduction and the Supreme Court's decision, threatened to suspend cooperation with the United States on drug enforcement matters and announced that it will no longer accept United States foreign assistance intended to prevent drugs from entering the United States;

(f) The Department of External Affairs of the Government of Canada, which receives approximately 50% of all United States extradition requests, vigorously protested the abduction and the Supreme Court's decision;

(g) In the past, persons have been abducted from the United States to stand trial abroad and the United States vigorously protested such actions; and

(h) This abduction and subsequent Supreme Court decision have placed American citizens at risk by creating a precedent for the kidnapping of Americans.

SEC. 2. AMENDMENT TO SECTION 481(C) OF THE FOREIGN ASSISTANCE ACT.

Section 481(c)(1) of the Foreign Assistance Act is amended to read as follows: "(1) Prohibition on direct arrest and abduction—(a) Notwithstanding any other provision of law, no officer, agent or employee of the United States may directly effect an arrest in any foreign country as part of any foreign police action; and (b) Notwithstanding any other provision of law, no officer, agent of employee of the United States government may, directly or indirectly, authorize, carry out or assist in the abduction of any person within the territory of any foreign state exercising effective sovereignty over such territory without the express consent of such state."

SEC. 3. VIOLATIONS OF THE LAWS OF WAR.

Section 481(c) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new provision: "(7) This subsection does not prohibit the capture of any official, agent or employee of a state during armed hostilities for purpose of bringing such person to trial for violations of the internationally recognized laws of war."

SEC. 4. SANCTION FOR VIOLATION.

Section 481(c) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new provision: "(8) A person brought to the United States in violation of subsection (1)(b) hereof shall not be prosecuted by the United States government if the state in which such abduction occurred objects and in the event of such an objection such person shall be promptly returned to the state in which the abduction occurred."●

By Mr. METZENBAUM (for himself and Mr. LAUTENBERG):

S. 73. A bill to provide for the rehiring by the Federal Aviation Administration of certain former air traffic controllers; to the Committee on Governmental Affairs.

FAIR TREATMENT OF FORMER AIR TRAFFIC CONTROLLERS ACT

Mr. METZENBAUM. Mr. President, I rise to introduce legislation which I believe rights an egregious wrong perpetrated against thousands of Government air traffic controllers who were fired by President Reagan back in 1981. The bill I am offering today would enable these men and women to get their FAA jobs back provided they are qualified. This is the fair and decent thing to do.

It was August 3, 1981, when 11,400 members of the Professional Air Traffic Controllers Organization [PATCO] walked off their jobs as part of a nationwide strike for better working conditions, modernized equipment and better pay. President Reagan fired these workers shortly thereafter arguing that they violated a "no strike" oath required by Federal law. Although they were subsequently allowed to apply for other Federal jobs, they have never been allowed to return to work as air traffic controllers.

It has been 12 long years since these men and women were allowed to work in their chosen field of employment. Criminals who commit heinous crimes receive shorter sentences.

Let's put an end to this punishment. The bill I am introducing today would reverse the Reagan directive to the Office of Personnel Management [OPM] deeming the air traffic controllers who were terminated due to the 1981 strike unsuitable for employment with the Federal Aviation Administration. As a group, these controllers will no longer be considered unsuitable and OPM shall decide on appointment or restatement on a case by case basis. The bill also waives age limitations which might otherwise apply to these determinations.

Mr. President, a lifting of the ban on rehiring has the support of the new air traffic controllers union as well as the Airline Pilots Association.

A Cleveland Plain Dealer article from December 29, 1992, suggests that as many as 5,000 of these fired air traffic controllers may be interested in returning to their jobs. The article goes on to state that many of these individuals are pinning their hopes on President Clinton to lift the ban on rehiring.

While this may seem to be a minor matter, it is no small matter to the thousands of air traffic controllers who have been barred from returning to their jobs. I urge the new President to give his utmost consideration to lifting the ban either by Executive order or through the legislative process. I stand willing to help.

I ask unanimous consent that the text of my legislation be printed in the RECORD upon the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 73

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Treatment of Former Air Traffic Controllers Act of 1993".

SEC. 2. SUITABILITY OF AIR TRAFFIC CONTROLLERS WHO PARTICIPATED IN THE 1981 STRIKE.

(a) AUTHORITY TO APPOINT OR REINSTATE CERTAIN FORMER AIR TRAFFIC CONTROLLERS.—

(1) IN GENERAL.—Air traffic controllers whose appointment was terminated due to the strike of air traffic controllers which began on or about August 3, 1981, shall not, as a class, be considered unsuitable for appointment or reinstatement in the Federal Aviation Administration.

(2) DETERMINATIONS OF SUITABILITY.—Determinations of suitability for appointment or reinstatement to any position referred to paragraph (1) shall be made on a case-by-case basis by the Office of Personnel Management in accordance with part 731 of title 5 of the Code of Federal Regulations (as in effect on June 1, 1986).

(b) LIMITATION ON CLAIMS AGAINST UNITED STATES—

(1) IN GENERAL.—Except as provided in paragraph (2), no claim may lie against the Government of the United States, or any officer, employee, of agency thereof, based on a failure to appoint or reinstate a particular individual as a result of the enactment of this Act.

(2) CLAIMS BASED ON DISCRIMINATION.—Nothing in this subsection shall preclude a claim based on discrimination on the basis of race, color, religion, sex, or national origin.

(c) NONAPPLICABILITY OF AGE LIMITATION.—Nothing in section 3307(b) of title 5, United States Code, or in any rule or regulation prescribed thereunder, shall apply with respect to appointment made as a result of the enactment of this Act.

(d) REGULATIONS.—The Secretary of Transportation may prescribe regulations to carry out this section (excluding the second sentence of subsection (a)).

(e) DEFINITION.—For purposes of this section, the term "air traffic controller" has the same meaning as in section 2109 of title 5, United States Code.

By Mr. METZENBAUM:

S. 74. A bill to amend the Endangered Species Act of 1973 to clarify citizen suit provisions, and for other purposes, to the Committee on Environment and Public Works.

ENDANGERED SPECIES ACT AMENDMENTS

Mr. METZENBAUM. Mr. President, I rise to reintroduce legislation which reverses a Supreme Court decision handed down last summer which makes it harder to sue to enforce environmental laws. This measure is identical to a bill I introduced on the matter during the last session of Congress.

When Congress passed the Endangered Species Act, it authorized private citizens to file lawsuits in instances when the Government failed to comply with the act's requirements. The rationale for this provision was simple: Every citizen has an interest in ensuring compliance with laws aimed at protecting the environment. When the Government violates those laws, the public should be allowed to take action to ensure compliance with the law.

Last summer, the Supreme Court handed down a decision which said, in effect, that private citizens could not challenge the Bush administration's policy of funding Government projects abroad that threatened endangered species and their habitats.

In the Lujan versus Defenders of Wildlife case, several environmental groups were trying to challenge the Bush administration's failure to apply provisions of the Endangered Species Act to United States-funded development projects in Egypt and Sri Lanka. The Supreme Court refused to hear the case. The Court ruled that the environmental groups lacked standing to sue.

Congress specifically enacted a provision in the Endangered Species Act designed to give citizens the right to sue to enforce other provisions of the act. The Supreme Court ignored that directive.

Mr. President, the Supreme Court's decision is judicial activism in its most pernicious form. It threatens to undermine the opportunity of those concerned about the environment to have their day in court.

It's no wonder that Justice Harry A. Blackmun, in a dissenting opinion, called the decision a slash-and-burn expedition to keep environmental plaintiffs out of court.

Congress simply cannot stand by and allow the Supreme Court to trample citizens' rights to protect it.

In Lujan versus Defenders of Wildlife, the Supreme Court said the individuals bringing suit against the Government did not meet the Court's narrow interpretation of standing. My bill would amend the Endangered Species Act's citizen suit provisions to ensure standing in this case. And it would also spell out that the Endangered Species Act applied to Government-backed projects overseas.

The legislation has the support of environmental and conservation groups, including the Defenders of Wildlife, the Environmental Defense Fund, the Sierra Club, the Natural Resources Defense Council, the Humane Society, the National Wildlife Federation, National Audubon, the Wilderness Society, the World Wildlife Fund, Greenpeace, the Center for Marine Conservation and the Performing Animal Welfare Society.

Mr. President, I hope that the new Clinton administration will give favorable consideration to applying the provisions of the Endangered Species Act to federally funded projects overseas.

In addition, I believe the Clinton administration should also work with Congress to reverse the limitations on citizens' rights to sue imposed by the Supreme Court decisions in Lujan.

I wish to underscore that my legislation might not be the best way to reverse the Supreme Court decision. A better solution may be borne out of testimony at an appropriate congressional hearing. Whatever the case, I will do my best to see that citizens are not stripped of their rights to challenge the Government on environmental matters.

I ask unanimous consent that the bill be printed in the RECORD in its entirety at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 74

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Endangered Species Act Amendments of 1993".

SEC. 2. FINDINGS.

Section 2 of the Endangered Species Act of 1973 (16 U.S.C. 1531) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end of the following new paragraphs:

"(6) an action by the Federal Government, the government of a State or political subdivision of a State, or a private party that adversely affects an endangered or threatened species or the habitat of an endangered or threatened species injures each person with a demonstrated, aesthetic, ecological, educational, historical, professional, recreational, or scientific interest in the endangered or threatened species or the habitat of the endangered or threatened species; and

"(7) compliance with this Act (including the regulations promulgated under this Act) will deter or prevent any action by the Federal Government, the government of a State or political subdivision of a State, or a private party that may adversely affect an endangered or threatened species or result in the destruction or adverse modification of the habitat of the species.".

SEC. 3. INTERAGENCY COOPERATION.

Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following new paragraph:

"(5) The provisions of this section shall apply to any agency action with respect to any species listed under this Act as an endangered or threatened species carried out, in whole or in part, in the United States, in a foreign country, or on the high seas.".

SEC. 4. CITIZENS SUITS.

Section 11(g) of the Endangered Species Act of 1973 (16 U.S.C. 1540(g)) is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6);

(2) by inserting after "(g) CITIZEN SUITS.—" the following new paragraph:

"(1)(A) A person who has by studying, visiting, or other means demonstrated an aesthetic, ecological, educational, historical, professional, recreational, or scientific interest in an endangered or threatened species shall be deemed to suffer a direct and particularized injury in any instance in which any person, including the United States and any other governmental instrumentality or agency, takes action that may harm or adversely affect any threatened or endangered species, or result in the destruction or adverse modification of the critical habitat of the species. A reasonable likelihood of action or a proposal to act shall be considered a sufficient threat to constitute an injury under this paragraph.

"(B) Each person described in subparagraph (A) who suffers an injury described in subparagraph (A) (or who has a reasonable expectation of an injury) may commence a civil suit pursuant to paragraph (2) to prevent and redress any injury to an endangered or threatened species and to otherwise compel the implementation of any provisions of this Act (including any regulation promulgated under this Act).";

(3) in paragraph (2), as redesignated by paragraph (1) of this section, in the matter preceding subparagraph (A), by striking "Except as provided in paragraph (2) of this subsection any person may" and inserting "Except as provided in paragraph (3) of this subsection, any person described in paragraph (1), or who is otherwise injured, may";

(4) in paragraph (3), as redesignated by paragraph (1) of this section—

(A) in subparagraph (A), by striking "subparagraph (1)(A)" and inserting "paragraph (2)(A)";

(B) in subparagraph (B), by striking "subparagraph (1)(B)" and inserting "paragraph (2)(B)"; and

(C) in subparagraph (C), by striking "subparagraph (1)(C)" and inserting "paragraph (2)(C)"; and

(5) in paragraph (5), as redesignated by paragraph (1) of this section, by striking "paragraph (1)" and inserting "paragraph (2)".

By Mr. METZENBAUM (for himself, Mr. GLENN, and Mr. LEVIN):

S. 75. A bill to amend the River and Harbor Act of 1970 to improve Great Lakes Water Pollution Control, and for other purposes; to the Committee on Environment and Public Works.

GREAT LAKES SEDIMENT CONTROL ACT

Mr. METZENBAUM. Mr. President, I rise to introduce the Great Lakes Sediment Control Act of 1993. The bill I am introducing today is similar to legislation I worked on last year. Its purpose is to better manage the sediment which is currently clogging the Great Lakes. Senators GLENN and LEVIN join me in cosponsoring this important legislation.

This bill complements the sediment management language approved last year as part of the Water Resources Development Act. That language improved the way contaminated dredged spoils will be disposed of along the marine and gulf coasts, but it did not cover the Great Lakes. My bill fills in this gap and helps attack some of the sediment problems in the Great Lakes.

Mr. President, the Great Lakes deserve the attention. They are an unparalleled recreational and fishing resource and the source of drinking water for millions of Americans. Yet many of the lakes' shorelines and even the open waters have contaminated sediments present.

Industrial and sewage discharges, pesticide-laden runoff from farms, and even the grease and oil washing off our city streets have badly polluted the mud lining the Great Lakes. As a result, fish consumption bans, restricted swimming, and reduced and degraded fish and wildlife habitat are not uncommon.

The threat to human health is very real. Polluted sediments are poisoning the foodchain, accumulating first in fish and winding up on the dinner table. A National Research Council report cited neuromuscular impairment, small birth weight, and smaller head size in infants born to mothers who ate toxic-laden Lake Michigan fish only twice a month.

And contaminated sediments threaten commerce as well. Navigational dredging efforts—which are critical to shipping—can be postponed, curtailed, or prevented because of concerns about resuspending contaminated sediments in the water.

Part of the problem is that disposal of dredged sediments has not always been handled in an environmentally sound manner. And not enough attention has been paid to reducing sediment loadings into the lakes in the first place. My legislation will change that.

First, the open lake dumping of contaminated sediments would be halted once and for all. Contaminated sediments dredged from harbors and channels would be disposed of in confined disposal facilities which themselves would be more tightly regulated to ensure that such facilities do not leak or cause environmental degradation. Second, EPA, in consultation with the corps, would develop environmentally sensitive guidelines for open lake disposal of clean sediments. Once these guidelines were developed, no open lake disposal of clean sediments could occur unless such guidelines were met.

The final piece of my legislation addresses the issue of reducing the loading of sediments into the lakes in the first place. It would measure sediment coming from the rivers and river systems into the lakes. And it would create a grants program run by the Corps of Engineers to minimize sedimentation. This sediment reduction language was worked out with my friend and colleague, Senator GLENN, who introduced a separate bill on the matter during the last session of Congress.

I look forward to working with my colleagues on the Senate Environment Committee to move this measure out of committee and to bring it to the floor for a prompt vote.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 75

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Lakes Sediment Control Act of 1993".

SECTION 2. SEDIMENT MANAGEMENT.

(a) AMENDMENT TO HEADING.—The heading of section 123 of the River and Harbor Act of 1970 (33 U.S.C. 1293a) is amended to read as follows:

"CONFINED SPOIL DISPOSAL FACILITIES".

(b) CONFORMING AMENDMENT.—Section 123 of the River and Harbor Act of 1970 (33 U.S.C. 1293a) is amended by striking "contained spoil disposal facilities" each place it appears and inserting "confined spoil disposal facilities".

(c) REQUIREMENTS RELATING TO CONSTRUCTION, OPERATION, AND MAINTENANCE.—Section 123(a) of the River and Harbor Act of 1970 (33 U.S.C. 1293a(a)) is amended—

(1) by striking "(a)" and inserting "(a) PUBLIC INFORMATION.—(1)";

(2) by striking "of section 21 of the Federal Water Pollution Control Act, and"; and

(3) by adding at the end thereof the following new paragraphs:

"(2) After December 31, 1994, it shall be unlawful to dump or otherwise dispose of dredge spoil at any location in the waters of the Great Lakes other than at a confined spoil disposal facility unless—

"(A)(i) the Administrator has concurred in writing with the decision of the Secretary of the Army to allow the disposal (either with or without conditions), if the concurrence is based on a determination that the proposed disposal is consistent with the guidelines developed pursuant to paragraph (3); or

"(ii) a 45-day period (or a 90-day period in a case in which the Administrator has requested an extension from the Secretary of the Army in writing) beginning on the date on which the Administrator receives from the Secretary all material necessary to evaluate the proposed disposal has expired and the Administrator has not—

"(I) concurred with (either with or without conditions) the Secretary; or

"(II) declined concurrence with the decision of the Secretary; and

"(B) the Secretary of the Army has found that the disposal is consistent with the guidelines developed pursuant to paragraph (3).

"(3)(A) Not later than December 31, 1994, the Administrator shall, in consultation with the Secretary and the Director of the Fish and Wildlife Service, develop specific guidelines for the disposal of sediment material in the open waters of the Great Lakes. In developing the guidelines, the Administrator shall provide notice and opportunity for public comment. At a minimum, the guidelines shall ensure that the disposal will—

"(i) not degrade the aquatic environment, including the chemical, physical, and biological characteristics of the substrate, or endanger human health or welfare;

"(ii) be managed in a manner that is consistent with an approved coastal zone management plan for the State or States with an approved plan, bordering the lake in which the disposal occurs; and

"(iii) be managed in a manner that protects—

"(I) municipal and private water supply intake zones;

"(II) recognized commercial or recreational fishing grounds and the spawning, nursery, food supply or migration areas on which fish depend for their life processes; and

"(III) against persistent resuspension or the spread of material to areas outside the disposal area;

"(iv) allow for the protection and propagation of a balanced, indigenous population of fish, shellfish, and wildlife in the area; and

"(v) not cause a violation of any water quality standard adopted pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq).

"(B) The guidelines developed under this paragraph shall take into consideration alternative reuse and disposal methods.

"(C) After providing notice and opportunity for public comment, the Administrator shall, as appropriate, revise the guidelines to incorporate any Federal guideline, criterion, or restriction related to sediment disposal in the Great Lakes that takes effect after the date of development of the initial guidelines.

"(4)(A) Any person found to be in violation of this subsection shall be subject to—

"(i) a civil penalty in an amount not to exceed the amount provided under section 309(d) of the Federal Water Pollution Control Act (33 U.S.C. 1319(d)), with respect to a civil penalty assessed by a court; or

"(ii) an amount provided under section 309(g) of such Act (33 U.S.C. 1319(g)) with respect to a civil penalty assessed by the Administrator.

"(B) The assessment of a civil penalty under this paragraph shall be conducted in the same manner as is provided for the assessment of a civil penalty under section 309 of such Act (33 U.S.C. 1319).".

(d) CONSIDERATION OF AREA NEEDS.—Section 123(b) of the River and Harbor Act of 1970 (33 U.S.C. 1293a(b)) is amended—

(1) by striking "(b)" and inserting "(b) CONSIDERATION OF AREA NEEDS.—(1)"; and

(2) by adding at the end thereof the following new paragraphs:

"(2) Beginning on April 1, 1993, the Secretary of the Army may not establish any confined spoil disposal facility in the waters of the Great Lakes unless—

"(A)(i) the Administrator has concurred in writing with the decision of the Secretary to establish the facility, and the concurrence is based on—

"(I) a consideration of the environmental and economic benefits of using a confined spoil disposal facility to remove contaminated sediment from the aquatic habitat; and

"(II) a determination that the facility will not affect the area surrounding the facility in a manner that is inconsistent with the guidelines established pursuant to paragraph (3); or

"(ii) a 45-day period beginning on the date on which the Administrator receives from the Secretary all material necessary to evaluate the proposed facility (or a 90-day period in the case in which the Administrator has requested an extension from the Secretary in writing) has expired, and the Administrator has not—

"(I) concurred with the decision of the Secretary; or

"(II) declined concurrence with the decision of the Secretary; and

"(B) the Secretary has—

"(I) provided an opportunity for public review and comment; and

"(II) determined that the facility will not affect the area surrounding the facility in a manner that is inconsistent with the guidelines established pursuant to paragraph (3).

"(3)(A) Not later than December 31, 1994, the Administrator shall, with respect to each confined spoil disposal facility located in the waters of the Great Lakes—

"(i) evaluate the present and projected integrity of the facility; and

"(ii) assess the environmental consequences of the facility.

"(B) Not later than December 31, 1994, the Administrator, in consultation with the Secretary of the Army, shall identify any confined spoil disposal facility located in the waters of the Great Lakes that is affecting, or projected to affect, the area surrounding the facility in a manner that is inconsistent with the guidelines established pursuant to paragraph (3).

"(4) Not later than December 31, 1994, the Administrator in conjunction with the Secretary of the Army and Director of the United States Fish and Wildlife Service, shall develop and implement a management plan for each confined spoil disposal facility located in the waters of the Great Lakes. In developing a plan, the Administrator shall provide opportunity for public comment. Each plan shall include the following:

"(A) A baseline assessment of conditions at the site.

"(B) A program for monitoring the site.

"(C) Any special management conditions or practices that are necessary for protection of human health, wildlife, and the environment.

"(D) A consideration of the quantity of the material to be disposed of at the site, and the presence, nature and bioavailability of contaminants in the material.

"(E) A consideration of the anticipated use of the site over the long term including the anticipated closure date for the site, if applicable, and any need for management of the site after its closure.

"(F) Any restrictions on public access to confined spoil disposal facilities that are necessary for environmental, safety, and health reasons.

"(G) A schedule for review and revision of the plan, which shall be reviewed and revised not later than 10 years after the date of adoption, and every 10 years thereafter.

"(5)(A)(i) Not later than December 31, 1996, the Secretary of the Army shall, in consultation with the Director of the United States Fish and Wildlife Service and the host State and local sponsors—

"(I) develop a confined spoil disposal facility remediation plan for each confined spoil disposal facility identified in paragraph (3)(B); and

"(II) submit each remediation plan referred to in subclause (I) to the Administrator.

"(ii) The remediation plan referred to in clause (i)(I) shall include a schedule of engineered improvements, closure, or restrictions of the facility or other measures to ensure that the facility will not affect the surrounding area in a manner that is inconsistent with the guidelines developed pursuant to paragraph (3).

"(B) Any confined spoil disposal facility remediation plan that recommends restriction or closure of the confined spoil disposal facility shall—

"(i) identify appropriate alternative disposal options, including the estimated costs of the alternatives; and

"(ii) include a schedule for initiating the alternatives, if applicable.

"(C) The Administrator, in consultation with the Director of the United States Fish and Wildlife Service and the host State and local sponsors, shall not later than 90 days after receipt of a confined spoil disposal facility remediation plan, make a determination whether to approve the plan.

"(6)(A) The Secretary of the Army is authorized to design, engineer, and construct components of any confined spoil disposal facility remediation plan in a manner consistent with this section.

"(B) If, by January 1, 1999, a confined spoil disposal facility remediation plan has not been undertaken for a confined spoil disposal facility identified under paragraph (3)(B), the Administrator shall terminate the continued use of the confined spoil disposal facility.

"(7) On and after the date of enactment of this paragraph, the Secretary of the Army shall continue dredging and disposal operations in the Great Lakes basin to maintain current navigational channels in a manner that is consistent with this section.

"(8) Nothing in this section is intended to prohibit the Administrator from considering other relevant environmental laws (including regulations), or such other criteria as the Administrator determines to be appropriate, in making concurrence decisions based on the guidelines developed pursuant to paragraph (3).".

(e) GENERAL AMENDMENTS.—Section 123 of the River and Harbor Act of 1970 (33 U.S.C. 1293a) is amended—

(1) in subsection (c), by striking "(c)" and inserting "(c) WRITTEN AGREEMENT.—";

(2) in subsection (d), by striking "(d)" and inserting "(d) WAIVER OF CONSTRUCTION COSTS.—";

(3) in subsection (e), by striking "(e)" and inserting "(e) FEDERAL PAYMENT OF COSTS.—";

(4) in subsection (f), by striking "(f)" and inserting "(f) PROPERTY INTERESTS.—";

(5) in subsection (g), by striking "(g)" and inserting "(g) FEDERAL LICENSES OR PERMITS.—";

(6) in subsections (c) and (f), by inserting "and the Administrator" after "Secretary of the Army" each place it appears;

(7) by redesignating subsections (h) through (k) as subsections (i) through (l), respectively;

(8) in subsection (i), as redesignated by paragraph (7)—

(A) by striking "(i)" the first place it appears and inserting "(i) PROVISIONS APPLICABLE TO GREAT LAKES.—"; and

(B) striking "other than subsection (i)" and inserting "other than subsection (j)";

(9) in subsection (j), as redesignated by paragraph (7), by striking "(j)" and inserting "(j) RESEARCH, STUDY AND EXPERIMENTATION PROGRAM.—";

(10) in subsection (k), as redesignated by paragraph (7), by striking "The Secretary" and inserting "Except as provided in subsection (b)(6)(B), the Secretary";

(11) by inserting after subsection (g) the following new subsection:

"(h) PERMIT REQUIREMENTS.—(1) Beginning on December 31, 1994, any person who disposes of dredge spoil at a confined spoil disposal facility shall obtain from the Secretary of the Army, with the concurrence of the Administrator, a permit that specifies conditions for the disposal. The permit shall be in the form, and under the conditions, described in subsection (a)(2).

"(2) A permit issued pursuant to this subsection shall specify such conditions as are necessary to ensure that disposal at the confined spoil disposal facility will be consistent with the management plan for the confined spoil disposal facility that is the subject of the permit.

"(3) A permit issued pursuant to this subsection shall be issued for the term of the disposal activity specified pursuant to paragraph (1), except that no permit shall be issued for a period of more than 7 years.

"(4) A permit issued pursuant to this subsection shall include such conditions concerning monitoring and assessment as are necessary to determine compliance with the permit."; and

(12) by adding at the end of the section the following new subsections:

"(m) GREAT LAKES TRIBUTARY SEDIMENT TRANSPORT MODELS.—(1) For each major river system or set of major river systems that flows into a Great Lakes federally authorized commercial harbor, channel maintenance project site, or area of concern, the Secretary of the Army, in cooperation and coordination with the Administrator, and in consultation and coordination with the Great Lakes States, the heads of the Soil Conservation Service of the Department of Agriculture, the Geological Survey and the United States Fish and Wildlife Service of the Department of the Interior, shall develop a tributary sediment transport model.

"(2) Each model referred to in paragraph (1) shall—

"(A) measure stream discharge rates, total suspended solids loadings, and bedload transport;

"(B) measure additional parameters, such as nitrates, phosphates, persistent toxic substances, and heavy metals, on a river-by-river basis in accordance with any agreement between the Secretary of the Army, the Administrator, the host State and any other relevant non-Federal entity;

"(C) estimate the percentage of total sediment loadings into the harbors, channels and areas of concern originating from each subwatershed of river system; and

"(D) characterize the physical nature of the sediment materials.

"(3) In developing a tributary sediment transport model under this subsection, the Secretary of the Army shall—

"(A) coordinate tributary sediment transport modeling efforts with the efforts of the Administrator to produce comprehensive Lakewide Management Plans, Remedial Action Plans, and mass balance models;

"(B) build upon data and monitoring infrastructure generated in earlier studies and programs; and

"(C) complete models for an additional 30 river systems within the 5-year period beginning on the date of enactment of this subsection.

"(n) SEDIMENT LOAD REDUCTION.—(1)(A) Not later than 18 months after the date of enactment of this subsection, the Secretary of the Army, with the concurrence of the Administrator, and in consultation and coordination with the Great Lakes States, the heads of the Soil Conservation Service of the Department of Agriculture, the United States Geologic Survey of the Department of the Interior, and the heads of such other Federal agencies as the Administrator determines to be appropriate, shall—

"(i) develop an analytical method to project the effectiveness and efficiency of sediment source reduction approaches and scenarios in reducing upstream sediment loadings into specific Great Lakes federally authorized commercial harbors, channel maintenance project sites, and areas of concern of the Great Lakes;

"(ii) for each model developed under subsection (m), use the method described in clause (i) to conduct sediment load reduction analyses to estimate the potential effectiveness and efficiency of upstream sediment source reduction approaches and scenarios to reduce sedimentation in Great Lakes federally authorized commercial harbors, channel maintenance sites, and areas of concern of the Great Lakes; and

"(iii) provide sediment load reduction analysis information to the Administrator appropriate States upon request regarding river systems within their jurisdictions.

"(B) In developing and using the analytical method described in subparagraph (A)(i), the Secretary of the Army shall consider only those sediment reduction approaches and scenarios that are consistent with—

"(i) the guidance issued pursuant to section 6217(g) of the Omnibus Budget Reconciliation Act of 1990 (16 U.S.C. 1455b(g)) where applicable;

"(ii) relevant State nonpoint source pollution control programs that have been approved in a manner consistent with section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329); and

"(iii) recommendations of any relevant Remedial Action Plans and programs and measures contained in Annex 3 of the Great Lakes Water Quality Agreement and the supplement to the Annex.

"(2)(A) The Secretary of the Army shall in cooperation with the Administrator, and within three months of the date of appropriations transfer funds appropriated pursuant to subsection (o)(1) of this Act to the Environmental Protection Agency for the purpose of making grants to States pursuant to section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329) for specific projects to reduce the erosion that contributes to the sedimentation of federally authorized commercial harbors, channel maintenance project sites, and areas of concern.

"(B) A State or a group of States, on the initiative of the State or group of States or at the request of a remedial action planning committee, local government, port authority, or any other governmental, public, or private entity, may submit a proposal for funding for a project pursuant to this paragraph.

"(C) A grant from funds made available pursuant to this paragraph shall be—

"(i) awarded only for a project conducted by a State (or a group of States) that is incorporated in the nonpoint source pollution control program of the State (or, with respect to a project conducted by each recipient State (under applicable provisions of section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329)));

"(ii) in conformity with the guidance issued pursuant to section 6217(g) of the Omnibus Budget Reconciliation Act of 1990 (16 U.S.C. 1455b(g));

"(iii) consistent with the recommendations of any relevant Remedial Action Plans and Lakewide Management Plans;

"(iv) administered by agencies designated in the nonpoint source management program of the State;

"(v) improve water quality; and

"(vi) have the potential to reduce projected dredging costs, including environmental dredging, in an amount comparable to the cost of the erosion control project, within the lifetime of the dredging project.

"(3) To carry out a project under this subsection, a State may award grants from funds made available under this subsection for the implementation of an erosion control measure. The amount of each grant under this paragraph may not exceed 75 percent of the cost erosion control measure.

"(4)(A) Each grant under this section shall be in such amount and subject to such conditions as the Secretary of the Army, with the concurrence of the Administrator, shall determine.

"(B) The Federal share of a grant made under this subsection shall be an amount equal to 75 percent of the cost of the project funded by the grant.

"(C) The State share of a grant made under this subsection shall be provided from non-Federal sources.

"(o) AUTHORIZATIONS.—(1) There are authorized to be appropriated, to the Department of the Army, to carry out subsections (m) and (n), $15,000,000 for each of fiscal years 1994 through 1999. Not less than 50 percent of the amounts authorized in this paragraph shall be reserved for the implementation of subsection (n)(2).

"(2) In addition to the amounts authorized to be appropriated under paragraph (1), there are authorized to be appropriated to the Department of the Army and the Environmental Protection Agency such sums as may be necessary to carry out the provisions of this section relating to the management and remediation of confined spoil disposal facilities and the issuance of permits for the facilities.

"(p) DEFINITIONS.—As used in this section:

"(1) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(2) The term 'area of concern' has the meaning given the term under section 118(a)(3)(F) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3)(F)).

"(3) The term 'Great Lakes States' has the meaning given the term under section 118(a)(3)(G) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3)(G)).

"(4) The term 'Great Lakes Water Quality Agreement' has the meaning given the term under section 118(a)(3)(H) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3)(H)).

"(5) The term 'Lakewide Management Plan' has the meaning given the term under section 118(a)(3)(I) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3)(I)).

"(6) The term 'Remedial Action Plan' has the meaning given the term under section 118(a)(3)(J) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3)(J)).

"(7) The term 'remedial action planning committee' means a committee that is involved in the development of a Remedial Action Plan.".

By Mr. METZENBAUM:

S. 76. A bill to establish a grant program under the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by individuals under the age of 16; to the Committee on Commerce, Science, and Transportation.

CHILDREN'S BICYCLE HELMET SAFETY ACT

Mr. METZENBAUM. Mr. President, I rise to introduce legislation encouraging the use of bicycle helmets by children. The Senate passed this legislation last year. Unfortunately, however, the House did not take up the measure in the closing hours of the 102d Congress.

The need for this legislation is real. Children and young people have more head injuries than any other group. In fact, according to the organization national safe kids campaign two-thirds of all bicycle-related head injuries occurred among American children under age 14. In 1990, 400 children died as a result of head injuries caused by bicycle accidents.

Deaths and injuries from bicycle accidents cost society billions of dollars annually. One child suffering from a head injury, on average, will cost society $4.5 million over the child's lifetime.

Bicycle helmets work. Their proper use has been shown to reduce the risk of head injury by 85 percent. That's why States and localities have begun to adopt laws requiring or encouraging bicycle helmet use by children. Congress should help foster these efforts.

The legislation I am introducing today will do just that. My bill will make available a total of $9 million in grant money to States, localities and non-profit organizations that require or encourage individuals under the age of 16 to wear bicycle helmets. The money can be used to set up a bicycle helmet bank for underprivileged children, for enforcement purposes or to educate children and their families about the benefits of helmets.

The legislation will also require the Consumer Product Safety Commission to issue uniform safety standards for adult- and child-size bicycle helmets. It makes sense to ensure that if children are wearing helmets that these helmets be made of solid, safe construction. Bicycle helmets sold in the United States today do not have to meet any safety standards. Voluntary bicycle helmet standards exist but they are not uniform and are based on inadequate testing.

Mr. President, only 5 percent of the children in this country who ride bicycles wear helmets. For safety's sake, we can and must do better. I urge colleagues to support me in this endeavor.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 76

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Bicycle Helmet Safety Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) 90 million Americans ride bicycles and 20 million ride a bicycle more than once a week;

(2) between 1984 and 1988, 2,985 bicyclists in the United States died from head injuries and 905,752 suffered head injuries that were treated in hospital emergency rooms;

(3) 41 percent of bicycle-related head injury deaths and 76 percent of bicycle-related head injuries occurred among American children under age 15;

(4) deaths and injuries from bicycle accidents cost society $7.6 billion annually; and a child suffering from a head injury, on average, will cost society $4.5 million over the child's lifetime;

(5) universal use of bicycle helmets in the United States would have prevented 2,600 deaths from head injuries and 757,000 injuries; and

(6) only 5 percent of children in the Nation who ride bicycles wear helmets.

SEC. 3. ESTABLISHMENT OF PROGRAM.

The Administrator of the National Highway Traffic Safety Administration may, in accordance with section 4, make grants to States and State political subdivisions for programs that require or encourage individuals under the age of 16 to wear approved bicycle helmets. In making those grants, the Administrator shall allow grantees to use wide discretion in designing programs that effectively promote increased bicycle helmet use.

SEC. 4. PURPOSES FOR GRANTS.

A grant made under section 3 may be used by a grantee to—

(1) enforce a law that requires individuals under the age of 16 to wear approved bicycle helmets on their heads while riding on bicycles;

(2) assist individuals under the age of 16 to acquire approved bicycle helmets;

(3) develop and administer a program to educate individuals under the age of 16 and their families on the importance of wearing such helmets in order to improve bicycle safety; or

(4) carry out any combination of the activities described in paragraphs (1), (2), and (3).

SEC. 5. STANDARDS.

(a) IN GENERAL.—Bicycle helmets manufactured 9 months or more after the date of the enactment of this Act shall conform to—

(1) any interim standard described under subsection (b), pending the establishment of a final standard pursuant to subsection (c); and

(2) the final standard, once it has been established under subsection (c).

(b) INTERIM STANDARDS.—The interim standards are as follows:

(1) The American National Standards Institute standard designated as "Z90.4–1984".

(2) the Snell Memorial Foundation standard designated as "B–90".

(3) Any other standard that the Consumer Product Safety Commission determines is appropriate.

(c) FINAL STANDARD.—Not later than 60 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall begin a proceeding under section 553 of title 5, United States Code, to—

(1) review the requirements of the interim standards set forth in subsection (a) and establish a final standard based on such requirements;

(2) include in the final standard a provision to protect against the risk of helmets coming off the heads of bicycle riders;

(3) include in the final standard provisions that address the risk of injury to children; and

(4) include additional provisions as appropriate.

Sections 7 and 9 of the Consumer Product Safety Act (15 U.S.C. 2056 and 2058) shall not apply to the proceeding under this subsection and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding. The final standard shall take effect 1 year from the date it is issued.

(d) FAILURE TO MEET STANDARDS.—

(1) FAILURE TO MEET INTERIM STANDARD.—Until the final standard takes effect, a bicycle helmet that does not conform to an in-

terim standard as required under subsection (a)(1) shall be considered in violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.

(2) STATUS OF FINAL STANDARD.—The final standard developed under subsection (c) shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

For the National Highway Safety Administration to carry out the grant program authorized by this Act, there are authorized to be appropriated $2,000,000 for fiscal year 1994, $3,000,000 for fiscal year 1995, and $4,000,000 for fiscal year 1996.

SEC. 7. DEFINITION.

In this Act, the term "approved bicycle helmet" means a bicycle helmet that meets—

(1) any interim standard described in section 5(b), pending establishment of a final standard under section 5(c); and

(2) the final standard, once it is established under section 5(c).

By Mr. THURMOND (for himself and Mr. DECONCINI):

S. 77. A bill to amend title 18 to limit the application of the exclusionary rule; to the Committee on the Judiciary.

EXCLUSIONARY RULE LIMITATION ACT

Mr. THURMOND. Mr. President, today, I rise to introduce a bill which would codify the good faith exception to the exclusionary rule that has been recognized by the Supreme Court.

The legislation that I am offering today is similar to measures I have introduced in the last four Congresses and to a proposal which passed the Senate by a vote of 63–24 in 1984. Although the House of Representatives passed similar legislation during the last three Congresses, the Senate failed to pass this proposal.

The exclusionary rule is a judicially created remedy for violations by law enforcement officers of the fourth amendment prohibition against illegal searches and seizures. More simply, if evidence is obtained by a law enforcement officer in violation of the fourth amendment, then that evidence will be excluded in a criminal trial. The exclusionary rule is an important principle since it helps to insure that law enforcement officers not be allowed to randomly enter our homes or private places and search without just cause.

However, since the creation of the exclusionary rule remedy in 1914, in Weeks versus California, the Supreme Court has recognized exceptions when the exclusionary rule should not apply. This measure addresses one of those exceptions. This legislation codifies the Court's holding in United States versus Leon to provide that evidence obtained pursuant to a warrant which is later found to be defective will not be excluded if the law enforcement officer acted in objective good faith. Objective good faith would be established if the circumstance surrounding the search justify an objectively reasonable belief that it was in conformity with the fourth amendment. This bill also extends this exception to warrantless searches.

Mr. President, the bill that I am introducing today neither authorizes nor encourages law enforcement officers to disregard the fourth amendment and randomly search a person's home. What it does is address the legal loophole that often allows a criminal to go free, irrespective of guilt or innocence, when evidence crucial to a criminal proceeding is suppressed. The goal of the exclusionary rule is to deter law enforcement conduct that violates the fourth amendment. Therefore, if a law enforcement officer's conduct is executing a search is in conformance with the fourth amendment, applying the exclusionary rules does not serve as a deterrent. It should be noted that the determination as to whether the officer conducted the search in objective good faith would be made by the Court based on the circumstances surrounding the search. Of course if the officer's conduct did not exhibit objective good faith, the evidence would not be allowed. This amendment is a reasonable extension of the exception currently recognized by the Supreme Court.

We are well aware of the fact that the exclusion of evidence most often results in the release of the accused. This is a high price to pay for nonconstitutional violations. Therefore, I think it wise to preclude the use of the exclusionary rule in these situations unless Congress so provides. This legislation will aid in the apprehension and prosecution of criminals without sacrificing the principles of the fourth amendment.

In an effort to work toward a bipartisan comprehensive crime bill last Congress, I agreed to not pursue passage of this measure. However, efforts failed to produce a true, tough crime bill that would punish vicious criminals. This Congress, I plan to strongly pursue this, and other, vital criminal law reform measures which will ensure that vicious criminals are appropriately punished. I strongly urge my colleagues to support this vital measure and hope that we will act without delay.

I ask unanimous consent that the full text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 77

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Exclusionary Rule Limitation Act of 1993".

SEC. 2. (a) Chapter 223 of title 18, United States Code, is amended by adding the following two sections:

"§ 3508. Limitation of the fourth amendment exclusionary rule

"Evidence which is obtained as a result of a search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment to the Constitution of the United States, if the search or seizure was undertaken in an objectively reasonable belief that it was in conformity with the fourth amendment. A showing that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of such a reasonable belief, unless the warrant was obtained through intentional and material misrepresentation.

"§ 3509. General limitation of the exclusionary rule

"Except as specifically provided by statute or rule of procedure, evidence which is otherwise admissible shall not be excluded in a proceeding in a court of the United States on the ground that the evidence was obtained in violation of a statute or rule of procedure, or of a regulation issued pursuant thereto.".

(b) The table of sections of chapter 223 of title 18, United States Code, is amended by adding at the end thereof:

"3508. Limitation of the fourth amendment exclusionary rule.

"3509. General limitation of the exclusionary rule.".

By Mr. THURMOND (for himself and Mr. DECONCINI):

S. 78. A bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts; to the Committee on the Judiciary.

JUDICIAL TAXATION PROHIBITION ACT

Mr. THURMOND. Mr. President, I rise today to introduce legislation to prohibit Federal judges from ordering new taxes or ordering increases in existing tax rates as a judicial remedy.

In 1990, the Supreme Court decided in Missouri versus Jenkins to allow Federal judges to order new taxes or tax increases as a judicial remedy. It is my firm belief that this narrow 5–4 decision permits Federal judges to exceed their proper boundaries of jurisdiction and authority under the Constitution.

Mr. President, this ruling and congressional response raises two constitutional issues which warrant discussion. One I mentioned earlier is whether Federal courts have authority under the Constitution to inject themselves into the legislative area of taxation. The second constitutional issue arises in light of the Judicial Taxation Prohibition Act which I am now introducing to restrict the remedial jurisdiction of the Federal courts. This narrowly drafted legislation would prohibit Federal judges from ordering new taxes or ordering increases in existing tax rates. I believe it is clear under article III that the Congress has the authority to restrict the remedial jurisdiction of the Federal courts in this fashion.

First, I want to speak on the issue of judicial taxation. Not since Great Britain's ministry of George Greenville in 1765 have the American people faced the assault of taxation without representation as now authorized in the Jenkins decision.

As part of his imperial reforms to tighten British control in the Colonies, Greenville pushed the Stamp Act through the Parliament in 1765. This Act required excise duties to be paid by the colonists in the form of revenue stamps affixed to a variety of legal documents. This action came at a time when the Colonies were in an uproar over the Sugar Act of 1764 which levied duties on certain imports such as sugar, indigo, coffee, linens and other items.

The ensuing firestorm of debate in America centered on the power of Britain to tax the Colonies. James Otis, a young Boston attorney, echoed the opinion of most colonists stating that the Parliament did not have power to tax the Colonies because Americans had no representation in that body. Mr. Otis had been attributed in 1761 with the statement that "taxation without representation is tyranny."

In October 1765, delegates from nine States were sent to New York as part of the Stamp Act Congress to protest the new law. It was during this time that John Adams wrote in opposition to the Stamp Act, "We have always understood it to be a grand and fundamental principle * * * that no freeman shall be subject to any tax to which he has not given his own consent, in person or by proxy." A number of resolutions were adopted by the Stamp Act Congress protesting the acts of Parliament. One resolution stated, "It is inseparably essential to the freedom of a people * * * that no taxes be imposed on them, but with their own consent, given personally or by their representatives." The resolutions concluded that the Stamp Act had a "manifest tendency to subvert the rights and liberties of the colonists."

Opposition to the Stamp Act was vehemently continued through the Colonies in pamphlet form. These pamphlets asserted that the basic premise of a free government included taxation of the people by themselves or through their representatives.

Other Americans reacted to the Stamp Act by rioting, intimidating tax collectors, and boycotts directed against England. While Grenville's successor was determined to repeal the law, the social, economic and political climate in the Colonies brought on the American Revolution. The principles expressed during the earlier crisis against taxation without representation became firmly imbedded in our Federal Constitution of 1787.

Yet, the Supreme Court has overlooked this fundamental lesson in American history. The Jenkins decision extends the power of the judiciary into an area which has traditionally been reserved as a legislative function within the Federal, State, and local governments. In the Federalist No. 48, James Madison explained that in our democratic system, "the legislative branch alone has access to the pockets of the people."

This idea has remained steadfast in America for over 200 years. Elected officials with authority to tax are directly accountable to the people who give their consent to taxation through the ballot box. The shield of accountability against unwarranted taxes has been removed now that the Supreme Court has sanctioned judicially imposed taxes. The American citizenry lacks adequate protection when they are subject to taxation by unelected, life tenured Federal judges.

There are many programs and projects competing for a finite number of tax dollars. The public debate surrounding taxation is always intense. Sensitive discussions are held by elected officials and their constituents concerning increases and expenditures of scarce tax dollars. To allow Federal judges to impose taxes is to discount valuable public debate concerning priorities for expenditures of a limited public resource.

Mr. President, the dispositive issue presented by the Jenkins decision is whether the American people want, as a matter of national policy, to be exposed to taxation without their consent by an independent and insulated judiciary. I most assuredly believe they do not.

This bring us to the second constitutional issue which we must address in light of the Jenkins decision. That issue is congressional authority under the Constitution to limit the remedial jurisdiction of lower Federal courts established by the Congress. Article III, section 1, of the Constitution provides jurisdiction to the lower Federal courts as the "Congress may from time to time ordain and establish." There is no mandate in the Constitution to confer equity jurisdiction to the inferior Federal courts. Congress has the flexibility under article III to "ordain and establish" the lower Federal courts as it deems appropriate. This basic premise has been upheld by the Supreme Court in a number of cases including Lockerty versus Phillips, Lauf versus E.G. Skinner and Co., Kline versus Burke Construction Co., and Sheldon versus Sill.

This legislation would preclude the lower Federal courts from issuing any order or decree requiring imposition of "any new tax or to increase any existing tax or tax rate." I firmly believe that this language is wholly consistent with congressional authority under article III, section 1 of the Constitution.

There is nothing in this legislation which would restrict the power of the Federal courts from hearing constitutional claims. It accords due respect to all the provisions of the Constitution and merely limits the availability of a particular judicial remedy which has traditionally been a legislative function. The objective of this legislation is straightforward, to prohibit Federal courts from increasing taxes. The language in this bill applies to the inferior Federal courts and does not deny claimants judicial access to seek redress of any Federal constitutional right.

Mr. President, how long will it be before a Federal judge orders tax increases to build new highways or prisons? I do not believe the Founding Fathers had this type of activism in mind when they established the judicial branch of government. The role of the judiciary is to interpret the law. The power to tax is an exclusive legislative right belonging to the Congress and the individual States. We are accountable to the citizens and must justify any new taxes. The American people deserve a timely response to the Jenkins decision and we must provide protection against the imposition of taxes by an independent judiciary.

Mr. President, I ask unanimous consent that this proposal be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 78

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Taxation Prohibition Act".

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) a variety of effective and appropriate judicial remedies are available for the full redress of legal and constitutional violations under existing law, and that the imposition or increase of taxes by courts is neither necessary nor appropriate for the full and effective exercise of Federal court jurisdiction;

(2) the imposition or increase of taxes by judicial order constitutes an unauthorized and inappropriate exercise of the judicial power under the Constitution of the United States and is incompatible with traditional principles of American law and government and the basic American principle that taxation without representation is tyranny;

(3) Federal courts exceed the proper boundaries of their limited jurisdiction and authority under the Constitution of the United States, and impermissibly intrude on the legislative function in a democratic system of government, when they issue orders requiring the imposition of new taxes or the increase of existing taxes; and

(4) the Congress retains the authority under article III, sections 1 and 2 of the Constitution of the United States to limit and regulate the jurisdiction of the inferior Federal courts which it has seen fit to establish, and such authority includes the power to limit the remedial authority of inferior Federal courts.

SEC. 3. AMENDMENT TO TITLE 28.

(a) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by adding between sections 1341 and 1342, the following new section:

"§ 1341A. Prohibition of judicial imposition or increase of taxes.

"(a) Notwithstanding any other provision of law, no inferior court established by Congress shall have jurisdiction to issue any remedy, order, injunction, writ, judgment, or other judicial decree requiring the Federal Government or any State or local government to impose any new tax or to increase any existing tax or tax rate.

"(b) Nothing in this section shall prohibit inferior Federal courts from ordering duly authorized remedies, otherwise within their jurisdiction, which may require expenditures by Federal, State, or local government where such expenditures are necessary to effectuate such remedies.

"(c) For purposes of this section, the term 'tax' includes—

"(1) personal income taxes;

"(2) real and personal property taxes;

"(3) sales and transfer taxes;

"(4) estate and gift taxes;

"(5) excise taxes;

"(6) user taxes;

"(7) corporate and business income taxes; and

"(8) licensing fees or taxes.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 85 is amended by inserting between the item relating to section 1341 and the item relating to section 1342, the following new item:

"1341A. Prohibition of judicial imposition or increase of taxes.".

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of enactment.

By Mr. DECONCINI:

S. 79. A bill to restore public confidence in the performance and merits of elected officials and Federal employees; to the Committee on Governmental Affairs.

RESTORING CONFIDENCE IN ELECTED OFFICIALS AND FEDERAL EMPLOYEES

Mr. DECONCINI. Mr. President, Americans spoke loudly and clearly in the November election. They let it be known that their No. 1 concern was getting their country moving in the right direction again. Equal to America's concern about the economy is their overwhelming interest in ensuring that their Government and its officials be above reproach.

Our country's Founders conceived of a government "of the people, by the people and for the people." Sadly, there has been a loss of public confidence in both the executive and legislative branches of government as the media report scandal after scandal. We have a picture of a government whose officials and employees are more dedicated to personal gain than to public service. I am introducing legislation today that I hope will restore public confidence in government by guaranteeing that no one uses his or her elected office or term of public service for personal advancement or the advancement of a special interest, particularly a foreign government or interest abroad.

My bill will permanently ban former top executive department and legislative officials, including former Presidents, Vice-Presidents, Members of Congress, trade negotiators, and other top political appointees from becoming a foreign agent or lobbyist for a foreign corporation not certified or registered in the United States after their period of public service ends. In order to ensure responsible public service throughout the Federal Government, all appointees or employees below this level would not be able to act as a foreign agent or lobbyist for a foreign corporation for 2 years immediately following their Government employment.

Also fundamental to restoring confidence in our Government is ensuring that the public is provided appropriate information concerning any potential conflicts of interest by Government employees and officials. My bill would require that those people in the executive and legislative branches of the Government or in the military who are in a position to influence legislation, executive rulemaking or military decisions, file financial disclosure forms which would be available to the public.

In his inaugural address, President Clinton pledged to renew and revitalize our democracy. Certainly, ending the revolving door between Government and special interests is vital to that pursuit. In order to accomplish that goal, my bill would lengthen the period of time from 1 to 5 years during which all former government office holders and employees are prohibited from lobbying the office in which he or she served while in government. The bill also closes loopholes in the Foreign Agents Registration Act by broadening the Act to cover all actions not precisely limited to legitimate first amendment rights or actual legal representation.

Persons who knowingly and willingly violate the provisions of the bill would be forced to forfeit their pension and other benefits accrued during their public service. Those who misuse public service for personal gain should not be permitted to reap the benefits he or she accrued while a public servant. In addition to this legislation, I also intend to look further into the issue of lobbying by former government officials and employees on matters with which they were substantially involved while in government service.

This bill addresses an interest fundamental to all Americans—ensuring the integrity of our constitutional democracy. It is my hope that hearings will be held by the Senate in the near future so that these issues can be thoroughly examined. I am hopeful that this, along with other proposals designed to eliminate the revolving door, will be quickly enacted. Government officials and public employees must not trade their service for future private gain; they must serve the public's interests, not special interests. Only if we take action on these issues can we begin to restore the public's trust in government.

By Mr. NICKLES (for himself, Mr. REID, Mr. SHELBY, Mr. MCCAIN, Mr. BOND, Mr. MCCONNELL, and Mr. HELMS):

S. 81. A bill to require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, and for other purposes; to the Committee on Governmental Affairs.

ECONOMIC AND EMPLOYMENT IMPACT ACT

• Mr. NICKLES. Mr. President, today Senator REID and I along with several of my colleagues, are reintroducing legislation first introduced last Congress, the Economic and Employment Impact Act which will require a full disclosure of all costs associated with legislation considered by Congress as well as any regulations promulgated by a Federal agency.

According to one of the latest studies published in 1991, the total annual cost of Federal regulation was upward of $562 billion dollars and is projected to be as much as $688 billion by the year 2000. While the American taxpayer is aware of the costs of Government that show up in the Federal budget, we are less sensitive to the hidden cost of troublesome legislative and regulatory burdens. According to the 1991 report on the cost of regulation done by Thomas Hopkins at the Rochester Institute of Technology, total regulatory cost per household in 1992 will be $4,272 and will rise to $4,647 in the year 2000.

Often, Congress fails to consider how much a new law or regulation increases the cost of products and services to consumers or the loss in jobs when businesses have to cut back in response to growing Federal demands. The Economic and Employment Impact Act will make Congress and the administration aware of the impact, positive and negative, that legislation has on the private sector, individuals, and State and local governments.

The act would require that all legislation considered by Congress be accompanied by an economic and employment impact statement. The statements will contain the positive and negative effects on employment, Gross Domestic Product, the ability of U.S. industries to complete internationally, and the cost to consumers. Further, it would require that final regulations and proposed regulations promulgated by executive branch agencies also be accompanied by such a statement.

To prevent an unwarranted delay in the legislative and regulatory process, a detailed assessment will not be required if a preliminary analysis indicates that the aggregate effect of the legislation is less than $100 million or results in reduced employment of less than 10,000 jobs. Congress may also waive the provisions regarding the impact statement by a three-fifths vote of either House.

Similar legislation was unanimously agreed to in the form of an amendment I authored during the 100th Congress.

With that, Congress has sent a signal to our Nation's citizens that it cares about out-of-control Federal mandates and is ready to take steps to rectify its excessive regulation.

I do not believe economic forecasts are perfect and economists are not oracles. However, economists have tools which governments and industries around the world use every day. But today Congress is not getting the best available economic advice on how a new law or regulation will affect the vast and varied American economy until after the fact. Congress is not applying these economic tools to the vast number of pressing issues that face the Nation.

Some will say the purpose of this legislation is to hinder the regulatory and legislative process—not so. The intent of this legislation is to establish a process to ensure better and more efficient regulation. The process this legislation establishes does not pass judgment on whether a bill or regulation is good or bad but simply completes the formula as Congress considers legislation and the executive branch promulgates regulation.

Mr. Hopkins sums it up best in his paper, the "Cost of Regulation":

> The point here is simply that enough evidence exists, however incomplete it may be, to suggest that regulatory costs are substantial and growing. The magnitudes are large enough to warrant a more vigorous effort to firm up these cost estimates and to examine regulatory benefits with greater care in the interests of more rational public policy.

While there are many seemingly good ideas out there in the form of new legislation, our economy simply cannot absorb every good idea coming down the pike. We must send the American people a positive signal by showing them we will only support good ideas that make sense to the economy and employment.•

By Mr. INOUYE:

S. 82. A bill to establish a higher education recruitment and retention initiative and a leadership for human survival initiative; to the Committee on Labor and Human Resources.

HIGHER EDUCATION RECRUITMENT AND RETENTION INITIATIVE

Mr. INOUYE. Mr. President, today I am introducing a bill to amend the National Science Foundation Act, to provide for the development and establishment of a higher education recruitment and retention initiative and of the leadership for human survival initiative.

First, this amendment will permit institutions with a specific interest in serving students from the Pacific Islands to expand their efforts to recruit and retain students from underprivileged backgrounds. Native Hawaiian, Native American Samoan, Micronesian, and Filipino students have little access to higher education both because of poor preparation and lack of resources. But, even when they are admitted into higher education, they almost always perform poorly and drop out before they complete their college degree. There are virtually no universities that provide the support services sensitive to the cultural and language diversity of these Pacific Islanders. In the State of Hawaii, the University of Hawaii at Hilo has developed innovative strategies in addressing the unique educational needs of Pacific Island students. They are committed in ensuring that more Native Hawaiian, Native American Samoan, Micronesian, and Filipino students are recruited and retained in college.

Students from these Pacific Islands bring with them a myriad of untapped resources that can enrich the institutions they attend and thus enhance our own education standards. We in turn can provide an immeasurable service to the people of these Pacific Island nations, for these students will return home to make important contributions to their communities.

The amendment that I have proposed would fund both the necessary recruiting efforts and the remedial programs needed to retain the students admitted into college. The University of Hawaii at Hilo has demonstrated undeniable expertise in the designing and implementation of such programs geared toward the nurturing of culturally diverse students with disadvantaged educational backgrounds. To assure the effectiveness of the proposed expenditure, the funds would be reserved for institutions that have already displayed a commitment to diversity by admitting significant numbers of students from these Pacific Islands. Such schools have already gained the experience necessary to appropriately serve Pacific Island students and can make the most effective use of our limited funds.

Second, this amendment will also provide for the development and establishment of the leadership for human survival initiative through science education. This innovative program will enhance the quality of life and the environment and ensure the survival of future generations. This rigorous college preparatory curriculum combines research in science and technology and research in history and culture. The program is designed to begin to develop high school students as future leaders of society. Students involved in this program will explore such areas as astronomy, oceanography, meteorology, aquaculture and agriculture, energy development, land and ocean resource management, engineering, conservation, etc. Such a program will prepare students for and encourage students to attend and graduate from college and to study math, science, and engineering. This is an extraordinary and a visionary project which combines the expertise of traditional native Hawaiian navigators and modern-day astronauts from NASA.

Funds will be provided to allow high school students to examine closely the relationships among natural resources, technology, and population to determine optimum carrying capacities and quality of life in a given environment, using Hawaii as a microcosm of the globe. It will develop a vision of how human beings can create a high quality of living using science and technology without destroying the limited resources on which human survival depends.

I am proposing that we appropriate $2 million for each of 3 years to fund a higher education recruitment and retention initiative to provide underprivileged Pacific Island students access to higher education and to fund the development and establishment of the leadership for human survival initiative. One million dollars shall be provided for each program respectively.

Several years ago, I supported the establishment of the same type of recruitment and retention program at the University of Hawaii John A. Burns School of Medicine, to train more Native Hawaiian and Pacific Island health professionals. When the program first began, there were only a handful of Native Hawaiian and Pacific Island students. Now, a large number of these students have graduated and returned to their communities and are making substantial contributions to the lives of their own people. The program has proven a success and we can use the same concept in providing for other professional degrees.

The proposed amendment expresses my faith that our education system is one of our Nation's most valuable resources, and that expanding access to our schools to Pacific Islanders is an important method of strengthening our education system, while aiding Pacific Island nations that are not presently prepared to provide their young citizens with higher education.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 82

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) PURPOSE.—It is the purpose of this section to develop, establish, and operate—

(1) a program to recruit for enrollment in an institution of higher education and graduate Native Hawaiian, Native American Samoan, Micronesian, and Filipino students; and

(2) a leadership for human survival initiative that encourages secondary school students to become future leaders by teaching such students through a curriculum developed by the Hokule'a and the National Aeronautics and Space Administration.

(b) HIGHER EDUCATION RECRUITMENT AND RETENTION INITIATIVE.—

(1) IN GENERAL.—The Director of the National Science Foundation shall award a grant to an institution of higher education to enable such institution to develop, establish, and operate a program to encourage Native Hawaiian, Native American Samoan, Micronesian, and Filipino students to enroll in a program of higher education. Such program shall—

(A) provide recruitment and enrollment assistance for such students to encourage such students to attend an institution of higher education;

(B) provide such students with assistance related to remaining in school and successfully completing their course of study; and

(C) encourage such students to study mathematics, science and engineering.

LIMITATION.—Grant under this subsection only shall be made to an institution of higher education with a strong record of recruiting and retaining at such insitution Native Hawaiian, Native American Samoan, Micronesian, and Filipino students.

(c) LEADERSHIP FOR HUMAN SURVIVAL INITIATIVE.—The Director of the National Science Foundation shall award a grant to the Polynesian Voyaging Society to enable such organization, in consultation with the National Aeronautics and Space Administration, to develop, establish, and operate a program to encourage secondary school students to become future leaders by training such students in human survival techniques and studying traditional conservation methods of populations indigenous to the Pacific Islands. Such program shall—

(1) train secondary school students to implement research on how modern science might solve a current human survival problem by analyzing how issues such as housing, food or energy production were addressed by populations indigenous to the Pacific Islands; and

(2) enable seconday students to explore topics such as alternative and renewable energy sources, fisheries and ocean resource development and management (reef or offshore), aquaculture and fishpond management, land resource development and management (forestry, agriculture, or land use planning), low-cost housing, alternative transportation (wind and solar driven land or sea transportation), pollution control and recycling.

(d) DEFINITIONS.—For the purpose of this section—

(1) the term "institution of higher education" has the same meaning givenn to such term by section 1201(a) of the Higher Education Act of 1965; and

(2) the term "secondary school" has the same meaning give to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out this Act, of which—

(1) $1,000,000 shall be available in each such fiscal year to carry out subsection (b); and

(2) $1,000,000 shall be available in each such fiscal year to carry out subsection (c).

By Mr. GRAMM (for himself, Mr. COCHRAN, Mr. LOTT, and Mr. SHELBY):

S. 83. A bill to ensure the preservation of the Gulf of Mexico by establishing a Gulf of Mexico Program; to the Committee on Environment and Public Works.

GULF OF MEXICO PRESERVATION ACT

• Mr. GRAMM. Mr. President, I rise today to introduce with Senators COCHRAN, LOTT, and SHELBY the Gulf of Mexico Preservation Act of 1993.

With 1,631 miles of coastline stretching from the Florida Everglades to Brownsville, TX, the Gulf of Mexico provides jobs and recreation to millions of Americans. The gulf supports over a third of the marine recreational fishing activities in the continental United States. It accounts for nearly 40 percent of domestic fishery landings and yields over 2.5 billion pounds of seafood each year. The gulf provides 83 percent of the oil and 97 percent of the natural gas produced offshore in the United States.

As anyone representing a Gulf State can tell you, the gulf's capacity to provide freely from its resources has been strained. Two-thirds of the waterways in the continental United States drain into the Gulf of Mexico, and increasing pollution from runoff and discharges has caused a loss of natural habitats for fish and wildlife. A dead zone of 3,000 square miles of oxygen-deficient bottom waters has been documented off the Louisiana and Texas coast, and pollution has caused the permanent or conditional closure of fisheries and shellfish growing areas. Garbage dumping by ships and other nations has choked the Texas coast with tons of plastic and other debris. In September 1991, the last year for which figures are available, volunteers cleaned up nearly 1 million pounds of marine trash from gulf beaches in just 1 day.

The Gulf of Mexico Preservation Act will establish a Gulf of Mexico Program within the Environmental Protection Agency similar to the existing Chesapeake Bay and Great Lakes programs. The Gulf Program will coordinate the efforts of Federal agencies, State and local authorities, and private interests to maintain the health and vitality of America's sea, the Gulf of Mexico.

The bill will require the program to create a comprehensive, multiyear plan for environmental protection in the gulf which recognizes the gulf's importance to the regional and national economy. The bill also creates a grant program which will enable the States to fund scientific research that will increase our base of knowledge for tackling the problems of the Gulf of Mexico and other marine areas. Finally, the bill authorizes the appropriation of substantial sums to the Gulf Program, bringing efforts there in line with existing efforts to protect other major water bodies.

It is my hope that my colleagues from around the country will recognize the Gulf of Mexico's importance to the entire Nation and join me in passing this vital legislation.•

By Mr. METZENBAUM (for himself, Mr. KENNEDY, Mr. BIDEN, and Mr. SIMON):

S. 84. A bill to modify the antitrust exemption applicable to the business of insurance; to the Committee on the Judiciary.

INSURANCE COMPETITIVE PRICING ACT

• Mr. METZENBAUM. Mr. President, today, I am introducing legislation to amend the McCarran-Ferguson Act to prohibit anticompetitive conduct by insurance companies. The bill repeals the industry's blanket exemption from the Federal antitrust laws. I am pleased to be joined in this effort by Senators BIDEN, KENNEDY, and SIMON in this effort.

This legislation has three goals: First, to recognize the current authority of the States to regulate insurance, second, to promote free competition in the sale of insurance by banning the most egregious forms of anticompetitive conduct, and third, to provide a safe harbor for certain joint activities by insurers, such as pooling historical loss data, which are essential to the business of insurance and which benefit consumers.

The McCarran-Ferguson antitrust exemption clearly has outlived any useful purpose that it might have had. Today, the case for repealing the insurance industry's blanket antitrust exemption is compelling. Insurance is vital to the Nation and no one can be secure without it. However, because insurance companies do not have to comply with our national policy of free competition, rates are higher than they should be and the availability of certain types of insurance is excessively limited.

The bill I introduce today strikes an appropriate balance between the pressing need for unfettered competition among insurers and the need for continued protection for certain procompetitive activities that benefit consumers. However, the bill does not seek to alter the application of the State action doctrine to insurers. In its 1992 decision in FTC versus Ticor Title Ins. Co., the Supreme Court provided further guidance on how State action immunity applies to the insurance industry. The bill does not affect the State action requirements articulated by the court.

Likewise, the bill does not prevent insurers from sharing information for the benefit of consumers. It contains designated safe harbors to permit insurers to engage in joint data collection. Essentially, the bill affirms what the courts have recognized; joint activities among the members of an industry that promote competition do not run afoul of the antitrust laws. Therefore, both the bill and prevailing antitrust law protect such procompetitive conduct.

However, the bill will permit appropriate challenges to blatantly anticompetitive conduct by insurers that is now immune from attack. Back room conspiracies to fix prices or sell worthless insurance will no longer be shielder from suit. Instead, the same standards of free and fair competition that apply to other industries will apply to insurance companies.

The insurance industry is too big and too important to American consumers to remain exempt from our Nation's antitrust laws. Access to insurance at affordable rates continues to be a critical program for individuals, small businesses, large companies, and even government agencies. Requiring insurance companies to abide by the rules of free competition will make an important contribution to resolving these problems. I urge my colleagues to support the bill.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 84

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Insurance Competitive Pricing Act of 1993".

SEC. 2. AMENDMENTS.

Section 2 of the Act of March 9, 1945 (59 Stat. 34; 15 U.S.C. 1012), commonly known as the McCarran Ferguson Act, is amended—

(1) in subsection (b)—

(A) by striking ": *Provided*, That after June 30, 1948,: and inserting "except that",

(B) by inserting "section 5 of" after "Clayton Act, and",

(C) by inserting "as such section 5 relates to monopolies, attempts or conspiracies to monopolize, and unlawful restraints of trade," after "Commission Act, as amended,", and

(D) by striking "that such Business" and all that follows through "law." and inserting the following:

"that—

"(1) such business is not regulated by State law; or

"(2) the conduct of a person engaged in such business involves—

"(A) price fixing;

"(B) allocation with a competitor a geographical area in which, or persons to whom, insurance will be offered for sale;

"(C) unlawful tying the sale or purchase of—

"(i) one type of insurance to the sale or purchase of another type of insurance; or

"(ii) any type of insurance to the sale or purchase of any other service or product; or

"(D) monopolizing, or attempting to monopolize, any part of the business of insurance.", and

(2) by adding at the end the following:

"(c) The conduct referred to in subsection (b)(2) shall not include making a contract, or engaging in a combination or conspiracy—

"(1) to collect, compile, or disseminate historical loss data;

"(2) to determine a loss development factor applicable to historical loss data; or

"(3) to perform actuarial services if such contract, combination, or conspiracy does not involve a restraint of trade.

"(d) For purposes of this section—

"(1) the term 'historical loss data' means information respecting claims paid, or reserves held for claims reported, by any person engaged in the business of insurance; and

"(2) the term 'loss development factor' means an adjustment to be made to reserves held for losses incurred for claims reported by any person engaged in the business of insurance, for the purpose of bringing such reserves to an ultimate paid basis."

SEC. 3. EFFECTIVE DATE.

This Act shall take effect 1 year after the date of the enactment of this Act.•

By Mr. METZENBAUM:

S. 85. A bill to provide for basic financial services; to the Committee on Banking, Housing, and Urban Affairs.

FINANCIAL SERVICES ACCESS ACT

• Mr. METZENBAUM. Mr. President, I rise to reintroduce legislation to provide low-cost banking services to the general public. It is high time we moved to enact legislation to provide affordable banking services to low-income and elderly Americans.

The bill I am introducing today reflects a compromise worked out during the last session of Congress between the American Association of Retired Persons and the smaller banks represented by the Independent Bankers Association of America. This legislation would require banks and savings and loans to offer consumers the choice of either a low-cost checking account or a Government check cashing service. Neither service would be free. The financial institutions could charge what is reasonable to cover the costs of providing the services plus earn a 10-percent profit.

There are safeguards built into the measure to guard against fraud. Proper identification would have to be provided to open an account. Changes were also made to respond to concerns that earlier versions of the legislation created too much redtape. For instance, under this bill financial institutions could simply self-certify that they have undertaken efforts to provide these low-cost accounts.

Mr. President, this legislation is extremely reasonable. But for the intransigence of the big banks—and the opposition of the Bush administration—we could have enacted it long ago.

Indeed, there's quite a long history with this issue.

Back in 1987, the Senate actually approved a measure I offered providing for the free cashing of Government checks. That language died in conference.

On at least two other occasions, the Senate Banking Committee included basic banking and Government check cashing provisions in their own banking reform packages.

Last session, for example, the Senate Banking Committee included the legislation worked out between AARP and the small banks in a measure funding the bank insurance fund. That's the language I am offering today. But even that effort failed to sway the big banks or the Bush administration.

They marshaled their forces and defeated this very modest proposal on the Senate floor.

But, Mr. President, hope springs eternal. There is a new administration and a new chance to do the right thing in providing low-income and elderly Americans access to basic banking services.

Make no mistake, the need for this legislation is very real.

Today's financial market offers a wide array of customer services but they've become a luxury many Americans simply can't afford. Large deposit requirements and huge transaction fees have made banking accounts far too expensive for many families. According to GAO, one in five families has no relationship with a bank.

In fact, Mr. President, many low-income and elderly persons cannot even find financial institutions to cash their Social Security, welfare, or veterans' benefit checks. Many of these institutions simply refuse to cash such checks for noncustomers at any price.

The American Association of Retired Persons has conducted surveys on this issue. They have found that 9 out of 10 financial institutions in metropolitan areas refuse to cash Government checks for nonaccount holders. Many individuals have no choice but to cash Government benefit checks at outlets charging exorbitant fees. It's a disgrace.

Mr. President, I am encouraged by the new administration's interest in increasing citizen access to financial institutions and President Clinton's public statements about community banks. I hope we can work together on the bill I am proposing today and on other measures to address the banking needs of low-income and elderly Americans who have been driven from the banking system.

I ask unanimous consent that my bill be printed in the RECORD in its entirety upon the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 85

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Financial Services Access Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Basic financial services accounts required.
Sec. 4. Account applications.
Sec. 5. Basic transaction services account requirements.
Sec. 6. Government check cashing services account requirements.
Sec. 7. Information on accounts.
Sec. 8. Special rules for credit unions.
Sec. 9. Special rules for certain depository institutions.
Sec. 10. Prevention of fraud losses.

Sec. 11. Administrative enforcement.
Sec. 12. Civil liability.
Sec. 13. Study and report on incidence of fraud in connection with government check cashing.
Sec. 14. Study and report on the staggering of Federal recurring payments.
Sec. 15. Study and report on utilizing the United States postal service as a supplemental provider of government check cashing services.
Sec. 16. Study and report on direct deposit program for Federal recurring payments.
Sec. 17. Effective date.

SEC. 2. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) Appropriate federal banking agency.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(2) Board.—The term "Board" means the Board of Governors of the Federal Reserve System.

(3) Depository institution.—The term "depository institution" means any federally insured depository institution described in clauses (i) through (vi) of section 19(b)(1)(A) of the Federal Reserve Act.

(4) Government check.—

(A) In general.—The term "government check" means any check that is issued by—

(i) the United States or any agency of the United States;

(ii) any State or any agency of any State, and that is presented for cashing purposes within the State in which the check was issued; or

(iii) any unit of local government or any agency of any unit of local government, including local government public assistance payments, and that is presented for cashing purposes within the unit of local government in which the check was issued.

(B) Exceptions.—The term "government check" does not include—

(i) State-issued payment warrants; or

(ii) checks issued by local government special purpose districts or units.

(5) Government check cashing relationship.—The term "government check cashing relationship" means an account relationship between an individual and a depository institution under which a government check cashing services account is provided pursuant to section 6.

(6) State.—The term "State" has the same meaning as in section 3(a) of the Federal Deposit Insurance Act.

(7) Transaction account.—The term "transaction account" has the same meaning as in section 19(b)(1)(C) of the Federal Reserve Act.

SEC. 3. BASIC FINANCIAL SERVICES ACCOUNTS REQUIRED.

(a) In General.—Each depository institution shall offer a basic financial services account which, at the election of the account holder, may be used to obtain—

(1) basic transaction account services; or

(2) government check cashing account services.

(b) Requirements for Basic Financial Services Accounts.—A basic financial services account shall meet the requirements of this Act. A basic financial services account does not meet the requirements of this Act if it—

(1) requires the holder of such account to maintain any other relationship with the depository institution, except as provided in section 8;

(2) allows a depository institution to discriminate against low-income individuals on the basis of race, color, national origin, sex, age, marital status, receipt of public assistance, source of income, exercise of any rights under consumer protection statutes, employment status, or access to credit in order to use such basic financial services account; or

(3) requires the account holder exclusively to use direct deposit services, automated teller machines, or other nonteller services for such basic financial services account.

(c) Exemption for Certain Individuals.—A depository institution is not required to provide a basic financial services account to any individual who—

(1) has a deposit account relationship at the depository institution or any other depository institution; or

(2) has a government check cashing relationship at the depository institution or any other depository institution.

(d) Exemption From Basic Transaction Services Requirements.—Any depository institution that offers basic transaction services on the effective date of this Act that are, from an account holder's perspective, comparable to or more favorable than those services prescribed in section 5, shall be exempt from the provisions of section 5 for as long as the institution continues to offer comparable or more favorable basic transaction services.

(e) Exemption From Check Cashing Services Requirements.—Any depository institution that offers government check cashing services on the effective date of this Act that, from an account holder's perspective, are comparable to or more favorable than those services prescribed in section 6, shall be exempt from the provisions of section 6 for as long as the institution continues to offer comparable or more favorable government check cashing services.

SEC. 4. ACCOUNT APPLICATIONS.

(a) In General.—The Board shall develop a model application form for the use of depository institutions in offering a basic financial services account.

(b) Minimum Requirements.—The application form developed by the Board, or a comparable form developed by a depository institution in lieu thereof, shall—

(1) be available at all deposit taking offices of the depository institution—

(A) at which new accounts may be opened; and

(B) that are staffed by individuals employed by the depository institution; and

(2) contain the name, address, date of birth, handwritten signature, and the taxpayer identification number or other identification number of the applicant, as well as other information the Board reasonably determines to be necessary to the provision of basic transaction account services and government check cashing account services pursuant to this section.

(c) Identification of Applicant.—At the time of application for a basic financial services account, an applicant may be required to present 2 forms of identification, 1 of which includes the signature of the applicant and 1 of which either includes a photograph or is the birth certificate of the applicant.

(d) Other Services.—At the time of application for a basic financial services account, an applicant may be required by the depository institution to sign a document in which the applicant states whether he or she has, or has applied for, any other basic transaction services or government check cashing services.

(e) Copy Provided.—The depository institution shall provide to the applicant a copy of the completed application form demonstrating the fact that the application has been received and filed with the depository institution not later than 15 calendar days after filing.

(f) Rejection for Fraud or Intentional Material Misrepresentation.—

(1) In general.—If, after review in good faith of the application, a depository institution has reason to believe that an applicant has committed or attempted to commit fraud against a depository institution, has made an intentional material misrepresentation in applying for a basic financial services account, has a record of writing checks for insufficient funds, or has had an account closed pursuant to section 5(a)(10), the depository institution may deny a basic financial services account to the applicant.

(2) Requirements.—A depository institution which denies a basic financial services account to an applicant shall—

(A) provide the applicant with timely written notice setting forth the reasons supporting the depository institution's denial of a basic financial services account and the procedures available to the applicant for filing a complaint, as provided in section 11; and

(B) maintain records and files with regard to each denial made pursuant to this subsection for a minimum period of 1 year from the date of denial.

(3) Form.—The Board shall develop a model form for the use of depository institutions in notifying applicants of a denial of a basic financial services account pursuant to this subsection.

(g) Initial Waiting Period.—The depository institution may impose a waiting period of not more than 15 calendar days from the date of application before providing an applicant with a basic transaction services account or a government check cashing services account.

(h) Identification Card.—If a depository institution issues an identification card to approved applicants, it may assess a reasonable, cost-based charge for replacement of a lost or stolen card.

SEC. 5. BASIC TRANSACTION SERVICES ACCOUNT REQUIREMENTS.

(a) In General.—An account is a basic transaction services account for the purpose of section 3 if it is a transaction account that—

(1) is available to all account holders who maintain an average balance of $750 or more during each monthly period;

(2) does not require a minimum initial deposit or minimum balance requirement of more than $25;

(3) does not provide for the imposition of fees other than—

(A) a monthly maintenance fee or service charge that does not exceed the real, direct, and demonstrable costs of providing the account (including fraud losses and deposit insurance premiums) plus a modest profit not to exceed 10 percent of such costs;

(B) a reasonable, cost-based fee for check printing;

(C) a reasonable, cost-based fee for processing checks returned for lack of sufficient funds; and

(D) a reasonable, cost-based fee for transactions in excess of the minimum number of allowable transactions described in paragraph (5), if the depository institution permits transactions in excess of the minimum;

(4) permits checks, share drafts, electronic, or other debit instruments to be drawn on the account for purposes of making payments or other transfers to third parties;

(5) permits at least 10 withdrawals per month, including withdrawals described in

paragraph (4), whether by check, share draft, in person, proprietary automatic teller machines, or other means;

(6) provides the account holder with—

(A) a detailed periodic statement listing all transactions for the period involved; or

(B) a passbook in which the depository institution enters all transactions for such account;

(7) does not require the depository institution to pay interest on deposited funds;

(8) at the election of the account holder, allows regularly recurring payments to the account holder to be made by a payor directly to the depository institution for direct deposit into the account of the account holder, if the depository institution offers direct deposit services to account holders;

(9) allows the depository institution—

(A) to market direct deposit services aggressively;

(B) to offer cost-based discounts to account holders who elect to rely wholly or partially on direct deposit or automatic teller machines in conjunction with the account; and

(C) to structure the account so as to require the use of direct deposit or automatic teller machines if—

(i) at the time of establishing the account, the account holder receives a clear and conspicuous written notice, through a disclosure form developed by the Board, stating that the account holder may decline to use direct deposit or automatic teller machines; and

(ii) the account holder does not decline to use direct deposit or automatic teller machines; and

(10) is subject to closure upon notice to the account holder due to—

(A) overdrafts, returned checks, or rejected electronic debits with respect to an account on 3 distinct occasions in any 6-month period; or

(B) fraudulent activity involving the account of such individual.

(b) COST ANALYSIS.—For the purpose of subsection (a)(3)(A), the depository institution shall base the monthly maintenance fee or service charge on functional cost analysis (actual time and actual net processing cost) studies of various types of depository institutions performed by the Board. The Board shall perform such studies in each of its regions, with, at a minimum, 1 cost study per major population area and 1 in a rural area in each region.

SEC. 6. GOVERNMENT CHECK CASHING SERVICES ACCOUNT REQUIREMENTS.

(a) IN GENERAL.—An account is a government check cashing services account for the purpose of section 3 if it—

(1) permits the account holder immediately to cash government checks in amounts of as much as $1,500, if—

(A) the account holder presents the check and is the person to whom the check has been issued; and

(B) the individual has applied to the depository institution for government check cashing services pursuant to section 4;

(2) does not require the account holder to pay a monthly service charge or maintenance fee for check cashing services;

(3) does not require the account holder to wait for receipt of funds before cashing a government check or to be subject to the institution's funds availability policy;

(4) does not require the account holder to pay a fee for the establishment of a check cashing account;

(5) does not have check cashing fees that exceed the real, direct, and demonstrable costs of providing check cashing account services (including fraud losses) plus a modest profit not to exceed 10 percent of such costs;

(6) allows the account holder to designate not less than 3 offices of the depository institution at which to cash government checks, if such offices—

(A) take deposits;

(B) open new accounts; and

(C) are staffed by individuals employed by such depository institution;

unless the depository institution has fewer than 3 offices which meet the requirements of subparagraphs (A), (B), and (C); and

(7) permits the depository institution to require, prior to cashing any government check, the account holder to present—

(A) any identification described in section 4(c) or section 4(h); and

(B) the account holder's government check cashing services account number.

(b) COST ANALYSIS.—For the purpose of subsection (a)(5), the depository institution shall base such check cashing fees on functional analysis (actual time and actual net processing cost) studies of various types of depository institutions performed by the Board. The Board shall perform such studies in each of its regions, with, at a minimum, 1 cost study per major population area and 1 in a rural area in each region.

SEC. 7. INFORMATION ON ACCOUNTS.

(a) DISPLAY.—A depository institution shall conspicuously display in its lobby and other public areas of the institution brochures, pamphlets, or other written information that inform account holders and potential account holders that basic financial services accounts are available from the institution.

(b) INFORMATION.—Such brochures, pamphlets, or other written information shall—

(1) clearly explain the material features and limitations of basic transaction and government check cashing services;

(2) state that further information concerning such services is available from the depository institution upon request; and

(3) include information concerning an account holder's right to complain regarding noncompliance with this Act.

(c) AVAILABILITY.—A depository institution shall provide the information described in subsection (b) to any individual upon request.

SEC. 8. SPECIAL RULES FOR CREDIT UNIONS.

(a) BASIC TRANSACTION SERVICES.—Any credit union which, in the ordinary course of business, offers share draft accounts to its own members shall provide basic transaction services in accordance with this Act to any individual who is or becomes a member of such credit union if the individual complies with the requirements of this Act.

(b) GOVERNMENT CHECK CASHING SERVICES.—Any credit union which, in the ordinary course of business, cashes share drafts or government checks for its own members shall provide government check cashing services pursuant to this Act to any individual who is or becomes a member of such credit union if the individual complies with the requirements of this Act.

SEC. 9. SPECIAL RULES FOR CERTAIN DEPOSITORY INSTITUTIONS.

(a) INSTITUTIONS WHICH DO NOT OFFER TRANSACTION ACCOUNTS.—A depository institution, other than a credit union, which does not, in the ordinary course of business, offer transaction accounts to the general public, is not required to provide basic transaction services.

(b) INSTITUTIONS WHICH DO NOT CASH CHECKS.—A depository institution which does not cash checks in the ordinary course of business is not required to provide government check cashing services.

SEC. 10. PREVENTION OF FRAUD LOSSES.

(a) IN GENERAL.—The Board may, upon petition by any individual depository institution, suspend, by regulation or order, any government check cashing services account requirement under this Act if the Board determines that the depository institution is experiencing an unacceptable level of losses due to check-related fraud in providing such account services.

(b) SUSPENSION OF REQUIREMENTS.—The Board may, by regulation or order, suspend any government check cashing services account requirement imposed by this Act for any class of checks if the Board determines that—

(1) depository institutions are experiencing an unacceptable level of losses due to check-related fraud with respect to such class of checks; or

(2) there is reasonable cause to believe that such class of checks is being used in a scheme to defraud.

(c) REPORT.—Not later than 10 days after issuing any order or prescribing any regulation under subsection (a) or (b), the Board shall submit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, explaining the reason for the order or regulation and the evidence considered in making the determination to issue an order or prescribe a regulation.

(d) EXEMPTIONS.—This Act does not apply with respect to any government check presented for cashing to a depository institution if the depository institution has reason to believe that—

(1) such check is fraudulent, is being fraudulently presented, or has been altered or forged;

(2) the individual presenting the check is misrepresenting or has misrepresented his or her identity;

(3) any form of identification that is presented in connection with cashing such check has been altered or forged; or

(4) the check will not be honored by the check-issuing governmental authority.

(e) REASONABLE BELIEF.—For purposes of subsection (d), a reasonable belief requires the existence of facts which would give rise to a well-grounded belief in the mind of a reasonable person.

SEC. 11. ADMINISTRATIVE ENFORCEMENT.

(a) IN GENERAL.—Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act—

(A) by the Comptroller of the Currency with respect to national banks, and Federal branches and Federal agencies of foreign banks;

(B) by the Board with respect to member banks of the Federal Reserve System (other than national banks), and offices, branches, and agencies of foreign banks located in the United States (other than Federal branches, Federal agencies, and insured State branches of foreign banks);

(C) by the Board of Directors of the Federal Deposit Insurance Corporation with respect to banks the deposits of which are insured by the Federal Deposit Insurance Corporation (other than banks described in subparagraph (A) and members of the Federal Reserve System) and insured State branches of foreign banks; and

(D) by the Director of the Office of Thrift Supervision with respect to Federal savings associations and Federal savings banks; and

(2) section 206 of the Federal Credit Union Act, by the National Credit Union Administration Board, with respect to any insured credit union.

(b) DEFINITION.—The terms used in paragraph subsection (a)(1) that are not defined in this Act or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).

(c) ADDITIONAL ENFORCEMENT POWERS.—

(1) VIOLATION OF THIS ACT TREATED AS VIOLATION OF OTHER ACTS.—For purposes of the exercise by the appropriate Federal banking agency of any such agency's powers under any Act referred to in subsection (a), a violation of a requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under that Act.

(2) ENFORCEMENT AUTHORITY UNDER OTHER ACTS.—In addition to the appropriate Federal banking agency's powers under any provision of law referred to in subsection (a), each such agency may exercise, for purposes of enforcing this Act, any other authority conferred on such agency by any other law.

(d) FINING AUTHORITY.—No administrative monetary penalty shall be imposed pursuant to this Act.

(e) COMPLAINTS BY INDIVIDUALS.—

(1) IN GENERAL.—The Board shall develop a complaint form for individuals to use to report possible violations of this Act. Each appropriate Federal banking agency that receives a complaint shall conduct an investigation as such agency deems necessary. If such complaint is verified by an investigation, the agency shall carry out proper enforcement actions according to the authority conferred by this Act. The agency shall provide the results of such investigation and any enforcement actions in writing to the complainant and the depository institution that was investigated.

(2) TIME LIMIT ON FILING OF CERTAIN COMPLAINTS.—An agency shall not consider any complaint that alleges the denial of an application for a basic financial services account in violation of this Act, if the complaint is filed more than 1 year after the institution's denial of the application.

SEC. 12. CIVIL LIABILITY.

This Act does not create or imply any private cause of action for damages, including individual or class action causes of action.

SEC. 13. STUDY AND REPORT ON INCIDENCE OF FRAUD IN CONNECTION WITH GOVERNMENT CHECK CASHING.

(a) STUDY REQUIRED.—After the end of the 1-year period beginning on the effective date of this Act, the Board shall conduct a study of the check cashing services provided pursuant to this Act to determine whether, in any case, losses due to fraud in connection with providing such services are causing the costs incurred by various types of depository institutions to exceed revenues from the service fees collected or other income earned in connection with providing such services.

(b) REPORT REQUIRED.—Not later than 6 months after commencing the study required by subsection (a), the Board shall submit a report to the Congress containing the findings and conclusions of the Board with respect to the study, along with such recommendations for legislative and administrative action as the Board determines to be appropriate.

SEC. 14. STUDY AND REPORT ON THE STAGGERING OF FEDERAL RECURRING PAYMENTS.

(a) STUDY REQUIRED.—The Secretary of the Treasury, in consultation with affected agencies and the public, shall conduct a study to examine the feasibility and desirability of staggering payment of Social Security and other Federal recurring government benefit and payroll payments, on the basis of birth date or other appropriate methods, so that such payments do not all occur on the 1st and 15th days of the month.

(b) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to the Congress regarding the results of the study described in subsection (a), along with any recommendations for legislative and administrative actions, including—

(1) assessments of any administrative impact;

(2) costs to the government;

(3) any impact on depository institutions and beneficiaries (including any potential lost or increased interest earnings);

(4) convenience to beneficiaries and the government;

(5) methods of implementation; and

(6) transition mechanisms that should be taken.

(c) CONSULTATION.—The Secretary of the Treasury shall consult with the public in preparing the report required under subsection (b).

SEC. 15. STUDY AND REPORT ON UTILIZING THE UNITED STATES POSTAL SERVICE AS A SUPPLEMENTAL PROVIDER OF GOVERNMENT CHECK CASHING SERVICES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study examining current fees and practices of check cashing outlets and the potential for enhancing the access of low income individuals to government check cashing services through the United States Postal Service.

(b) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Congress regarding the results of the study described in subsection (a), along with any recommendations for Federal or State legislative or administrative action.

SEC. 16. STUDY AND REPORT ON DIRECT DEPOSIT PROGRAM FOR FEDERAL RECURRING PAYMENTS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study to assess the benefits and costs to the Federal Government of utilizing direct deposit versus paper checks to accomplish government payments. In conducting the study, the Comptroller General shall—

(1) consider the administrative cost savings, if any, to be accomplished through the utilization of direct deposit, such as reduced paperwork and personnel involvement, streamlined and cost-effective operations, and reduced postage expenses;

(2) consider the loss in interest earnings to the Federal Government as the result of the earlier relinquishment by the Government of directly deposited funds, using data on major beneficiary programs that utilize recurring Federal benefits payments;

(3) compare the relative costs and benefits to the Federal Government of direct deposit versus paper check payments of Government benefits; and

(4) identify societal costs and benefits of direct deposit with respect to safety, risk of loss to the individual and the Government, convenience, reliability, and timeliness of payments.

(b) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit a report to the Congress containing the results of the study described in subsection (a), along with any recommendations for legislative and administrative action that should be taken.

SEC. 17. EFFECTIVE DATE.

This Act shall become effective 180 days after the date of enactment of this Act, except that sections 4 through 7 shall become effective on the date of enactment of this Act.•

By Mr. METZENBAUM (for himself, Mr. KENNEDY, and Mr. DODD):

S. 86. A bill to amend the Fair Labor Standards Act of 1938 to improve enforcement of the child labor provisions of such act, and for other purposes; to the Committee on Labor and Human Resources.

CHILD LABOR AMENDMENTS OF 1993

• Mr. METZENBAUM. Mr. President, I rise to introduce the Child Labor Amendments of 1993. Fifty years ago, Congress passed a historic law that promised to end oppressive child labor in this country. But tragically, the disgrace of illegal child labor continues to haunt our Nation. Frankly, it is almost unbelievable to me how, in 1993, hundreds of thousands of children in this great country are being exploited: They work at too young an age, for too many hours, and in unsafe environments. This exploitation robs children of their education, the limbs, and even their lives.

For example, Food Lion, the fastest growing supermarket chain in the Nation, was recently the subject of the largest child labor complaint involving hazardous working conditions for minors ever brought against an employer by the Department of Labor. At least 1,200 alleged violations by Food Lion involve teenagers working with hazardous and prohibited equipment such as meat slicers and paper bailers.

In another similarly outrageous case, this past November, the Department reached a $500,000 tentative settlement of over 1,500 child labor violation charges against the Burger King Corp. The fast food chain is accused of illegally requiring teens to work later and for more hours than is allowed at almost every 1 of the 800 stores that the parent company operates. Although a fine of $500,000 would be the largest child labor fine ever paid by a single employer, clearly this amount is only a drop in the bucket for this multimillion dollar corporation.

These examples highlight the explosion of child labor violations during the last decade. A recent GAO report further documents the extent of the problem. That report found that between 1983 and 1990, the annual number of detected child labor violations increased from 9,679 to 42,696. GAO estimates that in 1988, 18 percent of all working 15-year-olds were illegally employed. Clearly this is a problem that has gotten out of hand.

One reason for this sorry trend is that the average assessment by the Department for a child labor violation was only $428. Fines such as these are grossly inadequate to punish willful and repeat violators of child labor laws who expose minors to serious injuries or death.

Today, along with my distinguished colleagues, Senators DODD and KENNEDY, I am introducing legislation that will close loopholes in enforcement by allowing for imprisonment on the first criminal conviction for willful violations—a recommendation originally made by former Secretary Elizabeth Dole—and by barring willful and repeated violators from receiving Federal grants, loans, and contracts. Those who willfully and repeatedly put our children's future in jeopardy should face time in jail and not be subsidized by Government aid. The bill also requires the publication of the names of violators and the nature of their violations in the appropriate school districts. This provision will help to ensure that the people most affected by illegal child labor—minors and their parents—are made aware of the law and those who violate it. These increased penalties will also help to ensure that willful and repeat violators do not consider child labor penalties just another cost of doing business.

Both the Food Lion and Burger King cases indicate that a major reason for the steady increase in the number of seriousness of child labor violations during the last decade is that the public has no knowledge about even the most basic child labor laws. This legislation will help educate children, parents, and employers about Federal child labor laws by providing that employers may hire minors under the age of 18 who do not have a high school diploma, only if those minors have obtained a valid certificate of employment. Our legislation utilizes the existing certificate systems in 43 States and the District of Columbia and thereby avoids duplication or burdensome paperwork. Under our bill, the State-issued certificate must indicate restrictions on the times of day and maximum number of hours the minor may be employed, and on the employment of minors in federally identified hazardous occupations. Moreover, as part of the certification process, materials describing Federal child labor laws will be made available to the minor.

Recent GAO reports stress the need for reliable data about the number of children working in our Nation and about any loss of life or limb that they may be suffering. Labor, child welfare, and consumer advocates all maintain that the numerous child labor violations found at Burger King and Food Lion indicate that illegal child labor is widespread. In addition, because no comprehensive work-related injury and illness data exist for minors, child labor studies underestimate the true magnitude of workplace injuries. Accordingly, the bill requires employers to provide the State with written notice of a minor employee's death or injury on the job resulting in lost work time of more than 3 working days. This information must be provided no later than 10 days after the employer obtains knowledge of the minor's death or injury. As with the certificate provisions, these reporting requirements reflect reporting systems already in place for death and serious injuries to adult workers in the 50 States and the District of Columbia. Indeed, the Federal requirements in the bill are met or exceeded by 45 of the 50 States under existing State workers compensation laws.

Department of Labor regulations already declare both pesticide handling and processing—which includes filleting of fish and dressing poultry—to be hazardous and therefore prohibited occupations for 14- and 15-year-olds. Given the dangers these jobs entail, this bill prohibits 16- and 17-year-olds from performing poultry, fish, and seafood processing and pesticide handling. The bill does not prohibit minors from performing all types of work in the poultry and fishing industries and in agriculture. The bill only seeks to protect teenagers from performing dangerous processing activities.

Another problem this legislation seeks to correct is the terrible exploitation of children under age 14 who work as migrant and seasonal farmworkers. Children ages 12, 10, 8, and even 6 years old are working with hazardous pesticides and/or performing back-breaking stoop labor in the fields. These children must be protected.

Let me make clear that I fully understand the political, social, and economic reasons for providing an exemption from child labor laws for children working on family farms. Our bill will not affect that existing exemption in any way. However, these reasons do not apply to children outside the family farm, who are under age 14 and work as migrant and seasonal farmworkers. These children come from a population that, regrettably, has been among our most vulnerable and most exploited in recent decades. They deserve the basic protections guaranteed under the Fair Labor Standards Act.

Finally, the Child Labor Amendments of 1993 do not seek to put an end to all child labor. Indeed, I applaud our young people who work because of economic necessity or the learning experience or both. Education, however, should be every child's first priority. I believe that this legislation will help children and their parents to establish, maintain, and live to enjoy the results of such a priority.

I urge all my colleagues to support this legislation. I ask unanimous consent that the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 86

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Labor Amendments of 1993".

TITLE I—CHILD LABOR PROVISIONS

SEC. 101. NO PRIOR OFFENSE PREREQUISITE FOR CHILD LABOR VIOLATION.

The second sentence of section 16(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(a)) is amended by inserting before the period at the end the following: ", except that this sentence shall not apply to a violation of section 12".

SEC 102. CIVIL PENALTIES FOR CHILD LABOR VIOLATIONS.

Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended—

(1) by redesignating paragraph (1)(2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting "(1)" after the subsection designation;

(3) by adding at the end the following new paragraphs:

"(2) Any person who willfully violates the provisions of section 12, relating to child labor, or any regulation issued under such section, on more than one occasion, shall, on such additional violation, be ineligible—

"(A) for any grant, contract, or loan provided by an agency of the United States or by appropriated funds of the United States, for 3 years after the date of such additional violations; or

"(B) to pay the training wage authorized by section 6 of Fair Labor Standards Amendments of 1989 (29 U.S.C. 206 note),

unless the Secretary otherwise recommends, because of unusual circumstances.

"(3) The Secretary shall make available to affected school districts for posting and distribution the name of each employer who violates the provisions of section 12, relating to child labor, or any regulation issued under such section, together with a description of the location and nature of the violation.".

SEC. 103. CERTIFICATES OF EMPLOYMENT.

Section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212) is amended by adding at the end the following new subsection:

"(e)(1) As used in this subsection:

"(A) The term 'minor' means an individual who is under the age of 18 and who has not received a high school diploma or its equivalent.

"(B) The term 'parent' means a biological parent of a minor or other individual standing in place of the parent to a minor.

"(2) No employer shall employ a minor unless the minor possesses a valid certificate of employment issued in accordance with this subsection.

"(3) The Governor of a State shall designate a State agency to issue certificates of employment to minors in the State. The agency shall make available, on request, a form for the application described in paragraph (4) and shall make available, as part of the certification process, materials describing applicable Federal requirements governing the employment of minors.

"(4) To be eligible to receive a certificate of employment, a minor must submit to the appropriate State agency an application that contains—

"(A) the name and address of the minor;

"(B) the name and address of the employer;

"(C) proof of age of the minor; and

"(D) if the minor is under the age of 16—

"(i) a written statement by a parent of the minor that the parent grants consent for employment of the minor; and

"(ii) written verification from the minor's school that the minor is meeting any applicable minimum school attendance requirements established under State law.

"(5) On receipt of an application under paragraph (4), a State agency shall issue to the minor—

"(A) a certificate of employment, if the requirements of paragraph (4) are met; or

"(B) a statement of the denial of a certificate of employment (including the reasons for the denial), if the requirements of paragraph (4) are not met.

"(6) A certificate of employment issued to a minor under this subsection shall be valid during the period in which the minor is employed by the employer listed on the certificate.

"(7) A certificate of employment issued to a minor under this subsection shall indicate—

"(A) the name, address, and date of birth of the minor;

"(B) the name and address of the employer;

"(C) restrictions on the times of day and maximum number of hours the minor may be employed and on the employment of the minor in hazardous occupations; and

"(D) the name, address, and telephone number of the State agency that may be contacted for additional information concerning applicable Federal requirements governing the employment of minors.

"(8) The State agency shall provide a copy of a certificate of employment issued to a minor under the age of 16 to the parent of the minor who granted consent pursuant to paragraph (4).

"(9) A State agency shall report annually to the Secretary concerning certificates of employment issued under this subsection. The agency shall include such information as the Secretary requires (including information on the number of deaths and injuries of minors reported pursuant to subsection (f)).".

SEC. 104. INFORMATION ON DEATHS AND INJURIES INVOLVING MINORS; INFORMATION DESCRIBING PROVISIONS OF FEDERAL CHILD LABOR LAW.

Section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212) (as amended by section 103 of this Act) is further amended by adding at the end the following new subsections:

"(f) If a minor in the course of employment suffers death, or an injury resulting in lost work time of more than 3 working days, not later than 10 days after the employer of the minor obtains knowledge of the death or injury, such employer shall provide to the State agency a written description of the death or injury.

"(g) The Secretary shall prepare and distribute to State employment agencies written materials (suitable for posting and mass distribution) that describe the provisions of Federal law and regulations governing the employment of minors.".

SEC. 105. HAZARDOUS CHILD LABOR OCCUPATIONS.

Section 3(l) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(l)) is amended by adding at the end the following new sentence: "The Secretary shall find and by order declare that poultry processing, fish and seafood processing, and pesticide handling (among other occupations declared by the Secretary) are occupations that are particularly hazardous for the employment of children between the ages of 16 and 18 for purposes of this subsection.".

SEC. 106. PROTECTION OF MINORS WHO ARE MIGRANT OR SEASONAL AGRICULTURAL WORKERS.

(a) DEFINITION OF OPPRESSIVE CHILD LABOR.—The first sentence of section 3(l) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(l)) is amended—

(1) by striking "or" before "(2)"; and

(2) by inserting before the semicolon the following: ", or (3) any employee under the age of 14 years is employed in agriculture, except where such employee is employed by a parent of the employee, or by a person standing in the place of a parent of the employee, on a farm owned or operated by such parent or person".

(b) EXEMPTIONS.—Section 13(c) of such Act (29 U.S.C. 213(c)) is amended—

(1) in paragraph (1)—

(A) by striking "(2) or (4)" and inserting "(2)"; and

(B) by striking "employed, if such employee—" and all that follows through the end and inserting "employed, if such employee is 14 years of age or older."; and (2) by striking paragraph (4).

SEC. 107. REPORTS.

Not later than 1, 2, and 3 years after the date of enactment of this Act, the Secretary of Labor shall provide to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on actions taken to carry out, and the effect of, this title and the amendments made by this title, including national and State-by-State information on—

(1) certificates of employment issued to minors under section 12(e) of the Fair Labor Standards Act of 1938 (as added by section 103 of this Act); and

(2) deaths and injuries of minors occurring in the course of employment that are reported under section 12(f) of the Fair Labor Standards Act of 1938 (as added by section 104 of this Act).

TITLE II—MISCELLANEOUS

SEC. 201. REGULATIONS.

The Secretary of Labor shall issue such regulations as are necessary to carry out this Act and the amendments made by this Act.

SEC. 202. EFFECTIVE DATE.

This Act shall become effective 180 days after the date of enactment of this Act.•

• Mr. DODD. Mr. President, I rise today to join once again with my colleague, Senator METZENBAUM, in introducing legislation to better protect young people in the workplace. Many American youth are engaged in laudable work efforts that enable them to gain valuable work experience, save for an education, and, in many cases, help their families make ends meet. The Child Labor Amendments of 1993 simply reflect our deep concern that young people making their way into the world of work do so without risking their health, their success in school, and their futures.

I want to commend my colleague from Ohio for his determination to ensure fairness and safety for all workers. I am particularly pleased to join with him today in proposing legislation that would help ensure such safeguards for a special group of American workers—our youth.

Thankfully, most teenagers do well in their part-time and summer jobs. It's an American tradition we can be proud of. But there's another, more troubling, part of the story. The picture of children in sweatshops or operating hazardous equipment or falling asleep in school may seem merely an image of a bygone era. Yet for many children, it is a reality that still persists in 1993.

Child labor is indeed a modern-day problem. Child labor violations virtually exploded in the past decade, increasing from 9,679 in 1983 to 42,696 in 1990—a fourfold increase in just 7 years. During that same time period, the annual number of illegally employed children who sustained serious injuries increased by 100 percent.

At a 1991 hearing conducted by the Subcommittee on Children, Family, Drugs and Alcoholism and the Subcommittee on Labor, witnesses gave sometimes harrowing testimony that brought home the plight of the 100,000 American children injured on the job every year. Clearly our current law and current enforcement don't provide the necessary protection. In the previous administration, the Department of Labor turned greater attention to child labor, but opposed new legislation.

Mr. President, we need to do more to protect our young people, and I am hopeful that President Clinton will work with us to ensure that adequate safeguards are in place. Here is how our bill would strengthen the law on child labor.

First, it would toughen penalties for violation of child labor laws. Current sanctions for violators amount to a slap on the wrist—the average fine is $170, easily absorbed as a routine cost of doing business. Several years ago, we succeeded in raising the maximum civil penalty from $1,000 to $10,000. In this bill we seek to deter employers from breaking the law through criminal penalties for extreme violations and through new penalties of debarment from Federal grants and from the benefit of the youth subminimum wage.

Second, the bill would increase public awareness of child labor laws through more extensive use of employment certificates. One of the problems in this area is that many parents, children, educators, and even employers simply aren't aware of the law. They don't know the age limitations for different types of work the hours limitations, and the hazardous occupations that are completely off limits. I believe these provisions for greater public education will help avoid injuries and illegal employment.

Third, the bill would better protect farmworker children in migrant agriculture. Migrant and seasonal agriculture places children at particularly high risk, due to exposure to toxic pesticides and disruption of school attendance. Yet current law has multiple exemptions that permit young children to work in this setting. This legislation would apply the same prohibition against work for children under 14 years of age that now applies in nonagricultrual settings. I should add that the prohibition would not apply to the family farm.

Entering the work force is a true crossroads in a young person's life. Successful entry into the world of work enhances the child's chances for success as a productive member of society. But if the child is among the 100,000 minors injured on the job every year, or if the child works so many hours that school performance plummets, that child's chances for success may be severely diminished. When one-fifth of children fail to complete high school on time, we must do everything possible to help teenagers strike the right balance between work and school. I believe this measure helps to strike that balance, and I urge my colleagues to support this legislation.•

By Mr. KERRY (for himself, Mr. BIDEN, and Mr. BRADLEY):

S. 87. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; to the Committee on Rules and Administration.

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

Mr. KERRY. Mr. President, I have joined together with Senators BRADLEY and BIDEN in filing comprehensive campaign finance reform legislature. Today, we once again are introducing on the first day of the session a broad and sweeping campaign finance reform bill.

We have heard much rhetoric in recent years regarding the pollution of American politics, the corruption, as some have referred to it. We have to be measured in making our assessments about corruption and what is real or not, but what is clear, what is real, is the fact that money has come to distort the American political process, perhaps more than any other single ingredient.

The Chair knows this well, because he has served here longer than perhaps all but one other Member of Congress, and he has seen and heard it all by now. He has warned us about the new hue and cry for term limits. He has warned us that term limits are not the solution to the problem that we face in the Congress or in this country. Term limits is an example of a reaction that comes from people's bitter frustration at not being able to be in touch with their system. And the reason people are not able to be in touch with it is because of money.

We have term limits today. All of us serve under a 6-year term limit. It is 2 years in the House of Representatives. Supposedly, anyone can challenge us. Supposedly, the system is open. But, in reality, all of us know it is not really that open. The American electorate has a sense of separation between us and them, between their Government, and their concerns. And I believe very, very deeply that more than anything, that separation and that perception comes from the money chase that we have to set on to run for office.

If more people were able to challenge and take part in the democracy of this country, there would be less frustration and less demand for term limits, because more people would feel, when the 6-year term or 2-year term is up, that they have legitimate access to the system and that the system is clean and neutral between challengers and incumbents. But when it takes millions of dollars to run and when an incumbent has the clear advantage by virtue of the voting process, in accruing those millions of dollars, it is far harder for the average citizen to respond to some perception of the moment that needs to be fleshed out in a campaign and to take it to the electorate. That is wrong. We all know it is wrong. There is a natural tendency to want to hang on to the job, to feel that once we are here, somehow we are different and we are not going to be subjected to the same distortions that somehow tear the process apart. But we all know that we are human, and that just is not so.

There is not anybody who does not understand that the folks who were here in the last few days wearing blue badges, and many of them being driven around in limousines, those folks will have greater access without campaign finance reform than with it. That is a reality.

I have learned in my years here, as I perhaps grow in wisdom and judgment, that the system is not per se for sale. I am not saying that. I am not suggesting that this is an institution full of people who go around bartering for votes. But all of us know that no matter how pure we want to be, how much we withstand the pressures, the realities of the process are such that even if you do not get the legislation you want, you often succeed in stopping anything from happening.

Gridlock does not just come from a President of one party at the other end of Pennsylvania Avenue and a Congress of the other party here. It comes often from the power of competing interests tied to that money to work their will. When you have the insurance industry poised against the banking industry or any other industry here, pouring money into campaigns, clearly evidencing their grassroots presence by virtue of the dollar, that has an impact on people. That distorts the process.

We have heard a lot about a new era of change in American politics. Senator BRADLEY, Senator BIDEN, and I—and I might add nearly a majority of the U.S. Senate in last year's vote—believe very deeply that we need to go further than the legislation that we passed last year, that we need to have a voluntary—I underscore voluntary—system much like the Presidential system of public funding that allows us to maximize our freedom from the fundraising effort. What our legislation seeks to do is create a fund much like the Presidential fund that is not a requirement that any taxpayer in America ante up; only those who want to take part in this system would be asked to do so, but we are confident that Americans, if given the opportunity to do so, if encouraged by our Government to do so, would take advantage of the ability to liberate their legislators from fundraising and indeed would be happy to give $3, or $6 of their tax bill in order to fund an election and legitimately liberate the U.S. Congress from fundraising.

A system in which politicians depend on Washington lawyers, lobbyists, insiders, and political action committees to raise endless sums for their political campaigns is a system in which the needs of the ordinary citizen too often get lost. The endless money chase has given the appearance of corrupting government. Too many who hold political office are seen by the public as having gone to Washington to become full-time fundraisers and only part-time legislators.

Many Americans were seduced by Ross Perot's political campaign not only because he promised change, but also because by virtue of his immense wealth he had become the only candidate who was capable of financing an entire Presidential campaign out of his own pocket. Ross Perot thus was able to tell Americans he could represent real change because he and he alone was free of obligation to any large contributor.

At a time to which the President has referred as an American renewal, we have the opportunity to return the Government to the people by freeing the process of so much special interest money. We need to consolidate the gains we made last year with the passage of a comprehensive campaign finance bill that contained spending limits, but which was vetoed by President Bush. This year, we should go further, and move towards full public funding in a system similar to the system we have had in place for Presidential campaigns for two decades, and which has been supported by President Clinton.

While Senator BIDEN, Senator BRADLEY, and I have supported the legislation offered by the majority leader, together with Senators BOREN and FORD in the past, and will again do so this year, we also have long believed that complete reform is not possible without a very substantial replacement of private funding for elections with public funds.

Public funding is an investment in clean Government that would more than pay for itself in the money saved in the reduction of the influence of special interests in the legislative process. Accordingly, the legislation we are filing today contains not merely spending limits for Senate races, similar to the bill being introduced today by the majority leader, but a system of voluntary public funding essentially to eliminate the impact of large contributions from private individuals for general election campaigns.

Voluntary public funding provides a powerful incentive to candidates to agree to spending limits. Such limits would for the first time put all serious candidates on an equal and fair footing in the general election, prevent soaring campaign costs from favoring persons of personal wealth over those without such wealth, and ensure that candidates have equal access in getting their message before the public.

This bill meets all the tests of reform.

This legislation recognizes that the sources and amounts of money are the problem that we must address. Our bill goes the greatest distance possible to reduce them.

A system of voluntary public funding would dramatically reduce the degree to which we leave ourselves open to charges of conflicts of interest between our responsibilities to the public at large and our acceptance of contributions from special interests.

It is the approach which most frees up our time from fund-raising and which requires us to raise the least money.

It is the approach which most cleans up the problems of perception, which most distances us from large donations, PAC's, and which most encourages small contributions.

Likewise, the combination of spending limits and a system for voluntary public funding stops the mindless arms race of fundraising in any contested election and helps to diminish some causes of legislative gridlock on certain issues.

The cost for full voluntary public spending funding of Senate elections would be approximately $200 million for each election cycle, or an average of $100 million a year, if all candidates participated in the voluntary public funding system. That is only one-half of the funds the United States previously allocated to subsidize campaign contributions under the tax laws prior to 1986. This expenditure would only take place if citizens decided they wanted to pay for it. Unlike all other Federal spending, this public funding would be truly voluntary. The system would be funded either through an earmark of taxes paid by citizens, or through a positive check-off, but in no case other than through voluntary participation by citizens. Its cost to the Federal budget would be fully offset by eliminating the deductibility of business lobbying expenses and five cents out of every dollar of business meals currently deducted.

The major aspects of this bill are easily summarized.

First, spending caps, a concept a majority of the Members of this body have now supported for a number of years. Without spending caps, there will always be a constant drive to find new ways to raise ever greater sums of money for campaigns. The drive to raise dollars has caused all kinds of damage to this institution—and is directly related to the loss of public trust in us. Without spending caps, we will remain forever engaged in an ever escalating campaign arms race. This legislation instead calls for parity, at low levels.

Second, voluntary public funding under a system modeled on the Presidential system. This means full public funding for general elections, just as in the Presidential system, once a major party candidate is on the ballot and has raised a threshold level of contributions of 10 percent of the overall spending limit. And it includes, as does the Presidential system, matching funds for primaries and run-offs, after candidates raise the threshold level of contributions.

This voluntary public funding plan means no more reliance on big money and PAC's to finance campaigns. Instead, campaigns will be funded for general elections and with matching funds for primaries through a voluntary tax check off as are the Presidential elections. Citizens will choose to share in the cost of elections—rather than permit high-dollar donors and special interests to claim special access.

If our citizens decide not to pay for it, then candidates would not take funds from the Treasury. Instead, candidate would be notified by the FEC that they have to go back to the current system of raising the funds from individuals to the extent that the funds are not available from the checkoff.

Public funding to clean up Federal elections was first proposed by Republican President Teddy Roosevelt. It has been supported in the past by such prominent Republicans as Henry Cabot Lodge, who once held the seat I hold today.

Indeed, four Members of the minority serving in this body in the past voted for public funding for Senate elections. So this is a concept that has had bipartisan support over the decades.

The combination of spending caps and public funding means more democracy. Today about half of all Senate races have not been real contests, because one party or the other has not been able to field a candidate who can raise enough money to be competitive.

This bill helps challengers by providing them with public funds so long as they reach reasonable, achievable thresholds of support from contributors. The bill in effect guarantees that both parties will have fully funded nominees in almost every race in the country. That means two candidates, with two messages, to give the voters a real choice in every race. This is democracy. This is real reform.

The bill also contains significant restrictions on PAC contributions—reducing permissible PAC contributions from $5,000 to $1,000 per election, and to a maximum of 20 percent of a candidate's total contributions per primary. Some Senators may support banning PAC's altogether. Indeed, I have never accepted PAC money in my Senate races because of concerns about the perception that PAC money represents special interest funding. But there are substantial doubts among constitutional scholars as to whether the Supreme Court would view such an approach to violate the Constitution, on the ground that it impairs the right to associate for political purposes. As a practical matter, however, PAC's would play a far smaller role in the process under this bill than they do today, as the bill instead contains every incentive for candidates to raise funds from small individual contributors for primaries that will be matched by public funds, and eliminates contributions to major party candidates to general elections who are participating in the voluntary system for general elections from all private sources.

The bill deals with soft money by turning it into hard money. Everything is dislcosed. Nothing is under the table. And everything becomes hard dollars, kept within hard dollar limits.

The bill eliminates bundling as a means of circumventing contributions limits.

And the bill takes steps to prevent circumvention of spending and contributions caps by candidates through their relationships with outside groups, by defining any expenditures by such groups to be cooperative expenditures which will be counted toward the individual caps of the candidates they support.

There is no area we have left out—no area of contributions or expenditures is left outside the system.

For real reform, we need to endorse the basic principle of a democracy—that a race should not be determined by how much money a candidate can raise and spend, but by the quality of his message and candidacy. We should create a system of campaign finance based on the principle that an elected official should represent the voters who put him in office and not those people with the largest checkbooks.

Our bill does that. It ensures fairness to incumbents and challengers alike, to Republicans and Democrats and minor parties alike. And the bill provides a constitutionally proper approach to campaign finance reform. As the seminal campaign finance case of Buckley verus Valeo states:

> Congress may engage in public financing of election campaigns and may conditions acceptance of public funds on an agreement by the candidate to abide by specified expenditure limitations. Just as a candidate may voluntarily limit the size of the contributions he chooses to accept, he may decide to forgo private fundraising and accept public funding. *Buckley* at 57, n. 65.

That is precisely how this legislation is structured. Moreover, the legislation contains explicit congressional findings about how the current system has led to a perception of corruption. These findings demonstrate that without controls on expenditures, as well as contributions, that perception cannot be prevented.

Last year, we passed a bill, which though not perfect, would have created real reform. I personally had concerns about the constitutionality of certain aspects of that bill, which I have sought to correct in the bill filed today. I am not certain that the complete elimination of PAC's, as contemplated by last year's bill, would have survived Supreme Court scrutiny, especially in the absence of explicit findings about PAC's corruptive influence.

In any case, last year's reforms died when the President vetoed the bill that contained them. This year, in a time of renewed hope for change, and at the start of a new Presidency, I hope that partisan political concerns will not derail the real reforms that are critical to finally free the Congress from the money chase, and to restore the public trust in this often criticized public institution.

Mr. President, I send to the desk this bill and ask the President for its appropriate referral to commitee and ask that a summary of its contents and the full text of the bill be printed at the conclusion of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Congressional Campaign Spending Limit and Election Reform Act of 1993".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of Campaign Act; table of contents.
Sec. 2. Findings and declarations of the Senate.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

Sec. 101. Senate spending limits and benefits.
Sec. 102. Restrictions on activities of political action and candidate committees in Federal elections.
Sec. 103. Reporting requirements.
Sec. 104. Disclosure by noneligible candidates.

Subtitle B—General Provisions

Sec. 131. Broadcast rates and preemption.
Sec. 132. Extension of reduced third-class mailing rates to eligible Senate candidates.
Sec. 133. Reporting requirements for certain independent expenditures.
Sec. 134. Campaign advertising amendments.
Sec. 135. Definitions.
Sec. 136. Provisions relating to franked mass mailings.

TITLE II—INDEPENDENT EXPENDITURES

Sec. 201. Clarification of definitions relating to independent expenditures.

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

Sec. 301. Personal contributions and loans.
Sec. 302. Extensions of credit.

Subtitle B—Provisions Relating to Soft Money of Political Parties

Sec. 311. Contributions to political party committees.
Sec. 312. Provisions relating to national, State, and local party committees.
Sec. 313. Restrictions on fundraising by candidates and officeholders.
Sec. 314. Reporting requirements.

TITLE IV—CONTRIBUTIONS

Sec. 401. Contributions through intermediaries and conduits.
Sec. 402. Contributions by dependents not of voting age.
Sec. 403. Contributions to candidates from State and local committees of political parties to be aggregated.
Sec. 404. Limited exclusion of advances by campaign workers from the definition of the term "contribution".

TITLE V—REPORTING REQUIREMENTS

Sec. 501. Change in certain reporting from a calendar year basis to an election cycle basis.
Sec. 502. Personal and consulting services.
Sec. 503. Reduction in threshold for reporting of certain information by persons other than political committees.
Sec. 504. Computerized indices of contributions.

TITLE VI—FEDERAL ELECTION COMMISSION

Sec. 601. Use of candidates' names.
Sec. 602. Reporting requirements.
Sec. 603. Provisions relating to the general counsel of the Commission.
Sec. 604. Enforcement.
Sec. 605. Penalties.
Sec. 606. Random audits.
Sec. 607. Prohibition of false representation to solicit contributions.
Sec. 608. Regulations relating to use of non-Federal money.

TITLE VII—MISCELLANEOUS

Sec. 701. Prohibition of leadership committees.
Sec. 702. Polling data contributed to candidates.

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

Sec. 801. Effective date.
Sec. 802. Sense of the Senate regarding funding of Senate Election Campaign Fund.
Sec. 803. Severability.
Sec. 804. Expedited review of constitutional issues.

SEC. 2. FINDINGS AND DECLARATIONS OF THE SENATE.

(a) NECESSITY FOR SPENDING LIMITS.—The Senate finds and declares that—

(1) the current system of campaign finance has led to public perceptions that political contributions and their solicitation have unduly influenced the official conduct of elected officials;

(2) permitting candidates for Federal office to raise and spend unlimited amounts of money constitutes a fundamental flaw in the current system of campaign finance, and has undermined public respect for the Senate as an institution;

(3) the failure to limit campaign expenditures has caused individuals elected to the Senate to spend an increasing proportion of their time in office as elected officials raising funds, interfering with the ability of the Senate to carry out its constitutional responsibilities;

(4) the failure to limit campaign expenditures has damaged the Senate as an institution, due to the time lost to raising funds for campaigns; and

(5) to prevent the appearance of corruption and to restore public trust in the Senate as an institution, it is necessary to limit campaign expenditures, through a system which provides public benefits to candidates who agree to limit campaign expenditures.

(b) NECESSITY FOR LIMITS ON POLITICAL ACTION COMMITTEES.—The Senate finds and declares that—

(1) contributions by political action committees to individual candidates have created the perception that candidates are beholden to special interests, and leave candidates open to charges of corruption;

(2) unconstrained contributions by political action committees to individual candidates have undermined public confidence in the Senate as an institution; and

(3) to prevent the appearance of corruption and to restore public trust in the Senate as an institution, it is necessary to limit contributions by political action committees, while allowing such committees to continue to participate in the political process through other means, such as through independent expenditures.

(c) NECESSITY FOR ATTRIBUTING COOPERATIVE EXPENDITURES TO CANDIDATES.—The Senate finds and declares that—

(1) public confidence and trust in the system of campaign finance would be undermined should any candidate be able to circumvent a system of caps on expenditures through cooperative expenditures with outside individuals, groups, or organizations;

(2) cooperative expenditures by candidates with outside individuals, groups, or organizations would severely undermine the effectiveness of caps on campaign expenditures, unless they are included within such caps; and

(3) to maintain the integrity of the system of campaign finance, expenditures by any individual, group, or organization that have been made in cooperation with any candidate, authorized committee, or agent of any candidate must be attributed to that candidate's cap on campaign expenditures.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

SEC. 101. SENATE SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

"(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (b) and (c);

"(2) meets the primary and runoff election expenditure limits of subsection (d); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration that—

"(A) the candidate and the candidate's authorized committees—

"(i)(I) will meet the primary and runoff election expenditure limits of subsection (d); and

"(II) will only accept contributions for the primary and runoff elections which do not exceed such limits; and

"(ii)(I) will meet the primary and runoff election multicandidate political committee contribution limits of subsection (f); and

"(II) will only accept contributions for the primary and runoff elections from multicandidate political committees which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(b); and

"(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 502(a).

"(2) The declaration under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files a certification with the Secretary of the Senate under penalty of perjury that—

"(A) the candidate and the candidate's authorized committees—

"(i)(I) met the primary and runoff election expenditure limits under subsection (d); and

"(II) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable, reduced by any amounts transferred to this election cycle from a preceding election cycle; and

"(ii)(I) met the multicandidate political committee contribution limits under subsection (f); and

"(II) did not accept contributions for the primary or runoff election in excess of the multicandidate political committee contribution limits under subsection (f);

"(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

"(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(D) such candidate and the authorized committees of such candidate—

"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 502(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of the amount of the general election expenditure limit under section 502(b) and the amounts described in subsections (c) and (d) of section 502, reduced by—

"(I) the amount of voter communication vouchers issued to the candidate; and

"(II) any amounts transferred to this election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission; and

"(vi) will cooperate in the case of any audit and examination by the Commission under section 506; and

"(E) the candidate intends to make use of the benefits provided under section 503.

"(2) The declaration under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

"(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 502(b); or

"(ii) $2,750,000.

"(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(b).

"(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Secretary of the Senate with respect to such period under section 304(c).

"(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to the lesser of—

"(A) 10 percent of the general election expenditure limit under section 502(b); or

"(B) $250,000.

"(2) For purposes of this section and section 503(b)—

"(A) The term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

"(B) The term 'allowable contributions' shall not include—

"(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

"(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or

"(iii) contributions from individuals residing outside the candidate's State to the extent such contributions exceed 50 percent of the aggregate allowable contributions (without regard to this clause) received by the candidate during the applicable period.

Clauses (ii) and (iii) shall not apply for purposes of section 503(b).

"(3) For purposes of this subsection and section 503(b), the term 'applicable period' means—

"(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

"(i) the date on which the certification under subsection (c) is filed by the candidate; or

"(ii) for purposes of section 503(b), the date of such general election; or

"(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) MULTICANDIDATE POLITICAL COMMITTEE CONTRIBUTION LIMITS.—The requirements of this subsection are met if the candidate and the candidate's authorized committees have accepted contributions from multicandidate political committees contributions that do not exceed—

"(1) during the primary election period, an amount equal to 20 percent of the primary election spending limit under subsection (d)(1)(A); and

"(2) during the runoff election period, an amount equal to 20 percent of the runoff election spending limit under subsection (d)(1)(B).

"(g) INDEXING.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for purposes of subsection (d)(1), the base period shall be calendar year 1992.

"SEC. 502. LIMITATIONS ON EXPENDITURES.

"(a) LIMITATION ON USE OF PERSONAL FUNDS.—(1) The aggregate amount of expenditures which may be made during an election cycle by an eligible Senate candidate or such candidate's authorized committees from the sources described in paragraph (2) shall not exceed the lesser of—

"(A) 10 percent of the general election expenditure limit under subsection (b); or

"(B) $250,000.

"(2) A source is described in this paragraph if it is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) General Election Expenditure Limit.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $950,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) In the case of an eligible Senate candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 501(f) (relating to indexing).

"(c) Legal and Accounting Compliance Fund.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures made by a candidate or the candidate's authorized committees or a Federal officeholder from a legal and accounting compliance fund meeting the requirements of paragraph (2).

"(2) A legal and accounting compliance fund meets the requirements of this paragraph if—

"(A) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate amounts transferred to, and expenditures made from, the fund do not exceed the sum of—

"(i) the lesser of—

"(I) 15 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

"(II) $300,000; plus

"(ii) the amount determined under paragraph (4); and

"(C) no funds received by the candidate pursuant to section 503(a)(3) may be transferred to the fund.

"(3) For purposes of this subsection, the term 'qualified legal and accounting expenditures' means the following:

"(A) Any expenditures for costs of legal and accounting services provided in connection with—

"(i) any administrative or court proceeding initiated pursuant to this Act during the election cycle for such general election; or

"(ii) the preparation of any documents or reports required by this Act or the Commission.

"(B) Any expenditures for legal and accounting services provided in connection with the general election for which the legal and accounting compliance fund was established to ensure compliance with this Act with respect to the election cycle for such general election.

"(4)(A) If, after a general election, a candidate determines that the qualified legal and accounting expenditures will exceed the limitation under paragraph (2)(B)(i), the candidate may petition the Commission by filing with the Secretary of the Senate a request for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed such limitation. Such determination shall be subject to judicial review under section 506.

"(B) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

"(5) Any funds in a legal and accounting compliance fund shall be treated for purposes of this Act as a separate segregated fund, except that any portion of the fund not used to pay qualified legal and accounting expenditures, and not transferred to a legal and accounting compliance fund for the election cycle for the next general election, shall be treated in the same manner as other campaign funds.

"(d) Payment of Taxes.—The limitation under subsection (b) shall not apply to any expenditure for Federal, State, or local taxes with respect to a candidate's authorized committees.

"(e) Expenditures.—For purposes of this title, the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or a candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) or (vi) thereof.

"SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE.

"(a) In General.—An eligible Senate candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b) of the Communications Act of 1934;

"(2) the mailing rates provided in section 3626(e) of title 39, United States Code;

"(3) payments in the amounts determined under subsection (b); and

"(4) voter communication vouchers in the amount determined under subsection (c).

"(b) Amount of Payments.—(1) For purposes of subsection (a)(3), the amounts determined under this subsection are—

"(A) the public financing amount;

"(B) the independent expenditure amount; and

"(C) in the case of an eligible Senate candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 502(b), the excess expenditure amount.

"(2) For purposes of paragraph (1), the public financing amount is—

"(A) in the case of an eligible candidate who is a major party candidate and who has met the threshold requirement of section 501(e)—

"(i) during the primary election period, an amount equal to the amount of contributions received during that period from individuals residing in the candidate's State in the aggregate amount of $250 or less, up to 50 percent of the primary election spending limit under section 501(d)(1)(A), reduced by the threshold requirement under section 501(e);

"(ii) during the runoff election period, an amount equal to the amount of contributions received during that period from individuals residing in the candidate's State in the aggregate amount of $250 or less, up to 10 percent of the general election spending limit under section 501(d)(1)(B); and

"(iii) during the general election period, an amount equal to the general election expenditure limit applicable to the candidate under section 502(b) (without regard to paragraph (4) thereof) reduced by the amount of voter communication vouchers issued to the eligible candidate; and

"(B) in the case of an eligible candidate who is not a major party candidate and who has met the threshold requirement of section 501(e)—

"(i) during the primary election period, an amount equal to the amount of contributions received during that period from individuals residing in the candidate's State in the aggregate amount of $250 or less, up to 50 percent of the primary election spending limit under section 501(d)(1)(A), reduced by the threshold requirement under section 501(e);

"(ii) during the runoff election period, an amount equal to the amount of contributions received during that period from individuals residing in the candidate's State in the aggregate amount of $250 or less, up to 10 percent of the general election spending limit under section 501(d)(1)(B); and

"(iii) during the general election period, an amount equal to the amount of contributions received during that period from individuals residing in the candidate's State in the aggregate amount of $250 or less, up to 50 percent of the general election spending limit under section 502(b).

"(3) For purposes of paragraph (1), the independent expenditure amount is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate which are required to be reported by such persons under section 304(c) with respect to the general election period and are certified by the Commission under section 304(c).

"(4) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of a major party candidate, an amount equal to the sum of—

"(i) if the excess described in paragraph (1)(c) is not greater than 133⅓ percent of the general election expenditure limit under section 502(b), an amount equal to one-third of such limit applicable to the eligible Senate candidate for the election; plus

"(ii) if such excess equals or exceeds 133⅓ percent but is less than 166⅔ percent of such limit, an amount equal to one-third of such limit; plus

"(iii) if such excess equals or exceeds 166⅔ percent of such limit, an amount equal to one-third of such limit.

"(B) In the case of an eligible Senate candidate who is not a major party candidate, an amount equal to the amount of contributions received during that period from individuals residing in the candidate's State in the aggregate amount of $250 or less, up to 50 percent of the general election spending limit under section 502(b).

"(c) VOTER COMMUNICATION VOUCHERS.—(1) The aggregate amount of voter communication vouchers issued to an eligible Senate candidate during a general election period shall be equal to 50 percent of the general election expenditure limit under section 502(b) (25 percent of such limit if such candidate is not a major party candidate).

"(2) Voter communication vouchers shall be used by an eligible Senate candidate to purchase broadcast time during the general election period in the same manner as other broadcast time may be purchased by the candidate.

"(d) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITS.—(1) An eligible Senate candidate who receives payments under subsection (a)(3) which are allocable to the independent expenditure or excess expenditure amounts described in paragraphs (3) and (4) of subsection (b) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 502(b).

"(2)(A) An eligible Senate candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 501(c)(1)(D) or subsection (a) or (b) of section 502 if any one of the eligible Senate candidate's opponents who is not an eligible Senate candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 200 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(B) The amount of the expenditures which may be made by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(3)(A) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 501(c)(1)(D) if—

"(i) a major party candidate in the same general election is not an eligible Senate candidate; or

"(ii) any other candidate in the same general election who is not an eligible Senate candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 502(b).

"(B) The amount of contributions which may be received by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(e) USE OF PAYMENTS.—Payments received by a candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

"(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate;

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) subject to the provisions of section 315(k), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) IN GENERAL.—(1) The Commission shall certify to any candidate meeting the requirements of section 501 that such candidate is an eligible Senate candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) No later than 48 hours after an eligible Senate candidate files a request with the Secretary of the Senate to receive benefits under section 501, the Commission shall issue a certification stating whether such candidate is eligible for payments under this title or to receive voter communication vouchers and the amount of such payments or vouchers to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 and judicial review under section 506.

"SEC. 505. EXAMINATION AND AUDITS; REPAYMENTS; CIVIL PENALTIES.

"(a) EXAMINATION AND AUDITS.—(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of all candidates for the office of United States Senator to determine, among other things, whether such candidates have complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act. Such candidates shall be designated by the Commission through the use of an appropriate statistical method of random selection. If the Commission selects a candidate, the Commission shall examine and audit the campaign accounts of all other candidates in the general election for the office the selected candidate is seeking.

"(2) The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(b) EXCESS PAYMENTS; REVOCATION OF STATUS.—(1) If the Commission determines that payments or vouchers were made to an eligible Senate candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay an amount equal to the excess.

"(2) If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the payments and vouchers received under this title.

"(c) MISUSE OF BENEFITS.—If the Commission determines that any amount of any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay the amount of such benefit.

"(d) EXCESS EXPENDITURES.—If the Commission determines that any eligible Senate candidate who has received benefits under this title has made expenditures which in the aggregate exceed—

"(1) the primary or runoff expenditure limit under section 501(d); or

"(2) the general election expenditure limit under section 502(b),

the Commission shall so notify such candidate and such candidate shall pay an amount equal to the amount of the excess expenditures.

"(e) CIVIL PENALTIES FOR EXCESS EXPENDITURES AND CONTRIBUTIONS.—(1) If the Commission determines that a candidate has committed a violation described in subsection (c), the Commission may assess a civil penalty against such candidate in an amount not greater than 200 percent of the amount involved.

"(2)(A) LOW AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 2.5 percent or less shall pay an amount equal to the amount of the excess expenditures.

"(B) MEDIUM AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by more than 2.5 percent and less than 5 percent shall pay an amount equal to three times the amount of the excess expenditures.

"(C) LARGE AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 5 percent or more shall pay an amount equal to three times the amount of the excess expenditures plus a civil penalty in an amount determined by the Commission.

"(f) UNEXPENDED FUNDS.—Any amount received by an eligible Senate candidate under this title may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid.

"(g) LIMIT ON PERIOD FOR NOTIFICATION.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) DEPOSITS.—The Secretary shall deposit all payments received under this section into the Senate Election Campaign Fund.

"SEC. 506. JUDICIAL REVIEW.

"(a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) APPLICATION OF TITLE 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"SEC. 507. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCES.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 506 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) INSTITUTION OF ACTIONS.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to the Secretary.

"(c) INJUNCTIVE RELIEF.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) APPEALS.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 508. REPORTS TO CONGRESS; REGULATIONS.

"(a) REPORTS.—The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible Senate candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 504 as benefits available to each eligible Senate candidate;

"(3) the amount of repayments, if any, required under section 505 and the reasons for each repayment required; and

"(4) the balance in the Senate Election Campaign Fund, and the balance in any account maintained the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) RULES AND REGULATIONS.—The Commission is authorized to prescribe such rules and regulations, in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) STATEMENT TO SENATE.—Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"SEC. 509. PAYMENTS RELATING TO ELIGIBLE CANDIDATES.

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—(1) There is established on the books of the Treasury of the United States a special fund to be known as the 'Senate Election Campaign Fund'.

"(2)(A) There are appropriated to the Fund for each fiscal year, out of amounts in the general fund of the Treasury not otherwise appropriated, amounts equal to—

"(i) any contributions by persons which are specifically designated as being made to the Fund;

"(ii) amounts collected under section 505(h); and

"(iii) any other amounts that may be appropriated to or deposited into the Fund under this title.

"(B) The Secretary of the Treasury shall, from time to time, transfer to the Fund an amount not in excess of the amounts described in subparagraph (A).

"(C) Amounts in the Fund shall remain available without fiscal year limitation.

"(3) Amounts in the Fund shall be available only for the purposes of—

"(A) making payments required under this title; and

"(B) making expenditures in connection with the administration of the Fund.

"(4) The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

"(b) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 504, except as provided in subsection (d), the Secretary shall promptly pay the amount certified by the Commission to the candidate out of the Senate Election Campaign Fund.

"(c) VOUCHERS.—(1) Upon receipt of a certification from the Commission under section 504, except as provided in subsection (d), the Secretary of the Treasury shall issue to an eligible candidate the amount of voter communication vouchers specified in such certification.

"(2) Upon receipt of a voter communication voucher from a licensee providing broadcast time to an eligible candidate, the Secretary of the Treasury shall pay to such licensee from the Senate Election Campaign Fund the face value of such voucher.

"(d) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFICIENT.—(1) If, at the time of a certification by the Commission under section 504 for payment, or issuance or a voucher, to an eligible candidate, the Secretary determines that the monies in the Senate Election Campaign Fund are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from the amount of such payment or voucher such amount as the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

"(2) Amounts and vouchers withheld under subparagraph (A) shall be paid when the Secretary determines that there are sufficient monies in the Fund to pay all, or a portion thereof, to all eligible candidates from whom amounts have been withheld, except that if only a portion is to be paid, it shall be paid in such manner that each eligible candidate receives an equal pro rata share of such portion.

"(3)(A) Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

"(i) the amount of monies in the fund which will be available to make payments required by this title in the succeeding calendar year; and

"(ii) the amount of payments which will be required under this title in such calendar year.

"(B) If the Secretary determines that there will be insufficient monies in the fund to make the payments required by this title for any calendar year, the Secretary shall notify each candidate on January 1 of such calendar year (or, if later, the date on which an individual becomes a candidate) of the amount which the Secretary estimates will be the pro rata reduction in each eligible candidate's payments (including vouchers) under this subsection. Such notice shall be by registered mail.

"(C) The amount of the eligible candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of the estimated pro rata reduction.

"(4) The Secretary shall notify the Commission and each eligible candidate by registered mail of any actual reduction in the amount of any payment by reason of this subsection. If the amount of the reduction exceeds the amount estimated under paragraph (3), the candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of such excess.".

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1993.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1994, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1994, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1994, to pay for expenditures which were incurred (but unpaid) before such date.

(c) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—If section 501, 502, or 503 of title V of FECA (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act shall be treated as invalid.

SEC. 102. RESTRICTIONS ON ACTIVITIES OF POLITICAL ACTION AND CANDIDATE COMMITTEES IN FEDERAL ELECTIONS.

(a) CONTRIBUTIONS.—Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) CONTRIBUTIONS BY POLITICAL ACTION COMMITTEES TO SENATE CANDIDATES.—(1) In the case of a candidate for election, or nomination for election, to the United States Senate (and such candidate's authorized committees), subsection (a)(2)(A) shall be applied by substituting "$1,000" for "$5,000".

"(2) It shall be unlawful for a multicandidate political committee to make a contribution to a candidate for election, or nomination for election, to the United States Senate (or an authorized committee) to the extent that the making of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

"(A) $825,000; or

"(B) the greater of—

"(i) $375,000; or

"(ii) 20 percent of the sum of the general election spending limit under section 502(b) plus the primary election spending limit under section 501(d)(1)(A) (without regard to whether the candidate is an eligible Senate candidate).

"(3) In the case of an election cycle in which there is a runoff election, the limit determined under paragraph (2) shall be increased by an amount equal to 20 percent of the runoff election expenditure limit under section 501(d)(1)(B) (without regard to whether the candidate is such an eligible Senate candidate).

"(4) The $825,000 and $375,000 amounts in paragraph (2) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that for purposes of paragraph (2), the base period shall be calendar year 1992.

"(5) A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under paragraph (2) shall return the amount of such excess contribution to the contributor.".

SEC. 103. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE SENATE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Secretary of the Senate under section 501(c) shall file with the Secretary of the Senate a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b). Such declaration shall be filed at the time provided in section 501(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible Senate candidate under section 501; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 75 percent of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b),

shall file a report with the Secretary of the Senate within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 24 hours after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 200 percent of such limit) with the Secretary of the Senate within 24 hours after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 133⅓, 166⅔, and 200 percent of such limit.

"(3) The Commission—

"(A) shall, within 24 hours of receipt of a declaration or report under paragraph (1) or (2), notify each eligible Senate candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 502(b), shall certify, pursuant to the provisions of subsection (d), such eligibility for payment of any amount to which such eligible Senate candidate is entitled under section 503(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible Senate candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 24 hours after making each such determination, notify each eligible Senate candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 502(b), certify (pursuant to the provisions of subsection (d)) such candidate's eligibility for payment of any amount under section 503(a).

"(b) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle expends more than the limitation under section 502(a) during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 24 hours after such expenditures have been made or loans incurred.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each eligible Senate candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 24 hours after making such determination shall notify each eligible Senate candidate in the general election involved about each such determination.

"(c) CANDIDATES FOR OTHER OFFICES.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Secretary of the Senate the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate for the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(d) CERTIFICATIONS.—Notwithstanding section 505(a), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination.

"(e) COPIES OF REPORTS AND PUBLIC INSPECTION.—The Secretary of the Senate shall transmit a copy of any report or filing received under this section or of title V (whenever a 24-hour response is required of the Commission) as soon as possible (but no later than 4 working hours of the Commission) after receipt of such report or filing, and shall make such report or filing available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such reports and filings in the same manner as the Commission under section 311(a)(5).

"(f) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V.".

SEC. 104. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Section 318 of FECA (2 U.S.C. 441d), as amended by section 133, is amended by adding at the end thereof the following:

"(e) If a broadcast, cablecast, or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible Senate candidate, or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to voluntary campaign spending limits.'.".

Subtitle B—General Provisions

SEC. 131. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "forty-five" and inserting in lieu thereof "30";

(B) by striking out "sixty" and inserting in lieu thereof "45"; and

(C) by striking out "lowest unit charge of the station for the same class and amount of time for the same period" and insert "lowest charge of the station for the same amount of time for the same period on the same date"; and

(2) by adding at the end the following new sentence:

"In the case of an eligible Senate candidate (as defined in section 301(19) of the Federal Election Campaign Act of 1971), the charges during the general election period (as defined in section 301(21) of such Act) shall not exceed 50 percent of the lowest charge described in paragraph (1).".

(b) PREEMPTION; ACCESS.—Section 315 of such Act (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (e) and (f), respectively, and by inserting immediately after subsection (b) the following new subsection:

"(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to the provisions of subsection (b)(1).

"(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.

"(d) In the case of a legally qualified candidate for the United States Senate, a licensee shall provide broadcast time without regard to the rates charged for the time.".

SEC. 132. EXTENSION OF REDUCED THIRD-CLASS MAILING RATES TO ELIGIBLE SENATE CANDIDATES.

Section 3626(e) of title 39, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) by striking out "and the National" and inserting in lieu thereof "the National"; and

(B) by striking out "Committee;" and inserting in lieu thereof "Committee, and, subject to paragraph (3), the principal campaign committee of an eligible House of Representatives or Senate candidate;";

(2) in paragraph (2)(B), by striking out "and" after the semicolon;

(3) in paragraph (2)(C), by striking out the period and inserting in lieu thereof "; and";

(4) by adding after paragraph (2)(C) the following new subparagraph:

"(D) The terms 'eligible Senate candidate' and 'principal campaign committee' have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971."; and

(5) by adding after paragraph (2) the following new paragraph:

"(3) The rate made available under this subsection with respect to an eligible Senate candidate shall apply only to—

"(A) the general election period (as defined in section 301 of the Federal Election Campaign Act of 1971); and

"(B) that number of pieces of mail equal to the number of individuals in the voting age population (as certified under section 315(e) of such Act) of the congressional district or State, whichever is applicable.".

SEC. 133. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304(c) of FECA (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking out the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2), as amended by paragraph (1), the following new paragraphs:

"(3)(A) Any independent expenditure (including those described in subsection (b)(6)(B)(iii) of this section) aggregating $1,000 or more made after the 20th day, but more than 24 hours, before any election shall be reported within 24 hours after such independent expenditure is made.

"(B) Any independent expenditure aggregating $10,000 or more made at any time up to and including the 20th day before any election shall be reported within 48 hours after such independent expenditure is made. An additional statement shall be filed each time independent expenditures aggregating $10,000 are made with respect to the same election as the initial statement filed under this section.

"(C) Such statement shall be filed with the Secretary of the Senate and the Secretary of State of the State involved and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

"(D) For purposes of this section, the term 'made' includes any action taken to incur an obligation for payment.

"(4)(A) If any person intends to make independent expenditures totaling $5,000 during the 20 days before an election, such person shall file a statement no later than the 20th day before the election.

"(B) Such statement shall be filed with the Secretary of the Senate and the Secretary of State of the State involved, and shall identify each candidate whom the expenditure will support or oppose. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a statement under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

"(5) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election which in the aggregate exceed the applicable amounts under paragraph (3) or (4). The Commission shall notify each candidate in such election of such determination within 24 hours of making it.

"(6) At the same time as a candidate is notified under paragraph (3), (4), or (5) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 504(a) or section 604(b).

"(7) The Secretary of the Senate shall make any statement received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such statements in the same manner as the Commission under section 311(a)(5)."

SEC. 134. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of FECA (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking "an expenditure" and inserting "a disbursement";

(2) in the matter before paragraph (1) of subsection (a), by striking "direct";

(3) in paragraph (3) of subsection (a), by inserting after "name" the following "and permanent street address"; and

(4) by adding at the end the following new subsections:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the statement required by paragraph (1) shall—

"(A) appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) be accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

' is responsible for the content of this advertisement.'

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor; and, if broadcast or cablecast by means of television, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. 135. DEFINITIONS.

(a) IN GENERAL.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

"(19) The term 'eligible Senate candidate' means a candidate who is eligible under section 502 to receive benefits under title V.

"(20) The term 'general election' means any election which will directly result in the election of a person to a Federal office, but does not include an open primary election.

"(21) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

"(22) The term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(23) The term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified under State law for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of title V.

"(24) The term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

"(25) The term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

"(26) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

"(27) The term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.

"(28) The term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"(29) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.

"(30) The terms 'Senate Election Campaign Fund' and 'Fund' mean the Senate Election Campaign Fund established under section 509.

"(31) The term 'lobbyist' means—

"(A) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.); and

"(B) a person who receives compensation in return for having contact with Congress on any legislative matter.".

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking "mailing address" and inserting "permanent residence address".

SEC. 136. PROVISIONS RELATING TO FRANKED MASS MAILINGS.

(a) MASS MAILINGS OF SENATORS.—Section 3210(a)(6) of title 39, United States Code, is amended—

(1) in subparagraph (A), by striking "It is the intent of Congress that a Member of, or a Member-elect to, Congress" and inserting "A Member of, or Member-elect to, the House"; and

(2) in subparagraph (C)—

(A) by striking "if such mass mailing is postmarked fewer than 60 days immediately before the date" and inserting "if such mass mailing is postmarked during the calendar year"; and

(B) by inserting "or reelection" immediately before the period.

(b) MASS MAILINGS OF HOUSE MEMBERS.—Section 3210 of title 39, United States Code, is amended—

(1) in subsection (a)(7) by striking ", except that—" and all that follows through the end of subparagraph (B) and inserting a period; and

(2) in subsection (d)(1) by striking "delivery—" and all that follows through the end of subparagraph (B) and inserting "delivery within that area constituting the congressional district or State from which the Member was elected.".

(c) PROHIBITION ON USE OF OFFICIAL FUNDS.—The Committee on House Administration of the House of Representatives may not approve any payment, nor may a Member of the House of Representatives make any expenditure from, any allowance of the House of Representatives or any other official funds if any portion of the payment or expenditure is for any cost related to a mass mailing by a Member of the House of Representatives outside the congressional district of the Member.

TITLE II—INDEPENDENT EXPENDITURES

SEC. 201. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17)(A) The term 'independent expenditure' means an expenditure for an advertisement or other communication that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of a candidate or a candidate's representative.

"(B) The following shall not be considered an independent expenditure:

"(i) An expenditure made by a political committee of a political party.

"(ii) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

"(iii) An expenditure if there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure.

"(iv) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

"(v) An expenditure if the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office.

"(vi) An expenditure if the person making the expenditure retains the professional services of any individual or other person also providing those services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office.

"(vii) An expenditure if the person making the expenditure has consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person.

"(18) The term 'express advocacy' means, when a communication is taken as a whole, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity.".

(b) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking "or" after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii).".

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

SEC. 301. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 122, is amended by adding at the end the following new subsection:

"(k) LIMITATIONS ON PAYMENTS TO CANDIDATES.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors.".

SEC. 302. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as amended by section 201(b), is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by inserting at the end the following new clause:

"(iv) with respect to a candidate and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mailings, or relating to other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period greater than the period, not in excess of 60 days, for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished or the date of the mailing in the case of advertising by a mailing.".

Subtitle B—Provisions Relating to Soft Money of Political Parties

SEC. 311. CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.

(a) INDIVIDUAL CONTRIBUTIONS TO STATE PARTY.—Paragraph (1) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to political committees established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000; or".

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Paragraph (2) of section 315(a) of FECA (2 U.S.C. 441a(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to political committees established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000; or".

(c) INCREASE IN OVERALL LIMIT.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended by adding at the end thereof the following new sentence: "The limitation under this paragraph shall be increased (but not by more than $5,000) by the amount of contributions made by an individual during a calendar year to political committees which are taken into account for purposes of paragraph (1)(C).".

SEC. 312. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) EXPENDITURES BY STATE COMMITTEES IN CONNECTION WITH PRESIDENTIAL CAMPAIGNS.—Section 315(d) of FECA (2 U.S.C. 441a(d)) is amended by inserting at the end thereof the following new paragraph:

"(4) A State committee of a political party, including subordinate committees of that State committee, shall not make expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party which, in the aggregate, exceed an amount equal to 4 cents multiplied by the voting age population of the State, as certified under subsection (e). This paragraph shall not authorize a committee to make expenditures for audio broadcasts (including television broadcasts) in excess of the amount which could have been made without regard to this paragraph.".

(b) CONTRIBUTION AND EXPENDITURE EXCEPTIONS.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(A) in clause (xi), by striking "direct mail" and inserting "mail"; and

(B) by repealing clauses (x) and (xii).

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended by repealing clauses (viii) and (ix).

(c) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—(1) Title III of FECA is amended by inserting after section 323 the following new section:

"POLITICAL PARTY COMMITTEES

"SEC. 324. (a) Any amount solicited, received, or expended directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to an activity which, in whole or in part, is in connection with an election to Federal office shall be subject in its entirety to the limitations, prohibitions, and reporting requirements of this Act.

"(b) For purposes of subsection (a)—

"(1) Any activity which is solely for the purpose of influencing an election for Federal office is in connection with an election for Federal office.

"(2) Except as provided in paragraph (3), any of the following activities during a Federal election period shall be treated as in connection with an election for Federal office:

"(A) Voter registration and get-out-the-vote activities.

"(B) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that—

"(i) are generic campaign activities; or

"(ii) identify a Federal candidate regardless of whether a State or local candidate is also identified.

"(C) The preparation and dissemination of campaign materials that are part of a generic campaign activity or that identify a Federal candidate, regardless of whether a State or local candidate is also identified.

"(D) Development and maintenance of voter files.

"(E) Any other activity affecting (in whole or in part) an election for Federal office.

"(3) The following shall not be treated as in connection with a Federal election:

"(A) Any amount described in section 301(8)(B)(viii).

"(B) Any amount contributed to a candidate for other than Federal office.

"(C) Any amount received or expended in connection with a State or local political convention.

"(D) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that are exclusively on behalf of State or local candidates and are not activities described in paragraph (2)(A).

"(E) Administrative expenses of a State or local committee of a political party, including expenses for—

"(i) overhead;

"(ii) staff (other than individuals devoting a substantial portion of their activities to elections for Federal office); and

"(iii) conducting party elections or caucuses.

"(F) Research pertaining solely to State and local candidates and issues.

"(G) Development and maintenance of voter files other than during a Federal election period.

"(H) Activities described in paragraph (2)(A) which are conducted other than during a Federal election period.

"(I) Any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office.

"(4) For purposes of this subsection, the term 'Federal election period' means the period—

"(A) beginning on June 1, of any even-numbered calendar year (April 1 if an election to the office of President occurs in such year), and

"(B) ending on the date during such year on which regularly scheduled general elections for Federal office occur.

In the case of a special election, the Federal election period shall include at least the 60-day period ending on the date of the election.

"(c) SOLICITATION OF COMMITTEES.—A national committee of a political party may not solicit or accept contributions not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(d) AMOUNTS RECEIVED FROM STATE AND LOCAL CANDIDATE COMMITTEES.—(1) For purposes of subsection (a), any amount received by a national, State, district, or local committee of a political party (including any subordinate committee) from a State or local candidate committee shall be treated as meeting the requirements of subsection (a) and section 304(d) if—

"(A) such amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount, and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements are met, and

"(ii) certifies to the other committee that such requirements were met.

"(2) Notwithstanding paragraph (1), any committee receiving any contribution described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act with respect to receipt of the contribution from such candidate committee.

"(3) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office.".

(2) Section 315(d) of FECA (2 U.S.C. 441a(d)), as amended by subsection (a), is amended by adding at the end thereof the following new paragraph:

"(5)(A) The national committee of a political party, the congressional campaign committees of a political party, and a State or local committee of a political party, including a subordinate committee of any of the preceding committees, shall not make expenditures during any calendar year for activities described in section 324(b)(2) with respect to such State which, in the aggregate, exceed an amount equal to 30 cents multiplied by the voting age population of the State (as certified under subsection (e)).

"(B) Expenditures authorized under this paragraph shall be in addition to other expenditures allowed under this subsection, except that this paragraph shall not authorize a committee to make expenditures to which paragraph (3) or (4) applies in excess of the limit applicable to such expenditures under paragraph (3) or (4).

"(C) No adjustment to the limitation under this paragraph shall be made under subsection (c) before 1992 and the base period for purposes of any such adjustment shall be 1990.

"(D) For purposes of this paragraph—

"(i) a local committee of a political party shall only include a committee that is a political committee (as defined in section 301(4)); and

"(ii) a State committee shall not be required to record or report under this Act the expenditures of any other committee which are made independently from the State committee.".

(3) Section 301(4) of FECA (2 U.S.C. 431(4)) is amended by adding at the end the following new sentence:

"For purposes of subparagraph (C), any payments for get-out-the-vote activities on behalf of candidates for office other than Federal office shall be treated as payments exempted from the definition of expenditure under paragraph (9) of this section.".

(4) Section 301(8)(B)(viii) of FECA (2 U.S.C. 431(8)(B)(viii)) is amended by striking "defray" and inserting "pay indebtedness incurred prior to January 1, 1993, for the purpose of defraying".

(d) GENERIC ACTIVITIES.—Section 301 of FECA (2 U.S.C. 431), as amended by section 135, is amended by adding at the end thereof the following new paragraph:

"(31) The term 'generic campaign activity' means a campaign activity the preponderant purpose or effect of which is to promote a political party rather than any particular Federal or non-Federal candidate.".

SEC. 313. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) STATE FUNDRAISING ACTIVITIES.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 301, is amended by adding at the end thereof the following new subsection:

"(l) LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICEHOLDERS AND CERTAIN POLITICAL COMMITTEES.—(1) For purposes of this Act, a candidate for Federal office (or an individual holding Federal office) may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under this Act, and are not from sources prohibited by this Act with respect to elections to Federal office.

"(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

"(B) A person is described in this subparagraph if such person is a candidate for Federal office, an individual holding Federal office, or any national, State, district, or local committee of a political party (including subordinate committees).

"(3) The appearance or participation by a candidate or individual in any activity (including fundraising) conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if—

"(A) such appearance or participation is otherwise permitted by law; and

"(B) such candidate or individual does not solicit or receive, or make expenditures from, any funds resulting from such activity.

"(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

"(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual is described in section 101(f) of the Ethics in Government Act of 1978.".

(b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(m) TAX-EXEMPT ORGANIZATIONS.—(1) If during any period an individual is a candidate for, or holds, Federal office, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns.

"(2) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual is described in section 101(f) of the Ethics in Government Act of 1978.".

SEC. 314. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end thereof the following new subsection:

"(d) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 324 applies shall report all receipts and disbursements in connection with a Federal election (as determined under section 324).

"(3) Any political committee to which section 324 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 324(c) and the reason for the transfer.

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election.

"(5) If any receipt or disbursement to which this subsection applies exceeds $200, the political committee shall include identification of the person from whom, or to whom, such receipt or disbursement was made.

"(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by inserting at the end thereof the following:

"(C) The exclusions provided in clauses (v) and (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions in excess of $200 shall be reported.".

(c) REPORTING OF EXEMPT EXPENDITURES.—Section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)) is amended by inserting at the end thereof the following:

"(C) The exclusions provided in clause (iv) of subparagraph (B) shall not apply for purposes of any requirement to report expenditures under this Act, and all such expenditures in excess of $200 shall be reported.".

(d) CONTRIBUTIONS AND EXPENDITURES OF POLITICAL COMMITTEES.—Section 301(4) of FECA (2 U.S.C. 431(4)) is amended by adding at the end the following: "For purposes of this paragraph, the receipt of contributions or the making of, or obligating to make, expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office or of any political party, in general public political advertising; and the proximity to any primary, runoff, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(e) REPORTS BY STATE COMMITTEES.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(e) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

TITLE IV—CONTRIBUTIONS

SEC. 401. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.

Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection:

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

"(ii) the intermediary or conduit is—

"(I) a political committee;

"(II) an officer, employee, or agent of such a political committee;

"(III) a political party;

"(IV) a partnership or sole proprietorship;

"(V) a lobbyist; or

"(VI) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

"(C)(i) Except as specified in section 315(a)(8)(B)(ii)(V), the term 'intermediary or conduit' does not include—

"(I) a candidate or representative of a candidate receiving contributions to the candidate's principal campaign committee or authorized committee;

"(II) a professional fundraiser compensated for fundraising services at the usual and customary rate;

"(III) a volunteer hosting a fundraising event at the volunteer's home, in accordance with section 301(8)(B); or

"(IV) an individual who transmits a contribution from the individual's spouse.

"(ii) The term 'representative' means an individual who is expressly authorized by the candidate to engage in fundraising, and who occupies a significant position within the candidate's campaign organization, provided that the individual is not described in subparagraph (B)(ii).

"(iii) The term 'contributions made or arranged to be made' includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

"(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting.

"(iv) The term 'acting on the organization's behalf' includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(IV):

"(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

"(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by substantially directing the solicitations to other officers, employees, or agents of such a person.

"(D) Nothing in this paragraph shall prohibit—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

"(I) 2 or more candidates;

"(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

"(iii) bona fide fundraising efforts conducted by and solely on behalf of an individual other than a lobbyist for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, but only if all contributions are made directly to a candidate or a representative of a candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient.".

SEC. 402. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 313(b), is amended by adding at the end the following new subsection:

"(n) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.".

SEC. 403. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) A candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.".

SEC. 404. LIMITED EXCLUSION OF ADVANCES BY CAMPAIGN WORKERS FROM THE DEFINITION OF THE TERM "CONTRIBUTION".

Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(1) in clause (xiii), by striking "and" after the semicolon at the end;

(2) in clause (xiv), by striking the period at the end and inserting: "; and"; and

(3) by adding at the end the following new clause:

"(xv) any advance voluntarily made on behalf of an authorized committee of a candidate by an individual in the normal course of such individual's responsibilities as a volunteer for, or employee of, the committee, if the advance is reimbursed by the committee within 10 days after the date on which the advance is made, and the value of advances on behalf of a committee does not exceed $500 with respect to an election.".

TITLE V—REPORTING REQUIREMENTS

SEC. 501. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.

Paragraphs (2) through (7) of section 304(b) of FECA (2 U.S.C. 434(b)(2)-(7)) are amended by inserting after "calendar year" each place it appears the following: "(election cycle, in the case of an authorized committee of a candidate for Federal office)".

SEC. 502. PERSONAL AND CONSULTING SERVICES.

Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his or her authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

SEC. 503. REDUCTION IN THRESHOLD FOR REPORTING OF CERTAIN INFORMATION BY PERSONS OTHER THAN POLITICAL COMMITTEES.

Section 304(b)(3)(A) of FECA (2 U.S.C. 434(b)(3)(A)) is amended by striking "$200" and inserting "$50".

SEC. 504. COMPUTERIZED INDICES OF CONTRIBUTIONS.

Section 311(a) of FECA (2 U.S.C. 438(a)) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(11) maintain computerized indices of contributions of $50 or more.".

TITLE VI—FEDERAL ELECTION COMMISSION

SEC. 601. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of FECA (2 U.S.C. 432(e)(4)) is amended to read as follows:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not include the name of any candidate in its name or use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 602. REPORTING REQUIREMENTS.

(a) OPTION TO FILE MONTHLY REPORTS—Section 304(a)(2) of FECA (2 U.S.C. 434(a)(2)) is amended—

(1) in subparagraph (A) by striking "and" at the end;

(2) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(3) by inserting the following new subparagraph at the end:

"(C) in lieu of the reports required by subparagraphs (A) and (B), the treasurer may file monthly reports in all calendar years, which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-primary election report and a pre-general election report shall be filed in accordance with subparagraph (A)(i), a post-general election report shall be filed in accordance with subparagraph (A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.".

(b) FILING DATE.—Section 304(a)(4)(B) of FECA (2 U.S.C. 434(a)(4)(B)) is amended by striking "20th" and inserting "15th".

SEC. 603. PROVISIONS RELATING TO THE GENERAL COUNSEL OF THE COMMISSION.

(a) VACANCY IN THE OFFICE OF GENERAL COUNSEL.—Section 306(f) of FECA (2 U.S.C. 437c(f)) is amended by adding at the end the following new paragraph:

"(5) In the event of a vacancy in the office of general counsel, the next highest ranking enforcement official in the general counsel's office shall serve as acting general counsel with full powers of the general counsel until a successor is appointed.".

(b) PAY OF THE GENERAL COUNSEL.—Section 306(f)(1) of FECA (2 U.S.C. 437c(f)(1)) is amended—

(1) by inserting "and the general counsel" after "staff director" in the second sentence; and

(2) by striking the third sentence.

SEC. 604. ENFORCEMENT.

(a) BASIS FOR ENFORCEMENT PROCEEDING.—Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended by striking "it has reason to believe that a person has committed, or is about to commit" and inserting "facts have been alleged or ascertained that, if true, give reason to believe that a person may have committed, or may be about to commit".

(b) AUTHORITY TO SEEK INJUNCTION.—(1) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end the following new paragraph:

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found.".

(2) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended—

(A) in paragraph (7) by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(B) in paragraph (11) by striking "(6)" and inserting "(6) or (13)".

SEC. 605. PENALTIES.

(a) PENALTIES PRESCRIBED IN CONCILIATION AGREEMENTS.—(1) Section 309(a)(5)(A) of FECA (2 U.S.C. 437g(a)(5)(A)) is amended by striking "which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than 50 percent of all contributions and expenditures involved in the violation (or such lesser amount as the Commission provides if necessary to ensure that the penalty is not unjustly disproportionate to the violation); and

"(ii) not greater than all contributions and expenditures involved in the violation".

(2) Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 150 percent of all contributions and expenditures involved in the violation".

(b) PENALTIES WHEN VIOLATIONS ARE ADJUDICATED IN COURT.—(1) Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)) is amended by striking all that follows "appropriate order" and inserting ", including an order for a civil penalty in the amount determined under subparagraph (A) or (B) in the district court of the United States for the district in which the defendant resides, transacts business, or may be found.".

(2) Section 309(a)(6)(B) of FECA (2 U.S.C. 437g(a)(6)(B)) is amended by striking all that follows "other order" and inserting ", including an order for a civil penalty which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 200 percent of all contributions and expenditures involved in the violation,

upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 of chapter 96 of the Internal Revenue Code of 1986.".

(3) Section 309(a)(6)(C) of FECA (29 U.S.C. 437g(6)(C)) is amended by striking "a civil penalty" and all that follows and inserting "a civil penalty which is—

"(i) not less than 200 percent of all contributions and expenditures involved in the violation; and

"(ii) not greater than 250 percent of all contributions and expenditures involved in the violation.".

SEC. 606. RANDOM AUDITS.

Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1), the Commission may from time to time conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process. This paragraph does not apply to an authorized committee of an eligible Senate candidate subject to audit under section 505(a) or an authorized committee of an eligible House of Representatives candidate subject to audit under section 605(a).".

SEC. 607. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of FECA (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a)"; and

(2) by adding at the end the following:

"(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 608. REGULATIONS RELATING TO USE OF NON-FEDERAL MONEY.

Section 306 of FECA (2 U.S.C. 437c) is amended by adding at the end the following new subsection:

"(g) The Commission shall promulgate rules to prohibit devices or arrangements which have the purpose or effect of undermining or evading the provisions of this Act restricting the use of non-Federal money to affect Federal elections.".

TITLE VII—MISCELLANEOUS

SEC. 701. PROHIBITION OF LEADERSHIP COMMITTEES.

Section 302(e) of FECA (2 U.S.C. 432(e)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."; and

(2) by adding at the end the following new paragraph:

"(6)(A) A candidate for Federal office or any individual holding Federal office may not establish, maintain, or control any political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office.

"(B) For one year after the effective date of this paragraph, any such political committee may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified under section 501(c)(3) of the Internal Revenue Code of 1986; making a contribution to the treasury of the United States; contributing to the national, State or local committees of a political party; or making contributions not to exceed $1,000 to candidates for elective office.".

SEC. 702. POLLING DATA CONTRIBUTED TO CANDIDATES.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 314(b), is amended by inserting at the end the following new subparagraph:

"(D) A contribution of polling data to a candidate shall be valued at the fair market value of the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made.".

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

SEC. 801. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1995.

SEC. 802. SENSE OF THE SENATE REGARDING FUNDING OF SENATE ELECTION CAMPAIGN FUND.

It is the sense of the Senate that—

(1) the current Presidential checkoff should be increased to $5.00, its designation changed to the "Federal Election Campaign Checkoff", and individuals should be permitted to contribute an additional $5.00 to the fund in additional taxes if they so desire;

(2) the Internal Revenue Service and the Federal Election Commission should be required to develop and implement a plan to publicize the fund and the checkoff to increase citizen participation; and

(3) funds to pay for the increase in the checkoff to $5.00 should come from the repeal of the tax deduction for business lobbying activity and the elimination of newsletter franking by the Congress.

SEC. 803. SEVERABILITY.

Except as provided in sections 101(c) and 121(b), if any provision of this Act (including any amendment made by this Act), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this Act, or the application of such provision to other persons and circumstances, shall not be affected thereby.

SEC. 804. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SUMMARY OF CAMPAIGN FINANCE BILL

This legislation is based on S. 3, the campaign finance bill passed by the Senate in the 102nd Congress, as modified in the final version of the bill vetoed by President Bush. Its provisions regarding spending limits, political action committees, bundling, soft-money and other matters are based on that legislation, apart from provisions designed to replace private sources of funding with public funding, and other minor modifications intended to strengthen last year's bill by eliminating possible loop-holes that might undermine the goal of spending limits.

PUBLIC FUNDING PROVISIONS

The bill would establish a public funding system similar to that of the Presidential system, under which candidates would receive matching funds for primary elections and full funding for general elections, once they had reached a threshold of contributions from individuals (10 percent of the general election limit) in amounts of $250 or less, half of which is from in-state. Of the general election amount, half of the total would be in the form of communication vouchers, to be used for purchases of broadcast media during the general election.

TREATMENT OF POLITICAL ACTION COMMITTEES (PAC'S)

This bill would reduce the limits on permissible contributions by PACs to individual candidates from the current limit of $5,000 to a maximum of $1,000 per election, and 20 percent of the total spending limit in an election by a candidate. Given the system of full public funding established for general elections, PACs would in practice be able to contribute up to 20 percent of the total spending limit for a candidate in primaries and runoffs.

ANTI-BUNDLING PROVISIONS

The bill is based on S. 3, but eliminates the loophole that would have permitted the bundling for non-connected political organizations. This bill would preclude any political organization from evading the contribution limits in the legislation through bundling. This change is designed to prevent organizations from establishing "non-connected" affiliates which could be used to circumvent the anti-bundling intent and provisions of reform.

SOFT-MONEY PROVISIONS

The bill is based on S. 3, but toughens soft-money provisions in a few areas. First, it would phase-out the exemption from federal election law for national party building funds, apart from servicing existing mortgages for these funds. These funds have in the past not been subject to any form of reporting, and hence have been viewed by some critics of the current system as inherently subject to abuse.

SPECIAL RESTRICTIONS ON LOBBYISTS

The bill contains S. 3's restrictions on bundling by lobbyists, but eliminates an exemption that would permit lobbyists to continue to raise funds for candidates through hosting political fundraisers, thus allowing them to circumvent provisions designed to limit special-interest access as a result of political fundraising activity. The bill specifies that those who receive payment in return for lobbying Congress may not engage in this activity.

RECOMMENDED MECHANISM TO MAKE LAW BUDGET-NEUTRAL

This bill contains a Sense of the Senate concerning financing for public funding, which would make it budget-neutral through off-setting the public funding through repeal of the deductibility of business lobbying expenses, and through reduction of the deductibility of business meals from 80 percent, as under current law, to 75 percent. The total amount available for all candidates in each election cycle under the public funding system would depend on the actual amount authorized by taxpayers through a voluntary checkoff system, which would be increased to $5 per individual, and in the event that voluntary earmarks were insufficient for funding the system, candidates would be permitted to raise funds subject to federal election limits from individuals.

By Mr. LUGAR (for himself, Mr. DOLE, Mr. KENNEDY, Mr. COCHRAN, Mr. SIMON, Mr. MCCAIN, and Mr. ROTH):

S. 88. A bill to amend the National School Lunch Act to remove the requirement that schools participating in the school lunch program offer students specific types of fluid milk, and for other purposes.

NATIONAL SCHOOL LUNCH ACT AMENDMENTS

• Mr. LUGAR. Mr. President, today I am pleased to introduce legislation to help our Nation's children develop healthier eating habits.

Joining as original cosponsors of this bill today are Senators DOLE, KENNEDY, COCHRAN, SIMON, MCCAIN, and ROTH.

This legislation is identical to a measure that I had sponsored in the 102d Congress which would allow local school lunch professionals to choose the type or types of milk to serve children in the school lunch program. Current law mandates that both whole milk and unflavored lowfat milk be offered to the 25 million students that eat a federally subsidized school lunch each day.

We now know that there is a connection between diet and good health. High fat intake is associated with higher obesity rates and greater incidence of heart disease, and could be linked to higher risk of certain types of cancer.

The Dietary Guidelines for Americans, published jointly by the Departments of Agriculture and Health and Human Services, confirms that many American diets contain too many calories and too much fat (especially saturated fat), cholesterol, and sodium. Because of this, the Dietary Guidelines recommend that people over age two drink skim or lowfat milk. In addition, the 1988 Surgeon General's Report on Nutrition and Health identified excessive fat consumption as the biggest problem in the American diet.

My legislation would encourage local professionals to help students choose foods that are lower in fat. An easy way to reduce fat in the diet is to encourage consumption of lowfat and skim milk rather than whole milk. Eating habits developed in childhood tend to continue throughout life. Starting healthful eating patterns early in life will help prevent diet-related health problems later on and will help ease our Nation's skyrocketing health care expenses.

The Federal mandate to serve various types of milk also is an administrative headache for those indiviauls who manage the school lunch program locally. I firmly believe that local school food service professionals are more qualified to determine what type of milk to serve children in their school lunches than is Congress.

Contrary to what some have claimed, my bill does not preclude local professionals from serving whole milk, but leaves the decision in their hands. There may be some children that local professionals determine need whole milk. Nor is it my intention, through this bill, to denigrate the wholesomeness or nutritional value of milk. This bill would encourage consumption of the lower fat varieties of milk which generally speaking provide the same nutrients as whole milk but without as much fat.

Eliminating the whole milk requirement is supported by a number of organizations including the American School Food Service Association, Public Voice for Food and Health Policy, the American Heart Association, the American Dietetic Association, the Society for Nutrition Education, the Food Research and Action Center, and the Center for Science in the Public Interest.

I strongly urge my colleagues to join as cosponsors of this important measure to encourage local school lunch professionals to serve lower fat lunches to students.

By Mr. DOLE:

S. 89. A bill to amend 2 U.S.C. 437c.

FEDERAL ELECTION CAMPAIGN COMMISSION AMENDMENTS

Mr. DOLE. Mr. President, I am today introducing a bill to improve the operations of the Federal Election Commission. My bill would restructure the Federal Election Commission so that the Commission is composed of the Secretary of the Senate, the Secretary for the Minority, the Clerk of the House of Representatives and the Minority Clerk of the House of Representatives, or their designees, ex officio and without the right to vote, and six Members appointed by the President, by and with the advice and consent of the Senate.

This would give the minority the same representation on this bipartisan Commission as is presently enjoyed by the majority.

This was the original intent of the legislation when it was first passed, and I am sure that it was by inadvertence that this principle was deviated from in later amendments to the act.

I ask that the bill together with a section-by-section analysis be printed in the RECORD, and the bill be appropriately referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

The bill provides that the Secretary for the Minority of the Senate and the Minority Clerk of the House of Representatives or their designees, shall be members ex officio and without the right to vote of the FEC.

S. 89

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 2 U.S.C. 437c is amended by striking:

"437c. Federal Election Commission

"(a)(1) There is established a commission to be known as the Federal Election Commission. The Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives or their designees, ex officio and without the right to vote, and 6 members appointed by the President, by and with the advice and consent of the Senate."

And inserting in lieu thereof,

"437c. Federal Election Commission

(a)(1) There is established a commission to be known as the Federal Election Commission. The Commission is composed of the Secretary of the Senate, the Secretary for the Minority, to be paid at the same rate and from the same account, the Clerk of the House of Representatives and the Minority Clerk of the House of Representatives, to be paid the same amount and from the same account or their designees, ex officio and without the right to vote, and 6 members appointed by the President, by and with the advice and consent of the Senate."

By Mr. HOLLINGS:

S. 90. A bill to improve the enforcement of the trade laws of the United States, and for other purposes; to the Committee on Finance.

TRADE ENFORCEMENT ACT OF 1993

• Mr. HOLLINGS. Mr. President, today, we begin a new era, an era in which our Government and industry will work together to revitalize the American economy. Gone are the days when Government officials smugly proclaim that it doesn't matter whether we manufacture computer chips or potato chips. A decade of Government indifference produced a 12-percent decline in real wages and a steady erosion of market shares in important industries from basic manufacturing like textiles, steel, and automobiles to high technology products like aircraft and computers.

For decades, governments in Europe and Asia used a variety of policy measures including protection for infant industries, massive subsidies to develop critical technologies, and aggressive use of antidumping and voluntary restraint agreements to create economic powerhouses and export super powers. In the past we answered these policies not with tough action or vigorous enforcement of our trade laws, but with stern lectures on the magic of free markets. Now, however, a new administration, a new economic team has taken power—a team which understands that our Nation's ability to sustain its leadership position in the world rests upon our economic strength, and our economic strength can be revitalized by an activist trade policy with the Government acting as an ally rather than a foe.

The bill which I introduce today is designed to give the administration the power to combat the unfair trade practices that have crippled important sectors of our manufacturing base.

Specifically, this bill will strengthen our antidumping and countervailing duty laws, our first line of defense against predatory trade practices that have devastated such vital industries as consumer electronics, steel, and semiconductors. In addition, this legislation strengthens our ability to take unilateral action to open markets by reinstating Super 301. By tightening enforcement of our bilateral textile agreements, it will end the decade-long deluge of textile imports that has cost 500,000 Americans their jobs. A number of studies show that the American worker is the most productive worker in the world. The most productive worker in the world should not be forced to compete against imports that are the products of the exploitation of children or the work of slave labor. This bill gives the new administration the authority to keep these imports from competing against the products of American labor.

To coordinate a new trade and economic policy, it gives a statutory mandate to President Clinton's new National Economic Council. This idea is an important step in recognizing that the foundation of our leadership is our economic strength and that rebuilding the American economy will require the same commitment to economic security that we gave during the cold war to national security.

Finally, to restore faith in the integrity of our trade officials, this legislation will shut the revolving door and ensure that our negotiators are cutting the best deal for our interest rather than their own interests.

I look forward to working with the new administration to forge a trade policy that protects the interests of American industry and the American workers.•

By Mr. THURMOND:

S. 91. A bill to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

LAND AUTHORIZATION ACT

Mr. THURMOND. Mr. President, I rise today to introduce a bill to authorize the sale of property located in Washington, DC, from the Federal Government to the Columbia Hospital for Women. This property will be used for the construction of a facility to house the National Women's Health Resource Center [NWHRC]. I would also like to note that this legislation was introduced by Representative TRAFICANT on Wednesday, January 20, 1993. In the last Congress, similar legislation passed the House of Representatives.

The NWHRC is dedicated to the improvement of women's health. The NWHRC was established in 1988 as a nonprofit subsidiary of the Columbia Hospital for Women Foundation. The hospital is the only women's hospital in the country to have a Federal charter. The mission of the NWHRC is to provide information to professionals and consumers about women's health issues, including menopause, hormone replacement therapy, breast cancer, cardiovascular disease, osteoporosis, and domestic violence. When constructed, the NWHRC will be a multidisciplinary facility, emphasizing educational and clinical research facilities, and including space for specialty clinical services such as the Betty Ford Comprehensive Breast Center and the Incontinence Center. This will be the only center in the Nation dedicated solely to women's health services.

Under the provisions of the bill, Columbia Hospital for Women will purchase the property for $12.8 million. Previously, the property was appraised at $18 million; however, the General Services Administration agreed that the $12.8 million purchase price reflects existing zoning restrictions and a changing economic environment. Columbia Women's Hospital will pay the purchase price in full upon conveyance of the property. As further compensation for the property, Columbia Women's Hospital will establish and operate three satellite health centers in Washington, DC, at no cost to the Federal Government. These women and infant centers will focus on prenatal care, social services, substance abuse, nutrition, and education.

Mr. President, I am pleased to introduce this important legislation to address the critical need for greater research of women's health concerns, and I encourage my colleagues to support this important legislation. I ask that a copy of this legislation be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 91

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LAND.

(a) ADMINISTRATOR OF GENERAL SERVICES.—Subject to sections 2 and 4, the Administrator of General Services (hereinafter in this Act referred to as the "Administrator") shall convey, for $12,800,000 to be paid in accordance with the terms set forth in subsection (d)(2) and other consideration required by this Act, to the Columbia Hospital for Women (formerly Columbia Hospital for Women and Lying-in Asylum; hereinafter in this Act referred to as "Columbia Hospital"), located in Washington, District of Columbia, all right, title, and interest of the United States in and to those pieces or parcels of land in the District of Columbia, described in subsection (b), together with all improvements thereon and appurtenances thereto. The purpose of the conveyance is to provide a site for the construction by Columbia Hospital of a facility to house the National Women's Health Resource Center (hereinafter in this Act referred to as the "Resource Center"), as described in the Certificate of Need issued for the Resource Center in conformance with District of Columbia law and in effect on the date of conveyance.

(b) PROPERTY DESCRIPTION.—The land referred to in subsection (a) was conveyed to the United States of America by deed dated May 2, 1888, from David Fergusson, widower, recorded in liber 1314, folio 102, of the land records of the District of Columbia, and is that portion of square numbered 25 in the city of Washington in the District of Columbia which was not previously conveyed to such hospital by the Act of June 28, 1952 (Public Law 82-423). Such property is more particularly described as square 25, lot 803, or as follows: all that piece or parcel of land situated and lying in the city of Washington in the District of Columbia and known as part of square numbered 25, as laid down and distinguished on the plat or plan of said city as follows: beginning for the same at the northeast corner of the square being the corner formed by the intersection of the west line of Twenty-fourth Street Northwest, with the south line of north M Street Northwest and running thence south with the line of said Twenty-fourth Street Northwest for the distance of two hundred and thirty-one feet ten inches, thence running west and parallel with said M Street Northwest for the distance of two hundred and thirty feet six inches and running thence north and parallel with the line of said Twenty-fourth Street Northwest for the distance of two hundred and thirty-one feet ten inches to the line of said M Street Northwest and running thence east with the line of said M Street Northwest to the place of beginning two hundred and thirty feet and six inches together with all the improvements, ways, easements, rights, privileges, and appurtenances to the same belonging or in anywise appertaining.

(c) DATE OF CONVEYANCE.—

(1) DATE.—The date of the conveyance of property required under subsection (a) shall be the date which is 1 year after the date of receipt by the Administrator of written notification from Columbia Hospital that the hospital needs such property for use as a site to provide housing for the Resource Center.

(2) DEADLINE FOR SUBMISSION OF NOTIFICATION.—A written notification of need from Columbia Hospital shall not be effective for purposes of subsection (a) and paragraph (1) unless the notification is received by the Administrator before the date which is 1 year after the date of the enactment of this Act.

(d) CONVEYANCE TERMS.—

(1) IN GENERAL.—The conveyance of property required under subsection (a) shall be subject to such terms and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States. Such terms and conditions shall be consistent with the terms and conditions set forth in this Act.

(2) PAYMENT OF PURCHASE PRICE.—Columbia Hospital shall pay the $12,800,000 purchase price in full by not later than the date of conveyance under subsection (c).

(3) QUITCLAIM DEED.—Any conveyance of property to Columbia Hospital under this Act shall be by quitclaim deed.

(e) TREATMENT OF AMOUNTS RECEIVED.—Amounts received by the United States as payment under this Act shall be paid into, administered, and expended as part of the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

SEC. 2. LIMITATION ON CONVEYANCE.

No part of any land conveyed under section 1 may be used, during the 30-year period beginning on the date of conveyance under section 1(c)(1), for any purpose other than to provide a site for a facility to house the Resource Center and any necessary related appurtenances to that facility.

SEC. 3. SATELLITE HEALTH CENTERS.

(a) REQUIREMENT.—

(1) IN GENERAL.—Not later than 4 years after the date of the conveyance under section 1, Columbia Hospital, after consultation with the District of Columbia Commission of Public Health and the District of Columbia State Health Planning and Development Agency, shall establish, maintain, and operate 3 satellite health centers.

(2) PERSONS TO BE SERVED.—One of the satellite health centers shall provide comprehensive health and counseling services exclusively for teenage women and their children. The other 2 satellite health centers shall provide comprehensive health and counseling services for women (including teenage women) and their children.

(3) LOCATION.—The satellite health centers shall be located in areas of the District of Columbia in which the District of Columbia Department of Public Health has determined that the need for comprehensive health and counseling services provided by the centers is the greatest. In locating such centers, special consideration shall be given to the areas of the District with the highest rates of infant death and births by teenagers.

(b) COMPREHENSIVE HEALTH AND COUNSELING SERVICES.—In subsection (a), comprehensive health and counseling services include—

(1) examination of women;

(2) medical treatment and counseling of women, including prenatal and postnatal services;

(3) treatment and counseling of substance abusers and those who are at risk of substance abuse;

(4) health promotion and disease prevention services;

(5) physician and hospital referral services; and

(6) extended and flexible hours of service.

(c) REQUIRED CONSIDERATION.—The establishment, operation, and maintenance of satellite health centers by Columbia Hospital in accordance with this section shall be part of the consideration required by this Act for the conveyance under section 1.

SEC. 4. REVERSIONARY INTEREST.

(a) IN GENERAL.—The property conveyed under section 1 shall revert to the United States—

(1) on the date which is 4 years after the date of such conveyance if Columbia Hospital is not operating the Resource Center on such property; and

(2) on any date in the 30-year period beginning on the date of such conveyance, on which the property is used for a purpose other than that referred to in section 2.

(b) REPAYMENT.—If property reverts to the United States under subsection (a), the Administrator shall pay to Columbia Hospital, from amounts otherwise appropriated from the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)), an amount equal to all sums received by the United States as payments for the conveyance under section 1, without interest on such amount.

(c) ENFORCING REVERSION.—The Administrator shall perform all acts necessary to enforce any reversion of property to the United States under this section.

(d) INVENTORY OF PUBLIC BUILDINGS SERVICE.—Property that reverts to the United States under this section—

(1) shall be under the control of the General Services Administration; and

(2) shall be assigned by the Administrator to the inventory of the Public Buildings Service.

SEC. 5. DAMAGES.

(a) DAMAGES.—Subject to subsection (b), for each year in the 26-year period beginning on the date which is 4 years after the date of conveyance under section 1(c)(1), in which Columbia Hospital does not operate 3 satellite health centers in accordance with section 3 for a period of more than 60 days, the Columbia Hospital shall be liable to the United States for damages in an amount equal to $200,000, except that this subsection shall not apply after the date of any reversion of property under section 4.

(b) LIMITATION IN DAMAGES.—The maximum amount of damages for which Columbia Hospital may be liable under this section shall be $3,000,000.

(c) ADJUSTMENTS FOR INFLATION.—The amount of damages specified in subsection (a) and the maximum amount of damages specified in subsection (b) shall be adjusted biennially to reflect changes in the consumer price index that have occurred since the date of the enactment of this Act.

(d) ASSESSMENT AND WAIVER.—For any failure by Columbia hospital to operate a satellite health center in accordance with section 3, the Administrator may—

(1) seek to recover damages under this section; or

(2) waive all or any part of damages recoverable under this section for that failure, if the Administrator—

(A) determines the failure is caused by exceptional circumstances; and

(B) submits a statement to the District of Columbia Commission of Public Health and the Congress, that sets forth the reasons for the determination.

(e) CONVEYANCE DOCUMENTS.—The Administrator shall include in the documents for any conveyance under this Act appropriate provisions to—

(1) ensure that payment of damages under this section is a contractual obligation of Columbia Hospital; and

(2) require the Administrator to provide to Columbia Hospital notice and an opportunity to respond before the Administrator seeks to recover such damages.

SEC. 6. REPORTS.

During the 5-year period beginning one year after the date of the conveyance under section 1, Columbia Hospital shall submit to the Administrator, the appropriate committees of the Congress, and the Comptroller General of the United States annual reports on the establishment, maintenance, and operation of the Resource Center and the satellite health centers.

By Mr. HOLLINGS (for himself, Mr. HEFLIN, Mr. BIDEN, and Mr. ROBB):

S. 92. A bill to create a legislative line-item veto by requiring separate enrollment of items in appropriations bills; to the Committee on Rules and Administration.

LEGISLATIVE LINE-ITEM VETO SEPARATE ENROLLMENT AUTHORITY

Mr. HOLLINGS. Mr. President, I rise today to introduce legislation which enables the President to control wasteful and unnecessary appropriations and thereby reduce the Federal deficit. This bill, a statutory, separate enrollment line-item veto, is identical to a measure previously considered by the 99th Congress as well as legislation reported favorably by a bipartisan vote out of the Senate Budget Committee on July 25, 1990.

Currently, 43 States have, in one form or another, a line-item veto allowing the chief executive to limit legislative spending. As a former Governor who inherited a budget deficit in a poor State, I can testify that a line-item veto is invaluable in imposing fiscal restraint.

The fiscal problems of our Nation have been painfully documented. Our Government currently faces annual deficits well over $400 billion and a total debt eclipsing $4 trillion. For years now, we have been toying with freezes, asset sales and sham summits, but the deficit and debt continue to grow.

The American taxpayer, as well as the Congress, have grown weary of the smoke and mirrors and are past ready for a serious deficit reduction package. If ever there was a problem that needed to be attacked from every possible angle, it is this deficit. Over the past few months President Clinton has repeatedly stressed his resolve to attack the burgeoning deficit monster. In order to hold him to that commitment, we should send him into battle well armed. By restoring accountability and responsibility throughout the appropriations process, the line-item veto would force Members of Congress and the President to stop fixing the blame and to start fixing the problem.

This legislation provides that each item shall be enrolled as a separate bill and sent to the President for his approval. Therefore, each item of an appropriations bill would be subject to veto or approval, just like any other bill, and the override provisions found in article I of the Constitution would apply in the case of a veto. Item is defined as any numbered section and any unnumbered paragraph of an appropriations bill. The enrolling clerk would merely break an appropriations bill down into its component parts and send each separately enrolled provision to the President.

Finally, this legislation also contains a 2-year sunset provision allowing for a reasonable testing period and requiring an evaluation of the line-item veto's success. I have no question but that it will be demonstrated to be a modest, but effective, method of restraining fiscal profligacy. I hope that Senators will join me in this effort, and I ask that the full text of the bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 92

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Impoundment Control Act of 1974 is amended by adding at the end thereof the following new title:

TITLE XI—LEGISLATIVE LINE ITEM VETO SEPARATE ENROLLMENT AUTHORITY LEGISLATIVE LINE ITEM VETO

"SEC. 1101. (a)(1) Notwithstanding any other provision of law, when any general or special appropriation bill or any bill or joint resolution making supplemental, deficiency, or continuing appropriations passes both Houses of the Congress in the same form, the Secretary of the Senate (in the case of a bill or joint resolution originating in the Senate) or the Clerk of the House of Representatives (in the case of a bill or joint resolution originating in the House of Representatives) shall cause the enrolling clerk of such House to enroll each item of such bill or joint resolution as a separate bill or joint resolution, as the case may be.

"(2) A bill or joint resolution that is required to be enrolled pursuant to paragraph (1)—

"(A) shall be enrolled without substantive revision;

"(B) shall conform in style and form to the applicable provision of chapter 2 of title 1, United States Code (as such provisions are in effect on the date of the enactment of this title); and

"(C) shall bear the designation of the measure of which it was an item prior to such enrollment, together with such other designation as may be necessary to distinguish such bill or joint resolution from other bills or joint resolutions enrolled pursuant to paragraph (1) with respect to the same measure.

"(b) A bill or joint resolution enrolled pursuant to subsection (a)(1) with respect to an item shall be deemed to be a bill under clauses 2 and 3 of section 7 of article 1 of the Constitution of the United States and shall be signed by the presiding officers of both Houses of the Congress and presented to the President for approval or disapproval (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally.

"(c) For purposes of this concurrent resolution, the term 'item' means any numbered section and any unnumbered paragraph of—

"(1) any general or special appropriation bill; and

"(2) any bill or joint resolution making supplemental, deficiency, or continuing appropriations.".

(b) The amendment made by subsection (a) shall apply to bills and joint resolutions agreed to by the Congress during the two-calendar-year period beginning with the date of the enactment of this Act.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. INOUYE, Mr. CONRAD, and Mr. DASCHLE):

S. 93. A bill to amend the Public Health Service Act to establish the National Center for Nursing Research as a National Institute, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL INSTITUTE OF NURSING RESEARCH ACT

• Mr. HARKIN. Mr. President, I rise today to reintroduce, on behalf of myself, Senator KENNEDY, Senator INOUYE, and Senator CONRAD, the National Institute for Nursing Research Act. This important legislation would appropriately elevate the status of the successful National Center for Nursing Research [NCNR] at the National Institutes of Health to that of an institute—the National Institute for Nursing Research.

The legislation we are reintroducing today is simple and straightforward. It redesignates the National Center for Nursing Research as the National Institute for Nursing Research, a change which appropriately reflects the fact the NCNR's existing structure and range of activities is in line with other institutes at NIH. Our bill has the support of a large number of national organizations as well as a bipartisan coalition in Congress. The text of the bill was included in the NIH Reauthorization bill passed by Congress and vetoed by President Bush last year. I am pleased to say that it will be incorporated into the new NIH Reauthorization bill being introduced today. I want to thank and commend Senator KENNEDY for his leadership and assistance in making this happen.

Mr. President, as I said in introducing this legislation last Congress, it is not only appropriate that Congress take the important step of elevating the status of the Nursing Center to that of an Institute, it is a step that is overdue. America's nearly 2 million nurses have for too long been denied the recognition and status they deserve within our health care system. Throughout our Nation's history, nurses have been at the core of our health care system, providing high-quality, cost-effective care. Yet, the role and accomplishments of nurses within the health care system have too often not been given appropriate equal recognition. And so it has been in the area of research. While NCNR has proven itself as a major force within NIH and despite a structure and list of activities which put it on par with other Institutes, it has not been recognized as such by being given the designation as an Institute.

In 7 years since its establishment, the National Center for Nursing Research has established itself as the world's leader in nursing research. NCNR supports a broad range of research to better our ability to prevent and treat the numerous diseases and disabilities confronting Americans. Its research focuses on how people of all ages respond to disease and its treatment, physiologically and psychologically, and on the promotion of improved health and the prevention of disease and disability. This emphasis on preventive health is most appropriate as nurses have long been at the forefront of health promotion and disease and disability prevention. As aptly noted by NCNR, because of nurses' close proximity to patients and their families, they are ideally situated to carry out these kinds of research and to translate findings directly into nursing practice and better health care outcomes.

Mr. President, the National Center for Nursing Research has been tremendously successful in its short history. Through its Division of Extramural Programs and Division of Intramural Research, NCNR has produced critical research findings that are already resulting in more affordable, higher quality health care for many Americans. For example, through a grant from NCNR, nurse researchers at the University of Iowa are developing cost effective ways of reducing the incidence of falls among frail older Americans. The results of this research will greatly improve the quality of life for many older Americans, while lowering long-term care costs for themselves and their families by reducing the incidence of broken hips, a leading cause of nursing home admissions.

Another notable NCNR supported study, by researchers at the University of Wisconsin School of Nursing, resulted in improved care and reduced costs for prematurely born babies. As recently reported in the New York Times, by creating a less stressful hospital environment for premature babies, project directors were able to demonstrate an improvement in their breathing and eating, a reduction in complications, improved neurological development and shorter hospital stays. The cost of care for the infants in the study was significantly reduced, by an average of $12,250 per baby.

Mr. President, I have been pleased, as chairman of the Senate Appropriations Subcommittee that funds the National Institutes of Health, to have been able to preside over a significant expansion of support for NCNR. In my 4 years as chairman, we have been able to increase funding for nursing research by nearly 50 percent, from $33 million in fiscal year 1990 to $48.2 million this fiscal year. And I am convinced that this investment is among the wisest and most cost effective we have made. I have been particularly pleased with the investment NCNR has in turn made in critical areas such as women's health, long-term care for the elderly and disabled, and the special health care needs of rural America.

The elevation of NCNR to institute status will help further build on nursing research's impressive beginning at NIH.

Mr. President, I again want to thank the members of my Nurses Advisory Committee for their input and assistance on this proposal. I formed this organization, which is made up of nurse leaders from across Iowa, in 1985 to study health care issues and to give me advice and recommendations for reform. They have been of invaluable assistance to me over the past 8 years, providing me with expert advice and ideas that have turned into legislative action here in the Senate. I met with leaders of the group last month and will be looking to their advice as we tackle the difficult issue of health care reform this year. Their work is valued and trusted and I would recommend to my colleagues the formation of similar nurse advisory groups.

Mr. President, in closing I simply would urge my colleagues to join us in supporting this legislation and hope that it gains swift approval so that nursing research can take its rightful position at the NIH.

I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 93

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Institute of Nursing Research Act".

SEC. 2. REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AS NATIONAL INSTITUTE OF NURSING RESEARCH.

(a) IN GENERAL.—Subpart 3 of part E of title IV of the Public Health Service Act (42 U.S.C. 287c et seq.) is amended—

(1) in section 483—

(A) in the heading for the section, by striking "center" and inserting "institute"; and

(B) by striking "The general purpose" and all that follows through "is" and inserting the following: "The general purpose of the National Institute of Nursing Research (hereafter in this subpart referred to as the 'Institute') is";

(2) in section 484 by striking "Center" each place such term appears and inserting "Institute";

(3) in section 485—

(A) in subsection (a), in each of paragraphs (1) through (3), by striking "Center" each place such term appears and inserting "Institution";

(B) in subsection (b)—

(i) in paragraph (2)(A), by striking "Center" and inserting "Institute";

(ii) in paragraph (3)(A), in the first sentence, by striking "Center" and inserting "Institute"; and

(C) in subsections (d) through (g), by striking "Center" each place such term appears and inserting "Institute".

(b) CONFORMING AMENDMENTS.—

(1) ORGANIZATION OF NATIONAL INSTITUTE OF HEALTH.—Section 401(b) of the Public Health Service Act (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1) by adding at the end the following new subparagraph:

"(N) The National Institute of Nursing Research."; and

(B) in paragraph (2), by striking subparagraph (D).

(2) TRANSFER OF STATUTORY PROVISIONS.—Sections 483 through 485A of the Health Service Act, as amended by subsection (a) of this section—

(A) are transferred to part C of title IV of such Act;

(B) are redesignated as sections 464L through 464O of such part; and

(C) are inserted, in the appropriate sequence, after section 464F of such part.

(3) HEADING FOR NEW SUBPART.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended—

(A) in part C, by inserting before section 464L the following new heading:

"Subpart 14—National Institute of Nursing Research"; and

(B) by striking the heading for subpart 3 of part E.

(4) CROSS-REFERENCES.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended in subpart 14 of part C—

(A) in section 464M, by striking "section 483" and inserting "section 464L";

(B) in section 464N(g), by striking "section 486" and inserting "section 464O"; and

(C) in section 464O, in the last sentence, by striking "section 485(g)" and inserting "section 464N(g)".●

By Mr. DOMENICI:

S. 94. A bill to provide a comprehensive congressional campaign financing reform to encourage grassroots campaign giving, lessen the role of special economic interests, prohibit the use of soft money, discourage candidate expenditures of personal wealth, and otherwise restore greater competitive balance to the congressional electoral process; to the Committee on Rules and Administration.

GRASSROOTS CAMPAIGNING AND ELECTION REFORM ACT OF 1993

Mr. DOMENICI. Mr. President, I am going to send a bill to the desk on campaign reform and I am going to say very boldly, if you want a bill that is real reform, that will restrain the amount of money raised, and that will rid political fundraising of the image that it consumes all of our time and leaves Senators and Representatives beholden to all kinds of national groups, you should give this bill serious consideration.

I believe before we are finished more than just Senators are going to catch onto its simplicity and its effectiveness.

Mr. President, this bill restricts the acceptance of campaign contributions so that you only can receive contributions for your campaign from people who reside in your State. The limits on those contributions remain the same as current law, a maximum of $1,000 per individual per election, primary and general.

Second, political action committees can continue to contribute, but only $500, and they must be located within your State or you cannot accept contributions from them.

Third, there was a renewed vigor in the last cycle of candidates funding their campaigns with their own wealth. I did not know that until I read a flowsheet of all the new Members and their wealth and how much they contributed for their campaigns.

This Senator is not trying to limit the right, recognized by the Supreme Court, to contribute to one's own campaign. What I am doing in this bill, very simply I call it millionaires' equity. It merely says those who are going to fund campaigns with their own money must certify if they are going to spend over $100,000 for a House seat or over $250,000 for a Senate seat. And they must do that early in the campaign. Then 90 days before the election, candidates can no longer use their own fortune to pump up their campaign right at the end. In that intermediate time they can spend all they want. But the limitations are removed from the candidate who is not using his own money and instead of $1,000 they can raise $10,000 per citizen. It seems to me that makes it a bit more equitable.

Inherent in this approach is the fact that you will greatly reduce the amount of money spent, you will greatly reduce the time spent away from your constituents if you adopt this grassroots funding approach. And if a Senator or House Member wants to run using their own fortune, then the candidate running against him in either party is given an extra advantage of raising money to try to equalize the disparity.

Frankly, all soft money is abolished. Under this legislation, corporations and labor unions would be out of the business of indirectly funding Senate and House campaigns. You raise it all from your constituents as I have just stated.

Mr. President, the bill I send to the desk I believe has already added—and will continue to add—constructively to the Senate's debate over the importance of campaign finance reform. My colleagues will note that I have cosponsored other legislation introduced today dealing with this issue. The bill I now send to the desk should be an important component of the Senate's consideration as to how Federal campaigns are financed.

This legislation is identical to legislation I introduced in the 102d Congress, S. 91, and is very similar to legislation I introduced in the 101st Congress, S. 2265, both of which I believe added constructively to the Senate's debate over this important issue.

The need for reform is obvious. For example, spending has increased dramatically over the past 2 years, a reported 41 percent from 1990 for House races alone. As important, I have come to the conclusion that possibly the greatest failure of our current system is that it has damaged the faith our constituents have in us to represent their interests. It is time to offer real reform—reform that takes back to those we represent—our own State or district voters.

For far too long, Members of Congress have been forced to rely on special interest groups, PAC's, and big spenders to fund their campaigns. If we don't rely on our own constituents, how can we expect them to rely on us?

I hope that the 103d Congress offers us an opportunity that simply wasn't available in previous Congresses—an opportunity to restore the faith of the American people in the way their elected representatives are chosen. That will require more than simply further regulating the current system. Today I introduce legislation that I think addresses the real problem.

My bill makes four very straightforward and specific changes in the law, each of which I believe the American people will support with enthusiasm.

First, this legislation imposes a flat out prohibition on House and Senate candidates raising money outside their home State;

Second, my bill abolishes PAC's as we know them.

Third, this bill creates a strong disincentive to super wealthy candidates throwing masses of family money into a campaign; and

My bill eliminates "soft money" so often used to get around controls on fundraising.

With the outline, let me describe the specifics of this legislation.

TITLE

Section 1 of this legislation is the short title, and a most accurate one: The Grassroots Campaigning and Election Reform Act of 1993.

IN-STATE GIVING

Section 2 is the heart and soul of this omnibus approach to campaign reform.

First of all, section 2 leaves in place the existing $1,000 limit on individual donations, and then places new, restrictive guidelines on those donations.

Section 2 says that, as of the date of enactment of this act, no candidate for the Congress—either the Senate or the House of Representatives—may raise any funds from outside the State in which that candidate is running.

If you are a candidate for the U.S. Senate in New Mexico, you must henceforth raise your money from contributors who live in Albuquerque, Farmington, Las Cruces, and Roswell. You can no longer raise funds from persons or organizations in New York, Los Angeles, or Dallas.

Obviously, such an out-of-State prohibition—or even a sharp limitation—would make it far tougher to raise large sums of campaign money. Therefore, this section will inherently reduce spending, which is the goal of so many in this Chamber.

This section restrains campaign spending not with some arbitrary, partisan, federally imposed ceiling—one giving incumbents a great advantage. Nor does my approach use tax dollars to underwrite our campaigns.

Section 2 simply requires that we Members of the Congress return to our own constituents for our full support.

To this Senator, this represents a fair and reasonable approach.

PAC'S

Section 3 of the bill is also vitally important. It essentially eliminates PAC's. My view is that if individuals want to give, let them give directly to their home-State candidate.

When the American people are asked about campaign financing, there is no doubt that they state their strongest concerns over the role of PAC's, political action committees.

We must listen to the American people.

I have voted in the past to prohibit PAC's, Section 3 prohibits PAC's established by banks, businesses, and labor unions. That is a flat-out prohibition.

And because of the constitutional problems involving other types of PAC's, my bill reduces to $500, from $5,000, the amount that any other PAC can give to a candidate. I believe that will render such contributions relatively ineffective, particularly in conjunction with section 2 of the bill, which says a PAC must be headquartered in the candidate's State in order to give a legal contribution.

So section 3, in combination with section 2, eliminates PAC's as a player in the political effort to elect Members of the House and Senate. That is a wise course for the Congress to take. It is one the American people will applaud.

WEALTHY CANDIDATES

A growing problem in congressional politics, we know, is the specter of the super-wealth candidate "buying" a seat in this body. There is no doubt that the danger of such a "buy" would be magnified under the contribution constraints of section 2.

So I have included section 4 to ensure fairness when a wealthy candidate runs against a candidate of more modest means.

As my colleagues may recall, I have worked to reduce the ability of a wealthy candidate to buy a seat for some time. I introduced S. 597 and S. 2265 during the 101st Congress and then included similar provisions in S. 91, my campaign finance reform bill last year.

We all know the tremendous advantages available to the very wealthy candidate, when that candidate decides to spend large sums of his or her own money on the campaign.

Under the provisions of section 4, the current dollar limits on contribution—$1,000, plus the in-State limit—remain in effect and unchanged, so long as all candidates in a race restrain personal spending to certain limits: $250,000 when running for the Senate or $100,000 for a House campaign, totals that include personal loans to the campaign.

But should a wealthy candidate unleash the family treasury section 4 gives the opponent a chance to compete. In that case, section 4 eliminates the in-State requirements of section 2 in this bill, and it raises the individual giving limit for that specific race to $10,000.

These limits would be loosened for the opponent or opponents of the wealthy candidate, not the wealthy candidate.

Thus a wealthy candidate would cross that big-spending threshold at his or her great peril. But that is his or her choice.

But let me reiterate: if all candidates hold to the family contribution limits I have cited, all other contribution limits will be maintained, and this section would have no impact whatsoever on that race.

Section 4 also deals with the problem of a last-minute deluge of money. It prohibits personal contributions or loans by any candidate or the candidate's family during the final 90 days before any election, regardless of whether the candidate has breached the personal limitations prior to that date.

Thus, the wealthy candidate must make his or her strategy known by early August at the latest, giving the opposition time to compete in the political money markets.

Under this approach, every candidate can be assured that he or she will never confront a last minute avalanche of family money—money the poorer opponent could never offset with last-minute contributions.

SOFT MONEY

Section 5 controls another very pervasive problem in our political system, what has come to be called soft money—contributions for voter registration drives and other forms of spending designed to assist one party or one candidate.

We all know that huge sums of money are spent outside the regular process, but in full coordination with many candidates. That is money the public never hears about, but it is spending that often shows up in far larger chunks than anything an individual or a PAC can otherwise contribute.

This is money that truly distorts the system, and we need to bring it into the open, so it either disappears or becomes a contribution directly to the candidate, and reported to the public. Let the public judge to whom a candidate might stand beholden.

Section 5 says that banks, businesses, and labor unions no longer can distort the system with soft money. They won't like that, but the American people will.

Mr. President, campaign reform is an issue that we must resolve, once and for all. Our constituents expect it, and they deserve it.

I am convinced that this legislation represents an effective way to reform campaign financing, rebuilding the link between candidates for Congress and constituents.

I send that bill to the desk and my in-depth analysis regarding it, and ask it be referred appropriately.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 94

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Grassroots Campaigning and Election Reform Act of 1993".

RELIANCE ON IN-STATE CONTRIBUTIONS

SEC. 2. (a) Chapter 2, section 441 of title 2, United States Code, is amended by inserting a new subection (h), and relettering subsequent sections appropriately:

"(h)(1) It shall be unlawful for any candidate for the Senate of the United States or the House of Representatives of the United States to solicit or accept any funds for the purposes of election to the Senate or the House of Representatives from any individual, organization, or political action committee that does not reside or have its headquarters within the State from which such candidate seeks election.

"(2) Each contributor to a candidate under the terms of paragraph (1) of this subsection shall provide evidence of the State of residence of such contributor, pursuant to limits described in paragraph (3) of this subsection.

"(3)(A) For the purposes of determining the accuracy of any declaration of residence by a contributor, each candidate for the Congress of the United States shall maintain records of the home State of each contributor.

"(B) It shall be presumed that a contributor is a resident of the candidate's State if the contribution is made in the form of a check drawn on a bank within such State, and if the contribution is physically presented to the candidate or his agent in such State or mailed in an envelope postmarked in such State.

"(C) For any contribution in cash in excess of $99, such name and address shall be accompanied by a notarized statement attesting to the accuracy of such name and address.

"(D) Notwithstanding the provisions of subparagraph (B) of this subsection, any contribution in excess of $499 shall be accompanied by a notarized statement attesting to the accuracy of the name and address of the contributor.

"(E) Any contribution from a political party to a candidate shall be accompanied by a notarized statement as to the residence of the contributors of such funds.

"(4) Any contribution that fails to meet the criteria described in paragraph (3) of this subsection shall, within ten days of receipt, be returned to the contributor, if known, or given to a nonpolitical health or educational charitable organization of the candidate's choice within the candidate's State.

"(5) Each violation of this section shall subject the candidate to a civil penalty of $1,000".

(b)(1) As of January 31, 1993, each Member of the Senate of the United States elected in 1992 and each Member of the House of Representatives of the United States shall rebate to each Member's contributors, on a pro rata basis, all campaign funds retained as of January 1, 1993, or donate such funds to a nonpolitical health or educational charitable organization of the Member's choice within the Member's State.

(2) As of January 31, 1993, each Member of the Senate of the United States who was not a candidate for election in 1992 shall rebate to each Member's contributors, on a pro rata basis, all campaign funds raised as of such date, or donate such funds to a nonpolitical health or educational charitable organization of the Member's choice within the Member's State.

(3) Any funds not rebated or contributed pursuant to this subsection shall subject the Member to a civil penalty equal to twice the sums involved.

LIMITATIONS ON POLITICAL ACTION COMMITTEES

SEC. 3. (a) Chapter 2, section 441b of title 2, United States Code, is amended by deleting all of the text following subsection (b)(2)(B).

(b) Chapter 2, section 441a(a)(2) of title 2, United States Code, is amended by striking out "5,000" and inserting in lieu thereof "500" in subsection (A), and by placing a period after the word "committee" and striking all that follows in subsection (C).

(c) Chapter 2, section 441b of title 2, United States Code, is amended by inserting the following as a new subparagraph "(c)":

"(c) It is unlawful for any bank, labor organization, or corporation referred to in subparagraph (a) of this section to make any contribution or expenditure for the establishment, administration, or solicitation of contributions to any political committee.".

USE OF PERSONAL WEALTH FOR CAMPAIGN PURPOSES

SEC. 4. Chapter 2, section 441 of title 2, United States Code, is amended by inserting a new subsection (i), and relettering subsequent sections appropriately:

"(i)(1)(A) Within fifteen days after a candidate qualifies for the ballot, under applicable State law, such candidate shall file with the Commission, a declaration stating whether or not such candidate intends to expend, in the aggregate:

"(i) At least $250,000, if a candidate for the Senate of the United States, or

"(ii) At least $100,000 if a candidate for the House of Representatives of the United States,

from his personal funds, and the funds of his immediate family, and incur personal loans in excess of such amount, in connection with his campaign for such office.

"(B) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, sister, half-brother, or half-sister of the candidate, and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse, and the spouse of any such person.

"(C) The statement required by this subsection shall be in such form, and shall contain such information, as the Commission may, by regulation, require.

"(2) Notwithstanding any other provision of law, in any election in which a candidate declares that he intends to expend more than the limits described in subparagraph (A) of paragraph (1), or does expend and incur loans in excess of such limits, or fails to file the declaration required by this subsection, the limitations on contributions in subsection (h) of this section, as they apply to all other candidates in such election in such State, shall be waived and the limitations on contributions in subsection (a) of this section, as they apply to all other individuals running for such office, shall be increased for such election as follows:

"(A) The limitations provided in subsection (a)(1)(A) shall be increased to an amount equal to 1000 per centum of such limitation, and

"(B) The limitations provided in subsection (a)(3) shall be increased to an amount equal to 150 per centum of such limitation, but only to the extent that contributions above such limitation are made to candidates affected by the increased levels provided in subparagraph (A).

"(3) If the limitations described in paragraph (2) of this subsection are increased pursuant to paragraph (2) for a convention or a primary election, as they relate to an individual candidate, and such individual candidate is not a candidate in any subsequent election in such campaign, including the general election, the provisions of paragraph (2) shall no longer apply.

"(4) Any candidate who—

"(A) declares, pursuant to subparagraph (1) of this paragraph that he does not intend to expend, in the aggregate, more than the limit described in subparagraph (1)(A); and

"(B) subsequently does expend and incur loans in excess of such amounts, or intends to expend and incur loans in excess of such amounts,

such candidate shall notify and file an amended declaration with the Commission and shall notify all other candidates for such office within twenty-four hours after changing such declaration or exceeding such limits, whichever first occurs, by sending such notice by certified mail, return receipt requested. Failure to so notify and so file shall subject such candidate to a civil penalty equal to twice the funds so expended.

"(5) Any candidate who incurs personal loans in connection with his campaign under this Act shall not repay, either directly or indirectly, such loans from any contributions made to such candidate or any authorized committee of such candidate, if such contribution was made following the date of such election.

"(6) Notwithstanding any other provision of law, no candidate under this title may make expenditures from his personal funds or the personal funds of his immediate family, or incur personal loans in connection with his campaign for election to such office at any time after ninety days before the date of such election, or twenty-four hours after the primary election for such office, whichever date shall later occur. The provisions of this paragraph shall apply to all candidates regardless of whether such candidate has reached the limits provided in paragraph (1) of this subsection. Violation of this paragraph shall subject such violator to a civil penalty three times the funds so expended.

"(7) The Commission shall take such action as it deems necessary under the enforcement provisions of this Act to assure compliance with the provisions of this subsection.".

SOFT MONEY

"SEC. 5. (a) At the appropriate place in Federal Election Campaign Act of 1971 (2 U.S.C. 441), insert the following new section:

"( )(A) Any amount solicited, received or spent by a national, State, or local committee of a political party, directly or indirectly, shall be subject to the provisions of this Act, if such amount is solicited, received, or spent in connection with a Federal election. No part of such amount may be allocated to a non-Federal account or otherwise maintained in, or paid from, an account that is not subject to this Act. This section shall not apply to amounts described in section 431 (b)(B)(viii) of title 2.

"(B) For purposes of this section, the term "in connection with a Federal election" includes any activity that may affect a Federal election, including but not limited to the following:

"(1) Voter registration and get-out-the-vote activities;

"(2) Generic activities, including but not limited to any broadcasting, newspaper, magazine, billboard, mail, or similar type of communication or public advertising;

"(3) Campaign materials which identify a Federal candidate, regardless of any other candidate who may also be identified.".

SEVERABILITY

SEC. 6. If any provision of this Act, or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision, and the application of such provision to other persons and circumstances, shall not be affected thereby.

By Mr. HARKIN (for himself, Mr. PACKWOOD, Mr. HATFIELD, and Mr. LIEBERMAN):

S. 95. A bill to amend the Public Health Service Act to provide for the development and operation of centers to conduct research with respect to contraception and centers to conduct research with respect to infertility, and for other purposes; to the Committee on Labor and Human Resources.

CONTRACEPTIVE AND INFERTILITY RESEARCH CENTERS ACT OF 1993

Mr. HARKIN. I rise today on behalf of myself and Senators PACKWOOD, HATFIELD, and LIEBERMAN to introduce the Contraceptive and Infertility Research Centers Act of 1993. A companion measure is being introduced in the other body today by Congresswomen SCHROEDER and SNOWE.

Mr. President, the United States is without question the world leader in biomedical research. Yet when it comes to research and development in the areas of contraception and infertility, we have lagged behind a number of industrialized nations and even some in the developing world.

Infertility and contraception are central concerns of millions of Americans of child-bearing age. Nearly 2½ million couples desiring to have children struggle with the heartbreak and frustration of infertility. And each year about 3 million American women become pregnant who do not wish to do so.

Their anguish is great. All of these individuals can benefit from intensified research on these basic family planning issues.

We can all agree that abortion is no one's first choice for avoiding unintended births. Yet, of the 3 million women who become pregnant unintentionally each year, about half will terminate their pregnancies. It is disturbing that nearly half of all pregnancies that occur each year are among women who have become pregnant unintentionally because the contraceptive method they were using failed.

The fact is that there are only a limited number of safe and effective methods of preventing pregnancy. More research is needed in improved contraceptive methods that will reduce unintended pregnancies, and the less often such pregnancies occur, the fewer the number of abortions. That is the result we can all embrace—regardless of our political or religious beliefs.

In addition to reducing unwanted pregnancies, we must also explore ways in which sexually transmitted diseases, such as gonorrhea, syphilis, and HIV infection can be more effectively prevented. These research centers will explore new methods to prevent the transmission of these sexually transmitted diseases through the development of safe, effective, and low-cost contraception methods.

And just as those who are not prepared to bear children should have access to safe and effective contraceptive methods, whose who want to become parents should have access to safe and effective methods to help them conceive and bear children.

The causes of infertility are not always easy to diagnose, nor are they uniformly treatable. Treatments are often expensive, costing Americans approximately $1 billion in 1987. Yet even with such a large expenditure of funds, the success rate for treated couples is still generally low. Clearly, more research is needed into the causes of, and better treatments for, infertility in both men and women.

The need is clear. We simply must do more to encourage quality research in this country on contraception and infertility, and that is what this bill does. This bill gives specific authorization for the establishment of three research centers focused on developing improved methods of contraception and two research centers focused on developing better diagnosis and treatment of infertility through the National Institute of Child Health and Human Development.

The centers authorized in this bill will conduct clinical and applied research; train physicians, scientists, and other allied health professionals; develop model continuing education programs for such professionals; and disseminate information to them. The bill also provides for a loan repayment program for individuals involved in contraceptive or infertility research, in order to address the shortage of researchers in these fields.

Mr. President, this bill was introduced last Congress and was approved by the Congress as a component of the bill reauthorizing programs at the National Institutes of Health. However, much to my disappointment, the NIH bill was vetoed by President Bush. I am pleased to say that we were able to provide $3 million in the fiscal year 1991 National Institutes of Health appropriation to begin the process of establishing these critically important research centers, and support for the centers has grown somewhat since then. However, in order to assure that these centers are maintained and allowed to grow, as they need to, passage of this legislation is imperative.

I am pleased that the provisions of this bill will be included in the NIH reauthorization bill, which has been appropriately designated as S. 1. I am very hopeful that this vital legislation will be swiftly approved and signed into law.

Mr. President, as we mark the anniversary tomorrow of the Roe versus Wade decision protecting women's right to choose, I think it is most appropriate that we act on this commonsense, common ground legislation. Whatever positions we take on the question of abortion, if we are committed to helping couples have children who want them, and to reducing the incidence of abortion in the case of those who do not, this bill is a step in the right direction. I urge my colleagues to examine and to support it.

I ask unanimous consent that a summary and copy of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 95

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Contraceptive and Infertility Research Centers Act of 1993".

SEC. 2. CONTRACEPTIVE AND INFERTILITY RESEARCH CENTERS.

(a) RESEARCH CENTERS.—Subpart 7 of part C of title IV of the Public Health Service Act (42 U.S.C. 285g et seq.) is amended by adding at the end the following new section:

"SEC. 452A. RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

"(a) IN GENERAL.—The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of diagnosing and treating infertility.

"(b) NUMBER OF CENTERS.—In carrying out subsection (a), the Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of three centers with respect to contraception and for two centers with respect to infertility.

"(c) DUTIES.—

"(1) IN GENERAL.—Each center assisted under this section shall, in carrying out the purpose of the center involved—

"(A) conduct clincial and other applied research, including—

"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and by females (including barrier methods); and

"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in both males and females;

"(B) develop protocols for training physicians, scientists, nurses, and other health and alied health professionals;

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals.

"(2) STIPENDS AND FEES.—A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.

"(d) COORDINATION OF INFORMATION.—The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.

"(e) CONSORTIUM.—Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Secretary, after consultation with the Director of the Institute.

"(f) TERM OF SUPPORT AND PEER REVIEW.—Support of a center under subsection (a) may be for a period of not to exceed 5 years. Such period may be extended for one or more additional periods of not to exceed 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $20,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal years 1995 through 1998.".

"(b) LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.—Part F of title IV of such Act (42 U.S.C. 288 et seq.) is amended by inserting after section 487A the following new section:

"SEC. 487B. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

"(a) ESTABLISHMENT.—The Secretary, after consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program to enter into agreements with appropriately qualified health professionals (including graduate students) under which such health professionals shall agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Secretary agreeing to repay, for each year of such service, not to exceed $20,000 of the principal and interest of the educational loans incurred by such health professionals..

"(b) ADMINISTRATIVE PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a), apply to the program established in such subsection to the same extent and in the same manner as such provisions apply to the National Health Service Loan Repayment Program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated under paragraph (1) for a fiscal year shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

"(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on the date of the enactment of this Act.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 96. A bill to amend the Internal Revenue Code of 1986 to clarify the employment status of certain fishermen; to the Committee on Finance.

EMPLOYMENT STATUS OF CERTAIN FISHERMEN

Mr. KENNEDY. Mr. President, today I am introducing legislation that is of great importance to the economy of southeastern Massachusetts and the fishing port of New Bedford. I am pleased to be joined in this effort by my colleague, Senator KERRY. Identical legislation is being introduced today in the House by Congressmen NEAL and FRANK.

This measure is identical to a provision that was enacted by the Congress twice last session, as part of the tax bills passed in March and in October, and which unfortunately fell victim to the Presidential vetoes of those larger tax packages. It is my strong hope that Congress will approve this provision again at the earliest possible opportunity, and that the legislation will be signed into law this time.

The legislation is designed to correct a problem that has plagued hundreds of small family fishing businesses in New Bedford—the backbone of the southeastern Massachusetts economy. Since 1988, the Internal Revenue Service has been attempting to impose a controversial new interpretation of the withholding rules for fishing crews and to impose it retroactively to January 1, 1985. The IRS decided to make New Bedford a test case, and has threatened to seize the boats of the fishing fleet to collect back taxes. I understand that the Service has also begun enforcement proceedings in other coastal communities as well.

The Service's interpretation of the Tax Code was neither predictable nor logical. Our legislation will set the record straight with respect to the withholding rules. Mr. President, I ask unanimous consent that a summary of the legal issues involved here be entered in the RECORD following my brief remarks.

In short, I urge my colleagues to approve this legislation once again, so that we may finally lift the unjustified cloud that has hung for too long over the hard-working fishing families of Massachusetts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY—TAX STATUS OF FISHING CREWS

In 1988, the IRS modified its interpretation of section 3121(b)(20) of the Internal Revenue Code of 1986. The agency adopted a new interpretation as to whether service performed by individuals on certain small fishing vessels constituted "employment" for purposes of that section of the Code.

The IRS imposed this new interpretation retroactively, insisting that the boat owners should have been withholding taxes for their crew all along, and claiming that the owners owe more than $11,000,000 in back taxes, interest, and penalties. Serious questions exist as to notice and fairness, since some boat owners state that IRS personnel had earlier advised them that it was appropriate to treat crew members as self-employed. Each boat owner properly prepared and filed information returns with the IRS, reporting the gross payments to each crew member and further demonstrating their good faith in meeting the agency's requirements as they understood them at the time.

The IRS is pursuing enforcement actions against the boat owners on two grounds:

1. "Pers"—According to industry tradition dating back to the whaling days in New Bedford, a few crew members—the cook, the engineer, and the mate—are given a small payment above their share of the catch (about $25 per fishing trip), in recognition of their extra duties while at sea. Both the crew and the owner share the responsibility and cost of these small payments. Section 3121(b)(20)(B) of the Code specifies that service as a fisherman can only be excluded from the definition of employment if the individual performing the services is compensated only by receiving a share of the catch (i.e., not a fixed salary). In 1988, the IRS began taking the position that "pers" payments had the effect of treating the individual receiving them as being engaged in "employment," notwithstanding that the extra payments are de minimis and involve an industry tradition not considered by Congress when it enacted the original statute.

2. "Normally fewer than 10"—Section 3121(b)(20) of the Code requires that a fishing vessel have a operating crew of "normally fewer than 10" individuals in order for service on that vessel to be excluded from the definition of employment. For years, the industry has assumed that "normally" means over the course of a year, to account for seasonal fluctuations in crew size; the IRS implicitly endorsed this common-sense view, and raised no objections during tax audits. In 1988, however, the IRS began taking the position that "normally" must be evaluated quarter by quarter, not annually; i.e., a boat must meet the "normally fewer than 10" test in each quarter. This onerous requirement was never Congress' intent, since it ignores the variance in hiring practices on fishing vessels from peak season to slow season.

SUMMARY—PROPOSAL

Present Law—Service performed on fishing vessels may be excluded from the definition of "employment" for purposes of income and Social Security tax withholding. For the exclusion to apply, the service must be performed on a fishing vessel, the operating crew of which is normally made up of fewer than 10 individuals. In addition, the crewmembers may not receive compensation for services other than a share of the boat's catch and the amount of the individual's share must depend on the boat's catch.

Proposal—The proposal would make two modifications to section 3121(b)(20), to clarify the application of the section to fishermen in New Bedford and other ports in the country:

(a) The term "normally" would be defined in the statute to mean the average size of the operating crew on trips during the 4 preceding calendar quarters.

(b) The proposal would permit additional payments to be made to individuals on the vessel performing extra duties (such as mate, engineer or cook), if the payments were contingent on a minimum catch and did not exceed $100 per trip.

Effective Date—The proposal would generally be effective for taxable years beginning after December 31, 1984, unless the payor of remuneration treated the wages paid as subject to income and Social Security taxes when paid.

Revenue Estimate—The Joint Tax Committee estimated in October 1990 that the cost of the proposal would be $10 million in the first year and $1 million for each year thereafter.

By Mr. HARKIN (for himself and Mr. CONRAD)

S. 97. A bill to amend title XVIII of the Social Security Act and title III of the Public Health Service Act to protect and improve the availability and quality of health care in rural areas; to the Committee on Finance.

RURAL HEALTH CARE PROTECTION AND IMPROVEMENT ACT OF 1993

• Mr. HARKIN. Mr. President. I rise to reintroduce legislation I introduced last March that I believe is critical to the protection and improvement of access to health care in rural America. My bill, the Rural Health Care Protection and Improvement Act of 1993, will extend and expand three important and successful rural health programs. I am very pleased to be joined in this effort by my colleague from North Dakota, Senator KENT CONRAD.

The Rural Health Care Protection and Improvement Act of 1993 would do three things:

Extend the special Medicare-dependent small rural hospital payment provisions for 3 years, when the Medicare urban-rural hospital payment differential should be fully phased out.

Authorize an expansion of the Rural Health Outreach Grant Program that was created in the fiscal year 1991 Labor, Health and Human Services appropriations bill; and,

Keep the expiring Rural Health Transition Grant Program alive by extending it authorization for 5 more years and increasing its authorization level from $25 to $30 million a year.

Extensions of both the Medicare Dependent Hospital and Rural Health Transition Grant Programs were passed by Congress as a part of H.R. 11 last year. Unfortunately, the legislation was vetoed by President Bush. Quick action this year is essential. However, passage of this legislation is only a first step. There are many other improvements needed to assure that the special needs of rural America are met as we work this year on comprehensive health care reform legislation. As the new Democratic cochair of the Senate rural health caucus, I will be working actively to assure that these improvements are realized.

Mr. President, nowhere is our Nation's health care crisis more acute than in rural America. A particular problem for rural Americans has been the steady decline in the number of hospitals open to serve them. Between 1980 and 1990, 330 rural hospitals were forced to close their doors, in large part because of inequities in Medicare reimbursement. In 1989, Congress wisely acted to help redress these inequities by establishing the Medicare Dependent Small Rural Hospital [MDH] Program as a part of the Omnibus Budget Reconciliation Act. The MDH Program allows rural hospitals under 100 beds to quality for somewhat higher reimbursement if over 60 percent of their patient days went to caring for Medicare patients. While even with this additional assistance most of these small rural hospitals are still losing money treating Medicare patients, the MDH Program has provided the needed margin for survival for many. Its termination, which has already hit some hospitals, could force hundreds of hospitals to shut their doors or significantly scale back their operations, jeopardizing access to care for thousands of rural Americans.

It is, therefore, essential that this critical program be extended. Our bill takes the modest step of extending it until hospital reporting periods ending March 31, 1996, when the differential in what Medicare pays rural and urban hospitals hopefully will be fully phased out.

Mr. President, the end of the MDH Program is already having a profound effect on these critically important health care providers, their employees, and their patients across rural America. In my home State of Iowa, where 4 rural hospitals have closed in the last 6 years, and where a quarter of rural hospitals are now operating at a loss, the Franklin General Hospital in Hampton, IA, announced last year that it would have to lay off 25 employees, 11 percent of their staff, effective immediately due to the anticipated cutbacks in Medicare funding. If this program is not extended, the Van Buren County Hospital, a 40-bed acute care facility, will lose $149,000 next year, an amount equal to their entire bottom line last year. Francis T. Carr, administrator of the Eldora Regional Medical Center, told me that the $100,000 his hospital would lose if the Medicare Dependent Hospital Program ended would amount to 5 percent of its annual budget. Their only recourse would be raise taxes on county residents who are already bearing more than their fair share of health care costs, or to increase fees which would have the same effect, further fueling the spiraling cost of health care. Richard C. Hamilton, administrator of the Clarinda Municipal Hospital refers to the scheduled end of this program as "slow, constant financial strangulation."

Fifty-five small, rural Iowa hospitals are eligible for help under the MDH Program and 33 are being assisted by it. Expiration of the program could mean a loss of over $8.1 million a year for these hospitals. For some, that could well mean the end. And for thousands of Iowans, that would mean significantly reduced health care access.

Mr. President, the legislation I am reintroducing today also authorizes an expansion of the Rural Health Outreach Program that I worked to establish as a part of the fiscal year 1991 Labor, Health and Human Services appropriations bill. We began this innovative program to demonstrate the effectiveness of outreach programs to populations in rural areas that do not normally seek or have trouble accessing health or mental health services. The outreach grants are designed to address two major needs: First, improved outreach efforts by community and migrant health centers, local health departments, and other providers to reach many people in need of primary and preventive care who now are not being reached until they are acutely ill and need extensive and expensive hospital care, and, second, improved cooperation between health and social service agencies in reaching these people. This program has received overwhelmingly positive response from around the Nation.

In the Outreach Grant Program's short history, it has already had a great impact on improving coordination between health care providers and expanding access to needed health and mental health services. Grants have been awarded now in all 50 States. In Iowa, the Grundy County Memorial Hospital in Grundy Center received funds to establish a hospice program to provide needed care to terminally ill individuals. Mahaska County Hospital in Oskaloosa, IA, received a grant to coordinate improved occupational health services to farm families and agribusiness employees in 15 southeastern Iowa counties. The residents of Monticello, IA, will benefit from improved access to preventive care as a result of a rural health outreach grant. Also, families of victims of Alzheimer's disease in three Iowa counties will be helped by the formation of support groups and community education programs supported by this program.

As chairman of the Labor-HHS Appropriations Subcommittee, I was pleased to be able to increase funding for this program to $24.8 million in fiscal year 1993. This legislation we are introducing today would authorize an expansion of the Outreach Grant Program to $50 million in fiscal year 1994 and such sums as necessary for fiscal years 1995 to 1998.

The Rural Health Care Protection and Improvement Act of 1993 would extend for 5 more years the Rural Health Transition Grant Program. The Transition Grant Program was to expire last year, but was extended for an additional year last year by language included in the fiscal year 1993 Labor, HHS appropriations bill.

This very successful program, established as a part of OBRA '87, helps small rural hospitals and their communities adapt to changing situations and needs. Situations such as excess hospital capacity and a declining supply of health professionals, increasing demand for ambulatory and emergency services, and the need for adequate access to emergency and inpatient care in areas where many underutilized hospital beds are being eliminated. Eligible hospitals receive grants of up to $50,000 a year for up to 3 years. In 1991, 188 hospitals in 44 States received grants under this program. Under this legislation, authorization of the Transition Grant Program from $25 to $30 million a year and extends its authorization through 1998.

Iowa has been particularly helped by the Transition Grant Program. It has consistently ranked among the top States in the number of hospitals receiving grants under the program. Among Iowa hospitals receiving new grant awards last year were the Winneshiek County Memorial in Decorah, Anamosa Community Hospital in Anamosa, Virginia Gay Hospital in Vinton, Grundy County in Grundy Center, Veterans Memorial in Waukon, Mercy in Corning, Van Buren County in Keosauqua, Story County in Nevada, Cass County Memorial in Atlantic, and Humboldt County Memorial in Humboldt.

Mr. President, rural Americans are at triple jeopardy—they are more often poor, more often uninsured, and more often without access to health care. They are at increased risk to motor vehicle injury and death with two-thirds of motor vehicle deaths occurring in rural areas. Over 12 million rural Americans also face the increased occupational risks of farming, America's most hazardous occupation. Rural America is home to a disproportionately large segment of older citizens who more often require long-term care for their illnesses and disabilities. And rural America is not immune from the social stresses of modern society. This is manifest by escalating needs for mental health services to deal with necessary alcohol- and drug-related treatment, and by the significantly higher rate of suicide in rural areas. Yet, rural Americans are increasingly becoming commuters for their health care. Rural Americans deserve to be treated equitably and this legislation takes several meaningful first steps toward assuring that quality health care is readily accessible to them.

Mr. President, while this bill is an important step toward improving health care for rural Americans, it is time for comprehensive health care reform in America that assures every American affordable, quality health care. This reform must recognize that affordable insurance is not of much help if there are no hospitals, doctors, nurses, and other health care professionals to provide needed care. It must also recognize that until we do a much better job at keeping people healthy and preventing disease and disability, we will never have a truly effective health care system. And our reforms must also protect Americans against what is for many the most devastating of costs and inhibiting to families—long-term care and personal assistance services. A need that is particularly great in rural areas because of higher elderly populations.

Mr. President, I urge my colleagues to join us in supporting this important legislation and ask unanimous consent that a copy and summary of the proposed bill be printed in the Record at this time.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 97

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Health Care Protection and Improvement Act of 1993".

SEC. 2. EXTENSION OF CERTAIN PAYMENT PROVISIONS FOR MEDICARE-DEPENDENT SMALL RURAL HOSPITALS.

(a) In General.—Section 1886(d)(5)(G)(i) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)(i)) is amended by striking "March 31, 1993" and inserting "March 31, 1996".

(b) Payment.—Section 1886(b)(3)(D) of such Act (42 U.S.C. 1395ww(b)(3)(D)) is amended by striking "March 31, 1993" and inserting "March 31, 1996".

(c) Permitting Hospitals to Decline Reclassification.—If any hospital fails to qualify as a medicare-dependent, small rural hospital under section 1886(d)(5)(G)(i) of the Social Security Act as a result of a decision by the Medicare Geographic Classification Review Board under section 1886(d)(10) of such Act to reclassify the hospital as being located in an urban area for fiscal year 1993 or 1994, the Secretary of Health and Human Services shall—

(1) notify such hospital of such failure to qualify,

(2) provide an opportunity for such hospital to decline such reclassification, and

(3) if the hospital declines such reclassification, administer the Social Security Act (other than section 1886(d)(8)(D)) for fiscal year 1993 or 1994 as if the decision by the Review Board had not occurred.

(d) Effective Date.—

(1) The amendment made by subsections (a) and (b) shall be effective as of January 1, 1992.

(2) The amendments made by subsection (c) shall be effective on the date of the enactment of this Act.

SEC. 3. EXTENSION AND EXPANSION OF RURAL HEALTH TRANSITION GRANT PROGRAM.

(a) In General.—Section 4005(e)(9) of the Omnibus Budget Reconciliation Act of 1987, as amended by section 6003(g)(1)(B) of the Omnibus Budget Reconciliation Act of 1989, is amended—

(1) by striking "1989 and" and inserting "1989,"; and

(2) by striking "1992" and inserting "1992 and $30,000,000 for each of the fiscal years 1993, 1994, 1995, 1996, and 1997".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 4. ESTABLISHMENT OF RURAL HEALTH OUTREACH GRANT PROGRAM.

(a) In General.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following new section:

"SEC. 330A. RURAL HEALTH OUTREACH GRANT PROGRAM.

"(a) In General.—The Secretary may make grants to demonstrate the effectiveness of outreach to populations in rural areas that do not normally seek or do not have adequate access to health or mental health services. Grants shall be awarded to enhance linkages, integration, and cooperation in order to provide health or mental health services, to enhance services, or increase access to or utilization of health or mental health services.

"(b) Mission of the Outreach Projects.—Projects under subsection (a) should be designed to facilitate integration and coordination of services in or among rural communities in order to address the needs of populations living in rural or frontier communities.

"(c) Composition of Program.—

"(1) Consortium Arrangements.—Participation in the program established in subsection (a) requires the formation of consortium arrangements among 3 or more separate and distinct entities to carry out an outreach project.

"(2) Certain Requirements.—

"(A) A consortium under paragraph (1) must be composed of 3 or more public or private nonprofit health care or social service providers. Consortium members may include such entities as local health departments, community or migrant health centers, community mental health centers, hospitals or private practices, or other publicly funded health or social services agencies.

"(B) Grantees currently receiving support under this program shall continue to be eligible for support.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995, 1996, 1997 and 1998.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SUMMARY OF S. 97, THE RURAL HEALTH CARE PROTECTION AND IMPROVEMENT ACT OF 1993

This legislation would preserve and expand three programs that are critical to maintaining and improving access to health care in hundreds of rural communities across the nation. The "Rural Health Care Protection and Improvement Act of 1993":

Extends the special Medicare-Dependent Small Rural Hospital payment provisions for 3 years, when the urban-rural payment differential is set to be fully phased out.

Keeps the Rural Health Transition Grant Program alive by extending its authorization, set to expire this year, for five more years and increasing its authorization level from $25 million to $30 million a year.

Authorizes an expansion of the Rural Health Outreach grant program that was created in the Fiscal Year 1991 Labor, Health and Human Services Appropriations bill.

MEDICARE DEPENDENT HOSPITAL PROGRAM

Established in OBRA'89, this program provides a measure of relief to rural hospitals with 100 or fewer beds that are dependent upon Medicare for at least 60 percent of their patient days and do not qualify as sole community hospitals (SCHs). These hospitals are eligible for the same payment rules available to SCHs which allow them to receive hospital-specific rates higher than they would normally receive under PPS. 21 percent of rural hospitals are designated as Medicare Dependent Hospitals (MDHs) and 45 percent of MDHs receive higher Medicare payments because of this status. For those 243 hospitals, the average increase in Medicare payments is 17 percent over what they would otherwise be receiving.

Under current law the program ends with hospital cost reporting periods ending March 31, 1993. Many hospitals under the program have already lost assistance. This legislation extends the MDH program for an additional three years, providing strapped rural hospitals much needed relief until the urban/rural differential in Medicare payments is set to be phased out. Its provisions are retroactive until January 1, 1992 in order to assure that no hospital is penalized by the failure to enact the extension last year.

RURAL HEALTH TRANSITION GRANT PROGRAM

This very successful program, established as a part of OBRA'87, helps small rural hospitals and their communities adapt to changing situations and needs. Situations such as excess hospital capacity and a declining supply of health professionals, increasing demand for ambulatory and emergency services, and the need for adequate access to emergency and inpatient care in areas where many underutilized hospital beds are being eliminated. Eligible hospitals receive grants of up to $50,000 a year for up to 3 years. In 1991, 188 hospitals in 44 states received grants under this program. Fiscal year 1993 funding is $22.8 million.

Authorization for the transition grants expired in 1992 but was extended through the fiscal year 1993 Labor, Health and Human Services Appropriations act, this legislation would extend the program until 1997 and increase the authorization from $25 million to $30 million a year.

RURAL HEALTH OUTREACH PROGRAM

The FY'91 Labor, Health and Human Services Appropriations Act began this initiative to demonstrate the effectiveness of outreach programs to populations in rural areas that do not normally seek or have trouble accessing health or mental health services. The outreach grants, which have proven to be in great demand, are designed to address two major needs: 1) improved outreach efforts by community and migrant health centers, local health departments and other providers to reach many people in need of primary and preventive care who now are not being reached until they are acutely ill and need extensive and expensive hospital care, and, 2) improved cooperation between health and social service agencies in reaching these people. $24.8 million in rural outreach grants will be awarded to communities throughout the nation in fiscal year 1993.

This legislation would authorize an expansion of the outreach grant program to $50 million in 1994 and such sums as necessary for fiscal years 1995–1998.●

By Mr. BRADLEY:

S. 98. A bill to establish a Link-Up for Learning grant program to provide coordinated services to at-risk youth; to the Committee on Labor and Human Resources.

LINK-UP FOR LEARNING GRANT ACT

● Mr. BRADLEY. Mr. President, the poverty, hunger, illness, and family breakdown that is the tragic condition of too many American children has placed tremendous stresses on our educational system. When we look at the failures of American education, at declining test scores, at the difficulty businesses have in finding young workers with basic skills, we have to face up to the fact that many youngsters come to school unready to learn.

An empty stomach, pregnancy, homelessness, chronic illness, sleepless nights spent listening to a domestic fight in the next room or a gunfight in the street can make it impossible to focus the mind on reading, spelling, and multiplication tables. America's teachers know this, and they work hard to help each student overcome the barriers to learning. In any circumstance, this is a daunting proposition. But with class sizes of 30 students or more, inadequate facilities and stressful classroom settings, this can be a nearly impossible task. The Link-Up for Learning Act will help schools, families, and teachers connect students with the social services that will help them come to school ready to learn.

Link-Up for Learning recognizes that in every region of the country, services for children are available from many private and local government agencies. But too often neither parents nor teachers are aware of all the possibilities, so children's needs go unmet. Bringing together families, teachers, school personnel, and community social service providers will make it possible to see all of a child's needs so that all the adults involved can work together to help that child reach his or her fullest potential.

There is no single model for connecting schools, families, and social service providers. The Link-Up for Learning bill, by establishing a $100 million grant program in the Department of Education, will help various localities explore what works to meet the learning needs of at-risk kids in their schools. The common thread to all the projects will be that the districts must already be eligible to receive chapter I funds for disadvantaged students.

I expect that some of the projects funded will draw on New Jersey's School Based Youth Services Programs [SBYSP], which offer one of the most successful models for connecting schools with social services. The 29 centers established by this program offer a one-stop approach for students or dropouts between the ages of 13 and 19 who want an opportunity to complete their education or obtain other services. Many new projects will look at other ways to make the whole array of social services available to a particular young person or family.

Other programs, I expect, will link educational programs designed to address or prevent a particular problem with community-based programs in the same area. The healthy mothers/healthy babies initiative underway in 10 New Jersey cities offers a good example of this approach. Schools, prenatal care providers, social service agencies, and community and church groups work together to educate young mothers and to keep both mother and infant healthy. A successful program can help the mother complete her schooling and help her child grow up ready to learn, thus preventing two human tragedies.

I mention these models only as examples of how connecting schools, families, and community resources can help save children. The purpose of this bill is to unleash the creativity in our schools and communities to come up with new and better ways to make this connection.

Before closing, I need to acknowledge the enormous contribution made by the nation's school boards and their national association to this effort. These community-minded individuals have always been at the forefront of creating an effective school program. Their development and support for this Link-Up for Learning is proof of their commitment, and I thank them for it.

Mr. President, if we fail to educate the children who are poor in America today, we will consign one in five

Americans to a future of failure and low productivity. The millions of children who are victims of abuse and neglect each year, the 100,000 who are homeless, the millions who come from single-parent families bring enormous new problems to our schools. Teachers know that if they can find a way to address these problems, the process of learning can begin and succeed. Link-Up for Learning will help those kids find a way out of their problems so they can concentrate on learning and achieving the full potential of their minds and bodies.

I ask unanimous consent that a brief summary and the text of the bill be printed following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 98

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Link-up for Learning Grant Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) growing numbers of children live in an environment of social and economic conditions that greatly increase the risk of academic failure when such children become students;

(2) more than 20 percent of the Nation's children live in poverty while at the same time the Nation's infrastructure of social support for such children has greatly eroded, for example, 40 percent of eligible children do not receive free or reduced price lunches or benefit from food stamps, 25 percent of such children are not covered by health insurance, and only 20 percent of such children are accommodated in public housing;

(3) many at-risk students suffer the effects of inadequate nutrition and health care, overcrowded and unsafe living conditions and homelessness, family and gang violence, substance abuse, sexual abuse, child abuse, involuntary migration, and limited English proficiency that often create severe barriers to learning the knowledge and skills needed to become literate, independent, and productive citizens;

(4) almost half of all children and youth live in a single parent family for some period of their lives, resulting in greatly reduced parental involvement in their education;

(5) high proportions of disadvantaged and minority children live with never married mothers or teenage mothers who have extremely limited resources available for early childhood development and education;

(6) large numbers of children and youth are recent immigrants or children of recent immigrants with limited English proficiency and significant unmet educational needs;

(7) services for at-risk students are fragmented, expensive, overregulated, often ineffective and duplicative, and focused on narrow problems and not the needs of the whole child and family;

(8) school personnel and other support service providers often lack knowledge of and access to available services for at-risk students and their family in the community, are constrained by bureaucratic obstacles from providing the services most needed, and have few resources or incentives to coordinate services;

(9) service providers for at-risk students such as teachers, social workers, health care givers, juvenile justice workers and others are trained in separate institutions, practice in separate agencies, and pursue separate professional activities that provide little support for coordination and integration of services;

(10) coordination and integration of services for at-risk students emphasizing prevention and early intervention offers a great opportunity to break the cycle of poverty that leads to academic failure, teenage parenthood, leaving school, low skill levels, unemployment, and low income; and

(11) coordination of services is more cost effective for schools and support agencies because it reduces duplication, improves quality of services, and substitutes prevention for expensive crisis intervention.

SEC. 3. PURPOSES.

(a) IN GENERAL.—It is the purpose of this Act to make demonstration grants to eligible entities to improve the educational performance of at-risk students by—

(1) removing barriers to such student's learning;

(2) coordinating and enhancing the effectiveness of educational support services;

(3) replicating and disseminating programs of high quality coordinated support services;

(4) increasing parental educational involvement;

(5) improving the capacity of school and support services personnel to collaborate educational services;

(6) integrating services, regulations, data bases, eligibility procedures and funding sources whenever possible; and

(7) focusing school and community resources on prevention and early intervention strategies to address student needs holistically.

(b) ADDITIONAL PURPOSES.—It is also the purpose of this Act to foster planning, coordination, and collaboration among local, county, State, and Federal educational and other student support service agencies and levels of government, nonprofit organizations, and the private sector to improve the educational performance of at-risk students by—

(1) identifying and removing unnecessary regulations, duplication of services, and obstacles to coordination;

(2) improving communication and information exchange;

(3) creating joint funding pools or resource banks;

(4) providing cross-training of agency personnel; and

(5) increasing parental and community involvement in education.

SEC. 4. GRANTS AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to award grants to eligible entities to pay the Federal share of the costs of the activities described in section 7.

(b) SPECIAL CONSIDERATION.—In awarding grants under this Act, the Secretary shall give special consideration to—

(1) providing an equitable geographic distribution of such grants;

(2) providing grants to eligible recipients serving urban and rural districts with high proportions of at-risk students;

(3) awarding grants for programs involving interagency teams of collaborators providing case management services; and

(4) providing grants to eligible recipients serving areas that experience a significant increase in the number of at-risk students.

(c) DURATION.—Grants made under this Act may be awarded for a period of not more than 3 years if the Secretary determines that the eligible recipient has made satisfactory progress toward the achievement of the program objectives described in the application submitted pursuant to section 8.

SEC. 5. ELIGIBILITY.

(a) IN GENERAL.—For the purposes of this Act the term "eligible entity" means—

(1) at least one local educational agency in partnership with at least one public agency;

(2) at least one nonprofit organization, institution of higher education, or private enterprise in partnership with at least one local educational agency; or

(3) a local educational agency that is receiving assistance under the Head Start Transition Project Act in partnership with any agency designated as a Head Start agency under the Head Start Act.

(b) SPECIAL RULE.—An eligible entity shall only be eligible for a grant under this Act if at least one local educational agency participating in the partnership is eligible to receive financial assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

SEC. 6. TARGET POPULATION.

In order to receive a grant under this Act, an eligible entity shall serve—

(1) educationally deprived students and their families, students eligible to be counted under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 and their families, or students participating in school-wide projects assisted under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 and their families; and

(2) any school, grade span, or program area if the program design is of adequate size, scope and quality to achieve program outcomes.

SEC. 7. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—Each eligible entity receiving a grant under this Act may use such grant for programs that—

(1) plan, develop, coordinate, acquire, expand, or improve school-based or community-based education support services through cooperative agreements, contracts for services, or direct employment of staff to strengthen the educational performance of at-risk students, including support services such as child nutrition and nutrition education, health education, screening and referrals, student and family counseling, substance abuse prevention, extended school-day enrichment and remedial programs, before and after school child care, tutoring, mentoring, homework assistance, special curricula, family literacy, and parent education and involvement activities;

(2) plan, develop, and operate with other agencies a coordinated services program for at-risk students to increase the access of such students to community-based social support services including child nutrition, health and mental health services, substance abuse prevention and treatment, foster care and child protective services, child abuse services, welfare services, recreation, juvenile delinquency prevention and court intervention, job training and placement, community-based alternatives to residential placements for students and disabilities, and alternative living arrangements for students with dysfunctional families;

(3) develop effective strategies for coordinated services for at-risk students whose families are highly mobile;

(4) develop effective prevention and early intervention strategies with other agencies to serve at-risk students and their families;

(5) improve interagency communications and information-sharing, including develop-

ing local area telecommunications networks, software development, data base integration and management, and other applications of technology that improve coordination of services;

(6) support co-location of support services in schools, cooperating service agencies, community-based centers, public housing sites, or other sites nearby schools, including rental or lease payments, open and lock-up fees, or maintenance and security costs necessary for the delivery of services for at-risk students;

(7) design, implement, and evaluate unified eligibility procedures, integrated data bases, and secure confidentiality procedures that facilitate information-sharing;

(8) provide at-risk students with integrated case planning and case management services through staff support for interagency terms of service providers or hiring school-based support services coordinators;

(9) subsidize the coordination and delivery of education related services to at-risk students outside the school site by entities such as public housing authorities, libraries, senior citizen centers, or community-based organizations;

(10) provide staff development for teachers, guidance counselors, administrators, and public agency support services staff, including cross-agency training in service delivery for at-risk students;

(11) plan and operate one-stop school-based or nearby community-based service centers to provide at-risk students and their families with a wide variety and intensity of support services such as information, referral, expedited eligibility screening and enrollment and direct service delivery; and

(12) support dissemination and replication of a model coordinated educational support services program to other local educational agencies including dissemination and replication of materials and training.

(b) LIMITATIONS.—

(1) PLANNING.—Not more than one-third of each grant received under this Act shall be used for planning a coordinated services program.

(2) DELIVERY OF SERVICES.—Not more than 50 percent of each grant received under this Act shall be used for the delivery of services.

(3) SUPPLEMENT AND NOT SUPPLANT.—Grant funds awarded under this Act shall be used to supplement and not supplant the funds that would otherwise be available from non-Federal sources for the activities assisted under this Act.

SEC. 8. APPLICATIONS.

(a) IN GENERAL.—Each eligible entity desiring a grant under this Act shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

(1) describe the activities and services for which assistance is sought;

(2) identify the degree of need for a coordinated services plan among the students served by the program;

(3) describe the expected improvement in educational outcomes for at-risk students served by the program;

(4) describe how the eligible entity will assess the educational and other outcomes of support services provided by each public agency participating in the partnership;

(5) contain a description of how the eligible entity will improve the educational achievement of at-risk students through more effective coordination of support services, staff development and cross-agency training, and the educational involvement of parents;

(6) describe how the eligible entity will continue the support services assisted under this Act after the Federal assistance provided under this Act is terminated; and

(7) provide evidence of the capacity of the program to serve as a model program for replication by local educational agencies.

(c) ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—Each eligible entity desiring a grant under this Act shall establish a coordinated services advisory council to develop the application submitted pursuant to subsection (a).

(2) COMPOSITION.—The advisory council described in paragraph (1) shall consist of the head of each public agency participating in the partnership, a member of the local board of education, and the superintendent of schools, or the designees of such individuals, and representatives of parents, students, and the private sector.

(d) REVIEW OF APPLICATIONS.—The Secretary shall review applications submitted pursuant to subsection (a) with the Secretary of Health and Human Services and the Secretary of Housing and Urban Development, as appropriate.

SEC. 9. FEDERAL INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT AND COMPOSITION.—There is established a Federal Interagency Task Force (in this section referred to as the "Task Force") consisting of the Secretaries of Education, Housing and Urban Development, and Health and Human Services, and the heads of other Federal agencies as appropriate.

(b) DUTIES.—The Task Force shall identify means to facilitate interagency collaboration at the Federal, State, and local level to improve support services for at-risk students. The Task Force shall—

(1) identify, and to the extent possible, eliminate program regulations or practices that impede coordination and collaboration;

(2) develop and implement whenever possible plans for creating jointly funded programs, unified eligibility and application procedures, and confidentiality regulations that facilitate information-sharing; and

(3) make recommendations to Congress concerning legislative action needed to facilitate coordination of support services.

SEC. 10. STUDY.

(a) STUDY.—The Secretary shall conduct a study of the grants awarded under the Act to identify—

(1) the regulatory and legislative obstacles encountered in developing and implementing coordinated support services programs; and

(2) the innovative procedures and program designs developed pursuant to this Act.

(b) REPORT.—The Secretary shall report the results of the study conducted pursuant to subsection (a) to the Congress with recommendations for further legislative action to facilitate coordinated support services.

SEC. 12. PAYMENTS; FEDERAL SHARE.

(a) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under section 8 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—The Federal share shall be 50 percent.

SEC. 13. DEFINITIONS.

For the purpose of this Act—

(1) the term "local educational agency" has the same meaning provided in section 1471(12) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Secretary", unless otherwise specified, means the Secretary of Education.

SEC. 14. AUTHORIZATION OF FUNDS.

There are authorized to be appropriated $100,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 and 1996 to carry out the provisions of this Act.

BILL SUMMARY OF THE LINK-UP FOR LEARNING GRANT ACT

1. Purpose and Target Population: Growing numbers of children live in economic conditions that greatly increase their risk of academic failure when they enter school. The Link-Up for Learning Grant bill provides funds to coordinate educational and social support services for at-risk youth in our nation's elementary and secondary schools, and enhances the effectiveness of these services. The legislation targets educationally disadvantaged students and their families.

2. Eligibility and Authorized Uses of Funds: A Chapter One eligible school district collaborating with a public agency, a nonprofit organization, an institution of higher education, or a Head Start agency may apply for a 3 year grant. Recipients may use funds to coordinate and improve access to school-based or community-based education support services for disadvantaged youngsters. Such services can include nutrition, health screening and referrals, counseling, substance abuse prevention, extended school day programs, tutoring, literacy, parent education and involvement, child abuse services, welfare services, juvenile delinquency, job training and placement and others. Funds may also be used to establish "one-stop shopping" locations for services in schools, community centers, public housing sites or other central locations, to facilitate interagency communication, design unified eligibility procedures, coordinate case management, and train staff across agencies.

3. Limitations and Applications: Special consideration in awarding grants is given to urban and rural areas with high proportions of at-risk students. Not more than one-third of each grant shall be used for planning a coordinated service program and not more than 50 percent of each grant shall be used for the delivery of services. The federal share of the cost of the activities shall be 50 percent.

4. Other Provisions: The bill establishes a Federal Interagency Task Force to facilitate interagency collaboration at the federal, state and local levels. Finally, it directs the Secretary of Education to conduct a study of funded projects and make recommendations to Congress to improve coordination of educational support services.

5. Authorized Appropriations: $100 million is authorized for grants in Fiscal Year 1994 and such sums as are necessary are authorized in Fiscal Years 1995 and 1996.•

By Mr. METZENBAUM (for himself, Mr. GRASSLEY, Mr. SIMON, and Mr. BROWN):

S. 99. A bill to amend the antitrust laws to provide a cause of action for persons injured in U.S. commerce by unfair foreign competition; to the Committee on the Judiciary.

UNFAIR FOREIGN COMPETITION ACT

• Mr. METZENBAUM. Mr. President, I am introducing with my colleagues, CHARLES GRASSLEY, PAUL SIMON, and HANK BROWN, the International Fair Competition Act of 1993.

The act will safeguard our free markets from anticompetitive conduct

originating overseas. It does so by revamping a little-used antitrust statute to make it a useful remedy to combat foreign cartels that are exploiting American producers and consumers.

For over 102 years America's antitrust laws have outlawed abusive monopolies and price-fixing cartels that would raise consumer prices and use those ill-gotten profits to drive their competitors out of business. Our antitrust enforcement record is indisputably the best in the world.

However, our antitrust laws do not protect American consumers or producers from the devastating effects of foreign cartels that sell products here. A case in point is the Japanese price-fixing cartel for consumer electronics that operated in our markets in the 1960's and 1970's. The cartel included the biggest brand names in the business such as Matshushita, Hitachi, Sony, Sharp, and Sanyo. There is strong evidence that this cartel used the monopoly profits that it earned in Japan by fixing high prices to subsidize below cost selling in this country. Their U.S. competitors, who could not collude or fix prices, were driven out of business by the cartel.

There is also evidence that the cartel further capitalized on their success in destroying our domestic consumer electronics industry by orchestrating a resale price maintenance scheme and a restricted advertising program that cost U.S. consumers billions of dollars.

Today, our textile, paper, glass, auto, auto parts, computer and steel industries, among others, are being threatened by the same kind of unfair international competition that destroyed our domestic consumer electronics industry.

The International Fair Competition Act that I am introducing today was reported by the Judiciary Committee last year unanimously by voice vote with no recorded objections. It enjoys wide bipartisan support because it bolsters our existing antitrust laws to attack subsidized below cost selling in our markets as a form of economic crime. But, it does so using a carefully balanced approach designed to protect consumers and producers from frivolous lawsuits.

Bringing suit under the bill requires proof that goods were sold in our markets at a price below the manufacturer's cost and were exported from a home market that is closed to international competition because it is cartelized or monopolized. However, a foreign manufacturer can defeat a lawsuit simply by showing that there was a procompetitive basis for its below cost pricing.

I believe that the bill complements the Justice Department's amendment to its international antitrust enforcement guidelines. The Department is now explicitly authorized to bring suit against anticompetitive activity abroad, including price-fixing cartels, which threaten U.S. exporters. The International Fair Competition Act would allow the antitrust authorities, private firms, and consumers to bring suit when those same cartels use the monopoly profits that they earn in their home markets to subsidize below cost selling in ours.

The fact is that price-fixing cartels are in an entrenched way of life in many foreign countries. For example, the August 1992, issue of the Harvard Business Review described the cartels that operate in Japan as "a deep-footed multifaceted" system that controls the country's business and political life. And officials from the Commerce Department have testified before the Congress that Japanese consumers pay 40 to 60 percent more than American consumers for the same goods due to the cartels and keiretsus that operate in their markets.

Japan is not the only country that harbors cartels. An American bar Association special committee on international antitrust reported that many foreign governments actively encourage or are willing to tolerate cartels that operate in their own countries. This special committee warned that these foreign cartel "seriously undermine the [free] market system and impose high costs on the world."

Unfortunately, we cannot impose our high regard for fair competition on the rest of the world. However, the International Fair Competition Act of 1993 will help encourage fairness and strong competition in international markets by preventing foreign companies based in countries that do not foster free and open competition from exploiting American consumers and producers.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 99

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Fair Competition Act of 1993."

SEC. 2. FINDINGS.

The Congress finds that—

(1) all nations should enact and vigorously enforce strong competition laws to benefit consumers, encourage international competition, and foster growth in jobs, productivity, and investment;

(2) industries should not be allowed to take advantage of weak or nonexistent competition law enforcement in their home markets to compete unfairly in markets that do have strong competition laws and effective enforcement;

(3) existing United States antitrust law is inadequate to prevent international competitors from unfairly exploiting United States markets; it should be amended to recognize that lack of competition abroad should not result in unfair competition domestically; and

(4) United States antitrust laws applicable to foreign competitors that export articles to the United States market should be consistent with United States antitrust laws that are applicable to domestic business conduct.

SEC. 3. EXPORTATION TO THE UNITED STATES AND SALE OF ARTICLES BELOW COST.

(a) REPEAL OF CRIMINAL PROVISION.—The second paragraph of section 801 of the Act of September 8, 1916 (15 U.S.C. 72), is repealed.

(b) EXPORTATION OR SALE AT LESS THAN AVERAGE TOTAL COST.—Section 801 of the Act of September 8, 1916 (15 U.S.C. 72), as amended by subsection (a), is amended—

(1) by designating the first, second, and third paragraphs as subsections (a), (b), and (c), respectively; and

(2) by amending subsection (a), as designated by paragraph (1), to read as follows:

"(a)(1) It shall be unlawful for any person that exports a product from a foreign country into the United States, commonly and systematically to export the article into, cause the article to be exported into, or cause the article to be sold within the United States, at a price that is less than the average total cost of the article, if—

"(A) the exportation or sale has the effect of—

"(i) destroying or injuring commerce in the United States;

"(ii) preventing the establishment of a line of commerce in the United States; or

"(iii) substantially lessening competition or tending to create a monopoly in any part of trade and commerce in the article in the United States; and

"(B) the foreign country's market in the article—

"(i) lacks effective price competition among competitors; or

"(ii) is substantially closed to effective international competition.

"(2) Nothing shall prevent a defendant from rebutting a prima facie case made with respect to the circumstances described in paragraph (1) by showing that the circumstances described in paragraph (1)(B) were not a factor in the price charged.".

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall become effective on the date that is 180 days after the date of enactment of this act.●

● Mr. GRASSLEY. Mr. President, I am glad today to join Senator METZENBAUM, as well as Senators SIMON and BROWN, in reintroducing the international antitrust legislation we developed during the last Congress. The bill addresses the need for consistently strong antitrust enforcement throughout the industrialized world. It seeks to ensure that our trading partners do not tolerate, and in some cases foster, industrial cartels that exclude American firms from their home markets and engage in predatory practices in our markets. American firms should not be put at a competitive disadvantage in our antitrust laws.

This bill grew out of separate bills Senator METZENBAUM and I introduced last year, S. 2352 and S. 2610. The compromise bill we are reintroducing today disallows foreign firms from using the monopoly profits they earn through domestic cartels in their home markets, at the expense of their own consumers, to subsidize below-cost pricing in the United States. The language of our bill makes clear the pricing below average total cost is prohibited if—and only if—

the defendant is employing the benefits of a protected home market to charge such a price. The bill therefore creates a new cause of action to complement existing predatory pricing law.

This bill deals with an area that has not yet received the attention it is due: The nexus between trade policy and antitrust policy. In an international economy, the best way to promote truly open markets is by assuring free and open competition in every domestic marketplace. When a nation tolerates collusion among firms, consumers suffer from the inability of new firms to enter the market, and free international trade suffers from the unfair competitive advantage obtained by the colluding firms, who can subsidize below-cost prices in their exports with the profits of hard-core antitrust crimes back home.

This bill is the logical next step beyond the recent efforts of the Justice Department and the Trade Representative to achieve parity in antitrust enforcement with our trading partners in Asia and Europe. The revision of the Justice Department's international guidelines on extraterritorial cartel behavior, the antitrust aspects of the structural impediments initiative with Japan, and the United States-European Community antitrust accord, are all steps in the right direction, but they don't go far enough to ensure that American industries aren't destroyed by firms that refuse to obey the laws of free competition.

This bill will give American firms, and our Government, a new tool to deal with the U.S. effects of offshore antitrust crimes. It seeks to promote free competition in every market of the world, and to move beyond a retaliatory, protectionist approach to trade conflicts. The promotion of international antitrust enforcement is central to the development of a truly free international market economy, and I urge my colleagues to support this bill as a step in that direction.•

By Mr. RIEGLE:

S. 100. A bill to provide tax incentives for the establishment of tax enterprise zones, and for other purposes; to the Committee on Finance.

ENHANCED ENTERPRISE ZONES ACT OF 1993

• Mr. RIEGLE. Mr. President, I rise today to introduce the Enhanced Enterprise Zones Act of 1993. Senators KENNEDY, BIDEN, and KERRY join me as cosponsors. The legislation we introduce today contains the provisions to establish 50 enterprise zones that were included in the Revenue Act of 1992, which was vetoed in November by former President Bush. This bill also contains the important public investment enhancement that were added to the Revenue Act by an amendment that I offered along with the Senators who now join me as cosponsors.

The moneys to pay for the public investment authorizations for 1993 were appropriated last Congress, contingent on the passage of authorizing legislation. By introducing this legislation today, we signal our intention to ensure that this appropriation is used for its intended purpose—to provide additional Federal investment in the people and the infrastructure of distressed urban and rural communities.

Our introduction of this legislation in this particular form is not intended as an endorsement of every provision as it stands. The version of the enterprise zone bill that passed the Congress was the product of compromise among legislators in both Chambers and the Bush administration. There are several provisions, particularly on the tax side, that I, and those joining me as sponsors of this bill, believe should be altered. In fact, I consider the tax incentives included in the enterprise zone bill reported by the Senate Finance Committee to be superior to the version enacted. Nonetheless, we offer this bill, which represents where we left off at the end of the last Congress, to open discussion in the new Congress. We look forward to working with returning and new Members as well as with the new President and his administration to make this legislation to assist distressed communities as effective as possible and to see that it is but one piece in a renewed effort to empower our distressed local communities and their residents to bring themselves into the economic and social mainstream.

THE LESSONS OF BENTON HARBOR

In the past year, enterprise zones have gained increased attention as a tool to combat the lack of economic opportunity and the social decay that confront the residents of many of America's inner-cities. I have long supported enterprise zones as an experiment worth trying to bring economic opportunity to inner-city residents. But I added the public investment enhancements to the enterprise zone provisions crafted by the Finance Committee last year because I was convinced that enterprise zones as traditionally conceived are only half a strategy. And half a strategy is doomed to fail unless it is made whole.

In crafting the investment enhancements, I built on what I saw and heard in Benton Harbor, an inner-city community in my home State of Michigan. Benton Harbor is Michigan's only State-sponsored enterprise zone. The lesson that Benton Harbor has learned from its enterprise zone experience is one we here in Washington should heed as we craft Federal enterprise zone legislation: Tax incentives can be helpful, but tax incentives alone will not provide an adequate new economic start for the poor and minority residents of our inner-cities.

Tax incentives tend to empower outside businesses rather than inner-city residents. Benton Harbor's enterprise zone has been credited with attracting 100 new or expanded businesses and creating 700 jobs—but only a small fraction of those jobs have gone to the residents of Benton Harbor who are largely unskilled, poor, and minorities.

The people of Benton Harbor and of similar communities throughout the Nation must have the means to improve their job skills before they can fully take advantage of new employment opportunities. They also need better access to capital to start businesses of their own and to buy or upgrade their homes. Job skills and access to capital—along with targeted tax breaks for entrepreneurs—can be the foundation for true economic empowerment. In addition, distressed communities cannot begin to turn themselves around while most of the work force lives in dilapidated housing, has inadequate access to needed child care, and is afraid to walk the streets at night because of high crime rates and a shortage of needed police.

PUBLIC INVESTMENT ENHANCEMENTS

The public investment enhancements included in this bill provide enterprise zone communities with some of the resources they need to address these barriers to economic opportunity. In addition to $2.65 billion over 5 years in tax breaks for businesses that locate in enterprise zones, the bill provides an equal amount of public investment for enterprise zones and other distressed areas.

In 1993, the bill provides $500 million in increased authorizations for Federal resources targeted to enterprise zones and nationwide urban aid programs. The legislation appropriates no money, but the $500 million in appropriations for 1993 were included in the 1992 supplemental appropriations bill, contingent on passage of authorizing legislation.

Of the $500 million for 1993, $320 million would be allocated to a block grant for enterprise zones. Seventy percent would go to urban zones and 30 percent to rural zones. Within the two categories, the money would be evenly divided. Zones could choose from a menu of Federal programs in five areas on which to spend the money: First, crime and community policing; second, job training; third, child care and education; fourth, health, nutrition, and family assistance; and fifth, housing and community development.

Zones would be required to spend 20 percent of their grant in each category but could receive special permission to spend up to 30 percent in any one category. They could not spend less than 5 percent in any one category, however.

The remaining $180 million would be reserved for programs that empower local communities through public-private partnerships between government and community-based organizations. Almost all of this money would be spent to benefit enterprise zone residents:

The Head Start preschool education program would receive $40 million.

Community Health Centers which provide primary care in low-income areas would receive $20 million.

Job Corps, which trains disadvantaged youth in a boot-camp-like environment, would receive $40 million.

The Neighborhood Reinvestment Corporation which makes grants to community-based groups that develop affordable housing would also receive $10 million.

YouthBuild—a new program included in the 1992 housing reauthorization bill through which community groups educate and train low-income youth while they rehab and construct affordable housing—would receive $10 million.

Two new programs to increase the availability of capital for business development would also be funded: The Enterprise Capital Access Program, which was included in the enhanced enterprise zone bill I introduced last Session, would be funded with $20 million to make grants to nonprofit, community-based lenders to provide loans for business and other community development in distressed communities. And a National Community Economic Partnership Program would be funded with $40 million to provide grants to Community Development Corporations to capitalize revolving loan funds for business development lending. Fifty percent of the funds for these two programs could be spent to benefit the residents of distressed communities that do not obtain enterprise zone status.

With this investment program, enterprise zones present a promising experiment to address the challenges confronting some of our most distressed inner city and other communities. But enterprise zones are only an experiment and will reach, at least initially, only a few communities. Even a balanced enterprise zone package like this one is just the beginning in a comprehensive war on the crisis confronting urban America.

BROADER COMMITMENT NEEDED

Breaking the spiral of decline and putting America's cities on an upward path demand a concerted national commitment to reach all distressed communities. This commitment will require the dedication of substantial national resources—both immediately and over the long term—by government, and the private and not-for-profit communities alike.

This commitment should build on programs that we know work—programs like Head Start to prepare preschool kids, chapter 1 to fund additional educational programs for disadvantaged elementary and secondary school students, and Job Corps to help teenagers develop practical employment skills. But we must also develop new programs in which business and community groups work with the Government in a new urban partnership to shape cities whose residents have the economic tools needed to be self-sufficient and to produce vibrant communities.

We must make this commitment so the residents of our cities can become full participants in the social and economic mainstream of our Nation. We do this not just for reasons of equity and compassion but out of concern for our Nation's future competitiveness in the world economy. For, by the year 2000, 57 percent of the new entrants to America's work force will be drawn from the minority populations concentrated in our inner cities. Unless they have world-class work skills and economic opportunities to apply those skills, America will face serious decline.

I am encouraged that we begin this new session with a President who shares my commitment to make the investments necessary to put America's economy back on track and to make our cities an integral part of a healthy economic and social future. I look forward to working with President Clinton, and I offer the legislation I introduce today to begin discussion of how we can most quickly and efficiently achieve this shared goal. I ask unanimous consent to print in the RECORD a letter of support for this legislation from the U.S. Conference of Mayors, the National League of Cities, the National Congress for Community Economic Development, the Neighborhood Reinvestment Corporation, the National Association of Community Health Centers, the HBI/Job Corps Coalition, and YouthBuild, U.S.A.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

December 22, 1992.

Hon. DONALD W. RIEGLE,
United States Senate,
Washington, DC.

DEAR SENATOR RIEGLE: We are writing to express our appreciation for your leadership in seeing that social service interests were represented in the Urban Aid package passed by Congress last session. These programs were a key component along with the tax incentives included in H.R. 11 and will continue to be central to any debate on economic stimulus legislation in the 103rd Congress.

Despite bi-partisan support and funding provided through the 1992 Emergency Supplemental Appropriations Act, H.R. 11 was not enacted. Though urban aid has been on the nation's agenda for almost a year, funds have yet to be channeled to communities in need.

We hope you will support efforts to ensure that the urban aid provisions of H.R. 11 are re-introduced and enacted early in the 103rd Congress.

Thank you for your continued support.

Respectfully yours,

NATIONAL CONGRESS FOR COMMUNITY ECONOMIC DEVELOPMENT.
NEIGHBORHOOD REINVESTMENT CORPORATION.
HBI/JOB CORPS COALITION.
YOUTHBUILD.
LEAGUE OF CITIES.
CONFERENCE OF MAYORS.
NATIONAL ASSOCIATION OF COMMUNITY HEALTH CENTERS.

• Mr. KENNEDY. Mr. President, I am pleased to join with Senators RIEGLE, BIDEN, and KERRY in reintroducing the enterprise zone legislation which fell victim to the veto by President Bush of the tax bill H.R. 11, last fall.

The Los Angeles riots turned the Nation's attention to the drastic consequences of a decade of Federal retreat and withdrawal from the festering problems of America's cities.

The fact of Federal urban neglect is indisputable. Federal aid to the cities declined by more than 50 percent between 1981 and 1991. In the past 2 years, the serious problems caused by Federal disinvestment in the cities have all been compounded by the continuing recession.

We all know it is a long road back. Our cities are in trouble, and so are many rural areas. Their wounds cannot be healed overnight. But we must make a beginning. We would never treat our national security in the cavalier and irresponsible manner we have treated our cities. We know what is at stake—the Nation's future itself. We cannot afford the reckless gamble of doing too little.

Last spring, as a first step on the road back, Congress provided funds in the supplemental appropriations bill for time-sensitive job programs targeted to inner-city youth. As a result of that initiative, nearly 300,000 more teenagers earned a paycheck last summer—nearly a 40 percent increase in the Federal Summer Jobs Program. In the major cities, the gains were even greater. Boston, for example, added 2,600 additional jobs to a base program of 3,700 jobs.

That legislation was a worthwhile bipartisan step toward reinvesting in America, and I hope that we can take another significant step in the early weeks of the 103d Congress. Our introduction of this legislation is not an endorsement of every detail of the package. The enterprise zone bill that passed the Congress last fall was the product of compromise among legislators and the Bush administration. We should place more emphasis on tax incentives that encourage hiring zone residents. We are introducing this bill, however, because it is where we left off at the end of the last Congress, and it is the most appropriate starting point for debate in the new Congress. I look forward to working with the Clinton administration and the new Members of Congress to make this legislation as effective as possible.

The enterprise zone concept in this legislation is an experiment. If it works, the incentives will help only a small number of communities, but they will be a large step in the right direction, because they will show the right way to thousands of other communities in all parts of America.

The bill that we are introducing is designed to enhance the enterprise zone concept by incorporating the basic principle that tax breaks alone are not enough to make the concept work.

This legislation assures that we will also invest directly in the people in the enterprise zones, and that these investments in people will be approximately equal in dollar amount to the tax incentives offered to businesses that invest in the enterprise zones.

In a sense, what we are creating by this amendment is a worthwhile competition between tax expenditures and direct expenditures, and may the best incentive win. In fact, the likely result is that the whole will be greater than the sum of its two parts, and both types of Federal spending will prove essential in achieving the goal we all share.

The funds for the public investments in 1993 were appropriated last year, contingent on the passage of authorizing legislation. I have been informed by CBO and OMB that passage of that authorization will not be scored as additional spending and will require no additional appropriation for this fiscal year.

The public investment part of this bill assures that new tax benefits to encourage private investment in enterprise zones will be accompanied by $500 million a year in new public investments in jobs, job training, housing rehabilitation, education and health care, so that residents in the zones can participate in the benefits of the businesses that move in. One hundred and eighty million dollars a year is set aside for proven approaches to urban and rural revitalization, including Head Start, Job Corps, and Community Health Centers.

Also incorporated in the bill is separate legislation entitled the "National Community Partnership Act." These provisions authorize additional funding for community development corporations to make technical and financial assistance available to small businesses.

The continuing credit crunch has made it very difficult for these enterprises to obtain the financing they need without the assistance of CDC's. For example, a Boston CDC, Nuestra Comunidad—Our Community—made five loans last year to local businesses that could not obtain financing from a traditional bank. In one case, a small party-rental firm was able to use its CDC micro-loan to obtain other loans, and it expanded to create three new jobs for local residents.

The National Community Partnership Act mandates a local dollar-for-dollar match of each Federal dollar. This approach ensures that public resources will be provided only where the private sector has made an up-front commitment to the neighborhoods of the community.

Funding is also provided to improve law enforcement in the enterprise zones through programs that encourage neighborhood policing and alternative sentencing options such as boot camps and community service. The zones are given flexibility to design a public investment program that fits the special needs of individual communities.

I hope that this measure is the start of a new national commitment to our cities and rural areas. We all know that we must do a better job of addressing the long-run domestic challenges we face in order to rebuild America's strength. A decade of neglect has red-lined the entire Nation—not just our poorest communities. We have suffered disinvestment in a wide range of vital needs such as education, job training, housing, health care, and research and development. The needs are more urgent than ever, and it is time to make a beginning. I urge the Senate to act quickly on this bill.

• Mr. KERRY. Mr. President, I rise to support the legislation proposed by my colleagues Senator RIEGLE and Senator KENNEDY to create 50 enterprise zones and to channel urgently needed funds to our neediest neighborhoods. I support this measure knowing that it does not authorize the kind of major investments in urban America that we so urgently need. This bill is only a downpayment. But it is long past time that we did something for our cities and this legislation, which represents a compromise agreement hammered out in Congress last year, stands an excellent chance of obtaining quick passage and getting aid out to those who need it.

It will do this in large part through the creation of enterprise zones in which I am a firm believer. I believe that an increased flow of private capital is an essential prerequisite to the revival of urban neighborhoods. A Federal enterprise zone program would supplement existing State programs and create opportunity where existing market conditions and incentives do not.

But this legislation will not rely only on enterprise zones which, clearly, are not sufficient. Expert after expert has testified that a comprehensive approach to urban rebuilding is needed. That includes incentives for the private sector; it also includes long term investments in education, job training, drug rehabilitiation, community policing and the basic building blocks of community life.

In recognition of this fact, this legislation authorizes $500 million in 1993 for programs that are of proven value like Head Start, Youthbuild, and community development block grants. It targets about 60 percent of the money on the enterprise zones that will be created by the bill.

These redevelopment grants, as they are called, and enterprise zones are the kinds of basic assistance that we owe our cities. In too many of our urban neighborhoods today, the first sounds infants learn to identify are police and ambulance sirens, hovering helicopters, and gunfire; there are kids barely in their teens who've lost more classmates than I lost buddies in Vietnam; the life expectancy for men in some of our cities is lower than it is in Bangladesh; and nationally one in four young black males is involved in the judicial system—awaiting trial, in jail or on probation.

We cannot go on like this. Deep down, we know we will not be able to compete internationally if too many of our young people are in jail or on drugs or always in the streets; we will never get out of debt if we must allocate billions more each year to prisons, prosecutions, emergency health care, expanded welfare and food stamps or rebuilding what the desperate among us have destroyed; and we will never have peace of mind as long as so many of us feel the need to seek security through locked doors, high fences, metal detectors, and the purchase of guns.

Deep down, we also know that it doesn't have to be this way. The random deaths, the desperation, the lives strangled by poverty, the unfairness—it's all avoidable; we have the power to choose a different road.

That choice begins, although it does not end, with money and how we spend it. Over the past 12 years, the Reagan-Bush administrations reduced the Federal share of city expenditures from 17 to 6 percent. Over the same period, Federal support for housing, in real terms, dropped by 82 percent; for job training by 63 percent, for community development, by 40 percent, and for social service and community service block grants by 40 percent. Is it any wonder that our cities erupted in anger last summer?

If, as President Clinton asks us to, we are to reinvent America, to reunite the country, we've got to reverse this pattern of abandonment of our cities.

We also must join the President in reforming Government into an effective catalyst for change. It is not enough to simply throw money at the problem; we must throw away old approaches that haven't worked, while building on those that would have worked better if only given the chance. We need community participation, not big Government. We need incentives, not entitlements. We need new ideas, like bringing ex-military personnel into our cities as teachers and counselors and community organizers. We need to motivate people to take charge of their own lives, not make it easier for them to avoid hard choices and thereby fall into lives of dependency and complacency.

President Clinton has united the country behind this approach and this bill is very much in the spirit of pragmatism and mutual responsibility that he has emphasized. It seeks to help our cities by giving the people who live in them an effective means of helping themselves.

I am very proud to be a cosponsor of this bill and will work hard for its passage. I am also aware that our new President is in the process of assembling a talented domestic policy team which will look at these problems anew. Should President Clinton present to the Congress a different approach from the one taken here, I am confident that all who are joining in support of this bill will examine his suggestions closely and enthusiastically work with him on legislation encompassing the best of both proposals.

By Mr. GLENN:

S. 101. A bill to establish a National Commission on Executive Organization Reform; to the Committee on Governmental Affairs.

EXECUTIVE ORGANIZATION REFORM ACT

• Mr. GLENN. Mr. President, I rise today to introduce that Executive Organization Reform Act of 1993, legislation that I believe will help improve the organization and structure of the Federal Government.

A new administration and a new Congress face not only the burdens of our past, such as the massive Federal deficit, but the challenges of our future, such as national and economic security concerns. Yet the executive branch of the Federal Government that exists to meet these burdens and challenges is antiquated and poorly organized. As our Nation now looks forward, it does so with a Government that is outmoded and duplicative, a Government that is inefficient and inconsistent, a Government that is rife with waste, fraud, and mismanagement.

A smaller and leaner Federal Government is necessary for this country to solve its deficit problems. And a more effective and efficient Federal Government is necessary for this country to handle the many challenges it now faces. It is impossible, for example, for the United States to successfully promote jobs and economic growth when the Government has some 125 different employment programs scattered across the bureaucracy. And it is no wonder that the country's international competitiveness is challenged when our coordinated response comes from Commerce programs split in different departments and agencies. The same goes for Federal efforts to handle the environment, natural resources, health and housing and many other programs.

We must have a Government that responds better to our needs now and in the next century. This is why I am introducing the Executive Organization Reform Act of 1993. If Americans are to regain confidence in their Government's ability to solve problems, and if our Government is to truly help meet the needs of the next century, then we must create a structure and organization that can accomplish these tasks.

The Executive Organization Reform Act of 1993 will establish a national commission whose job it will be to study and recommend ways to reorganize and reform the Government for the next century. This is no ordinary commission, in the way that Washington sets up commissions whose recommendations are ignored and sit on a shelf. To ensure that this commission's important recommendations get appropriate attention, my bill requires that Congress vote on a joint resolution acting on the organization changes proposed by the commission.

I am aware that organizational change of the executive branch has not always been a popular topic, and that many insiders counsel against spending political capital in an area of Government that can be so difficult to change. I must say, though, that as chairman of the Governmental Affairs Committee, I have become convinced that only through improving the management of the Federal Government—and that includes its organization and structure—can we improve the programs and services Americans expect from their Government.

I am certain that not everyone will like all the recommendations that any commission to reorganize Government might propose. But political expediency should not be allowed to keep our Government from organizing itself to meet the challenges of our future. I am confident that a streamlined and more effective Government will help us better perform our public missions and regain the confidence of the American people in the process.

I ask unanimous consent that a copy and summary of the legislation be placed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Executive Organization Reform Act of 1993".

(b) PURPOSE.—The purpose of this Act is to establish a commission to examine the performance of the Federal Government's public mission and to make recommendations to improve that performance through more effective and efficient management and organization of the executive branch, particularly through the coordination and consolidation of Government activities according to and within major functions, and the elimination of outmoded or duplicative Government activities.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Commission" means the National Commission on Executive Organization Reform; and

(2) the term "executive entity" means any Federal department, agency, quasi-independent agency, independent agency, Government-sponsored enterprise or Government corporation.

SEC. 3. THE NATIONAL COMMISSION ON EXECUTIVE ORGANIZATION.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the "National Commission on Executive Organization Reform".

(b) DUTIES.—The Commission shall examine and make recommendations with respect to—

(1) criteria for use by the President and Congress in evaluating proposals to change the structure of the executive branch, including criteria for establishing, altering, or overseeing the structure and organization of any executive entity;

(2) the organization and structure of the executive branch and its entities, including the advisability of reorganizing, consolidating, or abolishing any such entity, and the advisability of establishing any new executive entity;

(3) the organization and delivery of Government services, including the advisability or reorganizing, consolidating or eliminating specific program activities, and the advisability of transferring activities to State or local governments; and

(4) promoting economy, improving performance, and ensuring adequate capacity of executive entities to meet and manage their public missions.

(c) APPOINTMENT.—

(1) IN GENERAL.—(A) The Commission shall be composed of 12 members.

(B) Appointments to the Commission shall be made by no later than 60 days after the enactment of this Act.

(2) MEMBERSHIP.—(A) The President shall appoint 4 members of the Commission who are not employed by the Federal Government or elected to Federal office (referred to as "citizen members"). No more than 2 of the members appointed by the President may be from the same political party as the President.

(B) The Speaker of the House of Representatives shall appoint 2 members, 1 of whom shall be a citizen member and 1 of whom shall be a Member of the House of Representatives.

(C) The Majority Leader of the Senate shall appoint 2 members, 1 of whom shall be a citizen member and 1 of whom shall be a Senator.

(D) The Minority Leader of the House of Representatives shall appoint 2 members, 1 of whom shall be a citizen member and 1 of whom shall be a Member of the House of Representatives.

(E) The Minority Leader of the Senate shall appoint 2 members, 1 of whom shall be a citizen member and 1 of whom shall be a Senator.

(3) CHAIRMAN.—The President shall designate 1 member of the Commission, after consultation with the Senate Majority Leader and the Speaker of the House of Representatives, who shall serve as Chairman of the Commission.

(d) TERMS.—Each member of the Commission shall serve until the termination of the Commission.

(e) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet as necessary to carry out its respon-

sibilities. The Commission may conduct meetings outside the District of Columbia when necessary.

(2) PUBLIC ACCESS.—The provisions of section 552b of title 5, United States Code, shall apply to meetings held by the Commission.

(f) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment, but the individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

(g) PAY AND TRAVEL EXPENSES.—

(1) PAY.—(A) Each member, other than the Chairman and Members of Congress, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) The Chairman shall be paid for each day referred to in subparagraph (A) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(2) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) DIRECTOR OF STAFF.—

(1) IN GENERAL.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a Director who has not served in Congress or been employed by the executive branch during the 1-year period preceding the date of such appointment.

(2) PAY.—The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(i) STAFF.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.

(2) APPOINTMENTS WITHOUT REGARD TO COMPETITIVE SERVICE LIMITS.—The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of 120 percent of the rate of basic pay payable for GS–15 of the General Schedule.

(3) DETAILEES.—Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this Act.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission with or without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(j) OTHER AUTHORITY.—

(1) INTERMITTENT SERVICES.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(2) LEASING AND PERSONAL PROPERTY.—The Commission may lease space and acquire personal property to the extent funds are available.

(k) FUNDING.—There are authorized to be appropriated to the Commission such funds as are necessary to carry out its duties under this Act. Such funds shall remain available until expended.

(l) TERMINATION.—The Commission shall terminate 2 years after the date of enactment of this Act.

SEC. 4. COMMISSION REPORT.

(a) REPORT.—The Commission shall prepare and transmit a report to the President and Congress no later than 18 months after the first meeting of the Commission. The report shall include—

(1) a description of the Commission's recommendations and reasons for such recommendations; and

(2) statutory language necessary to accomplish such terminations and combinations.

(b) DEPARTMENT AND AGENCY COOPERATION.—All Federal departments, agencies, and divisions and employees of all departments, agencies, and divisions shall cooperate fully with all requests for information from the Commission and shall respond to any such requests for information within 30 days or such other time agreed upon by the requesting and requested parties.

SEC. 5. PROCEDURE FOR IMPLEMENTATION OF REPORT.

(a) INITIAL REPORT AND APPEAL PROCEDURE.—The report required by section 4(a) shall be delivered to the President and Congress and made available to the public for 90 days after the date the initial report is submitted. During the 90-day period, the Commission shall announce and hold public hearings for the purpose of receiving comments on the report and any amendments to the report.

(b) FINAL REPORT.—The Commission shall prepare and submit to the President a final report not later than 45 days after the conclusion of the period for public hearings under subsection (a).

(c) REVIEW BY THE PRESIDENT.—

(1) IN GENERAL.—Not later than 15 days after receipt of the final report pursuant to subsection (b), the President shall approve or disapprove the report.

(2) APPROVAL.—If the report is approved the President shall submit the report to the Congress for approval under section 6.

(3) DISAPPROVAL.—If the President disapproves the final report, the President shall report specific issues and objections, including the reasons for any changes recommended in the report, to the Commission and the Congress.

(4) FINAL REPORT AFTER DISAPPROVAL.—The Commission shall consider any issues or objections raised by the President and may modify the report at its discretion based on such issues and objections. Not later than 30 days after receipt of the President's disapproval pursuant to paragraph (3), the Commission shall submit the final report (as modified if modified) to the Congress for approval pursuant to section 6.

SEC. 6. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "joint resolution" means only a joint resolution which is introduced within the 10-session day period beginning on the date on which the President or the Commission transmits the report to the Congress under section 5(c) (2) or (3), and—

(A) which does not have a preamble;

(B) the matter after the resolving clause of which is as follows: "That Congress approves the recommendations of the Federal Government Streamlining Commission as submitted by the President on as follows:", the blank space being filled in with the appropriate date and the matter after the colon being the report; and

(C) the title of which is as follows: "Joint resolution approving the report of the Federal Government Streamlining Commission."; and

(2) the term "session day" means a day that both the Senate and the House of Representatives are in session.

(b) REFERRAL.—A joint resolution described in subsection (a) that is introduced in the House of Representatives shall be referred to the Committee on Government Operations of the House of Representatives. A joint resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Governmental Affairs of the Senate.

(c) DISCHARGE.—If the committee to which a joint resolution described in subsection (a) is referred has not reported such joint resolution by the end of the 5-session day period beginning on the date of introduction of a joint resolution pursuant to subsection (a), such committee shall be, at the end of such period, discharged from further consideration of such joint resolution, and such joint resolution shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION.—

(1) IN GENERAL.—On or after the fifth session day after the date on which the committee to which such a joint resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a joint resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the joint resolution (but only on the day after the calendar day on which such Member announces to the House concerned the Member's intention to do so). All points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the joint resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the Majority Leader and the Minority Leader or their designees. An amendment to the joint resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on a joint resolution described in subsection (a) and a sin-

gle quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

(4) APPEALS FROM CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—

(1) IN GENERAL.—If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

(A) The joint resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(2) FINAL DISPOSITION.—Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 7. IMPLEMENTATION.

(a) RESPONSIBILITY FOR IMPLEMENTATION.—The Director of the Office of Management and Budget shall have primary responsibility for implementation of the Commission's report. The Director of the Office of Management and Budget shall notify and provide direction to heads of affected departments, agencies, and programs. The head of an affected department, agency, or program in which the program or agency is to be closed or consolidated shall be responsible for the act of implementation and shall proceed with the recommendations contained in the report as provided in subsection (b).

(b) DEPARTMENTS AND AGENCIES.—After the approval of the Commission's report under section 5, each affected Federal department and agency as a part of its annual budget request shall transmit to the appropriate committees of Congress its schedule of closures and combinations to be carried out under the Commission's report for the fiscal year for which the closure or combination is to be accomplished. In addition, the Secretary's report shall contain an estimate of the total expenditures required and the cost savings to be achieved by each closure along with the Secretary's assessment of the effect of the action. The report shall also include a report of the programs and agencies consolidated or transferred to another department as the result of the consolidations with an assessment of the effect of the action.

(c) GAO OVERSIGHT.—The Comptroller General shall have oversight responsibility over the implementation of the Commission's report. The Comptroller General shall periodically report to the Congress and the President regarding the accomplishment, the costs, the timetable, and the effectiveness of the implementation process.

SEC. 8. DISTRIBUTION OF ASSETS.

Any proceeds from the sale of assets of any department or agency pursuant to the report of the Commission shall be—

(1) applied to reduce the Federal deficit; and

(2) deposited in the Treasury and treated as general receipts.

SUMMARY—EXECUTIVE ORGANIZATION REFORM ACT OF 1993

The "Executive Organization Reform Act of 1993" establishes a twelve-member bi-partisan 2-year commission to make recommendations that have to be voted on by Congress to improve the organization of the Federal government.

SEC. 1. SHORT TITLE AND PURPOSE

The purpose of the "Executive Organization Reform Act of 1993" is to establish a commission to examine and recommend improvements in the organization of government agencies and programs, particularly involving the coordination and consolidation of activities, and the elimination of outmoded or duplicative activities.

SEC. 2. DEFINITIONS

The executive entities to be studied by the Commission include departments, agencies, independent agencies, government-sponsored enterprises and government corporations.

SEC. 3. THE NATIONAL COMMISSION ON EXECUTIVE ORGANIZATION REFORM

The Commission is to examine and make recommendations with respect to:

(1) Criteria for use by the President and Congress in evaluating proposals to change the structure or organization of the executive branch and its entities;

(2) The organization and structure of the executive branch and its entities, including reorganizing, consolidating, abolishing or establishing any entity;

(3) The organization and delivery of government services, including whether to transfer activities to State or local governments; and

(4) Promoting economy, improving performance, and enduring adequate capacity of executive entities to meet and manage their public missions.

The Commission has 12 members, appointed within 60 days of enactment of the Act. The President appoints 4 citizen members, no more than 2 of his party. The Speaker and Minority Leader of the House and the Majority and Minority Leaders of the Senate each appoint 2 members, one a citizen member and one a Member of Congress.

Commission members are paid on a per diem (level IV) basis, with a Chair designated by the President paid on a per diem (level III) basis. The Commission shall appoint a Director and staff, and may have agency detailees. The Commission shall terminate 2 years after the date of enactment of the Act.

SEC. 4. COMMISSION REPORT

Within 18 months of the Commission's first meeting, the Commission shall make its report, along with the statutory language needed to accomplish its recommendations.

SEC. 5. PROCEDURE FOR IMPLEMENTATION OF REPORT

The Commission shall hold public hearings in a 90-day period following the submission of its report. No more than 45 days later, the Commission shall submit its final report. After 15 days for the President to approve or disapprove the report, and an additional 30 days for the Commission to modify its report upon presidential disapproval, the final report shall be submitted to Congress.

SEC. 6. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT

A joint resolution to approve the Commission's report must be introduced within 10 session days of the submission of that report. Committee action must take place within 5 session days thereafter, and 5 days later the matter will be in order for consideration on an expedited basis.

SEC. 7. IMPLEMENTATION

OMB is responsible for implementing the Commission's report. Each executive branch entity affected by the report will include in its annual budget request a description of actions taken to carry out the report, and an estimate of expenditures and savings associated with those actions. GAO will oversee implementation of the Commission's report and will periodically report to Congress and the President.

SEC. 8. DISTRIBUTION OF ASSETS

Proceeds from the sale of executive branch assets per the Commission's report will be used to reduce the Federal deficit and deposited in the Treasury as general receipts.●

By Mr. MACK (for himself, Mr. BOND, Mr. BURNS, Mr. COATS, Mr. D'AMATO, Mr. GRAMM, Mr. CRAIG, Mr. GRASSLEY, Mr. HELMS, Mr. MURKOWSKI, Mr. NICKLES, Mr. SMITH, Mr. THURMOND, Mr. GORTON, Mr. BROWN, Mr. WALLOP, Mr. KEMPTHORNE, Mr. BENNETT, Mr. LOTT, Mr. DOLE, and Mr. COVERDELL):

S. 102. A bill to provide for a line-item veto; capital gains tax reduction; enterprise zones; raising the Social Security earnings limit; and workfare; to the Committee on Finance.

ECONOMIC RECOVERY ACT OF 1993

● Mr. MACK. Mr. President, the new President, like those before him, will be judged in large part by how well he keeps his campaign commitments. That is an appropriate test.

In recent days, there has been some criticism of the new President for backing away from certain campaign promises.

Bill Clinton was elected on the basis of his convictions, commitments, and pledges to the American people, especially when it comes to the economy. Today, I and many other Senate Republicans stand ready to help President Clinton follow through on his core commitment to spur the economy and revitalize the American spirit of innovation and competition. There are a number of policies he advocated during the campaign that Republicans have supported for years.

During these next 100 days, we urge the President to move forward in these areas of substantial agreement to ensure that the following five Clinton proposals become law: enacting a line-item veto; cutting certain taxes on long-term capital gains; creating Federal enterprise zones; lifting the Social Security earnings test limit to allow more seniors to work; and implementing workfare to encourage self-sufficiency.

A number of Senate Republicans pledge to stand shoulder to shoulder with President Clinton to fight for these ideas.

We've taken these five Clinton initiatives from his book "Putting People First" and have used his details to introduce a legislative package that must be passed immediately to help get America moving.

The American people supported these Clinton initiatives and the group of Senate Republicans intends to see them passed.

First, enact the line-item veto. Bill Clinton ran on the promise of a line-item veto, saying "to eliminate pork-barrel projects and cut government waste, give the President the line-item veto." He should fight for it and stick to his promise by rejecting attempts to water down the issue in Congress.

Our legislative package includes the line-item veto bill introduced in the 102d Congress as S. 196 by Senators MCCAIN and COATS. It would give President Clinton the authority to rescind portions of spending bills and, in contrast to present law, require the Congress to act in order to override the rescission.

Second, cut capital gains taxes. The bill is taken from the President's statement that he would "Help small businesses and entrepreneurs by offering a 50-percent tax exclusion to those who take risks by making long-term investments in new businesses." He's right. Few initiatives would stimulate growth and investment in the economy like a capital gains tax cut.

Our legislation includes a bill introduced by Senator BUMPERS in the previous Congress that allows investors in small business ventures to receive a 50-percent reduction in capital gains tax on investments held for 5 years.

Third, create Federal enterprise zones. Perhaps Jack Kemp's most brilliant idea, enterprise zones, would provide companies with incentives to locate in areas of high unemployment. President Clinton said that he wants to:

> Create urban enterprise zones in stagnant inner cities, but only for companies willing to take responsibility by hiring inner city residents. Business taxes and Federal regulations will be minimized to provide incentives to set up shop. In return, companies will have to make jobs for local residents a priority.

Our bill is based on legislation developed last year by then-Senator Lloyd Bentsen, Clinton's Treasury Secretary, which would create 50 enterprise zones. In these zones, employers would receive a 15-percent tax credit based on the wages it pays to its employees. Also, 50 percent of capital gains from investments would be exempt from tax if held in an enterprise zone for at least 5 years.

Fourth, lift the Social Security earnings test. Clinton said:

> Lift the Social Security earnings test limitation so that older Americans are able to help rebuild our economy and create a better future for all.

As senior Americans remain in the work force longer, a law enacted in the 1930's penalizes senior workers who also receive Social Security.

Our plan, which is based upon legislation introduced by Senator Bentsen last year, raises the limit on earnings for recipients from the current $10,560 in 1993 to $51,000 in 2001.

Fifth, implement workfare. Bill Clinton pledged that welfare reform would be a top priority. He said:

> Scrap the current welfare system to make welfare a second chance, not a way of life. Empower people on welfare with education, training, and child care they need for up to two years so they can break the cycle of dependency. After that, those who are able will be required to work, either in the private sector or through community service. Provide placement assistance to help everyone find a job, and give the people who can't find one a dignified and meaningful community service job.

Our bill includes a directive to the new President's Departments of Labor and Health and Human Services to develop a legislative package which mirrors Clinton's words, and send it to Congress within 100 days.

Bill Clinton was elected on the economic promises he made. Our hand is extended to the new President to enact his five initiatives for the good of the Nation. We'll stand up and fight for them. We hope the President will do the same.

By Mr. NICKLES (for himself, Mrs. KASSEBAUM, Mr. PACKWOOD, Mr. BROWN, Mr. COATS, Mr. KEMPTHORNE, and Mr. COVERDELL):

S. 103. A bill to fully apply the rights and protections of Federal civil rights and labor laws to employment by Congress; to the Committee on Governmental Affairs.

CONGRESSIONAL AND PRESIDENTIAL ACCOUNTABILITY ACT

• Mr. NICKLES. Mr. President, today the bill I send to the desk with Senator KASSEBAUM, Senator BROWN, Senator COATS, and Senator KEMPTHORNE is similar to one I and some of my colleagues introduced last Congress and is intended to eliminate the double standard which presently exists for the Congress and the executive branch in certain labor, civil rights and health and safety laws it has passed in the last 50 years.

Traditionally, Congress has exempted itself from civil rights, health, safety and many other labor laws which have been applied to the private sector as well as the Federal executive and judicial branch. This idea that Congress should not impose laws on the Nation that it will not live under itself is not a new one. A quote by James Madison in the Federalist Papers clearly states this:

> Congress can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of society.

During consideration of the Civil Rights Act of 1991, I offered an amendment which would have made Congress and its instrumentalities subject to all regulations and remedies contained in the following laws: the National Labor Relations Act of 1935, Fair Labor Standards Act of 1938, Equal Pay Act of 1963, Civil Rights Act of 1964, Age Discrimination Act of 1967 and amendments of 1975, Occupational Safety and Health Act of 1970, Equal Employment Opportunity Act of 1972, Rehabilitation Act of 1973, Americans With Disabilities Act of 1990. In amendment form, this legislation received 38 votes last Congress and I believe with the influx of new Members calling for change, this legislation can pass. Later, I introduced the amendment as a free-standing bill, the Congressional and Presidential Accountability Act.

Since my first efforts on the Civil Rights Act of 1991 and the efforts of those before me on this issue, we have made some progress. With the adoption of the Civil Rights Act of 1991 and the establishment of a bipartisan task force to study the problem of Congress living under the laws it enacts, we have taken a step in the right direction. However, I simply do not believe Congress has gone far enough in making sure Congress lives under the same laws as everyone else. I want to ensure that the task force is not just window dressing.

My colleagues and I recognize that this legislation is not perfect. This legislation represents a starting point for the task force to begin its deliberations. We introduce this legislation hoping that the task force can use it to reach a consensus on our ultimate objective—Congress living under the laws it enacts for the rest of the American people.

A clear ultimatum was issued in the general election: Congress must lead by example and not by exemption. If we are going to impose these standards, remedies, and procedures on Federal agencies, State and local governments, and the private sector we must impose them on ourselves.

If business runs afoul of any of the laws listed in my bill, they face endless bureaucratic headaches and Federal court litigation. Congress has exempted itself from the above-mentioned laws completely or has limited redress to be determined by only an internal mechanism with no right to judicial appeal. Would we allow major corporations to set up their own rules for dealing with complaints under these laws? The answer is obviously, no.

Congress must no longer tell the American public that we are exempt from the laws which we pass in this Chamber every day. Therefore, I encourage my colleagues to support this important piece of legislation.●

By Mr. HATFIELD (for himself, Mr. KENNEDY, Mr. CHAFEE, and Mr. SIMON):

S. 104. A bill to establish a National Center for Sleep Disorders Research within the National Heart, Lung, and Blood Instutute, to coordinate sleep disorders research within the National Institutes of Health to further facilitate the study of sleep disorders, and to establish a mechanism for education and training in sleep disorders, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL CENTER FOR SLEEP DISORDERS RESEARCH

● Mr. HATFIELD. Mr. President, today, along with my colleagues, Senators KENNEDY, CHAFEE, and SIMON, I am introducing legislation to create a National Center for Sleep Disorders Research within the National Heart, Lung, and Blood Institute of the National Institutes of Health. Since there is presently no entity within the Federal Government that deals expressly with sleep and considering the catastrophic effect of sleep disorders on our society, today marks a historic step toward finding potential answers to sleep disorders through the promise of biomedical research.

The National Commission on Sleep Disorders Research was established by Congress in 1988. It was charged with assessing the problem and prevalance of sleep disorders, reviewing Federal sleep disorders research, prevention and education programs, and making recommendations to the executive and legislative branches on improving the Federal response to sleep disorders.

Recently the National Commission completed the most comprehensive study ever conducted into the state of sleep disorders in this country. During the last 3 years, this group held eight public hearings, commissioned dozens of formal position papers and reviewed the testimonies of several hundred individuals whose lives had been affected by sleep disorders. The result of this painstaking research is a report which powerfully states the extent to which sleep disorders adversely affect our country.

The National Commission found that sleep disorders exact a tremendous toll on our Nation's population—nearly 40 million Americans are chronically ill with a sleep disorder and an additional 20 to 30 million experience intermittent sleep-related problems. In addition to the tremendous personal pain and suffering they inflict, sleep disorders are a tremendous drain on the productivity and safety of our country: Falling asleep at the wheel is one of the most costly and devastating problems on American highways; accidents in the workplace due to sleep deprivation are commonplace and damaging to industry—the annual cost to society is over $50 billion.

The adverse affects of sleep disorders have been tragically evident in my home State of Oregon. In a recent Portland-area case that gained national publicity, the McDonald's Corp. was held liable for a fatal traffic accident caused by an employee who fell asleep at the wheel after working all night. A second example occurred on November 22, 1992, in Harrisburg, OR, and involved the collision of two Southern Pacific freight trains. According to the National Transportation Safety Board, the trains collided because the engineers had fallen asleep and not responded to a stop signal in a timely manner. While the accident had the potential for serious injury, it fortunately caused only three minor injuries. Costs, however, to the company were estimated at nearly $3.5 million.

The grounding of the *Exxon Valdez* on March 24, 1989, provides an additional illustration of the consequences of sleep deprivation in the workplace. The final report of the National Transportation Safety Board concluded that, "the probable cause of the grounding of the *Exxon Valdez* was the failure of the third mate to properly maneuver the vessel because of fatigue and excessive work load." Unfortunately, vehicular and other accidents caused by sleep disorders are all too common.

Just as damaging is society's complete lack of awareness of sleep disorders and their consequences. In addition to finding little awareness of sleep disorders, the National Commission found serious gaps in medical research and alarmingly few young investigators in the pipeline. It seems highly probable that this "reservoir of ignorance" is a major reason why 95 percent of all individuals afflicted with a sleep disorder remain undiagnosed.

In order to address these problems, the National Commission recommended that the Federal Government undertake a series of initiatives. The cornerstone of these recommendations calls for the establishment of a National Center for Sleep Disorders Research within an existing Institute of the National Institutes of Health.

My belief in the establishment of a National Center for Sleep Disorders Research was further reinforced at a special hearing of the Senate Appropriations Committee in Portland last November 3. This hearing brought together a wide array of individuals with an interest in sleep disorders, including several fellow Oregonians whose lives were personally and professionally affected by sleep disorders. I found the personal testimonies of Mary Eichler, Sgt. Tim Weaver, Freddy-Lou Barneberg, and Dr. Gary Hoffman particularly compelling. In addition, Dr. Gerald Rich and Dr. Robert Sack of the Oregon Health Sciences University were persuasive in their testimony supporting the establishment of a National Center for Sleep Disorders Research. As patients and professionals whose lives have been affected by sleep disorders, their support for the establishment of a National Center for Sleep Disorders Research was instrumental in my decision to introduce legislation today.

Several leading medical groups, representing the diverse interests of patients, professionals and industry, have also endorsed the establishment of a National Center for Sleep Disorders Research, including American College of Chest Physicians, American Sleep Disorders Association, American Thoracic Society, Association of Polysomnographic Technologists, Sleep Research Society, American Narcolepsy Association, American Sleep Apnea Association, A.W.A.K.E. Network, Better Sleep Council, Narcolepsy Network, and the National Sleep Foundation.

The National Commission's work is done—they have eloquently stated the problems and laid the solutions before us. As policymakers, we now must act. I am pleased that my colleague from Massachusetts, Senator KENNEDY, has included authorization for the Center within his version of legislation reauthorizing the National Institutes of Health and I look forward to working with him and other members of the Senate Labor Committee to see this legislation enacted into law.

I also want to commend Dr. William Dement, Chairman of the National Commission on Sleep Disorders Research, and the other commissioners for their hard work, perseverance and leadership on this issue. By providing Congress with a clear cut policy mandate, the commissioners have served their profession with distinction. I will include for the RECORD, a summary of the findings and recommendations of the National Commission on Sleep Disorders Research.

Mr. President, the Federal Government has a role to play in issues which cross state-lines and affect millions of Americans, particularly when the cost in terms of lives, dollars, and human suffering is high. In the case of sleep disorders the cost is too high. America cannot afford to hit the snooze button, roll over and go back to sleep when it comes to this problem. At least for those who are able to sleep.

I also ask that the text of my legislation be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL CENTER FOR SLEEP DISORDERS RESEARCH.

Part C of title IV (42 U.S.C. 285 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 17—National Center for Sleep Disorders Research

"SEC. 464W. NATIONAL CENTER FOR SLEEP DISORDERS RESEARCH.

"There shall be in the National Heart, Lung and Blood Institute an agency to be known as the National Center for Sleep Disorders Research (hereafter referred to in this subpart as the 'Center') to be headed by a Director who shall be appointed by and report directly to the Director of the Institute.

"SEC. 464X. PURPOSE OF THE CENTER.

"The general purpose of the Center is the conduct and support of biomedical and related research and research training, the dissemination of health information, and the conduct of other programs with respect to various sleep disorders, the basic understanding of sleep, biological and circadian rhythm research, chronobiology and other sleep related research.

"SEC. 464Y. SPECIFIC AUTHORITIES.

"In carrying out the purpose described in section 464X, the Director of the Center may—

"(1) award grants and enter into cooperative agreements and contracts;

"(2) provide for clinical trials with respect to sleep disorders treatment and sleep medications;

"(3) support sleep disorders research and training centers;

"(4) support sleep disorders research conducted or supported by more than one such agency;

"(5) support and conduct the collection of epidemiology data on sleep disorders;

"(6) conduct a National Education Campaign and establish a National Sleep Disorders Information Clearinghouse;

"(7) in consultation with the Directors of the National Heart, Lung and Blood Institute, the National Institute on Aging, the National Institute of Neurological Disorders and Stroke, the National Institute of Child Health and Human Development, the National Institute of Mental Health, and other Institutes, support and coordinate ongoing research, centers, training and other grant activities;

"(8) coordinate the activities of the Center with similar activities of other agencies of the Federal Government, including the other agencies of the National Institutes of Health, and with similar activities of other public entities and of private entities; and

"(9) with the approval of the Director of the National Institutes of Health and advisory board established under section 464BB, appoint technical and scientific peer review groups in addition to any such groups appointed under section 492.

"SEC. 464Z. RESEARCH PLAN.

"(a) DEVELOPMENT.—After consultation with the Director of the Center, the advisory board established under section 464BB, and the coordinating committee established under section 464AA, the Director of the National Institutes of Health shall develop a comprehensive plan for the conduct and support of sleep disorders research.

"(b) CONTENTS.—The plan developed under subsection (a) shall identify priorities with respect to such research and shall provide for the coordination of such research conducted or supported by the agencies of the National Institutes of Health.

"(c) REVISION.—The Director of the National Institutes of Health (after consultation with the Director of the Center, the advisory board established under section 464BB, and the coordinating committee established under section 464AA) shall revise the plan developed under subsection (a) as appropriate.

"SEC. 464AA. COORDINATING COMMITTEE.

"(a) ESTABLISHMENT.—The Director of the National Institutes of Health shall establish a committee to be known as the Sleep Disorders Coordinating Committee (hereafter in this subpart referred to as the 'Coordinating Committee').

"(b) COMPOSITION.—The Coordinating Committee shall be composed of the directors of the National Institutes of Health, the National Institute on Aging, the National Institute of Child Health and Human Development, the National Heart, Lung and Blood Institute, the National Institute of Neurological Disorders and Stroke, the National Institute of Mental Health, and of such other national research institutes as the Director of the National Institutes of Health determines to be appropriate, and shall include representation from other Federal departments and agencies whose programs involve sleep disorders.

"(c) DUTIES.—The Coordinating Committee shall make recommendations to the Director of the National Institutes of Health and the Director of the Center with respect to the content of the plan required in section 464Z, with respect to the activities of the Center that are carried out in conjunction with other agencies of the National Institutes of Health, and with respect to the activities of the Center that are carried out in conjunction with other agencies of the Federal Government.

"SEC. 464BB. ADVISORY BOARD.

"(a) ESTABLISHMENT.—The Director of the National Institutes of Health shall establish a board to be known as the Sleep Disorders Research Advisory Board (hereafter in this section referred to as the 'Advisory Board').

"(b) DUTIES.—The Advisory Board shall advise, assist, consult with, and make recommendations to the Director of the National Institutes of Health and the Director of the Center concerning matters relating to the scientific activities carried out by and through the Center and the policies respecting such activities, including recommendations with respect to the plan required in section 464Z.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Director of the National Institutes of Health shall appoint to the Advisory Board 12 appropriately qualified representatives of the public who are not officers or employees of the Federal Government. Of such members, eight shall be representatives of health and scientific disciplines with respect to sleep disorders and four shall be individuals representing the interests of individuals with or undergoing treatment for sleep disorders.

"(2) EX OFFICIO MEMBERS.—The following officials shall serve as ex officio members of the Advisory Board:

"(A) The Director of the National Institutes of Health.

"(B) The Director of the Center.

"(C) The Director of the National Heart, Lung and Blood Institute.

"(D) The Director of the National Institute of Mental Health.

"(E) The Director of the National Institute on Aging.

"(F) The Director of the National Institute of Child Health and Human Development.

"(G) The Director of the National Institute of Neurological Disorders and Stroke.

"(H) The Assistant Secretary for Health.

"(I) The Assistant Secretary of Defense (Health Affairs).

"(J) The Chief Medical Director of the Veterans' Administration.

"(d) CHAIRPERSON.—The members of the Advisory Board shall, from among the members of the Advisory Board, designate an individual to serve as the chairperson of the Advisory Board.

"(e) CONSTRUCTION.—Except as inconsistent with, or inapplicable to, this section, the provisions of section 406 shall apply to the advisory board established under this section in the same manner as such provisions apply to any advisory council established under such section.

"SEC. 464CC. RELATED AGENCY ACTIVITY.

"(a) SECRETARY OF TRANSPORTATION.—The Secretary of Transportation is authorized to collect data, conduct studies and disseminate public information concerning the impact of sleep disorders and sleep deprivation on transportation safety. The Secretary of Transportation is authorized to coordinate these activities with the Center.

"(b) SECRETARY OF DEFENSE.—The Secretary of Defense is authorized to collect data, conduct studies and disseminate public information concerning the impact of sleep disorders and sleep deprivation on military readiness. The Secretary of Defense is authorized to coordinate these activities with the Center.

"(c) SECRETARY OF EDUCATION.—The Secretary of Education is authorized to collect data, conduct studies and disseminate public information concerning the impact of sleep disorders and sleep deprivation on learning and education. The Secretary of Education is authorized to coordinate these activities with the Center.

"(d) SECRETARY OF LABOR.—The Secretary of Labor is authorized to collect data, conduct studies and disseminate public information concerning the impact of sleep disorders and sleep deprivation in the workplace and in industry with a particular emphasis on shiftwork, hours of service and other scheduling issues. The Secretary of Labor is authorized to coordinate these activities with the Center.

"(e) SECRETARY OF COMMERCE.—The Secretary of Commerce is authorized to collect data, conduct studies and disseminate public information concerning the impact of sleep disorders and sleep deprivation on the commerce and industrial capacity of the United States. The Secretary of Commerce is authorized to coordinate these activities with the Center.".

OVERVIEW OF THE FINDINGS OF THE NATIONAL COMMISSION ON SLEEP DISORDERS RESEARCH

Millions of Americans are affected by sleep disorders. 40 million Americans are chronically ill with various sleep disorders and an additional 20 to 30 million experience intermittent sleep related problems. The consequences of sleep disorders are diverse, serious and often catastrophic.

Sleep disorders affect all age groups. Few people are aware that sleep disorders exist at every age level from the sudden infant death syndrome to sundowning in the elderly. Children, adolescents, young adults, middle-aged adults and especially the elderly are afflicted.

Minorities and the poor have extremely limited access to sleep medicine. Current research also indicates that these groups may have an even higher incidence of sleep related disorders, especially those associated with obesity, such as sleep apnea.

America is seriously sleep-deprived with disastrous consequences. Falling asleep at the wheel is one of the most costly and devastating problems on American highways. Accidents in the workplace due to sleep deprivation are commonplace and damaging to industry. Students asleep in class miss opportunities that will help them foster careers. Every component of society is seriously impaired by sleep deprivation.

The cost in dollars, lives and human suffering is very high. There are no well-established databases on the cost of sleep disorders and sleep deprivation. The Commission was able to definitely assign $15.9 billion as the direct cost of sleep disorders with an estimated $50 to $100 billion in indirect and related costs when the cost of individual accidents associated with sleep disorders and sleep deprivation are assessed including litigation, destruction of property, hospitalization and death.

Pervasive failure of knowledge transfer. The Commission found no component of society adequately aware of sleep disorders and the facts of sleep deprivation. Most importantly, primary care physicians are in desperate need of adequate information. Currently 95 percent of patients with sleep disorders remain undiagnosed.

There are many serious gaps in research. Many important areas in sleep research remain uninvestigated due to a lack of funding and coordination on a federal level. Some of the most crucial areas, such as insomnia (which affects approximately one in three Americans), have little or no current research activity.

Alarmingly few young investigators in the pipeline. At present, there are under twenty young investigators in training programs for sleep research. Due to the multidisciplinary nature of sleep research and sleep medicine, there are many qualified individuals within existing disciplines such as molecular biology and neurochemistry. With increased funding for training and research many could pursue careers in the field of sleep research.

RECOMMENDATIONS

The National Commission on Sleep Disorders Research has proposed for immediate implementation, six basic recommendations that will ensure the greatest benefit at the smallest cost. Even if resources were unlimited, the ambitious goal of changing the way society deals with sleep could not be accomplished overnight. These six recommendations will launch the long-range national plan to create an environment in which research findings and education programs will lead to early diagnosis and prevention of sleep disorders and reduce the impact of sleep deprivation.

Recommendation One: Establish a National Center

Our nation needs an accountable structure to coordinate education and research on sleep disorders. The Commissioners unanimously agreed that the best possible mechanism to address the urgent needs of American society would be a national center within an existing Institute of the National Institutes of Health. The Commission recommends that the Congress authorize the establishment of and appropriate sufficient funds to support a National Center for research and education on sleep and sleep disorders to be housed within an existing NIH Institute. The center's activities will complement the sleep and sleep disorder related research currently undertaken by the various National Institutes of Health and Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), and, through its own award authority, shall encourage and support gap-filling and crosscutting research, and develop new research programs and educational/training initiatives in the field.

Recommendation Two: Strengthen Ongoing Programs

Solving society's biggest sleep related problems must be a national priority. The Commission recommends that federal support for basic, clinical, epidemiological, health services, and prevention research on sleep and sleep disorders be expanded. Existing research commitments by the NIH and ADAMHA Institutes, as well as the Centers for Disease Control, Department of Veterans Affairs, Department of Defense, and other federal agencies currently engaged in sleep and sleep disorders research should be strengthened.

Recommendation Three: Accountability in All Federal Agencies

The Commission found a near total absence of overall coordination and accountability for issues related to sleep among widely dispersed activities managed and regulated by the many federal agencies. The Commission recommends the establishment of specifically identified offices on sleep and sleep disorders within all federal departments and agencies whose programs affect or are affected by issues of sleep and sleep disorders, and that the Office of Science Technology Policy undertake a feasibility study for the establishment of a special body to ensure coordination, cooperation, and collaboration among the separate agency-based sleep/sleep disorder offices.

Recommendation Four: Training and Career Development

The Commission identified a serious lack of career and training opportunities for young investigators interested in the field of sleep. Research is essential for cures and better treatment of sleep disorders. Currently, the important research questions far outnumber the available trained investigators. The Commission recommends that substantially increased levels of federal support be directed to the NIH and ADAMHA, as well as to the Centers for Disease Control, the Department of Veterans Affairs and the Department of Defense, specifically for sleep and sleep disorder research training and career development opportunities.

Recommendation Five: Education of Health Professionals

Ninety-five percent of the victims remain undiagnosed, largely because health professionals have not had the opportunity to learn about sleep disorders and sleep deprivation. There is an urgent need for physicians, nurses, and all health care professionals to be able to identify and refer or treat patients with sleep disorders. The Commission recommends that Congress encourage and support broader awareness of and training in sleep and sleep disorders spanning the full range of health care professions, particularly at the primary care level.

Recommendation Six: An Educated America

The lack of awareness throughout America about the nature and impact of sleep disorders and sleep deprivation is a national emergency. Witnesses asked repeatedly, "How many preventable deaths are going to occur this year?" "Why don't we do something right now?" The Commission has concluded that the American public has been inappropriately denied the benefits of the research knowledge its tax dollars have supported. The Commission recommends that a major public awareness/education campaign about sleep and sleep disorders be undertaken immediately by the federal government.•

By Mr. JEFFORDS (for himself, Mr. DURENBERGER, and Mrs. KASSEBAUM):

S. 105. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to improve pension plan funding; to the Committee on Finance.

PENSION FUNDING IMPROVEMENT ACT

• Mr. JEFFORDS. Mr. President, yesterday we witnessed the start of a new era in American politics with the inauguration of President Clinton. Our President referred to the event as a new beginning for our Nation, a time in which we all must take responsibility for our Nation's problems. He wisely reflected that in doing this we as a country, both individually and collectively, must change present attitudes and be prepared to stop looking for something for nothing. Everyone must give within their ability. Everybody must do their fair share.

Today, on the first day of official business, my distinguished colleagues Senator DURENBERGER, Senator KASSEBAUM, join me in introducing a bill that I believe would extend the President's philosophy to the increasingly important area of pension policy. It is a bill designed to solve the problems of a beleaguered, deficit-ridden Government agency, the Pension Benefit Guaranty Corporation or PBGC. The agency is not familiar to most of us. However, it insures the defined benefit pension plans of over 40 million Americans. Its importance and deteriorating financial condition is becoming more apparent with each passing day. Since this subject was brought up in the Presidential debates last November, there have been numerous press accounts providing us with the grim details of events involving the evasion of corporate responsibility. Such problematic behavior will surely result in less of a pension for many dedicated workers who have often given their whole lives in service to a particular company.

The problem, simply put, is that big companies in troubled times are taking advantage of our pension insurance system. They promise big pensions to workers, regularly increasing benefits, while making the most minimum funding contributions permitted under the law. The troubled companies then terminate their pension plan and pass along their pension debt to the PBGC. Billions of dollars of debt are involved.

Our solution, is the Pension Funding Improvement Act of 1993, a three-part bill we are introducing today. It assigns individual responsibility to every company that makes pension promises, saying in very unambiguous terms that if a company makes a pension promise, it had better be willing to act to keep that promise. Part I of the bill includes stronger funding rules for underfunded pension plans, to ensure the faster funding of present unfunded pension obligations. Part II, prevents a bad situation from getting worse, by requiring underfunded plan sponsors to immediately fund up their plan or put up collateral in order to increase pension benefits. Part III includes Congressional Budget Office and PBGC studies of what premium increases would be necessary to balance the PBGC's accounts.

Since the bill was first introduced last August, the case for reform has just grown stronger. Every day we wait is a day where plan underfunding increases. We have had three congressional hearings outlining the consequences of the loopholes in present pension law. Moreover, on January 6, the GAO released a report explaining that the potential risk from poorly funded pension plans is much greater than was originally anticipated. Previous to this, in December, the GAO issued a special high risk report on the PBGC. This is a special series of reports done to target Federal programs that are especially vulnerable to high risk.

How many reports and hearings will be necessary before we make needed changes in law? If experience serves as an example, the problem may well need to escalate to the point where it truly parallels the savings and loan crisis, before we enact a needed change in the law.

This is why my knowledgeable colleague, Representative JAKE PICKLE, introduced a companion PBGC bill on January 5. As chairman of the Subcommittee on Oversight of the House Ways and Means Committee, he will hold a further hearing on this issue in February, to review the impact of current law on the Federal deficit, plan retirees, and plan sponsors. I understand the House Education and Labor Committee will also hold a similar hearing.

As of today, the PBGC has a deficit of $2.5 billion. This is largely a result of the following recent pension plan terminations: First, in 1990, Eastern Airlines terminated its plan with $700 million in unfunded liabilities. Next, in 1991, Pan American Airlines terminated its plan with $900 million in unfunded liabilities. Then, in 1992, Blaw Knox terminated with $81.6 million in unfunded liabilities, C.F. & I. Steel Co. terminated with $270 million in unfunded liabilities, and Uniroyal Plastics, Inc., terminated with $156 million in unfunded liabilities.

And the trend is expected to increase. This is not surprising since current pension law has provided a way for struggling companies to shift the costs of their pension benefits. These companies routinely grant employees increases, knowing full well that if their company continues to be financially troubled they will be able to terminate their pension plans and dump the pension plan's obligations onto the PBGC. The PBGC predicts that it is significantly at risk for about $13 billion in benefits provided by pension plans of companies in the steel, auto, airline, tire, and rubber industries.

Each year the PBGC publishes a list of those top 50 underfunded pension plans who are the most at risk. When one compares corporate funding over the last 3 years, the facts unfortunately show that plan funding for the top 50 has gone down by $10.7 billion since 1988. Collectively, the top 50 are $24.2 billion in the red.

Last month TWA announced it is expected to emerge from bankruptcy this year. It also made an agreement with the PBGC to pay $500 million of its $1 billion pension debt. That's the good news. The bad news, however, is that even though TWA has promised it will pay for about half of its pension obligations, fully $300 million in promised benefits are beyond the scope of the PBGC's guarantee. Therefore, many TWA workers will never see certain early retirement benefits they have been promised. Furthermore, there is still expected to be at least $400 million in underfunded guaranteed benefits that will need to be paid for by the PBGC. Where is this money going to come from? This is my concern.

For some time now, companies with underfunded pension plans have been promising significant amounts of new benefits in lieu of wage increases. And while the trend is occurring in the steel, tire, and rubber industries, the problem is most acute in the automobile industry. At present Chrysler Corp. is $3.9 billion underfunded, and General Motors Corp. is in the red by a whopping $11.8 billion. This is according to the optimistic assumptions of their own actuaries. But both organizations will tell you not to worry because their pension promises are as good as the strength of their companies.

If this isn't bad enough, earlier this year, we witnessed further corporate practices that are just obscene: companies already in bankruptcy are agreeing to retroactive benefit increases.

Last year when TWA first filed for bankruptcy, their plan was considered 84 percent funded for guaranteed benefits. Since this time it gave a retroactive increase in benefits that caused an additional $53 million in underfunding. It is now $1.2 billion underfunded.

This past spring, a bankruptcy court approved benefit increases for Continental Airlines pilots that will almost double the plan's underfunding to about $191 million

Now, some people will argue that financially distressed companies need to minimize contributions to the pension plan so that this money can instead be put into the company, to increase productivity and competitiveness. I personally would argue that it is precisely because a company is financially vulnerable, that an extra effort should be made to be sure that the pension plan is financially sound. So if workers need to take early retirement due to financial downsizing resulting from problems in the global marketplace, they can be certain that money will be there.

Many people will also argue that the PBGC was deliberately designed to subsidize companies in ailing industries. They are, however, at direct odds with the many who believe the PBGC should operate like a private sector insurer and set premiums more precisely related to the risk that a company would have of defaulting on its pension promises.

Regardless of what one thinks about the purpose of the PBGC, the reality is our public policy options on how to rectify the PBGC's deficit problem are limited. Furthermore, it is in the best interest of the 40 million workers who currently have PBGC insurance protection, as well as the defined benefit plan system, that we review our objectives for the PBGC and act quickly to resolve the PBGC's deficit problems.

What are our options? The PBGC is currently financed exclusively from premiums plan sponsors pay into the system, those pension assets remaining in terminated underfunded plans and interest. Given this fact, one alternative would be to raise PBGC premiums that employers pay into the system. This may be inevitable, given the PBGC's current deficit. The PBGC estimates that it would have to significantly increase premiums, even if it takes on only $500 million a year in underfunded liabilities, which is very likely given recent experience. Under a middle of the road scenario, the PBGC estimates that premiums paid by all single employer plan sponsors will rise to $58 per person for well funded plans, and to as much as $219 per participant for poorly funded plans. We have already raised premiums considerably from those days in 1974 when all plan sponsors paid a dollar a head for each plan participant.

How much is too much? When will responsible employers with well funded plans say they've had enough of premium increases to pay for obligations promised by other companies, especially their competitors? When will they terminate their own defined benefit plan and instead offer to make contributions to a defined contribution plan under which employer liabilities are fixed and employees have no insurance protection? I'm sure. Even at present premium levels, the trend is away from defined benefit plans. Pension experts of all political philosophies, who don't always agree on other matters, agree that the defined benefit plan universe is shrinking. The number of defined benefit plan terminations are increasing, and fewer and fewer new defined benefit plans are entering into the system.

Last August, the Senate Labor Subcommittee held a hearing on current pension trends. At this hearing our knowledgeable subcommittee chairman, Senator METZENBAUM, spoke of his deep concern about the future of the defined benefit plan system. I completely agree with his point and would like to quote from his statement, "Employers are abandoning defined benefit pension plans which are designed to provide specific levels of retirement± income." He went on to say that the effects of this trend are devastating for low-income workers. At this same hearing, the American Academy of Actuaries stated that one of the main reasons for this trend away from defined benefit plans is the unsound PBGC. To quote from the group's testimony:

> Congress and the Executive branch must work to restore confidence among defined benefit plan sponsors, that the PBGC can properly fulfill its mission of guaranteeing private defined benefit plans. Continuing speculation about the PBGC premium increases and comparison of the PBGC to the Federal Deposit Insurance Corporation [FDIC] only intensifies the pressure, subsequently driving employers away from defined benefit plan sponsorship.

Another option before Congress is to try to stabilize the premium, so as not to deter plan sponsors away from the system, and instead let the Federal Government absorb the loss. This option is a reality which even the Bush administration could not deny. In the President's budget for fiscal year 1993, the administration introduced the idea of budgeting for fixed and expected future PBGC liabilities. Unfortunately, it did not include premium income in their calculations. Therefore the likely long-term impact on the budget could not be realistically assessed. But one thing is for certain, adding billions to our $4 trillion national debt is no way to help balance the budget.

Our third option is to be sure that companies fund their pension promises and promise within their means. This can be done through stricter funding rules for underfunded plans, to require the faster funding of present obligations. An additional requirement, that companies fund up their plan or put up collateral if they increase benefits, will prevent presently underfunded plans from getting worse.

It might seem cruel to force companies to promise within their means. But it is far more cruel for workers to expect a certain level of benefits when they retire, only to find out later that the money they expected to have for their retirement isn't there. After all, even the PBGC only guarantees, on average, about 80 percent of what is currently promised.

Our bill incorporates the principles embodied in the third alternative, because as one can deduce, it is the only choice that ensures a responsible national retirement income policy.

Unfortunately, there are no quick fixes or easy answers to our PBGC problem. Retirement benefits need to be paid for. Fortunately, the vast majority of companies do a great job providing for their employees and have well-funded pension plans. Many of these companies, such as Ford Motor Co., and USX Corp., compete on a daily basis with rivals who put far less into the pension plan in order to sustain the operating budgets of their company. Is it fair for some companies to do their best for employees while others play a shell game with their pension promises? These pension promises eventually need to be paid for with real money, not IOU's.

As retirees live longer they will need a sufficient amount of pension money to be assured some quality of life. All segments of society need to play a role in this endeavor. Social Security alone will not suffice. Employees at all income levels need to save. Employers need to offer pension plans and responsibly fund for what they promise to provide. Government needs to encourage adequate funding so that pension money can earn interest. Companies should not have the stress of needing to use this year's corporate earnings to pay for this year's retirees. This is especially dangerous for companies in cyclical and declining industries, with a shrinking work force.

So let's act now to enact the Pension Funding Improvement Act. Let us not wait until 10 years down the road when the Federal Government is forced to step in to examine the debris left over from the defined benefit plan system. Let's act now and send a message to America that the defined benefit plan system, and indeed our Nation's retirement income policy as a whole, needs to grow and flourish. While enactment of the Pension Funding Improvement Act is not the total answer to our country's retirement policy problems, it will greatly diminish our PBGC deficit problem by ensuring that workers have funded pensions today in order to be sure they are not a burden to their children tomorrow. It's a positive step in the right direction, deserving the serious attention of all those concerned with the future. Hopefully, all my colleagues will consider it worthy of their serious attention.●

Mr. DURENBERGER. Mr. President, I am very pleased to take this opportunity to join my distinguished colleague from Vermont, Senator JEFFORDS, in cosponsoring this bill. We seek, through this bill, to limit the financial exposure of the Pension Benefit Guaranty Corporation [PBGC].

Mr. President, I would initially like to thank Senator JEFFORDS and extend to him my appreciation for the tremendous amount of work that he and his staff have done in the area of employee benefits legislation. I congratulate him for his leadership in a field that is of vital importance to so many Americans.

Let me begin with some background on the current problems at the PBGC. America's retirement security system is built on three pillars: Social Security, individual savings, and private pensions.

Mr. President, 10 years ago, when the Social Security system was so close to insolvency that it was borrowing money from the Medicare trust funds, we had the bipartisan courage to shore up the trust fund and ensure that Social Security would be there for our children and grandchildren.

We have learned a vital and expensive lesson from the S&L debacle that threatened the individual savings of many Americans. That lesson is this: When we see a potential disaster brewing in some area where the Government has unfunded liabilities, we must act as quickly as possible to shore up the system and prevent a problem from escalating into a catastrophe.

Had we addressed the S&L crisis early, and provided adequate financing to close down all of the bankrupt S&L's in 1986 the cost to the American taxpayer would have been less than $50 billion. But the longer we waited, the more it cost us. Now, we as a Nation are paying the price for that delay. And we will continue to do so for many years to come.

Mr. President, the third pillar of our Nation's retirement security is based upon the private pension system. When working men and women retire after a life of service to one or more companies, they often receive a pension from their employer's defined benefit plan.

In the late 1960's and early 1970's, this third pillar was in serious jeopardy. Employees who worked for 25 years were dismissed by their employers without receiving a single penny of the pension they have earned. After the failure of several well-known companies in Minnesota and across the country, including Studebaker Corp., Minneapolis Moline Corp., White Motor Freight, and others, Congress finally stepped in, and established, in 1974, enforceable vesting and fiduciary responsibilities for company pension plans.

To guarantee the promise of a pension, Congress created the Pension Benefit Guaranty Corporation [PBGC]. PBGC's purpose is to provide financial security for plan participants if their company and its plans fail. The PBGC collects premiums from viable defined benefit plans and takes over and administers plans that terminate when employers go out of business. Thus, in a very real sense, all working men and women who are participants in defined benefit plans rely on PBGC to guarantee the future existence of their pension plans.

Mr. President, the warning signs that PBGC is in financial trouble are everywhere. The warning lights are flashing and the buzzers are sounding much too loudly to be ignored. The U.S. Senate must act appropriately and we must act now. PBGC has a $2.5 billion deficit, which is up from $1 billion just 2 years ago. The Department of Labor estimates that if we do nothing, this deficit will grow to $18 billion by 1997.

The two largest losses have occurred recently—Pan American Airways' terminated plan was underfunded by $900 million, and Eastern Airlines' plan was underfunded by $700 million.

But what worries me the most is that the pension underfunding associated with readily identifiable troubled companies grew last year by an estimated $8 billion, to $13 billion. This constitutes a huge potential liability for PBGC, and one that could threaten our entire private pension system.

Mr. President, the Jeffords-Durenberger bill is an initial step that Congress can take to stem the further undermining of our private pension system. The problem is that under current law, companies are allowed to grant pension benefit increases to their employees without actually funding the pension plan to the extent of these increases. If the plan then terminates in this underfunded state, PBGC is fully responsible for providing these benefits, including the benefit increases.

Let me repeat that. Employers may grant pension benefit increases without adequately funding the plan, and PBGC is responsible for the promised benefits.

Mr. President, as you are well aware, America's corporate executives are very smart. They know about this rule, and I believe that they have taken advantage of the American people. Employers, especially in troubled industries, know that they cannot afford significant wage increases, and many have underfunded pension plans. So what do they do then? They provide pension benefit increases without funding them. If the company turns itself around, it ends up paying the benefits; but if it goes out of business, the PBGC is stuck with the tab.

In my view, this amounts to nothing more than a risk-free loan from the PBGC to ailing companies. Congress did not establish PBGC for this purpose, and I think that this is just plain wrong. Given the current budgetary constraints that this country faces, I see this as a risk that we can ill afford to take.

The Jeffords-Durenberger bill addresses this problem directly. The bill amends the tax code to require plans that grant benefit increases to provided security in the form of cash or a bond if the plan is less than 90-percent funded, if the employers want to grant increases, they will have to pay for them.

It hardly seems too much to ask for employers to pay for the benefits that they promise their workers. If they cannot pay for the increased benefits, then they should be honest with their employees and let them know. The PBGC, as a Federal guarantee agency, should not be the dumping ground for irresponsible employer promises.

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. ROTH, Mr. GRASSLEY, and Mr. DANFORTH):

S. 106. A bill to modernize the U.S. Customs Service; to the Committee on Finance.

CUSTOMS MODERNIZATION AND INFORMED COMPLIANCE ACT

Mr. HATCH. Mr. President, I am introducing today a bill that is critical to the future operations of the U.S. Customs Service, as this distinguished Federal agency moves toward 200 years of service to our country.

Let me say at the outset that this bill is identical to the version passed by the last Congress. Unfortunately, the act was incorporated into the Revenue Act of 1992 which was vetoed. I am therefore inviting every Senator and Representative who supported the act in the 102d Congress to demonstrate their commitment to the improvement of our customs system by joining us as a cosponsor of this bill. I am also hoping that new Members of Congress will see the benefits for all that come from supporting this bill. Every State and district in the United States will realize a net gain in jobs, business, consumer price savings, and manufacturing productivity.

The Customs Modernization Act will allow our foreign trade community to keep apace of the unprecedented growth of our export and import system. The Mod Act, as it's referred to in this community, will provide a type of electronic, streamlined infrastructure over which the continued surge of trade will flow more smoothly.

The Mod Act benefits everyone.

Importers: Retail businesses as well as manufacturers who need imported components for integration into products for domestic or foreign sale.

Consumers: There will be a better choice of available goods at lower prices, keeping household budgets more stable.

Exporters: Faster processing of foreign-bound goods allowing for a quicker recovery of investments, settlement of bills of lading, and improved market access abroad.

Mr. President, I am convinced that the Clinton Presidency will be no less committed to the expansion of trade than the previous administration. I am therefore inviting my colleagues to join me in registering our support for this bill as evidence of the Senate's strong bipartisan commitment to the expansion of our economy through trade and trade-related production and employment.

Mr. President, I believe that we will continue this country's progress toward still greater trade development in the next 4 years. I see progress in such landmark agreements as the Uruguay round of the General Agreement on Tariffs and Trade; the North American Free-Trade Agreement; a Chilean Free-Trade Agreement; and other agreements with such likely candidates as Argentina, as well as improved trade relations with China, Japan, the European Community, and the South and Southeast Asian regions.

At the moment, without the streamlining provided in the Mod Act, we actually lag behind Europe, Korea, and many other regions and countries in customs processing. Think of it, the nation that conceived, developed, and raised computer-based management systems to new heights actually trails newcomers to these technologies. It is inexcusable, and a regrettable self-condemnation of foot-dragging. More importantly, it undermines efficiency that contributes to economies of the firm in foreign trade, as I mentioned earlier in this statement. It impedes competitiveness, in other words.

For these reasons, the bill enjoys widespread support from a broad coalition of importers, carriers, brokers, and other industries. In the last Congress, we answered the demands of everyone, even small brokers who sought extensions of time for adopting electronic cargo processing procedures. But we are willing to go still further and will entertain any objection when this bill is received in committee.

We need the Mod Act to ensure this country's rightful place in the world trade community.

Mr. President, I thank you for your consideration.

By Mr. MOYNIHAN (for himself and Mr. CHAFEE):

S. 107. A bill to mandate a study of the effectiveness of the national drug strategy and to provide for an accounting of funds devoted to its implementation, and for other purposes; to the Committee on Labor and Human Resources.

STUDY OF THE EFFECTIVENESS OF THE NATIONAL DRUG STRATEGY

• Mr. MOYNIHAN. Mr. President, in the fall of 1990, I noted that the Congress has never mandated a comprehensive examination of our antidrug efforts to identify the most useful, cost-efficient methods. I made the same point on the first day of the 102d Congress. Today, as the 103d Congress commences, I reintroduce a bill to require such a study.

In 1988 I cochaired a Democratic Working Group on drug policy with our esteemed colleague Senator NUNN. The Group developed a comprehensive approach which was written into law as the Anti-Drug Abuse Act of 1988. This bill distinguished between the problems of supply and demand for illegal drugs. Significantly, it emphasized demand.

I have long been skeptical of antidrug programs that place primary emphasis on an attempt to interrupt the supply of drugs. To be sure, antisupply programs have their place, but as long as there is significant demand, restricting the supply has the adverse effect of making the drug business more profitable for those who succeed in circumventing the law. There will always be those who try.

The point here is that the plan proposed by the Democratic Working Group embodied a broad approach. It included law enforcement and interdiction, but also emphasized the importance of providing treatment on request or application.

In 1990, the administration issued a white paper which, for all intents and purposes, rejected the specific, legislatively mandated goal of providing treatment on request. Former drug czar William Bennett said that he thought it was not sensible to put those seeking treatment in the driver's seat. Nevermind the fact that Congress wrote that goal into the law.

In December of last year, I delivered the Norman E. Zinberg Lecture at the John F. Kennedy School for Government at Harvard University. There, I noted that our 1988 legislation had a brief half-life. Bennett was followed by a political appointment with no apparent views on the subject. Dr. Herbert D. Kleber, the Deputy Director for Demand—a position established by the Anti-Drug Abuse Act of 1988—left after 2 years, and his position was never filled by the administration. Nor was support for treatment as forthcoming as the legislation indicated it ought to be.

The recent administration's hostility toward treatment on request is all the more reason that we should conduct a thorough, nonpartisan, scientific review of what actually works—dollar for dollar—and what does not. As we approach the $10 billion level in annual drug program appropriations, it is time that we ask the simple question: "What works?"

Research was an important part of the recent administration's drug strategy. But we need a comprehensive review of all our efforts. If we are to succeed—especially in this time of fiscal constraint—in reducing the level of epidemic drug addiction in the United States, then we need to compare the various possible approaches and make intelligent, informed choices among the competing priorities. The study mandated by this legislation in the sine qua non of making these choices is an intelligent manner.

This bill would require the Secretary of Health and Human Services to arrange for the National Academy of Sciences to conduct this study. It also provides for an annual audit report of our drug programs by the General Accounting Office. Mr. President, I ask unanimous consent that a copy of this legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) there is great disagreement concerning the causes of the problem of epidemic drug addiction in the United States and about the most effective way to reduce it;

(2) one of the factors which most inhibits an effective response to the problem of epidemic drug addiction in the United States is the lack of accurate information concerning both the problem and the specific effectiveness of each individual element of the Nation's antidrug effort;

(3) evaluating the effectiveness of the individual elements of the Federal program to reduce epidemic drug abuse requires accurately establishing cause and effect relationship concerning drug addiction;

(4) the United States has promulgated a National Drug Strategy pursuant to the requirements of the 1988 Anti-Drug Abuse Act and will devote many billions of dollars to antidrug programs for many years to come; and

(5) it is in the interests of the Nation that these funds be spent as effectively as possible and that a permanent mechanism exist to audit their expenditure.

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) require a study of the effectiveness of federally funded antidrug programs; and

(2) create a permanent auditing mechanism for federally funded antidrug programs.

SEC. 3. STUDY OF ANTI-DRUG PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the "Secretary") shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of the effectiveness in reducing drug addiction of the various components of the Federal antidrug program, including—

(1) crop eradication;

(2) crop substitution;

(3) support for foreign law enforcement;

(4) interdiction, including a separate analysis of the effectiveness of the military services in the interdiction effort;

(5) education;

(6) treatment;

(7) support for local law enforcement;

(8) criminal justice system reforms; and

(9) research, including a separate analysis of effectiveness of pharmocological research and research into other types of medical treatments for drug addiction.

(b) METHODOLOGY.—The study described in subsection (a) shall to the maximum extent possible—

(1) study control for the effects of broad societal changes unrelated to specific antidrug initiatives, such as changing demographic patterns;

(2) separate the effects of such component of the Federal antidrug program from the effects of other antidrug initiatives;

(3) consider the extent to which the expenditure of Federal funds on job training, education, and other health, education, and welfare programs contribute to reducing epidemic drug addiction;

(4) study the cost-effectiveness of each component of the Federal antidrug program, as well as the programs described in paragraph (3); and

(5) take into account the social and demographic factors which influence rates and forms of epidemic drug addiction and provide, where possible, information on the effectiveness of the various components of the Federal antidrug program on various demographic subgroups within the population.

(c) REPORTING.—In conducting the study described in subsection (a), the National Academy of Sciences shall provide to the Secretary and the Congress—

(1) not later than 6 months after the date of enactment of this Act a detailed written description of the manner in which the study will be conducted, including a specific set of goals for the study;

(2) not later than 18 months after the date of enactment of this Act the preliminary results of the study; and

(3) not later than 2 years after the date of enactment of this Act the final results of the study.

(d) UPDATE OF STUDY.—The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to update the results of the study described in subsection (a) every 2 years following the initial report.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—Agencies of the Federal Government shall provide to the National Academy of Sciences such information as it may reasonably request for the purpose of conducting the study described in subsection (a).

SEC. 4. AUDIT BY THE GOVERNMENT ACCOUNTING OFFICE.

(a) IN GENERAL.—The Government Accounting Office shall provide to the Congress on an annual basis an audit report concerning the management and expenditures of the component parts of the Federal antidrug program.

(b) SEPARATE COMPONENTS.—The report described in (a) shall contain a separate section on each of the component parts of the Federal antidrug program.

(c) ACCESS TO RECORDS.—In order to carry out the purposes of this section, the Comptroller General shall have such access to records, files, personnel, and facilities of the Federal agencies involved in the Federal antidrug program, including the military and intelligence services, as the Comptroller General considers necessary.•

By Mr. MOYNIHAN (for himself and Mr. CHAFEE):

S. 108. A bill to prohibit the importation of semiautomatic assault weapons, large capacity ammunition feeding devices, and certain accessories; to the Committee on Finance.

PROHIBITING IMPORTATION OF SEMIAUTOMATIC ASSAULT WEAPONS AND AMMUNITION

• Mr. MOYNIHAN. Mr. President, today I rise to introduce a bill to ban permanently the importation of certain assault weapons and accessories, such as large-capacity ammunition belts and rifle magazines. Representative GIBBONS, the distinguished chairman of the Ways and Means Trade Subcommittee, will introduce a similar bill in the House. In the 101st and 102d Congresses we introduced similar measures, as well.

On March 14, 1989, President Bush announced a ban on the import of certain semiautomatic rifles, such as the Uzi and AK–47. He then extended the ban to include all similar foreign-made weapons on April 5, 1989, pending a review by the Bureau of Alcohol, Tobacco and Firearms. On July 7, 1989, ATF released its report, which recommended that the ban continue. And so it has, now for well over 3 years.

The Executive's authority to ban these weapons derives from the Gun Control Act of 1968, which provides that the Secretary of the Treasury "shall authorize a firearm * * * to be imported or brought into the United States." I, along with Representative GIBBONS and most Americans, applauded the President for having taken the leadership in this sensitive issue. But the ban ought be made permanent by legislation.

The report of the ATF Working Group on the Importability of Certain Semiautomatic Rifles was unequivocal. It concluded:

> These semiautomatic assault rifles were designed and intended to be particularly suitable for combat rather than sporting applications. While these weapons can be used, and indeed may be used by some, for hunting and target shooting, we believe it is clear that they are not generally recognized as particularly suitable for these purposes.
>
> The purpose of section 925(d)(3) [Gun Control Act of 1968, Title 18, U.S.C.] was to make a limited exception to the general prohibition on the importation of firearms, to preserve the sportsman's right to sporting firearms. This decision will in no way preclude the importation of true sporting firearms. It will only prevent the importation of military-style firearms which, although popular among some gun owners for collection, self-defense, combat competitions, or plinking, simply cannot be fairly characterized as sporting rifles.

The assault weapons listed in this bill are those listed by ATF as military-style guns.

Why these guns and not some others, which may take as many or more innocent lives? Semiautomatic firearms differ in at least one important way: they are capable of firing a large number of cartridges in a short period of time. An Uzi can fire 30 rounds in 5 seconds. Patrick Edward Purdy, the gunman who killed 5 children and wounded 29 others in Stockton, CA, fired over 100 rounds in 2 minutes. This bill would also ban the importation of ammunition belts or magazines which could hold more than five rounds.

These are also the favorite weapons of drug dealers. Even teenagers now carry guns better left in the hands of professional soldiers. Police officers are outgunned by the assault weapons. Innocent lives are threatened by the spray of bullets these guns produce. It should not be surprising that the National Association of Police Organizations, the U.S. Conference of Mayors, and the American Bar Association, among others, support a ban on assault weapons.

I, too, support a ban on assault weapons, but I believe that the codification of the current import ban is a necessary first step. I hope that my colleagues will concur.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON IMPORTATION OF SEMIAUTOMATIC ASSAULT RIFLES AND ASSAULT PISTOLS.

(a) GENERAL RULE.—Except as provided in subsection (b), the importation into the United States of the following articles is prohibited:

(1) Semiautomatic assault rifle.

(2) Semiautomatic assault pistol.

(3) Large capacity ammunition feeding device.

(4) Semiautomatic assault weapon accessory.

(b) EXCEPTION.—Subsection (a) does not apply to the importation of an article under the authority of the United States, by a department or agency of the United States, or by a department or agency of a State or political subdivision of a State.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) SEMIAUTOMATIC ASSAULT RIFLE.—The term "semiautomatic assault rifle" means a rifle of one of the following types:

AK47 type
AK47S type
AK74 type
AKS type
AKM type
AKMS type
84S type
ARM type
84S1 type
84S3 type
HK91 type
HK93 type
HK94 type
G3SA type
K1 type
K2 type
AR100 type
M14S type
MAS223 type
SIG 550SP type
SIG 551SP type
SKS type with detachable magazine
86S type
86S7 type
87S type
Galil type
Type 56 type
Type 56S type
Valmet M76 type
Valmet M78 type
M76 counter-sniper type
FAL type
L1A1A type
SAR 48 type
AUG type
FNC type
Uzi carbine
Algimec AGMI type
AR180 type
Australian Automatic Arms SAR type
Beretta AR70 type
Beretta BM59 type
CIS SR88 type
Any other type determined by the President to be appropriate

(2) SEMIAUTOMATIC ASSAULT PISTOL.—The term "semiautomatic assault pistol" means a pistol of one of the following types:

Uzi type
Heckler & Koch SP–89 type
Australian Automatic Arms SAP type
Spectre Auto type
Sterling Mark 7 type
Any other type determined by the President to be appropriate

(3) LARGE-CAPACITY AMMUNITION FEEDING DEVICE.—The term "large-capacity ammunition feeding device" means a detachable magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 5 rounds of ammunition, including a combination of parts from which such a device can be assembled, but not including an attached tubular device designed to accept and capable of operating with only .22 rimfire caliber ammunition.

(4) SEMIAUTOMATIC ASSAULT WEAPON ACCESSORY.—The term "semiautomatic assault weapon accessory" means one of the following articles if the article is specifically designed for use with a semiautomatic weapon:

Grenade launcher
Bayonet
Flash suppressor
Night sight
Adaptor designed to facilitate the attachment of a silencer or flash suppressor
A combination of parts from which one of the foregoing articles can be assembled
A part designed solely for use in assembling one of the foregoing articles
Any other article determined by the President to be appropriate.•

By Mr. MOYNIHAN (for himself and Mr. CHAFEE):

S. 109. A bill to amend section 923 of title 18, United States Code, to require the keeping of records with respect to dispositions of ammunition, and to require a study of the use and possible regulation of sales of ammunition; to the Committee on the Judiciary.

RECORDS ON DISPOSITION OF AMMUNITION

• Mr. MOYNIHAN. Mr. President, I rise today to introduce a measure to improve our information about the regulation and criminal use of ammunition. This bill, identical to one I introduced in the last Congress, has two components. It would require importers and manufacturers of ammunition to keep records and submit an annual report to the Bureau of Alcohol, Tobacco, and Firearms [BATF] on the disposition of ammunition, including the amount, caliber, and type of ammunition imported or manufactured. It would also require the Secretary of the Treasury, in consultation with the National Academy of Sciences, to conduct a study of ammunition use and make recommendations on the efficacy of reducing crime by restricting access to ammunition.

While there are enough handguns in circulation to last well into the twenty-second century, there is only a 4-year supply of ammunition according to the best estimate. But how much of what kind of ammunition, where does it come from, and where does it go? There are currently no reporting requirements for manufacturers and importers of ammunition—earlier reporting requirements were repealed in 1986. The Federal Bureau of Investigation's annual uniform crime reports, based on information provided by local law enforcement agencies, does not record the caliber, type, or amount of ammunition used in crime. In short, our data base is woefully inadequate.

I support the Brady bill, which requires a waiting period before the purchase of a handgun, and have supported bills to stem the flow of automatic and semiautomatic firearms to criminals. But while the debate over gun control continues, I offer another alternative: ammunition control. After all, guns do not kill people, bullets do.

Ammunition control while a new idea, is not unknown. In 1982, Phil Caruso of the Patrolmen's Benevolent Association asked me do something about armor-piercing bullets. Jacketed in tungsten or other materials, these rounds penetrated four police flak jackets and five Los Angeles County telephone books. They are of doubtful sporting value. I introduced legislation, the Law Enforcement Officers Protection Act, to ban the cop-killer bullets in the 97th, 98th, and 99th Congresses. It enjoyed the overwhelming endorsement of groups and tacit support from the National Rifle Association, and was finally signed into law by President Reagan on August 28, 1986.

Local jurisdictions are aware of the benefits to be gained from ammunition control. The District of Columbia and some other cities prohibit a person from possessing ammunition without a valid license for a firearm of the same caliber or gauge as the ammunition. Beginning in 1990, the city of Los Angeles banned the sale of all ammunition 1 week prior to Independence Day and New Year's Day in an effort to reduce injuries and deaths caused by the firing of guns into the air.

Such efforts, while well-meaning and effective, are isolated attempts to solve a national problem. We need to do more, but to do so, we need information to guide policymaking. This bill fills the need by requiring annual reports to BATF by manufacturers and importers and directing a study by the National Academy of Sciences. I urge my colleagues to cosponsor this measure and ask unanimous consent that its full text be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECORDS OF DISPOSITION OF AMMUNITION.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 923(g) of title 18, United States Code, is amended—

(1) in paragraph (1)(A) by inserting after the second sentence "Each licensed importer and manufacturer of ammunition shall maintain such records of importation, production, shipment, sale, or other disposition of ammunition at his place of business for such period and in such form as the Secretary may by regulations prescribe. Such records shall include the amount, caliber, and type of ammunition."; and

(2) by adding at the end thereof the following new paragraph:

"(6) Each licensed importer or manufacturer of ammunition shall annually prepare a summary report of imports, production, shipments, sales, and other dispositions during the preceding year. The report shall be prepared on a form specified by the Secretary, shall include the amounts, calibers, and types of ammunition that were disposed of, and shall be forwarded to the office specified thereon not later than the close of business on the date specified by the Secretary.".

(b) STUDY OF CRIMINAL USE AND REGULATION OF AMMUNITION.—The Secretary of the Treasury shall request the National Academy of Sciences to—

(1) prepare, in consultation with the Secretary, a study of the criminal use and regulation of ammunition; and

(2) to submit to Congress, not later than July 31, 1996, a report with recommendations on the potential for preventing crime by regulating or restricting the availability of ammunition.•

By Mr. MOYNIHAN:

S. 110. A bill to require the Administrator of the Environmental Protection Agency to seek advice concerning environmental risks, and for other purposes; to the Committee on Environment and Public Works.

ENVIRONMENTAL RISK REDUCTION ACT

• Mr. MOYNIHAN. Mr. President, environmental decisions are difficult in any circumstance, and especially so when the economy is weak and there is competition for resources both in the private sector and Government. People want a clean environment, but they don't want to pay more than is necessary. We can't do everything at once. The question of priorities arises almost unbidden. We would rather not have to think this way, but there you are. The choice is not between having priorities or not having them. Rather it is between setting them consciously or setting them by default. Thus, I rise today to introduce a bill that seeks to establish the framework needed to ensure that information needed by an informed and involved public to set workable priorities. This legislation, the Environmental Risk Reduction Act of 1993, is an update of the Environmental Risk Reduction Act of 1991.

I am convinced that risk ranking and cost-benefit analyses are valuable tools for making environmental decisions. They offer the means to set priorities and to measure success. They are not our only tools, but nor can they be ignored. It took over half a century for the dedicated public servants in the Bureau of Labor Statistics and the Council of Economic Advisors to learn how to fashion economic indicators. It will no doubt take a long time to develop reliable methodology to assess costs and benefits of environmental regulations, and to reliably measure the risks associated with environmental exposures. But this is no reason not to begin. If we don't start now we will never learn. And it must not be forgotten that there are some things that science cannot tell us. Values, for instance: Do we care more about this species or that one? Or fairness. Some questions are a matter for the legal system, not the scientists.

But we do have problems. During the Presidential campaign and transition, much discussion focused on the economy, getting and keeping it going. Dr. Paul Portney of Resources for the Future testified at a hearing last September on my bill S. 2132, the Environmental Risk Reduction Act that compliance with environmental laws was about $130 billion per year—something like 2.2 percent of GNP. Our next closest competitors in terms of environmental protection, perhaps not surprisingly, are Germany and Japan, each spending about 1.6 to 1.8 percent of GNP. While this may not be too much money to spend on environmental protection it is too much to spend unwisely.

Obviously, we are seeing a new trend. Federal environmental laws are being questioned. State and local governments are signaling that they can't afford to comply with all environmental laws. Their resources are finite and must make do for competing needs; for example, maintaining roads and buildings, providing social services, and schooling.

Dr. Edward Hayes of the Ohio State University testified last September before the Committee on Environment and Public Works about the experience in his State. The city of Columbus, OH, recently set out to analyze with as much precision as possible the impact of Federal environmental laws during recent years. City leaders wanted to know what effect those changes would have on the city's budget. The findings were reported in "Environmental Legislation: The Increasing Costs of Regulatory Compliance to the city of Columbus." It turns out that new environmental initiatives will cost the city of Columbus an additional $1.6 billion over the next decade—an extra $856 per year of increased local fees or taxes for every household in the city by the year 2000. A followup study, "Ohio Metropolitan Area Cost Report for Environmental Compliance," showed a similar impact in eight other Ohio cities.

As far as we can tell this pattern is being repeated in other places. Just other places. Just this week a bipartisan group of 114 mayors from towns and cities across the United States sent each Member of Congress a letter and report warning of an impending fiscal crisis in trying to pay for the increasing costs of environmental mandates. The President and Vice President were sent a copy of the letter and report when they took office yesterday. The editorial in the January 8 issue of Science alerts us to the "growing questioning of the factual basis for Federal command and control actions," all because of concerns over regulatory costs.

The message is clear. State and local governments will hold the Congress and EPA more accountable in the future about obligating them to spend their resources on Federal requirements. They will want proof that there is a problem and confidence that the legislated solutions will solve it. California's threat to give enforcement of its drinking water program back to EPA last spring speaks volumes. The most environmentally advanced State in the Union close to rebellion—a sobering prospect. The Science editorial suggests that we are seeing the "beginning of a revolt."

Clearly risk ranking and cost-benefit analyses aren't the sole factors for decisionmaking. Social concerns—who should bear risk for whose benefit—public preference, basic fairness must be considered, too. Truth be told, I suspect that environmental decisions have been based more on feelings than on facts. This is understandable in a prescientific field, but we are being overtaken by events. The questions that are key to making decisions about the environment are slowly but surely becoming more knowable.

There are those who discount relative risk ranking entirely because the assumptions needed to assess risk are myriad. Facts often seem scarce. What are we exposed to? What results does this produce? What portion of the population is affected? Or might be affected? There are no precise answers to these questions. And so risk assessments are controversial, at times very controversial. But we cannot forget that knowledge need not be precise to be useful.

Relative risk ranking and cost benefit analyses are tools. Crude tools today, yes, but perhaps they are sufficient in some cases to rank activity "A" as more risky than activity "B." If costs or political realities dictate that we should control "B" before "A", then great. But let us have the courage and foresight to make a conscious decision, in public, with people watching. History shows that crude tools give way to more refined ones. Experience teaches.

I'm introducing the Environmental Risk Reduction Act, to help us learn how best to practice the trades of environmental risk assessment and cost/benefit analyses. The bill will put into law the major findings of the 1990 "Reducing Risk" report by EPA's Science Advisory Board [SAB]. I agree with former EPA Administrator William Reilly's belief that science can lend much needed coherence, order, and integrity to costly and controversial decisions.

American's environmental laws are a large and diverse lot. We have only two decades of experience on this subject, and we are still learning, feeling our way. The relative risk ranking and cost/benefit analyses called for in this bill provide some common ground for looking at our environmental laws. The bill also provides the public and Congress with access to the findings. The "Reduction Risk" report states that "relative risk data and risk assessment techniques should inform (the public) judgment as much as possible." Not dictate it, but inform it.

All this will take time, decades perhaps. But let us take heart. Questions that seem difficult now can with a certain amount of effort yield to the scientific method.

I urge my colleagues to support this bill and ask unanimous consent that the text of this bill and the Science editorial be printed in the RECORD at this time.

There being no objection, the material ordered to be printed in the RECORD, as follows:

S. 110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Risk Reduction Act of 1993".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—Congress finds that—

(1) the cost of protecting the quality of the environment currently exceeds $115,000,000,000 per year;

(2) providing protection to a continually increasing population from the deleterious effects of global climatic change, stratospheric ozone depletion, the loss of biological diversity, and waste products will result in increases in the cost referred to in paragraph (1);

(3) although the cost referred to in paragraph (1) is not necessarily excessive, the amount is too substantial for the funds to be used ineffectively or inefficiently;

(4) there is a need to coordinate the development and implementation of environmental policies among policymakers of the Federal Government and the governments of States and political subdivisions of States;

(5) a key role of the Federal Government in the development of environmental policy is to support research to upgrade environmental science and engineering;

(6) ecological resources are extraordinarily valuable, and risks to the resources either directly or indirectly degrade human health and the economy;

(7) the most effective use of the funds referred to in paragraph (1) would—

(A) protect the greatest number of individuals from the most harm; and

(B) be supported by a public perception that subparagraph (A) is being carried out;

(8) pollution prevention and toxic use reduction are preferred techniques for environmental protection;

(9) the techniques referred to in paragraph (8)—

(A) should be considered, if feasible, in decisions related to environmental protection; and

(B) have recognized limitations, as some environmental hazards cannot be ameliorated through the use of the techniques;

(10) the ranking of relative risk is another important technique for environmental protection;

(11) the determination of safety is a social construct instead of a scientific one, and is based more on the values of individual control and social equity than on the knowledge of a defined risk;

(12) notwithstanding paragraph (11), scientific information plays an essential role in supporting environmental decisions by policymakers, as members of the general public use scientific information to understand the likelihood, nature, and magnitude of potential risks;

(13) it is necessary to maintain a clear conceptual distinction between the techniques of risk assessment and risk management;

(14) a risk assessment should—

(A) be the most accurate and informative quantitative evaluation of risk that is practicable to conduct; and

(B) include a statement of important identifiable uncertainties;

(15) risk management is a political process as well as a technical one;

(16) risk management integrates the findings of a risk assessment with other considerations, such as economic considerations, legislative mandates, and the level of public concern;

(17) good risk management requires a reliable and strictly objective risk assessment;

(18) the ranking of relative risks to human health, welfare, and ecological resources is a complex task, and is best performed by technical experts who do not have interests that could bias objective judgment;

(19) applying technology and resources to address the highest ranked risks within the intent of existing environmental laws and identifying highly ranked risks not addressed by law can significantly reduce risks to human health, welfare, and ecological resources;

(20) some populations of special concern appear to have a greater degree of sensitivity to environmental hazards, including pregnant women and fetuses, children, the elderly, chronically ill individuals, and individuals with certain racial and genetic characteristics;

(21) better risk assessment methodologies and a long-term commitment to collecting monitoring data on the condition of ecological resources and exposure of humans and ecosystems to pollutants are necessary to ensure—

(A) the identification of the greatest risks to human health and the environment; and

(B) that environmental laws are applied in such manner as to accomplishing the intended results of the laws;

(22) ranking risks must be an ongoing process and must reflect improvements in environmental data and scientific understanding;

(23) the Administrator needs a major national data base concerning environmental hazards to aid in the adjustment of priorities and programs to direct resources to ensure success in efforts to address the hazards;

(24) the environmental monitoring and assessment program created under this Act provides the functional equivalent of an environmental statistics program;

(25) although the National Academy of Sciences has documented flaws in the administration and management of the environmental monitoring and assessment program of the Agency in an interim report issued June 1992, the flaws can be addressed through improvements in the program, and more time is needed to address the flaws; and

(26) effective and efficient strategies to reduce risks must quantify significant costs and benefits to the greatest extent possible.

(b) POLICY.—It is the policy of the United States that—

(1) the environmental protection activities administered by the Administrator shall attain the greatest risk reduction possible with the resources available to the Administrator; and

(2) the ability to reduce risks requires—

(A) accurate, quantitative estimates of the exposure of humans and ecosystems to all important risk factors;

(B) accurate techniques for predicting the effects of the exposure referred to in subparagraph (A);

(C) an adequate understanding of technical, economic, social, and legal alternatives to achieve a reduction in exposure to risk factors; and

(D) accurate estimates of the costs and benefits of alternatives for reducing risks.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) AGENCY.—The term "Agency" means the Environmental Protection Agency.

(3) ECOLOGICAL RESOURCE.—The term "ecological resource" means a nonhuman living thing or habitat (and the interaction between a nonhuman living things and habitat) including a lake, stream, forest, wetland, desert, tundra, ocean, estuary, beach, grassland, agricultural area, or a vegetated urban or suburban area.

(4) EFFECT.—The term "effect" means a deleterious change in the condition—

(A) of a human or other living thing, (including death, cancer or other chronic illness, decreased reproductive capacity, or disfigurement); or

(B) of an inanimate thing important to human welfare (including destruction, degeneration, the loss of intended function, and increased costs for maintenance).

(5) ENVIRONMENTAL LAW.—The term "environmental law" means any environmental law administered by the Administrator that provides for the protection of the environment, including—

(A) title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act, 42 U.S.C. 300f et seq.);

(B) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(C) the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq);

(E) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(F) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(G) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(H) the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499);

(I) the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq); and

(J) any law administered by the Administrator concerning protection from sources of radiation.

(6) EXPOSURE.—The term "exposure" means the juxtaposition in time and space of a stressor with a human or other living thing or an inanimate thing important to human welfare, in such manner that an effect could result.

(7) IRREVERSIBILITY.—The term "irreversibility" means the extent to which a return to conditions prior to the occurrence of an effect are either very slow or will never occur (as determined by the Administrator).

(8) LIKELIHOOD.—The term "likelihood" means the estimated probability that an effect will occur.

(9) MAGNITUDE.—The term "magnitude" means the number of individuals or the quantity of ecological resources or other resources that contribute to human welfare that are affected by exposure to a stressor.

(10) RESPONSE.—The term "response" has the same meaning as the term "effect" under paragraph (4).

(11) RISK.—The term "risk" means the probability of the occurrence of an event.

(12) RISK ASSESSMENT.—The term "risk assessment" means a process that uses a factual base to—

(A) identify, characterize, and to the extent practicable quantify the potential adverse effects of exposure of individuals, populations, habitats, ecosystems, or materials to hazardous pollutants, environmental activities, or other situations; and

(B) to the extent practicable, identify and characterize identifiable important uncertainties.

(13) RISK MANAGEMENT.—The term "risk management" means, with respect to environmental decisionmaking, the process of weighing policy alternatives and seeking the most appropriate regulatory action that integrates the results of a risk assessment with social, economic, political, and other appropriate concerns to arrive at a decision.

(14) SERIOUSNESS.—The term "seriousness" means the intensity of effect, independent of the magnitude.

(15) STRESSOR.—The term "stressor" means a physical, chemical, or biological factor resulting from human activity that is capable of causing an effect on human health, welfare, or ecological resources.

(16) SUSTAINABILITY.—With respect to ecological resources, the term "sustainability" means the ability to maintain diverse, self-reproducing biological communities that are capable of meeting the current needs of humans without compromising the ability of future generations to meet needs, including—

(A) needs for natural resources such as food, fiber, lumber, fish, and game;

(B) environmental services such as flood mitigation, water storage, and the regulation of the chemistry of the atmosphere, oceans, and inland waters;

(C) opportunities for recreation and scientific study; and

(D) the need for appreciation of the beauty and diversity of nature.

(17) UNCERTAINTY.—The term "uncertainty" means the quantifiable and unquantifiable potential error in the estimation of risk that is caused by the quality of data, or the assumptions used in risk estimation.

SEC. 4. EXPERT ADVISORY COMMITTEES.

(a) REDUCTION.—

(1) IN GENERAL.—Through the careful assessment and ranking of relative risks and the options for the management of the risks, the Administrator shall use the resources available to the Administrator pursuant to environmental laws to reduce those risks to human health and welfare, and risks to ecological resources, that the Administrator determines to be the most likely, most serious, most irreversible, and of the greatest magnitude.

(2) OPERATION OF LAW.—In carrying out paragraph (1) the Administrator shall—

(A) conduct a reduction of risk in a manner consistent with the requirements of the environmental laws and any other law; and

(B) consider social, economic, and such other related concerns as the Administrator determines to be appropriate.

(3) ADVISORY COMMITTEES.—In order to ensure that the reduction of risks referred to in paragraph (1) is based on the best available scientific understanding, the Administrator shall seek the advice of the expert advisory committees established under subsections (b) and (c).

(b) COMMITTEE ON RELATIVE RISKS.—

(1) IN GENERAL.—The Administrator shall establish a Committee on Relative Risks (hereafter in this subsection referred to as the "Committee"). The Committee shall be independent from the Science Advisory Board.

(2) PURPOSE.—The Committee shall provide expert advice concerning ranking the relative risks of stressors to human health, welfare, and ecological resources.

(3) MEMBERS.—

(A) IN GENERAL.—The Administrator shall appoint 15 members to the Committee. In making appointments to the Committee, the Administrator may request nominations from the heads of the National Academy of Sciences, the National Academy of Engineering, the Science Adviser of the President, and such other individuals as the Administrator determines to be appropriate.

(B) REPRESENTATION.—The Administrator shall appoint a representative group of individuals on the basis of the recognized expertise and ability of the individuals in the areas of human health effects, ecological effects, welfare effects, engineering, economics, risk communications, and such other specialties related to risk management and risk assessment (that do not incorporate a purely statistical approach) as the Administrator considers appropriate.

(C) CONSIDERATIONS OF THE ADMINISTRATOR.—In making the appointments, the Administrator shall appoint members so as to represent a balanced spectrum of expertise and ability. The Administrator shall take such action as is necessary to ensure that—

(i) the appointments are made only on the basis of the criteria referred to in the previous sentence, and not on other criteria, such as political affiliation; and

(ii) each member appointed to the Committee has no real or apparent conflict of interest with respect to serving on the Committee.

(D) LIST.—The Administrator shall publish a list of the individuals who supply nominations pursuant to this paragraph.

(4) TERMS.—

(A) INITIAL TERMS.—Members initially appointed to the Committee shall serve for the following terms:

(i) Five members shall serve for an initial term of 2 years.

(ii) Five members shall serve for an initial term of 4 years.

(iii) Five members shall serve for an initial term of 6 years.

(B) Subsequent terms.—Upon completion of a term referred to under subparagraph (A), each member of the Committee subsequently appointed or reappointed shall serve for a term of 6 years. A vacancy on the Committee shall be filled in the same manner as the appointment was made.

(5) Chairperson.— Members of the Committee shall elect a Chairperson from among the members. The Chairperson shall serve for a term of 2 years.

(6) Criteria and guidelines.—The Committee shall establish appropriate criteria and guidelines to carry out the duties of the Committee under paragraph (7).

(7) Duties.—The Committee shall—

(A) identify and rank the greatest environmental risks to human health, welfare, and ecological resources, and incorporate the overall likelihood, seriousness, magnitude, and irreversibility of each of the risks;

(B) identify a common list of the greatest risks to human health, welfare, and ecological resources; and

(C) assess the state of pertinent scientific understanding and other factors contributing to uncertainty in the ranking of relative risk.

(8) Identification.—The Committee shall identify risks in such manner as to also identify—

(A) the need for new laws; and

(B) priorities under existing laws.

(9) Public meetings.—The Committee shall hold open public meetings to solicit input from the general public and such other sources as the Committee determines to be appropriate.

(10) Reports.—

(A) Reports to the administrator.—In accordance with this subsection, the Chairperson of the Committee shall report to the Administrator the findings of the Committee.

(B) Frequency of reports.—The Chairperson of the Committee shall report the findings of the Committee to the Administrator on or before August 1, 1995, and not less frequently than every 2 years thereafter. Upon receipt of the report, the Administrator shall forward a copy of the report to the Science Advisory Board.

(11) Review by science advisory board.—

(A) In general.—The Science Advisory Board shall review each report submitted to the Administrator and to Congress pursuant to paragraph (10) by not later than 6 months after the date of issuance of the report, and report the findings of each review to the Committee and to the Administrator.

(B) Review by committee.—The Committee shall review the findings of the Science Advisory Board, and shall by not later than 6 months after the date of receipt of the findings, revise the content of the report to take into consideration the findings of the Science Advisory Board, and submit the revised report to the Administrator.

(C) Revised report.—The Administrator shall make available copies of the revised report to the individuals and entities referred to in subsection (e).

(c) Committee on Environmental Benefits.—

(1) In general.—The Administrator shall establish a Committee on Environmental Benefits (hereafter in this subsection referred to as the "Committee") to provide expert advice on estimating quantitative benefits of reducing risks. The Committee shall be independent from the Science Advisory Board.

(2) Members.—

(A) In general.—The Administrator shall appoint 15 members to the Committee. In making appointments to the Committee, the Administrator may request nominations from the Association of Environmental and Resource Economists and such other groups and individuals as the Administrator determines to be appropriate.

(B) Representation.—The Administrator shall appoint a representative group of individuals on the basis of the recognized expertise and ability in areas including economics, engineering, public administration, health care, risk communication, and such other specialties related to risk management and risk assessment (that do not incorporate a purely statistical approach) as the Administrator considers to be appropriate.

(C) Considerations of the administrator.—In making the appointments, the Administrator shall appoint members in such fashion as to represent a balanced spectrum of expertise and ability. The Administrator shall take such action as is necessary to ensure that—

(i) the appointments are made only on the basis of the criteria referred to in the previous sentence, and not on other criteria, such as political affiliation; and

(ii) each member appointed to the Committee has no real or apparent conflict of interest with respect to serving on the Committee; and

(D) List.—The Administrator shall publish a list of the individuals who supply nominations pursuant to this paragraph.

(3) Terms.—

(A) Initial terms.—Members initially appointed to the Committee shall serve for the following terms:

(i) Five members shall serve for an initial term of 2 years.

(ii) Five members shall serve for an initial term of 4 years.

(iii) Five members shall serve for an initial term of 6 years.

(B) Subsequent terms.—Upon completion of a term referred to under subparagraph (A), each member of the Committee subsequently appointed or reappointed shall serve for a term of 6 years. A vacancy on the Committee shall be filled in the same manner as the appointment was made.

(4) Chairperson.— Members of the Committee shall elect a chairperson from among the members. The Chairperson shall serve for a term of 2 years.

(5) Criteria and guidelines.—The Committee shall establish appropriate criteria and guidelines to carry out the duties of the Committee under paragraph (6).

(6) Duties of the committee.—The Committee shall estimate, to the extent practicable, the monetary value, and such other values as the Committee determines to be appropriate, of—

(A) avoiding premature mortality;

(B) avoiding cancer, diseases, birth defects, and other health effects that reduce the quality of life;

(C) preserving biological diversity and the sustainability of ecological resources;

(D) an aesthetic environment;

(E) services performed by ecosystems (such as flood mitigation, provision of food or materials, or regulating the chemistry of the air or water) that, if lost or degraded, would have to be replaced by technology; and

(F) avoiding other risks identified by the Committee.

(7) Public meetings.—The Committee shall hold open public meetings to solicit input from the general public and such other sources as the Committee determines to be appropriate.

(8) Reports.—

(A) Reports to the administrator.—In accordance with this subsection, the Chairperson of the Committee shall report to the Administrator the findings of the Committee.

(B) Frequency of reports.—The Chairperson of the Committee shall report the findings of the Committee to the Administrator on or before August 1, 1995, and not less frequently than every 2 years thereafter. Upon receipt of the report, the Administrator shall forward a copy of the report to the Science Advisory Board.

(9) Review by science advisory board.—

(A) In general.—The Science Advisory Board shall review each report submitted to the Administrator and to Congress pursuant to paragraph (8) by not later than 6 months after the date of issuance of the report, and report the findings of each review to the Committee and to the Administrator.

(B) Review by committee.—The Committee shall review the findings of the Science Advisory Board, and shall by not later than 6 months after the date of receipt of the findings, revise the content of the report to take into consideration the findings of the Science Advisory Board, and submit the revised report to the Administrator.

(C) Revised report.—The Administrator shall make available copies of the revised report to the individuals and entities referred to in subsection (e).

(d) Compensation.—

(1) In general.—Each member of a committee established under this section who is not an officer or employee of the Federal Government shall be compensated at a rate not to exceed to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the committee. Each member of a committee established under this section who is an officer or employee of the United States shall serve without compensation in addition to that received for service as an officer or employee of the United States.

(2) Travel.—The members of the committees established under this section shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(e) Findings.—To ensure extensive opportunities for public participation and access, the Administrator shall communicate the findings in the reports of the committees and the Science Advisory Board reviews submitted to the Administrator pursuant to this section to—

(1) Congress;

(2) such other Federal agencies as the Administrator determines to be appropriate;

(3) the governments of such States and political subdivisions of States as the Administrator determines to be appropriate; and

(4) the general public.

(f) Disclosure.—Each member of a committee established under this section shall, as a condition to serving on the committee, agree to fully disclose financial interests. The Administrator shall ensure that appropriate measures are carried out to avoid any conflict of interest with respect to a member.

(g) STUDIES.—The Administrator may enter into a contract, execute an agreement, or issue a grant for carrying out studies to generate information to assist a committee established under this section in efforts to rank relative risks and estimate environmental benefits.

(h) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Agency $3,000,000 for each of fiscal years 1994 through 2000.

SEC. 5. RISK ASSESSMENT GUIDELINES.

(a) IN GENERAL.—

(1) RISK ASSESSMENTS.—To the extent practicable, The Administrator shall protect human health and the environment by using careful risk assessments and the evaluation of options for reducing risks.

(2) PROHIBITION.—The Administrator may not interpret or apply any provision of this Act in such manner as to delay a pending regulatory decision based on the outcome of research or analysis of the Administrator.

(b) RISK ASSESSMENT GUIDELINES.—The Administrator shall develop, and revise as appropriate, guidelines to ensure consistency and technical quality in risk assessments by specifying such minimum standards for different risk assessment approaches, as are appropriate for the scale of the problem, the level of scientific understanding, and the available data.

(c) INITIAL GUIDELINES.—The initial set of guidelines referred to in subsection (b) shall include risk assessments involving—

(1) human mutagenicity;

(2) human carcinogenicity;

(3) human developmental toxicants;

(4) human reproductive effects;

(5) human systemic toxicants;

(6) ecological effects of sources of pollutants from single sites;

(7) ecological effects of pollutants that originate from many sites;

(8) ecological effects from physical alteration of the environment;

(9) ecological effects of introducing nonnative or genetically engineered organisms;

(10) pollutants affecting manmade materials; and

(11) pollutants affecting the productivity of soils.

(d) ADDITIONAL GUIDELINES.—The Administrator shall develop such additional risk assessment guidelines as the Administrator determines to be warranted—

(1) by the state of pertinent scientific understanding; and

(2) by the need for sound decisions to protect human health, welfare, and the environment.

(e) MINIMUM REQUIREMENTS.—The risk assessment guidelines developed under this section shall include the following components:

(1) A hazard identification that demonstrates whether exposure to a stressor is causally linked to an effect.

(2) An assessment that measures or estimates the exposure of well-defined individuals, habitats, populations, ecosystems, or materials to a stressor.

(3) An assessment that determines or estimates the magnitude of response of affected individuals, habitats, populations, ecosystems, or materials associated with different levels of exposure to a stressor under representative or reasonably foreseeable environmental conditions.

(4) A risk characterization that provides an overall description of the nature and magnitude of probable effects resulting from alternative risk management options (including no action), together with a quantitative estimate of the accompanying uncertainties.

(f) PUBLICATION IN THE FEDERAL REGISTER AND REPORTS TO CONGRESS.—The Administrator shall—

(1) publish all initial risk assessment guidelines referred to in subsection (c) in the Federal Register not later than 5 years after the date of the enactment of this Act, and report annually to Congress on progress toward this goal;

(2) ensure that the guidelines are reviewed by the Science Advisory Board; and

(3) after taking into account the findings of the review of the Science Advisory Board and public comments, modify the guidelines and publish such revised guidelines in the Federal Register as are required to meet under subsection (d).

SEC. 6. RISK ASSESSMENT RESEARCH.

(a) IN GENERAL.—In order to provide the most cost-effective use of environmental resources and to ensure that the risk assessment process of the Agency is based on statistically sound and adequate environmental data and scientific understanding, the Administrator shall conduct a long-term core research program concerning environmental risk assessment research.

(b) ENVIRONMENTAL MONITORING AND ASSESSMENT PROGRAM.—As part of the program referred to in subsection (a), the Administrator shall conduct a research program to—

(1) design and evaluate methods and networks to collect monitoring data on the current and changing condition of the environment (including human health, ecological resources, materials, and exposure to environmental stressors) that are relevant to making decisions at the Federal level about alternative risk assessment and risk reduction options;

(2) in cooperation with the heads of other Federal agencies with relevant programs, implement the monitoring programs referred to in paragraph (1);

(3) manage data from the monitoring programs in forms and formats that are technically accurate, objective, and readily accessible to the scientific community and the general public (including providing attention to unavoidable uncertainties with respect to the data and the interpretation of the data); and

(4) provide annual statistical reports and periodic interpretive reports of the results of the monitoring programs to Congress and the general public.

(c) ENVIRONMENTAL RISK ASSESSMENT RESEARCH PROGRAM.—As part of the program referred to in subsection (a), the Administrator shall conduct a long-term core program to establish a firm scientific basis for initial and subsequent risk assessment guidelines, including methods for—

(1) assessing the exposure of humans, ecological resources, and materials to stressors and combinations of stressors, including methods for determining the relation between an environmental exposure and the probability of and scope of the effect;

(2) accurately predicting the effects of exposure to stressors on human health, ecological resources, and materials;

(3) quantifying statistical uncertainty in exposure and stress-response estimates;

(4) quantifying the social and economic values of effects on human health, welfare, and ecological resources;

(5) evaluating and developing measurements to aid in understanding and defining public awareness of the likelihood, seriousness, magnitude, and irreversibility of each risk examined in a risk assessment; and

(6) developing methods for the effective communication of the degree of risk.

(d) LONG-TERM RESEARCH PLANNING.—At least one-half of the research activities conducted under this Act shall be under contracts or assistance agreements with universities and other nonprofit or not-for-profit organizations (as defined by the Administrator). The assistance and contracts shall be—

(1) awarded under full and open competition; and

(2) for a period of at least 3 years, under which full funding shall be obligated at the beginning of the contract or agreement.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Agency to carry out this section $80,000,000 for fiscal year 1994, $130,000,000 for fiscal year 1995, and $200,000,000 for each of fiscal years 1996 through 2000.

SEC. 7. INVOLVEMENT OF THE SCIENTIFIC AND TECHNICAL COMMUNITY.

(a) IN GENERAL.—In developing the risk assessment guidelines under section 5 and in developing and implementing the core research program concerning environmental risk assessment research under section 6, the Administrator shall, to the maximum extent practicable, use the resources and personnel of the Agency.

(b) INTENT OF CONGRESS.—It is the intent of Congress that the Administrator, in addition to using the resources and personnel of the Agency pursuant to subsection (a), should aggressively solicit the advice of the Science Advisory Board and such other specialists in scientific fields as the Administrator determines to be appropriate to develop, evaluate, and interpret technical and scientific information.

SEC. 8. INTERAGENCY PANEL ON RISK ASSESSMENT AND REDUCTION.

(a) ESTABLISHMENT.—There is established an Interagency Panel on Risk Assessment and Reduction (hereafter in this section referred to as the "Interagency Panel") for the purpose of coordinating Federal research, data gathering, and implementation of environmental risk assessment and risk reduction activities.

(b) MEMBERSHIP.—The Interagency Panel shall consist of one representative from each of the following Federal agencies, nominated by the head of the agency (or with respect to an individual described in paragraph (9), nominated by the President Chairperson of the Committee, as appropriate) and appointed by the President:

(1) The Environmental Protection Agency.

(2) The Department of the Interior.

(3) The Department of Health and Human Services.

(4) The Department of Energy.

(5) The Department of Commerce.

(6) The Department of Agriculture.

(7) The Corps of Engineers.

(8) The Council on Environmental Quality.

(9) Any other Federal department or agency that the President, or the Chairperson of the Interagency Panel, considers appropriate.

(c) CHAIRPERSON.—The member of the Interagency Panel representing the Environmental Protection Agency shall serve as the Chairperson of the Interagency Panel.

(d) COORDINATION.—The Interagency Panel shall ensure that individual risk assessments and generic risk assessment practices carried out by agencies of the Federal Government are coordinated and made consistent to the greatest extent practicable.

(e) IDENTIFICATION OF INCONSISTENCIES.—The Interagency Panel shall—

(1) identify any inconsistencies between the risk assessments and practices carried

out by Federal agencies, and document the reasons for the inconsistencies; and

(2) make recommendations concerning whether changes should be made in the practices of the Federal agencies to minimize the inconsistencies, or whether the inconsistencies should be encouraged.

(f) REPORTS.—Not later than August 31, 1996, and every 2 years thereafter, the Chairperson of the Interagency Panel shall submit a report to the appropriate committees of Congress that summarizes the findings and recommendations of the Interagency Panel under this section.

SEC. 9. REPORTS TO CONGRESS.

(a) ASSESSMENT OF ENVIRONMENTAL RISK REDUCTION OPTIONS.—Not later than 24 months after the date of enactment of this Act, the Administrator shall prepare and submit a report to Congress that includes—

(1) a prioritized list of the human health, welfare, and ecological resource risks considered by the Committee on Relative Risks established under section 4(b);

(2) an identification of public awareness of the likelihood, seriousness, magnitude, and irreversibility of each risk referred to in paragraph (1);

(3) alternative options for reducing the risks referred to in paragraph (1) and corresponding estimated costs and benefits to society, including costs to Federal agencies and the private sector, and any adverse effects that cannot (as of the date of the report) be quantified in monetary terms;

(4) the period of time required for reducing the risks through each option referred to in paragraph (3);

(5) an evaluation of the uncertainty associated with relevant aspects of the assessment process;

(6) an identification of research or data collection that would significantly reduce the uncertainty in any assessment in the 2-year period following the date of submission of the report to Congress; and

(7) such other recommendations as the Administrator determines to be appropriate.

(b) INTENT OF CONGRESS.—It is the intent of Congress that the information contained in the annual report under this section be used to assist in directing the activities of the Agency so as to result in reducing the most serious and probable risks to the greatest number of individuals and reducing the most serious and probable risks to the sustainability of ecological resources.

(c) DUTIES OF THE ADMINISTRATOR.—The Administrator shall consider social and economic concerns and such other concerns as the Administrator considers to be appropriate to carry out this Act in a reasonable and prudent manner to ensure the protection of public health and the environment. In carrying out this Act, the Administrator shall comply with applicable legal requirements and ensure that the activities of the Administrator are open to public inspection. Nothing in this Act is intended to delay the activities of the Administrator in carrying out responsibilities under other environmental laws.

(d) ONGOING ASSESSMENT.—The Administrator shall revise and update the report submitted under this section to reflect new data or scientific understanding not later than 2 years after submitting the initial report, and at least every 2 years thereafter.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Except as provided in sections 4 and 6, nothing in this Act shall constitute a new authorization for the appropriation of funds.

[From Science, Jan. 8, 1993]

REGULATORY COSTS

On 20 January, the Democrats became sole heirs to a phenomenon of regulation gone amok. In April 1992, 59 regulatory agencies with about 125,000 employees were at work on 4,186 pending regulations. The cost during 1991 of mandates already in place has been estimated at $542 billion. The fastest growing component of costs is environmental regulations, which amounted to $115 billion in 1991 but are slated to grow by more than 50 percent in constant dollars by the year 2000.

Twenty years ago, costs of federal environmental regulations were not visible to the public. However, the number and stringency of unfunded federal requirements have since increased markedly. New and tighter regulations have drained funds from cities, towns, school districts, and individuals. A result is the beginning of a revolt. There is a growing questioning of the factual basis for federal command and control actions and of the scientific competence of the regulators.

Two examples will be cited. Nine participating cities in Ohio have made an important, detailed study of impacts on them of 14 environmental regulations or issues. They estimate their compliance costs (1992 to 2001) at about $3 billion. One of the cities, Columbus, had a budget of $591 million in 1991, of which $62 million went to environmental compliance. Projected compliance costs in 1995 are $107 million (1991 dollars). Faced with difficult funding choices, Mayor Greg Lashutka decided that Columbus should create its own Environmental Science Advisory Committee. The mayor had rich scientific resources including Ohio State University, Battelle, Columbus, and Chemical Abstracts. Edward F. Hayes, Vice President for Research of Ohio State University, was named chairman of the committee.

Hayes has questioned the judgment inherent in some of the federal command and control regulations. As one example he cited the Safe Drinking Water Act, which requires that at least 133 specified pollutants be monitored. Many of the substances are not present in significant quantities in Ohio. In other instances, mandated regulatory levels are extremely tight. He cited the herbicide Atrazine. Although its average level at water intakes is far below 3 parts per billion, the city may be required to install "best available technology" for Atrazine removal at a cost of $80 million for each of two surface water plants. Hayes has stated that the action level is 3 parts per billion because effects of massive doses to rats are extrapolated to infinitesimal doses in humans, and regulators included a thousandfold factor of safety. If the factor of safety were set at 100, then a major uncertainty would be removed, and Columbus would be more free to address real health problems in the community.

Another example of questioning of the judgment of federal regulators involves the U.S. Environmental Protection Agency (EPA) and its proposal to limit levels of radon in drinking water to 300 picocuries per liter. The EPA estimated that the cost to achieve this standard nationwide would be $1.6 billion in capital costs and additional annual expenses of $180 million. The Association of California Water Agencies (ACWA) found that the cost for meeting the radon water standard in California alone would approach $3.7 billion. National costs were estimated at $12 to $20 billion, and only 1 percent of the public radon exposure would be reduced. The ACWA lined up support from 27 California members of the House of Representatives. A letter dispatched to President Bush and signed by them included: "We are deeply concerned about new regulations which place a considerable financial burden on our citizens without providing appreciable public benefit."

Senator Daniel Patrick Moynihan (D-NY) has been aware of deficiencies at EPA. In the 102nd session of Congress he introduced S. 2132, a bill designed "To require the Administrator of the Environmental Protection Agency to seek ongoing advice from independent experts in ranking relative environmental risks; to conduct the research and monitoring necessary to ensure a sound scientific basis for decision-making; and to use such information in managing available resources to protect society from the greatest risks to human health, welfare, and ecological resources." The bill was not acted on, but a modified version will be introduced in the new Congress and should receive widespread support.—PHILIP H. ABELSON.•

By Mr. MOYNIHAN:

S. 111. A bill to amend title IV of the Social Security Act to direct the Secretary of Health and Human Services to develop and implement an information gathering system to permit the measurement, analysis, and reporting of welfare dependency; to the Committee on Finance.

WELFARE DEPENDENCY ACT

• Mr. MOYNIHAN. Mr. President, I rise today to introduce the Welfare Dependency Act of 1993. The purpose of the bill, which is directly modeled on the Employment Act of 1946, is to declare it the policy and the responsibility of the Federal Government to strengthen families and promote their self-sufficiency. To this end, the bill directs the Secretary of Health and Human Services to conduct a study to determine which statistics, if collected and analyzed on a regular basis, would be most useful in tracking and predicting welfare dependency. Within 2 years, the Secretary would report the conclusions to Congress, and, a year later, would submit a first report on dependency. Thereafter, reports would be submitted annually. These reports would include annual numerical goals for recipients and expenditures within each public welfare program. For the interim, the bill establishes a goal of reducing dependency to 10 percent of families with children.

For the first time in American history the largest proportion of persons in poverty are to be found among children, not among adults or among the aged. This is new. When we first began to notice this trend in the 1960's, it seemed that we had discovered something uniquely American. Then we began to get the returns of the Luxembourg Income Survey. Children, it seems, are poorer than adults in all manner of places: Australia, Canada, Germany, England, as well as the United States. For too long we have been trying to measure a postindustrial phenomenon—dependency—with statistics designed to track industrial-era phenomena.

We used to know something about how to predict welfare dependency. In the early 1960's when I was Assistant Secretary in the Department of Labor for Policy, Planning, and Research, we found that there was an extraordinary correlation between male unemployment and new welfare cases from the period starting in 1946 up to about 1958–59. Then the correlation weakened, until finally in 1963 the lines crossed and the relationship became negative—the lower the unemployment rate, the higher the number of AFDC cases. Now, even during prosperous periods for our Nation, a shockingly high percentage of our children are dependent on public support.

We do have some data on the magnitude of this problem, if not its origins. Back in the 1960's the Office of Economic Opportunity had the good sense to put up money for a longitudinal study of families at the Institute for Social Research at the University of Michigan. The researchers computed the incidence of welfare dependency among children born in the late 1960's. The findings are dismaying. Almost one quarter—22.1 percent—of these children were dependent on AFDC for at least 1 year before reaching their 18th birthday. That's 72.3 percent of black and 15.7 percent of nonblack children.

But these findings on the extent of the problem tell us little about what causes it or how to address it. Certainly some part of this explosion in welfare dependency can be attributed to changes in family structure. Three decades ago there was nothing notably amiss with the traditional family. American divorce rates were high, but stabilizing. The traditional family of parents with children was the norm. As recently as 1970, 40 percent of the Nation's households were made up of a married couple with one or more children. The proportion dropped to 31 percent in the next decade. It is now around a quarter of all families. Simultaneously, the proportion of families headed by a single mother has exploded. In 1970, 11.5 percent of all families with children were headed by a single mother. In 1980, 19.4 percent. In 1990, 24.2 percent. Now a quarter of all live births are out of wedlock.

Our data collection needs to become more systematic and institutionalized. As we did earlier in this century for the problem of unemployment when we enacted the Employment Act of 1946, we need to define welfare dependency as a national problem and to begin to measure, analyze, and address it. Since enactment of the Employment Act of 1946 unemployment has hardly disappeared but neither is it ignored, much less denied. I am introducing this bill on the first day of the new Congress because I believe that its passage would represent one of the most important moments in social welfare policy since Aid for Families with Dependent children was enacted as part of the Social Security Act of 1935.

I am happy to say that a virtually identical measure was included in the Revenue Act of 1992 which passed the Senate on October 8, 1992. I urge my colleagues to again pass this measure, which fell as a result of the President's veto of the Revenue Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Welfare Dependency Act of 1993".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—The Congress finds:

(1) In the period since 1960 the average annual caseload of the aid to families with dependent children program (hereafter referred to in this section as "AFDC") under title IV of the Social Security Act has quintupled.

(2) In 1990 there were on average almost twice as many households receiving AFDC payments as the number of households and individuals receiving unemployment compensation benefits.

(3) Nearly one-quarter of children born in the period 1967 through 1969 were on welfare (AFDC) before reaching age 18. For minority children this ratio approached three-quarters.

(4) At any given time one-quarter of school children are from single parent families, or households with neither parent. The National Assessment of Educational Progress has documented the educational losses associated with single parent or no parent households.

(5) Only one-quarter of father-absent families receive full child support and over one-half receive none.

(6) The average AFDC benefit has declined by more than one-third since 1960.

(7) The burden of welfare dependency is an issue of necessary concern to women, who in overwhelming proportion are the heads of single parent families.

(8) The rate of welfare dependency may be rising. However, the statistical basis on which to assess this national issue is wholly inadequate, much as the statistical basis for addressing issues of unemployment was inadequate prior to the Employment Act of 1946, which required the creation of the annual economic report of the President and the development of unemployment rates.

(b) CONGRESSIONAL POLICY.—The Congress hereby declares that—

(1) it is the policy and responsibility of the Federal Government to reduce welfare dependency to the lowest possible level, and to assist families toward self-sufficiency, consistent with other essential national goals;

(2) it is the policy of the United States to strengthen families, to ensure that children grow up in families that are economically self-sufficient and to underscore the responsibility of parents to support their children;

(3) the Federal Government should help welfare recipients as well as individuals at risk of welfare dependency to improve their education and job skills, to obtain access to necessary support services, and to take such other steps as may assist them to meet their responsibilities to become financially independent; and

(4) it is the purpose of this Act to aid in lowering welfare dependency by providing the public with generally accepted measures of welfare dependency so that the public can track dependency over time and determine whether progress is being made in reducing welfare dependency and enabling families to be self-sufficient.

SEC. 3. MEASUREMENT AND REPORTING OF WELFARE DEPENDENCY.

(a) IN GENERAL.—Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended by inserting after section 413 the following new section:

"MEASUREMENT AND REPORTING OF WELFARE DEPENDENCY

"SEC. 414. (a) DEVELOPMENT OF WELFARE DEPENDENCY INDICATORS, RATES, AND PREDICTORS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture, shall develop indicators, rates, and predictors of welfare dependency.

"(2) DEVELOPMENT.—The Secretary shall—

"(A) develop—

"(i) indicators and rates related to the level of welfare dependency in the United States; and

"(ii) predictors that are correlated with welfare dependency;

"(B) assess the data needed to report annually on the indicators, rates, and predictors, including the ability of existing data collection efforts to provide such data and any additional data collection needs; and

"(C) not later than 2 years after the date of the enactment of this section, provide an interim report containing conclusions resulting from the development and assessment described in subparagraphs (A) and (B), to—

"(i) the Committee on Ways and Means of the House of Representatives;

"(ii) the Committee on Education and Labor of the House of Representatives;

"(iii) the Committee on Agriculture of the House of Representatives;

"(iv) the Committee on Energy and Commerce of the House of Representatives;

"(v) the Committee on Finance of the Senate;

"(vi) the Committee on Labor and Human Resources of the Senate; and

"(vii) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"(3) CONSIDERATIONS.—In developing the indicators, rates, and predictors, the Secretary shall consider the complexity of patterns of welfare dependency and self-sufficiency attainment, and the external factors, including the economy, that affect welfare dependency.

"(b) ADVISORY BOARD ON WELFARE DEPENDENCY.—

"(1) ESTABLISHMENT.—There is established an Advisory Board on Welfare Dependency (hereafter referred to in this section as the "Board").

"(2) COMPOSITION.—The Board shall be composed of 12 members with equal numbers to be appointed by the House of Representatives, the Senate, and the President. The Board shall be composed of experts in the fields of welfare research and statistical methodology, representatives of State and local welfare agencies, and organizations concerned with welfare issues.

"(3) VACANCIES.—Any vacancy occurring in the membership of the Board shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

"(4) DUTIES.—Duties of the Board shall include—

"(A) providing advice and recommendations to the Secretary on the development of indicators, rates, and predictors of welfare dependency, and the identification of data collection needs and existing data collection efforts, described in subsection (a)(2)(B); and

"(B) providing advice on the development and presentation of the annual report on welfare dependency indicators, rates, and predictors required under subsection (c).

"(5) TRAVEL EXPENSES.—Members of the Board shall not be compensated, but shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

"(6) DETAIL OF FEDERAL EMPLOYEES.—The Secretary shall detail, without reimbursement, any of the personnel of the Department of Health and Human Services to the Board to assist the Board in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(7) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Board may accept the voluntary services provided by a member of the Board.

"(8) TERMINATION OF BOARD.—The Board shall be terminated at such time as the Secretary determines the duties described in paragraph (4) have been completed, but in any case prior to the submission of the first report required under subsection (c).

"(c) ANNUAL WELFARE DEPENDENCY REPORT.—

"(1) PREPARATION.—The Secretary shall prepare an annual report on welfare dependency in the United States. The report shall attempt to identify indicators, rates, and predictors of welfare dependency and trends in dependency, and provide information and analysis on the causes of dependency.

"(2) COVERAGE.—The report shall include analysis of families and individuals receiving assistance under means-tested benefit programs, including the program of aid to families with dependent children under this part, the food stamp program under the Food Stamp Act of 1977, and the Supplemental Security Income program under title XVI, or as general assistance under programs administered by State and local governments.

"(3) CONTENTS.—Each report shall set forth—

"(A) for each of the means-tested benefit programs described in paragraph (2)—

"(i) current trends in the number and rates of recipients and the characteristics, including age, sex, marital status, presence of children, labor force participation, and disability, of the recipients; and

"(ii) total expenditures;

"(B) the proportion of the total population receiving each of the programs and patterns of multiple program participation and recipiency duration;

"(C)(i) characteristics of each such program, including total expenditures broken down by Federal and State shares, gross income limit, need standards, and maximum potential benefit by State; and

"(ii) a description of the interactions among the programs;

"(D) in the case of the second, or a subsequent, report, changes in the information described in subparagraphs (A) through (C) from the previous year, and trends in program participation;

"(E) annual numerical goals for recipients, and expenditures, within each program and within significant subgroups within the population, for the calendar year in which the report is transmitted and for each of the following 4 calendar years, which goals shall, consistent with other essential national goals, reflect the objectives of—

"(i) reducing welfare dependency to the lowest possible level; and

"(ii) increasing family self-sufficiency at or above the Federal poverty level to the greatest extent possible;

"(F)(i) the programs and policies as the Secretary, in consultation with the Board, determines are necessary to meet the goals for each of the 5 years; and

"(ii) such recommendations for legislation, which shall not include proposals to reduce eligibility levels or impose barriers to program access, as the Secretary may determine to be necessary or desirable to reduce welfare dependency; and

"(G) interim goals for reducing the proportion of children, and families with children, who are recipients of aid to families with dependent children to 10 percent of families with children, adjusted for economic conditions.

"(4) SUBMISSION.—The Secretary shall submit such a report not later than 3 years after the date of the enactment of this section, and annually thereafter, to the committees specified in subsection (a)(2)(C). The report shall be transmitted during the first 60 days of each regular session of Congress.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective on the date of the enactment of this Act.•

By Mr. MOYNIHAN:

S. 112. A bill to establish the Hudson River Artists National Historical Park in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

THOMAS COLE NATIONAL HISTORIC SITE

• Mr. MOYNIHAN. Mr. President, I rise to introduce a bill that would place the home and studio of Thomas Cole under the care of the National Park Service as a national historic site. Thomas Cole founded the American artistic tradition known as the Hudson River School. He painted landscapes of the American wilderness as it never had been depicted, untamed and majestic, the way Americans saw it in the 1830's and 1840's. His students and followers included Frederick Church, Alfred Bierstadt, Thomas Moran, and John Frederick Kennesett.

No description of Cole's works would do them justice, so let me just say that their moody, dramatic style and subject matter bore sharp contrast to the pastoral European landscapes that Americans had previously admired. The new country was just settled enough that some people had time and resources to devote to collecting art. Cole's new style coincided with this growing interest, to the benefit of both.

Cole began his painting career in Manhattan, but one day took a steamboat up the Hudson for inspiration. It worked. The landscapes he saw set him on the artistic course that became his life's work. He eventually moved to a house up the river in Catskill, where he in turn boarded, owned, married, and raised his family. That house, known as Cedar Grove, remained in the Cole family until 1979, when it was put up for sale. Three art collectors saved it from developers, and now the Thomas Cole Foundation is offering to donate the house to the Park Service.

In addition to designating the Cole house a national historic site, the Secretary of the Interior would be allowed to acquire at no cost some surrounding lands now owned by the State of New York which include some of the landscapes depicted by Thomas Cole and disciples. Such an area would be known as the Hudson River Artists National Historic Park, and would be as large as 19,000 acres.

Mr. President, the home of one of the most influential 19th century American painters is being offered as a donation. I believe we owe it to him, and to the many people who admire the Hudson River School and explore its origins, to accept this offer and designate it a national historic site.

I regret that none of Thomas Cole's work hangs in the Capitol, although two works by Bierstadt can be found in the stairwell outside the Speaker's lobby. Perhaps Cole's greatest work is the four-part Voyage of Life, an allegorical series that depicts man in the four stages of life. It can be found in the National Gallery, along with two other Cole paintings. The National Gallery recently had a major exhibition of works by Church, who was Cole's first student.

I urge my colleagues to seek out these and other works from the Hudson River School. They are proof enough of Cole's importance and the need to add his home to the list of National Historic Sites.

Mr. President, I ask that the text of my bill be printed at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hudson River Artists National Historical Park Act of 1993".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) HUDSON RIVER ARTISTS.—The term "Hudson River artists" means artists who belonged to the Hudson River School of Landscape Painting described in section 3(a)(1).

(2) HUDSON RIVER VALLEY REGION.—The term "Hudson River Valley region" means the counties of Albany, Columbia, Dutchess, Greene, Orange, Saratoga, Putnam, Rockland, Ulster, Rensselaer, Washington, Bronx, New York, and Westchester in the State of New York.

(3) PARK.—The term "Park" means the Hudson River Artists National Historical Park established pursuant to section 4(b).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) SITE.—The term "Site" means the Thomas Cole National Historic Site established by section 4(a).

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Hudson River School of Landscape Painting was inspired by Thomas Cole and was characterized by a group of 19th century landscape artists who recorded and celebrated the landscape and wilderness of America, particularly the Hudson River Valley region in the State of New York;

(2) Thomas Cole and his student Frederic Church have been recognized as America's most prominent landscape and allegorical painters in the mid-19th century;

(3) the Thomas Cole House in Greene County, New York, and the Olana State Historic Site and the home and studio of Frederic Church in Columbia County, New York, are listed on the National Register of Historic Places and are designated as National Historic Landmarks;

(4) within a 15-mile area of the Thomas Cole House, an area that forms a key part of the rich cultural and natural heritage of the Hudson River Valley region, significant landscapes and scenes painted by the Hudson River artists survive intact;

(5) collectively, the resources described in paragraphs (3) and (4) provide—

(A) opportunities for illustrating and interpreting cultural themes of the heritage of the United States; and

(B) unique opportunities for education, public use, and enjoyment; and

(6) New York State has established the Hudson River Valley Greenway to promote the preservation, public use, and enjoyment of the natural and cultural resources of the Hudson River Valley region.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve and interpret for the benefit, inspiration, and education of the people of the United States significant places illustrative and representative of the legacy of the Hudson River artists;

(2) to help maintain the integrity of the setting in the Hudson River Valley region that inspired artistic expression;

(3) through cooperative management, to coordinate the interpretive, preservation, and recreational efforts of Federal, State, and other entities in the Hudson River Valley region in order to enhance opportunities for education, public use, and enjoyment; and

(4) to broaden public understanding of the Hudson River Valley region and its role in American prehistory, history, and culture.

SEC. 4. ESTABLISHMENT OF SITE AND PARK.

(a) THOMAS COLE NATIONAL HISTORIC SITE.—There is established, as a unit of the National Park System, the Thomas Cole National Historic Site—

(1) consisting of the home and studio of Thomas Cole, which is comprised of the 3.4 acre site and improvements on the site that are located at 218 Spring Street, Village of Catskill, State of New York; and

(2) as generally depicted on the map entitled "Thomas Cole National Historic Site Boundary Map", found in figure 3, page 16 of the report on the Thomas Cole House Feasibility/Suitability Study (TCH80002NAR).

(b) HUDSON RIVER ARTISTS NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—At such time as the Secretary determines that sufficient lands, improvements, and interests in lands and improvements have been acquired, or at such time as the Secretary has entered into cooperative agreements satisfying the interpretive, preservation, and historical objectives of this Act, the Secretary may establish the Hudson River Artists National Historical Park in the State of New York by publication in the Federal Register of—

(A) notice of the establishment; and

(B) a detailed description or map setting forth the lands and improvements included in the Park.

(2) INCLUDED LANDS.—The Park shall consist of—

(A) the Site, as depicted in the map referred to in subsection (a)(2); and

(B) the approximately 19,471 acres of lands and improvements on the lands that are—

(i) owned by the State of New York;

(ii) managed as the Kaaterskill Wild Forest, North Mountain Wild Forest, Blackhead Range Wild Forest, North/South Lake Intensive Use Area, Rogers Island Wildlife Management Area, and Rogers Island Overlook Scenic Area; and

(iii) under the jurisdiction of the Department of Environmental Conservation of the State of New York.

(c) MAPS.—The maps referred to in this section shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

SEC. 5. ACQUISITION OF REAL AND PERSONAL PROPERTY AND SERVICES.

(a) REAL PROPERTY.—

(1) IN GENERAL.—The Secretary may acquire—

(A) by donation only, the lands and improvements described in section 4(b)(2)(B); and

(B) such lands and improvements in Catskill, New York, as are necessary for the management and operation of the Site.

(2) STATE LANDS.—Lands and improvements owned by the State of New York may be acquired by the Secretary only by transfer at no cost to the Federal Government.

(b) PERSONAL PROPERTY.—For the purposes of the Park, the Secretary may acquire historic objects and artifacts and other personal property associated with and appropriate for the interpretation of the Park.

(c) OTHER PROPERTY, FUNDS, AND SERVICES.—For the purpose of carrying out this Act, the Secretary may—

(1) enter into cooperative agreements with—

(A) the Office of Parks, Recreation and Historic Preservation of the State of New York;

(B) the Department of Environmental Conservation of the State of New York; and

(C) other appropriate State, county, and local entities and individuals, including—

(i) the Thomas Cole Foundation;

(ii) the Greene County Historical Society;

(iii) the Hudson River Valley Greenway Council; and

(iv) other private museums and institutions; and

(2) accept donated funds, property, and services.

SEC. 6. ADMINISTRATION OF PARK.

(a) IN GENERAL.—The Secretary shall administer the Park in accordance with—

(1) this Act; and

(2) all laws generally applicable to national historic sites, including the Acts entitled—

(A) "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(B) "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) PRESERVATION AND INTERPRETATION.—

(1) IN GENERAL.—Subject to paragraph (2), in administering the Park, the Secretary shall—

(A) preserve and interpret the Site;

(B) preserve and perpetuate knowledge and understanding, and provide for public understanding and enjoyment, of the lives and works of the Hudson River artists; and

(C) provide assistance to public and private entities in the interpretation of the Hudson River artists, their houses and studios, and the vistas depicted by the artists throughout the Hudson River Valley region.

(2) STATE PROPERTIES.—

(A) IN GENERAL.—The Secretary shall take no action with respect to the lands and structures owned by the State of New York within the boundaries of the Park except through cooperative agreements in accordance with subsection (c).

(B) STATE FOREST PRESERVE.—With regard to lands within the State Forest Preserve, the provisions of a cooperative agreement as described in subparagraph (A) shall be in strict conformance with the pertinent provisions of the Constitution of the State of New York.

(c) COOPERATIVE AGREEMENTS WITH NEW YORK AND OTHER ENTITIES.—

(1) IN GENERAL.—

(A) AUTHORITY OF SECRETARY.—To further the purposes of this Act, the Secretary may consult with and enter into cooperative agreements with the State of New York and other public and private entities.

(B) PURPOSES OF AGREEMENTS.—Each agreement shall—

(i) facilitate the development, presentation, and funding of art exhibits, resident artist programs, and other appropriate activities related to the preservation, interpretation, development, and use of the Park; and

(ii) encourage an appreciation of the scenic and artistic tradition inspired by the Hudson River artists.

(C) TECHNICAL ASSISTANCE.—Through agreements, the Secretary may provide technical assistance to cooperating entities described in subparagraph (A) for the marking, interpretation, restoration, preservation, or interpretation of any property listed in section 4.

(D) INTERPRETATION AGREEMENTS.—The Secretary may enter into additional cooperative agreements to plan and coordinate the interpretation of the cultural and natural history of the Hudson River Valley region, which provides the context for the work of the Hudson River artists.

(2) LIBRARY AGREEMENT.—The Secretary may enter into a cooperative agreement with the Greene County Historical Society to provide for the establishment of a library and research center at the Site.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than the end of the second fiscal year that begins after the establishment of the Park, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives a general management plan for the Site and the Park.

(2) CONSULTATION.—In preparing the plan, the Secretary, acting through the Director of the National Park Service, shall consult with advisors (including representatives of cooperating entities described in subsection (c)(1)(A), representatives of local and munici-

pal interests, nationally recognized historians, scholars, and other experts) concerning the interpretation, preservation, and visitation of, and other issues pertaining to, the Park and other sites of related historical or scenic significance in the Hudson River Valley region.

(3) REQUIREMENTS.—The plan shall be prepared in accordance with—

(A) this subsection;

(B) section 12(b) of the Act entitled "An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes", approved August 18, 1970 (16 U.S.C. 1a–7); and

(C) other applicable law.

(4) CONTENTS.—The plan shall include—

(A) recommendations and cost estimates for the identification, marking, interpretation, and preservation of properties and landscapes associated with the Hudson River artists and located throughout the Hudson River Valley region (to be carried out through cooperative agreements and other means considered appropriate and practicable);

(B) recommendations on ways to broaden public understanding of the Hudson River Valley region and its role in American prehistory, history, and culture; and

(C) recommendations on ways to foster relevant public education, resource preservation, and appropriate levels of regional tourism.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.●

By Mr. MOYNIHAN (for himself and Mr. CHAFEE):

S. 113. A bill to amend title 18, United States Code, to require that persons comply with State and local firearms licensing laws before receiving a Federal license to deal in firearms; to the Committee on the Judiciary.

COMPLIANCE WITH STATE AND LOCAL FIREARMS LICENSING LAWS

● Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill to prevent the issuance of a Federal license to deal firearms unless the applicant has a State and local license for the same purpose. I introduced this bill in the 102d Congress and am hopeful that with all the recent publicity that this loophole has received in the press and in the media, that we will pass the measure.

We are a gun-saturated society, and we must begin to deal effectively with the firearms epidemic that exists in our country. In December 1992, the Federal Bureau of Alcohol, Tobacco and Firearms [BATF] reported that 1 in 4 guns in New York and 1 in 3 from the District of Columbia actually comes from Virginia. The Governor of the Commonwealth has studied these facts and now seeks to implement laws to rectify this problem.

And so we too must closely scrutinize our firearms laws and, like Virginia's Gov. L. Douglas Wilder, take appropriate action. I am proposing that we do just that.

Our streets are riddled with crime involving guns, and many of the guns are possessed illegally. Too often these illegal firearms get to the street from people without licenses to sell in their locality. A 3-year Federal license to deal in firearms may be obtained from the Bureau of Alcohol, Tobacco and Firearms [BATF] for $30. A valid State of local dealers license is not required. In New York City, for example, fewer than 1 in 12 people who have Federal dealer licenses holds a valid local license. In the District of Columbia, where handgun sales are banned, 35 have Federal dealers licenses. In fact, federally licensed dealerships have increased 64 percent from 174,000 in 1980 to over 285,000 today.

Law enforcement officials at every level worry that easy access to Federal dealer licenses may contravene efforts to control the flow of guns to criminals. The Gun Control Act of 1968 prohibits anyone but a federally licensed dealer from shipping guns interstate directly from the manufacturer or distributor. But the loophole permits gun running. People with licenses, says BATF, "can purchase any handgun, rifle, or shotgun anywhere and anytime." Thousands of guns are bought by federally licensed dealers and sold illegally to drug gangs, organized crime, and common street criminals.

Law enforcement agencies have attempted to stem this flow. BATF has brought criminal charges against approximately 289 dealers in the past 2 years, and New York City police have caused 18 to be surrendered. But there are 285,035 licenses nationwide, and almost 40,000 apply for new licenses each year. Only 37 of 34,000 new permit requests were denied during the same year.

This bill does not mandate new gun control legislation for the States. It simply requires that Federal licensing of dealers conforms to standards established at the State and local levels. It is simple common sense.

"It's a loophole you can drive a truck through," one Federal law enforcement official told the Washington Post. I hope my colleagues agrees it is time to close this loophole. I urge them to cosponsor this legislation.

I ask unanimous consent that the text of the bill, a letter of support sent to me by former New York City Police Commissioner Lee Brown, and articles from the New York Times and Washington Post be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPLIANCE WITH STATE AND LOCAL FIREARMS LICENSING LAWS REQUIRED BEFORE ISSUANCE OF FEDERAL LICENSE TO DEAL IN FIREARMS

(a) IN GENERAL.—Section 923(d)(1) of title 18, United States Code, is amended.

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) in the case of an application for a license to engage in the business of dealing firearms—

"(i) the applicant has complied with all requirements imposed on persons desiring to engage in such a business by the State and political subdivision thereof in which the applicant conducts or intends to conduct such business; and

"(ii) the application includes a written statement which—

"(I) is signed by the chief of police of the locality, or the sheriff of the county, in which the applicant conducts or intends to conduct such business, the head of the State police of such State, or any official designated by the Secretary; and

"(II) certifies that the information available to the signer of the statement does not indicate that the applicant is ineligible to obtain such a license under the law of such State and locality.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to applications for a license that is issued on or after the date of the enactment of this Act.

INTERNATIONAL ASSOCIATION
OF CHIEFS OF POLICE,
Arlington, VA, June 28, 1991.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MOYNIHAN: I am writing to urge you to introduce to the Senate a bill requiring all Federal Firearm license applicants to submit proof that they are duly licensed under state and local law.

I urge you to take this action as President of the International Association of Chiefs of Police (IACP) and as Police Commissioner of the New York City Police Department.

As you know, under current federal regulations, applicants for Federal Firearm Licenses (FFL) are already required to be licensed with the state and local government of their residence. This legislation merely closes a loophole allowing FFL holders to order weapons for delivery to their houses or businesses without compliance with local licensing requirements.

In my capacity as President of IACP, one of the largest police agencies in the nation, I remind you of the paramount concern law enforcement has with stopping the entry of illegal guns into our local jurisdictions. The legislation introduced in the House by Congressman Bill Green, requiring proof of compliance with state and local law, is consistent with the stated policies of IACP. I am urging you to introduce a similar bill in the Senate.

In summary, I believe that with illegal firearms currently causing an alarming rate of death and serious injuries, the closing of this legislative loophole is both wise and timely. I urge you to give your attention to the introduction of this legislation.

Sincerely,

LEE P. BROWN,
President.

[From the Washington Post, Dec. 2, 1992]

LICENSE TO KILL

In an eye-opening series this week titled "Under the Gun," staff writer Pierre Thomas reported that getting a federal license to sell firearms is a snap. Fill out a short form, pay $30, and in about 45 days you've got a license.

No fuss and probably no bother—most records aren't audited for decades. No wonder business is jumping—with more than 270 licenses a day issued in 1991. Of 34,000 applications for new licenses last year, only 37 were denied. There were 57,327 licenses renewed and only 15 renewal applications denied. The total number of license-holders, most of them considered law-abiding, is ridiculously high—276,000, up 59 percent since 1980, while the number of federal inspectors assigned primarily to gun dealers is down 13 percent. And oh, yes: Guns have killed 60,000 people in this country in five years.

So what's the matter with the U.S. Bureau of Alcohol, Tobacco and Firearms, the agency that dishes out all these licenses and then can't begin to monitor them? This agency is only as effective as the law allows it to be, and in this case the law is just the way—weak—the NRA likes. The gun lobby prefers an agency with minimum computerized capacity to check records or use a central database. In 1986, when members of Congress were even more cowed by the gun lobby than they are today, the NRA and its semiautomatic water-carrier in the Senate at the time—Republican James A. McClure of Idaho, now retired—succeeded in weakening what law was on the books. His legislation reduced certain recordkeeping violations by dealers from felonies to misdemeanors and forbade ATF to inspect any gun dealer more than once a year.

ATF needs its teeth back. The agency is good at what it is allowed to do, including the tracking of guns, even though it may have to sift through slips of paper because it hasn't been able to computerize its records quickly enough. Good legislation has been proposed before and should be enacted now. It's obvious that tougher federal controls are needed, along with a force that can inspect all license-holders regularly. One other proposal that could take effect quickly would require any applicant for a federal license to supply certification of compliance with all state and local ordinances. This, with an accelerated automation and inspection plan, could begin to make a difference right away. So could some tighter rules on applications for renewals.

The gun manufacturers for whom the NRA fronts will insist that the killers will always get firearms without paying attention to tougher controls. Why not test their argument? As it stands, the federal system is a disgrace.

[From the New York Times, Jan. 4, 1991]

Revoking Licenses To Kill

(By James B. Jacobs)

The Federal Bureau of Alcohol, Tobacco and Firearms and New York City, both license firearms dealers, but the city's licensing criteria are much more stringent, requiring fingerprints and a criminal-records check. Consequently, according to the New York City police, there are 1,043 federally licensed firearms dealers in New York City but only 77 city-licensed dealers.

Anyone with a Federal license can purchase unlimited firearms by mail order from manufacturers. The B.A.T.F. is required to grant an applicant's request for a license unless it has evidence that the applicant fails to meet Federal standards. Since the bureau does not require fingerprints or proof of eligibility, it essentially operates as an honor system. Moreover, while Federal regulations require prospective firearms dealers to follow all state and local laws and regulations, they do not require proof of having obtained a local license.

Not surprisingly, some federally licensed firearms dealers in New York City have criminal records and, even worse, are in business to supply weapons to criminals. A 1985 U.S. Department of Justice study found that 21 percent of armed criminals obtained their handguns directly through licensed gun dealers.

A small but eminently sensible step to take would be for Congress or the B.A.T.F. to require that applicants for Federal licenses provide proof to having met local laws for dealing in firearms. A New York City applicant would have to show that he had conformed to the city's demanding standards. If he could not make such a showing, he would be unable to obtain a Federal license—and unable to purchase firearms directly from legitimate manufacturers and wholesalers.

Hit-or-Miss Control of Firearms Sales; Enforcers Can't Keep Up With Dealers

(By Pierre Thomas)

Getting a federal license to sell rifles, shotguns and handguns can be as easy as sending in a two-page form and paying a $30 fee. Look for the license in your mailbox 45 days or so later.

Chances are nearly nine out of 10 that no one will interview you beforehand. Once you're licensed, federal inspectors won't get around to auditing your records and business practices for about 20 years. Renewals of the three-year license are virtually automatic.

Even if you live in the District, where local law has banned handgun sales since 1976 and the homicide rate has soared, you can obtain a federal permit to sell firearms.

The District's ban on handgun sales is only as strong as dealers' willingness to limit their business to rifles and shotguns. There are 46 federally licensed gun dealers in the District, and in the last two years, inspectors have checked two. D.C. police leave responsibility for monitoring dealers to the federal government.

"It's a joke," said Melvin Abrams, a longtime Baltimore County gun dealer. "The politicians are screaming about gun control, but [the federal government] is handing out licenses to every Tom, Dick and Harry. And then they never check the people, It make you want to scream."

More than 60,000 people nationwide have been killed with guns in the last five years. The federal licensing system, meanwhile, if not a joke, is at least a well of irony, its critics and top officials agree.

At the heart of that irony is the U.S. Bureau of Alcohol, Tobacco and Firearms. It is the federal agency most responsible for enforcing federal gun-control laws and curbing illegal gun trafficking, but its mission as a licensing agency is to get permits into—not keep them out of—the hands of dealers. Congress and powerful lobbyists pressure the bureau constantly to make gun-selling in the United States as hassle-free as possible.

"Anybody can get a license to sell firearms," said Tony Haynes, head of ATF's licensing center. More than 270 licenses a day—91,000 new and renewed permits in all—were issued in 1991 by the licensing center, which is in Atlanta. Of 34,000 applications for new licenses that year, 37 were denied. The agency renewed 57,327 licenses, while denying 15 renewal requests.

Haynes said his mandate is to "issue licenses and to do it as quickly and efficiently as possible." Federal regulations require ATF to process applications within 45 days.

There are more than 276,000 federally licensed gun dealers in the United States. ATF officials say that most are law-abiding, but that the agency has issued more permits than it can hope to monitor closely.

ATF bureau has 13 percent fewer field inspectors assigned primarily to gun dealers today than it had a decade ago. The number of federally licensed dealers, however, has grown rapidly. In 1980, there were 174,000; now there are 102,000 more—an increase of 59 percent.

Stephen Higgins, director of the agency, said that at present inspection rates and with current staff levels, it will be 20 years before ATF inspectors audit some licensees. "With 280,000 licensed dealers," Higgins said, "we're not going to get around to some of these people in their lifetime."

"No, I'm not comfortable with that, but the unfortunate fact is that we are not going to get more" money for inspections, Higgins said. "It's much easier to get Congress to approve task forces . . . of agents who are going to be working street gangs or violent criminals."

Such special operations have become more common in recent years, and arrests by ATF's 1,947 agents have grown. A surprising number of dealers have been accused of breaking the law and contributing to urban violence:

At least 600 federally licensed dealers across the country have been arrested on criminal charges in the last five years, most for illegal weapons sales.

More than a dozen federally licensed dealers in Detroit have been charged with providing more than 2,000 firearms to criminals in the city.

A Richmond gun dealer recently pleaded quilty to falsifying federal firearms reports and then committed suicide after 100 guns he sold were confiscated in New York.

"There are just so many [new dealers] coming in," said Ed McKita, who supervises nine ATF inspectors responsible for monitoring 7,500 licensed Virginia dealers from a field office in Richmond. "There is just so much that you can do."

ATF'S HISTORY

Formed in 1972 as a branch of the Treasury Department, the bureau traces its history to 1863, when Congress established an office to collect taxes on alcohol.

In the 1920s, the Bureau of Prohibition was set up to track down bootleggers and gangsters. AFT agents today proudly declare themselves successors of that bureau's most famous agent, Eliot Ness, who snared mobster Al Capone and whose exploits were memorialized in a television series, "The Untouchables," and a movie of the same name.

AFT, nevertheless, has worked in the shadow of the more prestigious and better-funded Federal Bureau of Investigation, part of the Justice Department. ATF, with 4,203 employees, has a $341 million annual operating budget, less than a quarter of the FBI's.

ATF's deities include apprehending gunrunners, investigating explosions and arsons, auditing cigarette plants and tracking down the relatively few remaining moonshiners. The agency says it collects $10 billion in taxes from the industries it regulates.

The mandate for ATF's regulation of firearms is the Gun Control Act of 1968, the nation's primary gun-control law, passed after the shooting deaths of the Rev. Martin Luther King Jr. and Sen. Robert F. Kennedy.

The law provided for more comprehensive licensing of and record keeping by dealers so that weapons used in violent crimes could be traced to their original purchasers. The law also banned felons, people deemed mentally incompetent and some other from receiving, possessing or selling firearms.

ATF is charged with licensing dealers and with making sure that their sales are properly recorded and that they do not knowingly sell to prohibited buyers. It also runs the federal gun-tracing center in Landover, which helps law enforcement agencies track weapons used in violent crimes.

ATF's efforts to regulate guns have been hamstrung for years by the powerful gun lobby, led by the National Rifle Association. When, for instance, ATF tries to track a gun used in a crime, it often does so by flipping through slips of paper recording gun sales. Congress, responding to NRA assertions, has denied the agency money to computerize certain records of gun sales.

The gun lobby is opposed to any central database of gun owners, fearing it eventually could lead to confiscation of weapons from law-abiding citizens.

Proponents of stricter national gun control generally support strengthening ATF's oversight of dealers. Opponents often attack the competence of the agency and the attitudes of its agents, often described by critics as overzealous.

The agency has "made an awful lot of errors in their enforcement efforts," said James A. McClure, an Idaho Republican and frequent ATF critic who retired from the Senate in 1990. "Some pretty awful things were done—unlawful search and seizures, entrapment" of gun dealers. At times, McClure said, the agency "trampled on the Constitution."

Rep. William J. Hughes (D-N.J.), a supporter of stricter gun control, said complaints such as McClure's are "grossly overexaggerated" and part of overall efforts to "decimate the agency."

"There has been a concerted effort in recent administrations and in Congress," Hughes said, "to beat them down."

Hughes pointed to legislation cosponsored by McClure and passed in 1986 that reduced certain record-keeping violations by dealers from felonies to misdemeanors and forbade ATF to inspect any gun dealer more than once a year.

"We wanted them to get back to the field [to make criminal cases] rather than harassing dealers," McClure said. "We as Americans don't like the idea of Big Brother." Hughes countered that those changes produced a system with "no safeguards."

While required to issue permits quickly, ATF also is expected to ensure that undesirables do not get them. That process can be fraught with pitfalls.

Four ATF computer operators run names and Social Security numbers through a Treasury Department database to determine whether applicants are under federal investigation. They also check the FBI-run National Crime Information Center, a databank of crime records from federal, state and local agencies.

While some consider the FBI databanks more than adequate, others contend there are critical flaws in it. The system usually cannot determine, for example, when the name and Social Security number on an application are false.

Several years ago, in an effort to underscore that weakness, a reporter submitted a made-up Social Security number as part of the application for a gun dealer's license for a pet dog, Haynes said. The computer found no criminal record under the dog's name, Fifi, or Social Security number, and a license was issued.

"If a criminal lies, I can't catch that up front," Haynes said. "Fifi the dog was clean."

David Nemecek, the head of the National Crime Information Center, said in a recent interview that though there are more than 16 million records in the system, not all local agencies contribute information. The database, moreover, is more complete for people born in 1956 and after. Many born earlier "may or may not be in the system," Nemecek said.

FEW SAFEGUARDS UP FRONT

ATF says it does not have the money to do fingerprint checks on applicants. Moreover, Haynes said, because of limited resources, there are very few pre-approval visits, in which an ATF inspector meets the dealer-to-be, gets answers to any nagging questions and explains rules and regulations.

Guns are "probably the most deadly consumer product, and it's essentially an unregulated industry," said Dennis Henigan, director of the D.C.-based Center to Prevent Handgun Violence.

Richard Gardiner, counsel for the NRA's Institute for Legislative Action, said the vast majority of gun dealers use their licenses to purchase guns for their personal use. Strengthening ATF oversight, he said, "would only make life difficult for more law-abiding people."

Abrams's Valley Gun Store in Parkville, a Baltimore suburb, is an example of how the federal system of gun regulation is supposed to work.

The inventory of Valley Gun, which stocks virtually every gun available, is guarded by clerks carrying guns in holsters and by a closed-circuit television system.

During his 43 years in business, Abrams said, he has sold more than 200,000 guns. ATF inspects his operation once a year, partly because he is a large dealer and sells machine guns and partly because weapons purchased at some time from his store often turn up in criminal investigations.

At Abrams's store, gun purchasers fill out two government forms—one from ATF, the other from the state of Maryland. Abrams, as the dealer, is required to keep the yellow ATF form for possible inspection by the agency—especially if the weapon is used in a crime.

ATF requires no background checks before the sales are made. Maryland law, however, imposes a seven-day waiting period for handguns and requires Abrams to send the white state form to the Maryland State Police for review and a background check.

But many dealers have trouble complying with the red tape that accompanies legal gun sales. More than half of the gun dealers inspected by ATF last year were cited for violations such as incomplete records of gun buyers and reductions in gun inventories unaccounted for in sales records.

REACTING TO PROBLEMS

Pat McGlone, who has been an inspector for 22 years, said she worries that too often the agency is reacting to problems once they develop rather than working to prevent them through adequate policing of dealers.

A single bad dealer has the power to quickly put a large number of guns into the wrong hands. "Hopefully, we can catch them [bad dealers] before too much damage is done," McGlone said. "But in the meantime, how many people will have been injured or worse?"

ATF's lack of monitoring leads to poor coordination between federal and state law enforcement agencies.

In Maryland, for example, ATF has licensed about 3,000 gun dealers. Only 300, however, have registered with the state police. No one knows whether the 2,700 others are selling guns and complying with state and local firearms, tax, business and land-use laws.

The Virginia State Police, which does background checks on gun buyers in that state, recently formed a firearms section to find out more about nearly 2,000 federally licensed dealers who have not registered with the state.

Some see a distinct irony in current efforts to impose a nationwide waiting period for handgun buyers. "We don't go anywhere near that far in relation to gun dealers," said Roland Vaughn, recently retired president of the International Association of Chiefs of Police, which favors the national waiting period. "That's a significant flaw, and it ought to be corrected immediately."●

By Mr. INOUYE:

S. 114. A bill to authorize reduced postage rates for certain mail matter sent to Members of Congress; to the Committee on Governmental Affairs.

AUTHORIZING CERTAIN REDUCED POSTAGE RATES

● Mr. INOUYE. Mr. President, I rise to introduce a bill to provide for the issuance of a special 1-cent postage stamp to be used for correspondence with Members of Congress.

Mr. President, ours is a democratic Government—a representative Government—and thus, by definition, one dependent on the continuing operation of a two-way communication system between the people of this country and their elected representatives.

Each Member of Congress is directly responsible to those people in the State or district that he or she represents. He or she must not only keep communication channels open but, more importantly, must be responsive to the concerns he receives through these channels. The most practical means of transmitting these constituent concerns is through the mail. It is most difficult for many of us to imagine ourselves in a situation where the desire to express an opinion is frustrated because we must think twice about spending money on a postage stamp. Unfortunately, we must face the fact that many of our Nation's citizens are forced to consider the purchase of a 29-cent postage stamp for the purpose of expressing a grievance, or opinion or idea, as something beyond their means.

The issuance of a 1-cent stamp for this purpose would effectively remove this prohibition and allow all citizens to apprise their Representatives and Senators of their individual thoughts and position on issues facing our Nation. This measure would amend the Postal Reform Act of 1970 to provide for the issuance of these 1-cent stamps to be sold at U.S. post offices. The bill also authorizes appropriations necessary to account for the difference in postal revenue resulting from the sale of 1 cent stamps as opposed to prevailing postage rates for mail matter addressed to Congressmen which does not exceed 4 ounces in weight.

Recognizing the necessity of open communication between elected officials and people, Congress adopted the franking system allowing congressional communication by elected officials with constituents. We have neglected, however, to provide our constituents with a convenient and affordable means of access to their Senators and Congressmen. It is difficult to overstate the importance of this concept of individual expression. Each and every citizen has the right and the responsibility to participate in the democratic system, through both the ballot box and through correspondence with their Representatives between elections.

Because the effective operation of our political system is dependent upon open communications, I am hopeful this bill will receive the early approval of the Congress.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 32 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 3221. Mail matter sent to Members of Congress

"(a) Any person may send any piece of mail matter, not exceeding four ounces in weight, for postage of 1 cent to (1) any Member of the Senate representing the State, and (2) the Member of the House of Representatives representing the district, in which such person resides, if that person uses a special stamp issued by the Postal Service for any such matter. The Postal Service shall issue special 1-cent stamps to be used in sending such matter, and such stamps shall be only sold at post offices.

"(b) For the purposes of this section—

"(1) 'district' includes Puerto Rico and the District of Columbia;

"(2) 'Member of the House of Representatives' includes a Representative, Delegate, and Resident Commissioner; and

"(3) a Member of the House of Representatives elected at large from a State having more than one district shall be considered a Member elected from each district of that State.".

(b) The analysis of such chapter is amended by adding after the item relating to section 3220 the following new item:

"3221. Mail matter sent to Members of Congress.".

(c) Section 2401(c) of such title is amended by inserting "3221," after "3217,".●

By Mr. INOUYE:

S. 118. A bill to require the Commodity Credit Corporation to refund to first processors of sugarcane and sugar beets marketing assessments collected by the Corporation during fiscal year 1991, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

REFUND OF CERTAIN ASSESSMENTS

● Mr. INOUYE. Mr. President, I rise to introduce a measure to correct an inequity created by the Omnibus Budget Reconciliation Act of 1990 which established marketing assessments on sugar.

Assessments were initially collected by the U.S. Department of Agriculture [USDA] on sugar produced during the 1991 through 1995 crop years. While the technical corrections amendments to the Food, Agriculture, Conservation and Trade Act of 1990 changed the basis of the assessment from the production to the marketing of sugar, it was silent on refunds for assessments made on production from July 1, 1991 to September 30, 1991. During this period, the Hawaii sugarcane producers, and some sugarbeet processors in California were the only producers that paid an assessment. Without a refund, Hawaii's producers will pay an assessment on 3 more months of production than other domestic producers in the amount of approximately $900,000.

Most unfortunately, the Hawaii sugarcane producers are experiencing serious financial difficulties with the planned shutdown of two large operations. It clearly cannot afford to let this additional 3-month assessment matter to lie in limbo.

Former U.S. Department of Agriculture Secretary Madigan, upon consultation with his legal counsel, stated that this, inequity can only be corrected by legislation. Accordingly, the USDA's legal staff drafted the attached measure which has his support.

My measure is a simple and technical one which restores not only equity, but also returns to Hawaii's sugarcane producers funds that they cannot do without during this critical period. I urge my colleagues to support this legislation.●

By Mr. INOUYE:

S. 119. A bill to restore the traditional observance of Memorial Day and Veterans Day; to the Committee on the Judiciary.

TRADITIONAL OBSERVANCE OF CERTAIN HOLIDAYS

● Mr. INOUYE. Mr. President, in our effort to accommodate many Americans by making the last Monday in May, Memorial Day, we have lost sight of the significance of this day to our Nation. My bill would restore Memorial Day to May 30 and authorize our flag to fly at half-mast on that day. In addition, this legislation would authorize the President to issue a proclamation making both Memorial Day and Veterans Day days for prayer and ceremonies. This legislation would help restore the recognition our veterans deserve for the sacrifices they have made on behalf of our Nation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) effective one year following the date of enactment of this Act—

(1) section 6103(a) of title 5, United States Code, is amended by striking out:

"Memorial Day, the last Monday in May."

and inserting in lieu thereof:

"Memorial Day, May 30."; and

(2) section 2(d) of the joint resolution entitled "An Act to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America", approved June 22, 1942 (36 U.S.C. 174(d)), is amended by striking out:

"Memorial Day (half-staff until noon), the last Monday in May;"

and inserting in lieu thereof:

"Memorial Day (half-staff until noon), May 30;".

(b) The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe Memorial Day and Veterans Day as days for prayer and ceremonies showing respect for American veterans of wars and other military conflicts.●

By Mr. INOUYE:

S. 120. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans Affairs.

FILIPINO VETERANS EQUITY ACT

● Mr. INOUYE. Mr. President, today, I rise to introduce legislation which amends title 38, United States Code, to restore full veterans' benefits, by reason of service, to certain organized military forces of the Philippine Commonwealth Army and the Philippine Scouts.

On July 26, 1941, President Roosevelt issued a military order that called members of the Philippine Commonwealth Army into the service of the United States Forces of the Far East. Under the command of Gen. Douglas MacArthur, our Filipino allies joined alongside American soldiers in fighting some of the most fierce battles of World War II.

From the onset of the war through February 18, 1946, Filipinos who were called into service under President Roosevelt's order were entitled to full veterans' benefits by reason of their active service in our Armed Forces. Unfortunately, on February 18, 1946, Congress enacted the Rescission Act of 1946, now codified as section 107, title 38, United States Code, which states that service performed by these Filipino veterans is not deemed as active service for purposes of any law of the United States conferring rights, privileges, or benefits. On May 27, 1946, Congress extended the limitation on benefits to the New Filipino Scout units.

Interestingly enough, section 107 is the only instance in this century where

Congress drew distinction between veterans with regard to entitlements on the basis of how, where, or why they served in our Armed Forces. For example, this discriminatory treatment was reserved for Filipino veterans. Over 100,000 aliens who joined our Armed Forces during World War II are entitled full veterans benefits.

Section 107 denied Filipino veterans access to health care, particularly for nonservice-connected disability, and denied them other benefits such as pensions and home loan guaranties. Additionally, section 107 limited the benefits received from service-connected disabilities and death compensation of 50 percent of what was received by their American counterparts.

As a result of the 1946 act, Filipino veterans sued to obtain relief from this discriminatory treatment. The U.S. District Court for the District of Columbia, on May 12, 1989, in Quiban versus U.S. Veterans Administration and Quizon versus U.S. District Court for the District of Columbia declared section 107 of title 38, United States Code to be unconstitutional. However, the U.S. Court of Appeals for the District of Columbia reversed that ruling and the veterans did not file a petition for certiorari to the Supreme Court, making Congress the responsible body to rectify this injustice.

For many years, Filipino veterans of World War II have sought to correct this injustice by seeking equal treatment for their valiant military service in our Armed Forces. We must not ignore the recognition they duly deserve as U.S. veterans. Accordingly, I urge my colleagues to support this measure which would restore full veterans' benefits, by reason of service, to our Filipino allies of World War II.

Mr. President, I ask unanimous consent that the text of my bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Filipino Veterans Equity Act of 1993".

SEC. 2. CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS DEEMED TO BE ACTIVE SERVICE.

(a) IN GENERAL.—Section 107 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "not" after "Army of the United States, shall"; and

(B) by striking out ", except benefits under—" and all that follows and inserting in lieu thereof a period; and

(2) in subsection (b)—

(A) by striking out "not" after "Armed Forces Voluntary Recruitment Act of 1945 shall"; and

(B) by striking out "except—" and all that follows and inserting in lieu thereof a period.

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

§107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts".

(2) The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

"107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts.".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall take effect on October 1, 1993.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the effective date of this Act by reason of the amendments made by this Act.●

By Mr. INOUYE:

S. 121. A bill to authorize a certificate of documentation for the vessel *Enterprise*; to the Committee on Commerce, Science, and Transportation.

VESSEL "ENTERPRISE" DOCUMENTATION

● Mr. INOUYE. Mr. President, this private relief bill that I am introducing would authorize a certificate of documentation for the vessel *Enterprise*, a small boat to be used for charter fishing. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DOCUMENTATION.

Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel *Enterprise*, United States official number 692956.●

By Mr. INOUYE:

S. 122. A bill to authorize a certificate of documentation for the vessel *Kalena*; to the Committee on Commerce, Science, and Transportation.

VESSEL "KALENA" DOCUMENTATION

● Mr. INOUYE. Mr. President, this private relief bill that I am introducing would authorize a certificate of documentation for the vessel *Kalena*, a small boat to be used for charter fishing. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DOCUMENTATION.

Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel *Kalena*, United States official number HA-1923E.●

By Mr. INOUYE (for himself and Mr. SIMON):

S. 123. A bill to amend the Immigration and Nationality Act to provide for prompt parole into the United States of aliens in order to attend the funeral of an immediate blood relative in the United States and to deny parole status to aliens who are excludable from admission into the United States; to the Committee on the Judiciary.

PROMPT PAROLE OF CERTAIN ALIENS

● Mr. INOUYE. Mr. President, today, I introduce a bill, along with Senator SIMON, which amends the Immigration and Nationality Act to allow the prompt parole of aliens into the United States for the purpose of attending the funeral of an immediate blood relative.

The proposed measure is similar to H.R. 97, but includes a provision that addresses potential abuse. Under the provisions of this bill, an alien is required to provide a certified copy of the death certificate of the relative. The parole period shall not exceed 30 days except under circumstances specified by the Attorney General. In addition, the bill denies parole status to aliens who are excludable from admission into the United States. Further, the Attorney General is required to report to Congress any violations or abuses of the immigration law resulting from the parole of aliens into the United States.

While current statutes provide for the administrative parole of aliens into the United States to attend funerals of immediate family members, often times, aliens from certain countries are without justification delayed or denied timely entry by embassy officials. To remedy this injustice, this bill mandates expeditious entry into the United States to any alien who can prove the death of an immediate blood relative with a death certificate. Accordingly, I urge my colleagues to support this bill.●

By Mr. INOUYE:

S. 124. A bill to establish a temporary program under which parenteral diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer, and for other purposes; to the Committee on Labor and Human Resources.

COMPASSIONATE PAIN RELIEF ACT

● Mr. INOUYE. Mr. President, today I am introducing legislation which is directed to relieving the suffering of a small but significant number of our citizens; patients who are terminally ill with cancer and whose pain has not been effectively mitigated with currently available medications.

For many years, the thought of cancer and its accompanying pain have sent chills of fear through all of us; likewise, the thought of heroin and its addictive qualities produces similar fears. In my judgment, we are in a position now where we can make a logical and thoughtful decision to legalize the therapeutic use of heroin for the terminally ill cancer patient suffering intractable pain while at the same time safeguarding against the diversion of the drug into illicit channels.

The legislation I am introducing today is supported by thousands of Americans. Furthermore, it reflects the evolution and attitude of our Nation's health care system as evidenced by an editorial in the January 14, 1982, issue of the prestigious New England Journal of Medicine, which urged more flexibility in the use of addictive drugs in the treatment of pain. This attitude is also present in an official statement made by the American Psychiatric Association which endorses the "principle that the effectiveness of relief of pain in terminal cancer patients should take priority over a concern about additions of the terminal cancer patient and should take priority over a concern about medication diversion to addicts." A later article in the New England Journal of Medicine of August 23, 1984, by Dr. Allen Mondzac, reviewed the unique characteristics of heroin and its valuable clinical role where it is available.

The need for this legislation is dramatic. Although over the past two decades a great deal of progress has been made in treating cancer, each year an estimated 800,000 Americans are diagnosed as having cancer, and over 400,000 die from the disease. Most of these individuals will have received competent and compassionate medical care, and many will receive adequate relief of pain. Unfortunately, the reality is also that a certain number of cancer patients do not obtain relief of pain from the current available analgesic medication—even the strongest narcotics. An NIH panel that convened in May 1986, heard testimony that 50 to 60 percent of patients with cancer pain lived the last part of their lives with unrelieved severe pain. A recent 1992 survey by the Eastern Cooperative Oncology Group has found that as a general rule, patients underreport pain and physicians undertreat it. As a minimal figure, it has elsewhere been estimated that about 20 percent of terminal cancer patients suffer significant pain. Of this 20 percent, it has been estimated that 10 percent do not obtain relief with presently prescribed medications. In human terms, these percentages mean that as many as 8,000 Americans may die in agony this year because of the intractable pain associated with terminal cancer. I have been assured by my medical colleagues that in many cases this pain can be alleviated with the therapeutic use of heroin, making the last weeks, months, or days of these patients more bearable. These dying patients are not now given the option of dying with dignity because of our Nation's continued and overriding fear of heroin. In my judgment, this fear alone has continued to prevent us, the lawmakers of our Nation, from making clear and rational decisions regarding the limited use of this long-proven and already available substance.

Heroin has been proven effective with a number of patients in relieving pain. Research completed at Georgetown University's Vincent T. Lombardi Cancer Research Center has found heroin to be an effective analgesic for the control of cancer-related pain. In particular, it has been reported to be more potent than morphine in relieving cancer pain. Less than half of the dose of heroin produces the same pain relief as a dose of morphine. In the terminal phase of cancer many patients cannot take medication by mouth, and may require injections. As the disease progresses, individuals may require higher doses at more frequent intervals, to provide relief. This is when it would be desirable to have the option of using heroin in treating pain, since heroin is more potent and more soluble than morphine salts, and an effective dose can be administered in considerably smaller volumes. Thus, doctors have informed me that it is less painful to have such an injection—an important consideration in the emaciated patient with little tissue mass remaining. In addition, its euphoric effects might be beneficial for people who know they are dying.

Further, the onset of action of the heroin is also more rapid than morphine because of its solubility, giving relief of pain and a sense of well-being sooner. It is most unfortunate that the use of heroin for these patients has not been allowed up to this date. This legislation will enable physicians to treat the dying cancer patient who suffers from intractable pain with a proven, effective medication.

The time has now come to address the issue of why the heroin should not be readily available as a therapeutic medication for our Nation's physicians in very specific situations when we have dying cancer patients who are suffering extreme pain. William F. Buckley, Jr., Editor-at-Large of National Review, has described our irrational maintenance of the prohibition against such uses of heroin in very real terms. As he pointed out:

> The irony is that anybody in a major city can acquire the knowledge necessary to buy heroin from a dirty little drug pimp, but licensed doctors may not administer the identical drug to men and women—and children—literally dying from excruciating pain.

Our colleagues on the House Subcommittee on Health and the Environment held hearings on a similar bill on September 4, 1980. At the time, a number of practicing physicians and others asked that the Federal controls on heroin be eased to permit the prescription of heroin for patients for whom more conventional pain killers were inadequate. It was further pointed out that in Great Britain, heroin has been used for years for these patients and that it has been shown to be particularly effective for those 10 percent of terminal cancer patients who require injected medication. British physicians consider heroin to be an indispensable potent narcotic analgesic in the treatment of advanced cancer. Use of heroin in specific situations is also permitted in Belgium, New Zealand, China, and many other civilized nations.

Since this information was made public in the House hearings the editorial writers of our country have taken up the issue, as reflected in supportive statements by, among a number of others, the New York Times, the Washington Post, the Washington Times, the Los Angeles Times, the San Francisco Chronicle, the San Francisco Examiner, the Honolulu Star-Bulletin, the Honolulu Advertiser, the Chicago Sun-Times, the Cleveland Plain Dealer, the Rocky Mounty News, and the Richmond Times-Dispatch. Both National Review and the New Republic have backed the proposal. The American Nurses' Association has come out strongly endorsing this merciful action. As a result of widespread support among physicians and the general public, heroin has become available in Canada for terminal cancer patients.

The bill I am introducing today will give a very high priority to relief from intractable pain for terminal cancer patients. It authorizes the Secretary of the Department of Health and Human Services to establish demonstration programs which will permit the use of heroin by terminally ill cancer patients only, when suffering from pain which is not effectively treated with currently available analgesic medications.

My bill has more than adequate safeguards to prevent the drug from being introduced to the general public. For example, a diagnosis must be made by the attending physician that his or her patient is ill with cancer and is suffering from pain which is not being effectively treated with other available analgesic medications. This diagnosis must be reviewed and approved by a medical review board of the hospital which will dispense the heroin. The heroin used in the program will be from that supply now confiscated under current laws. The Secretary of Health and Human Services is further authorized to establish additional regulations for the safe use and storage of heroin, to prevent its diversion into illicit channels. This program will be in force for a 5-year period and periodic reporting is required of the Secretary on the activities under the bill.

I strongly believe that the proposal will provide substantial benefits to

those who are in intractable pain from terminal cancer and I am hopeful that my colleagues on the Senate Labor and Human Resources Committee will give this measure their prompt and most serious consideration.

Mr. President, I request unanimous consent that the text of this bill and an article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Compassionate Pain Relief Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) cancer is a progressive, degenerative, and often painful disease that afflicts one out of every four persons in the United States and is the second leading cause of death;

(2) in the progression of terminal cancer, a significant number of patients experience levels of intense and intractable pain that cannot be effectively treated by presently available medication;

(3) the effect of such pain often leads to a severe deterioration in the quality of life of the patient and heartbreak for the family of the patient;

(4) the therapeutic use of parenteral diacetylmorphine is not permitted in the United States but extensive clinical research has demonstrated that the drug is a potent, highly soluble painkilling drug when properly formulated and administered under the supervision of a physician;

(5) it is in the public interest to make parenteral diacetylmorphine available to patients through controlled channels as a drug for the relief of intractable pain due to terminal cancer;

(6) diacetylmorphine is successfully used in Great Britain and other countries for relief of pain due to cancer;

(7) the availability of parenteral diacetylmorphine for the limited purposes of controlling intractable pain due to terminal cancer will not adversely affect the abuse of illicit drugs or increase the incidence of pharmacy thefts;

(8) the availability of parenteral diacetylmorphine will enhance the ability of physicians to effectively treat and control intractable pain due to terminal cancer; and

(9) it is appropriate for the Federal Government to establish a temporary program to permit the use of pharmaceutical dosage forms of parenteral diacetylmorphine for the control of intractable pain due to terminal cancer.

SEC. 3. PARENTERAL DIACETYLMORPHINE PROGRAM.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following new part:

"PART N—COMPASSIONATE PAIN RELIEF

"SEC. 399G. PARENTERAL DIACETYLMORPHINE.

"(a) REGULATIONS.—

"(1) IN GENERAL.—Not later than three months after the date of the enactment of this part, the Secretary shall issue regulations establishing a program (referred to in this section as the 'program') under which parenteral diacetylmorphine may be dispensed from pharmacies for the relief of intractable pain due to terminal cancer.

"(2) TERMINAL CANCER.—For purposes of this section, an individual shall be considered to have terminal cancer if there is histologic evidence of a malignancy in the individual and the cancer of the individual is generally recognized as a cancer with a high and predictable mortality.

"(b) MANUFACTURING.—Regulations established under this section shall provide that manufacturers of parenteral diacetylmorphine for dispensing under the program shall use adequate methods of, and adequate facilities and controls for, the manufacturing, processing, and packing of such drug to preserve the identity, strength, quality, and purity of the drug.

"(c) AVAILABILITY TO PHARMACIES.—

"(1) REQUIREMENTS.—Regulations established under this section shall require that parenteral diacetylmorphine be made available only to pharmacies that—

"(A) are hospital pharmacies or such other pharmacies as the regulations specify;

"(B) are registered under section 302 of the Controlled Substances Act (21 U.S.C. 822);

"(C) meet such qualifications as the regulations specify; and

"(D) submit an application in accordance with paragraph (2).

"(2) APPLICATION.—An application for parenteral diacetylmorphine shall—

"(A) be in such form and submitted in such manner as the Secretary may prescribe; and

"(B) contain assurances satisfactory to the Secretary that—

"(i) the applicant will comply with such special requirements as the Secretary may prescribe respecting the storage and dispensing of parenteral diacetylmorphine; and

"(ii) parenteral diacetylmorphine provided under the application will be dispensed through the applicant upon the written prescription of a physician registered under section 302 of the Controlled Substances Act (21 U.S.C. 822) to dispense controlled substances in schedule II of such Act (21 U.S.C. 812(2)).

"(3) INTENT OF CONGRESS.—It is the intent of Congress that—

"(A) the Secretary shall primarily utilize hospital pharmacies for the dispensing of parenteral diacetylmorphine under the program; and

"(B) the Secretary may distribute parenteral diacetylmorphine through pharmacies other than hospital pharmacies in cases in which humanitarian concerns necessitate the provision of parenteral diacetylmorphine, a significant need is shown for such provision, and adequate protection is available against the diversion of parenteral diacetylmorphine.

"(d) ILLICIT DIVERSION.—Regulations established by the Secretary under this section shall be designed to protect against the diversion into illicit channels of parenteral diacetylmorphine distributed under the program.

"(e) PRESCRIPTION BY PHYSICIANS.—Regulations established under this section shall—

"(1) require that parenteral diacetylmorphine be dispensed only to an individual in accordance with the written prescription of a physician;

"(2) provide that a physician registered under section 302 of the Controlled Substances Act (21 U.S.C. 822) may prescribe parenteral diacetylmorphine for individuals for the relief of intractable pain due to terminal cancer;

"(3) provide that any such prescription shall be in writing; and

"(4) specify such other criteria for the prescription as the Secretary may determine to be appropriate.

"(f) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq. and 951 et seq.) shall not apply with respect to—

"(1) the importing of opium;

"(2) the manufacture of parenteral diacetylmorphine; and

"(3) the distribution and dispensing of parenteral diacetylmorphine,

in accordance with the program.

"(g) REPORTS.—

"(1) BY THE SECRETARY.—

"(A) IMPLEMENTATION AND ACTIVITIES.—

"(i) IMPLEMENTATION.—Not later than 2 months after the date of the enactment of this part and every third month thereafter until the program is established under subsection (a), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report containing information on the activities undertaken to implement the program.

"(ii) ACTIVITIES.—Not later than 1 year after the date the program is established under subsection (a) and annually thereafter until the program is terminated under subsection (h), the Secretary shall prepare and submit to the committees described in clause (i) a report containing information on the activities under the program during the period for which the report is submitted.

"(B) PAIN MANAGEMENT.—Not later than 6 months after the date of the enactment of this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report that—

"(i) describes the extent of research activities on the management of pain that have received funds through the National Institutes of Health;

"(ii) describes the ways in which the Federal Government supports the training of health personnel in pain management; and

"(iii) contains recommendations for expanding and improving the training of health personnel in pain management.

"(2) BY THE COMPTROLLER GENERAL.—Not later than 56 months after the date on which the program is established under subsection (a), the Comptroller General of the United States shall prepare and submit to the committees referred to in paragraph (1)(A)(i) a report containing information on the activities conducted under the program during such 56-month period.

"(h) TERMINATION AND MODIFICATION.—

"(1) IN GENERAL.—The Secretary may at any time later than 6 months after the date on which the program is established under subsection (a), modify the regulations required by subsection (a) or terminate the program if in the judgment of the Secretary the program is no longer needed or if modifications or termination are needed to prevent substantial diversion of the diacetylmorphine.

"(2) FINAL TERMINATION.—The program shall terminate 60 months after the date the program is established under subsection (a).".

[The following article is found in A.S. Trebach & K.B. Zeese (Eds.), "Strategies For Change: New Directions in Drug Policy" Washington, D.C.: Drug Policy Foundation Press, 1992]

PUBLIC PERCEPTIONS AND THE THERAPEUTIC USE OF HEROIN

(By Robert L. McCarthy and Michael Montagne)

Heroin, diacetylmorphine, has been recognized, for most of the 20th century, as a drug of abuse. There is significant evidence to support such a characterization. Unfortunately, the stigma associated with heroin has prevented it from being viewed as a drug with any legitimate medical use. Unlike its pharmacological analogs, morphine and hydromorphone, heroin's abuse potential has overshadowed, even eliminated, its consideration as a clinical agent.

This unidimensional view of diacetylmorphine is one which has developed slowly over time. It began in the early 1900s when grave concerns about the potential adverse effects of heroin resulted in its virtual exile from the arsenal of agents used in pain management. It was further developed during the drug culture of the 1960s and 1970s when heroin became a symbol for a generation of Americans using illicit substances. The resultant "opiophobia," referred to by Morgan and Pleet, led to not only the underprescribing of "accepted" narcotic analgesics, but also to the further alienation of diacetylmorphine from legitimate medicine.[1] It has become difficult, if not impossible, for the public to equate heroin with legitimate drug therapy.

Given this backdrop, the authors undertook a project to examine heroin from a public policy and ethical stance. What impact has the public perception of heroin had on its ability to be viewed as a legitimate medication, worthy of classification as such? Has this public perception also influenced governmental officials, the creators of policy, who may not wish to be considered advocates of heroin? In what ways, if any, have professional organizations within health care acted unethically, or at least unprofessionally, in their policies opposing heroin's legalization? What are the rights of patients, both legally and ethically, to have available medications which are of potential therapeutic use? This paper examines how the public's perception, with regard to heroin, has been influenced by the media. Future papers will address these additional questions.

The views of many Americans are shaped, at least in part, by what they are exposed to via the media. Both electronic and print media play an important role in shaping conclusions that are drawn by the public about a wide range of issues. This study focuses on how the print media has addressed the heroin issue and its potential influence on public perceptions. What has the media portrayed about heroin and heroin use, and have these images influenced society's perceptions? How reflective of individual and societal beliefs and public policy are these media reports?

BACKGROUND

American society did not arrive at their attitudes towards heroin over night. Concerns about the availability and usage of opiates extends back to at least the Civil War era of 1860-65. So-called "Soldier's Disease," opiate addiction which allegedly afflicted Civil War veterans as a result of freely used analgesics during the war, is an early such reference. Ironically, as Mandel points out, Soldier's Disease is a myth, concocted in the 20th century. No evidence exists that such widespread addiction, as a result of the use of opiates, ever occurred.[2] It appears that misinformation about these drugs is not solely a creation of modern times. Mandel goes on the argue that opiate abuses was not the extensive social problem it was suggested to be in the early 1900s, prior to the passage of the Harrison Narcotic Act. Further, that devoid of such a social problem, legal restriction of these agents was an unnecessary exercise. Interestingly, in sharp contrast to our present day context, the mass media virtually ignored the opiate issue.[3]

As we are all well aware, the role played by the media in the lives of Americans is much more significant than it was 80 or 90 years ago. The development and expansion of electronic media alone has made more information available to a wider audience. More importantly, the influence of the mass media in shaping public opinion is greater than ever before in the past. As Winick argues, the expectations and hopes of patients, the responsiveness of government and the marketing strategies of pharmaceutical manufacturers all may be affected by the content of the media.[4] It would be naive to suggest that our views of issues and events are not at least partially the result of the method of presentation and slant to a story provided by the media.

This impact of the mass media on the formation of public opinion may take several forms; overt endorsement, subtle support or documented opposition of an issue may all be tactics used, whether or not done so consciously. One would hope that when the media does adopt such strategies to influence public opinion, they would do so only after careful analysis of the factors involved. Unfortunately, most members of the media are not scientists, and therefore cannot be expected to utilize the scientific method in such analyses. This becomes especially frustrating to those of us trained as biomedical scientists and accustomed to careful evaluation prior to arriving at a conclusion. Cohen, writing about the media's portrayal of benzodiazepines reflects this frustration. He writes, "Trial by media can never take the place of careful scientific evaluation of a psychotropic drug. The two methods are antithetical. Scientific inquiry depends on careful examination of data. The media cannot present information in detail. It titillates, dramatizes and pulls facts out of context. It is unfortunate, but it is so."[5]

This approach to news reporting also places the media at risk for manipulation. Special interest groups with a particular social agenda, and the ability to frame their viewpoint clearly and concisely, can utilize the media to influence public opinion. DiChiara writes about just such a tactic relative to drug law reform. He argues that the media can be used to present a substance abuser as either an anomaly and a danger to society, or as the victim of an illness in need of treatment.[6]

Among the many areas in which the media plays a role in shaping societal beliefs is that of drugs and their reputations. The public's perception of penicillin, for example, is quite divergent from that of an opiate like heroin. Why? For one thing, the vast majority of individuals in the United States have taken penicillin at one time or another. The same cannot be said for heroin. With penicillin, its familiarity to the public allows people to relay less on the information provided by others—the government and media, for example—to inform them about the drug. As Maloff asserts, "The power of formal controls (with media support) to influence drug reputations is particularly salient in the case of drugs like heroin, known rarely by firsthand (or even secondhand) experience. In the absence of widespread use or transmission of users' unique knowledge to nonusers, cultural images are easily manipulated by society's so-called experts."[7]

In this paper, heroin is used as a case study of the broader relationship between the mass media and the public. We contend that heroin's negative reputation has, in large part, been created by the media. However to argue that this influence is solely unidirectional assumes that the media can insulate itself from popular opinion. We would assert that the media is both influential and reflective relative to the public at large. As Maloff writes, "Media coverage may also be taken as an indicator of public sentiment, reflecting as well as shaping heroin's reputation."[8]

METHODOLOGY

A total of 405 articles, which mentioned heroin or diacetylmorphine in either the title and/or text, published in the New York Times, Washington Post, Christian Science Monitor, USA Today, Time and Newsweek were found and reviewed. Due to factors including chronological limit of the database, number of articles in each periodical and age of the periodical, the inclusive dates of collection vary. These dates, by periodical, are listed in Table I. The periodicals were chosen for reasons of demographic diversity among readership, national distribution and database availability.

All articles were content analyzed. Article titles, prominence and themes were reviewed in an attempt to determine the way in which heroin, vis-a-vis the popular press, has been portrayed to the American public.

TABLE I

Periodical	Date of first article collected	Date of last article collected
Time	9/3/65	2/18/91
Newsweek	3/5/73	5/30/88
New York Times	6/14/80	6/22/91
Christian Science Monitor	3/11/80	12/13/90
Washington Post	4/23/83	9/1/91
USA Today	1/26/89	6/25/91

Article title themes and content themes were assigned to categories that were both created prior to analysis as well as created during article analysis. This method combines both well accepted approaches in content analysis to the creation of categories. During article review, content themes which fell into multiple thematic categories were assigned to as many categories as seemed appropriate. Therefore, the total frequency of content themes exceeds that of the total number of articles analyzed. Title themes were assigned to only a single thematic category. If the theme of the article was uncertain, it was assigned to the "unclear" category. Because of this difference in recording frequencies between title and content themes, it was impossible to do a direct correlation between the two. However, the format of Table IV does allow for comparison of frequencies between title and content themes for each thematic category.

A metaphorical analysis was conducted as a component of the content analysis of article titles. This methodological approach has been used by several other investigators, most recently in a study examining the nature of drugs and drug-taking.[9] The use of

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Footnotes at end of article.

metaphors and symbols pervades newspaper headlines. They provide a description of an issue or event in terms other than those commonly used to describe it. For example, an article title which reads "Heroin Abuse Spreads Like a Plague Across the Nation" makes use of a metaphorical description. The same title without the use of a metaphor might read "Heroin Abuse on the Increase Across the Nation." The use of the metaphor "plague" provides a certain degree of fear or menace that is associated with an actual plague. Our decision to analyze these article titles in terms of metaphors was based on just such a potential public reaction. Sterotypes or biases about heroin can be based as much on the metaphors employed in article titles as they can on the actual content of the titles.

RESULTS

Although the articles analyzed date back to 1965, the vast majority of articles, 96.3 percent, were published between 1980 and 1991 (see Table II). Consequently, our results are more representative of public exposure during the past decade, than during the previous 15 years. Additionally, it is important to note that all the pre-1980 articles reviewed were from Time and Newsweek, representing a significantly smaller portion of our sample size as compared to the other periodicals.

TABLE II.—*Articles by year (n=405)*

	No. of articles reviewed
Year:	
1965	1
1966	0
1967	0
1968	0
1969	1
1970	1
1971	0
1972	0
1973	2
1974	1
1975	0
1976	3
1977	2
1978	3
1979	1
1980	15
1981	16
1982	28
1983	46
1984	54
1985	29
1986	43
1987	31
1988	43
1989	29
1990	40
1991	16

ARTICLE AUTHORSHIP AND PROMINENCE

Nearly three quarters (73 percent) of the articles reviewed were written by a staff reporter. An additional nine articles were editorials. It is our contention that such a result indicates that the periodical considered the story to be significant enough to assign a staff member to cover it as opposed to relying on the wire services. One reason for this decision could certainly be that the story was of local importance, but considering the periodicals chosen for analysis, this is unlikely. Rather, it is more likely that the issues involved were significant to American society at-large.

Additional data listed in Table III do not suggest a similar degree of importance. Only 3.3 percent of articles appeared either fully, or began, on the front page of the periodical. When those articles which appeared on the first page of a newspaper section were included (17 percent), this total still represented only slightly more than one-fifth (20.3 percent) of all articles reviewed. Similarly, more than three quarters (76.6 percent) of articles were of a length of three columns or less. This data indicates just the opposite of the authorship data, that the issues and stories covered were of lesser importance. This perception is further strengthened upon examination of one additional piece of data. We theorized that articles which held greater prominence would be accompanied by pictures, illustrations and graphs to further explain and/or elaborate the issues discussed in the story. If we are correct in our assumption, then the fact that more than two-thirds (68.8 percent) of the articles studied contained no such embellishment would seem to support a lower level of importance.

One explanation for the mixed results may lie in the differentiation between the decision to cover a story and the subsequent reporting. One might argue that an issue thought to be important enough to send a staff reporter to cover it, may have lost some significance when the story is reported and written. Such an argument is difficult to use, however, to explain such an overwhelming disparity. Still another possible explanation is how the story is covered over time. A new story might break on the first page, but subsequent coverage usually occurs further back in another section.

TABLE III.—*Article characteristics*

	Percent
Article by-line:	
Reporter	73.0
Wire service	20.2
Other	6.8
Article location:	
Front page	3.3
First page, section	17
Other	79.6
Article length (No. of columns):	
One-three	76.6
Four-six	18.9
Seven or more	4.5
Pictures/tables/illustrations:	
Yes	31.2
No	68.8

ARTICLE TITLE AND CONTENT THEMES

The results of the article title and content thematic categorization are listed in Table IV. The predominance of themes, in both the title and content thematic categories, relating to the illicit, as compared to the legitimate use of heroin, represents a significant finding. Less than four percent (1.2 to 3.2 percent) of all articles analyzed had as the theme of their title or content the therapeutic use of heroin either in the treatment of pain or addiction. On the other hand, the theme "Drug Traffickers" was represented in 14.8 percent of the article titles and nearly a third (31.7 percent) of the content of the articles studied. Likewise, the theme "Heroin Possession/Arrests/Raids" was found in more than one quarter (26.9 percent) of title themes, though substantially less (3.9 percent) content themes. When these two categories are combined, they represent 41.7 percent of title themes and 35.6 percent of content themes, by far the greatest plurality of articles.

The question of the decriminalization of heroin and other illicit drugs did receive some discussion in the periodicals studied (2.0 percent title and 5.1 percent content themes), but this was more than offset by the theme "Heroin's Adverse Effects/Deaths/Overdoses" (8.1 percent title and five percent content). This would suggest that although the public has been exposed to some degree of discussion relative to the lessening or eliminating of legal penalties related to substance abuse, it is quickly reminded of the morbidity and mortality these substances cause. At the same time, however, a relatively small number of articles (0.2 percent title and 4.1 percent content) focused on the abuse liability of heroin.

TABLE IV.—ARTICLE TITLE AND CONTENT THEMES

Theme	Title theme percentage (n=405	Content theme percentage (n=564)
Therapeutic use of heroin in the treatment of pain	3.2	3.0
Therapeutic use of heroin in the treatment of narcotic withdrawal (e.g. methadone clinic)	1.2	2.7
Decriminalization of heroin and other illicit drugs	2.0	5.1
Drug traffickers	14.8	31.7
Economics of drug trafficking	.5	5.8
Commentary/statements by professional medical organizations (eg. APHA, AMA)	0	.7
International use of heroin (illicit use)	7.9	8.9
International use of heroin (therapeutic use)	0	.7
Federal/state legislative action/drug enforcement	3.9	8.5
Substance abuse in the United States	4.2	6.0
Moral/ethical aspects of substance use	0	.3
Impact of substance abuse in children and teenagers	0	.9
Drug use on college campuses	0	.2
Drug addiction	1.7	4.8
Abuse liability of heroin	.2	4.1
Drug abuse by health professionals	0	0
Opiophobia in physician prescribing practices	0	0
Drug diversion/robberies/crime	1.2	2.7
Heroin abuse by widely known individuals [1]	5.2	1.8
Heroin's adverse effects/deaths/overdoses [1]	8.1	5.0
Heroin and organized crime [1]	.5	1.1
Substance abuse (heroin) treatment programs [1]	1.2	1.1
Drug abuse prevention programs [1]	0	.2
Impact of substance abuse in adults [1]	0	.2
Heroin possession/arrests/raids [1]	26.9	3.9
Substance abuse (heroin) effect on family/communities/neighborhoods [1]	1.2	.3
AIDS and substance abuse [1]	1.5	.3
Unclear (Title Themes Only)	14.3	NA

[1] Indicates a theme established during content analysis.

One of the categories created during content analysis, "Heroin Abuse by Widely Known Individuals," showed interesting results. Although only 1.8 percent of the articles were assigned this theme based on their content, a relatively significant number, 5.2 percent, contained this theme in their title. Given the fact that individuals often read only the headlines of newspapers and are more likely to remember an article if a famous name is mentioned, the negative stereotype toward heroin as a result of these titles bears note.

METAPHORS AND SYMBOLS FOR HEROIN IN ARTICLE TITLES

"Heroin: Preparing for a New Invasion," "Busting the Heroin Pipeline," "Europe: The Heroin Plague," "Riding a Mare" and "Washington Struggles to Stem Heroin Tide" represent only a small sample of the article titles analyzed which make use of metaphors and symbols. The results of our metaphorical analysis, summarized in *Table V*, demonstrate a definite negative connotation relative to heroin. This negative stereotype, as expressed through the metaphors, follows several distinct, undesirable approaches. The first of these, is to associate heroin with things that are bad or evil and to equate it with the devil. The second, provides a medical twist by thinking of heroin symbolically as a disease or plague which ultimately leads to death. A third approach utilizes a war analogy in that it equates fighting heroin abuse to waging a military battle with heroin as the enemy. The fourth visualizes heroin abuse as an ocean wave or tide which cannot be controlled or as a pipeline or other machinery funneling the drug into the country. The final, and in our view most disturbing metaphorical approach, is the use of the racial element. Blaming certain groups for substance abuse or drug trafficking in America plays on and unfortunately reinforces certain biases already existent among the public.

TABLE V.—*Metaphors and symbols for heroin in article titles*

Metaphor/symbol:	*Mentions occurrences*
Devil/evil	2
Plague/scourge/disease	[1]5
Enemy/invasion/war/target	25
Death/killer	18
Pipeline/trail/connection/traffic	24
Wave/tide/flow/flood/surge	9
Operation/machine	15
"Bad" (synthetic heroin, more potent, stronger; not counted under death	7
Racial element[2]	60

[1] Not counting AIDS.

[2] Asian=37; Mexican=13; African=9 (Asian, mostly Chinese, includes Thai and Pakistani; Mexican includes Colombian; and African includes Black, but only one mention; one extra mention that covered all racial groups).

DISCUSSION AND CONCLUSIONS

The results of our study indicate that, in general, heroin has been portrayed by the print media in a very negative manner. In these portraits, this substance has been associated with crime, disease, illicit use and death. There exists a paucity of articles which discuss potential medical benefits relating to the use of heroin as an analgesic. It is therefore reasonable to suggest that the negative reputation of heroin held by society has been reinforced, and quite possibly generated, by mass media.

If in fact our conclusions are valid, what impact has this representation had on the genesis of public policy and a potential therapeutic role for heroin? As mentioned earlier, this paper represents only the first phase of a more complex study examining the issue of policy, ethics and the therapeutic use of heroin. Future papers will examine how the actions of the federal government may be influenced not only by their personal perceptions of heroin, but also by public opinion. A bill to make heroin available for therapeutic use in certain circumstances has been introduced in Congress each session since 1984 (accounting for most all of the articles analyzed that had title or content themes addressing the medicinal use of heroin). Unfortunately, despite the sponsorship of an influential legislator in each House, the bill has not met with success. Has heroin's portrayal in the mass media been contributory?

Both Great Britain and Canada have approved heroin's availability for therapeutic use. We will take a close look at heroin policy and use in these countries and, through in-depth interviews and policy analysis, establish a frame of reference for heroin's history in the United States. Great Britain and Canada differ in both the restrictiveness of their policy toward heroin as well as in the attitudes of health professionals towards its use as an analgesic. They should provide us with a useful contrast.

The final portion of this multi-phase study will examine the moral and ethical obligations of medical professionals, specifically pharmacists, and their professional organizations to patients. There is strong evidence to suggest that these organizations may not have fulfilled their hippocratic responsibilities by opposing medicinal heroin. This evidence can be seen in both Congressional testimony and policy statements in which such groups undertook steps to block the availability of heroin for therapeutic use.

For its part, we hope that this phase of our larger study will assist in understanding how the negative stereotyping of heroin by the public has been influenced by its portrayal in the popular press. And, how that portrayal has prevented its evaluation as a legitimate therapeutic agent by health professionals on a clinical and scientific basis, rather than by society on moral, cultural or political grounds.

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FOOTNOTES

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[3] Mandel, J. "The Mythical Roots of U.S. Drug Policy: Soldier's Disease and Addiction in the Civil War," A.S. Trebach and K.B. Zeese (eds.), 1989–90, "A Reformer's Catalogue," Washington, DC: Drug Policy Foundation, 1990, pp. 110–133.

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[5] Cohen, S. "Current Attitudes About the Benzodiazepines: Trial by Media." "Journal of Psychoactive Drugs," 1983; 15:109–113.

[6] DiChiara, A. "Changing Media Presentations of the Drug User: the Social Deconstruction of Moral Devils." A.S. Trebach and K.B. Zeese (ads.) "The Great Issues of Drug Policy." Washington, DC: Drug Policy Foundation, 1990, pp. 303–210.

[7] Maloff, D. "Controlling Drug Reputations: The Case of Heroin." "Journal of Psychoactive Drugs," 1984; 16:129–140.

[8] Maloff, D. "Controlling Drug Reputations: The Case of Heroin." "Journal of Psychoactive Drugs," 1984; 16: 129–140.

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By Mr. INOUYE:

S. 125. A bill to amend title 5, United States Code, to require the issuance of a prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Governmental Affairs.

PRISONER-OF-WAR MEDAL FOR CIVIL EMPLOYEES OF THE FEDERAL GOVERNMENT

● Mr. INOUYE. Mr. President, all too often we find that our Nation's civilians who have been captured by a hostile government do not receive the recognition they deserve. My bill would correct this inequity and provide a prisoner-of-war medal for civilian employees of the Federal Government.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRISONER-OF-WAR MEDAL FOR CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT.

(a) AUTHORITY TO ISSUE PRISONER-OF-WAR MEDAL—Subpart A of part III of title 5, United States Code, is amended by inserting after chapter 23 the following new chapter:

"CHAPTER 25—MISCELLANEOUS AWARDS

"2501. Prisoner-of-war medal: issue.

"§ 2501. Prisoner-of-war medal: issue

"(a) The President shall issue a prisoner-of-war medal to any person who, while serving in any capacity as an officer or employee of the Federal Government was forcibly detained or interned, not as a result of such person's own willful misconduct—

"(1) by an enemy government or its agents, or a hostile force, during a period of war; or

"(2) by a foreign government or its agents, or a hostile force, during a period other than a period of war in which such person was held under circumstances which the President finds to have been comparable to the circumstances under which members of the armed forces have generally been forcibly detained or interned by enemy governments during periods of war.

"(b) The prisoner-of-war medal shall be of appropriate design, with ribbons and appurtenances.

"(c) Not more than one prisoner-of-war medal may be issued to a person under this section or section 1128 of title 10. However, for each succeeding service that would otherwise justify the issuance of such a medal, the President (in the case of service referred to in subsection (a) of this section) or the Secretary concerned (in the case of service referred to in section 1128(a) of title 10) may issue a suitable device to be worn as determined by the President or such Secretary, as the case may be.

"(d) For a person to be eligible for issuance of a prisoner-of-war medal, the person's conduct must have been honorable for the period of captivity which serves as the basis for the issuance.

"(e) If a person dies before the issuance of a prisoner-of-war medal to which he is entitled, the medal may be issued to the person's representative, as designated by the President.

"(f) Under regulations to be prescribed by the President, a prisoner-of-war medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

"(g) In this section, the term 'period of war' has the meaning given such term in section 101(11) of title 38.".

"(b) TECHNICAL AMENDMENT.—The table of chapters at the beginning of part III of such title is amended by inserting after the item relating to chapter 23 the following new item:

"25. Miscellaneous Awards .... 2501".

SEC. 2. EFFECTIVE DATE.

Section 2501 of title 5, United States Code, as added by section 1, applies with respect to any person who, after April 5, 1917, is forcibly detained or interned as described in subsection (a) of such section.●

By Mr. INOUYE:

S. 126. A bill to amend title VII of the Public Health Service Act to establish a psychology postdoctoral fellowship program, and for other purposes; to the Committee on Labor and Human Resources.

THE PSYCHOLOGY POSTDOCTORAL FELLOWSHIP PROGRAM ACT OF 1993

• Mr. INOUYE. Mr. President, I am introducing legislation today to amend title VII of the Public Health Service Act to establish a psychology postdoctoral fellowship program.

Mr. President, psychologists have made a unique contribution in serving the Nation's medically underserved populations. Expertise in behavioral science is useful in addressing many of our most distressing concerns—violence, addiction, mental illness, children's behavior disorders, family disruption, for example. Establishment of a psychology postdoctoral fellowship program could be most effective in finding solutions to these pressing societal issues.

Similar programs supporting additional, specialized training in traditionally underserved settings or with specific underserved populations have been demonstrated to be successful providing services to those same underserved populations during the years following the training experience. That is, Mr. President, mental health professionals who have participated in these specialized federally funded programs have tended not only to meet their payback obligations, but have continued to work in the public sector or with the underserved populations with whom they have been trained to work.

Mr. President, while the doctorate in psychology provides broad-based knowledge and mastery in a wide variety of clinical skills, the specialized postdoctoral fellowship programs provide particular diagnostic and treatment skills required to effectively respond to these underserved populations. For example, what looks like severe depression in an elderly person may be a withdrawal related to hearing loss, or what looks like poor academic motivation in a child recently relocated from southeast Asia may be reflective of a cultural value of reserve rather than a disinterest in academic learning. Each of these situations requires very different interventions, of course, and specialized assessment skills.

Domestic violence is not just a problem for the criminal justice system, it is a significant public health problem. A single aspect of the issue, domestic violence against women results in almost 100,000 days of hospitalization, 30,000 emergency room visits, and 40,000 visits to physicians each year. Rates of child and spouse abuse in rural areas are particularly high as are the rates of alcohol abuse and depression in adolescents. A postdoctoral fellowship program in the psychology of rural populations could be of special benefit in addressing these pressing issues.

Mr. President, given the changing demographics of the Nation—the increasing lifespan and numbers of the elderly, the rising percentage of minority populations within the country, as well as an increased recognition of the long-term sequeliae of violence and abuse and given the demonstrated success and effectiveness of these kinds of specialized training programs, it is incumbent upon us to encourage participation in postdoctoral fellowship programs which respond to the needs of the Nation's underserved.

I request unanimous consent that the text of my bill be printed in the RECORD, as follows:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

Part E of the Public Health Service Act is amended by inserting after section 778 the following new section:

"SECTION 779. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

"(a) IN GENERAL.—The Secretary shall establish a psychology post-doctoral fellowship program to make grants to and enter into contracts with eligible entities to encourage the provisions of psychological training and services in underserved treatment areas.

"(b) ELIGIBLE ENTITIES.—

"(1) INDIVIDUALS.—In order to receive a grant under this section an individual shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such individual—

"(A) has received a doctoral degree through a graduate program in psychology provided by an accredited institution at the time such grant is awarded;

"(B) will provide services in a medically underserved population during the period of such grant;

"(C) will comply with the provisions of subsection (c); and

"(D) will provide any other information or assurances as the Secretary determines appropriate.

"(2) INSTITUTIONS.—In order to receive a grant or contract under this section, an institution shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such institution—

"(A) is an entity, approved by the State, that provides psychological services in medically underserved areas or to medically underserved populations (including entities that care for the mentally retarded, mental health institutions, and prisons);

"(B) will use amounts provided to such institution under this section to provide financial assistance in the form of fellowship to qualified individuals who meet the requirements of subparagraphs (A) through (C) of paragraphs (2);

"(C) will not use in excess of 10 percent of amounts provided under this section to pay for the administrative costs of any fellowship programs established with such funds; and

"(D) will provide any other information or assurance as the Secretary determines appropriate.

"(c) CONTINUED PROVISION OF SERVICES.—Any individual who receives a grant or fellowship under this section shall certify to the Secretary that such individual will continue to provide the type of services for which such grant or fellowship is awarded for at least 1 year after the term of the grant or fellowship has expired.

"(d) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that define the terms 'medically underserved areas' or medically underserved populations'.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1992 through 1994.".•

By Mr. INOUYE:

S. 127. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in clinical psychology eligible to participate in various health professions loan programs, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH PROFESSIONS LOAN ACT OF 1993

• Mr. INOUYE. Mr. President, I am introducing legislation today to modify title VII of the U.S. Public Health Service Act in order to provide students enrolled in graduate psychology programs with the opportunity to participate in various health professions loan programs.

Mr. President, providing students enrolled in graduate psychology programs with eligibility for financial assistance in the form of loans, loan guarantees, and scholarships will facilitate a much needed infusion of behavioral science expertise into our public health efforts. There is a growing recognition of the valuable contribution which is being made by our nation's psychologists toward solving some of our Nation's most distressing problems—domestic violence, addictions, occupational stress, child abuse, depression, for example.

The participation of students of all kinds is vital to the success of health care training, Mr. President. The title VII programs play a significant role in providing financial support for the recruitment of minorities, women, and individuals from economically disadvantaged backgrounds. Minority therapists, for example, have an advantage in the provision of critical services to minority populations because they are more likely to understand or, perhaps, share the cultural background of their clients, often able to communicate with them in their own language. Also significant is the fact that, when compared with nonminority graduates, ethnic minority graduates are less likely to work in private practice and more likely to work in community or nonprofit clinics, where ethnic minority and economically disadvantaged individuals are more likely to seek care.

It is important, Mr. President, that a continued emphasis be placed on the needy populations of our nation and that continued support be provided for the training of individuals who are most likely to provide services in underserved areas.

I request unanimous consent that the text of my bill be printed in the RECORD, as follows:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARTICIPATION IN VARIOUS HEALTH PROFESSIONS LOAN PROGRAMS.

(a) LOAN AGREEMENTS.—Section 721 of the Public Health Service Act (as amended by the Health Professions Education Extension Amendments of 1992) amended—

(1) in subsection (a), by inserting ", or any public or nonprofit schools that offer graduate programs in clinical psychology" after "veterinary medicine";

(2) in subsection (b)(4), by striking out "or doctor of veterinary medicine or an equivalent degree" and inserting in lieu thereof "doctor of veterinary medicine or an equivalent degree, or a graduate degree in clinical psychology"; and

(3) in subsection (c)(1), by inserting , or schools that offer graduate programs in clinical psychology" after "veterinary medicine".

(b) LOAN PROVISIONS.—Section 722 of such Act (42 U.S.C. 294n) is amended—

(1) in subsection (b)(1), by striking out "or doctor of veterinary medicine or an equivalent degree" and inserting in lieu thereof "doctor of veterinary medicine or an equivalent degree, or a graduate degree in clinical psychology"; and

(2) in subsection (l)—

(A) by striking out "or podiatry" and inserting in lieu thereof "podiatry, or clinical psychology" in the matter preceding paragraph (1); and

(B) by striking out "or podiatric medicine" in paragraph (4), and inserting in lieu thereof "podiatric medicine, or clinical psychology".•

By Mr. INOUYE:

S. 128. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary stores and post and base exchanges; to the Committee on Armed Services.

DISABLED FORMER PRISONERS OF WAR ACT OF 1993

• Mr. INOUYE. Mr. President, today I am introducing legislation to enable those former prisoners of war have been separated honorably from their respective services and who have been rated to have a 30-percent service-connected disability to have the use of both the military commissary and post exchange privileges.While I realize that it is impossible to adequately compensate one who has endured long periods of incarceration at the hands of our Nation's enemies, I do feel that this gesture is both meaningful and important to those concerned. It also serves as a reminder that our Nation has not forgotten their sacrifices.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1051. Use of commissary stores and post and base exchanges by certain disabled former members of the armed forces

"(a) In this section—

"(1) 'former prisoner of war' has the same meaning as provided in section 101(32) of title 38; and

"(2) 'service-connected' has the same meaning as provided in section 101(16) of such title.

"(b)(1) Under regulations prescribed as provided in paragraph (2), a former prisoner of war who—

"(A) has been separated from active service in the Army, the Navy, the Air Force, or the Marine Corps under honorable conditions, and

"(B) has a service-connected disability rated by the Secretary concerned or the Administrator of Veterans' Affairs at 30 per centum or more,

shall be permitted to use commissary stores and post and base exchanges operating under the Department of Defense.

"(2)(A) The Secretary of Defense shall prescribe regulations to carry out paragraph (1) in the case of commissary stores.

"(B) The Secretary of the military department concerned shall prescribe regulations to carry out paragraph (1) in the case of post or base exchanges operating under the jurisdiction of such military department.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1051. Use of commissary stores and post and base exchanges by certain disabled former members of the armed forces.".•

By Mr. INOUYE:

S. 129. A bill to amend title 10, United States Code, to provide for jurisdiction, apprehension, and detention of members of the Armed Forces and certain civilians accompanying the Armed Forces outside the United States, and for other purposes; to the Committee on Armed Services.

JURISDICTION, APPREHENSION AND DETENTION ACT OF 1993

• Mr. INOUYE. Mr. President, the purpose of this bill is to fill certain jurisdictional voids involving offenses committed by U.S. nationals abroad. The Supreme Court has held that, at least in peacetime, civilians may not be tried by courts martial for offenses against military law that they may have committed abroad when they were members of the U.S. Armed Forces and when they were serving with, employed by, or accompanying the Armed Forces. Further, under existing statutes, acts committed by U.S. nationals abroad generally do not constitute offenses against any U.S. law even though they would constitute such offenses if they had been committed in this country. Thus, civilian nationals of the United States are generally not accountable to U.S. courts for their conduct abroad.

This bill would remedy this situation for conduct abroad by civilians who, at the time of the acts in question, were members of the Armed Forces or were serving with, employed by, or accompanying the Armed Forces. The bill would generally provide that such conduct would be subject to the same civilian criminal proscriptions that apply in areas under Federal jurisdiction.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Subtitle A of title 10 of the United States Code is amended by inserting after chapter 49 the following new chapter:

"CHAPTER 50—CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES

"Sec.
"991. Definitions.
"992. Criminal offenses committed by a member of the armed forces or by any person serving with, employed by, or accompanying the armed forces outside of the United States.
"993. Delivery to authorities of foreign countries.

"§ 991. Definitions

"In this chapter:

"(1) The term 'United States' includes the special maritime and territorial jurisdiction of the United States.

"(2) The term 'special maritime and territorial jurisdiction of the United States' has the same meaning as is provided in section 7 of title 18.

"(3) The term 'criminal offense' means an offense classified in section 1 of title 18 as a felony or a misdemeanor (not including a petty offense).

"§ 992. Criminal offenses committed by a member of the armed forces or by any person serving with, employed by, or accompanying the armed forces outside of the United States

"(a) Except as otherwise provided in this section, any person who, while serving as a member of the armed forces outside the United States, or while serving with, employed by, or accompanying the armed forces outside of the United States, engages in conduct which would constitute a criminal offense if the conduct were engaged in within the special maritime and territorial jurisdiction of the United States shall be guilty of a like offense against the United States and shall be subject to the same punishment as is provided under the provisions of title 18 for such like offense.

"(b) A member of the armed forces may not be tried pursuant to an indictment or information charging an offense described under subsection (a) while such member is subject to trial by court-martial for the conduct charged in such indictment or information.

"(c) A person employed by the armed forces outside the United States is not punishable under subsection (a) of this section for conduct described in such subsection if such person is not a national of the United States and was appointed to his position of employment in the country in which such person engaged in such conduct.

"(d)(1) Except in the case of a prosecution approved as provided in paragraph (2), prosecution of a person may not be commenced under this section for an offense described in subsection (a) if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted such person for the conduct constituting such offense.

"(2) The Attorney General of the United States, the Deputy Attorney General of the United States, the Associate Attorney General of the United States, or an Assistant Attorney General of the United States may approve a prosecution which, except for this paragraph, is prohibited under paragraph (1). An approval of prosecution under this paragraph must be in writing. The authority to approve a prosecution under this paragraph may not be delegated below the level of Assistant Attorney General.

"(e)(1) The Secretary of Defense may designate and authorize any member of the armed forces serving in a law enforcement position in a criminal investigative agency of the Department of Defense to apprehend and detain, outside the United States, any person described in subsection (a) who is reasonably believed to have engaged in conduct which constitutes a criminal offense under such subsection.

"(2) A person apprehended and detained under paragraph (1) shall be released to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation in conduct referred to in such paragraph unless (A) such person is delivered to authorities of a foreign country under section 993 of this title, or (B) such person is pending court-martial under chapter 47 of this title for such conduct.

"§ 993. Delivery to authorities of foreign countries

"(a) Any member of the armed forces designated and authorized under subsection (e) of section 992 of this title may deliver any person described in subsection (a) of such section to the appropriate authorities of a foreign country in which such person is alleged to have engaged in conduct described in such subsection (a) if—

"(1) the appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

"(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

"(b) The Secretary of Defense may confine or otherwise restrain a person whose delivery is requested under subsection (a) until the completion of the trial of such person by the foreign country making such request.

"(c) The Secretary of Defense shall determine what officials of a foreign country constitute appropriate authorities for the purposes of this section.".

(b) TECHNICAL AMENDMENT.—The tables of chapters at the beginning of such title and such subtitle are each amended by inserting after the item relating to chapter 49 the following:

"50. Criminal Offenses Outside the United States .... 991".•

By Mr. INOUYE:

S. 130. A bill to direct the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Armed Services.

WORLD WAR II FILIPINO MILITARY SERVICE CLAIMS ACT

• Mr. INOUYE. Mr. President, I am introducing legislation today that would direct the Secretary of the Army to determine whether certain nationals of the Philippine Islands performed military service on behalf of the United States. This legislation would confirm the validity of their claims and further allow qualified individuals the opportunity to apply for military and veteran's benefits that, I believe, they are entitled to. As the population becomes older, it is important for our Nation to extend its firm commitment to the Filipino veterans and their families who participated in making us the great Nation today.

Mr. President, I ask the complete text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DETERMINATIONS BY THE SECRETARY OF THE ARMY.

(a) IN GENERAL.—Upon the written application of any person who is a national of the Philippine Islands, the Secretary of the Army shall determine whether such person performed any military service in the Philippine Islands in aid of the Armed Forces of the United States during World War II which qualifies such person to receive any military, veterans', or other benefits under the laws of the United States.

(b) INFORMATION TO BE CONSIDERED.—In making a determination for the purpose of subsection (a), the Secretary shall consider all information and evidence (relating to service referred to in subsection (a)) available to the Secretary, including information and evidence submitted by the applicant, if any.

SEC. 2. CERTIFICATE OF SERVICE.

(a) ISSUANCE OF CERTIFICATE OF SERVICE.—The Secretary shall issue a certificate of service to each person determined by the Secretary to have performed service described in section 1(a).

(b) EFFECT OF CERTIFICATE OF SERVICE.—A certificate of service issued to any person under subsection (a) shall, for the purpose of any law of the United States, conclusively establish the period, nature, and character of the military service described in the certificate.

SEC. 3. APPLICATIONS BY SURVIVORS.

An application submitted by a surviving spouse, child, or parent of a deceased person described in section 1(a) shall be treated as an application submitted by such person.

SEC. 4. LIMITATION PERIOD.

The Secretary may not consider for the purpose of this Act any application received by the Secretary more than two years after the date of the enactment of this Act.

SEC. 5. PROSPECTIVE APPLICATION OF DETERMINATIONS BY THE SECRETARY OF THE ARMY.

No benefits shall accrue to any person for any period prior to the date of the enactment of this Act as a result of the enactment of this Act.

SEC. 6. REGULATIONS.

The Secretary shall issue regulations to carry out sections 1, 3, and 4.

SEC. 7. RESPONSIBILITIES OF THE ADMINISTRATOR OF VETERANS' AFFAIRS.

Any entitlement of a person to receive veterans' benefits by reason of this Act shall be administered by the Veterans' Administration pursuant to regulations issued by the Administrator of Veterans Affairs.

SEC. 8. DEFINITIONS.

As used in this Act—

(1) the term "World War II" means the period beginning on December 7, 1941, and ending on December 31, 1946; and

(2) the term "Secretary" means the Secretary of the Army.•

By Mr. INOUYE:

S. 131. A bill to amend title 10, United States Code, to exclude nurse officers from the computation of authorized grade strength; to the Committee on Armed Services.

RESTRUCTURING THE MILITARY NURSES OFFICER CORPS ACT

• Mr. INOUYE. Mr. President, on behalf of our Nation's military nurse officers, I am introducing legislation that would allow for the restructuring of the nurse officer corps.

This legislation will permit the nurse officer grade structure to be shaped and governed in such a way that it would generate a variable career path with reasonable upward mobility. Lack of promotions in the nurse corps has created a severe retention problem in the past several years. Like physicians and dentists, nurses provide a unique and indispensible service to our Nation's defense. Removing current grade restrictions would help the Department of Defense compete on a more equitable basis with the civilian community and facilitate their recruitment and retention. The ongoing nationwide shortage of nurses places the Department of Defense at a disadvantage, as mid-career nurses who are denied promotion leave military service for more lucrative careers elsewhere. Their skills and experience are lost for any future national crisis. I believe it is critical to address this problem.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF NURSE OFFICERS FROM COMPUTATION OF AUTHORIZED GRADE STRENGTH.

Section 523(b) of title 10 of United States Code, is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) Officers in the Army Nurse Corps, officers in the Nurse Corps of the Navy, and officers in the Air Force designated as nurses.".•

By Mr. INOUYE:

S. 132. A bill to amend section 1086 of title 10, United States Code, to provide for payment under CHAMPUS of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under Medicare, and for other purposes; to the Committee on Armed Services.

PAYMENT OF CERTAIN HEALTH CARE EXPENSES UNDER CHAMPUS ACT

• Mr. INOUYE. Mr. President, I feel that it is very important that our Nation continues its firm commitment to those individuals and their families who have served in the Armed Forces and made us the great Nation that we are today. As this population becomes older, they are unfortunately finding that they need a wider range of health services, some of which are simply not available under Medicare. These individuals made a commitment to their Nation trusting that when they needed help the Nation would honor that commitment. The bill that I am recommending today, would ensure the highest possible quality of care for these dedicated citizens and their families, who gave so much for us.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF MEDICARE EXCEPTION TO THE PROHIBITION OF CHAMPUS COVERAGE FOR CARE COVERED BY ANOTHER HEALTH CARE PLAN.

(a) AMENDMENT AND REORGANIZATION OF EXCEPTIONS.—Subsection (d) of section 1086 of title 10, United States Code, is amended to read as follows:

"(d)(1) Section 1079(j) of this title shall apply to a plan contracted for under this section except as follows:

"(A) Subject to paragraph (2), a benefit may be paid under such plan in the case of a person referred to in subsection (c) for items and services for which payment is made under title XVIII of the Social Security Act.

"(B) No person eligible for health benefits under this section may be denied benefits under this section with respect to care or treatment for any service-connected disability which is compensable under chapter 11 of title 38 solely on the basis that such person is entitled to care or treatment for such disability in facilities of the Department of Veterans Affairs.

"(2) If a person described in paragraph (1)(A) receives medical or dental care for which payment may be made under both title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and a plan contracted for under subsection (a), the amount payable for that care under the plan may not exceed the difference between—

"(A) the sum of any deductibles, coinsurance, and balance billing charges that would be imposed on the person if payment for that care were made solely under that title; and

"(B) the sum of any deductibles, coinsurance, and balance billing charges that would be imposed on the person if payment for that care were made solely under the plan.

"(3) A plan contracted for under this section shall not be considered a group health plan for the purposes of paragraph (2) or (3) of section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b).).

"(4) A person who, by reason of the application of paragraph (1), receives a benefit for items or services under a plan contracted for under this section shall provide the Secretary of Defense with any information relating to amounts charged and paid for the items and services that, after consulting with the other administering Secretaries, the Secretary requires. A certification of such person regarding such amounts may be accepted for the purposes of determining the benefit payable under this section.".

(b) REPEAL OF SUPERSEDED PROVISION.—Such section is amended—

(1) by striking out subsection (g); and

(2) redesignating subsection (h) as subsection (g).

SEC. 2. CONFORMING AMENDMENT.

Section 1713(d) of title 38, United States Code, is amended by striking out "section 1086(d) of title 10 or".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect with respect to health care items or services provided on and after the date of enactment of this Act.•

By Mr. INOUYE:

S. 133. A bill to amend title 10, United States Code, to authorize the appointment of health care professionals to the positions of the Surgeon General of the Army, the Surgeon General of the Navy, and the Surgeon General of the Air Force; to the Committee on Armed Services.

HEALTH CARE POSITIONS FOR THE SURGEON GENERAL OF THE ARMY ACT

• Mr. INOUYE. Mr. President, I am introducing legislation today that would authorize the appointment of various health care professionals to policymaking positions in the Department of Defense. My legislation would allow the most qualified individuals from the full range of health professions, including medicine, dentistry, osteopathy, nursing, and psychology to fill the Army, Navy, and Air Force Surgeon General positions.

I request unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SURGEON GENERAL OF THE ARMY.

Section 3036 of title 10, United States Code, is amended—

(1) in subsection (b), by inserting before the period at the end of the third sentence the following: "and shall be appointed as prescribed in subsection (f)"; and

(2) by adding at the end the following new subsection (f):

"(f) The President shall appoint the Surgeon General from among commissioned officers in any corps of the Army Medical Department who are educationally and professionally qualified to furnish health care to other persons, including doctors of medicine, dentistry, and osteopathy, nurses, and clinical psychologists.".

SEC. 2. SURGEON GENERAL OF THE NAVY.

Section 5137 of title 10, United States Code, is amended—

(1) in the first sentence of subsection (a), by striking out "in the Medical Corps" and inserting in lieu thereof "who are educationally and professionally qualified to furnish health care to other persons, including doctors of medicine, dentistry, and osteopathy, nurses, and clinical psychologists"; and

(2) in subsection (b), by striking out "in the Medical Corps" and inserting in lieu thereof "who is qualified to be the Chief of the Bureau of Medicine and Surgery".

SEC. 3. SURGEON GENERAL OF THE AIR FORCE.

The first sentence of section 8036 of title 10, United States Code, is amended by striking out "designated as medical officers under section 8067(a) of this title" and inserting in lieu thereof "educationally and professionally qualified to furnish health care to other persons, including doctors of medicine, dentistry, and osteopathy, nurses, and clinical psychologists".•

By Mr. INOUYE:

S. 134. A bill to amend title 10, United States Code, to authorize former members of the Armed Forces who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

TRAVEL ON MILITARY AIRCRAFT BY THOSE TOTALLY DISABLED VETERANS ACT

• Mr. INOUYE. Mr. President, today I am reintroducing a bill which is of great importance to a group of patriotic Americans. This legislation is designed to extend space-available travel privileges on military aircraft to those who have been totally disabled in the service of our country.

Currently, retired members of the Armed Forces are permitted to travel on space-available basis on nonscheduled military flights within the continental United States and on scheduled overseas flights operated by the Military Airlift Command. My bill would provide the same benefits for 100 percent, service-connected disabled veterans.

Surely, we owe these heroic men and women, who have given so much to our country, a debt of gratitude. Of course, we can never repay them for the sacrifice they have made on behalf of all of us but we can surely try to make their lives more pleasant and fulfilling. One way in which we can help is to extend military travel privileges to these distinguished American veterans. I have received numerous letters from all over the country attesting to the importance attached to this issue by veterans. Therefore, I ask that my colleagues show their concern and join me in saying "thank you" by supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 53 of title 10, United States Code, is amended by inserting after section 1031 the following new section:

"§ 1032. Travel privileges on military aircraft for certain former members of the armed forces

"A former member of the armed forces who is entitled to compensation from the Veterans' Administration for a service-connected disability rated total in degree by the Veteran's Administration is entitled, in the same manner and to the same extent as retired members of the armed forces are entitled to travel on a space-available basis on unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Military Airlift Command.".

SEC. 2. The table of sections, at the beginning of chapter 53 of title 10, United States Code, is amended by inserting after the item relating to section 1031 the following new item:

"1032. Travel privileges on military aircraft for certain former members of the armed forces.".

By Mr. INOUYE:

S. 135. A bill to increase the role of the Secretary of Transportation in administering section 901 of the Merchant Marine Act, 1936; to the Committee on Commerce, Science, and Transportation.

CENTRALIZED AUTHORITY FOR ADMINISTERING CARGO PREFERENCE LAWS ACT

• Mr. INOUYE. Mr. President, the legislation I am introducing today would centralize authority in the Secretary of Transportation for administering our cargo preference laws. The background of these laws, the need for them, and the problems which, in my view, necessitate the legislation are succinctly stated in a Journal of Commerce article dated November 18, 1988. While the first printing of this article was several years ago, the background it provides and the light it sheds on our present needs are still pertinent. I ask unanimous consent that the bill and the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of section 901(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241(b)), is amended to read as follows:

"(2) The Secretary of Transportation shall have the sole responsibility for determining and designating those programs which are subject to the requirements of this subsection. Every department or agency having responsibility for the programs so designated by the Secretary of Transportation shall administer such programs with respect to this subsection under regulations issued by the Secretary of Transportation. The Secretary of Transportation shall review such administration and shall annually report to the Congress with respect thereto.".

CARGO PREFERENCE

What it is.—A series of statutes, going back to 1904, intended to assure U.S.-flag ships a minimum share of cargoes produced by U.S. government programs. It is the oldest U.S. maritime promotional program and while subsidies and financing aids have shrunk over the years, preference has survived.

Background.—The preference laws began by tracking this country's extension of its military and naval power, starting with the Spanish-American War. More recently, they have come to reflect the expansion of government programs extending U.S. economic power and interest abroad.

The Military Transportation Act of 1904 was the first of the preference statutes and its requirement for U.S.-flag vessel use, 100 percent, is the highest.

In 1934 Congress adopted Public Resolution 17 to require that half of the exports financed by the Reconstruction Finance Corp. were to move in U.S.-flag vessels. Later that resolution was made to financing of the Export-Import Bank established originally to facilitate trade with the Soviet Union.

In the early postwar period, Congress acted each year to apply the resolution's 50 percent U.S.-flag share to foreign aid shipments. It permanently inserted the requirement into the 1954 Agricultural Trade Development and Assistance Act, better known as "Food for Peace" and PL–480.

Public Law 664 in 1961 made clear that preference should benefit and protect all U.S.-flag vessels, not just liners, and that all U.S. programs, including those where nonmilitary agencies procured equipment, materials or commodities for themselves or foreign governments, had to use U.S. flags to the extent of 50 percent.

Importance to carriers.—In the last year for which statistics are available, calendar 1986, U.S.-flag carriers hauled more than 33 million metric tons of preference cargo, somewhat more than the 28.5 million tons of commercial shipments carried that year. As an industry, the revenue amounted to about $502 million.

Necessity for preference.—Preference statutes are formally predicated on the need for assured cargoes to encourage the existence of a U.S.-flag merchant fleet to act as a military auxiliary in times of national emergencies.

Past efforts to apply preference to commercial cargoes have failed, reflecting U.S. governmental sensitivity to objections by this country's trading partners as well as stern opposition from U.S. exporters, importers and agricultural interests. The availability of preference cargoes has unquestionably kept some U.S. carriers in business but critics argue that preference has encouraged keeping obsolete vessels in operation long after they should have been scrapped.

Extent of program.—The Defense Department, the Agriculture Department and the Agency for International Development are the agencies most heavily involved in utilizing shipping and observing cargo preference. But there are at least 10 others with the same cargo preference responsibilities although smaller volumes. The Export-Import Bank in 1987 reported an unusually high, 98 percent rate of U.S.-flag vessel use. It brought participating carriers some $14.5 million in revenue.

Problems.—The Maritime Administration is responsible for monitoring other government agencies to try to make sure they live up to preference requirements. In fiscal year 1987, those agencies met the cargo share minimums for the most part. Among the exceptions were cases in which the cargo origins and destinations were such that U.S.-flag vessels were simply not available.

Despite administration pledges to honor cargo preference requirements, the Navy and the Agriculture Department have had a number of preference fights with the maritime industry.

One produced an agreement by which the carriers agreed to forgo preference claims on new Agriculture Department-supported export programs with commercial-like terms in return for increasing to 75 percent their share of "giveaway" relief food shipments.

In another such dispute, the Navy and the U.S. State Department were forced to negotiate a cargosharing agreement with Iceland for military shipments there. Iceland threatened the future of U.S. bases in that country if the United States didn't agree to a departure from 100 percent U.S.-flag carriage of defense shipments.

There have been other, largely budget-driven attempts to bypass preference, but carriers and their supporters in Congress generally have managed to forestall them.

Comment.—Budgetary austerity and the Defense Department's strict insistence of competitive procurement have combined to make for increasing carrier dissatisfaction, especially with the Navy's Military Sealift Command.

Efforts already are underway to change the competitive procurement system the command uses. Carriers hope generally, to end the pressures they believe force rates downward to depressed levels.

The presidentially appointed Commission on Merchant Marine and Defense has recommended that all U.S.-flag preference requirements programs be raised to 100 percent but the tight budget and such interests as farmers and traders will work against such a step. Agricultural interests have tried unsuccessfully to have existing preference removed from Government programs in the belief that they inhibit U.S. farm exports.•

By Mr. INOUYE:

S. 136. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of child restraint systems used in motor vehicles; to the Committee on Finance.

TAX CREDIT FOR CHILD RESTRAINT SYSTEMS IN MOTOR VEHICLES ACT

• Mr. INOUYE. Mr. President, today I am introducing legislation to provide for a Federal income tax credit for those families who purchase a child restraint system for their automobiles.

Accidents and injuries continue to cause almost half of the deaths by children between the ages of 1 and 4, more than half the deaths of children between 5 and 15, and continue to be the leading cause of death among children and young adults.

It is my understanding that although the Department of Transportation had made injury prevention among children a top priority, a significant number of parents who do have child restraint systems do not have them installed properly.

Mr. President, it is imperative that we create this opportunity to provide America's parents with a financially accessible alternative to the insufficient level of child safety measures currently used in automobiles.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR PURCHASE OF CHILD RESTRAINT SYSTEMS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by adding at the end thereof the following new section:

"SEC. 25A. PURCHASE OF CHILD RESTRAINT SYSTEM.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter 1 for the taxable year an amount equal to the costs incurred by the taxpayer during such taxable year in purchasing a qualified child restraint system for any child of the taxpayer.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CHILD RESTRAINT SYSTEM.—The term 'qualified child restraint system' means any child restraint system which meets the requirements of section 571.213 of title 49 of the Code of Federal Regulations.

"(2) CHILD.—The term 'child' has the meaning given to such term by section 151(c)(3).".

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Purchase of child restraint system.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.●

By Mr. INOUYE:

S. 137. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of algal blooms off the coast of Maui, Hawaii, and for other purposes; to the Committee on Environment and Public Works.

GRANT PROGRAM TO STUDY ALGAL BLOOMS IN MAUI, HAWAII

● Mr. INOUYE. Mr. President, I am introducing legislation today which will enable the Environmental Protection Agency to establish a grant program to investigate the unexplained occurrence of algal blooms off the northwestern coast of Maui, Hawaii.

Twice since 1989, portions of Hawaii's most treasured coastal areas have been plagued with massive algal blooms. Although the specific causes of the algal blooms are uncertain, algal growth is proportionally stimulated by the injection of treated waste water and concentrations of chemicals such as fertilizers and insecticides which enter the ocean through fresh water runoff.

Mr. President, I feel it is my duty to act in an efficient and timely manner to ensure that the affected coastal areas do not suffer further environmental damage. Already, coral reefs which have been exposed to the algal blooms have died; this is an occurrence that holds far-reaching effects for fish and other wildlife who depend on the reefs for survival.

In addition to solving the specific problem of the algal blooms, it is my sincere hope that this legislation will encourage the State of Hawaii to research alternative methods of managing the presence of chemicals in waste water effluent and fresh water runoff.

I am confident that this pledge of support for an inquiry into the causes of the algal blooms will complement the efforts of the State of Hawaii to eradicate this environmental hazard. My endeavor to obtain funding for this important legislation has been buttressed by my understanding that the State of Hawaii has already pledged substantial funding to coincide with the Federal effort on its behalf. Our immediate action and additional assistance are crucial if we are to halt the further deterioration of the affected coastal areas.

I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Twice since 1989, the northwestern coast of Maui, Hawaii, has been plagued with massive blooms of the green alga, Cladorphora sericea. Blooms of the red alga, Hypnea musciformis, have also occurred in the area and in the Kihei area.

(2) The algal blooms have destroyed corals and other reef-building organisms, and have washed up on beaches and severely impeded the recreational use of affected coastal areas.

(3) The algal blooms are particularly detrimental to the natural ecological balance of the near-shore reef environment.

(4) Although the specific causes of the algal blooms are uncertain, algal growth is stimulated in a proportional manner by concentrations of chemicals such as fertilizers and insecticides, which enter the ocean through freshwater runoff.

(5) The Department of Health of the State of Hawaii has indicated that the department does not have the resources at this time to determine the cause of the algal blooms.

(6) Extensive research will be required to determine the factors that contribute to algal growth.

(7) Potential sources of nutrients that may contribute to algal growth include the near-shore disposal of sewage in injection wells from the Lahaina Wastewater Treatment Plant, surface runoff from agricultural lands and urban resort areas, and subsurface point sources in the areas.

(8) The long-term environmental impacts of the algal blooms are unknown, but in the short term, reefs exposed to the algae are being destroyed and the deterioration of the coral has detrimental effects on fish and other wildlife that depend on the reefs for survival.

(9) The algal blooms are generating negative economic impacts as well as negative biological impacts, as additional reports indicate that the algae are decreasing the intake of fish caught by local fishermen in the affected marine waters.

(10) The Maui Algae Task Force is comprised of community environmental activists and has been assembled to address the problem of algal blooms.

(11) The Maui Algae Task Force hopes to work in cooperation with the Department of Health of the State of Hawaii and the Environmental Protection Agency to identify and eradicate the causes of the algal blooms.

SEC. 2. STUDY.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (hereafter in this Act referred to as the "Administrator") shall conduct a study to—

(1) determine the causes of recent algal blooms off the northwestern coast of Maui, Hawaii; and

(2) research alternatives for the improved management of chemicals present in wastewater treatment and fresh water runoff.

(b) STUDY REQUIREMENTS.—In carrying out the study under this section, the Administrator shall—

(1) survey and monitor—

(A) seaweed populations and animals for which the seaweed is a food source;

(B) surface water runoff sediments in the study area; and

(C) inputs into the study area from subsurface point sources, including any such inputs from the Lahaina wastewater treatment plant; and

(2) study the responses of—

(A) the seaweed populations referred to in paragraph (1)(A) to different concentrations of nutrients; and

(B) the animals referred to in paragraph (1)(A) to pesticides and other biological toxins.

(c) EQUIPMENT; GRANTS.—

(1) ACQUISITION OF EQUIPMENT.—In carrying out the study under this section, the Administrator is authorized to acquire such monitoring and testing equipment as the Administrator determines necessary.

(2) GRANTS.—In carrying out the study under this section, the Administrator is authorized to establish a grant program to provide grants to eligible entities that submit approved applications to the Administrator.

The following entities may submit an application to conduct study activities under this section:

(A) The Department of Health of the State of Hawaii.

(B) The Maui Algae Task Force.

(C) Appropriate Federal, State, or county departments or agencies.

(D) Any other entity that the Administrator determines to be appropriate.

(d) DEMONSTRATION PROJECTS.—In carrying out the study under this section, the Administrator is authorized to establish demonstration projects to identify and implement best management practices for the control of nonpoint source pollution from erosion and agricultural runoff.

(e) REPORTS.—

(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report that includes interim results of the study conducted under this section, and such recommendations as the Administrator determines to be appropriate.

(2) FINAL REPORT.—Not later than January 31, 1996, the Administrator shall submit to Congress a final report that summarizes the results of the study conducted under this section and includes such recommendations as the Administrator determines to be appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this section $500,000 for each of fiscal years 1994 and 1995.•

By Mr. INOUYE:

S. 143. A bill to recognize the organization known as the National Academies of Practice, and for other purposes; to the Committee on the Judiciary.

RECOGNITION OF THE NATIONAL ACADEMIES OF PRACTICE

• Mr. INOUYE. Mr. President, today I am introducing legislation which would provide a Federal charter for the National Academies of Practice. This organization represents outstanding practitioners who have made significant contributions to the practice of applied psychology, dentistry, medicine, nursing, optometry, osteopathy, podiatry, social work, and veterinary medicine. When fully established, each of the 9 academies will possess 100 distinguished practitioners selected by their peers. This umbrella organization will be able to provide the Congress of the United States and the executive branch with considerable health policy expertise, especially from the perspective of those individuals who are in the forefront of actually providing health care.

Mr. President, as we continue to grapple with the many complex issues, surrounding the delivery of health care services, it is clearly in our best interest to ensure that the Congress have systematic access to the recommendations of an interdisciplinary body of health care practitioners.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARTER.

The National Academies of Practice organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a Federal charter.

SEC. 2. CORPORATE POWERS.

The National Academies of Practice (hereafter referred to in this Act as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 3. PURPOSES OF CORPORATION.

The purposes of the corporation shall be to honor persons who have made significant contributions to the practice of applied psychology, dentistry, medicine, nursing, optometry, osteopathy, podiatry, social work, veterinary medicine, and other health care professions, and to improve the practices in such professions by disseminating information about new techniques and procedures.

SEC. 4. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 5. MEMBERSHIP.

Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

SEC. 6. BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES.

The composition and the responsibilities of the board of directors of the corporation shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 7. OFFICERS OF THE CORPORATION.

The officers of the corporation and the election of such officers shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 8. RESTRICTIONS.

(a) USE OF INCOME AND ASSETS.—No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) POLITICAL ACTIVITY.—The corporation, any officer, or any director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) CLAIMS OF FEDERAL APPROVAL.—The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

SEC. 9. LIABILITY.

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SEC. 10. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the corporation.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time.

(d) APPLICATION OF STATE LAW.—Nothing in this section shall be construed to contravene any applicable State law.

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended—

(1) by redesignating paragraph (72) as paragraph (71);

(2) by designating the paragraph relating to the Non Commissioned Officers Association of the United States of America, Incorporated, as paragraph (72);

(3) by redesignating paragraph (60), relating to the National Mining Hall of Fame and Museum, as paragraph (73); and

(4) by adding at the end thereof the following new paragraph:

"(75) National Academies of Practice.".

SEC. 12. ANNUAL REPORT.

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit for such fiscal year required by section 3 of the Act referred to in section 11 of this Act. The report shall not be printed as a public document.

SEC. 13. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

SEC. 14. DEFINITION.

For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

SEC. 15. TAX-EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986 or any corresponding similar provision.

SEC. 16. TERMINATION.

If the corporation fails to comply with any of the restrictions or provisions of this Act the charter granted by this Act shall terminate.•

By Mr. INOUYE:

S. 144. A bill to waive certain requirements under the Small Business Act for disaster relief assistance; to the Committee on Small Business.

WAIVER OF SIZE STANDARDS FOR SBA INJURY DISASTER LOAN PROGRAM

• Mr. INOUYE. Mr. President, a little over 4 months have passed since Hurricane Iniki struck the State of Hawaii. The Island of Kauai suffered the brunt of Iniki's fury, leaving thousands homeless and hundreds of businesses destroyed.

Damage to private property is estimated at $1.5 billion, $1.45 billion on Kauai alone. Damage to public property is estimated at $142 million, $139 million of which is on Kauai.

The anguish I witnessed of victims who lose their homes and businesses continues. The road to recovery has been slow and difficult. Living on an island, in an island State, the victims of Hurricane Iniki are not readily mobile. Kauai's economic well-being is in very critical condition.

During the debate on the fiscal year 1992 supplemental appropriations bill, I indicated on the Senate floor that the full extent of the damage caused by Hurricane Iniki was not known, and advised my colleagues that I may request further disaster relief assistance as circumstances warranted.

The full extent of the damage is only now becoming evident. Continued Federal support for hurricane recovery efforts is critical. Accordingly, I will be seeking additional funds to help the victims of Hurricane Iniki in the first available supplemental appropriations measure.

In addition to my plans to seek more funds, I am introducing a number of measures today to ensure better access to disaster relief funds.

To assist medium-sized businesses affected by the hurricane, I am introducing legislation to waive the size standards of the Small Business Administration's [SBA] Injury Disaster Loan Program to make more businesses eligible for these loans. This measure will also allow media interests to qualify for SBA loans to rebuild its facilities after natural disasters. Current law prohibits SBA loans to media interests in order to avoid governmental interference, or the appearance of government interference with the constitutionally protected freedoms of speech and press.

To assist in the recovery of our tourism industry, I am introducing a measure to lift the monetary cap on annual grants to States from the U.S. Travel and Tourism Administration [USTTA]. Tourism grants from the USTTA are currently limited to a maximum of $1.2 million each fiscal year.

To assist in rebuilding our agriculture industry, I am introducing legislation to waive certain restrictions on disaster assistance for agricultural losses. My measure proposes to waive limitations on Commodity Credit Corporation and Tree Assistance Programs and the very low income limitation for loans and grants to repair rural dwellings. In addition, my measure authorizes the Secretary of Agriculture to waive limitations as appropriate to serve and assist those devastated by Hurricane Iniki. My measure also extends to the State of Hawaii expanded Federal contribution limits for hazard mitigation applicable to the insular areas, and redefines crop year to accommodate multiyear crops.

Hurricane Iniki created substantially increased demands on the State Health Insurance Program administered by the State of Hawaii. To help meet the increased cost burdens, I am introducing legislation which provides that the State Health Insurance Program is eligible for reimbursement from funds appropriated to the Public Health and Social Services Emergency Fund.

To assist homebuyers, I am introducing a measure to extend to 4 years the period for the rollover of a gain from the sale of a principal residence to a principal residence located, or to be located in a qualified disaster area designated subsequent to the sale of the taxpayer's old residence.

Finally, I am introducing a measure to restore the application of the Davis-Bacon Act to Federal contracts in Hawaii. On October 14, 1992 President Bush issued a proclamation suspending provisions of the Davis-Bacon Act to "help speed up and lower the cost of rebuilding the communities ravaged by Hurricanes Andrew and Iniki." While the suspension applies only to designated areas that were directly affected by Hurricane Iniki, the U.S. Department of Labor has interpreted the proclamation to apply to all Federal contracts that are subject to the Davis-Bacon Act, regardless of whether the contract relates to hurricane recovery. As you can imagine, the impact of this proclamation has been devastating.

Mr. President, I am committed to taking the necessary steps to ensure that the victims of Hurricane Iniki fully recover from its devastation. I hope I can count on the continued support of my Senate colleagues for the people of Hawaii.

I ask unanimous consent that the text of my measures be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF REQUIREMENTS.

Notwithstanding any provision of the Small Business Act, a qualifying business that has suffered economic injury as a result of Hurricane Andrew, Hurricane Iniki, or Typhoon Omar, shall be eligible to apply for and to receive loan assistance in accordance with section 7(b)(2) of the Small Business Act, without regard to—

(1) the size of the qualifying business;

(2) the availability to that business of non-Federal sources of credit; or

(3) the maximum amount of assistance established under that section or regulations issued thereunder.

SEC. 2. QUALIFYING BUSINESSES.

For purposes of this Act, a qualifying business is—

(1) a regulated public utility company, if—

(A) the disaster area is more than 1,000 miles from the major sources of materials and supplies necessary to restore the public utility to full operating service;

(B) the public utility is not physically connected to any other public utility service that can provide the same type of services to customers of the affected public utility company;

(C) the cost to repair, reconstruct, and restore the facilities of the public utility company is equal to not less than 20 percent of the dollar value of its facilities prior to the occurrence of the disaster; and

(D) the regulated public utility had not more than 500,000 customers at the time of the disaster;

(2) an interstate transportation service provider operating in the disaster area, if—

(A) such provider is the only transportation link to the areas affected by the disaster, other than by carriage over water; and

(B) assistance provided in accordance with this Act and section 7(b)(2) of the Small Business Act will be used to finance repair, reconstruction, and restoration of the provider's facilities as they existed prior to the occurrence of the disaster; and

(3) any communications media business, the facilities of which were damaged or destroyed by Hurricane Andrew, Hurricane Iniki, or Typhoon Omar (including all such facilities related to the gathering, printing, or dissemination of information).

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "regulated public utility" means a corporation engaged in the furnishing of telephone service or in the sale of electrical energy, gas, or water, if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof or by an agency or instrumentality of the United States or by a public utility or public service commission or other similar body of the District of Columbia, Guam, or of any State or political subdivision thereof; and

(2) the term "disaster area" means any area affected by a major disaster, as declared by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as a result of the occurrences of Hurricane Andrew, Hurricane Iniki, or Typhoon Omar.●

By Mr. INOUYE:

S. 145. A bill to amend chapter 74 of title 38, United States Code, to revise certain provisions relating to the appointment of clinical and counseling psychologists in the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

HYBRID TITLE 38 ACT

● Mr. INOUYE. Mr. President, I am introducing legislation today to amend chapter 74 of title 38, United States Code, to revise certain provisions relating to the appointment of clinical and counseling psychologists in the Veterans Health Administration.

Mr. President, the Veterans Health Administration has a long history of maintaining a staff of the very best health care professionals to provide care to those men and women who have served their country in the Armed Forces. It is certainly fitting that this should be done.

Recently a quite distressing situation regarding the care of our veterans has come to my attention, that the recruitment and retention of psychologists in the Veterans Health Administration of the Department of Veterans Affairs has become a significant problem.

Mr. President, the Congress has recognized the important contribution of the behavioral sciences in the treatment of several conditions from which a significant proportion of our veterans suffer. For example, programs related to homelessness, substance abuse, and post traumatic stress disorder were funded in fiscal year 1990.

Certainly, psychologists as behavioral science experts are essential to the successful implementation of these programs. However the high vacancy and turnover rates for psychologists in the Veterans Health Administration [VHA]—over 11 percent and 18 percent, respectively, as reported in one recent survey—may seriously jeopardize these programs and will negatively impact overall patient care in the VHA.

Recruitment of psychologists by the VHA is hindered by a number of factors including a pay scale not commensurate with private sector rates of pay as well as by the low numbers of clinical and counseling psychologists appearing on the register of the Office of Personnel Management [OPM]. Most new hires have no postdoctoral experience and are hired immediately after a VA internship. Recruitment, when successful, averages 6 months or more.

Retention of psychologists in the VA system poses an even more significant problem, Mr. President. In 1990, almost 40 percent of VHA psychologists had 5 years or less of postdoctoral experience. Without doubt, our veterans would benefit from a higher percentage of senior staff who are more experienced in working with veterans and their particular concerns.

Several factors are associated with the difficulties in retention of VHA psychologists including low salaries and lack of career advancement opportunities. It seems that psychologists are apt to leave the VA system after 5 years because they have almost reached the peak levels for salary and professional development in the VHA. Furthermore, under the present system, psychologists cannot be recognized or appropriately compensated for excellence or for taking on additional responsibilities such as running treatment programs.

In effect, Mr. President, the current system for hiring psychologists in the Veterans Health Administration supports mediocrity, not excellence and mastery. Mr. President, our veterans with behavioral disorders and mental health problems are deserving of better psychological care from more experienced professionals than they are currently receiving.

Mr. President, a hybrid title 38 appointment authority for psychologists would help ameliorate the recruitment and retention problems in several ways. The length of time it takes to recruit psychologists could be abbreviated by eliminating the requirement for applicants to be rated by the Office of Personnel Management. This would also facilitate the recruitment of applicants who are not recent VA interns by reducing the amount of time between identifying a desirable applicant and being able to offer that applicant a position.

It is expected that problems in retention of behavioral science experts will be greatly alleviated with the implementation of hybrid title 38 system for VA psychologists, primarily through offering financial incentives for psychologists to pursue professional development within the VA. Achievements which would merit salary increases under title 38 should include such activities as assuming supervisory responsibilities for clinical programs, implementing innovative clinical treatments which improve the effectiveness and/or efficiency of patient care, making significant contributions to the science of psychology, earning the ABPP diplomate status, becoming a fellow of the American Psychological Association.

Mr. President, currently psychologists are the only doctoral level health care providers in the Veterans Health Administration who are not included in title 38. This is, without question, a significant factor in the recruitment and retention difficulties which I have addressed. Ultimately, an across-the-board salary increase may be necessary. However, the conversion of psychologists to a hybrid title 38, as proposed by this amendment, would provide relief for these difficulties and enhance the quality of care for our Nation's veterans and their families.

I request unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVISION OF CERTAIN AUTHORITY RELATING TO THE APPOINTMENT OF CLINICAL AND COUNSELING PSYCHOLOGISTS IN THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—Section 7401(3) of title 38, United States Code, is amended by striking out "who hold diplomas as diplomates in psychology from an accrediting authority approved by the Secretary".

(b) CERTAIN OTHER APPOINTMENTS.—Section 7405(a) of such title is amended—

(1) in paragraph (1)(B), by striking out "Certified or" and inserting in lieu thereof "Clinical or counseling psychologists, certified or"; and

(2) in paragraph (2)(B), by striking out "Certified or" and inserting in lieu thereof "Clinical or counseling psychologists, certified or".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

(d) APPOINTMENT REQUIREMENT.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall begin to make appointments of clinical and counseling psychologists in the Veterans Health Administration under section 7401(3) of title 38, United States Code (as amended by subsection (a)), not later than 1 year after the date of the enactment of this Act.•

By Mr. INOUYE:

S. 146. A bill to require that all Government records that contain information bearing on the last flight and disappearance of Amelia Earhart be transmitted to the Library of Congress and made available to the public; to the Committee on Governmental Affairs.

TRANSFER OF AMELIA EARHART RECORDS TO THE LIBRARY OF CONGRESS

• Mr. INOUYE. Mr. President, I am introducing legislation calling for the declassification of any material relating to the disappearance of Amelia Earhart that is still classified as Government secrets.

Amelia Earhart was a true heroine to millions of Americans in the 1930's. One of the world's most famous aviatrices, she disappeared along with her navigator, Fred Noonan, while on a well-known attempt to circumnavigate the globe in 1937. While it is thought by many that she was lost at sea, there is still much to be learned about her disappearance and as a story in the New York Times from last year shows, interest in this unsolved mystery still exists.

Therefore, I am introducing the following legislation and ask that it be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act, "Executive agency" has the meaning stated in section 105 of title 5, United States Code.

SEC. 2. IDENTIFICATION AND TRANSMITTAL OF RECORDS.

By not later than the date that is 90 days after the date of enactment of this Act, the head of each Executive agency shall—

(1) conduct a search of all records in the control of the agency to identify each record that contains information that is relevant to—

(A) the last flight of Amelia Earhart;

(B) the mechanical, navigational, meteorological, or other problems that caused the end of that flight; and

(C) the whereabouts of Amelia Earhart and her navigator, Fred Noonan and their airplane, following their disappearance;

(2) declassify any such relevant records that have been classified as Government secrets; and

(3) transmit all such relevant records to the Librarian of Congress.

SEC. 3. PUBLIC AVAILABILITY OF RECORDS.

By not later than the date that is 180 days after the date of enactment of this Act, the Librarian of Congress shall create an index of records transmitted to the Librarian under section 2 and make the index and records available to the public.●

By Mr. ROCKEFELLER (for himself, Mr. HATCH, and Mr. WOFFORD):

S. 148. A bill to amend section 337 of the Tariff Act of 1930 and title 28 of the United States Code to provide effective procedures to deal with unfair practices in import trade and to conform section 337 and title 28 to the General Agreement on Tariffs and Trade, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, Mr. HATCH, and Mr. WOFFORD):

S. 149. A bill to amend section 182 of the Trade Act of 1974 to permit the United States to respond to the actions of countries that do not provide adequate and effective patent protection to U.S. nationals.

INTELLECTUAL PROPERTY PROTECTION ACT OF 1993 AND INTERNATIONAL PROTECTION OF PATENTS RIGHTS ACT OF 1993

● Mr. ROCKEFELLER. Mr. President, many times over the past several years—here on the Senate floor, in the Trade Subcommittee, in the Science, Technology, and Space Subcommittee, in the Foreign Commerce and Tourism Subcommittee, as well as in other public speeches and in private meetings—I have stated my conviction that the protection of intellectual property rights is one of the most important trade issues facing U.S. businesses around the world at the present time. Intellectual property is the technology that determines our national income, our social well-being, and our international competitiveness. When the intellectual property of Americans is not protected anywhere in the world, our country loses not only jobs, production, and profits today, but we also lose our ability to undertake the research and the investments that lead to further technological progress and additional jobs for Americans tomorrow.

The improper use of a company's creativity, its name, and its reputation is theft that can cost the company the many millions of dollars it spent developing a patentable invention or an innovative computer software program. If a company cannot sell its product and recoup its research and development costs, the next product will not be researched and developed. The degree to which we protect intellectual property rights in the United States and the degree to which we ensure commensurate protection in other countries go to the heart of our ability to maintain a successful industrial society.

Mr. President, I am pleased to be joined today by my colleagues Senator MIKULSKI, Senator HATCH, and Senator WOFFORD in sponsoring one or both of the two bills that I am introducing today to address, from different perspectives, this critical trade issue. I hope that these bills will receive very serious consideration and early approval. When they are approved, these proposals will help ensure that foreign companies cannot steal U.S. technology and then use that stolen property to compete against the rightful owners. With this protection against intellectual property rights infringement, U.S. competitiveness can be enhanced and U.S. jobs can be preserved and increased.

One of these bills—the Intellectual Property Protection Act of 1993—addresses this critical trade issue through a reform of section 337 of the Tariff Act of 1930. That law gives the U.S. International Trade Commission authority to exclude imports that violate U.S. copyright, patent, trademark, and computer chip mask work registrations or that injure U.S. industry by unfair methods of competition. It is one of the most important laws available to U.S. businesses to enforce intellectual property rights against infringing imports and to deal with other unfair trade practices. My preference would have been to maintain this law in its current form, but the status quo is a choice we may no longer have.

On November 23, 1988, a GATT panel found section 337 to be in violation of U.S. obligations under the GATT because some procedures established by section 337 do not provide national treatment for imported goods, and because some aspects of these procedures were not necessary for effective enforcement of a GATT-consistent law. In that decision, national treatment was the first GATT test; "necessary for enforcement of an otherwise GATT-consistent provision" was the permitted exception to that test.

On November 7, 1989, the U.S. Government allowed adoption of the GATT panel report and thus undertook a commitment to reform section 337 to comply with our GATT obligations. The U.S. Trade Representative has not yet proposed a reform of section 337 in order to meet this commitment. USTR had hoped to introduce such a proposal as part of the Uruguay round implementing legislation.

Well, Mr. President, the Uruguay round negotiations have dragged on for 7 years now, and despite periodic flurries of activity there is still no end in sight. However, other nations will not let us wait forever to comply with our international obligations. As long as this issue is unresolved, other proposals will be made that would do great damage to our ability to protect our industry against infringing imports. Therefore, I believe we may have no choice but to act now to remove any uncertainty about the continued effectiveness of this important law. As a result of this uncertainty, the use of section 337 by U.S. companies has declined since 1989.

In summary, the problem faced by the United States as we try to meet our GATT obligations, while at the same time maintaining an effective enforcement process against illegal imports, is that our Federal district courts cannot provide efficient adjudication of import issues because each district court normally exercises jurisdiction only over persons found within the district. Because of the need in import cases to exercise far-flung jurisdiction—often in several foreign countries and in several States—that is not customary in district court proceedings, section 337 was written 70 years ago to give the ITC the necessary authority: in rem jurisdiction for the entire country and border enforcement of its exclusion orders by the U.S. Customs Service.

In rem jurisdiction is authority over a thing, the imported product itself, rather than over a person. Because of the difficulty of enforcing intellectual property rights against products which are manufactured outside the normal jurisdiction of U.S. courts, these special enforcement procedures are necessary to enforce intellectual property rights against infringing imports at the U.S. border. The GATT allows such special enforcement procedures when they are no less favorable than those used against domestic products or, if less favorable, they are necessary to secure compliance with GATT-consistent regulations or procedures. Some parts of section 337 did not meet this test.

The GATT panel did recognize as necessary the ITC's in rem jurisdiction and the automatic enforcement of its orders against illegal imports by the U.S. Customs Service. However, the GATT panel judged the following special enforcement procedures of section 337—those that are different from the analogous processes in district courts—to be not necessary, and therefore to be not permitted.

First, the statutory time limits in the ITC process. There are no time limits imposed by statutes on the courts nor, given the constitutionally established independence of our judiciary, do I believe we can in the Congress impose any such time limits.

Second, the lack of a provision for counterclaims in the ITC process. Counterclaims are allowed by the courts in intellectual property causes.

Third, the broad availability in the ITC process of general exclusion orders against imported articles. There is no counterpart in courts' actions against domestic infringers.

Fourth, the availability to U.S. firms of two fora—the ITC and the courts—to challenge imports with only a single forum available to challenge alleged domestic infringement. Under current law, only a U.S. industry can bring a section 337 complaint to the ITC, and

Fifth, possible duplicative proceedings in the ITC and a district court. A respondent in a section 337 case may have to defend in two fora, often at the same time, whereas a domestic respondent has only a court case to answer.

The bill which Senator HATCH, Senator WOFFORD, and I are introducing today addresses each of these issues, making those changes necessary to comply with our GATT obligations, while fully maintaining the ITC's ability to act quickly and effectively against violations of U.S. intellectual property rights and other unfair trade practices. This is the approach I believe we should adopt. It has very broad support in the U.S. business and legal communities. In preparing this bill, I have consulted extensively with representatives of U.S. industry and with the lawyers who specialize in intellectual property protection issues. As a result of that work, a broad consensus has developed that the approach taken by this bill is the proper way to go.

Mr. President, I would like to share with the Senate two of the reactions on this approach to the reform of section 337 that I received from U.S. business and legal communities. In response to these reactions, the 1993 version of the bill which I am introducing today contains some minor modifications to S. 3172, the bill I introduced last year. The first letter is from Thomas V. Heyman, the president of the ITC Trial Lawyers Association. Mr. Heyman, on behalf of the group he heads, wrote,

> For the following reasons, we believe your approach will well serve the interests of the United States while meeting this country's GATT's obligations to our trading partners * * *. While the United States must react to the GATT decision, it should not overreact. It should not change its patent enforcement system. It should not change the focus of Section 337 from an import relief statute to an alternative form of preliminary injunctive relief in connection with imported goods. It should not sacrifice the ability to obtain expeditious relief in the vast majority of cases. It should not trade the flexibility of administrative proceedings for the rigidity of district court rules. What it should do is what your bill proposes—the minimum necessary to preserve the advantages of Section 337 while meeting U.S. international obligations.

Mr. Heyman goes on to examine the specific provisions of the bill in some detail and then writes,

> In conclusion, our Association believes that your proposed legislation will serve to solve the long-standing GATT issue regarding Section 337 in a manner that will not only be supported by U.S. industry, but will bring this country into compliance with its international obligations.

Mr. President, the second document I would like to share with my colleagues is an endorsement of this reform effort that I received from the U.S. Chamber of Commerce. Mr. William T. Archey, the chamber's senior vice president for policy and congressional affairs, wrote on behalf of the chamber,

> The U.S. Chamber of Commerce Federation of local and state chambers of commerce, businesses, and associations strongly supports Section 337 as a proven and effective remedy against the import of goods by those who seek to benefit unfairly from American inventiveness. On March 23, 1990, the Task Force wrote to the Office of the U.S. Trade Representative in response to a Federal Register Notice request and offered suggestions for amending Section 337 * * *. The Task Force reviewed S. 3172 since its introduction and has concluded that the bill substantially accords with the position the Task Force communicated to the Trade Representative.

Mr. President, I will ask unanimous consent that the full text of the ITC Trial Lawyers Association letter and the U.S. Chamber of Commerce letter be printed at the conclusion of my remarks about this legislation. I also expect to receive similar assessments from other representative industry and legal groups in the near future, which I will also share with Senators. I also want to comment on a very important issue that Bill Archey raised in his letter. He wrote,

> A major concern by industry is that actions under Section 337 continue to be expeditiously handled, and we are pleased to note that S. 3172 speaks of this issue and calls for the International Trade Commission to establish target dates for completion of its investigations under Section 337. We strongly recommend that the legislative history for S. 3172 emphasize this aspect of the bill and give specific indications of the times that Congress would give specific indications of the times that Congress would consider reasonable for the Commission's target dates, which in our view should continue to be the 12-month and 18-month times that are currently required under the statute.

As part of the legislative history to which Bill Archey refers, in this case the legislative history of the bill I am introducing now as the successor to S. 3172, my statement today will clearly indicate that I believe that the removal of the statutory time limits from section 337—something the United States is required to do to comply with our GATT obligations—should not, and indeed will not, result in the determinations of the U.S. International Trade Commission taking any longer than they have in the past. There are three specific reasons for this belief.

First, my amendment to section 337 does not in any way change the strict 90-day or 150-day time limits on the Commission's determinations with respect to petitions for temporary exclusion orders. Furthermore, my proposal that a temporary exclusion order be enforced by the posting of a bond in an amount determined by the Commission to be sufficient to protect the complainant from any injury will make these temporary exclusion orders even more effective than they were previously. These temporary orders, which can remain in place until a final determination is made, were found by the GATT panel to be consistent with our obligations.

Second, the language I have proposed for the timing of the Commission's final determinations says:

> The Commission shall conclude any such investigation and make its determination under this section at the earliest practicable time after the date of publication of notice of such investigation.

The Commission has repeatedly and consistently demonstrated that it is practicable for it to conclude investigations and make determinations within 12 months, or within 18 months in especially complicated cases. This historical record clearly sets the standard for the earliest practicable time that I expect the Commission to maintain.

It is also my understanding, from the consultations which have gone into drafting this bill, that it is the intention of current commissioners to maintain this standard. I am also confident that when new commissioners are nominated, the Senate Finance Committee will ask them during their confirmation hearings to commit themselves to maintaining the current standard.

Third, to ensure the Commission can maintain this standard, my amendment states: "To promote expeditious adjudication, the Commission shall, within 30 days of the initiation of an investigation, establish a target date for its final determination." The use of a specific timeframe for the setting of a target date is a standard practice in district courts under rule 16 of the Federal Rules of Civil Procedure. It is the judgment of current and former U.S. International Trade Commission officials that the Commission can easily meet the 30 days the legislation gives it to establish a target date.

For these reasons, I do not expect these target dates to be any later than the 12- to 18-month deadlines now in the statute. In fact, because the U.S. International Trade Commission has repeatedly and consistently demonstrated that it can finish its work before those deadlines, I anticipate that the target dates established by the Commission can be well within those deadlines.

Mr. President, I hope this statement, which I am making explicitly to establish clearly in the legislative record what the Intelligence Property Act of 1993 means, will help move this proposal very rapidly in the 103d Congress.

The reform of section 337 is not merely an academic exercise. The use of the ITC's section 337 process has fallen significantly since the USTR acquiesced in the adoption of the GATT panel report. I have been told by U.S. businesses that the drop in such cases is not due to greater respect by foreign companies for U.S. intellectual property rights. Rather, it is because some potential U.S. complainants fear that any determination they obtained in the ITC could be invalid because the U.S. Government has accepted the GATT ruling against the current procedures, or that an investigation could be stopped part way through, after a great deal of time and money had been spent, when the rules change.

Mr. President, this is an untenable situation. The protection of the intellectual property rights of U.S. businesses—their copyright, patient, trademark, and computer chip mask work registrations—is too important. Section 337 is an important law, one of the most effective available to U.S. businesses to enforce intellectual property rights against infringing imports and to deal with other unfair trade practices. With the enactment of the bill I am introducing today, we can maintain and reinforce the authority section 337 of the Tariff Act of 1930 gives the U.S. International Trade Commission to enforce intellectual property rights against infringing imports and to deal with other unfair trade practices.

Mr. President, I ask unanimous consent that the full text of the ITC Trial Lawyers Association letter and the U.S. Chamber of Commerce letter, as well as the full text of the proposed Intellectual Property Protection Act of 1993 be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intellectual Property Protection Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) is one of the most important laws available to United States businesses to deal with unfair practices in import trade and to enforce intellectual property rights against infringing imports.

(2) On November 23, 1988, a panel of the General Agreement on Tariffs and Trade (hereafter in this Act referred to as "GATT") found section 337 to be in violation of United States obligations under the GATT, because certain procedures under section 337 did not provide national treatment for imported goods and because some aspects of the procedures were unnecessary for effective compliance with United States patent law.

(3) On November 7, 1989, the United States allowed adoption of the GATT panel report on section 337, thereby assuming an obligation to reform section 337 to comply with its obligations under the GATT.

(4) Because of the special difficulties in enforcing intellectual property rights against unfairly traded imports, special enforcement procedures that apply only to imports are necessary to effectively enforce intellectual property rights against infringing imports.

(5) The GATT allows special enforcement procedures when such procedures are not less favorable than the procedures used against domestic products or such procedures are necessary to secure compliance with copyright, patent, trademark, and mask work registration protection laws or regulations.

(6) To be effective, such enforcement procedures must establish administrative proceedings which can reach multiple parties in one forum, allow efficient foreign discovery, provide expeditious dispute resolution, and provide border enforcement by the United States Customs Service.

(b) PURPOSE.—The purpose of this Act is to conform section 337 of the Tariff Act of 1930 and title 28 of the United States Code to the provisions of the GATT to ensure that section 337 procedures can reach multiple parties in one forum, allow efficient foreign discovery, provide expeditious dispute resolution even in the absence of a deadline for final determinations, and provide border enforcement of determinations.

SEC. 3. AMENDMENT OF SECTION 337 OF THE TARIFF ACT OF 1930.

(a) INVESTIGATION.—Section 337(b) of the Tariff Act of 1930 (19 U.S.C. 1337(b)) is amended—

(1) by striking "; TIME LIMITS" in the heading;

(2) in paragraph (1), by striking "The Commission shall conclude any such investigation" and all that follows through the end period and inserting the following: "The Commission shall conclude any such investigation and make its determination under this section at the earliest practicable time after the date of publication of notice of such investigation. To promote expeditious adjudication, the Commission shall, within 30 days of the initiation of an investigation, establish a target date for its final determination."; and

(3) by striking the fifth sentence in paragraph (3).

(b) DETERMINATION; REVIEW.—Section 337(c) of such Act is amended—

(1) by striking "a settlement agreement" in the first sentence and inserting "an agreement between the parties";

(2) by striking "subsection (d) or (e)" in the second sentence and inserting "subsection (d), (e), or (f) (and each declaration under subsection (o))"; and

(3) by striking "(f), or (g)" in the fourth sentence and inserting "(f), (g), or (o)".

(c) EXCLUSION OF ARTICLES FROM ENTRY.—Section 337(d) of such Act is amended by inserting after the first sentence the following new sentence: "No article shall be excluded from entry where the Commission determines that the owner, importer, or consignee of the article has established a sufficient counterclaim directly related to the unfair methods or acts determined by the Commission to exist.".

(d) ENTRY UNDER BOND.—Section 337(e) of such Act is amended—

(1) in the last sentence of paragraph (1), by striking "determined by the Commission" and all that follows through the end period and inserting: "prescribed by the Secretary in an amount determined by the Commission to be sufficient to protect the complainant from any injury. If the Commission later determines that the respondent has violated the provisions of this section, the bond may be forfeited to the complainant.";

(2) by adding at the end of paragraph (2), the following new sentence: "If the Commission later determines that the respondent has not violated the provisions of this section, the bond may be forfeited to the respondent."; and

(3) by adding at the end thereof the following new paragraph:

"(4) The Commission may prescribe the terms and conditions under which bonds may be forfeited under paragraphs (1) and (2).".

(e) CEASE AND DESIST ORDERS.—Section 337(f)(1) of such Act is amended—

(1) by inserting after the first sentence the following new sentence: "A permanent cease and desist order shall not be issued if the Commission determines that the owner, importer, or consignee of the article has established a sufficient counterclaim directly related to the unfair methods or acts determined by the Commission to exist."; and

(2) by adding at the end thereof the following: "If a temporary cease and desist order is issued in addition to, or, in lieu of, an exclusion order under subsection (e), the Commission may require the complainant to post a bond as a prerequisite to the issuance of an order under this subsection. If the Commission later determines that the respondent has not violated the provisions of this section, the bond may be forfeited to the respondent. The Commission may prescribe the terms and conditions under which bonds may be forfeited under this paragraph.".

(f) CONDITIONS APPLICABLE FOR GENERAL EXCLUSION ORDERS.—Section 337(g) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) The authority of the Commission to issue an exclusion from entry of articles shall be limited to persons determined by the Commission to be violating this section unless the Commission determines that—

"(A) a general exclusion from entry of articles is necessary to prevent circumvention of an exclusion from entry limited to such persons; or

"(B) there is a pattern of violation of this section and it is difficult to identify the persons responsible."

(g) ENTRY UNDER BOND AFTER REFERRAL TO PRESIDENT.—Section 337(j)(3) of such Act is amended by striking "shall be entitled to entry under bond" and all that follows through the end period and inserting "shall, until such determination becomes final, be entitled to entry under bond prescribed by the Secretary in an amount determined by the Commission to be sufficient to protect the complainant from injury. If the determination becomes final, the bond may be forfeited to the complainant. The Commission may prescribe the terms and conditions under which bonds may be forfeited under this paragraph.".

(h) DECLARATORY RELIEF.—Section 337 of such Act is amended by adding at the end thereof the following new subsection:

"(o) COMPLAINT FOR DECLARATORY RELIEF BY OWNER, IMPORTER, OR CONSIGNEE.—In a case of actual controversy as to the existence of unfair methods of competition and unfair acts described in subsection (a), upon the filing of a complaint for declaratory relief under oath by the owner, importer, or consignee of an imported article (or part thereof), the Commission may declare the rights and other legal relations of the parties, whether or not further relief is or could be sought. A declaration made under this subsection shall have the force and effect of a final determination of the Commission and shall be reviewable as such. In the case of unfair acts involving the validity of patents as described in subsection (a)(1)(B), such a declaration shall be only for the purpose of determining whether there is a violation of this section and shall not have the effect of claim or issue preclusion.".

SEC. 4. AMENDMENT OF TITLE 28, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§1659. Stay of certain actions pending disposition of related proceedings before the United States International Trade Commission

"(a) STAY.—In a civil action involving parties that are also parties to a proceeding before the United States International Trade Commission pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), at the request of a party that is a respondent in the proceeding before the Commission (other than a respondent to a counterclaim in a proceeding for declaratory relief), a district court shall stay, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that involves the same issues involved in the proceeding before the Commission.

"(b) USE OF COMMISSION RECORD.—After dissolution of a stay under subsection (a), portions of the record of the proceeding before the United States International Trade Commission that bear on issues in a civil action shall be admissible in the civil action, subject to such protective order as the district court determines necessary and to the extent permitted under the Federal Rules of Evidence and the Federal Rules of Civil Procedure.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 111 of title 28, United States Code, is amended by adding at the end the following new item:

"1659. Stay of certain actions pending disposition of related proceedings before the United States International Trade Commission.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act apply to complaints filed and investigations initiated under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) after the date of the enactment of this Act.●

ITC TRIAL LAWYERS ASSOCIATION,
Washington, DC, July 29, 1992.

Senator JOHN D. (JAY) ROCKEFELLER, IV, SH-109 HART SENATE OFFICE BUILDING, WASHINGTON, DC.

Re Section 337

DEAR SENATOR ROCKEFELLER: Thank you for sharing with our organization your draft legislation for amending Section 337 (19 U.S.C. §1337). For the following reasons, we believe your approach will well serve the interests of the United States while meeting this country's GATT obligations to our trading partners.

Since the 1974 amendments, in over 330 investigations, Section 337 has proven to be an effective tool for enforcing U.S. intellectual property rights—many times against multiple offenders—in connection with unfair imports into the United States. Over that period, the four most advantageous aspects of these administrative proceedings have been the ability to reach multiple parties in one forum, efficient foreign discovery, expeditious resolution and border enforcement by the U.S. Customs Service. While the GATT ruling in the *Aramid Fibers* case found fault with Section 337 in four respects, the only one of the foregoing advantages of the statute that might be affected by your proposed legislation is expedition, and it is by no means certain that even this element has to be sacrificed.

While the United States must react to the GATT decision, it should not overreact. It should not change its patent enforcement system. It should not change the focus of Section 337 from an import relief statute to an alternative form of preliminary injunctive relief in connection with imported goods. It should not sacrifice the ability to obtain expeditious relief in the vast majority of cases. It should not trade the flexibility of administrative proceedings for the rigidity of district court rules. What it should do is what your bill proposes—the minimum necessary to preserve the advantages of Section 337 while meeting U.S. international obligations.

Your bill would retain the principal advantages of Section 337 administrative actions while preserving the possibility of preliminary injunctive relief for those cases where such an extraordinary remedy is warranted. Most Section 337 cases, in the future as in the past, will not be driven by the need to obtain temporary exclusion orders. They will remain cases which are brought to the ITC because they involve one or more of the following elements: multiple offenders, a need to obtain effective discovery here and abroad, the desire to obtain relief faster than that which is available from most district courts and the benefit of U.S. Customs Service enforcement of limited or general exclusion orders. Temporary or preliminary relief, along with these advantages, will, nonetheless, continue to be available to those complainants who can pass the same test in the ITC that they would have to meet to obtain a district court preliminary injunction. Alternatively, failing to obtain temporary relief at the ITC, some parties may simply choose to terminate their Section 337 action and pursue their remedies in district court.

Since expedition is the key to Section 337, that is the one element that cannot be sacrificed, as it would be if, for instance, the statute were relegated to the district courts. Under the separation of powers doctrine, neither Congress nor the President would be in a position to dictate to the district courts that import-related patent cases be handled expeditiously, nor should they, when one considers the many competing interest that vie for scheduling advantage in the federal court system. The only hope for maintaining prompt relief in import-related patent cases is to keep Section 337 enforcement exclusively at the ITC where, because of continued Congressional oversight, pressure can be applied if that agency fails to do its job properly. Moreover, unlike the district courts, the ITC, because of its responsibilities in the fields of antidumping and countervailing duties, is very sensitive to the need to protect domestic parties against unfair foreign competition. It does not take too great an act of faith to believe that an agency that is in the vanguard of protecting this country's natural advantages would recognize the need to provide expeditious relief for the protection of intellectual property rights against foreign infringers.

Turning to your bill's proposal to create a new declaratory judgment action before the ITC, the very limited opportunity for and nature of this right is apparent. First of all, the right to bring such an action would not arise unless two conditions are met—there must be a specific threat made of an action to bar importation, and the rights holder must meet the test of a "domestic industry" for the ITC to have jurisdiction to adjudicate the parties' rights. In other words, not every threatened infringement action would give rise to an ITC adjudication, nor could a U.S. patent holder who is engaged in no domestic activity have his patent challenged before the ITC. Finally, because res judicata does not apply, the adjudication of the patent by the ITC will only be for purposes of Section 337, thus giving the threatened party little incentive to choose the ITC over the district court as the forum in which to initiate its action if it is seeking a dispositive determination of patent rights.

As we read your proposal, it would allow respondents to raise directly related counterclaims, not to obtain affirmative relief, but rather to bar the imposition of relief under Section 337. It would appear that, since Section 337 is a trade, not patent statute, a respondent need only be given the opportunity to prevent the imposition of border relief. In fact, the *Aramid Fibers* case involved a refusal by the ITC to allow respondent to raise as a counterclaim its own process patent in the same field in which it was accused. Had both parties' claims been successful, under your proposed revision to the statute, the ITC would simply have been empowered to deny trade relief to complainant, thus properly relegating the dispute to the district court as a mutual patent infringement action. The narrow ability to raise directly related counterclaims is likely to be of limited value to respondents seeking to thwart, since the facts of the *Aramid Fibers* situation were the exception, not the rule.

The most troubling aspect of the GATT ruling is the dual forum issue. That question can never be fully solved as long as both a trade remedy and an infringement action lie against imported goods. However, your legislation deals with the underlying inequities raised by the dual forum issue, namely, the expense and inconvenience of two proceedings, whether simultaneous or seriatim. While your proposal eliminates simultaneous proceedings against respondents, it also deals with the cost of multiple actions by preserving as much of the ITC record as possible for use by the parties in district court.

In conclusion, our Association believes that your proposed legislation will serve to solve the long-standing GATT issue regarding Section 337 in a manner that will not only be supported by U.S. industry, but will bring this country into compliance with its international obligations. We would be pleased to provide additional information if that would be of assistance.

Sincerely,

THOMAS V. HEYMAN,
President.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC., September 24, 1992.

Hon. JOHN D. ROCKEFELLER, IV,
U.S. Senate, Washington, DC.

DEAR SENATOR ROCKEFELLER. This letter is to advise you of the views of a representative cross-section of U.S. business on S. 3172, the bill which you introduced on August 11, 1992, to amend Section 337 of the Tariff Act of 1930. These views were developed by the U.S. Chamber of Commerce Intellectual Property Task Force, a diverse group of 45 member companies which has been considering possible amendments to Section 337 since the U.S. Government unblocked the GATT Panel Report that calls for changes in Section 337.

The U.S. Chamber of Commerce Federation of local and state chambers of commerce, businesses, and associations strongly supports Section 337 as a proven and effective remedy against the import of goods by those who seek to benefit unfairly from American inventiveness. On March 23, 1990, the Task Force wrote to the Office of the U.S. Trade Representative in response to a Federal Register Notice request and offered suggestions for amending Section 337. A copy of that letter is attached. The Task Force has reviewed S. 3172 since its introduction and has concluded that the bill substantially accords with the position the Task Force communicated to the Trade Representative.

A major concern by industry is that actions under Section 337 continue to be expeditiously handled, and we are pleased to note that S. 3172 speaks to this issue and calls for the International Trade Commission to establish target dates for completion of its investigations under Section 337. We strongly recommend that the legislative history for S. 3172 emphasize this aspect of the bill and give specific indications of the times that Congress would consider reasonable for the Commission's target dates, which in our view should continue to be the 12-month and 18-month times that are currently required under statute.

In addition, we recommend that any legislation to amend Section 337 include enabling provisions to make the bill effective only upon successful completion of negotiations on Trade Related Aspects of Intellectual Property Rights (TRIPS) taking place in the Uruguay Round of GATT trade talks. In our view, U.S. interests would be best served by awaiting evidence of responsiveness by our GATT partners as reflected in a successful conclusion to the intellectual property negotiations in the Uruguay Round trade talks.

If you would like additional information or assistance, please contact Wolf Brueckmann at (202) 463-5478.

Sincerely,

WILLIAM T. ARCHEY.

Mr. ROCKEFELLER. Mr. President, I would like now to turn to the second intellectual property rights protection bill I will introduce today: the International Protection of Patent Rights Act of 1993. It deals with a very different—but certainly no less important—aspect of the problems faced by U.S. companies. This problem is the treatment American companies, especially those in the high-technology area, receive when they apply for patents in foreign countries and, often, even after they obtain patents in these countries.

Along with many Senators, I have been concerned for some time about this issue. My personal attention has focused especially on Japan, but inadequate patent protection is chronic in many countries. To illustrate this problem, I will describe my experience with Japan.

Five years ago, I chaired a hearing in the Foreign Commerce and Tourism Subcommittee in which we looked at the effects of Japan's patent system on American business. Nine months later, I chaired a second hearing on this issue, and I was disappointed to learn that, in the interim, there had been little progress in resolving the problems examined at our first hearing. American and other foreign companies, especially high-technology industries, still faced daunting problems with the Japanese patent system. This was particularly discouraging because there was significant cooperation between the United States and Japan on intellectual property issues in international forums such as the Uruguay round, the World Intellectual Property Organization, and trilateral discussions with the European Patent Office.

At both hearings, specific difficulties were outlined in detail by witnesses representing the U.S. Government, a cross-section of American industry, and academia. The list of problems was long. Let me give several examples.

It took an average of more than 72 months to obtain a patent in Japan, versus 19 months in the United States. The delay in Japan's patent system was an open invitation to copying and abuse. There were many measures Japan could have taken to reduce this delay in its issuance of patents, including greatly increasing the number of patent examiners, altering the system that allows an applicant to deter examination of his patent for up to 7 years, and working with Japanese industry to eliminate the filing of unnecessary applications and applications of limited value which were clogging the patent system.

Patent claims in Japan were interpreted very narrowly, thereby allowing others to make minor changes in the patented invention and avoid liability for infringing the original patent. As a result, patent flooding by Japanese companies continued. This is a practice whereby Japanese companies file large numbers of applications for improvements on an original invention, making it necessary for the owners of the original to cross-license their technology if they want to be able to offer their product in the improved manner.

The Japanese Patent Office permitted the use of foreign language terms in patent applications only in extreme situations. In contrast, the U.S. Patent Office, as well as the European Patent Office, accepts foreign language applications and allows applicants 2 months to submit translations.

This is just a sample of the problems that concerned me 5 years ago. There was a plethora of other areas where improvements were needed to assure that foreign firms were not disadvantaged by the practices permitted by the Japanese patent system. Many of these were listed in an amendment I introduced in July 1988, which was agreed to unanimously by this body. That amendment called on the administration to give this issue higher visibility and to use all possible avenues to persuade the Japanese to correct their patent system.

The United States-Japan Working Group on Intellectual Property was part of our government-to-government trade dialog, part of the administration's effort called for by the Senate amendment. Given the significant trade implications of the issues at hand, I had hoped that the Japanese representatives would be prepared to negotiate seriously. However, little progress on patent issues was made in 1988 and 1989, and I was very disappointed by this lack of results. Japanese Government officials failed to recognize the critically important trade ramifications of these patent problems.

Well, Mr. President, since 1989 the patent process in Japan really hasn't changed much. The Japan Patent Office hires a few more patent examiners each year—they now have some 900 examiners—but with hundreds of thousands of applications per year, the backlog is actually growing. For example, in 1988, the Japan Patent Office received 339,399 applications—308,908 Japanese applicants—but registered only 55,300 patents; in 1989 it received 351,207 applications—317,566 from Japanese applicants—but registered only 63,301 patents, and in 1990, the last full year for which I have data, the Japan Patent Office received 367,590 applications—333,230 from Japanese applicants—but issued only 59,401 patents.

The Japan Patent Office's delay in granting patents, or even examining the applications after they are filed, is almost as bad as it was in 1989. It still takes about 3 years before an application even gets picked up for examination. Then, once an examiner picks up an application, the average time to the granting of a patent, according to statistics from the Japanese Government, is another 32 months; that is, if there is no opposition. However, as the Japan Patent Office continues to make applications subject to pre-grant opposition, the process is in many cases even slower. Overall, this is only a 4-month reduction from the 72-month average pendancy that existed 4 years ago. Some U.S. firms have experienced delays for up to 10 years, or even longer, from the filing date to the grant of the patent.

Furthermore, the term of a patent granted in Japan still runs from the filing date, a practice which, because of the long delays in examination and processing, limits the value of a patent. For example, without an issued patent, a company will have a difficult or impossible time negotiating licensing fees, something important for manufacturers of pharmaceuticals and microelectronics. For the electronics industry, the situation is especially bad: The delay in examination and processing is often longer than the average life of the products. The majority of sales by many U.S. high-technology companies is based on products that didn't exist 6 years, or even 3 years earlier. By the time the Japan Patent Office begins its examination, or by the time a patent is granted in Japan, the product may no longer have a commercial value.

Great uncertainty for these companies also exists when a competitor has filed a patent application for a similar product or process. The U.S. company may get hit with an infringement lawsuit years later, after it no longer sells the product. Or, vice versa, the U.S. company may not be able to file an infringement suit until the product involved is no longer being sold, and the damage has already been done. Neither company will know for certain whether it is in the right or the wrong. With this type of uncertainty, further technological development is stymied.

One of the major causes of the Japan Patent Office's huge backlog is the unnecessarily narrow interpretations of patent claims it allows. Because of this, Japanese companies still have hundreds of patent engineers cranking out patents that clog the system. Under this system, if United States companies don't have patent engineers and lawyers in Japan—a luxury small United States companies cannot afford—they find it extremely difficult to compete.

Mr. President, I believe it is time to renew legislative efforts in this area. The problems we examined in 1988 and 1989 continue to afflict U.S. companies. Another example of this situation was brought to my attention just last year. It concerns a small, American company that has developed a truly innovative technology which promises to provide many American jobs, American exports, and American profits. This case also concerns the threat that this technology will be stolen by a large Japanese conglomerate because of the lack of effective intellectual property rights protection by the Japanese patent system.

The American company is Noise Cancellation Technologies, Inc. [NCT] of Linthicum, MD. NCT controls the basic technology that cancels unwanted noise through the application of active counternoise through its trade secrets, proprietary computer software codes, and, most important, its patents. It owns dozens of patents, except in Japan, and has other patent applications pending worldwide.

In Japan, the Patent Office has refused to recognize a key patent that has been granted to NCT in the United States and every other foreign country where NCT has filed a patent application. I repeat: NCT's innovative technology has been patented in every foreign country where NCT has filed a patent application except Japan. As a result, at least one very large Japanese automobile company has announced plans to market cars with an active noise cancellation system in the passenger compartment. Although a recent patent validity and infringement legal opinion found that this system infringes three of the patents owned by NCT, the Japanese company has made no arrangements to pay for its use of NCT patents. Current U.S. law gives NCT no protection from sales of these products outside the United States and would provide NCT recourse in the United States only after the infringing imports have come into the U.S. market. This is a predicament that United States inventors have repeatedly faced because of the vagaries of the Japanese and other foreign patent systems.

Why is this an important issue? Just a brief description of what this one new, U.S.-developed technology does—and what it could mean in terms of U.S. jobs, production, exports, and profits—will show how important it can be to American workers, manufacturers, and consumers. Applications of NCT's patented noise cancellation technology include: Selective headsets for the military and workplaces that eliminate noise but let you hear what you want; similar, but much larger systems for vehicle and aircraft passenger compartments; quiet mufflers for all types of internal combustion engines, for automobiles, trucks, industrial machinery, construction equipment, et cetera; quieting enclosures for pumps and compressors; elimination of in-wire noise signals in communications equipment; many military applications where noise stealth is important, and many others.

One needs only to think of situations where noise is a problem to imagine what other applications and their benefits could be. Each one of these applications will spawn spinoff products and industries that could employ hundreds of thousands of workers in the United States if the technology is not stolen by other countries.

Some of the benefits are less obvious. For example, it has been found that substituting NCT's new muffler for the existing types can increase the vehicle's gas mileage by 3 to 7 percent. This means a potential national savings of billions of dollars annually to individual Americans, a similar reduction in our dependence on foreign oil supplies, and an improvement in our environment.

It is because of this case and many other similar ones that Senator MIKULSKI, Senator HATCH, Senator WOFFORD, and I are introducing today the International Protection of Patent Rights Act of 1993. With standards for adequate and effective foreign patent protection for U.S. companies the legislation we are proposing will use the Special 301 provisions of the trade law to require USTR first to determine which countries do not provide adequate patent protection and then to negotiate a satisfactory solution. With the Special 301 specific mandates and strict timetables, this legislation can, I believe, help eliminate the type of problem I've just described. I hope all of my colleagues will support this effort.

This bill we introduce today is not another "shot across the bow" of Japan and other countries. The time for warnings and patience has passed. With the support of this body and of the House of Representatives, which passed a similar measure last year, we can take action now. I urge the Senate to take expeditious action on this proposal as well.

Mr. President, I ask unanimous consent that the full text of the proposed International Protection of Patent Rights Act of 1993 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Protection of Patent Rights Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) Several countries (including Brazil, India, Indonesia, Japan, Korea, Pakistan, Taiwan, and Thailand) maintain patent systems that effectively deny adequate and effective patent protection to United States nationals because of—

(A) unreasonable delays in granting or enforcing patents,

(B) pre-grant opposition to patent applications,

(C) unnecessarily narrow interpretations of patent claims by the authorities which determine patent validity and infringement, and

(D) other policies and practices.

(2) The lack of adequate and effective patent protection in these countries denies fair and equitable market access to United States nationals that rely upon intellectual property rights protection.

(b) PURPOSE.—The purpose of this Act is to amend the Trade Act of 1974 to respond to the actions of countries that do not provide adequate and effective patent protection to United States nationals.

SEC. 3. IDENTIFICATION OF FOREIGN COUNTRIES.

Section 182 of the Trade Act of 1974 (19 U.S.C. 2242) is amended—

(1) in subsection (a)(1)—

(A) by striking "or" at the end of subparagraph (A),

(B) by striking "and" at the end of subparagraph (B) and inserting "or", and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) deny adequate substantive standards, and";

(2) in subsection (b)(1)(A)—

(A) by striking "or" at the end of clause (i),

(B) by inserting "or" at the end of clause (ii), and

(C) by inserting after clause (ii) the following new clause:

(iii) deny adequate substantive standards,";

(3) by adding at the end of subsection (d), the following new paragraph:

"(4) A foreign country denies adequate substantive standards if the country enforces or permits procedures under its patent approval system that result in, among other practices—

"(A) patent applications being subject to pre-grant opposition,

"(B) extended deferral (beyond 3 years) of patent examination,

"(C) an inordinately long period of time for patent application approval,

"(D) an inordinately short patent term measured either from the date of grant or from the date of filing,

"(E) an inordinate delay in obtaining judicial review or unavailability of judicial review for patent applications that are denied, or

"(F) unnecessarily narrow interpretations of patent claims by the authorities which determine patent validity and infringement."; and

(4) by adding at the end of subsection (e) the following new sentence: "Such publication shall include information with respect to any act, policy, or practice identified under subsection (a) and information with respect to any action taken (or the reasons for not taking action) to eliminate such act, policy, or practice.".•

• Ms. MIKULSKI. Mr. President, it is important for the United States to stand up and support the rights of our inventors and businesses. A big part of this responsibility is protecting our intellectual property. America protects the rights of innovators because we know that encouraging these entrepreneurs is the best way to create the jobs and the technology that keep our country competitive.

We do a pretty good job of protecting intellectual property rights in our own country, but we haven't done enough to stand up to other nations that allow patented inventions, copyrights, and other products to be stolen. This theft costs our companies billions of dollars and thousands of jobs every year, and it hits our high technology industries the hardest.

That's why I am joining Senator ROCKEFELLER, Senator HATCH, and Senator WOFFORD in introducing the Intellectual Protection of Patent Rights Act. This bill is designed to protect American companies who invest their resources and their employees' skills to develop a new product, and to make sure that such a great investment isn't lost to foreigners that cherry pick American inventions.

Unfortunately, this has been a very serious problem for Maryland companies trying to do business in Japan. Three years ago, when I first joined with Senator ROCKEFELLER to work on this issue, Fusion Systems of Rockville, MD, was coming under siege in Japan as they tried to protect their patents and their products. It became clearer to many Senators that the Japanese patent law system is problematic and threatens American businesses.

And now, just recently, another Maryland company is having very similar problems with patents in Japan. This company is facing possible theft of its inventions by a big Japanese corporation. Unfortunately, it seems the Japanese patent system is still stacked against this and other innovative American businesses.

This Maryland company can't get Japan to issue a patent they need, even though that same patent has been granted by every other country where they applied. Even though the company has made it clear that a Japanese company is already infringing on their patents, by the time they get any recourse under Japanese law, the United States market could be flooded with infringing products.

Unfortunately, the problems this Maryland company is facing aren't unusual in Japan. This is part of the way the Japanese patent system works. That's why our Government has to work on behalf of American businesses to get Japan to change that system. Senator ROCKEFELLER and I introduce our bill to get Japan and other nations to treat American companies fairly when it comes to patents, and we will keep up our fight.

Our bill requires the U.S. Trade Representative to use Special 301 provisions in American trade law to target countries that are the worst violators of international patent protection laws. Then, USTR will have to negotiate a solution to these countries' lack of patent protections in a specified time frame, or those countries will face retaliation.

We hope that this bill will get the rest of the world to understand the value that America places on rewarding innovation, and let them know we are serious about standing up for the rights of our businesses and our workers.•

By Mr. KOHL:

S. 150. A bill to provide for assistance in the preservation of Taliesin in the State of Wisconsin, and for other purposes; to the Committee on Energy and Natural Resources.

TALIESIN PRESERVATION ACT OF 1993

• Mr. KOHL. Mr. President, last year we celebrated the 125th anniversary of Frank Lloyd Wright's birth. At that time, I was pleased to observe this occasion by introducing legislation to ensure for future generations the continued existence of the embodiment of this great American artist's legacy, Taliesin in Spring Green, WI. I rise today to reintroduce the Taliesin Preservation Act of 1993. I am pleased that Congressman SCOTT KLUG will once again be introducing the companion legislation in the House of Representatives.

Two years ago I had the pleasure of making my first visit to Taliesin, which is Welsh for "shining brow," the national historic landmark complex which includes Mr. Wright's home, architectural school, and studio. Everything, from the pattern of the driveways and rolling lines of the fields to the lighting, furnishings, and collected objects inside, is an outstanding product of Mr. Wright's genius, incorporating his sensitive and innovative response to environment and changing technologies.

Frank Lloyd Wright's influence on architecture in this century will surely go on into future centuries, not only because the forms themselves are so timeless, but because his ideas remain so vibrant. However, it was clearly demonstrated during my visit that after 81 years, Taliesin is definitely showing signs of physical deterioration. In response to the need for restoration and preservation, the Taliesin Preservation Commission has been created to develop and implement programs to preserve Taliesin and provide an environment where an international audience can learn more about the work, ideas, and accomplishments of Frank Lloyd Wright. Substantial financial commitments have been made by the State of Wisconsin and through the commission's ongoing private fundraising efforts to undertake and complete this comprehensive plan.

The legislation I am reintroducing today will provide, on a matching basis, the additional technical and financial assistance required for Taliesin's restoration, preservation, and protection. It will assure that this legacy of Frank Lloyd Wright will be preserved for the continuing public benefit of visitors and scholars from around the world, while ensuring the continuation of the private ownership and management of this preeminent site. I believe these dual goals can be best achieved through designation and recognition of Taliesin as an affiliated area of the National Park Service.

On December 18, 1992, the Wisconsin Housing and Economic Development Authority adopted a resolution expressing the intent to develop a financing arrangement to raise $8 million to assist in the preservation of Taliesin, through the issuance of business development revenue bonds. I believe this to be a significant development, because the bill that I am introducing today would require matching funds from State and private sources in order to secure the Federal funding assistance authorized in the legislation.

Mr. President, Frank Lloyd Wright was truly an American artist. Examples of his legacy can be seen throughout the Nation. Citizens of Wisconsin, Illinois, Michigan, New York, New Hampshire, Virginia, Iowa, California, Pennsylvania, Florida, Arizona, Oklahoma, and Alabama can boast of publicly accessible buildings within their States which were designed by Frank Lloyd Wright. I urge my colleagues to join me in cosponsorship of this legislation to aid in the preservation of Taliesin, the Nation's preeminent example of the work of this exceptional American artist.

I request unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taliesin Preservation Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that the nationally significant land, improvements, and landscapes in the State of Wisconsin that comprise the complex known as "Taliesin"—

(1) was the home and studio of America's most important artist of this century, archi-

tect Frank Lloyd Wright, from 1911 until 1959;

(2) was designated as a National Historic Landmark on January 7, 1976;

(3) includes other projects designed by Wright, including—

(A) the Romeo and Juliet Windmill, designed in 1897;

(B) the Hillside Home School, designed in 1901;

(C) the Tan-y-deri residence, designed in 1907;

(D) the Midway Farm, designed in 1937; and

(E) 600 acres of landscape;

(4) includes the adjoining—

(A) Unity Chapel, which Wright worked on in 1887 for architect Joseph Silsbee; and

(B) Michels Farm property, which was the farm of Wright's uncle Thomas (Jones);

(5) is the preeminent single site in the world for interpreting the life, work, and ideas of Wright; and

(6) can best achieve the goals of the National Park Service by becoming an affiliated area of the National Park System, while remaining under private ownership and management.

(b) PURPOSE.—The purpose of this Act is to provide for the preservation and interpretation by the Secretary of the Interior, acting through the Director of the National Park Service, of the complex in Wisconsin known as the "Taliesin", for the benefit of present and future generations.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) OWNER OR OPERATOR.—The term "owner or operator" means the owner or operator of the Taliesin site.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) TALIESIN SITE.—The term "Taliesin site" means the properties described in section 2.

SEC. 4. COOPERATIVE AGREEMENT AND PLAN.

(a) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—In furtherance of the purpose of this Act, and after approving a comprehensive plan in accordance with subsection (b), the Secretary may enter into one or more cooperative agreements containing the provisions described in paragraph (3) with the owner or operator to provide assistance in accordance with paragraph (2).

(2) ASSISTANCE.—Pursuant to a cooperative agreement described in paragraph (1), in accordance with the comprehensive plan described in subsection (b), and for the benefit of the public, the Secretary may provide technical and financial assistance for the protection, restoration, and interpretation of the Taliesin site.

(3) PROVISIONS.—Each agreement shall provide that the owner or operator—

(A) shall permit public access to the Taliesin site at reasonable times through conducted tours that interpret the culturally significant portions of the Taliesin site; and

(B) may make no change or alteration of the Taliesin site that is not consistent with the comprehensive plan.

(b) COMPREHENSIVE PLAN.—

(1) PREPARATION AND ADOPTION.—As a condition of entering into a cooperative agreement under subsection (a), the owner or operator shall prepare and adopt a comprehensive plan for the continued preservation and public use of the Taliesin site and submit the plan to the Secretary for approval.

(2) APPROVAL.—The Secretary shall approve the comprehensive plan if the plan is consistent with, and in furtherance of, the purpose of this Act.

(3) AMENDMENT.—The plan may be amended or revised from time to time, but no assistance, financial or otherwise, may be made available pursuant to any cooperative agreement unless the amendment or revision is approved by the Secretary in accordance with this subsection.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated $8,000,000 to carry out this Act.

(b) MATCHING FUNDS.—As a condition of the availability of funds pursuant to this Act, the funds must be supplemented with matching non-federal funds on a one-to-one basis. The non-federal matching funds shall come from both State and private funding sources.•

By Mr. DANFORTH:

S. 151. A bill to amend title XIX of the Social Security Act to permit payments under a State plan to certain vaccine manufacturers; to the Committee on Finance.

SOCIAL SECURITY ACT VACCINE AMENDMENTS OF 1993

• Mr. DANFORTH. Mr. President, I am pleased to introduce legislation that will make vaccines more available to low-income preschool children. I am appalled by the low immunization rates in this country. According to a recent Children's Defense Fund report, fewer than 60 percent of 2-year-olds are fully immunized. In my State, in 1992, only 44 percent of 2-year-olds were immunized.

Access to health care is one of the reasons children are not being immunized. This legislation will increase access to immunizations by encouraging private physicians to immunize Medicaid children in their offices rather than referring them to overcrowded public clinics. According to the Children's Defense Fund, 84 percent of pediatricians and 66 percent of family practitioners reported referring at least some of their patients to public clinics for immunizations. The primary reason for the high number of referrals is that many physicians find that it is not financially feasible for them to immunize Medicaid patients. Physicians must use the vaccine purchased from a pharmaceutical company, only to have the State slowly reimburse them at a fraction of the cost.

The legislation will remove the disincentive by making it easier for States and drug companies to establish a vaccine replacement program. Under this replacement program, physicians that immunize Medicaid children will be given replacement vaccines rather than inadequate reimbursements. The State Medicaid offices will pay the pharmaceutical company directly for the vaccines at substantially reduced rates. This is a cost saving program for States to the extent that the cost paid to the pharmaceutical companies for the vaccines is much less than the reimbursements.

The Commonwealth of Virginia was successful in getting a waiver of the Social Security Act to implement a replacement program. This was an onerous process. This legislation will make it easier for vaccine manufacturers to enter into voluntary replacement programs with State Medicaid agencies. It will increase access to vaccines while also alleviating some of the costs to Medicaid. The director of Virginia's Department of Medical Assistance Services believes that in addition to encouraging more physicians to participate in the replacement program it will also save the State about $800,000 annually.

Preventive care is of paramount importance to all children in our Nation. It is inexcusable to allow children to suffer and sometimes die from diseases that can be prevented by a vaccine. Of course, this legislation does not provide universal vaccines to all children, only to the neediest. Perhaps we need legislation of this sort in the near future. It is essential that we use every opportunity to immunize our children.•

Mr. PRESSLER:

S. 152. A bill to amend the Mount Rushmore Commemorative Coin Act to conform to the intent of Congress; to the Committee on Banking, Housing, and Urban Affairs.

MOUNT RUSHMORE COMMEMORATIVE COIN ACT AMENDMENTS OF 1993

Mr. PRESSLER. Mr. President, today I am introducing corrective legislation to amend the Mount Rushmore Commemorative Coin Act, which Congress enacted in 1990. The purpose of my legislation is to fulfill the congressional intent of the 1990 act. Specifically, this measure will provide needed funding to continue the vital renovation currently underway at the Mount Rushmore National Memorial. I urge my colleagues to join me in supporting this effort.

Mount Rushmore attracts more than 2 million visitors each year. It truly is America's Shrine of Democracy. The memorial improvements project is important not only to South Dakotans, but all Americans, young and old. We must ensure Mount Rushmore's preservation today for tomorrow's children to enjoy.

Mr. President, a brief legislative history will assist my colleagues in understanding my intent for introducing this technical amendment. The Mount Rushmore Commemorative Coin Act provided for the minting of 1991 commemorative coins in recognition of the Mount Rushmore Memorial's golden anniversary. Of the total surcharges received, 50 percent was to be promptly paid to the Mount Rushmore Society for the improvement and preservation project at the memorial. The remaining funds would go to the Treasury for reducing our national debt.

Because the preservation project was already underway, prompt payment of the surcharges to the society was imperative. To accomplish this goal, the

Senate passed a measure I introduced during the last Congress making a technical change to the timing of the surcharge distribution.

I introduced technical corrective legislation in January 1991, long before the sale of the coins ended in December 1991. At that time, it was anticipated the surcharges would total up to $37.5 million, and the society would receive up to $18.75 million for the preservation project. Disappointingly, the total surcharges realized was only approximately $12 million.

The Mount Rushmore Society sought to finance the Mount Rushmore renovations project mostly through private contributions. However, proceeds from the coin sales were an essential funding source. Far short from the society's coin funding goal, the preservation project faces a funding crisis.

Mr. President, the measure I am introducing today is identical to the bill passed by the Senate during the 102d Congress. Through the House of Representatives failed to act on my legislation, it accepted a similar provision as part of the urban aid bill. Yet, as my colleagues know, the urban aid bill was not signed into law.

The actions taken during the 102d Congress is compelling evidence of strong congressional support for the preservation effort underway at Mount Rushmore. Therefore, I am hopeful that the 103d Congress will act expeditiously to approve my legislation. If enacted, the Treasury will be directed to provide up to the first $18.75 million in surcharges to the Mount Rushmore Society.

Mr. President, April 13, 1993 will mark the 250th anniversary of the birth of Thomas Jefferson, one of four Presidents who were immortalized on Mount Rushmore as timeless monuments to our Nation's freedom and democracy. With timely passage of this legislation, we can ensure the preservation of America's Shrine of Democracy as we pay tribute to Democracy's most eloquent advocate.

I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRIBUTION OF SURCHARGES.

Section 8 of the Mount Rushmore Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) the first $18,750,000 shall be promptly paid by the Secretary to the Society to assist the Society's efforts to improve, enlarge, and renovate the Mount Rushmore National Memorial; and

"(2) the remainder shall be returned to the United States Treasury for purposes of reducing the national debt.".

SEC. 2. RETROACTIVE EFFECT.

The amendments made by section 1 shall be deemed to have the same effective date as the Mount Rushmore Commemorative Coin Act. Any surcharges paid into the United States Treasury prior to the date of enactment of this Act in connection with the issuance of coins under the Mount Rushmore Commemorative Coin Act (which amounts have not been otherwise obligated) shall be redistributed by the Secretary of the Treasury in accordance with the amendments made by section 1.

By Mr. THURMOND:

S. 153. A bill to amend the Internal Revenue Code of 1986 to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax; to the Committee on Finance.

INTERNAL REVENUE CODE OF 1986 SCHOOL AMENDMENT ACT OF 1993

• Mr. THURMOND. Mr. President, I rise today to introduce legislation which would remove an inequity in the current Federal Unemployment Tax Act [FUTA] and in the State unemployment acts which are directly patterned after this act.

In enacting FUTA, Congress exempted from coverage employees of churches, and religious organizations operated by churches. The Supreme Court in St. Martin Evangelical Lutheran Church versus South Dakota held that this exemption extends to schools which are operated by churches.

However, no exemption exists in current law for those elementary or secondary schools which are operated primarily for religious purposes, but which are not operated by or otherwise controlled by a church or association of churches. These nonchurch schools are as pervasively religious as the church-operated schools and would not exist except for their religious mission. They are, in every way except church affiliation, religiously indistinguishable from the exempt schools. Technically, the nonchurch religious schools are not exempt under the terms of the statute.

These non-church-affiliated religious schools are not numerous in the United States. However, they do constitute about 20% of the membership of the Protestant evangelical schools in the country. There are some Catholic and Jewish schools, as well as other Protestant schools, which are not operated by churches but are governed by religious lay boards.

The tax plight of these schools is very threatening to them. In 1979, a group of religious schools attempted to litigate the issue of nonexemption of these schools on constitutional grounds, and won a favorable decision from the U.S. District Court in Los Angeles. The Supreme Court refused to review the case on jurisdictional grounds and did not reach the merits. This left the schools to pursue litigation in State courts. These schools simply do not have the major financial resources necessary to pursue new litigation in hopes of eventually bringing the case before the Supreme Court. Such litigation could take years, with no certainty that the Supreme Court would hear the case. Therefore, it is imperative that we pass exemptive legislation.

This measure is similar to S. 67 which I introduced in the 102d Congress and is identical to an amendment which was unanimously adopted by the Senate during consideration of the tax technical corrections bill in 1988. Unfortunately, this provision was dropped in conference. I reintroduced this measure in the 102d and 101st Congress; however, no action was taken.

This legislation will enable non-church-operated religious schools, now threatened by unemployment compensation tax debt, to continue their fine service to the country in producing good young citizens. Passage of this bill will be welcomed by friends of religious liberty.

In closing, I ask my colleagues to give careful consideration to this important measure. I ask unanimous consent that the text of the legislation appear in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FROM UNEMPLOYMENT TAX.

(a) IN GENERAL.—Section 3309(b)(1) of the Internal Revenue Code of 1986 (relating to exemption from unemployment tax) is amended by inserting before the semicolon at the end thereof the following: ", or (C) an elementary or secondary school which is operated primarily for religious purposes, which is described in section 501(c)(3), and which is exempt from tax under section 501(a)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services performed after December 31, 1992.•

By Mr. DASCHLE (for himself, Mr. CONRAD, Mr. GRASSLEY, Mr. PACKWOOD, Mr. HARKIN, and Mr. BAUCUS):

S. 155. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company; to the Committee on Finance.

TELEPHONE COOPERATIVES ACT OF 1993

• Mr. DASCHLE. Mr. President, I rise to introduce legislation that reaffirms the intent of the U.S. Congress, originally expressed in 1916, to grant tax exempt status to telephone cooperatives. This exemption is now set forth in section 501(c)(12) of the Internal Revenue Code.

I introduced a similar measure in the 102d Congress. That bill was included with minor changes in H.R. 11, the Revenue Act of 1992, which was passed by

Congress but vetoed by President Bush. The version I introduce today is identical to the provision that was contained in H.R. 11 last year.

Congress has always understood that tax exemption is necessary to ensure that reliable, universal telephone service is available in rural America at a cost that is affordable to the rural consumer. Telephone cooperatives are nonprofit entities that provide this service where it might otherwise not exit due to the high cost of reaching remote, sparsely populated areas.

The facilities of a telephone cooperative are used to provide both local and long distance communications services. Perhaps the most important of these for rural users is long distance. Without these services, both local and long distance, people in rural areas could not communicate with the world, much less with their own neighbors. While telephone cooperatives comprise only a small fraction of the U.S. telephone industry—about 1 percent—their services are vitally important to those who must rely upon them.

Under Internal Revenue Code section 501(c)(12), a telephone cooperative qualifies for tax exemption only if at least 85 percent of its gross income consists of "amounts collected from members for the sole purpose of meeting losses and expenses." Thus, the bulk of the revenues must be related to providing services needed by members of the cooperative, that is, rural consumers. No more than 15 percent of the cooperative's gross income may come from nonmember sources, such as property rentals or interest earned on funds on deposit in a bank. For purposes of the 85 percent test, certain categories of income are deemed neither member nor non-member income and are excluded from the calculation. The reason for the 85 percent test is to ensure that cooperatives do not abuse their tax exempt status.

A technical advice memorandum or TAM released by the Internal Revenue Service has threatened to change the way telephone cooperatives characterize certain expenses for purposes of the 85 percent test. If the rationale set forth in the TAM is applied to all telephone cooperatives, the majority will lose their tax exempt status.

Specifically, the IRS now appears to take the position that all fees received by telephone cooperatives from long distance companies for use of the local lines must be excluded from the 85 percent test and that fees received for billing and collection services performed by cooperatives on behalf of long distance companies constitute nonmember income to the cooperative.

The legislation I am introducing today would clarify that access revenues paid by long distance companies to telephone cooperatives are to be counted as member revenues, so long as they are related to long distance calls paid for by members of the cooperative. In addition, the legislation would indicate that billing and collection fees are to be excluded entirely from the 85 percent test calculation.

Mr. President, it is no secret that mere distance is the single most important obstacle to rural development. In the telecommunications industry today, we have the ability to bridge distances better than ever before. Technology in this area has advanced at an incredible pace. But, maintaining and upgrading the rural telecommunications infrastructure is an exceedingly expensive proposition, and we must do all we can to encourage this development.

Ensuring that telephone cooperatives may retain their legitimate tax exempt status is one vital step we can take. I believe that providing access to customers for long distance calls and billing and collecting for those calls on behalf of the cooperative's members and the long distance companies are indisputably part of the exempt function of providing telephone service, especially to rural communities. The nature and function of telephone cooperatives have not materially changed since 1916 and neither should the formula upon which they rely to obtain tax exempt status.

At this time, Mr. President, I ask that the text of the bill be printed in the RECORD in its entirety at the close of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN AMOUNTS RECEIVED BY A COOPERATIVE TELEPHONE COMPANY.

(a) NONMEMBER INCOME.—

(1) IN GENERAL.—Paragraph (12) of section 501(c) of the Internal Revenue Code of 1986 (relating to list of exempt organizations) is amended by adding at the end thereof the following new subparagraph:

"(E) In the case of a mutual or cooperative telephone company (hereafter in this subparagraph referred to as the 'cooperative'), 50 percent of the income received or accrued directly or indirectly from a nonmember telephone company for the performance of communication services by the cooperative shall be treated for purposes of subparagraph (A) as collected from members of the cooperative for the sole purpose of meeting the losses and expenses of the cooperative."

(2) CERTAIN BILLING AND COLLECTION SERVICE FEES NOT TAKEN INTO ACCOUNT.—Subparagraph (B) of section 501(c)(12) of such Code is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end thereof the following new clause:

"(v) from billing and collection services performed for a nonmember telephone company.".

(3) CONFORMING AMENDMENT.—Clause (i) of section 501(c)(12)(B) of such Code is amended by inserting before the comma at the end thereof ", other than income described in subparagraph (E)".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts received or accrued after December 31, 1992.

(5) NO INFERENCE AS TO UNRELATED BUSINESS INCOME TREATMENT OF BILLING AND COLLECTION SERVICE FEES.—Nothing in the amendments made by this subsection shall be construed to indicate the proper treatment of billing and collection service fees under part III of subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to taxation of business income of certain exempt organizations).

(b) TREATMENT OF CERTAIN INVESTMENT INCOME OF MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—

(1) IN GENERAL.—Paragraph (12) of section 501(c) of such Code (relating to list of exempt organizations) is amended by adding at the end thereof the following new subparagraph:

"(F) In the case of a mutual or cooperative telephone company, subparagraph (A) shall be applied without taking into account reserve income (as defined in section 512(d)(2)) if such income, when added to other income not collected from members for the sole purpose of meeting losses and expenses, does not exceed 35 percent of the company's total income. For the purposes of the preceding sentence, income referred to in subparagraph (B) shall not be taken into account."

(2) PORTION OF INVESTMENT INCOME SUBJECT TO UNRELATED BUSINESS INCOME TAX.—Section 512 of such Code is amended by adding at the end thereof the following new subsection:

"(d) INVESTMENT INCOME OF CERTAIN MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—

"(1) IN GENERAL.—In determining the unrelated business taxable income of a mutual or cooperative telephone company described in section 501(c)(12)—

"(A) there shall be included, as an item of gross income derived from an unrelated trade or business, reserve income to the extent such reserve income, when added to other income not collected from members for the sole purpose of meeting losses and expenses, exceeds 15 percent of the company's total income, and

"(B) there shall be allowed all deductions directly connected with the portion of the reserve income which is so included.

For purposes of the preceding sentence, income referred to in section 501(c)(12)(B) shall not be taken into account.

"(2) RESERVE INCOME.—For purposes of paragraph (1), the term 'reserve income' means income—

"(A) which would (but for this subsection) be excluded under subsection (b), and

"(B) which is derived from assets set aside for the repair or replacement of telephone system facilities of such company."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts received or accrued after December 31, 1992.●

By Mr. DASCHLE:

S. 156. A bill to amend the Internal Revenue Code of 1986 to allow the energy investment credit for solar energy and geothermal property against the entire regular tax and the alternative minimum tax; to the Committee on Finance.

ENERGY CREDITS ACT OF 1993

● Mr. DASCHLE. Mr. President, a successful national energy policy requires that we shift our reliance away from finite fossile fuels toward the infinite supply of renewable alternative technologies.

To that end, in the 102d Congress I introduced legislation that would have extended for 5 years the business energy tax credits set forth in section 46 of the Internal Revenue Code for investments in solar and geothermal energy facilities. At the time, those credits were scheduled to expire at the end of 1992. In addition, I introduced a bill that would have allowed the credits to be taken against the alternative minimum tax or AMT for those businesses subject to its provisions.

After much hard work, a provision making the solar and geothermal energy tax credits permanent was incorporated into the Energy Policy Act enacted into law last year. The proposal to allow the credits against the AMT, however, was not included in that legislation. Therefore, today I am reintroducing the bill that would permit the businesses subject to the AMT to take advantage of the credits for investment in solar and geothermal energy facilities. These energy credits represent a small but important contribution to developing a broader, more sensible, and more reliable national energy strategy. We must ensure that the policy behind promoting development of these renewable energy sources is not thwarted by other provisions in the tax code.

The promotion of renewable energy sources is more important now than ever before. If recent events in the Persian Gulf have demonstrated anything, it is that we cannot continue to ignore our increasing dependence on imported oil. The world's oil supply is going to run out. Nothing can change that. However, to the extent that we foster and encourage the development of solar and geothermal technologies, we can reduce our reliance on imported oil.

Moreover, the need to slow the detrimental effects on our environment of traditional sources of energy is as important as energy supply and security. Renewable energy sources are the answer to this need. I have often spoken on the merits of alcohol fuels in this regard. Solar and geothermal energy have similar potential for the environment. For example, in the solar mode of operation, solar technology has no combustion-related emissions at all. Even when using backup fossil fuel to assure reliability, present generation solar technology produces far less carbon dioxide than natural gas, the cleanest fossil fuel alternative. Geothermal plants also emit substantially less carbon dioxide than gas, oil, or coal-fired plants for the same electrical output.

Recent investment in solar and geothermal technologies is just beginning to yield potential return in the form of energy security and an improved environment. These technologies are not yet at the point, however, where they are commercially viable. The tax credits provide the margin needed to keep renewable projects in operation. It would be counterproductive not to extend the credits to those businesses falling under the AMT, in view of our national investment to date and our desire to lessen our dependence on imported oil.

Mr. President, I ask unanimous consent that the text of this bill be printed in its entirety in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHANGES RELATING TO ENERGY CREDIT.

(a) ENERGY CREDIT ALLOWABLE AGAINST ENTIRE REGULAR TAX AND ALTERNATIVE MINIMUM TAX.—

(1) Subsection (c) of section 38 of the Internal Revenue Code of 1986 (relating to limitation based on amount of tax) is amended by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULES FOR ENERGY CREDIT.—

"(A) IN GENERAL.—In the case of a C corporation, this section and section 39 shall be applied separately—

"(i) first with respect to so much of the credit allowed by subsection (a) as is not attributable to the energy credit, and

"(ii) then with respect to the energy credit.

"(B) RULES FOR APPLICATION OF ENERGY CREDIT.—

"(i) IN GENERAL.—In the case of the energy credit, in lieu of applying the preceding paragraphs of this subsection, the amount of such credit allowed under subsection (a) for any taxable year shall not exceed the net chapter 1 tax for such year.

"(ii) NET CHAPTER 1 TAX.—For purposes of clause (i), the term 'net chapter 1 tax' means the sum of the regular tax liability for the taxable year and the tax imposed by section 55 for the taxable year, reduced by the sum of the credits allowable under this part for the taxable year (other than under section 34 and other than the energy credit).

"(C) ENERGY CREDIT.—For purposes of this paragraph, the term 'energy credit' means the credit allowable under subsection (a) by reason of section 48(a)."

(2) Paragraph (2) of section 55(c) of such Code is amended to read as follows:

"(2) CROSS REFERENCES.—

"(A) For provisions providing that certain credits are not allowable against the tax imposed by this section, see sections 26(a), 28(d)(2), 29(b)(5), and 38(c).

"(B) For provision allowing energy credit against the tax imposed by this section, see section 38(c)(3)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1992.•

By. Mr. DASCHLE:

S. 157. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles; to the Committee on Finance.

INTERNAL REVENUE CODE OF 1986 AMENDMENT ACT OF 1993

• Mr. DASCHLE. Mr. President, I rise to introduce legislation that addresses a small, but important, concern regarding the deduction of mileage expenses by individuals who volunteer their services to help carry out the activities of charitable organizations.

Many individuals who volunteer for charitable organizations incur out-of-pocket expenses that are not reimbursed by the charity. One such expense occurs where an individual uses his or her own car to carry out charitable purpose activities. Examples of this are when an individual provides transportation to a hospital for veterans, delivers meals to the homeless or elderly on behalf of a charity, or transports children to Scouting and other youth activities.

In 1984, Congress set a standard mileage expense deduction rate of 12 cents per mile for individuals who use their vehicles to carry out the tax-exempt goals of charitable organizations. The express purpose of the deduction was to support the efforts of volunteers, who do not receive any charitable deduction for the value of their contributed services, and to take into account the additional out-of-pocket costs of operation of a vehicle in doing so.

At the time that Congress codified the standard charitable mileage deduction at 12 cents per mile, the standard deduction for mileage expenses incurred in connection with one's trade or business was 20.5 cents for the first 15,000 miles and 11 cents per mile thereafter. Since that time, the U.S. Department of the Treasury, through the Internal Revenue Service, has increased the standard mileage rate for business travel expenses to 28 cents per mile for unlimited mileage.

Unfortunately, due to an anomaly in the Tax Code, the Secretary of the Treasury does not have the authority to make corresponding increases in the standard mileage rate for charitable use of one's vehicle. Thus, the standard charitable mileage rate remains at 12 cents per mile today.

The legislation I am introducing addresses this inconsistency in two ways. First, it would increase the standard charitable mileage expense deduction rate to 16 cents per mile. This would restore the ratio that existed in 1984 between the charitable mileage rate and the business mileage rate.

Second, the legislation would give the Secretary of the Treasury the authority to make subsequent increases in the charitable mileage rate without further permission from Congress, just as it currently does with the mileage rate for business use of a vehicle. The intent of this provision of the legislation is to insure that, as increases are made in the future to the standard business mileage rate, the charitable mileage deduction will be increased, as well, so as to maintain the ratio that existed between these two mileage rates in 1984.

Mr. President, many charitable organizations today are being forced to take on a greater burden than ever before, due to cutbacks over the past 12 years in Federal programs for veterans, the elderly, and other groups in need. As a result, these organizations must increasingly rely on volunteer assistance to provide the services that are central to their tax exempt purposes. If we can do no more, at the very least we in Congress should ensure that helpful measures remaining in the law are not allowed to erode.

On behalf of volunteers of every stripe, I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN STANDARD MILEAGE RATE EXPENSE DEDUCTION FOR CHARITABLE USE OF PASSENGER AUTOMOBILE.

(a) IN GENERAL.—Subection (i) of section 170 of the Internal Revenue Code of 1986 (relating to standard mileage rate for use of passenger automobile) is amended to read as follows:

"(i) STANDARD MILEAGE RATE FOR USE OF PASSENGER AUTOMOBILE.—

"(1) GENERAL RULE.—Except as provided in paragraph (2), for purposes of computing the deduction under this section for use of a passenger automobile, the standard mileage rate shall be 16 cents per mile.

"(2) TAXABLE YEARS BEGINNING AFTER 1993.—Not later than December 15 of 1993, and each subsequent calendar year, the Secretary may prescribe an increase in the standard mileage rate allowed under this section with respect to taxable years beginning in the succeeding calendar year."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1992.●

By Mr. DASCHLE:

S. 158. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for travel expenses of certain loggers; to the Committee on Finance.

TRAVEL EXPENSE DEDUCTION ACT OF 1993

● Mr. DASCHLE. Mr. President, I am introducing legislation today in my continuing effort to address what I feel is an unfair ruling by the Internal Revenue Service that severely affects a certain segment of American workers. It is a situation where pure tax policy simply is not practical in its application to everyday life.

In my State of South Dakota, there is a national forest called the Black Hills Forest. It is a very large forest of some 6,000 square miles. Many of my colleagues may be familiar with it.

In this forest, there is a thriving logging industry that employs many South Dakotans. The logging companies that have operations there would not be able to do their business without the assistance of those who cut the logs in the first instance and haul or skid them to the trucks that carry the logs to the mill. These cutters and skidders, and the contractors who employ them, are usually referred to simply as loggers.

For a logger, traveling to work every day is very different from the experience of the average commuter. Loggers often travel as much as a couple of hours one way to the site where cutting is taking place. This may involve driving along miles of unpaved forest roads. It isn't possible for them to live closer to their worksite, not only because of its location, but also because that site may change from month to month. In addition, loggers must have vehicles that are capable of traversing rough forest terrain.

Despite the number of miles the loggers must travel to work each day and the rough terrain, the IRS has said that their expenses of traveling from home to the worksite and back again are nondeductible commuting expenses. This is true regardless of the location of the worksite within the forest and its distance from the individual logger's home. For, according to the IRS, the entire 6,000-square-mile forest is the loggers' tax home or regular place of business for purposes of deducting mileage expenses.

Despite the IRS's reasons for taking this position, the effect of the rule on loggers in the Black Hills is unfair. It imposes a hardship on them and fails to recognize the special circumstances of their jobs. True, other taxpayers are not permitted to deduct commuting mileage expenses. But other taxpayers generally are not forced to travel such long distances to and from work each day or to drive along dirt forest roads.

To rectify this situation, I introduced legislation in the 102d Congress that would have allowed loggers, in the Black Hills or elsewhere, to deduct their mileage expenses incurred while traveling between their homes and the cutting site, so long as the mileage is legitimately related to their business. Although the measure was not included in tax legislation last year primarily due to revenue concerns, a provision requiring the U.S. Department of the Treasury to study the issue was passed in H.R. 11, the Revenue Act of 1992. Unfortunately, that legislation was subsequently vetoed by President Bush.

Today I am reintroducing the bill that I introduced in the 102d allowing loggers to deduct their mileage expenses incurred while traveling between their homes and the cutting site. I urge my colleagues, particularly those who have loggers in their State, to take a close look at it. This may seem a small matter in the scheme of what we do here in the Senate, but it would restore a measure of fairness to loggers who currently are subject to the IRS's whims.

Mr. President, I ask that the full text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION FOR TRAVEL EXPENSES OF CERTAIN LOGGERS.

(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) SPECIAL TRAVEL EXPENSE RULES FOR LOGGERS.—

"(1) IN GENERAL.—Notwithstanding subsection (a)(2) and section 262, in the case of an individual, there shall be allowed as a deduction under this section an amount equal to the travel expenses of such individual in connection with the trade or business of logging (including the miles to and from such individual's home).

"(2) TRADE OR BUSINESS OF LOGGING.—For purposes of this section, the term 'trade or business of logging' means the trade or business of the cutting and skidding of timber."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1992.●

By Mr. DOLE (for himself, Mr. BURNS, Mr. DURENBERGER, Mr. HATCH, Mr. MACK, Mr. MCCAIN, Mr. MURKOWSKI, Mr. NICKLES, Mr. SHELBY, Mr. SIMPSON, Mr. STEVENS, Mr. SMITH, and Mrs. KASSEBAUM):

S. 159. A bill to amend the Internal Revenue Code of 1986 to repeal the luxury excise tax; to the Committee on Finance.

LUXURY EXCISE TAX REPEAL ACT OF 1993

Mr. DOLE. Mr. President, I rise today to introduce legislation repealing the luxury excise tax.

I originally introduced this legislation in 1991—we've been plagued by the tax since 1990. This is not a luxury tax on the rich, it is a tax on middle America. It is a tax on the many Americans who have lost their jobs—working people like mechanics, boat builders, parts managers. It is a tax on the many businesses that have been shut down.

Kansas is America's headquarters for aircraft manufacturers. According to the General Aviation Manufacturers Association, the total number of aircraft sold in 1989, 1,535, has dropped to 899 in 1992.

But, it's not just the aircraft manufacturers. The luxury tax continues to hurt the sales of cars priced over $30,000. In the boating industry, the National Marine Manufacturers Association reports one-third of America's boat building companies have closed their doors; over 20,000 jobs have been lost. While we may have seen a boost in retail sales over the recent Christmas holidays the damaging impact of the luxury tax is obvious to jewelers and furriers. A recent economic study shows that at least 25,000 jobs were lost in the jewelry industry since 1990. There continues to be high unemployment in the industry and companies continue to go bankrupt.

In the last go-around, the Ways and Means Committee Democrats proposed repealing luxury taxes on all products except automobiles. The tax is unfair, but it is fundamentally unfair to subject one industry to the tax.

Let's not waste any more time on this issue. Many Americans remain out of work. I urge my colleagues to join me in repealing this worker penalty.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF LUXURY EXCISE TAX.

(a) IN GENERAL.—Chapter 31 of the Internal Revenue Code of 1986 (relating to retail excise taxes) is amended by striking subchapter A and by redesignating subchapters B and C as subchapters A and B, respectively.

(b) CONFIRMING AMENDMENTS.—

(1) The material preceding paragraph (1) of section 4221(a) of the Internal Revenue Code of 1986 is amended by striking "subchapter A or C of chapter 31" and inserting "section 4051".

(2) Subsection (a) of section 4221 of such Code is amended by striking the last sentence.

(3) Subsection (c) of section 4221 of such Code is amended by striking "section 4001(c), 4002(b), 4003(c), 4004(a), or 4053(a)(6)" and inserting "section 4053(a)(6)".

(4) Paragraph (1) of section 4221(d) of such Code is amended by striking "taxes imposed by subchapter A or C of chapter 31" and inserting "the tax imposed by section 4051".

(5) Subsection (d) of section 4222 of such Code is amended by striking "sections 4001(c), 4002(b), 4003(c), 4004(a), 4053(a)(6)" and inserting "sections 4053(a)(6)".

(6) Section 4293 of such Code is amended by striking "subchapter A of chapter 31,".

(7) The table of subchapters for chapter 31 of such Code is amended to read as follows:

"SUBCHAPTER A. Special fuels.
"SUBCHAPTER B. Heavy trucks and trailers."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1993.

By Mr. DOLE (for himself, Mr. PACKWOOD, Mr. PRESSLER, Mr. DOMENICI, Mr. DANFORTH, Mr. NICKLES, Mr. HATCH, Mr. SIMPSON, Mr. WALLOP, Mr. MACK, Mr. COCHRAN, and Mr. DURENBERGER):

S. 160. A bill to amend the Internal Revenue Code of 1986 to promote investment in small businesses by providing Federal tax relief and simplification for such businesses and their investors; to the Committee on Finance.

SMALL BUSINESS INVESTMENT ACT OF 1993

Mr. DOLE. Mr. President, I am joined today by the distinguished ranking members of the Finance Committee and the Small Business Committee, Senators PACKWOOD and PRESSLER, and other Republicans to introduce the Small Business Investment Act of 1993.

Small businesses are the foundation of our country's economy. We must protect, strengthen, and promote the innovation and growth of our small businesses. It is their contribution to the economy which will help direct our country's prosperity.

This proposal, the Small Business Investment Act of 1993 is a start. It is aimed at reducing capital costs and administrative complexity.

INCREASE CURRENT DEDUCTION FOR CERTAIN INVESTMENTS FROM $10,000 TO $25,000

Small businesses often have trouble raising the capital to make their business a success. Under current law, business owners are allowed to deduct the first $10,000 they invest in equipment for their businesses. By increasing the expensing of equipment from $10,000 to $25,000, we reduce the cost of capital and increases cash flow, thereby providing an incentive to increase investment. Expensing also allows small businesses to avoid the headaches and the costs associated with maintaining depreciation schedules.

ALLOW IMMEDIATE EXPENSING OF NEW BUSINESS STARTUP COSTS

There are many disincentives in starting up new businesses. This bill would encourage startup activities by lowering the after tax cost of starting up a small business. The immediate writeoff of up to $2,500 would be permitted for frontend costs of organizing a new small business. This will lower the cost of capital associated with a startup business and encourage job creation.

EXEMPT SMALL BUSINESSES FROM ALTERNATIVE MINIMUM TAX

The complexity of the alternative minimum tax [AMT] is staggering to many small businesses. Small businesses are less likely to have the sophisticated accounting systems and expertise that are important in complying with the AMT. This proposal exempts qualified small business taxpayers from the AMT.

INCREASES THE PERMITTED NUMBER OF S CORPORATION SHAREHOLDERS FROM 35 TO 50

S Corporations were designed to help small business owners obtain corporate benefits without having to deal with the Federal tax complexity of traditional corporations. Increasing the maximum number of shareholders will facilitate the use of S Corps by more small businesses.

ACCOUNTING CHANGES: INFLATION ADJUSTED INVENTORY FIFO ACCOUNTING; RELIEF FROM CAPITALIZATION RULES; RELIEF FROM COMPLEX LONG-TERM CONTRACT ACCOUNTING RULES

Many of our current tax accounting rules may provide a more accurate measure of profits, but they wreck havoc on small businesses. The proposed changes would lessen the accounting burden on small businesses letting the owners concentrate on their business as opposed to keeping books.

As I said earlier, this is a start. Any economic stimulus package or future tax bill must include measures aimed at our small business community. Combined with other proposals which are being developed, we will see greater economic growth, higher employment and prosperity for all Americans.

I urge my colleagues to join us in this effort. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Investment Act of 1993".

(b) AMENDMENTS OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. PURPOSE.

It is the purpose of this Act to simplify Federal tax laws applicable to small businesses. The resulting decrease in operating costs and increase in economic return will stimulate small business investment and create new jobs.

SEC. 3. EFFECTIVE DATE.

Except as otherwise provided, the amendments made by this Act shall apply to taxable years beginning after December 31, 1992.

TITLE I—INVESTMENT INCENTIVES

SEC. 101. INCREASE IN SMALL BUSINESS EXPENSING ALLOWANCE.

Section 179(b)(1) (relating to dollar limitation) is amended by striking "$10,000" and inserting "$25,000".

SEC. 102. ELECTION TO EXPENSE SMALL BUSINESS START-UP EXPENDITURES.

(a) GENERAL RULE.—Section 195 (relating to treatment of start-up expenditures) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) ELECTION TO EXPENSE.—

"(1) GENERAL RULE.—Notwithstanding subsection (a), start-up expenditures may, at the election of a qualified taxpayer, be allowed as a deduction for the taxable year in which the active trade or business begins. The amount of start-up expenditures allowed as a deduction under the preceding sentence to any taxpayer shall not exceed $2,500.

"(2) QUALIFIED TAXPAYER.—A taxpayer is a qualified taxpayer if the taxpayer reasonably expects or knows (as of the due date, determined with regard to extensions, for filing its return for the taxable year in which the active trade or business begins) that the taxpayer's gross receipts for the 12-month period beginning with the month in which the active trade or business begins will not exceed (or has not exceeded) $500,000.

"(3) In addition to election to amortize.—If the taxpayer makes an election under paragraph (1), start-up expenses that exceed $2,500 may, at the election of the taxpayer, be treated as deferred expenses as provided in subsection (b).

"(4) Aggregation rules.—All persons treated as a single employer under subsection (a) or (b) of section 52 shall be treated as one person for purposes of this subsection.".

(b) Conforming Amendment.—Paragraph (1) of section 195(e) (as redesignated by subsection (a)) is amended by striking "subsection (b)" and inserting "subsection (b) or (c)".

SEC. 103. SMALL BUSINESS AMT EXCEPTIONS.

(a) General Rule.—Part VI of subchapter A of chapter 1 is amended by inserting after section 58 the following new section:

"SEC. 58A. SPECIAL EXCEPTIONS FOR SMALL BUSINESSES.

"(a) General Rule.—For purposes of this part—

"(1) the adjustments listed in subsection (b), and

"(2) the preferences listed in subsection (c), shall not be taken into account for any purpose in computing alternative minimum taxable income from any qualified small business activity of the taxpayer.

"(b) Adjustments Not Taken Into Account by Qualified Small Business Taxpayers.—The adjustments listed in this subsection are the adjustments provided by the following provisions:

"(1) Section 56(a)(1) (relating to depreciation).

"(2) Section 56(a)(2) (relating to mining exploration and development costs).

"(3) Section 56(a)(3) (relating to long-term contracts).

"(4) Section 56(a)(5) (relating to pollution control facilities).

"(5) Section 56(a)(6) (relating to installment sales).

"(6) Section 56(b)(2) (relating to circulation and research expenditures).

"(7) Section 56(c) (relating to special adjustments for corporations).

"(c) Preferences Not Taken Into Account by Qualified Small Businesses.—The preferences listed in this subsection are the preferences provided by the following provisions:

"(1) Section 57(a)(1) (relating to depletion).

"(2) Section 57(a)(2) (relating to intangible drilling costs).

"(3) Section 57(a)(4) (relating to bad debts reserve).

"(4) Section 57(a)(7) (relating to accelerated depreciation or amortization).

"(d) Definitions.—

"(1) Qualified small business activity.—For purposes of this section, the term 'qualified small business activity' means any trade or business activity conducted by an individual or by a corporation or partnership if such individual or entity (as the case may be) meets the $1,000,000 gross receipts test of paragraph (3) for all prior taxable years beginning after December 31, 1991.

"(2) $1,000,000 gross receipts test.—For purposes of paragraph (1)—

"(A) In general.—An individual or entity meets the $1,000,000 gross receipts test of this subsection for any prior taxable year if the average annual gross receipts of such person or entity for the 3-taxable year period ending with such prior taxable year does not exceed $1,000,000.

"(B) Aggregation and special rules.—For purposes of subparagraph (A), aggregation and special rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply in determining whether an individual or entity satisfies the $1,000,000 gross receipts test.

"(e) Fresh Start Transitional Rules for an Activity That Ceases To Be a Qualified Small Business Activity.—

"(1) In general.—If an activity ceases to be a qualified small business activity, the adjustments and preferences with respect to the activity listed in subsections (b) and (c) shall be applied in computing alternative minimum taxable income for the taxable year of the cessation and subsequent taxable years by substituting the last day of the last taxable year in which the activity was as a qualified small business activity for December 31, 1986, and December 31, 1989. Any references to January 1, 1987, or January 1, 1990, in sections 56 and 57 shall be treated as if such references were to the first day of the taxable year in which the activity ceased to be a qualified small business activity.

"(2) Effect of adjustments prior to the enactment of this section.—

"(A) In general.—In determining the amount of any adjustments or preferences with respect to an activity in a taxable year in which (or after) the activity ceases to be a qualified small business activity, any of the adjustments listed in subsection (b) and previously taken into account with respect to the activity in a taxable year beginning on or before December 31, 1992, shall be disregarded.

"(B) Fresh start basis.—As of the first day of the taxable year in which an activity ceases to be a qualified small business activity, the basis of the activity's assets for purposes of determining the regular tax shall be used in computing the adjustments and preferences required under sections 56 and 57.

"(f) Election To Be Treated as Other Than a Qualified Small Business Activity.—An activity may elect to be treated for all taxable years as other than a qualified small business activity. Such election shall be made on or before the due date of the activity's return (determined without regard to extensions) for the later of—

"(1) the first taxable year that the activity is a qualified small business activity, or

"(2) the first taxable year beginning after December 31, 1992.

"(g) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) Clerical Amendment.—The table of sections for part VI of subchapter A of chapter 1 is amended by inserting after the item relating to section 58 the following new item:

"Sec. 58A. Special exceptions for small businesses."

SEC. 104. INCREASE IN PERMITTED NUMBER OF SUBCHAPTER S SHAREHOLDERS.

Subparagraph (A) of section 1361(b)(1) (defining small business corporation) is amended by striking "35" and inserting "50".

TITLE II—ACCOUNTING PROVISIONS

SEC. 201. INFLATION-ADJUSTED FIFO INVENTORY METHOD FOR CERTAIN SMALL BUSINESSES.

(a) General Rule.—Subpart D of part II of subchapter E of chapter 1 (relating to inventories) is amended by adding at the end thereof the following new section:

"SEC. 475. INFLATION-ADJUSTED FIFO INVENTORY METHOD FOR CERTAIN SMALL BUSINESSES.

"(a) General Rule.—An eligible small business may elect to use the inflation-adjusted FIFO inventory method for purposes of valuing all of its inventories.

"(b) Inflation-Adjusted FIFO Inventory Method of Valuing Inventories.—For purposes of this section—

"(1) In general.—The inflation-adjusted FIFO inventory method of valuing inventories is a method of valuing inventories under which—

"(A) the taxpayer maintains its inventory under the first-in, first-out method authorized by section 471, and

"(B) cost of goods sold is increased each taxable year by an amount computed by multiplying the applicable Consumer Price Index increase by so much of the total beginning of the year FIFO inventory (computed in subparagraph (A)) as does not exceed the total ending of the year FIFO inventory.

"(2) Applicable consumer price index increase.—The term 'applicable Consumer Price Index increase' means the percentage increase (if any) in the Consumer Price Index for all-urban consumers published by the Department of Labor during the calendar year ending with or within the taxable year of the taxpayer.

"(c) Eligible Small Business.—For purposes of this section, a taxpayer is an eligible small business for any taxable year if the average annual gross receipts of the taxpayer for the 3 preceding taxable years do not exceed $10,000,000. For purposes of the preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply.

"(d) 6-Year Averaging for Increases in Inventory Value.—The beginning inventory for the first taxable year for which the method described in subsection (b) is used (and for all subsequent years that the method is used) shall be valued at cost. Any change in the inventory amount resulting from the application of the preceding sentence shall be taken into account ratably in each of the 6 taxable years beginning with the first taxable year for which the method described in subsection (b) is first used.

"(e) Special Rules.—For purposes of this section—

"(1) Election.—

"(A) In general.—The election under this section may be made without the consent of the Secretary.

"(B) Period to which election applies.—The election under this section shall apply—

"(i) to the taxable year for which it is made, and

"(ii) to all subsequent taxable years for which the taxpayer is an eligible small business, unless the taxpayer secures the consent of the Secretary to the revocation of such election.

"(2) Changes in method of accounting.—

"(A) Taxpayers changing from LIFO to the method under this section.—In the case of a change from a LIFO method under section 472 or 474 to an election under this section—

"(i) beginning inventory shall be restated to FIFO as described in subsection (b), and

"(ii) the difference between restated inventory computed in clause (i) and the basis of the taxpayer's inventory computed under LIFO will be treated as an increase to basis of inventory with no corresponding increase to income.

"(B) TAXPAYERS CHANGING FROM THE METHOD UNDER THIS SECTION TO LIFO.—A taxpayer changing its method of accounting to LIFO from the method prescribed in this section—

"(i) may change its method of accounting without the consent of the Commissioner, provided the taxpayer has not used the LIFO method within the past six taxable years, and

"(ii) must comply with section 472 and the regulations thereunder regarding the adoption of LIFO.

"(C) TAXPAYERS CHANGING FROM THE METHOD UNDER THIS SECTION TO FIFO.—A taxpayer changing its method of accounting to FIFO from the method prescribed in this section may change its method of accounting without the consent of the Commissioner.

"(f) REGULATIONS.—The Secretary shall be authorized to prescribe regulations necessary to carry out the purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 475. Inflation-adjusted FIFO method for certain small businesses."

SEC. 202. EXEMPT SMALL BUSINESS FROM THE UNIFORM CAPITALIZATION RULES.

(a) AMENDMENTS TO SECTION 263A.—

(1) IN GENERAL.—Subsection (c) of section 263A is amended by adding at the end thereof the following new paragraph:

"(7) TAXPAYERS WITH GROSS RECEIPTS OF $10,000,000 OR LESS.—

"(A) IN GENERAL.—This section shall not apply to any taxpayer if the average annual gross receipts of the taxpayer (or any predecessor) for the 3-taxable year period ending with the taxable year preceding such taxable year do not exceed $10,000,000. For purposes of the preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply.

"(B) CHANGES IN METHOD OF ACCOUNTING.—Except as otherwise provided by the Secretary through regulations (or other administrative guidance), a taxpayer changing its method of accounting by reason of satisfying or failing to satisfy the $10,000,000 average annual gross receipts test in subparagraph (A) must obtain the consent of the Secretary to change its method of accounting.".

(2) CONFORMING AMENDMENTS.—

(A) Paragraph 2 of section 263A(b) is amended to read as follows:

"(2) PROPERTY ACQUIRED FOR RESALE.—Real or personal property described in section 1221(1) which is acquired by the taxpayer for resale."

(B) Subsection (i)(2) of section 263A is amended by striking "in the case of property described in subsection (b)(2)".

(b) AMENDMENT TO SECTION 471.—Section 471 (relating to general rules for inventories) is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

"(b) COST CAPITALIZATION FOR TAXPAYERS WITH GROSS RECEIPTS THAT DO NOT EXCEED $1,000,000.—

"(1) IN GENERAL.—If a taxpayer's average annual gross receipts for its immediately preceding three taxable years do not exceed $1,000,000 the taxpayer shall not be required to include in its inventory costs any indirect costs incurred. For purposes of the preceding sentence, indirect costs include all costs other than direct costs of acquiring or producing the inventory. For purposes of this subsection, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply in determining whether a taxpayer has average annual gross receipts that do not exceed $1,000,000.

"(2) CHANGES IN METHOD OF ACCOUNTING.—Except as otherwise provided by the Secretary through regulations (or other administrative guidance), a taxpayer changing its method of accounting by reason of satisfying or failing the $1,000,000 average annual gross receipts test in paragraph (1) must obtain the consent of the Secretary to change its method of accounting for indirect costs under paragraph (1).".

(c) AMENDMENT TO SECTION 263.—Section 263 (relating to capital expenditures) is amended by adding at the end thereof the following new subsection:

"(j) COST CAPITALIZATION FOR TAXPAYERS WITH GROSS RECEIPTS THAT DO NOT EXCEED $1,000,000.—If a taxpayer's average annual gross receipts for its immediately preceding 3 taxable years do not exceed $1,000,000, the taxpayer shall not be required to capitalize any indirect costs incurred in the taxpayer's current taxable year to its capital expenditures. For purposes of the preceding sentence, indirect costs include all costs other than direct costs. For purposes of this subsection, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply in determining whether a taxpayer has average annual gross receipts that do not exceed $1,000,000.".

(d) EFFECTIVE DATES.—

(1) SPECIAL RULE APPLICABLE TO INVENTORY PROPERTY.—

(A) IN GENERAL.—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 1992.

(B) CHANGE IN METHOD OF ACCOUNTING.—If the taxpayer is permitted by the amendments made by this section to change its method of accounting with respect to inventory for its 1st taxable year beginning after December 31, 1992—

(i) such change shall be treated as initiated by the taxpayer,

(ii) such change shall be treated as made with the consent of the Secretary,

(iii) the net amount of adjustments required by section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period not longer than 3 years.

In applying clause (iii), however, the Secretary may prescribe any other administrative procedures (for example, a cut-off method) for effecting the permitted method change which would prevent duplications or omissions of income or deductions, and thus make adjustments under section 481 unnecessary.

(2) NONINVENTORY EFFECTIVE DATE.—The amendments made by subsection (c) shall apply with respect to costs incurred in taxable years beginning after December 31, 1992.

SEC. 203. EXEMPTION OF SMALL BUSINESSES FROM LONG-TERM CONTRACT RULES.

(a) GENERAL RULE.—

(1) Paragraph (1) of section 460(e) is amended to read as follows:

"(1) IN GENERAL.—

"(A) Subsections (a), (b), and (c) (1) and (2) shall not apply to any home construction contract.

"(B) This section shall not apply to any other contract entered into by a taxpayer whose average annual gross receipts for the 3 taxable years immediately preceding the taxable year in which such contract is entered into do not exceed $10,000,000.

In the case of a home construction contract with respect to which the requirements of subparagraph (B) are not met, section 263A shall apply notwithstanding subsection (c)(4) thereof.".

(2) The subsection heading for subsection (e) of section 460 is amended by striking "CONSTRUCTION".

(b) AMT EXCEPTION FOR SMALL CONTRACTORS.—Paragraph (3) of section 56(a) is amended to read as follows:

"(3) TREATMENT OF CERTAIN LONG-TERM CONTRACTS.—In the case of any long-term contract entered into by the taxpayer on or after March 1, 1986, the taxable income from such contract shall be determined under the percentage of completion method of accounting (as modified by section 460(b)). The preceding sentence shall not apply to any contract described in section 460(e)(1).".

(c) AMENDMENTS TO SECTION 451.—Section 451 is amended by adding at the end thereof the following new subsection:

"(h) SPECIAL RULE FOR DETERMINING INCOME FROM A LONG-TERM CONTRACT FOR ELIGIBLE TAXPAYERS.—

"(1) IN GENERAL.—A taxpayer shall not be required to allocate indirect costs to any long-term contract entered into during a taxable year for which the taxpayer is an eligible taxpayer.

"(2) ELIGIBLE TAXPAYER.—For purposes of this subsection, an 'eligible taxpayer' is a taxpayer whose average annual gross receipts for the 3 taxable years immediately preceding the current taxable year do not exceed $1,000,000. For purposes of the preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply in determining whether a taxpayer has average annual gross receipts that do not exceed $1,000,000.

"(3) INDIRECT COSTS.—For purposes of this subsection, indirect costs are all costs other than direct costs."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into in taxable years beginning after December 31, 1992.

Mr. PRESSLER. Mr. President, I am pleased to join today with the Republican leader, the ranking Republican on the Finance Committee, Senator PACKWOOD, and several other of our colleagues, in introducing the Small Business Investment Act of 1993. As ranking Republican on the Senate Small Business Committee, I consider the provisions of this comprehensive small business tax reform plan to be vital components of any economic stimulus program this Congress may enact.

The legislation we introduce today is designed to simplify the Tax Code for small businesses. It would ease the Federal tax compliance burden on small businesses. At the same time, it would create new incentives and improve existing incentives contained in the Federal Tax Code. These incentives would provide additional capital to new and existing small businesses.

Mr. President, entrepreneurs in my home State of South Dakota often tell me that one of the major hurdles they face in getting a small business off the ground is the availability of capital. Three provisions in this bill—increasing the deduction for certain investments from $10,000 to $25,000; allowing immediate expensing of new business startup costs; and exempting small businesses from alternative minimum tax provisions—are designed to reduce the cost of capital, increase cash flow and lower the after tax cost of starting a small business.

Small businesses also often find their attentions diverted and their resources limited by complex Federal mandates. Two sections of our bill—the alternative minimum tax exemption; and a small business exemption from the rules governing long-term contracts—would reduce some of the accounting burdens currently faced by our small businesses.

Mr. President, these and other provisions in our bill are designed to help America's small businesses do what they do best—create jobs and stimulate the economy. In my home State of South Dakota, 95 percent of all businesses are small business. Small businesses employed 74.7 percent of South Dakota's private nonfarm workers in 1990. The Small Business Administration reports that from June 1991 to June 1992, small business nationally created 173,000 jobs, while firms with more than 500 employees lost 235,000 jobs. Small businesses accounted for two out of every three new jobs created from 1982 to 1990.

Clearly, small business is the engine that drives America's economy. If enacted, this bill will help ensure that the train of economic recovery in this country not only stays on the tracks, but picks up steam.

Mr. DOMENICI. Mr. President, I rise to tell the Senate a little bit about a bill that was introduced by Senator DOLE, the Republican leader, that I joined, and many of my colleague joined as original cosponsors. It is called the Small Business Investment Act of 1993.

Obviously, back in September 1992, with the Presidential campaign in full swing, President Bush outlined a package of small business tax initiatives that would simplify significantly tax compliance for all small business. It is history now that he lost the election. But this package was so important that he directed Treasury Secretary Brady to go ahead and work out the details of the new initiatives. That legislative package is what we are introducing today.

Small business, as I see it, is the little engine that could. Each one independently puffs away, saying, "I think I can; I think I can." Some fail, but a great majority succeed. Add the millions of small businesses together in the American economy and they make up three-fourths of the jobs that the American people hold today.

You have new innovations; you have the most productive people on Earth. And there is no doubt that we need to promote the small-business sector to ensure future growth and more jobs.

The National Federation of Independent Business, their foundation, has surveys. They talk to small business regularly.

Let me suggest the survey is designed to identify problems and priorities. Last year's survey said, of the 75 potential business problems, the cost of health insurance was by far the most serious problem for small business.

We have all been working on that.

Federal taxes on business income rank second. This is a serious worry that small business owners have. Yet, it proved to be only part of a much deeper concern over taxes. Tax issues dominate the first 10 problems on their list: Taxes on income, to cash flow, to workman's compensation, to FICA taxes, to tax regulations.

This package that we introduce today focuses on radically simplifying compliance under the tax laws. The Treasury Department estimates that taken together, the initiatives eliminate 160 million hours of annual recordkeeping and return preparation time by small businesses across this country.

These initiatives will meaningfully reduce capital costs and increase return to small businesses.

This legislation will mean a lot to small businesses everywhere, in Virginia, the State where the occupant of the Chair resides, to New Mexico. Ninety-nine percent of the businesses in my State are small businesses, using the criteria of this bill and elsewhere in the law, under $5 million in sales and less than 500 employees. This legislation will mean more new business formations, expansion of existing ones, higher productivity and new innovations. In essence, it means more jobs.

By Mr. SARBANES:

S. 161. A bill to provide for an endowment grant program to support college access programs nationwide, and for other purposes; to the Committee on Labor and Human Resources.

COLLEGE ACCESS ACT

• Mr. SARBANES. Mr. President, I rise today to introduce the College Access Act, a bill to establish an endowment grant program to support college access programs nationwide. This important legislation will encourage and enable public high school students to attend institutions of higher education throughout the country. It would authorize a one-time Federal investment of $25 million, an investment which would generate a significant level of support from the private sector for young people who wish to pursue postsecondary education.

College access programs provide a variety of services to disadvantaged young people. Specifically, they provide advisors who serve students in public high schools, offering assistance in addressing student's identified needs for financial aid to attend college, and for information about the college financial aid process and academic qualifications and preparation. Advisors also work to provide incentives for students and to generate interest and motivation in pursuing postsecondary education.

A very important, but often overlooked, service offered through college access programs is the underwriting of costs of preparing for college, including entrance exams, application fees, and SAT and ACT preparation courses. Additional services may include full and partial financial grants—especially "last dollar" gap financing, assistance in selecting and applying to appropriate colleges, and assistance in applying for financial aid. Further services may include underwriting the costs of entering college, including dormitory reservations and college acceptance fees. College access programs also provide continuing mentors for students who attend college, including reimbursing students who act as tutors and peer counselors while in school.

An important aspect of college access programs is the widespread community support they receive—from individuals to the business and foundation sectors, as well as from cities and, in some cases, the State. The success of this approach is very well illustrated by the program operated in Baltimore, MD, by the CollegeBound Foundation. Established by the Greater Baltimore Committee, Mayor Kurt Schmoke, and Baltimoreans United In Leadership Development [BUILD], assistance provided through the CollegeBound Foundation's college access program since its inception has led to a 24-percent increase in the number of Baltimore City public high school students taking the SATs, a 14-percent increase in the percentage of students completing Financial Aid forms, and a 77-percent increase in the number of students who completed college applications.

A 20 year retrospective study of students assisted by the oldest college access program in the Nation, the Cleveland Scholarship Programs [CSP], shows similar results. Nine out of ten of the study's participants had attended a 4-year college, graduated, or gone on to professional or graduate school, 77 percent had finished college, and more than 1 out of 4 had done some postgraduate work. These results are especially significant when you consider that the largest percentage of students served come from families whose annual incomes are between $5,000 and $14,999. Thirty-one percent reported family income between $15,000 and $24,999, and approximately 10 percent come from families with incomes of less than $5,000. Clearly, college access programs are reaching a population of young people who might otherwise never have an opportunity to pursue a higher education.

Mr. President, every society of any consequence attaches enormous importance to educating its next generation. If a society is to develop to its full strength and potential, it is essential to develop the talents and skills of the young. College access programs, which provide services to ensure access to higher education for capable but economically disadvantaged young people, perform an important role in this critical effort. I am very pleased to introduce the College Access Act today and strongly urge my colleagues to join in an effort to ensure its swift passage.•

By Mr. DASCHLE:

S. 162. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of inventory; to the Committee on Finance.

INDIAN TRIBES CHARITABLE CONTRIBUTIONS ACT OF 1993

• Mr. DASCHLE. Mr. President, I am introducing legislation that would expand the current inventory charitable donation rule to include Indian tribes. This proposal is short and simple.

Under current law, companies may obtain a special charitable donation tax deduction under Internal Revenue Code section 170(e)(3) for contributing their excess inventory to the ill, the needy, or infants. While not limited to any particular type of company or inventory, this deduction commonly is used by food processing companies whose excess food inventories otherwise would spoil. Indian tribes have had difficulty obtaining these donations, however, because of an ambiguity in the law as to whether or not donating companies may deduct donations to people on Indian reservations.

The current language in section 170(e)(3) requires charitable donations of excess inventory to be made to organizations that are described in section 501(c)(3) of the Code and exempt from taxation under section 501(a). While Indian tribes are exempt from taxation, they are not among the organizations described in section 501(c)(3). Accordingly, it is not clear that a direct donation of excess inventory to an Indian tribe would qualify for the charitable donation deduction under section 170(e)(3).

Ironically, the Indian Tribal Government Tax Status Act found in section 7871 provides that an Indian tribal government shall be treated as a State for purposes of determining tax deductibility of charitable contributions made pursuant to section 170. Unfortunately, the act does not expressly extend to donations made under section 170(e)(3) because that provision technically does not include States as eligible donees, either.

Mr. President, it is well documented that a disproportionate number of the ill and the needy, many of whom are infants, can be found on Indian reservations. No one would argue that it is not within the intent of section 170(e)(3) to allow contributions to these people to qualify for the special charitable donation deduction in that section of the Code. That is what the bill I am introducing today would do. By allowing companies to make qualified contributions to Indian tribes under section 170(e)(3), the bill would clearly further the intended purpose of both Internal Revenue Code section 170(e)(3) and the Indian Tribal Government Tax Status Act.

The appropriateness of this measure is exhibited by the fact that it was included in H.R. 11, the Revenue Act of 1992, which was vetoed by President Bush. Moreover, at the time it was passed, the measure was supported on policy grounds by the Joint Committee on Taxation and Finance Committee staff.

I strongly encourage my colleagues to take another close look at this bill and consider supporting this worthy and reasonable measure.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARITABLE CONTRIBUTIONS OF INVENTORY TO INDIAN TRIBES.

(a) IN GENERAL.—Section 170(e)(3) of the Internal Revenue Code of 1986 (relating to special rule for certain contributions of inventory or other property) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR INDIAN TRIBES.—

"(i) IN GENERAL.—An Indian tribe (as defined in section 7871(c)(3)(E)(ii)) shall be treated as an organization eligible to be a donee under subparagraph (A).

"(ii) USE OF PROPERTY.—For purposes of subparagraph (A)(i), if the use of the property donated is related to the exercise of an essential governmental function of the Indian tribal government, such use shall be treated as related to the purpose or function constituting the basis for the organization's exemption."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1992.•

By Mr. DASCHLE:

S. 163. A bill to require the Secretary of the Treasury to perform a study of the structure, operation, practice, and regulation of Japan's capital and securities markets, and their implications for the United States; to the Committee on Banking, Housing, and Urban Affairs.

FOREIGN CAPITAL AND SECURITIES MARKETS STUDY ACT

• Mr. DASCHLE. Mr. President, I urge my colleagues to join me in supporting legislation to address a topic with significant consequences for the United States—the structure, operation, and practices of Japan's capital and securities markets.

The Foreign Capital and Securities Markets Study Act, which I introduce today, calls on the Secretary of the Treasury to conduct a year-long study of Japan's capital and securities markets and their implications for the United States. The provisions of the bill are identical to legislation I introduced in the 102d Congress and were included in H.R. 11, the Revenue Act of 1992, which was vetoed by President Bush.

The study called for in the legislation will focus on how the structure and operation of Japan's capital and securities markets provide Japanese manufacturers with competitive advantages against their American counterparts. The study also will examine how these markets, in the way they are structured and operated, pose a risk to American investments, international liquidity, and the stability of international financial markets. The study will touch on several topics that have been the subject of negotiation between the United States and Japan in the Structural Impediments Initiative, such as corporate governance and cross-shareholding, but which have never been studied in the breadth or depth proposed in this legislation.

The time is right for such a study. We have watched with interest the reports of insider dealings, loss-guarantee payments, market manipulation and other irregularities emanating last summer from Japan. We have seen allegations that Nomura Securities, the world's preeminent securities house, consorted with and manipulated stock prices for Japanese gangsters. We have seen disclosures that Japanese securities houses paid more than $1 billion to cover the market losses of favored insiders, which include the world's most powerful industrial corporations.

The Japanese stock market scandals of 1991 are reason enough for this legislation. In today's global financial markets, a scandal of this proportion has international dimensions. We must know how the scandals will affect the United States economy as a whole, as well as American investors, including United States pension funds that have invested billions in the Japanese markets.

What may be more important for the long-term well-being of the United States economy, however, is what the scandals reveal about the structure and operation of the Japanese capital and securities markets. These scandals give us a glimpse into the heart of Japan, Inc. They call our attention to the much broader and fundamental contributions of Japan's financial sector to that country's remarkable postwar economic success. In so doing, the Japanese financial scandal has profound consequences for the United States, reaching from Wall Street in Manhattan to Main Street in Aberdeen, SD.

The consequences are as subtle as they are profound; here are some examples of what I mean:

COST OF CAPITAL

The structure and operation of Japan's securities and capital markets have provided Japanese corporations with access to cheap capital, especially during the "go-go" 1980's. This advantage over their American competitors has allowed Japanese companies to pursue aggressive market and pricing strategies, modernize plant and equipment, conduct extensive research and development programs, acquire American companies, and make other investments to position themselves for global competition in the 1990's. Sony, for example, reportedly raised more than $6 billion in stock and equity-based bond issues between 1987 and 1990. Sony's reported cost of capital for these funds was estimated to be under 1 percent. In the same time frame, Sony acquired CBS Records and Columbia Pictures for a combined total of $5.7 billion. Access to such low-cost funds, when American companies are paying 10 percent or more, can spell the difference between competitive success and failure.

BARRIERS TO TRADE

The structure and operation of Japan's securities markets also have facilitated barriers to United States exports to Japan. In the well-known keiretsu corporate structure, Japanese suppliers and their customers develop longstanding business relationships through reciprocal stable shareholding arrangements, interlocking directorates, and other mutually beneficial stock arrangements. One obligation of the arrangement is continued procurement from the supplier company, which in turn depends heavily upon and works intimately with the keiretsu customer. Such relationships, forged in Japanese securities markets, act to exclude American vendors seeking to penetrate the Japanese market.

ANOTHER FINANCIAL SCANDAL

Japanese banks, including some of the largest banks in the world, are confronting problems similar to those faced by American banks and savings and loans. Japan's real estate and securities markets, which have been marvels of long-term growth, are depressed significantly. This downturn poses a two-pronged threat to Japanese banks. First, loan losses could soar along with surging loan defaults and bankruptcies, especially in the real estate sector. The Economist magazine projects that Japanese bankruptcies could reach into hundreds of billions of dollars over the next few years, with Japanese banks woefully unprepared. Loan loss reserves in Japanese banks are reported to amount to only three trillion yen on 448 trillion yen in outstanding loans.

Second, Japanese banks rely heavily upon securities in their portfolios to meet international capital standards. With the sharp downturn in the Japanese stock market, Japanese banks reportedly have encountered difficulty in meeting those capital standards, and have been forced to take remedial actions like curtailing international lending activity.

This scenario seems disturbingly similar to our own banking and savings and loan debacle. But the implications of Japan's financial problems extend even further. Japanese banks and financial institutions play a critical role in providing international liquidity, including, most importantly for us, the financing of United States Government budget deficits. Serious dislocations in the Japanese financial sector could have global consequences.

In light of the magnitude of these and other questions concerning the implications for the United States of the structure and operation of Japan's securities and capital markets, this proposal is a fair, measured, even cautious response. If United States policy in this vitally important area is to rest on a solid foundation, we must have a comprehensive understanding of the Japanese financial markets and how they affect all Americans.

Mr. President, I ask that the text of the bill be printed in the RECORD in its entirety at the close of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Capital and Securities Markets Study Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Japan's capital and securities markets have assumed a global significance;

(2) growing interaction between the capital and securities markets of the United States and Japan can affect national policies on exchange rates, investment, fiscal policy, and public debt;

(3) Japan's capital and securities markets have different structures, operations, practices, and regulatory regimes than United States markets;

(4) the different structures, operations, practices, and regulatory regimes of Japan's capital and securities markets could cause significant economic effects in the United States; and

(5) a study by the Secretary of the Treasury therefore is required to gain a fuller understanding of the structure, operation, practice, and regulation of Japan's capital and securities markets and their implications for the United States.

SEC. 3. STUDY OF CAPITAL AND SECURITIES MARKETS.

(a) IN GENERAL.—The Secretary of the Treasury (hereafter referred to as the "Secretary") shall conduct a study of the capital and securities markets of Japan in accordance with subsection (b). Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Congress on the structure, operation, practice, and regulation of Japan's capital and securities markets, and their implications for the United States.

(b) STUDY TOPICS.—In conducting the study required by subsection (a), the Secretary shall consider—

(1) with regard to Japan's capital and securities markets—

(A) methods used by Japanese companies to raise capital, and the cost of such capital, at present and historically;

(B) Japanese methods of corporate governance, particularly with regard to the effectiveness of shareholder meetings, proxy solicitations, and other methods of shareholder participation, the strength of the consumer movement in Japan and its implications for shareholder rights, techniques used by corporate management regarding shareholder participation in corporate governance, and the general effectiveness of shareholder rights in the supervision of corporate managers;

(C) practices and techniques used by Japanese securities brokers and dealers;

(D) the prevalence of loss guarantees and similar practices in securities dealing;

(E) the prevalence of companies having common directors, especially directors common to financial institutions and client industrial companies;

(F) the practice known as "stable shareholding" and other reciprocal shareholding relationships, especially between vendors and customers;

(G) the role played by banks and other financial institutions in capital and securities markets, particularly with regard to equity participation, participation in corporate governance, investment practices, and adequacy of collateral;

(H) the financial strength of Japanese banks, including the adequacy of capital and loan loss reserves, the impact of current trends in securities values on bank capital, and the impact of current trends in real estate values on bank profitability, loan defaults, and the adequacy of collateral;

(I) trends in Japanese real estate and securities values, particularly in relation to savings rates, the adequacy of collateral, loan defalcations, bankruptcies, investment in the United States, and capital repatriation from the United States;

(J) the adequacy of disclosure requirements imposed on industrial corporations, banks, securities houses, and other financial institutions and the extent of compliance by such organizations, including disclosure of primary bank and reciprocal or similar shareholding relationships;

(K) the use of securities and real estate holdings as collateral, and the implications of any decline in value of such collateral; and

(L) the adequacy of judicial relief available to foreign investors claiming injury under Japanese law, including the availability of administrative remedies, the sufficiency and effectiveness of discovery procedures and the timeliness of relief; and

(2) with regard to the economic effects of such markets on the United States—

(A) the magnitude of United States investment in Japanese securities, particularly by United States pension funds, and the implications for United States investors of the structures, operations, practices, and regulations of Japan's capital and securities markets, including the safety of securities investments, the validity of price and volume signals on Japanese exchanges, the ability to participate in corporate governance, and other protections of shareholders' rights;

(B) the implications for United States securities markets, particularly the risk that developments in Japan could have consequences for the United States;

(C) the implications for United States capital markets, including international liquidity, United States interest rates, Japanese investment in the United States, capital repatriation to Japan, and domestic capital supply;

(D) the effect on United States macroeconomic policies, including interest rate policy, exchange rate policy, fiscal policy, monetary policy, and public debt policy;

(E) the implications for the competitiveness of United States enterprises, including the comparative cost of capital, duties to shareholders, research and development expenditures, and investments in plant and equipment; and

(F) the effectiveness of remedies available to United States investors in Japanese securities, and the amount of dealing in Japanese securities in the United States, whether directly or indirectly.

(c) CONSULTATIONS.—The Secretary shall consult with the Chairman of the Securities and Exchange Commission, the United States Trade Representative, and such other agencies or persons as the Secretary may deem necessary to complete the study and report required under this Act. The Secretary may consult with agencies of the Government of Japan, Japanese exchanges, and such other Japanese persons or organizations as the Secretary may deem appropriate.

SEC. 4. DEFINITIONS.

For purposes of this Act the term "security" has the same meaning as in section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)).•

By Mr. DASCHLE:

S. 164. A bill to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

SIOUX RANGER DISTRICT ACT OF 1993

• Mr. DASCHLE. Mr. President, today I am reintroducing legislation to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest. This legislation was approved last year by the Energy Committee. Although there was no opposition to the bill, S. 1879, it was held up in the final hours of the 102d Congress due to an unrelated dispute regarding other Energy Committee legislation. I am confident it will receive timely consideration in the Senate this year.

Most land exchanges between private landowners and the Forest Service are authorized in accordance with three existing laws. The one relevant to this legislation is the General Exchange Act of 1922, which allows for exchanges of lands only within the exterior boundaries of national forest lands. The national forest boundary usually lies directly adjacent to federally owned lands, and, as a result, lands that are outside the boundary cannot be exchanged even if they are immediately adjacent to the boundary and forest land. The legislation I am introducing today would enable the Secretary of Agriculture to accept title to any lands located within 5 miles of the exterior boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest.

Over a period of 50 years, a number of boundary extension laws have been passed to allow land exchange to include lands adjacent to, but outside, national forest boundaries. My legislation would enable the South Dakota portion of the Sioux Ranger District to conduct the kind of land exchanges that the rest of Custer National Forest, and a significant number of other national forests, are already entitled to conduct.

Land exchanges have been used as a tool by the Forest Service and private land owners to increase the management efficiency of their respective holdings, allow consolidation of property ownership and resolve Forest Service management issues such as public access and trespass situations. The Sioux Ranger District has two firm and several tentative land exchange proposals from private landowners that involve lands just outside the forest boundary. This general boundary extension is necessary to facilitate these land exchanges.

Mr. President, I urge my colleagues to join me in support of this bill, and ask unanimous consent to have the full text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SIOUX RANGER DISTRICT BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—In accordance with the Act entitled "An Act to consolidate national forest lands", approved March 20, 1922 (16 U.S.C. 485 et seq.), and in exchange for national forest lands in Custer National Forest, the Secretary of Agriculture may accept title to any lands located within 5 miles of the exterior boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest that are not owned by the United States and that are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes.

(b) INCORPORATION INTO CUSTER NATIONAL FOREST.—Upon acceptance of title by the Secretary of Agriculture, lands conveyed to the United States in accordance with subsection (a) shall become part of Custer National Forest.•

By Mr. WALLOP:

S. 165. A bill to amend chapter 6 of title 5, United States Code, relating to regulatory flexibility analysis; to the Committee on the Judiciary.

REGULATORY FLEXIBILITY ANALYSIS ACT OF 1993

• Mr. WALLOP. Mr. President, jobs, jobs, jobs. That was the promise Americans heard echoed all across this country last year from those running for the highest office in the land to the smallest local election. Those promises were well focused. Long-term economic growth hinges on growth in our labor force and increases in the productivity of that labor force. If we cannot sustain economic growth, if we do not have a healthy job market, then America can no longer afford to be the steadying presence in foreign affairs, or to be the leader in the area of civil rights, or in environmental awareness, or to stun the world with scientific achievements.

As the 103d Congress convenes and the new administration settles into the White House, I would like to draw attention to one of the biggest obstacles to jobs, growth in the labor force, and productivity of American businesses today. That is the Federal Government itself.

The concept of federalism upon which this country was founded has sadly gone awry. Instead of recognizing the limits of the National Government and that some things are best achieved at the State and local level, or God forbid, by the people themselves, we seem to have accepted the notion that the Federal Government must be all things to all people, and solve all of America's problems from the top down. As a result, we have a Congress that measures success by the number of laws it passes to regulate all aspects of human existence and agency officials whose importance is determined by the number of people working for them, how many rules and regulations they produce each year, and how many enforcement actions are brought against the regulated public.

There is no doubt that all of this started with somebody's good intention or that some may even be necessary, but where do we stop? The Federal Government is the biggest growth industry in this country today and it continues to pass laws, and write rules and regulations to implement those laws, and to cover the country with a network of low-level bureaucrats to enforce all these laws, rules, and regulations until the cumulative effect is to smother the American spirit. There are today more government employees in America than there are jobs in manufacturing.

Alexis DeToqueville, the great French philosopher who wrote the classic study of political institutions, "Democracy in America," foresaw what would happen in his chapter entitled "What Sort of Despotism Democratic Nations Have to Fear." DeToqueville describes a government such as ours as a power that,

> * * * covers the surface of society with a network of small complicated rules, minute and uniform, through which even the most original minds and the most energetic characters cannot penetrate to rise above the crowd. The will of man is not shattered, but softened, bent, and guided; men are seldom forced by it to act, but they are constantly restrained from acting. Such a power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes, and stupefies a people, till each nation is reduced to nothing better than a flock of timid and industrious animals, of which the government is the shepherd.

DeToqueville's vision is especially chilling because the government he describes is the all too familiar Government from Washington.

Mr. President, one of our former colleagues left the protective fold of Federal Government to join the forces of struggling businessmen and he had the intestinal fortitude to share with us his experience. I have offered this before, but I believe its powerful message is once again worthy of note as we embark on this new era.

I would like to include for the RECORD an article written by former Senator and Presidential contender, George McGovern, entitled "A Politician's Dream is a Businessman's Nightmare" dated June 1, 1992. George McGovern's Connecticut hotel went bankrupt not just because of a slow economy, but because the Government "set the bar so that it is too high to clear."

McGovern describes how he and other businessmen had to live with rules that were "all passed with the objective of helping employees, protecting the environment, raising tax dollars for schools, protecting our customers from fire hazards, etc." McGovern never doubted the worthiness of any of these goals, but he said that:

> The concept that most often eludes legislators is: Can we make consumers pay the higher prices for the increased operating costs that accompany public regulation and government reporting requirements with reams of red tape. It is a simple concern that is nonetheless often ignored by legislators.

We ignore his message at America's peril. George McGovern is right; the problem is not the worthiness of these goals. The problem is that too much government diminishes their worth and restricts the very opportunities and protection they were designed to promote.

How do we prevent a bloated government from steamrolling over the very people it was designed to serve? This is my concern. My staff and I have traveled the State of Wyoming to hear from those who feel the effect firsthand. They wonder, first of all, if Congress or the Federal agencies know what is happening. Second, they would like to see some sort of accountability for the actions of Federal employees who, by invading their lives, threaten their names, and intimidate their families, and coerce their response. Americans today are desperately trying to serve and appease their Government. When we were in school we thought that that was the Government's role, not the citizen's.

Mr. President, I am reintroducing three bills which are based on the simple but valuable advice of my constituents and I ask that they be included in the RECORD following my comments. These bills are designed to help free the American spirit so that innovation, ingenuity, and resourcefulness are rewarded, not thwarted by the Federal Government.

First of all, to ensure that Congress does, in fact, know what it is doing, I am introducing a sense of the Congress resolution which provides that each committee which reports a bill that requires employers to provide new employee benefits, obtains an objective analysis of the impact of the bill on employment and international competitiveness and includes that analysis in the committee report. Congress will then have the opportunity to consider the consequences of its actions before a bill becomes law.

Second, I am introducing amendments to strengthen the law which ensures that Federal agencies know what they are about. This will help provide regulatory relief to small businesses in particular. The 1980 Regulatory Flexibility Act was based on the premise that Federal agencies frequently do not recognize the impact their rules will have or that small businesses are disproportionately and adversely affected by Federal regulation compared to their larger counterparts. My amendments would improve the Regulatory Flexibility Act in three ways; by providing for coverage of interpretative rules, by providing for judicial review and by modifying the definitions to ensure that indirect effects of regulations are considered when an analysis of rules is undertaken.

Under current law no regulatory impact analysis is required for rules classified as interpretative. Unfortunately, some agencies improperly classify rules as interpretative and thus avoid having to perform any analysis of its impact. My amendment would close this loophole by including interpretative rules within coverage of the act.

Also, there is no meaningful judicial review of an agency's decision to certify that a rule does not have a substantial impact on a significant number of entities, even though it may impose tremendous burdens. My amendment would correct this deficiency.

Finally, the original Regulatory Flexibility Act does not take into account the fact that regulations which are imposed on small entities have an indirect impact on the customers and/or clients of those entities. My amendment would ensure that these are properly considered.

The last measure I am introducing today is designed to help ensure that agencies or agency employees who abuse the power of their positions are held accountable for those actions. Low-level bureaucrats have enormous control over many aspects of American life. They literally hold a person's future in the palm of their hands because of the broad authority which they have to issue, withhold or condition permits and to levy fines. Ordinary citizens—businessmen, ranchers, developers, even State and county officials—are afraid to complain or fight against unfair agency action out of fear of reprisal by Federal bureaucrats. Businessmen are so dependent upon permits and the discretion to issue them is so immense that bureaucratic delay, yet alone inaction, is often enough to put someone out of business. My bill is an important first step toward protecting those in the private sector who have blown the whistle against unfair agency action from reprisals by those agencies.

There is more to be done to turn the Government from the direction in which it is headed. Overregulation and governmental redtape are strangling business and economic growth, costing American taxpayers up to $1.6 trillion per year. That is why I plan to continue the Red Tape Award, something I instituted last year with several of my colleagues in order to expose and present an official certificate to the most foolish of foolish governmental regulations. The symbol for this award is the Statue of Liberty bound and gagged in redtape. Perhaps humor can succeed where common sense has failed by serving to highlight just how ridiculous and burdensome our Government can be.

You may recall, Mr. President, that the first recipient of the Red Tape Award was the Occupational Safety and Health Administration [OSHA], for its ridiculous enforcement of the hazardous communication standard. Issued in 1983, this standard requires employers to identify chemical hazárds in the workplace and prepare a material safety data sheet [MSDS] on such "hazardous" materials as sawdust, sand, gravel, fire extinguishers, dishwashing liquid, liquid paper, water, and oxygen. Fining small businesses for not having a MSDS on dishwashing detergent is absurd, but that is exactly what happened.

Clearly, we've got to restore some common sense into Government regulation. Presenting the less-than-coveted Red Tape Award on a regular basis, as we plan to do, and thus exposing costly and counterproductive regulations may help that along.

Ours was to be a government of the people, by the people; not a government on the people. The three bills, along with the Red Tape Award, are important steps toward ensuring that the enterprising spirit that made this country great is not slowly and gently crushed until the American people are transformed into a flock of timid workers envisioned by DeTocqueville.

I ask unanimous consent a bill and an article appear in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS

SECTION 1. Section 601 of title 5, United States Code is amended—

(1) in paragraph (2) by inserting "any rule of the Internal Revenue Service" before "or any other law, including";

(2) in paragraph (5) by striking out "and" at the end thereof;

(3) in paragraph (6) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(4) by adding at the end thereof the following new paragraph:

"(7) the term 'impact' means effects of a proposed or final rule which an agency can anticipate at the time of publication, and includes those effects which are directly and indirectly imposed by the proposed or final rule and are beneficial and negative.".

INITIAL REGULATORY FLEXIBILITY ANALYSIS

SEC. 2. Section 603 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence by inserting "as defined under section 601(2)" after "any proposed rule"; and

(B) in the second sentence by striking out "the impact" and inserting in lieu thereof "both the direct and indirect impacts";

(2) in subsection (b)(3) by striking out "apply" and inserting in lieu thereof "directly apply and an estimate of the number of small entities to which the rule will indirectly apply"; and

(3) in subsection (c) in the first sentence by inserting before the period "either directly or indirectly effected".

FINAL REGULATORY FLEXIBILITY ANALYSIS

SEC. 3. Section 604(a) of title 5, United States Code, is amended in the first sentence by striking out "under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking" and inserting in lieu thereof "as defined under section 610(2)".

JUDICIAL REVIEW

SEC. 4. Section 611(b) of title 5, United States Code, is amended in the second sentence by inserting "or a decision made by the head of the agency under section 605(b)," after "regulatory flexibility analysis".•

A POLITICIAN'S DREAM IS A BUSINESSMAN'S NIGHTMARE

(By George McGovern)

It's been 11 years since I left the U.S. Senate, after serving 24 years in high public office. After leaving a career in politics, I devoted much of my time to public lectures that took me into every state in the union and much of Europe, Asia, the Middle East and Latin America.

In 1988, I invested most of the earnings from this lecture circuit acquiring the leasehold on Connecticut's Stratford Inn. Hotels, inns and restaurants have always held a special fascination for me. The Stratford Inn promised the realization of a longtime dream to own a combination hotel, restaurant and public conference facility—complete with an experienced manager and staff.

In retrospect, I wish I had known more about the hazards and difficulties of such a business, especially during a recession of the kind that hit New England just as I was acquiring the inn's 43-year leasehold. I also wish that during the years I was in public office, I had this firsthand experience about the difficulties business people face very day. That knowledge would have made me a better U.S. senator and a more understanding presidential contender.

Today we are much closer to a general acknowledgment that government must encourage business to expand and grow. Bill Clinton, Paul Tsongas, Bob Kerrey and others have, I believe, changed the debate of our party. We intuitively know that to create job opportunities we need entrepreneurs who will risk their capital against an expected payoff. Too often, however, public policy does not consider whether we are choking off those opportunities.

My own business perspective has been limited to that small hotel and restaurant in Stratford, Conn., with an especially difficult lease and a severe recession. But my business associates and I also lived with federal, state and local rules that were passed with the objective of helping employees, protecting the environment, raising tax dollars for schools, protecting our customers from fire hazards, etc. While I never have doubted the worthiness of any off these goals, the concept that most often eludes legislators is: "Can we make consumers pay the higher prices for the increased operating costs that accompany public regulation and government reporting requirements with reams of red tape." It is a simple concern that is nonetheless often ignored by legislators.

For example, the papers today are filled with stories about businesses dropping health coverage for employee. We provided a substantial package for our staff at the Stratford Inn. However, were we operating today, those costs would exceed $150,000 a year for health care on top of salaries and other benefits. There would have been no reasonable way for us to absorb or pass on these costs.

Some of the escalation in the cost of health care is attributed to patients suing doctors. While for one assess the merit of all these claims, I've also witnessed firsthand the explosion in blame-shifting and scapegoating for every negative experience in life.

Today, despite bankruptcy, we are still dealing with litigation from individuals who fell in or near our restaurant. Despite these injuries, not every misstep is the fault of someone else. Not every such incident should be viewed as a lawsuit instead of an unfortunate accident. And while the business owner may prevail in the end, the endless exposure to frivolous claims and high legal fees is frightening.

Our Connecticut hotel, along with many others, went bankrupt for a variety of reasons, the general economy in the Northeast being a significant cause. But that reason masks the variety of other challenges we faced that drive operating costs and financing charges beyond what a small business can handle.

It is clear that some businesses have products that can be priced at almost any level. The price of raw materials (e.g., steel and glass) and life-saving drugs and medical care are not easily substituted by consumers. It is only competition or antitrust that tempers price increases. Consumers may delay purchases, but they have little choice when faced with higher prices.

In services, however, consumers do have a choice when faced with higher prices. You may have to stay in a hotel whole on vacation,but you can stay fewer days. You can eat in restaurants fewer times per month, or forgo a number of services from car washes to shoeshines. Every such decision eventually results in job losses for someone. And often these are the people without the skills to help themselves—the people I've spent a lifetime trying to help.

In short, "one-size-fits-all," rules for business ignore the reality of the marketplace. And setting thresholds for regulatory guidelines at artificial levels—e.g., 50 employees or more, $500,000 in sales—takes no account of other realities, such as profit margins, labor intensive vs. capital intensive businesses, and local market economics.

The problem we face as legislators is: Where do we set the bar so that it is not too high to clear? I don't have the answer I do know that we need to start raising these questions more often.

By Mr. MOYNIHAN:

S. 167. A bill to create a bipartisan commission to recommend ways to strengthen the protection of classified information and eliminate the classification of nonsensitive information; to the Committee on Governmental Affairs.

PROTECTION AND REDUCTION OF GOVERNMENT SECRECY ACT

• Mr. MOYNIHAN. Mr. President, the cold war ends on a pretty note. Across the Nation audiences are watching the movie "JFK" in which a former intelligence officer, sitting on a bench with the Washington Monument in view, explains to a district attorney that the President of the United States was murdered by the military in order to keep that war going for what turned out to be another three decades. Polls would suggest that an overwhelming proportion of American citizens believe something conspiratorial happened, and that whatever it was, the Government isn't telling.

Edward A. Shils wrote about all this far back in the fifties in his invaluable, "The Torment of Secrecy." From Freemasons through Bolsheviks—and now to the Central Intelligence Agency—

> The exfoliation and intertwinement of the various patterns of belief that the world is dominated by unseen circles of conspirators, operating behind our backs, is one of the characteristic features of modern society. It is radical in its fundamental distrust of the dominant institutions and authorities of modern society.

Sad, of course. But not funny. You lose your liberties that way. Madison to Jefferson, 1793: Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad. I happen to believe that something of this has happened to us. There has been a loss of liberty. By which I am not talking about Red scares and loyalty oaths. But rather liberty in the sense of easiness with ideas, awareness of options, sense of opportunities. The secrecy system has done this to us. The all encompassing, smothering, suffocating secrecy system that we built up during the cold war and which won't go away because its existence is itself a kind of secret.

The new President could do no greater service to the Nation and to his administration than to set about an energetic, determined, public dismantling of said secrecy system. As the system has grown it has become harder and harder for Government officials to discuss vital issues of the day with the American people. It has become harder for colleagues in the scientific community to discuss research and technical breakthroughs with their peers. Millions of Americans working in the Government and in defense industries must submit themselves and their families to the intrusive investigations concomitant to receiving security clearances. Nearly 7 million new documents are classified each year—a fact documented by the Information Security Oversight Offices [ISOO]. We have created an office to oversee the offices that oversee the classifiers. But the ISOO only counts secrets up to top secret. The secret is that the real secrets have even higher classifications. Perhaps they didn't tell that to the people who count the secrets.

One consequence of having 3 million security clearances and 7 million new secrets annually is that classified information is published in the papers every day. If the United States would classify a small volume of truly sensitive information it would require far fewer security clearances. And, consequently, fewer leaks.

Perhaps most important, however, the secrecy system has dulled our senses. It cuts off criticism. And ever so slightly it cautioned against seeming to be soft. Threat analysis in the worst possible condition—there's the ticket to promotion. How else to explain the utter failure of the intelligence community to predict the collapse of the Soviet Union?

Adm. Stansfield Turner has acknowledged this failure. In Foreign Affairs, he wrote of the enormity of the intelligence community failure to forecast the magnitude of the Soviet crisis. Adding, "Today we hear some revisionist rumblings that the CIA did in fact see the Soviet collapse emerging after all. Some might, he conceded. But on this one, the corporate view missed by a mile.

Owen Harries has written of the 1980's, that conservatives correctly perceived totalitarianism as an unmitigated evil that had to be fought at all costs. There is an alternative view. It is that the cold war institutions put in place in the late 1940's gradually mutated: From informing policy to making it. There was nothing conspiratorial about this. Organizations believe that way. But we ended up with a President who thought we might have to hold off the Commies at Harlingen, TX. Two days' drive, as Mr. Reagan put it, from Nicaragua. And so we became the world's largest debtor. Acheson spotted it at the time:

> I had the gravest forebodings about this organization [the CIA] and warned the President that as set up neither he, the National Security Council, nor anyone else would be in a position to know what it was doing or to control it.

But then, he had insufficient foreboding about the National Security Council. In short order, it would replace the State Department in the Executive Office Building, and the NSC Director would at times displace the Secretary of State.

For what it's worth, in 1970 a task force organized by the Defense Science Board and headed by Dr. Frederick Seitz proposed just this:

> The task force noted that more might be gained than lost if our Nation were to adopt—unilaterally, if necessary—a policy of complete openness in all areas of information. * * * [A]ll areas.

But then they decided it wasn't practical. But today it is. We have the freedom to simultaneously reduce Government secrecy dramatically and hold closer those small number of true national security secrets.

Mr. President, this is a subject that deserves the most immediate attention. For that reason, I am introducing today legislation to create a bipartisan commission on reducing and protecting Government secrecy. I believe that this should be one of the earliest national security priorities of the first post-cold-war Presidency.

I send the legislation to the desk and ask unanimous consent that the text of the legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I. SHORT TITLE

SEC. 101. This Act may be cited as the "Protection and Reduction of Government Secrecy Act".

TITLE II: COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY

SEC. 201. PURPOSE.—It is the purpose of this title to establish a study commission which will examine the implications of the systematic over classification of information and to make recommendations to reduce the volume of information classified and to strengthen the protection of legitimately classified information.

SEC. 202. FINDINGS.—(a) Following World War II the United States and the Soviet Union engaged in a global conflict known as the cold war;

(b) During the cold war a secrecy system developed to enormous proportions, thereby limiting the public's access to vital information and reducing the ability of the public to participate with full knowledge in the process of governmental decisionmaking;

(c) In 1990 6,797,720 documents were classified and approximately 3 million persons held some form of security clearance;

(d) The burden of managing nearly 7 million newly classified documents every year has led to reduced communication within the Government and within the scientific community, reduced communication between the Government and the people of the United States, tremendous administrative expense and the selective and unauthorized public disclosure of classified information;

(e) The requirement that approximately 3 million persons obtain security clearances represents a substantial loss of individual privacy which is inconsistent with American traditions;

(f) If a smaller amount of truly sensitive information was classified expense, lost privacy and inhibitions on public discussion would be reduced and the remaining classified information could be held more securely;

(g) In 1970 a task force organized by the Defense Science Board and headed by Dr. Frederick Seitz concluded that "more might be gained than lost if our Nation were to adopt—unilaterally, if necessary—a policy of complete openness in all areas of information;" and

(h) A bipartisan study commission specially constituted for the purpose of examining the consequences of the secrecy system will be able to offer comprehensive proposals for reform.

SEC. 203. FUNCTION OF THE COMMISSION.—(a) The function of the Commission shall be—

(1) to conduct an investigation into all matters in any way related to any legislation, executive order, regulation, practice or procedure relating to the access to or the classification of information or involving security clearances, including without limitation access to classified information under the Freedom of Information Act;

(2) to make such recommendations concerning the classification of national security information as the Commission shall see fit, including proposing new legislation.

SEC. 204. COMPOSITION OF THE COMMISSION.—(a) To carry out the purposes of this title, there is established a Commission on the Protection and Reduction of government Secrecy (hereafter referred to in this title as the "Commission").

(b) The Commission shall be composed of the following 12 members:

(1) Four members appointed by the President, two from the executive branch of the Government and two from private life;

(2) Four members appointed by the President of the Senate, two from the Senate (one from each of the two major political parties) and two from private life; and

(3) Four members appointed by the Speaker of the House of Representatives, two from the House of Representatives (one from each of the two major political parties) and two from private life.

(c) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) Seven members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) Compensation and Travel Expenses.

(1) COMPENSATION IN GENERAL.—Except as provided in paragraph (2), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) GOVERNMENT PERSONNEL.—Members of the Commission who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(3) TRAVEL EXPENSES.—While away from their homes or regular places of business in

the performances of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 205. POWERS OF THE COMMISSION.—(a) The Commission, or on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpoenas may be issued under the signature of the Chairman of the Commission, of any such subcommittee, or any designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purposes of this title. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed, to the extent authorized by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

SEC. 206. STAFF OF THE COMMISSION.—(a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at GS–18.

SEC. 207. EXPENSES OF THE COMMISSION.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.•

By Mr. GLENN (for himself and Mr. AKAKA):

S. 168. A bill to provide for procedures for the review of Federal department and agency regulations, and for other purposes; to the Committee on Governmental Affairs.

REGULATORY REVIEW SUNSHINE ACT OF 1993

• Mr. GLENN. Mr. President, I rise today to introduce the Regulatory Review Sunshine Act of 1993. This legislation, which is very similar to a bill I introduced in the last Congress, is designed to bring greater openness and public accountability to the Federal regulatory process.

Regulation is the primary means by which our Nation's laws are implemented. It is also the means by which our businesses and citizens too often experience the heavy hammer of big government. To serve its beneficial purpose, Congress and the courts have, over the course of 50 years, developed administrative procedures to make the Federal agency rulemaking process fair, reasonable, and accountable. To blunt its burdens, Presidents have more recently experimented with regulatory review requirements to try to make Federal rules less burdensome, more beneficial, and less costly.

I, for one, support both developments. Administrative procedures are needed to assure the American public that Government regulations are drafted with public participation and can be held up to judicial review. Likewise, regulatory review is needed to assure the American public that agencies are not overzealous or biased, that the Federal Government speaks with one consistent voice, and that regulations only be used where absolutely needed, with the most benefit and the least cost.

Unfortunately, over the last decade, regulatory review has been used not so much to improve rulemaking but to control it. In the last 2 years, particularly, I have seen how White House staff can use regulatory review to give special access to friendly interests, to secretly pressure agency officials to make politically favored decisions, and to hide decisions from congressional oversight. This mode of operation, as seen in the activities of the Council on Competitiveness, is unacceptable. It destroys the integrity of the rulemaking process and further undermines the faith of the American people in the institutions of government.

My legislation, almost identical to the bill that was reported favorably by the Committee on Governmental Affairs, with a bipartisan vote, in the 102d Congress, provides basic public accountability requirements to ensure that the public has fair notice of what proposals are undergoing review, who outside of government is trying to lobby the review process, and to what extent regulatory review affects any rulemaking decision. The legislation would also impose reasonable time limits on regulatory review—OMB officials have admitted that they used delay to surreptiously stop agency rulemaking.

The legislation stops at these public accountability provisions. As in the last Congress, with the last President, I believe that the structure of regulatory review should still be left to the President. If we have an assurance of public accountability and faithful implementation of statutory mandates, I think it best to defer to the President's design and operation of a central review mechanism. If, of course, sunshine is not enough, then I will revisit this issue.

I introduce this bill just as a new administration begins, and before the issuance of any new regulatory review directives. I look forward to working with the new administration on this issue and hope that my legislation will provide a standard by which they may evaluate the regulatory review system they have inherited and develop a system of their own.

I ask unanimous consent that a copy and summary of the legislation be placed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Review Sunshine Act of 1993".

SEC. 2. DEFINITIONS.

For purposes of this Act, the term—

(1) "agency" means an agency as defined under section 551(1) of title 5, United States Code, and section 552(f) of title 5, United States Code;

(2) "regulatory review" means the evaluation, review, oversight, supervision, or coordination of agency rulemaking activity by a reviewing entity directed by the President or his designee to conduct such review on an ongoing basis;

(3) "reviewing entity" means any agency, or other establishment in the executive branch of the Federal Government established by the President, which engages, in whole or in part in regulatory review;

(4) "review action" means any action, including but not limited to a recommendation or direction, regarding an agency rulemaking activity taken by a reviewing entity; and

(5) "rulemaking activity" means any activity involving a rulemaking as defined under section 551(5) of title 5, United States Code, and includes activity involving a schedule or plan for rulemaking, strategy statements, guidelines, policy manuals, grant and loan procedures, advance notices of proposed rulemaking, press releases and other documents announcing or implementing regulatory policy that affects the public.

SEC. 3. DISCLOSURE BY A REVIEWING ENTITY.

(a) PUBLIC ACCESS.—A reviewing entity shall establish procedures, consistent with subsection (b), to provide public access to information concerning each agency rulemaking activity under its review. Such information shall include a copy of—

(1) all written communications, regardless of format, including drafts of all proposals and associated analyses, between the reviewing entity and the rulemaking agency;

(2) all written communications, regardless of format, between the reviewing entity and any person not employed by the Federal Government relating to the substance of an agency rulemaking activity;

(3) a record, including the date, participants, and substance, of all oral communications relating to the substance of an agency rulemaking activity, including meetings, between the reviewing entity and any person not employed by the Federal Government;

(4) a written explanation as required by section 4(c) and the date of any significant review action; and

(5) any notice of any extensions of review under section 6.

(b) PROCEDURES.—Information described under subsection (a) shall be made available to the public upon request—

(1) within 14 days of conclusion of review;

(2) in a manner consistent with the requirements of section 552(a) of title 5, United States Code; and

(3) for review, and copying, in a publicly accessible reading room during normal business hours.

SEC. 4. DISCLOSURE TO A RULEMAKING AGENCY BY A REVIEWING ENTITY.

(a) WRITTEN COMMUNICATIONS.—A reviewing entity shall transmit to the rulemaking agency, on a timely basis, copies of any written communications between the reviewing entity and any person not employed by the Federal Government concerning the substance of a rulemaking activity of that agency.

(b) ORAL COMMUNICATIONS.—A reviewing entity shall disclose to the rulemaking agency, on a timely basis, all oral communications, including meetings, between any person not employed by the Federal Government and the reviewing entity concerning the substance of a rulemaking activity of that agency. The reviewing entity shall—

(1) advise the rulemaking agency of the date, participants, and substance of such communications; and

(2) invite the rulemaking agency head or designee to all scheduled meetings involving such communications.

(c) EXPLANATION OF SIGNIFICANT REVIEW ACTION.—A reviewing entity shall, in a timely manner, provide the rulemaking agency with a written explanation of any significant review action taken by the reviewing entity concerning an agency rulemaking activity.

SEC. 5. PUBLIC DISCLOSURE BY A RULEMAKING AGENCY.

(a) STATUS OF REVIEW.—A rulemaking agency shall upon request identify a rulemaking activity, the date upon which it was submitted to a reviewing entity for review, and any notice of any extensions of review under section 6.

(b) EXPLANATIONS.—For each proposed and final rule, a rulemaking agency shall explain in its rulemaking notice any significant changes made to such rule as a consequence of regulatory review.

(c) RECORD.—A rulemaking agency shall place in the appropriate rulemaking record all of the documents received from a reviewing entity as required under section 4.

SEC. 6. TIME LIMITS FOR REVIEW.

(a) TIME LIMITS.—Within 60 days after the receipt of a rulemaking activity submitted to a reviewing entity for review, the reviewing entity shall conclude review of the rulemaking activity. The reviewing entity may, for good cause explained to the rulemaking agency extend the time for review for 30 days.

(b) RESOLUTION OF OUTSTANDING ISSUES.—If the President, or such other person or entity as the President may designate, reviews for resolution an issue arising out of a regulatory review—

(1) the applicable time limits described under subsection (a) may be extended, although any such issue shall be resolved as promptly as practicable; and

(2) any such review shall be subject to the requirements of this Act, except for section 6(a).

(c) EXTENSIONS.—A reviewing entity shall notify the rulemaking agency of an extension beyond 60 days and provide public notice, pursuant to sections 3 and 7. The rulemaking agency shall promptly publish a notice of any such extension in the Federal Register, and shall give public notice pursuant to section 5.

SEC. 7. PUBLIC ACCOUNTING OF REGULATORY REVIEW.

(a) PUBLICATION OF ACCOUNTING.—The Office of Management and Budget shall prepare and make available to the public a monthly and an annual accounting of regulatory review conducted by any and all reviewing entities. Such accounting shall include a list of all rulemaking activities submitted to a reviewing entity for review, under review by a reviewing entity, or for which a review action was taken by a reviewing entity during the reporting period.

(b) INFORMATION INCLUDED IN ACCOUNTING.—The monthly accounting required under subsection (a) shall be prepared and made available to the public within 10 working days of the end of each month and shall include the name and type of each rulemaking activity reviewed, the reviewing entity, the rulemaking agency, the date of submission, the status of review, notice of any extensions of review under section 6, any review action, the date of such action, and the authority for review.

(c) FEDERAL REGISTER PUBLICATION.—Each rulemaking agency shall publish in the Federal Register within 10 working days of the end of each month a list of all rulemaking activities undergoing regulatory review during the preceding month. Such list shall include the name and type of each rulemaking activity, the reviewing entity, the date of submission, any review action taken during the reporting period, and the date of any such action.

SEC. 8. EXCLUSIONS.

Oral communications with the President, the Vice President, the Administrator of the Environmental Protection Agency, the Director of the Office of Management and Budget, and the heads of executive departments as defined under section 101 of title 5, United States Code, are not covered by this Act.

SEC. 9. EFFECT OF ACT.

(a) AUTHORIZATION.—Nothing in this Act authorizes a reviewing entity to—

(1) review a rulemaking activity; or

(2) direct an agency to make a decision with regard to a rulemaking activity unless specifically authorized by law.

(b) ALTERATIONS.—Nothing in this Act alters in any manner—

(1) rulemaking authority vested by law in the head of an agency;

(2) any legally mandated criteria for rulemaking; or

(3) the application of any statutory or judicial deadline or the authority of an agency to undertake rulemaking activity in an emergency situation.

SUMMARY OF THE REGULATORY REVIEW SUNSHINE ACT OF 1993

This legislation establishes procedures to ensure public accountability for presidential review of Federal agency rulemaking activity. The bill is very similar to legislation introduced in the 102nd Congress (S. 1942) and reported favorably by the Governmental Affairs Committee by a bi-partisan vote on November 22, 1991 (S. Rpt. 102-256).

Sec. 1. Short Title.

The Act is the "Regulatory Review Sunshine Act of 1993."

Sec. 2. Definitions.

The definitions of "regulatory review," "reviewing entity," "review action" and "rulemaking activity" reflect the Act's purpose to cover any executive branch regulatory review process created by the President or his designee.

Sec. 3. Disclosure By A Reviewing Entity.

Reviewing entities must make the following information available to the public within 14 days of concluding review:

(1) All written communications between the reviewing entity and any non-governmental party or the rulemaking agency;

(2) A summary of substantive oral communications between the reviewing entity and any non-governmental party;

(3) A written explanation of any significant review action;

(4) Notices of any extension of regulatory review.

Sec. 4. Disclosure To A Rulemaking Agency By A Reviewing Entity.

Reviewing entities must give rulemaking agencies:

(1) Written communications between the reviewing entity and any non-governmental party;

(2) A summary of substantive oral communications between the reviewing entity and non-governmental parties, and an invitation to attend meetings with such parties; and

(3) A written explanation of significant review actions.

Sec. 5. Public Disclosure By A Rulemaking Agency.

Rulemaking agencies must place materials received from a reviewing entity in the rulemaking record, identify upon request proposals under review, and explain in rulemaking notices any significant changes made to a rule as a result of regulatory review.

Sec. 6. Time Limits For Review.

Regulatory review must be concluded within 60 days. The reviewing entity may, for good cause explained to the rulemaking agency, extend its review for 30 days. Also, if the President, or his designee, reviews a regulatory review issue, the time limits may be extended. Such review is subject to the Act's disclosure requirements.

The reviewing entity must notify the rulemaking agency of any extension beyond 60 days. The rulemaking agency must then publish a notice in the Federal Register.

Sec. 7. Public Accounting Of Regulatory Review.

OMB will prepare monthly and annual public accountings of the regulatory review activities of all reviewing entities. Each rulemaking agency will publish a monthly Federal Register notice of all rulemaking activities under review.

Sec. 8. Exclusions.

Oral communications with the President, the Vice President, the Administrator of EPA, the OMB Director, and the heads of Cabinet agencies are not covered by this Act.

Sec. 9. Effect of Act.

The Act neither authorizes regulatory review nor alters any rulemaking authority, criteria, or deadline.•

By Mr. MOYNIHAN:

S. 169. A bill to prohibit the solicitation or diversion of funds to carry out activities forbidden by law; to the Committee on Foreign Relations.

DIVERSION OF FUNDS PROHIBITION ACT

• Mr. MOYNIHAN. Mr. President, Theodore Draper said of the Iran-Contra episode that—

> [i]f the constitutional democracy of the United States is overthrown, we now have a better idea of how this is likely to be done.

The Iran-Contra affair is often portrayed as a threat to the Congress, but it is not appreciated how severely it damaged the Presidency as well. Ron-

ald Reagan came near to impeachment. And George Bush leaves office after, as President Clinton put it in his inaugural, a half-century of service to this country, with a lawyer at his side. This, in large part, because aides to the President liberated themselves from the most fundamental of all constitutional constraints on the executive branch, the congressional power of the purse.

In December 1983 the Reagan administration's "Special Interagency Group" decided to bring the situation in Nicaragua to a head with speedboat attacks, minings and other operations. These clearly fell within the definition of "significant anticipated intelligence activities" and yet the Congress was not "fully and currently informed" of these activities as required by law. The Intelligence Committees were ambiguously briefed only after the minings had occurred. The uproar when the minings were publicly disclosed, it led within the year to legislation ending funding for the Contras.

From that point forward the search began for alternative sources of funding. Those sources included funds solicited from foreign states, the use of United States property to arrange quid pro quos to support forbidden activities and, of course, the ill-fated skimming of profits from the sale of arms to Iran. A policy of illegality mutated into a policy of deceit which nearly wrecked the Reagan presidency.

Mr. President, the legislation that I am introducing today is offered with these events in mind. It makes it a crime to circumvent the constitutional power of the purse. It protects the President by preventing his aides from obtaining the means to carry out activities that violate the law. Our distinguished majority leader summed up this legislation in a single sentence: it simply says "Obey the law." And the Congress has already adopted this bill once, only to see it vetoed by President Bush.

Mr. President, we are embarked upon a new beginning with a new President. It is a hopeful moment. I offer this legislation in an effort to support and protect the President and to help safeguard him from the excesses that so nearly wrecked the administrations of his predecessors.

I send the legislation to the desk and ask unanimous consent that the text of the legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I: PROHIBITION ON CHANNELING OR DIVERTING FUNDS TO CARRY OUT ACTIVITIES FOR WHICH UNITED STATES ASSISTANCE IS PROHIBITED

SEC. 101. (a) PROHIBITION.—Whenever any provision of United States law expressly refers to this section and expressly prohibits all United States assistance, or all assistance under a specified United States assistance account, from being provided to any specified foreign region, country, government, group, or individual for all or specified activities, then no officer or employee of the Executive branch may—

(A) receive, accept, hold, control, use, spend, disburse, distribute, or transfer any funds or property from any foreign government (including any instrumentality or agency thereof), foreign person, or United States person;

(B) use any United States funds or facilities to assist any transaction whereby a foreign government including any instrumentality or agency thereof), foreign person or United States person provides any funds or property to any third party; or

(C) provide any United States assistance to any third party, if the purpose of any such act is the furthering or carrying out of the same activities, with respect to that region, country, government, group, or individual, for which United States assistance is expressly prohibited.

(2) As used within the meaning of paragraph (1), assistance which is provided for the purpose of furthering or carrying out the same or similar activities for which United States assistance is expressly prohibited includes assistance provided under an arrangement conditioning, expressly or impliedly, action by the recipient to further those activities.

(b) PENALTY.—Any person who knowingly and willfully violates the provision of subsection (a)(1) shall be imprisoned not more than 5 years or fined in accordance with title 18, United States Code, or both.

(c) PRESIDENTIAL NOTIFICATION.—(1) Whenever—

(A) any provision of United States law described in subsection (a)(1) expressly refers to this section and expressly prohibits the provision of United States assistance for specified recipients or activities, and

(B) any officer or employee of the Executive branch advocates, promotes, or encourages the provision of funds or property by any foreign government (including any instrumentality or agency thereof), foreign person, or United States person for the purpose of furthering or carrying out the same or similar activities with respect to such recipients,

then the President shall notify the Congress in a timely fashion that such advocacy, promotion, or encouragement has occurred. Such notification may be submitted in classified form.

(2) Nothing in this subsection shall be construed as authorizing any action prohibited by subsection (a).

(d) APPLICABILITY.—The provisions of this section shall not be superseded except by a provision of law enacted on or after the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, which specifically repeals, modifies, or supersedes the provisions of this section.

(e) CONSTRUCTION.—(1) Nothing in this section shall be construed to limit—

(A) the ability of the President, the Vice President, or any officer or employee of the Executive branch to make statements or otherwise express his views to any party on any subject;

(B) the ability of an officer or employee of the United States to express the publicly enunciated policies of the President; or

(C) the ability of an officer or employee of the United States to communicate with any foreign country, government, group, or individual, either directly or through a third party, with respect to a prohibition on United States assistance covered by subsection (a)(1), including the reasons for such prohibitions, and the actions, terms, or conditions which might lead to the removal of such prohibition.

(2) Nothing in this section shall be construed as waiving or otherwise derogating from any other provision of law imposing penalties or obligations with respect to any of the acts described in subparagraph (A), (B), or (C) of subsection (a)(1).

(f) DEFINITIONS.—For purposes of this section—

(1) the term "person" includes (A) any natural person, (B) any corporation, partnership, or other legal entity, and (C) any organization, association, or other group;

(2) the term "United States assistance" means—

(A) assistance of any kind under the Foreign Assistance Act of 1961;

(B) sales, credits, and guaranties under the Arms Export Control Act;

(C) export licenses issued under the Arms Export Control Act; and

(D) activities authorized pursuant to the National Security Act of 1947 (50 U.S.C. 410 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or Executive Order Number 12333 (December 4, 1981), excluding any activity involving the provision or sharing of intelligence information; and

(3) the term "United States assistance account" means an account corresponding to an authorization of appropriations for United States assistance.●

By Mr. HOLLINGS (for himself, Mr. AKAKA, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. CONRAD, Mr. DANFORTH, Mr. DECONCINI, Mr. DURENBERGER, Mr. HATCH, Mr. HEFLIN, Mr. JOHNSTON, Mr. KOHL, Mr. LAUTENBERG, Mr. LEVIN, Mr. METZENBAUM, Mr. NUNN, Mr. REID, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. THURMOND, and Mr. WOFFORD):

S. 170. A bill to award a Congressional Gold Medal in honor of the late John Birks "Dizzy" Gillespie; to the Committee on Banking, Housing, and Urban Affairs.

DIZZY GILLESPIE CONGRESSIONAL GOLD MEDAL ACT

● Mr. HOLLINGS. Mr. President, I rise today in remembrance of John Birks "Dizzy" Gillespie who passed away earlier this month at the age of 75.

Dizzy Gillespie was born in Cheraw, SC, on October 21, 1917—the same year that the first jazz record was recorded—and in his lifetime captured the hearts and ears of people all over the world. From his early beginnings as that dizzy trumpet player from down south to his current status as one of the legends of modern jazz, Dizzy Gillespie clearly exhibited his astounding versatility as a performer, innovator, and ambassador of jazz.

Along with the late Charlie "Bird" Parker, Dizzy spearheaded the musical drive toward a style known as be-bop—a fresh harmonic and rhythmic vocabulary that transformed jazz. In addition, he was widely heralded for his successful experimentation in fusing traditional jazz with Afro-Cuban music.

But beyond his undeniable talent and proficiency, Dizzy Gillespie must also be praised for the countless hours that he spent sharing his craft with the peoples of the world. In 1956, Dizzy was the first jazz musician to be appointed by the Department of State to tour on behalf of the United States of America. After his initial success, this cultural statesman continued to criss-cross the globe performing the music that so many have come to love.

Mr. President, during the 102d Congress, I introduced legislation to honor Dizzy Gillespie with the Congressional Gold Medal. While 43 Senators joined me in cosponsoring this bill, we were unable to bring it before the full Senate prior to Congress' adjournment sine die. Today, I am reintroducing this legislation. I hope that my colleagues will again join me in honoring the enduring legacy that Dizzy Gillespie has left for all of us.

In his autobiography Dizzy Gillespie confided that "* * * I would like to be remembered as a humanitarian * * * maybe my role in music is just a stepping stone to a higher role. The highest role is the role in service to humanity, and if I can make that, then I'll be happy." As millions around the world will continue to attest, he did, indeed, make it. I ask unanimous consent that the full text of this bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that:

(1) John Birks "Dizzy" Gillespie was one of the most recognized and beloved artists in the world, admired not only for his unique musicianship, but for his ability to reach people on a distinctly personal level;

(2) as a musician, pioneer, innovator, composer, arranger, bandleader, raconteur, entertainer, and cultural ambassador, Mr. Gillespie distinguished himself as one of the immortal figures in the history of jazz, "a national American treasure";

(3) Mr. Gillespie received the Kennedy Center Honors, the most prestigious public recognition of an artist's lifetime contributions in the performing arts in the United States, the Smithsonian Medal from the Smithsonian Institution, and the American Society of Composers, Authors and Publishers' "Duke" award for his lifetime achievements as a musician, composer, and bandleader;

(4) Mr. Gillespie received many additional honors, including the National Medal of Arts, presented by President Bush, a Grammy Lifetime Achievement Award from the National Academy of Recording Arts and Sciences, and the Commandant D'Ordre des Arts et Lettres, the highest honor in the arts in France, presented by the French Minister of Culture, Jack Lang, and was crowned a traditional African chief, with the title "Bashere of Iperu", in Nigeria;

(5) Mr. Gillespie performed before royalty and countless world leaders, including 4 American Presidents;

(6) at the personal invitation of President Sam Nujoma, Mr. Gillespie performed at the State Independence Banquet of Namibia, before the leaders of many countries of the world, kings, presidents, prime ministers, the Secretary-General of the United Nations, Nelson Mandela, and a host of other dignitaries;

(7) Mr. Gillespie was acclaimed as a visionary risk taker, whose daring integration of ethnic influences added a vibrant and indelible dimension to jazz, and to music in all of its popular forms;

(8) Mr. Gillespie and the late Charlie "Bird" Parker pioneered "be-bop", a new and fresh harmonic and rhythmic vocabulary that created a musical revolution which transformed jazz and dramatically influenced 20th century musical culture;

(9) Mr. Gillespie is universally credited as the catalyst who incorporated Afro-Cuban, Brazilian, and Caribbean music and rhythms into the jazz idiom;

(10) Mr. Gillespie's third great big band, the United Nations Orchestra, which exemplified the essence of Mr. Gillespie's universal musical philosophy, enthralled audiences in 20 countries on the continents of North America, South America, Europe, and Australia since the band's inception in 1988;

(11) in 1956, Mr. Gillespie was the first jazz artist appointed by the Department of State as Cultural Ambassador to tour on behalf of the United States, and his resoundingly successful tours through the Near East, Asia, Eastern Europe, and Latin America were early landmarks in a lifetime of cultural statesmanship by the inimitable jazz master on behalf of his country; and

(12) in January 1989, Mr. Gillespie was asked to represent the United States and embarked on a ground breaking, month-long tour in Africa, sponsored by the United States Information Agency Arts America Program.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Mrs. Lorraine Gillespie, in memory of her late husband John Birks "Dizzy" Gillespie, a gold medal of appropriate design, in recognition of over half a century of musical genius.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be selected by the Secretary.

(c) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated an amount not to exceed $25,000 to carry out this section.

SEC. 3. DUPLICATE MEDALS.

(a) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost of such duplicates and the gold medal, including labor, materials, dies, use of machinery, and overhead expenses.

(b) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out section 2 shall be reimbursed out of the proceeds of sales under subsection (a).

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

By Mr. GLENN (for himself, Mr. BOREN, Mr. BRADLEY, Mr. BRYAN, Mr. BUMPERS, Mr. COHEN, Mr. DODD, Mr. GRAHAM, Mr. JEFFORDS, Mr. KENNEDY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. RIEGLE, Mr. LAUTENBERG, and Mr. SASSER):

S. 171. A bill to establish the Department of the Environment, provide for a Bureau on Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes; to the Committee on Governmental Affairs.

DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

• Mr. GLENN. Mr. President, I rise today to introduce the 1993 Department of the Environment Act. This legislation, which I have introduced twice before, would make the Environmental Protection Agency a Cabinet-level department. The bill I set before the Senate today is essentially the same proposal which was agreed upon by this body on October 1, 1991, except that it does not contain the private property rights amendment added last year by Senator SYMMS.

The United States and the world stand at a dangerous but opportune crossroad. Here and around the globe environmental problems pose significant threats to the health and safety of billions. There is new and growing recognition of the urgent need to address the problems of global warming, ozone depletion, water, air, and sea pollution, and radioactive hazards. Such problems are testing the mettle of governments to develop innovative, comprehensive, and cost-effective solutions that recognize the fragility of our ecosystems and the vulnerability of our people.

Mr. President, in the almost 3 years since I first introduced legislation to elevate the EPA, environmental problems facing our Nation have not improved—in some cases they have grown more dangerous and complex. The waste tanks containing high-level radioactive wastes at the Hanford site in Washington State remain a dangerous threat to public health and safety. Hundreds of Superfund priority list sites remain untouched as the endless battles of bureaucracy and resources wage on. On many fronts, we are still struggling to clean our water, air, and land.

Now, more than ever, we need a Cabinet-level Department of the Environment. I say this because more than one pundit has observed over the past year that such an elevation is merely a cosmetic and political facelift for an agency that can't seem to get its job done in its current status. Well, I don't disagree that improvements can be made at the EPA. The Governmental Affairs Committee, which I chair, held hearings last year on management problems at the agency. As this year's effort proceeds I hope to make further refinements and improvements to this legislation which reflect what we have learned.

But the fact that the agency can improve in no way diminishes the importance of making it Cabinet level. It remains a fact of diplomatic life, for example, that the seriousness with which one views another government's concerns is influenced by the stature of the person who articulates them. A sub cabinet EPA sends the wrong signal to the rest of the world about the priority and leadership given by the United States to the cause of global environmental protection. Moreover, can anyone truly claim that there should be no room at the Cabinet table for the agency that bears the enormous responsibility for the basic elements of nature that sustain life? Indeed, the real and potential impacts on the human environment of our fragile Earth may be of such magnitude that they will require a level of attention never before imagined both abroad and here at home. The United States must provide aggressive leadership toward a solution of domestic and global environmental problems. To do otherwise would consign the quality of life of all Americans to the decisions of other nations and cede our moral obligation to protect the global commons we all share.

At home, a Cabinet-level EPA will be more competitive in garnering the resources it needs to carry out its burgeoning responsibilities. The increased clout of a Department of the Environment will have beneficial ripple effects throughout all of its programs and activities.

Along with making EPA a Cabinet-level agency, the bill also establishes a Bureau of Environmental Statistics to analyze, compile, and publish data necessary to shape environmental policies. In addition, the legislation authorizes the establishment of a Presidential Commission on Improving Environmental Protection and calls for new measures by the United States to promote energy conservation in connection with multilateral foreign assistance programs.

The bill also calls for the convening in our country of an international meeting on energy efficiency and renewable resources and urges the establishment of an international greenhouse gas monitoring program under the auspices of the U.N. Environment Program and the World Meteorological Organization.

Having had the rare privilege to view the Earth in all of its beauty and grandeur from space, I am struck by how thin and fragile the environment is that sustains life on our planet. This vision, I am gratified to find, is now becoming widely shared. Through the hard work and persistence of people who have dedicated their lives to protecting the environment, we now stand at the threshold of an important and positive change. I am confident that the creation of a Department of the Environment will strengthen our Nation's commitment to help protect this delicate and wonderful planet. I am looking forward to working with the new administration to accomplish this early in the session.•

• Mr. LIEBERMAN. Mr. President, recognizing the urgent need to place the environment at the center of the Nation's agenda, I am pleased to join as an original cosponsor of the Department of the Environment Act of 1993. I commend and thank Senator GLENN for his continued leadership on the bill.

The fundamental reason for creating such a department is that the environment has become a strategic issue that demands a coordinated response at the highest level of government. As Vice President AL GORE and others have compellingly argued, at stake are not only the health of the Nation's lakes, rivers, forests, and wetlands, and the quality of life for our citizens, but the ecological integrity of the planet. Problems like global warming and the loss of biodiversity have brought the environment to the top of the international agenda. Domestically, a variety of local and regional problems, including urban ozone and unacceptable lead levels in children, persist in threatening our environment and our health. These problems are not simple. Solving them will require political leadership and clear plans of action.

These plans must integrate environmental protection objectives with other national objectives. Environmental protection is inexorably linked with the economy. Over the long term, a healthy economy depends on a productive work force and a healthy environment. Environmental regulation has returned major economic benefits through, for example, reducing health care costs, and has spurred a strong domestic pollution control industry. The Office of Technology Assessment estimates that the global market for environmental goods and services will grow to $300 billion by the year 2000. This expanding market presents enormous economic opportunities for U.S. firms. Unfortunately, the United States' absence of a coherent national policy to encourage the development of environmental technology threatens to leave America behind in the emerging worldwide industry. The strategic challenge we now face is to design environmental programs that further both environmental and economic goals.

A Department of the Environment will need to work with other Government agencies and private institutions to achieve environmental goals. It will need to employ an array of new policy tools that complement the traditional command and control environmental regulatory scheme. For example, the Department must further pollution prevention, and strengthen the economic incentives for reducing pollution. It should also assume a new role in promoting the development and widespread use of environmentally clean technologies.

The Department of the Environment will not be the only important Federal factor in environmental policy. Transportation and Energy Policy, for example, will be central to any strategy for reducing greenhouse gas emissions. Agricultural policy will continue to have a far reaching effect on water quality. But the Department of the Environment will be poised to be the central player in meeting today's environmental challenges. A Cabinet-level Department of the Environment will be better positioned to provide leadership on international issues, promote changes in our fundamental approaches to environmental protection, and further consideration of the environment within other Government agencies.

Currently, the Environmental Protection Agency stands alone among its Western partners as a sub-Cabinet agency. As witnesses have testified regarding earlier versions of this bill, this hampers EPA's effectiveness by signaling that the United States does not consider the environment to be of primary importance. Elevating EPA to a Department will correct any misimpressions.

More important, Cabinet status will place EPA on equal footing with the many other departments that have a substantial influence on global, regional, and local environmental quality. Policies in these sectors rarely have environmental protection as a primary goal, but often have an important effect on the quality of our land, sea, and air. In recent years EPA has made strides in working with other Federal agencies to address environmental concerns, but it has only cracked the tip of the iceberg. Cabinet status will foster policy integration.

Cabinet status will also give EPA a stronger voice as it advances new approaches to environmental protection. A Department of the Environment could more authoritatively promote pollution prevention among individuals, firms, and governments. A Cabinet-level organization will also be better positioned to strengthen current economic incentives for pollution prevention, particularly in sectors governed by other Cabinet-level departments.

This bill elevates the EPA to a Cabinet-level agency in a straightforward manner. It establishes a Commission on Improving Environmental Protection and charges it with examining and making recommendations on better integrating Federal environmental laws that overlap with those in its jurisdiction. But it does not change or question EPA's current mandates. Nevertheless, as the leading Federal environmental institution the EPA must be ready to meet new and emerging challenges.

When Congress established the EPA 23 years ago, the Agency's mission was no less urgent than today. Smog plagued our cities, poorly contained toxic waste leached into drinking water supplies, and in too many communities raw sewage poisoned our lakes and rivers. But the scope and complexity of EPA's tasks are even more daunting now. Today's EPA—tomorrow's USDE—will lead the Nation's effort to preserve our future. No mission could be more worthy of Cabinet status.•

By Mr. BRYAN (for himself and Mr. REID):

S. 172. A bill to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

SPRING MOUNTAIN NATIONAL RECREATION ACT

• Mr. BRYAN. Mr. President, I am pleased to introduce today the Spring Mountain National Recreation Area Act which designates approximately 316,000 areas of the Toiyabe National Forest as a national recreation area.

The Spring Mountain range is a unique natural resource located about 35 miles west of Las Vegas, NV. It includes the 43,000 acre Mt. Charleston Wilderness Area, designated in 1989.

Mt. Charleston is the third highest mountain in Nevada, towering 11,918 feet above the surrounding desert landscape. The proposed national recreation area contains five vegetative zones, a variety of wildlife resources, and the beginning of the aquifer that serves the Las Vegas area.

The Spring Mountain Range wildlife includes elk, deer, wild turkeys, bighorn sheep, golden eagles, wild horses, and burros. It also includes a variety of plant species found nowhere else in the world, coniferous forests, several campground and picnic areas, as well as a ski area.

By designating this area as a national recreation area, greater resources can be dedicated to the conservation and management of the resources, as well as to enhance the public recreation opportunities that this unique area offers for the citizens of the nearby urban area with a population rapidly nearing the 1 million mark.

The legislation directs that the Secretary of Agriculture develop within 3 years a comprehensive management plan for the area and authorizes the necessary appropriations to carry out the recreation and management improvements specified in the plan.

I believe this legislation has great merit, and I will urge its early consideration and adoption.•

By Mr. DECONCINI (for himself, Mr. HARKIN, Mr. HEFLIN, Mr. HOLLINGS, Mr. SHELBY, Mr. DASCHLE, Mr. BURNS, Mr. PRESSLER, Mr. PELL, Ms. MIKULSKI and Mr. BRYAN):

S. 173. A bill to amend title II of the Social Security Act to provide for a more gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in the years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such worker's benefits accordingly, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY ADJUSTMENT REFORM ACT

• Mr. DECONCINI. Mr. President, I rise to introduce the Social Security Adjustment Reform Act of 1993. I have been a longtime supporter of legislation to correct the glaring inequity in our Social Security System known as the notch problem. In previous Congresses dating as far back as the 99th Congress, I have cosponsored legislation to address this notch disparity. I had expected to cosponsor a bill originally crafted by former Senator Terry Sanford. Unfortunately, my dear friend and colleague lost his reelection bid and could not be here today to lead his notch coalition in this new Congress. While we have lost our vigilant leader, Senator Sanford, our coalition is certainly not giving up the fight. Therefore, Senators HARKIN, HEFLIN, HOLLINGS, SHELBY, DASCHLE, BURNS, MIKULSKI, PRESSLER, PELL, BRYAN, and I are reintroducing the Sanford Social Security Notch Adjustment Reform Act of 1993.

Mr. President, Social Security payroll contributions and benefits are based upon wages earned. However, because of inflation, increases in benefits are needed to maintain an adequate standard of living for retirees. In 1977, the Congress sought to ensure that these increases would occur automatically in response to rising prices, rather than being dependent upon a mandate from Congress, which might reflect partisan politics. With this intention, Congress changed the formula used to calculate increases so that it would be based on prices, rather than wages. Economic theory suggested that wages tend to rise nearly twice as fast as prices. So if increases were based on prices, benefit levels would keep pace with inflation, but the contributions being paid into the trust funds would increase faster, keeping pace with wage levels. This would ensure the solvency of the trust fund.

Unfortunately, that wage-price economic theory failed. Wages were rising only slightly faster than prices and the Social Security pension fund began to pay out more than it had available and was in danger of bankruptcy. Congress soon realized its mistake and in 1977 it again adjusted the formula for calculating benefits to prevent the Social Security trust funds from going broke.

However, since the 1977 formula provides a lower benefit than the benefit provided by the 1972 formula, and since activating that change immediately would have caused a reduction in benefits for people already receiving Social Security, Congress provided for a period of transition to allow time for people to alter their retirement plans and make decisions based on knowledge of what their Social Security benefits would be.

To its credit, the 1977 law did prevent the Social Security trust funds from becoming insolvent. However, the current debate regarding the notch issue is over how much notice must be given to individuals before the new benefit levels are activated. I have maintained that the original transition period, 6 to 10 years, was far too short to give adequate notice to the people who had or were in the process of making retirement decisions. This short time frame has worked to the detriment of those retirees who fall in the notch category and receive the middle benefit, but who at age 56 to 60 were too close to retirement to change decisions they had made based on their expected Social Security benefits.

Mr. President, the notch benefit level as it exists today is simply not fair. It is not fair to honest, hard working Americans who responsibly planned for their retirement, anticipating certain income levels from their Social Security benefits. We say over and over again that Americans must plan and save and invest for their future. We should not penalize them by turning the tables on them and changing the rules at what is essentially the last minute.

The legislation I am offering today would correct this grossly unfair situation by enhancing benefit levels during the transition years and extending the transition period to also protect anyone born between 1922 and 1929. It is a fair compromise and it is high time we face up to our mistakes and pass this important legislation.

Again, I thank Senator Sanford for his leadership on this issue and pledge that I will pick up the flag and carry on the fight to make his bill a reality.

Mr. President, I ask unanimous consent that the text of my bill be inserted in the RECORD immediately following the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Notch Adjustment Act of 1993".

SEC. 2. EXPANSION OF PERIOD OF TRANSITION; NEW ALTERNATIVE FORMULA WITH RESPECT TO SUCH PERIOD.

(a) Expansion of Period of Transition.—Section 215(a)(4)(B)(i) of the Social Security Act (42 U.S.C. 415(a)(4)(B)(i)) is amended by striking "1984" and inserting "1989".

(b) Establishment of New Transitional Formula.—Section 215(a) of such Act (42 U.S.C. 415(a)) is amended by adding at the end the following new paragraph:

"(8)(A) Paragraphs (1) (except for subparagraph (C)(i) thereof) and (4) do not apply to the computation or recomputation of a primary insurance amount for an individual who had wages or self-employment income credited for one or more years prior to 1979, and who was not eligible for an old-age or disability insurance benefit, and did not die, prior to January 1979, if in the year for which the computation or recomputation would be made the individual's primary insurance amount would be greater if computed or recomputed under subparagraph (B).

"(B) The primary insurance amount computed or recomputed under this subparagraph is equal to the sum of the amount which would be computed under this subsection if this paragraph were not applied, plus the product (not less than zero) derived by multiplying—S

"(i) the excess of the adjusted old-law benefit amount over the new-law benefit amount, by

"(ii) the applicable reduction factor.

"(C) For purposes of this paragraph, in the case of any individual described in subparagraph (A)—

"(i) The term 'adjusted old-law benefit amount' means the amount computed or recomputed under this subsection as in effect in December 1978 (for purposes of old-age insurance benefits in the case of an individual who becomes eligible for such benefits prior to 1989) or subsection (d) (in the case of an individual to whom such subsection applies), subject to the amendments made by section 5117 of the Omnibus Budget Reconciliation Act of 1990.

"(ii) The term 'new-law benefit amount' means the amount which would be computed under this subsection if this paragraph were not applied.

"(iii)(I) The term 'applicable reduction factor' means the excess of the applicable base percentage determined under subclause (II) over the applicable early retirement percentage determined under subclause (III).

"(II) The applicable base percentage determined under this subclause is the percentage provided in the following table:

"If the individual becomes eligible for old-age insurance benefits in:	The applicable base percentage is:
1979	40
1980	37
1981	34
1982	31
1983	25
1984	20
1985	15
1986	10
1987	5
1988	5.

"(III) The applicable early retirement percentage determined under this subclause is the product derived by multiplying 5/12 of 1 percent by the total number of months, before the month in which the individual attains the age of 65, for which an old-age insurance benefit is payable to such individual.".

(c) Applicability of Old Provisions.—Section 215(a)(5) of such Act (42 U.S.C. 415(a)(5)) is amended—

(1) in subparagraph (A), by striking "subject to subparagraphs (B), (C), (D), and (E)," and inserting "subject to subparagraphs (B), (C), (D), (E), and (F),"; and

(2) by adding at the end the following new subparagraph:

"(F) In applying this section as in effect in December 1978 as provided in subparagraph (A) in the case of an individual to whom paragraph (1) does not apply by reason of paragraph (8)—

"(i) subsection (b)(2)(C) shall be deemed to provide that an individual's 'computation base years' may include only calendar years in the period after 1950 (or 1936 if applicable) and ending with the calendar year in which such individual attains age 65; and

"(ii) the 'contribution and benefit base' (under section 230) with respect to remuneration paid in (and taxable years beginning in) any calendar year after 1981 shall be deemed to be $29,700.".

(d) Conforming Amendment.—Section 215(a)(3)(A) of such Act (42 U.S.C. 415(a)(3)(A)) is amended in the matter following clause (iii) by striking "(4)" and inserting "(4) or (8)".

SEC. 3. EFFECTIVE DATE AND RELATED RULES.

(a) In General.—Except as provided in subsection (c), the amendments made by this Act shall be effective as if included in the amendments made by section 201 of the Social Security Amendments of 1977.

(b) Recomputation.—In any case in which an individual (under title II of the Social Security Act) is entitled, for the month in which this Act is enacted, to monthly insurance benefits under such title which were computed—

(1) under section 215 of the Social Security Act as in effect (by reason of the Social Security Amendments of 1977) after December 1978, or

(2) under section 215 of such Act as in effect prior to January 1979 (and subsequently amended and modified) by reason of subsection (a)(4)(B) of such section (as amended by the Social Security Amendments of 1977), the Secretary of Health and Human Services (notwithstanding section 215(f)(1)) of the Social Security Act) shall recompute such individual's primary insurance amount so as to take into account the amendments made by this section.

(c) Prospective Applicability.—The amendments made by this Act shall apply only with respect to benefits for months after November 1993.

Mr. SHELBY. Mr. President, I would like to express my strong support of Senator DeConcini's notch correction legislation. During my tenure in the Senate I have supported numerous efforts at notch reform. This will mark my fourth Congress in the Senate and not coincidentally my fourth cosponsorship of the so-called notch bill. I have shared the frustration of the other proponents of notch reform in the Senate at our inability to pass a notch reform bill. In the spirit of change that currently permeates the Congress and the Executive, I would hope that the Senate finds the will to at last act on the notch bill during this Congress. Essentially, Mr. President, the persistent objection to correcting notch discrimination involves the two claims that notch reform will break the Social Security trust fund and that the so-called notch babies are not discriminated against. Both of these arguments fall in the light of close scrutiny.

When the now infamous notch was created in 1977, no one in good faith intended to discriminate against those retirees born between 1917 and 1921. In an attempt to end the explosion in payment rates from the 1972 benefit formula, Congress changed the formula in 1977. However, eligible retirees from January 1979 and beyond who were born between 1917 and 1921 were placed under a transitional formula or the 1977 formula, depending upon which formula provided the higher benefit. The result of these changes was to provide higher benefits for those who were born in or before 1916 than to those born during the notch period. While the discrepancy is not inordinately large for those who retired at age 62, those retiring at age 65 or beyond who were born during the notch period receive substantially lower benefits than those born before 1916. A person born in 1916 and retiring in 1983 received $716 per month in initial benefits. A person born in 1917 and retiring in 1983 received $592 per month in initial benefit payments.

Mr. President, something is seriously flawed here. Notch retirees are clearly receiving significantly less benefits than their counterparts under the old formula. Not only is the notch problem unfair, but it also punishes individuals who worked longer and paid more money into the Social Security trust fund. As a reward for remaining in the workforce until age 65 and paying Social Security taxes until retirement, the notch retiree receives substantially less money than the age 62 retiree or the retiree born before 1916.

Injustice is often present but unrecognized. However, when we know of an injustice and do not act to correct it, we actively discriminate. We have known about the notch problem for years but have refused to correct it. Regardless of whether the notch babies were targeted to be cheated in 1977, they are clearly being discriminated against now. We know about the problem. We recognize the problem's effects. We should fix the problem, Mr. President. Anything less is indeed discrimination.

Opponents of notch reform claim that correcting the notch would ultimately bankrupt or imperil the trust fund. Under Senator DeConcini's formula this would not occur. The Social Security trust fund will exceed $1.3 trillion by the year 2000. Because Senator DeConcini's bill provides for significant transition period for the correction of the notch disparity, the Social Security Administration estimates that trust fund growth will fall by about $60 billion over 10 years under the formula in this legislation. This amounts to only $6 billion per year on average. Relevant to other entitlement expenditures, $6 billion per year is nothing. This bill is a cautious and wise approach to correcting the notch injustice. The notch bill will in no way reduce the fund by a damaging or significant amount.

Mr. President, if we were arguing over the difference of $100 per month when dealing with benefits of $25,000 per year, then opponents of notch reform might have a valid objection to this bill. However, $100 a month to a Social Security recipient scraping by on less than $10,000 per year is a fortune. Let us remember that the vast majority of the notch retirees are dependent on Social Security as their only source of income. Let us remember, Mr. President, that in most cases the notch retiree truly needs the extra income that this amendment will provide.

Mr. President, the case here is clear. The notch problem is real and it has reached the point of neglect and discrimination. Every year the Congress pays lipservice to notch reform. We tell notch retirees that we are determined to correct the problem. Then we all cosponsor legislation to correct the problem. Subsequently, however, the notch bill stays in committee and another Congress expires. I would hope that we are not delaying notch reform in the hope that the affected age group dies before we are forced to act.

I hope that we have the will to act during this Congress before it is too late for the notch babies. I urge my colleagues to actively support this legislation.

Mr. HEFLIN. Mr. President, I am pleased to join my friend and colleague, Senator DECONCINI, in calling for a long-overdue solution to the notch problem that is of such concern to many of our senior citizens. As I travel throughout my State of Alabama, one of the issues that I hear about most often is the Social Security notch problem. This has been the case for a number of years.

The notch problem in the Social Security system is one of which we are all well aware, yet is also one in which a solution, or even a serious debate, continues to elude us. During past Congresses, I have sponsored legislation in the Senate to correct this problem. Unfortunately, these bills were never brought to the floor for consideration. This inaction by the Congress has led to a disillusionment among those who are so unfairly affected by this problem, and many have justifiably questioned our commitment to finding a solution for this inequity.

Therefore, I take this opportunity to not only support the efforts of our colleague from Arizona, but to also reaffirm my resolve in seeing that the Congress finds an equitable solution to the notch problem, which is, in effect, unfair discrimination against a select group of citizens simply because of their birthdate.

When the 1977 Social Security measure was passed, a year before I was elected to the Senate, a new formula was implemented for calculating benefits dispensed under the program. In order to protect Social Security benefits for people already retired or soon to reach retirement age, a transitional period was established, causing the notch baby problem that we now have.

When Congress changed the Social Security formula, it intended to prevent the overpayment of benefits to some recipients. I do not believe that it was the intent of Congress in passing the 1977 Social Security amendments to create a situation whereby persons born between 1917 and 1921 would be penalized for working beyond the age of 62, particularly inasmuch as the difference in benefits is, as a general rule, greater for those who delay retirement beyond that age.

In practice, it was soon realized that this new formula created as much as a $100 per month disparity between benefits paid to one person born December 31, 1916, and another born January 1, 1917—only 1 day apart—even if they worked on the same job side-by-side, earning the same amount of money, for the same length of time. This disparity, which exists for all those who were born in the so-called notch years between 1917 and 1921, is not fair. Obviously, this comes out to approximately a significant $1,200 difference in Social Security paid for those workers over the course of a year.

I intend to continue doing what I can to correct this obvious discrimination. Almost everyone has a parent, friend, or acquaintance who was born between those years and is subject to this gross inequity. Incredibly, my State of Alabama, as of the end of 1990, had over 98,000 retired beneficiaries born during the notch years. We cannot sit back and allow a computer formula to randomly strip the benefits of these people who have worked so hard for so long.

Therefore, it is imperative that we amend the formula to close the benefit disparity which, understandably, has caused widespread concern among citizens around the country. The disadvantage to those who continue to work after age 65 especially must be resolved. The Social Security system was established to provide supplemental income and piece of mind to our retired citizens. Older Americans who have devoted considerable energy to their careers deserve a fair and reasonable return from the Social Security system on the money they have invested.

I urge each Member of the U.S. Congress to join in correcting this inequity in the Social Security system. We were elected to this body to represent the interests of our constituents. Our elderly and retired citizens deserve to be represented by responsible leaders. It is time for the U.S. Congress to commit itself to providing justice for these citizens. Action on this issue has been delayed for far too long already. As the saying goes, "justice delayed is justice denied."

By Mr. MOYNIHAN:

S. 174. A bill to end certain cold war practices; to the Select Committee on Intelligence.

END OF COLD WAR PRACTICES ACT

• Mr. MOYNIHAN. Mr. President, I rise to offer legislation to end two cold war practices which are inconsistent with the best American traditions: Excluding aliens on the basis of their statements and beliefs and the failure of the Federal Government to publish the figure for all intelligence expenditures.

We have made great strides toward removing the cold war authority to exclude persons from the United States based on their beliefs. My legislation would strengthen our previous efforts and make it unambiguously clear that no person should be excluded from the United States due to their beliefs.

My legislation also requires the publication of a single figure for all funds spent on intelligence activities. This is a requirement of the Constitution, Mr. President, which we have neglected because of the cold war and should neglect no longer.

Mr. President, I send my legislation to the desk and ask for unanimous consent that it be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—RESTRICTION ON IDEOLOGICAL RESTRICTIONS

SEC. 101. FINDINGS.—The Congress finds that—

(a) During the Cold War the United States excluded from entry into the United States persons with allegedly "unacceptable" opinions;

(b) Such exclusions are inconsistent with the fundamental American principles of free speech and the competition of ideas.

SEC. 102. REPEAL OF IDEOLOGICAL EXCLUSION AUTHORITY.—Subsection (c) of United States Code, Title 8, Section 1182 is amended to read—

"(i) IN GENERAL.—An alien whose entry or proposed activities in the United States the Secretary of State has reasonable ground to believe would have a serious adverse foreign policy consequences for the United States is excludable.

"(ii) EXCEPTION.—An alien shall not be excludable or subject to restrictions or conditions on entry into the United States under clause (i) because of the alien's past, current, or expected beliefs, statements, or associations, if such beliefs, statements, or associations would be lawful within the United States."

SEC. 103. Nothing in this title requires the admission of any alien believed to be a national security threat to the United States.

TITLE II—PUBLICATION OF TOTAL INTELLIGENCE EXPENDITURES

SEC. 201. FINDINGS.—The Congress finds that—

(1) Article I, Section 9, Clause 7 of the United States Constitution states that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

(2) During the Cold War the United States did not provide to the American people a "regular Statement and Account of the * * * Expenditures" for intelligence activities.

(3) The failure to provide to the American people a statement of the total amount of expenditures on intelligence activities prevents them from participating in an informed, democratic decision concerning the appropriate level for such expenditures.

SEC. 202. Section 1105(a) of Title 31 of the United States Code is amended to add at the end thereof—"(27) a separate, unclassified statement of the aggregate amount of budget outlays for the prior fiscal year for national and tactical intelligence activities. This figure shall include, without limitation, outlays for activities carried out under the Department of Defense budget to collect, analyze, produce, disseminate or support the collection of intelligence."•

By Mr. DECONCINI:

S. 175. A bill to amend the Child Nutrition Act of 1966 to make the special supplemental food program for women, infants, and children [WIC] an entitlement program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WIC ENTITLEMENT PROGRAM ACT OF 1993

• Mr. DECONCINI. Mr. President, for the last several years my friend from Rhode Island, Senator CHAFEE, and I have led the efforts in the Senate to increase appropriations for the special supplemental food program for women, infants, and children [WIC]. As my colleagues will recall, our effort last year sought to increase WIC funding by $400 million over the prior year's current services level in order to maintain on schedule for full funding of WIC by 1995. Despite a record number of cosponsors for our annual WIC appropriations initiative, the enacted appropriations level for the fiscal year 1992 for WIC was a full $160 million short of the target. It is very hard to imagine a consensus in this body on a discretionary program, but it is even harder to imagine that such a consensus could be formed and fail to achieve its goal.

Mr. President, I do not find fault in any way with the conferees on the fiscal year 1993 Agriculture appropriations bill. Their task was near impossible given an insufficient subcommittee allocation to meet all the demands upon them, especially in light of continued problems related to crop disaster insurance. I sincerely applaud the efforts of acting subcommittee chair, Senator BUMPERS, and ranking member, Senator COCHRAN, last year—both have consistently done whatever they could on behalf of WIC and last year's effort was no exception.

Mr. President, the reason our efforts to date have failed to keep pace with the WIC full funding schedule by 1995 are many, the most important of which are that the number of new poor at nutritional risk are growing faster than our ability to serve them. Hence, Senator DASCHLE and I are again calling for WIC to be permanently funded as an entitlement in fiscal year 1996 to assure that our Nation's needy children have a fighting chance to live, learn in school, and reach their full potential.

WIC provides critical nutrition and health benefits to over 4.7 million low-income pregnant women and young children at risk of diet-related health problems, but almost as many other needy women and children are unserved. Tragically, America ranks 19th in the world in infant mortality. Every year 40,000 infants die in the United States and another 11,000 babies are born with long-term disabilities that result from their weakened condition. Unless we act—and act soon—to provide full funding for WIC, we will lose more American infants in the next 13 years than we have lost soldiers in all the wars fought by this country in this century.

WIC is a Government program that works and I have been a leading advocate for this program since its inception because it is the right thing to do. WIC not only prevents infant mortality and low-birthweight, study after study has shown WIC is the most cost-effective method to do so. WIC reduces Medicaid costs: each dollar invested in WIC's prenatal component saved between $1.77 and $3.13 in Medicaid costs. In addition, studies show that future special education costs are reduced through WIC's early nutrition intervention.

There is room to improve though. WIC has not come close to fulfilling its potential. Current funding levels support about 60 percent of the eligible women, infants, and children nationwide. Arizona currently receives funding that enables the WIC Program to assist approximately 60 percent of those eligible throughout the State, but serves only 40 percent of those eligible in the urban areas. Nationwide, WIC isn't doing any better—nearly 60 percent of all women, and just over 40 percent of children eligible for the program. The bipartisan National Commission on Children's report says that the Federal Government isn't investing enough in WIC and recommends WIC be expanded to serve all 8.6 million financially needy pregnant and nursing women, and infants and children at nutritional risk. To do so will require increased annual funding of approximately $1.15 billion, or 44 percent more than the $2.6 billion appropriated for fiscal year 1992.

The reality is that we are never going to serve all the people who are eligible by 1995 if we proceed on the current track. We have to get beyond the way money is currently budgeted. WIC funding tripled during the 1980's—faster than any other nondefense, domestic program. However, rising poverty rates have all but wiped out the earnest efforts which several of my colleagues and I have made. In 1990 alone, the number of children in poverty in America rose over 840,000 to 13.5 million children, many of whom are nutritionally at risk. That is why WIC needs permanent funding.

Many child nutrition advocates have not agreed with me about setting up an entitlement for WIC. They fear that other Government programs, including other child health and nutrition programs, will unduly suffer from rapid expansion of WIC. If that were true, I would not embark upon this effort. The reality is that WIC can be transformed into an entitlement with barely more than the short- and long-term savings it will produce. We need only to reform the Federal budget process to allow WIC to be able to recoup the savings it creates for Medicare as well as other Federal health care and education programs.

Mr. President, some other funds would be needed to fund WIC until the savings are realized, but these early outlays are insignificant in relation to the long-term savings. Even if the money was deducted out of the defense budget, it still would amount to only a fraction of their expenditures. The cost of infant mortality is borne by all of American society. The lifetime costs of caring for just one low-birthweight infant can total $400,000. The cost of prenatal care—care that might prevent the low birthweight condition in the first place—can be as little as $400. As a nation we have a choice. We can pay now, or we can pay much more later.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD immediately following my remarks.

Mr. President, I yield the floor.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) IN GENERAL.—Section 17(c)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(c)(1)) is amended—

(1) in the first sentence, by striking "may" and inserting "shall"; and

(2) by inserting after the first sentence the following new sentence: "Subject to the other provisions of this section, an eligible individual shall be entitled to receive the full amount of benefits authorized under this section.".

(b) APPROPRIATION.—Section 17(g)(1) of such Act (42 U.S.C. 1786(g)(1)) is amended by striking the first sentence and inserting the following new sentences: "For purposes of providing benefits to all eligible individuals in the program and otherwise carrying out this section, there are authorized to be appropriated, and there are appropriated, to carry out this section such sums as are necessary for fiscal year 1994 and each succeeding fiscal year. The Secretary shall make available the sums described in the previous sentence to carry out this section.".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1993.•

By Mr. DOLE (for himself, Mr. McCain, Mr. Danforth, Mr. Grassley, Mr. Durenberger, Mrs. Kassebaum, Mr. Craig, Mr. Nickles, Mr. Jeffords, Mr. Bond, Mr. Packwood, Mr. Burns, Mr. McConnell, Mr. Wallop, Mr. Shelby, Mr. Boren, and Mr. Baucus):

S. 176. A bill to amend title XVIII of the Social Security Act with respect to essential access community hospitals, the rural transition grant program, regional referral centers, Medicare-dependent small rural hospitals, interpretation of electrocardiograms, payment for new physicians and practitioners, prohibitions on carrier forum shopping, treatment of nebulizers and aspirators, and rural hospital demonstrations; to the Committee on Finance.

MEDICARE AMENDMENTS OF 1993

Mr. DOLE. Mr. President, these days the topic of health care reform is dominating many of our political debates—a topic that also dominated much of our recent campaign rhetoric. Just about everyone is running around talking about expanding access to health care in the United States. I, too, share in this concern, as I have throughout my career in public life. But, today, Mr. President, I am introducing a bill, which has bipartisan support, whose primary intention is not the expansion of health care, but instead the preservation of health care in rural areas.

Mr. President, as many newcomers become acquainted with the topic of health care reform, many Americans await action by their Government officials to do something before health care becomes a privilege enjoyed only by a few. This is perhaps nowhere more true than in rural areas.

The legislation I am introducing today would make minor and technical changes in title 18 of the Social Security Act to improve the operation of the Medicare Program. These provisions were included in H.R. 11, the Revenue Act of 1992, which was passed by both the House and Senate on October 5, 1992, but later vetoed.

Mr. President, in addition to preserving access to health care in rural areas, the provisions in the bill I am introducing today have a time sensitive quality in that without rapid action on the part of Congress, many of these provisions will expire. In some cases they already have done so. Many of these provisions have allowed rural hospitals to provide outreach services to rural populations and have enabled rural areas to continue to offer vital diagnostic, medical, and surgical facilities and services to the residents of these communities.

Mr. President, if because of congressional inaction, these provisions expire, many rural areas will be forced to reconsider the degree and level of services offered to area residents. In some cases, hospitals may have to close their doors altogether. Citizens in these areas would be forced to travel great distances to obtain critical health care services or be compelled to sacrifice health care entirely in some instances. Traveling may represent a significant hardship for our elderly and disabled populations and their families. Furthermore, to create a situation where individuals must forego services is, frankly, poor health policy.

The bill includes a number of provisions pertaining to hospital and physician payments:

Extends the Medicare dependent hospital provision for 3 full years and then is phased down until such time as the urban-rural differential expires.

The Rural Transition Grant Program would be reauthorized for an additional 3 years.

Extends the regional referral center provision until September 30, 1994.

The number of States authorized to participate in the Essential Access Community Hospital Program would be increased from seven to nine.

Repeals provisions that reduced the Medicare payment for new physicians during their first 4 years of practice.

Restores payment to physicians for EKG interpretations.

Mr. President, the cost associated with EKG interpretations and new physicians would be funded by reducing payments for all other physician services. Both provisions have the support of physician groups, including the American Medical Association.

In addition, the bill includes two provisions from H.R. 11 that passed both the House and Senate, which will result in revenue savings, thereby offsetting the costs of other provisions. One of these involves a change in Medicare reimbursement for nebulizers and aspirators. These two forms of equipment would be removed from the category of DME items or purchase amounts for such items would be established. Separate payments would be made for accessories used in conjunction with nebulizers and aspirators.

The other provision which results in revenue savings is a prohibition against carrier forum shopping. This provision would result in one carrier for one or more entire regions to process all claims within that region.

Mr. President, this is important legislation to the preservation of health care services in rural areas. It is budget neutral and has the support of my colleagues on both sides of the aisle. My hope is that Congress will not delay and enact this legislation on a timely basis.

Mrs. KASSEBAUM. Mr. President, I am pleased to join my colleague, Senator Dole, in today introducing legislation vital to ensuring access to care in our State, Kansas, and across rural America. While we in Congress work to enact comprehensive health care reform for all Americans, urban and rural, we must keep in place those programs and policies which bridge gaps and weaknesses in our current system.

The legislation we are introducing today will help to ensure that rural Americans continue to have access to high-quality, affordable, community-based care.

First, the legislation extends the Medicare Dependent Rural Hospital Program through October 1, 1994. I was an early cosponsor and supporter of this extension in the last Congress and will press hard for its timely enactment by this Congress.

The Medicare Dependent Rural Hospital Program is designed to ease the fiscal burden of rural hospitals with an exceptionally high proportion of Medicare patients. Kansas has 55 Medicare dependent hospitals, second in number only to Texas. The failure to extend this program would mean a loss of $8.6 million in improved Medicare payments to struggling Kansas hospitals.

Second, the measure extends the regional referral center status of currently qualified rural hospitals. Regional referral centers, of which Kansas has five, are large rural hospitals which provide more intensive and specialized care than is typical in smaller rural hospitals and therefore receive higher Medicare payment rates.

Third, the legislation extends and expands the Rural Health Transition Grant Program and the Essential Access Community Hospital Pilot Program. These two programs provide incentives to rural hospitals and communities to develop networks of care and focus on unmet health care needs. Last year, hospitals in six Kansas communities competed successfully for rural health transition grants. Kansas was also one of 7 States chosen to participate in the Essential Access Community Hospital Program, and we now have 10 care networks in the State.

Finally, the legislation repeals provisions that reduce Medicare payments for new physicians during their first 4 years of practice and eliminated separate reimbursement for interpreting electrocardiograms Since parity in rural and urban physician payments is still being phased in, these provisions of current law have a particularly hard impact on rural physicians.

The enactment of these modest but vital provisions will help to maintain access to care in underserved areas of rural America while Congress develops a comprehensive health care plan for all Americans.

Mr. DURENBERGER. Mr. President, there is no single issue that unites the concern of rural Americans more than access to quality health care. Unfortunately, no one piece of legislation will solve all the serious problems facing hospitals in rural areas. It is one of the crucial components of rural quality of life, which keeps and attracts people to small towns. A major obstacle is the financial squeeze faced by many rural hospitals and physicians because the reimbursements from Medicaid and Medicare are often much less than the cost of the specific medical procedures. These inequities are what I have been working to resolve during my years in the Senate.

Approximately 27 percent of the Nation's population lives in rural America. However, the rural population is disproportionately poor, experiences significantly higher rates of chronic illness and disability and is aging at a faster rate than the Nation as a whole. In rural areas, the elderly accounted for 13.8 percent of the population, but 22.5 percent of all physician visits.

The prospective payment system implemented by Medicare in 1983 has had a negative effect on many rural hospitals. Payments to hospitals for their Medicare patients have been subject to a variety of adjustments, including a geographic adjustment which reimburses rural hospitals at a lower rate than urban hospitals. A recent CBO report concludes that payments to rural hospitals have been much lower, relative to their costs, than payments to urban hospitals. And there is a constant threat of closure of rural hospitals, clinics, and other rural health care providers. Since 1986, 14 rural hospitals have closed in Minnesota and another 8 are identified as high financial risk institutions.

In 1986, we succeeded in reducing the unfair Medicare payment differential between urban and rural hospitals by 20 percent. And, in 1987 we were able to realize an increase in Medicare payment rates for rural hospitals which was two to three times as great as the increase for urban hospitals.

Today, I am pleased to join the distinguished Republican leader as an original cosponsor of legislation to address the needs of rural hospitals and correct problems in the OBRA '90 legislation which created inequities in EKG and new physicians Medicare reimbursement. Mr. President, each provision included in this legislation passed both bodies of Congress last year. Yet, they failed to become law because they were engulfed by the urban aid package which was ultimately vetoed.

Many of these Medicare provisions have been brought up through grassroots because they deeply affect rural States. In 1986, while visiting with staff from the Eveleth Hospital, in northern Minnesota, an idea was born that was translated into legislation. The Eveleth staff proposed that the Federal Government provide grants to small rural hospitals to help assure access to high-quality health care in communities that are attempting to cope with upheaval on many levels. Many of my colleagues joined me in this concept to introduce the Rural Health Services Transition Act of 1987, which provides grants of up to $50,000 per year to smaller rural hospitals to help them diversify and add new services.

There is no reason that facilities which we have known as hospitals can't expand and diversify into these new areas as they reduce or phase out other services. But, making this kind of transition is more difficult for smaller, rural hospitals because they may lack the time, resources, or staff expertise needed to assess community needs, and plan, implement, and market new services. The purpose of this legislation was to provide smaller rural hospitals with seed money to begin the transition to a more diverse health service center which can continue to provide essential emergency and other services which its community now depends on.

As a result, rural health transition grants have helped numerous rural hospitals. Last year, 12 Minnesota hospitals were awarded up to $50,000 over 3 years. Kanabec Hospital in Mora, MN, is working on shifting its focus to provide more outpatient services. Hendricks Community Hospital, in western Minnesota is putting their money toward a renovation project, coordinating additional services between hospital and elderly care programs.

Second, this legislation extends the rural referral center classification. On October 1, hospitals in rural areas meeting certain criteria lost their classification as regional referral centers. In Minnesota, rural hospitals are already experiencing a decline in reimbursement as their classification is reevaluated. For instance, Rice Hospital in Willmar, MN, receives $139.13 less per discharge from Medicare. Rural hospitals already face many financial impediments. Therefore, I urge my colleagues to work quickly to pass this legislation before inaction generates irreversible consequences on our rural hospitals.

Mr. President, this legislation provides for the continuation of special payments for small rural hospitals qualifying as Medicare dependent hospitals [MDH's]. MDH status is beneficial to 11 Minnesota rural hospitals. Another 21 hospitals are eligible. Specifically, this provision would be very helpful for the Swift County-Benson Hospital in Benson, MN. This provision is beneficial because this 31-bed hospital's 1982 or 1987 costs are greater than the prospective payment rate.

Also, this bill addresses the Essential Access Community Hospital [EACH] Demonstration Program created in OBRA '89. Currently, there are seven States authorized to participate in the EACH Program. One aspect of this legislation would increase the number of States eligible for grants under the program to nine. The Riverview Healthcare Association in Crookston, MN, and the center for rural health at the University of North Dakota work together to provide an integrated rural health network. Therefore, it is my hope that this provision will open the EACH Program to North Dakota.

In addition, this bill moves toward correcting an inequity in the Medicare Program that reduces rates for new physicians. This has a severe impact on group practices. Both the Mayo Clinic and Park Nicollet in Minnesota have been impacted by such reductions. Group practices were exempt from the so-called new physicians reduction prior to OBRA '90. However, under current law, an established physician can be treated as a new physician if one never independently submitted claims for services provided to Medicare beneficiaries. This practice ignores the purpose of physician payment reform in which Medicare reimbursement is based on a resource-based relative value scale.

Lastly, Mr. President, I am pleased that this legislation includes a provision that I introduced separately last year. OBRA '90 prohibited separate payment for the interpretation of EKG's that are performed or ordered to be performed as part of a visit to a physician. This resulted in inequities. Therefore, over the past 2 years, I have sponsored legislation to reestablish separate payment for EKG interpretation.

Because HCFA was prohibited from establishing separate payment for EKG interpretation in the Medicare fee schedule, it increased the reimbursement for office visits and consultations. In other words, it bundled EKG reimbursement into the visit and consultation billing codes. However, in this case, the provision redistributes moneys to physicians who never interpret EKG's and does not sufficiently pay physicians who interpret many EKG's. Because the use of EKG's varies widely by specialty, it is not currently possible to construct a bundled fee for office visits that, on average, would balance out fairly over time.

We have created a financial disincentive which may discourage physicians from interpreting EKG's. We have to make a change in the fee schedule to eliminate this false economy and deliver the quality care Medicare patients deserve.

This bill is no silver bullet which will save all rural hospitals. Nor will it correct every inequity in the Medicare fee schedule. But, this bill is a strong forward step in assisting rural hospitals to become stronger health service institutions. This bill sends a strong message to rural America: Washington cares about your problems and wants to help ensure access to quality health care.

I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Amendments of 1993".

(b) REFERENCES IN ACT.—Except as otherwise specifically provided, whenever in this Act, an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

SEC. 2. ESSENTIAL ACCESS COMMUNITY HOSPITAL (EACH) AMENDMENTS.

(a) INCREASING NUMBER OF PARTICIPATING STATES.—Section 1820(a)(1) (42 U.S.C. 1395i–4(a)(1)) is amended by striking "7" and inserting "9".

(b) TREATMENT OF INPATIENT HOSPITAL SERVICES PROVIDED IN RURAL PRIMARY CARE HOSPITALS.—

(1) IN GENERAL.—Section 1820(f)(1)(F) (42 U.S.C. 1395i–4(f)(1)(F)) is amended to read as follows:

"(F) subject to paragraph (4), provides not more than 6 inpatient beds (meeting such conditions as the Secretary may establish) for providing inpatient care to patients requiring stabilization before discharge or transfer to a hospital, except that the facility may not provide any inpatient hospital services—

"(i) to any patient whose attending physician does not certify that the patient may reasonably be expected to be discharged or transferred to a hospital within 72 hours of admission to the facility; or

"(ii) consisting of surgery or any other service requiring the use of general anesthesia (other than surgical procedures specified by the Secretary under section 1833(i)(1)(A)), unless the attending physician certifies that the risk associated with transferring the patient to a hospital for such services outweighs the benefits of transferring the patient to a hospital for such services.".

(2) LIMITATION ON AVERAGE LENGTH OF STAY.—Section 1820(f) (42 U.S.C. 1395i–4(f)) is amended by adding at the end the following new paragraph:

"(4) LIMITATION ON AVERAGE LENGTH OF INPATIENT STAYS.—The Secretary may terminate a designation of a rural primary care hospital under paragraph (1) if the Secretary finds that the average length of stay for inpatients at the facility during the previous year in which the designation was in effect exceeded 72 hours. In determining the compliance of a facility with the requirement of the previous sentence, there shall not be taken into account periods of stay of inpatients in excess of 72 hours to the extent such periods exceed 72 hours because transfer to a hospital is precluded because of inclement weather or other emergency conditions.".

(3) CONFORMING AMENDMENT.—Section 1814(a)(8) (42 U.S.C. 1395f(a)(8)) is amended by striking "such services" and all that follows and inserting "the individual may reasonably be expected to be discharged or transferred to a hospital within 72 hours after admission to the rural primary care hospital.".

(4) GAO REPORTS.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit reports to the Congress on—

(A) the application of the requirements under section 1820(f) of the Social Security Act (as amended by this subsection) that rural primary care hospitals provide inpatient care only to those individuals whose attending physicians certify may reasonably be expected to be discharged within 72 hours after admission and maintain an average length of inpatient stay during a year that does not exceed 72 hours; and

(B) the extent to which such requirements have resulted in such hospitals providing inpatient care beyond their capabilities or have limited the ability of such hospitals to provide needed services.

(c) DESIGNATION OF HOSPITALS.—

(1) PERMITTING DESIGNATION OF HOSPITALS LOCATED IN URBAN AREAS.—

(A) IN GENERAL.—Section 1820 (42 U.S.C. 1395i–4) is amended—

(i) by striking paragraph (1) of subsection (e) and redesignating paragraphs (2) through (6) as paragraphs (1) through (5);

(ii) in subsection (e)(1)(A) (as redesignated by subparagraph (A))—

(I) by striking "is located" and inserting "except in the case of a hospital located in an urban area, is located"

(II) by striking ", (ii)" and inserting "or (ii)", and

(III) by striking "or (iii)" and all that follows through "section,"; and

(iii) in subsection (i)(1)(B), by striking "paragraph (3)" and inserting "paragraph (2)".

(B) NO CHANGE IN MEDICARE PROSPECTIVE PAYMENT.—Section 1886(d)(5)(D) (42 U.S.C. 1395ww(d)(5)(D)) is amended—

(i) in clause (iii)(III), by inserting "located in a rural area and" after "that is", and

(ii) in clause (v), by inserting "located in a rural area and" after "in the case of a hospital".

(2) PERMITTING HOSPITALS LOCATED IN ADJOINING STATES TO PARTICIPATE IN STATE PROGRAM.—

(A) IN GENERAL.—Section 1820 (42 U.S.C. 1395i–4) is amended—

(i) by redesignating subsection (k) as subsection (l); and

(ii) by inserting after subsection (j) the following new subsection:

"(k) ELIGIBILITY OF HOSPITALS NOT LOCATED IN PARTICIPATING STATES.—Notwithstanding any other provision of this section—

"(1) for purposes of including a hospital or facility as a member institution of a rural health network, a State may designate a hospital or facility that is not located in the State as an essential access community hospital or a rural primary care hospital if the hospital or facility is located in an adjoining State and is otherwise eligible for designation as such a hospital;

"(2) the Secretary may designate a hospital or facility that is not located in a State receiving a grant under subsection (a)(1) as an essential access community hospital or a rural primary care hospital if the hospital or facility is a member institution of a rural health network of a State receiving a grant under such subsection; and

"(3) a hospital or facility designated pursuant to this subsection shall be eligible to receive a grant under subsection (a)(2).".

(B) CONFORMING AMENDMENTS.—(i) Section 1820(c)(1) (42 U.S.C. 1395i–4(c)(1)) is amended by striking "paragraph (3)" and inserting "paragraph (3) or subsection (k)".

(ii) Paragraphs (1)(A) and (2)(A) of section 1820(i) (42 U.S.C. 1395i–4(i)) are each amended—

(I) in clause (i), by striking "(a)(1)" and inserting "(a)(1) (except as provided in subsection (k))", and

(II) in clause (ii), by striking "subparagraph (B)" and inserting "subparagraph (B) or subsection (k)".

(d) SKILLED NURSING SERVICES IN RURAL PRIMARY CARE HOSPITALS.—Section 1820(f)(3) (42 U.S.C. 1395i–4(f)(3)) is amended by striking "because the facility" and all that follows and inserting the following: "because, at the time the facility applies to the State for designation as a rural primary care hospital, there is in effect an agreement between the facility and the Secretary under section 1883 under which the facility's inpatient hospital facilities are used for the furnishing of extended care services, except that the number of beds used for the furnishing of such services may not exceed the total number of licensed inpatient beds at the time the facility applies to the State for such designation (minus the number of inpatient beds used for providing inpatient care pursuant to paragraph (1)(F)). For purposes of the previous sentence, the number of beds of the facility used for the furnishing of extended care services shall not include any beds of a unit of the facility that is licensed as a distinct-part skilled nursing facility at the time the facility applies to the State for designation as a rural primary care hospital.".

(e) PAYMENT FOR OUTPATIENT RURAL PRIMARY CARE HOSPITAL SERVICES.—Section 1834(g)(1) (42 U.S.C. 1395m(g)(1)) is amended by adding at the end the following:

"The amount of payment shall be determined under either method without regard to the amount of the customary or other charge.".

(f) CLARIFICATION OF PHYSICIAN STAFFING REQUIREMENT FOR RURAL PRIMARY CARE HOSPITALS.—Section 1820(f)(1)(H) (42 U.S.C. 1395i–4(f)(1)(H)) is amended by striking the period and inserting the following: ", except that in determining whether a facility meets the requirements of this subparagraph, subparagraphs (E) and (F) of that paragraph shall be applied as if any reference to a 'physician' is a reference to a physician as defined in section 1861(r)(1).".

(g) TECHNICAL AMENDMENTS RELATING TO PART A DEDUCTIBLE, COINSURANCE, AND SPELL OF ILLNESS.—(1) Section 1812(a)(1) (42 U.S.C. 1395d(a)(1)) is amended—

(A) by striking "inpatient hospital services" the first place it appears and inserting "inpatient hospital services or inpatient rural primary care hospital services";

(B) by striking "inpatient hospital services" the second place it appears and inserting "such services"; and

(C) by striking "and inpatient rural primary care hospital services".

(2) Sections 1813(a) and 1813(b)(3)(A) (42 U.S.C. 1395e(a), 1395e(b)(3)(A)) are each amended by striking "inpatient hospital services" each place it appears and inserting "inpatient hospital services or inpatient rural primary care hospital services".

(3) Section 1813(b)(3)(B) (42 U.S.C. 1395e(b)(3)(B)) is amended by striking "inpatient hospital services" and inserting "inpatient hospital services, inpatient rural primary care hospital services".

(4) Section 1861(a) (42 U.S.C. 1395x(a)) is amended—

(A) in paragraph (1), by striking "inpatient hospital services" and inserting "inpatient hospital services, inpatient rural primary care hospital services"; and

(B) in paragraph (2), by striking "hospital" and inserting "hospital or rural primary care hospital".

(h) Authorization of Appropriations.—Section 1820(l) (42 U.S.C. 1395i–4(l)), as redesignated by subsection (c)(2), is amended by striking "1990, 1991, and 1992" and inserting "1990 through 1995".

(i) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. REAUTHORIZATION OF RURAL TRANSITION GRANT PROGRAM.

Section 4005(e)(9) of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203) is amended by striking "1992" and inserting "1992 and $30,000,000 for each of fiscal years 1993 through 1997".

SEC. 4. REGIONAL REFERRAL CENTERS.

(a) Extension Through Fiscal Year 1994.—

(1) In general.—Section 6003(d) of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 1395ww note) is amended by striking "October 1, 1992" and inserting "October 1, 1994".

(2) Payment adjustment.—

(A) In general.—In the case of a hospital which would have retained its status as a regional referral center during the period described in subparagraph (B) if the amendments made by paragraph (1) had been included in the enactment of section 6003(d) of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 1395ww note), the Secretary of Health and Human Services shall make a lump sum payment to such hospital based on the difference between the aggregate payments (excluding outlier payments) such hospital would have received during such period if such hospital was classified as a regional referral center during such period and the aggregate payments (excluding outlier payments) such hospital actually received during such period.

(B) Definition.—The period described in this subparagraph is the period beginning the day after the last day a hospital was classified as a regional referral center under section 6003(d) of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 1395ww note) and ending on the date of the enactment of the amendments made by paragraph (1).

(b) Permitting Hospitals To Decline Reclassification.—

(1) In general.—If any hospital fails to qualify as a rural referral center under section 1886(d)(5)(C) of the Social Security Act as a result of a decision by the Medicare Geographic Classification Review Board under section 1886(d)(10) of such Act to reclassify the hospital as being located in an urban area for fiscal year 1993, the Secretary of Health and Human Services shall—

(A) notify such hospital of such failure to qualify,

(B) provide an opportunity for such hospital to decline such reclassification, and

(C) if the hospital declines such reclassification, administer the Social Security Act (other than section 1886(d)(8)(D) of such Act) for fiscal year 1993 as if the decision by the Review Board had not occurred.

(2) Payment adjustment.—In the case of a hospital which declines a reclassification under paragraph (1)(C), the Secretary of Health and Human Services shall make a lump sum payment to such hospital for any period in which such hospital was reclassified under section 1886(d)(10) of the Social Security Act based on the difference between the aggregate payments (excluding outlier payments) such hospital would have received during such period if such hospital was classified as a regional referral center during such period and the aggregate payments (excluding outlier payments) such hospital actually received during such period.

SEC. 5. MEDICARE-DEPENDENT, SMALL RURAL HOSPITALS.

(a) In General.—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) by amending clause (i) to read as follows:

"(i) In the case of a subsection (d) hospital which is a medicare-dependent, small rural hospital, payment under paragraph (1)(A) for discharges occurring before October 1, 1994, shall be—

"(I) for any cost reporting period beginning on or after April 1, 1990, and ending before March 31, 1994, the amount determined under clause (ii); and

"(II) for any cost reporting period beginning on or after April 1, 1993, the amount determined under clause (ii) by substituting '50 percent' for '100 percent'.",

(2) by redesignating clauses (ii) and (iii), as clauses (iii) and (iv), respectively, and

(3) by inserting after clause (i) the following new clause:

"(ii) The amount determined under this clause is the sum of—

"(I) the amount determined under paragraph (1)(A)(iii), and

"(II) 100 percent of the excess (if any) of—

"(aa) the hospital's target amount for the cost reporting period, as defined in subsection (b)(3)(D), over

"(bb) the amount determined under paragraph (1)(A)(iii).".

(b) Permitting Hospitals to Decline Reclassification.—

(1) In general.—If any hospital fails to qualify as a medicare-dependent, small rural hospital under section 1886(d)(5)(G)(i) of the Social Security Act as a result of a decision by the Medicare Geographic Classification Review Board under section 1886(d)(10) of such Act to reclassify the hospital as being located in an urban area for fiscal year 1993, the Secretary of Health and Human Services shall—

(A) notify such hospital of such failure to qualify,

(B) provide an opportunity for such hospital to decline such reclassification, and

(C) if the hospital declines such reclassification, administer the Social Security Act (other than section 1886(d)(8)(D) of such Act) for fiscal year 1993 as if the decision by the Review Board had not occurred.

(2) Payment adjustment.—In the case of a hospital which declines a reclassification under paragraph (1)(C), the Secretary of Health and Human Services shall make a lump sum payment to such hospital for any period in which such hospital was reclassified under section 1886(d)(10) of the Social Security Act based on the difference between the aggregate payments (excluding outlier payments) such hospital would have received during such period if such hospital was classified as a medicare-dependent, small rural hospital during such period and the aggregate payments (excluding outlier payments) such hospital actually received during such period.

SEC. 6. SEPARATE PAYMENT FOR INTERPRETATION OF ELECTROCARDIOGRAMS.

(a) In General.—Paragraph (3) of section 1848(b) (42 U.S.C. 1395w–4(b)) is amended to read as follows:

"(3) Treatment of interpretation of electrocardiograms.—The Secretary—

"(A) shall make separate payment under this section for the interpretation of electrocardiograms performed or ordered to be performed as part of or in conjunction with a visit to or a consultation with a physician, and

"(B) shall adjust the relative values established for visits and consultations under subsection (c) so as not to include relative value units for interpretations of electrocardiograms in the relative value for visits and consultations.".

(b) Assuring Budget Neutrality.—Section 1848(c)(2) (42 U.S.C. 1395w–4(c)(2)) is amended by adding at the end the following new subparagraph:

"(E) Budget neutrality adjustments.—The Secretary—

"(i) shall reduce the relative values for all services (other than anesthesia services) established under this paragraph (and, in the case of anesthesia services, the conversion factor established by the Secretary for such services) by such percentage as the Secretary determines to be necessary so that, beginning in 1996, the amendment made by section 6(a) of the Medicare Amendments of 1993 would not result in expenditures under this section that exceed the amount of such expenditures that would have been made if such amendment had not been made, and

"(ii) shall reduce the amounts determined under subsection (a)(2)(B)(i)(I) by such percentage as the Secretary determines to be required to assure that, taking into account the reductions made under clause (i), the amendment made by section 6(a) of the Medicare Amendments of 1993 would not result in expenditures under this section in 1993 that exceed the amount of such expenditures that would have been made if such amendment had not been made.".

(c) Conforming Amendments.—Section 1848 (42 U.S.C. 1395w–4) is amended—

(1) in subsection (a)(2)(B)(i)(I), by inserting "and as adjusted under subsection (c)(2)(E)(ii)" after "for 1993";

(2) in subsection (c)(2)(A)(i), by adding at the end the following: "Such relative values are subject to adjustment under subparagraph (E)(i)."; and

(3) in subsection (i)(1)(B), by adding at the end "including adjustments under subsection (c)(2)(E),".

(d) Effective Date.—The amendments made by this section shall apply to services furnished on or after January 1, 1993.

SEC. 7. PAYMENTS FOR NEW PHYSICIANS AND PRACTITIONERS.

(a) Equal Treatment of New Physicians and Practitioners.—(1) Section 1848(a) (42 U.S.C. 1395w–4(a)) is amended by striking paragraph (4).

(2) Section 1842(b)(4) (42 U.S.C. 1395u(b)(4)) is amended by striking subparagraph (F).

(b) Budget Neutrality Adjustment.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall reduce the following values and amounts for 1993 (to be applied for that year and subsequent years) by such uniform percentage as the Secretary determines to be required to assure that the amendments made by subsection (a) will not result in expenditures under part B of title XVIII of the Social Security Act in 1993 that exceed the amount of such expenditures that would have been made if such amendments had not been made:

(1) The relative values established under section 1848(c) of such Act for services (other than anesthesia services) and, in the case of anesthesia services, the conversion factor established under section 1848 of such Act for such services.

(2) The amounts determined under section 1848(a)(2)(B)(i)(I) of such Act.

(3) The prevailing charges or fee schedule amounts to be applied under such part for services of a health care practitioner (as defined in section 1842(b)(4)(F)(ii)(I) of such Act, as in effect before the date of the enactment of this Act).

(c) CONFORMING AMENDMENTS.—Section 1848 (42 U.S.C. 1395w–4), as amended by section 6(c) of this subtitle, is amended—

(1) in subsection (a)(2)(B)(i)(I), by inserting "and section 7(b) of the Medicare Amendments of 1993" after "(c)(2)(E)(ii)";

(2) in subsection (c)(2)(A)(i), by inserting "and section 7(b) of the Medicare Amendments of 1993" after "under subparagraph (E)(i)"; and

(3) in subsection (i)(1)(B), by inserting "and section 7(b) of the Medicare Amendments of 1993" after "under subsection (c)(2)(E)".

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after January 1, 1993.

SEC. 8. PROHIBITION AGAINST CARRIER FORUM SHOPPING.

(a) IN GENERAL.—Section 1834(a)(12) (42 U.S.C. 1395m(a)(12)) is amended to read as follows:

"(12) USE OF CARRIERS TO PROCESS CLAIMS.—

"(A) DESIGNATION OF REGIONAL CARRIERS.—The Secretary may designate, by regulation under section 1842, one carrier for one or more entire regions to process all claims within the region for covered items under this section.

"(B) PROHIBITION AGAINST CARRIER SHOPPING.—(i) No supplier of a covered item may present or cause to be presented a claim for payment under this part unless such claim is presented to the appropriate carrier.

"(ii) For purposes of clause (i), the term 'appropriate carrier' means the carrier having jurisdiction over the geographic area that includes the permanent residence of the patient to whom the item is furnished.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items furnished on or after July 1, 1993.

(c) CLARIFICATION OF AUTHORITY TO DESIGNATE CARRIERS FOR OTHER ITEMS AND SERVICES.—Nothing in this subsection or the amendment made by this subsection may be construed to restrict the authority of the Secretary of Health and Human Services to designate regional carriers or modify claims jurisdiction rules with respect to items or services under part B of the medicare program that are not covered items under section 1834(a) of the Social Security Act or prosthetic devices or orthotics and prosthetics under section 1834(h) of such Act.

SEC. 9. TREATMENT OF NEBULIZERS AND ASPIRATORS.

(a) IN GENERAL.—Section 1834(a)(3)(A) (42 U.S.C. 1395m(a)(3)(A)) is amended by striking "ventilators, aspirators, IPPB machines, and nebulizers" and inserting "ventilators and IPPB machines".

(b) PAYMENT FOR ACCESSORIES RELATING TO NEBULIZERS AND ASPIRATORS.—Section 1834(a) (42 U.S.C. 1395m(a)) is amended by inserting after paragraph (14) the following new paragraph:

"(15) PAYMENT FOR ACCESSORIES RELATING TO NEBULIZERS AND ASPIRATORS.—In the case of accessories to be used in conjunction with a nebulizer or aspirator for which payment is made under this subsection, payment shall be made in accordance with paragraph (2) of this subsection.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items furnished on or after January 1, 1993.

SEC. 10. EXTENSION OF RURAL HOSPITAL DEMONSTRATION.

Section 4008(i)(1) of the Omnibus Budget Reconciliation Act of 1990 is amended by adding at the end the following new sentence: "The Secretary shall continue any such demonstration project until at least December 31, 1995.".

By Mr. DOLE (for himself, Mr. CRAIG, Mr. WALLOP, Mr. GRAMM, Mr. SIMPSON, Mr. HELMS, Mr. NICKLES, Mr. BOND, Mr. MCCONNELL, Mr. STEVENS, and Mr. LOTT):

S. 177. A bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible; to the Committee on Governmental Affairs.

PRIVATE PROPERTY RIGHTS ACT

Mr. DOLE. Mr. President, it is an honor for me to have been asked by our very distinguished former colleague, Steve Symms of Idaho, to introduce a bill he sponsored in 1991, the Private Property Rights Act.

One might reasonably ask why, in a nation in which the rights of property owners are supposed to protected from the Federal Government under the fifth amendment to our Constitution, and from State governments by the 14th amendment, would we need a law protecting private property? The reason is, unfortunately, those working in government, those who have sworn to uphold our Constitution, are not always as vigilant as they need to be.

There are literally billions of dollars in claims filed against the Federal Government by landowners who believe their private property has been taken by the Government without just compensation, as is required by the Constitution. It is important to note that a taking can occur even though title to the property remains with the original owner and the Government has only placed restrictions on its use.

Fortunately, courts have recognized these partial takings are subject to just compensation. Unfortunately, the only check on the enforcement of the Constitution has been through the court system, wherein citizens can, at the expense of vast amounts of money and time, ensure the Government complies with the Constitution. Were it not so tragic, it might be amusing—we are forcing our citizens to spend their time, their money, to ensure those who are sworn to uphold the Constitution—Government employees—actually do so.

President Ronald Reagan recognized this failure of the system and, on March 15, 1988, issued Executive Order 12630 which, in effect, required Federal agencies to review regulations before they were issued to determine whether takings of private property could occur thereunder. The order also established a set of principles based on the age-old law of man that private property ownership is sacred and should be defended. The order told the agencies not to take private property—in whole or in part—unless absolutely necessary.

The bill I am introducing today would accomplish two goals: First, the Executive order would become law, and second, would require all Federal departments and agencies to comply. Simple goals really, we are asking the Government to uphold the Constitution—we are asking those who have sworn to uphold our precious Bill of Rights to do so, we are telling the citizens, the taxpayers, the landowners that finally we will do our job, and they can rest assured they will not spend their time, their money to ensure we do our job.

Mr. President, I ask my colleagues to talk with their small business men and women, their farmers, their ranchers, those who believe in the private property rights contained in our Constitution, what they think about this most appropriate legislation. After doing so, I am certain we can move this legislation early in this Congress.

I ask unanimous consent that the text of the bill and additional material be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Property Rights Act of 1993".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "agency" means all executive branch agencies, including any military department of the United States Government, any United States Government corporation, United States Government controlled corporation, or other establishment in the Executive Branch of the United States Government.

(2) The term "taking of private property" means an activity wherein private property is taken such that compensation to the owner of that property is required by the Fifth Amendment to the Constitution of the United States.

SEC. 3. PROTECTION OF PRIVATE PROPERTY.

No regulation promulgated after the date of enactment of this Act by any agency shall become effective until the issuing agency is certified by the Attorney General to be in compliance with Executive Order 12630, as in effect in 1991, the language of which is hereby incorporated by reference and enacted into public law, to assess the potential for the taking of private property in the course of Federal regulatory activity, with the goal of minimizing such where possible.

SEC. 4. JUDICIAL REVIEW.

(a) Judicial review of actions taken pursuant to this Act shall be limited to whether the Attorney General has certified the issuing agency as in compliance with Executive Order 12630 or similar procedures, such review to be permitted in the same forum and at the same time as the issued regulations are otherwise subject to judicial review. Only persons adversely affected or grieved by agency action shall have standing to challenge that action as contrary to this Act. In no event shall such review include any issue for which the United States Claims Court has jurisdiction.

(b) Nothing in this section shall affect any otherwise available judicial review of agency action.

Mr. WALLOP. Mr. President, I am very pleased to join the Republican leader Senator DOLE and Senator BOREN in the sponsorship of a critical piece of bipartisan legislation, the Private Property Rights Act of 1993. This bill will codify Executive Order No. 12630, the takings order, signed by President Reagan in 1988 to protect fifth amendment private property rights which include ownership, use, and transfer of private property of all types. The fifth amendment clearly states "* * * nor shall private property be taken for public use, without just compensation."

A taking can occur when Government action does not invoke the condemnation power yet infringes on private property rights. This legislation's key provision declares that no Federal regulation can take effect until the potential for taking private property has been assessed. It gives muscle to the executive order's demand that agencies adopt supplemental guidelines for assessing the taking implication of their actions.

The passage of this legislation will continue to safeguard property owners—it is most critical to the residents of my State of Wyoming, where the Federal Government holds half of all lands, and other western States where the Government owns often even more.

Acreage of Federal lands expanded by cessions and purchase are concentrated in the American West and dramatically diminish the West's control over its own destiny. As a result, the West is less whole and has more limited opportunities than those States with only occasional Federal lands. The Federal Government has managed to become the de facto manager of all the lands, public and private, and controls them by rules and regulations that are often unwise and ill-advised. This is where takings becomes important.

Those who render preservationist agendas for the western States by law and regulations have little at stake. If they prevail, the healthy, productive West will be stripped of the very qualities that draw people to it today. This Senator strongly opposes the preservationists' agenda, and my position relies on the text of the Constitution.

The basic element at issue on the Federal lands is production—do we or do we not support production on our Federal lands? The other values such as recreation and wildlife are benefits which result from healthy, productive lands. When Government actions suppress viable production, the Nation must import what we are regulated from producing. Jobs are lost, economies are wrecked, and America's ability to compete internationally is impaired. This is ludicrous. If our ranchers and farmers are unable to make a living from the land, their capital investments will disappear. Then the public will have to dig deep into its pockets in order to rebuild the infrastructure. At a time when the primary concern is deficit reduction, we cannot tolerate actions that reduce the balance of payments on one-third of our Nation's land.

The West, not unlike other regions of the country, has unique concerns. It has long been a goal of this Senator to foster a better understanding of the western lifestyle and its related problems which this Congress must address. The West is populated with savvy, well-educated, and creative stewards. These are the people who have invested their lives and their incomes in the land. They work at maintaining partnerships with the Federal Government at local levels as both they and Federal land managers strive to balance the differing opinions and competing values. These efforts are increasingly thwarted by the 29-cent appeal and other obstacles orchestrated by some environmental groups who are totally disinterested in balance or solutions. Millions of taxpayer dollars are spent by the bureaucracy to ward off a feels-good management system. Rules and regulations touted as protecting and enhancing the environment most often strangle the economic vitality of communities. They put at risk not only western jobs and the environment, but the economic health and the food supply of this Nation as well.

The Framers of the Constitution saw the need to protect private property from a hungry Federal Government. The U.S. Congress enacted the principles of multiple-use and sustained yield to protect western heritage, production, cultures, and economies from those who would mistakenly turn the land into a playground for urban sprawl. It is ironic that one need only look at the wave of development creeping from the highly populated cities of the West to understand that there is not a more sustainable use and protector of open space than farmers and ranchers.

As we begin this 103d Congress, I invite my colleagues and their staffs to join those of us in the West for an on-the-ground tour of our imtermingled Federal lands. I invite you to come view the vastness and complexities of our land, learn about wildlife migration routes, and see how the private sector keeps the wildlife numbers growing: See too where the water flows and how that pattern affects access and grazing issues, and yes, understand how a grizzly bear can control riparian areas and how elk, deer, antelope, and wild horses determine land use.

The mosaic of the West is complex and interdependent. What seems to be is not always the case and wise decisions cannot be made without understanding the whole. This information is not found in slick magazines or in Government studies. Stewardship and protection of the environment go hand in hand. There is a tremendous opportunity in the West to nurture a sustainable and traditional way of life while, at the same time, protecting the environment and providing the recreational experiences the Nation demands.

Mr. President, passage of the Private Property Act of 1993 will provide for better government and better business. As this legislation moves from committee to the Senate and House floor, I urge my colleagues to weigh the matter carefully—study it—and approve this protection for all of our fifth amendment rights.

By Mr. MOYNIHAN:

S. 178. A bill to amend chapter 44 of title 18, United States Code, to prohibit the manufacture, transfer, or importation of .25 caliber and .32 caliber and 9 millimeter ammunition; to the Committee on the Judiciary.

S. 179. A bill to tax 9 millimeter, .25 caliber, and .32 caliber bullets; to the Committee on Finance.

TAXATION AND RESTRICTIONS ON CERTAIN AMMUNITION

Mr. MOYNIHAN. Mr. President, I rise to introduce two bills—the Violent Crime Prevention Act and the Real Cost of Ammunition Act. Their purposes are to ban or tax those calibers of ammunition used disproportionately in crime. These bills represent new approaches for protecting U.S. citizens from gun violence. I introduced these provisions, as S. 51 and as title II of S. 3373, in the last Congress to ban or tax crime rounds. There is a real need for these provisions to account for the true costs of bullets. Look at the data.

In 1989, 34,776 people lost their lives in the United States from bullets, 14,464 were murdered, 18,178 committed suicide, the rest died from accidents or legal intervention—shot by a policeman or such. Although no national statistics are kept on bullet-related injuries, studies suggest they are from 2 to 5 times more frequent than deaths; up to 175,000 bullet injuries per year.

Homicide is the second leading cause of death in the 15- to 34-year-old age bracket, surpassed only by unintentional events like automobile crashes. It is the leading cause of death for black males aged 15 to 34. The lifetime risk of death from homicide in U.S. males is 1 in 164, about the same as the risk of battle death faced by U.S. servicemen from all forces serving in Vietnam. For black males the lifetime risk of death from homicide is 1 in 28, twice the risk of battle death faced by marines serving in Vietnam. Almost all homicides are caused by bullets.

Consider, in 1989 a total of 17,277 black males in the 15- to 34-year age group died in the United States. Homicides accounted for 6,031 of the total deaths; 4,804 were murdered by bullets or 80 percent. That same year a total of 52,148 white males in the 15- to 34-year age group died in the United States. Of these, homicide accounted for 4,464 of the total deaths among these young white males; 3,126 were killed by bullets, over 75 percent. For black males it is pure carnage; 10 times the white rate.

As noted by Susan Baker and her colleagues in the book "Epidemiology and Health Policy" edited by Sol Levine and Abraham Lilienfeld:

> There is a correlation between rates of private ownership of guns and gun-related death rates;
>
> Guns cause two-thirds of family homicides; and
>
> Small easily concealed weapons comprise the majority of guns used for homicides, suicides and unintentional death.

Baker states that—

> * * * these facets of the epidemiology of firearm-related deaths and injuries have important implications. Combined with their lethality, the widespread availability of easily concealed handguns for impetuous use by people who are angry, drunk, or frightened appears to be a major determinant of the high firearm death rate in the United States. Each contributing factor has implications for prevention. Unfortunately, issues related to *gun control* have evoked such *strong sentiments* that epidemiologic data are rarely employed to good advantage (emphasis added).

Certainly, the strong sentiments about gun control have made the subject difficult for the epidemiologists. But, it might also be they are looking at the wrong interaction. Couldn't we focus on the bullets and not the guns, avoid some of the strong sentiments and even save lives?

Let's look at our experience with controlling epidemics. Although the science of epidemiology traces its roots to antiquity—Hippocrates stressed the importance of considering environmental influences on human diseases—the first modern epidemiology study was conducted by James Lind in 1747. His efforts led to the eventual control of scurvy. It wasn't until 1795 that the British Navy accepted his analysis and required limes in shipboard diets. Most solutions are not perfect. Disease is rarely eliminated. But might epidemiology be applied in the case of bullets to reduce suffering? I think so.

In 1854 John Snow and William Farr collected data that clearly showed cholera was caused by contaminated drinking water. Snow removed the handle of the Broad Street pump in London to prevent people from drawing water from this contaminated water source and the disease stopped in this population. His observations led to a legislative mandate that all London water companies filter their water by 1857. Cholera epidemics subsided. Now treatment of sewage prevents cholera from entering our rivers and lakes, and disinfection of drinking water makes water distribution systems uninhabitable for cholera vibrio, identified by Robert Koch as the causative agent in 1883, 26 years after Snow's study.

In 1900, Walter Reed identified mosquitos as the carriers of yellow fever. Subsequent, mosquito control efforts by another U.S. Army doctor, William Gorgas, enabled the United States to complete the Panama Canal. The French failed because their workers were too sick from yellow fever to work. Now that it is known that yellow fever is caused by a virus, vaccines are used to eliminate the spread of the disease.

These pioneering epidemiology success stories showed the world that epidemics require an interaction between three things: the host, the person who becomes sick or, in the case of bullets, the victim; the agent, the cause of sickness or the bullet; and the environment, the setting in which the sickness occurs or in the case of bullets, violent behavior. Interrupt this epidemiological triad and you reduce or eliminate disease and injury.

How might this knowledge apply to the control of bullet-related injury and death? Again, we're talking about something different from gun control. There is a precedent. In the middle of this century it was recognized that epidemiology could be applied to automobile death and injury. From a governmental perspective, this hypothesis was first adopted in 1959, late in the administration of Gov. Averell Harriman in New York State. In the 1960 Presidential campaign I drafted a statement on the subject which was released by Senator John F. Kennedy as part of a general response to enquiries from the American Automobile Association. Then Senator Kennedy stated:

> Traffic accidents constitute one of the greatest, perhaps the greatest of the nation's public health problems. They waste as much as 2 percent of our gross national product every year and bring endless suffering. The new highways will do much to control the rise of the traffic toll, but by themselves they will not reduce it. A great deal more investigation and research is needed. Some of this has already begun in connection with the highway program. It should be extended until highway safety research takes its place as an equal of the many similar programs of health research which the federal government supports.

Experience in the 1950's and early 1960's, prior to passage of the Motor Vehicle Safety Act, showed that traffic safety enforcement campaigns designed to change human behavior did not improve traffic safety. In fact the death and injury toll mounted. I was Assistant Secretary of Labor in the mid-1960's when Congress was developing the Motor Vehicle Safety Act, and I was called to testify.

It was clear to me and others that motor vehicle injuries and deaths could not be limited by regulating driver behavior. Nonetheless, we had an epidemic on our hands and we needed to do something about it. My friend William Haddon, the first Administrator of the National Highway Traffic Safety Administration, recognized that automobile fatalities were caused by a second collision. In the first collision the automobile strikes some object. When energy is transferred to the interior of the car, a second collision occurs as the driver and occupants strike the steering wheel, dashboard, and other structures in the passenger compartment. The second collision is the agent of injury to the host, the car's occupant. Efforts to make automobiles crashworthy follow examples used to control infectious disease epidemics. Reduce or eliminate the agent of injury. Seat belts, padded dashboards, and air bags are all specifically designed to reduce, if not eliminate, injury caused by the agent of automobile injuries, energy transfer to the human body during the second collision. In fact, we've done nothing revolutionary. All of the technology used to date to make cars crashworthy, including air bags, was developed prior to 1970.

Experience shows the approach worked. Sure it could have worked better, but it worked. Had we been able to totally eliminate the agent, the second collision, the cure would have been complete. Nonetheless, by just focusing on simple, achievable remedies we reduced the traffic death and injury epidemic by 30 percent. Let's look at the facts again. Motor vehicle deaths declined in absolute terms by 13 percent from 1980 to 1990 despite significant increases in the number of drivers, vehicles, and miles driven. Driver behavior is changing too. National seat belt usage is up dramatically, 60 percent now compared to 14 percent in 1984. These efforts have resulted in some 15,000 lives saved and 100,000 injuries avoided each year.

We can apply our experience to the epidemic of murder and injury from bullets. The environment in which these deaths and injuries occur is complex. Many factors likely contribute to the rise in bullet-related injury. Here is an important similarity with the situation we faced 25 years ago regarding automobile safety. We simply cannot do much to change the environment, violent behavior, in which gun-related injury occurs, nor do we know how. We can, however, do something about the agent causing the injury—bullets. Ban them! At least the rounds used disproportionately to cause death and injury; that is, .25 caliber, .32 caliber, and 9-millimeter bullets. These three rounds compose 13 percent of licensed guns in New York City, yet they are involved in one-third of all homicides. They aren't used for sport or hunting.

They are used for violence. On December 17, 1992, Patrick Daly, principal of Public School 15 in New York was shot and killed as he searched for a missing student in the crime ridden Red Hook housing project. The murder weapon—a 9-millimeter gun. Mr. President, if we fail to confront the fact that .25 caliber, .32 caliber, and 9-millimeter bullets are used disproportionately in crimes, innocent people like Patrick Daly will continue to die.

I have called on Congress during the past several sessions to ban these bullet calibers. If we do not succeed in banning them, then we ought, at least, to tax them heavily. This would not be the first time that Congress has banned a particular round of ammunition. In 1986, the same year this body passed the Firearms Owners Protection Act, it passed legislation banning the so-called cop-killer bullet. This round, jacketed with tungsten alloys, steel, brass, or any number of other metals, had been demonstrated to penetrate no fewer than four police flak jackets and an additional five Los Angeles County phone books at one time. In 1982, the New York Police Benevolent Association came to me and Representative Biaggi and asked us to do something about the ready availability of these bullets. The result was the Law Enforcement Officers Protection Act, which we introduced in 1982, 1983, and for the last time during the 99th Congress. In the end, with the tacit support of the National Rifle Association the measure passed the Congress and was signed by the President as Public Law 99-408 on August 28, 1986.

There are some 200 million firearms in circulation. The pistol is a simple machine, and with minimal care it remains working for centuries. However, we have only a 4-year supply of bullets. Some 2 billion cartridges are used each year. At any given time there are some 7.5 billion rounds in factory, commercial, or household inventory.

In all cases, except pistol whipping, gun-related injuries are not caused by the gun but by bullets, the agent involved in the second collision. As I've said before, would this end the problem of handgun killings? No. But it just might reduce it. A 30-percent reduction in bullet-related deaths, for instance, would save over 10,000 lives each year. And, prevent up to 50,000 wounds.

Water treatment efforts to reduce typhoid fever in the United States took about 60 years. Slow sand filters were installed in certain cities in the 1880's, and water chlorination treatment began in the 1910's. The death rate from typhoid in Albany, NY, prior to 1889 when the municipal water supply was treated by sand filtration was about 100 fatalities per 100,000 people per year. The rate dropped to about 25 typhoid deaths per year after 1889, and dropped again to about 10 typhoid deaths per year after 1915 when chlorination was introduced. By 1950, the death rate from typhoid fever had dropped to zero. It will likely take longer than 60 years to eliminate bullet-related death and injury, but we need to start with achievable measures to break the deadly interactions between people, bullets, and violent behavior.

The bills I introduce today begin the process. They begin to control the agent of disease, the bullet, through banning or taxing those rounds used disproportionately in crime—the .25-caliber, .32-caliber, and 9-millimeter rounds.

More importantly, they recognize the epidemic nature of the problem, building on the June 10, 1992 issue of the Journal of the American Medical Association which is devoted entirely to papers on the subject of violence, principally violence associated with firearms.

Mr. President, it is time to join the medics and control the epidemic of bullet-related violence. I urge my colleagues to support these bills and ask unanimous consent that their texts be printed in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Violent Crime Prevention Act".

SEC. 2. Section 922(a) of title 18, United States Code, is amended by—

(1) striking out "and" at the end of paragraph (7);

(2) striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon; and

(3) adding at the end thereof the following:

"(9) for any person to manufacture, transfer, or import .25 or .32 caliber or 9 millimeter ammunition, except that this paragraph shall not apply to—

"(A) the manufacture or importation of such ammunition for the use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof; and

"(B) any manufacture or importation for testing or for experimenting authorized by the Secretary; and

"(10) for any manufacturer or importer to sell or deliver .25 or .32 caliber or 9 millimeter ammunition, except that this paragraph shall not apply to—

"(A) the sale or delivery by a manufacturer or importer of such ammunition for the use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof; and

"(B) the sale or delivery by a manufacturer or importer of such ammunition for testing or for experimenting authorized by the Secretary.".

SEC. 3. Section 923(a)(1)(A) of title 18, United States Code, is amended to read as follows:

"(A) of destructive devices, ammunition for destructive devices, armor piercing ammunition, or .25 or .32 caliber or 9 millimeter ammunition, a fee of $1,000 per year;".

SEC. 4. Section 923(a)(1)(C) of title 18, United States Code, is amended to read as follows:

"(C) of ammunition for firearms other than destructive devices, or armor piercing or .25 or .32 caliber or 9 millimeter ammunition for any firearm, a fee of $10 per year.".

SEC. 5. Section 923(a)(2) of title 18, United States Code, is amended to read as follows:

"(2) If the applicant is an importer—

"(A) of destructive devices, ammunition for destructive devices, or armor piercing or .25 or .32 caliber or 9 millimeter ammunition for any firearm, a fee of $1,000 per year; or

"(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor piercing or .25 or .32 caliber or 9 millimeter ammunition for any firearm, a fee of $50 per year.".

SEC. 6. Section 923 of title 18, United States Code, is amended by adding at the end thereof the following:

"(l) Licensed importers and licensed manufacturers shall mark all .25 and .32 caliber and 9 millimeter ammunition and packages containing such ammunition for distribution, in the manner prescribed by the Secretary by regulation.".

SEC. 7. Section 929(a)(1) of title 18, United States Code, is amended by—

(1) inserting ", or with .25 or .32 caliber or 9 millimeter ammunition" after "possession of armor piercing ammunition"; and

(2) inserting ", or .25 or .32 caliber or 9 millimeter ammunition," after "armor-piercing handgun ammunition".

SEC. 8. This Act and the amendments made by this Act shall take effect on the first day of the first calendar month which begins more than 90 days after the date of enactment of this Act.

S. 179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Real Cost of Ammunition Act."

SEC. 101. INCREASE IN TAX ON CERTAIN BULLETS.

(a) IN GENERAL.—Section 4181 of the Internal Revenue Code of 1986 (relating to the imposition of tax on firearms, etc.) is amended by adding at the end the following new flush sentence: "In the case of 9 millimeter, .25 or .32 caliber ammunition, the rate of tax under this section shall be 1,000 percent.".

(b) EXEMPTION FOR LAW ENFORCEMENT PURPOSES.—Section 4182 of the Internal Revenue Code of 1986 (relating to exemptions) is amended by adding at the end the following new subsection:

"(d) LAW ENFORCEMENT.—The last sentence of section 4181 shall not apply to any sale (not otherwise exempted) to, or for the use of, the United States (or any department, agency, or instrumentality thereof) or a State or political subdivision thereof (or any department, agency, or instrumentality thereof).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, 1995.

By Mr. SPECTER:

S.J. Res. 4. A joint resolution proposing a constitutional amendment to authorize the President to exercise a line-item veto over individual items of appropriation; to the Committee on the Judiciary.

LINE-ITEM VETO CONSTITUTIONAL AMENDMENT

Mr. SPECTER. Mr. President, once again I introduce a proposed constitutional amendment to authorize the President to veto or reduce individual items of appropriation in bills and resolutions. The line-item veto or reduction authority is a necessary step in helping to bring the chronic budget deficit under control, and I have long supported it. This proposed authority of the President to veto or reduce specific items of appropriation in large spending bills provides a realistic opportunity to rein in the deficit from which we suffer.

I believe the President now has the constitutional authority to exercise the line-item veto, and I co-signed a letter authored by Senator DOLE urging President Bush to exercise the line-item veto, but President Bush declined on the advice of his counsel. This amendment would remove all doubt.

The budget process has run amok in recent years. Most recently, the outgoing administration provided information to indicate that the deficit will continue to balloon over the next 4 years, contradicting previous information regarding the growth of the deficit. And some commentators suggested that this recent report understates the scope of the problem. A line-item veto would provide a valuable institutional check on unfettered spending and trade-off pork-barrel projects that serve not the national interest but rather private interests and must therefore be buried in lengthy appropriations bills, out of sight of all but the concerned interest groups.

Currently, the President cannot realistically control this form of congressional excess. The choice is a stark one: either the President vetoes an entire appropriations bill, putting at risk all programs funded in the bill or he swallows the relatively small percentage of pork spending in any bill to fund the large number of vital programs. The line-item veto gives the President a useful tool with which to counter this type of wasteful spending. Standing alone, the line-item veto will not solve our deficit problem, but it will help by allowing the President to stop or reduce funding should he deem the programs too expensive or unnecessary.

I believe that it is preferable to grant to the President not only the authority to veto completely individual items of appropriation, but also to grant him enhanced rescission authority. Studies in States whose governors exercise line-item veto authority suggest that while a straight line-item veto, an up or down on a specific item of appropriation, have little effect on spending and budget deficits, enhanced rescission authority does have a significant effect on spending. Therefore, my proposal contains both a veto provision and a provision to allow the President to reduce individual items of appropriation.

Many claim that the line-item veto would result in an intolerable shift of power from the Congress to the Executive and undermine the carefully crafted balance of power established by the Founding Fathers. No one is more sensitive than I am to the respective roles of the legislature and the executive and the need to retain a balance of authority between the two branches. While it is a peculiarly legislative function to decide how much money to spend on Government programs and to allocate these funds, there is no reason for a line item veto to be considered any more of an infringement on the separation of powers than the President's ability to veto bills at all. The veto power serves a crucial function in our system. As Alexander Hamilton recognized in Federalist 73, the veto provides—

> An additional security against the enaction of improper laws * * * to guard the community against the effects of faction, precipitancy, or of any impulse unfriendly to the public good, which may happen to influence a majority of [the legislative] body.

The purpose for enacting a line-item veto fits squarely within this reasoning.

Of course, under the Constitution, Congress controls the power of the purse. The ultimate authority of the Congress to decide how to allocate and spend the Federal Government's money is protected by my proposal. Under my proposed constitutional amendment, Congress could override the President's veto or reduction of any specific item of appropriation by a simple majority vote. This overrride by simple majority, rather than by the two-thirds majority needed to override a veto of an entire bill, provides adequate protection for congressional spending authority. Any item of appropriation that cannot command the support of either the President or a simple majority of the Congress is simply bad policy and should not be approved at all. By allowing a simple majority vote to override, the proposal allows Congress to exercise its authority consistent with the general constitutional requirement that a simple majority is sufficient to enact legislation. Thus, the line-item veto is not terribly onerous to congressional prerogatives. It merely requires Congress to take a second look at particular items of spending. In this regard, it forces the entire institution to look over spending. Thus, the line-item veto as I propose it, will merely reduce the power of congressional committees and special-interest group lobbyists; it will have no significant effect on the authority of the Congress as an institution.

Mr. President, the issue of the line-item veto has been pending for several years. In the 101st Congress, the Judiciary Committee favorably reported two different versions of the line-item veto amendment, although the full Senate never considered either proposal. In the 102d Congress, no proposal was reported, but proposed statutory enhanced rescission authority was considered and rejected twice by the Senate. I hope that this year, when the political pressure of divided government has been removed, is the year in which we finally enact this worthwhile idea.

As I have said, I do not believe that, on its own, a line-item veto will cure the deficit. Together with budget reforms, and greater Executive and congressional discipline, the line-item veto offers hope. Indeed, it is this hope that induces me to introduce this proposal again. While President Reagan and President Bush both supported a line-item veto, there was little realistic chance of its adoption with a Congress controlled by Democrats. With the accession of President Clinton, who has enjoyed constitutional authority to employ a line-item veto as Governor of Arkansas and strongly supports the line-item veto in principle, I expect and hope that a Federal line-item veto can finally become part of our fundamental law and can be used as a weapon against out-of-control budget deficits.

We must do something to curb these deficits. The American people have made it clear that they will not accept government as usual. We must put the public interest first and the private interests of the groups that come begging for federal dollars must no longer enter into our consideration. The best way to thwart the power of private interests is to shed light on them, and the line-item veto will enable the President and Congress to do just that.

I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 4

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission for ratification:

"ARTICLE —

"Section 1. The President may reduce or disapprove any item of appropriation in an Act or joint resolution. If an Act or joint resolution is approved by the President, any item of appropriation contained therein which is not reduced or disapproved shall become law.

"Section 2. The President shall return with his objections any item of appropriation reduced or disapproved to the House in which the Act or joint resolution containing such item originated.

"Section 3. The Congress may, in the manner prescribed under section 7 of Article I for acts disapproved by the President, reconsider any item reduced or disapproved under this article, except that only a majority of each House shall be required to approve an item which has been disapproved or to restore an item which has been reduced by the President to the original amount contained in the Act or joint resolution.''.

By Mr. SPECTER:

S.J. Res. 5. A joint resolution proposing a constitutional amendment to require a Federal balanced budget; to the Committee on the Judiciary.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. SPECTER. Mr. President, it has become commonplace for our Federal Government to run a budget deficit in every fiscal year. It has also become commonplace for Congress to consider a proposed balanced budget amendment every year. Somehow, we have no trouble garnering sufficient votes to enact these huge deficits. Thus far, however, we have been unable to put together sufficient votes to enact the balanced budget amendment. No wonder people believe the system does not work.

Congress has come close to passing a balanced budget amendment in the past. In the 97th Congress, the Senate did in fact pass such an amendment, but the House did not. In 1986, the Senate failed by one vote to pass a proposed balanced budget amendment. In the 101st Congress, the Judiciary Committee favorably reported a proposed balanced budget amendment by an 11–3 vote, but the full Senate never considered the issue. In the 102d Congress, the House came within nine votes of passing a proposed balanced budget amendment. This is not an issue that will go away, and I intend to continue to pursue it. To that end, I offer this proposed amendment to the Constitution to require a balanced budget.

The last year the Government operated at a surplus was 1969. Since then, the problem has gotten worse, culminating in the huge budget deficits of the past few years. In fiscal year 1989, the deficit was $152.5 billion. That figure ballooned to $290.2 billion for fiscal year 1992. For the current fiscal year, the Office of Management and Budget estimates that the deficit will exceed $327 billion. Recent estimates by both OMB and the Clinton transition team suggest that the deficit is only going to get worse. The national debt has soared to over $4 trillion.

This chronic deficit has an extremely deleterious effect on the economy. It sucks up capital that would otherwise be available for private investment to help the economy grow. The adverse effects of the deficit on the economy became a major campaign issue during the recent presidential election. Most recently, President Clinton's economic advisers have been hedging their bets about a stimulus package and a middle class tax cut promised by candidate Clinton because of the scope of the deficit.

I strongly believe that there is no domestic issue more important to our country in the long-term than this deficit. Given President Clinton's admiration for Thomas Jefferson, I suspect he agrees with the third President of the extreme danger of deficit spending to our republican form of government. No sharper arrow can be placed in a President's quiver to combat these chronic deficits than a balanced budget amendment. It places the sanction of our fundamental law on the need for a balance between receipts and expenditures. The President and all Members of Congress take an oath to uphold the Constitution. Requiring a balanced budget in the text of the Constitution as a legally enforceable provision will force us to curb deficit spending. As all parties in the political system have shown themselves to be unable to withstand the vicissitudes of the current political system, the answer is to change the system.

The Constitution delimits the powers of the respective branches of Government and defines the processes under which the separate branches exercise those powers. In so doing, the Constitution and the amendments to it reflect certain core values and principles and removes them from the vagaries of shifting political influences. Deficit spending puts at risk many of the balanced safeguards intended to limit factional government. It tends to make government a spoils system, a trough for feeding special interests, and little else. This threatens the republican nature of our Government as envisioned by Madison and other Framers. When the fundamental nature of our Government is at risk, a constitutional amendment is the only proper remedy. The balanced budget amendment reflects a necessary value designed to preserve the fundamental structural values reflected in the Constitution.

My proposed amendment would require the President to transmit a proposed balanced budget to Congress for its consideration. This requirement puts the initial onus on the President to propose a balanced budget. The amendment would prohibit deficit spending unless three-fifths of the whole number of both Houses of Congress provide for a specific excess of outlays over receipts. Thus, even though the amendment would permit deficit spending, it would do so only upon the approval of a super majority of both Houses, and even then the scope of the deficit would be limited to the amount specifically authorized by Congress. The provisions of the amendment could be waived by simple majority vote in any year in which a declaration of war is in effect.

Obviously, a constitutionally mandated balanced budget could require significant spending cuts and/or revenue increases. To require a balanced budget too soon would result in severe economic dislocation. Therefore, the amendment would not take effect until the third fiscal year after its ratification. In light of the period needed for ratification, I do not expect the provisions of this amendment to become operative for several years in addition to the three provided for, allowing sufficient time for the government to prepare for their application.

I have said before that political will is the best answer to the problem of our Nation's budget deficit. But we who are responsible for representing our constituents have focused on the deficit now for many years and have been unable to come up with a solution acceptable to a sufficient majority. Our political institutions have failed to resolve this problem. When an issue as fundamental to our Nation's well-being in the future as the deficit proves to be politically intractable, the answer must be to enshrine the value of balanced budget among the core values in our Constitution, to remove it from the vicissitudes of the political arena. That is what a balanced budget amendment would achieve. It is an idea whose time is overdue, and I hope that Congress will approve and send to the States for ratification a balanced budget amendment this year.

Mr. President, I ask for unanimous consent that a copy of my proposed joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 5

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States and shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission for ratification:

ARTICLE —

"SECTION 1. Total outlays of the United States for any fiscal year shall not exceed total receipts to the United States for that fiscal year, unless three-fifths of the whole number of both Houses of Congress by rollcall vote shall provide for a specific excess of outlays over receipts.

"SECTION 2. Prior to each fiscal year, the President shall transmit to both Houses of Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 3. Total receipts shall include all receipts of the United States except those derived from borrowing. Total outlays shall include all outlays of the United States except for those for repayment of debt principal.

"SECTION 4. Upon request of the President, the Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect.

"SECTION 5. The Congress shall have authority to enforce the provisions of this article by appropriate legislation.

"SECTION 6. This article shall take effect with the third fiscal year beginning after its ratification.".

By Mr. GRAMM (for himself and Mr. DOLE):

S.J. Res. 6. Joint resolution to provide for a balanced budget constitutional amendment; to the Committee on the Judiciary.

By Mr. GRAMM (for himself, Mr. LOTT, Mr. COVERDELL, Mr. PACKWOOD, Mr. MCCAIN, Mr. BOND, Mr. KEMPTHORNE, Mr. GORTON, Mr. GRASSLEY, Mr. DANFORTH, Mr. HELMS, Mr. MCCONNELL, Mr. LUGAR, and Mr. SMITH):

S.J. Res. 7. Joint resolution to provide for a balanced budget constitutional amendment; to the Committee on the Judiciary.

BALANCED BUDGET CONSTITUTIONAL AMENDMENTS

• Mr. GRAMM. Mr. President, I ask unanimous consent that the joint resolutions regarding the balanced budget I introduced earlier today be printed in the RECORD.

There being no objection, the joint resolutions were ordered to be printed in the RECORD, as follows:

S.J. RES. 6

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several states within seven years after its submission to the states for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may amend such statement provided revised outlays are not greater than revised receipts. Congress may provide in such statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. Total receipts for any fiscal year set forth in the statement adopted pursuant to the first section of this Article shall not increase by a rate greater than the rate of increase in national income in the second prior fiscal year, unless a three-fifths majority of the whole number of each House of Congress shall have passed a bill directed solely to approving specific additional receipts and such bill has become law.

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 6. The amount of Federal public debt as of the first day of the second fiscal year beginning after the ratification of this Article shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 7. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 8. This Article shall take effect for the fiscal year 1999 or for the second fiscal year beginning after its ratification, whichever is later.".

S.J. RES. 7

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concerning therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE—

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 1999 or with the second fiscal year beginning after its ratification, whichever is later.".•

• Mr. DANFORTH. Mr. President, I rise today to announce my cosponsorship of the balanced budget amendment to the Constitution. I do so out of a feeling of frustration at the willingness of our government to operate, year after year, in deficit. During the 1950's, the Federal deficit averaged less than 1 percent of GNP. By the 1970's the average was 2.3 percent. In the 1980's it doubled to 4.1 percent, Last year—fiscal year 1992—the deficit was expected to reach 6.3 percent of GNP. Our Government and our Nation are becoming addicted to running our Government in deficit.

Many say that endless deficits are not necessarily dangerous. As long as the percentage of GNP remains stable, the thinking is that the deficits are not always problematic. Yet, as the previous statistics demonstrate, the percentage of GNP is not stable. It is ever growing. In addition, the endless accumulation of annual deficits reduce long run growth because they consume private savings which would otherwise be used for investment. With a tax system already heavily biased against savings and in favor of consumption, we simply cannot afford to eat up the resources necessary for healthy, long-term investment. In addition, the growth of the national debt is responsible in part for the increase in public interest payments, growing from an average of 7.3 percent of Federal outlays in the 1950's to 13.8 percent in 1992. Payment on interest of course eats up possible resources which could be spent on other, more productive uses.

Thus, we need a huge red light. We need to be told to stop. Legislative fixes have failed us in this regard. We need something larger and more powerful than simply a statute. Thus, to me, this attempt to pass a constitutional amendment is symbolic. It is symbolic of our willingness to say that deficit reduction is an important issue. This amendment is certainly better than the status quo, where we seem addicted to the narcotic of spending more than we take in.

This Nation cherishes and takes seriously amendments to our Constitution. The willingness to pass an amendment of this sort will signal our seriousness in grabbing hold of this serious problem.

Yet, I must admit that I support the balanced budget amendment with one condition and with one observation. The condition is that it is my understanding that this amendment does not put the judicial branch of Government into the business of deciding levels of taxation or appropriations. It is fundamental to the tradition of this country that the courts not get into the legislative functions of taxing and spending. It is my understanding, and my staff has been told, that a section has been added to this amendment specifically to take care of this concern. Specifically, the amendment says, "The Congress shall enforce and implement this article by appropriate legislation." I must say that I wish that the amendment would say expressly on its face that nothing in the amendment empowers the courts to tax or spend. In cosponsoring this amendment, I want to reserve the right at the appropriate time to offer an amendment to say just that.

My observation is that this amendment does not give us the courage necessary to make the hard choices needed to balance the budget. This amendment states that the Constitution requires us to do so, but to implement that constitutional mandate, we in Congress must be willing to step up to the plate. Last June, I introduced a sense of the Senate resolution that called on the Presidential candidates to discuss the issue of deficit reduction and take it seriously. Thirty-two Members of the Senate opposed it because the resolution said the following: "The existing reckless Federal fiscal policy cannot be addressed in a meaningful way without including consideration of restraining entitlements and increasing taxes." This seems self-evident to me, yet even mention of the need for these steps causes politicians to quake in their boots.

Passage of this amendment will not automatically give the House and the Senate courage. We must provide that. But passage of this amendment will show the seriousness of this issue and the serious need to address it. We will have a constitutional responsibility to deal with it.

One issue I have not yet resolved is whether there is a need for more flexibility in applying this amendment; I mean just that. I do not mean to hamstring the Federal Government for necessary expenditures in extraordinary times. Accordingly, I will continue to review, and ask my staff to prepare, provisions that will allow government to respond to business cycles and operating emergencies within the context of the amendment. But, I do believe that these exceptions must be narrowly drawn, and if we choose to exercise this flexibility, we must vote for it explicitly in the face of a mandate to achieve a balanced budget.

With those conditions and observations, I proudly join as a cosponsor of this constitutional amendment.●

By Mr. THURMOND (for himself, Mr. DECONCINI, and Mr. SIMPSON):

S.J. Res. 8. Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. THURMOND. Mr. President, I rise today to introduce legislation to amend the U.S. Constitution to require the Federal Government to achieve and maintain a balanced budget.

This legislation is essentially the same as Senate Joint Resolution 9 which I introduced in the 102d Congress and is similar to an earlier bill in March 1986 which received 66 of 67 votes needed for Senate approval. Simply stated, this legislation calls for a Constitutional amendment requiring that outlays not exceed receipts during any fiscal year. Also, the Congress would be allowed by three-fifths vote to adopt a specific level of deficit spending. Further, the Congress could waive the amendment during time of war. Finally, the amendment would also require that any bill to increase taxes be approved by a majority of the whole number of both Houses.

It is clear that the budget deficit is a top priority with the American people. Additionally, this legislation would be a key step to reduce and ultimately eliminate the Federal deficit. The interest and attention which this problem has attracted speaks volumes as to the need for solutions to our Nation's runaway fiscal policy.

Our Constitution has been amended only 27 times in over 200 years. Amendment to the supreme law of our land is a serious endeavor which should only be reserved to protect the fundamental rights of our citizens or to ensure the survival of our system of government.

Mr. President, I believe that the very survival of our system of government is presently being jeopardized by an irrational and irresponsible pattern of spending which has become firmly entrenched in Federal fiscal policy over the last half-century. As a result, this fiscal policy has gone a long way toward seriously threatening the liberties and opportunities of our present and future citizens.

The Federal debt is over $4 trillion. Per capita, the Federal debt is over $16,000. This means that it would cost every man, woman, and child in America $16,000 each to pay off the public debt.

The Federal deficit for fiscal year 1992 was $290.2 billion. The Office of Management and Budget projected the deficit for fiscal year 1993 to be $341 billion. In order to solve the deficit problem, congressional spending must be addressed.

I have believed for many years that the way to reverse the misguided direction of the fiscal government is by amending the Constitution to mandate, except in extraordinary circumstances, balanced Federal budgets. I know many other Members of Congress join me in wanting to establish balanced budgets as a fiscal norm, rather than a fiscal anomaly.

Those who oppose a balanced budget constitutional amendment and opt instead for self-imposed congressional restraint must face the fact that this restraint has not been forthcoming. Importantly, the Congress has only balanced the Federal budget one time in the last 30 years. Meanwhile the level of annual budget deficits has grown enormously over this period of time. Continued deficit spending by the Federal Government will undoubtedly lead the Nation into more periods of economic stagnation and decline. The tax burdens which today's deficits will place on future generations of American workers is staggering. We must reverse the fiscal course of the Federal Government and a constitutional amendment is the only effective way to accomplish it. It is time for Congress to understand the simple fact that a government cannot survive by continuing to spend more money than it takes in.

Mr. President, the balanced budget amendment proposal has the support of many of our colleagues in the Congress, a Congress which holds diverse views on many issues. However, supporters of a balanced budget amendment share an unyielding commitment to restoring sanity to a spending process which is out of control and hurling our Nation headlong toward economic disaster.

I urge my colleagues to support this proposal so we may submit this important constitutional amendment to the States for ratification.

I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 8

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE—

"SECTION 1. Total outlays of the United States for any fiscal year shall not exceed total receipts to the United States for that year, unless three-fifths of the whole number of both Houses of Congress shall provide for a specific excess of outlays over receipts.

"SECTION 2. Any bill for raising taxes shall become law only if approved by a majority of the whole number of both Houses of Congress by rollcall vote.

"SECTION 3. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect.

"SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing. Total outlays shall include all outlays of the United States except for those for repayment of debt principal.

"SECTION 5. This article shall take effect beginning with fiscal year 1998 or with the second fiscal year beginning after the ratification, whichever is later.".

By Mr. THURMOND (for himself and Mr. SIMPSON):

S.J. Res. 9. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO VOLUNTARY SCHOOL PRAYER

Mr. THURMOND. Mr. President, today, I am introducing the voluntary school prayer constitutional amendment. This bill is identical to Senate Joint Resolution 73 which I introduced in the 98th Congress at the request of the President and reintroduced in the 99th, 100th, 101st, and 102d Congresses.

This proposal has received strong support from our colleagues on both sides of the aisle and is of vital importance to our Nation. It would restore the right to pray voluntarily in public schools—a right which was freely exercised under our Constitution until the 1960's, when the Supreme Court ruled to the contrary.

Also, in 1985, the Supreme Court ruled an Alabama statute unconstitutional which authorized teachers in public schools to provide "a period of silence * * * for meditation or voluntary prayer" at the beginning of each school day. As I stated when that opinion was issued and repeat again, the Supreme Court has too broadly interpreted the establishment clause of the first amendment and, in doing so, has incorrectly infringed on the rights of those children—and their parents—who wish to observe a moment of silence for religious or other purposes.

Until the Supreme Court ruled in the Engel and Abington School District decisions, the establishment clause of the first amendment was generally understood to prohibit the Federal Government from officially approving, or holding in special favor, any particular religious faith or denomination. In crafting that clause, our Founding Fathers sought to prevent what has originally caused many colonial Americans to emigrate to this country—an official, State religion. At the same time, they sought, through the free exercise clause, to guarantee to all Americans the freedom to worship God without government interference or restraint. In their wisdom, they recognized that true religious liberty precludes the Government from both forcing and preventing worship.

As Supreme Court Justice William Douglas once stated: "We are a religious people whose institutions presuppose a Supreme Being." Nearly every President since George Washington has proclaimed a day of public prayer. Moreover, we, as a nation, continue to recognize the Deity in our Pledge of Allegiance by affirming that we are a nation "under God." Our currency is inscribed with the motto, "In God We Trust". In this body, we open the Senate and begin our workday with the comfort and stimulus of voluntary group prayers; such a practice has been recently upheld as constitutional by the Supreme Court. It is absurd that the opportunity for the same beneficial experience is denied to the boys and girls who attend public schools. This situation simply does not comport with the intentions of the Framers of the Constitution and is, in fact, antithetical to the rights of our youngest citizens to freely exercise their respective religions. It should be changed, without further delay.

The Congress should swiftly pass this resolution and send it to the States for ratification. This amendment to the Constitution would clarify that it does not prohibit vocal, voluntary prayer in the public school and other public institutions. It emphatically states that no person may be required to participate in any prayer. The Government would be precluded from drafting school prayers. This well-crafted amendment enjoys the support of an overwhelming number of Americans. During the 98th Congress, we were only 11 votes short of the 67 necessary for approval in the Senate.

I strongly urge my colleagues to support prompt consideration and approval of this bill during this Congress and ask unanimous consent that it be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 9

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE —

"Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.".

By Mr. HOLLINGS:

S.J. Res. 10. Joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect congressional and Presidential elections; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT

Mr. HOLLINGS. Mr. President, in his inaugural speech yesterday, President Clinton issued a historic challenge to Congress. He said, "Let us resolve to reform our politics, so that power and privilege no longer shut down the voice of the people." To take up that challenge, the first order of business of the 103d Congress must be fundamental reform of our campaign finance laws.

Let us also resolve not to repeat the mistakes of the past efforts at campaign finance reform, which bogged down in partisanship as Democrats and Republicans each tried to gore the other's sacred cows. Let us cut directly at the root of the problem with a simple, straightforward, nonpartisan solution: a constitutional amendment empowering Congress and the States to set simple limits on the amount of money spent in campaigns for public office.

As Prof. Gerald G. Ashdown has written in the New England Law Review, amending the Constitution to allow Congress to regulate campaign expenditures is "the most theoretically attractive of the approaches [to reform] since, from a broad free speech perspective, the decision in Buckley is misguided and has worsened the campaign finance atmosphere." Adds Professor Ashdown: "If Congress could constitutionally limit the campaign expenditures of individuals, candidates, and committees, along with contributions, most of the troubles * * * would be eliminated."

Right to the point, in its landmark 1976 ruling in Buckley versus Valeo, the Supreme Court mistakenly equated a candidate's right to spend unlimited sums of money with his right to free speech. In the face of spirited dissents, the Court drew a bizarre distinction between campaign spending and campaign giving. For first amendment reasons, the Court struck down limits on campaign spending. But it upheld limits on campaign contributions on the grounds that "the governmental interest in preventing corruption and the appearance of corruption" outweighs considerations of free speech.

I have never been able to fathom why that same test—"the governmental interest in preventing corruption and the appearance of corruption"—does not overwhelmingly justify limits on campaign spending. However, it seems to me that the Court committed a far graver error by striking down spending limits as a threat to free speech. The fact is, spending limits in Federal campaigns would act to restore the free speech that has been eroded by Buckley versus Valeo.

After all, as a practical reality, what Buckley says is: Yes, if you have personal wealth, then you have access to television, you have freedom of speech. But if you do not have personal wealth, then you are denied access to television. Instead of freedom of speech, you have only the freedom to shut up.

So let us be done with this phony charge that spending limits are somehow an attack on freedom of speech. As Justice Byron White points out, clear as a bell, in his dissent, both contribution limits and spending limits "are neutral as to the content of speech and are not motivated by fear of the consequences of the political speech of particular candidates or of political speech in general."

Mr. President, every Senator realizes that television advertising is the name of the game in modern American politics. In warfare, if you control the air, you control the battlefield. In politics, if you control the airwaves, you control the tenor and focus of a campaign.

Probably 80 percent of campaign communications take place through the medium of television. And most of that TV airtime comes at a dear price. In South Carolina, you're talking some $2,400 for 30 seconds of prime time advertising. In New York City, you're talking more than $30,000 for the same 30 seconds.

The hard fact of life for a candidate is that if you're not on TV, you're not truly in the race. Wealthy challengers as well as incumbents flush with money go directly to the TV studio. Those without personal wealth are sidetracked to the time-comsuming pursuit of cash.

Buckley versus Valeo created a double bind. It upheld restrictions on campaign contributions, but struck down restrictions on how much candidates with deep pockets can spend. The Court ignored the practical reality that if my opponent has only $50,000 to spend in a race and I have $1 million, then I can effectively deprive him of freedom of speech. By failing to respond to my advertising, my cash-poor opponent will appear unwilling to speak up in his own defense.

Justice Thurgood Marshall zeroed in on this disparity in his dissent to Buckley versus Valeo. By striking down the limit on what a candidate can spend, Justice Marshall said, "It would appear to follow that the candidate with a substantial personal fortune at his disposal is off to a significant head start."

Indeed, Justice Marshall went further: He argued that by upholding the limitations on contributions but striking down limits on overall spending, the Court put an additional premium on a candidate's personal wealth.

Justice Marshall was dead right. Our urgent task is to right the injustice of Buckley versus Valeo by empowering Congress to place caps on Federal campaign spending. We are all painfully aware of the uncontrolled escalation of campaign spending. The average cost of a winning Senate race was $1.2 million in 1980, rising to $2.1 million in 1984, and skyrocketing to $3.1 million in 1986, $3.7 million in 1988, and up, up, and away. To raise that kind of money, the average Senator must raise money at a rate of nearly $12,000 a week every week of his or her 6-year term. Overall spending in congressional races increased from $403 million in 1990 to $504 million in 1992—nearly a 20-percent increase in 2 years' time.

This obsession with money distracts us from the people's business. At worst, it corrupts and degrades the entire political process. Fundraisers used to be arranged so they didn't conflict with the Senate schedule; nowadays, the Senate schedule is regularly shifted to accommodate fundraisers.

I have run for statewide office 16 times in South Carolina. You establish a certain campaign routine, say, shaking hands at a mill shift in Greer, visiting the big country store outside of Belton, and so on. Over the years, they look for you and expect you to come around. They say, "Here he comes again. It must be election time." But in recent years, those mill visits and dropping by the country store have become a casualty of the system. There is very little time for them. I'm out chasing dollars.

During my 1986 reelection campaign, I found myself raising money to get on TV to raise money to get on TV to raise money to get on TV. It's a vicious cycle. The rule was, if you had money, I had the time to meet with you.

After the election, I held a series of town meetings across the State. Friends asked, "Why are you doing these town meetings? You just got elected. You've got 6 years." To which I answered, "I'm doing it because it's my first chance to really get out and meet with the people who elected me. I didn't get much of a chance during the campaign. I was too busy raising bucks." I had a similar experience in 1992.

I remember Senator Richard Russell saying: "They give you a 6-year term in this U.S. Senate: 2 years to be a statesman, the next 2 years to be a politician, and the last 2 years to be a demagogue." Regrettably, we are no longer afforded even 2 years as statesmen. We proceed straight to demagoguery right after the election because of the imperatives of raising money.

My proposed constitutional amendment would change all this. It would empower Congress to impose reasonable spending limits on Federal campaigns. For instance, we could impose a limit of, say, $700,000 per Senate candidate in a small State like South Carolina—a far cry from the millions spent by my opponent and me in 1992. And bear in mind that direct expenditures account for only a portion of total spending. For instance, my 1992 opponent's direct expenditures were supplemented by hundreds of thousands of dollars in expenditures by independent organizations and by the State and local Republican Party. When you total up spending from all sources, my challenger and I spent roughly the same amount in 1992.

And incidentally, Mr. President, let's be done with the canard that spending limits would be a boon to incumbents, who supposedly already have name recognition and standing with the public and therefore begin with a built-in advantage over any challengers. Nonsense. I hardly need to remind my Senate colleagues of the high rate of electoral mortality in the upper Chamber. And as to the alleged invulnerability of incumbents in the House, I would simply note that more than 25 percent of the House membership was replaced in the 1992 election alone.

I can tell you from experience that any advantages of incumbency are more than counterbalanced by the obvious disadvantages of incumbency, specifically the disadvantage of defending hundreds of controversial votes in Congress.

I also agree with University of Virginia political scientist Larry Sabato, who has suggested a doctrine of sufficiency with regard to campaign spending. Professor Sabato puts it this way: "While challengers tend to be underfunded, they can compete effectively if they are capable and have sufficient money to present themselves and their messages."

Moreover, Mr. President, I submit that once we have overall spending limits, it will matter little whether a candidate gets money from industry groups, or from PAC's, or from individuals. It is still a reasonable—sufficient to use Professor Sabato's term—amount any way you cut it. Spending will be under control, and we will be able to account for every dollar coming in and every dollar going out.

On the issue of PAC's, Mr. President, let me say that I have never believed that PAC's per se are an evil in the current system. On the contrary, PAC's are a very healthy instrumentality of politics. PAC's have brought people into the political process: nurses, educators, small business people, senior citizens, unionists, you name it. They permit people of modest means and zero individual influence to band together with others of mutual interest knowing that their contribution is heard and known.

For years we have encouraged these people to get involved, to participate. Yet now that they are participating, we turn around and say, "Oh, no, your influence is corrupting, your money is tainted." This is wrong. The evil to be corrected is not the abundance of participation but the superabundance of money. The culprit is runaway campaign spending.

To a distressing degree, elections are determined not in the political marketplace but in the financial marketplace. Our elections are supposed to be contests of ideas, but too often they degenerate into megadollar derbies, paper chases through the board rooms of corporations and special interests.

I have been amused by the junior Senator from Kentucky's contention that we spend too little in our Federal campaigns. He has edified the Senate and elevated the debate by propounding his eloquent "Kibbles 'n' Bits" defense; that is, the point that America spends more on cat food than it does on Federal campaigns. I submit that this fact speaks more to the number of overfed cats in our Nation than to the number of underfunded candidates. Moreover, to raise the "Kibbles 'n' Bits" banner is, in my opinion, one more unfortunate example of vulgar, marketplace values run amok. Federal offices are not like cat food; they should not be up for sale.

Mr. President, I repeat, campaign spending must be brought under control. The constitutional amendment I have proposed would permit Congress to impose fair, responsible, workable limits on Federal campaign expenditures.

Such a reform would have four important impacts. One, it would end the mindless pursuit of ever-fatter campaign war chests. Two, it would free candidates from their current obsession with fundraising and allow them to focus more on issues and ideas; once elected to office, we wouldn't have to spend 20 percent of our time raising money to keep our seats. Three, it would curb the influence of special interests. And four, it would create a more level playing field for our Federal campaigns—a competitive environment where personal wealth does not give candidates an insurmountable advantage.

Finally, Mr. President, a word about the advantages of the amend-the-Constitution approach that I propose. Recent history amply demonstrates the practicality and viability of this constitutional route. Certainly, it is no coincidence that all five of the most recent amendments to the Constitution have dealt with Federal election issues. In elections, the process drives and shapes the end result. Election laws can skew election results, whether you're talking about a poll tax depriving minorities of their right to vote, or the absence of campaign spending limits giving an unfair advantage to wealthy candidates. These are profound issues which go to the heart of our democracy, and it is entirely appropriate that they be addressed through amendment of the Constitution.

And let's not be distracted by the argument that the amend-the-Constitution approach will take too long. Take too long? We have been dithering on this campaign finance issue since early 1970, and we haven't advanced the ball a single yard. It has been 20 years now, and no legislative solution has done the job.

The last five constitutional amendments took an average of 17 months to be adopted. There is no reason why we cannot pass this joint resolution, submit it to the States for a vote, and ratify the amendment in time for it to govern the 1994 election. Indeed, the amend-the-Constitution approach could prove more expeditious than the alternative legislative approach. Bear in mind that the various public financing bills that have been proposed would all be vulnerable to a Presidential veto. In contrast, this joint resolution, once passed by the Congress, goes directly to the States for ratification. Once ratified, it becomes the law of the land, and is not subject to veto.

And, by the way, I reject the argument that—if we were to pass and ratify this amendment—Democrats and Republicans would be unable to hammer out a mutually acceptable formula of campaign-expenditure limits. A Democratic Congress and Republican President did exactly that in 1974: we set reasonable, bipartisan limits, by law. We did it in 1974, and we can certainly do it again.

Mr. President, this joint resolution will address the campaign finance mess directly, decisively, and with finality. The Supreme Court has chosen to ignore the overwhelming importance of media advertising in today's campaigns. In Buckley versus Valeo, it prescribed a bogus "if you have the money you can talk" version of free speech. In its place, I urge passage of this joint resolution, the freedom of speech in political campaigns amendment. Let us ensure equal freedom of expression for all who seek Federal office.

By Mr. SARBANES (for himself, Mr. GLENN, Mr. D'AMATO, Mr. KENNEDY, Mr. DASCHLE, Mr. DORGAN, Mr. HOLLINGS, Ms. MIKULSKI, Mr. HATCH, and Mr. STEVENS):

S.J. Res. 11. Joint resolution to designate May 3, 1993, through May 9, 1993, as "Public Service Recognition Week"; to the Committee on the Judiciary.

PUBLIC SERVICE RECOGNITION DAY

Mr. SARBANES. Mr. President, I rise today to introduce a resolution designating the week of May 3-9, 1993, as "Public Service Recognition Week." I have introduced similar resolutions in previous Congresses to honor the public servants who so diligently and faithfully serve our Nation at the State, local, and Federal level.

The 9 million city and county workers, 4 million State employees, and 5 million Federal civilian and military employees who serve the public perform some of our Nation's most critical and important tasks. These are the men and women who defend our Nation and educate our children. They keep our food and drinking water safe and come to our aid should fire, flood, or other disasters strike our homes and communities. They work to find new treatments for cancer and AIDS, and to develop new technologies to improve and enhance our lives.

Their collective mission is integral to preserving our health, safety, and standard of living, yet public servants are rarely recognized for their efforts unless there is a disruption in the level of service to which the public is accustomed. Consequently, theirs is a thankless job; and one which they have had to perform under increasingly adverse conditions.

Today, government at every level is bound by severe fiscal constraints. The recent recession, and continued weak economic performance, have exacerbated budgetary pressures and forced governments to cut back or eliminate basic services. States and municipalities have been particularly hard hit and forced to lay off thousands of employees. Those who have not been laid off are asked to provide the same services with fewer available resources. In fact, the fiscal crisis has been such that last Congress, I introduced legislation to provide emergency grants and loans to State and local governments to assist them in meeting urgent public needs.

I regret some in government have seized upon public employees' vulnerability in these tough economic times and attacked and denigrated them publicly. For more than a decade, public employees, especially at the Federal level, have confronted budget cuts which if not aimed at their very livelihood, targeted their pay or pensions or health benefits. Yet, despite what has been a hostile political and economic climate, public employees continue to perform their duties in an effective and efficient manner. In fact, a Congressional Budget Office [CBO] study found that for most of the last decade, government productivity has grown at a rate nearly twice that of the private sector.

Yesterday, the Nation embraced a new President and with him hopes for positive and dramatic change. It is my own hope that this change will encompass the relationship between those we elect to lead our country and the millions whose duty it is to carry out this mission every day, thereby enabling a new relationship and partnership to be born—one that is positive, cooperative, and necessarily more productive.

As we eagerly seek to engage the major challenges before us—the problems afflicting our economy, our health care system, and the safety of our streets—we must remember the millions of public servants who quietly attend to the people's work in Social Security and employment offices, in VA hospitals and health clinics, and in fire halls and police stations across our 50 States. As John F. Kennedy so succinctly put it in 1961, it is they who "conduct our generation's most important business, the public's business."

Mr. President, perhaps more than in any year I have served in the Congress, it is important this year to tell the millions who so dutifully serve our Nation that their contributions and commitment do not go unnoticed. By setting aside a week as "Public Service Recognition Week", we make a small but meaningful statement to public servants throughout the land—that their work, so often unrecognized, is vital and important and that we as individuals and as a nation depend on it each and every day. I am most pleased to introduce this resolution on this special and historic day, and I urge my colleagues to join me in working for its swift passage.

By Mr. DECONCINI (for himself and Mr. EXON):

S.J. Res. 12. Joint resolution proposing an amendment to limit congressional terms; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS

Mr. DECONCINI. Mr. President, I rise today with my distinguished colleague Senator EXON to introduce legislation to limit the terms of office of Members of Congress. Since 1977, when I first came to the U.S. Senate, I have introduced legislation to limit the tenure of Members of Congress. I believe such legislation is necessary to restore the fundamental principles of representative government.

My legislation will limit Senators to two 6-year terms and Representatives to six 2-year terms, limiting all Members to 12 years in office. Terms being served by standing Members of Congress would not count against the limitation. Thus, all current Members will be eligible for the full number of terms allowed under the amendment.

The idea for term limits is not new. It was first raised by our Founding Fathers during the Constitutional Convention in 1787 which laid it aside as entering too much into detail. Support for term limits has come from a bipartisan list of leaders including Abraham Lincoln, Harry Truman, Dwight D. Eisenhower, and John F. Kennedy.

After Franklin Roosevelt served an unprecedented four terms as President, many Members of Congress and the public were concerned about what they saw as the possible beginning of a new monarchy. This fear was resolved with the passage of the 22d amendment in 1951, limiting Presidents to two terms. This amendment, however, did nothing about the problem of Representatives and Senators turning their elected terms into nearly indefinite stays in office.

Term limits are needed to reinject democracy into the political process. I believe they will assure a consistent influx of new Members bringing new ideas and innovative plans. A Congress invigorated by frequent infusions of new blood would be more responsive, more democratic and more focused on solving the problems facing this country. It would assure a consistent and systematic means of renewal and rotation of Members and would allow more citizens the opportunity to serve in Congress.

Term limits also would guard against the effects of the seniority system, which places considerable power in the hands of Members solely based on their years of service. Currently, Members of Congress who have served the longest are rewarded by committee assignments and chairmanships, from which they can provide special benefits to home State interests. The average tenure of a committee chairman in the House is 26 years, and in the Senate 20 years.

Limiting congressional terms would enhance competition for Members and increase political opportunities for minorities and women. It may also give Congress the political courage needed to take stands on controversial issues, like our budget deficit.

Public support for term limits is strong. State initiatives to limit terms passed in all 14 States where it was placed on the ballot. Some 21 million people in these States voted to place limits on the tenure of Federal office holders. Furthermore, a Gallup Poll commissioned in 1991 revealed that 70 percent of the American people support term limits for Members of Congress.

Despite these efforts on the State level to limit terms, a constitutional amendment is needed. The constitutionality of the State initiatives is questionable and is unlikely to be resolved for at least 2 years. In addition, I believe all States should be subject to the same limits. States complying with a limit on terms would be at a great disadvantage under the current congressional seniority system.

Obviously term limits alone are not the answer to all the problems our Government currently faces. However, growing voter apathy is undoubtedly tied to the public's feeling of being shut out of the workings of their Government. Term limitations, enacted in conjunction with campaign finance reform, would be an important step toward restoring public confidence in the Federal Government, rather than government being the target of their ridicule and scorn.

Mr. EXON. Mr. President, I am pleased today to join Senator DENNIS DECONCINI, as I have during the last two Congresses, as an original cosponsor of a constitutional amendment to impose term limits on Federal officials.

My longstanding support for Federal term limits has now been supplemented by a sense of urgency. Fifteen States now have term limits for Federal officials. Fourteen of the fifteen States just passed them in November and Colorado passed its version in 1990. All 15 States call for 12-year limits on U.S. Senators. Regarding terms for U.S. House Members in these 15 States, their limits vary from 6 to 12 years.

The legislation being introduced today calls for 12-year terms for each of these two offices. We believe this is the best approach and a workable compromise.

My sense of urgency stems from the need for fairness through uniformity for the States as they are represented in the House and Senate. Over time, States which have instituted term limits on their own will be at a severe disadvantage with respect to States which do not have such restrictions on their Senators and Congressmen. Furthermore, only 23 States have the initiative process. Until we get some fairness and uniformity for all States, we are headed for a train wreck.

Mr. President, the voters of my own State of Nebraska spoke loud and clear for term limits in November by a vote of 68 to 32 percent. Despite my opposition to unilateral action by individual States on this issue, I nevertheless pledged the very next day to redouble my efforts for Federal term limits across the board. My action today is the first step in fulfilling that pledge.

There is great controversy regarding the constitutionality of States imposing term limits on their own Members of Congress. I am certain that the courts will resolve this question in due course. However, regardless of how the courts eventually rule, this constitutional amendment needs to be passed by Congress and moved forward to the States for ratification.

I look forward to working with Senator DECONCINI and moving aggressively to pass this important legislation.

By Mr. THURMOND:

S.J. Res. 13. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT

Mr. THURMOND. Mr. President, today I am introducing a proposed amendment to the Constitution which would require Federal judges and certain other officers of the United States to forfeit their offices upon conviction of a felony.

I believe that the citizens of the United States will agree that those who have been convicted of felonies should not be allowed to continue to occupy positions of trust and responsibility in our Government. Nevertheless, under current constitutional law it is possible for certain officers of the United States to continue to receive a salary even after being convicted of a felony. It they are unwilling to resign, the only method which may be used to remove them from the Federal payroll is impeachment, a process which can occupy a great deal of valuable time and resources of the Congress.

Currently, the Congress has the power to impeach officers of the Government who have committed treason, bribery, or other high crimes and misdemeanors. However, when a court has found an official guilty of a serious crime, it should not be necessary for Congress to then essentially re-try the official before he or she can be removed from the Federal payroll.

The constitutional amendment which I am introducing will provide that any officer of the United States who is appointed by the President and confirmed by the Senate, upon conviction of a felony and exhaustion of all direct appeals, shall be removed from office and shall lose all salary and benefits arising from service in such office.

Mr. President, I urge my colleagues to carefully consider this proposal and ask that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 13

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment of the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the State for ratification:

"ARTICLE—

"Any officer of the United States appointed by the President with the advice and consent of the Senate, upon conviction of a felony, shall forfeit office and all prerogatives, benefits, or compensation thereof.".

By Mr. THURMOND:

S.J. Res. 14. Joint resolution to designate the month of May 1993 as "National Foster Care Month"; to the Committee on the Judiciary.

NATIONAL FOSTER CARE MONTH

Mr. THURMOND. Mr. President, I am pleased to introduce today a Senate joint resolution which would designate May of 1993 as "National Foster Care Month."

It is acknowledged that a family environment with loving and caring parents is the ideal situation for children. However, in the United States there are hundreds of thousands of foster children who, through no fault of their own, have been deprived of this normal home relationship involving love, shelter and other needs that are the basic necessities of all children. Foster parents volunteer their time, energy, and material resources 24 hours a day, 7 days a week, to help enable these children to develop into mature, responsible, and productive adults.

Our Nation's foster parents have a long and proud tradition of reaching out to those children who need them most. We need to publicly recognize these efforts and call attention to the vital needs of all foster children in the United States. Acknowledgment of the valuable contributions of foster care parents will provide for greater public awareness of and community support for these Americans.

Mr. President, I urge my colleagues to join me in supporting this resolution.

I ask unanimous consent that the text of this resolution be printed at the end of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 14

Whereas there are more than 100,000 licensed foster families in the United States who temporarily provide guidance, emotional support, food, shelter, and nurture to children who cannot remain in their own home;

Whereas foster parents devotedly and unselfishly open their home and family life to children in need;

Whereas foster parents are a vital part in permanency planning to protect the best interests of a foster child;

Whereas foster parents work cooperatively with human service agencies and biological parents to strengthen family life;

Whereas foster parents must have the commitment of the national, State and local communities in terms of funding, support, and training; and

Whereas the National Foster Parent Association holds its annual training conference during the month of May 1993: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1993, is designated as "National Foster Care Month". The President is requested to issue a proclamation calling on the people of the United States to observe such month with appropriate ceremonies and activities.

By Mr. THURMOND (for himself and Mr. SIMPSON):

S.J. Res. 15. Joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT RELATIVE TO LINE-ITEM VETO

Mr. THURMOND. Mr. President, I rise today to introduce a proposed constitutional amendment which would give authority to the President to disapprove specific items of appropriation on any act of joint resolution submitted to him. This authority is commonly referred to as line-item veto.

Too often during debate on the budget, the discussion focuses on ways to enhance revenues. The Congress must address runaway spending if we are truly going to establish a sound fiscal policy for this Nation.

The Federal debt exceeds $4 trillion and payment of interest on the debt is the second largest item in the budget. The budget deficit for fiscal year 1992 was over $290 billion. The Office of Management and Budget projects the deficit for fiscal year 1993 to possibly reach $341 billion. We must take strong, disciplinary action to ensure fiscal responsibility.

The Congress regularly enacts appropriations measures, totaling billions and billions of dollars. Too often there are items tucked away in these bills that represent millions of dollars and they would have very little chance of passing on their own merit. Yet, the President has no discretion to weed out these unnecessary expenditures and must approve or disapprove the bill in its entirety.

Presidential authority for line-item veto is a badly needed fiscal tool which would provide a valuable means to reduce and restrain excessive appropriations.

Forty-three Governors currently have, in one form or another, the power to reduce or eliminate items or provisions in appropriation measures. Surely, the President should have the same discretionary authority that 43 Governors now have to check unbridled spending.

It is my hope that this Congress will swiftly approve line-item veto and send a clear message to the American people that we are making a serious effort to set our Nation's fiscal house in order.

I urge my colleagues to support this proposal and our efforts to make it part of our Constitution.

Mr. President, I ask unanimous consent that this proposal be printed in the RECORD following my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 15

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE—

"The President may disapprove any item of appropriation in any Act or joint resolution. If an Act or joint resolution is approved by the President, any item of appropriation contained therein which is not disapproved shall become law. The President shall return with his objections any item of appropriation disapproved to the House in which the Act or joint resolution containing such item originated. The Congress may, in the manner prescribed under section 7 of article I for Acts disapproved by the President, reconsider any item of appropriation disapproved under this article.".

By Mr. PELL:

S.J. Res. 17. Joint resolution proposing an amendment to the Constitution of the United States relative to the commencement of the terms of the office of President, Vice President, and Members of Congress; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT RELATIVE TO COMMENCEMENT OF TERMS

Mr. PELL. Mr. President, today, January 21, 1993, the day after the 52d inauguration of the President of the United States, has finally arrived. It seems like an eternity since last November when the American public chose Bill Clinton to be our 42d President. Since that time, we have committed troops to a country halfway across the globe, the economy has taken a different course, we have engaged once again in military operations in the Persian Gulf, and rather than being hard at work on legislative proposals, we are just getting them introduced. We have been in a holding pattern since early October when the final push prior to the election began. While some time is necessary for the transfer of power and the changing of the guard, the amount of time we take to do so is too long and unnecessary.

To address this, I am introducing once again a constitutional amendment which would shorten the Presidential transition period. This amendment would change the Presidential inauguration date from January 20 to December 10 and the congressional swearing-in date to December 1, necessary because of the need of Congress to verify the results of the electoral college. By doing so, we will accelerate the changeover and thereby permit quicker action on the voters' mandate delivered in the election, create a more sensible budgetmaking process, and greatly lessen the opportunity for exploitation by foreign countries of the uncertainty which currently surrounds our protracted transition of power.

The current inauguration date was set in 1933, when it was determined that advances in election result verification and travel permitted moving it up from March 4, the date set by our Founding Fathers when travel and the conduct of elections were a much less easy affair. It also became evident that the delay unnecessarily prevented the newly elected President Roosevelt from promptly implementing programs to deal with the Depression.

In a similar manner, there is no reason not to advance the inauguration date today. Election results are now known within hours of the closing of the polls and travel to Washington from the most distant parts of the country can be completed in a day. No mechanical impediment today exists to the prompt installation of our elected officials.

But the current policy is more than simply outdated for functional reasons: It presents substantial potential for harm. Domestically, it delays the consideration and implementation of new programs mandated by the election. It presents an opportunity for hostile rulemaking by agency officials who will soon be leaving their posts. Worst of all, it results in the absurdity of having the budget for the next fiscal year prepared by the outgoing administration while the incoming administration will face a 2-week deadline to amend it to include their policy prerogatives. A shorter transition would address these problems.

Internationally, foreign governments are unsure about who speaks for the United States and may be able to take advantage of the muddled chain of command in Washington. I believe that a clear example of such has been played out during this transition with the mischief that is being carried out in the Middle East by Saddam Hussein. Fortunately, the United States and the international community have been able to respond in a cohesive fashion to the Iraqi violations of the U.N. terms which ended the Persian Gulf conflict. It has also been abundantly evident, however, that while waiting for the Clinton administration to take over, there existed a potential state of policy limbo and possible confusion in the mind of an adversary as to who had the final word in dealing with this situation. Such an awkward situation is unnecessary. By shortening the transition period, we would greatly reduce the potential for this kind of mischief.

For these reasons and more, the time has come to shorten the Presidential transition. I submit for the RECORD an article I wrote on this proposal which appeared in the Los Angeles Times on December 15 last year. I also include a copy of an editorial written by Arthur Schlesinger which appeared in the Wall Street Journal on December 3, 1992, and an article from the January 18, 1993, issue of Investor's Business Daily which references this proposal. I also include a story from the Washington Post in which President Bush makes the obvious and straightforward point that "the interregnum is too long, too ungenerous and too long."

It is my hope that as the Senate contemplates proposals to reform our political process and make it more responsive to the people, action will be taken on this amendment and we will end this outdated and unnecessary practice.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Dec. 15, 1992]

WE VOTE, THEN WE WAIT—MUCH TOO LONG

(By Claiborne Pell)

Dec. 10 should have been Inauguration Day.

If it had been, President Clinton would have his Cabinet in place, his budget team would be at work on next year's budget and the new Congress would be sworn in and ready to work on legislation proposed by our new President. The federal government would then be poised to carry out the election mandate delivered by voters in early November.

Instead, it has been more than a month since election Day and action in Washington has come to a halt while the transition between the Bush and Clinton administrations grinds on with press conferences, introductory White House visits, Cabinet appointment speculation, policy summits and, with the exception of the situation in Somalia, a time-out called in American dealings in world affairs.

The simple fact is that the length of our current transition period is by no means required for the operation of our system of government, yet it presents a constant potential for trouble in both domestic and world affairs.

The current inauguration date, Jan. 20, was moved from March 4 in 1933 by the 20th Amendment to the Constitution. Times continue to change, and there is no reason not to have the inauguration on Dec. 10. Beyond being an outdated functional policy, keeping our government in limbo for 2½ months presents substantial potential for harm:

It delays immediate work on new programs mandated by the election and it presents an opportunity for hostile rulemaking by agency officials who will soon be stepping down from their posts.

It results in the absurd procedure of having the outgoing administration prepare the budget for the next fiscal year only to have it amended within two weeks by the incoming administration.

It creates uncertainty internationally because foreign governments are unsure about who speaks for the country and can take advantage of the muddled chain of command in Washington.

In this election in particular, a clear mandate for change and for immediate action on our nation's ills was given by the voters on Election Day. They asked for this change after listening to, and often enduring, an intense, year-long discussion of the issues and the candidates' prospective solutions.

Having made their choice, voters are entitled to have their will carried out speedily by the officials they have chosen. But our current 10-week transition period thwarts any speedy action on the Election Day mandate.

The question, is why not change the schedule of events? There has been significant clamor over the past few years to make our government more responsive to the people. Here is one common-sense proposal that will cost nothing and will contribute substantially to governmental responsiveness and efficiency.

[From the Washington Post, Nov. 18, 1992]

BUSH FINDS TRANSITION AN "UNGENEROUS" TIME

If the Constitution allowed abdication, President Bush would probably hand over the Oval Office to Bill Clinton today and be done with it, so sour is he already on the lifestyle of a figurehead president.

"I've concluded that the interregnum is too long, too ungenerous and too long," Bush said Monday night of the transition he has endured for only two of its scheduled 10 weeks, "but we are determined to finish this."

The problem is, there is not much to finish.

Having endured the vice presidency for eight years, Bush has had experience in having no real job. According to White House aides, he accepts it. He just does not much like what one aide called "the endless endings with no startings."

White House press secretary Marlin Fitzwater said yesterday much of what makes up "the normal life of the presidency" is already gone, leaving Bush with "desk work. It's not the most exciting duty on earth."

Much of what the public sees of the presidency—pictures of meetings with foreign leaders; the opening of Cabinet meetings; meeting with business, social or religious leaders—is not occurring. "You really drop all the ceremonial things," Fitzwater said, because most of the groups, organizations and leaders want to meet with the incoming, not the outgoing, president.

Another big chunk of the presidency is policy debates, and with little policy to be made, there are few debates.

"We all kind of wish the transition lasted two days rather than two months," Fitzwater said. "But we all recognize that he [Clinton] needs this time to assemble his team and prepare" and that federal government business, from regulatory actions to date-sensitive actions required by law or custom must go on.

The Office of Management and Budget is preparing a 100-page budget summary, rather than the full fiscal budget normally required, whose main utility will be to give the Democrats baseline numbers from which to launch their economic and fiscal programs. The Council of Economic Advisers is preparing its required report on the economy; the Council on Environmental Quality is preparing its report.

Bush is considering some sort of public summing up but has not decided what it should be. Presidents have used their final say for memorable speeches (Dwight D. Eisenhower's address on the military-industrial complex) or written reports on their presidencies (Jimmy Carter). Bush has not made up his mind what to do or how, but it most likely would center on the Cold War's end and the safer world his grandchildren have inherited.

Bush touched on that Monday night, when he crossed the street to the Blair House to receive a diplomatic award. The White House announced the event was closed to the press, but a United Press International reporter got permission from the sponsors to attend and recorded the president in a moment of salute to how governmental power is transferred.

"I think that when the history books are written, it will be seen that we made dramatic strides toward world peace and toward improving relations in so many parts of the world," Bush said. "And that is the great satisfaction that I have as I draw to a close, with two months left that are laborious."

The campaign, Bush said, is over, and he contended it was no rougher than campaigns in this century have been. "The gloves came off and we went at it hard and that's the way I like it, the way it ought to be, and if The Washington Post doesn't like it, too damn bad," he said.

The gears of government "are beginning to shift" to Clinton, he said, "as they should." This smooth transition is something Americans take for granted, he said, but they should recognize as "special . . . the stability that comes from one administration handing off the torch to the other."

The next ceremonial step of that handoff will occur today in what is still Bush's White House. The president, with hundreds of reporters and photographers gathered in the Rose Garden to record the event, will emerge from the Oval Office to walk down to the driveway to greet President-elect Clinton and take him to the gleaming white colonnade alongside the Oval Office.

The white-columned setting that faces the Rose Garden has been the scene of much Bush history, meetings with Mikhail Gorbachev and Boris Yeltsin, handshakes with Mother Teresa and rock stars, greetings of leaders from small nations and from winning sports teams. They all have posed with Bush on the colonnade and so too will Clinton today. And then the two will go alone, without aides, into the Oval Office.

[From the Wall Street Journal, Dec. 3, 1992]

SHORTEN THE PRESIDENTIAL TRANSITION

(By Arthur Schlesinger, Jr.)

"I've concluded," President Bush said the other day, "that the interregnum is too long." He is right, and maybe it is time to do something about it. The present transition is not only too long; it is also too elaborate and too expensive and, in certain circumstances, too risky. Do we really need 11 weeks to carry out the shift from one president to the next?

Actually, until 60 years ago, the transition lasted four months. This was reasonable enough in the days before the railroad and the airplane. It took time and trouble then for legislators to get to Washington. But there remained the void between the old administration and the new, that ambiguous time when one authority slowly fades away and another awaits anointment. Could the government really afford those four months of paralysis every four years?

Most of the time in earlier days, it could. But in 1916 the election fell in the midst of World War I. President Woodrow Wilson feared the international consequences of executive impotence and prepared a contingency plan in case he lost (as in fact he nearly did).

'THE GRAVEST DANGERS'

If the Republican candidate, Charles Evans Hughes, won, Mr. Wilson said, "During those four months I would be without such moral backing from our nation as would be necessary to steady and control our relations with other governments . . . and yet the accredited spokesman would be without legal authority to speak for the nation. Such a situation would be fraught with the gravest dangers." If he lost, President Wilson said, he would therefore appoint Mr. Hughes to be secretary of state; then Mr. Wilson and his vice president would resign, and Mr. Hughes, under the succession law of the time, would become president without delay.

The interregnum between the defeat of Herbert Hoover and the accession of Franklin D. Rossevelt came at the bottom of the Depression in another time of emergency. By then people were conscious of the dangers of floating in the void, and that great Nebraska senator, George W. Norris, finally persuaded the nation to accept the 20th Amendment, which moved Inauguration Day back to Jan. 20 from March 4 and cut the interval of floating to 10 or 11 weeks.

The 20th Amendment was an important step in the modernization of the presidency. But did it go far enough? No other democracy suffers through a protracted twilight period when one administration painfully expires, the next waits impatiently to take over and the nation and the world wonder anxiously who's in charge. "Two weeks into the transition, with another nine to go," writes the Economist, "Washington is in danger of losing its tenuous grip on reality."

In Britain a prime minister who has lost an election moves out of 10 Downing Street in a couple of days and the successor moves right in. "The only operation to which I can compare the Whitehall drill for a change in government," wrote R.H.S. Crossman, the Labor minister and student of the British Constitution, "is the hospital drill for removing a corpse from the ward and replacing it with a new patient." All other democracies that I know about transfer power with similar expedition. In Washington, however, the corpse lies in state for 2½ months while the successors quarrel over the inheritance.

Still worse, the process by which power is transferred in the U.S. has been inflated into a formidable and costly operation. Under that mischievous statute, the Presidential Transition Act of 1963, the Reagan transition in 1980–81 hired 1,500 people and occupied a 10-story office building. What could those 1,500 people have done? Mr. Clinton will receive $3.5 million for his transition, and reports are that the transition staff doesn't consider this enough and plans to collect more funds from the private sector—not a very good idea.

This bureaucratic orgy baffles those of us who remember that for nearly two centuries presidents managed to succeed each other without making a Cecil B. DeMille production of it. As late as the 1960 transition, John Kennedy set up one small group headed by Clark Clifford and Richard Neustadt to consider government organization, another small group headed by Sargent Shriver to recruit personnel, and a number of expert task forces to deal with substantive questions in major areas of decision. The transition from Eisenhower to Kennedy took place with speed and efficiency, and it cost the taxpayer precisely nothing.

Life is surely not all that more complicated today. Nor can one believe that swarms of eager beavers roaming around Washington, promoting themselves, body checking competitors and turning out reports that no one will read, will increase either speed or efficiency. I am glad to see that Prof. Neustadt, the inadvertent cause of the Presidential Transition Act, confesses responsibility in the New York Times and throws himself on the mercy of the court. The first step in restoring rationality to the transition would be the repeal of that troublemaking law. For, if people are given $3.5 million to spend, they will find ways to spend it.

The second step would be to take a hard look at the constitutional amendment, long since proposed by Sens. Claiborne Pell and Charles Mathias, moving the inauguration date back to Nov. 20 from Jan. 20. This amendment would reduce the postelection interval of national paralysis. It would eliminate the need for the lame-duck president to submit a pointless budget that his successor is bound to discard. It would prevent departing administrations from making agreements and issuing executive orders designed to thwart or embarrass the new crowd. It would relieve Washington of the depressing sight of an administration that is dead but not permitted down.

Maybe Nov. 20 does not leave enough time for the president-elect to rest up the campaign, for election passions to and for final decisions to be made. Maybe the second week of December, by that time most new cabinet members are seen anyway, would be a better date for inauguration. But let us further mode the presidency by bringing it up to speed of the electronic age.

THE GREAT OBJECTION

The great objection is that the chance would not leave an incoming administration enough time for calm consideration of policies and appointments. The British situation, it is pointed out, is different because the opposition already has an election manifesto and a "shadow government," because cabinet nominees are of known quantities selected from members of Parliament and because political appointees hold fewer top jobs—and public servants more—than in the U.S.

But a new president should certainly have his policies pretty well in hand by the time of the election. As for recruitment of John Macy Jr., former chairman of the Civil Service Commission and a respected expert on public administration, testified before the Senate Judiciary Committee some years ago in favor of the Pell-Mathias approach, made it clear that he did not regard the appointments problem a very strong argument against shortening time interregnum.

For that matter, why would it not be a good idea for presidential candidates to be forced to think before the election about the programs they intend to present to Congress and the people they might want to bring into their administration? The discipline of advance planning would be a salutary reminder for those who occupy the White House that winning the election is only the prelude to governing the Nation.

THE PRESIDENT'S LONG GOODBYE—IS 2½ MONTHS TOO LONG OF A TRANSITION PERIOD?

(By Paul Sperry)

The White House interregnum—the long transition period between U.S. presidencies—has been both a blessing and a curse for President-elect Clinton.

On the one hand, he has had time to conveniently alter his campaign's economic blueprint, including tabling plans for fiscal pump-priming and tax breaks, to adjust to new indications of economic strength.

And he has had a chance to review—and reverse—his position on allowing asylum to Haitian refugees.

But, outside of good economic news, other recent developments have proven less advantageous as well as potentially dangerous.

And it's this precarious downside that has some analysts calling for a truncated version of the 2½ month transition period. President Bush also has called for a shorter transition.

"The current transition is not only too long (but) in certain circumstances, too risky," Pulitzer-winning historian Arthur Schlesinger said recently.

Like a kicker going in cold to decide a close football game, Clinton will immediately inherit an incendiary situation in the Persian Gulf from the outgoing president.

Instead of having his hand on the throttle, Clinton has watched from the back seat. He has received second-hand intelligence about the renewed conflict with Iraq: The outgoing president's security advisers have informed the incoming president's appointed security advisers who, in turn, have informed Clinton.

The seeming split in command has created the appearance of two governments.

After U.S. forces struck targets in southern Iraq on Wednesday, Americans watched back-to-back press conferences. One was held in Washington and one in Little Rock, Ark. One was handled by a spokesman for the president, the other by a spokesman for the president-elect.

The White House asserts that Clinton has been duly apprised of decisions as they have unfolded. Bush, in fact, has spoken directly to Clinton.

But Bush is still the one calling the shots. In a few days, he'll be handing over the controls to a new president who, though competent, has no hands-on experience in national security matters.

Some defense analysts expressed less concern about Clinton's nerve than about the public's apparent perception of duality in government.

"I've been a little troubled by talk of there being two administrations," said John Luddy, a defense policy expert at the Washington-based Heritage Foundation.

Nonetheless, Clinton's foreign policy team will be installed in the throes of an unresolved, volatile conflict—one over which Clinton had no role in shaping. Clinton will quickly get a heavy dose of realpolitik, whether he's ready or not.

But Luddy says that if Iraqi leader Saddam Hussein tried to take advantage of a perceived period of impotence or disunity in the U.S. government, "it hasn't worked."

"He shows a real lack of understanding of our system," he added. "The Clinton team was briefed extensively. I'm not sure there's a systemic problem."

David Ochmanek, a Rand Corp. defense analyst, agrees, adding that Clinton has said he will support Bush's policy and will probably err on the side of being hawkish.

"I don't see a potential for a policy problem developing in the hand-off," he said.

DANGEROUS WINDOW?

But others blame the long interregnum for giving dictators like Saddam the opportunity to miscalculate U.S. weakness. At more than 11 weeks, it leaves a window wide open for such unexpectedly dangerous developments.

The kind of nerve-racking transition happening now is rare.

The lame-duck period has, for the most part, historically lived up to its name. Presidents usually bow out quietly, without enacting much new domestic policy. Engaging a foreign enemy in fresh military combat is doubly rare.

White House spokesman Marlin Fitzwater, upon answering reporters' questions Wednesday, said the current chain of events was unprecedented.

In fact, President Nixon inherited an unfinished war from President Johnson in 1968.

But, unlike Clinton, Nixon had prior involvement in foreign policy decisions, as vice president under President Eisenhower in the 1950s.

The issue of the U.S. interregnum has been debated since World War I, when President Wilson feared the international ramifications of a potential changing of the guard. The controversy blew over when Wilson won re-election.

But the 1932 election, at the nadir of the Great Depression, brought the controversy to a head. The then four-month float between presidencies was deemed too long * * *

First, he backpedaled on his promise to kickstart what he thought to be a moribund economy with the fiscal stimulus plan that included spending on new highways, a high-speed rail and a national computer network.

Recent robust gains in chief economic indicators, combined with negative reaction from inflation-sensitive markets, prompted Clinton to rethink his plans.

Then, the Bush administration's report this month of a larger-than-expected federal deficit gave Clinton reason to pull back his celebrated campaign promise of a tax break for the middle class.

He said the deficit is now projected as "$50 billion bigger five years from now than it was thought to be in August and over $100 billion bigger than it was thought to be in the spring when I put together" the Clinton campaign booklet "Putting People First," which proposes the tax cut.

Moreover, his appointed economic staff now favors a hike in the federal gas tax to help offset the deficit.

Last, Clinton has had a sudden change of heart regarding Haitian refugees.

When the Constitution was written in the 18th Century, transportation and communication were so slow that it would have been almost impossible for officials elected in November to reach the capital in shorter time. But, within decades, rail and other new technologies made such a large cushion obsolete.

So, Congress proposed the 20th Amendment, which moved the president's inaugural day to Jan. 20 from March 4. The "lame duck" amendment was ratified in 1933.

But many today think the interval cut didn't go far enough. The advent of electronic media and jet travel calls for a new review, they argue.

In 1981, Sen. Claiborne Pell, D-R.I., and former Sen. Charles Mathias, R-Md., first introduced a bill moving the inauguration date back to Nov. 20 from Jan. 20. A revised bill, moving the date back to Dec. 10 instead, will be reintroduced this week, an aide to Pell said.

"Do we really need 11 weeks to carry out the shift from one president to the next?" asked Schlesinger, a professor at City University of New York.

Bush would answer that with an emphatic "no."

"I've concluded" the visibly weary and sad president said in late November, "that the interregnum is too long."

This White House interim, which combines a Middle East flare-up with a Washington outsider who has no military experience, has enlivened the debate.

"All I can say is, I'm glad they moved it (the inaugural date) up from March," said Richard Brody, a Stanford University political analyst.

At the same time, Brody adds, there are benefits to the existing system.

Yes, he says, some domestic appointments could be sped up, but the new president needs that protracted period to set up a new power base—particularly if the incumbent party is defeated.

The British system moves its defeated prime minister out of 10 Downing Street within days of the election. However, the Parliament maintains a "shadow government" that smooths the transition.

Clinton has tapped—some would say milked—a tacit advantage of the long interregnum policy revision.

Over the roughly 75 days since forcibly returning to that country those fleeing to the U.S. He said it was cold-hearted and sent the wrong message to suffering foreigners.

But now he supports the policy, agreeing that it would place a strain on southern Florida's infrastructure.

At the same time, the long transition has allowed Clinton time to test the political waters, political analysts say it may not be to his advantage in the long run.

"There is an advantage to it, but all the public is seeing is the atmospherics of his policy changes," Brody said. "Middle-class tax cut today. Haitians tomorrow. And something else the next day."

He added, "The press already has the idea that this guy waffles."

While Clinton "revisits" his campaign promises, he may have to revisit his whole promise to focus on domestic issues.

Bush's decree that the U.S. and its allies will no longer issue warnings to Saddam to answer future provocations puts Clinton in the eye of the storm Wednesday.

"I don't think this is the type of world he or his advisers thought they'd inherit," Luddy said. "He will be considerably distracted by world events as soon as he takes office."

LAME DUCKS

1993: Bush-Clinton—Pell-Mathias bill, revised to move the inauguration date to Dec. 10, will be reintroduced.

During transition, Bush orders air strikes on Iraq in response to U.N. violations. Clinton is briefed.

1981: Carter-Reagan—Pell-Mathias bill first introduced. Bill would move inauguration day to Nov. 20.

1968: Johnson-Nixon—Concern over changing party command during Vietnam War a campaign issue.

1933: Hoover-FDR—"Lame Duck" Amendment cut interregnum from four months to 10 weeks.

By Mr. COATS:

S.J. Res. 18. Joint resolution proposing an amendment to the Constitution

of the United States to limit the terms of office for Members of Congress; to the Committee on the Judiciary.

CONGRESSIONAL TERM LIMITS

Mr. COATS. Mr. President, I rise today to reintroduce legislation I believe will go a long way toward reforming the Congress and restoring the American people's trust in their institutions of government.

In recent years, the Senate Select Committee on Ethics has become known as the graveyard of investigations. It should be clear to all of us, as it is to the American people, that Congress is incapable of policing itself. Only a nonpartisan outsider can enforce the ethical and legal standards that Americans expect.

For this reason, I am reintroducing legislation to abolish the Ethics Committee and establish an independent commission with authority to appoint outside counsel to review alleged violations of Senate ethics rules. This legislation will end congressional self-policing and provide the Senate with the same kind of scrutiny applied to the executive branch.

Americans not only want their representatives to be more accountable to the law, they want them to be more accountable to the people. The instrument many have chosen to reach this end is term limits. This is another area where Congress must reform itself if it is to deserve public trust.

The overwhelming passage of term-limit initiatives in the 14 States in which they were on the ballot in November is a clear indication of a growing national movement. Indeed, Americans favor limiting the terms of their elected officials by a margin of 2 to 1.

Today, I am reintroducing my bill proposing a constitutional amendment to limit Representatives to six full terms and Senators to two full terms in office. This is a limit. But I believe it would be a source of liberation—the liberation of a Congress that could concentrate on policy, not the demands of a career or the opinions of special interests.

In the aftermath of the recent election, one thing is clear—Americans demand change in the way that Congress does business. That change, to be meaningful, must transform the way Congress polices itself and the way it views the terms and objects of its service. If the Congress wants to recover lost credibility, I believe these two measures are essential.

I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 18

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. No person may serve any portion of a term as Representative if, taking into account only service on or after the date on which this section takes effect, at the completion of that term the person would have served as a Representative for more than six full terms (not including any part of a partial term to which the person may have been elected or appointed).

"SECTION 2. No person may serve any portion of a term as Senator if, taking into account only service on or after the date on which this section takes effect, at the completion of that term the person would have served as a Senator for more than two full terms (not including any part of a partial term to which the person may have been elected or appointed).

"SECTION 3. This article shall take effect at noon of the first January 3 that occurs more than one year after the date of adoption of this article and on which terms of Representatives begin.".

By Mr. AKAKA (for himself and Mr. INOUYE):

S.J. Res. 19. A joint resolution to acknowledge the 100th anniversary of the January 17, 1893, overthrow of the Kingdom of Hawaii, and to offer an apology to native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii; to the Select Committee on Indian Affairs.

THE 100TH ANNIVERSARY OF THE OVERTHROW OF THE KINGDOM OF HAWAII

• Mr. AKAKA. Mr. President, with President Bill Clinton's inauguration yesterday, America embarked on a new beginning filled with hope for its future. For native Hawaiians this is a time of mournful remembrance, however, as this week marks the 100th anniversary of the January 17, 1893, overthrow of the Kingdom of Hawaii's last ruling monarch—Queen Liliuokalani.

The resolution I reintroduce today acknowledges the centennial of the 1893 overthrow, and offers an official apology on behalf of the United States for its complicity in this event. But most importantly, it promotes reconciliation efforts between the United States and the native Hawaiian people.

While this resolution passed the Senate and received broad support from the House during the 102d Congress, it did not reach the House floor before adjournment. Consequently, I am reintroducing this resolution today to continue educating my colleagues on this important event in Hawaii's history which has had a profound impact on my kindred people.

The deprivation of Hawaiian sovereignty which began a century ago has had devastating effects on the health, culture, and society of native Hawaiians, with consequences that are evident throughout the islands today.

Long neglected by the United States, native Hawaiians have literally fallen in the cracks when it comes to Federal policy toward native Americans. Yet history will show that native Hawaiians are indeed descendants of the aboriginal people who, prior to the arrival of the first Westerners in 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

History will show that the Kingdom of Hawaii was a highly organized, civilized, and sovereign nation from the unification of the Hawaiian Islands under King Kamehameha I in 1810 until the overthrow of its last monarch, Queen Liliuokalani, in 1893. History will show that for close to 70 years, between 1826 and 1893, the United States recognized the independence of the Kingdom of Hawaii and extended full and complete diplomatic recognition to the Hawaiian Government. History will show that without the active support and intervention by U.S. diplomatic and military representatives, the overthrow of Queen Liliuokalani on January 17, 1893, would have failed for lack of popular support and insufficient arms. In his message to Congress regarding these events, President Grover Cleveland called the overthrow an act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress, and acknowledged that by such acts the government of a peaceful and friendly nation was overthrown. The acts of villainy that occurred a century ago have never been remedied, and no official apology has ever been made by the United States to the native Hawaiian people.

The resolution I reintroduce today simply seeks to provide the foundation for improved relations between the Federal Government and the native Hawaiian people. With the centennial of the 1893 overthrow, and the inauguration of a new President who promises new hope for native Hawaiians and all Americans, we have at hand an opportunity for reconciliation.•

SENATE CONCURRENT RESOLUTION 4—AUTHORIZING THE PRINTING OF "SENATORS OF THE UNITED STATES: A HISTORICAL BIOGRAPHY

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 4

Whereas informed research on the history and operations of the United States Congress depends on full access to existing scholarly studies of its former members, as well as to their published papers and other writings; and

Whereas no recent compilation of these significant research resources presently exists: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "Senators of the United States: A Historical Bibliography" prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed 5,000 copies for the use of the Office of the Secretary of the Senate.

SENATE CONCURRENT RESOLUTION 5—AUTHORIZING THE PRINTING OF "GUIDE TO RESEARCH COLLECTIONS OF FORMER UNITED STATES SENATORS"

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 5

Whereas informed research on the United States Congress depends heavily on access to the office files, personal papers, oral history interview transcripts, and associated memorabilia of its former members;

Whereas the Senate in 1983 and the House of Representatives in 1988 have published well-received guides to these materials; and

Whereas thousands of new entries have been added to the Senate's 1983 edition and supplies of this award-winning reference guide have been exhausted: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "Guide to Research Collections of Former United States Senators" prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed 5,000 additional copies for the use of the Office of the Secretary of the Senate.

SENATE CONCURRENT RESOLUTION 6—AUTHORIZING THE PRINTING OF "SENATE ELECTION, EXPULSION, AND CENSURE CASES"

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 6

Whereas the United States Constitution, in Article I, section 5, provides that "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members" and that "Each House may * * * punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member";

Whereas the Senate has sought faithfully to exercise these constitutional requirements of self-discipline through its more than two-hundred-year history;

Whereas the Senate, beginning in 1885, has periodically published compilations of its election, expulsion, and censure cases for the guidance of members and the American people; and

Whereas the most recent edition is now twenty years out of date: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "Senate Election, Expulsion, and Censure Cases" prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed with suitable binding 3,000 copies for the use of the Senate, to be allocated as determined by the Secretary of the Senate.

SENATE CONCURRENT RESOLUTION 7—RELATIVE TO IMPACT STATEMENTS ON LEGISLATION

Mr. WALLOP submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 7

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that each committee of the Congress that reports legislation that requires employers to provide new employee benefits shall secure an objective analysis of the impact of the legislation on employment and international competitiveness and include an analysis of the impact in the report of the committee on the legislation.

SENATE RESOLUTION 11—RELATIVE TO BOSNIA-HERCEGOVINA

Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. LIEBERMAN, Mr. DOLE, Mr. LUGAR, and Mr. PRESSLER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 11

Whereas Bosnia-Hercegovina is a sovereign and independent state, a member of the United Nations, and a participating State of the Conference on Security and Cooperation in Europe;

Whereas the leaders of Bosnia-Hercegovina have committed themselves to practice tolerance and to live together in peace with neighboring states in keeping with the Charter of the United Nations and to promote human rights and democracy pursuant to the Helsinki Final Act;

Whereas the people of Bosnia-Hercegovina have been and remain the target of armed aggression by Serbia and Serbian-backed forces;

Whereas the loss of life and human suffering in Bosnia-Hercegovina has reached an unprecedented scale in post-World War II Europe;

Whereas the war and "ethnic cleansing" in Bosnia-Hercegovina has uprooted more than 1.5 million people, contributing to the largest refugee problem in Europe since World War II;

Whereas the people of Bosnia-Hercegovina have been subjected to organized, systematic, and premeditated war crimes and genocide, including willful killings, rape, forced impregnation, abuse of civilians in detention centers, deliberate attacks on non-combatants, "ethnic cleansing" through forcible expulsion and deportation of civilians, and torture of prisoners;

Whereas the United Nations Security Council has reaffirmed that persons who commit or order the commission of grave breaches of the Geneva Conventions are individually responsible in respect to such breaches;

Whereas the International Committee of the Red Cross and other international humanitarian organizations have not been granted unimpeded and continuous access to all camps, prisons and detention centers in Bosnia-Hercegovina as called for by the United Nations Security Council;

Whereas efforts by United Nations humanitarian organizations and others to secure the effective and unimpeded delivery of humanitarian supplies to all victims of the war in Bosnia-Hercegovina have been repeatedly blocked;

Whereas numerous diplomatic efforts to achieve a peaceful solution to the war in Bosnia-Hercegovina have failed to bring about a cessation of hostilities;

Whereas the United Nations Security Council has demanded that neighboring states respect the territorial integrity of Bosnia-Hercegovina;

Whereas irregular forces have failed to disband, disarm, or place their weapons under effective international monitoring;

Whereas Article 51 of the Charter of the United Nations provides for the right of individual and collective self-defense if an armed attack occurs against a member state;

Whereas Bosnia-Hercegovina's right to defend itself against attack by well armed forces has been thwarted by the existing international arms embargo;

Whereas incursions of the airspace of Bosnia-Hercegovina by hostile military aircraft continue to occur in violation of the establishment of a "no-fly" zone by the United Nations Security Council;

Whereas United Nations Security Council resolutions on a "no-fly" zone, the transfer of all heavy weapons to international control, the delivery of humanitarian assistance, and access to all camps, prisons and detention centers in Bosnia-Hercegovina have not been fully implemented or enforced: Now, therefore, be it

Resolved, That the United States should act, without delay, to uphold Bosnia-Hercegovina's right to self-defense as provided for under Article 51 of the Charter of the United Nations and to seek the immediate lifting of the international arms embargo as it applies to that country, thus enabling Bosnia-Hercegovina to obtain defensive weapons: Be it further

Resolved, That the United States should assemble a multinational coalition to—

(1) immediately enforce the existing UN "no-fly" zone over the territory of Bosnia-Hercegovina, including through the use of military air force, if required;

(2) ensure that irregular forces in Bosnia-Hercegovina either withdraw, or be subject to the authority of the Government of Bosnia-Hercegovina, or be disbanded and disarmed with their weapons placed under effective international monitoring. In the event that such steps are not taken by irregular forces immediately, every effort, including the use of military air force, should be made to neutralize heavy arms in the hands of such forces;

(3) ensure the immediate, effective and unimpeded delivery of humanitarian aid to all civilian populations in Bosnia-Hercegovina, in keeping with international commitments, including through the use of military force, if required;

(4) ensure unimpeded access to all camps, prisons and detention centers in Bosnia-Hercegovina by the International Committee of the Red Cross and other international humanitarian organizations and facilitate the release of all detainees from such facilities: Be it further

Resolved, That the United States should—

(1) seek an increase in the number of refugees from Bosnia-Hercegovinia permitted to enter the U.S. and other European countries; and

(2) work to ensure that those responsible for war crimes and crimes against humanity in Bosnia-Hercegovina are held accountable by an international criminal tribunal.

Mr. DECONCINI. Mr. President, is there anyone among us who has looked into the eyes of a Bosnian recently released from a Serbian concentration camp and not choked in horror at the depth of the human tragedy which we and the rest of the world are allowing to continue in Bosnia-Hercegovina today? Listen to the personal accounts of men and women who have been victimized during the course of the war there and you quickly recognize the haunting patterns of genocide.

I traveled to Macedonia and Croatia recently with Representative FRANK MCCLOSKEY where we met with refugees from Bosnia-Hercegovina, including recently released detainees. Their stories document organized, systematic, and premeditated war crimes perpetrated against innocent civilians, including children.

The reports recall willful killings, rape, forced impregnation, abuse of civilians in detention centers, deliberate attacks on noncombatants, ethnic cleansing through forcible expulsion and mass killings, and torture of prisoners. The accounts sound frighteningly familiar, harkening back to the darkest days of Nazi Germany. "War turned into genocide" is the how Bosnian President Alija Izetbegovic recently described the armed aggression and human suffering inflicted on the people of his country.

The bold cries "never again" made in the past have today muted a policy of appeasement which has become grotesque in its hypocrisy.

Elie Wiesel, himself a camp survivor, in accepting the Nobel Peace Prize, said "Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented." He continued "Wherever men or women are persecuted because of their race, religion, or political views, that place must—at the moment—become the center of the universe."

Some may take comfort in expressions of outrage, indignation, and disgust. But the horrors of Bosnia have gone on for too long now to make these nothing more than meaningless words. Our diplomatic negotiations have become simply an exercise in more words. And, words without action equal silence. Our silence can now only add further to the torment of those who once believed in world humanity but now know the horrible reality of our complicity in the living hell they are being subjected to.

For our statements betray how much we do know. We cannot claim ignorance. We cannot take refuge behind pleas of ignorance this time.

Our failure to act upon our words and commitments equals the type of neutrality which, Wiesel reminds us, helps the oppressors. As if this were not bad enough, we now hear expressions of thanks to an accused war criminal. Thanks for what?

The world community has looked for every excuse not to act decisively. It has engaged in an endless series of talks which we all pray will bring peace but which we know in our hearts are only helping the aggressor unless and until we back up our negotiating rhetoric with force instead of more meaningless words. President Izetbegovic decrying the fact that the world "has done very little, or nothing, close to nothing" to come to his country's aid said "we cannot endure much longer."

While it is too late to save those who have perished, it is not too late to act—to back up our words with action.

The resolution which I introduce today along with Senators D'AMATO, LIEBERMAN, DOLE, and LUGAR is a call to action. It is an attempt to address the most pressing concerns. It is based, in large part, upon elements of resolutions already adopted by the U.N. Security Council and the General Assembly. Resolutions which have not been fully implemented or enforced.

As former Secretary of State George Shultz recently remarked, "resolutions without follow-through are empty threats, and nobody takes them seriously."

Our resolution provides for that much needed followthrough:

The immediate lifting of the international arms embargo as it applies to Bosnia-Hercegovina in keeping with that country's right to self-defense as provided for under article 51 of the charter of the United Nations.

It calls upon the United States to assemble a multinational coalition for the following purposes:

Enforcement of the existing U.N. no-fly zone over the territory of Bosnia-Hercegovina including through the use of military air force, if required.

Ensure that irregular forces in Bosnia-Hercegovina either withdraw, or be subject to the authority of the Government of Bosnia-Hercegovina, or be disbanded and disarmed with their weapons placed under effective international monitoring. In the event that such steps are not taken by irregular forces immediately, every effort, including the use of military air force, should be made to neutralize heavy arms in the hands of such forces.

The immediate, effective, and unimpeded delivery of humanitarian aid to all civilian populations in Bosnia-Hercegovina, in keeping with international commitments including through the use of military force, if required.

Unimpeded access to all camps, prisons, and detention centers in Bosnia-Hercegovina by the International Committee of the Red Cross and other international humanitarian organizations, facilitating the release of all detainees from such facilities.

In addition, it calls upon the United States to:

Seek an increase in the number of refugees from Bosnia-Hercegovina permitted to enter the United States and other European countries.

Work to ensure that those responsible for war crimes and crimes against humanity in Bosnia-Hercegovina are held accountable by an international criminal tribunal.

I urge my colleagues to answer this call to action and lend their support to this resolution.

If we will not act then let us remain truly silent. For more words will only add to the pain, will only add to the suffering. Let history be the judge if we choose to remain neutral, choose to remain silent.

Thank you, Mr. President.

Mr. President, I send to the desk the resolution and ask for its proper referral.

Mr. DOLE. Mr. President, will the Senator from Arizona yield?

Mr. DECONCINI. Yes.

Mr. DOLE. Mr. President, I congratulate the Senator from Arizona for his statement, one I concur in fully. I believe the RECORD will reflect I am a sponsor of the resolution.

Mr. DECONCINI. The Senator is correct.

Mr. DOLE. I thank the Senator for his leadership.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred.

Mr. PRESSLER. Mr. President, I am pleased to join with the Senator from New York and the Senator from Arizona to introduce a resolution, which calls upon the United States and the world community to take decisive action in Bosnia-Hercegovina.

For the past 9 months, we have been witnesses to the greatest systematic violation of basic human rights in more than a generation. Despite worldwide pledges that the atrocities of the holocaust or the Armenian genocide will stand alone and never be repeated, the people of Bosnia-Hercegovina now share a tragic kinship with the survivors of this century's darkest chapters.

The facts are staggering. Wanton killing, rape, violent abuse in detention centers, attacks on innocent Bosnians, torture of prisoners, and of course ethnic cleansing, which is the forced expulsion of civilians from their homelands. The violence has claimed the lives of more than 200,000 citizens. Ethnic cleansing has uprooted more than 1.5 million people, creating a refugee problem of biblical proportions. There appears to be no limit to the degree of violence—the senseless genocide—imposed by Serbia and Serbian-backed forces.

Over the past month, the United Nations has worked diligently to seek a peace agreement among the warring factions. Just yesterday, Bosnian Serbs agreed to a peace plan offered by former Secretary of State Cyrus Vance, and former British Foreign Secretary, Lord Owen. On the surface, the Serbs approval of the peace plan can be seen as a victory for the people of Bosnia—it represents a movement away from the Serbs' desire to carve a separate, Serb state within the boundaries of Bosnia-Hercegovina.

However, Mr. President, let there be no misunderstanding. Approval of the peace agreement does not end the need for stronger international pressure against the Serbs. There is no ceasefire. Sarajevo is still plagued by sounds of gunfire. Hundreds of thousands of Bosnian Moslems remain displaced from their homelands. Maps of the 10 provinces under the plan have still to be drawn and agreed to by the participants.

At best, we have a commitment to peace. Peace itself remains far off on the horizon.

A strong commitment by the United States and our allies—in concert with the United Nations—to stand with the people of Bosnia is essential if the quest for peace is to remain on track. Furthermore, any peace that is achieved does not mean we let pass the atrocities instigated by Serbian leaders. Peace must not cement tyrannical gains, or reward aggression. Peace must not dismantle rights to self-determination. Peace must not pardon war crimes. Peace is no substitute for justice. They stand hand in hand.

The United States Senate has stood strongly in support of a greater multinational presence to restore order in Bosnia, achieve a peace, and punish the tyrants. Last year, 74 Members of this body approved a resolution I cosponsored, which called for decisive action by the President and the United Nations. I stand here today to urge my colleagues to renew the commitment made last year.

The resolution we are introducing today calls for strong steps to put a stop to Serb aggression. Specifically, it calls for the immediate lifting of the arms embargo as it applies to Bosnia-Hercegovina. It calls for the United States to assemble a multinational coalition to enforce the existing no-fly zone; transfer heavy arms in Bosnia to U.N. control; coordinate the delivery of humanitarian aid; and gain access to detention centers for international relief organizations, such as the Red Cross. It calls on the United States to seek an increase in the number of Bosnian refugees permitted to enter the United States and Europe.

Finally, our resolution calls on this Nation to work to ensure that war criminals are held accountable by an international war crimes tribunal. This last point is absolutely necessary. The United Nations was created in part to uphold international justice. There have been a number of efforts to establish procedural rules and guidelines for an international war crimes tribunal, but they have been unsuccessful. The tragedy in the former Yugoslavia should renew our efforts to establish an international justice system. Recently, I wrote an article that appeared in the Christian Science Monitor that calls for the creation of a war crimes tribunal modeled after the tribunal established in Nuremburg. I ask unanimous consent that a copy of this article appear in the RECORD at the conclusion of my remarks.

Mr. President, this resolution is no more than a statement of resolve. The ball is in our new President's court. The question of whether real peace will be achieved—one that recognizes the political and human rights of all citizens and ethnic groups within the former Yugoslavia—rests largely with the President. By passing this resolution, we can send a message that the Senate stands behind him in the difficult decisions that face him.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor]

JUSTICE MUST BE DEMANDED FOR "ETHNIC CLEANSING" CRIMES

(By Larry Pressler)

It is hard to recall a time when headlines did not proclaim, virtually on a daily basis, some new war atrocity in the former Yugoslavia. The situation has received extensive debate in the United States Congress, the United Nations, and in other forums, and added "ethnic cleansing" to our vocabulary.

But more questions than answers have resulted from this worldwide deliberation. How long will the war continue? How many more will die or be forced from their homes? Will the newly imposed maritime blockage against Serbia help Bosnians? Will the killing and purging spill over from Bosnia into Kosova, making ethnic Albanians (90 percent of the population of Kosova) the next target of Serbian-backed ethnic cleansing?

One vitally important question has not received much attention: Will those guilty of war crimes in the former Yugoslavia eventually be punished? It is not too early to consider this question. An affirmative answer by a unified world community might bring the atrocities to an end. The Bosnian government estimates that more than 40,000 individuals are dead or missing and more than 2 million have been driven from their homes—the greatest tide of refugees in Europe since World War II. Atrocities are reported on both sides, but Serbian atrocities appear to far outweigh those committed by Muslims and Croats.

We must send a strong message that these actions will not go unpunished. On Aug. 11, 1992, the US Senate endorsed such a message by a 74-22 vote. During Senate debate on the resolution, I referred to this as a "defining moment" in US foreign policy. How we handle this situation will tell the world much about America's role in the post-cold-war world.

Among its provisions, the resolution on the former Yugoslavia called for the convening of a war crimes tribunal. On Oct. 6, the UN Security Council adopted Resolution 780, requesting the secretary-general to establish a commission of experts to analyze war crimes information submitted by countries and human rights organizations. The commission also would conduct its own investigations into alleged violations of the Geneva Conventions and other violations of international humanitarian law committed in the former Yugoslavia. The resolution allows the UN secretary-general to recommend "further appropriate steps."

What are further appropriate steps? Perhaps the most famous instance in which individuals were held responsible for war crimes was the Nuremberg Trials. On Aug. 8, 1945, the Allied Powers London Agreement was signed, creating an International Military Tribunal.

The UN General Assembly adopted Resolution 95(1) on Dec. 11, 1946, noting the agreement and annexed charter establishing the tribunal and affirming "the principles of international law recognized by the Charter of the Nuremberg Tribunal and the judgment of the Tribunal." Later, the UN's International Law Commission would formulate seven principles of international war crimes law which evolved from the Nuremberg experience.

Unfortunately, while work has continued in this area over the years, a comprehensive regulation of crimes against peace, war crimes, and crimes against humanity has not yet evolved. This does not mean that the work of the newly created UN Commission of Experts will be in vain. The world can still use the UN to pass judgment on the criminals of the former Yugoslavia.

Another avenue open to a world community seeking justice in the former Yugoslavia may be the Convention on the Prevention and Punishment of the Crime of Genocide. The Genocide Convention was first adopted in 1948. Yugoslavia is a signatory to the convention and thus bound by its provisions. The convention defines genocide as the intentional destruction of any national, ethnic, racial, or religious group, in whole or in part, by killing its members, causing them serious physical or mental harm, imposing conditions of life calculated to bring about their physical destruction, imposing measures intended to prevent births, or transferring children from one group to another.

The convention renders punishable the actual commission of any of these acts, as well as conspiracy, incitement, attempt, and complicity in connection with any of them.

How is the convention enforced? The main sanction lies in the undertaking of its parties to enact legislation to implement the convention. Each party is then responsible for providing for the punishment of offenders by national courts of the state within the territory on which the genocide has been committed. However, it is possible for accused individuals to be tried by an international tribunal agreed to by the parties.

Few are yet willing to call what is happening in the former Yugoslavia "genocide" as it is historically understood. However, if the UN Commission of Experts verifies reports of ethnic cleansing and of torture, starvation, and execution in detention camps, it is hard to imagine how such activities would not fall within the scope of activities punishable under the Genocide Convention. In the end, justice must be served for the crimes being committed in the former Yugoslavia.

Mr. D'AMATO. Mr. President, I rise today to join my colleagues, Senators DECONCINI, DOLE, LUGAR, and LIEBERMAN, in submitting a resolution calling for a number of United States actions designed to alleviate the suffering of the Bosnian people and hopefully show the Serbs the futility of further war.

Since April 1992, Serbia has waged a war of annihilation against Bosnia. Before that, it attacked Croatia. Now, menacingly it threatens Kosova. Serbia is unwilling to stop its wars of aggression and stop the killing. Because Serbia will not stop, my colleagues and I are introducing a resolution that urges the following steps: The lifting of the United Nations arms embargo on Bosnia; the enforcement of the no-fly zone over that nation; the use of air power to neutralize the heavy guns of the Serbian forces; the use of force, if necessary to deliver humanitarian supplies; unimpeded access to the Serbian detention camps and prisons; an increase in the number of Bosnian refugees admitted to the United States and European countries; and the convening of a war crimes tribunal to punish all those guilty of the horrible crimes of which we have seen evidence.

Each of these steps are necessary to deter the Serbs from continuing the ethnic cleansing and mass rape that has been the central part of their wars against their neighbors. While they have ravaged Croatia and Bosnia, they must not be allowed to continue or expand their conquests. They must understand that there will be a price for their violence. Their aggression must not go unchecked.

In this light, the Serbs must not be allowed to take their killing machine on the road south into Kosova. Serbia threateningly hovers over Kosova, to make good on its claim of absolute sovereignty over the land—a land that is not theirs. Their acts of harassment, arbitrary arrests, and job dismissals are unjustified acts of occupation. As bad as they are, however, ethnic cleansing in Kosova would be totally unpermissible and should be met with force.

Action must be taken, and I commend my colleagues for putting forth this important resolution. I urge others to join us in trying to stop the bloodshed in Bosnia.

SENATE RESOLUTION 12—RELATIVE TO GATT NEGOTIATIONS

Mr. PRESSLER (for himself, Mr. HEFLIN, and Mr. WALLOP) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 12

Whereas in 1986, negotiations on an international agreement to reform the General Agreement on Tariffs and Trade (hereafter in this resolution referred to as "GATT") began in Punta del Este, Uruguay, with a targeted conclusion date of December 1990;

Whereas the United States and other major agricultural exporting nations insisted from the start on significant reductions in the subsidy programs operated by the European Community under its Common Agricultural Policy;

Whereas in December 1990, after the European Community decided against reducing the subsidy programs of its Common Agricultural Policy, no international agricultural subsidy reduction agreement was reached;

Whereas in November 1991, the European Community indicated some willingness to reduce its export subsidies during the GATT negotiations;

Whereas in November 1992, the European Community agreed to certain reductions in its export subsidies;

Whereas American agriculture has a long tradition of supporting international efforts to achieve more open markets and fairer rules governing world agricultural trade;

Whereas the support of United States farmers and ranchers for multilateral and other trade negotiations depends on the success of the Uruguay Round GATT negotiations in achieving agricultural subsidy reductions in the European Community; and

Whereas any agreement under the GATT that is not supported by American farmers and ranchers would not be acceptable to the Congress: Now, therefore, be it

Resolved, That it is the sense of the Senate that any agreement regarding proposed changes to the GATT must—

(1) achieve the elimination or substantial reduction of export subsidies as a means of disposing of agricultural surpluses in the world market;

(2) achieve new and expanded foreign market opportunities for United States farm products;

(3) ensure the European Community does not offset possible reductions in its agricultural export subsidies by adopting programs, such as variable levies or tariffs, which have the effect of substantially limiting United States agricultural exports to the European Community;

(4) not limit the United States ability to exercise its rights under the GATT to eliminate unfair trade barriers in the future; and

(5) achieve a sound agreement governing sanitary and phytosanitary regulations.

Mr. PRESSLER. Mr. President, during the 102d Congress I introduced a resolution to establish U.S. Senate policy that meaningful reforms with respect to agricultural subsidies must be achieved in the GATT negotiations. Today, I join several of my colleagues in reintroducing that resolution.

By meaningful, we mean that any new GATT Agreement must ensure fair trade opportunities for American farmers and ranchers. Growth in exports is the key to a better future for U.S. agriculture. We must expand world market opportunities for U.S. farmers and ranchers.

A new agreement also would shape significantly the future economic growth of the world's developing and lesser developed countries. The concessions afforded those countries could determine their future economic growth and potential for development. This could be significant for the United States, since 40 percent of U.S. agricultural trade is with the world's developing and lesser developed countries. Some of the largest consumers of U.S. farm products once were economically less-developed countries.

Mr. President, the Uruguay round of GATT negotiations to establish new trading rules in agriculture have been focused on three areas: Internal support, market access, and export competition. The arduous negotiations of the past 6 years have resulted in certain agreements being reached, and now the talks are entering their final stretch. If we are to have a successful conclusion to the Uruguay round, the United States must continue to insist that measurable improvements be made in each of these areas.

The Uruguay round originally was scheduled to be concluded in December 1990. At that time, the United States was calling on the European Community [EC] to reduce its domestic agricultural subsidies by 75 percent and its export subsidies by 90 percent over a 10-year period. This demand marked a retreat from the original U.S. position of total elimination of all agricultural subsidies. Still, the EC balked and walked away from the negotiations.

In December 1991, efforts again were made to reach a consensus agreement. Though the United States continued to insist on its modified position, discussion centered on a 36-percent reduction in export subsidies and a 20-percent reduction in domestic subsidies over a 6-year period. Expectations were high and many believed that a breakthrough was near. I was concerned that the United States might back down on some demands simply to reach a new agreement. Fortunately, that did not occur.

Mr. President, at that time, I wrote the President and the U.S. Trade Representative urging them not to back down from our demands that Europe cease to practice agricultural protectionism. No consensus was reached, and GATT Director General Arthur Dunkel proposed a draft final agreement embracing a 36-percent reduction in export subsidies and 20-percent reduction in domestic subsidies over a 6-year period. The so-called Dunkel proposal is now the center of negotiations on agricultural trade in the Uruguay round.

The recent threat of United States retaliation to counter the European Community's GATT-illegal oilseed regime forced some movement on the part of the European Community. The agreements made in November 1992 offered renewed hope for concluding the talks. However, since November, concerns over market access in the European Community for United States agricultural products have been raised. In fact, close examination of the agreements reached to date could actually result in fewer agriculture exports to the EC. Mr. President, this cannot be allowed to happen. I will oppose any GATT rules that hurt American farmers and ranchers.

According to industry sources, elimination of EC agricultural supports, such as variable levies and export subsidies, could boost U.S. farm exports in all markets between $4 and $5 billion, while at the same time reduce U.S. imports about $2 billion. Among key commodities, U.S. grain exports could rise about $1.8 billion, with imports dropping $22 million. Meat and egg exports could increase $1.3 billion, while imports could fall almost $2.4 billion.

Mr. President, the effect of such gains would be substantial. Every billion dollars' worth of agricultural exports means 26,000 new jobs here in the United States

Allowing the EC to continue its protectionist agricultural subsidy programs means that South Dakota farmers and ranchers would continue to face unfair foreign competition. Every farmer and rancher in South Dakota knows that higher grain, dairy, and meat prices depend on better access to foreign markets. EC export subsidies deprive our farmers and ranchers of billions of dollars in foreign sales.

A new GATT Agreement that meaningfully addresses the problem of EC agricultural subsidies would increase the U.S. share of world export markets in grains and meats. Such an agreement likely would result in little change in Government supports and higher market prices for most U.S. commodities. World prices for most agricultural commodities likely would be higher than under a continuation of current policy. Reducing export subsidies and import barriers would increase world demand. U.S. taxpayers, and U.S. grain, oilseed, and livestock producers, would benefit from meaningful GATT reforms.

Mr. President, the Dunkel proposal submitted in December 1991 does not go far enough. U.S. farmers and ranchers currently are forced to compete on an uneven playing field. It would remain uneven under the Dunkel proposal. Therefore, our negotiators must work to level this playing field by insisting on further concessions from the EC.

The drama of the negotiation process will continue and any final agreement probably will be reached in an 11th-hour deal. Unless a significant reduction in agricultural subsidies—at both the export and domestic levels—is achieved, the Uruguay round of GATT negotiations will be doomed to failure.

SENATE RESOLUTION 13—REFORM OF THE RULES OF THE SENATE

Mrs. KASSEBAUM (for herself, Mr. INOUYE, Mr. DASCHLE, Mr. DODD, Mr. LUGAR, Mr. MCCAIN, Mr. PELL, Mr. GORTON, Mr. SIMON, Mr. COHEN, and Mr. NUNN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 13

Resolved, That rule XXV of the Standing Rules of the Senate is amended to read as follows:

"STANDING COMMITTEES

"1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

"(a)(1) **Committee on National Priorities,** to which committee shall be referred all concurrent resolutions on the budget (as defined in section 3(a)(4) of the Congressional Budget Act of 1974) and all other matters required to be referred to committee under titles III and IV of that Act, and messages, petitions, memorials, and other matters relating thereto.

"(2) Such committee shall have the duty—

"(A) to report the matters required to be reported by committee under titles III and IV of the Congressional Budget Act of 1974;

"(B) to make continuing studies of the effect on budget outlays of relevant existing and proposed legislation and to report the results of such studies to the Senate on a recurring basis;

"(C) to request and evaluate continuing studies of tax expenditures, to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and to report the results of such studies to the Senate on a recurring basis; and

"(D) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties.

"(b)(1) **Committee on Agricultural Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Agricultural economics and research.

"2. Agricultural extension services and experiment stations.

"3. Agricultural production, marketing, and stabilization of prices.

"4. Agriculture and agricultural commodities.

"5. Animal industry and diseases.

"6. Crop insurance and soil conservation.

"7. Farm credit and farm security.

"8. Food from fresh waters.

"9. Inspection of livestock, meat, and agricultural products.

"10. Pests and pesticides.

"11. Plant industry, soils, and agricultural engineering.

"12. Rural development, rural electrification, and watersheds.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (b)(1), except as provided in subparagraph (a).

"(c)(1) **Committee on Defense Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

"2. Common defense.

"3. Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force, generally.

"4. Maintenance and operation of the Panama Canal, including administration, sanitation, and government of the Canal Zone.

"5. Military research and development.

"6. National security aspects of nuclear energy.

"7. Naval petroleum reserves, except those in Alaska.

"8. Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces, including overseas education of civilian and military dependents.

"9. Selective Service system.

"10. Strategic and critical materials necessary for the common defense.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (c)(1), except as provided in subparagraph (a).

"(d)(1) **Committee on Commercial Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Coast Guard.

"2. Coastal zone management.

"3. Communications.

"4. Construction and maintenance of highways, and highway safety.

"5. Inland waterways, except construction.

"6. Interstate commerce.

"7. Marine and ocean navigation, safety, and transportation, including navigational aspects of deepwater ports.

"8. Marine fisheries.

"9. Merchant marine and navigation.

"10. Nonmilitary aeronautical and space sciences.

"11. Oceans, weather, and atmospheric activities.

"12. Regulation of consumer products and services, including testing related to toxic substances, other than pesticides.

"13. Regulation of interstate common carriers, including railroads, buses, trucks, vessels, pipelines, and civil aviation.

"14. Science, engineering, and technology research and development and policy.

"15. Sports.

"16. Standards and measurement.

"17. Transportation.

"18. Transportation and commerce aspects of Outer Continental Shelf lands.

"19. Regional economic development.

"20. Financial aid to commerce and industry.

"21. Public works, bridges, and dams.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (d)(1), except as provided in subparagraph (a).

"(e)(1) **Committee on Economic Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.

"2. Deposits of public moneys.

"3. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.

"4. Revenue measures relating to the insular possessions.

"5. Banks, banking, and financial institutions.

"6. Deposit insurance.

"7. Federal monetary policy, including the Federal Reserve System.

"8. Issuance and redemption of notes.

"9. Money and credit, including currency and coinage.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (e)(1), except as provided in subparagraph (a).

"(f)(1) **Committee on Energy Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Coal production, distribution, and utilization.

"2. Energy policy.

"3. Energy regulation and conservation.

"4. Energy-related aspects of deepwater ports.

"5. Energy research and development.

"6. Extraction of minerals from oceans and Outer Continental Shelf lands.

"7. Hydroelectric power, irrigation, and reclamation.

"8. Mining education and research.

"9. Mining, mineral lands, mining claims, and mineral conservation.

"10. Naval petroleum reserves in Alaska.

"11. Nonmilitary development of nuclear energy.

"12. Oil and gas production and distribution.

"13. Solar energy systems.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (f)(1), except as provided in subparagraph (a).

"(g)(1) **Committee on Environmental Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Air pollution.

"2. Environmental aspects of Outer Continental Shelf lands.

"3. Environmental effects of toxic substances, other than pesticides.

"4. Environmental policy.

"5. Environmental research and development.

"6. Fisheries and wildlife.

"7. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.

"8. Noise pollution.

"9. Nonmilitary environmental regulation and control of nuclear energy.

"10. Ocean dumping.

"11. Solid waste disposal and recycling.

"12. Water pollution.

"13. Water resources.

"14. Forestry, and forest reserves and wilderness areas.

"15. National parks, recreation areas, wild and scenic rivers, historical sites, military parks and battlefields, and on the public domain, preservation of prehistoric ruins and objects of interest.

"16. Public lands and forests, including farming and grazing thereon, and mineral extraction therefrom.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (g)(1), except as provided in subparagraph (a).

"(h)(1) **Committee on Foreign Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Acquisition of land and buildings for embassies and legations in foreign countries.

"2. Boundaries of the United States.

"3. Diplomatic service.

"4. Foreign economic, military, technical, and humanitarian assistance.

"5. Foreign loans.

"6. International activities of the American Red Cross and the International Committee of the Red Cross.

"7. International aspects of nuclear energy, including nuclear transfer policy.

"8. International conferences and congresses.

"9. International law as it relates to foreign policy.

"10. International Monetary Fund and other international organizations established primarily for international monetary purposes.

"11. Intervention abroad and declarations of war.

"12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

"13. Trusteeships of the United States, including territorial possessions of the United States.

"14. Oceans and international environmental and scientific affairs as they relate to foreign policy.

"15. Protection of United States citizens abroad and expatriation.

"16. Relations of the United States with foreign nations generally.

"17. Treaties and executive agreements.

"18. United Nations and its affiliated organizations.

"19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance programs.

"20. Foreign trade promotion, export, and export controls.

"21. Interoceanic canals generally, unless otherwise provided.

"22. Customs and ports of entry and delivery.

"23. Reciprocal trade agreements.

"24. Tariffs and import quotas, and matters related thereto.

"25. Organization and management of United States nuclear export policy.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (h)(1), except as provided in subparagraph (a).

"(i)(1) **Committee on Governmental Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Archives of the United States.

"2. Budget and accounting measures, except as provided in the Congressional Budget Act of 1974.

"3. Census and collection of statistics, including economic and social statistics.

"4. Congressional organizations, except for any part of the matter that amends the rules of order of the Senate.

"5. Federal Civil Service.

"6. Government information.

"7. Intergovernmental relations.

"8. Municipal affairs of the District of Columbia.

"9. Organization and reorganization of the executive branch of the Government.

"10. Postal Service.

"11. Status of officers of the United States, including their classification, compensation, and benefits.

"12. Renegotiation of governmental contracts.

"13. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (i)(1), except as provided in subparagraph (a).

"(j)(1) **Committee on Judicial Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Apportionment of Representatives.

"2. Bankruptcy, mutiny, espionage, and counterfeiting.

"3. Civil liberties.

"4. Constitutional amendments.

"5. Federal courts and judges.

"6. Holidays and celebrations.

"7. Immigration and naturalization.

"8. Interstate compacts generally.

"9. Judicial proceedings, civil and criminal, generally.

"10. Local courts in the territories and possessions.

"11. Measures relating to claims against the United States.

"12. National penitentiaries.

"13. Patent Office.

"14. Patents, copyrights, and trademarks.

"15. Protection of trade and commerce against unlawful restraints and monopolies.

"16. Revisions and codification of the statutes of the United States.

"17. State and territorial boundary lines.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (j)(1), except as provided in subparagraph (a).

"(k)(1) **Committee on Social Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Measures relating to education, labor, health, and public welfare.

"2. Arts and humanities.

"3. Biomedical research and development.

"4. Child labor.

"5. Domestic activities of the American Red Cross.

"6. Equal employment opportunity.

"7. Gallaudet College, Howard University, and Saint Elizabeth's Hospital.

"8. Handicapped individuals.

"9. Labor standards.

"10. Mediation and arbitration of labor disputes.

"11. Occupational safety and health, including the welfare of miners.

"12. Private pension plans.

"13. Public health.

"14. Railroad retirement program.

"15. Regulation of foreign laborers.

"16. Student loans.

"17. Wages and hours of labor.

"18. Food stamp programs.

"19. Human nutrition.

"20. School nutrition programs.

"21. Public housing.

"22. Nursing homes including construction.

"23. National social security.

"24. Public health programs, including health programs under the Social Security Act.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (k)(1), except as provided in subparagraph (a).

"(l)(1) **Committee on Native American Programs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to Native Americans generally, and Native American Programs.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of government programs, projects, or activities relating primarily to the subjects specified in paragraph (l)(1), except as provided in subparagraph (a).

"(m)(1) **Committee on Senior American Programs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to senior Americans generally, and to the Older Americans Act.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (m)(1), except as provided in subparagraph (a).

"(n)(1) **Committee on Veteran American Programs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Compensation of veterans.

"2. Life insurance issued by the Government on account of service in the Armed Forces.

"3. National cemeteries.

"4. Pensions of all wars of the United States, general and special.

"5. Readjustment of servicemen to civilian life.

"6. Soldiers and sailors civil relief.

"7. Veterans' hospitals, medical care and treatment of veterans.

"8. Veterans' measures generally.

"9. Vocational rehabilitation and education of veterans.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (n)(1), except as provided in subparagraph (a).

"(o)(1) **Committee on Entrepreneurial American Programs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the Small Business Administration.

"(2) Any proposed legislation reported by such committee which relates to matters other than the functions of the Small Business Administration shall, at the request of any standing committee having jurisdiction over the subject matter extraneous to the functions of the Small Business Administration, be considered and reported by such standing committee prior to its consideration by the Senate; and likewise measures reported by other committees directly relating to the Small Business Administration shall, at the request of the Committee on Entrepreneurial American Programs for its consideration of any portions of the measure dealing with the Small Business Administration, be considered and reported by this committee prior to its consideration by the Senate.

"(3) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraphs (o)(1) and (o)(2), except as provided in subparagraph (a).

"(p)(1) **Committee on Senate Rules,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Administration of the Senate office buildings and the Senate wing of the Capitol, including the assignment of office space.

"2. Congressional organization relative to rules and procedures, and Senate rules and regulations, including floor and gallery rules.

"3. Corrupt practices.

"4. Credentials and qualifications of members of the Senate, contested elections, and acceptance of incompatible offices.

"5. Federal elections generally, including the election of the President, Vice President, and members of Congress.

"6. Government Printing Office, and the printing and correction of the Congressional Record, as well as those matters provided under rule XI.

"7. Meetings of the Congress and attendance of the members.

"8. Payments of money out of the contingent fund of the Senate or creating a charge upon the same (except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall first be referred to such committee).

"9. Presidential succession.

"10. Purchase of books and manuscripts and erection of monuments to the memory of individuals.

"11. Senate Library and statuary, art, and pictures in the Capitol and Senate office buildings.

"12. Services to the Senate, including the Senate restaurant.

"13. United States Capitol and congressional office buildings, the Library of Congress, the Smithsonian Institution (and the incorporation of similar institutions), and the Botanic Gardens.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (p)(1), except as provided in subparagraph (a).

"2. (a) Except as otherwise provided by paragraph 4 of this rule, the Leadership Committee, known as the Committee on National Priorities, shall consist of not less than 28 Senators nor more than 33 Senators.

"(b) Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of not more than the number of Senators set forth in the following table on the line on which the name of that committee appears:

"LEGISLATIVE POLICY COMMITTEES

"Committee:	Members
Agricultural Policy	17
Defense Policy	17
Commercial Policy	17
Economic Policy	17
Energy Policy	17
Environmental Policy	17
Foreign Policy	17
Governmental Policy	17
Judicial Policy	17
Social Policy	17

"(c) Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of not more than the number of Senators set forth in the following table on the line on which the name of that committee appears:

"LEGISLATIVE PROGRAM COMMITTEES

"Committee:	Members
Native American Programs	9
Veteran American Programs	11
Senior American Programs	19
Entrepreneurial American Programs	19

"(d) Except as otherwise provided by paragraph 4 of this rule, each of the following committees and standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"ADMINISTRATIVE COMMITTEES

"Committee:	Members
Senate Rules	15
Senate Ethics	6
Senate Intelligence	15

"3. (a) Notwithstanding the provisions of paragraph 4, and except as otherwise provided by this paragraph—

"(1) each Senator shall serve on no more than two committees listed in subparagraph 2(b).

"(2) each Senator serving as either a chairman or a ranking member of any committee listed in subparagraph 2(b) shall serve on the committee listed in subparagraph 2(a).

"(3) each Senator serving as either a chairman or a ranking member of any committee listed in subparagraph 2(c) shall also serve on the committee listed in subparagraph 2(a).

"(4) in addition to those Senators serving on the committee listed in subparagraph 2(a) by virtue of their serving as chairman or ranking member of a committee listed in subparagraph 2(b), not more than 5 Senators shall be appointed by the majority leader of the Senate to serve on the committee listed in subparagraph 2(a) for the purpose of making the overall balance of majority and minority members on the committee the same as the relative balance between the majority and minority members of the Senate.

"(5) service by a Senator on any committee listed in subparagraph 2(c) shall not limit the ability of such Senator to serve on any other committee or standing committee.

"(b) By agreement entered into by the majority leader and the minority leader, the membership of one or more standing committees may be increased temporarily from time to time by such number or numbers as may be required to accord to the majority party a majority of the membership of all standing committees. Members of the majority party in such numbers as may be required for that purpose may serve as members of three standing committees listed in subparagraph 2(b). No such temporary increase in the membership of any standing committee under this subparagraph shall be continued in effect after the need therefore has ended. No standing committee may be increased in membership under this subparagraph by more than two members in excess of the number prescribed for that committee by paragraph 2(b).

"(c) No Senator shall serve at any one time as chairman of more than one subcommittee of each standing committee of the Senate.

"4. Notwithstanding any provision of rule XXIV of the Standing Rules of the Senate, the appointment of committees or standing committees as prescribed by this title shall be on the basis of each Senator's continuous service in the Senate, except that such appointment shall be in accordance with the following limitations:

"(a) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Agriculture, Nutrition, and Forestry or who were serving on the Subcommittee on Agriculture, Rural Development, and Related Agencies of the Committee on Appropriations may serve on the Committee on Agricultural Policy.

"(b) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Armed Services or who were serving on the Subcommittee on Defense or the Subcommittee on Military Construction of the Committee on Appropriations may serve on the Committee on Defense Policy.

"(c) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Commerce, Science, and Transportation or who were serving on the Subcommittee on Transportation and Related Agencies of the Committee on Appropriations may serve on the Committee on Commercial Policy.

"(d) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Finance or the Committee on Banking, Housing and Urban Affairs may serve on the Committee on Economic Policy.

"(e) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Energy and Natural Resources or who were serving on the Subcommittee on Energy and Water Development of the Committee on Appropriations, may serve on the Committee on Energy Policy.

"(f) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Environment and Public Works or who were serving on the Subcommittee on Interior and Related Agencies of the Committee on Appropriations may serve on the Committee on Environmental Policy.

"(g) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Foreign Relations or who were serving on the Subcommittee on Foreign Operations of the Committee on Appropriations may serve on the Committee on Foreign Policy.

"(h) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Governmental Affairs or who were serving on the Subcommittee on Treasury, Postal Service, and General Government or the Subcommittee on the District of Columbia or on the Subcommittee on HUD-Independent Agencies of the Committee on Appropriations may serve on the Committee on Governmental Policy.

"(i) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on the Judiciary or who were serving on the Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies of the Committee on Appropriations may serve on the Committee on Judicial Policy.

"(j) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Labor and Human Resources or who were serving on the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Committee on Appropriations, may serve on the Committee on Social Policy.

"(k) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Rules and Administration or who were serving on the Subcommittee on Legislative Branch of the Committee on Appropriations may serve on the Committee on Senate Policy.

"(l) Only those Senators who on the day preceding the effective date of this title were serving as members of the Select Committee on Indian Affairs may serve on the Committee on Native American Programs.

"(m) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Veterans' Affairs may serve on the Committee on Veteran Programs.

"(n) Only those Senators who on the day preceding the effective date of this title were serving as members of the Special Committee on Aging may serve on the Committee on Senior American Programs.

"(o) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Small Business may serve on the Committee on Senior American Programs.

"5. Upon the effective date of this title, the Select Committee on Ethics shall become the Committee on Senate Ethics, and the Select Committee on Intelligence shall become the Committee on Intelligence Oversight. However, the membership, functions, and duties of such committees shall remain unchanged.".

SEC. 2. Paragraphs 1, 2, 3, 4, 6, and 7 of rule XVI of the Standing Rules of the Senate are repealed, and paragraphs 5 and 8 are renumbered as paragraphs "1" and "2", respectively.

SEC. 3. Subparagraph (b) of paragraph 4 of rule XVII of the Standing Rules of the Senate is amended by striking out "(except the Committee on Appropriations)".

SEC. 4. Rule XXVI of the Standing Rules of the Senate is amended—

(a) by striking out "(except the Committee on Appropriations)" in each instance where it appears,

(b) by striking out "(except the Committee on Appropriations and the Committee on the Budget)" in each instance where it appears, and inserting in lieu thereof the following "(except the Committee on National Priorities)",

(c) by striking out "The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget." in subparagraph 5(a) and inserting in lieu thereof "The prohibition contained in the preceding sentence shall not apply to the Committee on National Priorities.",

(d) by striking out the last sentence of subparagraph 10(b), and

(e) by striking out "(except those by the Committee on Appropriations)" in subparagraph 11(b).

SEC. 5. The provisions of this resolution shall take effect on the first day of the first Congress following the date of enactment.

Mrs. KASSEBAUM. Mr. President, I am sending forward to the desk this afternoon legislation on behalf of myself and Senators INOUYE, DASCHLE, DODD, LUGAR, MCCAIN, PELL, GORTON, SIMON, COHEN, and NUNN.

Yesterday, during President Clinton's inaugural address, he spoke to change. And I think I have just the right remedy that will help us address that, particularly here in the U.S. Senate.

The Republic certainly spoke to its frustration about the process of government in the fall election. And because of that, I am sure reform will be a popular topic in this Congress.

But we must choose our reforms carefully and judge them not by their popularity, but by their benefit to this institution and to the role it plays in the constitutional system. I believe we should focus intently on one goal: to make Members of this body strictly accountable for our choices. We should begin at the most basic level, because tinkering will squander our mandate with little benefit.

For those reasons, this bipartisan group of Senators is introducing—reintroducing, I should say—this fundamental reform that I long have believed essential to strengthening the accountability in this Chamber. We have proposed this far-reaching reform at the budget and appropriations process and committee system in each of the past three Congresses.

So, Mr. President, as you can tell, it has taken a while to get it off the ground. But hope springs eternal here, and I believe this may be just the right opportunity to seize the moment. This year, we believe that the national political climate has underscored the merits and the timeliness of these ideas.

Just briefly, Mr. President, this legislation recognizes or reorganizes the budget and appropriations process and reduces overlapping committee jurisdictions.

Today, the budget cycle begins with the Budget Committee, exerting de facto control over policy priorities in the Senate by drafting and enforcing the budget resolution. The cycle ends with the Appropriations Committee resetting the priorities within the budget parameters. Sandwiched in the middle are the policy committees, whose chairmen and ranking members, despite their policy expertise, have little direct voice in setting overall national priorities. We select leaders, but deny them the power to lead.

Mr. President, without going through all—because of time limitations—of the delineating of this legislation, I do hope, because we have a special commission now in both the House and the Senate delegated to address reform in this the 103d Congress, that this can be something that can provide some parameters and some guidelines for serious discussion.

I think we harbor no illusions that this legislation is perfect. Our intent is to start the debate, and we welcome any proposals our colleagues may have. But we do firmly believe this: The most worthwhile reforms will not be cosmetic, but will seek to improve the Senate's basic work of setting public priorities and allocating public money to achieve them.

If we make ourselves more accountable in that process, I suspect many related problems will resolve themselves.

I ask unanimous consent, Mr. President, that a summary of the bill's provisions be included at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE AND PROCEDURAL REFORM

PURPOSE

To revise the Senate committee structure to give leaders of standing committees more influence in setting overall national priorities and to consolidate authorizing and appropriating responsibilities. Also to reduce overlapping committee jurisdictions and bolster the accountability of Senators and committees for fiscal decisions.

A leadership committee will establish national policy priorities. Restructured legislative committees, known as either policy committees or program committees, will be responsible for implementing policy priorities. Each legislative committee will be responsible for authorizations and appropriations for programs, projects, and activities within its jurisdiction.

LEADERSHIP COMMITTEE

The Committee on National Properties

Like the current Committee on the Budget, the Committee on National Priorities (leadership committee) will establish overall policy direction for the Senate by setting spending priorities for legislative committees through its jurisdiction over the Budget Act and its responsibility for reporting and enforcing annual budget resolutions.

In contrast to the existing structure, chairmen and ranking minority members of legislative committees will serve on the Committee on National Priorities and will, therefore, have direct influence in setting policy priorities and spending levels for the Senate legislative agenda. Broad policy decisions will flow from the leadership level to the legislative level, where they will be transformed into legislative programs.

LEGISLATIVE COMMITTEES

Legislative committees would be of two types: legislative policy committees and legislative program committees.

A. Legislative Policy Committees

Legislative policy committees would have legislative, oversight, and appropriations responsibilities for substantive areas of national policy and for national programs of importance to the Senate. These committees would perform both the authorization and appropriations functions for programs within their jurisdiction. Their exercise of the appropriations function, however, must conform to the national policy decisions of the leadership committee. Legislative policy committees would be:

Committee on Agricultural Policy

The jurisdiction of the Committee on Agricultural Policy would include all existing responsibilities of the Committee on Agriculture, except those relating to nutrition and forest lands.

Those eligible for initial membership on the committee would include current members of the Committee on Agriculture and current members of the Subcommittee on Agriculture, Rural Development, and Related Agencies of the Committee on Appropriations.

Committee on Commercial Policy

The jurisdiction of the Committee on Commercial Policy would include all existing responsibilities of the Committee on Commerce, Science, and Transportation except those relating to interoceanic canals. It also would have responsibility for highway programs and for regional economic development.

Those eligible for initial membership on the committee would include current members of the Committee on Commerce, Science, and Transportation and the Subcommittee on Transportation and Related Agencies of the Committee on Appropriations.

Committee on Defense Policy

The jurisdiction of the Committee on Defense Policy would include all existing responsibilities of the Committee on Armed Services.

Those eligible for initial membership on the committee would include current members of the Committee on Armed Services and the Subcommittee on Defense and on Military Construction of the Committee on Appropriations.

Committee on Economic Policy

The jurisdiction of the Committee on Economic Policy would include all areas relating to revenue and bonded debt currently under the jurisdiction of the Committee on Finance and all areas relating to banking, monetary policy, coinage, and the Federal Reserve currently under the jurisdiction of the Committee on Banking, Housing, and Urban Affairs.

Those eligible for initial membership on the committee would include current members of the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Budget.

Committee on Energy Policy

The jurisdiction of the Committee on Energy Policy would include all current responsibilities of the Committee on Energy and Natural Resources except those relating to national parks, wilderness lands, historical lands in general, public lands, and territorial possessions of the United States.

Those eligible for initial membership on the committee would include current members of the Committee on Energy and Natural Resources and the Subcommittee on Energy and Water Development of the Committee on Appropriations.

Committee on Environmental Policy

The jurisdiction of the Committee on Environmental Policy would include current Committee on the Environment areas of jurisdiction except those relating to highways, public buildings, public works, and regional economic development. In addition, the committee would have responsibility for forest lands, public lands, national parks, and historical and scenic areas.

Those eligible for initial membership on the committee would include current members of the Committee on the Environment and the Subcommittee on Interior and Related Agencies of the Committee on Appropriations.

Committee on Foreign Policy

The jurisdiction of the Committee on Foreign Policy would include all current areas of responsibility of the Committee on Foreign Relations plus responsibility for foreign trade, including reciprocal trade agreements, export promotion and export controls, interoceanic canals, territorial possessions and trusteeships of the United States, and U.S. nuclear export policy.

Those eligible for initial membership on the committee would include current members of the Committee on Foreign Relations and the Subcommittee on Foreign Operations of the Committee on Appropriations.

Committee on Governmental Policy

The jurisdiction of the Committee on Governmental Policy would include all areas currently under the jurisdiction of the Committee on Governmental Affairs, plus responsibility for renegotiation of government contracts, public buildings, and improved grounds of the United States.

Those eligible for initial membership on the committee would include current members of the Committee on Governmental Affairs, plus members of the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations.

Committee on Judicial Policy

The jurisdiction of the Committee on Judicial Policy would include all current responsibilities of the Committee on the Judiciary.

Those eligible for initial membership on the committee would include current members of the Committee on the Judiciary and the Subcommittee on Commerce, State, Justice, and Related Agencies of the Committee on Appropriations.

Committee on Social Policy

The jurisdiction of the Committee on Social Policy would include all current responsibilities of the Committee on Labor and Human Resources except the discretionary spending programs under the Older Americans Act, plus responsibility for nutrition programs, including school nutrition and food stamp programs, public and private housing, Social Security and railroad retirement, and health programs under the Social Security Act.

Those eligible for initial membership on the committee would include current members of the Committee on Labor and Human Resources and the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Committee on Appropriations.

B. Legislative Program Committees

Legislative program committees would have legislative, oversight, and appropriations responsibilities for specific program areas of national concern. These committees would perform both the authorization and appropriations functions for programs within their jurisdiction. Their exercise of the appropriations function, however, must conform to the national program decisions of the leadership committee. Legislative program committees would be:

Committee on Native American Programs

The jurisdiction of the Committee on Native American Programs would include all existing responsibilities of the Select Committee on Indian Affairs. The committee would become a standing committee.

The initial membership on the committee would be composed of all current members of the Select Committee on Indian Affairs.

Committee on Veteran American Programs

The jurisdiction of the Committee on Veteran American Programs would include all existing responsibilities of the Committee on Veterans Affairs.

The initial membership of the committee would be composed of all current members of the Committee on Veterans Affairs.

Committee on Senior American Programs

The jurisdiction of the Committee on Senior American Programs would include all existing responsibilities of the Special Committee on Aging, plus legislative responsibility for all discretionary spending programs under the Older Americans Act. The committee would become a standing committee.

The initial membership of the committee would be composed of all current members of the Special Committee on Aging.

Committee on Entrepreneurial American Programs

The jurisdiction of the Committee on Entrepreneurial American Programs would include all existing responsibilities of the Committee on Small Business.

The initial membership of the committee would be composed of all current members of the Committee on Small Business.

ADMINISTRATION COMMITTEES

Administrative committees have basically nonlegislative functions. The chairmen and ranking members of administrative committees would not serve on the leadership committee—unless such service should happen to be as an at-large member.

Committee on Senate Rules

Serves the same function as the Committee on Rules and Administration, with members drawn from that committee.

Committee on Senate Ethics

Serves the same function as the Committee on Ethics, with members drawn from that committee.

Committee on Intelligence

Serves the same function as the Committee on Intelligence, with members drawn from that committee.

COMMITTEE CHAIRMEN

Chairman and ranking-member status would be based on seniority, as would the integration of the entire membership of each new committee. Those selected to chair legislative committees would, consistent with provisions of the rules of the Senate allowing for election of committee chairmen, be the senior-ranking chairman and ranking member of the merged committees and subcommittees forming each new committee.

COMMITTEE ASSIGNMENTS

Leadership Committee

All chairmen and ranking members of legislative policy committees and legislative program committees would automatically be accorded membership on the leadership committee. In addition, a specified number of members of the Senate at large would be appointed to the committee to bring party balance on the committee to correspond with party balance in the Senate.

Legislative Policy Committees

Committee assignments would be based on prior committee service with members allowed to select the committees on which they desire to serve, subject to the limitations below and to the maximum committee membership limitation of 17 senators for each legislative policy committee.

Legislative Program Committees

Committee assignments would be based on prior committee service with the membership of predecessor committees transferring in total to each new legislative program committee.

COMMITTEE MEMBERSHIP LIMITATIONS

Members could serve on no more than two legislative policy committees. Service on either a legislative program committee or an administrative committee would not limit a member's ability to serve on any other committee.

SENATE RESOLUTION 14—APPOINTING THE CHAIRMAN OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND THE CHAIRMAN OF THE COMMITTEE ON FINANCE

Mr. MITCHELL submitted the following concurrent resolution; which was considered and agreed to:

S. RES. 14

Resolved, That the Senator from Montana, Max Baucus, be and he is hereby, appointed chairman of the Committee on Environment and Public Works; and

That the Senator from New York, Daniel Patrick Moynihan, be and he is hereby, appointed chairman of the Committee on Finance.

SENATE RESOLUTION 15—MAKING AN APPOINTMENT TO THE COMMITTEE ON FINANCE

Mr. MITCHELL submitted the following concurrent resolution; which was considered and agreed to:

S. RES. 15

Resolved, That the Senator from North Dakota, Mr. Conrad, be appointed to the Committee on Finance in lieu of his appointment to the Committee on Energy and Natural Resources.

SENATE RESOLUTION 16—MAKING AN APPOINTMENT TO THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION AND THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL submitted the following concurrent resolution; which was considered and agreed to:

S. RES. 16

Resolved, That the Senator from Texas, Mr. Krueger, is hereby appointed to serve as a member of the Committee on Commerce, Science, and Transportation, and the Committee on Energy and Natural Resources.

SENATE RESOLUTION 17—AMENDING THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following concurrent resolution; which was considered and agreed to:

S. RES. 17

Resolved, That paragraph 4 of rule XXV of the Standing Rules of the Senate as amended, is amended by inserting "(A)" after "(h)(1)" and by inserting the following new paragraph thereafter:

"(B) A Senator who during the One Hundred and Third Congress serves on the Committee on Environment and Public Works, the Committee on Finance, and the Committee on Agriculture, Nutrition and Forestry, and who serves as chairman of a committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.".

SENATE RESOLUTION 18—AMENDING THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 18

Resolved, That paragraph 3 of rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Third Congress as follows:

(a) In subparagraph (a) strike "19" after "Small Business" and insert in lieu thereof "21", and

(b) In subparagraph (c) strike "10" after "Indian Affairs" and insert in lieu thereof "18".

SEC. 2 Notwithstanding the provisions S. Res. 400, the Committee on Intelligence shall have 17 members solely for the duration of the One Hundred and Third Congress."

SENATE RESOLUTION 19—MAKING MAJORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 19

Resolved, That the following shall constitute the majority party's membership on the committees for the One Hundred and Third Congress, or until their successors are chosen:

Committee on the Budget: Mr. Sasser (Chairman), Mr. Hollings, Mr. Johnston, Mr. Riegle, Mr. Exon, Mr. Lautenberg, Mr. Simon, Mr. Conrad, Mr. Dodd, Mr. Sarbanes, Mrs. Boxer, and Mrs. Murray.

Committee on Rules and Administration: Mr. Ford (Chairman), Mr. Pell, Mr. Byrd, Mr. Inouye, Mr. DeConcini, Mr. Moynihan, Mr. Dodd, Mrs. Feinstein, and Mr. Mathews.

Committee on Small Business: Mr. Bumpers (Chairman), Mr. Nunn, Mr. Levin, Mr. Harkin, Mr. Kerry of Massachusetts, Mr. Lieberman, Mr. Wellstone, Mr. Wofford, Mr. Heflin, Mr. Lautenberg, Mr. Kohl, and Ms. Moseley-Braun.

Committee on Veterans' Affairs: Mr. Rockefeller (Chairman), Mr. DeConcini, Mr. Mitchell, Mr. Graham, Mr. Akaka, Mr. Daschle, and Mr. Campbell.

Special Committee on Aging: Mr. Pryor (Chairman), Mr. Glenn, Mr. Bradley, Mr. Johnston, Mr. Breaux, Mr. Shelby, Mr. Reid, Mr. Graham, Mr. Kohl, Mr. Feingold, and Mr. Krueger.

SENATE RESOLUTION 20—REAPPOINTING THE DEPUTY SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 20

Resolved, That the reappointment of Kenneth U. Benjamin, Jr. to be Deputy Senate Legal Counsel, made by the President pro tempore of the Senate this day, shall be effective January 3, 1993, and the term of service of the appointee shall expire at the end of the One Hundred and Fourth Congress.

SENATE RESOLUTION 21—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 21

Whereas, the parties in *Willey* v. *Riley, et al.*, No. LA 18962, pending in the Iowa district court for Linn County, seek the deposition testimony of Senator Grassley;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members of the Senate with respect to requests for testimony made to them in their official capacities: Now, therefore, be it *Resolved*, That Senator Grassley is authorized to testify at a deposition in *Willey* v. *Riley, et al.*, Case No. LA 18962 (Iowa D. Ct.), except when his attendance at the Senate is necessary for the performance of his legislative duties, and except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Grassley in connection with his testimony in the case of *Willey* v. *Riley, et al.*

SENATE RESOLUTION 22—MAKING MINORITY PARTY APPOINTMENTS TO CERTAIN COMMITTEES

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 22

Resolved, that the following shall constitute the minority party's membership on the following committees for the 103d Congress, or until their successors are chosen:

Committee on the Budget: Mr. Domenici, Mr. Grassley, Mr. Nickles, Mr. Gramm, Mr. Bond, Mr. Lott, Mr. Brown, Mr. Gorton, and Mr. Gregg.

Committee on Rules and Administration: Mr. Stevens, Mr. Hatfield, Mr. Helms, Mr. Warner, Mr. Dole, Mr. McConnell, and Mr. Cochran.

Committee on Small Business: Mr. Pressler, Mr. Wallop, Mr. Bond, Mr. Burns, Mr. Mack, Mr. Coverdell, Mr. Kempthorne, Mr. Bennett, and Mr. Chafee.

Committee on Veterans' Affairs: Mr. Murkowski, Mr. Specter, Mr. Simpson, Mr. Thurmond, and Mr. Jeffords.

Special Committee on Aging: Mr. Cohen, Mr. Pressler, Mr. Grassley, Mr. Simpson, Mr. Jeffords, Mr. McCain, Mr. Durenberger, Mr. Craig, Mr. Burns, and Mr. Specter.

SENATE RESOLUTION 23—RELATIVE TO THE APPOINTMENT OF INDEPENDENT COUNSELS TO INVESTIGATE ETHICS VIOLATIONS IN THE SENATE

Mr. COATS submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 23

Resolved,

SECTION 1. INDEPENDENT ETHICS COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Independent Ethics Commission of the Senate (referred to as the "Ethics Commission").

(b) MEMBERSHIP.—(1) The Ethics Commission shall be comprised of 8 members appointed in accordance with paragraph (2).

(2) The majority leader and the minority leader shall each appoint to the Commission at the beginning of a Congress—

(A) 1 member who is a retired judge of a Federal or State court;

(B) 1 member who is a former member of the Senate; and

(C) 2 members who are private citizens and are not employees of the United States.

(c) TERMS.—(1)(A) A member of the Commission shall serve a term of 2 years and may be reappointed for 2 additional terms.

(2) In the case of the death or resignation of a member of the Commission a successor shall be appointed in the same manner as the member was appointed to serve until the end of the term of that member.

(d) REMOVAL.—A member of the Commission may be removed only by resolution of the Senate.

(e) DUTIES.—It shall be the duty of the Commission to—

(1) receive requests for review of an allegation described in section 2(b);

(2) make such informal preliminary inquiries in response to such a request as the Commission deems to be appropriate;

(3) if, as a result of those inquiries, the Commission determines that a full investigation is not warranted, submit a report pursuant to section 2(e); and

(4) if, as a result of those inquiries, the Commission determines that a full investigation is warranted, appoint an independent counsel pursuant to section 3.

(f) COMPENSATION OF MEMBERS.—(1) Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(g) STAFF.—(1) The Commission may, without regard to the civil service laws and regulations, appoint, and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform its duties.

(2) The Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(3) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(5) Except at a time when additional personnel are needed to assist the Commission in its review of a particular request for review under section 2, the total number of staff personnel employed by or detailed to the Commission under this subsection shall not exceed 5.

(h) INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 2. REVIEW OF ALLEGATIONS OF IMPROPER MISCONDUCT AND VIOLATIONS OF LAW.

(a) DEFINITIONS.—As used in this section, the term "officer or employee of the Senate" means—

(1) an elected officer of the Senate who is not a member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

(b) REQUEST FOR REVIEW.—Any person may present to the Commission a request to review and to consider the propriety of appointing an independent counsel to investigate an allegation of—

(1) improper conduct that may reflect upon the Senate;

(2) a violation of law;

(3) a violation of the Senate Code of Official Conduct (rules XXXIV, XXXV, XXXVII, XXXVIII, XXXIX, XL, XLI, and XLII of the Standing Rules of the Senate); or

(4) a violation of a rule or regulation of the Senate,

relating to the conduct of a person in the performance of his or her duties as a member, officer, or employee of the Senate.

(c) SWORN STATEMENT.—A request for review under subsection (b) shall be accompanied by a sworn statement, made under penalty of perjury under the laws of the United States, of facts within the personal knowledge of the person making the statement alleging improper conduct or a violation described in subsection (b).

(d) PUBLIC DISCLOSURE.—(1) The contents of a request for review and sworn statement submitted under subsections (b) and (c), all proceedings of the Commission, and all facts that come to the knowledge of the Commission during its inquiries shall be made available to the public except as provided in paragraph (2).

(2) The Commission may withhold information from public disclosure if the Commission, in its sole discretion, determines that the public interest in disclosure is outweighed by—

(A) harm that may be caused to the reputation of a person; or

(B) prejudice that may be caused to the rights of a person.

(e) DETERMINATION NOT TO APPOINT INDEPENDENT COUNSEL.—(1) If, after making preliminary inquiries, the Commission determines not to appoint an independent counsel pursuant to section 3, the Commission shall submit to the members of the Senate a report that—

(A) states findings of fact made as a result of the inquiries;

(B) states any conclusions that may be drawn with respect to whether there is substantial credible evidence that improper conduct or a violation of law may have occurred; and

(C) states its reasons for concluding that further investigation is not warranted.

(2) After submission of a report under paragraph (1), no action may be taken in the Senate to impose a sanction on a person who was the subject of the Commission's inquiries on the basis of any conduct that was alleged in the request for review and sworn statement.

(3) If the Commission determines that any part of a sworn statement presented to it under subsection (c) may have been a false statement made knowingly and willfully, the Commission may refer the matter to the Attorney General for prosecution.

SEC. 3. INDEPENDENT COUNSEL.

(a) APPOINTMENT.—(1) If, after making preliminary inquiries, the Commission determines that—

(A) there is substantial credible evidence that improper conduct or a violation described in section 2(b) may have occurred; and

(B) in view of the seriousness of the allegation and other relevant considerations, a full investigation of the alleged misconduct or violation is warranted,

the Commission shall appoint an independent counsel to conduct an investigation.

(2)(A) The Commission shall appoint as independent counsel a person who has appropriate experience and who undertakes to conduct the investigation in a prompt, responsible, and cost-effective manner and to serve to the extent necessary to complete the investigation.

(B) The Commission may not appoint as independent counsel a person who holds any office of profit or trust under the United States.

(b) COMPENSATION.—An independent counsel shall receive compensation at the per diem rate equal to the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) SCOPE OF INVESTIGATION.—(1) At the time that the Commission appoints an independent counsel, the Commission shall describe with specificity in the appointment the subject matter with respect to which the investigation shall be conducted.

(2) The Commission may enlarge the subject matter with respect to which an investigation shall be conducted—

(A) at the recommendation of the independent counsel, based on facts that come to the knowledge of the independent counsel during an investigation; or

(B) in response to a request for review and sworn statement alleging new facts that is presented to the Commission by any person prior to the conclusion of an investigation.

(d) GENERAL AUTHORITIES.—(1) An independent counsel may—

(A) make such expenditures;

(B) hold such hearings;

(C) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, documents, or other records of any kind;

(D) administer such oaths;

(E) take such testimony orally or by deposition; and

(F) employ and fix the compensation of such assistant counsel, investigators, technical assistants, consultants, and clerical staff as the independent counsel deems advisable.

(2) An independent counsel may procure the temporary services (not in excess of 1 year) or intermittent services of consultants by contract as independent contractors or by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation that may be paid to a regular employee of the Committee on Rules and Administration.

(e) USE OF SERVICES, FACILITIES, INFORMATION, AND EMPLOYEES.—(1) With the consent of the department or agency concerned, an independent counsel may—

(A) use the services, facilities, and information of any department or agency of the United States; and

(B) employ on a reimbursable basis or otherwise the services of such personnel of such a department or agency as the independent counsel deems advisable.

(2) With the consent of the committee, subcommittee, or office concerned, an independent counsel may use the services, facilities, and information of any committee, subcommittee, or office of the Senate when the independent counsel determines that to do so is necessary and appropriate.

(f) OPPORTUNITY TO BE HEARD.—An independent counsel shall provide a person that is the subject of an investigation notice of the investigation and a full opportunity to respond orally and in writing and submit evidence in response to allegations made concerning the person.

(g) REPORT AND RECOMMENDATION.—(1) At the conclusion of an investigation, an independent counsel shall submit to the members of the Senate a report that—

(A) states findings of fact made in the investigation;

(B) states any conclusions that may be drawn with respect to whether improper conduct or a violation of law has occurred; and

(C) recommends an appropriate sanction for any improper conduct or violation of law that is found to have occurred.

(2) A sanction recommended by an independent counsel in a report under paragraph (1) may include—

(A) in the case of improper conduct or a violation of law by a Member of the Senate, censure, expulsion, or recommendation to the appropriate party conference regarding the Member's seniority or position of responsibility; and

(B) in the case of improper conduct or a violation of law by an officer or employee of the Senate, suspension or dismissal from employment by the Senate.

(3) At any time at which an independent counsel finds facts that give reason to believe that a violation of law has occurred, the independent counsel shall report those facts to the appropriate Federal or State law enforcement authorities.

(h) SENATE ACTION.—After a report is submitted under subsection (g), any member of the Senate may introduce a resolution proposing that the Senate adopt the report of the independent counsel with or without modification and impose an appropriate sanction.

(i) PAYMENT OF EXPENSES.—Expenses of the Commission and compensation and expenses of an independent counsel shall be paid out of the contingent fund of the Senate.

SEC. 4. TRANSFER OF FUNCTIONS TO THE COMMITTEE ON RULES AND ADMINISTRATION.

(a) AMENDMENT OF RULE XXV.—Paragraph 1(n) of rule XXV of the Standing Rules of the Senate is amended—

(1) by striking "and" at the end of clause (2)(A);

(2) by striking the period at the end of clause (2)(B) and inserting "; and";

(3) by adding at the end of clause (2) the following new subclauses:

"(C) administer the reporting requirements of title I of the Ethics in Government Act of 1978 (5 U.S.C. App.);

"(D) recommend to the Senate, by report or resolution, such additional rules or regulations as the committee determines to be necessary or desirable to ensure proper standards of conduct by members, officers, and employees of the Senate in the performance of their duties and the discharge of their responsibilities;

"(E) issue interpretative rulings explaining and clarifying the application of any law, the

Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction;

"(F) render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion;

"(G) in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion;

"(H) perform the functions assigned to the Select Committee on Standards and Conduct of the Senate in section 6 of Public Law 93-191 (2 U.S.C. 502); and

"(I) be deemed to be an 'employing agency' under section 7342(a)(6)(B) in place of the Select Committee on Ethics."; and

(4) by adding at the end the following new clauses:

"(3)(A) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, a person who relies on any provision or finding of an advisory opinion rendered under clause (2) (F) or (G) and who acts in good faith in accordance with the provisions and findings of such an advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

"(B) An advisory opinion rendered under clause (2) (F) or (G) may be relied on by—

"(i) any person involved in the specific transaction or activity with respect to which the advisory opinion is rendered if the request for the advisory opinion included a complete and accurate statement of the specific factual situation; and

"(ii) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which the advisory opinion is rendered.

"(C) An advisory opinion rendered under clause (2) (F) or (G) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. Before rendering an advisory opinion the committee shall, to the extent practicable, provide any interested party with an opportunity to transmit written comments to the committee with respect to the request for such advisory opinion. The advisory opinions issued by the committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

"(D) A brief description of a waiver granted under section 102(a)(2)(B) of title I of Ethics in Government Act of 1978 (5 U.S.C. App.) or paragraph 1 of rule XXXV shall be made available upon request in the committee office with appropriate deletions to assure the privacy of the person concerned.

"(4)(A) The responsibilities of the Committee on Rules and Administration under clause (3) (C), (D), (E), (F), (G), (H), and (I) and under the Senate Code of Official Conduct shall be administered by a Subcommittee on Ethics comprised of an equal number of members of the major political parties.

"(B) A determination made or action taken by the Subcommittee on Ethics may be modified by—

"(i) the Committee on Rules and Administration by a vote of the majority of the members of each of the major political parties; or

"(ii) resolution of the Senate.".

(b) AMENDMENT OF SENATE CODE OF OFFICIAL CONDUCT.—Rules XXXV, XXXVII, and XLI of the Standing Rules of the Senate are amended—

(1) by striking "Select Committee on Ethics" each place it appears and inserting "Committee on Rules and Administration"; and

(2) by striking "Select Committee" each place it appears and inserting "Committee on Rules and Administration".

SEC. 5. ABOLISHMENT OF SELECT COMMITTEE ON ETHICS.

Effective on the date that the initial 8 members of the Commission take office, the following resolutions are repealed:

(1) Senate Resolution 338, 88th Cong., 2d Sess., 100 Cong. Rec. 16939 (1964).

(2) Senate Resolution 223, 96th Cong., 1st Sess., 125 Cong. Rec. 22471 (1979).

(3) Senate Resolution 290, 96th Cong., 1st Sess., 125 Cong. Rec. 33623 (1979).

(4) Senate Resolution 425, 97th Cong., 2d Sess., 128 Cong. Rec. 20820 (1982).

SENATE RESOLUTION 24—PROSECUTION FOR CRIMES AGAINST HUMANITY IN BOSNIA-HERCEGOVINA

Mr. DANFORTH (for himself and Mrs. KASSEBAUM) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 24

Whereas mass rapes of Bosnian women at the hands of the Serbs is now taking place in the former Yugoslavia;

Whereas the United Nations Security Council cited "massive, organized and systematic detention and rape" when it unanimously voted to condemn "atrocities committed against women, particularly Muslim women, in Bosnia and Herzegovina" on December 18, 1992;

Whereas this behavior comports with the Serbian policy of "ethnic cleansing", the most sadistic and genocidal violence to infect Europe since World War II;

Whereas rape, humiliation, starvation and murder have been inflicted on Muslim girls as young as seven years old;

Whereas the press reports the existence of Serbian "rape camps" in Bosnia with up to 100 prisoners;

Whereas the Nuremberg International Military Tribunal (IMT) held that, for purposes of international criminal law, the individual is a subject of international law;

Whereas the IMT also held that "international law imposes duties and liabilities upon individuals as well as upon states. . . .";

Whereas the 1907 Hague regulations, the 1929 Geneva Convention, and the Genocide Convention establish crimes against humanity as punishable international crimes whether or not committed in execution of a crime against peace or a war crime; and

Whereas the 1949 Geneva Conventions and subsequent protocols designate certain aggravated breaches as universal and extraditable offenses within the criminal jurisdiction of each contracting party: Now, therefore, be it

Resolved, That the Senate hereby—

(1) declares its desire that criminal proceedings, under the principle of universality, be brought against all persons suspected of responsibility for war crimes and crimes against humanity, including mass rape, in Bosnia; and

(2) calls on all parties to the applicable international conventions—

(A) to identify alleged offenders of crimes against humanity, including mass rape, in Bosnia; and

(B)(i) to submit such offenders for prosecution before its own courts; or

(ii) to extradite them to another contracting party or an international tribunal, if the requesting party has jurisdiction and sufficient grounds for prosecution.

• Mr. DANFORTH. Mr. President, war in the Balkans has involved some of the most sadistic and genocidal violence to infect Europe since World War II. Now the press reports a new crime against humanity: the perpetration of mass rapes of Muslim women. Some are as young as 7 years old.

The U.N. Security Council voted to condemn "atrocities committed against women, particularly Muslim women in Bosnia and Herzegovina" on December 18, 1992.

The Senate must also go on record condemning this new and grotesque dimension to the policy of ethnic cleansing.

The Senate should declare its desire that criminal proceedings be brought against all persons suspected of responsibility for war crimes against humanity, including mass rape in Bosnia.

It is time for all parties to commit to the identification of alleged offenders of crimes against humanity, including mass rape, in Bosnia and to agree to prosecute them or extradite them to those willing and able to do so.

I have therefore introduced, on behalf of myself and Senator KASSEBAUM a resolution urging criminal prosecution of persons committing such crimes. I hope it will be acted upon expeditiously by the Senate.•

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on Oversight of the Insurance Industry: Blue Cross-Blue Shield—National Capital Area.

These hearings will take place on Tuesday, January 26 at 11 a.m. and Wednesday, January 27 at 9 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact John Sopko of the subcommittee staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on January 21, 1993, at 10 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Thursday, January 21, 1993, at 9:45 a.m. to conduct the committee's organizational meeting which is to be immediately followed by a hearing on the nomination of Laura Tyson to be chairperson of the Council of Economic Advisers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 10 a.m., January 21, 1993, to consider the nomination of Bruce Babbitt for the Secretary of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, January 21, 1993, to continue a hearing on the nomination of Zoe Baird to be U.S. Attorney General.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 21 at 10 a.m. and 2 p.m. to hold a hearing on Dr. Madeleine K. Albright to be the U.S. Representative to the United Nations with the rank of Ambassador.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CATHOLIC RELIEF SERVICES' 50TH ANNIVERSARY

• Mr. SARBANES. Mr. President, I rise today to bring to our colleagues' notice the 50th anniversary of Catholic Relief Services, one of the world's finest and most effective organizations bringing food, medicine, education and, most of all, hope for the people of the developing world.

Founded in 1943 by the Catholic Bishops of the United States, and now maintaining its headquarters in Baltimore, Catholic Relief Services has grown to become the second largest international relief and development agency in the United States. It maintains offices in 43 of the world's poorest countries and funds projects in 31 other countries.

Moving beyond providing free food and emergency relief services, Catholic Relief Services has been in the forefront of developing strategies and methods to help attain sustainable development. Working to build the capacity of indigenous organizations, Catholic Relief Services provides funding, guidance and support to help people respond to the development needs within their own communities.

Mr. President, on Monday, January 25, the Most Reverend James A. Griffin, president and chairman, and the board of directors of Catholic Relief Services will celebrate the 50th anniversary of the founding of this outstanding organization. The principal celebrant of the Liturgy will be the Most Reverend William H. Keeler, Archbishop of Baltimore and president of the National Conference of Catholic Bishops and the U.S. Catholic Conference.

I ask that a brief history of Catholic Relief Services, whose apt motto is "Giving Hope to a World of Need," be printed in the RECORD.

The history follows:

CATHOLIC RELIEF SERVICES

Catholic Relief Services (CRS) was founded in 1943 by the Catholic Bishops of the United States to assist the poor and disadvantaged outside this country. The plight of war refugees was the first mission of the newly created organization, in those days known as War Relief Services.

By the mid-1950s, the role of CRS began to expand. The U.S. Government was beginning to allocate surplus food for distribution to the needy in the Third World, and CRS became involved in the distribution chain. Through special programs, CRS used this surplus U.S. food to expand its assistance to the poor. By the end of the 1950s, CRS had programs in 55 countries.

While working to provide immediate relief assistance in the Third World, CRS began to look for ways to assure a better future for those it served. Without hope, CRS staff knew that the lives of the poor would never improve. They would remain trapped in the cycle of poverty.

This philosophy to bring change, to provide more than just free food, became the driving force behind the agency. CRS believed that development could bring lasting solutions to the problems that had left so many of the world's poor on the brink of disaster. But finding the ways to ensure development meant taking risks, and CRS accepted the challenge.

The agency has been in the vanguard of those developing the methods to break through the barriers to sustainable development. Since this is key for CRS, the agency is working to build the capacity of indigenous organizations, particularly within the structure of the Catholic Church, to respond to the emergency and development needs within their own community.

Today, in a continuing effort to discharge its trust on behalf of the poorest of the poor, CRS expends more than $260 million annually. It is the second largest international relief and development agency in the United States, and it maintains offices in 43 of the world's poorest countries. In addition, CRS funds projects in 31 other countries.

Financial support for CRS comes from diverse sources. The largest are private individuals, groups, corporations and foundations; followed by the United States Government; international organizations; and foreign governments. Support also comes in many forms. Cash and commodities are the largest, but CRS also receives medicines and other items.

CRS is administered by a Board of Bishops selected by the U.S. Bishops, and is staffed by men and women committed to the Catholic Church's apostolate of helping those in need.•

CELEBRATING D.W. NEWCOMER'S SONS 100 YEARS OF SERVICE

• Mr. BOND. Mr. President, I rise today to offer congratulations to D.W. Newcomer's Sons as they celebrate their 100-year anniversary of service to Kansas City. There are very few businesses in Kansas City that can boast of such a high standard of service. The care and concern shown by the Newcomer's has long been a trademark.

Family owned businesses are part of the foundation of the commerce that has put the United States on top. The attention that the Newcomer's Sons shows to the citizens of Kansas City both professionally and privately has earned them a prestigious reputation. I have known the Newcomers to be one of the fine corporate citizens in Kansas City. Kansas Citians are justifiably proud of the tradition Newcomers has set. I wish D.W. Newcomer's Sons continued success for the next 100 years.•

ANNOUNCEMENT OF THE 1993 CONGRESS—BUNDESTAG STAFF EXCHANGE

• Mr. DECONCINI. Mr. President, since 1983, the United States Congress and the West German Parliament, the Bundestag, have conducted an annual exchange program in which staff members from both countries observe and learn about the workings of each other's political institutions and convey the views of members from both sides on issues of mutual concern.

This exchange program is one of several sponsored by both public and private institutions in the United States and Germany to foster better understanding of the institutions and policies of each country.

This year will mark the third exchange with a reunified Germany and a parliament consisting of members from both the East and West. Ten staff members from the United States Congress will be selected to visit Germany from April 26 to May 7. They will spend most of the time attending meetings conducted by members of the Bundestag, Bundestag party staffers, and representatives of political, business, academic, and media institutions. They also will spend a weekend in the district of a Bundestag member.

A comparable delegation of German staff members will come to the United States in late June for a 3-week period. During the Fourth of July recess, they will attend similar meetings here in Washington and visit the districts of Members of Congress.

The Congress-Bundestag Exchange is highly regarded in Germany. Accordingly, U.S. participants should be experienced and accomplished Hill staffers so that they can contribute to the success of the exchange on each side of the Atlantic. The Bundestag sends senior staffers to the United States and a number of them take time to meet with the U.S. delegation. The United States endeavors to reciprocate.

Applicants should have a demonstrable knowledge of European events. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite United States delegation should exhibit a range of expertise in issues of mutual concern to Germany and the United States, such as, but not limited to trade, security, the environment, immigration, economic development, health care, and other social policy issues.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag staffers when they visit the United States.

Participants should expect to assist with the planning of topical meetings in Washington. In addition, they are expected to host one or two staff people in their Member's district over the Fourth of July, or arrange for such a visit in another Member's district.

Participants will be selected by a committee composed of U.S. Information Agency personnel and past participants of the exchange.

Senators and Representatives interested in having members of their staff apply for participation in this year's program should advise them to submit only a résumé and cover letter in which they state why they believe they are qualified, the positive contributions they will bring to the delegation, and some assurances of their ability to participate during the time stated. Applications may be sent to Bob Maynes or Bill Fessler, Officer of Senator DENNIS DECONCINI, 328 Hart Building, by Monday, February 15.•

TRIBUTE TO MIKE HALLORAN, DEDICATED HIBERNIAN

• Mr. D'AMATO. Mr. President, I rise today to honor a man who, like so many others who came to this country, gave up his homeland for an unknown prospect. Mike Halloran came to this country from Clonbur, County Galway, Ireland, in 1956.

Soon after his arrival in the United States, Mike Halloran began working for AT&T, where he continues to work after 36 years. He is married to the former Maureen Armstrong of Cloonacool, County Sligo, Ireland. They have resided in Woodlawn, NY, for 22 years, where they have raised four fine sons.

Mike Halloran has been a member of the Ancient Order of Hibernians, Bronx County Division 7, for the past 12 years. for the past 3 years, as president, he has proudly and honorably served the Ancient Order of Hibernians. He has been devoted to the betterment of mankind, which sets an example for others.

Irish immigrants have gone on to become noted artists, scientists, authors, businessmen, engineers, public officials, and regular, hard-working Americans. I am extremely proud of the contributions made by the children of Ireland and their descendants to this great country. Mike Halloran is one of many great Irish people to serve this country.

I call upon my colleagues to rise with me today and praise Mike Halloran, who has set an example for all who become involved in the community. I salute Mike Halloran and his family for their efforts and commitment to the Ancient Order of Hibernians, Bronx County Division 7.•

THE HARD CHOICE

• Mr. SIMON. Mr. President, the road to economic recovery is marked by hard choices. As a new administration arrives in Washington, one of the most difficult issues it will confront will be whether to endorse a short-term increase in deficit spending to stimulate the economy.

At last month's economic conference in Little Rock, those advocating fiscal stimulus at the expense of deficit reduction seemed to hold the upper hand. Nevertheless, as a Chicago Tribune editorial later observed, a few strong voices urged a more long-term view. For example, economist Henry Aaron of the Brookings Institute has called the deficit a "slow, wasting disease," one that little by little eats away at the economic foundation of our Nation. For Aaron, fiscal stimulus must be linked to economic discipline. As he says, "Any new Government programs should be paid for by cutting spending or raising taxes, not by borrowing."

I am heartened by recent reports that the new administration plans to press forward with a deficit reduction package. The truth of the matter is that we no longer have the luxury of continuing our profligate ways. As the Tribune editorial rightly concludes, it is time to make the difficult decision—"to concentrate on long-term problems, especially reducing the deficit."

I ask that the Chicago Tribune editorial be printed in the RECORD.

The editorial follows:

CLINTON GETS ONE CLEAR DEFICIT WARNING

Economics, someone once said, is the study of choice. Unfortunately, it doesn't spell out what to choose; it merely helps you understand the consequences of your choices.

In his two-day national economic conference, President-elect Clinton showed off his knowledge of public policy issues and got an earful of advice and recommendations from a diverse, impressive array of economists, business leaders and social activists.

If Clinton has made up his mind on the details of the economic plan he'll present to Congress next month, he didn't let on. But he was refreshingly candid in conceding that he faces difficult choices.

One of the hardest will be whether to try to simulate economic growth in the short run, even if it means increasing the federal budget deficit.

"This is a very tough call," he said. "This is the major economic policy decision we're going to have to make. What we have to decide is what to do, how much and when."

As in most of the conference of more than 320 handpicked participants, Clinton heard from sympathetic supporters, many of whom helped shape the broad outlines of the candidate's economic plan.

Economist James Tobin said he favors a $60 billion program of tax cuts and increased government spending in the first year to ensure greater job creation. Forget about reducing the deficit for two years, he said. Allan Sinai, a Wall Street economist, said he would start a stimulus program "right away," although he favors a package of just $20 billion to $30 billion so as not to roil the financial markets.

Yet there are many economists, most of whom weren't invited to Little Rock, who argue there's no need for short-term stimulus. With the economy showing increasing signs of a gradual recovery, an attempt to jump-start growth now could be damaging.

No one told Clinton he shouldn't do it, but Henry Aaron came the closest. The Brookings Institution economist advised the president-elect to wait until he had seen the number of December unemployment and fourth-quarter economic growth; then, he said, any short-term stimulus should be "small or shelved."

The top priority, Aaron correctly pointed out, should be reducing the deficit, which he labeled a "slow, wasting disease" that will reduce the nation's wealth by $2.5 trillion over the next decade if it isn't addressed. Then Aaron went further: "Any new government programs should be paid for by cutting other spending or raising taxes, not by borrowing."

If only for Aaron's comments, the summit was worth the cheerleading and puffery. Now it's up to Clinton to make the hard choice—to concentrate on long-term problems, especially reducing the deficit.•

OPPORTUNITY HOUSING PROJECT, PUTNAM COUNTY, IN

• Mr. LUGAR. Mr. President, I rise today to honor the Opportunity Housing project of Putnam County, IN, and its leader, Charles Dana Chandler.

Several years ago, community leaders in Putnam County realized that the county faced a problem of inadequate low-income housing. The primary concern was for the single-parent family with an entry level income and two or more children.

In June 1989, concerned citizens of Putnam County formed a nonprofit organization called Opportunity Housing that dedicated itself to developing 50 rental properties for low-income families in Putnam County.

With a volunteer staff and funding from local businesses, charities and individuals, the program helped to stabilize the housing of area poor, freeing up their resources for other necessities. By the close of this past year, Opportunity Housing had developed 50 safe and affordable rental units for disadvantaged families.

The Opportunity Housing Program and its leader, Mr. Chandler, are to be commended for their initiative and diligence in taking responsibility for the needs of their community. Opportunity Housing, Inc. can serve as a shining example for other communities seeking to improve housing opportunities throughout the country.•

MORTON GROVE'S SANDY AND HOLLY GAIL

• Mr. SIMON. Mr. President, I am pleased to note that two of my constituents were recently honored for their tireless efforts on behalf of State of Israel Bonds. They are Sanford "Sandy" and Holly Gail of Morton Grove, IL, a suburb of Chicago.

They were presented a special award at a State of Israel Bonds brunch held on November 8, 1992, at the Northwest Suburban Jewish Congregation [NSJC] in Morton Grove, where Sandy serves as president. Over $226,000 was raised for Israel Bonds at the brunch.

Representing Israel Bonds was Dr. Michael Bar-Zohar, a former member of the Israeli Parliament and a current member of the Israeli Labor Party Central Committee. Among his many accomplishments is a three-volume biography of David Ben-Gurion.

The Gails are active and accomplished members of their community. Sandy is a member of the board of governors of the State of Israel Bonds effort in Chicago. He is a member of Israel Bonds' Prime Minister's Club, NSJC Men's Club board and the North Suburban Synagogue council. He also serves on the Environmental Commission of the village of Morton Grove, IL. Sandy is a graduate of the University of Illinois-Urbana and a certified public accountant. He also received a juris doctor degree from Chicago's De Paul University and master of laws in taxation degree from John Marshall Law School, also located in Chicago. He is a partner in the Chicago law firm of Bell, Boyd & Lloyd.

Holly is a past president of the NSJC Sisterhood and has also served as its circle vice president and hospitality vice president. While serving as the sisterhood president, she also held the position of chairperson of the congregation's school board. She is a long-time member of the congregation's board of trustees and has served on various synagogue committees. She has a long record of leadership on behalf of State of Israel Bonds. She is a graduate of Chicago's Roosevelt University and today manages a clothing store.

Their son, Larry, 22, is a recent honors graduate of the University of Illinois-Urbana and plans to study at Hebrew University in Jerusalem in 1993 before entering law school. Their daughter, Michelle, 20, a past Israel Bonds ambassador's ball presentee, a junior at Stanford University, is currently studying at Stanford's overseas campuses in Florence, Italy and Oxford, UK.

Again, my sincerest congratulations to Sandy and Holly for their efforts on behalf of State of Israel Bonds and their Morton Grove community.•

SUPPORTING THE RIGHT OPPOSITION GROUPS IN IRAN AND IRAQ

• Mr. McCAIN. Mr. President, we have an enduring commitment to encourage democracy and human rights throughout the world. We also cannot ignore the fact that both Iraq and Iran are major potential threats to a region with 60 percent of the world's proven oil reserves, and because of that, to the world's economic stability and world peace.

At this point in time, Iraq is still dominated by a vicious dictator who has proven his lack of concern for his own people on countless occasions, who has invaded a friendly neighbor whose assistance kept his regime alive during the Iran-Iraq war, and who forced the United Nations and the United States into the first major conflict of the post-cold-war era. He is daily using force against Iraq's Shi'ite population in the south, and his military forces present a constant threat to Iraq's Kurds in the North. His regional military ambitions are not ended and he continues to struggle to preserve the capability to deploy weapons of mass destruction.

The situation in Iran is only marginally better. The replacement of Khomeini by Rafsanjani has brought a pragmatist to power and not a moderate. Iran does preserve some elements of democracy and the rule of law, and has allowed its citizens more commercial freedom than Iraq. There are some indicators that a policy of encouraging normal civilian trade and diplomatic relations could encourage these positive trends.

But, we can have no illusions. Iran has taken aggressive steps to dominate the islands in the gulf. It continues to produce chemical weapons, and develop biological and nuclear weapons. It has acquired long-range missiles from North Korea. It is seeking to rebuild modern military forces, and has bought submarines from Russia and antiship missiles from the PRC in an effort to expand its ability to threaten the flow of oil in the gulf.

Iran is still guilty of constant abuse of human rights. It does not permit many forms of legitimate political dissent. Its use of "Islamic Law" abuses Islam and the rule of law, and cannot be separated from the growing corruption of its clergy. Iran has encouraged racial and religious conflict in the Sudan. It is operating in Somalia. It is encouraging religious violence in nations like Egypt, Lebanon, and Algeria.

There is no question that we have every ethical, moral, and strategic reason to encourage Iraqi and Iranian democratic movements, to halt the arms buildup in Iraq and Iran, and to do everything we can to pressure Iraq and Iran to adopt the rule of law and protect the human rights of all their citizens.

This said, it still is not true that the "enemy of our enemy is our friend." This may be a Middle Eastern proverb, but political wisdom has scarcely proved proverbial during the history of the Middle East. We must not fall into the trap of taking sides between authoritarian movements, or confusing the loser in the violent quarrels between extremists in Iraq or Iran with the defenders of democracy and human rights.

Anyone can use the rhetoric of democracy. Anyone can hide behind the flag of human rights. Anyone can attempt to exploit our opposition to the current regimes in Iraq and Iran, and our ethical and moral beliefs. This is particularly true in two countries filled with political, ethnic, and religious turmoil and without real democratic traditions. It is particularly true because Iran is actively arming and encouraging Iraqi groups that oppose Saddam Hussein, and Saddam Hussein is actively arming Iranian groups that oppose Rafsanjani.

We must be extremely careful not to support terrorism in the name of antiterrorism, Iranian or Iraqi front groups in the name of democracy, or extremist opposition groups in the name of human rights. We must not take sides between factions, and we must not encourage violence in the name of democracy.

This is why I have written William Sessions, the Director of the FBI asking for an update of a 1987 report that I received from Senate security on the People's Mujahedin of Iran [PMOI].

This group has become a major lobbying group. It has lobbied members of this body and the House. It has lobbied the President elect and his wife. It has conducted funding raising efforts throughout the United States, and it is actively lobbying members of the Iranian-American community.

The report I have received, however, raises serious questions about the real nature of the PMOI. It indicates that the PMOI is derived from a violent left wing group that carried out the assassination of American officers and civilians in Iran before the fall of the Shah. Similarly, a recent report by the Congressional Research Service raises similar questions about the PMOI. The State Department refuses to meet with this group because of its heritage of extremism.

I am not going to take sides in Iranian or Iraqi politics, nor do I intend to become involved in the complex infighting between Iranian groups in exile. I do believe, however, that we must not start the new Clinton administration with a new Irangate. This body must not become the tool of any political group that can accurately be charged with any of the following heritage, belief, or actions:

Attacks on American citizens, other foreigners, and Iranian citizens and officials during the time of the Shah.

Involvement in a civil war in which it took a strong anti-American and anti-Western stance, was a more extreme leftwing movement than Iran's Tudeh Communist Party, and regularly used terrorism and assassination during the struggle for power following the Shah.

Involvement in a Saddam Hussein funded and supported military movement attacking Iran during the Iran-Iraq War, and in maintaining such a military movement on Iraqi soil during and after the invasion of Kuwait.

Continuing involvement in a low level struggle of terrorism and counterterrorism with the Rafsanjani government in Iran.

Continuing to accept funds, support, bases, and arms from the Saddam Hussein government in Iraq.

Soliciting political support and funds from the Congress, American citizens, and Iranian exiles on United States soil under the guise of being a democratic coalition and human rights advocate when it remains an extreme leftist group whose secret agenda opposes American values and the security of Israel.

The only way that any or all of these charges can be resolved is for the FBI to provide an unclassified report that comprehensively addresses each of these points. Listening to Iranian political groups, however, well meaning, can only reiterate the claims, charges, and countercharges regarding the PMOI. I do not intend to become involved in such a debate, and I encourage my colleagues to avoid it.

If the FBI finds that the PMOI is innocent on all the above counts, then it deserves our support as a legitimate democratic movement. It should be free of the kind of indirect charges made by the State Department and other executive agencies, that do not provide formal charges, but indicate that it may be associated with Iraq, with violence, with attacks on Americans, and with terrorism. No group operating in American politics should be forced to live in limbo, or in a climate where U.S. officials informally criticize it, if it is innocent.

If the facts are uncertain, then the Congress, the American people, the media, and Iranian exiles in America deserve to know the truth about such uncertainties, and make their own judgments.

If the PMOI is guilty of any or all of these charges, then we must not treat it as a legitimate opposition to Iran's current government until it has fundamentally changed its character and leadership.

Mr. President, I will ask permission to include the reply I receive from the FBI in the RECORD as soon as I receive it. I now ask unanimous consent that the 1987 report I received from Senate Security, the Congressional research report on the PMOI, and several letters and newspaper articles relating to this issue be printed in the RECORD following my remarks. I also encourage members to directly contact Senate security for further data on these issues.

Mr. President, I also wish to point out that an important precedent is involved here. We must never do anything to abridge the First amendment rights of any group, foreign or domestic. We must continue the struggle for democracy and human rights. We must encourage and support every group that truly advocates freedom and the rule of law that opposes any regime that denies such progress, whether it is Iran, Iraq, or anywhere else in the world.

But, Mr. President, we cannot afford to have a situation where groups can lobby Congress and the American people in the name of democracy, human rights, freedom, and the rule of law whose true nature is very different or who have undisclosed ties to foreign governments, those who use violence, and those who use terrorism. We cannot afford to allow such groups to raise funds in the United States without the Congress and the American people knowing their true nature.

We have strong rules designed to deal with this situation by requiring Americans who lobby for foreign countries to register with the U.S. Government. At the same time, we lack a mechanism that requires the State Department and FBI to maintain a list of groups with suspect ties to foreign governments, movements with a history of attacking United States and other nationals, movements with ties to military or terrorist movements, or which covertly advocate violence, extremist ideologies, or which otherwise use the first amendment in ways that abuse the very causes they claim to defend.

This is also a case where the Executive branch cannot hide behind the need for national security. First, it is possible to summarize the results of U.S. Government investigations without disclosing sensitive sources and methods. We have seen this confirmed in countless government reports which provide such data when it is convenient to support a given policy or program.

Second, groups which really defend the causes we believe in deserve to be free of indirect charges or innuendo. We must never cloud the reputation of any group with indirect charges that cannot be answered or justified.

Third, we are already living in a postcold war era filled with groups with conflicting agendas that all use the rhetoric of the postcold war era, but many of which repackage themselves without having forsworn violence, extremism, or attacks on the things we believe in. We must be able to distinguish the true nature of foreign groups, or groups with foreign ties, if we are to support the groups that really do advocate freedom and human rights, we must know the nature of the wolves who wear freedom's flag.

Mr. President, let me conclude by asking President Clinton to examine this issue as he takes office, and to charge the Director of the FBI and his new Secretary of State with examining this issue, and either providing immediate unclassified reporting on such groups or recommendations as to what new laws may be required to deal with this issue.

Let me also urge my colleagues to be extremely careful in dealing with groups like the PMOI until the facts are known and the record is clear, and American human rights groups to pay as careful attention to foreign political organizations as they do to the abuses of foreign governments.

The material follows:

U.S. SENATE,
Washington, DC, December 15, 1992.

William S. Sessions,
Director, Federal Bureau of Investigation, Washington, DC.

DEAR MR. SESSIONS: I am concerned that the People's Mujahedin-E-Khalq is playing an active role in lobbying the U.S. Congress, and in presenting its views on Iran, under conditions where members have no way to learn the history of this organization. I am particularly concerned with its history of violence against American citizens, its role in terrorism, and its financial ties to Iraq.

Back in 1987, the FBI developed an open source review of this group which provides strong indications that the People's Mujahedin-E-Khalq is a terrorist movement that has participated in the assassination of American citizens and receives most of its funds from Iraq. I have attached a copy of the report to this letter.

I would be grateful if you could have your staff review this report, and provide me with an updated version that could be circulated to members of the Senate and House. If possible, I would like to have such an update no later than January 15, 1993, so that the report could be circulated to members of the new Congress when it comes back into session.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

THE MUJAHEDIN-E-KHALQ: AN OPEN SOURCE REVIEW, DECEMBER 1, 1987

PREFACE

This synopsis of the background, evolution, structure, and ideology of the Mujahedin-E-Khalq organization incorporates information taken only from public source documents and is not provided as a detailed analytical profile of the organization. The data used within the study has been taken from scholarly books, various newspaper and magazine articles, MEK literature, and other available sources. These include:

Abrahamian, Ervand. *Iran Between Two Revolutions*. Princeton University Press, Princeton, 1982.

Chubin, Shahram. "Leftist Forces in Iran." *Problems of Communism*, July–August, 1980.

Irfani, Suroosh. *Revolutionary Islam in Iran*. Zed Books, London, 1983.

Mackenzie, Richard. "Trying to Win a Few Hearts in U.S." *Insight*, September 7, 1987, pp. 34–36.

Sick, Gary. "Terrorism: Its Political Uses and Abuses." *SAIS Review 7*, Winter–Spring 1987, pp. 11–26.

Sciolino, Elaine. "Iran's Durable Revolution." *Foreign Affairs* Spring 1983, pp. 893–920.

Zabih, Sepehr. *Iran's Revolutionary Upheaval*. Alchemy Books, San Francisco, 1979.

Zabih, Sepehr. *The Left in Contemporary Iran*. Hoover Institution Press, Stanford, 1986.

PRINCIPAL FINDINGS

Mujahedin-E-Khalq (MEK) is an Islamic, left-wing organization which became the leading opponent of the Khomeini regime in Iran by 1981. It has won increasing support from Iranians who are dissatisfied with the Shia fundamentalist policies of the Islamic Republic of Iran.

Founded in 1963 by disaffected young members of the Liberation Movement of Iran, the MEK began terrorist operations within Iran in mid-1971 with efforts to disrupt the Shah's celebration of the 2500 year anniversary of the Persian monarchy.

Although the MEK played an important role during the upheaval that brought Khomeini to power, the clerics consistently excluded them from a political role after the revolution. In mid-1980 MEK leaders responded by gradually increasing pressure against the Khomeini regime and in May 1981, launched a violent campaign to subvert the regime.

Led by Massaud Rajavi, the MEK formed a partnership with exiled Iranian president Bani Sadr, and developed the National Council of Resistance (NCR). The NCR functioned basically as a government in exile—it coordinated military operations in northwest Iran, orchestrated political and diplomatic missions, recruited new members, and solicited funding and weapons.

Currently headquartered in Baghdad, Iraq, the MEK include approximately 10,000 well-armed and highly disciplined soldiers and has shown that it can bring out crowds of over 100,000 people for demonstrations, both within Iran and abroad.

For politically expedient reasons, the MEK presently assumes various titles. Some of the most commonly used ones include: The MEK, the Organization of the Peoples Mujahedin of Iran (PMOI), The NCR, Iran Relief Fund (IRF), and the Muslim Iranian Students Society (MISS). In the same vein, the MEK has also misrepresented itself as ideologically akin to the Muslim Afghan Mujahedin freedom fighters.

I. BACKGROUND AND HISTORY

A. The MEK Before the 1979 Iranian Revolution

The founders of the MEK were disaffected young members of the Liberation Movement of Iran. The Movement grew out of various intellectual groups opposed to the Shah Pahlavi during the 1950s. It advocated peaceful means to create a new regime that would combine a constitutional monarchy with West European-style socialism. The movement's leaders hoped to reconcile religious and secular opposition groups with a program based upon Shia ideals, modern Iranian cultural values, and 20th century political and economic theories. Members included both students and clerics.

The Shah's repression of opposition demonstrations in 1963 alienated the more militant younger members, many of whom were also irritated by the personal rivalries among some of the older members. Some longstanding relationships with Movement leaders persisted, however, such as those between the militants (the future MEK leaders) and the late Ayatollah Taleqani and Mehdi Bazargan. These relationships between MEK members and clerics frequently proved fatal to many clerics while Khomeini sought to consolidate power in 1979.

The original MEK leaders appear to have been profoundly influenced by the religious fanaticism of fundamentalist Iranian clerics and the anti-Shah revolutionary groups (Fedayeen -E- Khalq, Paykar, Tudeh militants) they supported. They were also impressed by the Marxist-Leninist theories and vocabulary then popularized by international revolutionary literature.

The young militants (led by nine Tehran University graduates) formed a secret discussion group that eventually became a separate organization called the Sazeman-e Mujahedin-e Khalq-e Iran (The Organization of Crusaders of the Iranian People). Its three basic tenets were:

Islam is a dynamic and revolutionary religion that can be interpreted through Marxist dialectics.

Armed struggle is the only effective tactic in the struggle against imperialism.

Other Iranian opposition movements have failed because they have lacked an effective Marxist structure.

The Mujahedin organization slowly expanded, almost entirely in urban areas—Tehran, Isfahan, Shiraz, and Tabriz, all of which were among the home towns of the group's founding members. For the first five years the group's leadership concentrated on developing their ideology and creating the groundwork for armed opposition.

In the late 1960s, the group helped to set up a public hall in Tehran to broaden the reach of their ideas. Conservative Shia clerics located in Qum were outraged at the "revisionist" form of Islam being taught at the hall, but the more moderate clerics from the Tehran Divinity School were willing to speak there.

The Shah's security service, Sazeman Amniyat Va Etela'at Keshvar (SAVAK), investigated the hall and apparently concluded that it represented a welcome irritant to the traditional clergy, not a threat to the Shah's regime. Only in 1973, after SAVAK made the connection between Mujahedin criminal activity (bombings and assassinations) and the operation of the hall, was the hall closed down.

The hall provided a forum for Dr. Ali Shariati, the young "prophet" of Iranian socialism. The group's recruitment effort was helped significantly by its association with Shariati, whose pamphlets and taped talks were enormously popular among Iranian students.

MEK concepts were similar to, but not identical with, Shariati's. While they both espoused the creation of a classless society whose duty would be to fight "world imperialism, international Zionism, colonialism, exploitation, racism, and multinational corporations," they differed over the nature of the political leader of the society. While Shariati opined that an Islamic jurist would be the proper leader, the MEK strongly believed that such a regime should be controlled by the "aware masses." As a footnote, Shariati included the Iranian clergy as an oppressor class along with landlords and capitalists, while the MEK did not.

The MEK began its violent activities within Iran in mid-1971 with efforts to disrupt the Shah's celebration of the 2500 year anniversary of the Persian monarchy. The group's plans failed miserably. Scholarly research suggests that a captured MEK member gave information under torture which led to the arrest of about seventy of his comrades. According to a former SAVAK official, a SAVAK penetration of the group about the same time led to the arrest, imprisonment, death, and execution of many other members, including all the MEK's founding members.

A brother of one of the founding members then took over the group. It was during this period that Massaud Rajavi (the current leader of the group) became influential, according to his MEK biography, although he was imprisoned by the end of 1971. When the second MEK leader was killed in 1974, the organization fell largely under the control of three young militants whose disagreements over the importance of Marxism in MEK ideology created a degree of philosophical disharmony within the organization.

The group's new leaders—most of whom were later either killed or imprisoned by Iranian security forces—began to publish an underground newspaper called Jungal (The Jungle) in the early 1970s. During this period, the MEK profited from an order issued by the Ayatollah Khomeini, then in exile in Iraq, that called on all faithful Muslims to support the group. Khomeini then began to relay money from pious Shias to the MEK. The organization also began to receive large amounts of money from wealthy merchants—some of whom were relatives of MEK members.

By late 1973, MEK leaders had developed a deeper interest in Marxist theory and were reading extensively in Asian and Latin American revolutionary writings and also early Soviet publications. In mid-1974 the group began sending agitators to Iranian shops and factories. Some of the group's leaders then began to talk openly of the necessity of incorporating Marxist theory into MEK ideology.

MEK perpetrated bombings and assassinations, after the aborted maiden effort in 1971, resumed in 1972. The organization's targets included U.S. military advisors stationed in Iran. For example, the MEK claimed responsibility for the assassination of U.S. Air Force Brigadier General Harold Price in 1972, the assassination of U.S. Air Force Lieutenant Colonel Lewis Hawkins in 1973, the assassination of U.S. Air Force Colonel Paul Schaeffer in 1975, and the assassination of U.S. Air Force Lieutenant Colonel Jack Turner, also in 1975.

The MEK also targeted U.S. civilians associated with defense projects (five killed in 1976), and numerous Iranian security officials. The group also claimed responsibility for the bombings of air and oil company offices in Iran. These attacks were well executed and were designed to attract increased attention to the anti-Shah opposition, frighten U.S. residents, and make SAVAK appear vulnerable.

In 1975, Massaud Rajavi (then imprisoned for anti-Shah activities) was accepted as the MEK's leader and chief idealogue. Under his reign, the group continued its full commitment to armed struggle. One prominent journalist who was in Iran at that time, wrote that "MEK publications have openly boasted of the assassinations of five U.S. servicemen in Iran during its campaign of destabilization [of the Shah's regime]. Rajavi is believed to have ordered those assassinations himself."

By early 1976, MEK losses in violent operations had become severe enough to compel the group to reconsider its tactics. The organization began to limit its violent activity and instead began to concentrate on recruiting new members. After some time (a few months), the MEK eventually decided to focus its recruitment efforts toward the student ranks.

By the beginning of 1978, the group had recuperated sufficiently. A young and dedicated new crop of members had been recruited, largely under the guise of "true Islam," an MEK invention which consisted of a theological model in which Marxist-Leninist concepts are superimposed on Islamic terminology. the MEK's new recruits (3,000 to 5,000 individuals at the onset of the revolution) provided the group with the necessary impetus which was instrumental during the 1979 Iranian Revolution.

In January, 1979, the MEK's leaders met in Tehran and drafted an eighteen-point resolution, entitled the Minimum Expectation Program (MEP). The organization's clandestine publication, Mojahed, as well as other newspapers, published the full text of the MEP. This document is significant for a number of reasons: first, it was written when MEK leaders believed that the group was destined for political power in Iran; second, it was adopted by a representative sampling of MEK members; and finally, it highlighted the group's political philosophy. More than any other document, the MEP is widely believed to be an honest effort by the MEK to put forward their program for reorganizing Iran's political system.

B. The MEK During the 1979 Iranian Revolution

By 1979, the MEK had found that it would be politically wise to "latch on" to the enormously popular Shia fundamentalist movement headed by Ayatollah Khomeini. As it turned out, the MEK proved to be an extremely valuable asset to Khomeini throughout the entire revolution.

Although the organization's appeal among the Iranian "masses" was minimal, the MEK became the "military" arm of the anti-Shah movement. Together with other opposition leftist groups (including the Fedayeen and Paykar), the MEK engaged in murder, arson, and acts of general sabotage which contributed to the weakening of the Iranian political system's capability to resist the opposition.

Most notable of the MEK's military operations during the revolution was the assault on the Farahabad military base outside Tehran. The assault on this base, which housed a headquarters element of the Iranian Air Force, eventually led to the neutralization of the entire Iranian military.

The MEK was also intimately involved in the takeover of the American Embassy in Tehran in 1979. Eyewitnesses and MEK documents indicate that the MEK led the assault on the Embassy and then pleaded with Khomeini not to engage in dialogue with the United States Government, nor release the American hostages seized during the action. In fact, congressional testimony indicates that Rajavi insisted to Khomeini that there was much more to gain by holding the hostages than by releasing them.

C. The MEK From 1979 to the Present

After the Iranian revolution, the MEK demanded to have a share in the new Iranian Government. However, Khomeini apparently feared the MEK's military power and grew distrustful of the organization. Influential Shia clerics under Ayatollah Beheshti's leadership were strongly opposed to any political participation by the group.

By the beginning of 1981, it became obvious to the MEK that Khomeini was excluding the group from any political power in the newly created Islamic Republic of Iran (a theocracy, a form of government despised by the MEK). That, and the tremendous turmoil within the newly created Islamic Republic (including clerical factionalism and the Iran-Iraq war) created a situation perceived to be favorable for the MEK to openly challenge the Khomeini regime.

In June, 1981, in a devastating miscalculation, Rajavi ordered his followers into open combat in the streets of Tehran. They were subsequently routed by Khomeini's forces. Shortly thereafter, Rajavi and his entourage fled Iran for Paris, France.

Between 1981 and 1984, and possibly with the help of Iraqi Government funds, Rajavi and exiled Iranian President Bani Sadr established, in Paris, the NCR. During this period, the NCR functioned primarily as a government in exile, coordinating military operations in Iran, orchestrating political and diplomatic missions, recruiting new members, and soliciting funding and weapons.

Rajavi did not believe that his presence in Paris would inhibit MEK activity within Iran. Indeed, MEK "military" actions in 1981 increased dramatically and grew more violent. For example, in August the MEK bombed the offices of the Prime Minister, killing both President Rajavi and Premier Bahonar. Throughout the summer and fall of 1981, Bani Sadr claimed that he had ordered the MEK to assassinate Khomeini, but that Rajavi refused because he did not want to make a martyr of him. It may be noted that while many of the Iranian political leaders who were killed by MEK operatives in 1981 traveled frequently (at least from home to their offices), Khomeini never leaves his residence.

In the spring of 1984, Rajavi and Bani Sadr became embroiled in a public dispute over whether the NCR should accept formal Iraqi Government support. In April, 1984, Bani Sadr, who was opposed to Rajavi's frequent Iraqi Government contacts, announced that he was dissolving the NCR and forming his own Iranian political opposition organization. Rajavi however, has continued to refer to the MEK as the NCR when representing the group during fund-raising and recruitment activities.

Between 1984 and 1986, the MEK expanded its recruitment and fund-raising capability. MEK cells were developed throughout Europe, the Middle East, and the United States. Referring to themselves as various Iranian opposition organizations, MEK members raised millions of dollars, recruited thousands of people (the vast majority of them being young Iranian students), began to publish a newsletter, Iran Liberation, and politically lobbied foreign governments.

The group also increased its military activities in northwest Iran, especially the region known as Kurdistan. According to international press reports, statements attributed to Iranian Government officials, and MEK literature; the military operations conducted by the MEK during this period resulted in little damage to the Iranian regime. Those operations usually originated from MEK camps on the Iraqi side of the Iran-Iraq border, and primarily consisted of "hit and run" raids on various secluded and lightly protected facilities such as frontier guard posts.

In late 1986, the French Government (under Iranian Government pressure) apparently insisted that Rajavi and his entourage leave France. At that time, the French Government was trying to improve diplomatic relations with Iran, yet Khomeini insisted that before relations could improve, France would have to extradite Rajavi to Iran. This complicated matters for the French Government because France was supporting Iraq in the Iran-Iraq war. Consequently, in lieu of extradition, the French Government made it clear to Rajavi that he was no longer welcome in France.

Whether or not Rajavi left France for that reason or because he desired to move his base of operations closer to the Iran-Iraq border (the official MEK explanation), the MEK was relocated in Iraq by the end of 1986. By 1987, MEK had established base camps on the Iran-Iraq border, conducted massive military exercises (involving up to 10,000 troops), and was conducting overnight cross border attacks on Iranian targets.

The MEK's publishing, recruitment, and fund-raising capabilities had improved dramatically by 1987. MEK support cells (representing themselves as the PMOI, Mujahedin, NCR, MISS, and IRF) had been established in virtually every nation in Western Europe, Canada, and the United States.

Primarily targeting idealistic young Iranian students, these MEK support cells had raised by 1987, millions of dollars, had successfully orchestrated major demonstrations in cities throughout the United States, Canada, Europe, and the Middle East and had obtained large amounts of weapons, ammunition, spare parts, and other military supplies from various sympathetic Governments (primarily Iraq), and had gained the support of many prominent politicians—including over 2,000 American national and local level legislators.

II. THE MEK TODAY

A. Military Operations

During 1987, MEK leaders have publicly claimed credit for many military incursions into Iran. Asserting that the organization's military force, the Iranian National Liberation Army (INLA), consists of 10,000 soldiers; group leaders have frequently published news bulletins which highlight recent clashes with Iranian troops. For example, a recent issue of Iran Liberation informs readers that the INLA has caused the death of more than 3,000 Iranian troops since January.

The INLA's current targets appear to be Iranian military convoys, communication installations, and lightly defended border communities. The tactics employed by the group predominately entail nighttime raids over the border in small units, shooting or capturing Iranian sentries, holding the targeted area until early morning, and finally blowing-up the target before returning to Iraq.

While MEK's reporting of the circumstances surrounding these raids are very likely exaggerated, there has been enough independent and reliable information which indicates that the MEK is frequently conducting military raids into Iran. Officials within the Iranian Government have also been substantiating some of those reports, however, the Iranians seem to be more concerned about the terrorist activity ("random bombings in civilian and public places") in cities throughout Iran which are attributed to the MEK.

B. Political and Diplomatic Endeavors

Outside the United States and Canada, the MEK officially represents itself as the NCR of Iran. The NCR of Iran is most frequently used by the group when its delegations visit the United Nations or take part in other international forums. For example, an NCR of Iran delegation attended the 44th Italian Socialist Party Congress in April, 1987, and another met with the leadership of the British Labor Party in the spring of 1987.

Within the United States and Canada, the MEK politically represents itself as the PMOI. The PMOI currently operates an office on Wisconsin Avenue in Washington D.C. Under the PMOI label, MEK members regularly lobby U.S. Senators and Congressman for political support. The PMOI also appears to organize anti-Khomeini demonstrations—one of which took place in Washington on June 19. This demonstration involved about 2,000 people and was well organized.

C. Funding and Recruitment

The MEK raises funds and recruits members as the IRF and the MISS. Since at least 1984, MEK members have been going door to door soliciting "charitable" contributions on behalf of the IRF in the Washington D.C. area and in twelve states elsewhere around the country. The U.S. Department of State (USDS) in a 1987 public source report cited that the IRF, which is based on K Street, Northwest in Washington, is not only affiliated with the MEK, but is in fact a front name for the group.

The IRF has been successful in its fund raising efforts. Washington Post staff writer, Molly Sinclair, wrote in 1985 that registration papers filed by the IRF in Maryland and in Virginia disclosed that the organization collected $97,230 from American contributers during the year that ended in September, 1984.

MEK members representing themselves as the MISS are also involved in fund raising activities, however, these efforts appear to be limited to college and university students around the world. The group solicits donations from sympathetic students—Iranian and others. The MISS may also be involved in recruiting activities for the MEK. While the USDA publicly regard the MISS as a front name for the MEK, it appears that the MISS may provide a communication link between MEK headquarters in Baghdad and Iranian students who are scattered throughout the world. MISS chapters located in colleges and universities throughout the United States, appear to be primarily involved in distributing MEK literature and conducting seminars.

D. Propaganda

The MEK's main propaganda organ in the United States is Iran Liberation. Billed as the "news bulletin of the Peoples Mujahedin of Iran," the six-page newsletter informs readers of MEK-related political dynamics, military operations, and various atrocities committed by the Khomeini regime. The newsletter, which cites a Wisconsin Avenue, Washington, D.C. address, is handed out at PMOI, IRF, and MISS activities within the United States. With a nominal donation (unspecified amount) forwarded to the listed address, a subscriber is somewhat regularly appraised of news that the MEK deems important.

All propaganda published and distributed by the various MEK groups (PMOI, IRF, MISS) contain terminology, photographs, and names which easily link them to each other and to the MEK. For example, most issues of the PMOI's Iran Liberation contain numerous reference to MEK leader Massaud Rajavi and his wife, as well as describe MEK military activity. The same is true for IRF and MISS literature. Both groups distribute Iran Liberation, hand out pamphlets which depict Rajavi, and espouse traditional MEK political philosophy.

The PMOI and the IRF routinely distribute pamphlets which describe many unsubstantiated human rights violations committed by the Khomeini regime. Photographs of tortured and executed Iranians, articles regarding the murder of Iranian women and children, and stories about the Khomeini regime's support of international terrorism are some of the most common topics.

III. INTERNATIONAL STRUCTURE

A. Biographies of Prominent Members

Massaud Rajavi

The forty-year-old Rajavi has been the leader of the MEK since 1975. According to his official MEK biography, he joined the group in 1966 and was responsible for organizing its ideological instruction program. Born in either Mashdad or Tabas, Iran, Rajavi graduated from Tehran University with a degree in political science (he joined the MEK while he attended the university). In 1970 he went to Lebanon and Jordan for training by the Palestine Liberation Organization.

Rajavi was arrested by SAVAK in 1971 (for anti-government activities) and was sentenced to life imprisonment. From 1975, he remained the only surviving high-level MEK official, and until 1978, he led the group from prison. Released in 1978 under one of the Shah's amnesties, Rajavi subsequently took full control of the organization. Possibly residing in Gavaneh, Iraq (on the Iran-Iraq border), Rajavi appears to control the MEK's military, political, funding, and recruitment activities.

Rajavi is currently married to his third wife. Official MEK biographies state that his first wife, Ashraf, was killed by Khomeini military forces during a raid on the Rajavi residence in February 1982. Rajavi then married Firouzeh, the daughter of Bani Sadr. That marriage failed when Firouzeh filed for divorce after Bani Sadr disassociated himself from the NCR. In 1985, Rajavi married Maryam (then a co-leader of the MEK).

Ali Safavi

Safavi is the MEK's official representative to the United States. Thirty-four years old, Safavi appears to be the person charged with the responsibility of convincing the American public and politicians that the Khomeini regime is in political, military, and economic difficulty, and that Massaud Rajavi is the only alternative. An Iranian exile, Safavi is a sociologist who studied for his doctorate at the University of Michigan.

Shahin Gobadi

Gobadi was the MEK's spokesman during the anti-Khomeini demonstration which the group held on June 19, 1987, in Washington, D.C.

Hamid Boka'i

Boka'i is predominately pictured and described in MEK literature as a "Mojahedin representative for International relations."

Ahmad Foroughi

Foroughi has frequently been pictured and described in MEK newsletters as a member of the NCR of Iran international delegation.

Mohammad-Hossein Naghdi

Naghdi has also frequently been pictured and described in MEK literature as a Member of the NCR of Iran international delegation.

B. Organizational Structure

There is not a large amount of available data regarding the organizational structure of the MEK. However, a review of MEK literature, as well as the small number of independent books and articles which have been published on the group, indicates that some linkages can be made. There appears to be little doubt that MEK headquarters is located within Iraq, in either Baghdad or Gavaneh. The MEK's National Resistance Council appears to function as the parliament of the organization.

MEK presence in European and North American nations is usually in the form of the PMOI, IRF, and MISS. The PMOI offices appear to serve as the official linkage between MEK headquarters and the host country (similar to an ambassadorial relationship). The PMOI officer usually represents the organization to the press, to legislators, and to heads of state. PMOI offices are located in cities of countries which contain the seat of government.

MISS chapters, which are located on college campuses throughout Europe and North America, probably function as the linkage between MEK headquarters and Iranian students. Because the MEK relies heavily on student support (both financial and militarily) the MISS may have direct political access to MEK national headquarters. MISS chapters may also perform intelligence functions for MEK headquarters, monitoring both pro-Khomeini and pro-monarchist supporters—as well as identifying potential recruits.

The IRF seems to serve as the MEK's "grass roots" level fund-raising operation. Based in small offices, IRF members operate door-to-door in neighborhood communities soliciting donations. Even though the IRF may be a valuable source of revenue for the group, there is no indication that the IRF is directly connected to MEK headquarters. It is plausible to assume that the IRF operates under the direction of the PMOI.

The following graphic may portray the bureaucratic structure of the MEK.

[Graph not reproducible in the Record.]

While the above reflects a cursory command and control structure, it should be noted that a great deal of flexibility may exist. For example, the INLA may be partly controlled by the National Resistance Council. Also, the PMOI and the MISS may not be linked. The possibility that the IRF and the MISS are linked cannot be ruled out. Because these groups are basically one organization, members may interchange roles.

IV. IDEOLOGY

A. Influence of Marxism and Shia Islam

Marxism and Shia Islam have had a profound effect on the development of MEK ideology from the group's inception in the mid-1960s. The founding members of the group believed that Shi'ism provided the revolutionary theistic basis which would attract idealistic, yet religious Iranians. Marxism was seen as the political framework in which the MEK could achieve its goals.

For two years the original members of the MEK researched various Marxist and Shia writings and eventually produced a booklet entitled *The Profile of a Muslim*. The booklet, written by Ahmad Rezai, contained many classic Shia statements attributed to Imam Ali (the first Shia Imam) and tracts from the Koran. These writings were incorporated by the group in order to show that the original Islamic society had been a homogeneous community which, due to the establishment of private property and other Western institutions, had subsequently deteriorated into antagonistic classes and nations.

MEK members argued that the Koran looked to the establishment of a classless society and called on the oppressed Muslims to struggle to achieve it. In this struggle, Hussein, the martyred third Shia Imam, was to be taken as the model. The MEK argued that classless society was to be the same as the promised society of the Mahdi (the Shia Twelfth Imam) wherein principles of divine justice would prevail.

This society, referred to by the MEK as "Towhid," will be a society of unity and plenty where "each contributes according to his ability and each receives according to his need." MEK leaders believe that there would be no exploitation of man by man in this society as well as no "social, ethnic, and economic contradictions, and no human conflict." To achieve this society, the MEK believes an "all out war" must be waged on all exploiters and oppressors who are being led by "the American imperialists."

This blend of revolutionary Islam and Marxism has helped attract many idealistic, young, politically frustrated Iranians to the MEK. The organization has crafted its philosophy and applied it consistently to Iranian domestic and foreign affairs. It reinterprets the Koran and several influential Shia texts using concepts from a wide range of international revolutionary literature. The MEK present their program and the theories behind it as a dynamic response to the problems of modern Iran and as a model for other revolutionary groups.

B. Central Ideological Principles

The MEK's central principles are twofold. The first entails the total opposition to "U.S. imperialism," which is the principal enemy of revolutionaries. To the group, all the events which occur within Iran involve this confrontation. The second is that political, social, and economic power must be used in the service of ideology. To the group, if "practical considerations" take precedence over ideology, progress cannot be made toward the ideal Islamic society.

Other recurring themes are the superiority of collective interests over those of individuals, the primacy of Iranian political and social models over those originating abroad, and the necessity of remolding the attitudes and behavior of the people to remove the effects of corrupting influences.

In their analysis of 20th century Iran, MEK theorists argue that the 1905 revolution transformed Iran from a feudal society into a bourgeois system heavily dependent upon Western capitalism and under the domination of imperialism—especially U.S. imperialism. They believe that by the late 1960s, cultural, economic, political, and military imperialism threatened the very existence of Iran. The MEK says that the Pahlavi reign had little support outside the Westernized middle and upper class and it ruled by terror and propaganda. MEK texts call for "heroic acts of violence" to awaken the people and begin the breakup of oppressive societies.

In the current situation, the Shia fundamentalists are guilty of "pragmatism" believing that their end (the Islamic Republic) justifies the temporary use of unacceptable methods. To the MEK, the fundamentalists have corrupted their ideological principles. The MEK's leftist rivals (Fedayeen -E- Khalq and Paykar) are said to be "opportunists" who openly disregard principles in guiding their activities.

While the MEK strongly endorsed the leadership of Khomeini over the "unified masses" that toppled the Shah, they argued that he has not provided the necessary force to prevent the fundamentalists' corruption of the principles of the 1978 revolution. Consequently, the MEK believes that imperialism may reassert itself within Iran.

In the MEK's view, the Shia fundamentalists turned away from Khomeini's emphasis on the will of the people at the beginning of the new regime. Khomeini and his supporters have, according to the MEK, allowed their "pragmatic" fear of the return of imperialist influence and their "opportunistic" fear of losing control of the revolution to restrict the choices and information open to the people, and have consequently oppressed them.

C. Specific Excerpts of MEK Texts

Early MEK writings (1966–1971), such as passages in *Mujahid*, primarily address issues regarding Shiism and its role within the organization's revolutionary program. Some examples of MEK writings on these topics include:

"After years of extensive study of Islamic history and Shia ideology, our organization has reached the firm conclusion that Islam, especially Shiism, will play a major role in inspiring the masses to join the revolution. Shiism has both a revolutionary message and a special place in our hearts," and

"A man is a true Muslim only if he is a revolutionary. A Muslim is either a revolutionary or not a true Muslim. In the whole of the Koran, there is not a single Muslim who was not a revolutionary."

An enlightening essay published by the MEK regarding Islam, and Islam's role within the group's ideological framework, is found in a statement publicly issued by the group in 1977. This statement was issued in response to the Iranian Government's public assertions that the MEK was an un-Islamic terrorist organization. The statement, in part, reads:

"Which Islam is it that the Shah refers to? Is it not the Islam of Imperialism? The counterfeit "Islam" of imperialism is carefully spoon-fed to Muslim countries, and results in their colonization, with the imperialists ultimately in control of the economics, education, and culture of the Muslim countries. According to this "Islam of Imperialism", Islam is made for the next world only and has nothing to do with the life of this world . . .

"The Imperialist's brand of Islam dictates that Islamic nations be their colonies and allows them to loot all the wealth, resources, and productivity of Muslim nations. But the Islam of the Prophet Mohammad (on whom be peace) is the only true Islam. Its revolutionary spirit is not compatible with, or comparable to, the (present) weakness and spinelessness of the Muslims. The Islam which Prophet Mohammad brought would never provide land to Zionists for them to cultivate and produce food for their armies aiding them to kill the oppressed and impoverished Palestinian masses.

"Under the Islam taught by Prophet Mohammad, the treacherous Shah and his exploitive guests would not serve themselves 50-year old French champagne. The Islam which the Prophet Mohammad brought is revolutionary and it is for precisely this reason that the Iranian Muslims are joining the revolution. The Shah is afraid of the new wave of Islamic cultural revolution, a wave that is adhered to and propagated by none other than the Mujahideen-e-Khalq. We have not brought with us a new religion. Islam, from its beginning, has been progressive and revolutionary, and has fought against oppression. We are revolting today, as Islam has always done, to break down the obstacles that are blocking the path of man and society towards perfection.

"The Shah is frightened from this wave of Muslim awakening. He is frightened of a revolutionary Islam. He attempts to discredit such a movement and cries out: 'A revolutionary cannot be a Muslim. One must be either a Muslim or a revolutionary!' (According to the Shah's logic) a person who participates in any guerrilla activity must, therefore, be a non-believer; one who is both a revolutionary and a Muslim must be a liar and an apostate by the regime's standards.

"The truth is that a Muslim can be nothing but a revolutionary. If the battle against oppression and immorality is Un-Islamic, if the battle against the supporters and servants of imperialists is Un-Islamic, if the battle against corruption is Un-Islamic, if a desire for freedom is Un-Islamic, if the battle against the exploitation of the people is Un-Islamic, then we and the rest of the Iranian people confess to being Un-Islamic.

"Furthermore, if sucking the blood of hardworking people and plundering the production of farmers and labourers and profiteering from the people's essential needs is Islamic, if placing the country's fate and its people in the hands of American and Zionist spies and military advisers is Islamic, if possession of castles and luxurious mansions, and private airplanes, while the people are starving to death in masses, is Islamic, if making farmers homeless, and gunning down students and labourers is Islamic, if torturing the mothers, fathers, wives, children, sisters and brothers of fugitive revolutionaries is Islamic, if plundering the vast resources of oil, arranging the most wasteful celebrations in history (the Shah's self-coronation and celebrations marking 2500 years of monarchy in Iran that is estimated to have cost the State treasury a hundred million dollars) spending millions of dollars from the treasury of our destitute people for the pleasure of a bunch of treacherous international criminals is Islamic, then we, alongside all the Iranian people confess to being non-Muslims, and we wish to clearly state that only the Shah and his servants and supporters in his Pharoanic rule can be Muslims.

"It is a great honour for us to be recognized by the treacherous regime of the Shah as his enemy. This indicates that our essence is contradictory to the nature of his bloodshedding regime. (Ours) is a sacred war and an answer to God's Commandment: 'Why should you not fight in the cause of God and in the cause of those who being weak are illtreated and oppressed? Men, women and children who cry, will our Lord rescue us from this town, whose people are oppressors, and raise up for us, one who will help?' (the Quran, 4:75)."

MEK literature also contains examples of the organization's reliance on Marxist ideology and terminology. An essay within *Mojahed*, an early MEK publication, was written in 1975 to "clarify" its involvement with Marxists. The statement reads as follows:

"The Shah is terrified of revolutionary Islam. The regime is trying to place a wedge between Muslims and Marxists. In our view there is only one major enemy—imperialism and its local collaborators. When SAVAK shoots, it kills both Muslims and Marxists. Consequently, in the present situation there is organic unity between Muslim revolutionaries and Marxist revolutionaries. In truth, why do we respect Marxism? Of course, Marxism and Islam are not identical. Nevertheless, Islam is definitely closer to Marxism than to Pahlavism. Islam and Marxism teach the same lessons for they fight against injustice. Islam and Marxism contain the same message, for they inspire martyrdom, struggle, and self-sacrifice. Who is closer to Islam—the Vietnamese who fight against American Imperialism or the Shah who helps Zionism? Since Islam fights oppression, it will work with Marxism, which also fights oppression. They have a common enemy, i.e., the reactionary imperialist."

The MEK's two major strategy programs are the Nine Point Policy (published in 1969) and the Minimum Expectation Program (published in 1980). The Nine Point Policy was the product of an assignment given to a sixteen-member committee which was charged with formulating MEK policy and strategy. After eight months of study, the policy was published:

1. Iran was dominated by world imperialism, especially U.S. imperialism. Its economy was mainly under the control of comprador bourgeoisie, meaning that land reform had transformed the country from a 'Bourgeois-feudal' to a 'Bourgeois-comprador' system.

2. Land reform essentially caused revolutionary potential in the countryside to subside. Because real land reform had not been implemented and oppressive relations in the countryside still existed, initiating a Chinese-style struggle in the countryside was impossible, although the potential for revolutionary activity remains.

3. Iran was essentially a police state where the armed forces constituted the ultimate power base. The strength and political stability of the regime was based on the effective functioning of its security forces, which were directed by the American Central Intelligence Agency.

4. Because antagonistic class pressures and political awareness of the Iranian masses has reached a high point, the vanguard groups did not need to expose the true face of the regime to the people. But through appropriate political activities, mass alienation had to be intensified.

5. By extending the struggle to the masses of people and allaying hopelessness and fear, the regime must be destabilized via the disruption of the police network—the main force causing disunity in the anti-government struggle. This can only take place by armed struggle.

6. The organization, whether on the basis of monotheistic ideology or on its understanding of historical experiences, concluded that the religion of Islam in general, and the Shia school of thought in the revolutionary and combative traditions of Shia, such as the uprising of Imam Hussein, could be useful in the mobilization of the masses.

7. Because of the awareness of the anti-government forces in the cities (since the Constitutional Revolution, almost all struggles have taken place in the cities) and because the regime, under the guise of land reform, was able to cover up its weaknesses in the rural areas, guerrilla warfare should be initiated in the cities where actions for destabilizing the government and its police network were possible. The struggle in the cities must follow these guidelines:

a. Striking blows to the police network because it was the main pillar of the dictatorial, imperialist regime.

b. Safeguarding the organization against destruction by a major police crackdown. This was to be accomplished by building a strong social base in Iranian society and preparing substitute units to fill in when required.

c. Infiltrating the police network so that their operations were known by the organization prior to initiation.

8. The expansion of guerrilla warfare to the countryside. The organization believed that the major forces of revolution consisted of the workers and the peasants. Of course, this did not imply that the struggle had its ends in the cities; rather, the organization believed the ultimate collapse of the regime would be achieved through guerrilla warfare in the cities while the overall collapse would be accomplished by surrounding the cities from rural military bases.

9. Victory would be achieved through the combined use of a liberation army and rural guerrilla warfare. Therefore, after the struggle in the countryside, the task of creating a 'Peoples Army' must be undertaken to confront the regime's forces.

The Minimum Expectation Program remains the most complete official statement written by the MEK leadership. The Minimum Expectation Program is an all-inclusive statement about economic, social, and political issues. While the Minimum Expectation Program reveals much about the MEK's ideological orientation, the statement is more revealing in respect to the group's positions regarding economic policies, military issues, rights of women and minorities, rights of peasants, and finally foreign affairs. It may be noted that since 1980 some slight modifications have been made to the Minimum Expectation Program, however, those changes have consisted only of softening certain ideological issues rather than altering any of the document's main points. The Minimum Expectation Program reads:

1. All comprador investments must be appropriated. This capital has been the cause of the greatest misery and oppression for our workers, not to speak of the untold strife it has created for our national enterprise.

a. Foreign-owned, colonialist banks which have plundered this nation must be closed down.

b. Foreign-owned, and comprador businesses, plants, and affiliated agricultural enterprises must be expropriated and handed over to the people, and the management of these operations handled by a staff council (comprising works, clerical personnel, and a representative of the government). The aim is to build anew on the shards of colonialist enterprise an equitable system based on Islam and moving towards Towhid [Divine Integration].

2. National control must be established over all of the nation's natural resources, not the least of which is petroleum. All shameful colonialist agreements in this field must be irrevocably terminated.

As the Quran expressed it: natural resources and public wealth are included in the concept of anfaal (the spoils of war) or, by extension, the commonweal. The utilization of resources in the way of God and His Prophet means employing these benefits for the commonweal, whereby no single individual has an interest and all are freed from the bonds that inhibit virtue.

3. Massive, large-scale investment enterprises must be avoided whereby costly luxury industrial conglomerates are allowed to expand at the expense of moderately-scaled and small industries. Preference should naturally be given to agriculture over industry or a healthy economic development and the ideological channeling of the technocrats and bureaucrats will be impossible.

4. A popular army must be established. Adjust and popular economic development where the welfare of the down-trodden is given priority has no place for the fostering of a paper-tiger army, top-heavy with the latest in fancy and costly weaponry. The devotion of resources to the building up of an unwieldy facade of any army shares the same unbalanced character as the haphazard growth situation in other economic and social areas.

A political system which lacks popular support by its very nature is forced to develop and maintain an army which must be equipped with complex weapons and cultivates a phony "professionalism" which divorces it from the masses in its preoccupation with standing up to foreign threats and putting down domestic 'insurrection.'

Such an army has no alternative but to build up the external appurtenance of its weaponry and to play down the human factor of its personnel. Its destiny leads it into becoming absorbed into the imperialist military complex whereby it is made dependent on imperialist logistics (for the supply of complex weaponry) an imperialist advisory personnel.

Such an army is in direct contact only with the ruling bureaucracy and is dependent on a base which is beyond the frontiers of the land which it purportedly serves. To expect popular reactions and a popular performance from such an army would be the height of absurdity.

Our bitter experience with the Imperial Army over the last fifty years is a clear indication of the truth of this assertion. It is for this reason that we call for the establishment of an army of the people, an army which fights for the things in which the people believe and for the interests of the people as a whole. It is not a hireling army of mercenaries fighting only for money, whose sole motive is receiving their wages.

At this point it should be made clear that the establishment of a popular army in no way implies the deprivation of individual rights or the application of pressure, material or moral, on our brave brothers who make up the Iranian armed forces at the moment. What we are calling for is a foundational transformation of the structure and content of relations in the army in such a manner that our army brothers may never again be forced into a system which shunts and restricts the expression of their will to participate and develop their talents in the popular way. This is the place, then, to review the characteristics of what constitutes a popular army:

a. In the popular army there is no blind obedience. Ideology and a correct line of policy, blended with political awareness, provide the guiding force for such an army.

b. The popular army is a national army in the service of the defence of the country and the defender of the interests of the people against foreign aggression.

c. The popular army is completely integrated into society and completely harmonious, particularly with the strata of the most oppressed among the people.

d. The popular army is an integrated unity in its own right when it possesses the foregoing characteristics. It permits no under distinctions of privilege within its ranks, between enlisted man, NCO or officer. All eat the same food and no remarkable differences exist in pay and facilities. Promotions are made through consultations with personnel, and unity is maintained throughout by a common appeal to iron discipline, understood by all.

An army which develops a standard of structural relationships like this will have the closest popular relationship with the masses. Actually the prototype for this kind of army is the model army of the early days of Islam, which was composed of soldiers and officers whose sole motivation was service to God and the people. The internal and external relations of armies under the command of the Prophet and of Iman Ali, among the personnel and with the civilians, can provide an instructive case for those who seek to form an army designed to carry out its functions in the name of Islam. In the words of Ali to Malek Ashtar, "Be kind to your subordinates and hard on arrogant oppressors."

e. Service in the popular army is never compulsory.

f. The popular army can never be dominated by foreign advisors.

g. The popular army not only does not participate in unjust imperialist wars or in counter-revolutionary conflicts such as the crushing of the freedom-fighters of Dhofar in Oman, but is at the disposal of all revolutionary movements such as the Palestinian sincerity in seeking justice and equity, they have no fear of their ideologies being the object of debate.

5. Of course, it should be made crystal clear that there are distinct demarcations between revolutionary freedom and democracy and the approach of liberalism and irresponsible capitalism, distinctions which cannot be ignored in any revolutionary system. As the Quran expresses it, "Do not follow that of which you have no knowledge nor penetrating understanding" (Asraa', 36). Imam Ali always stressed that he would never be the first to draw his sword or launch a conflict to counter the views of someone else no matter how hostilely his opponents might present their views. Imam Jaafar Sadeq, the Sixth Imam of the Shiite sect, sat for hours while his ideological and philosophical opponents ranted and harangued him, never losing his patience or dignity, or behaving in any way disrespectfully towards them. And, indeed, if we believe that Islam is the highest path, why should we feel threatened by other ideas and opinions?

Peoples of different regions must be provided with full political rights to enjoy their own cultural expressions, all within the frame-work of the overall unity, solidarity, and sovereignty of the country. We believe fundamentally that the way the 'nationalities' question is confronted determines the manner in which we evaluate the extent of genuineness and revolutionary legitimacy of a truly popular Towhidi government system.

(The Minimum Expectation Program then outlines policies in respect to workers and peasants).

All anti-labor regulations and legislation must be abolished, and new labor laws must be enacted based on the views of the workers.

Housing must be provided for all workers.

The management of the Workers Welfare Bank and other labor banks and funds must be turned over to the workers themselves.

All governmental wage deductions must be eliminated from worker's salaries. Workers' benefits (health, retirement, casualty, etc.) must be provided from petroleum revenues.

The administration of factories should be carried out by a council composed of representatives of the councils of the workers and of the clerical personnel and representatives of the employer.

Contractual labor must be changed to formal employment (with all its attendant wage guarantees and benefit provisions).

The worker must have a share in the factory profits.

Like the workers, the oppressed peasants of this land must not be forced to bear the debts incurred with government agencies of the previous regime.

The very lands which were usurped from the peasants by the institutions of the previous regime should be returned to the peasant owners.

Basic technology and interest-free agricultural loans must be provided.

The working and productive farmer should not be subjected to land or produce tax.

A concerted effort must be made to encourage and provide the necessary conditions for the establishment of peoples' co-operatives.

All foreign interference of any kind, as well as the importation of foreign agricultural products, must be resisted.

Housing must be provided for farmers through the construction of suitable complexes as a deterrent to the farmers to migrate to the cities.

(Finally, the Minimum Expectation Program addresses the following goals and objectives in respect to foreign policy):

1. A complete political and economic boycott of the racist governments of Israel, Zimbabwe (formerly Rhodesia), and the Union of South Africa should be instituted. By the same token assistance should be provided to liberation movements around the world with the adoption of resolute, decisive political positions in support of all freedom causes.

2. Iran should withdraw from all humiliating imperialist agreements, open or secret, political or military, and join the United Nations bloc of non-aligned nations.

The following text is taken from a speech given by MEK leader Massaud Rajavi in 1972 during his trial proceedings. According to Suroosh Irfani (see preface), the text of this speech was widely circulated among MEK members and sympathizers during the period before the 1979 revolution. The statement reads:

"This trial will end tonight or tomorrow night. So perhaps these are the last nights of our lives. If we are not executed, we will be sentenced to life imprisonment. The regime is holding this trial because the people's movement has intensified and international concern for the state of political prisoners in Iran has increased. For example, Jean Paul Sartre has requested for permission to attend this trial. Al-Fateh issued a special bulletin in our support, and radio Iraq has read out the names of a number of the Shah's political prisoners threatened with execution. The Pahlavi regime, therefore, decided it was in its own interest to hold this trial.

"Each of us has been allocated only half an hour for his defense. Since this does not give us sufficient time to present our case in our ideological context, my comrades will continue the text of this defense in the context of political and economic realities and the rationale and history of our organization and revolutionary struggle.

"The cause for our misfortune and the suffering of all the people at this stage in history is international imperialism. Puppet regimes have been installed here and there by imperialism. Were these regimes to rely on themselves and their people, they would not last even for a day. There are two fronts in the world today. On the one side are the impoverished, the deprived and exploited masses, the homeless and the hungry, the struggling Palestinians and revolutionaries. On the other side are the affluent, the greedy owners of oil wells, big industries and war machines. There is no question of a compromise or a human relationship between those two fronts. We are proud of what you call are our crimes. We feel honored that we are fighting, hand in hand with other revolutionaries, for destroying imperialism and Zionism. Only two options face us today. Either struggle or surrender. Either we must fight like the Vietnamese, Chinese, and Palestinians, or we must submit ourselves to bondage, like the (Shah's) Iran. The odds we are facing in our struggle are heavy. But a human being cannot be cleansed without suffering and trial. When I speak these words, I have in mind the mothers and fathers whose children are in prison. But such is the philosophy of life. Their children will be destroyed physically, but dawn is near. We must endure.

"I and my friends are children of Dr. Mossadeq and followers of his path for national independence and freedom. We have turned our backs on money and position. It was the people who brought Dr. Mossadeq to power to work for nationalization of oil. His was the only legal government our country has had. But Mossadeq was overthrown and the political opponents of the (Shah's) regime were massacred. Following this, the regime flung open the doors for the unrestrained plunder of Iran's wealth. Oil revenues began to be mainly used for purchasing arms and paying the salaries of American advisers.

"Today, the regime has found itself compelled to don a new dress in order to prolong its survival. It is carrying out land reforms and sharing profits with factory workers. But it is playing imperialism's game. Since the coup, (against Mossadeq in 1953) corruption in government administration and bribery are on the increase as are the misfortunes and deprivations imposed on the people by the ruling classes. Take a look at the shanty towns around Tehran. If the poor fall sick, they are condemned to die while waiting unattended outside the hospitals. The shanty town dwellers have nothing to lose except their debts. In rural areas, exploitation by landlords has been replaced by exploitation by the government. These are some of the things creating readiness for revolution. Under conditions when all voices of protest are being muffled and people are suppressed, the only way for struggle is armed resistance by the people.

"To serve government propaganda, the regime's Prosecutor is accusing us of wasting the country's foreign exchange in purchasing arms. I wish to ask: are we the ones who have transferred huge amounts of foreign exchange from this country and sold the nation, or you? Who is hoarding foreign exchange in Swiss accounts? Who owns the hotels, night clubs, and casinos? If he (the Shah) has not acquired all these by robbing the nation of its wealth, then we must assume that his father was a thief. Are we the ones who are wasting the country's foreign exchange or those who import luxury goods and cosmetics, dresses from Dior and flowers from the Hague, whose expenditure for a night of revelry is astronomical.

"Our oil resources are being heartlessly plundered. If the present trend is to continue, Iran's oil reserves would be depleted by 1987. The present oil production stands at 227 million tons a year. Iran is receiving only $1.3 for every $10 of oil that is taken away and sold at high prices in European markets. We are losing at least two billion dollars in this unequal transaction. Mr. Prosecutor, take a look at this amount, and not at the foreign exchange we have used for purchasing a few machine guns. Hundreds of millions of dollars are ending up in the pockets of foreign companies. In a Press statement, the chairman of the planning commission has confessed that an amount running into hundreds of millions had been embezzled under various pretexts. We were promised that with the oil income, Iran would become a welfare state. But the masses have become more impoverished. People are denied their legal rights. When the workers of brick and smelting factories went on strike, soldiers opened fire on them. 200 workers were killed. Troops killed Dr. Khan Ali during the teachers' strike, and wounded so many others. The teachers and the factory workers had merely asked for a salary increase. Yet they were fired at, and their killers got promotions. When the regime reacts to the legitimate demands of the people in this manner, is it possible to remain silent and not pick up a gun?

"Our country is suppressed under the tips of bayonets. To resist this general suppression, even the clergy, which had withdrawn for the past 50 years, is entering the scene of struggle against the Pahlavi regime. There was an uprising in Qom. Students of religious schools attacked soldiers and soldiers killed two persons.

"This led to an uprising by the clergy, the bazaar merchants, and students. The result was the massacre in June 1963. It was after this massacre that Hanifnejad and Badizadegaan came to the conclusion that it was not possible to secure one's rights through discussion and logical arguments. They referred to the Quran and the Nahjul Balagha to begin a new revolutionary movement. Besides the Mujahideen -E- Khalq, other revolutionary groups have emerged and continue to emerge to fight for the defense of human dignity.

"That so many revolutionaries are joining the underground resistance shows that the existing conditions are such that hundreds of our best youth have stepped on the path of armed struggle. This proves that our struggle is not waged for any personal motive or objective. Hundreds of highly qualified doctors and engineers are on this path. Ten years ago, the activity of opposition groups was limited to the clandestine distribution of newsletters and bulletins. But now we are picking up arms. This is only the beginning of our struggle. We are aware that victory cannot be achieved quickly and easily. Hazrat Ali has said: 'God does not destroy the exploiters and oppressors of the times Himself. He gives them the opportunity to return to the straight path. When they do not do so, they sink deeper into the swamps of exploitation and decadence. Then He delegates to the people the responsibility to carry out Divine Justice. God does not heal the fractured bones of any nation without suffering and trial.'

"The (Pahlavi) regime is endeavoring to lead our youth astray by propagating the moral decadence of Western capitalism. Instead of creating conditions for heightening the social and political consciousness of the young, the regime is encouraging corruption and immorality by setting up "Youth Palaces" (and such filthy publications as *Zan-e-Rooz (Woman Today)*. The regime's objective is to prevent the young from getting involved with the real problems concerning them and their society.

"Ruthless suppression is being openly practiced in order to crush the spirit of resistance and instill an attitude of despair and powerlessness among people. Armed guards are being installed in universities. SAVAK's budget is running into hundreds of millions. No one can be taken into employment without first undergoing a screening by SAVAK. The Police and SAVAK have been given unlimited authority for dealing with political dissidents. The director of Qazel Qile prison has instructed his personnel to deal with political dissidents as a butcher deals with the lamb. The regime is not prepared to tolerate opposition or criticism in any form. The workers of Jahan textile industry who were demanding a pay raise were attacked by soldiers. Twelve of the factory workers were killed. A few months ago, soldiers attacked Tehran University and Arya Mehr University. Even the professors were mistreated and assaulted.

"There is nothing the regime can do but intensify its oppression. This is a clear indication of its weakness and is a sign of its impending doom. Political prisoners are being subjected to savage torture.

"Many of them have died under torture. According to article 131 of the Constitution, if an official causes the death of a political prisoner (under interrogation and torture) he is to be dealt with as a murderer. Yet the killers of political prisoners are going about freely and getting promotions. Burning the body of the prisoners with a stove, pulling out the fingernails, whipping and blows to the genitals are the methods most often used. Mohammad Hanif-negad was beaten so heavily that the bones of his hands, feet, nose, and ears were crushed. Behrooz Dehqani was killed under torture. A baton smeared with acid was thrust into the rectum of Masood Ahmadzadeh. Before he died, Ahmadzadeh had to spend two months of gruelling agony in hospital. You cannot endure listening to our words. We do not expect this inhuman regime to treat us differently. That is why we are fighting to overthrow it. We are looking forward to that day when our people will drag the traitors to the people's court. Down with American imperialism. Hail to those who endure agonies and suffering for the sakes of revolution and freedom."

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THE PEOPLE'S MOJAHEDIN ORGANIZATION OF IRAN

(By Kenneth Katzman, Analyst in Middle Eastern Affairs, Foreign Affairs and National Defense Division)

SUMMARY

Once a partner in the coalition that overthrew the Shah of Iran, the People's Mojahedin Organization of Iran (PMOI) is now a major opponent of the regime in Tehran. It advocates democracy, human rights protection, and free market economics for Iran, but its past commitment to leftwing positions has led many observers to question its true intentions. While noting that the PMOI is the most active and effective Iranian opposition group, most observers doubt it currently has sufficient strength to threaten the regime's grip on power. Because of the Mojahedin's alleged use of terrorism during its fight against the former Shah, its early association with the Khomeini regime, and ties with Iraq, the State Department refuses to meet with its representatives. Many in Congress, however, have publicly supported the group or its goals.

INTRODUCTION

Iran's major opposition group, the People's Mojahedin Organization of Iran (PMOI) was formed in 1963. It has clear control over the twenty-two member umbrella group called the National Council of Resistance of Iran (NCR), which was established in 1981 to give the appearance of a broad-based opposition coalition. The military arm of the PMOI/NCR, the Iraq-based National Liberation Army (NLA), was formally established in 1987. All three organizations are led by Masud Rajavi and his wife, Maryam, who serves as Secretary General of the PMOI and deputy commander of the NLA.

Organizational History: The PMOI was founded in 1963 (the year Ayatollah Ruhollah Khomeini began his revolutionary struggle against the Shah) as a militant, revolutionary, anti-Shah organization.[1] Ideologically, it attempted to blend Islamic fundamentalism and Marxism, but its increasing emphasis on Marxism, in the mid-1970s, caused many of the Islamic elements in the organization to split off and work more closely with the clerics close to Ayatollah Khomeini.[2] These ideological differences did not prevent the PMOI from cooperating with the clerical forces in toppling the Shah, but tensions between the Mojahedin and Khomeini increased significantly after the triumph of the revolution in February 1979. The clerics began to consolidate their control over the government and exclude the non-clerical groups from power. The PMOI also diverged from other leftist groups such as the pro-Moscow Tudeh Party, which continued to back the clerics.

Mojahedin relations with the clerics worsened throughout 1980 and 1981.[3] Ayatollah Khomeini refused to allow the PMOI's leader, Masud Rajavi, to run in the January 1980 presidential elections because the group had boycotted a referendum on the new Islamic republican constitution.[4] The PMOI held a major demonstration on June 20, 1981, which turned into an armed confrontation with the regime. Former President Abol Hassan Bani-Sadr was perceived as encouraging the PMOI demonstrations and cultivating the PMOI as a base of support; he was removed as President the next day. On July 29, 1981, PMOI leader Masud Rajavi and the ousted Bani-Sadr secretly escaped to Paris and announced the formation of the National Council of Resistance (NCR). Blocked from power through legal means, the Mojahedin launched a major armed revolt in September 1981, which was crushed by the regime's Revolutionary Guard and set off the regime's campaign to wipe out the PMOI within Iran. The regime also charged the group with responsibility for bombings at the headquarters of the Islamic Republican Party (IRP), the cleric's party organization) and the Prime Minister's office in the summer of 1981, which killed many major regime leaders.[5]

Despite their difference, the PMOI and the clerics shared an uncompromising anti-American and anti-Western orientation. The PMOI is charged with killing several Americans in Iran as part of its underground struggle against the Shah. According to the State Department, these included U.S. military adviser Lt. Col. Lewis Hawkins in 1973, two U.S. Air Force officers and a local employee of the U.S. Embassy in Tehran in 1975, and three American employees of Rockwell International in 1976.[6] The PMOI counters that its top leadership was in prison at the time of these killings and that they were the work of radical Marxist opposition factions within the PMOI.[7] The State Department and scholars of the period say the PMOI also supported the holding of the American hostages and saw the hostage crisis as an opportunity to discredit Iranian liberals and the United States.[8] The State Department emphasizes these points in justifying its refusal to meet with the organization. The PMOI claims it did not support the hostage taking and that the regime used the crisis as a tool for cracking down on its internal opponents, including the PMOI. The PMOI also denies that it is anti-American and publicly supports current U.S.-sponsored Middle East peace efforts.

Strategy, Tactics, and Capabilities of the PMOI: Since its failed September 1981 uprising against the regime, the PMOI has been engaged in armed struggle against the regime, including the use of political violence. In Iran, the Mojahedin maintains clandestine cells that spread PMOI literature, gather information on regime activities, and conduct operations against regime officials and installations. For example, in October 1992, the PMOI claimed responsibility for planting a bomb in the headquarters of the Revolutionary Guard, the regime's principal instrument for combatting the PMOI. The PMOI also claims to have played a major role in anti-regime demonstrations during 1992, but many analysts, although acknowledging some PMOI involvement, do not believe that the PMOI has sufficient strength or support to seriously threaten the regime's grip on power. Despite its weaknesses, the PMOI's dedicated followers have been resilient and persistent, defying regime efforts to eliminate the organization within Iran. The regime is genuinely concerned about PMOI activities in Iran and PMOI supporters are a major target of Iran's internal security apparatus. The group claims that 100,000 of its members have been killed and 150,000 imprisoned by the regime, but these figures are believed to be somewhat exaggerated. Noting that the Mojahedin is not the only victim of its struggle against the Iranian regime, in mid-1991, a State Department spokesman said that the PMOI's use of violence against the regime has resulted in the deaths of 10,000 Iranians, most of whom were innocent civilians.[9]

Operating through the National Council of Resistance umbrella group, the Mojahedin maintains offices throughout Western Europe and the United States which attempt to expose alleged regime abuses and curb foreign governments' relations with or support for the Tehran government. The organization frequently conducts anti-Iranian regime marches and demonstrations in those countries, publicizing the regime's alleged human rights abuses. On several occasions, it has attacked Iran's embassies abroad, following Iranian actions against the organization. The PMOI attacked Iranian missions in ten countries, including the United States, in April 1992, following an Iranian air strike on its base across the Iranian border with Iraq,[10] and incited significant protest outside Iran after the Iranian regime assassinated Masud Rajavi's brother, Kazem, in Switzerland on April 24, 1990.[11] Over the past year, the PMOI has also attempted to raise additional concerns in the United States and Western Europe about Iran's weapons of mass destruction programs and its military intentions. Many of its reports remain unconfirmed, but some analysts note that the PMOI occasionally does uncover sensitive information on Iranian activities[12] and that its information should not be automatically rejected.

The PMOI's military arm is the National Liberation Army (NLA), which was officially formed in 1987 after France, as a gesture toward the Iranian government in 1986, expelled the PMOI leadership. Iraq, then in an all out war with Iran, granted the organization a new home. The NLA is based about sixty miles from the border with Iran and claims 40,000 troops under its command, although analysts believe the figure is probably closer to about 15,000. About one-third of the NLA's combat forces and unit commanders are women. It has perhaps a few hundred tanks as well as other heavy equipment captured from Iran during the Iran-Iraq war.[13] Journalists who have visited NLA bases reported seeing that some of the NLA's tanks were not working.[14] Lighter weaponry and ammunition is believed to be supplied largely by Iraq.[15] The group repeatedly claims that a "final offensive" that will liberate Iran is imminent, but most analysts doubt that the NLA can conduct a major offensive against an Iranian military of about 600,000. The NLA has, however, successfully fended off several small offensives against them by Iran's Revolutionary Guards, most notably those connected to the March 1991 Shiite uprisings against Saddam Hussein. Moreover, it is widely believed that the NLA is largely under the control of Iraq and, even if capable, would not be able to carry out an offensive into Iran without at least the tacit approval of Saddam Husayn.[16] Saddam also has apparently used the NLA as a bargaining chip in relations with Iran, unleashing the group when relations deteriorate and reining it in when relations improve.

Sources of External Support: Just as the extent of the PMOI's support within Iran is not precisely known, neither is its strength among Iranian exiles. Because of its anti-Shah past, the PMOI is not close to major monarchist opposition figures such as the former Shah's son (Reza Pahlavi). Although he co-founded the NCR with Rajavi, former President Bani-Sadr has not been active as an opposition figure and is not currently identified as a member of the 22 person NCR. The PMOI/NCR also does not appear close to the loyal opposition National Freedom Movement, headed by the Islamic Republic's first Prime Minister, Mehdi Bazargan, and which is allowed to operate within Iran. A

Footnotes at end of article.

few nationalist and democratic parties, such as the National Democratic Front of Iran, have joined the NCR. Among Iranian exiles, the former Shah's son probably enjoys more popular support than the Mojahedin, but the PMOI's followers, drawn generally from the intelligensia, are said to be more dedicated and zealous than those of the other groups.

Among governments in the Middle East, Baghdad is the PMOI's most visible supporter, offering the group a base of operations, as well as safe haven, and weapons. Many observers claim that Iraq is the PMOI's chief financial source, even though the PMOI lists its primary financial sources as merchants inside Iran, Iranian exiles, and a network of businesses in Europe.[17] There have also been unconfirmed reports that Saudi Arabia is contributing to the PMOI. However, the Mojahedin's close ties to the Iraqi Government—Saudi Arabia's primary adversary—casts significant doubt on those reports. There are also indications that Turkey had been supporting the PMOI; in a September 1992 security agreement with Iran, Turkey pledged not to allow Iranian opposition groups to operate from Turkey.[18] Many observers also note that, because of the large number of Iranians in or passing through Turkey, the PMOI has a significant information gathering network there.

Relations With the Administration and Congress: Since 1987, the PMOI has been registered with the U.S. Department of Justice under the Foreign Agents Registration Act of 1938, as amended. However, the Administration refuses to meet with representatives of the organization. In response to an inquiry by Representative Lee Hamilton, Chairman of the Europe and Middle East Subcommittee of the House Foreign Affairs Committee, the State Department explained its position as "stem[ming] from the PMOI's use of terrorism and its aim of seeking the violent overthrow of the current Iranian regime." The Department also lists Mojahedin attacks on U.S. personnel in Iran before the revolution, the group's support for the takeover of the U.S. Embassy Tehran in 1979, and the PMOI's current ties to the Iraqi Government as justifications.[19] State notes the group's past acceptance of some aspects of Marxism but indicates that ideology is not the basis of U.S. opposition to the group. The PMOI charges that the Department position is the product of a pledge to the Iranian Government in the U.S.-Iran arms dealings of 1985-86,[20] and objects to the Department's characterization of the organization.

Many Members of Congress have been more supportive of the PMOI, perhaps because of the significant Iranian exile community in the United States. The PMOI's warmer reception in Congress may also flow from continuing popular resentment of Iran over its seizure of the American hostages in 1979. Some Members may believe that any alternative is preferable to the current regime in Tehran. As examples, Representative Mervin Dymally has occasionally circulated letters supporting the PMOI or its goals; congressional letters such as these have sometimes attracted close to two hundred signatures by House members. In the belief that all sides of the debate on U.S. policy toward Iran should be represented, Representative Dymally also has hosted speaking engagements for PMOI representatives. In October 1992, Senator Hank Brown led 61 Senate colleagues in urging the U.N. General Assembly to condemn human rights violations in Iran and "supporting the Iranian People's Resistance."[21] PMOI literature frequently trumpets the group's meetings with Members and their expressions of support for the organization, no matter how qualified that support.

FOOTNOTES

[1] A detailed discussion of the political and ideological roots of the MKO is contained in Abrahamian, Ervand. Radicial Islam: The Iranian Mojahedin. Londor: I.B. Taurus and Co. Ltd., 1989.

[2] The PMOI claims its current leadership is also drawn from the Islamic rather than the Marxist wing of the organization. The group publicly espouses democracy, protection for Iran's minorities, internationally recognized standards of human rights, and free market economics. However, many critics question whether or not the group has really abandoned its more authoritarian roots and believe that the group is concealing its true views in order to curry international support in toppling the Tehran regime.

[3] A discussion of the relationships among Bani-Sadr, the PMOI, and the clerics is contained in Bakhash, Shaul. The Reign of the Ayatollahs. New York: Basic Books, Inc., 1984.

[4] Bakhash, p. 90.

[5] There has been much speculation among academics that these bombings were actually planned by senior IRP leaders, including Ali Akbar Hashemi Rafsanjani (now Iran's President) to rid themselves of rivals within the IRP.

[6] See, Department Views of the People's Mojahedin Organization of Iran, in Congressional Record, daily edition, April 28, 1992. p. E1114-E1117.

[7] Ibid., p. E1116.

[8] Ibid, See also Bakhash, Shaul. The Reign of the Ayatollahs. p. 114-116.

[9] Iranian Rebels Cheered on Hill, Called Terrorists by State. Washington Times, July 15, 1991. p. A7.

[10] Iran Rebels Hit Missions in 10 Nations. New York Times, April 6, 1992. p. A3.

[11] Beichman, Arnold, Chilling Stretch of Iranian Intimidation. Washington Times July 15, 1991. p. D1. The report also notes the Swiss justice authorities charge that Iranian government agencies directly planned and carried out the assassination of Kazem Rajavi. The U.S. State Department also assigns responsibility for the killing to Tehran.

[12] Iranian Rebels Cheered on Hill, Called Terrorits by State.

[13] During the Iran-Iraq war, NLA units often accompanied Iraqi units on the offensives into Iran and were given a share of captured weaponry. In July 1988, for example, NLA units took advantage of a major Iraqi offensive into western Iran to briefly capture and hold two towns, Kerend and Eslamabad-e-Gharb, in its Eternal Light operation.

[14] Opposition Trains on Plains of Iraq to Topple Iranian Rulers. Associated Press, May 8, 1991.

[15] Group Unveils Iran's Nuke Weapon Plan, Plots "Equal Opportunity" Overthrow. Armed Forces Journal International, March 1992. pp. 26, 28.

[16] Facing Iran: An Army With Resolve and Day Care. New York Times, June 5, 1991. p. A4.

[17] Group Unveils Iran's Nuke Weapon Plan, Plots "Equal Opportunity Overthrow.

[18] Further on Iran-Turkey Accord. Tehran Islamic Republic News Agency, September 15, 1992.

[19] Exchange of letters between the PMOI and Rep. Lee Hamilton, and between Rep. Hamilton and the Department of State, reprinted in Congressional Record, daily edition. April 28, 1992. pp. E1114-E1117

[20] Iranian Rebels Cheered on Hill, Called Terrorists by State.

[21] Taken from the test of the Senate letter to U.N. Secretary-General Boutros Boutros-Ghali, October 28, 1992.

[From the Washington Post, Dec. 2, 1992]

DON'T LOOK TO IRAN'S MUJAHEDDIN FOR HELP

I agree with William Raspberry on "The Threat From Tehran" [op-ed, Nov. 11]. Iran's military buildup and religious proselytizing pose a threat to regional stability and U.S. security interests as well as to the security of Iran itself. Indeed, the clerical regime has neglected democratic principles, human rights and the general wellbeing of its people in the pursuit of militant fundamentalism, terrorism and military supremacy. I further agree with Mr. Raspberry that the clerical regime should be replaced with a democratic one.

But I should emphasize that the People's Mujaheddin Organization is not the answer. The People's Mujaheddin is a leftist revolutionary group categorized as a terrorist organization by the State Department. In the 1970s, the Mujaheddin assassinated a number of Americans in Iran: Air Force Brigadier Gen. Harold Price, Col. Lewis Hawkins, Col. Paul Schaefer and three civilian employees of Rockwell International.

The Mujaheddin carried out an aborted attempt to kidnap Ambassador Douglas A. MacArthur II in December 1970 in Tehran and bombed the offices of El Al, British Airways the Jewish Emigration in Tehran.

The Mujaheddin also participated in the takeover of the U.S. Embassy and the taking of the American diplomats as hostages in Tehran and took credit for prolonging their ordeal.

The American public and the leadership should be aware that the People's Mujaheddin has been and is a tool of the Baghdad regime and receives financial, political and moral support from Saddam Hussein.

Durng the war between Iran and Iraq, the Mujaheddin went so far as to attack the Iranian armed forces from bases in Iraq.

The solution to the problem of Iran is to replace the despotic regime of Tehran with a democratic Western-oriented government that would promote peace and stability in the region and put an end to state-sponsored terrorism.

ASSAD HOMAYOUN.

CHEVY CHASE.

The writer is a former minister in the Iranian Embassy in Washington.

IRAN REBEL GROUP LOBBIES WELL, BUT IS IT ANTI-AMERICAN?

(By Morton M. Kondracke)

Having lobbied its way into favor on Capitol Hill, a controversial Iraq-based Iranian revolutionary group is making a strong play to gain official recognition from the incoming Clinton Administration.

But Sen. John McCain (R-Ariz) is asking the FBI for a public report on the group, the People's Mujahedin of Iran (PMOI), charging that it has a "history of violence against American citizens." It a charge that bears looking into by the President-elect.

A delegation of PMOI officials, including its foreign affairs director, attended the Democratic Leadership Council's dinner in Washington Dec. 8 and managed to make a brief presentation of its case and some literature to Clinton, his wife Hillary, and several top Congressional leaders.

Vice President-elect Al Gore, one of 62 Senators who signed a pro-PMOI letter Oct. 28, met for half an hour with the foreign affairs director, Mohammed Mohadessin, just before the election.

"With a new Administration, we believe it is time for a new approach toward Iran," a Mohadessin aide, Ali Safavi, told me. He indicated that the PMOI hopes, at a minimum, for reversal of a State Department ban on official contact with the group and, at best, for aid and recognition as the leading resistance group battling the fundamentalist government of Iran.

Safavi charged the Bush Administration with "appeasing the mullahs," who are bent on a policy of internal repression, terrorism, military domination of the Persian Gulf, and development of nuclear, chemical, and biological arsenals.

Administration officials admit that Iranian President Hashemi Rafsanjani has not, as they hoped, demonstrated more moderation than the late Ayatollah Khomeini. Iran is currently accused of trying to wreck the

Mideast peace talks by prompting fundamentalist attacks on Israelis and of being one of the world's foremost sponsors of terrorism. The CIA recently confirmed there are signs that Iran is working on a nuclear capability.

Still, the State Department says it opposes the PMOI as a "leftist" group founded in opposition to Zionism and American "imperialism" and alleges it supported not only the assassination of several American military officers and civilians in Iran between 1973 and 1976, prior to the overthrow of the Shah in 1979, but also the seizure of the US embassy in November 1979.

But PMOI spokesmen claim their group is Islamic and democratic and, while certainly anti-Shah, had nothing to do with attacks on Americans. The group asserts that the assassinations took place when the PMOI's leader, Masoud Rajavi, was in jail and leadership of the group was seized by militant Marxists. Further, the US embassy, according to PMOI, was seized by Islamic militants who later became the Revolutionary Guards.

The group maintains an effective lobby in Washington. This summer, 219 House Members, led by Reps. Mervyn Dymally (D-Calif), Helen Bentley (R-Md), and Robert Torricelli (D-NJ), signed a statement denouncing Iranian human rights abuses and declaring that the PMOI-led National Resistance Council "is capable of establishing freedom and democracy in Iran."

The Senate letter that was signed by Gore and circulated by Sen. Hank Brown (R-Colo) cited the House action and support from 1,300 parliamentarians in 19 other countries.

But on Nov. 28, a Congressional Research Service report raised questions both about PMOI's military prowess and its dedication to democracy.

According to CRS scholar Kenneth Katzman, the PMOI-led National Liberation Army (NLA) "claims 40,000 troops under its command, although analysts believe the figure is probably closer to 15,000," as against 600,000 in Iran. "Moreover, it is widely believed that the NLA is largely under the control of Iraq, and, even if capable, would not be able to carry out an offensive into Iran without at least the tacit approval of Saddam Hussein," Katzman wrote.

Katzman says that Rajavi is an "authoritarian socialist" and notes that PMOI propaganda features pictures of him and his wife in the style of regimes dominated by cults of personality.

McCain, co-sponsor of tough sanctions legislation against Iran, wrote to FBI Director William Sessions on Dec. 15 asking for an update of a 1987 public report on PMOI, which alleged complicity in assassination of Americans and the embassy takeover.

"I am concerned that PMOI is playing an active role in lobbying the US Congress," McCain wrote, "under conditions where members have no way to learn the history of this organization," which he said involves "violence against American citizens, terrorism and financial ties to Iraq."

As a well-placed Congressional aide noted, "this is a three-cornered game between Iraq, Iran, and the PMOI. There are no good guys. There are only villains."

So while it may be that the Clinton Administration will find the PMOI worth supporting to harass an aggressively anti-western Iran, no decisions should be made before the facts are sorted out.

CAMPAIGN FOR DEMOCRACY
AND HUMAN RIGHTS IN IRAN,
December 24, 1992.

DEAR SENATOR MCCAIN: Your tough sanctions legislation against the Islamic "Republic" of Iran and your stand against the "People's Mojahedin Organization" is quite commendable.

The PMOI which has been repudiated as a terrorist organization on numerous occasions by the United States Department of State in the last 20 years, has presented a grossly distorted picture of their movement and their gross acts of terrorism is without exaggeration feared and abhored by the Iranian people.

Many facts concerning the unsavory nature of this so-called resistance movement should be presented to the honorable members of Congress who are horrified by the insane and reprehensible behavior of an Iranian leadership which has resorted to unprecedented acts of brutality, hostage taking and international terrorism. For example the fact that the resistance group being promoted was a committed supporter of Khomeini and until it began quarreling with the Mullahs in 1981, had in fact acted hand in hand with the Islamic regime to suppress all shades of liberal and democratic thought in Iran. It is also important to note that during both the Iran-Iraq War, as well as the Persian Gulf War, it had sided with Saddam Hussein first against their own people and later against the democratic alliance.

The solution to Iran's problems is the replacement of the current Rafsanjani-clerical Administration with one democratic inclination, responsive to popular aspirations, needs and priorities. Democratically minded Iranian opposition groups are working toward this goal.

We are looking forward to hear from you.

Respectfully Yours,

LAILA AMIR,
President.

IRANIAN COMMUNITY CENTER
IN ARIZONA,
Glendale, AZ, December 28, 1992.

Hon. Senator JOHN MCCAIN,
Senator of Arizona.

DEAR SENATOR MCCAIN: A recent article in the Washington Post has stirred up a controversy in our community. In the letter titled "Iranian Group Lobbying Clinton", the author, Mr. Kondracke, has attempted to undermine Mojahedin's legitimacy in their struggle for democracy and peace in Iran. Their diplomatic campaign which is merely to expose Khomeini's brutal regime and to introduce their just resistance, has been portrayed as fraud and deceiving, an accusation that has brought resentment in our community.

Our community was particularly hurt to find your name in the article supporting Mr. Kondracke's arguments particularly when we have been in contact with your office and have informed you of the situation.

After fourteen years of Khomeini, the world has realized Khomeini's crime against humanity, thanks to Mojahedin for their countless efforts to expose the regime. If it was not for the Mojahedin with their extensive support and connections within Iran, how would the truth by-pass the filters of a controlled and censored Iran. International organizations such as Amnesty International, when reporting on Iran, base their figures primarily on the Mojahedin. This illustrates their recognition and credibility.

The regime in Iran has been condemned repeatedly in the world community for the violations of human rights and export of terrorism. Iran's response to the condemnation has been to deny the charges on the basis that the information leading to condemnation has been produced by the Mojahedin. Thus clearly, the first beneficiary of this letter are the mulahs in Iran and consequently, the first victim will be the Iranian people who carry the bitter experience of 14 years of ruling of a reactionary, anti-western, and oppressive regime.

As Iranian-Americans, we are concerned with the situation in Iran and follow the events closely. We are well informed on the Mojahedin and are certain that the alleged charges in the letter are not true. Mojahedin have never been involved in any terrorist activities as suggested by Mr. Kondracke. They have strongly and repeatedly condemned any such action or one against the international laws and principles that they are striving and seeking for Iran. They are truly independent and have no financial or military ties to a foreign country or agency. They are deeply rooted in the Iranian people and enjoy popular support, among Iranian people as our community here in Arizona is a proof of that.

During the eighties, at the time when the Reagan-Bush administration was trying to renew its vows of friendship with Khomeini, the first prerequisite to any such relationship with Iran was denunciations of the Mojahedin. It was within this context that the 1987 FBI report came out. Therefore, except for Khomeini and its strategic friends, no one would believe that a movement with strong Islamic beliefs with many highly western (including the United States) educated members can possibly be "leftist" or "terrorist". Accusing the Mojahedin of such, is an insult to a nation who see their only hope for freedom in the Mojahedin.

There are two opposite scenarios in Iran. One is represented by the Khomeini regime which has proven to be only a potential for further instability for the region with no chance of any moderation. The second scenario which lies with the Mojahedin, is the only alternative for this troubled but strategically important region of the world. Stability will only return when Iran is freed. Only the Mojahedin can bring a lasting democracy to Iran and peace and stability to the region. Therefore, it is in the best interest of the United States as well as the Iranian people that the United States take a firm standing, against mulahs in Iran and to support the Mojahedin.

Mojahedin have been clear on the future of Iran. Their standing on issues has been out for many years. We as Iranian-Americans are all familiar with their goals. They have enjoyed international support. It just seems impossible that the whole world is misinformed. The "conditions" to study the past history and present program is all public information easily accessible to all. Thus, the recent support by the United States Congress is not due to their lack of knowledge but rather to their commitment to human principles.

The current situation in the region is volatile and changes can go in any direction. A greater focus and attention on the situation is required. We would like to send representatives and discuss with you concerning the situation and the Mojahedin. We hope to work together with you to resolve the misunderstandings.

Sincerely yours,

REZA MOHKAMI,
[And 5 others].

IRANIAN CULTURAL SOCIETY
OF NEW JERSEY,
Toms River, NJ, December 28, 1992.

MS. STACY MASON,
Roll Call, 900 2nd Street, NE.,
Washington, DC.

DEAR MS. MASON: When finally there seem to be a change in the US policy toward Iran and the Iranian Resistance, elements and supporters of the Mullah's regime in Iran are at work to pursue a campaign of misinformation aiming at discrediting the new policy. Reading Mr. Kondracke's article in the December 21, 1992 issue of the Roll Call, I see that this misinformation campaign has found its way into his work as well.

Without going into details of the State Department "fact sheet" against the Resistance which has been rebutted by the Resistance representatives in the US, I just would like to emphasis on a fact that there is no alternative beside the National Council of Resistance to the regime in Tehran. The choice is between a regime which presents the biggest threat to US vital interests in the Persian Gulf region and the peace and security of the entire Middle East, and a democratic independent resistance led by Mr. Masoud Rajavi which will undo what Khomeini did in Iran. Denouncing the Iranian Resistance from any standpoint, in practical terms, means supporting the current regime.

The last three US presidents have made misinformed decisions with regard to the Mullah's regime which have damaged these presidencies one way or another. President-elect Clinton cleverly understands this and is determined to make a US policy more in line with US and world interests in that region. The recent meetings between Resistance representatives and members of the incoming Administration demonstrate the new policy. This new policy is in the interest of both nations and in particular in interest of Iranian-Americans who wish close and friendly relations between the American government and a new democratic government in their original homeland.

Time has come for this change and no efforts on the part of the Mullahs or their surrogates can stop it.

Sincerely,

JAVAD BOROUMAND.●

1992 "WOMEN ON THE MOVE" LIFETIME ACHIEVEMENT AWARD

● Mr. DECONCINI. Mr. President, on Sunday, December 13, 1992, four Arizona women received the 1992 "Women on the Move" Lifetime Achievement Award for outstanding public service and dedication to the community.

These four individuals are role models for not only women, but for anyone who aspires to achieve the highest level of personal satisfaction and who commits themselves to helping others. It is a particular personal pleasure that my mother, Ora Webster DeConcini-Martin, was among these exceptional individuals.

I would also like to commend the recipient of the 1992 "Women on the Move" Corporate Award, Tucson Electric Power Company, for focusing on and committing resources to helping the community.

I urge my colleagues to join me in extending congratulations to all the recipients for their fine accomplishments.

Mr. President, I ask that the enclosed award citations for these five recipients be printed in the CONGRESSIONAL RECORD.

The citations follow:

1992 WOMEN ON THE MOVE LIFETIME ACHIEVEMENT AWARD RECIPIENTS

Laura Nobles Banks is a Tucson native who has made her mark as both an educator and a businesswomen. Dr. Banks earned her doctorate in Education and is a retired Assistant Superintendent for the Tucson Unified School District and owner and President of LNB Enterprises, an educational consulting firm. Dr. Banks is also owner, with her husband Jack Banks, and operator of Jack's Original Bar-B-Q. Dr. Banks is particularly proud of her participation in the United Nations Decade for Women Forum in Nairobi, Kenya, and her contribution to the YWCA of Tucson of a building in Barrio Anita that was used to improve the quality of life for young adults and seniors and ultimately was used as a child daycare center. Dr. Banks was the President of the YWCA Board of Directors in 1963 and 1964, served on the YWCA National Board for eleven years, and continues to be very involved in community organizations. She is a member of the University of Arizona Foundation Planned Giving Committee, Women at the Top, Rotary Club of Tucson, Alpha Kappa Alpha, Inc., The Links, Inc., and Southern Arizona Restaurant Association. Dr. Banks is a Community Advisor for the Junior League of Tucson, a member of the Advisory Board of Resources for Women, and a Golden Heritage Member of the NAACP. Dr. Banks has received numerous awards including: NAACP Outstanding Community Service Award, U of A Black Alumni Phenomenal Women Award, Tucson High School Hall of Fame Award, Outstanding Achievement Award from the TUSD Council of Black Educators, and is listed in Who's Who in Arizona, 1989–1990. She will receive the University of Arizona's Distinguished Citizen Award in December 1992.

Ora Webster DeConcini-Martin is the daughter of an Arizona pioneer family and graduate of the University of Arizona. With Evo, her husband of 54 years, and now Morris Martin, she has created a legacy of sharing and giving to the Tucson Community for close to five decades. Ora DeConcini-Martin, Arizona Mother of the Year in 1978, has four children, Dino, a Phoenix attorney; Dennis, U.S. Senator from Arizona; David, a real estate developer and family business manager; and Danielle, a school teacher, homemaker and community activist. She was a charter member of the League of Women Voters of Tucson and has been active in the Democratic Party, serving as committeewoman for 30 years and as a national committeewoman from 1972 to 1980. Mrs. DeConcini-Martin's concern for the homeless has led to increased space to serve 60 more men at the Primavera Shelter. The building of Casitas Esperanza DeConcini at Pio Decimo Center also provides short-term transitional housing for displaced or homeless families and last year provided 20,000 child nights. Her commitment and contributions to quality health care led to the establishment of the DeConcini Primary Care Center at St. Joseph's Hospital. Her community activities include volunteer service and membership on many community boards including, the Catholic Foundation for the Diocese of Tucson, the Newman Foundation, the Pio Decimo Neighborhood Center, St. Elizabeth of Hungary Clinic, Merilac Lodge, the Tucson Symphony, the Boys Club Women's Board and the Arizona Cancer Foundation.

Cele Peterson grew up in Bisbee, Arizona, and attended the University of Arizona and George Washington University. Mrs. Peterson worked for the Library of Congress in Washington D.C. translating old Spanish documents which related to the history of the southwestern United States. Cele Peterson opened her first Cele Peterson's store in 1931—today there are three. Mrs. Peterson is a nationally recognized fashion designer of women's clothing with a southwestern flair. Cele Peterson has been a leader in the Tucson business, social services, and arts community for over 60 years and has played an important part in the growth of Tucson as a community. She has served on the boards of numerous community organizations including, the Tucson Symphony, the Opera Dames, the Founding Opera Board, Arizona Civic Theater, Casa de los Ninos, Industrial Development Authority, Tucson Local Development Corporation, Tucson Community Foundation Board of Trustees, The UA Humanities Seminars Community Advisory Board, Board of Steele Memorial Children's Research Center, Pima Council on Aging, National Society of Arts and Letters, and the Advisory Board of Therapeutic Riding of Tucson (TROT). Cele Peterson was the founder of the Southwest Children's Exploratory Center which later became the Tucson Children's Museum. Cele Peterson has been the recipient of many honors from a very grateful community including, City of Hope, Chamber of Commerce Founders Award, University Distinguished Citizen Award and the Crystal Apple Award. Mrs. Peterson is the mother of five children, ten grandchildren and three great grandchildren.

Esther Don Tang was born in Tucson to the Don Wah family, a Tucson pioneer family before 1908, and attended Tucson schools and the University of Arizona. Esther Don Tang has distinguished herself as a leader in social services and in business. She retired as the Executive Director of the Pio Decimo Center after twenty years and is currently the Vice Chair and Consultant for Netwest Development Corporation, which develops housing for the elderly, families with children and entry level workers. Esther Don Tang has served on the National Board of the YWCA, Pima Community College Board, the Model City Advisory Board, Governor's Committee on Marriage and Family, the Salvation Army Board of Directors, Pima Council on Aging, the University of Arizona National Humanities Board, and the Arizona State Personnel Board. Esther Don Tang has also chaired the Tucson/Taichung Sister City Committee and trained Peace Corp Volunteers for Venezuela. She was the 1955 Woman of the Year, has received the Jefferson Award, the Dr. Martin Luther King Distinguished Leadership Award, has been honored by Tucson Rape Crisis Center, YWCA Women on the Move, Pima College Foundation, Tucson High School Hall of Fame, and the U of A Asian American Faculty. Mrs. Tang is particularly proud to have received the University of Arizona Doctor of Humane Letters and to have had the title of Lady Commander of Equestrian Order of the Holy Sepulchre of Jerusalem bestowed on her by the Pope.

1992 WOMEN ON THE MOVE CORPORATE AWARD RECIPIENT

Tucson Electric Power Company, an investor-owned electric utility which serves the Tucson area, has struggled over the last several years to restructure the Company in order to avoid a bankruptcy and the attendant negative impact on our community. The

Company's lengthy and complicated financial restructuring has been accompanied by a less public, but equally significant internal redirection and restructuring.

Tucson Electric Power's (TEP) new mission focuses on customer service, employee utilization, shareholder value and committing resources to help improve the community. Little time has been wasted in implementation. Soon after his election as President and CEO of TEP Charles E. Bayless added two women to the top management team in the positions of Vice President and Controller and Vice President of Finance. At the same time, two other women were entrusted with legal and strategic planning responsibilities, each crucial to the success of the financial restructuring of the Company's future.

Diversity is being addressed in many ways. The Cultural Awareness Resource and Education (CARE) Committee is charged with researching and making recommendations regarding employee cultural diversity issues, and an aggressive affirmative action program is designed to place females and minorities in positions in which they are currently underrepresented. Human resources policies continually examine work group opportunities for including a diverse mix of employees. Reflective of these TEP policies is the fact that the Board of Directors now includes two businesswomen and a Hispanic businessman.

New training programs, available to employees at all levels, stress communications skills, interpersonal relationships and diversity issues. With customer diversity in mind, primary customer information has been made more usable through Spanish language translations in larger type. Additionally, a range of beneficial low-income and senior citizen energy assistance programs have been added.

Community relations has also become a priority. The Community Action Team (CAT) was formed to encourage and publicize volunteer opportunities in the community. A modest corporate contributions program is targeted at cultural diversity and the environment as well as human needs in the community. And more employees are serving on non-profit boards of directors with the Company's full support and encouragement.

While environmental concerns are not new at TEP, the Company's educational programs on energy conservation and the environment have been expanded significantly over the past two years, reaching 2,700 local fourth-graders and their families through a hands-on energy conservation program, and another 3,000 K-12 students with topics ranging from electrical safety to respect for the environment.

An increased emphasis has been placed on educating and encouraging customers to use less electricity more wisely. These residential and business incentive and rebate programs create a basis for long-term strategies which address both environmental solutions and shareholder value.•

SENIOR OLYMPIC FESTIVAL

• **Mr. DECONCINI.** Mr. President, on January 23, 1993, the 9th Annual Senior Olympic Festival will commence in Tucson, AZ. This event, sponsored by Del Webb's Sun City Tucson and Senior Care from Intergroup of Arizona, is a unique opportunity for some 2,300 athletes over the age of 50 to engage in a spirited week of friendly competition.

Over a week's time and 90 events later, these participants will compete to qualify at the State and possibly the National Senior Olympics. The Senior Olympics have demonstrated that age is not a factor for those individuals who choose to live a long, healthy, and vivacious life. These events encourage others to not only exercise but lead healthier lifestyles in general.

Mr. President, I ask that my colleagues join me in offering support and luck to all the participants at the festival and in their continuing commitment to life and fitness.•

RESOLUTIONS CONCERNING DEMOCRATIC COMMITTEE ASSIGNMENTS

Mr. MITCHELL. Mr. President, I send six resolutions to the desk, and I ask for their immediate consideration, en bloc.

The PRESIDING OFFICER. The resolutions will be stated by title.

The legislative clerk read as follows:

Senate resolutions S. Res. 14, S. Res. 15, S. Res. 16, S. Res. 17, S. Res. 18, and S. Res. 19, en bloc.

Mr. MITCHELL. Mr. President, for the information of the Senate, these resolutions relate to Democratic committee assignments, including the appointment of the Senator from New York [Mr. MOYNIHAN] as chairman of the Committee on Finance, and the Senator from Montana [Mr. BAUCUS] as chairman of the Committee on Environment and Public Works; adjustment in committee assignments caused by Senator Bentsen's resignation; adjustment in certain committee sizes, and majority appointments to certain committees.

These resolutions have been cleared by the Republican leader, and he will offer resolutions relating to minority committee assignments immediately following action on these resolutions.

The PRESIDING OFFICER. The question is on agreeing to the resolutions, en bloc.

The resolutions (S. Res. 14, S. Res. 15, S. Res. 16, S. Res. 17, S. Res. 18, and S. Res. 19) were agreed to, en bloc.

The resolutions are as follows:

S. RES. 14

Resolved, That the Senator from Montana, Max Baucus, be and he is hereby, appointed Chairman of the Committee on Environment and Public Works, and

That the Senator from New York, Daniel Patrick Moynihan, be and he is hereby, appointed Chairman of the Committee on Finance.

S. RES. 15

Resolved, That the Senator from North Dakota (Mr. Conrad) be appointed to the Committee on Finance in lieu of his appointment to the Committee on Energy and Natural Resources.

S. RES. 16

Resolved, That the Senator from Texas (Mr. Krueger) is hereby appointed to serve as a member of the Committee on Commerce, Science, and Transportation, and the Committee on Energy and Natural Resources.

S. RES. 17

Resolved, That paragraph 4 of Rule XXV of the Standing Rules of the Senate as amended, is amended by inserting "(A)" after "(h)(1)" and by inserting the following new paragraph thereafter:

"(B) A Senator who during the One Hundred and Third Congress serves on the Committee on Environment and Public Works, the Committee on Finance, and the Committee on Agriculture, Nutrition, and Forestry, and who serves as chairman of a committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.".

S. RES. 18

Resolved, That paragraph 3 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Third Congress as follows:

(a) In subparagraph (a) strike "19" after "Small Business" and insert in lieu thereof "21", and

(b) In subparagraph (c) strike "10" after "Indian Affairs" and insert in lieu thereof "18".

Sec. 2 Notwithstanding the provisions S. Res. 400, the Committee on Intelligence shall have 17 members solely for the duration of the One Hundred and Third Congress."

S. RES. 19

Resolved, That the following shall constitute the majority party's membership on the committees for the One Hundred and Third Congress, or until their successors are chosen:

Committee on the Budget: Mr. Sasser (Chairman), Mr. Hollings, Mr. Johnston, Mr. Riegle, Mr. Exon, Mr. Lautenberg, Mr. Simon, Mr. Conrad, Mr. Dodd, Mr. Sarbanes, Mrs. Boxer, and Ms. Murray.

Committee on Rules and Administration: Mr. Ford (Chairman), Mr. Pell, Mr. Byrd, Mr. Inouye, Mr. DeConcini, Mr. Moynihan, Mr. Dodd, Ms. Feinstein, and Mr. Mathews.

Committee on Small Business: Mr. Bumpers (Chairman), Mr. Nunn, Mr. Levin, Mr. Harkin, Mr. Kerry (MA), Mr. Lieberman, Mr. Wellstone, Mr. Wofford, Mr. Heflin, Mr. Lautenberg, Mr. Kohl, and Ms. Moseley-Braun.

Committee on Veterans' Affairs: Mr. Rockefeller, (Chairman), Mr. DeConcini, Mr. Mitchell, Mr. Graham, Mr. Akaka, Mr. Daschle, and Mr. Campbell.

Special Committee on Aging: Mr. Pryor (Chairman), Mr. Glenn, Mr. Bradley, Mr. Johnston, Mr. Breaux, Mr. Shelby, Mr. Reid, Mr. Graham, Mr. Kohl, Mr. Feingold, and Mr. Krueger.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REPUBLICAN MEMBERSHIP ON CERTAIN COMMITTEES

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration with reference to committee assignments.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 22) to constitute the minority party's membership on certain committees for the 103d Congress, or until their successors are chosen.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

So the resolution (S. Res. 22) was agreed to as follows:

S. RES. 22

Resolved, that the following shall constitute the minority party's membership on the following committees for the 103d Congress, or until their successors are chosen:

Committee on the Budget: Mr. Domenici, Mr. Grassley, Mr. Nickles, Mr. Gramm, Mr. Bond, Mr. Lott, Mr. Brown, Mr. Gorton, and Mr. Gregg.

Committee on Rules and Administration: Mr. Stevens, Mr. Hatfield, Mr. Helms, Mr. Warner, Mr. Dole, Mr. McConnell, and Mr. Cochran.

Committee on Small Business: Mr. Pressler, Mr. Wallop, Mr. Bond, Mr. Burns, Mr. Mack, Mr. Coverdell, Mr. Kempthorne, Mr. Bennett and Mr. Chafee.

Committee on Veterans' Affairs: Mr. Murkowski, Mr. Specter, Mr. Simpson, Mr. Thurmond, and Mr. Jeffords.

Special Committee on Aging: Mr. Cohen, Mr. Pessler, Mr. Grassley, Mr. Simpson, Mr. Jeffords, Mr. McCain, Mr. Durenburger, Mr. Craig, Mr. Burns, and Mr. Specter.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 103-2 AND TREATY DOCUMENT NO. 103-3

Mr. MITCHELL. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following two treaties transmitted to the Secretary of the Senate on January 19, 1993, by the President of the United States:

Treaty with Argentina Concerning the Reciprocal Encouragement and Protection of Investment (Treaty Document No. 103-2); and

Treaty with Bulgaria Concerning the Encouragement and Reciprocal Protection of Investment (Treaty Document No. 103-3).

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Argentine Republic Concerning the Reciprocal Encouragement and Protection of Investment, with Protocol, signed at Washington on November 14, 1991; and an amendment to the Protocol effected by exchange of notes at Buenos Aires on August 24 and November 6, 1992. I transmit also, for the information of the Senate, the report of the Department of State with respect to this treaty.

This is the first bilateral investment treaty with a Latin American country to be transmitted to the Senate since the announcement of my Enterprise for the Americas Initiative in June 1990. The treaty is designed to protect U.S. investment and encourage private sector development in Argentina and to support the economic reforms taking place there. The treaty's standstill and roll-back of Argentina's trade-distorting performance requirements are precedent-setting steps in opening markets for U.S. exports. In this regard, as well as in this approach to dispute settlement, the treaty will serve as a model for our negotiations with other South American countries.

The treaty is fully consistent with U.S. policy toward international investment. A specific tenet, reflected in this treaty, is that U.S. investment abroad and foreign investment in the United States should receive fair, equitable, and nondiscriminatory treatment. Under this treaty, the Parties also agree to international law standards for expropriation and expropriation compensation; free transfers of funds associated with investments; and the option of the investor to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this treaty as soon as possible, and give its advice and consent to ratification of the treaty, with protocol, as amended, at an early date.

GEORGE BUSH.

THE WHITE HOUSE, *January 19, 1993*.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Republic of Bulgaria Concerning the Encouragement and Reciprocal Protection of Investment, with Protocol and related exchange of letters, signed at Washington on September 23, 1992. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The Treaty will help to encourage U.S. private sector involvement in the Bulgarian economy by establishing a favorable legal framework for U.S. investment in Bulgaria. The Treaty is fully consistent with U.S. policy toward international investment. A specific tenet, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive fair, equitable, and nondiscriminatory treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and expropriation compensation; free transfers of funds associated with investments; and the option of the investor to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Protocol and related exchange of letters, at an early date.

GEORGE BUSH.

THE WHITE HOUSE, *January 19, 1993*.

REPRINTING OF SENATE DOCUMENTS—SENATE CONCURRENT RESOLUTION 4; SENATE CONCURRENT RESOLUTION 5; AND SENATE CONCURRENT RESOLUTION 6

Mr. MITCHELL. Mr. President, I send three resolutions relating to the reprinting of Senate documents to the desk and I ask unanimous consent that they be considered en bloc; agreed to; and the motion to reconsider the passage of the resolutions, en bloc, be laid upon the table, and that statements I have on each resolution be printed at an appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (S. Con. Res. 4) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 4

Whereas informed research on the history and operations of the United States Congress depends on full access to existing scholarly studies of its former members, as well as to their published papers and other writings; and

Whereas no recent compilation of these significant research resources presently exists: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "Senators of the United States: A Historical Bibliography" prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed 5,000 copies for the use of the Office of the Secretary of the Senate.

SENATORS OF THE UNITED STATES: A HISTORICAL BIBLIOGRAPHY

Mr. MITCHELL. Mr. President, today I am submitting a resolution authorizing printing of a Senate document entitled "Senators of the United States: A Historical Bibliography." From 1789 to the present, over 1,800 Americans have served in the U.S. Senate. The careers of these individuals, as reflected in their writings and scholarly studies of their legislative service, provide detailed and personal illustrations of the workings, customs, and practices of the Senate.

There is at present no compilation to assist legislators, citizens, and scholars in identifying and locating these invaluable research resources. The Senate Historical Office has prepared "Senators of the United States: A Historical Bibliography" to provide researchers with a reference guide to works by and about former Members, and to stimulate further scholarship on the Senate's history. The bibliography lists biographies, articles, monographs, and doctoral dissertations that profile the lives and legislative service of approximately 1,100 former Senators, with special emphasis on modern, scholarly works. It also includes collected writings, autobiographies, diaries, and other published works by former Members.

So the concurrent resolution (S. Con. Res. 5) was agreed to.

The preamble was agreed to:

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 5

Whereas informed research on the United States Congress depends heavily on access to the office files, personal papers, oral history interview transcripts, and associated memorabilia of its former members;

Whereas the Senate in 1983 and the House of Representatives in 1988 have published well-received guides to these materials; and

Whereas thousands of new entries have been added to the Senate's 1983 edition and supplies of this award-winning reference guide have been exhausted: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "Guide to Research Collections of Former United States Senators" prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed 5,000 additional copies for the use of the Office of the Secretary of the Senate.

GUIDE TO RESEARCH COLLECTIONS OF FORMER UNITED STATES SENATORS

Mr. MITCHELL. Mr. President, in 1983 the Senate published the first edition of a reference book entitled "Guide to Research Collections of Former United States Senators, 1789–1982." This path-breaking work for the first time pulled together information about the locations and availability of over 3,500 senatorial collections in more than 350 research institutions throughout the United States. These collections, include office files personal papers, oral history transcripts, photographs, and memorabilia.

Research for this volume was conducted by the then only available method, a survey sent to the administrators of these collections. Now, more than a decade later, comprehensive national electronic data bases offer a wealth of additional information, including scores of previously unidentified collections and more accurate descriptions of already known collections.

The 1983 edition is now out of print. It is therefore timely to incorporate this new information in an updated guide that may be distributed to libraries, large and small, to facilitate research in the history of the Senate and the Nation that it serves.

So the concurrent resolution (S. Con. Res. 6) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 6

Whereas the United States Constitution, in Article I, section 5, provides that "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members" and that "Each House may . . . punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member";

Whereas the Senate has sought faithfully to exercise these constitutional requirements of self-discipline through its more that two-hundred-year history;

Whereas the Senate, beginning in 1885, has periodically published compilations of its election, expulsion, and censure cases for the guidance of members and the American people; and

Whereas the most recent edition is now twenty years out of date: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "Senate Election, Expulsion, and Censure Cases" prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed with suitable binding 3,000 copies for the use of the Senate, to be allocated as determined by the Secretary of the Senate.

SENATE ELECTION EXPULSION, AND CENSURE CASES

Mr. MITCHELL. Mr. President, today I am submitting a resolution authorizing printing of a Senate document entitled "Senate Election, Expulsion, and Censure Cases." The Senate first published this document more than a century ago in 1885. Revised editions were issued in 1903, 1913, 1940, 1962, and 1973. The Senate Historical Office has recently updated this important reference work and has rewritten each of the more than 170 cases described in the 1973 edition to include information on the historical context of the individual disputes.

REAPPOINTMENT OF DEPUTY LEGAL COUNSEL

Mr. MITCHELL. Mr. President, on behalf of myself and Senator DOLE, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislation clerk read as follows:

A resolution (S. Res. 20) reappointing Kenneth U. Benjamin, Jr. as deputy Senate legal counsel.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

So the resolution (S. Res. 20) was agreed to as follows:

S. RES. 20

Resolved, That the reappointment of Kenneth U. Benjamin, Jr. to be Deputy Senate Legal Counsel, made by the President pro tempore of the Senate this day, shall be effective January 3, 1993, and the term of service of the appointee shall expire at the end of the One Hundred Fourth Congress.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING TESTIMONY AND REPRESENTATION OF SENATE LEGAL COUNSEL

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution authorizing testimony and authorizing representation by Senate legal counsel and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 21) to authorize testimony and to authorize representation by the Senate legal counsel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, in *Willey* v. *Riley, et al.*, Case No. LA 18962, pending in the Iowa district court for Linn County, a former member of Senator GRASSLEY's staff is the plaintiff in a dispute over his employment contract with his former law firm. In anticipation of having Senator GRASSLEY provide general character testimony at the trial of this matter, the plaintiff placed Senator GRASSLEY on a witness list. The defendant has now requested the opportunity to depose the Senator in advance of trial. This resolution would authorize Senator GRASSLEY's deposition testimony in this case, except as to matters for which a privilege should be asserted, and would authorize the Senate legal counsel to represent Senator GRASSLEY in connection with his testimony.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, the resolution and its preamble are both agreed to.

So the resolution (S. Res. 21) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 21

Whereas, the parties in *Willey* v. *Riley, et al.*, No. LA 18962, pending in the Iowa district court for Linn County, seek the deposition testimony of Senator Grassley;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. sections 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members of the Senate with respect to requests for testimony made to them in their official capacities: Now, therefore, be it

Resolved, That Senator Grassley is authorized to testify at a deposition in *Willey* v. *Riley, et al.*, Case No. LA 18962 (Iowa D.Ct.), except when his attendance at the Senate is necessary for the performance of his legislative duties, and except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Grassley in connection with his testimony in the case of *Willey* v. *Riley, et al.*

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW AND TUESDAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Friday, January 22, 1993; that on Friday the Senate meet in pro forma session only; that at the close of the pro forma session, the Senate then stand in recess until 12 noon Tuesday, January 26; that on Tuesday, following the prayer, the Journal of Proceedings be deemed approved to date; that following the time reserved for the two leaders, there be a period for morning business not to extend beyond 12:45 p.m., with Senators permitted to speak therein for up to 5 minutes each, and that on Tuesday, January 26, the Senate stand in recess from 12:45 p.m. until 2:15 p.m. in order to accommodate the regular party caucuses.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to section 1024, title 15, United States Code, appoints the following Senators to the Joint Economic Committee: the Senator from Virginia [Mr. ROBB]; the Senator from North Dakota [Mr. DORGAN]; the Senator from Idaho [Mr. CRAIG], vice the Senator from New Hampshire [Mr. SMITH], resigned; and the Senator from Utah [Mr. BENNETT].

The Chair, on behalf of the Vice President, pursuant to Senate Resolution 4, 95th Congress, Senate Resolution 448, 96th Congress, and Senate Resolution 127, 98th Congress, as amended by Senate Resolution 100, 101st Congress, appoints the following Senators to the Select Committee on Indian Affairs: the Senator from North Dakota [Mr. DORGAN], and the Senator from Colorado [Mr. CAMPBELL].

THE INAUGURAL CEREMONIES

Mr. MITCHELL. Mr. President, and Members of the Senate, yesterday we inaugurated President Clinton and Vice President GORE in a moving ceremony. That ceremony symbolizes one of the greatest strengths of our democracy—the peaceful transition of power. The President's statement was a powerful call to action to deal with the pressing needs of our Nation.

Though the program was relatively brief, it involved countless hours of preparation on logistics, construction of the platform, ticket distribution, preparation for the luncheon in Statuary Hall, and many other tasks.

Many people were involved in these preparations, but the chairman of the Joint Congressional Committee on Inaugural Ceremonies, the distinguished Senator from Kentucky [Mr. FORD] carried the major burden of making the arrangements for this historic occasion. He performed his responsibilities with his characteristic good humor, fairness, and efficiency—the same traits which he has brought to bear in handling his duties as Democratic whip. I offer my congratulations to Senator FORD on a job well done. He even managed to deliver on his promise that it would not rain.

In addition to Senator FORD, I also wish to congratulate the distinguished Senator from Alaska, Senator TED STEVENS. His attention to detail and the tenacity with which he tackles any project, or issue, were evident in the outstanding success of this endeavor. I wish to express my gratitude to Senator STEVENS and thank him for all of his good work.

I would also like to thank the other members of the Joint Inaugural Committee, those who served on that committee besides Senators FORD, STEVENS and myself. They were Speaker FOLEY; majority leader GEPHARDT, and minority leader MICHEL. Senator FORD and the committee were ably assisted by the officers and employees of the Senate and House of Representatives, as well as personnel from the executive branch.

I offer my appreciation and gratitude to everyone who worked on the arrangements for the inauguration. The tireless efforts of all involved, particularly those of the chairman, Senator FORD and the ranking member, Senator STEVENS, resulted in a memorable event for the entire Nation.

RECESS UNTIL 10 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:08 p.m., recessed until Friday, January 22, 1993, at 10 a.m.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate January 21, 1993:

DEPARTMENT OF THE INTERIOR

BRUCE BABBITT, OF ARIZONA, TO BE SECRETARY OF THE INTERIOR.

DEPARTMENT OF COMMERCE

RONALD H. BROWN, OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF COMMERCE.

DEPARTMENT OF TRANSPORTATION

FEDERICO PEÑA, OF COLORADO, TO BE SECRETARY OF TRANSPORTATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF AGRICULTURE

MIKE ESPY, OF MISSISSIPPI, TO BE SECRETARY OF AGRICULTURE.

DEPARTMENT OF LABOR

ROBERT B. REICH, OF MASSACHUSETTS, TO BE SECRETARY OF LABOR.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DONNA E. SHALALA, OF WISCONSIN, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HENRY G. CISNEROS, OF TEXAS, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF ENERGY

HAZEL ROLLINS O'LEARY, OF MINNESOTA, TO BE SECRETARY OF ENERGY.

DEPARTMENT OF EDUCATION

RICHARD W. RILEY, OF SOUTH CAROLINA, TO BE SECRETARY OF EDUCATION.

DEPARTMENT OF VETERANS AFFAIRS

JESSE BROWN, OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF VETERANS AFFAIRS.

ENVIRONMENTAL PROTECTION AGENCY

CAROL M. BROWNER, OF FLORIDA, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL KANTOR, OF CALIFORNIA, TO BE U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

LEON E. PANETTA, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

DEPARTMENT OF THE TREASURY

ROGER ALTMAN, OF NEW YORK, TO BE DEPUTY SECRETARY OF THE TREASURY.

EXECUTIVE OFFICE OF THE PRESIDENT

ALICE RIVLIN, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

EXTENSIONS OF REMARKS

THE LINKUP FOR LEARNING ACT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mrs. LOWEY. Mr. Speaker, I rise today to announce the reintroduction of an important bill designed to advance school reform efforts throughout the Nation and to significantly improve our Nation's ability to educate our youth. This bill is the Linkup for Learning Act.

Many times, when students fail in school, it is because their basic social service needs are not being met. Large numbers of children in America are in desperate need of help with problems such as poverty, inadequate nutrition or health care, drug or alcohol abuse, and child abuse or neglect. Unless their vital needs are met, these students will continue to fail in alarming numbers. However, the current delivery system for social services is fragmented, ineffective, overregulated, and duplicative. We need to improve the delivery of these services so that our at-risk youth will be able to learn effectively and become productive members of society.

Fortunately, the answer is at hand. Around the Nation, communities are successfully experimenting with one-stop shopping for key social services in schools, community centers, or public housing sites. By linking together our Nation's families, schools, and social service agencies, we can provide coordinated and effective social services for America's youth, and significantly enhance their ability to succeed in school.

More than 20 percent of our Nation's children are living in poverty. Almost half of all children and youth live in single parent families for part of their lives. High proportions of disadvantaged and minority children are with teenage mothers who are struggling to fulfill academic programs themselves or have been forced to abandon hope.

Many of our Nation's children suffer from the effects of inadequate nutrition and health care. Some are victims of homelessness or violence. Still others have fallen victim to alcohol or drug abuse. And many are children of recent immigrants who face language and other barriers to educational success.

At the same time that the population of at-risk youth is growing, the Nation's support system for these children is eroding. For instance, 40 percent of eligible children do not receive free or reduced price lunches or benefit from food stamps. As many as 25 percent of our Nation's children are not covered by health insurance, and only 20 percent of those in need are accommodated in public housing.

Moreover, existing services for at-risk youth are fragmented, expensive, overregulated, ineffective, and duplicative. School personnel and other support service providers often lack knowledge of and access to available services for at-risk students and their families. Providers are constrained by bureaucratic obstacles and have few resources or incentives to coordinate services for these youth.

These facts are indicative of a national crisis in the making. Unless we respond to the needs of at-risk youth now, we will pay the price as a nation later. Our at-risk youth will continue to fail in school at an alarming rate, and our Nation will pay the price in the costs of remedial education and job training, lost productivity, reduced competitiveness, and increased spending on our criminal justice system.

The Linkup for Learning Act, which I am introducing today, seeks to address these serious problems by enhancing the effectiveness of educational support services for at-risk youth. It does so by providing resources to link together our Nation's families with schools and community social service agencies in an effort to provide overall coordination of services for at-risk youth.

By uniting parents, educators, and social service providers in addressing these problems in a comprehensive fashion, we can make significant progress in improving educational programs for these children. We can also better ensure that the billions of dollars we invest in elementary and secondary education are not undermined by shortcomings in the environments in which children are raised.

The Linkup for Learning Act calls for the establishment of a grant program in the Department of Education to encourage a coordinated approach to the provision of educational support services for at-risk youth.

Local school districts collaborating with a public social service agency or a consortium of agencies will be eligible to receive grants under this program, so long as the local school district is also eligible to receive chapter 1 funds for disadvantaged students. Participating school districts will be able to select any eligible school, grade level, or program area for the establishment of coordinated educational support services for at-risk youth.

Local education agencies receiving grants under this act may use the funds for coordinating, expanding, and improving such school-based or community-based services as: child nutrition and nutrition education; health education, screening, and referrals; student and family counseling; substance abuse prevention; remedial programs; child care; tutoring; mentoring; special curricula; family literacy; parent education and involvement activities; and other appropriate services.

In addition, funds may be used to develop a coordinated services program for at-risk youth to increase their access to community-based support services, such as: foster care and child protective services; child abuse services; recreation; juvenile delinquency prevention and court intervention; job training and placement; and other appropriate services.

School districts may also use grant funds to facilitate interagency collaboration, coordinate case management, and train staff in the participating agencies. Special consideration will be afforded to school districts which have a particularly high proportion of at-risk students, and to achieving geographical distribution of awards.

Finally, the bill creates a Federal interagency task force to facilitate interagency collaboration at the Federal, State and local levels, and it directs the Secretary of Education to conduct a study of funded projects and make recommendations to Congress to improve the coordination of educational support services.

The bill authorizes $250 million for linkup for learning grants in fiscal year 1994, and such sums as are necessary in fiscal years 1995, 1996, 1997, 1998, and 1999.

I would like to take this occasion to thank the officials and members of the National School Boards Association [NSBA] for the major role that they played in the development of this important legislation. NSBA members, who are on the front lines in responding to the crises facing at-risk youth, recognize the severe impediments to success that are posed by today's system of fragmented services, and they understand that the concept embodied in this legislation will go a long way toward achieving success in educating America's most troubled youths. They were crucial in building extensive bipartisan support for this legislation during the 102d Congress, and I look forward to a close and productive working relationship with the NSBA in the coming year.

During the 102d Congress, I introduced very similar legislation in order to call attention to the desperate need for improved coordination in the provision of services for at-risk youth. More than 140 Members of Congress from both parties cosponsored that bill.

During a series of hearings in the Committee on Education and Labor on the problems facing American education, it became very evident that enhanced coordination of education with Health and Social Services is one of the most effective tools of school reform available today. In the wake of these hearings, the Committee on Education and Labor and the full House of Representatives passed comprehensive school reform legislation that sought to provide funds to local school districts in order to assist them in conducting this essential reform activity.

Unfortunately, the reform legislation did not meet with final approval from Congress prior to the end of the legislative session in 1992. However, throughout the process, there was strong agreement from most education leaders in the House and the Senate that this concept would be on the top of the legislative agenda during the 103d Congress, as we move toward consideration of legislation to support school reform and to reauthorize the extensive programs of the Elementary and Secondary Education Act. In light of the strong congressional interest in this legislation, as well as the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

promising new leadership in the White House, I plan to press for prompt action on this legislation during the 103d Congress, and I am hopeful that we will meet with success.

Mr. Speaker, the issue of educating at-risk youth is among the most important issues facing education today. The concept embodied in the Linkup for Learning Act, which calls for a coordinated effort on the part of parents, educators, and social services agencies in responding to the needs of at-risk students, will help dramatically improve educational success of at-risk students. This, in turn, will reap benefits for our entire society in increased productivity, enhanced competitiveness, and reduced spending on social services.

I am joined today in introducing this legislation by my colleagues Mrs. MORELLA, Mr. ANDREWS of New Jersey, Mr. MILLER of California, Mr. OWENS of New York, and Mr. PAYNE of New Jersey. I urge all of my colleagues to join in this effort to improve our Nation's educational report card by cosponsoring the Linkup for Learning Act.

DELEGATE VOTING: A RISKY PRECEDENT

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. GINGRICH. Mr. Speaker, the following article by Bruce Fein entitled "Setting a Risky Precedent on Votes" reviews the constitutional case against delegate voting. These arguments are well thought out and well written. I hope they will be helpful in explaining this issue to your constituents.

SETTING A RISKY PRECEDENT ON VOTES

(By Bruce Fein)

On Jan. 5, the House of Representatives adopted a rule that established a frightening constitutional precedent.

Voting along party lines, the House, empowered delegates from the District, Guam, the Virgin Islands, American Somoa, and the resident commissioner from Puerto Rico to cast votes in the Committee of the Whole, subject to a new vote without their participation if their votes are determinative of the outcome.

The constitutional theories advanced by the Democrats to sustain their partisan power grab are daggers to the rule of law; they could be wielded in times of strife to exclude blacks, women, Hispanic-Americans, Asian-Americans, or members of a particular political party from participation in the critical preliminary legislative steps to House floor votes. To borrow from Supreme Court Justice Robert Jackson in Korematsu vs. U.S. (1944), the principle enshrined by the rule will lie "about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need."

Article I, Section 1 of the Constitution entrusts all federal "legislative" power to the Senate and House of Representatives. Article I, section 2 confines membership in the House to persons chosen biannually "by the People of the several states" from equally populous districts, as the Supreme Court declared in Westberry vs. Sanders (1964). In other words, the legislative powers of the House may be exercised only by persons elected by voters in the various states and representing equal numbers of citizens. Persons representing territories of the United States, the District of Columbia, the president of the United States, foreign governments, the Vatican, or otherwise do not satisfy that constitutional requirement.

Under House Rules, the Committee of the Whole manifestly exercises legislative power. For example, if it declines to report an amendment to the House, that decision cannot be overruled by the House.

Rule proponents, nevertheless, insist on its constitutionality because the four delegates and resident commissioner have exercised similar legislative power under House rules for years: they vote in standing committees, introduce legislation, debate on the House floor, and make committee reports. But these powers have never been blessed in court; they are as constitutionally suspect as their new power to vote in the Committee of the Whole.

The Supreme Court has repeatedly denied that constitutional transgressions by Congress are immunized from challenge by long repetition. Thus, the court held legislative vetoes unconstitutional in INS vs. Chadha (1983) despite their routine enactment by Congress for a half-century. Similarly, the court denied Congress the power to levy a federal income tax in Pollock vs. Farmers' Loan & Trust Co. (1895) although an income tax had been levied without successful constitutional challenge during the Civil War. In sum, long congressional usage or custom is no proof of a rule's constitutionality.

Defenders of the new House rule also argue that since the introduction of bills and votes in standing committees and the Committee of the Whole are only preliminary to final legislative action on the House floor (and can theoretically be reversed), those powers can be exercised by nonmembers. But that argument exalts form over substance, and founders on experience.

Committee decisions to reject or approve bills or amendments are seldom reversed on the House floor because of customary deference to committee interest or expertise or procedural barriers. Indeed, that explains the heady enthusiasm exhibited by the four delegates and resident commissioner for committee voting rights.

If the law believes their committee votes are advisory only without pivotal influence over House legislation, then "the law is a ass, a idiot," to quote Mr. Humble's advocacy in Oliver Twist. The Supreme Court, moreover, would reject such sophistry reminiscent of white, racist and Democratic Party politics in the South for too many years.

In Terry vs. Adams (1953), white Democrats in Texas sought to evade the constitutional prohibition against racial discrimination in setting voter qualifications. They formed a private club consisting of all white voters in 1889—the Texas Jaybird Association—with no recognized status under state law. The club's purpose was to reach a consensus on Democratic candidates for primary and general elections. Although technically the club's candidate endorsement was only advisory, in practice it was decisive.

Writing for the court, Justice Hugo Black explained: "The only election that has counted in this Texas county for more than 50 years has been that held by the Jaybirds, from which Negroes were excluded. The Democratic primary and the general election have become no more than the perfunctory ratifiers of the choice that has already been made in Jaybird elections from which Negroes have been excluded. * * * The effect of the whole procedure, Jaybird primary plus Democratic primary plus general election, is to do precisely that which the Fifteenth Amendment forbids—strip Negroes of every vestige of influence in selecting the officials who control the local county matters that intimately touch the daily lives of citizens."

In sum, to characterize standing committee and Committee of the Whole votes as "advisory" is to close one's eyes to what everyone else can see—namely, that they are ordinarily crucial in the House of Representatives to the fate of legislation, and thus must be constitutionally confined to members elected from the several states.

In debating the new Committee of the Whole rule, House Democrats repeatedly confessed their attempt to elevate the status of delegates and the resident commissioner to approach that of members. Thus, Democratic Reps. Bill Richardson of New Mexico, Louise Slaughter and José Serrano of New York, Steny Hoyer of Maryland, E "Kika" de la Garza of Texas and David Bonior of Michigan, and Resident Commissioner Carlos Romero-Barceló of Puerto Rico defended the rule on the ground that all U.S. citizens should be equally represented in the House if they fight in wars and pay federal or local taxes. Mr. de la Garza elaborated: "My interpretation is if you are born enfranchised a U.S. citizen by birth or by acquisition, that gives you full equality with every other American and we should not be talking about numbers." Mr. Hoyer declared: "[T]he substance of this proposal says * * * that nonState territories ought to be represented in this body." Mr. Bonior elided the constitutional issue by appeal to a "higher" law of morality: "Are we to say to [the] survivors [of dead Vietnam Veterans from the territories and the District of Columbia] that those soldiers were good enough to fight and to die for their country but not good enough to be represented here? Are we to say to those survivors and their families, 'We appreciate your sacrifice, but we can note it only on a monument, not in the Committee of the House of Representatives?'"

Mr. Bonior's appeal to a higher law is not novel. It echoes Sen. William Seward's identical appeal to "a higher law than the Constitution" to prohibit slavery in the territories, an argument that bolstered the advocates of secession, notwithstanding the Constitution. A nationwide ban on slavery was achieved by the 13th Amendment, following proper constitutional processes. Similarly, the Constitution provides in Article IV, section 3 for the admission of new states and representation in the House through congressional legislation but not through House rules that escape Senate concurrence and political presidential vetoes. (A constitutional amendment is probably required for D.C. statehood because of its unique constitutional status).

To recapitulate: Delegate and resident commissioner House voting privileges play dangerously fast and loose with constitutional principles and judicial precedents. If expansion of committee voting rights beyond members is permissible because committee votes are advisory and subject to reversal on the House floor, then contraction of committee voting rights to exclude some members would seem equally defensible. Thus, a House rule might deny members committee voting rights based on their race, ethnicity, religion, gender, political party affiliation, ideological viewpoint or pestiferousness. The denials could be defended on the theory that committee votes are simply advisory, are bereft of meaningful legislative consequence, and are thus noninjurious to the political clout of members who are disenfranchised in committees but not on the House floor.

Last week, House Republicans filed suit challenging the constitutionality of delegate and resident commissioner voting rights in the Committee of the Whole in the U.S. District Court for the District of Columbia (Michel vs. Anderson). The likelihood of success is great. Judges are more heedful than partisan legislators of Sir Thomas More's wisdom: "The law Roper, the law. I know what's legal, not what's right. And I'll stick to what's legal. * * * I'm not God. The currents and eddies of right and wrong, which you find such plain-sailing, I can't navigate, I'm no voyager. But in the thickets of the law, oh there I'm a forester. * * * What would you do? Cut a great road through the law to get after the Devil? * * * And when the last law was down, and the Devil turned round on you—where would you hide, Roper, the laws all being flat? * * * This country's planted thick with laws from coast to coast—man's laws, not God's—and if you cut them down * * * d'you really think you could stand upright in the winds that would blow then? * * * Yes, I'd give the Devil benefit of law, for my own safety's sake."

LEN GARDNER: A LEADER IN AGRICULTURE

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. EWING. Mr. Speaker, I rise today to recognize the achievements of an outstanding friend of agriculture, Len Gardner. Len recently retired as executive director of governmental affairs for the Illinois Farm Bureau. Len has been a friend of mine for many years, and I, and may others in Illinois, are sorry to see him go.

Len Gardner's life is devoted to agriculture. Having grown up on a grain and livestock farm in McLean County, IL, he attended the University of Illinois College of Agriculture for his bachelors and masters degrees.

As long as I can remember, Len Gardner has been associated with the Illinois Farm Bureau. He served the Illinois Farm Bureau well in a variety of assignments before joining the governmental affairs division, the position he will be most remembered for. Len represented Illinois agriculture skillfully at both the State and Federal levels, making the Illinois Farm Bureau an important participant in any policy debate affecting farmers throughout Illinois.

Len Gardner leaves behind an Illinois Farm Bureau stronger for his work, and a network of friends appreciative of his leadership. I know he will be as successful in his future endeavors as he has been in his past, and wish him the best of luck.

EUROPEAN PARLIAMENT RESOLUTION ON THE TORRICELLI ACT (CUBAN DEMOCRACY ACT OF 1992)

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. BEREUTER. Mr. Speaker, on January 15, 1993, members of the European Parliament meeting with Members of the United States House in the 40th meeting of the European Parliament-United States Congress Interparliamentary Meeting in Strasbourg, France, presented the following resolution which is recommended for consideration by Members of Congress:

RESOLUTION B3-1692, 1716, 1737, 1758 AND 1788/92

(Resolution on the restrictions on international trade imposed by the United States (Cuban Democracy Act)

The European Parliament:

Having regard to the Cuban Democracy Act or Torricelli Act adopted by the U.S. Congress and signed by President Bush,

Having regard to the United Nations General Assembly resolution of 24 November 1992 rejecting the Cuban Democracy Act,

Whereas this law unilaterally imposes restrictions on the national sovereignty of other states and constitutes a deliberate, flagrant violation of international law on free trade and freedom of transit incompatible with the principles of the EEC-USA Transatlantic Declaration,

Whereas in 1991 President Bush rejected a similar proposal, the Mack Amendment, his justification being that the amendment was extra-territorial in character and infringed international law,

Having regard to the opposition to this law expressed by the Commission, the Council Presidency, the governments of Canada and Uruguay and the parliaments of Mexico and Venezuela,

Whereas isolation of a state which has not been decided on by the United Nations can make no contribution to democratization and may, on the contrary, serve as a pretext for a harder-line policy,

Supports the complaint lodged with the U.S. State Department by the Presidency-in-Office of the Council of Ministers of the European Community;

Calls on the President-elect of the United States, once he has taken office, and the United States Congress to remove from the statute books the Cuban Democracy Act, the extra-territorial scope of which vis-a-vis United States jurisdiction represents flagrant violation of international free trade and freedom of transit;

Calls on the Council, the Commission and the governments of the Member States to take joint action to bring about the annulment of this Act;

Calls on the Council, the Commission and the governments of the Member States to step up their humanitarian aid to the Cuban people via NGOs;

Instructs its Delegation for the United States to raise this problem at its next meeting with the Members of Congress;

Instructs its president to forward this resolution to the Council, the Commission, the governments of the Member States, the U.S. President and the Cuban authorities.

TEXAS SENATE CONCURRENT RESOLUTION 10

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. WILSON. Mr. Speaker, I respectfully request that Senate Concurrent Resolution 10, as passed by the 72d Legislature, Fourth Called Session, 1992, of the State of Texas, be entered into the RECORD as a memorial and also as a reminder to my colleagues that the Vietnam conflict's MIA/POW legacy is still with us.

SENATE CONCURRENT RESOLUTION 10

Whereas, The Legislature of the State of Texas respectfully concurs with the executive and legislative branches of the United States government in assigning the "highest national priority" to determining the location and status of all American citizens still missing in Southeast Asia; and

Whereas, There are 2,273 American servicemen and civilians whose fates remain uncertain to this day, nearly two decades since the withdrawal of American troops from Vietnam and Southeast Asia; and

Whereas, Of those missing in Southeast Asia, 145 are military personnel from the State of Texas; these men are listed below by name, hometown, branch of service, and date of capture or loss:

NAME, HOMETOWN, BRANCH OF SERVICE, AND DATE OF LOSS

Lawrence Lee Aldrich, Fort Worth, U.S. Army, May 6, 1968.

Terry Lanier Alford, Pasadena, U.S. Army, November 4, 1969.

Samuel Almendariz, McAllen, U.S. Army, July 12, 1967.

John William Armstrong, Dallas, U.S. Air Force, November 9, 1967.

James Henry Ayres, Pampa, U.S. Air Force, January 3, 1971.

Vladimir Henry Bacik, Houston, U.S. Marine Corps, August 27, 1967.

Arthur Dale Baker, San Antonio, U.S. Air Force, April 7, 1965.

Robert Russell Barnett, Gladewater, U.S. Air Force, April 7, 1966.

Rudy Morales Becerra, Richmond, U.S. Army, March 24, 1970.

James Christof Becker, Palestine, U.S. Army, August 15, 1970.

Robert Samuel Bradshaw, 3rd, Lufkin, U.S. Marine Corps, February 12, 1970.

Jimmy Mac Brasher, Canyon, U.S. Army, September 28, 1966.

Ernest Frank Briggs, Jr., Devine, U.S. Army, January 5, 1968.

William Leslie Brooks, Tolar, U.S. Air Force, April 22, 1970.

James William Brown, Maud, U.S. Marine Corps, April 5, 1966.

Michael Paul Burns, El Paso, U.S. Army, July 31, 1969.

Ernest Ray Byars, Houston, U.S. Marine Corps, July 30, 1967.

James Henry Calfee, New Gulf, U.S. Air Force, March 11, 1968.

Virgil King Cameron, McAllen, U.S. Navy, July 29, 1966.

Clyde William Campbell, Longview, U.S. Air Force, March 1, 1969.

William Edward Campbell, McAllen, U.S. Air Force, January 29, 1969.

Donald Gene Carr, San Antonio, U.S. Army, July 6, 1971.

Billy Jack Cartwright, San Antonio, U.S. Navy, December 22, 1965.

John David Cayce, San Antonio, U.S. Navy, November 12, 1967.

James Albert Champion, Houston, U.S. Army, April 24, 1971.

John Clavin Clark II, Brownfield, U.S. Air Force, December 5, 1969.

Eugene Lunsford Clay, Arlington, U.S. Air Force, November 9, 1967.

Isom Carter Cochran, Jr., Houston, U.S. Army, May 23, 1968.

Edwin Ray Conner, Hillsboro, U.S. Navy, May 16, 1970.

Samuel Blackmar Cornelius, Lubbock, U.S. Air Force, June 16, 1973.

Joel Corona, Pharr, U.S. Army, November 8, 1970.

Donald Thorpe Deere, Snyder, U.S. Army, May 17, 1966.

Manuel Reyes Denton, Kerrville, U.S. Navy, October 8, 1963.

Ronald James Dexter, Abilene, U.S. Army, June 3, 1967.

William Young Duggan, Leander, U.S. Air Force, December 31, 1971.

Irby Dyer III, Midland, U.S. Army, December 2, 1966.

David John Earll, Dallas, U.S. Air Force, October 21, 1966.

William Patrick Egan, Fort Worth, U.S. Navy, April 29, 1966.

Carl J. Ellerd, Odessa, U.S. Navy, October 2, 1969.

Julian Escobedo, Jr., San Antonio, U.S. Marine Corps, September 1, 1969.

Clifford W. Fieszel, Lubbock, U.S. Air Force, September 30, 1968.

Ronald W. Forrester, Odessa, U.S. Marine Corps, December 27, 1972.

Marvin L. Foster, Hubbard, U.S. Army, March 16, 1969.

William O. Fuller, Houston, U.S. Air Force, August 26, 1967.

Ricardo Martinez Garcia, Driscoll, U.S. Army, March 19, 1971.

James E. George, Jr., Fort Worth, U.S. Army, February 8, 1968.

Paul F. Gilbert, Plainview, U.S. Air Force, June 18, 1972.

Jesus Armando Gonzalez, El Paso, U.S. Army, April 19, 1968.

Jose Jesus Gonzalez, El Paso, U.S. Marine Corps, June 11, 1967.

Charles B. Goodwin, Haskell, U.S. Navy, September 8, 1965.

Frank Clifford Green, Jr., Waskom, U.S. Navy, July 10, 1972.

Robert Bailey Green, Lampasas, U.S. Air Force, October 25, 1966.

Christopher A. Grosse, Jr., Harlingen, U.S. Army, March 28, 1968.

Hilario M. Guajardo, San Antonio, U.S. Marine Corps, May 1, 1967.

Alan W. Gunn, San Antonio, U.S. Army, February 12, 1968.

Charles David Hardie, Houston, U.S. Navy, July 27, 1967.

Bobby Glenn Harris, Mission, U.S. Army, March 17, 1971.

Gregg Hartness, Dallas, U.S. Air Force, November 26, 1968.

James Arthur Harwood, Dallas, U.S. Army, January 15, 1971.

Edgar L. Hawkins, Lamesa, U.S. Air Force, September 20, 1965.

Barry W. Hilbrich, Corpus Christi, U.S. Army, June 9, 1970.

Rayford J. Hill, Houston, U.S. Navy, October 2, 1969.

Richard Dale Hill, Houston, U.S. Air Force, December 6, 1963.

Cecil J. Hodgson, Greenville, U.S. Army, January 29, 1966.

Tilden S. Holley, Cameron, U.S. Air Force, January 20, 1968.

Lynn R. Huddleston, Ralls, U.S. Army, September 26, 1967.

James Larry Hull, Lubbock, U.S. Air Force, February 19, 1971.

John F. Hummel, Barstow, U.S. Army, March 6, 1971.

John Clark Hurst, Lufkin, U.S. Marine Corps, July 13, 1968.

Juan Macias Jimenez, San Antonio, U.S. Army, May 11, 1968.

August David Johnson, Houston, U.S. Navy, February 3, 1967.

Robert Dennison Johnson, Dallas, U.S. Navy, September 1, 1967.

John Robert Jones, El Paso, U.S. Army, June 5, 1971.

Louis R. Jones, San Angelo, U.S. Air Force, November 29, 1967.

Daniel Edward Jureco, Corpus Christi, U.S. Army, May 8, 1968.

Robert D. Kent, Dallas, U.S. Marine Corps, December 20, 1968.

Arthur William Kerns, El Paso, U.S. Army, December 23, 1966.

Roy A. Knight, Jr., Millsap, U.S. Air Force, May 19, 1967.

Terry T. Koonece, San Antonio, U.S. Air Force, December 25, 1967.

Glenn O. Lane, Odessa, U.S. Army, May 23, 1968.

Charles Allen Levis, Fort Worth, U.S. Air Force, April 2, 1972.

James W. Lewis, Marshall, U.S. Air Force, April 7, 1965.

Harold B. Lineberger, Austin, U.S. Air Force, January 29, 1971.

Danny Leonard Little, Abilene, U.S. Army, April 23, 1970.

Carl Edwin Long, College Station, U.S. Marine Corps, December 20, 1969.

Howard B. Lull, Jr., Dallas, U.S. Army, April 7, 1972.

Donald A. Luna, Houston, U.S. Air Force, February 1, 1969.

Charles Jerome Manske, El Campo, U.S. Air Force, March 24, 1969.

Michael Wayne Marker, Wichita Falls, U.S. Army, March 4, 1971.

Douglas K. Martin, Tyler, U.S. Air Force, April 18, 1973.

Sammy Arthur Martin, Bryan, U.S. Air Force, December 27, 1967.

Donald John Matocha, Smithville, U.S. Marine Corps, April 5, 1968.

James L. McCarty, McLean, U.S. Air Force, June 24, 1972.

R.D. McDonell, Sweetwater, U.S. Army, March 25, 1971.

John Terrance McDonnell, Fort Worth, U.S. Army, March 6, 1969.

Michael Owens McElhanon, Fort Worth, U.S. Air Force, August 16, 1968.

Homer E. McKay, Shallowater, U.S. Navy, February 6, 1968.

Curtis D. Miller, Palacios, U.S. Air Force, March 29, 1972.

James Dale Mills, Commerce, U.S. Marine Corps, January 29, 1968.

Anastacio Montez, Presidio, U.S. Army, May 24, 1969.

Scott Ferris Moore, Jr., Mesquite, U.S. Navy, February 20, 1970.

Manuel J. Moreida, Harlingen, U.S. Army, December 2, 1967.

Henry G. Mundi II, Abilene, U.S. Air Force, May 8, 1969.

Charles V. Newton, Canadian, U.S. Army, April 17, 1967.

William Clinton Niedecken, Corpus Christi, U.S. Navy, February 15, 1969.

David Esequiel Padilla, Borger, U.S. Marine Corps, May 18, 1968.

Joe Parks, Cedar Lane, U.S. Army, December 22, 1964.

Manuel Rameriz Fuentes, El Paso, U.S. Army, March 25, 1971.

Inzar William Rackley, Jr., Big Spring, U.S. Air Force, October 18, 1966.

Harry M. Rayenna, III, San Antonio, U.S. Army, November 15, 1966.

Ronald E. Ray, Port Arthur, U.S. Army, November 13, 1969.

Terry Michael Reed, Randolph A.F.B., U.S. Air Force, June 23, 1969.

John Will Roberson, Malakoff, U.S. Army, June 22, 1969.

Gerald Ray Roberts, San Marcos, U.S. Navy, December 2, 1965.

Jerry L. Roe, Houston, U.S. Army, February 12, 1968.

Luther L. Rose, Howe, U.S. Air Force, June 3, 1966.

Emmett Rucker, Jr., Wichita Falls, U.S. Air Force, May 24, 1968.

Richard Lee Russell, Snyder, U.S. Air Force, April 26, 1972.

Antonio Ramos Sandoval, San Antonio, U.S. Marine Corps, May 15, 1975.

Kureka Lavern Schmittou, Ringgold, U.S. Navy, May 23, 1967.

Melvin D. Seagraves, Lubbock, U.S. Navy, April 30, 1972.

Michael John Shea, El Paso, U.S. Marine Corps, April 29, 1975.

Warren Parker Smith, Jr., Pasadena, U.S. Air Force, June 22, 1966.

Clarence W. Stoddard, Jr., Corpus Christi, U.S. Navy, September 14, 1966.

Charles W. Stratton, Dallas, U.S. Air Force, January 3, 1971.

James Daniel Stride, Jr., Denison, U.S. Army, October 5, 1968.

Erwin Bernard Templin, Jr., Houston, U.S. Navy, January 22, 1966.

William J. Thompson, Houston, U.S. Air Force, August 1, 1968.

Francis Wayne Townsend, Rusk, U.S. Air Force, August 13, 1972.

Glenn E. Tubbs, Amarillo, U.S. Army, January 13, 1970.

Walter Shelby Van Cleave, Dallas, U.S. Air Force, April 22, 1969.

Bobby G. Vinson, Nederland, U.S. Air Force, April 24, 1968.

Dean Amick Wadsworth, Clarendon, U.S. Air Force, October 8, 1963.

Jerry Mack Wall, Nacogdoches, U.S. Air Force, May 18, 1966.

Neal C. Ward, College Station, U.S. Air Force, June 13, 1969.

Larry Eugene Washburn, San Antonio, U.S. Air Force, June 17, 1966.

Ronald Leonard Watson, El Paso, U.S. Army, February 18, 1971.

Donald E. Westbrook, Sherman, U.S. Air Force, March 13, 1968.

Albert Dwayne Wesier, Terrell, U.S. Air Force, October 5, 1968.

Danny L. Widner, Graham, U.S. Army, May 12, 1968.

Calvin Wayne Wilkins, Waco, U.S. Marine Corps, February 8, 1969.

Clyde David Wilkinson, Mineral Wells, U.S. Army, February 12, 1971.

Roy C. Williams, Woodville, U.S. Army, May 12, 1968.

Harry Truman Wilson, Grand Prairie, U.S. Marine Corps, June 4, 1970.

Murray L. Wortham, San Augustine, U.S. Air Force, December 30, 1967.

Whereas, The majority of information obtained on these missing citizens to date has remained classified, denying the families of these missing Americans, as well as the press and the American public, access to imports of live prisoner sightings, burial site locations, and detained camp locations; and

Whereas, Much of this important could be declassified without compromising the methods, resources, and identities of intelligence operatives; now, therefore, be it

Resolved, That the 72d Legislature of the State of Texas, 4th Called Session, hereby respectfully urge the President of the United States to declassify all information relating to American military personnel and civilians who remain missing in Southeast Asia, except for that information that would reveal the methods, resources, and identities of intelligence operatives; and, be it further

Resolved, That any remains returned from Southeast Asia in the future be transferred to the Smithsonian Institution in Washington, DC, for the purpose of identification and that the United States continue its current policy that diplomatic and economic relations with Laos, Vietnam, and Cambodia be normalized only when these countries have helped make a complete accounting of the missing; and, be it further

Resolved, That the Texas secretary of state prepare and forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and President of the Senate of the United States Congress, and to all members of the Texas congressional delegation, with the request that this resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

FAIR TRADE AND RECIPROCITY ACT OF 1993

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. CONDIT. Mr. Speaker, I rise today to introduce a bill, the Fair Trade and Reciprocity Act of 1993.

I have always been a supporter of the concept of free trade by allowing the marketplace to operate independent of government interference except in cases where national security interests are at issue. However, I am also a realist and there is an important step we need to take before free trade can be achieved—fair trade.

I have and will continue to support actions to offset institutional impediments that many nations place on the sale of American goods and services. I also believe that the same kind of action should be taken in terms of foreign ownership of American property and companies.

For these reasons, I am introducing the Fair Trade and Reciprocity Act of 1993. This legislation would require reciprocal responses to foreign acts, policies, and practices that deny equal treatment to American investment in other nations. Simply put, foreign nationals and corporations would be allowed to purchase American property and companies only to the extent in which Americans have reciprocal purchase rights in that foreign nation. In addition, the U.S. Trade Representative will notify Congress 90 days prior to enactment of any trade restrictions. During this 90-day congressional notification period, a country has a final prerogative to remove any trade impediments thus precluding further action by the United States.

I also believe it is time Americans stand up for each other. I am not convinced that free trade can be achieved before fair trade is established. Our experience with Japan makes this lesson clear. I want to assure all of the Members that I will continue to do everything I can to create an equal playing field with our trading partners. It is my belief that this legislation will aid in achieving this goal.

I hope you will join me in supporting the Fair Trade and Reciprocity Act of 1993.

IN RECOGNITION OF FREEDOM BOWL CHAMPIONS FRESNO STATE UNIVERSITY BULLDOGS

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. LEHMAN. Mr. Speaker, I rise before my colleagues today to pay tribute to one of my district's and the great State of California's greatest assets, Fresno State University.

Seventy-one years after playing football for the first time, the battling Bulldogs of Fresno State recorded a milestone on December 29, 1992, by soundly defeating the favored Trojans of the University of Southern California 24–7 in the Freedom Bowl.

Coach Jim Sweeney called it the "biggest win in the history of Fresno State football—by far." And it was. The team was motivated, well prepared and talented, and should be proud of its accomplishments.

For coach Sweeney, his assistants and staff, and for the players, the inspired victory also capped a year in which FSU shared the Western Athletic Conference football title in its first season in the conference. And in the process, the university received well-deserved national recognition.

But this glory extends beyond the locker room and the football field. It must be shared by the legion of fans, the proud Red Wave, whose support and dedication over the years have been a source of inspiration to many.

As they have to many other parts of the country, the Red Wave crowded into cars and vans and 600 buses for the long journey south from the Central San Joaquin Valley to Southern California to show their support and cheer on their team on a rainy Tuesday night in Anaheim Stadium.

It was an impressive sight—nearly 30,000 Red Wavers in a crowd of 50,000, displaying their colors and their spirit as they turned the stadium, the "Big A," into one giant block party and a sea of red. For at least that night, it seemed like the world belonged to Fresno.

And so I salute Fresno State, its administration, its athletes, and its proud supporters, not only for the accomplishments on the field that cold and wet night in December, but for the true sense of community the victory has inspired.

THE PUBLIC SERVICE SCHOLARSHIP ACT OF 1991, H.R. 511

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. GILMAN. Mr. Speaker, today I am reintroducing legislation I had sponsored in the 101st Congress intended to enhance federal employment recruitment and retention. This measure complements current education initiatives which allows federal agencies the flexibility to repay employee student loans and pay for employee educational expenses as part of the Federal Government's continuing efforts to improve its recruiting and retention efforts. This legislation, H.R. 511, complements these past efforts by establishing a federal scholarship program to allow agencies to pay for the costs of an employee's or recruit's education in return for a specified period of service.

During the 101st Congress, the Committee on Post Office and Civil Service held a series of extensive hearings on the recommendations put forth by the President's Commission on the Public Service. The Commission was formed in 1987 to prepare recommendation to the President and Congress on what was viewed as the quiet crisis in the Federal Government. The Commission saw an erosion in the attractiveness of public service which seriously undermined the ability of government to respond effectively to the needs and aspirations of the American people. Among the Commission's findings was a recommendation that the Federal Government establish a scholarship program for current employees and recruits as a means of improving its efforts in recruiting and retaining highly qualified employees.

This legislation which I am introducing today reflect the goals of the Commission by establishing a Public Service Scholarship Program to be administered by the Office of Personnel Management. Agencies can select candidates under the program to enter into a written agreement for the agency to provide up to a four-year academic scholarship, leading to a bachelor's, master's, or doctor's degree at an academic scholarship, leading to a bachelor's, master's, or doctor's degree at an accredited educational institution in return for 18 months of service for each academic year of scholarship assistance provided.

Candidates must obtain an acceptable academic standing with an accredited educational institution. Upon completion of the degree, the agency shall appoint such individual to full-time employment in the agency. Should an individual who entered into a scholarship agreement fail to complete the degree or fail to complete the specified period of service, he or she will repay to the agency the entire amount the agency has paid as scholarship assistance, unless the agency determines that such repayment would violate equity and good conscience or be against the public interest.

Amounts payable as a scholarship under this program will include tuition and fees, books and necessary expenses, appropriate living expenses, and any estimated tax liability for such scholarship. Agencies are authorized to make scholarship payments from the appropriation available to pay salaries and other expenses. In addition, appropriations are authorized to be made to the Office of Personnel Management to permit it to reimburse agencies for scholarship payments in order to encourage agencies to make use of this program.

Mr. Speaker, this legislation was initially an initiative put forth by the Office of Personnel Management and I commend the Office for its efforts in developing this program. Such policies reflect farsighted leadership and are in step with attempts to constantly improve the Federal Government's efforts at recruiting and retaining the best and brightest employees. I hope all my colleagues will join me today in supporting this legislation.

I insert the full text of the H.R. 511 in the RECORD at this point:

H.R. 511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Service Scholarship Act of 1993".

SEC. 2. PUBLIC SERVICE SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—(1) Subpart B of part III of title 5, United States Code, is amended by adding after chapter 35 the following:

"CHAPTER 36—PUBLIC SERVICE SCHOLARSHIP PROGRAM

"Sec.
"3601. Definition.
"3602. Establishment.
"3603. Identification of candidates.
"3604. Scholarship agreements.
"3605. Scholarship payments.
"3606. Regulations.
"3607. Reports.

"§ 3601. Definition

"For the purpose of this chapter, the term 'agency' means an Executive agency.

"§ 3602. Establishment

"The Office of Personnel Management shall establish a program, to be known as the Public Service Scholarship Program, under which scholarships may be awarded to outstanding students in accordance with this chapter.

"§ 3603. Identification of candidates

"(a) The Office of Personnel Management may, without regard to any provision of law requiring competitive bidding, enter into a contract with 1 or more not-for-profit, nongovernment organizations to identify candidates for the Public Service Scholarship Program.

"(b) Candidates for the Public Service Scholarship Program—

"(1) shall be identified on the basis of—

"(A) academic excellence and a commitment to public service or to a field of endeavor useful to the Government; and

"(B) geographic diversity;

"(2) shall be identified without regard to race, color, religion, sex, national origin, marital status, age, disabling condition, or political party or affiliation; and

"(3) shall not be disqualified by reason of already being employed by the Government.

"(c) Each contract referred to in subsection (a) shall contain provisions under which the organization involved shall be required to permit the Office of Personnel Management and representatives of the General Accounting Office to examine such records of the organization as may be necessary to carry out the purposes of this chapter.

"§ 3604. Scholarship agreements

"(a) An agency may select, from among candidates identified under section 3603, individuals to receive scholarships under the Public Service Scholarship Program.

"(b) The agency and each individual so selected shall enter into a written agreement which shall include, subject to such requirements as the Office of Personnel Management may by regulation prescribe, provisions under which—

"(1) the agency shall award the scholarship to help defray the costs incurred by such individual in pursuing a baccalaureate or postbaccalaureate degree, as a full-time student, in an academic program which is not less than 1 and not more than 4 academic years in duration, at an educational institution which is authorized to grant such degree;

"(2) the individual shall be required to maintain an acceptable academic standing (as defined in the agreement), and to provide to the agency such certifications from the educational institution as the agency may require relating to the individual's attendance and academic standing;

"(3) after successfully completing the requirements for the degree, the individual shall accept, if offered within such time as shall be specified in the agreement, an appointment to a full-time position that is commensurate with the individual's academic degree and experience, and that is—

"(A) in the excepted service, if the individual has not previously acquired competitive status, with the right, after successful completion of 2 years of service and such other requirements as the Office may prescribe, to be appointed to a position in the competitive service, notwithstanding subchapter I of chapter 33; or

"(B) in the competitive service, if the individual has previously acquired competitive status;

"(4) if appointed under paragraph (3), the individual shall serve for 18 months for each complete academic year (as well as the pro rata equivalent for any semester or other portion of an academic year in excess of 1 or more complete academic years) for which a scholarship was provided; and

"(5) the individual agrees to repay to the agency the full amount in scholarships paid to or on behalf of such individual under this chapter if the individual—

"(A) fails to maintain an acceptable academic standing or to satisfactorily complete the requirements for the degree involved; or

"(B) if offered a position in accordance with paragraph (3), fails to satisfy the requirement under paragraph (4), unless that failure is due to an involuntary separation other than for cause.

"(c) If, in the event of a failure described in paragraph (5)(A) or (B), the individual does not repay the amount required under the agreement, a sum equal to the amount outstanding shall be recoverable by the Government from the individual (or such individual's estate, if applicable) by—

"(1) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; and

"(2) any other method provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned may waive, in whole or in part, a right of recovery under this chapter if it is shown that recovery would be against equity and good conscience or against the public interest.

"(d)(1) An agency and an individual who have entered into an agreement under this section may, by mutual agreement, modify or terminate the agreement at any time.

"(2) Nothing in this chapter shall be considered to require an agency to offer a position to a scholarship recipient. However, if the agency does not make such an offer within the time specified in the agreement, the agreement shall be considered terminated.

"(3) An agency may agree to allow the individual to complete all or part of the period of service required under subsection (b)(4) as an employee of another agency. The agreement between the agencies may include provisions under which the receiving agency shall reimburse the other agency for an amount not to exceed the total amount in scholarships paid by such agency to or on behalf of the individual involved.

"§ 3605. Scholarship payments

"(a) The Office of Personnel Management shall determine the maximum amount that may be paid as a scholarship under this chapter, on the basis of average costs at public and private educational institutions, covering tuition and fees, books, appropriate living expenses, and any estimated tax liability for such scholarship. The amount may vary based on the level of the degree being sought. The Office may revise the maximum amount from time to time, as the Office determines appropriate.

"(b)(1) Agencies may make scholarship payments from the appropriation, fund, or account that is available to pay salaries of employees of the activity in which it is expected that the recipient of the scholarship assistance will be employed.

"(2) There are authorized to be appropriated to the Office such sums as may be necessary to permit the Office to reimburse agencies for scholarship payments under this chapter, or for portions of such payments, in order to encourage agencies to make use of the Public Service Scholarship Program.

"§ 3606. Regulations

"The Office of Personnel Management may prescribe regulations for the administration of this chapter.

"§ 3607. Reports

"The Office of Personnel Management shall prepare and submit to Congress each year a report on the operation of the Public Service Scholarship Program.".

(2) The table of chapters for part III of title 5, United States Code, is amended by adding after the item relating to chapter 35 the following:

"36. Public Service Scholarship Program .... 3601".

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SEC. 3. AMENDMENT RELATING TO STUDENT LOAN REPAYMENTS.

Section 5379 of title 5, United States Code, is amended by adding at the end the following:

"(h) At the request of an agency head, the President may authorize the application of the preceding provisions of this section (excluding subsection (a)(2)) with respect to 1 or more categories of employees within such agency, described in subsection (a)(2), who would not otherwise be eligible for benefits under this section.".

THE NEED TO EXTEND THE STATUTE OF LIMITATIONS FOR CERTAIN CLAIMS AGAINST FAILED FINANCIAL INSTITUTIONS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. STARK. Mr. Speaker, today I am introducing a bill to ensure that the Resolution Trust Corporation has adequate time to investigate and prosecute the individuals responsible for the $200 billion savings and loan fiasco.

My bill would do this by extending by 2 years the current 3-year statute of limitations for professional liability claims filed by the RTC against the former directors and executive officers of failed S&L's.

Professional liability cases are brought by the RTC against individuals whose negligence or fraud caused the failure of the institution. The RTC's professional liability section needs this extra time to cope with their extraordinarily heavy workload and the disruption of a recent organizational restructuring.

The RTC has had to take over 721 institutions. All of these failures must be examined for potential fraud, for the RTC estimates that there was fraud or negligence in 75 percent of thrift failures.

And the current statute is beginning to run out on many of these failed thrifts. Last year alone it expired for over 300 institutions. It will run out on an additional 213 failures this year, 141 next year, and at least 33 in 1994.

The regulators' duties have been complicated by a recent reorganization. The GAO reported to the Senate Banking Committee that the RTC professional liability section lost 40 percent of its attorneys and that many of the replacements had little or no experience in this highly technical field. This reorganization also disrupted the investigation of a number of cases being pursued at the time.

Despite the heavy workload and staffing disruptions, the RTC has already collected $97.6 million from professional liability claims and settlements. By May of 1992, the RTC had claims pending for over $4.5 billion—and the bulk of the lawsuits have yet to come.

My bill is similar to bills introduced last year by Senator Wirth and Congressman Levine. A weaker version of Senator Wirth's bill passed the Senate by bipartisan majorities four times but was dropped in conference. Both the RTC and the outgoing Bush administration registered support for extending the statute.

I hope my colleagues on both sides of the aisle will join with me to make sure that this bill gets passed early in this session.

COOPERATION WITHOUT COMPROMISE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. GINGRICH. Mr. Speaker, I would like to draw my colleagues' attention to the following article written by Hon. DAVID DREIER of California. He expresses a "cooperation without compromise" approach we should use when dealing with the new administration.

[From the Los Angeles Times, Dec. 4, 1992]

PERSPECTIVE ON THE NEW ADMINISTRATION—THE OPPOSITION EXTENDS A HAND

(By David Dreier)

Republicans and Republican themes played an important role in the election of Bill Clinton as our nation's 42nd President. More than twice the number of registered Republicans voted for the Democratic candidate in 1992 than did so in 1988. Conversely, there was a 23-point drop in Republican support for President Bush.

In the congressional vote, it was the first time in 32 years that the opposition party captured the White House but did not gain seats on the Hill. And in exit polls, voters preferred, by a margin of 54–38, government that costs less in taxes and provides fewer services.

Clinton's election clearly was not a victory for the left. The President-elect must, therefore, recognize that Republican support for his policies will be just as crucial to the success of his Administration as it was to the success of his campaign.

At the same time, congressional Republicans cannot infer from the election results that the public will tolerate unrestrained opposition to the Clinton Administration. Our overwhelming priority should be to help the new President succeed in improving the well-being of our country. But capturing a scant 43% of the popular vote does not entitle Clinton to a long honeymoon. It will take a great effort by both sides to attain the mutual trust and cooperation needed for successful governance.

We Republicans are willing to make such a commitment for the betterment of our country. For Clinton, the task will be made difficult by the demands of traditional liberals who dominate the national Democratic Party. Clinton needs to prove that he is a "new breed of Democrat" willing to stand up to congressional leaders and special-interest groups that inevitably resist change.

Clinton can start by holding firm on his support for a line-item veto. This campaign pledge gave budget-conscious voters a ray of hope that progress on the federal deficit is close at hand. But less than two weeks after declaring that "change is on the horizon," Clinton signaled a willingness to "compromise" with congressional leaders on a vague alternative that would actually weaken the President's already feeble authority to reduce wasteful spending.

Clinton is right to focus his initial energies and political capital on a program to stimulate the economy. Not surprisingly, Congress will have a different set of priorities. Democratic leaders have already indicated that Congress will move quickly on campaign finance reform, national voter registration, family and medical leave and, possibly, health-care reform legislation.

Republicans have offered thoughtful proposals on all of these issues. Clinton will gain immeasurable goodwill, and strong public support, if he works for bipartisan solutions to these issues.

When Clinton does submit his economic package to Congress, Republicans fully expect that it will include tax increases on the rich, as he promised during the campaign. While we continue to stand firmly opposed to new taxes to finance new spending programs, Republicans want to enact a bipartisan economic growth plan. Growth incentives that will weigh favorably with many of us include a capital-gains differential, expanded IRAs, an investment tax credit and tax breaks for first-time home-buyers. Politically, Clinton can expect to score big if he succeeds in proving wrong those who believe he will tax middle-class families as well.

The first major challenge to Clinton's "new breed of Democrat" paradigm may come early next year when Congress must vote to implement NAFTA—the North American Free Trade Agreement. If Clinton is serious about breaking the stranglehold that special-interest groups have on government policy, he must reaffirm his support for NAFTA. Then he must work vigorously to prevent amendments that would effectively kill the treaty and choke off a major source of job creation and economic growth.

Clinton should go one step further and boldly call for negotiations leading to a U.S.-Japan free trade agreement. This would send a clear signal to the world's financial markets, and to our trading partners, that the Clinton Administration intends to pursue trade policies that foster greater economic efficiency and a higher standard of living.

Free trade, economic growth, congressional reform, deficit reduction and welfare reform are just a few of the issues that Republicans want Clinton to successfully address because they are important to the future of our country.

"Our loyalty is due entirely to the United States," Theodore Roosevelt once wrote. "It is our duty to support [the President] when he serves the United States well. It is our duty to oppose him when he serves it badly."

This is how most Republicans are approaching the new Administration. Like the voters in general, we are looking to Clinton with a sense of hope and optimism and are willing to work with him to address the difficult challenges that lie ahead.

How far Republicans are willing to extend a helping hand depends on which Clinton emerges after his inauguration. If the "mainstream" Bill Clinton continues to pursue an agenda that recognizes free trade and free markets as the engine of our economy, he can look to Republicans to help carry the ball. If the "liberal" Bill Clinton emerges with an agenda of higher taxes, more government spending and increased regulation, he faces four of the most difficult years of his life.

BUSH ANSWERED A HIGHER CALLING

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. BEREUTER. Mr. Speaker, this Member appreciates President Clinton's salute to former President Bush for Bush's 50 years of public service. It is fitting that we all honor and reflect upon President Bush's commitment to the United States of America. Service to one's nation is a higher calling that must be honored and encouraged. I encourage my colleagues to read and carefully consider the following editorial from the Omaha World-Herald which reviews the outstanding record of former President Bush's public service.

[From the Omaha World-Herald, Jan. 20, 1993]

BUSH ANSWERED A HIGHER CALLING

George Bush represents an honorable tradition in American life—the tradition of regarding service to one's country as a higher calling.

Bush wore his country's uniform in combat, volunteering for duty in World War II. He served in Congress. He was the U.S. ambassador to the United Nations. He headed the American mission to China in the early days of the Nixon administration's thaw. He was director of the CIA and spent eight years as vice president.

Four years in the White House capped his career—four years that have seen the world become more peaceful and rational than nearly anyone could have realistically imagined at the time Bush took office.

Bush helped guide the Free World wisely through dangerous times—a period that brought the collapse of the Soviet empire, the Persian Gulf crisis, the challenge of dealing with Manuel Noriega and the constant threat of a trade war.

In Somalia, he demonstrated how military power could be used on a mission of compassion.

He improved relations with Mexico and Canada, championing free trade and signing an environmental law that relieved Canadian concerns about acid rain.

Bush's critics sometimes accused him of being out of touch with the multicultural world of the 1990s. But it was under him that an African American became the nation's highest-ranking military officer. He appointed more blacks, Hispanics and women to the Cabinet than any previous president. He signed legislation that expanded employment rights for women, disabled people and minority groups.

His experience in the private sector gave him a clear perspective of how jobs are created. He knew instinctively it would be dangerous to enlarge the national debt to spend the nation out of recession. His judgment, deplored in the press and on the evening news, was vindicated when the recovery began on his watch.

Other vindications may await. Bush now steps aside, leaving his accomplishments for the judgment of history. The preliminary verdict on a president, influenced by negative news coverage and the rhetoric of his opponents, doesn't always stand. Bush can be heartened at the fact that history has often recognized accomplishments that a president's contemporaries failed to fully appreciate.

TIME TO SHUT DOWN SPECIAL PROSECUTOR WALSH

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. EWING. Mr. Speaker, as Federal resources become more and more scarce, everyone agrees that waste must be eliminated from our Government. I can think of no better place to start than with the Office of Special Prosecutor, Lawrence Walsh.

Lawrence Walsh has been on a 6-year fishing expedition during which his major success has been to waste over $35 million of the taxpayers' money. Originally hired to investigate the Iran-Contra incident, Walsh has made a mockery of justice and tarnished the reputations of several respected figures. Now, even though all of his victims have been pardoned of any wrongdoing, Mr. Walsh is still trying to continue his investigation. Walsh maintains an unlimited budget and is accountable to no one. It seems that his main interest is in keeping his office open and his dozens of prosecutors employed. Justice seems to have taken a back seat. It is time that Mr. Walsh be given a pink slip.

Any credibility which the initial investigation had is now long gone, Mr. Speaker. It is time for the taxpayers to have their money spent on more worthy programs. It is time to put an end to this travesty and to pull the plug on Mr. Walsh.

PERISHABLE AGRICULTURAL COMMODITIES ACT TECHNICAL AMENDMENT OF 1993

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. CONDIT. Mr. Speaker, I rise today to introduce a bill entitled, the Perishable Agricultural Commodities Act Technical Amendment of 1993.

The Perishable Agricultural Commodities Act [PACA], was enacted in 1930 to promote fair trading in the fruit and vegetable industry by requiring buyers and sellers of fresh and frozen produce to honor the terms of their contracts.

The measure I have introduced will allow federated cooperatives as being exempt from fines levied by the Department of Agriculture as a result of misbranding and misrepresentation by an affiliated or member packing house.

Marketing cooperatives, like brokers, should not be subject to fines because of misbranding or misrepresentations made by an affiliated or member packinghouse. They do not have the knowledge of misrepresentation and lack the ability to correct these mistakes and therefore should not be punished.

In August of 1988 Congress established an Industry Advisory Committee to review the PACA Program and propose ways to enhance its efficiency and equity. The committee was composed of representatives from most major segments of the produce industry.

The committee met five times and submitted its final report to Congress and the Secretary of Agriculture on May 1, 1990. The committee thoroughly reviewed the PACA Program and suggested a number of actions. Included in the committee recommendations was to limit misbranding liability to licensees that could have knowledge of a product misrepresentation and the ability to correct it.

This bill is an attempt to honor the committees' recommendation and remove the federated cooperatives from liability for the violations of others whom they have no control and, in my view, improve the Perishable Agricultural Commodities Act.

I hope you will join me in supporting this important piece of legislation.

IN RECOGNITION OF FREEDOM BOWL CHAMPIONS FRESNO STATE UNIVERSITY BULLDOGS

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. LEHMAN. Mr. Speaker, I rise before my colleagues today to pay tribute to one of my district's and the great State of California's greatest assets, Fresno State University.

Seventy-one years after playing football for the first time, the battling Bulldogs of Fresno State recorded a milestone on December 29, 1992, by soundly defeating the favored Trojans of the University of Southern California 24–7 in the Freedom Bowl.

Coach Jim Sweeney called it the "biggest win in the history of Fresno State football—by far." And it was. The team was motivated, well prepared and talented, and should be proud of its accomplishments.

For coach Sweeney, his assistants and staff, and for the players, the inspired victory also capped a year in which FSU shared the Western Athletic Conference football title in its first season in the conference. And in the process, the university received well-deserved national recognition.

But this glory extends beyond the locker room and the football field. It must be shared by the legion of fans, the proud Red Wave, whose support and dedication over the years have been a source of inspiration to many.

As they have to many other parts of the country, the Red Wave crowded into cars and vans and 600 buses for the long journey south from the Central San Joaquin Valley to Southern California to show their support and cheer on their team on a rainy Tuesday night in Anaheim Stadium.

It was an impressive sight—nearly 30,000 Red Wavers in a crowd of 50,000, displaying their colors and their spirit as they turned the stadium, the "Big A," into one giant block party and a sea of red. For at least that night, it seemed like the world belonged to Fresno.

And so I salute Fresno State, its administration, its athletes, and its proud supporters, not only for the accomplishments on the field that cold and wet night in December, but for the true sense of community the victory has inspired.

INTERNATIONAL INDIGENOUS PEOPLES PROTECTION ACT OF 1993, H.R. 510

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. GILMAN. Mr. Speaker, today I am introducing legislation H.R. 510 that will help prevent the further destruction and elimination of cultures and societies around the world. Most of us, regardless of our political leanings, assume that indigenous peoples and tribal societies are bound to disappear. Most of us would assume that the process is as lamentable as it is inevitable.

Historical processes do not make small traditional societies disappear. Greed and a lack of understanding, however, do. Such groups are weak and tempting targets to the development programs that they are presumed to hinder or in the name of states that they are assumed to subvert.

There is no reason, however, that indigenous and tribal peoples cannot survive, both physically and culturally, the rapid changes that contact with expanding industrial societies and economic and political institutions brings.

Seen as impediments to progress and development, small societies throughout the world are facing extinction. Those that survive are often decimated by diseases introduced by outsiders and denied a political voice. Usually deprived of their lands and means of livelihood, they are forced to adapt to a national society whose language they do not speak. Without education, technical or other modern day skills, they generally suffer permanent poverty, political marginality, and cultural alienation.

As the push to exploit the resources of the Earth reaches the remaining untouched areas of the world, contact with isolated societies is inevitable—but their destruction is not. These vulnerable societies need the benefits of modern life, but to survive they need the ability to choose how much they will adapt and how long the process will take.

Toward that end, I have introduced this bill to help indigenous and tribal peoples have as much control as possible over their destinies—to retain their rights and culture as they adapt to the modern world.

Accordingly, I invite my colleagues to support the International Indigenous Peoples Protection Act of 1993, H.R. 510 and I insert a full text of this measure at this point in the RECORD:

H.R. 510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Indigenous Peoples Protection Act of 1993".

SEC. 2. FINDINGS.

(a) DETERIORATING SITUATION FACING INDIGENOUS AND TRIBAL PEOPLES.—The Congress makes the following findings:

(1) The situation of indigenous and tribal peoples in developing countries is deteriorating world-wide.

(2) Many of these populations face severe discrimination, denial of human rights, loss of cultural and religious freedoms, or in the worst cases, cultural or physical destruction.

(3) If current trends in many parts of the world continue the cultural, social, and linguistic diversity of humankind will be radically and irrevocably diminished.

(4) In addition, immense, undocumented repositories of ecological, biological, and pharmacological knowledge will be lost, as well as an immeasurable wealth of cultural, social, religious, and artistic expression, which together constitute part of the collective patrimony of the human species.

(5) The pressures on indigenous and tribal peoples, about 10 percent of the world's population, include denial of political and civil rights and of opportunities for self-determination, destruction of natural resources necessary for survival, and ethnic, racial, and economic marginalization.

(6) In many cases, unsound development policy that results in destruction of natural resources seriously jeopardizes indigenous and tribal peoples' physical survival and their cultural autonomy, frequently also undermining the possibility for long-term sustainable economic development.

(7) The loss of the cultural diversity for indigenous and tribal peoples is not an inevitable or natural process.

(8) In light of United States concern and respect for human rights and basic human freedoms, including rights to express cultural and religious preferences, as well as the United States desire for sustainable economic development, it is incumbent on the United States to take a leadership role in addressing indigenous and tribal peoples' rights to physical and cultural survival.

(b) DEFINITION OF INDIGENOUS AND TRIBAL PEOPLES.—Indigenous and tribal peoples in developing countries are those populations that are ethnically, culturally, or socially distinct from the politically dominant society on the regional or national level. These peoples are often (but not invariably) minorities, and invariably have little, if any, political representation or influence in governments. Many such peoples are marginally integrated into market economies and practice traditional, partially or wholly subsistence-based forms of economic activity. Examples of indigenous or tribal peoples include lowland South American Indians, Basarwa of Botswana and Namibia, Mayan Indians in Central America, and registered tribes in India.

SEC. 3. PROMOTING AND PROTECTING THE RIGHTS OF INDIGENOUS AND TRIBAL PEOPLES.

The Secretary of State and the Administrator of the Agency for International Development shall ensure—

(1) that United States foreign policy and foreign assistance vigorously promote the rights of indigenous and tribal peoples throughout the world; and

(2) that United States foreign assistance is not provided for any project or program detrimental to the rights of indigenous or tribal peoples or to their livelihood.

The rights of indigenous and tribal peoples to be promoted and protected pursuant to this section include the right to maintain their cultural, religious, and other traditions, customs, and institutions.

SEC. 4. BASELINE REPORT ON INDIGENOUS AND TRIBAL PEOPLES.

(a) PURPOSE.—The purpose of this section and section 5 is to help—

(1) guide future United States foreign assistance and other actions that could affect indigenous and tribal peoples, and

(2) permit United States actions that would assist these peoples.

(b) PREPARATION OF REPORT.—The Administrator of the Agency for International Development, in consultation with the Secretary of State, shall prepare a report on indigenous and tribal peoples in developing countries. This report shall include the following:

(1) A description of the economic, political, and social situation of indigenous and tribal peoples.

(2) A discussion of the effects of United States bilateral foreign assistance and United States-supported multilateral assistance on indigenous and tribal peoples, including a description of those projects and activities currently being funded by the Agency for International Development—

(A) which have a positive impact on indigenous and tribal peoples, or

(B) which have a negative impact on indigenous and tribal peoples.

(3) A comprehensive strategy for regularly monitoring and improving the situation of indigenous and tribal peoples, including—

(A) a description of the methodology and the guidelines to be used in carrying out the monitoring required by section 5, and

(B) a description of the specific actions that the Agency for International Development proposes to take to improve the situation of indigenous and tribal peoples.

(c) CONSULTATION WITH NGOS.—The Administrator shall consult with nongovernmental organizations with experience in monitoring and reporting on indigenous and tribal peoples, and with other interested persons, throughout the preparation of the report required by subsection (b), but in particular—

(1) in determining the scope of that report; and

(2) in developing the methodology to be used in preparing that report.

(d) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit the report prepared pursuant to subsection (b) to the Congress.

SEC. 5. MONITORING REGARDING INDIGENOUS AND TRIBAL PEOPLES.

(a) MONITORING.—The Agency for International Development (in consultation with the Department of State), on a regular basis, shall collect information concerning and shall analyze the situation of indigenous and tribal peoples in developing countries.

(b) USE OF NGOS.—In carrying out subsection (a), the Agency shall, wherever appropriate, use nongovernmental organizations with experience in monitoring and reporting on indigenous and tribal peoples.

(c) ANNUAL REPORTS TO CONGRESS.—Following completion of the report required by section 4, the Administrator of the Agency for International Development shall submit to the Congress, not later than February 1 each year, a report which—

(1) presents the findings resulting from the monitoring of indigenous and tribal peoples carried out pursuant to subsection (a);

(2) updates the information provided in the report submitted pursuant to section 4; and

(3) describes the activities which the Agency for International Development proposes to fund for the coming fiscal year to address the problems facing indigenous and tribal peoples in developing countries, specifying which activities will be carried out by the Agency and which will be carried out by nongovernmental organizations.

SEC. 6. ANNUAL HUMAN RIGHTS REPORTS.

In each report submitted to the Congress pursuant to sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, the Secretary of State shall include a description of each country's practices regarding the observation of and respect for the internationally recognized human rights of indigenous and tribal peoples in that country.

THE HIGH PRICE OF PRESCRIPTION DRUGS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. STARK. Mr. Speaker, the pharmaceutical industry has led us to believe that a reduction in drug prices would cost this Nation invaluable pharmaceutical research and new, innovative drugs. I would like to submit another excerpt from the Philadelphia Inquirer series on pharmaceutical drugs that has been outstanding in its effort to educate the public about the pharmaceutical industry, and refutes the notion that high prices equals substantially larger research budgets.

[From the Philadelphia Inquirer, Dec. 16, 1992]

MINIMIZING R&D, MAXIMIZING PROFIT

Whenever drug industry executives are challenged at congressional hearings by legislators looking into the high cost of drugs, their response is the same:

Pharmaceutical research is very expensive. It costs an average of $231 million for each drug brought to market. Sixteen cents of every sales dollar is spent on drug R&D, three times the average for other industries. For every discovery that results in a breakthrough drug, many expensive efforts fail.

To hear drug companies tell it, this must be a very difficult business in which to survive. Yet they not only survive, they manage to absorb all these costs and remain the most profitable businesses in America.

That's because drug companies—especially the big brand names ones, which account for the majority of drug research—are able to minimize their R&D risks in many ways:

They make me-too drugs, duplicating medicines that are already proven successes.

They buy other people's research or merge with companies that have promising drugs.

They benefit from basic research done by federal and academic laboratories.

They get substantial tax breaks or other incentives to develop and produce many of the drugs for which they charge high prices.

They abandon research on potentially useful drugs when market analysis shows the expected profit is not going to be big enough.

They even put premium prices on drugs they did not develop.

Letting someone else do the basic or preliminary research until a project looks like it will pay off handsomely is one of the surest ways the big companies have of minimizing risk—

Once a company does decide to develop or build on someone else's discovery, it often puts a high price on the drug, even though little of the company's own money was spent on the preliminary research.

That's what Wyeth-Ayerst Laboratories did with the contraceptive Norplant. It's what Janssen Pharmaceutica Inc. did with a cancer drug called levamisole. And it's what Burroughs Wellcome Co. did with AZT, the first drug effective in slowing the development of AIDS.

The research people at Wyeth-Ayerst, which sells Norplant in this country, had little interest in the idea of a long-acting contraceptive when it was first proposed to them years ago.

Wyeth was one of several big firms that rejected the idea when the non-profit Population Council of New York City tried to interest them in it, a research scientist at the council said.

So with funding from the Rockefeller and Ford Foundations and the Agency for International Development, the council went ahead on its own, said Irving Sivin, a senior associate and biostatistician with the Population Council. The council spent $10 million and several years running clinical trials with the matchstick-thin Norplant capsules, which are implanted under the skin and slowly release the hormone progestin.

Though Wyeth chose not to do the R&D, the company did want to stay on top of the research. So Wyeth provided the Population Council free of charge the hormone progestin, which it had developed, for use in the trials, with the provision that it would have first rights to distribute the drug in the United States should the trials prove successful.

The trials did prove Norplant's success. Wyeth still wasn't interested in risking capital in the manufacture of the contraceptive. So the Population Council turned to the Finnish firm of Leiras Pharmaceutical, which decided to make the drug.

Wyeth subsequently activated its right to distribute the contraceptive in the United States, paying a royalty to the Population Council.

Buying Norplant from Leiras, it repackages the contraceptive and sells it for $365—almost four times as much as the $96 that Finnish women pay for the drug.

Americans have to pay this premium even though Norplant was developed with U.S. government and philanthropic funds.

Sandra Waldman, a spokeswoman for the Population Council, said attempts were made to persuade Wyeth to sell Norplant to public agencies at a lower price.

Wyeth spokeswoman Audrey Ashby said the company didn't get involved with Norplant's R&D because 'preliminary research showed that it would not be accepted by American women. We did not want to have a brand new contraceptive for American women that would not succeed.'

Norplant is turning out to be a very important contraceptive in the United States.

Asked why Norplant costs so much more in the United States, Ashby said Wyeth spent $30 million to train 30,000 doctors in inserting and removing Norplant. And Wyeth includes the tools needed for these procedures as part of the drug's purchase price, she said.

Sometimes it is research done by academic physicians that drug companies profit from. These are doctors who independently run lengthy trials showing how a drug being sold for one medical problem can be used for a different one.

Janssen Pharmaceutica benefited in this way with levamisole, a veterinary drug it discovered that turned out to be very effective against cancer in humans.

For years levamisole had been used to rid sheep of parasites. Because the drug also seemed to improve animals' immune systems, doctors such as Charles G. Moertel of the Mayo Comprehensive Cancer Center started testing the drug in human cancer patients in 1978.

Supported with $11 million in grants from the National Cancer Institute, Moertel studied the drug with 1300 colon cancer patients. Earlier this year, Moertel reported the results of the ongoing trials: He was able to cut the death rate by a third and the recurrence of cancer by 40 percent, using levamisole in conjunction with another cancer drug.

Moertel said in a recent interview that Janssen, a subsidiary of Johnson & Johnson, had promised him and other researchers that the drug for human use, to be called Ergamisol, would be sold at a reasonable price.

A year's supply of Ergamisol costs $1250 to $1500.

Purchased at the price of the sheep drug, Moertel said the cost would be $14.

Why such a large difference?

"We think the price is reasonable," said Robert Kniffen, spokesman for Janssen Pharmaceutica Inc. "You are talking about a drug for someone with colon cancer who goes on the drug for a year. . . On average it costs something like $1300 a year, which is the cost of one day in the hospital."

BATTLING THE BUDGET

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. GINGRICH. Mr. Speaker, the following editorial appeared in the Wall Street Journal last week. As the new administration begins to tackle the budget deficit, I hope they will pay attention to the points that are stressed here.

THE REAL AMERICA

Don't believe Leon Panetta for a minute when he says "everything is on the table" in the budget battle. Mr. Panetta is talking only about the *federal* budget. The rest of the country's fiscal affairs—towns, cities, states—exist more or less as an abstraction to Washington's policy makers.

But the fact is that a lot of President-elect Clinton's constituents have already had taxes or fees raised at the local level, or are wrestling with budgets they can't afford. Little of this will figure in Mr. Panetta's budget calculations, but the continuing story of California's fiscal struggles suggests just how real the issue is well beyond the Beltway.

The one thing not getting worse in California at the moment is state taxes, and give Governor Pete Wilson credit for that. After his disastrous 1991 tax overture to the big spenders pushed his constituents deeper into recession, the Governor has been rather steadfast on this front. He may yet redeem himself on the issue, and in the process provide some firmament for other deficit weary public officials.

Mr. Wilson's latest budget, revealed last week, presumes expiration of a half-cent sales-tax increase on schedule this year, as well as the resumption of loss "carryforward" write-offs for businesses getting off the ground or back in the black. It is encouraging when a politician remembers that a tax was to be "temporary." Legislative Democrats in Sacramento would like to forget that, because $1.8 billion rides on extension.

Pundits speculate that this year's California budget battle is likely to come down to that sales-tax commitment. A two-thirds vote will be needed to extend the half-penny another year, so if the Governor and the Republican minority in the Statehouse stand together, they can thwart it. With Mr. Wilson's budget having mostly bought off the public-school lobby, which frightens suburban GOP legislators, this alliance should hold.

The Governor's plan defunds local government to the tune of $2.6 billion, and those jurisdictions could ask voters to restore the sales-tax increase to spare them a need to cut. But the localities, thanks to a Wilson stand last year, have greater freedom to reduce services other than police and fire, so long as they don't trigger the ire of an activist judge by paring the wrong social program.

Mr. Wilson is asking those getting higher education in the state to shoulder something closer to what they would in other places. Community-college students typically pay only $240 a year. At four-year schools, successive years of stiff increases are bringing howls; perhaps a tougher line on featherbedding faculties could curb operations costs and allow for a more gradual rise in fees.

Belatedly, but to his credit, the Governor has proposed actually abolishing several state agencies and commissions. And he is back with another attempt to rein in welfare expenditures. The Legislature gave a little ground on this last year but the voters turned down Mr. Wilson's initiative to do more cutting.

In the end, California and many other states will never escape these annual budget scrambles until they get welfare, health care, schooling and prison costs under control. In the meantime, it helps to have a Governor who will hold the line on the revenue side, and maybe try some incentivist reductions of tax rates in the process. We suspect that the Washington strategy of Mr. Panetta and friends may be moving in the opposite direction.

FEDERAL ASSISTANCE FOR SPECIAL CENSUSES

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. PANETTA. Mr. Speaker, today I am introducing legislation which would require the Federal Government to fund special censuses that are necessary as a result of a disaster. As some of you may recall, I introduced identical legislation last Congress. This legislation was prompted by the fact that under current law, local jurisdictions are required to fund special censuses, even if an undercount is the result of a disaster. In the fall of 1989, the devastating Loma Prieta Earthquake struck and did extensive damage to areas in my district. The earthquake caused millions of dollars of damage and cost many lives. In addition to the physical harm done, a good number of people were displaced as a result of this disaster. Some earthquake victims remain homeless today.

Because of the displacement that occurred as a result of the Loma Prieta Earthquake, the city of Watsonville was significantly undercounted in the 1990 decennial census. They have repeatedly requested that the numbers be adjusted to reflect the true number of people residing in the city of Watsonville. But, the Bureau of the Census claimed that they could not make this adjustment, but rather than a special census would be necessary. The city of Watsonville and many other localities cannot afford to fund a special census in addition to the financial burden that they are carrying as a result of the earthquake.

The legislation I am introducing is designed to ensure a fairer arrangement for jurisdictions that have been undercounted as a result of a disaster. It frankly doesn't make sense to require local and State jurisdictions to pay for special censuses when the undercount was through no fault of their own.

Our Constitution requires that a census be taken every 10 years. The census is required to count every person living in the United States, and it is the constitutional obligation of the Federal Government to pay for special censuses when a disaster results in a significant undercount.

Mr. Speaker, this legislation is essential. I invite my colleagues' review and cosponsorship of this important legislation and urge its timely adoption by the full House. For the convenience of my colleagues the text of the bill is printed below:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO CONDUCT SPECIAL CENSUSES.

The Secretary of Commerce shall conduct a special census for the government of a State, or of a county, city, or other political subdivision within a State, for the government of the District of Columbia, or for the government of any possession or area (including political subdivisions thereof) referred to in section 191(a) of title 13, United States Code, without charge to such government, if—

(1) the special census is necessary to correct a significant undercount which occurred in the most recent decennial census of population with respect to the area involved;

(2) a natural disaster or other emergency affecting such area, as declared by the President, was a major factor contributing to the undercount; and

(3) a request for such a census is made by such government within such time and in such manner as the Secretary shall by regulation prescribe, except that the deadline for such a request may not be fixed at a point before the end of the 18 month period beginning on the most recent decennial census date.

SEC. 2. METHODOLOGY TO BE USED IN SPECIAL CENSUSES.

A special census under this Act with respect to a particular area shall, to the extent practicable, be conducted in the same manner and using the same methodologies as were used with respect to such area in the decennial census last taken before the special census.

SEC. 3. PURPOSES FOR WHICH DATA MAY BE USED.

Data collected pursuant to a special census under this Act may be used for any purpose which would be allowable if it had been conducted under section 196 of title 13, United States Code.

SEC. 4. EXPEDITIOUS ACTION REQUIRED.

Upon receiving a request for a special census under this Act—

(1) a determination as to whether or not the criteria under section 1 have been met shall be made as expeditiously as possible; and

(2) if the criteria under section 1 are determined to have been met, the special census conducted under this Act pursuant to such request shall, in the allocation of personnel and resources, be given priority over any special census under section 196 of title 13, United States Code.

SEC. 5. DEFINITIONS.

For the purpose of this Act, the term "decennial census date" shall have the meaning given such term under section 141 of title 13, United States Code.

SEC. 6. APPLICABILITY.

(a) IN GENERAL.—A special census under this Act may be conducted to correct an undercount in—

(1) the 1990 decennial census, if appropriate application is submitted within 18 months after the date as of which regulations to carry out this Act become effective; or

(2) any decennial census subsequent to the 1990 decennial census.

(b) REGULATIONS.—Regulations to carry out this Act shall become effective not later than 3 months after the date of the enactment of this Act.

AGRICULTURAL WATER CONSERVATION ACT OF 1993

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. CONDIT. Mr. Speaker, I rise today to introduce a bill entitled the Agricultural Water Conservation Act of 1993.

The Agricultural Water Conservation Act of 1993 has been introduced to ensure that farmers are encouraged to use water conservation systems as part of their farming practices. This legislation will allow farmers to receive a tax credit on their federal income tax for the purchase and installation of a water conservation system on farm land.

Specifically, this measure will allow farmers to receive a 75 percent income tax credit of the cost to develop and implement a water conservation program on their farm land. To be eligible for the tax credit, a water conservation plan must be approved by the Department of Agriculture's Soil Conservation Service. Basically, this measure encourages farmers to use water conservation practices thus assuring water for future needs.

As a Member who comes from a rural district, I recognize that water is becoming increasingly scarce and expensive in many parts of the United States. This is compounded when we have multiple years of drought as we have had in California during the last 6 years. I am also aware that farms are overwhelmingly the largest water consumers in the United States. Without proper water conservation measures, farmers and ranchers will be increasingly endangered of losing their ability to produce for their livelihood.

The Federal Government has a historic commitment to assisting areas of the Nation in developing water supplies. It is also in the Nation's interest for farmers to implement water conservation measures which are a least-cost approach to addressing critical water needs and for the Federal Government to promote such conservation measures. In the last few years, the agriculture industry in California has been hurt by a variety of natural and manmade problems. The 6 year drought and the 1990 freeze are beyond the power of government to solve, but government, by its planning and preparation, can mitigate problems associated with the needs of individuals and the environment. There is no doubt California agriculture, and the millions of people who depend on it, would not have survived the 6 consecutive years of drought we are now facing without the construction of the Central Valley Project. Despite the construction of massive water projects to secure water, it is evident that farmers must now develop conservation practices because adequate water supplies are diminishing.

The Agricultural Water Conservation Act will help farmers and ranchers assure water needs can be met in the future. I hope that you will join me in supporting this important piece of legislation.

THE CALIFORNIA DESERT PROTECTION ACT

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. LEHMAN. Mr. Speaker, today I am introducing, along with Congressman GEORGE MILLER and 15 of my colleagues, the California Desert Protection Act of 1993.

The protection of the California desert has been a source of great debate during the last decade. Legislation was introduced 5 years ago and every Congress thereafter. During that time, in the House of Representatives, three hearings have been held in Washington, DC and three hearings have been held in California. Although H.R. 2929, the Desert Protection Act, passed the House in the 102d Congress, it did not move past the hearing stage in the other body.

Last Congress, great strides were made to resolve what had been some outstanding conflicts involving the desert protection bill. Briefly, 271,000 acres were eliminated for offroad vehicle use, utilities, and mining. In addition, all known active mines were eliminated from any wilderness area. Specific concerns of the utilities were resolved. Language was included to provide a land exchange provision for two of the largest private landowners in the desert, the California State Lands Commission, and the Catellus Corp. Grazing in the Mojave National Monument was allowed for up to 25 years, and three proposed wilderness areas, totaling 160,000 acres near Fort Irwin, were kept in study status pending expansion proposals from the Defense Department.

The bill I introduced today is substantially the same bill which passed the House of Representatives in the 102d Congress. It designates 73 areas containing 4.3 million acres of land under the jurisdiction of the Bureau of Land Management as wilderness. It also redesignates the Joshua Tree National Monument and the Death Valley National Monument as national parks. Further, the bill makes some additions to each of these parks and designates wilderness within them. Finally, the bill transfers jurisdiction of 1.5 million acres of BLM land to the Park Service to become the Mojave National Monument.

Protection of the desert can no longer wait. This is a piece of legislation whose time has come, and I look forward to expeditious passage of this bill.

WE WELCOME 110 FRESH WOMEN AND MEN

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. OWENS. Mr. Speaker, the new class is no longer shrouded in mystery. The new Members of this 103d Congress, except for their unusual numbers, make up a group that is quite natural and normal. Certainly some surprise behavior is still possible now that anxiety concerning committee assignments no longer clouds the picture. The leadership has generously offered the newcomers 90 more days to review the rules. We anxiously await these surprises which may disprove the following quote from the New York Times, January 6, 1993:

> In all they look refreshingly new. Alas, some early signs indicate otherwise. * * * It is equally distressing that the first choice of committee assignments for most new House members was the public works committee * * * i.e. getting contracts for their home districts. * * *

Premature judgments should not be made about our 110 fresh women and men. They may still make their mark; however, those who feared that this huge wave would sweep in with a mandate for massive change may now relax. Those who still have high hopes for help in rescuing our venerable House from some of its silly habits should patiently wait for the next 90 fateful days. This is the grace period that has been set aside for further dialog with our new supply of rich human resources—110 fresh women and men.

FRESH WOMEN AND MEN

110
Fresh women and men
Quick to comprehend
Our beltway institutions
Admiring
Committees that inspire
The most contributions
Aspiring
To be House Speaker
Do nothing wrong
And rise through the ranks
Never be a fool
Don't blast
Thieving S and L banks.
Forget Labor
They're losing ground
Go for Defense
Keep district bases around
Education is high priority
But a crusade that suffers
From weak confused PACs
Forget Committee school work
Bully your "choice" amendments
Through floor debate cracks.
Do nothing wrong
And rise through the ranks
Celebrate your assignments
And vote your thanks
Economy is maybe one
Deficit probably number two
Health care coverage for all
A dream leadership
Proclaims can never come true.
Don't do special orders
And rise through the ranks
Members who use media
Are just Ross Perot cranks
On the floor don't be seen
Be too clever to be heard
But beware constituent charges
That you're a do nothing nerd.
110
Fresh women and men
So quick to comprehend
Admiring the rules
Aspiring to be Speaker.

THE NEED FOR NATIONAL CARE REFORM NO. 2: IN 3 YEARS HEALTH INSURANCE PREMIUMS TRIPLE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. STARK. Mr. Speaker, another horror story on why we need national health care insurance reform is provided by Mr. and Mrs. Juan Granados of Miami, FL.

As Mr. Granados says, "if in 3 years, our quarterly premiums have tripled to $2,744.68, by how much will our premiums increase before we are able to qualify for Medicare—11 to 18 more years.

Mr. Granados' memo to the Congress and his description of health premium increases follows. He also tells me that his wife and he have not been heavy users of the policy. Note that the policy premiums triple, even though two sons leave the family's coverage. In other words, the policy is covering half as many people at three times the cost within a 3-year period.

In giving this example, I am not picking on Travelers Insurance Co. This story is repeated by company after company and in case after case, and this is just one more proof of the need for cost containment and health insurance reform:

NOVEMBER 9, 1992.

Attn: Honorable Chairman of the Committee on Ways and Means.

From: Mr. and Mrs. Cristina C. and Juan A. Granados, Miami, FL.

OUR GOVERNMENT MUST PROVIDE FOR REASONABLE HEALTH INSURANCE COSTS FOR ALL AMERICANS OF ALL AGE INCLUDING THOSE SELF-EMPLOYED

1. I own a small business corporation that is in the business of exporting ethyl alcohol. Since the beginning of its activities in 1987, we have each year, continuously and without exception been by far the single largest exporter of this commodity.

2. My wife and I feel that we are being discriminated and abused by our insurance company who has tripled our premiums since we took out the policy shortly after our marriage 36 months ago.

3. The policy has a pre-existing condition exclusion on my wife which the company has not removed, even though it has not reoccurred.

4. I am 54 years old with my next birthday being May 29, 1993. My wife will be 47 this November 15, 1992. We are yet many years from qualifying for Medicare.

5. If in three years our quarterly premiums have tripled to $2,744.68, by how much will our premiums increase before we are able to qualify for Medicare?

HISTORY OF QUARTERLY HEALTH INSURANCE PREMIUMS

Insured: Cristina C. and Juan A. Granados.
Insurance Carrier: The Travelers.

Policy No.	Due date	Amount	Persons covered
X	11/9/92	$2,744.68	J&C Granados.
	8/9/92	2,418.72	Do.
	5/9/92	2,418.92	Do.
	2/9/92	2,418.72	Do.
	11/9/91	1,829.90	Do.
Y[1]	8/9/91	1,456.14	Do.[2]
	5/9/91	1,456.14	Do.
	2/9/91	1,456.14	Do.

Policy No.	Due date	Amount	Persons covered
	11/9/90	1,456.14	Do.
	8/9/90	1,087.67	Do.
	5/9/90	1,039.08	Do.
	2/9/90	1,188.06	Do.
	[3] 11/9/89	1,188.06	Do.[4]

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[1] The Travelers changed the policy number.

[2] Son Lorenzo Lebrija.

[3] Date on which policy was initiated.

[4] Sons Lorenzo and Jose A. Lebrija.

TRIBUTE TO ABE WHITE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. FRANK of Massachusetts. Mr. Speaker, Abe White has been an extraordinarily positive force in the city of Fall River for a very long time, and I was delighted when the Fall River Herald News chronicled Abe's excellent work in its October 19 issue. Because we were not in session at the time, I wasn't able to share this important article with others. But I am eager to do so now, because I think the example that Abe White presents is a very important one that ought to be made available broadly in the Nation. Those who lament the course of today's youth can do much more to change that course in a positive direction than they may realize, and reading about the life work of Abe White could help them understand how.

A 70-YEAR FRIENDSHIP WITH THE CITY—BOYS AND GIRLS CLUB MENTOR HONORED FOR LONGTIME SERVICE

(By William Corey)

FALL RIVER.—The cast of characters and personalities that keep breathing life into this old mill town wouldn't be complete without Abe White.

It's hard to imagine that the man who flashes a gentle grin and walks a modest step has been so entwined in the city's fabric for the last seven decades. But no one has belonged to more organizations, managed more sports events, and has been more of a friend to the city's youth than White has since the days when his family paid $2 a week for rent on Spring Street.

Last month, White was commended for his 70 years of membership and service to the Boys and Girls Clubs of America in a letter mailed to him by its national director, Thomas Garth. The letter is just the latest in long line of awards, plaques, trophies and certificates that clog his den—more than 60 in all.

"My main concern was always children and teens," White says. "That's who I felt needed me mostly."

His story dates back to a time when Fall River boasted that its textile industry was one of the largest and most productive in the world. As a child he sold newspapers or shined shoes on street corners for $7 each week, which he gave to his family. If two hawkers reached a busy corner at the same time, the boys would fight it out, simple as that.

But White didn't stay on those street corners for long. With the help of his father, who was good friends with the late Thomas Chew, the youngster joined the Boys Club when he was 6. The club was then located on Anawan Street and offered a host of activities, including basketball, soccer, a swimming pool, game rooms, a drama club and bowling alleys.

White took part in all those programs, even becoming a director in some, before serving in the Army in World War II, during which he was stationed in Hawaii. Chew wanted to send White to college, but White said he was perfectly content learning the ropes at the Boys Club.

He looked at the place as home. His father died when he was 12 and, as the youngest of 15 children, White learned how to take care of himself on the streets. He even became an amateur boxer, fighting as a light welterweight, and going 12-1—his only loss to Ralph Zinelli, a man who was later defeated by Sugar Ray Robinson.

He lived in Providence for a while, then in Attleboro, where his French neighbors called him Al LeBlanc. White has since adopted a middle name of Albert.

Over the years, White has always stayed involved with the Boys Club, becoming a board of directors member after taking a job with the Naval Underwater Systems Center in Newport. He retired from the center in 1977 as an accounting supervisor, but never left community service.

Buying a baseball glove for a needy child, giving advice to combat drugs and alcohol to both kids and parents, as well as counseling anyone in need of a sympathetic ear, White is the city's most underpaid social worker.

"I really believe that I was put on this earth to help children," he said. "All I want is their respect and when they get older, they say, 'Thank You Mister White.'"

He admits that children today are a bit smarter than "those of yesteryear," but that children are also facing more difficult problems today—drugs, alcohol, broken families. Listening to those children, those problems and offering some solutions hasn't changed at all for White.

He married in 1975 and credits his wife with much of his successes, saying she is more than tolerant of his hectic schedule, even at the age of 76, when his days are still filled with appointments.

His list of accomplishments is too long to mention, but some highlights include his 52-year association with the sports program at B.M.C. Durfee High School, where he has worked as an assistant basketball coach, assistant trainer, announcer and now a scorer; his 30 years with the Fall River CYO; 34 championship teams in 40 years; commissioner of Fall River Junior Twilight Baseball League; life member of the William Greene Chapter 9 Disabled American Veterans and the Jewish War Veterans Post 168; and much more.

Since his involvement with the Boys Club, the agency has moved to its current Bedford Street location and boasts 2,200 members. The name has been changed to the Boys and Girls Club—a move that White had a hand in since the YWCA closed its doors and the city's girls needed a recreation facility.

"Sometimes, these kids would follow the wrong person," White said. "I learned this from Mr. Chew. I use sports as a medium to talk with these kids and teach them to respect themselves."

CONGRESSIONAL ARTS CAUCUS AWARD PRESENTED TO PATRICK LIPPERT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Ms. SLAUGHTER. Mr. Speaker, as chair of the congressional arts caucus, I had the singular pleasure this week to join Senator JAMES JEFFORDS, arts caucus vice chair, in presenting the Congressional Arts Caucus Award to Patrick Lippert, executive director of Rock the Vote—a nonpartisan, nonprofit organization dedicated to encouraging young people to register and vote. This marked the first time that the award was presented to a private citizen who has committed himself to encouraging the participation of young people in the arts and in the political process.

Mr. Lippert was honored for his extraordinary leadership of Rock the Vote, his dedication to and work on behalf of the Congressional High School Art Competition, and his devotion to protecting the environment and, through these efforts, his effectiveness at involving young people in the arts.

I insert the remarks made in presenting the award in the RECORD:

PRESENTATION OF CONGRESSIONAL ARTS CAUCUS AWARD TO PATRICK LIPPERT

(Remarks by Representative Louise Slaughter)

On behalf of all the members of the Arts Caucus, Senator Jeffords and I have the great honor of recognizing not only a friend of the Caucus, but a friend of young people from every corner of the country. For more than a decade, Patrick Lippert has devoted himself to ensuring that young Americans participate in the arts, that they have a strong and substantial voice in the political process, and, in a singularly effective way, that they find their political voice through the arts. Simply put, he has succeeded beyond any expectation through his extraordinary leadership of Rock the Vote, his unwavering commitment to the Congressional High School Art Competition, and his dedication to protecting the environment.

For these efforts, which have played a very real role in helping to prepare the next generation of Americans, we are thrilled to present Patrick Lippert with the Congressional Arts Caucus Award. The text of the award recognizes Mr. Lippert, "who, by his extraordinary devotion to young people through such efforts as Rock the Vote and the Congressional High School Art Competition, has given America's youth a profound and lasting voice in shaping their futures."

The Arts Caucus has been extremely fortunate to be the beneficiary of Patrick's limitless energy, his boundless optimism and, quite frankly, his ingenuity. As a direct result of Patrick's commitment to bringing the brightest young stars to Washington to honor young artists from across the Nation, the Congressional High School Art Competition has blossomed into one of the most eagerly awaited events on the Hill, involving some 250 Congresspeople and hundreds of students, family members and Congressional staff each year. It is nearly impossible to describe the excitement and sheer joy of a student from Auburn, Alabama, having her hand shaken by actor Tom Cruise and being congratulated for her artistic vision, or students from Mississippi or North Dakota having their works viewed by actress Sarah Jessica Parker and actor Christian Slater and being personally encouraged to pursue their artistic careers. For nearly ten years, Patrick has made this possible.

Patrick also spearheaded a movement to involve young talent in environmental issues, bringing them into the political arena and, with them, scores of young people who share similar concerns. This past year, Rock the Vote registered hundreds of thousands of new voters in a brilliant campaign that enfranchised and empowered young Americans, enlisting such enormously popular musical groups as R.E.M. to encourage passage of the so-called Motor-Voter Bill.

The young people Patrick involves, moreover, become committed for life. He does not merely bring young actors to Washington for a photo opportunity or register young people to vote for a single election. Patrick, through his energy and commitment, is able to inspire in those he touches a lasting commitment to public service, to creative expression and—most importantly of all—to involvement, constructive involvement in the world around them that will serve them all of their lives.

In being a singular voice of change for young people in this country and by encouraging their participation in the arts, Patrick Lippert has fundamentally helped to change the opportunities afforded America's youth. It is indeed our honor to present him with the Congressional Arts Caucus Award.

LAGOMARSINO VISITORS CENTER FOR CHANNEL ISLANDS NATIONAL PARK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. GALLEGLY. Mr. Speaker, the U.S. Congress has lost one of its leading legislators and hardest working members, the Honorable Robert J. Lagomarsino.

During his 33-year career in public services, as a city councilman, mayor, State senator and Congressman, Bob Lagomarsino has distinguished himself as a person of honesty and integrity with a commonsense approach to government. As a member of the House Interior Committee and vice chairman of the National Parks and Public Lands Subcommittee, he was a spokesman for a balanced national environmental policy. Bob helped to shape landmark bills such as the Alaska Wilderness Act, the Strip Mine Control Act, the Land and Water Conservation Act, and hundreds of other bills dealing with parks from American Samoa to the Everglades. As vice chairman for Insular and International Affairs Subcommittee—a position to which I am proud to succeed him—he worked to save rain forests, protect whales, and ban driftnet fishing worldwide.

Bob Lagomarsino's legislative efforts on behalf of the Santa Barbara Channel began during his service in the California State Senate, where he successfully authored a bill creating an oil-free sanctuary around the Channel Islands. After his election to Congress in 1974, he sponsored legislation which created the Channel Islands National Park, and fought long and hard for funding to complete it. When congestion threatened marine life in the Channel, Bob persuaded six major oil companies to stop shipping Alaskan oil through the Channel. At his instigation, the International Maritime Organization designated the Channel Islands Marine Sanctuary as an "area to be avoided" by international shippers, and President Bush withdrew Federal offshore oil tracts in the Channel from leasing. Bob's successful amendment bringing offshore oil operations in the Channel under State and Federal clean air standards will protect air quality in the Santa Barbara Channel.

In recognition of his distinguished career in the House of Representatives and his outstanding record to preserve and protect the environment and the Channel Islands, I am pleased today to propose a joint resolution designating the visitors center at the Channel Islands National Park as the "Robert J. Lagomarsino Visitors Center." Joining me in sponsoring this resolution honoring the "father of the Channel Islands National Park" are 46 Members of this body from both political parties.

I urge my colleagues to pass this joint resolution quickly, while Bob Lagomarsino and his record of accomplishments are still fresh in our memories. Mr. Speaker, I ask that the text of this joint resolution be printed in the RECORD at this point.

H.J. RES.—

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The visitors center at the Channel Islands National Park, California, is designated as the "Robert J. Lagomarsino Visitors Center".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the visitors center referred to in section 1 is deemed to be a reference to the "Robert J. Lagomarsino Visitors Center".

PRIORITIES OF THE 103D CONGRESS MUST INCLUDE PASSAGE OF THE BRADY BILL AND CAMPAIGN FINANCE REFORM

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. MAZZOLI. Mr. Speaker, in keeping with pledges I made last year, I introduced on the first day of the 103d Congress—January 5, 1993—two measures which are fundamental to the proper operation of our system of government and which, in my view, merit immediate consideration and passage by Congress.

I am an original sponsor of H.R. 3, a comprehensive campaign finance reform bill identical to the measure passed in the spring of 1992 by Congress but subsequently—and unhappily—vetoed by President Bush. This bill calls for voluntary spending limits in House and Senate races, provides candidates financial incentives to abide by those limits, and cracks down on campaign practices involving so-called bundling and soft money.

Additionally, I have reintroduced more focused campaign finance reform legislation, which I introduced last year, which, if enacted, would eliminate political action committees as factors in Federal elections by prohibiting them—some 4,000 in number these days—from contributing money to candidates in such elections. My legislation would also lower the maximum amount that any individual could contribute to a candidate during a campaign from $1,000 to $100.

In introducing this bill, I recognize it as a statement of goals—a vision of where Congress needs to go in changing the way that elections are financed. We need to restore the influence of the small individual contributor, and eliminate the influence of the big special interests which, through their PAC's, have come to a nearly dominant role in the political process. All people, not just those with financial means, should have a right to be heard and to participate freely and equally in the political activities of their national government.

President-elect Clinton has indicated his support for quick passage of comprehensive campaign reform that will move us toward these goals. House Democratic leadership—to its credit—has made passage of campaign finance reform a priority in the 103d Congress. I intend, once again, to be an ardent supporter of that effort.

On another subject than campaign reform—but no less important—I have reintroduced the Brady bill (H.R. 277). This legislation, which mandates that a 7-day waiting period must elapse before the purchase of a handgun could be concluded, is intended to give law enforcement officials an opportunity to check the background of the proposed handgun purchaser, and to prevent the sale of handguns to people who should not have them—such as convicted felons and the mentally incompetent.

During my recent congressional campaign, I joined Jefferson County Judge-Executive Dave Armstrong, Louisville Mayor Jerry Abramson, representatives of the Louisville and Jefferson County Police Departments, and members of the Casey family—who lost their husband, son and brother, John Patrick Casey, M.D., to handgun violence a few years ago—in pledging that the Brady bill would be among my top priorities in the 103d Congress. And, I intend to work to make it among the House' priorities as well.

Although the Brady bill was passed in 1991 as a freestanding bill by the House, it was later incorporated into the omnibus crime bill and fell victim to partisan wrangling which scuttled the omnibus bill in the waning hours of the 102d Congress.

I believe the 103d Congress could do no better to exhibit its resolve to make America a better, safer nation than to pass, expeditiously, a strong campaign finance measure and the Brady bill.

ROY C. ACUFF

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. CLEMENT. Mr. Speaker, last November 23, America lost an individual of unquestioned talent, generosity, and achievement.

Roy C. Acuff, the King of Country Music, passed away in Nashville from congestive heart disease. He is sorely missed by Americans everywhere and by an industry and musical style he pioneered and shaped throughout his life.

His contribution to country music is legendary. His warmth and generosity, particularly toward new artists and musicians, is less well-known, but no less appreciated and admired.

In 1991, I had the honor of nominating Roy for the National Medal of Art, which President Bush conferred on him in June of that year. Roy was the first country music entertainer to receive that award, as well as a Kennedy Center honor for a lifetime of extraordinary contributions to American culture.

Mr. Speaker, our Nation and our culture is greater because of Roy Acuff. It was an honor to know him and to be his friend.

I have included with my remarks a tribute which appeared in the Grand Ole Opry's program the weekend following Roy's passing last November.

ROY ACUFF

From the great Atlantic Ocean to the wide Pacific shore—people from all walks of life were deeply affected by the death of Roy Acuff on November 23, of congestive heart disease. He had been hospitalized for the condition since October 30.

The undisputed "King of Country Music," Roy Claxton Acuff was born September 15, 1903 in the shadow of the Great Smoky Mountains on a farm near Maynardsville, Tennessee.

He joined the Grand Ole Opry in 1938 and for 54 glorious years Roy remained the Opry's brightest star. Roy personified what this family radio show embodies—great entertainment in a family atmosphere featuring outstanding Country Music, humor, and fun.

Roy's fabulous career was filled with impressive awards and achievements. Unquestionably, he left an indelible mark on Country Music for all time. He was a multi-talented individual as a singer, recording artist, songwriter, musician, pioneer music publisher, star of movies, television and radio, and a three-time candidate for Governor of Tennessee. He was widely loved, respected, and universally popular. Yet despite his lofty accomplishments, Roy remained the model of country sincerity and humility.

It was at the Grand Ole Opry that Roy was most happy and content. Here he entertained with eloquent simplicity. He truly loved Opry audiences and the SWM Radio listeners. Like a great speckled bird, he few into the home of millions of Americans bringing songs of comfort, hope, joy, and sadness. Each weekend he steamed across the airwaves like the Wabash Cannonball—strong, dependable and passionate. Roy was a true American original, a legend whose mere presence on stage brought us all together, if only for an instant, and stoked us with his blazing fire for life and treasure chest of memories from the past.

In a 1988 interview, Roy recalled the early days: "When I appeared on the Opry, February 19, 1938, I was a very nervous person and I didn't do good. My fiddling wasn't any good. But I sang the "Great Speckled Bird", and the audience applauded. I got four or five encores on it the first time. My voice was new to the public," he said. "They had never heard someone that reared back and sang with an open voice. Most people back then were crooners. I was different, but the public accepted me."

When asked about the high spots in his career, Roy replied: "I enjoyed all my trips overseas to entertain the boys and girls in the armed services all during the war years. I started back in about 1948 in Germany and followed 'em all the way through the Vietnam War. I thoroughly enjoyed traveling with the boys then because I feel that Country Music was a good pick-up for them," he said. "I spent a lot of Christmases over there. I never spent a Christmas at home for, I guess, 10 or 12 years."

When questioned about being an Opry member for over 50 years he stated: "I wanted to be on the Opry. Oh yes! That was my desire. I love this stage. You can let the curtain fly back and I'm ready. This Opry is a part of me, and I hope that I'm a part of the Opry," he said. "You know, I don't think anything could hurt me as bad as if I couldn't ever work the Opry again. It has meant everything."

Concerning the Opry audiences Roy remarked: "I'll go down into the audience and sign autographs. I'll eat dinner with them if they want me to. And I'll go to my dressing room and the door is always open to whoever wants to come in. We're trying to let people know that we love them and we want them to come and visit us. It's a great audience. You won't find an audience anymore devoted or friendly. They respond," he said. "Audience—fans—friends—they're appreciated and always welcome. I've thanked the people for coming from hundreds of miles away and I've told them, 'If it wasn't for you being out there tonight they wouldn't have me here.'"

Well, we don't have Roy Acuff here anymore and the Grand Ole Opry will never be the same. Roy's passing marks the passing of an entire era of Country Music. The Grand Ole Opry will, of course, carry on in the grand tradition of which Roy was so much a part. But his absence will be keenly felt. For over one-half a century, the living symbol of the Opry has been Roy Acuff. Now he is gone. Thankfully, his music and memories will live on.

In 1991, President George Bush personally presented Roy the National Medal of Art and the Kennedy Center Honors for a lifetime of extraordinary contributions to American culture. He was the first Country Music entertainer to receive these awards.

On hearing the news of Roy Acuff's death, President Bush expressed the sentiments of many Americans when he stated: "Barbara and I mourn the death of our longtime friend and the King of Country Music. He helped the Grand Ole Opry become America's heirloom of the heart. Often Barbara and I visited him and heard Roy sing 'The Great Speckled Bird' or 'Wabash Cannonball'. We marveled at his talent. Even more, we cherished his kindness, modesty, love of life and loyalty to friends."

HAZARDOUS WASTE COMMUNITY INFORMATION STATEMENT

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. CLINGER. Mr. Speaker, today I am pleased to introduce the Hazardous Waste Community Information Statement Act together with my colleagues, Mr. SYNAR and Mr. HOBSON. This bill is a revised, and improved, version of H.R. 4212 which was a similar bill I introduced in the 102d Congress.

The legislation I am introducing today reflects the changes that were adopted by the Energy and Commerce Committee during the full committee markup of the Resource Conservation and Recovery Act [RCRA] for municipal waste. I would like to commend and thank Chairman DINGELL, Chairman SWIFT, Congressman SYNAR, and others, including key Republican members, on the committee in working together to see that such a provision was included in the RCRA legislation.

Hazardous waste is one of the most pressing and contentious environmental problems facing us today—the solutions are not easy ones. But one thing that seems certain is that rural and minority communities will continue to be disproportionately burdened with disposing of society's waste. This bill would simply require that a community information statement be prepared during the permitting process of any new hazardous waste facility. The statement would provide objective information about how a hazardous waste facility will affect the community before the facility is built—a critical need which is not now addressed.

The intent of the bill is neither to help nor hinder construction of facilities but to fully examine the potential effects, including benefits and costs. The host community as well as the State would know in advance any changes which may be necessary prior to the construction of a facility. For example, the community would know whether emergency preparedness systems need to be strengthened or any necessary road improvements. In simple terms, this is called good planning.

The community information statement would be prepared by an independent contractor selected jointly by the community and the permit applicant 30 days after a permit application is filed; if not, then the permitting authority would select the independent contractor. The statement would identify and describe the effects of such facility on the host community including effects on the local economy and employment, housing, public safety and emergency preparedness systems, transportation systems, and recreational amenities and tourism in the area. The statement would also address the types of wastes expected to enter the facility as well as any releases expected and any associated human health impacts. Finally, the statement would describe the demographic characteristics of the host community, the presence of existing waste facilities or a Superfund site in the community, and the permit applicant's record of compliance. The costs of the study would be covered by the permit applicant. To facilitate implementation, EPA is required to promulgate regulations 1 year after enactment.

The main goal of the legislation is to provide information. The statement would be available to the public no later than 1 year after the selection of the independent contractor or 60 days prior to a public hearing. I was very surprised to learn that there is no requirement like this under current law. In fact, under current law, only public hearings are required. In some cases, States already collect some of this information as part of the permit application but it is not disseminated to the community. What good is a public hearing if there is not sound information available to discuss issues that affect the future of the community?

Mr. Speaker, I ask that a copy of the legislation be inserted into the RECORD. I urge my fellow Members to seriously consider this bill and I look forward to working on a bipartisan basis with members of the Energy and Commerce Committee to secure passage of the legislation.

Public participation is the thread with which the fabric of our country is woven. This legislation will help allow citizens to more fully participate in the decisionmaking process. It is clearly in the public interest to do so before a hazardous waste facility is built rather than after.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMUNITY INFORMATION STATEMENT.

(a) AMENDMENT OF SUBTITLE D.—Subtitle C of the Solid Waste Disposal Act is amended by adding the following new section at the end thereof:

"SEC. 3021. COMMUNITY INFORMATION STATEMENT.

"(a) REGULATIONS.—Not later than one year after the enactment of this section, the Administrator shall promulgate regulations to require the preparation of a community information statement as part of the permitting processes under this subtitle for any new off-site hazardous waste treatment or disposal facility. Each such statement shall be made available for public review. The final statement for any facility shall be available for public review before the earlier of (1) 60 days before a public hearing is conducted by the permitting authority regarding the proposed issuance of such permit or (2) the date one year after the date on which an independent contractor is selected under subsection (b). The permitting authority shall take the community information statement into account in making any final decision regarding the issuance of such permit and in establishing any conditions to be imposed in such permit. Such statement shall be a part of the record on which the permitting decision is based.

"(b) SELECTION OF INDEPENDENT CONTRACTOR TO PREPARE STATEMENT.—The community information statement required under this section shall be prepared by an independent contractor selected jointly, after consultation with concerned citizens, by the applicant for the permit and the chief elected official of the affected host community. If the applicant and chief elected official do not agree on the selection of any independent contractor within 30 days after the date on which the application for a permit under this section is filed, the permitting authority shall select the independent contractor to prepare the statement required under this section.

"(c) COSTS.—The permitting authority shall impose and collect a fee on the submission of each application for a permit for which a statement under this section is required. The fee shall cover the reasonable costs of preparing the community information statement.

"(d) REQUIREMENTS.—A community information statement meets the requirements of this section if such statement identifies and describes each of the following—

"(1) The effects of such facility on the host community, including the effects on the local economy and employment, housing, public safety and emergency preparedness, transportation systems, and recreational amenities and tourism in the area.

"(2) The types of wastes expected to enter the facility and the types of releases expected from the facility and any human health impacts associated with such wastes and with such releases.

"(3) The options or alternatives for mitigating any such impacts on the affected community.

"(4) The demographic characteristics of the affected host community according to race, ethnic background, and income.

"(5) The presence in the affected host community of any—

"(A) existing solid waste treatment, storage, or disposal facility, or

"(B) site in which a release of hazardous substances (within the meaning of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980) has occurred and the extent to which such site has been remediated.

"(6) Permit applicant's record of compliance with State and Federal environmental regulations and laws, and the record of such compliance by any firm engaged to operate the facility or any firm which controls or is affiliated with the applicant, including any serious violations thereof.

The community information statement prepared in connection with any facility shall not be subject to judicial review in any proceeding other than a proceeding brought to challenge the issuance of a permit for such facility. In any permitting proceeding respecting such facility the permitting authority shall take the statement into account, and in any such proceeding the statement shall be treated as satisfying the requirements of this section unless the statement contained material misstatements or omissions which affected the permitting authority's decision.

"(f) DEFINITIONS.—As used in this section—

"(1) The term 'new off site hazardous waste treatment or disposal facility' means a hazardous waste treatment or disposal facility which—

"(A) accepts for treatment or disposal hazardous waste that is not generated at the site of such treatment or disposal, and

"(B) for which a permit is issued by a State agency under this subtitle after the date of promulgation of regulations under this section.

Such term shall not include any facility existing on such date but shall include an expansion of such an existing facility if a new permit is required after such date for such expansion and if such expansion, together with all other expansions constructed after such date (or after the preparation of the last statement under this section with respect to such facility, whichever is later) increases the capacity of the facility by more than 50 percent.

"(2) The term 'affected host community' means the county, municipality, or township or other general purpose unit of local government which has primary jurisdiction over the use of the land on which a facility is located or proposed to be located.

"(3) The term 'independent contractor' means a person who has no financial or other potential conflict of interest in the outcome of a proceeding to determine whether or not a permit should be issued for a new off site facility for the treatment, storage, or disposal of hazardous waste.".

(b) TABLE OF CONTENTS.—The table of contents for subtitle C of such Act is amended by adding the following new item after the item relating to section 3020:

"Sec. 3021. Community information statement.".

FEDERAL EMPLOYEES LIVING BENEFITS ACT, H.R. 512

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. GILMAN. Mr. Speaker, life insurance is something we routinely provide for our loved ones who survive us. It is ironic, however, that those most in need of the financial benefits provided by a life insurance policy are often those who are the insured and not the beneficiaries. Today I am introducing legislation that I sponsored in the 102d Congress designed to ease the financial burden on those facing a terminal illness. H.R 512, the Federal Employees Group Life Insurance Living Benefits Act, provides that a Federal employee diagnosed as terminally ill with a life expectancy of 9 or less months may elect to receive his or her basic life insurance amount as a "living benefit."

It is regrettable that this important measure failed to receive floor consideration during the previous Congress, but I am optimistic that this deserving and cost-efficient legislation will receive favorable consideration during this up coming legislative session.

Facing a terminal illness is morally and emotionally difficult in and of itself. However, the depletion of one's financial resources often compounds the already serious ordeal facing the patient and his or her family. Living benefits help ease the financial burden placed on the insured while providing a needed source of income in order to allow the insured to live the rest of his or her life with dignity and comfort.

Private sector life insurance companies first began to offer this humane benefit in the late 1980's. Some insurance companies offer a lump sum payment while others impose lower limits on pay-outs to people who were over 65 years old when the policy was purchased. Most require a written statement from a certified medical authority that the policy holder has a life expectancy less than a specified period of time, usually 6 to 12 months.

Benefits can be used at the discretion of the insured. However, most often these funds are used for providing care and medical treatment in the remaining period of life. While not substituting for the need for a comprehensive long-term care policy, living benefits can help ease the financial burdens of nursing home and/or home care for the terminally ill.

H.R. 512 provides a comprehensive framework for the Office of Personnel [OPM] to issue regulations in designing a living benefits program for the Federal employees group life insurance program. A participant in the Federal group life insurance program [FEGLI] facing a terminal illness may elect to receive an accelerated insurance amount equal to his or her basic insurance amount, as adjusted actuarially. The application shall contain certification by the appropriate medical authorities that the insured has a life expectancy of 9 or less months. OPM may issue regulations governing procedures for the insured to submit to an independent medical examination at the direction of the employing agency or Office of Employees Group Life Insurance, which shall be of no expense to the insured.

Employees may make a partial election of the basic insurance amount in multiples of $1,000. In return for electing the living benefit, the policyholder severs, to the extent an election was made, all rights any beneficiaries may have in the proceeds of the policy. H.R. 512 only affects the basic insurance amount and does not negate beneficiary rights in optional FEGLI amounts. The living benefits election is irrevocable and the policyholder is no longer liable for monthly premiums on the basic insurance amount. H.R. 512 is intended to result in no costs to the FEGLI insurance fund.

In an age where complex problems demand even more complex, expensive solutions, This legislation provides a needed benefit at a nominal charge. This legislation also allows a terminally ill patient the opportunity to access a source of funds which could finance needed medical treatment and care in order to allow the individual to live his or her remaining days in comfort and dignity. It is not often that this Body has the chance to enact humanitarian legislation with such a reasonable price tag. I hope all my colleagues will join with me today in supporting this legislation.

I insert the full text of the legislation in the RECORD at this point in addition to the following section-by-section analysis of the legislation:

FEGLI LIVING BENEFITS ACT

SECTION BY SECTION ANALYSIS

Section 1. Bill is entitled the "FEGLI Living Benefits Act".

Section 2. Amends chapter 87 of title 5, United States Code, by adding a "living benefits" section:

Subsection (a) establishes a new section 8174d entitled "option to receive 'living benefit'. Subsection (a) defines a "terminally ill" individual as one who has a medical prognosis that his or her life expectancy is 9 months or less.

Subsection (b) directs the Office of Personnel Management to issue regulations under which an individual who is enrolled in the Federal Employees Government Life Insurance Program can elect to receive a lump-sum payment if such individual is terminally ill. The lump-sum payment is the insured's basic insurance amount (or portion thereof) as actuarially adjusted under regulations issued by OPM.

Subsection (c) provides if the benefit is elected, no insurance (to the extent the amount was elected) is payable based on the insured's death. Insurance deductions and withholdings are terminated to the extent applicable. Individual electing this benefit remain eligible for optional insurance benefit amounts if previously elected.

Subsection (d) directs OPM to issue regulations regarding the form and manner in which an application is made. An application must contain a certification by an appropriate medical authority as to the nature of the illness and a prognosis that the individual is not expected to live more than 9 months. Regulations may include procedures for an insured to submit to a medical examination at the direction of the employing agency or Office of Federal Government Life Insurance. The insured is not liable for the expense of such examination. Any decision by the reviewing agency or entity is not subject to administrative review (i.e. the insured may go directly to federal court). An individual making a partial election must designate a portion as of the basic insurance amount as a multiple of $1,000. Annuitants and those on workmen's compensation are not allowed the option of choosing a partial lump-sum payment (i.e. these individuals must choose the full basic insurance amount). OPM is directed to issue regulations addressing the situations where the insured electing the full benefit reach age 65 during the benefit period.

Section 3. Subsection (a) sets the effective date as 9 months following date of enactment.

Subsection (b) requires OPM to issue regulations not later than 9 months after enactment, to enact a FEGLI open season and to take such actions as to ensure that all eligible individuals are notified of the event.

H.R. 512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "FEGLI Living Benefits Act".

SEC. 2 OPTION TO RECEIVE "LIVING BENEFITS".

(a) IN GENERAL.—Chapter 87 of title 5, United States Code, is amended by inserting after section 8714c the following:

"§ 8714d. Option to receive 'living benefits'

"(a) For the purpose of this section, an individual shall be considered to be 'terminally ill' if such individual has a medical prognosis that such individual's life expectancy is 9 months or less.

"(b) The Office of Personnel Management shall prescribe regulations under which any individual covered by group life insurance under section 8704(a) may, if such individual is terminally ill, elect to receive a lump-sum payment equal to—

"(1) the full amount of insurance under section 8704(a) (or portion thereof designated for this purpose under subsection (d)(4)) which would otherwise be payable under this chapter (on the establishment of a valid claim)—

"(A) computed based on a date determined under regulations of the Office (but not later than 30 days after the date on which the individual's application for benefits under this section is approved or deemed approved under subsection (d)(3)); and

"(B) assuming continued coverage under this chapter at that time;

reduced by

"(2) an amount necessary to assure that there is no increase in the actuarial value of the benefit paid (as determined under regulations of the Office).

"(c)(1) If a lump-sum payment is taken under this section—

"(A) no insurance under the provisions of section 8704 (a) or (b) shall be payable based on the death or any loss of the individual involved, unless the lump-sum payment represents only a portion of the total benefits which could have been taken, in which case benefits under those provisions shall remain in effect, except that the basic insurance amount on which they are based—

"(i) shall be reduced by the percentage which the designated portion comprised relative to the total benefits which could have been taken (rounding the result to the nearest multiple of $1,000 or, if midway between multiples of $1,000, to the next higher multiple of $1,000); and

"(ii) shall not be subject to further adjustment; and

"(B) deductions and withholdings under section 8707, and contributions under section 8708, shall be terminated with respect to such individual (or reduced in a manner consistent with the percentage reduction in the individual's basic insurance amount, if applicable), effective with respect to any amounts which would otherwise become due on or after the date of payment under this section.

"(2) An individual who takes a lump-sum payment under this section (whether full or partial) remains eligible for optional benefits under sections 8714a–8714c (subject to payment of the full cost of those benefits in accordance with applicable provisions of the section or sections involved, to the same extent as if no election under this section had been made).

"(d)(1) The Office's regulations shall include provisions regarding the form and manner in which an application under this section shall be made and the procedures in accordance with which any such application shall be considered.

"(2) An application shall not be considered to be complete unless it includes such information and supporting evidence as the regulations require, including certification by an appropriate medical authority as to the nature of the individual's illness and that the individual is not expected to live more than 9 months because of that illness.

"(3)(A) In order to ascertain the reliability of any medical opinion or finding submitted as part of an application under this section, the covered individual may be required to submit to a medical examination under the direction of the agency or entity considering the application. The individual shall not be liable for the costs associated with any examination required under this subparagraph.

"(B) Any decision by the reviewing agency or entity with respect to an application for benefits under this section (including one relating to an individual's medical prognosis) shall not be subject to administrative review.

"(4)(A) An individual making an election under this section may designate that only a limited portion (expressed as a multiple of $1,000) of the total amount otherwise allowable under this section be paid pursuant to such election.

"(B) A designation under this paragraph may not be made by an individual described in paragraph (1) or (2) of section 8706(b).

"(5) An election to receive benefits under this section shall be irrevocable, and not more than one such election may be made by any individual.

"(6) The regulations shall include provisions to address the question of how to apply section 8706(b)(3)(B) in the case of an electing individual who has attained 65 years of age."

(b) TABLE OF SECTIONS.—The table of sections for chapter 87 of title 5, United States Code, is amended by inserting after the item relating to section 8714c the following:

"8714d. Option to receive 'living benefits'."

SEC. 3. EFFECTIVE DATE; OPEN SEASON AND NOTICE.

(a) EFFECTIVE DATE.—The amendments made by section 2 shall take effect 9 months after the date of the enactment of this Act.

(b) OPEN SEASON; NOTICE.—(1) The Office of Personnel Management shall prescribe regulations under which, beginning not later than 9 months after the date of the enactment of this Act, and over a period of not less than 8 weeks—

(A) an employee (as defined by section 8701(a) of title 5, United States Code) who declined or voluntarily terminated coverage under chapter 87 of such title—

(i) may elect to begin, or to resume, group life insurance and group accidental death and dismemberment insurance; and

(ii) may make such other elections under such chapter as the Office may allow; and

(B) such other elections as the Office allows may be made.

(2) The Office shall take such action as may be necessary to ensure that employees and any other individuals who would be eligible to make an election under this subsection are afforded advance notification to that effect.

PRESIDENT'S ACTION MERITS PRAISE, NOT CRITICISM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. DUNCAN. Mr. Speaker, the Iran-Contra investigation conducted by Lawrence Walsh has been a tremendous waste of U.S. taxpayer money.

It has helped no one but the people who have been employed by investigator Walsh.

Underscoring this point is a column by James J. Kilpatrick, which ran in newspapers across the country.

I would like to call this article to the attention of my colleagues and other readers of the RECORD, as well as an article by Fred Barnes, which appeared in the January issue of Readers Digest:

PRESIDENT'S ACTION MERITS PRAISE, NOT CRITICISM

(By James J. Kilpatrick)

Zealotry always wears an ugly face. The ugliest face around Washington these days is the ugly face of Lawrence Walsh, the vindictive special prosecutor in the case of the Iran-Contra affair. This vulture has been deprived of his prey.

By his courageous action on Christmas Eve, President Bush pardoned Caspar Weinberger and five others who had been involved long ago in the trading of arms for hostages. The president's decision was a manifestation of justice at its best. It was morally right in every way.

Prosecutor Walsh, the reincarnation of Victor Hugo's Inspector Javert, is beside himself with anger. Inspector Javert, you will recall, spent his life pursuing Jean Valjean, whose crime was to steal a loaf of bread to feed his sister's starving family. The story of "Les Miserables" was the stuff of magnificent fiction. Walsh's obsession became the stuff of despicable fact.

Weinberger's last-minute escape—he was to go on trial Jan. 5—has infuriated the usual howlers. Anthony Lewis of the New York Times is having hysterics. Democratic majority leaders are venting their rage. On every side we are hearing hypocritical cries that the president regards the defendants as above the law.

What rubbish! In the midst of the uproar, it may not be amiss to focus on the distinction between law and justice. They are not at all the same thing.

In the matter at hand, it is far from clear that Weinberger and the others broke any criminal statute at all. The prosecutor has spent $31 million of the taxpayers' money in pursuit of his obsession, and he has come up empty. All that Walsh had left were various vague charges of obstructing justice and withholding information from Congress.

At bottom, the charges were never criminal; they were entirely political. President Reagan, said his Democratic foes, had used his presidential powers in defiance of Congress. In 1986 he had taken matters into his own hands in an effort to enlist Iran's help in freeing American hostages held in Lebanon. He had arranged for Israel to sell certain U.S. missiles to Iran, and he had diverted proceeds to the aid of the freedom fighters in Nicaragua.

That was the substance of the whole affair. Reagan handled the matter badly. He had his own obsession—he wanted desperately to free the hostages—but he failed to ride herd on the operation. The late Bill Casey, director of the CIA, took over. His associates rode off in all directions. Through an excess of loyalty, the thing got out of hand.

The law of 1986 is clouded with doubt. The Boland Amendments were civil statutes, not criminal statutes. Given the complex facts of the covert affair, the Arms Export Control Act may not have applied.

In any event, the only substantive offense finally charged to Weinberger is that, in responding to questions put to him by congressional investigators, he denied having taken certain notes when in fact he had taken them. On this flimsy accusation, far removed from the original uproar, Weinberger has been put to a million dollars in legal expenses. He is 75 years old, in poor health. I know him to be a devoted public servant whose integrity cannot be successfully challenged.

In granting the pardons, Bush risked the contumely he is now receiving. He knew he would be accused by the likes of Lawrence Walsh of attempting to cover up his own involvement as vice president. To perform an act of compassionate justice, Bush put his own reputation on the line.

Bush's reputation will survive. By granting the pardons, he sought to close a wound that has festered for nearly seven years. Presidents must act in what they perceive to be the national interest. When laws are unclear, when lawyers sharply disagree, when justice may be served by decisive action, presidents must invoke their undoubted powers.

This was the reasoning of Thomas Jefferson when he approved the Louisiana Purchase nearly 200 years ago. Jefferson felt uneasily that he might be breaking the law. "There is a difficulty in the acquisition," he said, "which presents a handle to the malcontents among us." But he did what was right.

Malcontents are still among us. Certain posturing defenders of "the law" will always praise Javert and condemn his victim. My own reaction is to condemn Walsh and praise the president instead.

[From the Readers Digest, January 1993]

THE UNITED STATES VS. ELLIOTT ABRAMS

(By Fred Barnes)

Elliott Abrams tried to look relaxed, but inside he was numb. What was happening in the U.S. District Court that afternoon in October 1991 was almost unthinkable.

Sixteen years earlier Abrams had come to Washington at age 27, brimming with idealism and passion. For eight years in President Reagan's State Department he had championed human rights, then led the struggle to defeat communist expansion in the Western Hemisphere. And the battle—in Grenada, in El Salvador, in Nicaragua—had been won. Communism had been halted, and now it was practically destroyed.

Abrams had every right to be proud. He had served his country with honor. Yet here he stood, before U.S. District Court Chief Judge Aubrey Robinson, Jr. "Criminal Case No. 91-575," the clerk began. "The United States vs. Elliott Abrams."

As Abrams stood in the courtroom, he felt the presence of his wife, Rachel, in the front row. She was seething with rage over the unjust persecution of a man whose character she knew so well.

Ordinarily, a man like Abrams had nothing to fear in court. But these were not ordinary circumstances. Abrams's aggressive anti-communism had stirred implacable opposition—particularly in the office of Lawrence Walsh, a special prosecutor appointed as a result of Congressional pressure in the wake of the Iran-Contra scandal five years earlier.

Walsh had a knack for twisting policy disputes into criminal conduct. Now he was trying to convict Abrams for activity that had never, in 200 years of American history, been regarded as criminal. "A prosecutor in normal circumstances would never have brought such charges," says Joseph diGenova, former U.S. Attorney for Washington, DC. "The criminalization of a policy dispute is a monstrous torturing of the criminal justice system." It was the kind of prosecution *The Wall Street Journal* would refer to as a "Walshing."

American Journey. Of all the bright young people I'd covered in Washington over two decades, Abrams stood apart. He was ambitious, but driven more by ideas than by career opportunities. So while most of the reporters in that courtroom appeared delighted, I felt only regret. Here was a man who had always been willing to sacrifice himself for the cause of freedom. And in the end, it now appeared, that's exactly what he was going to do.

Abrams grew up in a middle-class section of Queens, N.Y., the son of liberal Democratic parents. His mother was a schoolteacher, his father an immigration lawyer whose specialty was securing American visas for grateful newcomers.

Abrams attended a high school, Elisabeth Irwin, that had a reputation for sending its graduates to top-flight colleges. It also employed teachers with a strong leftist bent.

Feisty even as a youth, Abrams challenged the school's dogmatic, anti-American tilt. Teachers appeared amused by the youngster's yeasty patriotism. But Abrams was deadly serious—and forever inoculated against radical politics.

As a Harvard undergraduate, he rejected the anti-Vietnam War movement. And he was undeterred by intimidation. At the height of the anti-war protests, when universities were shut down and free speech was threatened, Abrams found himself in a packed dormitory dining hall. As he rose to address the crowd, sustained hissing came from the anti-war militants. It was a standard tactic, but it didn't work. "I thought I'd really arrived," he later recalled, relishing the confrontation.

Still, the subsequent years were painful for those who opposed communist tyranny. The Vietnam War was lost. Marxists, aided by Cuban troops, seized Angola. The Soviet Union invaded Afghanistan. There were Marxist coups in Grenada and Nicaragua. Communist insurgents were operating in El Salvador.

Abrams left a promising law practice in New York to work in government. A Democrat in those years, he was an aide to Sen. Henry Jackson of Washington and then Sen. Daniel Patrick Moynihan (D., N.Y.). But he was having second thoughts about President Jimmy Carter. The final break came during a meeting with Carter at the White House in early 1980. The Soviets had just invaded Afghanistan, and Abrams and a dozen other hard-liners hoped to persuade Carter that he had under-estimated the Soviets and needed tough new policies. But Carter was unresponsive, contending that they put too much emphasis on the communist threat. Abrams decided then and there to campaign for the Republican nominee, and eventually changed parties.

Abrams' most passionate convictions concerned freedom and human rights, so it was no accident that in the Reagan Administration he became the State Department's Assistant Secretary for Human Rights. At first he was relatively popular on Capitol Hill, attacking authoritarian as well as communist dictatorships.

In 1985, Abrams was asked to become Assistant Secretary for Inter-American Affairs, the point man for Reagan's policy of blocking communist expansion in the hemisphere—a policy that the American left denounced as Yankee imperialism. "This would not be going from the frying pan into the fire," Abrams has written, "but from the pantry into a bonfire." Naturally, he said yes.

Abrams spoke forcefully in favor of aid to the Contras waging guerrilla war against the communist Sandinista regime of Nicaragua, and in defense of the anti-communist government of El Salvador.

He was called before Congressional hearings dozens of times and gave hours of testimony, often without notes. The grilling from Democrats was merciless, but Abrams gave no quarter. His critics were particularly annoyed by Abrams' peppery rejoinders. "No, Senator, you are just plain wrong," he once shot back at Sen. Christopher Dodd (D., Conn.). "You're on the wrong committee," he reminded Rep. Michael Barnes of Maryland, who pressed him for secret information. "You want information on covert activity? Get on the Intelligence Committee." Abrams became one of the most resented Reagan spokesmen on Capitol Hill.

He also attracted personal abuse. Once, as he stood in line for a movie with Rachel, a perfect stranger approached, screaming, "Abrams, you've got blood on your hands!" Abrams endured it all stoically, Characteristically, Rachel was angry and didn't hesitate to let people know it.

Then, in 1986, the Iran-Contra scandal was uncovered—a secret scheme for selling arms to Iran and sending the profits to aid the freedom fighters in Nicaragua. Abrams' life became hell. He was interrogated by the Tower Commission and numerous Congressional committees, and cross-examined on national television. Three times he testified before a grand jury. The treatment in Congress could be brutal. Sen. Thomas Eagleton of Missouri said Abrams' testimony made him want to "puke."

Target of Opportunity. Congress also urged the appointment of a special prosecutor, and a three-judge panel named Wall Street lawyer Lawrence Walsh. Walsh and his team made Abrams a prime target. They combed thousands of pages of Abrams' records and testimony, looking for evidence of discrepancies, lies, cover-ups.

Later, one of Walsh's deputies, Jeffrey Toobin, wrote in a memoir, Opening Arguments, that he "undertook the investigation of Abrams with an enthusiasm that bordered on the unseemly." Abrams, Toobin decided early on, was one of the "bad guys."

The trouble was, they didn't have the evidence for an indictment. And so, in 1988, one of Walsh's deputies informed Abrams's lawyer that his testimony had been believed. It appeared Abrams was off the book.

Tobbin had "missed his target," Walsh later groused in a Washington Times interview. "He was supposed to get Abrams."

But Abrams didn't know all this. All he knew was that, finally, he could get on with his life, honor intact.

Leaving government at the end of the Reagan Administration, Abrams began writing a book on foreign policy and courted Latin American clients for his consulting business. Then, three years later, former colleagues began reporting that Walsh's staff was asking questions about him again. Newspaper stories, apparently leaked by Walsh's staff, were circulating rumors that Abrams was once more under investigation. The nightmare resumed.

Abram's lawyer made inquiries. He got an answer from Craig Gillen, Walsh's top assistant. Yes, the investigation was reopened. "And there is movement," Gillen added.

What could they be after? His testimony to Congress, Abrams's lawyer was told. Which testimony? No one would say. Fearing the worst, Abrams now hired criminal lawyers.

After months of cat-and-mouse, Abrams began to suspect that Walsh would charge him with a passel of criminal counts. However worthless they might be, there was a big risk. At trial, juries deliberating over multiple counts often compromise, convicting a defendant on just one or two. And that meant Abrams could go to jail.

As a way out, Walsh dangled a painful bargain. Cop a plea, he suggested—plead guilty to a few lesser counts in return for a minor sentence such as probation and community service. Abrams would have to admit guilt, that he had behaved dishonorably, that he was a criminal.

Abrams brought the news home, finding Rachel bathing their six-year-old son Joey. In his newly published memoir, *Undue Process* (The Free Press), Abrams describes the scene;

I went into the bathroom and gave Joey a happy smile and a kiss. Rachel turned to me with a quizzical look: How had it gone with Walsh? Where were we?

We put the kids to be and sat on the couch together. I brought her up-to-date on the plea bargain.

Rachel was combative. "Who's talking about pleas? We'll fight this. We'll win."

"Look," she said, "we know what tragedy is. Tragedy is the neighbors down the street, where the father of two girls died of brain cancer at age 40. This is not a tragedy. We will get through this."

Instinctively, Abrams wanted to fight. But he also thought about his family, and a trial could easily cost $1 million. Prosecutor Walsh had an unlimited budget, from a permanent Congressional appropriation. Abrams figured he was at least $950,000 short of what he needed.

Davis passed, and he said Rachel continued to talk. Rachel was still not resigned to a plea. "What do you want to do?" she finally asked.

He was silent for a long time. Then he told her he wanted to plead guilty to a lesser charge to get it all behind them.

They held each other. "You're my husband," Rachel said, "and you have to decide this one. Whatever you decide will not change us."

Inventing Crimes. And so, at 2:30 on that afternoon in October 1991, Abrams stood before Judge Robinson and pleaded guilty to two misdemeanors. Both involved unsworn testimony by an official of the Executive branch to Congress—never, before the advent of "Walshing," the subject of criminal prosecution.

One charge involved a day, five years earlier, when Abrams was unexpectedly asked about a newspaper article which had appeared that morning. The article reported allegations that the United States was illegally directing an elaborate private supply system for the Contras. Speaking without notes, Abrams reiterated the Administration's support for this effort, but added that "we don't have conversations, we don't tell them to do this, we don't ask them to do it."

It was common knowledge that the Administration was in contact with private individuals helping the Contras—President Reagan had often said so in public. When Abrams said "no conversations," he obviously meant no illegal conversations or contacts. If his remark had not been understood in context, his Congressional interrogators would surely have pressed him to explain. But now Walsh had wrenched Abrams's words out of context. Taken that way—not the way Abrams meant them—he'd lied.

Walsh also reached back to another moment five years in the past to claim that Abrams was lying to Congress when he denied knowing that foreign countries were helping to supply the Contras. In fact, his statement was literally true. Although he had earlier persuaded the Sultan of Brenei to donate $10 million, the money hadn't reached the Contras when Abrams was asked the question. (It never did reach them.)

The U.S. government, Secretary of State George Shultz later told Congress, had given Brunei a pledge of absolute confidentiality, "and Mr. Abrams properly felt bound by that pledge." Abrams later sought permission from Shultz and revealed the solicitation. Moreover, there was nothing unlawful about it, because Congress had permitted the State Department to solicit humanitarian aid for the Contras.

Judge Robinson accepted the plea, but did not appear impressed. He sentenced Abrams to 100 hours of community service, imposed only the minimum $50 fine and said, "I am not suggesting that your life needs rehabilitating." It was a small gesture of vindication, and Abrams was grateful.

When the definitive history of the Iran-Contra scandal is written, the Walsh operation will surely be judged harshly.

Now entering his seventh year, Walsh concedes he's failed to prosecute "the basic operational crimes committed in the course of the Iran-Contra affair due to national security claims." The convictions of Oliver North and National Security Adviser John Poindexter were either reversed on appeal or dismissed. So, to get guilty pleas from supporting actors, he's invented a new category of crime, forcing middle-class defendants like Abrams to plead guilty or spend millions to fight him in court. Instead of looking for crimes and following a path to their perpetrators, he targets individuals and looks for crimes they can be accused of.

For North and especially Abrams, Walsh for the first time applied the false-statement law to unsworn testimony about policy by Executive branch officials. The law had been applied to statements to Congress since 1955, but only in corruption cases, never policy squabbles.

Walsh accused two Contra supporters, Carl "Spitz" Channell and Richard Miller, of using a charitable group to raise funds for "non-humanitarian" purposes. Then-Assistant Attorney General John Bolton called this a "wacko legal theory," but Channell and Miller pleaded guilty anyway.

His latest quarry is former Defense Secretary Caspar Weinberger, who strongly opposed the illegal arms sale to Iran. But Walsh has had him indicted anyway, on three false-statement and two perjury charges. Weinberger, now publisher of *Forbes* magazine, has the money to fight. He goes on trial this month.

Meanwhile, Walsh behaves like a potentate. According to the General Accounting Office, his office has spent $16.5 million in personnel compensation and benefits, and over $8 million for rent, communications and equipment. For 3½ years he was reimbursed for a room at the Watergate Hotel even on days he did not occupy it.

It's time for the Walsh operation to be closed. He hasn't won a major trial conviction that stood up on appeal. He has only succeeded in turning policy disagreements into criminal cases, hardly the way to promote political debate or consensus.

It's time for President Bush—or President Clinton—to put an end to this era of conflict and get on with the business of the Nation.

FIRST REFORMED CHURCH OF WYNANTSKILL HAS RICH HISTORY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. SOLOMON. Mr. Speaker, The 22d Congressional District of New York, stretching from just north of New York City to just south of the Canadian border, is rich in history, especially the colonial history of America.

Much of that history can be found in the records of the many old churches that can be found everywhere in the district. One of them is the First Reformed Church of Wynantskill, which is celebrating its 200th birthday this year.

Mr. Speaker, there are many things I could say about this great church and its fascinating history, but I could not improve upon the feature story in the January 17 Albany Times-Union, which I proudly place in today's RECORD.

FOR CHURCH, 2 CENTURIES IN NO TRIVIAL PURSUIT

(By Patrick Kurp)

WYNANTSKILL.—On Jan. 23, 1826, the elders of the First Reformed Church of Wynantskill considered the case of Richard Van Dekar and Friedrich Barringer, congregants "given to intemperance and abuse of their families."

According to the minutes of that meeting 167 years ago, the consistory—the governing body in a Reformed congregation—voted to "reclaim them if possible and stir them up to a more holy life."

Subsequent church minutes fail to note the success or failure of that moral reclamation project.

"The church was their whole life back then. If they stepped out of line, it could be real trouble," said Lee Bowman, 75, parish historian and co-author of a forthcoming bicentennial history of the church.

The preface to the book begins: "To be able to state we have kept the faith for two centuries, kept the heritage of building and pews, is not an answer to a Trivial Pursuit question."

In 1793—the year George Washington was inaugurated for his second term as president—77 members of the First Reformed Church in Albany (organized in 1628) left—were "dismissed," in Reformed Church parlance—to start their own congregation in Wynantskill. Previously, parishioners traveled every Sunday morning by horse and wagon to Rensselear and crossed the Hudson River by ferry (there were no bridges) to attend day-long services.

"That was the social event of the week. It was a communal announcement, when there were no newspapers. People gossiped. They made eyes at each other," said church elder John C. Hintermaier, 80, who is co-writing the church history (tentatively titled "Witness in Wynantskill") with Bowman.

Also in 1793, the new parishioners erected a boxy, cabin-like church on present-day Route 66—a structure that survives as the modern church's sanctuary. Today, it's the oldest church building in continuous use in Rensselaer County.

The first 77 were mostly farmers, with a leavening of wheelwrights, blacksmiths and tavernkeepers. All were Dutch—services were conducted in Dutch and English—and some of their surnames survive in today's congregation: Sharpe, Coon (now Koon), Barringer (now Berringer).

The young parish's first "Dominie" (minister) was the Rev. Jacobus Van Campen Romeyn, who also pastored congregations in Greenbush and Schodack, and performed his first recorded baptisms in the new church (five of them) on Jan. 24, 1794.

Shared ministry ended in 1815, when the first church-owned parsonage was built for the Rev. Ralph A. Westervelt. During his tenure, a schism over doctrinal matters occurred within the congregation, and a new church, the True Reformed Dutch Church, was organized.

Church records carefully record each congregant's contribution to the minister's salary: Besides cash, he accepted chickens, firewood, bushels of corn and wheat.

The parsonage was occupied until the 1880s, when church minutes report that the living room floor collapsed during a meeting and congregants landed in a sauerkraut barrel in the basement.

Today, the walls, pillars and pews in the sanctuary are white, and the design is stark and unadorned. Color is added by the stained-glass window behind the altar depicting Jesus as the Good Shepherd. It was purchased in 1905 with money ($950) raised by the Sunday School class.

The pipe organ was installed in 1969. Last week, the organist's hymnal was turned to "Rejoice, My Heart, Be Glad and Sing," and the Bible on the lectern for the reader (still called by the Dutch name "*Voorlezer*")was opened to Isaiah 20-21.

Two hundred years of church records have been preserved in leather-bound ledgers, some crumbling, some remarkable crisp and legible. The hand-written minutes and accounts are Hintermaier's preserve.

"This is our history," he said, hefting a 180-year-old account book.

For instance, culled from a ledger: On Sept. 14, 1844, the consistory passed a resolution creating a Day of Prayer "to avert judgment so seriously threatening us in consequence of the present drought and send us refreshing showers of rain from heaven."

On Sept. 11, 1879, after decades of dispute, the Consistory approved, "Hereafter, use of unfermented wine at the communion service."

Throughout two centuries of church minutes appears a phrase added, like a valedictory, to the end of each session. Here's the wording from May 21, 1845: "The Constitutional question being put whether any of the members of consistory knew of any disorderly members belonging to this Church? The response was—no."

"That's an important part of our theology," Bowman said.

Today, some 950 Reformed congregations in the United States have a membership of about 200,000. The church in Wynantskill has about 350 active members.

The interim pastor is the Rev. Steve Burt, 43, a free-lance minister and small-church consultant who belongs to the United Church of Christ—a related denomination with, like the Reformed Church, "a basic Calvinist background," he said.

Last Sunday, Burt preached a bicentennial sermon using Luke 19:1-10 (the story of Zacchaeus, the short, Jewish tax collector) as his text and chutzpah as his theme.

Of his 200-year-old church, Burt preached, "We've all got chutzpah, the nerve to stand up to the fixed, the unchangeable, the status quo when it's wrong," and concluded, "May the next 200 years in the life of this church be as exciting as the first 200. And may God bless our work. Amen."

TEXAS SENATE CONCURRENT RESOLUTION

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. SARPALIUS. Mr. Speaker, I would like to bring to your attention the following Senate Concurrent Resolution 10, as passed by the 72d legislature, fourth called session, 1992, of the State of Texas.

Our brave American servicemen who have served in Southeast Asia are to be commended and I urge the President of the United States to declassify all information relating to American military personnel and civilians who remain missing in Southeast Asia, except for that information that would reveal the methods, resources, and identities of intelligence operatives.

Along with the Texas State Legislature, I also ask that any remains returned from Southeast Asia in the future be transferred to the Smithsonian Institution in Washington, DC, for the purpose of identification. The United States should continue its current policy that diplomatic and economic relations with Laos, Vietnam, and Cambodia be normalized only when these countries have helped make a complete accounting of the missing.

All American veterans have sacrificed for the well being of the United States and those still missing should remain in the thoughts of all Americans until we have accounted for every one.

The resolution follows:

SENATE CONCURRENT RESOLUTION 10

Whereas, The Legislature of the State of Texas respectfully concurs with the executive and legislative branches of the United States government in assigning the "highest national priority" to determining the location and status of all American citizens still missing in Southeast Asia; and

Whereas, There are 2,273 American servicemen and civilians whose fates remain uncertain to this day, nearly two decades since the withdrawal of American troops from Vietnam and Southeast Asia; and

Whereas, Of those missing in Southeast Asia, 145 are military personnel from the State of Texas; these men are listed below by name, hometown, branch of service, and date of capture or loss:

NAME, HOMETOWN, BRANCH OF SERVICE, AND DATE OF LOSS

Lawrence Lee Aldrich, Fort Worth, U.S. Army, May 6, 1968.

Terry Lanier Alford, Pasadena, U.S. Army, November 4, 1969.

Samuel Almendariz, McAllen, U.S. Army, July 12, 1967.

John William Armstrong, Dallas, U.S. Air Force, November 9, 1967.

James Henry Ayres, Pampa, U.S. Air Force, January 3, 1971.

Vladimir Henry Bacik, Houston, U.S. Marine Corps, August 27, 1967.

Arthur Dale Baker, San Antonio, U.S. Air Force, April 7, 1965.

Robert Russell Barnett, Gladewater, U.S. Air Force, April 7, 1966.

Rudy Morales Becerra, Richmond, U.S. Army, March 24, 1970.

James Christof Becker, Palestine, U.S. Army, August 15, 1970.

Robert Samuel Bradshaw, 3rd, Lufkin, U.S. Marine Corps, February 12, 1970.

Jimmy Mac Brasher, Canyon, U.S. Army, September 28, 1966.

Ernest Frank Briggs, Jr., Devine, U.S. Army, January 5, 1968.

William Leslie Brooks, Tolar, U.S. Air Force, April 22, 1970.

James William Brown, Maud, U.S. Marine Corps, April 5, 1966.

Michael Paul Burns, El Paso, U.S. Army, July 31, 1969.

Ernest Ray Byars, Houston, U.S. Marine Corps, July 30, 1967.

James Henry Calfee, New Gulf, U.S. Air Force, March 11, 1968.

Virgil King Cameron, McAllen, U.S. Navy, July 29, 1966.

Clyde William Campbell, Longview, U.S. Air Force, March 1, 1969.

William Edward Campbell, McAllen, U.S. Air Force, January 29, 1969.

Donald Gene Carr, San Antonio, U.S. Army, July 6, 1971.

Billy Jack Cartwright, San Antonio, U.S. Navy, December 22, 1965.

John David Cayce, San Antonio, U.S. Navy, November 12, 1967.

James Albert Champion, Houston, U.S. Army, April 24, 1971.

John Clavin Clark II, Brownfield, U.S. Air Force, December 5, 1969

Eugene Lunsford Clay, Arlington, U.S. Air Force, November 9, 1967.

Isom Carter Cochran, Jr., Houston, U.S. Army, May 23, 1968.

Edwin Ray Conner, Hillsboro, U.S. Navy, May 16, 1970.

Samuel Blackmar Cornelius, Lubbock, U.S. Air Force, June 16, 1973.

Joel Corona, Pharr, U.S. Army, November 8, 1970.

Donald Thorpe Deere, Snyder, U.S. Army, May 17, 1966.

Manuel Reyes Denton, Kerrville, U.S. Navy, October 8, 1963.

Ronald James Dexter, Abilene, U.S. Army, June 3, 1967.

William Young Duggan, Leander, U.S. Air Force, December 31, 1971.

Irby Dyer III, Midland, U.S. Army, December 2, 1966.

David John Earll, Dallas, U.S. Air Force, October 21, 1966.

William Patrick Egan, Fort Worth, U.S. Navy, April 29, 1966.

Carl J. Ellerd, Odessa, U.S. Navy, October 2, 1969.

Julian Escobedo, Jr., San Antonio, U.S. Marine Corps, September 1, 1969.

Clifford W. Fieszel, Lubbock, U.S. Air Force, September 30, 1968.

Ronald W. Forrester, Odessa, U.S. Marine Corps, December 27, 1972.

Marvin L. Foster, Hubbard, U.S. Army, March 16, 1969.

William O. Fuller, Houston, U.S. Air Force, August 26, 1967.

Ricardo Martinez Garcia, Driscoll, U.S. Army, March 19, 1971.

James E. George, Jr., Fort Worth, U.S. Army, February 8, 1968.

Paul F. Gilbert, Plainview, U.S. Air Force, June 18, 1972.

Jesus Armando Gonzalez, El Paso, U.S. Army, April 19, 1968.

Jose Jesus Gonzalez, El Paso, U.S. Marine Corps, June 11, 1967.

Charles B. Goodwin, Haskell, U.S. Navy, September 8, 1965.

Frank Clifford Green, Jr., Waskom, U.S. Navy, July 10, 1972.

Robert Bailey Green, Lampasas, U.S. Air Force, October 25, 1966.

Christopher A. Grosse, Jr., Harlingen, U.S. Army, March 28, 1968.

Hilario M. Guajardo, San Antonio, U.S. Marine Corps, May 1, 1967.

Alan W. Gunn, San Antonio, U.S. Army, February 12, 1968.

Charles David Hardie, Houston, U.S. Navy, July 27, 1967.

Bobby Glenn Harris, Mission, U.S. Army, March 17, 1971.

Gregg Hartness, Dallas, U.S. Air Force, November 26, 1968.

James Arthur Harwood, Dallas, U.S. Army, January 15, 1971.

Edgar L. Hawkins, Lamesa, U.S. Air Force, September 20, 1965.

Barry W. Hilbrich, Corpus Christi, U.S. Army, June 9, 1970.

Rayford J. Hill, Houston, U.S. Navy, October 2, 1969.

Richard Dale Hill, Houston, U.S. Air Force, December 6, 1963.

Cecil J. Hodgson, Greenville, U.S. Army, January 29, 1966.

Tilden S. Holley, Cameron, U.S. Air Force, January 20, 1968.

Lynn R. Huddleston, Ralls, U.S. Army, September 26, 1967.

James Larry Hull, Lubbock, U.S. Air Force, February 19, 1971.

John F. Hummel, Barstow, U.S. Army, March 6, 1971.

John Clark Hurst, Lufkin, U.S. Marine Corps, July 13, 1968.

Juan Macias Jimenez, San Antonio, U.S. Army, May 11, 1968.

August David Johnson, Houston, U.S. Navy, February 3, 1967.

Robert Dennison Johnson, Dallas, U.S. Navy, September 1, 1967.

John Robert Jones, El Paso, U.S. Army, June 5, 1971.

Louis R. Jones, San Angelo, U.S. Air Force, November 29, 1967.

Daniel Edward Jureco, Corpus Christi, U.S. Army, May 8, 1968.

Robert D. Kent, Dallas, U.S. Marine Corps, December 20, 1968.

Arthur William Kerns, El Paso, U.S. Army, December 23, 1966.

Roy A. Knight, Jr., Millsap, U.S. Air Force, May 19, 1967.

Terry T. Koonece, San Antonio, U.S. Air Force, December 25, 1967.

Glenn O. Lane, Odessa, U.S. Army, May 23, 1968.

Charles Allen Levis, Fort Worth, U.S. Air Force, April 2, 1972.

James W. Lewis, Marshall, U.S. Air Force, April 7, 1965.

Harold B. Lineberger, Austin, U.S. Air Force, January 29, 1971.

Danny Leonard Little, Abilene, U.S. Army, April 23, 1970.

Carl Edwin Long, College Station, U.S. Marine Corps, December 20, 1969.

Howard B. Lull, Jr., Dallas, U.S. Army, April 7, 1972.

Donald A. Luna, Houston, U.S. Air Force, February 1, 1969.

Charles Jerome Manske, El Campo, U.S. Air Force, March 24, 1969.

Michael Wayne Marker, Wichita Falls, U.S. Army, March 4, 1971.

Douglas K. Martin, Tyler, U.S. Air Force, April 18, 1973.

Sammy Arthur Martin, Bryan, U.S. Air Force, December 27, 1967.

Donald John Matocha, Smithville, U.S. Marine Corps, April 5, 1968.

James L. McCarty, McLean, U.S. Air Force, June 24, 1972.

R.D. McDonell, Sweetwater, U.S. Army, March 25, 1971.

John Terrance McDonnell, Fort Worth, U.S. Army, March 6, 1969.

Michael Owens McElhanon, Fort Worth, U.S. Air Force, August 16, 1968.

Homer E. McKay, Shallowater, U.S. Navy, February 6, 1968.

Curtis D. Miller, Palacios, U.S. Air Force, March 29, 1972.

James Dale Mills, Commerce, U.S. Marine Corps, January 29, 1968.

Anastacio Montez, Presidio, U.S. Army, May 24, 1969.

Scott Ferris Moore, Jr., Mesquite, U.S. Navy, February 20, 1970.

Manuel J. Moreida, Harlingen, U.S. Army, December 2, 1967.

Henry G. Mundi II, Abilene, U.S. Air Force, May 8, 1969.

Charles V. Newton, Canadian, U.S. Army, April 17, 1967.

William Clinton Niedecken, Corpus Christi, U.S. Navy, February 15, 1969.

David Esequiel Padilla, Borger, U.S. Marine Corps, May 18, 1968.

Joe Parks, Cedar Lane, U.S. Army, December 22, 1964.

Manuel Rameriz Fuentes, El Paso, U.S. Army, March 25, 1971.

Inzar William Rackley, Jr., Big Spring, U.S. Air Force, October 18, 1966.

Harry M. Rayenna, III, San Antonio, U.S. Army, November 15, 1966.

Ronald E. Ray, Port Arthur, U.S. Army, November 13, 1969.

Terry Michael Reed, Randolph A.F.B., U.S. Air Force, June 23, 1969.

John Will Robertson, Malakoff, U.S. Army, June 22, 1969.

Gerald Ray Roberts, San Marcos, U.S. Navy, December 2, 1965.

Jerry L. Roe, Houston, U.S. Army, February 12, 1968.

Luther L. Rose, Howe, U.S. Air Force, June 3, 1966.

Emmett Rucker, Jr., Wichita Falls, U.S. Air Force, May 24, 1968.

Richard Lee Russell, Snyder, U.S. Air Force, April 26, 1972.

Antonio Ramos Sandoval, San Antonio, U.S. Marine Corps, May 15, 1975.

Kureka Lavern Schmittou, Ringgold, U.S. Navy, May 23, 1967.

Melvin D. Seagraves, Lubbock, U.S. Navy, April 30, 1972.

Michael John Shea, El Paso, U.S. Marine Corps, April 29, 1975.

Warren Parker Smith, Jr., Pasadena, U.S. Air Force, June 22, 1966.

Clarence W. Stoddard, Jr., Corpus Christi, U.S. Navy, September 14, 1966.

Charles W. Stratton, Dallas, U.S. Air Force, January 3, 1971.

James Daniel Stride, Jr., Denison, U.S. Army, October 5, 1968.

Erwin Bernard Templin, Jr., Houston, U.S. Navy, January 22, 1966.

William J. Thompson, Houston, U.S. Air Force, August 1, 1968.

Francis Wayne Townsend, Rusk, U.S. Air Force, August 13, 1972.

Glenn E. Tubbs, Amarillo, U.S. Army, January 13, 1970.

Walter Shelby Van Cleave, Dallas, U.S. Air Force, April 22, 1969.

Bobby G. Vinson, Nederland, U.S. Air Force, April 24, 1968.

Dean Amick Wadsworth, Clarendon, U.S. Air Force, October 8, 1963.

Jerry Mack Wall, Nacogdoches, U.S. Air Force, May 18, 1966.

Neal C. Ward, College Station, U.S. Air Force, June 13, 1969.

Larry Eugene Washburn, San Antonio, U.S. Air Force, June 17, 1966.

Ronald Leonard Watson, El Paso, U.S. Army, February 18, 1971.

Donald E. Westbrook, Sherman, U.S. Air Force, March 13, 1968.

Albert Dwayne Wesier, Terrell, U.S. Air Force, October 5, 1968.

Danny L. Widner, Graham, U.S. Army, May 12, 1968.

Calvin Wayne Wilkins, Waco, U.S. Marine Corps, February 8, 1969.

Clyde David Wilkinson, Mineral Wells, U.S. Army, February 12, 1971.

Roy C. Williams, Woodville, U.S. Army, May 12, 1968.

Harry Truman Wilson, Grand Prairie, U.S. Marine Corps, June 4, 1970.

Murray L. Wortham, San Augustine, U.S. Air Force, December 30, 1967.

Whereas, The majority of information obtained on these missing citizens to date has remained classified, denying the families of these missing Americans, as well as the press and the American public, access to imports of live prisoner sightings, burial site locations, and detained camp locations; and

Whereas, Much of this important could be declassified without compromising the methods, resources, and identities of intelligence operatives; now, therefore, be it

Resolved, That the 72d Legislature of the State of Texas, 4th Called Session, hereby respectfully urge the President of the United States to declassify all information relating to American military personnel and civilians who remain missing in Southeast Asia, except for that information that would reveal the methods, resources, and identities of intelligence operatives; and, be it further

Resolved, That any remains returned from Southeast Asia in the future be transferred to the Smithsonian Institution in Washington, DC, for the purpose of identification and that the United States continue its current policy that diplomatic and economic relations with Laos, Vietnam, and Cambodia be normalized only when these countries have helped make a complete accounting of the missing; and, be it further

Resolved, That the Texas secretary of state prepare and forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and President of the Senate of the United States Congress, and to all members of the Texas congressional delegation, with the request that this resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

CALIFORNIA DESERT PROTECTION ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. MILLER of California. Mr. Speaker, today I join Natural Resources Subcommittee chairman, RICHARD LEHMAN and BRUCE VENTO, and other Members in introducing the California Desert Protection Act of 1993. Nearly identical to legislation which passed the House in the 102d Congress, this bill designates 4.3 million acres as wilderness and creates a new 1.5 million acre Mojave National Monument in California. In addition, the bill expands the existing Joshua Tree and Death Valley National Monuments by 200,000 acres and 1.3 million acres respectively, and redesignates the monuments as national parks.

The California Desert Protection Act overwhelmingly passed the House in 1991 by a vote of 297 to 136. Since 1987, there have been eight hearings in Washington, DC, and California on desert protection legislation. The hearings have demonstrated the widespread support for desert protection from environmental organizations, some mining companies, and utilities. A field poll taken last year showed that 71 percent of Californians favor National Park Service management in the existing East Mojave National Scenic Area.

If the California Desert Protection Act is adopted, all existing uses of the desert will continue, sometimes in different areas under different management prescriptions. But there is no use of the desert land permitted today that will be precluded by enactment of this legislation.

For those who like to backpack, the bill designates 4.3 million acres of wilderness, and there are thousands of trail miles to walk along. All of the areas to be designated wilderness were classified as roadless by the Bureau of Land Management in its desert plan. For those who like to ride in off-road vehicles, the legislation leaves open approximately 33,000 miles of roads, including 18,000 miles of primitive routes and 15,000 miles of paved and unmaintained dirt roads. In addition, approximately 430,000 acres of public land—an area approximately 10 times the size of Washington, DC—will remain open primarily for use as off-road play areas for trail bike and all terrain vehicle users.

For those who presently enjoy the privilege of mining on public land, the legislation allows anyone with valid existing rights to continue operating. Grazing on public lands also will be permitted for approximately 25 years in the proposed Mojave National Monument and existing Death Valley National Monument, and in perpetuity in wilderness areas.

Mr. Speaker, the California Desert Protection Act has been debated in each successive Congress since 1986. And the debate existed as early as 1976 when Congress ordered the first study about future uses of the California desert. It is time to enact legislation so that all desert users—miners, hikers, educators, recreationists and others—will have some certainty about the future of the desert. At the same time as this legislation will preserve natural and scenic areas for the health, enjoyment, and education of future generations, this legislation also maintains off-road vehicle recreational opportunities, and allows mining, grazing, and other activities to continue in specific areas.

I encourage my colleagues to support this legislation.

PRIVATIZE THE POSTAL SERVICE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. CRANE. Mr. Speaker, in recent years the United States has witnessed the collapse of economic systems based on government-owned monopolies around the world. As the people of these nations began the task of reform, the United States was quick to offer advice on the opportunities and efficiencies of capitalism to improve their standards of living. By its example, the United States has proven to the world that a free market economy is the most productive and cost-effective method of providing goods and services to consumers.

Unfortunately, we have not taken our own advice in every instance. An example of a government-owned monopoly in our own country is the U.S. Postal Service [USPS]. As a result of the continued existence of this monopoly, Americans have been forced to accept increasingly slower delivery and higher rates. The precipitous decline of the USPS is evidenced by the fact that rates increased by almost 400 percent from 1969 to 1991, almost 1½ times faster annually than the rates of inflation! At the same time, the USPS admits that the average first-class letter took 22 percent longer to reach its destination in 1990 than it did in 1969. In addition, the USPS has reduced counter hours, eliminated doorstep delivery for new houses, and redefined "on time" overnight first-class delivery from a 100- to 150-mile radius to a mere 50-mile radius in many instances.

The time has come to abolish the postal monopoly and to stop cheating American consumers out of efficient and reasonable postal rates. My solution to improve postal service is simple and straighforward. Under my legislation, H.R. 88, all assets of the post office would be given to a corporation owned by the employees through the creation of an employee stock ownership plan [ESOP] which will transfer stock to the employees. Regulations will assure that rural service and general performance standards exceed current levels. The new firm will be given a 5-year grace period during which it will face no competition, giving it time to get its feet on the ground. Thereafter, the monopoly will be abolished and free competition in all classes of mail will be allowed.

I urge my colleagues to join me in this effort to provide Americans with the quality postal service they deserve and to cosponsor H.R. 88.

CONGRATULATIONS TO THE HONORABLE PAULINE NIGHTINGALE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in congratulating Hon. Pauline Nightingale, who was recognized on January 9, 1993, by Bet Tzedek Legal Services for her 60th anniversary as a member of the California State Bar Association.

Judge Nightingale earned her bachelor of arts degree from UCLA and graduated summa cum laude from the Los Angeles College of Law. Throughout her career, she has been a key figure in the crusade for women's rights in California and has led the way through barriers to women's advancement in the legal profession. She has also employed her consummate skills as an attorney, orator, writer, and advocate to advance the rights of all of the underprivileged and underserved.

I am delighted that Bet Tzedek Legal Services is honoring Judge Nightingale and I ask my colleagues to join me in recognizing her great achievements and in wishing her many years of good health and happiness.

THE RETIREMENT OF THE DIRECTOR OF CENTRAL INTELLIGENCE, ROBERT M. GATES

HON. DAVE McCURDY

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. MCCURDY. Mr. Speaker, this is a time of transition in the Federal Government. As the dedicated men and women who served in the Bush administration take their leave, I wanted to take particular note of one among them, the Director of Central Intelligence [DCI], Robert M. Gates.

On January 20, Bob Gates completed a 26-year career of exceptional service to the Nation. Joining the Central Intelligence Agency [CIA] as an intelligence analyst in 1966, he later served on the National Security Council staff, as Deputy Director for Intelligence at CIA, as Assistant to the President and Deputy for National Security Affairs, and as the Director of Central Intelligence. To each of these positions he brought a keen intellect and capacity for hard work which made him successful, and won for him the respect of those with whom he dealt.

Although his tenure as DCI was relatively short, it contained achievements in numbers disproportionate to its duration. Presiding over an intelligence community that was, and is, seeking to define its role and mission in the post cold war world, Director Gates initiated organizational changes that should enable the community to better respond to the new challengers confronting policymakers. To his credit, Bob Gates saw the need for the DCI to be a facilitator of change rather than resistant to it, and in this important area his leadership will leave a lasting impression on the intelligence community.

His service as Deputy for National Security Affairs during the war against Iraq gave Director Gates an appreciation of the need for accurate and timely intelligence support to the military. When he became DCI, he took steps to ensure the development of a better relationship between the CIA and the Defense Department, and has worked hard to make certain that national intelligence systems are fully capable of supporting military commanders whenever required. In a time of decreasing budgetary resources and a declining U.S. military presence overseas, high quality intelligence support will assume an even greater importance to the Armed Forces.

I want to particularly commend Bob Gates for his commitment to effective congressional oversight of intelligence. He understood not only the right Congress has to information about intelligence activities, but the stake that the intelligence community has in providing that information candidly and expeditiously. I found him to be not only responsive to requests made by the House Intelligence Committee but a proponent within the community of the wisdom of being proactive in its dealing with the committee. He led by example in this area and I, as the committee's chairman, appreciated it.

Mr. Speaker, I doubt that any DCI since the creation of the CIA presided over a more tumultuous period in the history of the intelligence community than did Bob Gates. His experience and steady head were of great benefit, and, while the tumult is not over, he has positioned the community well for the future. For that, and for the many sacrifices he and his family have made over the last quarter century, the Nation owes a debt of gratitude. I know that he will be very active in the years ahead and I hope that he may at some point choose again to bring his considerable abilities to bear in public service.

TRIBUTE TO TORREY PINES FOOTBALL FALCONS, SAN DIEGO COUNTY CHAMPIONS

HON. RANDY (DUKE) CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. CUNNINGHAM. Mr. Speaker, as a former teacher and coach, I know first hand what it takes to be a winner. The prize does not necessarily go to to the swiftest, or the strongest, or to the most talented, but to the hardest working, least selfish, and most dedicated.

The football Falcons of Torrey Pines High School are champions such as this. By winning the San Diego County high school football championship over El Camino, the Falcons demonstrated the kind of tenacity, teamwork, and strength of will that champions of every age have, and that will serve young people well throughout life.

Recorded herewith, in the permanent RECORD of the Congress of the United States, this day, January 21, 1993, are the names of the fine people who made this championship possible:

Superintendent William Berrier, Athletic Director Anne Meigs, Principal Simeon Greenstein, Coach Ed Burke, Assistant Coaches Rich Houk, Ted Mahoney, Scott Ashby, Frank Chambliss, Gary Marshall, Jim Ciancimino, John Hamels, and Eric Heffner, players Mike McAdam, Joel Brown, Kevin Winters, Jeff Carlin, Gaven Hamels, Ryan Lynch, Rick Balestri, Ryan Principi, Matt Petree, Chris Carlin, Kevin Christie, Bryon Cook, Bret Marshall, Mike Harriff, Kaden Koffler, Brad Elkan, Randy Hawkins, Mike Jahries, Matt Davy, Josh Stern, Jeff Jahries, Chad Moore, Kyle Campbell, Paul Harris, Brian McGuire, Joel Kohn, Chris Rodarte, Bill Gravette, Glen Morgan, Jarom Pollock, Simon Terry-Lloyd, Zach Vincent, Shan Dattagupta, Robert Ocegueda, Alex Pogeler, Agustin Lopez, Jon Vance, Brian Batson, Brian Guss, Jeremy Alires, Jordan Leeds, Chris Jahries, Greg Nolan, Matt Wadman, Drew Stabile, Travis Farrell, Colin Brickley, Brody Hefner, Joe Reed, and Brent Mardlan, statisticians Eric Sorensen and Yvette Robitaille, and ball boy Jim Edinger.

TRIBUTE T0 JOHN D. HOPPER

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. GOODLING. Mr. Speaker, in 1974, I told a young lawyer that the problem with business people is that they are so wrapped up in their own business that they sometimes forget that the most important business that affects them is government. I encouraged that young lawyer to get involved. I am now recognizing this distinguished citizen, legislator, and friend, Pennsylvania's State Senator John D. Hopper.

John chose to retire from the Senate last November after serving 16 years. His legislative accomplishments are significant, as are his contributions to the community. As chairman of the senate aging and youth committee for 12 years, he was the champion of legislation to protect children. His authorship of Pennsylvania's wiretap legislation will assist in criminal law enforcement efforts.

John Hopper's community involvement makes clear his commitment to others. He has served on the boards of: the Central Pennsylvania Chapter of Multiple Sclerosis, Dickinson College, Pennsylvania Higher Education Assistance Agency, Keystone State Games, West Shore Division of Dauphin Deposit Trust Co., and Holy Spirit Hospital. He is a member of the Pennsylvania Bar Association and the U.S. Air Force Association; is the past president of Camp Hill School Board, the Harrisburg Association of Life Underwriters and the Pennsylvania Association of Life Underwriters. He is also a past trustee of the National Association of Life Underwriters, and is an elder at the Camp Hill Presbyterian Church.

An outstanding college basketball player, John starred on the Dickinson College team, was its youngest player-coach, and was named to the Dickinson College Sports Hall of Fame. In 1973, he was one of five in the United States selected by the National Collegiate Athletic Association's Silver Anniversary Award.

John graduated from Dickinson College, Dickinson School of Law and the American

College of Life Underwriters. He served in the U.S. Army/Air Force as a senior pilot during World War II, and attained the rank of major in the Air Force Reserves. He and his wife Ann are the parents of four children, Steve, Andy, Rick, and Kathy.

I have had the pleasure of working with John to serve the people of Cumberland and northern York Counties since he was elected to the Pennsylvania Senate in 1976, and I must say that his contribution is significant. I join his many friends and colleagues in wishing him the best and continued success in his future endeavors.

TRIBUTE TO JUDGE LEONARD S. HUGHES

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. WHEAT. Mr. Speaker, it is my sad duty to report to my colleagues the untimely death of Judge Leonard S. Hughes, Jr. With the passing of Judge Hughes, a commanding voice for civil rights and social justice has been silenced.

A lifelong resident of Kansas City, Judge Hughes distinguished himself as an influential and trailblazing leader.

After earning his law degree from Washburn University 40 years ago, Judge Hughes established his practice in Kansas City. He went on to serve the citizens of Jackson County, MO in a number of important roles throughout his career—including assistant county prosecutor, assistant county counselor, county magistrate, and, finally, municipal judge from 1977 to 1986. He continued in private practice until his death.

All those who knew and worked with Judge Hughes respected him as a man with a lifelong devotion to social justice. His commitment to civil rights became clear early in his career when, as a young lawyer, he traveled to the Deep South in the unwelcome climate of the 1950's to organize voter registration drives.

Recognizing the critical importance of mobilizing citizens to work collectively for social and economic justice, Judge Hughes helped found Kansas City's Freedom, Inc.—a powerful civil rights organization that has grown to become a dominant force in local, State, and national elections.

Judge Hughes contributed his time, energy, and creativity to build Freedom, Inc. into the influential and highly successful citizen's movement that it is today. For that pioneering role, Judge Hughes leaves behind a legacy that will be felt for generations to come.

In addition to his community activism, Judge Hughes demonstrated an enduring devotion to his work. His passion for his job sparked the interest of his children, four of whom have pursued careers in law. And his success in the profession has helped break down age-old barriers for the young lawyers of today and tomorrow.

Like so many in the community, I am profoundly grateful to Judge Hughes and will fondly remember him for his intellect, vitality, and never-ending commitment to his profession and to improving the lives of others.

I extend my deepest sympathies to Judge Hughes' loving family. Although his life was cut short, Judge Hughes' work as a tireless leader will continue to live on in the hearts and minds of grateful community.

ETHNIC CLEANSING IN BOSNIA MUST BE ENDED

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. SWIFT. Mr. Speaker, the Serbian policy of ethnic cleansing in Bosnia must be ended. I wish I could pin my hopes on the current peace talks stopping Milosevic's killing campaign, but thus far words of both reason and warning seem only to harden his maniacal resolve.

The crimes of the Milosevic regime are crimes against humanity that are tragic echoes of the final solution of Adoph Hitler. When the scope of the Nazi atrocities were fully comprehended, the decent societies of the world promised that never again would they sit by, idle and impotent, as innocent people were exterminated in the name of ethnic cleansing. Today those nations, and the United States in particular, must redeem that pledge.

In attempting to justify our inaction in Bosnia, some have argued that the United States cannot address much of the violence around the world; that we cannot act as the world's policeman, righting every injustice, resolving every dispute. I fully agree with that general concept, but not in these circumstances. What we are witnessing in Bosnia is not simply violence or civil war; it is the systematic rape and destruction of a race of people. The parallels with Nazi extermination of the Jews are stark. Civilized people must act to bring it to a halt.

The United States, as the world's sole remaining superpower, must lead the effort, but it is not our responsibility to go it alone. These crimes should be addressed by the world community, through the United Nations.

This mission is not a simple one and it should not be launched without careful forethought and a clear strategy. Comparing it to our humanitarian mission into Somalia is to compare apples to oranges both in terms of its purpose and its military difficulty. The terrain in Bosnia is difficult and the resistance that forces will meet will not be composed merely of thugs and street gangs.

Despite the complexities of this situation, however, we must stop the raping and murdering in the name of ethnic cleansing taking place in Bosnia. That goal is not optional. The world's military planners and foreign policy experts need to tell us how to best achieve that goal, but they must do it soon.

I, for one, do not want to be remembered as a Member of Congress at the time the world stood by and watched history repeat its most loathsome chapter: this time in Bosnia, this time against Moslems, this time before a world which lost its innocence when it liberated the gas ovens of World War II.

THE NATIONAL WRITING PROJECT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. MILLER of California. Mr. Speaker, today, I, along with 13 of my colleagues, am introducing legislation to reauthorize the National Writing Project [NWP], our only national program in America in improve the teaching of writing.

The National Writing Project is a national network of university-based teacher training programs designed to improve the teaching of writing and student achievement in writing. In operation for 19 years, the NWP has distinguished itself by successfully addressing the need for improved writing skills nationwide, winning honors from the American Association for Higher Education and the Carnegie Foundation for the Advancement of Teaching.

Federal support for NWP began in 1991, and has allowed NWP to expand to reach more teachers and students:

For every Federal dollar spent, the NWP garnered over 5 additional dollars from State, university, school district and other local sources of support;

Last year, 106,423 teachers participated in the NWP summer and school year programs. This brings the total number of teachers who have participated in the NWP to almost 1 million.

Last year, approximately 7,506,500 students, or 18 percent of the Nation's K–12 public school students, benefited from Federal funding at a cost of 26 cents a student.

Through Federal matching dollars, 11 new sites were added to the NWP and two sites were restored to activity, bringing the total number of sites to 150.

As this Congress examines the critical issues of school reform, standards and testing, and the reauthorization of the Elementary and Secondary Education Act, we need to continue our support for the National Writing Project, a program that has proven it makes a difference in the education of our Nation's students and teachers.

TRIBUTE TO JAMES T. CLARK

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. DELLUMS. Mr. Speaker, James T. Clark, 84, who served on the staff of the House District Committee, where he became chief clerk, for about 20 years before retiring in 1981, died of pneumonia January 9 at Bethesda Naval Hospital.

In the early and mid-1930's, he had been a secretary and legislative assistant to Senator David I. Walsh of Massachusetts and had been chief of the Senate Education and Labor, and the Naval Affairs Committees. He practiced law in Washington, DC and Ellicott City, MD from 1936 to 1960.

He then spent 2 years as assistant reporter of decisions for the U.S. Supreme Court before joining the House District Committee in 1962 to handle its press relations and work on legislative preparations. He also investigated complaints about District agencies.

In 1934, he graduated from Georgetown University law school, from which he also received a master's degree in tax law.

During World War II, he served in the Navy in the Pacific aboard the carrier *Intrepid* and received a Purple Heart. After the war, he remained in the reserves until retiring about 1970 as a commander.

He was an elder of Chevy Chase Presbyterian Church and a member of First Presbyterian Church of Ellicott City.

Survivors include his wife of 46 years, 4 daughters, 2 brothers, 5 sisters, and 9 grandchildren.

TRIBUTE TO THE COLLEGE ASSISTANCE MIGRANT PROGRAM

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. MATSUI. Mr. Speaker, I rise today to honor the College Assistance Migrant Program [CAMP], a program dedicated to helping the children of migrant and seasonal farm workers pursue a higher education.

Since its establishment in 1981, CAMP has helped more than 700 students reach their academic goals at California State University, Sacramento [CSUS]. Funded by a grant from the U.S. Department of Education, CAMP is designed to give students with migrant backgrounds, the most underrepresented group in higher education, the support system necessary to be successful in college and beyond. More than 90 high schools and 20 community service agencies statewide work with CAMP to provide an extensive system of academic, financial, and personal support to CAMP students in their first year of school. The friendships students cultivate through CAMP continue to provide encouragement and support throughout their college careers and into their professional lives. CAMP's success can be measured through its student retention rate of 85 percent which is higher than any other student group at CSUS. Additionally, the program has received local, State and national recognition as a model program in serving the needs of first-year college students.

Over the years, I have had the distinct pleasure of providing internships for CAMP students in my Washington, DC office. They have earned the respect of both myself and my staff through their dedication and interest in learning about the legislative process. Their enthusiastic endorsement of CAMP is a further indication of the program's success in reaching this promising but underserved group of students.

Mr. Speaker, I ask that my colleagues join me in honoring the College Assistance Migrant Program, for their ceaseless dedication to furthering educational opportunities for the children of migrant and seasonal farm workers.

TRIBUTE TO THE BLESSED MARY OF JESUS THE GOOD SHEPHERD, FOUNDRESS OF THE SISTERS OF THE HOLY FAMILY OF NAZARETH

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. BORSKI. Mr. Speaker, I rise today in recognition of the 150th anniversary of the birth of the Blessed Mary of Jesus the Good Shepherd, Frances Siedliska, who was born in Poland, November 12, 1842 and beatified on April 23, 1989 by Pope John Paul II, in Rome.

Frances Siedliska was born near Warsaw in Poland. She was endowed with a keen intellect and a burning desire to serve God through serving her fellow men. Taking the Holy Family of Nazareth as the model for her sisters, she highly recommended to them the family apostolate and loyalty to the Pope and to the church. As Frances Siedliska designed it, the Sisters of the Holy Family of Nazareth is an apostolic religious congregation of pontifical rite. The sisters devote themselves to different aspects of teaching, nursing, and social work.

After its foundation in Rome, Italy, in 1875, the congregation spread to Poland, and the sisters were invited to serve in the United States in 1885. In 1892, the sisters began their work in Philadelphia in St. Stanislaus parish.

During her lifetime, Mother Siedliska crossed the Atlantic Ocean three times to visit the convents she established and administered until her death on November 21, 1902. Her love for America is testified by the fact that she became a naturalized citizen of the United States of America on July 20, 1897.

The congregation of the Sisters of the Holy Family of Nazareth is spread over 4 continents, 8 countries, 56 archdioceses and dioceses, 7 provinces, 2 vice provinces and 1 generalate region. There are 1,407 professed sisters of perpetual vows, 270 professed sisters of temporary vows, 113 novices; and 58 postulates. Convents of the congregation are found in France, England, Italy, Australia, Poland, the Philippines, Puerto Rico, and the United States.

In Philadelphia, the congregation staffs Nazareth Hospital, St. John Neumann Nursing Home, Holy Family College, Nazareth Academy High School and Grade School, and Alpha House, which accepts youngsters to nursery and kindergarten classes. In addition, the sisters teach in St. Hubert, Little Flower, Cardinal Dougherty and West Catholic High Schools.

In Ambler, since 1936, the sisters conduct St. Mary's Villa, a nonprofit residential treatment facility for neglected, dependent and abused children with emotional problems. Children from various counties of Philadelphia of all ages up to 14 years old receive special service.

From its inception the congregation of the Sisters of the Holy Family of Nazareth geared its apostolic endeavors to three major areas: education, nursing, and social work.

The educational apostolate includes teaching in parish schools, academies, diocesan high schools, colleges, intercommunity programs, C.C.D. classes, summer workshops, and residences for girls. Nursing members staff hospitals, schools for nurses, nursing homes, clinics, dispensaries, and provide home-care for the sick, the aged and the infirm. Social work involves care in orphanages, day-care institutions, foster homes, centers for family services, retreat centers, pastoral ministries and community assistance in rehabilitation centers, and for minority groups and the mentally retarded.

The Sisters of the Holy Family of Nazareth also provided wartime services, including help in provisional hospitals and dispensaries, hospitality to evicted clergy, nuns and refugees, care of orphans, and distribution of food to the homeless and displaced persons.

Although the sisters ministered to victims of war and persecution, they also went through the crucible of suffering and martyrdom themselves. During World War II in Poland, 11 sisters were executed by the Nazis, 28 were exiled to Siberia, 30 were imprisoned, and others were sent to concentration camps or forced labor camps.

In all provinces, whether in the United States, Europe, or Australia, the sisters continue to respond generously to apostolic needs based on the style of the Holy Family of Nazareth. The congregation has dedicated its services to the needs of mankind in whatever age it may be called upon to share in the plans of God through the voice of the Pontiff, the visible head of the Roman Catholic Church.

Mr. Speaker, I join the sisters of the Holy Family of Nazareth in saluting Frances Siedliska, the Blessed Mary of Jesus the Good Shepherd, for a lifetime of charitable work and devotion to her congregation.

A TRIBUTE TO CAPT. DAVID L. PECK

HON. DOUGLAS (PETE) PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. PETERSON of Florida. Mr. Speaker, I rise today to honor an individual who has provided many years of excellent support and dedication not only to myself, but to Congress at large. Capt. David L. Peck, Office of the Secretary of the Air Force, Legislative Liaison, Inquiry Division, will be reassigned from the Pentagon to the Air Force Space Command, Lowry Air Force Base, CO, on December 13, 1992. Many of my colleagues and I have directly benefited from his exceptional service in the Air Force's congressional inquiry office.

As an action officer, Captain Peck's calm, logical, and thorough method of handling unique situations and constituent concerns, some of which were extremely time sensitive, resulted in the successful resolution of over 8,000 cases each year during a 4-year tour. Time and time again, his can-do attitude attained favorable results. A seasoned traveler with a myriad of congressional members and their staffs, Captain Peck was instrumental in escorting large delegations to the South Pacific, Africa, and the Eastern bloc. His thorough, efficient, professional planning assured these trips were completely successful.

Mr. Speaker, I join with many of my colleagues in congratulating Captain Peck for a job extremely well done; and in wishing him, his wife Nancy, and his son Alex, the very best in the future. Captain Peck is a professional among professionals and brings great credit upon himself and the U.S. Air Force.

TRIBUTE TO FRANCIS G. CLEVELAND

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to Francis G. Cleveland, a longtime resident of Tamworth, NH. Francis Cleveland is the son of President Grover Cleveland, the only President to have served two nonconsecutive terms in the White House (1885–89, 1893–97). At 89, Francis Cleveland is the oldest living direct descendent of a U.S. President. But I pay tribute to Francis Cleveland not because of his lineage, but because of all that he has contributed to New Hampshire in his own life.

Francis Cleveland has been very involved in many different community activities. He served as a town selectman in Tamworth for many years and has been very active politically. His interest in theatre prompted he and his wife, Alice, to found a summer theatre company in 1931. For many summers his traveling theatre would literally "barnstorm" throughout New Hampshire, performing in many towns including Wolfeboro, Sugar Hill, and North Conway. It was sometime following the end of World War II that Francis Cleveland decided to finally settle his troupe in Tamworth where the Barnstormers Summer Theatre has performed for 8 weeks every summer for over 50 years.

On this inauguration day of a new President, it is, perhaps, well to note that over 100 years ago, President-elect Grover Cleveland—Francis' father—was anticipating his new administration. This historical perspective underlies the continuity our system of government enjoys, even as we look forward to the changes our new President will bring to Washington with him.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Francis G. Cleveland who is known for his kind and generous spirit, active lifestyle, and his sense of humor, all of which continues to enrich the lives of those around him.

TRIBUTE TO J. MICHAEL DAVIS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1993

Mrs. MORELLA. Mr. Speaker, today I rise to honor J. Michael Davis, departing Assistant Secretary of Conservation and Renewable Energy at the Department of Energy. From the beginning of his tenure in 1989 to the present, Mr. Davis has made significant progress in furthering the role of conservation and renewable energy in meeting our Nation's energy, environmental, and economic objectives.

Mr. Davis has strengthened the science and technology base for conservation and renewable technologies and was successful in achieving national laboratory status for the National Renewable Energy Laboratory at Golden, CO in 1991.

Mr. Davis has forged new approaches between the Federal Government and industry to develop the key technologies to carry us into the 21st century. His vision has guided a renewed and strengthened commitment to sustainable technologies. Innovation in the way the Federal Government can leverage its resources with the private sector has echoed across a number of diverse programs, including model collaboration to develop electric vehicle technology through the advanced battery consortium and programs to expedite manufacturing capability in the photovoltaic industry.

Internationally, Mr. Davis has created new markets for renewable technologies by establishing partnerships between industry and government groups in lesser developed countries. The end result will be economic development, rural electrification, and an improved lifestyle for thousands of people who had lacked the benefits of electrification.

Mr. Davis has provided outstanding leadership in directing these programs. His stewardship has positioned these technologies at the forefront of the nation's energy options for a sustainable energy future. I ask my colleagues to join me in commending and thanking Mr. Davis for his considerable contribution to the Nation.

SENATE—*Friday, January 22, 1993*

(Legislative day of Tuesday, January 5, 1993)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 22, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WOFFORD thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 12 NOON, TUESDAY, JANUARY 26, 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until the hour of 12 noon on Tuesday, January 26, 1993.

Thereupon, at 10 o'clock and 35 seconds a.m., the Senate recessed, under the order of Thursday, January 21, 1993, until Tuesday, January 26, 1993, at 12 noon.

HOUSE OF REPRESENTATIVES—*Monday, January 25, 1993*

The House met at 12 noon.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 22, 1993.

I hereby designate the Honorable STENY H. HOYER to act as Speaker pro tempore on Monday, January 25, 1993.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious Lord, from whom comes every good gift, we offer our thanks for this new day and all its possibilities. May we use our time and energies to heal and not hurt, to seek unity and not division, to respect and not disparage, and to discover anew the bonds of solidarity and harmony that give us purpose and strength. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina [Mr. COBLE] to lead us in the Pledge of Allegiance.

Mr. COBLE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

JANUARY 22, 1993.

Hon. THOMAS FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: It has been a pleasure and honor for me to serve in the U.S. House of Representatives. As you know, I have resigned today to serve in the President's Cabinet as Secretary of Agriculture. I hope to continue to work with you in my new position and I thank you for your leadership through the years.

Please find enclosed my resignation letter to Mississippi Governor Kirk Fordice. As I have written to Governor Fordice, I have accepted my new position with enthusiasm but also with a sense of tremendous gratitude and humility for the trust and confidence that the voters of my district have placed in me over the years. In the many votes I have cast and the many actions I have taken on their behalf, I have always tried to reflect credit on the 2nd Congressional District and on the great state of Mississippi.

It has been the ultimate honor for me to be a part of our country's history by serving in the U.S. House of Representatives. I look forward to continuing to serve my country in my new position and working with you and my former colleagues in Congress.

Sincerely,

MIKE ESPY,
Secretary of Agriculture.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 21, 1993.

Hon. KIRK FORDICE,
Governor of Mississippi, State Capitol, Jackson, MS.

DEAR GOVERNOR FORDICE: For the past six years, I have had the privilege of representing the people of the 2nd Congressional District in the Congress of the United States. In the many votes I have cast and the many actions I have taken on their behalf, I have always tried to reflect credit on the 2nd Congressional District and on our great state of Mississippi.

As you are aware, I recently have been nominated by the President of the United States and confirmed by the United States Senate to serve in the President's Cabinet as Secretary of Agriculture. As such, I am requesting and do hereby submit my resignation as United States Congressman effective upon my taking the oath of office on Friday, January 22, 1993, at approximately 10 a.m. EST.

Although I have accepted the new position with enthusiasm, I leave my House seat with a sense of tremendous gratitude and humility for the trust and confidence that the voters of my district have placed in me over the years.

I assure you and the citizens of Mississippi that I will continue to be an advocate and strong ally for all legitimate needs of the people of Mississippi.

Sincerely,

MIKE ESPY,
Member of Congress,
Secretary of Agriculture-Designate.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 21, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Attached is the letter I have sent to the Governor of California notifying him of my resignation from the U.S. House of Representatives effective 6 p.m. today.

Sincerely,

LEON E. PANETTA,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 21, 1993.

Gov. PETE WILSON,
State Capitol, Sacramento, CA.

DEAR GOVERNOR: Having been nominated by the President, and confirmed by the Senate, as the Director of the Office of Management and Budget, I resign as U.S. Representative of the 17th Congressional District of California effective 6:00 p.m. today.

Sincerely,

LEON E. PANETTA,
Member of Congress.

REPORT ON RESOLUTION PROVIDING FOR ESTABLISHMENT OF SELECT COMMITTEE ON AGING

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–1) on the resolution (H. Res. 19) to establish the Select Committee on Aging, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR ESTABLISHMENT OF SELECT COMMITTEE ON AGING

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–2) on the resolution (H. Res. 30) to establish the Select Committee on Aging, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR ESTABLISHMENT OF SELECT COMMITTEE ON CHILDREN, YOUTH AND FAMILIES

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–3) on the resolution (H. Res. 23) to establish the Select Committee on Children, Youth and Families, which was referred to the House Calendar and ordered to be printed.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

REPORT ON RESOLUTION PROVIDING FOR ESTABLISHMENT OF SELECT COMMITTEE ON HUNGER

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-4) on the resolution (H. Res. 19) to establish the Select Committee on Hunger, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR ESTABLISHMENT OF THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-5) on the resolution (H. Res. 20) to establish the Select Committee on Narcotics Abuse and Control, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
January 22, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Thursday, January 21, 1993 at 6:40 p.m. and said to contain a message from the President whereby he notifies the Congress of his decision of the maximum deficit amount under the Balanced Budget and Emergency Control Act of 1986.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

NOTIFICATION OF ADJUSTMENT OF MAXIMUM DEFICIT AMOUNT OF BUDGET—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Operations and ordered to be printed:

To the Congress of the United States:

Pursuant to section 254(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended ("Act") (2 U.S.C. 904(c)), notification is hereby provided by my decision that the adjustment of the maximum deficit amount, as allowed under section 253(g)(1)(B) of the Act (2 U.S.C. 903(g)(1)(B)), shall be made.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *January 21, 1993.*

TRIBUTE TO JUSTICE THURGOOD MARSHALL

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. EDWARDS of California. Mr. Speaker, it was with great sadness that we read in the morning paper of the passing of Justice Thurgood Marshall. Justice Marshall was truly one of the giants of the civil rights movement in the United States. He was born in Baltimore 84 years ago of modest family background. His mother was a schoolteacher and his father a steward in a yacht club. He fought his way through college, through law school, and in 1954 was the NAACP lawyer that went to the Supreme Court and won very probably the greatest civil rights decision in history, *Brown* v. *Board of Education.*

In 1967, Lyndon Johnson appointed Thurgood Marshall to the Supreme Court. From then until his retirement 1½ years ago because of ill health, he continued as truly one of the great giants in American history.

I can remember many times going before the Court in the modest duties that we have in Congress when we must swear in a constituent. It was always a great thrill to see Thurgood Marshall sitting on the Court and to reflect on the great contributions he had made throughout his life for equality, for fair play, and for our constitutional rights as guaranteed by the Bill of Rights.

Mr. Speaker, I include for the RECORD the well-written article from the Washington Post this morning about his life.

THURGOOD MARSHALL, RETIRED JUSTICE, DIES

(By Joan Biskupic)

Retired Supreme Court Justice Thurgood Marshall, a relentless voice for minorities whose six-decade legal career was emblematic of the civil rights revolution, died yesterday of heart failure.

He was 84 years old and had been retired since June 1991. Marshall had been in failing health in recent months. He died at the National Naval Medical Center in Bethesda, where he had been since Thursday. He had planned to administer the oath of office to Vice President Gore last Wednesday, but could not because of his condition.

Marshall, who was born in Baltimore the son of an elementary school teacher and yacht-club steward, went on to become one of the most important figures in civil rights history, first as a lawyer for the National Association for the Advancement of Colored People (NAACP) and then as the first black Supreme Court justice. He was known for both his sense of humor and his impatience over the ongoing struggle of blacks in America.

"He was somebody who had absolutely no sense of his own importance," said Louis Michael Seidman, a former Marshall clerk who is now a Georgetown University constitutional law professor. "He held an unusual combination of reverence for the American justice system and a realization that his people were excluded."

In 1967, President Lyndon B. Johnson appointed Marshall to the court. During his 24-year tenure, he was the only black justice. He was replaced by Clarence Thomas, also a black man, but one who adopted a judicial approach that is the opposite of Marshall's liberalism.

Marshall's record on the court was consistent: Always the defender of individual rights, he sided with minorities and the underprivileged; he favored affirmative action and supported abortion rights, and he always opposed the death penalty.

But he was not the liberal leader that retired Justice William J. Brennan Jr. once was. He did not strive for consensus, and as a result was the author of few significant majority opinions.

In a statement, President Clinton said Marshall was "a giant in the quest for human rights and equal opportunity in the whole history of our country."

Chief Justice William H. Rehnquist said Marshall will be remembered as much for his work before coming to the court as afterward for "his untiring leadership in the legal battle to outlaw racial discrimination."

Before Marshall joined the court, he had distinguished himself as the country's first black solicitor general, serving in that post from 1965 to 1967 and taking a lead in promoting the Johnson administration's civil and constitutional rights agenda.

Marshall came to national prominence as the chief lawyer for the NAACP Legal Defense and Education Fund, when he argued a series of 1954 school desegregation cases known collectively as *Brown* v. *Board of Education*. The Supreme Court ruled in those cases that segregation in public schools was unconstitutional.

As a lawyer, Marshall also took the lead in litigation that ended white-only primary elections and explicit racial discrimination in housing contracts.

His greatest cause was defendants' rights, and when he left the court two years ago, he was the last of the justices to oppose the death penalty.

People close to him said frustration with the court's conservative turn in recent years prompted his retirement.

But at a news conference at the time, Marshall blasted suggestions that his retirement stemmed from anger about the future of the conservative-dominated court.

"What's wrong with me?" Marshall said impatiently. "I'm old. I'm getting old and coming apart."

Such was the style of a man who could be eloquent or, when he wanted, slip into slang and black dialect. When he was asked what he was going to do in retirement, he said, "Sit on my rear end."

He was 6-foot-2, a physically imposing man who always appeared to be coming out of his black robes, and had a distinctive gravelly voice. He said he wanted to be remembered this way: "That he did what he could with what he had."

Marshall's roots were unlike those of any other justice before him.

He was born July 2, 1908. The great-grandson of a slave brought to America from Africa's Congo region, Marshall was named after a paternal grandfather, who had chosen the name "Thorough Good" for himself when enlisting in the Union army during the Civil War. Marshall later changed it to Thurgood.

His mother was an elementary school teacher and his father a steward at an all-white yacht club on the Chesapeake Bay.

Marshall attended Douglas High School in Baltimore, working as a delivery boy for a women's store after school.

He later confessed to having been a bit of a cutup in high school and college. He recalled that in high school he often was punished by being sent to the basement and forced to memorize "one paragraph of the Constitution for every infraction. . . . In two years, I knew the whole thing by heart," he said.

Marshall attended the all-black Lincoln University in Pennsylvania, earning money for tuition by waiting tables.

He obtained his law degree from Howard University in 1933, graduating first in his class.

Marshall attributed his interest in law to "arguing with my dad. We'd argue about everything." He also credited his father with instilling in him a fighting spirit. "Son," he once recalled his father saying, "if anyone ever calls you a nigger, you not only got my permission to fight him, you got my orders to fight him."

Marshall remembered carrying out those orders one time when, as a delivery boy, he accidentally brushed against a woman on a Baltimore trolley car because he couldn't see over a stack of hat boxes he was carrying. A white man called him "nigger" and Marshall took him on.

Marshall began practicing law in Baltimore after graduating from Howard. One of his first civil rights cases was a successful effort to gain admission for a young black man to the University of Maryland Law School.

Three years later, he was hired as an assistant to the national counsel for the NAACP and two years later became chief counsel.

In late 1939, he created the NAACP Legal Defense and Educational Fund, and as its head from 1940 to 1961 he worked within the legal system to improve minority rights.

Traveling around the country, he won dozens of civil rights victories. He recalled in recent years how he was often run out of town by whites who despised his work for black liberation.

Marshall won all but three of the 32 cases he argued before the Supreme Court, including the 1954 *Brown* ruling. That landmark decision ended "separate but equal" school systems. He achieved *Brown* through a series of court cases over several years, methodically dismantling the foundations of segregation.

He also was at the lead in the integration of the Little Rock, Ark., Central High School in 1957, as well as crafting successful legal arguments against poll taxes, racial restrictions in housing and white primary elections.

In 1961, President John F. Kennedy selected Marshall for the U.S. Court of Appeals for the 2nd Circuit. The nomination initially was opposed by southern Democrats in the Senate, who claimed he lacked legal qualifications for the job. But Marshall was approved several months later, becoming the second black judge to sit on the 2nd Circuit.

Marshall served on the appeals court until 1965, when Johnson appointed him solicitor general of the United States, the government's top lawyer at the Supreme Court. Johnson had several civil rights victories at the court while Marshall was solicitor general, including high court approval for the 1965 Voting Rights Act.

Marshall also provided the government's backing to a case that led to the overturning of a California constitutional amendment prohibiting open housing legislation.

On June 13, 1967, at 11 a.m., Marshall called his wife, Cecilia, from the White House. "Take a deep breath and sit down slowly," he reportedly told her. Then Johnson's voice came on the line and told her Marshall had just been nominated to the Supreme Court.

The Senate confirmed Marshall 69 to 11 on August 30, 1967, making him the first black justice in the court's 178-year history. He faced criticism from only a few southern senators, who attacked his "activist" temperament.

But Marshall was to join likeminded brethren. The court was then led by Chief Justice Earl Warren, who already had begun a judicial and social revolution.

Through the 1970s, Marshall was more regularly a steady vote for the opinions of liberal-leaning justices than author of major opinions himself.

In 1972, when the court struck down capital punishment as it was being practiced, he wrote one of the most definitive statements on the death penalty:

"Death is irrevocable. Life imprisonment is not. Death, of course, makes rehabilitation impossible. Life imprisonment does not. In short, death has always been viewed as the ultimate sanction. . . . In striking down capital punishment, this court does not malign our system of government. On the contrary, it pays homage to it. . . . In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute."

In that landmark ruling, *Furman* v. *Georgia*, the court set out procedural safeguards that states must follow if they wish to impose the death penalty, and since then a majority of the states have reinstituted capital punishment.

It was to be Marshall's dissents, particularly in death penalty cases, thundering with indignation, that gained most attention. He was suspicious of police searches and interrogation. He took a similar liberal tack in other areas, disdaining restrictions on speech, government expenditure benefiting religion and the weakening of environmental regulations.

In a partial concurrence in *Univerity of California Regents* v. *Bakke* that endorsed a broader remedial use of race-conscious programs, he wrote in 1978: "It must be remembered that, during most of the past 200 years, the Constitution as interpreted by this court did not prohibit the most ingenious and persuasive forms of discrimination against the Negro. Now, when a state acts to remedy the effects of that legacy of discrimination, I cannot believe that this same Constitution stands as a barrier.

"At every point from birth to death, the impact of the past is reflected in the still-disfavored position of the Negro. In light of the sorry history of discrimination and its devastating impact on the lives of Negroes, bringing the Negro into the mainstream of American life should be a state interest of the highest order. To fail to do so is to ensure that America will forever remain a divided society."

Legal scholars say that Marshall's most important doctrinal contribution likely came in a dissent to the 1973 *San Antonio Independent School District* v. *Rodriguez*. In that Texas case a five-justice majority said an education is not a fundamental right guaranteed by the Constitution.

In an opinion by Lewis F. Powell Jr., the court said the constitutional guarantee of equal protection does not require that courts apply the strictest level of scrutiny to state decisions on how to finance public schools.

Marshall favored a different standard for determining whether state or federal laws violated equal protection guarantees, and his sliding scale approach influenced the court in later years to give greater scrutiny to government decisions and more broadly read equal protection guarantees.

In the years closer to his retirement, Marshall increasingly assumed a defensive role.

Until his close friend Brennan retired in 1990, it was just the two of them who would dissent from any decision that would lead to the execution of a defendant. he considered the death penalty immoral in principle and discriminatory in application.

"I'll never give up," he said in an interview in December 1983. "On something like that, you can't give up and you can't compromise. It's so morally correct."

On the day he resigned—June 27, 1991—Marshall fired a parting shot that embodied his vigilance for criminal defendants and minorities generally.

It was in a dissent in *Payne* v. *Tennessee*, a case in which a narrow majority upheld the use of "victim impact" statements in death penalty cases, overruling two earlier cases that had prohibited such evidence from being introduced.

Marshall believed that the focus on a victim's character and his family's suffering would shift jury attention from whether the defendant was guilty to the victim's character and be difficult for the defendant to rebut.

Objecting to the conservative majority's overturning of precedent, Marshall wrote, "Tomorrow's victims may be minorities, women or the indigent. Inevitably, this campaign to resurrect yesterday's 'spirited dissents' will squander the authority and legitimacy of this Court as a protector of the powerless."

Marshall's overall health and his eyesight began to deteriorate in recent years. He had had a heart attack in 1976. He wrote fewer opinions and appeared to have difficulty reading from the bench the ones he did write.

He was hospitalized in 1987 with a blood clot in his right foot, and had been in and out of hospitals since.

But he never lost any of his exuberance.

Shortly before Marshall retired, Justice Byron R. White quipped to a law clerk, "In my 25 years here, Justice Marshall has told 1,000 stories and never the same one twice."

And friends say Marshall never forgot that he was black.

In his 1991 farewell news conference, he was asked whether he considered blacks, in the words of the Rev. Martin Luther King Jr., "free at last."

"Well, I'm not free. All I know is that years ago, when I was a youngster, a Pullman porter told me that he had been in every city in this country . . . and he had never been in any city in the United States where he had to put his hand up in front of his face to find out he was a Negro. I agree with him."

Marshall's first wife, Vivian Burney, died in February 1955. He married Cecilia A. Suyat in late December of that year. He is survived by his wife, Cecilia, and their two sons, Thurgood Marshall Jr. and John William Marshall, all of Northern Virginia, and four grandchildren.

From every corner of the globe there are people who believe in the American dream. What is that dream?

It is that all persons—no matter their race, creed, color, gender or disability—are created equal and entitled to life, liberty and the pursuit of happiness. Mr. Justice Thurgood Marshall challenged us to make the dream a reality for all.

Thurgood Marshall helped lead the way in codifying that dream into law. As one of the chief strategists and litigators at the NAACP and later, as a thoughtful and principled jurist, Justice Marshall was at the center of the modern civil rights movement. That movement made this Nation confront and dismantle its legally sanctioned system of apartheid.

Today, our Federal civil rights laws prohibit discrimination based upon race, color, religion, national origin, sex, and disability. And an effort will be made in the 103d Congress to prohibit discrimination based upon sexual preference.

Those resistant to change have argued that what we must change are hearts not laws. Well, Justice Marshall's lifelong battle demonstrated to the Nation and the world that changing laws means changing behavior—eventually the hearts may follow. Public support for civil rights is stronger today, than it was when Thurgood Marshall created the NAACP Legal Defense and Education Fund in 1939.

Today, the dream is beyond the grasp of far too many Americans. And no one recognized that more than Justice Thurgood Marshall. But if there is one lesson we have learned from him it is that we must be vigilant in our quest for the dream. Because if we give up that quest, we lose our greatness as a nation.

ELECTION OF MEMBER AS CHAIRMAN OF COMMITTEE ON THE BUDGET

Mr. HOYER. Mr. Speaker, by direction of the Democratic Caucus, I call up a privileged resolution (H. Res. 39) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 39

The following-named Member be and is hereby elected as chairman of the following standing committee of the House of Representatives:

Committee on the Budget: Martin Olav Sabo, Chairman.

Mr. HOYER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NEWS REPORTING ON ATTACKS ON BAGHDAD

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, some recent evenings ago Dan Rather commenced his nightly newscast by informing his viewers that President Bush had ordered the United States to attack Baghdad. The implication was "Here is Bush and the Americans ganging up on Saddam again." This attack ensued, of course, because of Saddam's repeated violations of the U.N. resolutions.

□ 1210

I am not suggesting that media representatives generously lace their stories with pro-American spins. I am suggesting, however, that they refrain from attaching anti-American spins to their reports when to do so would be inappropriate.

Mr. Rather's choice of delivery, in my opinion, was indelicate at best, deceptive, misleading, and distorted at worst.

THE LIFE OF JUSTICE THURGOOD MARSHALL

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, the modern civil rights era ended yesterday at 2 p.m. with the passing of Thurgood Marshall. Hearing cases as a court of appeals judge until the end, Marshall seemed to keep the era alive all by himself. Now we must complete the work of equality he masterminded without him.

Any one of the several roles he played so well would have won him a unique place in the Nation's history: The greatest courtroom lawyer perhaps in our entire history, the first black Solicitor General, the first African-American Supreme Court Justice, and a crucial figure in the Supreme Court majority that reshaped the American Constitution and, of course, the architect of the most important decision of the 20th century, *Brown* v. *Board of Education*.

I am personally indebted to the man whose work desegregated the public schools of the Nation's Capital, where I sat on May 17, 1954, hearing the principal announce what the decision meant to us. And the Nation will forever be in the debt of the man whose work made possible the peaceful overthrow of segregation.

OVERREGULATION OF BUSINESS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, the time has come for the Congress to move forward in dealing with the problems of this country. During the campaign there were, of course, many definitive lists of problems and solutions. Now it appears that in some ways that the imperative to deal with those has gone.

The Congress, through its leadership, should set some priorities and standards and an agenda of the major issues and a timetable to resolve them. Too often the Congress is a series of individual voices, all seeking to be heard and seen and concerned only with the interests of their own districts. No collective priorities seem to appear.

I want to share a priority of mine, reducing excessive regulation. We all want the economy to grow, to make new jobs, to protect the jobs that now exist and increase the quality of jobs. Yet clearly, we overregulate business and destroy the incentive to create those jobs.

We need a system of regulatory measurement, it seems to me, to see if the regulation squares with the statute, to indeed measure and see if the regulation is effectively administered. Is there a cost-benefit ratio?

Finally, do regulations produce the desired result? I intend to introduce a bill that will provide for these measures.

IN TRIBUTE TO THE LATE HONORABLE JUSTICE THURGOOD MARSHALL

(Mr. BARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARCIA. Mr. Speaker, the lamp went out yesterday on one of our Nation's brightest lights. Thurgood Marshall's life illuminated the path for us all. He taught us about the law and about equal justice under the law. Most of all he taught us how to live—with dignity and courage and hope. No man loved this country more or held it to a higher standard. In so many areas, his standard is now America's and we are better for it. His great laugh now graces the heavens as it did our land. Our prayers go out to the Marshall family along with our gratitude for their having shared his brilliant life with so many grateful people.

CLINTON: THE ABORTION PRESIDENT

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, Mr. Clinton promised Americans he would have his economic plan on the table the day after inauguration day.

Where is it?

Instead, in a revelation of priorities, Mr. Clinton issued orders establishing several new policies promoting abortions for teenagers and military personnel, accelerating importation of RU486—the dangerous new baby poison from France, a policy pushing abortions as birth control in developing countries, and a new policy that allows baby brains and body parts to be transplanted with Federal funds—turning those child victims into unwitting guinea pigs.

Mr. Clinton isn't the economic President. Mr. Clinton is the abortion President. Mr. Clinton—a captive of the abortion industry—says he wants abortions to be "rare" and then turns around and aggressively promotes new antibaby policies that will lead to more abortions. He turns logic on its head. Saddest of all, many babies will die cruel deaths by chemical poison or dismemberment both here and abroad because of Mr. Clinton's new antichild policies.

SEMATECH RESEARCH PROJECT UPDATE

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, I rise to congratulate my colleagues in the U.S. Congress for their foresight and wisdom in funding the Sematech research project. The project is paying dividends beyond our greatest expectations, and is one of the greatest success stories of the past 5 years.

I am happy to note that our national research semiconductor computer consortium, Sematech, has achieved its primary mission and has done so on schedule and under budget.

Sematech has developed semiconductor chips as small as .35 micron, and has done so using equipment that is 100 percent American-made.

This is half the size of the current state-of-the-art product. This accomplishment is being viewed by many in the computer industry as one of the most important advances in decades.

To put this amazing technological advance in perspective, let me give an analogy: If one were to imagine a computer chip being the size of Washington, DC, these new components would be the size of a small apple.

The benefits of this technology are extraordinary. It will allow the vast expanse of semiconductor power, and will enhance national security since it uses only American technology.

Mr. Speaker, this development once again underscores the success of the Sematech research project. This wonderful public/private partnership has returned the United States to its rightful place as leader of the world's semiconductor industry.

Five years ago, when Sematech began operation, American companies controlled just 40 percent of the chip equipment making industry. We now control 53 percent, and virtually all observers, from the trade press to industry analysts to our own GAO give the credit to Sematech.

Clearly, the Federal investment, matched by private funding, has more than paid off, and we can all be proud of a project that will continue to enhance our strategic and economic security for years to come.

ANOTHER DEMOCRATIC TAX INCREASE

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, according to the news, the latest Democratic tax increase has been proposed. This new Democratic tax increase, proposed by Treasury Secretary Bentsen, will be a tax increase on consumption and probably an energy tax, so taxing the rich, the Democrats' battle cry now becomes taxing everyone.

An energy tax will tax everyone with air-conditioning. An energy tax will tax everyone who drives a car or truck. An energy tax will tax everyone who buys manufactured and transported goods because both manufacturing and transporting require energy.

Apparently, the Democrats believe if one uses energy, one must be rich. It took less than 1 week in office for the Democrats to abandon a middle class tax cut and replace their campaign pledge with a tax increase on everyone, from poor to middle class to wealthy.

JUSTICE THURGOOD MARSHALL

(Mr. MAZZOLI asked and was give permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, rarely has the death of an individual evoked the outpouring of tributes, encomiums, and high statements as has the death, the unfortunate death, this weekend of Justice Thurgood Marshall, formerly of the U.S. Supreme Court.

Justice Marshall served for nearly a quarter century on the high court, during which he rendered opinions, always in favor of the little person, the person who was having a difficult time being recognized as a human being and, of course, his great hallmark as a lawyer was his argument, successfully, before the Court in the Brown versus Board of Education case which destroyed the separate-but-equal doctrine of public education.

□ 1220

Mr. Speaker, this outpouring, probably more than anything else, demonstrates not only the worthwhileness of this individual as a man, as a lawyer, as a jurist, but also it demonstrates how firmly and forever he will be held in high regard by this Nation as one of its great historical figures.

I join with all of our colleagues in the House and all of our citizens in the country in extending to Mrs. Marshall and to the family our deep condolences on his tragic death.

HISTORIC EXECUTIVE ORDERS SIGNED BY PRESIDENT CLINTON

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, because of all the emphasis on Zoe Baird this weekend, an awful lot of people missed the incredible historic significance of the Executive orders signed by President Clinton. With one stroke of the pen he said that over half America's population will be treated as adults by the Federal Government. With one stroke of the pen he lifted the gag rule, which says that when women go to family planning clinics they can be treated as adults and hear about all sorts of different options available to them if the medical people there think they need to.

Second, with one stroke of the pen he took politics out of science again, so that people with Alzheimer's, Parkinson's disease, juvenile diabetes, once again can see that research get back on track that they were doing with fetal tissue. With a stroke of the pen, he started treating women in the military with the same rights as the women that they are defending back home, and with a stroke of the pen he said, "Let us look again at our policy on RU486. It should maybe be let into this country," to look at tumor treatment and all the other things that should happen.

I think the reason there was a 20-percent gap between working women supporting Bush, that terrific gender gap, was because they were tired of the Federal Government not seeing them as adults. I am very, very pleased that one of President Clinton's first acts was to start treating women as adults and the Federal Government getting out of their personal lives.

AMERICA HAS LOST A TRUE HERO, THURGOOD MARSHALL

(Mr. WYNN asked and was given permission to address the House for 1 minute.)

Mr. WYNN. Mr. Speaker, we have lost a champion for civil rights this past weekend. Supreme Court Justice Thurgood Marshall, the great-grandson of a slave, the 84-year-old maverick and champion of civil rights, passed away of heart failure. Marshall fought for racial justice his entire career, but he started his illustrious career not very from from here, when as a young attorney just out of Howard University he battled to get a young African-American into the University of Maryland. He continued his battle for 20 years, and in 1954 as an attorney for the NAACP he won a series of landmark desegregation cases referred to as Brown versus Board of Education.

Marshall said that the separate but equal philosophy of the times was inherently unequal and unfair. The Court concurred, and American history was changed forever. Marshall accomplished many firsts in his career. He served as the first black Solicitor General, where he was acting as the Federal Government's highest ranking attorney at the Supreme Court. Appointed by Lyndon Johnson, he went on to become the first black member of the Supreme Court, where he served for 24 years. He fought many battles for the environment, against housing discrimination, and against poll taxes, but he is best remembered for his work in education and his conviction that no matter what their skin color, every American has a constitutional right to an education.

Thurgood Marshall said that in light of the sorry history of discrimination and its devastating impact on the lives of negroes, bringing the negro into the mainstream of American life should be a state of interest of the highest order. To fail to do so is to ensure that America will forever remain a divided society. Thanks to Thurgood Marshall, we are moving toward a unified society.

Mr. Speaker, America has lost a true hero, Thurgood Marshall.

DEFEAT PREVIOUS QUESTION TO SUNSET SELECT COMMITTEES

The SPEAKER pro tempore (Mr. KOPETSKI). Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, tomorrow and Wednesday the House will take up resolutions to reauthorize four nonlegislative select committees. I will ask for a vote to defeat the previous question on each in order to offer an amendment to sunset them at the end of this year.

We have already eliminated some 16 standing subcommittees this year in order to better focus the work of our standing committees and House Members. It makes little sense to continue these nonlegislative select committees when we are otherwise trying to restore and strengthen our standing committee system.

The issue before the House this week is not whether these select committees have performed a valuable service. Almost everyone would concede that they have. The real issue is whether we want to begin the process of reforming this institution by eliminating extraneous entities and staff so that the House may better address its legislative and related oversight responsibilities.

This is not a partisan issue. My sunset approach was offered in the Democratic Caucus by Representatives CARDIN and SYNAR and was originally proposed by the nonpartisan, joint AEI-Brookings "Renewing Congress" First Report issued last November.

At this point in the RECORD, Mr. Speaker, I include a colleague letter sent today, the text of the sunset amendments, our minority views to the Rules Committee reports accompanying each of these resolutions, the text of the Cardin-Synar resolution, and excerpts from the Congressional Quarterly story, the relevant excerpt from the AEI-Brookings report, and a story from this week's Roll Call. The items follow:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 25, 1993.

VOTE TO SUNSET FOUR SELECT COMMITTEES

Dear Colleague: On Tuesday and Wednesday of this week, the House will consider resolutions to reestablish four non-legislative select committees. I urge you to vote "no" on the previous question so that I can offer amendments to sunset them at the end of this year.

As you may know, select committees are supposed to be temporary entities created for special purposes and limited time periods. And yet, the pending select committees have been in existence for 52 years at a total cost of nearly $45 million, and see no need to ever terminate themselves. Below is a table comparing the life-span and costs of each:

Select committee	Created	Total years	Total costs (in millions)
Aging	1974	18	$21.9
Narcotics	1976	16	10.5
Children, Youth, etc	1982	10	6.9
Hunger	1984	8	5.3

The one-year sunset amendment I am offering is designed to allow the Joint Committee on the Organization of Congress to report to the House its recommendations as to whether these select committees should be continued beyond this year. This approach was proposed in the joint AEI-Brookings "Renewing Congress" First Report issued last November, and was reflected in the Cardin-Synar resolution in the Democratic Caucus last December. Strike a real blow for congressional reform: vote "no" on the previous question and "yes" for this sunset approach.

Sincerely,

GERALD B. SOLOMON,
Member of Congress.

H. RES. 19

(Creating a Select Committee on Aging)

(An amendment offered by Mr. Solomon of New York.)

At the end of the resolution, add the following new section:

"SEC. 7. Termination of Select Committee.

"(a) Notwithstanding any other provision of this resolution, the select committee shall cease to exist on December 31, 1993.

"(b) The records, files and materials of the select committee shall be transferred to the Clerk of the House.".

H. RES. 30

(Creating a Select Committee on Aging)

(An amendment offered by Mr. Solomon of New York.)

At the end of the resolution, add the following new section:

"SEC. 7. Termination of Select Committee.

"(a) Notwithstanding any other provision of this resolution, the select committee shall cease to exist on December 31, 1993.

"(b) The records, files and materials of the select committee shall be transferred to the Clerk of the House.".

H. RES. 23

(Creating a Select Committee on Children, Youth & Families)

(An amendment offered by Mr. Solomon of New York.)

At the end of the resolution, add the following new section:

"SEC. 7. Termination of Select Committee.

"(a) Notwithstanding any other provision of this resolution, the select committee shall cease to exist on December 31, 1993.

"(b) The records, files and materials of the select committee shall be transferred to the Clerk of the House.".

H. RES. 18

(Creating a Select Committee on Hunger)

(An amendment offered by Mr. Solomon of New York.)

At the end of the resolution, add the following new section:

"TERMINATION OF SELECT COMMITTEE"

"SEC. 7. (a) Notwithstanding any other provision of this resolution, the select committee shall cease to exist on December 31, 1993.

"(b) The records, files and materials of the select committee shall be transferred to the Clerk of the House.".

H. RES. 20

(Creating a Select Committee on Narcotics Abuse & Control)

(An amendment offered by Mr. Solomon of New York

At the end of the resolution, add the following new section:

"SEC. 7. Termination of Select Committee.

"(a) Notwithstanding any other provision of this resolution, the select committee shall cease to exist on December 31, 1993.

"(b) The records, files and materials of the select committee shall be transferred to the Clerk of the House.".

MINORITY VIEWS ON REAUTHORIZING FOUR SELECT COMMITTEES

"For many are called, but few are chosen." (Matthew 22:14)

The word "select" is from the Latin *selectus*, meaning "chosen." Unfortunately, things have gotten to such a point in the House that some select committees think they are among the "chosen few," entitled to eternal life by Holy Writ.

In point of fact, select committees are rooted in a more mundane sense of the term: "limited." They are created for a limited purpose and a limited time. In the early Congresses, select committees were appointed to draft specific bills. And, once they had reported, they would go out of existence. With the development of standing, legislative committees in the early 19th Century, select legislative committees fell into disuse.

But that was not the end of select committees. Instead, they took on a new life and purpose of their own as select investigating committees. And, with this new role, they gained in popularity and number. But still, they were limited in purpose and duration.

During World War II, they proliferated to such an extent that the Joint Committee on the Organization of Congress in 1945 was charged with examining the whole committee system, including the overlapping jurisdictions between and among select and standing committees.

The Joint Committee reported back in 1946, recommending a consolidation and reduction in standing committees in both Houses, and that in the future, "the practice of creating special committees of investigation be abandoned."

While the Joint Committee's recommendation was honored for awhile, it was soon forgotten, and select committees again began to proliferate. The problem became sufficiently serious that on May 18, 1977, this Committee adopted a motion directing its Subcommittee on the Rules and Organization of the House, chaired by Rep. Gillis Long (D-LA), to conduct a full and comprehensive study of the history and philosophy of select committees and detailed review of pending resolutions to create various select committees. The Subcommittee reported back on October 31, 1977, in a report entitled, "Guidelines for the Establishment of Select Committees." In its opening paragraph, the Subcommittee had this to say about select committees:

"The Subcommittee on Rules and Organization of the House recognizes that special circumstances sometimes justify the creation of select committees. In general, however, the proliferation of such committees adds to spiraling congressional costs, exacerbates already serious space problems, imposes additional committee burdens on Members, and may interfere with the effectiveness of the standing committee system. (p. 2)"

The Subcommittee went on to recommend a set of criteria to be used by the Rules Committee in considering proposals to create select committees. These included: the need for select committees to focus on a significant and major issue; the failure of the present committee system to address the issue effectively; a clear definition of the subject matter and objectives of the proposed select committee; a delineation of the methodology to be used by the select committee in its inquiry and its expected products; the specification of a *definite* length of time for the proposed select committee to exist; and an outline of the cost factors involved in the creation of the select committee. The report also contained a model resolution to be used for the creation of select committees and a questionnaire to be filled-out by those proposing their creation.

While it was the clear intent of the Rules Committee in 1977 (and again in 1983 when it reissued an updated version of the report) that select committees, if they were found to be absolutely necessary, should only exist for a Congress or two at the most, the record of the four current non-legislative select committees makes it quite clear that view is not shared by them. The life-spans of these select committees and their total costs to date are as follows:

Select committee	Created	Total years	Total costs (in millions)
Aging	1974	18	$21.9
Narcotics	1976	16	10.5
Children, Youth, etc.	1982	10	6.9
Hunger	1984	8	5.3

All told, these four, non-legislative select committees have existed for 52 years and spent $44.7 million since their inception. In calendar year 1992, their total authorization level was $3.7 million ($7.4 million for the 102nd Congress), operating with a total staff of 91. [See Tables 1. & 2. accompanying these views.]

The House cannot turn a deaf ear at a time when the American people are calling on the Congress and President for change, including a top-to-bottom reform of both Branches. Moreover, President Clinton has pledged a 25% reduction in White House staff and has called on Congress to reduce its staff by the same amount. And the best place to begin is by abolishing all four non-legislative select committees.

We do not make this recommendation lightly, or out of any criticism of the work performed by these select committees over the years. They have indeed been engaged in a very noble calling, have conducted some very helpful hearings and studies, and have issued some extremely informative reports.

But, as the Congress undertakes a comprehensive overhaul of the institution through the new Joint Committee on the Organization of Congress, we strongly feel that the elimination of these select committees now will enable the Joint Committee to concentrate its efforts on how best to realign and strengthen our standing committees in a way that best serves the House, its Members, the Congress and the American people. By focusing now on deficiencies in the current committee system, the Joint Committee will better be able to design a standing committee structure for the challenges of the Twenty First Century.

While our preference would be to terminate all four select committees within 30-days after the adoption of this resolution, we are willing to allow the House a vote on a compromise to sunset the select committees at the end of this year. This was originally recommended by the Democratic Caucus Committee on Organization, Study and Review as well as by the joint Brookings-AEI Renewing Congress Project. We offered this alternative in the Rules Committee and unfortunately, the Committee majority was even unwilling to allow the House a vote on such a compromise. We will therefore urge defeat of the previous question on the resolution so that it might be amended to provide for a one-year sunset of the select committees.

GERALD B. SOLOMON.
JAMES H. QUILLEN.
DAVID DREIER.
PORTER GOSS.

TABLE 1.—FUNDING FOR CURRENT HOUSE NONLEGISLATIVE SELECT COMMITTEES FROM INCEPTION

	Name of Select Committee				
	Aging	Narcotics	Children	Hunger	Total
Year:					
1975	$600,000				$600,000
1976	580,000	$111,667			691,667
1977	787,625	722,204			1,509,829
1978	985,891	722,204			1,708,095
1979	1,050,000	700,000			1,750,000
1980	1,233,000	600,000			1,833,000
1981	1,233,000	540,000			1,773,000
1982	1,223,680	540,000			1,763,680
1983	1,316,057	616,823	$534,608		2,467,488
1984	1,398,373	643,643	700,000	$449,250	3,191,266
1985	1,454,308	662,952	721,000	616,970	3,455,230
1986	1,321,499	602,410	655,157	560,627	3,139,693
1987	1,361,144	620,482	674,812	577,446	3,233,884
1988	1,388,367	632,892	688,308	588,995	3,298,562
1989	1,430,018	651,879	708,957	606,665	3,397,519
1990	1,481,499	700,770	734,479	628,505	3,545,253
1991	1,542,240	729,502	764,593	654,274	3,690,609
1992	1,542,240	729,502	764,593	654,274	3,690,609
Total	21,928,941	10,526,930	6,946,507	5,337,006	44,738,650

Sources: House Administration Committee, based on authorizations approved by the House in annual committee funding resolutions; "Guidelines for the Establishment of Select Committees," House Committee on Rules, Subcommittee on the Legislative Process 98th Congress, Feb. 1983 (Subcommittee Print); "Congressional Committee Staff and Funding," by Carol Hardy Vincent, Government Division, Congressional Research Service, Issue Brief (IB82006), Sept. 24, 1990 & Aug. 7, 1992.

TABLE 2.—MEMBER AND STAFF RATIOS ON HOUSE COMMITTEES, 102D CONGRESS

	Total members	Party ratio Democrat/Republican		Total staff	Staff ratio Democrat/Republican		Staff member ratio
		Number	Percent		Number	Percent	
Committee:							
Agriculture	45	27/18	60/40	63	43/20	68/32	1.4:1
Appropriations	59	37/22	63/37	221	167/54	76/24	3.7:1
Armed Services	54	33/21	61/39	83	NA		1.5:1
Banking	52	31/20	60/40	116	90/26	78/22	2.2:1
Budget	37	23/14	62/38	96	69/27	72/28	2.6:1
District of Columbia	11	7/4	64/36	39	28/11	72/28	3.5:1
Education and Labor	37	23/14	62/38	121	96/25	79/21	3.3:1
Energy and Commerce	43	27/16	63/37	151	122/29	81/19	3.5:1
Foreign Affairs	43	26/17	60/40	104	80/24	77/23	2.4:1
Government Operations	41	25/15	61/39	86	69/17	80/20	2.1:1
House Administration	24	15/9	63/37	73	56/17	77/23	3.0:1

TABLE 2.—MEMBER AND STAFF RATIOS ON HOUSE COMMITTEES, 102D CONGRESS—Continued

	Total members	Party ratio Democrat/Republican		Total staff	Staff ratio Democrat/Republican		Staff member ratio
		Number	Percent		Number	Percent	
Interior	42	26/16	62/38	83	64/19	77/23	2.0:1
Judiciary	34	21/13	62/38	71	57/14	80/20	2.1:1
Merchant Marine	45	28/17	62/38	77	56/21	73/27	1.7:1
Post Office	22	14/8	64/36	84	65/19	77/23	3.8:1
Public Works	55	34/21	62/38	98	67/31	68/32	1.8:1
Rules	13	9/4	69/31	48	35/13	73/27	3.7:1
Science	51	32/19	63/37	85	67/18	79/21	1.7:1
Small Business	44	27/17	61/39	53	35/18	66/34	1.2:1
Standards	14	7/7	50/50	11	NA		0.8:1
Veterans' Affairs	34	21/13	62/38	43	29/14	67/33	1.3:1
Ways and Means	36	23/13	68/22	90	68/22	76/24	2.5:1
Select Committees:							
Aging	68	41/27	60/40	37	27/10	73/27	0.5:1
Children, Youth, Families	36	22/14	61/39	20	13/7	65/35	0.6:1
Hunger	33	21/12	64/36	16	10/6	63/37	0.5:1
Intelligence	21	13/8	62/38	18	NA		0.9:1
Narcotics	35	21/14	60/40	18	12/6	67/33	0.5:1
October Surprise Task Force	13	8/5	62/38	10	6/4	60/40	0.8:1

Notes.—At the outset of the 102d Congress there were 267 Democrats (61%) to 167 Republicans (38%) and one Independent.

Sources: "The Congressional Standing Committee System," by Carol Hardy Vincent, Government Division, Congressional Research Service, September 14, 1992 (92–707 GOV); Committee Budget Submissions to and Minority Staff Surveys, House Administration Committee, February 20, 1992; Telephone Directory, U.S. House of Representatives, Summer, 1992; "Congressional Committee Staff and Funding," by Carol Hardy Vincent, Government Division, Congressional Research Service, August 7, 1992 (IB82006).

[From "Renewing Congress: A First Report," American Enterprise Institute & the Brookings Institution, November 1992]

PHASEOUT OF SELECT COMMITTEES

Our reluctance to deal with specifics of committee reorganization does not extend to the four select committees without legislative jurisdiction: Aging, Hunger, Children, Youth, and Families, and Narcotics Abuse and Control. These were not created as permanent committees; they should not continue to exist as the virtually permanent entities they have become.

Select committees are politically attractive to members and interest groups and they have been known to conduct constructive hearings. However, most of their useful activities could readily be folded into existing entities, and the resources saved could be employed more effectively for higher-priority legislative activities.

It is possible to target the select committees for abolition now, as Congress reorganizes. But the issue should really be dealt with in the more comprehensive look at the committee system that will be undertaken by the Joint Committee. It therefore makes sense to keep the select committees on temporary life support until the permanent committee structure has been settled and their fate can be determined with greater clarity.

The Caucus should consider instructing the Rules Committee now to provide only a partial renewal for the select committees for the 103rd Congress—perhaps just for calendar year 1993.

[From the Congressional Quarterly Weekly Report, Dec. 12, 1992]

SELECT COMMITTEES SURVIVE

The select committees survived a push by Cardin and several other members to do away with them. At a last-minute meeting of the leadership rules panel Dec. 7, Cardin won approval of a three-part plan to phase out the five select committees, which are not authorized to write legislation.

The change would have denied the Select Aging Committee the permanent authorization it has under current House rules, given the select committees only a one-year extension and directed the Joint Committee on the Organization of Congress to review them.

Charles B. Rangel, D–N.Y., who chairs the Select Narcotics Abuse and Control Committee, strenuously opposed the Cardin plan. After a heated debate, the caucus agreed to strike the one-year reauthorization language.

"When members realize we're going to have to cut back funding for our own offices and committees, I suspect their views may change" to support the elimination of the select committees, said Oberstar, who backed the Cardin proposal.

Slaughter says that even if the select committees are retained permanently, their membership will dwindle because the caucus adopted new rules to strictly limit members to five subcommittees, counting select committees or task forces.

AMENDMENT TO THE RULES OF THE HOUSE OF REPRESENTATIVES OFFERED BY REPRESENTATIVE CARDIN AND REPRESENTATIVE SYNAR

Clause 6(i) of rule X of the Rules of the House of Representatives is repealed.

CAUCUS RESOLUTION

Resolved, That—

(1) the Democratic Caucus instructs and directs the Democratic Members of the Committee on Rules to vote in opposition to any resolution providing for the reauthorization of any select committee in the 103rd Congress if that resolution provides for the existence of any select committees covered by that resolution after December 31, 1993; and

(2) it is the sense of the Caucus that the Joint Committee on the Organization of Congress should examine issues related to the establishment and duration of select committees and make appropriate recommendations to the House of Representatives.

[From Roll Call, Jan. 25, 1993]

HOUSE TO DECIDE WHETHER TO KILL SELECT COMMITTEES, ONE BY ONE

(By Mary Jacoby)

The House will vote this week on the future of its embattled select committees—taking them up one by one.

But Republicans won't get a floor vote on their plan to eliminate the panels, en masse, at the end of this year. During a House Rules Committee hearing Thursday, Democrats turned aside Republican calls for a vote on a one-year sunset provision.

And, in an unusual move, the committee reported out four separate authorization resolutions rather than one omnibus resolution so that each panel can be judged on individual merits. Panels that win approval will be able to operate for the two years of the 103rd Congress, then face another vote in 1995.

As legislators face both public and internal pressures to streamline Congressional operations, the four panels—Aging; Children, Youth, and Families; Narcotics Abuse and Control; and Hunger—are feeling the squeeze. Republicans argue that the select committees, which lack the power to write legislation, waste money and resources doing work that could be covered by standing committees (and, in many cases, already is).

But at Thursday's hearing, the three chairmen of the select committees—plus another possible chairman-to-be—vigorously pleaded the case for their panels, a case that has been bolstered in recent weeks by the lobbying effort of outside groups ranging from the 33 million-member American Association of Retired Persons to the food assistance group Bread for the World (Roll Call, Jan. 18).

Rep. William Hughes (D–NJ), a member of the Aging Committee who is hoping to become its chairman, even used the threat of "100,000 letters" bombarding the Hill as an argument at the hearing against killing his panel.

But the call to abolish selects has gained steam in the wake of new House rules that forced many standing committees to cut subcommittees. Critics of the select committees note the incongruity of abolishing legislative subcommittees while keeping the non-legislative selects.

A more direct blow to the selects was also included in the new rules: a provision that restricts Members to serve on only five subcommittees total, with select committees counted in the calculation. That move was intended to reduce the desire of Members to serve on the selects.

The Democratic Caucus's committee on organization, study, and review floated a proposal last year to eliminate the select committees entirely, but that proposal was left out of the rules package approved by the House this month after interest groups and select chairmen made emotional appeals.

Republicans tried to use procedural skirmishes Thursday in the Rules Committee to make the debate over selects an issue of Congressional belt-tightening. Democrats, however, prevailed in reporting a rule that will center discussion on the individual merits of each committee. Their intention was to remove the select-committee question from the general reform and budget-cutting debate now going on in Congress.

The full House will vote tomorrow and Wednesday on the four resolutions (two each day) that reauthorize each select committee for a full two-year period. Republicans had hoped to present a floor amendment that would terminate all the selects on Dec. 31, 1993.

The Rules Committee decision to report four separate authorizing resolutions rather than one omnibus resolution forces a floor vote on each select rather than on all of them together. This action was viewed as a victory for the Hunger and Narcotics Committees, which are considered the strongest of the four panels and a defeat for the Aging and Children, Youth, and Families panels, which are considered the more controversial.

A fifth select committee—Intelligence—is permanent and does not require reauthorization.

Republicans on the Rules Committee had opposed separate resolutions because such a method would divert attention from the larger issue of reform.

Rep. Gerald Solomon (R-NY), ranking member of the Rules Committee, also argued that the Joint Committee on the Organization of Congress could release recommendations on a general overhaul of the committee system as early as August and that the selects should not be locked into two more years until those recommendations are received.

An amendment to the new House rules package directed the joint committee to review the selects. The majority of the Democratic Rules Committee members, however, felt the selects should be considered on their merits, according to a Rules staffer.

Rep. Tony Hall (D-Ohio), who has the advantage of being both the Hunger Committee chairman and a Rules Committee member, said he supported reporting the resolutions separately because "we ought to have the opportunity to stand on our own."

Hunger and Narcotics, lean panels with popular chairmen, may fare better in a floor vote than the more costly Aging and Children, Youth, and Families Committees, which also appear to be in disarray.

The Narcotics and Hunger annual budgets are both under $735,000, while Aging spends $1.5 million a year. Children, Youth, and Families spends nearly $800,000 a year.

"Some Members have said to me they like one select but not the other, and they'd prefer" to have separate votes, Hall said.

Aging has a special problem: no chairman. Rep. Ed Roybal (D-Calif), who headed the panel last year, has retired, and Speaker Tom Foley (D-Wash) has yet to choose a replacement. Reps. Hughes and Marilyn Lloyd (D-Tenn), both original members of the 18-year-old committee who entered Congress at the same time, are vying for the job.

And partisan bickering over staff marred the presentation Thursday by Children, Youth, and Families. The panel's ranking member, Rep. Frank Wolf (R-Va), angrily accused the panel's chair, Rep. Pat Schroeder (D-Colo), of shortchanging the minority.

Between 1991 and 1992 funding for Children, Youth, and Families remained level, but the minority suffered a $20,000 reduction in its allocation while majority staff received Christmas bonuses, Wolf said. Also, Wolf charged, the minority was denied funds for a year to hire a staff director because Schroeder wanted revenge for a provision in the Republicans' alternative rules package that would have eliminated all selects.

Although Schroeder did not dispute the funding disparities, she denied conspiring against the minority. She said she was hamstrung because she took over from Chairman George Miller (D-Calif) in the middle of the 102nd Congress. Miller left to fill the chair of Rep. Mo Udall (D-Ariz) on Interior and Insular Affairs.

Schroeder said she "hired no one and fired no one" when she became chair of the committee in March 1991, and "I heard no complaints at the time."

She said, "Some people want to make this a personal thing against me" and pleaded with critics not to "attack Children, Youth, and Families because of me."

Another minority member of the panel, Rep. Bill Barrett (R-Neb), said he would not support authorizing the committee for another year. His words—a sharp contrast with Republican members of the other selects who spoke passionately in defense of their committees—signaled more trouble for Children, Youth, and Families.

In the end, the votes this week on the authorization resolutions will probably split along party lines, allowing the four selects to survive another Congress. But some Democratic Members and staffers say there is a possibility that the 67-member Aging Committee and Children, Youth, and Families could be rejected.

Rep. Louise Slaughter (D-NY), who sits on Rules and chairs the OSR committee has tried to speed the selects' demise, said the vote could be close, in part because of the unpredictability of freshmen of both parties.

Many of the 63 new Democrats and 47 new Republicans were elected on platforms of reforming Congress, and, they lack attachments to select committees on which they've never served.

TWO MEASURES WHICH SHOULD BE TOP PRIORITIES FOR THE 103D CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. MAZZOLI] is recognized for 5 minutes.

Mr. MAZZOLI. Mr. Speaker, less than a week ago on this very same plot of ground we call Capitol Hill, a few feet away from where I am standing, a new President was inaugurated, a new era of American history was entered as an old era ended. Not just the wonderful, warm, and beautiful day itself, which augured good things to come, but the statements of President Clinton in those brief 14 minutes really hit each and every one of us gathered on that beautiful terrace looking down toward the Washington Monument and to the other great monuments of this American Capital.

I think all of us, Democrat and Republican, wish for the new President health and great success, because as his success is achieved then our successes are achieved. We are better if he does better.

It is in that setting that I would offer two measures that I hope will be on the President's agenda for early action in the 103d Congress.

We hear a great deal, and we should, about the economic development, about job creation, about lessening the heavy debt of the Nation, about cutting its deficit and reorganizing its procedures to make government more efficient.

□ 1230

We do not hear quite as much as I wish we did about campaign reform nor do we hear nearly enough about making American cities safer, at least in part, by reducing the armaments which wind up in the hands of people who are on the streets and in our schools and in our shopping centers and everywhere. In effect, too many handguns are loose in America, and there is too much violence and death as a result.

So I would ask President Clinton to remember back during the campaign when he said that campaign reform was a priority issue and to recall that during the course of his inaugural speech he said he wanted to give the Capitol back to the people to whom it belonged, which is we, all of us, collectively as American citizens, and I hope that a campaign reform bill is sent up here and sent up early, and I hope that it is a very stern bill. I hope it is not just a cosmetic effort at changing the way Members of Congress are elected.

For my part, I believe there ought not to be political action committees at all, but certainly if there are to be political action committees, their influence on the political process ought to be lessened by reducing how much money they can contribute to campaigns. I say that from the experience myself of not having taken political action funds for the election cycle of 1990 and the election cycle of 1992.

I further think we ought to limit the amount of individual contributions in order to reduce total spending. There is too much money being spent today in political races at the Federal level.

I saw a statistic that 10 years ago we might have had five or six races in the entire House which consumed $1 million. In 1992, 100 races in the House of Representatives consumed $1 million. That is an obscene amount of money.

So, I would certainly ask President Clinton to send us up a good, tight bill which limits spending, reduces the influence of PAC's, if not eliminates them, gets rid of money bundling, gets rid of the soft-money excesses.

Then I would like to see a good, solid Brady bill, named after Jim Brady and his wife Sarah, a Brady bill with a 7-day waiting period before handguns can be transferred. Those two items collectively could get this administration off to a fast start. I hope we have that opportunity in the early spring to pass campaign reform and a Brady bill.

FAREWELL TO CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. GRADISON] is recognized for 5 minutes.

Mr. GRADISON. Mr. Speaker, on January 11, 1993, I released the following statement in Cincinnati, OH concerning my resignation from the House:

> I have accepted the position of President of the Health Insurance Association of America and, as a result, will be resigning from Congress on the last day of January.

The most difficult part of this decision for me is severing the ties with my constituents whom I have represented since 1961, first in Cincinnati City Council, and for 18 years in the House of Representatives. Serving in the House has been a boyhood dream come true. And by good fortune, my committee assignments have involved issues I am most keen about: health, tax, budget, and trade.

There are so many I want to thank: Heather and my children—all nine of them—who have put up with my uncertain hours and life in a fishbowl; my constituents who made it possible for me to serve; the best and most professional staff a Member could hope to have; campaign workers and contributors who believed in me; my associates at Gradison & Co. who, early in my political career, gave me the flexibility to have a hand in business and government at the same time; and the Republican Party, home to my father and me for a combined total of almost 50 years in elective office.

There are no limits to what can be accomplished by a free people and a representative government. I will always be grateful for the chance to play a part.

I feel a sense of accomplishment for helping achieve lasting improvements in tax legislation, especially indexing of the individual exemption and brackets, which has protected middle-income families against automatic, unvoted, inflation-induced tax increases, and in health care, especially programs for the elderly and disabled. Certainly my work on the hospice program has been especially meaningful to me.

My decision to leave the House is largely to try my hand at something new. Happily, my new position will provide an opportunity to work on health care reform, one of the most difficult and most important issues challenging the Nation.

UPDATE ON BNL INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, last week on Thursday, January 21, I spoke out on the Banking Committee's continuing and sustained investigation and consideration, evaluation, and formulation, more importantly, of legislation that is more than needed.

It is distressingly needed, and has been for many years, by this country to protect its basic financial and monetary independence, liberty, and freedom, which has eroded to the point of critical problem or danger, exemplified by the scandals that popularly have been known as the BNL or the Italian bank and its agency branch in Atlanta, GA, and the BCCI, all of which, of course, after their luminous and headlined announcements and crudities have disappeared and are temporarily out of focus and out of the attention.

The continuing need though is greater than ever that those of us charged with the responsibility of formulating the policies and the laws to implement those policies, to provide the proper protection of the national interest in its most vital sector known as the financial, monetary, and, consequently, the fiscal.

Outside of the context of this world of legislative action, the people have no way of knowing what is really going on, though let me say by way of parentheses that I find the people to be intuitively far more ahead than their political leaders than is given them credit. But be that as it might, the information that is vital in a democracy where we are struggling mightier than ever in our history to retain the basic concept of our ability to govern ourselves, that the body politic and the people be informed. The only way they can be is if their representatives, their agents, whether it be the President and Vice President, or most of all, the policy-making body known as the Congress and, more particularly, the fundamental constitutional body that was shaped, destined, and intended to be as close as humanly possible to the people electing the Members of the policy-making body known as the U.S. Congress.

I have repeated ad nauseam that the importance of this body is reflected from the very initial beginning of our Nation and particularly in the Constitution, but even before the Constitution. Our first corporate activity as a nation was the Continental Congresses, the First and the Second, and the people of that day and its leaders thought so little of such an office as an executive or a President, as we call them now, in that day and time they used to use the phrase "chief magistrate;" they thought so little that for 10 years of that formative period of the Nation they did not bother to have such a kind of office, but they did have a Congress composed of delegates from each one of the 13 Colonies, later States. So when the Constitution was formulated, the Congress forms article I of the Constitution, not the executive branch, not the Presidency, but the Congress, and the House of Representatives after much debate and by one vote, the assemblage in the Constitutional Convention decided that these persons elected as agents of the people would have 2-year terms; by one vote, the 2-year term won out. The 3-year term had been advanced, but the reason was that they wanted this particular office to be a prime constitutional office in the sense that it would be the only one that the people could have any kind of a control or direct relationship with and to.

The U.S. Senators at the time were not elected directly by the people. It was not until the constitutional amendment in 1913 that provided for the direct popular election of U.S. Senators, but they were, first, appointed by three-fourths of the State legislatures, and those sole appointees were wealthy. They came from the affluent or the wealthy economic classes of our country.

But the only proviso that to this day exists as to the eligibility to be electable to the U.S. House is to be 25 years of age and a citizen of the State. That is all. It does not provide that you should be learned, even knowing how to sign your name. It does not say you have to have a high school or a college education. It says all you have to be is 25 years of age and a citizen of the State, not even the district. Anybody in any State can file for any district to the U.S. Congress in that State.

□ 1240

And then the districts would be apportioned in accordance with the population.

Nobody can come to the U.S. House of Representatives by appointment. The only way you can get here is to be elected, unlike the U.S. Senate. This is a difference that has been obscured and lost sight of.

We are living in a critical time in which ironically fate has decreed that we in our time and generation shall prove whether or not we will uphold and sustain and transmit to our posterity those institutions based on the Constitution. They have been, ironically, right on the eve of our 200th anniversary, at great test, for we now have—and it is taken for granted in and out of the Congress and among the populace—that the executive branch is omnisicient. The President can declare a war by just simply entering into a war without any declaration from the Congress. What passes for approval is a debate on whether or not the Members are going to be loyal to the President or not on the decisions he has already made.

This is not sudden and it is not one that has been grasped by an ambitious, overly ambitious President; it is one the Congress has abdicated. And that happened since World War II.

As a matter of fact, we have been living from states of emergency declared by executive decree since the 1903's—the middle 1930's—and the Depression emergency decrees.

When you stop to look at it from that standpoint, it is awesome and it is clear and beyond any rebuttal that our system has amorphoused, has changed, has transformed almost imperceptibly.

What has been happening since 1945 would not have happened before 1945 in this Congress. In vain, during the 1960's I would get up here and I would make speeches in special order, with no TV—you did not even have to come to the floor, you could have written it out and it would have been printed—but I thought, knowing the history of special orders, so-called—we call them that now—that that was not the intended purpose and the idea was to take advantage of this privilege in this great body to extend on a matter pertinent to legislation that affected that individual Member so much that he wanted to enlarge and would not have the chance during the limited debate—

which was necessary in order to control the movement of things in a multiple body such as a U.S. House of Representatives—and I thought any departure from that would be an abuse. And I have stuck to it.

One week after I have been sworn in 32 years ago, almost, I took my first special order, and have since then.

So I did it because it was my way of communicating through the RECORD—which incidentally used to be read quite a bit by Members at the time—and I have never regretted it even though I have had more criticism than I have had approval. I am pointing this out because during the 1960's, though I had felt that way since before ever I had been in the U.S. House of Representatives, about the Korean war and President Truman. I felt if we had reached a point where the President could conscript, compel an unwilling American to go outside, order him outside the continental United States and go fight in a war not declared by Congress or explicitly provided so by the Congress, that we did no longer have a Constitution, we did not have a President, we had a potentate; and that, ironically, the very thing that had led the original colonizers and freedom seekers from the mother country and other European countries, escaping the king-made wars, the kaiser-made wars, the czars-made wars, the King of Spain-made wars, came to America. And here, full circle, we have gone into twilight, or Presidential, wars, but all of it through the abdication of Congress through the delegation of power to the President going back to 1917 and the Espionage Act, and which powers most have not been retrieved by the Congress.

So that since then Presidents have made use of that residual implied power through, and going back to the Espionage Act of 1917, to declare an emergency.

If my colleagues will sit here long enough, there will soon be a message coming up—unless the President changes it, I do not know—somewhere around May you will get a message from the President, and it may be several messages, but one of them will say, "This is to advise the Congress that I have extended the emergency," whether it is the one in the gulf or the one resorted to, believe it or not, and where we are now enmeshed in the African continent or Nicaragua. Any Member, had he listened here since 1985, on May 1, every May, President Reagan would send a message saying, "I have extended the emergency proclamation whereby I am imposing an embargo." The President does not have that power under the Constitution, but the Congress can delegate it.

Now, the big mistake I see—and I am not a constitutional expert—is that there are, and I think anybody who reads the debates of the Constitutional Convention will agree that there are, certain powers that are not delegable, they are nondelegable, that the Congress has.

So I spoke out here during the 1960's what I had said pretty much to a local level during the Korean war, and I pointed out that imperceptibly this country was going to face a grave crisis sooner or later because we had come from a hot shooting war in which the Congress had declared a state of war and Presidents have followed through with their delegated powers, and drafted and conscripted. Then the hot shooting phase of World War II ended, although formally it has not—there is no peace treaty yet. You had a lot of exceptions, naturally. You would go from a hot shooting phase, like World War II, into a so-called peaceful era, and then the eruption of hostilities in 1950 and the reimposition of the draft with a bunch of exemptions. So, suddenly, some were and some were not.

Now, how could anybody, rationally thinking, expect anything than what happened 16 years later in the great divisive period of the riots in our cities and the demonstrations and the draft protesters and the so-called draft dodgers flying or going to Canada. So today we have pretty much the same thing happening, and we have had. We had a buildup through neglect, again almost imperceptibly, of an institutional system that had been created before the war, mostly during the 1930's, such as the S&L's, the savings and loans, the FHA, the deposit insurance system. All of those were created in about 2 years, 1933 and 1934, and they were addressing the issues of that day in a society that I cannot evoke to my colleagues. There is no way you can evoke the smells, the sounds, the agitation, the fears, the hopes of a past age, especially the 1930's.

□ 1250

But I am old enough to remember vividly, I am a depression era kid, and that is why I speak out because after the war, with tremendous societal as well as technological changes, that structure that had been constructed during the thirties could not long last. The rigidity of the 50 different banking regulatory systems, the dual banking system so unique to our country, the discovery or the invention of instantaneous electronic communication, naturally the State borders were going to erode.

So today we are living in a tremendous period of transition that has been in the making, not suddenly. The S&L crisis that agitated everybody just 2 or 3 years ago had been in the making for 30 years. In my special orders I will refer any interested colleague to look them up.

I was anticipating this since 1966 when we had what was then for the first labeled a credit crunch, when the prime interest rate was jacked up overnight on June 19, 1966, 1 whole percentage point. That had never happened at any time before. Today that has no relevance. You have several definitions of prime interest rates, and we live in a full Orwellian world where banks report profits when they are losing, where through the artifact of accounting the true condition is not established.

Well, we have been doing our best on the Banking Committee. Last week on Thursday I said that I was sure that we might and could look confidently to a new period of a recognition of the fine constitutional issues involved between the Congress and the Presidency with respect to the Congress being able to know, to be informed. That is one of its prime powers still left, in order to legislate knowledgeably, which means the people to know and be charged with knowledge.

If you have no debate, if you do not have the heat of the conflict of ideas, and particularly in a deliberative body as this is supposed to be and if you have meetings in the secrecy of hideaways and decisions taken there, and then it is compounded by the secret basement discussions in the regulatory bodies over in the executive branch, the people cannot know. It is only when you have the clash of ideas and when you have full and free and open debate that you know what something is about and the press can report it. We can blame the press all we want to, but if they are not privy to these meetings in and out of the Congress, in and out of the White House, how can they know and report?

Now, it is true that there is a concentration in that area that is now confronting us in banking. We are beginning to see a period in which more and more bank merging power is going to reduce a tremendous control of the credit granting power in a society to fewer and fewer large, or what they call nowadays in the fancy word, megabanks.

So when I said I was going to appeal to President Clinton to provide the documents that the Committee on Banking had subpoenaed last year and the year before last and adamantly refused by the past administration, I then proceeded to write a letter to the President, which I will at this point pursuant to my special order and the terms thereof place in the RECORD at this point:

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, January 22, 1993.

Hon. WILLIAM J. CLINTON,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: For the past two and one-half years, the House Banking Committee has been investigating the activities of the Atlanta branch of Banca Nazionale del Lavoro (BNL) and the Bush Administration's pre-war policy toward Iraq. Over the course

> of the investigation, the Committee made numerous requests for information from the White House, State Department, Justice Department, Central Intelligence Agency, Defense Intelligence Agency, National Security Agency, Treasury Department, Defense Department, Commerce Department, and the U.S. Customs Service.
>
> At the direction of the White House, each of these agencies refused to turn over classified documents to the Banking Committee, charging that I had harmed the national security by placing a limited number of classified documents related to the Bush Administration's pre-war policy toward Iraq into the Congressional Record. However, on numerous occasions I asked the president and various Cabinet Secretaries to explain how documents that I had placed in the Congressional Record harmed the national security. For obvious reasons, I never received a reply. I can only conclude that the national security argument was solely intended to rationalize the denial of information that would embarrass the former Administration.
>
> I am wholly committed to the principle that the citizens of this nation have the right to know how and why their government decided to assist Saddam Hussein, regardless of the embarrassment it may cause the persons that made such decisions. I am confident that you share this belief.
>
> Accordingly, I respectfully ask that you take a personal interest in ensuring that the Banking Committee's investigation receives the utmost cooperation from the executive branch. Specifically, I ask that the White House and other executive branch agencies be required to immediately turn over all documents heretofore denied to the Banking Committee.
>
> Mr. President, with your assistance, we can provide the people of this nation with the opportunity to learn the full truth about the BNL scandal and the Bush Administration's pre-war policy toward Iraq. A full airing of these issues will allow us to avoid future abuses to our banking system and will permit us to learn from the tragic mistakes that led to our current entanglement with Iraq.
>
> Thank you for your time and consideration.
>
> With best wishes.
>
> Sincerely,
>
> HENRY B. GONZALEZ,
> *Chairman.*

For the sake of my colleagues who may be hearing me on the closed circuit, let me just read the opening paragraph. I am addressing it to the President:

> For the past 2½ years the House Banking Committee has been investigating the activities of the Atlanta Branch of the Banca Nacionale del Lavoro and the Bush Administration's pre-war policy towards Iraq. Over the course of the investigation the Committee made numerous requests for information from the White House, the State Department, the Justice Department, the Central Intelligence Agency, Defense Intelligence Agency, National Security Agency, Treasury Department, Defense Department, Commerce Department, and the U.S. Customs Service. At the direction of the White House, each of these Agencies refused to turn over classified documents to the Banking Committee, charging that I had harmed the national security by placing a limited number of classified documents relating to the Bush Administration's pre-war policy towards Iraq into the CONGRESSIONAL RECORD. However, on numerous occasions, I asked the President and various Cabinet Secretaries to explain how the document that I had placed in the CONGRESSIONAL RECORD harmed the national security.

Let me interrupt and say parenthetically that just week before last before the administrators were going out, I sent each one of them a letter again asking them to tell me wherein I had invaded any kind of national security area. I am still waiting for an answer, just like I did when the CIA Director wrote last May. I asked him then, never heard from him, obviously because there was no violation.

I think I know the difference between what is secure national interest and what is not. Particularly I am well versed in the history of the congressional prerogatives and powers in that respect and the Supreme Court decisions implementing them, without any question and forcibly this right of the Congress to know.

So I just wanted to mention that to this day nobody has given any kind of an answer.

As a matter of fact, let me continue to add parenthetically, the only one who tried to tell the immediate past Attorney General that they were wrong, and when ordered to write a similar letter to me refused, was the FBI Director, the Honorable William Sessions, who Mr. Barr furiously when he refused to investigate the CIA because of the uproar in Atlanta immediately came out with the most outlandish, unbelievable smear and character assassination of any man I have seen.

It so happens that I know Judge William Sessions, the Director of the FBI. He comes from my area. He had served with great honor and distinction. He is a man of integrity, complete total integrity.

I could not believe when Attorney General Barr came out and said he was going to look into and charge the Director with criminal culpability, as well as other culpability.

I then came out and said it was character assassination. It was abusive and that the real reason was that the FBI Director, knowing the law, was not going to be involved as the CIA Director had been and the other aparatchiks had been of the administration in trying to intimidate me.

When I came out with that, 24 hours later the Attorney General said no, he had exceeded himself. He did not mean that he was going to charge any kind of criminality, but they were looking into some acts of misbehavior about the improper use of an FBI airplane.

Well, let me assure my colleagues, if there is any man that I have ever gotten to know publicly, that is as a public official, who is a man of total and complete integrity, it is Judge William S. Sessions.

□ 1300

And I hope he stays in there and fights this outrageous attack and attempted assassination of his character.

I am also intending to try to communicate with the President to state these facts to him, too, because, unless Judge Sessions caves in, it will take Presidential action.

So, I will continue:

However, Mr. President, on numerous occasions I asked the President and various Cabinet Secretaries to explain how these documents that I had placed in the CONGRESSIONAL RECORD will harm national security, and of course, for obvious reasons, I have never received a reply.

I am wholly committed to the principle that the citizens of this Nation have the right to know how and why their Government decided to assist Saddam Hussein regardless of the embarrassment it may cause the persons who made such decisions and, particularly, in view of the fact that we had gone to war on the orders of the very same individuals who had aided and abetted Saddam Hussein.

I am confident that you share this belief. Accordingly, I respectfully ask that you take a personal interest in ensuring that the Banking Committee's investigation receive the utmost cooperation from the executive branch. Specifically, I ask that the White House and other executive branch agencies be required to immediately turn over all documents heretofore denied to the Banking Committee.

Mr. President, with your assistance we can provide the people of this Nation with the opportunity to learn the full truth about the BNL scandal, the Bush administration's prewar policy toward Iraq. A full airing of these issues will allow us to avoid future abuses in our banking system and will permit us to learn from the tragic mistakes that led to our curious entitlement over Iraq.

Mr. Speaker, that is the end of my letter, but let me add that I am interested in one thing, and that is to forge and shape the legislation that we must have.

Now that is easier said than done, and it will be most difficult, because once these financial institutions of great, great power have gotten used to having almost $1,000,000,000,000 of this foreign money unregulated or unchecked by any Federal agency, Federal Reserve Board, or, much less, the State banking commissions, it will be hard to say, "Hey, most of this is going to the illicit drug laundering money operations in this country."

Do any of my colleagues believe that the size, the magnitude, and the challenge to our society because of the illicit drug traffic is not connected and protected all through, from the highest levels to the lowest and between the criminal element and business and government? Despite all of the wars on drugs and crimes we are no better off today. Why?

One of the essential things is to plug the most vital port, which is the monetary profits from this activity that now poses a very dangerous situation to our society. There are collateral—not so much collateral—but there are other attendant activities that we are going to look into as soon as we have the ability.

I must remind my colleagues that our committee does not receive the funding that even other committees do, but I do not believe in having excess staff. We have a hard-hitting, but we have a counted and limited staff.

But I want to go into the so-called overseas over which we do not have any control, not only in the Caribbean, the Cayman Islands, but all over the world now, in which that has become not only a haven for tax dodgers from the United States, huge financial and corporate interests that are cheating the Treasury, but the main thing is that, as long as our authorities do not have any kind of a control as it impacts the United States, there is no way that our so-called central bank, the Federal Reserve, can construct the proper monetary policy for our country.

Then I would like to go on record, as I promised the day after I was first elected chairman of this committee, on January 5, 1989, when I came before my colleagues and I said that I would keep them informed regularly, and I have done that as to the activities of this committee, on what I, as a chairman with the only power I have ever requested—I have not been one of those who want to recuperate power and want to be chairman of the full committee and chairman of the next most powerful subcommittee because I do not believe in that. But I do believe in producing, and I think the record shows, what has happened since 1989.

I think the record also shows the intensity of the activity as compared to the previous 25 years of the actions of this committee, and I appeal to the record on that, but I promised that I would keep my colleagues up to date and also I remind them that I am the chairman of the Subcommittee on Housing and Community Development of which I have been chairman since 1981, and in passing I tell my colleagues some of the things that we are going to have to confront, some of which have been, during an election year, shoved under the rug. But we cannot escape them.

The bank insurance fund is broke. The SAIF, the new name for the S&L insurance fund, is broke. And what taxpayer bailout, so called? Now they are not bailouts because the deposit insurance system is supposed to protect the depositor. But I have been pointing out for the last 25 to 26 years that it has so degenerated and has become so corrupt that it does not even serve the full legislative purpose that the Congress, through statute, has set out as a purpose of the deposit insurance system. I pointed that out ad infinitum, or some say ad nauseam, since 1979, the impossibilities of even the simple arithmetic of it.

For example, Mr. Speaker, the Congress has never, never approved paying out, in the case of having to do so, more than the insured amount, but that has not been happening since 1984, and Chairman Volcker announced the edict of too big to fail in the case of the Continental Illinois where it took $6 billion. Nobody noticed that the Federal Reserve infused that bank with that. I could not get a hearing from the chairman then. I was not chairman. But we have had some hearings since then, and we had a modicum of reform in the 1991 act in which we have spelled out and the regulators have pretty much complied, but it will not come to full bloom until this next year to prevent the payout of more than that insured amount.

The simple arithmetic will show my colleagues that we have over $3.3 trillion worth of insured deposits in the commercial banking system alone. That does not take in the S&L, does not take in the credit union fund; just commercial banks, $3.3-plus trillion in insured deposits. And we have a broke insurance fund. Does that show much about what we have as a so-called deposit insurance system?

□ 1310

It was not until I got the staff the first year I became chairman to bring out the facts and show that the regulators, as I said, not pursuant to law, were paying out over 98 percent of their payouts to noninsured, that is, to those who had more than $100,000, those that had multi-million-dollar accounts in banks.

The law was never intended for them. The original concept was that that little depositor who would have as much as $2,500 would be protected in the case of an insolvent banking institution. Then through the years that was jacked up. I have already explained on previous occasions how feeble it became when it was jacked up from $40,000 to $100,000 overnight in 15 minutes here on the House floor, with only my voice protesting.

So that is history. What do we do about it now? Well, we have I think paramount the funding question which the Congress and the House refused to bring about last April and until the end of the session, what the needed amounts for the Resolution Trust Corporation are to close out the insolvent S&L's that are there to be closed out.

They have gone into these costly so-called conservatorships that keep these dead things alive with a daily infusion or a cost eventually to the taxpayer of over $6 million or more a day.

But it was an election year, remember. I was left as the only one saying hey, we ought to go ahead, if they are closing down those that they ought to. That is what the law says. Close down and pay out, but not over that $100,000. We have got to revisit that because that is the condition we face.

The Resolution Trust Corporation was established in 1989 to resolve the S&L problem. We worked mightily and did something that had not been done before. We provided in 8 months of legislation, or the equivalent thereof, that which it took two Congresses and four different bills in the 1930's to bring about.

However, we said at the time that there were bound to be discrepancies, that we are, after all, human, and we have our limitations.

I thought one big mistake was to bring the FDIC in, which is the Argonne and had been of the commercial banking system on insurance, to do the administrative work of closing out these S&L's. I thought it was a mistake then, and it was not until last year that we reformed that. But look how long it took. The administration was against it, our conferees when we had the conference on that bill in the Senate were against it. I was able to get our committee, but we lost out.

So that was set up. It was initially provided with $50 billion in the Financial Institutions Reform Recovery Enforcement Act of 1989. It received an additional $30 billion in March 1991. An additional $25 billion was provided in December 1991, with an April 1992 cutoff, which cut it off in the House and the Congress, though the Senate never did approve that which had already been appropriated because it was an election year and RTC is unpopular.

The SAIF fund, after September 1993, that is this September, the cost of resolving insolvent savings associations will be borne by the savings association insurance fund. SAIF has not been funded by the Bush administration. It has virtually a zero net worth. In other words, it is insolvent.

SAIF funding should be included in the RTC funding to ensure that additional amounts are not needed down the road. Current estimates of how much is needed to complete the savings association resolution process varied depending on who was talking. However, the best estimate of how much is needed for the RTC and the SAIF is somewhere between $30 to $45 billion.

As I say, to me it will be far more than that. But this is the best you can get from the people that are supposed to know and be the experts. They are guessing the range, $30 to $45 billion.

Well, it all depends. But if the statistics given us all last year and the year before are anywhere near valid, I estimated through my own computations the range of assets involved. Given that range, I will say it will take more than that. Nevertheless, let us hope I am wrong.

There are other bits of legislation that I will not bore you with that will actually come out of other subcommittees, but I think are essential for the public interest, such as fair credit reporting, which we lost by three votes in the House last year. We intend to pursue that, even though it will come out of the Subcommittee on Consumer Affairs and Coinage, and we will stand behind that.

On interstate banking and branching, we reported comprehensive legislation on June 28, 1992.

The majority decides in my case. No matter how I feel, and on one or two of these issues I did not vote for them, but the majority did, so we passed it out. It was very comprehensive legislation. It was the first time the committee faced face-to-face the issues that had been burgeoning out since 1945.

Interstate banking permitting the bank holding companies to own banks in several States is currently accomplished through the regional compacts. That is, not through legislation. Legislation to impose conditions on interstate banking is what the issue has been and will be this year again.

Interstate branching would permit a bank to branch nationwide. The question of whether this should be permitted, and, if so, what conditions should be imposed, remains contentious.

You have multiple interests. You have insurance, real estate, and what not that want to get banks involved. However, the reality is, as I said earlier, with the advent of instantaneous electronic communication, the interstate borders have eroded pretty much and you have to face the fact that either through a court decision, or in the case of big banks through the interpretation of the Federal Reserve Board of section 20 of the Bank Holding Act, they have a lot of power in that respect now, as well as going into the risky business of investments and securities, or stock, as you call it. Interstate branching would permit both.

As I said, the question is under what conditions. Only the national policymaking body known as the Congress should determine this. However, in view that a vacuum has been created, and in politics as in nature vacuums are abhorred, what has come in has been the courts or the regulators. But they are not policymaking organs of our Government. So these things are jerrybuilt and will collapse at the first crisis.

I introduced the reform bill for the deposit insurance system that I had just described briefly a while ago. But you would think that I had antagonized every one of the banking interests, and particularly the so-called Independent Bankers Association of America. But all the banking interests had also fought us on brokered deposits and on the so-called junk bonds. You do not hear of that now, but we were fought hard.

□ 1320

Any time you have a trillion dollars on that table, you are going to have a lot of argument and a lot of other things happen. So I intend to reintroduce my Deposit Insurance Reform Act. Maybe, if we can get some help from the administration, we might get some long overdue reform.

Then, as a matter of last, I have just forwarded another letter to President Clinton with respect to an effort that I have also been making, and again it goes in an individual capacity, it goes back to some 28 years ago. It was obvious to me that the day would come where our Nation has no antiusury or interest rate control. That was lost in the National Currency Act of 1865. It was right at the end of the Civil War.

This was what was on the mind of President Lincoln more than anything else. He could see the forces that were coming in and taking over, as they always are. I do not care whether you are in war or whether you are in peace, you have these interests in every society and have had them since there were human records, that are going to be thriving and acting as a sort of a human predatory species.

At the beginning of the founding of our Nation, I mentioned earlier the First and Second Continental Congresses, that was the big issue. And it turned out to be the great conflict between the Hamiltonin and the Jeffersonian, which through time has been inaccurately described on occasions. You do have some beautiful historians that have recorded historically and factually, and you can see what the issue was. But there was no question, everybody and every government has to have a banker or what they call, the fancy word, fiscal agent. Incidentally, and by way of parentheses, that is what the Federal Reserve Board Act of 1913 says the Federal Reserve Board is supposed to be. It is supposed to be the fiscal agent of the U.S. Treasury. But it is the other way around now. It is the one that is coining and printing our bills, not Treasury.

When I came to the Congress, 32 years ago, I could reach into my pocket, pull out a $1, $5, $10 bill and about 3 out of 5 would say U.S. Treasury note.

Well, today all you see is Federal Reserve note. But what is the Federal Reserve? Is it a Government agency? No. It is not. It is a creature of the commercial banks who compose it. And it has gotten so almighty and powerful, independent is the word they use, that Congress that created it has no control over it.

The President, who appoints the Board members, has some kind of control, but it is only residual and indirect. So that with that condition and the Treasury now in a reverse role and the Federal Reserve Board in secret formulating the policies that are going to determine how much interest you pay, what your standard of living is going to be, who is going to have a job and who is not.

That was fine, but I had about 6 out of 9 or 10 Federal Reserve chairmen that have come before the committee since I have been a member. And they would all tell us, until just 5 years ago, 4 years ago, "We have no control over interest rates. You, the Congress, if you weren't profligate and if you would have more control over your budgetary, why that would be the best control of interest rates. We don't have anything to do with it."

Now, all of a sudden, they admit they have all the control of it. Of course, everybody knew that even then. But nobody wants to, I do not know what, to rock the boat or challenge or anything.

Now, we are the only country in the industrialized world that handles our monetary and fiscal affairs the way we do. It is not very good. From the greatest interest of the greatest number. If the commercial banks are the ones who own and control and dictate the policies of the Federal Reserve Board, when it comes to a shove or push as to what is to the best interests of the banker or the people, I will give you 1 of 3 guesses which you think will happen.

Now, a regulatory system which also goes back to that 1865 act, first, it eliminated the interest caps that had been national law since Jefferson, and not only the Bank of North America of the first Continental Congresses, when the Continental Congress said, "Well, we have got the ball rolling. We have the issue, but we need the banker."

The bankers of Philadelphia came and said, "All right, but you have to pay this much."

Jefferson said, "No, we are not."

And let me say something. Even Hamilton.

So they finally made them limit to no more than 6 percent, but do not think they would not have loaded it up if they could have.

So then came the Constitution and the formulation of the Bank of the United States, where Alexander Hamilton did brilliant work. He took a country that was in extreme debt. He took a government that said, "We will assume the debts of the States in the Revolutionary War," and had no money. And he worked a beautiful system that did work.

In fact, it enabled us to proceed fairly successfully until the late 20th century, basically.

Then, when we got away, not in the way that is described by the people who would like to blame profligacy or welfare state, but by the very people that are not content with being the most privileged and powerful individuals in our society. For a banker creates money. He creates credit, and that was the issue from the very first. Who is going to control the allocation of credit in our society? That is the whole question, the long and short of it.

Now, if you are going to get power, how are you going to protect the people? Through regulation. But if the regulators or the regulations are farce, you have no protection for the people's interests.

The Office of Comptroller of the Currency is one of the main basic regulatory bodies over banks, but the Congress does not appropriate for it. It is independent. It gets it operating costs from the fees that the bankers pay to be examined. So they have always been a kind of an independent kind of feisty group.

I have had one, in fact he was a fellow Texan that was Comptroller that came and told our chairman, he said, "I don't have to obey you. You don't pay. We don't have any appropriated funds. The fees the bank pays for examination, that is what keeps us going, so we don't have to. I am here at my sufferance, not because you commended me to be here."

I was there. So the people have no protection.

What I tell the bankers when they say, "Oh, you are a populist." I do not know what that means. If a populist means to be a liberal, of course; if a liberal means what the World Dictionary means, and that is a friend of the people, absolutely. They are the ones that elect me.

□ 1330

I want to be their friend because I have a trust, and I maintain that trust. They have entrusted me. I will keep faith with them. That is it. It is no more complicated than that.

In fact, I will remind my colleagues that those of us in this great American democracy that have been entrusted on our judgment day will have only one question to answer, and none other, and that is, were you for the people or were you against the people? That is all, nothing more, nothing less. That is what the shooting is all about, but you would not recognize it nowadays.

In this letter to President Clinton I asked him to help with another reform that I have been espousing for years, and that is reform of our regulatory system. We have the OCC, the Office of the Comptroller of the Currency, that goes back to 1865. Then we have the Federal Reserve Board that wants to be our central bank, setting the monetary policy and the related policies that only a central bank does in any country, and at the same time a regulator. I said, "You cannot serve two masters faithfully and well. Either you are one or you are the other." The Office of the Comptroller of the Currency is under the Secretary of Treasury. That is a political office, so it is not immune from political pressures. Then we have the FDIC and we have the others.

Therefore, we find these agencies sometimes fighting for turf, overlapping, but none doing the job that late 20th century America demands and will have, and if it won't, it is doomed, let me tell you that.

It sounds ironic, as we are reaching the end not only of a century but of a whole thousand-year period, that we would be looking back at one of the bloodiest and dreariest centuries for mankind in its history, and looking into the 21st century with not much more unless we change.

America, facing a reversion, ironically, and I have said this several times, we have gone back to the mercantile system we were in during the colonial period up until 1914, when we for the first time became a creditor nation.

In 1985, on September 16, the Department of Commerce announced that the United States was again a debtor nation for the first time since 1914.

Mr. Speaker, for the record I include a memorandum related to these subjects:

To: Member House Banking Committee.
From: House Banking Committee Staff.
Date: January 25, 1993.
Subject: Banking Committee—1993 Issues.

This memorandum briefly outlines major issues the Banking Committee addressed in the 102nd Congress and is likely to address in the 103rd Congress.

A. FUNDING THE THRIFT RESOLUTION PROCESS AND THE DEPOSIT INSURANCE FUNDS

The Resolution Trust Corporation (RTC) was established in 1989 to resolve all savings associations which are declared insolvent through September 30, 1993; the RTC itself will terminate not later than December 31, 1996. The bulk of the RTC's work after September 30, 1993 will be asset disposition and closing out receiverships.

The Resolution Trust Corporation (RTC) was initially provided with $50 billion in the Financial Institutions Reform, Recovery and Enforcement Act of 1989. The RTC received an additional $30 billion in March, 1991 and an additional $25 billion was provided in December, 1991 with an April, 1992 cut off date for using the funds. The RTC was able to use only $7 billion of the $25 billion. Last year, the RTC requested a total of $43 billion, composed of $25 billion of new money plus the remaining $18 billion that would be freed by lifting the April date cap. That funding request was approved by the Banking Committee but rejected by the House. Consequently, the RTC has been operating without funds since April, 1992; since that date, the RTC has been able to place institutions into conservatorship but not resolve them.

SAIF—After September 1993, the cost of resolving insolvent savings associations will be borne by the Savings Association Insurance Funds (SAIF). The SAIF has not been funded by the Bush Administration; it has virtually a zero net worth. SAIF funding should be included in RTC funding to ensure that additional amounts are not needed down the road.

Current estimates of how much is needed to complete the savings association resolution process vary widely. The best guess of how much is needed for the RTC and the SAIF is $30 to $45 billion.

Policy issues surrounding the RTC include asset dispositions—securitization and bulk sales and whether to extend or accelerate the termination date of the RTC.

B. FAIR CREDIT REPORTING ACT

H.R. 3596, introduced last Congress and considered on the House floor, reformed the credit reporting industry in several important aspects: (1) it increased consumer access to credit reports by establishing a toll free number for consumers to communicate with the major credit bureaus, by providing for standardized forms for credit reports, and by capping the costs of consumer reports; (2) it provided for enhanced privacy protection for consumers by limiting target marketing and prescreening; and (3) it enhanced the accuracy of information in credit reports by holding furnishers of information accountable for the quality of information they provide to credit bureaus.

H.R. 3596 was passed by the Subcommittee on Consumer Affairs and Coinage with an amendment to override any related state laws, including those laws that provide stronger consumer protections than the federal standards. That preemption provision was strongly opposed by the consumer advocacy groups and every state attorney general. The preemption provision remained intact at the full committee level, and ultimately remained in the bill during floor consideration by a vote of 203-207. Following the vote, Chairman Torres of the Consumer Affairs Subcommittee pulled the bill and prevented further consideration.

Congressman Torres plans to introduce similar legislation in the 103rd Congress where it is likely to be considered by the Consumer Affairs Subcommittee.

C. INTERSTATE BANKING AND BRANCHING

The Banking Committee reported comprehensive banking legislation in the 102nd Congress which included authority for interstate banking and branching. The legislation was defeated by the House. Legislative proposals to permit interstate banking and branching are likely to be presented to the Committee this year.

Interstate banking—permitting bank holding companies to own banks in several states—is currently accomplished through regional compacts. Legislation to impose conditions on interstate banking may be considered.

Interstate branching would permit a bank to branch nationwide. The questions of whether this should be permitted and, if so, what conditions should be imposed, remain contentious. Policy issues include whether states should be allowed to affirmatively permit (opt in) or affirmatively reject (opt out) interstate branching; how to ensure credit availability to traditionally underserved groups and communities; increased concentration, safety and soundness; and the export of state powers such as bank insurance powers, to other states.

D. FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991

The Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) was the major legislation passed by the Committee in the 102nd Congress. The legislation provided a $30 billion line of credit to the Bank Insurance Fund, which line has not been drawn on to date, required least cost resolution of failed banks and thrifts, and instituted a system of prompt corrective action. Prompt corrective action is a system of mandatory regulatory interventions designed to ensure that institutions have sufficient capital, that they not be given the opportunity to grow out of problems, and are closed in a timely manner, reducing the losses to the deposit insurance funds.

RENEWING AMERICAN CIVILIZATION

The SPEAKER pro tempore (Mr. KOPETSKI). Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk about renewing American civilization. American civilization is decaying and it must be renewed. In Franklin Delano Roosevelt's words, our generation has a rendezvous with destiny, and I believe for our generation that rendezvous is to renew American civilization.

In 1940 the greatest threat to freedom was from Nazi Germany and imperial Japan. Americans rallied and freedom won. In 1946, the greatest threat to freedom was from the Soviet empire. Americans committed themselves to nearly a half century of containment, to maintaining a strong military, and at the end of that time the Soviet empire collapsed and freedom won. My dad spent 24 years in the U.S. Army during that period, clearly seeing his career in defense of freedom.

Today the greatest threat to freedom is here at home. The decay of American civilization is undermining our very capacity to have economic productivity, our capacity to have a decent, safe society here at home, our capacity to project assistance abroad to help other people.

It is impossible for a country in which 12-year-olds have children, in which neighborhoods are dominated by violent gangs, in which drug addiction runs rampant, many schools graduate people who cannot read, and there is a crisis of an AIDS epidemic; in that environment it is impossible in the long run to sustain American civilization.

Yet, the future of freedom is at stake. Without America, there will be more Bosnias, more Somalias, more Iraqs. We are the only country large enough, complex enough, multiracial enough, to truly provide leadership for freedom across the planet. If we weaken, if we lose our will, if we lose our economic strength, if we lose our capacity, there is no one to replace us.

We see grimly already in Sarajevo and Mogadishu, across the planet, the dangers of what will happen if American civilization falters and weakens. Yet, without renewing American civilization here at home we cannot continue to promote and sustain freedom abroad, because power assistance abroad requires a powerful, healthy society and economy here at home.

Yet the objective fact is that American civilization is decaying. This simple statement, American civilization is decaying, will be politically incorrect on many campuses for three reasons. First, it implies there is an American civilization. Second, it implies that civilization takes learning; third, it implies that American civilization is particularly worth learning about.

Let me expand on each of those three. First, American civilization implies that there is an American civilization, yet we are the successor to Western civilization. Western civilization, in many ways, with roots in Greek and Roman culture, coming up through the Judeo-Christian tradition, was a Northwestern European Caucasian civilization. It projected power across the planet beginning around 1500, but in fact, ultimately it was and remained a European phenomenon.

American civilization is quite different. It is continentwide, not simply an area the size of Europe but the size of all America, extending into the Pacific. It is multiracial, not merely caucasian. It has many cultural traditions blended into one unifying civilization.

It is impossible to think of being American without recognizing that, whether it is in our food, in our music, in our clothing, in our history, in our anecdotes, in our movies, again and again, we are a blend from many places into this one magnificent system. We are in fact the most integrating society in the world. Colin Powell, Pat Saike, Henry Bonilla, Jack Kemp, all are Americans, although Americans with different historic backgrounds.

American civilization is more optimistic, more future-oriented, more open, more upwardly mobile. It has less class consciousness. It is more concerned, as Martin Luther King, Jr., said, about the content of our character than the color of our skin. I think that is a very important point to remember. This is a society that, more than any society in history, has attempted to reach out to every person of every background and attempted to provide the opportunity to rise; and while in many ways we fail, we recognize it is a failure because our standard, our goal, our yardstick, is to give every American an opportunity to live a better future, something which virtually no society applies to all of its people.

Therefore, I would assert there is an American civilization, and it stands on the shoulders of Western civilization, but it includes in its heritage many other cultures, histories, and ethnicities.

Second, civilization takes learning. It takes time and effort to learn to be an American. I was really struck with this in looking at Somalia. A friend of mine, Owen Roberts, who is a management consultant and long-range planner of great wisdom, was telling me how struck he was by the early pictures of our efforts in Somalia when it hit him that the day before the Americans arrived there were going to be 8 million hungry Somalians, 2 million in danger of starving to death. After we arrived, there would be 8 million Somalians being fed, but they would not have learned any of the additional habits of self-government.

□ 1340

They would not have learned any of the additional requirements of productivity. They would not have learned any of the additional needs of being able to live together in a responsible way. But while they would not be fed, they would still lack the basic necessities of civilization which are the structure we take for granted which allow us to live together to be productive.

Now, what is true in Somalia is also true in Anacostia right across the river here in Washington. To learn to be productive, to learn to be responsible, to learn to live in safety by enforcing the rules within your community, to learn to have self-government; each of these requires a considerable amount of time and effort and can be learned, but are not automatic.

To learn to abide by the rules of self-government, that is why the power of last week's inaugural ceremony was so emotional. There is a magic to our ability to have one party, one side, in the White House, in the Oval Office with the most powerful military machine in the history of the human race, and magically, at exactly 12 o'clock on January 20, under our Constitution, to transfer all of that power, to transfer that office to the other party.

I was here as a sophomore in 1980, and I saw that magic when President Jimmy Carter left, and President Ronald Reagan came in, and I was here again last week as the second-ranking Member of the House Republican leadership watching the same magic, as after 12 years, the Republicans walked out of the White House and the Democrats and President Clinton walked in. And it is magic.

If you think it is not, look at Bosnia, look at Haiti, look at Iraq, look across the planet. There are very few places in the history of the human race where those with power have voluntarily subordinated themselves to the abstract rules of giving in to their opponents. Only in the last 200 years has it begun to be relatively common, and it is still not the fate of a majority of humans. We are getting close to a majority, but as all of us know, in many of the countries it is very fragile and very thin, and in fact, again, here at home we face these dangers not only by other countries like Bosnia and Haiti and Iraq, as grim reminders of the cost of civilizations collapsing, but so were the gangs in east Los Angeles and the gang violence in Techwood Housing in Atlanta.

The fact is to know how to grow up, to discipline yourself, to subordinate yourself to the rules, to be part of a larger process of self-government, to focus your energy and drive and discipline on trying to be productive within a framework of not harming others, all of that is a set of learned skills and learned behaviors, and for two generations we have failed to strengthen them, to teach them, and to assert them.

So I just want to say that if you will agree that there is an American civilization, that requires that you also agree that this is a civilization worth learning, because after all, you cannot sustain any civilization beyond one generation. All it takes is the next generation refusing to learn or not being taught, and the whole process begins to fall apart. I would suggest that to study American history is to study a set of attitudes and values of practices and principles which are at the heart of prosperity and self-government.

The key question is simply: Does a proposed policy help people become more responsible, more productive, and more safe so they can be prosperous and free, so they can pursue happiness? Let me repeat that: Does a proposed policy help people become more responsible, more productive, and more safe so they can be prosperous and free, so they can pursue happiness? If the answer is yes, then that proposed policy is constructive. If the answer is no, then it is destructive.

Let me break this into two key parts. First, all we can guarantee in a free society is the pursuit of happiness. One of the great failings of totalitarian regimes, of all too many of our friends of the counterculture on the left is that they want to guarantee happiness. They seek equal outcomes when, in fact, you cannot guarantee happiness. Happiness is between you and your God. Happiness is of the spiritual world, not the secular. The most the secular state can do, is create a framework in which there is a greater chance to be happy, and clearly if you are in an American suburb in a good job, in a nice neighborhood with your kids in a good school, living in safety, you are more likely to have a chance to pursue happiness than if you are starving in Somalia or being shot at in Bosnia. But the key principle which is that government can create a framework in which you can pursue happiness and you can seek, through your own religious beliefs, to accommodate yourself to life and to come to understand what happiness is, but the state cannot guarantee or give you happiness is a very key part of American civilization.

The second point I would make about that sentence is that prosperity and freedom are not gifts. All too often we hear politicians say, "Elect me, and you will be prosperous." I want to suggest to you that except for a brief period where we transfer wealth, where we steal from one to give to another, there can, in fact, be no prosperity in and of itself, nor can there be freedom in and of itself. Prosperity and freedom are contingent on the habits of responsibility, productivity, and safety.

Only by helping people become responsible, helping them become productive, and helping them become safe can we truly help them achieve prosperity and freedom.

All too often politicians and academics focus on how we get to prosperity and freedom without building the underlying foundation, the key structure, which is at the essence of prosperity and freedom. So I would argue that every policy should be looked at, and the question should be asked: Does this policy help people become more responsible, more productive, and more safe so they can be prosperous and free, so they can pursue happiness?

And then I would apply not the issue, is it ideologically right or ideologically wrong, but, rather, is it constructive to people, or is it destructive to the way they behave. By the way, I really got turned on to this approach by reading the 1913 Girl Scout Manual. My wife and I were in Savannah a number of years ago; we went to Juliette Low's house. They sell a reproduction of the 1913 Girl Scout Manual, and when you read the ground rules for life written for girls in 1913, it is a very profound document.

First of all, it is entitled "What Every Girl Can Do For Her Country," and in that sense it is a clearly patriotic, pro-American national view, pro-American concern, trying to teach every young girl, and this, by the way, was in one of our peak periods of immigration when the effort to assimilate and bring everyone together as Americans was particularly important.

Second, it had two rules which I remember reading in 1981 that were just stunning. The first was, and this was pre equal rights amendment, this was pre what we think of in the modern age as women's liberation, and the first one was this, according to the 1913 Girl Scout Manual, that every girl should learn two trades so that if one dies, she can earn a living at the other. Now, think about how many people know who have taken 26 weeks of unemployment, gone deer hunting and bass fishing, not spent the 26 weeks in college, not spent the 26 weeks at a vocational school, not spent the 26 weeks getting a new vocation or starting a new business or learning a new trade, but then turned around at the end of the 26 weeks and said, "I need 26 more, because I am still waiting."

By contrast, in 1913 for young girls, the Girl Scout Manual was saying, "You need to always know a minimum of two trades so you can always earn a living even if one of your trades becomes obsolete."

Second, the manual emphasized saving a minimum of one penny a week. Now, a penny back then would probably be, in inflated money, 25 cents today, but the principle that drove that was this, that the act of budgeting and saving changes your perspective on life and changes your perspective on time, and teaches you discipline and teaches you over time how you can get ahead.

Now, I would suggest to you to go into any elementary or high school in America today and say to people, "You had better plan to learn two trades so that if one of them dies, you are going to have the second one, and you had better be saving at least a quarter a week, because you need the discipline, you need the experience, you need the long-term time perspective." You would be laughed at as terribly old-fashioned.

I would also suggest that the basic underlying lessons of the Girl Scout Manual of 1913 apply directly to how America got sick and why American civilization is decaying, and you cannot renew American civilization until we have the moral courage to go back and to insist on these core lessons of how people ought to behave and what people ought to do.

Let me say that civilization can be learned, and American civilization must be learned. In fact, it is the key to assimilating immigrants.

Let me say again that the key challenge in America with people who come from all over the world is not how many arrive but how fast do they become American. If we go back to being a country that is truly a melting pot, a country in which every immigrant learns English, a country in which everybody becomes habitually and, by practice, an American, a country in which we integrate and assimilate and bring together everyone, then, frankly, there is no worry about immigration. They are just new Americans with new energy and new drive and new hopes and new dreams, creating new wealth and new prosperity, and they make the whole country stronger.

It is only when the assimilating and integrating capacities of America start to slow down, it is only when we fail to teach the principles and practices and habits of being American that there has to be any kind of concern about immigrants. But that concern is not just about immigrants. Note the problems that we have in teen gangs. Teenage gangs are a function of the failure to structure schools, government, the law, and society, to teach American civilization.

☐ 1350

And it is every one of those. It does you no good to have a textbook in a classroom and have every lesson learned out in the real world undermine the textbook. We have to have laws which encourage the work ethic, we have to have laws which encourage families and encourage male responsibility for their children, we have to have laws to encourage learning and encourage retraining, we have to have laws which are very, very tough on criminals and drug dealers.

Only by having the law as a great teacher do we enforce the school, can we in fact expect people to truly learn American civilization. If effect, because we have not had the courage and the integrity and the discipline to insist on American civilization, what we have happening in all too many of our greater cities is the equivalent of the "Lord of Flies," supplied with submachine guns. Young males who do not have a hierarchy to join will form one on their own if adults do not create hierarchies and bring males into those hierarchies; this is why initiation rites matter. It is why in every healthy society there is a conscious effort to worry about young males of puberty and to bring them into adult society in a way which makes them adult. By creating a gap in which there is no way for young males to become bonded and to become initiated into being an adult American, we have created literally "Lord of the Flies" at a level of incredible violence and incredible savagery that has to sadden every single person.

Let me also say, the ability to integrate and assimilate, to initiate into American civilization, is not automatic. There are many countries in the world which do not accept outsiders almost no matter how long they stay. We are the most unique country in our willingness and our ability to bring people in and absorb them. But we are losing that ability both with our young in the cities and with immigrants across the board. We have to go back and rethink carefully how can we reestablish American civilization in its full dynamic as the most integrating society on the planet.

Third, having asserted first that there is an American civilization and, second, that American civilization must be learned by each generation, I believe that it is necessary to replace multiculturalism with other culturalism. This is not just a play on words, not just putting "other" in front of "culturalism" instead of "multi" and walking out with a gimmick. The difference is very, very clear and very simple.

Multiculturalism is the equivalent of situation ethics applied to civilization. It assumes cultures are equal morally and it assumes you can lump American civilization in with other cultures and other civilizations so that we can devote one-fifth or one-tenth or one-fifteenth of our students' time to America while concurrently studying other, equally important and equally useful cultures, so that each student would sort of invent their own version of civilization by taking what they thought was useful from all of them.

Let me say, first, American civilization must be studied first and be thoroughly mastered before we can move on to other topics; and, second, that American civilization is in fact a more powerful, a more humane, and a more desirable form of civilization. Let me first explain why American civilization should be studied first and thoroughly mastered before moving on to other topics.

The biggest and most important reason for doing that is because this is where we live, it is where we are, it is our home. Learning to be American, learning to succeed as an American, learning to participate in self-government, to live in a diverse, complex society has to take precedence if our children are to grow into responsible, productive, safe citizens capable of sustaining the civil life of a free society.

When you read the entry level exams of freshmen at some of the elite colleges and universities and you realize that a quarter of them were not aware that Lincoln gave the Gettysburg Address, that a significant number were not sure whether the Revolutionary War and the Civil War were the same event; that on item after item naming both Senators for your State, naming one or more Supreme Court Justices, knowing where the Supreme Court is between the State and Federal Government, it you take item after item of the most basic principles of American life and the current education system has collapsed so disastrously in terms of teaching American civilization that we are literally not giving young people, even elite young people going to the best schools with the best education, the kind of grounding in American civilization which they need.

But, second, I would argue you should learn American civilization thoroughly first because it is in fact better than its predecessors. The racism of Western civilization, the savagery of Aztec sacrifice, the caste system of classic Indian civilization, the oppression of women in Iran, the mutilation of young women in some societies, these practices are less humane, less decent, and less desirable than American civilization.

I think it is useful to first learn about ourselves and about what we do and about what we value, and then, frankly—and I have a doctorate in European history, I taught both world history and European history—I believe you should learn about other civilizations, but you should learn about them within the framework of your own American civilization and after having first thoroughly come to understand it.

Establishing the legitimacy of American civilization as a yardstick is important because it is the basis of reestablishing two key words, the word progress and the word decay. And I have to thank Jeff Eisenach, a brilliant young intellectual who first pointed this out to me.

Progress as a word is very, very common in the Western World up to 1914; it died somewhere between the trenches of France on the western front in World War I and the horrors of Auschwitz in Eastern Germany and Poland in World War II. Progress disappeared. We got into a system that said, "Well, there is no progress." In fact, there is a book entitled "The Death of Progress," which is a study of how the word disappeared.

Now, if you do not have progress, you also do not have decay. It is inappropriate to talk about the decay of the inner cities, the decay of our schools, the decay of our government bureaucracies, because this again implies a standard, and who are we to judge. And yet if you do not have progress and you do not have decay, you do not have the yardstick, you have no way of saying whether the next thing is better or worse. If there is no yardstick, there is a long-term tendency for people in fact to drift into barbarism and savagery.

Progress is linked to constructive and decay is linked to destructive. And the two have to come together and have to be part of the same system and the same procedures. Without progress, how do you know something is destructive? Without decay, how do you know something is destructive?

So we need a yardstick.

Now, if there is an American civilization, the question is: Is it decaying? I have talked in the last month or so about the decay of American civilization, and I have yet to have a single audience in which somebody got up and said, "Oh, we are really not decaying." In every audience I have talked to there is virtually universal agreement that we are in fact in enormous danger of decay.

Let me give you one example. There was a teachers' survey, this is in school, and they were asked the question, "What are the leading problems in your school?" In 1940 here are the three answers, in 1940 the teachers said the top three problems in school were: One, littering; two, noise; three, chewing gum.

In 1992, the same survey was asked of teachers. Here are their answers: One, rapes; two, assault; three, teenage suicide.

Let me just suggest to you unequivocally—and I would debate anyone anywhere on the following assertion—to go from littering to rape is decay, to go from noise to assault is decay, to go from chewing gum to teenage suicide is decay.

We are faced with the objective fact that, available every night on virtually every television newscast all over

America that, American civilization is in fact decaying.

The National School Board Association is in town. They asked the question this year, "What do you think is the biggest single problem in education?" And like all good educational bureaucracies, they would hope the people would respond, "We need more money." Well, 22 percent said underfunding is the key problem; 48 percent said it was drugs, discipline and gangs. Forty-eight percent said drugs, discipline and gangs are the biggest problems in America schools. And in fact 9 percent listed gangs as their biggest problem.

Now, think about an America where 9 percent of the schools list teenage gangs, 9 percent of the parents list teenage gangs as the biggest problem in their school. If that is not decay, what is?

Science magazine reported about a month ago that in the last 10 years the ability of Americans to do math as compared to the Japanese and Chinese has not improved one bit. We have had 10 years of a nation at risk, we have had 10 years of politicians talking about education, we have had 10 years of spending more money on education, we have had 10 years of discussion, and the fact is that as of today we have not improved our mathematical abilities compared to Japan and China at all.

Now, I would suggest to you unequivocally that American civilization cannot survive as a country in which 12-year-olds have children without preparation, schools give people diplomas when they are illiterate, a significant number of our young are drug-addicted, there are neighborhoods so violent that we cannot create new jobs, there is an AIDS epidemic which is 90 percent avoidable by behavioral change, and all too many of our young have a sense of hopelessness which leads them to assume, accurately in some cities, that since they are going to die before they are 20, there is no point in planning for the long run.

□ 1400

That collection of problems is in fact the crisis for the future, so I do assert American civilization is decaying.

To paraphrase Franklin Delano Roosevelt, our generation's rendezvous with destiny is to dedicate ourselves to renewing American civilization. We need a movement dedicated to renewing American civilization.

I think it will take 2 million or more active citizen leaders to insist on and insure the renewal of American civilization.

Let me say, I think that renewal needs to be cultural. It needs to be societal. It needs to be educational. It needs to be economic. It needs to be governmental and it needs to be political.

This is not just an act of renewing involving politics and politicians and votes. It is everywhere from what does your local school teach to what does your alma mater teach, to what do you hear on radio and television, to what happens with your local club and your local civic organization, to what are your governments and your politicians doing.

I believe that when you look at the 21st Century that there are five pillars of renewing American civilization. The five are simple.

First, quality as defined by Edwards Deming.

Second, technological advancement.

Third, entrepreneurial free enterprise.

Fourth, the principles of American civilization.

Fifth, psychological strength. Let me expand on those for just a moment.

First, quality as defined by Edwards Deming. Deming is the man who taught the Japanese the concept of quality. He describes it as profound knowledge. It is truly quality with a capital Q. It is not just doing things right. It is an entire way of thinking about your customer, your supplier, your business, your job, your relation with your fellow employees. It is a set of behaviors which allows us to provide for less cost, faster service, higher quality, greater satisfaction.

I would assert and I do not know of any quality expert who disagrees with me, that if we were to apply quality to education, to health and to government, we would lower the deficit by 59 percent within 3 or 4 years, while actually improving services, improving health, improving learning and creating a better customer satisfaction with the bureaucracy.

Quality is a dramatically different way of approaching things, and I will be talking about it more in the next few weeks. Let me give just one or two quick historic examples.

The Ford Motor Co., and this is described by Peterson in a tremendous book called "A Better Idea," very simple, easy, understandable reading, in which he outlines how quality and Deming applied profound knowledge to the Ford Motor Co. The Ford Motor Co. last year had 9 of the 10 most efficient factories in the United States in the auto industry. Nissan had the 10th. The Ford Motor Co. now rivals Toyota as the most productive automotive company in the world.

Why? Because they profoundly reexamined what they were doing, how they were working, how they related to their customers, how they related to suppliers, and they have changed the fundamental culture of the Ford Motor Co. Peterson describes it brilliantly in his book. I would simply suggest that every American citizen has to become familiar with the concept of quality and with Deming's work. Every American citizen has to think how does this apply to my life, to my neighborhood, to my community, to my government.

In education, we need to rethink learning from the ground up.

In health, we need to re-think the entire process of having a healthy nation from the ground up, and in government there is no reason that we cannot have as large a downsizing of the New York City bureaucracy, the Georgia State bureaucracy and the Federal bureaucracy, downsizing comparable to Ford, IBM, General Motors, or Xerox.

Let me just point out one of the great intellectual failures of the welfare state is the fact that sacrifice was talked of in the inaugural address last week, but the only people so far who are going to sacrifice are working taxpaying Americans. Nobody has yet said let us have basic change in the fundamental structure of the bureaucracy. Let us apply Deming's concepts of profound knowledge.

This is not a question of more or less. With quality, you actually get better services and better customer satisfaction and more productivity, while using fewer resources and fewer people. It is as big a revolution for the 21st century as the assembly line and Henry Ford and Taylor's scientific management were at the beginning of the 20th century. It is a fundamental revolution.

Second, technological advance. You know, America has been the most protechnological society in the history of the world. The fact is that Desert Storm was largely a victory of technology. It was 19- and 20-year-old Americans in M-1 tanks with infrared vision seeing 3,000 meters out on a foggy morning to kill a T-72 tank which literally could not see them. It was F-117's that were invisible to the Iraqi radar sitting over Baghdad with laser-guided bombs and television-guided bombs, putting them in windows of buildings when the Iraqis could not even find the F-117's.

It was a level of electronic information, command and control, that put us in a different world from the Iraqi's.

Technology has always been good for Americans, from Benjamin Franklin who invented the bifocal glasses, the Franklin Stove, the lightning rod, up through Eli Whitney and the cotton gin, Samuel Colt and the revolving pistol, Morse and the Morse Code and the telegraph, all the way up to the present. Americans have been proud of the idea that we are the most pragmatic, the most technology-oriented, the most futuristic of all people; and yet today the bureaucracy of the welfare state is slowly and steadily grinding down our ability to be technologically advanced and the cultural attitudes of the left and the counter-culture are so antitechnology that they are slowing down the development of new medicine, the development of new learning systems, the development of new ways of getting things done.

It is very important to understand in terms of cost, that the only two places in American life where the cost of technology goes up are the Defense Department and those aspects of health dominated by government. Microwave ovens, the cost goes down. Color televisions, the cost goes down. Cellular telephones, the cost goes down; but if you are a government bureaucracy, like the Pentagon or the Health Care Finance Administration and in charge of cellular telephones and microwave ovens, the cost would go up.

So first of all, keeping technology moving, inventing a better future, creating better ways of doing things, is at the heart of being American.

Imagine, if you will, just to show you how sad the situation has become and how bad the decay is, imagine that Thomas Edison invented the electric light today in the welfare state. It would be reported by major news networks, a report which would begin, "The candle-making industry was threatened today."

At least three liberal Senators would jump up and introduce a bill to protect the candle union. Ralph Nader would hold a press conference to announce that electricity can kill and the entire development of electric lights as applied by General Electric would be blocked.

If you think I exaggerate, look at the newspapers and see how many examples you can find.

Or consider a different approach, the problem of regulation in an antitechnology bias if the Wright brothers showed up today. Can you imagine the Wright brothers at the Environmental Protection Agency. They had invented a brand new machine which went through the air and had a propeller that chopped through the air. The EPA bureaucrat, of course, would immediately say, "And how many insects do you kill? And when you kill those insects, how many of them are endangered? You want go do down to Kitty Hawk and irresponsibly fly this thing without even having done a census of insects."

So the Wright brothers leave the EPA with a folder full of forms to fill out in triplicate, walking down the hall suddenly encounter the Occupational Safety and Health Administration.

Can you imagine Orville and Wilbur walking in, saying to the OSHA inspector, "We're bicycle mechanics. We have invented this thing. We're pretty sure it goes up and we think it will come down. We're not sure about that yet, never tried it before. We are not exactly sure what the safety conditions are, but Wilbur said he would get in it and we will go down and see what happens."

By the time OSHA got done with all the different safety equipment they would want to put on the original Kitty Hawk flier, which you can see by the way right down here in the Smithsonian Air and Space Museum. Go down and imagine that plane, thin, frail, light, experimental, after OSHA got done with the seatbelts and the extra things and the this's and the that's and the structural reinforcements, the sucker would never have gotten off the ground and we would have no problem of airplane crashes today, because we would not have any airplanes.

If you think I exaggerate, talk to anybody in the pharmaceutical industry who is trying to get a new drug to come to market to help people with terminal diseases. You cannot get the drug to be experimented with because the people who are dying might be sick. So literally what happens is the bureaucracy says that we cannot allow mature adults to try this out because, after all, it might worsen them. And you say to them, "Well, these people are going to die in the next two months."

"It does not matter. We cannot allow you to take this risk, even if they want to take the risk."

Or go talk to people who make the most minor modification and are then forced to get back in line at the bureaucracy and wait for 1 year, 2 years or 3 years to get some bureaucrat to approve the paperwork in order to put something on the market which, in fact, is clearly, by any commonsense standard, already demonstrably safe.

I would just suggest to you that between the culture of the left and the welfare state bureaucracy, we have become a much more antitechnology society than it should be, and it is a tragedy because technology could revolutionize health care and radically lower the cost of taking care of yourself and give you a great deal more diagnostic information without having to go to the doctor.

Technology could explode the capacity of humans to educate themselves and to learn without having to show up at school during certain hours. So we should be very technologically oriented and we should reestablish technological advance as a key part of our future.

Third, entrepreneurial free enterprise is of the essence not just of being productive, the essence of not just being prosperous, but it is the most powerful method for getting government to work.

□ 1410

When government in the 19th century wanted to build railroads, they encouraged private enterprise to do it. When government in the 1950's wanted to have jet aircraft for transportation uses, it was private companies who did it. You can make a very powerful argument that if the shuttle were being built by a private company rather than by NASA, it would be cheaper, faster, less expensive to maintain, and come in ahead of schedule and under budget. Instead, the longer we bureaucratize the space program, the more we make it a socialist space program, the more expensive it gets, the more bureaucratic it gets, the slower it gets, and the less efficient it gets.

Now entrepreneurial free enterprise is important in a number of levels. First of all, it is the most powerful way for minorities to rise and become wealthy. We can see this with Asian-Americans who have the most entrepreneurial orientation of all the ethnic groups currently coming to the United States. We also see this with the West Indian blacks who have a higher average income in the United States than do whites. Any group which starts out trying to set up small businesses, working very hard, saving, developing a better future, is, in fact, going to rise in America. In America, if you will get a job, keep a job, work, if necessary, at a second job and live 10 percent below your take-home pay, even if you are very poor, it is amazing how rapidly you can accumulate.

Mr. Speaker, that is not just a homily. That is true for Laotians, Cambodians, Vietnamese, Japanese, Koreans, Chinese, Indians, and Pakistanis. Virtually every group which comes to America with a strong work ethic and a strong extended family rises very rapidly.

As I said earlier, it is true for West Indian blacks. It is true for most Hispanics. It is only when the welfare state starts to break down the work ethic, starts to break down the savings ethic, starts to break down the willingness to go out on your own and set up a business, starts to break down the family—only when the welfare state takes over an ethnic group and breaks down those habits do we in fact see them trapped in poverty.

When you look at entrepreneurial free enterprise, there is another way to look at it. McDonald's has the most powerful job training system in the world. More young people get more entry level training in McDonald's than anywhere else. Yet the tragedy of the welfare state is that our attitude is to raise the taxes on McDonald's to transfer the money to a bureaucracy to pay for the Job Corps even though in recent studies it has been proven that you will have a lower lifetime earning level if you go to the Job Corps than if you avoid it.

My point is this:

We should be encouraging job training through the businesses that are productive and entrepreneurial. We should be encouraging the maximum number of small businesses. We should be encouraging every minority group and every woman to go out and start a business because the best way to break the glass ceiling is to own the glass. We should be rethinking government, rethinking health care, rethinking learning, rethinking all the different aspects of bureaucracy, applying entrepreneurial free enterprise before we talk about a single penny in tax increases.

Mr. Speaker, until we have reformed the New York City bureaucracy, the worst single bureaucracy in the country in work rules, until we have reformed the Federal bureaucracy in Washington, until we have really taken apart and rethought what we are doing in terms of the system we currently have, we should not raise a penny in taxes on working Americans because government has not yet sacrificed by developing new ideas and new approaches.

Fourth, after equality, technology, technological advance, and entrepreneurial free enterprise are the principles of American civilization. We simply have to be committed to teaching people the work ethic. It was fascinating to me and one of the things that allowed me to feel comfortable giving this talk to realize that when the Atlanta Constitution in January 1992 asked in 10 States—they asked southern blacks the following question: "Do you believe that everyone should be required to work who gets welfare, including women with young children?" Eighty-one percent of southern blacks said yes, everyone should be required to work if they get welfare. Interestingly that was actually two points higher than southern whites. Seventy-nine percent of southern whites said yes.

Mr. Speaker, there is a basic core belief still in a strong family, in male responsibility for their children, in the work ethic, in the importance of saving, and yet our Tax Code, our welfare code and, all too often, our school systems fail to reinforce and fail to strengthen precisely these behaviors. We should replace welfare with workfare. We should have a school system which rewards learning. We should have a system which is aimed at health care, at rewarding wellness. We should change the Tax Code to encourage savings rather than to punish people who save by raising their taxes. On every front we should reestablish the principles of American civilization so that it replaces the welfare state with an opportunity society and so the law reinforces the right values.

Last and fifth, Mr. Speaker, after quality, technological advance, entrepreneurial free enterprise, and the principles of American civilization, we need to emphasize psychological strength. Five simple words: Courage, hard work, perseverance, discipline, and integrity. I want to repeat those: Courage, hard work, perseverance, discipline, and integrity.

Let me say bluntly, Mr. Speaker, if you do not have psychological strength in a free society, you are not going to get there. You will not be able to hold a family together, you will not be able to learn a trade, you will not be able to open a small business, you will not be able to rise economically, and you will not be able to do the hard work of freedom that is the essence of citizenship.

For two generations we have failed to be honest with the poor about the fact that you need more courage, more hard work, more perseverance, more discipline, and more integrity if you are poor. The rich can afford to buy substitutes, but in a free society every citizen has to have psychological strength.

I was first turned on to this by Gary Wills in his book, "Inventing America," which is a study of the Declaration of Independence. Wills describes George Washington, a passage that I will bring over in the near future, and I will read it into the RECORD, and he says:

> Nobody in the modern age can appreciate the importance of George Washington because it wasn't that he was brilliant in I.Q., it wasn't that he was a charismatic leader in speaking. It was that his personal integrity, his personal character, his personal commitment were so powerful that people felt they could lean on him, and he could truly be the Father of the Nation, and he could truly be the general in charge of the Revolutionary Army.

And Wills goes on to say:

> No modern historian can truly explain George Washington because they can't explain these psychological strengths. They don't fit the way modern liberal culture talks about the world.

And so I want to suggest to my colleagues that every young person needs to study George Washington, and they need to study people who rose in one generation, whether it is Andrew Carnegie or Henry Ford. They need to understand people that are successful at invention such as Thomas Edison and the Wright brothers. They need to learn over and over again the importance of psychological strength and the very fabric of life, and I would say to my colleagues, whether it is the problem of males having to be responsible for their children, the problem of getting people to start small businesses when they are poor, the problem of stopping the AIDS epidemic, which is largely, frankly, an avoidable disease, based on behavior, and the problem of stopping teenage pregnancy, which is as avoidable as other behaviors and in many societies has been avoided; all of these have to come back in the end to psychological strengths and teaching people that they have to find within themselves the courage, and hard work, the perseverance, the discipline, and the integrity.

Now I think, as we focus on renewing American civilization, we have to remember President Reagan's great lesson, that you cannot do too many things at once. We have to focus on a couple of big projects at a time. I want to suggest for every American three areas to focus on in the next couple of years until we solve it.

First, economic growth; second, health; and third, saving the inner city.

First, economic growth is vital because in a free society you need to keep growing to bring everybody into prosperity to avoid the kind of bitterness and hatred we see in Bosnia, and in Serbia and in Croatia. We need an economy that is growing so everybody can have a better future. We need an economy that is growing so there is more wealth to sustain and help government institutions. We need an economy that is growing so we can lead the planet and so that we can have the strength to provide power, assistance overseas.

Now, as subsets of economic growth we have to worry about the deficit, we have to worry about incentives for saving, and investment and job creation. We have to worry about creating a culture, an educational system and changing the bureaucracy so that it is proeconomic growth. But I think the topic and the goal ought to be growth, and that ought to be our first goal.

Second, Mr. Speaker, we need to focus on health. Notice that I did not say health care. Health care is subordinate to health. If we have good enough prenatal care, we are going to have healthier babies who need less health care. If we have good enough emphasis on wellness, we are going to have fewer heart attacks and need less health care. We need to look at the totality of having a healthy America. That means more preventive care, more emphasis on wellness. It means entrepreneurial health care rather than bureaucratic health care. It means returning power to the citizen in health care, making such that the citizen, as patient, is able to choose who their doctor is, what kind of services they want, and that the citizen has information. I will spend a good bit of time in the near future talking about the medisave account concept that JOHN KASICH, and RICK SANTORUM, and Pat Rooney have developed, the concept of a medical savings account, and I will talk about ways in which we can change behavior, lower the cost of health care; not just cap it, lower it. We can have better health with better health care at lower costs with greater customer satisfaction if we are prepared to look at entrepreneurial health care and replace the bureaucratic health care system if we are prepared to talk honestly about the requirements of prevention and wellness and if we are prepared to go to some system like medical savings accounts or medisave accounts to give people an incentive to change their behavior.

□ 1420

I will spend a good bit of time in the near future talking about health.

Third, we must save the inner cities. Conservatives and Republicans must have the courage and the responsibility for all Americans, no matter what their background, no matter where they live, no matter what their circumstances. At the same time, liberals and Democrats must care enough about the inner city to put aside ideology and interest groups and come to the table and talk openly about how together we can save the inner city. I believe if we apply the five pillars I have described, if we apply quality as defined by Deming, if we apply technological advance, if we apply entrepreneurial free enterprise, if we apply the principles of American civilization, and if we apply psychological strength, I believe it is possible to save the American city. And I would say that there is no greater moral challenge to this Congress and this city than to take passionately, deeply, and intensely the challenge of saving the American city.

The human face of pain, the loss of life, the tragedies near this Capitol are heartbreaking. More Americans have died in DC, than have died in Somalia since the Marines and the Army landed there. Think about that. That is the objective factual reality, and I will report on it in a special order later on this spring. More Americans have died here in the National Capital than have died in Somalia. Does that not shock you, alarm you, sicken you?

We read about 5- and 6-year-olds killed by stray bullets. We read about a principal in New York who was out walking the neighborhood looking for a truant he wanted to save and get back to school, and he is killed by a stray bullet. We had a teacher in the Atlanta area just a week ago, raped and brutalized because she went to school at 7 in the morning and the guard does not come until 8. She was assaulted in the school. At what point are we going to say, "Enough"?

We have children here within 2 miles or within 1 mile of this building who are not getting educated, but who are trapped in classes that do not work. We have families that do not have adequate food. We have 14- and 15-year-old males who have 1, 2, and 3 children, none of whom they are responsible for. We have a civilization which is decaying and on the verge of breaking down. Every American has an obligation, I believe, to come to the table and talk about how we reestablish American civilization so that every child of God who is an American can be changed for the better. I do not care if they are black, white, yellow, red, or brown, I do not care if they are male or female, I do not care what their circumstance was yesterday; I care about the fact that we can change them today so their circumstance tomorrow can be better.

I think there is no more heart-rending requirement than that we focus on saving the inner city. We cannot renew America until we reclaim, rebuild, and renew the inner city.

All this is a huge challenge. I have talked about renewing American civilization. I have described the five pillars of that civilization. I have suggested three areas that we have to focus on. It is a huge challenge.

Let me say this: I say this after 2½ months of thinking about where we have to go, and I do not have the answers. I have ideas, I have insights, and I see possibilities. I feel a lot like a futurist in 1903 who met with a bunch of vaudeville actors. Remember, vaudeville actors earned their living on a live stage with a band and with people out front, very often in a saloon. They went around the country on a circuit by train. They could get one good act and they could keep that act for a lifetime because by the time they came back around again, people had forgotten that they had been there 4 years earlier.

Imagine that we had a meeting of vaudeville actors in 1903 and we said to them that there were three events in 1903: the Great Train Robbery which was made as a film, and the first feature was a film with a plot 4 minutes long and that still shows down in Disneyworld; Henry Ford produced his first assembly line automobile; and the Wright brothers flew at Kitty Hawk. Now, imagine that we tried to explain to these vaudeville actors that everything they had been doing live in front of people would be replaced by a screen with a flickering black and white image, with no voice, and people would read the subtitles, and they would actually prefer to go to that silent movie rather than see a live vaudeville show next door, and that that film would be actually something which had happened 3 or 4 months earlier in New York or in Los Angeles and had been edited and put together so it did not even occur the way it looked on the film, that they had just shot different scenes and some other person put them together, and that some people like Charlie Chaplin were going to get richer on screen than they ever could have gotten in vaudeville.

And imagine that we tried to say to them:

> Wait until 30 or 40 years later, fellows. The movie is going to become color, and it is going to have voices and music, and you are going to be able to watch it sitting in an airplane, and that airplane is going to be bigger and longer than the entire flight at Kitty Hawk in 1903.

You would say that literally a Boeing 747 is longer than the entire initial flight by the Wright brothers, and that 450 Americans are going to sit in this airplane and eat food which is prepared in a microwave. I would not even want to try to explain what a microwave was. And we would say they are going to fly from Atlanta to New York or from Atlanta to London, and it is going to be so common that they are not even going to say it is a miracle; they are just going to get off, and their only comment is going to be that the food was not that good and they had already seen the movie.

Now, how could you consciously get those vaudevillians to understand the scale of change that was about to overwhelm them? I do not know, but I believe that is where we Americans are—the computer, fiberoptics, biotechnology, satellites, worldwide transmission.

If you read President Clinton's inaugural address, everything he said about change and technology and the world market and information was exactly right. It was not particularly new, except for the part about politicians, and it took great courage on his part, I think, to say it, and it will take even greater courage to live it out and to follow it.

But if you read Alvin Toffler's "Future Shock" or his later book, "The Third Wave," Kenneth Boulding's "The Meaning of the 20th Century," Peter Drucker's "The Age of Discontinuity," or Naisbitt's "Megatrends," all these books tell you the same things over and over again. We are at a turning point where all changes are going to be so amazing that we who are in public life—and all citizens should be in public life; every American has an obligation to care about their country—will have to try to develop the answers that allow us to renew the American civilization in the middle of that scale of change.

I do not have the answers. I would say to any of my colleagues or anyone else who sees this or who reads it in the CONGRESSIONAL RECORD that if you would like to send me success stories applying the five principles of quality, technological advance, entrepreneurial free enterprise, the principles of American civilization, and psychological strengths, I would love to get those success stories. If you have horror stories that illustrate why we need to renew American civilization, send them to me because they are often useful in illustrating why we must change. If you can develop some good ideas that are attempts to apply these principles to renewing American civilization, send me your ideas.

We have to create a movement to renew American civilization. We have to do it at every level. We have to have a vision of American renewed civilization. We have to have specific projects that are the building blocks of renewal, and we have to work every day tactically at renewal.

Let me just close with this thought: Every night on television we are reminded of what is at stake for ourselves and our children. We cannot rear our children and grandchildren in a world in which they can be shot going to school. We cannot give them a world in which their chances of becoming pregnant, of dying of AIDS, of being trapped in poverty, of going to a school that fails, of not being able to compete, become overwhelming. We cannot leave our children a country that is decaying economically, decaying educationally, decaying on health care, decaying in welfare, and decaying in its great cities.

And more is at stake than just America or just our children. In the last 20 years we have been the last best hope of mankind. We have gone from a tiny strip of 13 colonies on the eastern part of the North American Continent to the most powerful universal civilization in the history of the human race. All across the planet people want to be more like Americans. All across the planet people want human rights, without regard to sex, without regard to race, and without regard to religion, which is at the essence of being American. All across the planet people want the right to free elections, to free speech, to productivity and prosperity, which is the essence of being American. If we fail, we are being warned every night by Bosnia, Azerbaijan, Armenia, Iraq, Somalia, Haiti, and a host of other countries that the fabric of civilization which we have slowly helped sew will come apart and that the 21st century will be a century of horror and brutality unimaginable to most of us.

I believe that every American citizen has to confront the fact that it is not just their political leaders, it is not just their educational leaders, and it is not just their business leaders, but that every American has an obligation, and that obligation is to be committed to a renewal of American civilization, and that, as I said earlier, in Franklin Roosevelt's words, our generation has a rendezvous with destiny and we have to keep that rendezvous.

THURGOOD MARSHALL DIES

The SPEAKER pro tempore (Mr. KOPETSKI). Under a previous order of the House, the gentleman from Michigan, Mr. CONYERS, is recognized for 15 minutes.

Mr. CONYERS. Mr. Speaker, yesterday Thurgood Marshall, retired member of the Supreme Court, passed away. It is my intention to announce that there will be special orders in this body commemorating his life and works. In addition, I am pleased to announce that the Congressional Black Caucus is planning a memorial tribute to him, for which details are forthcoming.

Thurgood Marshall was the first black African-American member of the U.S. Supreme Court. He was a historic figure who will always be remembered as an incredibly accomplished individual with varied interests. He was widely recognized as the most effective member of the Supreme Court in this century.

As the great-grandson of a slave and born in Baltimore from working class parents, Marshall understood the importance of hard work. It was this source of inspiration that positively influenced all his future decisions and achievements. Even after his appointment to the U.S. Supreme Court, Marshall still maintained these beliefs. Though he worked with some of the most prestigious individuals of our time, he never forgot the plight of the impoverished, the struggling, and the suffering.

It is appropriate that we remember Marshall not only as the effective Supreme Court Justice I have just described, but also as an advocate of school desegregation. It was Marshall who, as counsel for the NAACP legal fund in 1954, took his life in his hands to argue that everyone, regardless of race, creed, or color deserved to be educated. He also led the charge to eliminate white-only primary elections and explicit discrimination in housing contracts. As a civil rights attorney and Justice of the Supreme Court, Marshall became the principal architect of a strategy of using the courts to provide the equality that African-Americans were not otherwise afforded.

Marshall is a uniquely special individual who deserves to be honored by this body, and who will continue to serve as a reminder of everything that we must all strive to become.

Mr. Speaker, I include the following articles for the RECORD:

MARSHALL MOURNED, REMEMBERED IN WASHINGTON STATE

(By Elizabeth Weise)

SEATTLE.—The likes of Thurgood Marshall may never sit on the Supreme Court again, the local president of the National Association for the Advancement of Colored People said.

"He was a 'once in a lifetime,'" said Lacy Steele, who also serves on the NAACP national board. "The nation has lost one of the premier Supreme Court justices and an attorney who set history in the annals of law. There has been a great void left by his passing."

Marshall, who retired from the Supreme Court 18 months ago because of his age and poor health, died Sunday of heart failure at Bethesda Naval Hospital outside Washington, D.C. He was 84.

Lyle Quasim Pierce County chairman of the Ethnic Minority Advocacy Commission, was among those on Sunday mourning the passing of the high court's black justice. Quasim said he didn't know what he would have achieved without Marshall's early leadership in courtroom civil rights battles.

"That's God's honest truth. I'm sitting here in Tacoma with a nice house and three degrees and a good job, and were it not for the work of people like Justice Marshall, none of it would be possible," Quasim said.

"We have millions of Americans, African-American kids in particular, who don't know what happened in the early civil rights movement," he said. "We can take this as an opportunity to re-educate about the tremendous changes that time had upon our country."

Marshall was "a national treasure," said Louise McKinney, 62, director of academic achievement for the Seattle School District.

Even after Marshall argued the 1954 Brown vs. Board of Education ruling that desegregated public schools, it was years before school districts began hiring black administrators, McKinney said.

"So there are many of us who may not realize it, but we have our jobs because of the work Justice Marshall did," she said.

"In our hearts and minds, he represented everything that had to do with civil rights. His passing represents the end of an era," McKinney said. "His memory is a mandate for us to continue that work, because it is not the responsibility of an individual, but of us all."

Oscar Eason, 58, regional director for Blacks in Government, said he felt dwarfed by the presence of Marshall on the two occasions they met.

"Some of the cases he argued at the Supreme Court were monumental. Law students today study his cases as fundamental to an understanding of civil rights law," Eason said.

"Thurgood was one of the all-time greats," he said. "We're going to miss him."

Eason said that when he begins to question what he's doing after six to eight hours of community service on top of his regular job, "I think of the work and sacrifices of people like Thurgood Marshall and I know."

[Guide to the U.S. Supreme Court, 2d cd. 1989]

BROWN V. BOARD OF EDUCATION

Even as the Court announced its decisions in *Sweatt* and *McLaurin*, the five cases in which the Court would make the implicit explicit were taking shape. In each of the five cases, parents of black school children asked lower courts to order school boards to stop enforcing laws requiring or permitting segregated schools.

THE CASES

The challenge that gave the landmark school desegregation decision its name, *Brown* v. *Board of Education of Topeka*, was brought in 1951 by Oliver Brown in behalf of his daughter Linda. Under Kansas law permitting cities with populations over 15,000 to operate dual school systems, Topeka had opted to segregate its primary schools. As a result Linda Brown was forced to walk twenty blocks to an all-black grade school rather than attend an all-white school in her neighborhood. Several other black families joined the challenge.

In 1951 a federal district court found Topeka's segregation detrimental to black children but found no constitutional violation because the black and white primary schools were substantially equal with respect to buildings, curricula, transportation, and teachers.

The case of *Briggs* v. *Elliott* was actually the first to reach the Supreme Court. Federal proceedings began in 1950 when parents of black elementary and secondary school-aged children in Clarendon County, South Carolina, asked a federal district court to enjoin enforcement of state constitutional and statutory provisions requiring segregation in public schools. The court denied the request, but found the black schools inferior to the white and ordered the school board to equalize them immediately. The court refused, however, to order the school board to admit black children to the white school while the equalization took place. The children's parents then appealed to the Supreme Court, which in 1952 returned the case to the lower court to consider a report on the progress of the equalization program. The lower court found that the school board had either achieved substantial equality in all areas or soon would, and it again upheld the separate but equal doctrine. The case then returned to the Supreme Court.

Davis v. *County School Board of Prince Edward County, Va.* was almost identical to *Briggs*. Parents of black high school students sued to stop enforcement of the state's constitutional provisions requiring separate schools. While the district court found the black high school to be inferior and ordered its equalization, it upheld the validity of the segregation provisions. It also refused to admit the black students to white high schools while the black schools were being brought up to par with the white schools.

The fourth case, *Gebhart* v. *Belton*, involved the schools of New Castle County, Delaware. As in the other cases, parents of black children sued to stop enforcement of the constitutional provisions mandating a dual school system, but unlike the other cases, the state court granted the request. Finding the black schools inferior on a number of points, the court ordered white schools to admit black children. The state supreme court affirmed the decree, which the school board then appealed to the U.S. Supreme Court.

The fifth case, although argued with the other four, was decided separately. *Bolling* v. *Sharpe* concerned public schools in the District of Columbia. Because the Fourteenth Amendment's guarantee of equal protection of the laws applies only to states, parents of black pupils based their challenge to school segregation in the District on the Fifth Amendment's guarantee of due process. A district court dismissed the suit, and the Supreme Court granted review of the dismissal.

Together, the five cases brought to the Court grade school pupils and high school students, mandatory segregation laws and more permissive laws, the equal protection clause of the Fourteenth Amendment and the due process clause of the Fifth Amendment. Geographically, the five cases came from two southern states, one border state, a plains state, and the nation's capital. As on commentator noted, the "wide geographical range gave the anticipated decision a national flavor and would blunt any claim that the South was being made a whipping boy."

In all five cases the lower courts found that education offered black students was substantially equal, or soon would be, to that given in the white schools. Thus the question presented to the Court was whether public school segregation per se was unconstitutional.

THE ARGUMENTS

The school cases were argued in December 1952. In June 1953 the Court requested reargument, asking the attorneys to address themselves to three main questions.

What historical evidence was there that the Framers of the Fourteenth Amendment intended it to apply to segregation in public schools?

If the answer to the first question was inconclusive, was it within the power of the Court to abolish segregation?

If school segregation was found unconstitutional, what approach should the Court take to end it?

The cases were reargued in December 1953. Two months earlier former California governor Earl Warren had become chief justice, replacing Vinson, who had died in September. Because Congress had already adjourned when he was named, Warren presided over the Court by virtue of a recess appointment until his unanimous confirmation on March 1, 1954.

Although there were several lawyers on both sides, the two leading adversaries were Marshall, director of the NAACP Legal Defense and Educational Fund, which had been instrumental in guiding the challenge to school segregation through the courts, and John W. Davis, U.S. representative, D-W.Va. (1911–1913), solicitor general (1913–1918), and ambassador to Great Britain (1918–1921). In addition to being the 1924 Democratic presidential nominee, he had argued more cases before the Supreme Court than any other lawyer of his era.

Marshall, then forty-five, would become in 1967 the first black to sit on the Supreme Court. Davis, at age eighty, was making his final appearance before the Court, arguing in behalf of South Carolina in *Briggs* for the continuation of school segregation.

It is one of the ironies of these cases that in 1915 Davis as solicitor general had successfully persuaded the Court to strike down Oklahoma's "grandfather clause" that prohibited blacks from voting. In that case the fledgling NAACP supported Davis's position in its first friend-of-the-court brief.

Davis was first to present an answer to the Court's three questions. He contended that the Fourteenth Amendment was never intended to bar segregation in the nation's public schools. In addition to an intensive examination of the legislative history surrounding enactment of the amendment, Davis also recited the names of the states both north and south that instituted or continued to conduct segregated schools after the amendment was ratified; several of these same states had voted to ratify.

To the question whether the Court had the authority on its own to overturn the separate but equal doctrine, Davis remined the Court that the doctrine had been upheld not only by the lower courts but by the Supreme Court, and had therefore become part of the law of the land. "[S]omewhere, sometime to every principle comes a moment of repose when it has been so often announced, so confidently relied upon, so long continued, that it passes the limits of judicial discretion and disturbance," he said.

Making clear what he thought of earlier expert testimony concerning the detrimental effects of segregation on black children, Davis rhetorically asked what impact a desegration order might have on a predominantly black school district such as Clarendon County:

"If it is done on the mathematical basis, with 30 children as a maximum * * * you would have 27 Negro children and three whites in one school room. Would that make the children any happier? Would they learn any more quickly? Would their lives be more serene?

"Children of that age are not the most considerate animals in the world, as we all know. Would the terrible psychological disaster being wrought, according to some . . . to the colored child be removed if he had three white children sitting somewhere in the same school room?

"Would white children be prevented from getting a distorted idea of racial relations if they sat with 27 Negro children? I have posed that question because it is the very one that cannot be denied."

Davis also said he did not believe the courts had the power to tell the states how to desegregate their schools. "Your Honors do not sit, and cannot sit as a glorified Board of Education for the State of South Carolina or any other state. Neither can the District Court," he declared. Davis then concluded:

"Let me say this for the State of South Carolina. . . . It believes that its legislation is not offensive to the Constitution of the United States.

"It is confident of its good faith and intention to produce equality for all of its children of whatever race or color. It is convinced that the happiness, the progress and the welfare of these children is best promoted in segregated schools, and it thinks it a thousand pities that by this controversy there should be urged the return to an experiment which gives no more promise of success today than when it was written into their Constitution during what I call the tragic era.

"I am reminded—and I hope it won't be treated as a reflection on anybody—of Aesop's fable of the dog and the meat. The dog, with a fine piece of meat in his mouth, crossed a bridge and saw the shadow in the stream and plunged for it and lost both substance and shadow.

"Here is equal education, not promised, not prophesied, but present. Shall it be thrown away on some fancied question of racial prestige?"

Marshall's response to Davis the following day illustrated the difference between the two men's styles and philosophies:

"I got the feeling on hearing the discussion yesterday that when you put a white child in a school with a whole lot of colored children, the child would fall apart or something. Everybody knows that is not true.

"Those same kids in Virginia and South Carolina—and I have seen them do it—they play in the streets together, they play on their farms together, they go down the road together, they separate to go to school, they come out of school and play ball together. They have to be separated in school.

"There is some magic to it. You can have them voting together, you can have them not restricted because of law in the houses they live in. You can have them going to the same state university and the same college, but if they go to elementary and high school, the world will fall apart . . . They can't take race out of this case. From the day this case was filed until this moment, nobody has in any form or fashion . . . done anything to distinguish this [segregation] statute from the Black Codes, which they must admit, because nobody can dispute . . . the Fourteenth Amendment was intended to deprive the states of power to enforce Black Codes or anything else like it.

". . . [T]he only way that this Court can decide this case in opposition to our position, is that there must be some reason which gives the state the right to make a classification that they can make in regard to nothing else in regard to Negroes, and we submit the only way to arrive at this decision is to find that for some reason Negroes are inferior to all other human beings. . . .

"It can't be because of slavery in the past, because there are very few groups in this country that haven't had slavery some place back in the history of their groups. It can't be color because there are Negroes as white as the drifted snow, with blue eyes, and they are just as segregated as the colored man.

"The only thing [it] can be is an inherent determination that the people who were formerly in slavery, regardless of anything else, shall be kept as near that stage as possible, and now is the time we submit, that this Court should make it clear that that is not what our Constitution stands for."

THE DECISION

All nine justices—including Robert H. Jackson, who had left a hospital bed—were present May 17, 1954, when Chief Justice Warren read the unanimous decision in Brown v. Board of Education. The opinion, described by many as the most socially and ideologically significant decision in the Court's history, was just thirteen paragraphs long.

Warren quickly disposed of the Court's first question—whether the Framers of the Fourteenth Amendment intended it to bar school segregation. The evidence was inconclusive.

The chief justice then turned to the "separate but equal" doctrine. Unlike Sweatt, he said, children attending the segregated public schools in these cases were—or soon would be—receiving substantially equal treatment so far as "tangible" factors were concerned. Therefore, said Warren, the Court must look at the "effect of segregation itself on public education." That assessment could not be made by turning the clock back to 1868 when the amendment was adopted or to 1896 when the Plessy decision was written.

"We must consider public education in the light of its full development and its present place in American life throughout the Nation," wrote Warren, "Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws."

The Court found that education was "perhaps the most important function" of state and local government, as evidenced by their compulsory attendance laws and considerable expenditures. Education, wrote Warren, was the foundation of good citizenship and the basis for professional training and adjustment to society.

"In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education," said Warren, adding that where the state had undertaken to make education available it must be available to all on equal terms.

The question is then, said Warren, "Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities?"

The Court's answer. "We believe that it does."

Observing that intangible factors were considered in finding the treatment accorded Sweatt and McLaurin unequal, Warren said:

"Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

This belief "was amply supported by modern authority," Warren asserted, citing in a famous footnote, seven sociological studies on the detrimental effects of enforced racial segregation.

Warren then stated:

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment."

In the District of Columbia case, considered separately from the other four because it involved a question of due process under the Fifth Amendment, Warren wrote:

"Liberty under law extends to the full range of conduct which the individual is free to pursue, and it cannot be restricted except for a proper governmental objective. Segregation in public education is not reasonably related to any proper governmental objective, and thus it imposes on Negro children of the District of Columbia a burden that constitutes an arbitrary deprivation of their liberty in violation of the Due Process Clause.

"In view of our decision that the Constitution prohibits the states from maintaining racially segregated public schools, it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government."

In both the state cases and the District of Columbia suit, the Court postponed its decision on a remedy for the school segregation until after the parties presented their views on that question.

ALL DELIBERATE SPEED

Among the issues the Court asked the parties to address in argument on appropriate remedies were:

Should the Supreme Court formulate a detailed decree in each of the five cases, and if so, what specific issues should be addressed?

Should the Court appoint a special master to take evidence and then make specific recommendations to the Court on the contents of the decrees?

Should the Court remand the cases to the lower courts to fashion the decrees, and if so, what directions and procedural guidelines should the Supreme Court give the lower courts?

Should black pupils be admitted to schools of their choice "forthwith" or might desegregation be brought about gradually?

In addition to hearing from the parties involved in the five cases, the Court invited the Eisenhower administration and all the states that required or permitted segregated public schools to submit their answers to these questions. The administration, Florida, North Carolina, Arkansas. Oklahoma, Maryland, and Texas accepted the invitation and participated in the oral argument in April 1955. Several other states declined the invitation.

On May 31, 1955, Chief Justice Warren announced the Court's final decision in an opinion commonly known as Brown II, to distinguish it from the 1954 decision. Warren first noted that the District of Columbia and the school districts in Kansas and Delaware had made substantial progress toward desegregation in the year since the first Brown decision was handed down but that Virginia and South Carolina were awaiting the Court's final decision before acting. He then moved to the heart of the matter:

"Full implementation of these constitutional principles may require solution of varied local school problems. School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles. Because of their proximity to local conditions and the possible need for further hearings, the courts which originally heard these cases can best perform this judicial appraisal. Accordingly, we believe it appropriate to remand the cases to those courts.

"In fashioning and effectuating the decrees, the courts will be guided by equitable principles. . . . At stake is the personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis. To effectuate this interest may call for elimination of a variety of obstacles in making the transition to school systems operated in accordance with the constitutional principles set forth in our May 17, 1954, decision. Courts of equity may properly take into account the public interest in the elimination of such obstacles in a systematic and effective manner. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them.

"While giving weight to these public and private considerations, the courts will require that the defendants make a prompt and reasonable start toward full compliance with our May 17, 1954, ruling. Once such a start has been made, the courts may find that additional time is necessary to carry out the ruling in an effective manner. The burden rests upon the defendants to establish that such time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date. To that end, the courts may consider problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and revision of local laws and regulations which may be necessary in solving the foregoing problems. They will also consider the adequacy of any plans the defendants may propose to meet these problems and to effectuate a transition to a racially nondiscriminatory school system. During this period of transition, the courts will retain jurisdiction of these cases."

Desegregation of public schools, Warren concluded, was to proceed "with all deliberate speed."

REACTION AND RESISTANCE

Reaction to the two Brown decisions was immediate.

At one extreme were those committed to segregation as a way of life. They castigated the Court, called the decisions a usurpation of state prerogatives, and urged defiance. The height of the rhetoric opposing the Brown decisions may have been the March 1956 "Declaration of Constitutional Principles," a tract signed by 101 of 128 members of Congress from eleven southern and border states. The signers called the Brown decisions "a clear abuse of judicial power," and commended those states that intended a "resist enforced integration by any means."

At the other end of the spectrum were those who hailed the demise of the "separate but equal" doctrine as long overdue but felt that the Court seriously erred in Brown II by not ordering immediate desegregation. Many found themselves somewhere in the middle, unhappy with the command to desegregate but unwilling to defy it.

Massive resistance—a phrase coined by Virginia senator Harry F. Byrd, D (1933–1965)—did not begin in earnest until late 1955 and early 1956.

Relieved that the Court had not ordered immediate desegregation, many southern leaders opposed to desegregation apparently presumed that lower courts would ignore or otherwise delay implementation of the Brown decisions. By January 1956, however, nineteen lower courts had used the Brown precedents to invalidate school segregation and, as historian C. Vann Woodward characterized it, "[s]omething very much like panic seized many parts of the South . . . a panic bred of insecurity and fear." White citizens councils, created to preserve segregation, spread throughout the South. The NAACP was barred from operating in some states. And many state and local officials sought ways to delay desegregation in the schools.

Official resistance took three main paths. Several states enacted "interposition" statutes declaring the Brown decisions of no effect. Mississippi and Louisiana also passed laws claiming that the decisions did not affect the states' execution of their police powers and then requiring school segregation in order to promote public health and morals and preserve the public peace.

Several states also adopted superficially neutral laws that resulted in separation of pupils by race. Among these types of statutes were laws that assigned pupils to specific schools and classes on the basis of their scholastic aptitude and achievement. Since black children had rarely received adequate educations, they were thus easily isolated.

Another tactic was to allow pupils to attend any public school (of the correct grade level) they chose. Few blacks had the courage to attend hostile white schools, and even fewer whites chose to attend black schools. Some states barred public funds to any school district that integrated; others permitted public schools to close rather than to accept black children.

In some instances, compulsory attendance laws were repealed and in still other cases states and localities allocated public funds to private segregated schools. Many states employed more than one of these methods to perpetuate segregation in the public schools.

BROWN AS PRECEDENT

Adverse reaction to the desegregation decision did not deter the Court from applying it to other areas of life. In 1955 the Court ordered the University of Alabama to admit two blacks to its undergraduate program. In March 1956 the Court in a per curiam opinion declared in Florida ex rel. Hawkins v. Board of Control that it would not permit institutes of higher education to delay desegregation. Beginning with the 1954 case of Muir v. Louisville Park Theatrical Assn., the Court, in brief orders that cited Brown as authority, struck down the separate but equal doctrine as it applied to state-imposed segregation of public places, such as parks, and vehicles of interstate transportation.

RESISTANCE REBUKED

In 1958 the Court first addressed the problem of massive resistance. The occasion was the case of Cooper v. Aaron, in which Arkansas officials openly defied the Court's order to abandon segregation.

Less than a week after the Supreme Court struck down the separate but equal doctrine, the Little Rock school board announced its intention to develop a desegregation plan for the city schools. One year later—a week before the Court announced its decision in Brown II—the school board approved a plan that called for gradual desegregation beginning with Central High School in the fall of 1957. Meanwhile, the state adopted a constitutional amendment commanding the legislature to oppose the Brown decisions. In response, the state legislature enacted a law permitting children in racially mixed schools to ignore compulsory attendance laws.

On September 2, 1957, Governor Orval Faubus sent units of the Arkansas National Guard to Central High to prevent nine black students scheduled to attend the school from entering. Obeying a federal district court order, the school board proceeded with its integration plan and on September 4 the nine students tried to enter the school, only to find their way blocked by guardsmen standing shoulder to shoulder, along with a mob of hostile onlookers. This situation prevailed until September 20, when Faubus decided to obey a court order and withdraw the troops.

On September 23, the black students entered the high school but were quickly removed by police when a mob outside grew unruly. Two days later, President Dwight D. Eisenhower sent federal troops to protect the blacks as they entered and left the school. Federal troops remained there until November 27, when they were replaced by federalized national guardsmen who remained for the duration of the school year.

In the face of both official and public hostility to its desegregation plan, the school board in February 1958 asked the district court for permission to withdraw the black students from Central High and to postpone any further desegregation for two and a half years. Finding the situation at Central intolerable, the court agreed to the request. An appeals court reversed the decision, and the school board appealed to the Supreme Court

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[From the CONGRESSIONAL RECORD, Aug. 30, 1967]

EXHIBIT 1

HUMAN RIGHTS—CIVIL RIGHTS: FROM THEORY TO PRACTICE

(Remarks by Hon. Thurgood Marshall, Solicitor General of the United States before the Law Day Luncheon, University of Miami, Miami, Fla., April 27, 1966)

The President of the American Bar Association set the theme for Law Day—1966 as follows:

"Our nation will celebrate in 1966 two notable milestones in the life of our republic. One is the 175th anniversary of the Bill of Rights. The other is the 190th anniversary of the independence of the United States.

"It is appropriate that on May 1 we also will be celebrating Law Day USA with the theme: 'Respect the Law—It Respects You'."

* * * * *

In discussing this theme I shall dwell on what I consider to be paramount: "Human Rights—Civil Rights" and more particular "From Theory to Practice."

Save for Viet Nam and the drive for peace throughout the world, public opinion—professional and lay—is focused on the so-called Negro revolution in the United States and the War on Poverty. Indeed, all three are part of the same cloth. Our world leadership and the struggle for peace is evaluated and re-evaluated by democracy as it is practiced at home. We can never explain away our mistreatment of minorities. Whether because of race or lack of financial affluence.

Recent demonstrations ranging from the peaceful Selma march to the violent riots in Los Angeles, California, are dramatic enough to cause all to pause and seek out the causes and inevitable solution. Then, too, our present judicial processes including the present method of jury trials in the South—indeed our entire judicial system needs more careful study. Whichever way you look at it, we must seek the removal of all barriers in American life which are based on minority status whether racial or financial, or both.

Since the oldest and most consistent example of mistreatment of minorities has focused upon Negroes, a fair understanding of our present problem requires a glimpse into the past. Being a constitutional democracy we first look to our basic statutory structure. Beginning with the Declaration of Independence we remember that Jefferson sought to have slavery condemned in the Declaration of Independence. He was unsuccessful. Secondly, the constitution of our government expressly recognized savory and gave legal support to it.

It should also be borne in mind that by that time the status of Negro Americans was being crystallized. In fact, two worlds were being set up within the same democracy.

During the early part of the 19th century, despite the great drive of abolitionists and others, there was always the recognition of the so-called inferiority of the Negro—even the free Negro. There were instances of refusal of admission of Negroes to abolitionist meetings.

All of this was brought about by the propaganda of many southerners, especially the southern professors. These men, for the sole purpose of continuing slavery, managed to convince others that scientific studies actually proved the inferiority of Negroes, and it had its effect.

After the Civil War, Congress made its first efforts toward removing state imposed racial discrimination by passing the proposed Fourteenth and Fifteenth Amendments and the Civil Rights Acts. The obvious purpose was to make Negroes equal citizens entitled to federal protection of their civil rights. The supreme effort in the Civil War, the rough struggle to get the bills through Congress and the urgency of expanding our country to the West Coast exhausted the liberals and the struggle for protection of the Negroes was abandoned after the Reconstruction Era.

The executive branch of government never had any intention of moving in. Finally, the Supreme Court with its decisions in the Civil Rights Cases (1883) and *Plessy* v. *Ferguson* (1896) were interpreted as final abandonment of efforts of the federal government to protect the civil rights of Negroes. The states resumed much of their pre-war practices of deliberate racial discrimination. Now we had the two worlds within the one world of citizenship. This was true—whether by law in the South or by practice in the North. Or, to put it another way, whether by action of the states or inaction by the federal government, they both recognized two classes of citizens divided by color—two worlds within one.

And, so it was until the 1930's.

Neither the Executive nor the Legislative branches of the Federal Government could be persuaded to move. However, the federal courts found a way to fill the vacuum. Through its power of invalidation of state law, the Supreme Court has wrought fundamental changes in the structure of our society. My point can best be made through example, and I chose the example of *Brown* v. *Board of Education*. So much has happened in the decade since the decision, and people's expectations have risen, quite justifiably, at such an accelerated pace, that we often lost prospective. Yet just twenty-five years ago most Negroes lives were constricted by a whole series of state-imposed and state-fostered laws and regulations designed to foreclose them from participating in the political process and to prevent them from attaining any sort of social or economic equality. In the last decade, however, there has been a massive assault on this citadel, and today we find the legislature, the executive and the general populace joining, and to some extent directing the assault.

What crumbled was not merely a network of legal rules; it was a whole social system bent on keeping the Negroes in a position of inferiority, a social system which relied on and was inspired by the Jim Crow laws. Segregation was constitutionally condemned, and it was thus stripped of all moral predicates. For Americans view the constitution as a set of moral commands, guides to civilized communal living, not just technical and specialized guides to good government. In this struggle for racial equality the Supreme Court served, at least in 1954, as a voice not of contemporary opinion but of communal conscience, or in Chief Justice

Hughes' earlier characterization, as "teachers to the citizenry."

The contrast between this use of the power of invalidation and that which confronted the early welfare and New Deal legislation has often been drawn; but the essential distinction can also be expressed in terms of the concept of social change. In the first half of the twentieth century the power of invalidation was too often used to frustrate recently enacted legislation designed to effect a wholesale change in the social order; yet *Brown* v. *Board of Education*, and its progeny, initiated and required social change. History has judged the first use of this power of invalidation to be misconceived, while it will surely vindicate the latter. The difference is not hard to explain. The Supreme Court's leadership in the struggle for racial equality stems from two profound insights: first, the status quo had fallen short of a central constitutional ideal, the egalitarian ideal, and secondly, all other societal institutions, especially the more representative institutions, refused to assume a major responsibility in working toward the realization of this ideal. With the welfare legislation, on the other hand, these justifications did not exist: no central constitutional ideal was threatened, and there was no default on the part of the other societal institutions.

This contrast reveals two conditions that justify transforming the power of invalidation, spawned in a more modest context, into an active instrument of social change—an established social pattern that threatens a central constitutional ideal and a default by other societal institutions. The point to be made, however, is not purely an academic one. It suggests to me that the curtain has not, and should not come down, on the Supreme Court's active engagement in the process of social change, of requiring that our social living conform to our social ideals. Recent voting legislation might lessen the burden on the courts in the struggle for racial equality, and other federal legislation might provide much of the long overdue reform. Yet on the constitutional horizon there looms the problems of the large metropolitan ghettos, both a product and a cause of the fears and prejudices of our generation, and the massive injustices inflicted on the poor; the "other America" is still with us. The hope is not that the Supreme Court will singly take up the burden of eliminating these injustices through requiring further reform, but that the other social and political institutions will make it a joint enterprise, if not their special responsibility.

The object was to insure that basic human values were not violated by state law enforcement officials in the course of, or in the name of, administering state criminal-law. If the ordinary citizen came in contact with law enforcers they were usually representing the non-federal levels of government. While, hopefully, only a minority of the population would come in contact with law enforcers, this enterprise could hardly be considered specialized; as a logical proposition all the citizenry was susceptible to the abuses, for it was impossible to insure against being included in the minority, and the enforcement of the criminal laws is one of the most direct or immediate confrontations between the individual citizen and the state.

The Supreme Court's involvement in reforming our criminal processes began thirty years ago, and it has continued down to the present, with ever greater intensity. The brush strokes have been getting broader and broader, and the result has been, in my opinion, to remove anachronisms which have no place in our society. Guaranteeing the right to counsel and protecting the personal rights of the Fourth and Fifth Amendments through the imposition of exclusionary rules have been among the more significant changes. There is little point to turning this address into a refresher course by summarizing these developments; but I would like to analyze them on a more institutional level.

We often lose sight of the fact that courts have traditionally engaged in this type of reform. The quality of the judicial process has always been the special province and special responsibility of the courts. Even where other institutions, such as the legislature, have participated in this reform, it has usually been as a response to judicial promptings. For example, those protesting against the imposition of the new exclusionary rules often overlook the hearsay rule, a massive judge-created exclusionary rule designed to protect less worthy interest than constitutional rights. Of course, there is a vital distinction. Traditionally the judicial reform of the judicial process has been initiated and effectuated by the courts whose process was being challenged; here the reform has emanated from the federal courts, which some would like to view as the courts of another, through supervening, jurisdiction.

There is one unique facet to this reform. The constitutional principle upon which these decisions are based, the principle that no individual shall be deprived of his life or liberty without due process of law, is an evolutionary principle—its contours change with the gradual evolution of our communal values. The process that is due in the next generation is not necessarily the one afforded in this. This fact gives judges more freedom of decision than is usually permitted under the doctrine of stare decisis, but on the other hand, it can confront judges with a delicate and torturous problem, one that confronted me on more than one occasion during my judicial career—how can you gauge this evolution, how can one be sure that he is remaining sensitive to this evolution without overstepping it? This fact also means that under the Due Process Clause there is infinite possibility of reform. The courts cannot rest in their vigilance, they can never be sure that its engagement of reforming the criminal process has been completed. Even though, as a national proposition, we have moved a long way from those initial outrages perceived in Brown v. Mississippi and Powell v. Alabama, gross imperfections still remain, if the standard of judgment is contemporary communal values. Pre-arraignment procedures in the station house; bail; pretrial publicity; the right to a speedy trial; pretrial discovery; the admission of evidence dealing with the accused's prior criminal record; the right to counsel in specialized proceedings, such as collateral attacks, commitment proceedings, and revocation-of-parole proceedings. These are just some of the areas that will come under particular scrutiny in the years to come, and the areas in which radical reform will take place.

This is not just a prediction, it is an invitation to all to join in this task of reform. The Supreme Court's extraordinary posture of leadership in reforming the criminal process can in part be attributed to a serious default by other institutions, and it seems to me that the time has come when the burden must be shared. Sharing the burden will add to the resources that can be used in this enterprise; it will tend to gain a more popular backing for the reform when the reform is initiated by institutions closer to the citizenry, such as local courts and local legislatures; and many of these institutions may be able to implement these reforms in a manner that is more flexible than that usually exercised by the judiciary. To be sure, this is not only an invitation to the local courts and local legislatures—it is also addressed to all members of the bar and the public at large. Through their professional associations lawyers can initiate and press for this reform, and each lawyer engaged in a criminal trial, whether as prosecutor or defense counsel, possesses a special responsibility and power—the power of self control—to insure that the trial conforms to our highest traditions of fairness and justice. Public opinion should insist on this.

The Supreme Court's involvement in the process of social change, through protecting the right to criticize the status quo, invalidating laws and institutions, such as racial segregation, which fall short of central constitutional ideals, and reforming the criminal process provides part of the explanation why the Court has found itself in the center of an intense controversy. Some of the criticism flows from those whose material selfishness and self-satisfaction lead them to resist any change in the status quo with fury. They are not my concern here. There are others, however, whose criticism of recent Supreme Court doctrine stems from a more intellectual level. They are my concern. I am not referring to those who merely feel that the issue was a "close" one, that they would have decided the issue differently than the majority of the Supreme Court had. That kind of disagreement is the life-blood of the law; the vigor of such disagreement is an occasion to rejoice rather than despair. Instead my concern is with the intellectual or professional criticism that reflects a profound element of misunderstanding. It reflects a refusal to accept a new concept of law, to shake free of the nineteenth century moorings and to view law, not as a set of abstract and socially-unrelated commands of the sovereign, but as effective instruments of social policy. In recent decades the Supreme Court has transformed the law into an effective instrument of social policy, and the example par excellence is its involvement in the process of social change. The resistance to this transformation is the basis for much criticism and much misunderstanding. It seems to me more important to recognize this transformation, than to debate its propriety.

In recent years we have witnessed great strides toward bringing our every-day practices into line with our theories of Human Rights and Civil Rights. Under the leadership of the late President Kennedy and President Johnson the Executive and Legislative branches of our government have assumed their leadership in this struggle. The 1964 Civil Rights Bill and last year's Voting Rights Bill are setting the framework for guaranteeing the protection of basic civil rights for all Americans.

The War on Poverty and the several measures to provide adequate counsel to indigent defendants go a long way toward removing the bars of poverty.

The gap between theory and practice is being shortened but there is much to do. Much for all of us to do. Once a year we stop to evaluate our legal framework on Law Day. Too often we consider that sufficient to hold us for another year. We return to the old rut of "business as usual." Regardless of how much our government does or will do in the future, we will not close the gap until each of us makes Law Day for every day in the year and each takes this as his individual personal responsibility.

JESSE JACKSON: MARSHALL "ONE OF THE GREAT LEGAL, MORAL MINDS"

(By David Beard)

MIAMI.—The Rev. Jesse Jackson said Thurgood Marshall protected all blacks and led a historic process that guaranteed minority rights and enabled two Southerners such as Bill Clinton and Al Gore to come to power.

Interviewed by The Associated Press at Miami International Airport upon his return from a weekend trip to Haiti, Jackson said he was stunned upon receiving the news of Marshall's death from heart failure Sunday.

"I knew he had been sick, but I was shocked to hear of his passing and numbed by the thought. * * * For most of us who grew up under segregation, we have never known a day without Thurgood Marshall hovering over us to protect us." Jackson said.

He lauded in particular Marshall's work as general counsel for the National Association for the Advancement of Colored People in the 1954 Brown vs. The Board of Education Supreme Court case that called for the desecration of schools.

Jackson said legal history can be defined as before and after Marshall's contributions to the court.

"Thurgood Marshall is one of the great legal, moral minds America has ever produced by his commitment and arguments for equal protection under the law. He led a legal movement to establish the character of America to prove its highest purpose.

"He led the drive to pull down the walls that separate American from American by law. The '54 Supreme Court decision paved the way for Martin Luther King Jr., it paved the way for a unified integrated military, it paved the way for America's reputation as leader of the free world.

And finally, Jackson said "it paved the way for two Southerners Clinton and Gore to run and to win.

Jackson spoke before boarding a flight to New York, where he would meet with black business and Haitian refugee leaders on Monday.

Over the weekend in Port-au-Prince, Jackson spoke with Haiti's army chief Lt. Gen. Raoul Cedras; Marc Bazin, who heads the military-backed government, and supporters of ousted Jean-Bertrand Aristide to turn up the pressure on restoring democracy.

Jackson said he was preparing a report for Secretary of State Warren Christopher on the visit and would speak with UN Secretary-General Boutros Boutros-Ghali.

NATION PAYS HONOR TO MARSHALL

(By H. Josef Hebert)

WASHINGTON.—Colleagues, politicians and scholars today mourned the death of Thurgood Marshall, the retired Supreme Court justice many said embodied the struggle for civil rights.

President Clinton said he was "deeply saddened" by Marshall's death from heart disease Sunday, calling the 84-year-old jurist "a giant in the quest for human rights and equal opportunity."

"Thurgood Marshall will be remembered as a leader, as a fighter, as a shepherd. This man was there when we needed someone to fight for civil rights," Rep. John Lewis, D-Ga., said today on "CBS This Morning." He was a wonderful man, he inspired people, he stood tall and he spoke in a strong voice."

Vernon Jordan, a civil rights leader who headed Clinton's transition team, called Marshall a friend and a mentor. He said he was a youngster when he first heard Marshall speak in Atlanta.

"It was a memorable, awesome experience," Jordan said on the CBS program. "It was at that point that I said I wanted to be a lawyer like Thurgood Marshall."

"He changed the law in our country * * * in a very fundamental way," the Rev. Jesse Jackson said this morning on ABC's "Good Morning America."

Marshall, the first black on the Supreme Court, retired in 1991 because of ill health after 24 years on the court, but some scholars and friends suggested he may be best remembered as the lawyer who argued the historic 1954 school delegation case and won.

"He was the greatest lawyer in the 20th century," said Laurence Tribe, a constitutional scholar and professor at Harvard Law School. "He was to the law what Mahatma Gandhi and Martin Luther King were to social issues."

Retired Chief Justice Warren Burger, who shared the bench with Marshall for 17 years, spoke of "his great career as an advocate, when he literally took his life in his hands to try civil rights cases in the South."

All of the current justices praised Marshall and singled him out for his leadership in using the law to gain equal rights for all Americans, including blacks.

"All of us who served with him were the better for his counsel and his friendship," said Chief Justice William H. Rehnquist, a conservative who often voted opposite from the liberal Marshall in court decisions.

Justice Sandra Day O'Connor called Marshall "a true American hero * * * (who) left behind a legacy of hope for racial equality."

And Justice Clarence Thomas, a black who succeeded Marshall on the bench, called him "a great lawyer, a great jurist and a great man. The country is the better for his having lived."

Retired Justice William J. Brennan, a fellow liberal and for years Marshall's closet friend on the court, said his "commitment to making the Constitution a vehicle to protect the equal rights of all has no match in American history."

"I shall miss him terribly," Brennan added.

Sen. Edward Kennedy, D-Mass., called him "a living embodiment of our nation's highest ideals" and said that Marshall "inspired the country to embrace the great principle of equal justice for every citizen."

"His work and his vision changed America," said Vice President Al Gore, adding that Marshall "moved us forward to a new understanding and a new commitment to civil rights and equal opportunity."

Praise poured in from leaders of the civil movement.

"For most of us who grew up under segregation, we have never known a day without Thurgood Marshall hovering over us to protect us," said Jackson. He lauded Marshall's leadership as general counsel of the National Association for the Advancement of Colored People in the 1950s, including his successful challenge to school desegregation.

Benjamin Hooks, the NAACP's executive director, said Marshall "changed the face of America for all time" in his successes as a civil rights lawyer and later as a justice.

"The nation has lost an invaluable and irreplaceable asset, one we will not see again in our lifetime," said Hooks.

Past colleagues and friends remembered Marshall not only for his intellect, courage and perseverance, but also for his humor, humility and zest for life.

"He was a warm, engaging, incredibly funny person," recalled David Wilkins, a law professor at Harvard who was a clerk to Marshall in the early 1980s. "He had a profound insight about life * * * He knew his place in history but he never let that get in the way."

Wilkins remembered Marshall often regaling listeners with stories about his experiences as a young civil rights lawyer, being chased out of towns in Mississippi and Alabama.

"He could tell a story that would have everybody in stitches. Yet when you walked away you would realize that he had made a profound point of life and how it ought to be lived," recalled Wilkins.

"He was courageous," remembered Enolia McMillan, 88, who worked with Marshall in the early days of the civil rights movement.

Bandleader Cab Calloway went to high school with Marshall in Baltimore and knew him for some 65 years. "He was a great man, there's no question about that," said Calloway. "He sacrificed himself for everybody and everything."

[From Mother Jones, November–December 1991]

THURGOOD AND ME

(By Roger Wilkins)

Fifty years ago, when I was nine, my father died, my mother moved us to New York, and I met Thurgood Marshall. He lived down the street on Edgecombe Avenue, the main artery of Sugar Hill. He was among a number of famous blacks who lived in the neighborhood: Kenneth Clark, Joe Louis, Duke Ellington, Paul Robeson. They all knew my uncle Roy Wilkins, who was an NAACP executive, my newly widowed mother, and her little boy.

Years later, I worked for Marshall briefly at the NAACP Legal Defense Fund. We were colleagues in the Department of Justice during the Johnson presidency; we were neighbors again in our government years and have remained good friends.

You don't have to know Marshall well to know he is a brave and brilliant and funny and compassionate and doggedly idealist man. More than any of the millions of other African Americans who have participated in contemporary civil-rights struggles, he embodies the essence of our advances in the twentieth century. And in his formidable person, he carries much that is best in the spirits of our people.

Marshall came from a segregated culture. He waited on white people before he had a law degree, when black waiters were called "George" and "boy." He not only remembers what all of that felt like, he has nurtured the "down-home" parts of his personality that come from that time. I have seen many aspects of that personality in the years since we first met.

Once, when we were both in the Justice Department in the sixties, I ask his advice on a risky policy proposal. "If you do that, Johnson's gonna kick you black butt from here to the Perdenales," Solicitor General Marshall opined. There was no need clarification of that recommendation.

Many years earlier, when he was still director-counsel of the NAACP Legal Defense Fund and I was a law student intern, Marshall, to my embarrassment, read my first memo in the crowded office library and announced to the staff, "This boy ain't as stupid as he looks."

Earthy humor and rough kidding haven't been Marshall's only tools. He also has guts.

He went South in the thirties with my late uncle Roy to investigate conditions under which sharecroppers lived. They barely escaped from a bunch of Mississippi yahoos, who had figured out what they were up to. And Marshall would go anywhere in the dangerous South to try cases for the humblest black people in America.

Harry Briggs was such a man. He lived in a mean place, Clarendon County, South Carolina, in a mean time, late forties and early fifties. Harry Briggs was a gas-station attendant, the son of a sharecropper. Briggs wanted his children to have a better education than was provided in the segregated schools, and was brave enough to sue the whites who were in charge in order to change things. Marshall went to South Carolina to handle the case, and Briggs became a plaintiff in one of the cases that the Supreme Court would decide in 1954, *Brown* v. *Board of Education*.

It is on that set of cases, led and orchestrated by Marshall, that I rest my claim that he is the embodiment of our twentieth-century advances. Compare *Brown* with the Supreme Court decision in *Dred Scott v. Sandford*, decided ninety-seven years earlier. In *Dred Scott*, the distinguished chief justice, Roger Taney, made a careful examination of the original intent of the country's founders. He observed that at the time of the creation of the nation, blacks were rarely spoken of except as property and that it would have been utterly hypocritical of the founders to have included blacks in the meaning of their declaration that "all men are created equal." He concluded that blacks had no rights that "white men were bound to respect" and that blacks were not citizens.

In *Brown*, another distinguished chief justice, Earl Warren, in a decision based on the rights of black citizens under the Fourteenth Amendment, took a decisive step in banishing legalized segregation from our national life.

In the turbulent century between the two decisions, the Civil War was fought and blacks helped free themselves from slavery only to see the bright promises of the post-Civil War constitutional amendments rendered virtual dead letters by a vengeful South and a greedy and uncaring North. At the beginning of the twentieth century, blacks were, at best, semicitizens who were vulnerable to everything from racist terrorism in the South to whatever casual cruelties a prospective employer, a store clerk, or some sadistic law-enforcement officer felt like meting out on any particular day.

That's the world Marshall was born into, and it was the world into which he took his mind and his law degree, not to earn money and fame, but to do battle. And what a battle it was. By winning *Brown*, he and his colleagues did much to restore the intended protections of the post-Civil War amendments, and, in doing so, he used the full range of his remarkable talents.

This is an example of how he worked. One Friday night in the late fifties, when I didn't even work for him anymore, my wife and I were invited to his home for dinner. When we arrived, Cissy Marshall told me that Thurgood wanted me in the den, urgently. He had just found out that one of the lawyers in the office had filed a defective appeal to the Supreme Court. An immediate after-hours remedy had to be fashioned, or the appeal would be dismissed.

Thurgood had initiated a round of nonstop phone calls to opposing lawyers, a justice, and court clerks. He motioned for me to crawl around through the clutter of books scattered all over the floor and research the problem while he stalled for time using his wit, wisdom, and humor. It took more than three hours of his talking and my researching, but he inhaled the law I found, made the points superbly, and perfected the appeal. Then, around midnight, we went in and had dinner with our wives.

As this century ends, we blacks are still a long way from home in many senses of the phrase. But the twentieth-century battle in the context of a multicentury struggle to regain the full range of our humanity required that we be protected by a framework of legal rights in the country that we did so much to build. The task was to secure a legal beachhead from which to press forward on political, social, cultural, economic, and intellectual fronts. Though we are under fierce counterattack, the new battles are being pressed by people who have rights, self-confidence, and places in society that would have been hard to imagine when the century began.

It is surely hard to imagine our controlling the ground we now have if Thurgood Marshall had not fought his battles so bravely and so well.

MARSHALL MOURNED, REMEMBERED IN WASHINGTON STATE

(By Elizabeth Weise)

SEATTLE.—The likes of Thurgood Marshall may never sit on the Supreme Court again, the local president of the National Association for the Advancement of Colored People said.

"He was a 'once in a lifetime,'" said Lacy Steele, who also serves on the NAACP national board. "The nation has lost one of the premier Supreme Court justices and an attorney who set history in the annals of law. There has been a great void left by his passing."

Marshall, who retired from the Supreme Court 18 months ago because of his age and poor health, died Sunday of heart failure at Bethesda Naval Hospital outside Washington, D.C. He was 84.

Lyle Quasim, Pierce County chairman of the Ethnic Minority Advocacy Commission, was among those on Sunday mourning the passing of the high court's first black justice. Quasim said he didn't know what he would have achieved without Marshall's early leadership in courtroom civil rights battles.

"That's God's honest truth. I'm sitting here in Tacoma with a nice house and three degrees and a good job, and were it not for the work of people like Justice Marshall, none of it would be possible," Quasim said.

"We have millions of Americans, African-American kids in particular, who don't know what happened in the early civil rights movement," he said. "We can take this as an opportunity to re-educate about the tremendous changes that time had upon our country."

Marshall was "a national treasure," said Louise McKinney, 62, director of academic achievement for the Seattle School District.

Even after Marshall argued the 1954 *Brown* v. *Board of Education* ruling that desegregated public schools, it was years before school districts began hiring black administrators, McKinney said.

"So there are many of us who may not realize it, but we have our jobs because of the work Justice Marshall did," she said.

"In our hearts and minds, he represented everything that had to do with civil rights. His passing represents the end of an era," McKinney said. "His memory is a mandate for us to continue that work, because it is not the responsibility of an individual, but of us all."

Oscar Eason, 58, regional director for Blacks in Government, said he felt dwarfed by the presence of Marshall on the two occasions they met.

"Some of the cases he argued at the Supreme Court were monumental. Law students today study his cases as fundamental to an understanding of civil rights law," Eason said.

"Thurgood was one of the all-time greats," he said,. "We're going to miss him."

Eason said that when he begins to question what he's doing after six to eight hours of community service on top of his regular job, "I think of the work and sacrifices of people like Thurgood Marshall and I know."

[From the Washington Post, Jan. 25, 1993]

THURGOOD MARSHALL, RETIRED JUSTICE, DIES

(By Joan Biskupic)

Retired Supreme Court Justice Thurgood Marshall, a relentless voice for minorities whose six-decade legal career was emblematic of the civil rights revolution, died yesterday of heart failure.

He was 84 years old and had been retired since June 1991. Marshall had been in failing health in recent months. He died at the National Naval Medical Center in Bethesda, where he had been since Thursday. He had planned to administer the oath of office to Vice President Gore last Wednesday, but could not because of his condition.

Marshall, who was born in Baltimore the son of an elementary school teacher and yacht-club steward, went on to become one of the most important figures in civil rights history, first as a lawyer for the National Association for the Advancement of Colored People (NAACP) and then as the first black Supreme Court justice. He was known for both his sense of humor and his impatience over the ongoing struggle of blacks in America.

"He was somebody who had absolutely no sense of his own importance," said Louis Michael Seidman, a former Marshall clerk who is now a Georgetown University constitutional law professor. "He held an unusual combination of reverence for the American justice system and a realization that his people were excluded."

In 1967, President Lyndon B. Johnson appointed Marshall to the court. During his 24-year tenure, he was the only black justice. He was replaced by Clarence Thomas, also a black man, but one who adopted a judicial approach that is the opposite of Marshall's liberalism.

Marshall's record on the court was consistent: Always the defender of individual rights, he sided with minorities and the underprivileged; he favored affirmative action and supported abortion rights; and he always opposed the death penalty.

But he was not the liberal leader that retired Justice William J. Brennan Jr. once was. He did not strive for consensus, and as a result was the author of few significant majority opinions.

In a statement, President Clinton said Marshall was one of the giants "in the quest for human rights and equal opportunity in the whole history of our country."

Chief Justice William H. Rehnquist said Marshall will be remembered as much for his work before coming to the court as afterward, for "his untiring leadership in the legal battle to outlaw racial discrimination."

Before Marshall joined the court, he had distinguished himself as the country's first black solicitor general, serving in that post from 1965 to 1967 and taking a lead in promoting the Johnson administration's civil and constitutional rights agenda.

Marshall came to national prominence as the chief lawyer for the NAACP Legal Defense and Educational Fund, when he argued a series of 1954 school desegregation cases known collectively as *Brown* v. *Board of Education*. The Supreme Court ruled in those cases that segregation in public schools was unconstitutional.

As a lawyer, Marshall also spearheaded litigation that ended white-only primary elections and explicit racial discrimination in housing contracts.

His greatest cause was defendants' rights, and when he left the court two years ago, he was the last of the justices to oppose the death penalty.

People close to him said frustration with the court's conservative turn in recent years prompted his retirement.

But at a news conference at the time, Marshall blasted suggestions that his retirement stemmed from anger about the future of the conservative-dominated court.

"What's wrong with me?" Marshall said impatiently. "I'm old. I'm getting old and coming apart."

Such was the style of a man who could be eloquent or, when he wanted, slip into slang and black dialect. When he was asked what he was going to do in retirement, he said, "Sit on my rear end."

He was 6-foot-2, a physically imposing man who always appeared to be coming out of his black robes, and had a distinctive gravelly voice. He said he wanted to be remembered this way: "That he did what he could with what he had."

Marshall's roots were unlike those of any other justice before him.

He was born July 2, 1908. The great-grandson of a slave brought to America from Africa's Congo region, Marshall was named after a paternal grandfather, who had chosen the name "Thorough Good" for himself when enlisting in the Union army during the Civil War. Marshall later changed it to Thurgood.

His mother was an elementary school teacher and his father a steward at an all-white yacht club on the Chesapeake Bay.

Marshall attended Douglas High School in Baltimore, working as a delivery boy for a women's store after school.

He later confessed to having been a bit of a cutup in high school and college. He recalled that in high school he often was punished by being sent to the basement and forced to memorize "one paragraph of the Constitution for every infraction. . . . In two years, I knew the whole thing by heart," he said.

Marshall attended the all-black Lincoln University in Pennsylvania, earning money for tuition by waiting tables.

He obtained his law degree from Howard University in 1933, graduating first in his class.

Marshall attributed his interest in law to "arguing with my dad. We'd argue about everything." He also credited his father with instilling in him a fighting spirit. "Son," he once recalled his father saying, "if anyone ever calls you a nigger, you not only got my permission to fight him, you got my orders to fight him."

Marshall remembered carrying out those orders one time when, as a delivery boy, he accidentally brushed against a woman on a Baltimore trolley car because he couldn't see over a stack of hat boxes he was carrying. A white man called him "nigger" and Marshall took him on.

Marshall began practicing law in Baltimore after graduating from Howard. One of his first civil rights cases was a successful effort to gain admission for a young black man to the University of Maryland Law School.

Three years later, he was hired as an assistant to the national counsel for the NAACP and two years later became chief counsel.

In late 1939, he created the NAACP Legal Defense and Educational Fund, and as its head from 1940 to 1961 he worked within the legal system to improve minority rights.

Traveling around the country, he won dozens of civil rights victories. He recalled in recent years how he was often run out of town by whites who despised his work for black liberation.

Marshall won all but three of the 32 cases he argued before the Supreme Court, including the 1954 *Brown* ruling. That landmark decision ended "separate but equal" school systems. He achieved *Brown* through a series of court cases over several years, methodically dismantling the foundations of segregation.

He also was at the lead in the integration of the Little Rock, Ark., Central High School in 1957, as well as crafting successful legal arguments against poll taxes, racial restrictions in housing and white primary elections.

In 1961, President John F. Kennedy selected Marshall for the U.S. Court of Appeals for the 2nd Circuit. The nomination initially was opposed by southern Democrats in the Senate, who claims he lacked legal qualifications for the job. But Marshall was approved several months later, becoming the second black judge to sit on the 2nd Circuit.

Marshall served on the appeals court until 1965, when Johnson appointed him solicitor general of the United States, the government's top lawyer at the Supreme Court. Johnson had several civil rights victories at the court while Marshall was solicitor general, including high court approval for the 1965 Voting Rights Act.

Marshall also provided the government's backing to a case that led to the overturning of a California constitutional amendment prohibiting open housing legislation.

On June 13, 1967, at 11 a.m., Marshall called his wife, Cecilia, from the White House. "Take a deep breath and sit down slowly," he reportedly told her. Then Johnson's voice came on the line and told her Marshall had just been nominated to the Supreme Court.

The Senate confirmed Marshall 69 to 11 on Aug. 30, 1967, making him the first black justice in the court's 178-year history. He faced criticism from only a few southern senators, who attacked his "activist" temperament.

But Marshall was to join like-minded brethren. The court was then led by Chief Justice Earl Warren, who already had begun a judicial and social revolution.

Through the 1970s, Marshall was more regularly a steady vote for the opinions of liberal-leaning justices than author of major opinions himself.

In 1972, when the court struck down capital punishment as it was then being practiced, he wrote one of the most definitive statements on the death penalty:

"Death is irrevocable. Life imprisonment is not. Death, of course, makes rehabilitation impossible. Life imprisonment does not. In short, death has always been viewed as the ultimate sanction. . . . In striking down capital punishment, this court does not malign our system of government. On the contrary, it pays homage to it. . . . In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute."

In that landmark ruling, *Furman v. Georgia*, the court set out procedural safeguards that states must follow if they wish to impose the death penalty, and since then a majority of the states have reinstituted capital punishment.

It was to be Marshall's dissents, particularly in death penalty cases, thundering with indignation, that gained most attention. He was suspicious of police searches and interrogation. He took a similar liberal tack in other areas, disdaining restrictions on speech, government expenditure benefiting religion and the weakening of environmental regulations.

In a partial concurrence in *University of California Regents v. Bakke* that endorsed a broader remedial use of race-conscious programs, he wrote in 1978: "It must be remembered that, during most of the past 200 years, the Constitution as interpreted by this court did not prohibit the most ingenious and persuasive forms of discrimination against the Negro. Now, when a state acts to remedy the effects of that legacy of discrimination, I cannot believe that this same Constitution stands as a barrier.

"At every point from birth to death, the impact of the past is reflected in the still-disfavored position of the Negro. In light of the sorry history of discrimination and its devastating impact on the lives of Negroes, bringing the Negro into the mainstream of American life should be a state interest of the highest order. To fail to do so is to ensure that America will forever remain a divided society."

Legal scholars say that Marshall's most important doctrinal contribution likely came in a dissent to the 1973 *San Antonio Independent School District* v. *Rodriquez*. In that Texas case a five-justice majority said an education is not a fundamental right guaranteed by the Constitution.

In an opinion by Lewis F. Powell Jr., the court said the constitutional guarantee of equal protection does not require that courts apply the strictest level of scrutiny to state decisions on how to finance public schools.

Marshall favored a different standard for determining whether state or federal laws violated equal protection guarantees, and his sliding scale approach influenced the court in later years to give greater scrutiny to government decisions and more broadly read equal protection guarantees.

In the years closer to his retirement, Marshall increasingly assumed a defensive role.

Until his close friend Brennan retired in 1990, it was just the two of them who would dissent from any decision that would lead to the execution of a defendant. He considered the death penalty immoral in principle and discriminatory in application.

"I'll never give up," he said in an interview in December 1983. "On something like that, you can't give up and you can't compromise. It's so morally correct."

On the day he resigned—June 27, 1991—Marshall fired a parting shot that embodied his vigilance for criminal defendants and minorities generally.

It was in a dissent in *Payne v. Tennessee*, a case in which a narrow majority upheld the use of "victim impact" statements in death penalty cases, overruling two earlier cases that had prohibited such evidence from being introduced.

Marshall believed that the focus on a victim's character and his family's suffering would shift jury attention from whether the defendant was guilty to the victim's character and be difficult for the defendant to rebut.

Objecting to the conservative majority's overturning of precedent, Marshall wrote, "Tomorrow's victims may be minorities, women or the indigent. Inevitably, this campaign to resurrect yesterday's 'spirited dissents' will squander the authority and legitimacy of this Court as a protector of the powerless."

Marshall's overall health and his eyesight began to deteriorate in recent years. He had had a heart attack in 1976. He wrote fewer opinions and appeared to have difficulty reading from the bench the ones he did write.

He was hospitalized in 1987 with a blood clot in his right foot, and had been in and out of hospitals since.

But he never lost any of his exuberance.

Shortly before Marshall retired, Justice Byron R. White quipped to a law clerk, "In my 25 years here, Justice Marshall has told 1,000 stories and never the same one twice."

And friends say Marshall never forgot that he was black.

In his 1991 farewell news conference, he was asked whether he considered blacks, in the words of the Rev. Martin Luther King Jr., "free at last."

"Well, I'm not free. All I know is that years ago, when I was a youngster, a Pullman porter told me that he had been in every city in this country . . . and he had never been in any city in the United States where he had to put his hand up in front of his face to find out he was a Negro. I agree with him."

Marshall's first wife, Vivian Burney, died in February 1955. He married Cecilia A. Suyat in late December of that year. He is survived by his wife, Cecilia, and their two sons, Thurgood Marshall Jr. and John William Marshall, all of Northern Virginia.

[From the Washington Post, Jan. 25, 1993]

MARSHALL TRANSFORMED NATION IN THE COURTS

(By Martin Weil and Stephanie Griffith)

Retired Supreme Court Justice Thurgood Marshall was remembered last night as one of this century's titans, a unique figure who changed a nation by his decades-long legal battles to overturn segregation and to win justice for all Americans.

"He was a giant in the quest for human rights and equal opportunity" and "every American should be grateful" for his contributions, President Clinton said in a statement.

Harvard Law School professor Laurence Tribe, a constitutional scholar, called Marshall "the greatest lawyer in the 20th century." Del. Eleanor Holmes Norton (D-D.C.) said he was a man whose many roles over a long legal career placed him "in a class by himself."

Marshall, 84, who died yesterday at National Naval Medical Center in Bethesda, was hailed both for his work on the court and for his earlier career as a federal appeals court judge, as solicitor general and as the lawyer for the NAACP Legal Defense and Educational Fund who won the 1954 Supreme Court decision declaring school segregation unconstitutional.

Government officials, civil rights leaders, and friends praised Marshall as a dedicated, courageous and inspiring advocate who used the law to make reality of the American dream.

"He gave the Constitution the power the framers articulated but did not practice, that Lincoln affirmed but did not perfect," said "Rep. Kweisi Mfume (D-Md.), chairman of the Congressional Black Caucus.

"There is not an American alive whose life has not been touched by this man's 60 years of fighting for an America in which both the little guy and the powerful guy have the same access to justice," said Carl T. Rowan, a columnist and Marshall biographer.

In addition to the nation's 8,000 black elected officials, who owe their opportunities in part to Marshall's efforts, his beneficiaries include prisoners on death row, women and the poor, Rowan said, adding, "He was simply a towering figure."

"He stood up to the white power structure to give freedom and opportunity to black people across the country," said Karen Hastie Williams, a former law clerk for Marshall who described him as her godfather and "a mentor and an inspiration."

In the days of segregation, she said, he gave hope "that was phenomenal" to people suffering under its restrictions.

"People who didn't know how to read and write, who didn't even know who the president was, knew who Thurgood Marshall was," she said.

D.C. Mayor Sharon Pratt Kelly said Marshall "understood that the system needed to be challenged to make it a more perfect Union."

Kelly, like Marshall a graduate of Howard University law school, called him "an inspiration to all of the Howard law family and future lawyers who followed him."

In separate statements, Senate Judiciary Committee Chairman Joseph R. Biden Jr. (D-Del.) and Kurt L. Schmoke (D), mayor of Baltimore, where Marshall was born, each described him as a personal inspiration. Schmoke, his city's first black mayor, called himself "a beneficiary" of Marshall's work in civil rights.

Praising Marshall as a "great humanitarian" and American, Virginia Gov. L. Douglas Wilder (D) cited his "irrepressible quest for the rights of all Americans to be free."

"He was a very compassionate and a thoroughly dedicated individual," said retired judge Spottswood W. Robinson III, who sat on the U.S. Court of Appeals for the District of Columbia.

Robinson, who first met Marshall more than 50 years ago, recalled him as a "dear friend" and "thoughtful person" who "devoted his entire professional life to the betterment of people everywhere."

Sen. Alan K. Simpson of Wyoming, the ranking Republican on the Senate Judiciary Committee, remembered Marshall's courage and his good-humored vitality.

As a lawyer for the NAACP, traveling the South in the days of segregation, he "had been on the front lines," Simpson said. "He laid himself on the line." Though many in Washington may talk about those days, Simpson said, Marshall "laid his old bod' right down in it."

"He was a real hero to most modern American lawyers," said Tallahassee, Fla., lawyer Sandy D'Alembert, a former president of the American Bar Association.

As did others who had met Marshall, D'Alembert remembered the justice's fund of stories of the old days, traveling through the South where it was hard for a black man to find a place to sleep or buy a meal.

"He told those stories just to remind people of what he had been through and how far we had come," D'Alembert said.

And many pointed out yesterday that how far the nation has come is due in great measure to Marshall's legal struggles.

He "changed the history of America for the better, first as the lead attorney for the civil rights movement in the critical years and then on the highest court in the land," said Sen. Harris Wofford (D-Pa.).

Retired chief justice Warren E. Burger praised Marshall both for his advocacy in Brown v. Board of Education, which ended school segregation, and as a man who before going on the bench "literally took his life in his hands" to try civil rights cases in the South.

Chief Justice William H. Rehnquist remembered in particular Marshall's "untiring leadership in the legal battle to outlaw racial discrimination." Justice Clarence Thomas, who replaced Marshall on the high court, called him "a great lawyer, a great jurist and a great man."

"He set the standard for present and future judges to follow," Sen. Patrick J. Leahy (D-Vt.), told the Associated Press.

Sen. Edward M. Kennedy (D-Mass.) called Marshall "a living embodiment of our nation's highest ideals," according to the AP.

Calling Marshall an irreplaceable "national treasure," Jesse L. Jackson, an elected lobbyist for D.C. statehood, said his advocacy in the Brown case led to all subsequent civil rights laws.

"The world is a different place because he was here," said ABA President Mike McWilliams.

In Norton's case, it was her own life that was changed.

"I suppose those who feel Justice Marshall's death most are people like me who were sitting in segregated classrooms—in my case in D.C.—when Brown came down," she said.

"We're children of the civil rights movement," she said. ". . . His work made the civil rights movement possible."

Benjamin L. Hooks, executive director of the NAACP, endorsed that view. Marshall, he said, "was the author of much of the strategy that has resulted in African Americans' being represented in so many aspects of American life."

Washington lawyer Clifford L. Alexander Jr. joined Norton in saying that Marshall's death marked the end of a period in U.S. history. Many have speculated about when the civil rights era ended, Norton said.

Now, she said, she knows.

"It ended today."

[From the New York Times, Jan. 25, 1993]

EX-JUSTICE THURGOOD MARSHALL DIES AT 84

(By Linda Greenhouse)

WASHINGTON, January 24.—Thurgood Marshall, pillar of the civil rights revolution, architect of the legal strategy that ended the era of official segregation and the first black Justice of the Supreme Court, died today. A major figure in American public life for a half-century, he was 84 years old.

Toni House, the Court's spokeswoman, said Justice Marshall died of heart failure at Bethesda Naval Medical Center in Maryland at 2 P.M.

Justice Marshall, who retired from the High Court in 1991, had been scheduled to administer the oath of office to Vice President Al Gore on Wednesday, but his failing health prevented him from doing so.

Thurgood Marshall was a figure of history well before he began his 24-year service on the Supreme Court on Oct. 2, 1967.

During more than 20 years as director-counsel of the NAACP Legal Defense and Educational Fund, he was the principal architect of the strategy of using the courts to provide what the political system would not; a definition of equality that assured black Americans the full rights of citizenship.

LANDMARK TRIUMPH IN 1954

His greatest legal victory came in 1954 with the Supreme Court's decision in Brown

v. Board of Education, which declared an end to the "separate but equal" system of racial segregation then in effect in the public schools of 21 states.

Despite the years of turmoil that followed the unanimous decision, the Court left no doubt that it was bringing an end to the era of official segregation in all public institutions. Many questions lingered after so monumental a transformation, and the Court continued to confront issues involving the legacy of segregation even after Justice Marshall retired.

As a civil rights lawyer, Mr. Marshall devised the legal strategy and headed the team that brought the school desegregation issue before the Court. An experienced Supreme Court advocate by that time, he argued the case himself in the straightforward, plain-spoken manner that was the hallmark of his courtroom style. Asked by Justice Felix Frankfurter during the argument what he meant by "equal," Mr. Marshall replied, "Equal means getting the same thing, at the same time, and in the same place."

He won many other important civil rights cases, including a challenge to the whites-only primary elections in Texas. Because the candidates selected in the Democratic primaries almost always won the general election, this device was a common method by which white Southern politicians disenfranchised black voters.

He also won a major Supreme Court case in which the Court declared that restrictive covenants that barred blacks from buying or renting homes could not be enforced in state courts.

"HEROIC IMAGINATION' IN A RUTHLESS WORLD

Mr. Marshall, who was born and reared in Baltimore, was excluded from the all-white law school at the University of Maryland. Later he brought successful lawsuits that integrated not only that school but also several other state university systems. He received his legal education at the law school of Howard University in Washington, D.C., the nation's pre-eminent black university, where he graduated first in his class in 1933 and made the personal and intellectual connections that shaped his future career.

Years later, the University of Maryland named its law library for him, and the City of Baltimore honored him by placing a bronze likeness, more than eight feet tall, outside the Federal courthouse.

"To do what he did required a heroic imagination," Paul Gewirtz, one of Justice Marshall's former law clerks, wrote in a tribute published after the Justice retired from the Court.

The article by Mr. Gewirtz, the Potter Stewart Professor of Constitutional Law at Yale Law School, continued: "He grew up in a ruthlessly discriminatory world—a world in which segregation of the races was pervasive and taken for granted, where lynching was common, where the black man's inherent inferiority was proclaimed widely and wantonly. Thurgood Marshall had the capacity to imagine a radically different world, the imaginative capacity to believe that such a world was possible, the strength to sustain the image in the mind's eye and the heart's longing, and the courage and ability to make that imagined world real."

Yet Justice Marshall was not satisfied with what he had achieved, believing that the Constitution's promise of equality remained unfulfilled and that his work was therefore unfinished.

A VOICE OF ANGER AND DISAPPOINTMENT

For much of his Supreme Court career, as the Court's majority increasingly drew back from affirmative action and other remedies for discrimination that he believed were still necessary to combat the nation's legacy of racism, Justice Marshall used dissenting opinions to express his disappointment and anger.

In 1978, for example, in the Bakke case, in which the Court found it unconstitutional for a state-run medical school to reserve 16 of 100 places in the entering class for black and other minority students, Justice Marshall filed a separate 16-page opinion tracing the black experience in America.

"In light of the sorry history of discrimination and its devastating impact on the lives of Negroes," he wrote, "bringing the Negro into the mainstream of American life should be a state interest of the highest order. To fail to do so is to insure that America will forever remain a divided society."

He dissented in City of Richmond v. Croson, a 1989 ruling in which the Court declared unconstitutional a municipal ordinance setting aside 30 percent of public contracting dollars for companies owned by blacks or members of other minorities. The Court majority called the program a form of state-sponsored racism that was no less offensive to the Constitution than a policy officially favoring whites.

In his dissenting opinion, Justice Marshall said that in reaching that conclusion 'a majority of this Court signals that it regards racial discrimination as largely a phenomenon of the past, and that government bodies need no longer preoccupy themselves with rectifying racial injustice."

He added: "I, however, do not believe this nation is anywhere close to eradicating racial discrimination or its vestiges. In constitutionalizing its wishful thinking, the majority today does a grave disservice not only to those victims of past and present racial discrimination in this nation whom government has sought to assist, but also to this Court's long tradition of approaching issues of race with the utmost sensitivity."

"GREAT DISSENTER" AS POLITICAL PROPHET

Although he wrote a number of important majority opinions for the Court, his most powerful voice was in dissent, and not only in the area of racial discrimination. Like his friend and closest ally, Justice William J. Brennan Jr., who retired the year before he did, Justice Marshall believed that the death penalty was unconstitutional under all circumstances. He dissented from all decisions in which the Court upheld application of the death penalty, and he wrote more than 150 dissenting opinions in cases in which the Court had refused to hear death penalty appeals.

In an article published after his retirement, Kathleen M. Sullivan, a Harvard Law School professor, called Justice Marshall "the great dissenter."

"We may read his eloquent admonitions in dissent as prophecies for another (perhaps distant) era when the political pendulum swings again," Professor Sullivan wrote. "With his departure goes part of the conscience of the Court—a reminder of the human consequences of legal decisions."

While the phrase "first black Supreme Court Justice" was attached so often to his name that it appeared to be part of his official title, it was a partial definition at best, scarcely encompassing the unusual range of legal experience that Justice Marshall brought to the Court.

By the time President Lyndon B. Johnson named him to succeed Justice Tom C. Clark, who had retired, Mr. Marshall had argued 32 cases before the Supreme Court and won 29 of them. He argued 14 of those cases as a private lawyer and 18 as Solicitor General of the United States, the Federal Government's chief advocate in the Supreme Court. President Johnson had named him to that position in 1965, two years before nominating him to the Supreme Court.

From 1961 to 1965, Thurgood Marshall was a Federal appeals court judge, named by President John F. Kennedy to the United States Court of Appeals for the Second Circuit, in Manhattan. He wrote 112 opinions on that court, none of which was overturned on appeal. Several of his dissenting opinions were eventually adopted as majority opinions by the Supreme Court.

He had at first been hesitant to accept President Kennedy's offer of a seat on the appeals court, fearing that his allies in the civil rights movement would think that he was deserting the struggle. "I had to fight it out with myself," he said in an interview some years ago. "But by then I had built up a staff—a damned good staff—an excellent board, and the backing that would let them go ahead. And when one has an opportunity to serve the Government, he should think twice before passing it up."

The Thurgood Marshall whom the public saw in his old age was a gruff, lumbering figure, his pace slowed by extra pounds and shortness of breath, his eyesight impaired by glaucoma. Outspoken and impolitic, he stirred up minor storms by making cutting remarks in public, highly unusual for a Supreme Court Justice, and major public figures.

"I wouldn't do the job of dog catcher for Ronald Reagan," he said in an interview in 1989. The next year, referring to President Bush, he said in a televised interview: "It's said that if you can't say something good about a dead person, don't say it. Well, I consider him dead."

BEHIND THE MASK, A FINE STORYTELLER

In the courtroom Justice Marshall's face was an inscrutable mask. He said little during the argument sessions, growling occasionally at lawyers who were struggling lamely through their arguments and sometimes training his sarcasm on his own colleagues. During a death penalty argument in 1981, William H. Rehnquist, then an Associate Justice, suggested that the inmate's repeated appeals had cost the taxpayers too much money. Justice Marshall interrupted, saying, "It would have been cheaper to shoot him right after he was arrested, wouldn't it?"

But those who knew him well said that behind the mask was a man with an earthy sense of humor, a spellbinding storyteller with an anecdote from his own long life for every occasion.

Justice Brennan, in a tribute to his friend published in the Harvard Law Review, wrote about Justice Marshall's storytelling abilities. "The locales are varied—from dusty courtrooms in the Deep South, to a confrontation with General MacArthur in the Far East, to the drafting sessions for the Kenyan Constitution," Justice Brennan wrote. "They are brought to life by all the tricks of the storyteller's art: the fluid voice, the mobile eyebrows, the sidelong glance, the pregnant pause and the wry smile."

The stories were meant not only to entertain but also to serve "a deeper purpose," Justice Brennan said.

"They are his way of preserving the past while purging it of its bleakest moments," he said. "They are also a form of education for the rest of us. Surely, Justice Marshall recognized that the stories made us—his colleagues—confront walks of life we had never known.

Many of his stories recalled the hostility, the harassment and, not infrequently, the danger he had faced as a civil rights lawyer, traveling some 50,000 miles a year throughout the South representing black clients and unpopular causes. One story he told was of being arrested on a trumped-up charge of drunken driving while leaving a Tennessee town in which he and a colleague had just won an acquittal for a black defendant.

As Justice Marshall recounted the incident in an interview, he was brought before a magistrate, who told him: "If you're not drunk, will you take my test? Will you blow in my face? I'm a teetotaler and I can smell the least bit of whisky."

"He was a short man," recalled Justice Marshall, who was himself 6 feet 2 inches tall and weighed well over 200 pounds. "I put my hands on his shoulders and breathed just as hard as I could into the man's face." The case was dismissed.

"We drove to Nashville," the Justice added. "And then, boy, I really wanted a drink!"

Thurgood Marshall was born in Baltimore on July 2, 1908. His mother, the former Norma Williams, was a teacher. His father, William Marshall, had once worked as a Pullman car waiter and later became a steward at the exclusive, all-white Gibson Island Club on Chesapeake Bay. A great-grandfather had been taken as a slave from the Congo to the Eastern Shore of Maryland, where the slaveholder eventually freed him.

Mr. Marshall was named for his paternal grandfather, who had chosen the name "Thoroughgood" when he enlisted as a private in the Union Army during the Civil War. His grandson later explained that he adopted the spelling "Thurgood" in grade school because he "got tired of spelling all that out."

He described himself as a "hell-raiser" in school, a circumstance that gave him exposure to the Constitution and lifelong respect for it. "Instead of making us copy out stuff on the blackboard after school when we misbehaved, our teacher sent us down into the basement to learn parts of the Constitution," he once recalled. "I made my way through every paragraph."

In high school years in Baltimore, he worked as a delivery boy for a women's clothing store after classes. He waited on tables to help pay the tuition at Lincoln University in Chester, Pa., where he said he "majored in hell-raising." He was expelled once for hazing freshmen, but after being readmitted he became a star debater and graduated with honors in 1930.

His mother wanted him to become a dentist, a safe and lucrative career for a black professional in those days, but he was determined to become a lawyer. Enrolling at Howard University Law School meant a long daily commute from Baltimore because he could not afford housing at the school. His mother pawned her wedding and engagement rings to pay the law school's entrance fees.

At Howard he met a man who would influence the course of his life, Charles Hamilton Houston, then the law school's vice dean. Mr. Houston, a Harvard Law School graduate who later served as chief counsel to the National Association for the Advancement of Colored People and who became the first black lawyer to win a case before the Supreme Court, imbued his students with the goal of using the law to attack institutional racism.

"Charlie Houston insisted that we be social engineers rather than lawyers," Justice Marshall said in an interview published in the American Bar Association Journal in 1992.

The Justice often credited Mr. Houston, who died in 1950 at the age of 54, as his mentor. Referring to the 1954 Brown v. Board of Education decision, he said in the bar association interview: "The school case was really Charlie's victory. He just never got a chance to see it."

A BASIC STRATEGY TO END SEGREGATION

After earning his law degree Mr. Marshall opened a law office in Baltimore. The nation was in the fourth year of the Depression. He found himself handling civil rights cases for impoverished clients and was soon $1,000 in debt. But his courtroom victories, including his successful challenge to segregation at the University of Maryland Law School, began to be noticed. In 1936 Mr. Houston, by then the chief counsel of the N.A.A.C.P., recruited him for a $2,600-a-year job on the organization's legal staff in New York. Two years later, when Mr. Houston returned to Washington, Mr. Marshall succeeded to the chief counsel's title but continued to work closely with his mentor.

Pursuing a long-range strategy to eradicate segregation, the two men concentrated first on graduate and professional schools, believing that white judges were most likely to be offended by segregation in that setting and to sympathize with the ambitious young black college graduates who were the plaintiffs in the cases. As successes mounted, the two turned their attention to segregation in public high schools and elementary schools.

"Under Marshall, the N.A.A.C.P.'s legal staff became the model for public interest law firms," Mark Tushnet, one of the Justice's biographers who was also one of his law clerks, wrote in the American Bar Association Journal. "Marshall was thus one of the first public interest lawyers. His commitment to racial justice led him and his staff to develop ways of thinking about constitutional litigation that have been enormously influential far beyond the areas of segregation and discrimination."

In its public school cases, the initial focus of the N.A.A.C.P., and later of the NAACP Legal Defense and Education Fund, which became a separate entity in the 1940's, was to seek to equalize the resources available to the all-black schools in segregated systems. Mr. Marshall persuaded the organization's board to abandon that approach and to refuse to take on any cases that did not challenge the fact of segregation itself.

The new policy was controversial within the N.A.A.C.P. and prompted resignations by several black lawyers on whom the organization had relied to handle cases in the South. Mr. Marshall was not deterred, and took on many of the cases himself. He traveled constantly and was in charge of as many as 450 cases at a time. "I was on the verge of a nervous breakdown for a long time, but I never quite made the grade," he once said.

Robert L. Carter, an associate of Mr. Marshall's from those days who later became a Federal district judge in New York, recalled their travels through the South in an article published in The Harvard Law Review.

"Having grown up in Maryland, Marshall had a slight Southern accent." Mr. Carter wrote. "But when our opponents were Southern lawyers, which was virtually all the time, his accent would become much more pronounced. Before and after the case was called, Marshall would joke with the opposing counsel or exchange some pleasantry, all in a Southern accent so broad that he sounded as if he had lived all his life in the deep rural South. The practice irritated me at first. The very lawyers Marshall's Southern drawl would put at ease were defending a system we detested."

Mr. Carter wrote that he gradually understood that his friend "was attempting to communicate to these men that, although we were on opposite sides of an emotionally charged lawsuit, we were lawyers representing our clients and had no personal quarrel with each other."

"THE RIGHT MAN AND THE RIGHT PLACE"

By 1961, when President Kennedy named him to the Federal appeals court, Thurgood Marshall was the best known black lawyer in the United States. A group of Southern senators held up his confirmation for months, and he served initially under a special appointment made during a Congressional recess. Six years later, President Johnson said that placing Judge Marshall on the Supreme Court was "the right thing to do, the right time to do it, the right man and the right place."

Liberals still dominated the Court in the closing years of Chief Justice Earl Warren's tenure, and Justice Marshall fit in comfortably with such colleagues as Justices Brennan and William O. Douglas. In his early years on the Court, Justice Marshall cast only a handful of dissenting votes.

Inexorably, the ideological landscape changed. By the time Justice Marshall announced his retirement, on June 27, 1991, he had served longer than all but one of the sitting Justices—Byron R. White, who was named by President Kennedy in 1962—and was more liberal than any of them. In his final term he dissented in 25 of 112 cases.

Among Justice Marshall's important majority opinions for the Court was Amalgamated Food Employees Union v. Logan Valley Plaza, in 1968, which held that a shopping center was a "public forum" much like an old downtown city street, from which the private owners could not exclude picketers.

His majority opinion in Stanley v. Georgia, in 1969, held that the private possession of pornography could not be subject to prosecution "If the First Amendment means anything," he wrote in that case, "it means that a state has no business telling a man, sitting alone in his own house, what books he may read or what films he may watch."

He wrote the majority opinion in Bounds v. Smith, a 1977 case holding that state prison systems are constitutionally obliged to provide inmates with "adequate law libraries or adequate assistance from persons trained in the law."

A VIGOROUS DISSENT IN A SCHOOLS CASE

One of his best known dissents was a 63-page opinion in a 1973 case, San Antonio School District v. Rodriguez. The majority in that case held, by a 5-to-4 vote, that the Constitution's guarantee of equal protection was not violated by the property tax system used by Texas and most other states to finance public education. Under the system districts with generous tax bases can afford to provide better schools than less wealthy districts.

In his dissenting opinion, Justice Marshall accused the majority of an "unsupportable acquiescence in a system which deprives children in their earliest years of the chance to reach their full potential as citizens."

He argued that the right to an education should be regarded as a "fundamental" constitutional right, and that state policies that have the effect of discriminating on the basis of wealth should be subject to especially searching judicial scrutiny.

"In my judgment," he wrote, "the right of every American to an equal start in life, so far as the provision of a state service as important as education is concerned, is far too vital to permit state discrimination on grounds as tenuous as those presented by this record."

Justice Marshall had often said that he did not plan to retire, so his decision at the end of the 1990–91 term took both the court and the country by surprise.

One person familiar with the Court recalled that when Justice Marshall informed his colleagues of his plan, at the Justices' final private conference of the term, even the members of the Court who had clashed with him long and often on matters of law and policy were deeply moved. Exclaiming "Oh, Thurgood!" Chief Justice Rehnquist embraced Justice Marshall in a bear hug. Justice Sandra Day O'Connor wept.

Justice Marshall, a few days shy of his 83d birthday, gave health as the reason for his retirement. At a news conference the next day he was asked, "What's wrong with you, sir?"

"What's wrong with me?" Justice Marshall replied. "I'm old. I'm getting old and coming apart."

Justice Marshall's first wife, the former Vivien Burey, whom he married in 1929, died of cancer in February 1955. In December of that year he married Cecilia Suyat, known as Cissy. They had two sons, Thurgood Jr., legislative-affairs coordinator for the Office of the Vice President and previously a lawyer on the staff of the Senate Judiciary Committee, and John, a member of the Virginia state police.

[From the New York Times, Jan. 25, 1993]

MARSHALL IS REMEMBERED AS MORE THAN A JUSTICE

(By Jacques Steinberg)

Those who worked closely with Justice Thurgood Marshall—his law clerks, colleagues on the beach and fellow lawyers—remembered him yesterday as a larger-than-life presence who left a lasting imprint on the nation, as well as on their personal lives and careers.

"He wouldn't use the term," said Jack Greenberg, the dean of Columbia College, who in 1961 succeeded Mr. Marshall as director-counsel of the NAACP Legal Defense and Educational Fund, "but he had a joie de vivre, an exuberance, an aggressiveness about things he attacked, cases that he worked on, issues that he addressed."

In the hours after his death yesterday afternoon, many admirers and former colleagues said they would have difficulty isolating Justice Marshall's most significant contribution to American society, because those contributions seemed endless.

James O. Freedman, who from 1962 to 1963 worked as a clerk for Mr. Marshall when he was a Federal appeals court judge, agreed with many that his former boss's crowning achievement was his successful litigation in 1954 of Brown v. Board of Education, in which the Supreme Court declared that the doctrine of "separate but equal" in regard to racial segregation in public schools no longer had a place in America.

"He allied himself with an idea whose time had come," said Mr. Freedman, now the president of Dartmouth College. "He is probably the only person ever to have been appointed to the Supreme Court who would have had a place in American history before his appointment."

Sherman A. Parks Jr., a 42-year-old Topeka, Kan., lawyer, said yesterday that the Brown decision, and Justice Marshall's role in it, changed the course of his life.

"The Brown case gave me an opportunity I wouldn't have had otherwise," said Mr. Parks, who, after the Brown case was decided, was permitted to attend kindergarten at the elementary school involved in the case. "I mean, I'm a black male and now I'm an attorney and the president of the school board that spawned the Brown case."

The Rev. Jesse Jackson echoed Mr. Parks's reflections, saying, "For most of us who grew up under segregation, we have never known a day without Thurgood Marshall hovering over us to protect us."

Barbara Underwood, a senior executive district attorney in Queens, who clerked for Justice Marshall at the Supreme Court in the early 1970's, said she hoped history would capture the breadth of his career.

"As a lawyer, as a litigator at the N.A.A.C.P., as solicitor general and as a judge, he brought his life and his insights to bear on all manner of issues," she said. Like others, she spoke of his advocacy for minority citizens, for women and for social change as a whole.

"TRUE AMERICAN HERO"

Mr. Greenberg said Justice Marshall helped transform the nation "from a society of apartheid to one in which black people, still under constraints they suffer, nevertheless have an equal chance."

Justice Marshall's former colleagues on the Supreme Court spoke of him yesterday in reverential tones that seemed to transcend ideological boundaries.

"We've lost a true American hero," said Justice Sandra Day O'Connor. "I'm thinking of how privileged I feel to have known him and worked with him."

Justice Antonin Scalia said Justice Marshall was one of the few people in American public life who would be forever identified with the ideas that he championed.

The man who replaced Justice Marshall on the Court, Justice Clarence Thomas, said, "He was a great lawyer, a great jurist and a great man, and the country is better for his having lived."

Justice Marshall's passing drew an immediate reaction from the White House.

"He was a giant in the quest for human rights and equal opportunity in the whole history of our country," President Clinton said in a statement. "Every American should be grateful for the contributions he made as an advocate and as a justice."

Richard Kluger, whose 1975 book "Simple Justice," chronicled the Brown case, said Justice Marshall's role in American social history would be difficult to overstate.

"Without him, the whole civil rights movement and the legal enfranchisement of blacks might not have happened when it did," Mr. Kluger said. "It might have taken a number of years. That was the man's monument. He worked hard for it."

IN MARSHALL'S OWN WORDS

On segregation "the trouble with the doctrine of separate but equal [is that it] assumes that two things are equal."—Argument before the Supreme Court in Brown v. Board of Education (1954)

On free speech "the mere fact that speech is accompanied by conduct does not mean that the speech can be suppressed under the guise of prohibiting the conduct."—Amalgamated Food Employees v. Logan Valley Plaza (1968)

On privacy "If the First Amendment means anything it means that a state has no business telling a man, sitting alone in his own house, what books he may read or what films he may watch. Our whole constitutional heritage rebels at the thought of giving government the power to control men's minds."—Stanley v. Georgia (1960)

On desegregation "Today's holding, I fear, is more a perceived reflection of a public mood that we have gone far enough in insuring the Constituton's guarantee of equal justice than it is a product of neutral principles of law. . . . It may be the easier course to allow our great metropolitan areas to be divided up into two cities—one white, the other black—but it is a course, I predict, our people will ultimately regret."—Dissent in Milliken v. Bradley (1974)

On the right to counsel "The majority contends that the Sixth Amendment is not violated when a manifestly guilty defendant is convicted after a trial in which he was represented by a manifestly ineffective attorney. I cannot agree. Every defendant is entitled to a trial in which his interests are vigorously and conscientiously advocated by an able lawyer."—Dissent in Stickland v. Washington (1983)

On precedent "Power, not reason, is the new currency of this Court's decision making. . . . The implications of this radical new exception to the doctrine of stare decisis are staggering. The majority today sends a clear signal that scores of established constitutional liberties are now ripe for reconsideration, thereby inviting the very type of open defiance of our precedents that the majority rewards in this case."—Dissent in Payne v. Tennessee (1991).

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COBLE) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, today and 60 minutes on January 26, 27, and 28, and 60 minutes on February 1, 2, 3, 4, 5, 16, 17, 18, and 19.

Mr. SOLOMON, for 5 minutes, today.

Mr. GRADISON, for 5 minutes, today.

(The following Members (at the request of Ms. ESHOO) to revise and extend their remarks and include extraneous material:)

Mr. MAZZOLI, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 60 minutes, on January 26, 27, 28, and 60 minutes on February 1, 2, 3, 4, 5, 16, 17, 18, 19, 22, 23, 24, 25, and 26.

Mr. CONYERS, for 15 minutes, today.

Mr. MFUME, for 60 minutes, on February 23, 24, and 25.

Mr. OWENS of New York, for 60 minutes, on January 25, 26, 27, and 28, and for 60 minutes on February 1, 2, 3, 4, 5, 16, 17, 18, 19, 22, 23, 24, 25, and 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COBLE) and to include extraneous material:)

Mr. WELDON in five instances.

(The following Members (at the request of Ms. ESHOO) and to include extraneous material:)

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in two instances.

Mr. BILBRAY.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 30 minutes p.m.) the House adjourned until tomorrow, Tuesday, January 26, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

395. A letter from the director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of January 1, 1993, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103–41); to the Committee on Appropriations and ordered to be printed.

396. A communication from the President of the United States, transmitting a report on nuclear testing, pursuant to Public Law 102–377, section 507; to the Committee on Armed Services.

397. A letter from the Secretary, Housing and Urban Development, transmitting a study on three basic capitated payment formulas for public housing, pursuant to Public Law 101–625, section 525 (104 Stat. 4216); to the Committee on Banking, Finance and Urban Affairs.

398. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–316, "Estelle Simms, Bloomingdale, Edgewood, Eckington (BEE) Civic Park designation Act of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

399. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–317, "Anti-Stalking Temporary Amendment Act of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

400. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–321, "Uniform Commercial Code Investment Securities Amendment Act of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

401. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–322, "Health Services Planning Program Act of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

402. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–323, "District of Columbia Government Comprehensive Merit Personnel Act of 1978 Employee Benefits Amendment Act of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

403. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–324, "Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

404. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–325, "District of Columbia Unemployment Compensation Act Amendment Act of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

405. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–326, "District of Columbia Retirement Board Judicial Appointment Act of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

406. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–327, "Stable and Reliable Source of Revenues for WMATA Act of 1982 Temporary Amendment Act of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

407. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–328, "Carjacking Prevention Temporary Amendment Act of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

408. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–329, "District of Columbia Government Comprehensive Merit Personnel Act of 1978 Compensation Settlement Review Period Temporary Amendment Act of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

409. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–330, "District of Columbia Campaign Contribution Limitation Initiative of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

410. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–334, "TRAC Vehicle Leasing Amendment Act of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

411. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–335, "Bureau of Traffic Adjudication Hearing Examiner Amendment Act of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

412. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–336, "Funeral Services Regulatory Amendment Act of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

413. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–337, "Randall Memorial United Methodist Church Equitable Real Property Tax Relief Act of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

414. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–338, "National Learning Center Equitable Real Property Tax Relief Act of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

415. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–340, "Human Rights Act of 1977 Religious Observance Accommodation Amendment Act of 1992," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

416. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–341, "Adjustment of Interest Rates Paid on Rental Security Deposits Amendment Act of 1992", pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

417. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–342, "Cable Television Communications Act of 1981 Amendment Act of 1992", pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

418. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–343, "Health Care Provider Assessment Act of 1992", pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

419. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–344, "Minimum Wage Temporary Revision Act of 1992", pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

420. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–345, "Investment Advisers Act of 1992", pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

421. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–348, "Taxicab Commercial Advertising Amendment Act of 1992", pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

422. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–350, "Surrogate Parenting Contracts Act of 1992", pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

423. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–352, "District of Columbia Insurance Guaranty Association Amendment Act of 1992", pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

424. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–354, "Smoking Regulation Amendment Act of 1992", pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

425. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–355, "Premium Receipts Tax Clarification Amendment Act of 1992", pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

426. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–356, "Malcolm X Avenue Designation Act of 1992", pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

427. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–357, "New Southern Rock Baptist Church Equitable Real Property Tax Relief Act of 1992", pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

428. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–358, "Washington International School Equitable Real Property Tax Relief Act of 1992", pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

429. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–359, "Sixth Presbyterian

Church Equitable Real Property Tax Relief Act of 1992", pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

430. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–360, "Ward memorial African Methodist Episcopal Church Equitable Real Property Tax Relief Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

431. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–361, "The Salvation Army Equitable Real Property Tax Relief Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

432. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–363, "Alternative fuels Technology Act of 1990 Temporary Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

433. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–364, "District of Columbia Uniform Conservation Easement Act of 1986 Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

434. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–365, "Health-Care Peer Review Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

435. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–366, "Public Assistance Shelter Days Temporary Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

436. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–368, "Animal Control Amendment Act of 1992" congressional review, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

437. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–369, "Tenant Assistance Program Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

438. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–370, "Capital Area Community Food Bank Equitable Real Property Tax Relief Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

439. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–373, "Motor Vehicle Specialty Tags Amendment Act of 1992," pursuant to D.C. Code, section 1–233c)(1); to the Committee on the District of Columbia.

440. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–374, "Prohibition of Employment Discrimination on the Basis of Tobacco Use Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

441. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–375, "Real Property Tax Assessment Appeal Process Revision Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

442. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–376, "Ridgecrest Court Designation Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

443. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–377, "District of Columbia Government Comprehensive Merit Personnel Act of 1978 Compensation Settlement Review Period Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

444. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act of 9–382, "Legalization of Self-Defense Sprays Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

445. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–388, "Barber and Cosmetology Revision Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

446. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–389, "American Association for the Advancement of Science Revenue Bond Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

447. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–351, "Mitch Snyder Place Designation Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

448. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–353, "District of Columbia Nonprofit Corporation Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

449. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–357, "New Southern Rock Baptist Church Equitable Real Property Tax Relief Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

450. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–362, "Wesley Theological Seminary Equitable Real Property Tax Relief Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

451. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 9–392, "Medicaid Managed Care Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

452. A letter from the Secretary of Energy, transmitting the report of the demonstration project on mandatory interim energy conservation performance standards for Federal residential buildings, pursuant to 42 U.S.C. 6831 et seq.; to the Committee on Energy and Commerce.

453. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the price and availability report for the quarter ending December 31, 1992, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

454. A communication from the President of the United States, transmitting a report on arms control treaty compliance by the successor states to the Soviet Union and other nations that are parties to arms control agreements with the United States, as well as by the United States itself, pursuant to 22 U.S.C. 2592a; to the Committee on Foreign Affairs.

455. A communication from the President of the United States, transmitting a report on the activities of U.S.-U.S.S.R. Standing Consultative Commission during calendar year 1992, pursuant to 22 U.S.C. 2578; to the Committee on Foreign Affairs.

456. A letter from the Secretary of State, transmitting the listing of a commercial military export that is eligible for approval in calendar year 1993, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

457. A communication from the President of the United States, transmitting a report on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102–1, section 3 (105 Stat. 4) (H. Doc. No. 103–39); to the Committee on Foreign Affairs and ordered to be printed.

458. A communication from the President of the United States, transmitting a copy of an Executive order with respect to additional measures with the Federal Republic of Yugoslavia (Serbia and Montenegro), pursuant to 50 U.S.C. 1701 et seq. and 1601 et seq. and 22 U.S.C. 287c (H. Doc. No. 103–40); to the Committee on Foreign Affairs and ordered to be printed.

459. A letter from the Director, Congressional Budget Office, transmitting a report on unauthorized appropriations and expiring provisions of law as of January 16, 1993, pursuant to 2 U.S.C. 602(f)(3); to the Committee on Government Operations.

460. A communication from the President of the United States, transmitting an agreement between the Government of the United States and the Government of the Republic of Lithuania Concerning Fisheries off the Coasts of the United States, pursuant to 16 U.S.C. 1823(a) (H. Doc. No. 103–38); to the Committee on Merchant Marine and Fisheries and ordered to be printed.

461. A letter from the Administrator, Small Business Administration, transmitting the final report on the work force field hearings; to the Committee on Small Business.

462. A communication from the President of the United States, transmitting the second biennial report of the National Critical Technologies Panel, pursuant to Public Law 101–189, section 841(a) (103 Stat. 1512); jointly, to the Committees on Armed Services and Science, Space, and Technology.

463. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting the Secretary's certification that the Russian Federation, Ukraine, the Republic of Belarus and the Republic of Kazakhstan are committed to the courses of action described in the National Defense Authorization Act for fiscal year 1993 and the Freedom Support Act, pursuant to Public Law 102–484, section 1412(d) and Public Law 102–511, section 502; jointly, to the Committees on Armed Services and Foreign Affairs.

464. A letter from the Secretary of Energy, transmitting notice that an extension of time is needed for the submittal of the implementation plan in connection with the Defense Nuclear Facilities Safety Board Recommendation 92–4; jointly, to the Committees on Energy and Commerce and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Resolution 19. Resolution to establish the Select Committee on Aging; with an amendment (Rept. 103–1). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 30. Resolution to establish the Select Committee on Aging; with an amendment (Rept. 103–2). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 23. Resolution to establish the Select Committee on Children, Youth, and Families; (Rept. 103–3). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 18. Resolution to establish the Select Committee on Hunger (Rept. 103–4). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 20. Resolution to establish the Select Committee on Narcotics Abuse and Control; with an amendment (Rept. 103–5). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN (for himself, Mr. Brown of California, Mr. Gonzalez, Mr. Jacobs, Mr. Lantos, Mr. Mfume, Mr. Ravenel, and Mr. Shays):

H.R. 559. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes; to the Committee on Agriculture.

By Mr. ACKERMAN:

H.R. 560. A bill to amend the Public Health Service Act to establish programs to increase the supply of professional nurses and provide educational assistance to nurses, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. CONDIT (for himself, Mr. Baker of Louisiana, Mr. Barrett of Nebraska, Mr. Dooley, Mr. Doolittle, Mr. Emerson, Mr. Pete Geren of Texas, Mrs. Lloyd, Mr. Oxley, Mr. Montgomery, Mr. Quillen, Mr. Sensenbrenner, Mr. Thomas of Wyoming, Mr. Zeliff, Mr. Skeen, Mr. Pickett, Mr. Stenholm, Mr. Ballenger, Mr. English of Oklahoma, Mr. Andrews of New Jersey, Mr. Jacobs, Mr. Schiff, and Mr. Sundquist):

H.R. 561. A bill to ensure the Federal agencies establish the appropriate procedures for assessing whether or not Federal regulations might result in the taking of private property, and to direct the Secretary of Agriculture to report to the Congress with respect to such takings under programs of the Department of Agriculture; jointly, to the Committees on the Judiciary and Agriculture.

By Mr. DORNAN:

H.R. 562. A bill to amend the Internal Revenue Code of 1986 to deny the deduction for medical expenses incurred for an abortion; to the Committee on Ways and Means.

H.R. 563. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for adoption expenses; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 564. A bill to authorize leases for 99-year terms on the Viejas Indian Reservation; to the Committee on Natural Resources.

By Mr. KOLBE:

H.R. 565. A bill to amend the Congressional Budget Act of 1974 to reform the Federal budget process, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. MONTGOMERY:

H.R. 566. A bill to amend title 10, United States Code, to provide that the crediting of years of service for purposes of computing the retired and retainer pay of enlisted members of the Armed Forces shall be made in the same manner as applies to officers; to the Committee on Armed Services.

By Mr. ROHRABACHER (for himself, Mr. Herger, Mr. Solomon, Mr. Emerson, Mr. Porter, Mr. Ramstad, Mr. Doolittle, Mr. Smith of Oregon, Mr. McCollum, Mr. Schiff, Mr. Kyl, Mr. Baker of Louisiana, Mr. Moorhead, Mr. Ravenel, Mr. Burton of Indiana, Mr. Gallegly, Mr. Goss, Mr. Cox, Mr. Gillmor, Mr. Dornan, Mr. McHugh, Mr. Baker of California, Mr. Smith of New Jersey, Mr. Spence, Mr. Taylor of North Carolina, Mrs. Bentley, Mr. Sensenbrenner, Mr. Levy, Mr. Linder, Mr. Myers of Indiana, Mr. Blute, Mr. Pombo, Mr. Gingrich, Mr. Hancock, Mr. Sam Johnson of Texas, Mr. Royce, and Mr. Upton):

H.R. 567. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on the 1-time exclusion of gain from sale of a principal residence by individuals who have attained age 55, to increase the amount of the unified estate and gift tax credits, and to reduce the tax on capital gains; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself and Ms. Snowe):

H.R. 568. A bill to amend the Public Health Service Act to provide for the development and operation of centers to conduct research with respect to contraception and centers to conduct research with respect to infertility, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WASHINGTON:

H.R. 569. A bill to authorize the National Institute of Corrections to make grants to States to carry out family unity demonstration projects; and for other purposes; to the Committee on the Judiciary.

By Mr. WELDON:

H.R. 570. A bill to amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to provide specific definition of the requirement that a purchaser of real property make all appropriate inquiry into the previous ownership and uses of the real property in order to qualify for the "innocent landowner" defense; to the Committee on Energy and Commerce.

By Mr. WELDON (for himself, Mr. Wolf, Mr. McHugh, Mr. Gingrich, and Mr. Hochbrueckner):

H.R. 571. A bill to improve the collection, analysis, and dissemination of information that will promote the recycling of municipal solid waste; to the Committee on Energy and Commerce.

By Mr. COLEMAN (for himself, Mr. Evans, Mr. Johnson of South Dakota, Mr. Cramer, Mr. Bilirakis, Mr. Slattery, Mr. Kleczka, Ms. Maloney, Mr. Walsh, Mr. Pete Geren of Texas, Mr. McHugh, Ms. Pelosi, Mr. de la Garza, Mr. Hunter, Mr. Gordon, Mr. Bacchus of Florida, Mrs. Morella, Mr. Swett, Mr. Gene Green of Texas, Mr. McDermott, Ms. Kaptur, Mr. Sarpalius, Mr. Wolf, Ms. Norton, Mr. Mazzoli, Mr. Camp, Mr. Wilson, Mr. DeFazio, Mr. Pallone, Mr. Royce, Mr. Conyers, Ms. Furse, Mr. Blute, Mrs. Kennelly, Mr. Kopetski, Mr. Peterson of Florida, Mr. Bryant, Mr. Kildee, and Mr. Frost):

H.J. Res. 68. Joint resolution to designate the months of April 1993 and 1994 as "National Child Abuse Prevention Month"; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Florida:

H.J. Res. 69. Joint resolution to designate the period commencing February 7, 1993, and ending February 13, 1993, and the period commencing February 6, 1994, and ending February 12, 1994, as "National Burn Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. FRANKS of Connecticut (for himself, Mr. Gilchrest, and Mr. Wilson):

H.J. Res. 70. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives, to limit the number of consecutive terms Representatives and Senators may serve, and to limit the total number of terms Representatives and Senators may serve; to the Committee on the Judiciary.

By Mr. MACHTLEY:

H. Con. Res. 21. Concurrent resolution expressing the sense of the Congress that any health care reform legislation that is enacted to meet the health care needs of the people of the United States should emphasize disease prevention and encourage the development of healthy lifestyles; to the Committee on Energy and Commerce.

By Mrs. SCHROEDER (for herself and Ms. Snowe):

H. Con. Res. 22. Concurrent resolution expressing the sense of the Congress with respect to contraception and infertility; to the Committee on Energy and Commerce.

By Mr. HOYER:

H. Res. 39. Resolution electing Representative Sabo of Minnesota to the Committee on the Budget; considered and agreed to.

By Mr. PENNY:

H. Res. 40. Resolution concerning United States assistance to Nicaragua; to the Committee on Foreign Affairs.

By Mr. WELDON (for himself, Mr. Leach, and Mr. Shays):

H. Res. 41. Resolution requiring that travel awards that accrue by reason of official travel of a Member, officer, or employee of the House of Representatives be used with respect to official travel; to the Committee on House Administration.

By Mr. WELDON (for himself and Mr. Andrews of New Jersey):

H. Res. 42. Resolution establishing a Select Committee on Disaster Preparedness and Response; to the Committee on Rules.

H. Res. 43. Resolution to amend the Rules of the House of Representatives to establish a Citizens' Commission on Congressional Ethics, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

30. By the SPEAKER: Memorial of the Legislature of the State of Alaska, relative to travel and tourism; to the Committee on Energy and Commerce.

31. Also, memorial of the Legislature of the State of Alaska, relative to U.S. military facilities; to the Committee on Foreign Affairs.

32. Also, memorial of the Legislature of the State of Alaska, relative to travel advisories; to the Committee on Foreign Affairs.

33. Also, memorial of the Legislature of the State of Alaska, relative to military spending and budget deficit reduction; to the Committee on Government Operations.

34. Also, memorial of the Legislature of the State of Alaska, relative to recreational vessels; to the Committee on Merchant Marine and Fisheries.

35. Also, memorial of the Legislature of the State of Alaska, relative to bowhead whale; to the Committee on Merchant Marine and Fisheries.

36. Also, memorial of the Legislature of the State of Alaska, relative to establishing a national mandatory seafood inspection program; jointly, to the Committee on Merchant Marine and Fisheries and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISH:

H.R. 572. A bill for the relief of Melissa Johnson; to the Committee on the Judiciary.

By Mr. HUNTER:

H.R. 573. A bill for the relief of Sanae Takahashi; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Mr. Quinn, Mr. Fawell, and Mr. Petri.

H.R. 86: Mr. Quinn, Mr. Fawell, Mr. Taylor of North Carolina, and Mr. Petri.

H.R. 87: Mr. Quinn, Mr. Fawell, Mr. Taylor of North Carolina, and Mr. Petri.

H.R. 116: Mr. Fawell and Mr. Crane.

H.R. 118: Mr. McCloskey, Mr. Skeen, Mr. Laughlin, Mr. Gonzalez, Mr. Frost, and Mr. Kopetski.

H.R. 123: Mr. Oxley, Mr. Lipinski, Mr. Henry, Mr. Packard, Mr. Myers of Indiana, Mr. Fawell, Mr. McCrery, Mr. McCandless, Mr. Solomon, Mr. Sundquist, Mr. Gallo, Mr. Barrett of Nebraska, Mr. Dornan, Mr. Browder, Mr. Shuster, Mr. Saxton, Mr. Livingston, Mr. Baker of California, and Mr. Moorhead.

H.R. 124: Mr. Oxley, Mr. Solomon, Mr. Sundquist, Mr. Saxton, Mr. Livingston, and Mr. Baker of California.

H.R. 179: Mrs. Lloyd and Mr. Wheat.

H.R. 300: Mr. Peterson of Minnesota, Mr. Hutchinson, Mr. Goodlatte, Mr. Spence, Mr. King, Mr. Fawell, Mr. Murphy, Mr. Cox, Mr. Gingrich, Mr. Fields of Texas, Mr. Wynn, Mr. Bilbray, Mr. Rowland, Mr. Skeen, Mr. Inglis, Ms. Molinari, Mr. Ballenger, Mr. Cunningham, Mr. Blackwell, Mr. Linder, Mr. Gunderson, Mr. Blute, Mr. Manzullo, and Mr. Poshard.

H.R. 349: Mr. Torkildsen, Mr. Sam Johnson of Texas, Mr. Mann, Mrs. Lloyd, Mr. Ballenger, and Mr. Royce.

H.R. 557: Mr. Saxton and Mr. Smith of New Jersey.

H.J. Res. 9: Mr. Klug, Mr. Barrett of Nebraska, Mr. Inglis, Mr. Sundquist, Mr. Baker of Louisiana, Mr. Bartlett, Mr. Bereuter, Mr. Buyer, and Mr. Ballenger.

H.J. Res. 27: Mr. Ramstad, Mr. Solomon, Mr. Sundquist, Mr. Gingrich, Mr. Baker of Louisiana, and Mr. Hyde.

H. Con. Res. 3: Mr. Bartlett and Mr. Taylor of North Carolina.

H. Con. Res. 13: Mr. Oxley, Mr. Henry, Mr. Packard, Mr. Fawell, Mr. Porter, Mr. Solomon, Mr. Sundquist, Mr. Barrett of Nebraska, Mr. Dornan, Mr. Saxton, and Mr. Livingston.

H. Res. 16: Mr. Sam Johnson of Texas.

H. Res. 18: Mr. Filner.

H. Res. 20: Mr. Rush, Mr. Franks of Connecticut, Mrs. Clayton, Mr. Underwood, Mr. Baesler, and Mr. Wynn.

H. Res. 23: Mr. Miller of California, Mr. Wheat, Mrs. Lloyd, Mr. Ackerman, Ms. Maloney, Mr. Reed, Mr. Dellums, Mr. Andrews of New Jersey, Mr. Ford of Tennessee, Mr. Lantos, Mr. Murphy, Mr. Neal of Massachusetts, Mr. Ortiz, Mr. Owens, Ms. Long, Mr. Matsui, Mr. Parker, Ms. Velazquez, Mr. McDermott, Mr. Stokes, Mr. Gejdenson, Mr. Serrano, Mrs. Vucanovich, Mr. Wyden, Mr. Yates, Mr. Kleczka, Mr. Holden, Mr. Foglietta, Ms. Woolsey, Ms. Schenk, Mr. Tucker, Mr. Filner, Ms. Margolies-Mezvinsky, Ms. Brown of Florida, Mr. Hinchey, Ms. Furse, Ms. Roybal-Allard, Mr. Wynn, Mr. Frank of Massachusetts, Mr. Payne of New Jersey, Mr. Stupak, Mr. Watt, Mr. Richardson, Mr. Mazzoli, Ms. Pelosi, Mr. Meehan, Mr. McHale, Mr. Bevill, Mr. Borski, Mr. Scott, Mr. Applegate, Mrs. Collins of Illinois, Mr. de Lugo, Ms. Kaptur, Mr. Gene Green of Texas, Mr. Hall of Ohio, Mr. Towns, Mr. Rahall, Mr. DeFazio, Mr. Poshard, Mr. Boucher, Mr. Valentine, Mr. Baesler, Mr. Becerra, Mr. Conyers, Mr. Traficant, Mr. Skelton, Mr. Coleman of Texas, Mr. Rose, Mr. Romero-Barcelo, Mr. Gilman, Mr. Vento, Mr. Markey, Mr. Moran, Mr. Slattery, and Mr. Fields of Louisiana.

H. Res. 31: Mr. Goss, Mr. Porter, Mr. Hancock, and Mr. Sensenbrenner.

H. Res. 32: Ms. Snowe, Mr. Mica, Mr. Sensenbrenner, and Mr. Tucker.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H. Res. 18

By Mr. SOLOMON of New York:

—At the end of the resolution, add the following new section:

"TERMINATION OF SELECT COMMITTEE"

"Sec. 7. (a) Notwithstanding any other provision of this resolution, the select committee shall cease to exist on December 31, 1993.

"(b) The records, files and materials of the select committee shall be transferred to the Clerk of the House.".

H. Res. 19

By Mr. SOLOMON of New York:

—At the end of the resolution, add the following new section:

"Sec. 7. Termination of Select Committee.

"(a) Notwithstanding any other provision of this resolution, the select committee shall cease to exist on December 31, 1993.

"(b) The records, files and materials of the select committee shall be transferred to the Clerk of the House.".

H. Res. 20

By Mr. SOLOMON of New York:

—At the end of the resolution, add the following new section:

"Sec. 7. Termination of Select Committee.

"(a) Notwithstanding any other provision of this resolution, the select committee shall cease to exist on December 31, 1993.

"(b) The records, files and materials of the select committee shall be transferred to the Clerk of the House.".

H. Res. 23

By Mr. SOLOMON of New York:

—At the end of the resolution, add the following new section:

"Sec. 7. Termination of Select Committee.

"(a) Notwithstanding any other provision of this resolution, the select committee shall cease to exist on December 31, 1993.

"(b) The records, files and materials of the select committee shall be transferred to the Clerk of the House.".

H. Res. 30

By Mr. SOLOMON of New York:

—At the end of the resolution, add the following new section:

"Sec. 7. Termination of Select Committee.

"(a) Notwithstanding any other provision of this resolution, the select committee shall cease to exist on December 31, 1993.

"(b) The records, files and materials of the select committee shall be transferred to the Clerk of the House.".

EXTENSIONS OF REMARKS

INNOCENT LANDOWNER DEFENSE ACT

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1993

Mr. WELDON. Mr. Speaker, I rise today to reintroduce the Innocent Landowner Defense Act, to clarify what is required by "all appropriate inquiry into the previous ownerships and uses of the property" as defined by the 1986 Superfund Amendments Reauthorization Act [SARA] to Superfund.

The 1986 SARA amendments included several exemptions for the liability of site cleanup—an important one being the innocent landowners defense provision. This provision allows for an exemption of liability to a landowner who has not contributed to the contamination of a site and has made all appropriate inquiry into the previous uses of the property.

The intent of the innocent landowner defense was to encourage the uncovering of contaminated sites which could then be cleaned up. It was meant as a narrow exception to protect those considering the acquisition of land from future liability. Unfortunately, the definition of all appropriate inquiry was never made clear in the SARA legislation, resulting in confusion as to the requirement for assessing a site for contamination. This lack of clarification has left the land purchaser with a dilemma. Even the most expensive and extensive site assessments may not prevent the landowner from later being held liable for contamination.

The Innocent Landowners Defense Act is designed to define what is meant by "all appropriate inquiry," putting an end to the confusion and allowing landowners to protect themselves from liability.

Specifically, this legislation calls for a phase I environmental audit—an investigation of the property conducted by an environmental professional—defined in the legislation—to discover the presence of hazardous substances through the following sources:

First, chain of title documents for the past 50 years.

Second, available aerial photographs of the property.

Third, Superfund liens against the property.

Fourth, Federal, State, local government records of activities causing release of hazardous substances.

Fifth, a visual site inspection of the property.

If these criteria are met, an individual would be recognized as conducting all appropriate inquiry.

This legislation in no way changes the liability scheme of Superfund. It is a clarifying correction which enables courts and potential landowners to determine exactly what is needed to fulfill all appropriate inquiry requirements. Not only will this legislation clear up a very confusing situation, but it will restore the original intent of the innocent landowner defense—it will encourage the testing of sites for contamination, increasing the likelihood that contaminated sites will be found and cleaned up.

This legislation provides the guidance crucial to assessing the risk associated with hazardous waste sites. It would allow for the realization of the original goals of the Superfund legislation, while leaving the original statute unchanged in terms of liability.

A TRIBUTE TO SHERIFF BILL BROOKS

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1993

Mr. KOPETSKI. Mr. Speaker, I rise to recognize the distinguished 42-year law enforcement career of Clackamas County Sheriff Bill Brooks. At the end of 1992, Sheriff Brooks retired after serving as the Clackamas County Sheriff since 1983.

At the time of his retirement, Sheriff Brooks was the president of the Oregon State Sheriff's Association. A brief listing of Sheriff Brooks service and awards includes: Past president of the Oregon City Chamber of Commerce; 1985 Sheriff of the Year; 1990 Oregon City First Citizen; Enterprise Courier 1990 Public Citizen; Oregon Criminal Justice Council, 7 years service; Oregon Medical Examiners Advisory Board, 4 years service; past chair of the Clackamas County Law Enforcement Council; Oregon National Guard Association, "for dedicated service"; and Oregon National Guard Association, "for selfless devotion."

Sheriff Brooks has counseled me on law enforcement issues dating back to my days in the Oregon State Legislature. Oftentimes, he has been the teacher and I, the student.

Mr. Speaker, Sheriff Bill Brooks career in law enforcement is unparalleled in the State of Oregon. Without a doubt, Sheriff Bill Brooks is one of the finest public servants ever to serve Clackamas County. Sheriff Brooks will be missed throughout the communities of my district. However, we all look forward to continuing our work with our dear friend, Bill Brooks.

I attach an article for the RECORD from the Oregon City News, detailing the life and career of Bill Brooks.

BROOKS ENDS 42-YEAR CAREER IN POLICE WORK

(By Ray Horn)

When the clock ticks off the seconds at midnight Dec. 31 into the new year, life will change for Clackamas County Sheriff Bill Brooks.

For the first time in his adult life, Brooks will be a civilian. The curtain will close on a stellar 42-year career in law enforcement. To those who understand the magnitude of Bill Brooks's contribution not only to his own department but to all of law enforcement, there will be a note of sadness in this. The job just always seemed to fit Brooks like a glove.

For those who have known Brooks, he was always the right man for the job—the kind of person who ought to stay on for just four more years.

While many will miss his leadership and vision, all must know that Bill Brooks has a perfect right to choose the time of his departure.

"I have some family obligations," Brooks said. His wife Liz wants to travel, "and there's so much of this country I've never seen," he said. "My family has been so patient throughout my career and there are a lot of things we didn't get a chance to do that normal people get to do, because of the job," Brooks said. The first stop in January for Bill and Liz will be visiting family members in the San Francisco Bay area.

Where does a story about Bill Brooks begin and end?

How much of his nine-page single-spaced resume could we list? The honors and accomplishments were so many for so long. Brooks may be the best known and respected law enforcement official in Oregon today. Former governor Neil Goldschmidt noted that Brooks's influence and prestige have always extended far beyond the Clackamas County Sheriff's Department. Goldschmidt was so impressed with Brooks's total view and understanding of law enforcement and corrections issues that he appointed him to his 17-member transition team when he won the governorship. Former Governor Vic Atiyeh named Brooks to his Oregon Criminal Justice Council on which he served from 1985 to 1990. There is Bill Brooks, the community booster and former president of the Chamber of Commerce. There is Bill Brooks, reserve officer and former commander of the Oregon Civil Defense Forces, and Bill Brooks, the military helicopter pilot, and Bill Brooks, the sheriff of the year in 1985.

Maybe a good point of departure is Bill Brooks, the 15-year-old boy on vacation with his parents in Newport, Ore., in August of 1945. The war was over, Bill's father had worked without a day off throughout the war, setting up assembly line operations in aviation-related industries.

There were Bill and his father, Mark, and his mother, Ann, parked in their car in a state park overlooking the jetty, watching the sun sink on the horizon on the beautiful Pacific Ocean. Bill's father turned to him and said, "I can't think of a single reason to go back to St. Louis, Missouri, can you?" He turned to Ann and asked her the same question: "Can you?" Three no's made a decision, and soon Mark was building houses in Newport and later running the bus garage operation for the Lincoln Country School District. Ann was a teacher and writer and kept working on some of her 42 books of history and fiction.

"Newport was a close-knit town in those years," Bill remembers. It was a good place to grow up. Youths are impressionable in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

these years, and there were several groups of people Bill grew to respect and admire in Newport. There were the Oregon State Troopers stationed in Newport. "They were always friendly to kids and well liked," he said. Then there was the U.S. Coast Guard and its life-saving missions across the Yaquina Bay bar or at sea. Later, young Bill Brooks would be part of the U.S. Coast Guard's Yaquina Bay Group and make 217 rescue missions through surf and storm and fog.

Character and personality were forming in the young man. He loved to help people and he enjoyed the intensity of a 36-foot double-ended motor lifeboat barrelling through heavy surf, or the adrenalin rush of stopping, disarming and arresting two robbery suspects in rural Clackamas County, as he would later do.

Bill Brooks joined the Coast Guard in 1949 and spent three years on active duty. His job title, damage control man, meant he was a firefighter, a welder, painter, and shallow water diver. He was on a cutter bound for Pearl Harbor when the Korean War broke out and was briefly diverted to Korean waters, where his ship was given a list of shore targets.

Bill joined the Coast Guard because he wanted to work on search and rescue missions, but found one of his assignments perfectly boring—when he spent one tour of duty on the supply freighter Yngala, cruising the Aleutians to Point Barrow and back.

Bill's fondest Coast Guard memories were the rescue calls on the lifeboat crew out of Yaquina Bay. Some of these missions were intense, hair-raising experiences; like the day the fog was so thick that visibility was zero, yet a 60-foot yacht from British Columbia had hit the rocks on the north side of the jetty. A technician had just installed the new S-U or surface radar on the motor lifeboat and urged his shipmates to have faith—he could get them out and back without any visual navigation. "The fog was so dense that when we got to the boat we threw a line onto their deck without ever seeing anyone. We could hear voices and later learned that the line hit someone on their deck when we threw it." Another memorable run on the lifeboat was mission Christmas one year when the Newport bar was so rough that the boat had to ride out the storm for four days offshore.

Bill spent some of his Coast Guard tour patrolling coastal rivers with a 27-foot boat and was often accompanied by Oregon State Police fish and game officers. Here, again, he was highly impressed with the quality of personnel with O.S.P. and thought about becoming a policeman when his three-year enlistment ended in 1951.

Twenty-one-year old Bill Brooks joined the Multnomah County Sheriff's Department in December of 1951, completed a three-week training course, and was on the street where he began his on-the-boat education. His next career move was to the West Linn Police Department in April 1952. "I enjoyed the job there, but pretty soon you realize you're just seeing the same old street lights every night. We were on the same frequency as the county and you could hear all all of the stuff going on out in the county. So I started thinking I didn't want to be chasing the same taillights for the rest of my life and thought about the county as being a place with more action."

Bill approached Clackamas County Sheriff Fred Reaksecker and told him he would like to work for the Clackamas County Sheriff's Department if and when there was an opening. There was an opening in August 1953, and Bill Brooks was hired to fill the position, becoming the fourteenth member of what had been a 13-member force.

The Sheriff's Department ran two shifts only in those years, a day shift and a night shift that went off at 3 a.m. "If there was a call after 3 a.m. that wouldn't hold, we would wake up an off-duty person," Brooks said. "We didn't have detectives then. If we had plainclothes work to do, we would change clothes. There weren't any cover cars or backup cars then."

Brooks's devotion to the department and superior performance earned rapid promotions. When Joe Shobe became sheriff in 1957, Brooks was promoted to sergeant, where he ran the day shift and still took one patrol himself. Clackamas County began to grow by 6,000 to 7,000 people a year in the 1960s, so the sheriff's department also began to grow, "although we were always lagging behind the curve," Brooks said.

Brooks became one of the department's first two lieutenants in 1960 and took command of the uniformed division and detectives. In 1964 he changed positions, taking over the service division. It was in this position that Sheriff Joe Shobe found that Brooks was the man of the hour with his administrative skills. Running a police agency became more complicated in the mid-60s. There was an explosion of paperwork, Brooks said.

"We got buried with paperwork almost overnight," he said. Deputies were covered by civil service in the early 60s, and then came unions and government grants and the paperwork that went with them. In his scrapbooks, which have been put together by several of his grandchildren, time and time again there are letters from Shobe or job evaluation forms attesting to Brooks's skills as an administrator. It appeared that every sheriff since Joe Shobe realized that the best way to make their work run more smoothly was to turn over as many administrative functions as possible to Bill Brooks.

When chief deputy Fred Abelle died in 1968, Shobe asked Brooks to become chief deputy, a position he held until 1977, when incoming sheriff John Renfro abolished the position and created a new two-bureau system to replace a seven-division system. Renfro served one term and chose not to seek another.

Paul McAllister was elected sheriff in 1981, abolished Renfro's administrative system, and asked Brooks to become undersheriff again. Bill was comfortable in the job and the department seemed to be on an even keel until McAllister was indicted following the discovery of an electronic bug on Clackamas County Commissioner Ralph Groener's phone in 1983. McAllister's chief of detectives, Pat Reed, had gotten a little overzealous. And more: when the bug fell out of the phone, the initials I.R.S. were on the device. An illegal bug is bad enough, but trying to implicate another agency is worse yet. So McAllister had to fall. It was tragic, because he too had had a distinguished career as a policeman and as a prosecuting attorney.

With McAllister's resignation, the county commission had to appoint a sheriff. Brooks, Ris Bradshaw, and Capt. Jerry Johnson delivered McAllister's letter of resignation and told the commissioners that they each felt qualified to handle the job. Commissioner Bob Shumacher later called Brooks and asked if he would accept the position. "I had felt comfortable in the role of chief deputy and I was cautious about the political aspects of being sheriff," Brooks said.

What he feared the most became Brook's long suit: his ability to work with people. "I found the political side of the job wasn't that unfriendly," he said. "I found that there were a lot of consensus builders," he added. "The political environment wasn't that bad. I found most of the mayors and city managers were willing to help out."

Brooks grew in stature. He said he made up his mind to never "try to use any form of political leverage even though I've seen it used by others. I also remembered something my father used to say. He said never treat anyone any differently in any situation than you would want to be treated in the same situation. You've got to be ethical if you're going to be trusted."

Respect and trust are hard to win for public figures, but Brooks did this. "I think one of the greatest compliments I ever had was when I heard Jack Smith of Gladstone say that 'if Bill says he needs it, that's good enough for me.' "

Brooks did something else that gained public trust in himself and his department. He reached out to the community by offering to serve in other capacities—as he did as president of the Tri-Cities Chamber of Commerce.

He tried to see the world and his department through the eyes of others. He said John McIntire, the former Clackamas County Director of Public Works and Transportation, jolted him into realizing that his frame of reference was too limited. "You are so intensely devoted to the sheriff's department to the point that it does you harm. You need to look at the whole picture in Clackamas County," McIntire told Brooks.

One of the reasons Brooks joined the Chamber of Commerce was to broaden his perspective beyond his vantage point of sheriff. "I joined the Chamber because I thought it was broader based than some of the other service clubs I could have joined," he said. "I wanted to see a different viewpoint than law enforcement. How do business people see law enforcement? I learned a lot in the Chamber. I saw that there is a lot of distrust of government. There is a feeling that no one is watching out for the little guy."

Seeing the big picture is something Brooks has always done in his profession. He could have limited his service to running his own department, but he always saw the connection between law, courts, society, and state and federal government as it related to law enforcement. That's why he assumed tasks like lobbying the legislature on behalf of the Oregon law enforcement community. He was Oregon Law Enforcement Legislative Committee chairman in 1986 and 1987.

While Sheriff Bill Brooks was doing all of the above, citizen Bill Brooks was contributing to his city, county, state and nation in many other capacities. He was, for instance, commander of the Oregon Defense Forces until time conflicts became too burdensome after he became sheriff in 1983. Brooks became chief of staff of the Oregon Defense Forces in 1980. The 500-member force becomes the state's only internal military force when the Army National Guard is called up for national emergencies.

Brooks was more than a good administrator and an effective politician. He was always on the leading edge of new developments in law enforcement. His leadership brought the first enhanced 911 system in Oregon to Clackamas County. In 1985 he was lauded by his peers for a number of outstanding innovations. Clackamas County began the first utility workers watch program in the state that year. Utility workers were trained in skills which helped them spot illegal activities in the neighborhoods where they worked. Construction of the C-Com communications center began in 1985. "Information based" patrol assignments began in 1985. Utilizing data on the place and time of crimes, patrols could be assigned on the basis of proven need. The sheriff's department incorporated its data base with all local police departments in 1985 and soon recorded up to 250,000 computer transactions a month.

Asked how he thinks he may feel when he wakes up Jan. 1, 1993, Brooks said, "I've never really thought about it." He did say he feels good about his successor, Ris Bradshaw. "I feel good that he is highly competent and will do a good job." Brooks said he believes he is leaving the department in better shape than it was in 1983 when he became sheriff.

A long career on the order of Bill Brooks's is a long personal history of days and nights and years of getting up every day and setting out on a mission. It was his good fortune—and ours too—that he was so well suited for what he did.

PRIVATE PROPERTY PROTECTION ACT OF 1993

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1993

Mr. CONDIT. Mr. Speaker, I rise today to introduce a bill entitled, the "Private Property Protection Act of 1993."

The Private Property Protection Act of 1993 has been introduced to ensure that Federal agencies establish appropriate procedures for assessing whether or not Federal regulations might result in the taking of private property. The Private Property Protection Act also directs the Secretary of Agriculture to report to Congress with respect to such takings under programs of the Department of Agriculture.

In just the past 2 years, regulatory takings of property by Federal agencies have become a matter of substantial concern to Congress. Eleven separate bills were introduced during the 102d Congress, and I expect many more to be included with my bill during the 103d Congress. The reasons for these congressional responses are obvious.

Government policies intended to protect the environment have interfered with the constitutional rights of private landowners. In 1990 alone, 53,000 pages of Federal Government regulations were issued on the use of private property. It is not hard to imagine that these regulations have placed severe limitations on private property use.

In addition to limiting property use, Federal regulations have reduced land values while creating economic uncertainty and hardships for property owners. The U.S. Government is currently facing well over $1 billion in outstanding takings claims. In 1990, several of the largest takings judgments in history were handed down, one totaling $120 million. It has also been estimated that farmers could lose 25 to 50 percent of their land equity as a result of takings of private property. We cannot ignore the consequences of this possibility when economic hardships for individuals are becoming more and more of a every day occurrence. I strongly believe most Americans consider takings judgments totaling in the hundreds of millions of dollars and the ability of individuals to utilize private property vital policy areas for congressional consideration.

If enacted, the Private Property Protection Act will help avoid these problems. This measure can prevent inadvertent takings of constitutionally guaranteed property rights and thus reduce Federal Government's financial liability for such takings. It is a simple mechanism which will cause Federal agencies to consider the impact of their regulations on private property rights before they are implemented. The Private Property Protection Act will serve as an effective tool in the operation of regulatory programs and may make them more efficient since it will require regulators to better understand the result of their actions.

We have coming to a turning point in environmental regulatory policy. When regulations are imposed without proper compensation or due regard for the constitutional protection provided for in the fifth amendment, they do in fact, create a taking. Regulators must not be allowed to turn capable stewardship into a liability by removing or infringing on landowners constitutional rights.

William H. Taft once stated that—

> Next to liberty, the right of property is the most important individual right guaranteed by the Constitution and the one which, united with that of personal liberty, has contributed more to the growth of civilization than any other institution established by the human race.

If we are going to protect the rights of individuals, then we must have balanced and equitable regulations to assure landowners that their private property rights are secure.

I hope that you will join me in fighting for the rights of individuals by supporting the Private Property Protection Act of 1993.

FREQUENT FLIER BONUS AWARDS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1993

Mr. WELDON. Mr. Speaker, last year in one of the most arrogant moves yet, the House Administration Committee authorized Members and staff to use frequent flier bonus miles for personal travel. Once again, Congress is doing what it does best—taking the American taxpayer for a ride, and making them pay for it. Air Congress loves to fly and it shows.

Today I am introducing a resolution that will eliminate the use of frequent flier bonus awards by Members and their staff. The resolution will prohibit the application of bonus miles, accrued during business trips, toward personal travel.

We cannot afford to send Members and staff on Government-sponsored vacations, leaving the taxpayer home alone. It's time to start spending taxpayers' money wisely, and start deficit reduction in our own House.

The Comptroller General has ruled that a frequent traveler benefit is the property of the Government. Federal employees are required to use any bonus miles earned on Government travel for official business, as are Senators and their employees, and the House should be no different. The time has come to show the American people that we mean business and not business as usual. I urge Members to join in support of this effort to show taxpayers that we are part of the solution instead of the root of the problem.

COMMENDING FINANCIAL MANAGEMENT REFORMS DURING THE BUSH ADMINISTRATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1993

Mr. CLINGER. Mr. Speaker, nearly 4 years ago, the incoming Bush administration was confronted with some of the greatest Government management problems in the history of the Republic. Newspaper headlines of those days were awash with management scandals at the Department of Housing and Urban Development, the savings and loan crises, thousand dollar hammers, and warehouses of unaccounted supplies.

At that time, the House Government Operations Committee, along with our colleagues in the Senate Committee on Governmental Affairs, began a series of hearings on the management practices of the executive branch. What quickly became crystal clear was the lack of sound financial management practices within the Federal Government. Despite decades of leadership in the areas of automation and accounting innovation throughout the 1940's and 1950's, by the late 1980's, the Federal Government's financial management infrastructure was in a deplorable state.

A Government Operations Committee report stated,

> The Federal Government operates with many antiquated systems that do not provide adequate information required for effective management, program funding, and revenue-generating decisionmaking. There are hundreds of separate Federal agency accounting systems, making efforts to monitor and audit programs unnecessarily difficult. Meanwhile, billions of dollars are being spent to upgrade accounting and financial management systems but these efforts are not sufficiently planned or coordinated; thus, they routinely fail to meet their objectives.

By 1989, the General Accounting Office and the Office of Management and Budget conducted studies which identified high-risk programs in which as many as 78 different problems were identified which potentially posed liabilities of hundreds of billions of dollars. These serious problems had to be addressed.

In a proud moment for Government management, the Committee on Government Operations, the Senate Committee on Governmental Affairs, and the President's Office of Management and Budget came together to find a solution to this rapidly deteriorating management structure. The result of our efforts was the enactment of the Chief Financial Officers [CFO's] Act of 1990, which established a governmentwide chief financial management official, a controller, and CFO's in 23 departments and agencies. The CFO's Act was the most important piece of Government management reform legislation since enactment of the Budget and Accounting Act of 1921, which created the General Accounting Office.

The Federal budget released by President Bush on January 6 provides hard evidence that the reforms created through enactment of the Chief Financial Officers Act have placed the Federal Government once again on the forefront of management integrity and innovation. Let me share with you the successes of the Bush administration in the area of financial management reform. Some of these were a direct result of the CFO's Act, other accomplishments were the result of unilateral actions taken by the administration. Each of these examples was provided in the President's annual budget submission. They include:

First, new financial management organizational structures have been established in OMB and the 23 agencies as required by the CFO's Act. CFO's and Deputy CFO's have been appointed and a CFO council and council operations group established.

Second, OMB prepared and submitted to Congress the first governmentwide report on the status of Federal financial management and a 5-year plan for its improvement as called for in the CFO's Act. The plan identified initiatives in eight areas: organization, personnel, accounting standards, financial systems, internal controls, asset management, communications with State and local governments and private contractors, and audited financial statements.

Third, OMB issued a directive defining the form and content for financial statements. The CFOs Act mandated the first government financial statements for departments and agencies. The traditional financial statement format has been expanded to include an overview of the reporting entity, funded and unfunded liabilities, funds required to finance unfunded liabilities, and a comparison of actual expenses for each program with the budget authority for the program.

Fourth, a Federal accounting standards advisory board has been established, with the former Comptroller General as chairman, to recommend accounting standards for Federal agencies. This settled a 5-year impasse on who sets accounting standards for the Federal Government. The CFO's Act does not mandate the existence of an accounting standards board and the Comptroller General, the Secretary of the Treasury, and the Director of the Office of Management and Budget should be commended for working together to create a mechanism for establishing Federal accounting standards.

Fifth, financial systems functional standards have been updated for core financial systems, and established for the payroll/personnel, travel, and seized assets systems. The U.S. standard general ledger has been established as a minimum standard for capturing financial information within agencies. These reforms began as early as 1980 but will require numerous additions years to be fully successful.

Sixth, the OMB budget execution data base has been automated by providing for monthly electronic reporting. This was also the result of efforts begun during the Reagan administration and continued throughout the Bush administration.

Seventh, $604 million was provided in 1992 and $625 million in 1993 for improved agency financial systems, and a data base was established containing essential information about the status of government financial systems. OMB and Treasury have reviewed detailed agency financial systems plans. Unfortunately, Congress has not done enough to fund the financial management reforms initiated by the Bush administration. The funds provided in 1992 and 1993 were the result of efficiencies in other areas identified by President Bush and transferred for use to improve financial systems.

Eighth, the Federal Credit Policy Working Group, created by the Bush administration separate from the CFO's Act, has—

Instituted quarterly early warning reports to show significant trends in the performance of the portfolios of the five major credit agencies.

Established a credit training institute for agency credit staff.

Developed standard lender agreements that define the terms and conditions for lenders participating in the Government's loan guarantee programs.

Initiated an automated credit screening process to improve the loan origination process.

Initiated an automated capability to track delinquent debts referred to the Department of Justice for litigation and collection.

Ninth, the Internal Revenue Service has established targets for the collection of delinquent taxes and initiated quarterly reviews of collection performance.

Tenth, the Departments of Agriculture and Health and Human Services and the State of Maryland have initiated a statewide program to test electronic payment mechanisms for benefit transfers. This was the result of years of research in the use of electronic payment methods for Federal benefits. These mechanisms promise huge savings if fully implemented.

Eleventh, OMB has organized 14 interagency teams to develop and agree upon common program performance measures in areas such as loans and loan guarantees, health care, regulation and enforcement, and insurance programs.

Twelfth, OMB issued directives involving the audit of agency financial statements to require a significant expansion of audit effort, beyond the traditional audit process, in order to assess the quality of agencies' internal controls. OMB worked closely with the President's Council on Integrity and Efficiency, the General Accounting Office, and the American Institute of Certified Public Accountants to develop this guidance and initiate training in financial statement auditing for inspectors general and other auditors. These directives were required to implement the CFO's Act.

Thirteenth, 67 government entities and 24 government corporations have completed audited financial statements containing program performance information for 1991 activities. As mandated by the CFO's Act, approximately 120 government entities, plus 24 government corporations, are preparing in 1993 financial statements, which will be subject to audit, for 1992 activities.

Fourteenth, OMB has issued new indirect cost regulations for colleges and universities, to eliminate abuses in the charging of indirect costs and to assure a more equitable sharing of the costs of overhead between the academic community and the Federal Government. Abuses like those recently discovered in colleges and universities helped prompt enactment of the Chief Financial Officers Act.

In addition, the Bush administration identified several improvements which are needed in the future. They include—

First, coordinated efforts are needed to define financial management personnel needs and target critical areas for recruitment and retention.

Second, additional functional and information requirements need to be standardized. Use of the off-the-shelf software program and cross-servicing arrangements need to be expanded, to reduce costs and improve the efficiency of processing and quality of management information.

Third, financial managers need to assure that the information in financial statements is useful and used. This can be done through the use of performance measures and accelerating the preparation and audit of financial statements, in order that they might be available for the appropriations process.

Fourth, since debt collection is often not a high priority at individual agencies and consolidated collection activities have evidenced improved performance at lower cost, further consolidation of debt collection activities and the feasibility of establishing a central debt collection agency should be explored. Also, policy officials need to be made more aware of their ability, under credit reform, to reduce credit subsidies and increase funds available for lending, through improved debt collection—including contracting out for private collection services.

A number of people and organizations should be commended for fostering the environment which led to enactment of the CFO's Act and the management reforms resulting from the act's requirements. My committee Chairman, JOHN CONYERS, and then ranking minority member Frank Horton, were instrumental in the drafting and passage of the original CFO's Act. They also led the fight to ensure that funding was later provided for CFO's Act reforms. Also to be commended are Senate Committee on Governmental Affairs Chairman JOHN GLENN and ranking minority member WILLIAM ROTH.

I particularly want to commend the leadership at the Office of Management and Budget for negotiating the final passage of the CFO's Act and, more importantly, ensuring its successful implementation. Mr. Frank Hodsoll, President Bush's Deputy Director of OMB for Management, and Mr. Edward J. Mazur, Controller at OMB, have worked tirelessly to guarantee that congressional intent to reform the government's financial management practices was met. They both, along with their dedicated staffs, deserve the commendation of this Congress.

I am not alone in my high regard for the work performed by those at the Office of Management and Budget. In the U.S. General Accounting Office Transition Series report entitled, "Financial Management Issues," Comptroller General Bowsher stated, "The CFO Act simply will not work without qualified, effective leadership, starting with the Deputy Director for Management and the Controller at OMB."

This standard was fully met in the appointment of the first Controller of OMB's Office of Federal Financial Management. This person, who is key to leading the governmentwide financial reform effort, has an extensive financial management background and a strong record of successful leadership in reforming State government finances. This appointment, as well as the selection of an effective Deputy Director for Management who aggressively pushed for the act's implementation, was an important signal of OMB's commitment to making the CFO's Act work.

Throughout the coming years we will undoubtedly conduct additional oversight hearings to reinforce the mandates of the CFO's Act and other management reform efforts directed by Congress. It will be the charge of the Clinton administration to continue the efforts of President Bush to help ensure that the Federal Government is once again the leader in financial management practices and innovation.

THE NEED TO ALERT CITIZENS TO WASTE FACILITY SITING PROPOSALS

HON. MIKE SYNAR

OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Monday, January 25, 1993

Mr. SYNAR. Mr. Speaker, last Thursday I joined with my friend and colleague, Representative BILL CLINGER, to introduce H.R. 495, important legislation designed to inform the public about the impacts of proposed hazardous waste treatment or disposal facilities on their communities. Last year, during the Energy and Commerce Committee's markup of the Resource Conservation and Recovery Act [RCRA] subtitle D reauthorization bill, Mr. CLINGER and I crafted, and I then sponsored, a similar measure for proposed municipal solid waste treatment or disposal facilities. Although the provision passed unanimously in committee, the year's tight legislative schedule did not permit House consideration of the RCRA bill before adjournment. Because the siting of waste treatment and disposal facilities—both hazardous and non-hazardous—is such a complex and contentious issue, there is a need to get local communities who will be impacted by these facilities involved in the decisionmaking on the ground floor.

Mr. Speaker, recent studies have found that a disproportionate number of waste facilities are sited in rural, poor, and minority areas. I have seen these problems in my own State of Oklahoma where waste disposal companies have targeted rural and Native American communities. One common complaint coming from these communities is that, while the permit process enables them to ensure that the proposed facility will meet regulatory environmental requirements, the public is often unable to determine what overall effects the facility will have on the community.

Citizens deserve to know the impacts on their community. To correct this deficiency, H.R. 495 requires that a community information statement be prepared prior to the issuance of a permit for a hazardous waste treatment or disposal facility. The host community and the permit applicant will jointly select an independent contractor to prepare the impact statement, which will be paid for by the permit applicant. The statement is designed to identify and describe first, the economic and other impacts of the facility on the host community, including impacts on employment, housing, public safety and emergency preparedness, transportation systems, and recreation amenities and tourism; second, the types of wastes entering the proposed facility and any health effects associated with those wastes; third, the demographic characteristics of the community; fourth, the presence of any past or existing waste disposal facilities or Superfund sites; and fifth, the environmental compliance record of the firm operating the proposed facility.

Mr. Speaker, the purpose of the community information statement is not to recommend approval or denial of a proposed facility. Rather, it is to provide communities needed information that is not currently available in the permitting process. Providing communities with this very basic information will enable them to participate in the siting process at an early stage and will enhance the quality of the ultimate siting decision. I hope my colleagues agree that communities should be kept informed to the fullest extent so that sound decisionmaking can take place, and I urge my colleagues to cosponsor the legislation.

THE RECYCLING INFORMATION CLEARINGHOUSE ACT

HON. CURT WELDON

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, January 25, 1993

Mr. WELDON. Mr. Speaker, I rise today to reintroduce the Recycling Information Clearinghouse Act. This legislation calls for the creation of a recycling clearinghouse within the Environmental Protection Agency's [EPA] Office of Solid Waste Management. With the monumental environmental problems this Nation faces in the future, it is imperative we examine these problems with a modern perspective.

America's garbage problem is heavy indeed. Each year we generate over 180 million tons of garbage. We discard enough paper in a year to build a 12-foot high wall stretching from coast to coast. Every hour we dispose of 2.5 million potentially recyclable plastic bottles. The EPA estimates that this amount of waste will continue to increase rapidly through the year 2000.

Our traditional method of disposing of garbage in landfills is becoming obsolete. Ten years ago in Pennsylvania, we had over 1,000 active landfills; today we have under 100. In addition to dwindling capacity, the cost to dump in landfills is skyrocketing. Our latest trend in disposal technology is incineration. Unfortunately, this method has proven to be both hazardous and inefficient.

The first step in tackling our waste problem is to convert from a throwaway society to a recycling one, by shifting our focus from waste disposal to waste reduction. Although we posses the technology to recycle 80 to 90 percent of glass and aluminum, we recycle only 13 percent of our garbage annually. Recycling is cleaner and more energy efficient than both landfills and incineration. Having set up the first comprehensive recycling program in Pennsylvania, I know recycling works at the local level. Our recycling programs have provided substantial savings in county disposal costs.

The key to success is information. The success of recycling in Delaware County should be made available to other officials who are interested in setting up their own programs. My legislation would create a clearinghouse of information on the national level in the EPA. The bill would authorize $500,000 to be matched by the private sector. The clearinghouse would provide easy access to information regarding recycling to any interested State or local officials through a toll-free hotline. Technical assistance would be disseminated through seminars and other resources.

Although the clearinghouse will not eliminate the waste problem, it is definitely a step in the right direction. Recycling can be a clean, cost-effective means to dealing with our garbage glut. I urge my colleagues to join me in support of the Recycling Clearinghouse Information Act.

A TRIBUTE TO YOSHI HONKAWA

HON. ROBERT T. MATSUI

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, January 25, 1993

Mr. MATSUI. Mr. Speaker, I rise today to recognize and honor one of the leaders in the health care field, Mr. Yoshi Honkawa, who is retiring after 4 years as chairman of the American Hospital Association's Political Action Committee. In honor of his tremendous leadership, commitment, and enthusiasm, the AHAPAC is bestowing upon Yoshi the AHA Trustee Award for his outstanding service.

Yoshi has been not only a great advocate for California hospitals, but a wonderful friend as well. He is always available for advice and to listen to new ideas. He has brought innovation to the development of health policies at the National and State levels. His commitment and leadership on health care matters is truly worthy of praise.

Yoshi is the vice president for government and industry relations at Cedars-Sinai Medical Center in Los Angeles. He is a member of the California Hospital's Political Action Committee Board and is a valuable member of the California Health Policy and Data Advisory Commission Board, which is a gubernatorial appointment. Additionally, he chairs the hospital data advisory and public information subcommittee.

As an advocate for improving the quality and efficiency of the delivery of health care, Yoshi's dedication has been lifelong. He served as chairman of the National Council on Health Planning and Development, under appointment by the Secretary of the Department of Health and Human Services, and he also has served as chairman of the State of California Advisory Health Council, appointed by then-Governor Ronald Reagan.

In additional to his many appointments, Yoshi received the California Hospital Association's Walker Fellowship in 1985 and the Certificate of Distinction in 1988 from the California Association of Hospitals and Health Systems. In 1988, he received the Health Services Administration Alumni Association Award from the University of Southern California.

Mr. Speaker, I pay this tribute to my close friend Yoshi Honkawa in honor of his accomplishments and contributions to the health care debate, and I ask my colleagues to join me in congratulating him on his exceptional leadership as chairman of the AHA Political Action Committee. I extend my best wishes to him in all of his future endeavors.

FIFTY YEARS OF SERVICE TO THE PUBLIC, THE ASSOCIATION FOR SUPERVISION AND CURRICULUM DEVELOPMENT

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1993

Mr. HASTERT. Mr. Speaker, for 50 years, the Association for Supervision and Curriculum Development has been dedicated to developing leadership for quality education for all students. ASCD believes students are more likely to receive a high quality education when the learning environment provides a balanced curriculum, offers opportunities for self-direction, fosters leadership, ensures equity, respects cultural pluralism, values education for democracy, and promotes responsible citizenship.

With affiliates in 50 States, the District of Columbia, 9 other countries, and 2 territories, ASCD has been a driving force in improving the quality of public and private education in the United States and around the world. Through exemplary publications, conferences, training centers, institutes, and consortiums, ASCD has helped education leaders at all levels transform their vision of educational excellence into a daily reality.

As Members of the 103d Congress of the United States, we should commend the Association for Supervision and Curriculum Development for the immense contribution it has made to the education of generations of children and to the success of our Nation's schools.

REFORM ETHICS OVERSIGHT

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1993

Mr. WELDON. Mr. Speaker, I rise today to introduce a resolution to reform ethics oversight in the House of Representatives.

This measure would establish a 14-member Commission on Congressional Ethics composed of private citizens, while eliminating most responsibilities of the House Committee on Standards of Official Conduct. Not only will this remove Members' conflict of interest in policing their colleagues, but it will give people a hands on role in shaping all the administrative operations of the House. The best way to reform the People's House is to get more of the people involved.

As the November elections confirmed, the American people want change and are demanding reform. It is time for us to act. This measure is not a complete solution to the public confidence crises, nor the last word of reform in this body. But it is a positive step in the right direction.

In a recent Washington Post interview, Senator JESSE HELMS said of congressional ethics reform: "We need to do something to reassure the public we're not a bunch of folks sitting in a back room doing favors for each other." I believe this resolution will do exactly that.

Passage of this legislation will provide us with the steam we need to get the ball rolling on institutional reform. I will press for adoption of this proposal in the House and before the newly established Joint Committee on the Organization of Congress. I look forward to the support of all Members in this body.

IN HONOR OF BRIAN FOLEY AND HIS WORK ON BEHALF OF PERSONS WITH AIDS IN NEVADA

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1993

Mr. BILBRAY. Mr. Speaker, today I rise to honor and praise the work of one of Nevada's most outstanding and courageous individuals. I rise to not only honor his accomplishments but also in the hope that his work will live on as we strive to find a cure for AIDS. I speak of Brian Foley.

Brian has long been an advocate for persons with this deadly disease and for many years has been at the forefront of Nevada's battle to educate our community about the realities of AIDS and the necessity to put our efforts into cures and prevention. In the early days of the epidemic, Brian was one of the first volunteers at Aid for AIDS of Nevada [AFAN]. Brian was instrumental in AFAN's initial success, devoting countless hours and dollars at a time when most people were still afraid of people with AIDS.

As word of the disease spread and countless more lives were lost, Brian saw a need to provide support for those people left behind in this epidemic. His tireless work led to the creation of the Southern Nevada NAMES Project, the Nevada chapter of the AIDS Memorial Quilt. His efforts and tireless dedication to this effort culminated in the first Las Vegas display of the quilt in July, 1992. Through his efforts, over 60 panels have been added to the Nation's AIDS quilt. His selfless determination and participation in the AIDS Hospice of Nevada has allowed those stricken with the disease to receive comfort, compassion, respect, and love in their final days.

Despite his own deteriorating health, Brian continues to channel his energies towards comforting those who suffer from the disease and educating our community about the need for understanding and scientific funding that will help us solve this deadly and tragic disease. As President Clinton assumes the mantle of leadership our hopes are heartened by his pledge to increase the funding and emphasis in finding a cure for AIDS. Let us hope that his efforts will make the accomplishments and the life of Brian Foley that much more meaningful.

My colleagues, I ask you today to rise with me, on the anniversary of Brian Foley's birth, January 30, to honor his life, his accomplishments and his legacy, and to offer him the love and respect that he has given to so many others.

LET'S START GIVING AMERICAN WOMEN AND MEN CHOICES TO BE PROUD OF

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1993

Mrs. SCHROEDER. Mr. Speaker, last week was a week that American women won't forget. We welcomed in a new administration. We celebrated 20 years of a woman's right to choose. President Clinton reversed five devastating regulations that had prevented women from receiving desperately needed health services.

Yet, this year there will be over 3½ million unintended pregnancies in the United States, mostly due to misused or faulty contraceptive methods. And, although the Food and Drug Administration [FDA] has approved Norplant and Depo-Provera, the costs of these methods are often prohibitive and do not protect against sexually transmitted diseases [STDs]. Although the FDA is working on approval for a female condom, it will be the first new barrier-method available to American women in over a decade. After 20 years, the contraceptive choices that American women and men have to protect themselves from unwanted pregnancies and sexually transmitted diseases are limited.

Furthermore, the National Center for Health Statistics estimates that 2.3 million Americans are infertile and that as many as 20 percent of these cases are attributable to misdiagnosed and untreated STD's—one of the only preventable causes of infertility. Infertility strikes women and men equally and adds billions of dollars to our already overburdened health care system.

That is why Representative OLYMPIA SNOWE and I are introducing the Contraception and Infertility Research Centers Act of 1993 to authorize $30 million for pioneering research on pregnancy prevention, STD prevention, and cures for infertility by offering continuing support to three contraceptive and two infertility research centers for the next 5 years. In addition, the bill creates a loan payment program to attract the most promising researchers and health professionals into the field. The last of these centers was recently funded through the National Institutes of Health [NIH] and is busily working on developing new contraceptive methods. The two infertility centers are also working to cure this frustrating and costly condition.

If the early days of the Clinton administration, and the 103d Congress are any indication, American women and men can look forward to many choices—choices to be proud of.

SELECT COMMITTEE ON DISASTER PREPAREDNESS AND RESPONSE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1993

Mr. WELDON. Mr. Speaker, I rise today to introduce a resolution to establish a Select Committee on Disaster Preparedness and Response. Following Hurricane Andrew, many in

Congress have called for the abolition of the Federal Emergency Management Agency [FEMA] and/or a complete overhaul of our Federal disaster response plan. Prior to taking any drastic or hasty steps, it is imperative to carefully evaluate the performance of institutions with responsibility for emergency response and management.

There are 20 subcommittees in both Chambers that have jurisdiction over some part of FEMA. Obviously, this overlapping jurisdiction makes it very difficult to review FEMA's operations. A select committee would provide the Congress with a broad perspective necessary to make informed decisions about the future of FEMA. In addition to evaluating FEMA's mission and performance, the select committee would examine the roles of the local, State, and Federal governments and issue recommendations to coordinate their efforts.

The question is not whether another natural or man-made disaster will strike the United States, but when. It is inevitable. For this reason, we must thoroughly examine our Nation's mitigation procedures, preparedness, and emergency response capabilities. As a former fire chief and the former chairman of the Congressional Fire Services caucus, I am confident that a select committee is the most proper approach.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 26, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 27

9:00 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To continue oversight hearings to examine certain activities of the insurance industry, focusing on the Blue Cross and Blue Shield of the District of Columbia plan.

SD-342

9:30 a.m.

Energy and Natural Resources

Organizational meeting, to consider proposed legislation requesting funds for the committee's operating expenses.

SD-366

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold an organizational meeting, to consider the committee budget, subcommittee assignments, and its rules of procedure for the 103rd Congress.

SR-332

Appropriations

Transportation Subcommittee

To hold hearings on benefits of transportation investment.

SD-138

Banking, Housing, and Urban Affairs

To hold hearings on the condition of the banking and thrift industries and their insurance funds.

SD-562

Joint Economic

To hold hearings on the economic outlook for 1993.

2237 Rayburn Building

JANUARY 28

9:30 a.m.

Governmental Affairs

To hold hearings on proposed legislation to redesignate the Environmental Protection Agency as the Department of Environmental Protection, an executive agency.

SD-342

Rules and Administration

Organizational meeting to consider committee's rules of procedures for the 103rd Congress, membership for the Joint Committee on Printing and the Joint Committee on the Library of Congress, and pending legislative and administrative business, including the committee's budget for the 103rd Congress.

SR-301

10:00 a.m.

Budget

To hold hearings on the nation's economic outlook.

SD-608

Judiciary

Business meeting, to consider pending committee business.

SD-226

FEBRUARY 3

9:30 a.m.

Rules and Administration

To hold hearings on proposed committee resolutions requesting funds for operating expenses for 1993 and 1994.

SR-301

FEBRUARY 4

9:30 a.m.

Governmental Affairs

To hold hearings to examine the General Accounting Office analysis of TRIAD cost effectiveness.

SD-342

Rules and Administration

To continue hearings on proposed committee resolutions requesting funds for operating expenses for 1993 and 1994.

SR-301

FEBRUARY 18

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the Federal Reserve's monetary policy report for 1993.

SD-562

FEBRUARY 23

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.

345 Cannon Building

FEBRUARY 25

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Blinded Veterans of America, the Military Order of the Purple Heart, the Jewish War Veterans, and the Retired Officers Association.

345 Cannon Building

MARCH 2

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.

345 Cannon Building

MARCH 31

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, the Veterans of World War I, the Vietnam Veterans of America, the American Ex-Prisoners of War, and the Non-Commissioned Officers Association.

345 Cannon Building

POSTPONEMENTS

FEBRUARY 2

9:30 a.m.

Governmental Affairs

To hold hearings to examine performance measurement in Federal programs.

SD-342

HOUSE OF REPRESENTATIVES—*Tuesday, January 26, 1993*

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 26, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, we place before You our thoughts and feelings and attitudes and pray that Your Spirit would correct us when we miss the mark and encourage us when we do the works of justice and peace. Remind us, we pray, that we ought lift our sight to see the glory of life and the majesty of each day and see the beauty of all the gifts of life. May we be good custodians of all Your grace and faithful servants of the needs of people everywhere. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. STUPAK. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STUPAK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 245, nays 136, answered "present" 3, not voting 47, as follows:

[Roll No. 8]

YEAS—245

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Calvert
Cantwell
Cardin
Chapman
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Furse
Gephardt
Geren
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hayes
Hilliard
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kopetski
LaFalce
Lambert
Lantos
LaRocco
Levin
Levy
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Quillen
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shaw
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thomas (WY)
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Wilson
Wyden
Wynn
Yates
Young (FL)

NAYS—136

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Callahan
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Cox
Crapo
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Goodlatte
Goodling
Goss
Grams
Grandy
Hancock
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Paxon
Petri
Pombo
Pryce (OH)
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shays
Shuster
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Torkildsen
Upton
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

ANSWERED "PRESENT"—3

Cunningham
Klink
Lehman

NOT VOTING—47

Barton
Boucher
Brown (CA)
Carr
Clayton
Conyers
Crane
Dornan
Fawell
Fields (TX)
Foglietta
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gibbons
Hastings
Hefner
Henry
Hinchey
Johnston
Kaptur
Kreidler
Lancaster
Laughlin
Machtley
Maloney
Markey
McDade
Mineta
Mollohan
Myers
Quinn
Roth
Roukema
Royce
Sanders
Santorum
Slattery
Slaughter
Smith (IA)
Tauzin
Walsh
Whitten
Williams
Wise
Woolsey

☐ 1222

Mr. McHUGH changed his vote from "yea" to "nay."

Mr. RUSH, Ms. ROYBAL-ALLARD, and Ms. VELAZQUEZ changed their vote from "nay" to "yea."

So the journal was approved.

The result of the vote was announced as above recorded.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). Will the gentlewoman from Indiana [Ms. LONG] please come forward and lead the House in the Pledge of Allegiance.

Ms. LONG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. Con. Res. 4. Concurrent resolution to authorize printing of "Senators of the United States: A Historical Bibliography," as prepared by the Office of the Secretary of the Senate;

S. Con. Res. 5. Concurrent resolution to authorize printing of "Guide to Research Collections of Former United States Senators," as prepared by the Office of the Secretary of the Senate; and

S. Con. Res. 6. Concurrent resolution to authorize printing of "Senate Election, Expulsion, and Censure Cases," as prepared by the Office of the Secretary of the Senate.

The message also announced that pursuant to Public Law 94-118, the Chair, on behalf of the President pro tempore, reappoints Mr. ROCKEFELLER to the Japan-United States Friendship Commission.

The message also announced that pursuant to Public Law 102-166, the Chair, on behalf of the Republican leader and the majority leader, appoints Mr. COVERDELL as a member of the Glass Ceiling Commission, vice Mr. Seymour.

The message also announced that pursuant to Public Law 100-204, the Chair, on behalf of the Republican leader, announces the appointment of Mr. PRESSLER, to the U.S. Commission on Improving the Effectiveness of the United Nations, vice Mrs. KASSEBAUM, resigned.

The message also announced that pursuant to Senate Resolution 4, 95th Congress, Senate Resolution 448, 96th Congress, and Senate Resolution 127, 98th Congress, as amended by Senate Resolution 100, 101st Congress, the Chair, on behalf of the Vice President, appoints Mr. DORGAN and Mr. CAMPBELL to the Select Committee on Indian Affairs.

The message also announced that pursuant to section 1024, of title 15, United States Code, the Chair, on behalf of the Vice President, appoints Mr. ROBB, Mr. DORGAN, Mr. CRAIG, vice Mr. SMITH, resigned, and Mr. BENNETT, to the Joint Economic Committee.

ELECTION OF MEMBERS TO COMMITTEE ON THE BUDGET

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 44) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 44

Resolved, That the following named Members be, and they are hereby, elected to the Committee on the Budget:

Mr. Herger of California and Mr. Bunning of Kentucky, to rank after Ms. Snowe of Maine; and Mr. Hobson of Ohio, to rank after Mr. Allard of Colorado.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE FIRST DAYS: MOVING FORWARD

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, President Clinton is off to a fast start.

Last week, with the stroke of a pen, he struck down the divisive gag rule.

Yesterday, with the same pen, President Clinton gave economic policymaking new prominence in the White House by establishing the National Economic Council.

The President is also writing a health care plan to protect the peace of mind and pocketbooks of America's families. He has put one of his most trusted and talented advisors in charge—the First Lady.

Next week, he will sign the Family and Medical Leave Act, a profamily bill which President Bush blocked for years.

That is four major steps for American families, four signs that this is a President with energy and drive and follow-through, who knows why he was elected and is intent on making a difference.

Seven days in office and he has already got us on the right track. That is a pretty good week.

URGING INCLUSION OF ETHANOL IN CLEAN AIR ACT PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I was dismayed to learn over the weekend that one of the first actions of the Clinton administration was to withdraw the regulation implementing the Bush ethanol plan. That plan, developed after painstaking review and at the bipartisan urging of many Members of Congress, was a compromise decision that allowed ethanol to participate in the reformulated fuels program under the Clean Air Act, and in a way that both preserves and enhances the environment.

At today's bipartisan leadership meeting with President Clinton, at the conclusion of it I urged the President to reinstate the Bush administration decision to include ethanol as part of the Clean Air Program. The President, I must confess, was somewhat taken aback that this kind of decision had been made in his administration without his knowledge. He said, "This was one of the things I was committed to," took out a pen, and wrote himself a note. I assume now that this has been brought to the President's attention, he will take the necessary action to right this wrong.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 20

Mr. SHAYS. Mr. Speaker, I ask unanimous consent to have my name deleted as a cosponsor of House Resolution 20.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

APPOINTMENT AS MEMBER OF U.S. GROUP OF NORTH ATLANTIC ASSEMBLY

The SPEAKER pro tempore. Without objection, pursuant to the provisions of 22 U.S.C. 1928a, the Chair appoints as a member of the U.S. group of the North Atlantic Assembly the following Member on the part of the House: Mr. ROSE of North Carolina, chairman.

There was no objection.

CONGRESS AND THE PRESIDENT MUST WORK TOGETHER FOR AMERICA'S TOMORROWS

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, last week President Clinton challenged all Americans to participate in the American renewal. In simple, direct terms, the President has outlined the administration's blueprint for a "Government for our tomorrows, not our yesterdays."

Now that the shackles of government gridlock have been sprung, the 103d Congress must weave the President's words into the fabric of governance. The tattered rhetoric of yesterday will not reduce the deficit, create new jobs or reform the health care system.

The American people have voted for change. They want the President and the Congress to work together.

The House will soon have an opportunity to demonstrate its commitment to the American family by approving the Family and Medical Leave Act. Later this year, the Congress and the

President will tackle health care reform. To date, health care stands alone as the basic necessity many working Americans cannot afford.

Mr. Speaker, the President and the Congress have to work together so the country can move ahead.

□ 1230

THE ABORTION PRESIDENT ABANDONS CHILDREN

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, the supreme irony of the new Clinton-Gore administration is that while purporting to embrace the disenfranchised and forgotten, especially children, the Clinton team has begun to systematically wage war against unborn children.

Last week, the abortion President began pushing his antichild agenda, by establishing several new policies that will lead to more abortions.

Presidential orders promoting abortions for teenagers and military personnel, easing the importation of the new baby poison from France, RU486, promoting abortion as birth control in developing countries, and using baby brains and body parts for transplantation undermine the carefully orchestrated illusion of Mr. Clinton and Mr. GORE as child advocates. You don't protect children by killing some of them, Mr. President. The rhetoric of choice is slick but can't mask the violence and cruelty of abortion.

The so-called Freedom of Choice Act that Mr. Clinton has embraced is the most radical, extreme antichild legislation ever proposed in the U.S. Congress.

The so-called Freedom of Choice Act dehumanizes unborn baby girls and boys, it reduces children to the status of objects and recklessly abandons them to the abortionists in our land.

Even modest abortion restrictions that you, Mr. President, claim to support like waiting periods, parental notification, and limitations on third trimester abortions would be nullified by this dangerous proposal. The bill would overturn women's right to know laws in the States and empowers nonphysicians to perform abortions.

Mr. President, know that pro-life Americans will fight hard to protect the lives of the children you have abandoned. The most basic human right is the right to life—do not throw it away.

Know that we will pray and fast to God that you, the Congress and the Court, will have the wisdom and courage to protect these precious little ones.

Know that the pro-life movement is more determined than ever. We are committed to prayer, fasting, and hard work. We will never quit, Mr. Clinton; we will nurture hope and faith that someday our day will come. Indeed, we will never cease in the struggle to secure basic human rights for babies and the end to the exploitation of their mothers.

FAMILY AND MEDICAL LEAVE ACT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. RICHARDSON. Mr. Speaker, the President and the Congress will soon consider and pass the Family and Medical Leave Act.

Two signals have been sent. First, the gridlock in Washington is over with the Democratic President and the Democratic Congress. Second, we are passing profamily, prochildren legislation.

Congress' passage of this vital legislation recognizes the reality that most American families are headed either by two working parents or by a single woman, and that women are now the fastest single growing segment of the labor market.

Another important signal was sent in the appointment of the First Lady to head up a health care task force. We have been trying for years to pass health care legislation without success, and when we get to the ninth inning and we need our top hitter, the President has sent an enormously strong signal in selecting the First Lady, a substantive person with tremendous access and expertise on this issue to head his efforts. This is a good sign, and it means that health care is a major priority in this session.

In passing the Family and Medical Leave Act, Democrats show America that they are successfully fulfilling their promises to families and all working Americans.

I wish to applaud Hillary Clinton's appointment to the Presidential health care task force. When you are behind in the ninth inning, you need to send your best hitter to the plate. The President's selection of heavy-hitter Hillary Clinton to serve on the health care task force reveals the high priority this President is placing on health care reform. We may expect much from the health care task force and should study its recommendations with care.

PUTTING TAXES FIRST

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, I would like to read a line from last year's bestseller "Putting People First" by then-candidates Bill Clinton and AL GORE.

On page 15, they write: "We will lower the tax burden on middle-class Americans."

That's not "we might lower," or "we'd like to lower"—it's "We will lower the tax burden on middle-class Americans."

But what did they do the moment they took office? These new Democrats turned around and trotted out their old tax hikes.

Mr. Speaker, these gentlemen obviously stole a page from my beloved Dallas Cowboys—they faked right and went left.

Their book should not have been titled "Putting People First," it should have been called Putting Taxes First.

Forget all this talk about the new Democrats. The truth is the more the Democrats change, the more they stay same.

And as Ronald Reagan said, "There they go again."

PASSAGE OF FAMILY AND MEDICAL LEAVE ACT

(Mr. DURBIN asked and was given permission to address the House for 1 minute.)

Mr. DURBIN. Mr. Speaker, next week the Family and Medical Leave Act will be considered by the House of Representatives, and I have to warn those who are observing the business of this Chamber that the gridlock guerrillas from the Republican side of the aisle will be doing their very best to kill this important legislation.

But times have changed since their efforts in the past to stop this legislation which gives working families, working mothers and fathers across America a chance to take time off the job without pay to care for a newborn child or someone ill in the family. This legislation is finally going to be enacted into law.

This is a good signal to send forward early in this new Congress that we are able to move first to help families in very critical areas where they need help, and second that Congress, now working with President Clinton, is going to end the gridlock that we have seen in Washington over the last several years.

Let us hope that the gridlock guerrillas on the other side of the aisle are not successful again. I believe that we can prevail on behalf of American families.

PROTECTION FOR FLORIDA'S COASTLINE

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the State of Florida is known for its beautiful and diverse coastline. We rely on our pristine beaches, our sheltered bays, and the wonderful diversity of wildlife that inhabits these areas to draw people to our State.

The State economy and the jobs of many Floridians depend on the continued flow of tourist and residents alike. In fact, tourism is our largest industry. Any threat to our sensitive coastal regions is a direct threat to the livelihood of Florida's residents.

Mr. Speaker, the on-shore impact of oil exploration and development in the eastern Gulf of Mexico coupled with the potential environmental damage associated with a single oil rig accident off the Florida coast presents an enormous burden. We need a reasonable period—a breathing space—to adequately assess our environmental and energy priorities. Toward this end I am offering, together with a bipartisan contingent of our State delegation, legislation which would provide permanent protection for Florida's most sensitive waters, and a 10-year hold on new oil and gas activities off our coast. I urge my colleagues to support Florida's right to protect her coast and her economy while analyzing our Nations energy needs.

FAMILY AND MEDICAL LEAVE ACT

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, as we begin the 103d Congress we have an opportunity to send a clear message to American families that the gridlock is over, as others have indicated, and that help is at hand. No longer will American families have to choose between their families and their jobs, an impossible choice for American workers.

No longer will American families have to balance families and jobs without assistance. By this I mean that we can help by passing the Family and Medical Leave Act. This will be good not only for families and for their health care benefits, but also for our economy.

It sends a message that we value our American work force as our competitors do, and our productivity will increase with the passage of this legislation.

This is not an unviable piece of legislation, and quite frankly I would like to see us do more about it. It is a compromise that has been negotiated and I think its quick passage is essential.

What it does is say to those employers who have 50 or more employees that they must give 12 weeks of unpaid leave to those people for the birth of a child or an adoption of a child or for serious illness in the family.

Mr. Speaker, it says to American workers that we care about families, that we care about our work force. Gridlock is over. Let us begin the 103d Congress appropriately by passing this profamily measure.

EXTENSION OF NONPERMANENT SELECT COMMITTEES

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I rise today to support a 1-year rather than a 2-year reauthorization of the four nonpermanent select committees of the House which are before us for reestablishment. These four select committees have cost the taxpayers $3.8 million in the last year alone. They are unable to report any legislation and cover issues over which standing committees have jurisdiction.

Their necessity should be closely examined by each one of us and by the Joint Committee on the Reorganization of Congress.

As a member of the freshman class I would like to have the opportunity during the next year to examine the effectiveness of these select committees. At a time when our annual deficit is $327 billion, every expenditure should come under close scrutiny.

Rather than permanently disbanding these four committees on March 1, I ask that we extend their authority for 1 year, review their effectiveness, and then vote on their continuation next year.

□ 1240

I have come to Congress to help reform a system that is spending more money than it takes in and certainly provides conflicting forums to address similar problems.

I urge my colleagues to oppose a 2-year reestablishment in favor of a 1-year extension for these select committees.

WHAT A DIFFERENCE AN ELECTION MAKES

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, Members of the House, what a difference an election makes. After years of drift and neglect with respect to the needs of America's families and the plight of the American economy, we now see the Clinton administration rolling up its sleeves and going to work.

We see the Secretary of Labor this morning testifying in the Committee on Education and Labor on behalf of the Family Medical Leave Act to make sure that never again will families have to trade off jobs against the best interests of their families, and they will receive the kind of job protection that is necessary in today's working world.

Yesterday we saw the President appoint the First Lady to head up the health care task force so that, again, American families will know in very short order that they will have health security. Never again will their health insurance be canceled because of illness; never again will they be denied health care coverage for their families because of a preexisting condition of an illness that has attacked their families; never again will people be prevented from changing jobs or have an opportunity for a career advancement because they might lose their health care because they cannot transfer it from one job to another.

Finally, the President has appointed his economic task force to get rid of the shameful, shameful Republican deficit after 12 years.

OPPOSE RAISING FEDERAL ESTATE TAXES

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, today, I rise for the first time in this body, to express my deep concern over the movement to raise Federal estate taxes.

During the past few months, the proposal to lower the unified credit from $600,000 to $200,000 has stirred up a whirlwind of public criticism—and rightly so.

This plan is proof positive that those who set out to soak the rich, invariably end up soaking the average homeowner, small business owner, and family farmer.

This country was founded on the principle that no matter who you are or where you came from, if you work hard, pinch your pennies and invest your savings wisely, you can give to your children the means to live fuller and more prosperous lives.

It is the height of hypocrisy to ask America's families to further sacrifice their children's dreams, when Congress fails again and again to check the Federal Government's appetite for spending.

American families have done more than their part. Now, it is time we do ours.

I strongly urge my colleagues to oppose any attempt to lower the existing exemption.

THE FAMILY AND MEDICAL LEAVE ACT OF 1993

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, I rise today to trumpet the end of gridlock.

Next week when the Family and Medical Leave Act is introduced into the House, we will have the opportunity to demonstrate our clear understanding of the message from this past November.

President Clinton succeeded in his quest for the White House because he understood the needs and concerns of the American family—to be profamily should not just be empty rhetoric. That is why the President asked Congress to quickly introduce and swiftly pass the Family and Medical Leave Act.

President Clinton understood that parents should never have to choose between the jobs they need and the children who need them.

Therefore, next week Congress will show that we understand as well that the American family can wait no longer for a family and medical leave act. We will show that without gridlock the President and Congress can work together to enact the legislation that the American family so desperately needs and so rightfully deserves.

THURGOOD MARSHALL: PROTECTOR OF THE POWERLESS

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, Thurgood Marshall in his last written words as a Supreme Court Justice identified the Court as the protector of the powerless.

Mr. Speaker, I believe there are no better words that embody the man Thurgood Marshall than the words which he chose to describe the Court which he served for nearly a quarter of a century. He was a lawyer's lawyer, a lawyer for justice to serve those with less. Thurgood Marshall, whom our country now mourns, defended our Nation's powerless, voiceless, and homeless throughout his long and illustrious career.

Throughout his service, Marshall fought in courtrooms across the land for civil rights for all. He maintained that all people, from prison inmates to poor children, from the east coast to the west coast, had a fundamental right to education.

People, regardless of their color or creed, should not be deprived of the chance to reach their full potential as citizens. At the time of his retirement, Marshall was asked how he would like to be remembered. His response was, "He did what he could with what he had.'"

All Americans now reap the benefits of Thurgood Marshall's deeds and accomplishments.

PROCEDURES FOR COMMITTEES TO HANDLE CLASSIFIED DOCUMENTS

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, the Committee on Banking, Finance and Urban Affairs had before it rules that would have restricted and set forth procedures on how and when the committee or members of the committee might disclose classified national security documents that come before the committee during its deliberations.

I was disappointed to see that the debate over this broke down totally along partisan lines. It really should not.

The House Select Committee on Intelligence has a set procedure for disclosing classified documents that it obtains from the executive branch on national security matters. The Committee on Banking, Finance and Urban Affairs is now beginning to see documents because of the BCCI matter and BNL scandal, and I would assume other international matters coming before it in the future, beginning to see documents of a classified nature, and it has no rules of procedure to guide it.

Today, on a purely partisan vote, the Democrat majority voted down the rule proposed that would have adopted the House Intelligence Committee standard, and then even more disturbingly on a second vote, it voted down the rule that is in the Committee on Armed Services that has a set procedure set by the chairman, and it just simply sets milder guidelines to do the same thing.

We in this body need to set guidelines for all committees on how classified materials are handled.

THE DEATH OF SUPREME COURT JUSTICE THURGOOD MARSHALL

(Mrs. MEEK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK. Mr. Speaker, I am here because of Thurgood Marshall. In a way, you are too. Thurgood Marshall placed the issue of Equality on the Agenda of This Nation. And you and I are likely to spend much of the remainder of our public lives wrestling with that item in one form or another.

It comes to us in many forms: women's rights, children's rights, minority rights, rights of the disabled, rights of our posterity to an environment that will support human life. It comes in many settings: development of third world nations, free trade, genocide in Eastern Europe, boatloads of Haitians trying to reach our shores.

But always it is the same issue: who is only 3/5ths of a man and who is entitled to full membership in the human family?

Thurgood taught us that that question raised many other questions: Does Equality mean equality of results, or equality of effort? Does it mean equality of opportunity or simply the elimination of discriminatory barriers to opportunity? And Thurgood taught us that as tough as those questions are, we should not, dare not run from them.

Thurgood Marshall gave black people reason to believe in government for the first time since Reconstruction. And every moment spent after Brown versus the Board of Education was a fight to let us know that that trust was not misplaced, that this government was our Government too and that alienation and withdrawal was a cop out. There he must have felt himself a lonely voice—because black people have ample reason to feel alienated, betrayed, forgotten—except perhaps when their vote is needed for an election or their bodies needed to go to war.

Every black child I have ever met knew his name, stood a little taller, a little straighter whenever Thurgood's name was mentioned. Because here was a mind that could take on all opponents, a man of principle untouched by scandal, a fighter with integrity who commanded universal respect and who made the Supreme Court a specially cherished institution in the heart of black Americans. He had a sense of humor, a willingness to crack jokes at his own expense, a modesty about his own ability and achievements, and a largeness of spirit that won respect and affection, even from those who disagreed with him most sharply. He never stopped being one of us.

He gave us a new kind of hero. A warrior who knew victory and defeat, a warrior who rose to the very highest station in his profession, a warrior who would not stop fighting, simply because the odds got worse and the victories fewer, a warrior who demonstrated that, of all the weapons that one can bring to bear on behalf of a cause, the mind may be the most powerful.

Maya Angelou, our new poet laureate, wrote a poem that captures the sense of loss, of aloneness, of diminution from Justice Thurgood Marshall's passing—a loss that every black American now feels, that every Justice-Living American feels. At the same time, it is a poem that summons us to be all that we can, all that Thurgood would have wanted us to be.

When great trees fall,
rocks on distant hills shudder,
lions hunker down
in tall grasses
and even elephants
lumber after safety.

When great trees fall
in forests,
small things recoil into silence,
their senses
eroded beyond fear.

When great souls die,
the air around us becomes
light, rare, sterile.
Our eyes, briefly,
see with
a hurtful clarity.

And when great souls die,
after a period peace blooms,
slowly and always

irregularly. . . .
Our senses, restored, never
to be the same, whisper to us.
They existed. They existed.
We can be. Be and be
better. For they existed.

We are the less for Thurgood's passing. We are diminished by this loss. But we are the greater for his stay with us. And we can become greater because of the questions he left us to ponder, as his legacy and ours.

□ 1250

UNITED STATES SHOULD KEEP ITS TECHNOLOGY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, we should review every deal to sell American technology to foreign firms with the caveat expressed by my friend Dick Elkus, chairman of Prometrix, who asks the question, "How do you leverage end-use products?" That means the others which would be spin-offs of the basics such as the VCR and film, camcorders, the double deck VCR, and so forth.

Those questions should be applied in the sale of Applied Magnetic Corp's. optical products division which is being sold to Nakamichi Peripherals Inc., of Japan. The New York Times reports that:

> The division is the only American company producing the main component for computer laser disk drives in the United States, and it has just developed a new generation of laser disk drive technology.

The military tested the laser and claimed it could improve the Patriot missile's performance against other missiles. It is appropriate that the National Economic Council review the full intent of what such a sale means to the United States. More than just our economic security could be at stake.

SPACE: THE FINAL FRONTIER?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, space, the final frontier, the search for new life, new civilization and now new toilets. That is right, NASA has a $30 million space toilet. You strap yourself in and 12 high-pressure air jets aid your relief.

Who is kidding whom? The only thing this golden throne flushed was $30 million worth of taxpayer dollars.

Mr. Speaker, I say it is time to call out the Roto-Rooter man. We are already up to our assets in golden parachutes. Now we have golden potties.

Mr. Speaker, what is next? Congress, $100 million septic tank, in outer space, no less?

Beam me up, Scottie, nature is calling.

AMERICA'S TEAM, THE DALLAS COWBOYS, HEADED TO ANOTHER SUPER BOWL

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, the Dallas Cowboys, America's team, is here again headed to another Superbowl.

Led by Jerry Jones, Jimmy Johnson, Troy Aikman, Emmit Smith, and Jim Jeffcoat, the Cowboys turned a 1 and 15 season just 4 years ago, into an NFC championship and a Superbowl bid this year.

This is the beginning of a new Cowboy dynasty—history is in the making.

Loyal fans all over the world and the city of Dallas are behind them 110 percent. Next Sunday, the Cowboys will take to the gridiron in Pasadena.

I wish them good luck and Godspeed in their impending Superbowl victory over the Buffalo Bills.

And one more thing, How 'bout them Cowboys Mr. Speaker.

THE RIGHT TO BASIC HEALTH CARE

(Mr. PASTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASTOR. Mr. Speaker, during the campaign, President Clinton declared that health care is a basic right—not a privilege, not a fringe benefit—and the President is right to make health care reform his No. 1 domestic priority.

One hundred and eighteen countries, though not yet the United States, have agreed to be bound by the International Covenant on Economic, Social, and Cultural Rights which includes the right to health services. The United States is the only advanced country in the world without a national health care plan. I know that I and many other Americans eagerly await the President's proposal for a national health care plan.

Mr. Speaker, soon I will be introducing a resolution which proposes to recognize access to health care as a fundamental human right. It is long overdue to add the right to health care for all Americans to those other social and civil rights already hallowed in our body of law. I urge my colleagues to join me in supporting this resolution which would put Congress on record as recognizing right to health care a basic human right.

WE NEED TO CUT SPENDING, NOT INCREASE TAXES ON WORKING AMERICANS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, what do the years 1982, 1984, 1987, 1989, and 1990 have in common? First, in each of those years we had a tax increase on the American people. Second, in each of those years we had a promise to cut spending if the American people would give us more taxes.

What happened? Taxes went up in each of those years and so did spending in each of those years and ever since.

In the last several weeks we have heard more talk about increasing taxes, with the same promise that we will cut spending. But unlike the campaign, we are not going to just tax the rich, those over $200,000; we are going to tax all working Americans.

Well, Mr. Speaker, when are we going to get it? We do not have a revenue problem in this Congress; we have a spending problem.

When are we going to have the courage to cut spending? When are we going to have the courage to cut pork? When are we going to have the courage to control entitlements? When are we going to have the courage to reduce Federal employment?

God give us courage, not another tax increase on working Americans in this country.

TRIBUTE TO THE LATE SUPREME COURT JUSTICE THURGOOD MARSHALL

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, I am saddened by the death of Supreme Court Justice Thurgood Marshall. As a brilliant lawyer and constitutional scholar, his unselfish and dedicated work for the NAACP produced Supreme Court decisions which altered the course of race relations in this country and inspired those for whom participation, in the Nation's affairs remains elusive to this day, like those of us in the territories.

In his 24 years on the Supreme Court, Justice Marshall never forgot from whence he came. His presence on the Court signaled hope and justice for minorities, the indigent and other downtrodden members of this society.

May his rich and significant legacy serve as a constant reminder to his colleagues that the Supreme Court's authority and legitimacy can only be preserved by protecting by the powerless and serve as a reminder to all Americans that while much has already occurred, there is much yet to be done. And for those of us who benefited from his genius, we have much to be grateful—we only ask that we be given the opportunity to demonstrate our ability and add our genius to the Nation.

SMALL BUSINESS ADMINISTRATION SHOULD HAVE CABINET-LEVEL STATUS

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, I rise today to introduce a resolution expressing the sense of Congress that the Small Business Administration should be elevated to Cabinet level status.

Mr. Speaker, there are very few economic programs, tax policies, or regulatory issues that don't affect small businesses and their employees in ways both large and small. Yet, when the President's top advisers meet to discuss and debate these topics to chart a course for our country, his top small business consultant isn't at the table.

Let me put this in perspective. When the Cabinet discusses issues affecting the country's 3,500 colleges and universities, the Secretary of Education is there. When those policies which could affect our Nation's 7,000 large businesses are discussed, the Secretary of Commerce is there. And when those policies which could impact our Nation's 2 million farms are discussed, the Secretary of Agriculture is there to advise the President, and rightly so.

But when those policy discussions and decisions could alter the operations of our country's 20 million—let me repeat—20 million small enterprises, there is no Secretary of Small Business at the table to offer his or her opinion. Silence reigns.

Nowhere was this glaring omission more evident than in President Clinton's creation of his national health care task force. Veterans will have a voice, labor will have a voice, the military will have a voice, but what about small business? Half of the Nation's uninsured are employed by small businesses that simply cannot afford to purchase health insurance for their workers. However, small business was not offered a seat at the table to help develop a solution to the health care crisis.

Mr. Speaker, I am not suggesting that Cabinet secretaries are captives of their constituencies. I am suggesting, however, that they serve the vital function of knowing how ideas born in the rarified air of Washington will take root and grow in the real soil of the everyday world, for better or for worse.

Good decisions require good, complete information. But when it comes to determining how a particular policy or program will affect small enterprises and their ability to create jobs, the President and his Cabinet are at a decided disadvantage—as are 20 million small businesses.

Mr. Speaker, President Clinton promised an administration that looks like America. Everywhere I look in America, from rural routes to main streets to downtown avenues, I see small businesses.

With this in mind, I respectfully urge the President to make good on this promise and include the voice of small business in his Cabinet, and I urge my colleagues to join me in sponsoring this resolution.

WE SHOULD REESTABLISH THE SELECT COMMITTEE ON AGING

(Mr. KLEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN. Mr. Speaker, today we will vote on legislation to reestablish the Select Committee on Aging. I urge my colleagues on both sides of the aisle to vote in favor of this legislation.

At a time when our senior citizen population is growing at an unprecedented rate, we must focus our efforts on addressing the unique problems of the elderly. The select committee is the best forum to provide that focus and augment the work of the standing House committees.

Quality health care, affordable housing, age discrimination, financial security—these are just a few of the many problems confronting our seniors that deserve and demand our attention. We cannot sit back and hope that these problems will go away. They won't.

And that is why we must join together today to reaffirm our support for the select committee and the future of our Nation's seniors. Vote in favor of House Concurrent Resolution 30.

□ 1300

SELECT COMMITTEES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I rise today in strong opposition to the continued funding of select committees. These four committees do not have any kind of legislative authority, yet they claim to serve a purpose by making recommendations of their findings to the appropriate standing committee.

It seems to me, Mr. Speaker, that the work should actually be done by the appropriate standing committee. Why should we fund these select committees when we have a national debt of $4 trillion? President Clinton stated that we must make sacrifices, yet we ask the American people, your constituents, to continue to fund committees which realistically have no bearing on policy or legislation. Should sacrifice not come from the leaders first?

The Democrats have emphasized and campaigned on the issue of change. One must admit that this was an effective concept. It is time to follow through with your promises. I believe that the elimination of the select committees would be a positive first step in that direction. Please join me in ridding our Government and our citizens of this extra burden.

A PROUD INAUGURAL FOR KENTUCKY

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, just less than a week ago the inaugural of a new President took place a few hundred feet from where we are standing in the House of Representatives, and all of us, Democrat and Republican, from whatever State of the Union, were excited and proud of that historical moment.

But, we in Kentucky were particularly proud and gratified that Senator WENDELL FORD, who is the senior Senator from Kentucky, was the quite distinguished master of ceremonies of the events on the Capitol terrace. And, I might say he got the new President sworn in exactly on time, exactly at high noon. How proud I was that from my district came the Ballard High School Choir which sang and which distinguished itself in front of that huge throng of 350,000 people. Two of the marching bands in the parade were from Kentucky, one from far western Kentucky, Marshall County High School and one from northeastern Kentucky, a combined high school band from Greenup County.

We had local officials here, Gov. Brereton Jones, Lousville Mayor Jerry Abramson, County Judge Executive David Aructure, members of the Kentucky General Assembly and of the Louisville Board of Aldermen.

All in all, Mr. Speaker, it was a wonderful day for America, but very definitely a wonderful day for Kentucky.

OPPOSITION TO BENTSEN ENERGY TAX

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, let me also say that it is a privilege and an honor to be back here to serve with the Speaker.

Let me begin by congratulating our newly elected President Bill Clinton. For the good of our Nation, I wish him the best in addressing our troubles. However, to break out of the slow-growth cycle our economy is in, the President will need solid, sensible policies.

Over the weekend, Secretary of the Treasury Bentsen stated that the administration is looking at a variety of consumption taxes and new Government spending stimulus plans.

Allow me to offer an alternative: spend less and let the private sector invest more.

Later, he acknowledged that these taxes would hurt the middle class.

Again, then, consider this alternative: spend less and let the private sector invest more.

In advocating new consumption taxes, I hope Secretary Bentsen remembers that the last round of new taxes drove our economy into a painful recession and increased deficits.

THE SACRIFICE OF MARINE PFC. DOMINGO ARROYO IN SOMALIA

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I rise to commemorate the death of Marine Pfc. Domingo Arroyo, age 21, of Elizabeth, NJ, who gave his life so that children in Somalia, not much younger then he, could be saved from famine.

As we grieve with his family, we take time to reflect on the meaning of his sacrifice.

Marine Pfc. Domingo Arroyo was an American of Puerto Rican descent, sent by his country halfway around the world to the African nation of Somalia. At a time of so much racial and ethnic division in our country, I submit that his ultimate sacrifice is much more than a soldier dying in the service of his country.

If his sacrifice is not to be in vain, not only must we end the famine in Somalia but that which fuels our fears and has us turn against each other. His mission was color blind as ours must be.

We cannot hallow the grounds of the National Cemetery of Hato Tejas, PR, where he lies, beyond his sacrifice, but we can hold it up as an example of neighbor sacrificing for neighbor, here and around the world.

In that example, we learn that when neighbors help neighbors, regardless of race, religion, or ethnic origin there is not anything that we as a people cannot accomplish.

SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES SHOULD BE A STANDING COMMITTEE

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, as a member of the Select Committee on Children, Youth, and Families for the last 10 years and as the ranking member on the committee, I would like the Members to focus on a couple of things before the vote comes up tomorrow.

First, this committee has basically been a fig leaf and if you really care about the American family, we should have a standing committee that has authorization and not just this committee.

Second, there have been abuses on this committee. Go back and talk to the people in your congressional districts who have experienced hard times to see if they think this committee should have given Christmas bonuses out to the employees of the committee when people were being laid off around the country. Go talk to the 50,000 Sears employees who got their notices yesterday.

Also, this committee has had two staff people working on investigations that frankly have made more than the entire minority.

This is an issue of spending. It is not an issue of families. This is an issue of congressional reform. So all the Members who went out there and campaigned about reforming the Congress, I will tell you as the ranking member of this committee and as a member who served on this committee and has done as much to help the American family from having legislation passed to job sharing, leave sharing, telecommuting and on-site child care, this bill ought to be voted down. This select committee should be abolished and returned to a standing committee that has authorization.

IN SUPPORT OF THE PEOPLE OF HAITI

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, President Clinton once said that "voting rights * * * are a hidden resource for [a] nation's poor and downtrodden."

Well, the people of Haiti have used that resource and cast a resounding vote for change.

They voted in record numbers that make our own participation rates look pale.

They voted to rid themselves of the criminals who robbed not just the country, but the people of their hopes and dreams for a better life.

They voted to rid their country of the gangsters who have enjoyed the support of an uncaring U.S. foreign policy elite.

They voted for a priest. A man of the cloth, who eschewed the privilege of power and who instead chose to live among the poor. To speak for the poor, in an effort to uplift a nation.

The voice of the people cannot long be ignored. The suffering of a people should not be ignored.

We in the United States represent a beacon for the world. Of what true democracy is.

I call on our new President to embrace, in the most literal sense, President Jean Bertrand Aristide, to reverse the bankrupt policies of the Republicans and to fully support United Nation initiatives.

Only by so doing will we live up to the rightful mantle of world leadership that has fallen to us.

IN SUPPORT OF HOUSE RESOLUTION 16 CALLING FOR CONGRESS TO VOTE ON MILITARY POLICY FOR GAYS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, on the first day of this Congress, I introduced a resolution stating that any change in the policy on gays in the military should be voted on by the House and Senate.

Whether you are for or against this change, surely this is not something that should be done by Executive order.

We do not have a dictatorship in this country.

Executive orders should be used for technical, noncontroversial matters—not radical, major policy shifts such as this.

Almost every military expert supports the ban on gays in the military.

Channel 5 here in Washington reported this morning that of 10,900 calls to a special line they set up, 73 percent opposed the change that the President wants.

Hearings should be held. The people should have a chance to be heard.

The Presidential election was very definitely not a referendum on this issue—President Clinton barely mentioned it.

I urge my colleagues to cosponsor House Resolution 16 calling for the Congress to vote on this very important matter and not have it done simply by one man signing a piece of paper.

□ 1310

REAUTHORIZATION OF THE SELECT COMMITTEE ON NARCOTICS

(Mr. PAYNE of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of New Jersey. Mr. Speaker, I rise in support of the reconstitution of the House Select Committee on Narcotics Abuse and Control. As a member of Newark Fighting Back, my personal involvement in the drug war is no secret among my colleagues. As a member of this committee, I can speak to the commitment of the chairman, Mr. RANGEL and of its members to develop policy that would neutralize the long-term economic and social impact of the drug epidemic in this country.

We all know of the social and economic deprivation of this country's urban centers, and, as a growing proportion of our society fall victim to the ravages of poverty, illiteracy and poor health care, larger segments of our society will succumb to the devastating impact of substance abuse, drug-related violence and crime. The select committee has been instrumental in developing a multifaceted approach to addressing the many root causes that feed into the drug culture, and in bringing these issues to our attention.

Many of the ideas proposed in H.R. 4022, the Enterprise Communities Act, took this approach and were incorporated into the tax bill H.R. 11 that President Bush vetoed last year.

I urge you to support House Resolution 20 reauthorizing the Select Committee on Narcotics Abuse and Control, so that we may continue the work that we have already begun.

BACK TO THE FUTURE

(Mr. POMBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMBO. Mr. Speaker, Congress and the new administration is preparing to raise taxes on every working person and family in my district. Worst yet, we have not yet been told what this new windfall to the Federal Government will be used for.

Mr. Speaker, there is no question that we have a huge budget deficit, but when my constituents face a budget crisis, the family sits down and examines their current budget with a fine-tooth comb. They cut out all the wasteful and unnecessary spending.

Unfortunately, Mr. Speaker, Congress has not done this.

Before we have spent 1 day rooting out wasteful and unnecessary Government spending, we have started talking about how many new taxes we are going to levy on the already overburdened American people. The Halls of Congress are already filling with the high-priced lobbyists whose job is to protect the special interests.

But who is going to protect the American family? After all, it is the families in my district and in my colleagues' districts who will end up bearing the higher tax burden.

Mr. Speaker, we do not need a new gasoline tax, we do not need a new energy tax. We need to cut spending.

REFORMING OUR NATION'S SECURITIES MARKETS

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, today I and several of my colleagues are introducing four separate bills that, together, would enhance the quality of securities regulation, augment the safety and efficiency of the Nation's securities markets, and improve the protection of investors generally.

While each bill addresses a discrete set of issues, they are all inextricably linked by the common theme of excess and abuse. Fueled by the twin engines of deregulation and the greed is good mentality of the 1980's, securities fraud and abusive practices continue to flourish in several areas. In 1990, in partial response to such activities, Congress passed the most significant reform of the securities laws in decades. But recent reforms do not close the final chapter on what many consider to be Wall Street's decade of greed.

Today, I am joining with the gentleman from Michigan [Mr. DINGELL], the gentleman from Texas [Mr. FIELDS], and other members of the Telecommunication and Finance Subcommittee in introducing a bipartisan legislative reform package that attempts to put in place additional securities market reforms. What has prompted the need for further congressional action?

Historic scandal. Historic frauds. Historic regulatory failures. From the Salomon Brothers Government securities scandal to the $100 million Steve Wymer fraud, from abuses in limited partnership rollups to the failures of auditors like Ernst and Young to promptly report financial fraud, we have reaped the legacy of eighties-style deregulation. Of course, these scandals follow on the heels of the not so distant sordid tales of Mike Milken, Ivan Boesky, Dennis Levine, and Marty Seigal.

As our country moves forward into the nineties, we must restore and strengthen public confidence in the fairness and integrity of our securities markets. The historic reform package we are introducing today will help accomplish this objective. It will encourage increased investment in America and greater market efficiency by better protecting investors in America from fraud, self-dealing, market manipulation, and abuse. I urge my colleagues to join me in cosponsoring these important market reform bills.

IT'S THE ECONOMY, STUPID

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, I wish to share with you and my fellow colleagues a short message, a reminder, that I am sending to President Bill Clinton today. It simply says:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 26, 1993.

President BILL CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: During your campaign, your press operation made much of a sign which was posted in your headquarters in Little Rock that said simply: "It's the economy, stupid."

Your campaign chairman in Georgia, Governor Zell Miller said, in 1991, "To raise taxes during a recession is the wrong thing to do. It will only worsen the economy." The Governor made his comments during the 1991 state budget cuts in Georgia.

The most difficult challenge facing Congress is the deficit. The greatest threat to our nation is not military aggression, it is national debt.

Maybe it's time to find that sign back in Little Rock.

Most respectfully,

MAC COLLINS.

THE TAX BALL AND CHAIN PROPOSED BY THE CLINTON ADMINISTRATION WILL DRAG DOWN THE ECONOMY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, trial balloons for new taxes proposed by the Clinton administration are hardening into balls and chains around the ankles of American taxpayers.

Beware administration officials who talk about a balance between spending cuts and tax increases. Where is the balance, when both spending and taxes have hit a record high?

They talk about equally shared sacrifices. But why should the American people sacrifice any more to the Government?

Republicans want to create wealth, not redistribute it. Administration policies would punish success by taxing prosperity.

Despite what you heard during the Presidential campaign, the prosperous pay more in taxes and a higher percentage of taxes today than 10 years ago.

In fact, the top half of all income earners now pay over 90 percent of taxes.

The tax ball and chain the administration is now forging will drag down the economy, destroy jobs, and depress wages. That's no way to begin an American renewal.

PRESIDENT'S MEMORANDA ON ABORTION ISSUES

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, President Clinton, while serving as Governor, wrote in a 1986 letter that he supported the concept and stated purpose of an amendment to the Arkansas Constitution directing that the State's policy is to "protect the life of every unborn child from conception until birth." He also wrote, "I am opposed to abortion and to government funding of abortions." As recently as 1991 Clinton stated, "I've also supported parental notification and restrictions on public funding for abortions * * *."

Sadly, none of these beliefs are evident in President Clinton's recent actions or words, as just 4 days ago he signed five Presidential memoranda overturning most of the pro-life policies put in place by the Reagan and Bush administrations. In a complete turnaround, Clinton proclaimed, "Our vision should be of an America where abortion is safe and legal * * *." He called for "an approach that seeks to protect the right to choose * * *" and the need "to protect individual freedom."

Have we witnessed the return of Willie the Waffler?

President Clinton failed to point out several things as he lauded the freeing of America from ideological arguments, such as the fact that U.S. support for family planning programs overseas actually increased substantially under the Bush administration, and that fetal tissue research was taking place successfully without the need for taxpayers' dollars. He also omitted that calling for importing the abortion pill RU–486 constitutes unprecedented political interference with the FDA's legal responsibility to protect the American public from such a dangerous and unapproved drug.

President Clinton made one statement that I do agree with. He stated, "The greatest human costs of our continuing national debate over reproductive policy is borne by our children." I only wish he meant that as I do—as a tribute to the unborn.

□ 1320

PRESIDENT SHOULD KEEP HIS WORD

(Mr. BURTON of Indiana asked and was given permission to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, earlier today my good friend, the gentleman from California [Mr. FAZIO], said that he was very pleased that the President and his administration got off to a fast start. Well, we all wish President Clinton well. We want him to succeed for the good of America. But I am not so sure the fast start he is getting off to is the right one. Let us look at the record.

Mr. Speaker, he said he was going to cut the Federal deficit in half. Now they have said that is not going to be possible. He said there was going to be a middle income tax cut. Now they say that is not going to be possible. He said there would be no tax increase except for those making more than $200,000 a year and that that was going to be used for the middle income tax cut and for his other programs and there would be no increase in the deficit. The fact of the matter is he changed on that also. He is now saying there are going to be consumption taxes. He is gong to tax electricity, he is going to tax gasoline, he is going to tax coal, oil, and other fuels.

The fact of the matter is he is not off to a very fast start. It is a very bad start.

Let me just say that we as Republicans wish him well. We want him to succeed. But we cannot support him and his programs and his plans if he breaks faith with the American people.

Mr. Clinton, do the right thing—keep your word.

AUTHORIZING TRANSFER OF CATAFALQUE TO CHIEF JUSTICE OF UNITED STATES FOR FUNERAL SERVICES OF THE LATE HON. THURGOOD MARSHALL

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 23).

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 23

Resolved by the House of Representatives (the Senate concurring), That the Architect of the Capitol is authorized and directed to transfer to the custody of the Chief Justice of the United States the catafalque which is presently situated in the crypt beneath the rotunda of the Capitol so that the said catafalque may be used in the Supreme Court Building in connection with services to be conducted there for the late Honorable Thurgood Marshall, former Associate Justice of the Supreme Court of the United States.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DEADLINE FOR SUBMITTING AMENDMENTS TO H.R. 1 AND H.R. 2

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

Mr. MOAKLEY. Mr. Speaker, this is to notify Members of the House of the Rules Committee's plans regarding H.R. 1, the Family and Medical Leave Act of 1993. The committee is planning to meet the week of February 1, 1993, to take testimony and grant a rule on the bill. In order to assure timely consideration on the bill on the floor, the Rules Committee is considering a rule that may limit the offering of amendments.

Any Member who is contemplating an amendment to H.R. 1 should submit, to the Rules Committee in H–312 in the Capitol, 55 copies of the amendment and a brief explanation of the amendment no later than 12 noon on Monday February 1.

We appreciate the cooperation of all Members in this effort to be fair and orderly in granting a rule for H.R. 1.

Mr. Speaker, this is to notify Members of the Rules Committee's plans regarding H.R. 2, the National Voter Registration Act of 1993. The committee is planning to meet the week of February 1 to consider the bill. In order to assure timely consideration of the bill on the floor, the Rules Committee is considering a rule that may limit the offering of amendments.

Any Member who is contemplating an amendment to H.R. 2 should submit, to the Rules Committee in H–312 in the Capitol, 55 copies of the amendment and a brief explanation of the amendment no later than 12 noon on Monday, February 1, 1993.

We appreciate the cooperation of all Members in this effort to be fair and orderly in granting a rule for H.R. 2.

Mr. SOLOMON. Mr. Speaker, will the chairman of the Committee on Rules yield?

Mr. MOAKLEY. Mr. Speaker, I will be glad to yield to my friend, the gentleman from New York [Mr. SOLOMON], the ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank my good friend, the chairman, whom I have great respect for, as the gentleman knows.

Mr. Speaker, I would just tell the gentleman he is making two requests. One is on the Family Medical Leave Act, that we have amendments filed by noontime on this coming Monday so that the Committee on Rules could consider a rule the following day on Tuesday. He is doing the same thing on the so-called motor-voter bill.

Mr. MOAKLEY. The gentleman is correct.

Mr. SOLOMON. I will just point out that the ranking Members on those two respective committees, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. THOMAS], had planned under the rules of the House to take their full 3 days in which to file minority views on the report.

The gentleman from Massachusetts [Mr. MOAKLEY] is asking that the Republicans and Democrats alike have their amendments filed before they will even have the opportunity to read the report or to read the minority views.

Mr. Speaker, we have 110 new Members, I think 63 on your side and 47 on ours. The fact remains that I do not know what is in the Family Medical Leave Act, whether it is the same bill as last year. I do know that the motor-voter bill is not the bill that passed this House. I understand it is a Senate version, and certainly Members of this House have no idea what is in that bill, and certainly not the freshman Members.

Mr. Speaker, I would just point out to the gentleman from Massachusetts [Mr. MOAKLEY] and say that under the rules of the House, we are entitled to our 3 days, and I would hope that this is not going to begin to set a precedent. Here we are in the first 2 weeks of the session. Sometimes at the end of the session we feel rushed in order to squeeze in legislation. That is not the case here.

Mr. Speaker, I would just hope that the Speaker is listening and that the Committee on Rules does not intend to make a practice of this so early in the session.

ESTABLISHING SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 20 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 20

Resolved,

SECTION 1. ESTABLISHMENT OF SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL.

There is hereby established in the House of Representatives a select committee to be known as the Select Committee on Narcotics Abuse and Control (hereinafter in this resolution referred to as the "select committee").

SEC. 2. FUNCTIONS.

The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct a continuing oversight and review of the problems of narcotics, drug, and polydrug abuse and control, including (but not limited to) the study and review of (A) the abuse and control of opium and its derivatives, other narcotic drugs, psychotropics, and other controlled substances, as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970, and any such drug or substance when used in combination with any other substance; (B) domestic and international trafficking, manufacturing, and distribution; (C) treatment, prevention, and rehabilitation; (D) narcotics-related violations of the Internal Revenue Code of 1986; (E) international treaties and agreements relating to the control of narcotics and drug abuse; (F) the role of organized crime in narcotics and drug abuse; (G) problems of narcotics and drug abuse and control in the Armed Forces of the United States; (H) problems of narcotics and drug abuse and control in industry; and (I) the approach of the criminal justice system with respect to narcotics and drug law violations and crimes related to drug abuse;

(2) to review any recommendations made by the President, or by any department or agency of the executive branch of the Federal Government, relating to programs or policies affecting narcotics or drug abuse or control; and

(3) to recommend to the appropriate committees of the House legislation or other action the select committee considers necessary with respect to programs or policies affecting narcotics or drug abuse or control.

SEC. 3. APPOINTMENT AND MEMBERSHIP.

(a) The select committee shall be composed of thirty-five Members of the House, who shall be appointed by the Speaker, one of whom he shall designate as chairman. At least one member of the select committee shall be chosen from each of the following committees of the House: The Committee on Agriculture, the Committee on Armed Services, the Committee on Government Operations, the Committee on Foreign Affairs, the Committee on Energy and Commerce, the Committee on the Judiciary, the Committee on Merchant Marine and Fisheries, the Committee on Veterans' Affairs, and the Committee on Ways and Means.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) For purposes of this section, the term "Members" shall include any Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

SEC. 4. AUTHORITY AND PROCEDURES.

(a) For the purpose of carrying out this resolution, the select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee.

SEC. 5. ADMINISTRATIVE PROVISIONS.

(a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this resolution.

(b) In carrying out its functions under this resolution, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to prescribe the duties and responsibilities of such staff;

(3) to fix the compensation of such staff at a single per annum gross rate as provided by clause 6(c) of rule XI of the Rules of the House of Representatives;

(4) to terminate the employment of any such staff as the select committee considers appropriate; and

(5) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

SEC. 6. REPORTS.

(a)(1) The select committee shall report to the House with respect to the results of any field investigation or inspection it conducts.

(2) The select committee shall submit an annual report to the House which shall include a summary of the activities of the select committee during the calendar year to which the report applies.

(3) The select committee shall report to the House its recommendations for a comprehensive program to control the worldwide program of drug abuse and drug trafficking.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The clerk will report the committee amendment.

The clerk read as follows:

Committee amendment: page 3, line 2, insert after "of", "not more than".

The committee amendment was agreed to.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

GENERAL LEAVE

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on House Resolution 20.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 20 will establish the Select Committee on Narcotics Abuse and Control for the 103d Congress.

The select committee will have no legislative jurisdiction, but will be charged with studying the problems related to drug abuse and control and recommending practical solutions to the appropriate standing committees of the House.

The select committee will have not more than 35 members to be appointed by the Speaker, and the Speaker will designate one Member as chairman.

The select committee will be authorized to sit and act and will be bound by the House rules which relate to standing committees.

The select committee will be authorized to hire staff and incur expenses only upon adoption by the House of a separate funding resolution reported from the Committee on House Administration.

Mr. Speaker, the House has authorized the establishment of this select committee in past Congresses and the Rules Committee feels that establishment once again is an important step which the House of the 103d Congress ought to take.

The work and accomplishments of the Select Committee on Narcotics Abuse and Control are well known. The select committee, under the able leadership of its chairman, Mr. RANGEL, has led the way in Congress' continued commitment to the war on drugs.

The fact that drug trafficking and abuse remain a serious threat to our

Nation justifies reconstitution of the select committee at this time. Despite some gains against casual drug use, hardcore drug abuse and drug-related crime and violence remain serious and growing problems in our Nation and worldwide.

There can be no doubt that drug abuse inflicts great cost on our society. Recent reports indicate that: Our criminal justice system is heavily burdened with violent crimes committed by drug users; our health care system is overloaded by drug-related medical problems, victims of drug-related violence, infant victims of prenatal drug exposure, and the tragedy of AIDS, which has been spread by intravenous drug use in about one-third of the cases reported in the United States.

Moreover, our business community continues to suffer from drug use within its labor force. Former OMB Director Richard Darman has stated that substance abuse costs the United States as much as $300 billion per year in lost productivity and revenues, as well as added health care, criminal justice, and social service costs.

Mr. Speaker, the Select Committee on Narcotics Abuse and Control was initially established by the House in recognition of the fact that jurisdiction for drug abuse prevention and control was fragemented among a multitude of standing committees—responsibility for drug abuse concerns in the House is currently divided among no fewer than 18 standing committees.

To combat the serious and growing problems of drug abuse and drug trafficking the House needs a focal point for comprehensive oversight of drug problems, a panel that can develop expertise on the complex and cross-cutting issues, relating to narcotics abuse and control, and offer insightful recommendations to standing committees of jurisdiction. The Select Committee on Narcotics Abuse and Control has ably fulfilled this role.

A look at the select committee's past accomplishments reveals that the committee has been an effective force in the war against drugs. If reconstituted for the 103d Congress, the select committee would continue to be the only committee in either the House or Senate whose entire efforts would be focused exclusively on oversight of drug issues. The select committee's unique jurisdiction and accumulated expertise are valuable resources that will help the Congress maintain a strong leadership role in drug prevention and control.

In closing, I urge my colleagues to adopt this resolution so that the Select Committee on Narcotics Abuse and Control may continue its critical oversight capability.

□ 1330

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, someone once said that a camel is a horse that was designed by a committee.

Mr. Speaker, let me just embellish on that by observing that the House has a committee system that sometimes seems like a herd of crazed camels, bumping and braying in the legislative wilderness. A stable full of thoroughbreds we are not.

The time is long overdue for us to reform and streamline our committee system—realign jurisdictions along more rational and functional lines, and better manage committee and Member workloads to ensure a more deliberative and representative legislative process.

These are just some of the challenges confronting the new Joint Committee on the Organization of Congress on which I am privileged to serve as a member.

Today we have a golden opportunity to strike a real blow for congressional reform—listen up, you 110 freshmen, clutching your fresh mandates to reform Government—today you have a golden opportunity to strike a real blow for congressional reform.

Today we can assist the joint committee in its efforts to restore our standing committee system to an effective legislative and oversight operation.

We will have that opportunity, if we simply defeat the previous question on each of these four select committee resolutions. By so doing, you will register the depth of your sincerity and dedication to reforming this House because you will be paving the way for amendments to terminate these committees at the end of this year.

It is my understanding that the House Democratic Members on the Joint Committee have already been charged by their caucus with making a recommendation on the future of select committees. We Republican Members certainly support that mandate.

The votes we take today on these sunset amendments will serve as action-forcing mechanisms on the joint committee to make its recommendations in a timely way by late summer or early fall so that the House may in turn vote whether to reauthorize the select committees or let stand these termination provisions.

While it is true that the joint committee itself will cease to exist by the end of this year and must make its final report no later than that time, there is nothing to prevent it from making interim reports and recommendations. Indeed, Chairman HAMILTON has indicated that possibility.

So it is not accurate to say that it is unfair or impractical to terminate the select committees on the same date that the joint committee must make its final report.

I fully expect that the joint committee can make a recommendation on the select committees long before the end of the year so that their fate can be decided by the House before the sun sets on them. That would certainly be my intention as one of the members of the joint committee.

Do these sunset amendments prejudge the fate of the select committees? In a way they do, because they say to the joint committee, finding a way, if at all possible, to make sure our standing committees do a better job in these issue areas.

The sunset amendments are also a recognition that select committees are a different breed of camel, if you will. They were never intended to be permanent entities. Instead, they were historically created for a limited purpose and a very limited time period, and then they went out of existence.

Listen to these words from a Rules Committee report issued in 1977 and 1983 entitled, "Guidelines for the Establishment of Select Committees," and I quote:

> Special circumstances sometimes justify the creation of select committees. In general, however, the proliferation of such committees adds to spiralling congressional costs, exacerbates already serious space problems, imposes additional committee burdens on Members, and may interfere with the effectiveness of the standing committee system.

Mr. Speaker, nothing could be plainer than the egg on your face that this House has strayed considerably from those guidelines. Those guidelines went on to suggest that select committees should only exist for a Congress or two at most, and then go out of business.

How many years have the proposed select committees in these resolutions been in existence: Let me tell you—aging, 18 years, at a total cost of $21.9 million; narcotics, 16 years, at a cost of $10.5 million; children, youth and families, 10 years at a cost of $6.9 million; and hunger, 8 years, at a cost of $5.3 million.

What does that add up to for these four select committees? All told, they have been in existence for 52 years and have spent $44.7 million.

And they haven't reported one bill—not one bill. They are nonlegislative committees.

One of the questions the select committees must respond to in the questionnaire issued by the Rules Committee pursuant to its 1977 guidelines is the following, and I quote:

> Is the subject one that can be conclusively studied by the proposed select committee within one Congress? Please furnish an estimate of the time desired.

A few years back, the select committees would respond at the beginning of each Congress, "Oh, we need just one more Congress to complete our work."

Well, today, they don't even play "Let's Pretend." They openly flout the Rules Committee's guidelines and ask to be made permanent select committees because their work will never be completed so long as the problems they are studying have not been fully solved.

In other words, the attitude of these select committees today seems to be that they have some divine right to eternal life.

That turns the whole notion of select committees on its head. It is a slap in the face of the Rules Committee, the standing committees, and American taxpayers.

No one disputes that these select committees have done a fine job and are comprised of outstanding, hard-working members. But that's not the issue here today. The issue in the institution of the House and how it is best served—how our time is best allocated to do the people's business.

The Democratic caucus is to be commended on eliminating some 16 subcommittees of our standing committees in the interests of better focusing the attention of Members and the committees.

But to think that we can eliminate standing subcommittees and let stand these so-called temporary select committees after they have had 52 years to complete their work is ludicrous.

I also want to commend the gentlelady from New York [Ms. SLAUGHTER], who chaired the Democratic caucus task force on reform for recommending that Members be limited to no more than five subcommittees, and counting select committee assignments as subcommittees for that purpose.

She indicated in the Rules Committee that it was her hope this limitation might reduce the attraction of serving on a select committee. And yet we are informed that Members are still waiting in line to serve on select committees—in large part because it looks good on their political résumés.

I only wish that the Slaughter task force had prevailed on the resolution offered by Representatives CARDIN and SYNAR which instructed Rules Committee Democrats not to extend these select committees beyond December 31 of this year.

According to "Congressional Quarterly," that resolution was adopted by the Slaughter committee on December 7, but, and I quote from the "Congressional Quarterly" story, "after a heated debate, the caucus agreed to strike the 1-year authorization language."

Mr. Speaker, what we are offering on the floor of the House today is a reconsideration of that Cardin-Synar language to sunset these four select committees on December 31 of this year.

So this is certainly not a partisan proposal. It is bipartisan. Moreover, it was recommended in the first report of the joint, AEI-Brookings "Renewing Congress Project" issued last November. Referring to the four select committees before the House for reauthorization this week, the report says, and I quote:

> These were not created as permanent committees; they should not continue to exist as the virtually permanent entities they have become * * *.
>
> The caucus should consider instructing the Rules Committee now to provide only a partial renewal for the select committees for the 103d Congress—perhaps just for calendar year 1993.

In conclusion, Mr. Speaker, the previous question votes on these select committee resolutions today and tomorrow will be scored as a vote for or against reforming this House, make no mistake about it.

If you cannot eliminate four select committees in a year, what hope can we possibly have of undertaking even more substantial and necessary reforms?

Vote down the previous question and then vote for a 1-year sunset provision for these select committees.

At this point in the RECORD, Mr. Speaker, I include the texts of the sunset amendments I intend to offer to this and the other three resolutions if the previous question is defeated, and a background paper on select committees together with relevant tables. The items follow:

H. RES. 20—CREATING A SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

An amendment offered by Mr. Solomon of New York:

At the end of the resolution, add the following new section:

"SEC. 7. TERMINATION OF SELECT COMMITTEE.

"(a) Notwithstanding any other provision of this resolution, the select committee shall cease to exist on December 31, 1993, unless the Joint Committee on the Organization of Congress recommends that the select committee be continued and the House votes for its continuation. The Joint Committee on the Organization of the Congress shall make its recommendation to the House with respect to this select committee not later than September 30, 1993.

"(b) The records, files and materials of the select committee shall be transferred to the Clerk of the House upon its termination".

H. RES. 18—CREATING A SELECT COMMITTEE ON HUNGER

An amendment offered by Mr. Solomon of New York:

At the end of the resolution, add the following new section:

"TERMINATION OF SELECT COMMITTEE"

"SEC. 7. (a) Notwithstanding any other provision of this resolution, the select committee shall cease to exist on December 31, 1993, unless the Joint Committee on the Organization of Congress recommends that the select committee be continued and the House votes for its continuation. The Joint Committee on the Organization of the Congress shall make its recommendation to the House with respect to this select committee not later than September 30, 1993.

"(b) The records, files and materials of the select committee shall be transferred to the Clerk of the House upon its termination".

H. RES. 19—CREATING A SELECT COMMITTEE ON AGING

An amendment offered by Mr. Solomon of New York:

At the end of the resolution, add the following new section:

"SEC. 7. TERMINATION OF SELECT COMMITTEE.

"(a) Notwithstanding any other provision of this resolution, the select committee shall cease to exist on December 31, 1993, unless the Joint Committee on the Organization of Congress recommends that the select committee be continued and the House votes for its continuation. The Joint Committee on the Organization of the Congress shall make its recommendation to the House with respect to this select committee not later than September 30, 1993.

"(b) The records, files and materials of the select committee shall be transferred to the Clerk of the House upon its termination".

H. RES. 30—CREATING A SELECT COMMITTEE ON AGING

An amendment offered by Mr. Solomon of New York:

At the end of the resolution, add the following new section:

"SEC. 7. TERMINATION OF SELECT COMMITTEE.

"(a) Notwithstanding any other provision of this resolution, the select committee shall cease to exist on December 31, 1993, unless the Joint Committee on the Organization of Congress recommends that the select committee be continued and the House votes for its continuation. The Joint Committee on the Organization of the Congress shall make its recommendation to the House with respect to this select committee not later than September 30, 1993.

"(b) The records, files and materials of the select committee shall be transferred to the Clerk of the House upon its termination".

H. RES. 23—CREATING A SELECT COMMITTEE ON CHILDREN, YOUTH AND FAMILIES

An amendment offered by Mr. Solomon of New York:

At the end of the resolution, add the following new section:

"SEC. 7. TERMINATION OF SELECT COMMITTEE.

"(a) Notwithstanding any other provision of this resolution, the select committee shall cease to exist on December 31, 1993, unless the Joint Committee on the Organization of Congress recommends that the select committee be continued and the House votes for its continuation. The Joint Committee on the Organization of the Congress shall make its recommendation to the House with respect to this select committee not later than September 30, 1993.

"(b) The records, files and materials of the select committee shall be transferred to the Clerk of the House upon its termination".

COMMITTEE ON RULES

HOUSE SELECT COMMITTEES: BACKGROUND AND GUIDELINES

Origin and Development of Select Committees: Select committees have existed since the first Congress. However, in the early days of the Republic they were formed for specific legislative purposes rather than for oversight purposes as is the case today. A select committee was formed for each bill referred by the Committee of the Whole after a debate on general policy matters so that the committee could translate those policy preferences of the House into legislative language. Once it reported a bill to the House, the select committee would cease to exist.

The Rules Committee itself was a select committee of the House, created at the beginning of each new Congress to report a set of rules (or, more accurately, amendments to the rules of the previous House).

As the legislative business of the House became more repetitive and routine, standing committees evolved from select committees to deal with legislation in related areas. By the 23rd Congress (1833–35), more than 30 standing committees had been formed, and there were only 35 select committees (compared to 350 select committees in the 3rd Congress).

As select legislative committees declined in number and importance in the nineteenth century, select investigating committees increased in number and popularity. And they proliferated so much during World War II that one of the mandates of the Joint Committee on the Organization of Congress was to examine the whole committee system, including overlapping jurisdictions between and among select and standing committees. Not only did the Joint Committee recommend a consolidation and reduction of standing committees in both Houses, but it recommended that in the future the practice of creating special investigative committees be abandoned.

While the Joint Committee's advice was honored for awhile, it was later forgotten and select committees again began to proliferate. According to a 1983 Rules Committee report on the subject of select committees, since the 1946 Legislative Reorganization Act was enacted, the House has created 40 select and special committees, the mandate of most of which has been investigative.

Recommendations of 1977 Rules Subcommittee: On October 31, 1977, the Rules Committee's Subcommittee on the Rules and Organization of the House issued a report entitled, "Guidelines for the Establishment of Select Committees." The subcommittee's study and report grew out of a concern over the proliferation of subcommittees and the attendant spiralling costs, space problems, burden of Members' time, and interference with the effectiveness of the standing committee system.

For these reasons, the subcommittee recommended to set a criteria to be used in the future in determining whether a new select committee should be created. These criteria include the following questions:

Does the proposed select committee deal with a significant and major issue?

Does the present committee system not address the issue effectively?

Are the subject matter and objectives of the select committee clearly defined?

Are the method of inquiry and expected products of the select committee clearly stated?

Is there specified a definite length of time for the proposed select committee to exist?

Are the cost factors involved in creating the select committee outlined?

The Rules subcommittee's report went on to propose a model resolution to be used for the creation of future select committees and a questionnaire to be answered by their proponents before they appeared before the Rules Committee to plead their case. The model resolution and questionnaire have been used ever since the 1977 report by select committees seeking to be newly created or reestablished. The one question which is now routinely fudged, finessed or otherwise circumvented is the expected termination date for the select committee.

Republican Position on Select Committees: In the 102nd Congress, Republicans supported (159-0). Republican Leader Michel's resolution (H.Res. 419, April 3, 1992) as a substitute for the Democrats' House Administrative Reform Resolution (H.Res. 423). Sec 232 of the Michel resolution called for the immediate abolition of all four non-legislative select committees. A nearly identical provision was contained in the Republican House Rules substitute for H.Res. 5, adopting House Rules for the 103rd Congress on Jan. 5, 1993 (Michel substitute, paragraph (42)).

Cost and Staff of Select Committees: Attached to this report are tables showing the authorized costs of all current, non-legislative House select committees since their inception plus a comparison of staff of House select and standing committees. Also attached are the relevant excerpts from the 1977 Rules Committee report, "Guidelines for the Establishment of Select Committees."

FUNDING FOR CURRENT HOUSE NONLEGISLATIVE SELECT COMMITTEES FROM INCEPTION

	Name of Select Committee				Total
	Aging	Narcotics	Children	Hunger	
Year:					
1975	$600,000				$600,000
1976	580,000	$111,667			691,667
1977	787,625	722,204			1,509,829
1978	985,891	722,204			1,708,095
1979	1,050,000	700,000			1,750,000
1980	1,233,000	600,000			1,833,000
1981	1,233,000	540,000			1,773,000
1982	1,223,680	540,000			1,763,680
1983	1,316,057	616,823	$534,608		2,467,488
1984	1,398,373	643,643	700,000	$449,250	3,191,266
1985	1,454,308	662,952	721,000	616,970	3,455,230
1986	1,321,499	602,410	655,157	560,627	3,139,693
1987	1,361,144	620,482	674,812	577,446	3,233,884
1988	1,388,367	632,892	688,308	588,995	3,298,562
1989	1,430,018	651,879	708,957	606,665	3,397,519
1990	1,481,499	700,770	734,479	628,505	3,545,253
1991	1,542,240	729,502	764,593	654,274	3,690,609
1992	1,542,240	729,502	764,593	654,274	3,690,609
Total	21,928,941	10,526,930	6,946,507	5,337,006	44,738,650

Sources: House Administration Committee, based on authorizations approved by the House in annual committee funding resolutions; "Guidelines for the Establishment of Select Committees," House Committee on Rules, Subcommittee on the Legislative Process 98th Congress, February 1983 (Subcommittee Print); "Congressional Committee Staff and Funding," by Carol Hardy Vincent, Government Division, Congressional Research Service, Issue Brief (IB82006), Sept. 24, 1990 and Aug. 7, 1992.

MEMBER AND STAFF RATIOS ON HOUSE COMMITTEES, 102D CONGRESS

	Total members	Party ratio Democrat/Republican		Total Staff	Staff ratio Democrat/Republican		Staff: member ratio
		Number	Percent		Number	Percent	
Committee:							
Agriculture	45	27/18	60/40	63	43/20	68/32	1.4:1
Appropriations	59	37/22	63/37	221	167/54	76/24	3.7:1
Armed Services	54	33/21	61/39	83	NA		1.5:1
Banking	52	31/20	60/40	116	90/26	78/22	2.2:1
Budget	37	23/14	62/38	96	69/27	72/28	2.6:1
District of Columbia	11	7/4	64/36	39	28/11	72/28	3.5:1
Education and Labor	37	23/14	62/38	121	96/25	79/21	3.3:1
Energy and Commerce	43	27/16	63/37	151	122/29	81/19	3.5:1
Foreign Affairs	43	26/17	60/40	104	80/24	77/23	2.4:1
Government Operations	41	25/15	61/39	86	69/17	80/20	2.1:1
House Administration	24	15/9	63/37	73	56/17	77/23	3.0:1
Interior	42	26/16	62/38	83	64/19	77/23	2.0:1
Judiciary	34	21/13	62/38	71	57/14	80/20	2.1:1
Merchant Marine	45	28/17	62/38	77	56/21	73/27	1.7:1
Post Office	22	14/8	64/36	84	65/19	77/23	3.8:1
Public Works	55	34/21	62/38	98	67/31	68/32	1.8:1
Rules	13	9/4	69/31	48	35/13	73/27	3.7:1
Science	51	32/19	63/37	85	67/18	79/21	1.7:1
Small Business	44	27/17	61/39	53	35/18	66/34	1.2:1
Standards	14	7/7	50/50	11	NA		0.8:1
Veterans' Affairs	34	21/13	62/38	43	29/14	67/33	1.3:1
Ways and Means	36	23/13	64/36	90	68/22	76/24	2.5:1
Select Committees:							
Aging	68	41/27	60/40	37	27/10	73/27	0.5:1
Children, Youth, Families	36	22/14	61/39	20	13/7	65/35	0.6:1
Hunger	33	21/12	64/36	16	10/6	63/37	0.5:1
Intelligence	21	13/8	62/38	18	NA		0.9:1

MEMBER AND STAFF RATIOS ON HOUSE COMMITTEES, 102D CONGRESS—Continued

	Total members	Party ratio Democrat/Republican		Total Staff	Staff ratio Democrat/Republican		Staff: member ratio
		Number	Percent		Number	Percent	
Narcotics	35	21/14	60/40	18	12/6	67/33	0.5:1
October Surprise Task Force	13	8/5	62/38	10	6/4	60/40	0.8:1

Note: At the outset of the 102d Congress there were 267 Democrats (61%) to 167 Republicans (38%) and one Independent.

Sources: "The Congressional Standing Committee System," by Carol Hardy Vincent, Government Division, Congressional Research Service, Sept. 14, 1992 (92–707 GOV); Committee Budget Submissions to and Minority Staff Surveys, House Administration Committee, Feb. 20, 1992; Telephone Directory, U.S. House of Representatives, Summer, 1992; "Congressional Committee Staff and Funding," by Carol Hardy Vincent, Government Division, Congressional Research Service, Aug. 7. 1992 (IB82006).

GUIDELINES FOR THE ESTABLISHMENT OF SELECT COMMITTEES

INTRODUCTION

In its report, the Subcommittee on the Rules and Organization of the House presents six recommended criteria it intends to use in reviewing proposals to create select committees. These criteria are:

1. The proposed select committee must deal with a significant and major issue.
2. The present committee system does not address the issue effectively.
3. The subject matter and the objectives of the proposed select committee must be clearly defined.
4. The method of inquiry and expected products of the select committee must be clearly stated.
5. A definite length of time for the proposed select committee to exist must be specified.
6. Cost factors involved in the creation of a select committee must be outlined.

In addition, the report contains three appendices:

Appendix I.—Model Resolution—The subcommittee notes that select committees are controlled almost exclusively by their organic resolutions and has, for that reason, provided a model resolution which would assure compliance with most of the standards proposed by this report.

Appendix II.—Questionnaire—The subcommittee feels that there is a minimum threshold of information which sponsors of these resolutions should provide before the Subcommittee can undertake a sensible review of the proposal and has provided a list of questions it would expect the principal sponsor to address in requesting hearings.

Appendix III.—Historical Review and Digest of Select Committee Resolutions, 1947–77—While the nature of subcommittees and the reasons for their creation have varied enormously over the years, the subcommittee has considered it helpful to include a historical review of select committees. Included in appendix III is a digest of the resolutions creating select committees passed by the House since the passage of the Legislative Reorganization Act of 1946.

GUIDELINES FOR THE ESTABLISHMENT OF SELECT COMMITTEES

The Subcommittee on Rules and Organization of the House recognizes that special circumstances sometimes justify the creation of select committees. In general, however, the proliferation of such committees adds to spiralling congressional costs, exacerbates already serious space problems, imposes additional committee burdens on Members, and may interfere with the effectiveness of the standing committee system.

For these reasons the subcommittee hereafter will apply the following criteria in considering proposals to create new select committees. The subcommittee expects to consider resolutions creating select committees and favorably report them to the full Committee on Rules only when such resolutions clearly reflect the intent and purpose of the following guidelines.

1. The proposed select committee must deal with a significant and major issue

Select committees should be created to focus on significant issues. The need for immediate and timely study of the issue should be the subject of general consensus. The proponents of the select committee should present to the Rules Committee substantial and well-documented evidence of the pressing need for establishing a select committee.

Among the items the Subcommittee will include in its evaluation of the need for a proposed select committee are: The number of cosponsors of a resolution to create a select committee; statements from party leaders and groups; recommendations from the President, Senate leaders, and other officials; petitions from outside organizations; press and media coverage of the issue.

There are certain commemorative or ceremonial occasions which may justify the creation of a select committee, permitting formal participation by the House as an institution in certain events. The Subcommittee acknowledges this special need and will give it due consideration in reviewing proposals to create select committees.

2. The present committee system does not address the issue effectively

Existing standing committees may fail to take up a significant issue for a number of reasons. A standing committee may have a heavily committed calendar of business, or lack the staff resources for additional inquiries, or lack sufficient interest to focus on the topic.

Jurisdiction over the subject matter may be so fragmented or overlapping that no single committee has a clearly established leading jurisdictional authority. In such cases, creation of a select committee may reduce controversy as to jurisdiction among competing committees.

Furthermore, a select committee may permit a broad perspective not available through any one standing committee with a portion of jurisdiction. The development of a comprehensive and coordinated approach to the issue may only be possible through a select committee. In such cases, a select committee may facilitate the development of a legislative package and help to insure House action on priority issues within a reasonable and specified time frame.

Circumstances from time to time may require a "blue-ribbon" panel to investigate a matter of great public concern. Certain issues may demand a careful and balanced representation of regional or other interests.

The subcommittee will include such factors in its evaluation of select committee proposals. It will also solicit the views of the standing committees with jurisdiction over the issue and will be disinclined to recommend creation of a select committee over significant opposition by a standing committee with jurisdiction.

3. The subject matter and the objectives of the proposed select committee must be clearly defined

The proponents of a select committee must clearly outline the proposed area of subject matter and the objectives of the select committee. They must also clearly define the boundaries of the proposed study. The subcommittee considers a narrowly defined proposal a more desirable and appropriate basis for the creation of a select committee.

4. Method of inquiry and expected products of the proposed select committee must be clearly stated

The subcommittee expects the sponsors of a resolution to create a select committee to outline the proposed method of inquiry into the subject matter. The subcommittee also expects the sponsors to state the form the select committee's findings will take and what reports, draft legislation, and other documents are to be produced. The subcommittee believes that only in rare circumstances should a select committee have legislative authority.

The proponents of a select committee must state when they expect to submit their report and to whom they propose to report. The Subcommittee believes that, in general, a select committee should report not only to the House but also to the standing committees with jurisdiction over the area of inquiry.

If possible, the advocates of a select committee should inform the Rules Committee how the select committee's recommendations should be implemented—for example, public law, informal administrative action, executive reorganization, or revision of Federal regulations.

A discussion of these aspects of a select committee's projected activity will help determine whether or not establishment of the select committee will serve the lawmaking, oversight and investigatory responsibilities of the House.

5. A definite length of time for the proposed select committee to exist must be specified

The subcommittee believes that select committees should be created for limited periods of time. Select committees seeking reauthorization must be prepared to justify the extension of their authority, outline their planned future activities, explain why standing committees cannot handle the work, and state their additional time and budgetary requirements.

6. Cost factors involved in the creation of a select committee must be outlined

The proponents of a select committee must present to the Rules Committee a proposed outline of costs to be incurred and staffing requirements. The subcommittee believes that costs should be held to an absolute minimum by select committees. Expenditures may be held down by utilizing the staff resources of the legislative support agencies, the services of other Capitol Hill staff, and employees "borrowed" from appropriate Federal agencies when suitable and available.

Mr. Speaker, House Resolution 20 would reauthorize for 2 years the Select Committee on Narcotics Abuse and Control to be composed of not more

than 35 members appointed by the Speaker.

The Select Committee on Narcotics has been in existence for 16 years at a total cost of $10.5 million. It currently has a staff of around 18 employees.

Mr. Speaker, no one can question the outstanding work this select committee has done over the years to highlight the problems of drug abuse and improve our efforts to combat it.

The problem is just as great, if not greater, today than when this select committee was formed back in 1976. In fact, in the last Congress I introduced a resolution to make it a standing committee with primary, legislative jurisdiction over all bills which deal exclusively with the drug problem.

While I have been promised hearings on this proposal in the last two Congresses in the Rules Committee, none have been held. Moreover, my resolution has not received the support of the current chairman or the leadership.

Nevertheless, I think this is something that should be explored by the Joint Committee on the Organization of Congress which is charged with examining both our select and standing committees and making recommendations for their future.

In the meantime, we are urging a defeat of the previous question on this resolution so that I may offer a sunset amendment to terminate this select committee on December 31 of this year.

This is a reasonable compromise between immediate abolition and a 2-year extension. It is being offered for the precise reason that we will have the recommendations of the joint committee back later this year.

At that time, we can determine whether the reforms being recommended will adequately deal with the drug problem through a revised standing committee system, or whether we should extend the select committee for another year.

The previous question vote on this resolution is a vote for congressional reform—to force the joint committee and this House to take action on strengthening and restoring our committee system.

Vote "no" on the previous question so that you can vote "yes" to reform this House.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, congressional reform is important and we must work on that, but I think reform of America's policies relative to narcotics—and the flow of narcotics—and the holistic, comprehensive approach we take to narcotics is maybe one of the most important reforms that our Congress can undertake.

I rise today to give credit and commend the chairman, the gentleman from New York [Mr. RANGEL], for being the conscience of America, taking a look at our cities and the problems that we face.

Let me say this: Here we are as a nation where a 10-year-old can find heroin and crack, and for some reason our Government agencies are having a difficult time ferreting these people out.

Second of all, we have one Border Patrol agent for every 2½ miles of border. It is not just fancy airplanes bringing these things in with B-2 stealth-type technology. There are people running across the border with backpacks like Olympic tag teams bringing dope in. I think it is time that, even though the Select Committee on Narcotics does not have legislative authority, the Select Committee on Narcotics has been at the forefront as producing the strategies that have produced that legislative initiative.

Mr. Speaker, I would just like to say to the Members of Congress and these new Members, they are going to be tied up in an awful lot of reform. I would ask them to be careful not to get so much into reform that they start reforming a Congress that in certain areas does not need reform, it needs beefed up.

I say that the Select Committee on Narcotics Abuse and Control has met its purpose, and each and every one of the select committees provides a service to America that does not get the credit they deserve, including the chairman in dealing with hunger, the gentleman from Ohio, TONY HALL.

I would ask all those new Members, before they rush to come in here and make a decision and start signing and cosponsoring bills that they have not even read in the sense of reform, take a look at the merit of these committees. They have done a good job. I commend the chairman and thank him for the time.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I rise in strong support of this resolution. I have a two-page list of organizations, everybody from the American Association to the Fraternal Order of Police, every known law enforcement organization, every known group that works with drug addiction in trying to heal the wounds of drug addiction, from all over the country, supporting the resolution, supporting the reconstitution of this very important select committee.

The drug problem has not gone away as much as some in the public sector would like to see it go away. It is still very much with us. It costs $300 billion a year to our society. This is the only committee, the only committee of the House of Representatives, and as a matter of fact, this is the only committee in the entire Congress to deal with the scourge of drugs in this country.

Every poll that we see in our districts or throughout the country says very clearly that the Nation is very concerned about drugs and they want this Congress to do something about it. Under the leadership of the gentleman from New York [Mr. RANGEL], the last several years we have taken giant strides in doing exactly that, in providing basic information to the Members, providing amendments to the crime bill, two massive antidrug bills that were passed on a bipartisan basis in this Congress. The hearings that we had and the record we made I think commends the chairman and the other Members for a lot of hard work.

I would say to the Members who are considering whether they are going to save some money here, please understand that the budget for this committee, which I assume will be frozen, is already less than we spend for one Member's office, to run a Member's office for 1 year.

I think that this signal that we are going to send today, that is, the reauthorization of this committee, is the kind of signal that the American public is looking for. I ask the Members to support this resolution.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Speaker, I am new to Congress, so maybe I am a little unclear on the way things work here.

But in Chicago, we like to try to complete one job before we move on to the next.

So that is why I am a little confused about why we are debating whether to reauthorize the Select Committee on Narcotics Abuse and Control.

Because I can tell you that the people of the Fourth Congressional District do not believe that the task this committee has been assigned has been completed.

The people of my neighborhood, of my community—they do not believe that the U.S. Government has fought and won the war on drugs. The people of my district do not believe that the Government is giving too much attention to what to do about drugs in their neighborhoods.

Believe me, I could list statistics about drug abuse, about rising crime rates, about gangs and crime all day.

But that is part of the problem. We have heard too many statistics. So let me put it this way.

In Chicago—in Humboldt Park, and West Town, and Logan Square—too many people cannot walk through their parks and their streets because the gang bangers are too busy selling cocaine on the corners. In Chicago, in Pilsen, and Little Village, and back of the yards, too many people worry every night that their children will be tempted, be coerced into a life of drug use.

I can tell you the problems this select committee was assigned to fight are not gone.

I am afraid they have not even diminished.

So what are we debating?

Are we debating funding, are we debating money? Is the idea that Congress is wasting too many taxpayers dollars?

I can tell you that many of my neighbors would certainly agree with the idea that Congress is wasting taxpayer dollars.

And I could spend a long time talking about areas they would blame for wasting money before they would blame the Select Committee on Narcotics Abuse and Control.

Because very few people in a district where children are dropping out of school at the age of 12 to make $1,000 per week selling drugs would agree that a few Government dollars spent on a monthly narcotics activity reports is wasted. Or that money spent on legislation for more urban aid, or for the Anti-Drug Abuse Acts of 1986 and 1988 is wasted. Or that money spent on studies Weed and Seed and the impact of drugs on our schools is wasted.

Now maybe the select committee has not been perfect, maybe it has not achieved every goal it was supposed to achieve.

That has a way of happening in government.

But quite simply, there are parts of my community that are being completely destroyed by drug abuse. There is a hopelessness and despair in parts of my district that cannot be ignored by the 103d Congress of the United States.

Is this select committee the only way to address the problem? Certainly not.

Is this select committee the best way? Maybe not.

Is it a tool that is too valuable to merely give up? Absolutely.

This problem is too large not to fight it with every resource that is available to us. I did not come to this institution to sacrifice any of the weapons that are available to the people of the Fourth Congressional District in their fight against the hopelessness, the despair, of drug abuse.

I came here to fight for more. And that is why I encourage my colleagues to vote yes on the previous question and move to reauthorize this select committee.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I do not serve on any of the four committees that are on the chopping block, and I intend to vote to abolish three of those committees. However, we send absolutely the wrong signal if we abolish the Select Committee on Narcotics Abuse and Control. We should not only retain this committee, we should increase the strength of this committee.

I would remind my Republican colleagues that President Bush, in his report on narcotics, said that illegal narcotics represent the gravest threat facing our country today. As the ranking member of the Permanent Select Committee on Intelligence, I tried to focus on this issue and I think we had some success. We formed a counternarcotics center out at CIA. Many of the drug lords in Latin America are on the run today because of our efforts, but the job is far from done. Twelve million Americans still take illegal drugs regularly. Even more sadly, there are 2.6 million hardcore addicts, and the number of hardcore addicts is increasing, not decreasing.

□ 1350

We should not send the wrong signals to the drug lords. We should not send the signal that says Congress is easing up on this issue by abolishing the one committee, the one committee in this Congress that has the total responsibility for dealing with this single issue.

Let us support this committee because it is one of the most important issues facing our country today.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, first let me thank Chairman MOAKLEY for yielding me this time.

I intend to vote for the resolution. But let me explain my concern about the number of committees that we have in the House of Representatives. We have too many committees, and I want to join my friend from New York in complimenting the gentlewoman from New York [Ms. SLAUGHTER], on the recommendation she made to the Democratic caucus that led to the elimination of 16 of our subcommittees. That was a step in the right direction. But we still have too many committees.

We have 22 standing committees, 114 subcommittees, 5 select committees. It adds to the inefficiency of this body. We need to consolidate our work so that we can concentrate better on the work at hand.

Let me just give a few examples. The Clean Air Act of 1990 was handled by seven full committees in the House. The House alone sent 140 Members to the conference. In the 102d Congress the drug czar reported to more than 90 committees and subcommittees in the House and Senate. The conference committee on the 1987 trade bill included 201 Members of the House and Senate.

We need to consolidate our work and be more efficient. But we must use a process that is fair. We should not do this piecemeal.

That is why we created the joint committee, to take a look at the process, the number of committees in our House. And whether there is a 1- or a 2-year authorization, it is going to take courage in that committee and its recommendations to us and the vote of this body to implement the recommendations of that joint committee. I urge that joint committee to take a look at all of these committees. To pick on just the select committees at this time would not be appropriate. We should look at all of the committees in the House and make a rational decision.

I want to compliment my friend, the gentleman from New York [Mr. RANGEL] for the work that he has done on the drug issue. He has brought national attention and focus to that issue. And the gentleman from Ohio [Mr. HALL], who will shortly be on the floor in regard to the Hunger Committee, has done a great job in focusing attention on that issue, and he deserves credit by all Americans.

But what we need to do as we look forward to the reform of this House and the joint committee's work is to let them look at all of our committees and subcommittees and select committees, and then make recommendations that will come back to this House and be acted upon by this House. This resolution is not the forum for us to express our frustration, and I urge my colleagues to support the resolution.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong support of the resolution before the House to establish the Select Committee on Narcotics Abuse and Control. As a new Member, I come to Washington eager to tackle the issues that confront our constituents. This committee addresses a problem which is overwhelming my district and devastating our country.

I will relate an incident which paints a somber but accurate picture of the toll this epidemic inflicts on the 12th Congressional District of New York, which I represent. This sad tale involves Patrick Daly, a teacher and grade school principal, who devoted 24 years to improving the lives of the children of Brooklyn, NY, until a stray bullet from a drug-related shootout pierced his body and ended his life 5 weeks ago. Patrick Daly was a gentleman and selfless man who dedicated his entire life to helping his students.

Sadly, there are countless more cases of shattered hopes and broken homes in my district due to drug addiction and the drug trade. We must find a cure to this plague which inflicts a direct impact on its victims but also ripples through our communities by affecting our crime rate, our health care system, and our economic productivity.

Millions of those Americans who are mired in drug addiction are the most disadvantaged among us—those who feel that they have noting to lose. Merely locking away the offenders will not suppress another generation of drug abusers and drug criminals. As a

Puerto Rican woman, I am particularly concerned with the spread of AIDS to minority women as a result of intravenous drug use.

As the only congressional committee devoted exclusively to drug concerns, this panel has unique jurisdiction and unparalleled experience that provides a strong leadership role in drug abuse prevention and control. The committee has advocated an antidrug strategy that balances aggressive efforts to control the drug supply through enforcement and interdiction with equally strong efforts to curb demand through treatment, education, and prevention.

The issue is a complex one and the solutions are elusive, but we cannot be deterred. I am confident that under the distinguished leadership of committee Chairman CHARLIE RANGEL with the support of President Bill Clinton's administration, we can improve educational efforts, enhance access to treatment, and curb the traffic of narcotics in our communities.

I urge my colleagues to support the previous question and to reestablish the Select Committee on Narcotics Abuse and Control for the 103d Congress.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. GOODLING], the ranking member of the Committee on Education and Labor.

Mr. GOODLING. Mr. Speaker, I am not so sure it is a very smart thing to get up and talk against the select committees that are here. All of them are good friends of mine. All of them I will need somewhere along the line I suppose if we are going to really get anything done.

The problem is they cannot do anything. They do not have any jurisdiction to do anything. They have no responsibility beyond calling to the attention of somebody else who has the responsibility and the jurisdiction to do something.

So we are talking about 91 staffers, $4 million. If we would pour that money into doing something about the problems that they cannot do anything about, we would really accomplish something.

There are committees that are here, permanent committees who have the responsibility and who have the jurisdiction over all of these areas. In fact, we have too many committees that have jurisdiction over a lot of these areas.

So here we have a select committee. According to the rules they are supposed to be 2 years in length period. They are all more than 8 years at the present time, and I suppose they will go on forever.

Again, was the election something about reform of the House or was it not? I was told that was what it was all about. If it was, here is a good place to start, folks, even though we are probably going to offend an awful lot of people. Let us put this $4 million to really attacking the problems in the committees of jurisdiction who have the responsibility and have the authority to do something about it.

So again, we all love everyone who serves on these select committees. We enjoy the work they have done and we appreciate the work they have done. They were there for 2 years. Let us turn them back to the standing committees and give them the same kind of staff that we give the select committees who have no jurisdiction, who have no responsibility whatsoever.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, first let me thank the distinguished chairman of the Rules Committee for yielding me 2 minutes.

I speak today both as a member of the Select Committee on Narcotics Abuse and Control, and also as a member of the House Judiciary Committee. For 10 years I chaired the Subcommittee on Crime, and I had the standing committee that interfaced with the Select Committee on Narcotics Abuse and Control. I had the same concern that we have heard expressed here today when the committee was first organized, but let me tell Members, the Select Committee on Narcotics Abuse and Control has been cost effective, it has been the leader, really, on narcotics issues in the Congress, and they have made a difference.

□ 1400

The cost of maintaining the Select Committee on Narcotics is a fraction of the cost, less than 1 percent of the cost, of funding all committees of this House.

The gentleman from New York, for whom I have a great deal of regard, thinks so highly of the Select Committee on Narcotics that he would make it a permanent committee, if I heard him correctly in the Committee on Rules. That is a far cry from dismantling it.

It is interesting that we all want reform. But do not throw the baby out with the bath water. We just created a joint committee called Hamilton-Gradison that is going to report back to us on all committees including the select committees.

Do you want us to prejudge at this point what Hamilton-Gradison is going to do? That is what you do if you support the gentleman from New York.

In the final analysis, the gentleman from New York would put the committees on a 1-year leash. That does not make administrative good sense. In the first place, we have decided in the Committee on Rules, with my support and the support of most of the Members here, to, in effect, reduce the number of committees, and we have done that. We are going to probably reduce them more, and we have to restructure the Congress. But how are you going to recruit members for the select committees if you say you are going to select them for 1 year? How are you going to recruit competent staff if what you are saying is basically, "You are only going to be on board for 1 year"? You try to do that at this point.

We have a lot of people right now looking for jobs on the Hill, and a lot of committees are going to be reorganized; like—it is my hope, and expectation—that I will chair the Select Committee on Aging, and we are going to have to do some reorganizing.

We have to have an opportunity to do that and, frankly, I think what we need to do is support the previous question and support the Select Committee on Narcotics. They have done a good job. That is the only criteria.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. GINGRICH], the very distinguished whip.

Mr. GINGRICH. Mr. Speaker, let me say that I am inclined very strongly to agree with the last speaker.

I think that this particular committee has done a good job. I think that almost any effort dealing with fighting narcotics is worth supporting.

But that is not what the very first vote is going to be about. The very first vote is about whether or not the gentleman from New York [Mr. SOLOMON] should be allowed to offer an amendment to require that the Congress reexamine the committee structure and make its recommendation. It does not kill the Narcotics Committee, but it will be a very interesting test vote. It is the first choice you will have, and you will have four of them in the next 2 days, the first chance to vote on whether you would even allow the Congress to consider the possibility of saving money, cutting spending, lowering the deficit, by making sure we sacrifice here in the Congress.

Now, there are a lot of ways to do it. Maybe we should take some power away from judiciary and away from appropriations and away from other committees and put them all in the Select Committee on Narcotics and make it a standing committee. Maybe we should think of a number of creative ways of doing things with less staff and less expense here in the Congress.

I noticed over the weekend that there was talk about a Democratic tax increase, and we had the new Secretary of the Treasury talking about raising taxes on American families. I thought, when I heard President Clinton talk about sacrifice, that sacrifice included the Congress, and sacrifice included Government, and sacrifice included politicians.

So I think on this very first vote that all we are asking you to say, and we are not asking you to prejudge the committee, but I am going to vote to keep the committee, and I would urge every Member to vote to keep the committee. I think this particular select committee is very important.

But I am willing to say to the Committee on the Organization of Congress, please, tell us by September how you would reorganize efforts involved in fighting drugs and narcotics.

So this very first vote, I would urge every Member to vote no on the previous question simply to make in order this very first effort to rethink, to reexamine, to reframe, and to every person on the other side I would say go back and read the inaugural address last week of President Clinton. He asked us to be bold. He asked us to think about change. He asked us to be willing to sacrifice.

Now we come up to the first real test, and I have been in this House 14 years. Every year people get up and say, "We need to be tough, later. We need to cut spending, later. We need to do something decisive, later. But for right now, let me get my pork and run."

All I am suggesting here is a chance for us. It does not kill the committee. It does not hurt the committee. It does not weaken the committee.

Mr. Speaker, the Narcotics Committee is not directly affected at all by this vote, but what it does do is it sends the signal that with all of these new freshmen, with all this new energy, with all this new talk about term limitations and reform, with all the talk about cutting the deficit, that for the very first time this Congress is prepared to say we are serving notice that it will not be business as usual.

So let me phrase it this way: If you vote yes on the previous question, you are voting for business as usual, spending as usual, deficit as usual, avoid any new reforms, avoid any rethinking. But if you vote no on the previous question, you have a chance here to genuinely send a signal that you are at least willing to rethink how the Congress does its business. You are at least willing to consider reforming how the Congress does its business. You are at least willing to send a signal to cut spending and to force the Committee on Organization of Congress to do some work toward a less expensive, a more frugal, and a smaller deficit Government.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from Georgia [Ms. McKINNEY].

Ms. McKINNEY. Mr. Speaker, I rise in support of the reauthorization of the Select Committee on Narcotics Abuse and Control.

This committee has performed admirably to highlight the continuing blight of drugs in our communities. Too many communities are besieged by the scourge of drugs. Too many children cannot walk to school without passing drug dealers and their outdoor markets. Too many hard-working citizens are under assault from neighbors seeking to feed their drug habits.

Drug abuse is a crisis among people of every socioeconomic group. Drug abuse is rampant among the homeless and impairs the performance of white-collar workers. The drug crisis affects rural areas and urban areas, suburbs and small towns, the well to do and the down on their luck.

I commend Mr. RANGEL for the outstanding work of the select committee. I urge my colleagues to support reauthorization of the Select Committee on Narcotics Abuse and Control.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, I rise in strong support of House Resolution 20.

Drugs are the scourge of our Nation. They are killing our youth.

Our war against the drugs has been woefully inadequate. There was not enough talk about this problem during the Presidential election, and this is the first signal we are going to send to the American people that we are going to strike the flag on the fight that we wage against drugs here in this Congress by eliminating the select committee that has done an outstanding job.

Mr. Speaker, as a member of that select committee, I can tell you that under the chairmanship of the gentleman from New York [Mr. RANGEL], the committee has—since 1976, its inception—done an outstanding job. It has demanded that the Federal agencies be held accountable for the funds that they allocate for drug programs, and it has remained in touch with the community-based organizations to monitor their successes within their respective communities.

Mr. Speaker, my community is on the drug route. I represent the Virgin Islands, this beautiful paradise, but I can tell you that my community, just as your community, has been impacted by drugs.

I hope that you will support this rule and that you will support the reauthorization of House Resolution 20.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Pennsylvania [Mr. BLACKWELL].

Mr. BLACKWELL. Mr. Speaker, I can think of no greater problem which threatens the vitality and the very fabric of this Nation than the plague of drug abuse and drug trafficking. Millions of our citizens have become addicted to and dependent on drugs. It is safe to say that every American family, indeed every American is somehow affected by the penetration of drug abuse and drug trafficking into our society. According to the Office of Management and Budget, the drug crisis in America costs us an estimated $300 billion in lost revenue, lost productivity, and increased governmental expenditures.

Each morning on the front pages of our newspapers, there is another tale of terror associated with the drug crisis. Throughout every day, we cannot tune into the radio without avoiding the reality of a deteriorating society, burdened by drug abuse. And, every evening across our television screens comes yet another report of drug-driven violence on the streets of America. It occurs so regularly now, that we have come to expect it. We have become numb to the horror resulting from drug abuse and drug trafficking.

Mr. Speaker, now more than ever, we must rededicate ourselves to purging this Nation of the perils of illegal drugs. An important and necessary step is the reauthorization of the Select Committee on Narcotics Abuse and Control. During the 102d Congress, the committee convened 20 hearings, and conducted 3 study missions. Seven reports were issued by the committee, and those reports were supplemented by 11 independent GAO studies related to the drug problem. The committee also participated in a major international antidrug conference in Bolivia.

The committee has also been at the center of legislative initiatives in the Congress, designed to respond to the drug crisis. Among the initiatives are proposals regarding drug Treatment policy and funding for drug treatment and prevention, money laundering, ways to deal with children exposed to illegal drugs and, significantly, methods to stem the flow of drugs at its source, the international drug trafficking. It is the only committee devoted entirely and exclusively to dealing with the drug crisis.

Mr. Speaker, I suppose that there are times when we all grow weary from the burden of this protracted drug war. There are times when all of us feel that it is a struggle which can not be won. The growing numbers of lives affected by drug abuse and drug trafficking are staggering. Through this cloud of doubt, however, shines the Select Committee on Narcotics Abuse and Control. A committee which functions in a bipartisan manner and provides true leadership in the Congress. A committee that has been on the cutting edge of change for the better as it relates to the problem of drug abuse and drug trafficking.

This is not the time to bend and bow to the burden of the drug crisis. This is the time to stand strong and stand together. I urge each of my colleagues to vote "yes" for House Resolution 20. The future is at stake.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. KIM], a distinguished freshman.

Mr. KIM. Mr. Speaker, I gave up my own business and came to Congress with one thing in mind, "Bring our country back where it should be."

The first step should be cutting Government waste. Reauthorizing these ongoing, can-do-nothing select committees is a blatant example of Government waste.

The select committees were supposed to be temporary to study urgent matters, but turned out to be permanent, already lasting 10 to 20 years, costing $50 million with little results to show. They cannot even move legislation.

It takes courage to speak up against this waste because it may be misunderstood that I am against senior citizens drugs, hunger, and families. I am not. These serious issues remain my top priority. They are already being fully addressed by standing committees. The select committees are wasteful because they are duplicative.

Instead of spending more money on select committees that sound impressive and caring, we should use that money to directly help senior citizens and needy families with real programs, not just talk.

I urge my colleagues to join me in supporting the Republican compromise that sunsets these committees and gives real congressional reform a chance for a change.

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Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, I rise today in support of reestablishing the Select Committee on Narcotics Abuse and Control in the 103d Congress.

As a member of the House Select Committee on Narcotics Abuse and Control, I am acutely aware of the national and international crisis we face as we try to rid drugs from our streets.

I believe this committee has provided a valuable venue to debate policy—and to keep this issue in the public eye.

This committee has provided invaluable service to our communities—researching, evaluating, and implementing methods that will help us all in a common cause—to get drugs off the streets and away from our children.

In order to defeat the scourge of drugs, we all should realize that no one entity can cure this affliction.

The solution rests with everyone—parents, schools, churches, businesses, law enforcement, the media—and yes, this Congress.

We would be remiss in our obligation if we did not take an active lead in coordinating the activities of all these elements.

The Select Committee on Narcotics is the instrument which this Congress has to coordinate policy and hear all sides of all concerns.

Therefore, I strongly support the reestablishment of this committee, and I urge my colleagues to support the resolution—vote "yes" on the previous questions.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I was listed as a cosponsor of House Resolution 19, a resolution to establish the Select Committee on Aging; and House Resolution 23, to establish the Select Committee on Children, Youth, and Families. Although I feel that these select committees have carried out their respective missions with merit and distinction and that the issues which they address should continue to receive top priority, I feel that in order to be more fiscally responsible these issues would be better addressed by the standing committees with jurisdiction over these areas of concern.

Although I was listed as a cosponsor to reauthorize two of the select committees we will be discussing today and tomorrow, I would like to express that I no longer support these resolutions. I cannot emphasize enough the importance of dealing with these issues and encourage the standing committees with jurisdiction to continue the efforts made up to this point by the select committees. I urge a "no" vote on the previous question.

Mr. MOAKLEY. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from New York, the Honorable CHARLES RANGEL.

Mr. RANGEL. I thank the gentleman for yielding this time to me.

Mr. Speaker, first let me thank the chairman of the Committee on Rules and my dear friend, the gentleman from New York [Mr. SOLOMON], the ranking member on the Committee on Rules, for affording us the opportunity to discuss this issue.

I would like to say that if I had to measure what one of my greatest hopes would be as a politician and lawmaker, it is that we would abolish the Select Committee on Narcotics because we would say that there is no need for the Select Committee on Narcotics.

For those people who would want to say we are sending a signal that we are saving money, please let us not interject a partisan flavor to an already serious crisis that none of us has any answer to.

The reason I say this is because since I have had the privilege to chair this committee, I cannot think of one partisan disagreement that we have had on the committee. As lawmakers, we have had a lot of fuss and differences of opinion, but you could not say they were Republican or Democratic, as that relates.

I look forward to working with MIKE OXLEY as I had worked with Larry Coughlin, as I had worked with my colleague from New York, BEN GILMAN. We do these things, it does not make any difference whether we are talking about a Democrat or a Republican President; our Nation faces a crisis and we are going to have to try to find some solution to deal with it.

Now, if you find that the Nation has a problem and you know one standing committee or a select committee that can deal with it in a better way, well, let us talk about it. But to get here in the well and say, "Let's send a signal, let's tell the freshmen that they have an opportunity to save some money," please, give me a break.

We got $700,000, that is what we got. Now, if you take the $700,000 and give it to the standing committees, then you have got less than $35,000 per committee. What are they going to do with it?

Some people say we travel. I challenge anyone to travel with the committee. If you think it is fun going to Bogota, going to the mountains in Peru, if you want to do it, going to the hills in Jamaica, if you want to go into Burma and Laos, go ahead and travel with the committee. We challenge people to do it.

I am not saying that we have the answer. All I am saying is that our Nation has a problem. And I will tell you something, too: Do not think that this problem is not an American problem. It bothers me to see that Members of this House, and a lot of new Members, come from minority communities, and they come speaking in terms of "give us the tools to work with to fight this menace;" but I tell you that this is not a minority problem. This problem is not going to go away because someone says that we can get more prosecutors and more cops, to put more people in jail. It is not going to go away saying we just have to deal with it in giving treatment to people.

We need an overall way to deal with this. It has been in this committee and it has not worked against the standing committees. There has not been a dispute with this committee and any standing committee, chairman or ranking member. Indeed this committee has held the hearings and supported the legislative committees that we have in this House of Representatives, not only to work as a team but to be the only committee in the House or the Senate to work with the administration, whether you call it Reagan, Bush or, now, Clinton.

But I have a feeling that there is no one really against the work that this committee is doing, and I am really impressed with the fact that everyone has to laud what we are doing and say, "Why not let them do it for a year?" Well, I will tell you this: We are willing to stand with each and every committee in the House and we have subjected ourselves to review.

I appreciate the fact that some of my Republican friends are now supporting what was in the Democratic report. But this caucus said that every committee has to stand and be scrutinized by a Democratic and Republican oversight committee.

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What is going to happen if you give us 1 year? Then you cut back from the standing committees, instead of receiving $35,000, they get $17,000.

So what I am saying is if you want to send a signal, say that our Nation has not found an answer to this problem that is costing us—and this is not a Rangel figure, this is not an Oxley figure. It is an OMB figure, that says that every year the drug and alcohol problem is costing our Nation when you take into consideration the cost of crime, jailing people, the cost of our homeless, the cost of putting people in hospitals, the cost of lost productivity, the cost of lost revenue, $300 billion a year. That means that if we are going to become competitive, decrease the deficit, decrease the trade deficit, that we are spending up to $60,000 to jail some bum a year and we are not prepared to spend a fraction of that to keep a kid in school, to have him trained and to have him productive.

We are dealing with all the nations in the world, opening up our doors to free trade, the same nations that are growing and manufacturing narcotics, and you cannot name anyone of any national stature that has come to this Congress and said, "I have an idea and I would like to take it to the standing committees and we hope the Congress can support it."

Not even this newly elected President has given us the slightest idea where he is going or who is going to coordinate the effort.

So it means this House has the only legislative national body that is attempting to deal with the problem, to support the legislation, to provide the oversight, to go into districts that have Republican Members, that have Democratic Members, to say that there has to be a better way to do it.

So if you want to send a signal, say that we have got to keep wrestling with this problem until we get an answer, and that answer does not mean making the Select Committee on Narcotics permanent, seeing that it is perpetuated forever, but saying that we are going to have the determination the same way we tore down the walls of communism, to say that our Nation is going to survive and it is going to provide a legacy for our kids that is not going to be a life of drugs, crime, homelessness, joblessness, and hopelessness, that we are going to come up with some kind of answers.

Now, if you object to the reconstitution of the committee, you owe it to the Nation, you owe it to the House, you owe it to your constituents to say, "I don't want this committee because I have got a better idea."

Let me show you this. I am old enough to accept a better idea and support it.

Now, we have heard a whole lot about signals, but let us talk about substance. Is there a better idea that we can support, or have we collectively said there must be a better idea to run the whole House.

So we have selected a bipartisan committee to do this work for us. We are saying that the committee do its work, and after they analyze what is the best way to deal with hunger, with children and families, with the Select Committee on Narcotics, with the problems of the aged, then we come back, not as Republicans and Democrats, but as Members of the House of Representatives and say we will abide by this, we will try to perfect it and we will do our job.

But let us not at this late stage start talking about this committee in terms of Republicans and Democrats.

The children who are going to jail, the kids who are going to drugs, the kids who have no hope for the future will not look kindly on a Congress that was trying to decide which is the best way that we can look as a party.

I suggest to the ranking member of the Rules Committee, how possibly can we find that the work of the select committee has been of such a high quality that it should be treated separately from the rest of the select committees and be made a standing committee?

If indeed someone can think that we have been that good, that we do not even have to really rely on other standing committees for legislation, that we can not only have our hearings, but we can legislate, then why is it that we are going to say, "But you are not good enough to last for 2 years to do it?"

I mean, why is it that we can say that if we are going to be permanent, then why do we not have the 2 years to act as the select committee and then talk to the Hamilton committee to say, "Hey, they are great enough not to be select, not to be temporary, but we want them to exist forever."

I have more hope for our Nation that we are going to handle this drug problem, that we are going to win this war and there will not be any need for standing committees.

Mr. Speaker, I am pleased to rise in strong support of House Resolution 20. This resolution will establish the Select Committee on Narcotics Abuse and Control in the 103d Congress. Over 60 Members of the House have cosponsored the resolution.

The reconstitution of the select Committee on Narcotics Abuse and Control will demonstrate the continuing commitment of the House of Representatives to comprehensive oversight of the war on drugs. I urge the House to approve House Resolution 20.

Mr. Speaker, the drug crisis facing our Nation is not a Republican problem or a Democratic problem, and there are no republican or democratic solutions. As chairman of the Narcotics Committee, I am most proud of the bipartisan efforts that have characterized our oversight of the drug problem, and I have no doubt that the committee will continue this tradition of bipartisanship. Drug abuse and drug-related crime are simply too important to our Nation to become political issues.

In the 102d Congress, the select committee held 20 hearings and conducted 3 study missions to review narcotics control efforts in key drug producing and trafficking countries. The committee helped organize and participated in a major international antidrug conference in Bolivia in which legislators throughout Latin America came together to discuss the common threat of drugs that imperils us all. We issued 7 reports, including a guide to help our communities fight back against drugs, and we supplemented our own investigations with 11 independent GAO studies on various aspects of the drug problem.

We have conducted vigorous oversight of the national drug control strategy mandated by the Anti-Drug Abuse Act of 1988; looked into the High Intensity Drug Trafficking Area [HIDTA] Program and the Weed and Seed initiative; examined the problems faced by drug exposed children and high risk youth; studied the effectiveness of drug treatment programs in prisons and other interventions for drug abusing criminals; reviewed the Andean strategy to control cocaine production and trafficking from Latin America; documented heroin's resurgence, the threat of a new heroin epidemic and the lack of an effective heroin strategy; examined the effectiveness of drug abuse treatment and community based antidrug initiatives, and explored the relationship between drugs and the urban crisis.

The Narcotics Committee and its members proposed legislation and supported the legislative efforts of the standing committees on a broad array of drug issues during the last Congress. These legislative efforts included enterprise zones and aid to America's urban areas, the Andean Trade Preferences Act, drug treatment policy and funding for drug treatment and prevention, money laundering, drug exposed children, drug treatment in prisons, and international narcotics control.

As the only committee in the Congress devoted exclusively to comprehensive oversight of drug problems, the select committee has served as a highly visible and accessible focal point for drug concerns in the House. We have responded to Members' needs for information on critical drug issues through newsletters, Dear Colleagues, reports and other means, serving as a narcotics clearinghouse in the Congress.

A new President was sworn in last week. We are all anxious to know what his drug policies will be. The members of the select committee are looking forward to a new beginning where the Cabinet secretaries are fully engaged with the Oval Office and President Clinton's drug policy director in the development of a comprehensive, effective national drug control strategy. I cannot underestimate the need for this intensive examination by the Clinton administration and for the House, through the select committee, to be fully engaged in this effort.

Drug abuse and drug trafficking are serious national and international problems, and the consequences of these activities threaten our national security and continue to inflict enormous harm upon our society.

Millions of Americans remain mired in drug addiction and drug dependency. Too often, these victims of drug abuse are the most disadvantaged among us, those who have no opportunity, no hope, nothing to lose—the homeless, the unemployed, high school dropouts, arrestees and prisoners, African-Americans and other minority populations—and often they live in urban communities ravaged by drugs and drug crime. In testimony before the Ways and Means Committee just over 1 year ago former OMB Director Richard Darman stated that the drug crisis costs our society an estimated $300 billion a year in lost revenues, lost productivity, and increased governmental expenditures. This is an enormous drain on our economy at a time when we are struggling to recover from a prolonged recession and hold down soaring deficits.

Worldwide production of heroin and cocaine continues to set new records, and a thriving domestic marijuana industry has grown up to replace falling marijuana imports. Powerful drug cartels are expanding their networks worldwide and joining alliances with other criminal organizations. Traffickers continue to threaten the economic and political stability of democratic governments in this hemisphere.

President Clinton has emphasized the importance of restraining rising health care costs in any budget deficit reduction plan. Drugs add significantly to the Nation's ballooning medical bills in many ways including the costs of emergency room care for victims of drug overdoses and drug-related violence, expensive neonatal services for drug-exposed infants born prematurely, and treatment for growing numbers of patients with AIDS, tuberculosis, and other serious ailments related to drug abuse. Clearly, any policies to control health care costs need to consider the costs and benefits that expanded drug abuse treatment and prevention efforts would yield.

Our courts, prisons, and jails are overcrowded with defendants and inmates, many of them there for drug-related crimes. Treatment programs are similarly straining at the seams, and the bare bones treatment services available at many clinics today do little to address the other serious problems that often contribute to an addict's drug use such as illiteracy, joblessness, and unemployment.

The House of Representatives must continue to provide leadership in addressing the serious drug problems confronting our Nation. The select committee can continue to help the House meet this critical responsibility.

The select committee will continue to provide vigorous, bipartisan, oversight of our Nation's antidrug efforts. Our comprehensive oversight and analysis will assist the House in evaluating drug problems and formulating effective polices. Our unique jurisdiction and accumulated expertise are valuable resources that will help the House maintain a strong leadership role in drug prevention and control. Our efforts will supplement and support, not duplicate, the work of the standing committees.

I recognize that select committees are not intended to continue indefinitely, and no one would be more happy than I if there were no need for the Narcotics Committee. Unfortunately, the drug problem is not about to go away. I know that some Members will argue today that the House should sunset all select committees effective December 31, 1993, in the name of congressional reform. I do not believe eliminating the only congressional committee that attempts to deal comprehensively with drug abuse and drug-related crime and violence—issues of vital importance to most Americans—is the kind of reform our constituents expect from us.

I have always said that I would abide by the wishes of the House in the matter of narcotics jurisdiction, but I strongly believe it is critical for the House to maintain a continuing capability for comprehensive drug policy overnight. The creation of the Joint Committee on Organization of Congress provides an appropriate forum for a thorough review of the role of the Narcotics Committee, while at the same time preserving the prerogatives of the House ultimately to determine how best to carry out comprehensive oversight of complex issues like drug abuse prevention and control. Pending House action on whatever recommendations the joint committee may propose, it is essential that the select committee be reestablished to maintain this critical oversight capability.

A 1-year time limit is unnecessary and inefficient. The House can act at any time to amend the Narcotics Committee's charter, and if the joint committee should not complete recommendations in time for House action before next December, the House would be faced with having to take scarce legislative time to consider extending the committee beyond 1993. A 1-year time limit will also impeded the ability of the committee to continue an aggressive agenda.

I again urge the House to vote "yes" on the previous question and to approve House Resolution 20, reestablishing the select committee for the 103d Congress.

Mr. Speaker, I insert in the RECORD at this point a list of the 88 organizations and individuals who have indicated their support for the continuation of the select committee for the 103d Congress. This list demonstrates the broad base of support that exists for maintaining the select committee as a focal point for substance abuse concerns in the House.

ORGANIZATIONS/INDIVIDUALS SUPPORTING RECONSTITUTION OF THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL FOR THE 103D CONGRESS

American Medical Association.

American Methadone Treatment Association, Inc.

Joseph A. Califano, Jr., Chairman and President, Center on Addiction and Substance Abuse at Columbia University.

Fraternal Order of Police.

International Brotherhood of Police Officers.

Legal Action Center.

The Milton S. Eisenhower Foundation.

National Alliance of State Drug Enforcement Agencies.

National Association of Criminal Justice Planners.

National Association of State Alcohol and Drug Abuse Directors, Inc.

National Coalition on Alcohol and Other Drug Issues.

Alcohol and Drug Problems Association of North America (ADPA).

American Association of Marriage and Family Therapy.

American Counseling Association.

American Bar Association.

American Council for Drug Education.

American Hospital Association.

American Methadone Treatment Coalition.

American Psychiatric Association.

American Psychological Association.

American Public Health Association.

American Society of Addiction Medicine (ASAM).

American Youth Work Center.

Center for Continuing Education in Substance Abuse (CCESM).

Center for Science in the Public Interest (CSPI).

Child Welfare League of America.

Children of Alcoholics Foundation, Inc.

Citizens United for Rehabilitation of Errants (CURE).

Consortium of Social Science Associations.

Council of Jewish Federations.

Employee Assistance Professionals Association (EAPA).

International Halfway House Association.

Legal Action Center.

Metropolitan Washington Council of Governments.

National Alliance of Nurse Practitioners.

National Association of Alcoholism and Drug Abuse Counselors (NAADAC).

National Association of Addiction Treatment Providers (NAATP).

National Association of Black Substance Abuse Workers, Inc.

National Association of Children's Hospitals and Related Institutions.

National Association of Community Health Centers.

National Association of Counties.

National Association of Perinatal Addiction Research and Education (NAPARE).

National Association of Prevention Professionals and Advocates.

National Association of State Alcohol and Drug Abuse Directors (NASADAD).

National Association of State Mental Health Program Directors (NASMHPD).

National Black Alcoholism Council.

National Center for State Courts.

National Coalition of Hispanic Health and Human Service Organizations.

National Conference of State Legislatures (NCSL).

National Consortium of TASC Programs (NCTP).

National Council on Alcoholism and Drug Dependence (NCADD).

National Council of Community Mental Health Centers.

National Council of LaRaza.

National Council on Problem Gambling.

National Criminal Justice Association.

National Governors' Association.

National Prevention Network (NPN).

National Treatment Consortium for Alcohol and Other Drugs (NTC).

Resource Center on Substance Abuse Prevention and Disability.

Society of Americans for Recovery (SOAR).

Therapeutic Communities of America, Inc. (TCA).

YMCA of the USA.

National Coalition of State Alcohol and Drug Treatment and Prevention Associations.

Alabama Alcohol and Drug Abuse Association.

Arizona Association of Behavioral Health Programs.

California Association of Alcoholic Recovery Homes.

California Association of County Drug Program Administrators.

Florida Alcohol and Drug Abuse Association.

Georgia Association for the Prevention and Treatment of Substance Abuse.

Illinois Alcoholism and Drug Dependence Association.

Iowa Substance Abuse Program Directors' Association.

Maine Association of Substance Abuse Programs.

Massachusetts Alcoholism and Drug Abuse Association.

Nevada Association of State Drug Abuse Programs.

New Jersey Association for the Prevention and Treatment of Substance Abuse.

New York State Association of Substance Abuse Programs.

North Carolina Association of Alcohol and Drug Service Administrators.

Association of Ohio Substance Abuse Programs.

Drug and Alcohol Service Providers Organization of Pennsylvania.

Drug and Alcohol Treatment Association of Rhode Island.

Tennessee Alcohol and Drug Association.

Wisconsin Association on Alcohol and Other Drug Abuse.

National Consortium of TASC Programs (NCTP).

National Crime Prevention Council.

National Development and Research Institutes, Inc. (Formerly Narcotic and Drug Research, Inc.)

National League of Cities.

New York Therapeutic Communities, Inc.

Northeast Regional Center for Drug-Free Schools and Communities.

People With AIDS Coalition.

Samaritan Village, Inc., (New York).

Society for Academic Emergency Medicine (Lansing, Michigan).

Society of Americans for Recovery.

TARGET Program, National Federation of State High School Associations.

Therapeutic Communities of America.

The United States Conference of Mayors.

The Village, Inc. (Miami, Florida).

Western New York United Against Drug and Alcohol Abuse.

World Federation of Therapeutic Communities.

Mr. SOLOMON. Mr. Speaker, in yielding time to the next speaker, let me sing the praises of my good friend, the gentleman from New York [Mr. RANGEL]. I think he has done such a great job that I want to make his select committee a standing committee that gives it the teeth to do the job.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, it is amazing how when the campaign is over and we get back to Congress, Washington creeps into everything we do.

The gentleman from New York just talked about only $700,000. Now, $700,000 represents all the income of 28 families in America, average families. It represents all of the taxes of over a hundred families in this country; $700,000 is a lot of money. We ought to be very careful that we spend it in the right way.

The gentleman suggested to us that what we need is a better idea. Well, we suggest there is a better idea. The better idea is to take some of these matters that have plagued Congress for a long time and put them into the Joint Committee on Organization and try to decide what the best course is for this Congress to run itself in the future.

One of the things we might want to do is take some of the subject matters that are before these select committees and put them into some kind of venue where they could actually be legislating committees. That is one of the ideas that is out there.

The problem is what we are doing here is prejudging the matter. The gentleman from New Jersey a little bit ago said, "Let's not prejudge this on the committee."

Well, you are prejudging it. Those of us who serve on the joint committee, what you are saying to us is that, "We don't care what you decided. This committee is in place for 2 years."

Well, the whole joint committee exercise to try to reform this Congress and bring down the cost of this Congress is aimed at doing one thing and doing it in 1 year. Would it not be better to do what the gentleman from New York is suggesting, do it in 1 year, give you a 1-year extension; if the committees decide to move forward, fine, but if they do not, let us have a chance to judge it. The prejudging goes on here today if you approve this resolution.

Let me also say, it is a pretty sad commentary when we consider this resolution this way. I think the Democrats were afraid that if they brought this bill to the floor under a process where it could be amended, that the idea of the gentleman from New York [Mr. SOLOMON] might actually win; but instead, we are left with fighting the previous question. And why do we do that? Because the Democrats want to make certain that any reforms get buried in procedural nonsense.

The issue here, Mr. Speaker, is reform. The question is one of reform. You are either for it or you are not.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN], a distinguished member of the Select Committee on Narcotics Abuse and Control.

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in support of House Resolution 20, which provides for the reauthorization of the Select Committee on Narcotics Abuse and Control.

Mr. Speaker, I have been a member of the Select Committee on Narcotics since its inception in 1976, a time when the drug problem was rampant throughout our society and in our military. Over the years, this particular select committee has demonstrated continually the important role it plays in the investigative function of the House of Representatives. From leading the fight to heighten the awareness of the drug problem and increase funding for antidrug activities, to working with the military to successfully address its drug problem, the select committee has proven its worth time and time again.

As a senior member of the Narcotics Select Committee and of the Foreign Affairs Committee, I can assure my colleagues that there remains a crucial need for a Narcotics Committee today. This country is suffering from the effects of a drug epidemic. While casual drug use has declined significantly, our Nation is reeling under the impact of hard core drug use, which has brought drug-related crime and violence to terrifying new levels. Our criminal justice system is overloaded with drug dealers, and our drug treatment centers are overwhelmed by more requests for help than they can possibly meet.

Over the past 16 years, the Narcotics Committee has held hearings and conducted insight investigations in both the United States and abroad. Most recently, the Select Committee on Narcotics has been one of the foremost committees in the evaluation and refinement of our Nation's drug control policy.

Additionally, many Members may be interested to know of a recent select committee print, based upon a narcotics committee hearing held last May, which details the successes of community-based antidrug activities, and provides useful information on successful methods and organizations which fight this scourge in our communities.

There are 18 standing committees which have jurisdiction of some aspects of the drug problems.

But no single standing committee has the time, the resources, or the expertise to monitor all aspects of the drug problem. By working together the standing committees and the Narcotics Select Committee can effectively work with the executive branch in implementing our antidrug legislation and in developing a comprehensive, coordinated drug strategy.

Particularly in this time when we are beginning to see progress in the war on drugs, it is vital that we allow this select committee to continue its course.

While funding levels for antidrug activities have quadrupled during the Bush administration, we must continue to ensure that these funds are well spent. Furthermore, with the mixed signals emanating from the Clinton administration regarding the depth of its commitment to antidrug policy, it is vital that the House of Representatives maintains its commitment to fighting this scourge.

For the same reason that we voted in 1988 to create a drug czar to oversee and coordinate the myriad of Federal agencies which deal with illicit drugs, we should support the continuation of the Select Committee on Narcotics Abuse and Control in order to ensure that drug policy in the House of Representatives is afforded the attention our constituents demand.

Mr. Speaker, I am confident the value of this select committee has been proven over the course of its existence. Therefore, I wholeheartedly support House Resolution 20, and I urge all my colleagues to vote in favor of this measure.

□ 1430

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, last year, for about the umpteenth time, I sent around a "Dear Colleague" letter to make this Narcotics Committee, and in great measure because of its fine leadership, a permanent select committee. I stand by that "Dear Colleague" letter.

I also sent around a "Dear Colleague" within the last few days saying to authorize the committee for the full 2 years. I hate to go back on a "Dear Colleague" when the ink is hardly dry, but I have listened to the debate here, to this wonderful gang of 110 new Members. I hope they will find there are occasions when we literally come to the floor with our minds made up one way and by the quality of debate change it, but I am going to vote yes on the previous question, not a no, because I think the gentleman from New York [Mr. SOLOMON] makes a compelling case that what maybe should come out of this discussion is real reform and a full debate on making the Select Committee on Narcotics Abuse and Control permanent.

Mr. Speaker, there is something unique about the Select Committee on Narcotics Abuse and Control when we look at its budget and its staffing, and it is only No. 3 in both cases out of the four committees, and that is there is no movement in this country to legalize or accept hunger here or anywhere else in the world, nor is there any movement to legalize child abuse, or abuse of families or children. There is certainly no effort to legalize ignoring the aged in this country. Each of us with each breath is terminal and one second older. God is taking care of the problem of aging. We are all heading there, so we should address this with some self-interest and some human kindness and mercy.

But there is a movement in the United States, far more than any other country in the world. No nation in the United Nations has intelligent people that I admire like the mayor of Baltimore recommending that we legalize drugs. I have friends that I look to as a mentor or an authority in a myriad of other areas. I defer to no one in economics as I do to Milton Friedman, and yet my friend, Milton, says, "Run up the white flag and surrender." William F. Buckley is one of the reasons I came into politics. He says to throw in the towel, or any other cliche my colleagues want, to give up, legalize narcotics.

Mr. Speaker, our chairman on this committee is like a one-man army dealing with the mayors and those intellectual conservatives or liberals who have given up.

I say vote "yes" on the previous question, and then vote to make this great committee a permanent committee, and keep this great chairman doing his great work for the youth of this country and for all of us.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, the gentleman means our colleagues should vote "no" on the previous question.

Mr. DORNAN. Did I say yes?

Mr. DELAY. Yes.

Mr. DORNAN. I say to follow the votes and lights up there of the gentleman from New York [Mr. SOLOMON]. If you are one of the 110 freshmen, vote "no".

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio [Mr. GILLMOR].

Mr. GILLMOR. Mr. Speaker, I rise to join my colleagues in asking for a vote to continue this select committee.

Mr. Speaker, every night on the evening news we hear stories about the American troops in Somalia, the civil war in Yugoslavia. But we do not hear so much about another war anymore that is going on, and that is the war on drugs, and it will be no surprise to any Members in here that that war is not over.

Progress has been made. Casual drug use is down. But hard-core usage remains disturbingly high. Maybe most ominously nearly 7 percent of teenagers between the ages of 12 and 17 admit to using an illicit drug at least once in the last month.

Mr. Speaker, the Select Committee on Narcotics Abuse and Control serves as the House's vanguard in the war against drug abuse, and there is no other committee here that can devote itself exclusively to removing the scourge for drugs. For the Select Committee on Narcotics Abuse and Control drugs are not an issue on a long agenda; they are the issue, and I think we should vote to continue the committee.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, I rise in support of this resolution to reestablish the Select Committee on Narcotics Abuse and Control.

At a time when drug abuse and crime are costing our society an estimated $300 billion a year in lost productivity, lost revenues, and increased health care and criminal justice expenditures, terminating the select committee on the name of congressional reform would send the wrong message, the wrong signal, to the American people that Congress is not serious about this enormous problem, and, as someone who was a former mayor for over 6 years and a State senator dealing with community groups, law enforcement, on these issues, terminating the select committee would send the wrong signal to local police officers, to community activists, to DEA agents, to treatment providers, and the residents of inner city communities who are putting their lives on the line every day in the war against drugs.

Mr. Speaker, the problems associated with substance abuse, violent crime, lost productivity, escalating health care and criminal justice costs are no longer just an inner-city problem. They have reached the suburbs and small town America, and we should support its reestablishment.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. GOSS], a member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, what we are discussing here is four sacred cows, and what we should be doing is asking where is the beef because the American people have a beef with us. They have made it very clear.

Mr. Speaker, I oppose this resolution because we are locking ourselves into a system that is not working. At a time when we have promised change and at a time when America is demanding change, I do not know if Congress can say it is doing its business well when our approval rating is hovering at 17 percent. That is not a vote of confidence.

Mr. Speaker, some of us on the Committee on Rules have proposed a 1-year sunset option. That gives us the option to accommodate the work of the joint committee that is going on right now, the work that is due to be completed before the end of the year. I ask my colleagues, why isn't it the best of both worlds to preserve those options?

I happen to sit on the Committee on Foreign Affairs and the Narcotics Task Force. I am involved, too, and I will tell my colleagues that my view in this is a case of too many cooks spoiling the broth. Bill Bennett was a drug czar, Bob Martinez is our drug czar, and both of them have said they were spending more time reporting to 44 congressional committees up here on the Hill than they were doing their job.

Mr. Speaker, we are diluting our resources, and we have lost accountability. I ask my colleagues, why don't we get on with this issue, and get it focussed and get it to an accountable standing committee that can actually legislate? I believe we would be doing our Nation a very great favor if we would do that.

So, Mr. Speaker, I urge that we keep the option open. Vote against the resolution and give the gentleman from New York [Mr. SOLOMON] a chance with his proposal.

Mr. SOLOMON. Mr. Speaker, I yield myself the last 1 minute.

Let me just say that no one has introduced more legislation and passed more legislation on this floor dealing with illegal drugs than this Member here. Something needs to be done. We are not doing it.

I have had a bill that would take this select committee and make it a standing committee, give it teeth and let it deal with these issues, taking the other responsibilities away from the Committee on Ways and Means, from the Committee on Energy and Commerce, away from the Committee on Education and Labor, so it could do its job. It is not doing its job. My bill has not even had a hearing in 4 years.

Let me just say, if you defeat the question today, we will simply say that 1 year from now, unless the joint committee on reorganizing this Congress recommends otherwise, we will phase out these four select committees that employ 91 people and millions of dollars. That's all we want the opportunity to do today, is to have a chance to vote on that amendment.

Mr. Speaker, I ask my colleagues to vote no on the previous question so that we will have that opportunity.

Mr. MOAKLEY. Mr. Speaker, to close debate, I yield 1 minute to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I just want to make two points.

First of all, the gentleman from New York [Mr. SOLOMON] is right except that Hamilton-Gradison is going to be a recommendation. We are not going to restructure standing committees next year. It is going to be prospective. It is going to take effect in the 104th Congress. The gentleman knows that. All we do is waste a lot of time, a lot of resources, and make it difficult administratively, basically, to run a committee.

□ 1440

Second, I serve on a standing committee, the Committee on the Judiciary. I chaired the Subcommittee on Crime, as I indicated, and I am proud of the fact that I probably wrote about 40 different crime bills over the last 10 to 12 years. The Select Committee on Narcotics was very directly involved. I sat on that committee. Frankly, many of the initiatives would never be law today if it were not for the Select Committee on Narcotics.

I thank them for another reason. There are 18 different standing committees that have jurisdiction over narcotics matters. Sure, the Office of the Director of Drug Policies have to travel around the Hill. But he has one shot with the Select Committee on Narcotics. Frankly, they pull it together comprehensively. Each of the standing committees looks at their little part of the pie; the Select Committee on Narcotics has looked at the total picture and has developed a comprehensive approach to solving the narcotics problem.

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today in order to show my full support for the reconstitution of the Select Committee on Narcotics Abuse and Control.

Since its establishment in the 94th Congress, the Select Committee on Narcotics Abuse and Control has provided the House of Representatives with a unique venue in which to focus on all facets of the drug problem. Through hearings and reports regarding drug trafficking, drug abuse and treatment, international treaties relating to drug abuse control, and the approach of the criminal justice system to drug-related offenses, the committee has been able to address the concerns of the American public regarding the drug problem in our Nation.

Unfortunately, a great deal of work is yet to be done. Illicit drugs remain readily available on the streets of our communities today. Millions of Americans remain mired in drug addiction and drug dependency. Our prisons are overcrowded with drug dependent inmates, many of whom are repeat offender due to their inability to obtain treatment for their addictions. Production of illicit drugs continues abroad, threatening our national security and inflicting harm upon our society. Finally, so called crack babies are reaching school age, a development which will present new challenges for our Nation's educators.

Mr. Speaker, as the only committee in Congress devoted exclusively to the drug crisis, and one that supplements and supports the work of the standing committees, the Select Committee on Narcotics Abuse and Control must be permitted to continue the tremendous work it has done in addressing the serious drug problems facing our Nation. With concerns about drugs continuing to rank very high among the American public, the reconstitution of this select committee under the able leadership of the gentleman from New York [Mr. RANGEL] will demonstrate the commitment of the Congress to continue the war on drugs. I urge my colleagues to support this commitment by voting for the reconstitution of the Select Committee on Narcotics Abuse and Control.

Mr. BUNNING. Mr. Speaker, I rise in opposition to the resolutions reauthorizing the four House select committees.

I recognize the role these committees have played in bringing important issues before the Congress and providing a forum for groups and individuals to make their case before Congress.

But the time has come to dissolve these temporary committees.

We are all hearing that if these committees are terminated the people will lose an important platform from which to launch initiatives to solve the problems of the young, the old, the problems of hunger, and the problems of drug abuse. Well, that is not the truth.

The Committees on Appropriations and Agriculture have repeatedly dealt with hunger issues and given the House legislation to combat hunger at home and abroad. In fact, I believe 10 committees in all are now empowered to address hunger issues.

The Committees on Ways and Means, Energy and Commerce and again—Appropriations have listened to the needs of Americans, old and young.

I have counted eight House subcommittees with the words health or human resources in their titles. I stopped counting at five, the number of committees with jurisdiction over matters dealing with narcotics alone.

These four select committees are redundant.

We have heard it said that these select committees attend to the issues which fall through the cracks of the existing committees? If that is the case, we should work within the standing committee system to fill the cracks—instead of perpetuating an extra, costly layer of nonlegislative committees like we have now.

I urge my colleagues to oppose these resolutions and the previous questions.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution, as amended.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 237, nays 180, not voting 14, as follows:

[Roll No. 9]

YEAS—237

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—180

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Gradison
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Synar
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Barton
Clinger
Fields (TX)
Flake
Ford (TN)
Frost
Gibbons
Hastings
Henry
Johnston
McDade
Michel
Myers
Smith (IA)

□ 1501

Mr. HAYES changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 237, not voting 14, as follows:

[Roll No. 10]

AYES—180

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Baesler
Barrett (WI)
Becerra
Berman
Bevill
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Byrne
Cantwell
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dixon
Dornan
Edwards (CA)
Emerson
Engel
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Gillmor
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hefner
Herger
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Inhofe
Inslee
Jefferson
Johnson (SD)
Johnson, E. B.
Kennedy
Kennelly
Kleczka
Klein
Klink
LaFalce
Lancaster
Lantos
LaRocco
Lehman
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Price (NC)
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shuster
Skelton
Smith (NJ)
Snowe
Stark
Stokes
Strickland
Studds
Synar
Tejeda
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Valentine
Velazquez
Vento
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—237

Allard
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Bateman
Beilenson
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Carr
Castle
Chapman
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Darden
DeLay
Derrick
Dickey
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
English (AZ)
Everett
Ewing
Fawell
Fingerhut
Fish
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gingrich
Glickman
Goodlatte
Goodling
Goss
Gradison
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamburg
Hancock
Hansen

Harman
Hastert
Hayes
Hefley
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
Lambert
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Mann
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Murphy
Nussle
Oberstar
Orton
Packard
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Pryce (OH)
Quillen
Ramstad
Ravenel
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shays
Shepherd
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Torricelli
Unsoeld
Upton
Visclosky
Vucanovich
Walker
Walsh
Weldon
Whitten
Williams
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Barton
Clinger
Fields (TX)
Flake
Ford (TN)
Frost
Gibbons
Hastings
Henry
Johnston
McDade
Myers
Smith (IA)
Young (AK)

□ 1522

Messrs. BILBRAY, SISISKY, JOHNSON of Georgia, and KREIDLER, Ms. HARMAN, and Mr. BARCIA changed their vote from "aye" to "no."

Mr. GORDON and Mr. WILSON changed their vote from "no" to "aye."

So the resolution, as amended, was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I ask for this time to simply say to the Members that we will not be going forward with further legislative activity this afternoon. In a moment we will be asking unanimous consent to meet at noon tomorrow, and we will obviously be in extensive consultation about how and when to proceed with the other committee questions.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I am happy to yield to the distinguished Republican leader.

Mr. MICHEL. Mr. Speaker, if I might be so bold as to suggest that an easy way out of this particular predicament for all of these select committees would be, frankly, to adopt a proposition that the gentleman from New York [Mr. SOLOMON] had suggested earlier on, that we extend all of them for 1 year, or September 30—and I forget what the date was—but probably better for 1 year. As the distinguished gentleman knows, we just came from testifying before the Hamilton-Gradison committee on how we reform ourselves around here. One of the reforms, incidentally, was how we get interrupted in a very important committee hearing to come over here to vote, and then end up missing a vote.

But beyond that is the question of how we can work together to resolve a question of this kind. The committee itself, the Hamilton-Gradison committee, will have in their body of deliberations this whole prospect of select committees, and that gives us an ample opportunity. Then we preserve the life for all of them for a year, and then we will abide by whatever that Hamilton-Gradison comes up with by way of recommendations if they are adopted by the House. That would be my suggestion.

Mr. GEPHARDT. I appreciate the gentleman's suggestion.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would just say to the gentleman that even though I am opposed to select committees in general, that certainly if that were going to be the agreement that even myself—and I am sure the vast majority on this side of the aisle—would support that kind of an arrangement to extend them for 1 year until the Hamilton-Gradison bipartisan task force has the opportunity to report back to this full Congress prior to September 30. I think that is reasonable, and I would certainly be a part of that compromise.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I am happy to yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I recognize that this decision should be made by the leadership on both sides of the House, but I would like to say that the compromise that is offered is one that I think could resolve this issue, and the other chairmen of the select committees could live with, and we could move forward on this item.

Mr. GEPHARDT. I thank the gentleman.

HOUR OF MEETING ON TOMORROW

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Missouri?

There was no objection.

VIETNAM'S LACK OF COMMITMENT TO HUMAN RIGHTS

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROHRABACHER. Mr. Speaker, as the administration moves closer to lifting the trade embargo against Vietnam, permit me to note my concern over Vietnam's commitment to human rights.

My dear friend, Ginetta Sagan, of the Aurora Foundation, has been an advocate for human rights in Vietnam and around the world. Her efforts have saved many lives and reduced the suffering of many others. Her vigilance in defense of the dignity of others in forgotten corners of the world are a model for all of us.

Her example inspires me today to enter into the RECORD a list of political and religious prisoners now being held in Vietnam. I will also introduce legislation calling for the release of these men and women as a condition to lifting the trade embargo.

Mr. Speaker, closer ties with Vietnam without concrete concessions on human rights from Hanoi will doom thousands more Vietnamese to a life of repression and misery.

[From Vietnam Insight]

LIST I & II OF POLITICAL PRISONERS IN VIETNAM

(Chan Tran, Editor)

NUMBER, NAME, PRISON LOCATION, AND PENALTY

Note: Life: Life imprisonment; C. Camp: Concentration camp.

1. A Blan, T15 Pleibong, 3 years.
2. A Chuoc, T15 Pleibong, 3 years.
3. A Dia, T15 Pleibong, 3 years.
4. A Neo, T15 Pleibong, 3 years.
5. A Phiel, T15 Pleibong, 3 years.
6. A Tho, T15 Pleibong, 3 years.
7. A Trip, T15 Pleibong, 3 years.
8. A Uot, T15 Pleibong, 3 years.
9. A Yearl, Unknown, Unknown.
10. A Yel, T15 Pleibong, 3 years.
11. Ama Phuc, T20 Pleiku, 3 years.
12. B Yui, T20 Pleiku, 3 years.
13. Linh Muc Boi, Pleiku, Unknown.
14. Bui Hung Thuy, A20 Phu Yen, C. Camp.
15. Bui Thanh Se, Unknown, Unknown.
16. Cao Dao Nguyen Tran Huyen, Chi Hoa, Unknown.
17. Cao Son Nguyen Van Tan, Phan Dang Luu, Unknown.
18. Chau Van Toi, A20 Phu Yen, 20 years.
19. Chu Van Tan A20 Phu Yen, Life.
20. Chung Hong Khanh, A20 Phu Yen, C. Camp.
21. Dang Hai Son, Unknown, Unknown.

22. Danh Den, A20 Phu Yen, 07 years.
23. Danh Tuan, A20 Phu Yen, C. Camp.
24. Dao Ba Ke, Thanh Hoa, Life.
25. Dinh Ngoc Bich, A20 Phu Yen, 20 years.
26. Dinh Ngoc Phuong, A20 Phu Yen, Life.
27. Dinh Thien Tu Tu, Phan Dang Luu, 3 years.
28. Thadeus Dinh Tri Thuc, Z30A Xuan Loc, Unknown.
29. Dinh Van Be, A20 Phu Yen, Life.
30. Do Bach Tho, A20 Phu Yen, 17 years.
31. Do Ngoc Long, Phan Dang Luu, Unknown.
32. Hilary Do Tri Tam Thuyen, Z30A Xuan Loc, Unknown.
33. Do Van Hong, A20 Phu Yen, C. Camp.
34. Do Van Hung, Unknown, 12 years.
35. Do Van Thac, Unknown, 14 years.
36. Do Xuan Truong, A20 Phu Yen, C. Camp.
37. John Doan Phu Xuan, Z30A Xuan Loc, Unknown.
38. Doan Thanh Liem, Unknown, 12 years.
39. Doan Van Vinh, Unknown, 20 years.
40. Doan Viet Hoat, Ham Tan, Unknown.
41. Dong Van Minh, A20 Phu Yen, Life.
42. Duong Men, A20 Phu Yen, C. Camp.
43. Duong Van Si, A20 Phu Yen, Life.
44. Em, A20 Phu Yen, 3 years.
45. Hlap, A20 Phu Yen, 3 years.
46. Ha Hak, Lam Dong, 3 years.
47. Ha Oanh, Unknown, Unknown.
48. Ha Van Lam, A20 Phu Yen, C. Camp.
49. Ha Wan, Lam Dong, 3 years.
50. Ho Dieu Khanh, A20 Phu Yen, Life.
51. Ho Nam Le Nguyen Ngu, Phan Dang Luu, Unknown.
52. Ho Vu Khanh, Xuan Loc, Life.
53. Ho Xuan Hao, Thanh Hoa, C. Camp.
54. Hoang Dinh My, A20 Phu Yen, Life.
55. Hoang Minh Thuan, Unknown, 3 years.
56. Hoang Quoc Viet, A20 Phu Yen, 20 years.
57. Hoang Van Khao, A20 Phu Yen, Life.
58. Hoang Van Phung, Unknown, Unknown.
59. Hong Thien Gian Thinh, Z30A Xuan Loc, Unknown.
60. Hong Van Chuong, Unknown, 15 years.
61. Huynh Minh Tam, A20 Phu Yen, Life.
62. Huynh Ngoc Tan, A20 Phu Yen, Life.
63. Huynh Quang Te, A20 Phu Yen, Life.
64. Huynh Thuc Bao, A20 Phu Yen, Life.
65. Huynh Van Cai, Unknown, 4 years.
66. Huynh Van Hoa, A20 Phu Yen, Life.
67. Huynh Van Phung, Unknown, Unknown.
68. Lam Van Den, A20 Phu Yen, C. Camp.
69. Le Minh Chanh, A20 Phu Yen, C. Camp.
70. Le Quang Quang, A20 Phu Yen, Life.
71. Le Quang Trung, Unknown, Unknown.
72. Le Quy Hoa, A20 Phu Yen, Life.
73. Le Thai Chan, Xuan Loc, 18 years.
74. Le Truong Xuan, Xuan Loc, Life.
75. Le Van Hieu, A20 Phu Yen, Life.
76. Le Van The, Xuan Loc, Life.
77. Le Van Tinh Trinh, Unknown, 12 years.
78. Le Van Trieu, A20 Phu Yen, Life.
79. Luu Minh Nien, A20 Phu Yen, Life.
80. Luu Minh Tien, A20 Phu Yen, Life.
81. Luu Van Chau, A20 Phu Yen, Life.
82. Ly Ho, A20 Phu Yen, 13 years.
83. Ly Thieu Hoan, Chi Hoa, Unknown.
84. Ly Xa Vet, A20 Phu Yen, C. Camp.
85. John E Mai Huu Nghi, Z30A Xuan Loc, Unknown.
86. Mai Trung Tinh, Phan Dang Luu, Unknown.
87. Mai Xuan Phuoc, A20 Phu Yen, Life.
88. Ngo Hoang Hue, Xuan Loc, Life.
89. Ngo Nhu Keo, A20 Phu Yen, Life.
90. Ngo Van An, Unknown, Unknown.
91. Nguyen Ba Tan, A20 Phu Yen, Life.
92. Nguyen Cao Thang, Xuan Loc, Life.
93. Paul Nguyen Chau Dat, Z30A Xuan Loc, Unknown.
94. Nguyen Chi Ngo, Xuan Loc, 20 years.
95. Nguyen Chu, Unknown, Unknown.
96. Nguyen Dan Que, Phan Dang Luu, 20 years.
97. Nguyen Dang Van Hoang, Unknown, 12 years.
98. Nguyen Dinh Oai, A20 Phu Yen, 20 years.
99. Nguyen Dinh Van Long, A20 Phu Yen, Life.
100. Nguyen Duc Hien, Unknown, 20 years.
101. Nguyen Duc Loi, Unknown, Unknown.
102. Nguyen Duc Nhiem, A20 Phu Yen, Life.
103. Nguyen Hung Anh, A20 Phu Yen, 20 years.
104. Nguyen Huu Cau, Xuan Loc, Life.
105. Nguyen Huu Co, A20 Phu Yen, Life.
106. Nguyen Huu Huong, A20 Phu Yen, Life.
107. Nguyen Huu Lan, Unknown, Life.
108. Nguyen Huu Nghia, A20 Phu Yen, 20 years.
109. Nguyen Huu Thieng, A20 Phu Yen, Life.
110. Nguyen Huu Thoan, Thanh Hoa, C. Camp.
111. Nguyen Huu Tin, A20 Phu Yen, Life.
112. Nguyen Khac Chinh, Xuan Loc, Unknown.
113. Nguyen Kim Nang, Unknown, 10 years.
114. Nguyen Ly Tuong, Unknown, Unknown.
115. Nguyen Manh Cuong, A20 Phu Yen, Life.
116. Nguyen Mau Trai 3, Bach Dang, Unknown.
117. Nguyen Minh Boi, Unknown, Unknown.
118. Nguyen Minh Chau, Unknown, Unknown.
119. Michael Nguyen Minh Quan, Z30A Xuan Loc, Unknown.
120. Nguyen Ngoc, Unknown, Unknown.
121. Nguyen Ngoc Dai, Unknown, 20 years.
122. Nguyen Ngoc Phuoc, Xuan Loc, 20 years.
123. Nguyen Nhu, Unknown, Unknown.
124. Nguyen Phy Anh, Unknown, Unknown.
125. Nguyen Phung Phong, A20 Phu Yen, Life.
126. Nguyen Quoc Bao, Unknown, Unknown.
127. Nguyen Si Binh, Unknown, Unknown.
128. Nguyen Song Ngoc, A20 Phu Yen, 20 years.
129. Nguyen Tan Khoe, A20 Phu Yen, C. Camp.
130. Nguyen Tan Phat, A20 Phu Yen, C. Camp.
131. Nguyen Thanh, A20 Phu Yen, 20 years.
132. Nguyen Thanh Tro, A20 Phu Yen, Life.
133. Nguyen Thanh Van, Unknown, Unknown.
134. Nguyen The Hung, A20 Phu Yen, Life.
135. Nguyen Thi Nhi, Unknown, Unknown.
136. Nguyen Thi Ranh, Z30D, 18 years.
137. Nguyen Thien Hung, Unknown, Unknown.
138. Bernard Nguyen Thien Phu, Z30A Xuan Loc, Unknown.
139. Nguyen Tri, Unknown, 8 years.
140. Nguyen Trong Liem, Unknown, Unknown.
141. Nguyen Van A, Xuan Loc, Life.
142. Nguyen Van Bao, A20 Phu Yen, Life.
143. Nguyen Van Binh, A20 Phu Yen, C. Camp.
144. Nguyen Van But, Xuan Loc, 15 years.
145. Nguyen Van Chan, Xuan Loc, Life.
146. Nguyen Van De, Z30A Xuan Loc, Unknown.
147. Nguyen Van Doan Linh, A20 Phu Yen, Life.
148. Nguyen Van Hieu, Thanh Hoa, C. Camp.
149. Nguyen Van Long, A20 Phu Yen, Life.
150. Nguyen Van Ly, A20 Phu Yen, Life.
151. Thadeus Nguyen Van Ly, Z30A Xuan Loc, Unknown.
152. Nguyen Van Minh, A20 Phu Yen, Life.
153. Nguyen Van Na, Xuan Loc, Life.
154. Nguyen Van Nam, Xuan Loc, Life.
155. Nguyen Van Ngoc, A20 Phu Yen, Life.
156. Nguyen Van Ngoc, A20 Phu Yen, Life.
157. Nguyen Van Nhon, Thanh Hoa, C. Camp.
158. Nguyen Van Phan, Xuan Loc, Life.
159. Nguyen Van Phap, Unknown, Unknown.
160. Nguyen Van Quang, A20 Phu Yen, C. Camp.
161. Nguyen Van Son, Unknown, Unknown.
162. Nguyen Van Tai, A20 Phu Yen, Life.
163. Nguyen Van Tam, Thanh Hoa, C. Camp.
164. Nguyen Van Thanh, Xuan Loc, 20 years.
165. Nguyen Van Thuan, Phan Dang Luu, 10 years.
166. Nguyen Van Tien, A20 Phu Yen, C. Camp.
167. Nguyen Van Trong, Unknown, Unknown.
168. Nguyen Van Trung, A20 Phu Yen, Life.
169. Nguyen Van Vang, Unknown, Unknown.
170. Pham Cong Thanh, A20 Phu Yen, Life.
171. Pham Dinh Xuan, A20 Phu Yen, Life.
172. Pham Duc Kham, Unknown, Unknown.
173. Pham Hoang Le, A20 Phu Yen, C. Camp.
174. Pham Hoang Tung, A30, Xuan Phuoc Phu Yen, C. Camp.
175. Pham Huu Thieng, A20 Phu Yen, Life.
176. Pham Minh The, A20 Phu Yen, Life.
177. Pham Ngoc Chi Hiep, Unknown, Unknown.
178. Pham Ngoc Lien Tri, Z30A Xuan Loc, Unknown.
179. Pham Quang Tin, Unknown, 11 years.
180. Pham Thai Thuy, Phan Dang Luu, Unknown.
181. Pham Thanh Nghiep, A20 Phu Yen, C. Camp.
182. Pham Tran Anh, Xuan Loc, Life.
183. Pham Van Quyet, Unknown, 20 years.
184. Pham Van Thuc Thuc, Unknown, Unknown.
185. Pham Van Trung, Unknown, 4 years.
186. Phan Dinh Hien, Xuan Loc, 20 years.
187. Phan Huynh Tai, Unknown, 20 years.
188. Phan Quang Thieu, Unknown, Unknown.
189. Phan Ty, Bien Hoa, Unknown.
190. Phan Van Ban, Xuan Loc, Life.
191. Phan Van Loi, A20 Phu Yen, 20 years.
192. Phan Van Son, A20 Phu Yen, 20 years.
193. Quach Vinh Nien, A20 Phu Yen, Life.
194. R Cham Boi, T20 Pleiku, 3 years.
195. Rmah Boi, A20 Phu Yen, Unknown.
196. Rmah Loan, Buon Me Thuot, Unknown.
197. Ro Cam Sieng, T20 Pleiku, 3 years.
198. Siu Phan, T15 Pleiku, 3 years.
199. Siu Trung, T15 Pleiku, 3 years.
200. Tat Tan, A20 Phu Yen, 7 years.
201. Thach Thien, A20 Phu Yen, C. Camp.
202. Thai Khuc Triet, Thanh Hoa, C. Camp.
203. Thai Nhu Sieu, Hoa Lo Ha Noi, 20 years.
204. Thai Phi Kich, A20 Phu Yen, Life.
205. Thao Phuong Lao, A20 Phu Yen, Life.
206. Thich Duc Nhuan—Dong Van Kha, Xuan Loc, Unknown.
207. Thich Minh Su, Xuan Loc, 18 years.
208. Thich Nguyen Giac, Unknown, Unknown.
209. Thich Nguyen The, Xuan Loc, Unknown.

210. Thich Phuc Vien, Unknown, Unknown.
211. Thich Thien Tan—Thai Thanh Hung, A20 Phu Yen, Life.
212. Thich Tri Giac, Xuan Loc, 15 Years.
213. Thich Tri Sieu—Le Manh That, Xuan Loc, Unknown.
214. To Thuy Yen Dinh T Tien, Phan Dang Luu, Unknown.
215. To Van Hai, A20 Phu Yen, 7 years.
216. Tong Van Son, A20 Phu Yen, 7 years.
217. Tram Vi Thien, A20 Phu Yen, Unknown.
218. Tran Dai Long, Unknown, Unknown.
219. Tran Dau, A20 Phu Yen, Life.
220. Tran De, A20 Phu Yen, 19 years.
221. Tran Dien, A20 Phu Yen, 20 years.
222. Tran Dinh Ai, Phan Dang Luu, 3 years.
223. Dominic Tran Dinh Thu, Xuan Loc, Life.
224. Tran Du, A20 Phu Yen, 20 years.
225. Tran Duy Hinh, K1–Z30D, Unknown.
226. Tran Huu Cong, A20 Phu Yen, 10 years.
227. Tran Huu Duyen, Unknown, 4 years.
228. Tran Huu Ngan, A20 Phu Yen, Life.
229. Mark Tran Khac Kinh, Z30A Xuan Loc, Unknown.
230. Tran Khanh Linh, A20 Phu Yen, C. Camp.
231. Tran Mai, Phan Dang Luu, Unknown.
232. Tran Minh Dung, Unknown, Unknown.
233. Tran Nam Phuong, A20 Phu Yen, Life.
234. Tran Nhon Co, My Tho, Unknown.
235. Tran Phuong, A20 Phu Yen, C. Camp.
236. Tran Tan Sang, A20 Phu Yen, Life.
237. Tran Tan Sang, Unknown, 17 years.
238. Tran Tha, A20 Phu Yen, C. Camp.
239. Tran The Thien, Unknown, Unknown.
240. Tran The Thien, Phuoc Tong Le Chan, Song Be, Unknown.
241. Tran Thien Can, A20 Phu Yen, Life.
242. Tran Van Anh, A20 Phu Yen, Life.
243. Tran Van Ba, Xuan Loc, Life.
244. Tran Van Be, Thanh Hoa, C. Camp.
245. Tran Van Binh, Thanh Hoa, C. Camp.
246. Tran Van Duc, Thanh Hoa, C. Camp.
247. Tran Van Nao, A20 Phu Yen, C. Camp.
248. Tran Van Son, A20 Phu Yen, 7 years.
249. Tran Van Tham, Xuan Loc, 18 years.
250. Tran Van Thiet, Xuan Loc, 20 years.
251. Tran Van Thuy, Ha Noi, Unknown.
252. Tran Xuan Tu, Unknown, Unknown.
253. Trinh Bich, A20 Phu Yen, Life.
254. Trinh Huynh, A20 Phu Yen, 20 years.
255. Trinh Van Son, A20 Phu Yen, Life.
256. Trinh Van Thuong, Unknown, Unknown.
257. Truong Quang Kim, A20 Phu Yen, 20 years.
258. Truong Quoc Bao, A20 Phu Yen, Life.
259. Truong Thi Kim, A 30D, Life.
260. Truong Van Len, A20 Phu Yen, 7 years.
261. Vo Dang Phuong, A20 Phu Yen, 10 years.
262. Vo Ky Phat, A20 Phu Yen, 7 years.
263. Vo Minh Hung, A20 Phu Yen, Unknown.
264. Vo Ngoc Toi, A20 Phu Yen, Life.
265. Luke Vo Son Ha, Z 30A Xuan Loc, Unknown.
266. Vo Van The, Thanh Hoa, C. Camp.
267. Vu Minh Hung, Unknown, Unknown.
268. Vu Minh Xuan, Unknown, Unknown.
269. Vu Ngoc Tam, A20 Phu Yen, 20 years.
270. Vu Qui Ngoc, Unknown, Unknown.
271. Pius Vu Thanh Hai Dat, Z 30A Xuan Loc, Unknown.
272. Vu Van My, Unknown, 18 years.
273. Vuong Duc Le Le Duc Vuong, Phan Dang Luu, Unknown.
274. Y Fine, A20 Phu Yen, Life.
275. Y Tiem, Lam Dong, 3 years.
276. Bui Van Hung, Xuan Loc, 20 years.
277. Cai Dinh Nhu, Z30D Ham Tan, Life.
278. Cai Thanh Be, Z30D Ham Tan, 20 years.
279. Cai Van Hien, Z30D Ham Tan, Life.
280. Cai Van Thanh, A20 Phu Yen, 20 years.
281. Cao Phuc, Xuan Loc, Life.
282. Chiem Van Thien, (Recheck), 13 years.
283. Chu Van Huu, (Recheck), 14 years.
284. Chuong Nen, (Recheck), 10 years.
285. Cu Khac Hanh, A20 Phu Yen, 20 years.
286. Cu Khac Thanh, Xuan Loc, Life.
287. Dang Minh Hoang, A20 Phu Yen, C. Camp.
288. Dang Van Hien, A20 Phu Yen, 20 years.
289. Danh Hong, A20 Phu Yen, 20 years.
290. Danh Truc, A20 Phu Yen, C. Camp.
291. Dao Dang Nhan, A20 Phu Yen, 20 years.
292. Diep Ngau (Diep Gia, Cuong), (Recheck), 10 years.
293. Dinh Phan Thi Le Mi, Z30D Ham Tan, Thuan Hai, (Recheck).
294. Dinh Phu Tho, A20 Phu Yen, 15 years.
295. Dinh Van Sanh, A20 Phu Yen, Life.
296. Do Duy Ly, Z30A Xuan Loc, Life.
197. Do Kim Vui, A20 Phu Yen, C. Camp.
198. Do Thanh Nhan, B7 Suoi Mau, Dong Nai, 14 years.
299. Do Van Xa, A20 Phu Yen, 20 years.
300. Doan Huy Hoang, Kinh 5, Chuong Thien, 13 years.
301. Doan Mat, Kinh 5, Chuong Thien, 13 years.
302. Doan Trong Hien, A20 Xuan Phuoc, Phu Yen, 20 years.
303. Duong Khong, A20 Phu Yen, Life.
304. Duong Ngoc Hung, A20 Phu Yen, 20 years.
305. Duong Tan Y, Xuan Loc, 20 years.
306. Duong Thanh Hoang, Xuan Loc, Life.
307. Duong Tiep, A20 Phu Yen, 20 years.
308. Duong Van Hoan, Xuan Loc, Life.
309. Ho Dac Sung, Long Khanh, C. Camp.
310. Ho Van Rui, (Recheck), 15 years.
311. Ho Viet Tong, Long Khanh, C. Camp.
312. Ho Vu Khanh, A20 Phu Yen, Life.
313. Hoang Duc Thanh, Z30D Ham Tan, Thuan Hai, 20 years.
314. Hoang The Long, A20 Phu Yen, 20 years.
315. Hoang Trong Diep, A20 Phu Yen, 20 years.
316. Hoang Van Bach, Dai Binh, Lam Dong, 18 years.
317. Hoang Van Nghia, K4 Long Khanh, 13 years.
318. Huynk Cong Trac, A20 Phu Yen, 15 years.
319. Huynh Huu, A20 Phu Yen, 20 years.
320. Huynh Kim Hanh, Kham Lon Ca Mau, (Recheck).
321. Huynh Ngoc Tien, A20 Phu Yen, 20 years.
322. Huynh Trung Cang, Ka U Minh, Kien Giang, 18 years.
323. Huynh Van Cong, (Recheck), 5 years.
324. Huynh Van Hiep, A20 Phu Yen, 20 years.
325. Huynh Vinh Sanh, Z30A XuanLoc, Dong Nai, Life.
326. Huynh Vu Thanh, (Recheck), 4 years.
327. Ka Rip, A20 Phu Yen, 20 years.
328. Kien Samone, A20 Phu Yen, 20 years.
329. Koong Satha, Cay Gua, Ca Mau, Life.
330. Lac To Ha, A20 Phu Yen, Life.
331. Lai The Huong, A20 Phu Yen, 20 years.
332. Lam Giao, Kham Lon Ca Mau, (Recheck).
333. Lam Hong Suong, A20 Phu Yen, 15 years.
334. Lam Thanh Tong, A20 Phu Yen, Life.
335. Lau Si Phuc, A20 Phu Yen, 18 years.
336. Le Cong Can, KA U Minh, Kien Giang, 12 years.
337. Le Hien, A20 Phu Yen, 20 years.
338. Le Huy Tam, A20 Phu Yen, 20 years.
339. Le Thai Chan, A20 Phu Yen, Life.
340. Le Van Be, Kham Lon Ca Mau, (Recheck).
341. Le Van Chuc, A20 Phu Yen, Life.
342. Le Van Nam, A20 Phu Yen, 20 years.
343. Le Van Nghia, Xuan Loc, Life.
344. Le Van Nho, A20 Phu Yen, 20 years.
345. Le Van Quang, A20 Phu Yen, Life.
346. Le Van Sanh, Xuan Loc, 20 years.
347. Le Van Sinh, A20 Phu Yen, 20 years.
348. Le Van Su, Z30A Xuan Loc, (Recheck).
349. Le Van Suoi, Xuan Loc, (Recheck).
350. Le Van Tai, (Recheck), Life.
351. Le Van Thu, Xuan Loc, Life.
352. Le Van Trung, A20 Phu Yen, 20 years.
353. Lien Ban, A20 Xuan Phuoc, Phu Yen, Life.
354. Lui A Bau, A20 Phu Yen, 20 years.
355. Luu Nhu Nhon, (Recheck), 20 years.
356. Ly Khinh, A20 Phu Yen, C. Camp.
357. Ly Truong Tran, Z30C Ham Tan, Thuan Hai, 13 years.
358. Ly Van Din (Li Vang Zin), (Recheck), (Recheck).
359. Ly Van Hiep, Xuan Loc, 16 years.
360. Ly Tong (Le Van Tong), (Recheck), (Recheck).
361. Ma Huy, Kham Lon Ca Mau, (Recheck).
362. Ma Khac Sinh, A20 Phu Yen, 20 years.
363. Mai Chi Hieu, A20 Phu Yen, 20 years.
364. Mai Duc Chuong, A20 Phu Yen, 20 years.
365. Ngo Bich, A20 Phu Yen, 20 years.
366. Ngo Van Hai, (Recheck), 5 years.
367. Ngo Van Liem, A20 Phu Yen, 20 years.
368. Ngo Xuan Lay, A20 Phu Yen, 20 years.
369. Nguyen Anh Linh, A20 Phu Yen, 20 years.
370. Nguyen Anh Tuan, A20 Phu Yen, 20 years.
371. Nguyen Bao Chi, A20 Phu Yen, 20 years.
372. Nguyen Che, A20 Phu Yen, Life.
373. Nguyen Chuan, Xuan Loc, Life.
374. Nguyen Chuyen, A20 Phu Yen, 20 years.
375. Nguyen Dinh Kha, A20 Phu Yen, 20 years.
376. Nguyen Dinh Phung, K4, Xuan Loc, Life.
377. Nguyen Duc Khiem (Giao An), K4 Long Khanh, 16 years.
378. Nguyen Gang Minh, A20 Phu Yen, 20 years.
379. Nguyen Gia Quoc (Hoang Ly), Z30C Ham Tan, Thuan Hai, 8 years.
380. Nguyen Hai Thuy (Hong Van), Kham Lon, Ca Mau, (Recheck).
381. Nguyen Hien Nhu, (Recheck), 20 years.
382. Nguyen Hue, A20 Phu Yen, C. Camp.
383. Nguyen Hung Phong, A20 Phu Yen, Life.
384. Nguyen Lang, A20 Phu Yen, 20 years.
385. Nguyen Minh Chieu, Long Khanh, (Recheck).
386. Nguyen Minh Khiet, Dai Binh, Lam Dong, 16 years.
387. Nguyen Ngoc, A20 Phu Yen, Life.
388. Nguyen Ngoc Hien, A20 Phu Yen, 20 years.
389. Nguyen Ngoc Lang, A20 Phu Yen, Life.
390. Nguyen Ngoc Thanh, Xuan Loc, Life.
391. Nguyen Quang Hoa, A20 Phu Yen, 20 years.
392. Nguyen Thanh, Xuan Loc, (Recheck).
393. Nguyen Thanh Hung, Xuan Loc, Life.
394. Nguyen Thanh Son (Hung Rau), (Recheck), 12 years.
395. Nguyen Thi Hue (Hanh Phuong), (Recheck), 7 years.
396. Nguyen T Kim Phuong, Z30D Ham Tan, Thuan Hai, Life.
397. Nguyen Thi Lai, Xuan Loc, 20 years.
398. Nguyen Toai Chi, A20 Phu Yen, Life.
399. Nguyen Trong Tai, A20 Phu Yen, 15 years.
400. Nguyen Trung Ca, A20 Phu Yen, 20 years.

401. Nguyen Van Bach, A20 Phu Yen, 20 years.
402. Nguyen Van Be, Kham Lon Ca Mau, (Recheck).
403. Nguyen Van Cac, Xuan Loc, 20 years.
404. Nguyen Van Can, A20 Phu Yen, 20 years.
405. Nguyen Van Cat, Kham Lon, Ca Mau, (Recheck).
406. Nguyen Van Chi, K4 Long Khanh, 14 years.
407. Nguyen Van Cung, Cay Gua, Ca Mau, 13 years.
408. Nguyen Van Danh, Xuan Loc, Life.
409. Nguyen Van De, Kinh 5, Chuong Thien, 18 years.
410. Nguyen Van Doai, K4 Long Khanh, 13 years.
411. Nguyen Van Duoc, A20 Phu Yen, 20 years.
412. Nguyen Van Duoc, Xuan Loc, Life.
413. Nguyen Van Duong, A20 Phu Yen, 20 years.
414. Nguyen Van Hai, A20 Phu Yen, Life.
415. Nguyen Van Hien, A20 Phu Yen, 20 years.
416. Nguyen Van Hiep, Xuan Loc, Life.
417. Nguyen Van Hoa, A20 Phu Yen, 20 years.
418. Nguyen Van Hoanh, Z30D Ham Tan, Thuan Hai, 12 years.
419. Nguyen Van Kich, Kham Lon Ca Mau, (Recheck).
420. Nguyen Van Kinh, Xuan Loc, Life.
421. Nguyen Van Linh, K4 Long Khanh, 14 years.
422. Nguyen Van Minh, Cay Gua, Bac Lieu, 13 years.
423. Nguyen Van Ngo, Ham Tan, Thuan Hai, 18 years.
424. Nguyen Van Ngo, Xuan Loc, Life.
425. Nguyen Van Ngoc, K4 Long Khanh, 7 years.
426. Nguyen Van Ro, A20 Phu Yen, Life.
427. Nguyen Van Sang, Dai Binh, Lam Dong, 20 years.
428. Nguyen Van Sang, Dai Binh, Lam Dong, 14 years.
429. Nguyen Van Sinh, A20 Phu Yen, C. Camp.
430. Nguyen Van Tay, A20 Phu Yen, 20 years.
431. Nguyen Van Thanh, A20 Phu Yen, Life.
432. Nguyen Van Thien, Xuan Loc, Life.
433. Nguyen Van Thuc, Cay Gua Ca Mau, (Recheck).
434. Nguyen Van Tien, Xuan Loc, Life.
435. Nguyen Van Tieng, A20 Phu Yen, C. Camp.
436. Nguyen Van Tong, A20 Phu Yen, Life.
437. Nguyen Van Trong, K4 Long Khanh, 7 years.
438. Nguyen Van Tu, Xuan Loc, Life.
439. Nguyen Van Y, Xuan Loc, Life.
440 Nguyen Viet Dao, K4 Long Khanh, 14 years.
441. Nguyen Viet Hong, K4 Long Khanh, 16 years.
442. Nguyen Yem, A20 Phu Yen, 20 years.
443. Ong Minh Chanh, Kham Lon Ca Mau, (Recheck).
444. Ong Minh Duc, Kham Lon Ca Mau, (Recheck).
445. Pham Dinh Hieu, (Recheck), 11 years.
446. Pham Dinh Thuan (Hong Duc), (Recheck), 16 years.
447. Pham Hong Nhat, A20 Phu Yen, 20 years.
448. Pham Hong Qui, Xuan Loc, Life.
449. Pham Lu, Binh Dien I, Life.
450. Pham Minh Te, A20 Phu Yen, Life.
451. Pham Ngoc Bich, A20 Phu Yen, 20 years.
452. Pham Ngoc Tri, A20 Phu Yen, C. Camp.
453. Pham The Cong, A20 Phu Yen, 20 years.
454. Pham The Cong, Xuan Loc, Life.
455. Pham Tran Anh, A20 Phu Yen, Life.
456. Phan Ba Duc, A20 Phu Yen, 20 years.
457. Phan Ngoc Dan, A20 Phu Yen, 20 years.
458. Phan Van Can, KA U Minh, Kien Giang, 12 years.
459. Phan Van Dang, Xuan Loc, Life.
460. Phan Van Duc, A20 Phu Yen, 20 years.
461. Phan Van Lien, A20 Phu Yen, Life.
462. Quach Ngoc Hoa, Kham Lon, Ca Mau, 18 years.
463. Sung Khai Pha (Tung K Pha), (Recheck), (Recheck).
464. Ta Len, Kham Lon Ca Mau, (Recheck).
465. Thach Cheng, B7 Suoi Mau, Dong Nai, C. Camp.
466. Thach Chuong, A20 Phu Yen, 20 years.
467. Thach Moni, A20 Phu Yen, 20 years.
468. Thai Kim Lai, (Recheck), Life.
469. Thai Thi Kim Van (Recheck), Life.
470. Thich Huyen Quang, Confined in Quang Ngai, (Recheck).
471. Thich Khong Tanh, (Recheck), (Recheck).
472. Thick Quang Do, Confined in Thai Binh, (Recheck).
473. Thich Thong Buu, (Recheck), (Recheck).
474. Thich Thuyen An, (Recheck), (Recheck).
475. Thich Tri Luc, (Recheck), (Recheck).
476. Thich Tue Si (Pham Van Thuong), A20 Phu Yen, 20 years.
477. To Thanh Son, A20 Phu Yen, 20 years.
478. To Van Cuong, A20 Phu Yen, 15 years.
479. To Van Huon, Z30D K2 Ham Tan, Thuan Hai, Life.
480. Ton That Tung, Quang Ngai, 15 years.
481. Tran Dinh Chuc, Kinh 5, Chuong Thien, 14 years.
482. Tran Dinh Mau, A20 Phu Yen, Life.
483. Tran Duy Minh Tam, A20 Xuan Phuoc, Phu Yen, 20 years.
484. Tran Hieu, A20 Phu Yen, 20 years.
485. Tran Hoang Hung, (Recheck), C. Camp.
486. Tran Hung Men, A20 Phu Yen, 20 years.
487. Tran Leng, A20 Phu Yen, C. Camp.
488. Tran Minh Chi, A20 Phu Yen, 15 years.
489. Tran Minh Dang, A20 Phu Yen, Life.
490. Tran Minh Dieu, A20 Phu Yen, 15 years.
491. Tran Ngoc Bich, A20 Phu Yen, 20 years.
492. Tran Ngoc Khai, Z30D K1 Ham Tan, T Hai, 20 years.
493. Tran Nguyen Hung, Z30D Ham Tan, Thuan Hai, Life.
494. Tran Phuc Chau, (Recheck), 10 years.
495. Tran Phuong (Tran Tranh), A20 Xuan Phuoc, Phu Yen, C. Camp.
496. Tran San, A20 Phu Yen, 20 years.
497. Tran Thai Diep, A20 Phu Yen, 20 years.
498. Tran Thang Thuc (Huy Linh), Z30C Ham Tan, Thuan Hai, 16 years.
499. Tran Thanh Liem, Xuan Loc, Life.
500. Tran Thanh Quy, (Recheck), C. Camp.
501. Tran Trong Nghia, A20 Phu Yen, 20 years.
502. Tran Trung Hung, Z30D Ham Tan, Thuan Hai, 15 years.
503. Tran Van Ly (Ba Nho), (Recheck), 13 years.
504. Tran Van Soi, B7 Suoi Mau, Dong Nai, 14 years.
505. Tran Van Thanh, Xuan Loc, Life.
506. Tran Van Thieng, (Recheck), 20 years.
507. Tran Van Tieng, A20 Phu Yen, C. Camp.
508. Tran Van Vi, A20 Phu Yen, 15 years.
509. Tran Van Xuong, A20 Phu Yen, 20 years.
510. Tran Viet Dinh, A20 Phu Yen, 15 years.
511. Tran Vong Quoc, Z30D, K1 Ham Tan, T Hai, 12 years.
512. Trieu Sam, Cay Gua, Ca Mau, 15 years.
513. Trinh Quoc Tuan, (Recheck), Life.
514. Truong Ba Truyen (Ba Can), (Recheck), 4 years.
515. Truong Dinh Khoi, A20 Phu Yen, 20 years.
516. Truong Nhat Tan, A20 Phu Yen, Life.
517. Truong Tam Muoi, (Recheck), 11 years.
518. Truong Van Anh, Xuyen Moc, Dong Nai, 18 years.
519. Truong Van Dung, A20 Phu Yen, 20 years.
520. Truong Van Nam, A20 Phu Yen, 20 years.
521. Truong Vinh Anh, Z30A Xuan Loc, Long Khanh, 18 years.
522. Ung So, 28F Chi Hoa, (Recheck).
523. Vang Chau Sang (Cao Xang), (Recheck), (Recheck).
524. Vo Anh Tuan, A20 Phu Yen, 15 years.
525. Vo Chi Ngo, (Recheck), Life.
526. Vo Kich, A20 Phu Yen, 20 years.
527. Vo Phuong Dong, Cay Gua, Ca Mau, 4 years.
528. Vo Phuong Sang, Cay Gua, Ca Mau, 6 years.
529. Vo Thanh Nang, Z30A Xuan Loc, (Recheck).
530. Vo Van Ro, Xuan Loc, C. Camp.
531. Vong A Sang, (Recheck), 4 years.
532. Vong Ky Xuong (Vong Muoi Sau), (Recheck), 4 years.
533. Vong Sac Quyen (A Khin), (Recheck), 10 years.
534. Vu Duc Huong, (Recheck), 13 years.
535. Vu Duy (Huy) Thuyet, Kinh 5, Chuong Thien, 13 years.
536. Vu Quang Nguyen, Kinh 5, Chuong Thien, 18 years.
537. Vu Van Kich, K4 Long Khanh, 14 years.
538. Y Ru, A20 Phu Yen, 20 years.

□ 1530

REMARKS ON THE NOMINATION OF MARIO BAEZA

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. I thank the Speaker.

Mr. Speaker and Members, some hours ago I received a communication from my district office with regard to an op-ed piece that came out in the Miami Herald today, written by Congressman CHARLES RANGEL. It says, "Don't Let Right-Wing, Racist Pressure Tactics Block Baeza."

I felt obliged to mention—to get up and refer to this article because of the profound—I want to be respectful, but I must say that this article by Congressman RANGEL is insulting to my community.

He says in this article that Baeza, who, by the way, was a nominee of the Clinton administration for Assistant Secretary for Inter-American Affairs, was objected to by, he says, the Cuban-American community because Mr. Baeza is black.

Congressman RANGEL also says in this article, "An extraordinarily gifted nominee," Mr. Baeza, "is being opposed by right-wing Cuban-American activists because he is not one of them," and then he repeats, "and because he is black."

Congressman RANGEL goes on, "I am offended by these Cuban-Americans' single-issue ideology, and racism."

Then he speaks to the President, and he says, "Mr. President, don't let yourself be intimidated by the bullying tactics of a pressure group motivated by racism. And make no mistake about it," he says, "if he were white, Baeza would not have incurred this firestorm of protest."

Not only is this a falsehood, it is insulting, and on behalf of my community and specifically the Cuban-American community that has been called racist by a Member of this body, I rise in opposition to this statement and I tell the Congressman to please measure his words because this is not a body to impugn each community's motives and much less to call an entire community "racist."

The reason that a number of us in this House and others, like Congressman TORRICELLI and Congressman MENENDEZ from New Jersey, and like in the other Chamber, like Senator BRADLEY, and a number of us have expressed serious concern about this nominee, whose nomination has been put on hold, is because the nominee does not deny going to Communist Cuba with a group seeking investment for the dictatorship.

Now I would ask Congressman RANGEL to ask Congresswoman MEEK or to ask Congresswoman CORRINE BROWN of Florida or ask Congressman ALCEE HASTINGS if the Cuban-American community, when we as their legislators sued in Federal court to obtain new districts for black and Hispanic Members, if we are racist.

I think it is a profound insult to say that when we oppose someone who has gone to Cuba to seek investment for a Communist dictatorship, that we do so with the motivation of race. That is an intolerable manner of impugning the integrity and the motives of an entire community.

Instead of, instead of calling for this body to ask our President and to ask the world community to denounce the systematic violations of human rights by that dictatorship, and instead of asking the new nominee whether he supports democracy in Cuba and whether he will support the Cuban Democracy Act that was passed on a bipartisan basis by this Congress some months ago, to be fully complied with, instead of fully asking those questions, Congressman RANGEL's article is impugning the integrity of the Cuban-American community. I will not stand for it, and I wish the gentleman from New York were here.

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. DIAZ-BALART. I yield to the gentlewoman.

Ms. WATERS. I thank the gentleman.

Mr. Speaker, did the gentleman inform the Congressman that he would be taking up this matter on the floor so that he could be available for a response, prior to his attack?

Mr. DIAZ-BALART. I have not informed him. I was just told here—I did not know I was going to be the first one called. Please excuse the fact that I am new here. But I will tell you, being new and everything I will not take insult and I will not accept my community being insulted.

Now I wish Congressman RANGEL were here. The fact that I was called first to speak, I do not know why that happened, I am grateful that I was given the opportunity to speak. I wish he were here. But he did not ask me before he published his article in the Miami Herald if I was—if people that were opposing the nomination of this gentleman are doing so for racist motives. He did not ask me. I wish he were here. I wish he were here to debate this.

□ 1540

RULES OF PROCEDURE FOR COMMITTEE ON VETERANS' AFFAIRS FOR THE 103D CONGRESS

(Mr. MONTGOMERY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I hereby submit the rules of the Committee on Veterans' Affairs for the 103d Congress and ask that they be printed in the RECORD at this point. The rules were adopted by the committee in open session on January 7, 1993:

COMMITTEE RULES OF PROCEDURE OF THE 103D CONGRESS

ADOPTED JANUARY 7, 1993

Rule I—General Provisions

The Rules of the House are the rules of the committee and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

Rule II—Meetings

(a) The regular meeting day for the full committee shall be at 10 a.m. on the second Tuesday of each month, and at such other times and in such places as the chairman may designate; however, a regular Tuesday meeting of the committee may be dispensed with by the chairman.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to the call of the chairman.

(c)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereto shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however*, That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however*, That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

Rule III—Records and Rollcalls

(a) There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. With respect to each record vote by the committee to report any bill or resolution, the total number of votes cast for and the total number of votes cast against the reporting of such bill or such resolution shall be included in the committee report.

(b) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

Rule IV—Quorums

A majority of the members of the committee shall constitute a quorum of the committee for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business: *Provided*, That any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

Rule V—Hearing Procedures

(a) The chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the chairman or the subcommittee chairman, whichever the case may be, shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of the statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman of a majority of those minority members before the completion of such hearing, to call such witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(e) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

Rule VI—Oversight

(a) In order to assist the House in:

(1) Its analysis, appraisal, evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) Its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the various subcommittees, consistent with their jurisdiction as set forth in Rule VIII, shall have oversight responsibilities as provided in paragraph (b).

(b) Each subcommittee shall review and study, on a continuing basis, the applications, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

In addition, each such subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that subcommittee.

(c) Each subcommittee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdictions.

Rule VII—Broadcasting of Committee Hearings

Broadcasting, either by radio or TV of all open committee hearings and meetings shall be permitted when, in the judgment of the chairman, in consultation with the ranking minority member, such action is warranted. Photographs shall be permitted during hearings of the full committee and subcommittees as the chairman decides.

All coverage shall be subject to the following provisions:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not place themselves in positions which obstruct the view between members of the committee and the witness table.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Rule VIII—Number and Jurisdiction of Subcommittees

(a) There shall be five standing subcommittees as follows: Hospitals and Health Care; Compensation, Pension and Insurance; Oversight and Investigations; Education, Training and Employment; and Housing and Memorial Affairs. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees, respectively.

Hospitals and Health Care: Veterans' hospitals, medical care, and treatment of veterans.

Compensation, Pension and Insurance: Compensation, pensions of all the wars of the United States, general and special, and life insurance issued by the Government on account of service in the Armed Forces.

Oversight and Investigations: Investigative authority over matters that are referred to the subcommittee by the chairman of the full committee for investigation and appropriate recommendations.

Education, Training and Employment: Education of veterans, vocational rehabilitation, and readjustment of servicemen to civilian life.

Housing and Memorial Affairs: Veterans' housing programs, and cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secterary of the Interior, and burial benefits.

(b) The chairman shall serve as ex-officio member of all subcommittees and shall have the right to vote on all matters before the subcommittee.

Rule IX—Powers and Duties of Subcommittees

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings wherever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

RULES OF PROCEDURE FOR THE COMMITTEE ON WAYS AND MEANS FOR THE 103D CONGRESS

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Ways and Means for the 103d Congress and ask that they be printed in the RECORD at this point. These rules were adopted by the committee in open session on January 6, 1993.

RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 103D CONGRESS

Rule XI of the Rules of the House of Representatives, provides in part:

"* * * The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

"* * * Each subcommittee of a committee is a part of that committee, and is subject to the authority and direction of that committee and to its rules as far as applicable.

"* * * Each standing committee of the House shall adopt written rules governing its procedure. Such rules * * *

"(1) shall be adopted in a meeting which is open to the public * * *

"(2) shall be not inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House * * *."

In accordance with the foregoing, the Committee on Ways and Means, on January 6, 1993, adopted the following as the Rules of the Committee for the 103d Congress.

A. GENERAL

Rule 1. Application of Rules

Except where the terms "full Committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Ways and Means and its subcommittees as well as to the respective chairmen.

Rule 2. Meeting Date and Quorums

The regular meeting day of the Committee on Ways and Means shall be on the second Wednesday of each month while the House is in session. A majority of the committee constitutes a quorum for business; provided however, that two members shall constitute a quorum at any regularly scheduled hearing called for the purpose of taking testimony and receiving evidence. In establishing a quorum for purposes of public hearing, every effort shall be made to secure the presence of at least one member each from the majority and the minority.

The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The Committee shall meet pursuant to the call of the Chair.

Rule 3. Proxy Voting

Voting by proxy shall be permitted in accordance with the manner prescribed in clause 2(f) of Rule XI of the Rules of the House of Representatives.

Rule 4. Committee Budget

For each session of the Congress, the Chairman, in consultation with the majority members of the Committee, shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee. After consultation with the minority members, the Chairman shall include an amount budgeted by minority members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall present the same to the Committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. After said budget shall have been adopted, no substantial change shall be made in such budget unless approved by the Committee.

Rule 5. Publication of Committee Documents

Any Committee or subcommittee print, document, or similar material prepared for public distribution shall either be approved by the Committee or subcommittee prior to distribution and opportunity afforded for the inclusion of supplemental, minority or additional views, or such document shall contain on its cover the following disclaimer:

"Prepared for the use of Members of the Committee on Ways and Means by members of its staff. This document has not been officially approved by the Committee and may not reflect the views of its Members."

Any such print, document, or other material not officially approved by the Committee or subcommittee shall not include the names of its members, other than the name of the full Committee Chairman or subcommittee chairman under whose authority the document is released. Any such document shall be made available to the full Committee Chairman and Ranking Minority Member not less than three calendar days (excluding Saturdays, Sundays and legal holidays) prior to its public release.

The requirements of this rule shall apply only to the publication of policy-oriented, analytical documents, and not to the publication of public hearings, legislative documents, documents which are administrative in nature or reports which are required to be submitted to the Committee under public law. The appropriate characterization of a document subject to this rule shall be determined after consultation with the Minority.

Rule 6. Official Travel

Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee members and Committee staff. Official travel to be reimbursed from funds set aside for the full Committee for any Member or any Committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Member and any Committee staff member in connection with the attendance of formal or informal hearings conducted by the Committee, its subcommittees, or any other committee or subcommittee of the Congress on matters relevant to the general jurisdiction of the Committee, and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) The purpose of the official travel;

(2) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(3) The location of the event for which the official travel is to be made; and

(4) The names of Members and Committee staff seeking authorization.

Where official travel is in connection with the conduct by Members of the Committee of an informal hearing, the prior approval not only of the Chairman but also of the appropriate subcommittee chairman shall be required where the hearing involves any matter within the jurisdiction of one or more of the subcommittees of the Committee.

In the case of official travel of Members and staff of a subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable subcommittee chairman in writing setting forth those items enumerated above.

Within 60 days of conclusion of any official travel authorized under this rule, there shall be submitted to the full Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

Rule 7. Availability of Committee Records

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

B. SUBCOMMITTEES

Rule 8. Subcommittee Ratios and Jurisdiction

All matters referred to the Committee on Ways and Means involving revenue measures, except those revenue measures referred to subcommittees under paragraphs 2, 3, 4, 5, or 6, shall be considered by the full Committee and not in subcommittee.

There shall be six standing subcommittees as follows: a Subcommittee on Trade; a Subcommittee on Oversight; a Subcommittee on Select Revenue Measures; a Subcommittee on Health; a Subcommittee on Social Security; and a Subcommittee on Human Resources. The ratio of Democrats to Republicans on any subcommittee of the Committee shall be consistent with the ratio of Democrats to Republicans on the full Committee.

The jurisdiction of each subcommittee shall be:

1. The Subcommittee on Trade shall consist of 14 Members, 9 of whom shall be Democrats and 5 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Trade shall include bills and matters referred to the Committee on Ways and Means which relate to customs and customs administration including tariff and import fee structure, classification, valuation of and special rules applying to imports, and special tariff provisions and procedures which relate to customs operation affecting exports and imports; import trade matters, including import impact, industry relief from injurious imports, adjustment assistance and programs to encourage competitive responses to imports, unfair import practices including antidumping and countervailing duty provisions, and import policy which relates to dependence on foreign sources of supply; commodity agreements and reciprocal trade agreements including multilateral and bilateral trade negotiations and implementation of agreements involving tariff and nontariff trade barriers to and distortions of international trade; international rules, organizations and institutional aspects of international trade agreements; budget authorizations for the U.S. Customs Service, the U.S. International Trade Commission, and U.S. Trade Representative; and special trade-related problems involving market access, competitive conditions of specific industries, export policy and promotion, access to materials in short supply, bilateral trade relations including trade with developing countries, operations of multinational corporations, and trade with non-market economies.

2. The Subcommittee on Oversight shall consist of 11 Members, 7 of whom shall be Democrats and 4 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Oversight shall include all matters within the scope of the full Committee's jurisdiction but shall be limited to existing law. Said oversight jurisdiction shall not be exclusive but shall be concurrent with that of the other subcommittees. With respect to matters involving the Internal Revenue Code and other revenue issues, said concurrent jurisdiction shall be shared with the full Committee. Before undertaking any investigation or hearing, the chairman of the Subcommittee on Oversight shall confer with the Chairman of the full Committee and the chairman of any other subcommittee having jurisdiction.

3. The Subcommittee on Select Revenue Measures shall consist of 11 Members, 7 of whom shall be Democrats and 4 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Select Revenue Measures shall consist of those revenue measures which, from time to time, shall be referred to it specifically by the Chairman of the full Committee.

4. The Subcommittee on Health shall consist of 11 Members, 7 of whom shall be Democrats and 4 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Health shall include bills and matters referred to the Committee on Ways and Means which relate to programs providing payments (from any source) for health care, health delivery systems, or health research. More specifically, the jurisdiction of the Subcommittee on Health shall include bills and matters which relate to the health care programs of the Social Security Act (Including titles V, XI (Part B), XVIII, and XIX thereof) and, concurrent with the full Committee, tax credit and deduction provisions of the internal Revenue Code dealing with health insurance premiums and health care costs.

5. The Subcommittee on Social Security shall consist of 8 Members, 5 of whom shall be Democrats and 3 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Social Security shall include bills and matters referred to the Committee on Ways and Means which relate to the Federal Old-Age, Survivors' and Disability Insurance System, the Railroad Retirement System, and employment taxes and trust fund operations relating to those systems. More specifically, the jurisdiction of the Subcommittee on Social Security shall include bills and matters involving title II of the Social Security Act and Chapter 22 of the Internal Revenue Code (the Railroad Retirement Tax Act), as well as provisions in title VII and title XI of the Act relating to procedure and administration involving the Old-Age, Survivors' and Disability Insurance System.

6. The Subcommittee on Human Resources shall consist of 11 Members, 7 of whom shall be Democrats and 4 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Human Resources shall include bills and matters referred to the Committee on Ways and Means which relate to the public assistance provisions of the Social Security Act including welfare reform, supplemental security income, aid to families with dependent children, social services, child support, eligibility of welfare recipients for food stamps, and low-income energy assistance. More specifically, the jurisdiction of the Subcommittee on Human Resources shall include bills and matters relating to titles I, IV, VI, X, XIV, XVI, XVII, XX and related provisions of titles VII and XI of the Social Security Act.

The jurisdiction of the Subcommittee on Human Resources shall also include bills and matters referred to the Committee on Ways and Means which relate to the Federal-State system of unemployment compensation, and the financing thereof, including the programs for extended and emergency benefits. More specifically, the jurisdiction of the Subcommittee on Human Resources shall also include all bills and matters pertaining to the programs of unemployment compensation under titles III, IX and XII of the Social Security Act, Chapters 23 and 23A of the Internal Revenue Code, the Federal-State Extended Unemployment Compensation Act of 1970, the Emergency Unemployment Compensation Act of 1974, and provisions relating thereto.

Rule 9. Subcommittee Chairmen

For each subcommittee of the Committee, the Democratic Caucus of the Committee shall nominate to the Democratic Caucus of the House one candidate for the position of subcommittee chairman. The nominations shall be determined in the manner specified in this rule. Democratic members of the Committee shall have the right in order of full Committee seniority to bid for vacant subcommittee chairmanships. Such bids shall be subject to approval by a majority of those present and voting in the Democratic Caucus of the Committee. If the caucus rejects a subcommittee chairmanship bid, the next senior Democratic member may bid for the position as in the first instance. No member of the Committee who serves on the Budget Committee shall serve as a chairman of a subcommittee. A subcommittee chairmanship shall not be considered vacant while the subcommittee chairman has taken a leave of absence to serve on the Budget Committee.

Rule 10. Ex-Officio Members of Subcommittees

The Chairman of the full Committee and the Ranking Minority Member may sit as ex-officio members of all subcommittees. They may be counted for purposes of assisting in the establishment of a quorum for a subcommittee. However, their absence shall not count against the establishment of a quorum by the regular members of the subcommittee. Ex-officio members shall neither vote in the subcommittee nor be taken into consideration for purposes of determining the ratio of the subcommittee.

Rule 11. Subcommittee Meetings

Insofar as practicable, meetings of the full Committee and its subcommittees shall not conflict. Subcommittee chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other subcommittee chairmen with a view toward avoiding, wherever possible, simultaneous scheduling of full Committee and subcommittee meetings or hearings.

Rule 12. Reference of Legislation and Subcommittee Reports

Every bill or other measure (except revenue measures) referred to the Committee or initiated by the Committee shall be referred by the Chairman of the full Committee to the appropriate subcommittee within 2 weeks from the date of its receipt by the full Committee; unless by a majority vote of the full Committee, consideration is to be by the full Committee. A subcommittee shall, within 3 legislative days of the referral, acknowledge same to the full Committee.

After a measure has been pending in a subcommittee for a reasonable period of time, the Chairman of the full Committee may make a request in writing to the subcommittee that the subcommittee forthwith report the measure to the full Committee with its recommendations. If within 7 legislative days after the Chairman's written request, the subcommittee has not so reported the measure, then there shall be in order in the full Committee a motion to discharge the subcommittee from further consideration of the measure. If such motion is approved by a majority vote of the full Committee, the measure may thereafter be considered only by the full Committee.

No measure reported by a subcommittee shall be considered by the full Committee unless it has been presented to all Members of the full Committee at least 2 legislative days prior to the full Committee's meeting, together with a comparison with present law, a section-by-section analysis of the proposed change, a section-by-section justification, and a draft statement of the budget effects of the measure that is consistent with the requirements for reported measures under clause 7 of Rule XIII of the Rules of the House of Representatives.

Rule 13. Recommendations for Appointment of Conferees

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman of the full Committee shall recommend to the Speaker as conferees the names of those members of the subcommittee (or subcommittees) which handled the substantive legislation, and such other Committee members as the Chairman may designate. Such recommendation shall be in the order of their subcommittee seniority. In making recommendations of minority members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

C. HEARINGS

Rule 14. Witnesses

In order to assure the most productive use of the limited time available to question hearing witnesses, a witness who is scheduled to appear before the full Committee or a subcommittee shall file with the clerk of the Committee at least 24 hours in advance of his appearance a written statement of his proposed testimony. In addition, all witnesses shall comply with the formatting requirements of the Joint Committee on Printing. Failure to comply with the 24-hour rule may result in a witness being denied the opportunity to testify in person. Failure to comply with the formatting requirements may result in a witness' statement being rejected for inclusion in the published hearing record. A witness shall limit his oral presentation to a summary of his position and shall provide sufficient copies of his written statement to the clerk for distribution to members, staff and news media.

A witness appearing at a public hearing, or submitting a statement for the record of a public hearing, or submitting written comments in response to a published request for comments by the Committee must provide the Committee with a list of any clients or persons, or any organization for whom the witness appears. Such list shall be made available for public inspection unless otherwise directed by the Committee. Oral testimony and statements for the record, or written comments in response to a request for comments by the Committee, will be accepted only from citizens of the United States or corporations or associations organized under the laws of one of the 50 States of the United States or the District of Columbia, unless otherwise directed by the Chairman of the full Committee or subcommittee involved. Written statements from noncitizens may be considered for acceptance in the record if transmitted to the Committee in writing by Members of Congress.

Rule 15. Questioning of Witnesses

Committee members may question witnesses only when recognized by the Chairman for that purpose. All members shall be limited to five minutes on the initial round of questioning. In questioning witnesses under the five-minute rule, the Chairman and the Ranking Minority Member shall be recognized first after which members who are in attendance at the beginning of a hearing will be recognized in the order of their seniority on the Committee. Other members shall be recognized in the order of their appearance at the hearing. In recognizing members to question witnesses, the Chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage members of the majority.

Rule 16. Records of Hearings

An accurate stenographic record shall be kept of all testimony taken at a public hearing. The staff shall transmit to a witness the transcript of his testimony for correction and immediate return to the Committee offices. Only changes in the interest of clarity, accuracy and corrections in transcribing errors will be permitted. Changes which substantially alter the actual testimony will not be permitted. Members shall correct their own testimony and return transcripts as soon as possible after receipt thereof. The Chairman of the full Committee may order the printing of a hearing without the corrections of a witness or Member if he determines that a reasonable time has been afforded to make corrections and that further delay would impede the consideration of the legislation or other measure which is the subject of the hearing.

Rule 17. Broadcasting of Hearings

The provisions of clause 3(f) of Rule XI of the Rules of the House of Representatives are specifically made a part of these rules by reference. In addition, the following policy shall apply to media coverage of any meeting of the full Committee or a subcommittee:

1. An appropriate area of the Committee's hearing room will be designated for members of the media and their equipment.
2. No interviews will be allowed in the Committee room while the Committee is in session. Individual interviews must take place before the gavel falls for the convening of a meeting or after the gavel falls for adjournment.
3. Day-to-day notification of the next day's electronic coverage shall be provided by the media to the Chairman of the full Committee through the chief counsel or some other appropriate designee.
4. Still photography will be permitted during a Committee meeting as long as it does not disrupt the proceedings or block the vision of Committee members or witnesses.
5. Klieg lights will be permitted to illuminate the hearing room only during the first fifteen minutes following the Chairman's initial calling of the Committee to order.
6. Further conditions may be specified by the Chairman.

D. MARKUPS

Rule 18. Record Votes

A record vote on an issue shall be required on the request of a member which is supported by at least one-fifth of a quorum (i.e., four members during the 103d Congress).

Rule 19. Reconsideration of Previous Vote

When an amendment or other matter has been disposed of, it shall be in order for any member of the prevailing side, on the same or next day on which a quorum of the Committee is present, to move the reconsideration thereof, and such motion shall take precedence over all other questions except the consideration of a motion to adjourn.

When a paragraph or section of a bill being considered for purpose of amendment has been adopted, it shall not be in order to return thereto except by majority vote of the Committee.

Rule 20. Previous Question

The Chairman shall not recognize a member for the purpose of moving the previous question unless the member has first advised the Chair and the Committee that this is the purpose for which recognition is being sought.

Rule 21. Official Transcripts of Markups and Other Committee Meetings

An official stenographic transcript shall be kept accurately reflecting all markups and other meetings of the full Committee and the subcommittees, whether they be open or closed to the public. This official transcript, marked as "uncorrected," shall be available for inspection by Members of the House, or Members of the Committee together with their staffs, in the full Committee or subcommittee office. Official transcripts shall not be removed from the Committee or subcommittee office. If, however, (1) in the drafting of a Committee or subcommittee decision, the Office of the House Legislative Counsel or (2) in the preparation of a Committee report, the Chief of Staff of the Joint Committee on Taxation determines (in consultation with appropriate majority and minority Committee staff) that it is necessary to review the official transcript of a markup, such transcript may be released upon the signature and to the custody of an appropriate Committee staff person. Such transcript shall be returned immediately after its review in the drafting session.

The official transcript of a markup or Committee meeting other than a public hearing shall not be published or made public in any way except by a majority vote of the Committee. Before any public release of the uncorrected transcript, members must be given a reasonable opportunity to correct their remarks. In instances in which a stenographic transcript is kept of a conference committee proceeding, all of the requirements of this rule will likewise be observed.

Rule 22. Publication of Decisions and Legislative Language

A press release describing any tentative or final decision made by the full Committee or a subcommittee on legislation under consideration shall be made available to each member of the Committee as soon as possible, but not later than the next day. However, the legislative draft of any tentative or final decision of the full Committee or a subcommittee shall not be publicly released until such draft is made available to each member of the Committee.

E. STAFF

Rule 23. Supervision of Committee Staff

The staff of the Committee, both professional and clerical, shall be under the general supervision and direction of the Chairman of the full Committee except as provided in clause 5(d) and clause 6 of Rule XI of the Rules of the House of Representatives concerning committee expenses and staff; provided, however, that the chairman of each subcommittee shall have the right to select and designate at least one professional and one clerical staff member for the subcommittee subject to the approval of a majority of the Democratic Caucus of the full Committee. The Ranking Minority Member shall have the right to designate one staff member. Said staff members shall be compensated at a salary commensurate with the responsibilities prescribed by the subcommittee chairman. Compensation shall be provided out of appropriated amounts rather than statutory amounts allowed the full Committee.

Rule 24. Staff Honoraria, Speaking Engagements, and Unofficial Travel

This rule shall apply to all majority and minority staff of the Committee and its subcommittees.

a. Honoraria.—Under no circumstances shall a staff person accept the offer of an honorarium. This prohibition includes the direction of an honorarium to a charity.

b. Speaking engagements and unofficial travel.—

(1) Advance approval required.—In the case of all speaking engagements, fact-finding trips, and other unofficial travel, a staff person must receive approval by the full Committee Chairman (or, in the case of the minority staff, from the Ranking Minority Member) at least seven calendar days prior to the event.

(2) Request for approval.—A request for approval must be submitted in writting to the full Committee Chairman (or, where appropriate, the Ranking Minority Member) in connection with each speaking engagement, fact-finding trip, or other unofficial travel. Such request must contain the following information:

(a) the name of the sponsoring organization and a general description of such organization (nonprofit organization, trade association, etc.);

(b) the nature of the event, including any relevant information regarding attendees at such event;

(c) in the case of a speaking engagement, the subject of the speech and duration of staff travel, if any; and

(d) in the case of a fact-finding trip or international travel, a description of the proposed itinerary and proposed agenda of substantive issues to be discussed, as well as a justification of the relevance and importance of the fact-finding trip or international travel to the staff member's official duties.

(3) Reasonable travel and lodging expenses.—After receipt of the advance approval described in (1) above, a staff person may accept reimbursement by an appropriate sponsoring organization of reasonable travel and lodging expenses associated with a speaking engagement, fact-finding trip, or international travel related to official duties, provided such reimbursement is consistent with the Rules of the House of Representatives. (In lieu of reimbursement after the event, expenses may be paid directly by an appropriate sponsoring organization.) The reasonable travel and lodging expenses of a spouse (but not children) may be reimbursed (or directly paid) by an appropriate sponsoring organization consistent with the Rules of the House of Representatives.

(4) Trip summary and report.—In the case of any reimbursement of direct payment associated with a fact-finding trip or international travel, a staff person must submit, within 60 days after such trip, a report summarizing the trip and listing all expenses reimbursed or directly paid by the sponsoring organization. This information shall be submitted to the Chairman (or, in the case of the minority staff, to the Ranking Minority Member).

c. Waiver.—The Chairman (or, where appropriate, the Ranking Minority Member) may waive the application of section (b) of this rule upon a showing of good cause.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. MCDADE (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KIM) to revise and extend their remarks and include extraneous material:)

Mr. LIVINGSTON, for 60 minutes, on January 27.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. BILIRAKIS, for 60 minutes, on March 24.

Mr. KIM, for 5 minutes, on January 27.

Mr. DIAZ-BALART, for 5 minutes, today.

(The following Members (at the request of Ms. CANTWELL) to revise and extend their remarks and include extraneous material:)

Mr. WYNN, for 5 minutes, on January 27 and 28.

Mrs. LOWEY for 10 minutes, today.

(The following Member (at the request of Mr. ZIMMER) to revise and extend his remarks and include extraneous material:)

Mr. CRAPO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KIM) and to include extraneous matter:)

Mr. GRADISON.
Mr. MICHEL.
Mr. GILMAN in three instances.
Mr. HANSEN.
Mr. COBLE.
Mr. KYL.
Mr. MOORHEAD.
Ms. MOLINARI.
Ms. SNOWE in three instances.
Mr. BUNNING.
Mr. BURTON of Indiana.
Mr. SUNDQUIST in three instances.

(The following Members (at the request of Ms. CANTWELL) and to include extraneous matter:)

Mr. SAWYER.
Mr. ACKERMAN.
Mr. TRAFICANT in two instances.
Mr. JACOBS.
Mr. TORRES.
Mr. BOUCHER.
Mr. HAMILTON.
Mr. SISISKY.
Mr. DINGELL.
Mr. SYNAR.

SENATE CONCURRENT RESOLUTIONS

Concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 4. Concurrent resolution to authorize printing of "Senators of the United States: A Historical Bibliography", as prepared by the Office of the Secretary of the Senate; to the Committee on House Administration.

S. Con. Res. 5. Concurrent resolution to authorize printing of "Guide to Research Collections of Former United States Senators", as prepared by the Office of the Secretary of the Senate; to the Committee on House Administration.

S. Con. Res. 6. Concurrent resolution to authorize printing of "Senate Election, Expulsion, and Censure Cases", as prepared by the Office of the Secretary of the Senate; to the Committee on House Administration.

ADJOURNMENT

Mr. WYDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, January 27, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

465. A communication from the President of the United States, transmitting the report of the Commodity Credit Corporation for fiscal year 1989, pursuant to 15 U.S.C. 714k; to the Committee on Agriculture.

466. A communication from the President of the United States, transmitting the 10-Year Comprehensive Plan for the National Nutrition Monitoring and Related Research Program, pursuant to 7 U.S.C. 5313(d)(a); to the Committee on Agriculture.

467. A communication from the President of the United States, transmitting the National Security Strategy of the United States, 1993, pursuant to Public Law 99-433, section 603(a) (100 Stat. 1075); to the Committee on Armed Services.

468. A letter from the Secretary of Housing and Urban Development, transmitting a report on the evaluation of resident management in public housing, pursuant to Public Law 100-242, section 122; to the Committee on Banking, Finance and Urban Affairs.

469. A letter from the Secretary of Housing and Urban Development, transmitting a report on emerging resident management corporations in public housing, pursuant to Public Law 100-242, section 122; to the Committee on Banking, Finance and Urban Affairs.

470. A letter from the Secretary of Health and Human Services, transmitting the report on the adoption of foster children legally free for adoption, pursuant to 42 U.S.C. 5113; to the Committee on Education and Labor.

471. A communication from the President of the United States, transmitting the 1990 annual reports on activities of the Department of Labor, Department of Health and Human Services, and of the Occupational Safety and Health Review Commission on occupational safety and health, pursuant to 29 U.S.C. 675; to the Committee on Education and Labor.

472. A communication from the President of the United States, transmitting the 12th annual report of the Department of Energy,

pursuant to 42 U.S.C. 7267; to the Committee on Energy and Commerce.

473. A communication from the President of the United States, transmitting the annual report of the Tourism Policy Council for fiscal year 1991 and 1992, pursuant to 22 U.S.C. 2124a; to the Committee on Energy and Commerce.

474. A letter from the Secretary of Health and Human Services, transmitting a report assessing the impact of Medicaid-covered services provided to HIV-positive individuals, pursuant to Public Law 101-508, section 4747; to the Committee on Energy and Commerce.

475. A communication from the President of the United States, transmitting the September, October, and partial November 1992 report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

476. A communication from the President of the United States, transmitting his annual report reviewing all activities of U.S. Government departments and agencies during calendar 1992 relating to the prevention of nuclear proliferation, pursuant to 22 U.S.C. 3281; to the Committee on Foreign Affairs.

477. A communication from the President of the United States, transmitting the annual report on activities in science and technology and American diplomacy for fiscal year 1992, pursuant to 22 U.S.C. 2656c; to the Committee on Foreign Affairs.

478. A letter from the Acting Director, Office of Personnel Management, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

479. A letter from the Administrator, Panama Canal Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

480. A letter from the Acting Director, Peace Corps, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

481. A communication from the President of the United States, transmitting a report on his administration's regulatory programs, goals, and objectives for the year 1992–93; to the Committee on Government Operations.

482. A communication from the President of the United States, transmitting the 21st annual report on Federal Advisory Committees for fiscal year 1992, pursuant to 5 U.S.C. app. 2, section 6(c); to the Committee on Government Operations.

483. A letter from the Secretary of Commerce, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

484. A letter from the Secretary of Education, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

485. A letter from the Administrator, Small Business Administration, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

486. A letter from the Chairman, U.S. Equal Employment Opportunity Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

487. A letter from the Chief of Staff, U.S. Nuclear Waste Negotiator, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

488. A communication from the President of the United States, transmitting the 1992 annual report on Alaska's Mineral Resources, pursuant to 16 U.S.C. 3151; to the Committee on Natural Resources.

489. A communication from the President of the United States, transmitting three study reports prepared by the Department of Agriculture's Forest Service: Wild and Scenic River studies of the Red River in Kentucky; of the Greenbrier River in West Virginia; and the Pyramid Peak Wilderness in California; to the Committee on Natural Resources.

490. A letter from the Secretary of the Interior, transmitting the report on the presence or absence of significant thermal features within Crater Lake National Park, pursuant to Public Law 100–443, section 7; to the Committee on Natural Resources.

491. A letter from the Secretary of Transportation, transmitting a report on alternatives to double hulls in tank vessel design, pursuant to 46 U.S.C. 3703a note; to the Committee on Merchant Marine and Fisheries.

492. A communication from the President of the United States, transmitting the 23d annual report of the Council on Environmental Quality together with his message to Congress, pursuant to 42 U.S.C. 4341, 4344; to the Committee on Merchant Marine and Fisheries.

493. A letter from the Director, National Institute of Standards and Technology, transmitting a report on the results of the merger of the Center for Building Technology and the Center for Fire Research, pursuant to Public Law 102–245, section 104(g) (106 Stat. 11); to the Committee on Science, Space, and Technology.

494. A communication from the President of the United States, transmitting the biennial report on his administration's support for science and technology; to the Committee on Science, Space, and Technology.

495. A letter from the American Legion, transmitting the proceedings of the 74th National Convention of the American Legion, held in Chicago, IL, August 25, 26 & 27, 1992, pursuant to 36 U.S.C. 49 (H. Doc. No. 103–43); to the Committee on Veterans' Affairs and ordered to be printed.

496. A letter from the Comptroller, Department of Defense, transmitting a report pursuant to section 108 of Public Law 102–229; jointly, to the Committees on Appropriations and Foreign Affairs.

497. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting two certifications for certain countries waiving the requirements of section 503 in whole or in part, along with an explanatory statement of justification, pursuant to Public Law 102–395, section 503; jointly, to the Committees on Appropriations and Foreign Affairs.

498. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination it is in the national interest to obligate funds appropriated for payment to the International Development Association during fiscal year 1992 but previously withheld from obligation, pursuant to Public Law 101–513 and Public Law 102–145; jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs.

499. A communication from the President of the United States, transmitting his report on the proposals of the Secretary General of the United Nations on his agenda for peace, pursuant to Public Law 102–484, section 1341; jointly, to the Committees on Armed Services and Foreign Affairs.

500. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's justification to exercise his authority under section 506(a)(2)(A)(i) of the FAA to draw down defense articles and services from DOD and military education and training for Colombia; jointly, to the Committees on Foreign Affairs and Appropriations.

501. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the allocation of funds the executive branch intends to make available from funding levels established in the fiscal year 1993 Foreign Operations appropriations, pursuant to Public Law 102–391; jointly, to the Committees on Foreign Affairs and Appropriations.

502. A letter from the Secretary of Transportation, transmitting the biannual report analyzing the injury-reducing effectiveness of air bags, automatic and manual safety belts, and safety belt use rates, pursuant to Public Law 102–240, section 2508(e); jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

503. A letter from the Secretary of Transportation, transmitting the annual report on pipeline safety activities for calendar year 1991; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN (for himself, Mr. MARKEY, and Mr. DINGELL):

H.R. 574. A bill to amend the Securities Exchange Act of 1934 to impose additional fraud detection and disclosure obligations on auditors of public companies; to the Committee on Energy and Commerce.

By Mr. GILMAN:

H.R. 575. A bill to establish the National Commission on the Environment and National Security; jointly, to the Committees on Foreign Affairs, Armed Services, and Merchant Marine and Fisheries.

By Mr. MCCLOSKEY (for himself and Mrs. COLLINS of Michigan):

H.R. 576. A bill to amend title 39, United States Code, to provide the authority to extend to essential civilian personnel serving in support of military operations abroad, the same mailing privileges as are available to members of the Armed Forces serving in the same area; to the Committee on Post Office and Civil Service.

By Mr. BEREUTER:

H.R. 577. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. BOUCHER (for himself, Mr. MARKEY, Mr. DINGELL, Mr. FIELDS of

TEXAS, Mr. COOPER, Mr. WYDEN, Mr. LEHMAN, and Mr. SYNAR):

H.R. 578. A bill to provide for recovery of costs of supervision and regulation of investment advisers and their activities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CARR:

H.R. 579. A bill to amend the Internal Revenue Code of 1986 to provide that the disallowance of deductions for personal interest shall not apply to interest on loans used to buy highway vehicles; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 580. A bill to amend the Internal Revenue Code of 1986 to provide that income of certain spouses will not be aggregated for purposes of the limitations of sections 401(a)(17) and 404(l) of such Code; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mrs. COLLINS of Illinois, Mr. WAXMAN, Mr. LANTOS, Mr. OWENS, Mr. TOWNS, Ms. THURMAN, Mr. RUSH, Ms. MALONEY, Mr. PAYNE of New Jersey, Mr. ABERCROMBIE, Mr. BLACKWELL, Mrs. COLLINS of Michigan, Mr. DELLUMS, Mr. DE LUGO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FRANK of Massachusetts, Mr. FORD of Tennessee, Mr. JEFFERSON, Mr. LIPINSKI, Mr. MARTINEZ, Mr. MAZZOLI, Mr. MFUME, Mr. THORNTON, Mr. TUCKER, Ms. WATERS, Mr. WHEAT, and Mr. SANDERS):

H.R. 581. A bill to authorize payments to units of general local government for fiscal years 1993 and 1994; to the Committee on Government Operations.

By Mr. FIELDS of Texas:

H.R. 582. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. GOSS (for himself, Ms. THURMAN, Mr. STEARNS, Mr. MCCOLLUM, Mr. BILIRAKIS, Mr. BACCHUS of Florida, Ms. MEEK, Ms. ROS-LEHTINEN, Mr. DEUTSCH, Ms. BROWN of Florida, Mr. SHAW, and Mr. JOHNSTON of Florida):

H.R. 583. A bill to prohibit activities other than certain required environmental or oceanographic studies under the Outer Continental Shelf Lands Act within the outer continental shelf off the State of Florida, and for other purposes; jointly, to the Committees on Natural Resources and Merchant Marine and Fisheries.

By Mr. GOSS (for himself, Ms. THURMAN, Mr. STEARNS, Mr. MCCOLLUM, Mr. BILIRAKIS, Mr. BACCHUS of Florida, Ms. MEEK, Ms. ROS-LEHTINEN, Mr. DEUTSCH, Ms. BROWN of Florida, Mr. YOUNG of Florida, and Mr. SHAW):

H.R. 584. A bill imposing certain restrictions and requirements on the leasing of lands offshore Florida under the Outer Continental Shelf Lands Act, and for other purposes; jointly, to the Committees on Natural Resources and Merchant Marine and Fisheries.

By Mr. GOSS (for himself, Mr. GILCHREST, Mr. SAXTON, and Mr. BILIRAKIS):

H.R. 585. A bill to amend the Marine Mammal Protection Act of 1972 to provide for State disapproval of issuance of permits for the taking of marine mammals in protected State waters; to the Committee on Merchant Marine and Fisheries.

By Mr. HAMILTON (for himself and Mr. OBEY):

H.R. 586. A bill to provide for a Federal Open Market Advisory Committee, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 587. A bill to modernize the Federal Reserve System and to provide for prompt disclosure of certain decisions of the Federal Open Market Committee; jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

By Mr. HANSEN:

H.R. 588. A bill to designate the facility of the U.S. Postal Service located at 20 South Main in Beaver, UT, as the "Abe Murdock United States Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. HYDE:

H.R. 589. A bill to provide for the liquidation or reliquidation of certain entries of dog and cat treats as free of certain duties; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 590. A bill to require that any request by the President for a declaration of war include a cost/benefit statement, and to require that any declaration of war by the Congress include such a statement; to the Committee on Foreign Affairs.

H.R. 591. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from income tax for certain common investment funds; to the Committee on Ways and Means.

H.R. 592. A bill to amend the Internal Revenue Code of 1986 to increase to 32 cents per pack the Federal excise tax on cigarettes and to provide that the revenues from the additional tax shall be deposited in the Federal Hospital Insurance Trust Fund under the Social Security Act; to the Committee on Ways and Means.

H.R. 593. A bill to amend the Internal Revenue Code of 1986 to deny the business deduction for any amount paid or incurred for regularly scheduled air transportation to the extent such amount exceeds the normal tourist class fare for such transportation; to the Committee on Ways and Means.

H.R. 594. A bill to amend title 37, United States Code, to provide for the payment of temporary lodging expenses incurred by family members who receive transportation incident to the hospitalization of a member of the Armed Forces for a serious illness or serious injury sustained by the member in the line of duty; to the Committee on Armed Services.

By Mr. KANJORSKI:

H.R. 595. A bill to amend title 32, United States Code, to provide that performance of honor guard functions at funerals for veterans by members of the National Guard may be recognized as a Federal function for National Guard purposes; to the Committee on Armed Services.

H.R. 596. A bill to authorize civil actions for certain violations involving depository institutions; to the Committee on Banking, Finance and Urban Affairs.

H.R. 597. A bill to institute management reforms and eliminate conflicts-of-interest on boards of directors of depository institutions and depository holding companies, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 598. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to establish a presumption of eligibility for disability benefits in the case of certain coal miners who filed claims under part C of such act between July 1, 1973, and April 1, 1980; to the Committee on Education and Labor.

H.R. 599. A bill to amend the Resource Conservation and Recovery Act to improve procedures for the implementation of State compacts providing for the establishment and operation of regional disposal facilities for municipal and industrial solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGLISH of Oklahoma:

H.R. 600. A bill to amend the Internal Revenue Code of 1986 to impose a tax on the importation of crude oil and refined petroleum products; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 601. A bill to improve the collection and dissemination of information relating to the price and supply of home heating fuel, natural gas, and automotive fuel, and for other purposes; to the Committee on Energy and Commerce.

H.R. 602. A bill to terminate all U.S. assistance to the National Endowment for Democracy, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KANJORSKI (for himself, Mr. DEFAZIO, and Mr. SHAYS):

H.R. 603. A bill to amend section 3056 of title 18, United States Code, to limit secret service protection of former Presidents when they are traveling to engage in income-producing activities; to the Committee on the Judiciary.

By Mr. KANJORSKI:

H.R. 604. A bill to extend the authority of the Secretary of the Treasury to enter into agreements with certain cities and counties for the withholding of city and county income and employment taxes from the pay of Federal employees who are residents of, or regularly employed in, such cities and countries; to the Committee on Post Office and Civil Service.

H.R. 605. A bill to amend chapter 2 of title 3, United States Code, relating to the office and compensation of the President and related matters; to the Committee on Post Office and Civil Service.

H.R. 606. A bill to amend title 5, United States Code, to provide that an individual serving in a position in the competitive or excepted service, under an indefinite or temporary appointment, who performs at least 2 years of service in such a position within a 5-year period, and who passes a suitable noncompetitive examination, shall be granted competitive status for purposes of transfer or reassignment; to the Committee on Post Office and Civil Service.

H.R. 607. A bill to change the date of the beginning of the Vietnam era to provide certain benefits available to veterans of a period of war to veterans who served in Southeast Asia during the period beginning on March 1, 1961, and ending on August 4, 1964; to the Committee on Veterans' Affairs.

H.R. 608. A bill to restore the grave marker allowance for veterans; to the Committee on Veterans' Affairs.

H.R. 609. A bill relating to the period during which certain retail dealer occupational taxes may be assessed; to the Committee on Ways and Means.

H.R. 610. A bill to amend the Internal Revenue Code of 1986 to reinstate the windfall profit tax on domestic crude oil and to appropriate the proceeds of the tax to the Resolution Trust Corporation; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself and Mr. SHAYS):

H.R. 611. A bill to provide for greater disclosure of and accountability for Federal Government travel; jointly, to the Committees on Government Operations, House Administration, and the Judiciary.

By Mr. KANJORSKI:

H.R. 612. A bill to reform campaign practices for elections to the House of Representatives by limiting contributions from political action committees, establishing tax credits for individual campaign contributions, providing matching funds for individual small contributions, limiting the use of personal funds in a campaign, offsetting independent expenditures, encouraging the use of longer campaign commercials, and for other purposes; jointly, to the Committees on House Administration, Ways and Means, and Energy and Commerce.

H.R. 613. A bill to amend the Social Security Act to provide, in the case of any person who is a party in interest with respect to an employee benefit plan, that information requested from the Secretary of Health and Human Services to assist such person with respect to the administration of such plan shall be provided at least once without charge; to the Committee on Ways and Means.

By Mr. KOPETSKI (for himself, Mr. GRANDY, Mr. RICHARDSON, Ms. LONG, and Mr. SLATTERY):

H.R. 614. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain amounts received by a cooperative telephone company indirectly from its members; to the Committee on Ways and Means.

By Mrs. LLOYD (for herself, Ms. PELOSI, Mrs. ROUKEMA, Mrs. SCHROEDER, Ms. WATERS, Ms. KAPTUR, Mrs. MINK, Mr. DIXON, Mr. EVANS, Mr. HOCHBRUECKNER, Mr. BEILENSON, Mr. HUGHES, Mr. MURTHA, Mr. LAFALCE, Mr. LAUGHLIN, Mr. KILDEE, Mr. OWENS, Mr. FOGLIETTA, Mr. WILLIAMS, Mrs. COLLINS of Illinois, Mrs. UNSOELD, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. PETERSON of Minnesota, and Mrs. JOHNSON of Connecticut):

H.R. 615. A bill to amend the Public Health Service Act with respect to research on breast cancer; to the Committee on Energy and Commerce.

By Mr. MARKEY (for himself and Mr. FIELDS of Texas):

H.R. 616. A bill to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion; to the Committee on Energy and Commerce.

By Mr. MARKEY (for himself, Mr. FIELDS of Texas, Mr. DINGELL, Mr. SYNAR, Mr. WYDEN, Mr. SLATTERY, Mr. COOPER, Mr. MORAN and Mr. NEAL of Massachusetts):

H.R. 617. A bill to amend the Securities Exchange Act of 1934 to protect investors in limited partnerships in rollup transactions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARKEY (for himself, Mr. FIELDS of Texas, Mr. DINGELL, Mr. WYDEN, Mr. SYNAR, and Mr. COOPER):

H.R. 618. A bill to extend and revise rulemaking authority with respect to Government securities under the Federal securities laws, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCCANDLESS:

H.R. 619. A bill to amend the Fair Credit Reporting Act to assure the completeness and accuracy of consumer information maintained by credit reporting agencies, to better inform consumers of their rights under the act, and to improve enforcement, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 620. A bill to amend the Immigration and Nationality Act to allow the identification of deceased individuals when necessary; to the Committee on the Judiciary.

H.R. 621. A bill to amend title 18, United States Code, to provide punishment for fleeing Federal law enforcement personnel during the execution of their duties; to the Committee on the Judiciary.

H.R. 622. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 623. A bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of the old-age, survivors, and disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of such act; to the Committee on Ways and Means.

By Mr. MCCURDY:

H.R. 624. A bill to establish a commission to advise the President on proposals for national commemorative events; to the Committee on Post Office and Civil Service.

By Mrs. MEYERS of Kansas:

H.R. 625. A bill to express the sense of the Congress that the Administrator of the Small Business Administration should be designated by the President as a member of the Cabinet and to raise the annual rate of basic pay of the Administrator; to the Committee on Small Business.

By Mr. OLVER:

H.R. 626. A bill to establish a Small Business Manufacturing Extension Service, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. OWENS:

H.R. 627. A bill to deny funds to educational programs that allow corporal punishment; to the Committee on Education and Labor.

H.R. 628. A bill to amend the National School Lunch Act to restore food supplement benefits under the dependent care food program to adolescent youth; to the Committee on Education and Labor.

H.R. 629. A bill to amend title 44, United States Code, to promote improved public dissemination of Government information; to the Committee on Government Operations.

By Mr. SHAW (for himself, Mr. BILIRAKIS, Mr. GOSS, Mr. MURPHY, Mr. GENE GREEN of Texas, Mr. SCHUMER, and Mr. BLACKWELL):

H.R. 630. A bill to amend the Fair Credit Reporting Act to require prompt disclosure by any consumer reporting agency to any consumer of adverse information relating to such consumer which is received by such agency; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SKAGGS (for himself, Mr. MCINNIS, and Mrs. SCHROEDER):

H.R. 631. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Natural Resources.

By Ms. SNOWE:

H.R. 632. A bill to amend title XIX of the Social Security Act to require States to adopt and enforce certain guardianship laws providing protection and rights to wards and individuals subject to guardianship proceedings as a condition of eligibility for receiving funds under the Medicaid program, and for other purposes; to the Committee on Energy and Commerce.

H.R. 633. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffer from Alzheimer's disease or related organic brain disorders; to the Committee on Ways and Means.

By Ms. SNOWE (for herself, Mr. SANDERS, Mr. MANZULLO, Mr. ACKERMAN, Mr. GALLEGLY, Mr. MCHUGH, Mr. GOSS, Mr. OWENS, Mr. BOEHLERT, Mr. BOUCHER, Mr. LIVINGSTON, Mr. GENE GREEN of Texas, Mr. LAFALCE, Mr. MACHTLEY, Mr. EMERSON, Mr. POSHARD, Mr. FROST, Mr. MCNULTY, Mr. HANCOCK, Mr. INGLIS, Mr. WILSON, Mr. KING, Mr. WALSH, Mr. WYNN, Mrs. MINK, Mr. MURPHY, Mr. PASTOR, Mr. MURTHA, Mr. JOHNSON of South Dakota, Mr. HUTTO, Mr. TOWNS, Mr. APPLEGATE, and Mr. DEFAZIO):

H.R. 634. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies to the recipient's surviving spouse, subject to a reduction of 50 percent in the last monthly payment if the recipient dies during the first 15 days of such month; to the Committee on Ways and Means.

By Mr. SUNDQUIST:

H.R. 635. A bill to amend title 10, United States Code, to repeal the social security offset applicable to certain annuities for surviving spouses paid under the Survivor Benefit Plan for retired members of the Armed Forces to the extent that such offset is due to Social Security benefits based on the surviving spouse's own earnings or self-employment; to the Committee on Armed Services.

H.R. 636. A bill to amend title 10, United States Code, to restore the CHAMPUS eligibility of certain members and former members of the uniformed services, and their dependents, who are currently excluded from benefits under CHAMPUS because of their entitlement to hospital insurance benefits under Medicare; to the Committee on Armed Services.

H.R. 637. A bill to authorize the President to veto an item of appropriation in an act or resolution; to the Committee on the Judiciary.

H.R. 638. A bill to amend title 18, United States Code, regarding sentencing for capital offenses; to the Committee on the Judiciary.

H.R. 639. A bill to amend the Internal Revenue Code of 1986 to provide a refundable income tax credit for the recycling of hazardous waste; to the Committee on Ways and Means.

H.R. 640. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for individuals who provide long-term care for family members at home; to the Committee on Ways and Means.

H.R. 641. A bill to amend the Internal Revenue Code of 1986 to provide that no deduction shall be allowed for personal income taxes paid to a State—or political subdivision thereof—which taxes nonresidents on income derived from certain Federal areas; to the Committee on Ways and Means.

H.R. 642. A bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances; to the Committee on Ways and Means.

By Mr. SYNAR (for himself and Mr. REGULA):

H.R. 643. A bill to raise grazing fees on public lands, and for other purposes; to the Committee on Natural Resources.

By Mr. THOMAS of California:

H.R. 644. A bill to amend the Internal Revenue Code of 1986 to expand the one-time exclusion of gain from sale of a principal residence based on the amount of increase in equity in the new residence; to the Committee on Ways and Means.

By Mr. COBLE:

H.J. Res. 71. Joint resolution proposing an amendment to the Constitution of the United States limiting the terms of offices of Members of Congress and increasing the term of Representatives to 4 years; to the Committee on the Judiciary.

By Mr. JACOBS:

H.J. Res. 72. Joint resolution proposing an amendment to the Constitution of the United States with respect to the compelling of testimony from a defendant in a criminal case in open court, a restriction on the use of prior convictions except when they are an element of the crime charged, and the right of a defendant in a criminal case to be informed of the evidence against the defendant; to the Committee on the Judiciary.

H.J. Res. 73. Joint resolution proposing an amendment to the Constitution of the United States to limit service by Representatives, Senators, and Federal judges; to the Committee on the Judiciary.

H.J. Res. 74. Joint resolution to amend the Constitution of the United States to provide for balanced budgets and elimination of the Federal indebtedness; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.J. Res. 75. Joint resolution designating January 16, 1994, as "National Good Teen Day"; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of Georgia:

H. Con. Res. 23. Concurrent resolution authorizing the Architect of the Capitol to transfer the catafalque to the Supreme Court for a funeral service; considered and agreed to.

By Mr. MORAN:

H. Con. Res. 24. Concurrent resolution concerning the crisis in the former Yugoslavia; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. PASTOR:

H. Con. Res. 25. Concurrent resolution expressing the sense of the Congress that access to basic health care services is a fundamental human right; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. SOLOMON (for himself and Mr. DREIER):

H. Con. Res. 26. Concurrent resolution expressing the sense of Congress in support of the United States military forces in Somalia; to the Committee on Foreign Affairs.

By Mr. MICHEL:

H. Res. 44. Resolution designating minority membership to the Committee on the Budget; considered and agreed to.

By Mr. GILLMOR:

H. Res. 45. Resolution providing that the House of Representatives should defeat any legislation designed to stimulate the economy during fiscal year 1993 or 1994 if that legislation would also increase the size of the annual budget deficit for that year; to the Committee on Government Operations.

By Mr. JACOBS:

H. Res. 46. Resolution providing for enclosing the galleries of the House of Representatives with a transparent and substantial material; to the Committee on House Administration.

By Mr. SAM JOHNSON, of Texas:

H. Res. 47. Resolution to amend the Rules of the House of Representatives to require a rollcall vote on passage of any measure making appropriations or providing revenue; to the Committee on Rules.

By Mr. ROSTENKOWSKI:

H. Res. 48. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Ways and Means in the first session of the 103d Congress; to the Committee on House Administration.

By Mr. SHAW (for himself, Mr. SHAYS, Mr. GOSS, Mr. PORTER, Mr. CANADY, and Mr. MILLER of Florida):

H. Res. 49. Resolution amending the Rules of the House of Representatives to limit the number of years a Member may serve on a particular committee; to the Committee on Rules.

By Mr. SOLOMON:

H. Res. 50. Resolution expressing the sense of the House of Representatives that in light of current economic conditions the Federal excise taxes on gasoline, diesel fuel, and home heating fuel shall not be increased; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. KANJORSKI introduced a bill (H.R. 645) for the relief of Lucille White, Gerald J. White, Gary White, and Sara White; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. JOHNSON of South Dakota, Mr. PENNY, Mr. HALL of Ohio, and Mr. ABERCROMBIE.

H.R. 4: Mrs. COLLINS of Michigan, Mr. SWIFT, Ms. KAPTUR, Mr. BOUCHER, Ms. FURSE, and Ms. SHEPHERD.

H.R. 18: Mr. CARDIN, Mr. MATSUI, Mr. JACOBS, Mr. KOPETSKI, Mr. MCDERMOTT, Mr. BEREUTER, Mr. NEAL of Massachusetts, Mr. WHEAT, Ms. PELOSI, Mr. COYNE, Mr. SUNDQUIST, Mr. LAROCCO, and Mr. MAZZOLI.

H.R. 24: Mr. BLUTE, Mr. CAMP, Mr. EWING, Mr. FAWELL, Mr. FIELDS of Texas, Mr. GINGRICH, Mr. GREENWOOD, Mr. HANCOCK, Mr. INGLIS, Mr. LEVY, Mr. LINDER, Mr. PETRI, and Mr. ROYCE.

H.R. 25: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS of Texas, Mr. ANDREWS of New Jersey, Mr. ANDREWS of Maine, Mr. BACCHUS of Florida, Mr. BEILENSON, Mr. BOEHLERT, Ms. BYRNE, Mr. DEFAZIO, Mr. DERRICK, Mr. DEUTSCH, Mr. DOOLEY, Ms. ESHOO, Mr. FILNER, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. GIBBONS, Mr. HINCHEY, Mr. KOPETSKI, Mr. LEHMAN, Mr. MARKEY, Mr. MATSUI, Mr. MCDERMOTT, Mr. MEEHAN, Mr. MILLER of California, Mr. MORAN, Mr. OLVER, Mr. OWENS, Ms. PELOSI, Mr. REYNOLDS, Mr. SANDERS, Ms. SCHENK, Mr. STUDDS, Mr. WYNN, Mr. SWIFT, Mr. WASHINGTON, Mr. WHEAT, Mr. YATES, Mr. FROST, Mr. BECERRA, Mr. WILSON, Mr. PALLONE, Mr. COPPERSMITH, Mr. GENE GREEN of Texas, Mr. MACHTLEY, Mr. CONYERS, Mr. CLAY, Ms. MEEK, Mr. ENGEL, Mr. FINGERHUT, Mrs. JOHNSON of Connecticut, Mr. CARR, Mr. PASTOR, Mr. BROWN of California, Mr. WATT, Mr. DICKS, Mr. HUGHES, and Mr. RUSH.

H.R. 26: Mr. ACKERMAN, Ms. BYRNE, Mr. DEUTSCH, Mr. GEJDENSON, Mr. GUTIERREZ, Mr. HINCHEY, Ms. MALONEY, Ms. MEEK, Mr. MILLER of California, Ms. PELOSI, Mr. SANDERS, and Ms. WATERS.

H.R. 34: Mr. GINGRICH, Mr. WILSON, Mr. UNDERWOOD, Ms. MOLINARI, and Mr. FROST.

H.R. 35: Mr. FROST.

H.R. 37: Mr. MACHTLEY, Mr. SAM JOHNSON of Texas, Mr. ROHRABACHER, and Mr. EMERSON.

H.R. 65: Mr. MCHUGH, Mr. DOOLITTLE, Mr. CALLAHAN, Mr. GOSS, Mr. HOCHBRUECKNER, Mr. SANDERS, Mr. BROWDER, Mr. HEFNER, Mr. NEAL of Massachusetts, Mr. WELDON, Mr. WOLF, Mr. ROSE, Mr. HALL of Ohio, Mr. BEREUTER, Mr. HUNTER, Mr. LAFALCE, Mrs. UNSOELD, Mr. TAYLOR of North Carolina, Mr. FROST, Mr. SCHIFF, Mr. WILSON, Mr. RICHARDSON, Mr. KING, Mr. DERRICK, Mr. WALSH, Mr. GINGRICH, Mr. MACHTLEY, Mr. EMERSON, and Ms. FOWLER.

H.R. 66: Mr. SOLOMON, Mr. WILSON, Mr. LEACH, Mr. MONTGOMERY, Mr. MANZULLO, Mr. RICHARDSON, Mr. KING, Mr. POSHARD, and Mr. FROST.

H.R. 68: Mr. GALLEGLY, Mr. SCHIFF, and Mr. POSHARD.

H.R. 71: Mr. GALLEGLY, Mr. BLUTE, Mr. SENSENBRENNER, and Mr. GINGRICH.

H.R. 106: Mr. BORSKI, Mr. COX, Mr. GONZALEZ, Mr. FROST, Mr. KLINK, and Mr. ANDREWS of New Jersey.

H.R. 150: Mr. GALLEGLY and Mr. BAKER of Louisiana.

H.R. 174: Mr. CLAY, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. JACOBS, Mr. KOPETSKI, Mr. OWENS, Ms. PELOSI, Mr. STARK, and Mr. WATT.

H.R. 208: Mr. SHAYS.

H.R. 224: Mr. ACKERMAN, Mr. BERMAN, Mr. MORAN, Mr. MATSUI, Mr. WASHINGTON, Ms. MALONEY, Mr. RICHARDSON, Ms. WATERS, Mr. STARK, Mr. MINETA, Mr. PETERSON of Minnesota, Ms. E.B. JOHNSON of Texas, Mr. DIXON, Mr. PASTOR, Mr. MILLER of California, Mr. FRANK of Massachusetts, Mr. BROWN of California, Mr. COLEMAN, Mr. GONZALEZ, Mr. CLYBURN, Mr. WHEAT, Mr. MCCLOSKEY, Mr. ANDREWS of Maine, Ms. KAPTUR, Mr. FORD of Michigan, Mr. SKAGGS, Mr. BLACKWELL, Mr. WILSON, Mr. DEFAZIO, Mrs. MORELLA, Mr. HINCHEY, Mr. WATT, Mr. BECERRA, Mr. WILLIAMS, and Mr. RUSH.

H.R. 225: Mr. GEJDENSON.

H.R. 299: Mr. FROST, Mr. WASHINGTON, Mr. GINGRICH, Mr. MACHTLEY, and Mr. FINGERHUT.

H.R. 302: Mr. ACKERMAN, Mr. BATEMAN, Mr. BLACKWELL, Mr. BLUTE, Mr. CHAPMAN, Mr. CLEMENT, Mr. DORNAN, Mr. EMERSON, Mr. FILNER, Mr. FROST, Mr. GINGRICH, Mr. GENE GREEN of Texas, Mr. HUGHES, Mr. HUNTER, Ms. E.B. JOHNSON of Texas, Mr. KASICH, Mr. KING, Mr. KLUG, Mr. KNOLLENBERG, Mr. MANZULLO, Mr. MCCOLLUM, Mr. MCINNIS, Mr. MCNULTY, Mr. POSHARD, Mr. RAMSTAD, Mr. ROYCE, Mr. SISISKY, Mr. SOLOMON, Mr. STARK, Mr. STUPAK, Mr. WALSH, and Mr. WOLF.

H.R. 303: Mr. SANDERS, Mr. HOCHBRUECKNER, Mr. GOSS, Mr. CALLAHAN, Mr. DOOLITTLE, Mr. MCHUGH, Mr. BROWDER, Mr. HEFNER, Mr. FRANK of Massachusetts, Mr. HALL of Ohio, Mr. NEAL of Massachusetts, Mr. WOLF, Mr. ROSE, Mr. BEREUTER, Mr. HUNTER, Mrs. UNSOELD, Mr. FROST, Mr. SCHIFF, Mr. WILSON, Mr. WISE, Mr. KING, Mr. GINGRICH, Mr. MACHTLEY, Mr. EMERSON, and Ms. FOWLER.

H.R. 304: Mr. BALLENGER, Mr. CLINGER, Mr. FINGERHUT, Mr. GALLEGLY, Mr. GILCHREST, Mr. Inglis, Ms. E.B. Johnson of Texas, Mr. Manzullo, Mr. Mazzoli, Mr. McHugh, Mr. Sensenbrenner, Mr. Solomon, Mr. Walsh, Mr. Zeliff, and Mr. Gingrich.

H.R. 324: Mr. McMillan, Mr. Lehman, Mr. Durbin, Mr. Bereuter, Mr. Skeen, Mr. Gingrich, Mr. McCollum, Mr. Peterson of Minnesota, Mr. Hyde, Mr. Dornan, and Mr. Ewing.

H.R. 348: Mrs. Kennelly, Mr. Coble, Mr. Frank of Massachusetts, Mr. Callahan, Mr. Reed, Mr. Burton of Indiana, Mr. Sisisky, Mr. McCollum, Mr. Andrews of Maine, Mr. Henry, Mr. Bilirakis, Mr. Roth, Mr. Stearns, Mr. Dornan, Mr. Walsh, Mr. Young of Alaska, Mr. Ravenel, Mr. Hunter, Mr. Ramstad, Mr. Lewis of California, Mr. Duncan, Mr. Packard, Mr. Kyl, Mr. Doolittle, Mr. Gilchrest, Mr. Solomon, Mr. Rahall, Mr. Taylor of North Carolina, Mr. Oxley, Mr. Ballenger, Mr. Chapman, Mr. Camp, Mr. Wilson, Mr. Petri, Mr. Sensenbrenner, Mr. Porter, Mr. McHugh, Mr. Hancock, Mr. Sam Johnson of Texas, Mr. Gingrich, Mr. Johnston of Florida, Mr. Rohrabacher, Mr. Gallo, Mr. Pallone, Mr. Cox, Mrs. Bentley, Mr. Franks of Connecticut, Mr. emerson, Mrs. Vucanovich, Mr. Ackerman, Mr. Smith of New Jersey, Mr. Lancaster, Mr. Dicks, Mr. Andrews of New Jersey, and Mr. Peterson of Minnesota.

H.R. 406: Mr. Miller of California, Mr. Sanders, Mr. Underwood, Mr. Edwards of California, Mr. Gutierrez, and Mr. Studds.

H.R. 410: Mr. Bilirakis and Mr. Hyde.

H.R. 412: Mr. Burton of Indiana.

H.R. 437: Ms. Molinari.

H.R. 462: Mr. Mazzoli, Mr. Montgomery, Ms. Pelosi, Mr. Price of North Carolina, Mr. Machtley, Mr. Cramer, Mr. Henry, Mr. Sanders, Mr. Tanner, Mr. Lightfoot, Mr. Pomeroy, Mr. Neal of Massachusetts, Mr. Vento, Mr. Wynn, Mr. Gordon, Mr. McCollum, Mr. Wheat, Mr. Lehman, Mr. Burton of Indiana, Mr. Hochbrueckner, Mr. Wolf, Mr. Grandy, Mr. Brewster, Mr. Sisisky, Mr. Kyl, Mr. Klug, Ms. Kaptur, Mr. Peterson of Minnesota, Mrs. Mink, Mrs. Unsoeld, Mr. Sundquist, Mr. Skaggs, Mr. LaRocco, Mr. Smith of New Jersey, Ms. Snowe, Mr. Zeliff, Mr. Matsui, Mr. Blackwell, Mr. Baesler, Mr. Quillen, Mr. Reynolds, Mr. Abercrombie, Ms. Shepherd, Mr. Kildee, Mr. Fingerhut, Mr. Upton, Mr. Pastor, Mr. Ackerman, Mr. Emerson, and Mr. Orton.

H.R. 465: Mr. Upton and Mr. Gordon.

H.R. 509: Mr. Stearns, Mr. Klug, and Mr. Emerson.

H.R. 546: Mr. Bereuter, Mr. Cardin, Mr. Kopetski, Mr. Lehman, Mrs. Lloyd, Mrs. Meyers of Kansas, Mr. Sarpalius, Mr. Skeen, Mrs. Vucanovich, Mr. Wilson, Mr. Andrews of New Jersey, Mr. DeFazio, and Mrs. Bentley.

H.J. Res. 1: Mr. Clay, Mr. Deutsch, Mr. Dooley, Mr. Fingerhut, Mr. Ford of Michigan, Mr. Hughes, Mr. Kopetski, Mr. Machtley, Ms. Maloney, Mr. Markey, Mr. Moran, Mr. Walsh, and Mr. Wheat.

H.J. Res. 10: Mr. Machtley, Mr. Moran, Mrs. Lowey, Mr. Gekas, Mr. Hochbrueckner, Mr. Walsh, Mr. Andrews of Maine, Mr. Blute, Mr. Weldon, Mr. Montgomery, Mr. Neal of Massachusetts, Mr. Manton, Mr. Cardin, Mr. Torkildsen, Mr. Royce, Mr. Visclosky, Mr. Baesler, Mr. Deutsch, Mr. Frost, Mr. Kopetski, Mr. Fazio, Mr. Filner, Mr. Romero-Barcelo, Mr. Gene Green of Texas, and Mr. Hughes.

H.J. Res. 32: Mr. Stark, Ms. E.B. Johnson of Texas, Mr. Sanders, Mrs. Schroeder, Mrs. Mink, Mr. Frost, Mr. Fazio, and Mr. Kopetski.

H.J. Res. 36: Mr. Inglis, Mr. Goss, Mr. Stump, and Mr. Zeliff.

H.J. Res. 67: Mr. Gingrich, Mr. Frost, Mr. Edwards of California, Mr. Fazio, Mr. Huffington, Mr. Dixon, and Mr. Hughes.

H.J. Res. 70: Mr. Inglis.

H. Con. Res. 6: Mr. Saxton, Mr. Sensenbrenner, Mr. Lewis of Florida, Mr. Bateman, Mr. Schiff, Mr. Fields of Texas, Mr. Duncan, Mr. Rowland, Mr. Baker of California, Mr. Zimmer, Mr. Penny, Mr. Armey, Mr. Hutchinson, Mr. Smith of New Jersey, Mr. Ballenger, Mr. Bonilla, Mr. Goodling, Mr. Inglis, Mr. Stearns, Mr. Tauzin, Mr. Collins of Georgia, Mr. McHugh, Mr. Torkildsen, Mr. Pombo, Mr. Hastert, Mr. Upton, Mr. Michel, Mr. Brewster, Mrs. Vucanovich, and Mr. Wilson.

H. Con. Res. 16: Mr. Dornan, Mr. Shays, Mr. Ramstad, Ms. Maloney, Mr. Gallegly, Mr. Royce, Mr. Porter, Mr. Fawell, Mrs. Morella, Mr. Ballenger, Mr. Mica, Mr. Sensenbrenner, Mr. Goodling, Mr. Rohrabacher, Mr. McNulty, Mr. Wilson, Mr. Torkildsen, Mr. Gingrich, Mr. Upton, and Mr. Beilenson.

H. Res. 16: Mr. Baker of Louisiana, Mr. Burton of Indiana, and Mr. Pombo.

H. Res. 32: Mr. Blackwell, Ms. Shepherd, Mr. Torkildsen, Mr. Fingerhut, Mr. Kopetski, Mr. Fazio, Mr. Filner, and Mr. Machtley.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 20: Mr. Shays.

SENATE—*Tuesday, January 26, 1993*

(Legislative day of Tuesday, January 5, 1993)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Reverend Richard C. Halverson, Jr., of Falls Church, VA, will lead the Senate in the prayer to the God of our fathers today.

Mr. Halverson, please.

PRAYER

The Reverend Richard C. Halverson, Jr., of Falls Church, VA, offered the following prayer:

Let us pray:

Father in heaven, Lord of history, God of eternity, it is written:

"To every thing there is a season, and a time to every purpose under heaven; a time to be born, and a time to die; a time to plant, and a time to pluck up that which is planted; * * * A time to weep, and a time to laugh; a time to mourn, and a time to dance; a time to cast away stones, and a time to gather stones together; a time to embrace, and a time to refrain from embracing; * * * A time to rend, and a time to sew; a time to keep silence, and a time to speak; * * * He hath made every thing beautiful in his time * * *."—Ecclesiastes 3:1, 2, 4, 5, 7, 11.

Today, as we assemble, Lord, it would be timely of us to pause to remember a remarkable hero who has passed from our midst, the late Supreme Court Justice Thurgood Marshall.

Lord, by Your sovereign will, the men and women of the Senate have come to the Kingdom for such a time as this. At this moment in history, on the eve of the millenium, they commence a new Congress, with a new administration, of a new generation, in a new world order.

Grant the Senate and its leadership the courage to face change, and patience to endure constancy. Give them grace to include all people, with wisdom to exclude injustice and unrighteousness. Empower them to unite the Nation, with discernment to divide between right and wrong. Enable them to invest for increase, yet to sacrifice with restraint.

And help them, at this time, to work together to find a fair way to care for the health of all our people.

We make this prayer in the name of Christ who, by birth, divided time, who claimed to exist before time, and who promised to return when we run out of time. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, this afternoon there will be a period for morning business to extend until 12:45 p.m. during which time Senators will be permitted to speak.

At 12:45 the Senate will stand in recess to accommodate the respective party conference meetings. The Senate will return to session at 2:15 p.m., and it is my hope that the Senate will at that time be able to proceed to and confirm the nominations of Madeleine Albright to be the U.S. Ambassador to the United Nations and Clifford Wharton to be the Deputy Secretary of the Department of State.

I understand that they have been approved by the committee and I will endeavor, at 2:15 or shortly thereafter, to gain the Senate's approval to proceed to consideration of those nominations and to complete action on them today.

SENATE RESOLUTIONS 25 THROUGH 32 PROPOSED CHANGES IN THE SENATE RULES

Mr. MITCHELL. Mr. President, today I am introducing eight resolutions proposing changes to the Standing Rules of the Senate. They will be referred to the Rules Committee. I am making these public now in the hope that each Senator will review them carefully and will advise me of his or her reaction to these proposals.

I expect there will be a serious and informed discussion on these proposed changes. I think that will be a healthy thing for all of us. And so I invite every Member of the Senate to review these proposed changes and to give me his or her best advice with respect to them.

The first seven propose individual changes; the eighth combines these seven into one resolution. These changes would, I believe, enhance the day-to-day efficiency of the Senate and significantly reduce delay and deadlock, without reducing the right of the minority or any individual Senator to fully debate an issue. In addition to enhancing the Senate's efficiency, these changes would have the added benefit of producing an improvement in the quality of life in the Senate. This would result from the improvement in the predictability of the Senate's schedule which would flow from such changes.

The first proposal would provide for a limit of 2 hours on debate on a motion to proceed to any legislative calendar item, made by the majority leader, or his designee. Under current circumstances, a motion to proceed, if made outside of the morning hour, is debatable and in many cases requires the filing of a cloture motion. This causes a 2-day delay before the Senate conducts the cloture vote and then, should cloture be invoked, up to 30 hours for debate on the motion itself—utilizing as much as 4 days of the Senate's time debating a motion to proceed that three-fifths or more of the Senate support.

And I emphasize, that is a motion to proceed to the bill, not on the bill itself.

My proposal would provide for 2 hours for debate, equally divided between the majority leader and the minority leader, on a motion to proceed to a bill that has been made by the majority leader, or his designee. This change would not apply to a motion to proceed to any item involving a change in the Standing Rules of the Senate. Such motions would still be fully debatable as under the current rules. In addition, motions to proceed made by Senators other than the majority leader or his designee would still be fully debatable as under the current rules. My proposal is limited to motions made by the majority leader or his designee, because it is the majority leader's responsibility to set the Senate's agenda. This prerogative has been upheld during my tenure as majority leader as it was under the previous three majority leaders, Senators BYRD, DOLE, and BAKER. This change that I am now proposing could enhance the Senate's efficiency as well as its ability to act in a responsible manner in the face of a rapidly changing world. The ability to debate and, if desired, to filibuster would still be preserved, but it would take place during the pendency of the bill itself. As a result, the Senate's debate would be more directly focused on the merits of an issue.

My second proposal closes a glaring loophole in rule XXII governing postcloture situations by requiring a three-fifths vote of the Senators duly chosen and sworn to overturn a ruling of the Chair. The rules currently permit a simple majority to overturn the Chair's ruling. Although it has not occurred yet during my tenure as major-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

ity leader, a simple majority of Senators could force action on an amendment which may not have been timely filed or even be germane to the clotured item, while the minority would still have to live within the constraints of cloture. This oversight should be corrected.

Another change in the cloture petitions of rule XXII that I have proposed is to provide that committee-reported amendments be considered germane post cloture. This would expand for all Senators the basis of germaneness in the drafting of amendments which they may want to offer after cloture is invoked. Amendments would have to be germane to either the clotured bill itself or to the committee amendments. If a bill was reported with a committee substitute amendment, an amendment could be germane to either the committee substitute or to the text of the bill the committee substitute seeks to replace. This would mean that cloture could be filed directly on a bill regardless of whether the committee amendment or amendments have been adopted or are germane to the underlying bill.

Some may argue that this a short circuiting the process by being able to file cloture directly on the bill regardless of the substance of the committee amendments. My response to that assertion is that if three-fifths of the Senate choose to invoke cloture on a matter, despite the fact that the committee amendment or amendments may not be germane under rule XXII, then this is not short circuiting the process, but streamlining it.

Since I have been majority leader where cloture had to be filed on a committee substitute because it was not technically germane to the bill as introduced under the stringent germaneness requirements under rule XXII, in not one case did the Senate have to invoke cloture on the bill itself. What this means is that opponents who wish to amend a measure on which cloture has been invoked will have an easier time in drafting the amendments due to the broader base as provided by the committee amendment or amendments. If there are several committee amendments that have not been agreed to prior to cloture, then these would remain pending and be dealt with individually, as is normally the case for such amendments. They, too, would provide an expanded basis for the drafting of amendments to the clotured item.

Another modest but useful proposal to rule XXII would provide for the counting of the time consumed by quorum calls against the Senator who suggested the absence of a quorum. If a Senator wishes to filibuster a piece of legislation, that is surely his or her right. However, once cloture has been invoked, that Senator—or Senators—should be required to engage in debate. After all, it is only through informed debate, not by putting in a quorum call and taking one's seat, that one can hope to alter the views of one's colleagues.

At present, in postcloture situations, quorum calls count only against the 30-hour cap, not against the Senator who suggested the absence of a quorum. If three-fifths of the Senate choose to invoke cloture on an item, then Senators are not entitled to up to 1 hour each for debate on the subject. In my opinion, they should use this 30 hours for debate, not for dilatory quorum calls. The insistence on the right to suggest the absence of a quorum and then just to take one's seat in order to use up time under the 30-hour cap has nothing to do with the Senator's tradition of open and instructive debate.

My next proposal would permit the Senate to go to conference with the House upon the adoption of one motion, rather than the three separate motions now required. The usual practice is to request a conference and appoint conferees by unanimous consent immediately upon the passage of the measure by the Senate. However, under current rules, a small minority, down to and including a minority of one Senator, can seriously impede the Senate from going to conference with the House on a measure that the vast majority of the Senate supports. If unanimous consent is not obtained, then three separate debatable and filibusterable motions are required.

They are, first, to insist on the Senate amendments or disagree to the House amendments; second, to request a conference with the House or agree to the House's request for a conference on the disagreeing votes of the two Houses; and third, that the Chair be authorized to appoint the conferees on the part of the Senate.

In the rare instances where agreement cannot be reached on going to conference, the Senate should have the right to decide the issue, if necessary, by a three-fifths cloture vote utilizing one motion. If the opponents of going to conference with the House cannot convince enough Senators of the wisdom of their case to deny cloture, then the Senate's time should not be utilized in debating three separate motions and going through the full cloture process three times on the same issue.

My next proposal would dispense with the reading of a conference report. When the Senate changed its rules in 1985 to provide for the televising of its proceedings, one of the rules changes made at that time was to require that a copy of the conference report be made available to every Senator prior to the calling up of the conference report. However, the ability to demand the reading was not addressed when this rules change was adopted.

So prior to 1985, it was not required that a copy of the conference report be made available to every Senator before the conference report was called up, but a Senator could demand the reading of the conference report. In 1985, the Senate changed the rules to add the requirement that the conference report be made available to every Senator, but did not at the same time abolish the previous requirement that the conference report had to be read at the insistence of one Senator.

So we now have a situation where a copy of the conference report must be made available to each Senator; and, in addition, any one Senator can insist the conference report be read by the clerk. And in the recent session, that occurred on several occasions and many, many hours were consumed by the clerk reading the full conference report, even though each Senator had received a copy of the conference report himself or herself prior to that time.

This reading requirement was used and, therefore, can be used in the future simply to delay the Senate's action on a conference report. Requiring the clerk to read a document which each Senator has in his or her possession prior to that time can hardly be described as upholding the Senate's tradition of unfettered debate.

The last of my proposals is similar to one introduced by a previous majority leader, now the President pro tempore and the Presiding Officer, Senator BYRD. It provides for a motion to require that amendments to a bill must be relevant to that bill if three-fifths of the Senators who vote agree to such restraints. Under my proposal, such a motion would not be in order until the third day of the bill's consideration. There would be 2 hours for debate equally divided between the two leaders on the motion. It would require a three-fifths vote of those Senators present and voting. And, if the motion is agreed to, then any further floor amendments would have to be relevant to the pending legislation or possible committee amendments, if there are any, that have not yet been adopted.

Furthermore, any sense-of-the-Senate or sense-of-the-Congress amendments would have to relate directly to the subject of the pending legislation. This proposal merely restricts amendments to the subject matter of the pending legislation after the Senate has had 2 days to consider the bill.

There would be no time constraints involved, nor would Senators be limited in the number of amendments they could offer. And, unlike cloture, there would be no prior filing requirement. It would simply require the Senate to deal with the subject at hand should three-fifths of those present and voting believe that it is time for such constraint.

Mr. President and Members of the Senate, most Americans are not familiar with the rules of the Senate. There is no reason why they should be. But most are astonished when they learn that, under the Senate's rules, there is an unrestricted right of amendment and any amendment need not be relevant or germane to the bill being considered. Indeed, as we all know, amendments are frequently presented which bear no relationship whatsoever to the subject matter of the bill being considered.

I do not propose to change that situation. What I am suggesting is that after 2 days of consideration of a bill, if the Senate then wishes by a vote of three-fifths of those present and voting to impose a requirement that further amendments be germane to the matter under consideration, the Senate should have the opportunity to do so without having to go through the full cloture route.

Now, Mr. President and Members of the Senate, to demonstrate the need for a change in the rule covering motions to proceed, to which I referred at the outset of my statement, I have had prepared a table entitled "History of Cloture Motions," and I ask unanimous consent that that table be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MITCHELL. Mr. President, that table shows that in the 26 Congresses from 1919 through 1970, there were a total of 50 votes on cloture motions, that is an average of less than two cloture motions per Congress. But in the 11 Congresses from 1971 through 1992, there were a total of 295 cloture motion votes. That is an average of almost 27 cloture motions per Congress. So, taken on average, from 1919 through 1970, the Senate voted on cloture motions about twice a year.

Since 1971, the Senate has voted on cloture motions on the average of 27 times a year. And the trend is sharply upward. The highest totals are the most recent: 43 cloture votes in the 100th Congress, 48 in the 102d Congress.

Of even greater significance is the proportion of those cloture motions that have had to be filed on motions to proceed to a bill. Our research on those data goes back only to the 95th Congress. But as the table shows, in that Congress there were two cloture motions filed on motions to proceed. Then in the succeeding Congresses, 2, 3, 10, 11, 11, 12, and most recently 35.

Not many years ago, the filibuster or the threat of a filibuster was rarely undertaken in the Senate, being reserved for matters of what were then perceived to be of great national importance. That is no longer the case. The threat of a filibuster is a regular, indeed, practically a weekly, event in the Senate. It is invoked by minorities of as few as one or two Senators and for reasons as trivial as a Senator's travel schedule.

So that everyone fully understands the obstacle course that legislation must run in the Senate, let me therefore sum up.

When a filibuster occurs or is threatened, a cloture motion to terminate debate must be filed. The vote on that motion cannot occur until 2 days after it is filed. So, if a cloture motion were filed today, Tuesday, the vote on it would occur on Thursday. If three-fifths or more of the Senate vote to invoke cloture and to terminate debate, there are then still up to 30 hours of debate on that motion postcloture or, effectively 2 more days. And right now, under the Senate rules, cloture could be required up to six separate times on the motion to proceed to a single bill—on a committee substitute, if there is one, on the bill itself, and then, as I have described earlier, three separate times to get the bill to conference with the House of Representatives.

This is, in my opinion, redundant and unnecessary. My proposal would reduce the requirement for a three-fifths vote from a possibility of six to three times for a bill. There are going to be plenty of people who suggest that three separate filibusters and three separate cloture motions on a bill are too many. But I am suggesting only that we go from a possibility of six to three per bill. That is more than ample protection of the rights of every Senator and the rights of the minority. It does not change the basic nature of the filibuster, nor of the institution of the Senate, and it will, in my view, significantly reduce delay and obstruction. We cannot seriously address the problem of delay and inefficiency in the Senate without addressing these issues.

Mr. President, I have discussed these proposals with the minority leader. There are many things on which we agree. These proposed rules changes are not among them. I recognize and accept that, given our different roles and responsibilities. But I know that we will continue to work closely together to make the Senate a more effective and efficient institution.

Mr. President, I yield the floor.

(The resolutions are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions".)

EXHIBIT 1—HISTORY OF CLOTURE MOTIONS

Congress	Year	Cloture motion votes	Cloture motions on motion to proceed
66th	1919–20	2	
67th	1921–22	1	
68th	1923–24	0	
69th	1925–26	7	
70th	1927–28	0	
71st	1929–30	0	
72d	1931–32	1	
73d	1933–34	0	
74th	1935–36	0	
75th	1937–38	2	
76th	1939–40	0	
77th	1941–42	1	
78th	1943–44	1	
79th	1945–46	4	
80th	1947–48	0	
81st	1949–50	2	
82d	1951–52	0	
83d	1953–54	1	
84th	1955–56	0	
85th	1957–58	0	
86th	1959–60	1	
87th	1961–62	4	
88th	1963–64	4	
89th	1965–66	7	
90th	1967–68	6	
91st	1969–70	6	
92d	1971–72	20	
93d	1973–74	31	
94th	1975–76	27	
95th	1977–78	13	3
96th	1979–80	21	2
97th	1981–82	27	3
98th	1983–84	19	10
99th	1985–86	23	11
100th	1987–88	43	11
101st	1989–90	23	12
102d	1991–92	48	35

MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from South Dakota [Mr. DASCHLE] is recognized for not to exceed 5 minutes.

RULES CHANGES

Mr. DASCHLE. Mr. President, let me first commend the majority leader. I had the good fortune to listen to his explanation of these recommended rules changes, and I wholeheartedly endorse them. As one who has had the occasion so many different times to listen to the complaints on the part of my constituents and people throughout the country about the institutional gridlock they continue to view as they watch C-SPAN, I do not think anything would accelerate our opportunity to deal effectively with legislation better and more appropriately than the recommendations made by the leader, and I certainly commend him and offer my support for implementing those changes during this Congress.

HEALTH CARE PRINCIPLES

Mr. DASCHLE. Mr. President, I congratulate President Clinton on the selection of his wife, Mrs. Clinton, as the new task force chair in the White House dealing with health care. Her intelligence, her credibility, her record of accomplishment in Arkansas, and certainly her ear to the President makes her one of the most appropriate people I can think of to deal with this issue and to deal with it as effectively as I know she will.

We face a once-in-a-lifetime opportunity in this Congress to address one of our most pressing domestic policy challenges, the reform of our health care system.

Frankly, Mr. President, I look at this challenge with tremendous anticipation and trepidation—anticipation because we finally have a leader who is committed to tackling this issue head on, who is willing to use the power of the Presidency to do so, but trepidation because I fear that if we do not do it right the first time, it may be a long time before we have an opportunity to do it again. I hope we can do it right the first time.

For several years, many of us have spoken about the need to discard the incremental reform approaches of previous administration and Congress and craft a comprehensive plan to overhaul our system now.

That now appears to be inevitable. He has stressed, the President has, the need to address health care in a comprehensive way, that we guarantee all Americans coverage under a system that clamps down on skyrocketing costs and reduces the system's onerous paperwork burden. He recognizes the need to address cost and access and allocation, and the tremendous problems we have with regard to the hassle involved in the utilization of our current system.

He has talked about the need to preserve a strong role for the private sector through managed competition and develop a budget for health care, reallocate thousands of resources primarily to primary and preventive care, all crucial ingredients in my view to a successful plan.

While that is encouraging, "the devil is in the details." How we can take these tools and shape them into a workable plan will determine the ultimate success or failure of a health care reform.

If we are to craft a successful health care reform plan, I believe we need to incorporate four key principles. Universal access, allocation, and cost containment can be achieved, as the President has indicated, with the creation of a system which combines managed competition and a global budget. A budget is the alternative to the micromanagement which continues to plague the current system.

Everyone must participate in the managed competition system. We recognize that. Costs are easier to control, and a budget to enforce, when all Americans purchase their insurance through regional cooperatives.

The second principle is fiscal clarity. We have to be more honest about the current costs of health care and what we will pay into the reform system. Most people are confused today, Mr. President, about the obfuscated costs having directly to do with health care. They do not realize that the average family today spends $4,300 on health care. They do not realize it because part of their taxes go to health care. Part of the payroll taxes that they are paying go to health care. Obviously part of the premiums go to health care and clearly much of what they incur as costs in a hospital go to health care received by others.

We have to understand the importance of fiscal clarity if we are going to compare apples and apples and oranges and oranges in dealing with the current system and finally go to a good alternative.

Third, I believe we need a national health board. We need a system that is publicly accountable but protected from the political onslaught of special interests. That means creating a national health board that is public in its mission and certainly not run by politicians. That is how we manage the money supply in this country through the Federal Reserve. Like the Fed, neither Congress nor the President should be able to manipulate the health care system for partisan political gain.

Finally, I believe we need State and regional administration. States, through regional cooperatives, have to be responsible for the day-to-day administration of the system. While the Federal Government can and must endure basic quality and coverage standards, it cannot micromanage the system like we do today. Our country is too large and diverse, and our health care system too important to leave it to a one-size-fits-all Federal solution.

We are mindful of these principles, Mr. President, as we begin this very important task. I hope we can create an understanding of this importance as we continue in our discussions with the White House and with our colleagues in the Congress. If we fail to recognize these points, we may be back here 5 or 10 years from now debating these very same issues all over again.

Working with Hillary Rodham Clinton and the President's task force, working with the House, and our colleagues here in the Senate, let us seize this golden opportunity for reform, and move thoughtfully and expeditiously to do it right the first time.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Utah is recognized for not to exceed 5 minutes

Mr. HATCH. I thank my colleague, the President pro tempore.

(The remarks of Mr. HATCH pertaining to the introduction of S. 184 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNANIMOUS-CONSENT AGREEMENT

Mr. REID. Mr. President, I recognize that the time for recess is fast approaching, and there are three Senators on the floor. Senator GORTON has 30 seconds that he wishes. The Senator from Montana has 2 minutes, and I have about 5 minutes. Would the Chair—I did not see the Senator from New York.

Mr. D'AMATO. Mr. President, I would like 2 minutes.

Mr. REID. Will the Chair honor a unanimous-consent request to allow the Senators to speak? In that I am going to be speaking the longest, I make a unanimous-consent request that Senator GORTON may speak for 30 seconds, Senator BURNS for 2 minutes, Senator D'AMATO for 2 minutes, and then I would like 5 minutes.

The PRESIDENT pro tempore. Is there objection?

The Chair hears no objection. It is so ordered.

SPEECH BY MARK HALPERIN

Mr. GORTON. Mr. President, on October 15 of last year at the U.S. Military Academy, Mark Halperin, an award winning novelist, a columnist, and a close personal friend, gave a speech to the cadets entitled "At Rest Between the Wars." It is one of the most remarkable testimonies with respect to the role of the military in our lives as a nation and his as an individual I have ever read.

I ask unanimous consent that at this point Mr. Halperin's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AT REST BETWEEN THE WARS

When I was a boy, a period that, according to my wife and daughters, extends to this very day, I used to play on the rows of cannons near the parade ground. I lived on the opposite bank of the Hudson, Croton, and Cold Spring.

And I can tell you on my authority as a local boy that you are sometimes misinterpreted. For example, not too far from here is an emery mine that used to be run by two ancients who loved dynamite and were afraid of shovels. As a result of their loves and fear, our days were punctuated by huge explosions, for which the most common explanation was, "It's the cadets at West Point, in artillery class . . . wasting the taxpayer's money." Well, as you will find out, there are far better ways to waste the taxpayer's money, some less noisy, some even noisier.

This valley itself has seen many battles, beginning almost four hundred years ago, and when the battles were elsewhere its people sent its sons in great number. There are many old soldiers outside these walls, and always have been.

Once, in the Eisenhower years, when I was, as usual, a boy, I was sitting across from two veterans of the Great War, in a railroad car at Harmon, waiting for the connecting train from upriver. When finally it pulled in, a hundred tiny military school cadets surged across the platform and poured into our car like an invasion of extras from *The World of Oz*. They were absolutely mesmerizing. They hopped from seat to seat, squealing like pink-cheeked organ grinder's monkeys. Although only in the first, second, and third grades, these midgets, ladies and gentlemen, were wearing your uniforms. Each and every one of them was guilty of impersonating . . . a cadet.

Seized with the impression that West Point was facing one of the major crises of its history, one of the old men looked at the other, and said, "Oooooooooooh! I sure hope we don't have another war!"

His friend was slightly more sanguine. Perhaps he thought that height has no bearing on military prowess. After all, think of Napoleon. Still, he asked, "Do you think General MacArthur knows?" to which he received the reply, "Who would have the heart to tell him?"

If only you were misunderstood more often with such good will and affection, but that is not the case, and this I know because I often speak in defence of military virtue, something now seldom understood and almost always maligned.

For someone in my walk of life to take this position, especially now, when it is widely believed that you are no longer needed, when generals and admirals are falling by the wayside, is not the epitome of discretion. But, quite frankly, I don't give a damn.

For even whole nations can be wrong in their sureties. Even whole nations, in a craze of fashion, can squander their carefully nurtured strengths. The American military is now everything to anyone except the one thing that it should be to everyone. It is a well from which to draw money for new social initiatives. It is an adjunct of the DEA. It is a teacher corps. It is a hurricane fighter. It is a battleground of feminism. It is an agency for the environment. In its reduction it is a symbol of the New World Order. It is a peace monitor. It is the solution to the problem of the deficit. It is the first refuge of a budget cutter. It is an electoral scapegoat. It is part of an industrial policy.

Anyone is free to make use of it in any way. The only view of it that raises eyebrows is that it should be none of these things, that its purposes, plain and simple, are to defend the interests of the United States, to be prepared for war, to deter it, and to win it. And this is something you cannot do if you are under strength, under armed, poorly funded, and rearranged to suit the notions and perform the tasks of every special interest group from Bar Harbor to Honolulu.

The forces that would dilute your purpose have been present since the creation. But now they are ascendant: they have risen like rockets. And the reason for this is the collapse and disintegration of the Soviet Union. Even before the echoes of the fall were silenced came the consensus, the certainty, the piety . . . that real war is a thing of the past.

Is it? Not two years ago, the United States led its traditional allies, its former enemies, and then some, almost a million strong, into what was in many respects the greatest single battle in the history of the world. I don't know how many of you have been in the presence of a main battle tank, or, if you have, what you felt. I have an infantryman's view of tanks, what is to say that I've never been exactly comfortable with them. If you're on one side of a village and a tank arrives on the other side, you feel it before you hear it. You feel it in your solar plexus and in the soles of your feet. You would never think that something so massive could be so agile as it smashes through walls and pulverizes brick, the things you thought you could hide behind. And when it slews its gun, the sound of the turret turning is like the sound of death itself.

That's one tank. In the Gulf War, columns of armor rolled across the desert for days and days, so vast and long that the dust they raised could have been seen from the moon.

Twenty years ago, as an overage infantryman in the Israeli army, I got my first taste of tanks, half-tracks, AFV's, and F-4's that passed so low over my head I was afraid my clothes might catch fire. These things always make me snap to attention. I can't put them out of my mind. And I could not put out of my mind the fact that, a few years ago, much of the Soviet harvest went to waste because the rolling stock that would have taken it to market was engaged in moving 70,000 tanks, AFV's, and artillery pieces east of the Urals, where, under the terms of the MBFR Talks, everyone would treat them as if they did not exist. But they're still there.

I cannot put out of my mind the hardships and demoralization of the former Soviet peoples, the hyper-inflation, the dying economy that will go nowhere but down, the half-dozen little hot wars that, like the wars in Spain and Abyssinia, inoculate against the rejection of violence. I cannot put out of my mind the Russian army, still possessed of a vast array of nuclear and conventional weapons, and strategic stores of food and war materiel.

Though it is true that it has been temporarily crippled by the loss of its strategic depth and the rot of its echelons, it is still intact. Many Americans imagine that it has ceased to exist, but it has 50,000 main battle tanks to America's 16,000, 43,000 artillery pieces to our 7,000, and it still produces modern equipment faster than we do. According to the 1992-1993 *Military Balance*, 4,200 main battle tanks have been added to the existing inventories of Russia, Byelarus, and the Ukraine since the demise of the Soviet Union.

If the United States produced this many tanks in a similar period, critics from many quarters would say that this was provocative, dangerous, and insane. They don't know the facts, and they don't want to know them. That is, I believe, because the facts are unpleasant, and the mass hallucination of a permanent peace is, to the contrary, very comfortable.

The Russian army alone is still formidable, and it is built around its memory of compressing into a tight spring that then, shedding its rage, decompressed and threw back Napoleon, Deniken, Kolchak, Hitler. That memory, that capacity, of an army with its back to the wall in the midst of a suffering nation, is, I submit to you, the most dangerous thing in the world today.

What do we see if we look for a counterweight to balance the instability of the shattered East Bloc? We see Europe breaking into smaller and smaller pieces while chasing the illusion that it can achieve political unity by means of an economic program that virtually no one wants. We see chronic unemployment in many countries, alarming debt, monetary chaos, and rapidly expanding fascist parties that may soon claim one voter in ten in the heart of the continent. Underlying all of this is a remarkable institutional instability not seen in so many countries at once since the immediate postwar period.

Deeply absorbed in dismantling its security apparatus, the West responds to the war in Yugoslavia by sending the world's two most deadly ineffective diplomats, Lord Carrington and Cyrus Vance, to hold meetings and have discussions. Cyrus Vance would call a meeting if his pants were on fire. He should have resigned long ago if only because of the atrocities against which he has pitted nothing but self-important impotence.

Positioning himself falsely to the right of President Bush, Governor Clinton recommends air strikes on the Serbs. One has to be very careful in such a place and in a context that can lead to far wider war, but the governor's view of Europe does not admit of this danger, which is why he can blithely ignore it. Even if greater risks did not exist, intervention would be, to paraphrase T.E. Lawrence, like cutting soup with a knife, and, quite simply, we've done enough of that in Vietnam and in Lebanon.

In its unrequited love affair with public opinion, NATO is begging for more responsibility in Central Europe, in the former U.S.S.R., and in the Middle East, while simultaneously and rapidly sloughing off its military capacity. A better initiation to disaster has never been invented.

Taking U.S. forces from Europe—Governor Clinton's's plan is to leave less than 25%, and the administration's not much better—is like lifting the control rods from a nuclear reactor. This false economy removes the customary constraints from forces that can rapidly assume a life of their own. Ethnic troubles are the least of them. The real danger is when countries with unstable politics and weak governments find themselves in a clash of irreconcilable national interests. What makes this prospect merely a thing of the past? Nothing. Clearly, nothing.

I ask you this: Had the United States left behind 10% of its World War One expeditionary forces (that is, about 200,000 men) to garrison Europe during the Twenties and Thirties, would the allies have found it impossible to enforce the disarmament provisions of the Treaty of Versailles? Would Hitler have marched into the Rhineland?

After the Second World War, we made up for this mistake, and our simple resolve worked to keep the peace in Europe for nearly half a century and to contain Soviet expansionism, thus binding the Soviet Union to the logic that brought it down. It could not produce, so to survive it had to conquer. When it could not conquer, it could not survive.

Some people will tell you that it collapsed entirely of its own weight. "All your efforts were wasted," they will say, "your preparations alarmism, your diligence obsession, your expenditures unnecessary, your sacrifices for naught. There was never any danger. You were just snapping your fingers to keep the elephants away."

You have to give these people credit. Long before the disintegration of the East Bloc they did insist that the threat was fiction, or that, to the extent that a threat did exist, it was purely defensive and of your own creation. They told you that the gentle and bewildered Red Army could not have invaded Europe because it was too busy as it, to quote the journal International Security, "repaired barracks, built dining halls, set up military posts, camps, and sports field."

They told you that the Warsaw Pact's 68,000 tanks, twice the number of NATO's actually were a disadvantage, being so diminutive that their operators had to be less than 5'3" tall, and that, because of a satanic lack of ventilation, these midgets, to quote the same journal, "were asphyxiated or went into shock."

But there are even worse ways to die, and I quote: "The automatic loader on the T-72 'grabs crew members and rams them into the gun's breach.'" Those of you who might want to go into armor can forget it. Even at the height of the Cold War there was nothing for you to do, because every time a Soviet tanker entered his vehicle it was like stepping into a Cuisinart.

Apart from the fanciful view of nothreat was another line of thought that managed somehow to co-exist with what appeared to have been perfect confidence in our safety, and that was that we were doomed. "Why fight the tide of history?" we were asked.

For it we did, we were told, there would be no history. There was nothing to worry about, and yet the situation was hopeless. We were just paranoids, but we were facing the inevitability of history. Though the strange luxury and inconsistency of these positions ran together for decades, never for a moment was the threat not real, and never for a moment was it invincible.

Rule of thumb: When generals become colonels, colonels majors, and air force bases industrial parks, the fighting cannot be too far ahead.

Am I saying that war comes after swords are beaten into ploughshares? Yes, I am. I am saying that we are at rest between the wars. I am saying that, God help you, you have a future.

What it will be will depend in large part on the extent to which you are neglected, and I assure you that you will be neglected. I assure that the United States will enter a future war with insufficient weaponry, numbers, materiel, and training—it has happened before—and that because of this some of you in this room may give up your lives.

You will have done so in consequence of the mistaken belief that to hold power is to abuse it. Those who subscribe to such a tenet read history without making distinctions. They think they can abolish war solely by abdication, and are never sufficiently wary of others who see in transcendent acts only opportunities to exploit.

Truly moral but less showy is the impulse not to abolish war but to contain, avoid, and minimize it. This requires, among other things, the willingness and ability to fight, which may seem like a contradiction but isn't. It does illustrate, however, why a uniformly pacific view often creates conditions that lead to war: if you refuse power, as the British and Americans did in the interwar period and as some would have us do now, you will not be able to contain or suppress the anarchic or sometimes purposeful acts that lead to the great wars. In this, as in so many other things, perfection is the enemy of the good.

Once, in Rome, I had a conversation with an American who feared a coup from within your ranks. I thought, how odd. Following the dictates of civilian authority, the military took ten years in Vietnam to lose a war that, risking Chinese intervention, could have been fought to its conclusion in six months. (If you think that's optimistic, I refer you to the Gulf War and remind you that Hanoi is 60 miles from the sea.) For a decade the armed forces accepted failure and death in service of the principles of civilian rule, and then in restaurants in Rome and at dinner parties in Manhattan you are told that you are the main threat to it.

But before you overthrow that principle you will accept virtually anything. You will accept redefinition. You will accept marginalization. You will accept failure. You will even die. For a long time now, popular culture has ridiculed this kind of belief and devotion, and though you risk disillusion and disappointment, do not envy the glib and the uncommitted. Even simple, tongue-tied, anonymous men live better lives than they do, for those who believe in nothing, are nothing.

Having decided that you are not very necessary anymore, the country will now punish you, acting, among other reasons, on its contempt for what it perceives as interservice rivalry. Had this been done at the start, the navy would not have aircraft carriers, because flying was the domain of the army. After the air force split from the army, the army would not have gone into helicopters because it was no longer in the flying business, and the air force would not have because it was not in the business of vertical envelopment. Why should the navy have ballistic missiles, as that's the job of the air force, or is it the job of the army, as the air force is not in the artillery business?

And the marines! What an outrage! They use boats, planes, and armor. They just can't let the rivalry rest. Obviously, they've got to be the first to go.

The same impulse has spawned proposals for consolidating the service academies and civilianizing their faculties, ostensibly because of a lack of Ph.D.'s on the current rosters. It would seem to me that the best way to solve this problem, absent a desire to punish the army, would be to send out even more officers to get doctorates.

I went to college and graduate school in a place that was to Ph.D.'s what the Everglades are to alligators. One of the faculty members, David Riesman, was the Arnold Schwarzenegger of doctorates, having earned four of them. But I found that the professors to whom I gravitated and from whom I learned the most were those whose learning had been annealed in the fire of war—the refugees who had seen their families perish, the field surgeons, the bomber pilots, the resistance fighters, the professor who made his way to class on one leg that was real and one that was of wood.

I sought them out not just because of their calm and their humility, their great wisdom, and all that they had seen and done. I sought them out because they had the light of survival in their eyes.

Your facility is rich in such men. Not all of them may have Ph.D.'s, but my reading of history tells me that the army has done pretty well up to now without indexing itself to the values of the academic world, especially as those values are currently expressed in the merciless rhythm of political correctitude. Critics may say that army teaching army is just another instance of the legacy of war being passed from one generation to another that once again will know war and know in its bones what to do when war comes, and I will say to them, you're goddamned right.

Though some who may not fathom the moral imperative of this may find it embarrassing, the purpose of the military academies is to train officers to lead the armed forces, and the purpose of the armed forces is to win wars and, with that unambiguous capability nothing like a bluff, to deter them.

Let me tell you a little story. I was in a field security group in the Israeli Air Force. I had been in the army, but was transferred into the Air Force, where they made me wear an army uniform. If you think that's confusing, consider that in Hebrew the word for "he" is "who" the word for "who" is "me," and the word for "she" is "he."

I was assigned to a base in the northern part of the country, in a forest that was a major terrorist infiltration route. These terrorists, whom cowardly American newspapers call "fighters" even though they massacre civilians and kill five-year-olds by bashing their heads against rocks, used the forest to good advantage, as the Israelis relied on motorized patrols.

So, on my own initiative and, shall we say, "parallel" to orders, I extended the area of my responsibility, and used to go into the forest at night and in the day, alone, with my Uzi, extra magazines, and two grenades that I was not supposed to have. I had night vision equipment, too: It was called the moon. I worked only periodically and never when the sky was cloudy, but it didn't weigh me down, it was free, and it was beautiful. I remember standing on a mountaintop in the full moonlight, listening to the sound of wild boar moving through the forest below. In the distance I could see the lights of Haifa, and Tyre, and towns in Syria and Jordan. The land was dark, the folds of the mountains black, and the moonlight covered the Mediterranean and the Sea of Galilee with a silent and ghostly sheen.

Once, a few miles from base, near an Arab village called Jish (and when I got past it I'd say, "Jish!"), I ran into one of our armored patrols at about two in the morning. They trained their mounted machine-guns on me, and their arc light, and they said, "What the hell are you doing here?" I said I was doing exactly what they were doing, only I couldn't be heard and seen from two miles away. The commander wanted to know where the others were, and when I told him I was alone he said, "I thought you were an American, and you are. Americans are nuts!" I've never received a finer compliment.

By the way, the one time I took a daylight walk without a weapon, I was five minutes out of the perimeter when I heard the brush move and saw a wild boar emerge onto the road not three feet from me. These things are famous for wiping out whole groups of medieval pikemen and their packs of dogs, and there I was, in my commando sweater, remembering that it took an entire magazine to bring one down and another to kill it.

It had horrible, curly tusks, and it was as big as a Mercedes Benz. I prayed for an air strike, but nothing happened, so I said, "Hi boy! How are you? Jews don't eat bacon." You know what he said? He didn't say anything: he couldn't talk. But I was ashamed, and I decided to give only name, rank, and serial number. The problem was that I could never remember my serial number, I had no rank, and I just wasn't going to tell my name to a pig, so I remembered where I'm from, which is New York, and I said, "Hey! Drop dead!" And, you know what? He did. He had a heart attack, right then. . . . That may be a bit of an exaggeration. He did go away.

One cool blue day, I was walking in the forest, where, as far as I knew, no one from the army ever set foot, when I saw, although they did not see me, an Israeli Arab in full regalia, with a pistol on a Sam Browne belt, and a blonde woman in a bedouin checkered scarf. They were crouching in the brush, sketching the defenses of the base. He was describing to her things that he pointed out and that she then marked down on the paper.

The next thing they knew, I was standing ten feet away, pointing my Uzi at them and commanding them, in Arabic, to raise their hands into the air. But the old man, who had probably lived half a century before the day I was born, was not of the opinion that the game was over. He put his hand on the grip of his pistol, and he held fast.

Now, what was I to do? Every time I turned around I was reprimanded for one thing or another, and there I was, patrolling entirely parallel to orders. I knew what I would do in coming across a team of infiltrators, but this was a lot different, and I had not foreseen anything like it. The woman was undoubtedly a "tourist," and the old man was undoubtedly a citizen who lived nearby. Still, they had come miles through the forest and were sketching the defenses of what was called a "secret base," and what, after all, was my purpose? If he were to fight, I would have to fire a burst, to stop him from putting a bullet in me. She was actually holding on to him, standing slightly behind. Was I going to shoot—and possibly kill—two civilians? Certainly the enemy had satellite reconnaissance of our installation, but these people may have been watching the shift changes and the habits of the sentries. She was scared and she was beautiful. He, although he was threatening to shoot me, resembled my father.

I won't say what I did except to tell you that though I didn't harm them, the ending was not pretty. It was shrouded in uncertainty, and I have never come to terms with it. In no way, however, did any of this resemble the hypothetical discussions, occasioned by the war in Vietnam, that I had had with plenty of Ph.D.'s I had had the best training in hypotheticals that you can get, but when the question ceased to be hypothetical and was real, that training proved useless.

Before Congress civilianizes your faculty, it would do well to take a long look at the kinds of problems you will encounter, the difference between what is hypothetical and what is real, and the priceless value of learning from those who have been through the ordeals for which you are destined.

What I know of such things, compared to what they have seen, is nothing, and therein lies a tale that I would like to tell. I am frequently asked how it is that I, an American, served in the Israeli army and Air Force, and not in the military of my own country. The first part of the question is easy to answer. I point out the long tradition of Americans serving in the armed forces of allies—the Lafayette Escadrille; Faulkner in the Canadian Royal Air Force; E.E Cummings and John Dos Passos in the Norton-Harjes Ambulance Corps; the Eagle Squadron; the Flying Tigers. I mention that before I served under another flag I reported to the department of State and formally swore an oath of loyalty to the United States, and to defend the Constitution. And I remind my questioners that Israel fought not only armies trained and equipped by the Soviet Union, but, sometimes. Soviet soldiers themselves. In that period, the United States and Israel worked very closely together; how closely I think is not yet fully a matter of public record.

To the second part of the question, I reply that though the men in my family have served, since our arrival there, with Pershing in Mexico, in the First World War, so many in the Second World War that the welcome home had to be held in a hotel, and that though one cousin, Richard, was a Navy ace in the Pacific, and another, Robert, died in his B-25 in August of 1942, and another, Hank, was wounded twice in Korea, and half a dozen of my uncles served in all the branches in World War Two, and my father came out of the war a major, that despite this tradition in which I was certain I would have a place, I did not serve.

If you think that it is easy to stand here in front of thousands of officers and future officers of the United States Army and explain this, think again. But just as the heart of your profession is your willingness to give your lives in defense of your country, even, as the case has been, as you are mocked, reviled, and dismissed by those for whom you will die, the heart of my profession is to convey the truth, and what good is a profession without its heart?

Let me try to convey, then, what I have come to believe is the truth—or at least part of the truth—of a time that was over before many of you were born. I do so not to gain approval or to attain an end, but in service of illumination and memory, and I hope, as you will see, that you may be able to use the knowledge of my failure to clarify and strengthen your own resolve.

"Everyone" at the Republican Convention this summer was reading a book about Harry Truman. Yes, most of them knew Truman was a Democrat. I'm a Republican, and though I was not old enough to have voted in the election of 1948 except perhaps in Chicago—I was one—I would be proud to have voted for Harry Truman had he been running against anyone other than Abraham Lincoln or Theodore Roosevelt.

My conduct in the Vietnam era can be expressed by stating that although in the Israeli army I had, but for corrective lenses, a perfect physical rating for combat, here I was officially, legally, and properly 4-F. If I were Bill Clinton I would take 10,000 words to explain this and say nothing, but I'm not Bill Clinton, and I can get to the heart of it in eight: What I did was called dodging the draft.

I thought Vietnam was so much the wrong place to fight and that the conduct of the war was so destructive in human terms and of American power, prestige, and purpose that I was justified in staying out. What the existence of the re-education camps and the boat people, and the triumph of containment have taught me is that my political assessment was not all that I thought it was, and I have also come to believe that, even if it had been, I still would not have been released from honoring the compact under which I had lived until that moment, and which I then broke. I did not want to participate in a war the conduct of which was often morally ambiguous. Now I understand that this was precisely my obligation.

So you may imagine what I felt when I came to a passage on page 102 of David McCullough's *Truman*, explaining how Truman had volunteered in the First World War: "He turned thirty-three the spring of 1917, which was two years beyond the age limit set by the new Selective Service Act. He had been out of the National Guard for nearly six years. His eyes were far below the standard requirements for any of the armed services. And he was the sole supporter of his mother and sister. As a farmer, furthermore, he was supposed to remain on the farm. . . .

"So Harry might have stayed where he was for any of several reasons. That he chose to go . . . was his own doing entirely."

Truman had five unimpeachable reasons not to serve, and he tossed them to the wind. Had he tossed them at my class at Harvard, I assure you, they would have been fought over like five flawless versions of the Hope Diamond.

His actions were all the more impressive when it is remembered that the First World War was far more brutal than the war in Vietnam, far more costly, and far more senseless. At least the war in Vietnam was fought in the context of a policy of containment that, later, was to triumph. Even were Vietnam not the best place to make a stand, it was the fact that a stand was made that mattered. In contrast, the First World War was fought almost entirely for nothing. Though it is true that the country was more enthusiastic about it, that just drives home the fact, as did Vietnam, that you simply cannot know how things will turn out, and that a war may be right or wrong, opportune or inopportune, the proper time and place to make a stand, or it may not be, but that this is something to be determined in national debate and not in the private legislatures of each person with a draft card.

The United States might easily have overwhelmed North Vietnam but for the threat of Chinese intervention. Therein lay the checkmate, the nettle that never was grasped, that then became the source of the indecision, the moral ambiguity, and, eventually, our defeat.

We neither made quick work of the North nor extricated ourselves with grace, choosing instead a war of attrition for which we had not the heart. It was not just a tangle of good intentions and bad judgments that put us there in the first place. History put us there. It is understandable, even commendable, that we tried to stay, and also understandable and at times, I think, commendable, that we left. The truth is that the truth is divided.

Vietnam was the most difficult war we have ever experienced, because it required us to justify a continuing horror with an abstract vision of what our perseverance would yield, and we are neither an abstract nor a patient people. In the context of history as we now know it, it seems that, had we persevered, decades of struggle and suffering might have been obviated. But, still, that we were ambivalent did not alter the final outcome. Perhaps the world saw in our ambivalence that we are a nation that seeks not power, but the truth.

Of one thing in this regard, and one thing only, am I absolutely certain, which is that, in not serving, I was wrong. I began to realize this in 1967, when I served briefly in the British Merchant Navy. In the Atlantic we saw a lot of American warships, and every time we did I felt both affection and pride. One of the other sailors, a seaman named Roberts, was a partisan of the Royal Navy, and maintained that it was more powerful than our own. As I was a regular reader of the *Proceedings of the United States Naval Institute*, and had almost memorized *Jane's Fighting Ships*, I quickly, let us say, blew his arguments out of the water.

And then, in riposte, he asked why I was not in uniform. I answered with the full force of the rationalizations so painstakingly developed by the American intellectual elite. Still, he kept coming at me. Although he was not an educated man, and although I thought I had him in a lock, the last thing he said broke the lock. I remember his words exactly. He said: "But they're your mates."

That was the essence of it. Although I did not modify my position until it was too late, I began to know then that I was wrong. I thought, mistakenly, perhaps just for the sake of holding my own in an argument, that he was saying, 'My country, right or wrong,' but it was not what he was saying at all. Only my sophistry converted the many virtues of his simple words from something I would not fully understand until much later.

Neither a man nor his country can always pick the ideal quarrel, and not every war can be fought with moral surety or immediacy of effect. It would be nice if that were so, but it isn't. Any great struggle, while it remains undecided and sometimes even afterward, unfolds not in certainties but in doubts. It cannot be any other way. It never has been.

In the Cambridge Cemetery are several rows of graves in which rest the remains of those who were killed in Vietnam. On one of the many days of that long war, I was passing by as a family was burying their son. I stopped, in respect, I could not move. And they looked at me, not in anger, as I might have expected, but with love. You see, they had had a son.

Soon thereafter, not understanding fully why, I was on my way to the Middle East, in a fury to put myself on the line. And though I did, it can never make up for what I did not do. For the truth is that each and every one of the Vietnam memorials in that cemetery and in every other—those that are full, those that are empty, and those that are still waiting—belongs to a man who may have died in my place. And that is something I can never put behind me.

I want you to know this so that perhaps you may use it. For someday you may find yourself in a terrible place, about to die from a wound that is too big for a pressure bandage, or you may find yourself in an enemy prison, facing years of torture, or you may find yourself, more likely, as I did, in a freezing rain-soaked trench, at four o'clock in the morning, listening to your heart beat like thunder as you stare into the hallucinatory darkness of a field sown with mines. You may speak to yourself out loud, asking, why am I here? I could have been someplace else. I could have done it another way. I could have been home.

If that should happen to you, your first comfort will be your God, and then you will have—believe me—the undying image of your family, and then duty, honor, country. These will carry you through.

But if, after you have run through them again and again, you have time and thought left, then perhaps you will think of me, and this day at the beginning of your careers. I hope it will be encouragement. For that I was not with you, in my time, at Khe Sanh, and Danang, and Hue, and all the other places, is for me now, looking back, a great surprise, an even greater disappointment, and a regret that I will carry to my grave.

The PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 187 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. Mr. President, if the Chair recognizes me, I would like to be added as an original cosponsor of the legislation introduced by Senator BURNS.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Under the order, the Senator from New York [Mr. D'AMATO] is recognized for not to exceed 2 minutes.

GAYS IN THE MILITARY

Mr. D'AMATO. Mr. President, I rise to make a short and direct statement. I am compelled to do so, because I believe in its correctness.

Mr. President, no government has the right to discriminate against any of its own people. Gays and heterosexuals have served in the military in the past with honor, and they will continue to serve honorably together in the future.

Private behavior should not be the issue. The manner in which the job is performed should be the guiding criteria. I know my position will be a controversial one.

I support allowing gays in the military. It is that simple. Thank you, Mr. President.

The PRESIDENT pro tempore. Under the order, the Senator from Nevada is recognized for not to exceed 5 minutes.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of S. 186 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONFIRMATION OF BRUCE BABBITT

Mr. BAUCUS. Mr. President, last week, the Senate confirmed Governor Babbitt as Secretary of the Interior.

I wish to add a few remarks of enthusiastic support for this nomination. Having met and talked with Secretary Babbitt, I believe him to be an excellent choice for the position of Secretary of the Interior.

The new Secretary will oversee an agency that has a direct and critical impact on my home State of Montana.

Montanans use the public domain to graze their livestock; we actively explore and develop the mineral resource on public lands; and we utilize the timber that grows in the national forests.

Montanans also care deeply about the land. We are concerned about the continued viability of threatened and endangered species, and we firmly believe that no one public resource should be exploited.

As Secretary of the Interior, Secretary Babbitt has the responsibility of balancing these many competing interests existing on our public lands. He must be a champion of responsible mining, grazing, and timber extracting. At the same time, he must also advocate conservation, preservation, and recreation.

This can all be summed up in one word: balance. Balancing competing—but not necessarily mutually exclusive—uses is difficult at best. After speaking with Secretary Babbitt, however, I believe he is up to the challenge.

The knowledge and thoughtfulness on these many issues that Secretary Babbitt so clearly possesses will be of great use to him in his new position. I am confident that Secretary Babbitt is a superb choice for Secretary of the Interior. I look forward to working with him.

SOMALI RELIEF EFFORTS

Ms. MIKULSKI. Mr. President, on January 6 the Baltimore Sun published an op-ed piece on Somali relief efforts, by Dr. Robert S. Lawrence of the Rockefeller Foundation.

Dr. Lawrence points out that 80 to 90 percent of world refugees are women and that the refugee programs that work best are those which are designed for and by women refugees.

This is a lesson which can be applied not just to refugee programs but to many other development efforts.

I ask unanimous consent that this article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Jan. 6, 1993]

THE KEY TO RELIEF IN SOMALIA: WOMEN

(By Robert S. Lawrence)

Watch carefully the television pictures tonight of refugees in Somalia and you'll notice something interesting: A large majority of them are women, together with children and the elderly. These groups account for a disproportionate share of Somalia's refugees.

This is nothing new. Women typically account for between 80 percent and 90 percent of refugee populations. Now, as American troops establish operations throughout Somalia, they need to apply a lesson learned painfully in other relief situations. For their efforts to succeed, they must work closely with local women.

Doing so is not always easy, especially in cultures where men expect women to be deferential. But experience in the world's trouble spots shows it is nearly impossible to make relief operations successful without involving local women at every turn.

I recently chaired a conference organized by the Institute of Medicine of the National Academy of Sciences that examined the special health-care needs of women refugees. Experts at the meeting agreed that the best way to ensure that the refugees actually get food is to put women in charge of distributing it. When men are given this responsibility, there is a much greater chance the supplies will be diverted to military forces.

The food itself must be prepared with women in mind. Food that is sufficiently nutritious for men may be inadequate for pregnant and lactating women, and for their children. Meals must offer ample amounts of protein, calcium, iron and vitamins. While any food is better than no food, long-term feeding programs should try to include fruits and vegetables.

Relief workers and refugee women also must be able to prepare the food properly under difficult conditions. Experienced relief workers speak of "crazy beans" that often are donated for refugees. These beans must be cooked an entire day. They are useless and a cruel hoax for refugee women who lack water, firewood and cooking implements.

Refugee women usually take the lead in caring for everyone else, especially for children and the elderly. But first the women themselves must be physically and mentally up to the task. A woman who is seriously ill or too overwrought by grief to function cannot care for herself, much less for anyone else.

So basic health services are essential for refugee women, and they must be provided in a way that accommodates the women's daily routines and religious beliefs. Women may not take advantage of a health clinic if it is far from where they gather water, cook food and perform other chores. They also may stay away if the center is staffed only with men. The need for female health-care providers is especially acute in Muslim countries such as Somalia.

Mental-health problems are less obvious than starvation, but refugee women often need mental-health services urgently. In Bosnia, some young women refugees were held captive by soldiers and raped repeatedly for weeks at a time before being released. Others witnessed the capture or murder of their husbands, brothers and children. Some of these women, understandably, are now incapacitated by depression. They need help.

Many relief workers already know from long experience how important it is to give local women a prominent role in relief operations. The United Nations High Commissioner for Refugees has initiated a promising program, called "People in Planning," that encourages relief workers to study the traditional gender roles of refugees and to incorporate this information in their plans.

The United Nations and private relief organizations cannot assist refugees, however, unless they have been invited by the host country. With few exceptions, the country is run by men and the situation has degenerated so badly that "women's concerns" are dismissed as dispensable while lives are at risk. That view is common but wrong.

The power of host-country authorities can be seen in Bosnia, where a million people need international assistance to survive the harsh winter. Relief workers there are operating under tight constraints imposed by local officials, just as they did in similar situations in Thailand, Hong Kong, Jordan, Honduras and elsewhere.

All Americans can take pride in the bravery and compassion shown by our forces in Somalia. But the lesson of other refugee situations is clear. To accomplish the most good, we must work closely with the local experts: women.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $4,175,229,095,992.95 as of the close of business on Friday, January 22, 1993.

Anybody even remotely familiar with the U.S. Constitution knows that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on Federal spending approved by Congress—spending over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day, just to pay the interest on the existing Federal debt.

Mr. President, on a per capita basis, every man, woman, and child in America owes a debt of $16,254.95, thanks to the big spenders in Congress for the past half-century. Merely paying the annual interest on this massive debt amounts to an average of $1,127.85 per year for each man, woman, and child in America. Or to look at it another way, for each family of four, the tab—to pay the interest alone—comes to an average of $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

NOMINATION OF BRUCE BABBITT TO BE SECRETARY OF THE INTERIOR

Mr. MITCHELL. Mr. President, I was pleased to support the nomination of Bruce Babbitt to be Secretary of the Interior. His training as a geologist, his knowledge of natural resources issues, and his experience as attorney general and Governor of Arizona make Governor Babbitt well qualified to head the Department of the Interior.

The Secretary of the Interior is charged with the protecting and ensuring the sustainable development of much of this Nation's natural resources. The Secretary is responsible for protecting this Nation's threatened and endangered species; for conserving nearly 91 million acres in this country's 485 national wildlife refuges; for preserving the scenic, cultural, and natural resources of our National Park System; for soundly managing over 270 million acres of public lands in the Western States; and for fulfilling the trust responsibility of the United States to native Americans.

The demands placed on our Nation's natural resources and the challenges facing the Department of the Interior are unprecedented. More than ever, America's rich natural heritage needs sound stewardship so that it will be available for future generations to use and enjoy. I am confident that Governor Babbitt has the knowledge, experience, and leadership to provide that stewardship. I strongly supported his nomination.

TRIBUTE TO HAM WILSON

Mr. HEFLIN. Mr. President, Ham Wilson recently retired from his position as government affairs director at Alabama's largest institution of higher education, Auburn University. He served as the school's chief lobbyist beginning in 1985, when former president, James E. Martin, established the position to ensure a permanent presence for Auburn at the Alabama State House. Prior to that, he earned a great reputation statewide as the chief executive officer of the Alabama Cattlemen's Association.

I ask unanimous consent that an article from the Montgomery Advertiser on the life and career of Ham Wilson be included in the RECORD at the conclusion of my remarks. At a time when the term "lobbyist" has come to evoke such unkind sentiments from some members of the public, Ham Wilson's story offers a positive inside view of the business at the State level. I commend it to my colleagues, congratulate Ham for a job well done, and wish him all the best for a happy, healthy retirement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AU SAYS GOODBYE TO SMILING LOBBYIST

(By Mary Orndorff)

Former Gov. John Patterson recalled recently how his old friend Ham Wilson coaxed him into the cattle business, starting with one angus heifer.

Then Mr. Wilson followed up the deal by lobbying him with visions of expansion.

"And then I found myself up to my ears in cows," said former Gov. Patterson, now the proud owner of about 30 brood cows and a bull at a farm in Tallapoosa County.

Through the terms of eight governors, two Auburn University presidents and bushels of legislators, E. Hamilton "Ham Wilson roamed the halls outside the chambers of the Alabama Legislature, talking beef and budgets. Now, more than 40 years later, the lobbyist is hanging up his spurs.

First as chief executive officer of the Alabama Cattlemen's Association and most recently as Auburn University's lobbyist, Mr. Wilson became an expert at sowing the financial seed with lawmakers.

And he always made sure the crop came in. He made his reputation as a lobbyist with the Cattlemen's Association, for whom he built an "almost untouchable" grassroots network, one colleague said. It's said the association rarely sought legislation, but what it had on the books was near sacred.

But, Mr. Wilson said, for all his strong cattle industry ties, his career highlight has been working for the past seven years for the land grant university from which he graduated in 1943.

"I knew they were talking about a full-time lobbyist, but I never had any idea it would be me," Mr. Wilson said in a recent interview at his downtown Montgomery office.

Former Auburn President James E. Martin hired Mr. Wilson in 1985 to establish a permanent Auburn presence at the Alabama State House.

"We knew we needed someone who really understood the system and had worked in the area, and then someone made the comment, 'That sounds exactly like Ham Wilson,'" Dr. Martin said recently.

So what did a Greenville native, World War II veteran and former executive vice president of the nation's largest cattle group have that Auburn wanted?

"I was just one of a kind, if you really want to know," Mr. Wilson said, laughing as he reached to gnaw on a his unlit cigar.

Dr. Martin was a bit more specific.

"He knew people all over the state," the former president said. "Ham" Wilson just doesn't meet a stranger."

Officially known as Auburn's director of governmental affairs, the 71-year-old is retiring today, but no one seems convinced he will disappear completely, even Mr. Wilson himself.

"I'll rest a little bit, and probably help Auburn a little bit until we can get somebody else broken in," Mr. Wilson said of his immediate retirement plans.

Surrounded by walls lined with awards, honors and large framed pictures of the Loveliest Village on the Plains, Mr. Wilson can't help but smile, a characteristic for which he is famous.

The other most common description of Mr. Wilson has nothing to do with the notion of lobbyists sneaking deals in smoky back rooms with handsome gifts to lawmakers.

Former Gov. Patterson, now an Alabama Court of Criminal Appeals judge, described Mr. Wilson as a go-getter and a professional.

They were neighbors in the 1950s, became colleagues in state government and have been friends ever since, Judge Patterson said.

"He is a political person the likes of which rarely comes along. Everyone likes him. He's honest, and you can bank on what he says. That's what makes a good lobbyist," the judge said. "I hate to see him hang it up."

Part of Mr. Wilson's Auburn job was riding the fence surrounding the Special Education

Trust Fund budget, eyeing the one-third share traditionally set aside for higher education.

The annual battle for Alabama universities, colleges and school systems for state funds was his number one and most time-consuming priority.

"Ham is a straight shooter, and if he tells you something, it's the truth", said Henry Hector, executive director of the Alabama Commission of Higher Education. Mr. Wilson is one of several lobbyists who sat down with the commission when creating the funding formulas for higher education.

Dr. Hector recalled a time last year at one such meeting where an error in the formula was spotted that could have cost Auburn millions of dollars, but instead of turning it into a turf battle, Mr. Wilson kept things on the lighter side.

"Ham took it, smiled, and said, 'Here we go again, Auburn contributing to the resources of the state,'" Dr. Hector said.

When Mr. Wilson took the job during the 1985–86 school year, Auburn was appropriated about $72.7 million, plus $12.8 million for Auburn University at Montgomery. In the current budget year, Auburn received almost $129 million, plus $13.2 million for AUM.

The $56.7 million increase during Mr. Wilson's tenure indicates a certain amount of success.

This year, the Auburn system is asking for almost $225 million total, a 58 percent increase.

Fellow lobbyist Bob Geddie of Montgomery said the lobbying business has changed over the years, from Mr. Wilson's "almost untouchable" grass-roots network to a more urban-oriented influence.

Since funding formulas were established for the university budget system, the game also has become more gentlemanly, he said.

But, even with the changes, "(Mr. Wilson) was respected and had a lot of credibility," Mr. Geddie said.

Part of his success was due to preparation and earning the confidence of the legislators, Mr. Wilson said. "That'll get you a long way, but I was kind of lucky—I not only knew the lawmakers, I knew their mamas and daddies."

The legislative bent apparently passed down to Mr. Wilson's namesake, Ham Wilson Jr., a former legislator and current lobbyist for the Alabama Rural Electric Association and the State Troopers Association.

"He was always talking about the legislature. It was a part of our growing up," the younger Mr. Wilson said recently. "He was more than a lobbyist, he was personal friends with the legislators and had long-term relationships with those folks."

When asked how his father—who always looks forward to getting up in the morning for work—will handle retirement, his namesake said, laughing, "He won't."

Mr. Wilson and his wife of 45 years, Louise, have one daughter, Nancy. She is owner and operator of Nancy Blount Inc., a women's clothing store on Zelda Road. Her husband, Bill Blount, is chairman of the Alabama Democratic Party.

State Rep. Taylor Harper, D-Grand Bay, chairman of the House Ways and Means Committee describes the lobbyist as an optimum gentleman.

"He just knows everybody. He has a way about him, and he always watched out for Auburn without reservation," Rep. Harper said.

In appreciation for that unwavering support of Auburn and his work with the Cattlemen's Association, the 500-seat livestock arena at Auburn's main campus was named for him.

Auburn President William V. Muse's seven-member search committee is meeting but probably won't have a new director until after the first of the year.

"Because of the increasing complexity of legislative issues, especially in budgetary matters and higher education, we have been fortunate to have Ham Wilson representing Auburn's interests in Montgomery," Dr. Muse said. "He will be sorely missed."

TRIBUTE TO JAY W. MURPHY

Mr. HEFLIN. Mr. President, I rise today to pay tribute to Jay W. Murphy, one of the Nation's leading labor arbitrators and teachers of labor law, who died on December 16. Jay was a resident of Tuscaloosa, AL, where he had served on the faculty of the University of Alabama School of Law for 34 years beginning in 1947. Upon his retirement, he became a full-time arbitrator and mediator, and throughout his career arbitrated cases in industries ranging from agriculture to textiles, shipbuilding, health care, and transportation. At the time of his death at the robust age of 81, Jay was in the midst of arbitrating a case involving a Tennessee firm.

Jay was very much in demand as a problem solver because he was so well known for his fairness, ability to reach a just solution, zest for life, wide-ranging interests, an engaging personality complete with a self-effacing sense of humor, compassion, intelligence, and warmth. And those are only a few of the many positive accolades attributed to him by the scores of friends and associates he leaves behind. I think someone put it best, albeit simply, by saying Jay was a man of great character in a characterless time.

Jay Murphy was born in 1911 in rural Illinois, joined the merchant marine as a youngster, and earned his bachelor's degree from the University of Illinois. He later took his two law degrees at George Washington University here in the Capital. While at GW, he worked as a research analyst for the Civilian Foreign Intelligence Agency before joining the University of Alabama as an associate professor of law. During his tenure at Alabama, he spent some time abroad. He and his wife, Alberta Brown Murphy, served as visiting lecturers at the Seoul National University, helping to establish the institution's graduate school of law. While in Korea, the couple authored two books, "Legal Education in a Developing Nation" and "Legal Professions in Korea."

As a professor, Jay taught the Constitution as a living instrument that guaranteed rights, including equal rights, and free expression to students who came from a culture in which the Constitution only applied to some. His ideas were thought provoking and challenging, but his manner and style were so open that it was very difficult for those opposing his views to confront him directly. He and Alberta were well-known civil rights activists dating back to the early 1960's. Jay authored numerous law review articles on issues of civil rights and constitutional law, and was a member of the Alabama Advisory Board of the U.S. Civil Rights Commission and one of the first directors of Tuscaloosa's ACLU chapter.

Jay's interests were always wide ranging, and included biology, ecology, astronomy. He was particularly interested in some of the deep philosophical concepts originating from astronomy. He was an avid reader, not only of material within his own areas of expertise, but in fields such as science, literature, and history as well. He was a true liberal thinker in the very best sense of the term—innovative, open minded, unbound by convention, and totally committed to individual liberty for all under the Constitution. I don't think anyone who knew him would disagree with the statement that he was one of the truly delightful human beings on Earth.

Mr. President, I extend my very best to Alberta Brown Murphy and her family in the loss of their uncommonly revered loved one, Jay Murphy. His legacy and memory will always be cherished by the many of us fortunate enough to have known him.

TRIBUTE TO REPRESENTATIVE JOHN L. BUSKEY

Mr. HEFLIN. Mr. President, the people of Alabama were saddened early in December by the tragic and untimely death of one of its outstanding State legislators, Representative John L. Buskey. Representative Buskey, a Democrat, had been a member of the Alabama House of Representatives since 1983, serving the voters of north and west Montgomery.

In addition to his legislative duties, Representative Buskey was a member of the American Library Association, the Montgomery Area United Way, and the Alabama Democratic Conference. He was also on the council of deans and the Alabama State University faculty senate. He had served as director of that university's Levi Watkins Library and Learning Resources Center since 1977. The late lawmaker, who held academic degrees from both Alabama State and Atlanta University, was a moderator of the First Congregation Christian Church in Montgomery.

Upon Representative Buskey's death, Alabama House Speaker Jimmy Clark remarked that his long-time colleague was always eager to listen and learn, a soft-spoken man who always greeted others with a smile and a firm handshake. As a testament to this observation, Representative Buskey had only recently been named vice chairman of the National Conference of State Legislature's redistricting committee—an

appointment appropriately deemed the highest honor given to an Alabama legislator during the last 30 years. I know he will be missed by all those associated with State government in my home State.

Mr. President, I ask unanimous consent that an editorial printed in the December 6, 1992, edition of the Montgomery Advertiser commenting on the life and work of Representative John Buskey appear in the RECORD following my remarks. I extend my sincerest condolences to John's wife Essie and her family in the wake of their tremendous loss.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Montgomery (AL) Advertiser, Dec. 6, 1992]

ALWAYS RESPECTED: STATE WILL MISS REPRESENTATIVE JOHN BUSKEY

They did not always agree with him, but state Rep. John L. Buskey of Montgomery had the respect of the members of the Alabama Legislature.

After Rep. Buskey's tragic death Thursday in what police call a "domestic incident" at his home, a wide range of fellow House members praised the Montgomery Democrat.

House Speaker Jimmy Clark said Rep. Buskey was involved in almost every important project in the House of Representatives. "He was a well-rounded person and he always had something to offer," said Speaker Clark. "He was even-tempered and always helped when we got in a bog."

A House maverick and close friend of Rep. Buskey since college days, Rep. Alvin Holmes called him a "great legislator . . . able to get things done there when others couldn't because he would work quietly behind the scenes."

A reporter who covered the Montgomery legislative delegation in the early '80s remembers Buskey as a quiet lawmaker who worked at his House duties, but always had time to explain a vote or parliamentary procedure.

He went to the Legislature in 1983, filling a vacancy left when Rep. Charles Langford moved to the state Senate. In 1986 he faced opposition from black Democratic and white Republican opponents and handily defeated both.

Buskey's loyalties were intense. He stuck with college chum Joe Reed's Alabama Democratic Conference, splitting politically but amicably with his brother James of Mobile—also a state representative—when James became a member of the rival Alabama New South Coalition.

Reed, Rep. Buskey's neighbor, one of the first on the scene after the shooting, called him his best friend: "We lost a real leader in this state and in this city."

At the time of his death he was among the most powerful members of the Legislature, serving on the Ways and Means, Judiciary and Sunset committees.

Rep. John Buskey worked actively in the Legislature for the interests of his constituents and especially for education, both at the grade school and the college level. He was a consummate gentleman, and like his wife, Essie Buskey, assistant superintendent of education for Montgomery County schools and an Advertiser & Journal Woman of Achievement, he contributed positively to this community in manifold ways.

The Advertiser has been against Rep. Buskey on some issues, but we have been for him on more. But for or against, like his House and Senate colleagues we always respected him.

He will be sorely missed, and we grieve for his dear wife Essie and her family over the whole tragic situation.

MADGE MULLINS WILBANKS' ESSAY

Mr. HEFLIN. Mr. President, shortly after last year's elections, one of my constituents, Madge Mullins Wilbanks, wrote an uplifting essay conveying her views on the importance of voting and how the electoral process is an expression of our unique role as Americans.

Just as most of us were, Ms. Wilbanks, was heartened by the dramatic increase in voter awareness of the participation in the 1992 elections, and eloquently expresses her thoughts on this encouraging development in her essay, published in the November 8 editon of the Clanton Advertiser.

I ask unanimous consent that Ms. Wilbank's piece be included in the RECORD following my remarks. I hope my colleagues enjoy it as much as I did.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WRITER IS ENCOURAGED BY HEAVY TURNOUT IN ELECTION

(By Madge Mullins Wilbanks)

At the signing of the Declaration of Independence in Philadelphia, Pennsylvania, on July 4, 1776, one of the famed founding fathers of this nation said, "We must all hang together, or assuredly we shall all hang separately." This signer of the declaration that proclaimed the right of the early patriots was Benjamin Franklin (1706–1790), a man who along with the other early patriots as Jefferson, Washington, Adams, Madison, Hamilton, Patrick Henry and hundreds of thousands of fellow patriots knew the mandated necessity of togetherness in pulling the colonies into a union, into a togetherness in which they would find an abiding strength and courage for the task ahead of forging a new nation. Whether or not these extremely wise and patriotic patriots knew how their beloved colonies would grow into the greatest and largest democracy in the world may never be known but, as stated, they were very wise men who believed in their cause of liberty, of freedom, and that these must be found through a forged bond of togetherness.

In reading history and in learning of the tales of that early American era when the United States was so very young, there is an overpowering and all consuming excitement of patriots working together for a common cause, in pulling together at all cost for the well-being of accomplishments that would enhance the small beginnings of that earliest of times into a future of which they and their following generations could ever be proud. There was a courage that was bright and glaring as a shining star to guide the pioneer spirit of those early days into the coming together of a nation whose greatness is without limit and where every possible dream for every early patriot, early pioneers, and generations to follow could be fulfilled.

As freedom was gained in 1783 and again in 1812 and through ensuring wars as gallant men and courageous women fought that togetherness of life in the United States of America could prevail there was kindred spirit that could not and would not be allowed to burn out. With freedom ringing loudly, the right to express oneself and the beliefs of oneself openly in free elections gained momentum and the land grew and its people with it until our beloved country was a beacon to all as exemplified by the Statue of Liberty in New York harbor. The cherished right and privilege to vote one's own convictions became precious as countries around the world were observed who lacked this great gift of freedom, this vote for freedom. There was an un-matched thrill of being able to vote for the first time as a young person! There was the immense joy of becoming an American citizen and having the right to vote for the first time!

Then, somewhere along the way of time and years an apathy set in and in far too many cases and in too many passing years the right to vote to lay better claim to the togetherness bred early in this nation became less of a beacon and the light seemed to dim and grow faint. Some people became so lethargic and apathetic that they chose not to exercise the right to vote for which their forebearers had fought—and died—and there was a time of grief for freedom and the togetherness that had made the United States of America the democratic hope of the world.

However, in this election year of 1992 just past something absolutely wonderful happened! You could feel it! The air was singing once again with partiotism and the American people's interest in their country and in exercising their right to vote and determine what they thought would be the best choice for this country was rekindled. It was as if all the old soot on all the antique lamps of yore had been wiped clean with the sparkling magic and all the lights burned brightly once again with the magnificant caring of a people with renewed hope, rekindled interests, and that together this American people, a people from all walks of life and of all races, religions, and creeds, could and WOULD care enough to vote, to express their birthright out of a renewed birth as gargantuan in 1992 as it had been in 1776 and record crowds of Americans flooded the voting places and expressed their renewed belief in their beloved country. Once again they hung together so that they would prevail as in the days of Benjamin Franklin when the country was just beginning.

It would seem the magical spell has been cast and that togetherness even in this modern world of brilliance of technology can still and, most humbly and gratefully, appreciate the one after one individuality that welded together will forever remain the hope of the world and the brightly shining beacon to lighten a path of courage and of strength and of character of faith to reach to the darkest corner on the face of this earth. As Thomas Wolfe, the famed Southern writer of Asheville, North Carolina, spoke so eloquently, "This, Seeker, is the promise of America." An America that turned out to vote its heart out in its belief in its land, its people, its way of life—a life of strength through togetherness and excitement as new beginning even in this late fall of 1992.

TRIBUTE TO FRANK ROGERS

Mr. HEFLIN. Mr. President, I want to take a moment to congratulate and

commend an outstanding law enforcement official in my home State for the totally professional and excellent job he has done for the community he serves. The chief deputy sheriff of Jefferson County, AL, where Birmingham and most of its suburbs are located, for the past 10 years has been Frank Rogers, and he will be retiring this month. His distinguished law enforcement career has spanned 43 incredible years.

Frank is the second-highest ranking officer in the Jefferson County Sheriff's Department. All but a few months of his career have been spent with this department.

Frank also serves as a State legislator, representing much of northwestern and western Jefferson County, including Warrior, Brookside, Graysville, Adamsville, Forestdale, Mulga, Edgewater, and a portion of Gardendale. Prior to his first election in 1990, he was the sheriff's department legislative liaison.

Frank began police work when he was only 21 years of age, joining the Birmingham Police Department as the youngest officer on the force. About 4 months later, he left for the sheriff's department as a radio dispatcher. Having worked his way up through the ranks, in 1973 he helped establish the internal affairs division and was named its commander. Frank has always said that this was one of his favorite accomplishments. He was appointed chief deputy in 1983.

Again, my congratulations to Frank for his many contributions over the decades to the cause of law enforcement. He is an outstanding public servant. I extend my very best to him in all his future endeavors.

JACKSONVILLE STATE UNIVERSITY'S NCAA CHAMPIONSHIP

Mr. HEFLIN. Mr. President, Jacksonville State University's football team, which began playing the sport in 1903, won its first ever National Collegiate Athletic Association Division II National Championship last year. The Gamecocks defeated defending national champion Pittsburg State of Kansas 17–13 in Florence, AL, on December 12. This was an especially gratifying victory for the Jacksonville, AL, school, since it was the final opportunity for them to win the national crown in their present division. The Gamecocks will be moving to Division I-A ranks after a 2-year compliance period beginning this year.

Jax State had played for the national championship in football three times previously, but all three times had come up short. In 1977, under Coach Jim Fuller, the Jaxmen lost to Lehigh 33–0 in the playoffs. Twelve years later, with present coach Bill Burgess at the helm, Jacksonville State dropped a 3–0 title game decision to a Mississippi College team it had defeated rather handily earlier in the year. In 1991, they lost to the Gorillas of Pittsburg State 23–6 in the championship contest. Playing their third title game in the past 4 years, Jax State finally got the monkey off its back by edging the same club in a December game that went down to the wire.

A member of the Gulf South Conference since the league was formed in 1971, Jacksonville State University has won nine conference crowns, more than any other team in league history. The 1992 appearance in the NCAA Division II playoffs was the Gamecock's tenth, which ranks them second only to North Dakota State for the most playoff appearances. In addition, Jax State is the only team to have advanced at least as far as the quarterfinal round in each of the past five seasons. By winning the football championship, Jax State became the only school which has won national championships in the three major college sports—football, basketball, and baseball. The Gamecocks also captured NCAA national crowns in women's gymnastics in 1984 and 1985.

Of course, behind every championship caliber team is an excellent coaching staff, and Bill Burgess of Jax State is a great example. He directed his teams to undefeated regular seasons in 1989 and 1991. Over the last five seasons, Burgess coached teams have compiled an astounding 56–8–1 record. His winning percentage of nearly 73 percent is the best of any of Jax State's football coaches. A Birmingham native, he is a 1963 graduate of Auburn University, where he played for the legendary coach Ralph "Shug" Jordan. He is a three-time Gulf South Conference Coach of the Year, and was recently honored by Kodak and Chevrolet as the NCAA Division II National Coach of the Year.

Mr. President, I am proud to congratulate Coach Burgess and his players on Jacksonville State University's exciting victory and much deserved football championship. Their winning spirit and commitment to friendly but fierce competition are testaments to the outstanding heritage and tradition that is college football in the State of Alabama.

I ask unanimous consent that a proclamation issued by Jacksonville Mayor George Douthit designating December 12–19, 1992, "Coach Bill Burgess and JSU Gamecock Football Week" be printed at this point in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

OFFICE OF THE MAYOR OF JACKSONVILLE, AL—PROCLAMATION

Whereas, Jacksonville State University Gamecock Football Team has always been a source of pride to our community; and

Whereas, Coach Bill Burgess and the members of his coaching staff have worked diligently and tirelessly to inspire and lead the team in an outstanding season; and

Whereas, the entire Gamecock Football Team has demonstrated a great deal of natural ability, an outstanding spirit of dedication, enthusiasm, and hard work; and

Whereas, the culmination of this has been brought to our attention and to the attention of the nation in the team's achievement of the title of NCAA Division II Champions on Saturday, December 12, 1992;

Now, Therefore, I, George Douthit, Mayor of the City of Jacksonville, as an expression of our appreciation and admiration to the team and coaches for their fine efforts and victories, do hereby proclaim the week of December 12–19, 1992, as "Coach Bill Burgess and JSU Gamecock Football Week" in the City of Jacksonville, Alabama.

TRIBUTE TO DR. CHARLES A. "SCOTTY" McCALLUM

Mr. HEFLIN. Mr. President, the University of Alabama at Birmingham has grown since the 1940's from a small extension center of the University of Alabama to a full- and equal-contributing partner in the three-campus system. Just last year, in its annual ranking of American colleges and universities, U.S. News & World Report named UAB the top up and coming universities in the country. The medical school and hospitals located here have for many years now enjoyed reputation as among the finest in the world.

To a large degree, the rapid growth and phenomenal success of the urban campus of nearly 20,000 students are the direct results of a gentleman named Charles A. "Scotty" McCallum. On June 30, 1993, Dr. McCallum will relinquish his title as president of UAB after a 41-year career that began with an internship at University Hospital. Undeniably, Scotty has made a permanent, positive impact on the life of this university and the State of Alabama. As the chancellor of the University of Alabama system, Dr. Philip Austin, put it upon the announcement of the upcoming retirement, Scotty has guided UAB to international prominence in medical research while building upon its position as a first-class academic institution.

It is widely known that UAB is Alabama's largest one-location employer, with an economic impact on the area exceeding $1.5 billion. Between 1987 and 1992, UAB's annual revenues increased about 75 percent. One of the first challenges facing Scotty when he became president in 1987 was to complete the institution's first major fundraising campaign. Completed in 1989, that drive raised $67 million against a goal of $55 million. UAB's endowment is now $90 million, compared to $40 million 6 years ago.

The institution now ranks among the top 35 universities in the Nation in Federal funding for research and development, with more externally funded research done here than at all other State-supported universities in Alabama combined. During Scotty's tenure, enrollment at UAB grew 17 percent in the face of declining numbers of high school graduates and a general level of decreasing enrollment at many institutions of higher education. He made increasing both the quality and diversity of the student population at UAB and enhancing its role in community development top priorities of his term as president.

Charles McCallum took his D.M.D. degree in 1951 from the Tufts University School of Medicine. He first went to UAB that same year for his internship-residency in oral surgery at University Hospital and Hillman clinic. Six years later, he earned his M.D. degree from the University of Alabama School of Medicine. He completed his training at UAB as an intern and resident before being appointed to the faculty in 1958 as an instructor in the Department of Oral Surgery. He rose through the faculty ranks to professor of dentistry and served as chairman of the Department of Oral Surgery from 1958 through 1965, and as dean of the School of Dentistry from 1962 until 1977. He was vice president for health affairs and director of the medical center for 10 years beginning in 1977. He was named acting president in 1986 and president the next year, succeeding Dr. S. Richardson Hill as UAB's third president.

As an oral and maxillofacial surgeon and as an administrator with broad experience in health and higher education, Scotty McCallum is often sought by interested national and international groups for his advice and counsel relating to his various fields of knowledge. He is a former president of the American Association of Dental Schools, among several other professional medical associations. His national assignments have included service on the National Advisory Dental Research Council of the National Institute of Dental Research and on the American Dental Association's Council on Dental Education and Commission on Accreditation. In spite of extensive commitments to his profession and to administration, Scotty still participates actively in teaching and patient care. Amazingly, he also found the time to serve successfully last year as general campaign chairman for the United Way of Central Alabama, enjoying a 2-percent increase in pledges. This, at a time when contributions to United Way nationally were down about 2 percent.

Mr. President, we are, indeed, fortunate that Dr. Charles McCallum chose to devote so much of his time, energy, and expertise in the fields of education and medicine to UAB and Alabama. I join all of his friends and colleagues throughout the State in expressing our thanks for an impeccable job, and in wishing him all the best in his future endeavors. We hope that UAB will remain in his agenda for a long time to come.

RETIREMENT OF JANE MCMULLAN

Mr. INOUYE. Mr. President, today, I rise to express my deep gratitude and congratulations to Jane McMullan on her retirement after 31 years of service to the U.S. Senate.

Ms. McMullan, born and raised in the State of Georgia, began her service to this body in 1962 as a staff member for the late Senator Richard B. Russell. In 1970, while chairman of the Senate Committee on Appropriations, Senator Russell gave recognition to Ms. McMullan's abilities and rewarded her tireless service by appointing her to the staff of the appropriations Committee.

It was another giant of the Senate, John C. Stennis, who named Jane to the position of professional staff member on the committee. Chairman Stennis had worked closely with Jane and had recognized the untapped potential which she had and which has, ever since, greatly benefited the committee.

Under the leadership of Chairman ROBERT C. BYRD, Jane McMullan has served a committee which has faced increasingly difficult challenges. Chairman BYRD has turned to her frequently for advice and counsel on defense spending issues. During my time as chairman of the Subcommittee on Defense Appropriations, Jane has had weighty responsibilities. She has been the professional staff member who had the action on some of the most challenging issues to come before the subcommittee. Her responsibilities included the review of military personnel, health, and quality of life issues and virtually all of the programs involving the National Guard and Reserve components of our military force.

Mr. President, as chairman of the Defense Appropriations Subcommittee, I will miss Jane McMullan's good counsel and seasoned judgment. I know my colleagues will also feel a great loss. Indeed, I believe that with the retirement of Ms. McMullan, the Senate itself loses an irreplaceable wealth of institutional memory and knowledge. This Senate—its character and its history—has been shaped by the loyalty, respect, and hard work of people such as Jane McMullan.

I wish Jane all the best and I hope she fully enjoys a well deserved rest, although I expect I will have to call her whenever a problem in the CHAMPUS Program arises.

Mr. President, I know all of my colleagues join me in wishing Jane McMullan the very best in the years to come. We thank her for her many years of distinguished service.

REGARDING RECYCLED PAPER SYMBOL

Mr. FORD. Mr. President, I would like to point out to my colleagues that the first issue of the CONGRESSIONAL RECORD for the 103d Congress which was received Wednesday, January 6, bears the universal recycled paper symbol and a legend indicating that it is "printed on recycled paper containing 100 percent postconsumer waste."

I think we have every reason to be proud that the daily record of our proceedings is being printed on paper that is composed entirely of material recovered from the waste stream.

I would encourage my colleagues who are utilizing recycled papers for their hearings and correspondence to utilize this same symbol with an appropriate description of the percentage of its recycled content.

TRIBUTE TO OSCAR ANDERSON, JR.

Mr. HATFIELD. Mr. President, during my years in public service, I have been privileged to travel through just about every community in Oregon. These cities and communities differ in size, geography, and climate, but they all share one thing in common: In each one, you can find people who are there when their community and their neighbors need them.

In Reedsport, OR, one of those people was Oscar Anderson, Jr. Oscar passed away on December 21, 1992, and I wanted to take a minute to pay tribute to this outstanding civic leader.

Oscar lived in Reedsport most of his life—and, in many ways, his life was the betterment of the Reedsport area. Oscar was a member of the Reedsport Volunteer Fire Department for a remarkable 38 years. Oscar's service to his community also included terms on the Reedsport City Council, the Port of Umpqua Commission, and the Salmon Harbor Management Commission. I have often believed that it is at the local government level where the true day-to-day work of democracy is accomplished.

Oscar served his country in the U.S. Army, and he was very proud of the fact that, as a child, he was in Honolulu on December 7, 1941. Both Oscar and I were privileged to attend the Pearl Harbor 50th anniversary commemoration in December of 1991.

As they remember their loving son, husband, and father, I hope that Oscar's family will take solace in the words of Oliver Wendell Holmes, who said, "To live fully is to be engaged in the passions of one's time."

Oscar Anderson, Jr., lived fully, because through his commitment to his community, his State, and his Nation, he made a difference in the passions of his time.

TRIBUTE TO XUAN CHI DIEP OF CHARLESTON, SC

Mr. THURMOND. Mr. President, I rise today to express regret at the passing of an outstanding citizen of Charleston, SC, Mr. Xuan Chi Diep. Mr.

Diep was a man of character, courage, and compassion, and he will be greatly missed by a large circle of friends and admirers.

Mr. Diep, a native of Vietnam, earned a degree in medieval and renaissance French literature from the Sorbonne, in Paris, and a degree in economics from the University of Paris. He moved to South Carolina in 1971 to teach French at the College of Charleston, and almost overnight became a significant force for good in the Charleston community.

In addition to his academic talents, Mr. Diep was an entrepreneur who enjoyed a great deal of success in the business world. However, even as his responsibilities and interests multiplied, he never forgot the importance of helping others. He became a veritable wellspring of assistance to civic and charitable organizations in the Charleston area, and he was always there with a sympathetic ear and an open pocketbook for those in need.

Mr. Diep took a special interest in the welfare of the Vietnamese community in South Carolina, and he provided assistance to a large number of Vietnamese refugees, ranging from serving as an interpreter to providing cultural information to these new immigrants. In fact, his many acts of kindness earned him the fond nickname of "The Vietnamese Godfather."

In addition to his other activities, Mr. Diep was named honorary French consul in Charleston in 1989. He was a member of the board of directors of the Smithsonian Museum of Natural History, the Gibbes Museum of Art, the Charleston Symphony Orchestra, and the Charleston Interfaith Crisis Ministry, and a number of other organizations benefited from his time and talent.

Mr. President, Xuan Chi Diep brought to South Carolina not only his considerable knowledge and personal resources, but also a well-developed social conscience and a noble and generous spirit. His warmth and kindness, his integrity, and his unfailing respect and love for his adopted country and community endeared him to everyone he met. His death is a tremendous loss to our great State, and we will miss him.

My wife Nancy and I would like to extend our deepest sympathy to Mr. Diep's mother, Mien Nguyen Diep of Paris, France, his brother, Dr. Mong Hung Diep of St. Brieuc, France, and the rest of his fine family. Mr. President, I ask unanimous consent that an editorial from the Charleston Post and Courier be inserted in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Charleston (SC) Post & Courier, Dec. 17, 1992]

CHI DIEP: A FIGURE TO REMEMBER

Born half a world away in an ill-shadowed land then known as French Indochina, brought up and educated in France and England, Chi Diep was a Charlestonian by choice.

When he died here this week at 55 he had resided in Charleston for nearly 20 years. In that relatively brief span he made more friends than most of us do in a lifetime.

First he taught French literature at the College of Charleston. He later became an entrepreneurial businessman, specializing in placing European capital in American ventures.

Deeply conscious of what he perceived as his duty to his adopted city—the character and beauty of which he never tired of praising—he found time for volunteer work for an impressive list of civic and charitable causes.

He was friend and mentor to scores of refugees from Vietnam less worldly and fortunate than he. He served as French consul in Charleston. His avocations ranged from equestrian sports to cosmopolitan cuisine.

In whatever role, his tri-culturality, a quick and imaginative mind impeccable manners and a gentle sense of humor made him a figure to remember, a friend to value.

He was at once a reminder to our old seaport of its French heritage, and a good-will ambassador bringing better knowledge and understanding of the peoples and prospects of a new day in Southeast Asia.

Both individually and symbolically, he will be missed.

TRIBUTE TO MRS. ESTHER FERGUSON OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, I rise today to pay tribute to a wonderful lady who is my dear friend—Mrs. Esther Ferguson of Charleston, SC. Mrs. Ferguson is a woman of character, compassion, and courage, and she has dedicated her life to helping others.

Esther grew up in the Pee Dee town of Hartsville, SC. In her youth, she had to overcome many obstacles, including a learning disability and having to assume much of the responsibility for caring for her family. Although she met each challenge with determination and perseverance, Esther was devastated when she had to drop out of high school after her junior year.

Leaving high school did nothing to diminish Esther's desire to succeed. Realizing the importance of education, she struggled to earn her high school diploma, and went on to earn a bachelor's degree in political science and art history from the University of South Carolina.

After graduating from college, Esther went to work as a researcher for the American Health Foundation in New York City. She lived in New York for some 20 years, putting her talents to work for groups as diverse as the National Organization of Women; the American Philharmonic Orchestra and the Harvard Business School. Yet she always remembered the lessons of her youth and tried to help those in need of assistance.

True to form, Esther even met her future husband, Jim Ferguson, at a drug-abuse agency where they were both working. Following Jim's retirement as chairman of the board and CEO of General Foods, the couple moved to Charleston, SC. Esther immediately became an invaluable part of the community. The Spoleto Festival, the James Island Outreach and the Charleston Symphony Orchestra have all benefited from her efforts on their behalf. She has been politically active and has held many fundraising activities for the Republican Party.

Perhaps Esther's most important contribution has been in the area of education. In 1986, she put her first-hand knowledge of hardship to work by founding the National Dropout Prevention Center at Clemson University, a program dedicated to helping at-risk youths complete high school.

The program is in place in 400 schools throughout the Nation, and has helped countless students to succeed. Town and Country magazine recently recognized Esther's contributions by presenting her with their Generous American Award, and I would like to join them in commending Esther for her many accomplishments on behalf of others. By the way, the former high-school dropout is now the proud possessor of three honorary doctorates.

Mr. President, Esther Ferguson is a lovely and gracious lady, who has devoted herself to making this world a better place. As the many who have benefited from her generosity will agree, she has succeeded in helping humanity in many ways. We are proud to claim Esther as a South Carolinian and glad to have her resume her residency in her native State.

THE LIFE OF THURGOOD MARSHALL

Mrs. BOXER. Mr. President, the Nation lost a titan in 20th-century American history when Thurgood Marshall died. Even before President Lyndon Johnson appointed him to our Nation's highest Court, Thurgood Marshall had distinguished himself as Solicitor General of the United States and as a judge on the U.S. Court of Appeals for the Second Circuit. But even before he became one of only a handful of African-Americans on the Federal bench, Marshall distinguished himself as the head of the NAACP legal Defense and Educational Fund by patiently laying the legal groundwork that eventually resulted in the seminal Brown versus Board of Education Supreme Court decision.

Anyone who has read the accounts of Thurgood Marshall's career knows that he literally put his life on the line as an NAACP attorney. Even before a trial would take place, Marshall often traveled to the hometowns of his plaintiffs as a way of thanking them and acknowledging the risk they assumed in legally challenging Jim Crow. By definition, his job with the NAACP placed him within reach of those who would do him harm; but he also never forgot that the brave people who chose to participate in the struggle for equality would have to continue living under the authority they challenged. For many people, particularly African-Americans, Thurgood Marshall was the very embodiment of the NAACP. For many others, he represented the finest in the legal profession.

Thurgood Marshall was not simply a witness to history, he was a part of it. He helped shape it. We would be in error if we only thought he fought for African-Americans. Thurgood Marshall helped strengthen the civil liberties of all Americans. His work was critical to the liberties all Americans enjoy today. He would want us to remember that we must not only fight to create change but that we must fight to maintain it as well.

One can only imagine how much the world he saw as a little boy growing up in the Baltimore of 1908 had changed by the time he stepped down from the Supreme Court of 1991. A large part of that change has his signature on it. I think we can confidently say that Thurgood Marshall, to use his words, "Did what he could with what he had."

TRIBUTE TO RALPH ORMS

Mr. McCONNELL. Mr. President, I rise today to express my sadness over the recent loss of an outstanding Kentuckian who passed away during our extended recess, and to remember his many contributions. Ralph Orms served his State and community tirelessly in his position as the long time president of the Kentucky Fraternal Order of Police and as a sergeant in Louisville's police force. He was a devoted family man, a loyal friend, and an extraordinary law enforcement official. Mr. President, in memory of my friend Ralph Orms, please insert my remarks from his memorial service. Also insert the remarks by Ralph's childhood buddy and my friend of long standing Mike McDaniel into the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMEMBERING RALPH

Ralph Orms and I first became friends in the fall of 1956. We were classmates in Mrs. Bloyd's fifth grade at Hazelwood Elementary School. The Dodgers were in Brooklyn and Ike was in the White House.

We were both products of a working class neighborhood, and by the time we were nine years old, most of our teachers had relegated us to factory work.

It was in elementary school that Ralph learned an important lesson: he would combine an Alfalfa-like smile with the ability to ask questions for which he already knew the answer. Thus he charmed our teachers, and they in turn made deals with us. They graded us on esoteric scales such as our abilities not to complain about squaredancing on Fridays and our abilities to make chromatic murals depicting a unit of study. Ralph was a master at both.

At Hazelwood Baptist Church Ralph learned to quote scripture, and we all know he did this well.

In junior high Ralph learned to become a tough negotiator. Being a Yankee fan, (I worshipped the Dodgers) Ralph was unflinching in his resolve not to trade his Mickey Mantle baseball card for less than 30 common players.

At Beechmont Little League Ralph learned to be competitive. And he WAS competitive.

While at Manual High School, an institution he revered, Ralph decided a paper route and a 1956 Chevrolet were high priority issues, and so he traded his innocence and his childhood fantasy of playing for the Yankees. In exchange he received the credo his father Woody had taught him—that a law enforcement officer not only must provide for his family but must strive constantly to improve the policeman's lot in life. To this end Ralph not only marched in that parade, as Mark Twain once said, he carried a banner.

And so I was closest to Ralph when we reveled in the glory of youth, before baseball admitted it was a business, before a woman became his best friend, before a president was assassinated, before the summer became oppressive, and before work became an obsession.

What then is Ralph's legacy? To the police fraternity he loved so well, the answer is obvious. He set a standard of professionalism upon which only people of HIS stature will be able to improve.

To his sons, I offer this simple fact: your father crammed 80 years of living into 46.

To Brian, who is quite a writer, and who may earn his living that way, I ask you to research your father's life. I promise you therein lie the elements of an American novel.

To Chuck, who was named after his father's favorite ballplayer, and who plans a career in marketing, I ask you to consider that your father had a gift for building consensus and for selling ideas. I promise you that you have inherited this gift. Use it to your advantage.

And to Donna Sue, his sister, I remind you that you are the official keeper of Ralph's secrets (as well as a few of mine). As you tell the stories of our childhood, tell them with humor and with warmth, remembering that to him the past was always precious.

Finally, to all of us who were touched by the life of Ralph Orms, let us never forget that his most special gift to us was the personification of the Kipling ideal: that he talked with crowds and kept his virtue, and he walked with kings and kept the common touch.

MIKE MCDANIEL.

DECEMBER 1, 1992.

MEMORIAL SERVICE FOR CHARLES RALPH ORMS

It is a solemn honor to join with all of you today in remembering the life and spirit of Charles Ralph Orms.

The Book of Proverbs says that, "A man's gift makes room for him, and brings him before great men." Those words are especially appropriate to Ralph Orms' life and remarkable career in law enforcement.

Ralph's special gift was his ability to work with people: to organize them, to bring people together; and get them to do things which Ralph knew would benefit the larger community.

As a result, Ralph accomplished a tremendous amount in a relatively short time. Many give him credit for improving the criminal investigations unit of the Louisville Police Department; and he was one of the leading forces behind Louisville's successful Drug Abuse Resistance Education program, in which police officers counsel students on the dangers of illegal drugs.

But Ralph's special gift with people found its greatest expression in his work with the Fraternal Order of Police. Ralph was a leader on every level of this organization—local, state, and national—and sometimes all three at once.

In this capacity, Ralph dedicated himself to the needs and concerns of his fellow police officers: making sure they received fair and adequate pay for their work; protecting their rights in grievance investigations; and ensuring that police officers' families would be taken care of, should they have to give the ultimate sacrifice.

It is a tribute to Ralph's remarkable gift that he achieved so much success with these goals, despite the hardships of the political process. I had the privilege of working with Ralph on one of his top priorities: a national Police Officers Bill of Rights. We came close to passing it this year, and I will continue to fight for it, in Ralph's memory.

It is also true to say that Ralph's gift with people brought him before great men. You couldn't enter Ralph's office without seeing the personally signed photographs of President George Bush, Vice President Quayle, and Oliver North—all of whom Ralph counted as friends.

But the real VIP's in Ralph's life, aside from his own family, were the men and women on the beat: the "unknown soldiers" who put their lives on the line every day, to defend our streets and homes and families.

General Norman Schwartzkopf said, "It doesn't take a hero to order men into battle. It takes a hero to be one of those men who goes into battle."

Police officers like Sgt. Ralph Orms, and the thousands of others he represented, are that kind of hero, in the very best sense of the word. They are the ones who go into battle, facing death constantly, sacrificing the comforts of family and home for long hours and tough working conditions.

Ralph understood that the battle never really ends for police officers. There are no ticker-tape parades; no heroes' welcomes. For that reason, one of his most cherished projects, achieved this year, was building a Law Enforcement Officer's Memorial in Jefferson County. I'm sure that every time I see that memorial, I'll think of Ralph and all the things he did for his fellow police officers.

In this way, we remember one of the finest of Kentucky's finest, a man with a gift that made room for him and brought him before great men: Sgt. Ralph Orms.

TRIBUTE TO DR. HARON J. BATTLE

Mr. LUGAR. Mr. President, I rise today to pay tribute to Dr. Haron J. Battle, an exemplar Hoosier educator, who touched thousands of lives during his 58 years of devoted service as a teacher, counselor, and community leader in Gary, IN.

Dr. Battle began his remarkable career in 1934 as a junior high school math teacher. After serving in the

Army engineering battalion during World War II, he returned to Gary to work as a guidance counselor, assistant principal, and, in 1965, assistant superintendent of schools. Dr. Battle was appointed to several statewide educational posts and advisory boards, including the Vocational Educational Advisory Board and the Indiana University Northwest Advisory Board. Dr. Battle also developed and implemented several innovative citywide programs to improve the Gary educational system.

Upon his retirement, Dr. Battle dedicated his time to furthering the growth of the Gary Educational Development Foundation, which he helped found in 1975. I have the distinguished honor of visiting Gary's finest high school students each years at the government/economic forum, a successful product of the foundation. Under Dr. Battle's nurturing, the foundation has grown from an initial $28,000 to $1.7 million in assets.

Dr. Battle was selfless in his service to the Gary community. As a result, he was inducted into the Steel City Hall of Fame, and named Sagamore of the Wabash by former Indiana Governor and Secretary of Health and Human Services Otis Bowen. Please join me in saluting this model American citizen, whose presence will be sorely missed by those who will carry on his good work on behalf of the community he called home.

STATEMENT IN SUPPORT OF THE CONFIRMATION OF BRUCE BABBITT FOR SECRETARY OF THE INTERIOR

Mr. DECONCINI. Mr. President, I rise today in strong support of the confirmation of my good friend Bruce Babbitt for Secretary of the Interior. President Clinton made a wise decision in his choice of Bruce Babbitt to head the Department of the Interior, and I commend my colleagues for confirming him so expeditiously.

As a fellow Arizonan and long-time friend, I had the pleasure of introducing Bruce at his confirmation hearing Tuesday, Jan. 19, 1993, before the Committee on Energy and Natural Resources. I said then, and I will say again, how well qualified Bruce is for this particular job. A great deal of territory in the West is composed of public lands under the jurisdiction of the Department of the Interior. This is particularly true in Arizona. Bruce's extensive experience in water and natural resource issues and as Governor of Arizona have prepared him well to be Secretary of the Interior.

Bruce is from a pioneer Arizona family. He was raised in Flagstaff, AZ, where his family built a ranching and trading business dating back to the 1880's. He served the State of Arizona as attorney general from 1974 to 1978 and as Governor from 1978 to 1986. Bruce has a long-standing interest and solid background in natural resources and Indian issues that will greatly aid him as Secretary of the Interior.

Mr. President, Bruce's record as attorney general is an indicator of his tenacity. His determined stance on tough cases earned him a reputation for perseverance. He personally prosecuted the Don Bolles case which was the most widely publicized criminal case in Arizona history.

As Governor of Arizona, he further cemented his impeccable reputation. It was in that office that Bruce achieved his reputation as an effective and thoughtful policymaker. Among his achievements was the enactment of landmark ground water legislation which still serves as a benchmark for other States. One of his strongest attributes is his exceptional ability to bring divergent interests together. During his tenure as Governor, he worked well and effectively with a Republican legislature. He brought all of the parties in Arizona together to negotiate a compromise for the very contentious Orme Dam controversy. This compromise evolved into the plan six component of the central Arizona project. The Orme Dam settlement demonstrates his penchant for getting potential opponents together to work out solutions. President Clinton, as Governor of Arkansas, was known for his ability to solve difficult and drawn-out disputes through negotiation and compromise. Bruce's style of inclusion and mediation fits well with Clinton's philosophy.

Since leaving the governorship in 1986, Bruce has remained active in natural resource and water issues. He because president of the League of Conservation Voters and serves on the board of directors of the Grand Canyon Trust. As a member of that board, he fought for legislation regulating the flows of the Glen Canyon Dam in order to protect the Grand Canyon. A few of my colleagues have expressed concern over Bruce's role with these groups, particularly the League of Conservation Voters. Mr. President, I want to assure every member of this body that as Secretary of the Interior, Bruce will treat all issues before him in a fair and balanced manner. as he emphasized at his confirmation hearing, he will not use his position of Secretary of the Interior to serve any particular group but to serve the interests of the American public.

Bruce Babbitt is an excellent choice to serve as Secretary of the interior. I have no doubt that he will use his stewardship wisely. I applaud my colleagues for concurring with the unanimous recommendation of the Committee on Energy and Natural Resources and confirming Bruce Babbitt.

Mr. President, Arizonans wholeheartedly support the confirmation of Bruce Babbitt as secretary of the Interior. I ask unanimous consent that several articles from Arizona newspapers commending President Clinton's selection of Bruce Babbitt to head the Department of the Interior be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Arizona Daily Star, Dec. 27, 1992]

SECRETARY BABBITT: GOOD NEWS FOR INTERIOR, ARIZONA, THE NATION

In picking Bruce Babbitt to be his secretary of the interior, President-elect Clinton didn't merely make Arizonans happy, he found, as he said, "a person perfectly suited" for the job.

Proof of that can be found in Babbitt's hard-won passage of an Arizona water policy that, for the first time, recognized that precious resource as something more than a property right. Babbitt's persistent negotiating skills, and pressure from Interior Secretary Cecil Andrus, who had ground-water reform in Arizona the price of continued funding for the Central Arizona Project, made that legislation possible.

The CAP threat, Arizonans learned later, was something Babbitt and Andrus had together concocted to keep negotiations on track.

The end product is a set of regulations that assures "safe yield," with conservation, importation and reuse replacing water pumped from any of Arizona's threatened aquifers.

Passage of the 1980 ground-water act, midway through Babbitt's first elected term, was his crowning achievement, but by no means his only one.

He governed Arizona well for nine years—a liberal Democrat who gained respect and support from the state's business community and Republican legislative leaders.

His progressive leadership in a traditionally conservative state on issues like welfare, day care, medical care for the indigent and protection of the environment make him a perfect match for the administration about to take office.

In fact, he and Bill Clinton, as charter members of the Democratic Leadership Council, have helped shape each other's thinking on those and other issues.

Environmentalists, angered in the past at the pro-development policies of Interior Secretary James Watt and disappointed in their continuation under Manuel Lujan, are cheering Clinton's choice for Interior.

Babbitt is an avid outdoorsman whose idea of a great vacation is to traverse the Grand Canyon rim to rim. A geologist as well as a lawyer, Babbitt's appreciation of the natural world will be invaluable.

The timber industry, ranchers, and oil and mining interests are nervous. They prefer an Interior Department that favors development, and warn of a "wilderness lockup" by the man who is president of the League of Conservation Voters.

But Bruce Babbitt can be, as Clinton said, "tough enough to stand up to powerful interests, and skillful enough to integrate economic interests."

Arizona has much at stake in Interior Department decisions—its native people and lands, national parks, conservation and reclamation projects. The new secretary won't need to learn about the problems of Grand Canyon air pollution and river scouring, land disputes on the Hopi and Navajo reservations, and payback schedules for the CAP.

That doesn't mean those problems will vanish, only that their solutions will receive fair consideration by someone who knows them intimately.

Bruce Babbitt is a good pick, for Arizona the nation and the global environment.

[From the Phoenix Gazette, Dec. 27, 1992]

BABBITT AT INTERIOR

Given the enormous challenges Arizona faces over the next few years, including the critical financial status of the Central Arizona Project, the state should count itself extremely fortunate with former Gov. Bruce Babbitt as the nation's next Interior secretary.

Obviously, we know and respect him. By general consensus, Babbitt transformed the governor's office from a passive observer of public policy to an activist legislative and policy advocate. His legacy of solid appointments and generally progressive policies remain a standard for his successors.

As the new Interior secretary, Babbitt can't bail out the Central Arizona Project; Arizona must accept a new financial arrangement to salvage its Colorado River allotment. But Babbitt, part of a pioneer Arizona family, a lifelong student of history and an important contributor to the CAP, does offer a sympathetic ear to our state.

Babbitt is steeped in Western water lore and law. He was a force in devising Arizona's landmark Groundwater Management Code. He became a national leader in Western states' land and policy issues.

Many ranching, mining and developer interests are already grim, concerned that he is too much the product of environmental groups that supported his appointment. True enough. Babbitt will have a national constituency now. He will be responsive to the environmental themes that helped lift Bill Clinton to the White House.

But Babbitt has also shown that he is a persistent, patient negotiator. He is, above all, an innovative, far-sighted thinker and serious student of the public interest, able to think about realities 10, 20 or 30 years in advance. That is no small advantage for the man in charge of the federal government's vast holdings.

In the short term, Arizona must confront strong political challenges, especially in Congress, with a delegation relatively junior and not particularly well-positioned to defend frontal assaults on water, Indian land disputes and other issues. If Arizona is to enter into political combat, we're lucky that a native son enjoys the confidence of the commander-in-chief.

[From the Arizona Republic, Dec. 25, 1992]

ARIZONANS ALL IN TUNE ON BABBITT

(By Ed Foster)

Arizona leaders and environmentalists were humming the same tune Thursday; Bruce Babbitt is a heckuva choice to run the U.S. Department of the Interior.

Republicans and Democrats alike said Babbitt's environmental and economic expertise, along with his experience as Arizona's governor, add up to an unbeatable combination.

Sen. Dennis DeConcini, D-Ariz., described Babbitt as "extremely well-qualified."

"This appointment comes at a critical juncture for Arizona," he said.

"The knowledge and experience Bruce Babbitt possesses on water issues will help us resolve the difficult questions we are facing with the Central Arizona project."

Sen. John McCain, R-Ariz., called Babbitt the best possible choice for the job.

"With his knowledge and experience, it can easily be said that Bruce Babbitt is the most qualified individual available to fill this position in the Cabinet," McCain said.

GOP Gov. Fife Symington expressed strong support for Babbitt in an informal meeting with reporters Wednesday. He reiterated that Thursday.

"Bruce's extensive knowledge and experience with land, water, power, conservation and Native American issues will made him an excellent secretary," he said. "Arizona and the West will benefit greatly by having one of its own overseeing the department that impacts us all."

Phoenix Mayor Paul Johnson said that Babbitt "understands the important balance between the environment and jobs."

Rep.-elect Sam Coopersmith, D-Ariz., made the same point, adding, "Bruce Babbitt has developed an appreciation and respect for Native American sovereignty that has been missing from the Interior Department."

Meanwhile the Environmental Defense Fund said Babbitt's commitment to environmentalism is unquestioned.

"His experience in ending smelter pollution in the West will serve the nation well in the Department of Interior," the fund said in a statement. "By selecting Babbitt as secretary of the interior, President-elect Clinton and Vice President-elect Gore are sending a powerful signal about their commitment to economic growth linked to strong environmental protection."

Paul C. Pritchard, president of the National Parks and Conservation Association, called the nomination "a new era in public-lands management."

"We are elated by this appointment," he said. "I can think of no one better qualified to address the serious issues facing the Interior Department."

* * *

TRIBUTE TO REV. DAVID KIDD

Mr. SASSER. Mr. President, I rise today in recognition of 20 years of achievement by my good friend in Nashville, TN, the Reverend David Kidd.

David recently celebrated his 20th year as minister of the Hillsboro Presbyterian Church, 5820 Hillsboro Road, Nashville, TN.

David and his wife, Pam, arrived in Nashville from the hills of Kentucky in 1972. He came to a church with some 50 members. Since that time, David has built Hillsboro Presbyterian into a thriving church with more than 550 members supporting 30 outreach programs locally, nationally, and internationally.

David and Pam Kidd have been as active in their community as they have in their church.

I count them among my closest of friends and I hope my colleagues in the Senate will join me in congratulating David Kidd on 20 years of service to the Hillsboro Presbyterian Church and wishing him all the best in the years ahead.

* * *

AUDREY HEPBURN

Mr. KENNEDY. Mr. President, last week, the world lost a great movie star and a great advocate for the world's children with the death of Audrey Hepburn. Ms. Hepburn will be remembered for her brilliant career in films, and she will also be remembered for her tireless commitment to children in recent years as a UNICEF Goodwill Ambassador. Just months before her death, she was working in Somalia to bring attention and assistance to the suffering children of that war-ravaged nation.

UNICEF's executive director, James P. Grant, spoke for all of us when he said:

> Audrey Hepburn's passing is a painful and irreplaceable loss for her family and friends, for children everywhere and for UNICEF, the organization to which she devoted so much time in the last four years of her life. Moved by a profound love of children, she set repeatedly aside the comforts of home to visit some of the most deprived and often forgotten people of this planet, for whom she became an effective voice. Her eloquent and deeply moving appeals on their behalf helped raise not only funds but the conscience of the world community.

* * *

DOUBLE STANDARD AGAINST ISRAEL

Mr. MOYNIHAN. Mr. President, the members of the international community must decide whether they want the United Nations to be an organization of law or prefer to use it as a vehicle for pursuing an all but lawless vendetta against Israel regardless of the requirements of the charter. There is talk of seeking to impose sanctions against Israel because of its temporary expulsion of persons believed to be members of terrorist organizations. Secretary-General Boutrous Ghali has even hinted that there is a double standard when it comes to Israel. In this he is correct, but it is a double standard against Israel, not in its favor.

Mr. President, who proposed that sanctions be imposed against Syria and Jordan when they killed thousands of Palestinians in 1970 and 1971? Who spoke of sanctions when Kuwait permanently—not temporarily as Israel has done—expelled not hundreds, but hundreds of thousands of Palestinians from Kuwait in 1991? Where in the Middle East other than in Israel could the temporary expulsion of persons accused of terrorist ties be appealed to an independent supreme court? What other state in the region would acknowledge that certain persons were expelled in error and readmit them? Why do the other states in the region refuse to permit assistance to reach these Palestinians if not to inflame the situation? Who speaks of adopting a Security Council resolution condemning the terrorist murders perpetrated by extremist Palestinian groups as a threat to peace? Clearly there is a double standard—one against the only democracy in the Middle East.

Simply put, Mr. President, there is no legal case for sanctions against Israel under the U.N. Charter. The cavalier analogies being made between the temporary expulsions of 400 Palestinians and the situations in Bosnia and Iraq are so absurd that they raise the question of the good faith of those who offer them. Iraq invaded a sovereign state. It did not threaten international peace; it committed a breach of international peace. It subsequently slaughtered Kurds and Iraqi Shi'ites in droves, causing a massive panic-stricken exodus of refugees which poured across international borders provoking a severe threat to the peace.

Likewise, in Bosnia a recognized sovereign state has been the subject of a brutal campaign of unimaginable violence which amounts to genocide. To date the international response has been woefully inadequate, but it is beyond peradventure that there is an unassailable legal case for sanctions to be imposed under chapter VII of the U.N. Charter.

There is no comparable case to be made against Israel. Thus, the members of the United Nations must ask themselves, do we want the United Nations to be a forum where the rule of law and the language of the charter prevails, or do they prefer to pursue a vendetta against Israel regardless of the rules of the charter? When the United Nations overwhelmingly revoked the resolution equating Zionism with racism it was a hopeful sign that the former view would prevail, that the law of the charter would be followed. Today, the United Nations faces another test. If its members wish for the charter to have any impact on violent ethnic conflict around the world, they will resist the siren song of those who wish to impose illegal and unjustifiable sanctions on Israel.

RECESS UNTIL 2:15 P.M.

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now stand in recess until the hour of 2:15 p.m. today.

Thereupon, at 12:51 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The senior Senator from North Carolina [Mr. HELMS].

Mr. HELMS. I thank the Chair.

Mr. President, last week I offered a four-pronged package of legislation addressing some of what I believe to be our Nation's most pressing social problems. Specifically, the package included legislation to: First, restore the rights of 1.5 million unborn Americans destroyed every year; second, restore the right of our children to pray voluntarily in schools; third, restore the supremacy of the individual over government-imposed quotas; and, fourth, treat AIDS as a public health issue rather than one of civil or political rights.

Once we turn to the next legislative day, as the Chair well knows, the Senator will find this package of legislation on the Senate Calendar where it will sit, ready for consideration by the Senate at any time.

Today, Mr. President, I intend to offer a second package of legislation, this time addressing some of our other problems facing this Nation and the State of North Carolina.

I will again ask for second reading on much of the package so as to assure that these items will similarly be placed on the Senate Calendar. I am aware that there will be an objection, as there should be.

Specifically, this package includes legislation to: First, help restore the confidence of the American people in their Government by providing a starting point toward reforming the Senate Ethics Committee; second, improve the Federal tax system by replacing the current structure of graduated tax rates and special interest deductions with a flat-rate tax, and by repealing some of the more onerous provisions of the Tax Code; and, third, to redress some longstanding problems North Carolinians who live in Swain County and the Outer Banks region have had with the Federal Government.

I am going to say more about each proposal later, Mr. President, but at this time I ask unanimous consent that a summary of the legislation I am offering today be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGISLATION INTRODUCED BY SENATOR JESSE HELMS, JANUARY 26, 1993

(1) Reform the Ethics Committee: Adjusts the Senate Select Committee on Ethics' membership to provide that at least two of the members should be retired Federal judges, at least two should be former members of the Senate, and that all six should be private citizens.

(2) Flat Tax: Amends the Internal Revenue Code to replace the current tax system of graduated tax rates and special interest deductions with a 10% flat tax on the earned income of individuals. Also, repeals the income tax on corporations and estate and gift taxes.

(3) Halt Importation of Goods Made By Chinese Slave Labor: Prohibits the importation of Communist Chinese products manufactured with the use of slave labor. Requires all importers of products made in Communist China to certify that the products were not made by slave labor.

(4) Repeal 20% Withholding on IRA's: Repeals the mandatory 20% tax withholding on withdrawals made from IRA's and pensions and offsets any loss to the U.S. Treasury created by the repeal with corresponding reductions in Foreign Aid.

(5) Swain County Settlement: Provides for the full settlement of all claims of Swain County against the United States stemming from a 1943 agreement between Swain County and the Department of the Interior.

(6) Oregon Inlet: Instructs the Department of Interior to issue permits to the Army Corps of Engineers so that jetty construction may begin to stabilize water currents in Oregon inlet.

(7) Eliminate the Requirement that Federal Agencies Purchase Prison Made Goods: Amends the Federal criminal code to prohibit any governmental purchase of furniture and other prison-made products not meeting quality standards required of private sector products.

(8) One Time Tax Exclusion: Amends the Internal Revenue Code of 1986 to permit a taxpayer to quality for the one-time income tax exclusion of gain from the sale of a principal residence even if the taxpayer's spouse already took advantage of the exclusion before marrying the taxpayer.

(9) One Time Tax Exclusion: Provides for a one time exclusion on gains from the sale of a principal residence to help pay for nursing home care.

(10) Service of Process in Bankruptcy Proceedings: Amends rule 7004(b) of the Bankruptcy Rules to require that service of process in a bankruptcy proceeding be accomplished by certified or registered mail in those instances it is made upon a Federally-insured depository institution.

The PRESIDENT pro tempore. The Senator from North Carolina.

Mr. HELMS. Mr. President, I send a Senate resolution to the desk and ask it be given a first reading.

The PRESIDENT pro tempore. Is this a Senate resolution or a Senate joint resolution?

Mr. HELMS. It is a Senate resolution.

The PRESIDENT pro tempore. The clerk will read the resolution.

The legislative clerk read as follows:

A resolution to amend Senate Resolution 38 which establishes the Select Committee on Ethics to change the membership of the select committee from Members of the Senate to private citizens.

The PRESIDENT pro tempore. The Senator from North Carolina.

Mr. HELMS. Mr. President, I think it would be safe to wager that the vast majority of Senators agree that a drastic overhaul of the Senate Ethics Committee is——

The PRESIDENT pro tempore. Would the Senator allow the Chair to interrupt him for a moment?

Mr. HELMS. Certainly.

The PRESIDENT pro tempore. Was it the Senator's intention to ask consent that the Senate resolution be considered?

Mr. HELMS. I will do that at this time so it can be objected to.

I ask for a second reading.

The PRESIDENT pro tempore. There is no second reading of a Senate resolution. That was why the Chair asked the distinguished Senator whether or not this was a Senate resolution or a Senate joint resolution.

Mr. HELMS. It is a Senate resolution.

The PRESIDENT pro tempore. So there is no second or third reading of Senate simple resolutions. If they are objected to they go over on the calendar of motions and resolutions over, unlike joint resolutions where objections may be made to the second reading.

Mr. HELMS. Very well.

The PRESIDENT pro tempore. The time of the Senator from North Carolina has expired.

Mr. HELMS. Mr. President, if there is no other Senator seeking recognition, I ask that I be permitted to proceed.

The PRESIDENT pro tempore. Without objection——

Mr. KENNEDY. Mr. President, I have no objection to proceeding for a short period of time. I did want to make a statement. If it was the desire of the Senator to proceed for a short period of time—

The PRESIDENT pro tempore. May the Chair observe that the Senate is operating during a period for the transaction of morning business with statements permitted therein not to exceed 5 minutes each.

Mr. HELMS. Mr. President, I was intending to consume a little more time than that, but I shall not do that in the interest of other Senators being recognized if they so wish. The distinguished Senator from Massachusetts says he has no objection, but there may be other Senators coming to the floor who might, so therefore I ask only that consent be given to my proceeding for no more than 10 minutes.

The PRESIDENT pro tempore. Is there objection?

The Chair hears no objection. The Senator is recognized for not to exceed 10 minutes.

Mr. HELMS. I thank the Chair and I thank the Senator from Massachusetts.

SENATE ETHICS COMMITTEE

Mr. President, as I had just said moments ago, it would be safe to wager that the vest majority of Senators agree that a drastic overhaul of the Senate Ethics Committee is imperative. I am confident that every Senator who has ever served on that committee is in agreement.

The purpose of the Senate resolution I am offering today is merely to get the ball rolling—to provide a starting point, if you please—toward reforming the Ethics Committee so that there will never be a repeat of the disastrous Keating Five situation that dragged on for months on end and cost the Senate a high degree of public confidence.

Mr. President, I was a member of the Ethics Committee throughout that ordeal, and I certainly imply no criticism of anyone who participated in the Keating Five proceedings. The fault was in the system, not in those who were trying to make the system work.

The Senate resolution which I am offering today is certainly no end-all beall, as the saying goes. It is, as I have said earlier, merely a starting point. It is identical to Senate Resolution 190 which I offered in the 102d Congress.

Mr. President, this resolution simply proposes to adjust the committee's membership of six members to provide that at least two of the members should be retired Federal judges, at least two should be former Members of the Senate, and that all six should be private citizens.

Three of the six members will be selected by the majority leader and three by the minority leader. Each member will serve 6 years, except when initial appointments are made, at which time the terms will be staggered. Committee members will serve without compensation—but will be entitled to reimbursement for travel and per diem expenses in accordance with the rules and regulations of the Senate.

Now, Mr. President, let me emphasize again that this proposal is a starting point, no more, no less. But it is important that we do get started in reforming the Ethics Committee so that there can be an improvement in the manner in which the committee conducts its business.

The American people expect us to use the power entrusted to us for the public good and never for our own benefit or the benefit of a few. Likewise, the American people have a right to expect that Senators who abuse this power will be held accountable for their actions in a swift and just manner.

The Senate Ethics Committee took almost 2 years to consider the Keating matter—it voted to commence its preliminary inquiry on December 21, 1989, and transmitted its report to the Senate on November 19, 1991. Since then, there has been a growing chorus—from all across the political spectrum—calling for reform of the Ethics Committee.

Earlier this month, the Washington Post published an article by Helen Dewar in which she outlines some of the problems of the committee—and some of the proposed solutions. Mr. President, I ask unanimous consent that the text of this article be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, I also ask unanimous consent that the full text of the resolution be printed at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. Once more, for the purpose of emphasis, I do not consider this resolution to be the final word. There will be and should be other ideas for reforming the Ethics Committee, ideas that no doubt will enhance and improve upon the suggestions I have made in this resolution.

EXHIBIT 1

[From the Washington Post, Jan. 3, 1993]

SENATE ETHICS PANEL AT A CROSSROADS—PACKWOOD CASE POSES NEW TEST FOR DISCIPLINARY PROCESS

(By Helen Dewar)

It is one of the Senate's most high-profile and prestigious-sounding committees, caught up in the swirl of some of the most compelling issues of the day. But among constituents and legislators, it has become the object of ridicule, scorn, rage and insulting jokes. Senators will do almost anything to avoid serving on the panel; once on it, they have been known to go begging among colleagues in hopes of recruiting others to take their place.

The Senate Select Committee on Ethics, even more than its House counterpart, gets no respect.

There are many senators, as well as outside critics, who believe it never will, unless it is radically overhauled, perhaps even put in the hands of outsiders, such as former senators or retired judges.

As it grapples with complaints that Republican Sen. Bob Packwood of Oregon made unwanted sexual advances to a number of women, the committee finds its collegial, legalistic and secretive ways tested as never before by the public clamor for more integrity, openness and accountability in government.

With the six-member panel having lost its chairman, vice chairman and possibly other members just as it must decide whether to pursue a full-scale probe of Packwood, many believe that change will come sooner rather than later.

Pressure for change has been intensified by the committee's decision last year not to investigate allegations that Democratic Sen. Brock Adams of Washington made improper sexual advances to eight women and its 1987 approval of a business transaction involving Republican Sen. Phil Gramm of Texas that was recently made public in newspaper reports.

The Adams case is moot because he decided not to seek reelection, a circumstance that some members have cited as the main reason the committee decided not to pursue the case. But former ethics chairman Terry Sanford of North Carolina, who was defeated for reelection, is reviewing the Gramm decision. The panel also is weighing a complaint of sexual impropriety against Democratic Sen. Daniel K. Inouye of Hawaii.

"It [the committee] is an institutional dinosaur, and it's only a matter of time before evolution takes its toll," says an influential Democratic senator who may take an active role in reform efforts. "It's only a matter of time before the pressures of the day bring about a real change."

Dissatisfaction with the committee transcends party and ideological lines. "We need to do something to reassure the public we're not a bunch of folks sitting in a back room doing favors for each other," says Sen. Jesse Helms, the conservative North Carolina Republican who served on the panel for the past decade.

Within the Senate, service on the panel is regarded as a kind of legislative purgatory, with its long hours of distasteful work making members feel like nagging nannies and political pariahs. Outside the Senate, the committee is widely portrayed as a sham designed to shield members from their own misdeeds while lulling the public into believing that the institution is policing itself.

Members acknowledge that the panel's high level of secrecy fuels public distrust, but say it is necessary to protect those who are unfairly accused.

Although the House ethics committee has periodically run into heavy criticism, the House has done more than the Senate to update and strengthen its ethics rules and procedures. Larger and less clubby, the House also seems to reconcile itself more easily to peer review.

Both within and outside the Senate, there is mounting concern that the system, designed in simpler times, is collapsing under new burdens reflecting evolving social values, political practices and ethical standards. In the process, many believe it may be contributing to public cynicism about government in general and Congress in particular.

"It's not that their ethics [are] worse" than those of most citizens, says Dennis Thompson, who specializes in governmental ethics at Harvard University. The ethical behavior of most senators is "probably better. But there is a perception that it's worse, and members of Congress simply don't appreciate how much appearances [of unethical conduct] matter with people."

As a result, some senators believe it may be impossible for them to judge colleagues evenhandedly without further eroding confidence in the institution or capitulating to popular demands for a pound of political flesh, many lawmakers contend.

"Maybe it's an impossible assignment to try to sit in totally dispassionate judgment on people we literally live with," says Republican committee member Trent Lott of Mississippi.

"There are just innumerable things that are wrong with senators judging senators," says Democratic Sen. Howell T. Heflin of Alabama, former chairman of the committee. "You censure someone, and the next day you're seeking their vote. There are just too many inherent problems with senators judging senators."

The verdict from outside the Chamber is even harsher. "With its lack of political will and the general reluctance of people to judge their own peers, the process has not served to enforce the law and has served more as a shield than as a way of upholding the integrity of the institution," says Fred Wertheimer, president of Common Cause.

Once preoccupied by charges of financial misdeeds that drew little attention outside the home states of senators under investigation, the panel is being drawn increasingly into high-profile, emotion-laden controversies involving issues that touch the daily lives of most Americans.

The "Keating Five" case put a human face on the collapse of the savings and loan industry during the late 1980s. The case involved five senators who were accused of intervening improperly with federal regulators in behalf of thrift executive Charles H. Keating Jr. The failure of his Lincoln Savings and Loan cost taxpayers $2.6 billion.

Only Democratic Sen. Alan Cranston of California, who retired at the end of the last Congress, was found guilty of breaking Senate rules and reprimanded by the committee, escaping a more serious censure vote by the Senate. The others—Demoractic Sens. Dennis DeConcini of Arizona, Donald W. Riegle Jr. of Michigan and John Glenn of Ohio and Republican Sen. John McCain of Arizona—were given milder reproaches.

The verdict led to a joke that referred to the government's efforts at the time to apprehend Panamanian Gen. Antonio Manuel Noriega. According to the joke, which spread rapidly through Congress, the good news was that Noriega had been arrested and brought back to the United States. The bad news was that he would be tried by the Senate ethics committee.

But senators say the committee had a duty to resist outside political pressures when they threaten a person's right to due process. "There was no way for the Keating Five case to come out right politically unless all five senators had been expelled," argues former committee vice chairman Warren B. Rudman, a New Hampshire Republican.

Adds Lott: "Your obligation is to the Senate, to the senator and to the public, in that order, and sometimes you cannot fulfill all those obligations."

The Packwood case also touches many public sensitivities.

The Senate Judiciary Committee's handling of Prof. Anita F. Hill's charges of sexual harassment against Clarence Thomas during his Supreme Court confirmation hearings last year hit a nerve that remains raw. Now another harassment case has come before another all-male committee. But that is changing. Democratic Sens. Dianne Feinstein of California and Carol Mosely-Braun of Illinois have been named to Judiciary and sources say at least one woman will be joining the ethics panel.

In light of the Thomas-Hill case, many voters appear skeptical that the case against Packwood will be thoroughly probed. In a recent Washington Post poll of Oregon voters, a plurality said they thought the ethics committee would "sweep the matter under the rug" rather than conduct a full investigation.

In declining to consider the Adams case, the committee relied officially on legal points that do not appear to apply to Packwood. But the committee's customarily heavy reliance on narrow points of law—all members of the current committee are lawyers—raises pertinent and difficult questions.

Among them: Is the committee looking only at legal trees and ignoring the ethical forest? Are senators to be denied due process simply because they are senators? Should they be held responsible for meeting standards that have changed since the offense? Or were the standards always there and only now put into play by an outraged public? And what are the standards, anyway?

Although the Senate has disciplined members since its earliest days, it did not set up an ethics committee until scandal forced it to do so in the mid-1960s; further modifications came after Watergate in the 1970s.

The Senate has a catchall rule banning "improper conduct which may reflect upon the Senate," along with a code of conduct and an encyclopedic collection of ethics rulings. But unlike the House, it has not produced an easy-to-follow manual. "The ethics rules need to be made more specific and codified . . . and continually updated," Heflin says.

The Senate also has set up a procedure for handling complaints about sexual conduct, but it was put into place only last year. New Democratic Sen. Patty Murray of Washington, who helped write a plan for the Washington state Senate that included counseling for senators and their staffs, has suggested a more clearly defined policy for the U.S. Senate, saying it would help senators as well as their employees.

To shield the committee from partisanship, rules call for it to be composed of three Democrats and three Republicans. Generally, the chairman and vice chairman—one from each party—try to act in concert. But the committee sometimes split along partisan lines in dealing with the Keating Five, and the Senate floor often echoed with partisan recriminations.

In one of its most important functions, the ethics committee issues advisory opinions—about 1,000 a year—when members or staff workers are in doubt about a planned course of action. Given the murkiness of Senate rules, advisory opinions are encouraged as a way of avoiding trouble.

But the Gramm case illustrates the limitations of the advisory system. The committee told Gramm he committed to ethical breach when a Texas contractor absorbed what Gramm has described as cost overruns on work done on his Maryland vacation home. Gramm, however, did not tell the committee that he had interceded with federal regulators, albeit routinely, in behalf of another of the contractor's business interest: a failing savings and loan.

Reform proposals aim at two goals: bringing outside influence to bear on the process and spreading the burden of the job.

Common Cause proposes more extensive use of outside counsel. Others, such as Heflin and Rudman, would set up one panel to investigate the facts and another to hear evidence and rule. But among the dozen senators and academics interviewed for this article, most were drawn to the idea of turning the ethics problem over to a panel of outsiders, such as retired judges and former members. Some favored different or rotating panels for each case.

"Frankly, I think there is a growing consensus that we have to do something major . . . and that probably means going outside the Senate," says a senator close to the Democratic leadership.

Others, such as Lott, are not yet convinced. Lott says he questions whether former judges might apply judicial standards too narrowly to legislative work and wonders whether former senators would pose the same problems of partisan bias that sitting senators must wrestle with.

Senate Majority Leader George J. Mitchell of Maine has been discussing the situation with colleagues, one of whom describes him as "very concerned" and anxious that the Senate not appear to be insensitive to its ethics problems.

"We've got to consider options for change because we're going to have more and more situations that prove difficult," especially as the Senate moves to include itself under laws that it applies to everyone else, says Republican Sen. Nancy Landon Kassebaum of Kansas, a former ethics committee member.

"People are watching", notes Murray.

EXHIBIT 2

S. RES. 33

Resolved, That (a) subsection (a) of the first section of Senate Resolution 338, agreed to July 23, 1964 (88th Congress, 2d session), is amended to read as follows: "(a)(1) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to in this resolution as the 'Select Committee') consisting of 6 members all of whom shall be private citizens. Three members of the Select Committee shall be selected by the Majority Leader and 3 shall be selected by the Minority Leader. Each member of the Select Committee shall serve 6 years except that the Majority Leader and the Minority Leader when making their initial appointments shall each designate 1 member to serve only 2 years and 1 member to serve only 4 years.

At least 2 members of the Select Committee shall be retired Federal judges, and at least 2 members of the Select Committee shall be former members of the Senate. Members of the Select Committee may be reappointed.

"(2) The Select Committee shall select a chairman and a vice chairman from among its members.

"(3) Members of the Select Committee shall serve without compensation but shall be entitled to travel and per diem expenses in accordance with the rules and regulations of the Senate.".

(b) Subsection (e) of the first section of Senate Resolution 338 (as referred to in subsection (a)) is repealed.

Mr. HELMS. Mr. President, I am going to try to consolidate a few other pieces of legislation, and let me send en bloc, if the Chair will permit—and I ask unanimous consent that I be permitted to do it—submit en bloc a series of bills and it be considered in my unanimous consent that I have asked for first reading on each.

The PRESIDENT pro tempore. Will the Senator again state his request?

Mr. HELMS. I am sorry; I did not understand.

The PRESIDENT pro tempore. Will the Senator again kindly state his request?

Mr. HELMS. I wish in the interest of time to offer several bills, and it be considered that in offering these bills en bloc, I am also asking that a request be considered to have been made by this Senator for first reading for each.

The PRESIDENT pro tempore. The Chair would inquire first of all, so that the Chair might have a better understanding of what the Senator's intention was in respect to the first simple resolution that was introduced, was it the desire of the Senator from North Carolina that that resolution be referred to a committee?

Mr. HELMS. No, Mr. President. And the question is a good one because I am not sure I stated my intent clearly enough. What I would like to have happen to that particular bill, regardless of what the record may show, is that it be withdrawn and I ask for a first reading.

The PRESIDENT pro tempore. The Chair would state that if indeed that first resolution was a simple resolution, under the rules simple resolutions do not receive three readings. Only joint resolutions receive three readings.

Mr. HELMS. Let me ask them for immediate consideration because as the Chair understands what I want is for the resolution to go on the calendar after the expiration of this legislative day.

The PRESIDENT pro tempore. Very well. If there is an objection, the resolution would go on the Calendar of Motions and Resolutions Over, Under the Rule, which motions and resolutions would be eligible for coming before the Senate at the close of morning business on the next legislative day.

Mr. HELMS. I am assuming that the distinguished Senator from Kentucky will register an objection to a second reading.

The PRESIDENT pro tempore. There is no second reading of a simple resolution. The Senator, I believe, has in mind the operation of rule XIV on joint resolutions and bills, wherein if there is an objection to the second reading, then that bill or resolution goes on—then it goes over for 1 legislative day.

Mr. HELMS. So what the Chair is saying that simply asking for immediate consideration, to which there would be an objection, will accomplish what I want; is that correct?

The PRESIDENT pro tempore. It will put a simple resolution on a different calendar. It puts a simple resolution on the Calendar of Motions and Resolutions Over, Under the Rule, which is a different calendar from the General Calendar.

Mr. HELMS. OK. As the saying goes, I will buy that.

The PRESIDENT pro tempore. Does the Senator make a request?

Mr. HELMS. What does the Chair suggest I do further now?

Mr. FORD. Mr. President, I will just make a unanimous consent that the distinguished Senator's resolution be placed on the Calendar under Resolution and Motions Over, Under the Rule.

The PRESIDENT pro tempore. If the Senator makes a request for immediate consideration, the objection would have an effect.

Mr. FORD. Would it be satisfactory just to go ahead and place it on the calendar?

The PRESIDENT pro tempore. If that is the Senator's request.

Mr. FORD. I make that request, Mr. President.

The PRESIDENT pro tempore. Without objection, the resolution offered by the Senator from North Carolina will go on the Calendar under Motions and Resolutions Over.

Mr. HELMS. I thank the Chair.

Mr. President, may I be recognized?

The PRESIDENT pro tempore. Will the Senator from Kentucky restate his request?

Mr. FORD. I ask unanimous consent that the resolution of the distinguished Senator from North Carolina be placed on the calendar.

The PRESIDENT pro tempore. Without objection, the resolution offered by the Senator from North Carolina [Mr. HELMS] will be placed on the General Orders Calendar.

Mr. FORD. The President is correct.

Mr. HELMS. Mr. President, I thank the able Senator from Kentucky. I will say to him that this is what we get for being on our feet in the Senate when the master Parliamentarian of all time is in the chair. I always learn something from my distinguished friend, who, I might add, is a native of North Carolina. He became a citizen of West Virginia some years later. But we are proud of him in North Carolina as well.

Mr. President, I send to the desk——

The PRESIDENT pro tempore. There is a pending unanimous-consent request before the Senate.

Mr. HELMS. I thought the Chair had already ruled.

The PRESIDENT pro tempore. There is a request by the Senator from North Carolina before the Senate.

Mr. HELMS. Yes, it was proposed earlier in debate.

The PRESIDENT pro tempore. Will the several bills and resolutions be introduced en bloc?

Mr. HELMS. Yes.

The PRESIDENT pro tempore. Will the Senator restate that request?

Mr. HELMS. In that case, rather than go through repeating the entire request, I will go very quickly through my bills.

FLAT TAX

Mr. HELMS. Mr. President, I send to the desk a bill and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the bill for the first time.

The bill was read for the first time.

Mr. HELMS. Mr. President, let me make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. HELMS. I just sent the bill to the desk, and I believe I asked for first reading. Is the rest of the action on the bill automatic, and if so, what will occur to the bill next?

The PRESIDENT pro tempore. The rest of it is automatic in that the bill will be referred to a committee.

Mr. HELMS. In that case, I ask for second reading.

The PRESIDENT pro tempore. Is there objection to second reading?

Mr. FORD. I object, Mr. President.

The PRESIDENT pro tempore. Objection having been heard, the bill will go over until the next legislative day for the second reading.

Mr. HELMS. Now we are on track, Mr. President. I appreciate his listening.

Mr. President, during my two decades in the Senate, I have made clear my belief that it is imperative for Congress to overhaul the Federal income tax system. The Internal Revenue Code of 1954 is a disaster. It is a burdensome set of laws that is widely regarded—and rightly so—as unfair and unworkable. Politician after politician promises to do something about the Tax Code but nothing ever gets done—except that the taxpayer has less and less of his own money to spend.

Several years ago, I had the privilege of visiting with Jim and Karen Quick a delightful young couple from Greensboro, NC. At that time, Karen was a 12-year veteran of the Internal Revenue Service.

I have spoken before the Senate of Karen's award-winning essay on tax policy entitled "Tax Simplification: Let's Play Flat Ball." To refresh my colleagues' memories, in her essay, Karen compares U.S. tax laws to a frustrating ball game with constantly changing rules and few winners.

"Americans are tired of playing Bracketball," she writes. "One of the most infuriating aspects of 'Bracketball' is the constant movement of the goal line. When the players get near it, the officials move it." The solution she proposes is "a simple, fair, effective game called 'Flatball.' "

Mr. President, I ask unanimous consent that a copy of Karen's essay be printed in the RECORD at the conclusion of my remarks, and I recommend that Senators take the time to read and consider her thoughts.

Mr. President, the convoluted nature of the Nation's tax laws has caused the American people to lose faith in their Government. Most are convinced—and rightly so—that the complexity of the tax laws may be a disguise for unfairness and inequity.

That is why, Mr. President, I had mixed feelings about the Tax Reform Act of 1986. On the one hand, Congress made a significant improvement by lowering the tax rates and reducing the number of brackets. On the other hand, many provisions were included simply to raise revenue in order to keep the bill revenue neutral—changes based neither on logic nor on sound tax policy. The net result left our tax laws even more complicated and created a number of problems for various sectors of the economy.

Mr. President, the key to sustained and vigorous economic growth lies in the adoption of policies aimed at reducing marginal tax rates and stimulating investment in the private sector of our economy. The current tax system offers little hope of attaining these ends. On the contrary, the system we have now tends to penalize productivity and encourage tax evasion.

That is why I have concluded that a flat rate tax is the only fair solution to the problem created by the existing tax system and I am today introducing a 10-percent flat tax bill. The concept is fair. It is proportionate and it will work simply.

This is not a new idea, but it is an idea which can and will be a starting point for a continued comprehensive study of our ever-complex Tax Code. The bill is similar to legislation I offered in the 97th, 100th, 101st, and 102d Congresses.

First, my bill would eliminate the income tax on corporations. Congress must recognize the economic reality that corporations don't pay taxes—people do. Corporations simply pass their tax bills on to consumers in the form of higher prices and to workers in the form of reduced wages. This burden falls most heavily on the poor because the poor spend a larger percentage of their income on consumer goods.

The corporate income tax is also passed on to shareholders in the form of reduced dividends and reduced corporate savings and investment. Since pension plans are major shareholders, the corporate tax can drastically reduce potential pension benefits to workers.

Obviously, Mr. President, reduced corporate savings and investment have a negative impact on economic growth and thus reduce employment opportunities. This constitutes a further hidden tax on American workers.

Perhaps most importantly, Mr. President, elimination of the corporate income tax will promote efficiency in the market because all businesses will be placed on a level playing field. Tax considerations will no longer affect business decisions. Furthermore, elimination of this cost to business will also make U.S. business more competitive in the world market thereby encouraging new exports and creating new jobs.

Second, this bill reforms the income tax on individuals and by so doing, will reduce the amount of tax paid by most Americans. The bill would eliminate all current deductions, credits, and exemption of $10,000 per taxpayer—to be adjusted annually for inflation—and impose a 10-percent tax on all earned income.

Mr. President, the exemption from taxation of the first $10,000 of earned income for each taxpayer will provide relief for low-income individuals while also providing an incentive for individuals to enter the work force. The flat 10-percent rate eliminates the disincentive for one to increase his or her income that results with a highly progressive system.

The bill defines "earned income" as the compensation one receives for performing work. It includes wages, salaries, fees, and fringe benefits. It does not include passive income—such as capital gains—interest income, and dividends. Furthermore, while fringe benefits are taxable, the bill eliminates valuation problems by valuing all fringe benefits at the actual cost to the employer of providing the benefits.

Mr. President, implementation of a 10-percent flat tax will have a profound effect on the economy in several ways. First, it will promote growth by increasing incentives for work, investment, and production through low marginal rates. The increased savings will push interest rates down and thus reduce the cost of capital.

Second, it will stimulate economic growth through the elimination of tax on capital gains. This will encourage investment and expansion of capital funds, which will lead to more businesses and more jobs.

Third, by elimination the tax on dividends, a flat tax will eliminate the penalty for investing in stock and will stimulate greater capital availability for economic growth. Fourth, a flat tax brings greater efficiency to the economy by eliminating preferences in the Tax Code that interfere in economic decisions.

Finally, it will simplify the income tax system and enhance its fairness and equitibility. If we can simplify the income tax system so that every American can fill out his or her income tax on the back of a post card, we would put an end to the huge and burdensome tax avoidance industry.

Our tax system has become so complex, economically counterproductive, outmoded, and riddled with exceptions that it's no wonder that the American people are losing faith in their Government. There is something Orwellian about a government that subjects its citizens to rules that are too complex for them to understand.

Mr. President, it's time to stop applying piecemeal, short term remedies, such as modification of the fringe benefits provisions, and to adopt a new tax system based on equity, efficiency, and simplicity. The legislation I am introducing today would do just that. In fact, I cannot imagine what could be more fair to the American people than a flat 10-percent tax.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD together with the essay mentioned earlier.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flat Tax Act of 1993".

SEC. 2. REPEAL OF TAXATION OF CORPORATIONS.

The following provisions of the Internal Revenue Code of 1986 are hereby repealed:

(1) section 11 (relating to corporate income tax),

(2) section 55 (relating to alternative minimum tax) to the extent it applies to corporations,

(3) section 511 (relating to unrelated business income tax),

(4) section 531 (relating to accumulated earnings tax),

(5) section 541 (relating to personal holding company tax),

(6) section 594 (relating to alternative tax for certain mutual savings banks),

(7) section 801 (relating to tax imposed on life insurance companies),

(8) section 831 (relating to tax on certain other insurance companies),

(9) section 852 (relating to tax on regulated investment companies),

(10) section 857 (relating to tax on real estate investment trusts), and

(11) section 882 (relating to tax on income of foreign corporations connected with United States business).

SEC. 3. 10 PERCENT INCOME TAX RATE FOR INDIVIDUALS.

Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed on individuals) is amended to read as follows:

“SECTION 1. TAX IMPOSED.

“(a) In General.—There is hereby imposed on the income of every individual a tax equal to 10 percent of the excess of the earned income of such individual for the taxable year over the exemption amount for such year.

“(b) Definitions.—For purposes of this section—

“(1) Exemption amount.—

“(A) In general.—The term ‘exemption amount’ means for any taxable year, $10,000 increased (for taxable years beginning after December 31, 1993) by an amount equal to $10,000 multiplied by the cost-of-living adjustment for the calendar year in which the taxable year begins.

“(B) Cost-of-living adjustment.—For purposes of this paragraph—

“(i) In general.—The cost-of-living adjustment for any calendar year is the percentage (if any) by which—

“(I) the CPI for October of the preceding calendar year, exceeds

“(II) the CPI for October of 1992.

“(ii) CPI.—The term ‘CPI’ means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

“(C) Rounding.—If the increase determined under this paragraph is not a multiple of $10, such increase shall be rounded to the nearest multiple of $10 (or if such increase is a multiple of $5, such increase shall be increased to the next highest multiple of $10).

“(2) Earned income.—

“(A) In general.—Except as provided in subparagraph (B), the term ‘earned income’ means—

“(i) wages, salaries, and other employee compensation,

“(ii) the amount of the taxpayer's net earnings from self-employment for the taxable year, and

“(iii) the amount of dividends which are from a personal service corporation or which are otherwise directly or indirectly compensation for services.

“(B) Exceptions.—The term ‘earned income’ does not include—

“(i) any amount received as a pension or annuity, or

“(ii) any tip unless the amount of the tip is not within the discretion of the service-recipient.

“(C) Fringe benefits valued at employer cost.—The amount of any fringe benefit which is included as earned income shall be the cost to the employer of such benefit.”.

SEC. 4. REPEAL OF SPECIAL DEDUCTIONS, CREDITS, AND EXCLUSIONS FROM INCOME FOR INDIVIDUALS.

Chapter 1 of the Internal Revenue Code of 1986 is amended by striking out all specific exclusions from gross income, all deductions, and all credits against income tax to the extent related to the computation of individual income tax liability.

SEC. 5. REPEAL OF ESTATE AND GIFT TAXES.

Subtitle B of the Internal Revenue Code of 1986 (relating to estate, gift, and generation-skipping taxes) is hereby repealed.

SEC. 6. EFFECTIVE DATES.

(a) In General.—Except as provided in subsection (b), the amendments made by this Act shall apply to taxable years beginning after the date of the enactment of this Act.

(b) Repeal of Estate and Gift Taxes.—The repeal made by section 5 shall apply to estates of decedents dying, and transfers made, after the date of the enactment of this Act.

(c) Technical and Conforming Changes.—The Secretary of the Treasury or his delegate shall, as soon as practicable but in any event not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this Act.

Tax Simplification: Let's Play Flatball

(By Karen Quick)

Americans are tired of playing Bracketball. Who wants to keep playing this “tax game” which has unfair, complicated rules: an unlimited fourth quarter with no timeouts; and is affiliated with an inefficient association at the point of bankruptcy? Complaints are commonplace; motivation is low; and initiative is almost nonexistent. It is a confusing and biased game. The players are involuntarily drafted for participation despite their physical conditions. Their contracts automatically renew annually requiring longer and longer playing periods. The more influential athletes manage to gain preferential treatment from the promoters and officials. Some are allowed to sit the bench for extensive periods of time and some are even paid not to show up at all. Needless to say, this does little for team morale and enthusiasm. This favoritism puts an unnecessary burden on the rest of the team. The few remaining dedicated players, who show up for all the practices come rain or shine and who give it their best shot, look forward to high scores. It gets to be a tough game as these dedicated players are forced to compensate for the “bench sitters” and “game cutters.” There is a noncommittal attitude spreading among the ranks. Partly to blame is the large staff of inconsistent coaches who have different ideas of how the game is to be played. More and more of the officials are using poor judgment to call the plays. Many illegal substitutes, illegal blockings, and intentional fouls go uncalled. A lot of bloody noses result. Nobody, including the promoters and officials, seems to know how the game is to be played. One of the most infuriating aspects of Bracketball is the constant movement of the goal line. When the players get near it, the officials move it. There are strong rumors circulating in the locker rooms that a players' strike is in the works. They are tackling an enormous task in their efforts to change to a simple, fair, efficient game called “Flatball.”

This fictitious analogy of our current system of American taxation may be somewhat exaggerated in pointing out the inherent problems. Yet, it brings to light the need for simplicity, fairness, and efficiency in our system of taxation. Such a tax reform referred to above as “Flatball” would not only provide needed revenue, it would also stimulate the economy, lighten the administrative load, and improve compliance. The most noteworthy result would be a boost to those precious intangibles; morale, motivation, and ingenuity.

To better understand the need for tax reform, some brief background information on the definition and history of American taxation will be given first. Numerous indictments of the current income tax system will follow. The last section will contain workable methods of sound income tax reform.

DEFINITION OF TAXATION

“The art of taxation consists of plucking the greatest number of feathers from a goose with the least amount of squawking.”[1] This popular saying equates the unpleasant task of collecting taxes with the plucking of feathers. It implies the need for an economically balanced method that is viewed by the populous as simple, fair, and efficient.

What is a tax and why is it levied? “Tax” is defined as a compulsory contribution levied upon persons, property, or businesses for the support of government.[2] This basic definition makes no implication that taxes are imposed to resolve all the nation's financial and social problems. The tax laws were not intended to legalize social engineering as a government business. In a July 8, 1981 Wall Street Journal article by Christopher Conte, the following quotation from Senator Hatfield was given: “By attempting to solve every social and economic problem through the tax code, we have put a greater burden on the average taxpayer.”[3] Taxes are not defined as a vehicle to be used to subsidize special interest groups regardless of their merits. The meaning is clear and simple. Taxes are collected to pay the necessary military and civil expenses[4] that provide goods, services and order without stifling economic growth or human ingenuity.

HISTORY OF AMERICAN TAXATION

Chief Justice John Marshall stated in 1819 during the famous case of McCulloch v. Maryland “the power to tax is the power to destroy.” The power to tell the citizenry how much money they must pay to make their government work must be jealously guarded.[5] The writers of the Constitution were very much aware of this fact. They knew one of the major causes of the War of Independence was the imposition of taxes by the British Parliament on the colonies without their consent.[6]

In the United States, the first income tax was enacted in 1861 to help finance the Civil War. It allowed a $600.00 exemption and levied a 3% charge on incomes below $10,000 and a 5% charge on incomes above that level. In 1864, the rates were increased to 5% and 10%.[7] Tax receipts peaked in 1866 when income tax accounted for about 25% of federal revenue. In 1871, Representative Dennis McCarthy of New York expressed the view of the income tax opponents in these words, “unequal, perjury-provoking, and crime-encouraging, because it is at war with the right of a person to keep private and regulate his business affairs and financial matters.” Senator John Sherman of Ohio responded with these remarks: “When you come to examine the income tax you will find that it applies, it is true, to only about 60 thousand people; but they do not pay their proper share of other taxes. WHY? Can a rich man with an overflowing revenue consume more sugar or coffee or tea, or drink more beer or whiskey, or chew more tobacco, than a poor man? You tax tobacco at the same rate per pound, whether it is the tobacco for the wealthiest or the poorest. * * * But when in a system of taxation you are compelled to reach out to many objects, you must endeavor to equalize your general results. * * * Therefore, when it is complained that the tax on an article consumed is unjust upon the poor, because the poor have to consume a greater proportion of their income in its purchase than the rich, we answer that to countervail that we have levied a reasonable income tax upon such incomes as are above the wants and necessities of life. That is the answer and it is a complete answer; because, if you leave your system of taxation to rest solely upon consumption, without any tax upon property or income, you do make an unequal and unjust system.”[8] These words of Sherman and other supporters of an income tax failed to gain a renewal of the tax. Thus, the income tax law expired in 1872[9] because it was considered an invasion of privacy with socialistic tendencies.[10]

Between 1873 and 1893, members of Congress introduced 68 different income tax bills. In 1894, a 2% income tax on incomes over $4,000 was finally passed with much controversy. But the U.S. Supreme Court declared the tax unconstitutional and in violation of Article 1, Section 2, Paragraph 3 which says that all direct taxes must be levied among the states in proportion to their population. Congress circumvented the Supreme Court's decision by proposing a constitutional amendment on July 12, 1909.[11] The well-known sixteenth amendment was ratified on February 29, 1913 by 42 states.[12] This removed the constitutional hurdle and gave Congress the authority to tax incomes from whatever source derived; without apportionment among the several states and without regard to any census or enumeration."

After more than 40 years from the expiration of the Civil War income tax, the first legal income tax was enacted under the leadership of President Woodrow Wilson.[13] It granted a $3,000 exemption for single persons and a $4,000 exemption for married couples. The graduated rate began at 1% on the first $20,000 of taxable income and ranged to a top rate of 7% on taxable incomes over $500,000. Net profits of corporations were taxed at a flat rate of 1%. Only about 0.4% of the population filed tax returns in 1913. All federal receipts amounted to about 2.6% of GNP.[14]

The next 40 years was just as stormy for the income tax. From 1913 to 1954 the income tax was part of America's struggle for survival through war and depression. By the time WWI had ended, three separate tax bills had increased tax rates nearly tenfold and exemptions had dropped significantly. But only 8% of the population paid taxes. President Warren G. Harding's Secretary of Treasury, Andrew Mellon, argued persuasively for tax reduction to foster economic growth. He stated: "Any man of energy and initiative in this country can get what he wants out of life. But when that initiative is crippled by legislation or by a tax system which denies him the right to receive a reasonable share of his earnings, then he will no longer exert himself and the country will be deprived of the energy on which its continued greatness depends. On the other hand, a decrease of taxes causes an inspiration to trade and commerce which increases the prosperity of the country."[15]

With a large part of the population tired of war and taxes, Mellon's proposals gained ground. In 1921, the maximum tax rate was cut from 77% to 58% and in 1926 it was finally cut to 25%. Credit is given to Mellon and his support for tax cuts that spurred the economic boom of the 1920's. A get-rich-quick attitude pervaded the scene and many people had their shirts riding on the stock market.[16] This speculative fever prevented sound financial decisions and resulted in a rocky financial structure. Frantic transactions were prevalent. "Even the professional analyst of financial properties was sometimes bewildered when he found Co A holding a 20% interest in Co B, and Co B an interest in Co C, while C in turn invested in A, and D held shares in each of the others. But few investors seemed to care about actual worth.. . ."[17]

Until the Great Depression of the 1930's, Americans practiced the notion of a limited role for federal government with correspondingly low taxes. Except for periods of war or recession, revenues from exercises and customs were sufficient to finance those activities widely regarded as federal functions. But when the Great Depression took hold, President Herbert Hoover sponsored tax increases in a vain effort to balance the budget that reduced personal allowances and pushed the top tax bracket from 25% to 63%.[18] The economy was too weak to provide sufficient revenue. Increased rates just made matters worse. Taxes were now spent on human needs as well as national defense. When World War II broke out, millions of Americans went back to work and taxes were increased. Before the war was over, rates exceeded 90% and three-fourths of the population had to pay income taxes. A "class tax" had been replaced by a "mass tax."[19] After World War II, rates were not greatly reduced. This was the first time marginal peacetime rates, even for the middle classes and corporate businesses, exceeded 40% and even 50%. The role of government had become more involved creating a much larger establishment requiring continuously larger revenue for its ever-increasing expenditures.[20] With the acceptance of a larger government establishment, people realized high tax rates were inevitable. The Internal Revenue Code of 1954 preserved high tax rates ranging from 20% to 91%. It laid the foundation for the slow downhill slide to our current complicated, unfair tax system.

The end of the 1950's ushered in a new business term "tax planning" (a euphemism for tax avoidance) and a new profession appeared on the scene—"tax consultant." A reform introduced by President Kennedy lowered the top rate to 70%. Another tax cut, in 1969, lowered the top rate for salary income to 50%.[21] In 1981, legislation was passed to enact President Reagan's three-year 25% across the board tax cut that reduced the range to 11%–50% for all types of income[22] and introduced inflation indexing.[23] These reductions only slightly modified the progressivity of the income tax system and preserved the unfair tax expenditures and loopholes.

Tax revenue from federal, state, and local governments amounts to approximately one-third of the Gross National Product. About 35% of all government revenue is collected by the state and local levels. It is in the form of individual income taxes, corporated income taxes, sales taxes, property taxes, and various fees and charges.[24] Recent dramatic events such as Proposition 13 in California and Proposition 2½ in Massachusetts have brought some needed reform. Although reforming state and local government taxes is an important controversial subject, this paper will focus on the federal tax policies that the generate about 65% of all government receipts.

What are the sources of federal revenue? Nearly one-half is derived from individual income taxes. This category amounted to 49% of all federal receipts in 1982. This percentage has been as low as 12% in 1940 and stayed around 45% during the 1960's and 1970's. The fastest growing category in the federal system is the social security taxes that provided about 34% of the total revenue in 1982. Corporate income taxes as a share of federal receipts steadily dropped throughout the 1970's. In 1982, this category generated about 8% of the revenue. Excises provided approximately 5%; estate and gift taxes brought in barely over 1% and other miscellaneous charges were just under 3% of the total receipts.[25]

Federal income taxes for individuals have increased from about $120 billion in 1974 to about $300 billion in 1982. During this same period, corporate income taxes stayed relatively flat at about $50 billion causing a decline in their share of overall federal receipts. To provide sufficient revenue for the current level of government operations, a simplified tax system would have to be capable of generating approximately $350 billion if both the individual and corporate income tax structures were overhauled.[26]

The proposal that will be recommended in this paper would replace the existing individual and corporate income taxes leaving the other aspects of the federal tax structure intact.

Why is a tax reform needed? The answer to this queston could easily exceed 2,000 pages which is the approximate length of the Internal Revenue Code. Only the main indictments against the current income tax system will be covered in this paper. The four main dimensions to the inefficiency of the present system encompass economic barriers, complexity, stifled intangibles and administrative difficulty.

Going back to the basic definition of taxation, we are reminded that the reason for the collection of taxes is to support the government as it provides necessary goods, services, and order without sifting economic growth or human ingenuity. Our current income tax system fails to meet the fundamental purpose of its existence. It produces too little revenue. The United States government spends more on defense and domestic programs than it collects in tax revenue. Federal taxes were from a level of 3% of the Gross National Product in 1929 to about 19% in 1932. However, government spending amounted to approximately 24% of the Gross National Product in 1932. Chronic deficits over the last two decades not only offend the notion of good fiscal housekeeping, but also injure the economy and create unnecessary distortions.[27] In fiscal year 1982, after the enactment of a large budget reduction, the federal budget still had a deficit for the 13th straight year and for the 19th time in the last 20 years. Deficits have grown in recent years at such a rate that three-fourths of the 486 billion dollars in deficit accumulated from 1962-1982 resulted since 1974. From fiscal year 1946 through 1960, deficits as a percent of Gross National Product averaged about 0.4%. Over the next ten years the deficit equivalent averaged 0.8% of the Gross National Product. But over the next eleven years, the average magnitude of the deficit rose to 2.4% of the Gross National Product.[28]

Budget deficits reduce the growth of productive capacity when the economy is operating at a high level of employment. Deficits absorb over one-half of national savings leaving less savings available for investments in productive expansions. To maintain high levels of investment, the United States must borrow from abroad. If present trends continue, the United States could easily become a net debtor to the rest of the world.[29]

Because deficits force the government to compete for available savings, interest rates remain artificially high. These high rates discourage purchases of long-term assets such as housing. They also overvalue the dollar causing a competitive disadvantage for the United States in the world market.[30]

Closely tied to the problem of persistent, chronic deficits is the accusation that the federal government has become bloated, disorganized, wasteful, and inefficient. Is the federal government too big? Donald Lambro, Washington correspondent of Untied Press International, would shout an emphatic "yes"! Mr. Lambro concludes, "Americans have more government than they need, more than they want, and more than they can afford. Like a riderless locomotive whose throttle has been pulled wide open, the federal government is running out of control."[31] This paper will not attempt to address the issue concerning the excessiveness of the federal government. An organized and efficient use of income taxes directly relates to the amount of revenue needed and the existence of a balanced budget.

Another economic indictment against the current tax system is that increased earnings with progressive rates cause "Bracket Creep." Inflation pushes income into higher marginal tax rates making the overall effect of "Bracket Creep" worse. Millions of Americans face high marginal tax rates that were intended for those with much higher incomes. The Treasury Department reported that in 1965 a family of four earning a median income had a tax rate of 17% which increased to 24% in 1980. For families with twice the median income the rate almost doubled from 22% to 43%. This increase was due to the progressive rate structure and inflation. "Bracket Creep" is leaving many families with less real purchasing power after taxes.[32]

For the last 29 years, each time family income rose by 10%, government receipts increased approximately 15%.[33] High marginal tax rates affect people's incentive to produce additional earnings. It impacts upon the worker's decision to work overtime or to go play tennis. The higher the marginal rate, the cheaper the price of leisure. High rates reduce capital formation and economic growth.[34] Professor Arthur Laffer illustrates the relation between taxes and incentives with the "Laffer Curve." He restates the concept of diminishing returns. "At some point, additional taxes so discourage the activity being taxed, such as working or investing, that they yield less revenue rather than more. There are two rates that yield the same amount of revenue: high taxes on low production; or low taxes on high production. * * * There is, however, at any one time, some rate that allows the government maximum revenue and yet does not discourage maximum production."[34] Congressman Jack Kemp in his book entitled, An American Renaissance, gave the following illustration: "Consider the baker who is taxed 20% on the first loaf of bread, 40% on the second loaf, 60% on the third, 80% on the fourth, and 100% on the fifth and who can produce only one loaf per day. His objective would be to increase his output and increase his income. His rewards for pushing forward on the frontiers of baking technology are reduced again and again for each additional loaf he bakes. When he is at the level of four loaves—or at the margin, the 100% tax rate—all incentive to increase his baking productivity ends because if the baker were to produce a fifth loaf of bread, it would be taxed entirely away."[36]

A fourth economic indictment against the present tax system is that hoopholes and tax shelters are allowing many Americans to avoid their fair share of the tax burden. Since 1979, there has been a rapid increase in the number of tax preferences and in their revenue loss. According to the Joint Committee on Taxation and the Congressional Budget Office, there were 104 tax preferences in effect in the fiscal year 1982. These preferences caused the tax base to shrink to less than one-half of the 1982 national income. In 1981, these 104 preferences cost $229 billion in lost revenue.[37] According to the IRS publication, Statistics of Income for 1981, the category of itemized deductions alone reduced adjusted gross income by 24% that year or by $254.4 billion. Interest expense was the single largest itemized deduction claimed in 1981 amounting to $108.7 billion.[38] Senator Bill Bradley of New Jersey gave an example of the largest syndicated tax shelters in history. He included it in his book entitled, The Fair Tax, Chapter 3 appropriately subtitled, "True Tales of Amazing Tax Shelters." The example follows: "The largest syndicated tax shelters in history allows the partners to purchase 45,000 old billboards for $485 million and depreciate them over the 15-year write-off period for real estate. When the billboards are sold, they will generate a long-term capital gain taxed at preferential rates. Each investor must put up $150,000, so this shelter is only available to the big hitters. However, each was promised net tax benefits over a six-year period worth $181,950; that is the tax benefits exceeded the original investment. Is this what the President meant by supply-side economics? Obviously not. No economic growth results from simple reshuffling the ownership of 45,000 existing billboards."[39] With this example it is easy to see how families who reported income in 1981 of more than $1 million paid an effective rate of only 17.7% through the use of tax shelters.[40]

In order to manipulate transactions to avoid tax, some keen minds had to connive the schemes. Out of the approximate 46,000 active tax professionals needed to interpret the complex tax law, several thousand specialize in tax shelters.[41] Think of the talent and time expended in this tax shelter industry. It is sad to admit but our income tax system has created an industry devoted to the inefficient use of investment capital. Our tax system encourages people to lose money for tax purposes and it encourages special interests to lobby for more and more selective relief.

To better understand the existence of tax preferences, we must recall the squeeze of inflation and the pain of high tax rates. Many groups have lobbied for selective relief before their elected representatives. The most powerful and influential got an exclusion, deduction, or credit to suit their special interest.[42] Legislators keep succumbing to the pressures of the lobbyists who keep repeating the little ditty made famous by Senator Russell Long of Louisiana; "Don't tax you, don't tax me, tax that fellow behind the tree."[43] President Reagan even abandoned his clean bill principles to join the crowd supporting special interests before the passage of the Economic Recovery Tax Act of 1981. A New York Times editorial said; "Greed and politics are running wild on Capitol Hill, and the Nation's great economic difficulties, which were supposed to be the object of budget and tax reductions, are recklessly ignored."[44] Once again the well-being and, prosperity of the nation lost out to the flawed logic of special interest groups. When will the legislators stop playing Santa Claus to influential lobbyists?

Evidenced by a newspaper article as recent as June 7, 1986, the Senate Finance Committee still insists on playing Santa Claus. The Greensboro News and Record article stated the Committee was proposing to give away more than 170 "toys" to special interest beneficiaries, such as "cellular telephones," "strawberry square," and "Channel." Senator Howard Metzenbaum of Ohio said, "There is blatant concealment in this bill. * * * We're still trying to find all the special provisions that are hidden in those 2,847 pages." Senator Metzenbaum listed 16 specific provisions that warranted further study. What about the remaining 154 special interest provisions?[45] Another article, one week later in the same newspaper, gave some specifics on one of the loopholes that had been proposed by the Senate. Unocal of Los Angeles was to forego paying up to $50 million of federal taxes because they had incurred a $4.4 billion debt fighting off an attempted takeover. This loophole was killed by Senator Metzenbaum's amendment but what about the remaining loopholes?[46] The whole legislative process seems to "degenerate into a scramble to see who can get the largest slices of a shrinking pie." Nobody wins in this sport of mutual plunder. Real economic expansion through fair and simple tax reform is the surest remedy for this diversive sport.[47]

Taking into consideration the high tax rates of our progressive structure, the high level of inflation, and the large number of unfair tax preferences, is it any surprise that the underground economy in the United States is growing so rapidly? A fifth indictment against the present tax system is that it encourages tax evasion. "Sheep may stand still while they are sheared, but taxpayers do not."[48] An estimated 25 million working Americans engage in both legal and illegal activities to hide all or a portion of their income from taxation. The magnitude of this problem is described by Sylvia Porter in the following manner: "A veiled economy more vast in scope than most of the individual economies of most other countries on this globe lies underneath the in-the-open economy in which tens of millions of us in the United States live. An immense proportion of all the transactions that occur in our country take place in this underground—but they are untraced in any fashion, thus uncounted, unreported and most significant, untaxed. You yourself may well be a part of it, without even being aware that you are."[49] The Internal Revenue Service estimated the 1981 loss of revenue from legal activities to be $74.7 billion. In addition, the Internal Revenue Service estimated a $9 billion tax evasion from illegal activities such as drug traffic and prostitution.[50] Some experts think the legal and illegal sources of income that do not appear in the Gross National Product is much higher than these Internal Revenue estimates. Some analysts claim that unreported income in the United States is close to a trillion dollars. For every four dollars of legal income reported, there is another one hidden from view.[51]

Why is tax cheating so prevalent? People are very dissatisfied with unfair loopholes that favor special interest, poor fiscal policies that contribute to inflation, steep graduated rates that cause "Bracket Creep" during inflationary times, government waste, and the unresponsiveness of the tax legislators to the national interest.[52] The cure for these ills is not cheating. The solution is a complete overhaul of the federal income tax system. This would not only boost the Gross National Product but remove some of the incentives to join the underground economy. Less participation in the underground economy would increase the tax base already riddled with unfair, excessive loopholes, and reduce the burden on taxpayers.

A sixth economic indictment against the current system of taxation is the disincentives and distortions it causes on saving, investing, working, and prices. High marginal tax rates discourage every productive activity. The incentives to take a risk, accept added responsibilities, and expand our Gross National Product, are dulled when a big hunk of the prize goes to somebody else.[53] "When individuals bear the full cost of their actions and are able to reap fully the gains that occur from their activities, they use resources wisely. When I bear the full cost of food, clothing, telephone service, recreation facilities and thousands of other items, you can be reasonably sure that I will conserve on my use of these items. I will not consume them unless I value the services that they provide more than the cost of the provision. Similarly, when I am able to reap the full benefits of my productive activities, you can be sure that I will undertake even unpleasant tasks when the benefits (usually personal income) exceed the costs. When individuals bear the full cost and reap the full benefits, they will use resources in a wealth-creating manner. They will engage in positive-sum economic activity. * * * Problems arise when a sizable share of the benefits or costs emanating from economic activity accrues to nonparticipating parties. High marginal tax rates make it possible for individuals to enjoy tax deductible items at a fraction of their cost to our economy.* * * However, deductibility does not reduce the cost to society of the valuable resources used to produce these commodities."[54] The marketplace is far more efficient in allocating resources and setting prices than the Internal Revenue Code. The present system makes us less competitive in the world economy and prevents us from reaching our economic potential as a nation. A tax deduction is of little benefit if there is no income to subtract it from.[55]

The tax laws interfere with business decisions in an unwise, haphazard way. High marginal tax rates make consumption cheap and encourage debt instead of equity. This causes saving to decline and in turn reduces investment which is the foundation for future economic growth.[56] This disincentive is aggravated by inflation which pushes people into higher marginal tax brackets even though their pre-tax income does not change.[57] Tax policy distorts income during real economic growth and inflationary periods causing consumption to become cheaper and saving more expensive.[58] "The current tax code distorts investment decisions so that economically desirable investments often appear less attractive than those where tax incentives inflate profitability. Section after section tells new investors what lines of business to enter, tells existing corporations how to go about their work, and puts a heavy tax on the profits of successful and productive corporations. The whole system makes no economic sense."[59] To improve incentives and reduce investment distortions, a tax system is needed with a much broader base that permits a low tax rate.

The second main dimension to the inefficiency of the current tax system is the complexity of the Internal Revenue Code. The legal complexity makes comprehension, compliance, and administration difficult. Transactional complexity encourages individuals and businesses to engage in complicated maneuvers to avoid taxes.[60] The lack of simplicity makes the uniform application of the tax laws difficult to achieve. It also imposes a high cost of taxation.

"It was a bizarre trial, a tax protest case. The defense lawyer didn't have a chance, but his closing argument was a humdinger. It went like this: The lawyer hefted the Internal Revenue Code and leaned on the jury box. 'I wish this book could talk,' he said plaintively. 'I wish this book could talk because it would crawl over this rail, it would crawl up into your laps, it would look up at you and it would cry, 'Nobody understands me.' "

The above segment was taken from a May 13, 1983 Wall Street Journal article by Caryl Conner, who was a speechwriter in the Carter White House. In her article entitled "Offering Incentives to Tax Evaders," she realizes the essential function of the Internal Revenue Code is to raise revenue but it creates tax evasion by its complexity and "revenue hemorrhage." She is critical of the Code's ambiguity, chaos, loopholes, social engineering, and unenforceability.[61] Let's not take Mrs. Conner's word for it, let's go right to the source—Section 1302."Definition of Averageable Income; Related Definitions" states:

(a) Average Income.—

(1) In general.—For purposes of this part, the term "averageable income" means the amount by which income for the computation year (reduced as provided in paragraph 2) exceeds 120% of average base period income.

(2) Reduction.—The taxable income for the computation year shall be reduced by—

(A) The amount (if any) to which section 72(m)(5) applies; and

(B) The amounts included in the income of a beneficiary of a trust under section 667(a).

(b) Average Base Period Income.—For purposes of this part—

(1) In general.—The term "average base period income" means one-fourth of the sum of the base period incomes for the base period.

It is surprising less than one-third of those eligible to reduce their tax computation by income averaging actually do so?[62] In short, Section 1301 means that if a person has a lot more income in 1984 than he (she) had in the past four years, then income averaging may lower the tax amount. Phrases such as "averageable income" and "base period income" are contained in this Code Section. The word "income" is also used. Nowhere in the two thousand pages of the Internal Revenue Code is the word "income" defined. Since tax is imposed on "income," it would be logical to expect a definition in the beginning of the Code. Congress threw darts all around the bullseye with definitions of "gross income," "adjusted gross income," "taxable income," "earned income," "unearned income," "ordinary income," "averageable income" and others.[63]

Tax law terminology is difficult to understand but the problem is aggravated by the use of such long sentences. A sentence in Section 170(b)(1)(A) contains 379 words; another sentence in Section 7701(a)(19) has 506 words. The Connecticut statute forbids the use of sentences longer than an average of 22 words and no sentence can be longer than 50 words.[64] To comprehend the exact meaning of some of these long Code sentences, the reader would need to construct flow charts. What kind of grade would the English high school teacher of those tax legislators give her ex-students on clarity and sentence structure?

The application of tax law is not uniform. In an attempt to understand and fairly apply the more than 2,000 pages of basic tax law, there are about 10,000 pages of tax regulations and thousands of pages of interpretations and judicial opinions.[65] Even with all this research material available, most taxpayers do not understand the tax laws. Judges do not interpret the laws uniformly. Consider the two separate cases of a Minnesota state trooper and a New Hampshire state trooper. The argument was that since the state was his employer, all the highways were the "premises" of his employer. Since he was required to eat at restaurants on the highway, the means were "furnished for the employer's convenience on his premises." The Minnesota state trooper won the court case. Unfortunately, the state trooper in New Hampshire fared worse. The court there stated that it did not go along with this "metaphysical concept" concerning the state's territory being the "premises" of the employer. The court further stated that the meals must be "furnished in kind." With the same facts, two different states had two different rulings.[66]

Former Commissioner of the Internal Revenue Service, Jerome Kurtz, stated the Service was aware of 3.8 million taxpayers who underreported their 1979 income but an astonishing 2 million overstated their income. In addition to the confusing, verbose language of the Code, the taxpayer has to contend with complicated, lengthy forms. People turn to commercial tax preparers, IRS employees, and certified public accountants for help. Facing up to the complexity of the Code, it is understandable that these assistors and preparers do not always get the right tax amounts. Certified Public Accountants have the best record for accuracy but they are a very expensive source of help. In 1981, about 41% of all filers had their returns prepared by tax professionals with a price tag of over $1 billion.[67] To obtain a true picture of the cost of taxation, the time spent collecting and recording data must be considered as well as the time spent filling out the various forms. Taxpayers must also fund the operations of the Internal Revenue Service. Its budget grew from about $2 billion in 1978 to approximately $3 billion for 1983. Lumping all these direct and indirect costs together, taxpayers bear between $9 and $10 billion for preparing and verifying their taxes, above what they pay in income taxes.[68]

The tax laws are complex and ambiguous. They need to be reformed to impose a low flat rate on a much broader base. The laws could be simple if there were no exceptions.

The third dimension of the inefficiency of the present tax system is the negative impact upon human intangibles. In some way, all the previously discussed indictments have a stiffling effect upon those precious intangibles. When disincentives and dissatisfaction are high, morale and initiative are low. This puts a damper on human ingenuity which is one of the greatest source of improved productivity. History has proven reward, not deprivation, to be the best method for motivating people to be aspiring, risktaking, and enterprising. Congressman Jack Kemp, in his book entitled An American Renaissance, summarizes the way our current tax system operates. Human ingenuity "isn't just amazing inventors like Edison or dramatic managerial innovators like Henry Ford. Improvements in efficiency spring from millions of creative workers, supervisors, and managers whose intimate knowledge of their tasks leads to new methods of improving products or saving costs. From this vast pool of dispersed knowledge, a market economy draws people who gamble that they have a better idea about how to provide more or better goods with fewer or cheaper resources. But they won't take those risks unless they will be rewarded if they succeed. By continually removing the incentives which reward achievement, we have created a system which taxes the imagination, ingenuity, and enterprise of the American people.[69]

The last dimension to the inefficiency of the present system of taxation is administrative difficulty. The economic barriers, excess burdens, unfair rules and repressed intangibles pose problems in collection and enforcement. Complexity, combined with inflation and high marginal rates, encourage tax avoidance and evasion. These factors increase the administrative burdens. The Internal Revenue Service employed about 85,000 people in 1983, which was about the same number as in 1979. During this same period, returns being audited because of tax shelter issues increased from 183,000 to 335,000.[70] The proportion of returns examined in 1984 was only 1.3%.[71] Administrative expenditures of the Internal Revenue Service dropped from 0.54% of revenue collected in 1975 to 0.41% in 1981 before reaching 0.48% in 1984. Over this same period, the ratio of IRS employees to total returns filed declined by 19%.[72] With taxpayers devoting more time and resources in avoidance techniques, administrative costs must increase to ensure proper compliance.

An income tax reform removing special deductions, credits and allowances would simplify enforcement. Compliance costs could be utilized more effectively if the tax system had a broad base with a low flat rate. Internal Revenue Service could concentrate on unreported income without being bogged down with verifying a proliferation of credits, exclusions, allowances and deductions. With understandable rules and low rates, a sense of fairness would be present that would foster voluntary compliance.

Having reviewed the numerous inefficiencies of the American income tax system, it is refreshing to present some workable recommendations for sound tax reform. The simplification proposals set forth in this paper will suggest fundamental changes to tax laws, forms, and procedures for the individual and corporation income taxes.

Tax legislators, accountants, administrators, most other taxpayers, and even some of the guilty tax evaders want tax reform. They just cannot seem to agree on how to reform the tax laws. Some people have even developed a strong dislike for the phrase "tax reform." They cannot help but recall the numerous changes made in prior years that started out as tax simplification measures but resulted in another lost battle for efficiency and fairness.

An Internal Revenue employee shared her astonishment at the size of one estate tax return that was about two inches thick, complete with index tabs. The next day she realized that estate return was not so long compared to other tax returns that were filed in the Greensboro District of the Internal Revenue Service. Tax returns had been received that individually filled the contents of a cardboard box one foot deep. It is time to raise the confidence of all taxpayers in the income tax system. True tax reform without loopholes, steep rates, and complicated rules is urgently needed.

How could true federal income tax reform be achieved? The basic steps to true reform follow:

a. Abolish loopholes
b. Broaden the tax base
c. Change to a low, flat rate
d. Deduct a personal allowance
e. Exempt an amount for each dependent
f. File simplified forms 1040 and 1120

What are the goals of sound tax policy? After implementation of the above tax simplification, the following would result:

a. Administrative ease
b. Boosted intangible
c. Conserved resources
d. Dynamic economy
e. Efficiency
f. Fairness

To achieve these goals for individual income taxes, the following tax law changes are recommended:

1. Repeal all individual adjustments to income, exclusions, deductions, and credits (except withholding and excess FICA credits). Depreciation would be allowed at a rate that provides an adequate cushion for inflation but would not favor one asset over another.

2. Include employee compensation, such as wages, salaries, tips, pensions, bonuses, prizes, fringe benefits, workman compensation and the market value of non-cash items.

3. Exclude employee reimbursements for business expenses and employer provided medical benefits.

4. Include income (loss) from business activities and any other income sources.

5. Allow a personal allowance of $6,000.00 for married taxpayers; $4,500.00 for head of household status, and $3,000.00 for single status.

6. Allow dependent allowances of $1,000.00 each.

7. Apply a low, flat rate against taxable income.

8. File on simplified form 1040.

9. Require residential leasor information. (Space is provided on form 1040)

10. Require withholding at the source whenever possible.

The individual income tax return, form 1040, would be used primarily to report employee compensation, dividends, interest, capital gains (losses), and the net income (loss) from sole proprietorships, partnerships, and small business corporations. Rents, royalties, and other sources of individual income would be included on form 1040. The personal and dependent allowances would provide a floor so that the poorer families would pay little or no income tax. After combining all sources of income and subtracting the allowance(s), taxable income would remain. If the amount was positive, then the flat rate would be applied to arrive at a total income tax.[73]

The goals previously listed could be achieved by implementing the following major revisions to the corporate income tax structure:

1. Gross revenue would be reduced by ordinary and necessary business expenses provided such items were included in receipts.

2. Business expenses would include the cost of purchases of goods and services used for business purposes during the tax year.

3. Dividends paid to shareholders and reported on their returns would be excluded on the corporate return, Federal income tax would be withheld on dividends which would be reflected on the 1099–DIV forms sent to shareholders.

4. Depreciation and amortization would be allowed at a rate that provides an adequate cushion for inflation but would not favor one asset over another.

5. Exemptions and exclusions, such as the capital gain exclusion, would no longer be allowed.

6. Tax credits would be repealed. This includes investment tax credit, jobs credit, research and development credit, and business energy credit.

7. Tax would be computed on the simplified form 1120 using the same low, flat rate assessed on the individual income tax return.

8. If negative income resulted, the loss would be carried forward and interest income allowed. There would be no limit to the amount of the loss of the number of years carried forward.[74]

The underlying foundation for income tax reform for individual and corporate incomes is a much broader base with a low flat rate. The most unfair aspect of our current system is the large array of complicated loopholes that haphazardly and uneconomically grant selective relief. A wise economist commented several years ago, "Taxpayers using loopholes are a lot like a crowd of people standing tip-toed watching a parade. They are all very uncomfortable on their toes, but no one can stand flat on his feet because he would lose his view. Yet, if they all could agree to get off their toes together, they all would see just as well, and they would feel much better too."[75] Loopholes must be abolished in order to restore a sense of fairness and to encourage economic growth.

The flat rate income tax system would be fine tuned for maximum efficiency. The lowest possible rate would be applied against a broad tax base to provide sufficient revenue to fund the fiscal budget. (A temporary source of revenue to pay off the accumulated deficits will be discussed later.) A low flat rate of 10% on a very broad base has been proposed by Senator Jesse Helms.[76] Robert Hall and Alvin Rabushka first published in the Wall Street Journal their proposal for a flat tax that closely fits the consumption tax concept.[77] They are confident that a low, flat rate of 19% on individual and corporate incomes would generate more revenue than the current system and would, thus, take less time to balance the federal budget. The recommendations outlined in this paper conform to the rules of comprehensive income taxation instead of consumption taxation. The flat rate would be lower than 19% because the base would be broader. The flat rate could hover around 10% and generate sufficient revenue to fund an efficient federal government operation.

To clean up some of the results of poor fiscal housekeeping, the flat rate could be increased. But to interfere as little as possible with saving, investing, and working decisions, a temporary source of revenue could be implemented. A national retail sales tax on nonessential, luxury goods could supplement the income taxes collected. These funds would be earmarked for paying off the accumulated deficits. Implementation would be faster and more efficient if the states were used as administrative agents. The rates should be set high enough to cover existing state retail sales taxes. This supplemental tax system could be a powerful tool to wipe out the accumulated deficits. The importance of previously discussed problems, such as reduced investments, economic distortions, and high interest rates have serious repercussions on the entire nation. Whether these deficits are funded by a slightly higher flat tax or a national retail sales tax is not as important a decision as the need to pay them off.

With simpler and fairer laws, the costs that taxpayers bear to prepare, verify, and pay their income taxes would be greatly reduced. The removal of loopholes and the expansion of the tax base would also reduce administrative costs. A low, flat tax would restore a sense of fairness that would make administration much easier. It would improve the integrity of the administrators which is the heart of voluntary compliance.

One of the key concepts to efficient tax administration is withholding at the source. Wages, pension, interest, dividends, etc., would be subject to the low flat rate. Using a withholding chart, the payer would retain and remit the income tax to the Internal Revenue Service via the quarterly employment tax return (form 941). The recipient would be issued an information document such as W–2 or 1099 showing the total income and withholdings. If the recipients had only wage and salary income, it could be possible that they would have the correct amount remitted to IRS and would not have to file a 1040 form. They would, however, be required to claim the correct filing status and number of dependents on their withholding certification (form W-4). This form would be updated annually and could require copies of birth certificates for each dependent. Annual wage statements, forms W-2, would still be issued.

Former IRS Commissioner Mortimer Chaplin estimated the following percentages of income types go unreported:

1. 35–50% of royalty and rental income
2. 30–40% of all self-employed income
3. 17–22% of capital gains
4. 8–16% of dividend and interest income.[78]

The flat tax proposals would help compliance in the last category by requiring withholding at the source. Payers of royalty income would also be required to withhold at the source. Payers of residential rental income would submit an information form stating the amount and recipient of the rental income. Individual payers would be provided space on their form 1040 to give this information. A large amount of capital gain income results from real estate and stock transactions. Consideration could be given to the collection at the local government level for the income tax on real estate sales at the time the deeds are recorded. The seller could present documentation of the basis. It could be compared to the sales price to obtain the withholding amount for income taxes. When corporations sell stock, they could also compare the basis to the selling price and withhold the appropriate amount of income taxes at the flat rate. Withholding at the source and better utilization of information documents, would improve compliance.

With the repeal of loopholes, IRS would no longer utilize resources to verify a mass of deductions, exclusions, and credits. They could concentrate on sources of unreported income, the proper filing of returns, and the prompt payment of all taxes. With the implementation of the flat tax supplemented by a national retail sales tax on a temporary basis, the folks at IRS would find the laws easier to understand and enforce. Tax simplification would also improve public understanding of the tax laws and boost public confidence. Tax administrators would smile as they noticed the taxpaying public moving toward a model state of voluntary self-assessment.[79]

The proposed tax simplification set forth in this paper would establish a fair and efficient income tax system. A redirection of efforts and capital would produce real growth. A growing, efficient economy would raise national output, stimulate human intangibles, and increase the standard of living. The American dream is not a scramble for a larger piece of a shrinking pie. In the words of Congressman Jack Kemp, "We must have economic growth * * *, which means we must press ahead to gain the necessary tax * * * reforms that will permit growth. We want to excite the elusive but vital qualities of human ingenuity and effort. Qualities important not only to an economy increasingly dominated by sophisticated services, but to the well-being and happiness of our nation's people. Ingenuity is discovered only through effort, an intangible substance which certainly means more, much more, than putting in hours. After all some people manage to retire on the job. Effort encompasses such things as a continual eagerness to acquire new knowledge and skills, a willingness to accept new responsibilities, to take the risk of initiating change. Effort can only be measured indirectly, by results, and the results are not only measured by personal prosperity but by the enrichment of community life as well."[80]

FOOTNOTES

[1] Robert E. Hall and Alvin Rabushka, The Flat Tax (Standard, Calif.: Hoover Institution Press, Stanford University, 1985), p. 1.

[2] Sidney I. Landau, ed. in chief, Doubleday Dictionary (Garden City, N.Y.: Doubleday and Company, Inc., 1975.

[3] Christopher Conte, Wall Street Journal, 8 July 1982.

[4] Hall and Rabushka, The Flat Tax, p. 1.

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[6] Ibid., p. 17.

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[8] Senator Bill Bradley, The Fair Tax (New York: Pocket Books, 1984), p. 70.

[9] Ibid., p. 71.

[10] Hall and Rabushka, The Flat Tax, p. 19.

[11] Ibid., p. 20.

[12] Senator Bill Bradley, The Fair Tax, p. 24.

[13] Ibid., p. 74.

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[55] Bradley, The Fair Tax, p. 51.

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Mr. HELMS. So, I send a bill to the desk and ask for its first reading.

The PRESIDENT pro tempore. The clerk will read the bill for the first time.

The bill (S. 188) was read for the first time.

Mr. HELMS. Mr. President, I ask for the second reading.

Mr. FORD. Mr. President, I object.

The PRESIDENT pro tempore. Objection is heard. The bill will go over to the next legislative day for its second reading.

SLAVE LABOR IN CHINA

Mr. HELMS. Mr. President, today I am offering legislation to stop the Chinese from exporting to the United States items that are produced with slave labor. The bill requires importers of Chinese products to certify that none of the products were produced with slave labor.

Several years ago, the free world's attention was focused on the fate of brave young men and women who survived the massacre at Tiananmen Square. Many of us began to ask questions. Our inquiries inevitably led to the prison and labor camps maintained by the Communist Chinese, where forced labor has been documented time and time again.

This is not a new problem. For years, I have been outraged by reports of the Chinese use of slave labor to manufacture many things, including textiles. Not only is this practice inhumane; it is also impossible for U.S. businesses to compete with imports of slave labor-produced products.

After several years of research, we have discovered three things: First, the Communist Chinese manage and control a vast gulag of prisons and forced labor camps. The General Accounting Office [GAO] estimates that there are as many as 3,000 prison camps. And a study by the American-Asian Free Labor Institute estimates that there are as many as 20 million people imprisoned in those camps.

The GAO report also states that "Forced labor is an integral part of the political, judicial, penal, and economic systems in the PRC and is practiced throughout the country."

Second, Asia Watch, among others, has concluded that: "The government of China is systematically exploiting the labor of prisoners to make cheap products for export—and specifically targeting the United States, Germany and Japan."

We all remember the moving story of Harry Wu, who was a prisoner in China before he made his way to this country. The television program "Sixty Minutes" documented Harry Wu's return, undercover, to the prisons in China where the Chinese use slave labor to produce products for export to the United States. The program featured so-called Chinese businessmen who boasted about the quality of the items made by slave labor. The Chinese stated that if there was any problem with quality, the prisoners would be beaten—they believe that torture is a form of quality control.

Third, we found that U.S. laws against the importation of slave labor produced goods are not being enforced. In effect, American consumers are subsidizing the imprisonment of liberty-loving people in China.

Mr. President, a little history may be relevant. I am old enough to remember a trip to Munich taken by a man named Neville Chamberlain. He came back from that meeting with Adolf Hitler, and he said: "This is a guy we can work with; we can have peace in our time." Neville Chamberlin lived to see this same man turn on the British Empire and the rest of the world. Adolf Hitler was not to be trusted.

The same can be said about the leaders of Communist China—they cannot be trusted. In 1949, the leaders of the Chinese Communist Party came to power through force and violence. For more than 40 years, these leaders have maintained themselves in power through the same means. They massacred Chinese workers and young people in Tiananmen Square who were peacefully assembled to advocate democracy. I will never forget the sight of that young student standing up before that advancing tank.

The Chinese Communists have secretly imprisoned, without charge or trial, thousands of their own people whose only wish is for the democratic freedom desired by all mankind.

Mr. President, the Chinese Communists have flooded international markets with a variety of products made by slave labor. The prisoners are producing a multitude of products: T-shirts, underwear, ladies sweaters, blue jeans, wool cloth, cotton cloth, socks, work gloves, sneakers, slippers, leather shoes, flashlights, hand tools, electric drills, auto parts, iron and steel, galvanized wire, electric generators, diesel engines, power transformers, lead, coal, consumer electronics, arts and crafts, wine, and even the cardboard containers to pack it in and ship it to the United States.

These labor camps can fairly be called death camps. For most Chinese caught in the system, an assignment to the camps is a one-way ticket.

Mr. President, outside of Beijing is an enormous camp of about 100 square miles in size. Visualize that, if you will. According to testimony of Mr. Moser, of the Cleremont Institute, and Mr. Wu, a million people have passed through this camp. But as Mr. Wu and Mr. Moser said: "Many of them are still there. They are buried there." Henry Wu should know, he was there. He was a prisoner.

Very, very few prisoners ever completely break free of the labor camp system. As the Library of Congress Far Eastern Law Library experts told us, most of those in the camps have not been sentenced by any court and therefore they can be held indefinitely. Even those who have a defined sentence cannot return home in the vast majority of cases.

According to Asia Watch, they are "forcibly and indefinitely retained as workers after they have completed their sentences so that export-oriented productivity will not be diminished by their departure from the system."

How do you like that for justice?

Communist China has violated every internationally accepted standard of human rights and democracy.

Mr. President, it is imperative that such dangerous and inhumane behavior cease.

The legislation I am introducing today will stem the flow of slave-labor produced imports into this country. The bill contains two provisions: First, it requires importers to certify that imports from Mainland China are free of forced labor inputs; and second, it encourages the Communists to open their prisons and slave labor camps to inspection by international human rights groups such as the International Red Cross.

Mr. President, this bill is a first step in the effort to stop the slave labor industry in Communist China.

Mr. President, I ask unanimous consent that the entire text of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION OF ARTICLES USING FORCED LABOR.

(a) IN GENERAL.—Notwithstanding any other provision of law, no product, growth, or manufactured article of the People's Republic of China shall enter or be imported into the United States unless—

(1) the Secretary of the Treasury (hereafter in this section referred to as the "Secretary") determines that such product, growth, or manufactured article is not the product, growth, or manufacture of forced labor,

(2) the determination described in paragraph (1) is based on consultations described in subsection (b), and

(3) the importer of any product, growth, or manufactured article of the People's Republic of China submits a certification to the Secretary in accordance with subsection (c).

(b) RIGHT OF INSPECTION AND CONSULTATION.—The United States shall use all diplomatic efforts to persuade the People's Republic of China to permit representatives of international humanitarian and intergovernmental organizations, such as the International Labor Organization and the International Committee of the Red Cross, to periodically inspect all camps, prisons, and other facilities holding detainees and the Secretary shall consult with representatives of such organizations in order to determine that products of the People's Republic of China which are for export are not being produced with the use of forced labor.

(c) CERTIFICATION.—The Secretary shall prescribe the form, content, and manner of submission of the certification (including documentation) required in connection with the entry or importation into the United States of any product, growth, or manufactured article of the People's Republic of China. Such certification shall satisfy the Secretary that the importer has taken steps to ensure that such product was not produced, grown, or manufactured with the use of forced labor.

(d) PENALTIES.—

(1) UNLAWFUL ACTS.—It is unlawful to—

(A) enter or import into the United States any product or article if such importation is prohibited under subsection (a), or

(B) make a false certification under subsection (c).

(2) CIVIL PENALTIES.—Any person or entity who violates paragraph (1) shall be subject to a civil penalty of—

(A) not more than $10,000 for the first violation,

(B) not more than $100,000 for the second violation, and

(C) not more than $1,000,000 for more than two violations.

(3) CONSTRUCTION.—Except as provided in paragraph (2), the unlawful acts described in paragraph (1) shall be treated as violations of the customs laws for purposes of applying the enforcement provisions of the Tariff Act of 1930 (19 U.S.C. 1581 through 1641).

(e) DEFINITIONS.—For purposes of this section:

(1) FORCED LABOR.—The term "forced labor" means all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

(2) PRODUCT, GROWTH, OR MANUFACTURED ARTICLE.—A product, growth, or manufactured article shall be treated as being a product, growth, or manufacture of forced labor if—

(A) the article was fabricated, assembled, or processed, in whole or in part;

(B) contains any part that was fabricated, assembled, or processed in whole or in part; or

(C) was grown, harvested, mined, quarried, pumped, or extracted,

with the use of forced labor.

(3) ENTER, IMPORT, ETC.—The term "entry", "enter or be imported", "import", or "importation" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

REPEAL THE MANDATORY 20 PERCENT WITHHOLDING ON IRA'S

Mr. HELMS. Mr. President, I send to the desk a bill and ask it be given first reading.

The PRESIDENT pro tempore. The clerk will read the bill for the first time.

The bill (S. 189) was read for the first time.

Mr. HELMS. I ask for second reading, Mr. President.

The PRESIDENT pro tempore. Is there objection?

Mr. FORD. Mr. President, I object.

The PRESIDENT pro tempore. Objection having been heard, the bill will go over to the next legislative day for a second reading.

Mr. HELMS. Mr. President, last summer, Congress enacted legislation which requires pension managers to withhold and forward to the Internal Revenue Service, 20 percent of all withdrawals made after January 1, 1993, from individual retirement accounts and pensions.

Since enactment of this provision, I have received a steady stream of correspondence from North Carolinians who realize how grossly unfair this legislation is. After looking into the matter closely, I found that they have every right to be upset with this folly. So today, I am introducing legislation to: First, repeal the mandatory withholding provision; and second, offset any loss to the U.S. Treasury created by the repeal with corresponding reductions in Foreign Aid.

Mr. President, the ill-conceived withholding provision was enacted as a means of financing the extension of unemployment insurance benefits provided for in Public Law 102–318. The bottom line though, is that these Tax Code changes will adversely impact retirees and other hardworking Americans while failing to raise the $2.1 billion for the U.S. Treasury originally predicted by its Joint Tax Committee.

Senators who have not yet heard from their constituents about the horrendous effects of this new law—and I would be surprised if any Senator has not—may be interested in hearing how this new law works. Admittedly, it is a little technical, but its economic effect on retirees is anything but technical. Indeed, it's devastating.

First, if you leave your job and go to work for another employer, or find another qualified IRA into which you can transfer your pension, you can avoid Government withholding if you ask your employer to transfer your IRA before you leave the job.

Second, if you leave your job and before you leave, fail to instruct your employer to transfer your IRA, you receive upon termination a lump sum check minus the 20 percent withholding. Therefore, any employee who leaves his or her job on short notice is going to have withheld for the IRS, 20 percent of his or her pension regardless of that person's tax bracket.

Third, let's assume you leave your job, do not tell your employer before you leave to transfer your IRA, and receive your lump sum check for 80 percent of your pension—remember, 20 percent has been taken off the top for withholding.

To avoid the usual tax penalty for an early withdrawal from your old IRA, you must put 100 percent of your lump sum into another IRA within 60 days of leaving your job. But remember, you do not have in hand 100 percent. You have only 80 percent since 20 percent has been withheld for the IRS.

So, in order to avoid the usual tax penalty for an early withdrawal, you must put the 80 percent into the IRA and add 20 percent—if you have—to that. Otherwise, the IRS will tax you as if you made an early IRA withdrawal.

Mr. President, Mrs. Louise S. Stephenson, who is with Capitol Broadcasting in Raleigh, NC—the company for which I worked prior to coming to the Senate—was the first person to bring this law's absurdity to my attention. Mrs. Stephenson, or "Scottie" as she is known to her friends, is one of the smartest people I know. So, when Scottie believes the Government is doing something wrong, I take it very seriously.

Indeed, last summer, Scottie provided me in a letter with the clearest explanation I have yet seen on this problem. Mr. President, I ask unanimous consent that her letter be printed in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CAPITOL BROADCASTING CO., INC.,
Raleigh, NC, August 26, 1992.

Senator JESSE HELMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR. Thank you so much for putting me in touch with the folks who are trying to deal with the legislation we discussed yesterday. It was very helpful to me to talk with your staff and the staff of the Finance Committee.

As I understood the Finance Committee staffperson, the 20% withholding tax to be imposed on all of our Profit Sharing transactions is "merely a payroll deduction thing—pay as you go." There seems to have been some problems with retirees taking all of their proceeds and not paying income tax—"forgetting" or some such. (God knows there are enough safeguards already in place to deal with this. Every cent is reported to the IRS through estimated tax reports. W-2Ps, etc., to alert them to the existence of a tax liability.) and 20% was selected "because it is somewhere between 15% and 31%, the minimum and maximum tax rates."

These funds are not a new source of tax revenue. The government always gets its share whether it is from the distribution itself, income tax paid the next year. IRA wind-down, or through minimum distributions. The new tax grab puts it up front, it is arbitrary in its amount and, in my opinion, will generate a large increase in IRS refunds the following year. I wonder if this expense was taken into account when the revenue potential was projected? Was the cost of setting up the Washington machinery to administer it deducted from expected returns? Based on my discussion with Finance Committee staff, just about everything in the bill as presently written has to be "fixed" before any of it will work.

In addition to the considerable inconvenience caused to retirees, we have major concerns about distributions to terminating younger employees. John Doe is leaving. He has $15,000 in his retirement account. The law would force us to withhold $3,000 federal income tax regardless of what his actual liability might be—let's say 5% to 10%. He will have to wait until the following year to file for a refund. He will owe 10% penalty, too, for early withdrawal (unless he elects to rollover into an IRA all of his funds prior to termination—something the younger participants rarely do). If he happens to reside in Virginia, there's a law which says we take out Virginia's income tax, too, if the Feds get theirs. He'll be lucky to have $10,000 when the tax dust settles.

Another concern is the employee who wants to buy his own home and he's not terminating. Now he can access all of his 401k money except its earnings if he documents the amount requested as the actual need. Under present law he wouldn't request federal tax withholding because he will have offsetting interest deductions at income tax filing time. He will only have the 10% penalty now imposed for early withdrawal.

Under the new law this fellow is going to pay 20% up front and wait maybe as long as 16 months to get it back when he needs it now.

Again, thank you for your good help. I hope we can prevail—just once. Congress needs to encourage retirement plans and stop targeting them as a convenient revenue source. It's a sad state of affairs when unemployment checks become the responsibility of folks retiring from the workforce. The unemployment funding extension is the sixth assault in as many years on our relatively straight-forward Profit Sharing Plan. Enough is enough!

Cordially,

LOUISE S. STEPHENSON,
Member, Administrative Committee,
CBC Cash or Deferred Profit Sharing Plan.

Mr. HELMS. Mr. President, as Mrs. Stephenson points out, this is a disaster waiting to happen. But there is more:

When Congress initially considered this new withholding provision, the Joint Tax Committee estimated it would raise $2.1 billion in fiscal year 1993. However, a closer look at this figure discloses that it is wildly optimistic, and that, in reality, the revenue increase will amount to only a fraction of the $2.1 billion estimate.

In fact, David Langer, a consulting actuary in New York, calculated that $2.143 billion in additional tax revenues would require $10.7 billion in IRA distributions subject to the 20-percent withholding. As Mr. Langer points out, this is on the high side. Some people will no doubt figure out the 20-percent withholding may be avoided by either making a direct transfer, leaving money in the plan, or making periodic withdrawals.

In addition, many individuals who are subjected to the 20-percent withholding will likely be in a lower tax bracket. Indeed, as Mrs. Stephenson pointed out to me shortly after bringing the consequences of this legislation to my attention, the usual withholding called for by the IRS is only 5 percent.

Those falling below the 20 percent will have their withheld funds refunded when they file taxes for the year. So, much of the supposed increase in revenue will in fact be about a loan as opposed to a permanent infusion.

Because of the aforementioned factors, Mr. Langer estimates that instead of raising the estimated $2.143 billion, the provision will actually raise only $86 million.

The irony, Mr. President, is that in raising so little money, these new withholding provisions greatly inconvenience employees as well as businesses on which the burden of implementing these provisions will fall. In fact, David Langer estimates that the cost to businesses of implementing these changes will amount to more than $4 billion over 5 years.

Mr. President, to set the record straight as to the real costs and benefits of the new withholding provisions, I ask unanimous consent that a reprint of an interview with David Langer and a report on Mr. Langer's study be printed at this point in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Daily Tax Report, Aug. 4, 1992]

WITHHOLDING, DIRECT TRANSFER AMENDMENTS SEEN COSTING EMPLOYERS OVER 34 BILLION

The total cost to employers of the employee benefit provisions included in the Unemployment Compensation Amendments Act of 1992 (PL 102–318) may amount to more than $4 billion over the five-year budget period, more than double the amount estimated to be gained in revenue from the provisions, a pension actuary estimated.

The Senate and House passed the bill July 2 and it was signed into law by the president July 3 (130 DTR G–5, 7/192). The benefit changes in the law liberalized rollover rules, required qualified plans to permit participants to elect to have any distribution eligible for rollover treatment transferred directly tax-free into an individual retirement account or another qualified plan, and imposed a 20 percent mandatory withholding charge on any distributions not rolled over.

According to David Langer, a consulting actuary with David Langer Co. Inc., New York, the law's approximate start-up costs amount to $1,500 per plan for making plan amendments to allow trustee-to-trustee transfers and for reviewing the plan to ensure compliance with the law, Langer told ENA July 29. The amendments are required as a qualification issue, Langer explained.

Once amendments are made, annual administration of the new requirements may amount to approximately $1,000 a year per plan for additional staff time to carry out the direct transfers and filing out the additional paperwork associated with the direct transfers and the withholding requirements of the law, Langer estimated.

Estimating that there may be roughly 600,000 defined contribution plans and 100,000 defined benefit plans that currently allow lump sum distributions and would therefore have to comply with the law, the total start-up cost would be $1.05 billion and the annual cost of administration would be $0.7 billion, Langer said.

That brings the total cost of compliance with the law to $4.55 billion over the five-year period used by the Joint Committee on Taxation staff to estimate revenue gains and losses from tax laws, Langer said.

The JCT staff estimated that the withholding provisions of the law would result in an increase in revenue to the federal government of $2.17 billion over the same five years. According to Langer, it would have been more efficient and a lot cheaper for plan sponsors had the $2.147 billion in desired additional revenue been released by a charge of about $15 per year per participant, he said.

RESPONSE

"There's a lot more going on here that is beneficial to the participant"—including an extensive expansion of the ability to roll over funds from one qualified plan to another, a Senate aide told BNA July 31.

"It is a pro-participant proposal," the aide added. "We are forcing the employer to do the work in order to preserve participant retirement savings," the aide said.

Langer also suggests that the $2.147 billion JCT staff revenue estimate might be optimistic. To have $2.143 billion in additional collections in 1993, as estimated by the committee, would require $10.7 billion in distributions that are subject to the 20 percent withholding, Langer asserted.

Langer questioned whether $10.7 billion is a reasonable expectation given that there will be a number of ways to avoid paying the 20 percent withholding, including making a direct transfer (as is intended by the law), leaving money in the plan, or making periodic withdrawals, he explained.

Even if the expectation of having $10.7 billion in distributions subject to withholding is reasonable, Langer questioned whether that money should be counted as revenue. According to Langer, the amount should not be counted as additional federal revenue because it is, in effect, a forced interest-free loan to the Treasury of about one year's duration, he said.

The Treasury may collect $2.143 billion in 1993, but much of what is collected would have to be refunded at the beginning of the 1994 when taxpayers file their tax returns, Langer said. The only benefit to the Treasury is the savings from reducing its 1993 sale of Treasury bills, he said. At an approximate 4 percent interest rate, the government would realize a one-time savings of approximately $86 million in 1993, he said.

[From David Langer Co., Inc., Consulting Actuaries, Aug. 10, 1992]

NEW LAW ASKS EMPLOYERS TO SPEND $4.55 BILLION, BUT IT WILL RAISE ONLY $86 MILLION; DETAILED ANALYSIS OF THE NEW 20 PERCENT TAX WITHHOLDING AND ROLLOVER RULES

The new 20% tax withholding and rollover rates are effective starting in 1993. They will require changes in plans and in the materials and explanations given participants under practically all defined contribution plans and many defined benefit plans. The Bureau of National Affairs interviewed David Langer on the cost and revenue aspects of the new law, and a copy of the report that appeared on August 4 in the BNA Daily Tax Report is enclosed. In brief, the Joint Committee on Taxation staff estimated that the law would raise $2.1 billion, but Langer sees only $86 million arising in additional revenue. Further, he predicted that the five year outlay by employers to set up and administer the law would come to $4.55 billion.

We discuss below how distributions are to be treated under the rules, the action to be taken, and problems that, hopefully, will be clarified by technical corrections or regulations.

DETERMINATION OF TYPE OF DISTRIBUTION

Distributions are basically divided into three types. In order to apply the new rollover and tax rules, a plan administrator must first determine the type of the distribution (note that a participant's benefit may consist of more than one type).

Non-taxable distributions: Any payment that is not otherwise includible in gross income, e.g., a return of after-tax employee contributions.

Taxable rolloverable distribution: Any taxable payment that is not part of an annuity of approximately equal amounts payable for life or a period of 10 years or more and that is not a minimum required distribution. These are "eligible rollover distributions."

Taxable non-rolloverable distribution: Either a payment which is part of an annuity for life or for 10 years or more, or any payment that is a minimum required distribution.

TAXES

Under the old law, all taxable distributions were subject to withholding, but a participant could elect to waive withholding. Under the new law, the amount to be withheld depends on the type of taxable distribution. (Non-taxable distributions are, of course, not subject to withholding.)

Rolloverable 20% withholding is required, unless the participant directs the plan's trustee to transfer the distribution directly to the trustee of an IRA or to a defined contribution plan that allows such transfers.

Non-rolloverable: Old-law withholding still applies. Taxes on periodic payments are therefore withheld as if the participant is married with 3 dependents and on non-periodic payments at the rate of 10%. Withholding may be waived or the rate of withholding changed. The old law rules apply to all types of distributions from IRAs.

NOTICES

Plans that provide for benefit payment methods that qualify as eligible rollover distributions must allow a participant to request that the benefit be directly transferred and therefore avoid tax withholding. The Trustees, prior to the date benefits are paid, are to provide participants with a notice stating that unless the participant requests a direct transfer, taxes will be withheld at the 20% rate. The IRS is expected to prescribe model notice language. Forms currently given participants must therefore be revised to include this and eliminate the current waiver of taxes for all but non-rolloverable distributions. The notice should be given to the participant with the benefit election form, so that time is available to make a decision before payment is made.

The notice must also describe the information the participant has to give the plan trustee in order to effect a transfer. The participant must choose an IRA or eligible plan and give the plan trustee payment instructions. According to the Committee report, the trustee is not required to confirm the information. Notices must continue to inform the participant of the right to roll over the distribution within 60 days of payment. If not directly transferred, and when a distribution may be eligible for favorable tax treatment. Participants receiving a non-rolloverable distribution will still have to receive a notice of right to waive or change withholding.

ROLLOVERS

Under the old law, in order to be eligible for a rollover, a distribution had to be in one of the following forms: (a) the entire balance of the participant's account, paid in one tax year due to termination, death, disability, or after attainment of age 59½, or (b) received due to plan termination, or (c) at least 50 percent of the participant's total account payable due to termination, death, or disability.

The new law will simplify rollovers in the following ways:

Any taxable rolloverable distribution can be rolled over (within 60 days of receipt if not directly transferred).

The distribution does not need to be entire balance to the participant's account or paid completely in one tax year.

Complex rules that limited the ability to roll over a lump sum payment were eliminated. It is no longer necessary to combine like plans of an employer in order to determine whether a distribution is the entire balance and therefore eligible for rollover. A distribution can now be rolled over whether or not any benefits were paid prior to, or will be paid after, the distribution, as long as the distribution is not part of an annuity. Many subtle restrictions were eliminated.

ACTION TO BE TAKEN

Employers must do the following:

Revise notices to be given to participants upon termination of employment. Plans must be operated in compliance with the law beginning on January 1, 1993.

Review benefits already in pay status to see if any retiree must be given notices and the withholding levels changed. For example, if benefits are already being paid out over 5 years, the withholding and right to rollover has changed for post-12/31/92 payments.

Amend the plan within the 1994 Plan Year.

Consider announcing the change to participate even though a Summary of Material Modification is not required until the plan is amended.

QUESTIONS AND PROBLEMS

There are many questions and problems that IRS or Congress will have to address before the end of the year.

If part of a benefit payment is a rolloverable distribution and part is nonrolloverable, then each part is subject to different withholding rates, different explanations of rights, and possibly different payees. This can occur, for example if part of a lump sum payout is a minimum required distribution which cannot be rolled over, or if a participant elects an annuity from an employer-provided account and a lump sum from an elective account.

There doesn't seem to be any limit on the number of IRAs a participant can request transfer to, so that the plan trustee may have to make multiple transfers.

If a participant is receiving a monthly or annual benefit over a period under 10 years, does the participant have to be given the required notice and provide new transfer instructions prior to each benefit payment?

If a benefit's value is under $3,500 and the plan provides for automatic pay out, how much time has to be given to the participant to provide transfer directions before the distribution is made with 20 percent withholding?

If a participant does not decide to roll over an eligible distribution until after payment is received, less 20 percent withholding, the participant will lose part of the retirement income that can be rolled over, unless he or she has other funds or can borrow money within the 60 day rollover period to augment the payment up to the amount of the total distribution. In addition, if the 10 percent early withdrawal penalty is applicable, the 20 percent that was withheld may be subject to such penalty.

Example, Mary and Jim each received a distribution of $50,000 which, after the 20 percent withholding consists of a check for $40,000 and $10,000 forwarded to IRS. Mary has sufficient assets to open an IRA with the $40,000 check and her own check for $10,000.

On her tax return, she will report a rollover of $50,000 and will either reduce the taxes she owes by the $10,000 that was withheld or get it back as a refund. Jim cannot come up with $10,000, so he only rolls over the $40,000 check to an IRA, and on his tax return has a net taxable distribution of $10,000. Assuming a 35 percent tax rate (federal and state) and a 10 percent early withdrawal penalty since he is not age 55, Jim only gets a reduction in taxes due (or a refund) of $5,000. This cannot be rolled over since the 60 days have passed. so Jim has lost at least $4,500 in tax deferred IRA retirement funds.

The 20 percent withholding is applicable to hardship distributions, although this may have been a drafting mistake. Unless it is changed, plans will have to decide whether to allow for hardship distributions to be "topped-up", since withholding can no longer be waived. Of course, a participant can elect a trustee to trustee transfer to an IRA and then close the IRA while waiving tax withholding. This means, of course, lots more paperwork.

Are Social Security supplements that are payable for less than 10 years eligible rollover distributions or are they part of the pension annuity?

If an outstanding loan becomes a taxable distribution, as can happen upon termination of employment, and the participant cannot repay the outstanding balance, then the balance is subject to 20 percent withholding. If the participant directs the transfer of the rest of the account, how will the withholding be accomplished? The same problem may arise when a distribution includes noncash assets (stock, real estate, etc.)

Mr. HELMS. Mr. President, Senators may recall that during consideration of the tax bill last fall, I brought the problems inherent in the new withholding provisions to the attention of the managers of that bill, Mr. Bentsen and Mr. PACKWOOD. The Senators graciously agreed to have the Finance Committee examine—early this year—the implications of the new withholding provisions. Even though we now have a new chairman of the Finance Committee, I hope the committee will—at the earliest possible time—review the new withholding provisions.

However, to get the ball rolling, I am today introducing this bill to, as I said earlier, repeal the mandatory withholding provision, and recoup any loss to the U.S. Treasury with corresponding reductions in foreign aid. I hope the Finance Committee and the Senate take quick action on this legislation in order to relieve the unnecessary burden imposed on working Americans by the ill-advised withholding provision.

Mr. President, I ask unanimous consent that an editorial from the December 1992 issue of Money magazine titled "Let's Repeal This Lousy Tax Law" be printed in the RECORD at the conclusion of my remarks followed immediately by the text of the bill I am introducing today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Money magazine, December 1992]

LET'S REPEAL THIS LOUSY TAX LAW

Ever wonder how a dreadful idea becomes law? The story behind the government's new 20% withholding tax on early pension payouts is a classic. You can call it gridlock in action.

Make no mistake, the 20% law is a rotten piece of legislation:

It penalizes workers, especially the unfortunate. Until now, workers who took lump-sum pension disbursements before retirement—often when they were laid off or fell ill—got 100% of their money. They then had 60 days to roll it over into another pension plan or an Individual Retirement Account. If they spent it instead, they had to pay income tax on the money. In addition, they paid a stiff 10% penalty, unless the cash went toward major medical bills. But beginning Jan. 1, individuals who take such a check directly for any reason—even in a medical emergency—will get only 80%; the other 20% will be withheld automatically for taxes. They will still have 60 days to deposit the money in an IRA, and thereby qualify to recoup the 20% when they file their income taxes and duck the 10% penalty. But get this: If you ask for $10,000, you receive 80% ($8,000)—but you still have to deposit the full $10,000.

You not only get shortchanged $2,000, you have to come up with $2,000 on your own to avoid getting whacked. "That last part is outrageous," says Brian Gaston, press secretary for Rep. Jan Meyers (R-Kans.), the lawmaker who is lending an effort to get the law repealed.

You can sidestep the complications by telling your employer to transfer the money straight into an IRA. By law, employers must follow your instructions. But there is a real question, as you will see, about whether companies have the resources to comply without making serious errors that hurt taxpayers.

It will raise a relative pittance. The official government estimate: $2 billion in fiscal year 1993, followed by a mere $1 million in '94. In effect, the government is collecting two years of taxes in one, through withholding. "It is a fraud on the American public," says Ernst & Young's director of tax practices, David Berenson. "All they're doing is taking taxes from the next year, which will increase the deficit at that time."

And it may backfire in unsuspected ways. Sheila Jamison of Dean Witter's Retirement Plan Service Department reports that several small and mid-size firms are considering abolishing their pension plans rather than take on the fiduciary liability and administrative costs involved.

So how did this gem become law? Blame gridlock. After twice vetoing billion-dollar unemployment insurance extensions, President Bush signaled in July that he would go along if Congress could raise the money somehow. "The search was on to find revenue proposals," says a Senate Finance Committee staffer. "This is the one everyone agreed to."

This bill swept to passage. "There's no record of any debate," says the staffer. "No one had to give position papers on it, since the entire process had to be hurriedly finished by the July 4th break." Or to put it another way: Gridlock+Haste=a Lousy Law.

Proponents of the law note that regrettably around 80% of those who take early pension payouts spend the money. But now faced with the withholding provisions and penalties, more people will choose to roll the money directly into IRAs and keep it there. Maybe so. Yet if the lawmakers' true intent was to preserve pension savings, why didn't they simply require pension plans to roll all early distributions into IRAs? Fact is, that clearheaded solution was proposed—and rejected. Why? Because it wouldn't raise any tax revenue. This withholding nightmare materialized in its place.

All is not lost, however, Rep. Meyers' repeal effort has already attracted 55 congressional co-sponsors. "This law is blatantly unfair," says Meyers. "It must be repealed."

S. 190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF MANDATORY 20 PERCENT INCOME TAX WITHHOLDING ON ELIGIBLE IRA ROLLOVER DISTRIBUTIONS WHICH ARE NOT ROLLED OVER.

(a) REPEAL OF WITHHOLDING REQUIREMENT.—Subsection (b) of section 522 of the Unemployment Compensation Amendments of 1992 (relating to withholding on eligible rollover distributions which are not rolled over), and the amendments made by such subsection, are hereby repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if such subsection, and amendments, had never been enacted.

(b) OFFSET.—The President is authorized to reduce obligations and expenditures for programs, projects, and activities authorized under the Foreign Assistance Act of 1961, except for allocation of funds for countries specified in law, by such sums as are necessary to offset the loss of revenues under subsection (a).

The PRESIDENT pro tempore. The time of the Senator from North Carolina has again expired.

Mr. HELMS. Mr. President, I ask unanimous consent that I be permitted to proceed for 5 more minutes. I think I can offer the rest of it in that time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I thank the Chair.

THE SWAIN COUNTY SETTLEMENT ACT OF 1993

Mr. HELMS. Mr. President, I send to the desk a bill and ask for its first reading.

The PRESIDENT pro tempore. The clerk will read the bill for the first time.

The bill (S. 191) was read for the first time.

Mr. HELMS. Mr. President, I ask for a second reading.

The PRESIDENT pro tempore. Is there objection to the second reading of the bill?

Mr. FORD. Mr. President, I object.

The PRESIDENT pro tempore. Objection is heard. The second reading of the bill will go over to the next legislative day.

Mr. HELMS addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Carolina [Mr. HELMS].

Mr. HELMS. Mr. President, today I introduce the Swain County Settlement Act of 1993, meeting a promise I made to the people of tiny Swain County, NC, many years ago. I told them that I would do everything in my power to force the Federal Government to keep a commitment it made to them back in 1943, almost a half century ago.

On October 22, 1991, I introduced, the Swain County Settlement Act of 1991. During the last days of the 102d Congress, the former Senator from North Carolina, Senator Sanford, asked to cosponsor that legislation thereby signaling a change in the position of the North Carolina Democratic Party toward this issue. Unfortunately, some objected to its passage at the last minute. The legislation introduced today contains the provisions of that bill which came so close to passage last year. It directs the Secretary of the Interior and the Secretary of the Treasury to fully honor the 1943 contract between the people of western North Carolina and the Federal Government.

Mr. President, at the outset I make this point: At issue here is whether the U.S. Government will keep its word, and live up to a very clear commitment made 49 years ago in exchange for the Federal Government being given the right to flood thousands of acres of Swain County land to create the Fontana Lake. The integrity of the Federal Government, and those of us who serve in Congress today, will be decided by what we do, or fail to do so, in the minds of people who have been waiting for 48 years.

The Helms legislation proposes three things: First, it orders the Secretary of the Interior to begin construction of the road promised by the Federal Government in 1943; second, it directs the Secretary of the Treasury to pay Swain County, NC, the sum of $16 million to compensate the county for the destruction of North Carolina Highway 288; third, it orders the Park Service to erect an historical marker at Soco Gap to honor the contributions of the Cherokee Nation to the people of North Carolina and to the United States.

Senators should be aware of what happened 48 years ago to understand why I so vigorously support full settlement of this matter. In 1943, the Federal Government and the Tennessee Valley Authority decided they needed to flood land from the farmers in Swain County, in order to generate hydroelectric power. Literally thousands of Swain County residents packed up and left their homes because the Federal Government needed their land. The Government did not relocate them, nor did Government give North Carolina families additional land. The Government merely offered a few dollars for the land, but Swain County citizens have told me that they never received even a dime for their land.

I don't have to remind Senators, Mr. President, that in 1943, World War II was raging in Europe and the Pacific. Many of the men from the Swain County area were overseas fighting for their country's freedom—at the very time their land back home was being taken by the Federal Government.

When the Government took the 44,400 acres of land north of Fontana Lake, it agreed: First, to reimburse Swain County for an existing highway that would be flooded in order to create Fontana Lake; second, to build an around-the-park road to, among other things, provide access to gravesites left behind when the people were forced off the land. In case anyone cares to see it, I have a copy of the North Shore Road contract signed by FDR's Interior Secretary Harold Ickes and North Carolina's Governor J. Melville Broughton.

In July 1943, shortly after the agreement was signed, a Tennessee Valley Authority supervisor wrote the families about gravesite removal. The letter stated:

> The construction of Fontana Dam necessitates the flooding of the road leading to the Proctor Cemetery located in Swain County, North Carolina, and to reach this cemetery in the future will be necessary to walk a considerable distance until a road is constructed in the vicinity of the cemetery, which is proposed to be completed after the war has ended. We are informed that you are the nearest surviving relative of a deceased who is buried in this cemetery.

Because of the understanding mentioned in this letter—that the road would be completed shortly after the war—families agreed to leave their deceased relatives on the land taken by the Federal Government.

Mr. President, documents dating back to 1943 show that the Government did fulfill its promise to pay for Highway 288. In 1943 the Government paid to the State of North Carolina approximately $400,000, an amount which represents the principal which Swain County owed on outstanding bonds.

According to my information, the Federal Government paid that amount to the State of North Carolina as trustee. A letter dated November 22, 1943 from the treasurer of the Tennessee Valley Authority to the treasurer of the State of North Carolina confirms that payment was made.

The full payment never reached Swain County and the Federal Government never fulfilled its obligation to build the road. There were a few false starts, though. In 1963, the Federal Government built 2.5 miles of road; in 1965 it built 2.1 miles; and in 1969 it built 1 additional mile and a 1,200-foot long tunnel. Then the environmentalists got into the act and the project was shut down. Now you can visit one of western North Carolina's best known sites, the Road to Nowhere. It is a travesty—a monument to a broken promise by the U.S. Government.

Former Senator Sanford suggested last year that Swain County has not been able to grow because it has not received the payment of $16 million—which the Federal Government owes the county for destroying North Carolina Highway 288 in 1943. I disagree. Swain County and most of western North Carolina have suffered economic distress because—I repeat, because—as each year goes by more and more land in North Carolina is taken off the tax rolls and placed off limits. Over the years, people in western North Carolina have watched the Federal Government seize their land for one purpose or another. They have very little industry. They have no tax base. The unemployment rate is high.

No one can fully appreciate how the Government has crippled the economy in western North Carolina until he looks at how much land the Federal Government has already seized. In Swain County alone, out of 345,715 acres, the Federal Government has taken 276,577 acres. Nearby Graham County has the same problem. Of the 193,216 acres in that county, the Federal Government has taken 138,813 acres. Of the 353,452 acres in Haywood County, the Federal Government has taken 131,111 acres.

I mention all this to emphasize the frustration in western North Carolina. Meanwhile, in the four Tennessee counties bordering the Great Smoky Mountains National Park, for instance, the Federal Government owns less than two-fifths of the land. I have no quarrel with our friends in Tennessee but facts are facts.

Although the Great Smoky Mountains National Park is the most visited national park in the country, few tourists who travel through the Smokies have a place to pause on the North Carolina side of the park. The road in Swain County, promised over 49 years ago, would change that. It would attract industry and tourists, not to the detriment of the scenic beauty of the Smokies but for the betterment of the citizens of western North Carolina. Senator Sanford himself stated that he would like the road to become a part of the Blue Ridge Parkway system. I agree.

Our former colleague, Senator Sanford, stated prior to his December 1991 meeting in Swain County, that Department of the Interior regulations and so-called environmental guidelines prevent the construction of the road and, for that reason he would not support full compliance with the 1943 agreement. The Helms legislation takes care of that because it orders, notwithstanding any other provision of law, the Secretary of the Interior to build the road.

As Paul Harvey would say, "now you know the rest of the story."

Make no mistake about it, the radical environmentalists will not be satisfied until all of western North Carolina is locked up and the key is thrown away. They have opposed my efforts to achieve fairness for western North Carolina.

I tried to compromise with the environmentalists. I introduced legislation in the 98th, the 99th, and the 100th Congresses. I agreed to place approximately 200,000 acres of North Carolina land into wilderness in exchange for three things: First, reimbursement for Highway 288 and a farmers home loan; second, exclusion of 44,000 acres of North Carolina land from wilderness; and third, the authorization of money for a primitive road to be built to the cemeteries north of Fontana Lake.

Mr. President, nothing happened. This legislation will right a wrong committed 50 long years ago.

I made a commitment to the people of western North Carolina years ago. I promised to fight for their interest. If I lose, the Government will lose the respect and confidence of thousands of North Carolinians.

Mr. President, I ask unanimous consent that the text of this legislation be placed in the Record.

The PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Swain County Settlement Act of 1993".

SEC. 2. SETTLEMENT OF CLAIMS.

(a) Findings.—Congress finds that—

(1) Swain County, North Carolina, claims certain rights acquired pursuant to an agreement dated July 30, 1943, between the Secretary of the Interior, the State of North Carolina, the Tennessee Valley Authority, and Swain County, North Carolina (referred to in this Act as the "1943 Agreement");

(2) the 1943 Agreement provided that the Department of the Interior would construct a road along the north shore of the Fontana Reservoir to replace a road flooded by the construction of Fontana Dam and the filling of the reservoir; and

(3) the road has not been completed.

(b) Purpose.—The purpose of this section is to settle and quiet all claims arising out of the 1943 Agreement.

(c) Settlement.—

(1) Completion of road.—Notwithstanding any other provision of law, the Secretary of the Interior shall complete the road along the north shore of the Fontana Reservoir according to the terms of the 1943 Agreement.

(2) Payment to Swain County.—

(A) In general.—The Secretary of the Treasury shall pay Swain County, North Carolina, the sum of $16,000,000, which shall be deposited in an account in accordance with the rules and regulations established by the North Carolina Local Government Commission.

(B) Expenditure.—

(i) Principal.—The principal of the sum may be expended by Swain County only under a resolution approved by an affirmative vote of two-thirds of the registered voters of the county.

(ii) Interest.—Interest earned on the unexpended principal of the sum may be expended only by a majority vote of the duly elected governing commission of Swain County.

(d) Restriction on Use of Funds.—Money made available pursuant to this section may not be paid to or received by an agent or attorney on account of services rendered in connection with the claims settled by this section.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 3. CHEROKEE HISTORICAL MARKER.

The Secretary of the Interior shall allocate the funds and personnel necessary to place a suitable historical marker at or near the approach to the Cherokee Qualls Reservation at Soco Gap, North Carolina, in recognition of the historical importance of Soco Gap and the contribution of the Cherokee Nation to the State of North Carolina and the United States.

Mr. HELMS. Mr. President, I send to the desk a bill and ask for its first reading.

The PRESIDENT pro tempore. The clerk will read the bill for the first time.

The bill (S. 192) was read for the first time.

Mr. HELMS. Mr. President, I ask for a second reading.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. FORD. Mr. President, I object.

The PRESIDENT pro tempore. Objection having been heard, the second reading of the bill, under rule 14, will go over to the next legislative day.

THE OREGON INLET PROTECTION ACT OF 1993

Mr. HELMS. Mr. President, today I introduce legislation—The Oregon Inlet Protection Act of 1993—of vital importance to the citizens of the Outer Banks of North Carolina, particularly the commercial and recreational fishermen who risk their lives each day attempting to navigate the hazardous waters of Oregon Inlet.

On December 30, 1992, a 31-foot commercial fishing vessel sank in Oregon Inlet becoming the 20th ship to go down in those waters since 1961. Although the Coast Guard has not been able to locate the wreckage, both crewmen were rescued. These men were more fortunate than the 20 fishermen who have lost their lives at the inlet in the last 30 years. The time has come to stop the senseless destruction of life and property.

This legislation—which spends no money, authorizes no new expenditures and authorizes no new projects—simply allows the Corps of Engineers to enter a small parcel of Interior Department land in order to begin work on a project begun by the Congress in 1970. In legal terms this amendment grants an easement to the Department of the Army to enter no more than 100 acres of Interior Department land adjacent to Oregon Inlet in Dare County, NC. Although Interior Secretary Lujan issued conditional permits in October 1992, for the Corps of Engineers to begin the construction process, these permits can be revoked at any time. The Helms legislation serves notices that I will be monitoring this situation in the coming months.

Let me briefly review the history of this problem.

In 1970, Congress authorized the stabilization of a 400-foot wide, 20-foot deep channel through Oregon Inlet, and the installation of a system of jetties with a sand-by-pass system. The U.S. Army Corps of Engineers was authorized to design and build the jetties.

Ever since 1970, however, the project has been repeatedly and deliberately delayed by bureaucratic roadblocks contrived by the fringe element of the so-called environmental movement. In the meantime, lives and livelihoods have been lost, North Carolina's once thriving fishing industry has deteriorated, and access to the Pea Island National Wildlife Refuge and the Cape Hatteras National Seashore has been threatened.

Critics of this project claim we need more studies and more time to determine the impact the jetties will have on the Outer Banks. I say 22 years of studies is enough.

This is the most scrutinized project in the history of the Corps of Engineers and the Department of the Interior. Since 1969, there have been 97 major studies by the Federal Government. There have been three full blown environmental impact statements, but the environmentalists want more. As for the cost/benefit factor, the Office of Management and Budget found—as recently as March 14, 1991—the project to be economically justified. In December 1991, a joint committee of the Corps of Engineers and the Department of the Interior recommended to Interior Secretary Lujan and Army Secretary Page that the jetties be built.

The time has come to get off the dime. Too many lives have been lost, and now the very existence of the Outer Banks is in question because we have done nothing to manage the flow of sand from one end of the coastal islands to the other. If we wait any longer, the environmentalists won't have to worry about turtles or birds on Cape Hatteras, because in a few short years this vital resource will have disappeared completely.

To see how out of touch these environmental extremists are one need only look at last October's "Smithsonian" magazine.

In an article entitled, "This Beach Boy Sings a Song Developers Don't Want to Hear," "Smithsonian" chronicles the adventures of a professor, at a major North Carolina university, who has made his living organizing opposition to all coastal engineering projects on the Outer Banks—Oregon Inlet in particular. According to this story, when confronted by an angry Oregon Inlet fisherman, a man who actually has to work for a living—a living made more dangerous by the failure of the Government to keep a safe channel at Oregon Inlet open—this professor said that he and his radical friends will not be satisfied until "all the houses are taken off the shore to leave it the way it was before."

Mr. President, this is coming from a man who lives on a large plot of land in the middle of North Carolina. Yet, he is all too ready to deprive other North Carolinians of their right to live and prosper. That is not environmental activism; that is environmental hypocrisy. Let there be no mistake, this man is not alone, he speaks for those who will not be mollified until all of the North Carolina coast is locked up and the citizens and fishermen are thrown out of their homes and off their land.

My own hometown newspaper, the Raleigh "News and Observer," editorialized recently, that North Carolina Highway 12—which spans Oregon Inlet and is threatened by the failure to build the jetties—should be allowed to plummet into the sea. The "News and Observer" proudly proclaimed, "Let Neptune Route Highway 12." How is that for responsible environmentalism. For the sake of the environmentalist cause, a major newspaper advocates letting a primary highway—the only land link for thousands of Outer Banks residents and visitors to our National Parks—fall right into the ocean. As the poet said, "that does not even make good nonsense."

Mr. President, I think the issue is clear. The time for delay is over. It is time to put the people of North Carolina first. Although this legislation will not finish the Oregon Inlet project it does mark the beginning of the end of the jetty debate on the Outer Banks.

I ask unanimous consent that the text of the legislation be placed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oregon Inlet Protection Act of 1993".

SEC. 2. FLOOD CONTROL IMPROVEMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, shall construct, operate, and maintain the jetty and sand transfer system for the Oregon Inlet on the Coast of North Carolina, about 85 miles south of Cape Henry and 45 miles north of Cape Hatteras (as described on page 12 of H.R. Rep. No. 91-1665) authorized under the River and Harbor Act of 1970 and the Flood Control Act of 1970 (Public Law 91-611), except that the land area of the system shall be subject to the requirements of subsection (b)).

(b) DESIGNATION OF LAND.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Secretary of the Army, acting through the Chief of Engineers, and the Secretary of the Interior shall jointly designate the tracts of land for the jetty and sand transfer system described in subsection (a). If the Secretary of the Army and the Secretary of the Interior fail to jointly designate tracts of land by the date that is 60 days after the date of enactment of this section, the Secretary of the Army shall designate the tracts of land pursuant to a description prepared by the Secretary of the Army, in consultation with the Chief of Engineers, and shall notify the Secretary of the Interior of the designation.

(2) SIZE.—

(A) LIMITS.—Except as provided in subparagraph (B), the amount of acreage in the tracts shall not exceed—

(i) with respect to the tract in the Cape Hatteras National Seashore, 65 acres; and

(ii) with respect to the tract in the Pea Island National Wildlife Refuge, 35 acres.

(B) EXCEPTION.—If the Secretary of the Army and the Secretary of the Interior jointly designate the tracts of land pursuant to paragraph (1), the area of each tract may exceed the acreage specified in this subparagraph.

(c) MODIFICATION.—If, after designating the tracts of land pursuant to subsection (b) without the mutual agreement of the Secretary of the Interior, and providing notice to the Secretary of the Interior under subsection (b) of such designation, the Secretary of the Army determines that any tract is inadequate for the construction, operation, and maintenance for the jetty and sand transfer system described in subsection (a), the Secretary of the Army is authorized to designate, not earlier than 60 days after providing notice of a designation to the Secretary of the Interior under subsection (b)(1), an additional tract of land adjacent to the tract that is inadequate.

(d) EXEMPTION.—Notwithstanding any other provision of law, the construction, operation, and maintenance of the jetty and sand transfer system described in subsection (a), shall be exempt from any permit requirement (including any requirement for a special use permit or similar authorization) prior to the use of the system.

Mr. HELMS. Mr. President, I now ask unanimous consent that I be permitted to offer en bloc the six bills that I have just introduced and that these six bills be referred to the appropriate committees in this instance.

The PRESIDENT pro tempore. The Senator has the right to offer bills. They will be received and appropriately referred.

Mr. HELMS. I wish to offer them en bloc.

Mr. FORD. Point of information, Mr. President.

The PRESIDENT pro tempore. The Senator from Kentucky will state his parliamentary inquiry.

Mr. FORD. My parliamentary inquiry is, are these bills already introduced?

Mr. HELMS. Yes, but this time, they will be referred to committee.

Mr. FORD. So we will have a dual.

Mr. HELMS. Exactly.

Mr. FORD. I thank the Chair.

Mr. HELMS. Mr. President, I now ask unanimous consent that it be in order for me to offer en bloc four additional bills and that the statement for each bill be followed by the text of each bill, and that be printed in the RECORD, and that the bills be referred to appropriate committees.

The PRESIDENT pro tempore. is there objection? There is no objection. The several requests will be granted.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. KENNEDY] is recognized.

JUSTICE THURGOOD MARSHALL

Mr. KENNEDY. Mr. President, with the death of Justice Thurgood Marshall last Sunday, the Nation lost one of its greatest heroes.

Justice Marshall's life reflected and shaped America's progress in ending the tragic legacy of racism that has haunted our Nation since its founding. When Thurgood Marshall was born in Baltimore 84 years ago, the son of a Pullman car waiter and a schoolteacher, the Constitution's guarantee of equal justice under law was an empty promise. Jim Crow laws relegated African-Americans to second-class status in many parts of the country; lynchings were common; blacks were unable to vote; segregation permeated every aspect of society, from education, to employment, to public accommodations.

Thurgood Marshall knew the stigma of racism firsthand.

As a young man, he was denied admission to the University of Maryland Law School because of his race; years later, he succeeded in having its exclusionary policy declared unconstitutional.

As the founding director of the NAACP Legal Defense and Education Fund, Thurgood Marshall led the legal battle to wipe out bigotry in all its ugly forms. With boundless courage, he journeyed from town to town, defending the basic human rights of African-Americans.

As one recent article noted, "Often the only hope among blacks in these small communities was expressed in the quiet phrase, Thurgood is coming." For a generation, wherever justice was denied, wherever communities were plagued by the disease of racial hatred, wherever African-Americans were losing hope, the struggle for freedom and opportunity gained new heart and new hope from those three simple, eloquent words: "Thurgood is coming."

His campaign to end school segregation may well be the most brilliantly conceived and most perfectly executed legal strategy in the Nation's history. Each case he brought was carefully prepared. Each victory chipped another piece from the edifice of discrimination.

No American lawyer has had a better record in the Supreme Court against more difficult odds or more intransigent opposition.

He made Brown versus Board of Education not only possible but unanimous; he changed the course of history and made America a better and fairer land.

No one played a more central role in the historic struggle to end discrimination—and no one in our history more richly deserved the position and title of "Justice" than did Thurgood Marshall. Justice Oliver Wendell Holmes once said that "a page of history is worth a volume of logic." Justice Marshall brought volumes of history to the Supreme Court, and his experiences helped to shape American law for half a century.

Enriched by his unique perspectives, his opinions for the Court steadfastly protected the rights of all Americans. In recent years, when the Supreme Court sought to turn back the clock on civil rights, his was a firm voice of commitment to keep moving forward.

Thurgood Marshall personified the Nation's highest ideals. More than any lawyer in our history, he held America to the Constitution's great promise of equal justice for all. For as long as there is an America, he will forever be remembered as a giant of our history.

I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDENT pro tempore. The Senator from New Jersey [Mr. LAUTENBERG], is recognized for not to exceed 5 minutes in morning business.

Mr. LAUTENBERG. I thank the Chair.

(The remarks of Mr. LAUTENBERG pertaining to the submission of Senate Resolution 35 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. LAUTENBERG. I thank the Chair and I yield the floor.

The PRESIDENT pro tempore. The Senator from Indiana [Mr. COATS,] is recognized for not to exceed 5 minutes.

GAYS IN THE MILITARY

Mr. COATS. Mr. President, on the issue of gays in the military, for many of us there is the concern that comes from conviction. But there is also the anger that comes from being set up.

When I sat in the Armed Services Committee during Secretary Aspin's confirmation hearing and questioned our new Secretary of Defense on this issue, he responded by saying it was a difficult matter, a matter that is "controversial" and "sensitive". When pressed how it would be decided, he responded, to general laughter, "very, very carefully."

Well, Mr. President, the actions of the administration have not been careful or, even in my opinion, responsible. They have been hasty and political and uninformed. These are all things we do not expect from our Commander in Chief when national security is at issue.

Even before President Clinton finally agreed to meet with his highest military commanders—men of distinguished service and broad experience—he announced that he had nothing to learn. Prior to the meeting, he said: "I intend to keep my commitment."

How does this appear to many Americans—and to many of our soldiers who serve?

It appears like the manipulation of the Joint Chiefs for political purposes—not for consultation, but for cover.

It appears like an administration making a snap decision to pay a political debt.

It appears like a President without military background or experience dismissing the advice and council of America's most distinguished military leaders.

You would think that someone who has not served a day in uniform would be particularly careful to consult his military experts. But that care was not taken.

President Clinton, through his words and actions is saying in essence, "I am satisfied with my views on military matters, why would I want them disturbed by the military?"

I believe this administration has the burden of proof to convince this Nation that the actions they propose would improve military effectiveness. That is our standard of judgment. To put young Americans at additional risk is not worth the price of a political deal. That added risk, according to our commanders, is real. It cannot be lightly dismissed.

These experts are saying something simple. If you were looking for a way to destroy the discipline and esprit de corps of a military unit, it is clear—just inject sexual tension into the barracks. The enforced intimacy of military life is unique—and especially unsuited to this social experiment.

Given the President's fixed position, it appears that any compromise or negotiation on the issue is doomed even before it begins. A 6-month period of study when the conclusion is foregone would simply be more political cover as the Aspin memo showed. Delay is intended to confuse, not to clarify. If change comes in 2 stages or 10 stages the question remains: Should the ban be lifted? All other discourse is merely political posturing.

People in the military take this matter seriously. As Colin Powell told midshipmen at the Naval Academy, "If [this issue] strikes at the heart of your moral beliefs, then you have to resign."

Many of us in Congress take this matter seriously as well. If the President insists, as he apparently has, in taking this action, the people will speak, and Congress will respond.

I am convinced that if President Clinton reverses current policy regarding gays in the military, he will find a temporary victory that is very much like a defeat. A military that is demoralized. A Congress that resents his high-handed tactics. And an American public disturbed that their Commander in Chief is governed by the political promises of the past, and not the military needs of the moment.

The PRESIDENT pro tempore. The junior Senator from Illinois [Ms. MOSELEY-BRAUN] is recognized for not to exceed 5 minutes.

Ms. MOSELEY-BRAUN. I ask unanimous consent to be recognized for the purpose of giving a statement for 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Illinois will be recognized for 10 minutes.

Ms. MOSELEY-BRAUN. Thank you, sir.

THURGOOD MARSHALL CHALLENGED AMERICA TO LIVE UP TO ITS IDEALS

Ms. MOSELEY-BRAUN. Mr. President, Thurgood Marshall died last Sunday of heart failure. I still have great difficulty believing it. I know he was born over 84 years ago, and I know that he himself said he was "old and falling apart," but it is nonetheless hard to conceive that a heart as mighty and as courageous as his is no longer beating.

Thurgood Marshall epitomized the best in America; he was, in fact, what this country is all about. That may seem to be an odd thing to say about him. After all, he himself was very aware of the fact that the United States did not, and in too many instances still does not, live up entirely to its founding principles. He knew that the phrases of the Declaration of Independence, "that all men are created equal" and are endowed "with certain inalienable rights," including those to "life, liberty and the pursuit of happiness * * *," were not, all too much of the time, the principles that govern everyday life in America.

Thurgood Marshall was born in Baltimore in 1908. He lived and felt the humiliation of racism—of not being able even to use the bathroom in downtown Baltimore simply because of the color of his skin.

But Thurgood Marshall was not defeated by racism. He knew that racial inequality was incompatible with American ideals, and he made it his life's unending fight to see that this country's ideals became true for all of its citizens.

And what a fight it has been. It took Thurgood Marshall from Baltimore's segregated public schools to Lincoln University, where he graduated with honors, to Howard University Law School, to the NAACP, to the circuit bench, to the U.S. Solicitor General's office, to become the first African-American member of the U.S. Supreme Court.

That quick biography does not begin to measure the battles Thurgood Marshall fought and won, and the strength, conviction and power he put into the fight.

Thomas Jefferson said that "A little rebellion, now and then, is a good thing, and as necessary in the political world as storms in the physical." Thurgood Marshall took Jefferson at his word, and played a key role in creating a rebellion in America—a rebellion not of violence, but of law. What Marshall did was to use the U.S. legal system to bludgeon and destroy State-supported segregation.

What Marshall did was to use the courts and the law to force the United States to apply the promises made every American in our Declaration of Independence and our Bill of Rights to African-Americans who had little or no protection under the law up until the Marshall legal rebellion. What Marshall did was to make the 13th, 14th, and 15th amendments to our Constitution the law of the land in reality, instead of just an empty promise.

The history of the civil rights movement in this country is, in no small part, the history of Marshall's battles before the Supreme Court. As lead counsel of the National Association for the Advancement of Colored People, Marshall appeared before the Supreme Court 32 times, and won 29 times. His legal skills, grounded in sound preparation and sensitivity to the evidence helped him win such landmark decisions as Smith versus Allwright, Shelley versus Kramer, Sweatt versus Painter, and the biggest case of them all, Brown versus Board of Education.

I am somewhat reluctant to dwell on Thurgood Marshall's many successes, because I know he would not like it. He would not like it because he knew only too well that there are many more battles that must be fought and won if America's founding principles and American reality are to become one and the same for every American of every color. In his dissent in the Bakke case, Marshall said:

> The position of the Negro today in America is the tragic but inevitable consequence of centuries of unequal treatment. Measured by any benchmark of comfort or achievement, meaningful equality remains a distant dream for the Negro.

However, the fact that the battle is not yet won does not lessen Marshall's many accomplishments. He was a man who worked and fought to make a difference; he was a man who did make a difference.

He certainly made a difference in my life—opening the doors of opportunity measured only by merit. He helped ensure that I was able to attend public schools and the University of Chicago Law School, and not schools for blacks only. His work helped make my election to the U.S. Senate possible. He opened closed doors and created new opportunities for me and for many, many others. His life was the most convincing evidence that change is possible.

I want to close, Mr. President, by quoting Thurgood Marshall one more time. In the Bakke case, he said:

> In light of the sorry history of discrimination and its devastating impact on the lives of Negroes, bringing the Negro into the mainstream of American life should be a state interest of the highest order.

I share his view. Elimination of racism is not just an interest of African-Americans, but of all Americans. Only then will we be able to tap the full potential of our people. Only then will we live the greatness of the American promise.

I hope we will all remember Thurgood Marshall by continuing his lifetime of struggle. I hope we will all remember Marshall by dedicating ourselves to the principles and goals he dedicated himself to—making American opportunity available to every American. And as we work toward those goals, I hope we can all live our lives as completely as he did, enjoy ourselves as much as he did, and poke as much fun at ourselves as Thurgood Marshall did all of his life.

I will miss Thurgood Marshall. America will miss Thurgood Marshall. I am proud to have the opportunity, in some small way, to continue his work, and to try to build on his legacy.

The PRESIDENT pro tempore. The Senator from Washington [Mr. GORTON] is recognized for not to exceed 5 minutes.

BOEING AND THE U.S. ECONOMY

Mr. GORTON. Mr. President, early this morning the Boeing Co. announced a slash in production rates across the entire spectrum of its jet aircraft production. The Boeing Co. is, of course, the largest single exporter in the United States and a true bellwether with respect to the economy, not just of the Pacific Northwest but of our entire international trading position as well.

This announced reduction in production does not arise out of any inefficiencies or any ineffectiveness on the part of the Boeing Co. itself. It may very well be our single most efficient manufacturing organization. It results from the fact that the domestic airline industry has lost between $8 and $9 billion during the course of the last 3 years and much of the international airline business has suffered similar losses. Airlines which are losing money at that rate simply cannot afford to place or to take previously ordered aircraft from a manufacturer.

As a consequence, this is not going to be a reverse which is easily cured. These production rate declines are projected forward toward the end of this year and the beginning of next year. But I do believe at the same time it provides us with certain lessons with respect to the way in which we do business in the United States and the way in which we encourage or discourage our most fundamental manufacturing industries.

Clearly, there are some things that we can do here in the Congress to help. Clearly, there are some things that we can refrain from doing, which will help this situation. One of the reasons, at least, for great losses in the airline industry is the fact that three major airlines in the United States over the course of the last several years have been operating under chapter 11 bankruptcy protection. That is to say these airlines have been protected against any of the claims of their creditors, have not had to pay their past debts, have had, therefore, lower operating expenses and have been able to undercut the prices of the more successful airlines in a highly competitive situation and force those more successful airlines into the red themselves.

This Congress will be considering changes in the bankruptcy law this year, changes in chapter 11, in order to create a more even competitive playing field that seems, to this Senator, to be absolutely necessary.

More significant than that, of course, is the attitude of the current administration toward the overall fiscal situation of the United States. I hope that the new President will encourage the prompt conclusion of GATT negotiations because those GATT negotiations will have a very real impact on our ability to compete overseas and in the domestic economy for aircraft sales with the still-subsidized Airbus industries.

At the same time, I would caution both the Congress and the new administration—and, for that matter, our State administration—against a spate of new regulations of businesses, of new taxes on businesses at a time at which they need to be encouraged and placed in the position where they can create and offer more jobs. Additional regulations, additional taxes on their capital, will restrict their ability to compete, will restrict their ability to provide new jobs.

So this new administration is faced with very serious challenges in its first week in office. The President has shown a fine sensibility toward changing circumstances, but the changing circumstances of our industrial economy require his strict attention to ways in which the fundamental producers of jobs in the United States, those who provide the money through exports to attempt to balance our trade deficit—they need to be encouraged to be stronger, to provide more jobs, to use their own genius rather than that supposedly held here in Washington, DC, to restore our competitive economy. This is a reverse for the Boeing Co. and for our export-oriented economy. It is not a reverse which cannot be countered. It can be countered by wise policies and by a recovering economy.

The PRESIDENT pro tempore. The senior Senator from Illinois [Mr. SIMON] is recognized for not to exceed 5 minutes.

SENATOR CAROL MOSELEY-BRAUN'S SPEECH

Mr. SIMON. Mr. President, I was not here, unfortunately, when my colleague, Senator CAROL MOSELEY-BRAUN, made her first comments on the floor of the Senate.

I do not know that anyone was aware those were her first comments on the floor of the Senate. I think it is appropriate that Senator CAROL MOSELEY-BRAUN, who is herself a pioneer, should in her first remarks pay tribute to someone who was a pioneer.

Justice Thurgood Marshall was a remarkable human being. I wish I had the opportunity to know him well. I had the chance to get to know him slightly. But he was a giant, even before he ascended to the Bench of the U.S. Supreme Court. He tried 32 cases before the U.S. Supreme Court and won 29 of those cases. The Presiding Officer is the historian in this area. He may know whether anyone has exceeded that record. I do not know. I doubt that anyone ever exceeded that record.

But it is not simply the number of times he appeared before the Court or the number of cases he won, but his consistent stand for the powerless of our country.

I am pleased to join in paying tribute to Thurgood Marshall. I am pleased that the first opportunity my colleague, Senator CAROL MOSELEY-BRAUN, had to address this body was in paying tribute to Thurgood Marshall. We will be hearing much more of my colleague on a great variety of issues where her abilities and her strength and her compassion will become very evident to those of us in the Senate as well as to the American people. But it is most appropriate that her initial remarks should be in tribute to Justice Thurgood Marshall.

Mr. PELL addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from Rhode Island [Mr. PELL] is recognized for not to exceed 5 minutes.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. PELL. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations, reported today by the Committee on Foreign Relations, and that the Senate proceed to their immediate consideration. I will add, this request has been cleared by the Republican leader. The nominees are Madeleine K. Albright, to be Ambassador to the United Nations, and Clifton R. Wharton, Jr., to be Deputy Secretary of State.

The PRESIDENT pro tempore. The Senate proceeds to executive session.

Mr. PELL. I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDENT pro tempore. Is there objection to the several requests? The Chair hears no objection. The nominations are considered, en bloc; they are confirmed, en bloc; the motion to reconsider the nominations, en bloc, is laid on the table; the President is immediately notified of the confirmation of the nominees; statements will appear in the RECORD at the appropriate places; and the Senate returns to legislative session.

The nominations considered and confirmed, en bloc, are as follows:

UNITED NATIONS

Madeleine Korbel Albright, of the District of Columbia, to be the representative of the United States of America to the United Nations with rank and status of Ambassador Extraordinary and Plenipotentiary, and the representative of the United States of America in the Security Council of the United Nations.

DEPARTMENT OF STATE

Clifton R. Wharton, Jr., of New York, to be Deputy Secretary of State.

STATEMENT ON THE NOMINATION OF DR. MADELEINE ALBRIGHT

Mr. PELL. Mr. President, in nominating Dr. Madeleine Albright as our Ambassador to the United Nations, President Clinton has made a superb choice. The daughter of a Czechoslovak diplomat at the United Nations who remained in the United States with his family after the 1948 Communist coup, Dr. Albright comes to her post extraordinarily well prepared. She has had a distinguished career both in government and as an academic, and has always been at the center of the policy debate.

As one who was present at the San Francisco conference that drafted the U.N. Charter, I remember well the high hopes we all had for the United Nations. For 44 years the cold war froze the United Nations in a state of paralysis, little more than a debating society in which the superpowers hurled insults at each other.

Now the United Nations like our planet is on the threshold of a new era. Cooperation among the major nations has produced 14 peacekeeping or peacemaking missions in the last 3 years, more than had been undertaken in the previous 44. From Iraq to Bosnia to Cambodia to Somalia, the United Nations is at the center of global decisionmaking.

Further, the new international climate provides extraordinary new opportunities for cooperative action on a range of global problems including the environment, arms control, poverty, and economic integration. In some of these areas, the problems are so urgent that U.N. action will come not a moment too soon.

I am particularly pleased with the statements made by Dr. Albright and Secretary Christopher that the United States will pay its bills to the United Nations. It is a matter of national embarrassment that the United States was the biggest deadbeat at the United Nations. It is particularly important that we, as the last remaining superpower, do our share at a time when the United Nations is being asked to do so much more.

Dr. Albright will take her position as U.S. Ambassador to the United Nations and member of the President's Cabinet at an extraordinary time in human history. It is a time of peril, as we see so clearly in Bosnia and Kurdistan. But it is also a time of hope. I am a bit envious of the opportunity Dr. Albright now has to be present at the creation of a new world. I know the United States could have no finer representative at the United Nations for this occasion.

STATEMENT ON THE NOMINATION OF MADELEINE ALBRIGHT

Mr. DODD. Mr. President, I rise in strong support of the nomination of Madeleine Albright.

Half a century ago, in the aftermath of World War II, the United Nations was formed to develop a multilateral approach to the challenges of peace and security in the postwar world. With the fall of the Soviet Union and the end of the cold war, that dream is now within sight.

This is at once a dramatic opportunity and a daunting challenge. Just as the world has changed in the past few years, so must the United Nations adapt to its new surroundings. This will require the firm leadership of the United States—and the consistent, personal attention of the U.S. Ambassador.

Mr. President, I am confident that Madeleine Albright is the right choice for this very important task.

Madeleine Albright's experience with international diplomacy began quite literally at home. The daughter of a Czechoslovakian diplomat, she came to the United States at age 11 after the Communist takeover in 1948.

An expert in Russian studies, Dr. Albright is no stranger to discipline and hard work. After graduation from Wellesley College, she raised three children while commuting part time to graduate school. By 1976, she had earned a masters and Ph.D. at Columbia University.

Since that time, Dr. Albright has had broad experience in the foreign policy of the United States. She has worked for the office of Senator Muskie, the National Security Council staff, and a number of private organizations including the Woodrow Wilson International Center for Scholars, the Center for Strategic and International Studies, and the National Endowment for Democracy.

Since 1989, Dr. Albright has been president of the Center for National Policy and since 1982 she has been a research professor of international affairs at Georgetown University.

Mr. President, during the course of a hearing last week in the Foreign Relations Committee, I was impressed by Dr. Albright's understanding of the many issues that will come before her in her new role at the United Nations. I was especially pleased by her support for a particular proposal I intend to put before the Senate in a matter of days: A resolution calling for the establishment of an international criminal court.

Mr. President, I look forward to working with Dr. Albright on this and other issues. I urge that this nomination be confirmed.

STATEMENT ON THE NOMINATION OF DR. CLIFTON R. WHARTON, JR.

Mr. PELL. Mr. President, in selecting Dr. Clifton Wharton as Deputy Secretary of State, President Clinton has made an inspired choice. Dr. Wharton has had an extraordinary career in the field of development, as a scholar, as an academic administrator, and as the administrator of one of the Nation's largest pension funds. As he demonstrated during his hearings, he is a deeply engaging and decisive man who has a full command of his new brief.

Dr. Wharton will be Secretary Christopher's alter ego in administering a department long used to the structures and imperatives of the cold war. He must now reshape that Department to meet the challenges of a radically different era. For the past 4 years, the United States has been marking time. Now we must act to assist Russia in the transformation to democracy, to halt the spread of nuclear weapons, and to cope with a range of regional conflicts. Further, we must move aggressively on global problems such as a rapidly deteriorating environment, global poverty, and health threats such as the AIDS epidemic.

Dr. Wharton will have a full agenda before him at the State Department. Fortunately for us, the Department will be in excellent hands under the leadership of Secretary Christopher and Dr. Clifton Wharton.

STATEMENT ON THE NOMINATION OF CLIFTON WHARTON, JR.

Mr. DODD. Mr. President, I rise in support of the nomination of Clifton Wharton, Jr. to be Deputy Secretary of State.

Mr. President, if Dr. Wharton is confirmed by the Senate today, he will take over as Deputy Secretary of State during a dramatic period in world history. The cold war has ended, and in its place we are confronted with rising ethnic tensions and nationalist sentiments in many corners of the world.

The watchword of this era is uncertainty. We cannot predict with any confidence what we will face tomorrow or the next day. Accordingly, in this uncertain world, our State Department must be administered by professionals with a broad range of capabilities and proven leadership experience. In my view, Dr. Wharton meets that test.

Mr. President, Dr. Wharton is no stranger in breaking new ground. He was the first African-American to receive a Ph.D. in economics from the University of Chicago. As chairman of the Rockefeller Foundation, he was the first African-American to chair the board of a major U.S. foundation. In running TIAA-CREF, the largest private pension fund in the world, he became the first African-American to head a Fortune 100 company.

Mr. President, Dr. Wharton has held appointments under four Presidents, serving with the Board for International Food and Agricultural Development, AID, the State Department, and various U.N. agencies.

I am confident that Dr. Wharton has the experience and the capabilities to perform the job of Deputy Secretary of State and I urge his immediate confirmation.

LEGISLATIVE SESSION

The PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The senior Senator from Arkansas [Mr. BUMPERS] is recognized for not to exceed 5 minutes.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 208 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRANSFER OF THE CATAFALQUE

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 23, a concurrent resolution to authorize the Architect of the Capitol to transfer the catafalque to the Supreme Court for the funeral services to be conducted there for late Supreme Court Justice Thurgood Marshall, just received from the House, that the resolution be agreed to and the motion to reconsider laid upon the table.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The concurrent resolution (H. Con. Res. 23) was agreed to.

THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 202, introduced earlier today by Senators MOYNIHAN, BAUCUS, KENNEDY, MITCHELL, and others, a bill to designate the Federal Judiciary Building in Washington, DC, as the "Thurgood Marshall Federal Judiciary Building," that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table; further that any statements relating to this bill appear in the RECORD at the appropriate place.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, this past Sunday's Washington Post book review section opened with a long assessment of three new and important biographies of Supreme Court Justice Thurgood Marshall, under the headline "A Pioneer in the Halls of Justice." Sadly, the evening's television news carried word that the great Justice had passed away.

It would be difficult to imagine a man who contributed more to the quality of American life and the integrity of American jurisprudence than did Thurgood Marshall. It is equally hard to imagine anyone, ever, amassing a record of judicial achievements to match his. It is not likely that we shall ever see a man like him again.

Excellence and accomplishment pervade his life's work. For more than a quarter of a century, his was the courtroom voice of the National Association for the Advancement of Colored People. Perhaps his greatest victory before the Supreme Court came in the landmark 1954 case, Brown versus Board of Education of Topeka, KS. As Federal appeals court judge, he wrote 112 opinions, of which none was overturned. He served as Solicitor General under

President Johnson. By the time Marshall ascended to the Supreme Court in 1967, he had argued 32 cases in public and private practice before the highest Court in the land. He won all but three. And then, for another quarter century, Thurgood Marshall gave hope and an eloquent, powerful voice to the disenfranchised, the discriminated, and the powerless from the highest Bench in the land. Harvard University's Laurence Tribe called him "the greatest lawyer in the 20th century."

Mr. President, nearly 4 months ago we dedicated the new Federal Judiciary Building next to Union Station. This grand building houses more than 2,000 judicial branch employees and also provides offices for retired Supreme Court Justices. The legislation I am introducing today will designate the Federal Judiciary Building as the Thurgood Marshall Federal Judiciary Building. Naming the building for the late Justice is but one modest way to pay tribute to the life of this great man. I invite all Senators to cosponsor the bill.

The bill (S. 202) was deemed read a third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal Judiciary Building in Washington, DC, shall be known and designated as the "Thurgood Marshall Federal Judiciary Building".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, map, regulation, document, paper, or other record of the United States to the Federal Judiciary Building referred to in section 1 shall be deemed to be a reference to the "Thurgood Marshall Federal Judiciary Building".

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CBO REPORT ON THE DEFICIT

Mr. BOND. Mr. President, I want to spend a few moments today talking about a report released today by the Congressional Budget Office.

I believe that their estimates that the budget deficit will be in the $300 billion range through the turn of the century ought to be the 2 by 4 that gets the attention of the Congress and the administration that we need to take action. With interest on the Federal debt, one of the fastest growing components of the budget, and with net interest the third largest expense behind only social security and defense, it is long past time to get serious.

If we do not do something about the deficit, we are in a position where we not only threaten to bankrupt this government, but we threaten to destroy our economy and mortgage our children's future with a burden they cannot pay.

We had the opportunity in the Budget Committee today to discuss this issue with Dr. Reischauer of the CBO. There was talk about the problems of the deficit and talk of possible solutions. There was also some talk that the problem of the deficit is one that has been caused by the Federal Reserve.

Mr. President, the simple fact of the matter is that it is not the Federal Reserve that caused the recession, that caused the downturn in economic activity. The Federal Reserve, over the last 3 years, has lowered the key discount rate 23 times. The problem that we face is that our huge Federal deficit keeps our long-term interest rates high.

When the President's nominee for the chair of the Council of Economic Advisers came to talk to me about her confirmation, she said that, in her view, essentially as I recall it, that the Federal Reserve had acted properly. They may have disagreed in a few instances, but basically they were doing what they could. She said that the high long-term interest rates now facing this country were as much a result of high German interest rates as anything else, and agreed that further short-term rate cuts could in fact raise long-term rates by rekindling inflationary fears.

In yesterday's newspapers, there were headlines that said "The Big Deficit Cut Could Sharply Reduce Rates."

A number of economists are quoted as saying that the most important thing we can do to get the interest rates down is to cut the deficit. Dr. Reischauer today said that he did not believe we needed any more stimulus to the economy; but that dealing with the deficit is something that is extremely important for us to do.

So let us all be clear. It was not the Federal Reserve that caused recession. It was not the Federal Reserve that prolonged the recession, and it will not be the Federal Reserve that kills off the recovery, if in fact it is killed off. What we do in fiscal policy will determine, to a large extent, what happens to the recovery and to the economic future of this country. That means its up to the new administration and Congress to do the right thing.

According to the CBO, unless corrective action is taken, the total Federal debt will increase by over $1.1 trillion during this current administration.

This is an additional $1,000 of debt per year for every man, woman, and child in the United States, and it is a debt our children and grandchildren will have to pay.

The CBO report, in my view, is a wake-up call I hope that all of us, administration and congressional leadership and Members, heed instead of pulling the covers back over their heads hoping it will go away.

The CBO update in August 1992 showed that the deficit had dropped to $314 billion for fiscal year 1993, had remained about $268 billion forecast for 1994, but it showed that it had risen in outyears primarily because of expected increases in the entitlements.

So what was the Clinton campaign promise to cut in half? Was it half of the January 1992 estimate of $368 billion? Or was it half of the August estimate of $314 billion? Since the election, there has been even more changing in the administration's position. The middle-class tax cut was thrown overboard. What about the $20 billion in additional infrastructure spending per year?

But whichever set of numbers you use, the projections show that we are running out of time to deal with the deficit.

Mr. President, I ask my colleagues to get serious about the deficit and to realize that we have to gain control particularly over entitlement spending if we are not to bankrupt this Government and drive our country to ruin.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The point of no quorum having been made, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND] is recognized.

Mr. THURMOND. Mr. President, I rise today in opposition to any change in defense policy which lifts the ban on homosexuals in the military. This is a complex and contentious issue which could have adverse and long-term impacts on the very fabric of our Armed Forces. I cannot stand by and permit the ban to be lifted without meaningful discussions with the Congress and the military leadership.

The Congress and the Department of Defense have been partners in supporting the development of our great armed services into them most effective combat ready force in the world. We cannot allow campaign promises to undermine the morale, cohesion, and readiness of that force.

Before making any precipitous change to the current policy banning homosexuals in the military, it would serve us well to understand the basis upon which the current policy exists. Why have our military leaders, both civilian and military, maintained this policy for 50 years? They have maintained that homosexuality is prejudicial to good order and discipline in the military.

The military is a truly unique organization. It is not a 9-to-5 job where the employees go home in the evening and on weekends. We require our great service men and women to work, to relax, to sleep, and to live together in very close, cohesive groups. Our service men and women do not have the luxury of being able to leave the workplace and associate only with friends of their choosing at the end of a workday.

Have the people who advocate lifting the ban ever observed life on a submarine or a destroyer? Have they spent time observing the living conditions at Camp Smith in Korea? I do not believe they appreciate the environment in which we ask our professional soldiers, sailors, and airmen to live. In many of the ships and isolated sites, the facilities are very spartan and there is a total lack of privacy.

Under these unique conditions, I believe that changing the current policy concerning homosexuals in the military will adversely affect the morale, discipline, and effectiveness of the entire force. Additionally, I believe it will impact the ability of the military to recruit and retain skilled young Americans.

This is not an issue of being for or against homosexuals as a group or homosexuality as a lifestyle. This is a question of using the armed services as an instrument of social change. Virtually every military leader has expressed opposition to lifting the ban. Many of the military and veterans service organizations are opposed to changing current policy. I have written a letter to President Clinton urging him to permit careful study and consultation before he acts.

Since it appears President Clinton plans to proceed with lifting the ban, notwithstanding the objections that have been raised, legislation is being considered which will codify the current DOD policy. Rushing to force the military to accept homosexuals is not wise and does not represent the views and feelings of the American people.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. I thank the Chair.

(The remarks of Mr. THURMOND pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

The Senator from Montana.

Mr. BURNS. I ask unanimous consent I may proceed in the next 2 to 3 minutes as in morning business.

The PRESIDING OFFICER. The Senator has that right; he may proceed.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE END OF AN ERA—JUSTICE THURGOOD MARSHALL

Mr. MITCHELL. Madam President, and Members of the Senate, the passing of Justice Thurgood Marshall marks the end of an era. It is the era of the men and women who were in the front lines of the most important battle ever fought on American soil: The battle for equal rights for all Americans.

The ideal of equality is an American ideal, stated as the premise of our national fight for independence. The search for equality has been the central defining fact of American history from that time forward.

Few men or women have done as much, succeeded as greatly, cared as deeply, or felt as strongly about that ideal as Thurgood Marshall.

Few have accomplished as much.

From his earliest years in the law when he earned a degree at Howard to use it against the University of Maryland which would not admit him to study law, Thurgood Marshall turned to the instrument of law to win for all Americans that which all Americans have a natural claim upon: Equal opportunity, equal standing before the law, equal treatment in the eyes of the Government and of their fellow citizens.

His greatest legal victory, Brown versus Board of Education, marked the beginning of the end of de jure segregation in this Nation. It is the case that prevented America from becoming a Nation based on a caste system. It remains today the landmark case which turned the Supreme Court of the United States from the protector of the status quo to the defender of the rights of individual Americans. His work made the Court, already a central element in our system, a beacon of hope to a whole generation of Americans seeking justice.

It is not too much to say that with that victory, he redeemed the premise of American constitutional government for all Americans of every skin color. He made real for Americans the dream that the Declaration of Independence first set forth, that all mankind is "created equal."

Before Thurgood Marshall, those were words without meaning to many generations of Americans. After Thurgood Marshall, there is no mistaking that those words apply to each and every American.

He was a man of caustic wit and humor. When it was suggested that the Bicentennial of the Constitution be celebrated by a ceremonial return to Philadelphia to recapture the spirit of 1787, he said somebody had better get him short pants and a tray so he could serve the coffee because that is assuredly what he would have been doing in 1787.

When he retired and was asked what was wrong with him, he said, with all the authority of his 83 years, "I'm old."

He never allowed the passage of time or his triumphs to deter him from the path ahead. He never lost sight of the heights we have not yet scaled, the mountains we have not yet climbed, the promise we have not yet fulfilled. He was a thoroughgoing American in every respect.

It is nothing short of a miracle that the segregated time in which he was born and came of age, the time of Jim Crow and lynchings, racial hatred and division nonetheless produced a man of his stature, his mind and his heart. His colleague on the Supreme Court, Justice O'Connor, said when he retired that all the Court would miss his reminders that they think about the soul of the Nation as well as the letter of the law.

That is true for the Nation as well as for the Supreme Court. Thurgood Marshall was an American original, but he was just as much an American prototype. His is a life and career to which any American child can aspire and all Americans, adults as well as children, should hope to emulate in some small way.

Thurgood Marshall's family has our deep sympathy. They have lost a father, a husband, a grandfather. America deserves sympathy as well, for with his passing we have lost a powerful voice of conscience, a voice of remembrance for injustices past and injustices still present, and we have lost the voice of a truly authentic American.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS TO THE SELECT COMMITTEE ON ETHICS

Mr. MITCHELL. Madam President, I send a resolution to the desk and ask for its immediate consideration. I am authorized to state that this has been cleared with the Republican leader.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 36) to make majority party appointments to a Senate committee under paragraph 3(6) of rule XXV.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was considered and agreed to, as follows:

S. RES. 36

Resolved, That the following shall constitute the majority party's membership on the Ethics Committee for the One Hundred Third Congress, or until their successors are chosen:

Select Committee on Ethics:
Mr. Bryan, Chairman;
Ms. Mikulski; and
Mr. Daschle.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. COCHRAN. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Madam President, the resolution just adopted includes the appointments of members of the majority party to the Senate Ethics Committee. I anticipate shortly that Senator DOLE will come to the floor to offer a resolution which will identify the members of the minority party who will be appointed to the Ethics Committee.

For the majority, the Senator from Nevada, Mr. BRYAN, will continue service on the committee and serve as chairman. The Senator from Maryland [Ms. MIKULSKI], the now Presiding Officer, will serve on the committee, as will the Senator from South Dakota [Mr. DASCHLE]. Each of these Senators has my complete confidence. I believe they represent an excellent group of members who will serve diligently and well on that committee, and we, of course, look forward to notification of the minority members of the committee later today. I am grateful to each of the members so identified and look forward to their service to the Senate.

MEASURE PLACED ON THE CALENDAR

Mr. MITCHELL. Madam President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 37) to amend the Standing Rules of the Senate.

Mr. COCHRAN. Madam President, I object to the immediate consideration of the resolution.

The PRESIDING OFFICER. The objection is heard. The resolution will be placed on the calendar entitled "Resolutions and Motions Over, Under the Rule."

Mr. MITCHELL. Madam President, I thank my colleague. I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant legislative clerk proceed to call the roll.

Mr. COCHRAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS TO SELECT COMMITTEE ON ETHICS

Mr. COCHRAN. Madam President, in behalf of the Republican leader, Senator DOLE, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 38) making minority party appointments to the Select Committee on Ethics.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. If there is no objection, the resolution is considered and agreed to.

The resolution (S. Res. 38) was agreed to as follows:

S. RES. 38

Resolved, That the following shall constitute minority membership of the Select Committee on Ethics for the 103d Congress or until their successors are named: Mitch McConnell (Vice Chairman), Ted Stevens (vice, Trent Lott), and Bob Smith (vice, Slade Gorton).

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

Mr. SIMPSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

JUSTICE THURGOOD MARSHALL

Mr. SIMPSON. Madam President, if I might take a few moments to pay tribute to our departed friend, Justice Thurgood Marshall, I was privileged to come to know this man in my early months in the U.S. Senate.

We had the marvelous opportunity through a man, a fascinating man, named Milton Kronheim, who started a wholesale spirits business in the community many years ago; a marvelous gentleman, who lived into his nineties. He would have a gathering at the location of his business on New York Avenue on certain days for luncheon. That is where I met Thurgood Marshall and many other unique people, Judge Sirica, many other wonderful people, Bill Brennan, Justice Brennan.

So those were very special times for a freshman Member of the U.S. Senate. And it was there that I learned a great deal about Justice Marshall.

I have had the rich pleasure of knowing him personally. His life reflects the truth of the American dream: what anyone—regardless of background—can aspire to and achieve through hard work, a lot of courage, a lot of in-your-face advocacy for a cause in which he deeply believed, and pure diligence.

So I will not go on to add or embellish what has already been said or what the history books will say about him. While we disagreed on certain issues, with his approach, with his reasoning, his great sense of justice, and common sense, we will agree that he was consumed and driven by a single simple goal: that was ensuring that the Constitution of the United States was an instrument of justice and liberty and fairness for all people in America.

I can remember many wonderful occasions with that rich and magnificent laugh. Here was a man that loved an earthy story; who enjoyed his friends, even if they did not agree with him. He had this incredible sense of right and wrong and good humor, as I say, and a noble and fine sense of himself and his place in history which he would probably scoff at.

He is probably observing these proceedings in these last days wondering what the fuss is all about. And he would have a very remarkable commentary to make on that, I can assure you, in his way.

So I extend my sympathy to his wife, and to his sons. And I am privileged to know one of them who works with the Judiciary Committee. But it has been a great experience to know Thurgood Marshall and to share in the richness of his being, his humanity. And that was the essence of the man.

So he will be greatly missed, and not just by those of us who have crossed his life for brief times, but he will be greatly missed by the oppressed, and the people who came to him for justice, and who he brought justice to, and stuck by his guns the whole way with his own rare and remarkable independence.

So God bless this man and his family. I yield the floor.

THE DEMISE OF JUSTICE THURGOOD MARSHALL

Mr. HARKIN. Madam President, this week America mourns the passing of one of our Nation's greatest advocates for civil rights, Justice Thurgood Marshall.

Justice Marshall will be remembered for his brilliant work as an advocate when he served as director-counsel of the NAACP Legal Defense Fund, winning a series of victories before the U.S. Supreme Court including the seminal Brown versus Board of Education. He served as Solicitor General in the Johnson administration, representing the administration in critical cases before the Supreme Court. And in 1967, he was elevated to be the first African-American to serve on the Court which he had argued before so often.

On the Court, he was a consistent supporter of civil rights and individual freedoms. Justice Marshall ensured that he would be the only Supreme Court Justice ever to feel the sting and humiliation of the Jim Crow laws, or to be deprived of equal rights by a "whites only" sign. Cases he either argued or decided ensured that future generations would be free of the institutionalized racism of the America in which Thurgood Marshall grew up. It was this personal experience of the most vicious aspects of racism that gave his opinions extraordinary authority. In a very real sense, his life's work has profoundly changed America. Few people have ever changed the society they live in as profoundly as Justice Thurgood Marshall, or triumphed as powerfully over injustice. Although discrimination has not been vanquished, Thurgood Marshall's distinguished service has permanently enriched our country. He will be deeply missed.

TRIBUTE TO JUSTICE THURGOOD MARSHALL

Mr. SASSER. Madam President, I rise today with profound regret to note the passing of Supreme Court Justice Thurgood Marshall.

When asked to name the individuals who have had the most impact on our country in this century, most of us tend to name Presidents, or generals, or other political figures. Few Americans, however, have had more of an impact than Justice Marshall.

Justice Marshall spearheaded victories in a series of legal victories that changed this Nation forever. He then served on the Supreme Court during a significant time in its history. His was a wise voice as we have sought to extend the full range of constitutional rights to all our citizens.

Justice Marshall showed a special skill both as an attorney and as a tactician. Before the historic case of Brown versus Board of Education, Thurgood Marshall had brought and won a series of cases before the Supreme Court—each carefully chosen to establish a particular legal point. Each case was a building block on the way to the inescapable conclusion that separate but equal is inherently unequal.

During the 1940's, a whole series of cases undermined the basis of segregation. Among them, Smith versus Allwright outlawed the exclusion of African-Americans from political primaries, and Morgan versus Virginia prohibited segregation on interstate buses. In 1950, the Court ruled in Sweatt versus Painter that the State could not deny an African-American admission to the State law school. It held that because of the nature of law schools and associations possible in the white school, it necessarily meant that the separate school was unequal. Later that year, the Court decided in McLaurin versus Oklahoma State Regents that once admitted to a law school, African-Americans must be accorded equal treatment and equal access within the school. With these decisions, the stage was set for the Court to face the separate but equal issue squarely.

Marshall's key tactic was to choose cases which would advance the cause of civil rights without forcing the Supreme Court beyond the point it was prepared to go. By 1954, Justice Marshall had so solidly established the groundwork that Brown versus Board of Education—however controversial to the Nation at large—was clearly the next logical step in a succession of Supreme Court decisions.

Justice Marshall was born in Baltimore and attended the public schools there. He graduated from Lincoln University in 1930, and from Howard University Law School in 1933, where he was at the head of his class. Entering private law practice in Baltimore, he became counsel for the Baltimore NAACP. In 1936, he joined the legal staff of the national NAACP and 2 years later became chief legal officer of the NAACP, a post he held until 1961. During that time, Justice Marshall directed and argued many of our landmark civil rights cases.

In 1961, President Kennedy appointed Thurgood Marshall to the U.S. Court of Appeals for the Second Circuit. Then, in 1965, President Johnson appointed him Solicitor General of the United States. As Solicitor General, Marshall was able to successfully defend many of the civil rights laws he had done so much to bring about—including the historic 1965 Voting Rights Act.

In 1967, President Johnson appointed Thurgood Marshall to the U.S. Supreme Court—the first black justice to sit on the Court—where he became a champion for the poor, minorities, for those whose only hope of vindicating their rights was in the courts.

On his retirement, Justice Marshall was asked how he wanted to be remembered. He replied, "That he did what he could with what he had." He did all that and more. We are all the poorer for his death and we shall not soon see his like again.

TRIBUTE TO JUSTICE THURGOOD MARSHALL

Mr. LAUTENBERG. Madam President, I stand before you today to pay tribute to a man who changed the course of history in this country. An individual whose life's work was the defense and empowerment of the underprivileged in our society. A man who paved the road that led to the end of legalized school segregation, white-only primary elections, poll taxes, and legalized racial discrimination; and in so doing, renewed our belief in the principles upon which this country was founded. Thurgood Marshall.

The great-grandson of a first generation slave, Thurgood Marshall became one of the most important figures in civil rights history, risking his life to bring the theories of equality and justice so eloquently stated in our precious Constitution to fruition. One of his first civil rights cases was a successful effort to gain admission for a young African-American man to the University of Maryland law school, where ironically, he himself had been denied admission. Later, he went on to create the NAACP Legal Defense Fund and as its head, traveled around the country winning several civil rights victories. But it was his work arguing cases before the Supreme Court for which he is widely known. A constitutional law scholar, he won all but 3 of the 32 cases he argued before the Supreme Court. Most memorable among them, the 1954 landmark decision in Brown versus Board of Education, which brought to an end nearly a century of separate but equal school systems. He was also at the lead in the integration of Little Rock Central High School in 1957.

On August 30, 1967, Thurgood Marshall was confirmed by the Senate for a seat on the Supreme Court, making him the first African-American to serve on the Court in its 178-year history. His record on the Supreme Court was consistent: Always the defender of individual rights, he sided with minorities and the underprivileged; favoring affirmative action and abortion rights; and a staunch opponent of the death penalty. He continued to play David, taking on Goliath where he found him to ensure freedom and opportunity to the underprivileged. He was a giant, an outspoken man who always said what was on his mind.

Thurgood Marshall never forgot where he came from or lost the anger for injustice and inequality that launched his great career. His beneficiaries include 8,000 black elected officials, who owe their positions to Marshall as well as women, the poor, and minorities. Thurgood helped to cash that blank check the Framers of our Constitution willed us, the promissory note that Martin Luther King, Jr., spoke so eloquently of. He made what had previously been just great works in our Constitution a reality, for millions of Americans. This country is richer for his service, and his example will continue to move us in the direction of equality for all our citizens. His passing leaves a terrific void. He will be sorely missed.

THE DEATH OF THURGOOD MARSHALL

Mr. DECONCINI. Madam President, I rise to pay tribute to former Supreme Court Justice Thurgood Marshall, who died Sunday, January 24, at the age of 84. It is with great sorrow that I note the passing of this relentless leader who has been an inspiration to so many Americans.

Marshall's six-decade career, in which he passionately crusaded as a voice for minorities, transformed the course of our country's civil rights. Born in Baltimore to an elementary school teacher and a steward at an all-white yacht club, Marshall went on to become one of the most prominent figures in American jurisprudence.

Marshall attended Douglas High School in Baltimore, where he later said he was often punished for being a cutup by being forced to memorize paragraphs from the U.S. Constitution. Marshall obviously put his punishment to good use by graduating first in his class from Howard University's Law School and, later, as a preeminent jurist.

Marshall began his legal career in his hometown of Baltimore where, in one of his first civil rights coups, he helped a young black man gain admission to the University of Maryland Law School. He went on to become chief counsel of the NAACP and created the NAACP Legal Defense and Educational Fund where he worked to improve minority rights within the legal system.

Marshall achieved national notoriety in his arguments before the Supreme Court where he won all but 3 of the 32 cases he argued, including the landmark cases of Brown versus Board of Education, which in 1954 ended racial segregation in public schools. Marshall fought hard and often to end discrimination, helping to achieve integration of the Little Rock, AR, Central High School in 1957, and successfully arguing against poll taxes, racial restrictions in housing, and white primary elections.

After serving as a Federal court of appeals judge and as the country's first black Solicitor General, Marshall was appointed by President Lyndon B. Johnson to the U.S. Supreme Court in 1967, becoming the first black Justice in the Court's 178-year history. During his distinguished tenure on the Court, Justice Marshall was a strong and bold voice for the rights of minorities and the underprivileged.

I greatly admired Thurgood Marshall's passion and eloquence. Although his lifelong service and devotion to this country will be grievously mourned and sorely missed, his instructive words and struggle to achieve human equality will endure forever.

I would like to extend my heartfelt condolences to Justice Marshall's family, particularly to his son, Goody, a former attorney for the Judiciary Committee.

THE PASSING OF SUPREME COURT JUSTICE THURGOOD MARSHALL

Mr. BRADLEY. Madam President, last Sunday America lost one of its greatest champions of civil and human rights. A man who grew up in the bowels of segregation, Thurgood Marshall went on to become our country's most prominent civil rights attorney and one of its most eloquent defenders of civil rights. It was his persuasive argument and brilliant litigation strategy as counsel for the NAACP Legal Defense and Education Fund that resulted in the destruction of the doctrine of "separate but equal" in the most important civil rights case of our time, Brown versus the Board of Education. Through his work, and the work of the many dedicated lawyers who fought for equal justice alongside him, America moved closer during his lifetime to the goals and ideals embedded in our Constitution. We have a long way to go in making his dream of full equality a reality, Mr. President. But, like Martin Luther King, Thurgood Marshall moved us much further along on that journey.

As a Supreme Court Justice, Marshall spoke up forcefully for the weak and disadvantaged. The intellectual legacy he has left us will no doubt serve us well as we move into the 21st century.

When once asked how he would like to be remembered, Marshall responded that he would want people to say that "he did what he could with what he had." Mr. President, the tremendous progress this country has made in breaking down the legal barriers to integration is a testament to the profound truth of that statement. We all owe Thurgood Marshall a great deal of gratitude for the way he influenced the direction of the most important body of law in this country. He will be sorely missed by us all.

(At the request of Mr. MITCHELL, the following statement of Ms. MIKULSKI was ordered to be printed at this point in the RECORD:)

TRIBUTE TO THURGOOD MARSHALL

Ms. MIKULSKI. Madam President, today I rise to pay tribute to Justice Thurgood Marshall, a fighter, a believer, an achiever, and a fellow Baltimorean.

Justice Marshall leaves us a legacy of accomplishment. Not only because of his work as a Supreme Court Justice, but also as a dynamic civil rights lawyer long before he took his seat on the Court.

Madam President, today we celebrate his work. And we celebrate the fact that Justice Marshall was the first African-American to be appointed to the Supreme Court of the United States.

His appointment marked an important and significant milestone in our Nation's history.

Justice Marshall was not a stranger to discrimination. He fought it. He fought it in his personal life. And in his professional life. He fought it with an overriding sense of justice.

He fought the inequities in our society that existed then and that still exist today.

What we must celebrate is his loyalty, his conviction, and his commitment to the fight for equal rights of African-Americans.

Without him, we may not have desegregation. Without him, we could still be living under the "separate but equal" rule.

But, in spite of the obstacles he faced—he never wavered.

Justice Marshall is truly responsible—more than anyone else—for using our legal system to reject racial segregation and attack bigotry.

He was the loudest and clearest voice in support of equal rights.

He was a champion of the oppressed and the persecuted. He was our national conscience for individual rights.

He saw his own hardships not as limitations but as obstacles to overcome in order to build a more just society for the generations to come. He truly had a vision. And he remained true to it.

Justice Marshall should serve as an example of what we can do when we set our mind to it.

He once said that his father taught him how to argue. He said his father challenged his logic on every point, even if they were discussing the weather.

Those skills served him well when he became a lawyer. And a Supreme Court Justice. The example he set with his life will serve as the standard down through the ages. We owe him a debt that can never be paid—and we will miss him.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 23. A concurrent resolution authorizing the Architect of the Capitol to transfer the catafalque to the Supreme Court for a funeral service.

The message also announced that pursuant to the provisions of 22 U.S.C. 1928a, the Speaker appoints as a member of the United States group of the North Atlantic Assembly the following Member on the part of the House: Mr. ROSE, Chairman.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–455. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the designation of wilderness study areas; to the Committee on Energy and Natural Resources.

EC–456. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals, dated December 1, 1992; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Finance, the Committee on Foreign Relations, the Committee on Environment and Public Works.

EC–457. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals, dated January 1, 1993; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Finance, the Committee on Foreign Relations, the Committee on Environment and Public Works.

EC–458. A communication from the President of the United States, transmitting, pursuant to law, the Ten-Year Comprehensive Plan for the National Nutrition Monitoring and Related Research Program; to the Committee on Agriculture Nutrition and Forestry.

EC–459. A communication from the Acting Assistant Secretary (Legislative Affairs) of the Department of State, transmitting, pursuant to law, a determination to obligate funds; to the Committee on Appropriations.

EC–460. A communication from the Acting Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act; to the Committee on Appropriations.

EC–461. A communication from the Secretary of Energy, transmitting, pursuant to law, a request for additional time for submission of the Implementation Plan in connection with the Defense Nuclear Facilities Safety Board Recommendation; to the Committee on Armed Services.

EC–462. A communication from the Assistant Secretary for Environmental Restoration and Waste Management, Department of Energy, transmitting, pursuant to law, a report relating to the establishment of the Scholarship and Fellowship Program; to the Committee on Armed Services.

EC–463. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report entitled "Allocating Homeless Assistance by Formula;" to the Committee on Banking, Housing and Urban Affairs.

EC–464. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report entitled "Evaluation of Resident Management in Public Housing;" to the Committee on Banking, Housing and Urban Affairs.

EC–465. A communication from the Acting President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement with respect to U.S. exports to Thailand; to the Committee on Banking, Housing and Urban Affairs.

EC–466. A communication from the President of the United States, transmitting, pursuant to law, a report relating to an Executive Order signed January 15, 1993; to the Committee on Banking, Housing and Urban Affairs.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Pursuant to the order of the Senate of January 5, 1993, the following report was submitted on January 13, 1993, during the recess of the Senate:

By Mr. KERRY, from the Select Committee on POW/MIA Affairs:

Special Report entitled "Final Report of the Select Committee on POW/MIA Affairs" (Rept. No. 103–1).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Clifton R. Wharton, Jr., of New York, to be Deputy Secretary of State.

Madeleine Korbel Albright, of the District of Columbia, to be the representative of the United States of America to the United Nations with rank and status of Ambassador Extraordinary and Plenipotentiary, and the representative of the United States of America in the Security Council of the United Nations.

The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Nominee: Madeleine K. Albright.

Post: United States Mission to the United Nations.

Nominated: December 22, 1992.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Madeleine Korbel Albright. List of contributions attached.

Alice Patterson Albright Bowes (Daughter).

$1,000.00, May 1992, Clinton for President.

$200.00, August 1992, Victory Fund.

Gregory Bowes (Alice's Spouse).

$500.00, July 1990, John Roweland for Governor.

$500.00, May 1992, Dodd for Senate.

$1,000.00, May 1992, Clinton for President.

$1,000.00, July 1992, Victory Fund.

Anne Korbel Albright Watson (none).

Katharine Medill Albright (none).

Parents: Josef Korbel (deceased), Anna Korbel (deceased).

Grandparents: Arnost and Olga Korbelova (deceased), Alfred Spiegl and Ruzena Spieglova (deceased).

Brothers and Spouses: J. John Korbel (none), Pamela Harmer Korbel (none).

Sisters and Spouses: A. Katherine Silva (none).

Date	Contributed to—	Amount
Jan. 9, 1988	Madeleine Kunin	$500
Jan. 18, 1988	Democratic Majority Fund	500
Apr. 25, 1988	Les Aspin	50
Jun. 18, 1988	Tony Earle	1,000
Jan. 2, 1989	Mike Barnes for Chairman	1,000
Feb. 6, 1989	Emily's List	250
Feb. 8, 1989	Kerry for Senate	1,000
Apr. 4, 1989	Levin for Senate	1,000
Oct. 17, 1989	Kennelly for Congress	300
Nov. 20, 1989	Ann Richards Committee	100
Nov. 20, 1989	Hoosiers for Long	100
Mar. 21, 1990	Les Aspin	250
Mar. 24, 1990	Heath for Senate	300
Apr. 7, 1990	Ann Richards	100
Apr. 4, 1990	Emily's List	500
Apr. 15, 1990	Heath for Senate	250
Apr. 28, 1990	John Rauh	100
May 13, 1990	Ted Mondale	100
May 24, 1990	Democratic Decade	300
June 29, 1990	Emily's List	2,500
July 18, 1990	Eleanor Holmes Norton	500
Aug. 23, 1990	David Price	100

Date	Contributed to—	Amount
Oct. 13, 1990	Chet Atkins	100
Oct. 13, 1990	Heath for Senate	100
Oct. 23, 1990	Ann Richards	100
Oct. 22, 1990	Sharon Pratt Dixon	500
Oct. 22, 1990	Kerry for Senate	500
Oct. 27, 1990	Hoosiers for Long	100
Mar. 15, 1991	Emily's List	1,650
Apr. 6, 1991	Kidspac	500
Apr. 6, 1991	Joe Nation for Congress	250
June 22, 1991	Wofford for Senate	500
July 4, 1991	Levine Campaign Committee	1,000
July 4, 1991	Leahy for Senate	250
Aug. 26, 1991	Friends of Jane Harman	1,000
Oct. 28, 1991	Nation for Congress	200
Oct. 29, 1991	Citizens for Norton	100
Nov. 2, 1991	Friends of Moody	500
Nov. 22, 1991	Mikulski for Senate	500
Jan. 9, 1992	Baxter for Congress	100
Feb. 13, 1992	Lynn Schenck for Congress	1,000
Feb. 21, 1992	Clinton for President	1,000
Mar. 3, 1992	Wirth for Senate	1,000
Mar. 6, 1992	Levin for Senate	250
Apr. 18, 1992	Phil Keisling	200
May 1, 1992	Kerrey for President	1,000
May 14, 1992	AuCoin for Senate	500
June 25, 1992	Ferraro for Senate	1,000
July 6, 1992	Victory Fund	1,000
July 6, 1992	Jane Harman for Congress	1,000
July 8, 1992	Feinstein for Senate	500
July 8, 1992	Boxer for Senate	500
Aug. 24, 1992	DeLauro for Congress	250
Dec. 10, 1992	Joe Nation	100

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH:

S. 180. A bill to establish a National Economic Council within the Executive Office of the President; to the Committee on Governmental Affairs.

By Mr. McCONNELL:

S. 181. A bill to prohibit the export of American black bear viscera, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 182. A bill to authorize Federal departments, agencies, and instrumentalities to retain revenues from the sale of materials collected for the purpose of recycling, and for other purposes; to the Committee on Governmental Affairs.

By Mr. REID:

S. 183. A bill to authorize the President to award a gold medal on behalf of the Congress to Richard "Red" Skelton, and to provide for the production of bronze duplicates of such medal for sale to the public; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 184. A bill to provide for the exchange of certain lands within the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GLENN (for himself, Mr. PRYOR, Mr. STEVENS, Mr. LIEBERMAN, Mr. LEVIN, Mr. AKAKA, Mr. SARBANES, Mr. CONRAD, Mr. SASSER, Mr. LEAHY, and Mr. DORGAN):

S. 185. A bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the nation, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Governmental Affairs.

By Mr. REID:

S. 186. A bill to require reauthorizations of budget authority for Government programs at least every 10 years, to provide for review of Government programs at least every 10 years, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, pursuant to the order of August 4, 1977, with intructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. BURNS (for himself, Mr. SHELBY, Mr. HOLLINGS, Mr. PRYOR, Mr. BOND, Mr. SASSER, Mr. KEMPTHORNE, Mr. REID, and Mr. PRESSLER):

S. 187. A bill to protect individuals engaged in lawful hunt on Federal lands, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HELMS:

S. 188. A bill to amend the Internal Revenue Code of 1986 to repeal the income taxation of corporations, to impose a 10 percent tax on the earned income (and only the earned income) of individuals, to repeal the estate and gift taxes, and for other purposes; which was read the first time.

S. 189. A bill to prohibit the entry into the United States of items produced, grown, or manufactured in the People's Republic of China with the use of forced labor; which was read the first time.

S. 190. A bill to repeal the mandatory 20 percent income tax withholding on eligible rollover distributions which are not rolled over; which was read the first time.

S. 191. A bill to provide for the full settlement of all claims of Swain County, North Carolina, against the United States under the agreement dated July 30, 1943, and for other purposes; which was read the first time.

S. 192. A bill to require the Corps of Engineers to carry out the construction and operation of a jetty and sand transfer system, and for other purposes; which was read the first time.

S. 193. A bill to amend the Internal Revenue Code of 1986 to repeal the income tax of corporations, to impose a 10 percent tax on the earned income (and only the earned income) of individuals, to repeal the estate and gift taxes, and for other purposes; to the Committee on Finance.

S. 194. A bill to prohibit the entry into the United States of items produced, grown, or manufactured in the People's Republic of China with the use of forced labor; to the Committee on Finance.

S. 195. A bill to repeal the mandatory 20 percent income tax withholding on eligible rollover distributions which are not rolled over; to the Committee on Finance.

S. 196. A bill to provide for the full settlement of all claims of Swain County, North Carolina, against the United States under the agreement dated July 30, 1943, and for other purposes; to the Committee on Energy and Natural Resources.

S. 197. A bill to require the Corps of Engineers to carry out the construction and operation of a jetty and sand transfer system, and for other purposes; to the Committee on Environment and Public Works.

S. 198. A bill to amend the Internal Revenue Code of 1986 to provide that the one-time exclusion of gain from sale of a prinicipal residence shall not be precluded because the taxpayer's spouse, before becoming married to the taxpayer, elected the exclusion; to the Committee on Finance.

S. 199. A bill to amend the Internal Revenue Code of 1986 to allow the one-time exclusion or gain from sale of a prinicipal residence to be taken before age 55 if the taxpayer or family member suffers a catastrophic illness; to the Committee on Finance.

S. 200. A bill to amend title 18, United States Code, to establish fair competition between the private sector and the Federal Prison Industries; to the Committee on the Judiciary.

S. 201. A bill to amend Bankruptcy Rule 7004 to require that service of process on an insured depository institution be made by personal service on an officer of the institution; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself, Mr. BAUCUS, Mr. KENNEDY, Mr. MITCHELL, Mr. SARBANES, and Mr. WELLSTONE):

S. 202. A bill to designate the Federal Judiciary Building in Washington, D.C., as the Thurgood Marshall Federal Judiciary Building; considered and passed.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. METZENBAUM, Mr. SIMON, Mr. WELLSTONE, Mr. WOFFORD, Mr. DURENBERGER, and Mr. BINGAMAN):

S. 203. A bill to amend the Public Health Service Act to improve the quality of long-term care insurance through the establishment of Federal standards, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WARNER (for himself and Mr. ROBB):

S. 204. A bill to transfer title to certain lands in Shenandoah National Park in the State of Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH:

S. 205. A bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN (for himself and Mr. CAMPBELL):

S. 206. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LOTT:

S. 207. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

By Mr. BUMPERS:

S. 208. A bill to reform the concessions policies of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PELL (for himself and Ms. MIKULSKI):

S. 209. A bill to provide for full statutory wage adjustments for prevailing rate employees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. WOFFORD:

S. 210. A bill to provide for cost-of-living adjustments for pay and retirement benefits for Members of Congress and certain senior Federal officials to be limited by the amount of social security cost-of-living adjustments, and for other purposes; to the Committee on Governmental Affairs.

By Mr. McCAIN (for himself, Mr. INOUYE, Mr. DOMENICI, Mr. SIMON, Mr. DASCHLE, Mr. GORTON, Mr. BOREN, Mr. MURKOWSKI, Mr. BAUCUS, Mr. CAMPBELL, and Mr. BINGAMAN):

S. 211. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for Indian investment and employment, and for other purposes; to the Committee on Finance.

By Mr. DORGAN:

S. 212. A bill to modernize the Federal Reserve System and to provide for prompt disclosure of certain decisions of the Federal Open Market Committee; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA:

S. 213. A bill for the relief of Ikechukwu J. Ogujiofor, Joy I. Ogujiofor, and Godfrey I Ogujiofor; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. GLENN, Mr. MACK, Mr. HEFLIN, Mr. McCAIN, Mr. SIMPSON, Mr. SHELBY, Mr. COATS, Mr. D'AMATO, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. DOLE, Mr. DeCONCINI, Mr. COHEN, and Mr. SARBANES):

S. 214. A bill to authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict; to the Committee on Energy and Natural Resources.

By Mr. PRESSLER:

S. 215. A bill to amend the Agricultural Act of 1949 to eliminate the loan origination fee for oilseeds, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 216. A bill to provide for the minting of coins to commemorate the World University Games; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 217. A bill to require the Secretary of Agriculture to make crop quality reduction disaster payments to producers of the 1992 crop of corn, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DECONCINI:

S. 218. A bill to authorize the Secretary of Agriculture to convey certain lands in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Rescources.

By Mr. SARBANES (for himself, Mr. SASSER, Mr. RIEGLE, and Mr. DORGAN):

S. 219. A bill to provide for a Federal Open Market Advisory Committee, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BRYAN (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BOND, Mr. BRADLEY, Mr. D'AMATO, Mr. DANFORTH, Mr. DODD, Mr. DOLE, Mr. DURENBERGER, Mr. GLENN, Mr. HATCH, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. LEVIN, Mr. MACK, Ms. MOSELEY-BRAUN, Mr. NUNN, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. WARNER, and Mr. WELLSTONE):

S.J. Res. 20. A joint resolution to designate February 7, 1993, through February 13, 1993, and February 6, 1994, through February 13, 1994, as "National Burn Awareness Week"; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 21. A joint resolution to designate the week beginning September 19, 1993, as "National Historically Black Colleges and Universities Week"; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. WOFFORD, Mr. LAUTENBERG, Mr. D'AMATO, and Mr. SIMON):

S.J. Res. 22. A joint resolution designating March 25, 1993 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

By Mr. BURNS:

S.J. Res. 23. A joint resolution to designate the week of February 1 through February 7, 1993, as "Travel Agent Appreciation Week"; to the Committee on the Judiciary.

S.J. Res. 24. A joint resolution to designate the week of February 7 through February 13, 1993, as "Travel Agent Appreciation Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL:

S. Res. 25. A resolution to amend the Standing Rules of the Senate to provide a non-debatable motion to proceed; to the Committee on Rules and Administration.

S. Res. 26. A resolution to amend the Standing Rules of the Senate to require a three-fifths vote to overturn the chair post-cloture; to the Committee on Rules and Administration.

S. Res. 27. A resolution to amend the Standing Rules of the Senate to provide for the germaneness of committee amendments post-cloture; to the Committee on Rules and Administration.

S. Res. 28. A resolution to amend the Standing Rules of the Senate to provide that quorum calls are charged against an individual's time under cloture; to the Committee on Rules and Administration.

S. Res. 29. A resolution to amend the Standing Rules of the Senate to provide one motion to go to conference with the House; to the Committee on Rules and Administration.

S. Res. 30. A resolution to amend the Standing Rules of the Senate to dispense with the reading of conference reports; to the Committee on Rules and Administration.

S. Res. 31. A resolution to amend the Standing Rules of the Senate; to the Committee on Rules and Administration.

S. Res. 32. A resolution to amend the Standing Rules of the Senate; to the Committee on Rules and Administration.

By Mr. HELMS:

S. Res. 33. A resolution to amend Senate Resolution 338 (which established the Select Committee on Ethics) to change the membership of the select committee from members of the Senate to private citizens.

S. Res. 34. A resolution to amend Senate Resolution 338 (which established the Select Committee on Ethics) to change the membership of the select committee from members of the Senate to private citizens; to the Committee on Rules and Administration.

By Mr. LAUTENBERG (for himself, Mr. DOLE, Ms. MURRAY, Mr. DURENBERGER, Mr. KENNEDY, Mr. LEAHY, Mr. D'AMATO, Mr. PRESSLER, Mr. REID, Mr. CAMPBELL, Mr. PELL, Ms. MIKULSKI, Mr. RIEGLE, Mr. AKAKA, Mr. BRADLEY, and Mr. SASSER):

S. Res. 35. A resolution expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia; to the Committee on Foreign Relations.

By Mr. MITCHELL:

S. Res. 36. A resolution to make majority party appointments to a Senate Committee under Paragraph 3(c) of Rule XXV for the One Hundred and Third Congress; considered and agreed to.

S. Res. 37. A resolution to amend the Standing Rules of the Senate.

By Mr. COCHRAN (for Mr. DOLE):

S. Res. 38. A resolution making minority party appointments to the Select Committee on Ethics; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 180. A bill to establish a National Economic Council within the Executive Office of the President; to the Committee on Governmental Affairs.

NATIONAL ECONOMIC COUNCIL ACT

• Mr. ROTH. Mr. President, the No. 1 challenge facing our Nation is to create a strong and growing job base. There is a firm mandate for economic growth. Yet the role of our Government in providing for an economic environment that stimulates growth requires the consideration of many complex policy considerations. A National Economic Council, with the President at its helm, should be established to coordinate these policies.

I rise today to introduce legislation to establish a National Economic Council within the White House, comparable to the National Security Council. This legislation is similar to S. 2712, which I introduced in the 102d Congress. Given President Clinton's interest in establishing a National Economic Council, I look forward to working with the administration to see this legislation enacted.

During the campaign, President Clinton emphasized the need for such a council within the Office of the President to coordinate international competitiveness policies. I am pleased that President Clinton has decided to build upon the ideas contained in last year's bill. While the President is likely to establish the National Economic Council by Executive order, he should consider the strong policy reasons for placing the council in statute.

America's leadership in the world can be attributed in large measure to the success of our Nation's economic vitality. Yet, that success, and our Nation's security, is being challenged by international economic competition. To be successful, national policies to meet the challenge of competitiveness must be given the same coordinated, high level attention as our national security policy. That is what a National Economic Council would accomplish.

As we enter the post-cold-war period, our Nation's ability to compete internationally is in need of constant, high level attention by our Nation's policymakers. One of the fundamental lessons of the cold war is that a strong military nation cannot achieve national security without economic security. Our Nation's economy, built on free market principles, has demonstrated the long-lasting vitality of our market-based system. Now is the time to expand our markets and reap the benefits of international commerce.

In his book, "Seize the Moment: The Renewal of America," former President Richard Nixon makes a compelling argument for the establishment of such a council:

> America needs a National Economic Council with a status equal to the National Security Council. In our embassies abroad and our bureaucracies at home, economic issues must receive the same priority attention as political and military issues. Today they seldom get it. In Japan, government is an ally—and some say even an instrument—of business. Too often in America, government is an opponent of business. This does not mean that we should adopt a national industrial policy under which unqualified bureaucrats would dictate business decisions. Nor does it mean that we should subsidize American industry to even the score with Japan or other industrialized powers. But it does mean that we must take steps to ensure that we have a coherent strategy to prevail in the global economic competition and that U.S. multinational corporations are enabled to compete on a fair and equal basis with their foreign rivals.

Why put the council in statute? Just as the National Security Council was created by statute, so should the National Economic Council. Shortly after World War II, the Congress and the President recognized the need to establish the NSC as the President's coordinating body to confront the most pressing issue of the day—national security in the aftermath of the war. As we enter the post-cold-war period, congress and the President should once again join together to establish a coordinating body to confront the most pressing issue of today—America's competitiveness.

The National Economic Council would advise the President with respect to the integration of domestic and international policies relating to the economy and competitiveness. The council would formulate, and at the direction of the President, implement a coordinating strategy which will provide the economic environment necessary for our Nation to be more competitive.

The economic policies to be considered by the council are vitally important. This legislation details the responsibilities of the National Economic Council, much in the same way the law does for the NSC. Some Presidents have used executive orders to create policy councils within the White House. But these councils have lacked the legal authority, structure, and stature necessary to successfully coordinate the President's policies across executive agencies.

In addition to the NSC, other major entities within the Office of the President have been established through statute, including the Office of Management and Budget, and the U.S. Trade Representative. Without statutory backing, policy coordination by the National Economic Council will run into conflict with Cabinet officials who have statutory authority over the same subject matter.

During the last 4 years, President Bush created by Executive order both the Economic Policy Council and the Policy Coordinating Group. Both of these bodies failed to gain the stature of the NSC and the authority under the President's direction to coordinate policies from the White House. Interagency policy should be coordinated by the White House, not by individual departments which lack authority over other agencies. By placing the council in statute, this mistake need not be replicated.

The economic policies to be considered by the council are at least as important as foreign policy issues, and putting it in statute will give the council its appropriate stature among the President's team. This bill specifies the responsibilities of the national economic adviser, much in the same way the law does for the National Security Adviser. Without statutory backing, the economic adviser will lack direction and the authority to coordinate the President's economic policy.

In addition, the duties of the national economic adviser should be considered by the Congress, in the same way that Congress has participated in other reorganization efforts. By providing Congress with a role in creating the council, the legislative branch will have a lasting stake in the council's success.

This legislation will make permanent a framework for coordinating policy in the way that national security has been successfully coordinated. This is particularly vital as international trade and competitiveness emerge as essential elements of our economic and national security.

Some have suggested that we should simply elevate economic issues within the NSC. However, economic issues under such an approach will be overwhelmed by attention to foreign policies and security concerns. A separate council is necessary in order to highlight economic competitiveness. I agree with President Clinton's recent decision to include the Secretary of Treasury and the national economic adviser in meetings of the NSC. But I think we both agree with the need to establish a separate council to concentrate on economic competitiveness issues.

Some argue that the council will be too powerful, and that it will serve as the basis for an industrial policy. The National Economic Council is simply a new tool for the President. Its creation is not intended to advocate one policy over another.

Finally, some argue this is adding a new bureaucracy within the White House, which is inconsistent with the President's commitment to downsize the White House staff. The council's staff would serve the role currently served by some staff in Domestic Policy and Cabinet Affairs. This proposal envisions streamlining the President's economic policy staff, not increasing it.

During the past 4 months, several major commissions have come forward to endorse this approach. The Strengthening of America Commission, sponsored by the Center for Strategic and International Studies and chaired by Senators SAM NUNN and PETE DOMENICI supported this approach in its report last September:

> One obvious lesson in the fall of the Soviet Union is that a nation cannot achieve national security without economic strength. To be successful in the future, our economic policy must be given the same coordinated attention as our defense policy. At present, however, economic policy-making and program implementation is dispersed across federal agencies with no one agency in the lead. . . . To bring focus and coordination to economic issues at the highest level of government, the Commission recommends creating a National Economic Council, headed by a national economic advisor, which would be the economic equivalent of the National Security Council and the national security advisor.

During the recent Presidential transition, the Commission on Government Renewal sponsored by the Carnegie Endowment for International Peace and the Institute for International Economics wrote in its "Memorandum to The President-Elect":

> The Economic Council and its staff would be your instrument for assuring that economic policy gets attention equal to traditional national security, working extremely closely with the NSC and its staff when international economic issues are under consideration, and with the Domestic Council and its staff on domestic policy matters. The new position we have recommended be established—The Assistant to the President for Economic Affairs—would become an important member of your senior economic team.

The No. 1 challenge facing us is job creation and our ability to compete. This is more than a matter of breaking down trade barriers. It requires a comprehensive economic strategy and such a strategy demands the sustained attention at the highest levels of the Federal Government. The NSC has played a vital role in the successful development and coordination of America's national security policy. We should replicate that success with a new National Economic Council to coordinate and guide the President's policies.

I ask unanimous consent that the text of the legislation be printed at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE AND PURPOSE

(a) SHORT TITLE.—This Act may be cited as the "National Economic Council Act".

SEC. 2. FINDINGS

The Congress finds that—

(1) domestic and international economic policy are essential elements of our National security. America's leadership in the world can be attributed in large measure to the success of our Nation's economic vitality. That success, and our Nation's security, is being challenged by the growth in the international economic competition;

(2) one of the fundamental lessons of the Cold War period is that a strong military nation cannot achieve national security without economic vitality;

(3) the ability of the United States to compete internationally is central to the Nation's economic prosperity and security. Exports now account for more than 10 per centum of our country's gross domestic product and are a growing percentage of our Nation's output. Increased exports are fundamental to facilitating job creation and economic growth;

(4) as we enter the post-Cold War period with an increased focus on policies to compete in world markets, America's ability to produce exports and be competitive is in need of constant and high level attention by our Nation's policy makers;

(5) the President's National Security Council has played a vital and constant role in the successful development and coordination of America's national security policy since the creation of the Council in 1947;

(6) to be successful, policies to meet the challenges of international competitiveness must be given the same coordinated high level attention as our successful national security policy. In order to remain a strong economic force in the increasingly competitive global economy, America needs a coordinated economic strategy which will allow our country to be on a competitive basis with other nations, taking into account the free market system which has been the hallmark of our economic system;

(7) the President must have available a permanent council of experts and advisors which have direct access to the President and can coordinate the complex components of the President's economic policy to facilitate exports, job creation, and national prosperity; and

(8) an organization equivalent to the National Security Council should be established within the Executive Office of the President to develop and coordinate economic policy as trade and global competition emerge as essential elements of our national security. The National Economic Council should bring focus and coordination to domestic and international economic policies at the highest level of government and should be recognized as the President's organization for developing and coordinating these policies.

SEC. 3. ESTABLISHMENT OF THE NATIONAL ECONOMIC COUNCIL

(a) There is established a council to be known as the National Economic Council (hereinafter in this Act referred to as the "Council").

(b) The President of the United States shall preside over meetings of the Council: *Provided*, That in his absence he may designate a member of the Council to preside.

(c) The Council shall be composed of—

(1) the President;

(2) the Vice President;

(3) the United States Trade Representative;

(4) the Secretary of Treasury;

(5) the Secretary of Commerce;

(6) the Secretary of Labor;

(7) the Secretary of Agriculture;

(8) the Administrator of the Environmental Protection Agency;

(9) the Director of the Office of Management and Budget;

(10) the Director of the Office of Science and Technology Policy;

(11) the Chairman of the Council of Economic Advisers; and

(12) any other individual as the President may direct.

(d) The Council shall have a staff to be headed by the National Economic Adviser who shall be appointed by the President. The National Economic Adviser is authorized, subject to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5, to appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions.

SEC. 4. FUNCTIONS OF THE NATIONAL ECONOMIC COUNCIL.

(a) The function of the Council shall be to advise the President with respect to the integration of domestic and international policies relating to the economy and international competitiveness so as to enable the Federal Government to operate more effectively in matters involving our Nation's ability to compete in the global economy.

(b) In addition to performing such other functions as the President may direct, the Council shall—

(1) formulate and coordinate an economic strategy which will provide the economic environment necessary for our country to be on a competitive basis with other nations;

(2) consider matters of common interest of the departments and agencies of the Government concerned with the economy and international competitiveness, and to coordinate recommendations concerning these policies to the President in connection therewith;

(3) assess the ability of the United States to compete internationally, and the risk of a failure to meet this challenge, for the purpose of making recommendations to the President in connection therewith; and

(4) define a set of guidelines for government interaction with the market, taking into account the free market system which has been the hallmark of our national economy.

(c) The functions of the Council under this Act shall be performed—

(1) subject to the direction of the President; and

(2) for the purpose of effectively coordinating the policies and functions of the Federal departments and agencies relating to the economy and international competitiveness.

(d) The Council shall, from time to time, make such recommendations and such other reports to the President as it deems appropriate or as the President may require.•

By Mr. McCONNELL:

S. 181. A bill to prohibit the export of American black bear viscera, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

BLACK BEAR PROTECTION ACT

• Mr. McCONNELL. Mr. President, I rise today to introduce legislation that protects one of our continent's most awe-inspiring creatures.

In the rugged mountainous regions of Appalachia and the American West, the black bear has ruled supreme for centuries. However, an alarming trend of poaching poses a serious threat to the recovering bear populations of North America if action is not taken soon. Sadly, this creature's numbers do not afford it protection under the Endangered Species Act.

Four hundred thousand black bears are estimated to inhabit North America. While 40,000 are legally harvested each year, some experts estimate that just as many are poached. What's even more disturbing is that the level of poaching is expected to increase in coming years.

In my home State of Kentucky, hunting black bears is prohibited. Bear sightings in my State have increased over the past few years, indicating a stable if not growing population. Although there is no reliable estimate of the number of black bears inhabiting Kentucky, it is believed they are finally beginning to repopulate the mountainous habitats they were driven from in the past. This is good news since these animals have not inhabited my State since they were nearly eliminated a century ago.

Mr. President, while legal hunting of black bears is allowed in many States, evidence of the growth in bear poaching is cause for concern that recovering bear populations may be imperiled. According to the U.S. Fish and Wildlife Service, hundreds of bear carcasses are turning up in the United States and Canada, completely intact, except for missing gallbladders, paws, and claws. China, Korea, and other nations in the Far East attach medicinal qualities to the gallbladders of bears. They are believed to cure everything from hemorrhoids and jaundice to hepatitis and impotence. Some Asians take doses of powdered bear gallbladder much like Americans take daily vitamins.

Greed is driving the increased poaching of the American black bear. Bear gallbladders, paws, and claws are valuable commodities fetching hundreds if not thousands of dollars. While bear populations in Asia have been decimated as a result, the demand for bear parts has grown along with the affluence of the Pacific rim. Asian nations are increasingly turning to the United States and Canada to meet their enormous demand for bear parts, posing a direct and serious threat to the North American bear population.

State and Federal officials are unable to determine the extent of the problem and are unable to combat it given current laws and resources. It is estimated that only 5 percent of poaching offenses are reported or detected.

Twenty-two States have prosecuted cases of bear poaching, and poaching rings have been uncovered in the Smokey Mountains and in the Berkshires. Undercover operations have ensnared dozens of poachers and hundreds of poached bears. Even a recent gang-land-style killing in New York linked to the lucrative bear parts trade when a Korean-American was found murdered in his apartment, after bear gallbladders were taken from his freezer. In the Yukon, officials have set up a poaching hotline to report illegal bear kills.

Restrictions on the illegal bear parts trade are essential in protecting the American black bear population. An important step was taken in March of last year when the American black bear was added to appendix II of the Convention on International Trade in Endangered Species [CITES], but more protection is needed. Two of the largest importers of bear parts are not signatories to CITES, leaving a gaping hole in international bear conservation efforts.

This situation is not fair to law-abiding hunters and wildlife enthusiasts throughout North America. That is why I am introducing the Black Bear Protection Act today. My legislation would take away the financial incentive that is driving the bear parts trade.

The Bear Protection Act of 1993 will assist Kentucky and other States in effectively managing legal hunting at sustainable harvest levels for black bears. It requires the Secretary of Commerce to adopt regulations to prohibit the export of black bears and bear parts from the United States. By giving the Secretary of Commerce direct authority to intercept bear parts at our national border, the Bear Protection Act will effectively and cheaply mitigate the formidable financial incentive to the potential poacher. My legislation would direct a study of the extent of bear poaching so that the most cost-effective enforcement mechanisms can be found. It would also authorize the U.S. Trade Representative to discuss bear conservation efforts when negotiating trade agreements with other countries.

My bill in no way affects legal hunting of black bears. In fact, if my own State wanted to change its current law to allow an open season for bears, my legislation would in no way preclude such a decision.

The Bear Protection Act is a preventive measure which seeks to close loopholes which arise from conflicting State laws. By prohibiting the trade in bear parts at our national border, State and Federal wildlife officials will have less difficulty maintaining a healthy and sustainable black bear population. They may instead focus their limited resources on other wildlife conservation efforts. With this simple legislation, wildlife enthusiasts and sportsmen can rest assured that their grandchildren will share our fascination with these mighty mountain dwellers.•

By Mr. McCONNELL:

S. 182. A bill to authorize Federal departments, agencies, and instrumentalities to retain revenues from the sale of materials collected for the purpose of recycling, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL RECYCLING INCENTIVE ACT

• Mr. McCONNELL. Mr. President, I rise today to introduce legislation that will increase the amount of waste the Federal Government recycles. Last year, this legislation passed the Senate as an amendment to the Federal Facilities Compliance Act. Unfortunately, my provisions were removed from the bill in conference. I hope that this noncontroversial legislation can finally be enacted this year.

Mr. President, my reason for introducing the Federal Recycling Incentive Act is the abysmal record of the Federal Government in the area of recycling. We push a lot of paper in this town. It's about time we started recycling some of it.

I firmly believe that before Congress places any additional burdens on American businesses and citizens, we should make certain that the Federal Government is doing its fair share to conserve our limited resources.

The Federal Government already has recycling guidelines, but less than 200 of the nearly 6,000 Federal facilities had documented recycling programs in 1990. The reason these facilities don't recycle is that they simply do not have an economic incentive to do so. They obtain no benefit from recycling, and no punishment for wasting.

Federal facilities must spend money separating garbage to be recycled, but when this separated waste material is sold, the revenues must be returned to the general fund of the Federal Government. Since managers of Federal facilities see no direct link between their efforts to recycle and the financial returns that recycling produces, the bureaucracy continues to squander our Nation's resources on a massive scale.

Simply put, my legislation provides the Federal bureaucracy with an economic incentive to recycle by allowing the managers of Federal facilities to retain the revenues derived from the sale of recyclable waste materials. My bill also requires the Environmental Protection Agency to compile a list each year of those Federal facilities that do not adhere to recycling guidelines currently on the books. This list will be printed in the Federal Register so that Federal bureaucrats can be held accountable by the public for their wasteful ways.

Mr. President, the impact of this simple legislation will be substantial since the Federal Government uses nearly 2 million tons of paper each year. This is 2.2 percent of all the paper consumed in the United States. Eighty-five percent of this paper is recyclable.

According to a 1989 General Accounting Office report, if the Federal Government would recycle all of the paper it uses, our Nation would save over 5 million cubic yards of landfill space, 3 million barrels of crude oil, and 26 million trees each year.

By allowing Federal facilities to retain the moneys from recycling activities, my legislation will lead to a net increase in revenues to the Federal Government. The Federal Government already receives hundreds of thousands of dollars from the sale of source-separated materials. The General Services Administration estimates that a comprehensive waste management recycling program would increase revenues to GSA-managed facilities by $1.8 million per year. My legislation provides the incentive for such comprehensive waste management, and will integrate with future efforts to stimulate recycling markets.

It's not often that legislation is introduced in Congress that will increase revenues, reduce the deficit, and, in the process, help conserve our Nation's natural resources. It is my hope that this simple but important legislation will be enacted this year.•

By Mr. REID:

S. 183. A bill to authorize the President to award a gold medal on behalf of the Congress to Richard "Red" Skelton, and to provide for the production of bronze duplicates of such medal for sale to the public; to the Committee on Banking, Housing, and Urban Affairs.

RICHARD "RED" SKELTON GOLD MEDAL ACT

• Mr. REID. Mr. President, I rise today to honor a man who set out at the age of 10 in pursuit of a penny and a dream. With only the clothes on his back and his natural talent he achieved both, becoming one of America's greatest entertainers. I am speaking, Mr. President, of Red Skelton.

Red Skelton began his journey to stardom at the age of 10 when he signed up as a sidekick in a traveling medicine show. Knowing that show business was in his blood, Red continued touring, working his way up, performing in tent shows, circuses, burlesque, and eventually motion pictures. In an interview in Collier's magazine in 1950, Red stated his motivation for pursuing a career in comedy: "All I want to do, * * * is make people laugh, to take the word 'heartache' out of their vocabulary." Mr. President, I don't know of a more admirable goal. I don't think there is anyone who can deny that wherever Red went, he did just that. He was in the business of lifting people's spirits, heightening their morale. And for Red it was not an occupation, but a way of life.

Red Skelton was also a true patriot. Who can forget the performance he gave during the Red Skelton Hour on January 14, 1969, of a grade school teacher trying to teach his students the true meaning of the Pledge of Allegiance.

> I've been listening to you boys and girls recite the Pledge of Allegiance all semester

and it seems as though it is becoming monotonous to you. If I may, may I recite it to you and try to explain each word:

I—me, an individual, a committee of one.

Pledge—dedicate all of my worldly goods to give without self-pity.

Allegiance—my love and devotion.

To the Flag—our standard, old glory, a symbol of freedom. Wherever she waves, there is respect because your loyalty has given her a dignity that shouts freedom is everybody's job.

Of the United—that means we have all come together.

States—individual communities that have united into 48 great States. 48 individual communities with pride and dignity and purpose, all divided with imaginary boundaries, yet united to a common purpose, and that's love for country.

Of America.

And to the Republic—a State in which sovereign power is invested in representatives chosen by the people to govern. And a government is the people and it's from the people to the leaders, not from the leaders to the people.

For which it stands.

One Nation—meaning so blessed by God.

Indivisible—incapable of being divided.

With liberty—which is freedom and the right of power to live one's life without threats or fear or some sort of retaliation.

And justice—the principle of quality of dealing fairly with others.

For all—which means it's as much your country as it is mine.

Red demonstrated his patriotism in the theater of war as well as on the television screen. He supported the war effort during World War II by selling a record number of U.S. war bonds. Red also served as a private in the United States Army, entertaining his fellow soldiers on transport ships and the Italian front. His efforts there compelled the former Senator from Vermont, Senator Stafford, to comment on the Senate floor on June 23, 1986, about his memories of serving on the U.S.S. *West Point* with Red Skelton. "I can still remember Mr. Skelton going about the ship. There was always a constant group of men around him. They were always laughing."

Red Skelton has contributed much to our country—his talent, his time, and his charity. He has been honored by the American Veterans, the Freedom Foundation, the American Legion, and the Screen Actors Guild. He has been awarded the Cecil B. DeMille Award for outstanding contributions to the entertainment industry and has become an accomplished painter. It is now time for Congress to recognize his efforts, devotion, and contribution to the United States and its citizenry. I hope my colleagues will join me in authorizing the President to award a Congressional Gold Medal to Red Skelton in honor of a lifetime of achievement and goodwill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Richard "Red" Skelton has provided generations with the gift of laughter, driven by his passion to instill happiness in the hearts of others;

(2) Red Skelton, a true patriot, supported the United States Armed Forces during World War II by selling a record number of United States war bonds, serving as a private in the United States Army, and working arduously to lift the morale of his fellow soldiers; and

(3) Red Skelton, who worked his way from poverty to success, has shared his talent and his wealth with numerous charities, in an effort to help those less fortunate than himself.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Red Skelton a gold medal of appropriate design in recognition of his exemplary performance as an entertainer and a humanitarian.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike bronze duplicates of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, and may sell such bronze duplicates at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed $30,000 to carry out section 2.

(b) PROCEEDS OF SALES.—Amounts received from sales of duplicate bronze medals under section 3 shall be credited to the appropriation made pursuant to the authorization provided in subsection (a).●

By Mr. HATCH (for himself and Mr. BENNETT):

S. 184. A bill to provide for the exchange of certain lands within the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

UTAH SCHOOLS AND LANDS IMPROVEMENT ACT OF 1993

Mr. HATCH. Mr. President, today, at the beginning of the 103d Congress, I am pleased to introduce legislation to effectuate a long awaited and strongly desired land exchange between the State of Utah and the U.S. Government. I am joined in this effort by my colleague, Senator BENNETT, and our State's bipartisan congressional delegation. The bill is supported by the newly elected Governor of Utah, the State's Parent Teacher Association, the Utah State Lands Board, several environmental groups and many Utahns interested in education and in furthering Utah's economic vitality.

At the time of Utah's statehood in 1896, a contract was established between the Congress and the people of Utah to provide an educational system to meet the needs of Utah's children. This contract, established by Utah's Enabling Act, dedicated one-ninth of Utah's total acreage "for the support of the common schools." In other words, four sections of each 36 square mile township were given to the State from which revenue would be generated to fund this system. Similar to most Western States, the revenues generated from these lands would be deposited in a permanent school trust fund. Interest earnings from that account would then flow annually to the State's education budget. As happens frequently with Federal legislation, the best intentions are not always achieved, and these State lands, also called inholdings, are not currently producing sufficient revenue to adequately fund an effective education system in Utah.

The primary reason these State inholdings are not producing the revenue Congress originally envisioned is due to the lack of direct management the state has over its own lands. A review of a land status map of Utah shows a checkerboard system with many different owners. The vast majority of state inholdings, wherever they are located in the State, are completely surrounded by federally reserved land managed by the Bureau of Land Management, the U.S. Forest Service, the National Park Service, several recognized Indian tribes, or the Department of Defense. This arrangement forces the state to be subservient to these Federal managers who can, and do, block efforts by the State to develop inholdings even though the State—in essence, the children of Utah—owns the land. State lands generated less than 2 percent of Utah's school budget in 1991 and the State's permanent school trust fund contained only $44 million. The State with the next smallest trust fund is Colorado with $200 million and a close neighbor, New Mexico, has a fund totaling $2.5 billion. For a State that spends more on education as a percent of its total budget than any other State in the Nation, this situation is pathetic and irresponsible.

Now, no one directly blames the Federal managers who manage the federal lands which surround the State's inholdings. We understand they have certain mandates, whether we agree with them or not, which they must follow. But we do recognize that Congress created this situation nearly one hundred years ago and only Congress can resolve this unfortunate situation.

This bill addresses the major portion of the overall inholdings situation by exchanging those state lands located within certain national forests, several units of the National Park System—Arches and Capitol Reef National Parks, Glen Canyon National Recreation Area, Dinosaur National Monument—the Navajo and Goshute Indian Reservations, and several acres of Bureau of Land Management land. In exchange for these lands, the Federal Government will relinquish certain Federal lands, or interest in certain Federal lands, which are currently producing a revenue stream or royalty or have been identified by the State as having such potential. For example, the list of Federal lands contained in the bill includes several tracts possessing unleashed coal.

In addition, as negotiated last year, we are including a provision which allows the Federal Government to offer the State a portion of the royalties now received by the United States from certain Federal geothermal, oil, gas or other mineral interests. Our legislation allows the State to receive $12.5 million per year until the value of the land it trades to the Federal Government is realized. The legislation specifies that no more than 50 percent of all revenues coming to the State can come from this provision.

We seek a value for value exchange from this legislation so that the Federal Government, and especially, the State of Utah and its school children, are treated fairly. In today's world, it can sometimes be difficult for interested parties to agree on the value of land to be exchanged. As an incentive to all parties to act on this legislation as soon as it becomes law, the bill requires the Secretary of the Interior, the Secretary of Agriculture, and the Utah Governor to pursue appraisals of the pertinent lands or interests within 90 days. If these parties cannot agree on the final terms and value of the involved lands within 2 years, then the courts will make a judgment on all questions of value related to the identified lands and interests.

All in all, this bill is identical to legislation passed by the Senate during the 102d Congress. Unfortunately, in the rush to adjourn last October, it failed to pass the House of Representatives, and thus we are reintroducing it early this year. I would be the first to state that this bill is not perfect in every way, and may require some fine tuning as it proceeds along the legislative process. Today begins that process from which I am hopeful a sensible approach to resolving our inholdings problem will be reached. I acknowledge the painstaking efforts of every member of last year's Utah congressional delegation, especially Congressman JIM HANSEN, the Utah educational community and the former Utah Governor and his staff who worked hard on this legislation to get it to this point. Also, of course, Congressman ORTON, as well as Congressman OWENS.

Mr. President, Utah and its school districts are struggling with the financial burden of educating the growing population of school-age children in the state. For example, the Utah State Legislature adopted legislation last year requiring the more affluent and frugal school districts to transfer funds to poorer districts simply to provide funding for the basic operation of its schools. This legislation, referred to as the Robin Hood bill, is symbolic of Utah's ongoing battle to provide a proper educational system. It is also representative of why our legislation should be adopted this year.

Mr. President, the citizens of Utah are not asking for a handout or for something to which they are not entitled. We are simply asking the Congress of the United States to remedy a situation which it created, unknowingly, that is devastating to education in our State. It is my hope that the 103d Congress will give hasty approval to this important legislative matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah Schools and Lands Improvement Act of 1993".

SEC. 2. DEFINITIONS.

As used in this Act (except as otherwise provided):

(1) GOVERNOR.—The term "Governor" means the Governor of the State.

(2) SCHOOL AND INSTITUTIONAL TRUST LANDS.—The term "school and institutional trust lands" means certain lands comprising approximately 200,000 acres, consisting of—

(A) those lands granted by the United States by the Act entitled "An Act to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States", approved July 16, 1894 (28 Stat. 107) (commonly known as the "Utah Enabling Act"), to the State in trust; and

(B) other lands that under State law are required to be managed for the benefit of the public school system or the institutions of the State that are designated by such Act.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of Utah.

SEC. 3. STATE LANDS WITHIN THE NAVAJO INDIAN RESERVATION.

(a) ADDITIONS TO RESERVATION.—

(1) IN GENERAL.—For the purpose of securing in trust for the Navajo Nation certain lands belonging to the State, the lands described in paragraph (2) shall become part of the Navajo Indian Reservation in the State upon the completion of conveyance from the State and acceptance of title by the United States.

(2) LANDS.—The lands referred to in paragraph (1) comprise approximately 38,500 acres of surface and subsurface estate, and approximately an additional 9,500 acres of subsurface estate, as generally depicted on the map entitled "Utah-Navajo Land Exchange", dated May 18, 1992.

(b) AUTHORIZATION OF EXCHANGE.—

(1) IN GENERAL.—The Secretary may acquire through exchange the lands described in subsection (a)(2), subject to valid existing rights.

(2) COSTS.—The exchange authorized by paragraph (1) shall be conducted without cost to the Navajo Nation.

SEC. 4. STATE LANDS WITHIN THE GOSHUTE INDIAN RESERVATION.

(a) ADDITIONS TO RESERVATION OF UTAH LANDS.—

(1) IN GENERAL.—For the purpose of securing in trust for the Goshute Indian Tribe certain lands belonging to the State, the lands described in paragraph (2) shall become part of the Goshute Indian Reservation in the State upon the completion of conveyance from the State and acceptance of title by the United States.

(2) LANDS.—The lands referred to in paragraph (1) comprise approximately 980 acres of surface and subsurface estate, and an additional 480 acres of subsurface estate, as generally depicted on the map entitled "Utah-Goshute Land Exchange", dated May 18, 1992.

(3) AUTHORIZATION OF EXCHANGE.—

(A) IN GENERAL.—The Secretary may acquire through exchange the lands described in paragraph (2), subject to valid existing rights.

(B) COSTS.—The exchange authorized by subparagraph (A) shall be conducted without cost to the Goshute Indian Tribe.

(b) ADDITIONS TO RESERVATION OF NEVADA LANDS.—

(1) IN GENERAL.—The Federal lands located in the State of Nevada and described in paragraph (2), together with all improvements on the lands, are declared to be part of the Goshute Indian Reservation, and shall be held in trust for the Goshute Indian Tribe.

(2) LANDS.—The lands referred to in paragraph (1) comprise approximately 5 acres and have the following legal description: Township 30 North, range 69 East, Lots 5, 6, 7, 9, 11, and 14 of section 34.

(3) USE OF LANDS.—No part of the lands described in paragraph (2) shall be used for gaming or any related purpose.

SEC. 5. STATE LANDS WITHIN THE NATIONAL FOREST SYSTEM.

(a) AUTHORIZATION OF ACQUISITION.—The Secretary of Agriculture may accept on behalf of the United States the school and institutional trust lands that—

(1) are owned by the State;

(2) are located within units of the National Forest System; and

(3) comprise approximately 76,000 acres, as generally depicted on the map entitled "Utah Forest Land Exchange", dated May 18, 1992.

(b) STATUS.—Any lands acquired by the United States pursuant to this section shall become part of the national forest within which the lands are located and shall be subject to all laws applicable to the National Forest System.

SEC. 6. STATE LANDS WITHIN THE NATIONAL PARK SYSTEM.

(a) AUTHORIZATION OF ACQUISITION.—The Secretary may accept on behalf of the United States all school and institutional trust lands that are—

(1) owned by the State; and

(2) located within the units of the National Park System located within the State on the date of enactment of this Act.

(b) STATUS.—

(1) IN GENERAL.—All lands of the State within units of the National Park System that are conveyed to the United States pursuant to this section shall become part of

the appropriate unit of the National Park System and shall be subject to all laws applicable to that unit of the National Park System.

(2) Capitol reef national park lands.—

(A) In general.—The Secretary shall, as a part of the exchange process pursuant to this Act, compensate the State for the fair market value of 580.64 acres within Capitol Reef National Park that were conveyed by the State to the United States on July 2, 1971 (for which the State has never been compensated).

(B) Fair market value.—The fair market value of these lands shall be determined pursuant to section 8.

SEC. 7. OFFER TO STATE.

(a) Specific Offers.—

(1) In general.—Not later than 30 days after the date of enactment of this Act, the Secretary shall transmit to the Governor a list of lands and interests in lands within the State for transfer to the State in exchange for the State lands and interests described in sections 3, 4, 5, and 6.

(2) List.—The list described in paragraph (1) shall consist of the following Federal lands and interests in lands:

(A) Blue Mountain Telecommunications Site, fee estate, approximately 640 acres.

(B) Beaver Mountain Ski Resort Site, fee estate, approximately 3,000 acres, as generally depicted on the map entitled "Beaver Mountain Ski Resort", dated September 16, 1992.

(C) The unleased coal located in the Winter Quarters tract.

(D) The unleased coal located in the Crandall Canyon tract.

(E) All royalties receivable by the United States with respect to coal leases in the Quitchupah (Convulsion Canyon) tract.

(F) The unleased coal located in the Cottonwood Canyon tract.

(G) The unleased coal located in the Soldier Creek tract.

(b) Additional Offers of Royalties.—

(1) In general.—In addition to the lands and interests described in subsection (a)(2), and subject to paragraph (2), the Secretary shall offer to the State a portion of the royalties receivable by the United States with respect to Federal geothermal, oil, gas, and other mineral interests in the State that on December 31, 1992—

(A) were under lease;

(B) were covered by an approved permit to drill or a plan of development and plan of reclamation;

(C) were in production; and

(D) were not under administrative or judicial appeal.

(2) Limitations on offers.—

(A) Percentage of value of state lands.—The Secretary may not make an offer pursuant to this subsection for royalties aggregating more than 50 percent of the total appraised value of the State lands described in sections 3, 4, 5, and 6.

(B) Dollar amount limitation.—The Secretary may not make an offer pursuant to this subsection that would enable the State to receive royalties under this section in an amount that exceeds $12,500,000 annually.

(c) Insufficiency of Value of Offer to State.—If the total value of lands, interests in lands, and royalties offered to the State pursuant to subsections (a) and (b) is less than the total value of the State lands described in sections 3, 4, 5, and 6, the Secretary shall—

(1) provide the Governor a list of all public lands in the State that as of December 31, 1992, the Secretary had identified in resource management plans prepared pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) as suitable for disposal by exchange or otherwise; and

(2) offer to transfer to the State any or all of the lands, as selected by the State, in partial exchange for the State lands, to the extent consistent with other applicable law.

SEC. 8. APPRAISAL OF LANDS TO BE EXCHANGED.

(a) In General.—

(1) Equal value.—All exchanges made pursuant to this Act shall be for equal value.

(2) Appraisals.—Not later than 90 days after the date of enactment of this Act, the Secretary, the Secretary of Agriculture, and the Governor shall provide for an appraisal of the lands and interests in lands involved in the exchanges authorized by this Act.

(3) Appraisal reports.—Each detailed appraisal report prepared pursuant to paragraph (2) shall utilize nationally recognized appraisal standards including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions.

(b) Interest on Royalty Offers.—Any royalty offer by the Secretary pursuant to section 7(b) shall be adjusted to reflect the net present value as of the effective date of the exchange. The State shall be entitled to receive a reasonable rate of interest at a rate equal to the average yield on 5-year Treasury notes issued during the previous fiscal year on the balance of the value owed by the United States from the effective date of the exchange until full value is received by the State and mineral rights revert to the United States pursuant to section 9(a)(3)(A).

(c) Adjustment for Revenue Sharing.—

(1) In general.—If the State shares revenue from any lands, interest in lands, or royalty transferred to the State under this Act, the value of the lands, interest in lands, or royalty shall be the value otherwise established under this section, less the percentage that represents the Federal revenue sharing obligation.

(2) Limitation.—The adjustment described in paragraph (1) shall not be considered to reflect a property right of the State.

(d) Dispute Resolution.—

(1) In general.—If, after the date that is 2 years after the date of enactment of this Act, the parties described in subsection (a)(2) have not agreed on the final terms of some or all of the exchanges authorized by this Act (including the value of the lands involved in some or all of the exchanges), a party may bring an action in the United States District Court for the District of Utah, Central Division, concerning the value of any and all lands, or interests in lands, involved in the exchange.

(2) Time for filing.—Any action described in paragraph (1) may be filed with the court not earlier than the date that is 2 years after the date of enactment of this Act and not later than the date that is 5 years after the date of enactment of this Act.

(3) Appeals.—Any decision of the court under this subsection may be appealed in accordance with applicable law.

SEC. 9. TRANSFER OF TITLE.

(a) Terms.—

(1) Exchange.—

(A) Entitlement.—The State shall be entitled to receive such lands, interests in lands, and royalties described in section 7 as—

(i) are offered by the Secretary and accepted by the State; and

(ii) are equal in value to the State lands and interests in lands described in sections 3, 4, 5, and 6.

(B) Conveyance by the state.—

(i) In general.—If the State accepts the offers described in subparagraph (A), the State shall convey to the United States, subject to valid existing rights, all right, title, and interest of the State to the school and institutional trust lands, as described in sections 3, 4, 5, and 6.

(ii) Timing.—Except as provided in section 7(b), conveyance of all lands or interests in lands shall take place not later than 60 days after agreement by the Secretary and the Governor, or entry of an appropriate order of judgment by the district court.

(2) Rights conveyed.—

(A) Fee simple titles.—Subject to subsection (b), for each property described in paragraph (1)(A) for which fee simple title is to be conveyed to the State, the Secretary shall convey, subject to valid existing rights, all right, title, and interest in the property.

(B) Other rights.—For each property described in paragraph (1)(A) for which less than fee simple title is to be conveyed to the State, the Secretary shall reserve to the United States all remaining right, title, and interest of the United States.

(3) Minerals.—

(A) Rights.—All right, title, and interest in any mineral rights described in section 7 that are conveyed to the State pursuant to this Act shall revert to the United States upon removal of minerals equal in value to the value attributed to the rights in connection with an exchange under this Act.

(B) Development of mineral interests.—Development of any mineral interest transferred to the State pursuant to this Act shall be subject to all laws applicable to the development of non-Federal mineral interests, including, when appropriate, laws applicable to the development of non-Federal mineral interests within national forests.

(b) Inspections for Hazardous Materials.—

(1) In general.—Prior to any exchange under this Act, the Secretary and the Governor shall inspect all pertinent records and shall conduct a physical inspection of the lands to be exchanged pursuant to this Act for the presence of any hazardous materials (as defined by applicable law at the time of the inspection).

(2) Availability of results.—Each party described in paragraph (1) shall make available to the other party the results of each inspection conducted pursuant to paragraph (1).

(3) Remedial action.—Responsibility for costs of remedial action related to materials identified by the inspections described in paragraph (1) shall be borne by those entities responsible under existing law.

(c) Public Interest Requirement.—With respect to the lands and interests described in section 7, the requirement of section 206(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(a)) that exchanges of lands be in the public interest is deemed to be met.

SEC. 10. MAPS AND LEGAL DESCRIPTIONS.

(a) Filing.—As soon as practicable after the date of enactment of this Act, a map and legal description of the lands added to the Navajo and Goshute Indian Reservations and all lands exchanged under this Act shall be filed by the appropriate Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(b) Force and Effect.—Each map and legal description described in paragraph (1) shall have the same force and effect as if included in this Act, except that the appropriate Secretary may correct clerical and typographical errors in each map and legal description.

(c) PUBLIC INSPECTION.—Each map and legal description shall be on file and available for public inspection in—

(1) the offices of the Secretary of Agriculture and the Secretary of the Interior in Washington, District of Columbia; and

(2) the offices of the appropriate agencies of the Department of the Interior and the Department of Agriculture in the State.

SEC. 11. PAYMENTS IN LIEU OF TAXES.

Section 6902(b) of title 31, United States Code, is amended by adding at the end the following new sentences: "This subsection shall not apply to payments for lands located in the State of Utah and acquired by the United States if, at the time of the acquisition, a unit of general local government, under applicable State law, was entitled to receive payments from the State for the lands. In the case described in the preceding sentence, a payment under this chapter with respect to the acquired lands may not exceed the payment that would have been made under State law if the lands had not been acquired.".

SEC. 12. CONGRESSIONAL INTENT.

(a) EFFECT ON FUTURE EXCHANGES.—The lands and interests described in section 7 are an offer related only to the State lands and interests in lands described in this Act. Nothing in this Act is intended to preclude conveyance of other lands or interests to the State pursuant to other exchanges under applicable law in existence on the date of enactment of this Act or enacted after the date.

(b) EQUITABLE TREATMENT OF COUNTIES.—It is the intent of Congress that the State should establish a funding mechanism, or some other mechanism, to ensure that counties within the State are treated equitably as a result of the exchanges made pursuant to this Act.

SEC. 13. COSTS.

The United States and the State shall each bear its own respective costs incurred in carrying out this Act.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. BENNETT. Mr. President, I join with the senior Senator from the State of Utah to introduce the Utah Schools and Lands Improvement Act of 1993.

The State of Utah has been interested in obtaining a resolution to the State school trust land issue for many years. This legislation orders an exchange of Utah school trust lands found within national parks, two Indian reservations and Federal Forest Service lands. In exchange for these lands, the State of Utah will receive Federal lands of equal value to be determined by appraisals to be conducted by the Department of the Interior.

I support this approach and recognize that the various interests which supported this legislation last year came very close to seeing it pass in the final days of the session. I am hopeful that we will be able to resolve any differences quickly this year.

It is terribly frustrating to see our education demands in Utah and not have the resources that other Western States have in terms of using land sections to develop funding revenues. This legislation will release approximately 200,000 acres of lands which are trapped by within federally managed lands and allow the resulting revenue to be used for educational purposes.

The Governor of Utah joins us in endorsing this legislative initiative as well as other key education and environmental groups in Utah. As a member of the Energy and Natural Resources Committee, I intend to seek the early consideration of this legislation.

By Mr. GLENN (for himself, Mr. PRYOR, Mr. STEVENS, Mr. LIEBERMAN, Mr. LEVIN, Mr. AKAKA, Mr. SARBANES, Mr. CONRAD, Mr. SASSER, Mr. LEAHY, and Mr. DORGAN):

S. 185. A bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Governmental Affairs.

HATCH ACT REFORM AMENDMENTS OF 1993

• Mr. GLENN. Mr. President, the legislation I am introducing today would amend the Hatch Act—the 1939 statute which prohibits most Federal civilian and postal employees from political activities. I am pleased to have Senators PRYOR, STEVENS, LIEBERMAN, LEVIN, AKAKA, SARBANES, CONRAD, SASSER, LEAHY, and DORGAN joining me today as original cosponsors.

This bill is identical to S. 135 which passed the Senate in 1990 by a vote of 67 to 30. President Bush vetoed the measure and the Senate failed to override that veto by two votes. It is my expectation that this legislation will not be vetoed in the 103d Congress.

This legislation would allow our Nation's civil servants to participate voluntarily, as private citizens, in the Nation's political process. It would eliminate many of the complicated, restrictive, and confusing rules which inhibit the political activities and conduct of Federal employees. This legislation puts an end to the game of what I call trivial confusion.

For example:

Under current law if you are "Hatched," you may wear a campaign button on the job and write a check to the candidate of your choice. But, you cannot give any in-kind contribution on your own time such as stuffing envelopes or circulating a nominating petition. This legislation would prohibit civil servants from wearing campaign buttons on the job, but would allow them to participate voluntarily in certain campaign-related activities away from the job.

Under current law if you are "Hatched," you can't wave a political poster at a rally, but you can post it on your car or your front lawn. This bill would allow Hatched employees to waive posters at rallies so long as they were not wearing work-related uniforms or insignias.

Under current law if you are "Hatched," you may express your opinion about a candidate publicly, but you can't make a speech or "campaign for or against a candidate." This legislation would allow Hatched employees to fully participate in party caucuses.

The current Hatch Act even extends to letters to the editor on partisan political issues. This legislation would allow Hatched employees to write letters to the editor like all other citizens.

In other words, this bill would restore these constitutional rights to 3 million people—rights which most of us take for granted. The right of American citizens in good standing to participate in the politics of the Nation—a fundamental principle in our democratic society.

The purpose of this legislation is to reform, not repeal, a 54-year-old law. The history of this important law demonstrates that this reform is both appropriate and necessary.

When the Hatch Act was passed in 1939, the development of a professional civil service was being undermined by patronage appointments. More than 60 new Federal agencies had been created by the end of 1934, but only 5 had been placed under the jurisdiction of the Civil Service Commission. This meant that the majority of these agencies were being staffed on the basis of political patronage rather than merit competition. This rapid growth of patronage jobs—more than 300,000—caused congressional concern that some civil servants might be working for partisan, rather than national, interests.

The issues raised in the 1939 congressional debate offer a good perspective on the motivation for the original act. I quote from the floor debate of Mr. McClean of New Jersey on July 20, 1939:

> It was established many years ago that the Merit System should control in the appointment of persons to public office, and that the political idea that "to the victor belongs the spoils" should no longer be the measure by which appointment is made. If that principle had been adhered to there would be no reason, and hence no demand, for this legislation. But the New Deal, under the pretense of emergency, saw fit to disregard the Merit System and to provide in all legislation adopted that in making appointments to public office the provisions of civil service laws should not apply. But for this there would be no occasion for the enactment of this legislation.

In passing the Hatch Act, Congress was attempting to protect the civil service from undue political influence by prohibiting Federal workers from engaging in partisan political activities altogether. Fifty-four years later, we have a dramatically different situation—we have an established, professional civil service, hired on a competitive, merit basis. We also have many different laws, on the books, to protect Federal employees from coercion.

It is important to distinguish civil service hiring procedures and merit principles from the edicts of the Hatch Act. There is nothing in this Hatch Act reform bill that would change Federal civil service laws requiring that Federal employees be hired and promoted based upon their qualifications.

In developing this legislation, the Governmental Affairs Committee exercised extreme caution in balancing the need to protect the integrity of the civil service with our duty to protect the constitutional right of all citizens to participate in the Nation's political processes.

Under the reform proposal, "Hatched" employees would enjoy more freedoms after working hours by being allowed to work voluntarily, as private citizens, for the candidates and causes of their choice. For example, they would be allowed to carry posters at political rallies, stuff envelopes, participate in voter registration drives, and distribute campaign material while off the job. These are basic rights that other Americans take for granted.

But there are strong prohibitions afforded by the original Hatch Act which are as important today as they were in 1939. These prohibitions would not be altered under this bill. Under this bill, Federal employees still could not run for partisan elective office. Under this bill, Federal employees still could not solicit political contributions from the general public or subordinate employees. And under this bill, coercion of subordinates would still be banned.

The legislation would attempt to end the confusion of current law by making a clear distinction between activity on the job and activity away from work on an employee's own time. All political activity on the job would be banned. This includes the wearing of campaign buttons, which is allowed under current law. The bill would retain all current law prohibitions and penalties against the use of one's official position to influence other employees. In fact, under this bill criminal penalties for those convicted of such abuse would be increased. In addition, it would prohibit Federal workers from engaging in any political activity while wearing uniforms or insignia that identifies them as a Federal or postal employee.

Mr. President, I urge my colleagues to give Federal workers the right to participate more fully in the political processes, a right denied to them for 54 years. Mr. President, reforming the Hatch Act requires us to practice what we preach: That democracy benefits from the free participation of law-biding citizens. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hatch Act Reform Amendments of 1993".

SEC. 2. POLITICAL ACTIVITIES.

(a) Subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"§ 7321. Political participation

"It is the policy of the Congress that employees should be encouraged to exercise fully, freely, and without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their right to participate or to refrain from participating in the political processes of the Nation.

"§ 7322. Definitions

"For the purpose of this subchapter—

"(1) 'employee' means any individual, other than the President and the Vice President, employed or holding office in—

"(A) an Executive agency other than the General Accounting Office; or

"(B) a position within the competitive service which is not in an Executive agency; but does not include a member of the uniformed services;

"(2) 'partisan political office' means any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but shall exclude any office or position within a political party or affiliated organization; and

"(3) 'political contribution'—

"(A) means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose;

"(B) includes any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;

"(C) includes any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and

"(D) includes the provision of personal services for any political purpose.

"§ 7323. Political activity authorized; prohibitions

"(a) Subject to the provisions of subsection (b), an employee may take an active part in political management or in political campaigns, except an employee may not—

"(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;

"(2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is—

"(A) a member of the same Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)));

"(B) not a subordinate employee; and

"(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))); or

"(3) run for the nomination or as a candidate for election to a partisan political office; or

"(4) knowingly solicit or discourage the participation in any political activity of any person who—

"(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing office of such employee; or

"(B) is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office of such employee.

"(b)(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

"§ 7324. Political activities on duty; prohibition

"(a) An employee may not engage in political activity—

"(1) while the employee is on duty;

"(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

"(3) while wearing a uniform or official insignia identifying the office or position of the employee; or

"(4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.

"(b)(1) An employee described in paragraph (2) of this subsection may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.

"(2) Paragraph (1) applies to an employee—

"(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and

"(B) who is—

"(i) an employee paid from an appropriation for the Executive Office of the President; or

"(ii) an employee appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws.

"§ 7325. Political activity permitted; employees residing in certain municipalities

"The Office of Personnel Management may prescribe regulations permitting employees, without regard to the prohibitions in paragraphs (2) and (3) of section 7323 of this title, to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—

"(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

"(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

"§ 7326. Penalties

"Any employee who has been determined by the Merit Systems Protection Board to have violated on two occasions any provision of section 7323 or 7324 of this title, shall upon such second determination by the Merit System Protection Board be removed from such employee's position, in which event that employee may not thereafter hold any position (other than an elected position) as an employee (as defined in section 7322(1) of this title). Such removal shall not be effective until all available appeals are final.".

(b)(1) Section 3302(2) of title 5, United States Code, is amended by striking out "7203, 7321, and 7322" and inserting in lieu thereof "and 7203".

(2) The table of sections for subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"7321. Political participation.
"7322. Definitions.
"7323. Political activity authorized; prohibitions.
"7324. Political activities on duty; prohibition.
"7325. Political activity permitted; employees residing in certain municipalities.
"7326. Penalties.".

SEC. 3. AMENDMENT TO CHAPTER 12 OF TITLE 5, UNITED STATES CODE.

Section 1216(c) of title 5, United States Code, is amended to read as follows:

"(c) If the Special Counsel receives an allegation concerning any matter under paragraph (1), (3), (4), or (5) of subsection (a), the Special Counsel may investigate and seek corrective action under section 1214 and disciplinary action under section 1215 in the same way as if a prohibited personnel practice were involved.".

SEC. 4. AMENDMENTS TO TITLE 18.

(a) Section 602 of title 18, United States Code, relating to solicitation of political contributions, is amended—

(1) by inserting "(a)" before "It";

(2) in paragraph (4) by striking out all that follows "Treasury of the United States" and inserting in lieu thereof a semicolon and "to knowingly solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined under this title or imprisoned not more than 3 years, or both."; and

(3) by adding at the end thereof the following new subsection:

"(b) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".

(b) Section 603 of title 18, United States Code, relating to making political contributions, is amended by adding at the end thereof the following new subsection:

"(c) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".

(c)(1) Chapter 29 of title 18, United States Code, relating to elections and political activities is amended by adding at the end thereof the following new section:

"§ 610. Coercion of political activity

"It shall be unlawful for any person to intimidate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce, any employee of the Federal Government as defined in section 7322(1) of title 5, United States Code, to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.".

(2) The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following:

"610. Coercion of political activity.".

SEC. 5. AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965.

Section 6 of the Voting Rights Act of 1965 (42 U.S.C. 1973d) is amended by striking out "the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity" and by inserting in lieu thereof "the provisions of subchapter III of chapter 73 of title 5, United States Code, relating to political activities".

SEC. 6. AMENDMENTS RELATING TO APPLICATION OF CHAPTER 15 OF TITLE 5, UNITED STATES CODE.

(a) Section 1501(1) of title 5, United States Code, is amended by inserting ", the District of Columbia," after "State".

(b) Section 675(e) of the Community Services Block Grant Act (42 U.S.C. 9904(e)) is repealed.

SEC. 7. APPLICABILITY TO POSTAL EMPLOYEES.

The amendments made by this Act, and any regulations thereunder, shall apply with respect to employees of the United States Postal Service and the Postal Rate Commission, pursuant to sections 410(b) and 3604(e) of title 39, United States Code.

SEC. 8. EFFECTIVE DATE.

(a) The amendments made by this Act shall take effect 120 days after the date of the enactment of this Act, except that the authority to prescribe regulations granted under section 7325 of title 5, United States Code (as added by section 2 of this Act), shall take effect on the date of the enactment of this Act.

(b) Any repeal or amendment made by this Act of any provision of law shall not release or extinguish any penalty, forfeiture, or liability incurred under that provision, and that provision shall be treated as remaining in force for the purpose of sustaining any proper proceeding or action for the enforcement of that penalty, forfeiture, or liability.

(c) No provision of this Act shall affect any proceedings with respect to which the charges were filed on or before the effective date of the amendments made by this Act. Orders shall be issued in such proceedings and appeals shall be taken therefrom as if this Act had not been enacted.●

By Mr. REID:

S. 186. A bill to require reauthorizations of budget authority for Government programs at least every 10 years, to provide for review of Government programs at least every 10 years, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

SPENDING CONTROL AND PROGRAMS EVALUATION ACT OF 1993

Mr. REID. Mr. President, today, I am reintroducing the Spending Control and Programs Evaluation Act.

It is an understatement to say that the Federal Government faces a budget and really a deficit crisis. In 1992, our budget deficit was about $300 billion. This year the deficit is estimated by some to be about $340 billion. The national debt already stands at $4 trillion. Needless to say, we must get this under control.

Not only, Mr. President, does the Government face a monetary crisis, it also faces an American public that believes Washington does not work. I think they are wrong, but that is a concept that many have.

I return to the Senate this year, after facing voters in Nevada, and I can tell my colleagues first hand that the voters in Nevada, like across the country, are angry. The bottom line is that voters think that we in Washington waste a lot of their tax dollars. As I have indicated, this phenomenon is not unique to Nevada. Throughout his campaign, President Clinton stressed the need to change the way the Federal Government operates. None of the fixes we have tried in recent years to control deficit spending have worked or appear to have a likelihood of working—not the budget deal of 1990, not the mindless rush to surrender budget accountability to the private sector in the name of privatization, and certainly not Gramm-Rudman-Hollings.

It is time we take the steps that will be needed to eliminate our budget deficits and begin reducing the national debt. We need to know more about what we are doing when we make decisions on Federal spending programs, and we ought to revisit these decisions on a regular basis to see if they are still valid. Currently, we passed legislation authorizing Federal spending in a piecemeal fashion, which comes to the Appropriations Committee, and we, because of the authorization process, many times appropriate in a piecemeal fashion. Over time, this is bound to create duplication of effort and in some cases, contradictory efforts. Let us take a look at the Federal agencies that administer agricultural-related activities.

These include:

Farmers Home Administration;
Rural Electrification Administration;
Federal Crop Insurance Corporation;
Agricultural Cooperative Service;
Agricultural Marketing Service;
Animal and Plant Health Inspection Service;
Food Safety and Inspection Service;
Packers and Stockyards Administration;
Food and Nutrition Service;
Human Nutrition Information Service;
Agricultual Stabilization and Conservation Service;
Commodity Credit Corporation;
Foreign Agriculture Service;
Office of International Cooperation and Development;
Agricultural Research Service;
Cooperative State Research Service;
Extension Service;
National Agricultural Library;
Economic Research Service;
National Agricultural Statistics Service;
Soil Conservation Service;
Economic Research Service;
National Agricultural Statistics Service;
World Agricultural Outlook Board;
Federal Grain Inspection Service;
Center for Veterinary Medicine;
Center for Food Safety and Applied Nutrition;
Food and Drug Administration;
Farm Credit Administration; and the Commodity Future Trading Commission.

It is hard to believe, but that is a fact. I do not mean to single out only agriculture. We could look at other areas and find the same duplication. I merely wish to point out that with agriculture, Congress' left hand often doesn't know what its right hand is doing. Congress is, in many cases, wasting the time of executive branch agencies and the money of taxpayers, because we do not spend the time necessary to occasionally make comprehensive examinations of existing programs. In an era when every penny must be stretched to the limit, this state of affairs, I do not think, should be allowed to continue.

What the Senate needs to make intelligent decisions on its spending priorities is a comprehensive and organized evaluation of the various spending programs and a requirement that decisions on these programs be reviewed on a regular basis. A first step was taken in this direction during Senate consideration of last year's budget resolution when my amendment calling for a review or existing spending programs was approved by voice vote.

Mr. President, one of the President Clinton's favorite think tanks is the Progressive Policy Institute. Very recently, the Progressive Policy Institute published a book called "Mandate for Change." The aim of this book is to spell out new ideas on how to tackle America's toughest problems, primarily how to change the way the Federal Government operates. One of the chapters in "Mandate for Change" was written by David Osborne, a well-known political scientist and coauthor of another well-known book, "Reinventing Government." Mr. Osborne points out in "Mandate for Change" the need for legislation to review all of our Federal programs through a sunset law. The legislation I introduced last year, and am reintroducing today, is just that—a sunset bill.

This legislation is a comprehensive budget reform package, and it is done simply. This legislation will force Congress to evaluate and reauthorize nearly every Federal spending program at least once every 10 years or the programs fail.

The first step in this direction is to require our committees to review and evaluate the programs under their jurisdiction. I cannot imagine anyone questioning the need for such review and evaluation. It cannot do any harm. However, Congress, and in particular the Senate, has become a firehouse. Instead of proactive work we are performing reactive work. We have lost control over two or our most important responsibilities: managing the Nation's financial resources and maintaining the trust of the American people.

The bill I am reintroducing, by requiring a periodic comprehensive review of Federal spending programs, will enable Congress to become more proactive and less reactive. It will allow us to return to enacting long-term policies. In effect, what it will do is require us to reauthorize programs every 10 years or they fail.

Mr. President, I hope that my colleagues will join me in working to rationalize our spending process. I believe this legislation is a chance to bring real change to the way we do business—a change that will be cheered by this Nation's taxpayers.

I request that the full text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spending Control and Programs Evaluation Act of 1993".

SEC. 2. PURPOSES OF ACT.

The purposes of this Act are—

(1) to require that most Government programs be reauthorized according to a schedule at least once every 10 years;

(2) to limit the length of time for which Government programs can be authorized to 10 years;

(3) to bar the expenditure of funds for Government programs which have not been provided for by a law enacted during the 10-year sunset reauthorization cycle; and

(4) to encourage the reexamination of selected Government programs each Congress.

SEC. 3. DEFINITIONS AND CONSTRUCTION.

(a) DEFINITIONS.—For purposes of this Act—

(1) The term "budget authority" has the meaning given to it by section 3(2) of the Congressional Budget Act of 1974.

(2) The term "permanent budget authority" means budget authority provided for an indefinite period of time or an unspecified number of fiscal years which does not require recurring action by the Congress, but does not include budget authority provided for a specified fiscal year which is available for obligation or expenditure in one or more succeeding fiscal years.

(3) The term "Comptroller General" means the Comptroller General of the United States.

(4) The term "agency" means an executive agency as defined in section 105 of title 5, United States Code, except that such term includes the United States Postal Service and the Postal Rate Commission but does not include the General Accounting Office.

(5) The term "sunset reauthorization cycle" means the period of 5 Congresses beginning with the One Hundred Third Congress and with each sixth Congress following the One Hundred Third Congress.

(b) TREATMENT OF PROGRAMS.—For purposes of this Act, each program (including any program exempted by a provision of law from inclusion in the Budget of the United States) shall be assigned to the functional and subfunctional categories to which it is assigned in the Budget of the United States Government, fiscal year 1993. Each committee of the Senate or the House of Representatives which reports any bill or resolution which authorizes the enactment of new budget authority for a program not included in the fiscal year 1993 budget shall include, in the committee report accompanying such bill or resolution (and, where appropriate, the conferees shall include in their joint statement on such bill or resolution), a statement as to the functional and subfunctional category to which such program is to be assigned.

(c) REAUTHORIZATION DATE.—For purposes of titles I, II, and III of this Act, the reauthorization date applicable to a program is the date specified for such program under section 101(b).

TITLE I—REAUTHORIZATION OF GOVERNMENT PROGRAMS

SEC. 101. REAUTHORIZATION CYCLE.

(a) GENERAL RULE.—Each Government program (except those listed in section 103) shall be reauthorized at least once during each sunset reauthorization cycle during the Congress in which the reauthorization date applicable to such program (pursuant to subsection (b)) occurs.

(b) FIRST REAUTHORIZATION DATE.—The first reauthorization date applicable to a Government program is the date specified in the following table, and each subsequent reauthorization date applicable to a program is the date ten years following the preceding reauthorization date:

Programs included within subfunctional category	First reauthorization date
254 Space, Science, Applications and Technology.	September 30, 1995.
272 Energy Conservation.	
301 Water Resources.	
352 Agriculture and Research Services.	
371 Mortgage Credit and Thrift Insurance.	
376 Other Advancement and Regulation of Commerce.	
501 Elementary, Secondary, and Vocational Education.	
601 General Retirement and Disability Insurance.	
602 Federal Employment Retirement and Disability.	
703 Hospital and Medical Care for Veterans.	
806 Other General Government.	
851 General Revenue Sharing.	
051 Department of Defense—Military.	September 30, 1997.
053 Atomic Energy Defense Activities.	
154 Foreign Information and Exchange Act.	
251 General Science and Basic Research.	
306 Other Natural Resources.	
351 Farm Income Stabilization.	
401 Ground Transportation.	
502 Higher Education.	
553 Education and Training of Health Care Work Force.	
701 Income Security for Veterans.	
752 Federal Litigative and Judicial Activities.	
802 Executive Director and Management.	
803 Central Fiscal Operations.	
054 Defense Related Activities.	September 30, 1999.
152 Military Assistance.	
155 International Financial Programs.	
253 Space Flight.	
255 Supporting Space Activities.	
274 Emergency Energy Preparedness.	
302 Conservation and Land Management.	
304 Pollution Control and Abatement.	
407 Other Transportation.	
504 Training and Employment.	
506 Social Services.	
554 Consumer and Occupational Health and Safety.	
704 Veterans Housing.	
751 Federal Law Enforcement Activities.	
801 Legislative Function.	
852 Other General Purpose Fiscal Assistance.	
153 Conduct of Foreign Affairs.	September 30, 2001.
271 Energy Supply.	
303 Recreational Resources.	
402 Air Transportation.	
505 Other Labor Services.	
551 Health Care Services.	
604 Public Assistance and Other Income Supplements.	
702 Veterans Education, Training, and Rehabilitation.	
753 Federal Correctional Activities.	
805 Central Personnel Management.	
902 Other Interest.	
151 Foreign Economic and Financial Assistance.	September 30, 2003.
276 Energy Information, Policy and Regulation.	
372 Postal Service.	
403 Water Transportation.	
451 Community Development.	
452 Area and Regional Development.	
453 Disaster Relief and Insurance.	
503 Research and General Education Aids.	
552 Health Research.	
603 Unemployment Compensation.	
705 Other Veterans Benefits and Services.	
754 Criminal Justice Assistance.	
804 General Property and Record Management.	
901 Interest on the Public Debt.	

(c) POINT OF ORDER TO PRESERVE SUNSET.—(1) It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution, or amendment thereto, which authorizes the enactment of new budget authority for a program for a period of more than 10 fiscal years, for an indefinite period, or (except during the Congress in which such next reauthorization date occurs) for any fiscal year beginning after the next reauthorization date applicable to such program. Notwithstanding the preceding sentence, it shall be in order to consider a bill or resolution for the purpose of considering an amendment to the bill or resolution which would make the authorization period conform to the requirement of such sentence.

(2)(A) It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution, or amendment thereto, which provides new budget authority for a program for any fiscal year beginning after any reauthorization date applicable to such program under subsection (b), unless the provision of such new budget authority is specifically authorized by a law which constitutes a required authorization for such program.

(B) For the purposes of this title, the term "required authorization" means a law authorizing the enactment of new budget authority for a program, which complies with the provisions of paragraph (1).

(3) No new budget authority may be obligated or expended for a program for a fiscal year beginning after the last fiscal year in a sunset reauthorization cycle unless a provision of law providing for the expenditure of such funds has been enacted during such sunset reauthorization cycle.

(4) Any provision of law providing permanent budget authority for a program shall cease to be effective (for the purpose of providing such budget authority) on the first reauthorization date applicable to such program.

(5) It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution, or amendment thereto, which provides new budget authority for a program unless the bill or resolution, or amendment thereto (or the report which accompanies such bill or resolution), includes a specific reference to the provision of law which constitutes a required authorization for such program. Notwithstanding the preceding sentence, it shall be in order to consider a bill or resolution for the purpose of considering an amendment which provides such reference to the appropriate provision of law.

SEC. 102. REAUTHORIZATION REVIEW.

(a) GENERAL RULE.—It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution, or amendment thereto, which has been reported by a committee and which authorizes the enactment of new budget authority for a program for a fiscal year beginning after the next reauthorization date applicable to such program, unless a reauthorization review of such program has been completed during the Congress in which the reauthorization date for such program occurs (or during a subsequent Congress when such required authorization is considered), and the report accompanying such bill or resolution includes a separate section entitled "Reauthorization Review" recommending, based on such review, whether the program or the laws affecting such program should be continued without change, continued with modifications, or terminated, and also includes, to the extent the committee or committees having jurisdiction deem appropriate, each of the following matters:

(1) Information and analysis on the organization, operation, costs, results, accomplishments, and effectiveness of the program.

(2) An identification of any other programs having similar objectives, and a justification of the need for the proposed program in comparison with those other programs which may be potentially conflicting or duplicative.

(3) An identification of the objectives intended for the program, and the problems or needs which the program is intended to address, including an analysis of the performance expected to be achieved, based on the bill or resolution as reported.

(4) A comparison of the amount of new budget authority which was authorized for the program in each of the previous four fiscal years and the amount of new budget authority provided in each such year.

(b) REVIEW OF NEW AUTHORITY.—It shall not be in order in either the Senate or the House of Representatives to consider a bill or resolution, or amendment thereto, which authorizes the enactment of new budget authority for a program for which there previously has been no such authorization unless the report accompanying such bill or resolution sets forth, to the extent that the committee or committees having jurisdiction deem appropriate, the information specified in subsections (a)(2) and (a)(3).

(c) CONGRESSIONAL REVIEW BY AUTHORIZING COMMITTEES.—Each committee having legislative jurisdiction over a program referred to in section 103 shall conduct a review of such program of the type described in subsection (a) of this section at least once during each sunset reauthorization cycle, during the Congress in which the reauthorization date applicable to such program occurs, and shall submit to the Senate or the House of Representatives, as the case may be, a report containing its recommendations and other information of the type described in subsection (a). It shall not be in order in either the Senate or the House of Representatives to consider a bill or resolution reported by the committee having legislative jurisdiction which authorizes the enactment of new budget authority for such program unless such report accompanies such bill or resolution, or has been submitted during the Congress in which the reauthorization date for such program occurred as provided in section 101(b), whichever first occurs.

SEC. 103. PROGRAMS SUBJECT TO REVIEW ONLY.

(a) REVIEW OF CERTAIN PROGRAMS.—The program listed in subsection (b) shall be subject to the reauthorization cycle and review as provided in section 102(c).

(b) PROGRAMS.—The programs referred to in subsection (a) are the following:

(1) Programs included within functional category 900 (Interest).

(2) Any Federal programs or activities to enforce civil rights guaranteed by the Constitution of the United States or to enforce antidiscrimination laws of the United States, including but not limited to the investigation of violations of civil rights, civil or criminal litigation or the implementation or enforcement of judgments resulting from such litigation, and administrative activities in support of the foregoing.

(3) Programs which are related to the administration of the Federal judiciary and which are classified in the fiscal year 1993 budget under subfunctional category 752 (Federal litigative and judicial activities).

(4) Payments of refunds of internal revenue collections as provided in title I of the Supplemental Treasury and Post Office Departments Appropriation Act of 1949 (62 Stat. 561), but not to include refunds to persons in excess of their tax payments.

(5) Programs included in the fiscal year 1993 budget in subfunctional categories 701 (Income security for veterans), 702 (Veterans education, training, and rehabilitation), 704 (Veterans housing), and programs for providing health care which are included in such budget in subfunctional category 703 (Hospital and medical care for veterans).

(6) Social Security and Federal employee retirement programs including the following:

(A) Programs funded through trust funds which are included with subfunctional categories 551 (Health care services), 601 (General retirement and disability insurance), or 602 (Federal employee retirement and disability).

(B) Retirement pay and retired pay of military personnel on the retired lists of the Army, Navy, Marine Corps, and the Air Force, including the Reserve components thereof, retainer pay for personnel of the Inactive Fleet Reserve; and payments under section 4 of Public Law 92-425 and chapter 73 of title 10, United States Code (survivor's benefits), classified in the fiscal year 1993 budget in subfunctional category 051 (Department of Defense—military).

(C) Retirement pay and medical benefits for retired commissioned officers of the Coast Guard, the Public Health Service Commissioned Corps, and the National Oceanic and Atmospheric Commissioned Corps and their survivors and dependents, classified in the fiscal year 1988 budget in subfunctional category 551 (Health care services) or in subfunctional category 306 (Other natural resources).

(D) Retired pay of military personnel of the Coast Guard and Coast Guard Reserve, members of the former Lighthouse Service, and for annuities payable to beneficiaries of retired military personnel under the retired serviceman's family protection plan (10 U.S.C. 1431–1446) and survivor benefit plan (10 U.S.C. 1447–1455), classified in the fiscal year 1988 budget in subfunctional category 403 (Water transportation).

(E) Payments to the Central Intelligence Agency Retirement and Disability Fund, classified in fiscal year 1993 budget in subfunctional category 054 (Defense-related activities).

(F) Payments to the Civil Service Retirement and Disability Fund for financing unfunded liabilities, classified in fiscal year 1993 budget in subfunctional category 805 (Central personnel management).

(G) Payments to the Foreign Service Retirement and Disability Fund, classified in fiscal year 1993 budget in subfunctional category 153 (Conduct of foreign affairs).

(H) Payments to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, classified in fiscal year 1993 budget in various subfunctional categories.

(I) Administration of the retirement and disability programs set forth in this section.

SEC. 104. MISCELLANEOUS PROVISIONS.

(a) Modification of Schedule.—The reauthorization schedule contained in section 101(b) may be changed by concurrent resolution of the two Houses of the Congress (except that changes in the schedule affecting permanent appropriations may be made only by law).

(b) Committee Referral.—All messages, petitions, memorials, concurrent resolutions, and bills proposing changes in section 101(b) and all bills proposing changes in section 103, shall be referred first to the committee with legislative jurisdiction over any program affected by the proposal and sequentially to the Committee on Rules in the House of Representatives or to the Committee on Rules and Administration in the Senate.

(c) Committee Reports.—Except as provided in subsection (e), the Committee on Rules in the House of Representatives or the Committee on Rules and Administration in the Senate shall report with its recommendations any concurrent resolution or bill referred to it under subsection (b) and which previously has been reported favorably by a committee of legislative jurisdiction within 30 days (not counting any day on which the Senate or the House of Representatives is not in session), beginning with the day following the day on which such resolution or bill is so referred.

(d) Committee Recommendations.—The recommendations of the Committee on Rules or the Committee on Rules and Administration pursuant to subsection (c) or (e) shall include a statement on each of the following matters:

(1) The effect the proposed change would have on the sunset reauthorization schedule.

(2) The effect the proposed change would have on the jurisdictional and reauthorization responsibilities and workloads of the authorizing committees of Congress.

(3) Any suggested grouping of similar programs which would further the goals of this Act to make more effective comparisons between programs having like objective.

(e) Committee Referral Amendments to This Act.—Any concurrent resolution or bill proposing a change in section 101(b) or 103 shall be referred in the House to the Committee on Rules and in the Senate to the Committee on Rules and Administration. Such committee shall report an omnibus concurrent resolution or bill containing its recommendations regarding the proposed changes and consideration of such bill or resolution shall be highly privileged in the House of Representatives and privileged in the Senate. The provisions of subsections (c) and (d) of section 1017 of the Impoundment Control Act of 1974, insofar as they relate to consideration of rescission bills, shall apply to the consideration of concurrent resolutions and bills proposing changes reported pursuant to this subsection, amendments thereto, motions and appeals with respect thereto, and conference reports thereon.

(f) Point of Order.—It shall not be in order in the Senate or the House of Representatives to consider a bill or resolution reported pursuant to subsection (a), (b), (c), or (e) which proposes a reauthorization date for a program beyond the final reauthorization date of the sunset reauthorization cycle then in progress. Notwithstanding the preceding sentence, it shall be in order to consider a bill or resolution for the purpose of considering an amendment which meets the requirements of this subsection.

TITLE II—PROGRAM INVENTORY

SEC. 201. PROGRAM INVENTORY.

(a) Preparation.—The Comptroller General and the Director of the Congressional Budget Office, in cooperation with the Director of the Congressional Research Service, shall prepare an inventory of Federal programs (hereafter in this title referred to as the "program inventory").

(b) Purpose.—The purpose of the program inventory is to advise and assist the Congress in carrying out the requirements of titles I and III. Such inventory shall not in any way bind the committees of the Senate or the House of Representatives with respect to their responsibilities under such titles and shall not infringe on the legislative and oversight responsibilities of such committees. The Comptroller General shall compile and maintain the inventory, and the Director of the Congressional Budget Office shall provide budgetary information for inclusion in the inventory.

(c) Submission Date.—Not later than April 1, 1993, the Comptroller General, after consultation with the Director of the Congressional Budget Office and the Director of the Congressional Research Service, shall submit the program inventory to the Senate and House of Representatives.

(d) Categories in Report.—In the report submitted under this section, the Comptroller General, after consultation and in cooperation with and consideration of the views and recommendations of the Director of the Congressional Budget Office, shall group programs into program areas appropriate for the exercise of the review and reexamination requirements of this Act. Such groupings shall identify program areas in a manner which classifies each program in only one functional and only one subfunctional category and which is consistent with the structure of national needs, agency missions, and basic programs developed pursuant to section 1105 of title 31, United States Code.

(e) Program Analysis.—The program inventory shall set forth for each program each of the following matters:

(1) The specific provision or provisions of law authorizing the program.

(2) The committees of the Senate and the House of Representatives which have legislative or oversight jurisdiction over the program.

(3) A brief statement of the purpose or purposes to be achieved by the program.

(4) The committees which have jurisdiction over legislation providing new budget authority for the program, including the appropriate subcommittees of the Committees on Appropriations of the Senate and the House of Representatives.

(5) The agency and, if applicable, the subdivision thereof responsible for administering the program.

(6) The grants-in-aid, if any, provided by such program to State and local governments.

(7) The next reauthorization date for the program.

(8) A unique identification number which links the program and functional category structure.

(9) The year in which the program was originally established and, where applicable, the year in which the program expires.

(10) Where applicable, the year in which new budget authority for the program was last authorized and the year in which current authorizations of new budget authority expire.

(f) Unauthorized Programs.—The inventory shall contain a separate tabular listing of programs which are not required to be reauthorized pursuant to section 101(c).

(g) Analysis of New Budget Authority.—The report also shall set forth for each program whether the new budget authority provided for such programs is—

(1) authorized for a definite period of time;

(2) authorized in a specific dollar amount but without limit of time;

(3) authorized without limit of time or dollar amounts;

(4) not specifically authorized; or

(5) permanently provided,

as determined by the Director of the Congressional Budget Office.

(h) Other Data.—For each program or group of programs, the program inventory also shall include information prepared by the Director of the Congressional Budget Office indicating each of the following matters:

(1) The amounts of new budget authority authorized and provided for the program for each of the preceding four fiscal years and, where applicable, the four succeeding fiscal years.

(2) The functional and subfunctional category in which the program is presently clas-

sified and was classified under the fiscal year 1993 budget.

(3) The identification code and title of the appropriation account in which budget authority is provided for the program.

SEC. 202. EXCHANGE OF INFORMATION.

The General Accounting Office, the Congressional Research Service, and the Congressional Budget Office shall permit the mutual exchange of available information in their possession which would aid in the compilation of the program inventory.

SEC. 203. AGENCY COOPERATION.

The Office of Management and Budget, and the Executive agencies and the subdivisions thereof shall, to the extent necessary and possible, provide the General Accounting Office with assistance requested by the Comptroller General in the compilation of the program inventory.

SEC. 204. CONGRESSIONAL REVIEW.

Each committee of the Senate and the House of Representatives, the Congressional Budget Office, and the Congressional Research Service shall review the program inventory as submitted under section 201 and not later than June 1, 1993, each shall advise the Comptroller General of any revisions in the composition or identification of programs and groups of programs which it recommends. After full consideration of the reports of all such committees and officials, the Comptroller General in consultation with the committees of the Senate and the House of Representatives shall report, not later than July 1, 1993, a revised program inventory to the Senate and the House of Representatives.

SEC. 205. REVISIONS OF INVENTORY.

(a) Revisions of Inventory.—The Comptroller General, after the close of each session of the Congress, shall revise the program inventory and report the revisions to the Senate and the House of Representatives.

(b) Congressional Report.—After the close of each session of the Congress, the Director of the Congressional Budget Office shall prepare a report, for inclusion in the revised inventory, with respect to each program included in the program inventory and each program established by law during such session, which includes the amount of the new budget authority authorized and the amount of new budget authority provided for the current fiscal year and each of the 5 succeeding fiscal years. If new budget authority is not authorized or provided or is authorized or provided for an indefinite amount for any of such 5 succeeding fiscal years with respect to any program, the Director shall make projections of the amounts of such new budget authority necessary to be authorized or provided for any such fiscal year to maintain a current level of services.

(c) List of Programs Not Reauthorized.—Not later than one year after the first or any subsequent reauthorization date, the Director of the Congressional Budget Office, in consultation with the Comptroller General and the Director of the Congressional Research Service, shall compile a list of the provisions of law related to all programs subject to such reauthorization date for which new budget authority was not authorized. The Director of the Congressional Budget Office shall include such a list in the report required by subsection (b). The committees with legislative jurisdiction over the affected programs shall study the affected provisions and make any recommendations they deem to be appropriate with regard to such provisions to the Senate and the House of Representatives.

SEC. 206. ADEQUACY ASSESSMENT.

The Director of the Congressional Budget Office and the Comptroller General shall include in their respective reports to the Congress pursuant to section 202(f) of the Congressional Budget Act of 1974 and section 719 of title 31, United States Code, an assessment of the adequacy of the functional and subfunctional categories contained in section 101(b) of this Act for grouping programs of like missions or objectives.

SEC. 207. REPORT ON PENDING LEGISLATION.

(a) Annual Report.—The Director of the Congressional Budget Office shall tabulate and issue an annual report on the progress of congressional action on bills and resolutions reported by a committee of either House or passed by either House which authorize the enactment of new budget authority for programs.

(b) Contents of Report.—The report shall include an up-to-date tabulation for the fiscal year beginning October 1 and the succeeding four fiscal years of the amounts of budget authority—

(1) authorized by law or proposed to be authorized in any bill or resolution reported by any committee of the Senate or the House of Representatives; or

(2) if budget authority is not authorized or proposed to be authorized for any of the 5 fiscal years, the amounts necessary to maintain a current level of services for programs in the inventory.

(c) Programs Subject to Reauthorization.—The Director of the Congressional Budget Office shall issue periodic reports on the programs and the provisions of laws which are scheduled for reauthorization in each Congress pursuant to the reauthorization schedule in section 101(b). In these reports, the Director shall identify each provision of law which authorizes the enactment of new budget authority for programs scheduled for reauthorization and the title of the appropriation bill, or part thereof, which would provide new budget authority pursuant to each authorization.

TITLE III—PROGRAM REEXAMINATION

SEC. 301. REEXAMINATION BY CONGRESS.

(a) Committee Reexamination.—Each committee of the Senate and the House of Representatives periodically shall provide through the procedures established in section 302, for the conduct of a comprehensive reexamination of selected programs or groups of programs over which it has jurisdiction.

(b) Selection Criteria.—In selecting programs and groups of programs for reexamination, each committee shall consider each of the following matters:

(1) The extent to which substantial time has passed since the program or group of programs has been in effect.

(2) The extent to which a program or group of programs appears to require significant change.

(3) The resources of the committee with a view toward undertaking reexaminations across a broad range of programs.

(4) The desirability of examining related programs concurrently.

SEC. 302. FUNDING RESOLUTION AND REPORT.

(a) Funding Resolution and Report.—(1) The funding resolution first reported by each committee of the Senate in 1994, and thereafter for the first session of each Congress, shall include, and the first funding resolution introduced by each committee of the House of Representatives (and referred to the Committee on House Administration) for such year and thereafter for the first session of each Congress shall include, a section setting forth the committee's plan for reexamination of programs under this title. Such plan shall include each of the following matters:

(A) The programs to be reexamined and the reasons for their selection.

(B) The scheduled completion date for each program reexamination, which date shall not be later than the end of the Congress preceding the Congress in which the reauthorization date applicable to a program occurs as provided in section 101(b), unless the committee explains in a statement in the report accompanying its proposed funding resolution (in the Senate), or in a statement supplied by the respective committee and included in the report of the Committee on House Administration (in the House of Representatives), the reasons for a later completion date, except that reports on programs scheduled for reauthorization during the 103d Congress and selected for reexamination in a committee's plan adopted in 1993 may be submitted at any time on or before February 15, 1994.

(C) The estimated cost for each reexamination.

(2) The report accompanying the funding resolution reported by each committee of the Senate in 1993 and thereafter for the first session of each Congress, shall include, and the report accompanying the funding resolution reported by the Committee on House Administration with respect to each committee of the House of Representatives shall include, a statement of that committee, with respect to each reexamination in its plan, of each of the following matters:

(A) A description of the components of the reexamination.

(B) A statement of whether the reexamination is to be conducted (i) by the committee, or (ii) at the request and under the direction of or under contract with the committee, as the case may be, by one or more instrumentalities of the legislative branch, one or more instrumentalities of the executive branch, or one or more nongovernmental organizations, or (iii) by a combination of the foregoing.

(3) It shall not be in order to consider a funding resolution with respect to a committee of the Senate or the House of Representatives in 1993, and thereafter for the first session of a Congress, unless—

(A) such resolution includes a section containing the information described in paragraph (1) and the report accompanying such resolution contains the information described in paragraph (2); and

(B) the report required by subsection (c) with respect to each program reexamination scheduled for completion during the preceding Congress by such committee has been submitted for printing.

(4) It shall not be in order to consider an amendment to the section of a funding resolution described in paragraph (1) reported by a committee of the Senate for a year, or reported by the Committee on House Administration with respect to a committee of the House of Representatives for a year—

(A) if such amendment would require reexamination of a program which has been reexamined by such committee under this section during any of the five preceding years;

(B) if such amendment would cause such section not to contain the information described in paragraph (1) with respect to each program to be reexamined by such committee; or

(C) if notice of intention to propose such amendment has not been given to such committee and, in the case of an amendment in the Senate, to the Committee on Rules and Administration of the Senate, or, in the case of an amendment in the House of Representatives, to the Committee on House Administration, not later than January 20 of the calendar year in which such year begins or the first day of the session of the Congress in which such year begins, whichever is later. The notice required by subparagraph (C) shall include the substance of the amendment intended to be proposed, and, if such amendment would add one or more programs to be reexamined, shall include the information described in paragraphs (1) and (2) with respect to each such program. Subparagraph (C) shall not apply to amendments proposed by such committee or by the Committee on Rules and Administration or House Administration, as the case may be.

(b) CONSULTATION WITH OTHER COMMITTEES.—In order to achieve coordination of program reexamination each committee shall, in preparing each reexamination plan required by subsection (a), consult with appropriate committees of the Senate or appropriate committees of the House of Representatives, as the case may be, and shall inform itself of related activities of and support or assistance that may be provided by (1) the General Accounting Office, the Congressional Budget Office, the Congressional Research Service, and the Office of Technology Assessment, and (2) appropriate instrumentalities in the executive and judicial branches.

(c) COMMITTEE REPORTS.—Each committee shall prepare and have printed a report with respect to each reexamination completed under this title. Each such report shall be delivered to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, not later than the date specified in the resolution and printed as a Senate or House document, accordingly. To the extent permitted by law or regulation, such number of additional copies as the committee may order shall be printed for the use of the committee. If two or more committees have legislative jurisdiction over the same program or portions of the same program, such committees may reexamine such program jointly and submit a joint report with respect to such reexamination.

(d) CONTENTS OF COMMITTEE REPORT.—The report pursuant to subsection (c) shall set forth the findings, recommendations, and justifications with respect to the program, and shall include to the extent the committee deems appropriate, each of the following matters:

(1) An identification of the objectives intended for the program and the problem it was intended to address.

(2) An identification of any trends, developments, and emerging conditions which are likely to affect the future nature and extent of the problems or needs which the program is intended to address and an assessment of the potential primary and secondary effects of the proposed program.

(3) An identification of any other program having potentially conflicting or duplicative objectives.

(4) A statement of the number and types of beneficiaries or persons served by the program.

(5) An assessment of the effectiveness of the program and the degrees to which the original objectives of the program or group of programs have been achieved.

(6) An assessment of the cost effectiveness of the program, including where appropriate, a cost-benefit analysis of the operation of the program.

(7) An assessment of the relative merits of alternative methods which could be considered to achieve the purposes of the program.

(8) Information on the regulatory, privacy, and paperwork impacts of the program.

(e) TITLE I SATISFIED.—A report submitted pursuant to this section shall be deemed to satisfy the reauthorization review requirements of title I.

SEC. 303. EXECUTIVE REVIEW.

Each department or agency of the executive branch which is responsible for the administration of a program selected for reexamination pursuant to this title shall, not later than 6 months before the completion date specified for reexamination reports pursuant to section 302(a)(1)(B), submit to the Office of Management and Budget and to the appropriate committee or committees of the Senate and the House of Representatives a report of its findings, recommendations, and justifications with respect to each of the matters set forth in section 302(d), and the Office of Management and Budget shall submit to such committee or committees such comments as it deems appropriate.

SEC. 304. DEFINITIONS.

For the purposes of this title—

(1) the term "funding resolution" means, with respect to each committee of the House of Representatives, the primary funding resolution for such committee which is effective for the duration of a Congress; and

(2) an amendment to a funding resolution includes a resolution of the Senate which amends such funding resolution.

TITLE IV—MISCELLANEOUS

SEC. 401. AGENCY APPROPRIATIONS REQUESTS.

Section 1108(e) of title 31, United States Code, is amended by inserting before the period a comma and "or at the request of a committee of either House of Congress presented after the day on which the President transmits the budget to the Congress under section 1105 of this title for the fiscal year".

SEC. 402. NONDISCLOSURE.

Nothing in this Act shall require the public disclosure of matters that are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order, or which are otherwise specifically protected by law.

SEC. 403. RULEMAKING.

The provisions of this section and sections 101(a), 101(b), 101(c)(1), 101(c)(2), 101(c)(5), 102, 104(b), 104(c), 104(d), 104(e), 104(f), title III (except section 303), section 405, and section 406 of this Act are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 404. EXECUTIVE ASSISTANCE AND REGULATORY DUPLICATION AND CONFLICTS REPORT.

(a) EXECUTIVE ASSISTANCE.—(1) To assist in the review or reexamination of a program, the head of an agency which administers such program and the head of any other agency, when requested, shall provide to each committee of the Senate and the House of Representatives which has legislative jurisdiction over such program such studies, information, analyses, reports, and assistance as the committee may request.

(2) Not later than 6 months before the first reauthorization date specified for a program in section 101(b) the head of the agency which administers such program or the head of any other agency, when requested by a committee of the Senate or the House of Representatives, shall conduct a review of those regulations currently promulgated and in use by that agency which the committee specifically has requested be reviewed and submit a report to the Senate or the House of Representatives as the case may be, setting forth the regulations that agency intends to retain, eliminate, or modify if the program is reauthorized and stating the basis for its decision.

(3) On or before October 1 of the year preceding the beginning of the Congress in which occurs the reauthorization date for a program, the Comptroller General shall furnish to each committee of the Senate and the House of Representatives which has legislative jurisdiction over such program a listing of the prior audits and reviews of such program completed during the preceding 6 years.

(4) Consistent with the discharge of the duties and functions imposed by law on them or their respective Offices or Service, the Comptroller General, the Director of the Congressional Budget Office, the Director of the Office of Technology Assessment, and the Director of the Congressional Research Service shall furnish to each committee of the Senate and the House of Representatives such information, analyses, and reports as the committee may request to assist it in conducting reviews or evaluations of programs.

(b) REGULATORY DUPLICATION AND CONFLICT REPORT.—(1) On or before October 1 of the year preceding the beginning of the Congress in which occurs the reauthorization date for a program, the President, with the cooperation of the head of each appropriate agency, shall submit to the Congress a "Regulatory Duplication and Conflict Report" for all such programs scheduled for reauthorization in the next Congress.

(2) Each such regulatory duplication and conflicts report shall—

(A) identify regulatory policies, including data collection requirements, of such programs or the agencies which administer them, which duplicate or conflict with each other or with rules or regulations or regulatory policies of other programs or agencies, and identify the provisions of law which authorize or require such duplicative or conflicting regulatory policies or the promulgation of such duplicative or conflicting rules or regulations;

(B) identify the regulatory policies, including data collection requirements, of such programs which are, or which tend to be, duplicative of or in conflict with rules or regulations or regulatory policies of State or local governments; and

(C) contain recommendations which address the conflicts or duplications identified in subparagraphs (A) and (B).

(3) The regulatory duplication and conflicts report submitted by the President pursuant to this subsection shall be referred to the committee or committees of the House of Representatives and the Senate with legislative jurisdiction over the programs affected by the reports.

SEC. 405. SUNSET REAUTHORIZATION BILL.

(a) COMMITTEE INTRODUCTION.—Not later than 15 days after the beginning of the second regular session of the Congress in which occurs the reauthorization date applicable to a program under section 101(b), the chairmen of the committees of the Senate and the House of Representatives having legislative jurisdiction over such programs shall introduce, in their respective Houses, a bill which, if enacted into law, would constitute a required authorization (as defined in section 101(c)(1)(B)), and such a bill (hereafter in this section referred to as a "sunset reauthorization bill") shall be referred to the appropriate committee of the Senate or the House of Representatives, as the case may be. This subsection shall not apply in the case of a program which has been reauthorized by a required authorization which was signed into law by the President prior to 15 days after the beginning of the second regular session of the Congress in which occurs the reauthorization date applicable to such program.

(b) DISCHARGE FOR FAILURE TO CONSIDER.—If the committee to which a sunset reauthorization bill for a program has not reported such bill by May 15 of the year in which the reauthorization date for such program occurs, and no other bill which would constitute a required authorization for such program has been enacted into law by that date, it is in order to move to discharge the committee from further consideration of the sunset reauthorization bill at any time thereafter.

(c) DISCHARGE PROCEDURES.—The provisions of section 912(a) of title 5, United States Code, as it relates to the discharge of resolutions of disapproval on reorganization plans, shall apply to motions to discharge sunset reauthorization bills, and the provisions of subsections (b)(2), (c) (2) through (5), and (d) of section 1017 of the Impoundment Control Act of 1974, insofar as they relate to the consideration of rescission bills shall apply to the consideration of such sunset reauthorization bills, amendments thereto, motions and appeals with respect thereto, and conference reports thereon.

SEC. 406. COMMITTEE JURISDICTION OVER ACT.

The Committees on Governmental Affairs and on Rules and Administration of the Senate and the Committees on Government Operations and on Rules of the House of Representatives shall review the operation of the procedures established by this Act, and shall submit a report not later than December 31, 1998, and each 5 years thereafter, setting forth their findings and recommendations. Such reviews and reports may be conducted jointly.

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years ending before October 1, 2003, such sums as may be necessary to carry out the review requirement of titles I and III and the requirements for the compilation of the inventory of Federal programs as set forth in title II.

By Mr. BURNS (for himself, Mr. SHELBY, Mr. HOLLINGS, Mr. PRYOR, Mr. BOND, Mr. SASSER, Mr. KEMPTHORNE, Mr. REID, and Mr. PRESSLER):

S. 187. A bill to protect individuals engaged in lawful hunt on Federal lands, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes; to the Committee on Energy and Natural Resources.

RECREATIONAL HUNTING SAFETY AND PRESERVATION ACT OF 1993

Mr. BURNS. Mr. President, I rise today to introduce the Recreational Hunting Safety and Preservation Act of 1993.

America's cherished system of hunting, long admired by people throughout the world, is being seriously threatened by the tactics of a small, but well-organized group of antihunting activists.

Because of the dramatic increase in the numbers and nature of well-orchestrated attacks against hunters, 41 States have enacted laws outlawing deliberate acts that disrupt lawful hunts.

Unfortunately, much more remains to be done to reverse these alarming trends. The Federal Government, which owns over 35 percent of Montana and more than one-third of the land in the United States, needs to protect hunters on Federal lands from the harassment of antihunting saboteurs.

These saboteurs have decided not to try and change the laws or beliefs of Americans but instead have chartered a confrontational path of harassment, intimidation, and obstruction aimed at legitimate and law-abiding sport hunters.

This is why Senator SHELBY and I are introducing the Recreational Hunting Safety and Preservation Act, to protect the American hunter.

This bill simply says that any person who knowingly acts with intent to obstruct, impede, or otherwise interfere with the conduct of a lawful hunt on land with a Federal interest may be assessed a civil penalty, injunctive relief, and civil lawsuits.

Harassment of legitimate and lawful hunting is on the rise. Harassment is an unreasonable interference with hunting. Harassment is being done by groups whose true goals are to end all use of animals, including the use of animals in medical research and testing; the raising and eating of meat; the wearing of fur, leather, wool, and silk; circus and rodeos; the keeping of pets, and the many varied uses of animal products in industrial processes.

The groups who pursue these goals are not content with the normal mechanisms offered for debate in our free society.

Hunting is a traditional and beneficial recreation, both for the hunter and for the management of wildlife populations. Nearly one-half of the hunting that takes place in this country today is done on Federal lands.

The 18 million licensed hunters in the United States have been the major financial supporters of wildlife conservation. Over the last 50 years hunters have contributed over $2.5 billion toward wildlife conservation through excise taxes, duck stamps, and license fees. This bill will continue this tradition by contributing all moneys collected as fines to the North American waterfowl management plan and the Pittman-Robertson Act. Both of these programs acquire lands to protect wildlife habitat.

Under the combination of revenue from hunting and management of populations through hunting, wildlife is more varied and abundant today than at any time since the pioneering era.

Even though 41 States have enacted hunter protection laws, it is not clear that those laws would always apply on Federal lands. Even if State laws applied on Federal lands, this legislation would add some unique approaches and avenues that would aid significantly in the control of harassment.

When a person buys a State hunting license, he or she deserves the opportunity for a quality outdoor experience and should not be subjected to harassment by others.

Hunting is a legitimate, lawful sport, and compatible with good management and conservation practices when done properly. Therefore, it is the role of the Federal Government to do what it can to protect the rights of law-abiding citizens engaged in a Government-sanctioned sport and to protect the activists as well.

Mr. SHELBY. Mr. President, I rise today to join my colleague, Senator BURNS, in introducing the Recreational Hunting Safety and Preservation Act of 1993. This bill will protect individuals engaged in a lawful hunt on Federal lands and make it illegal to interfere with and to harass hunters pursuing their sport.

There is a real need for this type of legislation because during the past few years, the incidence of small, well-orchestrated attacks by anti-hunting activists against hunters has increased, dramatically. I believe that these anti-hunting activists may be well-intentioned, but they are not well-informed. They do not realize the need for careful, prudent wildlife management. They fail to see the important contributions hunters and fishermen make to the continued propagation of our wildlife resources. Without hunting and fishing, many of the species that anti-hunting activists seek to protect will be threatened because population control is essential to our ecological system.

In addition, there also is a need to protect hunters on Federal lands since the Federal Government owns more than one-third of the land in the United States. Only 34 States have passed laws to make deliberate acts that disrupt lawful hunts illegal.

As someone who enjoys the outdoors and especially the challenge of hunting fowl, I remain an advocate of wildlife management and the conservation of our environment. Every time I go hunting, I learn more about my surroundings. I always come back to Washington with a greater appreciation for the outdoors. Rarely have I met people more enthusiastic about preserving wildlife and the environment than hunters and fishermen. These individuals love the outdoors and want to find sensible ways to manage wildlife populations for the benefit of the animals and future sportsmen and women. Therefore, I believe if we continue to support and promote realistic policies, anti-hunting activists will understand that hunting and fishing play a vital role in the management and preservation of the environment.

Most Americans do not realize that the 18 million licensed hunters in the United States have played a major role financially in supporting wildlife conservation. In fact, during the past 50 years, through the collection of Federal excise taxes paid by U.S. hunters and fishermen, the States have collected more than $2.5 billion for sport fish and wildlife restoration, hunter education, research, habitat management, and population control. This is a clear example of the longstanding cooperation America's outdoor sports enthusiasts have had with State and Federal wildlife agencies. We must educate the public about the benefits of hunting and fishing. By teaching the public about the value of our Nation's natural resources and the role hunters and fishermen play in the environment, we will be leading the way in preserving America's great outdoors.

This bill that Senator BURNS and I are introducing today would go a long way in assisting Federal and State wildlife agencies to achieve their desired wildlife management results while providing valuable recreational experiences for hunters and fishermen. The legislation would protect law-abiding sportsmen and women engaged in a lawful activity from being harmed by the misinformed. In addition, the legislation would require that all funds collected as fines be contributed to the North American waterfowl management plan and the Pittman-Robertson Act—programs which acquire lands for the protection of wildlife habitat.

Our forefathers hunted and fished for survival and were held in high esteem in their communities. Although the role of hunters and anglers has changed from a necessity to a recreational activity, the sport provides a beneficial service to mankind by conserving wildlife. It is time that we restored sportsmen and women to a position of respect in our society by protecting them from harassment. This will ensure that generations to come will find the same pleasure in hunting and fishing in America's great outdoors that we have had and that we hope to continue to have in the future.

By Mr. HELMS:

S. 198. A bill to amend the Internal Revenue Code of 1986 to provide that the one-time exclusion of gain from sale of a principal residence shall not be precluded because the taxpayer's spouse, before becoming married to the taxpayer, elected the exclusion; to the Committee on Finance.

S. 199. A bill to amend the Internal Revenue Code of 1986 to allow the one-time exclusion or gain from sale of a principal residence to be taken before age 55 if the taxpayer or family member suffers a catastrophic illness; to the Committee on Finance.

TAX TREATMENT OF THE SALE OF A PRINCIPAL RESIDENCE.

Mr. HELMS. Mr. President, today I am introducing two bills—identical to legislation I introduced in the last Congress—to modify the one-time capital gains tax exclusion that is currently allowed for taxpayers over the age of 55 when they sell a home.

Section 121 of the Internal Revenue Code allows an individual over the age of 55 to exclude from taxable income up to $125,000 of capital gains from the sale of a residence. This exclusion may be claimed only once by the taxpayer or his spouse. However, section 121 has become a threat to the well-being of many Americans who desperately need the Tax Code to work for them and not against them.

The first bill in this package would allow a taxpayer to claim the one-time capital gains exclusion before the age of 55 in the event that the taxpayer or a member of the taxpayer's family suffers a catastrophic illness. The second bill would allow a taxpayer to claim the exclusion on a sale even though his or her spouse may have already claimed such a deduction before they were married.

Mr. President, the first measure is identical to legislation offered in the 101st Congress by our former colleague, Bill Armstrong. It would allow an individual who faces a catastrophic illness in his or her family to take advantage of the one-time capital gains exclusion prior to the age of 55. Under this bill, a taxpayer of any age would be able to exclude from taxable income up to $125,000 capital gains if a parent, spouse, or child of the taxpayer is physically or mentally incapable of self-care and that condition has lasted, or is expected to last, for at least 6 months. Once a taxpayer elects to exercise this exclusion, it would not be available again to that taxpayer.

More and more families face the exorbitant and unexpected cost associated with the onset of a catastrophic illness. Because of the high cost of long-term care, many taxpayers facing these costs are forced to sell their homes to pay medical bills. To add to the burden shouldered by the family, the Federal Government imposes a capital gains tax on the profits the taxpayer may realize.

This legislation provides one small way Congress can help families deal with the costs of long-term care without creating another massive and costly new Federal program and without forcing private businesses to carry the burden.

Mr. President, my second bill would remedy an unintended marriage penalty that exists in section 121. This problem was brought to my attention by Mr. Alan McKease from Hendersonville, NC, who at the time was 70 years old. Mr. McKease's wife suffered from cancer. When she died in 1989, neither she nor Mr. McKease had used the one-time capital gains exclusion that was available to them. They had planned to use the exclusion later to help pay for the cost of a good retirement home.

A couple of years after his wife's death, Mr. McKease married a 70-year-old widow. When he sold his home, he was shocked to learn that he couldn't exercise his one-time capital gains exclusion because his new wife and her late husband had already used the exclusion when they sold a previous residence.

Mr. President, there were ways that Mr. McKease could have avoided this problem. He could have sold his home before he remarried and found a new home, whether or not he was ready to do so. Or, if he and his wife wished to keep his home for the time being, they could have lived together without getting married. In that way, Mr. McKease could have retained his exclusion until he and his second wife decided to sell the home. That is why I referred to this section as containing a marriage penalty.

Mr. President, it should not be necessary for taxpayers to play such games to qualify within the provisions of our income tax laws. That is why I am proposing that we amend section 121, so that taxpayers who find themselves in a situation like that of Mr. McKease will be able to exercise the one-time capital gains exclusion even if their spouse has exercised the exclusion before they were married.

It is about time that Congress does something right. Reforming the tax laws in the manner proposed in these two bills is a good place to start.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELECTION BY TAXPAYER OF ONE-TIME EXCLUSION OF GAIN ON SALE OF PRINCIPAL RESIDENCE ALLOWED EVEN IF TAXPAYER'S SPOUSE ELECTED THE EXCLUSION BEFORE BECOMING MARRIED TO TAXPAYER.

(a) IN GENERAL.—Paragraph (2) of section 121(b) of the Internal Revenue Code of 1986 (relating to one-time exclusion of gain from sale of principal residence by individual who has attained age 55) is amended to read as follows:

"(2) APPLICATION TO ONLY ONE SALE OR EXCHANGE.—Subsection (a) shall not apply to any sale or exchange if—

"(A) in the case of an unmarried individual, an election by such individual under subsection (a) with respect to any other sale or exchange is in effect, or

"(B) in the case of married individuals, an election by each such individual under subsection (a) with respect to any other sale or exchange is in effect."

(b) TECHNICAL AMENDMENT.—Paragraph (2) of section 121(d) of such Code is amended to read as follows:

"(2) PROPERTY OF DECEASED SPOUSE.—For purposes of this section, in the case of an unmarried individual whose spouse is deceased on the date of the sale or exchange of property, if the deceased spouse (during the 5-year period ending on the date of the sale or exchange) satisfied the holding and use requirements of subsection (a)(2) with respect to such property, then such individual shall be treated as satisfying the holding and use requirements of subsection (a)(2) with respect to such property."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges after the date of the enactment of this Act.

S. 199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION ON GAIN FROM HOME SALE TO APPLY IF TAXPAYER OR FAMILY MEMBER SUFFERS CATASTROPHIC ILLNESS.

(a) IN GENERAL.—Paragraph (1) of section 121(a) of the Internal Revenue Code of 1986 (relating to one-time exclusion of gain from sale of principal residence by individual who has attained age 55) is amended to read as follows:

"(1) either—

"(A) the taxpayer has attained the age of 55 before the date of such sale or exchange, or

"(B) as of the date of such sale or exchange, the taxpayer, or a parent, spouse, or child of the taxpayer—

"(i) is physically or mentally incapable of self-care, and

"(ii) has had such condition, or has been certified by a medical practitioner licensed under State law as expecting to have such condition, for a period of at least 6 months, and".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 121(d) of the Internal Revenue Code of 1986 is amended by inserting "or condition" after "age" each place it appears.

(2)(A) The heading for section 121 of such Code is amended by striking "WHO HAS ATTAINED AGE 55" and inserting "IN CERTAIN CASES".

(B) The item relating to section 121 in the table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking "who has attained age 55" and inserting "in certain cases".

(3) Each of the following provisions of such Code are amended by striking "who has attained age 55" and inserting "in certain cases":

(A) Section 1033(h)(3).

(B) Section 1034(l).

(C) Section 1038(e)(1)(A).

(D) Section 1250(d)(7)(B).

(E) Section 6012(c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act in taxable years ending after such date.

By Mr. HELMS:

S. 200. A bill to amend title 18, United States Code, to establish fair competition between the private sector and the Federal Prison Industries; to the Committee on the Judiciary.

FEDERAL PRISON INDUSTRIES REFORM ACT OF 1993

Mr. HELMS. Mr. President, I am once again offering legislation to reform the Federal Prison Industries, also known as UNICOR, by amending the statute which presently allows prisons to borrow money from the U.S. Treasury and receive a preference when selling prison-made products to the Federal Government.

Mr. President, Federal Prison Industries is, in fact, a vary large corporation. It is engaged in the business of making chairs, tables, desks, and other office products. It uses Federal prisoners to manufacture these items. It borrows money from the Government to finance its activities then sells the products to the Federal Government.

What originally started out as a teaching program for prisoners has now become a corporate giant.

Mr. President, Congress has created a Government-operated company which has a clear competitive edge over private companies. Because of the preference given to it by the Congress, Prison Industries can even keep the Government from giving contracts to private manufacturers.

If that weren't enough, Mr. President, prison products need not even meet the same quality standards which are required of the private sector. This is a multi-million-dollar industry making furniture that the Government must buy without adherence to the high quality expected of products purchased from the private producers.

Mr. President, we must get rid of the preference which Prison Industries receives in securing Government contracts. In other words, Federal Prison Industries receive a special Government benefit at the expense of a lot of hard working people across the country. That does not make sense.

When borrowing authority is extended, small businesses across the country could be destroyed. Prisons hold a clear advantage over any business they care to compete with because they receive preference on all Government contracts they choose to bid on. That is to say Prisons are given a right of first refusal.

Mr. President, as I said earlier this is not a small corporation. In 1990, UNICOR sales represented 25 percent of Federal office furniture purchases. In the same year total sales of prison furniture to the Government went up 14 percent while private sector sales to the Government increased only 0.7 percent.

In fiscal year 1990, metal and wood product sales of Prison Industries were $136.5 million. This would make Prison Industries the 16th largest U.S. furniture manufacturer in terms of sales.

In addition to the competition from UNICOR, the furniture industry also faces competition from prison systems at the State level, as well as billions of dollars entering our Nation from abroad.

Mr. President, we are talking about an industry which claims a net worth over $250 million. Despite that, the Bureau of Prisons continues to add factories to its already enormous industrial plant. How many corporations can boast of a capacity like that?

Nobody is opposed to prisoner training. Certainly, Mr. President, I am not, but this corporation goes far beyond the intent of the original training program. For example, one-quarter of the furniture in this country is manufactured in North Carolina. Prison Industries is out there competing with companies which are already under assault from foreign competition. Think about it: Men and women in North Carolina, and Michigan, and South Carolina, are being put out of work by an agency of the Federal Government—the Federal Bureau of Prisons. We must not allow this to continue.

This legislation institutes four simple reforms designed to bring some fairness to our domestic industries:

It sunsets the borrowing authority in 3 years which will allow us to study the effect this measure has had on business competing with Prison Industries.

It does away with the Prison Industries contract preference so that all of our businesses may compete for Federal contracts on an equal footing.

It requires Prison Industries to comply with GSA standards. The public should know that its tax dollars buy only the best products.

It requires the President to appoint a representative of the effected industries, the people who speak for the furniture and textile companies, to sit on the board of directors. We need to make sure that Prison industries do not undercut the private sector.

Mr. President, I cannot emphasize how important these reforms are. This legislation has received the support of the U.S. Chamber of Commerce, the American Furniture Manufacturers Association, and the National Federation of Independent Business. They understand the illogic of having the Federal prison system get special treatment in the marketplace. We cannot continue to penalize the hard-working, law-abiding people of our country. I urge Senators to support this legislation.

Mr. President, I ask unanimous consent that the entire text of this legislation be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Federal Prison Industries Reform Act".

SEC. 2. FEDERAL PROCUREMENT STANDARDS.

Section 4124(a) of title 18, United States Code, is amended—

(1) by striking "shall" and inserting "may" in the first sentence; and

(2) by inserting after the first sentence the following: "In no event shall such a purchase involve a product which does not otherwise meet the same or equivalent quality standards which would be applied by the General Services Administrator to a comparable product if purchased from a private sector source or vendor.".

SEC. 3. BOARD OF DIRECTORS COMPOSITION.

Section 4121 of title 18, United States Code, is amended by inserting at the end thereof the following:

"Not later than 120 days after the date of enactment of this sentence, the President shall appoint one additional member of the Board of Directors of Federal Prison Industries from a list of not more than 5 persons provided by the following organizations: the Chamber of Commerce of the United States, the National Federation of Independent Business, the American Furniture Manufacturers Association, the Printing Industries of America, and the National Association of Wholesale Distributors.".

SEC. 4. EXPIRATION OF BORROWING AUTHORITY.

Section 4129(a)(1) of title 18, United States Code, is amended in the second sentence by striking "authorized" and inserting " authorized, for 3 years after the date of enactment of this amendment,".

By Mr. HELMS:

S. 201. A bill to amend bankruptcy rule 7004 to require that service of process on an insured depository institution be made by personal service on an officer of the institution; to the Committee on the Judiciary.

BANKRUPTCY PROCEEDINGS SERVICE OF PROCESS ACT 1993

Mr. HELMS. Mr. President, I am today introducing a bill to address a problem brought to my attention by one of North Carolina's foremost bankers, Mr. William L. Burns, Jr., president of Central Carolina Bank in Durham.

A few years ago, Bill Burns discussed with me the problems created for banking institutions by the provisions of the rules of bankruptcy procedure governing service of process in bankruptcy adversary proceedings. Specifically, the rules provide that service of process against a bank by an individual or company filing bankruptcy can be accomplished by simply sending a letter by first class mail to a managing agent of the bank.

This process automatically puts a bank at a disadvantage because, first, a legal document received in the large volume of regularly delivered mail received in a bank's many branches is much less likely than certified or registered mail to receive the necessary prompt attention; and second, the person at the bank to whom the letter is addressed often does not have sufficient authority to ensure a response within the time period required by the Bankruptcy Code.

While banking institutions have an interest in seeing this process made more fair, so do the American taxpayers—since they are the ones who ultimately insure most of the deposits in these institutions. So, today, I am introducing legislation which will make this process more fair to all involved, and help ensure that justice is served in bankruptcy proceedings.

This legislation is similar to—but not identical to—a provision I proposed to members of the Judiciary Committee which was included in the bankruptcy reform bill (S. 1985). The provision amended rule 7004(b) of the bankruptcy rules to require that service of process in a bankruptcy proceeding be accomplished by certified or registered mail.

I was pleased the Judiciary Committee included this provision in their bankruptcy reform bill. And while their bill—including the Helms provision—passed the full Senate, it failed to get enacted in the rush of business accompanying the final hours of the 102d Congress.

Mr. President, shortly after the Helms provision was approved by the Judiciary Committee, that committee received a letter of opposition from the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States.

I have since revised my proposed legislation to help meet the objections of the Committee on Rules and Practice, specifically by applying the new provision to service of process only in those instances it is made upon a federally insured depository institution. The legislation I am introducing includes these revisions.

Mr. President, this is obviously a general overview of an issue involving some very technical legal issues. Senators may wish to take a moment—or have their staffs take a moment—to review this issue in more detail by reading the following items, which, Mr. President, I ask unanimous consent to be printed in the RECORD at the conclusion of my remarks:

First, a letter dated September 26, 1991 from Mr. Richard Prentis, Jr., of the Durham, NC, law firm of Stubbs, Cole, Breedlove, Prentis & Biggs to Bill Burns outlining the problems created by the current service of process procedure and discussing proposed improvements to the procedure.

Second, the letter from Robert E. Keeton, chairman of the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States to our colleague and chairman of the Senate Judiciary Committee, JOE BIDEN, outlining the advisory committee's objections to the service of process revisions including in the committee's bankruptcy reform bill.

Third, a letter from Mr. Prentis to Mr. Burns dated December 7, 1992, responding to the arguments made in the aforementioned letter from Mr. Keeton to Senator BIDEN; and,

Fourth, the text of the bankruptcy process reform legislation I am introducing today.

Mr. President, this is an issue of simple fairness: Banks—most of the deposits of which are guaranteed by the American taxpayer—should be provided a reasonable opportunity to respond to court documents when involved in a bankruptcy adversary proceeding. Under current rules of bankruptcy procedure, they often are not afforded this opportunity—which is why the legislation I introduce today is so necessary.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERVICE OF PROCESS IN BANKRUPTCY PROCEEDINGS ON AN INSURED DEPOSITORY INSTITUTION.

Rule 7004 of the Bankruptcy Rules is amended—

(1) in subsection (b) by striking "In addition" and inserting "Except as provided in subdivision (h), in addition"; and

(2) by adding at the end the following new subdivisions:

"(H) SERVICE OF PROCESS ON AN INSURED DEPOSITORY INSTITUTION.—Notwithstanding any other provision of this rule or any other rule or law, service on an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) shall be made by personal service on an officer of the institution.".

STUBBS COLE, BREEDLOVE,
PRENTIS & BIGGS,
Durham, NC, September 26, 1991.

WILLIAM L. BURNS, Jr.,
President, Central Carolina Bank and Trust Co.
Durham, NC.

DEAR BILL: You have asked me to articulate my concerns and opinions relating to service to process against a bank in a bankruptcy adversary proceeding. An "adversary proceeding" is simply a lawsuit with one or more plaintiffs and one or more defendants which is brought under the jurisdiction of the United States Bankruptcy Court and within the overall context of a pending bankruptcy case. Typically, the plaintiff in such an adversary proceeding will be the Trustee for the Debtor in the bankruptcy proceeding who is seeking some affirmative relief against some third party such as an attempt to recover money to be added to the assets of the bankruptcy estate.

Although the "adversary proceeding" is an expedited procedure since it is brought under the jurisdiction of the Bankruptcy Court rather than through the normal federal court system or through the state court system, the impact of such a proceeding has the same consequences as any litigation in any court.

Rule 7003 of the Rules of Bankruptcy Procedure provides that a Summons and Complaint in an adversary proceeding can be served simply by mailing by first class mail "to the attention of an officer, a managing or general agent." Thus, under this Bankruptcy Rule, the courts have permitted service of process against a bank simply by the mailing by first class mail to "managing agent" of the bank. We have been extremely concerned that such service of process for a Summons and Complaint which may seek significant affirmative relief, and which certainly requires a timely response, may not be addressed to a person of specific enough authority to insure a prompt response.

I understand that in reviewing a possible legislative revision of this liberal service of process Rule, concerns have been raised that any revision of the Rule remain consistent with the normal Rules of Civil Procedure. In response to that legislative concern, I believe the following points should be addressed.

1. The Federal Rules of Civil Procedure, which govern the filing of a Summons and Compliant in the United States District Court, also permit service upon a domestic or foreign corporation by delivery of a copy of the Summons and Compliant "to an officer, a managing or general agent . . . by mailing a copy of the summons and of the complaint (by first class mail, postage prepaid)." However, the Federal Rules of Civil Procedure contain a "safeguard" which, in Rule 4(c)(2)(C)(ii), further provides as follows:

The mailing of the Summons and Complaint must also be accompanied by "two (2) copies of a notice and acknowledgment . . . and a return envelope, postage prepaid, addressed to the sender. If no acknowledgment of service under this subdivision of this Rule is received by the sender within twenty (20) days after the date of mailing, service of such summons and complaint shall be made by personal delivery by either a deputy United States Marshal or by some other individual who is not a party and who is not less than eighteen (18) years of age.

In other words, even the Federal Rules of Civil Procedure provide that if an attempt is made to serve a Summons and Complaint only by first class mail, the plaintiff must receive an acknowledgment from the defendant that the defendant has been served or the service is deemed ineffective and must be served in person by an individual or a deputy marshal.

2. It is our recommendation that the Rules of Bankruptcy Procedure be amended to at least provide for the addition of the "safeguard" provision as contained in the Federal Rules of Civil Procedure as outlined above. More importantly, we do not feel it would be burdensome upon a plaintiff in a bankruptcy adversary proceeding or the Bankruptcy Court to require that in the case of service of process upon a federally insured banking institution, the plaintiff be required to deliver the document by mail or in person to a specifically named officer of that bank rather than to an unnamed individual merely specified as "managing agent." We believe the amendment to the Rules of Bankruptcy Procedure should provide for this special consideration for banking institutions for the following reasons:

(a) Banks are inherently large institutions with multiple offices, multiple mailing addresses and with individuals in charge of those various offices of varying degrees of experience and responsibility. Service of process upon a banking institution cannot be compared and should not be the same as service of process upon the typical corporation;

(b) the very nature of banking business results in a very high volume of mail and mere service of process by first class mail to an undesignated person inherently contains a great potential of error;

(c) As a federally insured institution, there is a general taxpayer and public interest in insuring that banks are protected against unfair entry of default on filed claims and unnecessary losses.

3. Finally, we think it should be emphasized that the problems which are outlined in this letter will only increase with time. As the trend toward larger banks through merger, acquisition, and normal growth continues, the problem of service of process by mere mail delivery will become increasingly more severe. At the same time, bankruptcy filings are increasing dramatically, bankruptcy proceedings are becoming more litigious, and more theories are being developed for the assertion of claims against banks, including a growing body of law in the area of lender liability, preferences, and violations of governmental regulations.

In summary, the filing of an adversary proceeding Summons and Complaint against a bank in a bankruptcy procedure can carry consequences as significant as the initiation of any litigation in any court against a bank. In order to insure that the bank at least has an opportunity to challenge the plaintiff's allegations and to raise appropriate defenses, the Rules of Bankruptcy Procedure should be modified so as to insure that the plaintiff in such an adversary proceeding is required to prove that, in fact, a responsible officer or agent of the bank received actual notice and knowledge of the filing of the litigation. Expansion of the Federal Rules of Bankruptcy Procedure to include the "safeguard" provision of the Federal Rules of Civil Procedure, and further expansion to require delivery of a summons and complaint to a specific officer of a federally insured banking institution would provide at least the assurance that the bank has received notice that it is a defendant in litigation.

I hope these thoughts are of assistance to you and that you will not hesitate to give me a call if I can address any other concerns or elaborate further upon the points made in this letter.

Sincerely yours,

RICHARD F. PRENTIS, Jr.

COMMITTEE ON RULES OF PRACTICE
AND PROCEDURE OF THE JUDICIAL
CONFERENCE OF THE UNITED
STATES,
Washington, DC, March 26, 1992.

Hon. JOSEPH R. BIDEN, Jr.
Chairman, Committee on the Judiciary, United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Senate Judiciary Committee reported out S. 1985, the National Bankruptcy Review Commission Act on March 19, 1992. Section 407 of the pending legislation would amend Bankruptcy Rule 7004(b)(3) to require that service of a complaint and summons upon a corporation in an adversary proceeding be accomplished by certified mail with a return receipt. Under the present rule, service of process in such cases can be made by any form of first class mail, without requiring a return receipt.

Rule 704, the predecessor of 7004(b)(3) of the Bankruptcy Rules of Procedure, was amended in 1976. Prior to the amendment, the rule did require service of process by first class mail with a return receipt. Experience with that procedure, however, proved unsatisfactory. Although the defendant's correct address was used, oftentimes the defendant was unavailable to the delivering postman, either to sign or refuse delivery. This created a good deal of confusion and delay in the litigation process. The rule was amended in 1976 to correct this problem and to permit service of process by first class mail.

The 1976 amendment to rule 704, now set forth as rule 7004(b)(3), has worked well. In most adversary proceedings, the corporation that is served process under rule 7004 is already part of the bankruptcy litigation. The corporation's correct address has been identified and notices of other proceedings in the bankruptcy litigation have been mailed and received by the corporation. As a result, misdirected mailings are infrequent. The change proposed in section 407 is ill-advised and could result in substantial and unnecessary cost to the debtor's estate, thereby reducing the amount available to creditors.

The proposed amendment would reinstitute a procedure that historically proved troublesome and would recreate the problems that had been corrected. In addition, the amendment conflicts with the Rules Enabling Act, 28 U.S.C. §§2071-2077, which provides a formal rule-making process that ensures that each proposed new rule or rule amendment receives wide and critical review. Under the Act, any proposed change to the rules must be published and circulated to the bench and bar, and to the public generally, for comment and suggestion. Public hearings on all proposed changes to the rules are held in most cases. Thereafter, rule changes are promulgated only after the Congress has had an opportunity to review them and has taken no action to defer or otherwise alter them following adoption by the Judicial Conference and the Supreme Court of the United States.

Section 407 of the pending legislation would in effect amend the Federal Rules of Bankruptcy Procedure outside the procedures of the Rules Enabling Act. I am aware of no reason why the normal process should be avoided in this instance. The Judicial Conference's Advisory Committee on Bankruptcy Rules is responsible to carry on a continuous study of the operation and effect of the bankruptcy rules of procedure. Although there has been no demonstrated need for a change in rule 7004(b)(3), the Advisory Committee will take the proposed change under consideration. To allow the proposed rule change to be considered in accordance with established procedures, I request that section 407 be deleted in the final version of the bill.

I appreciate your consideration of this request.

Sincerely,

ROBERT E. KEETON,
Chairman.

STUBBS, COLE, BREEDLOVE,
PRENTIS & BIGGS,
Durham, NC, December 7, 1992.

Re bankruptcy rule 7004(b)(3)—proposed amendment.

W.L. BURNS, Jr.,
President, Central Carolina Bank and Trust Co., Durham, NC.

DEAR BILL: I have reviewed the letter dated March 26, 1992 from Robert E. Keeton, Chairman of the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States to Senator Joseph R. Biden, Jr., Chairman of the Committee of the Judiciary.

The letter to Senator Biden recommends against adoption of the proposed amendment to Bankruptcy Rule 7004(b)(3) which would require service of process upon a corporation in a bankruptcy adversary proceeding to be accomplished by certified mail with a return receipt as opposed to the current version of that Rule which requires only first class mail with no return receipt in order to accomplish service of process. The letter to Senator Biden makes the following points:

1. Prior to 1976 the Bankruptcy Rules did require service by certified mail with return receipt and, according to the author of the letter, this was unsatisfactory as many defendants were "unavailable to the delivery postman . . . or refuse(d) delivery."

2. Service by first class mail is more expedient and any saving of costs of serving summons in adversary proceedings under the current Rule 7004 is a benefit to the Bankrupt estate and all creditors.

3. The adoption of the proposed amendment conflicts with the Rules Enabling Act which requires a formal rule making process to be followed before such an amendment can be adopted.

The proposed amendment to Rule 7004 provides a substantial benefit to the banking industry and our efforts must persist in obtaining an adoption of this amendment. Our initial efforts to obtain some relief for banking institutions resulted in an excellent amendment being proposed by Senator Helms which added a new paragraph (g) to Section 2 of Rule 7004 which provided as follows:

"service upon an insured depository institution, as defined in Section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1830(c), may be made by personal service on the vice president or other executive officer of such institution, notwithstanding any other provision of law."

It is my understanding that at the committee level this paragraph (g) was eliminated and as a compromise an attempt was made to render service of process more stringent upon all corporations. The letter to Senator Biden addresses this compromise proposal and the points which are addressed in that letter may have some validity as to service of process on ordinary and usual business corporations but do not have validity when applied to a federally insured banking institution.

With special emphasis upon the unique needs and burdens upon insured banking institutions I would address the points made in the letter to Senator Biden as follows:

1. In any civil litigation including a Bankruptcy adversary proceeding a delay can be incurred if service is attempted by certified mail with return receipt when the defendant is actively attempting to avoid service of process. It is not uncommon for a defendant to change address or to refuse to accept delivery of certified mail. However, this is not the case when banks are adversary proceeding defendants. Bank addresses and locations of business are well defined, highly visible, well known and virtually permanent. A rather loose requirement that the summons be delivered by certified mail return receipt required to any officer of the bank can be easily accomplished at virtually any branch office and presents no impediment, delay or additional cost to the judicial process.

2. The expediency which they are attempting to obtain by not amending Rule 7004 does not equitably balance against the extreme risk to a defendant bank. As the letter to Senator Biden states, there are frequent mailings to creditors in bankruptcy proceedings and, because banks are in the financial transaction business, banks are involved in a higher percentage of Bankruptcy proceedings than any other type of business. As a result banks receive a large volume of mail relating to bankruptcy proceedings. However, a large majority of the mail is not of a critical nature and is for informational purposes only. It is extremely misleading for a bank to receive a mailing of the extreme importance of a summons in an adversary proceeding for which substantial affirmative relief against the bank may be sought in the same mailing format as countless notices are received.

3. A very large percentage of Bankruptcy Adversary proceedings relate to attempts by a Bankruptcy Trustee or creditors to set aside or reduce the value of collateral acquired by other creditors in the Bankruptcy proceeding. Since banks are in the lending business and since most large loans are collateralized, banks constitute a large percentage of defendants in bankruptcy adversary proceedings usually with large claims at stake. Therefore, banks are at a higher risk than other potential defendants.

4. While it may be true that the proposed amendment has not been proposed and reviewed in accordance with the Rules Enabling Act, it is also true and, in my opinion, more important that the proposed amendment conforms with the already existing requirements of the Federal Rules of Civil Procedure. In fact, it is still less burdensome than those Federal Rules. Since the affirmative relief which can be sought against a banking institution in a adversary proceeding in a bankruptcy can be just as burdensome as a law suit filed against the bank in District Court it would seem appropriate that the bank be provided the same safeguards as are provided by the Rules of Civil procedure. Moreover, there appears to be no compelling reason why the Rules for service of process under the Rules of Bankruptcy procedure should be different from the Rules for service of process under the Federal Rules of Civil Procedure.

In summary, in responding to the letter to Senator Biden the following points should be emphasized:

1. Senator Helms' proposed bill provided a specific protection contained in paragraph (g) for banking institutions. This paragraph (g) was eliminated and as a compromise an amendment was proposed making the service of process Rules upon corporations in general more stringent.

2. Concerns which may be raised regarding more restrictive service of process rules as to general corporations are not valid when raised in regard to service of process upon banking institutions. More stringent service of process rules as to banking institution do not impose a greater burden upon the bankruptcy estate and are inherently in the public interest to prevent unwarranted losses by Federally insured institutions.

3. Bankruptcy proceedings should not be "ambush" proceedings designed to "trick" some creditors from losing rights for the benefit of other creditors. If a legitimate claim exists in an adversary proceeding, it should be assured that the defendants have actual notice of the assertion of that claim and a fair opportunity to defend its position.

4. Federally insured banking institutions should be provided special relief and more stringent service of process rules should be applied. If Bankruptcy Rule 7004 is not amended to extend this protection to all corporations then it should at least be amended to extend this protection to banking institutions. It is in the public interest to avoid unwarranted losses by banks, the new proposed rule would not be burdensome upon a bankruptcy estate since banks can be easily served even under the new rule, and the banks should be afforded at least the same protection as provided by the Federal Rules of Civil procedure.

I hope that the information contained in this letter will be of assistance in building a strong case for the adoption of the proposed amendment to Bankruptcy Rule 7004(b)(3) or for adding paragraph (g) back to the proposed amendment. Of course, I would be glad to assist in any way possible.

With kind regards, I am

Sincerely yours,

RICHARD F. PRENTIS, Jr.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. METZENBAUM, Mr. SIMON, Mr. WELLSTONE, Mr. WOFFORD, Mr. DURENBERGER, and Mr. BINGAMAN):

S. 203. A bill to amend the Public Health Service Act to improve the quality of long-term care insurance through the establishment of Federal standards, and for other purposes; to the Committee on Labor and Human Resources.

LONG-TERM CARE INSURANCE STANDARDS AND ACCOUNTABILITY ACT

Mr. KENNEDY. Mr. President, I am honored to join with Senator HATCH, Senator METZENBAUM, Senator SIMON, Senator WELLSTONE, Senator WOFFORD, Senator DURENBERGER, and Senator BINGAMAN in reintroducing legislation reported by the Committee on Labor and Human Resources last summer to protect citizens who purchase long-term care insurance.

According to studies by the Brookings Institution, between 35 and 50 percent of today's senior citizens will enter a nursing home at some point in their lives. Millions more will need help with basic needs such as walking, eating, and dressing if they are to continue living independently at home or in their communities.

Long-term care is not just a crisis for the elderly—it is a crisis for their families as well. Few relatives are prepared—either financially or emotionally—to take on the heavy responsibility of providing the care that their loved ones need. Medicare does not cover such costs at all. Because of its means test, assistance from Medicaid does not become available until families have virtually exhausted their life savings.

In recent years, to fill the gap in long-term care, the private insurance industry has begun to offer policies to provide protection. The number of citizens with long-term care policies has doubled in the past 3 years, and several million policies have been sold. But this rapid growth is accompanied by serious problems.

These problems include high rates of lapsed policies, abuses by insurance agents, and substantial reductions in the value of benefits during the long time that may elapse between the purchase of a policy and when it is needed.

Too many senior citizens who purchase a policy let it lapse. A recent survey by the Health Insurance Association of America found lapse rates of 12 percent a year. In other words, if 100 senior citizens buy a long-term care policy at age 65, fewer than 2 will still have coverage at age 85, when they are most likely to need it.

In addition, agents' commissions are designed so that 70 to 80 percent of their total compensation on a policy is paid up front, at the time of the initial sale. Only 20 to 30 percent is based on policy renewals. The result is to encourage the sale of multiple policies to senior citizens, and discourage the renewal of existing policies.

Because of rising costs, policies adequate today are likely to provide only minimal protection when they are needed in the future. A nursing home stay that now costs on average of $86 a day will cost $228 20 years from now, assuming a modest inflation rate of just 5 percent a year. The most recent GAO study of States' compliance with voluntary standards for inflation protection found that 40 States were not in compliance.

In response to similar abuses in so-called Medigap policies to protect the elderly against bills not covered by Medicare, Congress passed legislation in 1990 setting basic standards for such policies.

Similar legislation is needed now to correct the abuses in private long-term care policies. The bill we are introducing today is modeled after the Medigap legislation. The key provisions will establish mandatory standards for adequate coverage; require protection against lapses; revise agents' commissions to encourage renewals and discourage multiple sales; and require training for agents in order to reduce the level of misinformation given to elderly purchasers. Agents are to be required to offer inflation protection to every consumer; however, inflation protection is not a mandatory feature of every policy, as last year's bill proposed.

Protection from abuses by the insurance industry is only a small part of the solution to the Nation's long-term care needs. Most senior citizens cannot afford adequate private long-term care insurance. According to a June 1990 study by Families USA Foundation, 84 percent of Americans age 65 to 79 could not afford the average cost of a basic long-term care insurance policy. This cost ranges from about $1,300 annually at age 65 to nearly $4,000 at age 79. Younger persons with disabilities also have great difficulty in obtaining such insurance.

For these reasons, the Nation needs a more comprehensive solution to long-term care. It is time for America to redeem the promise of Medicare and Social Security by adding a vital third component—long-term care for disabled Americans of all ages, with that assistance provided, whenever possible, in a person's own home. The task will be difficult—but we must succeed. No honorable society can deny decent care to its elderly and disabled citizens.

In the meantime, the Long-Term Care Insurance and Accountability Act that we are introducing today will provide the substantial additional protection that millions of senior citizens deserve and need. I am pleased that the Consumers Union, Families USA, the United Seniors Health Cooperative, and the National Association of Home Care have all endorsed this legislation. I urge the Congress to act quickly on this important legislation.

Mr. HATCH. Mr. President, each one of us has either had to face, or will have to face, the day that an aging parent or other loved one will stand in need of long-term care. I am certain that I speak for all of us when I say that we want our parents and loved ones to be cared for in a manner that both preserves their dignity and provides the quality care they need.

Today, many elderly Americans and their families are impoverished by the cost of long-term care. This is a sobering thought, bearing in mind that our society is rapidly aging. This is highlighted by the fact that a baby-boomer was just inaugurated as President.

Owing to the tremendous financial burden such long-term care has upon the individual, the family, and society, the financing of long-term care becomes an increasingly important issue for ourselves and our children.

There are those who say that it should fall upon the shoulders of the Government to ensure that such long-term care is provided. But, this would require yet another expensive entitlement program. Today, we are struggling to balance the budget and our current obligations. It would not be a service to American families if we established such a Federal program that could not deliver on its promises or that compounded the economic difficulties caused by our Federal debt. Even if it were desirable, a long-term care program is not feasible in the near future.

I believe that many Americans have begun to look ahead and are attempting to take responsibility for their own long-term care needs and those of their families. They are doing this by purchasing long-term care insurance, as is evidenced by the number of Americans with such insurance increasing from 100,000 just 5 years ago to over 2 million today. This is not only commendable—it is necessary, and is a trend that I think ought to be encouraged.

If the purchase of long-term care insurance is to be encouraged, measures must be taken to protect consumers and to ensure that the policies they purchase today give them the protection they will need tomorrow. This measure should be beneficial to stimulate consumer confidence in such policies.

However, in proposing legislation in this area, we must carefully balance the need to provide standards with the necessity not erode the benefits by saddling these plans with overbearing regulations that stifle innovation and inhibit growth. Such overregulation would prove most harmful to the consumer in the end.

Bipartisan cooperation has resulted in the creation of the Long-Term Care Insurance Improvement and Accountability Act. This legislation strikes a positive balance between protecting the consumer and allowing the long-term care insurance industry to grow.

Through this legislation, the Government encourages the use of long-term care insurance by establishing guidelines and standards which will protect the purchase of these policies. Several of these provisions include requiring long-term care policies to include a nonforfeiture provision; the usage of uniform language and definitions making long-term care policies easier to compare; information allowing consumers to make better purchasing decisions; and, standards for home-care and community services. Along with the standards proposed in this bill, I believe that tax clarification is also necessary and I will work with my colleagues on the Finance Committee on this aspect of the issue as well.

Mr. President, I believe the provisions of this bill will provide consumer protection as well as allow industry growth. I commend Senator KENNEDY for his spirit of cooperation and diligence in ensuring that this critical policy balance was achieved in this bill. I am pleased to join with him today in introducing this legislation.

Mr. WELLSTONE. Mr. President, I am pleased to be an original cosponsor of the Long-Term Care Insurance Improvement and Accountability Act. I know from my own experience with my parents, both of whom had Alzheimer's disease, how devastating long-term chronic illness can be. It is tragic that this difficult experience is compounded for so many elderly and disabled people in need by unscrupulous insurance company practices, and by inadequate insurance plans.

Health insurance abuse of the elderly is a national scandal. Congress took a positive step in passing legislation that restricted abuses in the marketing of Medigap insurance, and passage of the Long-Term Care Insurance Improvement and Accountability Act will be another important step in protecting some of our most vulnerable consumers from fraudulent insurance practices.

I was moved by the inspiring example of Richard Gehring, who testified at the Labor and Human Resources Committee last year about his own experiences caring for his wife, and about the stories he has heard as chair of the Minnesota Alzheimer's Association regarding long-term care insurance abuses.

I agree with Mr. Gehring's assessment that only comprehensive social insurance for long-term care and acute care will really solve the problem of access to affordable care. I am convinced that as we work toward that goal, passage of this bill will help protect many seniors from needless confusion about benefits, as well as from outright fraud and abuse.

By Mr. WARNER (for himself and Mr. ROBB):

S. 204. A bill to transfer title to certain lands in Shenandoah National Park in the State of Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

SHENANDOAH NATIONAL PARK LANDS ACT

• Mr. WARNER. Mr. President, I rise today to introduce legislation which would authorize the Secretary of the Interior to transfer without reimbursement all right, title, and interest in certain lands in the Shenandoah National Park to the Commonwealth of Virginia.

In order to understand the necessity for this legislation one must first understand the history of the creation of the Shenandoah National Park.

In 1923, Stephen Mather, Director of the National Park Service, persuaded Secretary of the Interior Hubert Work to appoint a five-member committee to investigate the possibility of establishing a national park in the Southern Appalachians. At this time there were no parks in the country east of the Mississippi River. In 1924, the committee was formed to find a site for such a park. Thus began the difficult 11-year effort to establish a park in the Southern Appalachians.

On February 21, 1925, President Coolidge signed into law legislation which had been introduced by Senator Swanson of Virginia and Senator McKellar of Tennessee which called for the creation of a national park in the Southern Appalachians and the Great Smoky Mountains.

In 1926, Congress authorized the park to be acquired by donation, without the expenditure of any Federal funds. This act did not officially create the parks but set forth the conditions of their establishment although in indefinite terms. The Secretary of the Interior and the committee were given the difficult task of raising the necessary funds for land acquisition. Therefore, while there was strong support for the creation of the park, its realization remained highly conditional since no Federal funds would be made available to purchase the park lands.

Although private donations were coming in, then Governor Harry F. Byrd realized the need to pursue other financing means if sufficient funds to acquire the acreage were to be realized. In January 1928, Governor Byrd asked the General Assembly for a one-million-dollar appropriation to make possible the purchase of park lands. A few days later, the legislature agreed and appropriated the funds. This one-million-dollar appropriation coupled with the $1.25 million raised from private sources thus enabled Virginia to purchase the necessary acreage.

With the financial means in hand, the Virginia General Assembly passed in 1928, the National Park Act which authorized the State Commission on Conservation and Development to acquire land for transfer to the Federal Government to establish the Shenandoah National Park. In that same year, Senator Swanson and Representative Temple—both of Virginia—introduced identical legislation in both Houses of Congress "to establish a minimum area for the Shenandoah National Park, for administration, protection, and general development * * *" This legislation passed both Houses of Congress and was signed into law by President Coolidge on February 16, 1928.

Due largely to the appropriation by the State of Virginia and what historians have called Virginia's heroic land acquisition efforts, the necessary acreage was required and the land titles were given to the Federal Government. On December 26, 1935, the Shenandoah National Park was officially established.

The Commonwealth's generous donation of lands to the Federal Government for the creation of this great park has now placed the Commonwealth in an unfortunate situation in which the State can no longer maintain the roads within the park. My legislation addresses this situation.

The transfer of land from the Commonwealth to the Federal Government specifically voided all rights of way for road purposes except for U.S. Highways 211 and 33. According to the deeds, the Commonwealth transferred ownership of all other roads and road rights-of-way on those lands to the Federal Government. Absolutely no reservations were retained by the Commonwealth for such roads.

Since 1935, the National Park Service at Shenandoah National Park has allowed the Commonwealth to maintain existing secondary roads on the fringes of the park that it wished to maintain through documents called special use permits. The Department of the Interior Solicitor has recently reviewed the applicable statutes in 16 United States Code and 23 United States Code and has determined that continuation of these special use permits is not appropriate. Special use permits may be used only to grant a temporary use of lands in National Parks. The Solicitor has ruled that the established roads are not a temporary use and require complete ownership and control of the lands by the user. These permits expired over 2 years ago and the Department of the Interior will not reissue them. VDOT continues to maintain the roads without the permits although there is no guarantee this maintenance will continue. Furthermore, the NPS does not have the necessary equipment to maintain these roads at Shenandoah National Park and therefore, future maintenance of these roads is in serious question.

Federal law does not allow the National Park Service to give away park land for secondary road purposes. The only legal means to grant the Commonwealth road rights-of-way is an equal value land exchange authorized under the Land and Water Conservation Fund Act.

Mr. President, facing this dilemma, the Virginia Department of Transportation has acquired land for this purpose, thereby placing the Commonwealth in the position of buying private land to give to the Federal Government to reacquire the rights-of-way of land that the Common wealth gave away when the park was established.

Due to the unique circumstances of the park's creation, this equal value land exchange requirement is strongly opposed by the local communities and elected officials.

This opposition led to the Virginia General Assembly's passage of Senate Joint Resolution No. 505 on April 15, 1992, which would establish a joint subcommittee to study the purchase of land by the Virginia Department of Transportation, or any other agency of the Commonwealth, for purposes of transfer to the Federal Government in exchange for the rights-of-way of secondary roads within the Shenandoah National Park. The resolution also requires "that the Virginia Department of Transportation and all other agencies of the Commonwealth suspend all activities, for 1 year, involving the acquisition of land and the transfer of such land to the Federal Government in return for road rights-of-way within the Shenandoah National Park * * *."

Mr. President, the U.S. Congress can resolve this controversy by passing this legislation which I am introducing today which would allow the Secretary of the Interior to transfer to the Commonwealth—without reimbursement—all right, title, and interest in and to the roads within the park specified in the legislation.

Due to the Commonwealth's generous donation of lands to the Federal Government for the creation of the park, the Commonwealth should not be required to give the Federal Government land for exchange for maintaining and improving roads within the park.

I ask unanimous consent that the full text of this bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER TO THE COMMONWEALTH OF VIRGINIA.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Interior may convey, without consideration or reimbursement, all right, title, and interest of the United States in and to the roads specified in subsection (c) to the Commonwealth of Virginia.

(b) CONDITIONS OF CONVEYANCE.—

(1) EXISTING ROADS.—A conveyance pursuant to subsection (a) shall be limited to the roads described in subsection (c) as the roads exist on the date of enactment of this Act.

(2) REVERSION.—A conveyance pursuant to subsection (a) shall be made on the condition that if at any time any road conveyed pursuant to subsection (a) is no longer used as a public roadway, all right, title, and interest in the road shall revert to the United States.

(c) ROADS.—The roads referred to in subsection (a) are those portions of roads within the boundaries of Shenandoah National Park that, as of the date of enactment of this Act, constitute portions of—

(1) Madison County Route 600;
(2) Rockingham County Route 624;
(3) Rockingham County Route 625;
(4) Rockingham County Route 626;
(5) Warren County Route 604;
(6) Page County Route 759;
(7) Page County Route 611;
(8) Page County Route 682;
(9) Page County Route 662;
(10) Augusta County Route 611;
(11) Augusta County Route 619;
(12) Albemarle County Route 614;
(13) Augusta County Route 661; and
(14) Rockingham County Route 663.●

By Mr. ROTH:

S. 205. A bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes; to the Committee on the Judiciary.

NATIONAL TRIAD PROGRAM ACT OF 1993

● Mr. ROTH. Mr. President, today I rise to introduce the National Triad Program Act of 1993. This legislation is almost identical to the National Triad Program Act of 1992 (S. 2484) which passed the Senate in the final days of last session, but was not considered by the House of Representatives.

I am introducing this important legislation at the start of the session so that it will not get lost in the shuffle as I believe it did in the final days of last session.

As we all know, America is growing older. Today over 30 million Americans are 65 or older. By the year 2030 that number will more than double. At the same time, older Americans are increasingly becoming the victims of often violent crime. For example, in my State of Delaware crimes against older persons have doubled in the past 5 years.

The National Triad Program Act is a positive step in the direction of addressing the many problems associated with the growing criminal victimization of older Americans. The act will assure that older Americans receive the law enforcement attention they deserve and, more importantly, the act will ensure that older Americans do not become victims of crime in the first place.

The triad concept was developed by and involves cooperation between the American Association of Retired Persons [AARP], the International Association of Chiefs of Police, and the National Sheriffs Association to combat crime against older persons. While some States already have local triad programs, the National Triad Program Act will serve the important function of developing and spreading the triad concept.

The National Triad Program Act of 1993 requires that $5,000,000 of the funds authorized to be appropriated to the National Institute of Justice be used to: Set up 20 triad pilot programs—which can include existing programs—fund a national training and technical assistance effort; develop public service announcements concerning the triad concept; conduct a national assessment of crimes against the elderly; and evaluate the pilot programs.

I urge my colleagues to join me in passing this important legislation. Mr. President, I ask unanimous consent that the test of this bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Triad Program Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) older Americans are among the most rapidly growing segments of our society;

(2) currently, the elderly comprise 15 percent of our society, and predictions are that by the turn of the century they will constitute 18 percent of our Nation's population;

(3) older Americans find themselves uniquely situated in our society, environmentally and physically;

(4) many elderly Americans are experiencing increased social isolation due to fragmented and distant familial relations, scattered associations, limited access to transportation, and other insulating factors;

(5) physical conditions such as hearing loss, poor eyesight, lessened agility, and chronic and debilitating illnesses often contribute to an older person's susceptibility to criminal victimization;

(6) our elders are too frequently the victims of abuse and neglect, violent crime, property crime, consumer fraud, medical quackery, and confidence games;

(7) studies have found that elderly victims of violent crime are more likely to be injured and require medical attention than are younger victims;

(8) victimization data on crimes against the elderly are incomplete and out of date, and data sources are partial, scattered, and not easily obtained;

(9) although a few studies have attempted to define and estimate the extent of elder abuse and neglect, both in their homes and in institutional settings, many experts believe that this crime is substantially underreported and undetected;

(10) similarly, while some evidence suggests that the elderly may be targeted in a range of fraudulent schemes, neither the Uniform Crime Report nor the National Crime Survey collects data on individual- or household-level fraud;

(11) law enforcement officers and social service providers come from different disciplines and frequently bring different perspectives to the problem of crimes against the elderly;

(12) these differences, in turn, can contribute to inconsistent approaches to the problem and inhibit a genuinely effective response;

(13) there are, however, a few efforts currently under way that seek to forge partnerships to coordinate criminal justice and social service approaches to victimization of the elderly;

(14) the Triad program, sponsored by the National Sheriffs' Association (NSA), the International Association of Chiefs of Police (IACP), and the American Association of Retired Persons (AARP), is one such effort;

(15) recognizing that older Americans have the same fundamental desire as other members of our society to live freely, without fear or restriction due to the criminal element, the Federal Government seeks to expand efforts to reduce crime against this growing and uniquely vulnerable segment of our population; and

(16) our goal is to support a coordinated effort among law enforcement and social service agencies to stem the tide of transgenerational violence against the elderly and to support media and nonmedia strategies aimed at increasing both public understanding of the problem and the elderly person's skills in preventing crime against themselves and their property.

SEC. 3. PURPOSE.

The purpose of this Act is to address the problem of crime against the elderly in a systematic and effective manner with a program of practical and focused research, development, and dissemination designed to assist States and units of local government in implementing specific programs of crime prevention, victim assistance, citizen involvement, and public education that offer a high probability of improving the coordinated effectiveness of law enforcement and social service efforts. The efforts of local coalitions, such as the Triad model being piloted in a number of areas by National Sheriffs' Association, International Association of the Chiefs of Police, and American Association of Retired Persons, are of particular interest.

SEC. 4. NATIONAL ASSESSMENT AND DISSEMINATION.

(a) IN GENERAL.—The Director of the National Institute of Justice (referred to as the "Director") shall conduct a national assessment of—

(1) the nature and extent of crimes against the elderly;

(2) the needs of law enforcement, health, and social service organizations in working to prevent, identify, investigate, and provide assistance to victims of those crimes; and

(3) promising strategies to respond effectively to those challenges.

(b) MATTERS TO BE ADDRESSED.—The national assessment made pursuant to subsection (a) shall address—

(1) the analysis and synthesis of data from a range of sources in order to develop accurate information on the nature and extent of crimes against the elderly, including identifying and conducting such surveys and other data collection efforts as are needed and designing a strategy to keep such information current over time;

(2) the problem of the most vulnerable and hard-to-reach elderly who are in poor health, are living alone or without family nearby, or are living in high crime areas;

(3) the problem of elderly who are abused and neglected, sometimes in the home and sometimes in health care facilities, sometimes subjected to physical abuse and at other times to verbal aggression and neglect;

(4) the problem of fear of victimization, which inhibits the freedom of the elderly and can make them prisoners in their homes;

(5) the identification of strategies and techniques that have been shown to be effective, or appear to hold promise of being effective, in responding to the problems described in this subsection and in preventing, reducing, and ameliorating the impact of crime against the elderly;

(6) the analysis of the factors that enhance or inhibit development of a coordinated response by law enforcement, health care, and social service providers to crimes against the elderly and the treatment of elderly victims; and

(7) the research agenda needed to develop a comprehensive understanding of the problems of crimes against the elderly, including the changes anticipated in the crimes themselves and appropriate responses as our society increasingly ages, and the identification and evaluation of effective and fiscally feasible approaches to prevent and reduce victimization of our Nation's elderly citizens.

(c) DISSEMINATION.—Based on the results of the national assessment and analysis of successful or promising strategies in dealing with the problems described in subsection (b) and other problems, including coalition efforts such as the Triad programs referred to in sections 2 and 3, the Director shall disseminate the results through reports, publications, clearinghouse services, public service announcements, and programs of evaluation, demonstration, training, and technical assistance.

SEC. 5. PILOT PROGRAMS.

(a) AWARDS.—The Director may make awards to coalitions of local law enforcement agencies, victim service providers, and organizations representing the elderly for pilot programs and field tests of particularly promising strategies and models for forging partnerships for crime prevention and service provision based on the concepts of the Triad model, which can then be evaluated and serve as the basis for further demonstration and education programs.

(b) ELIGIBILITY.—Pilot programs funded under this section may include existing general service coalitions of law enforcement, victim service, and elder advocate organizations that wish to use additional funds to work at a particular problem in their community, such as fraud, burglary, or abuse and neglect, or to target a particular geographic area in need of intensive services.

SEC. 6. EVALUATION AND DISSEMINATION AWARDS.

In conjunction with the national assessment under section 4 and the pilot programs under section 5, the Director may make awards to—

(1) coalitions of national law enforcement, victim service, and elder advocate organizations, for the purposes of providing training and technical assistance in implementing pilot programs, including programs based on the concepts of the Triad;

(2) research organizations, for the purposes of—

(A) investigating the types of elder victimization shown by the national assessment to present particularly critical problems or to be emerging crimes about which little is known;

(B) evaluating the effectiveness of selected pilot programs; and

(C) conducting the research and development identified through the national assessment as being critical; and

(3) public service advertising coalitions, for the purposes of mounting a program of public service advertisements to increase public awareness and understanding of the issues surrounding crimes against the elderly and promoting ideas or programs to prevent them.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Of amounts authorized to be appropriated to the National Institute of Justice under section 1001(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(2)), $5,000,000 shall be available to carry out this Act, of which—

(1) up to $2,000,000 may be used to fund up to 20 pilot programs;

(2) up to $1,000,000 may be used to fund a national training and technical assistance effort;

(3) up to $1,000,000 may be used to develop public service announcements; and

(4) up to $1,000,000 may be used for the national assessment, the evaluation of pilot programs, and the carrying out of the research agenda.●

By Mr. BROWN (for himself and Mr. CAMPBELL):

S. 206. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

COLORADO WILDERNESS BILL

Mr. BROWN. Mr. President, today Senator CAMPBELL and I introduce the Colorado Wilderness Act of 1993. This bill achieves what is important to Colorado—it protects 766,670 acres of Colorado's most pristine lands, and explicitly protects access to and the use of existing water rights in these areas. Efforts to enact a Colorado wilderness legislation have spanned more than a decade. Senator CAMPBELL and I believe that this bill represents a legitimate and fair compromise of an extremely complex and divisive issue. This bill is the product of compromise between the Colorado delegation and House leaders, and I think represents the compromise that reaches out to preserve the best. It is the same bill that the Senate passed on October 8, 1992.

I would not introduce this bill today if it did not represent a complete and absolute protection of both Colorado's ability to develop and use water allocated to it and existing, absolute and conditional water rights.

The water issues associated with these proposed wilderness areas were particularly difficult to resolve because of the strong and diametrically opposed views held by many members of the water user and environmental communities. Fortunately, we have been able to produce water language that is a true compromise that does not injure the fundamental principles that have much value for Colorado—protection of wild lands and protection of Colorado's future ability to develop and use all of its interstate water entitlements.

The issue of the existence of Federal reserved water rights for the upstream areas is moot, because the bill provides that no one can assert such a right, and no court or agency could ever consider in any fashion such a claim. This ensures that wilderness status will never result in an encroachment on Colorado's ability to use its interstate water allocations. The bill addresses the difficult issue of downstream wilderness study areas, where there could be conflicts with water storage and diversion. Where potential conflict exists, the areas are not classified as wilderness areas. This ensures that there will be no effect on existing and future water use. In order to make this intent crystal clear, there is also an explicit disclaimer of a Federal reserved right for these areas, and the existence of these areas cannot be used as a basis to affect upstream activities as a part of any administrative or regulatory program.

Passage of the Colorado Wilderness Act will not only protect more than three-quarters of a million acres of some of Colorado's most beautiful wilderness, it is another way to ensure preservation of Colorado's past. It is a past rich in history and full of respect for the land that will be given to our children and our children's children.

One of the largest areas to be protected is in Colorado's most majestic mountain range, the Sangre de Cristo. Home to three of the State's 14,000-foot peaks, this area contains some of the most beautiful back-country with cascading waterfalls and sparkling trout-filled streams. In addition, the Sangre de Cristo provides winter range for deer, elk, and bighorn sheep. Adjacent to the Great Sand Dunes, this wilderness area will provide the people of Colorado some of the most spectacular recreational opportunities in the State.

This is just one example of the scenic natural beauty protected by this bill. There are many more. In total, approximately 766,670 acres will be protected, an area nearly as large as the State of Rhode Island.

This bill breaks a 12-year stalemate in the designation of new Colorado wilderness. The water provisions of this bill are designed to both protect the new wilderness additions, including wilderness water values, and at the same time protect Colorado's ability to develop and use its water entitlements.

And while those on either side who refuse to compromise may object, people who truly value Colorado wilderness and water should support this bill so that we as a State and a Nation can move forward with protection and recognition of these important wilderness lands.

Mr. President, I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Colorado Wilderness Act of 1993".

SEC. 2. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—The following lands in the State of Colorado are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Gunnison Basin Resource Area administered by the Bureau of Land Management which comprise approximately 3,390 acres, as generally depicted on a map entitled "America Flats Additions to the Big Blue Wilderness-Proposal (American Flats)", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by Public Law 96-560 and renamed "Uncompahgre Wilderness" by section 3(f) of this Act.

(2) Certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 815 acres, as generally depicted on a map entitled "Bill Hare Gulch and Larson Creek Additions to the Big Blue Wilderness", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by Public Law 96-560 and renamed "Uncompahgre Wilderness" by section 3(f) of this Act.

(3) Certain lands in the Pike and San Isabel National Forests which comprise approximately 43,410 acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness Proposal", dated January, 1993, and which shall be known as the Buffalo Peaks Wilderness.

(4) Certain lands in the Gunnison National Forest and in the Bureau of Land Management Powderhorn Primitive Area which comprise approximately 60,100 acres as generally depicted on a map entitled "Powderhorn Wilderness Proposal", dated January, 1993, and which shall be known as the Powderhorn Wilderness.

(5) Certain lands in the Routt National Forest which comprise approximately 20,750 acres, as generally depicted on a map entitled "Davis Peak Additions to Mount Zirkel Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness designated by Public Law 88-555.

(6) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests which comprise approximately 33,060 acres as generally depicted on a map entitled "Fossil Ridge Wilderness Proposal", dated January, 1993, and which shall be known as the Wren and Tim Wirth Wilderness Area.

(7) Certain lands in the San Isabel National Forest which comprise approximately 22,040 acres as generally depicted on a map entitled "Greenhorn Mountain Wilderness Proposal", dated January, 1993, and which shall be known as the Greenhorn Mountain Wilderness.

(8) Certain lands within the Pike and San Isabel National Forests which comprise approximately 14,700 acres, as generally depicted on a map entitled "Lost Creek Wilderness Addition Proposal", dated January, 1993, which are hereby incorporated in and shall be deemed to be a part of the Lost Creek Wilderness designated by Public law 96-560: *Provided*, That the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") is authorized to acquire, only by donation or exchange, various mineral reservations held by the State of Colorado within the boundaries of the Lost Creek Wilderness additions designated by this Act.

(9) Certain lands in the Grand Mesa, Uncompahgre, and the Gunnison National Forests which comprise approximately 5,500 acres, as generally depicted on a map entitled "Oh-Be-Joyful Addition to the Raggeds Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Raggeds Wilderness designated by Public Law 96-560.

(10) Certain lands in the Rio Grande National Forest which comprise approximately 226,455 acres, as generally depicted on a map entitled "Sangre de Cristo Wilderness Proposal", dated January, 1993, and which shall be known as the Sangre de Cristo Wilderness.

(11) Certain lands in the Routt National Forest which comprise approximately 47,140 acres, as generally depicted on a map entitled "Service Creek Wilderness Proposal (Sarvis Creek Wilderness)", dated January, 1993, which shall be known as the Sarvis Creek Wilderness: *Provided*, That the Secretary is authorized to acquire by purchase, donation, or exchange, lands or interests therein within the boundaries of the Sarvis Creek Wilderness only with the consent of the owner thereof.

(12) Certain lands in the San Juan National Forest which comprise approximately 31,100 acres, as generally depicted on a map entitled "South San Juan Wilderness Expansion Proposal" (V-Rock Trail and Montezuma Peak), dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the South San Juan Wilderness designated by Public law 96-560.

(13) Certain lands in the White River National Forest which comprise approximately 8,330 acres, as generally depicted on a map entitled "Spruce Creek Additions to the Hunter-Fryingpan Wilderness Proposal", dated January, 1993, and which hereby incorporated in and shall be deemed to be a part of the Hunter Fryingpan Wilderness designated by Public law 95-327: *Provided*, That no right, or claim of right, to the diversion and use of the waters of Hunter Creek, the Fryingpan or Roaring Fork Rivers, or any tributaries of said creeks or rivers, by the Fryingpan-Arkansas Project, Public Law 87-590, and the reauthorization thereof by Public law 93-193, as modified as proposed in the September 1959 report of the Bureau of Reclamation entitled "Ruedi Dam and Reservoir, Colorado", and as further modified and described in the description of the proposal contained in the final environmental statement for said project, dated April 16, 1975, under the laws of the State of Colorado, shall be prejudiced, expanded, diminished, altered, or affected by this Act. Nothing in this Act shall be construed to expand, abate, impair, impede, or interfere with the construction, maintenance, or repair of said Fryingpan-Arkansas Project facilities, nor the operation thereof, pursuant to the Operating Principles, House Document 187, Eighty-third Congress, and pursuant to the water laws of the State of Colorado: *Provided further*, That nothing in this Act shall be construed to impede, limit, or prevent the use by the Fryingpan-Arkansas Project of its diversion systems to their full extent.

(14) Certain lands in the Arapaho National Forest which comprise approximately 8,095 acres, as generally depicted on a map entitled "Byers Peak Wilderness Proposal", dated January, 1993, and which shall be known as the Byers Peak Wilderness.

(15) Certain lands in the Arapaho National Forest which comprise approximately 12,300 acres, as generally depicted on a map entitled "Vasquez Peak Wilderness Proposal", dated January, 1993, and which shall be known as the Vasquez Peak Wilderness.

(16) Certain lands in the San Juan National Forest which comprise approximately 28,740 acres, as generally depicted on a map entitled "West Needle Wilderness Proposal and Weminuche Additions", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Weminuche Wilderness designated by Public Law 93-632.

(17) Certain lands in the Rio Grande National Forest which comprise approximately 25,640 acres, as generally depicted on a map entitled "Wheeler Additions to the La Garita Wilderness Proposal", dated January, 1993, and which shall be incorporated into and shall be deemed to be a part of the La Garita Wilderness.

(18) Certain lands in the Arapaho National Forest which comprise approximately 13,175 acres, as generally depicted on a map entitled "Farr Wilderness Proposal", dated January, 1993, and which shall be known as the Farr Wilderness.

(19) Certain lands in the Arapaho National Forest which comprise approximately 6,990 acres, as generally depicted on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated January, 1993, which are hereby incorporated into and shall be deemed to be a part of the Never Summer Wilderness.

(b) MAPS AND DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the appropriate Secretary shall file a map and a legal description of each area designated as wilderness by this Act with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Each map and description shall have the same force and effect as if included in this Act, except that the Secretary is authorized to correct clerical and typographical errors in such legal descriptions and maps. Such maps and legal descriptions shall be on file and available for public inspection in the Office of the Chief of Forest Service, Department of Agriculture and the Office of the Director of the Bureau of Land Management, Department of the Interior, as appropriate.

SEC. 3. ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—(1) Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary of Agriculture or the Secretary of the Interior (in the case of the portion of Powderhorn Wilderness managed by the Bureau of Land Management) in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(2) Administrative jurisdiction over those lands designated as wilderness pursuant to paragraph (2) of section 2(a) of this Act, and which, as of the date of enactment of this Act, are administered by the Bureau of Land Management, is hereby transferred to the Forest Service.

(b) GRAZING.—Grazing of livestock in wilderness areas designated by this Act shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96-560, and, as regards wilderness managed by the Bureau of Land Management, the guidelines set forth in Appendix A of House Report 101-405 of the 101st Congress.

(c) STATE JURISDICTION.—As provided in Section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish in Colorado.

(d) CONFORMING AMENDMENT.—Section 2(e) of the Endangered American Wilderness Act of 1978 (92 Stat. 41) is amended by striking "Subject to" and all that follows through "System".

(e) BUFFER ZONES.—Congress does not intend that the designation by this Act of wilderness areas in the State of Colorado creates or implies the creation of protective perimeters or buffer zones around any wilderness area. The fact that non-wilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(f) WILDERNESS NAME CHANGE.—The wilderness area designated as "Big Blue Wilderness" by section 102(a)(1) of Public Law 96-560, and the additions thereto made by paragraphs (1) and (2) of section 2(a) of this Act, shall hereafter be known as the Uncompahgre Wilderness. Any reference to the Big Blue Wilderness in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Uncompahgre Wilderness.

(g)(1) For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of affected National Forests, as modified by this subsection, shall be considered to be the boundaries of such National Forests as of January 1, 1965.

(2) Nothing in this subsection shall affect valid existing rights of any person under the authority of law.

(3) Authorizations to use lands transferred by this subsection which were issued prior to the date of enactment of this Act, shall remain subject to the laws and regulations under which they were issued, to the extent consistent with this Act. Such authorizations shall be administered by the Secretary of Agriculture. Any renewal or extension of such authorizations shall be subject to the laws and regulations pertaining to the Forest Service, Department of Agriculture, and the applicable law, including this Act. The change of administrative jurisdiction resulting from the enactment of this subsection shall not in itself constitute a basis for denying or approving the renewal or reissuance of any such authorization.

SEC. 4. WILDERNESS RELEASE.

(a) REPEAL OF WILDERNESS STUDY PROVISIONS.—Sections 105 and 106 of the Act of December 22, 1980 (P.L. 96-560), are hereby repealed.

(b) INITIAL PLANS.—Section 107(b)(2) of the Act of December 22, 1980 (P.L. 96-560) is amended by striking out ", except those lands remaining in further planning upon enactment of this Act, areas listed in section 105 and 106 of this Act, or previously congressionally designated wilderness study areas,".

SEC. 5. FOSSIL RIDGE RECREATION MANAGEMENT AREA.

(a) ESTABLISHMENT.—(1) In order to conserve, protect, and enhance the scenic, wildlife, recreational, and other natural resource values of the Fossil Ridge area, there is hereby established the Fossil Ridge Recreation Management Area (hereinafter referred to as the "recreation management area").

(2) The recreation management area shall consist of certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests, Colorado, which comprise approximately 43,900 acres as generally depicted as "Area A" on a map entitled, "Fossil Ridge Wilderness Proposal", dated January, 1993.

(b) ADMINISTRATION.—The Secretary of Agriculture shall administer the recreation management area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) WITHDRAWAL.—Subject to valid existing rights, all lands within the recreation management area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) TIMBER HARVESTING.—No timber harvesting shall be allowed within the recreation management area except for any minimum necessary to protect the forest from insects and disease, and for public safety.

(e) LIVESTOCK GRAZING.—The designation of the recreation management are shall not be construed to prohibit, or change the administration of, the grazing of livestock within the recreation management area.

(f) DEVELOPMENT.—No developed campgrounds shall be constructed within the recreation management area. After the date of enactment of this Act, no new roads or trails may be constructed within the recreation management area.

(g) OFF-ROAD RECREATION.—Motorized travel shall be permitted within the recreation management area only on those designated trails and routes existing as of July 1, 1991.

SEC. 6. BOWEN GULCH PROTECTION AREA.

(a) ESTABLISHMENT.—(1) There is hereby established in the Arapaho National Forest, Colorado, the Bowen Gulch Protection Area (hereinafter in this Act referred to as the "protection area").

(2) The protection area shall consist of certain lands in the Arapaho National Forest, Colorado, which comprise approximately 11,600 acres as generally depicted as "Area A" on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated January, 1993.

(b) ADMINISTRATION.—The Secretary shall administer the protection area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) WITHDRAWAL.—Subject to valid existing rights, all lands within the protection area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) DEVELOPMENT.—No developed campgrounds shall be constructed within the protection area. After the date of enactment of this Act, no new roads or trails may be constructed within the protection area.

(e) TIMBER HARVESTING.—No timber harvesting shall be allowed within the protection area except for any minimum necessary to protect the forest from insects and disease, and for public safety.

(f) MOTORIZED TRAVEL.—Motorized travel shall be permitted within the protection area only on those designated trails and routes existing as of July 1, 1991, and only during periods of adequate snow cover. At all other times, mechanized, nonmotorized travel shall be permitted within the protection area.

(g) MANAGEMENT PLAN.—During the preparation of the revision of the Land and Resource Management Plan for the Arapaho National Forest, the Forest Service shall develop a management plan for the protection area, after providing for public consultation.

SEC. 7. OTHER LANDS.

Nothing in this Act shall affect ownership or use of lands or interests therein not owned by the United States or access to such lands available under other applicable law.

SEC. 8. WATER.

(a) FINDINGS, PURPOSE, AND DEFINITIONS.—(1) Congress finds that—

(A) the lands designated as wilderness by this Act are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness values of such lands; and

(B) the lands designated as wilderness by this Act are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities; and

(C) therefore, it is possible to provide for proper management and protection of the wilderness value of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness by this Act.

(2) The purpose of this section is to protect the wilderness values of the lands designated as wilderness by this Act by means other than those based on a federal reserved water right.

(3) As used in this section, the term "water resource facility" means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(b) RESTRICTIONS ON RIGHTS AND DISCLAIMER OF EFFECT.—(1) Neither the Secretary, nor any other officer, employee, representative, or agent of the United States, nor any other person, shall assert in any court or agency, nor shall any court or agency consider, any claim to or for water or water rights in the State of Colorado, which is based on any construction of any portion of this Act, or the designation of any lands as wilderness by this Act, as constituting an express or implied reservation of water or water rights.

(2)(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the Piedra, Roubideau, and Tabeguache areas identified in section 9 of this Act, or the Bowen Gulch Protection Area or the Fossil Ridge Recreation Management Area identified in sections 5 and 6 of this Act.

(B) Nothing in this Act shall be construed as a creation, recognition, disclaimer, relinquishment, or reduction of any water rights of the United States in the State of Colorado existing before the date of enactment of this Act, except as provided in subsection (g)(2) of this section.

(C) Except as provided in subsection (g) of this section, nothing in this Act shall be construed as constituting an interpretation of any other Act or any designation made by or pursuant thereto.

(D) Nothing in this section shall be construed as establishing a precedent with regard to any future wilderness designations.

(c) NEW OR EXPANDED PROJECTS.—(1) Notwithstanding any other provision of law, on and after the date of enactment of this Act neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the areas described in sections 2, 5, 6 and 9 of this Act or the enlargement of any water resource facility within the areas described in sections 2, 5, 6 and 9 of this Act.

(d) ACCESS AND OPERATION.—(1) Subject to the provisions of this subsection (d), the Secretary shall allow reasonable access to water resource facilities in existence on the date of enactment of this Act within the areas described in sections 2, 5, 6 and 9 of this Act, including motorized access where necessary and customarily employed on routes existing as of the date of enactment of this Act.

(2) Existing access routes within such areas customarily employed as of the date of enactment of this Act may be used, maintained, repaired, and replaced to the extent necessary to maintain their present function, design, and serviceable operation, so long as such activities have no increased adverse impacts on the resources and values of the areas described in sections 2, 5, 6 and 9 of this Act than existed as of the date of enactment of this Act.

(3) Subject to the provisions of subsections (c) and (d), the Secretary shall allow water resource facilities existing on the date of enactment of this Act within areas described in sections 2, 5, 6 and 9 of this Act to be used, operated, maintained, repaired, and replaced to the extent necessary for the continued exercise, in accordance with Colorado state law, of vested water rights adjudicated for use in connection with such facilities by a court of competent jurisdiction prior to the date of enactment of this Act; Provided, That the impact of an existing facility on the water resources and values of the area shall not be increased as a result of changes in the adjudicated type of use of such facility as of the date of enactment of this Act.

(4) Water resource facilities, and access route serving such facilities, existing within the areas described in sections 2, 5, 6 and 9 of this Act on the date of enactment of this Act shall be maintained and repaired when and to the extent necessary to prevent increased adverse impacts on the resources and values of the areas described in sections 2, 5, 6 and 9 of this Act.

(e) Except as provided in subsections (c) and (d) of this section, the provisions of this Act related to the areas described in sections 2, 5, 6, and 9 of this Act, and the inclusion in the National Wilderness Preservation System of the areas described in section 2 of this Act, shall not be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resource facilities in existence on the date of enactment of this Act within the boundaries of the areas described in sections 2, 5, 6, and 9 of this Act.

(f) MONITORING AND IMPLEMENTATION.—The Secretaries of Agriculture and the Interior shall monitor the operation of and access to water resource facilities within the areas described in sections 2, 5, 6, and 9 of this Act and take all steps necessary to implement the provisions of this section.

(g) INTERSTATE COMPACTS AND NORTH PLATTE RIVER.—(1) Nothing in this Act, and nothing in any previous Act designating any lands as wilderness, shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States. Except as expressly provided in this section, nothing in this Act shall affect or limit the development or use by existing and future holders of vested water rights of Colorado's full apportionment of such waters.

(2) Notwithstanding any other provision of law, neither the Secretary nor any other officer, employee, or agent of the United States, or any other person, shall assert in any court or agency of the United States or any other jurisdiction any rights, and no court or agency of the United States shall consider any claim or defense asserted by any person based upon such rights, which may be determined to have been established for waters of the North Platte River for purposes of the Platte River Wilderness Area established by Public Law 98-550, located on the Colorado-Wyoming state boundary, to the extent such rights would limit the use or development of water within Colorado by present and future holders of vested water rights in the North Platte River and its tributaries, to the full extent allowed under interstate compact or United States Supreme Court equitable decree. Any such rights shall be exercised as if junior to, in a manner so as not to prevent, the use or development of Colorado's full entitlement to interstate waters of the North Platte River and its tributaries within Colorado allowed under interstate compact or United States Supreme Court equitable decree.

SEC. 9. PIEDRA, ROUBIDEAU, AND TABAGUACHE AREAS.

(a) AREAS.—The provisions of this section shall apply to the following areas:

(1) Certain lands in the San Juan National Forest, comprising approximately 62,550 acres as generally depicted on the map entitled "Piedra Area" dated January, 1993; and

(2) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests, comprising approximately 19,650 acres, as generally depicted on the map entitled "Roubideau Area" dated January, 1993; and

(3) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests and in the Montrose District of the Bureau of Land Management, comprising approximately 17,240 acres, as generally depicted on the map entitled "Tabeguache Area" dated January, 1993.

(b) MANAGEMENT.—Subject to valid existing rights, the areas described in subsection (a) are withdrawn from all forms of location, leasing, patent, disposition, or disposal under public land, mining, and mineral and geothermal leasing laws of the United States.

(2) The areas described in subsection (a) shall not be subject to any obligation to further study such lands for wilderness designation.

(3) Until Congress determines otherwise, and subject to the provisions of section 8 of this Act, activities within such areas shall be managed by the Secretary of Agriculture and Secretary of the Interior so as to maintain the areas' presently existing wilderness character and potential for the inclusion in the National Wilderness Preservation System.

(4) Livestock grazing in such areas shall be permitted and managed to the same extent and in the same manner as of the date of enactment of this Act. Except as provided by this Act, mechanized or motorized travel shall not be permitted in such areas: Provided, That the Secretary may permit motorized travel on trail number 535 in the San Juan National Forest during periods of adequate snow cover.

(c) DATA COLLECTION.—The Secretary of Agriculture and the Secretary of the Interior, in consultation with the Colorado Water Conservation Board, shall compile data concerning the water resources of the areas described in subsection (a), and existing and proposed water resources facilities affecting such values.

SEC. 10. SPANISH PEAKS FURTHER PLANNING AREA STUDY.

(a) REPORT.—Not later than three years from the date of enactment of this Act, the Secretary shall report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate on the status of private property interests located within the Spanish Peaks Further Planning area of the Pike-San Isabel National Forest in Colorado.

(b) CONTENTS OF REPORT.—The report required by this section shall identify the location of all private property situated within the exterior boundaries of the Spanish Peaks area; the nature of such property interests; the acreage of such private property interests; and the Secretary's views on whether the owners of said properties would be willing to enter into either a sale or exchange of these properties at fair market value if such a transaction became available in the near future.

(c) NO AUTHORIZATION OF EMINENT DOMAIN.—Nothing contained in this Act authorizes, and nothing in this Act shall be construed to authorize, the acquisition of real property by eminent domain.

(d) For a period of three years from the date of enactment of this Act, the Secretary shall manage the Spanish Peaks Further Planning Area as provided by the Colorado Wilderness Act of 1980.

Mr. CAMPBELL. Mr. President, Senator BROWN and I are reintroducing a wilderness bill for Colorado that we nearly succeeded in passing in the waning hours of the 102d Congress. Although the Senate passed the bill, unfortunately the other body adjourned before it could be passed by unanimous consent. But, like the ball team after a heartbreaking game which the home team loses in the bottom of the ninth, we vowed to return next season and win the championship.

The names of the wilderness areas protected by this bill read like a Colorado history book—the Uncompahgre Wilderness, the Farr Wilderness, the

Sangre De Cristo Wilderness, Cannibal Plateau, Byers Peak, Davis Peak, and on and on.

Twelve years in the making, this bill has taken herculean efforts. It has taken the cooperation, understanding, and help of the House Interior Committee chairmen who stood firm in their demands that these areas be adequately protected. It has taken the work of former Senators Wirth, Hart, and Armstrong and Representative Ray Kogovsek. All laid the groundwork for today's feat.

The Colorado Wilderness Act we are introducing is similar to the bill passed by the House in early September 1992. It protects more than 600,000 acres as wilderness and withdraws another 155,080 from timber harvesting, mineral entry, and restricts motorized entry to trails that exist as of the date of enactment of this act.

The bill adopts an approach I suggested in my substitute last year with regard to release language. My approach simplifies the issue of releasing areas not designated as wilderness by repealing the provisions of the 1980 Colorado Wilderness Act that direct the Forest Service to conduct studies and manage these areas to preserve their wilderness characteristics.

We have resolved the wilderness reserve water rights controversy, at least as it relates to this bill, by closing the courthouse door to the Federal Government and third parties. The bill prohibits the assertion of a Federal reserve water right in court or in any administrative proceeding. We have ensured protection of these areas, however, prohibiting the construction of new projects or the expansion of existing projects if the expansion adversely impacts the wilderness characteristics of the particular area.

Fortunately, because there are few, if any, conflicts or water rights in the areas, this prohibition will not handicap Colorado water users. The language also ensures that irrigators and others will continue to be able to have motorized access to their existing water projects to operate and maintain them.

Finally, because this bill takes the Forest Service out of the water rights arena, with respect to the wilderness areas designated by this bill, we have given the agency the power to monitor the operation and access to water resource facilities and to take all steps necessary to protect the wilderness characteristics of these areas.

It is my firm belief that this bill resolves a decade-year-long stalemate, and I urge my colleagues to help Senator BROWN and myself protect wilderness areas that are second to none and truly belong in a league of their own.

By Mr. LOTT:

S. 207. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

OLDER AMERICANS FREEDOM TO WORK ACT OF 1993

Mr. LOTT. Mr. President, Today I am introducing the Older Americans Freedom To Work Act of 1993 to eliminate the Social Security earnings test for individuals who have attained retirement age.

As the Social Security Act is designed, the Government seems to give little thought to older Americans' ability to make an important contribution to our work force. Senior citizens are subject to taxes such as the Federal Contributions Act [FICA], even in situations were they are receiving Social Security benefits. They are also subject to various Federal, State, and local taxes.

This brings me to the biggest outrage: The Social Security retirement earnings limit. Presently, this limit reduces benefits to persons between ages 65 and 69 who earn more than $10,560 yearly. These reductions amount to $1 in reduced benefits for every $3 in earnings above the aforementioned limit, $1 for $3 withholding rate.

The earnings test is very unfair, but it also poses a serious threat to the labor work force. Demographers tell us that between the years 20000 and 2010 the baby boom generation will be in their retirement years. With fewer babies being born to replace them, this Nation is looking at a severe labor shortage. The skills and expertise of older workers is desperately needed.

An earnings limit for Social Security beneficiaries is an ill-conceived idea and an administrative nightmare for the Social Security Administration [SSA]. SSA spends a great deal of money and devotes a full 8 percent of its employees to police the income levels of retirees. For beneficiaries, the income limit is a frustrating experience of estimating and reporting income levels to SSA.

In the 1930's, when the earned income limit was devised, encouraging the elderly to leave the workplace was seen as a positive act, designed to increase job opportunities for younger workers. Today, with our shrinking labor force, such a policy is absurd. We need the skills, wisdom, and experience of our older workers, and my proposal will encourage them to remain in the labor force.

In the 102d Congress, the Senate adopted an amendment to the Older Americans Reauthorization Amendments to repeal the earnings test. While it was dropped from final passage, this legislation has perennial bipartisan interest and support.

It is a pleasure to again sponsor legislation in the Senate to abolish the onerous retirement earnings test. This begins the process of providing employment opportunities for older Americans without punishing them for their efforts. It is my understanding that the President supports lifting the earnings test for retirees, and I urge my colleagues to join me in supporting this vitally important legislation. Thank you. I ask unamious consent that the text of the bill be printed in the RECORD below my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Americans' Freedom to Work Act of 1993".

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in paragraph (1) of subsection (c) and paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(l))";

(2) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(l))";

(3) in subsection (f)(3), by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8)," and by striking "age 70" and inserting "retirement age (as defined in section 216(l))";

(4) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(l))"; and

(5) in subsection (j), by striking "Age Seventy" in the heading and inserting "Retirement Age", and by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(l))".

SEC. 3. CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) UNIFORM EXEMPT AMOUNT.—Section 203(f)(8)(A) of the Social Security Act (42 U.S.C. 403(f)(8)(A)) is amended by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be applicable".

(b) CONFORMING AMENDMENTS.—Section 203(f)(8)(B) of such Act (42 U.S.C. 403(f)(8)(B)) is amended—

(1) in the matter preceding clause (i), by striking "Except" and all that follows through "whichever" and inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever";

(2) in clause (i), by striking "corresponding"; and

(3) in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(c) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Section 203(f)(8)(D) of such Act (42 U.S.C. (f)(8)(D)) is repealed.

SEC. 4. ADDITIONAL CONFORMING AMENDMENTS.

(a) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in the last sentence of subsection (c), by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(2) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60, or".

(b) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of such Act (42 U.S.C. 402(w)(2)(B)(ii) is amended—

(1) by striking "either"; and

(2) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

(c) CONTINUED APPLICATION OF RULE GOVERNING ENTITLEMENT OF BLIND BENEFICIARIES.—The second sentence of section 223(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended by inserting after "subparagraph (D) thereof" where it first appears the following: "(or would be applicable to such individuals but for the amendments made by the Older Americans' Freedom to Work Act of 1993)".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply only with respect to taxable years ending after December 31, 1993.

By Mr. BUMPERS:

S. 208. A bill to reform the concessions policies of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

CONCESSIONS POLICY REFORM ACT OF 1993

Mr. BUMPERS. Mr. President, I rise today to introduce a bill to correct what I consider to be one of the major abuses that continues in this country, the way we award concession contracts in our national parks. I introduced this bill last year and held hearings as chairman of the Subcommittee on Public Lands, National Parks, and Forests. This is one of those things that people like "Prime Time Live" and "60 Minutes" and the press, from time to time, like to talk about because it is pretty outrageous the policies we have pursued in granting concession contracts in our national parks for many, many years.

I am obviously determined to do my best to correct this, as I have in the past. Secretary Lujan was aware of it and made some moves toward correcting these abuses. And in discussing this with our new Secretary of Interior, Secretary Babbitt, I feel that he not only is acutely aware of the problems but is willing to do something about them.

Let me just briefly state extemporaneously the present system under which we allow people to operate concession facilities in our national parks.

Mr. President, this issue has been simmering for some time, and the reason it has is because in 1991, which is the last year we have figures for, concessionaires in the national parks had gross incomes of about $620 million. The Park Service received in return, under the existing contracts, $18 million.

Now, if my arithmetic is correct, Mr. President, the U.S. Government and the taxpayers of America got less than a 3 percent return on all these park concession contracts—Yosemite, Grand Canyon, you name it—all those big contracts where they take in tens of millions of dollars, and the Government got less than a 3-percent return on what the park concessionaires earned.

Number two, when a contract expires, as the one in Yosemite is about to do, it is almost impossible under existing law for anybody else to get that contract because the existing concessionaire, barring some charge of a felony or cheating the Government, and so on, has what it called a "preferential right of renewal."

What that means, Mr. President, is that if I chose to go out and bid the contract at Yosemite, which is about to be relet—and, incidentally, I intend to hold a hearing on that contract because it goes right to the heart of what we are talking about. It may be a perfectly good contract and favorable to the Government. But I am going to hold a hearing on it to make sure, because it is one of the biggest contracts in the entire National Park System.

But how would you like to go, as I suggested a moment ago, to the National Park Service and say, "I would like to have the concession contract for example, Yosemite." After all, it is a $100 million operation. "I will give you a 10 percent return," and all of these other things. "I will build a new hotel." I will do all of these things. "The existing concessionaire there is only paying you a 3-percent return. So how about me bidding on it on a competitive basis?"

They say, "That is fine. What is your best offer?"

You tell them what you will do. Do you know what the Park Service does then? They go to the existing concessionaire and say, "We have a bidder who will give us 10 percent of what he takes in."

Do you know what that concessionaire has a right to do under existing law? He can meet my bid, and he gets the contract.

Now, you tell me, how many bidders are you going to attract when they know, no matter what they bid, the existing concessionaire has a right to meet your bid, and he gets the contract?

Now, that is not the way we do business in America, Mr. President. And I am proposing to change that. I want it done on a competitive basis. I said many times on the floor of the Senate that when I was Governor of my State, I assumed if we did anything but competitive bids, I would have gone to the slammer.

Third, Mr. President, is the concept of possessionary interest. And I want you to listen to this one. The concessionaire goes to the Park Service and says, "I would like to add a $10 million addition to the lodge."

So they negotiate with the Park Service, which says, "OK; you build this $10 million addition on the hotel." And here is the way it works. The concessionaire builds a $10 million addition on the hotel and depreciates it, we will say, over a 20-year period. And let us assume he has a 20-year contract. At the end of 20 years, he has taken a tax depreciation. For tax purposes, he has depreciated $500,000 a year. He has depreciated the entire $10 million investment. And then, if he loses the contract at the end of 20 years, he is entitled to what is called "sound value." Do you know what that is? That is essentially fair market value.

Mr. President, it is not inconceivable that the hotel he spent $10 million for is now worth $15 million, even though he has depreciated the entire $10 million for tax purposes.

Now, one of the reasons you do not have active bidding on these contracts is because whoever bids, if he gets the contract, has to pay the old concessionaire sound value, fair market value, of $15 million. Not only has the guy gotten $5 million back more than he paid in for it, but he has depreciated the thing for tax purposes. Now, how silly can we get?

Mr. President, the President pro tempore, who is presiding over the Senate right now, has heard me make a speech about mining law reform no less than 100 times. And if there is an abuse of the taxpayers of this country greater or as great as what is going on in the mining industry—which I will address Thursday on the floor of this body—it is the way we let these contracts to park concessionaires.

Now, Mr. President, every July 4, and at every Chamber of Commerce banquet, all 100 Members of this body go around talking about "I will treat your business as though it is my business; I will handle taxpayers' money as though it is my money. We will do business in a businesslike way." And then we allow this situation to continue.

I want to tell you something else, Mr. President. I have seen the National Rifle Association and some other lobby groups around here stretch their muscle a few times. There is one body, the National Park Concessioners Organization, which is almost as tough as the National Rifle Association. So I have no delusions about the difficulty of getting this bill passed. But it is inexcusable to continue such a policy.

Mr. President, my bill makes a few significant changes from last year's version. Last year, I provided that 50 percent—I believe it was 50 percent—of the franchise fees received by the Government would go to buy these possessionary interests. But I have changed it this year to provide that the money goes back to the Park Service to meet its most pressing needs, and to the park that generated the fees. The parks that generate the greatest fees are usually the ones most used and most abused and most threatened.

Now, there are some other provisions in here, Mr. President.

No contract will be for more than 10 years. Mr. President, you would be interested to know that a lot of these concessionaires have had these contracts in the family for 50 years. They are handed down the way a farm is handed down to the first-born son. And so we make a lot of changes. But first, we say: You do not have a preferential right to this contract. Second, you are going to have to compete with other people for the contract. Third, you do not have a possessionary interest any longer, and we are not going to allow you to continue to abuse the Tax Code—and the people of America at the same time—to your own enrichment.

I have nothing against these people. As a matter of fact, we have a lot of small operators who are outfitters, river runners, and guides, and we have exempted them under our bill from the preferential right of renewal limitation if they do not have a possessionary interest.

But I am telling you for us to sit idly by and go home and talk to the chamber of commerce about how terrible this deficit is and then to accept 3-percent return on park concessions or no return on the 4 billion dollars' worth of minerals being taken off Federal lands every year—we do not get a nickel for that, we get the happy joy of cleaning up the Superfund sites—they lose at a cost of anywhere from $5 to $50 billion.

Mr. METZENBAUM. Will the Senator yield?

Mr. BUMPERS. I yield.

The PRESIDENT pro tempore. The time of the Senator from Arkansas has expired.

Mr. BUMPERS. I ask unanimous consent that I be allowed to proceed in a colloquy with the Senator from Ohio for 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I rise to commend my colleague from Arkansas. He is right to target on this issue of the concession contracts. It is not a new issue. It is an issue that some of us fought for before, he fought for and I fought for, and we have run up against a stone wall. And regrettably some of the people in this body who are so anxious to balance the budget and talk about it all the time have been the ones who have been the most difficult in order to make it possible to pass legislation to do something about it.

This is one of the greatest ripoffs in the entire country. The Senator from Arkansas is trying to do something about it. I would consider it a privilege to be associated with him as a cosponsor of his legislation.

I, at the same time, wish him to know that I think once again on the question of grazing fees, another area where he has been the champion and leader in trying to bring about a modification of the present rules, he is right there. He could not be more right.

It is time that we do something to take some of this greed away from some people who are able to pay an unfair amount to the Government for grazing rights, and who are able to pay an unfair amount for concession contracts. It is an absolute absurdity to be getting less than 3 percent on the fees paid for concession contracts in this country.

I thank the Senator for his leadership. I thank him for allowing me the opportunity to publicly state my own view.

Mr. BUMPERS. Mr. President, I thank the Senator from Ohio very much for his kind remarks. I know he sat for years on the Energy Committee meetings where this issue has been debated and hearings have been held. He has always been on the cutting edge along with me. I thank him very much for the remarks.

I ask unanimous consent that the bill also be printed at the conclusion of my formal remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill will be received and appropriately referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 208

Be it enacted in the Senate and the House of Representatives in the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park Service Concessions Policy Reform Act of 1993".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—In furtherance of the Act of August 25, 1916 (39 Stat. 535), as amended, (16 U.S.C. 1, 2-4), which directs the Secretary of the Interior to administer areas of the National Park System in accordance with the fundamental purpose of preserving their scenery, wildlife, natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress finds that the preservation of park values requires that public accommodations, facilities, and services be limited to those necessary and appropriate to carry out the approved management objectives for each park.

(b) POLICY.—It is the policy of the Congress that—

(1) public facilities or services shall be provided within a park only when the private sector or other public agencies cannot adequately provide such facilities or services in the vicinity of the park;

(2) if the Secretary determines that public facilities or services should be provided within a park, such facilities or services shall be limited to locations and designs consistent with the highest degree of resource preservation and protection of the aesthetic values of the park;

(3) such facilities and services should be awarded through competitive bid procedures; and

(4) such facilities or services should be provided to the public at reasonable rates.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "bid" means the complete proposal for a concessions contract offered by a potential or existing concessioner in response to the minimum requirements for the contract established by the Secretary;

(2) "concessioner" means a private person, corporation, or other entity to whom a concessions contract has been awarded;

(3) "concessions contract" means a contract, including permits, to provide facilities or services, or both, at a park;

(4) "facilities" means improvements to real property within parks used to provide accommodations, facilities, or services to park visitors;

(5) "park" means a unit of the National Park System; and

(6) "Secretary" means the Secretary of the Interior.

SEC. 4. REPEAL OF CONCESSIONS POLICY ACT OF 1965.

The Act of October 9, 1965, Public Law 89-249 (79 Stat. 969, 16 U.S.C. 20-20g), entitled "An Act relating to the establishment of concession policies administered in the areas administered by the National Park Service and for other purposes", is hereby repealed. The repeal of such Act shall not affect the validity of any contract entered into under such Act, but the provisions of this Act shall apply to any such contract except to the extent such provisions are inconsistent with the express terms and conditions of the contract.

SEC. 5. CONCESSIONS POLICY.

Subject to the findings and policy stated in section 2 of this Act, and upon a determination by the Secretary that facilities or services are necessary and appropriate for the accommodation of visitors at a park, the Secretary shall, consistent with the provisions of this Act, laws relating generally to the administration and management of units of the National Park System, and the park's general management plan, authorize private persons, corporations, or other entities to provide and operate such facilities or services as the Secretary deems necessary and appropriate.

SEC. 6. COMPETITIVE BID PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (b), and consistent with the provisions of subsection (f), any concessions contract entered into pursuant to this Act shall be awarded only through competitive bid procedures. Within 180 days after the date of enactment of this Act, the Secretary shall promulgate appropriate regulations establishing such procedures.

(b) TEMPORARY CONTRACT.—Notwithstanding the provisions of subsection (a), the Secretary may waive competitive bid procedures and award a temporary concessions contract in order to avoid interruption of services to the public at a park.

(c) PUBLICATION OF CONTRACT REQUIREMENTS.—Prior to soliciting bids for a concessions contract at a park, the Secretary shall publish in the Federal Register the minimum bid requirements for such contract, as set forth in subsection (d). The Secretary shall also publish the terms and conditions of the previous concessions contract awarded for such park, and such financial information of the existing concessioner pertaining directly to the operation of the affected concessions facilities and services during the preceding contract period as the Secretary determines is necessary to allow for the submission of competitive bids. Any concessions contract entered into pursuant to this Act shall provide that the concessioner shall waive any claim of confidentiality with respect to the potential disclosure of such information by the Secretary.

(d) Minimum Bid Requirements.—(1) No bid shall be considered which fails to meet the minimum requirements as determined by the Secretary. Such minimum requirements shall include, but need not be limited to, the amount of franchise fee, the duration of the contract, and facilities or services required to be provided by the concessioner.

(2)(A) The Secretary may reject any bid, notwithstanding the amount of franchise fee offered, if the Secretary determines that the bidder is not qualified, is likely to provide unsatisfactory service, or that the bid is not responsive to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities or services to the public at reasonable rates.

(3) If all bids submitted to the Secretary either fail to meet the minimum bid requirements or are rejected by the Secretary, the Secretary shall establish new minimum bid requirements and re-initiate the competitive bid process pursuant to this section.

(e) Congressional Notification.—(1) The Secretary shall submit any proposed concessions contract with anticipated annual gross receipts in excess of $1,000,000 or a duration of greater than five years to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

(2) The Secretary shall not ratify any such proposed contract until at least 60 days subsequent to the notification of both Committees.

(f) No Preferential Rights of Renewal.—(1) Except as provided in paragraph (2), the Secretary shall not grant a preferential right to a concessioner to renew a concessions contract executed pursuant to this Act.

(2)(A) Notwithstanding the provisions of paragraph (1), the Secretary may grant a preferential right of renewal to a concessioner—

(i) for a concessions contract which—

(I) authorizes a concessioner to provide outfitting or guide services (including, but not limited to "river running" or other similar services) within a park; and

(II) does not grant the concessioner any interest in any structure, fixture, or improvement pursuant to section 11 of this Act; and

(ii) where the Secretary determines that the concessioner has operated satisfactorily on all evaluations conducted during the term of the previous contract; and

(iii) where the Secretary determines that the concessioner's bid for the new contract satisfies the minimum bid requirements established by the Secretary.

(B) For the purpose of paragraph (2), the term "preferential right of renewal" means that the Secretary may allow a concessioner satisfying the requirements of subparagraph (A) the opportunity to match any higher bid submitted to the Secretary.

(g) No Preferential Right to Additional Services.—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services at a park.

SEC. 7. FRANCHISE FEES.

(a) In General.—Franchise fees, however stated, shall be determined competitively from among those bids determined by the Secretary—

(1) to have satisfied the minimum bid requirements established pursuant to section 6(d); and

(2) to be responsive to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities or services to the public at reasonable rates.

(b) Minimum Fee.—Such fee shall not be less than the minimum fee established by the Secretary for each contract. The minimum fee shall provide the concessioner with a reasonable opportunity to realize a profit on the operation as a whole, commensurate with the capital invested and the obligations assumed.

(c) Objectives of Fee.—Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities or services to the public at reasonable rates.

SEC. 8. USE OF FRANCHISE FEES.

All receipts collected pursuant to this Act shall be covered into a special account established in the Treasury of the United States. Amounts covered into such account in a fiscal year shall be available for expenditure, subject to appropriation, solely as follows:

(1) 50 percent shall be allocated among the units of the National Park System in the same proportion as franchise fees collected from a specific unit bears to the total amount covered into the account for each fiscal year, to be used for resource management and protection, maintenance activities, interpretation, and research; and

(2) 50 percent shall be allocated among the units of the National Park System on the basis of need, in a manner to be determined by the Secretary, to be used for resource management and protection, maintenance activities, interpretation, and research.

SEC. 9. DURATION OF CONTRACT.

(a) Maximum Term.—A concessions contract entered into pursuant to this Act shall be awarded for a term not to exceed ten years.

(b) Temporary Contract.—A temporary concessions contract awarded on a non-competitive basis pursuant to section 6(b) of this Act shall be for a term not to exceed two years.

SEC. 10. TRANSFER OF CONTRACT.

(a) In General.—(1) No concessions contract may be transferred, assigned, sold, or otherwise conveyed by a concessioner without prior written notification to, and approval of the Secretary. The Secretary shall not approve the transfer of a concessions contract to any individual, corporation or other entity if the Secretary determines that such individual, corporation or entity is, or will be, unable to adequately provide the appropriate facilities or services required by the contract.

(2) The Secretary shall reject any proposal to transfer, assign, sell, or otherwise convey a concessions contract if the Secretary determines that such transfer, assignment, sale or conveyance is not consistent with the objectives of protecting and preserving park resources, and of providing necessary and appropriate facilities or services to the public at reasonable rates.

(b) Congressional Notification.—Within 30 days after receiving a proposal to transfer, assign, sell, or otherwise convey a concessions contract, the Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives of such proposal. Approval of such proposal, if granted by the Secretary, shall not take effect until 60 days after the date of notification of both Committees.

SEC. 11. PROTECTION OF CONCESSIONER INVESTMENT.

(a) Existing Structures.—(1) A concessioner who before the date of the enactment of this Act has acquired or constructed, or has commenced acquisition or construction of any structure, fixture, or improvement upon land owned by the United States within a park, pursuant to a concessions contract, shall have a possessory interest therein, to the extent provided by such contract.

(2) The provisions of this subsection shall not apply to a concessioner whose contract in effect on the date of enactment of this Act does not include recognition of a possessory interest.

(3) With respect to a concessions contract entered into on or after the date of enactment of this Act, the provisions of subsection (b) shall apply to any existing structure, fixture, or improvement as defined in paragraph (a)(1), except that the actual original cost of such structure, fixture, or improvement shall be deemed to be the value of the possessory interest as of the termination date of the previous concessions contract.

(b) New Structures.—(1) On or after the date of enactment of this Act, a concessioner who constructs or acquires a new, additional, or replacement structure, fixture, or improvement upon land owned by the United States within a park, pursuant to a concessions contract, shall have an interest in such structure, fixture, or improvement equivalent to the actual original cost of acquiring or constructing such structure, fixture, or improvement, less straight line depreciation over the estimated useful life of the asset according to Generally Accepted Accounting Principles: *Provided*, That in no event shall the estimated useful life of such asset exceed 31.5 years.

(2) In the event that the contract expires or is terminated prior to the recovery of such costs, the concessioner shall be entitled to receive from the United States or the successor concessioner payment equal to the value of the concessioner's interest in such structure, fixture, or improvement. A successor concessioner may not revalue the interest in such structure, fixture, or improvement, the method of depreciation, or the estimated useful life of the asset.

(3) Such costs shall be accounted for in the schedule of rates and charges established pursuant to section 13 of this Act.

(4) Title to any such structure, fixture, or improvement shall be vested in the United States.

(c) Insurance, Maintenance and Repair.—Nothing in this section shall affect the obligation of each concessioner to insure, maintain, and repair any structure, fixture, or improvement assigned to such concessioner and to insure that such structure, fixture, or improvement fully complies with applicable safety and health laws and regulations.

(d) Public Review.—The construction of any new, additional, or replacement structure, fixture, or improvement involving costs of $1,000,000 or more, provided or financed by a concessioner, upon land owned by the United States within a park, shall be authorized only after public review, including an opportunity for public hearings, to determine whether such construction is appropriate and consistent with the purposes of the National Park System, the laws relating generally to the administration and management of the system, and the park's general management plan. The requirements of this subsection may be satisfied by the public review and hearings associated with the development of the general management plan for the park.

SEC. 12. UTILITY COSTS.

(a) IN GENERAL.—A concessions contract entered into pursuant to this Act shall provide that the concessioner shall be responsible for all utility costs incurred by the concessioner.

(b) CONFORMING AMENDMENT.—Section 1 of the Act of August 8, 1953 (16 U.S.C. 1b) is amended in paragraph 4 by striking "concessioners,".

SEC. 13. RATES AND CHARGES TO PUBLIC.

The reasonableness of a concessioner's rates and charges to the public shall, unless otherwise provided in the bid specifications and contract, be judged primarily by comparison with those rates and charges for facilities and services of comparable character under similar conditions, with due consideration for length of season, seasonal variance, average percentage of occupancy, accessibility, availability and costs of labor and materials, type of patronage, and other factors deemed significant by the Secretary.

SEC. 14. CONCESSIONER PERFORMANCE EVALUATION.

(a) REGULATIONS.—Within 180 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, after an appropriate period for public comment, regulations establishing standards and criteria for evaluating the performance of concessions operating within parks.

(b) PERIODIC EVALUATION.—(1) The Secretary shall periodically conduct an evaluation of each concessioner operating under a concessions contract pursuant to this Act, as appropriate, to determine whether such concessioner has performed satisfactorily. If the Secretary's performance evaluation results in an unsatisfactory rating of the concessioner's overall operation, the Secretary shall prepare an analysis of the minimum requirements necessary for the operation to be rated satisfactory, and shall so notify the concessioner in writing.

(2) The concessioner shall be responsible for all costs associated with any subsequent evaluations resulting from an unsatisfactory rating.

(3) If the Secretary terminates a concessions contract pursuant to this section, the Secretary shall solicit bids for a new contract consistent with the provisions of this Act.

(c) CONGRESSIONAL NOTIFICATION.—The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives of each unsatisfactory rating and of each concessions contract terminated pursuant to this section.

SEC. 15. RECORDKEEPING REQUIREMENTS.

(a) IN GENERAL.—Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concessioner's contract have been, and are being faithfully performed, and the Secretary or any of the Secretary's duly authorized representatives shall, for the purpose of audit and examination, have access to such records and to other books, documents and papers of the concessioner pertinent to the contract and all the terms and conditions thereof as the Secretary deems necessary.

(b) GENERAL ACCOUNTING OFFICE REVIEW.—The Comptroller General of the United States or any of his or her duly authorized representatives shall, until the expiration of five calendar years after the close of the business year for each concessioner or subconcessioner, have access to and the right to examine any pertinent books, documents, papers, and records of the concessioner or subconcessioner related to the contracts or contracts involved.

SEC. 16. EXEMPTION FROM CERTAIN LEASE REQUIREMENTS.

The provisions of section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), relating to the leasing of buildings and properties of the United States, shall not apply to contracts awarded by the Secretary pursuant to this Act.

SEC. 17. CONFORMING AMENDMENT.

Subsection (h) of section 2 of the Act of August 21, 1935, the Historical Sites, Buildings and Antiquities Act (49 Stat. 666; 16 U.S.C. 462(h)), is amended by striking out the proviso therein.

CONCESSIONS POLICY REFORM ACT OF 1993 COMPARISON OF MAJOR ISSUES

The Concessions Policy Reform Act of 1993 makes several significant changes to existing National Bank concessions policies. Listed below are the major policy changes:

FRANCHISE FEES

Currently, franchise fees are determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the contract. In 1991, the average franchise fee received by the Federal Government was approximately 2.89 percent of gross revenues.

The Concessions Policy Reform Act provides that franchise fees shall be determined competitively from among bids the Secretary determines are responsive to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities or services to the public at reasonable rates. The fee shall not be less than the minimum fee established by the Secretary. The minimum fee shall provide the concessioner with a reasonable opportunity to realize a profit on the operation as a whole, commensurate with the capital invested and the obligations assumed.

COMPETITIVE BIDDING

The 1965 Act simply authorizes the Secretary to take such actions as may be appropriate to encourage and enable concessioners to provide and operate services and facilities in the National Park System.

The Concessions Policy Reform Act provides that concessions contracts are to be awarded through competitive bidding procedures. The Secretary is required to publish detailed bid requirements in the Federal Register, including the terms and conditions of the previous concessions contract for the park area; along with such financial information of the existing concessioner pertaining directly to the concessions operation as the Secretary determines necessary to allow for the submission of competitive bids. The Secretary may reject any bid, notwithstanding the franchise fee offered, if the Secretary determines that the bid is not responsive to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities or services to the public at reasonable rates.

LENGTH OF CONTRACT

The 1965 Act does not provide for any limitation on the length of concessions contracts. At some of the larger national parks, the National Park Service has entered into 30 year contracts.

The Concessions Policy Reform Act of 1993 would limit a concessions contract to a term of no more than 10 years.

PREFERENTIAL RIGHT OF RENEWAL

Existing law provides that the Secretary shall grant a preferential right of renewal to an existing concessioner who has performed satisfactorily. The Secretary is also is authorized, but not required, to grant an existing concessioner a preferential right to provide new or additional services at the park.

The Concessions Policy Reform Act would prohibit the Secretary from granting a concessioner a preferential right of renewal or a preferential right to provide new or additional services at a park area. The only exception would be that outfitter and guide services which have performed satisfactorily and which do not have a possessory interest, would be allowed a preferential right of renewal, provided certain criteria are satisfied. Because there are normally multiple companies providing the same or similar-type outfitter services within a specific park, and because no possessory interest is involved, retention of a preferential right of renewal will not serve as a barrier to increased competition.

POSSESSORY INTEREST

Current law states that a concessioner who acquires or constructs any structure within a National Park pursuant to a concessions contract shall have a possessory interest in such structure. The possessory interest is defined as "all incidents of ownership except legal title" and is valued as the replacement cost of the structure, less depreciation. If the concessioner's contract is terminated, or the contract is awarded to a new concessioner, then the Park Service or (in the case of a new contract) the new concessioner is responsible for compensating the previous concessioner for the possessory interest, which for all practical purposes is the fair market value of the structure.

The Concessions Policy Reform Act provides that an existing concessioner who has already constructed, or who has commenced acquisition or construction of a structure pursuant to a concessions contract, shall have a possessory interest to the extent provided by the current concessions contract. If the concessioner does not currently have a possessory interest, the bill makes clear that no new possessory interest is created.

The bill also provides that with respect to new concessions contracts, a concessioner who constructs or acquires a structure within a National park shall, in the event the contract expires or is terminated, be entitled to receive payment equal to the actual original cost (as compared with the existing law's requirement of replacement cost) of acquiring or constructing the structure, less depreciation.

Finally, the bill states that if an existing concessioner with a possessory interest is awarded a new concessions contract, the value of the existing possessory interest from the date of the new contract will be depreciated over a period not exceeding 31.5 years.

USE OF CONCESSIONS REVENUES

The 1965 law provides that the revenues derived from franchise fees are deposited into the Treasury of the United States. None of the revenues are specifically designated for part-related funding.

Under the Concessions Policy Reform Act, revenues will be deposited into a special account in the Treasury, to be used for resource management and protection, maintenance activities, interpretation, and research. Subject to appropriation, 50 percent of the revenues are to be allocated among units of the National Park System in the same proportion as franchise fees are collected, and 50 percent are to be allocated among park units on the basis of need, to be determined by the Secretary.

CONCESSIONS POLICY

The 1965 Act states that development of concessions facilities shall be limited to those that are necessary and appropriate for public use and enjoyment of the national park area and that are consistent to the highest practicable degree with the preservation and conservation of the area.

The Concessions Policy Reform Act provides that facilities and services shall be provided within a park area only when the private sector or other public agencies cannot adequately provide such facilities or services in the vicinity of the park area.

If facilities or services are to be provided within a park area, they shall be limited to locations and designs consistent with the highest degree of resource preservation and protection of the aesthetic value of the park. The bill also states that facilities or services should be awarded through competitive bidding procedures and that they should be provided to the public at reasonable rates.

NATIONAL PARK SERVICE CONCESSIONS POLICY REFORM ACT OF 1993—SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the "National Park Service Concessions Policy Reform Act of 1993."

Section 2 contains the Congressional findings and policy.

Section 3 defines certain terms used in the Act.

Section 4 repeals the Concessions Policy Act of 1965 in its entirety. The section provides that the repeal is not to affect the validity of existing concessions contracts, except that the provisions of this Act are to apply to existing contracts to the extent the provisions of this Act are not inconsistent with the express terms and conditions of the contract.

Section 5 sets forth the concessions policy for the National Park Service. The section authorizes the Secretary of the Interior (the "Secretary") to permit necessary and appropriate concessions operations within National Parks, consistent with the provisions of this Act, laws relating generally to the management of units of the National Park System, and the specific park's general management plan.

Section 6 provides for awarding of concessions contracts through competitive bid procedures. Subsection (a) states that except for temporary contracts awarded pursuant to subsection (b), and consistent with the preferential right of renewal for certain outfitter and guide concessioners set forth in subsection (f), all contracts are to be awarded only through competitive bid procedures. The Secretary is directed to promulgate appropriate regulations within 180 days after the date of enactment of this Act.

Subsection (b) states that the Secretary may waive competitive bid procedures and award a temporary concessions contract in order to avoid interruption of services to the public at a park.

Subsection (c) requires that the Secretary publish the minimum bid requirements for a concessions contract in the Federal Register prior to soliciting bids for the contract. The Secretary is also directed to publish the terms and conditions of the previous concessions contract and such financial information of the existing concessioner pertaining directly to the operation of the affected concessions facilities and services as the Secretary determines is necessary to allow for the submission of competitive bids.

Subsection (d)(1) provides that the Secretary may not consider any bid which fails to meet the minimum bid requirements as determined by the Secretary. The minimum bid requirements include, but are not limited to, the amount of franchise fee, the duration of the contract, and the facilities or services required to be provided by the concessioner.

Paragraph (2) makes clear that the Secretary may reject any bid, regardless of the franchise fee offered, if the Secretary determines that the bidder is not qualified, is likely to provide unsatisfactory service, or that the bid is not responsive to the objectives of protecting and preserving the park or of providing necessary and appropriate services to the public at reasonable rates.

Paragraph (3) directs the Secretary to establish new minimum bid requirements and reinitiate the competitive bid process if all bids either fail to meet the minimum bid requirements or are rejected by the Secretary.

Subsection (e) requires the Secretary to submit to the appropriate Congressional Committees any proposed concessions contract with anticipated gross receipts in excess of $1,000,000, or for a duration of more than five years. The Secretary is prohibited from ratifying any proposed contract until at least 60 days after such Congressional notification.

Subsection (f)(1) states that except as provided in paragraph (2), the Secretary may not grant a concessioner a preferential right to renew a concessions contract.

Paragraph (2) permits, but does not require, the Secretary to grant a preferential right of renewal for a concessions contract for outfitter or guide services, provided that the contract does not grant the concessioner an interest in real property (as provided in section 11), the Secretary determines that the concessioner has operated satisfactorily for all evaluations conducted during the previous contract period, and the concessioner's bid for the new contract satisfies the minimum bid requirements established by the Secretary.

Subsection (g) prohibits the Secretary from granting a concessioner a preferential right to provide new or additional services at the park.

Section 7(a) provides that franchise fees are to be determined competitively and shall not be less than a minimum level that the—

Subsection (b) states that the franchise fee shall not be less than the minimum fee established by the Secretary for each concessions contract. The minimum fee is to be set so as to provide the concessioner with a reasonable opportunity to realize a profit on the operation as a whole, commensurate with the capital invested and the obligations assumed.

Subsection (c) states that consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving the park's resources, and of providing appropriate facilities and services to the public at reasonable rates.

Section 8 establishes a special account in the Treasury of the United States for all receipts collected pursuant to this Act. Subject to appropriation, 50 percent of the franchise fees receipts collected are to be allocated among park units in the same proportion as the percent of franchise fees collected, and 50 percent are to be allocated among park units on the basis of need, in a manner to be determined by the Secretary. Monies expended for parks are to be used for resource management and protection, maintenance activities, interpretation, and research.

Section 9 provides that a concessions contract shall be awarded for a term not to exceed ten years.

Subsection (b) states that a temporary concessions contract shall be for a term not to exceed two years.

Section 10(a) provides that no concessions contract may be transferred, assigned, sold, or otherwise conveyed without prior written notification to, and approval of the Secretary. The Secretary is prohibited from approving any conveyance if the Secretary determines that the new concessioner will be unable to adequately provide the facilities or services required by the contract or that the conveyance is not consistent with the objectives of protecting and preserving the park or of providing necessary and appropriate facilities or services to the public at reasonable rates.

Subsection (b) directs the Secretary to notify the appropriate Congressional Committees within 30 days after receiving a proposal to convey a concessions contract. Secretarial approval of any conveyance may not occur until 60 days after such notification to the Committees.

Section 11 pertains to the protection of concessioner investments. Subsection (a) provides that a concessioner who has commenced acquisition or construction of any structure on Federal land within a park shall have a possessory interest in such structure, to the extent provided by such contract. Paragraph (2) makes clear that this provision does not create a new possessory interest for concessioners whose contract does not include recognition of a possessory interest.

Paragraph (3) states that with respect to a concessions contract entered into on or after the date of enactment of this Act, the provisions of subsection (b) (dealing with new structures) shall apply to such structure, except that for the purpose of establishing the value of the interest, the term "actual original cost" of the structure is deemed to be the value of the possessory interest as of the termination date of the previous concessions contract.

Subsection (b)(1) provides that on or after the date of enactment of this Act, a concessioner who constructs or acquires a new, additional, or replacement structure within a park shall be entitled to receive from the United States or a successor concessioner payment equivalent to the actual original cost of acquiring or constructing such structure, less straight line depreciation, in the event the contract expires or is terminated by the Secretary. The structure is to be depreciated over its estimated useful life, not to exceed 31.5 years.

Paragraph (2) states that if the contract expires or is terminated prior to the full depreciation of the structure, the concessioner shall be entitled to receive from the United States or the successor concessioner payment equal to the value of the concessioner's interest in such structure. The paragraph also makes clear that a successor concessioner may not revalue the interest in the structure, the method of depreciation, or the estimated useful life of the structure.

Paragraphs (3) and (4) provide that the depreciation costs are to be taken into account in the schedule of rates and charges established pursuant to section 13 of this Act. Title to any such structure, fixture or improvement shall be vested in the United States.

Subsection (d) makes clear that the provisions of this section do not affect the obligation of a concessioner to insure, maintain, and repair structures assigned to the concessioner.

Subsection (d) provides that construction of a new, additional, or replacement structure involving costs of $1,000,000 or more, provided or financed by a concessioner on Federal land within a park, shall be authorized only after public review, including an opportunity for public hearings. The Secretary is also required to notify the appropriate Congressional Committees prior to approving any such construction.

Section 12 requires that a concessions contract must provide that the concessioner shall be responsible for all utility costs incurred by the concessioner.

Subsection (b) makes a conforming change to existing law by deleting the Secretary's authority to provide utility services to concessioners on a reimbursement of appropriation basis.

Section 13 provides that the reasonableness of a concessioner's rates and charges to the public shall be judged primarily by comparison with those rates and charges for similar facilities and services.

Section 14(a) directs the Secretary to publish regulations establishing standards and criteria for evaluating the performance of concessions operations within 180 days after the date of enactment of this Act.

Subsection (b) requires the Secretary to conduct periodic evaluations of each concessioner to determine whether such concessioner has performed satisfactorily. The Secretary is to provide a concessioner rated as operating unsatisfactorily with an analysis of the minimum requirements necessary for the operation to receive a satisfactory rating. If the concessioner terminates a contract pursuant to this section, the new contract is to be awarded pursuant to the requirements of this Act.

Subsection (c) states that the Secretary is to notify the appropriate Congressional Committees of each unsatisfactory rating and of each contract terminated pursuant to this section.

Section 15(a) requires each concessioner to maintain such records as the Secretary requires to enable the Secretary to determine that all terms of the concessioner's contract are being faithfully performed. The subsection also authorizes the Secretary to have access to such financial information as the Secretary deems necessary to ensure that the terms and conditions of the contract are being complied with the concessioner.

Subsection (b) provides that the General Accounting Office shall have access to financial records of a concessioner for five years after the close of the fiscal year of each concessioner.

Section 16 states that the provisions of a 1932 Act relating to the leasing of Federal buildings and properties shall not apply to concessions contracts.

Section 17 makes a conforming amendment to the Historic Sites Act of 1935.

By Mr. PELL (for himself and Ms. MIKULSKI):

S. 209. A bill to provide for full statutory wage adjustments for prevailing rate employees, and for other purposes; to the Committee on Governmental Affairs.

THE PREVAILING WAGE RATE ADJUSTMENT ACT OF 1993

• Mr. PELL. Mr. President, I am pleased to be joined today by my distinguished colleague from Maryland, Senator MIKULSKI, in introducing legislation to correct an injustice affecting thousands of Federal Government workers who are paid under the so-called prevailing wage rate system. I am also pleased that my colleague Congressman GEORGE HOCHBRUECKNER of New York is introducing identical legislation in the House of Representatives.

Our bill, the Prevailing Wage Rate Adjustment Reform Act of 1993, will give Federal blue-collar workers in the Federal Wage System [FWS] full adjustments to their pay based on the annual local wage survey of private industries in each wage grade area. This legislation is necessary because in every year since 1979 an appropriations pay cap has been placed on the annual adjustments to FWS pay, limiting any increase to that received by General Schedule [GS] employees.

This pay cap is contrary to the intent of the Congress which established the FWS to pay Federal blue-collar workers according to the private sector wages in each of the 135 geographic wage grade areas across the country. After more than a decade of the continuous application of these pay caps, salaries of FWS workers no longer reflect the local prevailing rate paid to employees in similar jobs in private industry. In fact, FWS worker salaries now lag an average of 10 percent behind those paid in the private sector. In some areas the situation is more severe because private sector wages have risen far more sharply. For example, in the Narragansett Bay wage grade area in Rhode Island, FWS workers are paid on average more than 17 percent less than their private sector counterparts. The pay gap varies both by geographic area and grade level and can range from 0 to 35 percent.

I ask unanimous consent that a list of all the wage grade areas ranked by the average pay gap in each area be included in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

FEDERAL WAGE SYSTEM APPROPRIATED FUND EMPLOYEE COUNTS AND PAY GAPS

[National average pay gaps = 9.55 percent; sorted by average pay gap]

Wage area name	Number employee	Average pay gap	Gap range: Minimum (percent)	Gap range: Maximum (percent)
Richmond, VA	2,496	32.41	31.05	35.54
Dothan, AL	620	26.12	22.11	30.17
New Haven-Hartford, CT	735	24.90	22.38	27.50
Shreveport, LA	567	23.53	20.11	26.42
Huntsville, AL	271	21.97	3.47	32.77
Buffalo, NY	642	20.96	11.29	27.59
Northeastern AZ	2,054	20.94	2.65	32.06
Boston, MA	2,956	20.43	6.57	30.02
Charlotte, NC [1]	335	19.41	4.05	26.55
Southwestern, MI	645	18.94	8.08	25.22
Wichita Falls, TX-SW OK	954	18.64	8.38	41.28
Dallas-Fort Worth, TX	1,654	18.64		30.34
Narragansett Bay, RI	940	17.93	7.51	25.58
Nashville, TN	1,973	17.69	1.00	27.80
Santa Barbara, CA	520	17.37		32.91
Philadelphia, PA	11,276	16.98	1.65	26.72
Wilmington, DE [2]	968	16.79		29.06
Syracuse-Utica-Rome, NY	1,038	16.74		31.13
Eastern TN	480	16.63	12.58	19.14
Indianapolis, IN	1,970	16.36	1.71	25.96
Topeka, KS	1,179	15.87	1.46	30.46
Central and Western MA [2]	861	15.70	13.29	18.62
Albany, GA [2]	1,216	15.44	5.01	24.20
Wichita, KS	760	15.25	2.37	22.89
Tulsa, OK	1,295	15.23		23.55
Corpus Christi, TX	3,694	15.06	1.53	23.93
Portland, ME	223	14.76	12.48	18.73
New London, CT	517	14.49	11.86	16.48
North Dakota	1,288	14.46		31.73
Davnprt, IA-Rck Isd, IL-Moline, IL	1,835	13.92	9.75	20.71
Savannah, GA	1,259	13.49	7.92	16.84
Meridian, MS	626	13.44	4.27	19.29
Detroit, MI	1,818	13.42	5.82	20.95
Texarkana, TX [2]	3,332	13.08	11.26	18.08
Louisville, KY	3,263	13.01	8.28	15.84
Portsmouth, NH [2]	4,885	12.96	11.93	14.39
Orlando, FL	284	12.91	5.36	15.79
Seattle-Everett-Tacoma, WA	13,055	12.65	2.81	20.52
St Louis, MO	2,305	12.65		25.42
Rochester, NY	1,150	12.41	10.86	15.07
Bloomington-Bedford-Washington, IN	1,304	12.28	9.39	19.60
Columbus, OH	3,237	12.06		21.75
Fort Wayne-Marion, IN [2]	813	11.48	3.41	20.11
Madison, WI [1]	181	11.41		21.96
West Virginia	984	11.24		17.89
Roanoke, VA	340	11.20	5.78	16.28
Atlanta, GA	1,948	11.14	5.92	14.31
San Bern-Riverside-Ontario, CA	3,236	11.08	2.25	22.49
Minneapolis, MN-St. Paul, WI	1,444	11.04	2.49	16.00
Cedar Rapids-Iowa City, IA	256	10.87	.48	20.94
Augusta, ME	245	10.70		22.78
Cincinnati, OH	377	10.61		18.50
Omaha, NE	1,403	10.61		20.10
Panama City, FL	599	10.46	9.62	14.67
Washington, DC	15,305	10.21		16.20
Dayton, OH	2,458	10.20	.21	16.25
Central, NC	2,357	10.19	6.93	11.29
Reno, NV	847	10.14	.72	17.93
Southeastern NC (1)	4,081	9.97	6.06	12.27
Pensacola, FL (1)	4,779	9.69	.63	14.61
San Diego, CA	7,787	9.42		20.65
Las Vegas, NV	466	9.36	3.56	12.66
Asheville, NC	290	9.27	8.43	10.60
New York, NY	5,741	9.20	4.13	12.62
Houston-Galveston-Texas City, TX	992	9.06	.39	17.06
Columbia, SC	1,393	9.01	6.51	9.77
Los Angeles, CA	9,043	8.81		20.66
Harrisburg, PA	3,794	8.64		18.80
Jackson, MS	1,284	8.62		16.27
Norflk-Prtsmth-N Nws-Hamptn, VA [2]	15,951	8.60	.12	14.63
San Francisco, CA	14,055	8.54		14.86
Anniston-Gadsden, AL [2]	3,268	8.50	4.41	16.59
Denver, CO	1,862	8.39		19.18
Tampa-St Petersburg, FL	976	8.31		15.76
Albuquerque, NM	1,498	8.29		15.82
Lexington, KY	1,120	8.25	.84	13.40
San Antonio, TX [2]	10,781	8.21		13.43
Northwestern MI	545	8.20	1.23	14.66
Stockton, CA	2,122	8.07	3.28	11.70
Augusta, GA	759	8.04	4.17	18.78
Southeastern WA-Eastern OR	462	7.86		14.32
Albany-Schenectady-Troy, NY	1,614	7.86		17.43
Scranton-Wilkes Barre, PA [2]	2,545	7.60	5.96	9.70
New Orleans, LA [2]	802	7.40		14.02
Oklahoma City, OK [2]	7,702	7.35	1.23	15.89
Pittsburgh, PA	2,020	7.31		13.10
Cocoa Beach-Melbourne, FL	417	7.07		12.02
Lake Charles-Alexandria, LA	1,370	7.07		14.27
Newburgh, NY	1,656	6.76	.86	11.97
Northern NY	1,600	6.70	6.50	7.05
Salinas-Monterey, CA	1,030	6.62	.83	22.54
Duluth, MN [2]	260	6.50	1.97	16.40
Phoenix, AZ	1,590	6.23		14.21
Utah	10,075	6.12		13.92
Hagrtwn, MD-Martins, W VA-Chamb, PA	2,873	5.92	.29	17.03
Cleveland, OH	1,410	5.85		12.49
Kansas City, KS/MO	1,730	5.57		15.30
Columbus-Aberdeen, MS	561	5.44	2.50	10.43

FEDERAL WAGE SYSTEM APPROPRIATED FUND EMPLOYEE COUNTS AND PAY GAPS—Continued

[National average pay gaps = 9.55 percent; sorted by average pay gap]

Wage area name	Number employee	Average pay gap	Gap range: Minimum (percent)	Gap range: Maximum (percent)
Waco, TX	2,280	5.42	1.85	8.77
Champaign-Urbana, IL	880	5.36	....	11.74
Baltimore, MD	4,567	5.09	....	8.15
Chicago, IL	3,183	4.71	....	9.53
Southwestern WI	980	4.55	3.14	5.39
Hawaii	7,691	4.36	1.34	6.28
Sacramento, Ca	7,331	4.18	....	8.59
Columbus, GA	2,570	4.13	....	16.21
Milwaukee, WI	870	4.07	....	9.96
Macon, GA[2]	6,168	3.93	1.30	23.71
Boise, ID[2]	661	3.86	....	9.96
Portland, OR	1,550	3.58	....	8.83
Des Moines, IA	827	3.26	.57	5.22
Biloxi, MS	1,385	3.21	2.72	4.40
Wyoming	1,665	3.15	....	10.75
Puerto Rico	1,103	3.00	.33	5.02
Central and Northern ME	618	2.82	....	15.01
Great Falls, MT	1,623	2.58	....	5.80
Oscoda-Alpena, MI	273	2.47	....	9.98
Fresno, CA	1,386	1.94	....	6.10
Memphis, TN	2,691	1.86	.18	9.04
Southwestern OR	979	1.75	....	2.98
Tucson, AZ[2]	1,439	1.69	....	6.80
Little Rock, AR	2,515	1.51	.45	7.26
Southern MO	684	1.41	.35	3.64
Miami, FL	1,505	1.39	....	2.73
Southern and Western CO	2,217	1.37	....	6.81
Spokane, WA	1,025	1.29	....	4.97
Western TX	670	1.22	....	2.85
Eastern SD	619	1.17	....	4.76
Charleston, SC	7,318	1.08	.06	6.65
Jacksonville, FL[2]	3,738	1.01	....	7.21
El Paso, TX	2,354	.85	....	2.80
Birmingham, AL[1]	393	.55	....	1.85
Dubuque, IA	136	.46	....	2.91
Alaska	2,923	.29	....	2.28
Austin, TX[2]	582	.00	....	....
Total/averages	326,976	9.55	....	41.28

[1] Monroney areas—used non-DoD schedules (most populous schedules)

[2] Monroney areas—used DoD schedules (most populous schedules).

Note.—This list reflects those schedules in effect on 9/30/91 for regular schedule and production facilitating employees.

Mr. PELL. Federal blue-collar employees are a very important component of our Federal work force and for far too long they have been treated like our poor cousins. These are the workers who help to serve our veterans, who maintain our national parks and Government buildings and equipment, and who support our Nation's defense. The work they do should not be underestimated and it is time to stop treating them like second-class citizens.

The result of the pay cap is not only an injustice to Federal workers, but a severe recruitment and retention problem for Federal Government agencies. The FWS system provides for special exceptions to be made in determining wages in cases where there are recruitment and retention problems, but the pay caps have forced a situation where these special exceptions are not adequate to provide a satisfactory solution. Indeed, the special pay alternatives that do exist are now being used as a substitute for adequate comprehensive pay adjustments instead of for the intended purpose of dealing with unusual and limited recruitment and retention problems.

This situation is unfair. It is unfair to all Federal blue-collar employees who were promised fair wages by Congress when the prevailing rate system was designed. And it is particularly unfair now that the white-collar pay system has been reformed to include locality based comparability payments to bring GS salaries in line with private sector wages in local wage areas. The inequities in the Federal Wage System can no longer be tolerated. The bill which we are introducing will do a very simple thing—it will lift the pay cap on Federal blue-collar wages and allow the system to work as it was intended. While a blanket removal of the pay cap may seem to be an unlikely prospect given the size of the Federal budget deficit, the cost of the bill is a measure of the inequity these employees have suffered. If it is not possible to provide total relief to all FWS workers, I believe consideration must be given to providing some relief to those areas in the country that have fallen farthest behind.

Some authorities have argued that the pay cap should be removed gradually. Both the Office of Personnel Management [OPM] in a report to Congress on the problems in the FWS and the U.S. Merit Systems Protection Board [MSPB] in a report entitled "Federal Blue-Collar Employees: A Workforce in Transition" have called for a phase out of the pay caps. These reports also promote various reforms to the system.

Our bill provides the simplest and most immediate way to make the system more fair and equitable, and would be a good starting point for the discussion of changing the FWS. If other changes or reforms must also be made, it is important that we start that dialogue now. The MSPB interviewed numerous individuals involved in the Federal Wage System and in its report it notes that—

> pay was one of the first and most frequently mentioned issues. Virtually all of the comments about pay called for a removal of the pay cap. The cap was consistently seen by blue-collar employees, supervisors, and also more than a few white-collar managers as an unfair restriction on the long standing principle that blue-collar pay be based on prevailing rates.

I could not agree more, and as a simple matter of equity we must act now to close the pay disparity gap for Federal blue-collar workers.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prevailing Wage Rate Adjustment Reform Act of 1993".

SEC. 2. WAGE RATES.

Without regard to any other provision of law limiting the amounts payable—

(1) to a prevailing rate employee defined under section 5342(a)(2) of title 5, United States Code;

(2) to an employee covered by section 5348 of such title; or

(3) to any other employee subject to section 616 of the Treasury, Postal Service, and General Government Appropriations Act, 1993, Public Law 102–393; 106 Stat. 1768;

such employees shall be paid, beginning on the effective date of each annual wage survey adjustment in the region after the date of the enactment of this Act, wages as determined and established in accordance with the provisions of subchapter IV of chapter 53, title 5, United States Code.●

By Mr. WOFFORD:

S. 210. A bill to provide for cost-of-living adjustments for pay and retirement benefits for Members of Congress and certain senior Federal officials to be limited by the amount of Social Security cost-of-living adjustments, and for other purposes; to the Committee on Governmental Affairs.

LIMITATIONS ON COST-OF-LIVING ADJUSTMENTS FOR MEMBERS OF CONGRESS AND CERTAIN SENIOR FEDERAL OFFICIALS

● Mr. WOFFORD. Mr. President, in this new Congress, I'll be introducing a series of bills designed to improve our economic competitiveness, protect our natural environment, build a system of national and community service and invest in the future of Pennsylvania communities. Most importantly, I'll also continue and intensify my efforts with my colleagues and our new President to craft reform legislation that will control costs and make health care affordable for every American.

Today I am proposing action on one of the other central priorities that President Clinton stressed in his inaugural speech action to ensure that Congress doesn't forget "those people whose toil and sweat sends us here and pays our way." I propose to ensure that no Members of Congress or senior executive branch officials receive a cost-of-living adjustment to their salaries which exceeds that given to those millions of older Americans struggling to make ends meet on their Social Security checks.

Ever since I came to the Senate I've shared the belief that we must "put aside personal advantage so that we can feel the pain and see the promise of America." So I rejected the use of taxpayer-financed, self-promotional mass mail and returned funds intended for that use to the U.S. Treasury. I rejected a congressional pay raise and am giving the increase to charity. And I offered legislation to end the valuable free health care that Members of Congress received from the Office of Attending Physician in the Capitol—a goal that was accomplished as of May 1, 1992, by an agreement between House and Senate leaders.

It's unfair for Members of Congress and senior executive branch officials to receive a higher cost-of-living adjustment to their salaries and pensions than millions of Americans living on Social Security. This year Social Security retirement benefits will increase only 3 percent—which amounts to a $19 increase in the average monthly benefit.

In contrast, Members of Congress and senior executive branch officials are slated to receive a 3.2-percent increase. And unlike most private sector pensions, this automatic increase will also apply to the pensions of Members of Congress and senior executive branch officials. Now more than ever, most people who receive pensions have no assurance that their benefits will be adjusted for inflation. In fact, they increasingly have to worry whether the promise of that pension will be kept at all.

For this year, I have limited the cost-of-living adjustment for my own staff and for myself to that received by Social Security retirees. I urge my colleagues to take this step as well.

For future years, I am introducing legislation to put Members of Congress and senior executive officials on the same footing as those who depend on Social Security for their retirement. It would base the cost-of-living adjustments to the salaries and pensions of Members of Congress and senior executive branch officials on the same formula used to calculate the increase for Social Security retirees. For former Members and senior officials, my bill would ensure that cost-of-living adjustments would be given only on that amount of their pension allowed under Social Security.

This legislation also seeks to end the controversy surrounding whether cost-of-living adjustments for Members of Congress violate the 27th amendment to the Constitution. My bill would allow Members of Congress' salaries to be adjusted only in nonelection years. All working Americans and retirees—deserve to have their wages and pensions reflect the costs of inflation. But at the dawn of this new era in which we resolve to reform our politics and make Government responsible once again to the people, it's important for our elected Representatives and senior officials to be in the same boat as the people they were sent here to serve.•

By Mr. McCAIN (for himself, Mr. INOUYE, Mr. DOMENICI, Mr. SIMON, Mr. DASCHLE, Mr. GORTON, Mr. BOREN, Mr. MURKOWSKI, Mr. BAUCUS, Mr. CAMPBELL, and Mr. BINGAMAN):

S. 211. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for Indian investment and employment, and for other purposes; to the Committee on Finance.

INDIAN EMPLOYMENT AND INVESTMENT ACT OF 1993

• Mr. McCAIN. Mr. President, I rise today on behalf of myself and Senators INOUYE, DOMENICI, SIMON, DASCHLE, GORTON, BOREN, MURKOWSKI, BAUCUS, CAMPBELL, and BINGAMAN to introduce the Indian Employment and Investment Act of 1993. This bill is identical to the McCain-Inouye amendment that was offered last year to H.R. 11, the Revenue Act of 1992. That amendment was adopted by the Senate and agreed to in conference.

Before I explain the purpose of this legislation, I want to publicly express my deep appreciation to former chairman and now Treasury Secretary Lloyd Bentsen and Senator BOB PACKWOOD for giving serious consideration to the economic plight of Indian tribes across the Nation and for agreeing to include the McCain-Inouye amendment in H.R. 11. I look forward to working with Chairman MOYNIHAN and Senator PACKWOOD in examining how this legislation might be integrated with the economic stimulus package that will be proposed by the new administration.

The purpose of this legislation is to provide a program of investment and employment incentives that can attract private industry and capital, expand existing industry, and make the private sector a permanent source of economic development on Indian reservations. The bill provides for two Indian tax credits: an investment tax credit and an employment tax credit.

The employment credit provides for a 10-percent credit to the employer based on the qualified wages and qualified health insurance costs paid to an Indian. As an added incentive, a significantly higher employment credit of 30-percent is offered to reservation employers having an Indian work force of at least 85 percent. The amendment is limited to those employees who do not receive wages in excess of $30,000. The credit, which focuses on job creation, would be allowed only for the first 7 years of an Indian's employment.

The investment tax credit is geared specifically to Indian reservations where Indian unemployment levels are unconscionable—the credit being limited in its applicability to businesses locating on Indian reservations where the unemployment rate exceeds the national average by at least 300 percent. This particular credit offers a higher percentage credit for investment in Indian country in order to help mitigate unique problems endemic to Indian country—particularly the enormous lack of infrastructure—which is not commonly shared by other depressed areas. In addition, a higher ITC establishes a differential apart from the rest of the Nation, since Indian country—both historically and at the present time—cannot successfully compete with other areas—including some depressed communities—in attracting businesses due to the double taxation, infrastructure deficits, and related problems.

I want to take a moment to highlight for the benefit of my colleagues several important provisions that are contained in this bill. They include:

First, antigaming restrictions, which would prevent both the investment and employment credits from being used with respect to the development and/or operation of gaming establishments on Indian reservations.

Second, a restriction on the employment credit to new hires only, thereby emphasizing the bill's intent to create new jobs or to expand existing businesses on reservations.

Third, an antichurning amendment to the employer credit provision, to avoid creating an incentive for an employer to discharge current employees and replace them with new or rehired employees after enactment of the bill; and

Fourth, an allowance of one-half of the investment tax credit for qualifying investments on reservations where employment exceeds 150 percent but does not exceed 300 percent of the national unemployment rate, thereby recognizing serious Indian unemployment rates which do not rise to the 300-percent level covered by the general rule.

Mr. President, I harbor no illusion that this legislation is the panacea for all the economic ills afflicting Indian reservations today. I do believe, however, that the adoption of a specific program of Indian tax incentives would be an important first step toward the goal of providing Indian tribal governments with the opportunity to strengthen their economies.

I, of course, remain open to further suggestions as to how this bill can be improved. My goal has always been to fashion a bill that can best meet the needs of Indian communities. I also want to ensure that this bill can be integrated with the economic stimulus package to be worked out between the Congress and the administration. It would be simply unconscionable, however, for the Congress or the administration to allow the existing deplorable socioeconomic conditions to continue within the borders of this Nation. The bill I am introducing today is necessary to ensure that Indian communities—perhaps the most neglected and misunderstood segment of our society—are fully included as we reach out to address the issues of poverty and unemployment in this country. Indian tribal governments—more than any other unit of government within our constitutional system—are deeply affected by the decisions we make here in the Congress.

It has been my privilege to work with Indian tribal governments for over 10 years. During that time one of the fundamental lessons I've learned is that the policies which have been most effective and have brought about meaningful change are those policies which have been closely coordinated with Indian tribal governments.

The Indian Employment and Investment Act meets the threshold test of tribal consultation. In this instance, I have introduced Indian tax incentive legislation in various forms over the last 10 years. During that time, numerous tribal leaders have offered constructive suggestions as to how such legislation might be amended to better meet their needs. I want to publicly thank all of the tribal leaders who offered their input. I also want to acknowledge the leadership of the Honorable Peterson Zah, president of the Navajo Nation, for his exceptional advocacy on behalf of this specific economic proposal.

I would remind my colleagues that under our Constitution, the Congress has the ultimate authority for Federal Indian policy. For the better part of two centuries, the Congress so poorly exercised that authority that Federal Indian policy became infamous for its shortsightedness, inconsistency, and disruptive consequences.

The reasons for this failure, I believe, is that the Federal Government has tried to dictate and control the development of Indian reservations economies. Government control does not work. Instead, the real economic impact of direct Federal spending has been limited to the planning and other jobs connected to the Federal spending itself. This, of course, disappears once the Federal spending is gone. No long-term viable economy results. Certainly not one that can be self-sustaining.

I believe for several reasons that a strategy of tax incentives such as this legislation proposes is the most effective way that the Federal Government can act to stimulate reservation economic development. Tax incentives do not depend for their effectiveness on the actions of Federal bureaucracies that are often slow moving and unimaginative. The incentives are usable only by viable businesses that expect to earn some profits and hence to have tax obligations against which credits and deductions can be used to diminish their tax obligations. The Federal Government therefore does not spend anything until a real business is created on a reservation and there exist real jobs and real income generated for the benefit for reservation residents. Unlike direct spending programs, if there is no benefit, there is also no cost.

Similarly, there is a minimum of Federal spending required for studies, planning, impact analyses and all the other ways in which substantial Federal funds can be exhausted and yet no businesses, no jobs, and no real economic development are yet in sight. In all too many cases in the past, the real economic impact of direct Federal spending programs has been limited to the planning and other jobs connected to the Federal spending itself. This, of course, disappears once the Federal spending is gone. No long-term viable economy results certainly not one that can be self-sustaining.

The Federal Government has sometimes tried to direct investment into one or another specific area of business activity on reservations—tourism, for example, was a big favorite for a while. By and large, these efforts have not been successful. I believe it is better to establish some general incentives to encourage the private sector to locate on Indian reservations and then to leave it to individual, business, and tribal initiative to determine how these tax incentives will actually be put to use.

The history of this Nation is replete with the devastating results of our ignorance and lack of compassion of the needs of native Americans. Today, we can begin another chapter in our Nation's treatment of native Americans.

Listen to the eloquent but frustrating words of a Hopi mother who is fighting to keep hope alive in her children and appealing to us for action:

MAY 13, 1992.

DEAR SENATOR MCCAIN: I am writing to you in anger and frustration! I realize that you will never read this letter but just putting down the words might make me feel better. When are you people going to do something about jobs for our people?

We are a family of Hopi Indians who have never been on welfare and went to college with much sacrifice on the part of our families because we believed what your culture teaches: "work hard, don't depend on the government and pull yourselves up by your own bootstraps." We have also instilled this in our children. Our sons have now completed school—one with an associate in Computer Electronics and another with a degree in Criminal Justice—and have tried to enter the workforce with their skills only to find no opportunities for them! They cannot even collect unemployment because they have been going to school. We do not mind supporting them and their families while they continue to look for employment but their frustration and discouragement is hard to take! Those of you in power will never know the feelings of a parent to see your grown children's hopes dashed day after day. How long can the human spirit take defeat before turning bitter and hostile? Is it any wonder that people are rioting in L.A. and other cities? Phoenix and other Southwestern Cities will also find themselves in the same situation unless you people remedy this recession.

Wake up! Mr. Congressman, and put your money where your mouth is—give us jobs!

A frustrated mother,

ALFREDA SECAKUKU.

The consistent plea of Indian people through the years is a simple one: that the nature of their situation be recognized and acted upon. I urge my colleagues not to continue to ignore the very real human suffering that has been plaguing native American communities for too long.

Mr. President, I ask unanimous consent that a paper highlighting components of this bill and an excerpt from the joint explanatory statement of the committee of conference on the Indian tax incentives included in H.R. 11, which are identical to the tax incentives included in this bill, be inserted into the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Employment and Investment Act of 1993".

SEC. 2. INVESTMENT TAX CREDIT FOR PROPERTY ON INDIAN RESERVATIONS.

(a) ALLOWANCE OF INDIAN RESERVATION CREDIT.—Section 46 of the Internal Revenue Code of 1986 (relating to investment credits) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding after paragraph (3) the following new paragraph:

"(4) the Indian reservation credit."

(b) AMOUNT OF INDIAN RESERVATION CREDIT.—

(1) IN GENERAL.—Section 48 of such Code (relating to the energy credit and the reforestation credit) is amended by adding after subsection (b) the following new subsection:

"(c) INDIAN RESERVATION CREDIT.—

"(1) IN GENERAL.—For purposes of section 46, the Indian reservation credit for any taxable year is the Indian reservation percentage of the qualified investment in qualified Indian reservation property placed in service during such taxable year, determined in accordance with the following table:

"In the case of qualified Indian reservation property which is:	**The Indian reservation percentage is:**
Reservation personal property	10
New reservation construction property	15
Reservation infrastructure investment	15.

"(2) QUALIFIED INVESTMENT IN QUALIFIED INDIAN RESERVATION PROPERTY DEFINED.—For purposes of this subpart—

"(A) IN GENERAL.—The term 'qualified Indian reservation property' means property—

"(i) which is—

"(I) reservation personal property,

"(II) new reservation construction property, or

"(III) reservation infrastructure investment, and

"(ii) not acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 465(b)(3)(C)).

The term 'qualified Indian reservation property' does not include any property (or any portion thereof) placed in service for purposes of conducting or housing class I, II, or III gaming (as defined in section 4 of the Indian Regulatory Act (25 U.S.C. 2703)).

"(B) QUALIFIED INVESTMENT.—The term 'qualified investment' means—

"(i) in the case of reservation infrastructure investment, the amount expended by the taxpayer for the acquisition or construction of the reservation infrastructure investment; and

"(ii) in the case of all other qualified Indian reservation property, the taxpayer's basis for such property.

"(C) RESERVATION PERSONAL PROPERTY.—The term 'reservation personal property' means qualified personal property which is used by the taxpayer predominantly in the active conduct of a trade or business within an Indian reservation. Property shall not be treated as 'reservation personal property' if it is used or located outside the Indian reservation on a regular basis.

"(D) QUALIFIED PERSONAL PROPERTY.—The term 'qualified personal property' means property—

"(i) for which depreciation is allowable under section 168,

"(ii) which is not—

"(I) nonresidential real property,

"(II) residential rental property, or

"(III) real property which is not described in (I) or (II) and which has a class life of more than 12.5 years.

For purposes of this subparagraph, the terms 'nonresidential real property', 'residential rental property', and 'class life' have the respective meanings given such terms by section 168.

"(E) NEW RESERVATION CONSTRUCTION PROPERTY.—The term 'new reservation construction property' means qualified real property—

"(i) which is located in an Indian reservation,

"(ii) which is used by the taxpayer predominantly in the active conduct of a trade or business within an Indian reservation, and

"(iii) which is originally placed in service by the taxpayer.

"(F) QUALIFIED REAL PROPERTY.—The term 'qualified real property' means property for which depreciation is allowable under section 168 and which is described in clause (I), (II), or (III) of subparagraph (D)(ii).

"(G) RESERVATION INFRASTRUCTURE INVESTMENT.—

"(i) IN GENERAL.—The term 'reservation infrastructure investment' means qualified personal property or qualified real property which—

"(I) benefits the tribal infrastructure,

"(II) is available to the general public, and

"(III) is placed in service in connection with the taxpayer's active conduct of a trade or business within an Indian reservation.

"(ii) PROPERTY MAY BE LOCATED OUTSIDE THE RESERVATION.—Qualified personal property and qualified real property used or located outside an Indian reservation shall be reservation infrastructure investment only if its purpose is to connect to existing tribal infrastructure in the reservation, and shall include, but not be limited to, roads, power lines, water systems, railroad spurs, and communications facilities.

"(H) COORDINATION WITH OTHER CREDITS.—The term 'qualified Indian reservation property' shall not include any property with respect to which the energy credit or the rehabilitation credit is allowed.

"(3) REAL ESTATE RENTALS.—For purposes of this section, the rental to others of real property located within an Indian reservation shall be treated as the active conduct of a trade or business in an Indian reservation.

"(4) INDIAN RESERVATION DEFINED.—For purposes of this subpart, the term 'Indian reservation' means a reservation, as defined in—

"(A) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), or

"(B) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

"(5) LIMITATION BASED ON UNEMPLOYMENT.—

"(A) GENERAL RULE.—The Indian reservation credit allowed under section 46 for any taxable year shall equal—

"(i) if the Indian unemployment rate on the applicable Indian reservation for which the credit is sought exceeds 300 percent of the national average unemployment rate at any time during the calendar year in which the property is placed in service or during the immediately preceding 2 calendar years, 100 percent of such credit,

"(ii) if such Indian unemployment rate exceeds 150 percent but not 300 percent, 50 percent of such credit, and

"(iii) if such Indian unemployment rate does not exceed 150 percent, 0 percent of such credit.

"(B) SPECIAL RULE FOR LARGE PROJECTS.—In the case of a qualified Indian reservation property which has (or is a component of a project which has) a projected construction period of more than 2 years or a cost of more than $1,000,000, subparagraph (A) shall apply by substituting 'during the earlier of the calendar year in which the taxpayer enters into a binding agreement to make a qualified investment or the first calendar year in which the taxpayer has expended at least 10 percent of the taxpayer's qualified investment, or the preceding calendar year' for 'during the calendar year in which the property is placed in service or during the immediately preceding 2 calendar years'.

"(C) DETERMINATION OF INDIAN UNEMPLOYMENT.—For purposes of this paragraph, with respect to any Indian reservation, the Indian unemployment rate shall be based upon Indians unemployed and able to work, and shall be certified by the Secretary of the Interior.

"(6) COORDINATION WITH NONREVENUE LAWS.—Any reference in this subsection to a provision not contained in this title shall be treated for purposes of this subsection as a reference to such provision as in effect on the date of the enactment of this paragraph."

(2) LODGING TO QUALIFY.—Paragraph (2) of section 50(b) of such Code (relating to property used for lodging) is amended—

(A) by striking "and" at the end of subparagraph (C),

(B) by striking the period at the end of subparagraph (D) and inserting "; and" and

(C) by adding at the end thereof the following subparagraph:

"(E) new reservation construction property."

(c) RECAPTURE.—Subsection (a) of section 50 of such Code (relating to recapture in case of dispositions, etc.), is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL RULES FOR INDIAN RESERVATION PROPERTY.—

"(A) IN GENERAL.—If, during any taxable year, property with respect to which the taxpayer claimed an Indian reservation credit—

"(i) is disposed of, or

"(ii) in the case of reservation personal property—

"(I) otherwise ceases to be investment credit property with respect to the taxpayer, or

"(II) is removed from the Indian reservation, converted or otherwise ceases to be Indian reservation property,

the tax under this chapter for such taxable year shall be increased by the amount described in subparagraph (B).

"(B) AMOUNT OF INCREASE.—The increase in tax under subparagraph (A) shall equal the aggregate decrease in the credits allowed under section 38 by reason of section 48(c) for all prior taxable years which would have resulted had the qualified investment taken into account with respect to the property been limited to an amount which bears the same ratio to the qualified investment with respect to such property as the period such property was held by the taxpayer bears to the applicable recovery period under section 168(g).

"(C) COORDINATION WITH OTHER RECAPTURE PROVISIONS.—In the case of property to which this paragraph applies, paragraph (1) shall not apply and the rules of paragraphs (3), (4), and (5) shall apply."

(d) BASIS ADJUSTMENT TO REFLECT INVESTMENT CREDIT.—Paragraph (3) of section 50(c) of such Code (relating to basis adjustment to investment credit property) is amended by striking "energy credit or reforestation credit" and inserting "energy credit, reforestation credit or Indian reservation credit other than with respect to any expenditure for new reservation construction property".

(e) CERTAIN GOVERNMENTAL USE PROPERTY TO QUALIFY.—Paragraph (4) of section 50(b) of such Code (relating to property used by governmental units or foreign persons or entities) is amended by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and inserting after subparagraph (C) the following new subparagraph:

"(D) EXCEPTION FOR RESERVATION INFRASTRUCTURE INVESTMENT.—This paragraph shall not apply for purposes of determining the Indian reservation credit with respect to reservation infrastructure investment."

(f) APPLICATION OF AT-RISK RULES.—Subparagraph (C) of section 49(a)(1) of such Code is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) the qualified investment in qualified Indian reservation property."

(g) CLERICAL AMENDMENTS.—

(1) Section 48 of such Code is amended by striking the heading and inserting the following:

"SEC. 48. ENERGY CREDIT; REFORESTATION CREDIT; INDIAN RESERVATION CREDIT."

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking out the item relating to section 48 and inserting the following:

"Sec. 48. Energy credit; reforestation credit; Indian reservation credit."

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 1993.

SEC. 3. INDIAN EMPLOYMENT CREDIT.

(a) ALLOWANCE OF INDIAN EMPLOYMENT CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credits) is amended by striking "plus" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ", plus", and by adding after paragraph (7) the following new paragraph:

"(8) the Indian employment credit as determined under section 45(a)."

(b) AMOUNT OF INDIAN EMPLOYMENT CREDIT.—Subpart D of Part IV of subchapter A of chapter 1 of such Code (relating to business related credits) is amended by adding at the end thereof the following new section:

"SEC. 45. INDIAN EMPLOYMENT CREDIT.

"(a) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—For purposes of section 38, the amount of the Indian employment credit determined under this section with respect to any employer for any taxable year is 10 percent (30 percent in the case of an employer with at least 85 percent Indian employees throughout the taxable year) of the sum of—

"(A) the qualified wages paid or incurred during such taxable year, plus

"(B) qualified employee health insurance costs paid or incurred during such taxable year.

In no event shall the amount of the Indian employment credit for any taxable year exceed the credit limitation amount determined under subsection (e) for such taxable year.

"(2) INDIAN EMPLOYEE.—For purposes of paragraph (1), the term 'Indian employee' means an employee who is an enrolled member of an Indian tribe or the spouse of such a member.

"(b) QUALIFIED WAGES; QUALIFIED EMPLOYEE HEALTH INSURANCE COSTS.—For purposes of this section—

"(1) QUALIFIED WAGES.—

"(A) IN GENERAL.—The term 'qualified wages' means any wages paid or incurred by an employer for services performed by an employee while such employee is a qualified employee.

"(B) COORDINATION WITH TARGETED JOBS CREDIT.—The term 'qualified wages' shall not include wages attributable to service rendered during the 1-year period beginning with the day the individual begins work for the employer if any portion of such wages is taken into account in determining the credit under section 51.

"(2) QUALIFIED EMPLOYEE HEALTH INSURANCE COSTS.—

"(A) IN GENERAL.—The term 'qualified employee health insurance costs' means any amount paid or incurred by an employer for health insurance to the extent such amount is attributable to coverage provided to any employee while such employee is a qualified employee.

"(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

"(c) QUALIFIED EMPLOYEE.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualified employee' means, with respect to any period, any employee of an employer if—

"(A) substantially all of the services performed during such period by such employee for such employer are performed within an Indian reservation,

"(B) the principal place of abode of such employee while performing such services is on or near the reservation in which the services are performed, and

"(C) the employee began work for such employer on or after January 1, 1994.

"(2) CREDIT ALLOWED ONLY FOR FIRST 7 YEARS.—An employee shall not be treated as a qualified employee for any period after the date 7 years after the day on which such employee first began work for the employer.

"(3) INDIVIDUALS RECEIVING WAGES IN EXCESS OF $30,000 NOT ELIGIBLE.—An employee shall not be treated as a qualified employee for any taxable year of the employer if the total amount of the wages paid or incurred by such employer to such employee during such taxable year (whether or not for services within an Indian reservation) exceeds the amount determined at an annual rate of $30,000. The Secretary shall adjust the $30,000 amount contained in the preceding sentence for years beginning after 1993 at the same time and in the same manner as under section 415(d).

"(4) EMPLOYMENT MUST BE TRADE OR BUSINESS EMPLOYMENT.—An employee shall be treated as a qualified employee for any taxable year of the employer only if more than 50 percent of the wages paid or incurred by the employer to such employee during such taxable year are for services performed in a trade or business of the employer. Any determination as to whether the preceding sentence applies with respect to any employee for any taxable year shall be made without regard to subsection (f)(2).

"(5) CERTAIN EMPLOYEES NOT ELIGIBLE.—The term 'qualified employee' shall not include—

"(A) any individual described in subparagraph (A), (B), or (C) of section 51(i)(1),

"(B) any 5-percent owner (as defined in section 416(i)(1)(B)),

"(C) any individual who is neither an enrolled member of an Indian tribe nor the spouse of an enrolled member of an Indian tribe, and

"(D) any individual if the services performed by such individual for the employer involve the conduct of class I, II, or III gaming as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703), or are performed in a building housing such gaming activity.

"(6) INDIAN TRIBE DEFINED.—The term 'Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village, or regional or village corporation, as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(7) INDIAN RESERVATION DEFINED.—The term 'Indian reservation' means a reservation, as defined in—

"(A) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), or

"(B) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

"(d) EARLY TERMINATION OF EMPLOYMENT BY EMPLOYER.—

"(1) IN GENERAL.—If the employment of any employee is terminated by the taxpayer before the day 1 year after the day on which such employee began work for the employer—

"(A) no wages (or qualified employee health insurance costs) with respect to such employee shall be taken into account under subsection (a) for the taxable year in which such employment is terminated, and

"(B) the tax under this chapter for the taxable year in which such employment is terminated shall be increased by the aggregate credits (if any) allowed under section 38(a) for prior taxable years by reason of wages (or qualified employee health insurance costs) taken into account with respect to such employee.

"(2) CARRYBACKS AND CARRYOVERS ADJUSTED.—In the case of any termination of employment to which paragraph (1) applies, the carrybacks and carryovers under section 39 shall be properly adjusted.

"(3) SUBSECTION NOT TO APPLY IN CERTAIN CASES.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to—

"(i) a termination of employment of an employee who voluntarily leaves the employment of the taxpayer,

"(ii) a termination of employment of an individual who before the close of the period referred to in paragraph (1) becomes disabled to perform the services of such employment unless such disability is removed before the close of such period and the taxpayer fails to offer reemployment to such individual, or

"(iii) a termination of employment of an individual if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual.

"(B) CHANGES IN FORM OF BUSINESS.—For purposes of paragraph (1), the employment relationship between the taxpayer and an employee shall not be treated as terminated—

"(i) by a transaction to which section 381(a) applies if the employee continues to be employed by the acquiring corporation, or

"(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer if the employee continues to be employed in such trade or business and the taxpayer retains a substantial interest in such trade or business.

"(4) SPECIAL RULE.—Any increase in tax under paragraph (1) shall not be treated as a tax imposed by this chapter for purposes of—

"(A) determining the amount of any credit allowable under this chapter, and

"(B) determining the amount of the tax imposed by section 55.

"(e) CREDIT LIMITATION AMOUNT.—For purposes of this section—

"(1) CREDIT LIMITATION AMOUNT.—The credit limitation amount for a taxable year shall be an amount equal to the credit rate (10 or 30 percent as determined under subsection (a)) multiplied by the increased credit base.

"(2) INCREASED CREDIT BASE.—The increased credit base for a taxable year shall be the excess of—

"(A) the sum of any qualified wages and qualified employee health insurance costs paid or incurred by the employer during the taxable year with respect to employees whose wages (paid or incurred by the employer) during the taxable year do not exceed the amount determined under paragraph (3) of subsection (c), over

"(B) the sum of any qualified wages and qualified employee health insurance costs paid or incurred by the employer (or any predecessor) during calendar year 1993 with respect to employees whose wages (paid or incurred by the employer or any predecessor) during 1993 did not exceed $30,000.

"(3) SPECIAL RULE FOR SHORT TAXABLE YEARS.—For any taxable year having less than 12 months—

"(A) the amounts paid or incurred by the employer shall be annualized for purposes of determining the increased credit base, and

"(B) the credit limitation amount shall be multiplied by a fraction, the numerator of which is the number of days in the taxable year and the denominator of which is 365.

"(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) WAGES.—The term 'wages' has the same meaning given to such term in section 51.

"(2) CONTROLLED GROUPS.—

"(A) All employers treated as a single employer under section (a) or (b) of section 52 shall be treated as a single employer for purposes of this section.

"(B) The credit (if any) determined under this section with respect to each such employer shall be its proportionate share of the wages and qualified employee health insurance costs giving rise to such credit.

"(3) CERTAIN OTHER RULES MADE APPLICABLE.—Rules similar to the rules of section 51(k) and subsections (c), (d), and (e) of section 52 shall apply.

"(4) COORDINATION WITH NONREVENUE LAWS.—Any reference in this section to a provision not contained in this title shall be treated for purposes of this section as a reference to such provision as in effect on the date of the enactment of this paragraph."

(c) DENIAL OF DEDUCTION FOR PORTION OF WAGES EQUAL TO INDIAN EMPLOYMENT CREDIT.—

(1) Subsection (a) of section 280C of such Code (relating to rule for targeted jobs credit) is amended by striking "51(a)" and inserting "45(a), 51(a), and".

(2) Subsection (c) of section 196 of such Code (relating to deduction for certain unused business credits) is amended by striking "and" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", and", and by adding at the end the following new paragraph:

"(7) the Indian employment credit determined under section 45(a)."

(d) DENIAL OF CARRYBACKS TO PREENACTMENT YEARS.—Subsection (d) of section 39 of such Code is amended by adding at the end thereof the following new paragraph:

"(4) NO CARRYBACK OF SECTION 45 CREDIT BEFORE ENACTMENT.—No portion of the unused business credit for any taxable year which is attributable to the Indian employment credit determined under section 45 may be carried to a taxable year ending before the date of the enactment of section 45."

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following:

"Sec. 45. Indian employment credit."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid or incurred after December 31, 1993.

INDIAN EMPLOYMENT AND INVESTMENT ACT OF 1993

The Indian Employment and Investment Act of 1993 is specifically designed to meet the economic development needs of Indian reservations. The bill provides a program of investment and employment incentives that can attract private industry and capital, expand existing industry, and make the private sector a permanent source of economic development on Indian reservations.

The Employment Credit provides for a 10% credit to the employer based on the qualified wages and qualified health insurance costs paid to an Indian. As an added incentive, a significantly higher employment credit of 30% is offered to reservation employers having an Indian workforce of at least 85%. The amendment is limited to those employees who do not receive wages in excess of $30,000. The credit, which focuses on job creation, would be allowed only for the first seven years of an Indian's employment.

The Investment Tax Credit is geared specifically to reservations where Indian unemployment levels exceed the national average by at least 300 percent. The amendment provides 10% for personal property, 15% for new construction property, and 15% for infrastructure investment on or near reservations.

The bill also includes:

(1) "anti-gaming" restrictions, which would prevent both the investment and employment credits from being used with respect to the development and/or operation of gaming establishments on Indian reservations.

(2) a restriction on the employment credit to "new hires" only, thereby emphasizing the bill's intent to create new jobs (or to expand existing businesses) on reservations.

(3) an "anti-churning" amendment to the employer credit provision, to avoid creating an incentive for an employer to discharge current employees and replace them with new or re-hired employees after enactment of the bill.

(4) an allowance of one-half of the investment tax credit for qualifying investments on reservations where employment exceeds 150% but does not exceed the 300% of the national unemployment rate, thereby recognizing serious Indian unemployment rates which do not rise to the 300% level covered by the general rule.

The Indian Employment and Investment Act of 1993 is consistent with the unique legal and political status of Indian tribal governments and the government-to-government relationship between tribal governments and the United States. The Supreme Court has upheld the constitutionality of Indian legislation on the basis of this status and the relationship with the United States, and has rejected the challenge that such legislation is premised upon an unconstitutional racial classification. (*Morton* v. *Mancari*, 417 U.S. 535 (1974)).

The bill would apply to all federally-recognized tribes in the states of: Alabama, Alaska, Arizona, California, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, Maine, Massachusetts, Michigan, Minnesota, Rhode Island, South Dakota, Texas, Utah, Washington, Wisconsin, Wyoming, North Dakota, Oklahoma, Oregon, Colorado, Connecticut, Florida, Idaho, Iowa, Kansas, Louisiana.

There are 514 Federally-recognized Indian tribes. The 1990 census counted 2 million Native Americans. However, approximately 1 million Native Americans reside on or near Indian reservations or Alaska native villages. The Indian Employment and Investment Act of 1993 would only apply to businesses locating on an Indian reservation, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska native Claims Settlement Act.●

● Mr. MURKOWSKI. Mr. President, I rise today to join with Senator MCCAIN in introducing the Indian Employment and Investment Act of 1993.

I am pleased to be an original cosponsor of this bill which is designed to help the economic development needs of Indian reservations any land held by incorporated native groups, regional corporations, and village corporations in Alaska.

The Indian Employment and Investment Act will provide employment and investment incentives for the private sector to locate on Indian Reservations and on lands held by Alaska Natives. I believe this is very important.

In addition to business opportunities provided to Alaska's Natives by regional and village corporations, the bill we are introducing today will provide Alaska's Natives with the opportunity to break free from their traditional roles and allow them to work within the private sector on their land.

Specifically, the bill creates an investment tax credit for areas where unemployment levels exceed the national average by at least 300 percent. The bill provides for 10-percent personal property, 15-percent new construction property, and 15-percent infrastructure investment tax credit on such lands. Many Alaska villages will qualify because unemployment in many villages often averages above the approximately 18-percent threshold level.

The bill also provides a 10-percent employment credit to an employer based on the qualified wages and qualified health insurance cost paid to natives. As an added incentive, a significant higher credit of 30 percent is offered in some cases to employers having a work force that is at least 85 percent Indian/native.

Mr. President, we need jobs in rural Alaska, and this measure is one way of helping to stimulate job creation for Native Alaskans.

While many of the regional and village corporations in Alaska have developed and matured into healthy, self-efficient corporations, it is clear that a large number of the natives in Alaska are struggling to make ends meet. By introducing this bill I hope to:

First, revitalize economically and physically distressed native groups, regional corporations and village corporations in Alaska.

Second, promote meaningful employment for Alaska's Natives who are struggling to fulfill their own economic self-determination.

Third, raise Alaska Native incomes which will help promote a healthy standard of living for Alaska's Native community.

Mr. President, there are many problems faced by Alaska's Native community. Poor housing, health care, water, and sewer problems, the list is very long. No, this bill will not solve all of the problems facing Alaska's Native community, however, providing employment and investment incentives for the private sector to locate on native lands is certainly a step in the right direction.

I look forward to working with my colleagues during the 103d Congress on this important legislation.●

Mr. BOREN. Mr. President, in this season of service and investing in people, I join an effort today that would truly empower those who are most in need and impoverished. The dirty secret during tough economic times is that not all groups are equally affected. Some feel the pain and burden more than others. For too long, native Americans have been in that position. Unfortunately Government's answer has been to ignore their unique needs and circumstances. Along with Senator MCCAIN and others, I do not intend for this policy of neglect to continue. I believe the Indian Employment and Investment Act of 1993 is an initiative long overdue and I am proud to be a sponsor.

This bill is an important tax proposal and is promoted by those who have seen the destitution first hand, the tribes themselves. The Navajos, the Cherokees, and other tribes in my State of Oklahoma have called on this Congress and administration to fight the scourge of economic hopelessness. The bill offers commonsense proposals to the continuing senseless poverty. Essential tax credits for businesses that provide employment and investment on or near Indian reservations are included in this bill. Our goal is to stimulate the development of viable reservation and other tribal economies and more fully integrate them in the national economy.

Of special importance to me and my State is a provision in the bill addressing the unique status of tribes in Oklahoma. In general, the bill would allow the Indian reservation credit, which is an investment tax credit, only when the Indian unemployment rate on a reservation exceeds 300 percent of the national unemployment rate. It is tragic that such conditions even exists. The intent of the 300-percent requirement is to limit the credit to reservations which face the most severe economic circumstances in part as a result of the isolated, insular nature of the circumstances.

One of the strengths of my State is that our native American communities are not confined to reservations but are assimilated throughout the State, often living in rural areas designated as former reservations. Their tribal economies may or may not be partially integrated into the surrounding non-Indian economies, but in nearly all cases these tribes in Oklahoma and other States still suffer intolerably high unemployment rates that demand action. Yet this strength of assimilation can have unintended consequences since bureaucratic proposals do not often take account of this fact. The result is that my State can be shortchanged when proposals assisting native Americans are drafted.

This bill ensures that the needs of Indians in Oklahoma are met. The bill allows one-half of the otherwise available credit on Indian reservations whose unemployment rate is between 150 to 300 percent of the national average. This provision partially extends the benefits of the investment credit to Oklahoma tribes and other tribes similarly situated. A full credit remains available to these tribes whenever the 300-percent threshold is exceeded.

An unfortunate consequence in our legislative process is that good bills are defeated not on its merits but because its fate is tied with more controversial packages. Such was the case for the Indian Employment and Investment Act introduced last year. The Indian tax credits were included in last year's omnibus tax package, H.R. 11. Both the Senate and the House had approved of the credits, but because of its inclusion in the vetoed urban aid bill, the proposal was never enacted into law. It then died an odious political death.

But the need remains and this legislation is long overdue. I will work to include Indian investment and employment tax credit provisions in the economic stimulus and deficit reduction package that will soon be making its way through the Senate. I would also like to make clear that I would like the precise level of benefits in the bill increased. For example, the bill provides an Indian reservation credit ranging from 10 to 15 percent. These percentages reflect a compromise reached last fall to take into account the revenue constraints imposed upon the larger tax bill of which this credit was a part. Since any legislation this year will operate under completely different constraints, I would like to see the Indian reservation credit increased. Our goal should be to provide a credit that is more in line with the percentages used in the original legislation last year, a range of 25 to 33⅓ percent. I intend to work with my colleague Senator McCAIN and others to achieve this result.

Too often tax law is a thinly veiled attempt to help the rich get richer. if nothing else, this bill is a break from that since it is specifically aimed at those most in need. What is needed are not band-aids but a cure to rid them of unemployment and poverty. This bill does not offer handouts, but economic opportunities. As embattled as native Americans are against unemployment, let us perform a surgical strike against the enemy of joblessness in Indian country. Let us commit ourselves to true economic justice and reform. Let us pledge our energy to help until the work is done and this bill is passed.

By Mr. DORGAN:

S. 212. A bill to modernize the Federal Reserve System and to provide for prompt disclosure of certain decisions of the Federal Open Market Committee; to the Committee on Banking, Housing, and Urban Affairs.

FEDERAL RESERVE REFORM ACT OF 1993

• Mr. DORGAN. Mr. President, today I rise to introduce the Federal Reserve Reform Act of 1993, legislation which would increase the accountability of the Federal Reserve to the American people by shedding some light upon the Federal Reserve's policies and procedures. Congressman LEE HAMILTON of Indiana is introducing companion legislation in the U.S. House of Representatives.

One half of this country's economic policy—monetary policy—is made by the Fed. As a result, the Fed has enormous power over the direction of our economy, thus over the lives of every American—farmers, business owners, homeowners, workers, students, investors, and borrowers alike.

But today, the Federal Reserve continues to operate in near secrecy, and does not conform to the normal standards of Government accountability in a democracy. There is no institutional channel for the discussion of economic goals and policies between the President and the Federal Reserve: Federal Reserve decisions are not made public in a timely manner; and data is not readily available on its budget. As a result, there is no formal way for our system to coordinate fiscal and monetary policies or for Americans to find out what the Fed is doing. This is not the best way for a great economic power to make decisions that affect the well-being of all Americans.

It is not my purpose in this legislation to reduce the independence of the Fed or to criticize monetary policy. The bill does not impose congressional or other outside controls on Federal Reserve policy. Nor would it end policy mistakes. What it would do is create a formal channel of communication between the President and the Federal Reserve and provide Congress and the American people with more and better information on the Federal Reserve's policies and procedures.

Specifically:

First, the President's top economic advisers would be required to meet three times a year with the Federal Open Market Committee. This includes the Secretary of the Treasury, the Chairman of the Council of Economic Advisers, and the Director of the Office of Management and Budget.

Second, the President would be empowered to appoint a new Chairman of the Federal Reserve near the beginning of his term rather than toward the end. The Fed is crucial to the success of any economic policy and the President should not have to contend with a Chairman who is pulling in an opposite direction.

Third, the Fed would be required to disclose immediately any changes in its targets for the money supply. This would provide all investors, large and small, with equal and timely information about monetary policy decisions. Today only the larger firms, which have the financial ability to hire sophisticated Fed watchers, can get a jump on the future direction of monetary policy. Such firms get an unfair advantage over small businesses and investors who can't afford to employ experts to monitor Fed activities.

Fourth, the Comptroller General would be permitted to conduct more thorough audits of Fed operations, including policy procedures and processes. For many years the Fed was totally exempt from any such audits to uncover misdoing or waste. Today the General Accounting Office [GAO] is prohibited from auditing many of the Fed's operations including actions on monetary policy and transactions made under the direction of the Federal Open Market Committee [FOMC]. This bill will remove many of these restrictions.

Fifth, the Fed would be required to publish its budget in the budget of the U.S. Government. Today the Federal Reserve budget is secret; it reveals nothing about its operations to what it considers the unwashed masses. But no governmental agency should take in and spend billions of dollars without making its budget open to the public.

These modest steps will inject fresh air and light into the making of monetary policy without impairing the independence of the Fed. The legislation gets fiscal and monetary policy on the same track by encouraging the Fed to work more closely with the peoples representatives in Congress and in the executive branch.

I urge my colleagues to support this important initiative by cosponsoring the Federal Reserve Reform Act of 1993. And I ask unanimous consent to include the full text of the bill in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Reserve Reform Act of 1993".

SEC. 2. CONSULTATION BETWEEN FEDERAL OPEN MARKET COMMITTEE AND THE SECRETARY OF THE TREASURY, THE DIRECTOR OF THE OMB, AND THE CHAIRMAN OF THE CEA.

Section 2A of the Federal Reserve Act (12 U.S.C. 225a) is amended—

(1) in the first sentence, by striking "The Board of Governors" and inserting "(a) IN GENERAL.—The Board of Governors"; and

(2) by adding at the end the following new subsection:

"(b) CONSULTATION REQUIRED.—The Federal Open Market Committee shall meet and consult with the Secretary of the Treasury, the Director of the Office of Management and Budget, and the chairman of the Council of Economic Advisors—

"(1) during the 30-day period immediately preceding the date on which each report required under the second sentence of subsection (a) is submitted to the Congress by the Board of Governors; and

"(2) during the 30-day period beginning on the date which is 100 days immediately preceding the date by which the President is required to submit the budget under section 1105(a) of title 31, United States Code.".

SEC. 3. APPOINTMENT OF THE CHAIRMAN AND VICE CHAIRMAN.

(a) APPOINTMENT OF THE CHAIRMAN AND VICE CHAIRMAN.—The second paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 242) is amended by striking the third sentence and inserting the following: "The President shall appoint, by and with the advice and consent to the Senate, one member of the Board to serve as Chairman. The term of such member as Chairman shall expire on January 31 of the first calendar year beginning after the end of the term of the President who appointed such member as Chairman. If a member appointed as Chairman does not complete the term of such office as established in the preceding sentence, the President shall appoint, by and with the advice and consent of the Senate, another member to complete the unexpired portion of such term. The President shall also appoint, by and with the advice and consent of the Senate, one member of the Board to serve as Vice Chairman for a term of 4 years. The Chairman and the Vice Chairman may each serve after the end of their respective terms until a successor has taken office.".

(b) PERFORMANCE OF DUTIES.—The second paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 242) (as amended by subsection (a)) is amended by inserting after the seventh sentence the following: "In the event of the absence or unavailability of the Chairman, the Vice Chairman or (in the Vice Chairman's absence) another member of the Board may be designated by the Chairman to perform the duties of the office of the Chairman. If a vacancy occurs in the office of the Chairman, the Vice Chairman shall perform the duties of the Chairman until a successor takes office. If a vacancy occurs in the office of the Vice Chairman while the office of the Chairman is vacant, the member of the Board with the most years of service on the Board shall perform the duties of the Chairman until a successor takes office.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) CURRENT CHAIRMAN TO COMPLETE TERM.—Notwithstanding the amendment made by subsection (a), any member who holds the office of Chairman of the Board of Governors of the Federal Reserve System on the date of enactment of this Act shall continue in such office during the remainder of the term to which such member was appointed.

SEC. 4. DISCLOSURE OF INTERMEDIATE TARGETS.

Section 12A(b) of the Federal Reserve Act (12 U.S.C. 263(b)) is amended by adding at the end the following: "Notwithstanding any other provision of law, each change, of any nature whatsoever, in the intermediate targets for monetary policy, which change is adopted by the Committee, shall be disclosed to the public on the date on which such change is adopted. For purposes of this subsection, the term 'intermediate targets' means any policy objectives regarding monetary aggregates, credit aggregates, prices, interest rates, or bank reserves.".

SEC. 5. AUDIT OF FINANCIAL TRANSACTIONS BY COMPTROLLER GENERAL.

Section 714(b) of title 31, United States Code (relating to audits by the Comptroller General), is amended—

(1) in paragraph (1), by inserting "or" at the end;

(2) by striking paragraphs (2) and (3); and

(3) by amending paragraph (4) to read as follows:

"(2) memoranda, letters, or other written communications between or among members of the Board of Governors of the Federal Reserve System of officers or employees of the Federal Reserve System relating to any transaction described in paragraph (1).".

SEC. 6. BOARD SUBJECT TO BUDGET PROCESS.

Section 1105 of title 31, United States Code (relating to budget contents and submission to Congress), is amended by adding at the end the following new subsection:

"(g) FEDERAL RESERVE BOARD BUDGET TREATMENT.—Not later than October 16 of each year, the estimated receipts and proposed expenditures of the Board of Governors of the Federal Reserve System and all Federal Reserve Banks for the current year and the next 2 succeeding years shall be transmitted by the Board to the President. The President shall transmit to the Congress the information received in accordance with this subsection, without change, together with the budget transmitted to the Congress under subsection (a).".●

By Mr. THURMOND (for himself, Mr. GLENN, Mr. MACK, Mr. HEFLIN, Mr. MCCAIN, Mr. SIMPSON, Mr. SHELBY, Mr. COATS, Mr. D'AMATO, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. DOLE, Mr. DECONCINI, Mr. COHEN, and Mr. SARBANES):

S. 214. A bill to authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate U.S. participation in that conflict; to the Committee on Energy and Natural Resources.

WASHINGTON, DC, WORLD WAR II MEMORIAL ACT OF 1993

Mr. THURMOND. Mr. President, as a veteran of World War II, it is a pleasure to rise today to introduce a bill that would establish a memorial to honor members of the Armed Forces who served in World War II and to commemorate the U.S. participation in that conflict.

World War II was one of the most significant wars in our history as a nation. Involving more than 16 million Americans, it was the war which preserved freedom for the Western World. Yet, it was not without a heavy toll. The damage and the human suffering are immeasurable. More than 670,000 Americans were wounded and over 400,000 made the ultimate sacrifice by giving their lives. A tribute to these Americans is richly deserved.

World War II memorials are located all over the world. However, there is no single monument that honors the American veterans of World War II as a group. Our Nation's Capital would be an especially fitting location for such a monument. This legislation would provide for such a location.

Mr. President, section 1 of this bill gives the American Battle Monuments Commission [ABMC] the authority to establish a World War II memorial in Washington, DC, or its environs. It makes sure the establishment of such a memorial is in compliance with the Commemorative Works Act of 1986. It also makes sure the memorial is accessible to the physically handicapped.

Section 2 would establish a World War II Memorial Advisory Board. This presidentially appointed Board would promote the establishment of the memorial and encourage private contributions for the memorial. It would also advise the ABMC on the site and design for the memorial.

Section 3 requires the ABMC to actively seek and accept private contributions for the memorial.

Mr. President, the funding for the project was authorized last Congress with the passage of the World War II 50th Anniversary Commemorative Coins Act. Proceeds from the coin sales and private contributions solicited by the Commission established with this legislation will cover the costs of construction and maintenance of the memorial.

I strongly feel that this memorial should be funded through the sale of coins and private donations. I believe the ABMC has proven its ability in raising private donations and I encourage the ABMC to do so. There will be no cost to the taxpayer for this memorial.

Mr. President, last year this bill was referred to the Senate Committee on Energy and Natural Resources. Hearings were held and it was favorably reported out of that committee. It then unanimously passed the Senate. I urge my colleagues to join me in support of this worthy measure for our faithful and deserving veterans.

Mr. President, I ask unanimous consent that a copy of the bill appear in the CONGRESSIONAL RECORD following my remarks; that this bill be placed directly on the calendar; and that the attached list of Senators be included as original cosponsors.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The American Battle Monuments Commission (hereafter in this Act referred to as the "Commission") is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" approved November 14, 1986 (40 U.S.C. 1001 et seq.).

(c) HANDICAPPED ACCESS.—The plan, design, construction, and operation of the memorial pursuant to this section shall provide for accessibility by, and accommodations for, the physically handicapped.

SEC. 2. ADVISORY BOARD.

(a) ESTABLISHMENT OF BOARD.—There is established a World War II Memorial Advisory Board (hereafter in this Act referred to as the "Board"), consisting of 12 members, who shall be appointed by the President from among veterans of World War II, historians of World War II, and representatives of veterans organizations, historical associations, and groups knowledgeable about World War II.

(b) APPOINTMENTS.—Members of the Board shall be appointed not later than 3 months after the date of enactment of this Act and shall serve for the life of the Board. The President shall make appointments to fill such vacancies as may occur on the Board.

(c) RESPONSIBILITIES OF BOARD.—The Board shall—

(1) in the manner specified by the Commission, promote establishment of the memorial and encourage donation of private contributions for the memorial; and

(2) upon the request of the Commission, advise the Commission on the site and design for the memorial.

(d) TERMINATION.—The Board shall cease to exist on the last day of the third month after the month in which the memorial is completed or the month of the expiration of the authority for the memorial under section 10(b) of the Act referred to in section 1(b), whichever first occurs.

SEC. 3. PRIVATE CONTRIBUTIONS.

The Commission shall solicit and accept private contributions for the memorial.

SEC. 4. FUND IN THE TREASURY FOR THE MEMORIAL.

(a) IN GENERAL.—There is created in the Treasury a fund which shall be available to the American Battle Monuments Commission for the expenses of establishing the memorial. The fund shall consist of—

(1) amounts deposited, and interest and proceeds credited, under subsection (b);

(2) obligations obtained under subsection (c); and

(3) the amount of surcharges paid to the Commission for the memorial under the World War II 50th Anniversary Commemorative Coins Act.

(b) DEPOSITS AND CREDITS.—The Chairman of the Commission shall deposit in the fund the amounts accepted as contributions under subsection (a). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

(c) OBLIGATIONS.—The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the fund.

(d) ABOLITION.—Upon the final settlement of the accounts of the fund, the Secretary of the Treasury shall submit to the Congress draft legislation (including technical and conforming provisions) for the abolition of the fund.

SEC. 5. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance in the fund created by section 4, the Chairman of the Commission shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

By Mr. PRESSLER:

S. 215. A bill to amend the Agricultural Act of 1949 to eliminate the loan origination fee for oilseeds, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

OILSEEDS LOANS FEE ELIMINATION ACT OF 1993

Mr. PRESSLER. Mr. President, one reason I voted against the Omnibus Budget Reconciliation Act of 1990 was the fact that the bill established a 2-percent loan origination fee for all supported oilseeds. The loan origination fee was a bad idea when it was agreed to by the budget conferees. It is still wrong today. Instead of raising the expected revenues, the fee has discouraged farmers from entering the loan program, depressed commodity prices and reduced farmers' income protection. It should be eliminated. I am introducing legislation that will do just that.

One might ask why the fee discourages loan participation. Let me explain. The major commodity affected by the fee is soybeans. Today's loan rate for soybeans is $5.02 per bushel. If a farmer takes out a loan, the Government deducts its 2 percent—10 cents a bushel—before issuing the farmer's check. Although, the marketing loan for soybeans is set for a 9-month term, most farmers do not hold their loan for the full term. Remember, the farmer receives $4.92 per bushel if he takes out a loan, but must repay $5.02 per bushel, plus interest. The following chart reflects what the actual annual percentage rate would be on a soybean loan based on the number of months the loan is outstanding:

Months outstanding	Cost in cents per bushel	Annual percentage rate
1	12.4	30.1
2	14.7	17.9
3	17.1	13.9
4	19.4	11.8
5	21.8	10.6
6	24.1	9.8
7	26.5	9.2
8	28.8	8.8
9	31.2	8.4

Assumptions: CCC interest rate equals 5.625 percent, as of Oct. 10, 1991; principal payback equals $5.02; loan proceeds equals $4.92.

Mr. President, with the effective annual interest rate ranging as high as 30 percent, one can see why many soybean farmers are discouraged from taking out soybean marketing loans.

When this fee idea originated, it was estimated that it would generate approximately $32 million in additional Government revenue. That estimate was based on previous participation rates in the soybean program.

With the loan fee now in place, farmers are participating at a significantly lower rate: As of January 7, 1991, soybean loan placement was 192 million bushels; as of January 7, 1992, soybean loan placement was 136 million bushels, a drop of nearly 30 percent from the previous year, and as of January 5, 1993, soybean loan placement was 154 million bushels, a drop of 20 percent from 1991.

Mr. President, anticipated revenue from the fee has never reached the level used to promote the fee. In fact, if actual loan placement of the 1992 soybean crop reaches current estimates of 250 million bushels, the fee would only generate $25,362,000. Estimates for the 1992 crop are the result of record production, and represent the highest placements since 1987.

Mr. President, the loan origination fee has increased costs for American oilseed producers. I believed the loan origination fee was unfair when it was first put into place for the 1991 crop. The fee is unfair today. More than

10,000 soybean farmers in South Dakota strongly agree, as do soybeans farmers throughout the Nation. I urge my colleagues to join with me in cosponsoring this legislation, and putting an end to this unfairness.

By MR. D'AMATO (for himself and Mr. Moynihan):

S. 216. A bill to provide for the minting of coins to commemorate the World University Games; to the Committee on Banking, Housing, and Urban Affairs.

WORLD UNIVERSITY GAMES COMMEMORATIVE COIN ACT

Mr. D'AMATO. Mr. President, I rise today to urge my colleagues to support the World University Games Commemorative Coin Act of 1993.

This legislation provides for the minting of two World University Games commemorative coins designed by LeRoy Nieman, to defray the cost of the United States hosting this amateur sporting event in 1993. Any additional revenue generate by the sale of the coins will be used to fund amateur athletic programs.

The World University games began in 1923, and are recognized throughout the world as an outstanding international sporting event. In fact, Mr. President, the World University games are twice as large as the winter Olympics and second in size only to the summer Olympics.

Mr. President, this is truly a unique opportunity for the United States. In the 70-year history of the World University games, this competitive event has never before been hosted by the United States. The World University games are expected to draw over 7,000 athletes and officials from more than 120 countries. Hosting the World University games will not only give America an occasion to demonstrate a commitment to the continued growth of amateur sports, but will also afford the United States the opportunity to promote the growing spirit of international cooperation.

Over the years, the World University games have come to symbolize the successful combination of academics and athletics. The games provide an academic scholarship program that sets this athletic event apart form all others, and emphasizes the strong relationship between academics and athletics.

Passing this bill will help assure the games' success by financing this historic event at no cost to the U.S. Treasury. By enacting this legislation, Congress will send a clear demonstration of its support of the hard-working athletes of this country.

The World University games provide the opportunity for competition among the best athletes in the world and the United States is fortunate to be the host of these important games. Mr. President, I urge Congress to lend support to the World University games by swiftly enacting this legislation.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record following my statement.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "World University Games Commemorative Coin Act of 1993".

SEC. 2. COIN SPECIFICATIONS.

(a) Five-Dollar Gold Coins.—

(1) Issuance.—The Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall issue not more than 200,000 five-dollar coins which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) Design.—The design of such five-dollar coins shall be emblematic of the participation of American athletes in the World University Games. On each such coin there shall be a designation of the value of the coin, an inscription of the year "1993", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) One-Dollar Silver Coins.—

(1) Issuance.—The Secretary shall issue not more than 750,000 one-dollar coins which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(2) Design.—The design of such dollar coins shall be emblematic of the participation of American athletes in the World University Games. On each such coin there shall be a designation of the value of the coin, an inscription of the year "1993", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) Legal Tender.—The coins issued under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 3. SOURCES OF BULLION.

(a) Silver Bullion.—The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

(b) Gold Bullion.—The Secretary shall obtain gold for the coins minted under this Act pursuant to the authority of the Secretary under existing law.

SEC. 4. SELECTION OF DESIGN.

The design for each coin authorized by this Act shall be selected by the Secretary, after consultation with the Greater Buffalo Athletic Corporation and the Commission of Fine Arts. As required under section 5135 of title 31, United States Code, the design shall also be reviewed by the Citizens Commemorative Advisory Committee.

SEC. 5. SALE OF THE COINS.

(a) Sale Price.—The coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) Bulk Sales.—The Secretary shall make bulk sales at a reasonable discount.

(c) Prepaid Orders at a Discount.—The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

(d) Surcharge Required.—All sales shall include a surcharge of $35 per coin for the five-dollar coins and $7 per coin for the one-dollar coins.

SEC. 6. ISSUANCE OF THE COINS.

(a) Gold Coins.—The five-dollar coins authorized under this Act shall be issued in uncirculated and proof qualities and shall be struck at the United States Bullion Depository at West Point.

(b) Silver Coins.—The one-dollar coins authorized under this Act may be issued in uncirculated and proof qualities, except that not more than 1 facility of the United States Mint may be used to strike each such quality.

(c) Commencement of Issuance.—The coins authorized and minted under this Act may be issued beginning on July 1, 1993.

(d) Termination of Authority.—Coins may not be minted under this Act after June 30, 1994.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act. Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

All surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Greater Buffalo Athletic Corporation. Such amounts shall be used by the Greater Buffalo Athletic Corporation to support local or community amateur athletic programs, to erect facilities for the use of such athletes, and to underwrite the cost of sponsoring the World University Games.

SEC. 9. AUDITS.

The Comptroller General shall have the right to examine such books, records, documents, and other data of the Greater Buffalo Athletic Corporation as may be related to the expenditures of amounts paid under section 8.

SEC. 10. NUMISMATIC PUBLIC ENTERPRISE FUND.

The coins issued under this Act are subject to the provisions section 5134 of title 31, United States Code, relating to the Numismatic Public Enterprise Fund.

SEC. 11. FINANCIAL ASSURANCES.

It is the sense of the Congress that this coin program should be self-sustaining and should be administered in a manner that results in no net cost to the Numismatic Public Enterprise Fund.

By Mr. RIEGLE (for himself and Mr. Levin):

S. 217. A bill to require the Secretary of Agriculture to make crop quality reduction disaster payments to producers of the 1992 crop of corn, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CORN PRODUCER ASSISTANCE ACT OF 1993

• Mr. RIEGLE. Mr. President, I rise today to introduce legislation that will assist Michigan corn farmers that have suffered through a tragic growing season last year.

Currently, 25 percent of Michigan's corn crop remains unharvested because of excess moisture. This is a serious problem considering that Michigan's corn crop is valued over $600 million annually. Compounding the harvest problem, Michigan's corn crops have been damaged by early and late frosts, freezing temperatures, excess moisture, and a cool summer.

This has caused the corn that has been harvested to have excess moisture content, mold damage, and low kernel weight. Many of these factors have made the crop almost unmarketable to buyers.

The situation in Michigan is serious. Livestock producers are running short of feed, producers and elevator operators cannot meet contracts, and many in the agriculture community are in financial distress because farmers cannot meet their financial obligations to lending institutions. Current administration policy is forcing farmers to attempt to harvest in these conditions because of financial duress. Harvesting in these conditions could damage equipment, soil condition, or put producers' lives in peril.

The legislation I am introducing today is relatively simple. It requires the Secretary to use his discretionary authority to provide disaster grants to farmers who have crops that are too low in quality because of natural disasters.

On December 3, 1992, I, along with Senator LEVIN and Representatives BOB TRAXLER and DAVE CAMP, asked then Agriculture Secretary Edward Madigan to use his discretionary authority to allow disaster payments to Michigan corn farmers who have harvested or are harvesting corn that is high in quantity but low in quality.

In January of this year, I received a letter dated December 30, 1992, from Secretary Madigan denying our request. Secretary Madigan said "it was determined that the crop quality reduction payment provision in section 2245 [of the 1990 farm bill] would not be implemented." I could not disagree with the former Secretary's decision more vehemently.

That is why in addition to this legislation, I, along with several of my Michigan congressional colleagues, will be using a dual track to get Michigan corn farmers assistance by sending a letter to Secretary Mike Espy today asking him to use his discretionary authority to make crop quality reduction payments to farmers affected by natural disasters. It is my hope that he will act favorably toward this request and assist those Michigan farmers in such a difficult situation.

More importantly, I think it is important to point out that this legislation does not authorize more loans to farmers because the Michigan agriculture community has proven to me that the extent of the disaster is too great to solve with more government loans. Farmers simply cannot burden any more debt than they are currently holding.

Additionally, any farmer who successfully obtains these loans will be required to sign up for crop insurance. This provision will assist farmers to help prepare for the future by purchasing crop insurance when available and avoid these situations that many Michigan corn farmers are suffering with now.

Mr. President, I ask unanimous consent that my letter to Secretary Madigan, his response to our request, and the bill be printed in the RECORD after my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CROP QUALITY REDUCTION DISASTER PAYMENTS FOR 1992 CROP OF CORN.

The matter under the heading "COMMODITY CREDIT CORPORATION" under the heading "DEPARTMENT OF AGRICULTURE" of chapter III of title I of Public Law 102–229 (7 U.S.C. 1421 note) is amended by inserting before the period at the end the following: ": *Provided further*, That the Secretary of Agriculture shall make crop quality reduction disaster payments to producers of the 1992 crop of corn under the same terms and conditions as are specified in section 2245 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note)".

DEPARTMENT OF AGRICULTURE,
Washington, DC, December 30, 1992.
Hon. DONALD W. RIEGLE, Jr.,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR DON: Many thanks for your letter regarding administration of the disaster provisions of the Food, Agriculture, Conservation, and Trade Act of 1990 (1990 Act), as amended.

Section 2245 of the 1990 Act provides discretionary authority for making additional disaster payments to producers who suffer losses resulting from the reduced quality of their crops which was caused by damaging weather or related condition. Much consideration has been given to section 2245 of the 1990 Act. However, because of concerns regarding potential cost and subjective eligibility criteria, it was determined that the crop quality reduction payment provision in section 2245 would not be implemented.

Producers are eligible for assistance in accordance with the 1990 Act with respect to unharvested corn if their loss is in excess of 40 percent (35 percent for producers who had obtained crop insurance coverage) of the farm program payment yield established for the farm. County Agricultural Stabilization and Conservation committees are not authorized to consider quality when assigning yields in these cases.

An identical letter is being sent to your colleagues.

Sincerely,
EDWARD MADIGAN,
Secretary.

CONGRESS OF THE UNITED STATES,
Washington, DC, December 3, 1992.
Hon. EDWARD MADIGAN,
U.S. Secretary of Agriculture, 14th and Independence NW, Washington, DC.

DEAR MR. SECRETARY: This year has been very difficult for many Michigan agriculture producers, but especially devastating for Michigan corn growers. It is with that in mind that we are writing you to urge you to allow disaster assistance payments to Michigan corn farmers who have harvested or are harvesting high quantities of low-quality corn, or if it is not economical to harvest the corn.

As Secretary of Agriculture, you have been given the authority in the 1990 Farm Bill to allow disaster payments for program crop producers who have harvested or are harvesting too-low quality commodities, or where it is not economical to harvest the crop. It is that authority we respectfully ask you to exercise.

Corn is Michigan's largest cash crop, valued at over $600 million a year. Michigan's corn producers have suffered through an early and late frost, freezing temperatures, violent thunderstorms, excess moisture, and a very cool summer. Currently, more than 80 percent of Michigan corn remains unharvested because of excessive field moisture. Of the corn that has been harvested—all of which should have been harvested before October—field testing indicates a 28 to 40 percent moisture content, mold damage, and low kernel weight. Many of these factors make the crop unmarketable to buyers.

As you can see, the situation in Michigan is serious. Livestock producers are running short of feed supplies, producers and elevator operators cannot meet contracts, and many in the agriculture community are in financial distress. Forcing farmers to attempt to harvest in these conditions because of financial duress could damage equipment and the condition of the soil, or even put producers' lives in peril.

We would appreciate your immediate attention to this matter that is extremely important to our state. We hope that the Department will make every effort to assist Michigan's producers as they attempt to recover from these heavy losses.

Sincerely,
DONALD W. RIEGLE, JR.
DAVE CAMP.
CARL LEVIN.
BOB TRAXLER.●

By Mr. DECONCINI:

S. 218. A bill to authorize the Secretary of Agriculture to convey certain lands in the State of Arizona, and for other purposes.

SEDONA RANGER STATION ACT OF 1993

● Mr. DECONCINI. Mr. President, today I am reintroducing legislation that I introduced in the 102d Congress that will enable the Forest Service to better serve the residents of Sedona, AZ, and the users of the nearby Coconino National Forest. I am reintroducing this legislation at the beginning of the 103d Congress so that we can move forward and pass it in a timely manner.

Mr. President, the Forest Service is an organization which is only as effective as its ability to reach and serve the users of our national forests. Unfortunately, the current remote and inconvenient location of the Sedona

Ranger Station places barriers between the Forest Service and the very people it is supposed to serve.

Currently, visitors to the Sedona area are met with a frustrating experience in attempting to locate the Sedona Ranger Station. Situated off a residential road and surrounded by a school, a resort and a neighborhood of single family homes, the ranger station has simply outgrown its immediate surroundings. It is a virtual island engulfed by the city of Sedona, concealing it from the millions who visit the area each year.

The current Sedona Ranger Station is situated on 21 acres, 6.5 acres of which are useable. The remaining acreage is comprised primarily of steep hillsides. Additionally, the current location of the station is such that its responsibilities often conflict with the neighbors' expectations of a residential and resort community. During the fire season, the neighborhood is subjected to late night activities, noise, and lights. Normal daytime activities produce congestion and noise not typically encountered in a residential community. Moreover, the increased traffic poses a serious safety hazard for students of the nearby school.

Because the office is actually a renovated Forest Service house, floor loading exceeds code limitations. Employee work space is cramped, the reception area and conference rooms are half of what is needed, and parking is inadequate. Accessibility for persons with the physical disabilities is sorely deficient.

Because the problems with the current Sedona Ranger Station cannot be easily corrected, I am introducing legislation which I believe offers a sensible, cost efficient solution. If enacted, my bill would allow the Department of Agriculture to convey the land on which the current ranger station is located for no less than the fair market value. Funds from the sale would then be made available to the Coconino National Forest for the construction of a new facility for the Sedona Ranger Station. Relocating the station will be good for the Forest Service, the community of Sedona, and the millions who visit this magnificent area each year.

I hope that my colleagues will join me in passing this legislation.

Mr. President, I ask unanimous consent that the full text of the bill as well as letters in support of relocating the Sedona Ranger Station be printed in the RECORD.

Mr. President, I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SEDONA RANGER STATION LAND CONVEYANCE.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary of Agriculture (referred to in this section as the "Secretary") may convey, by quitclaim deed, all right, title, and interest of the United States in and to the approximately 21.09375-acre tract of lands (including improvements on the lands) that has the following legal description:

GILA AND SALT RIVER MERIDIAN

COCONINO COUNTY, ARIZONA

Township 17 North, Range 6 East, Section 7

NW¼ NW¼ NW¼ SW¼ SE¼, S½ NW¼ NW¼ SW¼ SE¼, SW¼ NW¼ SW¼ SE¼, NW¼ SW¼ SW¼ SE¼, SW¼ SW¼ SW¼ SE¼, SE¼ SW¼ SW¼ SE¼, W½ SW¼ SE¼ SW¼ SE¼, S½ NE¼ SW¼ SE¼ SW¼ SE¼, SE¼ SW¼ SE¼ SW¼ SE¼, SW¼ SE¼ SE¼ SW¼ SE¼, E½ SE¼ SE¼ SW¼ SE¼, E½ W½ NE¼ SE¼ SW¼ SE¼, E½ NE¼ SE¼ SW¼ SE¼, E½ W½ SE¼ NE¼ SW¼ SE¼, E½ SE¼ NE¼ SW¼ SE¼, SE¼ NE¼ NE¼ SW¼ SE¼, E½ SW¼ NE¼ NE¼ SW¼ SE¼, S½ NW¼ SE¼ SE¼ SW¼ SE¼, NE¼ NW¼ SE¼ SE¼ SW¼ SE¼.

(b) CONDITIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), any conveyance pursuant to subsection (a) shall be conditioned on the Secretary's entering into one or more agreements that are sufficient to ensure, to the satisfaction of the Secretary, that, collectively, all persons with whom the agreements are to be made will construct, on a site to be determined by the Secretary, improvements for administrative purposes for the Coconino National Forest in Arizona (referred to in this section as the "administrative improvements") that are equal in value to the lands and improvements authorized to be conveyed by subsection (a).

(2) METHODS OF EXCHANGE.—

(A) SERIES OF TRANSACTIONS.—The lands and improvements may be conveyed by a series of transactions.

(B) PAYMENT.—At the discretion of the Secretary, each person to whom conveyances are to be made under this section may deposit sums in an amount not less than the fair market value, to be determined at the time of conveyance, of the lands and improvements conveyed to the person. The sums deposited with the Secretary shall remain available until expended by the Secretary for the purpose of constructing the administrative improvements.

(3) UNEQUAL VALUE.—

(A) PAYMENT.—If the value of any lands and improvements authorized to be conveyed by subsection (a) to a person exceeds the value of the administrative improvements that the person agrees to have constructed in exchange for the conveyance, the person shall make a payment to the United States in an amount equal to the difference in value.

(B) AVAILABILITY OF FUNDS.—The amount described in subparagraph (A) shall remain available to the Secretary until expended for the purpose of acquiring other lands needed for national forest purposes in the Coconino National Forest in Arizona.

(c) PROCEDURE FOR OFFERS.—

(1) PUBLIC OFFERS.—The Secretary shall solicit public offers for the lands and improvements authorized to be conveyed under subsection (a).

(2) OPENING.—All offers shall be publicly opened at the time and place stated in the solicitation notice issued pursuant to paragraph (1) and in accordance with the administrative requirements of the Secretary.

(3) CONSIDERATION OF VALUES.—The Secretary shall consider the respective values of the lands and improvements authorized to be conveyed under subsection (a) and the administrative improvements before entering into an agreement or land exchange with any person whose offer conforming to the solicitation notice issued pursuant to paragraph (1) is determined by the Secretary to be most advantageous to the Federal Government.

(4) REJECTION OF OFFERS.—Notwithstanding any other provision of this section, the Secretary may reject any offer if the Secretary determines that the rejection is in the public interest.

COCONINO COUNTY
BOARD OF SUPERVISORS,
Flagstaff, AZ, January 7, 1991.

Mr. ROBERT B. GILLIES,
District Ranger, Sedona Ranger District, Coconino National Forest, Sedona, AZ.

DEAR MR. GILLIES: In July 1989 I wrote to support a proposed move of the Sedona Ranger station from its present location to a more visitor-accessible site. I continue to support the proposed move for a variety of reasons. The existing location is concealed and surrounded by residences and therefore difficult for visitors to the area to find. Traffic to and from the station is disruptive to residents and presents a danger to children at the nearby elementary school. It is imperative that the ranger station be highly visible and easily accessible in order to be a source of information about Sedona and the Oak Creek red rock area.

I continue to support the "Chapel" site as the most favorable. It is near a well-known local landmark and is readily accessible from several major tourist routes. A well-designed facility would allow visitors a spectacular view of scenery while informing them of the many local attractions.

The "Chapel" site presents a more efficient use of federal dollars. It will provide more tourists with reasons to remain in the Sedona area and thus benefit the local tourist-based economy. It offers room for expansion as the facility grows without adverse impact on residents already established in the area.

Please feel free to use these comments in any proposal you make to your funding sources. Sedona and Coconino County will benefit from the proposed relocation as well as the Sedona Ranger District Office.

Sincerely,

J. DENNIS WELLS,
Supervisor, District 3.

YAVAPAI COUNTY
BOARD OF SUPERVISORS,
Cottonwood, AZ, January 4, 1991.

Mr. ROBERT B. GILLIES,
District Ranger, Sedona Ranger District, Coconino National Forest, Sedona, AZ.

DEAR BOB: As you requested I am sending a follow-up letter regarding the re-location of the Sedona Ranger Station.

I still concur that your existing site is inconvenient and difficult to find. The new proposed site would be easy to locate and access. This would not only benefit the forest service personnel, but would be an asset to the community, particularly people unfamiliar with the area.

Thank you for requesting my input and I hope this is scheduled for completion soon.

Sincerely,

CARLTON CAMP,
Supervisor.●

By Mr. SARBANES (for himself, Mr. SASSER, Mr. RIEGLE, and Mr. DORGAN):

S. 219. A bill to provide for a Federal Open Market Advisory Committee, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MONETARY POLICY REFORM ACT OF 1993

• Mr. SARBANES. Mr. President, today I am introducing the Monetary Policy Reform Act of 1993, along with my colleagues, Senators JIM SASSER, chairman of the Senate Budget Committee, DON RIEGLE, chairman of the Senate Banking Committee, and BYRON DORGAN, who sponsored this legislation last year as a Member of the House of Representatives. A companion bill is being introduced in the House of Representatives today by Congressmen LEE H. HAMILTON, a former chairman of the Joint Economic Committee, and DAVID OBEY, who will be chairman of the Joint Economic Committee during this Congress.

The purpose of the Monetary Policy Reform Act is to dissolve the Federal Open Market Committee and make the Board of Governors of the Federal Reserve System solely responsible for the conduct of monetary policy, including the open market operations that determine interest rates.

The need for this bill is rooted both in the recent conduct of monetary policy and the 70-year history of the Federal Reserve System.

Early in 1991, while the Nation's economy was deep in its ninth postwar recession, reports surfaced about a disturbing split among policymakers at the Federal Reserve. Important changes in monetary policy proposed by Federal Reserve Board Chairman Alan Greenspan to stimulate economic recovery were being resisted by the presidents of some of the regional Federal Reserve banks. In a democratic government, it is not unusual for policymakers to disagree. But this was not a split among Government policymakers; a small handful of individuals representing private interests was impeding efforts by responsible public officials to conduct monetary policy in the best interests of the Nation's economy.

Partly as a result of this conflict, monetary policy during the recession and the anemic recovery that followed it has come under more than the usual criticism. Slow money growth since 1988 has been frequently cited as one reason why the economy was too weak to shrug off the shock of the gulf war. When oil prices rose during the fall of 1990 and consumer confidence plunged, the Fed's restrictive path, it is argued, served to deepen and lengthen the recession that had begun only a short time earlier. Since then, the Federal Reserve has done too little too late in its efforts to stimulate economic recovery, according to numerous witnesses who have testified before the Joint Economic Committee, including two Nobel Prize winners, Prof. Paul Samuelson of MIT and James Tobin of Yale, and a former Chairman of the Council of Economic Advisers, Prof. Paul McCracken of the University of Michigan.

Today, the apparent revival of economic activity may diminish concerns over past policy. But it should not diminish concern about a system in which private individuals have an important role in making Government economic policy.

With fiscal policy immobilized in the struggle to reduce the Federal budget deficit, much of the responsibility for the conduct of economic policy has developed to the Federal Reserve. But despite its power, the Fed does not conform to normal standards of Government accountability and is unique among Government institutions here and abroad in the pivotal role played by private individuals in making Government decisions.

BACKGROUND ON DECISIONMAKING AT THE FEDERAL RESERVE

The Federal Reserve System consists of the Board of Governors in Washington and the 12 regional Federal Reserve banks. The Board of Governors has seven members, who are appointed by the President and confirmed by the Senate to 14-year terms. The Governors of the Federal Reserve are thus duly appointed public officials who are responsible to the President and Congress, and through them to the American people, for their conduct in office.

The Federal Reserve bank presidents, in contrast, owe their jobs to the boards of directors of the regional banks—boards dominated by local commercial banks. Neither the President nor Congress has any role in selecting the presidents of the Federal Reserve banks. Some of the bank presidents are career Federal Reserve employees, others have backgrounds in banking, business, and academia; none are duly appointed public officials. Nonetheless, they participate in monetary policy decisions through their membership on the Federal Reserve's Open Market Committee [FOMC], where they cast 5 of the 12 votes that determine monetary policy and interest rates.

Althoug most Government agencies—including the Fed—make extensive use of private citizens as advisers, in no other agency are major policy decisions made by individuals who are not publicly accountable.

LEGISLATIVE HISTORY

1913 FEDERAL RESERVE ACT

The legislative history of the Federal Reserve Act and later amendments suggests that the bank presidents are members of the FOMC not because they serve any useful economic function there, but because of political compromises.

The role of the bank presidents in the conduct of monetary policy has always been a controversial issue. Neither Woodrow Wilson, who was President at the time the Fed was created, nor Franklin Delano Roosevelt, who was President when the banking laws were rewritten during the 1930's, found any justification for having private interests represented on Government bodies.

In 1913, as Congress was drafting the Federal Reserve Act, Representative Carter Glass, who was then chairman of the House Banking Committee, proposed to give the Nation's banks significant representation on the Federal Reserve Board. Senator Owen, chairman of the Senate Banking Committee, strongly opposed this and held instead that the Government should appoint all the members of the proposed Board. Glass' compromise position was to have four members chosen by the Government and three by the banks. Owen and Glass met with President Wilson on this issue. According to Owen (see CONGRESSIONAL RECORD, Vol. 50):

> After a discussion of two hours, approximately, the President coincided with my contention that the Government should control every member of the Board on the ground that it was the function of the government to supervise this system, and no individual, however respectable should be on the Board representing private interests.

According to Glass' 1927 book, "Adventures in Constructive Finance," when a group of bankers went to the White House to protest Wilson's decision, the President turned to the bankers and said:

> Will one of you gentlemen tell me in what civilized country of the Earth there are important government boards of control on which private interests are represented?

After what Glass tells us was a painful silence, President Wilson inquired:

> Which of you gentlemen thinks that railroads should select members of the Interstate Commerce Commission?

As a compromise, Wilson Suggested that as compensation to the banks for not being on the Board, the bill should include a Federal Advisory Council, which would let representatives of the banks meet with the Federal Reserve Board periodically on a purely advisory capacity. Since Glass decided there could have been no convincing reply to either of Wilson's questions, he thereafter gave Wilson's approach his very cordial support. Wilson's views were reflected in the report of the Senate Banking Committee on the 1913 act, which argued:

> The function of the Federal Reserve Board in supervising the banking system is a governmental function in which private persons or private interests have no right to representation, except through the Government itself.

DEVELOPMENT OF THE FEDERAL OPEN MARKET COMMITTEE

One of the most serious omissions from the Federal Reserve Act of 1913 was that it did not provide for a Federal Reserve organ to guide open market operations. Instead, such decisions were left up to the individual Federal Reserve banks.

During the early years, the banks, which received no appropriations from Congress for operating expenses, frequently made open market purchases of Treasury bills and other financial instruments in order to gain earning assets to fund salaries and other bank expenses. Since each bank did this separately and at its own convenience, open market operations occasionally had a disruptive influence on Treasury markets.

In 1922, under pressure from the Treasury, the Governors—as the bank presidents were called before 1935—of the banks of New York, Boston, Chicago, Cleveland, and Philadelphia formed what came to be called the Open Market Investment Committee, to work out an orderly method of buying and selling Government securities. The individual Federal Reserve Banks, however, were not compelled to obey this committee; each bank decided on its own whether to follow the approved policy. The Federal Reserve Board in these early days had no statutory role in open market operations.

THE BANKING ACT OF 1933

The Banking Act of 1933 gave the Open Market Committee statutory recognition and expanded it to include one representative of each Federal Reserve district. But it did little to correct the impotence of the Federal Reserve Board. The Board could not initiate open market operations; it could only approve or disapprove decisions of the Open Market Committee.

When President Roosevelt appointed Marriner Eccles to head the Federal Reserve Board in 1934, Eccles proposed to give the Board increased control over monetary policy by making it, rather than the FOMC, responsible for open market operations.

The House version of the Banking Act of 1935 followed this plan by limiting membership in the Open Market Committee to Federal Reserve Board members. To mollify the Federal Reserve banks, the bill included a provision under which the Board would consult periodically with five representatives of the banks. After consultation, however, the Board would be free to follow its own judgment on monetary policy. Some Members of Congress, particularly Senate Banking Committee Chairman Carter Glass—who joined the Senate in 1919 after a brief term as Treasury Secretary—resisted this plan and insisted that the power be shared with the Federal Reserve banks. The final version of the act compromised on this issue by creating an FOMC which included as voting members the seven members of the Board of Governors and a rotating group of five Federal Reserve bank presidents. As part of the compromise, the FOMC's policy on open market operations was made binding on the Federal Reserve banks. Authority and responsibility for monetary policy was thus centralized in the FOMC, though not in the Federal Reserve Board.

MONETARY POLICY IN OTHER COUNTRIES

This arrangement of giving private individuals a substantial voice in the conduct of monetary policy finds little support in the practice of central banking abroad.

A study recently prepared for the Joint Economic Committee on central bank-government relations in the major industrialized countries found that central bank officials who make monetary policy decisions elsewhere are all duly appointed public officials who are accountable only to the people and not to special interests. In most instances, the policymakers are appointed by the Prime Minister, with input from other Ministers, usually Treasury, or from the Parliament.

Where central bank officials that are not directly appointed by the government have a role, as in Italy, it is usually advisory; ultimately responsibility still rests with government appointees. Even in Germany, which reputedly has the most independent of all central banks, the 11 Land Bank presidents who participate in monetary policy decisions are all appointed by the upper house of the German Parliament. In no instance abroad do private individuals have a binding vote as they do here.

THE MONETARY POLICY REFORM ACT OF 1993

The Monetary Policy Reform Act of 1993, which I am introducing today, would fulfill the original intentions of Presidents Wilson and Roosevelt by making the Board of Governors solely responsible for the conduct of monetary policy.

The bill would do two things. First, the FOMC as presently constituted would be dissolved and its responsibilities would be taken over by the Board of Governors. Second, a Federal Open Market Advisory Council would be created, composed of the presidents of the 12 Federal Reserve banks. Through this Federal Open Market Advisory Council, the bank presidents would have an important consultative role on monetary policy, but would not have a vote. The Fed would still have the benefit of the bank presidents' advice, but monetary policy decisions would be the responsibility of properly appointed public officials.

Power without accountability does not fit the American system of democracy. In no other Government agency do private individuals make government policy. The Monetary Policy Reform Act of 1993 will now apply this same principle of democracy to the Federal Reserve.

Mr. President, I hereby ask unanimous consent that the text of the bill be printed in the RECORD after my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Monetary Policy Reform Act of 1993".

SEC. 2. MEMBERSHIP OF THE FEDERAL OPEN MARKET ADVISORY COMMITTEE.

Section 12A(a) of the Federal Reserve Act (12 U.S.C. 263(a)) is amended to read as follows:

"(a) ESTABLISHMENT OF ADVISORY COMMITTEE.—

"(1) IN GENERAL.—There is established a Federal Open Market Advisory Committee (hereafter in this section referred to as the 'Advisory Committee'), which shall consist of the presidents of the Federal Reserve banks.

"(2) CHAIRPERSON.—The president of the Federal Reserve Bank of New York shall serve as the chairperson of the Advisory Committee.

"(3) MEETINGS.—The meetings of the Advisory Committee shall be held in Washington, District of Columbia, not less than 4 times a year upon the call of the Board of Governors of the Federal Reserve System.

"(4) DUTIES.—The Advisory Committee shall advise the Board on the conduct of open-market operations.

SEC. 3. CONFORMING AMENDMENTS.

"(a) IN GENERAL.—Section 12A of the Federal Reserve Act (12 U.S.C. 263) is amended-

(1) in subsection (b)—

(A) by striking "Committee" each place it appears and inserting "Board"; and

(B) by inserting "REGULATIONS.—" before "NO FEDERAL RESERVE"; and

(2) in subsection (c), by inserting "ACCOMMODATION OF COMMERCE AND BUSINESS.—" before "The time".

(b) UNITED STATES OBLIGATIONS.—Section 14(b)(2) of the Federal Reserve Act (12 U.S.C. 355(2)) is amended by striking "Federal Open Market Committee" and inserting "Board of Governors of the Federal Reserve System".

(c) OTHER REFERENCES IN FEDERAL LAW.—Except as otherwise provided in this section, any reference in Federal law to the Federal Open Market Committee shall be construed to be a reference to the Federal Open Market Advisory Committee.●

Mr. DORGAN. Mr. President, today I'm joining Senators SARBANES, SASSER, and RIEGLE in introducing the Monetary Policy Reform Act of 1993 that would place the responsibility for this country's most important monetary policy decisions exclusively with the Federal Reserve's Board of Governors. This legislation will take back the Nation's monetary policy from private bankers who are accountable only to their bank shareholders, and restore it to people who are accountable to the general public, as the framers of the original Federal Reserve Act intended.

Currently, monetary policy in this country is made primarily by the Fed Reserve's Federal Open Market Committee [FOMC]. The FOMC consists of the 7 members of the Board of Governors and the 12 regional bank presidents who vote on critical monetary policy decisions that affect the Nation's economy. As a result, the FOMC has enormous power over the direction that our economy is heading.

The Board of Governors are appointed by the President and confirmed by the Senate. By contrast, the regional bank presidents—who serve the private interests of their banks—are not appointed by the President or confirmed by Congress. Yet, they are entitled to five votes that vitally affect our national economy—the jobs, businesses, investments, and economic security of every American. Consequently, these private individuals wield enormous power, but they can't be held accountable the way other Government officials can.

This legislation is intended to increase the Fed's accountability to the American people by limiting its voting seats to those officials who have been appointed and confirmed by the President and the Senate, respectively.

Specifically, the Monetary Policy Reform Act of 1993 would dissolve the FOMC and replace it with a Federal Open Market Advisory Committee [FOMAC]. As members of the newly created FOMAC, the bank presidents would continue to advise and consult with the Board of Governors about the course of monetary policy. But voting rights would be left exclusively to the duly appointed Board of Governors who can ultimately be held accountable by the President and Congress.

It shouldn't be a surprise that most other nations limit the power to make monetary policy to accountable government officials. One survey of central bank systems in foreign countries indicates that private individuals may hold advisory positions, but they can't vote on specific items of monetary policy.

The lawmakers who wrote the original Federal Reserve Act of 1913 labored to ensure that the Fed would be an accountable Government institution. While the act was being considered, President Wilson emphasized the necessity of keeping the conduct of monetary policy in the public domain. Today we are attempting to resurrect this worthy democratic goal by eliminating the votes of the bank presidents who are neither appointed by the President nor confirmed by the Senate, but exercise enormous power over the course of this Nation's economic future.

I urge my colleagues to support this important initiative to help make the Fed a more meaningful player in our democratic system by cosponsoring the Monetary Policy Reform Act of 1993.

By Mr. THURMOND:

S.J. Res. 21. A joint resolution to designate the week beginning September 19, 1993, as "National Historically Black Colleges and Universities Week"; to the Committee on the Judiciary.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. THURMOND. Mr. President, I am pleased to rise today to introduce a joint resolution which authorizes and requests the President to designate the week of September 19, 1993, through September 25, 1993, as "National Historically Black Colleges Week."

This year represents the 10th year that it has been my privilege to sponsor legislation honoring the historically black colleges of our country.

Eight of the 104 historically black colleges, namely Allen University, Benedict College, Claflin College, South Carolina State College, Morris College, Voorhees College, Denmark Technical College, and Clinton Junior College, are located in my home State. These colleges are vital to the higher education system of South Carolina. They have provided thousands of economically disadvantaged young people with the opportunity to obtain a college education.

Mr. President, hundreds of thousands of young Americans have received quality educations at these 104 schools. These institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. Historically black colleges offer to our citizens a variety of curriculums and programs through which young people develop skills and talents, thereby expanding opportunities for continued social progress.

Recent statistics show that historically black colleges and universities have graduated 60 percent of the black pharmacists in the Nation, 40 percent of the black attorneys, 50 percent of the black engineers, 75 percent of the black military officers, and 80 percent of the black members of the judiciary.

Mr. President, through passage of this joint resolution, Congress can reaffirm its support for historically black colleges, and appropriately recognize their important contributions to our Nation. I look forward to the speedy passage of this joint resolution, and I ask unanimous consent that a copy of the joint resolution appear in the CONGRESSIONAL RECORD following my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD as follows:

S.J. RES. 21

Whereas there are 104 historically black colleges and universities in the United States;

Whereas such colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas such institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of the historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 19, 1993, is designated as "National Historically Black Colleges and Universities Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe each such week with appropriate ceremonies, activities and programs, thereby demonstrating support for historically black colleges and universities in the United States.

By Mr. SPECTER (for himself, Mr. WOFFORD, Mr. LAUTENBERG, Mr. D'AMATO, and Mr. SIMON):

S.J. Res. 22. A joint resolution designating March 25, 1993 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

GREEK INDEPENDENCE DAY

Mr. SPECTER. Mr. President, today I introduce a joint resolution to designate March 25, 1993, as Greek Independence Day: A Celebration of Greek and American Democracy.

One hundred and seventy-two years ago the Greeks began the revolution that would free them from the Ottoman Empire and return Greece to its democratic heritage. It was, of course, the ancient Greeks who developed the concept of democracy in which the supreme power to govern was vested in the people. Our Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy. Thomas Jefferson proclaimed that, "to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness." It is fitting, then, that we should recognize the anniversary of the beginning of their effort to return to that democratic tradition.

The democratic form of government is only one of the most obvious of the many benefits we gained from the Greek people. The ancient Greeks contributed a great deal to the modern world, particularly to the United States of America, in the areas of art, philosophy, science, and law. Today, Greek-Americans continue to enrich our culture and to make valuable contributions to American society, business, and government.

It is my hope that strong support for this joint resolution in Congress will serve as a clear goodwill gesture to the people of Greece with whom we have enjoyed such a close bond throughout history. Similar legislation has been signed into law each of the past several years, with overwhelming support in both the House of Representatives and the Senate. Accordingly, I urge my colleagues to join us in supporting this important resolution.

By Mr. BURNS:

S.J. Res. 23. Joint resolution to designate the week of February 1 through February 7, 1993, as "Travel Agent Appreciation Week''; to the Committee on the Judiciary.

S.J. Res. 24. Joint resolution to designate the week of February 7 through February 13, 1993, as "Travel Agent Appreciation Week"; to the Committee on the Judiciary.

TRAVEL AGENT APPRECIATION WEEK

Mr. BURNS. Mr. President, travel agencies generate hundreds of thousands of dollars in Montana and they are an important part of our business and social community. They help the business community communicate with offices nationwide and worldwide. Agents help the business community sell their products globally as worldwide opportunities for goods and services continue to expand.

Travel agents also help our student travelers. They assist them in arranging study abroad, visiting college campuses for interviews and scholarship funds, returning home for the holidays, or interview for their first jobs.

They help our grandparents visit their first grandchild in other States; they help our grandchildren visit Disney World or Disneyland. They help harried parents get away alone for the weekend. They help families plan reunions. In short, the services they perform touch every segment of our community.

The fine work they do helps all of our Members' States as well. They encourage would-be adventurers to visit museums, shops, restaurants, and tourist sites in all of America's cities and towns. Their computerized network of travel information also allows them instant expertise for any destination in my home State or yours.

Travel agents act as consumer advocates for the traveling public. They have petitioned airlines for lower, simpler fares, or better frequent traveler programs. They have solicited hotels for safer rooms, more nonsmoking facilities, and a wider array of services. Tour operators now provide more comfortable buses because travel agents have passed along the needs of their clients.

Each of us here today has used a travel agent. And when we did, we assumed that they would know everything we care to know about our business or pleasure destination. And since they did, we are here today to say thank you to agents for being our eyes and ears to the world. And so I ask each of you to proudly join with me in declaring February 1 through 7, 1993, as Travel Agent Appreciation Week.

I ask unanimous consent that the joint resolutions be printed in the RECORD following my remarks.

There being no objection, the joint resolutions were ordered to be printed in the RECORD, as follows:

S.J. RES. 23

Whereas travel and tourism has become one of the fastest growing industries in the United States, generating more than $350,000,000,000 in 1992;

Whereas over 40,000 travel agencies in the United States perform many vital services that save American consumers and business valuable time and money;

Whereas both business and leisure travelers have come to rely on the travel agent for accurate, professional advice;

Whereas travel agents are an integral part of the travel and tourism industry;

Whereas travel agents generated over $51,000,000,000 in revenue for the airline industry in 1992 alone;

Whereas travel agents are located in all 50 States, and are an important source of jobs from entry level to middle management in almost every town throughout the country; and

Whereas it is fitting to set aside a time to honor and recognize these highly trained travel professionals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of February 1 through February 7, 1993 is designated as "Travel Agent Appreciation Week", and the President is authorized to issue a proclamation calling upon the people of the United States to observe this week with appropriate ceremonies and activities.

S.J. RES. 24

Whereas travel and tourism has become one of the fastest growing industries in the United States, generating more than $350,000,000,000 in 1992;

Whereas over 40,000 travel agencies in the United States perform many vital services that save American consumers and business valuable time and money;

Whereas both business and leisure travelers have come to rely on the travel agent for accurate, professional advice;

Whereas travel agents are an integral part of the travel and tourism industry;

Whereas travel agents generated over $51,000,000,000 in revenue for the airline industry in 1992 alone;

Whereas travel agents are located in all 50 States, and are an important source of jobs from entry level to middle management in almost every town throughout the country; and

Whereas it is fitting to set aside a time to honor and recognize these highly trained travel professionals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of February 7 through February 13, 1994, is designated as "Travel Agent Appreciation Week", and the President is authorized to issue a proclamation calling upon the people of the United States to observe this week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1, a bill to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

S. 2

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 2, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

At the request of Mr. FORD, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Delaware [Mr. BIDEN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 2, supra.

S. 4

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 4, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes.

At the request of Mr. HOLLINGS, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 4, supra.

S. 11

At the request of Mr. BIDEN, the names of the Senator from Maine [Mr. MITCHELL] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 25

At the request of Mr. MITCHELL, the names of the Senator from Alabama [Mr. SHELBY], and the Senator from Texas [Mr. KRUEGER] were added as cosponsors of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 27

At the request of Mr. SARBANES, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Nevada [Mr. REID], the Senator from Rhode Island [Mr. PELL], the Senator from Alabama [Mr. SHELBY], the Senator from Florida [Mr. MACK], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 73

At the request of Mr. METZENBAUM, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 73, a bill to provide for the rehiring by the Federal Aviation Administration of certain former air traffic controllers.

S. 80

At the request of Mr. GRAMM, the name of the Senator from Texas [Mr. KRUEGER] was added as a cosponsor of S. 80, a bill to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village

Creek Corridor Unit, the Big Sandy Corridor Unit, and the Canyonlands Unit.

S. 81

At the request of Mr. NICKLES, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 81, a bill to require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, and for other purposes.

S. 159

At the request of Mr. DOLE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 159, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury excise tax.

S. 171

At the request of Mr. GLENN, the names of the Senator from Montana [Mr. BAUCUS] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 171, a bill to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes.

SENATE JOINT RESOLUTION 7

At the request of Mr. GRAMM, the names of the Senator from Utah [Mr. BENNETT] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 7, a joint resolution to provide for a Balanced Budget Constitutional Amendment.

SENATE JOINT RESOLUTION 10

At the request of Mr. HOLLINGS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Joint Resolution 10, a joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE RESOLUTION 11

At the request of Mr. DECONCINI, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of Senate Resolution 11, a resolution relating to Bosnia-Hercegovina's right to self-defense.

SENATE RESOLUTION 12

At the request of Mr. PRESSLER, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Resolution 12, a resolution expressing the sense of the Senate that meaningful reforms with respect to agricultural subsidies must be achieved in the GATT negotiations.

SENATE RESOLUTION 25—TO AMEND THE STANDING RULES OF THE SENATE TO PROVIDE A NON-DEBATABLE MOTION TO PROCEED

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 25

Resolved, That rule VIII of the Standing Rules of the Senate is amended by striking the "." at the end of paragraph 2 and inserting the following: "; except those motions to proceed made by the Majority Leader, or his designee, on which there shall be a time limitation for debate of two hours equally divided between the majority and the minority leaders, or their designees: *Provided,* That any motion to proceed, by the Majority Leader, or any other Senator, to any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable.".

SENATE RESOLUTION 26—TO AMEND THE STANDING RULES OF THE SENATE TO REQUIRE A THREE-FIFTHS VOTE TO OVERTURN THE CHAIR POST-CLOTURE

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 26

Resolved, That rule XXII of the Standing Rules of the Senate is amended by striking the "." at the end of paragraph 3 of section 2 and inserting in lieu thereof the following: ", such appeals shall require an affirmative vote of three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting.".

SENATE RESOLUTION 27—TO AMEND THE STANDING RULES OF THE SENATE TO PROVIDE FOR THE GERMANENESS OF COMMITTEE AMENDMENTS POST-CLOTURE

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 27

Resolved, That rule XXII of the Standing Rules of the Senate is amended by adding at the end of paragraph 3 of section 2 the following: "In the case of a measure that has been reported by a committee that contains recommended committee amendments, such amendments shall be considered germane.".

SENATE RESOLUTION 28—TO AMEND THE STANDING RULES OF THE SENATE TO PROVIDE THAT QUORUM CALLS ARE CHARGED AGAINST AN INDIVIDUAL'S TIME UNDER CLOTURE

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 28

Resolved, That rule XXII of the Standing Rules of the Senate is amended by striking the "." after speaks in paragraph 3 of section 2 and inserting in lieu thereof the following: ", with the time consumed by quorum calls being charged to the Senator who requested the call of the quorum.".

SENATE RESOLUTION 29—TO AMEND THE STANDING RULES OF THE SENATE TO PROVIDE ONE MOTION TO GO TO CONFERENCE WITH THE HOUSE

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 29

Resolved, That rule XV of the Standing Rules of the Senate is amended by adding the following: "6. That whenever the Senate has in its possession a measure that has been passed by both Houses it shall be in order, once the measure has been placed before the Senate, to make one non-divisible motion that contains the following: to insist on the Senate amendment(s), or disagree to the House amendment(s); to request a conference with the House on the disagreeing votes of the two Houses, or agree to the request of the House for the same; and that the Presiding Officer be authorized to appoint the Senate conferees."

SENATE RESOLUTION 30—TO AMEND THE STANDING RULES OF THE SENATE TO DISPENSE WITH THE READING OF CONFERENCE REPORTS

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 30

Resolved, That rule XXVIII of the Standing Rules of the Senate is amended by striking "and shall be determined without debate." in paragraph 1. and inserting in lieu thereof the following: "notwithstanding a request for the reading of the conference report, and shall be determined without debate.".

SENATE RESOLUTION 31—TO AMEND THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 31

Resolved, That Rule XV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"6. (a) At any time following the second day of consideration of a measure, regardless of the pendency, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not relevant to the subject matter of the measure or to the subject matter of an amendment proposed by the committee which reported the measure, shall thereafter be in order. The motion shall be privileged and shall be decided after two hours of debate, without any intervening action, to be equally divided and controlled by the Majority and the Minority leaders or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators voting, a quorum being present, no amendment not already agreed to (except amendments proposed by the committee which reported the measure) which is not relevant to the subject matter of the measure, or the subject matter of an amendment proposed by the committee which reported the measure, shall be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a measure, points of order with respect to questions of relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of relevancy of an amendment, or whenever the Presiding Officer submits the question of relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment relevant shall be three-fifths of the Senators voting, a quorum being present. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered relevant.

SENATE RESOLUTION 32—TO AMEND THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 32

Resolved, That rule VIII of the Standing Rules of the Senate is amended by striking the "." at the end of paragraph 2 and inserting the following: "; except those motions to proceed made by the Majority Leader, or his designee, on which there shall be a time limitation for debate of two hours equally divided between the Majority and the Minority Leaders, or their designees. Provided that any motion to proceed, by the Majority Leader, or any other Senator, to any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable.".

That rule XXIII of the Standing Rules of the Senate is amended by striking the "." at the end of paragraph 3 of section 2 and inserting in lieu thereof the following: ", such appeals shall require an affirmative vote of three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting.".

That rule XXII of the Standing Rules of the Senate is amended by adding at the end of paragraph 3 of section 2 the following: "In the case of a measure that has been reported by a committee that contains recommended committee amendments, such amendments shall be considered germane.".

That rule XXII of the Standing Rules of the Senate is amended by striking the "." after "speaks" in paragraph 3 of section 2 and inserting in lieu thereof the following: ", with the time consumed by quorum calls being charged to the senator who requested the call of the quorum.".

That rule XV of the Standing Rules of the Senate is amended by adding the following: "6. That whenever the Senate has in its possession a measure that has been passed by both Houses it shall be in order, once the measure has been placed before the Senate, to make one non-divisible motion that contains the following: to insist on the Senate amendment(s), or disagree to the House amendment(s); to request a conference with the House on the disagreeing votes of the two Houses, or agree to the request of the House for the same; and that the Presiding Officer be authorized to appoint the Senate conferees."

That rule XXVIII of the Standing Rules of the Senate is amended by striking "and shall be determined without debate." in paragraph 1. and inserting in lieu thereof the following: "notwithstanding a request for the reading of the conference report, and shall be determined without debate."

That rule XV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"6. (a) At any time following the second day of consideration of a measure, regardless of its pendency, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not relevant to the subject matter of the measure or to the subject matter of an amendment proposed by the committee which reported the measure, shall thereafter be in order. The motion shall be privileged and shall be decided after two hours of debate, without any intervening action, to be equally divided and controlled by the Majority and the Minority leaders or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators voting, a quorum being present, no amendment not already agreed to (except amendments proposed by the committee which reported the measure) which is not relevant to the subject matter of the measure, or the subject matter of an amendment proposed by the committee which reported the measure, shall be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a measure, points of order with respect to questions of relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of relevancy of an amendment, or whenever the Presiding Officer submits the question of relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment relevant shall be three-fifths of the Senators voting, a quorum being present. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered relevant.

SENATE RESOLUTION 33—TO AMEND SENATE RESOLUTION 338 (WHICH ESTABLISHES THE SELECT COMMITTEE ON ETHICS) TO CHANGE THE MEMBERSHIP OF THE SELECT COMMITTEE FROM MEMBERS OF THE SENATE TO PRIVATE CITIZENS

Mr. HELMS submitted the following resolution; which was placed on the calendar.

S. RES. 33

Resolved, That (a) subsection (a) of the first section of Senate Resolution 338, agreed to July 23, 1964 (88th Congress, 2d session), is amended to read as follows: "(a)(1) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to in this resolution as the 'Select Committee') consisting of 6 members all of whom shall be private citizens. Three members of the Select Committee shall be selected by the Majority Leader and 3 shall be selected by the Minority Leader. Each member of the Select Committee shall serve 6 years except that the Majority Leader and the Minority Leader when making their initial appointments shall each designate 1 member to serve only 2 years and 1 member to serve only 4 years. At least 2 members of the Select Committee shall be retired Federal judges, and at least 2 members of the Select Committee shall be former members of the Senate. Members of the Select Committee may be reappointed.

"(2) The Select Committee shall select a chairman and a vice chairman from among its members.

"(3) Members of the Select Committee shall serve without compensation but shall be entitled to travel and per diem expenses in accordance with the rules and regulations of the Senate.".

(b) Subsection (e) of the first section of Senate Resolution 338 (as referred to in subsection (a)) is repealed.

SENATE RESOLUTION 34—TO AMEND SENATE RESOLUTION 338 (WHICH ESTABLISHES THE SELECT COMMITTEE ON ETHICS) TO CHANGE THE MEMBERSHIP OF THE SELECT COMMITTEE FROM MEMBERS OF THE SENATE TO PRIVATE CITIZENS

Mr. HELMS submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 34

Resolved, That (a) subsection (a) of the first section of Senate Resolution 338, agreed to July 23, 1964 (88th Congress, 2d session), is amended to read as follows: "(a)(1) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to in this resolution as the 'Select Committee') consisting of 6 members all of whom shall be private citizens. Three members of the Select Committee shall be selected by the Majority Leader and 3 shall be selected by the Minority Leader. Each member of the Select Committee shall serve 6 years except that the Majority Leader and the Minority Leader when making their initial appointments shall each designate 1 member to serve only 2 years and 1 member to serve only 4 years. At least 2 members of the Select Committee shall be retired Federal judges, and at least 2 members of the Select Committee shall be former members of the Senate. Members of the Select Committee may be reappointed.

"(2) The Select Committee shall select a chairman and a vice chairman from among its members.

"(3) Members of the Select Committee shall serve without compensation but shall be entitled to travel and per diem expenses in accordance with the rules and regulations of the Senate.".

(b) Subsection (e) of the first section of Senate Resolution 338 (as referred to in subsection (a)) is repealed.

SENATE RESOLUTION 35—EXPRESSING THE SENSE OF THE SENATE CONCERNING SYSTEMATIC RAPE IN THE CONFLICT IN THE FORMER SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

Mr. LAUTENBERG (for himself, Mr. DOLE, Ms. MURRAY, Mr. DURENBERGER, Mr. KENNEDY, Mr. LEAHY, Mr. D'AMATO, Mr. PRESSLER, Mr. REID, Mr. CAMPBELL, Mr. PELL, Ms. MIKULSKI, Mr. RIEGLE, Mr. AKAKA, Mr. BRADLEY, and Mr. SASSER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 35

Whereas the State Department Country Reports on Human Rights Practices for 1992 states that "massive systematic rape, committed by Bosnian Serb military units and prison guards was used as an extension of 'ethnic cleansing' to terrify the population";

Whereas a December report by a European Community investigative team estimates that 20,000 women have been raped since the onset of hostilities;

Whereas women are protected against "any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault" under Article 27 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 1949, and are protected against "outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault," under Article 4 of Protocol II Additional to the Geneva Convention, 1977;

Whereas "inhumane acts" are considered "crimes against humanity" under the London Agreement that established the guidelines for the Nuremberg Trials, and "torture or inhumane treatment" and "willfully causing great suffering or serious injury to body or health" and considered "grave breaches" of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 1949, under Article 147 of that Convention;

Whereas rape is a deplorable and illegal act of violence in the United States and in every country in Europe;

Whereas systematic rape in the conflict in Bosnia-Herzegovina has been denounced under United Nations Security Council Resolution 798 (1992) and by the Council of Ministers of the European Community in its declaration of December 11, 1992;

Whereas former Secretary of State Lawrence Eagleburger denounced atrocities in this conflict and named individuals that should stand trail in an international court for "crimes against humanity";

Whereas on August 11, 1992, the Senate approved Senate Resolution 330, expressing the sense of the Senate that the United Nations Security Council should convene a tribunal to investigate allegations of war crimes and crimes against humanity committed within the territory of the former Yugoslavia and to accumulate evidence, to charge, and to prepare the basis for trying individuals believed to have committed or to have been responsible for such crimes; and

Whereas the United Nations Commission of Experts has been appointed to collect information and evidence for the eventual establishment of an international tribunal to prosecute war crimes under international law that are committed in this conflict: Now, therefore, be it

Resolved, That (a) the Senate considers—

(1) rape, whether individual or mass rape, to be an unacceptable means of warfare; and

(2) rape and forced pregnancy to be "crimes against humanity" under international law, regardless of the ethnicity or religion of the victims or the perpetrators, and considers that such offenses should be so recognized in any international tribunal to try perpetrators of crimes against humanity and war crimes.

(b) The Senate strongly condemns the systematic and widespread rape of women and girls in Bosnia-Herzegovina.

(c) The Senate commends—

(A) former Secretary of State Eagleburger for denouncing "crimes against humanity" in the conflict in Bosnia-Herzegovina and for calling for an international crimes tribunal to prosecute such crimes; and

(B) the adoption of United National Security Council Resolution 798 (1992) and the declaration of December 11, 1992, of the Council of Ministers of the European Community, both of which denounced the systematic rape of Moslem women in this conflict.

(d) It is the sense of the Senate that—

(1) the President of the United States should—

(A) publicly condemn systematic rape in this conflict,

(B) state that rape, whether individual or mass rape, and forced, pregnancy, as tactics of war, are crimes against humanity and war crimes, and

(C) vigorously support the establishment by the United Nations of an international tribunal to prosecute crimes against humanity and war crimes;

(2) the President of the United States should publicly declare that the United States will offer no safe haven to war criminals;

(3) all countries and organizations participating in humanitarian relief efforts in the former Socialist Federal Republic of Yugoslavia should allocate resources for the treatment of rape victims, including the training of relief workers in the medical and psychological effects of rape;

(4) all parties to the conflict of Bosnia-Herzegovina should immediately take steps to protect the rights of women and girls as recognized in the Geneva Conventions and, specifically, to protect them from rape, forced pregnancy, and the infliction of other indignities; and

(5) the President of the United States should urge the United Nations to provide adequate funding for the United Nations Commission of Experts and an international tribunal for the full investigation and prosecution of rape.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President of the United States and the Secretary General of the United Nations.

Mr. LAUTENBERG. Mr. President, today I am submitting a resolution condemning the systematic rape of women in Bosnia-Herzegovina and demanding that rape, as a crime against humanity under international law, should be punished under an international war crimes tribunal. I am joined by Senators DOLE, MURRAY, DURENBERGER, KENNEDY, LEAHY, D'AMATO, PRESSLER, REID, CAMPBELL, FEINSTEIN, MIKULSKI, and PELL.

State Department, European Community, and human rights reports of widespread incidents of rape in the conflict in Bosnia-Herzegovina are horrifying. They demand our immediate attention and call us to action.

According to a wide range of investigators, while some abuses have been committed by all sides in the conflict, the vast majority of these crimes have been committed by Serb soldiers against Bosnian Moslem women and girls as young as 6 years old.

In many cases, after raping, after degrading these women, Serb soldiers brutally murdered them. Other Moslem women reportedly stand on the verge of giving birth to the children of their Serb rapists, and will bring these children into a society that sees them as permanent outcasts. Still countless other Moslem women and girls face a future tortured by their memories of violence.

Shockingly, these cases are not isolated or sporadic. Thousands of women and girls—perhaps as many as 20,000 to 50,000—have been raped in the conflict in the former Yugoslavia. They also cannot be brushed aside as some of the incidental effects of total warfare. Rape in Bosnia-Herzegovina, particularly the rape of Bosnian Moslem women by Serb soldiers, has been used as a tool of warfare and must be recognized as a systematic crime against humanity.

An interim report on rape commissioned by the European Community concluded that "rape cannot be seen as incidental to the main purposes of the (Serb) aggression but as serving a strategic purpose in itself." The recently released State Department Report on Human rights for 1992 also said that "massive systematic rape, committed by Bosnian-Serb military units and prison guards, was used as an extension of 'ethnic cleansing' to terrify the population."

Last summer, I joined as a member of the majority leader's Senate delegation to the former Yugoslavia, and heard the stories of several women whom I met in a U.N. refugee camp. They told me in graphic terms how a 12-year-old girl was taken from their bus and publicly raped. Those memories haunt me. And now we know this is happening systematically, with the encouragement, sometimes under the orders of, Serb military leaders.

Mr. President, systematic rape in the conflict in Bosnia-Herzegovina has been denounced under United Nations Security Council Resolution 798. It also has been denounced by the Council of Ministers of the European Community. The U.S. Senate has supported the establishment of a U.N. tribunal to investigate allegations of war crimes and crimes against humanity and to accumulate evidence, to charge, and to prepare the basis for trying individuals who have committed such crimes. It should now join the chorus of voices and condemn the systemic rape of Bosnian Moslem women and explicitly call for prosecution of rape in an international war crimes tribunal.

The perpetrators of rape in the former Yugoslavia should be tried in an appropriate international war crimes tribunal established by the United Nations.

A five-member Commission of experts has been appointed by U.N. Secretary General Boutros-Boutros Ghali to collect information and evidence that could be used for an international tribunal to prosecute war criminals. This is an important step toward prosecuting those guilty of crimes against humanity, including rape. The U.N. Commission should vigorously collect the necessary evidence from a variety of individuals and organizations to enable a war crimes tribunal to prosecute perpetrators of rape.

Mr. President, a report by a team commissioned by the European Community to investigate rape in the former Yugoslavia has recommended emergency help for rape victims. It has urged community governments to help train counselors and increase financial assistance to enable the Croatian and Bosnian governments to cope with the problem. The report states that "without skilled and appropriate counseling, long-term psychological disturbance with risk, of suicide will be the chief result." To that end, the resolution urges the international community to provide assistance.

In Bosnia-Herzegovina, the unthinkable has become commonplace. Rape and other violence are inflicted on innocent people just because they are not Serbs and because they are Muslims. We cannot quietly witness these unspeakable acts. If we do, then we will surely lose our humanity.

If we stand by while a bunch of thugs, murderers, and bullies use rape as a means to perpetuate their plans of genocide, then we have learned nothing from history. We must condemn these acts in the strongest possible terms and put our government on record that this deliberate use of rape as a tool of war is deplorable and unacceptable.

Mr. President, this resolution puts the Senate squarely on record condemning the use of rape as a tool of war. It states the sentiment of the Senate that rape should be prosecuted as a war crime. It calls on the President to condemn publicly systematic rape in the conflict, to vigorously support the establishment by the United Nations of an international tribunal to prosecute crimes against humanity—including rape—and to declare publicly that the United States will not offer safe haven to war criminals from this conflict. It calls upon all countries participating in the humanitarian relief effort in the former Yugoslavia to allocate resources for the treatment of rape victims, including the training of relief workers in the medical and psychological effects of rape.

A similar resolution has been introduced in the House of Representatives by Representatives MILLER and PELOSI. That resolution has 103 cosponsors.

Mr. President, rape is certainly not the only crime that Bosnian Serb soldiers have committed in their aggression against Bosnian Moslems. Other crimes against humanity must be prosecuted as well. Rape, however, is a brutal, hateful crime that is often ignored despite its terrifying effects as a tool of ethnic cleansing.

I hope the Senate Foreign Relations Committee will report this resolution without delay. I urge the Senate to quickly pass this resolution condemning the systematic rape of women in Bosnia-Herzegovina and demanding that rape, as a crime against humanity, be punished under an international war crimes tribunal.

The PRESIDENT pro tempore. Does the Senator ask for immediate consideration of this resolution.

Mr. LAUTENBERG. I ask for its referral, Mr. President, to the appropriate committee.

The PRESIDENT pro tempore. The resolution will be appropriately referred.

Mr. PELL. Mr. President, I would like to join my colleagues, Senator LAUTENBERG, Senator DOLE, and others, in introducing this resolution condemning the systematic rape of women in Bosnia-Herzegovina. The reports of widespread use of rape and forced pregnancy as instruments of war in Bosnia-Herzegovina, which have been documented and proven by independent observers, are truly horrifying.

Last summer, I sent two members of the Foreign Relations Committee staff to report on ethnic cleansing in Bosnia-Herzegovina. It was the first U.S. Government report on the issue, and it found that rape, beatings, and killing occurred in the detention camps. The report also discovered evidence that paramilitary groups from Serbia and Montenegro entered certain camps, often drunk and by night, for the purpose of torturing, killing, and raping. This report was used by the U.S. State Department as part of the submission to the U.N. Human Rights Commission in September.

But it was not until 3 months later that the true scope of the horror was revealed. The recently released annual State Department Human Rights Report found that massive systematic rape, committed by Bosnian Serb military units and prison guards was used as an extension of ethnic cleansing to terrify the population. A December report by the European Community estimates that 20,000 women have been raped since hostilities began last spring, and some estimates put the number as high as 30,000.

It is utterly appalling to think that even after the preliminary reports about rape in the Bosnia conflict last summer, thousands more women and girls were subjected to this unspeakable horror. It is likely that these crimes are continuing—even though the U.N. Security Council and the European Community have denounced systematic rape in Bosnia-Herzegovina.

We often come to the Senate floor to express our concern—or even outrage about one matter or another; so much so that our outrage often becomes routine. But Mr. President, I cannot begin to express the level of outrage I have about the situation in Bosnia. The crimes committed there, including the rape of thousands and thousands of women reveal the darkest side of human behavior, and cannot be excused.

We must not sit idly by while immoral deviants commit these despicable insults to humanity. A half-century ago, after the Holocaust, the world made a decision to prevent such an occurrence from happening ever again. But it did. The State Department Human Rights Report says that the policy of driving out innocent civilians of a different ethnic or religious group from their homes, so-called ethnic cleansing was practiced by Serbian forces in Bosnia on a scale that dwarfs anything seen in Europe since Nazi times. Surely we must follow through on our collective pledge to punish the perpetrators and hold them accountable for their crimes against humanity.

This resolution will facilitate the establishment of an international tribunal to prosecute war crimes under international law. Not only do these criminals have to be stopped, but they have to be punished. We have already failed in our responsibility to humanity by letting these horrors occur. It would be unconscionable for us to fail to bring the criminals to justice.

SENATE RESOLUTION 36—TO MAKE MAJORITY PARTY APPOINTMENTS TO A SENATE COMMITTEE

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 36

Resolved, That the following shall constitute the majority party's membership on the Ethics Committee for the One Hundred and Third Congress, or until their successors are chosen:

Select Committee on Ethics: Mr. Bryan, Chairman; Ms. Mikulski; and Mr. Daschle.

SENATE RESOLUTION 37—AMENDING THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following resolution; which was placed on the calendar:

S. RES. 37

Resolved, That rule VIII of the Standing Rules of the Senate is amended by striking the "." at the end of paragraph 2 and inserting the following: "; except those motions to proceed made by the majority leader, or his designeee, on which there shall be a time limitation for debate of two hours equally divided between the majority and the minority leaders, or their designees: *Provided*, That any motion to proceed, by the majority leader, or any other Senator, to any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable.".

That rule XXII of the Standing Rules of the Senate is amended by striking the "." at the end of paragraph 3 of section 2 and inserting in lieu thereof the following: ", such appeals shall require an affirmative vote of three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting.".

That rule XXII of the Standing Rules of the Senate is amended by adding at the end of paragraph 3 of section 2 the following: "In the case of a measure that has been reported by a committee that contains recommended committee amendments, such amendments shall be considered germane."

That rule XXII of the Standing Rules of the Senate is amended by striking the "." after speaks in paragraph 3 of section 2 and inserting in lieu thereof the following: ", with the time consumed by quorum calls being charged to the Senator who requested the call of the quorum.".

That rule XV of the Standing Rules of the Senate is amended by adding the following:

"6. That whenever the Senate has in its possession a measure that has been passed by both Houses it shall be in order, once the measure has been placed before the Senate, to make one nondivisible motion that contains the following: to insist on the Senate amendment(s), or disagree to the House amendment(s); to request a conference with the house on the disagreeing votes of the two Houses, or agree to the request of the House for the same; and that the Presiding Officer be authorized to appoint the Senate conferees."

That rule XXVIII of the Standing Rules of the Senate is amended by striking "and shall be determined without debate." in paragraph 1. and inserting in lieu thereof the following: "notwithstanding a request for the reading of the conference report, and shall be determined without debate.".

That rule XV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraphs:

"6. (a) At any time following the second day of consideration of a measure, regardless of its pendency, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not relevant to the subject matter of the measure or to the subject matter of an amendment proposed by the committee which reported the measure, shall thereafter be in order. The motion shall be privileged and shall be decided after two hours of debate, without any intervening action, to be equally divided and controlled by the majority and the minority leaders or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators voting, a quorum being present, no amendment not already agreed to (except amendments proposed by the committee which reported the measure) which is not relevant to the subject matter of the measure, or the subject matter of an amendment proposed by the committee which reported the measure, shall be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a measure, points of order with respect to questions of relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of relevancy of an amendment, or whenever the Presiding Officer submits the question of relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment relevant shall be three-fifths of the Senators voting, a quorum being present. No amendment proposing sense of the Senate or sense-of-the-Congress language that does not directly relate to the measure or matter before the Senate shall be considered relevant."

SENATE RESOLUTION 38—TO MAKE MINORITY PARTY APPOINTMENTS TO A SENATE COMMITTEE

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 38

Resolved, That the following shall constitute minority membership of the Select Committee on Ethics for the One Hundred Third Congress or until their successors are named: Mitch McConnell (Vice Chairman), Ted Stevens (vice, Trent Lott), and Bob Smith (vice, Slade Gorton).

NOTICES OF MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet to organize on Thursday, January 28, 1993, at 9:30 a.m., in SR-301. At this meeting the committee plans to adopt its rules of procedure and to select members for the Joint Committee on Printing and the Joint Committee of Congress on the Library.

The committee will also consider legislative items currently pending on its agenda, including an original resolution authorizing expenditures by the Committee on Rules and Administration for the 103d Congress.

For further information regarding this meeting, please contact Carole Blessington of the Rules Committee staff on 224-0278.

Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday February 3, and Thursday, February 4, 1993, at 9:30 a.m. on each day, to receive testimony from committee chairmen and ranking members on their committee funding resolutions for 1993 and 1994.

For further information concerning these hearings, please contact Carole Blessington of the Rules Committee staff on 224-0278.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Conventional Forces and Alliance Defense of the Committee on Armed Services be authorized to meet on Tuesday, January 26, 1993, at 2:30 p.m. in executive session, to meet with the Subcommittee on Defense and Security Cooperation of the North Atlantic Assembly.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, January 26, 1993, to hold a hearing on Oversight of the Insurance Industry: Blue Cross/Blue Shield-National Capital Area.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on Tuesday, January 26, 1993, beginning at 10 a.m., in 485 Russell Senate Office Building, to adopt the committee's operating resolution, jurisdiction and rules of the select committee, and the committee's biennial budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, January 26, 1993, at 9 a.m., for an executive session considering the NIH Reauthorization Act and the Family and Medical Leave Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on January 26, 1993, at 10 a.m. on the nomination of John Gibbons to be Director of the Office of Science and Technology Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 26 at 10 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COSPONSORSHIP OF VIOLENCE AGAINST WOMEN ACT

• Mr. ROCKEFELLER. Mr. President, today I rise to speak about one of the most tragic and growing health threats in our country today: violence against women. National statistics are shocking and demand our concern and action. Every 15 seconds, a woman is beaten by her husband or boyfriend and every 6 minutes, a woman is forcibly raped.

In just 8 months during 1992, 16 West Virginian women died as a result of brutal acts by their current or former husbands or boyfriends. This astonishing figure does not include those women who survived acts of violence and stayed in their homes, or sought refuge in one of West Virginia's 12 domestic violence shelters, last year. Also last year, over 11,000 adults and 3,000 children sought support from local shelters or through the emergency hotline. Over 3,800 adults and children fled their homes and stayed in shelters to avoid domestic violence in 1992.

This horrifying problem not only affects women, but out Nation's children as well. Children living in homes where violence occurs often experience both physical and psychological abuse and trauma. They, too, need our immediate help.

Each incident is a tragedy for the individuals involved. Without our intervention, domestic violence will not disappear. Women in our country deserve protection to end their continuing nightmare.

West Virginians are struggling to respond to the problem of domestic violence. Under the leadership of the West Virginia Coalition Against Domestic Violence, hundreds of volunteers are working in shelters across the State to provide women, who have no other place to turn, the protection, comfort and support that they so desperately need. Such community-based efforts are vital, but we should provide more Federal support and encouragement by swift action on the Violence Against Women Act.

I am proud to be an original cosponsor of the Violence Against Women Act introduced last Thursday by Senator BIDEN, Chairman of the Senate Judiciary Committee. I share his commitment to see the bill enacted into law swiftly. This legislation is a comprehensive effort to address the tragic issue of domestic violence. It seeks to make streets and homes safer for women by investing in law enforcement initiatives targeted to prevent domestic violence. It will make our criminal justice system more responsive to victims of crime. The act would extend equal protection under the law to women by establishing a civil rights remedy for victims.

As we focus our attention on our Nation's health care, we must consider the impact of domestic violence on women and children. We cannot turn our heads, ignore the problem, and quietly hope it goes away. Rather, we must confront the issue with a firm commitment to promote awareness, prevention, and support for victims.

I strongly support the Violence Against Women Act and hope that it will be enacted by this Congress and swiftly signed into law by our new President. Women and children who are the innocent victims of domestic violence deserve the powerful protection and assistance in the Violence Against Women Act.•

TRIBUTE TO ANN BANCROFT AND THE MEMBERS OF THE AMERICAN WOMEN'S TRANS-ANTARCTIC EXPEDITION

• Mr. DURENBERGER. Mr. President, I have often lauded the pioneer spirit of Minnesotans, and Ann Bancroft is one of those Minnesotans who has achieved a number of pioneering firsts.

As a girl growing up in Mendota Heights, she led the fight to get a girl's sports program off the ground at Sibley High School. As an adult, she showed uncommon determination when she became the first woman to reach the North Pole by sled dog as part of Will Steger's team in 1986.

This year, Ann Bancroft became the first woman to have walked both of the Earth's poles. Along with Anne Dal Vera, Sue Giller, and Sunniva Sorby, Ms. Bancroft led the four-member American Women's Trans-Antarctic Expedition hoping to become the first group of women to cross Antarctica without the help of sled dogs or motorized vehicles.

On January 14, the team stopped at the South Pole, 910 miles short of their goal at McMurdo Naval Base on the Ross Sea. By the time they reached the pole they had skied 660 miles, traveling uphill most of the time, against the wind, pulling sleds each packed with 200 pounds of supplies.

Questions have been raised because the Bancroft team stopped short of the Ross Sea. But being a pioneer means more than being the first. It means recognizing the danger signs and knowing when to hold back. It means knowing that tomorrow may hold the key to success.

And, above all, being a pioneer means knowing how to put it all in perspective. As Theodore Roosevelt wrote, this mean of pioneers owes nothing to those who haven't dared to reach for the impossible:

> It is not the critic who counts, not the one who points out how the strong man stumbled or how the doer of deeds might have done them better.
>
> The credit belongs to the one who is actually in the arena, whose face is marred with sweat and dust and blood; who strives valiantly; who errs and comes short again and again; who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause;
>
> Who, if he wins, knows the triumphs of high achievement; and who, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat.

Mr. President, the Bancroft team launched a professional expedition informed by determination and tempered by common sense. Had there been a way to complete the remaining 910 miles of their trek without tremendous suffering, this team would have found the way. On behalf of all Minnesotans I salute Ann Bancroft and the members of the American Women's Trans-Antarctic Expedition.•

WHEELCHAIR SCAVENGER HUNT

• Mr. MCCAIN. Mr. President, on Thursday, February 4, a 1-hour wheelchair scavenger hunt will occur at the Arizona Center. This event is designed to help the public gain a better understanding of the difficulties that wheelchair users face.

I applaud the participants of this unique event and hope that many will benefit from this learning, and enlightening experience.

Mr. President, too often people take for granted the difficulties that disabled Americans face as they move from place to place. Greater public awareness of these difficulties will benefit all.

Two years ago, I hired a young man who used a wheelchair in my Washington, DC, office. Firsthand, I saw the difficulties he faced navigating around in my Senate office. Consequently, I took steps to ensure that my office was 100 percent wheelchair-user friendly. I further called on the entire U.S. Senate to do the same and set a new standard of wheelchair accessibility.

Lastly, Mr. President, let me thank Rehab Systems-Phoenix, which includes Meridian Point Rehabilitation Hospital in Scottsdale and Valley of the Sun Rehabilitation Hospital in Glendale, and the Arizona Wheelchair

Sports Association for their hard work in putting together this fine program. Their work does not go unappreciated.●

TRIBUTE TO AMBASSADOR SMITH HEMPSTONE

● **Mr. DURENBERGER.** Mr. President, when George Bush appointed Smith Hempstone to be American Ambassador to Kenya, many observers feared the worst. After three decades in the newspaper business, his conservative views were well known to readers of the Washington Star and later the Washington Times. Those seeking a reform minded representative in that country saw in Ambassador Hempstone more of the same.

But if his critics thought Smith Hempstone would uphold the status quo, the Ambassador had other plans. He aggressively sought real reform of the autocratic governments that have ruled Kenya since it gained independence from Britain in 1963.

American policy toward Kenya has always been to encourage democratic reforms, but until the Ambassador's appointment we never seemed to seriously challenge the status quo or the 1982 constitutional amendment that made President Daniel Arap Moi's Kenyan African National Union the country's only legal party.

I first met Smith Hempstone when I was in east Africa in December 1991, to participate in the Africa-wide National Prayer Breakfast gathering. Since then, we have spoken a number of times about events in Kenya generally as well as specific concerns of mine regarding particular opposition leaders with connections to Minnesota.

I can tell you that Smith Hempstone is not your stereotypical Ambassador. He is not a practitioner of stately diplomacy that seeks its ends quietly and politely. He has brought to his post a unique style that, coupled with his unabashed views, have made him a constant irritation to President Moi.

Ambassador Hempstone is credited by many with giving life to the opposition movement that would eventually open the way for a multiparty system. Despite occasional admonitions from back home, and many outbursts against him in Kenya, the Ambassador has persevered.

Mr. President, democracy's interests in Kenya are well served by Smith Hempstone. There is a long way to go before Kenya becomes a fully functioning democracy, but we can now say the odds are in its favor. I applaud Ambassador Hempstone, and I admire his spirit.

Mr. President, I ask that the Washington Post article from January 10, 1993, be included in the RECORD at the conclusion of my remarks.

The article follows:

HEMPSTONE UNTURNED: THE UN-DIPLOMAT BEHIND KENYA'S VOTE

(By Raymond Bonner)

NAIROBI.—"At long last Kenyans can breathe a sigh of relief," said the Kenya Times recently. "Ambassador Smith Hempstone of the United States of America is going back to where he came from."

It was a striking public display of antipathy toward an American envoy, predictable perhaps from a newspaper in, say, Iraq, but not from the organ of the ruling party of Kenya, whose government has long been one of America's friends. Then again, Kenya's foreign minister, Ndolo Ayah, once publicly called Hempstone a "racist" and accused him of acting like a "slave-owner."

What has generated these harsh and undiplomatic outbursts is Hempstone's outspoken and unrelenting advocacy of democracy in Kenya. Thanks in no small part to Hempstone, Kenya held its first multi-party elections in 26 years in late December.

When Hempstone arrived here three years ago, no one could have imagined all this. It was assumed that he would give sustenance to Kenya's President Daniel Arap Moi, who had ruled unchallenged since 1978. That's what American diplomats had been doing for years, and there was little reason to think that Hempstone, an arch-conservative newspaperman appointed by President Bush, would not follow diplomatic convention.

But there is little conventional about Smith Hempstone. With his wide girth, flushed countenance, white beard, heavy drinking and chain-smoking, he bears a marked resemblance to Ernest Hemingway, a comparison he courts. He often acts more like the swashbuckling novelist than a diplomat. During the Persian Gulf War, when American embassies around the world took extra security precautions. Hempstone packed his own .38-caliber pistol, secreted in an oddly feminine leather purse.

Before becoming an ambassador, Hempstone had spent three decades as a journalist. He was the editorial page editor at the Washington Star, and later executive editor of the Washington Times. Hempstone used his journalistic perches to champion the othodoxies of American conservativism. He believed the Vietnam War was a noble cause, that Angolan rebel Jonas Savimbi was a true democrat and that the Reagan administration's covert support of the Nicaraguan contras was an admirable enterprise.

Thus when Hempstone was dispatched to Kenya in 1988, liberals on Capitol Hill anticipated the worst. "I feared we were going to get someone who wasn't really going to do much," recalls Sen. Paul Simon (D-Ill.), chairman of the foreign relations subcommittee on Africa.

What Washington got was an outspoken maverick. Hempstone is perhaps best-known for two widely publicized diplomatic cables. One on the drought in East Africa reportedly helped Bush focus on the plight of Somalia. The other urged Bush not to intervene there, describing the country (with a memorable lack of tact) as "a tar baby" from which the United States would not be able to free itself—advice which the president obviously ignored.

But Hempstone's real contribution has been as an advocate of change in Kenya. In an address to the Rotary Club in Nairobi in May 1990, Hempstone said that U.S. economic assistance would go to nations that "nourish democratic institutions, defend human rights and practice multi-party politics." An obvious message perhaps, buy Kenyan officials weren't used to hearing anything quite like it from an American diplomat.

Since independence from Britain in 1963, Kenya has had only two presidents. The country's first elected head of state, Jomo Kenyatta, died in office in 1978 and was succeeded by Moi, his vice-president and a former primary school teacher. In 1982, Moi rammed through parliament a constitutional amendment that made the Kenyan African National Union—KANU—the country's only legal party. Because Kenya had bases on the Indian Ocean and was considered important strategically, Washington remained mute in the face of human rights abuses and wide-scale corruption by the Moi regime. The West poured in billions of dollars in aid that helped sustain Moi's government and enrich his entourage.

Hempstone's comments gave life to an opposition movement, which at the time was not more than a few individuals. "That was really the turning point," says Gitobu Imanyara, a lawyer and early leader of the opposition movement. "Now Kenyans felt they could oppose the government and they would have the support of a major world power."

Moi remained intransigent. He branded the opposition "anarchists" and "traitors," and threatened to crush them "like rats." He declared that a multi-party system was a "luxury" Africans couldn't afford. He said repeatedly that it would lead to "tribalism"—the "ism" that African dictators use to justify their rule now that communism is dead.

Hempstone remained just as determined. Every time a dissident was arrested or a newspaper shut down, he issued a denunciation, and he went out of his way to be seen with leaders of the opposition, even inviting them to parties at his residence.

Hempstone didn't always have the support of Washington. In fact, his high-decibel approach toward promoting democracy made the traditional diplomats quite nervous. When the deputy assistant secretary of state for Africa, Herman Cohen, visited Kenya, in August 1990, he pointedly did not meet any of the lawyers or church leaders who were leading the opposition. And Cohen sent another reassuring measure to the government, and undercut his ambassador, when he did not take Hempstone along for his meeting with Moi. It's not that Cohen is less committed to democracy than Hempstone, he just prefers to practice traditional "quiet diplomacy."

Deference to his superiors was never Hempstone's strong suit. In June 1990, Secretary of State James A. Baker III sent a message to all ambassadors: no on-the-record interviews without prior approval from the Office of Press Relations.

"If the president's envoys are to be gagged," Hempstone responded, "they will soon become about as useful as the legendary teats on the proverbial bull." The department's edict, he complained, treated ambassadors like children, expecting them to "raise their hands and ask Mommy's permission." He urged Baker "to rescind this obnoxious ukase." Baker didn't.

Hempstone's enemies in Kenya and Washington often used his "drinking problem" as the pretext to express their displeasure with his aggressive and high-profile activities. "You can't take another drink out there; there's no half way," a senior State Department office once sternly admonished the ambassador. Hempstone continued to drink, to give interviews and to speak out against the Kenyan government's authoritarian ways.

Ultimately, the international community followed Hempstone's lead. In November

1991, at a meeting in Paris, 12 governments stated that they would not give any more aid until there were economic and political reforms. Moi got the message. Within a matter of weeks, he legalized political parties, and Kenya became one of the most open political societies in Africa. But before it could be considered a democracy, there had to be an election. Moi resisted calling one, hoping that Hempstone would be recalled—which Moi's government requested on several occasions. But Hempstone stayed on, and in late October Moi finally called an election. Hempstone did not relent. "The spirit of fair play and tolerance that is at the heart of the democratic process seems largely—if not entirely—absent," he said a few weeks before the voting, in a speech to the American Business Association in Nairobi. He noted that "the opposition has been hampered in its efforts to hold meetings or open branch offices in many parts of the country * * *.The registration process has been terminated before one million young people without identification cards have had a chance to register * * *.Teachers, civil servants, the armed forces and the police have been admonished to vote for KANU."

As Hempstone pushed for democracy in Kenya, it was not always easy to discern if he was motivated by a genuine commitment to democracy or by a fondness for public attention. His manner was often brusque, to the point of being bumptious and crude. Maybe it doesn't matter.

The election for Kenya was a milestone, despite the fact that Moi basically controlled the process and defeated seven other candidates. The inability of the opposition leaders to put aside their personal ambitions in order to come up with a single candidate to challenge Moi almost assured his victory even without the fraud. But for all of its flaws, the election put Kenya on a democratic course. It will now we extremely difficult for Moi, or any leader, to again impose one-party rule.

Hempstone, like all political appointees, submitted a pro forma resignation after Bill Clinton won the presidency. But if Clinton were to leave him in Nairobi just for a while longer, it would send a message to the one-party regimes in Africa—Zaire and Malawi in particular—that have long counted on being coddled by Washington.

Raymond Bonner is a journalist who has lived in Nairobi for the past four years.•

TRIBUTE TO BEREA

• **Mr. McCONNELL.** Mr. President, I rise today to pay tribute to the town of Berea in Madison County.

Berea is a small town located about 50 miles southeast of Lexington, lying on the ridge where the Bluegrass meets the foothills of the Cumberland Mountains. Even though it is a small community, Berea is making a name for itself not only in Kentucky, but also in the United States.

Just recently, U.S. News & World Report ranked Berea College third best in the South. What makes the school unique is its commitment to serve students with financial need and by not charging tuition. In fact, Berea turns away students who have too much money. Because of the school's unique mission, it attracts strong financial support, resulting in the largest endowment of any college or university in Kentucky.

The craft industry is also very visible in Berea. The town has been officially designated the "Folk Arts and Crafts Capital of Kentucky." Churchill Weavers is the oldest production hand weaver in the United States. It supplies throws, clothing, and other woven goods to fashionable department stores all over the country, with its biggest market in southern California. Berea's craft businesses continue to grow, with three new shops having opened in the last month. In addition, 15 antique shops opened in the last 3 years.

Berea is also home to 10 major industrial facilities. Manufacturers have been flocking to Berea's industrial park, providing at least 2,000 new jobs in the past 5 years. Companies come to the area because of its easy access to Interstate 75, and the quality of life in a small college town.

I applaud Berea's efforts to maintain its smalltown historical charm, but at the same time its move forward, making it one of Kentucky's finest towns.

Mr. President, I ask that this tribute and a recent article from Louisville's Courier-Journal be submitted in today's CONGRESSIONAL RECORD.

The article follows:

[From the Louisville (KY) Courier-Journal, Oct. 19, 1992]

BEREA: AN IDYLLIC PLACE OF IDEALS AND ARTS IS TOWN'S IMAGE

(By Kirsten Haukebo)

Berea College professors like to joke that the college should print bumper stickers and T-shirts that say, "Berea: A Stench in the Nostrils of All Good Kentuckians."

That line was uttered by a supporter of Kentucky's Day Law, which effectively barred black students from the college for the first half of this century. The law, adopted in 1904, was a severe blow to a school that had maintained an integrated student body—often half black and half white—since the Civil War.

The law (named for its sponsor, Rep. Carl Day of Breathitt County) was one in a long string of harsh reminders that Bereans were different; idealistic and courageous—or a menace to society, depending on your viewpoint.

Berea College's ideals haven't changed, although it never recovered the racial balance it achieved during its first two decades. African Americans now account for 14 percent of students.

Another goal was to serve poor whites, particularly southern Appalachians. Eighty percent of students come from the mountains, and all students must show financial need. Berea is unique in that it turns away qualified applicants who have too much money. Students must work at least 10 hours a week, often in traditional crafts, to help pay their expenses.

Over the years, the town of Berea has tended to attract people who agree with the college's mission, said Lila Bellando, co-owner of Churchill Weavers, Berea's oldest crafts business independent of the college.

Tolerance of different races, lack of concern for status symbols and an earthy, environmentalist outlook are some of the characteristics of Bereans, Bellando said.

"I think there are real intrinsic values that attract people. It's what attracted so many craftspeople. If you go back to the root of the thing, it was the college. Students came here and didn't have any money in their pocket. You brought a cow or a coverlet to pay your expenses. From the beginning, the values were a little different here, and I think it has carried through over the years."

The college's crafts program grew out of "Homespun Fairs" that were held on the campus in the late 1800s. Back then, parents sold handmade items to help pay their children's expenses at Berea. Today, student-made furniture, brooms, woven items and ceramics are sold on the campus and in stores in Louisville and Lexington.

Berea College crafts are so widely known that some visitors mistakenly think of the college as a "crafts school." (In fact, Berea is highly rated academically. Last month, U.S. News and World Report ranked the college third best in the South.)

Churchill Weavers is the grandmama of Berea's independent crafts industry. Founded in 1922, it is the oldest production hand weavers in the United States, and it supplies throws, clothing and other woven goods to upscale department stores such as Saks Fifth Avenue. Its biggest market is Southern California.

The proliferation of crafts businesses and the high quality of their wares earned Berea the official designation from the state legislature as the "Folk Arts and Crafts Capital of Kentucky."

Berea's crafts have been a tourism bonanza for the town, said Dr. Clifford Kerby, Berea's mayor for the past 14 years (and a physician who nevertheless smokes cigarettes and races cars).

"It's like Gatlinburg, but no rubber lizards," he said. "The crafts are made right here in Berea."

Many of the shops are in studios where visitors can see a potter at her wheel or smell the freshly cut wood being fashioned into a chair. Despite the national recession, Berea's crafts businesses continue to thrive. Three new shops opened in the historic Old Town district last month. Crafts-related tourism helped spawn the 15 antiques shops that have opened in Berea in the past three years. Although there are no figures on tourist spending in Berea, Madison County as a whole ranked sixth in the state in 1991.

Visitors notice right away that the college is still the town's dominant feature. The main hotel, Boone Tavern, a slightly faded, white-columned landmark on the square, is owned by the college and run by students. College buildings line the main street; the college owns half of the land in Berea.

Truth is, there might not be a Berea if it weren't for the college.

Berea College governed the town for the first 25 years of its existence. It ran the town fire department until 1965, operated the local newspaper until 1984 and still runs the city water and electric utilities. Despite rapid industrial growth in recent years, Berea College remains by far the biggest employer.

In 1854, Kentucky's famous anti-slavery orator Cassius Clay donated the first plot of land for the Berea community, which was founded by preacher John G. Fee. Clay had been impressed with Fee's sermons against slavery and offered Fee 10 acres if he would take up permanent residence. First, Fee founded a church for non-slaveholders. A one-room school—the forerunner to the college—was built in 1855.

Fee set aside lots for blacks next to those for whites so that Berea's neighborhoods would not be segregated.

For the first few years, armed pro-slavery mobs threatened and harassed the Bereans. Richmond, in the northern flatlands of the county, was a slave-holding area, and there was plenty of pro-slavery sentiment in the rest of the Bluegrass as well.

In 1859, a mob nearly twice the size of tiny Berea—then home to only 34 people—drove the residents out of state. The school was reestablished after the Civil War.

Berea's government has been remarkably stable for a town that began amid such turmoil. Kerby is only the third mayor since Berea began electing mayors in 1905.

"It's like a lot of small towns. You work things out on the street corner instead of City Hall," said Melissa Gross, the town's tourism director.

The college, too, has had relatively few changes in administration. Current president John Stephenson is just the seventh in 123 years.

Stephenson, who has been president since 1984, has continued a tradition of serving a small number of foreign students. Black South Africans, Liberians and Chinese are among those who have been educated in Berea. Stephenson has shown a special interest in exiled Tibetans. This year, there are eight Tibetan students at Berea—more than at any other U.S. college. Stephenson, a college dean and Tibetan spiritual leader the Dalai Lama handpicked the Tibetans from schools in India. The Tibetans are unwilling to return to a country occupied by the Chinese.

Kaisang Phuntsok, a sophomore, said that Berea "wasn't the America we had in mind"—no skyscrapers or hustle-bustle. But the Tibetans have settled in well to the quiet, friendly atmosphere of the town.

The college is paying for all of the Tibetans' expenses, including airfare. With the largest endowment ($312 million) of any college or university in Kentucky, it can afford to do so.

(The school's unique mission attracts strong financial support, and the fund has been managed aggressively. Earnings on the endowment are relied upon more heavily for operating expenses than at other colleges, because Berea charges no tuition.)

Beyond the college, crafts industry and tourism, there is a nearly invisible, but fast-growing section of Berea hidden among rolling hills on the town's edge. One manufacturer after another has flocked to Berea's industrial park. At least 2,000 jobs have been added in the past five years.

"The town is so beautiful and well laid-out that its hard to realize we have about 10 major industrial facilities here," said Kerby.

Tokico, which makes shock absorbers; KI USA, an auto-parts maker; and Alcan Ingot and Recycling are among the new industrial recruits. (A recycling company is an especially good fit with Berea. Predictably, the town has mandatory recycling.)

Berea is in the enviable position of having turned away new industries because they were too noisy or dirty. A steel-pressing mill was rejected three or four years ago, Kerby said, as was a sawmill.

"We're very selective on what we bring into town because we like our town the way it is, although we like jobs too," he said.

There are far more factory jobs than workers in Berea, so the plants pull employees from nearby counties. A recent study showed that nearly half of the workers at Berea factories live outside of Madison County.

Berea doesn't offer incentives to industries, other than a five-year property-tax abatement. Companies are lured by easy access to Interstate 75, a new sewer plant and the quality of life in a small college town, Kerby said.

The college's dominance has caused surprisingly little friction over the years. The biggest problem, according to Kerby, is jaywalking students.

With 15,000 vehicle trips per day on Chestnut Street and some 5,000 pedestrians crossing the street, it's no wonder there's tension, said Stephenson. A few students have been injured by cars—one fatally. No pedestrian injuries have been reported this year or last.

Stephenson also is concerned about infrequent, but disturbing, racial incidents that still occur in Berea.

"There are still people in the neighborhood who do not believe interracial living is right. Sometimes when they are going through campus in their cars, they will shout racial epithets," he said. Once, a gun was pointed out the window of a car.

Incidents like that, Stephenson said, "remind all of us that we need to stand up for what we believe as Bereans."

Population: (1990): Berea, 9,126; Madison County, 57,608.

Per capita income (1988): $10,932, or $1,898 below the state average.

Jobs in county (1988): Manufacturing, 4,495; Wholesale/retail trade, 5,574; Services, 3,480, State/local government, 3,868; Contract construction, 47E.

Big employers: Berea College, 580 employees; Dresser industries (Industrial Instruments), 382; Hyster Company (Industrial truck lifts) 325.

Education: Berea Independent, 935 students; Madison County Schools, 8,573; Berea College, 1,683 students.

Media: Newspapers—The Berea Citizen, weekly; The Berea Register (an edition of The Richmond Register) weekly. Radio—WKXC-AM/FM (country).

Transportation: Highways—Interstate 75 and U.S. 25 serve Berea. Rail—CSX Transportation. Air—Madison County Airport, six miles north of Berea, and Lackey Airport, five miles north of Berea. Nearest commercial air service is Bluegrass Airport in Lexington, 48 miles northwest of Berea. Trucks—28 companies serve the town.

Topography: Berea lies on a ridge where the Bluegrass meets the foothills of the Cumberland Mountains.

FAMOUS FACTS AND FIGURES

College founder John G. Fee named Berea after a Greek town described in the Bible (Acts 17:11) as a place where citizens "were more noble than those of Thessalonica, in that they received the word with all readiness of mind and searched the scriptures daily. . . ."

A Berea College graduate created what is now known as Black History Month. Carter G. Woodson finished Berea in 1903, just one year before the Kentucky Legislature passed the Day Law, which barred blacks from the college. Woodson later became a distinguished history professor at the University of Chicago and started what was then called Negro History Week.

Juanita Kreps, another graduate, was Secretary of Commerce in President Jimmy Carter's administration.

Berea College students must learn to swim before they graduate, a tradition that dates back to 1929 when the college built a swimming pool. Because of the college's emphasis on lifetime skills rather than competitive sports, it was decided that all freshmen should either pass a swimming test or take lessons.•

LAMAR ALEXANDER, DEPARTING U.S. SECRETARY OF EDUCATION

• Mr. DURENBERGER. Mr. President, no aspect of public life is more important to the future of this country than education. And, over much of the Bush Presidency, one individual has done more than any other to reshape and renew the Federal Government's commitment to quality teaching and learning all over America. That individual is Lamar Alexander, departing Secretary of the U.S. Department of Education.

I first came to know Lamar Alexander in one of his previous lives—as Governor of Tennessee during a period when the relationships between States, cities and counties, and the Federal Government was one of my top priorities as chair of the Senate Subcommittee on Intergovernmental Relations.

During that time, of course, Secretary Alexander became known as one of the first—and best—of the education Governors. His commitment to improving the quality of education in his own State helped stimulate similar reform initiatives in a number of States all during the 1980's.

That commitment to State-based education reform became a central focus of Secretary Alexander's 3 years in the U.S. Department of Education. And, in particular, his role in designing and implementing President's Bush's America 2000 initiative and the New American Schools Development Corporation will be lasting legacies to his time in that important office.

Because of Minnesota's national leadership on State-based education reform, Lamar Alexander made a number of trips to Minnesota during his time in office. Of greatest personal pride to me personally was the visit that he and President Bush made to Minnesota in the spring of 1990 when they unveiled the legislation implementing the President's America 2000 initiative at St. Paul's Saturn School.

And, I also appreciate very much the support that Secretary Alexander gave here in the Congress to two of Minnesota's contributions to education reform—the right of parents to choose the schools their children attend, and the right of parents and teachers to start new, innovative public schools.

For many years, Mr. President, Secretary Alexander and his family have taken a well-deserved summer vacation fishing and relaxing with friends in northern Minnesota. I trust that those vacations will continue and that there may even be a bit more time for relaxing and reflecting on what has now been three decades of public service by this remarkable individual.

But, somehow, I don't think a preoccupation with fishing and relaxing will define Lamar Alexander's future. I suspect we will see many more of his contributions—in education and in many other aspect of public life—in the year to come. All Americans—and especially our kids—have much more to gain if we do.•

INCREASE IN THE MAXIMUM DEFICIT AMOUNT

• Mr. DOMENICI. Mr. President, in his inaugural address, President Clinton asked us to demand more responsibility from all. He also told us that: "We know we have to face hard truths and take strong steps." Today, we have an opportunity to do just that. Today, President Clinton can set the tone and display his resolve in combating our burgeoning Federal deficit. And, I believe I can safely say, Republicans stand ready to work with President Clinton in reducing deficit spending and putting our Nation on a sound fiscal footing.

Today, President Clinton must notify the Congress today whether he will weaken the discipline in Gramm-Rudman. By preliminary estimates, if he chooses to take the teeth out of Gramm-Rudman and adjust the deficit targets upward, he will increase the deficit by $72.2 billion.

The President will clearly be within his rights in the law on this decision. The 1990 Budget Enforcement Act required President Bush to adjust these targets for deposit insurance, economic, and technical changes for 1991 through 1993. The Bush administration always supported fixed deficit targets and supported the return to fixed deficit targets as contemplated in the law for 1994 and 1995.

The law continues to require President Clinton to make adjustments for deposit insurance, but it gives the new President the option as to whether he wants to stick to fixed deficit targets or allow them to continue to float for economic and technical adjustments.

The law also provides a $6.4 billion dividend in additional spending authority for the Appropriations Committee. If the President adjusts the deficit targets, he must also adjust the spending caps upward for budget authority by an estimated $3.5 billion in 1994 and $2.9 billion in 1995. The outlays associated with this adjustment amount to a total of $3.6 billion for the 2 years.

While I understand the problems with Gramm-Rudman's fixed deficit targets, if nothing else, they serve as an action forcing mechanism. It will force us to work together and confront the deficit and our debt problems this year.

I think the President makes a mistake if he chooses to adjust these deficit targets upward. The American people realize the dangers of a $350 billion deficit and a debt accelerating toward $5 trillion. The budget deficit represents the most serious long-term economic problem facing this country.

While I will not agree with the President if he chooses to make this adjustment, it will not affect my strong desire to work with this administration to meet the President's pledge to cut the deficit in half, down to $141 billion in 1996.

Mr. President, I ask that a letter by the Republican leader and me to President Clinton, along with a table showing maximum deficit amounts be printed in the RECORD.

The material follows:

U.S. SENATE,
Washington, DC, January 21, 1993.

President BILL CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Section 254 of the Budget Enforcement Act requires that you notify Congress today of your intention to modify the Gramm-Rudman-Hollings maximum deficit amount (MDAs) for 1994 and 1995 in your upcoming budget submission. We urge you to stick with the current deficit targets.

Your eloquent inauguration speech talked about hope for the future, action on the nation's problems, shared sacrifice, and the need "to break the bad habit of expecting something for nothing." Last year, you promised to cut the deficit in half over four years. Together with Bob Michel, John Kasich, and a number of our Republican colleagues in the House and the Senate, we are willing to work with you to fulfill that goal. Today, in your first full day as President of the United States, you have an opportunity to demonstrate your commitment to reducing the deficit over the next four years.

Sticking with the current Gramm-Rudman targets may be tough medicine, but, we believe that it is the right medicine. Your decision will send a signal about your willingness to tell the American people what they need to know, not what they want to hear. Failure to do so will increase the deficit by at least $26 billion in 1994 and $47 billion in 1995.

Cutting the deficit will not be easy. It will require sacrifice. Today, relaxing the Gramm-Rudman-Hollings deficit targets may look like the easy way out, but failure to make the tough choices now will make it even harder for us to control the deficit in the future.

We sincerely hope that working together, we can do what is right for our children and our grandchildren.

Respectfully,

BOB DOLE,
Republican Leader.
PETE DOMENICI,
Ranking Member,
Senate Budget Committee.

MAXIMUM DEFICIT AMOUNTS [MDA]

[In billions of dollars]

	1994	1995
Oct. 23, 1992 MDA's	307.8	302.5
Mandatory adjustment for deposit insurance	+27.1	+0.1
New MDA's	334.9	302.6
Optional adjustment for economic and technicals	+22.4	+42.8
Optional adjustment for discretionary caps	+1.4	+2.2
Subtotal optional adjustments	+25.5	+46.7
Adjusted MDA's	360.4	349.4

Note.—Based on OMB estimates. The actual adjustments will depend on the assumptions in President Clinton's fiscal year 1994 budget submission. The maximum deficit amount calculations do not include the receipts and disbursements of off-budget programs, such as Social Security.•

EDWARD J. DERWINSKI, FORMER SECRETARY OF THE DEPARTMENT OF VETERANS AFFAIRS

• Mr. DURENBERGER. Mr. President, former Secretary of Veterans Affairs Edward Derwinski became the first Cabinet officer for the Department of Veterans Affairs and, in following this precedent, presided over many other new beginnings within the Department.

The Council on Native American Veterans, the Court of Veterans Appeals, the National Center for PTSD, the Rehabilitation Research Center, the National Medical Ethics Center are a few of the innovations launched during his term of office.

More veterans received more benefits due to Mr. Derwinski's leadership: Service-connection was acknowledged in the case of non-Hodgkin's lymphoma, soft-tissue sarcoma, mustard gas effects, peripheral neuropathy. The agent orange controversy was defused and set on a course to final resolution. Alcohol/drug dependence programs were expanded, as were educational benefits to include vocational and technical training.

An internal view to upgrading the VA medical care system was initiated in the Commission on Future Structure of Veterans Health Care. Secretary Derwinski also strongly supported the accreditation by the Commission on Healthcare Organizations for smoke-free veterans' hospitals.

He faced a war in 1990 and made sure the VA's emergency medical system was in place; he instigated a tracking system of this war's related health problems by installing a war veteran's registry. He waged another war on Hurricane Andrew and awarded Pearl Harbor survivors medals for their service.

When he left office in September 1992, there were 113 national cemeteries, 196 vets centers and 15 geriatric centers. For all his years of public service, we salute him.•

INSPIRATIONAL VOLUNTEER EFFORTS OF DADE COUNTY SENIORS

• Mr. GRAHAM. Mr. President, today I would like to congratulate a group of outstanding citizens in my State of Florida. These men and women have given a great gift to their communities—they have given of themselves.

Their volunteer efforts are an inspiration to all. On Wednesday, January 27, 1993, the Liberty City Christian Association will be honoring these citizens for their unselfish dedication to making their State and community a better place in which to live.

The honorees are activists, ministers, educators, parents, grandparents, and great-grandparents whose tireless services are truly appreciated. Today, I am pleased to recognize Mamie E.P. Chester, Essie Cobbs, Ruth C. Crockett, John B. Dickey, Daisy Hardie, Melvin

Jackson, Pearlie Kinsey, Maggie McBirney, Iola Pugh and Sulian Pugh, Dorothy Quintana, Ruby Thomas, and Evelyn Wilkins.

Florida and Dade County are fortunate to have these inspiring senior citizens. I congratulate them today and wish for them many more productive and healthy years.•

SALUTING PUBLICATION OF CHILD SAFETY BOOK

• Mr. DURENBERGER. Mr. President, I would like to talk to you about safety.

The families of Minnesota and this Nation are acutely aware of how important it is for children to feel safe. If a child is confronted with scary adults or surroundings, he or she ought to be able to do something about it. A feeling of security must be part of the development of a child's self-image, the bedrock of success as girls and boys grow and learn at home, in school and in their neighborhoods.

Moms, dads, and kids can do something to make this world safer. I stand here today, Mr. President, to congratulate Kate Soucheray, a Minnesota mother of three and former elementary school teacher, on the publication of "I Am Safe: A Child's Book of Personal Safety." Ms. Soucheray and her oldest child, Maggie, collaborated to write and illustrate this important book that drives home the message that a child's response to danger can be a powerful deterrent. Page after page, kids are encouraged through clear instructions, activities, quizzes, and pictures they might have drawn themselves to speak up, say "no", when someone makes trouble for them.

Mr. President, Ms. Soucheray took the initiative to learn about the hard realities a child must face. She consulted with experts. As a schooled adult and a loving parent, she understands child sexual abuse, kidnaping, and the fear from simply getting lost at the mall. She lets kids know they can handle such scary things, if only they know how.

Through the eyes of her children, and the children she has touched during years in the classroom, Kate Soucheray has made a great contribution. Mr. President, I salute her, and I thank her.•

THE PASSING OF PROF. JAY MURPHY, DISTINGUISHED ALABAMAN

• Mr. SHELBY. Mr. President, on December 16, the State of Alabama, the University of Alabama, and the Nation lost an individual of singular intelligence, dedication, and integrity. Prof. Jay Murphy was a distinguished labor law professor at the University of Alabama Law School and a leading national labor arbitrator. Professor Murphy was one of my instructors at the University of Alabama Law School. His teaching deeply enriched my legal education and I can truly say that I am a better person for having known him.

Professor Murphy was born in Illinois in 1911. In 1943 and 1944 he earned his J.D. and LL.M. degrees from George Washington University. He joined the faculty at the University of Alabama in 1947 and remained on the faculty for the next 34 years. He was a valued member of the university and Tuscaloosa communities throughout his life. His time in Tuscaloosa left a lasting impression on the university and the community as a whole.

What distinguished Professor Murphy from other individuals was his unwavering integrity, his commitment to deeply held principles, and his intellectual liveliness. Professor Murphy was a committed civil rights activist long before the cause was considered acceptable in Alabama. Widely published in the area of civil rights law, no one could ever argue that Jay Murphy was not absolutely committed to the principles that he espoused. He was absolutely unwilling to cede a matter of principle for the sake of convenience, no matter how unpopular that principle might have been with the general public.

As a labor arbitrator, he was known for his sense of fairness. This commitment to fairness led to an intense demand for his services up until the time of his death. When he died at the age of 81 in December, he was in the middle of arbitrating a case involving a company in Tennessee.

Finally, Professor Murphy's life was characterized by an intense commitment to learning and intellectual growth. He was a widely read individual who had a keen interest in many subjects beyond the field of law. Like all great minds, Jay Murphy did not recognize formal boundaries within academic disciplines. Rather, his varied interests in philosophy, astronomy, and biology reflected the belief that all academic pursuits ultimately drive toward the same spiritual end.

I found Professor Murphy to be one of the most engaging people that I ever encountered, both as a student and as a resident of the Tuscaloosa community. I was saddened to hear of his passing. However, I find comfort in the thought that he lived a full and productive life that enriched the many people who came in contact with him. We are all a little less in his passing, but are all a little better for having had him on this Earth.•

TRIBUTE TO STANLEY E. HUBBARD

• Mr. DURENBERGER. Mr. President, I have always taken great pride in acknowledging the accomplishments of Minnesota's entrepreneurs, and Stanley E. Hubbard stands among the greatest of the State's business pioneers.

Stanley opened the first television station to broadcast in Minnesota; he was the first in the Midwest to broadcast color television signals; and his station became the first NBC–TV affiliate in the United States.

Stanley Hubbard was one of a kind. He operated as if he never heard the phrase, "But we've never done it that way before." He was a risk-taker, and he gave a lot of young people the opportunity to learn the broadcasting business.

He was dedicated to the news, as dedicated as any hard-core beat reporter or photographer in getting the story. He had a lot of the qualities of a dreamer—he wasn't afraid of new technologies and he used them in ways that his contemporaries hadn't thought of.

He will be missed by his friends in the business and in the community, but "the Old Man's" legacy lives on through his son, Stanley S. Hubbard, and his grandchildren, many of whom play a role in Hubbard broadcasting. Stanley S. Hubbard continues to carry on the Hubbard tradition of pioneering in telecommunications, and commitment to the community.

I extend to all of the Hubbard family my sympathies at their loss. It is a loss that I feel personally, as well as on behalf of the people of Minnesota.•

A BIGGER TAX BILL?

• Mr. MACK. Mr. President, just as candidate Clinton promised, this is a time to give tax relief to middle class working men and women. It is definitely not time to pile additional taxes on them. Does President Clinton think differently?

On NBC's "Meet the Press" Sunday, Treasury Secretary Bentsen said, "We have to do things to cut back on consumption and encourage investment for the creation of jobs in this country." In order to do this, he told us, "What you're going to see * * * is some consumption tax is going to take place."

In other words, the new Treasury Secretary is telling us that in order to get Americans to invest more in jobs and businesses, the Federal Government must first send them a bigger tax bill. This makes no sense. Everybody knows that if you tax something, you get less of it. Sure, if you tax consumption more, you will get less consumption, too. But does this automatically mean you will get more investment? No.

If we increase consumption taxes—on energy or anything else—the revenue will go to the Government. And it will do what it always does—spend it. Even if the Government spends the consumption tax revenue on investment, think what this means. We will have more Government spending, and less private spending. We will have more Government investment, and less private investment. We will have more Government jobs and fewer private sector jobs.

This is the wrong solution to the wrong problem. Our problem is a lack of private investment, not Government investment. We should be trying to develop ways of empowering Americans to invest in new jobs and businesses in the private sector—just as Clinton said repeatedly during the campaign—not empowering Government bureaucrats with more tax dollars.

I am taking candidate Bill Clinton at his word. I have introduced legislation that would enact five policies Clinton said he wanted to accomplish that would empower people and boost jobs: Enact a line-item veto, lower the capital gains tax, create enterprise zones, raise the Social Security earnings test, and establish workfare.

The Treasury Secretary has it all wrong. If he wants to boost private investment, do not hike taxes on consumption. Lower taxes on investment. Our taxes on investment are already among the highest in the world. We need to lower the cost of doing business, not raise the cost of the products businesses sell by imposing new consumption taxes.

Let us also hope the new administration figures out that you get more investment by lowering taxes, not by increasing them. Mr. Clinton, read your book: No new taxes on the middle class.

The economy cannot withstand a Clinton economic plan based on more taxes, more Government and more spending.•

SPRING MOUNTAINS NATIONAL RECREATION AREA ACT

• Mr. REID. Mr. President, I rise today in support of the Spring Mountains National Recreation Area Act, introduced by my colleague Senator BRYAN.

A national recreation area is characterized as an area having outstanding combinations of outdoor recreational opportunities, esthetic attractions, and proximity to potential users. It may also have cultural, historical, archeological, pastoral, wilderness, scientific, wildlife, and other values contributing to public enjoyment.

A Spring Mountains National Recreation Area would have all of these attributes. The Spring Mountains are unique unto themselves and should have special designation and emphasis as a national resource. Since entering the Senate in 1986, I have fought for the protection and proper resource management of the wild lands surrounding southern Nevada. This measure would complement two important pieces of legislation that I, supported by my colleague, Senator BRYAN, have championed. The Nevada Wilderness Act of 1989 and the Red Rock National Conservation Area Act. As a result of these acts the pristine lands surrounding the Spring Mountains will be afforded the management and care they deserve.

The growing population of Clark County, is presently 820,000 and is expected to increase to 1 million by the year 2000. At this time there is no other area within one-half day's drive that provides climatic relief and forest recreation. The Spring Mountains offer a forest environment within 35 miles of Las Vegas, with a temperature difference of 30 degrees in the summer. The next closest type of this kind of environment for southern Nevadans is 5 hours away.

Along with the increase in population, Las Vegas attracts 14 million tourists each year, many of whom visit the Spring Mountains. These visitors are discovering that southern Nevada has a lot more to offer than just gaming.

This national recreation area would consist of approximately 316,000 acres of the Toiyabe National Forest, rising from the high desert floor to the subalpine environment at the top of majestic Mount Charleston. In just 15 miles, a person can experience all six vegetative life zones. A trip to the top of Mount Charleston is similar to a journey from Mexico to Alaska in terms of elevation.

Recreational opportunities abound in the Spring Mountains including, camping, hunting, picnicking, hiking, and riding trails, off-road vehicle trails, rock climbing, and winter sports. These are just a few of the outdoor experiences available in the Spring Mountains.

In addition, the bristlecone pines of Mount Charleston, approximately 18,800 acres of these ancient trees, are the oldest living organisms in the world. This is the largest continuous stand in the intermountain region. The stunning beauty of Kyle and Lee Canyons with their rugged cliffs and steep walls have a striking resemblance to Yosemite Valley.

In essence, the Spring Mountains are truly an oasis in the desert, a jewel in the crown of Nevada's natural throne. I urge my colleagues to support this measure so that many generations to come will enjoy this unique natural wonder.•

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-424. A communication from the Associate Director (National Security and International Affairs), Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the annual report on negotiations concerning offsets in military exports; to the Committee on Banking, Housing and Urban Affairs.

EC-425. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the 1991 report on the Federal National Mortgage Association; to the Committee on Banking, Housing and Urban Affairs.

EC-426. A communication from the President of the United States, transmitting, pursuant to law, a report concerning the national emergency with respect to Libya; to the Committee on Banking, Housing and Urban Affairs.

EC-427. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on pipeline safety for calendar year 1991; to the Committee on Commerce, Science and Transportation.

EC-428. A communication from the President of the United States, transmitting, pursuant to law, the 1992 annual report on Alaska's Mineral Resources; to the Committee on Energy and Natural Resources.

EC-429. A communication from the President of the United States, transmitting, pursuant to law, three study reports prepared by the Department of Agriculture's Forest Service; to the Committee on Energy and Natural Resources.

EC-430. A communication from the President of the United States, transmitting, a draft of proposed legislation entitled "Montana Public Lands Wilderness Act"; to the Committee on Energy and Natural Resources.

EC-431. A communication from the President of the United States, transmitting, a draft of proposed legislation entitled "Colorado Public Lands Wilderness Act"; to the Committee on Energy and Natural Resources.

EC-432. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report on Ocean Pollution, Monitoring, and Research for fiscal year 1990; to the Committee on Environment and Public Works.

EC-433. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the annual report on the operation of the International Coffee Agreement; to the Committee on Finance.

EC-434. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, a draft of proposed legislation entitled "Iraq Claims Act of 1993"; to the Committee on Foreign Relations.

EC-435. A communication from the Secretary of Education, transmitting, pursuant to law, the final regulations—Family Educational Rights and Privacy; to the Committee on Labor and Human Resources.

EC-436. A communication from the President of the United States, transmitting, pursuant to law, the twenty-first annual report on Federal Advisory Committees for fiscal year 1992; to the Committee on Governmental Affairs.

EC-437. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-438. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-439. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-440. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-441. A communication from the Acting Administrator of the Agency for International Development, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-442. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-443. A communication from the Secretary of Transportation, transmitting, pursuant to law, the semi-annual report of the Office of the Inspector General and the Secretary's Management Report, both for the period of April 1, 1992 through September 30, 1992; to the Committee on Governmental Affairs.

EC-444. A communication from the Staff Director of the United States Commission on Civil Rights, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-445. A communication from the Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-446. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-447. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-448. A communication from the Director of the United States Trade and Development Agency, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-449. A communication from the Acting Secretary of Veterans' Affairs, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-450. A communication from the Acting Secretary of Treasury, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-451. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-452. A communication from the Acting Assistant Secretary (Indian Affairs), Department of the Interior, transmitting, pursuant to law, notice of the plan for the use of the Soboba Band of Mission Indians of the Soboba Indian Reservation; to the Select Committee on Indian Affairs.

EC-453. A communication from the Secretary of Education, transmitting, pursuant to law, the final regulations—Student Assistance General Provisions; to the Committee on Labor and Human Resources.

EC-454. A communication from the Secretary of Education, transmitting, pursuant to law, the final regulations—Guaranteed Student Loan and PLUS Programs; to the Committee on Labor and Human Resources.

ORDERS FOR TOMORROW

Mr. FORD. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 1 p.m., Wednesday, January 27; that following the prayer, the Journal of proceedings be deemed approved to date; and following the time for the two leaders, there be a period for morning business, not to extend beyond 2 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1 P.M. TOMORROW

Mr. FORD. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate at 5:56 p.m. recessed until Wednesday, January 27, 1993, at 1 p.m.

NOMINATION

Executive nomination received by the Secretary of the Senate January 25, 1993, under authority of the order of the Senate of January 5, 1993:

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN HOWARD GIBBONS, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE D. ALLAN BROMLEY, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 26, 1993:

DEPARTMENT OF STATE

MADELEINE KORBEL ALBRIGHT, OF THE DISTRICT OF COLUMBIA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS WITH RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

CLIFTON R. WHARTON, JR., OF NEW YORK, TO BE DEPUTY SECRETARY OF STATE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive message transmitted by the President to the Senate on January 26, 1993, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF JUSTICE

ZOË BAIRD, OF CONNECTICUT, TO BE ATTORNEY GENERAL, WHICH WAS SENT TO THE SENATE ON JANUARY 20, 1993.

EXTENSIONS OF REMARKS

A VERY SPECIAL VOICE OF AMERICA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. MICHEL. Mr. Speaker, for 38 years, a voice of America has been broadcasting over the airwaves of the Voice of America [VOA], sending a message of freedom and hope to millions who lack freedom. This voice has been described as a mellifluous bass, with a warm tone and crisp diction. It is the voice of Willis Conover, one of the most successful foreign policy spokesmen the United States of America has ever been blessed with.

The truly amazing thing about Willis Conover's success in telling our Nation's story to the world—and especially to the world behind the Iron Curtain during the cold war—is that he never makes foreign policy pronouncements, never even refers to politics, and, in fact, never propagandizes at all. What he has done—and what he continues to do—is to talk about the very best in American music, with an emphasis on jazz, and then play recordings of the various jazz masters. That's it, just good music, intelligent, informed commentary on the music, and a commitment to excellence. But what an impact such a formula has had on foreign audiences. In Willis Conover's own words:

> My formula is simply to play the best music. I don't sell America, which is not for sale. Nor do I sell jazz: the music speaks for itself.

It is precisely Willis Conover's willingness to let the best of America's music speak for itself which has made him a hero to those denied freedom. They knew when they tuned in Mr. Conover that they were not going to be subjected to political commentary, but to jazz, America's indigenous musical art form, a music rooted in ordered freedom, the very symbol of what America should stand for around the world. His credibility to listeners of VOA has been a tremendous advantage in making VOA itself trusted around the world.

Mr. Speaker, I plan soon to introduce a resolution putting the House of Representatives on record as formally saluting this American spokesman, whose work is all but unknown to his fellow Americans. At this time I wish to insert in the RECORD an article by David Burns, "30 Million Know His Voice—You Don't," published in World Monitor magazine, February 1993.

30 MILLION KNOW HIS VOICE—YOU DON'T

(By David Burns)

His voice is a mellifluous bass. The tone is warm, the diction crisp, the delivery slow and careful. Some 30 million people hear the voice daily. Millions around the world recognize it instantly. But few Americans would.

"The Voice of America needed a voice that could cut through the static and fading which sometimes afflicts shortwave," he explains. "So I slowed down the pace and stretched out the delivery.

"But, not—with—pauses. No-o-o, what I trii-ed to do-o-o was pro-o-lonnng the vowellllls. I thought of it as bel canto singing."

The world knows this voice, and knows the music it introduces on radio. The voice is Willis Conover's. The music is America's jazz.

For 38 years Conover's "Music USA" program has swung out on the Voice of America (VOA), the radio arm of the US Information Agency that tells "America's story to the world." The estimate of 30 million listeners daily comes from The New York Times. Whatever the exact number, there is general agreement that "Music USA" has a larger and more loyal audience than any other continuing international broadcast.

Not many people in that audience are Americans. Under the law, VOA programs are not allowed to be broadcast in the United States.

A Latin American diplomat called Conover the US's best goodwill emissary. Several US journalists said he was America's most influential "ambassador" to Communist-bloc countries during the Cold War—a view shared even by some US diplomats. When Poland's President Lech Walesa invited Conover to a state dinner at Poland's Washington embassy, the ambassador told him, "In my country, you are a legend."

For several decades, Conover's broadcasts were the only link to jazz for musicians in Eastern Europe. In the 1960s and 1970s, when listening to VOA was politically dangerous, Eastern Europeans secretly recorded his program, often using old X-ray film instead of acetate for discs.

His listeners know that whether he plays early Louis Armstrong or recent Wynton Marsalis, they will hear the best jazz America has to offer.

Conover thinks his radio style may also paved the way for VOA's broadcasts in "Special English"—simplified English spoken slowly. Many listeners say they learned English by listening to his shows. "If I don't speak English so good, Willis," one of them wrote, "it's your fault!"

Conover's on-air comments are brief, never cute or clever. The emphasis is on jazz and the artists who create it. He wears well.

"My formula is simply to play the best music. I don't sell America, which is not for sale. Nor do I sell jazz: The music speaks for itself. I see myself as a kind of messenger. I visualize one listener, an intelligent person listening carefully, not some crowd out in 'radio land.'"

Now in his early 70s, Conover is as busy as when he started in radio in 1939. He broadcasts six 45-minute "Music USA" jazz programs every week, worldwide, in English. He's heard each night in several hundred cities in Western and Eastern Europe. He has a tape of every "Music USA" he's done, more than 20,000 of them.

He also does two 30-minute world-wide broadcasts of what he calls "enduring popular songs—the singers and instrumentalists who are concerned with quality, not the latest fad."

Then there's "Music With Friends," a weekly half-hour broadcast in Poland. "It's the kind of records you play for people when they drop by," he explains.

Finally, he squeezes in special music programs aimed at countries his regular shows have missed.

What ties all this together is Conover's love and appreciation of American jazz.

"Jazz is America's classical music," he says. "Some say rock is just another form of jazz, as Dixieland, swing, and bop were. My mind tells me this could be true, my heart tells me it's false."

More than loving jazz, Conover believes in it. To him jazz and America mean the same thing: freedom.

"Jazz is a liberating kind of music. It helps people stand up straight," he says. "Every emotion—love, anger, joy, sadness—can be communicated with the vitality and spirit that characterize our country at its best—which is of course the same freedom that people everywhere should enjoy."

President Reagan, in a letter congratulating Conover on his contributions to jazz and international broadcasting, quoted from two Bulgarian émigrés to America:

"We are two lucky escapees from behind the Iron Curtain. We have been living for years with you, your voice, and your music. There is absolutely no way that we can describe what enormous importance you have for somebody living there. . . . You are the music, you are the light, you are the voice of America. You are America."

Conover has traveled to some 50 countries, and his presence has triggered tumultuous scenes. He is still amazed at his first arrival in Warsaw in 1959. When the plane landed, he saw dignitaries, young girls with flowers, reporters with cameras and tape recorders, a band, and an immense crowd pushing forward despite police barriers, all obviously waiting for a VIP.

Only when Conover stepped through the aircraft door and the crowd broke into a deafening cheer did he realize it was waiting for him. "I was stunned!" he says. "I have never been so surprised in my life! As we drove into town young people rode alongside on bicycles and motorscooters and waved at me."

"What's going on?" he asked an official from the American Embassy. "Tonight and tomorrow night, jazz musicians from all over Poland are coming at their own expense to demonstrate to you what they have learned from listening to your programs," the official answered.

Musicians in the former Soviet Union credit Conover with inspiring the revival of jazz there.

Several years ago, the Leningrad Dixieland band, together with a mob of fans greeted him on arrival. One exuberant Russian musician greeted him warmly, "Villis! You are my father!"

Conover quickly puts this praise in perspective.

"It's not me but the musicians heard on my programs who deserve the credit," he says. "To me, Louis Armstrong is the heart of jazz, Ellington its soul, and Basie its happy dancing feet. The soloist who moves

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

me more than anyone else in Ben Webster, the tenor saxophone star with Duke for many years. Ben Webster playing a ballad like 'Where Are You?' or 'Chelse Bridge.' Nothing can touch that."

Over his four decades of broadcasting, Conover has interviewed writers, composers, and other artists, as well as just about all the major jazz figures, including giants like Armstrong, Ellington, Billie Holiday, and Dizzy Gillespie.

"I am awed by few of the artists I meet," he says. "I can usually converse with them easily enough. With some artists, though, I remember little of what was said because I kept telling myself, 'That's Igor Stravinsky or Fred Astaire or Jorge Luis Borges sitting there and talking with me!"

Willis Clark Conover Jr. was born in 1920 in Buffalo, New York, the son of a career Army officer. At 14 he played a radio announcer in a school play, and his career was set. By 18 he was working at a small Maryland radio station.

In 1942 he was drafted. Since he had interviewed celebrities as a civilian broadcaster, the Army thought he should interview inductees. Stationed at Fort George C. Meade, Maryland, near Washington, D.C., Conover worked weekends playing jazz for a local radio station.

When the war ended, he stayed in Washington, broadcasting jazz. With its large black population, Washington was a good town to hear jazz and see jazz musicians. Conover got to know many of them and promoted a number of jazz concerts.

Washington jazz enthusiasts remember with great affection his Saturday midnight concerts at The Howard, a theater that was a very important venue for black entertainers.

"When I was master of ceremonies for Louis Armstrong during a run at The Howard, I shared a dressing room with [trombonist] Jack Teagarden," Conover recalls, pronouncing "Louis" not as "Louie" but as "Lewis," the way Armstrong himself did. (This voice of jazz is a perfectionist, a world-class proofreader who wants to be sure whether bandleader Moten's name is Benny or Bennie, even though the listener would never know.)

"Earl Hines [the great pianist] was in the next room, and Louis was down the hall. Jack had a little radio built into his trombone case. He would have it playing. If something interesting came on, he'd pick up his trombone and start playing along with it. Louis would hear him, pick up his horn, and start playing. I thought, 'My God, what an experience this is!'"

In 1954 the Voice of America decided to broaden its musical programs. Conover was a natural for VOA's new jazz show—he had years of experience, an encyclopedic knowledge, an infectious enthusiasm.

He was hired as a contract employee, and has remained "on contract" ever since. So he has a reply when bureaucrats or other critics complain, such as the American woman traveling abroad who wrote, "Is that wild, weird music what you're spending my tax dollars for?" Conover: "Fortunately, I'm not on the staff. I'm available for gigs."

The gigs have included narrating jazz concerts in Carnegie Hall, Washington's Kennedy Center, the White House, and international festivals in 40 other countries. Also, Conover long kept his night jobs hosting jazz radio programs for commercial stations and networks in Washington and, for a while, in New York.

Indeed, if you took a taxicab in Washington most nights during the last 30 years, you probably heard Conover on a local AM radio station. He was a favorite of local cab drivers.

But VOA is his true love. He quit his New York job after a few years because "what I was doing at the Voice had more meaning for me."

He's retired from most of his commercial broadcasting work now. And a few years ago he licked cancer. Today his focus still is VOA, and completing his autobiography.

Conover tapes a week's worth of VOA programs in three long sessions in a studio that he calls a "cluttered little dive" in the shadow of the Capitol dome—there's only one spare chair for a visitor or interviewee. His engineer is Efim Drucker, a Russian émigré who was a teenager in the Soviet Union when he first heard Conover.

In China there was another Conover fan, a writer and artist named Evelyn Tan. Ten years ago she wrote him telling how much his programs meant to her. They later met and soon were married (it was Conover's second marriage). A journalist and commercial artist, Tan is an assistant editor for the international edition of USA Today and is editing her husband's autobiography.

Willis Conover is one of the fortunates. He loves his work and his work loves him. In almost every country but his own he is as well known as any American jazz artist, especially among jazz musicians.

In the dark years of the Cold War, Willis Conover and his music offered the best of America. He played the songs and showed the light.

THE PASSING OF THURGOOD MARSHALL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. GILMAN. Mr. Speaker, I rise to join with my colleagues in noting the passing of one of the great Americans of the 20th century, both in his impact on our society and in his moral certitude which became an inspiration for generations.

Thurgood Marshall was born in 1908, a bygone era when the abolition of slavery and the Civil War were living memories. Thurgood Marshall was the great-grandson of a black man who was kidnapped in Africa and sold into slavery in America. His grandfather was a slave who enlisted in the Union Army during the Civil War to fight for freedom and equality for all. Thurgood Marshall was raised in a place and time when Jim Crow was the law of the land and racial prejudice and discrimination were taken for granted.

In that atmosphere, Thurgood Marshall early grasped the inequities in his world, and determined to create a society better for all. With his keen intellect and instinctive gift for the law, he worked his way through Lincoln University, a black school in Pennsylvania, and graduated first from his class from the Howard University Law School in 1933.

After gaining renown for successfully arguing civil rights cases, Thurgood Marshall was appointed, first as an assistant, and then as chief legal counsel to the NAACP. In 1939, he used that position to create the NAACP Legal Defense and Education Fund. As the head of that system from 1940 to 1961, Thurgood Marshall became the most outspoken and adept champion of equal rights before the bar.

Thurgood Marshall's finest moment perhaps came in 1954, when he successfully argued the Brown versus Topeka case before the U.S. Supreme Court. His concise arguments, which will be analyzed by students for centuries to come, awakened first the Court and finally all Americans to the simple fact that segregation based on skin pigmentation is inherently unequal; that it harms the minority students as well as our society as a whole.

During his years before the bar, Thurgood Marshall argued successfully against poll tax laws, against housing discrimination, and against all white primary elections. He was the catalyst in the successful and highly publicized desegregation of the high schools in Little Rock, AK.

In 1961, President John F. Kennedy appointed Thurgood Marshall to the U.S. Court of Appeals. In 1965, President Lyndon B. Johnson appointed him Solicitor General of the United States—the first African-American to hold this position. While Solicitor General, Thurgood Marshall's arguments won Supreme Court approval for the Voting Rights Act of 1965, a piece of legislation which historians now tell us is perhaps the single most significant and far-reaching law passed by Congress in the past 50 years.

In 1967, President Johnson appointed Thurgood Marshall to be the first African-American ever to serve on the U.S. Supreme Court. At the time of this history-making appointment, President Johnson noted that Thurgood Marshall had won all but 3 of the 32 cases he had argued before the Supreme Court. "That's a batting average of .900!" President Johnson exclaimed at that time, little realizing that Thurgood Marshall would become the last Supreme Court Justice to be successfully appointed by a Democratic President for a quarter century.

During that quarter century on the Supreme Court, Thurgood Marshall consistently proved to be the champion of the underdog and the oppressed. As the conscience of the Court, Justice Marshall consistently reminded us that the law exists to protect the individual, not the other way around. Often, Justice Marshall cast the deciding vote in landmark cases. Other times, Justice Marshall was in the minority in defending the rights of the oppressed. In still other situations, Justice Marshall was a lone voice calling in a wilderness. Whatever the case, however, Justice Thurgood Marshall never failed to touch the hearts and the minds of all Americans.

When Thurgood Marshall passed away this past weekend, our colleague, the gentleman from Georgia, Mr. LEWIS said: "We must recognize the great role he played in history. We must never forget his contributions to American society. Justice Marshall has truly helped America live up to its creed and philosophy."

Mr. Speaker, I urge all of our colleagues to join in expressing condolences to the family of Justice Thurgood Marshall, and to join me in saluting an American whose life proved that one person can indeed make a significant difference.

IN SUPPORT OF PRESIDENT CLINTON'S RECISION OF THE GAG RULE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. ENGEL. Mr. Speaker, I rise today to applaud President Clinton for his January 22 recision of the highly restrictive title X gag rule. Thanks to his sensitivity and respect for the rights of both doctor and patient, millions of women will no longer be purposefully denied important medical information by the U.S. Government.

As most of us know by now, title X funds more than 4,000 family planning clinics nationwide, serving more than 4 million women annually. The clinics provide services including birth control information, yearly gynecological exams, prenatal care, and abortion services. Thanks to President Clinton, every individual once again has the right to receive full medical information about their health care options, regardless of whether or not they are able to afford a private doctor or must use a family planning clinic.

Now, under President Clinton's leadership, we must work towards reaffirming every woman's basic right to choose. Over the past 12 years, Federal and State Governments as well as all levels of the judicial system have slowly stripped away abortion rights. Today, in several States, only the most barren shreds of abortion rights remain intact. Now we must work to assure that reproductive choice is available to all women, regardless of the State in which they reside.

That is why I urge my colleagues to support the Freedom of Choice Act. This legislation will codify the principals in Roe versus Wade and prevent States from stripping away the constitutional rights of women. While I applaud President Clinton for his courage and compassion in his recent gag rule recision, like many citizens I will not be completely satisfied until we fully restore the basic right of reproductive choice to all Americans.

THE CROATIAN PARTY OF RIGHTS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. TRAFICANT. Mr. Speaker, I submit the following statement by the Croatian Party of Rights to my colleagues for their consideration:

CROATIAN PARTY OF RIGHTS,
Zagreb, January 15, 1993.

To the American People and the U.S. Congress.

We as leaders of the opposition Croatian Party of Rights and members of Croatian Parliament, and respectively as Vice-President of the Parliamentary Committee for Human Rights and President of the Parliamentary Committee for Petitions and Complaints, wish to inform you, the American People and your representatives in the United States Congress of further undemocratic acts being committed by the Government of the Republic of Croatia. This letter is in specific reference to upcoming parliamentary elections scheduled for Sunday, February 7, 1993, called by the Ruling Party and its President, the President of Croatia, strongman Franjo Tudjman. The sole purpose of the forthcoming elections is for the consolidation of the dictatorship President Tudjman has already created together with his henchmen.

The February 7th elections will elect parliamentary members to a second house of Croatian Parliament. The date of the elections was only made public knowledge one month prior to the election day, leaving little time for opposition parties to organize, properly prepare and successfully get a candidate of their own on the ballot.

The ruling party in Croatia, the Croatian Democratic Union, wrote the electoral laws governing the elections. Having majority rule in the existing one-house of Croatian Parliament via fraudulent elections held last August, it was able to pass the entire code, refusing all opposition amendments to the code. There are serious broaches of democratic principles in the existing election code, all of which lead our party to protest these elections by boycotting our participation in them.

Irregularities in the code include: i) refusal to establish multiparty electoral overseeing commissions; ii) using a proportional electoral system (ideal for a political climate in which there are four or more significant political parties in question) under present political circumstances (one can only really speak of two or three main parties), and iii) lack of second round elections in circumstances in which it would be warranted.

Vladimir Seka, Vice-President of the Government of Croatia, recently stated that the Ruling Party has every right to choose whichever kind of election code and system it prefers. The author of the new election code, Professor Smiljko Sokol, now justifies the use of the proportional system of establishing party candidates in these elections, by saying that two parties are enough for the proportional electoral system to be used, despite the fact that he himself wrote a law textbook asserting that at least four parties are necessary to use such a system.

It is unfortunate, but we are compelled to emphasize that the situation in Croatia as regards law and democracy is far from normal, and that lawlessness very often is condoned and even initiated by the Ruling Party, particularly when the victim of this lawlessness and criminal behaviour is/are members or parties of the Opposition. The Croatian Party of Rights has done extensive work in documenting such abuses. Since Mr. Paraga's letter to the United States Congress, documented in the Congressional Record of February 11, 1992, the human rights and democracy situation in Croatia has deteriorated.

In the past year, 26 members of the Croatian Party of Rights were killed in circumstances which were not combat-related and suggest political motives and for which no official police investigations were conducted. For many of these killings, the Croatian Party of Rights has evidence which shows that members of the Croatian Police and Army were involved. In recent days, I, Mr. Paraga, was informed by high level Croatian officials that an assassination attempt against me is under preparation. This is not the first time I have been informed of such news. On September 22, 1991, the then Vice President of the Croatian Party of Rights, Ante Paradzik, was gunned down by machinegun fire in an automobile in which I too was supposed to be travelling and was not only due to a last-minute change in plans. Only days before the murder were we informed that the Government was planning our assassination.

It is the desire of the Croatian Party of Rights to further freedom and democracy in Croatia and to battle all which hinders the same. We call upon you, the American People, to appeal to your duly-elected representatives in Congress to show strength and resolve toward governments, and particularly in this case toward the Croatian Government, in demanding that inalienable democratic principles be upheld throughout the world and that no government be rewarded for using political power for opportunistic gain.

Respectfully yours,

D. PARAGA,
President,
Member of Parliament.

INTRODUCTION OF SECURITIES LEGISLATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. MARKEY. Mr. Speaker, today I and several of my colleagues are introducing four separate bills that, together, would enhance the quality of securities regulation, augment the safety and efficiency of the Nation's securities markets, and improve the protection of investors generally. While each bill addresses a discrete set of issues, they are all inextricably linked by the common goal of combating excess and abuse. Fueled by the twin engines of deregulation and the greed is good mentality of the 1980's, securities fraud and abusive practices continue to flourish in several areas. In 1990, in partial response to such activities, Congress passed the Market Reform Act of 1990, the most significant reform of the securities laws in decades.

This year, we will seek to complete that job by enacting legislation that would: Reform the $4 trillion government securities market in the aftermath of the Solomon Bros. scandal; improve Securities and Exchange Commission [SEC] oversight of the financial planner industry and enhance consumer protections in the wake of the $100 million Institutional Treasury Management scandal; protect investors threatened by abusive rollups of their limited partnerships; and require auditors of public companies to take reasonable steps to detect fraud in response to the contributory role of the auditors in the S&L scandal and other debacles like ZZZZ Best, College Bound, and Fruehauf Trailer Corp.

GOVERNMENT SECURITIES REFORM

Accordingly, I join with Representative DINGELL, chairman of the Committee on Energy and Commerce, and Representative FIELDS, ranking Republican on the Subcommittee on Telecommunications and Finance, and Representatives SYNAR, WYDEN, and COOPER in introducing, first, the Government Securities Reform Act of 1993. After a lengthy investigation into the regulation of the government securities market—punctuated by the Salomon

Bros. scandal—and revelations of widespread violations by other securities firms and bank dealers, the Subcommittee on Telecommunications and Finance found evidence that the Treasury Department and the Federal Reserve had largely turned a blind eye to the potential for wrongdoing in the government securities market. The subcommittee also found that the SEC, which is supposed to be the Nation's cop on the beat, lacked many of the tools needed to detect and deter fraud and bring wrongdoers to justice.

The bill we are introducing today would rectify this situation and other problems uncovered by the subcommittee by: First, extending the SEC's authority to prescribe specific antifraud and antimanipulation rules to the government securities market; second, requiring government securities brokers and dealers to develop internal controls aimed at preventing fraud, manipulation, or other wrongdoing; third, providing regulators with an early warning of potential problems by requiring reports of large concentrations of positions in the Treasury market; fourth, assuring that government securities brokers and dealers maintain transaction records adequate to allow the SEC to carry out its surveillance and enforcement activities; fifth, lifting current restrictions that prevent the National Association of Securities Dealers [NASD] and the appropriate regulatory agencies for financial institutions from developing and applying normal sales practice and other rules of fair practice to the government securities activities of the entities they regulate; and sixth, providing the SEC with backstop price transparency authority to assure all investors and market participants access to government securities market price information.

INVESTMENT ADVISERS

I am also joining today with Representatives BOUCHER, DINGELL, FIELDS, and others in introducing the Investment Adviser Regulatory Enhancement and Disclosure Act of 1993. The investment adviser industry continues to be the most unregulated sector of the securities industry. This is due in large part to a grossly underfunded SEC, whose inspection budget has remained flat while the number of investment advisers and assets under their management have soared. While outright theft of investor assets has marked the investment adviser industry in recent years, as testified to by the Institutional Treasury Management scandal in which numerous small towns, counties, and government pension plans in Iowa, California, and Colorado were defrauded of more than $100 million, more subtle abuses have also taken a substantial toll on investors of all income levels. The conflicts of interest that arise whenever commissions or other items of value are earned by an investment adviser cloud the objectivity that investors expect of an adviser. Inadequate disclosure defeats the investor's ability to make properly informed investment decisions.

Accordingly, this bill would provide for the following: first, higher registration fees for investment advisers to fund more SEC inspections and surveys of unregistered advisers; second, specific direction to the SEC to examine more frequently higher risk advisers; third, an express suitability provision, with a recordkeeping requirement to verify the suitability determination; fourth, authority to the SEC to designate a self-regulatory organization to conduct examinations of investment advisers; fifth, enhanced disclosure through brochures containing generic information, transactional reports in advance of transactions and confirmed following transactions revealing commission amounts and the existence of third party payments to advisers, and periodic reports containing summaries of all charges incurred by a customer over time, all amounts received by the adviser with respect to a client's account, and a rundown of all securities positions held in an account at the end of the period; sixth, fidelity bonding for advisers with custody of or discretion over client assets; seventh, disqualification from being an investment adviser for a felony conviction; and eighth, the assurance of confidentiality with respect to personally identifiable financial information unless disclosure is consented to.

LIMITED PARTNERSHIP ROLLUPS

Another segment of the securities marketplace in which abuses have occurred to the substantial detriment of the investing public is in the area of limited partnerships. To remedy such abuses, I am also introducing today, along with Representatives DINGELL, FIELDS, SYNAR, SLATTERY, WYDEN, COOPER, MORAN, and NEAL, the Limited Partnership Rollup Reform Act of 1993. Since 1980, approximately $150 billion has been invested in limited partnerships. This form of investment enables large numbers of small investors to participate in the purchase of commercial office buildings, residential apartment buildings, shopping malls, or oil and gas extraction. These investments tend to be long-term and illiquid. In recent years, however, a growing number of limited partnerships have been reorganized, or rolled up, into new business entities, often with very different investment objectives and characteristics, and almost always leading to very substantial losses in investor equity. Provided that a majority of the limited partners vote to approve the rollup, 100 percent are forced to accept securities in the successor entity—a phenomenon known as a cram down, since it crams often worthless securities down on many unwilling participants.

Today, there are an estimated 8 million limited partners who are at risk of being subjected to abusive rollups. This bill would assist them by: First, allowing certain preliminary communications among investors regarding the proposed transaction to be exempted from requirements to file soliciting materials with the SEC; second, prohibiting the payment of any contingent or differential compensation for soliciting proxies or consents in conjunction with the rollup transaction; third, requiring investors to be provided with access to lists of holders of the securities that are the subject of the transaction; fourth, establishing requirements aimed at ensuring that rollup soliciting materials are clear, concise, and understandable and include important information regarding the transaction and its effects; fifth, requiring rollup soliciting materials to include an independent fairness opinion; and sixth, establishing a minimum solicitation or offering period of 60 days.

AUDITOR ACCOUNTABILITY

Perhaps most costly to taxpayers and investors alike has been abuse in the auditing context. I am joining Representatives WYDEN and DINGELL today in introducing legislation that would reestablish auditors as a bulwark against corporate fraud and abuse. Active participation by accountants in fraudulent schemes and the willingness to turn a blind eye to fraud have together contributed to the massive bailout of the savings and loan industry. As Ernst & Young's recent $400 million settlement for its part in that debacle amply demonstrates, the abdication of an auditor's responsibility to investors comes at a high cost. But not all instances of auditor abuse are in the financial services sector. While those examples are striking because the public costs may include a taxpayer bailout, abuses in nonfinancial settings harm investors just as much—witness the cases of ZZZZ Best, College Bound, Cascade International, Miniscribe, Crazy Eddie, Phar-Mor, and Fruehauf Trailor Corp.

In order to compel greater accountability on the part of auditors of public companies, the legislation introduced today would: first, require audits of financial statements to include, in accordance with methods prescribed by the SEC, procedures designed to provide reasonable assurance by detecting certain illegal acts, identify certain related party transactions, and evaluate the issuer's ability to continue as a going concern; second, require an accountant who becomes aware of the existence of an illegal act to evaluate whether it was likely to have occurred and the likely effect on the company's financial statements; third, require an auditor to inform management and the board of the existence of illegal acts that are not clearly inconsequential; fourth, require the issuer, once the board has been informed of the auditor's conclusions, to inform the SEC within 1 business day, serving contemporaneous notice to the auditor of its timely action; fifth, require the auditor, failing such notice, to notify the SEC—and, if it so elects, to resign from the engagement—within 1 business day of a failure to so notify the SEC; and sixth, preclude private rights of action against auditors for any finding, conclusion of statement expressed in reports of illegalities made to the SEC.

MANAGED ACCOUNT PROHIBITIONS

In addition, I am introducing, along with Representative FIELDS, legislation that would repeal the managed account provisions of section 11(a) of the Securities Exchange Act of 1934. Currently, section 11(a) prohibits exchange members from effecting securities transactions on national securities exchanges of which they are members for accounts managed by the member or its associated persons. This provision was enacted because of securities industry concerns about impediments to fair competition among money managers and potential conflicts of interest resulting from the combination of money management and brokerage functions. Changes in the securities markets, including the elimination of fixed commissions and expanded access to exchange membership, have obviated the need for this provision. Accordingly, this bill would repeal the restriction and add instead the requirement that any member of a national securities exchange effecting transactions for such managed accounts obtain authorization prior to engaging in such practice. Annual statements disclosing the aggregate amount received by the exchange member in effecting such transactions must also be provided.

GUARDIANSHIP RIGHTS AND RESPONSIBILITIES ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Ms. SNOWE. Mr. Speaker, today I am reintroducing the Guardianship Rights and Responsibilities Act. This bill would require States to adopt and enforce laws which would provide basic protection and rights to wards and individuals subject to guardianship proceedings, as a condition of eligibility for receiving funds under the Medicaid Program.

At least 500,000 individuals across the country, particularly the elderly, are being affected by guardianship, the judicial process which transfers the decisionmaking responsibility from a person who has been declared to be incapable of handling his or her own affairs to another person. This legal system, which severely limits an individual's personal autonomy, has considerable problems and widespread abuses which are becoming an increasingly serious issue. Horror stories abound about guardians who embezzle assets, force unnecessary nursing home care, provide substandard care, or otherwise abuse the individual for whom they are responsible.

In 1987, the Associated Press conducted an unprecedented study which collected information on more than 2,200 guardianship cases across the country. The results were dramatic, and indicated that wards often lose their basic civil rights without cause, frequently without the protections afforded criminal defendants. For example, in 44 percent of the cases studied, the ward did not have legal representation. Another 49 percent were not even present at their proceedings. Other findings included gaps in due process, inadequate or incorrect definitions of incompetency, inadequate monitoring by the courts, and inadequate qualifications of the guardians.

Another significant problem is that many individuals may simply be unable to manage their checkbook, but under a full guardianship they lose rights which they may be able to handle responsibly, such as the right to vote or to determine the kind of medical care they will receive. Most States do provide for limited guardianships which restrict the guardian's power, while allowing the ward to make decisions in some areas. In reality, however, the courts grant few limited guardianships.

In recent years, many States have completely revised their guardianship laws. I am pleased to point to my own State of Maine as a leader in reforming its standards for guardianships and conservatorships. Much remains to be done, though, and there are additional problems of management and monitoring of guardianships, partially because of overloaded court systems.

The legislation which I am reintroducing today would require, as a condition for participating in the Medicaid Program, that States revise their state plans to assure basic protections and rights for individuals subject to guardianship proceedings. As approximately 50 percent of wards will become nursing home residents, Medicaid will most likely finance their care and, therefore, should be an important vehicle for protecting their civil rights.

My bill would require that State laws stipulate that these individuals be provided with proper and timely notice, in large print and plain language. Under my proposal, all such individuals would have the right to counsel, to be heard by a jury, and to have the right of appeal upon request. The individual would also have the right to be present if a determination of incapacity is made, unless the court determines, based upon professional assessment, that he or she has waived the right to be present or is clearly physically incapacitated. Wards must also, when feasible, have their personal preferences taken into account, and be entitled to participate in all decisions which affect them. In addition, the bill provides for a system of standards, training, and oversight of guardians; annual court review of guardianship orders to determine if the guardianship should be continued, modified, or terminated; and procedures for wards who are moved to another State.

Mr. Speaker, I strongly believe that the Guardianship Rights and Responsibilities Act is even more timely now than when I first introduced it in 1988. The value of personal autonomy to health and well being, and maintaining the dignity and independence of residents, is a central focus of the nursing home reform provisions of OBRA'87 which are now being implemented. The nursing home residents bill of rights, based on legislation which I introduced, is one of the fundamental components of that reform.

Likewise, as we continue to move toward building State and local home and community-based long-term care systems, protecting the rights of older individuals in less restrictive settings will become even more important. And, as the number of elderly over age 85 rapidly expands in the coming years, so, too, will the number of individuals most likely to be incapacitated. Therefore, I urge support for this bill to help ensure the rights of impaired older individuals who are most vulnerable to exploitation.

A WARNING ON KOSOVA

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Ms. MOLINARI. Mr. Speaker, as Serbian aggressors play games at peace talks in Geneva, their campaign of ethnic genocide and terror against Bosnian civilians reaches new, horrific proportions. I am sad to report that 1 year after my visit to former Yugoslavia, the senseless brutality which I witnessed there goes on virtually unchecked by Western leaders.

It is no secret that Serbian strongman Slobodan Milosevic has chosen the Republic of Kosova, with its 90 percent Albanian majority, as the next victim of his bloody expansionist drive. Already, civilians in Kosova are denied basic rights and liberties. Schools have been closed and civilians have been beaten and killed.

International experts agree that Kosova's two million Albanians, who lack any means to defend themselves from the inevitable attack, will suffer a fate possibly worse than the Bosnians. Only immediate Western action against the Serbian aggressors will prevent the impending Kosova tragedy and put an end to terror in the Balkans once and for all.

Kosova's Prime Minister, Dr. Bujar Bukoshi recently travelled to several Western capitals to sound a warning and appeal to international leaders for assistance. In the address before the European Parliament's Commission on Foreign Affairs and Security in Brussels, January 7, Prime Minister Bukoshi outlined five basic myths in the debate over Kosova which must be exposed if the world is to understand the Balkans conflict accurately.

In addition, he called for Western support and understanding, deployment of a United Nations peacekeeping force and many more international observers, and recognition of Kosova's desire to determine its own political future. Finally, the Prime Minister appealed to parliamentarians around the world to visit Kosova, to see its dire condition for themselves. I commend this speech to my colleagues with grave sincerity.

REMARKS BY DR. BUJAR BUKOSHI, PRIME MINISTER, REPUBLIC OF KOSOVA

Mr. Chairman, Members of the European Parliament, Ladies and Gentlemen:

It is my great privilege and high honor to speak with you today, as a representative of the valiant people of the Republic of Kosova.

The purpose of my visit here is to sound the alarm about the dangerous situation in the Republic of Kosova where Albanians live under the harshest of martial law conditions, with all civil, human and national rights repressed and abrogated by the Belgrade regime.

My purpose is also to urgently appeal to the international community for timely assistance and support in order to avoid an incredible slaughter which would make Bosnia pale in comparison.

The European Parliament understands our predicament. You have seen matters the way they are, not the way in which you had hoped they would be in the Balkans.

Your approach, based on the facts and a sincere commitment to relieving suffering, has resulted in passage of many resolutions of support by the European Parliament. The people of Kosova express their gratitude and appreciation.

Today, world leaders in increasing numbers and the international news media have identified Kosova as a powder-keg, ready to explode at any moment.

It is believed by most observers and analysts that our country is next on the ethnic genocide list of Serbia. Kosova needs preventive, pre-emptive action by the United Nations and the world community.

Events in recent weeks alarm us. They should alarm the United Nations and the world community, as well.

The recent Serbian elections has intensified the danger in Kosova. Despite certain voting irregularities, the results show that the great majority of Serbians said "No!" to peace.

With the election of accused war criminals and extreme nationalists, the way has been cleared in Serbia for expanding the treachery in Kosova.

In recent weeks, Serbia has massed troops in Kosova. Serbian-led Yugoslav troops and paramilitary forces are being deployed in large numbers, particularly near the Albanian border.

Meanwhile, Serbian refugees from Croatia and Bosnia-Herzegovina are being brought to Kosova to change the demographic makeup of the region.

Our policy has been to resist peacefully the repression and abrogations of our civil, human and national rights over the last two years. We have contended that our differences with Serbia can be resolved without bloodshed.

Now, we are not sure.

The people of Kosova are virtually defenseless. We have no weapons. We have no ammunition. There is no Albanian police force or militia.

We are heartened by the warning to Serbia by U.S. President Bush that the U.S. is prepared to intervene militarily if Serbia attacks Albanians in Kosova.

Some have suggested that the world should "draw a line" in Kosova. The U.S. and others have concluded that if the war spreads beyond Bosnia, the entire fabric of the Balkans faces possible unraveling. The ultimate result could be an armed conflict that draws in key countries of Europe.

There are two problems with the concept of "drawing a line" in Kosova at this point.

First, the argument should not be used as an excuse for inaction in strictly enforcing the no-fly zone over Bosnia, nor for refusing to lift the arms embargo imposed on the free republics of former Yugoslavia. Both actions are long overdue and should be ratified by the United Nations Security Council.

Second, drawing the line across our republic in effect consigns Kosova to oblivion. The facts are that today the Serbs have supplemented their previous military forces in Kosova with new troops that were withdrawn from Macedonia. The Belgrade regime has heavy artillery and advanced weaponry in place surrounding most of our cities. They have calculated trajectories and other technical details of launching a barrage on our people. They have even identified specific apartments that are occupied by Serbs so they will be protected when an attack is launched.

In short, the Serbs are prepared at a moments notice to decimate our country with their overwhelming fire power and fanatical determination.

If, in fact, Serbia is prepared to launch simultaneous attacks on the unarmed, unprotected Albanians in Kosova, then a catastrophe of unimaginable proportions will occur.

Close to 2 million men, women and children would be wiped out within a matter of hours in an unprecedented campaign of ethnic genocide.

By the time the line is crossed, it will be too late to come to Kosova's defense. In the dust of our demise, the international community will find itself in a conflagration pitting many nations of the region against each other, with tens of thousands of additional refugees, and thousands of senseless massacres. Then it will be too late.

The signs are not encouraging. The West has not yet reached a negotiated end to the Serbian aggression in the Balkans, despite well-meaning efforts by Cyrus Vance and Lord Owen. The peace process has not worked yet for those republics who have declared their freedom through self-determination.

While the United Nations has made a noble effort to feed hungry people, it has not dealt with the causes of the problem. Merely dealing with symptoms, while humanitarian, is not sufficient.

The peace today in Kosova is fragile. There is still time for a political solution. The conflict holds very powerful and destructive potential and will not go away. It will explode if nothing is done soon.

As I speak with your today, the government and people of Kosova ask for five actions that will deal with the causes of this conflict.

First, we ask for your support and understanding. On the one hand, the Balkans problem is complicated by history, ethnic biases, and internal politics. On the other hand, it is very simple. There is an aggressor which has been identified by every international organization and human rights group. There are victims, including the innocent people of Slovenia, Croatia, Bosnia-Herzegovina and Kosova. Today, what matters is support of opposing the aggressor while aiding the victims.

Five basic myths permeate debate over Kosova. They must be exploded, if the world is to understand the Balkans crisis accurately.

Myth Number 1: The conflict in Kosova is a religious conflict.

This is no more a religious conflict than World War II was a religious war. Albanians are Christians and Muslims. Come to Prishtina and you will see the acceptance and tolerance.

Myth Number 2: The war has its roots in historic rights which the Serbian people feel for our area.

The Serbs are demanding historical rights of those dead for 500 years, while suppressing the human rights of those who live there now.

Myth Number 3: Serbians are heroes and will bog down any force that tries to stop them.

In fact, the Serbs are not heroes. Heroes don't slaughter innocent women and children, they do not starve and frighten to death old people, they do not destroy the lives and the respect of young women in rape camps.

Myth Number 4: Serbians have been subjected to human rights violations at the hands of the Albanian majority.

In fact, not one single Serb has been killed in Kosova in the last 20 years as the result of political intimidation or persecution.

Myth Number 5: Kosova wants to change existing borders, unite with Albania, and form a Greater Albania.

In fact, Kosova is not asking for a change in borders or reconfiguration of established sovereign nations.

Suggestions to the contrary are merely typical Communist lies.

A second action by the international community is absolutely essential. Kosova urgently appeals to the United Nations for a peace-keeping force in sufficient numbers to repeal Serbian aggression, restore Albanian basic rights, and protect the people of this country from the hands of the "Butcher of the Balkans," as Time magazine this week, and other international media previously, have described Slobodan Milosevic. This is an essential step in resolving the problem.

A year ago, the legitimate government of the Republic of Bosnia-Herzegovina appealed to the United Nations to send peace-keeping troops before it was too late. The U.N. didn't respond then, and it was too late. We urgent appeal to the U.N. to avoid the same mistake this time.

Third, the international community must recognize the legitimate desire of the people of Kosova to determine their own political future. They have spoken through referendums and elections. The will of the people must be respected.

Fourth, our nation must be flooded with international observers, and they must come as soon as possible. While we have 16 CSCE monitors currently, many more are needed.

The urgency is underlined by the apparent failure of the Conference on former Yugoslavia to convince the Belgrade regime to accept the peace plan for Bosnia. We can be sure that if the latest round of peace talks fails, Serbia might very well move against Kosova within days. International observers will be a line of defense against the expansion of aggression.

And fifth, we ask representatives of the European Parliament, the U.S. Congress, and legislative bodies of other free nations to come to Kosova. We invite you to talk with our people, to see for yourselves, the extent of the repression and abrogation of our civil, human and national rights by the cruel Serbian occupiers.

We in Kosova stand at a crossroad. We are defenseless, yet we believe the international community understands that a sword of Damocles hangs over us. Our vulnerability makes us both insecure yet steadfast in our commitment to freedom and democracy.

We ask for action by the United Nations before it is too late.

In summary, I can say that the situation is very tense in Kosova, the explosion of the conflict by Serbs seems to be imminent.

That is why we appeal to the international community to pay special attention to Kosova, and to take the adequate measures in order to prevent the conflict. We need a U.N. presence in Kosova immediately.

We hope for the support of everyone, and especially for your understanding of this critical issue.

The European Parliament has been a reliable ally on the side of peace, freedom, and human rights. We look forward to continuing to work closely with you in solving the problems in Kosova and in stabilizing the region. These are worthy goals that serve the legitimate desires of our people while respecting the sanctity and worth of every individual human being.

It has been said that those who do not learn from the mistakes of history are condemned to repeat them. Let us hope and pray that we have learned the lessons of history well with respect to the Balkans, and that we will act wisely and courageously in preventing any repetition of the mistakes of the past.

OUT OF THE DARK AGES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. FRANK of Massachusetts. Mr. Speaker, Exceptional Parent is a very valuable magazine, published in Boston and fulfilling an extraordinarily important function: providing information to and a voice for the parents of children with disabilities. I know this magazine in part because of my long admiration for one of the two publishers, Dr. Stanley Klein, who has a distinguished record of work on behalf of people in need of assistance in our society. At a recent conference that I attended presided over by Dr. Klein, he told me of a fascinating article that was appearing in the magazine written by Barbara Roberts, now the Governor of Oregon, but once a private citizen confronted with a lack of adequate public policy for children such as her own autistic son. As Governor Roberts recounts in this very important article, her initial approach to government was as a parent. It is a very important story, and I ask that it be reprinted here, in the hopes that it will serve as an inspiration to others who will cast aside the council's of cynicism about our political system, and instead being to use the kind of citizen resources which Barbara Roberts put to such good use 20 years ago.

Today people of Oregon are fortunate to have a Governor of Barbara Roberts' integrity and commitment; and all Americans can benefit from learning how this remarkable woman began the career that led her to the Governorship.

Out of the Dark Ages

(By Governor Barbara Roberts)

Today, you and thousands of people in America have some understanding of autism. Autism as a disabling condition is finally out of the dark ages. But I remember the pain of parenthood during those dark ages. My son Mike is 36 and autistic.

I remember when Mike was sent home from public school in the first grade—not for the day but forever. I remember the "authority" who said the cause of autism was clear: refrigerator mother. I remember my son's caseworker telling me that if I wanted to help my son, I had to understand that I was a major part of the cause.

Today, my son works in the bookstore at Mount Hood Community College where he has worked since 1983. He is a success. Not a doctor or a lawyer, but a man working almost full time; living in his own apartment and paying his own bills.

Mike is succeeding beyond my wildest dreams—and in spite of the experts. Oh, he still marches to a different drummer, but he's darn sure a member of the band!

A lot of people are responsible for that: teachers, counselors, friends, a patient employer, me, Mike and a group called the National Society for Autistic Children. The Oregon Chapter, a fledgling group in the early 1970s, had the audacity to come to the Oregon Legislature to ask, even demand, public education for our children.

There were a couple of charity groups for children back then but certainly no advocacy groups. Sometimes people put their hands out for children, but few put their fists up and demanded what was right for kids like ours.

But our little group was fortunate. The Parkrose School District was in a federally funded research project to see if "emotionally disturbed" children could be educated in public school. Our children were in school, and we didn't intend to take them home when the money ran out. So we began to organize.

We invited then-State Rep. Frank Roberts to one of our meetings and asked him to introduce legislation at our request. He agreed. The bill required public education for children with emotional disabilities in Oregon and created state and local advisory groups—groups that had to include parents.

And then we began to advocate. We started a speakers' bureau. We talked to Kiwanis and Rotary. We added new members and supporters. We opened a little bank account. We wrote to the newspapers and legislators. And we got ready to lobby our bill at the Capitol.

Rep. Roberts warned us our chances of success in the 1971 session were slim. He said new ideas take years, especially if they ask for money. But we were undeterred.

I agreed to become our group's lobbyist. I was recently divorced and raising my two sons without child support. Although I was working full time at low wages, I took every Friday off and spent it at the Capitol lobbying for our special bill.

I had no experience, I was scared and I couldn't afford to buy a cup of coffee for a senator or representative. I didn't even know where the restrooms were. But I was determined. I knew our cause was right, and the rest I could learn. And I did. I worked for five months and talked to every senator and representative.

I convinced the Senate Education Committee to hold an evening hearing so members of our group could attend. One of the 30 people who came was my then-teenage son. He had written his own testimony and wanted to share how wonderful it was to be in school with other children, how much he was learning and how much other kids were learning about him.

The committee and then the Senate passed our bill unanimously. Then every member of the House except one voted for our bill—and he was in the men's room.

We'd done it, despite two professional lobbyists from the school boards association working full time against our bill. The mountain of government was movable, and we had moved it. From then on, I knew that one person could make a difference.

Out of the dark ages.

It's been more than 20 years since our bill was signed into law, and many things have changed. Representative Frank Roberts became Senator Roberts and my husband. A new generation of parents and professionals have come along to advocate for the special needs of so many of these special children.

My political credentials have expanded since I was that green, lost, citizen lobbyist. Today, as governor of Oregon, I have a unique opportunity to work for programs and policies that give every Oregonian the chance to succeed to the best of his or her ability.

There have been other political and legislative successes in my life but nothing quite like that first bill that took my son out of the dark ages.

(In recognition of her advocacy for the rights of children and people with disabilities, Gov. Roberts has received two Civil Liberties Awards and a Distinguished Service Award from the Oregon Commission for the Handicapped.)

TRIBUTE TO LIONEL LINDER

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. SUNDQUIST. Mr. Speaker, just before the new year, the editor of the Commercial Appeal in Memphis, my friend Lionel Linder, was killed in a tragic automobile accident.

Lionel was a man of genuine integrity who made an important, and I believe, lasting contribution to Memphis and to the Midsouth region. He was a first-rate journalist—objective, fair. He reestablished the Commercial Appeal as an important and respected voice.

Lionel was, above all, a decent human being, and we will miss him very much.

Few captured the man and his contribution better than his colleagues at the Commercial Appeal, and I ask that their farewell editorial be reprinted in its entirety in the CONGRESSIONAL RECORD.

[From the Commercial Appeal, Jan. 2, 1993]

Lionel Linder—Laughter, Achievements Etch Memory of Editor

As an editor, Lionel Linder was first and foremost a newspaperman.

He shaped this newspaper's editorial policy, promoted causes, spoke to civic groups about controversial issues and argued, sometimes passionately, about what he thought elected office holders should and should not do.

But the driving force in his career and the deepest passion of his daily work was a dedication to produce the best possible newspaper.

In four years at The Commercial Appeal, he accomplished more than some editors do in a whole career. He was killed Thursday night in a car accident.

While setting high professional standards for his staff, he also set high standards of leadership and personal responsibility for himself. He raised the quality of the newspaper by example and instruction, not by criticism and harangue. He preferred to teach rather than to complain.

Reputations can be misleading. Linder continually challenged reporters to probe behind appearances to the facts—in news events, in the performances of public officials, in government budgets.

His own reputation was at times misleading, too. When he came to Memphis from the editorship of The Detroit News, the story filtering into The Commercial Appeal newsroom was that he tended to be a hard-nosed—even a hard-hearted—conservative.

And yet one of the first decisions he made about the newspaper's editorial policy was to support a tax increase for education.

Linder was indeed a fiscal conservative. But he also was strongly pro-growth. The central theme of his editorial policy for Memphis was to promote whatever would help make the city and its residents more prosperous. Out of economic growth, he believed, would come greater opportunity for all Memphians and a more confident, productive city.

In the interest of growth, he consistently supported reform of the state tax system, which he thought imposed unfair burdens on many Tennesseans and failed to provide adequate, dependable revenues for essential public services.

He believed enthusiastically in both the ideal and the practical effectiveness of free markets and private enterprise, while opposing the hindrances of government regulation. But he also believed in sensible government investment in programs and projects that would stimulate economic development and the expansion of human resources.

Specifically, he wanted to see Memphis improve its schools, complete downtown redevelopment, build up its tourist industry, give all its citizens safe streets and homes, and encourage every individual to excel.

Linder was one of the city's strongest boosters for a National Football League franchise. Coming from Detroit, he knew firsthand the excitement that professional football generates. He thought a franchise would attract visitors, make Memphians more optimistic and create a better national image for the city.

Then again, he didn't like to see any worthwhile cause fail. He supported expansion of the zoo, improvements in the arts, neighborhood preservation and successful fund drives by United Way and other charitable organizations.

His disputes with elected officials and civic leaders usually revolved around methods, not goals—or around what he saw as mismanagement, dishonesty, incompetence or self-serving politics.

Linder was quick, for instance, to challenge environmental experts about the dangers of nuclear power and global warming. Why, he wanted to know, do other experts, as fully accredited as the doomsayers, downplay the dangers? How should the average reader deal with the conflicting opinions?

As an editor, he wanted editorials to reflect a healthy skepticism about claims of omniscience; as a newsman, he wanted news reports to cover all sides of such issues.

Because of his broad experience in journalism, in Washington, Detroit and elsewhere, Linder was well-equipped to take over the editorship of the Commercial Appeal in 1988. He brought to Memphis the fresh viewpoints of an outside professional at a time when the city and the newspaper were struggling to redefine their roles. Memphis wanted to become the South's new big metropolitan center; The Commercial Appeal wanted to report changes in the city and the region more aggressively, accurately and thoroughly, while expanding its appeal to an increasingly varied readership.

Linder came here, in a way, as a newspaper doctor, not because The Commercial Appeal was sick but because it needed guidance to reach a new level of performance.

One of his major contributions was to sharpen the newspaper's writing and to focus news stories on certain carefully defined objectives. He wanted most stories to include more context—the background and impact of events—so that readers would understand them more easily.

Under his direction, the newspaper's Neighbor sections grew providing readers with far more news about their own parts of the city than they had ever seen. Other sections grew as well, including Business, Sports and Appeal.

A hallmark of Linder's tenure, in fact, is the increased amount of news that The Commercial Appeal publishes, especially local news. His annual Letter from the Editor, which appeared on the opposite editorial page Friday, re-emphasized his commitment to adding services and features.

Those who had the pleasure and privilege of working with Linder may remember three personal characteristics above all others: His laughter, his rapid-fire conversation and his sensitivity.

Passers-by usually knew which Linder was in his office talking with visitors or staff members. Contagious laughter would bounce through the door as though there were a show going on inside. The editor enjoyed the parade of life.

He made little effort to restrain his enthusiasm for that parade—and for his work. When he wasn't laughing about odd ideas and curious personalities, he was talking about them—talking faster than most people can think.

But in the midst of the hottest news breaks or the most maddening excesses of government, Linder was just as quick to respond to the needs and concerns of his staff or his readers.

His abilities as a newsman were superb. Perhaps as important, he was one of the most likable editors in the business.

UKRAINIAN INDEPENDENCE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. GILMAN. Mr. Speaker, the now free people of independent Ukraine commemorated their historic independence day. On January 22, 1919, at St. Sophia Square in Kiev, independence was affirmed and the newly created United Ukrainian Republic proclaimed. Among the tenets adopted for the new republic were democratic ideals of individual freedom, representative government, and a respect for human rights.

This legislation of Ukraine's right to self-determination was cruelly quashed by Communist invasion and rule soon thereafter. For more than seven decades to follow, this unique people, with its own culture, language, heritage, and customs, was suppressed and made subservient to Soviet communism. Tyranny became the order of the day, followed by artificially induced famines, mass killings and deportations, and Russification of the Ukrainian land, language, and culture. The miracle we have been witness to these past 2 years is the result of persistent commitment on the part of the Ukrainian people to their dream of renewed freedom and independence.

On August 24, 1991, the Ukrainian people once again declared their independence. Founded on the precepts of the 1919 proclamation, the Ukrainian people have once again thrown off the shackles of repression and have renewed their commitment to democratic ideals. While we celebrate with them the historic events of the past 18 months, we are mindful that this independence was born more than 70 years ago, and only now is able to take its first steps to lasting freedom. Let the Congress and the American people express their support for this historic occasion, knowing that for this newly independent and democratic state to flourish, it will require our ongoing support and guidance.

Mr. Speaker, I invite my colleagues to join in celebrating this important milestone with all Ukrainians, as well as those Americans of Ukrainian origin. Let us hope that the future holds only the bright promise of tomorrow for the independent people of Ukraine.

HONORING JAMES A. NEARY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. ENGEL. Mr. Speaker, it is with great pleasure that I recognize the retirement of a dedicated employee from the city of Yonkers in my congressional district. For the past 45 years, Mr. James A. Neary has served the people of Yonkers, including the last 28 years as Superintendent of Water.

Over this time, Mr. Neary has been honored by his colleagues in Westchester County and has chaired local and State water works associations. Mr. Neary's devotion to his work has been an example and inspiration to the many city employees who have come into contact with him.

On behalf of my constituents in the city of Yonkers, I thank and congratulate James Neary for his loyal service to the community, and I wish him and his family good health and happiness in the days ahead.

IT WON'T BE A PRETTY SIGHT IF AMERICA GOES BANKRUPT

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. KYL. Mr. Speaker, I recently had the opportunity to read the book, Bankruptcy 1995, by Harry E. Figgie, Jr. and Gerald Swanson, a book which should be required reading for every Member of this body. It outlines just what the Nation can expect if Congress fails to solve the widening deficit problem.

A constituent of mine, Bob Howard, reviewed the book in the January 15, 1993 edition of the Scottsdale Progress. I not only commend his column to my colleagues, but urge every Member of the House to get a copy of Bankruptcy 1995, review it, and begin to cast the tough votes needed to put our economic house in order.

I ask that Mr. Howard's review be reprinted in the RECORD at this point:

IT WON'T BE A PRETTY SIGHT IF AMERICA GOES BANKRUPT

(By Bob Howard)

I have just read a horror story that really frightened me. I have had a few sleepless nights since finishing the story. In the book an entire culture is destroyed by an unthinkable monster. Families are destroyed, industries grind to a halt and the American standard of living meets its demise.

Unfortunately, you will not find this book in the fiction area of the library. The book is Bankruptcy 1995 by Harry E. Figgie Jr. with Gerald J. Swanson. Mr. Figgie was a cochairman to President Reagan's Private Sector Survey on Cost Control, also known as the Grace commission, and is the CEO and founder of Figgie International Inc., a Fortune 500 company. Dr. Swanson is an association professor of economics at the University of Arizona.

The message they bear is chilling to say the least. They tell us that unless we immediately change our government's spending habits, the country will be bankrupt in 1995.

1995 is the year when it is projected that our interest payment on the national debt will exceed the amount we will collect in taxes. Even if we used every cent we collect to pay the interest on the projected debt, it will not be enough. The Grace commission had a consulting firm, Data Resources of Lexington, Mass., make projections of the national debt through the year 2000. As of 1991, we were right on the projection and still climbing.

The book is filled with interesting facts and figures. Did you know that the national government has run a deficit budget for every year since 1964 except 1969? President Johnson's annual deficit in 1964 was $5.9 billion; that rose to $25.2 billion in 1968. Mr. Nixon did a little better, but Gerald Ford ran a deficit of $53.2 billion in 1975 and $73.7 billion in 1976. Of course, then came Carter whose lowest deficit was $40.2 billion in 1979. He managed to run up a $73.8 billion deficit in 1980.

President Reagan put them all to shame. In his first year in office, only once did he run a deficit under $100 billion. The highest years was 1985 when the annual deficit was $221.2 billion. And Mr. Bush's administration set a new record when the estimated annual deficit for 1992 hit $399.7 billion.

Mr. Figgie does not point the finger just at the president or at the Congress. He thinks all politicians are to blame for their unwillingness to make tough decisions and say no to someone. Entitlements or defense or whatever are not the sole source of the problem. The problem is an out-of-control government that keeps spending money we do not have.

So, you are saying, how will it affect me? Mr. Figgie says we need only look at Bolivia, Brazil and Argentina. When Bolivia hit a similar situation in 1985, they experienced an inflation rate of 11,749 percent! Argentina experienced inflation of 672 percent in the same year. In 1988, Brazil experienced a rate of nearly 1,000 percent.

When the deficit is such a high percentage of Gross Domestic Product, government borrowing absorbs all the savings of the country and more. The only choices left are to borrow from foreigners or print more money. Foreigners will not loan you money when they see you will not be able to pay it back. Printing more money results in inflation.

Imagine the value of your savings being wiped out in a matter of months by hyperinflation. Mr. Figgie describes the "week from hell" when the rest of the world comes to the realization that the American government is not going to be able to meet its debt service. The feeding frenzy he describes is not pretty.

His suggestions for change are simple. Recognize the problem for what it is. Establish a deficit war cabinet and establish specific goals now. Don't raise taxes (the politicians will just find new ways to waste the money), do cut spending and send more things to the private sector. One of the best comments he makes is that we must realize that "Government is not the answer to every problem a country faces."

Mr. Figgie spends an entire chapter suggesting ways you can influence your congressmen and others to make debt reduction our highest priority. He suggests letters to them, to the newspapers, and the formation of action groups to crusade on this issue. It sounds a little dull. It is not quite the same as taking up a great moral issue like abortion or capital punishment. But, if he is correct, I would suggest to you that failing to take action on this issue could have greater consequences for the American culture than all the other issues combined.

I hope you will read this book. If you agree that deficit spending is something that we can no longer condone in our government, then write a letter to our senators and representatives to let them know our point of view. Or you can just cut out this column and send it in. Do it now while you are thinking about it. We can each make a difference, but we need to act now.

INTRODUCTION OF THE LOCAL PARTNERSHIP ACT OF 1993

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. CONYERS. Mr. Speaker, the dismal effects of the recession are still with us.

The number of people with full-time jobs is still much lower than it was more than 2 years ago. In June 1990, according to the Department of Labor, 98.4 million people had full-time jobs. Last month only 97.5 million adults had full-time jobs. So the Nation is almost a million full-time jobs short of simply returning to where it was 2½ years ago. And simply returning to where we were in 1990 is not, of course, the type of change that the American voters insisted upon in the recent election.

This stagnation in employment has occurred even though the recession, according to President Bush's Council of Economic Advisers, ended in March 1991. Moreover, President Bush's Council of Economic Advisers predicted this month that we will have to wait 3 more years—until 1996—to have the unemployment rate fall to its 1990 level of 5.5 percent. This slow decline in unemployment is unacceptable.

The recession also compounded the fiscal siege of our local governments. Direct Federal financial aid to the Nation's 39,000 cities, towns, and counties has declined by 37 percent in the last decade, from $16.6 billion in fiscal year 1981 to $10.5 billion in fiscal year 1990. After adjusting for population changes and inflation, the decline during the decade in such aid, according to the General Accounting Office [GAO], is 61 percent. At the same time, the Federal Government has required local governments to spend money to meet national standards without providing funds to offset these local expenditures.

Throughout the Nation, our cities, towns, and counties are being forced to raise local taxes and to cut vital services. Local governments have shed the fat in their budgets and are now cutting into muscle and bone. This fiscal squeeze is illustrated by the findings of a recent study by GAO of four Michigan local governments: Detroit, Saginaw, Saginaw County, and St. Clair Shores. GAO found, for example, that since 1987 Detroit initially increased income and utility taxes and added a garbage tax. Detroit also postponed capital projects and contracted with private firms to supply some municipal services. As budget pressures continued, Detroit was forced to layoff police officers, close a health center and recreational areas. The GAO study, "Michigan Communities, Services Cut in Response to Fiscal Distress," found that the other three Michigan communities, though not as financially distressed as Detroit, were forced in recent years to make similar responses to the recession and the decline in Federal aid to local governments.

During the recent Presidential campaign, then-Governor Clinton set forth a program to address these problems. He called for $20 billion a year in new Federal investment. He went on to say that he would "make States and local governments responsible for project development and management."

Today I am introducing legislation, the Local Partnership Act of 1993 that builds on this fundamental principle of Federalism: that the Federal Government should not make the detailed decisions on how best to make the public investments that are vital to our present and future economic growth.

The Local Partnership Act of 1993 [LPA] is essentially the same bill that passed the Committee on Government Operations last year, when it was supported by a majority of both the Democrats and the Republicans on the committee.

The LPA authorizes the appropriation of $3 billion for fiscal years 1993 and 1994 to be sent directly to local governments by the Secretary of Housing and Urban Development within 60 days of the actual appropriation. The local governments must return the money if it is not spent within a year.

The Federal money must be used to rehire laid off workers, restore services, or expand programs that are overburdened because of the recession. The LPA funds must be spent in six high priority areas: education, public safety, health, social services, such as emergency food and shelter, public works projects, or activities mandated by Federal law, such as the Federal Water Pollution Control Act or the Americans With Disabilities Act.

The money is targeted to the most needy urban and rural localities. Under the LPA's formula more Federal funds go to areas whose residents have a low per capita income and a high unemployment rate. Any local government whose residents have a per capita income greater than 160 percent of the State's per capita income is not eligible to receive any funds. The allocation formula also rewards local self-help, by giving more funds to those local governments that have imposed high taxes relative to their residents' income. GAO has prepared a computer printout showing how much of the $3 billion would go to each local government.

The LPA provides that any funds actually appropriated for the LPA must be offset by cuts in other appropriations.

Despite this provision, the LPA will create jobs. A report prepared by the Congressional Research Service, using a special computer run of the DRI/McGraw-Hill economic model, shows that shifting $3 billion from defense appropriations to grants to State and local governments would create about 23,600 new jobs in some parts of the economy and would eliminate about 11,500 jobs in other parts of the economy, for a net increase of about 12,100 jobs. This net increase occurs, according to CRS, for two reasons: the defense-related parts of the economy are less labor intensive and rely more heavily on imports than do the sectors related to State and local governments. I request unanimous consent to include in the RECORD the attached articles from the Detroit Free Press and the New York Times about this CRS study.

In conclusion, Mr. Speaker, with the Local Partnership Act we can both create jobs and invest in the Nation's infrastructure without increasing the Federal budget deficit. Now that the cold war is over, this only makes sense in both human and economic terms. I urge my colleagues to support this important legislation.

[From the Detroit Free Press, Jan. 25, 1993]

TAPPING PENTAGON COULD CREATE JOBS, CONGRESSIONAL STUDY SAYS

(By Larry Margasak)

WASHINGTON.—Shifting money from the Pentagon to state and local governments could create two jobs for every one it eliminates, says a congressional study that is being challenged by defense industry executives.

The study, to be released today, assumed that, $3 billion in defense money was transferred to programs such as education, roads and sewer construction.

Congressional researchers said 23,600 jobs could be created under such a scheme, and 11,500 lost. The study found that fewer support jobs are created by the Defense industry.

Done at the behest of Democratic Rep. John Conyers of Detroit, a Pentagon critic, the study is an early salvo in the annual debate over the size of military spending.

The Pentagon has a budget of $289.3 billion in fiscal 1993. When the 1994 budget is debated in the coming months, lawmakers for the first time will be able to shift money from the military to domestic programs without running afoul of a deficit-cutting plan approved several years ago.

The study said jobs would continue to increase in direct proportion to the amount of money diverted from Pentagon accounts: "If the magnitude of the reallocation were increased by tenfold, then the job creation estimate would increase by tenfold."

Defense industry, representatives say Conyer's proposal is poor policy as well as unfair to workers.

"The idea that you can convert an aircraft factory to a storm door factory—that dog don't hurt," said Robert O'Brien, Washington spokesman for major defense contractor McDonnell Douglas Corp.

"In the aerospace industry, you would have a large number of highly skilled employees looking for jobs," said David Vadas, an economist for the Aerospace Industries Association, which represents 55 companies.

"These are jobs that generate exports. We contribute to the national security of the nation," he said.

[From the New York Times, Jan. 26, 1993]

SHIFT OF SPENDING SEEN AS A BENEFIT

(By Martin Tolchin)

WASHINGTON, Jan. 25.—The Federal Government could generate a net increase of more than 12,000 jobs by shifting $3 billion from military industries to state and local jurisdictions, according to a Government study released today.

Such a move, while eliminating 11,500 jobs in military industries, would create 23,600 new jobs, the study by the Congressional Research Service of the Library of Congress found.

The study provides ammunition for many analysts who urge converting military spending into increased spending on domestic programs, rather than using it to help reduce the Federal budget deficit.

"Think of all the positive things we could accomplish by peacetime uses of this funding, and we wouldn't increase the deficit a dime," said Representative John Conyers Jr., the Michigan Democrat who is chairman of the Government Operations Committee and requested the study.

Mr. Conyers today reintroduced a bill to authorize such a $3 billion shift in spending. The committee approved the legislation in the waning days of the last Congress, but the bill was strongly opposed by President George Bush and never reached the House floor.

CHANGE IN EMPHASIS

In his Presidential campaign, Bill Clinton pledged a shift in Federal resources to domestic uses from military ones. "The end of the cold war permits us to reduce defense spending while still maintaining the strongest defense in the world," he said at the Democratic National Convention, "but we must plow back every dollar of defense cuts into building American jobs right here at home."

In spite of those sentiments, the new President's top budget officials have placed deficit reduction at the top of the new Administration's economic agenda, so the extent to which military cuts will be shifted to domestic programs is uncertain.

The study issued today estimated a net increase of 4,054 jobs for each $1 billion shifted. "If the magnitude of the reallocation were increased by tenfold, then the job creation estimate would increase by tenfold," the study said.

If the spending was shifted, guided-missile producers would lose 1,280 jobs, radio and television communication equipment manufacturers would lose 1,819 jobs and 2,264 jobs would be cut in business services.

Industries that would gain more than 1,000 jobs involve constuction or repair of highways and streets (4,174 jobs); new sewers (2,761 jobs); engineering, architectural and surveying services (2,334 jobs); maintenance and repair (1,270); and nursing and personal care services (1,140 jobs).

TAX DEDUCTIONS FROM GROSS INCOME

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Ms. SNOWE. Mr. Speaker, today I am pleased to reintroduce legislation which gained strong support in the last Congress. This bill would provide tax deductions from gross income for individual taxpayers who maintain a household which includes a dependent who has Alzheimer's disease or a related disorder. This measure would allow deductions or expenses, other than medical, which are related to the home health care, adult day care, and respite care of an Alzheimer's victim.

Since the first Alzheimer's bills were introduced in the 97th Congress, we have all grown more aware and knowledgeable about this disease and the impact it has on both the individual and the family. Indeed, in a report published by the Subcommittee on Human Services of the House Select Committee on Aging, of which I am the ranking minority member, we discovered the extent to which families remain involved in the care of the family members who suffer from Alzheimer's and other such dementias. Family care remains one of the most critical factors in preventing or delaying nursing home utilization. As discussed in a landmark study published by the Office of Technology Assessment, a significant number of caregivers of dementia victims spend more than 40 hours a week in direct personal care.

In the face of the continued and intense involvement of the family caregiver, services that provide respite from the ongoing pressures of care become essential in the caregivers ability to support the Alzheimer's victim at home. Home health care, adult day care, and long-term respite care all provide opportunities to free caregivers from their caregiving responsibilities and are crucial in enabling employed caregivers to continue working. Most caregivers willingly provide care for dependent and frail elderly family members. Even so, the presence of these supportive services can be a crucial factor in continued caregiving activities.

Many families are trying to cope with the needs of a dependent older Alzheimer's victim with no financial or professional help. While we seek to provide Government programs for such victims, we should also provide some tax relief for those expenses related to their continued care in the home. Perhaps, by such action we can delay the institutionalization of dementia victims. Surely we can provide financial relief to their caregivers.

TRIBUTE TO THE TENNESSEE FARM BUREAU

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. SUNDQUIST. Mr. Speaker, for the third year in succession, the Tennessee Farm Bureau has been awarded the American Farm Bureau Presidential Award, an achievement matched by only a handful of State organizations. I want to commend Tennessee Farm Bureau President Joe Hawkins and his staff on the presidential award, as well as for earning 13 gold star awards for excellence in program areas and membership.

In my State, the Tennessee Farm Bureau remains the strongest and best respected voice for agriculture. I am proud to join in saluting its achievements.

MAJOR SECURITIES LEGISLATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. DINGELL. Mr. Speaker, I am pleased to join my colleagues on the Energy and Commerce Committee in introducing today several major pieces of securities legislation aimed at curbing deceitful practices and enhancing the ability of the SEC to provide for the honesty and efficiency of this Nation's capital markets.

Accordingly, I join Mr. WYDEN in sponsoring the Financial Fraud Detection and Disclosure Act to clarify the fraud detection and disclosure obligations of the auditors of public companies. The principal provision of this bill is its requirement of earlier warning to the SEC of certain illegal acts by companies registered with the Commission. To protect auditors from frivolous and harassment lawsuits, the bill specifically provides that no independent public accountant shall be liable in a private action for any finding, conclusion, or statement expressed in a report required by the legislation.

I join Mr. MARKEY, the chairman of our Subcommittee on Telecommunications and Finance, in sponsoring the Government Securities Reform Act and the Limited Partnership Rollup Reform Act. The government securities legislation addresses, in a targeted manner, certain regulatory deficiencies identified in the wake of the Salomon bidding scandal. Accordingly, the bill addresses large position reporting, recordkeeping and broker-dealer supervision responsibilities, sales practice rules and the prevention of fraudulent and manipulative acts and practices, as well as market information with respect to government securities. The limited partnership rollup legislation would curb abusive rollup transactions and provide for better investor protection, especially with respect to the rights of dissenting limited partners.

I also join with Mr. BOUCHER in cosponsoring the Investment Adviser Regulatory Enhancement and Disclosure Act to provide a fee structure for registrants and applicants in order to provide the SEC with adequate resources to cover the costs of supervision and regulation of investment advisers and their activities, and to clarify the disclosure and suitability obligations of investment advisers with respect to advisory clients. Over the past 10 years, the examination cycle for registered investment advisers has slowed from once every 12 years to once approximately every 30 years. The GAO has sounded an alarm that, in its current state, the Advisers Act is doing more harm than good. And the big securities fraud case involving Steven Wymer revealed a number of dangerous loopholes in the current regulatory and supervisory system. This bill needs to be enacted promptly.

Finally, section 11(a) was added to the Exchange Act by the Securities Acts Amendments of 1975. The managed account provisions of section 11(a) prohibit exchange members from effecting securities transactions on national securities exchanges of which they are members for accounts managed by the member or its associated persons. Section 11(a) was enacted at the request of the securities industry to respond to concerns regarding impediments to fair competition between money managers, and potential conflicts of interest resulting from the combination of money management and brokerage functions. Legislation is being introduced to eliminate this restriction, provided that prior authorization before engaging in the practice of effecting such transactions is obtained and disclosure of commissions paid to affiliated brokers is made. Compliance with any rules the Commission prescribes with respect to these conditions is also required. While I am not cosponsoring this legislation, I will not oppose its being reported by the committee and its consideration on the floor along with the investment advisers bill.

These bills all enjoy strong bipartisan support and were reported unanimously by the committee in the last Congress. The limited partnership rollup, financial fraud detection, investment adviser, and 11(a) bills were all passed by the House without controversy under suspension of the rules. I urge my colleagues' continued support for this important legislation to enhance the integrity and fairness of our markets and to make sure that the markets work for investors as well as for honest market professionals.

NATIONAL COMMISSION ON ENVIRONMENT AND NATIONAL SECURITY, H.R. 575

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. GILMAN. Mr. Speaker, today I am reintroducing legislation, H.R. 575, which establishes a National Commission on the Environment and National Security. With the end of the cold war, the collapse of the Soviet economy and Soviet influence in Eastern Europe, and new agreements between the Soviet Union and the major market economies, traditional military and political threats to national security have declined. At the same time, local and global environmental problems have become more widespread and serious. These threats—including deforestation, global warming, depletion of the ozone layer, desertification, natural resource depletion, and acid rain—all affect the well-being of present and future generations as well as causing or worsening instability and violent conflict.

Yet this shift has been given too little attention in Congress or by the administration. Currently, no institution in Congress or the executive branch is charged with analyzing this different meaning of national security and its implications. The Commission on the Environment and National Security would fill that void by examining the changing nature of U.S. national security interests in relation to environmental threats and recommend how to reorder our national security priorities.

This legislation provides for a 14-member commission with powers to conduct hearings, secure assistance from Federal agencies, and subpoena witnesses. The Commission would be composed of Presidential and congressional appointees. It would prepare and submit a preliminary report on its findings within 18 months of its creation and a final report within 2 years. The report would assess the threats to national security posed by environmental threats in light of new scientific knowledge. On the basis of this analysis, the report would examine policy and funding needs and make specific recommendations for giving national security-related environmental threats adequate priority.

Accordingly, I urge my colleagues to support H.R. 575, and insert the full text of the bill in the RECORD at this point:

H.R. 575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Commission on the Environment and National Security Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) new threats to the global environment, including to the earth's climate system, the ozone layer, biological diversity, soils, oceans, and freshwater resources, have arisen in recent years;

(2) such threats to the global environment may adversely affect the health, livelihoods, and physical well-being of Americans, the stability of many societies, and international peace;

(3) in recent years, the definition of national security of the United States has been broadened, both in official White House documents and in legislation, to include economic security as well as environmental security;

(4) with the end of the Cold War, the dramatic reduction of the military threat to United States interests, and the new recognition in world politics of the urgency of reversing global environmental degradation recognized at the Earth Summit in Rio in June 1992, the global environment has taken even greater importance to the United States;

(5) the extent and significance of such threats to United States security has not been fully evaluated by the Congress or the executive branch, and responses to global environmental threats have not yet been fully integrated into United States national security policy; and

(6) the United States Government currently lacks a focal point for assessing the importance of such new environmental threat to the national security of the United States and their implications for United States global security policy.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the National Commission on the Environment and National Security (hereinafter in this Act referred to as the "Commission").

SEC. 4. DUTIES OF COMMISSION.

(a) STUDY.—The Commission shall study the role in United States national security of security against global environmental threats, in light of recent global political changes and the rise of new environmental threats to the earth's natural resources and vital life support systems, including such threats referred to in section 2.

(b) REPORT.—The Commission shall submit a preliminary and final report pursuant to section 8, each of which shall contain—

(1) a detailed statement of the findings and conclusions of the Commission on the matters described in subsection (a); and

(2) specific recommendations with respect to—

(A) ways in which the United States might integrate concerns about global environment threats into its national security and foreign policy;

(B) priority international action to respond to global environmental threats and likely resource commitments required to support them; and

(C) possible institutional changes in the executive and legislative branches of the United States Government that may be needed to ensure that such new environmental threats receive adequate priority in the national security policies and budgetary allocations of the United States.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 14 members, to be appointed not later than 30 days after the date of the enactment of this Act, as follows:

(1) 2 members appointed by the President.

(2) 3 members, 1 of whom shall be a Senator, appointed by the President pro tempore of the Senate from among the recommendations made by the majority leader of the Senate.

(3) 3 members, 1 of whom shall be a Senator, appointed by the President pro tempore

of the Senate from among the recommendations made by the minority leader of the Senate.

(4) 3 members, 1 of whom shall be a member of the House of Representatives, appointed by the Speaker of the House of Representatives.

(5) 3 members, 1 of whom shall be a member of the House of Representatives, appointed by the minority leader of the House of Representatives.

(b) ADDITIONAL QUALIFICATIONS.—The Commission members (not including the members of Congress) shall be chosen from among individuals who—

(1) are scientists, environmental specialists, experts on national and international security, or analysts who have studied the relationship between the environment and national security, and

(2) are not officers or employees of the United States.

(c) POLITICAL AFFILIATION.—Not more than one-half of the members appointed from individuals who are not Members of Congress may be of the same political party. With respect to members who are Members of Congress, not more than one-half may be of the same political party.

(d) CONTINUATION OF MEMBERSHIP.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, or was appointed to the Commission because the member was not an officer or employee of any government and later becomes an officer or employee of a government, that member may continue as a member for not longer than the 60-day period beginning on the date that member ceases to be a Member of Congress, or becomes such an officer or employee, as the case may be.

(e) TERMS.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(f) BASIC PAY.—

(1) RATES OF PAY.—Except as provided in paragraph (2), each member of the Commission shall be paid at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which such member is engaged in the actual performance of duties of the Commission.

(2) PROHIBITION OF COMPENSATION OF MEMBERS OF CONGRESS.—Members of the Commission who are Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(g) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) QUORUM.—8 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(i) CHAIRPERSON.—The Chairperson of the Commission shall be elected by a majority of the members.

(j) MEETINGS.—The Commission shall meet at the call of the Chairperson.

SEC. 6. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson. The Director shall be paid at a rate not to exceed the maximum rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) STAFF.—Subject to rules prescribed by the Commission, the Chairperson may appoint and fix the pay of additional personnel as the Chairperson considers appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of the title 5, United States Code.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

SEC. 7. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(g) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter under investigation by the Commission. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(h) IMMUNITY.—Except as provided in this subsection, a person may not be excused from testifying or from producing evidence pursuant to a subpoena on the ground that the testimony or evidence required by the subpoena may tend to incriminate or subject that person to criminal prosecution. A person, after having claimed the privilege against self-incrimination, may not be criminally prosecuted by reason of any transaction, matter, or thing which that person is compelled to testify about or produce evidence relating to, except that the person may be prosecuted for perjury committed during the testimony or made in the evidence.

(i) CONTRACT AUTHORITY.—The Commission may contract with and compensate government and private agencies or persons for the purpose of conducting research or surveys necessary to enable the Commission to carry out its duties under this Act, and for other services.

SEC. 8. REPORTS.

(a) PRELIMINARY REPORT.—The Commission shall submit to the President and the Congress a preliminary report not later than 18 months after the date on which all the members of the Commission have been appointed.

(b) FINAL REPORT.—The Commission shall submit a final report to the President and the Congress not later than 2 years after the date on which all the members of the Commission have been appointed.

SEC. 9. TERMINATION.

The Commission shall terminate 60 days after submitting its final report pursuant to section 8(b).

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Amounts shall be made available to carry out this Act only to the extent such amounts are made available in advance in appropriations Acts.

JUSTICE THURGOOD MARSHALL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. KANJORSKI. Mr. Speaker, I rise today in sadness at the death of a respected jurist and in appreciation for a lifetime of public service.

In sadness, I note the passing of a great leader in American history, Justice Thurgood Marshall, the conscience of the Court.

Few people have touched so many lives as Justice Marshall has. As a young lawyer for the NAACP, this great-grandson of a slave fought discrimination across our country, winning landmark decisions in the struggle for civil rights. As a Federal judge he was fair to all parties. As Solicitor General he represented the United States before the highest court in the land. As a Justice of the Supreme Court he applied our laws with iron consistency and full respect for individual rights under the Constitution. Through it all, Thurgood Marshall never wavered in his commitment to simple justice.

In appreciation, I want to recognize Justice Marshall's greatest accomplishment—his contribution to liberty.

Thurgood Marshall developed the legal strategy that broke the walls of State-sponsored segregation. Some would have accepted life as it was. Thurgood Marshall, however, was devoted to human progress. Some would have destroyed what is good in our country to root out what was bad. Thurgood Marshall knew the principles we hold dear are often higher than the acts we commit. But he also knew we had written our principles into a Constitution we have dedicated ourselves to follow.

As a young man fighting discrimination case-by-case, and as a Justice of the Supreme Court interpreting our Nation's highest law, Thurgood Marshall knew that we Americans have only to live up to our own standards. He helped heal many of the wounds racism has inflicted. It is because of his hard work that we can imagine a time when our country will draw equally upon the talents of all Americans.

Dr. Martin Luther King, Jr., told us of the mountaintop; Justice Thurgood Marshall was the guide who led our way and kept us on a steady course. Dr. King used civil disobedience to realize the dream; Thurgood Marshall used the law of the land to bring justice into our lives. The legacy of Justice Marshall is a jurisprudence of respect.

There is in legal philosophy a perennial debate, asking if law can be separated from virtue, whether or not legal texts derive their force from moral content. For me the answer is clear and forthright: By establishing our Government under the Constitution and the Bill of Rights, by adopting the Civil War amendments and the right of women's suffrage, we have committed ourselves to building a moral and decent nation.

Thurgood Marshall's greatest accomplishment was to help us fulfill our highest aspiration, inscribed in stone above all who enter the Supreme Court: "Equal Justice Under Law."

INTRODUCTION OF THE INVESTMENT ADVISER REGULATORY ENHANCEMENT AND DISCLOSURE ACT OF 1993

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. BOUCHER. Mr. Speaker, today I am introducing legislation that addresses a matter of great importance to consumers who have entrusted their financial decisionmaking, and often their life savings, to financial planners. In this bill, we are providing consumers with the means to learn more about the financial planner with whom they choose to deal—about their education and business background and about whether the advice they are giving is objective or has been influenced by the financial interest of the planner.

More and more people are using financial planners to help plan for their children's education and for their retirement years. Since 1981, the financial planning industry has grown dramatically from 5,100 to 17,500 registered investment advisers. The assets managed by financial planners and investment advisers have grown from $450 billion in 1981 to more than $5 trillion today.

Meanwhile, the number of SEC personnel devoted to oversight of the financial planning industry has declined—from an inadequate 64 in 1990 to an even more inadequate 46 staff members today.

The number of consumers who are using financial planners has increased. So too has the number of consumers who are losing their savings. Avoidable losses may be as high as $1 billion annually. These losses occur in a variety of ways. Some are simply the result of outright theft. Other losses are the result of the churning of client accounts which exhaust the funds through unnecessary expenses.

A more typical form of abuse is self-dealing, which occurs when a planner encourages a client to purchase a financial product for which the planner receives a special fee or commission when the product is sold, but which may be totally unsuitable for the client. Financial planners hold themselves out to be objective advisers, but some of them are more product salespersons than they are objective sources of information. Often the consumer does not know the extent of the commissions or other incentives that the planner is receiving for offering this supposedly objective advice.

The legislation we are introducing today, the Investment Adviser Regulatory Enhancement and Disclosure Act of 1993, addresses these problems in a number of ways.

First, we provide additional resources for investment adviser supervision by the SEC through the payment of a modest annual fee by investment advisers. Currently, a one-time $150 registration fee is charged. The new fee will range from $300 to $7,000 depending upon the assets which the adviser has under management. The additional resources provided by these annual fees will be used by the SEC to fund more frequent inspections of registered investment advisers, which is so desperately needed.

Second, we require the SEC to conduct regular examinations of investment advisers, as well as more frequent inspections of certain advisers based on enumerated risk factors, such as whether they have custody of client funds, authority to exercise investment discretion, are newly registered, or have been found to have deficiencies during previous examinations. We also require the SEC to conduct surveys to determine the extent of, and reasons for, the failure to register of persons required to do so under the Investment Advisers Act of 1940, and to report to Congress on the results of those surveys.

Third, we give the SEC the authority to designate one or more self-regulatory organizations to conduct examinations of investment advisers.

Fourth, we impose a suitability requirement to ensure that the investment products advisers recommend are suitable for the clients to whom they are being recommended. We require investment advisers to maintain records that may be used by the SEC to verify suitability determinations.

Fifth, we require investment advisers to disseminate to prospective clients information concerning their education and business background, compensation arrangements, nature of the services they are offering, and their business practices. They also must disclose any conflicts of interest which could reasonably be expected to impair the rendering of disinterested advice. In addition, they must inform prospective clients about how they may obtain information concerning their disciplinary history and registration status. We also require advisers to prominently disclose in the brochure whether they receive sales commissions and that remedies may be available to clients with respect to disputes arising out of the investment adviser-client relationship.

Sixth, we require an investment adviser to disclose to his clients before a purchase or sale is effected the amount of sales commissions and fees they will be charged, whether the adviser will receive all or a portion of those commissions and fees, and whether the adviser will receive any third party payments, such as fees from the issuer of a security, for each transaction the adviser recommends. This disclosure may be made orally, but it must be confirmed in writing after the sale or purchase is executed. The SEC may, by rule, permit a client to waive, in writing, the right to this disclosure.

Seventh, investment advisers must provide their clients with periodic written reports that include the sales commissions and fees paid by the clients, as well any other amounts received by the adviser with respect to his clients' accounts, and a statement of the clients' holdings at the beginning and end of the reporting period. The purpose of this provision is to provide investors with a document they can use to compare the costs charged by the investment adviser they are using with those charged by other advisers for comparable services.

Eighth, to protect consumers from unscrupulous advisers who embezzle or steal their assets, we require investment advisers who have custody of client assets or who exercise investment discretion to obtain a fidelity bond.

Ninth, in another effort to protect consumers from unscrupulous advisers, we prohibit anyone who has been convicted of a felony within the last 10 years from registering as an investment adviser.

Finally, we provide consumers with the assurance that the financial information they provide to their investment adviser will not be disclosed without their consent. We do create exceptions for the disclosure of information as needed to effect transaction for clients, as well as for the provision of such information to the SEC and State securities regulators.

I am pleased to be joined by several of my colleagues on the Energy and Commerce Committee, including the full Committee Chairman, Mr. DINGELL, the Telecommunications and Finance Subcommittee chairman, Mr. MARKEY, and the subcommittee's ranking member, Mr. FIELDS, in introducing this legislation.

I hope my colleagues will join me in supporting this measure. It will substantially improve the regulation of financial planners and investment advisers and will provide consumers with the types of protections they need to protect their assets.

TRIBUTE TO THE CLARKSVILLE/FORT CAMPBELL YMCA

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. SUNDQUIST. Mr. Speaker, I want to call to the attention of my colleagues the fine work of the Clarksville/Fort Campbell YMCA. Those who represent military communities, as I do, understand the contributions the Armed Services YMCA of the United States makes and how valued these services are by military families.

The Clarksville/Fort Campbell YMCA recently won national recognition for two of its initiatives. One of them, a cost-free child care exchange, is serving as a model for other military communities. Parents volunteer their time helping to watch the children of others, for which they receive points which can be redeemed when they need child care assistance. The program has been hugely successful and has been presented to other Armed Services YMCA's as a model.

The Clarksville/Fort Campbell YMCA has also begun the popular and much-acclaimed water babies program.

I salute Executive Director Robert Knight and his staff for the many services they provide, without fanfare perhaps, but never without fail to the military community in Clarksville and Fort Campbell.

SOCIAL SECURITY PRORATE BILL

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Ms. SNOWE. Mr. Speaker, today I am pleased to reintroduce legislation which would prorate the Social Security check in the month of a beneficiary's death.

Currently, when a Social Security beneficiary dies, his or her last monthly benefit check must be returned to the Social Security Administration. This provision often causes serious problems for the surviving spouse because he or she is unable to financially subsidize the expenses accrued by the late beneficiary in their last month of life. This provision seems particularly problematic when a beneficiary dies late in the month.

Does current law assume that a beneficiary has not incurred expenses during his or her last month of life? The simple answer is "yes." However, the financial situation the surviving spouse often faces is not so simple. It often entails having to return money that has already been spent.

The current law creates problems given that the surviving spouse incurs expenses for the late beneficiary up until the date of death. Legislation to change this law is necessary because many spouses find themselves faced with additional financial burdens during these emotionally trying times which could potentially be relieved if these benefits were prorated.

My bill would correct the current inequity while saving on both cost and administrative hassle. This bill would allow the spouse of the beneficiary who dies in the first 15 days of the month to receive one-half of his or her spouse's regular benefit. The spouse of a beneficiary who dies in the latter half of the month would receive the full monthly benefit.

Mr. Speaker, it is not often enough that Congress can take an action as simple as this that will have such a direct and positive impact on Social Security beneficiaries. Certainly, this is a bill that is both sensible and necessary. I believe this is a fair and simple way to deal with an unfair situation. I hope that I will have the full support of my colleagues.

MAGIC MOST ADMIRED IN POLL; HUH?

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. BURTON of Indiana. Mr. Speaker, I want to call to the House's attention an article written by Bill Benner in the Indianapolis Star on November 26, 1992. Mr. Benner highlights our society's ruinous tendency to condone, even honor, persons who practice self and socially destructive behaviors.

I make special note of this article not to belittle Ervin "Magic" Johnson. Magic was a fantastic basketball player who elevated his profession to new levels. His athletic achievements should be marveled at and praised. Rather, I submit this article to remind ourselves that we as a society must not honor or glorify the personal behaviors that Magic practiced by proclaiming him and other such persons as role models. Publicly condoning or supporting the kinds of irresponsible and immoral behaviors that Magic and others like him practice is socially suicidal.

Let met remind my colleagues that as of January 1, 1993, the Centers for Disease Control [CDC] has recorded 260,000 cases of AIDS in the United States. The CDC has also conservatively estimated that another one million Americans are infected with the HIV virus that causes AIDS. In addition, 27 percent of all births in America today are to single mothers; with an astounding 60 percent of all births to black Americans being out-of-wedlock. Finally, one-half of all marriages in the United States now end in divorce and broken homes.

In the face of these cultural catastrophes, it is extremely troubling that we continue to herald individuals like Magic as role models for our children. These epidemics, which threaten to destroy our next generation, are largely the result of our failure to condemn the infidelity and promiscuousness engaged in by many publicly acclaimed persons. By pretending to ignore these persons' irresponsibility while continuing to exalt them as role models, we have prodded our youth to follow their examples. But do we want our children to emulate these lifestyles that are spreading the most deadly plague visited upon the world in centuries and that are bringing thousands of children into this world without a loving, two-parent home?

Instead of glorifying self-destruction, we must hold up role models for our children who are of strong moral character. Men and women who are God-fearing, self-controlled, responsible, and dedicated to their families. These are the characteristics we need reproduced throughout our Nation if we are to solve the great social crises facing us. However, if we continue to uplift irresponsibility, we will only encourage more of it, and our country simply cannot endure more broken families and AIDS cases.

I insert Mr. Benner's article into the RECORD at this point:

[From the Indianapolis Star, November 26, 1992]

MAGIC MOST ADMIRED IN POLL; HUH?

(By Bill Benner)

News item:

"Magic Johnson beat out 'Dad' and Chicago Bulls star Michael Jordan as the most admired man in America in a poll of 3,000 Santa Clara (Calif.) teen-agers."

Geez, I finished second. Well, not just me, but the millions of fathers across America.

We finished second to a guy who contracted the HIV virus through unprotected, promiscuous sex with unknown partners. We finished second to a guy who felt obliged to describe to a national television audience his sexual liaison with six women at the same time.

Yes, just the kind of guy you would want teen-agers to consider, as the article went on to explain, "their most respected male role model."

My first response is to say, consider the source. If there is any place in America where values and morality are out of whack, it's California.

But this is just another indication of the totally out of proportion importance we place on games and the people who play them.

Those of you who stumble across this column occasionally may recall that this is a soap box I've climbed on before. And, as a sports columnist, I must plead guilty to being a part of the process that contributes to the glorification of athletes.

I also admit that I admire Magic Johnson.

As a basketball player.

He could do some things on the court that were truly extraordinary.

But as the "most respected male role model?"

Uh, sorry.

Yet, somehow, we have come to believe that people with special athletic talents are inherently special people, and the ability to average 30 points a game, throw a 90-mph fastball or rush for 100 yards makes them automatically deserving of our admiration and respect.

Admiration for their talent, maybe. But respect comes with a qualifier. It should be earned.

Some athletes have. And some do qualify as role models for our children.

I'll even give you the name of one who has the HIV virus.

Not Magic Johnson * * * but Arthur Ashe.

Off the top of my head, here are some others deserving of the admiration of our youth:

Julius Erving, one of the classiest athletes I've ever been around.

Arnold Palmer, who never met a stranger.

Ex-Chicago Bear Walter Payton, who ran hard every play and never complained.

Dave Dravecky, the Giants pitcher who lost his pitching arm to cancer but continues to display incredible courage.

Heather Farr, who would have been an LPGA star but also is fighting cancer with the same kind of courage.

Butler legend Tony Hinkle, who died two months ago but left a legacy of loyalty and a lesson on how to be both a coach and a gentleman.

Just to name a few.

But there are even more people out there who can qualify as sports role models for our youth.

How about the hundreds of thousands of parent and volunteers who give their time to administer, coach and officiate youth leagues and programs, not just in football, basketball and baseball, but in tennis, gymnastics, swimming, soccer, wrestling and track and field? How about the cops who run Police Athletic League sports programs in inner city neighborhoods? How about all of those who bring the joy of sports and competition to the mentally and physically disabled through Special Olympics?

As we gather around tables on this Thanksgiving Day, these are the people in sports—the ones doing it for love, not for money—who deserve our gratitude, our respect and, yes, our admiration.

Same goes for our parents, our teachers and our clergy.

Magic Johnson? Yes, he was one terrific basketball player.

Nothing more, nothing less, no matter what a bunch of kids in California might think.

But, Dads, there is good news in that survey.

At least we finished ahead of Michael Jordan.

FEDERAL RESERVE REFORMS INTRODUCED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. HAMILTON. Mr. Speaker, today I am introducing two bills that would make substantial improvements in the structure and practices of the Federal Reserve System—the Monetary Policy Reform Act of 1993 and the Federal Reserve Reform Act of 1993.

These bills address three issues of great importance to the American economy and our system of democratic government—the public accountability of those who make important monetary policy decisions, the current absence of any channel of formal communication between the Federal Reserve and the administration, and the veil of secrecy surrounding policymaking at the Federal Reserve.

The Federal Reserve occupies an anomalous position within the Government of the United States. It is an enormously powerful institution, but it does not conform to the normal standards of Government accountability. Power without proper accountability simply does not fit into the American system of democracy.

Through its control over monetary policy the Federal Reserve affects the lives of all Americans. It has the power to decide who prospers and who fails. The path that the Federal Reserve sets for monetary policy and interest rates affects every business person, worker, consumer, borrower and lender in the United States and has a major impact on the overall performance of the economy, as we became painfully aware during the 1990–91 recession and the anemic recovery since.

The independence that the Federal Reserve must have to insulate monetary policy from political pressures also removes the Fed from the normal processes of accountability that apply to every other agency of the Federal Government. We must address a very difficult and perplexing problem—how to make the Federal Reserve more accountable to the American people without jeopardizing its independence and its ability to conduct monetary policy free of political pressure.

No other government agency enjoys the Fed's prerogatives.

Monetary policy is decided in secret, behind closed doors.

The Federal Reserve is not required to consult with Congress or the administration before setting money or interest rate targets, even though its power affects the financial well-being of every American.

The Fed waits 6 weeks before releasing policy decisions.

The President, who is responsible for the performance of the economy and is blamed if things go wrong, often must wait until late in his term to appoint a new Chairman of the Federal Reserve Board. President Clinton, for example, will not be able to appoint a new Fed Chairman until March 1996.

The Fed's budget is not published in the U.S. Government budget, even though it spends about $1.7 billion per year. Only 7 percent of Federal Reserve expenditures are detailed in the U.S. Government budget for fiscal year 1992—the $115 million spent by the Board of Governors.

The presidents of the 12 Federal Reserve banks, who participate in monetary policy decisions on the Federal Open Market Committee [FOMC], are neither appointed by the President nor confirmed by the Senate.

Even though the Federal Reserve engages in more than $1 trillion in transactions in the money markets each year, most of these activities are exempt from audit by the GAO or any other outside agency.

The bills that I am introducing today aim to make the Federal Reserve more accountable to the American people, not by giving politicians control but by making duly appointed public officials solely responsible for the conduct of monetary policy, by creating a formal channel of communication between the President and the Federal Reserve, and by providing Congress and the American people with more and better information on the Federal Reserve's policies and procedures.

I would now like to discuss these two bills.

MONETARY POLICY REFORM ACT OF 1993

The Monetary Policy Reform Act of 1993 would vest sole responsibility for the conduct of monetary policy and open market operations in the seven-member Board of Governors of the Federal Reserve System and would create a special new Federal Open Market Advisory Council through which the presidents of the regional Federal Reserve banks could advise the Board on monetary policy.

The Federal Reserve System consists of the Board of Governors in Washington and the 12 regional Federal Reserve banks. The Board of Governors has seven members, who are appointed by the President and confirmed by the Senate to 14-year terms. The Governors of the Federal Reserve are thus duly appointed Government officials who are responsible to the President and Congress, and through them to the American people, for their conduct in office.

The Federal Reserve bank presidents, in contrast, owe their jobs to the boards of directors of the regional banks—boards dominated by local commercial banks. Neither the President nor Congress has any role in selecting the presidents of the Federal Reserve banks. Some of the bank presidents are career employees, others have backgrounds in banking, business and academics; none are duly appointed Government officials. Nonetheless, they participate in monetary policy decisions through their membership on the FOMC, where they cast 5 of the 12 votes that determine monetary policy and interest rates.

The role of the Federal Reserve bank presidents—and the broader issue of the influence of the Nation's banks and of private interests on the Federal Reserve—has been a source of concern ever since Congress decided to establish the Federal Reserve in 1913:

In the initial draft of the Federal Reserve Act, some Members of Congress proposed that the Nation's banks be allowed to appoint up to half of the members of the Federal Reserve Board. President Wilson's position, which was adopted by Congress, was that: The Government should control every member of the Board on the ground that it was the function of the Government to supervise this system, and no individual, however respectable should be on this Board representing private interests.

During the 1920's, when uncoordinated open market operations by the Federal Reserve banks were disrupting the markets for Treasury securities, Treasury Secretary Andrew Mellon argued that the properly appointed public officials on the Federal Reserve Board, and not the Federal Reserve banks, should be responsible for regulating open market operations and that: The Federal Reserve banks shall not make any further purchases of Government securities, or bills, for the purpose of increasing their earning assets without first getting the express approval of the Federal Reserve Board.

When Congress rewrote the banking laws during the 1930's, the Federal Reserve Board's Chairman, Marriner Eccles, with the full support of President Roosevelt, proposed to vest sole responsibility for open market operations in the Board, along with its other responsibilities for monetary policy. This provision was opposed by the banks; in the final draft of the Banking Act of 1935, a rotating group of five Federal Reserve bank presidents was allowed to share voting responsibility for open market operations with the seven members of the Board of Governors of the Federal Reserve, the new formal name for the Federal Reserve Board.

This situation, in which private individuals who are neither appointed by the President of the United States nor confirmed by the Senate nonetheless directly participate in monetary policy decisions, is an anomaly in our system of democratic government. Nowhere else in the Government are private individuals similarly permitted to participate in decisions which have an enormous influence over the prosperity and well-being of millions of Americans.

Almost all Government agencies make extensive use of private citizens in an advisory status. The Federal Reserve, for instance, has three major advisory panels which meet with the Board of Governors three to four times a year—the Federal Advisory Council, a panel of 12 bankers which advises the Board of Governors "on all matters within the jurisdiction of the Board," according to the Federal Reserve's 1990 annual report; the Consumer Advisory Council, composed of academics, State government officials, representatives of the financial industry, and representatives of consumer and community interests, which advises the Board on consumer financial services; and the Thrift Institutions Advisory Council, composed of representatives from credit unions, savings and loan associations, and savings banks, which advises the Board on issues pertaining to the thrift industry. Other Government agencies have similar advisory panels.

But nowhere other than the Federal Reserve are representatives of private interests permitted to have a vote on Government policy. This is the proper function of Government officials who have either been elected by the people or duly appointed and confirmed in the appropriate manner, and that is the way it should be at the Federal Reserve as well.

The bill that Representative OBEY and I are introducing today would address this controversy by going back to the first principles laid out by Presidents Wilson and Roosevelt, that properly appointed Government officials should be responsible for the conduct of monetary policy at the Federal Reserve.

The Monetary Policy Reform Act of 1993 has two major provisions. First, the bill would dissolve the Federal Open Market Committee and make the Board of Governors of the Federal Reserve responsible for monetary policy and open market operations. Second, it would create a Federal Open Market Advisory Council, through which the presidents of the 12 Federal Reserve banks could advise the Board of Governors on regional economic conditions and other factors affecting the conduct of monetary policy and open market operations. The bank presidents would no longer have a vote on monetary policy, but the Board of Governors would still have the benefit of their advice.

Power without accountability does not fit the American system of democracy. In no other Government agency do private individuals make Government policy. The Monetary Policy Reform Act of 1993 will now apply this same principle of democracy to the Federal Reserve.

This bill is also being introduced in the Senate today by Senators PAUL SARBANES, the vice chairman of the Joint Economic Committee; JIM SASSER, chairman of the Senate Budget Committee; DONALD RIEGLE, chairman of the Senate Banking Committee; and BYRON DORGAN, who cosponsored the bill during the last Congress while he was a Member of this House.

FEDERAL RESERVE REFORM ACT OF 1993

The Federal Reserve Reform Act has five major provisions:

First, it would require the Secretary of the Treasury, the Chairman of the Council of Economic Advisers, and the Director of the Office of Management and Budget to meet three times a year on a nonvoting basis with the Federal Open Market Committee, to consult on monetary and fiscal policy.

Two of the required meetings would take place just before the FOMC sets its annual money growth targets in February and July and reports to Congress, as required by the Full Employment and Balanced Growth Act of 1978. The third meeting would occur in the fall at the start of the administration's annual budget cycle. These meetings will bring together the key members of the fiscal and monetary policymaking teams.

The purpose of the meetings is to improve the flow of information between the administration and the Federal Reserve. Currently, there is no formal channel of communication between the President and the Fed. At times, various Presidents and their economic advisers have been reduced to carrying on policy disputes by publicly sniping at the Fed through the press.

In the past, the Fed Chairman and the Treasury Secretary tried to maintain some communication through informal weekly breakfast meetings, but this process depends too heavily on the personalities involved; Under Treasury Secretary Nicholas Brady, the process broke down and the meetings became very sporadic. I understand that Chairman Greenspan and Treasury Secretary Lloyd Bentsen plan to reinstate the weekly breakfast meetings, and I welcome that.

But it is not enough. These meetings do not involve all the major participants in monetary policy decisions and this process requires no formal presentation or discussion of economic goals or plans. Under the Federal Reserve Reform Act, the administration will have a formal avenue to present its program for the economy to the FOMC and lay out its goals and targets for monetary policy. The members of the FOMC will also have an avenue to convey their concerns about fiscal policy to the administration. Communication will flow both ways.

Second, the bill would allow the President to appoint a Chairman of the Federal Reserve Board—with the advice and consent of the Senate—1 year after taking office, at the time when the first regular opening would occur on the Federal Reserve Board. This would make the Fed Chairman's term basically coterminous with the term of office of the President of the United States.

The current Chairman of the Board of Governors, Alan Greenspan, was appointed by President George Bush and will hold that office until March 1996, more than 3 years into President Clinton's term. Fortunately, Chairman Greenspan appears to want to work with, not against, President Clinton. Even though Mr. Greenspan was not appointed by President Clinton, we all hope that will not cause any significant problems with monetary policy or the recovery of the economy. But if it turns out that Chairman Greenspan cannot work together with President Clinton, the result could be serious damage to the American economy and a paralysis of economic policy. This is a risk the country should not take.

The Federal Reserve Reform Act would address this by having the President appoint the Fed Chairman to a 4-year term beginning 1 year after taking office, when there will be a new vacancy on the Board in any event. Each appointee will still be subject to Senate confirmation, as under current law. Giving the President 3 years of a term with a Federal Reserve Chairman of his own choosing is surely preferable to the possibility under current law of a lengthy period where the President and Fed Chairman cannot work together.

Third, this bill would require the FOMC to disclose immediately any changes in the targets of monetary policy, including its targets for monetary aggregates, credit aggregates, prices, interest rates, or bank reserves.

The FOMC currently keeps major policy decisions secret for 6 weeks after they are made and carried out. Most other Government agencies must not only publish decisions in the Federal Register before they can take effect, most in fact must publish proposed decisions for public comment before they can even be issued in final form.

While secrecy may help insulate the Federal Reserve from criticism, secrecy has two economic costs.

First, secrecy makes capital markets operate less efficiently. The Federal Reserve's position on this can be defended only if you believe that ignorance is better than knowledge. But one of the major conclusions of microeconomic theory is that thorough and complete information is a requirement for markets to work efficiently. This applies to financial markets as well as to markets for goods and services.

Second, secrecy is unfair to small investors. When the Federal Reserve makes a policy change, large investors and Wall Street firms can employ experts to monitor the Federal Reserve and decipher its activities in the financial markets. This gives them an advantage over small investors, borrowers, and others who don't have resources to employ "Fed-watchers" to interpret and anticipate Fed policy changes.

The solution is immediate release of Federal Reserve policy decisions, as the bill would require. This is a change that is widely supported by economists and participants in financial markets.

Fourth, the bill would permit the Comptroller General to conduct more thorough audits of Federal Reserve operations, by removing selected current restrictions on GAO access to the Federal Reserve.

The General Accounting Office is the watchdog of Congress. It carries out that responsibility through financial and program audits of Government agencies. These audits are of tremendous value to Congress. Not only do they ferret out waste, fraud and abuse, they perform the even more important function of telling Congress when programs are not working and where programs can be improved.

For many years, from the mid-1930's to the late 1970's, the Federal Reserve was exempt from GAO audits along with the other bank regulatory agencies, on the grounds that its funds were not appropriated by Congress. In 1978, the Federal Banking Agency Audit Act authorized the GAO to audit the bank regulatory agencies, allowing full audits of the Comptroller of the Currency and the Federal Deposit Insurance Corporation and limited audits of the Federal Reserve. Since then, the GAO has conducted numerous audits of the Fed's regulatory activities. These audits have provided useful suggestions for reducing costs at the Federal Reserve, improving regulatory programs, and strengthening the banking system with no noticeable harm to the Federal Reserve or its effectiveness in regulating member banks.

Currently, the GAO is prohibited access to any Federal Reserve functions involving, first, transactions with a foreign central bank or foreign government, second, any deliberations or actions on monetary policy matters, or third, any transactions made under the direction of the FOMC. Our bill would remove the last two restrictions while retaining the restriction against GAO access to transactions with foreign central banks or foreign governments.

The final provision of the bill would require that the Federal Reserve's annual budget be published in the budget of the U.S. Government. The Fed would submit its budget for the current year and the 2 following years to the President by October 16 of each year, and the President would be required to print the Fed's budget in the Government budget without change.

The Federal Reserve's expenditures are not subject to approval by either the President or Congress, unlike the budgets of other Government agencies.

Despite the fact that the Federal Reserve takes in and spends billions of dollars each year, the Federal Reserve's budget is not conveniently available to Congress or the public. Only a small fraction of the Fed's $1.7 billion of operating expenses were included in the U.S. Government budget for fiscal year 1993—just the $115 million of expenses incurred by the Board of Governors in Washington. The details on this part of the Fed's budget, only 7 percent of the Federal Reserve's total spending, appeared in part four of the budget, at the very end of the section entitled "Government-Sponsored Enterprises."

During 1993, the revenues of the Federal Reserve System will be about $20 billion. A small fraction of these revenues, less than $1 billion, will consist of payments by banks for services provided by the Fed. Most will consist of interest received from the Treasury on the Fed's holding of U.S. Government securities, which the Fed acquired during open market operations conducted for monetary policy purposes. Out of this $29 billion, paid mostly by taxpayers, the Federal Reserve will incur approximately $1.7 billion in operating expenses. About $1 billion of this will be for personnel costs. The rest will be for supplies, travel expenses, telephone and postage, printing money, maintenance of equipment, amortization of buildings, etcetera. The remainder of the Fed's revenues will be returned to the Treasury, where it is listed in the budget as an offsetting receipt.

The Federal Reserve Reform Act will not reduce the Federal Reserve's control over its own budget. The bill will not subject the Federal Reserve to the congressional appropriations process, nor will it give either Congress or the administration any control over the Federal Reserve's spending. All it does is require that the data be published conveniently in the U.S. Government budget, where spending by every other Government agency is already listed. This includes the Supreme Court, which has its budget published in the Government budget without any loss of independence.

Adopting the bill would thus implement a basic principle of democracy that no Government agency should take in and spend billions of dollars without having its budget readily accessible to the public.

The Federal Reserve Reform Act is being cosponsored by Representative DAVID OBEY, who will be chairman of the Joint Economic Committee during the 103d Congress. On the Senate side, the bill is also being introduced today by Senator BYRON DORGAN, who also sponsored it in the House last year.

In conclusion, in our Nation, the Government must be accountable to the people. The Federal Reserve, with its enormous power over the economy and the well-being of the American people, does not meet the normal standards of accountability in a democracy. The bills that Representative OBEY and I are introducing today will make the Fed more accountable without impairing its ability to conduct monetary policy. The bills do not impose Presidential or congressional or other outside controls on Fed policy. Instead, our bills address the complex problem of increasing Federal Reserve accountability in a democratic society without jeopardizing the Federal Reserve's independence or injecting politics into monetary policy.

In the 75 years since the Federal Reserve System was created, Congress has made a number of changes in its structure and procedures, adding responsibilities and powers from time to time and periodically revising its relationship with Congress and the administration. The bills that Representative OBEY and I are introducing today continue this process by proposing a handful of evolutionary changes in the practices and structure of the Federal Reserve.

INDIA REPUBLIC DAY: AN OCCASION TO CELEBRATE SHARED UNITED STATES-INDIA COMMITMENT TO DEMOCRACY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. PALLONE. Mr. Speaker, today, January 26, is one of the most important dates on the calendar for the people of India, as well as for Indians who have settled in our country and throughout the world. Today marks the celebration of Republic Day, a national holiday that inspires a degree of pride for Indians akin to the feeling that the Fourth of July engenders in Americans.

On January 26, 1950, India became a Republic, devoted to the principles of democracy and secularism. At that time, Dr. Rajendra Prasad was elected as the nation's first President. Since then, despite the difficult challenges of sustaining economic development while reconciling her many ethnic and religious factions, India has stuck to the path of free and fair elections, a multiparty political system and the orderly transfer of power from one government to its successor.

Although most Americans are perhaps unfamiliar with the anniversary that Indians celebrate today, there is a rich tradition of shared values between the United States and India. India derived key aspects of her constitution, particularly its statement of fundamental rights, from our own Bill of Rights. Just as the United States proclaimed its independence from the British colonial order, so was India born of the struggle for freedom and self-determination. The Indian independence movement under the inspired leadership of Mahatma Gandhi had strong moral support from American intellectuals, political leaders, and journalists. One of the greatest American leaders of the 20th century, Dr. Martin Luther King, Jr., derived many of his ideas of nonviolent resistance to injustice from the teachings and the actions of Mahatma Gandhi. Thus, we see a clear pattern of Indian and American democracy inspiring and enriching one another at every historical turn.

In the years since Indian independence, United States-India relations have not always lived up to the potential that our shared values and commitment to democracy would argue for. Now that the cold war is behind us, there is a growing need for the two largest democracies of the world to come closer and work together on a wide variety of initiatives, from security cooperation in southern Asia to environmental protection initiatives. In 1991, trade between India and the United States was over $5 billion, and figures from the first three quarters of last year show a 10-percent increase from 1991. Given the recent liberalization of the Indian economy, I expect that figure to rise manifold over the coming years. I also hope that United States companies will initiate joint ventures with Indian companies. Given the number of highly trained personnel in India, it will benefit both countries in the long run. Through the caucus, I will be working for policies that encourage this type of cooperation.

As a means of generating interest and support for better United States-India ties, I am in the process of organizing a congressional caucus on India. Our goals will include lobbying the new administration to adopt a new focus on foreign policy that recognizes the staggering importance of India, with her 800 million people, as an important partner in building world peace and prosperity. We also intend to enhance the involvement of Americans of Indian descent in our political process. In the coming weeks, I will be contacting my colleagues, urging them to get involved in building a better relationship between our country and India—a truly great world power that has been way ahead of much of the rest of world in its commitment to the democratic values we hold dear.

Once again, let me congratulate India and all of her people on this exciting and special occasion.

NATIONAL BREAST CANCER STRATEGY ACT

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mrs. LLOYD. Mr. Speaker, today Representative PELOSI and I, along with 23 other breast cancer advocates in the House, are pleased to reintroduce the National Breast Cancer Strategy Act, a comprehensive strategy originally introduced by our friend and former colleague Mary Rose Oakar to attack the epidemic of breast cancer striking American women. Congresswoman Oakar served as a tenacious champion in the battle against breast cancer and has made many important contributions in this area. Her efforts will be carried on through the reintroduction of this bill. This bill is identical to the one introduced in the 102d Congress and endorsed by the Breast Cancer Coalition.

It remains unconscionable that women have been dying for decades, yet we still do not know how to prevent breast cancer nor do we have a cure. It is also a national shame that in our great country, full of the finest talent in the world, breast cancer research has been given so little priority for so long.

The National Breast Cancer Strategy Act is aimed at developing a comprehensive research strategy to end this disease which claimed the lives of 46,500 women and threatened the lives of 181,000 women in 1992 alone. First, the bill would establish an Office on Breast Cancer under the Assistant Secretary of Health to ensure a unified strategy and to coordinate the activities of the agencies of the Federal Government and other public and private entities.

The bill also seeks to establish a Breast Cancer Commission modeled after the AIDS Commission to examine current efforts in both the public and private sectors relating to prevention, early detection, treatment, education, and research on breast cancer. Tragically, 200,000 individuals lost their lives to AIDS during the past decade and 500,000 women lost their lives to breast cancer during the same timeframe. Certainly we can do more to save the lives of women in our Nation from this epidemic and the formation of a commission with national stature offers a good start.

The National Breast Cancer Strategy Act also reaches out to assist our research labs and provides the National Cancer Institute with $300 million to support biomedical and behavioral research, research training, the dissemination of health information, and other programs pertaining to breast cancer. And, in order to ensure to attract our best and brightest research talent, the bill establishes a Rose Kushner Scholarship Program to encourage breast cancer research efforts in exchange for repayment of educational loans.

Last, but certainly not least, the bill calls for full funding of the specialized programs of research excellence [SPORES] in breast cancer, prostate cancer, and lung cancer.

On behalf of women and families whose lives have been affected by breast cancer, I urge my colleagues to lend their support to this important research bill and cosponsor the National Breast Cancer Strategy Act.

THE COLORADO WILDERNESS PRESERVATION ACT OF 1993

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. SKAGGS. Mr. Speaker, I am very pleased to introduce today, along with my Representatives SCOTT MCINNIS and PAT SCHROEDER, the Colorado Wilderness Preservation Act of 1993. This legislation is the same as that being introduced today in the Senate. It is the end product of nearly 12 years of very difficult negotiations with and among many interest groups.

This bill reflects a very significant agreement among members of the Colorado delegation. For those familiar with the geography and issues of the West, it will come as no surprise that this long struggle and the agreement in today's bills related primarily to the question of water.

In October 1992, a compromise on water rights language was finally agreed to by all parties and was passed by the Senate in the final minutes of the 102d Congress. Unfortunately, for procedural reasons, the House was not able to act on the bill. The bill I'm introducing today includes the exact same water compromise.

There is nothing that now stands in the way of passing this landmark bill and providing deserving and long-awaited protection for over 766,000 acres of Colorado.

The lands included in this bill are among the best in Colorado, and that is no small distinction.

Many of Colorado's 54 peaks over 14,000 feet high will be granted wilderness protection in this bill, along with some of the largest expanses of alpine tundra in America, hundreds of cascading mountain streams, breathtaking mountain meadows, and thousands of acres of prime old growth forests.

These lands comprise a major portion of those that deserve wilderness protection. Many others have been left out of this bill and deserve further consideration for possible future legislation.

We who are now alive have been entrusted with these marvelous lands as their stewards. It is our responsibility to ensure that they remain part of the natural heritage that we leave for future generations.

In addition to the many people in Colorado who have worked so hard and patiently to bring us to this point, I thank several key Members of Congress for their help in crafting this agreement. I especially appreciate the efforts of our former House colleague BEN NIGHTHORSE CAMPBELL, who will today introduce this proposal as a new Senator. I am pleased that our senior Senator, Mr. HANK BROWN, is joining BEN in that introduction. Both of these gentleman have worked together in a thoughtful way to make this consensus possible.

Clearly, also, none of this would be happening without the yeoman's work and sincere personal dedication of recently retired Senator TIM WIRTH. To him, especially, I dedicate this bill.

I also thank Congressmen GEORGE MILLER and BRUCE VENTO, both for their help in reaching compromise on this water issue and for their insistence on a quality product reflecting the important national interests involved here.

The preamble of the Wilderness Act reads, in part:

> A wilderness in contrast with those areas where man and his own work dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.

Nowhere else in the United States Code is there another passage of statutory language with such poetry. This is understandable. Even Congress can have its emotions stirred when it passes a wilderness act.

I urge the House to once more experience that pleasure and make quick work of this legislation. The agreements have been reached, the language is crafted, and, most important, the spectacular wild lands of Colorado await our gentle yet decisive action to protect them for all time.

NATIONAL GOOD TEEN DAY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. TRAFICANT. Mr. Speaker, I am introducing legislation today to designate January 16, 1994, as National Good Teen Day. As you may know, January 16, 1993, was designated as National Good Teen Day by Congress and the administration last year (Public Law 102–503).

The concept of Good Teen Day was created by Mr. Robert Viencek, instructor of English at Salem High School in Salem, OH. It was at his initiative that Salem City schools, the mayor of Salem and the Ohio House of Representatives recognized January 16, 1992, as Good Teen Day. He brought the concept to my attention last year and asked that I introduce his resolution at the national level.

In both 1992 and 1993, the Salem City school district celebrated the designation with various festivities. This past year, Salem High School held an assembly where essay and art contestants were honored and excerpts of letters from famous people regarding their teen years were read. I was fortunate enough to be a speaker at the assembly. Mr. Viencek is already planning a statewide Miss Good Teen Day pageant as part of next year's celebration.

I hope that with subsequent national designations, beginning with my 1994 resolution, other communities will begin to observe the creation of a day to focus on the positive qualities of America's youth. Our Nation's teenagers represent an important part of our society. The many physical and emotional changes and character-building experiences that teenagers go through are an important concern. it is often easy to stereotype teenagers as either those who have problems or those who excel. Teenagers should not simply be recognized for their intelligence, abilities, skills and talents, but rather for the good which is inherent in all human beings.

Teenagers are the future of our great country. There are more than 24 million teenagers in the United States according to the 1990 census. Therefore, I believe that Mr. Viencek's idea should not be limited to one locality, but expanded once again to the national level. I encourage my colleagues to join me in honoring the teens across America by cosponsoring National Good Teen Day.

AN OUTSTANDING PUBLIC SERVANT RETIRES

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. MOORHEAD. Mr. Speaker, I rise today to pay tribute to a remarkable public servant.

Richard Dixon, chief administrative officer of Los Angeles County, is retiring after almost 35 years of exemplary service to the people of Los Angeles County. Richard's retirement is an occasion to recognize the important contributions he has made to county government, not just in Los Angeles County, but across the Nation as well.

On March 1, 1987, Richard Dixon was unanimously appointed as chief administrative officer by the Los Angeles County Board of Supervisors. As the chief administrative officer, Richard has the responsibility of administering a county budget of over $13 billion and some 87,000 county employees. This is no small responsibility, Mr. Speaker, and Richard Dixon has carried out this mission with dedication, energy, and with remarkable creativity and foresight.

Mr. Speaker, prior to his being appointed the chief administrative officer, Richard had served the county with distinction for nearly three decades including stints as county treasurer and tax collector as well as county budget officer.

For his outstanding service, Richard has received many awards from his peers. These have included the City and State magazine's Outstanding County Executive of 1988 Award, Southern California Personnel Management Association's Emery E. Olson Award in 1989, and the Outstanding Public Servant Award from the New York Municipal Forum in 1992.

Richard also has served in many philanthropic capacities, including the immediate past president of the Government Finance Officers Association, member of the corporate board of directors of United Way, advisory board of the UCLA Graduate School of Business, the board of directors and the executive committee of the Los Angeles County Economic Development Corp., the National Association of Counties taxation and finance steering committee, the national board of directors of the Privatization Council, the editorial board of the Municipal Finance Journal, and the board of advisors of the Public's Capital.

Richard is a graduate of Pomona College and UCLA and has been a frequent speaker at the Public Securities Association, National League of Cities, Government Finance Officers Association, and other professional seminars around the country and internationally.

Mr. Speaker, Richard Dixon's long and distinguished career has been one selflessly dedicated to advancing county government and the needs of people. I salute Richard Dixon on the occasion of his retirement. He has been and will continue to be a credit to the county and the other institutions which he so ably has served.

TRIBUTE TO ROSS BASS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. ROSTENKOWSKI. Mr. Speaker, America lost a distinguished political leader when our former colleague Ross Bass died early this year. He was in Congress for a dozen years and regularly displayed a type of courage and leadership that many of us remember well.

Ross Bass and I served together briefly on the Ways and Means Committee. We shared a belief that government should—and must—play a positive role in American society. He voted for civil rights legislation, for instance, when it was not a popular idea in his home State of Tennessee. Nonetheless, he believed it was the right thing to do—and voted accordingly.

The voters respected his independence, electing him to the Senate on the basis of his record here in the House of Representatives.

At a time when the voters are cynical and suspicious of their elected representatives, it is good to remember this good man. Our memory of his service could serve as an example for many of us today as we confront a new set of difficult problems.

TRIBUTE TO THE CINCINNATI JUNIOR STRINGS

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. GRADISON. Mr. Speaker, as Representative to the Second Congressional District of Ohio, I ask my colleagues to join with me in recognizing the Cincinnati Junior Strings as ambassadors of good will.

The Cincinnati Junior Strings is a string orchestra of the preparatory department, College Conservatory of Music, University of Cincinnati. It is comprised of 60 young and gifted musicians from ages 8 to 15, representing all racial and ethnic backgrounds from both the inner city and the suburbs.

In June 1992, this impressive group traveled to the Far East to perform in Hong Kong, Singapore, and China. While in Singapore, the Cincinnati Junior Strings performed for the dedication ceremonies of the outdoor amphitheater at the World Trade Center. They also performed three concerts for the Singapore Festival of the Arts. In 2 weeks these young people performed 10 concerts, representing the university and the State of Ohio in exemplary fashion.

I commend the Cincinnati Junior Strings, the directors, and the parents, for dedicating themselves to enriching our society both in the United States and abroad.

A BILL TO AMEND SECTIONS 401(a)(17) AND 401(1) OF THE INTERNAL REVENUE CODE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. COBLE. Mr. Speaker, today I am reintroducing legislation from last term to amend an arcane provision of our Tax Code governing retirement plans. The need for taking this action was brought to my attention by two constituents, James and Cynthia Matthews, who are being penalized pursuant to the Tax Reform Act of 1986 because they are married to each other.

The Matthews are both licensed physicians practicing in a five-person medical group. The organization's corporate stock is divided equally among the members; each participates in a tax-qualified retirement plan.

Section 401(a)(17) of the Tax Code limits the annual compensation for each employee participating in a qualified trust retirement plan to $200,000. This figure is adjusted annually for inflation. In lay terms, compensation is simply that amount of money attributed each year to an employee who participates in such a retirement plan. As a practical matter, compensation is the basis from which the employee draws his or her benefits upon retirement.

The provision hurts working couples with this further restriction: Any 5-percent owner of an affected company or employee who is one of the 10 highest paid company workers in a given year, his or her spouse, and any of their lineal descendants who have not attained 19 before the close of the year are considered one employee for the purposes of section 401(a)(17). In effect, this means that the Matthews, by virtue of their marriage, cannot participate in their retirement plan as individuals to the same extent as the other three group members.

Congress enacted this measure primarily to discourage small businesses from padding their payrolls and pension plans with spouses and children of key employees who do little, if any, work. This scenario necessarily contrasts with that involving the Matthews, both of whom routinely devote 70 hours or more per week to their practice. Given this background, the limitations imposed on legitimately hard-working couples by section 410(a)(17) hardly seem fair.

My bill corrects this problem in a narrowly confined and straightforward way. For the purposes of determining each employee's compensation, the restriction attributing compensation between spouses will not apply if both spouses are licensed to perform services in the same professional field and perform these services on a full-time basis for the same employer. This slight adjustment will ensure that both spouses are treated equitably and equally, relative to each other as well as their co-workers. It should be noted that my bill would retain the section 401(a)(17) restriction in all other cases.

In this regard, I more than welcome any suggestions from my colleagues, especially those serving on the Ways and Means Committee, as to how the overall abuse leading to the creation of section 401(a)(17) can be eliminated in a just manner. I am not interested in spotlighting this particular bill so much as I am in supporting a vehicle which can pass and will afford the Matthews and others like them the relief they deserve.

Mr. Speaker, selective application of section 401(a)(17) of the Tax Code is not the front-burner issue of the 103d Congress. But it does speak to a basic concern which permeates all our work: fairness. I urge my colleagues to support me in this endeavor.

TRIBUTE TO JOHNNY MOST

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. MOAKLEY. Mr. Speaker, this month the city of Boston lost one of its most beloved public figures. Johnny Most, the voice of the Boston Celtics for over 37 years, passed away at the age of 70. In a world where the word "legend" is used far too often Johnny Most was the real thing. Johnny's unique style and boundless devotion captured the hearts and minds of Celtics fans throughout the world. His presence "high above courtside" will be sorely missed but not soon forgotten.

Johnny was easily as much a part of the Celtic family as Larry Bird or Red Auerbach. Red has always credited him for creating the Celtics popularity in New England and, other than Red, Johnny is the only nonplayer in Celtics history whose presence elicited immediate standing ovations from the Boston Garden crowd. Tommy Heinson, a former Celtics player and coach, perhaps said it best when he stated that "Johnny Most brought basketball into the kitchens, the living rooms, and, most of all, into young boys bedrooms late at night. He portrayed basketball as a morality play in an area that was known mostly as a hockey town. He made heroes of us all and I dare say there aren't any people today with pen or word of mouth that could portray it any better than Johnny did."

Johnny Most was possessed with an indomitable spirit and passion that carried over into everything he did. As his health declined in recent years, Johnny remained active in radio and charitable activities. If a child was sick or money needed to be raised for a cause, Johnny would be there if only by sheer force of will. His only love in life greater than the Celtics was for his family, especially his children and it is for this love that he would most want to be remembered.

Johnny Most is an institution in Boston that will not be forgotten and cannot be duplicated. Words will never do justice to the love and affection with which his memory will be cherished. Some are surprised when they find out that Johnny's avocation in life was poetry. Celtics fans everywhere, though, know that Johnny Most was poetry every time that he picked up a microphone.

THE EIGHTH ANNUAL OBSERVANCE OF THE BIRTH OF MARTIN LUTHER KING, JR.

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. SAWYER. Mr. Speaker, on Monday, January 18, 1993, we observed the 64th anniversary of the birth of America's greatest civil rights leader, Dr. Martin Luther King, Jr.

Martin Luther King, Jr. was the central force in the civil rights movements during the time of its greatest achievements, from 1957 to 1968. The civil rights movement was not a struggle for black Americans alone. It was a struggle to ensure equality of opportunity for all Americans. While imprisoned for demonstrating in Birmingham, AL, Dr. King issued his "Letter from Birmingham City Jail," in response to his critics. In that letter he stated, "Injustice anywhere is a threat to justice everywhere." This statement is just as true today as it was when it was written 30 years ago.

This year is a very special year for the King family and the nation as a whole. Nineteen ninety-three marks the 10th anniversary of the establishment of the Martin Luther King, Jr. Federal Holiday Commission, on which I have the pleasure to serve; the 10th anniversary of the enactment of the King holiday; the 25th anniversary of Dr. King's tragic assassination in Memphis, TN; and the 30th anniversary of the March on Washington and Dr. King's timeless "I Have A Dream" speech.

Nineteen ninety-three also will be a year of opportunities. We have a new administration and Congress that better represent the diversity of our country. Now is the time to renew our commitment to Dr. King's legacy of equality and social progress through nonviolence. Now is the time to address the consequences of rapid change in the racial and ethnic composition of our population. Now is the time to prepare our young people to participate fully in a service-oriented economy that often demands a higher level of skills and training. Following these steps is the only way that we can keep Dr. King's dream alive for all of us.

I want to commend the work of the Martin Luther King, Jr. Federal Holiday Commission. In particular, I want to recognize the selfless work of its Chairperson, Mrs. Coretta Scott King; its executive director, Mr. Lloyd Davis; and the many dedicated and committed staff members. When the Commission first began its work, only 17 States observed the King holiday. Today, thanks to the coordinating efforts of the Commission, all but one State observes Dr. King's birthday with a paid holiday, and over 100 foreign countries celebrate the occasion, as well.

In providing assistance and guidance to States and organizations with respect to the observance of the King holiday, the Commission responds to thousands of inquiries and distributes a wide array of educational materials. The Commission also publishes a newsletter, Living the Dream, which provides information to holiday observers around the country.

Equally important, the Commission has sponsored activities which promote Dr. King's goals of racial equality and nonviolent social change. His teachings are promoted through the Commission's participation in projects on issues such as drug abuse, illiteracy, voter registration, and urban economic development.

This year the Commission is planning some very exciting events. Included among these events are a unity ceremony; an observance at the Lincoln Memorial on the 30th anniversary of the historic March on Washington, which will include the dedication of the First Amendment Museum; and the National "I Have A Dream" Youth Assembly.

The First Amendment Museum will honor individuals, such as Dr. King, who went to the Lincoln Memorial to exercise their rights of freedom of speech, assembly, and petitioning the government to redress wrongs. The concept for this museum originated from a group of Scottsdale, AZ, high school students who wanted to become involved in the democratic process and committed themselves to a project that will help pass on Dr. King's legacy to future generations. While this project was not directly sponsored by the Commission, the Commission should be recognized for the substantial technical and educational assistance it provided to the Department of the Interior.

The 5th Annual National "I Have A Dream" Youth Assembly will be held in Washington, DC. The first youth assembly was attended by approximately 210 young people. Since that time, attendance has grown to over 900. The assembly is built around Dr. King's appeal for youth to make a career of humanity by committing themselves to becoming better persons, helping America to be a greater nation, and working for a finer world in which all persons might live freely with justice and opportunity.

These two events get to the heart of what the Commission is all about: passing Dr. King's legacy and teachings to our children who will shape the future of the community of nations.

As chairman of the Subcommittee on Census and Population, which has oversight responsibility for Federal holidays and holiday commissions, I would be remiss if I did not mention that the Commission's work has been hampered by a lack of sufficient funds. The Commission received no Federal funding prior to 1990, and experienced difficulty developing a successful fundraising program, due primarily to the competition of hundreds of other worthy causes seeking assistance from a shrinking pool of private funds.

Fortunately, support for the King holiday continues to grow. Thus, the commissioners, directors, staff, and volunteers press on.

Achievement of social change through nonviolent means in the former Soviet Union demonstrates the universality of Dr. King's principles and message. As we contemplate Dr. King's influence worldwide, we must face a continuing challenge here at home. It is a challenge to carry out Dr. King's unfinished agenda and a vision which consists of peace, racial and cultural harmony, and inclusiveness.

Now, more than ever before in our Nation's history, achieving racial and cultural harmony is a necessary goal and a formidable task. Results of the 1990 census revealed that the fabric of our population is more diverse than ever. Twenty-five percent of us are people of color. During the 1980's, the black population increased by 13 percent; the Asian population more than doubled; the Hispanic population grew by 53 percent; and the native American population rose by 38 percent. As we all are aware, cultural and language differences can often lead to social division and economic inequality. As Dr. King stated in this "I Have A Dream" speech, "We cannot walk alone." We can't.

The King holiday presents the opportunity for us to renew our commitment to Dr. King's dream of achieving racial harmony, cultural tolerance, and equality of economic opportunity. His vision must be our vision. His principles must be our guide. His hope must be the hope of our youth.

THE OCCASION OF THE CITY OF NORWALK'S COMMUNITY TRIBUTE TO BOB WHITE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. TORRES. Mr. Speaker, I rise today to recognize my good friend, Bob White, former mayor of the city of Norwalk. Bob is being honored for his 24 years of dedicated public service at a special ceremony on January 30, 1993.

Bob was born and raised in Norwalk, CA. In 1943, he received his bachelor of science degree in education from the University of Southern California. He also completed a variety of graduate courses at California State University, Los Angeles, and at the University of Southern California. A veteran of World War II, he served in active sea duty for the U.S. Coast Guard. In 1943, he married his lovely wife and partner, Frances. They have two children and five grandchildren.

In 1946, Bob began his 34 year teaching career with the Los Angeles Unified School District. He served as a teacher and coach at Washington High School from 1946–68. He then joined the faculty at South Gate High School and taught a variety of classes, including physical education, math, and drivers' education, until his retirement in 1980. As an adjunct to his teaching career, Bob spent 12 years as a professional baseball player and manager with the New York Yankees organization. He also managed the Salt Lake City Bees.

Bob's service to the people of Norwalk has spanned over two decades. He served five terms as mayor, and numerous terms as a council member. During his 24 years, the city of Norwalk has grown in size and stature, and today is one of California's finest cities. His legislative accomplishments included implementing major residential, commercial, and industrial revitalization, significant transportation projects, and a variety of social service programs.

While maintaining an active role in civic service, Bob also has been a member of the Southeast Recreation and Park District Board of Directors, March of Dimes-Norwalk, and Boy Scouts of America-Frontier District. He has held positions with the League of California Cities, Southern California Association of Governments, National League of Cities, U.S. Mayors, and California Contract Cities Association. In 1984, he was elected as an alternate member of the Los Angeles County Transportation Commission and in 1989, was appointed to the League of California Cities Transportation Committee.

Mr. Speaker, it is with pride that I rise to recognize my friend and one of Norwalk's esteemed residents, Bob White, and I ask my colleagues in the U.S. House of Representatives to join me in saluting him for his outstanding record of service to the residents and community of Norwalk.

LAWYER REFLECTS ON ERA AS KING OF THE COURTS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. JACOBS. Mr. Speaker, if you have not yet met Owen Mullin, you have not yet met the most unforgettable character you could ever meet.

Indianapolis Star writer Joe Gelarden was exactly the right person to describe this latter day Clarence Darrow, Indianapolis's Owen M. Mullin.

[From the Indianapolis Star, Nov. 29, 1992]

LAWYER REFLECTS ON ERA AS KING OF THE COURTS

(By R. Joseph Gelarden)

Once upon a time, Deputy Prosecutor John Commons was skillfully presenting his case in a major murder trial. It seemed to be going smoothly.

Out of the blue, one of the defense lawyers asked a prosecution witness if the police had given one of the codefendants special treatment—chicken dinners and conjugal visits with his girlfriend—while in custody.

The questions forced Commons to switch his strategy. Now he had to spend much of his time defending the police and making excuses for their actions.

On final argument, the defense lawyer argued his client was innocent—that he was really the victim of a conspiracy between the police and the defendant who got the special favors.

Verdict: Acquittal.

Commons was stunned. "I had been Mullinized," he said.

For more than a generation beginning in the mid-1950's, it was a good bet that a deputy prosecutor seen walking from a courtroom with a blank look after losing an open-and-shut case had been "Mullinized."

The prosecutor's office once required rookies to attend training sessions to guard against the ailment, which had a simple cause: a smallish, gray-haired, smiling Irish lawyer named Owen M. Mullin.

Lawyers, judges and cops agreed: "Ownie" was the best. In Indianapolis, he was the man. The guy that bank robbers, politicians and even the cops went to when they got in Dutch. Despite a mid-career slip that got him in a jam of his own with the tax man, Mullin got the big cases. The old lawyers still told their new legal associates to sit in on this trial or that trial and watch Ownie work. They would marvel at his ability to take over a courtroom with his style, flair and demeanor.

In an era that demanded that lawyers don three-piece suits and use pseudo-Victorian English, Mullin would simply talk to the jury, joke with the jury and, most of all, convince the jury his client was really the victim—of the system.

He's 75 now. His gray mane is thinning on top, his official office is closed, his longtime aide Bobbi Kennison, likewise a courthouse fixture, has retired. By the end of the year, Mullin will have only a handful of cases left. He is semi-officially retired, unless, of course, somebody (with cash) calls with a simple case that won't take much time.

FROM HUMBLE BEGINNINGS

The Ownie Mullin story reads like a textbook study of the American Dream.

A tough kid, only a generation removed from Ireland's poverty, uses pluck and brains to rise from Fountain Square and Irish Hill to the inner circle of city leaders. After his political career, he parlays his gift of gab and connections into a successful criminal law career.

Mullins was born in 1918, two blocks from Fountain Square, the son of a woman born in Ireland's County Mayo and a man one generation removed from Mayo.

Mullin was reared in "the old neighborhood," as the St. Patrick Catholic parish was called. His father was a mailman, three uncles were cops, and his brother Jim is a retired cop. He graduated from the old (pre-Emmerich) Manual High School in 1935 with a special award for scholarship but the Depression postponed college.

"I was lucky to get on with Gregg Cleaners as a dress washer for $11 a week for a 54-hour week," he said.

It had taken him five years to work his way up to a route truck driver when the prewar draft registration came along.

"In December 1940, a sergeant promised me that if I enlisted, I would get out in one year. That all changed on December 7th, 1941, when Japan attacked Pearl Harbor."

Mullin, by then an Army sergeant, quickly found himself in officers' training. Soon he was a captain, commanding an infantry company based in England. Then came D-Day and the invasion of Europe.

"A few weeks after the landing, we found ourselves racing into Cherbourg and into the Saar, where the real fighting began."

That fighting took him through France and Belgium and into Germany, where an enemy's artillery shell put him in the hospital for a while. When he rejoined his outfit, the 87th Division, the unit raced around the Siegfried line in Germany, shot through Coblenz and ended the war in Czechoslovakia.

When he got home from World War II, Mullin worked for a while as an Associated Press copy clerk, then went to Butler University on the GI Bill. After a couple years, he went to Indiana University Law School, passed the bar and hung out his shingle.

Even with a brand-new shingle, Mullin found it tough to break into the law business. Like many of his classmates, he found his military training had taught him more than one way to solve a problem.

Along with guys such as Phil Bayt and John Christ, Mullin drifted into politics and quickly acquired some clout.

Bayt was elected mayor in 1950. For men such as Christ and Ernie Burke, political work led to seats on the Municipal Court bench.

For Mullin, it was a dual success: He was appointed city attorney and elected county and district Democratic Party chairman.

Party infighting led Mullin to resign as city attorney and re-enter private law practice in the late 1950s. His chances for a fair hearing had improved, he says: with his pals Burke and Christ on the bench, "things got better for me."

MAKING HIS CASE

Several years ago, a deputy prosecutor urged the jury to disregard the antics of the defense lawyer. "Don't believe anything that doesn't come from the witness stand," he thundered.

Moments later, the defense lawyer began his final argument by walking over to the witness stand and sitting down.

Mullinized again.

Mullin says he lost his first nine jury trials, and felt he would never become a success. Then he started watching the good trial lawyers, men such as Dave Lewis, Sam Blum and Ed Ryan.

"I figured that criminal law is like poker. There are a few rules, like, you don't put your guy on the stand and try your case when you are questioning prospective jurors.

"But you can use strategy within the rules. Using that tactic, you could make your case about three times with each juror.

"Well, that changed everything. I tried to indoctrinate the jury and convince them that my man was a helpless pawn and the victim of those crooked police."

And if Mullin did it just right, he had a jury that was leaning toward him from the start.

Once the jury was seated, Mullin would listen to the evidence and absorb it, but rarely get into a debate over side issues. "Each case turns on one or two points. I concentrated on them," he said.

"On cross-examination, I would do things like get the police to admit that they were supposed to take notes about everything, but they don't, so I would always criticize them for sloppy police work."

Mullin rarely made an opening statement. Instead, he told the jury he would present evidence from the witness stand. But he had already made his points again and again as the jury was being picked.

Then he would cross-examine prosecution witnesses for "as long as the judge would let me."

Mullin explained that in the old days, lawyers could cross-examine witnesses over just about anything. Questions such as: "It's a fact you ran around with so-and-so's wife at a time when. . . ?

"I would ask stuff that didn't have anything to do with the case. But it made the (prosecution witness) look less than credible. You can't do that anymore. But I did it for about 30 years."

TESTING THE LIMITS

In one case, Millin was defending a woman accused of murder. She had passed a lie detector test, but the prosecutor could keep any reference to the test out of evidence by offering an objection.

Mullin wanted jurors to know about the lie detector test, but every time he tried to get it before them, the prosecutor would object.

So he questioned a police detective over and over, getting deeper and deeper into the case. It was a Friday afternoon and the jury, judge and lawyers were anxious to go home for the weekend. But Mullin kept up his questioning.

Finally, he asked the detective if one of the witnesses used to live at another address. The detective didn't remember.

Mullin saw an opening: "Wasn't that discussed at the bond hearing (held before the trial)?" The detective said he guessed so.

Mullin said: "If the prosecutor has no objection, to save time, I'll just put the transcript of the bond hearing in evidence." And the prosecutor said OK.

Then Mullin asked one of his legal associates to read the transcript—which contained the information that the woman had passed the lie detector test.

The prosecutor was livid—and Mullinized.

FOLLOW HIS RULES

Mark Shaw, a Brown County lawyer and former Mullin associate, calls the affable Irishman his mentor.

"I have practiced with two of the nation's best lawyers: F. Lee Bailey and Melvin Belli. I have seen other big-timers, Gerry Spence and James Neal. Ownie was head and shoulders over those guys," Shaw says.

Here is Shaw's version of Mullin's rules of the criminal law practice:

Learn the names of the jurors—first and last. In your final argument, you say Mr. Smith or Mrs. Smith. Name all 12 of them as though you have known them all of your life.

You need only one juror on your side. The prosecutor needs all 12 to vote for conviction.

It is never "the defendant and the defense lawyer." It is "we." The jury will decide guilt or innocence on the basis of both of you.

You must talk about "we." Put your hands on the defendant—even if the guy is an ax murderer. Show your personal feelings—your positive feelings, anyway—about the defendant.

Make the jury think about everything but the evidence. Pound jury members with the reasonable-doubt argument. Even if it has nothing to do with the case, give the jury a reason to find the defendant not guilty.

Sometime in the late 1970s, they changed the rules on Mullin. The Supreme Court and the Indiana General Assembly got tough with criminals and their lawyers.

In recent years, Mullin has slowed down. It was not as much fun as it had been. The men charged with bank robbery and tavern fight shootings were replaced with child molesters.

"Look, at that time, the law was a paradise for someone like me. It was vague, outmoded. I knew the way around the rules then, and the strategy of most cases was the same," he said.

The change came with the passage of the Indiana Criminal Code of 1977. Lawmakers began requiring consecutive sentences and got serious about the habitual-criminal laws. Judges started handing out long sentences.

Mullin is philosophical about the change.

"The average guy, the only crime he commits is when he gets drunk and drives his car into someone. Well, unless you have a lot of money and can get someone like (Indianapolis lawyer) Jess Paul, one of the better drunk-driving defense lawyers in the country, you are going to get convicted."

But the cap on his career came when prosecutors began to file more and more child molestation cases.

"As a defense lawyer, I believed that most of them (his clients) were not guilty."

In most cases, he says, criminal prosecution is not appropriate.

"In my 45 years of practice, unfortunately, it seems to me that most child molesters are sick people. I am not sure we are helping them with the criminal justice system."

NOT WHAT IT USED TO BE

For Mullin, once the king of the Indianapolis criminal court lawyers, the guy who used to enjoy using his wits and style to beat the odds and keep his man out of jail, the rules changed the game he loved.

"Walter Myers Jr., a good lawyer, once asked me why I wanted to practice law. I answered that I like the idea of taking a guy against the odds and winning a case.

"He told me I would be disappointed. In most cases you will have, nobody wins. Everybody gets hurt."

Mullin looked at his desk, and smiled as he reflected on the statement.

Then he said: "Myers was right."

TRIBUTE TO STEVEN BERNHEIM

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. ACKERMAN. Mr. Speaker, I am honored to pay tribute to Steve Bernheim, who recently retired as lieutenant governor of the Long Island North Division of Kiwanis International, having served in that capacity from 1991 to 1992. In addition, Mr. Bernheim was a member of the Nassau East Kiwanis Club, and served as its distinguished president for two terms. Steve has made praiseworthy contributions toward improving the lives of his fraternity, his friends, and his neighbors.

Steve is the New York district chairman for public relations and, presently, serves as assistant to the president/director of communications at the State University of New York College of Technology at Farmingdale. Before coming to the field of higher education, Mr. Bernheim was a journalist, and he also worked in numerous government positions.

Steve has been active in many professional organizations at both local and national levels. Currently, he is serving as chairman on sports safety for ASTM and has been a well-known professional sports official with the National Hockey League for the past 21 years. In addition, he is a nationally recognized expert in the field of sports litigation.

Steve has been able to balance his active community involvement with his commitment to his occupation. Mr. Bernheim is a practicing attorney and partner in the Massapequa, NY law firm of Stuart E. Davis, PC. Steve and his wife, Nancy, have been involved in various philanthropic and community activities and they pride themselves on their commitment to the betterment of the Long Island community.

Mr. Speaker, individuals like Steve Bernheim help to make Long Island, and our Nation a better place in which to live.

LEGISLATION TO REPEAL THE SOCIAL SECURITY EARNINGS LIMIT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. FIELDS. Mr. Speaker, today I am introducing legislation that will repeal an outdated Federal regulation that forces older Americans to quit their jobs or face a reduction in Social Security benefits if they continue to work.

Currently, people aged 65 to 69 lose $1 in Social Security benefits for every $3 they earn over $10,560. This penalty on senior citizens who draw Social Security and also continue to work was first enacted during the Depression era when jobs were scarce. The theory behind the earnings test was that persons should receive retirement benefits only if they are out of the work force.

However, the economic realities of the 1930's no longer apply to the labor force demands of today. America now faces a shrinking employment pool. Yet under current law, employers are deprived of some of the most hard-working, dependable, and highly skilled participants of our labor force. In fact, it is estimated that 700,000 older Americans would enter the work force if the Social Security earnings test was eliminated.

Those people who paid into the Social Security system their entire working life should not be penalized because they continue to be working, productive citizens. Many senior citizens remain active in the work force for the benefit of their emotional, mental, and physical health. Others simply need the supplemental income for expenses that fixed incomes cannot support. Reducing people's Social Security benefits because they continue to earn money just doesn't make any sense.

Mr. Speaker, similar legislation has been introduced by several of my colleagues. Repealing the Social Security earnings limit is an idea whose time has come. I will work with my colleagues to ensure that this issue remains a top priority for the 103d Congress so that older workers receive the financial security they deserve.

FAIR MARKET GRAZING FOR PUBLIC RANGELANDS ACT OF 1993: TIME TO STOP FEEDING OFF THE TREASURY

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. SYNAR. Mr. Speaker, I rise today along with my good friend Representative RALPH REGULA of Ohio to introduce the Fair Market Grazing for Public Rangelands Act of 1993. Enactment of this measure will be good for both the taxpayers and the environment.

The Fair Market Grazing for Public Rangelands Act will improve the management of 250 million acres of publicly-owned rangelands administered by the Department of the Interior's Bureau of Land Management and the Department of Agriculture's U.S. Forest Service. Equally important, this act could save the taxpayers more than $325 million over the next 5 fiscal years.

Mr. Speaker, in 1934, in the midst of the Dust Bowl era, Congress enacted the Taylor Grazing Act in an effort to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, and to provide for their orderly use, improvement, and development. But it has not been an easy job.

This year the taxpayers may lose another 80 cents for every dollar spent to administer the Federal Grazing Program. Notwithstanding this sorry performance, the Federal grazing fee has actually declined in each of the past 2 years from $1.98 per Animal Unit Month [AUM] to $1.86 per AUM, even though private land lease rates and other market indexes have consistently increased—an Animal Unit Month is the amount of forage required to sustain one animal unit—a cow and calf, mature horse or five sheep—for 1 month. An AUM is a standard unit of measure used to price forage regardless of the carrying capacity—or biological productivity—of any particular tract of land.

Mr. Speaker, the benefits of low-cost Federal grazing have not been widely shared. Public rangeland grazing permit holders complain that it costs them a lot more to operate on Federal lands. I question that assertion to be sure, they have to handle their cattle, pay veterinarians bills, dig stock ponds, fix fences, provide salt, transport stock to pasture and sometimes the animals must be replaced. But ranchers all over the United States have the same expenses and they must either buy and pay taxes on their own land, or pay $4.25 to $11 per AUM to a State wildlife agency for grazing rights, or pay as much $20 per AUM to lease private land.

Only 2 percent of the 932,000 cattle producers in the country graze their cattle on Bureau of Land Management and Forest Service land. Only 23,600 ranches and farms of the total 240,300 livestock producers in the 16 Western and Great Plains States have public rangelands grazing permits, with 14 percent of these producers grazing livestock on both Forest Service and BLM administered rangelands.

For years, many of my Oklahoma constituents—and many of the people who oppose Federal grazing fee increases—have told me: "Congressman, what you need to do is run the Government more like a business!" Well I agree. It is time to run public rangelands more like a business. After all, what is wrong with the marketplace? I think marketplace principles are the essential ingredients needed to allow the taxpayers to improve the management of 250 million acres of public rangelands administered by the Department of Interior's Bureau of Land Management and the Department of Agriculture's U.S. Forest Service.

Running the Government more like a business does not mean that livestock grazing should be removed from public rangelands. In fact, I think that livestock grazing is a valid and valuable use of suitable public lands when it is managed by resource professionals. I believe that proper livestock grazing on public rangeland can benefit wildlife habitat, by managing both wildlife and livestock in concert. And, I am convinced that a healthy livestock industry is an important element in maintaining western open space.

Although I have repeated those observations in virtually every statement I have ever made on Federal grazing, many of my detractors continue to accuse me of wanting to "get cattle off public lands." That is simply not true. My efforts have always focused on the economics of public land ranching rather than any arguments of special interest groups. Unfortunately, instead of joining a debate on the facts, many public land ranchers have preferred to see any effort to discuss this important public policy issue as a threat to rural lifestyles, Western values or anything but the unreasonably low cost of Federal grazing rights.

Believe it or not, I have never singled out grazing fees or public land ranchers. In fact, I favor placing all resource uses on public lands—including western range programs—on a "pay as you go" basis. I think it is time for Congress to give all commercial use of public lands a good dose of free enterprise.

However, Mr. Speaker, I do not believe that retaining below-cost grazing rights for the 23,600 public rangeland livestock producers is essential to maintaining Western values. It is quite the opposite. I contend that Western virtues of self-reliance and independence are poorly served by a policy that protects a few producers from competition and the market place. I think the merits of the Western way of life will survive a reasonable increase in Federal grazing fees. It will be good for both the taxpayers and good, old fashioned competition.

The existing Federal grazing fee formula is fatally flawed. It only protects public land ranchers from the rigors of the marketplace by keeping the Federal grazing fees unrealistically low. Even the Secretaries of the Interior and Agriculture have admitted that the current grazing fee formula overstates the costs of doing business by "double counting" the expenses of doing business on public lands. As a result, the formula is not fair to the taxpayers. And it is not fair to private land ranchers who must compete against Federal Government subsidies.

While Federal rangeland issues have been a source of continuing political controversy and debate throughout most of this century, the arguments have changed very little since the first grazing fees were instituted in 1906. In fact, whenever I prepare to debate these questions, I am reminded of the words of Representative John Andrew Martin of Colorado during the debate on the Taylor Grazing Act:

> As I listened to the debate this afternoon I reflected that Members of this body could go back into the debates of Congress 25 or 26 or 28 years ago, and not only find everything that has been said against this bill here this afternoon but 20 times more.

It is true, the same arguments you will hear today were made 58, 80 and 87 years ago. Each time Congress considers charging fair market value for the privilege of grazing on public lands, the same old arguments are raised to prevent it. I think it is time for a change.

Today, more than 58 years after passage of the Taylor Grazing Act, much of the public rangeland is still in unsatisfactory condition. In fact, the Bureau of Land Management's own reports show that as much as 60 percent of the public rangeland will continue to be in fair to poor condition well into the next century.

According to a recent report by the Secretaries of the Interior and Agriculture, the Federal Grazing Program costs more than $73 million to administer, but grazing fees equal only $27 million—of which, more than $5 million was sent back to the States. So even the past administration admitted that the annual subsidy to grazing program from the taxpayers is at least $50 million each year.

The only people that would be harmed by raising Federal grazing fees would be those people who have these under-priced Federal grazing leases. They would lose their subsidy and have to compete with the other 98 percent of all livestock producers, who have no Federal leases.

We will all have to make sacrifices to put the Federal Government back on track. Government charity is as difficult to stop on western rangelands as it is in the ghettos of our major cities. Since cattle prices have been at a reasonably high level for the past 3 years, isn't it time that everyone paid their fair share? I think it is.

I introduce this legislation today, because I am concerned about the future of our rangelands. I want to head grazing management in the right direction. I believe that unless grazing fees are increased, the taxpayer will continue to subsidize livestock that represents only 2 percent of total U.S. meat production; the costs of the grazing program will continue to exceed receipts; and the Government will continue to encourage overgrazing of our public lands.

Mr. Speaker, I believe Congress should begin to phase-in a more realistic grazing fee beginning immediately. The Fair Market Grazing for Public Rangelands Act of 1993 does just that. This new Federal rangeland grazing fee structure would produce a fiscal year 1993 grazing fee for Bureau of Land Management and U.S. Forest Service lands in 16 Western States of $2.56 per AUM. National Grasslands and so-called Eastern National Forests are covered by other rules and regulations and are therefore excluded from this measure. Beginning in fiscal year 1994, the balance of the fair market value for Federal grazing rights would be phased-in as the Federal rangeland grazing fee is increased by no more than 33 percent per year until it is equal to the so-called westwide application of a modified market value fee system as described by the Secretaries of Interior and Agriculture in reports to Congress in 1986 and 1992. Under this so-called Modified Market Value Fee System, the fiscal year 1994 grazing fee would be approximately $3.41 per AUM. The fiscal year 1995 fee could be raised to $4.52 per AUM. And, in fiscal year 1996, the grazing fee could increase again to $5.36 per AUM, depending on market conditions.

As a result of this action, Congress could reduce the gazing subsidy significantly over the next 5 fiscal years. In turn, these savings can be used to fully fund Federal range improvement activities on a "pay as you go" basis.

Simply stated, Mr. Speaker, the Fair Market Grazing for Public Rangelands Act of 1993 requires the return of reasonable value for the lease of publicly-owned assets. It is fair. It is reasonable.

I urge all of my colleagues to join as cosponsors of the Fair Market Grazing for Public Rangelands Act of 1993. It will be good for both the taxpayers and the environment.

TRIBUTE TO LT. CHRIS L. DICKERSON, U.S. NAVY

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. SISISKY. Mr. Speaker, Lt. Chris Dickerson, U.S. Navy is completing his tour of duty as liaison officer at the Department of the Navy's Office of Legislative Affairs. I would like to take this opportunity to recognize some of his superlative accomplishments.

Chris received his commission from the U.S. Naval Academy in 1984 and was later designated a naval flight officer in April 1986. Chris gained operational experience flying the F–14 Tomcat aircraft, serving with VF–101 and VF–142 at NAS Oceana. In addition, Chris served on the joint staff.

Since reporting to the Navy's Office of Legislative Affairs in January 1991, I have had the opportunity to observe his performance on both a formal and informal basis. I personally relied upon him to organize and execute a major congressional delegation to the North Atlantic Assembly in Madrid, Spain. Chris' efforts, enhanced our relationship with our NATO allies. As a well seasoned traveler, escorting a myriad of Members of Congress and their staffs, Chris epitomizes the highest standards of professional conduct, leadership, and desire for perfection.

Chris has been instrumental in maintaining the flow of information between the Navy and Congress. He has promptly resolved thousands of time sensitive and difficult congressional inquiries. He operates easily under pressure and his advice is always accurate.

I have every reason to expect that Chris will perform in an outstanding fashion in his next assignment to carrier air wing two, NAS Miramar, CA. The Navy should continue to task Chris with the toughest of assignments.

Lt. Chris Dickerson is respected for his knowledge and honesty by my colleagues on both sides of the aisle. I know that they as well as I, will miss him and wish him "fair winds and following seas."

HONORING AIR PRODUCTS AND CHEMICALS, INC.

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. ZIMMER. Mr. Speaker, IndustryWeek recently named the Air Products and Chemicals, Inc. facility in South Brunswick, NJ as one of America's Best Plants of 1992.

The managers and employees of Air Products won this accolade because of their teamwork and their dedication to quality. The role of management at this South Brunswick plant is clear; it is to serve the workforce. The plant is an example of what can be accomplished when employees and managers work together.

The plant's strong employee involvement and empowerment programs have made it one of the 10 most innovative plants in the United States. Once a month, workers are encouraged to share ideas for improvement with management. In these meetings production workers are able to earn trust and accountability. As a result, they work more hours unsupervised than they do supervised.

Since opening in 1974, the plant's goal has been to strive continuously to achieve optimum efficiency. With the installation of a state-of-the-art recycling system and implementation of improved yield programs, the plant has been able to withstand two serious recessions without laying off a single worker.

Mr. Speaker, I ask my colleagues to join me in saluting the South Brunswick facility as a model for all American industry.

IN HONOR OF RAY RAWSON, JR.

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. BILBRAY. Mr. Speaker, I rise today to honor the life of a longtime Nevada resident and mourn the passage of Ray Rawson, Jr.

A longtime Las Vegas resident and father of State Senator Ray Rawson, Mr. Rawson had resided with his family in Las Vegas since 1952. A master carpenter, he started Rawson Construction, Co., and specialized in custom homes and other buildings in the Las Vegas area.

He served his country during World War II by assisting the fledgling nuclear research program in building underground bunkers in Washington State. Eventually, after two decades of experience in the southern Nevada building industry, he retired with his wife, Mable, to Logandale, where he tended to his orchard of grapes, apricots, and peaches.

Throughout his life, Ray Rawson continued his active involvement in the Church of Jesus Christ of Latter-day Saints. He served as elders quorum president and a second counselor in the high priests. He and his wife served as volunteers in the St. George LDS Temple.

I ask my fellow members to join me now in honoring the passing of this vital member of the southern Nevada community and expressing our deepest sentiments to his family.

IS THIS PROGRESS?

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. EMERSON. Mr. Speaker, last Friday, on the 20th anniversary of Roe versus Wade, President Clinton signed several Executive Orders which reversed many of the pro-life policies that have developed over the years. With a stroke of the pen, President Clinton has determined that taxpayer dollars will be used to refer pregnant women to abortion clinics, that abortions will be provided in federally-supported military hospitals overseas, that Federal dollars will be used to support the practice of inducing abortions for fetal tissue research, and that Federal taxpayer dollars may now be given to organizations which actively promote abortion in other countries. The result of all of this is clear: Federal taxpayer dollars will be used to support a multimillion dollar industry that survives by taking the lives of unborn children, even though an overwhelming number of Americans do not support Federal funding of abortion.

President Clinton campaigned on the theme of "change." This may be "change" Mr. Speaker, but is it progress?

TRIBUTE TO ELIZABETH M. RAUCH

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. TALENT. Mr. Speaker, I rise today to honor Elizabeth M. Rauch, an outstanding individual who I am privileged to represent from Missouri's Second Congressional District. This week she is being honored as the St. Charles County, MO Chamber of Commerce's Person of the Year, in recognition of her lifetime devotion to others.

Ms. Rauch is a role model for all Americans. She gives of herself, not for personal betterment, but for the improvement of those around her. Over the years, Ms. Rauch has joined numerous community organizations, and she has left a lasting impact on each of them. She has always quickly earned the respect of her peers and, as a result, is greatly valued by them. She has held leadership positions in many of these organizations, and has made each of them better.

Not surprisingly, she has often received each organization's highest level of recognition. When she volunteered for the local Red Cross, she became chairman of their junior program, their hospital volunteers program, and their blood service program. In recognition, she was awarded the Red Cross Clara Barton Service Award. At a local school, the Academy of the Sacred Heart, she founded a mother's club to get parents more involved with the school. Now, years later, she chairs their endowment fund. She supports local Lindenwood College by serving on the board of directors. And she continues to support her local hospital, where she has been a volunteer for 34 years, by serving on their advisory board and their foundation board.

This Friday, she will once again be honored—this time as the chamber of commerce's Person of the Year. Incidentally, this is not the first time the chamber has recognized her contributions to the St. Charles community; 8 years ago she was awarded the chamber's Humanitarian Award.

Mr. Speaker, Elizabeth Rauch is a truly remarkable woman. It is a great honor for me to represent such an outstanding individual in Congress.

THE REPRODUCTIVE FREEDOM PROTECTION ACT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mrs. LOWEY. Mr. Speaker, we are embarking on an important mission on behalf of women and physicians across the country. I have introduced legislation aimed at reducing the rash of abortion-related harassment which is on the rise around the country.

While much of Congress' legislative focus in the past has rightly been on thwarting the policies of antichoice administrations, we must now confront antiabortion groups that have taken the law into their own hands and are successfully reducing access to abortion in communities around the Nation.

Extreme radical activists within the antiabortion movement are acting as vigilantes, not only in blocking clinics, but in harassing, intimidating, and threatening doctors. They are picketing homes, frightening children, and threatening the lives of abortion providers. Through these despicable means, they are making it difficult, if not impossible, for women to obtain abortions. In effect, they are saying that it does not matter what the Supreme Court or elected officials say. These people intend to impose their own views on American women through extra-legal means. Today we remind those groups that abortion is still legal in this country, and that we are committed to keeping it that way.

One courageous abortion provider, Dr. Sue Wicklund, flies 200 miles from Minnesota to North Dakota each week to provide abortion services. Why? Because she is committed to preserving the right to choose for women in a State that has no abortion providers of its own. And her reward? Her home is picketed, her driveway blocked, and fliers have been distributed at her daughter's school saying that Dr. Wicklund is a baby killer. Her pleas for help to local law enforcement authorities have gone unanswered. She has to hire private security guards to protect her home.

And she is not alone. Health care providers in nearly every State face similar instances of harassment and stalking. In too many cases, local law enforcement officials have not enforced existing statutes which prohibit such behavior.

Organizers of these groups have let it be known that we have not seen anything yet. As antichoice forces see a change in the political tides toward protecting abortion rights, they are turning increasingly to antichoice terrorism to achieve their political goals. During the last year, antichoice groups have stepped up their terrorism, targeting clinics in acid attacks and the doctors who perform abortions with a variety of forms of harassment. Randall Terry of Operation Rescue has said "We're going to do everything we can to torment these people, to expose them for the vile, blood-sucking hyenas that they are." He also advocated violence when he led a prayer for tragedies to befall the families of abortion providers.

This approach was encouraged by the Supreme Court's recent ruling in Bray which held that Federal courts and law enforcement agencies have no authority to stop antichoice protesters who block access to abortion services. If this decision is allowed to stand, the women of America will not have the full support of the Federal Government in protecting their fundamental right to choose.

If we believe in law and order in this country, we cannot sit idly by and accept such threats of violence. Despite the heroic efforts of clinic staff, physicians, and supporters of the right to choose, these vigilantes are having an impact on access to abortion services in the United States. Increasing numbers of physicians are refusing to provide this service, not because they do not support the right to choose, but because they fear for their lives and for their families' safety.

The result of their fear is more than evident. Twenty years after Roe versus Wade, 83 percent of counties in the United States have no abortion services, and every year the number of abortion providers in the United States drops. Additionally, the number of medical schools requiring abortion training has plummeted to 12 percent.

If these trends continue, women may have a legal right to make childbearing choices, but they may not be able to exercise those rights. Indeed, the legal right to choose will be meaningless if women have no practical access to critical services.

Now is the time to turn the tide and stop these illegal and heartless acts that are jeopardizing women's health care. Abortion providers and women who want abortion services cannot wait any longer for full protection under the law. We must protect those providing safe, legal abortion services and the women who are seeking to exercise their constitutionally-protected right. We cannot leave health care providers and women vulnerable to those who threaten violence notwithstanding legal protection for abortion rights.

The Reproductive Freedom Protection Act, H.R. 519, would require local governments to enforce existing harassment and disorderly conduct laws against antichoice fanatics as a condition for receiving community development block grant [CDBG] funds.

Congress has already enacted a requirement that localities enforce trespassing laws during clinic blockades in order to receive those funds. H.R. 519 simply expands that requirement by calling on communities also to protect abortion providers and women seeking abortions in the conduct of their personal and professional lives.

We cannot continue to condone the actions of individuals who take the law into their own hands. We must stop them before they take away access to abortion services altogether. We must pass legislation to prod local governments to enforce already existing local harassment laws to preserve the rights of American women and their physicians.

The legislation I introduced has the endorsement of the National Coalition of Abortion Providers, the National Abortion Federation, the National Abortion Rights Action League, Planned Parenthood Federation of America, the Westchester Coalition for Legal Abortion, and New York State Family Planning Advocates.

I look forward to working with my colleagues to pass this critical legislation.

RENAMING THE BEAVER, UT, POST OFFICE TO HONOR ABE MURDOCK

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. HANSEN. Mr. Speaker, I rise today on behalf of the citizens of Beaver, UT, to introduce legislation which pays tribute to Mr. Abe Murdock, a former U.S. Congressman and Senator. It is an honor to bring a bill to the floor which proposes to rename Beaver's post office as the Abe Murdock U.S. Post Office Building. You may recall that the House unanimously passed this bill during the 102d session. Unfortunately, the Senate attached a provision which could not be agreed to and the bill did not see the light of day. It is my hope that we can pay homage to a respected man in the 103d Congress by officially renaming the Beaver, UT, post office after him.

In 1923, Abe Murdock was elected county attorney of Beaver County where he established a respected reputation as a specialist in irrigation law. He held this position for 9 years and was then elected to the U.S. House of Representatives. He served three terms as a Representative where he was a strong defender of the working man and organized labor. In 1941, Abe Murdock won a seat in the U.S. Senate. As a Senator, he was actively involved in guaranteeing Utah was granted its fair share of water from the Colorado River. He was a member of the Senate Committees on Public Lands and Surveys, Territories and Insular Affairs, Post Offices and Post Roads, Banking and Commerce, and Judiciary. His influence contributed greatly to Utah's becoming a leading State in the West.

In 1949, President Truman appointed him to the National Labor Relations Board where he served two 5-year terms. He was then appointed to a Presidential panel which addressed labor-management relations in the atomic energy industry. As a panel member, Mr. Murdock's insight and experience made a significant contribution.

Abe Murdock was a man of integrity and fortitude; Utah is proud of his representation. His family, friends, and associates ask for your support in placing his name on the Beaver City Post Office to honor his life of public service.

MAKING CONGRESS ACCOUNTABLE TO THE PEOPLE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Ms. DELAURO. Mr. Speaker, with the spirit of the inaugural still fresh in our minds, it is important that Congress act quickly in a manner that demonstrates that we hear and will heed the call of the American people for change and accountability. Nowhere can we make a stronger case than here at home.

Last Wednesday President Clinton challenged this institution to begin the process of reform. He called on us to "reform our politics, so that power and privilege no longer shout down the voice of the people."

We in Congress have an obligation to the people who sent us here. Change begins with accountability to the people. That's why today I have personally taken two steps that I hope will set an example for others concerned about reforming our institution.

Today I announced that rather than accept the 3.2 percent [$4100] cola given to members of Congress in January, I will devote that portion of my salary to a scholarship account I have established that offers scholarships to students from across my district. Two years ago I began this tradition by refusing to personally accept the congressional pay raise, instead opening this scholarship. I believe it difficult for members of Congress to continue to accept regular pay increases—even COLA's—while working families are struggling to cope with a prolonged recession.

I have also co-sponsored legislation introduced by Congressman CHRIS SHAYS that demands that Congress become accountable to all the laws that govern the rest of our nation. We have for too long made laws that apply to the rest of America but failed to implement rules that will apply these same laws to Congress. These are good laws: the Americans with Disabilities Act, the Fair Labor Standards Act, the Civil Rights Act to name a few.

Congress will win the respect of the people when it begins to show that it understands what they feel. That we feel the same pain that they do, that we will make the same sacrifices they are forced to, and that we can live within the rules we establish for the rest of the nation.

I urge my colleagues to follow this lead. Remember the challenge the people gave to our government last November—and act.

HOUSE OF REPRESENTATIVES—*Wednesday, January 27, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we have received the many gifts of life, we pray, gracious God, that we will begin each day with an attitude of thanksgiving for the opportunities before us. In spite of problems and tension, there is still celebration and reconciliation; in spite of wars and pain, there is also faith and hope and love. May Your blessing, O God, that is new every morning, be with each person, this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. KYL. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. KYL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 246, nays 146, answered "present" 1, not voting 39, as follows:

[Roll No. 11]

YEAS—246

Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Cantwell
Cardin
Carr
Chapman
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Foglietta
Foley
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hayes
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inslee
Johnson (GA)
Johnson (SD)
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Natcher
Neal (MA)
Neal (NC)
Oberstar
Olver
Ortiz
Orton
Owens
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quillen
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shaw
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Williams
Wise
Wyden
Wynn
Yates

NAYS—146

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Callahan
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Cox
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Emerson
Everett
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Gradison
Grams
Grandy
Greenwood
Hancock
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Paxon
Petri
Pombo
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Ros-Lehtinen
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff

ANSWERED "PRESENT"—1

Thurman

NOT VOTING—39

Abercrombie
Barcia
Barton
Brown (CA)
Burton
Calvert
Clayton
Clinger
Conyers
Crane
Fields (TX)
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Gutierrez
Hamburg
Hastings
Henry
Hilliard
Jefferson
Johnson, E.B.
Johnston
Maloney
Nadler
Obey
Parker
Pickle
Porter
Rohrabacher
Roth
Sanders
Smith (IA)
Smith (OR)
Tauzin
Whitten
Wilson
Woolsey
Zimmer

☐ 1227

Mr. DEFAZIO changed his vote from "nay" to "yea."

So the journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. SWIFT). Will the gentleman from Alabama [Mr. CALLAHAN] please come forward and lead the House in the Pledge of Allegiance.

Mr. CALLAHAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 23. Concurrent resolution authorizing the Architect of the Capitol to

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

transfer the catafalque to the Supreme Court for a funeral service.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 202. An act to designate the Federal Judiciary Building in Washington, DC, as the "Thurgood Marshall Federal Judiciary Building."

ADJOURNMENT FROM WEDNESDAY, JANUARY 27, 1993, TO TUESDAY, FEBRUARY 2, 1993

Mr. GEPHARDT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 27) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 27

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, January 27, 1993, it stand adjourned until noon on Tuesday, February 2, 1993.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. HOYER. Mr. Speaker, by direction of the Democratic caucus, I offer a privileged resolution (H. Res. 51) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 51

Resolved, That the following named Members, Resident Commissioner, and Delegates, be, and they are hereby, elected as chairman and Members, as the case maybe to the following standing committees of the House of Representatives:

Committee on Armed Services: Ronald V. Dellums, California, chairman; Pete Geren, Texas; Elizabeth Furse, Oregon; vacancy.

Committee on Merchant Marine and Fisheries: Gary L. Ackerman, New York.

Committee on Post Office and Civil Service: Greg Laughlin, Texas; Sanford D. Bishop, Jr, Georgia; Sherrod Brown, Ohio; Alcee L. Hastings, Florida.

Committee on District of Columbia: Fortney Pete Stark, California, chairman.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1230

APPOINTMENT AS MEMBERS OF JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore (Mr. SWIFT). Without objection, and pursuant to the provisions of 15 U.S.C. 1024(a), the Chair appoints as members of the Joint Economic Committee the following Members on the part of the House:

Mr. HAMILTON of Indiana;
Mr. OBEY of Wisconsin;
Mr. STARK of California;
Mr. MFUME of Maryland;
Mr. WYDEN of Oregon; and
Mr. ANDREWS of Texas.

THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING

Mr. MINETA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 202) to designate the Federal Judiciary Building in Washington, DC, as the "Thurgood Marshall Federal Judiciary Building," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. SHUSTER. Mr. Speaker, reserving the right to object, I do not intend to object, but I yield to my good friend, the gentleman from California [Mr. MINETA] to explain the bill.

Mr. MINETA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in very strong support for S. 202, to designate the Federal Judiciary Building in Washington, DC, as the "Thurgood Marshall Federal Judiciary Building."

This is a fitting tribute to a giant, great jurist who was a relentless voice for minorities and whose six-decade legal career was emblematic of the civil rights revolution.

Thurgood Marshall's roots were unlike those of any Justice before him.

He was born in Baltimore, MD, on July 2, 1908. The son of an elementary schoolteacher and yacht club steward, and the great-grandson of a slave brought to America from Africa's Congo region, Marshall was named after his paternal grandfather, who had chosen the name "through good" for himself when enlisting in the Union Army during the Civil War.

In his youth, Marshall attended Douglas High School in Baltimore, and worked as a delivery boy for a women's store. He also attended the all-black Lincoln University in Pennsylvania and earned money for tuition by waiting tables.

He obtained his law degree from Howard University in 1933, graduating first in his class.

Before he joined the Supreme Court, Marshall distinguished himself as our country's first black Solicitor General. He served in that post from 1965 to 1967 and took the lead in promoting the Johnson administration's civil and constitutional rights agenda.

He came to national prominence as the chief lawyer for the NAACP Legal Defense and Educational Fund when he argued a series of 1954 school desegregation cases known collectively as Brown versus Board of Education. The Supreme Court ruled in those cases that segregation in public schools was unconstitutional.

Marshall also spearheaded litigation that ended white-only primary elections and explicit racial discrimination in housing contracts.

In 1967, President Johnson appointed Thurgood Marshall to the Supreme Court. During his 24-year tenure, he was the only black Justice.

Marshall's record on the Supreme Court was consistent: He defended individual rights, he sided with minorities and the underprivileged; he favored affirmative action and he always opposed the death penalty.

In a recent statement, President Clinton said Marshall was one of the giants "in the quest for human rights and equal opportunity in the whole history of our country."

A genuine, sincere individual, Marshall said he wanted to be remembered this way: "That he did what he could with what he had."

Mr. Speaker, it is especially appropriate that we consider this bill on the very day that Justice Marshall lies in state in the great hall of the Supreme Court—an honor bestowed on few.

Naming the Federal Judiciary Building after Thurgood Marshall will serve as a lasting memory to one whose commitment to and reverence for the American justice system were second to none.

Mr. Speaker, I urge the passage of S. 202, and again thank my good friend, the gentleman from Pennyslvania for yielding.

Mr. SHUSTER. Mr. Speaker, Justice Marshall was a pioneer in breaking down racial barriers in our country, and he did so with remarkable vigor and tremendous success.

Even before his selection to the high court, Thurgood Marshall had a very successful career as a civil rights attorney, appeals court judge, and U.S. Solicitor General.

Thurgood Marshall graduated at the top of his law school class at Howard University, and he continued his dominant force in the legal profession throughout his career. Amazingly, he won all but 3 of the 32 cases he argued before the Supreme Court. And he will be especially remembered for his role as the attorney for the NAACP in the landmark Brown versus Board of Education desegregation case.

Mr. Speaker, it is fitting that the Federal Judiciary Building in the Nation's Capital bear the name of Thurgood Marshall as a monument to the historic contributions made by this great jurist, and I urge its approval.

Mr. Speaker, further reserving the right to object, I yield to the former great quarterback of the University of Pittsburgh, the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. I thank the gentleman for yielding.

I, too, rise in support of S. 202 to designate the Federal Judiciary Building as the Thurgood Marshall Federal Judiciary Building.

I would like to say that some people will remember Thurgood Marshall as a greater parent. Some people will remember him as an excellent attorney. Some will remember him as a superb Supreme Court Justice, and many others will remember him as a fearless fighter who stood up for what he believed was right and took no quarters.

But I think what is most important, and something that may be more important than that is Thurgood Marshall taught us how to fight, and he taught us how to win. He set an example. He was truly a David among a whole group of Goliaths. But he won. And I say that the legacy of Thurgood Marshall should not fall on deaf ears in the Congress.

If the rights of the American people will not be defended in the Congress and in the courts of our country, the rights of the American people will be pursued and defended on the streets of America. And Thurgood Marshall set an example of what was the right way, the American way to fight and to protect our system.

What is actually ironic also is that the Justice Department of America that so vigorously opposed Thurgood Marshall now is prepared and poised to honor him with real sincerity and real respect. That is a tremendous tribute to this fearless fighter.

So I am very proud that our subcommittee is involved with the process, and we look forward to Members' support.

Mr. Speaker, as chairman of the Subcommittee on Public Buildings and Grounds I am honored to speak in support of this legislation, which would designate the Federal Judiciary Building in Washington, DC, as the "Thurgood Marshall Federal Judiciary Building."

Thurgood Marshall was a giant in this Nation's civil rights movement. His lifelong commitment to civil rights and his unbending efforts to end discrimination and ensure equal justice for all Americans, has left a lasting impression on our legal system and our society.

Born in Baltimore on July 2, 1908, Marshall began his legal career in 1933 after graduating first in his class at Howard University Law School. Almost immediately Thurgood Marshall began chipping away at the barriers—both legal and social—that prevented African-Americans and other minorities from enjoying the full civil rights granted under the Constitution.

In one of his first civil rights cases, Marshall successfully gained admission for a young African-American man to the University of Maryland Law School. Three years later, he was hired by the NAACP and in 1939 he founded the NAACP Legal Defense and Educational Fund.

From 1940 to 1961 Thurgood Marshall traveled the country defending the rights of minorities and challenging the status quo. He won dozens of important civil rights victories, prevailing in 29 of the 32 cases he argued before the Supreme Court—including the landmark 1954 Brown versus The Board of Education case. That case ended "separate but equal" school systems and led to the eventual integration of America's schools.

During his tenure at the NAACP, Thurgood Marshall methodically worked to break down the longstanding foundations of segregation and discrimination in American society.

In 1961, President Kennedy appointed Marshall to the U.S. Court of Appeals for the Second District. Several months later his nomination was approved by the Senate, making him the second African-American judge to sit on the second circuit.

In 1965, President Johnson appointed Thurgood Marshall Solicitor General of the United States. As Solicitor General, Marshall gained several important civil rights victories at the Supreme Court—including High Court approval of the Voting Rights Act of 1965.

In 1967, President Johnson nominated Marshall to the Supreme Court. On August 30, 1967, the Senate confirmed Marshall, making him the first African-American Justice in the Court's 178-year history.

Throughout his tenure on the Supreme Court, Thurgood Marshall was a powerful voice and untiring advocate for civil rights and equal justice under the law. His life's work and the legacy he left will have a lasting impact on all Americans.

Thurgood Marshall will be remembered not only as a brilliant civil rights leader, and an outstanding and dedicated jurist. Most importantly, he will be remembered as a great American.

Mr. Speaker, in conclusion I join Chairman MINETA in support of S. 202, and I thank the gentleman for yielding.

Mr. SHUSTER. Mr. Speaker, further reserving the right to object, I yield to the distinguished ranking member of the subcommittee, the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, I rise in support of S. 202, as passed by the other body, to name the Federal Judiciary Building in Washington, DC, the "Thurgood Marshall Federal Judiciary Building."

Mr. Speaker, I wish to associate myself with the remarks of my colleagues, the distinguished gentleman from California and chairman of the Committee on Public Works and Transportation, NORMAN MINETA, and the distinguished gentleman from Pennsylvania and ranking minority member on the Committee on Public Works and Transportation, BUD SHUSTER. S. 202 will designate the newly completed Federal Judiciary Building after the late Thurgood Marshall. Justice Marshall, who died last Sunday, was a pioneer in civil rights law and our Nation's first black Justice of the Supreme Court.

Born in 1908 in Baltimore, MD, Justice Marshall attended Howard Law School after being denied admittance to the University of Maryland Law School. Following law school, where he graduated first in his class, Justice Marshall became counsel for the Baltimore branch of the National Association for Advancement of Colored People [NAACP], where he successfully desegregated the law school that denied him admittance. For 21 years, he served as director/counsel of the NAACP, where in 1954 he successfully argued the case of Brown versus The Board of Education, calling for desegregation of public schools.

In 1961, he was appointed to the Second Circuit Court of Appeals, and in 1965 was appointed Solicitor General. In 1967, he was appointed Associate Justice to the Supreme Court where he served with distinction until his retirement in 1991.

Mr. Speaker, the country has lost a true champion of civil rights. He will be missed.

□ 1240

As the gentleman from Ohio [Mr. TRAFICANT] has pointed out, Thurgood Marshall was a fighter for the little man and taught lessons that all of us hopefully should learn.

I was a lawyer and a circuit court judge before coming to Congress, and I can say that Thurgood Marshall was respected and admired by the legal profession all over this Nation.

I think it is very appropriate that we should name this particular building the Thurgood Marshall Federal Judiciary Building, and I am pleased to lend my support to this effort.

Mr. SHUSTER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, it is an honor for me to rise in support of Senate bill 202, to designate the newly completed Federal Judiciary Building in Washington, DC, as the "Thurgood Marshall Federal Judiciary Building."

Justice Marshall represented the very best of the American tradition. He was a source of inspiration to millions of Americans. He was a pioneer in the civil rights movement of this Nation. He was a protector of civil rights, civil liberties, our Constitution, our Nation, and the freedom and democracy for which our Nation stands.

As a Supreme Court Justice, Thurgood Marshall brought tremendous dignity and compassion to the Supreme Court. His years on the bench will be remembered as years of great change in our country. Justice Marshall served as a guiding light and an outstanding leader.

Thurgood Marshall laid the foundation, in the legal sense, of the modern civil rights movement. I would go far enough to say that he must be considered a founding father of the new America. The civil rights movement would not be what it is today, we would not have made the progress we have made, without the leadership and ability of a man like Thurgood Marshall.

We must recognize the great role Thurgood Marshall has played in the history of our Nation.

Mr. Speaker, I wholeheartedly support this bill.

Mr. SHUSTER. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I want to thank the ranking member [Mr. SHUSTER], and also the ranking member of the subcommittee [Mr. DUNCAN], and the chairman [Mr. MINETA], and the chairman of the subcommittee, the gentleman from Ohio [Mr. TRAFICANT], for your sponsorship of S. 202.

No monument, no building, indeed, no words seem adequate to the memory of Justice Thurgood Marshall. But the man who wanted to be remembered, in his own words as one who "did the best he could with what he had" would understand. The Federal Judiciary Building is the best we can do today. It is surely the first of the courthouses, boulevards, and other monuments that will seek distinction by bearing his name.

The elegant, spacious new Federal Judiciary Building at Second and Massachusetts Avenues NE., just three blocks from the Supreme Court where Marshall sat for 24 years, is a good place to begin. Indeed, the Federal Judiciary Building includes chambers for retired Supreme Court Justices.

Marshall's service to his country was unique. In many ways, his determination to win equality through the rule of law saved his country. So profound a revolution has rarely been made without great bloodshed.

The success of his civil rights legal strategy was such an extraordinary achievement that it would be impossible to surpass.

Thurgood Marshall probably is the first person in our history whose greatest service came before he served on the Second Circuit Court of Appeals, before he became Solicitor General of the United States, before he became a Justice of the U.S. Supreme Court. After Brown versus Board of Education, Justice Marshall became official, and began a new career of firsts. This building surely commemorates the unofficial Marshall as well, the man whose brilliant legal strategy had to change the Court before he could sit there.

Mr. SHUSTER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. Mr. Speaker, let me say to my distinguished colleagues that I can think of nothing more appropriate than the naming of this judicial center in honor of the late Justice Thurgood Marshall. He was a man who, for many years, took us on a journey of courage into every sector of this Nation.

One of the stopoffs in his journey was a small, rural school district in South Carolina. It was a place where the separate and unequal public education system had reached an intolerable level. Justice Marshall, then an attorney for the NAACP, came to Scotts Branch School in Clarendon County in 1950. His courage ignited a flame in people such as the Reverend J.A. Delaine and Henry Briggs and attorney Harold Boulware and a hundred other families who risked their safety and security to join Thurgood Marshall in resisting the system.

The South Carolina lawsuit was named Briggs versus Elliott and it was joined with the Topeka, KS, case, Brown versus Board of Education and others to become a landmark Supreme Court case. We all know the outcome of the 1954 decision, and we know the enormous impact it has had on virtually every aspect of American life.

I join you today with great joy in recognizing what the life and accomplishments of Thurgood Marshall have meant to all of us. I am not certain that I—and many of my colleagues—would even be here today were it not for him.

It is particularly fitting that his name be linked to the values of a lawful society in America. He once said, "Lawlessness is lawlessness. Anarchy is anarchy. Neither race nor color nor frustration is an excuse for either lawlessness or anarchy." This center bearing his name will help to carry out his beliefs. It is for us here today in many ways to carry out the dreams and wishes of people such as Thurgood Marshall.

Clarendon County is in South Carolina's Sixth Congressional District, the district I am proud to represent in this House of Representatives. Scotts Branch School is still in operation, and still—for the most part—segregated. The surrounding countryside is still an area of economic hardship.

The lives and the community touched by Thurgood Marshall four decades ago in this small South Carolina setting are still in need of our serious attention. The hope he gave us must not be extinguished. The descendants of those people whom he joined in a journey of courage must realize that the journey is still underway. They must know that there are those willing and able to continue the journey and to take up the challenge Thurgood Marshall has left to us. We are doing his memory and work great honor with this designation.

For the people of the Sixth District in South Carolina, I thank you.

Mr. SHUSTER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Speaker, first of all, to the gentleman from Pennsylvania [Mr. SHUSTER], thank you so much for yielding. Mr. Speaker, thank you for this opportunity to speak to this august body.

I rise in support unequivocally of S. 202, and that is to designate the Federal Judiciary Building in Washington, DC, as the "Thurgood Marshall Federal Judiciary Building."

I thank and highly commend the distinguished gentleman from California [Mr. MINETA], my chairman, for bringing this to the attention of this House, as well as the gentleman from Ohio [Mr. TRAFICANT], who is my chairman of the Subcommittee on Public Buildings and Grounds.

I am happy to see that this body is moving expeditiously to address this matter, because it is an exceptional matter for an exceptional human being.

I would join in many of the comments of my colleagues, but particularly the comments of the gentleman who preceded me, when the gentleman from South Carolina [Mr. CLYBURN] said that but for Thurgood Marshall, I, WALTER TUCKER, as an African-American, would perhaps not be here in these august Halls of Congress. So to me, Thurgood Marshall is a very special individual, indeed. As an African-American, to my community, he is a role model among role models.

But Thurgood Marshall and the greatness of this man does not stop with just being a great African-American, for if the truth be known and the record be replete, Thurgood Marshall is a great American among Americans. In fact, his work over the many, many years has become a part of the wonderful historic fabric of this country, a wonderful quilt woven together with stripes of courage, patches of patriotism, stars of unselfishness, and pieces of principled persistence.

☐ 1250

That is what Thurgood Marshall has meant to this country. A great, great American, a great advocate, of course highlighted by his career with Brown versus Board of Education, a great jurist over 24 years and, most certainly, a great civil rights leader.

Thurgood Marshall has over his lifetime represented the best this country has to offer. His quote that many who preceded me have alluded to, that he did the best with what he had to work with, showed that he truly did the best with what he had to work with because he was the best that this country has to offer.

He offered us hope, he offered us a way to overcome the sometimes schism and dividing lines of race, creed, and color. He was a crusader for the oppressed, for the disenfranchised, truly a role model for all of us to emulate.

If you want to understand what revolution really means in this country, I do not think we have to look to those in the streets with Molotov cocktails, those in the Los Angeles riots; we should look to a man like Thurgood Marshall, who knew that the pen was mightier than the sword.

So I say I stand in total support, unequivocal support, of S. 202, and I look forward to the day that it is official that we have the Thurgood Marshall Federal Judiciary Building.

Mr. SHUSTER. Mr. Speaker, I yield to the gentlewoman from Michigan [Mrs. COLLINS].

Mrs. COLLINS of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, what would the civil rights movement have been without Thurgood Marshall?

What would the Supreme Court have been without Thurgood Marshall?

What would America have been without Thurgood Marshall?

For he took the civil rights movement to new heights, he pushed the Supreme Court farther than they wanted to go, and he opened the eyes of America to a new way of living.

Thurgood Marshall was what a former Harvard Law School professor, Milton Katz, called a level-three lawyer. He not only wanted to practice law, he wanted to win cases; he not only wanted to win cases, he wanted to change the law.

Yes, it is only fitting that we change the name of the Judiciary Building to the Thurgood Marshall Judiciary Building. When compared to his deeds and accomplishments, he will never be repaid.

For Thurgood Marshall flew when others had no wings, ran when all were out of breath, and glowed when the lights were out.

Thurgood Marshall was a giant of a man, lawyer, and judge.

We love you, Thurgood.

I strongly urge your support for passage of S. 202.

Mr. SHUSTER. Mr. Speaker, I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. I thank my colleague for yielding to me.

Mr. Speaker, as a member of the Committee on the Judiciary I want to congratulate this committee and my colleague from Michigan for her remarks. Thurgood Marshall was not only a great legal mind, but he was a great presence. In a way, he was the conscience for this country in the many years during his great service as a Supreme Court jurist.

The only thing that I might add is that, as a lawyer, he began the legacy that he completed as a jurist, because by handling the case, Brown versus Board of Education, in 1954, which overturned Plessy versus Ferguson, we were able to move into an entirely new phase of democratizing America.

So I am very, very pleased that this committee and this Congress have chosen to follow the great lead of yourself.

Mr. SHUSTER. Mr. Speaker, I yield to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. I thank the gentleman for yielding.

Mr. Speaker, my heart, like that of others here today, is heavy, like a heavy fog or a thick cloud of sadness suspended over the entire Nation and the world as we say "shalom" to one of the most gifted and talented statesmen—and I want to emphasize statesman, not politician.

Mr. Speaker, I feel privileged to have benefited in my lifetime from Justice Marshall's endeavors. His efforts were largely responsible for my achievement.

Today, we will honor him, and we will miss him because he succeeded in his performance on the stage of life. Clearly he was a role model for all. He will be missed by all.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. I thank the gentleman for yielding.

Mr. Speaker and Members of the House, I am pleased to stand before you and I am grateful to the gentleman from Pennsylvania for yielding and allowing me this opportunity to speak about a man who is one of the giants in our legal field and in the history of this country.

In this century he is perhaps one of the stalwarts.

I can only think of the words of Longfellow when he wrote:

> Lives of great men all remind us we can make our life sublime, and, departing, leave behind us footprints on the sands of time.

In his life, in the period of time that I like to call the dash, that is the period between birth and death that you find on an epitaph, that dash, Thurgood Marshall has truly made a difference. He has left footprints on the sands of time that we must, indeed, take note of in the struggle for human rights, for equal opportunity and the dignity for all mankind.

So I would like to salute my colleagues, salute the committee for taking this bold step in offering S. 202. I support it. The people of Georgia in the Congressional Second District support it because it certainly gives the signal to the world that we recognize the great contribution that Thurgood Marshall has made to this country.

> Lives of great men all remind us we can make our life sublime and, departing, leave behind us footprints on the sands of time.

Mr. SHUSTER. Mr. Speaker, I now yield to the distinguished Republican Whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank the gentleman for yielding. I thank my colleagues, Mr. MINETA and Mr. SHUSTER, for bringing this to the floor at such an appropriate time and with such speed and decisiveness.

I want to follow up my colleague from Georgia to say that Thurgood Marshall was a great America. We on our side my have at times disagreed with some of his comments, we may have disagreed with some of this votes on the Court, but the real lesson for everyone who loves freedom is that you can dedicate your life to helping others, you can rise in America, you can work, you can take on the system and, within the system, you can improve it and expand upon it.

Justice Marshall's entire life was a dedication to helping other human beings and helping them within the framework of America.

I hope that every young American who has an opportunity to study Thurgood Marshall's life will come to realize that whatever your background, whatever your race, whether you are a male or female, whatever the problems you are faced with, you can do better, you can rise in America and someday you too could make the kind of contributions that Justice Thurgood Marshall has made.

I thank my colleagues. I warmly support this legislation and hope it will pass.

Mr. SHUSTER. Mr. Speaker, I support this bill.

Mr. CARDIN. Mr. Speaker, I rise today to congratulate Chairman MINETA and Mr. SHUSTER for expeditiously bringing legislation to the floor to designate the new Federal Judiciary Building in Washington, DC, as the Thurgood Marshall Federal Judiciary Building. This is a fitting honor for one of our Nation's finest public servants.

Representing Baltimoreans in Congress I cannot let the occasion pass without stating how proud we have always were to have a Marylander of Marshall's stature on the national stage. In addition to growing up in Baltimore, one of the first and most important victories in Marshall's long career was his successful litigation on behalf of the NAACP to integrate the University of Maryland Law School. After Marshall applied to Maryland's Law School and was rejected as an African-American, he attended the Howard University Law School to begin his distinguished legal career.

Today the University of Maryland Law School's Library is dedicated to Thurgood Marshall. We in Maryland, as well as all those across the Nation, have many reasons to thank and honor Thurgood Marshall.

Mr. SHUSTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SWIFT). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal Judiciary Building in Washington, DC, shall be known and designated as the "Thurgood Marshall Federal Judiciary Building".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, map, regulation, document, paper, or other record of the United States to the Federal Judiciary Building referred to in section 1 shall be deemed to be a reference to the "Thurgood Marshall Federal Judiciary Building".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 202, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1300

AN END TO GRIDLOCK ON HEALTH CARE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, even though the media focuses on the gays in the military issue, the President and the Congress are moving on a number of fronts that deserve attention; namely, on the economy and health care.

Next week the House will pass two important pieces of legislation, the family and medical leave bill and motor-voter registration.

Shortly thereafter, we will deal with campaign finance reform.

In the next couple days, the House Democrats will meet to discuss our economic plan, the economic options for a stimulus package.

President Clinton this weekend is at Camp David with his advisers to talk about his economic plan, which will be a joint effort with the congressional plan.

On health care, the President has announced that he hopes to have a health care package by May and he has appointed the First Lady to coordinate all these efforts.

Mr. Speaker, the President and Congress are moving. The days of gridlock are over.

Mr. Speaker, I recently returned from a series of town meetings in northern New Mexico in which discussion repeatedly turned to the need for national health care solutions.

By now we are all well-versed in the disheartening statistics: Nearly 37 million Americans do not have health insurance and 60 million are underinsured. In the State of New Mexico, with a population of 1.5 million, 420,000 New Mexicans do not have health insurance. A recent survey of northern New Mexicans ranked the affordability of care and cost of insurance as the top two areas in need of improvement in our health care system. Clearly, Congress has no time to waste in addressing the demand for dramatic reform.

I wish to applaud the President's recent actions in the area of health care reform. As a result of his contacts with thousands of Americans during the Presidential campaign, the President has heard the call for health care reform and has taken promising initiatives. President Clinton's selection of the First Lady to head up the Presidential health care task force reflects his commitment to this issue. During the past decade, Hillary Clinton has demonstrated her ability to work effectively with State legislatures and will undoubtedly serve as a leader in health care reform and an able partner with Members of Congress.

IN SUPPORT OF SEXUAL ASSAULT PREVENTION ACT OF 1993

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, according to the Department of Justice, 1 out of every 500 women will be a victim of rape by a stranger in her lifetime and 1 forcible rape is reported to police every 5 minutes. These sad statistic make it clear that it is time to get tough on crimes of domestic and sexual violence to women.

Next week, my friends, the gentlewoman from New York [Ms. MOLINARI] and the gentleman from Arizona [Mr. KYL] will be introducing a bill to do just that. Their bill, the Sexual Assault Prevention Act of 1993, will focus on new tools for fighting sexual violence, such as new rules of evidence and conduct for trial lawyers. No longer will a defense attorney be able to discredit evidence he knows to be true, unduly delay proceedings or cause the victim frustration and trauma in the hope that the case will be dropped.

It is bad enough that a rape victim was attacked in the first place. Then she takes the stand and gets worked over and attacked by the rapist's lawyer, and that is two attacks too many.

It will also strengthen the Federal response to domestic violence and to parents who do not meet their child support obligations.

We must give the victims of sexual and domestic violence a greater sense of control, protection, respect, and empowerment within the criminal justice system.

Mr. Speaker, I urge all my colleagues to cosponsor and support this important legislation.

HEALTH CARE REFORM

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Wisconsin. Mr. Speaker, I want to commend President Clinton for naming First Lady Hillary Rodham Clinton as the chair of his administration's health care task force. This appointment shows the President's commitment to health care reform.

On this end of Pennsyvlania Avenue, we also need to demonstrate our commitment to health care reform. The issue is crucial to our constituents, our communities, and our national social and economic well-being.

Any reform measure must include universal access to health care. Of course, as many people argue, we already have universal health care—it's called the emergency room.

The emergency room is where a poor mother with a 2-year-old sick baby is going to sit until her child receives care, and I don't blame her.

Unfortunately, this sad reality represents the most inefficient and expensive approach to health care—but for millions of Americans without health insurance, there are few alternatives.

We must assure that health care is fairly distributed to all segments of the population, otherwise, we will continue to pay for high-cost, cadillac emergency care that is often too little, too late.

It is time to provide the American people the health care system they deserve. One that is affordable, accessible, and cost effective.

COSPONSOR SEXUAL ASSAULT PREVENTION ACT OF 1993

(Ms. MOLINARI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOLINARI. Mr. Speaker, while 1992 brought many women to the House of Representatives, it also brought too many women to the hospitals, police stations, and to the morgue. Last year, over 700,000 women were raped. Last year, 3 million women were abused by their spouse and partner.

Last year, AIDS became one of the leading causes of death in women in America between the ages of 15 to 24.

Last year we did nothing. This year Senator DOLE, Congressman KYL, and myself are reintroducing the Sexual Assault Prevention Act. This act consists of desperately needed reforms to deal toughly with the growing trend of violence, whether it occurs on the street or behind closed doors. Penalties are restructured. Court conduct is revamped and education is emphasized.

Most important of these overhauls, Mr. Speaker, is the message that Congress will send to victims and their assailants. It is the message that in 1993 this will not stand.

Mr. Speaker, I urge my colleagues to join with us in cosponsoring the Sexual Assault Prevention Act of 1993.

CUTTING HEALTH CARE COSTS AND TAMING THE DEFICIT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, we begin this Congress faced with tremendous challenges and little time to prepare to meet them. Problems that have been building for 12 years must now be faced in a matter of months. We have two choices: we can move boldly to meet them, or act timidly and pay the price.

Two of the biggest challenges we face are taming health care costs and cutting the deficit. There is a close connection between them, and in moving aggressively to deal with one we help solve the other. Health care costs represent $1 in every $7 spent by the average American. That is only the beginning. The cost of Federal health care programs alone is expected to double in 6 years.

Meanwhile, the budget deficit, which was $210 billion in 1992, is expected to explode to $357 billion by 1998. These twin pressures could crush economic growth and end any hopes of reviving the American dream.

The President must act boldly and now to bring health care costs down—a move that will help cut the budget deficit and give our economy a chance to improve. He will have to make tough—sometimes unpopular—choices. But neither he nor we can be swayed by the daunting size of this task. To turn away from our responsibility is to sacrifice our future.

THE UNIVERSITY OF ALABAMA'S 12TH NATIONAL CHAMPIONSHIP

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, anyone who was in the Superdome in New Orleans, LA, on January 1, 1993, or was watching the Sugar Bowl on television that night, witnessed one of the most amazing college football victories in recent memory. The University of Alabama Crimson Tide overcame great odds, silenced most sports analysts, and stomped the Miami Hurricanes right into the turf, acquiring a 13-0 record and winning the national championship with relative ease.

The Crimson Tide football team quietly and aggressively crawled through the 1992 season conquering opponents each week with a dominating defense and a get-the-job done offense. They won the first ever SEC championship game by beating the University of Florida, which sent them to New Orleans for the Sugar Bowl against Miami and a chance for the university's 12th national championship, the first since 1979.

The tradition of winning national championships now continues in Alabama, a State where Alabama football rises and sets with the Sun and is the passion of young and old alike. Coach Paul "Bear" Bryant left a legacy at Alabama that will surely last a lifetime. He can finally look down from the heavens and smile with satisfaction now that the Tide performed the ultimate task.

The game was unforgettable. By the middle of the fourth quarter, over 76,000 mostly Tide fans, screaming at the top of their lungs, knew their team was going to be No. 1. The noise in the Superdome and on every television set in the State of Alabama that joyous night was enough to send chills down a camel's back, or in this case, a Hurricane's back.

I must commend the Miami Hurricanes for a valiant effort under the direction of Coach Dennis Erickson. They once boasted the Nation's longest winning streak, and I mean they really boasted it. However, all good things must come to an end, including Miami's winning streak, along with their hopes for a national title, which also came to a screeching halt.

As for Alabama, what more can be said of a team who, at the beginning of the year, was never really considered to contend for the national championship, much less winning it with flying colors. The lone journalistic believer in the Crimson Tide from the start was a reporter from Phoenix, AZ, named Corky Simpson, who was the only sportswriter to predict Alabama as the No. 1 team in the Nation week after week. The people of Alabama salute Mr. Simpson for his incessant belief in the Tide.

Mr. Speaker, I would also like to salute and honor Coach Gene Stallings, the Crimson Tide football players, and the University of Alabama for the triumphant Sugar Bowl victory and an unprecedented 12th national championship. They have made our State very proud. Roll Tide.

COMPETITIVENESS COUNCIL—GOODBYE AND GOOD RIDDANCE

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, I want to praise President Clinton for taking swift action to dissolve the White House Council on Competitiveness.

His quick action to terminate this rogue agency on his second day in office shows a strong commitment to making the Government work for all the people—open to all, accessible to all, accountable to all.

Throughout his campaign, Bill Clinton promised voters that he would take the Government out of the hands of special interests, and put it back into the hands of the people. He is following through on this promise by axing the Competitiveness Council.

The real mission of the Competitiveness Council was to circumvent the regulatory process, giving the Bush administration's powerful big business friends a place to go to get special treatment—breaks that they could never have gotten through an open rulemaking process.

The Competitiveness Council had a sordid history of blocking regulations designed to protect the environment, and the health and safety of the American people. All of this was done out of public view, behind closed doors. Council staff even bragged that the Council liked to leave no fingerprints. That is not the way our democratic Government is supposed to work.

The end of the Competitiveness Council is the end of a shameful system of special favors in the regulatory process. I commend President Clinton for his swift action and for the new tone he is setting with his administration—returning our Government to the people it represents.

THE ECONOMY, STUPID

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, much was made of the strategy slogan of the Clinton-GORE campaign—the now famous sign that read: "The economy, stupid." The new President has issued Executive orders and made pronouncements on many social issues, including homosexuals in the military and Federal abortion policy. The majority congressional leadership is hard at work on its highest priority items, including family leave, motor-voter, Hatch Act, and campaign finance. But I rise today to urge the President and the majority leaders to remember their own campaign's credo: "The Economy, Stupid." The American people eagerly await concrete action on reducing the deficit, creating jobs, and boosting our national productivity and competitiveness. If there was a mandate in the November elections it was for making government more responsive to the people it serves and strengthening our economy to improve the quality of all peoples lives. Today we have a window of opportunity to demonstrate that the Federal Government is not stupid—let us get on with the major task at hand, and get to work on economic reform.

□ 1310

INVITATION TO SUBCOMMITTEE ON ECONOMIC DEVELOPMENT'S SECOND HEARING

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, in keeping with the previous gentleman's remarks, I want to talk about the economy because a lot of people are, I think, failing to keep their eye on the ball, and that is the issue that is so crucial, particularly when Boeing is announcing thousands of layoffs, IBM and others.

As my colleagues know, Bill Clinton walked into Washington with a $4 trillion deficit overhanging, as well as a 7½-percent unemployment rate, and clearly it is time to act. The time to act is here and a time to see an end to gridlock.

So, Mr. Speaker, I would like to invite the previous speaker, as well as anyone who wishes to attend, to the second hearing that the Economic Development Subcommittee will be holding next week. I am talking about an economic stimulus package based on infrastructure and what needs to be done, the need for a deficit reduction package and what ought to be in it coupled with an economic growth package.

I say to my colleagues, "Folks, you're not going to cut your way out of this one, and you're not going to tax your way out of it. There has to be a long-range, strategic plan developed, and it's important we're all involved, and, of course, an integral part of that plan has to be health care, and I'm happy to see that the President has appointed someone to coordinate that, someone that's very able, Hillary Rodham Clinton who certainly, I think, brings a lot to this."

So, Mr. Speaker, I see the beginnings happening here, the foundation being laid. It is time to move forward.

SELECT COMMITTEE ON HUNGER NEEDS TO BE PUT ON A DIET

(Mr. BONILLA asked and was given permission to address the House for 1 minute.)

Mr. BONILLA. Mr. Speaker, I represent one of the more impoverished districts in this country. It includes 600 miles of the Texas-Mexico border. My people sent me here to cut waste and bureaucracy.

Therefore, Mr. Speaker, I oppose the continued funding of the Select Committee on Hunger. I find the majority's blatant waste of Federal funds disturbing; 8 of the 22 standing committees, and who knows how many subcommittees, have jurisdiction over hunger-related issues. At what point is there enough Government redtape and bureaucracy? No wonder it is so hard to come up with any solutions or programs to help alleviate the problems of the hungry.

Mr. Speaker, select committees have had an habitual tendency of duplicating efforts. For example, the Select Committee on Hunger has held hearings on infant mortality. Of course so has the Select Committee on Children, Youth, and Families. Much like the Select Committee on Aging, the Select Committee on Hunger is now advocating national health insurance, and not just for the hungry. The Select Committee on Hunger also advocates more environmental regulation, more housing, more education.

Mr. Speaker, the Select Committee on Hunger has an insatiable appetite for Federal funds and boondoggles. Later today let us put it on a permanent diet and put it out of its misery for the benefit of all taxpayers.

TIME TO GET TO WORK ON OUR HEALTH CARE CRISIS

(Mr. HOLDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLDEN. Mr. Speaker, I rise for the first time as a proud Member of this great institution.

The past few weeks have been ceremonial, but the time has come to accomplish the work our constituents have sent us here to do.

There are many problems facing us—none more serious than our health care crisis.

There seem to be two extremely different proposals in this Congress regarding health care. Some are in favor of a one-payee system funded by the Government. That would be ideal and wonderful, but we cannot afford such a system.

Others believe that free market reform will solve the Nation's health care problem. That system has already failed us.

We are all practical men and women, and we surely understand the art of compromise or we would not be here.

Our time is now. We must find the middle ground. What is right with the system, and works, should be preserved. What is wasteful must be eliminated. Those who abuse the system for large profit must be identified and stopped.

Mr. Speaker, we must begin the process now and not in the waning days of this Congress. I urge my colleagues on both sides of the aisle to begin negotiations immediately.

CLINTON ALREADY HURTING OUR ECONOMY WITH TWO BAD DECISIONS

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, in less than 2 weeks in office, President Clinton has already made two decisions which will negatively affect the Nation's economy.

First, President Clinton abolished the White House Council on Competitiveness which did their best to keep in check over 122,000 Federal regulators. The Council was successful in slowing or stopping expensive and unnecessary Federal regulations and mandates. It is obvious the President has not properly judged the concerns of businessowners about overregulation.

Next, the compromise regulations negotiated by President Bush to allow ethanol to participate in the Clean Air Act reformulated fuels program was apparently put on hold by the Clinton administration, a bad decision we now hope will be lifted. Rejecting this compromise would mean lost income for farmers and lost jobs in the ethanol industry.

In his haste to reverse President Bush's policies, President Clinton must exercise care or he will hurt the national economy and the farm economy for years to come.

CONGRATULATIONS, RON DELLUMS, CHAIRMAN OF THE COMMITTEE ON ARMED SERVICES

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, this is a historic day for America. We bury one great African-American, and we elevate another great African-American to the high position of chairman of the Committee on Armed Services.

Twelve years ago, I became acquainted with a young man named RON DELLUMS with whom I was quite in tune philosophically. He was bright, articulate, and unwavering in his love and support for our country and the liberty and freedom for which it stands. While the President was talking about a military buildup, RON DELLUMS was advocating a national defense which was economically compatible with saving our country from the ravages of hunger, poverty, and economic despair.

RON and I chaired the congressional coalition against the Persian Gulf war, for we both believed in the fourth century principle of St. Augustine: That war and its devastation should only be used as the ultimate last resort. Although we knew the odds were overwhelming, we took our case to the floor of the House and took part in one of this body's most historic debates.

There is nobody on this Earth that I respect more for his views, his character, and his integrity than RON DELLUMS.

This year I left the Armed Services Committee, but RON DELLUMS will always be my chairman. Congratulations RON.

STANDING ON OUR OWN

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, yesterday a remarkable and extraordinarily encouraging thing happened on the floor of this House. We gave the American people the first sign that maybe—just maybe—the 103d Congress is committed to the reform agenda for which we were elected and in which the American people have invested so much hope.

Yesterday the House membership finally stood up for the politics of principle over the politics of party.

This was a vote for common sense, a vote for reduced spending, and a vote against sham, artifice, and waste. In short, it was just the kind of vote the American people have been hoping against hope we might have the courage to make—and we did.

This vote so confounded the leadership of both parties that neither was prepared for it. The House was adjourned summarily so that both sides could try to figure out what it meant, and what to do next.

Well, here is what it means—it means that principle is more important than party. It means reformers will be heard from, and it means the American people should not give up hope on this Congress.

And what should we do next? We should remember the passionate intensity of all those individuals who said to us after we won last November, "Believe in yourself; don't get distracted by partisan bickering; remember that you have been elected to reform this Congress and to get this country back on the right track."

Now, Mr. Speaker, we have finally begun.

INTRODUCTION OF LEGISLATION TO ACCELERATE INVESTMENT IN RECYCLING EQUIPMENT

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, today I am introducing legislation to eliminate a bottleneck which is preventing the recycling of millions of tons of glass, plastic, paper, and metal cans which are filling our Nation's landfills.

The two bills I am introducing provide for matching grants for communities and others interested in purchasing equipment to sort and prepare solid waste for recycling, as well as an investment tax credit for businesses interested in purchasing recycling equipment to make their businesses compatible to accept and use recyclable materials.

Too much waste is being generated by Americans and too little recycling is taking place. For example, the demand for plastic packaging products will increase by a rate of 15 billion pounds by 1996 with only 2.6 billion pounds, or 4 percent of these products, being recycled. This trend is also occurring with all other recyclable materials. We must accelerate our Nation's investment in recycling equipment in order to keep pace with our consumption.

Mr. Speaker, I urge my colleagues to cosponsor this legislation as it will benefit our communities by helping to alleviate the strain on our already bulging landfills and make it possible for the private sector to be able to purchase recycling equipment they sorely need in order to modernize and make profitable the recycling process.

□ 1320

CONGRESSIONAL REFORM MUST CONTINUE

(Mr. BACHUS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS of Alabama. Mr. Speaker, my fellow Alabamian, Mr. SONNY CALLAHAN, has addressed the House this morning about the University of Alabama championship football team. So the gentleman taking that subject, I am left to address the subject of congressional reform and our vote yesterday.

Mr. Speaker, the time for congressional reform is now. Yesterday's elimination of the Select Committee on Narcotics was just the beginning. It showed that Congress is willing to make changes, but we need to go much further. Let us keep the momentum going.

Now more than ever Congress is subject to public scrutiny. In fact, many of us, the 110 new Members of Congress, were voted into office because we pledged to shake up and reform this Congress. Was this just lipservice? Or are we willing to have discipline, be responsible, and make sacrifices to see that these campaign promises become reality?

This can be a turning point for the American people and for Congress. To do so it is now critical that we streamline our operations to solve the problems that face this Nation. The complexity and magnitude of the issues at hand require a more responsive, efficient Congress, a Congress that does what the Founding Fathers designed it to do—serve the American people.

Mr. Speaker, I applaud my 45 fellow freshman Republicans who voted yesterday for a better, more responsive Congress. I applaud my 20 fellow Democratic colleagues who joined with us and voted yesterday for this positive change of Congress which has been demanded by the American people.

Now I conclude by asking and appealing to the 45 other Members of the freshman class to join with us 66 in this much needed, much delayed, bipartisan change and reform of Congress.

To the freshman class, let us stick together, all 110, and complete the job we started yesterday.

LEGISLATION IN THE WAR AGAINST THE DEFICIT

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Mr. Speaker, today I am introducing two bills in the war against the deficit: No. 1, recorded votes on all appropriations bills; and, No. 2, a line-item veto.

First, I am introducing legislation to require a recorded veto on appropriation bills. In 1991, 33 percent of the votes on appropriation bills were approved by voice vote. For the 102d Congress we appropriated $680 billion for which there were no recorded votes.

The second bill I am introducing is a resolution proposing a constitutional amendment giving the President line-item veto. I was for it under the Republican administration and I am for it under the Democratic administration.

Mr. Speaker, the most urgent task we face during the 103d Congress is making the Federal budget an instrument of economic growth and fiscal discipline. The legislation I am proposing today will be a powerful weapon in our fight to control the deficit and regain control of the economy.

Mr. Speaker, many of us in the U.S. Congress, and I know the American people, are sick and tired of the fingerpointing. It is unbelievable the number of votes that we have cast on voice votes. I can say to you, well, I do not know how you voted. You can say to me you do not know how I voted. Yet we do business as usual.

It is time in the 103d Congress to change that. We have an opportunity. I hope all Members will sign on as cosponsors of this legislation on recorded votes on appropriation bills and the line-item veto.

REPORT ON RESOLUTION PROVIDING FOR ESTABLISHMENT OF SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL, SELECT COMMITTEE ON AGING, SELECT COMMITTEE ON HUNGER, AND SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report

(Rept. No. 103-6) on the resolution (H. Res. 52) to establish the Select Committee on Narcotics Abuse and Control, the Select Committee on Aging, the Select Committee on Hunger, and the Select Committee on Children, Youth, and Families, which was referred to the House Calendar and ordered to be printed.

INSTANT REPLAY BUDGET REFORM ACT

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, every year the Congress of the United States fails to meet its own deadlines to obey its own law requiring a completed budget by September 30, the end of the fiscal year. What happens is on October 1 we venture into continuing appropriations, temporary funding, which has the effect of many times bringing the Government to a halt, of shutting down Government.

We have introduced and we will introduce in this session the Instant Replay Budget Reform Act, which in effect says if on September 30 Congress fails to meet its own law of completing the budget, that the next day, October 1, there will be an instant replay, a reenactment automatically of last year's budget.

In this way we will prevent forever the spectacle of shutting down the Government, which happened during Desert Shield, as I recall, and we will prevent the mischief that is always created by the continuing resolutions to which we have become, unfortunately, accustomed.

SANCTIONS AGAINST ISRAEL ARE TOTALLY INAPPROPRIATE

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, U.N. Secretary General Boutros Boutros-Ghali should be ashamed of his outrageous call for sanctions against the State of Israel.

Once again, the dangerous double standard in the Middle East has reared its ugly head.

Where was the United Nations when Kuwait expelled 400,000 Palestinians?

Where was the United Nations when Saudi Arabia deported hundreds of thousands of Yemeni workers?

Where was the United Nations when Hafez Al-Assad murdered 10,000 Syrians?

Where was the United Nations when Saddam Hussein gased thousands of Kurds in Northern Iraq?

Of course, the United Nations was silent on these and other outrageous abuses in Arab nations where individuals do not enjoy the individual rights that are commonly extended to all Israeli citizens.

Faced with the daily threat of extreme violence perpetrated by some of the most dangerous terrorist organizations in the world, Israel nevertheless remains the only oasis of democracy in a desert of repression.

To impose sanctions on Israel is to sanction violence in the Middle East. It is clear that the U.N. leader and many members of the world community need to learn more about the importance of our precious democracies in the post-cold war era.

SEXUAL ASSAULT PREVENTION ACT OF 1993

(Mr. MACHTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACHTLEY. Mr. Speaker, I rise today in support of the Sexual Assault Prevention Act of 1993 and commend my colleague, the gentlewoman from New York [Ms. MOLINARI], for its authorship.

Mr. Speaker, it is a tragedy that we need such legislation, but the horrifying reality is that in this country every 6 minutes a woman is raped, and every 15 seconds a woman is beaten, either by her boyfriend or her husband. During this speech four women somewhere in this country will be beaten. One out of every seven college graduates will be raped before she graduates.

The Sexual Assault Prevention Act is more than a step in the right direction. It is a giant leap forward for women in the ongoing effort to end violence. Not only does this bill make the laws stronger, but it makes the penalties tougher.

Mr. Speaker, I urge my colleagues to show their bipartisan support to stopping this crime by supporting this bill. The present and future victims of sexual and domestic violence deserves our support.

FAMILY AND MEDICAL LEAVE ACT

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, President Clinton in his inaugural message just last week to the people of this country said that this Nation should invest in its people as a family invests in its children. Right now in the Committee on Education and Labor we are marking up the Family and Medical Leave Act. This act puts families and children, and ultimately this Nation, first.

□ 1330

This act says that we can grant to the working people, the middle class of this country, up to 12 weeks of unpaid leave for a newborn baby, an adopted baby, or when a member of our family gets sick.

I think this is much needed legislation, putting value on families and putting our middle class people first.

Finally, Mr. Speaker, in conclusion let me just say, when we have situations of people like Zoe Baird, who was tripped up over ultimately an issue dealing with children, that we need to pass this legislation because middle class people across America are also dealing with this issue every single day.

THE FRESHMAN CLASS DOES THE RIGHT THING

(Mr. HUFFINGTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUFFINGTON. Mr. Speaker, the freshman class of 101 Members ran on the platform of cutting spending. Before we cut programs that directly affect the people of this country, before we raise another dollar of taxes, it is imperative that we cut back on our own staffs.

Yesterday we did the right thing. We eliminated one select committee, a temporary committee that has been around since 1975.

I understand there is a movement afoot today to get that committee back and reinstate it. These four committees spend $4 million a year. They employ 91 people.

It is time to put an end to them. Their work can be carried out by other standing committees, and it is time for the freshmen, all of us, to stand together.

We had two-thirds of the freshman class that voted to eliminate one committee, and I ask my fellow freshmen Members to join me to do the right thing next week and eliminate all four select committees.

THE LEGACY OF JOSE MARTI

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, on January 28, Cuban-Americans throughout the Nation celebrate the 140th birthday of their beloved poet, independence hero, and intellectual leader, Jose Marti.

But sadly, Cuban dictator Fidel Castro, has cynically misused Marti's name in order to validate his tyranny. For 34 years, Castro has served as the sole authority in Cuba—the maximum leader as he so fondly refers to himself. Yet, his regime is ironic testimony to one of Marti's truisms: "Only oppression should fear the full exercise of freedom."

I bear personal witness to the men and women, black and white, who I have welcomed to freedom: ex-political prisoners who languished for 10, 15, or 20 years of their lives in Castro's jails. Their crime was simple—they spoke against Castro's dictatorship.

What I say here today would land me in a Cuban jail, and that is only one of the truths that I intend to reveal in the days ahead as a Member of this House.

THE STATUS OF SELECT COMMITTEES

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, after yesterday's vote to kill the Select Committee on Narcotics Abuse and Control surprised a few folks, a decision was made to package that select committee along with the three others, on Aging, on Hunger, on Children, Youth, and Families into one vote next week that we are going to have up or down on whether to keep these select committees alive for a year and allow a committee that is studying reorganization of Congress to determine whether or not they should be kept alive or continued or not.

I would submit to my colleagues that there is no question in our minds and there should not be any that these select committees should be done away with. They all should be killed. There is no reason for us to be studying that fact for a year.

That does not mean these select committees did not have a purpose when they were created or that they have not done a good job. But they are duplicative of what the work of standing committees do. Every one of the subject matters is covered by a standing committee. We cannot afford, with the budget deficits what they are, to be having select committees out there doing duplicative things, the same things our regular committees are doing. We cannot afford to do that. Now is the time, as many freshmen are saying, one after another coming up here, for us to take action. We do not need to wait a year to do it. Let us vote next week to kill all four of these committees, save the more than 90 staff positions and save a lot of money for the American taxpayers.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked unanimous consent to proceed for 1 minute that I might inquire of the distinguished majority leader of the program for next week.

I yield to the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Obviously, business is nearly finished today. There will not be other votes today. Tomorrow and Friday the House Democratic caucus will be having a meeting in Baltimore, and we will not be in session.

Monday we will not be in session, February 1.

On Tuesday, February 2, the House will meet at noon to consider a resolution reauthorizing select committees. Wednesday, February 3, and the balance of the week, we will meet at 2 p.m. on Wednesday and 11 a.m. on Thursday on H.R. 1, Family and Medical Leave Act, subject to a rule, and H.R. 2, the National Voter Registration Act, again subject to a rule.

It is my understanding that amendments need to be filed by Monday at noon.

Mr. MICHEL. Mr. Speaker, I thank the gentleman. I was going to underscore that point, particularly for Members on our side. What that means is if they have any idea of any amendments they would like to file on the two pieces of legislation, like family leave, medical leave, and national voter registration, that means they have to be filed by noon on Monday.

I thank the distinguished majority leader.

Is that 2 o'clock meeting on Wednesday hard and fast or is it subject maybe to a possible revision, when we get there?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, we will consult with the leadership on his side about that question.

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

AUTHORIZING THE SPEAKER AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS AUTHORIZED BY LAW OR THE HOUSE, NOTWITHSTANDING ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, February 2, 1993, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore (Mr. BARRETT of Wisconsin). Is there objection to the request of the gentleman from Missouri?

There was no objection.

THE SITUATION IN SOMALIA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I am becoming increasingly uneasy about what is happening in Somalia.

On Monday of this week, a U.S. marine was shot and killed. That is the second U.S. marine who has been killed and the third American who has been killed in that venture which, of course, began as a purely humanitarian venture.

Coinciding with the death of this third U.S. person is the fact that, for the first time, U.S. troops took part in a clan skirmish, took sides in a clan battle. Of course, there was not meant to be, in the original Somalian plan, any sides taken by the United States military. Our role was simply to protect the delivery of food to the starving people.

Last but not least, the cost of our activities in Somalia, so far, is over a half a billion dollars, and we are hearing increasing reports that our allies are hesitant and circumspect about how they will pay for their share of the relief effort.

I would certainly urge the Clinton administration to be careful to see that we, the United States, do not get mired down in Somalia, and, in fact, very quickly turn the relief effort over to the United Nations or to a multinational organization of some kind. We can easily slip into a war if we are not very, very careful.

THE WAR IN BOSNIA

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, despite a myriad of diplomatic efforts and entreaties by the United Nations, European Community, and the United States, the war in Bosnia shows few signs of abatement. Reports of deaths attributable to the war range between 100,000 and 200,000. The wounded, starving, and emotionally scarred put the casualty count well into the millions. The savage intensity of the war has forced 3 million Bosnians from their homes and the number of refugees, put at 1.5 million, is staggering.

Last week the U.S. Department of State estimated that 70,000 people are being held in detention camps. As reliable reports of massive atrocities, including rape, torture, and ethnic cleansing have become known, the moral imperative to act and to take effective action intensifies.

We have a moral obligation, Mr. Speaker, to do more. Last week, the gentleman from Maryland [Mr. HOYER] and I introduced House Resolution 35 to press for United States action to uphold Bosnia's right of self-defense by lifting the arms embargo on Bosnia, by enforcing the no fly zone over that country, ensuring the delivery of humanitarian assistance, by force, if necessary, and to aggressively press for unimpeded access to all camps, prisons, and detention centers by the ICRC and other organizations.

The resolution states that the United States should work to ensure that those responsible for war crimes and crimes against humanity be held accountable and that Europe and the United States allow more refugees to enter.

□ 1340

House Resolution 35 is a call to action. I ask my colleagues to join on as cosponsors.

SEMATECH, A SUCCESS STORY

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, I wish to remind my colleagues of the nationwide praise garnered by a project that this body initiated and has supported for the past 5 years. I am, of course, referring to the Sematech research project that has proven such a remarkable success.

As I reported recently to this honorable institution, Sematech has realized achievements beyond our wildest expectations when, a half decade ago, we undertook to develop a public/private partnership to restore the American semiconductor industry to its rightful place as world pacesetter.

In a mere 5 years, the Sematech research consortium has emerged victorious, creating semiconductor components 0.35 micron small. That is half the size of the smallest that the Japanese competition has been able to develop. This major milestone has been compared by some in the press as having the same significance as putting a human on the Moon.

Of course, this is just the latest in a series of major advances coming out of the Sematech laboratories. As a direct result of the consortium, we have been able to increase American control of the $10 billion semiconductor industry from 40 percent and shrinking, to 53 percent and growing.

Mr. Speaker, I want to share with you some of the accolades from around the Nation that our efforts have won and ask that the quotes be printed in the RECORD.

"SEMATECH CELEBRATES TINY MILESTONE IN MICROCHIP RACE

"The next generation of ultra-complex microchips moved a step closer to reality Thursday when the Sematech research consortium announced it has proved that the tools needed to build those tools work well and are all made in America."—Austin American Statesman.

"ADVANCE TO SPEED UP U.S. CHIPS

"Chalk up another one for the USA's chipmakers. Sematech * * * announced a key breakthrough * * *".

"EXPLOSIVE GROWTH AHEAD FOR INDUSTRY

"Sematech has helped U.S. chipmakers dramatically improve production techniques."—USA Today.

"CONSORTIUM SEES BREAKTHROUGH IN CHIPPING AWAY AT THE CHIP

"The Defense Department has supported Sematech because semiconductors are critical components of modern weapons.

"Increasing miniaturization is expected to lead to breakthroughs in defense, medicine, communications, and space exploration."—Washington Post.

"CHIP CONSORTIUM ACHIEVES A MADE-IN-THE-U.S.A. FEAT

"After five years and $500 million of public and private money, Sematech, the consortium of United States computer chip companies, said yesterday that it had accomplished the first of its goals: using American-made equipment to produce a chip with ultra-thin circuitry."—New York Times.

"Sematech, in its most important technical achievement so far, said it has produced computer chips with circuits half the size of the industry's current state-of-the-art product."—Wall Street Journal.

"U.S. Industry has regained the lead in a key technology area once thought lost to the Japanese; the equipment used to make advance semiconductors.

"For the first time in a decade, U.S. chip makers possess the ability to build cutting edge computer chip factories furnished entirely with American-made machinery."—San Jose Mercury News.

TRUE CONGRESSIONAL REFORM INCLUDES ELIMINATING SELECT COMMITTEES

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, today's Washington Post contains an article, "A Waive of Change Sweeps U.S. Firms," and above that, "IBM Chairman To Resign on Heels of Massive Loss." It turns out that IBM has just posted the largest corporate loss in history, $5 billion. Since 1985 IBM has eliminated 100,000 jobs.

This same article today explains that United Technologies will lay off more than 11,000, Boeing Corp. 10,000, McDonnell Douglas 8,700, and ARMCO 1,400; oh, yes, and Sears Roebuck, 50,000 people will be let go.

We have an opportunity, Mr. Speaker, in the House of Representatives to take one small step in the direction of reform by eliminating the four select committees that have no legislative authority, duplicate jurisdiction, and cost the taxpayers nearly $4 million and employ 91 people.

I hope, Mr. Speaker, when we come to a vote on this next Tuesday that we will put our words into action. We claim around here that we are for reform. Let us begin by demonstrating that next Tuesday by voting to eliminate these select committees.

TIME FOR CONGRESS TO DO ITS JOB AND REFORM TRADE AND TAX POLICIES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, IBM fired the boss; Sears laid off 50,000 workers, like we just heard; United Tech, 11,000 workers gone; Boeing, 10,000 workers gone; McDonnell Douglas, 9,000 workers gone, on, and on, and on, and on, most of it due to illegal trade from overseas and a stupid trade policy from this Congress.

However, guess what? The American Chamber of Commerce in Japan said that, "The Japanese economy is underpenetrated by American companies." What a revelation. What a discovery. They finally realize after 25 years what the American worker knew from day one.

Now Japan is threatening to retaliate if President Clinton takes a hard stand. Let me say this, I stand with President Clinton, and if he does not take a strong stand there is something wrong in America, because the Constitution does not afford Japan a joy ride across the Pacific and, on the other hand, put a toll road in for American companies.

It is time Congress addresses itself to jobs. We will find it in the trade and tax policies. We have not changed a damn thing for 40 years.

STATE SOURCE INCOME TAX

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, today I am again introducing my bill prohibiting State source income tax. I was encouraged in the 102d Congress by the fact that my bill, H.R. 431, had over 200 cosponsors and that last year's tax bill, H.R. 11, contained language which addressed the source tax issue.

In addition, Chairman BROOKS has given me his personal assurance that the Judiciary Committee will hold hearings on the source tax issue during the early part of the 103d Congress.

This year my bill will exempt a distribution from a qualified pension plan from State income tax if the individual receiving the distribution is not a resident of the State. In addition, it will preclude a State from taxing pension income of a nonresident only if that pension income is in a plan defined in the bill, in order to close any loopholes for the very wealthy to avoid paying State income taxes.

The source tax is injust and amounts to taxation without representation. Thousands of senior citizens and retirees across the country are being sent tax bills by States whose intent is to aid their own failing budgets.

This bill will not place any cost on the Federal Government. I hope that my colleagues will once again support me in this cause.

A WORD OF CAUTION TO THE SECRETARY OF THE INTERIOR

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, last night one of the television newscasts reported that the Clinton Cabinet is a Cabinet of millionaires. I am glad they have had good fortune, but one of them is about to potentially profit at a big expense to the U.S. taxpayers.

The new Secretary of Interior, Bruce Babbitt, has apparently been trying to sell his family ranch in Arizona for years. The Washington Times reported yesterday that the Babbitt family ranch is about to now be sold to the Federal Government for $12 million. Dayle Henson, cochairman of the Arizona Coalition for Public Lands, calls the deal "a definite conflict of interest." Mr. Henson said, "His family stands to make $12 million on the ranch. I don't see how he can be neutral about this."

There is plenty of other land the Government could buy in Arizona, probably cheaper than $12 million. Actually the Federal Government owns too much land in Arizona as it is. This looks bad. This smells. Has the wheeling and dealing already started?

Mr. Babbitt should disavow this whole deal, since it is too closely tied to matters over which his own department has jurisdiction.

ELIMINATION OF RURAL AGRICULTURE OFFICES WILL ONLY HARM THE AMERICAN FARMER

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I want to address the proposal of the USDA to close and consolidate many of the ASCS and Soil Conservation offices, but before discussing that let me say that I, and most farmers, support President Clinton's promise to cut the deficit in half. I want to do everything I can to help him fulfill this important campaign promise.

The majority constantly reminds us, "Gridlock is over," and I say that that's great. So are the days of blaming things on the White House. Let us balance the budget and eliminate the deficit. Therefore, I support any type of consolidation, eliminations, and reductions in the Federal Government.

There are, however, some specifics about the ASCS proposal that do cause an undue hardship on the farmers, not only in Georgia but all over America. For example, in Macon, Montgomery, Candler, and Bryan Counties, GA, they have ongoing agrarian economies and yet they are subject to being closed. This would cause the farmers to have to drive many counties away to get their services taken care of.

I support Secretary Espy's idea that we start at the top. Next, we should close obsolete offices. Many of them, for example, are in Atlanta, They should have been closed many years ago. They are in that metropolitan area.

A WELCOME TO HILLARY CLINTON AS CHAIR AND RECOMMENDATIONS TO THE TASK FORCE ON NATIONAL HEALTH CARE REFORM

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, I rise today to welcome President Clinton's appointment of Hillary Rodham Clinton to head the task force on national health care reform.

We all agree that it is time to make sense of our health care system. It is time to make sure that health care is available, affordable, and accessible to all.

As the task force looks at reform options it is imperative that the special needs of rural Americans be carefully considered. Specifically, we should:

Expand funding for rural hospitals and community health centers;

Improve transportation services for rural residents who must travel great distances to obtain care;

Develop programs that train and encourage health professionals to practice in rural areas; and

Provide preventive services to all rural residents.

Mr. Speaker, I look forward to working with the task force and my colleagues in the Congress to find solutions to our health care crisis. There can be no higher domestic priority.

□ 1350

RESOLUTION TO REAUTHORIZE SELECT COMMITTEES

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, as a freshman Member of Congress, I was elected by the people of my district to fight for change, and for an end to business as usual.

The people of my district are tired of a bloated Congress that spends millions of dollars on redundant, unnecessary, overly staffed committees which exist more to reelect and inflate the résumés of their members than to deal with our Nation's very real problems.

Yesterday, I felt good about this Congress. When the House voted to cut one of the select committees, I was encouraged that maybe—just maybe—Congress had heard the message of the American people and was ready to heed their will.

But now, it looks like nothing has changed. At this moment, around the Capitol, in the back rooms, hallways, and byways, the majority leaders of this House are meeting to thwart the will of the American people, and save the select committees.

Mr. Speaker, we as new Members have a special obligation to fight for change.

Therefore, I urge all Members who had the courage to stand up yesterday and say "no" to politics as usual, to stand firm, to hold their votes, and to win this fight for the American people.

TRIBUTE TO THURGOOD MARSHALL

(Ms. E.B. JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. E.B. JOHNSON of Texas. Mr. Speaker, I rise at this time to pay my respect to a giant among men. This man experienced the injustice and inequality inflicted upon a race and then set a course to correct it. That man is Thurgood Marshall.

Though he was stymied when he started out in law school, he overcame that and became a real fighter for principles and a real commitment, a deep commitment to fairness.

Many thought his cause could never be a victory, but I can name many victories. I stand here as an example.

I am a native Texan. Black Texans could not vote in primaries, so a suit was filed in 1927. He acted as the attorney, and in 1944, finally the right to vote for black Texans in primaries became a reality. I could name many more because of his deep commitment to fairness. He was the person who acted as the attorney in Brown versus the Board of Education and many others.

Leadership and the accomplishments of Justice Marshall and the legal team provided a spark which ignited a movement and galvanized the world's attention as a race of people rose and demanded equality and justice. We thank this giant of a man.

SOON-TO-BE SUPER BOWL CHAMPION BUFFALO BILLS

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Mr. Speaker, I rise today as a representative of the great State of New York, and more specifically western New York, and maybe this weekend even more importantly, Buffalo, NY, the home of the Buffalo Bills.

As a freshman Member of this august body, and especially as a Republican Member, I know firsthand what it means to be the underdog, just like the Buffalo Bills know what it means to be the underdog. But when the going got tough, the Buffalo Bills showed their perseverance and their character were qualities that made for winners. That is why I look forward, Mr. Speaker, to reporting a victory for the Bills this Sunday in their third straight Super Bowl appearance.

More importantly, when the NFL Super Bowl Champion Buffalo Bills accept an invitation from our President, President Clinton, to visit the White House, I will be sure to send along good old-fashioned-style buffalo wings.

IT'S THE ECONOMY, STUPID

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, during the 1992 Presidential campaign, we all heard about the now famous sign in the Clinton campaign war room that read: "It's the economy, Stupid."

Well, judging from how this President is spending his time, that sign could have read: "It's the Haitian boat people, Stupid, or "It's gays in the military, Stupid," or maybe, "It's Nannies from Peru, Stupid."

This is from the President who promised to focus on the economy like a laser beam. This President promised an economic recovery plan on day one, but, Mr. Speaker, this is day seven. We have not yet seen anything, although we do know what will not be in the plan.

There will not be a middle-class tax cut that the American people were promised, and oh, yes, we know that there will be new consumption taxes, new carbon taxes, and increased gasoline taxes.

Mr. Speaker, we are ready to talk about the economy, and so are the American people. We want enterprise zones to bring jobs to the inner city. We want investment tax credits to help businesses expand. We want tax credits for first-time home buyers and an increase in the personal exemption for children.

Let us listen to the voters, Mr. Speaker, who in the November election said to us that, "It's the economy, Stupid." Let's activate that laser beam and stop the pandering to special interests.

MILITARY LEADERS AGREE—HOMOSEXUALITY INCOMPATIBLE WITH MILITARY SERVICE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, President Clinton has announced his intention to repeal the longstanding ban on gays in the military. He seems intent on forcing this unwise and unpopular position on the armed services, the Congress, and the American people.

He says he is flexible on how to implement this order, yet he has made it clear that the ban will be reversed. We must be equally clear—there is no middle ground on this issue.

Virtually every knowledgeable source on military matters has said this action would undermine military discipline, morale, and combat effectiveness.

Senator SAM NUNN said yesterday:

> I think something is fundamentally flawed when men and women in the military have an issue that is vital to them and they have never been heard from.

Our distinguished Chairman of the Joint Chiefs of Staff Colin Powell has testified that "homosexual behavior is inconsistent with maintaining good order and discipline."

Serving in the military is a privilege, not a right. Mr. President, listen to these voices of wisdom and the American people.

NO LONGER BUSINESS AS USUAL

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, it clearly is a new day in the U.S. Congress. Many of us did not believe it would happen, but with what we have witnessed just here today and yesterday with the tremendous speeches that have been made by freshmen from both sides of the aisle here in the well, and that historymaking vote yesterday which for the first time is seeing the U.S. Congress actually pare back some of its bureaucracy, is—I think—a very encouraging indicator for the American people.

We are not going to see business as usual continue in the House of Representatives, and I hope that these freshmen do not change. I hope that their spirit of enthusiasm and upbeat optimism continues.

THE 20TH ANNIVERSARY OF THE PARIS PEACE ACCORDS

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, today marks the 20th anniversary of what fortunately did not become the beginning of the end for democracy around the globe and the escalation of communism worldwide. Rather, today marks the 20th anniversary of the signing of the Paris peace accords with the totalitarian war lords of North Vietnam. That infamous document promised more than just a cease-fire in South Vietnam, a withdrawal of all United States forces from that divided country, and a release of all, repeat all, American POW's and an honest accounting of all MIA's [missing-in-action] in hindsight we know that none of the major provisions of the cease-fire agreement were implemented.

In fact, within a brief passage of time, the North Vietnamese Communist forces would invade the south again, but this time with Hitler-like blitzkrieg tactics and Russian-made tanks intended to remove any chance of peaceful democracy developing in that country. The rest of the story, after the signing of these accords, include the brutal so-called reeducation concentration camps. They, of course, were killing hundreds of thousands of desperate refugees—known as the boat people—more losing their lives than surviving. And hundreds of forgotten names and faces of real American heroes, like, I repeat, our colleague SAM JOHNSON of Texas, a 7-year POW, who accepted the call to arms and then fell into the torturous hands of the enemy as POW's or MIA's.

Mr. Speaker, the agreement we signed 20 years ago was not about peace, but was instead about ignoring responsibility. Let's make sure that as a nation, we never again forget our duty and responsibility to our oppressed allies abroad or to the brave servicemen and women who carry out our foreign policy.

We must remember that peace in our time was achieved not through useless accords, but instead through global responsibility, military strength, and moral courage. It was peace through strength, and let's not forget that.

☐ 1400

In fact, in a brief passage of time, the Communist forces of North Vietnam would invade the south, this time again with Hitler-like blitzkrieg tactics, even using Soviet-made tanks. It was all intended to remove any chance of peaceful democracy in that war-torn little country.

The rest of the story, after the signing of these accords, included the brutal reeducation—so-called—but they were concentration camps, hundreds of thousands of desperate refugees, a death list with 68,000 people who were executed for even talking with us let alone working with us in South Vietnam, and hundreds of thousands more drowned on the high seas—raped, shark victims, and those survivors who came to this country as great, now American, citizens.

Mr. Speaker, I submit for the RECORD my passionate close, and I will continue to talk about this over the upcoming 2 years.

PARLIAMENTARY INQUIRIES

Mr. DREIER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HOAGLAND). The gentleman will state his parliamentary inquiry.

Mr. DREIER. Mr. Speaker, I would like to inquire of the Chair as to whether or not it is proper for Members to read in the well of the House now. I understand that they have changed the rules to allow Members to read from the well of the House without asking special permission.

Mr. Speaker, am I correct in that?

The SPEAKER pro tempore. It is the Chair's understanding that the House rules pose no obstacle to a Member reading a speech.

Mr. DORNAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DORNAN. Mr. Speaker, the leadership does encourage Members, though, to keep their chin up, not mumble. And if they are allowed to read now, to go back to the first great two centuries of this Nation and try and get a little oratory like my good friend, the gentleman from the great North of this country is about to do.

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

INVITATION TO DISCUSS CIRCUMSTANCES SURROUNDING NOMINATION OF MARIO BAEZA

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matters.)

Mr. CONYERS. Mr. Speaker, yesterday we heard from one of the great new freshman Members of this House, the gentleman from Florida [Mr. DIAZ-BALART]. And he made a very impassioned series of comments about something that he had heard another Member of this body, the distinguished gentleman from New York, make with reference to a nomination of a gentleman named attorney Mario Baeza, who has been nominated for the Secretaryship of Inter-American Affairs.

Mr. Speaker, it is my intention that we continue this discourse under as reasonable circumstances as possible, and to that extent, I have called the gentleman from Florida [Mr. DIAZ-BALART] to invite him to sit with me as the dean of the Congressional Black Caucus to discuss the circumstances, pro and con, surrounding the nomination of Mr. Mario Baeza.

This is a very important nomination, and it involves a Cuban-American, and it would seem that both he and I should be very interested in that nomination.

CONGRESSIONAL BLACK CAUCUS,
Washington, DC, January 22, 1993.

Hon. WARREN CHRISTOPHER,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR MR. SECRETARY: I write to strongly endorse the selection of Mario Baeza to be Assistant Secretary of State for American Regional Affairs (ARA). We believe this is an excellent appointment of a tremendously qualified attorney and regional specialist with impeccable credentials for the challenge of managing U.S. policy toward our dynamic and vital neighboring region.

This communication expressly reflects the recommendation of the Caucus Task Force on the Caribbean, Chaired by Cong. Charles Rangel with CBC Members seated on the House Foreign Affairs Committee, Cong. Donald Payne and Cong. Alcee Hastings. As African American members of Congress we are especially proud that Mario Baeza is a Cuban American of African heritage. We regard his race as an important added dimension to his credentials for this position. It is a powerful symbol to those of African heritage who populate every nation in the region in significant number, often in the majority, but are rarely recognized. Mr. Baeza's heritage and connection with the Caribbean serves to highlight this region that is so often overlooked by policymakers in this country, yet one that is extremely important to us economically and in our ongoing efforts to interdict dangerous narcotic drugs.

As we approach consideration of the North American Free Trade Agreement (NAFTA) to secure the significant economic benefit of free trade and pursue policies to promote private sector led development and growth in the region, Mario Baeza is particularly, and perhaps uniquely, qualified to implement our policies toward the region. He is an accomplished attorney, a senior partner of the firm of Debevoise and Plimpton, where he has developed a significant legal practice in the region and broad experience in finance and investment.

Mario Baeza is fluent in English and Spanish and has travelled in, and written about, the region extensively. He is a noted scholar, and a man of extraordinary achievement and intellect. It is difficult to imagine a better selection for this position and we therefore fully endorse him and give him our enthusiastic support.

Sincerely,

KWEISI MFUME,
Chairman, Congressional Black Caucus.

ILLEGAL EXPORTS FROM CHINA

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, a great many Americans are unaware of the tremendous influence the Peoples' Republic of China [PRC] has on the economy of the United States, but ask United States textile manufacturers, workers, and Customs officials, and they will tell you that the PRC fosters a $5-billion fraudulent industry in textile and garment exports to the United States.

Unknowingly, Americans are buying an unprecedented amount of clothes manufactured in China. Shirts may be marked, "Made in the Philippines," but frequently these items are produced in China and illegally marked or transshipped to the United States where they replace United States produced garments and textile manufacturing jobs.

Mr. Speaker, this serious problem presents a difficult solution, but step one must be a strong commitment from the PRC to police, enforce, and prosecute the illegal transshipment and fraudulent mislabeling of Chinese textile exports. Second, U.S. Customs officials must drastically increase their efforts to detect and seize illegal shipments. Third—and perhaps most importantly—strong efforts must be made here at home to ensure that U.S. importers who violate U.S. trade laws will be quickly and effectively prosecuted.

Mr. Speaker, recently, after bowing to direct pressure and legal action from United States officials, China has agreed to cooperate with United States officials to halt these illegal shipments. In October, United States attorneys indicted the United States-based subsidiary of a Chinese textile company for violating United States trade laws, and Customs officials plan to establish a permanent office in Beijing.

Mr. Speaker, clearly, these efforts are encouraging, but they will have to be dramatically increased to address this mammoth problem. This Member encourages the new administration and fellow Members of Congress to insist that China fully cooperate and adhere to its trade agreements with the United States.

SUPPORT URGED FOR THE SEXUAL ASSAULT PREVENTION ACT OF 1993

(Ms. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOWLER. Mr. Speaker, each year, 3 to 4 million women are battered by their husbands or partners. This frightening statistic compels us to support the Sexual Assault Prevention Act of 1993. It is time to protect and empower the victims of sexual and domestic violence, prosecute their aggressors, and put an end to the pain and suffering caused by criminals who, too often, get away with murder.

This legislation provides badly needed funding for women and children's programs. Comprehensive grant programs to assist local efforts to combat sexual and domestic violence and to enforce child support obligations are imperative.

In Florida's Fourth Congressional District, the Hubbard House provides an alternative for battered women. It is a full service domestic violence center which provides a safe, nonviolent place for women to plan their futures.

Our country needs more Hubbard Houses. The services this refuge provides are critical to empowering victims of domestic violence and rehabilitating their partners. Supporting the Sexual Assault Prevention Act of 1993 will give battered women and children the chance they deserve.

GENERAL LEAVE

Mr. FIELDS of Louisiana. Mr. Speaker, I ask unanimous consent that all Members be permitted 5 legislative days in which to extend their remarks and to include therein extraneous material on the special order taken today by the gentlewoman from Hawaii [Mrs. MINK].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ELIMINATION OF SELECT COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. While I am encouraged that the House has moved to limit the reauthorization of select committees to only 1 year, I am disappointed that we stopped here. I strongly support the elimination of these nonlegislative, duplicative committees.

When initially created, these select committees were designed to be temporary. They were supposed to study an urgent issue, then make recommendations for action by various permanent, standing committees. Now, some 10 to 20 years later, they have taken on bureaucratic lives of their own.

I strongly support the important issues these select committees claim to assist. Senior citizens concerns, the plight of families, drug control, and hunger remain a top priority of mine. Americans can be assured these issues are already being fully addressed by already existing standing committees in Congress spending tens of millions of dollars. We already have more than 300 committees and subcommittees doing the some thing. These issues are not being ignored, and will never be ignored.

For example, the key issues facing America's senior citizens including Social Security and health care are handled by the powerful Ways and Means Committee through its dedicated subcommittees on health and Social Security. Oversight of pension funds and savings is handled by the Banking Committee.

Another example. Issues before the Select Committee on Narcotics are also under the direct jurisdiction of the Judiciary and Foreign Affairs Committees.

Issues on hunger have been already handled by the Hunger Subcommittee under the Agriculture Committee.

Unfortunately, this duplication has fostered gridlock. In an effort to justify their existence, the select committees have studied the issues to death, delaying needed action by the standing committees. The answer to this gridlock is streamlining the process by eliminating the wasteful, do-nothing select committees and instead of improving the efficiency of the standing committees.

Unlike the select committees, which have no legislative power and, therefore, can actually do nothing, the already existing standing committees can report bills and create programs that offer real solutions. They provide genuine action, not just talk.

Since their creation, the select committees have cost the taxpayer over $45 million. Yet, they have very few results to show. Just lots of expensive staff and traveling all over the world to generate more fancy reports. Instead of spending more money on do-nothing select committees that merely sound impressive and caring, we should more wisely redirect those resources into real programs that help senior citizens and needy families with actions, not just more studies.

The elimination of these wasteful congressional select committees is an early test of just how committed to congressional reform the Members of the House really are.

I gave up my own business and came to Congress in order to help fight for reform and against wasteful government spending. Reauthorizing the unnecessary select committees is not real congressional reform. It is business as usual.

It takes courage to stand up here as a freshman in one of the first weeks of legislative session and oppose business as ususal and the special interests that support the no longer warranted fancy committees. I'm serious about reforming Congress and protecting the taxpayers' hard earned dollars. I strongly believe that is why the voters of the 41st District sent me to Washington—to make the tough decisions and do what is best for the country. I'm proud to be here doing just that.

I want to commend our leader, congressmen BOB MICHEL, NEWT GINGRICH, and the rest of the Republican leadership for bringing this important reform issue to the floor.

Based on yesterday's minimal first step of curtailing the authorization of one of these committees from 2 years to 1, I am encouraged that we can do much more next week when we revisit this issue.

I urge my colleagues to join me in supporting the next needed step of sunsetting them for good—in other words, eliminating them all together.

□ 1410

Let us cut wasteful spending. Let us start right here.

Mr. Speaker, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. I thank the gentleman for yielding.

Mr. Speaker, I would simply like to extend my congratulations to my friend from Diamond Bar, CA, for his excellent statement. He has worked diligently on pursuing the issue of the select committees. I believe he has come up with a very good conclusion that we should eliminate them.

I thank my friend for yielding.

IN MEMORY OF JAKE MILLIONES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to a fallen hero of the African-American community in Pittsburgh: Councilman Jake Milliones. Councilman Milliones died from a heart attack at the age of 52 earlier this month.

Jake Milliones was one of the brightest stars among community leaders in Pittsburgh and an outspoken representative of the Hill District, Strip District, and parts of the North Side. He poured his life's energy into active campaigns to improve the quality of life in Pittsburgh. He fought on behalf of all the disadvantaged, dispossessed, and disenfranchised. His life was one of unending struggle to lift up and expand the horizons of African-Americans in Pittsburgh, our country, and the world.

Jake Milliones got things done. His accomplishments are recorded in the concrete and steel of homes built, schools improved, drug rehabilitation programs created, senior citizens served, and young people provided opportunities.

Jake Milliones was a dedicated public servant. He was a dynamic leader on the Pittsburgh City Council where he represented the sixth council district. He was also president of the Pittsburgh Board of Education, where he labored successfully to improve the quality of our community's public schools. His efforts as board of education president were key to the nationally recognized success of elementary schools like Vann and Madison.

Jake Milliones was also a man of outstanding educational accomplishments who was willing and able to put his skills to work on finding effective solutions to public problems. His academic accomplishments, including a doctorate in psychology, sharpened his ability to study a problem and craft an effective response. A perfect example is the weeks he spent studying firsthand drug treatment programs in New York City in order to determine what would be the best drug rehabilitation program for Pittsburgh. He volunteered his skills and his labor to making Pittsburgh's House of the Crossroads Drug Rehabilitation Program an effective center for helping people escape drug addiction and drug abuse.

Jake Milliones worked as chairman of the urban redevelopment authority to reinvigorate the neighborhoods of Pittsburgh. He also worked to improve community life at the grassroots level with groups like the Hill District Community Development Corp. and the project area committee. He led the effort to break ground for the Crawford-Roberts Housing Development, helped provide single mothers with decent housing by converting an old firehouse into an apartment building, helped establish the four-building western restoration housing and health complex for senior citizens, and revitalized the Ammon Recreation

Center on Bedford Avenue as one of the city's best youth recreation facilities. The list could go on and on.

Councilman Milliones possessed a rare skill in breaking down the walls of bureaucracy that all too often separate the people from their elected government. His priorities were the priorities of his constituents: jobs, housing, crime, and quality education. Jake Milliones never hid his impatience with the rate of progress that was made on these issues, but he also never lost his commitment to moving forward to address the basic needs of our community.

The city of Pittsburgh and all of its citizens will miss Jake Milliones and his selfless devotion to making our community a better place. I know that African-Americans in our city will also mourn the loss of one of their most ardent champions. Still, I know that the most fitting tribute to Jake Milliones is for all of us to carry on his struggle to lift up the lives of our fellow citizens. We can best memorialize the premature passing of Jake Milliones by following his example of public service.

A TRIBUTE TO AKEBONO, HAWAII'S OWN CHAD ROWAN, WHO TODAY BECOMES SUMO WRESTLING'S NEW GRAND CHAMPION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

Mrs. MINK. Mr. Speaker, I rise today to pay tribute to Akebono, who we have known in Hawaii as Chad Rowan, as he today accepts Japanese Sumo wrestling's highest honor when he assumes the title of yokozuna, or grand champion. This is the second time that one of Hawaii's people has fulfilled the requirements for this award, but Akebono is only the first to receive it. Last year, Konishiki—Salevaa Atisanoe—was denied promotion to Yokozuna even though his record was comparable to that of Japanese wrestlers who had won the title. I am gratified that Japan has finally overcome this racial barrier and seen fit to award this rank to those who deserve it, regardless of their nationality.

Japanese Sumo wrestling is not just a competitive sport, it is a drama and ritual deeply rooted in the long Japanese tradition. It demands the utmost in strength and grace from its participants, and few who compete are able to withstand the rigors required of the Sumo champions. Akebono has. And last Sunday he won his second straight tournament, the exalted 15-day New Year's tournament, with an overpowering victory over Japan's most popular sumoist that took just 5 seconds. In this convincing manner Akebono fulfilled the final requirement for the title of Yokozuna. He is just the 64th person to achieve this in the history of the sport, and he is now the only active Sumo wrestler who holds this honor.

This is a dramatic moment in Sumo westling because it is the first time that Japan has allowed this honor to be bestowed on a foreigner—a position so revered that its holder undergoes a 3½-hour ceremony at a venerable Tokyo shrine. This is a sensitive moment for the Japanese people, but it is eased by the respect and dignity with which Akebono approaches the history and ritual of Sumo wrestling. The compliments he has received in Japan reflect this. Yoshihisa Shimoie, the editor of Sumo magazine, articulated perhaps the best testment to Akebono's character when he said that "he makes me forget he is a foreigner because of his earnest attitude toward Sumo."

In an interview about his prospective promotion to Yokozuna Akebono said "I will do my best to live up to the title, not only in the Sumo ring, but in my daily life." We are quite sure that he will, and I know that I speak for my State and this House when I say to Akebono that we are proud to have you representing the United States when you today become known to the world as a yokozuna, grand champion of Sumo.

LET US SPEED UP REVIEW OF THE ETHANOL REGULATIONS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois [Mr. HASTERT] is recognized for 5 minutes.

Mr. HASTERT. Mr. Speaker, I rise today to express my concern for action taken last week by the new head of the Office of Management and Budget to delay crucial regulations affecting ethanol.

Last year, President Bush brokered a compromise that revised proposed regulations allowing ethanol to participate in the summer and winter program of the Clean Air Act. The compromise was an important step in ensuring that this domestic, renewable fuel play a key role in meeting the environmental goals of the act. The ethanol compromise goes a long way toward reducing America's dangerous dependence on foreign oil, and expanding markets for our Nation's farmers.

Now, we hear that this compromise is to be reviewed by agency heads. Mr. Speaker this action does one thing and one thing only, it casts a pall over the ethanol industry and the millions of farmers who grow corn for ethanol.

Illinois is the Nation's top producer of corn and corn ethanol, it accounts for 60 percent of the 1-billion-gallon-a-year ethanol market. In the Midwest, one out of every five rows of corn goes toward the production of ethanol. That is about 600 million bushels of corn. Ethanol to the Midwest means jobs; it means adding value to a product that we grow ourselves.

As our economy begins to grow and issues of investment become important, Mr. Panetta's actions have the perverse result of delaying investment in ethanol plants all across the Midwest.

I urge Mr. Clinton to complete the review of this important regulation as quickly as possible to ensure that the stability of the ethanol industry and the livelihoods of American farmers are not adversely affected.

I want Members to know that I am sending a letter to President Clinton to urge him to complete this review as quick as possible.

Mr. Speaker, I really request that Members join me on signing this letter to the President asking him to expedite this review and to move that program along as quickly as possible. It is ironic that here, 2 years after our soldiers sacrificed their lives and their families and their time to the Desert Storm issue, an issue that was to protect our interests in the Middle East, in some respects for the oil interests and energy interests in this country, that here we have a chance to produce our own home grown energy, a renewable fuel, and fuel grown by farmers in the Midwest and other parts of this Nation and a fuel manufactured by American workers.

Why would we want to cancel out a program that creates these types of jobs, American jobs for American workers, by canceling out this Executive order?

□ 1420

Mr. BEREUTER. Mr. Speaker, will the distinguished gentleman yield?

Mr. HASTERT. I am happy to yield to my friend, the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding to me, and bringing the matter to the attention of the House.

What has happened in the delay of 120-plus regulations I think should be of great concern to Members of the Congress, to farmers, to environmentalists, to agribusiness people all over the country. I do hope that it is not an intentional delay of this particular regulation. It may well be to put the best construction on it that we have a permanent corps of bureaucrats in OMB who saw this as a chance to subvert a program that had broad support among Members of Congress.

As the gentleman points out, this was an important compromise in moving ahead on the use of alternative fuels, environmentally safe fuels. We went through a long controversy. Scientific facts were presented. A compromise was reached. The results could mean an additional 1 billion dollars' worth of corn sales per year in addition to major impact or agribusiness.

So I have also already sent a letter to President Clinton urging that this matter be unstuck, that we move ahead with implementation of this carefully crafted compromise.

I would be pleased to join the gentleman in signing his letter and urging all Members of the House to contact the OMB, our former colleague, the new Director, the President, and the Governors of their States, because in many cases the Governors themselves have been strong proponents of ethanol and alcohol-based fuel activities.

I hope that our colleagues will listen to this and take that kind of action.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Nebraska.

I would like our colleagues to join with me.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 27. Concurrent resolution providing for an adjournment of the House from Wednesday, January 27, 1993 to Tuesday, February 2, 1993.

REGULATORY BURDEN RELIEF FOR FINANCIALLY HEALTHY BANKS

The SPEAKER pro tempore (Mr. POMEROY). Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, I have taken this special order today to call the attention of my colleagues to legislation I introduced on January 5, to reduce the increasing amount of regulatory red tape facing our Nation's financial institutions. I do this to encourage their support and their cosponsorship.

The legislation, H.R. 59, grants regulatory burden relief to healthy, profitable and well-managed institutions. To qualify, a financial institution, for example, a commercial bank, must meet the test of adequate capitalization—that is a carefully defined term as part of our statute already, and they also must be well-managed.

Legislation is needed since, regulators are now directed by statute to impose a massive amount of additional and unnecessary regulations on an institution's day-to-day business decisions, regardless of their capitalization and management. This, in turn, is distracting them from examining the overall financial condition of the institution. This bureaucratic overreach has resulted in literally tons of needless paperwork for banks, particularly for small banks that cannot afford to hire additional employees.

I would stress that H.R. 59 is a costsaver not only for banks and other financial institutions, but also for the bank customers and taxpayers. The banking industry reports that 59 percent of its profits for last year were eaten up by compliance costs, that is money which could have been reinvested in new products and services for customers, and been available for loan purposes in the community.

The impact on excessive and inappropriate regulations and paperwork on consumers comes in two forms: either a reduction in the number of services offered, or in higher fees for those services. A reduction in services is a very real concern for rural areas. For example, we have already seen small, community banks discontinue offering adjustable rate mortgages, simply because of the number of regulations dictating how that product is to be offered.

According to a recent survey conducted by the American Bankers Association, banks could support an additional $20–$30 billion of additional lending each year if only 25 percent of the resources banks now spend on compliance could be redirected to bank capital.

This is also a costly exercise for the Federal Government, since it is not just the banks, but also the Federal banking agencies that bear expenses associated with unnecessary reporting and regulatory examinations.

Provisions of H.R. 59 were drawn from recommendations found in the recently released Federal Financial Institutions Examination Council report, the FDIC's 1992 regulatory burden report, a list of recommendations issued by the banking industry, and in consultation with the other regulatory agencies.

Included in the bill's regulatory reduction measures are provisions to provide regulatory relief for institutions that are "adequately-capitalized" as required by FDICIA and maintain a CAMEL or MACRO rating of 1 or 2; require more coordination between Federal and State regulators with respect to examinations and reporting requirements; streamline and reduce requirements associated with forms and applications that banks must regularly submit to a regulator; establish an Office of Regulatory Quality to serve as an ombudsman for individual banks to allow them to comment on the quality of an examination and to raise questions about a particular regulation; provide a self-certification process to relieve small banks from reporting and examination requirements imposed by the regulators as a result of the Community Reinvestment Act; put teeth into the Paperwork Reduction Act by requiring the regulators to conduct an economic analysis of certain bank regulations—for example, how many institutions would be affected, the cost of implementing the regulation to the Government.

This Member urges support for H.R. 59. The legislation will make regulation more efficient for financially healthy institutions, not easier for the weaker ones.

GALLEGLY'S DISLOCATED DEFENSE WORKERS' JOB ASSISTANCE ACT TO HELP DEFENSE WORKERS HURT BY DEFENSE CUTBACKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. GALLEGLY] is recognized for 5 minutes.

Mr. GALLEGLY. Mr. Speaker, I am pleased to introduce today a bill to make dislocated defense workers eligible for the targeted jobs tax credit.

We are fortunate to be living at a time when there are few serious threats to world peace, thanks in large part to the determination and military strength of the United States. We have heard repeatedly the promise of some sort of peace dividend as a result of the planned reductions in our defense spending and downsizing of our military forces. The sad truth is that, thanks to the huge budget deficit and outstanding domestic spending programs, whatever peace dividend there might be from projected defense cutbacks has already been committed. Moreover, as a consequence of cutbacks, many of our best trained, most productive, and most patriotic citizens are already paying a steep price for this dividend.

Over the next 5 years, one-quarter of our Armed Forces—approximately 450,000 active duty personnel—is scheduled for displacement. In addition, some 150,000 civilians will be let go from their military jobs. According to Business Week magazine, if defense spending is slashed by $150 billion over the next 5 years, as proposed, over 3.3 million private-sector jobs will be lost.

The Federal Government has an obligation to try to help the millions of Americans who will lose their jobs through no fault of their own, but as a direct result of reductions in defense expenditures that their own contributions to winning the cold war helped make possible. Americans from all walks of life have served their country with pride and distinction, out of patriotic duty and a commitment to fight for peace and freedom and to protect America from the threat of world communism. Many of them have come to look upon military service as a career. Despite promises of promotion and adventure, thousands of men and women in uniform are suddenly facing forced separation. Their dreams for the future have been dashed in our rush to downsize our military forces to fit the demands of a new world order and meet the needs of a peacetime defense.

Our Nation's defenses include not only the military services, the officers and enlisted men and women on active duty and in the National Guard and the Reserves. They also include the many industries and large and small businesses employing millions of civilian workers who produce the planes, ships, and weaponry, the machines and materials, and the aerospace and electric tools that have enabled America to remain No. 1 in the world and meet its cold war defense needs. In our eagerness to cut back the defense budget overnight, we are contributing to the current economic recession by pushing many firms into bankruptcy and by throwing their employees out of work, into unemployment lines and onto welfare and forcing their families into anxiety and despair.

Under the circumstances, I believe that we have an obligation to help these victims of demobilization. These men and women have already paid their dues. They have proven that they can hold down a job and carry responsibility; that they have the education, training, experience and the desire to make a positive contribution to work force productivity and to our Nation's global competitiveness. What these people need most of all is a new job, the opportunity to prove themselves and be productive members of society again. What I propose is the incentive for an employer to hire them and train them for that new job.

I propose that the targeted jobs tax credit [TJTC] be extended to cover dislocated defense workers who, because of reductions in defense expenditures, have lost their jobs through no fault of their own. The new members of this targeted group are all victims of defense cutbacks—those military personnel who are involuntarily separated, but honorably discharged; Defense Department civilian employees involuntarily terminated; and employees involuntarily terminated from defense-related jobs in the private sector. The credit would be available to an employer who hires a dislocated worker within 1 year of his or her separation from a previous defense-related job.

Under the Dislocated Defense Workers' Job Assistance Act, employers would be offered a tax incentive to hire and retrain dislocated defense workers within 1 year from their dismissal or discharge. Thus, an employer could claim a credit equal to 40 percent of the first $6,000 earned by the eligible newly hired worker during the first year on the job. This bill is identical to H.R. 5108, which I offered in the last Congress. Unfortunately, the problem of high unemployment in defense-related fields has not lessened, especially in California.

TJTC is a program that has already proven successful in promoting employment opportunities for economically disadvantaged youth, Vietnam-era veterans, cooperative education teenagers, ex-offenders, vocational rehabilitation referrals, and persons on AFDC, SSI, and other general assistance programs. The targeted jobs credit relies on the private sector, rather than government, using a simple, straightforward fiscal mechanism now available to business. It requires no new Federal bureaucracy nor a welfare handout.

This legislation provides a practical, cost-effective approach to a pressing problem. Given the uncertain state of our economy and the lives that are involved, I urge immediate congressional consideration of this bill.

Mr. Speaker, I am pleased to offer the Dislocated Defense Workers' Job Assistance Act on behalf of myself, Mr. Doolittle, Mr. Torkildsen, Mr. Gingrich, and Mr. Dornan. I ask unanimous consent that the text of this bill be printed in the Record at this point.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dislocated Defense Workers' Job Assistance Act".

SEC. 2. DISLOCATED DEFENSE WORKERS TREATED AS MEMBERS OF TARGETED GROUP.

(a) General Rule.—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 (defining members of a targeted group) is amended by striking "or" at the end of subparagraph (I), by striking the period at the end of subparagraph (J), and inserting ", or", and by adding at the end thereof the following new subparagraph:

"(K) a dislocated defense workers."

(b) Dislocated Defense Worker.—Subsection (d) of section 51 of such Code is amended by redesignating paragraphs (13), (14), (15), and (16), as paragraphs (14), (15), (16), and (17), respectively, and by inserting after paragraph (12) the following new paragraph:

"(13) Dislocated defense worker.—The term 'dislocated defense worker' means any individual—

"(A) if—

"(i) the Secretary of Defense certifies that—

"(I) such individual had been involuntarily separated (within the meaning of section 1141 of title 10, United States Code) from the Armed Forces as the result of reductions in defense expenditures, or

"(II) such individual had been involuntarily terminated from civilian employment in the Defense Department as the result of reductions in defense expenditures, or

"(ii) the designated local agency certified that such individual was involuntarily terminated from employment by an employer (other than a governmental body) as the result of reductions in such employer's business caused by reductions in defense expenditures, and

"(B) if the hiring date is during the 1-year period beginning on the date of the involuntary separation or termination (as the case may be) referred to in subparagraph (A).

For purposes of paragraph (17), any reference to the designated local agency shall, in the case of individuals referred to in subparagraph (A)(i), include a reference to the Secretary of Defense."

(c) Effective Date.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

TEMPORARY INVESTMENT TAX CREDIT RESTORATION ACT OF 1993

Mr. Speaker, in order to spur industrial growth and expansion and produce an early turnaround in our stagnant economy, I introduce today the Temporary Investment Tax Credit Restoration Act of 1993. This legislation will reinstate the 10-percent investment tax credit on an incremental basis for 2 years, retroactive to January 1, 1993. In offering this proposal on behalf of myself and Representatives Baker of Louisiana, Hunter, Solomon, Lightfoot, Levy, Saxton, Doolittle, Fawell, Rohrabacher, Emerson, Stump, and Packard, I join many economists and businessmen—even then-Presidential candidate Bill Clinton—in urging an immediate, short-term stimulus to the economy that will encourage American industry and agriculture to build for the future and enable this country to compete better in the global economy.

With our economy still sluggish, we must take prompt and sensible measures to stimulate national recovery and improve our competitive position in world trade. Insufficient investment is certainly one underlying cause for our economy's sluggish productivity growth and declining competitiveness. Investment spending in Japan, for example, where the economy is just over one-half that of the United States, is a much greater share of that nation's GNP than investment spending in the United States. U.S. investment in productive manufacturing equipment has fallen from an average increase of 4 to 5 percent during the 1950's, 1960's and 1970's to just 1.6 percent for the 1980's. American industry must retool now for the technology explosion, job growth and competitive global expansion of the 90's and beyond.

Evidence shows that the investment credit does indeed raise investment spending. According to the American Council for Capital Formation, purchases of equipment by industry have grown far faster during periods when the credit was in effect than when it wasn't. An investment tax credit has been enacted three times since January 1962. It was initiated under the Kennedy administration as a means of sparking economic recovery after a recession, and it worked. As a permanent credit, it was eliminated finally in the 1986 tax reform effort amidst criticisms that it created distortions in investment decisions. During that period, however, the credit was an effective cyclical stabilizer and a powerful investment stimulus.

I proposed that the credit be revived for 2 years so that it will provide what economist Robert Eisner calls "a big bang for the buck" without excessive costs or long-term distortions. Companies will be encouraged to accelerate their spending, rather than to put off plans for industrial expansion, thereby giving the economy a quick start and wage-earners and consumers a psychological boost. Although estimates of its immediate costs vary, its intermediate-range impact will be to produce millions in tax revenues emanating from the recovery it helps to engender and the additional jobs it will spawn. Moreover, the cost of the credit will be reduced by making it apply only to a company's investment in manufacturing and other productive equipment properties, including farm equipment, computer software, and used equipment, that exceeds its previous spending on such equipment over the previous 4-year base amount. If in 2 years the economy still needs a strong shot in the arm, the credit can be extended or again be made permanent as it was until 1986.

Mr. Speaker, our economy is in trouble, and the American people remain pessimistic about it and their future. A temporary incremental investment tax credit will provide the push that industry and consumers need. The time for action, rather than partisan politics, is long overdue. I urge my colleagues to support this bill and the House to approve the 10-percent investment tax credit now.

Let's make the investment tax credit part of our campaign to jump start America.

I request that the full text of this bill be printed in the Record at this point.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Temporary Investment Tax Credit Restoration Act of 1993".

SEC. 2. INVESTMENT CREDIT FOR NEW MANUFACTURING AND OTHER PRODUCTIVE EQUIPMENT.

(a) Allowance of Credit.—Section 46 of the Internal Revenue Code of 1986 (relating to amount of investment credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end thereof the following new paragraph.

"(4) the manufacturing and other productive equipment credit."

(b) AMOUNT OF CREDIT.—Section 48 of such Code is amended by adding at the end thereof the following new subsection:

"(c) MANUFACTURING AND OTHER PRODUCTIVE EQUIPMENT CREDIT.—

"(1) IN GENERAL.—Four purposes of section 46, the manufacturing and other productive equipment credit for any taxable year is an amount equal to 10 percent of the excess (if any) of—

"(A) the aggregate bases of qualified manufacturing and productive equipment properties placed in service by the taxpayer during such taxable year, over

"(B) the base amount.

"(2) QUALIFIED MANUFACTURING AND PRODUCTIVE EQUIPMENT PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified manufacturing and productive equipment property' means any property—

"(i) which is used—

"(I) as an integral part of the manufacture or production of tangible personal property, or

"(II) in farming,

"(ii) which is tangible property to which section 168 applies, and

"(iii) which is section 1245 property (as defined in section 1245(a)(3)).

"(B) SPECIAL RULE FOR COMPUTER SOFTWARE.—In the case of any computer software which is used to control or monitor a manufacturing or production process and with respect to which depreciation (or amortization in lieu of depreciation) is allowable, such software shall be treated as qualified manufacturing and productive equipment property.

"(3) BASE AMOUNT.—For purposes of paragraph (1)(B)—

"(A) IN GENERAL.—The term 'base amount' means the product of—

"(i) the fixed-base percentage, and

"(ii) the average annual gross receipts of the taxpayer for the 4 taxable years preceding the taxable year for which the credit is being determined (hereafter in this subsection referred to as the 'credit year').

"(B) MINIMUM BASE AMOUNT.—In no event shall the base amount be less than 50 percent of the amount determined under paragraph (1)(A).

"(C) FIXED-BASE PERCENTAGE.—

"(i) IN GENERAL.—The fixed-base percentage is the percentage which the aggregate amounts described in paragraph (1)(A) for taxable years beginning after December 31, 1987, and before January 1, 1993, is of the aggregate gross receipts of the taxpayer for such taxable years.

"(ii) ROUNDING.—The percentages determined under clause (i) shall be rounded to the nearest 1/100 of 1 percent.

"(D) OTHER RULES.—Rules similar to the rules of paragraphs (4) and (5) of section 41(c) shall apply for purposes of this paragraph.

"(4) ALLOCATION OF BASIS ADJUSTMENT.—The reduction required by section 50(c) for any taxable year shall be allocated among the qualified manufacturing and productive equipment property placed in service by the taxpayer during such year in proportion to the respective bases of such property.

"(5) RECAPTURE.—In applying section 50(a) to any property which ceases to be qualified manufacturing and productive equipment property, the credit determined under this subsection with respect to such property shall be treated as being equal to 10 percent of the lesser of—

"(A) the excess referred to in paragraph (1) for the taxable year in which such property was placed in service, or

"(B) the basis of such property which was taken into account under paragraph (1).

"(6) CONTROLLED GROUPS.—Rules similar to the rules of paragraph (1) of section 41(f) shall apply for purposes of this subsection.

"(7) COORDINATION WITH OTHER CREDITS.—This subsection shall not apply to any property to which the energy credit or rehabilitation credit would apply unless the taxpayer elects to waive the application of such credits to such property.

"(8) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to rules of subsection (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection.

"(9) APPLICATION OF SUBSECTION.—This subsection shall apply to periods after December 31, 1992, and before January 1, 1995, under rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)."

(c) TECHNICAL AMENDMENTS.—

(1) Clause (ii) of section 49(a)(1)(C) so such Code is amended by inserting "or qualified manufacturing and productive equipment property" after "energy property".

"(2) Subparagraph (E) of section 50(a)(2) of such Code is amended by inserting "or 48(c)(5)" before the period at the end thereof.

(3) Paragraph (5) of section 50(a) of such Code is amended by adding at the end thereof the following new subparagraph:

"(D) SPECIAL RULES FOR CERTAIN PROPERTY.—In the case of any qualified manufacturing and productive equipment property which is 3-year property (within the meaning of section 168(e))—

"(i) the percentage set forth in clause (ii) of the table contained in paragraph (1)(B) shall be 66 percent,

"(ii) the percentage set forth in clause (iii) of such table shall be 33 percent, and

"(iii) clauses (iv) and (v) of such table shall not apply."

(4)(A) The section heading for section 48 of such Code is amended to read as follows:

"SEC. 48. OTHER CREDITS."

(b) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 48 and inserting the following:

"Sec. 48. Other credits."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1992.

THE GROWING URBAN CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WATERS] is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I rise today in order to speak plainly about the difficulties and opportunities that await us in the coming year as we in the Congress work together with this new administration to address our growing urban crisis.

I would begin today with an overview of the present situation, then address the issue of joblessness. Subsequent speeches in this series will deal in depth with such concerns as education, the need for a national health care system, welfare reform, housing, and community development.

One week ago, just outside this Capitol Building, we inaugurated the 42d President of these United States amid muchly deserved fanfare and celebration. President Clinton and Vice President GORE were elected on a platform of change, of renewal, of no business as usual.

"There is nothing wrong with America that cannot be cured by what is right with America," said the President.

We know that this is not empty boosterism or mere rhetoric. We know that the problems that afflict us, that tear at our beloved community are not acts of God, but rather those of man and manmade structures, and manmade systems that have not delivered life, liberty, and the pursuit of happiness to all our people.

For too many Americans who live in our cities, whose ever-so-sweet words and the traditional American promise of opportunity clash harshly with their daily experience.

We have seen the passing of a dozen-year period where our leaders blithely assured us that the common good could be arrived at by each of 250-odd million Americans all pursuing their own selfish interests. Now, of course, some folks were better positioned to pursue their interests than others.

We needed, in the words of abolitionist leader Frances Ellen Watkins Harper, "the sentiment that justice, simple justice, is the right not simply of the strong and powerful but of the weakest and feeblest."

Instead, the rich got richer, the poor got poorer, and the folks in the middle all went to work longer hours for less money in order to barely hold their ground.

When things soured for everyone, in the past couple years, then blow-dried commentators started taking our country's distress seriously. Suddenly, the kind of folks they knew—restauranteurs, money market managers, lawyers, engineers—started getting pink slips. No one, it seemed, was immune—that was news.

But hey, this was old news to the proud steelworker in Mahoning Valley, OH who now is delivering pizzas.

It was old news to the North Carolina textile worker whose company moved south of the border where it could pay workers $5 a day instead of $5 an hour. And it was old news to a lot of my constituents in South-Central LA, laid off at the Goodyear plant, trying to keep body and soul and family together amidst crime and drugs and with damn little opportunity to earn a decent living.

But if America has, to use a medical analogy, come down with a bad cold over the past 2 years, then America's cities are suffering from chronic pneumonia.

In 1971, the first African-American mayor of a major U.S. city, my friend

Carl Stokes, told a congressional hearing, "we need help and we need it yesterday." That was in 1971.

Before the full force of the heroin and cocaine epidemics raked our cities.

Before changes in the national and international economy and misguided fiscal policies shrunk our urban manufacturing base and our tax base.

Before the deadly virus AIDS struck at our communities and threatened to overwhelm available health care facilities.

Before the decade of the 1980's where 1 percent of American taxpayers reaped 80 percent of income gains.

At a time when cities needed more help, in the early 1980's, the Federal Government offered less and less. It wasn't benign neglect. It was outright abandonment.

Between 1980 and 1992, according to studies by the American Federation of State, County, and Municipal Employees, a total of $231 billion—in 1992 dollars—was cut from social programs in this country. That averages out to a 15-percent across-the-board reduction.

That figure included: a $10.2 billion reduction in education funds; $79.7 billion in employment and training; $68.9 billion from health; $18.1 billion from housing and homelessness; and $32.6 billion in infrastructure.

The Reagan and Bush administrations especially targeted their cuts on cities: General revenue sharing was eliminated; urban development action grants were eliminated; community development block grants were reduced by $15.6 billion; clean water construction funds were reduced by 56.7 percent; assisted housing moneys were cut by 66.8 percent; soil services block grants were reduced by $4.25 billion; and urban mass transit funding was cut by $7.8 billion.

And these are the cuts that the Congress approved. If the Republicans had had their way entirely then, heaven knows, the consequences would have been even more severe. They wanted to eliminate the Job Corps, the VISTA volunteer program, and trade adjustment assistance for workers displaced by foreign imports, among other worthy programs.

According to a study released by the U.S. Conference of Mayors, Federal aid as a percentage of city budgets was reduced by nearly 64 percent between 1980 and 1990—from 17.7 percent in 1980 to 6.4 percent. In response to these cuts, 72 percent of cities elected to raise taxes, 42 percent raised taxes and cut services, and 32 percent raised taxes, cut services, reduced city employment and raised revenues through other sources. In a follow up survey of 62 cities in October 1991, 74 percent of cities are postponing needed capital improvements.

At the same time that this was happening, changes in Federal tax policy made collecting taxes and selling bonds more difficult for State and local governments. Add to this the costs to cities of complying with Federal mandates.

If it is sometimes true that you cannot solve problems just by throwing money at them—as conservatives are so fond of telling us—then it is also true that you can't solve intractable urban problems by not investing money to solve them. Good intentions are not nearly enough.

A recent study by the Economic Policy Institute entitled "Does America Need Cities?" says it well:

> No great nation allows its cities to deteriorate. Our competitor nations in the rest of the advanced industrialized world recognize the importance of cities to their economic prosperity. They do not allow their roads, bridges, subways, and other infrastructure to crumble. They do not permit the level of sheer destitution—homelessness, hunger, poverty, and slums—found in America's cities.

America's cities are the spoke of a wheel that includes neighboring suburbs and smaller cities in tightly-woven metropolitan economies. Seventy-five percent of Americans live in urban areas, earning 83 percent of our national income. So, too, do half the Nation's poor—twice the percentage of 30 years ago. Cities provide high-paying jobs for their surrounding metro areas. They stand as centers of education, culture, medicine, and commerce.

Our challenge in the coming period is to identify the root causes of our urban crises—economic, social, cultural, and political. Our challenge is to invest in our cities and their people and in approaches that will expand opportunities in our urban areas and enable our workers to compete in a 21st century global marketplace.

Plainly put, we have to help people to help themselves—there is nothing more American, nothing more necessary. President Clinton still believes in a place called Hope. But in many cities—and in districts like mine in South-Central Los Angeles—there is precious little hope.

That has to change. And I believe, in the end, we shall measure whatever progress we may make in our urban agenda not just by bars and graphs and thickets of numbers in reports we wave around on this floor, but rather by whether we've given some hope for a better life to those who now have so little.

UNEMPLOYMENT

If we are serious about tackling our urban ills, we've got to start with joblessness. The best social program is a job.

When most of us strike up conversations with people we don't know, pretty early on will come the question, "So what do you do?" Not surprisingly, most people's identity is wrapped up—to some degree—in how they earn a living.

That's why being without a job is particularly wrenching. Unemployment takes a toll not only on the pocketbook but also on a man or woman's self-respect. What is in fact a social disease—there is not enough work to go around or folks aren't trained for the jobs available—is seen as a personal disease. People think, "I am economically worthless."

The most recent figures from the Bureau of Labor Statistics tell us that 7.3 percent of our work force is without jobs—nearly 9½ million Americans out of work. Jobless rates in our cities run up to 20 percent. People of color are unemployed at twice the rate of whites and half or more of all African-American youth are jobless. Ten percent of the labor force in my district of South-Central Los Angeles is officially out of work.

However, these numbers don't include those Americans who are discouraged and have given up looking for work. It doesn't reflect those working in temporary or part-time jobs who want full-time work. It says nothing about the expansion of underpaid self-employment or about the 1 in 20 Americans who hold down two or more jobs.

Taking all this into account, we can talk about upward of 20 percent of the work force in labor market distress—and up to twice that in some urban areas.

In addition, only 35 percent of even those officially unemployed actually received unemployment benefits during December. As recently as the late seventies, fully 75 percent of the jobless received benefits—before Reagan and Bush's so-called reforms that tightened eligibility standards and qualifying triggers.

High rates of joblessness cost the American taxpayer plenty. Every 1 percent rise in unemployment costs $25 billion in taxes the jobless aren't paying and benefits that they are receiving. The hopelessness and despair that result from chronic joblessness take their toll in crime, broken families, ill health, and drug and alcohol abuse.

We have a practical obligation—but more than that a moral obligation—to promote full employment as one goal of an American economic strategy for the 1990's and beyond. This commitment was articulated by President Franklin Delano Roosevelt in his 1945 Economic Bill of Rights—the right of every American to a useful and remunerative job. It was championed by Senator Hubert Humphrey and by my predecessor in this seat Congressman Augustus Hawkins in their Humphrey-Hawkins full employment bill of the late 1970's. That bill, as you may remember, was watered down, passed, signed into law, and then consigned to the dead letter file.

I tell you that unless we are willing to tackle joblessness—through economic stimulus, job training, education, and a more active labor market policy of the sort employed by our global competitors—then there will be more rebellions like the one in Los Angeles and we shouldn't be surprised.

President Bill Clinton has eloquently expressed his belief that, "we haven't got a single American to waste." I agree. And yet, we risk wasting a significant strata of a whole generation by inaction.

I am developing a full urban agenda that will address joblessness and the urban crises on a number of fronts. Today, though, I'd like to talk about two initiatives I'm proposing that concern unemployment and job skills.

My Job and Life Skills Improvement Act is based on a successful program already underway at the Maxine Waters Employment Preparation Center in south-central Los Angeles. The center, founded in 1966 as the Watts Skills Center, was renamed by the Los Angeles Unified School District Board of Education in 1989.

The center offers short-term skills-training—12-24 weeks—job counseling and placement to 2,200 students who are economically disadvantaged adults and youth, displaced workers and homemakers, dropouts, and limited English speakers. Vocational offerings include auto and diesel mechanics, nursing, welding, computer occupations, bank telling, telecommunications, and electronics assembly.

Support for the center comes from businesses and trade unions, community service agencies and area schools. Funding comes from the Los Angeles Unified School District and the city and county Job Training Partnership Act.

This center is an innovative experiment in teaching job skills to folks without other avenues of opportunity. The students are motivated to learn and the instructors—many of them volunteer tradespeople—are proud to do the teaching. It gets a lot of bang for the buck. Still, we've had to turn away—did you hear me, turn away—community folks who want those skills and need them, for lack of funds.

My Job and Life Skills Improvement Act would appropriate $10 billion to establish a stipend-based job training program for people ages 14 through 30. Students would be paid for up to 1 year for 20 hours of job training weekly.

This program is based on last year's urban aid legislation which passed both the House and Senate but that ultimately was vetoed by President Bush. That bill would have established similar job training programs in every enterprise zone. This bill would not be limited to enterprise zones and would train upward of 1 million youth and young adults.

Funds made available under this program must meet one basic criterion: The grants can be given only in areas where the poverty rate exceeds 30 percent of the population. The grants would be used in small geographic areas and would fuel a broad array of social services, counseling, and basic training for program participants. Cities, nonprofit organizations, and community organizations with a proven record of serving particular communities could qualify for multiple grants.

This targeted one-stop program allows participants maximum flexibility. Small stipends make a big difference in making the training accessible to many older young adults who otherwise would not be financially able to commit themselves to such a program.

A second plank in my urban agenda is the Neighborhood Infrastructure Improvement and Inner-City Job Creation Act. This bill is a $5 billion public works/infrastructure bill focusing on low-skilled workers. Rather than working on roads, bridges, and sewers as with most public works projects, this effort will center more on rehabilitation of deteriorated public buildings and facilities and playgrounds and parks facilities.

The idea is to involve low-skilled workers in rebuilding and rehabbing their own neighborhoods. This will mean fairly strict criteria to assure that funds go to low-income areas and that low-income folks do the work.

Mr. Speaker, the Scriptures say that "by your deeds they shall know ye." Well, by our deeds, our boldness, our imagination shall the ordinary working people of America judge us. Only by aggressively moving ahead on an activist agenda for America's cities will we demonstrate our commitment to economic opportunity for all Americans.

□ 1450

HAITI WATCH

The SPEAKER pro tempore. (Mr. POMEROY). Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 15 minutes.

Mr. CONYERS. Mr. Speaker, last February the first duly elected President of Haiti was violently deposed, and he had to flee his country. The priest, Jean Bertrand Aristide, has continued to serve his people in exile, in attempting to rally support and understanding for the incredible violent and illegitimate government that has assassinated in a ruthless way thousands of his people so far.

He was here, when President Clinton was sworn in on inauguration day. He has visited the Congress and has been a guest of mine on more than one occasion.

His valiant struggle has become noticed by freedom lovers around the world. I am very pleased with the large number of Members in the Congress who have joined with me in a variety of proposals that would attempt to ameliorate and, indeed, bring to an end this tragic eposide in Haitian history in which we attempt to restore democracy to that presently war-torn country.

This week, Rev. Jesse Louis Jackson returned from Haiti and had an incredible report to make to the American people. He met immediately with the Secretary of State, Warren Christopher, where he was debriefed. And we will hear more about that report this week.

Now, the current circumstances in Haiti are these: The Organization of American States has imposed an embargo in an attempt to economically deprive Haiti of the resources that are needed in an attempt to topple this military junta who rule from the barrels of guns.

The embargo has been less than effective because, first of all, it does not exclude states, nation states that are not members of the OAS.

Second, unfortunately, it is my duty to report that some of the members of the OAS are not observing the embargo. In the next instance, it has to be duly noted that the representatives of this illegal government meet freely with the former members of the State Department.

Further, the airlines between Miami and Haiti run regularly. The wealthy are, in fact, completely untouched by this embargo. As a matter of fact, some say the embargo is impacting more on the poor than it is on those who are in government control.

So the question comes up, how can we restore an embargo and put some teeth in it, if this is, indeed, a powerful way of bringing the illegitimate Government of Haiti to the bargaining table?

In the United Nations, Mr. Caputo has been designated by the Secretary of that august body to attempt to negotiate a settlement between the legal and the illegal parties governing Haiti, and so we are hoping that several things will occur relatively soon.

First, that the OAS embargo be extended to U.N. sanctions. After all, we have imposed sanctions on Iraq. We have imposed sanctions on Cuba. There is no more fitting nation to have sanctions added by the United Nations than the country of Haiti, under their present illegal government.

The next thing we must do is to negotiate some settlement that will lead to the restoration of democracy in Haiti. That negotiated settlement and the attempts of it are presently under way, but if there were to be a United Nations sanction, I think that that would operate as an incredibly important leverage upon these entire proceedings.

Finally, of course, there is the U.N. Security Council that will meet in February and that could take up the question of sanctions. As we approach the time appropriate for such a United Nations Security Council meeting, it is absolutely imperative that our new officials in the State Department make it perfectly clear that it is our intention to move toward a United Nations sanction and that we demand expedited, negotiated settlement attempts so that we can close out February 1993 by setting into motion the means that will restore the first democratically elected President in the history of Haiti, the Honorable Reverend Jean Bertrand Aristide.

□ 1500

GOVERNMENT REFORM SHOULD BEGIN WITH ELIMINATION OF SELECT COMMITTEES OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. POMEROY). Under a previous order of the House, the gentleman from California [Mr. DOOLITTLE] is recognized for 60 minutes.

Mr. DOOLITTLE. Mr. Speaker, I hope some of the other Members with whom I have spoken will take note and join me on the floor here. To the viewing audience, I would note, as I always do, we are in an empty Chamber. This Chamber is frequently populated by a few number of Members, but when the House is in regular session that is never made known to the public because the camera is always on the speaker. I think the disparity between treatment of the cameras in the House in regular session versus how it is treated during special orders is unfair, and I think it creates the impression that there is a lack of interest, but I think we are all aware that there are a number of people who follow C-SPAN and the proceedings of the House, and I think it is an important way to discuss issues of interest to Americans.

I said earlier, Mr. Speaker, in the 1 minute, I commented upon the opportunity we have for change this year; next week, as a matter of fact, when we have presented before us the proposal to eliminate the four select committees within the House of Representatives.

The public may not be aware, but we have a number of standing committees, each of which has a certain area of jurisdiction. In fact, this whole Congress needs substantial reform to reduce areas of conflicting jurisdiction, such as we have. Such as it may be, these are standing committees. The power to hold hearings they possess, the power to initiate and to consider legislation, the full range of legislative opportunities.

The select committees, which are going to be before us, basically are redundant. They are redundant at tremendous cost, at a cost of, I believe it is about $3.8 million per year, and 91 employees.

I am given to understand that the total number of employees on Capitol Hill has now grown to nearly 40,000, with an annual budget of $3 billion, if we can imagine that. We read in today's newspapers that the chairman of IBM is resigning on the heels of a massive loss. Indeed, this represents a record in world corporation history; $5 billion was lost by IBM. The result of this is that they are going to scale back even further.

I think it is noteworthy that since Mr. Akers, the chairman of IBM, took office as chairman in 1985, this company, which is the bluest of the blue chip companies, has lost or has scaled back 100,000 employees. Imagine that, 100,000 employees have been reduced over the 7 years by IBM.

Today in the Washington Post, in an article called "A Wave Of Change Sweeps U.S. Firms," we read about the various forces upon private companies today that are compelling them to become more competitive, and they are responding in all the ways that they know how. Unfortunately, but nevertheless by necessity, one of those ways is by job cutbacks. This is just very surprising. I would like to quote briefly from today's front page story in the Washington Post:

> Five years ago, if you asked for an example of a world class U.S. company capable of standing up to the Japanese, one that was tops in service, loyalty to its employees, invested heavily in new products, and had a brisk business overseas, International Business Machines Corporation would surely have come out on top. Today the same IBM is in full retreat, a symbol of the furious pace of restructuring now occurring in American business in response to a worldwide recession, increased competition at home and abroad, and technology that becomes obsolete almost overnight.

I might inject parenthetically, anybody who follows the personal computer industry, I think, is impressed with how this technology is changing and how quickly it is possible for the equipment and the software to become obsolete.

Now back to the article:

> And not just IBM. In the last 2 days, Sears, Roebuck & Company has closed down its century-old general merchandise catalog and said it will trim 50,000 people from its payroll. United Technologies Corp. announced it would lay off more than 11,000 workers; Boeing Company, 10,000 or more; McDonnell Douglas Corporation, 8,700; and Armco, Inc., 1,400, and so it has gone for the past month.

Xerox Corp., Eastman Kodak Co., General Motors Corp. the bluest of the blue chips, all of these companies, many of which, I might add, are located in California, are cutting back by the thousands of jobs. I am told in the last 2 years in southern California alone we have lost 500,000 jobs. We still have a depression in California, and it is not optimistic for getting out of it.

What comes to my mind as I reflect upon this article and upon the realization that our private companies are trimming down, getting lean and mean, and a lot of Americans who had jobs are already out of them or will be out of them, the realization comes to mind, what is government doing? If this is what is impacting the private sector, what is going to be the response of government?

The response has been very interesting. With a handful of exceptions, the governments across this country at the State and national level have all hired more employees, so while people in the private sector are losing their jobs, these same people, through the taxes they pay, are having to support their governments, which are hiring more people. It is absolutely incredible.

The State of Pennsylvania stands out as one good example out of a handful where it has gone just the opposite direction. I read that they have had a 9-percent reduction in their State employment work force. But with the exception of a handful, including Pennsylvania, almost every other State in this recession has increased the number of people on the Government payroll and the Federal Government, unfortunately, since Ronald Reagan has also increased the number of people on the payroll.

Look at the Congress of the United States. We have an opportunity to reduce these four select committees. Let us face it, this is largely symbolic. We are talking $3.8 million out of a $3 billion budget, annual budget for the Congress of the United States. We are talking about a reduction of 91 personnel out of an employment force that is near 40,000, so it is small, but it sets us off in the right direction. It sets an example.

I just hope that when we come to the floor next Tuesday, that the 237 people who had the courage to vote against the Select Committee on Narcotics Abuse and Control will take the same actions with regard to the other three select committees; the Select Committee on Children, Youth, and Families, the Select Committee on Hunger, and the Select Committee on Aging, those three in addition to narcotics.

Why? I believe that hunger is a problem. Certainly our families and our youth are terribly and very negatively impacted by these governmental policies that have been in force for some time now. Certainly the aged have numerous problems that merit concern, and we are all aware of the problem of hunger in this country; but I would just observe, Mr. Speaker, that all of those subject areas—narcotics, we know the threat that faces the people of this country by the trade in narcotics—all of those areas are already addressed by the standing committees, for which we have thousands of well-paid staff people whose job it is to track these issues and develop legislation.

□ 1510

So this is clearly an example of bureaucratic redundancy. The House of

Representatives, without injuring one iota of the major issues to which those select committees have devoted themselves, could scale back. We could eliminate these four select committees and set a wonderful precedent, something that almost is never done in Government. We could set this precedent and use it to build upon and to take the ideas that have been advanced by our new President in terms of making Government more accountable and more efficient, getting control over the deficit.

We could actually, as the House of Representatives, set that example next Tuesday and match in some small manner, at least in terms of symbolism, match what the private sector, the sector that employs most of the people of this country, is having to do; namely, get more competitive.

The State of California is in a tremendous financial bind right now. Last year in their fiscal year, and this does not sound like much considering the figures that we deal with; but it is a very, very substantial sum, it is the largest State in the Union, they had a $13 billion budget deficit last year. And this year they are now projecting a $9 billion budget deficit. They are going to have to make some hard decisions.

The State senate commission on cost control, which is dominated by Democrats, that State senate cost control commission is now actively considering various ideas relating to privatization of all things, something that most Democrats have traditionally resisted because their constituencies demand that we have more government and keep a high government payroll. But now when the question is are we going to meet the needs of our children and the schools, are we going to meet the needs of our senior citizens who are receiving the benefits of special State programs, are we going to make sure we keep the people in prison that have to be there so they are not out injuring other people, or are we going to keep a fat Government payroll in order to continue business as usual. And sometimes, not sometimes, but I frankly think almost all of the time anymore, we have to have a crisis to get real reform anymore in Government. The State of California has that crisis, and it is now responding when Democrats are even now, with that commission they control, directing cost-cutting measures, looking at where we can privatize, what services we can consolidate, how we can become lean and mean, and make all of this tax money that we collect and spend be more effective, more efficient, bottom line, more productive.

For years the Republicans have tried to get a cost accounting method imposed upon the operation of the Government and that has always been resisted by the Democrats, because that would point out the glaring holes in the bureaucracy. It would immediately reveal the waste of taxpayer funds for regulatory agencies that almost no one has every heard of, or governmental programs that long since have outlived their usefulness. And it would actually put tremendous pressure upon the Government to reform itself. And so we continue to hold ourselves apart from that cost accounting type of approach that is used in all of the private businesses and that some State governments use. And I think the time is now. My word, I told you that IBM had a $5 billion loss, the largest of any corporation in history. We are going to have a $300 billion shortfall. That is what is projected for the Government of the United States in this fiscal year, a $300 billion shortfall, the largest in history.

I think we have to take note of this, and we have to do something about it. And more governmental programs, and more spending, and more governmental regulation is not the answer.

I think the Clinton administration is going to have to come to terms with itself. It cannot continue to speak out of both sides of its mouth and tell us how, on the one hand, we are going to reduce the size of Government, and on the other hand how we are going to institute all kinds of new regulations in the name of the environment or whatever other good cause they can think of; vast taxing and spending proposals. We have got to come to terms as a country and recognize that the problem in this country is not insufficient amounts of tax revenue.

Everyone must know surely by talking to others, from your own experience or by talking to family and friends and neighbors, that the poor American family in this country is just about ready to drown with the taxes that they have got and the job loss that is coming about, not only as a result of the recession but of the bloated Government and the overregulation that we have that destroys our opportunity to become productive. And global competition is what is really putting the knives to our throats as we get these other countries with cheap labor that are now able to really put pressure on U.S. businesses.

That is why IBM, Sears, General Motors, Boeing, McDonnell Douglas, and so forth, are having all of these problems. And we as governmental leaders have got to take the bit in our teeth and do something responsive other than the same old failed and tried formulas used in the past. We are talking about a $300 billion annual deficit. We have a cumulative deficit now of $4 trillion.

For heaven's sake, is our approach to the deficit going to be some new, ridiculous procedural spending restraint like we have had in the past, and then every time it gets time to bite the bullet and actually make the spending reductions, we throw it out and start over again? I mean, Gramm-Rudman was a joke. Then they gave us a reformulated Gramm-Rudman, and that was a joke. And then we had the disastrous 1990 budget summit accord, the very thing that destroyed the presidency of George Bush and ushered in the Clinton administration, because people resented the promise being broken about no new taxes. And people frankly resented their own high level of taxes and their own job losses occasioned by the imposition of these taxes, and they were fed up with an apparently do-nothing House of Representatives and Senate that was basically unresponsive to their needs.

Now we have a Clinton administration and they have given us a lot of promises. And I am disturbed, Mr. Speaker, to see already, after just a few days, reneging on those promises. Oh, they have kept some of their promises, yes. To the far leftwing fringe in this country they have honored their promises scrupulously. We heard the diatribes today about the Council on Competitiveness. That in my mind was almost the one bright spot. Maybe there were two or three, but the one that sticks out in my mind was the Council on Competitiveness, a very efficient organization. I think it had eight staff members, chaired by the Vice President. Its job was to serve as a funnel so that all of these regulations imposed by the various agencies of Government had to funnel through this Council, and this Council would review them to make sure they were consistent, to make sure they were not unduly onerous. I mean it was a very, very well-run Council. And here the President beats his breast, and in less than a week's time has announced that it is going to be abolished. Perhaps it was the Vice President that announced that, but the Clinton administration announced it.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. I am happy to yield to the gentleman from Texas.

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Mr. DELAY. Mr. Speaker, I do not want to break the gentleman's train of thought, because the gentleman has taken this time to talk about reform in the House and is eloquently presenting his case against reauthorizing the select committees.

If I might just take a moment to express myself on my position on this issue and try to walk through why I feel very strongly that next Tuesday when we bring the resolution to the floor of the House that will extend the existence of these four select committees for another year while the Hamilton-Gradison, or now the Hamilton-Dreier Committee on House Organization, on Congressional Organization, does its work, and I want the Members to understand that many of us are going to call very strongly that if you really are for reform, if you really believe in reform, that the vote for reform will be a no vote for that privileged resolution.

Let me just say, in the beginning, I believe very strongly in this institution. I believe in what it stands for. I believe in the genius of our Founding Fathers when they organized this Government and designed the House of Representatives. I believe in what they were trying to accomplish in creating an institution that was a deliberative body, that would speak the will of the people at that particular moment with a check on the House by the Senate, but more importantly, how this institution was set up and envisioned, that at no time would the will be the House be thwarted.

I strongly believe that the reason that the House of Representatives in particular, and Congress in general, is held in such low esteem by the American people today is that the institution itself has lost its discipline, has lost its understanding of the rules, because anytime a rule gets in the way of the majority party, they change the rules through the Committee on Rules. The strangulation of deliberation in committees and in the House through oppressive rules, particularly those rules that were passed at the beginning of this Congress, and it seems that every year, or every new Congress that convenes we have more restrictive rules limiting the deliberation of the House and thereby limiting the expression of the will of the House, not the will of the Democrat Party, but the will of the total House. We saw an example, a bright light, yesterday where the will of the House, despite shenanigans by the majority leadership, despite shenanigans was expressed. Sometimes the will of the House is expressed, and we saw that happening yesterday.

I think the will of the House is in reform, particularly in this small area of eliminating select committees, the four select committees that were brought before the House yesterday. Unfortunately, the will of the House was expressed, and the leadership immediately pulled down their schedule and tried to figure out a way where they could manipulate the process so that the select committees could survive, thereby again attempting to thwart the will of the House.

What is happening here, Mr. Speaker, is really unfortunate, because what we have done, we have seen our esteem in the eyes of the American people diminish over many of the scandals of the last Congress. And what was our action? We create a committee, give them a year to work. We know what needs to be done in this House. We do not need any sort of fashioning or posturing or public relations operations with the American people. The American people are fed up. They want this House reformed. They want this House, the deliberative body, to be a deliberative body, and they want their will expressed through their Representatives represented on the floor of this House, and whatever the vote of this House, the will of the House be the ultimate outcome.

Now, what has happened? We started out this year, as we do the beginning of every Congress, with a proposed rules change. Now, we have had many months, many weeks and many months, to fashion the rules change to reform the House. Instead of actually reforming the House in the way that many of us in the House understand true reform, we had a package presented by the majority that did not reform the House but constricted the will of the House and the action of the House.

The Republican leader, the gentleman from Illinois [Mr. MICHEL], presented the Republican offering of reforming the House through his rules package, his rules presentation, and there were some true reforms in there.

To give you a couple of examples, we feel very strongly that a Member of Congress should vote and be present when he is voting in committee, and many people understand that this place allows proxy voting so that you can give your proxy to the chairman or the ranking member, that allows another member to vote for you.

That disgusts the American people. That small thing is no small thing in the eyes of the American people. Yet that was rejected.

Now, we came in with our package, and in the package offered by the gentleman from Illinois [Mr. MICHEL], the suggestion was, along with many other suggestions to reform the House, the suggestion that we immediately abolish all four nonlegislative select committees. As it so happens, quite interestingly, the Democrat caucus had a Committee on Organization, and they recommended back in October that, No. 1, the Select Committee on Aging be removed as a permanent standing committee from the House rules, that Rules Committee Democrats be instructed not to extend the life of the four nonlegislative select committees for more than a year, and that the Joint Committee on Organization of the Congress study and make recommendations to the House on the future of select committees. The Democrat caucus adopted removing the Committee on Aging as a permanent standing committee from House rules and adopted that the Committee on Organization of Congress study and make recommendations to the House on the future of select committees.

But they were silent on the Committee on Rules Democrats being instructed not to extend this life of the four nonlegislative committees, as to what their fate would be in the interim, but we came to yesterday with the proposal, not as one proposal, voting up or down on all four committees, but cleverly dividing the question, and not so cleverly putting up the Select Committee on Narcotics, as, I guess, they felt that was the safest one, and that would pass and start a snowball so that the rest of them passed.

But they were surprised that the will of the House did work, and the House rejected reauthorizing the Select Committee on Narcotics, and they immediately wanted to adjourn the House, stop any more consideration on the other three committees.

Now, what is coming back Tuesday is a proposal that supposedly was worked out with the Republican leadership, along with the Democrat leadership, that, indeed, a compromise would be struck, and we would give these committees 1 year's extension, and let the Joint Committee on the Organization of Congress study this and make their recommendations.

That is not the point. What happens if this goes on is one of two things: We either give 1 year for people to make agreements to keep these select committees, or the joint committee makes a recommendation that we do away with them, one of two ways. I think the vast majority of this House understands that the select committees have done a pretty good job, but their job could be handled just as well with reorganization of the standing committees.

So I do not understand why Members are starting to say, well, let us give it 1 more year, let us let it drag this process out again; let us spend those millions of dollars keeping these committees afloat, and let us study it.

Well, we have studied this issue to death. I will tell you what will happen. What will happen is deals will be cut, as the Hamilton-Dreier committee makes its deliberations, and you will have the chairman and the ranking member of these four select committees go to the members of the Joint Committee on Organization of Congress. They will make a plea. They will have a whole year to make their plea. They have a whole year to make some sort of deals or some sort of compromises or come up with some sort of cute little way of keeping the select committees going, and we will be right back here once again with the same issue of whether we keep the select committees or not.

It also gives them, by the way, a year to get their votes, to energize the special-interest groups that have particular interests in these four committees, to gather the votes to maintain these committees in operation. I think what we are running the risk of is continuing these committees in the future when we all know that this is an expense, and this is a reform that needs to be taken.

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I understand the problems that some of the Members are having. Some of the Members are having real problems with the staffs on these committees. The gentleman knows what happens around here, the gentleman well knows that any time we talk about reform or cutting back on the size of the committees or the size of the staff, personalities come in. You have special interests energized in the staffs themselves who have direct contact with the Members and start working the Members as if they were some sort of lobbyists standing here on the steps of the House working the Members to get their votes to maintain their jobs.

When I was in business—and I am still in business, I own a business in Houston—it was the worst time in my business career when I have to let somebody go. That is a gut-wrenching decision that you have to make, and it is a terrible thing to go face an employee who has served your company for a long time and face reality and let them know that they are no longer working for the company. That is an excruciating thing. But the pressure of losing the company, the pressure of going bankrupt dictates that you have to make those hard decisions and disappoint some people and really hurt some people in letting them go. We do not have that pressure in this Congress, we just keep people on, we never let them go, because we are not spending our own money, we are spending the taxpayers' money.

Now, the other issue, either deals are going to be cut or we know how this place works around here, where you fashion all kinds of deals and agreements and you end up keeping the force of staffs and committees, or we do away with them.

So we wait a year, we spend the money and we either keep them or do away with them.

The same issue, the same vote that we will take on next Tuesday will come in 1 year from now.

So why does not the House come together and look at this issue that we all know—we do not have to investigate it anymore, we have either served on these committees or watched these committees, and we understand the issues at hand—and take a vote? Let me tell you something, as a warning to the Members of the House: You cannot hide behind the reform by extending the select committees for another year. That is not reform. That is postponing a tough decision that has to be made.

As far as this Member is concerned, and many other Members will point this out during the debate, as far as I am concerned the vote on Tuesday, up or down, is to reform the House. If you want to send a message that you are reforming the House, then you have to vote "no" against the resolution to extend the life of these subcommittees for another year. That is a vote. You cannot vote "yes," extend them another year and go back and tell people, "I have reformed the House." All you have done is extend the committees for another year and probably, the odds are 9 to 1 you extend them on ad infinitum because you have given the committees and staffs of the committees a whole year along with the special interest groups that work with these committees, a whole year to work the membership and extend the life of these committees.

So a "yes" vote is not reform, a "no" vote on these resolutions on Tuesday is reform.

We are going to try to make that case to the Members as we go along.

I thank the gentleman for yielding to me.

Mr. DOOLITTLE. I appreciate the gentleman's insightful comments on this important issue. It truly is. It is going to be one of the real opportunities that we definitely have to make a difference.

Personally I think the people, the viewers who are looking at this debate in this empty Chamber but who nevertheless are perhaps listening to these issues being discussed, I think that they understand that this is something that has to be done, and I think they are very frustrated with this Government.

If IBM and Sears—my word, Sears is letting loose 50,000 people; obviously they think we have got a problem. We have an even worse problem in the U.S. Government, but we act as if it is somebody else's problem. As the gentleman just pointed out—and I just want to observe that that is why I sought to interrupt the gentleman, to talk on that one point for a minute—when these staff members begin to lobby Members of Congress, the public's interest really is kind of lost because they are more remote and they are more diffused.

The only constituents, really, that the elected Members are going to be focused on is going to be this person who is presently employed by the committee.

As the gentleman from Texas observed, I thought he recounted very poignantly and accurately the process, the mental process that the owner of a business goes through. The owner of a business is well aware of what it means to the employees who have to be discharged because their jobs have to be eliminated because of financial necessity. The owner of that business is well aware of what that means to the employee's family. It is not a decision that is made lightly. It is taken very seriously, but it reflects reality.

Well, Mr. Speaker, those same types of pressures are upon us, and we are hurting the whole American public by not making these sorts of tough decisions.

Oh, we may not see immediately the consequences of our actions, but when we pick up the newspaper and we read that we are not doing like we should in terms of productivity gains, when we read that growth in the economy is too slow, when we read that inflation is too high, and, yes, when interest rates get back up there as they surely will once things pick up a little in this economy, due to slow recovery, then we will see the direct impact that years and years and years of deficit spending have had upon this country; the years and years and years of more and more Federal regulation has had upon this country. I think we need to get to the point in this country where every time we consider some new governmental regulation or some new bit of deficit spending, we ought to have an economic analysis: What does this mean in terms of cost of living for Americans, in terms of growth in the economy, in terms of the quality of life?

Mr. DELAY. And lost jobs, if I may interject.

Mr. DOOLITTLE. And lost jobs. And nothing relates more directly to the quality of life than whether or not one has a job.

I will tell you, when I heard over the news and read about the 50,000 jobs from Sears alone, I thought, how in the world are we going to sustain an economic recovery when we see this kind of cutback in our employment base?

Mr. DELAY. I want to make another point about what Members of this House are thinking when they go to vote on this particular issue. I know one Member to whom I talked, he said, "Oh, look, we can put this off for a year and we can think about it and we can come to a decision." And we have had many Members who serve on these select committees come down and defend the work of the committee. No one is degrading the work of the committees. The committees have done exemplary work, especially the Committee on Hunger, the Committee on Narcotics, the Select Committee on Aging. They have done some good work. But if we continue—or if we do away with these committees, none of that will change.

I had one ranking member get up in conference, and I noticed he was talking about all the good things that came from the committee and that he was able to get certain legislation done and amendments passed. That would not change without the committees. He is still a Member of Congress. He can, No. 1, try to get on the committee of jurisdiction who have interest in the Select Committee on Aging; of course, he can introduce legislation, he can bring amendments, talk to the committees. If he is not on the Committee on Ways and Means, for example, he can go to the members of the Committee on Ways and Means and lobby them for his issues. He can even form, on his own initiative, his own task force on that particular issue.

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We can work all this out. If it is so important to focus on a particular issue like hunger or the aging or narcotics, then we ought to stop multiple referrals of bills, or we ought to reform the way our committee structures are set up so that one committee has jurisdiction over all aging issues. Those are the real reforms that ought to come, but we ought to say in this House once and for all that we are going to do away with these select committees. They have served their function. We no longer need to spend this kind of money and we are going to look at how we can address aging, hunger, children and families, narcotics and drug abuse in the substantive committees.

If I were serving on one of these substantive committees that deals with these particular issues right now, I would vote against that resolution, because what you are saying if you vote for the resolution, what you are saying is, "My committee doesn't matter. We are not doing our job. If we were doing our job, we wouldn't need these select committees."

But coming down on the floor of the House, Members defend these select committees saying we have to have the select committees because the standing committees are not doing their job or the House is not doing its job, I find a little insulting to the standing committees that have jurisdiction over these particular issues.

So if I were the chairman of a standing committee or the ranking member of a standing committee with jurisdiction over these particular issues, or I was a member of the committees that have jurisdiction over these particular issues, I would vote against that resolution. I may offend or hurt the feelings of the Members who serve on these select committees, but I will tell you what, it is time that we have to consider what the American people want and what this House needs over hurting another Member's feelings or hurting a staffer or having to do those things that we do not want to do in eliminating or laying off the staffs that work for these committees. We have got to make those decisions. We have to be strong about it.

I hope Members who are on the standing committees with jurisdiction over these issues will vote for reform by voting no on the resolution that comes before the House on Tuesday.

Mr. DOOLITTLE. Mr. Speaker, I appreciate the gentleman's observations. It reminds me of a statement made by a prominent preacher in my district and the talk that he gave on sacrifice. I think sometimes we get the idea that sacrifice involves giving up something good for something bad. That would imply that these select committees are bad, although perhaps because they do sap the taxpayers' money unnecessarily. They actually are bad. Indeed, they may be bad in this instance, but certainly the subject areas that they deal with, narcotics, youth and family, the aged or the hungry, certainly those are very legitimate issues that we need to be concerned with and that concern is good.

But here is what this preacher said. He said:

> Sacrifice is not giving up something good for something that is bad. Sacrifice is giving up something good for something better.

And the something better is a more productive America, is an America where the economy grows faster.

Mr. Speaker, to the average person in this country, that means more money in his or her pocket. That means a higher quality of life.

I will tell you, I am getting mighty concerned as I see what is happening to the family in this great country. The family is under tremendous stress.

I mean, in the decade of the seventies and throughout the eighties, we saw a trend in force where we had to go from a one-income earning household to a two-income earning household in this country. We are paying tremendous tolls as a result of that.

We wonder why we have so many broken homes, so many destroyed marriages, so many women and children who cannot fend adequately for themselves, why there is so much spousal abuse, child abuse, drug abuse, abuse of alcohol, promiscuous sex which leads to either children born out of wedlock or to the enormous blight on our country of abortion.

Oh, and the thing perhaps more than anything that we all worry about because we are all impacted by it and that is the enormous profusion of crime in this country.

I mean, California, to digress for a minute, if you can believe this, now has incarcerated 120,000 people, that is a lot of people, at enormous cost to the taxpayers of the State.

How much better an approach it would be to the people of our country if we could strengthen the family. We do not need any new governmental programs. We do not need any more spending. We do not need any more tax hikes to support the spending. What we need is a healthy economy. That is going to take a few specific things to get there. Perhaps one of us will discuss those in the time remaining. When we get there, and I am an optimist because I said when and not if, when we get there we have got to index for inflation the standard deduction on personal income taxes. That will mean the present $2,200 exemption per dependent is going to go up to about $6,600 per dependent. You talk about a middle-class tax cut that helps people, that will help people. It will not be some paltry little $400 a year, like the President proposed and which he is now backing away from. It will be substantial and meaningful. We need to do something to help families help themselves.

It was terrible to take away the deduction for investments into an individual retirement account. We have to restore those.

I will tell you, as the quality of our public schools continues to decline, which I am sorry to say seems to be happening, they cannot cope with all the tremendous social forces in play today, brought about by the destruction of the family, in large part, I might add.

We therefore need to give people other avenues to help themselves. If they are having problems with the proper education for their children, they need to have enough income to go to a private school. It seems to me really tragic that only the well to do are afforded this luxury, and everybody else is going to be stuck with whatever is there, and whatever is there unfortunately, Mr. Speaker, is not a very happy picture anymore.

Mr. DELAY. Mr. Speaker, if the gentleman will yield further, the gentleman started with the premise that sacrifice sometimes is trading good for better.

Let me just add one more thing to that list of examples the gentleman gave.

One thing, eliminating the four select committees that we have been talking about, which a lot of Members think did good work, for better, I think the better is an institution of the House of Representatives that has the confidence of the American people restored in it.

It is so vital to keep this democracy going, to have the confidence of the American people in their Government that we have lost. We have shirked our responsibility in maintaining the integrity of this institution so that we can hold on to the confidence of the American people, and when they see what is happening here, when they see that we are protecting the expenditures of moneys for committees that have no legislative jurisdiction, that cannot pass a bill, that can suggest bills to be passed and they can point to certain bills that have passed because of their suggestion, but cannot pass a bill on their own, and all they can do is make suggestions, when they see that we cannot even eliminate four select committees that spend $4 million, then once again they have every right to hold us in low esteem and in disgust.

We have to face the American people sooner or later. We have to go to the American people and say, look, when it came time to reform the House, this Member is going to say I took the opportunity to reform the House, but there will be some Members who have to go home and face their constituents and say, "When it came time to reform the House, I put the interests of Washington first and not the people first."

□ 1550

I think there is an article, or a book or a position paper written by the now President of the United States, President Bill Clinton, called, Putting People First, and it seems to me that what this House is doing is putting Washington first, putting the staffs of these select committees first, putting the Members' membership on these committees first, and no one is thinking about the taxpayer and, as important, the taxpayer and the way we spend the taxpayers' money, but, maybe even more important, the integrity of this institution, the confidence of the American people in this institution that has to be restored, that has to be restored or we will see a decline of this Nation.

Mr. DOOLITTLE. Well, frankly, as the gentleman observes, I think we are seeing a decline of this Nation. That is why this is so troubling. It is truly shocking that the people's own Government does not respond to the clear demand of the people, which is to get lean and mean, trim down, do more with the hard earned taxpayer dollars.

I mean this elimination of these four select committees is easy to do. It really is easy to do in the sense that they are completely duplicative and unnecessary, and I think that, if Members and the public scrutizine very closely the votes of their Members and Representatives next Tuesday to see what they do——

Mr. DELAY. If the gentleman will yield, talk about easy to do. Some Members might say, "Well, it's not easy to fire or lay off these 91 people that have families that they have to take care of," and that is unfortunate, and we spoke to that. But I might submit to my colleague that I do not know the ratio. I have been looking to see how many of those 91 are the staffs of Democrats and how many of the 91 are staffs of Republicans, and I am willing to promise the Members that we will work very diligently to find other employment for the Republicans on these four select committees, and I guarantee that there are plenty of jobs out there now that there is a Democrat in the White House and that the other, the Democrat, staff would not have any problem whatsoever in finding jobs in the Democrat administration.

So, even though it is unsettling to lose a job where those people start worrying about how to take care of their family, I think there are plenty of jobs in this town that experienced people in these particular areas, if they do not go to work for the Clinton administration, there are plenty of organizations in this town that would want to hire them for their expertise in a minute.

So, Mr. Speaker, it is not a matter of putting them out on the street. I think they would find a job and the American people will find confidence in this body. And we get to save $4 million a year.

Mr. DOOLITTLE. Well, the gentleman is absolutely right, and, beyond that, that is just the tip of the iceberg, the very top of the tip.

What we need to do is I am really quite convinced that we could take all the employees in this Congress, and reduce it by half and get the essential work done of the Congress of the United States.

Now imagine the savings that would accrue to the people of this country, and imagine the message that would be sent to all 50 State governments and all the local governments located within each State if the Government of the United States, which is the worst offender of all, all of a sudden set the example. I am convinced investors would take note of that, that the whole economic community would perk up. I think it would make quite a difference.

And, Mr. Speaker, it would result in less government, less staffers having to sit around and think up new ways to justify their existence, less time at government expense for them to be creative in fighting out how to extend the reach of the Federal Government into some new untapped area, how to make the taxpayers the beneficiary of some new group that has not gotten in on the action.

I think that this committee vote next Tuesday should be very important for the people of this country, Republicans and Democrats alike, because whatever party we are from, frankly whatever political philosophy we have, we should all be agreed that this is one area, through the cutting back of completely superfluous and duplicative bureaucracies, that that is something we ought to be able to agree on and set the proper tone.

I see my colleagues to the south of my district, the gentleman from California. Is he desiring recognition?

Mr. POMBO. Mr. Speaker, if the gentleman would yield a couple of minutes for me, please?

Mr. DOOLITTLE. I am pleased to yield to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Speaker, I am a new Member to this body, and I, like the vast majority of the new Members who came here, ran on a campaign of change and reform of Congress. One of the things that I noticed most greatly during my time on the campaign trail was the great need for congressional reform. It was an almost overwhelming response that I got from my constituents. I feel that this is one of the most important votes as a freshman that I will be able to place.

In fact, Mr. Speaker, it is the first vote to effect real change and real reform of our Congress and the way that we do business here, and it is also important as far as cutting spending. It is to me a big step and a first step in cutting the spending that is so needed to bring down the budget deficit to effect a more balanced budget in this year.

I feel it is very important that we cut these committees as they are in many respects a waste of money in that their work is duplicated in other committees. Even though these committees do do work on extremely important areas, I feel that the authority is already in the standing committees to take care of that, and, if the Members of Congress are doing their job and are responsible, we can take care of the problems that, in effect, are under these committees.

Mr. Speaker, I urge all of my colleagues to sustain and to hold the line, cut these committees. I feel it is very important.

Mr. DELAY. Mr. Speaker, if the gentleman would yield, I would just like to say that the gentleman has already distinguished himself as a new Member of this House, and we are very glad to have him join us from the great State of California. But maybe the gentleman might want to speak; he may not want to, to the fact that I was under the impression when the 110 freshmen came to this House for this 103d Congress that the message that they were sending, at least the message that I was hearing them say over television, and talk shows and everything else, was that every one of them came here with the same idea that the freshman gentleman from California [Mr. POMBO] was just so eloquently espousing.

And I was looking for the vote, and I evidently lost it, but, out of the vast majority of every one of these freshmen, I think two freshmen—two or three freshmen Republicans voted to keep the select committees on the Republican side of the House, and I do not know exactly the numbers, but very few of the Democrat freshmen voted against the select committees. The gentleman may know how many those were, but we went over the list today.

Mr. DOOLITTLE. Eighteen. Eighteen Democrat freshmen voted to abolish.

Mr. DELAY. Eighteen?

Mr. DOOLITTLE. Eighteen.

Mr. DELAY. Out of how many Democrat freshmen?

Mr. DOOLITTLE. Let me see.

Mr. DELAY. There are 46 Republicans.

Mr. POMBO. Forty-seven.

Mr. DELAY. Forty-seven Republicans?

Mr. DOOLITTLE. So, 63 Democrats.

Mr. DELAY. And only 18 out of the 63 that came here to change this place voted to change this place?

Mr. DOOLITTLE. That is what happened.

Mr. POMBO. Mr. Speaker, if the gentleman would yield, I believe that is an important matter in this new Congress and in this new era with the 110 new freshmen, the idea that the country is demanding change and reform, and this is an extremely important vote in changing and reforming, controlling the costs of our Federal Government.

Mr. DELAY. Does my colleague think that those 63 Democrat freshmen all of a sudden met the Democrat leadership? Because, I say to the gentleman, they better think very seriously that they came here to vote for their district, not for the Speaker of the House, not to vote how they are told by the majority leader, not how they are told by the majority whip. They came here to speak for the people they represent, and, if I campaign on change and reform as a new Member of Congress, and I came up here and the first chance I got was the rules package that was brought here, and I voted for that which was not change and reform, and then the second vote I got for reform I did not vote for reform, I think I might have a little problem when I go back home and face my constituents as a new Member.

□ 1600

Mr. DOOLITTLE. We look forward to what happens next Tuesday. There are so many important issues that we did not have time to discuss, but I would urge all who may be looking to pay close attention to what your Representative does next Tuesday on an opportunity to shrink down a little bit the size of the Government within the House of Representatives.

MOTOR-VOTER REGISTRATION IS BAD FOR AMERICA

The SPEAKER pro tempore (Mr. POMEROY). Under a previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 60 minutes.

Mr. LIVINGSTON. Mr. Speaker, I rise to explain both personally and for the record to my colleagues what I believe to be gross deficiencies in the bill that is running through this Congress and is expected to be on the President's desk within the next 2 weeks, and that is the bill intended to make it easier to register to vote and which is commonly known as the motor-voter bill.

It was called the motor-voter bill because it allows people to register to vote when they go to get their driver's licenses, and that was the original concept. It has been bandied around this Congress for many years. It has not successfully made it all the way through, although in the last couple of years it did get to the President's desk and he vetoed it.

But we have a new administration, and it is expected to pass. It is expected to pass the other body, it is expected to pass here, it is expected to go to President Clinton, and it is expected that he will sign it and that it will come into law.

If it comes into law, if it becomes law, there are such gross deficiencies with this bill that I predict to my colleagues that this program, once enacted, is going to present more headaches for the various agency heads, Federal, State, and local, for the Federal Election Commission, for the Justice Department at the Federal level, for the State secretaries of state, for the registrars of voters, for the county, and in Louisiana parish, representatives, for the precinct leaders, it is going to be mind-boggling, because they do not even begin to know how many regulations and how many hoops that they have to jump through in order to comply with this terribly onerous bill without any money to provide them that compliance.

That is, this bill provides no money at all. It just gives them a lot of things that they must do, a lot of mandates.

When President Clinton spoke in his Inaugural Address about change, he said he was going to reinvent America.

Now, most Americans though did not know that he meant to change by fiat the very nature of American culture and the very essence of what it means to be an American. When it is not President Clinton ignoring the Nation's top military advisers and destroying troop cohesiveness and discipline by forcing open homosexuality on the military, then it is President Clinton's liberal Democratic allies in Congress cheapening the very basis of American democracy through the right and privilege of citizens to vote.

The tyrannical majority of the other party in this body seems determined to give the vote to people who are not even American citizens for purely partisan political purposes I suppose.

The first instance, editorialized against even by the liberal New York Times, occurred when delegates of U.S. territories representing Samoans and Guam residents and others who do not even pay American taxes, and who in some instances are not even American citizens, were given the right to vote on this House floor equal to the vote of the Representatives of the real American States.

Forty-seven thousand Samoans now have the same representation in Congress that 800,000 real Americans from Montana have, or 630,000 people in the First Congressional District of Louisiana, the district that I represent. That is a bastardization of democracy, and I call it alien vote No. 1.

But now we have another problem, and here is the point I have been building to. Now they are going one step further.

Under the guise of voting rights, they want to make it easier to do the great wrong of giving illegal aliens greater opportunity to vote in every American election through this motor-voter bill making its way through Congress.

Now, one provision of the motor-voter bill would force States to accept what we call same day registration. That is that you register and you vote on the same day, based only on the requirement that you have a driver's license.

Well, as everybody knows, the single easiest piece of identification for an illegal alien or for anybody else to obtain is a driver's license. You sail in from Haiti, finagle a driver's license, and vote, even though you are an illegal alien. Sneak in from Mexico, finagle a driver's license and vote, even though you are an illegal alien.

Drop in from anywhere. Finagle a driver's license and vote. Even if, especially, you are an illegal alien who will vote with one party, presumably because they are pushing it, the Democrat Party.

Now, while you are at it, use your voting card to qualify for welfare benefits, paid for by the American taxpayer, whose votes against high taxes and big government are effectively canceled out by your illegal vote.

The only way the tyrannical majority can force this injustice is by trampling the U.S. Constitution and legitimate State prerogatives, and that is what they do with this bill.

James Madison, in Federalist Paper No. 10, the single greatest explication of American political theory, warns directly against the tyranny of such a majority.

I quote Mr. Madison when he said:

> When a majority is included in a faction, then the very form of popular government enables that majority to sacrifice to its ruling passionary interest both the public good and the rights of other citizens.

I submit to you that in the Democratic majority, which has controlled Congress for these last many years, close to 50 years, a faction has developed which is so interested in maintaining its own power that it is trampling the Constitution, trampling on the principle of federalism, trampling upon the very notion of American citizenship to accomplish its own political ends.

Motor-voter means forced voter registration at the welfare offices, at the unemployment offices, at the driver's license bureau. It means an inability to purge the people who are dead, who cannot vote, or who have not voted in 4 or 10 or 100 years. It means eliminating the possibility that people would be taken off the rolls if they are simply not voting. It means an open invitation to vote fraud by prohibiting notarization of identification papers and other antifraud devices that States have implemented over the years to make sure that the right people are registered, the right people vote, but that the wrong people cannot. It prohibits that.

This motor-voter, auto-fraudo, democracy for the dead law could well mean that high election day turnout by illegal aliens exercising the citizenship rights which middle America does not even realize are slipping inexorably away. I think that is a tragedy.

Now, I would like to examine in detail the provisions of the motor-voter bill. So that my colleagues will understand, we are going to go through this debate next week and my colleagues need to understand the deficiencies of this bill.

First of all, it is not just a motor-voter bill. It does not just provide for registration at the driver's license bureau. That is just one thing.

We can already register if we want to at our election board. Whatever the State or the precinct or the county calls it, there is a secretary of state, there is a commissioner for elections, there is all these officials entrusted with registering people who want to register and who want to vote. The process is there.

But we are going to duplicate that process by putting it in the driver's license bureau. Moreover, we are going to put it into the welfare offices and we are going to put it into the unemployment offices.

This bill would require those offices to provide registration. So in addition to the duties that they already have, they have got to provide registration services, which means that the little money that they have to run their own shows has to be stretched out and they have to become miniregistrars of voters, in addition to what they already do, remember with no extra Federal money to pay the bill.

□ 1610

Now, it is our position that these ideas, first of all, promote an inoperable bureaucracy. The thing cannot work, but even if it did work, it promotes fraud at the polls. It allows people who should not vote to vote, if they want to.

For example, it provides for mail registration, which prohibits verification. You want to send in a postcard, say I want to be registered on a postcard, you want to do it over here, and then change your name a little bit and do it over there, in the next neighborhood or in the next town, next precinct, go ahead. Mail in a card and see where you go. So conceivably, you could mail in cards from every little borough in New York or every little ward or precinct in Louisiana or California, and a single person could be registered to vote 5, 6, 10, 100 times, if he is a very ingenious person.

Some folks say, "Well, they are not going to do that. There is no such thing as voter fraud." Folks, the guy that beat me in 1976 went to prison in 1977 for voter fraud. I think that history is replete with evidence in this country that voter fraud exists and people want to take advantage of the political process for their own purposes. And the worst thing you could do is make the processes available to them. Yet this bill, the motor-voter bill, does exactly that. It makes it available to them to pervert, to pervert the political process for their own purposes.

It provides for mail registration, as I have indicated, without verification that the person is who he says he is. It provides for registration at the welfare offices, meaning that applicants who go for welfare benefits will probably be intimidated and certainly not say anything like, "Well, I am an illegal alien and even though I want welfare benefits, I am really an illegal alien and I shouldn't vote." That is not likely.

What is likely is that an illegal alien goes in for welfare benefits and signs up to vote, too. So why not? He is here.

It also provides for same-day registration; in fact, it encourages same-day registration. There are lots of costs attendant to the rest of this bill. It is a prohibitively costly bill. We will get to that later on.

But this bill says you do not have to change your laws. You do not have to change to go to all the expense of this bill, just have same-day registration. And frankly, what that simply means is you walk in, you say, "Look, here I am. I am ready to vote. Here is my driver's license. Let me vote." And they let you vote, and they register you, and you vote all at the same time. If you want to do that, in 1 precinct, in a 2d precinct, in the 3d precinct, in a 4th precinct, and a 5th precinct and a 10th precinct and the 50th precinct, you can keep on doing it.

Members, that is voter fraud. That demeans the vote of each and every American citizen who is rightfully entitled to one vote and one vote only.

Well, what else does this bill do? It is H.R. 2, rushing through Congress. That is the number of the bill. The motor-voter bill.

It is conducive to automatic enrollment of ineligibles. We have talked about that. Ineligibles being people who should not vote. Since they are voting at the driver's license bureau in some instances, in my State, you can get a driver's license at 15, at 16, at 17 years of age. You are not supposed to vote though. You are supposed to only vote from the time that you are 18 years of age or older.

If a kid wanted to take advantage of it and go ahead and vote, chances are that he would be able to under this statute.

An illegal alien, Zoe Baird's chauffeur, what have we heard the most about over the last week? The Attorney General-designate sent in, nominated by the President of the United States had to withdraw from her nomination because she had hired illegal aliens. One of them was her chauffeur. He had a driver's license. Under this law Zoe Baird's chauffeur would be entitled to vote, unless he said to the driver's license bureau, "No, I can't vote because I am an illegal alien." How likely is that? Not very.

What we have is a bill that provides that you will be registered unless you say you do not want to. That is a unique provision here. There is not a State in the Union that currently says, "You will be registered unless you say you don't want to." But under the provisions of this bill, when you sign your driver's license, there is a form on the bottom of the driver's license application that says, to the effect that, "Yes, I want to be registered to vote," or you actually have to sign your name and say, "No, I don't want to be registered to vote." You do not have an election unless you sign "No, I don't want to be registered to vote." You are going to be registered.

Again, how likely is it that an illegal alien is going to say, "Wait, I can't vote because I am an illegal alien"? Again, not likely.

As to sameday registration, the Justice Department has come out very, very strongly about that. They have said that:

> Sameday registration would greatly impair the ability of the department and the State to combat voting and election fraud and would totally preclude meaningful verification of voter eligibility; thus, allow easy corruption of the election process by the unscrupulous.

That is from the Justice Department.

In a letter to the chairman of the Senate Committee on Rules and Administration last year, the Attorney General, I suppose, said:

> Of all the registration reforms which Congress has covered over the recent years, from a law enforcement perspective, this idea is far the most troubling.

In fact, talking about mail-in registration, the postcard registration, in 1982, a New York grand jury reviewed widespread voter fraud charges in Kings County from 1968 to 1982 and observed, and I quote:

> The advent of mail-in registration in 1976 made the creation of bogus registration cards even easier and less subject to detection. According to the testimony, mail-in registration has become the principal means of perpetrating election fraud and has apparently resulted in the abandonment of a pre-1976 election fraud method.

Well, all this says is, in effect, election fraud is made easy, pure and simple. Here is how to do it. And we are going to make it as easy on you as possible. Cheat the system and make sure that people get elected who do not deserve to be elected. To me, that is frightening.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Speaker, this only applies to Federal elections? Does this bother the States?

Mr. LIVINGSTON. Mr. Speaker, this is an imposition of Federal mandate governing Federal and State elections.

Mr. EWING. The question was rhetorical, but what I am trying to get at is that. And we may disagree on that, if this does cover Federal elections, but if the State does not want to follow this rule, then they have to have a whole other set of elections for State issues; is that correct?

Mr. LIVINGSTON. The gentleman is absolutely right.

What we are talking about, I will get into the cost of this thing, it is estimated that the cost of this thing could run anywhere from $200 million to $1 billion around the country. It would cost States and agencies, remember, unemployment offices, welfare offices, driver's license bureaus, secretaries of state, registrars of voters, it would cost them untold money to implement this process and also hire the computers necessary to keep up with what each other is doing. And they could do that for just Federal elections, but it is highly doubtful that they are going to do it for just Federal elections. So what the gentleman is saying is right.

They are going to do it for the States, too. What we are doing is telling each and every one of the 50 States, "You have got to change your election laws to suit our purposes."

Mr. EWING. I know in my home State of Illinois, we have some training for registrars. There is some knowledge that is required to carry out that duty. I assume every State employee who would be doing this in public aid offices, in driver's license offices, and other places would have that training.

□ 1620

Mr. LIVINGSTON. They would have to get the training. Right now they don't. I can assure you a welfare social worker is trained at welfare social work. The last thing that he or she wants to do is all of a sudden become an expert on election law, but every one of them in the welfare offices all around this country, every one of the people administering the processes of the employment offices, every one of the people administering the driver's license bureaus, are going to have to become experts in election law in order to make sure that all of the little ramifications of this goofy law are imposed and properly followed through.

Do you know what happens if they don't do it properly? They can be sued. If you feel as an aggrieved citizen that your rights under this bill are not acceded to, you can sue your secretary of state or your elections commissioner or your precinct captain or your welfare board person, and should you prevail you get attorney's fees. The State has to pay you attorney's fees.

Of course, we don't put up any money for that. The State has to come up with the money. But under this, anybody can file suit, and what is more, the State has to answer your complaint within 90 days, except when you have an election pending, and then they have to answer within 30 days, and can you imagine, the city of New York, for example, you are bound to have at least 200 to maybe 500 disgruntled people who would love to file suit under this provision and get their attorney's fees just to see their name in the paper.

Mr. EWING. Mr. Speaker, the gentleman knows well, as he is the ranking member on that committee, that two of my clerks came out from Illinois, a Republican and a Democrat clerk. Our County Clerks Association, which is involved with registration or responsible for registration at the local level of Illinois, outside of Cook County, is almost completely opposed to these changes. It is a bipartisan opposition.

They were telling me, to go right along with what you are saying, that they could be responsible for what a clerk did in the driver's license bureau.

Mr. LIVINGSTON. That is exactly right.

Mr. EWING. They would be responsible and could be sued for someone who did not do a good job of registering somebody in a driver's license bureau.

Mr. LIVINGSTON. The gentleman is absolutely correct. I want to thank him for bringing the Republican and the Democrat clerk to the hearing that we had in the subcommittee yesterday. By the way, even though this bill has been pending for several years, we have finally—the gentleman who is the chairman of the committee finally provided us with the opportunity to have witnesses, and he was very fair, I might add. We had Republican and Democrat witnesses.

The gentleman was industrious enough to go find some county clerks who would testify about the impact, and from Illinois we had three representatives. We had one from Cook County, who for some reason fell in love with the bill but he didn't exactly know what the provisions were, but he did say something interesting, that Cook County clerk. He said, "What we need is for the Government to force the States to comply with this provision."

That bothers me. Aside from that, the two clerks, Republican and Democrat, that the gentleman in the well has referred to, did come before us and testify that there was no feasible way that they could coordinate the activities of the various county agencies under their domain; that within one single district you might have six or seven welfare offices, six or seven unemployment offices, six or seven driver's bureau offices, six or seven registrar voter offices, and how in the world if a person has to go from here to there to everywhere else, to all these offices and register for their various benefits, could you end up bringing together the net product of the voter registration rules?

They said they didn't have the capacity to do it, they didn't have the money to do it, they didn't know how they would do it, and frankly, they didn't think it would work.

Mr. EWING. There is no Federal money to defray the cost to the locals or the States in that, is that correct?

Mr. LIVINGSTON. No Federal money. We have to underscore that. The gentleman is absolutely right. There is no Federal money in this bill whatsoever for the State commissioners or any of these office agencies to pay for all this extra flurry of activity that they are going to have to engage in.

Mr. EWING. If the gentleman would allow me for a moment, I would like to refer to the testimony of Mr. Ron Rasmus, who is the county clerk in Ford County, the smallest county in Illinois, a rural county. He gave an example I thought was very meaningful. He said if a resident lives in rural Paxton, which is the county seat of Ford County, and this individual applies for assistance at the closest Veterans' Administration Hospital, which is in Danville, IL, in Vermilion County, then he would get registered when he went to the veterans hospital.

On his way home he decides to stop in Rantoul, which is in Champaign County, and get his driver's license renewed, and he will get registered there again, or have to sign a form saying he does not want to get registered.

When he gets back to Paxton in Ford County, he decides that he had better pick up some food stamps, and he goes to the public aid office and he gets registered a third time. Now, this could happen.

Mr. LIVINGSTON. And this is the smallest county.

Mr. EWING. The smallest county in Illinois. The point is that people cross county lines. They cross county lines very quickly to do business, in rural areas particularly, and what he is saying here is a very good example. If somebody either was not cognizant of the responsibility or thought "Well, when it gets to the clerk's office, he will straighten it out, he will throw out two of my registrations," that is not possible under this law. The clerk has to keep them on the books for 4 years.

Mr. LIVINGSTON. Actually, they have to keep them on the books for 4 years, but there is no provision in this bill to purge them even after 4 years. What they are saying is, "The District of Columbia has worked out a nice situation where they compare their notes with the post office." Now we are talking about a whole other agency infused with their records into all of these welfare, unemployment, driver's license, registrar of voters offices all around the country, and if you think you can get quick information out of the post office, I just would suspect that whoever says they can is wrong.

What I am concerned about is that what may even work well in the District of Columbia now is going to cost enormous amounts of money projected throughout the rest of the country, and we have not even begun to imagine the cost.

The gentleman has other points, and I will be happy to go to them, but I do have a number of other items in the bill that I need to address.

Mr. EWING. I just want to thank you for allowing me to take a little part in this, and I think there are, very quickly, about three things we could do. We could make this a decent bill. The fact is that they don't seem to want to have any amendments, which really disturbs me. However, we could eliminate the overall registration card, we could eliminate the attorney's fees and costs that could be applied to local units of government, and we could request that voter registration be the result of a deliberate action rather than automatically produced or mandated. I think we could make this a pretty good bill.

I really congratulate you, Congressman, for your work and for your allowing me to participate a little bit in bringing this to the attention of the American people.

While I strongly support efforts to increase voter registration, this legislation would place another expensive, unfunded mandate on the States and would drastically increase the chances of voter fraud and could actually cause the percentage of voter turnout to decrease.

Earlier this week, two county clerks representing the Illinois Association of County Clerks and Recorders testified at my request before the House Subcommittee on Elections to share their concerns about H.R. 2. In Illinois, the county clerks are responsible for administering registration and elections in all 102 counties. They are the best qualified to assess the impact this legislation would have in my State. I would like to submit for the RECORD their testimony which outlines the serious flaws in this legislation, which would increase the likelihood of inadvertent and deliberate voter fraud.

I have very serious concerns that, after this bill is passed and the percentage of voter participation actually decreases, Congress will revisit this issue to try and push for even more drastic and far-reaching changes in the registration system. Same-day registration or the elimination of registration altogether cannot be far behind.

In Illinois, it takes approximately 4 or 5 minutes to register to vote. Is asking a citizen to spend 4 or 5 minutes of their time to preserve the integrity of our voting process really such an unfair burden? Is removing the so-called burden worth the costs States and counties will incur to administer the new law and more importantly, is saving our citizens 4 or 5 minutes worth the price of degrading all citizens' votes by this open encouragement to voter fraud?

Rather than putting this legislation on the fast track, Mr. Speaker, we should be taking the time to create reforms which, while increasing voter participation, preserve the accuracy and integrity of the election process.

TESTIMONY OF RONALD A. RASMUS, COUNTY CLERK/RECORDER, FORD COUNTY, IL, REGARDING NATIONAL VOTER REGISTRATION ACT OF 1993

I am Ronald Rasmus, County Clerk/Recorder of Ford County, Illinois. Richard Leibovitz, County Clerk of Rock Island County, Illinois, and I, are representing the membership of the Illinois County Clerk and Recorder's Association. Members of this association represent all 102 counties in the state and have many years experience in elections and voter registration. Our membership includes both major political parties and represent both the large metropolitan and small rural counties in Illinois.

The members of our association are proud of the effort made in Illinois to register voters and the interest shown by our citizens in the electoral process. The members of our association clearly appreciate and support the concept of equitable and convenient voter registration.

The members of our association overwhelmingly do not support House Resolution 2 as it is currently written. As election officials we are concerned not only with enabling the citizens of our State the opportunity to register and vote, but we are also concerned with the accuracy and integrity of the election process.

It is quite possible that other states can implement this bill with much less difficulty than we can in the State of Illinois. The State of Illinois is unique in the fact that we are a highly populated state but still have many rural areas which only have rural route and box numbers. Additionally, Illinois has the highest number of local governmental units in the United States by far.

In Illinois there are over 6,400 units of local government which may put questions and/or candidates on the ballot in any one of five consolidated elections which are conducted over a two year span. These elections are administrated by 111 different offices using the same polling places, the same poll watchers and the same ballots.

In most cases these units of local government cover an extremely diverse geographical area. This creates a complicated and often overlapping intertwining of many different voter entitlements. This configuration often causes the need for many different ballot combinations to be prepared and available at each of our polling places. This very process of many and varied types of voter entitlements, which is based entirely on the exact location of residency, is the only way of ensuring that all the voters in Illinois are given the opportunity of voting on all the issues that directly affect them.

For example, Ford County is a small sized rural county in East Central Illinois. It has a total population of 14,280 people, of which more than 7,800 are registered to vote. In addition to the county, there are twelve township, twelve township road, nine municipal, three cemetery, thirteen fire protection, six multi-township assessment, one park, one hospital, four Jr. College, three county board, seventy-five drainage, eight school districts, three State Representative, two State Senator, and one Congressional district within its jurisdiction.

Most of these districts do not fall within precinct boundaries. With respect to library, Jr. College, school, drainage, and fire protection districts, none of these are wholly contained within a single township or even within the county borders. It is for that reason, an exact location of a voter's residence is critical to establishing a voter's entitlements. This same situation exists in every other county in the state of Illinois.

Driver's license, mail in, and agency based registration, as defined in this legislation, will not give us enough information to properly register a voter. It is this very problem that makes it very difficult, if not impossible, for anyone that registers either by mail, or at an agency based and/or driver's license facility, that would be doing registration under the language of this bill, to collect enough or know what information is needed for us as the election officials to determine what entitlement this person is eligible. Only with this proper determination, will the voter be given a ballot on the correct issues and candidates.

For example, in Ford County, a rural route Gibson City address will only tell me that this voter lives in one of three counties, one of 11 possible precincts, and in one of 52 possible different precinct splits.

It is our desire to make certain a voter is properly allowed to vote on all the issues that will directly affect that voter. Such issues would include county board, school board, municipal, and township elections, along with various referendums where the voter is going to be paying the taxes that are established through the election process.

Even making a space available on the proposed forms for a physical description of their location is not enough. An example of this would be a voter with a rural route Cabery address, or even a 911 numbering address, that describes their address as follows: . . . "I live in the seventh house east of the city limits on Main Street of Cabery, Illinois" . . . While this appears to be a pretty well defined description of where this person lives, this still will not give enough information to the election office to properly define the ballot entitlement for this voter. Geographically, the centerline of the highway, that is also Main Street Cabery, Illinois, is the county line between Kankakee and Ford county. This voter could very well be a Kankakee County resident.

This situation I have described is not unique to Ford County, but because of the large number of local governmental units in the State of Illinois, it is unique to all the counties in Illinois. I have been advised by members of the U.S. Postal Service that in some areas rural route addresses actually cross the state line. This creates an even more difficult problem for the border counties. At a very minimum, the universal registration card should be eliminated.

The following example will help to explain why our association is concerned with other provisions of this bill. An individual lives at a residence in the rural area north and east of the city of Paxton. This individual applies for assistance at the closest Veterans Administration Hospital in Danville, Illinois. On their way home they stop in Rantoul, Illinois to renew their drivers license. They then arrive home back in Paxton and stop for food stamps at the local public aid office. A registration to vote could be taken in each of these locations which lie in three different counties. Under the language of this bill the voter would specifically have to fill out and sign something (which is not clearly defined in this bill) in order not to be registered.

It is the language of this part of the bill that needs to be changed to allow the voter the right to request voter's registration rather than forcing the voter to deny registration.

Should this person inadvertently sign his drivers license as John David Jones, at the veterans administration as J. David Jones, and at the public aid office as J. D. Jones, I could very easily end up with three different registrations for the same voter in my voter's registration file. This creates two very major problems. First, under the language of this bill I would not be able to purge these registrations for possibly up to four years.

Secondly, a rural route Paxton address could be in any one of 12 possible precincts, located in any one of three counties and has a possibility of 67 different entitlements. In fact, this voter could live in Iroquois County, which was not one of the above three locations where registration was taken. The county clerk in the other two jurisdictions where this took place could have the same problems with the same registration of the same voter.

While it is not the intent of this bill to create this type of problem, in Illinois, as currently written, this bill opens the door to the probability of inadvertent fraud, as well as the distinct possibility of deliberate fraud.

Under the current language of this bill, there is another and very distinct danger. Should this same voter described above arrive at the proper precinct to vote, and find that he is not registered to vote, this individual could automatically sue the county clerk for damages and collect possibly exorbitant attorney's fees.

The major problem here is that the county clerk becomes responsible for the actions of the employees of the driver's license station, agency based registration centers, the actions of employees of other county clerk's offices and members of the U.S. Postal Service. In a very real respect, this bill makes the county clerk "guilty" until proven innocent.

In the first place, it will be very difficult for the agencies involved to know from the address involved where to send the registration. In the second place, there is no guarantee that it would arrive through the mail. The election office involved will have to make a determination where this registration belongs and then possibly transfer this registration on to a second election office.

Even if the law suit filed against the county clerk failed, the local taxpayers of the county will have to pay for the cost of defending the county clerk for an event that the county clerk, the county board, and the taxpayers of that county had no control over. For this reason our association would like to see the language addressing attorneys fees removed from this bill.

This problem is compounded in Illinois because of the physical layout of the state. We have a large metropolitan area in the northern part of the state and several large major universities in the southern part of the state. The possibility of many transfers of registrations and duplicated registrations created by the mandatory agency based and drivers license provisions of this bill magnifies the problem greatly.

In addition, the language of this bill involving what amounts to automatic registration through agency based and motor vehicle facilities creates, at least in Illinois, a legislated methodology for both inadvertent and deliberate fraud. Our association hopes that consideration will be given to changing the specific provisions of this bill. Our association cannot support legislation that even inadvertently will create a situation where, either a person under the age of 18 or a noncitizen, who forgets, cannot read, or does not understand that he must sign a waiver in order not to be automatically registered to vote would, in effect, automatically committing perjury.

As currently written, there is no provision in this bill for purging erroneous or deliberately false registrations. In fact, the language of this bill specifically prohibits the county clerk from purging the voter's registration roles for what could be almost four years.

The members of the Illinois County Clerk's Association deeply appreciate, respect, and support the concept of, and the desire to ensure the right of every citizen of our country to vote. We are also aware that language written to address specific problems in one area can have a considerably different effect in another area. This is the case with the State of Illinois. With our large number of overlapping units of local government and the mixture of large metropolitan and rural areas, Illinois is unique.

We thank you for the opportunity to address our concerns to you, and ask that you give your thoughtful consideration to amending those portions of this bill that have negative and costly repercussions to the voters, the taxpayers and all the election officials in the State of Illinois.

In summary, the members of our association specifically seek the following amendments:

1. We request the elimination of a universal registration card;

2. We request the elimination of attorney's fees associated with the result of any court action and any liability which may be incurred by our office as a result of negligence by any registration agent over which we have no authority;

3. We request that voter registration be the result of a deliberate application rather than the automatic by-product of other activity.

TESTIMONY OF DICK LEIBOVITZ, COUNTY CLERK ROCK ISLAND COUNTY, IL, REGARDING NATIONAL VOTER REGISTRATION ACT OF 1993

Mr. Chairman and members of the committee, I am Dick Leibovitz, Rock Island County Clerk, along with Ron Rasmus, Ford County Clerk, we are here representing the Illinois Association of County Clerks and Recorders who are charged with the responsibility of overseeing elections and registration for 102 counties in Illinois.

The members of our association feel that voter registration is the backbone of our election process. In Rock Island County with a population of 148,000 people we have 96,000 registered voters which is over 80% of those eligible. We have accomplished this through a registration system of precinct committeemen going door to door, banks and credit unions, libraries, drivers license facilities, local clerks, my office, and many other people who have specific interests in the political process.

All of these registrars have gone through a training program as specified by Illinois law and taught by my office. They are trained to capture the information needed, as prescribed by the state of Illinois, to verify that only persons who are eligible to register are registered and that sufficient and correct information is available to code the voter for proper ballot entitlements. This program is accomplished as a completely passive service on a prescribed registration form which insures the collection of accurate information.

As the Election Authority in Rock Island County I applaud any legislation that will remove barriers to voter participation in our democratic process and still protect our right to free and honest elections. Specifically, I agree with the concept of "simplified voter registration", but because of the uniqueness of the State of Illinois some simplified systems may be very difficult to implement.

The State of Illinois is a highly populated state but still has many rural areas which have only route and box numbers for mailing addresses. Illinois has over 6,400 units of government. All of these units of government may put questions and/or candidates on the ballot in any one of only five consolidated elections over a two year period using the same polling places and poll workers and all elections administered by only the one hundred eleven (111) Illinois Election authorities. In most cases these units of government cover diverse geographical areas and this causes the intertwining of many different voter entitlements, in turn causing the need for many and varied ballot styles at our polling places. It would be impossible for Illinois election officials to determine the correct ballot entitlement for each voter without knowing the exact geographical location of each voter, which a rural route address does not accomplish. This same dilemma faces our poll workers. The need for exact residency location is crucial to insure the integrity of all elections. This requirement makes it very difficult to implement some provisions in H.R. 2.

Specifically, it would be very difficult, if not impossible, for anyone who registers either by mail or at the various government agencies given responsibility for voter registration as provided by this Bill, to provide all the information necessary for the election office to determine what entitlement this person should receive.

For example if we were to receive a Rural Route for an East Moline address, as we presently do, without knowing the exact location of residency of this voter it could be any one of four precincts, six school systems, two fire protection districts or two different city fire districts, one of three cities, in unincorporated Rock Island County, either in or out of a portion of Rock Island Transit Authority, one of three County Board Districts and one of three Library Districts.

Another concern arises from the provision in H.R. 2 that an aggrieved person has a right for damages plus attorney's fees. This lends itself to the possibility of the County Clerk being sued for a document that may have been completed incorrectly, may have been sent to the wrong election authority, may have gotten lost in the mail, or a myriad of other problems for which the County Clerk has no control. Even if the lawsuit failed, the taxpayers of the county will have to pay for the cost of defending the County Clerk for an event that the County Clerk, the County Board, and the taxpayers of the county have had no control.

Our other concerns fall in the area of passive versus active participation by the registrant with other government agencies which would be responsible for voter registration as stated in H.R. 2.

The Bill is very clear, as written, that the act of voter registration will be active on the part of the agencies doing voter registration and passive on the part of the person being registered. This Bill would make it mandatory for all government agencies to automatically register each person the agency assists, unless the person declines to be registered in writing. This would cause a very large duplication of effort, paper work and confusion in the Election offices. Automatic registration also increases the opportunity for voter fraud by allowing a person the possibility of being registered several times. A person might mail in a voter registration application, under the name of William John Smith; he might then go to renew his drivers license and, intentionally or unintentionally, be registered as William Smith and could be registered by any of the other agencies involved in voter registration using the name W.J. Smith. As the bill is written Mr. Smith would be registered three times and all three would remain on the voter list for up to four years. This is a crude illustration, of the problem that the election office faces today with many people having identical names, using differing portions of their names and in other cases, having the suffix of Jr. or Sr. This problem would be greatly multiplied when the voter registration is put in the hands of more and more agencies that are mandated to automatically register everyone unless the person specifically refuses the service in writing.

If the act of registering to vote becomes automatic and the person registering is not asked up front if he wishes to register and/or if it is made more difficult to decline to register than to register, confusion, unneeded expense and the possibility for vote fraud would result.

Another concern is the length of time during which a voter who had moved from an address to another which is in the same congressional district being permitted to choose which polling place they will use to vote. This seems to ignore the importance of the other issues and candidates on the ballot and would again certainly enhance the opportunity for vote fraud.

If the motor voter provisions of this bill were adopted, voting in the previous polling place would seem to be a mute point. A change of residence should give rise for the need to change an address on the drivers license, which would automatically update the registration and thus eliminate the confusion or need to return to the old polling place. The only time this would not be possible is the short period of time that registration is closed before an election. Illinois law provides that a person that moves during this time may return to his old polling place where his records are secured and vote by affidavit. Shortening the length of time for voting in the old polling place would cut back greatly on confusion and the possibility of voter fraud.

The members of the Illinois Association of County Clerks and Recorders, express our appreciation for allowing us to testify today and support the deed and concept to insure that every citizen of our country has the right to register and vote in the simplest and most expedient manner possible. As the people responsible for the implementation of this law if passed, at a minimum we would greatly appreciate your consideration on the following amendments to H.R. 2 to insure free and honest elections.

1. Elimination of the universal registration card for mail registration;

2. Elimination of the payment of attorneys fees in any court action resulting from this legislation;

3. Make registering at any of the agencies designated in H.R. 2 the result of the positive action of the applicant;

4. Eliminate the opportunity for confusion and fraud by allowing only voters, who have moved, during the period that registration has closed, eligible to return to their old polling place and vote by affidavit.

Mr. LIVINGSTON. I want to thank my friend from Illinois for not only participating in this debate but also for having the foresight to bring representatives of his home State to the committee so they can testify to the real world impact of this bill, because he has shed a great deal of light on the problems.

The gentleman is absolutely right about those amendments. They would drastically improve the bill, and I think what he has raised is the fact that we tried some 20 amendments in subcommittee. Every one of them was rejected. We just tried 10 of those 20 in the full committee and every one of them was rejected.

As I came down here, the full committee was still deliberating, but I suspect that we are going to have the same luck with the other amendments that are going to be proposed, even as I left, as we already have. In other words, the leadership and the majority party in this Congress, in this body, does not want any amendments to this bill, while they will not acknowledge that this is a terribly deficient bill and an inoperative bill, and one that is going to be incredibly costly to all the little offices all throughout this country who deal with not only voting rights but welfare and unemployment and driver's licenses. The fact is that this simply cannot work. This bill is a bad bill.

□ 1630

And not only will they not acknowledge that fact, but they will not allow any amendments to it. They will not allow us to make it better. The gentleman's amendments are perfectly reasonable amendments, and it is incredible to me that they want to jam through, for the sake of politics to show that President Clinton can get something done in his first few days, a bill that could be as onerous and overwhelmingly bad, and which could authorize and entitle illegal aliens to participate in our electoral process so that people totally lose confidence in the electoral system of this country. And it is frightening. It is absolutely mindboggling and frightening.

But let me address just a few more problems with this bill. Yes, it puts all sorts of mandates on the States to comply, very costly ones. Ten of the States in this country have estimated that the mandates in the bill could cost them $87.5 million. We have other estimates that range much higher. The cost estimates of some people actually go very widely from that estimate.

The Congressional Budget Office, the CBO, first said well, this bill will cost the country $25 million each year for 5 years, a mere $125 million. Well folks, that is a gross understatement. The one-time cost of the bill amounts to $60 to $70 million just to computerize the registration lists around the country, and that is a very conservative cost estimate.

Tony Barnhardt, the county clerk of Yolo County, CA, has estimated that the bill would cost California alone some $26 million just to start. Then again, as I said, 10 States have estimated a cost of $687 million. When you tie all the costs of compliance with the costs of regulation, with the costs of computerization where most States and counties and localities do not have the computers, it goes into the hundreds of millions of dollars, certainly anywhere from $200 million, perhaps even as high as $2 billion. So the cost is unbelievable.

Now, who is responsible for the regulation of this law? Is it the county commissioner? No. Well, indirectly. He has to do all of the work. Is it the secretary of state? No. He has to do the work too, but he is not ultimately responsible. The Federal Election Commission is ultimately responsible. What that means is the Federal Election Commission, which is relatively small today, will become a bloated and overwhelming megapolis of bureaucracy, and will have to look down the throats of every elected official in every State, in every county, in every city, in every precinct of this country. This means the Federal Election Commission, folks, is going to be your next Big Brother. They are going to be in charge of the computers, and watch out for them.

In addition to that, this bill again restricts the removal of voters from the voter lists. It knocks out any verification that you are who you say you are. It omits that. It says that is not permitted, and even if you have a bunch of dead wood on the voter rolls, you cannot remove them, you cannot do it. Many States have that law in effect today. If a guy has not voted in 4 years, they can remove him today. But if this law passes, they will not be able to remove the dead people, and the people that have not voted in 4 years, or 10 years, or whatever.

The motor-voter bill in states where it already exists really does not increase turnout. That is the big argument for this thing. Oh, we'll get more people participating in the process. That is not true. Where they have had motor voter over the last 10 or so years, actually 10 States that have gotten it, of those 10, 8 displayed declines in voting rates over the last 10 years, declines in the percentage of voting age population voting in the elections after the adoption of the motor-voter registration.

The motor vehicle licensing provision becomes, by the way, subject to the Voting Rights Act. And for those people that live in Alabama, Mississippi, Louisiana, and all of the nine States covered by the Voting Rights Act of 1965, those people may or may not know that the election representatives in all of their counties already have to report to the Justice Department to preclear any changes, any changes that they have to their election laws with the Justice Department before those laws can go into effect. That is because of the discrimination problems that we experienced prior to 1965. That became unlawful, and those

States had to go through that very expensive and cumbersome preclearance procedure.

What this means is that they are also going to have to check out all of their changes with the Justice Department once this law is passed. And in order to comply with this law they are going to have to make massive changes, so we are talking about untold bureaucratic hours, manhours wasted and just thrown away because of compliance with this unnecessary and terribly expensive and terribly burdensome law.

In addition to that, of course, we mentioned that welfare providers and unemployment administrators are going to have to be trained as registrars. The bill requires the welfare agencies to provide the same degree of assistance to voter registration applicants that they provide to welfare applicants. In other words, they have to wear two hats. The unemployment bureau clerks are going to have to put on their unemployment hat and fill out those forms, and then their registrar of voters hat and fill out those forms. It is going to take money, time, and resources away from those agencies, away from all of those offices throughout America in order to do something they never even envisioned that they were supposed to do because the Congress has said it is the new law.

What it really comes down to is that H.R. 2, the motor-voter, auto-fraudo bill tramples on States' rights. It just says to the States we do not care how you want to run your election laws; we have a better system. And you have to spend all kinds of dollars, millions of dollars to comply with our system or else you can be sued. And if somebody successfully sues you, you have to pay the attorneys' fees. And oh, by the way, we are not going to give you any dollars or any money to comply with this mess.

That is what it comes to. We talked about the costs. Anybody that examines this law comes to the conclusion that this is really one of the dumbest ideas that has hit the pike in a long time.

George Will in his September 5, 1991, syndicated column wrote about this bill. He did not write about the current provisions, and he does not know that the current provisions are worse than the bill about which he wrote back in 1991. But this is what he said about the bill back then, and I quote:

> In 1963 President Kennedy appointed a commission to suggest reforms to increase voter turnout. Seventeen of its 18 recommendations to make voting easier were fully or partially adopted. Since then, turnout has declined steadily.
>
> Now in another exercise in missing the point, reformers are trying to pass what was then S. 250 and has become H.R. 2, the motor-voter bill, to require States to ease, still further, voter registration. States would be required to register to vote anyone applying for or renewing a driver's license. Or to mail registration forms requiring neither notarization nor other formal witness. Or to have registration available at all offices that provide public assistance, unemployment compensation, or related services and through State-funded programs to the disabled and to designate some other registration agencies, which may include libraries, schools, fishing, hunting and marriage license bureaus, revenue offices, and some private sector locations.

Well, we have not gone that far yet. That is not in there yet, Lord knows.

Now, says George Will, he goes on and he says:

> Most States are running deficits and raising taxes. Another unfunded mandate from Washington will require still more cuts in education, health, and other programs.
>
> In 27 States it is possible to choose to register through driver's license offices. In 7 of the 10 States that have made that possible since 1972, voter turnout had declined.

In other words, it did not do any good.

What has increased is voter fraud. Let me rescore that. George Will says, "What has increased [through motor-voter] is fraud."

And he goes on to decry fraud, and we have talked about that at length. But fraud means people voting who should not be voting, or voting too many times who should not have that opportunity, people trying to steal elections, which is done in America, folks. It is done repeatedly. And he decries that, and I think that speaks for itself.

But then he goes on to talk about low turnouts. Is that so bad? Yes, admittedly in the last election, the Presidential election, some 62 percent of Americans did go to the polls and cast ballots for either Bill Clinton, George Bush, Ross Perot, or one of the various other third party candidates.

□ 1640

Frankly, 62 percent, in my mind, was pretty good, but a lot of people say, well, we should have 100-percent voting; it is horrible that only 62 percent voted.

Here is what George Will says about that:

> Low turnouts often are signs of social health. Low political energy can be a consequence of consensus about basics. When society is not riven by deep fissures about fundamental questions, nonvoting may be passive consent reflecting contentment.

What he is saying is that if people are not going to the polls, maybe they do not want to. Maybe they are satisifed with the way things are.

I think he has probably got a point. I think the only reason we got 62 percent this time was because those 62 percent were not satisfied, but the rest of them obviously were, or they would have gone to the polls, and they would have voted.

My goodness, if you did not go to the polls and vote for George Bush, Ross Perot, or Bill Clinton or one of the various other candidates, well then, by gum, you did not want to vote. I do not see that anybody should be forcing you to go to the polls to vote.

George Will says:

> You want high turnouts? Try 86.2 percent, 83.5 percent, and 88.8 percent. Those are good turnouts, those were the rates in the three elections in Germany 1932 to 1933 when elections were literally matters of life and death.

Today, happy, well-governed Switzerland has turnouts lower than America.

So a low voter turnout is not necessarily a symptom that the world is coming apart at the seams.

I talked about the deficiencies of the bill, but I have not mentioned other than what the gentleman from Illinois pointed out a few minutes ago that we have tried all sorts of ways to amend this bill and to make it better. We said, If you are going to pass motor-voter, at least make it workable, at least make sure that it is a bill that we can live with. And so I offered the following amendments. Every one of them were voted down in subcommittee. Ten of them were voted down in full committee, and, Lord knows, we are not going to have any amendments to this bill. It is going to come to the floor intact. The majority is going to vote for it as a partisan issue. It is going to sail through. It is going to go through the Senate. It is going to sail through. It is going to the President for his signature, and he is going to sign it, and we will all live happily ever after, except that anybody who has anything to do with voter registration, anybody who cares that voter fraud is wrong is going to be horribly upset.

What did we do? We came up with a number of amendments. Let me discuss them. First of all, we moved to strike voter registration by mail. We said that lends itself to fraud. I have talked about how it did. They said, No. We want to keep it in.

We moved to strike voter registration at public-assistance and unemployment-compensation offices. We said that welfare offices and unemployment offices do not have anything to do with the elections, and they do not want to have anything to do with elections. Get rid of that. They said, "No."

We moved to strike the provision that says you have to register at the polling place at the same day that you are going to vote. Now, I say that with some correction. It does not say that you have to do that. The bill says, "We encourage you to do that. You do not have to spend any of the money on all the rest of the stuff if you do that." I already read the grand jury of New York and the Justice Department think that is terribly conducive to fraud. People can go to various precincts and vote several times. But the leadership and majority of the House of Representatives have said, "No. We do not want to knock that out." So that is still in the bill.

We came up with an amendment to say, "Well, at least, for crying out loud, if you are going to let everybody register all the time, let us verify that they are a citizen and that they are eligible to vote, that they are of a proper age, and let us make them notarize their signature so that you know they are who they say they are."

The majority said, "No," and they voted that down both in subcommittee and full committee.

We went on. We said that there should be a public corruption title which would significantly cut down on the degree of fraud. Now, this title was agreed to by various people who promoted this bill in years past, and yet it was struck when this bill was put together this year for some reason. The Justice Department wanted this provision, because they felt they could get at least some handle on the fraud, and the majority said, "No. It is not going to be in there."

We went on, and we said, "Give us an amendment that if you are going to comply, if you are going to force every State, every secretary of state, every registrar of voters, every unemployment office, every welfare office, every driver's license bureau to comply with all of these exhausting regulations, at least we will give you a full subsidy, a postal subsidy, for mailed election materials that will cover a little bit of the costs."

They said, "No."

We went beyond that. We tried to give them an amendment that would allow the bill to be voluntary until the Federal Government picked up all the costs, the additional costs imposed on the States. They said, "No." They voted that down.

We came up with an amendment that said that it would insert a paragraph for the purposes to discourage ineligible voters, illegal aliens, people under age, convicted felons. They said, "No." They would not allow us to put that in.

We came up with an amendment that would strike a provision that would forbid States from requiring any notarization, again related to the authentication that I spoke to before. They said, "No."

We offered an amendment that would allow first-time voters, well, that would say that first-time voters, if they are sending in, if they are registering by mail or some other process, at least they have to go and vote in person and not vote by absentee ballot so at least you get an idea that they are who they say they are one time, and that is the instance, that is the case right now in current law. Handicapped people do not have to go to the polls even if they register for the first time, for obvious reasons. They can do it by absentee ballot. People overseas do not have to go to the polls under current election laws. They can do it by absentee ballot. We are not trying to change that law.

The provisions of this bill exempt those people, handicapped and people overseas, and then say, "or if they are subject to some other law, they do not have to show up at the polls. They can vote by absentee." We think that is wrong. We tried to straighten that out. They said, "No."

We tried to offer an amendment that would strike a provision that says the welfare clerk has to give the same degree of assistance of a person for the voter registration as he does for welfare registration. Now, we say, you know, look, he is the welfare guy or the unemployment guy, the driver's license guy, and he is there for a purpose. Do not make him spend the same amount of time or provide the same amount of assistance on voter registration, but that is what the bill says, and they said, "No." They said, "Leave it in. They have got to spend an equal amount of time on welfare or on voter registration as they do their other functions," and they would not allow to amend that.

We had an amendment that would make the bill voluntary.

We had an amendment to strike that provision about attorney's fees. You want to sue your registrar because he did not give you the rights and so you take him to court and you win? The State has got to pay your attorney's fees. The Federal Government is not going to pay any of that, so the State or the country or the city or whatever has to pay your attorney's fees. We tried to strike that. The majority said, "No." They would not allow us to.

We offered an amendment, and here is a great one. This really gets me. The bill, H.R. 2 as proposed, says that a State or locality is prohibited, is prohibited from purging or striking a person off the rolls if he has not voted in any amount of years, that that is not permissible; you have got to leave those names on that, that not voting is not a reason to be stricken from the rolls. I offered an amendment which said that if they had not voted in 4 years they could be stricken from the rolls. They said, "No." I offered an amendment that said if they had not voted in 10 years, they could be stricken from the rolls, and they said, "No."

Mr. Speaker, I am astounded to be able to stand here before you and tell you that in the subcommittee and in full committee, I offered an amendment to allow the voter registrar to strike the name of a person if they determined that he had not voted in 100 years, and they said, "No." They said that he could not be stricken if he had not voted in 100 years. That is ludicrous, mind-boggling, and I think it demonstrates adequately that this is an incredible piece of legislation.

Now, just quickly, and then I will be delighted to yield to my friend from Georgia. There is a provision in this bill that says not that you walk up to the driver's license bureau, the welfare office, or the unemployment office and say, "I want to register to vote." It does not say that. It says you have to walk up to them and say, "I do not want to vote." Now, there is a big difference there. What that says is you are registered unless you sign a document that says you do not want to be registered.

□ 1650

And again I have to ask you—and I think the gentleman from Georgia may be ready to talk about this issue—that is, how likely is it that an illegal alien, a person in here illegally, should not be, or does not comply with our immigration laws, who wants a drivers license in order to support himself or his family, goes and gets his drivers license or welfare benefits or unemployment benefits, if he can find himself entitled, how likely is that person to tell that clerk, oh, by the way, I am an illegal alien, and I know I can't register to vote, so I am going to sign that little provision that says I don't want to register to vote.

That is ludicrous. That is insane. But that is in this bill. And we offered an amendment to strike that provision, and they said "No."

Finally, we offered an amendment that says for those States like Georgia and Louisiana that are subject to the Voting Rights Act of 1965, nine States, and maybe some sectors of various other States, but nine full States are covered by the Voting Rights Act, which means that the election officials of each of those States have to check with the Justice Department any time they want to amend, any time they want to change, any time they want to do anything different with their election laws. And that is the law today.

What we are talking about here is a major, major change, not only in every State but every county, every city, every locality, every precinct. There are hundreds of thousands of precincts throughout America. There are tens of thousands of precincts in just those 9 States. But this bill, through the Voting Rights Act, will single out those 9 States and say that only those 9 States have to check out their stuff. And what my last two amendments would have done was to say that that is discriminatory in itself. Either we make every State comply with the 1965 Voting Rights Act for the purposes of this act, or we make no State do it. Both of those amendments were rejected, which means that degree of discrimination against those particular States is acceptable.

Mr. Speaker, I have to tell you that this is extraordinary, this bill. It is just astronomical. The imposition of costs, as I say, can run into hundreds of millions of dollars, $1 billion, $2 billion, who knows? But the trouble, the bureaucracy, the time wasted and the energy that all of these various officials are going to have to spend on voter registration for the sake of a political agenda put out by the majority of this body or the other in order to give Bill Clinton something to crow about, I think is going to have a reverse impact. When the people of this country fully appreciate that each of you who vote for this bill, when they understand what you voted for, I guarantee they are going to remember it and they are going to make sure that you remember it come election time.

I would be delighted to yield to the gentleman from Georgia.

Mr. GINGRICH. I thank my friend, who has been a real leader on this issue and has done very important work both in the subcommittee and full committee. I was with him up in the Committee on House Administration a little while ago when he attempted to offer his amendments. I just want to focus on a couple of points.

First of all, it was very obvious to anybody who was there and saw, that in a sense the fix is in; the Democratic leadership has decided to ram this through the House. My hope is that it will be amended in the Senate. But literally on party line vote after party line vote, it did not matter the merit, things were just going to basically go through the way the Democratic leadership wanted it to.

Mr. LIVINGSTON. If the gentleman would yield, what the gentleman perceived in full committee is absolutely right. I might add, it was equally right in subcommittee. We went through the same process yesterday, and it was a party line vote on each and every one of these amendments.

Mr. GINGRICH. And I want to make just three points that I hope all of my colleagues will think about and I hope the Committee on Rules would make in order amendments that would give us a chance on the House floor. We have heard a lot of talk about bipartisanship, we heard a lot of talk about a new sense of comity in the House and a new effort to work together. So I would appeal to the Democratic leadership to make in order a number of amendments to allow every individual Member, Republican or Democrat, a chance to get a look at the bill, which after all is a national voting bill. So I cannot imagine at the heart of a democracy something more important than establishing the basic principles under which we vote and on which we base our voting bills.

First, I want to say: In a year when President Clinton and a lot of other people were emphasizing the deficit, there is in fact going to be a significant increase in the total cost. In fact, by federalizing a number of things, U.S. attorneys offices are going to be doing more, States are going to be doing more, locals are going to be doing more. The net effect is going to be more expensive Government at a time when we are talking about cutting deficits.

Second, I believe that if most colleagues are like I am, I have been approached by the National School Board Association, our school board representatives in Georgia, I have been approached by mayors and city councils, I have been approached by the county commissioners, and every group has said to me, "No more unfunded mandates." Well, this is going to be specific for every politician back home, saying, "I am with you. I am sure tired of unfunded mandates."

Next week, in its current form, this is an unfunded mandate bill. The numbers I heard were a minimum of $26 million a year for California, $5.5 million a year for Los Angeles alone, $37 million for Illinois the first year, an estimate by a California voter registrar of $200 million a year national cost, when you go through item after item.

So, No. 1, at a point where we are saying let us control the deficit, this is more spending; at a point where we are saying to our cities and State legislators and city councilmen and county commissioners, "We don't want any more Federal mandates unpaid for," here is a Federal mandate.

But let me go to another point because I think it is so fascinating the way in which the Democratic leadership decided to write this: There are a lot of places you could go and get registered that would be permissive. That a State could decide and may include State and local government offices, public libraries, public schools, fishing and hunting license bureaus, which by the way in most States is in a K-Mart or a Wal-Mart, not an office, but they say specifically, "You must provide this where they provide public assistance." I just want to get one fact in here which our colleague, PAT ROBERTS, brought up from the Department of Agriculture today: As of today the Department of Agriculture's estimate is that there are 300,000 illegal aliens getting food stamps and 700,000 legal aliens getting food stamps. So the people who provide for a million non-American citizens are now going to be in a position to say, "By the way, would you like to register?"

I just want to pose: For a House that recently, the Democratic Party, which recently allowed the delegates who do not pay taxes, to vote, now adding an opportunity for a million aliens, 300,000 of them illegal, to register, strikes me as a very strange phenomenon and one that I cannot imagine most Americans favor.

Mr. LIVINGSTON. I think the gentleman, if he would remain a second, has really put his finger on the major problem with this bill. It has an incredible number of problems. It is too costly, it is too burdensome, it is riddled with mandates to the States that we do not pay for. But most importantly, it provides for voter fraud and, more significantly than that, in effect it is flying in the face of the fundamental concept of democracy wherein you are entitled as a citizen of this country to choose your own leaders.

Each person in this Nation is entitled to one vote. What we are saying is that vote is worth less, if the Representatives of Guam, American Samoa, Puerto Rico, and various other places are entitled to cast their ballots here on the floor of the House of Representatives; but it is even worse, it is even more diluted with the passage of this bill that says, "Your one vote at the polling place is only worth 0.8 because we are going to allow illegal aliens to vote." In fact, we are going to encourage them to vote. And when they walk into a welfare office and say they want welfare benefits and the welfare clerk says, "Well, by the way, I suppose you want to register to vote," they are hardly going to say, "Well, I can't vote because I am an illegal alien." What that means is that we are going to have lots of people on the rolls who should not be there and, worse, because of the provisions of this bill, the registrar of voters is not capable of striking their names off. If they do not vote, he cannot take them off.

Mr. GINGRICH. I had not thought of it. I do not think there is a provision in here for taking them off if they are on by fraud.

Mr. LIVINGSTON. If the gentleman would yield, I would tell the gentleman it is worse. The officials who are in charge of the elections are prohibited from striking their names from the rolls for that purpose, prohibited.

□ 1700

They are prohibited. When the American people get wind of this bill, they are going to walk around and shudder. They are going to yell and scream. They are going to get on the talk shows, if you will, and then they are going to contact their Congressman and say, "If you vote for this, I'll definitely vote against you."

Mr. GINGRICH. I hope the gentleman is right.

DIRECTING IRS TO MODIFY PURCHASE PRICE LIMITS IN WESTCHESTER COUNTY, NY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 10 minutes.

Mrs. LOWEY. Mr. Speaker, today I rise to introduce legislation to enable more first-time homebuyers in Westchester County to obtain low-interest mortgages under the Federal Mortgage Revenue Bond [MRB] Program. The bill would raise the maximum purchase price that low- and moderate-income homebuyers in Westchester County can pay for homes financed through the MRB Program to a level that more accurately reflects housing costs in Westchester County. Only with this change can Westchester residents have an opportunity to participate fully in the MRB Program.

This legislation will help make the American dream a reality for more Westchester residents. During this recession, too many families are having to forgo home ownership, because they cannot afford to finance a home. This bill will give Westchester residents an equal opportunity to participate in this successful program by adjusting it to market conditions in our community.

The MRB Program allows States and municipalities to sell tax-free municipal bonds and to use the proceeds to offer below-market rate mortages to qualified first-time homebuyers. The program targets low- and moderate-income people through caps on the incomes of participants and on the price of homes that can be purchased. Unfortunately, in Westchester County, the Federal Government sets maximum purchase price limits so low that they severely inhibit participation in the program.

In calculating these limits, the Internal Revenue Service [IRS] groups Westchester together with New York City where average housing costs are significantly lower. The average cost of a three-bedroom home in Westchester County is over $312,000—$115,000 more than a similar residence in New York City. Not surprisingly, Westchester's housing prices are not reflected in overall metropolitan figures. Consequently, statistics for the regional MSA do not accurately represent conditions in Westchester.

Westchester residents participating in the MRB Program, as it is currently structured, must buy a house valued at less than $145,000. The supply of single-family homes in this price range is extremely small. This naturally restricts the number of homes that qualified homebuyers in Westchester can choose. As a result, Westchester County's participation in the program is very limited.

Other communities in New York State and the Nation, which have purchase price limits geared to their own markets, are participating in the MRB Program at a much higher rate than Westchester County. Suffolk County, for example, which has its own purchase price limits and is similar to Westchester in many respects, participates in the MRB Program 10 times as much as Westchester County. Raising Westchester's purchase price limit to a level that reflects the Westchester market would help more low- and moderate-income people in our area purchase homes through the program.

The bill which I am introducing today mirrors legislation enacted in 1990 to correct a similar problem in Federal housing programs. The National Affordable Housing Act of 1990 included language which I wrote to separate Westchester County from New York City's MSA for the purpose of calculating Westchester's median income. Previously, the income figures for the New York City MSA were so low that Westchester was being shortchanged on housing assistance, because eligibility for such programs is usually tied to median income levels.

My amendment to the National Affordable Housing Act solved that problem without altering New York City's income calculation. The language directed the Department of Housing and Urban Development [HUD], when measuring New York City's median income, to keep Westchester in New York City's MSA. This ensures that Westchester receives its fair share of housing assistance based on its own income figures, without adversely affecting New York City's housing programs.

This change also corrected a similar flaw in the way Westchester County's median income levels are calculated under the MRB Program, because State mortgage agencies follow HUD's procedures in setting income limits. But the benefits of the MRB Program will not be available to Westchester residents unless a parallel change is made to the procedures for calculating purchase price limits.

Buying a first home has never been easy for people with limited resources. But year after year, generation after generation, people struggle and save in order to buy into the American dream. We do this because home ownership offers, perhaps, the greatest guarantee of long-term financial stability available.

The Mortgage Revenue Bond Program is a valuable tool for helping low- and moderate-income people overcome barriers to home ownership. But current law unnecessarily restricts many residents in Westchester County from participating in the program. The legislation which I am introducing today would correct that problem at a time when more and more Americans are losing sight of the dream of home ownership. This measure can help keep that dream alive.

RULES OF COMMITTEE ON EDUCATION AND LABOR FOR THE 103D CONGRESS

(Mr. FORD of Michigan asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FORD of Michigan. Mr. Speaker, I hereby submit for printing in the CONGRESSIONAL RECORD the Rules of the Committee on Education and Labor for the 103d Congress, as adopted by the committee.

RULES OF THE COMMITTEE ON EDUCATION AND LABOR FOR THE 103D CONGRESS

RULE 1. REGULAR AND SPECIAL MEETINGS: VICE CHAIRMAN

(a) Regular meetings of the committee shall be held on the second and fourth Tuesdays of each month at 9:45 a.m., while the Congress is in session. When the Chairman believes that the committee will not be considering any bill or resolution before the committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice to that effect; and no committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for the special meeting. Immediately upon the filing of the request, the staff director of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the staff director of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) All legislative meetings of the committee and its subcommittees shall be open. No business meeting of the committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice. Such meeting shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by the ranking majority party member of the committee present.

(e)(1) The majority member of the committee or of a subcommittee, as appropriate, ranking immediately after the chairman, is designated as vice chairman of the committee or subcommittee, as the case may be.

(2) The chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearing, or, in the absence of the chairman, the vice chairman shall preside.

RULE 2. QUESTIONING OF WITNESSES

Committee members may question witnesses only when they have been recognized by the Chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority party. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position. The Chairman may accomplish this by recognizing two majority party members for each minority party member recognized.

RULE 3. RECORDS AND ROLLCALLS

(a) Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee for inspection by the public at reasonable times in the offices of the committee or subcommittee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(b) In accordance with Rule XXXVI of the Rules of the House of Representatives, any official permanent record of the committee (including any record of a legislative, oversight, or other activity of the committee or any subcommittee) shall be made available for public use if such record has been in existence for 30 years, except that—

(1) any record that the committee (or a subcommittee) makes available for public use before such record is delivered to the Archivist under clause 2 of Rule XXXVI of the Rules of the House of Representatives shall be made available immediately, including any record described in subsection (a) of this Rule;

(2) any investigative record that contains personal data relating to a specific living individual (the disclosure or which would be an unwarranted invasion of personal privacy), any administrative record with respect to personnel, and any record with respect to a hearing closed pursuant to clause 2(g)(2) of Rule XI of the Rules of the House of Representatives shall be available if such record has been in existence for 50 years; or

(3) except as otherwise provided by order of the House, any record of the committee for which a time, schedule, or condition for availability is specified by order of the committee (entered during the Congress in which the record is made or acquired by the committee) shall be made available in accordance with the order of the committee.

(c) The official permanent records of the committee include noncurrent records of the committee (including subcommittees) delivered by the Clerk of the House of Representatives to the Archivist of the United States for preservation at the National Archives and Records Administration, which are the property of and remain subject to the rules and orders of the House of Representatives.

(d)(1) Any order of the committee with respect to any matter described in paragraph (2) of this subsection shall be adopted only if the notice requirements of committee Rule 19(d) have been met, a quorum of a majority of the members of the committee is present at the time of the vote, and a majority of those present and voting approve the adoption of the order, which shall be submitted to the Clerk of the House of Representatives, together with any accompanying report.

(2) This subsection applies to any order of the committee which—

(A) provides for the nonavailability of any record subject to subsection (b) of this rule for a period longer than the period otherwise applicable; or

(B) is subsequent to, and constitutes a later order under clause 4(b) of Rule XXXVI of the Rules of the House of Representatives, regarding a determination of the Clerk of the House of Representatives with respect to authorizing the Archivist of the United States to make available for public use the records delivered to the Archivist under clause 2 of Rule XXXVI of the Rules of the House of Representatives; or

(C) specifies a time, schedule, or condition for availability pursuant to subsection (b)(3) of this Rule.

RULE 4. STANDING SUBCOMMITTEES: SIZE, RATIO, AND JURISDICTION

(a) There shall be six standing subcommittees with the following jurisdictions:

Subcommittee on Postsecondary Education and Training.—Education beyond the high school level, including but not limited to higher education generally, training and apprenticeship, education professions development, and postsecondary student assistance.

The Subcommittee on Postsecondary Education and Training shall consist of 24 members, 15 from the majority and 9 from the minority.

Subcommittee on Labor Standards, Occupational Health and Safety.—Wages and hours of labor, including but not limited to Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act (including child labor), workers' compensation generally, Longshore and Harbor Workers' Compensation Act, Federal employees' compensation, Migrant and Seasonal Agricultural Worker Protection Act, Service Contract Act, workers' health and safety, including but not limited to occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor health and safety, and the U.S. Employment Service.

The Subcommittee on Labor Standards, Occupational Health and Safety shall consist of 9 members, 6 from the majority and 3 from the minority.

Subcommittee on Elementary, Secondary, and Vocational Education.—Education from preschool through the high school level and vocational education, including but not limited to elementary and secondary education generally, the Follow Through Act, vocational education, school lunch and child nutrition, adult basic education, migrant and agricultural labor education, Youth Conservation Corps, and overseas dependent schools.

The Subcommittee on Elementary, Secondary, and Vocational Education shall consist of 24 members, 15 from the majority and 9 from the minority.

Subcommittee on Labor-Management Relations.—Relationship between employer and employee and their representatives, including but not limited to labor-management relations generally, Bureau of Labor Statistics, pension, health, and other employee benefits including Employee Retirement Income Security Act (ERISA), Job Training Partnership Act, Full Employment and Balanced Growth Act, displaced homemakers, library services and construction, museum services, arts and humanities, arts and artifacts indemnity, the Robert A. Taft Institute, and the Institute for Peace.

The Subcommittee on Labor-Management Relations shall consist of 24 members, 15 from the majority and 9 from the minority.

Subcommittee on Human Resources.—All matters dealing with programs and services for the elderly, for the elimination of poverty, and for the care and treatment of children, including but not limited to Economic Opportunity and Community Services programs (Head Start Act, Community Services Block Grant Act, etc.), Juvenile Justice and Delinquency Prevention, Runaway Youth Act, early childhood services, nutrition programs for the elderly, older Americans, Work Incentive Program (WIN), and the JOBS Program.

The Subcommittee on Human Resources shall consist of 11 members, 7 from the majority and 4 from the minority.

Subcommittee on Select Education and Civil Rights.—Special education and equal employment opportunity programs, including but not limited to alcohol and drug abuse, education of the handicapped, rehabilitation, environmental education, Office of Educational Research and Improvement, migrant and agricultural labor, day care, child adoption, child abuse, domestic violence, domestic volunteers, and ACTION (excluding volunteer older American programs).

The Subcommittee on Select Education and Civil Rights shall consist of 9 members, 6 from the majority and 3 from the minority.

(b) The majority party members of the committee may provide for such special and select subcommittees as determined to be appropriate.

RULE 5. EX OFFICIO MEMBERSHIP

The Chairman of the committee and the ranking minority party member of the committee shall have the right to be ex officio members of each subcommittee established pursuant to Rule 4. Ex officio members shall be counted for purposes of determining a quorum and subcommittee ratios (but not size), and shall have the right to vote on all measures and matters considered in each subcommittee.

RULE 6. SPECIAL ASSIGNMENT OF MEMBERS

To facilitate the oversight and other legislative and investigative activities of the committee, the Chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, DC. Any member of the committee may attend public hearings of any subcommittee and shall be afforded an opportunity by the subcommittee chairman to question witnesses.

RULE 7. SUBCOMMITTEE CHAIRMANSHIPS

The majority party members of the committee shall have the right, in order of full committee seniority, to bid for subcommittee chairmanships. Any such request shall be subject to approval by a majority of those present and voting in the majority party caucus of the committee. Members so elected shall be chairmen of their respective subcommittees.

RULE 8. SUBCOMMITTEE SCHEDULING

Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings, wherever possible. Available dates for subcommittee meetings during the session shall be assigned by the Chairman to the subcommittees as nearly as practicable in rotation and in accordance with their workloads. As far as practicable, the Chairman of the committee shall seek to assure that subcommittees are not scheduled to meet for markup or approval of any measure or matter when the committee is meeting to consider any measure or matter for markup or approval.

RULE 9. SUBCOMMITTEE RULES

The rules of the committee shall be the rules of its subcommittees.

RULE 10. COMMITTEE STAFF

Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representatives, the staff of the House Committee on Education and Labor shall be appointed as follows:

(1) The subcommittee staff shall be appointed, and may be removed, and their re-

determined by the subcommittee chairman in consultation with and with the approval of the majority party members of the subcommittee within the budget approved for the subcommittee by the full committee;

(2) The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee;

(3) The employees of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the Chairman in consultation with and with the approval of the majority party members of the committee within the budget approved for such purposes by the committee.

RULE 11. SUPERVISION AND DUTIES OF COMMITTEE STAFF

The staff of a subcommittee shall be under the general supervision and direction of the chairman of that subcommittee. The staff assigned to the minority shall be under the general supervision and direction of the minority party members of the committee who may delegate such authority as they determine appropriate. The staff of the committee not assigned to a subcommittee or to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate. Staff members shall be assigned to committee business and no other duties may be assigned to them.

RULE 12. HEARINGS PROCEDURE

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. The staff director of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the staff director of the committee, at least 24 hours in advance of his appearance, a written statement of his proposed testimony, together with a brief summary thereof, and shall limit his oral presentation to a summary of his statement. The staff director of the committee or the subcommittee, as the case may be, shall promptly furnish to the staff director of the minority a copy of such testimony submitted to the committee pursuant to this rule.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

RULE 13. MEETINGS—HEARINGS—QUORUMS

(a) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such meetings or hearings, however, shall be held outside of Washington, DC, or during a recess or adjournment of the House without the prior authorization of the committee Chairman or a majority of a quorum of the subcommittee. Where feasible and practicable, 14 days notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the committee authorizing a subpoena. For the enumerated actions, a majority of the committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) In the absence of the chairman of the committee or a subcommittee, the ranking majority party member present shall preside.

(d) As far as practicable, when a bill or resolution is being considered by the committee or a subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A copy of each such amendment shall be maintained in the public records of the committee or subcommittee, as the case may be.

RULE 14. SUBPOENAS

A subpoena may be authorized and issued by the committee or subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members of the full committee voting, a majority being present. Authorized subpoenas shall be signed by the Chairman of the committee or by any member designated by the committee.

RULE 15. REPORTS OF SUBCOMMITTEES

(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the provision in subsection (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the staff director of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the committee shall transmit immediately to the chairman of the subcommittee a notice of the filing of that request.

(c) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on Education and Labor (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(d) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct. No bill or resolution or other matter reported by a subcommittee shall be considered by the full committee unless it has been in the hands of all members at least 48 hours prior to such consideration. When a bill is reported from a subcommittee, such measure shall be accompanied by a section-by-section analysis; and, if the Chairman of the committee so requires (in response to a request from the ranking Republican member of the committee or for other reason), a comparison showing proposed changes in existing law.

(e) To the extent practicable, any report prepared pursuant to a committee or subcommittee study or investigation shall be available to members no later than 48 hours prior to consideration of any such report by the committee or subcommittee, as the case may be.

RULE 16. PROXIES

(a) A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing and in the hands of the staff director of the committee or the subcommittee, as the case may be, during each rollcall in which they are to be voted. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

(b) Proxies shall be in the following form:

Hon. ———,
House of Representatives,
Washington, DC

DEAR ———: Anticipating that I will be absent on official business or otherwise unable to be present, I hereby authorize you to vote in my place and stead in the consideration of: (1) ——— and any amendments or motions pertaining thereto; and (2) motions to recess, adjourn or for other procedural matters.

———,
Member of Congress.

Executed this the —— day of ——, 19—, at the time of ——— P.M./A.M.

RULE 17. AUTHORIZATION FOR TRAVEL

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be paid from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(b) In the case of expenses for travel of members and staff of a subcommittee to hearings, meetings, conferences, or investigations involving activities or subject matter under the legislative assignment of such subcommittee, including the expenses of witnesses at hearings, subject to the limitations contained in Rule 22, to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the appropriate chairman of the subcommittee in writing setting forth those items enumerated in clauses (1), (2), (3), and (4) of subsection (a) and in addition thereto setting forth that subcommittee funds are available to cover the expenses of the person or persons being authorized by the subcommittee chairman to undertake the travel and that there has been a compliance where applicable with Rule 12 of the committee.

(c)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) The Chairman shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(d) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, including rules, procedures, and limitations prescribed by the Committee on House Administration with respect to domestic and foreign expense allowances.

(e) Prior to the Chairman's authorization for any travel, the ranking minority party member shall be given a copy of the written request therefor.

RULE 18. OVERSIGHT

(a) In order to enable the committee to carry out its responsibilities under Rule X, clause 2 of the Rules of the House of Representatives, each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that subcommittee, and the organization and operation of the federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs there under are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, each such subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that subcommittee.

(b) The Chairman of the committee, consistent with Rule 4, from time to time in order to fulfill the committee's responsibility under rule X, clause 3(c) of the Rules of the House of Representatives, shall assign matters to subcommittees for reviewing, studying, and coordinating, on a continuing basis, all laws, programs, and government activities dealing with or involving domestic educational programs and institutions, and programs of student assistance, which are within the jurisdiction of other committees.

(c) The Chairman of the committee, consistent with Rule X, clause 2(d) of the Rules of the House of Representatives, shall from time to time assign matters to subcommittees for reviewing and studying on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the committee.

(d) Upon the request of the chairman of any subcommittee of the committee (after consulting with the ranking minority member of such subcommittee), and in order to enable the committee to carry out its responsibilities under section 431 of the General Education Provisions Act with respect to the consideration of final regulations, the Chairman of the committee shall transmit to the appropriate department or agency head a formal statement of objection to any final regulation identified in such request for the purpose of suspending the effective date of such regulation until not less than twenty days after the end of any adjournment described in the first sentence of subsection (d)(2) of such section. Any such objection shall be deemed to have been directed by the committee on the date of the request of such subcommittee chairman.

RULE 19. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS

(a) Each bill, resolution, or other matter, which relates to a subject listed under the jurisdiction of any subcommittee named in Rule 4, which has been referred to the committee shall within two weeks be referred to the subcommittee of appropriate jurisdiction unless, by majority vote of the majority party members of the committee, consideration is to be by the full committee or there is to be shared consideration under subsection (b)(2) by more than one subcommittee pursuant to a joint referral for such purpose.

(b)(1) In carrying out subsection (a) with respect to any matter, the Chairman may (consistent with Rule 4) refer the matter jointly to two or more subcommittees for concurrent consideration simultaneously or for consideration sequentially (subject to appropriate time limitations in the case of any subcommittee), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such Part to a different subcommittee, or refer the matter pursuant to subsection (b) of Rule 4 to a special ad hoc subcommittee appointed by the Chairman (from the members of the subcommittees having legislative jurisdiction) for the specific purpose of considering such matter and reporting to the committee thereon, or make such other provisions as may be considered appropriate.

(2) In the conduct of hearings and meetings of subcommittees sitting jointly, pursuant to subsection (a), for purposes of shared consideration of any bill or resolution, including marking up or reporting any such measure to the full committee—

(A) the rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings and meetings for purposes of such shared consideration, and

(B) every member of each of such subcommittees shall for purposes of determining a quorum be counted individually in the aggregate total number of members of such subcommittees, and shall have equal voting and proxy rights as individual members during the shared consideration of any such bill or resolution, in the same manner as if the total memberships of such subcommittees were combined to constitute a single subcommittee.

(c) Referral to a subcommittee shall not be made until three days have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose, at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(d) All members of the committee shall be given at least 24 hours' notice prior to the direct consideration of any bill, resolution, or other matter by the committee; but this requirement may be waived upon determination, by a majority of the members voting, that emergency or urgent circumstances require immediate consideration thereof.

RULE 20. COMMITTEE REPORTS

(a) All committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI and clauses 3 and 7(a) of Rule XIII of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior to such filing in the House. No material change shall be made in the report distributed to members unless agreed to by majority vote; but any member or members of the committee may file, as part of the printed report, individual, minority, or dissenting views, without regard to the preceding provisions of this rule.

(c) Such 36-hour period shall not conclude earlier than the end of the three-day period (provided under clause 2, paragraph (l)(5) of Rule XI of the Rules of the House of Representatives) after the committee approves a measure or matter if a member, at the time of such approval, gives notice of intention to file supplemental, minority, or additional views for inclusion as part of the printed report.

(d) The report on activities of the committee required under clause 1 of Rule XI of the Rules of the House of Representatives, shall include the following disclaimer in the document transmitting the report to the Clerk of the House:

"This report has not been officially adopted by the Committee on Education and Labor or any subcommittee thereof and therefore may not necessarily reflect the views of its members."

Such disclaimer need not be included if the report was circulated to all members of the committee at least 10 days prior to its submission to the House and provision is made for the filing by any member, as part of the printed report, of individual, minority, or dissenting views.

RULE 21. MEASURES TO BE CONSIDERED UNDER SUSPENSION

A member of the committee may not seek to suspend the Rules of the House on any bill, resolution, or other matter which has been modified after such measure is ordered reported, unless notice of such action has been given to the Chairman and ranking minority member of the full committee.

RULE 22. BUDGET AND EXPENSES

(a) The Chairman in consultation with the majority party members of the committee shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee; and, after consultation with the minority party membership, the Chairman shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The chairman of each standing subcommittee, in consultation with the majority party members thereof, shall prepare a supplemental budget to include funds for such additional staff, and for such travel, investigations, etc., as may be required for the work of such subcommittee. Thereafter, the Chairman shall combine such proposals into a consolidated committee budget, and shall present the same to the committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. After such budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chairman or the chairman of any subcommittee may initiate necessary travel requests as provided in Rule 17 within the limits of their portion of the consolidated budget as approved by the House, and the Chairman may execute necessary vouchers therefor.

(b) Subject to the rules of the House of Representatives and procedures prescribed by the Committee on House Administration, and with the prior authorization of the Chairman of the committee in each case, there may be expended in any one session of Congress for necessary travel expenses of witnesses attending hearings in Washington, DC:

(1) out of funds budgeted and set aside for each subcommittee, not to exceed $2,000 for expenses of witnesses attending hearings of each such subcommittee;

(2) out of funds budgeted for the full committee majority, not to exceed $2,000 for expenses of witnesses attending full committee hearings; and

(3) out of funds set aside to the minority party members,

(A) not to exceed, for each of the subcommittees, $2,000 for expenses of witnesses attending subcommittee hearings, and

(B) not to exceed $2,000 for expenses of witnesses attending full committee hearings.

(c) A full and detailed monthly report accounting for all expenditures of committee funds shall be maintained in the committee office, where it shall be available to each member of the committee. Such report shall show the amount and purpose of each expenditure, and the budget to which such expenditure is attributed.

RULE 23. APPOINTMENT OF CONFEREES AND NOTICE OF CONFERENCE MEETINGS

(a) Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other committee members as the Chairman may designate with the approval of the majority party members. Recommendations of the Chairman to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees, the Chairman shall consult with the ranking minority party member of the committee.

(b) After the appointment of conferees pursuant to clause 6(f) of Rule X of the Rules of the House of Representatives for matters within the jurisdiction of the committee, the Chairman shall notify all members appointed to the conference of meetings at least 48 hours before the commencement of the meeting. If such notice is not possible, then notice shall be given as soon as possible.

RULE 24. BROADCASTING OF COMMITTEE HEARINGS

(a) When any hearing or meeting of the committee or a subcommittee is open to the public, that hearing or meeting may be covered in whole or in part by television broadcast, radio broadcast, and still photography, or by other such methods of coverage. Such coverage of hearings and meetings is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of clause 3 of Rule XI of the Rules of the House of Representatives.

(b) The general conduct of each hearing or meeting covered under authority of this clause and the personal behavior of committee members, staff, other government officials and personnel, witnesses, television, radio and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House.

(c) Persons undertaking to cover committee hearings or meetings under authority of this rule shall be governed by the following limitations:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This paragraph is supplemental to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(3) The number of television and still cameras permitted in a hearing or meeting room shall be determined in the discretion of the chairman of the committee or subcommittee holding such hearing or meeting. The allocation among the television media of the positions of the number of television cameras permitted by the chairman of the committee or subcommittee in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media

may install additional lighting in the hearing or meeting room, without cost to the government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by the committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by the committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 25. CHANGES IN COMMITTEE RULES

A proposed change in these rules shall not be considered by the committee unless the text of such change has been in the hands of all members at least 48 hours prior to the meeting in which the matter is considered.

RULES OF THE U.S. HOUSE OF REPRESENTATIVES 103D CONGRESS

RULE XI, CLAUSE 2(k)

Investigative hearing procedures

(k)(1) The chairman at an investigative hearing shall announce in the opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person.

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness; and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULES OF PROCEDURE FOR THE COMMITTEE ON THE JUDICIARY FOR THE 103D CONGRESS

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, I am presenting herewith a copy of the Rules of Procedure adopted by the Committee on the Judiciary for the 103d Congress on January 21, 1993.

RULES OF PROCEDURE FOR THE COMMITTEE ON THE JUDICIARY

Rule I. The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its subcommittees with the following specific additions thereto.

Rule II. *Committee Meetings:*

(a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Tuesday of each week while the Congress is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 24 hours (excluding Saturdays, Sundays, and legal holidays) before each scheduled Committee or subcommittee meeting, each Member of the Committee or subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or subcommittee.

(d) The Chairman, with such notice to the ranking Minority Member as is practicable, may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(e) Committee and subcommittee meetings for the transaction of business, i.e., meetings other than those held for the purpose of taking testimony, shall be open to the public except when the Committee or subcommittee, by majority vote, determines otherwise.

(f) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon the demand of any Member, and a copy made available to each Member present.

(g) In all subcommittee proceedings where a vote on a motion to report a bill to the full Committee results in a tie, such bill shall be reported to the full Committee without recommendation.

(h) For purposes of taking any action at a meeting of the full Committee or any subcommittee thereof, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or subcommittee, except that a full majority of the Members of the Committee or subcommittee shall constitute a quorum for purposes of reporting a measure or recommendation from the Committee or subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.

(i) A complete transcript shall be made of any full Committee meeting, or any portion thereof, upon the request of any Member of the Committee made before the close of business of the proceeding day, excluding Saturdays, Sundays, and legal holidays.

Rule III. *Hearings:*

(a) The Committee or any subcommittee shall make public announcement of the date, place, and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing, unless the Committee or the subcommittee before which such hearing is scheduled determines that there is good cause to begin such hearing at an earlier date, in which event it shall make public announcement at the earliest possible date.

(b) Committee and subcommittee hearings shall be open to the public except when the Committee or subcommittee, by majority vote, determines otherwise.

(c) For purposes of taking testimony and receiving evidence before any subcommittee, a quorum shall be constituted by the presence of two Members. For purposes of taking testimony and receiving evidence before the full Committee, a quorum shall be constituted by the presence of 10 Members.

(d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.

Rule IV. *Proxy Voting.* A vote by any Member of the Committee, with respect to any measure or matter being considered in the Committee or in subcommittee, may be cast by proxy if the proxy authorization is in writing, asserts that the Member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the person who is to execute the proxy authorization, and is limited to a specific measure or matter and any amendments or motion pertaining thereto; except that a Member may authorize a general proxy for motions to recess, adjourn or for other procedural matters. Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time that the proxy is signed. Proxies may not be counted for a quorum.

Rule V. *Broadcasting.* When approved by a majority vote, an open meeting or hearing of the Committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions of House

Rule XI, clause (3). In order to enforce the provisions of said rule or to maintain an acceptable standard of dignity, propriety, and decorum, the Chairman may order such alteration, curtailment, or discontinuance of coverage as he determines necessary.

Rule VI. *Standing Subcommittees:*

(a) There shall be six standing subcommittees of the Committee on the judiciary, with jurisdictions as follows:

(1) *Subcommittee on Economic and Commercial Law:* Antitrust, bankruptcy, commercial law, economic regulation generally, judgeships, Federal budget matters, other appropriate matters as referred by the Chairman, and relevant oversight.

(2) *Subcommittee on Civil and Constitutional Rights:* Civil rights and liberties, other appropriate matters as referred by the Chairman, and relevant oversight.

(3) *Subcommittee on International Law, Immigration, and Refugees:* Treaties and international agreements, citizenship, passports, foreign sovereign immunity, immigration and naturalization, admission of refugees, other appropriate matters, as referred by the Chairman and relevant oversight.

(4) *Subcommittee on Intellectual Property and Judicial Administration:* Patents, trademarks, copyrights, court operations and administration, U.S. Attorneys and U.S. Marshals, Federal Rules of Evidence and Civil and Appellate Procedure, prisons, judicial ethics, RICO, other appropriate matters, as referred by the Chairman, and relevant oversight.

(5) *Subcommittee on Crime and Criminal Justice:* Federal Crime Code, drug enforcement, pretrial services, sentencing, parole and pardons. Federal Rules of Criminal Procedure, other appropriate matters, as referred by the Chairman, and relevant oversight.

(6) *Subcommittee on Administrative Law and Governmental Relations:* Administrative Law, claims against the United States, ethics in government, legal services, other appropriate matters, as referred by the Chairman, and relevant oversight.

(b) The Chairman of the Committee and the ranking Minority Member thereof shall be ex officio Members, but not voting Members, of each subcommittee to which such Chairman or ranking Minority Member has not been assigned by resolution of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such subcommittee.

Rule VII. *Powers and Duties of Subcommittee.* Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearing whenever possible.

Rule VIII. *Non-Legislative Reports.* No report of the Committee or a subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or subcommittee issuing the report shall have been appeased of such report and given the opportunity to give notice of intention to file supplemental, addition, or dissenting views as part of the report. In no case shall the tie in which to file such views be less than three calendar days (excluding Saturdays, Sundays, and legal holidays).

Rule IX. *Committee Records.* The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. the Chairman shall notify the ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 1(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

RULES OF PROCEDURE FOR THE COMMITTEE ON ENERGY AND COMMERCE FOR THE 103D CONGRESS

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, pursuant to the provisions of clause 2(a) of rule XI of the rules of the House, I submit for publication in the CONGRESSIONAL RECORD the rules adopted by the Committee on Energy and Commerce for the 103d Congress on January 6, 1993.

RULES FOR THE COMMITTEE ON ENERGY AND COMMERCE

Rule 1. *Rules of the House.* The Rules of the House are the rules of its committees and its subcommittees so far as is applicable, except that a motion to recess from day to day is a motion of high privilege in committee and subcommittees. Written rules adopted by the committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the committee. Each subcommittee of the committee is part of the committee and is subject to the authority and direction of the committee. Rule XI of the Rules of the House, which pertains entirely to committee procedure, is incorporated and made a part of the rules of this committee, which are supplementary to the Rules of the House.

Rule 2. *Time, Place of Meetings.* (a) The committee shall meet on the fourth Tuesday of each month and at such other times as determined by the chairman, or pursuant to subparagraph (b), in Room 2123 of the Rayburn House Office Building, at 9:45 a.m. for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the committee has not met during such month, the committee shall meet at such time and place on the first day thereafter when the House is in session.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the chairman.

(c) If at least three members of the committee or subcommittee (whichever is applicable) be called by the chairman or subcommittee chairman, those members may file in the offices of the committee their written request to the chairman or subcommittee chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman or subcommittee chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman or subcommittee chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee or subcommittee (whichever is applicable) may file in the offices of the committee their written notice that a special meeting of the committee or subcommittee (whichever is applicable) will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee or subcommittee (whichever is applicable) shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee or subcommittee (whichever is applicable) that such meeting will be held and inform them of its date and hour and the measure or matter to be considered and only the measure or matter specified in that notice may be considered at that specified meeting.

(d) If the chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) Each meeting of the committee or any of its subcommittees for the transaction of business, including hearings and the markup of legislation, shall be open to the public except when the committee or subcommittee in open session and with a quorum present determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. This paragraph does not apply to those special cases provided in the Rules of the House where closed sessions are otherwise provided.

(f) At least once a month, the chairman shall convene a meeting of the chairmen of the subcommittees. The purpose of the meeting will be to discuss issues pending before the committee and the procedures for Committee consideration of such matters. The discussion may include, among other items, the scheduling of hearings and meetings, questions of subcommittee jurisdiction and the conduct of joint subcommittee hearings.

Rule 3. *Agenda.* The agenda for each committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the committee by delivery to his office at least 36 hours in advance of such meeting.

Rule 4. *Procedure.* (a)(1) The date, time, place, and subject matter of any hearing of the committee or any of its subcommittees shall be announced at least 1 week in advance of the commencement of such hearing, unless the committee or subcommittee determines in accordance with such procedure as it may prescribe, that there is good cause to begin the hearing sooner.

(2)(A) The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours in advance of the commencement of such meeting.

(B) The time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b) Each witness who is to appear before the committee or subcommittee shall file with the clerk of the committee, at least two working days in advance of his appearance, fifty (50) copies of a written statement of his proposed testimony and shall limit his oral presentation at his appearance to a brief summary of his argument, unless this requirement, or any part thereof, is waived by the committee or subcommittee chairman presiding.

(c) The right to interrogate the witnesses before the committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the committee present has been recognized once for that purpose. While the committee or subcommittee is operating under the 5 minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the committee or subcommittee, as the case may be.

(d) No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full committee unless the text of the matter reported, together with an explanation, has been available to members of the committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the committee to all members of the committee.

(e) Opening statements by members at the beginning of any hearing of the Committee or any of its Subcommittees shall be limited to five minutes each for the Chairman and Ranking Minority Member (or their respective designee) of the Committee or Subcommittee, as applicable, and three minutes each for all other members.

Rule 5. *Waiver of Notice, Agenda, and Layover Requirements.* Requirements of Rules 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the committee or subcommittee, as the case may be.

Rule 6. *Quorum.* Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the committee or subcommittee in question. In the case of a meeting other than a hearing, the number of members constituting a quorum shall be one-third of the members of the committee or subcommittee, except that a matter may not be reported by the committee or a subcommittee unless a majority of the members thereof is actually present.

Rule 7. *Proxies.* No vote by any member of the committee or any of its subcommittees with respect to any measure or matter may be cast by proxy unless a proxy authorization is given in writing by the member desiring to cast a proxy, which authorization shall assert that the member is absent on official business or is absent due to personal illness and is thus unable to be present at the meeting of the committee or subcommittee, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. Each proxy to be effective shall be signed by the member assigning his/her vote and shall contain the date and time of day that the proxy is signed. No proxy shall be voted on a motion to adjourn or shall be counted to make a quorum or be voted unless a quorum is present.

Rule 8. *Journal, Rollcalls.* The proceedings of the committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the votes on any question on which a record vote is demanded and a description of the amendment, motion, order or other proposition voted. A copy of the journal shall be furnished to the ranking minority member. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a rollcall shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each rollcall vote in any meeting of the committee shall be made available in the committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

Rule 9. *Filing of Committee Reports.* If, at the time of approval of any measure or matter by this committee, any member or members of the committee should give notice of an intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three (3) calendar days (exclusive of Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by that member or members with the committee. All such views so filed shall be included within and shall be a part of the report filed by the committee with respect to that measure or matter.

Rule 10. *Subcommittees.* There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the committee and, in addition, a Subcommittee on oversight and Investigations. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the bidding process for subcommittee chairmanships and assignments. Such subcommittees shall, to the maximum extent practicable, be of equal size. The Subcommittee on Oversight and Investigations shall coordinate its work with the work of other standing subcommittees and shall maintain regular communication with the standing subcommittees and the chairman of the full committee in order to obtain advice on subjects for investigation. The standing subcommittees shall maintain regular communication with the Subcommittee on Oversight and Investigations to advise the Subcommittee on Oversight and Investigations of subjects for investigation.

Rule 11. *Powers and Duties of Subcommittees.* Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the full committee with a view toward assuring availability of meeting rooms and avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

Rule 12. *Reference of Legislation and Other Matters.* All legislation and other matters referred to the committee shall be referred to the subcommittee of appropriate jurisdiction immediately unless, by majority vote of the members of the full committee within five (5) legislative days, consideration is to be by the full committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the committee shall have the same authority to refer such legislation or other matter to one or more subcommittees as the Speaker has under clause 5(c) of Rule X of the House of Representatives to refer a matter to one or more committees of the House. Such authority shall include the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the committee, from the members of the subcommittees having legislative or oversight jurisdiction.

Rule 13. *Ratio of Subcommittees.* The majority caucus of the committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full committee, nor shall such ratio provide for a majority of less than two majority members.

Rule 14. *Subcommittee Membership.* (a) Subject to the requirements of the Manual of the Democratic Caucus of the House of Representatives, each majority member other than the chairman of the full committee or the chairman of a subcommittee shall in order of committee seniority be entitled to membership on two subcommittees of that member's choice. A member (other than an ex officio member) may serve on more than two subcommittees only if such service is necessary in order to comply with Rule 13. Proceeding in order of seniority on the committee, each majority member, other than the chairman of the full committee and the chairmen of the several subcommittees, shall be entitled to select one subcommittee position each. The subcommittee selection process shall then continue in sequence of committee seniority, including the chairmen of the several subcommittees, for succeeding rounds of selection until all subcommittee positions are filled. The subcommittee selection process shall be conducted at a meeting of the majority party caucus of the committee held prior to any organizational meeting of the full committee. Subcommittee selections of each member shall be recorded by the clerk as made and shall be available for examination by the members.

(b) Minority subcommittee membership shall be selected as determined by the minority.

(c) The chairman and ranking minority member of the committee shall be ex officio members with voting privileges of each legislative subcommittee of the committee of which they are not assigned members. The ex officio members shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

Rule 15. *Subcommittee Chairmen.* (a)(1) Majority members of the committee shall have the right, in order of full committee seniority, to bid for subcommittee chairmanships. Any request for a subcommittee chairmanship shall be subject to approval by a majority of those present and voting, by secret ballot, in the majority party caucus of the committee. If the caucus rejects a subcommittee chairmanship bid, the next senior majority member may bid for the position as in the first instance. The subcommittee chairmen shall be elected by the full committee from nominations submitted by the majority party caucus of the committee.

(2) If the majority members of the committee shall determine to change the size of any subcommittee after the start of the bidding process, they may do so, but in that event, all previous action on the bidding process shall be expunged and the bidding process shall start anew.

(b) Subcommittee chairmen shall manage legislation reported from their subcommittees on the House floor.

(c) The chairman of the committee may make available to the chairman of any subcommittee office equipment and facilities which have been provided to him and for which he is personally responsible, subject to such terms and conditions as the chairman deems appropriate.

Rule 16. *Committee Professional and Clerical Staff Appointments.* (a) Whenever the chairman of the committee determines that any professional staff member appointed pursuant to the provisions of clause 6 of Rule XI of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with the subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Professional staff members appointed pursuant to clause 6 of Rule XI of the House of Representatives, who are assigned to the ranking minority party member of the committee and not to the chairman of the committee, shall be assigned to such committee business as the minority party members of the committee consider advisable.

(c) In addition to the professional staff appointed pursuant to clause 6 of Rule XI of the House of Representatives, the chairman of the committee shall be entitled, subject to the approval of the majority party members of the committee, to make such appointments to the professional and clerical staff of the committee as may be provided within the budget approved for such purposes by the committee. Such appointee shall be assigned to such business of the full committee as the chairman of the committee considers advisable.

(d) Subcommittee chairman, subject to the approval of the majority party members of the committee, shall be entitled to make such appointments to the professional and clerical staff of the committee as may be provided in the committee budget as provided for in rule 18 of these rules. Such professional and clerical appointees shall be delegated to the appropriate subcommittee for the purposes of assisting such subcommittee in the discharge of its assigned responsibilities and may be removed and their compensation fixed by the subcommittee chairman subject to the approval of the majority members of the committee.

(e) In addition to appointments made pursuant to other subsections of this rule, (1) the subcommittee chairman of each of the committee's subcommittees is authorized to appoint, in accordance with such rules as the majority party caucus may prescribe, one staff person who shall serve at the pleasure of such subcommittee chairman, and (2) the ranking minority member of each such subcommittee is authorized to appoint, in accordance with such rules as the minority party caucus may prescribe, one staff person who shall serve at the pleasure of such ranking minority member. Remuneration of any staff person appointed under this subsection shall be governed by paragraph (d) of clause 5 of Rule XI of the House of Representatives.

(f) Any contract for the temporary services or intermittent services of individual consultants or organizations to make studies or advise the committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the committee if approved by the chairman and ranking minority member of the committee and, if funded by a subcommittee, by the chairman and ranking minority member of that subcommittee. Such approval shall not be deemed to have been given if at least one-third of the members of the committee request in writing that the committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

Rule 17. *Supervision, Duties of Staff.* (a) The professional and clerical staff of the committee delegated to subcommittees of the committee pursuant to rule 16 shall be subject to the supervision and direction of the subcommittee to which they are assigned with respect to matters before the subcommittee, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate. The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the committee, who may delegate such authority as they determine appropriate. Subject to subsection (b), the professional and clerical staff of the committee not delegated to a subcommittee pursuant to rule 16(d) or to the minority shall be under the supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) The professional staff member who is assigned principal responsibility by a subcommittee chairman with respect to a matter before such subcommittee chairman's subcommittee shall continue to assume principal staff responsibility during any consideration before the full committee, the Rules Committee, the House, and Conference Committees of any matter which is reported by such subcommittee.

Rule 18. *Committee and Subcommittee Budgets.* (a) The chairman of the full committee and the chairmen of each standing subcommittee, after consultation with their respective ranking minority members, shall for each session of the Congress prepare a preliminary budget for the committee and each standing subcommittee respectively, with such budgets including necessary amounts for professional and clerical staff, travel, investigations, and miscellaneous expenses, and which shall be adequate to fully discharge their responsibilities for legislation and oversight. Thereafter, the chairman of the full committee, meeting with the chairmen of the subcommittees, shall combine such proposals into a committee budget, which shall state separately the budgeted amounts for the committee and for each of the subcommittees. Such budget shall be presented by the chairman to the majority party caucus of the committee and thereafter to the full committee for its approval.

(b) The chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. No proposed committee budget may be submitted to the House Administration Committee unless it has been presented to and approved by the majority party caucus and thereafter by the full committee. The chairman of the full committee or the chairmen of the standing subcommittees may authorize all necessary expenses in accordance with these rules and within the limits of their portion of the budget as approved by the House, but the chairman of the full committee shall permit no subcommittee to make an expenditure beyond its portion of the budget (as established in paragraph (a)) unless the chairman determines that such expenditure can be made without exceeding the amount authorized to the full committee by the House.

(c) Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year by committee and subcommittees, anticipated expenditures for the projected committee program, and detailed information on travel.

Rule 19. *Broadcasting of Committee Hearings.* Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of Rule XI, clause 3 of the Rules of the House of Representatives. At all such meetings or proceedings, coverage by radio, television or still photography will be allowed unless specifically forbidden by a record vote of the committee or subcommittee. The coverage of any hearing or other proceeding of the committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the committee, the subcommittee chairman, or other member of the committee presiding at such hearing or other proceeding and, for good cause, may be terminated by him.

Rule 20. *Comptroller General Audits.* The chairman of the committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94–163), after consultation with the members of the committee.

Rule 21. *Subpoenas.* The full committee or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House of Representatives, if authorized by a majority of the members voting of the committee or subcommittee (as the case may be), a quorum being present. In addition, the chairman of the full committee may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of three days. Subpoenas may be issued over the signature of the chairman of the full committee, or any member of the committee authorized by such chairman, and may be served by any person designated by such chairman or member.

Rule 22. *Travel of Members of Staff.* (a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) The purpose of the travel; (2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) The location of the event for which the travel is to be made; (4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the chairman. Such prior authorization shall be given by the chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

(c) In the case of travel by minority party members and minority party professional staff for the purpose set out in (a) or (b), the prior approval, not only of the chairman but also of the ranking minority party member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority party member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HASTERT) to revise and extend their remarks and include extraneous material:)

Mr. HOKE, for 5 minutes today, and 5 minutes February 2.

Mr. HASTERT, for 5 minutes, today.

Mr. BARTLETT of Maryland, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes today, and 5 minutes February 2.

Mr. DOOLITTLE, for 60 minutes, today.

Mr. BACHUS of Alabama, for 5 minutes, today.

Mr. GALLEGLY, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, on March 1, 2, 3, 4, 5, 8, 9, 10, 11, and 12.

Mr. DREIER, for 5 minutes today, and for 60 minutes on February 2, 3, 4, 16, 17, 18, 23, 24, and 25, and 60 minutes on March 1, 2, 3, 4, 5, 8, 9, 10, 11, and 12.

Mr. DORNAN, for 5 minutes today, and 60 minutes on February 2, 3, 4, 16, 17, 18, 23, 24, 25, and 60 minutes on March 1, 2, 3, 4, 5, 8, 9, 10, 11, and 12.

(The following Members (at the request of Mr. FIELDS of Louisiana) to revise and extend their remarks and include extraneous material:)

Mrs. MINK, for 5 minutes, today.

Mr. CONYERS, for 15 minutes, today.

Mr. GONZALEZ, for 60 minutes, on January 28.

(The following Members (at the request of Mr. LIVINGSTON):)

Mrs. LOWEY, for 10 minutes, today.

Mr. GONZALEZ, for 60 minutes, on February 2 and 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HASTERT) and to include extraneous matter:)

Mr. PACKARD.

Mr. GALLEGLY.

Mr. HANSEN, in two instances.

Mr. YOUNG of Alaska, in two instances.

Mr. WOLF.

Mr. LEWIS of Florida.

Mr. SCHAEFER.

Mr. KYL.

Mr. HEFLEY.

Mr. REGULA.

Mr. SAM JOHNSON of Texas.

Mr. LEWIS of California, in two instances.

Mr. GILLMOR, in two instances.

Mr. BEREUTER.

(The following Members (at the request of Mr. FIELDS of Louisiana) and to include extraneous matter:)

Mr. JACOBS.

Mr. VENTO.

Mr. LANTOS, in two instances.

Mr. RICHARDSON.

Mr. CLAY.

Mr. MURTHA.

Mr. MFUME.

Mr. CLEMENT, in two instances.

Mr. BERMAN, in two instances.

Mr. SHEPHERD.

Mr. LAFALCE.

Mr. DURBIN.

Mr. FRANK of Massachusetts.

Mr. MATSUI.

Mr. HAMILTON.

Mr. NADLER.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 202. An act to designate the Federal Judiciary Building in Washington, DC, as the "Thurgood Marshall Federal Judiciary Building."

ADJOURNMENT

Mr. LIVINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 27, 103d Congress, the House stands adjourned until noon on Tuesday, February 2, 1993.

Thereupon (at 5 o'clock and 1 minute p.m.), pursuant to House Concurrent Resolution 27, the House adjourned until Tuesday, February 2, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

504. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of Defense, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

505. A letter from the Secretary of the Interior, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Interior, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

506. A letter from the Secretary of Defense, transmitting the Department's annual report to the President and the Congress, January 1993, pursuant to 10 U.S.C. 113 (c), (e); to the Committee on Armed Services.

507. A letter from the Secretary, Department of Housing and Urban Development, transmitting the first biennial report on the Preliminary Evaluation of the Home Equity Conversion Mortgage Insurance Demonstration, pursuant to Public Law 100–242, section 417 (101 Stat. 1911, 1912); to the Committee on Banking, Finance and Urban Affairs.

508. A letter from the Secretary, Housing and Urban Development, transmitting a copy of the report on the actuarial soundness of the Mutual Mortgage Insurance Fund, pursuant to Public Law 101–625, section 332 (104 Stat. 4140); to the Committee on Banking, Finance and Urban Affairs.

509. A letter from the Secretary of Housing and Urban Development, transmitting a copy of a report on the rural rental rehabilitation demonstration program, pursuant to 42 U.S.C. 1490m note; to the Committee on Banking, Finance and Urban Affairs.

510. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–394, "Minimum Wage Act Revision Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

511. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–395, "Closing of a Portion of a Deadend Public Alley in Square 2200, S.O. 91–153, Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

512. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–396, "Stable and Reliable Source of Revenues for WMATA Act of 1982 Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

513. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–397, "General Obligation Bond Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

514. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–398, "Prevention of Transmission of the Human Immunodeficiency Virus Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

515. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–399, "Drug User's Automobile Forfeiture Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

516. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–400, "Medical and Geriatric Parole Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

517. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–401, "Criminal and Juvenile Justice Reform Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

518. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–402, "Closing of a Public Alley in Square 368, S.O. 88–419, Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

519. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–403, "Closing of a Public. Alley in Square 3921, S.O. 91–11, Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

520. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–404, "Closing of a Public Alley in Square 247, S.O. 90–236, Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

521. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–405, "Election Temporary Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

522. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–406, "Patient counseling Temporary Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

523. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–407, "Subsidy for Existing Low-Yield Cooperative and Single-Room Occupancy Housing Projects Temporary Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

524. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of the Department of Public Work's Water and Sewer Utility Administration's Capital Improvements Program," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

525. A letter from the Secretary of Education, transmitting Notice of Final Funding Priorities for the Rehabilitation Research and Training Centers Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

526. A letter from the Secretary of Education, transmitting Notice of Final Funding Priorities for the Research in Education of Individuals with Disabilities Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

527. A letter from the Secretary of Education, transmitting final regulations—Guaranteed Student Loan and PLUS Programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

528. A letter from the Secretary of Health and Human Services, transmitting a report on the implementation of title IV—The Health Care Quality Improvement Act of 1986, pursuant to Public Law 99–660, section 432(c) (100 Stat. 3794); to the Committee on Energy and Commerce.

529. A letter from the Secretary of Transportation, transmitting the 17th annual report on the Automotive Fuel Economy Program, pursuant to 15 U.S.C. 2002(a)(2); to the Committee on Energy and Commerce.

530. A letter from the Advisory Panel on Alzheimer's Disease, Chairman, transmitting the fourth report on administrative and legislative actions to improve services for individuals with Alzheimer's Disease and related dementias, pursuant to 42 U.S.C. 679; to the Committee on Energy and Commerce.

531. A letter from the Secretary of Energy, transmitting a copy of the Strategic Petroleum Reserve's Final Corrective Action Plan; to the Committee on Energy and Commerce.

532. A letter from the Director, Defense Security Assistance Agency, transmitting notice of proposed lease to Spain for defense articles (Transmittal No. 3–93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

533. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the fiscal year 1991 report on the extent and disposition of United States contributions to international organizations, pursuant to 22 U.S.C. 2226(b)(1); to the Committee on Foreign Affairs.

534. A letter from the Secretary, Housing and Urban Development, transmitting the report entitled "Allocating Homeless Assistance by Formula", pursuant to Public Law 101–625, section 823(c) (104 Stat. 4355); to the Committee on Foreign Affairs.

535. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

536. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting text of agreements in which the American Institute in Taiwan is a party between January 1, 1991 and December 31, 1991, pursuant to 22 U.S.C. 3311(a); to the Committee on Foreign Affairs.

537. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 93–6, designating refugees, displaced persons, and victims of conflict from the former Yugoslavia as qualifying for assistance under section 2(b)(2) of the Migration and Refugee Assistance Act, pursuant to 22 U.S.C. 2601(b)(2); to the Committee on Foreign Affairs.

538. A letter from the Acting Secretary of Veterans Affairs, transmitting the annual report under the Federal Managers' Financial Integrity Act for FY 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

539. A letter from the Acting Secretary, American Battle Monuments Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for FY 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

540. A letter from the Executive Director, Christopher Columbus Quincentenary Jubilee Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for FY 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

541. A letter from the Chairman, Commission on Agriculture Workers, transmitting the annual report under the Federal Managers' Financial Integrity Act for FY 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

542. A letter from the Manager, CoBank—National Bank for Cooperatives, transmitting the annual report for CoBank—National Bank for Cooperatives Retirement Trust Fund for the year ending December 31, 1991, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

543. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for FY 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

544. A letter from the Department of Defense, transmitting the Department's annual pension plan report for the plan year ending December 31, 1992, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

545. A letter from the Deputy Secretary of Defense, transmitting the annual report under the Federal Managers's Financial Integrity Act for Fiscal Year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

546. A letter from the Director, Federal Emergency Management Agency, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

547. A letter from the Director, Federal Mediation and Conciliation Service, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

548. A letter from the Chairman, International Trade Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

549. A letter from the Executive Director, Marine Mammal Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

550. A letter from the Chairman, National Capital Planning Commission, transmitting the annual report under the Federal Manager's Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

551. A letter from the Chairman, National Commission on Responsibilities for Financing Postsecondary Education, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

552. A letter from the Administrator, National Credit Union Administration, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

553. A letter from the Chairman, National Endowment for the Humanities, transmitting the annual report under the Federal Manager's Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

554. A letter from the Chairman, National Labor Relations Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

555. A letter from the Chairman, National Mediation Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

556. A letter from the Director, National Science Foundation, transmitting the annual report under the Federal Managers' Fi-

nancial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

557. A letter from the Secretary of the Interior, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

558. A letter from the Chairman, Securities and Exchange Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

559. A letter from the Director of Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

560. A letter from the Board of Governors, U.S. Postal Service, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

561. A letter from the Staff Director, U.S. Commission on Civil Rights, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

562. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report on the necessity to construct modifications to the Meeks Cabin Dam, Lyman Project, WY, in order to preserve its structural safety, pursuant to 43 U.S.C. 509; to the Committee on Natural Resources.

563. A letter from the Secretary of the Interior, transmitting the 1993 update to the National Plan for Research in Mining and Mineral Resources and the 1992 report on the Mineral Institute Program of the U.S. Department of the Interior, pursuant to 30 U.S.C. 1229(e); to the Committee on Natural Resources.

564. A letter from the Administrator, Federal Aviation Administration, transmitting its report on progress in correcting deficiencies in the Airmen and Aircraft Registry System, pursuant to 49 U.S.C. app. 1401 note; to the Committees on Public Works and Transportation.

565. A letter from the Secretary of Agriculture, transmitting the fiscal year 1991 report on advisory and assistance services, pursuant to Public Law 101-161, section 641(a)(1) (103 Stat. 986); jointly to the Committees on Appropriations and Agriculture.

566. A letter from the Associate Director, Office of Management and Budget, transmitting the third annual report on negotiations concerning offsets in military exports, pursuant to Public Law 100-456, section 825(d)(3) (102 Stat. 2022); jointly, to the Committees on Armed Services and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Resolution 52. Resolution establishing the Select Committee on Narcotics Abuse and Control, the Select Committee on Aging, the Select Committee on Hunger, and the Select Committee on Children, Youth, and Families (Rept. 103-6). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JACOBS:

H.R. 646. A bill to amend title II of the Social Security Act to require the Secretary of Health and Human Services to provide claimants for benefits based on disability with a face-to-face, evidentiary hearing before making an initial decision, to provide those claimants whose application is denied with opportunity for a subsequent hearing without any requirements for intervening "reconsideration," and to specify the medical information to be collected and maintained in making disability determinations; to the Committee on Ways and Means.

H.R. 647. A bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of the Old-Age, Survivors, and Disability Insurance Program under title II of the Social Security Act and the Supplemental Security Income Program under title XVI of such act: to the Committee on Ways and Means.

H.R. 648. A bill to amend title II of the Social Security Act to provide that, in determining whether an individual applying for or receiving benefits based on disability is engaging in substantial gainful activity, a portion of the cost of acquiring a van which is specially equipped for the individual's disability and which the individual needs for transportation to work shall be excluded from amounts treated as such individual's earnings, and to make conforming changes in title XVI; to the Committee on Ways and Means.

By Mr. JACOBS (for himself, Mr. SHAYS, Mr. BORSKI, Mr. TOWNS, and Mr. MINETA):

H.R. 649. A bill to amend the Poultry Products Inspection Act to require the slaughter of poultry in accordance with humane methods; to the Committee on Agriculture.

By Mr. GONZALEZ:

H.R. 650. A bill to amend title XIV of the Public Health Service Act (the Safe Drinking Water Act) to clarify that review by the Administrator of the Environmental Protection Agency under section 1424(e) is mandatory, to improve interagency coordination in the protection of sole or principal drinking water source aquifers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGLISH of Oklahoma:

H.R. 651. A bill to amend the National and Community Service Act of 1990 to authorize appropriations for the Civilian Community Corps Demonstration Program; to the Committee on Education and Labor.

H.R. 652. A bill to provide grants to States for the establishment of community works progress programs; to the Committee on Education and Labor.

H.R. 653. A bill to amend the Watermelon Research and Promotion Act to expand operation of the act to the entire United States, to authorize the revocation of the refund provision of the act, to modify the referendum procedures of the act, and for other purposes; to the Committee on Agriculture.

By Mr. HAYES of Louisiana:

H.R. 654. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th Anniversary of the establishment of the U.S. Mint and the commencement of our national coinage; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BARCIA:

H.R. 655. A bill to require the Secretary of Agriculture to make crop quality reduction disaster payments to producers of the 1992 crop of corn, and for other purposes; to the Committee on Agriculture.

By Mr. BILIRAKIS (for himself, Mr. LEWIS of Florida, Mr. MORAN, Mr. HUGHES, Mr. RAVENEL, Mr. FROST, Mr. GOSS, Mr. SHAW, Mr. BROWN of California, Mr. PALLONE, and Mr. BEILENSON):

H.R. 656. A bill to provide more effective protection for marine mammals; to the Committee on Merchant Marine and Fisheries.

By Mr. BURTON of Indiana:

H.R. 657. A bill to repeal the prohibition in the Department of Defense Appropriations Act, 1993, on purchasing any lock which has not been certified as passing certain security lock specifications, and to prohibit the Secretary of Defense from carrying out a retrofit program to replace locks which do not meet such specifications; to the Committee on Armed Services.

By Mr. CAMP:

H.R. 658. A bill to provide assistance to certain agricultural producers whose crop quality has been adversely effected by drought, heat, wind, excessive moisture, or other natural climatological event; and for other purposes; to the Committee on Agriculture.

By Mr. CAMP (for himself, Mr. ALLARD, Mr. BARRETT of Nebraska, Mr. EMERSON, Mr. BARCIA, Mr. GUNDERSON, and Mr. KILDEE):

H.R. 659. A bill to provide assistance to certain producers of high-moisture feed grains through a recourse loan program; establishing a period to allow for the orderly repayment of such loans; and for other purposes; to the Committee on Agriculture.

By Mr. LAFALCE (for himself, Mr. SMITH of Iowa, Mr. MAZZOLI, and Mr. MANN):

H.R. 660. A bill to facilitate the providing of loan capital to small business concerns, and for other purposes; to the Committee on Small Business.

By Mrs. COLLINS of Illinois:

H.R. 661. A bill to provide for the manufacturer, importer, or dealer of a handgun or an assault weapon to be held strictly liable for damages that result from the use of the handgun or assault weapon; to the Committee on the Judiciary.

By Mr. CRANE:

H.R. 662. A bill to limit United States contributions to the United Nations; to the Committee on Foreign Affairs.

H.R. 663. A bill to repeal the provision of the Internal Revenue Code of 1986 which provides that the accumulated earnings tax shall be applied without regard to the number of shareholders in the corporation; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself and Mrs. UNSOELD):

H.R. 664. A bill to amend the Internal Revenue Code of 1986 to provide incentives for domestic timber production and manufacturing; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 665. A bill to amend title 18, United States Code, to provide that fraud against insurance companies will be subject to strong Federal criminal and civil penalties; to the Committee on the Judiciary.

By Mr. DORNAN (for himself and Mr. Shays):

H.R. 666. A bill to amend the Impoundment Control Act of 1974 to provide that any rescission of budget authority proposed by the President take effect unless specifically disapproved by the adoption of a joint resolution; jointly, to the Committees on Government Operations and Rules.

By Mr. DORNAN (for himself, Mr. Barton of Texas, Mr. Hunter, and Mr. Sam Johnson of Texas):

H.R. 667. A bill to enhance the readiness, discipline, good order, and morale of the Armed Forces by providing by law for the continuation of the policy of the Department of Defense on homosexuals serving in the Armed Forces, as in effect on January 1, 1993; to the Committee on Armed Services.

By Mr. DORNAN:

H.R. 668. A bill to amend the Internal Revenue Code of 1986 to remove the limitation on the deductibility of capital losses; to the Committee on Ways and Means.

H.R. 669. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for dividends paid by domestic corporations; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 670. A bill to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DURBIN (for himself, Ms. Snowe, Mr. Hughes, Mr. Hall of Ohio, Mrs. Unsoeld, Mr. Bacchus of Florida, and Mr. DeFazio):

H.R. 671. A bill to establish a national commission on health care fraud and abuse; to the Committee on Energy and Commerce.

By Mr. FISH (for himself, Mr. Gilman, Mr. Manton, Mr. Shays, and Mr. Engel):

H.R. 672. A bill to provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland; jointly, to the Committees on Foreign Affairs, Ways and Means, and Rules.

By Mr. GALLEGLY (for himself, Mr. Doolittle, Mr. Torkildsen, Mr. Gingrich, and Mr. Dornan):

H.R. 673. A bill to amend the Internal Revenue Code of 1986 to provide that dislocated defense workers are eligible for the targeted jobs credit; to the Committee on Ways and Means.

By Mr. GALLEGLY (for himself, Mr. Baker of Louisiana, Mr. Hunter, Mr. Solomon, Mr. Lightfoot, Mr. Levy, Mr. Saxton, Mr. Doolittle, Mr. Fawell, Mr. Rohrabacher, Mr. Emerson, Mr. Stump, and Mr. Packard):

H.R. 674. A bill to amend the Internal Revenue Code of 1986 to encourage investments in new manufacturing and other productive equipment by providing a temporary investment tax credit to taxpayers who increase the amount of such investments; to the Committee on Ways and Means.

By Mr. GEKAS:

H.R. 675. A bill to amend title 31, United States Code, to provide an automatic continuing appropriation for the U.S. Government; jointly, to the Committees on Appropriations and Rules.

By Mr. HANSEN (for himself, Mr. Orton, and Ms. Shepherd):

H.R. 676. A bill to amend the amount of grants received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. HANSEN (for himself and Ms. Shepherd):

H.R. 677. A bill to exchange lands within the State of Utah, between the United States and the State of Utah; to the Committee on Natural Resources.

By Mr. HEFLEY:

H.R. 678. A bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee; to the Committee on Ways and Means.

By Mr. HOLDEN (for himself, Mr. Kolbe, Ms. Snowe, Mr. Roberts, Mr. Kanjorski, Mr. Emerson, and Mr. Olver):

H.R. 679. A bill to restore and increase the deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 680. A bill to grant employees family and temporary medical leave under certain circumstances, and for other purposes; jointly, to the Committees on Education and Labor, Post Office and Civil Service, and House Administration.

By Mrs. JOHNSON of Connecticut:

H.R. 681. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses; to the Committee on Ways and Means.

By Ms. KAPTUR (for herself, Mr. Montgomery, Mr. Pastor, Mr. Ramstad, Mr. McHugh, Mr. Bilirakis, Mr. Ravenel, Mr. Mann, Mr. Sanders, Mr. Dornan, Mr. Ford of Michigan, Mr. Wynn, Mr. Hall of Ohio, Mr. Schumer, Mr. Dellums, Mr. Murphy, Mr. Gillmor, Mr. Torres, Mr. Kasich, Ms. Byrne, Mr. Goss, Mr. Andrews of Texas, Mr. Bacchus of Florida, Mr. Waxman, Mr. LaFalce, Mr. Ackerman, Mr. Skeen, Mr. Sarpalius, Mr. Coyne, Mr. Browder, Mr. Wilson, Mr. Blackwell, Mr. Poshard, Mr. Smith of New Jersey, Mr. Porter, Mr. Durbin, Mr. Payne of Virginia, Mr. Wheat, Mr. Stearns, Mr. Frost, Mr. Hughes, Mr. Kanjorski, Mr. Deutsch, Mr. Slattery, Mr. Boucher, Mr. Chapman, Mr. Sangmeister, and Mr. Romero-Barceló):

H.R. 682. A bill to authorize the American Battle Monuments Commission to establish a memorial, in the District of Columbia or its environs, to honor members of the Armed Forces who served in World War II, and to commemorate the participation of the United States in that war; to the Committee on House Administration.

By Mrs. LOWEY:

H.R. 683. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain areas in applying the purchase price requirements applicable to mortgage revenue bonds; to the Committee on Ways and Means.

By Mr. MANZULLO:

H.R. 684. A bill to amend title XIX of the Social Security Act to deduct a children's contribution from the amount of income applied monthly to payment for the cost of care in an institution for an individual receiving medical assistance under a State Medicaid plan; to the Committee on Energy and Commerce.

By Mr. McNULTY:

H.R. 685. A bill for the relief of Henry Johnson; to the Committee on Armed Services.

H.R. 686. A bill for the relief of Dorris Miller; to the Committee on Armed Services.

By Mr. MFUME (for himself and Mr. Frost):

H.R. 687. A bill to amend the Internal Revenue Code of 1986 to clarify the deduction for business use of the home; to the Committee on Ways and Means.

By Ms. MOLINARI (for herself, Mr. Kyl, Mr. Johnson of South Dakota, Mr. Manton, Ms. Fowler, Mr. Rangel, Mr. Moorhead, Mr. Ford of Michigan, Mrs. Collins of Michigan, Mr. Cox, Mr. Poshard, Mr. Schiff, Mr. Pete Geren of Texas, Mr. Inglis, Mr. Gingrich, Mr. Oxley, Mr. Ewing, Mr. Baker of California, Mr. Zeliff, Mr. Frost, Mr. Hyde, Mr. Cunningham, Mr. Blute, Mr. Roth, Mrs. Johnson of Connecticut, Mr. Barrett of Wisconsin, Mr. Moran, Mr. Baker of Louisiana, Mr. Machtley, Mr. Emerson, Mr. Greenwood, and Mr. Paxon):

H.R. 688. A bill to prevent and punish sexual violence and domestice violence, to assist and protect the victims of such crimes, to assist State and local efforts, and for other purposes; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 689. A bill to amend the National Labor Relations Act to provide for fair and expeditious representation elections; to the Committee on Education and Labor.

By Mr. REGULA:

H.R. 690. A bill to amend the National Literacy Act of 1991 to establish in the Department of Labor an Office of Workplace Education to provide workplace education services to small businesses and to provide grants to States to improve the productivity of those businesses; to the Committee on Education and Labor.

By Mr. RIDGE:

H.R. 691. A bill to amend the Internal Revenue Code of 1986 to encourage immediate investments in new manufacturing and other productive equipment by temporarily allowing an investment tax credit to taxpayers who increase the amount of such investments; to the Committee on Ways and Means.

By Mr. SANDERS (for himself, Mr. Sabo, and Mr. Owens):

H.R. 692. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage and to provide for an increase in such wage based on the cost of living; to the Committee on Education and Labor.

By Mr. SMITH of Oregon (for himself, Mr. Wyden, Mr. DeFazio, Mr. Kopetski, and Ms. Furse):

H.R. 693. A bill to direct the Secretary of the Interior to provide additional studies and investigations at Crater Lake; to the Committee on Natural Resources.

By Ms. SNOWE:

H.R. 694. A bill to amend the Public Health Service Act to expand and intensify programs of the National Institutes of Health with respect to research and related activities concerning osteoporosis, Paget's disease, and related bone disorders; to the Committee on Energy and Commerce.

H.R. 695. A bill to amend the Public Health Service Act to establish an Office of Research on Women's Health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SOLOMON:

H.R. 696. A bill entitled the "Drug Kingpin Death Penalty Act"; to the Committee on the Judiciary.

By Mr. VENTO (for himself, Mr. Ackerman, Mr. Frank of Massachusetts, Mr. Hall of Ohio, Mrs. Kennelly, Mr. Kildee, Mr. Markey, Mr. Meehan, Mr. Owens, Mr. Sanders, Mrs. Schroeder, Mr. Schumer, Mr. Stark, and Mr. Waxman):

H.R. 697. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 1993, for urgently needed assistance for the homeless as authorized in the Stewart B. McKinney Homeless Assistance Act; to the Committee on Appropriations.

By Mr. VENTO:

H.R. 698. A bill to protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad Caverns National Park; to the Committee on Natural Resources.

By Mr. VOLKMER:

H.R. 699. A bill to amend the Solid Waste Disposal Act to authorize the Administrator of the Environmental Protection Agency to provide grants for the purchase of recycling equipment; to the Committee on Energy and Commerce.

By Mr. GIBBONS (for himself and Mr. Crane):

H.R. 700. A bill to modernize and simplify the administration of the customs laws; to the Committee on Ways and Means.

By Mr. VOLKMER:

H.R. 701. A bill to amend the Internal Revenue Code of 1986 to provide a 25-percent investment tax credit for recycling equipment; to the Committee on Ways and Means.

By Mrs. VUCANOVICH (for herself, Mr. Bilbray, Mrs. Unsoeld, Mr. Hunter, Mr. Cox, Mr. Stump, Mr. Dornan, Mr. Lewis of California, Mr. Wolf, Mr. Shays, Mr. Sundquist, Mr. Gallegly, Mr. Kyl, Mr. Doolittle, Mr. Thomas of Wyoming, Mr. Goss, Mr. Bilirakis, Mr. Franks of Connecticut, Mr. Schiff, Mr. McDade, Mr. Thomas of California, Mr. Fawell, Mr. Allard, Mr. Hancock, Mr. Wilson, Mr. Lightfoot, Mr. Taylor of North Carolina, Ms. Norton, Mr. Cunningham, Mr. Bereuter, Mr. Solomon, Mr. Coble, Mr. Walsh, Mr. Smith of Texas, Mr. Lehman, Mr. Gingrich, Mr. Saxton, Mr. Skeen, Mr. Young of Alaska, Mr. McCollum, Mr. Emerson, Mr. Stenholm, Mr. Sam Johnson of Texas, Mr. Gibbons, Mr. McCandless, and Mr. McCrery):

H.R. 702. A bill to limit State taxation of certain pension income, and for other purposes; to the Committee on the Judiciary.

By Mr. WOLF (for himself, Mr. Hyde, Mr. Chapman, Mr. Taylor of Mississippi, and Mr. Payne of Virginia):

H.R. 703. A bill to provide for pilot programs conducted by the Federal Prison Industries to test the feasibility of meeting the need for increased employment of Federal prisoners by producing items, for the private market, in conjunction with private U.S. firms, that would otherwise be produced by foreign labor; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 704. A bill to regulate fishing in certain waters of Alaska; jointly, to the Committees on Natural Resources and Merchant Marine and Fisheries.

H.R. 705. A bill to protect the fisheries of Bristol Bay, AK, by purchasing certain oil leases, and for other purposes; jointly, to the Committees on Natural Resources and Merchant Marine and Fisheries.

By Mr. CLEMENT (for himself, Mr. Montgomery, Mr. Gordon, Mr. Porter, Mr. Lancaster, and Mr. Bateman):

H.J. Res. 76. Joint resolution proposing an amendment to the Constitution of the United States authorizing the President to disapprove or reduce an item of appropriations; to the Committee on the Judiciary.

By Ms. FOWLER (for herself, Mr. Goss, Mr. Smith of Michigan, Mr. Kim, Mr. Everett, Mr. Canady, and Mr. Bartlett of Maryland):

H.J. Res. 77. Joint resolution proposing an amendment to the Constitution of the United States to limit terms of office for Representatives and Senators in Congress; to the Committee on the Judiciary.

By Mr. MANTON:

H.J. Res. 78. Joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as "Emergency Medical Services Week"; to the Committee on Post Office and Civil Service.

By Mr. MYERS of Indiana:

H.J. Res. 79. Joint resolution to authorize the President to issue a proclamation designating the week beginning on November 21, 1993, and November 20, 1994, as "National Family Week"; to the Committee on Post Office and Civil Service.

H.J. Res. 80. Joint resolution designating June 1, 1993, through June 7, 1993, as a "Week for the National Observance of the Fiftieth Anniversary of World War II"; to the Committee on Post Office and Civil Service.

By Mr. OWENS:

H.J. Res. 81. Joint resolution proposing an amendment to the Constitution of the United States repealing the second amendment to the Constitution; to the Committee on the Judiciary.

H.J. Res. 82. Joint resolution proposing an amendment to the Constitution of the United States to provide that the United States shall guarantee to each person the right to employment opportunity; to the Committee on the Judiciary.

By Mr. VALENTINE (for himself and Mr. Lewis of Florida):

H.J. Res. 83. Joint resolution to designate the week beginning March 7, 1993, as "National Manufacturing Week"; to the Committee on Post Office and Civil Service.

By Mr. GEPHARDT:

H. Con. Res. 27. Concurrent resolution providing for an adjournment of the House from Wednesday, January 27, 1993, to Tuesday, February 2, 1993; considered and agreed to.

By Mr. KOPETSKI (for himself, Mr. Wyden, Mr. DeFazio, and Ms. Furse):

H. Con. Res. 28. Concurrent resolution expressing the sense of Congress that the stamp commemorating the Oregon National Historic Trail should be issued in Oregon City, OR; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of Florida:

H. Con. Res. 29. Concurrent resolution expressing the sense of Congress with respect to the U.S. Customs Child Pornography and Protection Unit; to the Committee on Ways and Means.

By Mr. McNULTY:

H. Con. Res. 30. Concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Martha Raye; to the Committee on Post Office and Civil Service.

By Mr. HOYER:

H. Res. 51. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. CLEMENT (for himself, Mr. Penny, Mr. Montgomery, Mr. Poshard, Mr. Oxley, Mr. Goss, Mr. Hancock, Mr. Shays, Mr. Stump, Mr. Dornan, Mr. Greenwood, Mr. Inglis, and Mr. McHugh):

H. Res. 53. Resolution to amend the Rules of the House of Representatives to require a rollcall vote on all appropriation measures; to the Committee on Rules.

By Mr. HEFLEY (for himself, Mr. Inglis, Mr. Shays, Mr. Schiff, Mr. Goss, Mr. McHugh, Mr. Zeliff, Mr. Baker of Louisiana, Mr. Porter, Mr. Walsh, Mr. Stump, Mr. Hancock, Mr. Doolittle, and Mr. Rohrabacher):

H. Res. 54. Resolution to amend the Rules of the House of Representatives to provide for reform of the House of Representatives, and for other purposes; to the Committee on Rules.

By Mr. McNULTY:

H. Res. 55. Resolution urging the President to call on the President of Syria to permit the extradition of fugitive Nazi war criminal Alois Brunner; to the Committee on Foreign Affairs.

By Mr. SOLOMON:

H. Res. 56. Resolution relating to the prosecution of Saddam Hussein and responsible members of the Iraqi Government for war crimes; to the Committee on Foreign Affairs.

H. Res. 57. Resolution to amend the Rules of the House of Representatives to require a three-fifths majority on passage of any bill, amendment, or conference report that increases revenues; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. TRAFICANT introduced a bill (H.R. 706) for the relief of Charles Laurie; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. Ackerman, Mr. Bacchus of Florida, Ms. Byrne, Mr. Clyburn, Mr. Deutsch, Mr. Edwards of California, Mr. Filner, Mr. Gene Green of Texas, Mr. Kanjorski, Mr. Kopetski, Mr. McHale, Mr. Nadler, Mr. Pastor, Ms. Pelosi, Mr. Reynolds, Mr. Swett, Mr. Baesler, Mr. Fingerhut, Ms. Furse, Mr. Klink, Ms. McKinney, Mr. Meehan, Mr. Menendez, Ms. Norton, Mr. Romero-Barceló, Ms. Shepherd, Mr. Stupak, and Ms. Woolsey.

H.R. 14: Mr. Costello, Ms. Byrne, Mr. de Lugo, Mr. Rahall, Mr. Clyburn, Ms. E.B. Johnson of Texas, Mr. Wise, Mr. Lipinski, Mr. Borski, Mr. Laughlin, Mr. Poshard, and Mr. DeFazio.

H.R. 20: Mr. Ridge.

H.R. 24: Mr. Doolittle, Mr. Pombo, and Mrs. Vucanovich.

H.R. 59: Mr. Burton of Indiana, Mr. Thomas of Wyoming, Mr. Gillmor, Mr. Gingrich, Mr. Roth, Mr. Ewing, Mr. Moran, Mr. Bonilla, Mr. Barrett of Nebraska, Mr. Stearns, Mr. Zeliff, Mr. Porter, Mr. McCrery, Mr. Hutchinson, Mr. Hall of Ohio, Mr. Sam Johnson of Texas, Mr. Emer-

SON, Mr. ROBERTS, Mr. CLINGER, and Mr. MCCANDLESS.

H.R. 81: Mr. BEREUTER, Mrs. MINK, Mr. MCNULTY, Mr. OWENS, Mr. ACKERMAN, and Mr. EVANS.

H.R. 104: Mr. SOLOMON.

H.R. 109: Mr. GILLMOR, Mr. WELDON, Mr. NEAL of North Carolina, Mr. ACKERMAN, and Mr. RAMSTAD.

H.R. 142: Mr. SANGMEISTER, Mr. POSHARD, Mr. BEREUTER, Mr. PORTER, and Mr. DURBIN.

H.R. 159: Mr. WALKER.

H.R. 162: Mr. ACKERMAN, Mr. BAKER of Louisiana, Mr. BARRETT of Wisconsin, Mr. BARTLETT of Maryland, Mr. BLUTE, Mr. BOUCHER, Mr. BURTON of Indiana, Mr. COBLE, Mr. DOOLITTLE, Mr. DURBIN, Mr. ENGLISH of Oklahoma, Mr. EWING, Mr. GALLEGLY, Mr. GINGRICH, Mr. GOODLING, Mr. HASTERT, Mr. HYDE, Mr. KLUG, Mr. LEACH, Mr. LIGHTFOOT, Mr. MCHUGH, Mr. MACHTLEY, Mr. MANZULLO, Mr. OBERSTAR, Mr. ORTON, Mr. OXLEY, Mr. PETERSON of Minnesota, Mr. PORTER, Mr. ROBERTS, Mr. ROWLAND, Mr. ROYCE, Mr. SCHIFF, Mr. SHAYS, Mr. SKEEN, Mr. TAYLOR of North Carolina, Mr. THORNTON, Mr. UPTON, Mr. VALENTINE, Mr. WOLF, Mr. NEAL of Massachusetts, Mr. KOPETSKI, Mr. CRANE, Mr. THOMAS of California, Mr. SUNDQUIST, and Mr. HOUGHTON.

H.R. 168: Mr. TRAFICANT.

H.R. 191: Mr. BLUTE.

H.R. 243: Mr. COLEMAN of Texas, Mr. MFUME, Mr. BOUCHER, Mrs. JOHNSON of Connecticut, and Mr. FROST.

H.R. 244: Mr. COLEMAN of Texas, Mr. MFUME, Mr. BOUCHER, Mrs. JOHNSON of Connecticut, and Mr. FROST.

H.R. 324: Mr. SCHIFF and Mr. MCDADE.

H.R. 335: Mr. DUNCAN, Mr. KING, Mr. BAKER of Louisiana, Mr. GREENWOOD, Mr. ROYCE, Mr. FRANK of Massachusetts, Mr. PETRI, Mr. RAMSTAD, Mr. STEARNS, Mr. BILIRAKIS, Mr. LEVY, Mr. INGLIS, Mrs. LLOYD, Mr. TORKILDSEN, Mr. MYERS of Indiana, Mr. HENRY, Mr. MILLER of Florida, Mr. ROHRABACHER, Mr. DOOLITTLE, Mr. GOSS, Mr. DORNAN, Mr. ANDREWS of New Jersey, and Mr. SPENCE.

H.R. 421: Mr. KILDEE, Mrs. ROUKEMA, Mr. GOSS, Mr. MACHTLEY, Mr. WALKER, Mr. FRANK of Massachusetts, Mr. BROWDER, Mr. WILSON, Mr. SUNDQUIST, Mr. DEFAZIO, Mr. WELDON, Mr. HOCHBRUECKNER, Mrs. VUCANOVICH, and Mr. BATEMAN.

H.R. 425: Mr. ACKERMAN, Mr. BAKER of California, Mr. BILBRAY, Mr. BLACKWELL, Mr. BOEHLERT, Ms. BYRNE, Mr. DORNAN, Mr. FINGERHUT, Mr. GALLEGLY, Mr. GINGRICH, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HOCHBRUECKNER, Mr. HUGHES, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, Mr. KILDEE, Mr. KING, Mr. MCHUGH, Mr. MACHTLEY, Mr. MARKEY, Mr. MILLER of California, Mrs. MORELLA, Mr. MYERS of Indiana, Mr. PETRI, Mr. PORTER, Mr. RAVENEL, Mrs. ROUKEMA, Mr. SCHIFF, Mr. STEARNS, Mr. TAYLOR of North Carolina, Mr. VALENTINE, Mr. WALSH, Mr. WELDON, Mr. WOLF, Mr. ZELIFF, Mr. MOAKLEY, and Mr. SKEEN.

H.R. 427: Mr. ACKERMAN, Mr. BAKER of California, Mr. BILBRAY, Mr. BLACKWELL, Mr. BLUTE, Mr. BOEHLERT, Ms. BYRNE, Mr. DORNAN, Mr. EMERSON, Mr. FINGERHUT, Mr. GALLEGLY, Mr. GINGRICH, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HOCHBRUECKNER, Mr. HUGHES, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, Mr. KILDEE, Mr. KING, Mr. LAFALCE, Mr. MCHUGH, Mr. MACHTLEY, Mr. MARKEY, Mr. MILLER of California, Mrs. MORELLA, Mr. MYERS of Indiana, Mr. PETRI, Mr. PORTER, Mr. RAVENEL, Mrs. ROUKEMA, Mr. SCHIFF, Mr. SHAYS, Mr. STEARNS, Mr. TAYLOR of North Carolina, Mr. VALENTINE, Mr. WALSH, Mr. WELDON, Mr. WOLF, Mr. ZELIFF, Mr. MOAKLEY, and Mr. SKEEN.

H.R. 429: Mr. BALLENGER, Mr. SAM JOHNSON of Texas, and Mr. SENSENBRENNER.

H.R. 431: Mr. ACKERMAN, Mr. BEILENSON, Mr. BERMAN, Mr. BLACKWELL, Mr. BROWN of California, Mr. CLAY, Mr. GEJDENSON, Mr. GONZALEZ, Mr. MATSUI, Mr. MCDERMOTT, Mr. MILLER of California, Mr. MINETA, Mrs. MORELLA, Mr. PASTOR, Ms. PELOSI, Mr. SCHUMER, Mr. SHAYS, Mr. STARK, Mrs. UNSOELD, Mr. VENTO, Mr. WHEAT, Mr. YATES, Ms. SLAUGHTER, Mr. OLVER, and Mr. SABO.

H.R. 451: Mr. GOODLING.

H.R. 465: Mr. COX.

H.R. 493: Mr. MCMILLAN of North Carolina, Mr. HANCOCK, and Mr. MCCRERY.

H.R. 494: Mr. WILSON, Mr. CLAY, Mr. KING, Mr. WYNN, Mr. EMERSON, Mr. GOODLING, Mr. GINGRICH, and Mr. MCCANDLESS.

H.R. 513: Mr. BALLENGER, Mr. GINGRICH, Mr. SMITH of Oregon, Mr. ARCHER, Mr. FAWELL, Mr. DORNAN, Mr. GALLEGLY, and Mr. STEARNS.

H.R. 526: Mr. MFUME, Mr. HOLDEN, and Mr. KLINK.

H.R. 567: Mr. MCCANDLESS and Mr. STUMP.

H.J. Res. 2: Mr. SOLOMON and Mr. UPTON.

H.J. Res. 4: Mr. BALLENGER, Mr. POSHARD, Mr. WILSON, Mr. GILCHREST, Mr. INGLIS, Mr. KNOLLENBERG, Mr. ROTH, Mr. KING, Mr. BARTLETT of Maryland, Mr. ROYCE, Mr. MCHUGH, Mr. QUINN, Ms. MOLINARI, Mr. SCHIFF, Mr. HANCOCK, and Mr. MCMILLAN of North Carolina.

H.J. Res. 7: Mr. GOODLING, Mr. WALSH, Mr. KLUG, Mr. KING, Mr. BLUTE, Mrs. VUCANOVICH, Mr. BALLENGER, and Mr. POMBO.

H.J. Res. 9: Mr. COLLINS of Georgia, Mr. TORKILDSEN, Mr. POMBO, Ms. PRYCE of Ohio, and Mr. KING.

H.J. Res. 30: Mr. WELDON, Mr. BLUTE, and Mr. HANCOCK.

H.J. Res. 37: Mr. MCCRERY, and Mr. WILSON.

H.J. Res. 38: Mr. EWING, Mr. MCCRERY, Mr. GALLEGLY, Mr. SOLOMON, Mr. FIELDS of Texas, Mr. BALLENGER, and Mr. WILSON.

H.J. Res. 69: Mr. APPLEGATE, Mr. BILBRAY, Ms. DANNER, Ms. DELAURO, Mr. DE LUGO, Mr. DICKS, Mr. DOOLITTLE, Mr. HANSEN, Mr. HUTTO, Mr. ISTOOK, Mr. KILDEE, Mr. LEWIS of Florida, Mrs. LOWEY, Mr. MCDADE, Mrs. MEYERS of Kansas, Mr. NEAL of Massachusetts, Ms. PELOSI, Mr. WELDON, Mr. BACCHUS of Florida, Mr. BILIRAKIS, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DERRICK, Mr. DIXON, Mr. DUNCAN, Mr. GILMAN, Mr. HAYES of Louisiana, Mr. INHOFE, Ms. KAPTUR, Mr. LANTOS, Mr. LIVINGSTON, Mr. MCCOLLUM, Mr. MATSUI, Mr. MONTGOMERY, Mr. OWENS, Mr. PAXON, Mr. RANGEL, Mr. YOUNG of Alaska, Mr. BERMAN, Mr. REGULA, Mr. SAXTON, Mr. SCHUMER, Ms. SHEPHERD, Mr. SKELTON, Mr. SMITH of Texas, Mr. SPENCE, Mr. STOKES, Mr. TORRES, Mr. TRAFICANT, Mr. UNDERWOOD, Mr. UPTON, and Mrs. VUCANOVICH.

H. Con. Res. 6: Mr. BOUCHER and Mr. LAUGHLIN.

H. Res. 16: Mr. SMITH of Oregon, Mr. ROGERS, Mr. BLUTE, and Mr. QUINN.

H. Res. 41: Mr. GOSS.

SENATE—*Wednesday, January 27, 1993*

(Legislative day of Tuesday, January 5, 1993)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

The PRESIDING OFFICER. The Reverend Richard C. Halverson, Jr., of Falls Church, VA, will offer the prayer.

PRAYER

The Reverend Richard C. Halverson, Jr., of Falls Church, VA, offered the following prayer:.

Let us pray:

Almighty God, we thank Thee for the gift of love which is greater than all other gifts, and the law of love upon which all other laws depend. And we pray that Your love will overrule the proceedings of the Senate. We thank Thee for the inspired words of Scripture which say:

Though I speak with the tongues of men and of angels, and have not charity, I am become as sounding brass, or a tinkling cymbal. And though I have the gift of prophecy, and understand all mysteries, and all knowledge; and though I have all faith, so that I could remove mountains, and have not charity, I am nothing. And though I bestow all my goods to feed the poor, and though I give my body to be burned, and have not charity, it profiteth me nothing.—I Corinthians 13:1–3.

Lord, as Your "gifts" to the Senate enter this Chamber to debate and determine the difficult issues which face them, that Your "charity" be their moderator. Your Word teaches that "oratory" cannot stand alone, "knowledge" and "prophecy" are only in part. Even "faith" and "good works" are not enough when left alone. So we ask for the firm leadership of Your "charity" to help all work together for good. Help us to remember in the heat of our deliberations, Your admonition:

And now abideth faith, hope, charity, these three; but the greatest of these is charity.—I Corinthians 13:13.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 27, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.se date?

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, am I correct in my understanding that the Journal of proceedings has been approved to date?

The ACTING PRESIDENT pro tempore. The leader is correct.

MORNING BUSINESS

Mr. MITCHELL. Am I correct in my understanding that under the previous order there will now be a period for morning business, during which Senators will be permitted to speak?

The ACTING PRESIDENT pro tempore. The leader is correct.

Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m., with Senators permitted to speak therein for not to exceed 10 minutes.

SCHEDULE

Mr. MITCHELL. Mr. President, and Members of the Senate, there will be no recorded votes in the Senate today, and I anticipate no legislative business.

The Labor Committee has reported two important bills, one is the reauthorization of the National Institutes of Health, the other is the Family and Medical Leave Act.

I have publicly stated and now restate my intention to proceed to those measures as soon as possible. I have notified the distinguished Republican leader of my intention in that regard and have requested his response as to whether or not any of the time periods under the rules may be waived to permit us to proceed to those matters, or that we will have to proceed in accordance with the rules.

I will make an announcement to the Senate, as soon as I am able to, regarding precisely when we will take up one or both of those measures. I expect it to be within the next few days, pending those further discussions. I understand that the Republican leader is, appropriately, of course, consulting with his colleagues before responding on this matter.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask that the Senator from Ohio be recognized for a period not to exceed 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. METZENBAUM. I thank the Chair.

(The remarks of Mr. METZENBAUM pertaining to the introduction of S. 221 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Maine is recognized.

Mr. COHEN. I thank the Chair.

(The remarks of Mr. COHEN pertaining to the introduction of S. 223 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

GAYS IN THE MILITARY

Mr. COHEN. Mr. President, there has been a good deal of controversy regarding gays in the military. For the last several days, it has been evident that the controversy surrounding this issue is neither going to disappear nor assume a lower profile in the national debate.

A group of Republicans has been holding meetings. Several Senators

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

such as Senator DOLE and Senator THURMOND, are in the process of preparing legislation that would preserve the ban on gays in the military until it is overturned by legislation.

I believe there are two points at issue. One is policy, the other is process. For many years, military policy has been to exclude gays from military service. The argument has been that it will have a negative impact upon morale, readiness, unit cohesion, and general fighting capability.

These arguments may no longer be valid or, are less persuasive. Perhaps they were marshaled in the days of the dark ages and the time has come to allow sunlight to cast an illuminating eye upon unfounded bias or bigotry.

However, arguments over policy bring into question the second part of the equation—process. It is my firm belief that we ought not to change the policy banning gays in the military until we have explored, on an evidentiary basis, whether these arguments are relevant and whether they will hold up to the test of rationality. In my opinion, that has not been done. The decision to overturn the ban has been made and we will hold the hearings later, like something out of Alice in Wonderland—verdict first, trial later.

I believe we should have hearings first. We should call upon General Powell, the Joint Chiefs of Staff, leaders of the various veterans organizations, men and women who served in the field, and those who have been expelled from the military, to compile a body of evidence upon which we can make an informed decision.

For these reasons we should support the proposal which I believe will be offered on the first possible legislative vehicle, whether it is the family leave or motor-voter bills. I am sure the proposal is going to be offered soon.

I would like to make it clear that I intend to support the legislation but with the understanding that I will keep an open mind. I intend to listen to all of the evidence and the arguments as to why eliminating the ban would erode, undermine, or corrupt the military. I have no prejudgment on this matter.

I hope we can conduct an open-minded inquiry rather than react on a knee-jerk basis to how many phone calls and letters we are receiving. They are important, but we need to debate this on a dispassionate basis; otherwise we will find ourselves simply arguing on the basis of bigotry, prejudice, and bias. What we need to ask ourselves is whether there are legitimate reasons to continue this policy. If there are, the policy ought to remain intact. If there are reasons why we should modify, alter, or abandon it, let those who so argue bear the burden of proof.

We should approach this issue not in a spirit of vindictiveness or narrow-mindedness but, rather, in a spirit of openness. Let us listen to the facts. Let us maintain the policy until such time as we understand whether there are legitimate reasons to change it.

A number of people have claimed that my participation in meetings these past several days indicates that I am part of a rightwing conspiracy to deny many people in our society an opportunity to serve in the military. That is not the case. I intend to support the existence of the current policy but keep an open mind until all the evidence is presented to the Senate Armed Services Committee.

ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 27, a concurrent resolution providing for adjournment of the House of Representatives just received from the House; that the resolution be agreed to and the motion to reconsider laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 27) was agreed to.

EXTENSION OF MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the period for morning business be extended beyond 2 p.m. under the same conditions and limitations as previously ordered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. I thank you, Mr. President.

CLINTON SUPPORT FOR ENERGY TAXES

Mr. GRASSLEY. Mr. President, I rise today because I want to discuss what has been showing up in the news media lately about support for an increase in energy taxes by some members of the Clinton administration.

President Clinton was elected promising to stimulate the economy, create jobs, increase productivity, and lower taxes on the middle class. Yet the first thing we hear from President Clinton's administration is a desire to raise taxes, and more specifically perhaps, an energy tax. In one fell swoop all of these promises would be broken if we move to increase energy taxes, because the regressive nature of these taxes impact negatively upon the economy, the creation of jobs, and productivity.

Whether it be a carbon tax or whether it be an energy consumption tax or whether it be an oil import fee or gasoline tax, all of these will dampen economic recovery. They will cost us jobs. They will decrease productivity. And of course they will hurt a lot of lower- and middle-income people.

I am most interested in the gasoline tax because I do not think there is an appreciation, maybe in the Congress, but for sure not an appreciation in areas where they have mass transit like we do in Washington here; that in rural areas of America people are so tied to the automobile for earning their living. They go to work. They do not have the alternatives of mass transit.

I think to some extent if you would take the people who ride chauffeur-driven limousines around this town and the corporate world, and you take away the people from the cities of America who are advocating an increase in gas taxes, you will not find much talk about gas taxes. A lot of it is coming from people who will never bear the brunt—maybe do not even have to pay—for the gas that is burned in their automobile and for an increase in gasoline tax.

So I think that this is a barrier between what might be honest thought processes of people in this country who are proposing these increases in gasoline tax and the realities of life out at the grassroots.

I do not pretend that President Clinton has that barrier, because he has not been a part of this city, and he comes from a smaller State where automobiles are used a lot. He knows the importance, and I think that for the most part he is yet in touch with grassroots America. I would just hope that he does not forget that.

But some of the talk about the increase in gasoline tax around this town from those who are insulated from paying that tax worries me. I hope that he does not let that have too much of an influence on his decisionmaking process.

The tax is regressive. He said that because it hits hardest at America's working families; particularly those in the lower- to middle-income levels. These people do not have the option to buy a new car that uses less fuel. They struggle every day to make ends meet. They do not have mass transportation. They need to use their cars to get to work, to go to the store, just to live. It is not like it was implied in Time magazine 2 weeks ago that riding in a car is a luxury that can be taxed. It is not a luxury. It is a necessity for most people.

Included in the October 1990 budget agreement, which helped cost President George Bush his job, was a 5-cent gas tax increase. This increase is estimated to cost American taxpayers $6.6 billion per year or $33 billion over the length of that agreement.

This nickel increase in the gas tax was set to expire after fiscal year 1995. However, the transportation bill that passed Congress in 1991 enacted half of that nickel through the fiscal year 1999. So that means that Federal gas taxes that would have dropped to 11.5 cents from 14 cents a gallon in October 1995 will not do that. It will not drop to the 9 cents. This will cost American taxpayers $3.3 billion per year, or $13.2 billion from 1996 to 1999.

So if it is a fact that we have increased gasoline taxes this year, if we do, it will be the third year of increases. Iowa is an energy dependent State. With its agricultural base and its long distances between destinations, increasing energy taxes will place an unequal and unfair burden on the taxpayers of Iowa and particularly in the agriculture community.

The agriculture community is a consumer of energy. Not only the fuel tanks of our tractors and combines but fertilizers that we use as input for better crop production all are users of energy, and of course farmers rely on trucks to take their products to town.

By increasing the gas tax we are increasing the cost of farming that eventually consumers are going to pay.

It is disappointing to see a new administration focusing its attention on increasing taxes instead of decreasing Government spending. When are we going to learn a very simple lesson? Higher taxes in this body have never resulted in lower deficits. They lead to higher levels of expenditure.

The Federal Government does not suffer from lack of revenue. Over a long period of time, revenue coming into the Federal Treasury has remained fairly stable at approximately 18 to 19 percent of GNP, and that has had billions of dollars more revenue coming in every year from the very same taxes. So there is new revenue to spend but it still maintains constant about 19 percent of GNP.

What is wrong with the deficit is that expenditures are approximately 25 percent of the gross national product, and they have been growing over the last 4 to 5 years.

The bottom line is that you cannot raise taxes high enough to satisfy the appetite of Congress to spend money. You have to take care of that on the expenditure side of the ledger. I would like to be part of an agreement where there was an effort to actually reform the expenditure side. Then I would not mind talking about taxes because at that point a dollar's worth of taxes would be a dollar's worth of deficit reduction. But when you mix the idea of increasing taxes with the idea of decreasing, it all gets put into the same pot. That is where you get the higher levels of expenditure. You do not get the dollar reduction in taxes.

So, Mr. President, my point in being here is that today I have sent a letter to President Clinton stating my views on these issues that I have expressed here. I would like to have that placed in the RECORD at this point. The letter expresses the points so stated. I am basically asking him in this letter to remember his promises.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 27, 1993.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to express my great concern regarding your recent consideration of increased energy taxes.

During the last year, you promised to help stimulate our economy by increasing jobs, increasing productivity and lowering middle class taxes. Raising energy taxes, whether on gasoline or on a broader scale, will break each of these promises.

Because energy taxes are highly regressive, the middle class and the poor will bear the brunt of any new energy tax. In addition, when energy costs go up, productivity falls and jobs are lost. Your own Council of Economic Advisors Chairwoman, Laura Tyson, has warned that the economy is not strong enough to withstand any type of major tax increase. Furthermore, we should have learned from the disastrous 1990 Budget Agreement that raising gas taxes little, if any, real effect on reducing the deficit.

My own state of Iowa is an energy dependent state. With its agricultural base, and long distances between destinations, increasing energy taxes will place an unequal and unfair burden on the taxpayers of Iowa.

Some of your advisors have attempted to mitigate the effect of these tax increases on the middle class and poor by arguing they would be "balanced" by increasing taxes on the wealthy. Unfortunately, this kind of "balance" means higher taxes for everyone.

It is very discouraging that your new administration appears to have already focused its attention and discussions on increased taxes instead of decreased government spending. I strongly encourage you to reverse this disappointing trend and concentrate your efforts on limiting government expenditures rather than on innovative revenue enhancements.

As a member of the Finance Committee, I look forward to working with you as we attempt to create a true economic growth package that will help revitalize our economy.

Sincerely,
CHARLES E. GRASSLEY,
U.S. Senator.

TRIBUTE TO JUSTICE THURGOOD MARSHALL

Mr. GRASSLEY. Mr. President, it is with deep sadness that I learned of the death Sunday of retired Supreme Court Justice Thurgood Marshall. Justice Marshall had earned an enduring place in American law.

Born only a short time after the Supreme Court had ruled that "separate but equal" was constitutionally acceptable, Justice Marshall devoted his life to convincing the courts and all Americans that constitutional guarantees must be provided to millions of people for whom they existed only on paper.

This driving force came from the segregated conditions of his boyhood and his determination to correct them. Initially, the desire to make society respect the Constitution led him to Howard University Law School, where his excellent scholarship enabled him to graduate first in his class.

As the head of the NAACP legal Defense Fund, Marshall frequently risked life and limb in pursuit of the equality that had been promised but denied. At some points in this part of his career, he oversaw hundreds of civil rights cases simultaneously. As a result of his efforts, thousands of people were given hope that an indifferent legal system could be made to respect their rights. Not only was Marshall a successful advocate in many of these cases, but he also devised a strategy of attacking in a systematic fashion the existence of segregation, selecting particular cases that would further the goal.

For instance, in 1944, he won Smith versus Allwright, which held unconstitutional a political party's exclusion of racial minorities from primary elections. The crowning achievement in his service with the NAACP was winning—unanimously—the 1954 decision in Brown versus Board of Education, which declared school segregation unconstitutional. These two cases involved education and the vote, the bases by which all individuals can achieve full participation in American society, and thus form a particularly significant legacy of Justice Marshall's tenure with the NAACP Legal Defense Fund.

In 1961, Marshall became a judge on the U.S. Circuit Court of Appeals. Not a single one of his opinions was overruled by the Supreme Court. In 1965, he became Solicitor General, arguing the Government's position in cases before the Supreme court.

By this time, he was justly recognized as one of the greatest advocates in American legal history, having won 29 of the 32 cases he argued in the Supreme Court. In 1967, Justice Marshall further made history as the first African-American to serve on the Supreme Court. There, he continued to uphold the ideals that had always been at the forefront of his professional efforts. Additionally, several of his colleagues have remarked that his background and experiences brought a unique perspective to the sometimes cloistered court.

Thurgood Marshall's lifetime of accomplishment reminds us of the necessity of making the constitution a living reality for all Americans. I extend my sympathy to his family and many friends.

His leadership will be missed.

I yield the floor.

Mr. EXON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. EXON. Mr. President, may I inquire as to whether or not we are in morning business at the present time?

The ACTING PRESIDENT pro tempore. The Senator is correct. There is a 10-minute speaking limitation.

Mr. EXON. I am introducing today a package of budget reform measures that I hope the Congress will pass and the new administration will use in order to get our country's bloated Federal spending under control.

One of the first places that needs to be cut in the Federal budget is the pork barrel spending. Each year Congress passes appropriation bills that are laden with individual funding for special projects, funding that is sought by specific Members of Congress. Although each such item no doubt has its merits, there is little question but that a prime motive in many appropriation items is to enable a Member of Congress to bring home the bacon.

Our current system of Government works to fuel the flames of unlimited spending and needs to be changed. It is simply unrealistic to expect individual Members to volunteer not to pursue pork for his or her State or district when others will continue their efforts in that regard. The President, in determining whether to sign a bill, must look at each bill as a whole and is therefore forced to accept the good things in the bill along with the bad. So today I am introducing the Enhanced Rescissions Act, which would give our President the authority to rescind specific funding included in our appropriations bills. Upon making a decision to rescind an item, the President would be required to seek congressional approval. If Congress does not agree by at least a majority vote in both Houses, then the funding must be released. This is a reasonable solution because it would require Members of Congress to publicly vote on their spending requests and force them to defend each item individually.

The second measure I am introducing as part of my budget reform package is a bill that would require the President to submit and the Congress to enact a balanced Federal budget.

Several years ago I introduced similar legislation and noted that deficit spending was one of our most serious problems. That was before we set a record deficit of over $265 billion in 1991. That was before we set yet another record deficit of over $290 billion in 1992. That was before our Federal debt topped the $4 trillion mark. It now seems certain that our indebtedness will be well over $5 trillion before we can begin to reduce it.

Our new President, like myself, served for many years as Governor of a State that requires a balanced budget. He knows that balancing a budget requires making tough decisions and understands that political leadership is essential if we are to develop a budget that is fair and acceptable to the American public. The Federal Government has no such law requiring a balanced budget and in my opinion, it needs one as one more tool on the way to restoring fiscal responsibility to our Federal budgets.

The third measure in my budget package is debt ceiling reform. Although we have now seen a series of bills that have addressed our budget process, the fact is that we still do not link our budget with our debt ceiling. This would be the most honest and obvious way of measuring our Federal deficits.

This bill would mandate that we include extending the debt ceiling as part of our annual budget process. Congress would be forced to determine, as part of the budget process, how much the debt ceiling needs to be raised for the coming year. This would necessitate continuous enforcement of the deficit targets contained in each year's budget. If Congress borrows funds at a rate faster than contemplated by the annual budget, then a three-fifths vote would be required to increase the debt ceiling. By contrast, other measures to resolve the problem, such as a reduction in spending, would require only a simple majority vote. In the past, the easiest way to resolve our budget problems has been to simply increase our debt ceiling.

As this new session of Congress begins, I am calling for several reforms to our budget process. It is obvious that our efforts to place some controls on our deficit spending have failed miserably.

But just a few days ago, we heard a stirring and effective inaugural address from our new President. What was particularly impressive, and refreshing, to me was our new President's willingness to call upon our citizens to make the sacrifices that we all know must be made if we are to obtain some control over our Federal budget. The measures I have introduced today would require the Congress to meet the American people in this challenge. I think they expect and deserve no less and I will be working hard toward that end.

Mr. President, at this time, I send to the desk three bills that I just referenced and I ask that accompanying statements with each one of these bills be printed in the RECORD. I request that the bills be printed in the RECORD and appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I thank the Chair.

(The remarks of Mr. EXON pertaining to the introduction of S. 224, S. 225, and S.J. Res. 25 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

A TRIBUTE TO L. CPL. ANTHONY D. BOTELLO

Mr. NICKLES. Mr. President, I rise today in tribute of a young man from my State of Oklahoma who made the ultimate sacrifice for peace, freedom, and justice. His participation in our relief efforts in Somalia has helped to save thousands of lives, most of which are innocent women and children.

U.S. Marine L. Cpl. Anthony D. Botello of Wilburton, OK, was killed on January 26, 1993, while on late-night patrol in the Somali capital of Mogadishu. Corporal Botello is survived by his mother, Caroline Ann Gean, who still lives in Wilburton, OK, and his wife, Sharla, who was residing in Twentynine Palms, CA, where Corporal Botello was assigned to the 7th Marine Regiment.

Anthony Botello answered the call of his country to bring peace and stability to a country ravaged with war, poverty, and starvation. He selflessly confronted evil for the sake of good in a land far away and for starving people he did not know. He defended honorably the principles of justice, morality, and benevolence in order to protect the weak against the strong. The loss of Anthony Botello has brought closer to home the personal tragedies of defending peace and justice. His death has reminded us all of the sacrifice which some are called upon to make while defending peace and freedom. We all owe him a debt of gratitude which can never be repaid.

Corporal Botello joins thousands of Americans who have died in the pursuit and protection of peace and freedom all around the world. He has given his life for his belief in honor and bravery and duty and country. Today, we pay tribute to a young man who embodied the spirit of patriotism and the dedication to principle.

My deepest sympathy is with the family of Anthony Botello. I pray that God will grant His peace and comfort to the family of L. Cpl. Anthony D. Botello.

Mr. NICKLES. I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Georgia.

Mr. NUNN. Mr. President, what is the pending order of the Senate?

The ACTING PRESIDENT pro tempore. The Senate is in morning business. Senators are authorized to speak for up to 10 minutes.

Mr. NUNN. Mr. President, I ask unanimous consent that I may proceed for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEARINGS ON THE DEPARTMENT OF DEFENSE POLICY EXCLUDING HOMOSEXUALS FROM SERVICE IN THE ARMED FORCES

Mr. NUNN. Mr. President, there has been a crescendo of interest building in recent weeks on the issue of homosexuals serving in the Armed Forces. Current Department of Defense policy prohibits homosexuals from serving in the Armed Forces of the United States.

During the Presidential campaign, President Clinton made it very clear that he intended to change the current policy. So I do not think anyone should be surprised that his administration is currently developing a plan to change this policy.

Contrary to some media reports, I have had the opportunity to discuss this and other important national security issues on several occasions with President Clinton. I have also had the opportunity to discuss these issues with Secretary of Defense Aspin.

I have advised both President Clinton and Secretary Aspin to seek the advice and views, first and foremost, of a broad range of military personnel—the people who would be most directly affected by any change in the current policy on service by homosexuals—before making any final changes.

This is certainly an appropriate issue for the President as Commander in Chief, and Executive orders are well within his constitutional powers. The Constitution, however, also makes it very clear that Congress has the responsibility to deal with matters of this nature affecting the Armed Forces of the United States.

Under article I, section 8 of the Constitution, the Congress has the responsibility to "raise and support armies * * * to provide and maintain a Navy * * * [and] to make rules for the government and regulation of the land and naval forces." It is the responsibility of Congress to ensure that policies of the Defense Department enhance good order and discipline, while providing for fair and equitable personnel policies.

So the question of whether homosexuals should serve in the military is an issue on which Congress and the President share constitutional responsibility. Secretary Aspin has emphasized the need for the Congress and the executive branch to work together on this issue, and I think he is absolutely right in that respect. It is in everyone's interest to see if we can resolve this issue through consensus rather than confrontation. There is time for confrontation later if it cannot be solved by consensus, but perhaps it can.

In recent days, I have heard a number of commentators suggest that the policy of excluding homosexuals from the military dates back to 1982. One of the issues that we will explore in our hearings is the historical development of the current policy. At this time, however, I would like to provide a brief summary of the historical development because the suggestion that the policy only dates from 1982 is inaccurate and misleading.

Until the post-World War II period, military regulations on administrative separation were drafted in a manner that gave commanders broad discretion to separate service members. During World War II, for example, Army commanders were authorized to separate individuals for "inaptness or undesirable habits or traits of character." This regulation, which formed the basis for the discharge of homosexuals during World War II, did not list any specific traits.

In 1944, the Army in Circular No. 3 endeavored to distinguish between homosexuals who were discharged because they were "not deemed reclaimable" and those who were retained because their conduct was not aggravated by independent offenses. In 1945, a greater emphasis was placed on "reclamation" of homosexual soldiers. If a homosexual soldier was deemed "rehabilitated", the soldier was returned to service.

In 1947, the policy was revised to discharge individuals who had "homosexual tendencies" even if they had not committed homosexual acts. Those who committed homosexual acts were subject to court-marital or administrative discharge, with the character of discharge depending on the nature of the act.

The Uniform Code of Military Justice, enacted in 1950, included consensual sodomy as a criminal offense.

In 1950 the Army adopted a mandatory separation policy, which stated: "True, confirmed, or habitual homosexual personnel, irrespective of sex, will not be permitted to serve in the Army in any capacity and prompt separation of known homosexuals from the Army is mandatory." This policy was somewhat relaxed in 1955, permitting a soldier to be deemed "reclaimable" when they "inadvertently" participated in homosexual acts. This policy was reversed in 1958, when the mandatory separation policy was reinstated.

In 1970, DOD-wide policy was issued, authorizing separation on the basis of homosexual acts and homosexual tendencies. There was no definition of the term "homosexual tendencies." Under the directive, the final decision on separation of an individual soldier was a matter of command discretion rather than mandatory policy.

In the 1970's, there was increasing litigation concerning the procedures and basis for the DOD policies on the separation of homosexuals. The extent to which the authority to retain was exercised is unclear. In several court cases, the Department was asked to provide detailed reasons for not exercising the discretion to retain. This was one of the factors leading to a detailed review of the DOD policy in the late 1970's during President Carter's administration.

As a result of that review, the Department of Defense made two significant changes in policy which were set forth in a memorandum issued by then-Deputy Secretary of Defense Graham Claytor on January 16, 1981. First, the policy was liberalized by eliminating homosexual tendencies as a reason for separation. Second, the mandatory separation policy, which had been used in the 1950's, was reinstated. This policy incorporated without substantive change in DOD Directive 1332.14, which governs enlisted administrative separations, in 1982.

In short, the authority to separate homosexuals has been in effect over a lengthy period of time, although the manner in which this policy has been implemented has varied over the years. The current policy dates from President Carter's administration. There has not been a thorough review of this policy in recent years by either the executive or the legislative branch.

During the Senate's debate last year on the National Defense Authorization Act, I engaged in a colloquy with my friend and colleague Senator METZENBAUM in which I pledged to him that the Armed Services Committee would hold hearings on the military policy in this overall area this year, and this pledge was made long before this current controversy of the last several weeks.

Our hearings on this issue will begin in March, as I announced earlier this week. We will receive testimony from the senior civilian and military leadership of the Department of Defense.

I also believe that we should hear directly from the people who will be most directly affected by any change in the current policy: the men and women serving in the ranks of all the military services. These people have every right, under our system, to be heard in this respect before final action is taken by Congress and, I hope, by the executive branch. We will make every effort to hear from those who support a change in the current policy as well as those who favor retention of the current policy.

These will not be one-sided hearings. We will hear from both sides and both points of view, with particular emphasis on those who now serve in our Armed Forces.

Mr. President, I start from the premise that we should encourage every American to serve his or her country in some capacity. I am a strong supporter, as many of my colleagues know, of national service, and I am delighted that President Clinton is making national service a top priority of his administration. I look forward to seeing and reviewing the administration's proposals on national service in the weeks to come.

Mr. President, I applaud the patriotism of all persons, including homosexuals, who desire to serve our Nation in the military. I have no doubt that homosexuals have served and are today serving in our Armed Forces with distinction, and many times with courage and valor. But I also add that most of them serving today are not openly disclosing that sexual orientation. And I think everyone ought to bear in mind that that is enormously important as we go through this series of hearings and debates.

I also believe that we should give very careful consideration to the advice of our military commanders on this subject. Although we do have a volunteer force, there are still important and clear differences between civilian life and military life. And I also hope that everyone will keep that in mind. We are not talking about civilian life; we are talking about military life and there are fundamental differences that our military people know well but too many times those of us in civilian life do not keep in mind.

Our national security requires that the Armed Forces maintain a high level of good order and discipline. In order to maintain military effectiveness, members of the Armed Forces give up many of the constitutional rights that their civilian counterparts take for granted. The number of constitutional rights military people give up is considerable, and I do not think we stop and think about that very often.

Military personnel are subject to involuntary assignments any place in the world, often on short notice, often to places of grave danger. The requirements of discipline, including adherence to the chain of command, means that their first amendment rights of speech and of association are limited. Young officers do not walk in and tell the colonel what they think every morning; if they bring up their first amendment rights, they usually are not in the military very long.

Military trials and administrative procedures have procedural safeguards, but they are not the same as the rights that apply in a civilian setting. Service members are subject to searches and command inspections in living quarters that would not meet the privacy standards and warrant requirements of the fourth amendment that we take for granted in civilian society.

I would like to know the last time someone in the barracks raised with the first sergeant their rights under the fourth amendment when they come in for an inspection.

Members of the Armed Forces are subject to the involuntary assignment to units, duties, and living quarters that require living and working in close proximity with others under conditions that afford little and often—very often—no privacy whatsoever. Particularly when military units deploy, living conditions are frequently spartan and primitive, from foxholes to cramped quarters on ships.

In recent years we have made important improvements in the quality of life in the military, and I hope we can continue that trend. We have also made improvements in the rights afforded to service members. But the basic nature of military service, which is preparation for the participation in combat to defend the interests of the United States, means that service members must continue to live in a closely regulated, highly regimented environment, which, as everyone who serves in the military can tell you, does not accord them every constitutional protection that we have as individuals in civil society.

Gen. Colin Powell, Chairman of the Joint Chiefs, has stated that, in view of the unique conditions of military service, active and open homosexuality by members of the Armed Forces would have a very negative effect on military morale and discipline.

Mr. President, I agree with General Powell's assessment. I also believe, however, that the country is changing, the world is changing, and that we all have to be willing to listen to other views, and those views ought to be heard. The Armed Services Committee will be hearing from all points of view. My final judgment on this matter will be affected by the testimony we receive from a wide range of witnesses.

Mr. President, our hearings—and I hope to begin those at some point in March; I cannot pin down a date now because we are going to have to prepare for them and we are going to have to make sure we get knowledgeable people to testify and also have a fairness that is evident to all in our hearings—will explore a large number of issues, including some of the following questions, which I believe people should begin to think about.

I do not pretend to have the answers to these questions, but there are too many people talking on this subject now who have not even thought of the questions, let alone the answers.

First, should the Armed Forces retain the policy of excluding homosexuals from military service?

What is the historical basis for this policy?

What is the basis for the policy in light of contemporary trends in American society? As society changes in this regard, should our military services reflect those changes in society?

What has been the experience of our NATO allies and other nations around the world, not just in terms of the letter of their laws and rules but in the actual practice in their military services on recruiting, retention, promotion, and leadership of military members?

Most importantly, what would be the impact of changing the current policy on recruiting, retention, morale, discipline as well as military effectiveness?

If the current exclusionary policy is retained, should there be an exception for persons whose record of service would otherwise warrant retention on military duty?

If so, is it possible to draft legally defensible criteria for determining whether the exception should be applied in specific cases?

If such individuals are retained, what restrictions, if any, should be placed on their sexual conduct on base as well as off base?

If the general exclusionary policy is retained, should the armed services eliminate preenlistment questions about homosexuality?

If these questions are eliminated, should the exclusionary policy be limited to those who actually engage in homosexual conduct after entering the service?

If such a policy is adopted, what policy should apply to those who openly declare their homosexuality entering military services? Even if they are not asked any questions, if they volunteer that declaration, what then would their status be?

Before determining whether the policy should be changed, should there first be an effort to determine whether it is possible to draft a practical and legally defensible code of conduct regulating homosexuals in the military setting?

This is something that Secretary Aspin has been talking about in recent days.

Should the military have a single code of conduct that applies to conduct between members of the same sex, as well as members of the opposite sex, or are we going to have separate codes of conduct for each of those groups?

Should there be a limitation on whether a service member may engage in homosexual acts at any location, on or off post, where a heterosexual act would otherwise be appropriate; or only off post?

Should there be restriction on homosexual acts with other military personnel or only with nonmilitary personnel? What restrictions, if any, should be placed on conduct between members of the same sex? Should such restrictions apply in circumstances in which conduct would not be prohibited if engaged in between members of the opposite sex—that is, where such conduct would not constitute any offense under the current procedures and practices and Uniform Code of Military Justice?

Let us say that the conduct does not have any connotations of sexual harassment or fraternization or prohibited displays of affection in uniform, all of which are prohibited.

Take a request to engage in sexual activity, for example: "Let's spend the night together in a motel." What would we do with that? Is that a violation or not?

What about displays of affection between members of the same sex while they are out of uniform? What about displays of affection that are otherwise permissible while in uniform, such as dancing at a formal event?

These are the questions the military has to answer. Too many times we in the political world send down edicts and do not think about the implications of the things that have to follow. These are questions that have to be thought about and every military commander will tell you that they have to go through each one of these things, probably, plus a lot more.

If the current exclusionary policy is changed, should there be a code of conduct regulating behavior toward homosexuals in the military? What rules, if any, should be adopted to prohibit harassment on the basis of sexual orientation?

What rules, if any, should be adopted to prohibit discrimination on the basis of sexual orientation?

If discrimination is prohibited, how would a nondiscriminatory policy affect pay, benefits, and entitlements?

Should homosexual couples receive the same benefits as legally married couples? For example, nonmilitary spouses now are entitled to housing, medical care, exchange and commissary privileges, and similar benefits. Military spouses also benefit from policies that accommodate marriages, such as joint assignment programs.

If homosexual couples are given such benefits, will they also have to be granted to unmarried heterosexual couples?

If discrimination is prohibited, will this require express guidance in personnel actions—such as in instructions to promotion boards?

If discrimination is prohibited, will there be a related requirement for affirmative action in recruiting, retention, and promotion to compensate for past discrimination?

If discrimination is prohibited, will there be a need for extensive sensitivity training for members of the Armed Forces? Who will carry out this sensitivity training?

Another question, Mr. President, the military currently endeavors to respect sexual privacy by establishing, to the maximum extent practicable, separate living and bathroom arrangements for men and women. If the policy is changed, should separate arrangements also be made for those who are declared homosexuals?

If the policy is changed, what accommodation, if any, should be made to a heterosexual who objects to rooming or sharing bathroom facilities with a homosexual?

These are not frivolous questions, Mr. President. These questions are going to have to be answered at the platoon level, and the company level, and the squad level, and the barracks level, by every military commander, man and woman, in our military forces today who has any command authority.

If the current exclusionary policy is changed, what are the implications of tolerating homosexual acts among military members in light of the statutory prohibition against homosexual acts under the Uniform Code of Military Justice?

Is it all right to stand up and say, in effect, I have committed a crime under the Code of Military Justice and then have that policy basically say—well, we will not discriminate against you because of that?

What are the legal implications in this case? If the exclusionary policy is changed, do we not also need to go back and examine the laws that relate to the Uniform Code of Military Justice?

If the exclusionary policy is changed but the statutory prohibition remains—in other words if we do not change the law but we just change the policy by Executive order—can the President in the Manual for Courts-Martial specifically exempt from prosecution actions that would not be prohibited under a revised DOD directive?

If so, is there also a need to address heterosexual, consensual sodomy? Does that, too, need to be reviewed?

Regardless of whether the policy is changed, should the President, who has the authority under the Uniform Code of Military Justice to establish maximum punishments, revise the current 5-year maximum punishment for consensual sodomy?

If the current exclusionary policy is changed, what will be the effect on pending court-martial and administrative discharge cases?

If the current exclusionary policy is changed, what will be the effect on the tens of thousands of past cases, particularly in terms of claims for back pay, reinstatement, promotions, and similar forms of relief?

Mr. President, there are other questions that others will think of. These are the ones that have come to my mind just in the last few days. These are difficult and emotional issues but they must be addressed. Every man and woman in this country has a right to be respected. That is the foundation and the heart of our Constitution which enshrines individual rights and liberties. We cherish those rights and liberties. Our Constitution also underscores the essential role of Government in providing for our common defense. When the interests of some individuals bear upon the cohesion and effectiveness of an institution on which our national security depends, we must move very cautiously. This caution, in my view, is prudence, not prejudice.

A thorough airing of these matters is essential before any final action is taken by the Department of Defense or the Congress. It is my intent that the Armed Services Committee's hearings will provide a comprehensive discussion of these issues by persons knowledgeable in military affairs, personnel management, and human relations.

Mr. President, I know there are a lot of people who would like to propose a law on the floor. And I know there is a real effort underway to have the President sign an Executive order.

I urge that those who want to legislate on this subject one way or the other think through some of these questions before they propose a specific piece of legislation. And I would also urge that the White House, the President, and all of his advisers including my good friend the Secretary of Defense, think through these questions very carefully before they take any kind of action that can be final or could be perceived as final.

This is not an easy issue. It is an issue that all of us need to think through very carefully because it is not simply the rights of homosexuals at stake—although that is a very important consideration. It is also the rights of all of those men and women who serve in the military.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Nebraska.

Mr. EXON. Mr. President, I ask unanimous consent that I be allowed to proceed in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO RUSH TO JUDGMENT

Mr. EXON. Mr. President, I hope that not only the Senate but the country as a whole will listen very carefully and study the words just delivered by our chairman of the Armed Services Committee. I have known and worked with SAM NUNN for a long, long time on many issues. He thinks through the issues. He takes suggestions. Then he takes action. He has already said that as chairman of the committee he will be holding hearings on this matter and I believe that the concerns that Chairman NUNN just outlined should be thought about long and hard before we propose any action.

In this regard, I hope maybe we can take some of the sting, some of the emotionalism out of the debate that has suddenly flared in the press.

Unfortunately, with all of the problems that we have in the United States today, with a bloated budget deficit, the skyrocketing national debt, the lagging economy, a country that needs health care reform, obviously—and needs it very badly—a country that needs election campaign reform and many others—unfortunately we have been deluded on this issue, as important as it is, into an attempt to rush to some kind of judgment without thinking it through.

On November 11 last, when the President, on Veterans Day, made his announcement of what he intended to do, I said at that time I hoped that before the President proposed anything of a specific nature he would have adequate consultation with the military and adequate consultation with the Congress to make sure we were all trying to head in the right direction. I believe that we could interpret what Senator NUNN just said, as I understand his remarks, that he is not, and certainly I am not, against any change in the procedures.

We should realize and we should recognize that just because we have done something one way in the past does not necessarily mean, Mr. President, that that is exactly the way we should do it in the future. We should realize and recognize that there are many people of a homosexual orientation who have served our country very, very well on many occasions over the years.

I guess that I would like, if I might, at this time, to at least help clarify, if I need, my position by asking unanimous consent that an article that appeared in the Omaha World Herald by David Beeder of January 26, yesterday, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Omaha (NE) World Herald, Jan. 26, 1993]

EXON, KERREY DIFFER ON LIFTING GAY BAN

(By David C. Beeder)

WASHINGTON.—Nebraska's two Democratic senators expressed different views Tuesday and President Clinton's plan to lift the armed forces ban on gay personnel.

"I think the president is making a mistake," said Sen. J.J. Exon, D-Neb., second-ranking member of the Senate Armed Services Committee.

"You might be able to do something about this if you do it in a slow and orderly fashion. Exon said. "I am afraid this is the kind of an issue that is going to cause gridlock in the president's first two weeks in office."

Sen. Bob Kerrey, D-Neb., said he agreed with Clinton's plan to lift the ban on gays. "I think the policy change is a good one," he said. "I think ending the ban won't be that traumatic, and the military ought to make it work."

Kerrey, who won a Medal of Honor for combat valor in the Vietnam War, said he would not permit gay personnel in combat.

Exon said the controversy could be eased through a compromise starting with studies aimed at eliminating the requirement that persons joining the armed forces sign a statement saying whether they are homosexual or heterosexual.

"But open gays in the military, flying their flag high, is not going to work," Exon said. 'I object to the military being used as the cutting edge of social change."

Rep. Bill Barrett, R-Neb., said that lifting the ban would be defeated by both houses of Congress if it were presented today. "Later on that might change," he said. "I don't see it happening overnight, and I wouldn't be for it anytime."

Rep. Doug Bereuter, R-Neb., a member of the House Intelligence Committee, also is opposed to lifting the ban.

Bereuter, in letters to constituents who inquire about the ban, said it is wrong to equate the ban with racial segregation that existed in the military until the 1940s.

"With its ultimate requirement being combat operations, it is not surprising that military rules and regulations sometimes infringe upon individual rights to privacy and freedom of action," he said.

"We must be very careful about forcing changes on the armed forces until we are certain those changes do not undermine the most basic and crucial role and mission of at least parts of the military," Bereuter said.

"I intend to work with others in Congress to try to discourage President Clinton from making such a change," he said.

Mr. EXON. Mr. President, I will simply point out that in my remarks, adequately and correctly printed, I said that we "might be able to do something about this if we do it in a slow and orderly fashion. I am afraid this is the kind of an issue that is going to cause gridlock in the President's first 2 weeks in office."

I went on to say that "the controversy could be eased through a compromise starting with studies aimed at eliminating the requirement that persons joining the Armed Forces sign a statement saying whether or not they are a homosexual" or, to put it another way, what their sexual preference is.

"But," I said, "open gays in the military, flying their flag on high," will not work. I object also to using the military to become a cutting edge for social change.

The first responsibility of the military, of course, is the national security interests of the United States. I am trying to put this in perspective. Chairman NUNN did an excellent job, and I wish to associate myself completely with his remarks.

In this regard, I ask unanimous consent to print in the RECORD a story in the same edition of the same newspaper headed "Kansas Guard Chief Opposes Gays in Military."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Omaha (NE) World Herald, Jan. 26, 1993]

KANSAS GUARD CHIEF OPPOSES GAYS IN MILITARY

TOPEKA, KS.—The Kansas National Guard's top officer says gay members of the Guard have created no problems in Kansas, but he still opposes lifting a ban on homosexuals serving in the armed forces.

Maj. Gen. James F. Rueger, the state's adjutant general, and Monday that the Clinton administration's plan to lift the ban was ill-advised.

"We are part of the military organization, and whatever happens to the regular military happens to us, too. We're all under the same rules," Rueger said.

"Having homosexuals in the National Guard is incompatible with our mission," he added. He said all 54 adjutant generals oppose the plan and have informed the administration of their objections.

Rueger acknowledged that homosexuals currently serve in the Kansas Guard, which has about 10,000 men and women.

The force, he said, "probably includes whatever the general percentage of homosexuals that there is in the population, but we have had absolutely no problems related to that in the Kansas Guard."

Gov. Joan Finney, commander in chief of the Kansas Guard, said she will stay out of the dispute.

"For Kansas, it's a matter of following orders, of the chain of command," Gov. Finney said. "When the governors met with President Clinton last week, he told us to just pick up the phone when we think he's doing something ill-advised.

"Well, I haven't called him yet."

Rueger said: "I don't think that it is in the best interest of the military, and you have to remember that in times of need, we become a part of the regular military.

"We aren't just weekend warriors," he said. "There are times, like in Somalia or in Desert Storm, where we are called to duty for long periods of time. Just as homosexuality is not appropriate for the regular Army, it isn't appropriate for the Guard that becomes part of that Army."

Mr. EXON. Mr. President, I will simply quote briefly from that. Headline: "Kansas Guard Chief Opposes Gays in Military." "Topeka, KS (AP)—The Kansas National Guard top officer says gay members of the Guard have created no problems in Kansas, but he still opposes lifting a ban on homosexuals serving in the Armed Forces."

The story goes on: "Rueger acknowledged that homosexuals currently serve in the Kansas Guard, which has about 10,000 men and women. The force," he said, "probably includes whatever the general percentage of homosexuals that there are in the population, but we have had absolutely no problems related to that in the Kansas Guard."

We have to keep things in perspective.

I want to tell the Senate about an experience I had in the service with homosexuals. It was 50 years ago. It was in the South Pacific and suddenly without any advanced notice or anything else, two soldiers under my direction and command were suddenly whisked away. They were good soldiers. They were friends of mine. It was discovered that they were found in a homosexual act. I never saw them again. I thought at the time that that was the right thing to do because I knew what the Military Code of Justice was. But when we are confronting this situation today, as Senator NUNN so well put it, times do change and we have to think ahead.

I think back about that. I worked with these two men in basic training. I was with them in extensive training in the States, and I was with them overseas. To my knowledge, they caused no trouble with me, and I think I would have heard about it because they were under my command. I simply say that maybe we should open our eyes just a little bit, maybe we should proceed with just a little bit of caution, maybe we should try and walk in other people's shoes from time to time. I am fearful, most of all, Mr. President, that there are forces at work that are using this present situation as a cutting edge of social change in the military, and that concerns me most of all.

I will simply conclude, Mr. President, by saying, allow us to have some hearings; allow us to do some studies; allow us to consult together, Democrats and Republicans; allow us to talk to the Members of the House of Representatives; especially allow us, Mr. President, to consult in detail with not only the military leadership, but also rank and file GI Joe to see how he feels about this because this is an issue that has an explosive nature about it and unless it is handled in a reasonable, thoughtful fashion, I predict that if we rush into something too fast, we could have some very, very serious consequences with our people who are working very hard at home and around the world to protect the national security interests of the United States.

I say I have no closed mind. I simply say let us not rush into it and I believe what my chairman has suggested in his speech to the Senate a few minutes ago. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

AN ISSUE OF FUNDAMENTAL FAIRNESS

Mr. METZENBAUM. Mr. President, the issue being debated today is not a new issue. It is an issue that is probably as old as mankind itself. Last year I offered an amendment to overturn the ban on homosexuals serving in the military. In the context of that debate, as the distinguished chairman of the Armed Services Committee has already said, the chairman agreed to hold hearings on the subject this year. I was impressed with his remarks, and I was impressed with the remarks of the Senator from Nebraska because I thought they were objective and dispassionate. I thought they indicated an understanding that this is not an issue that is simply black and white.

I was agreeable to the matter of holding hearings when the chairman of the committee proposed that last year, and I do believe it is appropriate to have hearings.

Mr. President, lifting the ban on homosexuals serving in the military is an issue of fundamental fairness. It is a fact, as the Senator from Nebraska has already pointed out, that homosexual men and women have always served in the military; they served 50 years ago under his command.

I might say parenthetically with respect to his remarks that I thought about the fact that he said there were two men under his command and they were doing their job well, they were found apparently in a homosexual act and they were whisked away, and he never heard from them again. I sort of stand here and wonder, what happened to those men? They had not really done anything that heinous. It may have been a crime in that particular area, but for them to have been whisked away and the Senator from Nebraska never to have heard from them again—and I do not blame him on that score—but I wonder how many other instances of that kind have occurred with respect to men and women in the military.

Homosexuals have throughout our history shown that they are every bit as capable, hardworking, brave, and patriotic as any other soldier, sailor, marine, whatever. They have been decorated for bravery and heroism. They have died on the battlefields in the service of their country. To deny their contribution to the armed services of this country, to the defense of the people of this Nation is to deny reality, and that is wrong.

It is a fact, Mr. President, that the job performance of homosexuals in the military has been exemplary. I know that to be true because every time a gay man or lesbian is discharged because he or she is a homosexual, his or her service record becomes part of the official investigative process.

In nearly every instance, these individuals have been commended for their work.

Let us take a look at a few of the cases.

Consider the case of Navy Lt. Tracy Thorne, the 25-year-old navigator-bombardier who finished first in his flight training class, received top honors from the Navy, and then was busted out of the service for being gay.

Did he do anything wrong? Did he sexually assault or harass somebody?

No. He merely said he was gay.

Last year, the Army dismissed Col. Margarethe Cammermeyer, one of the finest nurses in the military.

Colonel Cammermeyer served 14 months in Vietnam. She won a Bronze Star. She was named the Veterans Administration's Nurse of the Year in 1985. Her only crime was to acknowledge during an interview that she is a lesbian.

Senior officers insist that the presence of homosexuals impairs the ability of the military services to maintain discipline, good order, and morale.

But Keith Meinhold is a 12-year navy veteran whose colleagues knew he was gay. His commander knew he was gay.

But when he publicly revealed his homosexuality in a TV interview, the Navy discharged him.

Petty Officer Meinhold sued the Navy and won. The Navy failed to prove its case—that he was disruptive to good order and discipline. Now Petty Officer Meinhold is back on the job.

This is important, Mr. President. It shows that in cases involving discharge for reasons of homosexuality, the courts are going to force the military to prove their claims about the effect on order, morale, and discipline. In Meinhold's case, the military could not do it. Those claims were unfounded.

Lieutenant Thorne, Colonel Cammermeyer, and Petty Officer Meinhold are just the most recent casualties of a policy that has destroyed thousands of careers and lives—for no good reason.

I understand that this is an emotional issue—I know that plenty of people just plain object to the idea of permitting gays to serve.

But this is a matter of rightness and decency.

Those who are homosexuals do not make this a matter of choice. They do not say, well, I think today I would like to be a homosexual. It is a matter of something within their bodies, within their brains that causes them to have a different social orientation than the majority of people. But it is not a decision over which they have control. It is simply unfair to slam the door in their faces when so many of them have given their lives, given their lives in the service of their country.

People have called me on the telephone, and up until today the calls were running overwhelmingly against the position of the homosexuals. This morning that changed and there were a large number calling and indicating that they felt there was merit to the position of the homosexuals having the right to serve their country. By around noon, I am told, the calls were about even and that is what the national polls seem to indicate. But the fact is what is right, what is decent, what is the fair thing to do, what is the fair thing to do as far as our military service is concerned. I will come back to the question of the military position in a bit. But we are not talking about condoning inappropriate conduct.

Any servicemember who conducts him or herself inappropriately should be out of the military—whether he or she is homosexual or heterosexual.

I believe this is one of the most misunderstood elements of this issue, Mr. President. No one—not the President—not even the gay community is attempting to legalize or condone homosexual conduct in the military.

Everyone agrees that the job is no place to engage in sexual behavior.

We are only trying to put a stop to the arbitrary ban that is ruining the lives of men and women whose only desire is to serve their country.

If President Truman had knuckled under to the will of the Senate 44 years ago, he never would have issued his famous order integrating the armed services.

On June 7, 1948—just 7 weeks before Truman issued the order, the Senate—

by a vote of 67 to 7—defeated an amendment that would have integrated African-Americans into the armed services of the United States.

In fact, on the same day, the Senate defeated another significant civil rights amendment. It voted down an antilynch law specifically to protect black servicemen.

President Truman knew he was right when he integrated the armed services in 1948.

I salute him for the courageous position he took back then.

And I salute President Clinton for the courageous stand he is taking in behalf of homosexuals today.

Mr. President, when Harry Truman integrated the armed services in 1948, he knew he would catch hell from the military and, indeed, he did.

His top commanders objected passionately. They said that blacks would create disorder and morale problems by their very presence. They said that whites would not serve alongside blacks.

Truman did not believe it. He integrated the military, and our Armed Forces took the lead in welcoming minorities and promoting equal opportunity ever since.

Gen. Colin Powell must understand the significance of President Truman's action. Without it, we wouldn't have this very able, courageous, and decorated soldier serving as Chairman of our Joint Chiefs of staff today.

Every American owes President Truman a debt of gratitude for what he did.

And every American owes a debt of gratitude to every African-American who stood and fought on the battlefields of Korea, Vietnam, Desert Storm, and wherever called upon by his or her commander.

Many of those African-Americans never came back. Others came home wounded, are permanently disabled, and living their lives in veterans hospitals.

And every American owes the same debt of gratitude to the heroes who happened to be homosexuals. They fought, and they were wounded, and, yes, some of them died.

Heroes come from every race, gender, and sexual orientation.

Mr. President, yesterday it was widely reported in the media that calls and letters to Capitol Hill offices where running 80 percent against the President on this issue. And as I previously stated that has turned around; they are running about even today.

Finally, Mr. President, I was struck by what Abe Rosenthal had to say about this issue in his New York Times column today. I think it is worth sharing.

He said the military's argument that gays would cripple morale and discipline is strange given that homosexuals are openly part of American civilian life. He said American businesses, professions, universities, churches, even Congress manage to maintain order while accepting homosexuals as part of their daily activities.

He said that the military may have greater need for discipline than civilian groups, but its commanders also have a lot more clout in demanding discipline. What matters most in this world is not who you are; it is how you conduct yourself. The overwhelming majority of homosexuals conduct themselves honorably and patriotically. They deserve the opportunity to serve their country.

Members of this body, let me say this to you: These are people who want to serve their Nation; these are people who are serving their Nation, and have been serving their Nation. And suddenly it becomes a cause celebre.

I believe you have to understand, to have the milk of human kindness, the milk of understanding; to understand that these are people whose lifestyle may be different from yours and may be different from mine.

But the fact is, they want to serve their country. If they conduct themselves inappropriately, no one says they should not be thrown out of the military or held to pay an appropriate penalty. But that is not the issue. The issue is whether or not they should be barred from serving their country solely by reason of their sexual orientation.

The chairman of the Armed Services Committee has appropriately raised some very interesting questions. I think those questions deserve to be answered. Other nations of the world answer those questions and live with homosexuals in their military organizations. I believe that the hearing the chairman of the Armed Services Committee had promised me back in September–October should go forward. I think that there ought to be such a hearing.

But I do not think there ought to be any turning back on the part of the President of the United States in his indication during the campaign and since he has become the President that there is an impropriety, an inappropriateness in the ban on homosexuals having an opportunity to serve their country.

Mr. President, I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. I thank the Chair.

Mr. President, I ask unanimous consent that I may proceed as if in morning business for a period not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 245, S. 246, S. 247, and S. 248 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE NORTH ATLANTIC ASSEMBLY MEETING

Mr. SPECTER. Mr. President, shifting to my final subject which I will address briefly here today, I want to share with my colleagues a presentation which I made at the North Atlantic Assembly meeting in Brugge, Belgium, when I was a part of a Senate delegation shared by then Senator Lloyd Bentsen at the NATO assembly. I made this presentation on November 19, 1992, and I added a prepared text, which was somewhat abbreviated during the presentation because of limitations before the North Atlantic Assembly at that time. But this prepared text does incorporate the essence of the remarks which I made, although not verbatim, as I say, because of limitations of time.

I ask unanimous consent at this time that this text be printed in the RECORD as if read and in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I appreciate this opportunity to address my colleagues of the North Atlantic Assembly in this historic setting. After only 16 days following a remarkable U.S. Presidential election, I have heard many inquiries about President-Elect Clinton's abilities to govern and what happened to President Bush during the campaign; but in the few minutes allotted to me this morning, I suggest a more relevant question for this Assembly today is: What are the implications of the 1992 U.S. elections on the attitude of the American people on the continuing U.S. contribution to NATO.

With so many issues swirling around in a campaign, it is not as if a special interrogatory had been submitted to a jury on this precise question, but there are valuable inferences to be gleaned.

First, the American people are determined to do something about the $300 billion annual deficit and the $4 trillion national debt which has been created, in part, by an annual defense budget approaching $300 billion a year for more than a decade. The United States deficit takes on special significance when one notes the United Kingdom had a budget surplus for several years in the 1980s with those excess funds being used to reduce the national debt.

Second, the American people were dissatisfied with the Bush Administration's record on domestic affairs compared to the Bush Administration's successes in international affairs. It would be modest to say the Clinton campaign scored heavily with the electorate on arguments that the Bush Administration put too little money into U.S. cities, health care, education, the environment, crime control, and other social programs.

Third, and this is more difficult to articulate and quantify, there is an unease among the American people on U.S./foreign relationships on money matters. That is not to say that the predominant U.S. view would ever return to the isolationist ideology of the 1930s, but the question posed is: What is fair and equitable?

For example, my Pennsylvania constituents ask many questions about foreign aid to Israel or Greece or Turkey when so many unemployed steel workers have used up their allotment of unemployment compensation.

The U.S. labor unions complain about so-called fastrack procedures on international trade treaties. When a U.S. Senate delegation was asked on November 16, 1992, by EC Commission President Jacques Delors if the U.S. would relinquish our section 301 sanctions if the soybean/oilseed controversy was resolved, some of us thought it not the right time to express the anger of the American people, especially in States like Pennsylvania, over loss of U.S jobs due to foreign subsidies or dumping or lack of reciprocity on U.S. access to foreign markets.

While not right on the point on the NATO defense issue, these collateral matters color the attitudes of the American people on how much support the U.S. should contribute to NATO.

No one would disagree that the issue of NATO defense against a U.S.S.R. attack is totally different from the debates at the first North Atlantic Assembly meeting I attended in Venice nearly 12 years ago where burden sharing was a key item on the agenda. Not only is there no U.S.S.R., but NATO's associate delegations now include Russia, Ukraine and Belarus. On Monday morning, former U.S. Assistant Secretary of Defense Richard Perle posed a question which is being repeated by many Americans: With the demise of the U.S.S.R. threat, what is the current mission of NATO.

In 1990, the U.S. had 314,200 troops in Europe. The Bush Administration current plan calls for 175,000 by September 30, 1993, and 150,000 by September 30, 1995. The National Defense Authorization Act, passed by Congress last year and signed by the President, restricted U.S. European troop strength to 100,000 by September 30, 1996. While President Bush signed that Act, he stated in his signing document that he would "construe these provisions consistent with * * * my constitutional responsibilities." Similar language is used whenever there is doubt about the relative constitutional authority of Congress or the President, but it is likely that the debate will be over a figure lower than 100,000 troops by 1996.

So, my colleagues, I suggest the North Atlantic Assembly focus on certain key questions which I know the U.S. Congress will be examining: (1) What credible military threat is there, if any, to Western Europe from the former U.S.S.R., or is there another NATO mission? (2) On the question of burden sharing, to what extent, if at all, should U.S. funding be allocated to NATO in the face of the U.S. deficit and the other demands on the U.S. budget.

Mr. SPECTER. Mr. President, I thank the Chair.

I note the absence of any Senator seeking recognition, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO L. CPL. ANTHONY BOTELLO

Mr. BOREN. Mr. President, I share with my colleagues the very sad news of the untimely death of L. Cpl. Anthony Botello, U.S. Marine Corps. Lance Corporal Botello is a citizen of the State of Oklahoma, from Wilburton, OK. He was killed on the 25th of January while on duty in Somalia when he was struck by a bullet fired by a faceless sniper.

We are very proud in our State of the service of Lance Corporal Botello and those who are serving with him in Somalia.

On behalf of the people of my State—and I am sure the people of the Nation—I extend to his wife Sharla, to his mother Caroline, our heartfelt sympathy.

A few weeks ago—in fact, only 3 days after the Marines had taken up their stations in Somalia—I visited that country, which is undergoing such tragedy; and while there, I had an opportunity to see firsthand the young men and women of the U.S. State Marine Corps and other services who are representing our country there on a humanitarian mission of feeding hungry people and the dangerous mission of trying to restore order.

I have never been more impressed by the courage and patriotism of any group of young people than I was by those brave young Americans serving in Somalia. The conditions were extremely difficult. Very often, it was impossible to sort out those who were friendly from those who might constitute a threat to our troops. Yet, they served without complaint, and they served with great courage, and they served with great personal commitment to that humanitarian mission of helping people in need.

Lance Corporal Botello was one of those who served so courageously and so well. He had just celebrated his 21st birthday less than 2 months before his untimely death. He will be missed by his family and his friends. His death leaves behind a place that cannot be filled. It also challenges all of us to remember the sacrifices that are constantly being made for this country, for our values and for our democratic process.

The life and death and sacrifice of L. Cpl. Anthony Botello of Wilburton, OK, challenges all of us here, and all of us across our country, to do all that we can to make America the best place that it can possibly be. In this way, we can truly honor his memory.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Oklahoma is recognized.

Mr. BOREN. I thank the Chair.

(The remarks of Mr. BOREN, Mr. SIMON, and Mr. REID pertaining to the introduction of S. 233 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KERRY. Mr. President, what is the order of business?

The PRESIDING OFFICER. The Senate is conducting morning business. Senators may speak therein for up to 10 minutes.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed for such time as I may need.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Massachusetts [Mr. KERRY].

GAYS IN THE MILITARY

Mr. KERRY. Mr. President, over the last 24 hours, there has been a fair amount of discussion in the national media and here on the floor on the issue of the President's possible Executive order lifting the ban on gays in the military.

I am sure that there is unanimity in the U.S. Senate that the first order of priority for the Senate right now and for the country is to be talking about the economic priorities of the Nation. I am confident that every one of us would agree that there are a multitude of issues facing our country that are more urgent than the question of whether or not gays and lesbians ought to be allowed to serve openly in the Armed Forces of the United States. But the issue is here. It is being debated in households across the country. It is certainly of paramount interest within the military itself, and we are going to have to confront this issue over the course of the next months.

I was pleased that the chairman of the Armed Services Committee, Senator NUNN, has pledged to hold hearings and to go through a process where we can educate and analyze, and do so, hopefully, without the sense of panic or hysteria that seems to be attaching itself to much of the debate. But whether we delay for the hearings or whether the President decides to go ahead now with an Executive order, the issue is here and I do not think any of us should shrink from debating the issue and ultimately from voting on it.

I do hope, though, that we are going to do so in all of our discussions without losing sight of one of the great goals of the campaign, expressed on all sides, which was to heal the country, to get over the divisions that have kept us from really moving forward and addressing some of the most seriously felt needs of our Nation. I hope that this debate will, in fact, seek to heal and not exacerbate the divisions of the country.

I approach this issue with considerable sensitivity to both sides of the argument, having served in the Armed Forces for 4 years on active duty and having seen combat and having tried to give fair consideration and thought both to the objections and reservations as well as to the strong arguments we have heard about why we ought to move forward.

So let me begin with as clear an articulation as I can make of what I think is the issue.

The issue of discrimination against gays in the military is not before us and is not important because the President made a pledge during the election campaign. It is not important because of who promised to consult whom prior to taking action, although clearly, consultation and education are needed. It is not important because of what it says or does not say about a particular lifestyle. It is important because it involves a fundamental question of right versus wrong.

The President is not seeking to endorse a lifestyle or to embrace an agenda of social change with which many in the country might disagree. The President is seeking to lead, as he ought to lead, in ending discrimination, in keeping full faith in this country between the American people, its elected leadership, and the constitutional promises of this Nation. That is what this issue is.

Mr. President, when you stop and analyze this issue, after you say, all right, I concede there may be problems, there are perceptions that we have to get over, there are years and years of inculcated tradition and of belief around which the current military is built. We all know that. That is true. That does present us with a certain set of problems.

But against that you have to measure what those problems really represent once you have acknowledged them: Why is there a problem? There is a problem because many people view gays with scorn or derision or fear. There is a problem because when people look at gays or lesbians, they find a lifestyle which they may abhor, cannot understand, do not want to understand, and believe they should not have to understand, and so do not.

The result is that we find ourselves put in the position of either embracing or rejecting what is a fundamental form of discrimination—a dislike of someone or something else because it does not conform to our sense of how we want to be or how we think everybody ought to be.

That is not what this country is supposed to be about. Whether it is a matter of skin color or religion, that is not who we are. And it is also not who we are with respect to matters of sexual preference.

Now, I am not going to spend a lot of time going into or discussing why someone is or is not gay. I am no expert on that. I can only suggest that the vast majority of people to whom I have talked who are gay do not view it as a matter of choice. They are born with that choice already part of their constitution. And for many, there is a lifetime of agony in trying to face up to the realities of who they are as a human being, as a person. And those agonies can drive some to suicide. They drive some to live a life of lies and running away. Others embrace it more readily and more capably.

We are supposed to be a society that does not drive people to run away from themselves or from their history or who they are. We are supposed to be a society which allows human beings to live to the fullest capacity of who they may want to be or who they are, defined by themselves, as long as they do not break the law, break the rules, intrude on other people.

Now, that is conduct, and conduct is what should matter in making judgments about what should or should not be allowed within the military. Status, the actual fact of being gay, and only being gay without attendant conduct that might offend somebody, cannot be sufficient in the United States of America to disallow somebody the choice, if they are qualified in every other regard, of serving their Nation.

Now, if we were to adopt a policy in this country that were to codify discrimination of this form, I think we would turn our backs on a number of different things, Mr. President, not the least of which is reality. Is there anyone in the Senate, or in this country, or in the Pentagon particularly, who believes that none of the 58,000 heroes listed on the wall in front of the Lincoln Memorial was gay? I have never heard anybody, nor do I believe anybody could, make that assertion. Is there anyone who believes that there are not hundreds, perhaps even thousands of individuals who were gay who are buried beneath the white crosses at Arlington?

Is there anyone who does not believe that there are thousands of gays and lesbians in the military at this minute? Eleven thousand of them over the last few years have admitted it, voluntarily or not and they were drummed out.

We can be assured that there are surely thousands more who are scared to admit, who are forced by our policy to live a lie. They go about their business. They defend their country. They defend our freedoms. They defend the Constitution because they believe in what we, as a nation, stand for.

The question is not whether we should have gays in the military, because we have gays in the military. Gays have fought in the Revolution, in the Civil War, in both World Wars, in Korea, in Vietnam, in the Persian Gulf, and they fought, Mr. President, and they died not as gays or lesbians, but as Americans.

So the question is whether we as a country should continue to treat a whole group of people as second-class citizens? Is it appropriate to codify a lie, to pretend that there are no gays in the military? Is it right to continue a policy that says to this group of Americans you are somehow not part of America, not entitled to help defend America, not someone whom we are willing to openly associate with in the military, even though every day in the workplace, every day in schools and colleges across America, we have learned to live and work together?

Mr. President, to codify discrimination in the military alone is not worthy of America. These are people who want to serve our country. They want to risk their lives and we respond instead by treating them like criminals, requiring them to hide from the fundamental part of their own identities not asked for but God given, forcing them into lives of secrecy and needless and senseless fear.

It is this simple, Mr. President. Lifting the ban on gays in the military is simply one of those things that we have to do if we are going to continue to make progress toward becoming a more just and honorable society, not because we embrace or like the life style, but because that is the right thing to do in a diverse, pluralistic society. To do less would be to institutionalize and legitimize homophobia. It would be to separate our Armed Forces in an artificial and false way from the very Nation that they are charged with defending. To do less would be to abandon tolerance, and to ratify intolerance as a guiding principle of national policy. It would be to be forever unfaithful, literally semper infidelis, to what this country is all about.

Lifting the ban on gays, I will admit, is going to make a lot of people uncomfortable. I think we have to be honest about this. There is not any question, based on my military experience, from the entire psychology of the military experience itself, to the training, to the culture, that there are going to be difficulties. And, therefore, the President and all of us ought to listen carefully and be sensitive to how we educate and how we deal with getting over those difficulties.

There are folks inside and outside the military who, as I said earlier, view gay people, men and women, with either scorn, pity, fear, or bewilderment. There are legitimate issues of privacy and cohesiveness that need to be though out and need to be talked about. Change is difficult. There will have to be adjustments and willingness to give and to take on all sides. There may even be, I would suggest, some kinds of special duty or missions that may require exceptions to general rules.

We must remember that, in many ways, the military is already an institution that discriminates in ways that we allow because of the nature of missions, either by height, weight, size, or dexterity. There are countless different things that people can or cannot do within the context of the military. But it seems to me that the fundamental principle is clear. There is a place somewhere within the Armed Forces for every qualified American, and no American should be disqualified on the basis of race, creed, sex, orientation, or other things that we protect under the antidiscrimination laws of the Nation.

I think we should also not forget that the very same arguments that we are hearing with respect to someone who is gay are the arguments that we heard with respect to the military during the time of desegregation. We heard them for decades previously. The same rationales we used to bar African-Americans from full participation in the armed services until President Harry Truman summoned the courage and withstood the political heat, are the same arguments we hear today.

At that time, blacks within the military were segregated, given lousy duty, put in separate units, given separate assignments, and left to fight, die, and sacrifice alone. Serious arguments were made at that time that desegregating the military would destroy morale and reduce military effectiveness. We were told that people did not want to share barracks with black soldiers, they did not want to share the showers with black soldiers, they did not want to share a foxhole with a black soldier. We were told that forced integration might destroy the military.

Guess what? The military today, perhaps more than any other institution in our country, is a demonstration of what Americans from diverse backgrounds can accomplish precisely when they forget skin color and religious and ethnic differences and concentrate on getting an important job done. That same kind of healing process could occur with the proper leadership and the proper effort if we let it, with all others in the military, too.

I understand and I agree that it does matter that people are uncomfortable with the idea of gays in the military. But I say idea because the reality already exists. And it is the idea of individuals who have admitted their sexual orientation that gives people trouble. We cannot ignore that.

The Joint Chiefs of Staff have a right to be concerned about how to implement it. But I submit for the remedy we should turn not to capitulation; we should turn to education. We should turn to the same kind of effort that we employed when we desegregated the military.

The discomfort underscores that we have to go forward with care. It means that President Clinton is right to be sitting down with the Joint Chiefs, and he is right to be discussing this issue with General Powell and others. It means that we may have to go somewhat slowly in implementing the policy. But the bottom line is, we cannot run a military by catering to the insecurities and fears of some of its personnel.

We need to demonstrate from the Commander in Chief on down that we are willing to make a commitment to what is right, to explain clearly why it is right, and to stand by that decision no matter what the short-term political consequences may be. That is how we win respect as people, and that is how we win respect as a nation, and that is how we accomplish change. That is how we can move this country forward, and ultimately how we will bring all of us closer together and end the fear and threat of discrimination in this country.

Mr. President, we have to remember that when it comes to military discipline what counts is what people do, not who people are. Some of the arguments in favor of the current policy imply that the day the ban is lifted all restraints on behavior will somehow go out the window. I submit that that is nonsense. Lifting the ban does not give anyone, and should not give anyone—I hope the process of articulation as we go through these next months will make it clear—it gives no one the license to act in a way that would either be unprofessional or disruptive. And clearly sexual misconduct, harassment, or other disruptive behavior, whether it is heterosexual or homosexual would not be tolerated. All rules would and should be enforced.

I listened to my colleague from Georgia ask a lot of questions about how these relationships would play out. They are legitimate questions. But I would submit there are also legitimate answers to these questions. No one is seeking to force upon the military a special code of social change that is somehow a part of the larger agenda of social change in the country. No one is saying that there should be a life-style transition as a consequence of this. This is merely an effort to enable people to not be discriminated against because of who they are.

But those people would be required to adhere to the same code of conduct, same standards of behavior, and indeed, might even help strengthen some of those standards and understandings with respect to the rest of the military service. Whatever standards of military discipline are in place today, they can remain. Only the double standards would go. Conduct, not status, would determine eligibility for military service.

Now some say, well, we cannot have an effective military service if we allow gay people to serve openly in the Armed Forces. I ask, why not? Other countries have proven that they can do it. Israel is renowned for the strength and effectiveness of its Armed Forces but does not discriminate. Most of the European armies do not discriminate. Americans train with NATO forces from countries that do not discriminate. I wonder whether we are so timid or so driven by insecurity and intolerance, and even so immature as a society that we cannot function in the presence of individuals different in some respect from ourselves.

Mr. President, the General Accounting Office reported last year that the Defense Department spends $27 million a year training, discharging, and replacing gay and lesbian service members. Who are these people that we have so blithely cast aside? I am told some of them are individuals who told the military before the Persian Gulf war that they were gay, but they were nevertheless ordered to the gulf to help fight the war, and then subjected to discharge proceedings only upon their return, suggesting that they were good enough to serve in time of war, but not good enough to serve in time of peace.

Many of the 11,000 men and women who have been cashiered from the military for being gay have long since proven their value to service and country. Many won medals for bravery. Many were well-regarded officers and highly skilled pilots. Nobody has been able to make the case that they are, as a class or group of people less courageous, less loyal, less patriotic, less worthy to serve our Nation. I think that the discharge of these people has been an immense waste of our talent, resources, and our time.

Mr. President, there was a political cartoon not long ago that showed a starving Somali woman clutching her two stick-thin babies, being approached by an American marine bearing a gift of food. In the cartoon, the woman tells the marine: "Hold it right there. Before you take another step, tell me, are you gay?"

Mr. President, we must not allow the exaggerated fears that this issue has generated to divert our attention from the need to maintain a strong and a versatile military force, nor from the long list of domestic priorities which have to be addressed, and I might add addressed soon.

The fact is that there has been a lot more commotion about this controversy than the substance of it truly warrants. Trust me, if the ban on gays were lifted tomorrow, and it will not necessary be, I suspect, but if it were, the Sun is still going to come up, our aircraft carriers will remain afloat, and we will continue to have the force and presence that we now have around the world. The difference is that we would be conducting ourselves in a way that does not defy the very principles that we try to put into place in a host of other walks of our society, and that is at the center of our Constitution, and at the center of the service of so many who have preceded us, who have died in uniform so that others will not be discriminated against.

I hope that over the course of the next months we will think carefully and quietly and sensibly about this issue. That we will examine the realities of it and we will not allow ourselves to be stampeded, not allow ourselves to be cowed, not allow ourselves to be pushed away from what is right.

The President of the United States is showing what I think the American people have asked for. It is called leadership. It is not always popular. It is hard to be ahead of some of the country with respect to perceptions or feelings, but that does not mean he is wrong. On this issue, I believe the President is trying to do what Presidents before him have tried to do. What our Constitution tries to do, what our forefathers tried to do: Create a country in which people can live without being cast aside because of who they might be or how they were born.

HEALTH CARE REFORM

Mr. COHEN. Mr. President, I was pleased to hear that President Clinton has asked his wife, the first lady, to head up a task force on health care reform, which I believe is, next to the economy, or I should say, integral to the economy, the most critical issue facing the 103d Congress.

Some of the criticism being directed at her is that she is not an expert. Few of us are experts in this field. We become more expert by engrossing ourselves in the study of the issues and various proposals for reform. But she is a very talented attorney and has had experience in the legislative process, and I believe that she will make an enormous contribution to bringing together the various points of view and diverse proposals, and there are many, for reform.

The Senate majority leader has a proposal. The Republican task force has another proposal. The Conservative Democratic Forum has a proposal. There are lots of proposals. I believe that we can pull these various proposals together to find a common ground and arrive at a consensus on a comprehensive overhaul plan which will, in fact, extend coverage to the broadest possible spectrum of the American people at the lowest possible cost while ensuring the best quality that we can.

The health care reform legislation that I am introducing today provides a basis or blueprint for that reform. I hope that not only will the Clinton administration look seriously at this proposal but that my colleagues will see merit in cosponsoring it.

Mr. President, I think all of us agree that we are spending too much, that we are not spending wisely and that too many people do not have access to the health care that they need. The challenge is to design a plan which controls the high cost of medical care and expands access to care without compromising quality.

Our goals are clear: Coverage for all Americans to the extent that we can do so; hold down costs and maintain quality. That is the challenge. Whether we can meet that challenge is the question. How well we meet it will be a key index by which the public measures our success or failure as a Congress.

The statistics on rising health care costs are staggering. The Commerce Department reported last week that health care costs climbed to almost $840 billion last year, a record 14 percent of the gross national product. Total health care costs which were earlier expected to top the trillion dollar mark by the turn of the century now appear likely to hit that level as early as next year.

Today's Washington Post reported that, according to CBO, Federal health care costs are going to double in 6 years. Medicare, on which we spend $129 billion, will go up to $259 billion and Medicaid will go from $68 billion to $146 billion, all in a short period of 6 years.

Clearly, this growth in cost cannot be sustained. Family, employers, and even governments are staggering under their weight. As health care spending consumes a larger and larger share of the economy, fewer and fewer dollars are going to be left for critical services such as education, transportation, housing, and for reduction of the national debt.

The problem is not simply that we are spending too much, but that we are not getting an adequate return on our investment. Too many dollars are being spent on procedures of arguable or negligible value. Too few are being spent on primary and preventive services such as prenatal care, mammograms, and childhood immunizations.

Rising health care costs have also created a dual system of care. The American health care system is the best in the world but only for those who can afford it.

At the same time that spending is soaring, more and more people are being priced out of the market. As many as 37 million Americans, alarmingly almost a third of them children, have no health insurance at all. Many more Americans are uninsured and would be sent into bankruptcy by a serious illness. Even more live in terror that they are going to lose their coverage if they change their jobs or become ill.

The legislation I am introducing today, the Access to Affordable Health Care Act of 1993, builds upon my earlier efforts to reform the health care system and incorporates some new elements which will make fundamental structural changes in the health care market to assure every American has access to affordable quality health care.

Our Nation's skyrocketing health care costs and access problems are in large part driven by flaws in the health care marketplace. It is ironic, but the very people who need care most are the ones who cannot get insurance. Rather than competing to deliver the best value for money, our Nation's insurance companies are simply doing everything they can to avoid risk. They offer great deals to large companies with young, healthy employees, but they completely exclude anyone with a known health problem. In other words, the people who benefit most from our current system are the people who are least likely to need it.

Insurance companies must stop focusing on how to exclude sick people from coverage and start concentrating on how to make affordable coverage available for all Americans.

Just as the health care market excludes millions of vulnerable Americans leaving them fully exposed to the risk of potentially catastrophic health care costs, it is also flawed in that it insulates hospitals, doctors, and people with good insurance from the true costs of health care.

When health care bills are paid by a faceless third party, be it an insurance company or the Federal or State government, market forces have no chance to work. Neither the health care provider nor the patient has any incentive to hold prices down. Doctors ordering tests and performing other services pay little attention to the cost if they assume an insurance company is going to pay the bill. For patients with benefit-rich, first dollar coverage, cost is simply not an object. They carry the equivalent of tax-free, unlimited expense accounts and they are encouraged to order freely from a full menu of health care services, leading to overutilization of services which drives up health care costs.

The exclusion of employer-provided health benefits from taxable income which, by the way, is costing an estimated $75 to $85 billion a year, further distorts decisionmaking in the health care marketplace. Since they receive open-ended Federal tax subsidies and since most are given no meaningful choice between health care plans, workers with employer-provided benefits lack any incentive or the opportunity to comparison shop for better value for their health care dollar.

We have seen how competition has brought down procurement costs in the Defense Department. The legislation I am introducing today relies upon the same principle to restructure the health care marketplace in order to contain costs and expand access to care.

Mr. President, I am not going to take the time that I had originally requested to explain in detail the basic ingredients and provisions of this particular piece of legislation. Let me summarize by saying that, when President Clinton gave his inaugural speech, he talked about opportunity and responsibility. We want to provide the opportunity for every American to be covered by health insurance. We also want to insist that people start to bear responsibility for making decisions about their health, and that includes giving them the opportunity to shop for the best possible buy at the best price; best product, best price.

It also means taking better care of ourselves. It means adopting wellness programs because all of us know that we eat too much, we drink too much, we smoke too much, we do not exercise enough, and then we get sick and complain about the high cost of getting well again. We have to develop healthy habits and behaviors at the very earliest stages of our lives and maintain them throughout our lives. That is one sure way to reduce the burden we are now placing on our health care system.

J. ALLEN FREAR

Mr. BIDEN. Mr. President, the January 15 death of former U.S. Senator J. Allen Frear of Delaware closed a distinguished chapter in the history of my State and, I believe, marked the end of an era in American life.

Senator Frear, who would have been 90 years old in March, was born on a farm in Kent County, DE, and began his education in a one-room rural school his grandfather had helped to found.

Following his graduation from high school, he attended the University of Delaware, returning to life on the farm after his graduation in 1924.

In the ordinary course of events, J. Allen Frear might well have lived out the remainder of his long life as a respected and public-spirited farmer and rural businessman.

A veteran of Army service in Europe during World War II, he was well thought of among Delawareans, but he was not an ambitious politician in the usual sense of the word.

In fact, when he was nominated in 1948 to run against a very popular Republican ex-Governor, Delaware's next U.S. Senator was not even in the State; word of his nomination had to be sent to him where he was traveling in Utah.

He won that election and another for a second term in 1954, and his public service did not end when he left the Senate in 1960.

Before returning to Delaware, he served a term on the Federal Securities and Exchange Commission.

Back home, as he resumed an active and productive business life, Senator Frear continued to serve the State he loved throughout his nearly 90 years.

He was a member of the board of trustees of the University of Delaware from 1950 until his death.

He served on the Delaware Old Age Welfare Commission, he was president of the Baltimore Federal Land Bank and Kent General Hospital, and he was secretary of Delaware State College.

Few in the history of any State have done more for their fellow citizens.

Mr. President, J. Allen Frear's passing is much regretted by his fellow Delawareans, by his former colleagues in this body, and by his many friends all over the country; and it is true, I believe, that his death marks the end of an era in our national life.

We are not likely to hear a story such as his again, the story of a Delaware farm boy rising from a small, one-room rural school to service in this distinguished body and on the Securities and Exchange Commission.

Many of us, many Americans, will also regret the end of an era when it was possible for such a classic American story to come true.

But to the end of his long days, J. Allen Frear never looked back, never lost touch with the changing world around him. He believed in Delaware, he believed in America, and he believed in the future.

That is the true end of his story, and for what his example teaches us, even as we mourn his passing, we should celebrate the continuing lesson of his life.

HONORING NELSON T. "PETE" SHIELDS III

Mr. BIDEN. Mr. President, on January 25, our Nation lost one of its outstanding citizen-leaders, when Nelson "Pete" Shields died of cancer at his home in Delaware, a day before his 69th birthday.

Pete Shields was one of those rare individuals whose life was a mirror of his convictions, and whose legacy will continue to inspire public action for many years to come.

In 1974, when Pete arguably was just reaching the peak of a successful, 25-year business career with the Du Pont Co., he and his wife, Jeanne, were struck with the deepest kind of personal tragedy and loss; their 23-year-old son was murdered.

It was the kind of tragedy that, understandably, would have debilitated many people, and drained from their lives any inspiration or energy or even capacity to look outward.

But Pete Shields did look, and he saw that the shadow of violence that had taken his son's life was a darkness that afflicted our entire society, and Pete Shields went to work.

He left behind that prestigious, stable business career for the contentious and often controversial world of public advocacy, assuming leadership of the National Council to Control Handguns, now called Handgun Control, Inc.

In 1983, Pete found the Center to Prevent Handgun Violence, an organization involved in education, research and legal programs, and he served as its chairman until 1991.

To those who shared his views on handgun policy, Pete was an unparalleled organizer and spokesman.

To those who disagreed with him, he was an equally formidable voice to be reckoned with.

To all of us, Pete Shields was a true leader who, with passionate commitment and unwavering determination, greatly enriched our national debate on some of the most crucial questions involved in the fight to turn back the tide of violence in America.

I worked with Pete on anticrime legislation ranging from a ban on so-called cop killer bullets to the ongoing fight to institute a national waiting period for the purchase of handguns, the Brady bill.

My one regret in the history of our shared efforts is that Pete could not live long enough to see the Brady bill enacted, but when it is passed and signed into law, as I believe it will be, let no one doubt that a large portion of the credit will belong to Pete and his organization.

In the effort to reduce violent crime involving handguns, Pete Shields' tangible accomplishments were many, and his less tangible impact was immeasurable.

In the course of acting effectively upon his convictions, Pete set an example for every citizen who might feel helpless and hopeless amid the great whirlpool of society's problems.

In the course of drawing the strength to act from a personal loss of unimaginable depth, Pete set an example for every person of the power of the human spirit—not only to endure life's bitterest blows, but to fight back, and to make a difference.

With the people of my State, who knew Pete as a neighbor and friend; with Jim Brady and Sarah Brady, who succeeded Pete as Chair of Handgun Control, Inc., and all who worked with them; and with my colleagues, who—whether his allies or his opponents on the issues—stand united in admiration for Pete's passionate conviction, I extend our deep sympathies to his wife, Jeanne, and to the entire Shields family.

Their support for Pete's work, too, involved personal sacrifice toward a public goal, and we thank them.

VIETNAM'S PROMISE 20 YEARS AGO TODAY REMAINS UNFULFILLED

Mr. SMITH. Mr. President, I rise today as the former vice chairman of the Senate Select Committee on POW/MIA Affairs to call attention to our recent report which we filed with the Senate following a year long investigation. Some Americans may not recall that today, January 27, 1993, is the 20th anniversary of the signing of the Paris peace accords with North Vietnam. The accords were intended to mark the end of United States military involvement in Vietnam and to ensure the return of our POW's and a fullest possible accounting for the missing. Twenty years later we still have not achieved the fullest possible accounting of our captured and missing personnel.

It is, therefore, an appropriate day for me to briefly discuss some of our work and findings which are reflected in the final report of the Select Committee on POW/MIA Affairs.

Let me begin by thanking the staff, who—in the closing days of this investigation have really been tough people staying up all night until the wee hours of the morning trying to get documents typed and accommodating the views of Senators.

There have been some difficult times throughout the course of this investigation, and I want to single out two Members of the opposition party, who in extremely difficult times, did seek me out and talk to me. One is HARRY REID and the other is TOM DASCHLE who sat next to me throughout the hearings. I appreciate their advice during the more challenging and trying moments in our investigation.

And of course, to the chairman—JOHN KERRY and I were thrown together by the discretion of our leaders. We did not know each other, and we took the time to try to get to know each other. And the interesting thing is when things got very difficult, and many times they did, we turned to each other, not against each other. Have we had differences, yes, we have. The American people have had differences.

But when it came down to getting a report written, nobody threatened to walk out. We extended our hands to each other and we shook hands and we were able to do it. And Senator KERRY deserves a tremendous amount of credit for the fact that we were able to come to this agreement that we have today.

Is every single thing in the report what I would have written myself? Of course not. But where there were differences, I had the opportunity to express those differences in the report. You cannot be any fairer than that. And I commend the chairman for his strong leadership in getting us to this point.

This investigation was bipartisan, indeed nonpartisan, throughout the last year. Members did not sit at one side or another at the hearings depending on their party affiliation. There was absolutely not one word uttered of partisanship throughout the hearings, public and private. The private conversations, informal procedures, I never heard a word of partisan debate on the central issues in our investigation.

Our work represents the most comprehensive investigation that was ever done in the history of this issue, and hopefully that will be our legacy. In fact, we started by reviewing other investigations that have been done in the past, and we built upon those.

Our goal was to know what our own Government knew, and to get that out to the American people. We did not and could not expect to get all of the answers from the Vietnamese or the Lao or any other government. But we could expect to get information from our Government, and I believe we've done that to the greatest extent possible during the last year.

Hearing records, depositions, Government documents, extensive declassification—that is our legacy. The President of the United States, George Bush, and especially Brent Scowcroft, Dick Cheney, and Robert Gates were extremely cooperative. They went out of their way to make documents available to us that had never before been seen by Members of Congress.

Did we see everything? Was it complete? We certainly believe the review of materials was extensive, although there will always be doubt on whether we saw everything that was truly pertinent to resolving our questions.

Americans can take pride in the fact that this issue has now been opened to scrutiny, more so than at any time in the last 40 years. We did not close the books. We opened the books.

This committee was formed because there was distrust. We tried to allay that distrust by getting the books opened. The issue has been an emotional and a contentious one for the past 20 years in Vietnam, and longer than that in Korea and the cold war. It has been contentious and emotional for veterans and families, and it was contentious and emotional for the committee members as well.

I would like to briefly lay out some of my own personal observations and recommendations in addition to key findings by the committee as a whole in the final report:

1. PARIS PEACE ACCORDS

We are here today because Vietnam and Laos did not fully comply with the Paris accords and the Laos Cease-Fire Agreement in 1973. That is the primary reason we are here. If they had complied fully, I think the issue would have been resolved, and we would not be here 20 years later. We are also here today because in 1973, Americans had become weary with the war, there were antiwar protests, Congress voted to cut off funds and it did not support legislation such as the Dole amendment. We are also here today because by March 1973, Watergate was consuming the attention of the President. In this framework, I am convinced Dr. Kissinger tried his best to negotiate an agreement and implement accords with an intransigent enemy who exploited the American political situation. And they did it well.

So, in this environment, did we get a full accounting? The answer is "no." But there is no doubt that everyone is united today in demanding the fullest possible accounting from Vietnam and Laos.

2. STATE OF THE EVIDENCE ON POW'S IN SOUTHEAST ASIA

This was the most contentious area of the investigation. We knew it would be contentious, so we tried to conduct the most thorough examination of the intelligence ever done to see if consensus could be reached on the question of evidence of live POW's after 1973. Staff investigators worked thousands of man hours investigating every single available lead that we could find. For the most part, we were successful in pursuing the majority of leads. The exceptions are noted in the report.

Based on our review of all available intelligence information, the committee unanimously agreed that there is evidence that indicates the possibility of survival—of American POW's—after Operation Homecoming. As of today, we also agree that there is evidence that some POW's may have survived to the present and some information still remains to be investigated. However, at this time, there is no compelling evidence that proves Americans are still alive.

In the final report, readers will note that there is a majority and minority view on the state of some of the evidence which the committee explored—mainly the live-sighting reports analyzed by our investigators using basic techniques such as plotting relevant sightings on a map to look for patterns and clusters. These reports and the analysis by committee staff will be available for the public at the National Archives.

The essence of the majority view on this portion of the investigation is that the committee staff analysis indicates to me and to Senator GRASSLEY a strong possibility that some American POW's could still be alive. I would also stress that my conclusion on the intelligence is based on all-source information, to include signals intelligence, imagery, and the live-sighting/hearsay reports.

I also agree with Senator GRASSLEY that in the case of one possible symbol which corresponds to a known MIA's authenticator number, the benefit of doubt should go in favor of the individual. This case is especially disturbing in view of the fact that the possible symbol is located only 400 feet from a secure detention facility in northern Vietnam. The committee has therefore recommended that the Vietnamese be approached immediately and forcefully by the United States Government at the highest levels to ascertain the status of the missing pilot potentially associated with the 1992 symbol.

Finally, concerning these and other intelligence reports which have not yet been fully investigated in Vietnam or Laos, the question we were faced with as Members is, "What do you believe?" It is my judgment that many of the live-sighting reports of Americans in captivity are compelling and appear credible. The sheer volume of this evidence cannot be summarily dismissed when one considers the fact that in Laos alone, we have not visited any detention facilities.

I also find the live-sightings from Robert Garwood who returned from Vietnam in 1979 to be very credible. Even the Vietnamese have confirmed many of the details concerning Garwood's movement and prison visits in northern Vietnam, to include his work in 1977 to repair a generator at a prison complex in Thach Ba Lake on the outskirts of Hanoi. In typical fashion, I believe DIA used pending convictions against Garwood upon his return to the United States as a basis for discrediting his reports about other American POW's. They have also consistently stated, as recently as June 1992 that no such prison as Garwood described at Thach Ba Lake ever existed, even though the Vietnamese have confirmed Garwood's description of the facility. These actions by DIA have often been referred to as the "mindset to debunk" possible information on live American POW's.

3. DEFENSE INTELLIGENCE AGENCY

As stated in our final report, several members of the committee, including the chairman and myself, have formally expressed our concern that some individuals involved with DIA's POW/MIA activities have, on occasion, been evasive, unresponsive, and disturbingly incorrect and cavalier. The committee also found reason to take allegations of a "mindset to debunk" seriously, as noted in the executive summary to the report. I hope that this situation will be reviewed by the new administration to ensure that we have dedicated personnel who are objectively committed to finding the truth about our POW's and MIA's.

I must say, Mr. President, that this is truly one of the areas that I am most concerned about as we try to achieve an accounting for our missing men. Some of the comments and actions attributed to individuals at the DIA's POW/MIA Office have been outrageous. Moreover, it appears that some individuals at DIA's POW/MIA Office have made it a personal crusade to defend every prior action on their part during their unusually long careers in this office. I fear that this has resulted in recent live-sighting reports and other intelligence information being summarily dismissed by analysis when it conflicts with their own earlier conclusions. The problem is, Mr. President, that the earlier conclusions may be in error, and our committee found such instances during its investigation. As a result, I am extremely concerned about the capacity of certain DIA analysts to conduct an objective search for answers, especially on the question of whether any Americans may have survived in Vietnam and Laos after 1973.

As an example, I note that between December 15, 1992, and January 12, 1993—a 19-day work period—DIA managed to resolve unresolved first-hand live-sighting reports at a rate over four times faster than during the committee's tenure. One wonders if the committee was able to dramatically improve the time it takes to resolve reports, or if this quickened pace is the reflection of diminished oversight authority in Congress as a result of the select committee's termination.

President Clinton has continuously noted that it is "time for change." Based on correspondence I have received over the years, it is obvious that the majority of POW/MIA family members, national veterans groups, and the American public at large, have virtually no confidence or respect for the work done by the five senior DIA POW/MIA employes on the live prisoner question, nor the manner in which they defend their analysis even when it is eventually proven to be inaccurate. Often, it is as if they are defending their own personal integrity with paranoiac reactions, and as a result, judgments become shaded. In short, their penchant to defend prior conclusions against perceived critics has corrupted the analytical process and put it in direct conflict with U.S. Government policy which assumes that some Americans could have survived in captivity long after the war.

Mr. President, it is time for a change. It is time for new management and new experienced analysts at DIA.

However, change should not result in inexperienced personnel being assigned to complex tasks. Indeed, there has been legitimate concern that young, inexperienced personnel are being sent into Vietnam to search for answers without being familiar with language or locations. I know there are many brilliant Vietnam-era intelligence officers throughout the country. I am confident that many of these officers would be eager to join the effort to determine if any Americans are still held against their will in Southeast Asia.

I hope this recommendation will receive serious attention, and I expect to continue to voice my concerns in these areas. Recently, I have heard that certain DIA POW/MIA employees believe they are now off the hook following the dismantling of the Senate Select Committee on POW/MIA Affairs. Reportedly, they are not too worried about our report and have discussed taking specific steps to once again attempt to limit legitimate Senate oversight by Members and committees on this issue. They have specifically expressed concern that the offices of certain Members may try to carry on the POW/MIA quest and that this must be contained.

If there is one thing the select committee has demonstrated through scores of hearings, depositions, and trips, it is that the quest for answers on unaccounted for POW's from past wars is truly legitimate and honorable, and above all, it is, indeed, based on facts, not fiction. So let the word go out to all personnel within the executive branch that the select committee has brought light into the classified tunnel of POW/MIA information, and there are now several Senators who intend to ensure that the light stays on until we have achieved the fullest possible accounting.

4. PAST WARS

The public should realize that the findings of the committee concerning evidence of Korean war POW's who did not return contradicts statements by United States Government officials in recent years that there was no evidence to suggest POW's from these wars did not come home. The committee found strong evidence that some American POW's were transferred to the Soviet Union during the Korean war. The committee has also firmly concluded that China surely has information on the fate of unaccounted for POW's from the Korean war.

Finally, based on its investigation and review of intelligence information, the committee cannot rule out the possibility that one or more POW's could still be held against their will in North Korea and on the territory of the former Soviet Union. Concerning the cold war, it is important to note that the evidence is convincing that some unaccounted for American servicemen lost during the cold war were actually captured and held in the Soviet Union. Their fates are unknown. We are hopeful that a continuation of the United States-Russia Joint Commission on POW/MIA's along with the very recent increased level of cooperation from North Korea and China will result in answers to these questions.

5. VIETNAM AND LAOS

The executive summary describes in detail the overall judgment of the committee concerning the level of cooperation on POW/MIA matters from Vietnam and Laos. We are pleased with recent cooperative efforts by Vietnam, although disappointed that it took 20 years to get to this point. In Laos, we are disappointed by what we believe is a general lack of access to allow investigation of live-sighting reports and discrepancy cases. We strongly encourage Lao leaders to match the recently improved level of cooperation our investigators are now experiencing in Vietnam.

6. FAMILIES

Certainly the families of unaccounted for POW's and MIA's have had the most at stake following past military conflicts. They have literally been on a rollercoaster ride perpetrated by a historical lack of cooperation from Communist governments and difficulty in securing information from our own Government. It is these families that have consistently motivated me during the last 8 years to help them in their search for answers. Not knowing and uncertainty can be even more difficult than knowing that death of a loved one has occurred. We rightly pay tribute to these families in our final report. Moreover, we have urged our Government to centralize and declassify POW/MIA records to ensure families and the public have access to what our Government knows.

7. RECOMMENDATIONS TO PRESIDENT CLINTON

The final report of the Select Committee on POW/MIA Affairs is being sent to the President of the United States. I have heard that President Clinton is sincerely concerned about efforts to achieve the fullest possible accounting of our missing and captured personnel. It is therefore my sincere hope that President Clinton will appoint a Presidential designee to monitor POW/MIA accounting efforts by our own Government and to encourage greater cooperation from foreign governments. I believe our committee's oversight investigation brought increased efforts at home and abroad. The appointment of a Presidential designee can likewise ensure that our efforts remain focused and determined at all levels. Without such efforts, the fullest possible accounting of our missing and captured men will needlessly drag on for years. I hope to have the opportunity to discuss both the report and these recommendations with the President in the near future as he formulates policy on POW/MIA matters.

Mr. President, with the support of both the majority and minority leader, the committee has worked tirelessly during the past year to open this issue to the American public so together we can all try to seek the truth on our POW's and MIA's. We owe no less to those who make the ultimate sacrifices on behalf of their Nation's freedom, as well as to their families and their comrades who fought with them.

Today, our committee has shown that the United States Government must continue to press Vietnam to keep the promises it made on January 27, 1973. On Monday of this week, Hanoi's Foreign Ministry issued a statement stating that accounting for MIA's should not be a precondition to normalization. Mr. President, I reject this statement. This is not a precondition made by the United States to Vietnam in order for full normalization of economic and diplomatic relations to occur. It was a solemn commitment made by Vietnam 20 years ago today which remains unfulfilled. Therefore, our raising of the issue with Vietnam in the context of normalization is consistent with agreements signed by Vietnam 20 years ago today, and the leaders of Vietnam surely understand this, and it should therefore come as no surprise to the Vietnamese that Americans would continue to raise these issues. Moreover, in the last decade, this has not been a matter of mere legality, but rather a moral and humanitarian issue deserving of resolution.

While there has been recent improvement in Vietnamese actions to account for our missing men, there is still much the Vietnamese can do, as outlined in our final report. Most importantly, from my own perspective, they should be completely forthcoming on telling us everything they know about United States personnel captured or shot down by North Vietnamese and Pathet Lao units in Laos during the war. There are more than 500 military personnel unaccounted for in Laos, and as I noted above, we have received only limited access to Laos.

Mr. President, much work remains to be done and many questions remain unanswered. Some questions will never be answered, but I am convinced that many can be answered through an investigative process that is professional, objective, and dedicated and through a process that enjoys full cooperation from Vietnam and other governments. In short, the American people expect the binding commitments made by Vietnam 20 years ago today to be fulfilled. And we expect our Government to make sure the promises are fulfilled—that is the commitment I have made to my constituents and to family members and veterans across America. As a Vietnam veteran myself, I am proud to make this commitment on behalf of those who did not return at the end of the war.

Based on our intensive year-long investigation into the POW/MIA issue, I also call upon our Government and Vietnam and Laos to themselves renew their commitment today to resolve this issue; 20 years is long enough. And for other nations involved with prior wars, I also ask them to cooperate with U.S. efforts. The families and our Nation are owed answers. Thank you, Mr. President.

Mr. President, I ask unanimous consent that a letter referenced in chapter 6, page 383, footnote 162 of the final report of the Select Committee on POW/MIA Affairs which was inadvertently omitted from the report annex be entered in the CONGRESSIONAL RECORD following my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 16, 1993.

Mr. RICHARD T. CHILDRESS,
Washington, DC.

DEAR DICK: Thank you for your letter of January 8, 1993 expressing concern about proposed language in staff drafts of the final report of the Select Committee on POW/MIA Affairs. I also appreciate your subsequent phone call during which you indicated to me your belief that there were factual inaccuracies in Chapter 6 of the Select Committee's Final Report released on Wednesday, January 13, 1993.

Your January 8, 1993 letter should have been printed in its entirety in Chapter 6 of the Final Report under the heading "Questions About U.S. Government Involvement with Private Efforts to Fund Lao Resistance." The fact that the whole letter was not included is the result of a Committee staff oversight which is now being corrected. As a result of this omission and several other oversights and omissions during the initial printing process in the Senate, the official printing of the report by the Government Printing Office has been delayed until late Tuesday, January 19, 1993.

Let me also take this opportunity to clarify reports that matters discussed in Chapter 6 of the Final Report have been referred by the Select Committee to the Department of Justice. During the press conference by Members of the Committee on Wednesday, January 13, 1993, Senator Grassley stated: "The Committee will refer a case to the Justice Department for possible criminal violations. This case involves the possibility of covert operations in Laos coordinated by White House staff using private funds."

Subsequently, on January 15, 1993, Senator Grassley sent a letter from his personal office to the Attorney General stating that he was referring this matter "on behalf of the Committee."

Having served as the Vice-Chairman of the Select Committee on POW/MIA Affairs, I want you to know that the Select Committee did not refer this matter to the Department of Justice before its authority expired at midnight on Tuesday, January 12, 1993.

This course of action would have required a serious review by Members of the information the Committee had received. After such a review, it is probable that, given the nature of the allegations, any decision to refer the matter to the Department of Justice would have involved a full Committee vote by all 12 Members.

I have the greatest respect for Senator Grassley and his right to refer these matters to the Attorney General based on his interpretation of the information the Committee staff examined. Indeed, this is not the first time a Senator who served on the Select Committee has referred POW/MIA related activities to the Justice Department. On February 12, 1992, Senator John McCain asked the Attorney General to conduct an investigation into alleged fraudulent creation and dissemination of a purported POW photograph by retired Air Force Lt. Colonel Jack E. Bailey.

After reviewing the matters which prompted Senator McCain's request, the Chairman and I jointly signed a letter to the Attorney General on February 21, 1992 expressing our support for Senator McCain's request (copy attached.) I wish to stress that the Chairman and I did not take similar action concerning Senator Grassley's correspondence with the Department of Justice. There had been no discussion of such a referral by the Members of the Committee, as I believe would have been appropriate, nor was there any such recommendation contained in the staff drafts or the final report itself.

I know Senator Kerry agrees with me that any factually inaccurate or undocumented statements of clear omissions of relevant facts in Chapter 6 of the Committee's Report released this past Wednesday should be corrected. In the next few days, I intend to work with Senator Kerry to ensure that any such statements are properly corrected prior to the final printing of the Committee's Report.

After receiving your telephone call, I personally reviewed certain sections of Chapter 6. Examples of items which I believe may be inaccurate or improperly attribute conclusions or judgements to the full Committee are noted below:

In Chapter 4, p. 261, there is reference to undocumented allegations of U.S. Government (NSC) support to private organizations in regard to the movement of funds to indigenous rebel groups "which due to time constraints, the Committee was unable to pursue * * *"

However, in Chapter 6, it is stated that the Committee "learned that U.S. Government officials illegally attempted to provide handguns for members of the Lao resistance * * *" This phrasing implies that the Committee learned in its investigation that USG officials illegally attempted to provide handguns for members of the Lao resistance. The Committee did not make such a judgment, but rather, received allegations and information that such actions may have occurred.

Because of a staff oversight, the entire letter from Richard Childress is not printed as agreed to by the Members of the Committee.

The first sentence under the heading on page 373 of Chapter 6 entitled "Questions About U.S. Government Involvement with Private Efforts to Fund Lao Resistance" implies that the Committee has concluded based on depositions, documents, and affidavits, that "officials of the National Security Council had approved a proposed project" that would raise private funds for resistance groups in Laos. This is factually inaccurate because the full Committee did not reach a conclusion that this is what the depositions, documents, and affidavits indicate.

Under the same heading, the Committee omitted relevant information in its possession indicating that many of these charges were investigated by the Senate Veterans Affairs Committee in 1986 and the House Subcommittee on Asian and Pacific Affairs in 1983. In both instances, information indicates that Congress dismissed the charges as baseless. In the former inquiry, information has been provided that Senator DeConcini sent a letter apologizing to Childress that the charges which had been determined to be unfounded had been raised in a public forum. This omission should be included following the Childress letter.

The following sentence in the paragraph on page 374 of Chapter 6 is undocumented: "Information provided to the Committee indicates that * * * the $156,000 transferred to the Diwan account was subsequently provided to Lao resistance forces * * *"

On page 374 of Chapter 6, sentence beginning "The funds transferred to the Diwan account went to a Lao resistance group for operations." The text of this sentence should include mention that this is based on testimony from Bert Hurlbut, and is not a conclusion of the Committee.

On page 377 of Chapter 6, footnote #173 and the sentence to which it refers should be stricken from the report as General Singlaub was not deposed by the Committee, the sentence is based on what appears in a book, and the sentence should not be represented as a conclusion which was made or verified by the Committee.

On page 377 of Chapter 6, the Committee incorrectly implies that Mr. John Fisher of the American Security Council Foundation was "involved" with supporting the Lao resistance at the request of the White House. This is factually incorrect because the referenced contributions from Mr. Fisher actually went to "Food for the Hungry" in Paris which was assisting Vietnamese refugees. A small amount of the funds also went to fund a League of Families trip to Hanoi.

The NSC memorandum on Bo Gritz printed in full in the report states that the illegal foray by Gritz into Laos in 1983 with the Lao resistance set back U.S. cooperation with the Lao Government. The Committee report should accurately reflect that this NSC memorandum on the adverse impact of Gritz' working with the Lao resistance was staffed and written by Richard Childress, the same person against whom allegations have been made that he worked to support the Lao resistance.

The section on U.S. support for Lao resistance groups contains quotes from depositions of those who "assumed" the White House was orchestrating and approving everything as it occurred, yet no quotes from the depositions of Childress or Griffiths on what they say happened, even though they were both deposed by staff investigators and the information was available to the Committee. Quotes should be included from these depositions to accurately reflect both sides to the allegations in Chapter 6.

Finally, the Committee should accurately reflect that Childress and Griffiths fully cooperated with the Committee, while others did not, and that speeches, public appearances, and negotiating records, all support Childress' contention that he consistently and forcefully opposed any cross-border forays into Laos through resistance forces because of the adverse impact it would have on POW/MIA cooperation with the Government of Laos.

As I have indicated, it is my intention to ensure that the examples of factually inaccurate and/or undocumented statements referenced above are corrected before the final printing of the Committee's report.

Again, thank you for contacting me with your concerns. I deeply regret that these matters were not fully addressed by Members during the drafting of the Committee's Final Report.

Sincerely,

BOB SMITH,
U.S. Senator.

SELECT COMMITTEE ON
POW/MIA AFFAIRS,
Washington, DC, February 21, 1992.

Hon. WILLIAM BARR,
Attorney General, U.S. Department of Justice,
Washington, DC.

DEAR MR. BARR: Senator John McCain wrote you a letter on February 12, 1992 urging you to conduct an investigation into the allegedly fraudulent creation and dissemination by retired Air Force Lt. Col. Jack E. Bailey of a photograph of Donald Gene Carr, an Army Special Forces captain who was lost in Laos in 1971 and who has never been accounted for since. As the chairman and vice-chairman of the Senate Select Committee on POW/MIA Affairs, we share Senator McCain's deep concern that certain people may be creating false information about POWs and MIAs to defraud innocent American families, and we are very interested in the progress of any investigation being conducted by the Justice Department.

Please inform us of the status of any Justice Department action to investigate the fraud allegations regarding the Carr photograph and/or any other suspected frauds related to the POW/MIA issue in Southeast Asia.

Thank you very much for your prompt attention to this important matter.

Sincerely yours,

BOB SMITH,
Vice Chairman.
JOHN F. KERRY,
Chairman.

DEATH OF JUSTICE THURGOOD MARSHALL

Mr. SARBANES. Mr. President, it is with great sadness that I rise to note the passing of one of our Nation's greatest leaders, Supreme Court Justice Thurgood Marshall. It seems in many ways ironic that the passing of this defender of justice and catalyst of sweeping change should follow so rapidly upon the inauguration of a new president and a new era.

Thurgood Marshall's journey from Druid Hill Avenue in Baltimore to his seat on the Supreme Court was regarded by some as an improbable, if not unthinkable, feat. But to many, his ascension to the highest judicial body in this Nation and his groundbreaking achievements along the way were merely living testimony to the principles and ideals which he espoused—that justice colored by race is not justice at all and that the law, and particularly the Constitution, must be used to ensure the rights of all men and women.

As the son of a Pullman porter and an elementary school teacher, Marshall grew up painfully aware of the searing legacy of racism and segregation. A product of segregated elementary, secondary schools, and colleges, Marshall was denied admission from what was, at the time, the only accredited law school in the State of Maryland. Undaunted by this setback, Marshall received his law degree from Howard University, finishing first in his class.

While at Howard, Marshall came under the tutelage of law school vice-dean, Charles H. Houston, who later, as chief legal counsel to the NAACP, enlisted Marshall's tireless commitment in the first of many battles for equal rights. Taking on the same university which had less than 4 years earlier denied his own admission, Marshall won a case arguing that separate law schools were not equal law schools, thus mandating admission of the first African-American man to an accredited law school in Maryland.

Marshall later traveled throughout the United States both as an emissary of Charles Houston and ultimately as head of the NAACP Legal Defense Fund, to argue similar cases for individuals seeking the education to which they were entitled. At every turn possible, Marshall would advocate the right to a fair trial, the right to representation by legal counsel, the right to equal treatment under law—rights theoretically guaranteed to all by the Constitution but frequently denied to those on the basis of skin color or income level. Although Brown versus Board of Education, the decision declaring "separate but equal" doctrines unconstitutional, was arguably Marshall's greatest victory, Marshall's fight to end discrimination was a broad based struggle ranging from cases such as Smith versus Allwright, which ensured the right of African-Americans to vote in primary elections, to the numerous restrictive covenant cases he argued to ensure access to fair housing for all Americans.

In retrospect, it seems only natural that Justice Marshall's distinguished career, as voice for the underdog and champion of a Constitution unfettered by prejudice, would progress through his appointment to the Second Circuit Court of Appeals to his post as U.S. Solicitor General and culminate in his appointment to the highest court of the land—the U.S. Supreme Court.

While on the Court, Justice Marshall remained vigilant in his commitment to protecting those unable to protect themselves. Weathering the storms of an increasingly conservative Court, Justice Marshall became more vocal in his opposition to what he viewed as his newer colleagues derogation of the 13th, 14th, and 15th amendments. Remaining ever vigilant in his defense of the fundamental principles of justice and equality, Justice Marshall registered 25 dissents out of 112 cases in his final term.

As described by friends, Justice Thurgood Marshall was a man of good humor, a spell-binding story-teller, and a devoted husband and father. As defined by his legacy, Justice Marshall was the voice of the poor, the disenfranchised and a protector of constitutional rights for all Americans. Justice Thurgood Marshall will be greatly missed by his family, his friends, and his colleagues, but most of all, the people of America all of whom were nobly served by this wise and courageous man.

MRS. JOHN D. ROCKEFELLER III

Mr. DASCHLE. Mr. President, late last year we were greatly saddened by the loss of Blanchette H. Rockefeller. Her death on November 29, 1992, at 83 years of age, evokes many memories for those who had the good fortune to know her.

For many years, Mrs. Rockefeller was a devoted advocate of support for the arts, and for many cultural institutions throughout the country. She had become a familiar and much beloved figure in Washington as she encouraged, enlightened and exhorted elected and appointed officials to provide support for the arts and humanities. When Congress was tempted to choose short-term economies at the expense of long-term programs, Mrs. Rockefeller's gentle but implacably firm arguments carried great weight.

I have special recollections of my first meeting with her. A freshman Representative from Aberdeen, SD, I had been relegated to virtually inaccessible office space on the remotest edge of the fifth floor of the Cannon Building. It was, therefore, a surprise to find Mrs. Rockefeller, the president of New York's Museum of Modern Art, at my door. Her interest in discussing South Dakota's concerns and needs impressed me greatly, and her subsequent visits with me and other newly minted Members of Congress helped shape our future thinking and understanding.

Mrs. Rockefeller and her late husband, John D. Rockefeller III, shared a broad range of philanthropic interests for more than 40 years. In addition to her long association with the Museum of Modern Art, which she served as chairman and president, Mrs. Rockefeller played an influential role in the work of the National Council on the Humanities and the New York State Council on the Arts.

Blanchette Rockefeller's extraordinary warmth and grace will be long remembered, as will her legacy of selfless public service. My wife, Linda, and I will greatly miss her, and we join in expressing our most heartfelt sympathies to her son, Senator JOHN D. ROCKEFELLER IV of West Virginia; her daughters, Sandra Ferry of Massachusetts, Hope Aldrich of New Mexico and Alida Messinger of Minnesota; and to all her family.

IN TRIBUTE TO THE LATE JUSTICE THURGOOD MARSHALL

Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to the life and work of one of this country's greatest citizens, the late Justice Thurgood Marshall. Justice Marshall, through his work, touched each of our lives. And those of us who are racial or religious minorities owe Justice Marshall a special debt, for we especially are the beneficiaries of the revolution in American law that Justice Marshall wrought.

Justice Marshall was, of course, the first African-American to become an Associate Justice of the U.S. Supreme Court. There he served with distinction bringing not only his perspective as an African-American to bear, but, just as important, his long experience as a courtroom lawyer. As his fellow Justices have said, this made him a voice that required listening.

But as long and distinguished as his career on the bench was, Justice Marshall's greatest accomplishment—and his most lasting memorial—was the end of legally sanctioned segregation. He was the lawyer who argued and won the landmark case of Brown versus Board of Education, which ended the doctrine of "separate but equal" and which marked a major turning point in the battle to end segregation. But he did much more than that. He was the architect of the legal strategy that culminated in Brown.

For almost 25 years, from the time he graduated from law school to the time he was first appointed to the Federal bench, Justice Marshall traveled the country bringing cases to challenge the manifestations of segregation and discrimination. This made him a hero and a legend in many African-American communities, and equally a legend but most definitely not a hero to those who sought to defend the status quo. Through these battles, Justice Marshall picked away at discrimination in schools, in the criminal justice system, in housing and public accommodations, and in the political process.

Thanks to Justice Marshall's efforts and the revolution that he helped create, my children have grown up in a different America than I did. Racism is no longer widely accepted or acceptable. Legally sanctioned segregation is dead. Racially and religiously restrictive covenants are gone. Housing discrimination, while it still exists, is illegal. People are entitled to seek and get jobs based on their own merit and qualifications, without being held back by race, religion, national origin or gender.

This is the enormous legacy that Justice Marshall leaves to our country. But his passing also issues a challenge. At his retirement news conference, Justice Marshall, when asked if African-Americans were "free at last," answered that he agreed with a Pullman porter who had said that he "had been in every city in this country * * * and he had never been in any city in the United States where he had to put his hand in front of his face to find out he was a Negro." Our challenge is to continue his work to build an America in which the color of one's skin is never a barrier to full participation in society.

Mr. President, it is sad that our Nation has lost such a distinguished citizen and public servant as Justice Thurgood Marshall. But we should celebrate his life, his accomplishments and his ideals. And we should give thanks that God blessed us by sending us a man such as Justice Thurgood Marshall.

TRIBUTE TO ROBERT SCULLY

Mr. LEVIN. Mr. President, I rise today to honor a long time friend from Michigan, Robert Scully, who retired on January 1, 1993, from the city of Detroit Police Department after 25 years of distinguished service. Bob began his career as a Detroit police officer in 1967.

In 1976, Bob became an officer of the Detroit Police Officers Association [DPOA], Michigan's largest police union. He served as DPOA's vice president from 1980 until 1992.

Bob is a native of Detroit and graduated from Redford Saint Mary High School and attended the University of Michigan. Bob and his wife Patricia are the parents of two sons.

Bob was one of the founders of the 135,000-member National Association of Police Organizations [NAPO] and was elected as NAPO's first secretary in

1979. He served as vice president in 1981 and was appointed president in may 1982 elected president in 1983, and continued to be reelected to that position through 1991.

Among NAPO's major legislative accomplishments under Bob Scully's watch are the enactment of and improvements in the Federal Public Safety Officers Benefit Program. Under this program, the survivors of slain police officers and firefighters receive a $125,000 death benefit. NAPO's other legislative accomplishments include the establishment, funding and building of the National Law Enforcement Memorial in Washington, DC; much of the Federal anticrime and antidrug legislation that has passed in recent years; and support for the Brady bill to provide a national minimum waiting period for the purchase of handguns.

Upon his retirement, Bob was appointed executive director of NAPO in Washington, DC. I would like to take this opportunity to personally thank Bob Scully for his loyal service to the people and the city of Detroit. I wish him all the best in his new position. He deserves it.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress, stood at $4,175,651,407,763.78 as of the close of business this past Monday, January 25.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on deficit Federal spending, approved by Congress, over and above what the Federal Government has collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day, just to pay the interest on the existing Federal debt.

On a per capita basis, every man, woman, and child owes $16,256.59, thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averages out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it another way, for each family of four, the tab, to pay the interest alone, comes to $4,511.40 per year.

What would America's economic stability be today if there had been a Congress with the courage and the integrity to operate on a balanced budget? The arithmetic speaks for itself.

Mr. KERRY. I ask unanimous consent that Senator DOLE be recognized to address the Senate, and at the conclusion of his remarks, the Senate stand in recess as ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mr. WELLSTONE). The Chair, on behalf of the President pro tempore, pursuant to Senate Resolution 400, 94th Congress, and Senate Resolution 4, 95th Congress, appoints the following Senators to the Select Committee on Intelligence:

The Senator from Arizona [Mr. DECONCINI], chairman;

The Senator from Ohio [Mr. METZENBAUM];

The Senator from Ohio [Mr. GLENN];

The Senator from Nebraska [Mr. KERREY];

The Senator from Nevada [Mr. BRYAN];

The Senator from Florida [Mr. GRAHAM];

The Senator from Massachusetts [Mr. KERRY];

The Senator from Montana [Mr. BAUCUS]; and

The Senator from Louisiana [Mr. JOHNSTON].

The Chair, on behalf of the President pro tempore, pursuant to Senate Resolution 400, 94th Congress, and Senate Resolution 4, 95th Congress, appoints the following Senators to the Select Committee on Intelligence:

The Senator from Virginia [Mr. WARNER], vice chairman;

The Senator from New York [Mr. D'AMATO];

The Senator from Missouri [Mr. DANFORTH];

The Senator from Washington [Mr. GORTON];

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from Alaska [Mr. STEVENS], vice the Senator from Alaska [Mr. MURKOWSKI];

The Senator from Indiana [Mr. LUGAR], vice the Senator from Pennsylvania [Mr. SPECTER]; and

The Senator from Wyoming [Mr. WALLOP].

Mr. DOLE. Mr. President, I have three different items. I will just start with the Lautenberg-Dole resolution which the distinguished Senator from New Jersey introduced yesterday.

RAPE IN BOSNIA AND HERCEGOVINA

Mr. DOLE. Mr. President, I am pleased to cosponsor the resolution introduced by the distinguished Senator from New Jersey [Mr. LAUTENBERG] on the very disturbing matter of systematic rape in Bosnia and Hercegovina.

While we have known for many months now that unspeakable atrocities were being committed in Bosnia, particularly by Serb forces pursuing the policy of ethnic cleansing, it is only recently that we have learned the true extent of this horror. The 1992 State Department's annual country human rights report states:

> The atrocities of the Croats and Bosnian muslems pale in comparison to the sheer scale and calculated cruelty of the killings and other abuses committed by Serbian and Bosnian Serbian forces against Bosnian Moslems, ostensibly in defense of Serbs in Bosnia.

Moreover, it is only recently that have we learned of the particular suffering of the women of Bosnia and Hercegovina; we have finally received independent confirmation of Bosnian Government claims that thousands of Bosnian women of all ages have been brutalized and raped in a systematic fashion by Serb forces.

In December, the European Community [EC] tasked a team of experts with the investigation of the Bosnian Government's allegations. The EC team compiled a report which estimates that 20,000 Bosnian women, primarily Moslem women, have been victims of systematic rape by Serb forces.

Indeed, the EC report states that the Serb forces are using systematic rape as a weapon of war—as yet another method of perpetrating ethnic cleansing.

Mr. President, the sheer number of rape victims is shocking. But, even more shocking and tragic is the fact that some of the rape victims are children—girls who are as young as 6 years old. The lives of all of these victims will be permanently altered by the trauma of rape. They will be haunted by memories of their severe physical and mental abuse at the hands of men bent on punishing them because of their religion and ethnicity.

Mr. President, we know what is happening to the people of Bosnia and Hercegovina. We know that civilians are the primary targets of Serb hostilities. We know the tragic plight of Bosnian women captured by Serb forces. The bottom line is that we know what is going on and we need to do something about it. We need to take action now to assure that the individuals committing these brutal crimes will be held accountable. War criminals must know that they will be brought to justice.

As with other issues relating to Bosnia, the United Nations has been mostly talk and little action. The War

Crimes Commission at the United Nations does not have adequate funding. Moreover, a tribunal has not yet been set up to begin investigation and prosecution of war crimes.

This resolution calls on the President to publicly condemn systematic rape in this conflict and to vigorously support the establishment by the United Nations of a war crimes tribunal. It also urges that countries engaged in humanitarian relief efforts provide resources for the treatment of rape victims.

And, finally, it calls on the United Nations to provide adequate funding in support of the investigation and prosecution of war crimes.

Mr. President, I certainly urge my colleagues to review this resolution and, hopefully, cosponsor it along with myself, Senator LAUTENBERG, Senator KENNEDY, Senator LEAHY, Senator D'AMATO, Senator MURRAY, Senator DURENBERGER, Senator REID, Senator PRESSLER, Senator CAMPBELL, and maybe others by this time. But I certainly think it deserves the consideration of Members on both sides of the aisle.

THURGOOD MARSHALL

Mr. DOLE. Mr. President, I join with those today who are paying tribute to the life and legacy of Justice Thurgood Marshall.

I cannot help but think back to last May, when I attended a ceremony in Topeka where the Monroe School was designated a national historic landmark.

It was the Monroe School—and the efforts of a woman named Linda Brown to enroll her children in that school—which created the case which will forever be known as Brown versus the Board of Education.

The case was originally filed by two courageous Kansas attorneys named John and Charles Scott. And it was Thurgood Marshall, of course, who successfully argued the case before the Supreme Court, ending the separate but equal doctrine in public education.

His victory in this case, his career as legal counsel to the NAACP, as Solicitor General, and as a 24-year member of the U.S. Supreme Court, leave no doubt that Thurgood Marshall was also a national historic landmark.

I may not have agreed with every one of Justice Marshall's opinions, but no one can disagree with the fact that the civil rights movement would not be what it is today without his courage and leadership.

I join with the Members of this body in extending our sympathies to Justice Marshall's family—most especially to his son, Thurgood, who recently left the staff of the Senate Judiciary Committee to join the Vice President's office.

SALUTE TO VICE PRESIDENT QUAYLE

Mr. DOLE. Mr. President, there are many tough jobs in Government—but certainly one of the toughest and most thankless is serving as Vice President of the United States.

With the only official task being to serve as President of the Senate, the job of Vice President is left up to what the occupant makes of it.

And what Dan Quayle made of it was a difference—a positive difference—for President Bush and for America.

No doubt about it, any Vice President always takes some shots from the media. But no Vice President took as many shots—unfair shots—as Dan Quayle. And no Vice President withstood those shots with as much grace, good humor, and commitment to not back down from his beliefs, as Dan Quayle.

Dan Quayle came to the Vice Presidency as an experienced public servant, having served 4 years in the House of Representatives, and 8 years alongside many of us here in the U.S. Senate. And he put his experience and knowhow to use for President Bush.

As Vice President, Dan Quayle single-handedly put reform of our civil justice system on top of our Nation's priority list. As usual, the so-called beltway insiders, and special interest groups such as the American Trial Lawyers opposed the Vice President. But the vast majority of Americans knew that his commonsense proposals were right on target.

As chairman of the Council On Competitiveness—another frequent target for the liberal media—Dan Quayle was the last line of resistance against saddling small business with more mandates, red tape, and regulations.

Vice President Quayle also served ably as Chairman of the National Space Council, where he drew up a blueprint for space policy in the 21st century.

As Vice President, Dan Quayle was a full partner in the historic foreign policy victories of the Bush administration. He traveled to some 50 countries as President Bush's representative, standing up for democracy and freedom round the globe. And throughout Operation Desert Storm, Dan Quayle sat at the table, and stood firmly with President Bush as a tyrant was defeated.

America was also fortunate to have a second lady as talented and committed as Marilyn Quayle.

Through tireless travels around the world, Marilyn Quayle brought much-needed attention to the area of disaster preparedness. And I happen to know that the president of the Red Cross believes that few people have done more for this life-saving area than Marilyn Quayle.

Saving lives was also what both Dan and Marilyn Quayle accomplished through their commitment to breast cancer awareness. For 3 years, they served as cochairmen of the Race for the Cure, a fund raiser for breast cancer awareness which has become a Washington, DC, tradition.

Dan Quayle is now returning to private life after 16 years in public service. He is still, however, young in age, and high in a commitment to make a difference and to serve his country. I am confident that he will continue to do just that for many years to come.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the following Senators to the Commission on Security and Cooperation in Europe:

The Senator from Arizona [Mr. DECONCINI], chairman;

The Senator from New Jersey [Mr. LAUTENBERG];

The Senator from Nevada [Mr. REID];

The Senator from Florida [Mr. GRAHAM]; and

The Senator from Maryland [Ms. MIKULSKI].

MESSAGES FROM THE HOUSE

At 1:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 27. A concurrent resolution providing for an adjournment to the House from Wednesday, January 27, 1993, to Tuesday, February 2, 1993.

At 4:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill; without amendment:

S. 202. An act to designate the Federal Judiciary Building in Washington, D.C., as the "Thurgood Marshall Federal Judiciary Building."

The message also announced that pursuant to the provisions of 15 U.S.C. 1024(a), the Speaker appoints as members of the Joint Economic Committee the following Members on the part of the House: Mr. HAMILTON, Mr. OBEY, Mr. STARK, Mr. MFUME, Mr. WYDEN, and Mr. ANDREWS of Texas.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-467. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the Mutual Mortgage Insurance Fund; to the Committee on Banking, Housing, and Urban Affairs.

EC–468. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on HUD sponsored research; to the Committee on Banking, Housing, and Urban Affairs.

EC–469. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on the availability of credit to small businesses and small farms; to the Committee on Banking, Housing, and Urban Affairs.

EC–471. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Seventeenth Annual Report to Congress on the Automotive Fuel Economy Program; to the Committee on Commerce, Science, and Transportation.

EC–472. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, a report on the correction of deficiencies in the Airmen and Aircraft Registry System; to the Committee on Commerce, Science, and Transportation.

EC–473. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report of Federal agency use of technology transfer authorities; to the Committee on Commerce, Science, and Transportation.

EC–474. A communication from the President of the United States, transmitting, pursuant to law, the annual report of the Tourism Policy Council for fiscal years 1991 and 1992; to the Committee on Commerce, Science, and Transportation.

EC–475. A communication from the President of the United States, transmitting, pursuant to law, a report relative to support for science and technology; to the Committee on Commerce, Science, and Transportation.

EC–476. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Commerce Department's fiscal year 1992 annual report; to the Committee on Commerce, Science, and Transportation.

EC–477. A communication from the Assistant Secretary of the Department of Energy, transmitting, pursuant to law, a notice of extension of the public comment period on an Environmental Impact Statement; to the Committee on Energy and Natural Resources.

EC–478. A communication from the President of the United States, transmitting, pursuant to law, the 12th Annual Report of the Department of Energy for fiscal year 1991; to the Committee on Energy and Natural Resources.

EC–479. A communication from the Secretary of Energy, transmitting, pursuant to law, the Strategic Petroleum Reserve's Final Corrective Action Plan; to the Committee on Energy and Natural Resources.

EC–480. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relating to compensatory royalty agreements; to the Committee on Energy and Natural Resources.

EC–481. A communication from the Secretary of the Interior, pursuant to law, reports relating to mineral resources; to the Committee on Energy and Natural Resources.

EC–482. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relating to thermal features within Crater Lake National Park; to the Committee on Energy and Natural Resources.

EC–483. A communication from the Acting Assistant Attorney General, transmitting, pursuant to law, a report on the Voluntary Agreement and Plan of Action to Implement the International Energy Program; to the Committee on Energy and Natural Resources.

EC–484. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relating to renewable energy and energy conservation incentives; to the Committee on Energy and Natural Resources.

EC–485. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report relating to Superfund Implementation in Fiscal Year 1992; to the Committee on Environment and Public Works.

EC–486. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relating to authorized projects for planning design or construction; to the Committee on Environment and Public Works.

EC–487. A communication from the Chairman of the Council on Environmental Policy, Executive Office of the President, transmitting, pursuant to law, a report entitled "Partnerships to Progress;" to the Committee on Environment and Public Works.

EC–488. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–330 adopted by the Council on December 1, 1992; to the Committee on Governmental Affairs.

EC–489. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Medicaid Coverage for HIV-Positive Individuals Demonstration;" to the Committee on Finance.

EC–490. A communication from the Secretary of Labor, transmitting, pursuant to law, a biennial report on internationally recognized worker rights; to the Committee on Finance.

EC–491. A communication from the Assistant Legal Adviser for Treaty Affairs, United States Department of State, transmitting, pursuant to law, a report relating to international agreements, other than treaties, entered into by the United States in the sixty day period prior to January 14, 1993; to the Committee on Foreign Relations.

EC–492. A communication from the Acting Assistant Secretary (Legislative Affairs), United States Department of State, transmitting, pursuant to law, a report relating to the intended allocation of funds under the FY93 Foreign Operations and Export Financing Act; to the Committee on Foreign Relations.

EC–493. A communication from the Acting Assistant Secretary (Legislative Affairs), United States Department of State, transmitting, pursuant to law, a report relating to the contributions by the United States to international organizations for fiscal year 1991; to the Committee on Foreign Relations.

EC–494. A communication from the President of the United States, transmitting, pursuant to law, a report relating to the prevention of nuclear proliferation; to the Committee on Foreign Relations.

EC–495. A communication from the Acting Assistant Secretary (Legislative Affairs), United States Department of State, transmitting, pursuant to law, a report relating to the status of refugees, displaced persons and victims of conflict from the former Yugoslavia; to the Committee on Foreign Relations.

EC–496. A communication from the Acting Assistant Secretary (Legislative Affairs), United States Department of State, transmitting, pursuant to law, a report relating to the sale and/or lease of defense articles; to the Committee on Foreign Relations.

EC–497. A communication from the Assistant Legal Adviser for Treaty Affairs, United States Department of State, transmitting, pursuant to law, the text of an international agreement with Taiwan; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1. A bill to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes (Rept. No. 103–2).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. 5. A bill to grant family and temporary medical leave under certain circumstances (Rept. No. 103–3).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 39. An original resolution to authorize expenditures for the Committee on Energy and Natural Resources for the period March 1, 1993, through February 28, 1995.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SMITH (for himself and Mr. GRAHAM):

S. 220. A bill to reimburse municipalities for tax liens which had been placed on forfeited property; to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself and Mr. HATFIELD):

S. 221. A bill to allow a prisoner under sentence of death to obtain judicial review of newly discovered evidence showing that he is probably innocent; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 222. A bill to require the Commissioner of Food and Drugs to collect information regarding the drug RU–486 and review the information to determine whether to approve RU–486 for marketing as a new drug, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COHEN:

S. 223. A bill to contain health care costs and increase access to affordable health care, and for other purposes; to the Committee on Finance.

By Mr. EXON:

S. 224. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to grant the President enhanced authority to rescind amounts of budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have thirty days to report or be discharged.

S. 225. A bill to amend the Congressional Budget Act of 1974 to provide that any concurrent resolution on the budget that contains reconciliation directives shall include a directive with respect to the statutory limit on the public debt, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have thirty days to report or be discharged.

By Mr. DASCHLE (for himself, Mr. DORGAN, Mr. CONRAD, and Mrs. KASSEBAUM):

S. 226. A bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation; to the Committee on Finance.

By Mr. DASCHLE:

S. 227. A bill to amend title 10, United States Code, to remove a restriction on the requirement for the Secretary of the Air Force to dispose of real property at deactivated intercontinental ballistic missile facilities to adjacent landowners; to the Committee on Armed Services.

By Mr. BRYAN (for himself and Mr. DANFORTH):

S. 228. A bill to establish a grant program under the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by individuals under the age of 16; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE:

S. 229. A bill for the relief of the Persis Corporation; to the Committee on the Judiciary.

S. 230. A bill to amend title VII of the Public Health Service Act to ensure that social work students or social work schools are eligible for support under the Health Careers Opportunity Program, the Minority Centers of Excellence Program, and programs of grants for training projects in geriatrics, to establish a social work training program, and for other purposes; to the Committee on Labor and Human Resources.

S. 231. A bill to amend the Foreign Trade Zones Act to permit the deferral of payment of duty on certain production equipment; to the Committee on Finance.

By Mr. HATFIELD:

S. 232. A bill to provide assistance to States to enable such States to raise the quality of instruction in mathematics and science by providing equipment and materials necessary for hands-on instruction; to the Committee on Labor and Human Resources.

By Mr. BOREN (for himself, Mr. WOFFORD, Mr. SIMON, Mr. DASCHLE, Mr. PRYOR, Mr. ROBB, Mr. HOLLINGS, Mr. INOUYE, Mr. MCCAIN, Mr. REID, and Mr. LEVIN):

S. 233. A bill to authorize appropriations for the Civilian Community Corps Demonstration Program; to the Committee on Armed Services.

By Mr. DECONCINI:

S. 234. A bill to prohibit the use of United States Government aircraft for political or personal travel, limit certain benefits for senior Government officers, and for other purposes; to the Committee on Governmental Affairs.

By Mr. REID (for himself, Mr. BRYAN, Mr. INOUYE, Mr. STEVENS, and Mr. BUMPERS):

S. 235. A bill to limit State taxation of certain pension income, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN:

S. 236. A bill to increase Federal payments to units of general local government for entitlement lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PRESSLER:

S. 237. A bill to create the National Network Security Board as an independent government agency, located within the Federal Communications Commission, to promote telecommunications network security and reliability by conducting independent network outage investigations and by formulating security improvement recommendations; to the Committee on Commerce, Science, and Transportation.

S. 238. A bill to require the Federal Communications Commission to report annually to Congress regarding the security reliability of the Nation's telecommunications network; to the Committee on Commerce, Science, and Transportation.

By Mr. BOREN (for himself, Mr. SIMON, Mr. INOUYE, Mr. REID, Mr. DASCHLE, Mr. PRYOR, and Mr. LEVIN):

S. 239. A bill to provide grants to States for the establishment of community works progress programs; to the Committee on Labor and Human Resources.

By Mr. BUMPERS:

S. 240. A bill to accelerate implementation of loan forgiveness incentives for student borrowers who perform certain full-time, low-paid national community service; to the Committee on Labor and Human Resources.

By Mr. PRYOR (for himself, Mr. PACKWOOD, Mr. BOREN, Mr. COHEN, Mr. GLENN, Mr. BRYAN, Mr. CONRAD, and Mr. LEAHY):

S. 241. A bill to provide incentives to health care providers serving rural areas, to provide grants to county health departments providing preventative health services within rural areas, to establish State health service corps demonstration projects, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. GLENN, Mr. BRYAN, and Mr. COHEN):

S. 242. A bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to consult with State medical societies in revising the geographic adjustments factors used to determine the amount of payment for physicians' services under part B of the medicare program, to require the Secretary to base geographic-cost-of-practice indices under the program upon the most recent available data, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. ROCKEFELLER, and Mr. BOREN):

S. 243. A bill to amend title XVIII of the Social Security Act to extend the provision relating to medicare-dependent, small rural hospitals, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. JEFFORDS, Mr. DODD, Mr. METZENBAUM, Mr. DECONCINI, Mr. SIMON, Mr. HARKIN, Mr. KERRY, Mr. BRADLEY, Mr. KOHL, Mr. INOUYE, Mr. WELLSTONE, Ms. MIKULSKI, Mr. PELL, and Mr. MCCAIN):

S. 244. A bill to stimulate enterprise development in economically distressed urban and rural areas through public and private partnerships facilitated by community development corporations, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SPECTER:

S. 245. A bill to establish a National Commission on Educational Readiness; to the Committee on Labor and Human Resources.

S. 246. A bill to provide expedited procedures for the consideration of habeas corpus petitions in capital cases; to the Committee on the Judiciary.

S. 247. A bill to establish constitutional procedures for the imposition of the death penalty for certain Federal offenses; to the Committee on the Judiciary.

S. 248. A bill to establish constitutional procedures for the imposition of the death penalty for terrorist murders; to the Committee on the Judiciary.

By Mr. EXON:

S.J. Res. 25. A joint resolution proposing an amendment to the Constitution relating to Federal Budget Procedures; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself and Mr. THURMOND):

S.J. Res. 26. A joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. SASSER):

S.J. Res. 27. A joint resolution providing for the appointment of Hanna Holburn Gray as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 28. A joint resolution to provide for the appointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 29. A joint resolution providing for the appointment of Wesley Samuel Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSTON:

S. Res. 39. An original resolution to authorize expenditures for the Committee on Energy and Natural Resources for the period March 1, 1993, through February 28, 1995; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself and Mr. GRAHAM):

S. 220. A bill to reimburse municipalities for tax liens which had been placed on forfeited property; to the Committee on the Judiciary.

MUNICIPALITIES REIMBURSEMENT ACT OF 1993

• Mr. SMITH. Mr. President, on behalf of Senator BOB GRAHAM and myself, I am today introducing legislation which would allow the Justice Department to reimburse municipalities for tax liens which had been placed on forfeited property.

Under current Federal forfeiture law, property forfeited to the Federal Government under U.S. drug laws is deemed to have been forfeited from the day the property was first used for the unlawful purpose. This may make sense as an effort to discourage banks and other commercial enterprises from dealing with persons they suspect of being drug kingpins. But it makes considerably less sense when dealing with States, counties, towns, and municipalities who have considerably less control over persons and businesses which may be within their jurisdictions.

This problem was brought to my attention because a number of jurisdictions in my State of New Hampshire, including Dorchester, Salem, and Concord, have seen their revenues decline substantially as a result of this unintended inequity in the law.

Last year, after extensive negotiations between the Justice Department and Republicans and Democrats on the Judiciary Committee, we reached an agreement which I believe was acceptable to all interested parties. This agreement is embodied in the language which we are today introducing.

Mr. President, at least one jurisdiction in my State has seen over 10 percent of its revenue base eliminated as a result of what I am assured was an unintended consequence of Federal forfeiture law. This issue may not be a momentous national issue such as the deficit, starvation in Somalia, or the health care crisis. But for that little town, struggling to pay its bills, this is the most important issue in the world.

So, Mr. President, I will work with Senator GRAHAM and the bipartisan leadership of the Judiciary Committee to add this proposal to the first logical legislative vehicle to be considered by the Senate. I trust that, a few months from now, this unfortunate anomaly of the law will be only a memory.●

By Mr. METZENBAUM: (for himself and Mr. HATFIELD):

S. 221. A bill to allow a prisoner under sentence of death to obtain judicial review of newly discovered evidence showing that he is probably innocent; to the Committee on the Judiciary.

DEATH PENALTY JUDICIAL REVIEW ACT OF 1993

Mr. METZENBAUM. Mr. President, after 200 years as the world's greatest constitutional democracy I believe Americans agree on one simple principle—the Constitution forbids the execution of innocent people. Apparently a majority of the Supreme Court do not share that view. On Monday, the Court decided that our Constitution does not prohibit the execution of a person who has been convicted and sentenced to death, but who may be able to prove his or her innocence with newly discovered evidence.

Whether you support or oppose the death penalty, surely we all agree that our laws must require that evidence of guilt be solid and reliable before the State carries out an execution. When newly discovered evidence comes forward that indicates a death row inmate is probably innocent, our Federal courts should and must intervene to stop the execution.

I am appalled that the Supreme Court's decision undermines this principle. The Court held that a State prisoner who claims he has new evidence of his innocence is not entitled to have that claim reviewed in a Federal proceeding. The Court states that such a claim should be raised with a Governor in a petition for executive clemency. In other words, the doors to the courthouse are closed, shut—finished. Persons facing execution who have new evidence of their innocence are forced to rely on the mercy of a single man or woman to spare their lives, just like the defeated gladiators in ancient Rome.

The Government's execution of an innocent person is the ultimate arbitrary deprivation from which one never recovers. It is final. It is decisive. It is all over. Justice Blackmun made the simple but obvious statement in his strong dissent that "The execution of a person who can show that he is innocent comes perilously close to simple murder."

Justice Blackmun once again is right on target. He is 100 percent right. "The execution of a person who can show that he is innocent comes perilously close to simple murder."

This great Nation should reject Chief Justice Rehnquist's conclusion that we should rely on the grace of elected officials to grant clemency to innocent persons on death row.

Does he not realize Governors run for political office? They are concerned about whether the people will like it or will not like it. Maybe the individual involved has been charged with and found guilty of a heinous crime and nobody wants to hear any more about it—put him away. But what if he is not guilty? What if there is new evidence that clearly indicates that he did not do it? And the Governor says, I do not want to hear about that—that is not for me.

Congress must act quickly to assure that a prisoner sentenced to death is entitled to raise a claim of actual innocence. Based on newly discovered evidence, in a Federal petition. Although I understand the desire for finality of criminal judgments, and I support that point of view, executions without adequate safeguards are unacceptable in a civilized society. How many times have we known of situations where individuals who were found guilty were executed and some years later somebody comes along and says, "I really did it."

I have spoken on the floor of this body over a period of years on that very subject when we were debating the issue of capital punishment. But this is not an issue of capital punishment or noncapital punishment. This is a question of what is right and what is wrong, whether an innocent person or person has evidence which would indicate that he is not guilty and would have his opportunity to present that evidence to a court.

Congress must act now to prevent the execution of someone who can prove his innocence.

Today, I plan to introduce legislation which allows a prisoner sentenced to death to raise in Federal proceedings the claim of actual innocence based on newly discovered evidence.

Congress has always had the power to determine which types of cases are appropriate for Federal court review. This bill makes it clear that Federal judicial review will be available to a death row inmate who has new evidence of his or her innocence that is both solid and reliable. The bill relies upon a standard of review suggested by Justices Blackmun, Stevens, and Souter in their dissent.

It is ironic, and indeed almost tragic, that the Supreme Court would announce this callous and unfair decision just 1 day after the death of that magnificent, that wonderful human being, that great Jurist, Thurgood Marshall. Justice Marshall was the most tenacious persistent, and effective champion of equal justice and fundamental fairness ever to sit on the Supreme Court of the United States. He would not for a moment tolerate the outcome of the Herrera case, which was decided this week by the Supreme Court.

A decision which suggests the Supreme Court's willingness to condone the execution of innocent people, only underscores how much we will miss how much this Nation will miss Thurgood Marshall.

In my opinion, there was no greater giant fighting for civil liberties, fighting for all people, fighting for the underprivileged, fighting for the dispossessed, fighting for racial minorities than Thurgood Marshall.

The decision that was handed down this week is a reminder that we all must all continue to work to ensure that this Supreme Court does not succeed in its effort to dismantle his legacy.

Mr. President, I send the bill to the desk and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 221

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1651 of title 28, United States Code, is amended by adding at the end the following:

"(c)(1) At any time, and notwithstanding any other provision of law, a district court shall issue any appropriate writ or relief on behalf of an applicant under sentence of death, imposed either in federal or in state court, who establishes that he is probably innocent of the offense for which the death sentence was imposed.

"(2) On receipt of an application filed pursuant to paragraph (1), a district court shall promptly stay the applicant's execution pending consideration of the application and, upon an unfavorable disposition, until the court's action is affirmed on direct review.

"(3) The court shall dismiss the application, unless it alleges facts, supported by sworn affidavits or documentary evidence, that—

"(A) could not have been discovered through the exercise of due diligence in time to be presented at trial; and

"(B) if proven, would establish that the applicant is probably innocent.

"(4) If the court determines that the applicant is currently entitled to pursue other available and effective remedies in either State or Federal court, the court shall suspend its consideration of the application under this section until the applicant has exhausted those remedies. The stay issued pursuant to paragraph (2) shall remain in effect during such a suspension."

By Mr. WELLSTONE:

S. 222. A bill to require the Commissioner of Food and Drugs to collect information regarding the drug RU–486 and review the information to determine whether to approve RU–486 for marketing as a new drug, and for other purposes; to the Committee on Labor and Human Resources.

ANTIPROGESTIN TESTING ACT OF 1993

Mr. WELLSTONE. Mr. President, I am introducing legislation today that would require the Food and Drug Administration to act as if it had received a new drug application under the Federal Food, Drug, and Cosmetic Act—Food and Drug Act—for the pharmaceutical RU–486, also known as Mifeprestone. The bill would require FDA to collect the same information on RU–486 that is normally required to be submitted by a manufacturer with a new drug application.

FDA would be required to collect and review information on the uses of RU–486 as an abortifacient and a contraceptive, and for the treatment of cancer, brain tumors, Cushings syndrome, or other serious or life-threatening diseases. Clinical trials abroad have already produced substantial documentation on the safety and efficacy of the drug as an abortifacient. More than 100,000 women in Europe have successfully used RU–486 as an abortifacient. Clinical trials on the use of RU–486 to treat breast cancer are ongoing.

Under the bill, if the information the FDA collects and reviews on RU–486 meets the criteria for approval of a new drug under the Food and Drug Act, the FDA would issue an order approving RU–486 for the uses for which it was considered. If RU–486 is not approved because it does not meet the criteria for approval in the Food and Drug Act, the bill would require the NIH expeditiously to conduct or support research, including clinical trials, to obtain the missing information or evidence. The NIH would provide the resulting information to the FDA, which would then reevaluate whether to approve RU–486 for use in the United States.

The bill also requires that any company subsequently marketing RU–486 in the United States would have to reimburse the FDA in accordance with the fee schedule for review of new drug applications, and reimburse the FDA and the NIH for other expenses incurred in carrying out the requirements of the bill.

This legislation is necessary because women in the United States do not have the opportunity for access to RU–486 as do women in other countries, such as Great Britain and France. Reportedly because of the previous administration's hostility toward abortion, the manufacturer of RU–486 has not submitted a new drug application to FDA for any use of RU–486. The new administration has sent signals to RU–486's manufacturer that there is a new attitude in the United States toward abortion, and that women should have the opportunity to avail themselves of a nonsurgical alternative to abortion if they wish to do so. For example, on January 22, 1993, President Clinton issued memoranda directing the Secretary of Health and Human Services: First, to suspend the gag rule restricting discussion of abortion at clinics that receive Federal funds; second, to order the lifting of the moratorium on Federal funding of research involving transplantation of fetal tissue from induced abortions; and third, to require FDA to examine the validity of its import alert on RU–486 which prohibits individuals from importing RU–486 for their personal use.

Although the bill I have introduced would not require the marketing of RU–486, it would require the FDA to take necessary steps that could result in RU–486 being made available to women in the United States, within the FDA's guidelines for safety and efficacy. The legislation also is consistent with President Clinton's January 22, 1993, memorandum to the Secretary of HHS which directs her to "assess initiatives by which the Department of Health and Human Services can promote the testing, licensing, and manufacturing in the United States of RU–486 or other antiprogestins."

I ask unanimous consent that the text of the bill be printed at the conclusion of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Antiprogestin Testing Act of 1993".

SEC. 2. INFORMATION.

(a) COLLECTION.—

(1) IN GENERAL.—The Commissioner of Food and Drugs (referred to in this section as the "Commissioner") shall, to the extent possible, collect information with respect to the drug RU–486, also known as Mifeprestone, including samples and specimens, that is required to be submitted by an applicant for approval of a new drug, as described in section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).

(2) USES OF DRUG.—The Commissioner shall collect such information regarding—

(A) use of the drug as an abortifacient or contraceptive; and

(B) use of the drug for the treatment of cancer, brain tumors, Cushings syndrome, or other serious or life-threatening diseases.

(b) CONSIDERATION.—The Commissioner shall consider the information collected under subsection (a) with respect to the drug to be an application, submitted by the manufacturer of the drug, for approval of the drug for each of the uses described in subsection (a)(2).

(c) APPROVAL DECISION.—

(1) IN GENERAL.—The Commissioner shall review the information collected under subsection (a) as if the information comprised such an application. The Commissioner shall issue an order approving, or refusing to approve, the application with respect to each of the uses in accordance with subsections (c) and (d) of section 505 of such Act.

(2) REFUSAL TO APPROVE DUE TO INSUFFICIENT TESTS, INFORMATION, OR EVIDENCE.—

(A) NOTIFICATION OF DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.—The Commissioner shall notify the Director of the National Institutes of Health (referred to in this section as the "Director") if the Commissioner issues an order refusing to approve the application because of—

(i) the lack of inclusion of adequate tests in the investigation of the drug, as described in section 505(d)(1) of such Act;

(ii) insufficient information, as described in section 505(d)(4) of such Act; or

(iii) a lack of substantial evidence, as described in section 505(d)(5) of such Act.

(B) INFORMATION.—On so notifying the Director, the Commissioner shall submit to the Director all information relevant to the decision of the Commissioner to issue such order. Such information shall include a description of the tests that were not included in the investigation, or a description of the information or evidence that was not submitted with the application.

(3) REPORT.—The Commissioner shall prepare, and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report concerning any order issued under paragraph (1).

(d) RESEARCH.—

(1) IN GENERAL.—If the Commissioner issues an order refusing to approve the application, the Director shall expeditiously conduct or support research (including clinical trials) on RU–486, in order to conduct the tests, or develop the information or evidence, described in subsection (c)(2)(B).

(2) INSTITUTIONAL REVIEW BOARDS AND PEER REVIEW.—Research conducted or supported under paragraph (1) shall be subject to sections 491 and 492 of the Public Health Service Act (42 U.S.C. 289 and 289a).

(3) RESULTS.—The Director shall submit the results of the research to the Commissioner. The Commissioner shall consider the results, along with the information collected under subsection (a) with respect to the drug, to be information submitted by the

manufacturer of the drug as described in subsection (b), and shall review, and issue an order approving or refusing to approve, the application for the drug, in accordance with subsection (c).

(e) REPORT.—The Secretary of Health and Human Services shall prepare, and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report on the status of research conducted or supported under subsection (d) within 6 months of the date on which the Commissioner provides notification under subsection (c)(2)(A), and every 6 months thereafter until the research is completed.

SEC. 3. FEES AND COSTS.

If the Commissioner issues an order approving an application with respect to the drug RU-486 for a use described in section 2(a)(2), any person who introduces the drug into interstate commerce or delivers the drug for introduction into interstate commerce for such use shall reimburse—

(1) the Food and Drug Administration for—

(A) the amount indicated in the fee schedule set forth in section 736 of the Federal Food, Drug, and Cosmetic Act; and

(B) the amount of the costs incurred by the Commissioner in complying with section 2(a); and

(2) the National Institutes of Health for the amount of any costs incurred by the Director in complying with section 2(d).

By Mr. COHEN:

S. 223. A bill to contain health care costs and increase access to affordable health care, and for other purposes; to the Committee on Finance.

ACCESS TO AFFORDABLE HEALTH CARE ACT

Mr. COHEN. Mr. President, the reform of our Nation's health care system is, next to the economy, the most critical issue facing the 103d Congress.

We all agree that we are spending too much, that we are not spending wisely, and that too many people do not have access to the health care they need. The challenge is to design a plan which controls the high cost of medical care and expands access to care without compromising quality. How well we meet this challenge will be a key index by which the public measures our success or failure as a Congress.

The statistics on rising health care costs are staggering. The Commerce Department reported last week that health care costs climbed to almost $840 billion last year—a record 14 percent of our gross national product. Total health care costs, which earlier were expected to top the trillion dollar mark by the turn of the century, now appear likely to hit that level as early as next year.

Clearly, this growth in health care costs cannot be sustained. Families, employers, and even governments are staggering under their weight.

As health care spending consumes a larger and larger share of the economy, fewer and fewer dollars will be left for crucial services such as education, transportation, housing, and for reduction of the national debt.

The problem is not simply that we are spending too much, but that we are not getting an adequate return on our investment. Too many dollars are being spent on procedures of arguable or negligible value. Too few are being spent on primary and preventive services, such as prenatal care, mammograms, and childhood immunizations.

Rising health care costs have also created a dual system of care. The American health care system is the best in the world—but only for those who can afford it.

At the same time that health care spending is soaring, more and more Americans are being priced out of the market. As many as 37 million Americans—alarmingly, almost a third of them children—have no health insurance at all. Many more Americans are underinsured and would be sent into bankruptcy by a serious illness. And even more live in terror that they will lose their coverage if they become ill or change jobs.

The legislation I am introducing today, the Access to Affordable Health Care Act of 1993, builds upon my earlier efforts to reform our health care system and incorporates new elements to make fundamental structural changes in the health care market to ensure that every American has access to affordable, quality health care.

The debate over health care reform centers on two issues—access and cost. Although we are spending more dollars each day, access to care is declining as more and more Americans are priced out of the market.

Our Nation's skyrocketing health care costs and access problems are, in large part, driven by flaws in the health care marketplace.

Ironically, the very people who need care most are the ones who cannot get insurance. Rather than competing to deliver the best value for money, our Nation's insurance companies simply do everything they can to avoid risk. They offer great deals to large companies with young, healthy employees; but completely exclude anyone with a known health problem. In other words, the people who benefit most from the current system are the people least likely to need it.

Insurance companies must stop focusing on how to exclude sick people from coverage and start concentrating on how to make affordable coverage available for all Americans.

Just as the health care market excludes millions of vulnerable Americans, leaving them fully exposed to the risk of potentially catastrophic health care costs, it is also flawed in that it insulates hospitals, doctors, and people with good insurance coverage from the true cost of health care.

When health care bills are paid by a faceless third party—an insurance company or the Government—market forces have no chance to work. Neither the health care provider nor the patient has an incentive to hold down costs. Doctors ordering tests or performing other services pay little attention to cost if they assume an insurance company is paying the bill.

For patients with benefit-rich, first dollar coverage, cost is no object. They carry the equivalent of tax free, unlimited expense accounts and are encouraged to order freely from the full menu of health care services, leading to overutilization of services which drives up health care costs.

The exclusion of employer-provided health benefits from taxable income—which, by the way, costs an estimated $75 to $85 billion a year—further distorts decisionmaking in the health care marketplace. Since they receive an open-ended Federal tax subsidy and since most are now given no meaningful choice between health care plans, workers with employer-provided benefits lack the incentive or the opportunity to comparison shop for better value for their health care dollar.

We have seen how competition has brought down procurement costs in the Department of Defense. The legislation I am introducing today relies upon this same principle to restructure the health care marketplace in order to contain costs and expand access to care.

For competition to be effective, the health care market must allow consumers to choose between competing health plans that offer comprehensive, standardized benefits, and that publicly report price and quality data.

In addition, this competition must be managed to guarantee a level playing field and to make certain that these health plans are competing on the basis of value rather than risk. In other words, health care plans should compete on the basis of being efficient and delivering the most value for dollar, and not simply because they have been more skillful at screening out high-risk participants.

The Access to Affordable Health Care Act restores competition to the health care system by requiring States to establish one or more large regional purchasing cooperatives through which all small businesses and individuals can purchase health insurance. This gives them more buying power and access to affordable coverage. Low-income and unemployed persons could also purchase insurance through these cooperatives, with their premiums subsidized or covered by refundable tax credits. States would also be given the option of enrolling Medicaid beneficiaries in these purchasing cooperatives.

The plan emphasizes the principles of individual responsibility and informed consumer choice. Each year the purchasing cooperatives would contract with a range of competing health plans and would present this full range of plans to their customers. Individual customers would be given complete information about the plans, including a report card on each plan's performance, measuring both cost and quality of care. Customers would then choose the plan they believed delivered the best value for money.

Participating plans would offer standardized benefit packages, emphasizing primary and preventive care. Only approved plans would qualify for tax breaks, and any tax deductions or credits would be capped at the amount of the lowest cost approved plan offered in the region. A plan could offer supplemental coverage for additional services, but the consumer would have to pay the difference out of pocket and also would not get a tax break for the additional services.

Plans would have to take all applicants and would be guaranteed renewable. They could not exclude participants because of preexisting health conditions and also could not charge higher rates for individuals with a history of medical expenses.

Finally, annual limits would be set on premium increases so that insurers have an incentive to contain health care costs.

The proposal I am introducing today would also provide fairer tax treatment of health care expenses. Under current law, those purchasing insurance on their own receive absolutely no break, while employer-provided coverage is a tax-free benefit for those lucky enough to have it. Additionally, while businesses can deduct a full 100 percent of their health benefit costs, the self-employed are only allowed a 25-percent deduction.

My proposal would make insurance coverage more affordable for low- and middle-income individuals by providing a refundable tax credit to those without employer-provided insurance. The amount of the refundable tax credit would be directly linked to the cost of a basic benefit plan sold through the regional cooperative, allowing low- and middle-income persons to be able to afford the cost of health insurance premiums.

Likewise, employers could only deduct benefit costs up to the level of a basic benefit plan, and employer-provided benefits in excess of this amount would be taxed as income. All self-employed persons and individuals ineligible for the tax credit would be allowed a tax deduction equal to 100 percent of the cost of a basic benefit plan.

In addition, my proposal includes a complete package of reforms to increase access to care in underserved rural and inner-city neighborhoods. It also includes provisions to:

Encourage hospitals to share costly high technology equipment and services to contain costs and increase access to care;

Expand school and worksite programs to promote good health and prevent disease;

Increase funding for outcomes research to establish which drugs and procedures are most effective under which circumstances to improve quality of care and eliminate the costly practice of defensive medicine;

Reduce administrative costs by replacing the more than 1,100 insurance forms that clog the system with a simplified, standardized electronic claims processing system;

Encourage malpractice reform; and

Contain the skyrocketing costs of prescription drugs.

Finally, the bill provides the financing necessary to ensure that its provisions are fully funded and do not add to the Federal deficit.

Mr. President, many people have been misled into believing that there is some magic formula, some simple solution that will enable every American to receive unlimited quality care on demand and never see a health care bill.

This is simply not possible. There is no silver bullet.

The approach to health care reform I am advocating does not come without sacrifice. Patients may not always have unlimited choice of health care providers and services, and it will mean tax increases for individuals with generous health benefit plans who choose not to forgo the additional coverage. However, these reforms will contain health care costs and make our health care system more equitable so that millions more Americans have access to affordable health care coverage.

Mr. President, I believe that the principles embodied in the Access to Affordable Health Care Act lay the foundation upon which to build a national consensus on health care reform. I urge my colleagues to join me as cosponsors and ask unanimous consent to include a detailed summary as well as the text of the legislation in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Access to Affordable Health Care Act".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 2. Definitions.

TITLE I—MANAGED COMPETITION IN HEALTH CARE PLANS

Sec. 100. Block grant program.

Subtitle A—Health Plan Purchasing Cooperatives

Sec. 101. Establishment and organization; HPPC areas.
Sec. 102. Agreements with accountable health plans (AHPs).
Sec. 103. Agreements with employers.
Sec. 104. Enrolling individuals in accountable health plans through a HPPC.
Sec. 105. Receipt of premiums.
Sec. 106. Coordination among HPPCs.

Subtitle B—Accountable Health Plans (AHPs)

PART 1—REQUIREMENTS FOR ACCOUNTABLE HEALTH PLANS

Sec. 111. Registration process; qualifications.
Sec. 112. Specified uniform set of effective benefits.
Sec. 113. Collection and provision of standardized information.
Sec. 114. Prohibition of discrimination based on health status for certain conditions; limitation on preexisting condition exclusions.
Sec. 115. Use of standard premiums.
Sec. 116. Financial solvency requirements.
Sec. 117. Grievance mechanisms; enrollee protections; written policies and procedures respecting advance directives; agent commissions.
Sec. 118. Additional requirements of open AHPs.
Sec. 119. Additional requirement of certain AHPs.

PART 2—PREEMPTION OF STATE LAWS FOR ACCOUNTABLE HEALTH PLANS

Sec. 120. Preemption from State benefit mandates.
Sec. 121. Preemption of State law restrictions on network plans.
Sec. 122. Preemption of State laws restricting utilization review programs.

Subtitle C—Federal Health Board

Sec. 131. Establishment of Federal Health Board.
Sec. 132. Specification of uniform set of effective benefits.
Sec. 133. Health benefits and data standards board.
Sec. 134. Health plan standards board.
Sec. 135. Registration of accountable health plans.
Sec. 136. Specification of risk-adjustment factors.
Sec. 137. National health data system.
Sec. 138. Measures of quality of care of specialized centers of care.
Sec. 139. Report on impact of adverse selection; recommendations on mandated purchase of coverage.

TITLE II—TAX INCENTIVES TO INCREASE HEALTH CARE ACCESS

Sec. 201. Credit for accountable health plan costs.
Sec. 202. No deduction for employer health plan expenses in excess of accountable health plan costs.
Sec. 203. Increase in deduction for health plan premium expenses of self-employed individuals.
Sec. 204. Deduction for health plan premium expenses of individuals.
Sec. 205. Exclusion from gross income for employer contributions to accountable health plans.

TITLE III—OUTCOMES RESEARCH AND PRACTICE GUIDELINE DEVELOPMENT; APPLICATION OF GUIDELINES AS LEGAL STANDARD

Sec. 301. Authorization for expansion of health services research.
Sec. 302. Treatment practice guidelines as a legal standard.

TITLE IV—COOPERATIVE AGREEMENTS BETWEEN HOSPITALS

Sec. 401. Purpose.
Sec. 402. Hospital technology and services sharing program.

TITLE V—IMPROVED ACCESS TO HEALTH CARE FOR RURAL AND UNDERSERVED AREAS

Subtitle A—Revenue Incentives for Practice in Rural Areas

Sec. 501. Revenue incentives for practice in rural areas.

Subtitle B—Public Health Service Act Provisions

Sec. 511. National health service corps.
Sec. 512. Establishment of grant program.
Sec. 513. Establishment of new program to provide funds to allow federally qualified health centers and other entities or organizations to provide expanded services to medically underserved individuals.
Sec. 514. Rural mental health outreach grants.
Sec. 515. Health professions training.
Sec. 516. Rural health extension networks.
Sec. 517. Rural managed care cooperatives.

TITLE VI—MALPRACTICE REFORM

Sec. 601. Prelitigation screening panel grants.

TITLE VII—HEALTH PROMOTION AND DISEASE PREVENTION

Sec. 701. Disease prevention and health promotion programs treated as medical care.
Sec. 702. Worksite wellness grant program.
Sec. 703. Expanding and improving school health education.

TITLE VIII—PRESCRIPTION DRUG COST CONTAINMENT

Sec. 801. Reduction in possessions tax credit for excessive pharmaceutical inflation.

TITLE IX—FINANCING

Sec. 901. Repeal of dollar limitation on amount of wages subject to hospital insurance tax.

SEC. 2. DEFINITIONS.

(a) ELIGIBILITY.—As used in this Act:

(1) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means, with respect to a HPPC area, an individual who—

(A) is an eligible employee;

(B) is an eligible resident; or

(C) an eligible family member of an eligible employee or eligible resident.

(2) ELIGIBLE EMPLOYEE.—The term "eligible employee" means, with respect to a HPPC area, an individual residing in the area who is the employee of a small employer.

(3) ELIGIBLE FAMILY MEMBER.—The term "eligible family member" means, with respect to an eligible employee or other principal enrollee, an individual who—

(A)(i) is the spouse of the employee or principal enrollee; or

(ii) is an unmarried dependent child under 22 years of age; including—

(I) an adopted child or recognized natural child; and

(II) a stepchild or foster child but only if the child lives with the employee or principal enrollee in a regular parent-child relationship;

or such an unmarried dependent child regardless of age who is incapable of self-support because of mental or physical disability which existed before age 22;

(B) is a citizen or national of the United States, an alien lawfully admitted to the United States for permanent residence, or an alien otherwise lawfully residing permanently in the United States under color of law; and

(C) with respect to an eligible resident, is not a medicare-eligible individual.

(4) ELIGIBLE RESIDENT.—

(A) IN GENERAL.—The term "eligible resident" means, with respect to a HPPC area, an individual who is not an eligible employee, is residing in the area, and is a citizen or national of the United States, an alien lawfully admitted for permanent residence, and an alien otherwise permanently residing in the United States under color of law.

(B) EXCLUSION OF CERTAIN INDIVIDUALS OFFERED COVERAGE THROUGH A LARGE EMPLOYER.—The term "eligible resident" does not include an individual who—

(i) is covered under an AHP pursuant to an offer made under section 105(b)(1)(A); or

(ii) could be covered under an AHP as the principal enrollee pursuant to such an offer if such offer had been accepted.

(C) TREATMENT OF MEDICARE BENEFICIARIES.—The term "eligible resident" does not include a medicare-eligible beneficiary.

(5) ENROLLEE UNIT.—The term "enrollee unit" means one unit in the case of coverage on an individual basis or in the case of coverage on a family basis.

(6) MEDICARE BENEFICIARY.—The term "medicare beneficiary" means an individual who is entitled to benefits under part A of title XVIII of the Social Security Act, including an individual who is entitled to such benefits pursuant to an enrollment under section 1818 or 1818A of such Act.

(7) MEDICARE-ELIGIBLE INDIVIDUAL.—The term "medicare-eligible individual" means an individual who—

(A) is a medicare beneficiary; or

(B) is not a medicare beneficiary but is eligible to enroll under part A or part B of title XVIII of the Social Security Act.

(b) ABBREVIATIONS.—As used in this Act:

(1) AHP; ACCOUNTABLE HEALTH PLAN.—The terms "accountable health plan" and "AHP" mean a health plan registered with the Board under section 111(a).

(2) BOARD.—The term "Board" means the Federal Health Board established under subtitle C of title I.

(3) HPPC; HEALTH PLAN PURCHASING COOPERATIVE.—The terms "health plan purchasing cooperative" and "HPPC" mean a health plan purchasing cooperative established under subtitle A of title I.

(4) CLOSED AND OPEN PLANS.—

(A) CLOSED.—A plan is "closed" if the plan is limited by structure or law to a particular employer or industry or is organized on behalf of a particular group. A plan maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and one or more employers shall be considered to be a closed plan.

(B) OPEN.—A plan is "open" if the plan is not closed (within the meaning of subparagraph (A)).

(c) OTHER TERMS.—As used in this Act:

(1) HEALTH PLAN.—The term "health plan" means a plan that provides health benefits, whether directly, through insurance, or otherwise, and includes a policy of health insurance, a contract of a service benefit organization, or a membership agreement with a health maintenance organization or other prepaid health plan, and also includes an employee welfare benefit plan or a multiple employer welfare plan (as such terms are defined in section 3 of the Employee Retirement Income Security Act of 1974).

(2) SMALL EMPLOYER.—

(A) IN GENERAL.—Subject to subparagraph (B), the term "small employer" means an employer that normally employed fewer than 100 employees during a typical business day in the previous year.

(B) SPECIAL RULE FOR LARGE EMPLOYERS.—Subject to subparagraph (C), the Board shall provide a procedure by which, in the case of an employer that is not a small employer but normally employs fewer than 100 employees in a HPPC area (or other locality identified by the Board) during a typical business day, the employer, upon application, would be considered to be a small employer with respect to such employees in the HPPC area (or other locality). Such procedure shall be designed so as to prevent the adverse selection of employees with respect to which the previous sentence is applied.

(C) STATE ELECTION.—Subject to section 101(a)(3), a State may by law, with respect to employers in the State, substitute for "100" in subparagraphs (A) and (B) any greater number (not to exceed 10,001), so long as such number is applied uniformly to all employers in a HPPC area.

(3) HPPC STANDARD PREMIUM AMOUNT.—The term "HPPC standard premium amount" means, with respect to an AHP offered by a HPPC, the sum of—

(A) the standard premium amount established by the AHP under section 115, and

(B) the HPPC overhead amount established under section 104(a)(3).

(4) PREMIUM CLASS.—The term "premium class" means a class established under section 115(a)(2).

(5) STATE.—The term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(6) TYPE OF ENROLLMENT.—There are 4 "types of enrollment":

(A) Coverage only of an individual (referred to in this Act as enrollment "on an individual basis").

(B) Coverage of an individual and the individual's spouse.

(C) Coverage of an individual and one child.

(D) Coverage of an individual and more than one eligible family member.

The types of coverage described in subparagraphs (B) through (D) are collectively referred to in this Act as enrollment "on a family basis".

(7) UNIFORM SET OF EFFECTIVE BENEFITS.—The term "uniform set of effective benefits" means, for a year, such set of benefits as specified by the Board under section 132(a).

TITLE I—MANAGED COMPETITION IN HEALTH CARE PLANS

SEC. 100. BLOCK GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall award grants to States to enable such State to defray the costs associated with the implementation and administration of the requirements of this title in such States.

(b) AMOUNT OF GRANTS.—The amount of a grant awarded to a State under this section shall be determined by the Secretary according to a formula developed by the Secretary to take into consideration the population, health care availability, and geographic make-up of the State as compared to other States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to enable the Secretary to award grants under subsection (a), such sums as may be necessary for each fiscal year.

Subtitle A—Health Plan Purchasing Cooperatives

SEC. 101. ESTABLISHMENT AND ORGANIZATION; HPPC AREAS.

(a) HPPC AREAS.—

(1) IN GENERAL.—For purposes of carrying out this title, subject to paragraphs (2) and (3), each State shall be considered a HPPC area.

(2) ALTERNATIVE, INTRASTATE AREAS.—Each State may provide for the division of the State into HPPC areas so long as—

(A) all portions of each metropolitan statistical area in a State are within the same HPPC area; and

(B) the number of individuals residing within a HPPC area is not less than 100,000.

(3) ALTERNATIVE, INTERSTATE AREAS.—In accordance with rules established by the Board, one or more contiguous States may provide for the establishment of a HPPC area that includes adjoining portions of the States so long as such area, if it includes any part of a metropolitan statistical area, includes all of such area. In the case of a HPPC serving a multi-state area, section 2(c)(2)(C) shall only apply to the area if all the States encompassed in the area agree to the number to be substituted.

(b) ESTABLISHMENT OF HPPCS.—

(1) IN GENERAL.—Each State shall provide, by legislation or otherwise, for the establishment by not later than July 1, 1994, as a not-for-profit corporation, with respect to each HPPC area (specified under subsection (a)) of a health plan purchasing cooperative (each in this subtitle referred to as a "HPPC").

(2) SINGLE ORGANIZATION SERVING MULTIPLE HPPC AREAS.—Nothing in this subsection shall be construed as preventing—

(A) a single corporation from being the HPPC for more than one HPPC area; or

(B) a State from coordinating, through a single entity, the activities of one or more HPPCs in the State.

(3) INTERSTATE HPPC AREAS.—HPPCs with respect to interstate areas specified under subsection (a)(3) shall be established in accordance with rules of the Board.

(c) BOARD OF DIRECTORS.—Each HPPC shall be governed by a Board of Directors appointed by the Governor or other chief executive officer of the State (or as otherwise provided under State law or by the Board in the case of a HPPC described in subsection (b)(3)).

(d) DUTIES OF HPPCS.—Each HPPC shall—

(1) enter into agreements with accountable health plans under section 102;

(2) enter into agreements with small employers under section 103;

(3) enroll individuals under accountable health plans, in accordance with section 104;

(4) receive and forward adjusted premiums, in accordance with section 105, including the reconciliation of low-income assistance among accountable health plans;

(5) provide for coordination with other HPPCs, in accordance with section 106; and

(6) carry out other functions provided for under this title.

SEC. 102. AGREEMENTS WITH ACCOUNTABLE HEALTH PLANS (AHPS).

(a) AGREEMENTS.—

(1) OPEN AHPS.—Each HPPC for a HPPC area shall enter into an agreement under this section with each open accountable health plan registered with the Board under subtitle B, that serves residents of the area. Each such agreement under this section, between an open AHP and a HPPC shall include (as specified by the Board) provisions consistent with the requirements of the succeeding subsections of this section. Except as provided in paragraph (3)(A), a HPPC may not refuse to enter into such an agreement with an open AHP which is registered with the Board under subtitle B.

(2) CLOSED AHPS.—Each HPPC for a HPPC area shall enter into a special agreement under this paragraph with each closed AHP that serves residents of the area, in order to carry out subsection (e). Except as otherwise specifically provided, any reference in this Act to an agreement under this section shall not be considered to be a reference to an agreement under this paragraph.

(3) TERMINATION OF AGREEMENT.—In accordance with regulations of the Board—

(A) the HPPC may terminate an agreement under paragraph (1) if the AHP's registration under subtitle B is terminated or for other good cause shown; and

(B) the AHP may terminate either such agreement only upon sufficient notice in order to provide for the orderly enrollment of enrollees under other AHPs.

The Board shall establish a process for the termination of agreements under this paragraph.

(b) OFFER OF ENROLLMENT OF INDIVIDUALS.—

(1) IN GENERAL.—Under an agreement under this section between an AHP and a HPPC, the HPPC shall offer, on behalf of the AHP, enrollment in the AHP to eligible individuals (as defined in section 2(a)(1)) at the applicable monthly premium rates (specified under section 105(a)).

(2) TIMING OF OFFER.—The offer of enrollment shall be available—

(A) to eligible individuals who are employees of small employers, during the 30-day period beginning on the date of commencement of employment; and

(B) to other eligible individuals, at such time (including an annual open enrollment period specified by the Board) as the HPPC shall specify, consistent with section 104(b).

(c) RECEIPT OF GROSS PREMIUMS.—

(1) IN GENERAL.—Under an agreement under this section between a HPPC and an AHP, payment of premiums shall be made, by individuals or employers on their behalf, directly to the HPPC for the benefit of the AHP.

(2) TIMING OF PAYMENT OF PREMIUMS.—Premiums shall be payable on a monthly basis (or, at the option of an eligible individual described in section 2(a)(2)(B), on a quarterly basis). The HPPC may provide for penalties and grace periods for late payment.

(3) AHPS RETAIN RISK OF NONPAYMENT.—Nothing in this subsection shall be construed as placing upon a HPPC any risk associated with failure to make prompt payment of premiums (other than the portion of the premium representing the HPPC overhead amount). Each eligible individual who enrolls with an AHP through the HPPC is liable to the AHP for premiums.

(d) FORWARDING OF ADJUSTED PREMIUMS.—

(1) IN GENERAL.—Under an agreement under this section between an AHP and a HPPC, subject to section 115(b), the HPPC shall forward to each AHP in which an eligible individual has been enrolled an amount equal to the sum of—

(A) the standard premium rate (established under section 115) received for type of enrollment, and

(B) the product of—

(i) the lowest standard premium rate offered by an open AHP for the type of enrollment; and

(ii) a risk-adjustment factor (determined and adjusted in accordance with section 136(b)).

(2) PAYMENTS.—Payments shall be made by the HPPC under this subsection within a period (specified by the Board and not to exceed 7 days) after receipt of the premium from the employer of the eligible individual or the eligible individual, as the case may be.

(3) ADJUSTMENTS FOR DIFFERENCES IN NONPAYMENT RATES.—In accordance with rules established by the Board, each agreement between an AHP and a HPPC under this section shall provide that, if a HPPC determines that the rates of nonpayment of premiums during grace periods established under subsection (c)(2) vary appreciably among AHPs, the HPPC shall provide for such adjustments in the payments made under this subsection as will place each AHP in the same position as if the rates of nonpayment were the same.

SEC. 103. AGREEMENTS WITH EMPLOYERS.

(a) IN GENERAL.—Each HPPC for a HPPC area shall offer each small employer that employs individuals in the area the opportunity to enter into an agreement under this section. Each agreement under this section, between an employer and a HPPC shall include (as specified by the Board) provisions consistent with the requirements specified in the succeeding subsections of this section.

(b) FORWARDING INFORMATION ON ELIGIBLE EMPLOYEES.—

(1) IN GENERAL.—Under an agreement under this section between a small employer and a HPPC, the employer must forward to the appropriate HPPC the name and address (and other identifying information required by the HPPC) of each employee (including part-time and seasonal employees).

(2) APPROPRIATE HPPC.—In this subsection, the term "appropriate HPPC" means the HPPC for the principal place of business of the employer or (at the option of an employee) the HPPC serving the place of residence of the employee.

(c) PAYROLL DEDUCTION.—

(1) IN GENERAL.—Under an agreement under this section between a small employer and a HPPC, if the HPPC indicates to the employer that an eligible employee is enrolled in an AHP through the HPPC, the employer shall provide for the deduction, from the employee's wages or other compensation, of the amount of the premium due (less any employer contribution). In the case of an employee who is paid wages or other compensation on a monthly or more frequent basis, an employer shall not be required to provide for payment of amounts to a HPPC other than at the same time at which the amounts are deducted from wages or other compensation. In the case of an employee who is paid wages or other compensation less frequently than monthly, an employer may be required to provide for payment of amounts to a HPPC on a monthly basis.

(2) ADDITIONAL PREMIUMS.—If the amount withheld under paragraph (1) is not sufficient to cover the entire cost of the premiums, the employee shall be responsible for paying directly to the HPPC the difference between the amount of such premiums and the amount withheld.

(d) LIMITED EMPLOYER OBLIGATIONS.—Nothing in this section shall be construed as—

(1) requiring an employer to provide directly for enrollment of eligible employees under an accountable health plan or other health plan;

(2) requiring the employer to make, or preventing the employer from making, information about such plans available to such employees; or

(3) requiring the employer to make, or preventing the employer from making, an employer contribution for coverage of such individuals under such a plan.

SEC. 104. ENROLLING INDIVIDUALS IN ACCOUNTABLE HEALTH PLANS THROUGH A HPPC.

(a) IN GENERAL.—Each HPPC shall offer in accordance with this section eligible individuals the opportunity to enroll in an AHP for the HPPC area in which the individual resides.

(b) ENROLLMENT PROCESS.—

(1) IN GENERAL.—Each HPPC shall establish an enrollment process in accordance with rules established by the Board consistent with this subsection.

(2) INITIAL ENROLLMENT PERIOD.—Each eligible individual, at the time the individual first becomes an eligible individual in a HPPC area of a HPPC, have an initial enrollment period (of not less than 30 days) in which to enroll in an AHP.

(3) GENERAL ENROLLMENT PERIOD.—Each HPPC shall establish an annual period, of not less than 30 days, during which eligible individuals may enroll in an AHP or change in the AHP in which the individual is enrolled.

(4) SPECIAL ENROLLMENT PERIODS.—In the case of individuals who—

(A) through marriage, divorce, birth or adoption of a child, or similar circumstances, experience a change in family composition; or

(B) experience a change in employment status (including a significant change in the terms and conditions of employment);

each HPPC shall provide for a special enrollment period in which the individual is permitted to change the individual or family basis of coverage or the AHP in which the individual is enrolled. The circumstances under which such special enrollment periods are required and the duration of such periods shall be specified by the Board.

(5) TRANSITIONAL ENROLLMENT PERIOD.—Each HPPC shall provide for a special transitional enrollment period (during a period beginning in the months of October through December of 1994 as specified by the Board) during which eligible individuals may first enroll.

(c) DISTRIBUTION OF COMPARATIVE INFORMATION.—Each HPPC shall distribute, to eligible individuals and employers, information, in comparative form, on the prices, outcomes, enrollee satisfaction, and other information pertaining to the quality of the different AHPs for which it is offering enrollment. Each HPPC also shall make such information available to other interested persons.

(d) PERIOD OF COVERAGE.—

(1) INITIAL ENROLLMENT PERIOD.—In the case of an eligible individual who enrolls with an AHP through a HPPC during an initial enrollment period, coverage under the plan shall begin on such date (not later than the first day of the first month that begins at least 15 days after the date of enrollment) as the Board shall specify.

(2) GENERAL ENROLLMENT PERIODS.—In the case of an eligible individual who enrolls with an AHP through a HPPC during a general enrollment period, coverage under the plan shall begin on the 1st day of the 1st month beginning at least 15 days after the end of such period.

(3) SPECIAL ENROLLMENT PERIODS.—

(A) IN GENERAL.—In the case of an eligible individual who enrolls with an AHP during a special enrollment period described in subsection (b)(4), coverage under the plan shall begin on such date (not later than the first day of the first month that begins at least 15 days after the date of enrollment) as the Board shall specify, except that coverage of family members shall begin as soon as possible on or after the date of the event that gives rise to the special enrollment period.

(B) TRANSITIONAL SPECIAL ENROLLMENT PERIOD.—In the case of an eligible individual who enrolls with an AHP during the transitional special enrollment period described in subsection (b)(5), coverage under the plan shall begin on January 1, 1995.

(4) MINIMUM PERIOD OF ENROLLMENT.—In order to avoid adverse selection, each HPPC may require, consistent with rules of the National Board, that enrollments with AHPs be for not less than a specified minimum enrollment period (with exceptions permitted for such exceptional circumstances as the Board may recognize).

SEC. 105. RECEIPT OF PREMIUMS.

(a) ENROLLMENT CHARGE.—The amount charged by a HPPC for coverage under an AHP in a HPPC area is equal to the sum of—

(1) the standard premium rate established by the AHP under section 115 for such coverage; and

(2) the HPPC overhead amount established under subsection (b)(3) for enrollment of individuals in the HPPC area.

(b) HPPC OVERHEAD AMOUNT.—

(1) HPPC BUDGET.—Each HPPC shall establish a budget for each year for each HPPC area in accordance with regulations established by the Board.

(2) HPPC OVERHEAD PERCENTAGE.—The HPPC shall compute for each HPPC area an overhead percentage which, when applied to the standard premium amount for individual coverage for each enrollee unit, will provide for revenues equal to the budget for the HPPC area for the year. Such percentage may in no case exceed 5 percentage points.

(3) HPPC OVERHEAD AMOUNT.—The HPPC overhead amount for enrollment, whether on an individual or family basis, in an AHP for a HPPC area for a month is equal to the applicable HPPC overhead percentage (computed under paragraph (2)) multiplied by the standard premium amount for individual coverage under the AHP for the month.

SEC. 106. COORDINATION AMONG HPPCS.

(a) IN GENERAL.—The Board shall establish rules consistent with this section for coordination among HPPCs in cases where small employers are located in one HPPC area and their employees reside in a different HPPC area (and are eligible for enrollment with AHPs located in the other area).

(b) COORDINATION RULES.—Under the rules established under subsection (a)(1)—

(1) HPPC FOR EMPLOYER.—The HPPC for the principal place of business of a small employer shall be responsible—

(A) for providing information to the employer's employees on AHPs for areas in which employees reside;

(B)(i) for enrolling employees under the AHP selected (even if the AHP selected is not in the same HPPC area as the HPPC) and (ii) if the AHP chosen is not in the same HPPC area as the HPPC, for forwarding the enrollment information to the HPPC for the area in which the AHP selected is located; and

(C) in the case of premiums to be paid through payroll deduction, to receive such premiums and forward them to the HPPC for the area in which the AHP selected is located.

(2) HPPC FOR EMPLOYEE RESIDENCE.—The HPPC for the HPPC area in which an employee resides shall be responsible for providing other HPPCs with information concerning AHPs being offered in other HPPC areas within the State.

Subtitle B—Accountable Health Plans (AHPs)

PART 1—REQUIREMENTS FOR ACCOUNTABLE HEALTH PLANS

SEC. 111. REGISTRATION PROCESS; QUALIFICATIONS.

(a) IN GENERAL.—The Board shall provide a process whereby a health plan (as defined in section 2(c)(1)) may be registered with the Board by its sponsor as an accountable health plan.

(b) QUALIFICATIONS.—In order to be eligible to be registered, a plan must—

(1) provide, in accordance with section 112, for coverage of the uniform set of effective benefits specified by the Board;

(2) provide, in accordance with section 113, for the collection and reporting to the Board of certain information regarding its enrollees and provision of services;

(3) not discriminate in enrollment or benefits, as required under section 114;

(4) establish standard premiums for the uniform set of effective benefits, in accordance with section 115;

(5) meet financial solvency requirements, in accordance with section 116;

(6) provide for effective grievance procedures and restrict certain physician incentive plans, in accordance with section 117; and

(7) in the case of an open plan (as defined in section 2(b)(4)(B)), meet certain additional requirements under section 118 (relating to acceptance of enrollees and participation as a plan under the medicare program under the Social Security Act and under the Federal employees health benefits program).

(c) MINIMUM SIZE FOR CLOSED PLANS.—No plan may be registered as a closed AHP under this section unless the plan covers at least a number of employees greater than the applicable number of employees specified in section 2(c)(2).

(d) MEDICARE REQUIREMENT.—No plan may be registered as an AHP under this section unless the plan—

(1) meets the requirement of section 118(c); or

(2) provides for payment of the medicare adjustment amount under section 119.

SEC. 112. SPECIFIED UNIFORM SET OF EFFECTIVE BENEFITS.

(a) BENEFITS.—The Board shall not accept the registration of a health plan as an accountable health plan unless, subject to subsection (b), the plan—

(1) offers only the uniform set of effective benefits, specified by Board under section 132(a);

(2) has entered into arrangements with a sufficient number and variety of providers to provide for its enrollees the uniform set of effective benefits without imposing cost-sharing in excess of the cost-sharing described in paragraph (3);

(3)(A) provides, subject to subsection (c), for imposition of uniform cost-sharing (such as deductibles and copayments), specified under such subsection as part of such set of benefits; and

(B) does not permit providers participating in the plan under paragraph (2) to charge for covered services amounts in excess of such cost-sharing; and

(4) provides, in the case of individuals covered under more than one accountable health plan, for coordination of coverage under such plans in an equitable manner.

(b) TREATMENT OF ADDITIONAL BENEFITS.—

(1) IN GENERAL.—Subject to paragraph (2), subsection (a) shall not be construed as preventing an AHP from offering benefits in addition to the uniform set of effective benefits or for reducing the cost-sharing below the

uniform cost-sharing, if such additional benefits or reductions in cost-sharing are offered, and priced, separately from the benefits described in subsection (a).

(2) NO DUPLICATIVE BENEFITS.—An AHP may not offer under paragraph (1) any additional benefits that has the effect of duplicating the benefits required under subsection (a).

SEC. 113. COLLECTION AND PROVISION OF STANDARDIZED INFORMATION.

(a) PROVISION OF INFORMATION.—

(1) IN GENERAL.—Each AHP must provide the Board (at a time, not less frequently than annually, and in an electronic, standardized form and manner specified by the Board) such information as the Board determines to be necessary, consistent with this subsection and section 137, to evaluate the performance of the AHP in providing the uniform set of effective benefits to enrollees.

(2) INFORMATION TO BE INCLUDED.—Subject to paragraph (3), information to be reported under this subsection shall include at least the following:

(A) Information on the characteristics of enrollees that may affect their need for or use of health services.

(B) Information on the types of treatments and outcomes of treatments with respect to the clinical health, functional status, and well-being of enrollees.

(C) Information on enrollee satisfaction, based on standard surveys prescribed by the Board.

(D) Information on health care expenditures, volume and prices of procedures, and use of specialized centers of care (for which information is submitted under section 138).

(E) Information on the flexibility permitted by plans to enrollees in their selection of providers.

(3) SPECIAL TREATMENT.—The Board may waive the provision of such information under paragraph (2), or require such other information, as the Board finds appropriate in the case of newly established AHP for which such information is not available.

(b) CONDITIONING CERTAIN PROVIDER PAYMENTS.—

(1) IN GENERAL.—In order to assure the collection of all information required from the direct providers of services for which benefits are available through an AHP, each AHP may not provide payment for services (other than emergency services) furnished by a provider to meet the uniform set of effective benefits unless the provider has given the AHP (or has given directly to the National Board) standard information (specified by the Board) respecting the services.

(2) FORWARDING INFORMATION.—If information under paragraph (1) is given to the AHP, the AHP is responsible for forwarding the information to the Board.

SEC. 114. PROHIBITION OF DISCRIMINATION BASED ON HEALTH STATUS FOR CERTAIN CONDITIONS; LIMITATION ON PRE-EXISTING CONDITION EXCLUSIONS.

(a) IN GENERAL.—Except as provided under subsection (b), an AHP may not deny, limit, or condition the coverage under (or benefits of) the plan based on the health status, claims experience, receipt of health care, medical history, or lack of evidence of insurability, of an individual.

(b) TREATMENT OF PREEXISTING CONDITION EXCLUSIONS FOR SERVICES.—

(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, an AHP may exclude coverage with respect to services related to treatment of a preexisting condition, but the period of such exclusion may not exceed 6 months beginning on the date of coverage under the plan. The exclusion of coverage shall not apply to services furnished to newborns and to pregnant women.

(2) CREDITING OF PREVIOUS COVERAGE.—

(A) IN GENERAL.—An AHP shall provide that if an enrollee is in a period of continuous coverage (as defined in subparagraph (B)(i)) as of the date of initial coverage under such plan, any period of exclusion of coverage with respect to a preexisting condition for such services or type of services shall be reduced by 1 month for each month in the period of continuous coverage.

(B) DEFINITIONS.—As used in this paragraph:

(i) PERIOD OF CONTINUOUS COVERAGE.—The term "period of continuous coverage" means the period beginning on the date an individual is enrolled under an AHP (or, before July 1, 1994, under any health plan that provides benefits with respect to such services) and ends on the date the individual is not so enrolled for a continuous period of more than 3 months.

(ii) PREEXISTING CONDITION.—The term "preexisting condition" means, with respect to coverage under an AHP, a condition which has been diagnosed or treated during the 3-month period ending on the day before the first date of such coverage (without regard to any waiting period).

(3) LIMITATION.—This subsection shall not apply to treatment which is not within the uniform set of effective benefits.

SEC. 115. USE OF STANDARD PREMIUMS.

(a) STANDARD PREMIUMS FOR OPEN AHPS.—

(1) IN GENERAL.—Subject to subsection (b), each open AHP shall establish a standard premium for the uniform set of effective benefits within each HPPC area in which the plan is offered. The amount of premium applicable for all individuals within a premium class (established under paragraph (2)) is the standard premium amount multiplied by the premium class factor specified by the Board for that class under paragraph (2)(B). Within a HPPC area for individuals within a premium class, the standard premium for all individuals in the class shall be the same.

(2) PREMIUM CLASSES.—

(A) IN GENERAL.—The Board shall establish premium classes—

(i) based on types of enrollment (described in section 2(c)(6)); and

(ii) within each type of enrollment, based on age of principal enrollee.

In carrying out clause (ii), the Board shall establish reasonable age bands within which premium amounts will not vary for a type of enrollment.

(B) PREMIUM CLASS FACTORS.—

(i) IN GENERAL.—For each premium class established under subparagraph (A), the Board shall establish a premium class factor that reflects, subject to clause (ii), the relative actuarial value of benefits for that class compared to the actuarial value of benefits for an average class.

(ii) LIMIT ON VARIATION IN PREMIUM CLASS FACTORS.—The highest premium class factor may not exceed twice the lowest premium class factor and the weighted average of the premium class factors shall be 1.

(3) METHODOLOGY.—Standard premiums are subject to adjustment in accordance with section 102(d)(1).

(b) LIMITATION ON PREMIUM INCREASES.—

(1) BOARD ACTION.—The Board shall establish annual limits on the permissible percentage rate of increase for premiums with respect to AHP's providing the uniform set of effective benefits.

(2) INCREASES.—Annual increases in premiums for an AHP may not exceed the percentage limit established by the Board under paragraph (1).

SEC. 116. FINANCIAL SOLVENCY REQUIREMENTS.

(a) SOLVENCY PROTECTION.—

(1) FOR INSURED PLANS.—In the case of an AHP that is an insured plan (as defined by the Board) and is issued in a State, in order for the plan to be registered under this subtitle the Board must find that the State has established satisfactory protection of enrollees with respect to potential insolvency.

(2) FOR OTHER PLANS.—In the case of an AHP that is not an insured plan, the Board may require the plan to provide for such bond or provide other satisfactory assurances that enrollees under the plan are protected with respect to potential insolvency of the plan.

(b) PROTECTION AGAINST PROVIDER CLAIMS.—In the case of a failure of an AHP to make payments with respect to the uniform set of basic benefits, under standards established by the Board, an individual who is enrolled under the plan is not liable to any health care provider or practitioner with respect to the provision of health services within such uniform set for payments in excess of the amount for which the enrollee would have been liable if the plan were to have made payments in a timely manner.

SEC. 117. GRIEVANCE MECHANISMS; ENROLLEE PROTECTIONS; WRITTEN POLICIES AND PROCEDURES RESPECTING ADVANCE DIRECTIVES; AGENT COMMISSIONS.

(a) EFFECTIVE GRIEVANCE PROCEDURES.—Each AHP shall provide for effective procedures for hearing and resolving grievances between the plan and individuals enrolled under the plan, which procedures meet standards specified by the Board.

(b) RESTRICTION ON CERTAIN PHYSICIAN INCENTIVE PLANS.—

(1) IN GENERAL.—A health plan may not be registered as an AHP if it operates a physician incentive plan (as defined in paragraph (2)) unless the requirements specified in clauses (i) through (iii) of section 1876(i)(8)(A) of the Social Security Act are met (in the same manner as they apply to eligible organizations under section 1876 of such Act).

(2) PHYSICIAN INCENTIVE PLAN DEFINED.—In this subsection, the term "physician incentive plan" means any compensation or other financial arrangement between the AHP and a physician or physician group that may directly or indirectly have the effect of reducing or limiting services provided with respect to individuals enrolled under the plan.

(c) WRITTEN POLICIES AND PROCEDURES RESPECTING ADVANCE DIRECTIVES.—A health plan may not be registered as an AHP unless the plan meets the requirements of section 1866(f) of the Social Security Act (relating to maintaining written policies and procedures respecting advance directives), insofar as such requirements would apply to the plan if the plan were an eligible organization.

(d) PAYMENT OF AGENT COMMISSIONS.—An AHP—

(1) may pay a commission or other remuneration to an agent or broker in marketing the plan to individuals or groups; but

(2) may not vary such remuneration based, directly or indirectly, on the anticipated or actual claims experience associated with the group or individuals to which the plan was sold.

SEC. 118. ADDITIONAL REQUIREMENTS OF OPEN AHPS.

(a) REQUIREMENT OF AGREEMENT WITH HPPC.—In the case of a health plan which is an open plan (as defined in section

191(b)(4)(B)), in order to be registered as an AHP the plan must have in effect an agreement (described in section 102) with each HPPC for each HPPC area in which it is offered.

(b) REQUIREMENT OF OPEN ENROLLMENT.—

(1) IN GENERAL.—In the case of a health plan which is an open health plan, in order to be registered as an AHP the plan must, subject to paragraph (3), not reject the enrollment of any eligible individual whom a HPPC is authorized to enroll under an agreement referred to in subsection (a) if the individual applies for enrollment during an enrollment period.

(2) LIMITATION ON TERMINATION.—Subject to paragraph (3), coverage of eligible individuals under an open AHP may not be refused nor terminated except for—

(A) nonpayment of premiums;

(B) fraud or misrepresentation; or

(C) termination of the plan at the end of a year (after notice and in accordance with standards established by the Board).

(3) TREATMENT OF NETWORK PLANS.—

(A) GEOGRAPHIC LIMITATIONS.—

(i) IN GENERAL.—An AHP which is a network plan (as defined in subparagraph (D)) may deny coverage under the plan to an eligible individual who is located outside a service area of the plan, but only if such denial is applied uniformly, without regard to health status or insurability of individuals.

(ii) SERVICE AREAS.—The Board shall establish standards for the designation by network plans of service areas in order to prevent discrimination based on health status of individuals or their need for health services.

(B) SIZE LIMITS.—Subject to subparagraph (C), an AHP which is a network plan may apply to the Board to cease enrolling eligible individuals under the AHP (or in a service area of the plan) if—

(i) it ceases to enroll any new eligible individuals; and

(ii) it can demonstrate that its financial or administrative capacity to serve previously covered groups or individuals (and additional individuals who will be expected to enroll because of affiliation with such previously covered groups or individuals) will be impaired if it is required to enroll other eligible individuals.

(C) FIRST-COME-FIRST-SERVED.—A network plan is only eligible to exercise the limitations provided for in subparagraphs (A) and (B) if it provides for enrollment of eligible individuals on a first-come-first-served basis.

(D) NETWORK PLAN.—In this paragraph, the term "network plan" means an eligible organization (as defined in section 1876(b) of the Social Security Act) and includes a similar organization, specified in regulations of the Board, as requiring a limitation on enrollment of employer groups or individuals due to the manner in which the organization provides health care services.

(c) REQUIREMENT OF PARTICIPATION IN MEDICARE RISK-BASED CONTRACTING.—

(1) IN GENERAL.—In the case of a health plan which is an open health plan and which is an eligible organization (as defined in section 1876(b) of the Social Security Act), in order to be registered as an AHP the plan must enter into a risk-sharing contract under section 1876 of the Social Security Act for the offering of benefits to medicare beneficiaries in accordance with such section.

(2) EXPANSION OF MEDICARE SELECT PROGRAM.—Subsection (c) of section 4358 of the Omnibus Budget Reconciliation Act of 1990 (104 Stat. 1388-137) is amended by striking "only apply in 15 States" and all that follows through the end and inserting "on and after January 1, 1992.".

(d) PARTICIPATION IN FEHBP.—

(1) IN GENERAL.—In the case of a health plan which is an open health plan, in order to be registered as an AHP the plan must have entered into an agreement with the Office of Personnel Management to offer a health plan to Federal employees and annuitants, and family members, under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code, under the same terms and conditions offered by the AHP for enrollment of individuals and small employers through HPPCs.

(2) CHANGE IN CONTRIBUTION AND OTHER FEHBP RULES.—Notwithstanding any other provision of law, effective January 1, 1994—

(A) enrollment shall not be permitted under a health benefits plan under chapter 89 of title 5, United States Code, unless the plan is an AHP, and

(B) the amount of the Federal Government contribution under such chapter—

(i) for any premium class shall be the same for all AHPs in a HPPC area,

(ii) for any premium class shall not exceed the base individual premium (as defined in section 209(c)(3)), and

(iii) in the aggregate for any fiscal year shall be equal to the aggregate amount of Government contributions that would have been made but for this section.

SEC. 119. ADDITIONAL REQUIREMENT OF CERTAIN AHPS.

(a) MEDICARE ADJUSTMENT PAYMENT REQUIRED.—Each AHP which does not meet the requirement of section 148(c) shall provide for payment to the Board of such amounts as may be required as to put the plan in the same financial position as the AHP would be in if it met such requirement.

(b) REDISTRIBUTION OF PAYMENTS TO PLANS.—The Board shall provide for the distribution among AHPs meeting the requirement of section 148(c) of amounts paid under subsection (a) in such manner as reflects the relative financial impact of such requirement among such plans.

PART 2—PREEMPTION OF STATE LAWS FOR ACCOUNTABLE HEALTH PLANS

SEC. 120. PREEMPTION FROM STATE BENEFIT MANDATES.

Effective as of January 1, 1994, no State shall establish or enforce any law or regulation that—

(1) requires the offering, as part of an AHP, of any services, category of care, or services of any class or type of provider that is different from the uniform set of effective benefits;

(2) specifies the individuals to be covered under an AHP or the duration of such coverage; or

(3) requires a right of conversion from a group health plan that is an AHP to an individual health plan.

SEC. 121. PREEMPTION OF STATE LAW RESTRICTIONS ON NETWORK PLANS.

(a) LIMITATION ON RESTRICTIONS ON NETWORK PLANS.—Effective as of January 1, 1994—

(1) A State may not by law or regulation prohibit or unreasonably limit a network plan from including incentives for enrollees to use the services of participating providers.

(2) A State may not prohibit or unreasonably limit a network plan from limiting coverage of services to those provided by a participating provider.

(3)(A) Subject to subparagraph (B), a State may not prohibit or unreasonably limit the negotiation of rates and forms of payments for providers under a network plan.

(B) Subparagraph (A) shall not apply where the amount of payments with respect to a category of services or providers is established under a Statewide system applicable to all non-Federal payors with respect to such services or providers.

(4) A State may not prohibit or unreasonably limit a network plan from limiting the number of participating providers.

(5) A State may not prohibit or unreasonably limit a network plan from requiring that services be provided (or authorized) by a practitioner selected by the enrollee from a list of available participating providers.

(b) DEFINITIONS.—As used in this section:

(1) NETWORK PLAN.—The term "network plan" means an AHP—

(A) which—

(i) limits coverage of the uniform set of basic benefits to those provided by participating providers; or

(ii) provides, with respect to such services provided by persons who are not participating providers, for deductibles or other cost-sharing which are in excess of those permitted under the uniform set of basic benefits for participating providers;

(B) which has a sufficient number and distribution of participating providers to assure that the uniform set of basic benefits is—

(i) available and accessible to each enrollee, within the area served by the plan, with reasonable promptness and in a manner which assures continuity; and

(ii) when medically necessary, available and accessible 24 hours a day and seven days a week; and

(C) which provides benefits for the uniform set of basic benefits not furnished by participating providers if the services are medically necessary and immediately required because of an unforeseen illness, injury, or condition.

(2) PARTICIPATING PROVIDER.—The term "participating provider" means an entity or individual which provides, sells, or leases health care services under a contract with a network plan, which contract does not permit—

(A) cost-sharing in excess of the cost-sharing permitted under the uniform set of basic benefits with respect to basic benefits; and

(B) any enrollee charges (for such services covered under such set) in excess of such cost-sharing.

SEC. 122. PREEMPTION OF STATE LAWS RESTRICTING UTILIZATION REVIEW PROGRAMS.

(a) IN GENERAL.—Effective January 1, 1994, no State law or regulation shall prohibit or regulate activities under a utilization review program (as defined in subsection (b)).

(b) UTILIZATION REVIEW PROGRAM DEFINED.—In this section, the term "utilization review program" means a system of reviewing the medical necessity and appropriateness of patient services (which may include inpatient and outpatient services) using specified guidelines. Such a system may include preadmission certification, the application of practice guidelines, continued stay review, discharge planning, preauthorization of ambulatory procedures, and retrospective review.

Subtitle C—Federal Health Board

SEC. 131. ESTABLISHMENT OF FEDERAL HEALTH BOARD.

(a) IN GENERAL.—There is hereby established a Federal Health Board.

(b) COMPOSITION AND TERMS.—

(1) APPOINTMENT.—The Board`shall be composed of 5 members appointed by the President by and with the advice and consent of the Senate. In appointing members to the Board, the President shall provide that all

members shall demonstrate experience with and knowledge of the health care system.

(2) Chairperson.—The President shall designate one of the members to be Chairperson of the Board.

(3) Terms.—Each member of the Board shall be appointed for a term of 7 years, except that, of the members first appointed, 1 shall each be appointed for terms of 3, 4, 5, 6, and 7 years, as designated by the President at the time of appointment. Members appointed to fill vacancies shall serve for the remainder of the terms of the vacating members.

(4) Party affiliation.—Not more than 3 members of the Board shall be of the same political party.

(5) Other employment prohibited.—A member of the Board may not, during the term as a member, engage in any other business, vocation, profession, or employment.

(6) Quorum.—Three members of the Board shall constitute a quorum, except that 2 members may hold hearings.

(7) Meetings.—The Board shall meet at the call of the Chairman or 3 members of the Board.

(8) Compensation.—Each member of the Board shall be entitled to compensation at the rate provided for level II of the Executive Schedule, subject to such amounts as are provided in advance in appropriation Acts.

(c) Personnel.—

(1) In general.—The Board shall appoint an Executive Director and such additional officers and employees as it considers necessary to carry out its functions under this Act. Except as otherwise provided in any other provision of law, such officers and employees shall be appointed, and their compensation shall be fixed, in accordance with title 5, United States Code.

(2) Experts and consultants.—The Board may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(d) Miscellaneous Provisions.—

(1) Gifts, bequests, and devises.—The Board may accept, use, and dispose of gifts, bequests, or devises of services or property for the purpose of aiding or facilitating its work.

(2) Mails.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 132. SPECIFICATION OF UNIFORM SET OF EFFECTIVE BENEFITS.

(a) Specification of Uniform Set of Effective Benefits.—

(1) In general.—The Board shall specify, by not later than October 1 of each year (beginning with 1993), the uniform set of effective benefits to apply under this title for the following year.

(2) Specification of health care conditions.—

(A) In general.—Such benefits shall include the full range of legally authorized treatment for any health condition for which the Board determines a treatment has been shown to reasonably improve or significantly ameliorate the condition. The Board may exclude health conditions the treatment of which do not impact on clinical health or functional status of individuals.

(B) Coverage of clinical preventive services.—Such benefits shall include the full range of effective clinical preventive services (including appropriate screening, counseling, and immunization and chemoprophylaxis), specified by the Board, appropriate to age and other risk factors.

(C) Coverage for persons with severe mental illness.—The Board shall establish guidelines concerning nondiscrimination towards individuals with severe mental illnesses and coverage for the treatment of severe mental illnesses. Such guidelines shall ensure that coverage of such individuals is equitable and commensurate with the coverage provided to other individuals.

(D) Exclusion for ineffective treatments.—The Board may exclude from the benefits such treatments as the Board determines, based on clinical information, have not been reasonably shown to improve a health condition or significantly ameliorate a health condition. Except as specifically excluded, the actual specific treatments, procedures, and care (such as the use of particular providers or services) which may be used under a plan or be used with respect to health conditions shall be left up to the plan.

(E) Nondiscrimination.—In determining the uniform set of effective benefits, the Board shall not discriminate against individuals with serious mental illnesses.

(3) Deductibles and cost-sharing.—

(A) In general.—Subject to subparagraph (B), such set shall include uniform deductibles and cost-sharing associated with such benefits.

(B) Treatment of network plans.—In the case of a network plan (as defined in section 121(b)), the plan may provide for charging deductibles and cost-sharing in excess of the uniform deductibles and cost-sharing under subparagraph (A) in the case of services provided by providers that are not participating providers (as defined in such section).

(b) Basis for Benefits.—In establishing such set, the Board shall judge medical treatments, procedures, and related health services based on—

(1) their effectiveness in improving the health status of individuals; and

(2) their long-term impact on maintaining and improving health and productivity and on reducing the consumption of health care services.

(c) Basis for Cost-Sharing.—In establishing cost-sharing that is part of the uniform set of effective benefits, the Board shall—

(1) include only such cost-sharing as will restrain consumers from seeking unnecessary services;

(2) not impose cost-sharing for covered clinical preventive services;

(3) balance the effect of the cost-sharing in reducing premiums and in affecting utilization of appropriate services; and

(4) limit the total cost-sharing that may be incurred by an individual (or enrollee unit) in a year.

SEC. 133. HEALTH BENEFITS AND DATA STANDARDS BOARD.

(a) Establishment.—The Board shall provide for the initial organization, as a nonprofit corporation in the District of Columbia, of the Health Benefits and Data Standards Board (in this section referred to as the "Benefits and Data Board"), under the direction of a board of directors consisting of 5 directors.

(b) Appointment of Directors.—

(1) Solicitation.—The Board shall solicit nominations for the initial board of directors of the Benefits and Data Board from organizations that represent the various groups with an interest in the health care system and the functions of the Board.

(2) Continuation.—The by-laws of the Benefits and Data Board shall provide for the board of directors subsequently to be appointed by the board in a manner that ensures a broad range of representation of through groups with an interest in providing and purchasing health care.

(3) Terms of directors.—The term of each member of the board of directors shall be for 7 years, except that in order to provide for staggered terms, the terms of the members initially appointed shall be for 3, 4, 5, 6, and 7 years. In the case of a vacancy by death or resignation, the replacement shall be appointed for the remainder of the term. No individual may serve as a director of the board for more than 14 years.

(c) Functions.—

(1) In general.—The Benefits and Data Board shall make recommendations to the Board concerning each of the following:

(A) The uniform set of effective benefits.

(B) The standards for information collection from AHPs.

(C) Auditing standards to ensure the accuracy of such information.

Before making recommendations concerning the standards described in subparagraph (B), the Benefits and Data Board shall consult with the Agency for Health Care Policy and Research regarding the Agency's need for information in performing its activities.

(2) Assessments.—The Benefits and Data Board shall provide the Board with its assessment of—

(A) medical technology;

(B) practice variations;

(C) the effectiveness of medical practices and drug therapies based on research performed by the Agency for Health Care Policy and Research;

(D) information from clinical and epidemiologic studies; and

(E) information provided by AHPs, including AHP-specific information on clinical health, functional status, well-being, and plan satisfaction of enrolled individuals.

(3) National health data system.—The Benefits and Data Board shall provide the Board with its assistance in the development of the standards for the national data reporting system under section 137.

(d) Funding.—

(1) In general.—In order to provide funding for the Benefits and Data Board, the National Health Board shall establish an annual registration fee for AHPs which is imposed on a per-covered-individual-basis and is sufficient, in the aggregate, to provide each year for not more than the amount specified in paragraph (2) for the operation of the Benefits and Data Board.

(2) Amount of funds.—The amount specified in this paragraph for each of fiscal years 1994 and 1995, is $50,000,000, and, for each succeeding fiscal year, is $25,000,000.

SEC. 134. HEALTH PLAN STANDARDS BOARD.

(a) Establishment.—The Board shall provide for the initial organization, as a nonprofit corporation in the District of Columbia, of the Health Plan Standards Board (in this section referred to as the "Plan Standards Board"), under the direction of a board of directors consisting of 5 directors.

(b) Appointment of Directors.—

(1) Solicitation.—The Board shall solicit nominations for the initial board of directors of the Plan Standards Board from organizations that represent the various groups with an interest in the health care system and the functions of the Board.

(2) Continuation.—The by-laws of the Plan Standards Board shall provide for the board of directors subsequently to be appointed by the board in a manner that ensures a broad range of representation of through groups with an interest in providing and purchasing health care.

(3) Terms of directors.—The term of each member of the board of directors shall be for 7 years, except that in order to provide for

staggered terms, the terms of the members initially appointed shall be for 3, 4, 5, 6, and 7 years. In the case of a vacancy by death or resignation, the replacement shall be appointed for the remainder of the term. No individual may serve as a director of the board for more than 12 years.

(c) FUNCTIONS.—

(1) IN GENERAL.—The Plan Standards Board shall make recommendations to the Board concerning the standards for AHPs (other than standards relating to the uniform set of effective benefits and the national health data system) and for HPPCs.

(2) ASSESSMENT OF RISK-ADJUSTMENT FACTORS.—The Plan Standards Board shall provide the Board with its assessment of the risk-adjustment factors under section 136.

(d) FUNDING.—In order to provide funding for the Plan Standards Board, the National Health Board shall establish an annual registration fee for AHPs which is imposed on a per-covered-individual-basis and is sufficient, in the aggregate, to provide each year for not more than 60 percent of the amount specified in section 133(d)(2) for the operation of the Plan Standards Board.

SEC. 135. REGISTRATION OF ACCOUNTABLE HEALTH PLANS.

(a) IN GENERAL.—The Board shall register those health plans that meet the standards under subtitle B.

(b) TREATMENT OF STATE CERTIFICATION.—If the Board determines that a State superintendent of insurance, State insurance commissioner, or other State official provides for the imposition of standards that the Board finds are equivalent to the standards established under subtitle B for registration of a health benefit plan as an AHP, the Board may provide for registration as AHPs of health plans that such official certifies as meeting the standards for registration. Nothing in this subsection shall require a health plan to be certified by such an official in order to be registered by the Board.

(c) MEDICAID WAIVER.—The Board shall develop criteria and procedures under which the Secretary may grant a waiver to a State to permit that State to enroll individuals, otherwise eligible for enrollment under title XIX of the Social Security Act, under ACP's through a HPPC. The waiver shall permit the State to use funds made available under such title XIX for the enrollment of medicaid eligible individuals through a HPPC. The State shall ensure that individuals enrolled in a AHP under such a waiver are guaranteed at least those minimum benefits that such individual would have been entitled to under such title XIX.

SEC. 136. SPECIFICATION OF RISK-ADJUSTMENT FACTORS.

(a) IN GENERAL.—The Board shall establish rules for the process of risk-adjustment of premiums among AHPs by HPPCs under section 102(d).

(b) PROCESS.—

(1) IDENTIFICATION OF RELATIVE RISK.—The Board shall determine risk-adjustment factors that are correlated with increased or diminished risk for consumption of the type of health services included in the uniform set of effective benefits. To the maximum extent practicable, such factors shall be determined without regard to the methodology used by individual AHPs in the provision of such benefits. In determining such factors, with respect to an individual who is identified as having—

(A) a lower-than-average risk for consumption of the services, the factor shall be a number, less than zero, reflecting the degree of such lower risk;

(B) an average risk for consumption of the services, the factor shall be zero; or

(C) a higher-than-average risk for consumption of the services, the factor shall be a number, greater than zero, reflecting the degree of such higher risk.

(2) ADJUSTMENT OF FACTORS.—In applying under section 102(d)(1)(B) the risk-adjustment factors determined under paragraph (1), each HPPC shall adjust such factors, in accordance with a methodology established by the Board, so that the sum of such factors is zero for all enrollee units in each HPPC area for which a premium payment is forwarded under section 102(d) for each premium payment period.

SEC. 137. NATIONAL HEALTH DATA SYSTEM.

(a) STANDARDIZATION OF INFORMATION.—

(1) IN GENERAL.—The Board shall establish standards for the periodic reporting by AHPs of information under section 113(a).

(2) PATIENT CONFIDENTIALITY.—The standards shall be established in a manner that protects the confidentiality of individual enrollees, but may provide for the disclosure of information which discloses particular providers within an AHP.

(b) ANALYSIS OF INFORMATION.—The Board shall analyze the information reported in order to distribute it in a form, consistent with subsection (a)(2), that—

(1) reports, on a national, State, and community basis, the levels and trends of health care expenditures, the rates and trends in the provision of individual procedures, and the price levels and rates of price change for such procedures; and

(2) permits the direct comparison of different AHPs on the basis of the ability of the AHPs to maintain and improve clinical health, functional status, and well-being and to satisfy enrolled individuals.

The reports under paragraph (1) shall include both aggregate and per capita measures for areas and shall include comparative data of different areas. The comparison under paragraph (2) may also be made to show changes in the performance of AHPs over time.

(c) DISTRIBUTION OF INFORMATION.—

(1) IN GENERAL.—The Board shall provide, through the HPPCs and directly to AHPs, for the distribution of its analysis on individual AHPs. Such distribution shall occur at least annually before each general enrollment period.

(2) ANNUAL REPORT ON EXPENDITURES.—The Board shall publish annually (beginning with 1996) a report on expenditures on, and volumes and prices of, procedures. Such report shall be distributed to each AHP, each HPPC, each Governor, and each State legislature.

(3) ANNUAL REPORTS.—The Board shall also publish an annual report, based on analyses under this section, that identifies—

(A) procedures for which, as reflected in variations in use or rates of increase, there appear to be the greatest need to develop valid clinical protocols for clinical decisionmaking and review;

(B) procedures for which, as reflected in price variations and price inflation, there appear to be the greatest need for strengthening competitive purchasing; and

(C) States and localities for which, as reflected in expenditure levels and rates of increase, there appear to be the greatest need for additional cost control measures.

(4) SPECIAL DISTRIBUTIONS.—The Board may, whenever it deems appropriate, provide for the distribution—

(A) to an AHP of such information relating to the plan as may be appropriate in order to encourage the plan to improve its delivery of care; and

(B) to business, consumer, and other groups and individuals of such information as may improve their ability to effect improvements in the outcomes, quality, and efficiency of health services.

(5) ACCESS BY AGENCY FOR HEALTH CARE POLICY AND RESEARCH.—The Board shall make available to the Agency for Health Care Policy and Research information obtained under section 113(a) in a manner consistent with subsection (a)(2).

(d) STANDARDIZED FORMS.—Not later than October 1, 1994, the Board, in consultation with representatives of local governments, insurers, health care providers, and consumers shall develop a plan to accelerate electronic billing and computerization of medical records and shall develop standardized claim forms and billing procedures for use by all AHP's under this title.

SEC. 138. MEASURES OF QUALITY OF CARE OF SPECIALIZED CENTERS OF CARE.

(a) COLLECTION OF INFORMATION.—The Board shall provide a process whereby a specialized center of care (as defined in subsection (c)) may submit to the Board such clinical and other information bearing on the quality of care provided with respect to the uniform set of effective benefits at the center as the Board may specify. Such information shall include sufficient information to take into account outcomes and the risk factors associated with individuals receiving care through the center. Such information shall be provided at such frequency (not less often than annually) as the Board specifies.

(b) MEASURES OF QUALITY.—Using information submitted under subsection (a) and information reported under section 137, the Board shall—

(1) analyze the performance of such centers with respect to the quality of care provided;

(2) rate the performance of such a center with respect to a class of services relative to the performance of other specialized centers of care and relative to the performance of AHPs generally; and

(3) publish such ratings.

(c) USE OF SERVICE MARK FOR SPECIALIZED CENTERS OF CARE.—The Board may establish a service mark for specialized centers of care the performance of which has been rated under subsection (b). Such service mark shall be registrable under the Trademark Act of 1946, and the Board shall apply for the registration of such service mark under such Act. For purposes of such Act, such service mark shall be deemed to be used in commerce. For purposes of this subsection, the "Trademark Act of 1946" refers to the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

(d) SPECIALIZED CENTER OF CARE DEFINED.—In this section, the term "specialized center of care" means an institution or other organized system for the provision of specific services, which need not be multi-disciplinary, and does not include (except as the Board may provide) individual practitioners.

SEC. 139. REPORT ON IMPACT OF ADVERSE SELECTION; RECOMMENDATIONS ON MANDATED PURCHASE OF COVERAGE.

(a) STUDY.—The Board shall study—

(1) the extent to which those eligible individuals (as defined in subsection (c)) who enroll with AHPs have significantly greater needs for health care services than the population of eligible individuals as a whole; and

(2) methods for reducing adverse impacts that may result from such adverse selection.

(b) Report.—By not later than January 1, 1996, the Board shall submit to Congress a report on the study under subsection (a) and on appropriate methods for reducing adverse impacts that may result from adverse selection in enrollment. The report shall specifically include—

(1) an examination of the impact of establishing a requirement that all eligible individuals obtain health coverage through enrollment with an AHP; and

(2) a recommendation as to whether (and, if so, how) to impose such a requirement.

(c) Eligible Individual Defined.—In this section, the term "eligible individual"—

(1) includes individuals who would be eligible individuals but for section 2(a)(4)(B), but

(2) does not include individuals eligible to enroll for benefits under part B of title XVIII of the Social Security Act.

TITLE II—TAX INCENTIVES TO INCREASE HEALTH CARE ACCESS

SEC. 201. CREDIT FOR ACCOUNTABLE HEALTH PLAN COSTS.

(a) In General.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable personal credits) is amended by inserting after section 34 the following new section:

"SEC. 34A. ACCOUNTABLE HEALTH PLAN COSTS.

"(a) Allowance of Credit.—

"(1) In general.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of the accountable health plan costs paid by such individual during the taxable year.

"(2) Applicable percentage.—For purposes of paragraph (1), the term 'applicable percentage' means 60 percent reduced (but not below zero) by 10 percentage points for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds the applicable dollar amount.

"(3) Applicable dollar amount.—For purposes of this subsection, the term 'applicable dollar amount' means—

"(A) in the case of a taxpayer filing a joint return, $28,000,

"(B) in the case of any other taxpayer (other than a married individual filing a separate return), $18,000, and

"(C) in the case of a married individual filing a separate return, zero.

For purposes of this subsection, the rule of section 219(g)(4) shall apply.

"(b) Accountable Health Plan Costs.—For purposes of this section—

"(1) In general.—The term 'accountable health plan costs' means amounts paid during the taxable year for insurance which constitutes medical care (within the meaning of section 213(g). For purposes of the preceding sentence, the rules of section 213(d)(6) shall apply.

"(2) Dollar limit on accountable health plan costs.—The amount of the accountable health care costs paid during any taxable year which may be taken into account under subsection (a)(1) shall not exceed the reference premium amount for the taxable year.

"(3) Election not to take credit.—A taxpayer may elect for any taxable year to have amounts described in paragraph (1) not treated as accountable health plan costs.

"(4) Definition.—As used in paragraph (2), the term 'reference premium rate amount' means, with respect to an individual in a HPPC area, the lowest premium established by an open accountable health plan and offered in the area for the premium class applicable to such individual (including, if appropriate, the HPPC overhead amount established under section 105(b)(3) of the Access to Affordable Health Care Act) applied for the taxable year period involved.

"(c) Eligible Individual.—For purposes of this section, the term 'eligible individual' means, with respect to any period, an individual who is not covered during such period by a health plan maintained by an employer of such individual or such individual's spouse.

"(d) Special Rules.—For purposes of this section—

"(1) Coordination with advance payment and minimum tax.—Rules similar to the rules of subsections (g) and (h) of section 32 shall apply to any credit to which this section applies.

"(2) Medicare-eligible individuals.—No expense shall be treated as an accountable health plan cost if it is an amount paid for insurance for an individual for any period with respect to which such individual is entitled (or, on application without the payment of an additional premium, would be entitled to) benefits under part A of title XVIII of the Social Security Act.

"(3) Subsidized expenses.—No expense shall be treated as an accountable health plan cost to the extent—

"(A) such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof, and

"(B) the payment, reimbursement, or subsidy of such expense is not includible in the gross income of the recipient.

"(e) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) Advance Payment of Credit.—

(1) In general.—Chapter 25 of the Internal Revenue Code of 1986 is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF ACCOUNTABLE HEALTH PLAN COSTS.

"(a) General Rule.—Except as otherwise provided in this section, every employer making payment of wages with respect to whom an accountable health plan costs eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's accountable health plan costs advance amount.

"(b) Accountable Health Plan Costs Eligibility Certificate.—For purposes of this title, an accountable health plan costs eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 34A for the taxable year,

"(2) certifies that the employee does not have an accountable health plan costs eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer,

"(3) states whether or not the employee's spouse has an accountable health plan costs eligibility certificate in effect, and

"(4) estimates the amount of accountable health plan costs (as defined in section 34A(b)) for the calendar year.

For purposes of this section, a certificate shall be treated as being in effect with respect to a spouse if such a certificate will be in effect on the first status determination date following the date on which the employee furnishes the statement in question.

"(c) Accountable Health Plan Costs Advance Amount.—

"(1) In general.—For purposes of this title, the term 'accountable health plan costs advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period,

"(B) on the basis of the employee's estimated accountable health plan costs included in the accountable health plan costs eligibility certificate, and

"(C) in accordance with tables provided by the Secretary.

"(2) Advance amount tables.—The tables referred to in paragraph (1)(D) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables and the tables prescribed under section 3507(c).

"(d) Other Rules.—For purposes of this section, rules similar to the rules of subsections (d) and (e) of section 3507 shall apply.

"(e) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(2) Conforming amendment.—The table of sections for chapter 25 of such Code is amended by adding after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of accountable health plan costs credit.".

(c) Coordination With Deductions for Health Insurance Expenses.—

(1) Self-employed individuals.—Section 162(l) of the Internal Revenue Code of 1986, as amended by section 203, is further amended by adding after paragraph (5) the following new paragraph:

"(6) Coordination with health insurance premium credit.—Paragraph (1) shall not apply to any amount taken into account in computing the amount of the credit allowed under section 34A.".

(2) Medical, dental, etc., expenses.—Subsection (e) of section 213 of such Code is amended by inserting "or section 34A" after "section 21".

(d) Termination of Health Insurance Credit.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income credit) is amended by adding at the end thereof the following new subsection:

"(d) Termination of Health Insurance Credit.—In the case of taxable years beginning after December 31, 1991, the health insurance credit percentage shall be equal to 0 percent."

(e) Clerical Amendment.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 34 the following new item:

"Sec. 34A. Accountable health plan costs.".

(f) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 202. NO DEDUCTION FOR EMPLOYER HEALTH PLAN EXPENSES IN EXCESS OF ACCOUNTABLE HEALTH PLAN COSTS.

(a) In General.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) General Rule.—

"(1) LIMITATION ON DEDUCTION.—No deduction shall be allowed under this section for the excess health plan expenses of any employer.

"(2) EXCESS HEALTH PLAN EXPENSES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'excess health plan expenses' means health plan expenses paid or incurred by the employer for any month with respect to any covered individual to the extent such expenses do not meet the requirements of subparagraphs (B), (C), and (D).

"(B) LIMIT TO ACCOUNTABLE HEALTH PLANS.—Health plan expenses meet the requirements of this subparagraph only if the expenses are attributable to—

"(i) coverage of the covered individual under an accountable health plan, or

"(ii) in the case of a small employer, payment to a health plan purchasing cooperative for coverage under an accountable health plan.

"(C) LIMIT ON PER EMPLOYEE CONTRIBUTION.—

"(i) IN GENERAL.—Health plan expenses with respect to any employee meet the requirements of this subparagraph for any month only to the extent that the amount of such expenses does not exceed the reference premium rate amount for the month.

"(ii) TREATMENT OF HEALTH PLANS OUTSIDE THE UNITED STATES.—For purposes of clause (i), in the case of an employee residing outside the United States, there shall be substituted for the reference premium rate such reasonable amounts as the Federal Health Board determines to be comparable to the limit imposed under clause (i).

"(iii) DEFINITION.—As used in clause (i), the term 'reference premium rate amount' means, with respect to an individual in a HPPC area, the lowest premium established by an open accountable health plan and offered in the area for the premium class applicable to such individual (including, if appropriate, the HPPC overhead amount established under section 105(b)(3) of the Access to Affordable Health Care Act).

"(D) REQUIREMENT OF LEVEL CONTRIBUTION.—Health plan expenses meet the requirements of this subparagraph for any month only if the amount of the employer contribution (for a premium class) does not vary based on the accountable health plan selected.

"(3) EXCEPTION FOR MEDICARE-ELIGIBLE RETIREES.—Paragraphs (1) and (2) shall not apply to health plan expenses with respect to an individual who is eligible for benefits under part A of title XVIII of the Social Security Act if such expenses are for a health plan that is not a primary payor under section 1862(b) of such Act.

"(4) SPECIAL RULES.—

"(A) TREATMENT OF SELF-INSURED PLANS.—In the case of a self-insured health plan, the amount of contributions per employee shall be determined for purposes of paragraph (2)(C) in accordance with rules established by the Federal Health Board which are based on the principles of section 4980B(f)(4)(B) (as in effect before the date of the enactment of this subsection).

"(B) CONTRIBUTIONS TO CAFETERIA PLANS.—Contributions under a cafeteria plan on behalf of an employee that may be used for a group health plan coverage shall be treated for purposes of this section as health plan expenses paid or incurred by the employer.

"(5) EMPLOYEES HELD HARMLESS.—Nothing in this section shall be construed as affecting the exclusion from gross income of an employee under section 106.

"(6) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) COVERED INDIVIDUAL.—The term 'covered individual' means any beneficiary of a group health plan.

"(B) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given such term by section 5000(b)(1).

"(C) HEALTH PLAN EXPENSES.—

"(i) IN GENERAL.—The term 'health plan expenses' means employer expenses for any group health plan, including expenses for premiums as well as payment of deductibles and coinsurance that would otherwise be applicable.

"(ii) EXCLUSION OF CERTAIN DIRECT EXPENSES.—Such term does not include expenses for direct services which are determined by the Federal Health Board to be primarily aimed at workplace health care and health promotion or related population-based preventive health activities.

"(D) ACCOUNTABLE HEALTH PLAN.—The term 'accountable health plan' has the meaning given such term by section 2(b)(1) of the Access to Affordable Health Care Act.

"(E) SMALL EMPLOYER.—The term 'small employer' means, for a taxable year, an employer that is a small employer (within the meaning of section 2(c)(2) of the Access to Affordable Health Care Act) for the most recent calendar year ending before the end of the taxable year.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to expenses incurred for the provision of health services for periods after December 31, 1993.

(2) TRANSITION FOR COLLECTIVE BARGAINING AGREEMENTS.—The amendments made by this section shall not apply to employers with respect to their employees, insofar as such employees are covered under a collective bargaining agreement ratified before the date of the enactment of this Act, earlier than the date of termination of such agreement (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or January 1, 1996, whichever is earlier.

SEC. 203. INCREASE IN DEDUCTION FOR HEALTH PLAN PREMIUM EXPENSES OF SELF-EMPLOYED INDIVIDUALS.

(a) INCREASING DEDUCTION TO 100 PERCENT.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking "25 percent of".

(b) MAKING PROVISION PERMANENT.—Section 162(l) of such Code is amended by striking paragraph (6).

(c) LIMITATION TO ACCOUNTABLE HEALTH PLANS.—Paragraph (2) of section 162(l) of such Code is amended by adding at the end thereof the following new subparagraph:

"(C) DEDUCTION LIMITED TO ACCOUNTABLE HEALTH PLAN COSTS.—No deduction shall be allowed under this section for any amount which would be excess health plan expenses (as defined in subsection (m)(2), determined without regard to subparagraph (D) thereof) if the taxpayer were an employer.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1993.

(2) EXCEPTION.—The amendment made by subsection (c) shall apply to expenses for periods of coverage beginning on or after January 1, 1994.

SEC. 204. DEDUCTION FOR HEALTH PLAN PREMIUM EXPENSES OF INDIVIDUALS.

(a) IN GENERAL.—Section 213 of the Internal Revenue Code of 1986 (relating to medical, dental, etc., expenses) amended by adding at the end the following new subsection:

"(g) SPECIAL RULES FOR HEALTH PLAN PREMIUM EXPENSES.—

"(1) IN GENERAL.—The deduction under subsection (a) shall be determined without regard to the limitation based on adjusted gross income with respect to amounts paid for premiums for coverage under an accountable health plan.

"(2) LIMIT.—The amount allowed as a deduction under paragraph (1) with respect to the cost of providing coverage for any individual shall not exceed the applicable limit specified in section 162(m)(2)(C) reduced by the aggregate amount paid by all other entities (including any employer or any level of government) for coverage of such individual under any health plan.

"(3) DEDUCTION ALLOWED AGAINST GROSS INCOME.—The deduction under this subsection shall be taken into account in determining adjusted gross income under section 62(a).

"(4) TREATMENT OF MEDICARE PROGRAM.—Coverage under part A or part B of title XVIII of the Social Security Act shall not be considered for purposes of this subsection to be coverage under an accountable health plan.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1993.

SEC. 205. EXCLUSION FROM GROSS INCOME FOR EMPLOYER CONTRIBUTIONS TO ACCOUNTABLE HEALTH PLANS.

(a) IN GENERAL.—Section 106 of the Internal Revenue Code of 1986 (relating to contributions by employers to accident and health plans) is amended to read as follows:

"Gross income of an employee does not include employer-provided basic coverage under an accountable health plan (as defined in section 162(m)(2)(B).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

TITLE III—OUTCOMES RESEARCH AND PRACTICE GUIDELINE DEVELOPMENT; APPLICATION OF GUIDELINES AS LEGAL STANDARD

SEC. 301. AUTHORIZATION FOR EXPANSION OF HEALTH SERVICES RESEARCH.

Section 926(a) of the Public Health Service Act (42 U.S.C. 299c-5) is amended to read as follows:

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated $120,000,000 for fiscal year 1993, $155,000,000 for fiscal year 1994, and $185,000,000 for fiscal year 1995.".

SEC. 302. TREATMENT PRACTICE GUIDELINES AS A LEGAL STANDARD.

Section 912 of the Public Health Service Act (42 U.S.C. 299b-1) is amended by adding at the end thereof the following new subsection:

"(g) TREATMENT PRACTICE GUIDELINES AS A LEGAL STANDARD.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, guidelines established under this section may not be introduced in evidence or used in any action brought in a Federal or State court arising from the provision of a health care service to an individual.

(2) PROVISION OF HEALTH CARE UNDER GUIDELINES.—Notwithstanding any other provision of law, in any action brought in a Federal or

State court arising from the provision of a health care service to an individual, if the service was provided to the individual in accordance with guidelines established under this section, the guidelines—

(A) may be introduced by a provider who is a party to the action; and

(B) if introduced, shall establish a rebuttable presumption that the service prescribed by the guidelines is the appropriate standard of medical care.".

TITLE IV—COOPERATIVE AGREEMENTS BETWEEN HOSPITALS

SEC. 401. PURPOSE.

It is the purpose of this title to encourage cooperation between hospitals in order to contain costs and achieve a more efficient health care delivery system through the elimination of unnecessary duplication and proliferation of expensive medical or high technology services or equipment.

SEC. 402. HOSPITAL TECHNOLOGY AND SERVICES SHARING PROGRAM.

Part D of title VI of the Public Health Service Act (42 U.S.C. 291k et seq.) is amended by adding at the end thereof the following new section:

"SEC. 647. HOSPITAL TECHNOLOGY AND SERVICES SHARING DEMONSTRATION PROGRAM.

"(a) WAIVER.—The Attorney General, acting through the Secretary, may grant a waiver of the anti-trust laws, to permit two or more hospitals to enter into a voluntary cooperative agreement under which such hospitals provide for the sharing of medical technology and services.

"(b) ELIGIBLE APPLICANTS.—

"(1) IN GENERAL.—To be eligible to receive a waiver under subsection (a), an entity shall be a hospital and shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a statement that such hospital desires to negotiate and enter into a voluntary cooperative agreement with at least one other hospital operating in the State or region of the applicant hospital for the sharing of medical technology or services;

"(B) a description of the nature and scope of the activities contemplated under the cooperative agreement and any consideration that may pass under such agreement to any other hospital that may elect to become a party to the agreement; and

"(C) any other information determined appropriate by the Secretary.

"(2) DEVELOPMENT OF EVALUATION GUIDELINES.—Not later than 90 days after the date of enactment of this section, the Administrator of the Agency for Health Care Policy and Research shall develop evaluation guidelines with respect to applications submitted under paragraph (1).

"(3) EVALUATIONS OF APPLICATIONS.—The Secretary, in consultation with the Administrator of the Agency for Health Care Policy and Research, shall evaluate applications submitted under paragraph (1). In determining which applications to approve for purposes of granting waivers under subsection (a), the Secretary shall consider whether the cooperative agreement described in each such application is likely to result in—

"(A) a reduction of costs and an increase in access to care;

"(B) the enhancement of the quality of hospital or hospital-related care;

"(C) the preservation of hospital facilities in geographical proximity to the communities traditionally served by such facilities;

"(D) improvements in the cost-effectiveness of high-technology services by the hospitals involved;

"(E) improvements in the efficient utilization of hospital resources and capital equipment; or

"(F) the avoidance of duplication of hospital resources.

"(c) MEDICAL TECHNOLOGY AND SERVICES.—

"(1) IN GENERAL.—Cooperative agreements facilitated under this section shall provide for the sharing of medical or high technology equipment or services among the hospitals which are parties to such agreements.

"(2) MEDICAL TECHNOLOGY.—For purposes of this section, the term 'medical technology' shall include the drugs, devices, and medical and surgical procedures utilized in medical care, and the organizational and support systems within which such care is provided.

"(3) ELIGIBLE SERVICES.—With respect to services that may be shared under an agreement entered into under this section, such services shall—

"(A) either have high capital costs or extremely high annual operating costs; and

"(B) be services with respect to which there is a reasonable expectation that shared ownership will avoid a significant degree of the potential excess capacity of such services in the community or region to be served under such agreement.

Such services may include mobile clinic services.

"(d) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress, a report concerning the potential for cooperative agreements of the type entered into under this section to—

"(1) contain health care costs;

"(2) increase the access of individuals to medical services; and

"(3) improve the quality of health care.

Such report shall also contain the recommendations of the Secretary with respect to future programs to facilitate cooperative agreements.

"(e) DEFINITION.—For purposes of this section, the term 'antitrust laws' means—

"(1) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, commonly known as the "Sherman Act" (26 Stat. 209; chapter 647; 15 U.S.C. 1 et seq.);

"(2) the Federal Trade Commission Act, approved September 26, 1914 (38 Stat. 717; chapter 311; 15 U.S.C. 41 et seq.);

"(3) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, commonly known as the "Clayton Act" (38 Stat. 730; chapter 323; 15 U.S.C. 12 et seq.; 18 U.S.C. 402, 660, 3285, 3691; 29 U.S.C. 52, 53); and

"(4) any State antitrust laws that would prohibit the activities described in subsection (a).".

TITLE V—IMPROVED ACCESS TO HEALTH CARE FOR RURAL AND UNDERSERVED AREAS

Subtitle A—Revenue Incentives for Practice in Rural Areas

SEC. 501. REVENUE INCENTIVES FOR PRACTICE IN RURAL AREAS.

(a) NONREFUNDABLE CREDIT FOR CERTAIN PRIMARY HEALTH SERVICES PROVIDERS.—

(1) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25 the following new section:

"SEC. 25A. PRIMARY HEALTH SERVICES PROVIDERS.

"(a) ALLOWANCE OF CREDIT.—In the case of a qualified primary health services provider, there is allowed as a credit against the tax imposed by this chapter for any taxable year in a mandatory service period an amount equal to the product of—

"(1) the lesser of—

"(A) the number of months of such period occurring in such taxable year, or

"(B) 36 months, reduced by the number of months taken into account under this paragraph with respect to such provider for all preceding taxable years (whether or not in the same mandatory service period), multiplied by

"(2) $1,000 ($500 in the case of a qualified health services provider who is a physician assistant or a nurse practitioner).

"(b) QUALIFIED PRIMARY HEALTH SERVICES PROVIDER.—For purposes of this section, the term 'qualified primary health services provider' means any physician, physician assistant, or nurse practitioner who for any month during a mandatory service period is certified by the Bureau to be a primary health services provider who—

"(1) is providing primary health services—

"(A) full time, and

"(B) to individuals at least 80 percent of whom reside in a rural health professional shortage area,

"(2) is not receiving during such year a scholarship under the National Health Service Corps Scholarship Program or a loan repayment under the National Health Service Corps Loan Repayment Program,

"(3) is not fulfilling service obligations under such Programs, and

"(4) has not defaulted on such obligations.

"(c) MANDATORY SERVICE PERIOD.—For purposes of this section, the term 'mandatory service period' means the period of 60 consecutive calendar months beginning with the first month the taxpayer is a qualified primary health services provider.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BUREAU.—The term 'Bureau' means the Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration of the United States Public Health Service.

"(2) PHYSICIAN.—The term 'physician' has the meaning given to such term by section 1861(r) of the Social Security Act.

"(3) PHYSICIAN ASSISTANT; NURSE PRACTITIONER.—The terms 'physician assistant' and 'nurse practitioner' have the meanings given to such terms by section 1861(aa)(3) of the Social Security Act.

"(4) PRIMARY HEALTH SERVICES PROVIDER.—The term 'primary health services provider' means a provider of primary health services (as defined in section 330(b)(1) of the Public Health Service Act).

"(5) RURAL HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'rural health professional shortage area' means—

"(A) a class 1 or class 2 health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act) in a rural area (as determined under section 1886(d)(2)(D) of the Social Security Act), or

"(B) an area which is determined by the Secretary of Health and Human Services as equivalent to an area described in subparagraph (A) and which is designated by the Bureau of the Census as not urbanized.

"(e) RECAPTURE OF CREDIT.—

"(1) IN GENERAL.—If, during any taxable year, there is a recapture event, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable percentage, and

"(B) the aggregate unrecaptured credits allowed to such taxpayer under this section for all prior taxable years.

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs during:	**The applicable recapture percentage is:**
Months 1–24	100
Months 25–36	75
Months 37–48	50
Months 49–60	25
Months 61 and thereafter	0.

"(B) TIMING.—For purposes of subparagraph (A), month 1 shall begin on the first day of the mandatory service period.

"(3) RECAPTURE EVENT DEFINED.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'recapture event' means the failure of the taxpayer to be a qualified primary health services provider for any month during any mandatory service period.

"(B) CESSATION OF DESIGNATION.—The cessation of the designation of any area as a rural health professional shortage area after the beginning of the mandatory service period for any taxpayer shall not constitute a recapture event.

"(C) SECRETARIAL WAIVER.—The Secretary may waive any recapture event caused by extraordinary circumstances.

"(4) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.".

(2) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Primary health services providers.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

(b) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS EXCLUDED FROM GROSS INCOME.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS.

"(a) GENERAL RULE.—Gross income shall not include any qualified loan repayment.

"(b) QUALIFIED LOAN REPAYMENT.—For purposes of this section, the term 'qualified loan repayment' means any payment made on behalf of the taxpayer by the National Health Service Corps Loan Repayment Program under section 338B(g) of the Public Health Service Act.".

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 338B(g) of the Public Health Service Act is amended by striking "Federal, State, or local" and inserting "State or local".

(3) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 136 and inserting the following:

"Sec. 136. National Health Service Corps loan repayments.

"Sec. 137. Cross references to other Acts.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made under section 338B(g) of the Public Health Service Act after the date of the enactment of this Act.

(c) EXPENSING OF MEDICAL EQUIPMENT.—

(1) IN GENERAL.—Section 179 of the Internal Revenue Code of 1986 (relating to election to expense certain depreciable business assets) is amended—

(A) by striking paragraph (1) of subsection (b) and inserting the following:

"(1) DOLLAR LIMITATION.—

"(A) GENERAL RULE.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $10,000.

"(B) RURAL HEALTH CARE PROPERTY.—In the case of rural health care property, the aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $25,000, reduced by the amount otherwise taken into account under subsection (a) for such year."; and

(B) by adding at the end of subsection (d) the following new paragraph:

"(11) RURAL HEALTH CARE PROPERTY.—For purposes of this section, the term 'rural health care property' means section 179 property used by a physician (as defined in section 1861(r) of the Social Security Act) in the active conduct of such physician's full-time trade or business of providing primary health services (as defined in section 330(b)(1) of the Public Health Service Act) in a rural health professional shortage area (as defined in section 25A(d)(5)).".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 1993, in taxable years ending after such date.

(d) DEDUCTION FOR STUDENT LOAN PAYMENTS BY MEDICAL PROFESSIONALS PRACTICING IN RURAL AREAS.—

(1) INTEREST ON STUDENT LOANS NOT TREATED AS PERSONAL INTEREST.—Section 163(h)(2) of the Internal Revenue Code of 1986 (defining personal interest) is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by adding at the end thereof the following new subparagraph:

"(F) any qualified medical education interest (within the meaning of subsection (k)).".

(2) QUALIFIED MEDICAL EDUCATION INTEREST DEFINED.—Section 163 of such Code (relating to interest expenses) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

"(k) QUALIFIED MEDICAL EDUCATION INTEREST OF MEDICAL PROFESSIONALS PRACTICING IN RURAL AREAS.—

"(1) IN GENERAL.—For purposes of subsection (h)(2)(F), the term 'qualified medical education interest' means an amount which bears the same ratio to the interest paid on qualified educational loans during the taxable year by an individual performing services under a qualified rural medical practice agreement as—

"(A) the number of months during the taxable year during which such services were performed, bears to

"(B) the number of months in the taxable year.

"(2) DOLLAR LIMITATION.—The aggregate amount which may be treated as qualified medical education interest for any taxable year with respect to any individual shall not exceed $5,000.

"(3) QUALIFIED RURAL MEDICAL PRACTICE AGREEMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified rural medical practice agreement' means a written agreement between an individual and an applicable rural community under which the individual agrees—

"(i) in the case of a medical doctor, upon completion of the individual's residency (or internship if no residency is required), or

"(ii) in the case of a registered nurse, nurse practitioner, or physician's assistant, upon completion of the education to which the qualified education loan relates,

to perform full-time services as such a medical professional in the applicable rural community for a period of 24 consecutive months. An individual and an applicable rural community may elect to have the agreement apply for 36 consecutive months rather than 24 months.

"(B) SPECIAL RULE FOR COMPUTING PERIODS.—An individual shall be treated as meeting the 24 or 36 consecutive month requirement under subparagraph (A) if, during each 12-consecutive month period within either such period, the individual performs full-time services as a medical doctor, registered nurse, nurse practitioner, or physician's assistant, whichever applies, in the applicable rural community during 9 of the months in such 12-consecutive month period. For purposes of this subsection, an individual meeting the requirements of the preceding sentence shall be treated as performing services during the entire 12-month period.

"(C) APPLICABLE RURAL COMMUNITY.—The term 'applicable rural community' means—

"(i) any political subdivision of a State which—

"(I) has a population of 5,000 or less, and

"(II) has a per capita income of $15,000 or less, or

"(ii) an Indian reservation which has a per capita income of $15,000 or less.

"(4) QUALIFIED EDUCATIONAL LOAN.—The term 'qualified educational loan' means any indebtedness to pay qualified tuition and related expenses (within the meaning of section 117(b)) and reasonable living expenses—

"(A) which are paid or incurred—

"(i) as a candidate for a degree as a medical doctor at an educational institution described in section 170(b)(1)(A)(ii), or

"(ii) in connection with courses of instruction at such an institution necessary for certification as a registered nurse, nurse practitioner, or physician's assistant, and

"(B) which are paid or incurred within a reasonable time before or after such indebtedness is incurred.

"(5) RECAPTURE.—If an individual fails to carry out a qualified rural medical practice agreement during any taxable year, then—

"(A) no deduction with respect to such agreement shall be allowable by reason of subsection (h)(2)(F) for such taxable year and any subsequent taxable year, and

"(B) there shall be included in gross income for such taxable year the aggregate amount of the deductions allowable under this section (by reason of subsection (h)(2)(F)) for all preceding taxable years.

"(6) DEFINITIONS.—For purposes of this subsection, the terms 'registered nurse', 'nurse practitioner', and 'physician's assistant' have the meaning given such terms by section 1861 of the Social Security Act.".

(3) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) of such

Code is amended by inserting after paragraph (13) the following new paragraph:

"(14) INTEREST ON STUDENT LOANS OF RURAL HEALTH PROFESSIONALS.—The deduction allowable by reason of section 163(h)(2)(F) (relating to student loan payments of medical professionals practicing in rural areas).".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

Subtitle B—Public Health Service Act Provisions

SEC. 511. NATIONAL HEALTH SERVICE CORPS.

Section 338H(b) of the Public Health Service Act (42 U.S.C. 254q(b)) is amended—

(1) in paragraph (1), by striking "and such sums" and all that follows through the end thereof and inserting "$118,900,000 for each of the fiscal years 1993 through 1996."; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) IN GENERAL.—Of the amount appropriated under paragraph (1) for each fiscal year, the Secretary shall utilize 25 percent of such amount to carry out section 338A and 75 percent of such amount to carry out section 338B.".

SEC. 512. ESTABLISHMENT OF GRANT PROGRAM.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end thereof the following new section:

"SEC. 330A. COMMUNITY BASED PRIMARY HEALTH CARE GRANT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish and administer a program to provide allotments to States to enable such States to provide grants for the creation or enhancement of community based primary health care entities that provide services to pregnant women and children up to age three.

"(b) ALLOTMENTS TO STATES.—

"(1) IN GENERAL.—From the amounts available for allotment under subsection (h) for a fiscal year, the Secretary shall allot to each State an amount equal to the product of the grant share of the State (as determined under paragraph (2)) multiplied by the amount available for allotment for such fiscal year.

"(2) GRANT SHARE.—

"(A) IN GENERAL.—For purposes of paragraph (1), the grant share of a State shall be the product of the need-adjusted population of the State (as determined under subparagraph (B)) multiplied by the Federal matching percentage of the State (as determined under subparagraph (C)), expressed as a percentage of the sum of the products of such factors for all States.

"(B) NEED-ADJUSTED POPULATION.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the need-adjusted population of a State shall be the product of the total population of the State (as estimated by the Secretary of Commerce) multiplied by the need index of the State (as determined under clause (ii)).

"(ii) NEED INDEX.—For purposes of clause (i), the need index of a State shall be the ratio of—

"(I) the weighted sum of the geographic percentage of the State (as determined under clause (iii)), the poverty percentage of the State (as determined under clause (iv)), and the multiple grant percentage of the State (as determined under clause (v)); to

"(II) the general population percentage of the State (as determined under clause (vi)).

"(iii) GEOGRAPHIC PERCENTAGE.—

"(I) IN GENERAL.—For purposes of clause (ii)(I), the geographic percentage of the State shall be the estimated population of the State that is residing in nonurbanized areas (as determined under subclause (II)) expressed as a percentage of the total nonurbanized population of all States.

"(II) NONURBANIZED POPULATION.—For purposes of subclause (I), the estimated population of the State that is residing in non-urbanized areas shall be one minus the urbanized population of the State (as determined using the most recent decennial census), expressed as a percentage of the total population of the State (as determined using the most recent decennial census), multiplied by the current estimated population of the State.

"(iv) POVERTY PERCENTAGE.—For purposes of clause (ii)(I), the poverty percentage of the State shall be the estimated number of people residing in the State with incomes below 200 percent of the income official poverty line (as determined by the Office of Management and Budget) expressed as a percentage of the total number of such people residing in all States

"(v) MULTIPLE GRANT PERCENTAGE.—For purposes of clause (ii)(I), the multiple grant percentage of the State shall be the amount of Federal funding received by the State under grants awarded under sections 329, 330 and 340, expressed as a percentage of the total amounts received under such grants by all States. With respect to a State, such amount shall not exceed twice the general population percentage of the State under clause (vi) or be less than one half of the States general population percentage.

"(vi) GENERAL POPULATION PERCENTAGE.—For purposes of clause (ii)(II), the general population percentage of the State shall be the total population of the State (as determined by the Secretary of Commerce) expressed as a percentage of the total population of all States.

"(C) FEDERAL MATCHING PERCENTAGE.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the Federal matching percentage of the State shall be equal to one less the State matching percentage (as determined under clause (ii)).

"(ii) STATE MATCHING PERCENTAGE.—For purposes of clause (ii), the State matching percentage of the State shall be 0.25 multiplied by the ratio of the total taxable resource percentage (as determined under clause (iii)) to the need-adjusted population of the State (as determined under subparagraph (B)).

"(iii) TOTAL TAXABLE RESOURCE PERCENTAGE.—For purposes of clause (ii), the total taxable resources percentage of the State shall be the total taxable resources of a State (as determined by the Secretary of the Treasury) expressed as a percentage of the sum of the total taxable resources of all States.

"(3) ANNUAL ESTIMATES.—

"(A) IN GENERAL.—If the Secretary of Commerce does not produce the annual estimates required under paragraph (2)(B)(iv), such estimates shall be determined by multiplying the percentage of the population of the State that is below 200 percent of the income official poverty line as determined using the most recent decennial census by the most recent estimate of the total population of the State. Except as provided in subparagraph (B), the calculations required under this subparagraph shall be made based on the most recent 3 year average of the total taxable resources of individuals within the State.

"(B) DISTRICT OF COLUMBIA.—Notwithstanding subparagraph (A), the calculations required under such subparagraph with respect to the District of Columbia shall be based on the most recent 3 year average of the personal income of individuals residing within the District as a percentage of the personal income for all individuals residing within the District, as determined by the Secretary of Commerce.

"(4) MATCHING REQUIREMENT.—A State that receives an allotment under this section shall make available State resources (either directly or indirectly) to carry out this section in an amount that shall equal the State matching percentage for the State (as determined under paragraph (2)(C)(II)) divided by the Federal matching percentage (as determined under paragraph (2)(C)).

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive an allotment under this section, a State shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may by regulation require.

"(2) ASSURANCES.—A State application submitted under paragraph (1) shall contain an assurance that—

"(A) the State will use amounts received under it's allotment consistent with the requirements of this section; and

"(B) the State will provide, from non-Federal sources, the amounts required under subsection (b)(4).

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—The State shall use amounts received under this section to award grants to eligible public and nonprofit private entities, or consortia of such entities, within the State to enable such entities or consortia to provide services of the type described in paragraph (2) of section 329(h) to pregnant women and children up to age three.

"(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), an entity or consortium shall—

"(A) prepare and submit to the administering entity of the State, an application at such time, in such manner and containing such information as such administering entity may require, including a plan for the provision of services;

"(B) provide assurances that services will be provided under the grant at fee rates established or determined in accordance with section 330(e)(3)(F); and

"(C) provide assurances that in the case of services provided to individuals with health insurance, such insurance shall be used as the primary source of payment for such services.

"(3) TARGET POPULATIONS.—Entities or consortia receiving grants under paragraph (1) shall, in providing the services described in paragraph (3), substantially target populations of pregnant women and children within the State who—

"(A) lack the health care coverage, or ability to pay, for primary or supplemental health care services; or

"(B) reside in medically underserved or health professional shortage areas, areas certified as underserved under the rural health clinic program, or other areas determined appropriate by the State, within the State.

"(4) PRIORITY.—In awarding grants under paragraph (1), the State shall—

"(A) give priority to entities or consortia that can demonstrate through the plan submitted under paragraph (2) that—

"(i) the services provided under the grant will expand the availability of primary care services to the maximum number of pregnant women and children who have no access to such care on the date of the grant award; and

"(ii) the delivery of services under the grant will be cost-effective; and

"(B) ensure that an equitable distribution of funds is achieved among urban and rural entities or consortia.

"(e) REPORTS AND AUDITS.—Each State shall prepare and submit to the Secretary annual reports concerning the State's activities under this section which shall be in such form and contain such information as the Secretary determines appropriate. Each such State shall establish fiscal control and fund accounting procedures as may be necessary to assure that amounts received under this section are being disbursed properly and are accounted for, and include the results of audits conducted under such procedures in the reports submitted under this subsection.

"(f) PAYMENTS.—

"(1) ENTITLEMENT.—Each State for which an application has been approved by the Secretary under this section shall be entitled to payments under this section for each fiscal year in an amount not to exceed the State's allotment under subsection (b) to be expended by the State in accordance with the terms of the application for the fiscal year for which the allotment is to be made.

"(2) METHOD OF PAYMENTS.—The Secretary may make payments to a State in installments, and in advance or, by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

"(3) STATE SPENDING OF PAYMENTS.—Payments to a State from the allotment under subsection (b) for any fiscal year must be expended by the State in that fiscal year or in the succeeding fiscal year.

"(g) DEFINITION.—As used in this section, the term 'administering entity of the State' means the agency or official designated by the chief executive officer of the State to administer the amounts provided to the State under this section.

"(h) FUNDING.—Notwithstanding any other provision of law, the Secretary shall use 50 percent of the amounts that the Secretary is required to utilize under section 330B(h) in each fiscal year to carry out this section.".

SEC. 513. ESTABLISHMENT OF NEW PROGRAM TO PROVIDE FUNDS TO ALLOW FEDERALLY QUALIFIED HEALTH CENTERS AND OTHER ENTITIES OR ORGANIZATIONS TO PROVIDE EXPANDED SERVICES TO MEDICALLY UNDERSERVED INDIVIDUALS.

(a) IN GENERAL.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) (as amended by section 512) is further amended by adding at the end thereof the following new section:

"SEC. 330B. ESTABLISHMENT OF NEW PROGRAM TO PROVIDE FUNDS TO ALLOW FEDERALLY QUALIFIED HEALTH CENTERS AND OTHER ENTITIES OR ORGANIZATIONS TO PROVIDE EXPANDED SERVICES TO MEDICALLY UNDERSERVED INDIVIDUALS.

"(a) ESTABLISHMENT OF HEALTH SERVICES ACCESS PROGRAM.—From amounts appropriated under this section, the Secretary shall, acting through the Bureau of Health Care Delivery Assistance, award grants under this section to federally qualified health centers (hereinafter referred to in this section as 'FQHC's') and other entities and organizations submitting applications under this section (as described in subsection (c)) for the purpose of providing access to services for medically underserved populations (as defined in section 330(b)(3)) or in high impact areas (as defined in section 329(a)(5)) not currently being served by a FQHC.

"(b) ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—The Secretary shall award grants under this section to entities or organizations described in this paragraph and paragraph (2) which have submitted a proposal to the Secretary to expand such entities or organizations operations (including expansions to new sites (as determined necessary by the Secretary)) to serve medically underserved populations or high impact areas not currently served by a FQHC and which—

"(A) have as of January 1, 1992, been certified by the Secretary as a FQHC under section 1905(l)(2)(B) of the Social Security Act; or

"(B) have submitted applications to the Secretary to qualify as FQHC's under such section 1905(l)(2)(B); or

"(C) have submitted a plan to the Secretary which provides that the entity will meet the requirements to qualify as a FQHC when operational.

"(2) NON FQHC ENTITIES.—

"(A) ELIGIBILITY.—The Secretary shall also make grants under this section to public or private nonprofit agencies, health care entities or organizations which meet the requirements necessary to qualify as a FQHC except, the requirement that such entity have a consumer majority governing board and which have submitted a proposal to the Secretary to provide those services provided by a FQHC as defined in section 1905(l)(2)(B) of the Social Security Act and which are designed to promote access to primary care services or to reduce reliance on hospital emergency rooms or other high cost providers of primary health care services, provided such proposal is developed by the entity or organizations (or such entities or organizations acting in a consortium in a community) with the review and approval of the Governor of the State in which such entity or organization is located.

"(B) LIMITATION.—The Secretary shall provide in making grants to entities or organizations described in this paragraph that no more than 10 percent of the funds provided for grants under this section shall be made available for grants to such entities or organizations.

"(c) APPLICATION REQUIREMENTS.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under this section, a FQHC or other entity or organization must submit an application in such form and at such time as the Secretary shall prescribe and which meets the requirements of this subsection.

"(2) REQUIREMENTS.—An application submitted under this section must provide—

"(A)(i) for a schedule of fees or payments for the provision of the services provided by the entity designed to cover its reasonable costs of operations; and

"(ii) for a corresponding schedule of discounts to be applied to such fees or payments, based upon the patient's ability to pay (determined by using a sliding scale formula based on the income of the patient);

"(B) assurances that the entity or organization provides services to persons who are eligible for benefits under title XVIII of the Social Security Act, for medical assistance under title XIX of such Act or for assistance for medical expenses under any other public assistance program or private health insurance program; and

"(C) assurances that the entity or organization has made and will continue to make every reasonable effort to collect reimbursement for services—

"(i) from persons eligible for assistance under any of the programs described in subparagraph (B); and

"(ii) from patients not entitled to benefits under any such programs.

"(d) LIMITATIONS ON USE OF FUNDS.—

"(1) IN GENERAL.—From the amounts awarded to an entity or organization under this section, funds may be used for purposes of planning but may only be expended for the costs of—

"(A) assessing the needs of the populations or proposed areas to be served;

"(B) preparing a description of how the needs identified will be met;

"(C) development of an implementation plan that addresses—

"(i) recruitment and training of personnel; and

"(ii) activities necessary to achieve operational status in order to meet FQHC requirements under 1905(l)(2)(B) of the Social Security Act.

"(2) RECRUITING, TRAINING AND COMPENSATION OF STAFF.—From the amounts awarded to an entity or organization under this section, funds may be used for the purposes of paying for the costs of recruiting, training and compensating staff (clinical and associated administrative personnel (to the extent such costs are not already reimbursed under title XIX of the Social Security Act or any other State or Federal program)) to the extent necessary to allow the entity to operate at new or expanded existing sites.

"(3) FACILITIES AND EQUIPMENT.—From the amounts awarded to an entity or organization under this section, funds may be expended for the purposes of acquiring facilities and equipment but only for the costs of—

"(A) construction of new buildings (to the extent that new construction is found to be the most cost-efficient approach by the Secretary);

"(B) acquiring, expanding, or modernizing of existing facilities;

"(C) purchasing essential (as determined by the Secretary) equipment; and

"(D) amortization of principal and payment of interest on loans obtained for purposes of site construction, acquisition, modernization, or expansion, as well as necessary equipment.

"(4) SERVICES.—From the amounts awarded to an entity or organization under this section, funds may be expended for the payment of services but only for the costs of—

"(A) providing or arranging for the provision of all services through the entity necessary to qualify such entity as a FQHC under section 1905(l)(2)(B) of the Social Security Act;

"(B) providing or arranging for any other service that a FQHC may provide and be reimbursed for under title XIX of such Act; and

"(C) providing any unreimbursed costs of providing services as described in section 330(a) to patients.

"(e) PRIORITIES IN THE AWARDING OF GRANTS.—

"(1) CERTIFIED FQHC'S.—The Secretary shall give priority in awarding grants under this section to entities which have, as of January 1, 1992, been certified as a FQHC under section 1905(l)(2)(B) of the Social Security Act and which have submitted a proposal to the Secretary to expand their operations (including expansion to new sites) to serve medically underserved populations for high impact areas not currently served by a

FQHC. The Secretary shall give first priority in awarding grants under this section to those FQHCs or other entities which propose to serve populations with the highest degree of unmet need, and which can demonstrate the ability to expand their operations in the most efficient manner.

"(2) QUALIFIED FQHC'S.—The Secretary shall give second priority in awarding grants to entities which have submitted applications to the Secretary which demonstrate that the entity will qualify as a FQHC under section 1905(l)(2)(B) of the Social Security Act before it provides or arranges for the provision of services supported by funds awarded under this section, and which are serving or proposing to serve medically underserved populations or high impact areas which are not currently served (or proposed to be served) by a FQHC.

"(3) EXPANDED SERVICES AND PROJECTS.—The Secretary shall give third priority in awarding grants in subsequent years to those FQHCs or other entities which have provided for expanded services and project and are able to demonstrate that such entity will incur significant unreimbursed costs in providing such expanded services.

"(f) RETURN OF FUNDS TO SECRETARY FOR COSTS REIMBURSED FROM OTHER SOURCES.—To the extent that an entity or organization receiving funds under this section is reimbursed from another source for the provision of services to an individual, and does not use such increased reimbursement to expand services furnished, areas served, to compensate for costs of unreimbursed services provided to patients, or to promote recruitment, training, or retention of personnel, such excess revenues shall be returned to the Secretary.

"(g) TERMINATION OF GRANTS.—

"(1) FAILURE TO MEET FQHC REQUIREMENTS.—

"(A) IN GENERAL.—With respect to any entity that is receiving funds awarded under this section and which subsequently fails to meet the requirements to qualify as a FQHC under section 1905(l)(2)(B) or is an entity that is not required to meet the requirements to qualify as a FQHC under section 1905(l)(2)(B) of the Social Security Act but fails to meet the requirements of this section, the Secretary shall terminate the award of funds under this section to such entity.

"(B) NOTICE.—Prior to any termination of funds under this section to an entity, the entities shall be entitled to 60 days prior notice of termination and, as provided by the Secretary in regulations, an opportunity to correct any deficiencies in order to allow the entity to continue to receive funds under this section.

"(2) REQUIREMENTS.—Upon any termination of funding under this section, the Secretary may (to the extent practicable)—

"(A) sell any property (including equipment) acquired or constructed by the entity using funds made available under this section or transfer such property to another FQHC, provided, that the Secretary shall reimburse any costs which were incurred by the entity in acquiring or constructing such property (including equipment) which were not supported by grants under this section; and

"(B) recoup any funds provided to an entity terminated under this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $400,000,000 for fiscal year 1993, $800,000,000 for fiscal year 1994, $1,200,000,000 for fiscal year 1995, $1,600,000,000 for fiscal year 1996, and $1,600,000,000 for fiscal year 1997.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective with respect to services furnished by a federally qualified health center or other qualifying entity described in this section beginning on or after October 1, 1993.

(c) STUDY AND REPORT ON SERVICES PROVIDED BY COMMUNITY HEALTH CENTERS AND HOSPITALS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (hereinafter referred to in this subsection as the "Secretary") shall provide for a study to examine the relationship and interaction between community health centers and hospitals in providing services to individuals residing in medically underserved areas. The Secretary shall ensure that the National Rural Research Centers participate in such study.

(2) REPORT.—The Secretary shall provide to the appropriate committees of Congress a report summarizing the findings of the study within 90 days of the end of each project year and shall include in such report recommendations on methods to improve the coordination of and provision of services in medically underserved areas by community health centers and hospitals.

(3) AUTHORIZATION.—There are authorized to be appropriated to carry out the study provided for in this subsection $150,000 for each of fiscal years 1993 and 1994.

SEC. 514. RURAL MENTAL HEALTH OUTREACH GRANTS.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by adding at the end thereof the following new section:

"SEC. 544. RURAL MENTAL HEALTH OUTREACH GRANTS.

"(a) IN GENERAL.—The Secretary may award competitive grants to eligible entities to enable such entities to develop and implement a plan for mental health outreach programs in rural areas.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require, including a description of the activities that the entity intends to undertake using grant funds; and

"(2) meet such other requirements as the Secretary determines appropriate.

"(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications that place emphasis on mental health services for the elderly or children. Priority shall also be given to applications that involve relationships between the applicant and rural managed care cooperatives.

"(d) MATCHING REQUIREMENT.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions toward the costs of the operations of the network in an amount equal to the amount of the grant.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1993 through 1997.".

SEC. 515. HEALTH PROFESSIONS TRAINING.

(a) MEDICALLY UNDERSERVED AREA TRAINING INCENTIVES.—Subsection (a) of section 791 of the Public Health Service Act (42 U.S.C. 292 et seq.) is amended to read as follows:

"(a) PRIORITIES IN AWARDING OF GRANTS.—

"(1) ALLOCATION OF COMPETITIVE GRANT FUNDS.—In awarding competitive grants under this title or title VIII, the Secretary shall, among applicants that meet the eligibility requirements under such titles, give priority to entities submitting applications that—

"(A) can demonstrate that such entities—

"(i) have a high permanent rate for placing graduates in practice settings which serve residents of medically underserved communities; and

"(ii) have a curriculum that includes—

"(I) the rotation of medical students and residents to clinical settings the focus of which is to serve medically underserved communities;

"(II) the appointment of health professionals whose practices serve medically underserved communities to act as preceptors to supervise training in such settings;

"(III) classroom instruction on practice opportunities involving medically underserved communities;

"(IV) service contingent scholarship or loan repayment programs for students and residents to encourage practice in or service to underserved communities;

"(V) the recruitment of students who are most likely to elect to practice in or provide service to medically underserved communities;

"(VI) other training methodologies that demonstrate a significant commitment to the expansion of the proportion of graduates that elect to practice in or serve the needs of medically underserved communities; or

"(B) contain an organized plan for the expeditious development of the placement rate and curriculum described in subparagraph (A).

"(2) SERVICE IN MEDICALLY UNDERSERVED COMMUNITIES.—Not less than 50 percent of the amounts appropriated for fiscal year 1996, and for each subsequent fiscal year, for competitive grants under this title or title VIII, shall be used to award grants to institutions that are otherwise eligible for grants under such titles, and that can demonstrate that—

"(A) not less than 15 percent of the graduates of such institutions during the preceding 2-year period are engaged in full-time practice serving the needs of medically underserved communities; or

"(B) the number of the graduates of such institutions that are practicing in a medically underserved community has increased by not less than 50 percent over that proportion of such graduates for the previous 2-year period.

"(3) WAIVERS.—A health professions school may petition the Secretary for a temporary waiver of the priorities of this subsection. Such waiver shall be approved if the health professions school demonstrates that the State in which such school is located is not suffering from a shortage of primary care providers, as determined by the Secretary. Such waiver shall not be for a period in excess of 2 years.

"(4) DEFINITIONS.—As used in this subsection:

"(A) GRADUATE.—The term 'graduate' means, unless otherwise specified, an individual who has successfully completed all training and residency requirements necessary for full certification in the health professions discipline that such individual has selected.

"(B) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' means—

"(i) an area designated under section 332 as a health professional shortage area;

"(ii) an area designated as a medically underserved area under this Act;

"(iii) populations served by migrant health centers under section 329, community health centers under section 330, or Federally qualified health centers under section 1905(l)(2)(B) of the Social Security Act;

"(iv) a community that is certified as underserved by the Secretary for purposes of participation in the rural health clinic program under title XVIII of the Social Security Act; or

"(v) a community that meets the criteria for the designation described in subparagraph (A) or (B) but that has not been so designated.".

(b) MEDICALLY UNDERSERVED AREA TRAINING GRANTS.—Part E of title VII of such Act is amended by adding at the end thereof the following new section:

"SEC. 779. MEDICALLY UNDERSERVED AREA TRAINING GRANT PROGRAM.

"(a) GRANTS.—The Secretary shall award grants to health professions institutions to expand training programs that are targeted at those individuals desiring to practice in or serve the needs of medically underserved communities.

"(b) PLAN.—As part of an application submitted for a grant under this section, the applicant shall prepare and submit a plan that describes the proposed use of funds that may be provided to the applicant under the grant.

"(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applicants that demonstrate the greatest likelihood of expanding the proportion of graduates who choose to practice in or serve the needs of medically underserved areas.

"(d) USE OF FUNDS.—An institution that receives a grant under this section shall use amounts received under such grant to establish or enhance procedures or efforts to—

"(1) rotate health professions students from such institution to clinical settings the focus of which is to serve the residents of medically underserved communities;

"(2) appoint health professionals whose practices serve medically underserved areas to serve as preceptors to supervise training in such settings;

"(3) provide classroom instruction on practice opportunities involving medically underserved communities;

"(4) provide service contingent scholarship or loan repayment programs for students and residents to encourage practice in or service to underserved communities;

"(5) recruit students who are most likely to elect to practice in or provide service to medically underserved communities; or

"(6) provide other training methodologies that demonstrate a significant commitment to the expansion of the proportion of graduates that elect to practice in or serve the needs of medically underserved communities.

"(e) ADMINISTRATION.—

"(1) REQUIRED CONTRIBUTION.—An institution that receives a grant under this section shall contribute, from non-Federal sources, either in cash or in-kind, an amount equal to the amount of the grant to the activities to be undertaken with the grant funds.

"(2) LIMITATION.—An institution that receives a grant under this section, shall use amounts received under such grant to supplement, not supplant, amounts made available by such institution for activities of the type described in subsection (d) in the fiscal year preceding the year for which the grant is received.

"(f) DEFINITIONS.—As used in this section:

"(1) GRADUATE.—The term 'graduate' means, unless otherwise specified, an individual who has successfully completed all training and residency requirements necessary for full certification in the health professions discipline that such individual has selected.

"(2) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' means—

"(A) an area designated under section 332 as a health professional shortage area;

"(B) an area designated as a medically underserved area under this Act;

"(C) populations served by migrant health centers under section 329, community health centers under section 330, or Federally qualified health centers under section 1905(l)(2)(B) of the Social Security Act;

"(D) a community that is certified as underserved by the Secretary for purposes of participation in the rural health clinic program under title XVIII of the Social Security Act; or

"(E) a community that meets the criteria for the designation described in subparagraph (A) or (B) but that has not been so designated.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 1993 and 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

(c) HEALTH PROFESSIONS TRAINING GRANTS.—Part E of title VII of such Act (as amended by subsection (b)) is further amended by adding at the end thereof the following new section:

"SEC. 780. HEALTH PROFESSIONS INTEGRATION GRANT PROGRAM.

"(a) GRANTS.—The Secretary shall award grants to eligible regional consortia to enhance and expand coordination among various health professions programs, particularly in medically underserved rural areas.

"(b) ELIGIBLE REGIONAL CONSORTIUM.—

"(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), an entity must—

"(A) be a regional consortium consisting of at least one medical school and at least one other health professions school that is not a medical school; and

"(B) prepare and submit an application containing a plan of the type described in paragraph (2).

"(2) PLAN.—As part of the application submitted by a consortium under paragraph (1)(B), the consortium shall prepare and submit a plan that describes the proposed use of funds that may be provided to the consortium under the grant.

"(c) USE OF FUNDS.—A consortium that receives a grant under this section shall use amounts received under such grant to establish or enhance—

"(1) strategies for better clinical cooperation among different types of health professionals;

"(2) classroom instruction on integrated practice opportunities, particularly targeted toward rural areas;

"(3) integrated clinical clerkship programs that make use of students in differing health professions schools; or

"(4) other training methodologies that demonstrate a significant commitment to the expansion of clinical cooperation among different types of health professionals, particularly in underserved rural areas.

"(d) LIMITATION.—A consortium that receives a grant under this section, shall use amounts received under such grant to supplement, not supplant, amounts made available by such institution for activities of the type described in subsection (c) in the fiscal year preceding the year for which the grant is received.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $7,000,000 for each of the fiscal years 1993 and 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

SEC. 516. RURAL HEALTH EXTENSION NETWORKS.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1709. RURAL HEALTH EXTENSION NETWORKS.

"(a) GRANTS.—The Secretary, acting through the Health Resources and Services Administration, may award competitive grants to eligible entities to enable such entities to facilitate the development of networks among rural and urban health care providers to preserve and share health care resources and enhance the quality and availability of health care in rural areas. Such networks may be statewide or regionalized in focus.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) be a rural health extension network that meets the requirements of subsection (c);

"(2) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require; and

"(3) meets such other requirements as the Secretary determines appropriate.

"(c) NETWORKS.—For purposes of subsection (b)(1), a rural health extension network shall be an association or consortium of three or more rural health care providers, and may include one or more urban health care provider, for the purposes of applying for a grant under this section and using amounts received under such grant to provide the services described in subsection (d).

"(d) SERVICES.—

"(1) IN GENERAL.—An entity that receives a grant under subsection (a) shall use amounts received under such grant to—

"(A) provide education and community decision-making support for health care providers in the rural areas served by the network;

"(B) utilize existing health care provider education programs, including but not limited to, the program for area health education centers under section 746, to provide educational services to health care providers in the areas served by the network;

"(C) make appropriately trained facilitators available to health care providers located in the areas served by the network to assist such providers in developing cooperative approaches to health care in such area;

"(D) facilitate linkage building through the organization of discussion and planning groups and the dissemination of information concerning the health care resources where available, within the area served by the network;

"(E) support telecommunications and consultative projects to link rural hospitals and other health care providers, and urban or tertiary hospitals in the areas served by the network; or

"(F) carry out any other activity determined appropriate by the Secretary.

"(2) EDUCATION.—In carrying out activities under paragraph (1)(B), an entity shall support the development of an information and resource sharing system, including elements targeted towards high risk populations and focusing on health promotion, to facilitate the ability of rural health care providers to have access to needed health care information. Such activities may include the provision of training to enable individuals to serve as coordinators of health education programs in rural areas.

"(3) COLLECTION AND DISSEMINATION OF DATA.—The chief executive officer of a State shall designate a State agency that shall be responsible for collecting and regularly disseminating information concerning the activities of the rural health extension networks in that State.

"(e) MATCHING REQUIREMENT.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions towards the costs of the operations of the network in an amount equal to the amount of the grant.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $10,000,000 for each of the fiscal years 1993 through 1997.

"(g) DEFINITION.—As used in this section and section 1710, the term 'rural health care providers' means health care professionals and hospitals located in rural areas. The Secretary shall ensure that for purposes of this definition, rural areas shall include any area that meets any applicable Federal or State definition of rural area.".

SEC. 517. RURAL MANAGED CARE COOPERATIVES.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) as amended by section 516 is further amended by adding at the end thereof the following new section:

"SEC. 1710. RURAL MANAGED CARE COOPERATIVES.

"(a) GRANTS.—The Secretary, acting through the Health Resources and Services Administration, may award competitive grants to eligible entities to enable such entities to develop and administer cooperatives in rural areas that will establish an effective case management and reimbursement system designed to support the economic viability of essential public or private health services, facilities, health care systems and health care resources in such rural areas.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require, including a description of the cooperative that the entity intends to develop and operate using grant funds; and

"(2) meet such other requirements as the Secretary determines appropriate.

"(c) COOPERATIVES.—

"(1) IN GENERAL.—Amounts provided under a grant awarded under subsection (a) shall be used to establish and operate a cooperative made up of all types of health care providers, hospitals, primary access hospitals, other alternate rural health care facilities, physicians, rural health clinics, rural nurse practitioners and physician assistant practitioners, public health departments and others located in, but not restricted to, the rural areas to be served by the cooperative.

"(2) BOARD OF DIRECTORS.—A cooperative established under paragraph (1) shall be administered by a board of directors elected by the members of the cooperative, a majority of whom shall represent rural providers from the local community and include representatives from the local community. Such directors shall serve at the pleasure of such members.

"(3) EXECUTIVE DIRECTOR.—The members of a cooperative established under paragraph (1) shall elect an executive director who shall serve as the chief operating officer of the cooperative. The executive director shall be responsible for conducting the day to day operation of the cooperative including—

"(A) maintaining an accounting system for the cooperative;

"(B) maintaining the business records of the cooperative;

"(C) negotiating contracts with provider members of the cooperative; and

"(D) coordinating the membership and programs of the cooperative.

"(4) REIMBURSEMENTS.—

"(A) NEGOTIATIONS.—A cooperative established under paragraph (1) shall facilitate negotiations among member health care providers and third party payers concerning the rates at which such providers will be reimbursed for services provided to individuals for which such payers may be liable.

"(B) AGREEMENTS.—Agreements reached under subparagraph (A) shall be binding on the members of the cooperative.

"(C) EMPLOYERS.—Employer entities may become members of a cooperative established under paragraph (a) in order to provide, through a member third party payer, health insurance coverage for employees of such entities. Deductibles shall only be charged to employees covered under such insurance if such employees receive health care services from a provider that is not a member of the cooperative if similar services would have been available from a member provider.

"(D) MALPRACTICE INSURANCE.—A cooperative established under subsection (a) shall be responsible for identifying and implementing a malpractice insurance program that shall include a requirement that such cooperative assume responsibility for the payment of a portion of the malpractice insurance premium of providers members.

"(5) MANAGED CARE AND PRACTICE STANDARDS.—A cooperative established under paragraph (1) shall establish joint case management and patient care practice standards programs that health care providers that are members of such cooperative must meet to be eligible to participate in agreements entered into under paragraph (4). Such standards shall be developed by such provider members and shall be subject to the approval of a majority of the board of directors. Such programs shall include cost and quality of care guidelines including a requirement that such providers make available preadmission screening, selective case management services, joint patient care practice standards development and compliance and joint utilization review.

"(6) CONFIDENTIALITY.—Patients records, records of peer review, utilization review, and quality assurance proceedings conducted by the cooperative should be considered confidential and protected from release outside of the cooperative. The provider members of the cooperative shall be indemnified by the cooperative for the good faith participation by such members in such the required activities.

"(d) LINKAGES.—A cooperative shall create linkages among member health care providers, employers, and payers for the joint consultation and formulation of the types, rates, costs, and quality of health care provided in rural areas served by the cooperative.

"(e) MATCHING REQUIREMENT.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions towards the costs of the operations of the network in an amount equal to the amount of the grant.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 1993 through 1997.".

TITLE VI—MALPRACTICE REFORM

SEC. 601. PRELITIGATION SCREENING PANEL GRANTS.

Part B of title IX of the Public Health Service Act (42 U.S.C. 299b et seq.) is amended by adding at the end the following new section:

"SEC. 915. PRELITIGATION SCREENING PANEL GRANTS.

"(a) ESTABLISHMENT.—The Assistant Secretary, acting through the Administrator, shall establish a program of grants to assist States in establishing prelitigation panels.

"(b) USE OF FUNDS.—A State may use a grant awarded under subsection (a) to establish prelitigation panels that—

"(1) identify claims of professional negligence that merit compensation;

"(2) encourage early resolution of meritorious claims prior to commencement of a lawsuit; and

"(3) encourage early withdrawal or dismissal of nonmeritorious claims.

"(c) AWARD OF GRANTS.—The Secretary shall allocate grants under this section in accordance with criteria issued by the Secretary.

"(d) APPLICATION.—To be eligible to receive a grant under this section, a State, acting through the appropriate State health authority, shall submit an application at such time, in such manner, and containing such agreements, assurances, and information as the Assistant Secretary determines to be necessary to carry out this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the 1994 through 1997 fiscal years.".

TITLE VII—HEALTH PROMOTION AND DISEASE PREVENTION

SEC. 701. DISEASE PREVENTION AND HEALTH PROMOTION PROGRAMS TREATED AS MEDICAL CARE.

(a) IN GENERAL.—For purposes of section 213(d)(1) of the Internal Revenue Code of 1986 (defining medical care), qualified expenditures (as defined by the Secretary of Health and Human Services) for disease prevention and health promotion programs shall be considered amounts paid for medical care.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to amounts paid in taxable years beginning after December 31, 1992.

SEC. 702. WORKSITE WELLNESS GRANT PROGRAM.

(a) GRANTS.—The Secretary of Health and Human Services (hereafter referred to as the "Secretary") shall award grants to States (through State health departments or other State agencies working in consultation with the State health agency) to enable such States to provide assistance to businesses with not to exceed 100 employees for the establishment and operation of worksite wellness programs for their employees.

(b) APPLICATION.—To be eligible for a grant under subsection (a), a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a description of the manner in which the State intends to use amounts received under the grant; and

(2) assurances that the State will only use amounts provided under such grant to provide assistance to businesses that can demonstrate that they are in compliance with minimum program characteristics (relative to scope and regularity of services offered) that are developed by the Secretary in consultation with experts in public health and representatives of small business.

Grants shall be distributed to States based on the population of individuals employed by small businesses.

(c) PROGRAM CHARACTERISTICS.—In developing minimum program characteristics under subsection (b)(2), the Secretary shall ensure that all activities established or enhanced under a grant under this section have clearly defined goals and objectives and demonstrate how receipt of such assistance will help to achieve established State or local health objectives based on the National Health Promotion and Disease Prevention Objectives.

(d) USE OF FUNDS.—Amounts received under a grant awarded under subsection (a) shall be used by a State to provide grants to businesses (as described in subsection (a)), nonprofit organizations, or public authorities, or to operate State-run worksite wellness programs.

(e) SPECIAL EMPHASIS.—In funding business worksite wellness projects under this section, a State shall give special emphasis to—

(1) the development of joint wellness programs between employers;

(2) the development of employee assistance programs dealing with substance abuse;

(3) maximizing the use and coordination with existing community resources such as nonprofit health organizations; and

(4) encourage participation of dependents of employees and retirees in wellness programs.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary in each of the fiscal years 1994 through 1998.

SEC. 703. EXPANDING AND IMPROVING SCHOOL HEALTH EDUCATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriate to carry out subsection (b), such sums as may be necessary for each of the fiscal years 1994 through 1998.

(b) GENERAL USE OF FUNDS.—The Secretary of Health and Human Services shall use amounts appropriated under subsection (a) to expand comprehensive school health education programs administered by the Centers for Disease Control and Prevention under sections 301 and 311 of the Public Health Service Act (42 U.S.C. 241 and 243).

(c) SPECIFIC USE OF FUNDS.—In meeting the requirement of subsection (b), the Secretary of Health and Human Services shall expand the number of children receiving planned, sequential kindergarten through 12th grade comprehensive school education as a component of comprehensive programs of school health, including

(1) physical education programs that promote lifelong physical activity;

(2) healthy school food service selections;

(3) programs that promote a healthy and safe school environment;

(4) schoolsite health promotion for faculty and staff;

(5) integrated school and community health promotion efforts; and

(6) school nursing disease prevention and health promotion services.

(d) COORDINATION OF EXISTING PROGRAMS.—The Secretary of Health and Human Services, the Secretary of Education and the Secretary of Agriculture shall work cooperatively to coordinate existing school health education programs within their Departments in a manner that maximized the efficiency and effectiveness of Federal expenditures in this area.

TITLE VIII—PRESCRIPTION DRUG COST CONTAINMENT

SEC. 801. REDUCTION IN POSSESSIONS TAX CREDIT FOR EXCESSIVE PHARMACEUTICAL INFLATION.

(a) IN GENERAL.—Section 936 of the Internal Revenue Code of 1986 (relating to Puerto Rico and possession tax credit) is amended by adding at the end the following new subsection:

"(i) REDUCTION FOR EXCESSIVE PHARMACEUTICAL INFLATION.—

"(1) IN GENERAL.—In the case of any manufacturer of single source drugs or innovator multiple source drugs, the amount by which the credit under this section for the taxable year (determined without regard to this subsection) exceeds the manufacturer's wage base for such taxable year shall be reduced by the product of—

"(A) the amount of such excess, multiplied by

"(B) the sum of the reduction percentages for each single source drug or innovator multiple source drug of the manufacturer for such taxable year.

"(2) MANUFACTURER'S WAGE BASE.—For purposes of this subsection—

"(A) IN GENERAL.—The manufacturer's wage base for any taxable year is equal to the total amount of wages paid during such taxable year by the manufacturer to eligible employees in Puerto Rico with respect to the manufacture of single source drugs and innovator multiple source drugs.

"(B) ELIGIBLE EMPLOYEES.—The term 'eligible employee' means any employee of the manufacturer (as defined in section 3121(d)) who is a bona fide resident of Puerto Rico and subject to tax by Puerto Rico on income from sources within and without Puerto Rico during the entire taxable year.

"(C) WAGES.—The term 'wages' has the meaning given such term by section 3121(a).

"(3) REDUCTION PERCENTAGE.—For purposes of this subsection—

"(A) IN GENERAL.—The reduction percentage for any drug for any taxable year is the percentage determined by multiplying—

"(i) the sales percentage for such drug for such taxable year, by

"(ii) the price increase percentage for such drug for such taxable year.

"(B) SALES PERCENTAGE.—The sales percentage for any drug for any taxable year is the percentage determined by dividing—

"(i) the total sales of such drug by the manufacturer for such taxable year, by

"(ii) the total sales of all single source drugs and innovator multiple source drugs by the manufacturer for such taxable year.

"(C) PRICE INCREASE PERCENTAGE.—The price increase percentage for any drug for any taxable year is the percentage determined by multiplying—

"(i) 20, times

"(ii) the excess (if any) of—

"(I) the percentage increase in the average manufacturer's price for such drug for the taxable year over such average price for the base taxable year, over

"(II) the percentage increase in the Consumer Price Index (as defined in section 1(g)(5)) for the taxable year over the base taxable year.

"(D) TOTAL SALES.—

"(i) DOMESTIC SALES ONLY.—Total sales shall only include sales for use or consumption in the United States.

"(ii) SALES TO RELATED PARTIES NOT INCLUDED.—Total sales shall not include sales to any related party (as defined in section 267(b)).

"(E) AVERAGE MANUFACTURER'S PRICE.—The term 'average manufacturer's price' for any taxable year means the average price paid to the manufacturer by wholesalers or direct buyers and purchasers for each single source drug or innovator multiple source drug sold to the various classes of purchasers.

"(F) BASE TAXABLE YEAR.—The base taxable year for any single source drug or innovator multiple source drug is the later of—

"(i) the last taxable year ending in 1991, or

"(ii) the first taxable year beginning after the date on which the marketing of such drug begins.

"(4) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) MANUFACTURER.—

"(i) IN GENERAL.—The term 'manufacturer' means any person which is engaged in—

"(I) the production, preparation, propagation, compounding, conversion, or processing of prescription drug products, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, or

"(II) in the packaging, repackaging, labeling, relabeling, or distribution of prescription drug products.

Such term does not include a wholesale distributor of drugs or a retail pharmacy licensed under State law.

"(ii) CONTROLLED GROUPS.—For purposes of clause (i)—

"(I) CONTROLLED GROUP OF CORPORATIONS.—All corporations which are members of the same controlled group of corporations shall be treated as 1 person. For purposes of the preceding sentence, the term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(II) PARTNERSHIPS, PROPRIETORSHIPS, ETC., WHICH ARE UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, all trades or business (whether or not incorporated) which are under common control shall be treated as 1 person. The regulations prescribed under this subclause shall be based on principles similar to the principles which apply in the case of subclause (I).

"(B) SINGLE SOURCE DRUG.—The term 'single source drug' means a drug or biological which is produced or distributed under an original new drug application or product licensing application, including a drug product or biological marketed by any cross-licensed producers or distributors operating under the new drug application or product licensing application.

"(C) INNOVATOR MULTIPLE SOURCE DRUG.—The term 'innovator multiple source drug' means a multiple source drug (within the meaning of section 1927(k)(7)(A)(i) of the Social Security Act) that was originally marketed under an original new drug application or a product licensing application approved by the Food and Drug Administration.

"(5) SPECIAL RULES.—For purposes of this subsection—

"(A) DOSAGE TREATMENT.—Except as provided by the Secretary, each dosage form and strength of a single source drug or innovator multiple source drug shall be treated as a separate drug.

"(B) ROUNDING OF PERCENTAGES.—Any percentage shall be rounded to the nearest hundredth of a percent.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

TITLE IX—FINANCING

SEC. 901. REPEAL OF DOLLAR LIMITATION ON AMOUNT OF WAGES SUBJECT TO HOSPITAL INSURANCE TAX.

(a) HOSPITAL INSURANCE TAX.—

(1) Paragraph (1) of section 3121(a) of the Internal Revenue Code of 1986 (defining wages) is amended—

(A) by inserting "in the case of the taxes imposed by sections 3101(a) and 3111(a)" after "(1)",

(B) by striking "applicable contribution base (as determined under subsection (x))" each place it appears and inserting "contribution and benefit base (as determined under section 230 of the Social Security Act)", and

(C) by striking "such applicable contribution base" and inserting "such contribution and benefit base".

(2) Section 3121 of such Code is amended by striking subsection (x).

(b) SELF-EMPLOYMENT TAX.—

(1) Subsection (b) of section 1402 of such Code is amended—

(A) by striking "(1) that part of net" and inserting "(1) in the case of the tax imposed by section 1401(a), that part of net",

(B) by striking "applicable contribution base (as determined under subsection (k))" and inserting "contribution and benefit base (as determined under section 230 of the Social Security Act)",

(C) by inserting "and" after "section 3121(b),", and

(D) by striking "and (C) includes" and all that follows through "3111(b)".

(2) Section 1402 of such Code is amended by striking subsection (k).

(c) RAILROAD RETIREMENT TAX.—

(1) Subparagraph (A) of section 3231(e)(2) of such Code is amended by adding at the end thereof the following new clause:

"(iii) HOSPITAL INSURANCE TAXES.—Clause (i) shall not apply to—

"(I) so much of the rate applicable under section 3201(a) or 3221(a) as does not exceed the rate of tax in effect under section 3101(b), and

"(II) so much of the rate applicable under section 3211(a)(1) as does not exceed the rate of tax in effect under section 1402(b)."

(2) Clause (i) of section 3231(e)(2)(B) of such Code is amended to read as follows:

"(i) TIER 1 TAXES.—Except as provided in clause (ii), the term 'applicable base' means for any calendar year the contribution and benefit base determined under section 230 of the Social Security Act for such calendar year."

(d) INCREASED REVENUES NOT DEPOSITED IN HOSPITAL INSURANCE TRUST FUND.—Section 1817(a) of the Social Security Act (42 U.S.C. 1395i(a)) is amended by adding at the end the following new sentence: "For purposes of this subsection, the amount of taxes imposed by sections 1401(b), 3101(b), 3111(b) of the Internal Revenue Code of 1986 shall be determined without regard to the amendments made by section 221 of the Managed Competition Act of 1992.".

(e) TECHNICAL AMENDMENTS.—

(1) Paragraph (1) of section 6413(c) of the Internal Revenue Code of 1986 is amended by striking "section 3101 or section 3201" and inserting "section 3101(a) or section 3201(a) (to the extent the rate applicable under section 3201(a) as does not exceed the rate of tax in effect under section 3101(a))".

(2) Subparagraphs (B) and (C) of section 6413(c)(2) of such Code are each amended by striking "section 3101" each place it appears and inserting "section 3101(a)".

(3) Subsection (c) of section 6413 of such Code is amended by striking paragraph (3).

(4) Sections 3122 and 3125 of such Code are each amended by striking "applicable contribution base limitation" and inserting "contribution and benefit base limitation".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to 1994 and later calendar years.

ACCESS TO AFFORDABLE HEALTH CARE ACT OF 1993—BILL SUMMARY

I. Provisions to expand access and contain costs through managed competition between health care plans:

A Federal Health Board would be appointed by the President and confirmed by the Senate.

The Board, which will be composed of individuals with national recognition for their expertise and knowledge of the health care system, would set and periodically revise a uniform set of effective benefits, with an emphasis on primary and preventive care. These benefits shall include the full range of legally authorized treatments for any health condition for which the Board has determined a treatment has been shown to reasonably improve or significantly ameliorate the condition. Determination of services to be covered under the uniform set of effective benefits would be determined on the basis of: (1) their effectiveness in improving the health status of individuals; and (2) their long-term impact on maintaining and improving health and productivity and on reducing the consumption of health care services. In determining the uniform set of effective benefits, the Board shall not discriminate against persons with serious mental illness. The Board shall also develop uniform deductible and cost-sharing requirements.

To contain costs, the Board would determine annual limits on the allowable percentage rate of increase in premiums for Accountable Health Plans (AHPs). The Board would also develop standardized claims forms and billing procedures, as well as a plan to accelerate electronic billing and computerization of medical records.

The Board will register and develop reporting standards for Accountable Health Plans on data such as cost, utilization, health outcomes and patient satisfaction. This information would be collected and published annually by the Board and made available to participating health plans and consumers through the Health Plan Purchasing Cooperatives (HPPCs) prior to each general enrollment period.

States would establish one or more regional Health Plan Purchasing Cooperatives (HPPCs) to serve as collective purchasing agents for small businesses and individuals. These HPPCs would contract with a range of competing health plans (at least two) and would present the full range of plans to their customers. The HPPC would provide consumers with information about the plans prior to enrollment periods, including a "report card" measuring performance based on cost, quality and patient satisfaction information collected by the Board. The HPPCs would also manage the enrollment process. Individual consumers would choose a plan for one year and could subsequently change plans during an annual "open season." States could opt to purchase coverage for Medicaid beneficiaries through the purchasing cooperatives. Federal grant funding would be provided to cover States' costs in establishing and administering the HPPCs.

Insurers would enter into arrangements with providers to form Accountable Health Plans which would each offer the uniform set of effective benefits established by the Board and would compete on the basis of price and quality of care. Plans could offer "supplemental" coverage for additional services. Plans would have to take all applicants and could not exclude participants on the basis of preexisting conditions. All plans would be guaranteed renewable. Premiums could vary according to the plan, but would be the same for all members of the purchasing cooperative, regardless of age, sex, or health experience. State mandated benefit and anti-managed care laws would be preempted.

II. Tax incentives to increase access and encourage purchase of cost-effective health plans and to make the tax treatment of health benefits more equitable:

Insurance coverage would be made more affordable for low and middle-income individuals (individuals with incomes up to $23,000 and families with incomes up to $33,000) by providing a refundable tax credit to those without employer-provided insurance. These individuals would also now have access to reasonably priced insurance through the purchasing cooperatives, which will offer the advantage of competitive group rates and lower administrative costs. The amount of the refundable tax credit would be linked to the amount of the lowest-cost Accountable Health Plan available in the region.

Employers could only deduct benefit costs up to the level of the lowest-cost Accountable Health Plan in the region, and employer provided benefits in excess of that plan would be taxed as income.

Self-employed persons and individuals without employer provided insurance who are ineligible for the tax credit could deduct the full 100 percent of the costs of the lowest-priced Accountable Health Plan available.

III. Provisions to increase access to care in rural and underserved areas:

One of the most critical problems facing Americans in rural areas is the scarcity of doctors and other health care professionals. This proposal would increase scholarship and loan repayment opportunities to help relieve the critical shortage of health care practitioners in rural areas. It would also provide a special tax credit and other incentives for physicians and other primary care providers serving in rural areas.

Increased funding would be provided to expand the National Health Service Corps, which will also help to increase the number of health care professionals is medically underserved areas. Increased funding would also be provided for Community Health Centers, which provide comprehensive health services in rural and inner-city neighborhoods to millions of Americans who need care regardless of their ability to pay.

IV. Cooperative agreements between hospitals:

Provides a waiver from anti-trust laws for hospitals wishing to enter into voluntary cooperative agreements for the sharing of medical technology and services when that agreement has been certified by the Secretary of Health and Human Services as likely to result in a reduction in costs, an increase in access to care, and improvements in the quality of care available in the hospitals involved. This provision is intended to encourage cooperation between hospitals in order to contain costs by eliminating the unnecessary duplication and proliferation of expensive high technology services or equipment.

V. Outcomes research and practice guideline development:

Increases funding for outcomes research and the development of treatment practice guidelines to establish which drugs and procedures are most effective under which circumstances in order to decrease the practice of "defensive medicine," which is estimated to cost consumers in excess of $100 billion a year. The legislation would also allow health care providers to use the practice guidelines as a rebuttable defense in medical liability cases.

VI. Malpractice reform:

Encourages states to establish alternative dispute resolution mechanisms like prelitigation screening panels, which have had great success in a number of states in reducing medical malpractice costs.

VII. Health promotion and disease prevention:

Health insurance alone will not ensure good health. Americans must be encouraged to engage in healthy behavior and to accept more responsibility for their physical well-being.

The proposal will encourage participation in qualified health promotion and prevention programs by clarifying that expenditures for these programs are considered amounts paid for medical care for tax purposes. It also establishes a new grant program for states to provide assistance to small businesses in the establishment and operation of worksite wellness programs for their employees. And finally, the legislation would expand the comprehensive school health education programs administered by the Centers for Disease Control.

VIII. Prescription drug cost containment:

Over the past decade, prescription drug price inflation more than tripled the general inflation rate. At the same time that these prices are soaring out of reach of many Americans on fixed incomes, many drug manufacturers receive generous non-research and development tax credits under Section 936 of the tax code.

This bill establishes a formula to provide a tax incentive for drug manufacturers to keep prescription drug increases at or below the general rate of inflation. The formula specifies that if a manufacturer's Section 936 tax credit exceeds the wages paid in Puerto Rico, the excess will be subject to a reduction of 20 per cent of the Section 936 tax credit for each percentage point its drug prices increase over the general inflation rate. The reduction formula will be applied on a drug by drug basis and weighted according to the percentage of sales that each drug accounts for the manufacturer's total drug sales.

IX. Financing:

Employers could only deduct benefit costs up to the level of the lowest cost Accountable Health Plan available through the regional purchasing cooperative. Employer-provided benefits in excess of that capped amount would be taxed as income.

In addition, the proposal would lift the current $130,200 cap on wages subject to the Medicare health insurance tax.

By Mr. EXON:

S. 224. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to grant the President enhanced authority to rescind amounts of budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

ENHANCED RESCISSIONS ACT OF 1993

Mr. EXON. Mr. President, but a few days ago, we heard a stirring and effective inaugural address from our new President. What was particularly impressive, and refreshing, to me was our new President's willingness to call upon our citizens to make the sacrifices that we all know must be made if we are to obtain some control over our out-of-control Federal budget.

Members of Congress must be willing to sacrifice as well. As far as I am concerned, an excellent place to start is for Members of Congress to sacrifice pork barrel spending. Each year Congress passes appropriation bills that are laden with individual funding for special projects, funding that is sought by specific Members. Although each such item no doubt has its merits, there is little question but that a prime motive in many appropriation items is to enable a Member of Congress to bring home the bacon. We all seek such funding and frankly we all like to receive it.

The result is that pork is often but a perk, a useful perk that can readily be used in a reelection campaign. But, it is an expensive perk that Congress can and should be willing to sacrifice for the benefit of future generations.

Our current system works to fuel the flames of unlimited spending and needs to changed. It is simply unrealistic to expect individual Members to volunteer not to pursue pork for his or her State or district when others will continue their efforts in that regard. Our President in determining whether to sign each bill must look at each one as a whole and is forced to accept the bad with the good.

The solution to this problem is to give our President the line-item veto. As Governor of the State of Nebraska I was privileged to have the line-item veto power. I used the line-item veto authority frequently and found it to be very effective in controlling the spending of my State legislature. I have long believed that our President should have this power as well.

The line-item veto authority would give our President the ability to attack pork barrel spending and would be an invaluable tool in our President's efforts to limit governmental spending. It would hardly solve our budgetary problems but it would certainly help.

Mr. President, in previous years, I have supported efforts to change our Constitution to allow for a line-item veto. I have also been a leader in congressional efforts to give our President enhanced rescission powers.

Over 6 years ago, I joined with former Vice President Quayle in sponsoring an enhanced rescission proposal. Just last year, I supported an amendment offered by Senator MCCAIN that would have also given our President greater rescission powers.

It has become very clear through the years that we simply do not have the votes in the Senate to pass a constitutional amendment for a line-item veto. Further, Senator MCCAIN's amendment garnered only 40 votes for a proposal that would surely be filibustered and would thus need at least 60 votes to pass the Senate.

The very clear writing on the wall is that proposals such as those stand little, if any, chance of becoming law. But that hardly means that nothing can be done to give our President greater power to fight pork barrel spending.

The House of Representatives last year overwhelmingly passed a proposal to require Congress to vote on rescission messages from our President. That proposal was quite similar to the amendment I cosponsored in 1986.

The key difference between the bill passed by the House of Representatives and other enhanced rescission or line-item veto proposals is that the former would require only a majority vote in Congress to overturn a Presidential recommendation as compared to the two-thirds super majority that would be required under the latter proposals.

Taking the majority vote approach strikes me as a reasonable compromise and one that stands a better chance of serious consideration by Congress. As such, I am today introducing the Enhanced Rescissions Act.

This bill would change our current rescissions process by giving our President the authority not to spend specific funding included in our appropriations bills. Upon making a decision to rescind certain spending, our President would then be required to seek congressional approval. If Congress does not agree by at least a majority vote in both Houses, then the funding must be released.

It is certainly reasonable to force Members of Congress to publicly vote on spending requests that our President views as unnecessary or inappropriate. Members of Congress will be much less likely to add pork to our appropriation bills if they know that they might be forced to defend each item individually on its own merits.

I urge each of my colleagues to take a close look at what I am proposing. It is similar to the bill passed in the House last year, yet I have eliminated the restrictions and loopholes included in that bill so that our President will truly have the ability to force a vote on each particular line item of each appropriation bill. As such, this proposal is a responsible and fair approach and one that would greatly assist our new President, and those who follow, in his efforts to reduce our Federal deficit.

Mr. President, I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enhanced Rescissions Act of 1993".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) IN GENERAL.—Part B of title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended by redesignating sections 1013 through 1017 as sections 1014 through 1018, respectively, and inserting after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1013. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY.—In addition to the method of rescinding budget authority specified in section 1012, the President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriations Act. Funds made available for obligation under this procedure may not be proposed for rescission again under this section or section 1012.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) Not later than 3 days after the date of enactment of an appropriation Act, the President may transmit to Congress one or more special messages proposing to rescind all or any part of any item of budget authority provided in that Act and include with each special message a draft bill or joint resolution that, if enacted, would rescind each item of budget authority (or part thereof) proposed to be rescinded.

"(2) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the matters referred to in paragraphs (1) through (5) of section 1012(a).

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second day of continuous session of the applicable House after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Congress in which the appropriation Act involved originated shall introduce (by request) the draft bill or joint resolution accompanying that special message. If the bill or joint resolution is not introduced as provided in the preceding sentence, then, on the third day of continuous session of that House after the date of receipt of that special message, any Member of that House may introduce the bill or joint resolution.

"(B) The bill or joint resolution shall be referred to the Committee on Appropriations of that House. The committee shall report the bill or joint resolution without substantive revision and with or without recommendation. The bill or joint resolution shall be reported not later than the seventh day of continuous session of that House after the date of receipt of that special message. If the Committee on Appropriations fails to report the bill or joint resolution within that period, that committee shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

"(C) A vote on final passage of the bill or joint resolution shall be taken in that House on or before the close of the 10th calendar day of continuous session of that House after the date of the introduction of the bill or joint resolution in that House. If the bill or joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the bill or joint resolution to be engrossed, certified, and transmitted to the other House of Congress on the same calendar day on which the bill or joint resolution is agreed to.

"(2)(A) A bill or joint resolution transmitted to the House of Representatives or the Senate pursuant to paragraph (1)(C) shall be referred to the Committee on Appropriations of that House. The committee shall report the bill or joint resolution without substantive revision and with or without recommendation. The bill or joint resolution shall be reported not later than the seventh day of continuous session of that House after it receives the bill or joint resolution. A committee failing to report the bill or joint resolution within such period shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed upon the appropriate calendar.

"(B) A vote on final passage of a bill or joint resolution transmitted to that House shall be taken on or before the close of the 10th calendar day of continuous session of that House after the date on which the bill or joint resolution is transmitted. If the bill or joint resolution is agreed to in that House, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the engrossed bill or joint resolution to be returned to the House in which the bill or joint resolution originated.

"(3)(A) A motion in the House of Representatives to proceed to the consideration of a bill or joint resolution under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill or joint resolution under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill or joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill or joint resolution under this section or to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill or joint resolution under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill or joint resolution under this section shall be governed by the Rules of the House of Representatives.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill or joint resolution under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill or joint resolution under this section, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill or joint resolution under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, except that in the event the manager of the bill or joint resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill or joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill or joint resolution under this section is not debatable. A motion to recommit a bill or joint resolution under this section is not in order.

"(d) AMENDMENTS PROHIBITED.—No amendment to a bill or joint resolution considered under this section shall be in order in either the House of Representatives or the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House defeats the bill or joint resolution transmitted with that special message.

"(f) DEFINITIONS.—For purposes of this section—

"(1) The term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

"(2) The continuity of a session of the Congress shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the periods of continuous session referred to in subsection (c) of this section. If a special message is transmitted under this section during any Congress and the last session of the Congress adjourns sine die before the expiration of 10 calendar days of continuous session (or a special message is transmitted after the last session of the Congress adjourns sine die), the message shall be deemed to have been transmitted on the first day of the succeeding Congress and the periods of continuous session referred to in subsection (c) of this section shall commence on the day after such first day.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of such Act (2 U.S.C. 621 note) is amended—

(1) by striking "and 1017" in subsection (a) and inserting "1013, and 1018"; and

(2) by striking "section 1017" in subsection (d) and inserting "sections 1013 and 1018".

(c) Conforming Amendments.—

(1) Section 1011 of such Act (2 U.S.C. 682(5)) is amended—

(A) in paragraph (4), by striking "1013" and inserting "1014"; and

(B) in paragraph (5)—

(i) by striking "1016" and inserting "1017"; and

(ii) by striking "1017(b)(1)" and inserting "1018(b)(1)".

(2) Section 1015 of such Act (2 U.S.C. 685) (as redesignated by section 2(a)) is amended—

(A) by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014";

(B) in subsection (b)(1), by striking "1012" and inserting "1012 or 1013";

(C) in subsection (b)(2), by striking "1013" and inserting "1014"; and

(D) in subsection (e)(2)—

(i) by striking "and" at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by striking "1013" in subparagraph (C) (as so redesignated) and inserting "1014"; and

(iv) by inserting after subparagraph (A) the following new subparagraph:

"(B) he has transmitted a special message under section 1013 with respect to a proposed rescission; and".

(3) Section 1016 of such Act (2 U.S.C. 686) (as redesignated by section 2(a)) is amended by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014".

(d) Clerical Amendments.—The table of sections for subpart B of title X of such Act is amended—

(1) by redesignating the items relating to sections 1013 through 1017 as items relating to sections 1014 through 1018; and

(2) by inserting after the item relating to section 1012 the following new item:

"Sec. 1013. Expedited consideration of certain proposed rescissions.".

By Mr. EXON:

S. 225. A bill to amend the Congressional Budget Act of 1974 to provide that any concurrent resolution on the budget that contains reconciliation directives shall include a directive with respect to the statutory limit on the public debt, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

DEBT CEILING REFORM ACT

Mr. EXON. Mr. President, I rise to introduce the Debt Ceiling Reform Act. This proposal is a tough but workable solution to our budget enforcement mechanisms.

Although we have now seen a series of bills that have addressed our budget process, the fact is that we still do not link our budget enforcement process with our debt ceiling which is our most honest and obvious way of measuring our Federal deficits.

The Debt Ceiling Reform Act would bring debt ceiling legislation into the budget cycle. It mandates that we include the extension of the debt ceiling as part of our annual budget reconciliation legislation. Congress would be forced to determine, as part of the budget process, how much the debt ceiling needs to be raised for the coming year.

The Debt Ceiling Reform Act would necessitate continuous enforcement of the deficit targets contained in each year's budget. If Congress sticks to its agreed-upon budget and corrects it for changing economic circumstances, debt ceiling legislation would be handled in a routine manner under the limited debate procedures of reconciliation.

If, however, Congress borrows funds at a rate faster than contemplated by the annual budget, then a three-fifths vote would be required to increase the debt ceiling. By contrast, other measures to resolve the problem, such as a reduction in spending, would require only a simple majority vote. In the past, the easiest way to resolve our budget problems has been to simply increase our debt ceiling.

This proposal also addresses one of the more serious defects in the budget mechanisms that have been used previously and that are currently being used. It does not rely upon estimates, accounting gimmicks, spending shifts, or off-budget accounts.

As this new session of Congress begins, I am calling for several reforms to our budget process. It is obvious that our efforts to place some controls on our deficit spending have failed miserably. Effective leadership, which takes the key issue of our budget deficit head on, is of course the key to resolving this problem and I am confident that we will see a very refreshing change in that regard in the coming months. Yet, that leadership should not be satisfied with the old budgetary mechanisms that have failed us for the past several years.

In my view, our Federal Government should balance it's budget each year with very limited exceptions to that rule. If we had done that, we would hardly be in the mess that we are. But if we are not going to balance our budget, we at least ought to be able to say to the American people that we will increase our debt this much, this year. Now, we do not even do that.

Under my plan, when Congress passes the reconciliation legislation, it would essentially issue the Federal Government a letter of credit for the coming year. Our Government, including Congress, would then be required to continuously monitor its actual levels of spending to assure that it stays within that constraint.

Congress, and our President, must face the fiscal facts and work to reduce our annual deficit rather than hide them. The proposal I have introduced today would reimpose some honesty and integrity into our budgetary process.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Congressional Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECONCILIATION DIRECTIVES TO INCLUDE DIRECTIVE WITH RESPECT TO INCREASE IN STATUTORY LIMIT ON THE PUBLIC DEBT.

(a) In General.—Section 310 of the Congressional Budget Act of 1974 (2 U.S.C. 641) is amended by adding at the end thereof the following new subsection:

"(h) Reconciliation Directives With Respect to Public Debt Limit.—

"(1) Any concurrent resolution on the budget for a fiscal year that contains directives of the type described in paragraph (1) or (2) of subsection (a) for such fiscal year shall also include a directive of the type described in paragraph (3) of such subsection for such fiscal year.

"(2) Any change in the statutory limit on the public debt that is recommended pursuant to a directive of the type described in paragraph (3) of subsection (a) shall be included in the reconciliation legislation reported pursuant to subsection (b) for such fiscal year.".

(b) Conforming Change.—Section 310(d)(2) of such Act is amended by inserting "(other than a provision reported pursuant to a directive of the type described in subsection (a)(3))" after "motion to strike a provision".

SEC. 2. POINT OF ORDER.

(a) In General.—Notwithstanding the Standing Rules of the Senate, except as provided in subsection (b), it shall not be in order in the Senate to consider any bill or joint resolution (or any amendment thereto or conference report thereon) that increases the statutory limit on the public debt during a fiscal year above the level set forth as appropriate for such fiscal year in the concurrent resolution on the budget for such fiscal year agreed to under section 301 of the Congressional Budget Act of 1974.

(b) Exception.—Subsection (a) shall not apply to any reconciliation bill or reconciliation resolution reported pursuant to section 310(b) of the Congressional Budget Act of 1974 during any fiscal year (or any conference report thereon) that contains a provision that—

(1) increases the statutory limit on the public debt pursuant to a directive of the type described in section 310(a)(3) of such Act, and

(2) becomes effective on or after the first day of the following fiscal year.

(c) Waivers.—Subsection (a) may be waived or suspended in the Senate by a vote of three-fifths of the Members, duly chosen and sworn.

(d) Appeals.—If the ruling of the presiding officer sustains a point of order raised pursuant to paragraph (1), a vote of three-fifths of the Members duly chosen and sworn shall be required to sustain an appeal of such ruling. Debate on any such appeal shall be limited to two hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees. An appeal of any such point of order is not subject to a motion of table.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on the date of the enactment of this Act.

SEC. 4. EXERCISE OF RULEMAKING POWERS.

This Act and the amendments made by this Act are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

By Mr. DASCHLE (for himself, Mr. DORGAN, Mr. CONRAD, and Mrs. KASSEBAUM):

S. 226. A bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation; to the Committee on Finance.

FAMILY FARMS VALUATION ACT OF 1993

• **Mr. DASCHLE.** Mr. President, since 1988, I have studied the effects on family farmers of a provision in the estate tax law, section 2032A. While section 2032A may seem a small provision to some, it is critically important to family-run farms. A problem with respect to the Internal Revenue Service's interpretation of this provision has been festering for a number of years and threatens to force the sale of many family farms.

Section 2032A, which bases the estate tax on a family farm on its use as a farm, rather than on its market value, reflects the intent of Congress to help families keep their farms. A family that has worked hard to maintain a farm should not have to sell it to a third party solely to pay stiff estate taxes resulting from increases in the value of the land. Inheriting family members are required to continue farming the property for at least 15 years, in order to avoid having the IRS recapture the taxes savings.

At the time section 2032A was enacted, it was common practice for one or more family members to cash lease the farm from the other members of the family. This practice made sense where one family member was more involved than the other family members in the day-to-day farming of the land. Typically, however, the other family members would continue to be at risk as to the value of the farm and to participate in decisions affecting the farm's operation. Cash leasing among family members remained a common practice after the enactment of section 2032A. An inheriting child would cash lease from his or her siblings, with no reason to suspect from the statute or otherwise that the cash leasing arrangement might jeopardize the farm's qualification for special use valuation.

Based at least in part on some language that I am told was included in a Joint Committee on Taxation publication in early 1982, the Internal Revenue Service has taken the position that cash leasing among family members will disqualify the farm for special use valuation. The matter has since been the subject of numerous audits and some litigation; though potentially hundreds of family farmers may yet be unaware of the change of events.

In 1988, Congress provided partial clarification of this issue for surviving spouses who cash lease to their children. Due to revenue concerns, however, no clarification was made of the situation where surviving children cash lease among themselves.

My concern is that many families in which inheriting children or other family members have cash leased to each other may not even be aware of the IRS's position on this issue. At some time in the future, they are going to be audited and find themselves liable for enormous amounts in taxes, interest, and penalties. For those who cash leased in the late 1970's, this could be devastating because the taxes they owe are based on the inflated land values that existed at that time.

A case that arose in my State of South Dakota illustrates the unfairness and devastating impact of the IRS interpretation of section 2032A. Janet Kretschmar, who lives with her husband, Craig, in Cresbard, SD, inherited her mother's farm along with her two sisters in 1980. Because the property would continue to be farmed by the family members, estate taxes were paid on it pursuant to section 2032A, saving over $50,000 in estate tax.

Janet and Craig continued to farm the land and have primary responsibility for its day-to-day operation. They set up a simple and straightforward arrangement with the other two sisters whereby Janet and Craig would lease the sisters' interests from them.

Seven years later, the IRS told the Kretschmars that the cash lease arrangement had disqualified the property for special use valuation and that they owed $54,000 to the IRS. According to the IRS, this amount represented estate tax that was being recaptured as a result of the disqualification. This came as an enormous surprise to the Kretschmars as they had never been notified of the change in interpretation of the law and had no reason to believe that their arrangement would no longer be held valid by the IRS for purposes of qualifying for special use valuation. The fact is that, if they had known this, they would have organized their affairs in one of several other acceptable, though more complicated, ways.

For many years, I have sought inclusion in tax legislation of a provision that would clarify that cash leasing among family members will not disqualify the property for special use valuation. Last year, such a provision was successfully included in H.R. 11, the Revenue Act of 1992 and passed by Congress. Unfortunately, H.R. 11 was vetoed by President Bush.

Today, I am introducing a bill the language of which is identical to the section 2032A measure that was passed last year in H.R. 11. I am joined in this effort by my two colleagues from North Dakota, whose expertise on tax issues is well known, as well as by my distinguished colleague from Kansas, Mrs. KASSEBAUM, who has lent her tireless effort to this issue for several years.

I must emphasize that there may be many other cases in other agricultural States where families are cash leasing the family farm among each other unaware that the IRS could come knocking at their door at any minute. I urge my colleagues in the Senate to work with us and support this important clarification of the law.

Mr. President, I ask that the full text of the bill be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN CASH RENTALS OF FARMLAND NOT TO CAUSE RECAPTURE OF SPECIAL ESTATE TAX VALUATION.

(a) IN GENERAL.—Subsection (c) of section 2032A of the Internal Revenue Code of 1986 (relating to tax treatment of dispositions and failures to use for qualified use) is amended by adding at the end thereof the following new paragraph:

"(8) CERTAIN CASH RENTAL NOT TO CAUSE RECAPTURE.—For purposes of this subsection, a qualified heir shall not be treated as failing to use property in a qualified use solely because such heir rents such property on a net cash basis to a member of the decedent's family, but only if, during the period of the lease, such member of the decedent's family uses such property in a qualified use."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to rentals occurring after December 31, 1976.•

Mrs. KASSEBAUM. Mr. President, several years ago Congress decided family farms should remain in the family. Congress did not want those who inherit family farms to lose their land because of inflated land prices and speculation.

Accordingly, Congress passed a law providing that family farms could be valued at their income-producing value as opposed to their open market value. At the time, speculation had driven the farm prices well beyond the farm's income-producing capability. To prevent abuse, the special-valuation statute provided that if the farm was converted to a nonfarm use, or sold outside the family within 10 years from the date of the valuation, the heirs would be retroactively liable for estate taxes on the farm's market value at the time of the parent's or grandparent's death.

This antiabuse provision worked well until the Internal Revenue Service began ruling that the special-use valuation was not satisfied if family members cash rented the land to other family members.

Many families engaged in intrafamily cash rent arrangements believing they were fully complying with the special-use valuation requirement. You can imagine a family's frustration and dismay when the Internal Revenue Service began assessing them for retroactive estate taxes which, when coupled with penalties and interest, often exceeded the value of the farm.

The bill we are introducing today eliminates these retroactive assessments. It provides that intrafamily cash rent leases between direct family members satisfy the special-use requirement.

Mr. President, this bill is urgently needed. Several families in my State risk losing their farms if we do not enact this bill. Congress has made clear it does not want this to happen. These farm families face financial ruin because of a tax technicality no one in Congress intended. It would be a cruel hoax if the statute designed to protect family farms is interpreted in such a way that it results in the Internal Revenue Service confiscating farms from innocent families for retroactive taxes. It is my hope this bill can be enacted swiftly so that these farm families can put this matter behind them and get on with their lives.

Mr. CONRAD. Mr. President, after the large increase in farm prices in the 1970's many farm families had trouble paying estate taxes. The law was changed to base estate taxes for family farms on what the farm can actually produce—special use valuation—not on market value. If the farm is sold outside the family or converted to nonfarm use, heirs are liable for retroactive tax liability.

Following an IRS ruling that leasing farm land on a cash-lease basis disqualified family farms from special use valuation, Congress passed a technical correction in 1988 extending special use valuation of farm property to surviving spouses who continue to cash-rent farm property to their children. Without this change, a recapture tax would have been imposed in such situations.

However, in rare instances where there is no surviving spouse, it is not possible under the 1988 law to transmit such property to one's children or grandchildren without triggering the recapture tax. In North Dakota and other States, families may lose their farms because of this technicality.

Today Senator DASCHLE introduces legislation identical to provisions in H.R. 11, last year's urban aid bill, which remedies this problem. I am pleased to lend my support to this bill, which is quite similar to legislation that I introduced in the 101st and 102d Congresses and plan to reintroduce once again. I commend Senator DASCHLE for his work on this important issue, and I ask for my colleagues support.

By Mr. DASCHLE:

S. 227. A bill to amend title 10, United States Code, to remove a restriction on the requirement for the Secretary of the Air Force to dispose of real property at deactivated intercontinental ballistic missile facilities to adjacent landowners; to the Committee on Armed Services.

ICBM FACILITIES ADJACENT LANDS ACT OF 1993

• Mr. DASCHLE. Mr. President, late last year the Senate ratified the Strategic Arms Reduction Treaty [START]. In order to meet the requirements of START and to maintain strategic deterrence at the least cost, the Air Force is currently deactivating the Minuteman II [MMII] missile system at Ellsworth Air Force Base in South Dakota. The MMII missile system at Ellsworth includes 150 launch facilities [LF's] and 15 launch control facilities [LCF's] located in western South Dakota. The deactivation period is expected to take approximately 3½ to 4½ years, and Air Force officials anticipate that property at the LF's and LCF's will be available for disposal in the next 3 to 5 years.

Although some of the deactivated LF's and LCF's may be retained by the Air Force for follow-on requirements, the Air Force maintains it will dispose of most of the property at the sites through sales to surrounding landowners. Many of these landowners are the previous landowners or descendants of previous landowners who were forced to sell their land to the Air Force nearly 30 years ago.

It is my understanding that surrounding landowners will have the first option to reacquire the property at LF's and LCF's if the sites meet the criteria of title 10, United States Code, section 9781. Section 9781 gives surrounding landowners the first option to reacquire the property at the missile sites if: First, the surrounding landowners pay fair market value as established by government appraisal; second, the surrounding landowners pay the cost of a land survey, if required; and finally, the land was acquired from one ownership and the fee land surrounding the site is still held in one ownership.

Most of the LF's and LCF's at Ellsworth meet this criteria, and Air Force officials have assured me that surrounding landowners will indeed have the first option to reacquire the property at these sites. However, it has been brought to my attention that several sites are surrounded by more than one landowner. As a result, these sites currently do not meet the criteria of section 9781, and the property would be subject to disposal by the General Services Administration [GSA], which would offer the property to other government agencies. If no government agency were interested in the property, it would be sold through a competitive bidding process.

Mr. President, I continue to believe that surrounding landowners should have the first option to reacquire property at all LF's and LCF's. Thirty years ago, the landowners of western South Dakota were forced to sell their land to the Air Force, and they did so for the defense of our country. They have sacrificed more than land during that time, and these surrounding landowners deserve the option of buying that land back before GSA offers it to other government agencies.

Late last year, I introduced a bill that would require the Air Force to dispose of all LF's and LCF's it does not retain for follow-on requirements and to give surrounding landowners the option to acquire property at these sites before it is routed through GSA. I am proud to reintroduce this legislation, and I look forward to working during the 103d Congress with my colleagues on this and other related efforts to protect the rights of the landowners in western South Dakota affected by the Minuteman II missile system.

Mr. President, I ask unanimous consent that the text of the bill be printed into the RECORD following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISPOSITION OF REAL PROPERTY AT MISSILE SITES TO ADJACENT LANDOWNERS.

Subparagraph (D) of section 9781(a)(2) of title 10, United States Code, is amended to read as follows:

"(D) is surrounded by one or more tracts of land that are owned by one or more owners.".•

By Mr. BRYAN (for himself and Mr. DANFORTH):

S. 228. A bill to establish a grant program under the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by individuals under the age of 16; to the Committee on Commerce, Science, and Transportation.

CHILDREN'S BICYCLE HELMET SAFETY ACT OF 1993

Mr. BRYAN. Mr. President, as chairman of the Commerce Committee's Consumer Subcommittee, I am pleased to introduce legislation today to encourage the use of bicycle helmets by children under the age of 16.

Every year in the United States, hundreds of bicyclists are killed, and thousands more are injured. Tragically, approximately one-half of the deaths and injuries are to children. These figures could be improved significantly, however, if only more bicycle riders wore helmets. According to a 1989 study published in the New England Journal of Medicine, use of bicycle helmets reduces the risk of head injury by 85 percent and the risk of brain injury by almost 90 percent.

The legislation I am introducing today, along with my colleague Senator DANFORTH, has two important components. First, the bill establishes a safety grant program within the National Highway Traffic Safety Administration to provide incentives for States to encourage the use of bicycle helmets by children. States could qualify for the grant money in a variety of ways, including the adoption of a requirement that children wear bicycle helmets or the development of a program to educate children on the need to wear bicycle helmets.

The second aspect of the legislation requires the Consumer Product Safety Commission to issue safety standards for bicycle helmets. Currently, voluntary standards exist, but uniform standards are needed to ensure that the helmets worn are indeed safe, effective, and solidly constructed.

Mr. President, this legislation is intended both to increase bicycle helmet use by children, and to ensure that such helmets are effective. I urge my colleagues to support the passage of this bill.

I ask unanimous consent that the text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Bicycle Helmet Safety Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) 90 million Americans ride bicycles and 20 million ride a bicycle more than once a week;

(2) between 1984 and 1988, 2,985 bicyclists in the United States died from head injuries and 905,752 suffered head injuries that were treated in hospital emergency rooms;

(3) 41 percent of bicycle-related head injury deaths and 76 percent of bicycle-related head injuries occurred among American children under age 15;

(4) deaths and injuries from bicycle accidents cost society $7.6 billion annually; and a child suffering from a head injury, on average, will cost society $4.5 million over the child's lifetime;

(5) universal use of bicycle helmets in the United States would have prevented 2,600 deaths from head injuries and 757,000 injuries; and

(6) only 5 percent of children in the Nation who ride bicycles wear helmets.

SEC. 3. ESTABLISHMENT OF PROGRAM.

The Administrator of the National Highway Traffic Safety Administration may, in accordance with section 4, make grants to States, state political subdivisions, and nonprofit organizations for programs that require or encourage individuals under the age of 16 to wear approved bicycle helmets. In making those grants, the Administrator shall allow grantees to use wide discretion in designing programs that effectively promote increased bicycle helmet use.

SEC. 4. PURPOSES FOR GRANTS.

A grant made under section 3 may be used by a grantee to—

(1) enforce a law that requires individuals under the age of 16 to wear approved bicycle helmets on their heads while riding on bicycles;

(2) assist individuals under the age of 16 to acquire approved bicycle helmets;

(3) develop and administer a program to educate individuals under the age of 16 and their families on the importance of wearing such helmets in order to improve bicycle safety; or

(4) carry out any combination of the activities described in paragraphs (1), (2), and (3).

SEC. 5. STANDARDS.

(a) IN GENERAL.—Bicycle helmets manufactured 9 months or more after the date of the enactment of this Act shall conform to—

(1) any interim standard described under subsection (b), pending the establishment of a final standard pursuant to subsection (c); and

(2) the final standard, once it has been established under subsection (c).

(b) INTERIM STANDARDS.—The interim standards are as follows:

(1) The American National Standards Institute standard designated as "Z90.4–1984".

(2) The Snell Memorial Foundation standard designated as "B-90".

(3) Any other standard that the Consumer Product Safety Commission determines is appropriate.

(c) FINAL STANDARD.—Not later than 60 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall begin a proceeding under section 553 of title 5, United States Code, to—

(1) review the requirements of the interim standards set forth in subsection (a) and establish a final standard based on such requirements;

(2) include in the final standard a provision to protect against the risk of helmets coming off the heads of bicycle riders;

(3) include in the final standard provisions that address the risk of injury to children; and

(4) include additional provisions as appropriate.

Sections 7 and 9 of the Consumer Product Safety Act (15 U.S.C. 2056 and 2058) shall not apply to the proceeding under this subsection and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding. The final standard shall take effect 1 year from the date it is issued.

(d) FAILURE TO MEET STANDARDS.—

(1) FAILURE TO MEET INTERIM STANDARD.—Until the final standard takes effect, a bicycle helmet that does not conform to an interim standard as required under subsection (a)(1) shall be considered in violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.

(2) STATUS OF FINAL STANDARD.—The final standard developed under subsection (c) shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

For the National Highway Traffic Safety Administration to carry out the grant program authorized by this Act, there are authorized to be appropriated $2,000,000 for fiscal year 1994, $3,000,000 for fiscal year 1995, and $4,000,000 for fiscal year 1996.

SEC. 7. DEFINITION.

In this Act, the term "approved bicycle helmet" means a bicycle helmet that meets—

(1) any interim standard described in section 5(b), pending establishment of a final standard under section 5(c); and

(2) the final standard, once it is established under section 5(c).

Mr. DANFORTH. Mr. President, I am pleased to join Senator BRYAN in introducing the Children's Bicycle Helmet Safety Act of 1993. This is important safety legislation which will reduce the risk of death or severs injury for children riding bicycles.

The need to address bicycle safety is clear. A study conducted for the Centers for Disease Control [CDC], which was published last December in the Journal of the American Medical Association, provides revealing data about the magnitude and severity of head injuries suffered by cyclists. The study found that, between 1984 and 1988, nearly 3,000 people died from head injuries while cycling, and over 900,000 suffered head injuries. This represents 62 percent of all bicycling deaths, and 32 percent of bicycling injuries that required treatment in hospital emergency rooms. The Consumer Product Safety Commission [CPSC] estimates that bicycle-related deaths and injuries cost society $7.6 billion annually.

The statistics regarding children are even more compelling. The CDC study found that 41 percent of head injury deaths and 76 percent of total head injuries occurred among children under age 15. According to the National Head Injury Foundation, the cost of supporting a child who has suffered a severe head injury, on average, is $4.5 million over that individual's lifetime. For the family of a child killed or injured in a bicycle accident, the tragedy is immeasurable.

These losses are made more tragic by the fact that so many of them could have been prevented by taking one simple step: wearing a protective bicycle helmet. A 1989 study published in the New England Journal of Medicine found that use of a bicycle helmet reduces the risk of all head injuries by 85 percent and injuries to the brain by 90 percent. According to the CDC study, universal use of bicycle helmets would have prevented 2,600 deaths and 757,000 injuries between 1984 and 1988. Unfortunately, few riders wear helmets. In the case of children cyclists, it is a tragic fact that only 5 percent of these vulnerable riders wear helmets, according to the American Academy of pediatrics.

Several local governments have taken steps to increase helmet use. For example, Howard and Montgomery Counties in suburban Maryland have enacted laws requiring children to wear bicycle helmets. I applaud their actions, but more needs to be done. This legislation establishes a grant program within the National Highway Traffic Safety Administration to promote helmet use. These grants could be used in any of three ways. First, the grant could be used to assist those unable to afford a helmet, which costs about $40, to purchase one. In addition, it could be used for the creation of a helmet bank, which would allow parents of limited means to obtain helmets for their children and to exchange old helmets for those in a larger size as their children grow. Second, the funds could be used to educate children about the need to wear bicycle helmets. Finally, the grant could be used to assist in the enforcement of a mandatory bicycle helmet law for children. The bill specifically states that State or local governments are to be given broad discretion in establishing programs that effectively promote increased helmet use.

The bill also includes a provision requiring the CPSC to establish uniform safety standards for bicycle helmets. Included in these standards are provisions that address the risk of injury to children. The purpose of this requirement is to replace the existing voluntary standards with a single provision approved by the CPSC.

Mr. President, it is essential that bicyclists wear helmets. It is a simple matter, but the failure to wear a helmet can have tragic results. The grant program in this measure takes a reasonable approach by allowing State and local officials to decide how their communities can best address this program. This proposal will bring together State and local governments, parents, teachers, and others responsible for children, to protect against injuries and to save lives. The total funding of $9 million over 3 years would be offset by preventing only a few serious head injuries per year. But this bill can prevent hundreds of such tragedies. According to the National Safe Kids Campaign, an organization consisting of health, consumer, educational, and law enforcement groups dedicated to improving child safety, this legislation will substantially reduce the leading cause of death for children 15 and under—accidental injury.

Last Congress I introduced a similar bill, S. 3096, to promote bicycle helmet use by children. The bill passed the Senate, but the House failed to act prior to adjournment. Mr. President, the need to enact this measure is clear, and the time to act is now. I urge my colleagues to support this legislation.

By Mr. INOUYE:

S. 230. A bill to amend title VII of the Public Health Service Act to ensure that social work students or social work schools are eligible for support under the Health Careers Opportunity Program, the Minority Centers of Excellence Program, and programs of grants for training projects in geriatrics, to establish a social work training program, and for other purposes; to the Committee on the Judiciary.

SOCIAL WORK TRAINING PROGRAM ACT OF 1993

• Mr. INOUYE. Mr. President, on behalf of our Nation's clinical social workers, I am introducing legislation to amend the Public Health Service Act. This legislation will: First, establish a new social work training program; second, ensure that social work students are eligible for support under the Health Careers Opportunity Program and that social work schools are eligible for support under the Minority Centers for Excellence Program; third, permit schools offering degrees in social work to obtain grants for training projects in geriatrics; and fourth, ensure that social work is recognized as a profession under the Public Health Maintenance Organization [HMO] Act.

Mr. President, despite the impressive range of services social workers provide to the people of this Nation, particularly our elderly, disadvantaged, and minority populations, few Federal programs exist to provide opportunities for social work training in health and mental health care. This legislation builds on the health professions education legislation enacted by the 102d Congress enabling schools of social work to apply for AIDS training funding and resources to establish collaborative relationships with rural health care providers and schools of medicine or osteopathic medicine. My bill provides funding for traineeships and fellowships for individuals who plan to specialize in, practice, or teach social work, or for operating approved social work training programs; it assists disadvantaged students to earn graduate degrees in social work with concentrations in health or mental health; it provides new resources and opportunities in social work training for minorities; and it encourages schools of social work to expand programs in geriatrics. Finally, the recognition of social work as a profession merely codifies current social work practice and reflects the modifications made by the Medicare HMO legislation.

I believe it is important to ensure that the special expertise and skills social workers possess continue to be available to the citizens of this Nation. This legislation, by providing financial assistance to schools of social work and social work students, recognizes the long history and critical importance of the services provided by social work professionals. In addition, since social workers have provided quality mental health services to our citizens for a long time and continue to be at the forefront of establishing innovative programs to serve our disadvantaged populations, I believe that it is time to provide them with the proper recognition of their profession that they have clearly earned and deserve.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SOCIAL WORK STUDENTS.

(a) SCHOLARSHIPS, GENERALLY.—Section 737(a)(3) of the Public Health Service Act (as amended by the Health Professions Education Extension Amendments of 1992) is amended by striking "offering graduate programs in clinical psychology" and inserting "offering graduate programs in clinical psychology or programs in social work".

(b) FACULTY POSITIONS.—Section 738(a)(3) of the Public Health Service Act (as amended by the Health Professions Education Extension Amendments of 1992) is amended by striking "offering graduate programs in clinical psychology" and inserting "offering graduate programs in clinical psychology or programs in social work".

(c) HEALTH PROFESSIONS SCHOOL.—Section 739(h)(1)(A) of the Public Health Service Act (as amended by the Health Professions Education Extension Amendments of 1992) is amended by striking "or a school of pharmacy" and inserting "a school of pharmacy, or a school offering programs in social work".

SEC. 2. GERIATRICS TRAINING PROJECTS.

Section 777(b)(1) of the Public Health Service Act (as amended by the Health Professions Education Extension Amendments of 1992) is amended by inserting "schools offering degrees in social work," after "teaching hospitals,".

SEC. 3. SOCIAL WORK TRAINING PROGRAM.

Part E of title VII of the Public Health Service Act is amended by adding at the end thereof the following new section:

"SEC. 779. SOCIAL WORK TRAINING PROGRAM.

"(a) TRAINING GENERALLY.—The Secretary may make grants to, or enter into contracts with, any public or nonprofit private hospital, school offering programs in social work, or to or with a public or private nonprofit entity (which the Secretary has determined is capable of carrying out such grant or contract)—

"(1) to plan, develop, and operate, or participate in, an approved social work training program (including an approved residency or internship program) for students, interns, residents, or practicing physicians;

"(2) to provide financial assistance (in the form of traineeships and fellowships) to students, interns, residents, practice physicians, or other individuals, who are in need thereof, who are participants in any such program, and who plan to specialize or work in the practice of social work;

"(3) to plan, develop, and operate a program for the training of individuals who plan to teach in social work training programs; and

"(4) to provide financial assistance (in the form of traineeships and fellowships) to individuals who are participants in any such program and who plan to teach in a social work training program.

"(b) ACADEMIC ADMINISTRATIVE UNIT.—

"(1) IN GENERAL.—The Secretary may make grants to or enter into contracts with schools offering programs in social work to meet the costs of projects to establish, maintain, or improve academic administrative units (which may be department, division, or other units) to provide clinical instruction in social work.

"(2) Preference in making awards.—In making awards of grants and contracts under paragraph (1), the Secretary shall give preference to any qualified applicant for such an award that agrees to expend the award for the purpose of—

"(A) establishing an academic administration unit for programs in social work; or

"(B) substantially expanding the programs of such a unit.

"(c) Duration of Award.—The period during which payments are made to an entity from an award of a grant or contract under subsection (a) may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments.

"(d) Funding.—

"(1) Authorization of appropriations.—For the purpose of carrying out this section, there is authorized to be appropriated $10,000,000 for each of the fiscal years 1993 through 1995.

"(2) Allocations.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than 20 percent for awards of grants and contracts under subsection (b).".

SEC. 4. CLINICAL SOCIAL WORKER SERVICES.

Section 1302 of the Public Health Service Act (42 U.S.C. 300e-1) is amended—

(1) in paragraphs (1) and (2), by inserting "clinical social worker," after "psychologist," each place it appears;

(2) in paragraph (4)(A), by striking "and psychologists" and inserting "psychologists, and clinical social workers"; and

(3) in paragraph (5), by inserting "clinical social work," after "psychology,".•

By Mr. INOUYE:

S. 231. A bill to amend the Foreign Trade Zones Act to permit the deferral of payment of duty on certain production equipment; to the Committee on Finance.

FOREIGN TRADE ZONES AMENDMENTS ACT

• Mr. INOUYE. Mr. President, today, I am introducing a bill to allow for the deferral of duty on merchandise admitted into the U.S. foreign trade zone, or subzone, for use within such a zone as production equipment, or parts thereof, until such merchandise is completely assembled, installed, tested, and used in the production for which it was admitted. This bill does not relieve any manufacturer orating in a U.S. foreign trade zone or subzone of its obligation to pay all applicable duty on such equipment, but rather it would allow these firms to defer the payment of duty until the equipment begins commercial operations in the zone—or subzone, or enters the Customs territory of the United States. The duty chargeable shall be at the same rate as would have been imposed on such production machinery and related equipment, and parts thereof—taking into account the privileged foreign or nonprivileged foreign zone status of merchandise—had duty been imposed at the time of entry into the Customs territory of the United States.

This legislation provides several practical advantages for U.S. manufacturers. Production equipment entering customs territory subject to duty often must be stored, assembled, tested, and/or reconfigured prior to beginning commercial operation for its intended purpose. Many times this equipment is found to be broken, flawed, lacking in components or materials and/or otherwise scrapped as useless. If duties have been filed, recovery of these funds through drawbacks can be burdensome and often full recovery of these financial resources is never realized. This can provide a tremendous financial strain on U.S. manufacturing firms by imposing an unnecessary economic burden.

Under current law, production and capital equipment can be produced or assembled in one foreign trade zone, entered into the Customs territory with payment of duties, and then transferred to another zone where it will be used. However, for many firms this is not always a realistic solution. Often production and capital equipment used in a foreign trade zone, once assembled, cannot be moved.

Prior to 1988, the U.S. Customs Service allowed for the deferral of duty on foreign production equipment in U.S. foreign trade zones where it was to be used until such time as the equipment was placed in commercial operation. In 1988, however, Customs overturned its own ruling without any direction from the Congress.

This legislation is consistent with the intent of the Foreign Trade Zones Act of 1934 (19 U.S.C. 81(c)) which provides for the deferral of duty on merchandise in a foreign trade zone.

Mr. President, I realize this bill will not eliminate the U.S. trade inbalance but it will remove an unnecessary economic burden on U.S. manufacturers and will further enhance our ability to compete in the global marketplace. Further, it will help preserve the American manufacturing base and preserve the American jobs. For these reasons, I urge my colleagues to support the prompt passage of this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Congressional Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFERRAL OF DUTY ON CERTAIN PRODUCTION EQUIPMENT.

(a) In General.—Section 3 of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c) is amended by adding at the end thereof the following new subsection:

"(e) Production Equipment.—

"(1) In general.—Notwithstanding any other provision of law, if all applicable customs laws are complied with (except as otherwise provided in this subsection), merchandise which may be admitted into a foreign trade zone for use within such zone as production equipment, or parts thereof, shall not be subject to duty until such merchandise is completely assembled, installed, tested, and used in the production for which it was admitted. The duty chargeable shall be at the same rate as would have been imposed (but for the provisions of this subsection) on such production machinery and related equipment, and parts thereof, (taking into account the zone status of the merchandise) had duty been imposed on such production machinery and related equipment, and parts thereof, at the time of entry into the customs territory of the United States.

"(2) Foreign trade zone.—For purposes of this subsection, the term 'foreign trade zone' includes a subzone as defined in section 146.1(b)(17) of chapter 19, Code of Federal Regulations.".

(b) Effective Date.—The amendment made by this section shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of the enactment of this Act.•

By Mr. HATFIELD:

S. 232. A bill to provide assistance to States to enable such States to raise the quality of instruction in mathematics and science by providing equipment and materials necessary for hands-on instruction; to the Committee on Labor and Human Resources.

ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT ACT

• Mr. HATFIELD. Mr. President, today I am introducing the Elementary Mathematics and Science Equipment Act, legislation that will work directly toward the achievement of our National Education Goal 4: To educate the next generation of Americans to world-class standards in math and science. My bill will help elementary school teachers across the country acquire the hands-on equipment they must have to introduce the world of math and science to their students.

It is no secret that experiences in the first years of school set a course for the remainder of a student's life. Few have failed to recognize the national importance of developing a work force of capable scientists, engineers, and technicians, and an electorate that can make informed decisions on technical matters.

The thrust of national policy is already moving in the direction of setting higher standards and involving more students frequently in hands-on math and science. The National Council of Teachers of Mathematics has identified the importance of manipulatives in the development of problem solving ability. The National Research Council is well on its way to formulating national science standards for all students, based on a direct involvement by students in the processes of science. Such standards will not, and cannot, be achieved without good equipment, particularly at the elementary level.

Yet, despite the consensus that exists on these points, our elementary programs are lacking the tools to do the job. The vast majority of schools in our urban centers are without math manipulatives. A 1986 survey of fourth- through sixth-grade teachers found that one-third had no science equipment at all, and this condition was shared by a staggering 42 percent of kindergarten through third-grade teachers. These statistics shed some light on why 56 percent of all third graders reported they had never used a meter stick. Kindergarten through sixth-grade teachers reported that the lack of existing materials, and insufficient funds for purchasing new equipment and supplies were the most serious obstacles to teaching science.

If Galileo taught the world anything, it was that the individual must, in the end, be the arbiter of truth. It is a heavy responsibility, and the ultimate shield against ignorance and tyranny. So while science of the past is presented in textbooks, science of the future is learned in the lab where students question, assess, and discover.

Mr. President, $30 million per year is a very small fraction of what is spent on education, but it will touch the system at a sensitive point. This will not be for computers or textbooks, but for the simple science and math manipulatives essential to hands-on instruction.

In 5 years' time, contingent on appropriations levels, when these funds have been dispersed and local matching funds have joined them, the average classroom will receive about $300. By favoring school districts in economically deprived areas, the impact will be focused on the neediest schools.

In the 102d Congress the Elementary Science Facilities Act, this bill's precursor, was incorporated into S. 1275, the reauthorization vehicle for the Office of Educational Research and Improvement. It was approved by the Senate Labor Committee in March, but was never brought to the floor. I regret that the Elementary Mathematics and Science Equipment Act is not already law, but the time for this legislation has come. I urge the full support of my colleagues.

I ask unanimous consent that the text of my legislation, along with letters of endorsement from the Council of State Science Supervisors, the National Council of Teachers of Mathematics, the National Science Teachers' Association, and the National Science Resources Center, the American Association for the Advancement of Science, the Triangle Coalition for Science and Technology Education, and the Association for Supervision and Curriculum Development be entered in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COUNCIL OF STATE
SCIENCE SUPERVISORS,
January 15, 1993.

Hon. MARK O. HATFIELD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: I am writing on behalf of the Council of State Science Supervisors to express our support for your proposed legislation to be introduced in the 103rd Congress, namely the Elementary Mathematics and Science Equipment Act.

Our Council represents the science educations sections within the 50 state education agencies and territories. We unanimously agree that the elementary school science program in our nation has the most critical need for improvement in the K-12 science curriculum. Our estimates indicate that the elementary science program is currently operating between the 5 and 10 percent levels of efficiency. We further believe the benefits of an effective experiential elementary science program can contribute significantly to developing a scientifically literate citizenry which will greatly facilitate achieving national goals in science education. Elementary school teachers clearly recognize the value of hands-on science. Studies indicate teachers believe 70 percent of science instruction should be experiential. Unfortunately, 18 percent or less of science instruction is hands-on. The primary reason for this discrepancy is "lack of equipment."

Your bill, The Elementary Mathematics and Science Equipment Act, will provide the means to significantly improve elementary math and science instruction. Research shows the benefits of hands-on science with respect to thinking and reasoning skills, attitudes, creativity, language development, and math and science content understanding. We also know the disadvantaged and minority populations make significant gains in these areas when exposed to hands-on science. Another important component of your bill is that it addresses the need to tie equipment to professional development and inservice education. This aspect of federal legislation relating to equipment has been lacking in the past.

The Council of State Science Supervisors commends you for your efforts to improve elementary math and science. If we can be of assistance, please feel free to contact us.

Sincerely,

WILLIAM E. SPOONER, Ph.D.,
President, CSSS.

NATIONAL COUNCIL OF
TEACHERS OF MATHEMATICS,
Reston, VA, January 14, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the National Council of Teachers of Mathematics [NCTM], I would like to thank you for your continued support and leadership in working to improve mathematics instruction in the United States. Working together we have made progress in trying to reach the goal of making American students among the best in the world. The recently published NCTM Curriculum Standards have made a significant contribution toward that goal. However, as you know, we have a long way to go.

The NCTM supports the goals and objects of the Elementary Mathematics and Science Equipment Act of 1993; the act will make a significant contribution toward improving the understanding of how to use mathematics to more effectively problem solve and learn.

The NCTM looks forward to working with you to make the goals of this Act a reality.

Sincerely yours,

JAMES GATES,
Executive Director.

NATIONAL SCIENCE
TEACHERS ASSOCIATION,
Washington, DC, January 13, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: We at the National Science Teachers Association [NSTA] share your concern about the quality of elementary school science education. Essential to a good activity-based, hands-on elementary school science and mathematics program is sufficient and accessible materials and equipment. We applaud you for your insight in introducing the Elementary Mathematics and Science Equipment Act.

It is our pleasure to inform you, on behalf of the Board of Directors of the NSTA, that at its meeting held January 19, 1992, the Board voted unanimously to endorse the Elementary Mathematics and Science Equipment Act. We can assure you that the many state and other organizations associated with NSTA will also be supportive.

If there is a way in which our organization can be of assistance, please let us know.

Sincerely,

WENDELL MOHLING,
President.
GERRY MADRAZO,
President-Elect.

NATIONAL SCIENCE RESOURCES CENTER, SMITHSONIAN INSTITUTION,
NATIONAL ACADEMY OF SCIENCES,
Washington, DC, January 13, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR: The National Science Resources Center [NSRC], a joint enterprise of the National Academy of Sciences and the Smithsonian Institution, enthusiastically supports the Elementary Science Equipment Act. The Act will enable school districts throughout the country to raise the quality of science instruction by providing the necessary funds to purchase equipment and materials required to conduct effective hands-on elementary science instruction.

Becoming first in the world in math and science achievement is one of the highest goals of President George Bush, President-Elect Bill Clinton, and the Nation's governors. In response to this challenge, school districts today are actively engaged in adopting hands-on, inquiry-centered science programs.

Over the past five years, the NSRC has worked closely with more than 126 school districts representing almost 2 million children to develop comprehensive plans for improving their elementary science programs. These districts are committed to establishing and sustaining high-quality science programs for our nation's youth.

From this work, the NSRC has learned that the acquisition and maintenance of the equipment needed to teach hands-on science are an essential component of an effective elementary science program. This support is currently lacking for most school districts.

The Elementary Science Equipment Act addresses this critical need. We believe it will help all school districts move forward with their plans to achieve quality education for the nation's children.

Sincerely,

DOUGLAS LAPP,
Executive Director.

AMERICAN ASSOCIATION
FOR THE ADVANCEMENT OF SCIENCE,
Washington, DC, January 22, 1993.

Senator MARK HATFIELD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: I am writing to support the spirit and intent of a bill to provide support for quality hands-on instruction in science and mathematics in our nation's schools. Thank you for the opportunity to review this proposed legislation. Through its programs and policies AAAS has consistently promoted hands-on instruction as an essential element of quality, instruction in science and mathematics. We recognize the dismal state of science equipment and materials and lack of availability of mathematics manipulatives. We also deplore the woeful inadequacy of current professional development activities which stress hands-on instruction.

I hope that further refinement of the proposed legislation will focus on the closer tie between providing equipment and imposing a concurrent requirement for professional development that supports hands-on instruction. We especially support giving highest priority to most seriously underequipped schools and the proposed bill's attention to the needs of underrepresented groups.

We would recommend specific tie-ins to systemic reform initiatives at state and local levels.

While the equipment and materials are not specified we hope there will be an opportunity to support tradebooks (as opposed to textbooks) and general equipment that supports science as opposed to simply providing high end specialized science equipment.

We hope that these comments are useful.

Sincerely,

YOLANDA SCOTT GEORGE,
Deputy Director, Directorate for Education and Human Resources Programs.

TRIANGLE COALITION FOR SCIENCE
AND TECHNOLOGY EDUCATION,
January 21, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: The Triangle Coalition for Science and Technology Education is in full support of the Elementary Mathematics and Science Equipment Act. Our earlier position paper "A Plan for Action" made elementary education our highest priority. Triangle members have recognized elementary science education as a key area for (1) a scientifically literate population; (2) a workforce with a strong foundation in mathematics and science; and (3) a base with which to nurture interest and ensure access to continuing study in the sciences.

The Triangle Coalition for Science and Technology is a consortium of over 100 member organizations with representation from business, industry, and labor; scientific and engineering societies; and education associations. The Coalition strongly supports additional federal initiatives for science and mathematics education reform.

Increased investments in elementary education must be the nation's number one priority for additional funds. These new investments must be shaped by a clear strategic plan, which is designed to implement initiatives that maximize the impact of federal dollars.

The Elementary Mathematics and Science Equipment Act is clearly consistent with this priority. We commend you for initiation of this timely and much needed legislation and will work with you for its passage.

Sincerely,

JOHN M. FOWLER,
Executive Director, Triangle Coalition for Science and Technology Education.

ASSOCIATION FOR SUPERVISION AND
CURRICULUM DEVELOPMENT,
Alexandria, VA, January 14, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: The Association for Supervision and Curriculum Development is in full support of the Elementary Mathematics and Science Equipment Act. Curriculum development and appropriate funding for individual subject area growth is an important concern for our organization.

ASCD is a non-profit international organization of approximately 150,000 teachers, administrators, and professors who are dedicated to identifying, disseminating, and nurturing the best in education. Our mission is to "develop leadership for quality in education for all students."

We agree that increased investments in elementary education must be one of the nation's top priorities for additional funds. Such investments must be shaped by a clear strategic plan, which is designed to implement initiatives that maximize the impact of federal dollars.

The Elementary Mathematics and Science Equipment Act appears to be consistent with this priority. We support you in your initiation of this timely and much needed legislation.

Sincerely,

DR. GENE R. CARTER,
Executive Director.●

By Mr. BOREN (for himself, Mr. WOFFORD, Mr. SIMON, Mr. DASCHLE, Mr. PRYOR, Mr. ROBB, Mr. HOLLINGS, Mr. INOUYE, Mr. MCCAIN, Mr. REID, and Mr. LEVIN):

S. 233. A bill to authorize appropriations for the Civilian Community Corps Demonstration Program; to the Committee on Armed Services.

By Mr. BOREN (for himself, Mr. SIMON, Mr. INOUYE, Mr. REID, Mr. DASCHLE, Mr. PRYOR, and Mr. LEVIN):

S. 239. A bill to provide grants to States for the establishment of community works progress programs; to the Committee on Labor and Human Resources.

COMMUNITY WORKS PROGRESS LEGISLATION

Mr. BOREN. Mr. President, I am introducing two very important pieces of legislation today, along with several colleagues in this body. Last winter, I was driving through my hometown of Seminole, OK, and I saw a man on the street holding a sign: "I will work for food for my family." The Oklahoma wind was cutting through him as he pleaded for an opportunity to work so he could feed his family for the day. As I stopped to talk with him about the difficulty of finding work, it became obvious to me that he was a proud person, who sincerely wanted to work. There were simply no jobs to be found.

I was also reminded of Franklin Delano Roosevelt's statement of enduring truth: What do people want more than anything else? Work and security. They are spiritual values, the true goals toward which our efforts of reconstruction should lead.

Now, just as in the Great Depression, there are thousands of people across the country desperate not only to take care of themselves but also to care for their families. Many would work if given the opportunity. However, even with an economy that is rebounding, job openings are few. Other Americans have lived their entire lives trapped in the cycle of dependency and welfare. As young people, they dropped out of school onto the streets. Their lives are filled with despair, joblessness, drugs, violence, and the dependency systems of welfare and prisons. They have never worked, and many have had few, if any, role models to teach them the discipline of getting up every day and holding a steady job. The situation, Mr. President, is intolerable. In an era of increasing global competitiveness, we cannot afford to let an able and willing work force sit idle. Moreover, a Government response that fosters dependency rather than empowering Americans in unacceptable.

We can find solutions by seeking inspiration from Government programs that FDR designed to cope with the economic and social dislocation of the Great Depression.

Today I am introducing, along with Senator SIMON, Senator WOFFORD, and others, two bills based on the WPA and the CCC of the Depression era. They are bills that we worked on in the last session of Congress as well. The accomplishments of the WPA and the CCC are impressive.

The WPA Program employed 8.5 million people in the course of 8 years. WPA participants built 651,000 miles of highways and roads, 125,000 buildings, and approximately 600 airports. They built or renovated 8,000 parks, 12,800 playgrounds, 1,000 libraries, 5,900 schools. Male and female workers taught over 200,000 adults to read, served over 600 million school lunches, produced more than 300 million garments for poor Americans, and organized 1,500 day care centers that served 36,000 children.

Three million CCC workers, young people in the CCC, worked on the Nation's parks, forests, wilderness, and national monuments. They planted more than 4 billion trees, stocked 2 billion fish, stopped erosion on more than 200 million acres of land, and spent 4 million days fighting fires and floods.

The impressive legacy required an investment of $90 billion in current standards. By contrast, in the 8 years between 1983 and 1990, the Federal Government spent over $900 billion to provide all types of income-tested benefits to economically disadvantaged Americans. What has this country gotten for this immense expenditure of taxpayer funds—$900 billion? No, we did not get the teaching of 200,000 adults to read. No, we did not get over 600,000 miles of roads. No, we did not get garments for 200 million poor Americans. No, we did not have books written. No, we did not have orchestras conducted as was done during the WPA. Our expensive welfare system instead has managed to produce little more than subsistence-level payments to an increasingly alienated segment of American society. By simply handing people checks, the system has robbed them of any desire to be part of the communities where they live and of any motivation to success. Little is worse for a person's self-esteem than to have no reason to get out of bed in the morning and no useful work to perform. We are doing no one a favor by simply sending them a check and allowing them to subsist instead of giving them the self-esteem, the opportunity to work and produce something useful and to give something useful back to their communities.

The future of our Nation's children is increasingly a future of welfare and dependency; the inner city is degraded. Eighty percent of the children in some inner-city areas are born out of wedlock; 9.7 percent of our Nation's children live in households not headed by either parent. Imagine that. Ten percent in families where neither parent is present, where you simply have to hope that a grandparent or friend or aunt or uncle will take care of these children.

They are our children, they are part of the American family. Over 8.5 million of our Nation's children—the hope of this country and our most precious natural resource—received AFDC payments in 1991.

A year ago I and Senator SIMON, along with colleagues, introduced legislation to create a community WPA which would transform the welfare system and address the broader problem of poverty and dependency. The legislation we introduce today is similar, although it reflects improvements that resulted from discussions with experts in the field of poverty and welfare programs and with colleagues during the deliberation of H.R. 11.

I am optimistic that we will succeed in establishing the community WPA in 1993. Welfare reform is a top priority of our new President. Taxpayers resent supporting an astronomically expensive system with very few tangible benefits in turn for what is being spent. Welfare beneficiaries in the meantime are becoming increasingly alienated from mainstream society.

The community WPA is more than a reform of the welfare system, however. This program is constructed so that it reaches not only women with dependent children but it also includes as many unemployed men as possible. The number of men can be required to participate through the AFDC Unemployed Parent Program. Americans who are receiving unemployment compensation could choose if they wish to participate in projects. Many other men not counted in the official Government figures are falling through the cracks in the current system, because they have never held a job entitling them to unemployment compensation and they have never received direct AFDC benefits. Some of them can be reached by including positions for unemployed persons in any community WPA project.

Finally, another group of men and women can be involved in the community WPA by requiring the participation of unemployed noncustodial parents who are more than 2 months in arrears on child support programs. This provision also promises to bring some of our Nation's decline out of poverty. As much as $25 billion in child support may be uncollected now, much of which would go to helping to lift the single mothers and their children out of poverty.

Mr. President, in addition to the community WPA proposal, which is offered again today by Senator SIMON, Senator REID, myself, and others, I have joined with Senator SIMON again and Senator WOFFORD, and several other of our colleagues, in introducing legislation to reauthorize the demonstration project of the Civil Community Corps.

This program, which was established as part of the Defense authorization bill last autumn, received enthusiastic support last year in the Congress and throughout the country. That enthusiasm has only increased with the election of Bill Clinton because national youth service is a vital component of his domestic agenda. Accordingly, we propose this legislation to reauthorize the CCC and look forward to working with the administration to ensure that this model of youth service is part of the wider national service effort.

Feelings of hopelessness and alienation are commonplace among today's inner-city youth. Lacking any sense that they are important parts of their communities, they search for ways to belong. In many cases, this search brings them to the violence of gangs or the degeneration of drugs. Even young people who feel more connected to their communities, who have not fallen into the trap of dependency, search for concrete ways to contribute to their country. They do not want to be dismissed as having no valuable skills or talents that can be used to improve their surroundings.

The idea of national youth service offers hope to many young Americans and provides an outlet for their desire to make a difference in their communities. The Commission on National and Community Service has been instrumental in encouraging local youth service initiatives. The vitality of the more than 75 youth service and conservation corps operating throughout the United States indicates the success of the Commission in meeting its charge and the dedication of the many leaders in the youth service movement. Indeed, after lengthy discussions with members of the Commission, we chose to locate the CCC in the Commission so that the CCC director can draw on its experience and so that he or she can coordinate with the other youth service initiatives in the country. Such coordination is crucial because I expect that CCC graduates will return to their homes ready to continue their service in their communities and eager to share their enthusiasm with local residents. Moreover, the CCC camp superintendents are directed to consult with community-based organizations in developing and choosing projects for corpsmembers.

Although the CCC is complementary to current youth service initiatives, it is a unique program that adds diversity to the menu of national service opportunities. It is a federally run, residential program that will bring together young people from different parts of the country and from different ethnic groups. Corpsmembers will share different perspectives with each other, increasing their tolerance and understanding for different ideas and approaches and increasing their appreciation for the enormous diversity that is the strength of this great country. Young people from urban areas may be given an opportunity to live and work in rural America, and all corpsmembers will have the experience of living in another part of the country. Only a national program that combines a team approach with a residential component offers this experience for our Nation's youth.

The second unique characteristic of the CCC is its use of the resource of the military. The CCC was established as part of the Defense authorization bill that offered various opportunities for the many talented men and women who are being forced to leave the military as we streamline the military consistent with the realities of the post-cold-war world. Senators NUNN, INOUYE, PRYOR, and others who played key roles in crafting the defense conversion package realized that the changes offer our country a chance to use the talents, skills, and knowledge of our military servicepersons in innovative ways to strengthen the United States in the long run. In this respect the CCC allows retired, discharged, or inactive military personnel to play a vital role in the program as mentors and teachers, imparting to young Americans the values of discipline and organized work.

The CCC may be led by a retired military officer, and many of the other professionals who will comprise the cadre of teachers will be drawn from a pool of retired, discharged, or inactive servicepersons. Of course, just as the corpsmembers will be a diverse group of Americans, their teachers will also come from different backgrounds and professional careers. The CCC will involve people who have been active in the Peace Corps, in VISTA, or in other similar programs, who have experience in youth training and national service programs, or who share a commitment to building a national community or dedicated citizens. Military servicepersons have unique skills, however, given their experience with training young people in discipline techniques. They can provide much of the advanced service training, which involves learning basic skills and teamwork and participating in rigorous physical training.

In addition, the CCC camps, each housing and training 200 to 300 young people, will be situated at military bases or national guard facilities that are either closed or have excess capacity as a result of the defense conversion. Utilizing these existing facilities should help keep down the costs of the CCC Program.

The discipline of a military-type training program is very important for many of today's youth. I think Arthur Ashe described the value of discipline and organized work best in an op-ed piece he wrote immediately after the L.A. riots.

> Familes rent apart by welfare dependency, job discrimination and intense feelings of alienation have produced minority teenagers with very little self-esteem and little faith that good grades and the American work ethic will pay off. A military-like environment for them with practical domestic objectives could produce startling results. * * *
>
> Discipline is a cornerstone of any responsible citizen's life * * *. [I]t must be learned or it doesn't take hold.

Certainly, the CCC model—a federally run, residential program with an emphasis on military-style training and discipline—is a model that must be part of any national service program designed to offer a diverse array of service opportunities.

The legislation that we propose today would reauthorize the CCC so that the project could continue in the next fiscal year. I also note that the $20 million we appropriated last year for the CCC, as well as the additional $20 million for local youth service corps, has just been released to the Commission. Given the CCC's use of the military and the role it plays in the economic conversion, the new administration easily made the decision to score the program as defense spending. I look forward to working with the Commission and other interested persons to get the CCC up and running as quickly as possible.

The CCC will instill a sense of community in young corpsmembers by adopting a curriculum of service-learning where participants work in teams on specific and meaningful community projects. After they complete their advanced service-learning, they will go out into the communities, as members of unified teams, and work on important projects that will contribute to their understanding of civic responsibility and national involvement. These projects will range from urban renewal to environmental protection. The Nation thus benefits doubly—from the results of the work and from the effect of the experience on the young people and on their teachers.

The CCC is consistent with the President's vision of youth service because it emphasizes the importance of education. Corpsmembers will participate in educational and training programs in a variety of technical fields. Youths who have not received a high school diploma will work toward that goal as they participate in the CCC. After their service, corpsmembers will be eligible for substantial educational credits—$5,000 for every year of service—or for half that amount in cash. This compensation is in addition to a living allowance that is provided for participants that may include allowances for travel, personal expenses, transportation, equipment, clothing, and other services and supplies. The Director may also determine that it is appropriate to provide other postservice benefits to help corpsmembers complete the transition from the CCC to work or school.

We must reawaken the spirit of community in this country. That spirit has remained dormant for too long. President Clinton has helped to bring this issue to the forefront of the national agenda. We must take advantage of this strong consensus for national youth service by providing young Americans with various opportunities to contribute in meaningful ways to their communities. I look forward to working with my colleagues, the administration, and the Commission to ensure the success of this effort.

Mr. President, so often it seems that our current system to combat poverty discourages an individual's initiative and encourages dependency. We have to reexamine the basic assumptions of our assistance programs and determine whether or not there are better solutions that reward people who take responsibility for their decisions and for their lives.

We talk frequently in this country of empowerment. Nothing empowers people more than a job and the feeling of accomplishment that goes with it. The most serious result of Government handouts is that recipients begin to feel that they are not useful, that their lives do not count for anything. They lose their sense of self-worth and they become divorced from any feeling of community. Instead of exacerbating the growing division between taxpayers and welfare recipients, and instead of trying to fix the status quo system with patches and band aids, it is time to adopt a sweeping change in our welfare system. It is time to make Americans, all Americans, part of the same team, working, doing something useful to help make this country a better place.

We must use assistance to instill all of our citizens with the ethic of hard work, reward them for providing service in their communities, and give them accomplishments on which they can look back with pride.

I will never forget an experience which perhaps more than any other convinced me to work toward introducing these two bills, to bring a modern updated version of the WPA and the CCC.

One evening while I was completing an address at an outdoor meeting in a football stadium in Oklahoma, an elderly man came up to me in this small community and he said: "Senator, I want to take you over and show you something."

He took me to the side of that football stadium which was an old rock wall, beautifully constructed. He said: "What do you think about that wall?" He said: "You know, I built that wall when I worked on the WPA. Look at that, Senator, there is not a crack in it to this good day."

I will never forget the pride that he felt. That was not anyone else's wall. It was his. I bet he is so proud of that stadium that he has never thrown a candy wrapper down inside it. It connected him with the community. He was not sent a check through the mail for doing nothing, a check which came to him for no reason other than getting up in the morning, a check which would barely keep him alive fiscally but did not help him physically.

No, he was given even a chance to work, given a chance to do something for his community, given a chance to do something that made him permanently, 40 years later, a proud part of that community, proud of what he had given as an American back to his hometown.

It is time, Mr. President, it is past time for us to stop doing what we have been doing, for us to change a welfare system that is failing, failing the old and the young alike, and give people in this country a chance once again to do something to help themselves, to help this country to become a unified part of the American family.

I welcome the opportunity presented in this Congress to take part in transforming the culture of dependency into a culture of empowerment.

Mr. President, I ask unanimous consent that the text of my written statement and the text of the Civilian Community Corps demonstration program bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Section 195N of the National and Community Service Act of 1990, as added by section 1092(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2522), is amended—

(1) in the text of such section, by inserting "(b) Funding Limitation.—" before "The Commission,";

(2) by inserting below the section heading the following new subsection (a):

"(a) Authorization of Appropriations.—For fiscal years beginning after September 30, 1993, there is authorized to be appropriated for the Civilian Community Corps Demonstration Program established pursuant to section 195A such sums as may be necessary to carry out such program."; and

(3) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 195N. FUNDING MATTERS.".

(b) Table of Contents.—The item relating to section 195N in the table of contents in section 1(b) of the National and Community Service Act of 1990 is amended to read as follows:

"195N. Funding matters.".

Mr. BOREN. Recently, I was driving through my hometown of Seminole, and I saw a man on a street corner holding a sign: "I'll work for food for my family." He was standing outside on a very cold day with only a lightweight coat on. The Oklahoma wind was cutting through him as he pleaded for an opportunity to work so that he could feed his family for the day. As I stopped to talk with him about the difficulty of finding work, it became obvious to me that he was a proud person who sincerely wanted to work—there were no jobs to be found. I was also reminded of Franklin Delano Roosevelt's statement of enduring truth:

> What do people want more than anything else? Work and security. They are spiritual values, the true goals toward which our efforts of reconstruction should lead.

Now, just as in the Great Depression, there are thousands of people across the country desperate not only to take care of themselves, but also to care for their families. Many would work if given the opportunity; however, even with an economy that is rebounding slightly, job openings are few. Other Americans have lived their entire lives trapped in the cycle of dependency. As young people, they dropped out of school and into the streets. Their lives are filled with despair, joblessness, drugs, violence, and the dependency systems of welfare and prisons. They have never worked—and many have had few, if any, role models to teach them the discipline of getting up every day and holding a steady job.

This situation is intolerable. In an era of increasing global competitiveness, we cannot afford to let an able and willing work force sit idle. Moreover, a government response that fosters dependency, rather than empowering Americans, is unacceptable. When FDR was faced with a similar problem, he rejected proposals to establish programs giving people cash assistance only.

> [C]ontinued dependence upon relief induces a spiritual and moral disintegration fundamentally destructive to the national fiber. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit. We must preserve not only the bodies of the unemployed from destitution but also their self-respect, their self-reliance and courage and determination.

Not only are his words instructive, but we can also be inspired by the Government program that FDR designed to cope with the economic and social dislocation of the Great Depression. He formed the Works Progress Administration to employ out-of-work Americans. The accomplishments of the WPA are impressive. The program employed 8.5 million people over the course of 8 years. Each year, the WPA employed on the average 5 percent of all workers in the American economy, and by the time the WPA was phased out, the projects had employed 20 percent of the work force.

The WPA participants built 651,000 miles of highways and roads, 78,000 bridges, 125,000 buildings, and approximately 600 airports. They built or renovated 8,000 parks, 12,800 playgrounds, 1,000 libraries, and 5,900 schools. Male and female workers taught over 200,000 adults to read, served over 600 million school lunches, produced more than 300 million garments for poor Americans, and organized 1,500 day care centers that served 36,000 children.

Certainly, these statistics are impressive, but they do not reveal the human dimension of the bricks and mortar assembled by these hardworking Americans. In my own State of Oklahoma, WPA participants restored the home of the great Cherokee leader Sequoyah and helped excavate the Spiro Mounds, remains of a pre-Columbian native American community. The dean of the Yale Music School told me that one of the first concerts that he remembers hearing was performed by a WPA-sponsored orchestra. The Federal art project encouraged painters like Jackson Pollock and William de Kooning and arranged for the murals, sculptures, and paintings on display in so many public buildings across the land. Among the 6,000 such artists were significant numbers of native American artists from Oklahoma and other parts of the Southwest, and the WPA program is credited with increasing national awareness of native American culture and painting.

The example of the WPA resonated with me and several of my colleagues. Senator Simon and I realized that the impressive legacy of the WPA required this country to make an investment of $90 million in today's terms to build infrastructure, to revitalize our natural resources, and to provide opportunity, hope, dignity, and self-sufficiency for millions of unemployed Americans. By contrast, in the 8 years between 1983 and 1990, the Federal Government spent over $900 billion to provide all types of income-tested benefits to economically disadvantaged Americans. What has the country gotten for this immense expenditure of taxpayer funds? How have the lives of the recipients been improved?

Our expensive welfare system has managed to produce little more than subsistence-level payments to an increasingly alienated segment of American society. By simply handing people checks, the system has robbed them of any desire to be part of the communities where they live and of any motivation to succeed. Little is worse for a person's self-esteem than to have no reason to get out of bed in the morning and no useful work to perform, and to live in a culture where almost everyone else faces the same desperate situation.

The problem is only growing worse as more and more Americans are forced onto the welfare rolls. The number of families on AFDC reached an all-time high in 1991, with an average monthly enrollment of almost 4.4 million families, as compared to a monthly average of 3.9 million in 1981. In January 1992, 13.5 million Americans were receiving AFDC payments. Enrollment is expected to increase steadily over the next few years, reaching a total of 4.8 million families in 1997.

The future of our Nation's children is increasingly a future of welfare and dependency. The inner-city family is disintegrating. Eighty percent of children in some inner-city areas are born out of wedlock; 9.7 percent of our Nation's children live in households not headed by either parent. Although the child's mother may live in the house, she is often a drug addict or a teenager who plays only a minor role in child-raising and imparts few, if any, values and notions of responsibility to her offspring. Perhaps because of the absence of one or both parents, over 40 percent of households with young children live in poverty, a higher percentage than in any other Western industrialized nation. Over 8.5 million of our Nation's children—the hope of this country and our most precious national resource—received AFDC payments in 1991.

As we become more aware of these intolerable statistics, we are compelled to search for reasons for this entrenched poverty, poverty that deadens the spirit of so many of our citizens and denies our children any real opportunity for success. Mickey Kaus, author of a recent book on America's social welfare policy, argues that although the welfare system may not have caused the economic and social poverty of the inner-city ghetto, it has enabled the underclass to endure, the poverty to continue, and the country largely to ignore the human cost of the ghetto. It has allowed the underclass to subsist—barely—which keeps the inner cities under control so that life outside the ghetto is seldom directly affected. The poor have little incentive to find employment as long as they can survive on Federal assistance and as long as there is no pressure from those around them to emerge from the cycle of dependency and hopelessness. As Kaus observes, "[T]here is a culture of poverty out there that has taken on a life of its own."

A year ago, Senators SIMON, WOFFORD, and I, along with other colleagues, introduced S. 2373, legislation to transform the welfare system and to address the broader problem of poverty and dependency. Our Community WPA program, based on the Great Depression program and complementary to the current welfare JOBS Program, received enthusiastic and bipartisan support. President Carter endorsed the Community WPA because it "will help create opportunity in economically disadvantaged communities, while increasing their fiscal well-being and raising the quality of life through projects which provide tangible community benefits." Under the leadership of Senator Bentsen, the urban aid tax bill established six demonstration programs of the Community WPA and provided $200 million of funding over 3 years. H.R. 11 was vetoed in November, so we must renew our efforts in the 103d Congress to pass legislation.

I am optimistic that we will succeed in establishing the Community WPA in 1993. Welfare reform is a top priority of the Clinton administration. The call for welfare reform comes from all parts of the political spectrum. Taxpayers resent supporting an astronomically expensive system with very few tangible benefits in return for what is being spent. Welfare beneficiaries, in the meantime, are becoming increasingly alienated from mainstream American society. Robbed of a sense of being a part of the communities where they live and the self-esteem that comes from the satisfaction of performing useful work, they are left with no hope and no motivation to achieve. There is no question that the idleness encouraged by the current welfare system contributes to increased crime rates, drug abuse, family disintegration, higher school dropout rates, and many other serious social programs.

Candidate Bill Clinton proposed welfare reform along lines that are strikingly similar to the Community WPA. He advocated providing welfare recipients with cash assistance, education, and training for only a limited period of time; thereafter, people would be required to work in community service projects or find other employment. Both his proposal and the Community WPA are based on the one commonsense principle: If you are able to work, you will have the opportunity to work. Society will fulfill its obligations to people who are down on their luck, but it has the right to ask those persons to help themselves in return.

The Community WPA is more than a reform of the welfare system, however. The program is constructed so that it reaches not only women with dependent children, but also so that it includes as many unemployed men as possible. Requiring participation from AFDC recipients alone cannot meet this objective because 92 percent of AFDC families have no father living in the home. A number of men can be required to participate through the AFDC-Unemployed Parent Program that was established in 1990 to offer assistance to children of two-parent families who are needy because of the unemployment of one of their parents. Americans who are receiving unemployment compensation can choose to participate in projects. Many other men not counted in official unemployment figures are falling through the cracks in the current system because they have never held a job entitling them to unemployment compensation or they have never received AFDC benefits. Some of them can be reached by including positions for unemployed persons in any Community WPA project.

Finally, another group of men can be involved in the Community WPA by requiring the participation of unemployed noncustodial parents who are more than 2 months in arrears in their child support payments. This provision also promises to help bring some of our Nation's children out of poverty. According to a report by the Commission on Interstate Child Support, about 10 million mothers were entitled to child support payments in 1989, but only 5.7 million had support orders or agreements, and only half of them actually received payments. As much as $25 billion in child support may be uncollected now, much of which would go to helping to lift single mothers and their children out of poverty. By employing noncustodial parents who owe such child support, the Community WPA can provide a way for them to meet their financial obligations to their children.

The legislation that we introduce today is similar to portions of S. 2373, the legislation that we introduced in the 102d Congress. As we discussed this legislation with experts in the fields of poverty and welfare programs and as the legislation was considered by the Senate and the House during the deliberations of H.R. 11, we improved the program in various ways. Today's proposal reflects those improvements. The States are instructed to present applications to the Secretary of Labor detailing the Community WPA program that they propose to establish. The projects that they design must provide unemployed Americans the opportunity to work in teams on meaningful community projects. Local and State agencies, as well as private nonprofit organizations, can apply to the States to participate.

The commitment of the country to this kind of jobs program will not be limited to the governmental sector; the entire community must pull together to put people to work on projects vital to the well-being of the society. Such community involvement is empirically possible. An example of such involvement can be found in Tulsa, OK. IndEx is a nonprofit corporation operated by the private sector to provide jobs and training to AFDC recipients. This innovative 42-week program provides extensive initial training, including preparation for the GED for those who do not have a high school diploma and computer skills for all participants, and individually tailored work and education plans thereafter.

A Community WPA project includes any activity that serves a significant public purpose in fields such as health, social services, environmental protection, education, urban and rural development and redevelopment, recreation, public safety, and child care. Just as President Roosevelt's New Deal connected the need for creating jobs with the need to improve the Nation's infrastructure, we can take the human resource pool of idle but able Americans and pair it with the need to repair many of the structures built almost 60 years ago by the first WPA. The Conference of Mayors has identified 7,200 projects in 506 cities that are ready to go immediately. These public works projects include building and maintaining streets, roads, sidewalks, bridges, public transit systems, sewer and water systems, schools, police and fire facilities, libraries, parks, and low- and moderate-income housing.

These jobs will enhance the skills of men and women through on-the-job learning as well as through more formal job enhancement activities. Working on a project will teach necessary life skills, such as the importance of coming to work on time and the way to work with others in a productive venture. The discipline of work is a radically new, and often frightening, experience for many who have never held a job, and programs must be structured so that participants are encouraged to shed the habits of dependency. Job training outside the Community WPA project will be closely coordinated with existing State services and with community-based job training and education facilities. To assure that each person will have time to seek other employment or to participate in alternative job training and readiness activities, no person will be allowed to work on a project more than 32 hours a week. In many cases, for the first time, involvement in the Community WPA will give people an actual work experience to list on the resumes that they are learning to write.

Participants who are receiving AFDC or unemployment compensation will work the number of hours equal to the lowest benefit paid in their State divided by a rate of pay determined by the Secretary of labor after consultation with an advisory committee. We choose to use the lowest benefit figure to ease the administrative burden on State agencies, eliminating the need to keep track of different requirements for each participant. Another change in this legislation is our decision to require the Secretary to determine the appropriate rates of pay for participants. The issues involved in setting the rates of pay for these projects are difficult. On the one hand, it is important that pay be sufficient but not so attractive that participants lose any incentive to search for private employment once they acquire necessary job skills. The Community WPA is only a step in the process of eliminating dependency and teaching responsibility; it is not intended to become a career. On the other hand, we must be cognizant of the concerns of organized labor, whose national leaders worry about the downward pressure on wages that may be caused by a government jobs program offering low-wage employment. Of course, the act contains stringent nondisplacement language and tough definitions of projects that should protect the jobs of Americans who are currently employed.

The advisory committee will include representatives of business, labor, and beneficiaries. After considering its recommendation, the Secretary cannot set a rate of pay lower than the minimum wage, and he must provide a bonus payment for AFDC and UI recipients who meet the work requirements. The bonus demonstrates that the Community WPA is not a punitive proposal; rather, it is designed to increase the opportunities for disadvantaged people while fostering the value of work in our society. The rate of pay that the Secretary establishes will be used to calculate the wages for other participants on a project and for any additional hours that AFDC or UI recipients work. In particular cases, the Secretary can approve alternate wage rates that reflect differences in experience or job requirements. In addition, the act encourages projects to pay participants their monthly benefit and bonus with one check to establish further the link between work and earnings.

Mr. President, so often it seems that our current system to combat poverty discourages an individual's initiative and encourages dependency. We have to reexamine the very basic assumptions of our assistance programs and determine whether there are better solutions that reward people who take responsibility for their decisions and their lives. We talk frequently in this country of empowerment. Nothing empowers people more than a job and the feeling of accomplishment that goes with it. The most serious result of Government handouts is that recipients begin to feel that they are not useful. They lose their sense of self-worth and become divorced from any feeling of community.

Instead of exacerbating the growing division between taxpayers and welfare recipients and instead of trying to fix the status quo system with patches and Band-Aids, it is time to adopt sweeping change. It is time to make all Americans part of the same team. We must use assistance to instill in all our citizens the ethic of hard work, reward them for providing service to their communities, and give them accomplishments on which they can look back with pride. I welcome the opportunity presented in this Congress to take part in transforming the culture of dependency into a culture of empowerment.

Mr. President, I ask unanimous consent that a copy of the community works progress programs bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Works Progress Act of 1993".

SEC. 2. ESTABLISHMENT.

The Secretary of Labor (hereafter referred to in this Act as the "Secretary") shall, in consultation with the Secretary of Health and Human Services, award grants to States for the establishment of community works progress programs.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) COMMUNITY WORKS PROGRESS PROGRAM.—The terms 'community works progress program' and 'program' mean a program established by a State under which the State will select governmental and nonprofit entities to conduct community works progress projects which serve a significant public purpose in fields such as health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, and child care.

(2) COMMUNITY WORKS PROGRESS PROJECT.—The terms 'community works progress project' and 'project' mean an activity conducted by a governmental or nonprofit entity that results in a specific, identifiable service or product that, but for this Act, would not otherwise be done with existing funds and that supplements but does not supplant existing services.

(3) GOVERNMENTAL ENTITY.—The term 'governmental entity' means any agency of a State or local government.

(4) NONPROFIT ENTITY.—The term 'nonprofit entity' means an organization—

(A) described in section 501(c) of the Internal Revenue Code of 1986; and

(B) exempt from taxation under section 501(a) of such Code.

SEC. 4. APPLICATIONS BY STATES.

(a) IN GENERAL.—Each State desiring to conduct, or to continue to conduct, a community works progress program under this Act shall submit an annual application to the Secretary at such time and in such manner as the Secretary shall require. Such application shall include—

(1) identification of the State agency or agencies that will administer the program and be the grant recipient of funds for the State,

(2) a description of the procedure under which governmental and nonprofit entities will solicit the State agency or agencies administering the program for funds to conduct a community works progress project,

(3) a description of each type of project to be conducted under the program, including a description of the types and duration of training and work experience to be provided to participants in each such project,

(4) a comprehensive description of the objectives and performance goals for each project to be conducted under the program,

(5) an estimate of the number of participants necessary for each proposed project, the length of time that the services of such participants will be required, and the support services that will be required for such participants,

(6) a description of a plan for managing and funding each project,

(7) a description of the basic standards of work requirements, sanitation, and safety for each project and the manner in which such standards will be enforced,

(8) a description of a plan to assign participants to projects as near to the homes of such participants as is reasonable and practicable or to provide appropriate transportation for participants,

(9) a description of how the program will offer participants flexibility in scheduling hours to be worked,

(10) an assurance that the State or local administering agency described in part D of title IV of the Social Security Act located within the State or unit of general local government, as the case may be, will seek court-ordered enrollment in projects of a noncustodial parent who is not employed and who is at least 2 months in arrears in the payment of court ordered child support,

(11) an assurance that, prior to the placement of a participant in a project, the governmental or nonprofit entity conducting the project will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such project,

(12) a description of any formal job training or job search arrangements to be made available to the participants in cooperation with State agencies,

(13) an assurance that each project will be coordinated with other federally assisted education programs, training programs, social service programs, and other appropriate programs,

(14) an assurance that each project will participate in cooperative efforts among community-based agencies, local educational agencies, and local government agencies (as defined in paragraphs (3), (11), and (12), respectively, of section 101 of the National and Community Service Act of 1990), businesses, and State agencies, to develop and provide supportive services,

(15) a description of fiscal control, accounting, audit, and debt collection procedures to

assure the proper disbursal of, and accounting for, funds received under this Act,

(16) a projection of the amount each governmental or nonprofit entity conducting a project under this Act intends to spend on such project on an annual basis and in the aggregate,

(17) procedures for the preparation and submission to the State of an annual report by each governmental or nonprofit entity conducting a project that shall include—

(A) a description of activities conducted under the project during the program year;

(B) characteristics of the participants in the project; and

(C) the extent to which the project exceeded or failed to meet relevant performance standards, and

(18) such other information that the Secretary determines appropriate.

(b) CONSIDERATION OF APPLICATIONS.—In reviewing all applications received from States desiring to conduct or continue to conduct a community works progress program under this Act, the Secretary shall consider—

(1) the unemployment rate for the area in which each project will be conducted,

(2) the proportion of the population receiving public assistance in each area in which a project will be conducted,

(3) the per capita income for each area in which a project will be conducted,

(4) the degree of involvement and commitment demonstrated by public officials in each area in which a project will be conducted,

(5) the State's history of success with offering job opportunities training programs to individuals receiving general welfare benefits or aid to families with dependent children under part A of title IV of the Social Security Act,

(6) the likelihood that a project will be successful,

(7) the contribution that a project is likely to make toward improving the quality of life of residents of the area in which the project will be conducted,

(8) geographic distribution,

(9) the extent to which each project will encourage team approaches to work on real, identifiable projects,

(10) the extent to which private and community agencies will be involved in projects, and

(11) such other criteria as the Secretary deems appropriate.

(c) MODIFICATION TO APPLICATIONS.—If changes in labor market conditions, costs, or other factors require substantial deviation from the terms of an application approved by the Secretary, the State shall submit a modification of such application to the Secretary.

SEC. 5. PARTICIPATION IN PROJECTS.

(a) IN GENERAL.—To be eligible to participate in a project under this Act, an individual shall be—

(1) receiving, eligible to receive, or have exhausted unemployment compensation under an unemployment compensation law of a State or of the United States,

(2) receiving, eligible to receive, or at risk of becoming eligible to receive, aid to families with dependent children under part A of title IV of the Social Security Act,

(3) a noncustodial parent of a child who is receiving aid to families with dependent children under part A of title IV of the Social Security Act,

(4) a noncustodial parent who is not employed and is at least 2 months in arrears in payment of court ordered child support, or

(5) an individual who—

(A) is not receiving unemployment compensation under an unemployment compensation law of a State or of the United States;

(B) if under the age of 20 years, has graduated from high school or has the equivalent of a high school education;

(C) has resided in the State in which the project is located for a period of at least 60 consecutive days prior to the placement of such individual is such project;

(D) has been unemployed for a period of at least 35 workdays prior to the placement of such individual in such project;

(E) does not reside in the same dwelling place with more than 1 individual who is a participant under a project that is the subject of a grant award under this Act; and

(F) is a citizen of the United States.

(b) MANDATORY PARTICIPATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), in any State conducting a program, an individual who has been participating in the job opportunities and basic skills training program under part F of title IV of the Social Security Act for at least 2 years and has not found employment shall be required to participate in a project.

(2) WAIVER OF REQUIREMENT.—A State agency administering a program may waive the requirement under paragraph (1) in the case of any individual who is completing educational or vocational training under the job opportunities and basic skills training program under part F of title IV of the Social Security Act and such waiver may continue for a period of 3 months after the completion of such educational or vocational training.

SEC. 6. HOURS AND COMPENSATION.

(a) DETERMINATION OF COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, based on the initial and annual reports submitted by the advisory committee established under paragraph (3), determine—

(A) the hourly wage rate or rates for determining the minimum number of hours a participant in a community works progress project who is receiving unemployment compensation under an unemployment compensation law of a State or of the United States must agree to work on a monthly basis under subsection (b)(2)(A);

(B) the hourly wage rate or rates for determining the minimum number of hours a participant in a project who is receiving aid to families with dependent children under part A of title IV of the Social Security Act must agree to work on a monthly basis under subsection (b)(2)(B);

(C) the compensation to be paid to a participant in a project under subsection (c)(1); and

(D) the hourly wage rate or rates to be paid under subsection (c)(2) to a participant in a project who accepts an offer to work hours in addition to the number of hours determined under subsection (b)(2).

(2) LIMITATION.—Any determination made by the Secretary under paragraph (1) shall not result in a participant receiving on an hourly basis an amount below the Federal minimum wage or the applicable State minimum wage, whichever is greater.

(3) ADVISORY COMMITTEE ON HOURS AND COMPENSATION.—

(A) ESTABLISHMENT.—The Secretary shall establish an advisory committee (hereafter referred to in this section as the "Committee") for the purpose of assisting the Secretary in matters described in paragraph (1).

(B) COMPOSITION.—The Committee shall be composed of individuals appointed by the Secretary representing—

(i) the Department of Health and Human Services;

(ii) the business community;

(iii) labor organizations;

(iv) individuals who are likely to be participants in a program;

(v) State and local governments; and

(vi) other individuals or groups determined appropriate by the Secretary.

(C) REPORT.—Within 90 days after the date of the enactment of this Act and on each anniversary of such date, the Committee shall submit a report to the Secretary containing the Committee's findings and conclusions with respect to the matters described in paragraph (1).

(D) COMPENSATION.—

(i) IN GENERAL.—Members of the Committee shall serve without compensation.

(ii) EXPENSES REIMBURSED.—While away from their homes or regular places of business on the business of the Committee, the members of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

(iii) SUPPORT.—The Secretary shall supply such necessary office facilities, office supplies, support services, and related expenses as necessary to carry out the functions of the Committee.

(E) APPLICATION OF THE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Committee.

(b) WORK REQUIREMENTS RELATED TO PARTICIPATION.—

(1) IN GENERAL.—

(A) MAXIMUM HOURS.—In order to assure that each individual participating in a project will have time to seek alternative employment or to participate in an alternative employability enhancement activity, no individual may work as a participant in a project under this Act for more than 32 hours per week.

(B) REQUIRED JOB SEARCH ACTIVITY.—Individuals participating in a project who are not receiving aid to families with dependent children under part A of title IV of the Social Security Act or unemployment compensation under an unemployment compensation law of a State or of the United States shall be required to participate in job search activities determined appropriate by the Secretary.

(2) ADDITIONAL REQUIREMENTS RELATED TO NUMBER OF HOURS WORKED.—

(A) INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION.—Except as provided in paragraph (1)(A), individuals who are receiving unemployment compensation under an unemployment compensation law of a State or of the United States shall agree to work as participants in a project on a monthly basis the number of hours determined by dividing—

(i) the lowest amount of monthly unemployment compensation any individual in the State is eligible to receive, by

(ii) an hourly wage rate determined appropriate by the Secretary under subsection (a)(1)(A).

(B) INDIVIDUALS RECEIVING AFDC.—Except as provided in paragraph (1)(A), individuals who are receiving aid to families with dependent children under part A of title IV of the Social Security Act shall work as participants in a community works progress project on a monthly basis the number of hours determined by dividing—

(i) the lowest amount of monthly assistance any family is eligible to receive under such part in the State, by

(ii) an hourly wage rate determined appropriate by the Secretary under subsection (a)(1)(B).

(c) COMPENSATION FOR PARTICIPANTS.—

(1) IN GENERAL.—

(A) INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION OR AFDC.—Each participant in a project who is receiving unemployment compensation under an unemployment compensation law of a State or of the United States or aid to families with dependent children under part A of title IV of the Social Security Act and who worked the number of hours determined under subsection (b)(2) shall be compensated for participation in such project on a monthly basis a bonus amount determined appropriate by the Secretary under subsection (a)(1)(C). Such amount shall be paid from grant funds awarded to the State and shall be in addition to any such benefit received by such participant.

(B) INDIVIDUALS NOT RECEIVING UNEMPLOYMENT COMPENSATION OR AFDC.—Each participant in a project who is not described in subparagraph (A) shall be paid for each hour worked as a participant on such project an amount determined appropriate by the Secretary under subsection (a)(1)(C).

(2) COMPENSATION FOR ADDITIONAL WORK HOURS.—If an individual who is receiving unemployment compensation under an unemployment compensation law of a State or of the United States or an individual who is receiving aid to families with dependent children under part A of title IV of the Social Security Act accepts an offer to work hours in addition to the number of hours determined under subsection (b)(2), such individual shall be paid for each such additional hour an amount determined appropriate by the Secretary under subsection (a)(1)(D). Such amount shall be paid from grant funds awarded to the State and shall be in addition to any such benefit received by such participant.

(3) ALTERNATIVE COMPENSATION METHODS.—The Secretary may approve any application submitted by a State under this Act which provides for an alternative to the method of compensation for participants in a project set forth in this Act if such alternative method is based on an individual participant's skill level, education, or responsibility on the project, and such alternative method—

(A) does not reduce the amount received by any participant on an hourly basis below the Federal minimum wage or the applicable State minimum wage, whichever is greater; and

(B)(i) in the case of an individual receiving unemployment compensation under an unemployment law of a State or of the United States, results in a weekly payment which would be greater than the weekly amount the participant receives as such compensation; or

(ii) in the case of an individual receiving aid to families with dependent children under part A of title IV of the Social Security Act, results in a monthly payment which would be greater than the monthly amount the family of the participant receives as such aid.

(4) PAYMENTS OF AFDC AND UNEMPLOYMENT COMPENSATION.—Any State agency responsible for making a payment of benefits to a participant in a project under part A of title IV of the Social Security Act or under an unemployment compensation law of a State or of the United States may transfer such payment to the governmental or nonprofit entity conducting such project and such payment shall be made by such entity to such participant in conjunction with any payment of compensation made under paragraphs (1), (2), or (3).

(5) TREATMENT OF COMPENSATION OR BENEFITS UNDER OTHER PROGRAMS.—

(A) HIGHER EDUCATION ACT OF 1965.—In determining any grant, loan, or other form of assistance for an individual under any program under the Higher Education Act of 1965, the Secretary of Education shall not take into consideration the compensation and benefits received by such individual under this section for participation in a project.

(B) RELATIONSHIP TO OTHER FEDERAL BENEFITS.—Notwithstanding any other provision of law, any compensation or benefits received by an individual under this section for participation in a community works progress project shall be excluded from any determination of income for the purposes of determining eligibility for benefits under section 402, title XVI, and title XIX of the Social Security Act, or any other Federal or federally assisted program which is based on need.

(6) SUPPORTIVE SERVICES.—Each participant in a project conducted under this Act shall be eligible to receive, out of grant funds awarded to the State agency administering such project, assistance to meet necessary costs of transportation, child care, vision testing, eyeglasses, uniforms and other work materials.

SEC. 7. ADDITIONAL PROGRAM REQUIREMENTS.

(a) NONDUPLICATION AND NONDISPLACEMENT.—

(1) NONDUPLICATION.—

(A) IN GENERAL.—Amounts from a grant provided under this Act shall be used only for a project that does not duplicate, and is in addition to, an activity otherwise available in the State or unit of general local government in which the project is carried out.

(B) NONPROFIT ENTITY.—Amounts from a grant provided to a State under this Act shall not be provided to a nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by a State or local government agency in which such entity resides, unless the requirements of paragraph (2) are met.

(2) NONDISPLACEMENT.—

(A) IN GENERAL.—A governmental or nonprofit entity shall not displace any employee or position, including partial displacement such as reduction in hours, wages, or employment benefits, as a result of the use by such entity of a participant in a project funded by a grant under this Act.

(B) LIMITATION ON SERVICES.—

(i) DUPLICATION OF SERVICES.—A participant in a project funded by a grant under this Act shall not perform any services or duties or engage in activities that would otherwise be performed by any employee as part of the assigned duties of such employee.

(ii) SUPPLANTATION OF HIRING.—A participant in a project funded by a grant under this Act shall not perform any services or duties or engage in activities that will supplant the hiring of other workers.

(iii) DUTIES FORMERLY PERFORMED BY ANOTHER EMPLOYEE.—A participant in a project funded by a grant under this Act shall not perform services or duties that have been performed by or were assigned to any presently employed worker, employee who recently resigned or was discharged, employee who is subject to a reduction in force, employee who is on leave (terminal, temporary, vacation, emergency, or sick), or employee who is on strike or who is being locked out.

(b) FAILURE TO MEET REQUIREMENTS.—The Secretary may suspend or terminate payments under this Act for a project if the Secretary determines that the governmental or nonprofit entity conducting such project has materially failed to comply with this Act, the application submitted under this Act, or any other terms and conditions of a grant under this Act agreed to by the State agency administering the project and the Secretary.

(c) GRIEVANCE PROCEDURE.—

(1) IN GENERAL.—Each State conducting a community works progress program under this Act shall establish and maintain a procedure for the filing and adjudication of grievances from participants in any project conducted under such program, labor organizations, and other interested individuals concerning such program, including grievances regarding proposed placements of such participants in projects conducted under such program.

(2) DEADLINE FOR GRIEVANCES.—Except for a grievance that alleges fraud or criminal activity, a grievance under this paragraph shall be filed not later than 1 year after the date of the alleged occurrence of the event that is the subject of the grievance.

(3) DEADLINE FOR HEARING AND DECISION.—

(A) HEARING.—A hearing conducted under this paragraph on any grievance shall be conducted not later than 30 days after the filing of such grievance.

(B) DECISION.—A decision on any grievance shall be made not later than 60 days after the filing of such grievance.

(4) ARBITRATION.—

(A) IN GENERAL.—In the event of a decision on a grievance that is adverse to the party who filed such grievance, or 60 days after the filing of such grievance if no decision has been reached, such party shall have the right to demand an arbitration by a sole arbitrator. Such demand for an arbitration shall be made to the American Arbitration Association (hereafter referred to in this subsection as the "Association") within 30 days after a decision on a grievance that is adverse to the party who filed such grievance has been reached, or 90 days after the filing of such grievance if no decision has been reached. Upon receipt of such a demand for arbitration, the Association shall serve notice on the parties to the arbitration and, except as provided in subparagraph (B), conduct the arbitration according to the Commercial Arbitration Rules of the Association in effect at the time of the filing of the demand for arbitration.

(B) SPECIAL RULES FOR ARBITRATION PROCEEDING.—

(i) DEADLINE FOR PROCEEDING.—An arbitration hearing shall commence not later than 45 days after the appointment of the sole arbitrator.

(ii) DEADLINE FOR DECISION.—A decision concerning a grievance subject to an arbitration proceeding shall be made not later than 30 days after the date such arbitration hearing closes.

(iii) COST.—

(I) IN GENERAL.—Except as provided in subclause (II), the cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration.

(II) EXCEPTION.—If a participant, labor organization, or other interested individual described in paragraph (1) prevails under an arbitration proceeding, the State, governmental entity, or nonprofit entity which is a party to such grievance shall pay the total cost of such proceeding and the attorney's fees of such participant, labor organization, or individual, as the case may be.

(5) PROPOSED PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant in a project conducted under this Act, such placement shall not be made unless it is consistent with the resolution of the grievance pursuant to this subsection.

(6) REMEDIES.—Remedies for a grievance filed under this subsection include—

(A) prohibition of the placement described in paragraph (5); and

(B) in the case of an individual who has been displaced from employment—

(i) reinstatement of the individual to the position held by such individual prior to displacement;

(ii) payment of lost wages and benefits of the individual;

(iii) reestablishment of other relevant terms, conditions, and privileges of employment of the individual; and

(iv) such equitable relief as is necessary to correct any violation of this Act or to make the individual whole.

(7) ENFORCEMENT.—Suits to enforce an arbitration award under this subsection may be brought in any district court of the United States having jurisdiction over the parties without regard to the amount in controversy and without regard to the citizenship of the parties.

(d) TESTING AND EDUCATION REQUIREMENTS.—

(1) TESTING.—Except as provided in paragraph (3), each participant in a project shall be tested for basic reading and writing competence prior to employment under such project.

(2) EDUCATION REQUIREMENT.—

(A) FAILURE TO SATISFACTORILY COMPLETE TEST.—Participants who fail to complete satisfactorily the basic competency test required in paragraph (1) shall be furnished counseling and instruction.

(B) LIMITED-ENGLISH.—Participants with limited-English speaking ability may be furnished such instruction as the governmental or nonprofit entity conducting the project deems appropriate.

(3) PARTICIPANTS IN JOBS PROGRAM.—Any individual who is a participant in the job opportunities and basic skills training program under part F of title IV of the Social Security Act shall not be required to be tested under paragraph (1) if such individual has been tested under such program so long as such test is adequate to ensure appropriate placement of the individual in a project.

(e) COMPLETION OF PROJECTS.—

(1) IN GENERAL.—A governmental or nonprofit entity conducting a project under this Act shall complete such project within the 2-year period beginning on a date determined appropriate by such entity, the State agency administering the project, and the Secretary.

(2) MODIFICATION.—The period referred to in paragraph (1) may be modified at the discretion of the Secretary upon application by the State in which a project is being conducted.

SEC. 8. EVALUATIONS AND REPORTS.

(a) BY THE STATES.—Each State conducting a community works progress program under this Act shall conduct ongoing evaluations of the effectiveness of such program (including the effectiveness of such program in meeting the goals and objectives described in the application approved by the Secretary) and, for each year in which such program is conducted, shall submit an annual report to the Secretary concerning the results of such evaluations at such time, and in such manner, as the Secretary shall require. The report shall incorporate information from annual reports submitted to the State by governmental and nonprofit entities conducting projects under the program. The report shall include an analysis of the interaction, if any, of project participants with employees that are not participating in the project. Up to 3 percent of the amount granted to a State may be used to conduct the evaluations required under this subsection.

(b) BY THE SECRETARY.—The Secretary shall submit an annual report to the Congress concerning the effectiveness of the community works progress programs conducted under this Act. Such report shall analyze the reports received by the Secretary under subsection (a).

SEC. 9. FUNDING.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

(b) LIMITATIONS ON COSTS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the amount of each grant awarded to a State may be used for administrative expenses.

(2) COMPENSATION AND SUPPORTIVE SERVICES.—Not less than 70 percent of the amount of each grant awarded to a State may be used to provide compensation and supportive services to project participants.

(3) WAIVER OF COST LIMITATIONS.—The limitations under paragraphs (1) and (2) may be waived as determined appropriate by the Secretary.

SEC. 10. INTERDEPARTMENTAL TASK FORCE.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of Education, and the Secretary of Agriculture shall establish a task force to identify any Federal funds that may be directed for use in the community works progress programs under this Act and to identify any modifications to existing policies or procedures that would facilitate the implementation of such programs.

(b) MEMBERSHIP.—The task force shall consist of at least 5 members and shall include 1 representative from each of the following agencies:

(1) the Department of Labor;

(2) the Department of Health and Human Services;

(3) the Department of Housing and Urban Development;

(4) the Department of Education; and

(5) the Department of Agriculture.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the task force shall submit a report to the Secretary, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of Education, the Secretary of Agriculture, and the Congress that includes any findings and recommendations of the task force.

(d) ACTION ON RECOMMENDATIONS.—The Secretary, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of Education, and the Secretary of Agriculture shall take such actions as may be necessary to carry out the recommendations of the task force.

Mr. BOREN. I see my colleagues on the floor, Senator SIMON and Senator REID, who have played such an important part, along with Senator WOFFORD and others in the development of this legislation; their constant encouragement, their leadership, their involvement in this issue over many years. Senator SIMON's involvement in this issue predates my own.

They deserve great credit for the leadership that they have shown on this legislation and in support of this concept. I am very proud to join with them and with my other colleagues in this effort. I hope that history will record that this year we did not miss the opportunity to begin that transformation of our current failed welfare system into something that will work, into something that will indeed help us to work our way out of the problems that we face in this country.

I yield the floor, Mr. President, so that my colleagues will have an opportunity to add their comments about this legislation which we introduce.

Mr. SIMON. Mr. President, I am pleased to join my distinguished colleague from Oklahoma, Senator BOREN, as well as Senator REID, Senator WOFFORD, and others in introducing this legislation.

I do not serve on the Finance Committee, as my distinguished colleague from Oklahoma does, but I remember reading the other day when the now Secretary of HHS, Donna Shalala appeared and Senator MOYNIHAN said: "You only had one or two sentences in your statement about welfare reform." Senator MOYNIHAN has been a leader in this. I remember when we passed his bill and he said on the floor: "This is a step in the right direction, but we really need a jobs program." That is what this is.

I would love to have a national jobs program, but I recognize we simply do not have the finances, or at least we think we do not have the finances, to do this immediately nationally.

So what we may need to do with this proposal is set up a demonstration program. That will be a step forward and the idea of the demonstration program would be the creation of jobs. We have a chance to demonstrate that we can move away from this massive waste of human resources. And that is what we have in our country today.

One of the things I like about it is that it is not simply welfare reform. What we do is we say, if you are out of work 5 weeks or longer, you can be helped. We do not pauperize people. That is one of the things that is wrong with welfare today. We force people to become paupers before we help them. We face in this country a choice of paying people for doing something or paying people for doing nothing. And it is not hard for me to make a decision on which direction we ought to go.

I think, Senator BOREN thinks, Senator REID thinks, we ought to pay people for doing something rather than paying people for doing nothing. Obviously, that is not true for those who are disabled or people who may have some special problems.

And Senator BOREN just mentioned the pride that a gentleman had in seeing a wall that he built when he was with the WPA. The great division in our society today is not between black and white, not between Hispanic and Anglo, it is between people who have hope and people who have given up. We have to give people a spark of hope. Two things will give people a spark of hope: Either that they or their children are moving ahead educationally or that they have a job, and can feel pride in themselves.

Frankly, people who want to work, who are sitting at home getting a check do not have that opportunity.

I wrote a book some years ago entitled "Let Us Put America Back to Work." I still believe we ought to be doing that, and I think every day when we pick up the newspaper and read about 50,000 people being laid off by Sears, and people being laid off by IBM, and Pratt & Whitney, and all the other major corporations, we have to recognize we have a problem in our country, an increasing problem. And we ought to do something constructive about it. We have all kinds of needs and we have people who are unemployed. Why do we not put the two of those together?

I see Senator REID is on the floor. He happens to be a reader. He is one of the most prolific readers in the U.S. Senate.

I happen to be a reader. Every once in a while you are asked, what book influenced you? When I was about 12 years old, I read a book by Richard Wright called, "Black Boy." It just hit me at the right time. It was the experiences that Richard Wright had growing up as an African-American in this country. I did not know until many years later, Richard Wright learned how to be a writer as part of a WPA project.

How I was enriched because of the WPA. And I have seen lodges at State parks and other things that have enriched people, as well as the hundreds of thousands of people that Senator BOREN referred to, who learned how to read and write.

We have a problem in productivity growth in our country. We are going to have to do something about it. And the best way, the most effective, swiftest way, it seems to me, is to make people productive who are not productive right now. It does not take an economic giant to figure that out.

We have been reading about the trade deficit again. A trade deficit has to be paid just as much as any other debt has to be paid. And we will pay for it either through a lowered standard-of-living or through increased productivity. Clearly, the better answer is increased productivity.

Under this proposal, people would work for 4 days a week just like the old WPA—they would work for 4 days a week so the fifth day they can be out trying to find a job in the private sector—4 days a week at the minimum wage, you make $535 a month. That is not a lot of money. Do you know what the average family on welfare in Illinois gets? It is $367 a month. And Illinois pays better than most States.

I do not know what it is for Oklahoma or what it is for Nevada. But I know that $535 a month is more than the average family on welfare gets in all but three or four States. And that does not include Nevada or Oklahoma.

We have a crime problem in our country. We have, believe it or not, more people in our prisons than any other country on the face of the Earth. We have a higher percentage of our people in prison than any other modern country.

I am not suggesting this bill is the solution to the crime problem because, obviously, it is more complicated than that. But you show me an area with high unemployment and I will show you an area with high drug use. I will show you an area with a high crime rate. That is the reality.

You do not move dramatically to reduce crime by giving people jobs, but I really believe long term you do.

I think we ought to be trying this. I think we ought to be saying let us pick a couple of Indian reservations, a couple of rural counties, maybe one or two portions of urban areas. Let us guarantee a job opportunity to people. Let us see what happens to them, to the crime rate, to welfare costs, to family life.

One of the things that is interesting about this is that it encourages families to stay together while our present welfare policies discourage families from staying together. That is one of the reasons for all the single-parent families—not the sole reason.

Then let us screen people as they come in. If they come in to get a job and they cannot read and write, let us get them into a program. If they have no marketable skill, let us get hold of that community college or whoever can give them that marketable skill. Let us use the resources, the human resources, of our country to turn it around.

What if, today, we had 10,000 people we were paying a minimum wage who were teaching other people how to read and write? It would pay off so quickly it would make your head spin.

What if, today, let us just say we had 1,000 people who were planting 100 trees a day. Very shortly, we could improve our air quality, reduce flooding, improve the quality of life. There are so many examples.

Anyway, I believe this bill is a step in the right direction. I am pleased to be a cosponsor of this legislation and I hope we move ahead on it.

Mr. President, I yield the floor to my distinguished colleague from Nevada, who has taken an interest in this. From the day I first introduced the first bill on this topic, Senator REID has been a cosponsor. He has recognized we have to do better than just pay people for doing nothing.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, before my friend from Illinois leaves, I also want to remind him of the work that we did on the Fair Employment Act which encompassed a lot of what we are talking about here and for a lot of reasons we were unable to move that.

I am very excited about the fact that we are going to be able to move this legislation. Pilot projects were in the bill that was vetoed by President Bush last year. And we are going to be a year behind, but I feel confident we can do as well as we did last year, which is a significant step forward in the legislation and, hopefully, the President will sign it. I am confident that he will.

So I want to publicly commend and applaud my friend from Illinois and of course the original sponsor of this bill, Senator BOREN. I am happy to be working with them. This legislation is significant, it is important, and I think can do a lot, as has been indicated by Senator BOREN and Senator SIMON, to right some of the wrongs that we now find in our country.

The jobless rate this country is seeing is not improving. The latest figures from the Bureau of Labor Statistics show almost 10 million workers are without jobs.

In Nevada we are doing a little bit better than the national average—not a lot but a little bit better, 1 percent or so. But that means in the small, sparsely populated State of Nevada, that we have almost 50,000 people without work. Fifty thousand men and women in the State of Nevada without gainful employment. And this does not take into consideration people who are off the unemployment rolls because they have been without jobs so long. The figures that come out dealing with unemployment are really not accurate figures.

Suffice it to say all over this country and in the State of Nevada, a lot of people are without work. What are we getting for these people that are out of work, these people who are drawing welfare benefits and unemployment compensation? The answer, really, is: Nothing. Sad but true. Are the unemployed being retrained? No. Are we using their talents in productive ways? No.

The current system in America is a demeaning system. It causes people to lose their value of self-worth. People are forced, in effect, to take handouts and no one wants a handout. But people are forced to take a handout.

People want to live productive lives. Some people have never had the opportunity to have a job. Under this legislation, in exchange for Government assistance you would be required to work.

During the last 8 years we have spent in welfare almost $1 trillion—$932.5 billion. This probably is a conservative figure because it does not take into account present value or adding in State and local government handouts.

I repeat. What do we have to show for it? We have nothing. Let us take, instead of the last 8-year period, let us take an 8-year period between 1935 and 1943 when we had a welfare program called the Works Progress Administration.

We spent, then, about $11 billion. And what do we have to show for that $11 billion that was spent? Senator BOREN went over most of what we have to show for it. But it does not hurt to repeat what we got for that money—650,000 miles of roads; about 125,000 bridges; 39,000 schools, built or improved. And, by the way, one of those schools that was built was in Las Vegas, NV. We referred to it as the Old Fifth Street Grammar School—a beautiful building. Some of the first Spanish architecture in the Las Vegas area. That complex is still there. It is no longer a school. County government is operated out of that building. But it is still a fine looking facility. It is one of the 39,000 schools built during this 8-year period. We got 8,000 parks, 18,000 playgrounds or athletic fields, 1,000 libraries, 600 airports.

Participants also constructed power lines in rural areas, planted millions of trees, exterminated rats, and in Nevada, tried to fight a grasshopper plague, organized nursery schools.

This program gave work to 8.5 million Americans.

One of the things that I did, and still do for townhall meetings that I hold in Nevada, is I had my staff go back and look in the archives at various projects that were built in Nevada by the Works Progress Administration. And we have pictures, modern-day pictures, of those facilities and the old pictures of those facilities. I put them around the room. They are blown up.

It is magnificent, the things that were done in Nevada by these welfare recipients. And the reason I remember the grasshopper plague fight is because we have some great pictures of these roads covered with grasshoppers and these men in uniform trying to get them off the roads.

The WPA really did a lot. Woody Guthrie—"This Land Is My Land," "Roll On Columbia Roll On"—wrote some of his songs while he was drawing welfare. In exchange for getting Government assistance, he wrote music, and some music he wrote. Studs Terkel, Saul Bellow, of course, who won a Nobel prize in literature, Jackson Pollack, many writers, musicians, and artists were put to work under the WPA because you see, Mr. President, people who write and play horns and do things like that, when they are out of work, they are out of work just like anybody else. Why should they not put their talents to the use of us all?

Many talented writers contributed to something that is now famous. It is called the American Guide Series which, in effect, told us a little bit about America. It covered every State, most regions in our States and almost all cities. Alred Kazin said of this project that these writers uncovered an America that nothing in the academic histories has ever prepared one for.

The State of Nevada did benefit. I talked about some of the benefits, but out of those 650,000 miles of roads, we got 2,000 miles of those roads. Out of the 124,000 bridges, we got 154 of them in Nevada. We got 60 schools that were built or reconstructed. We got 39,000 feet of runway built or improved. We got a lot done in Nevada by these welfare recipients.

Today, in Nevada, and all over this country, we still cross bridges these workers made, attend their schools, ride their roads, use their public buildings. They either built or drew upon painted murals. Even $250 million was spent by the WPA refurbishing Army and Navy facilities, and this proved extremely important in the short-term because of World War II.

As important as anything the WPA built, this agency boosted the morale of Americans by giving them a chance to avoid the humiliation of being on, as they used to refer to it, relief. Samuel Cohn, who was a WPA economic statistician said, "People talk about leaf raking and say it was not very economic. It served a purpose. It made people feel more useful at a time when that was important."

While we are talking about leaf raking, we do not have to go back 50 years, Mr. President, to find out that these kind of projects work. Look at the State of Israel. They did not call it the WPA, but in the early days of the State of Israel and even now, they had many projects. For example, the tree planting in Israel is one of the phenomenons of our modern world. Areas that were depleted of all vegetation are now thick forests in the State of Israel. And, in fact, one of the terroristic activities of those who were opposed to the State of Israel a few years ago, was to burn down the forests.

So as my friend, Senator SIMON, said, planting a tree here, planting a tree there really adds up to something in the long-term that is magnificent.

I mentioned Woody Guthrie. I went to the Library of Congress because Woody Guthrie has always fascinated me, and I asked to see some of the correspondence that was there between Woody Guthrie and a man at the library who worked with him. Some of these letters were written while he was drawing welfare, on relief; of course, getting paid for it. That is the difference in that system and our system. He wrote the following in one of his letters to Washington, DC:

> I think real folk stuff scares most of the boys around Washington. A folk song is what's wrong and how to fix it, or it could be who's hungry and where their mouth is, or who's out of work and where the job is, or who's broke and where the money is, or who's carrying a gun and where the peace is. That's folklore and folks made it up because they saw that the politicians couldn't find nothing to fix or nobody to feed or give a job of work. I can sing all day and all night, 60 days and 60 nights, but of course I ain't got enough wind to be in office.

That is one paragraph from a Woody Guthrie letter that we would not have had probably but for this Government program.

Everyone within my voice should also understand that these are not make-work projects. Last year, I received two volumes called "Ready to Go, A Survey of USA Public Works Projects to Fight the Recession Now." That was the name of it. This publication was put out by the United States Conference of Mayors. The publication contains responses from 506 cities listing 7,252 projects that are ready to go now and could have created over 400,000 jobs; to be specific, 418,415 jobs in 1992 alone.

The city of Henderson, where I graduated high school, a suburb of Las Vegas, alone in this publication had 19 projects ready to go, including the building of parks, extension of a highway, flood control, the building of water treatment plants, the rehab of the old youth center where I used to go for dances when I was a teenager. These projects in the small suburb of Henderson, NV, would have created 1,182 jobs last year. This one city could employ 13 percent of those who were receiving extended benefits in Nevada.

Mr. President, there is lots of work to do; there are lots of people to do it. So let us put the two together and pass this legislation.

Mr. DASCHLE. Mr. President, the American welfare system is a failure for too many people. It fails both the taxpayers and welfare recipients. And, most importantly, it fails the children who are born into the cycle of poverty.

Earlier this afternoon, the distinguished Senator from Oklahoma, several of my distinguished colleagues, and I introduced legislation to reform that system and put both our tax dollars and the unemployed to work. I applaud Senator BOREN for spearheading this timely measure to revamp a welfare system that too often does more to perpetuate reliance on public assistance than to provide the necessary means and incentives for moving those in need of assistance back into the national work force.

Our country is faced with a variety of serious economic problems; problems that have festered too long without appropriate action. Considerable attention has been focused recently on the economic burden facing the middle class. That burden is real. But often ignored in this debate are those who fall below the poverty line and are struggling daily to make ends meet and rejoin the economic mainstream. The legislation we are introducing today borrows from a successful concept from our past and molds it to effectively address a number of today's social challenges.

We have been hearing calls for welfare reform for a long time. Debate on this issue is often controversial. My motive for pushing for reform is not to deny benefits to those within our society who truly need our help. We have a responsibility to help. But we should help in a way that breaks the cycle of poverty and welfare dependence, and trains people for meaningful work opportunities. We must help those who need public assistance to make ends meet today, and develop the skills of America's youth and unemployed so they may secure productive jobs tomorrow. The establishment of the Community Works Progress Act [CWPA] programs and the Civilian Community Corps [CCC] Demonstration Project Reauthorization are major steps in that direction.

We spend billions of dollars on public assistance. These payments certainly have helped to provide food, clothing, and shelter for millions of welfare recipients, and this is a worthy goal. But shouldn't we expect these dollars to work harder for both the recipients and the taxpayer? Through the CWPA, we will direct those funds toward local community projects that build both the individual welfare recipient's confidence in himself or herself, through gainful employment, and the institutions that support our communities.

In the 8 years that the original WPA was in existence, 8 million jobs were created, and thousands of public works projects were completed by people who otherwise would have been on public assistance. The WPA of 50 years ago produced bridges, highways, schools, parks, and hospitals that are still in use today. It also offered participants the opportunity to learn and to master a marketable trade that they were able to use to secure jobs in the private sector.

The testimonials of citizens who worked on WPA projects in the 1930's tell the story. The sense of pride and accomplishment expressed 50 years later by those given the chance to engage in productive work rather than simply collect a public assistance check is a rare achievement. They have often cited the WPA experience as being instrumental to their learning of a skill that ultimately provided the means to secure the post-WPA jobs they maintained until their retirement. They ask, almost universally, why we in Congress have not resurrected the WPA. With this legislation, we hope to do just that.

In addition, the Civilian Community Corps Demonstration program, which was appropriated funds for fiscal year 1993, will build on the CWPA by establishing residential community service programs for America's young men and women. This demonstration project will enhance the skills of our youth and instill in them a sense of community pride and responsibility. It will also allow retired and former military servicepersons to apply their skills to guidance and training of our youth. With reauthorization of this demonstration program, we hope to assess the effectiveness of the CCC in generating successful community service projects.

The Community Works Progress Act and the Civilian Conservation Corps Reauthorization will help address the needs of our communities by providing a source of talent, skill, and labor to work on meaningful community projects or programs, and it will give people an opportunity to work themselves out of situations that have caused them to depend on public assistance. They are good investments in our communities, our infrastructure, and our people. President Clinton has indicated his support for welfare reform that creates opportunity and instills a sense of responsibility, and I hope our colleagues will join in this effort and give these bills their full attention so that we may embark down that road.

Mr. ROBB. Mr. President, I'm pleased to be an original cosponsor of legislation introduced today by my distinguished colleague from Oklahoma, Senator BOREN, to reauthorize the Civilian Community Corps Demonstration Program. I supported legislation Senator BOREN introduced last session to authorize two residential CCC initiatives, and I was pleased that each of them received a $50 million authorization and a $20 million appropriation for FY93.

The residential CCC program has two components: a 9- to 12-month National Service Program for young people between the ages of 17 and 25, and a Summer National Service Program for youth between the ages of 14 and 18. At least half of the participants in both programs must come from economically disadvantaged backgrounds.

Young corpsmen and women live on military bases that are closed or operating under capacity. Divided into teams and assigned to camps to instill discipline and comradarie, they receive between 3 and 6 weeks of service training. Corpsmen in the year-around program receive more advanced training specifically geared toward their project assignments. In addition to a small stipend for living expenses, corpsmen in the summer program receive $1,000 for school tuition or $500 in cash and those in the year-around program receive $5,000 in tuition or $2,500 in cash.

In return, countless worthwhile community projects in such important areas as health care, education, and the environment receive thousands of hours of service.

The CCC program is particularly relevant today, as my own State of Virginia and many other States hard-hit by defense downsizing wrestle with personnel cuts and base closings. The CCC program relies on retired and separated military personnel for much of its staffing needs, and the community service provided through the program is particularly welcome in areas where defense downsizing has already begun to wreak—and will continue to wreak—economic and social havoc.

As a former marine and a member of the Marine Corps Reserve for more than 30 years, I've been a strong supporter of national service for a very long time. I believe it instills civic responsibility in young people and allows them to develop a real and genuine stake in our country. In the CCC program particularly, we have an added benefit; we also help young people develop discipline, team spirit, and a work ethic that can constructively and positively impact their adult lives.

My hope for the young people who participate in the CCC Program is that they will finish the program not only with enough money to further their education, but also with a greater sense of self worth, a feeling of commitment toward their communities, and a belief that hard work and discipline can open many doors.

Mr. President, again, I'm pleased to be a cosponsor of this important legislation.

By Mr. DECONCINI:

S. 234. A bill to prohibit the use of U.S. Government aircraft for political or personal travel, limit certain benefits for senior Government officers, and for other purposes; to the Committee on Governmental Affairs.

SENIOR GOVERNMENT OFFICER BENEFIT LIMITATION ACT OF 1993

• Mr. DECONCINI. Mr. President, never before in my service in the Senate have I felt the time was so ripe for reform—the American public has spoken—it is time for change. They have chosen a new President and a new Congress who campaigned on an agenda for change, and they expect change. One area which is ripe for change is the so-called Government perks. After months and months of reports of abuses and extravagant spending in both the legislative and executive branches of Government, the people used the ballot to express their dismay at the system. People are rightfully outraged, and they are having trouble accepting that their tax dollars are providing luxury cars, drivers, and subsidized health clubs for employees of the Federal Government. And they find it is especially offensive to see expensive-to-operate military and agency-owned or leased aircraft used for personal and political purposes by senior Government officials.

Mr. President, newspapers across the country spent the better part of last year detailing reports on the travel practices of several high-level Government officials. The reports demonstrated the outrageous and exorbitant costs incurred at public expense for political and personal travel by senior Government officials. It is unconscionable to expect the American people to foot the bill for ski vacations for Government officials and their families or for trips to the family dentist.

The accounts of Governor Sununu's excursions while chief of staff to President Bush are a prime example. From April 1989 to April 1991, according to the General Accounting Office, Governor Sununu took 66 trips on military aircraft—35 of which were either strictly personal or political in nature, or mixed with official business. The cost of the 66 trips is estimated at over $774,330. Under the past administration's policy, Governor Sununu was obliged to reimburse the Government only $61,585 of this amount, the equivalent of a commercial coach fare plus a dollar for each trip, leaving over half a million dollars on the taxpayer's tab. According to an April 21, 1991, Washington Post article, one of the Governor's trips—a ski trip to Vail, CO, on an Air Force jet with three other passengers—cost the Government more than $30,000 based on standard Air Force charges. The same article went on to say that a commercial flight to the same destination for a single passenger would cost 90 percent less.

Mr. Skinner's travel record while Secretary of the Department of Transportation further confirms the fact that use of Government aircraft is out of control. According to a segment of "60 Minutes," Secretary Skinner made 150 trips at a cost of over $1 million during his 3 years heading the Department of Transportation, often mixing official business with personal and political occasions. Among the vital business conducted by Mr. Skinner on these trips at taxpayer expense were several golf trips as well as numerous political speeches in his hometown of Chicago. I am not so sure that the American people would agree with Mr. Skinner's explanation that it was official and necessary for him to receive pilot training in a FAA Cessna simulator at a cost of $6,175, or to upgrade his skills in a Citation jet taxpayer-paid at $1,111 an hour for 250 hours.

During the past administration, Cabinet members billed the taxpayer for political junkets added to official business trips—a practice endorsed by the Bush White House. According to a May 5, 1991, Los Angles Times article, during the 1990 elections, "top Cabinet officers were strongly encouraged by Bush's political advisors to arrange political appearances on behalf of Republican candidates whenever they visited a city at government expense." The White House went so far as to provide a list of congressional districts that the officials were to visit to help Republican candidates. The Times reported that the Republican Party reimbursed the Government for a portion of the travel expenses, but this usually ended up being only a tiny fraction of the overall cost. The article cites Interior Secretary Manuel Lujan's attendance at a political event while in Natchez, MS, for the dedication of an historical site. The total cost of his airfare was $445, with the Republican National Committee picking up a mere $47, or one-tenth the charge.

More recent reports in an unpublished Interior Department Inspector General's audit concluded that senior officials in the Department of Interior improperly charged the Government for more than $115,000 in unauthorized and questionable travel, much of it personal and political in nature. The audit, which reviewed more than 1,150 vouchers covering $663,000 worth of travel, found that the Department paid $61,000 in travel unrelated to official business either because it lacked reimbursement for personal travel costs or proper documentation.

The American public is fed up with business as usual. That is one reason I am reintroducing today legislation which will limit travel on Government aircraft and restrict aircraft use by senior Government officials, including Members of Congress. This will be my fifth bill in a series of bills designed to dramatically over-haul the current system in Washington. This is not a partisan issue. It is an issue about which Americans from every political party have expressed concerns.

With respect to use of Government aircraft, the legislation I am sponsoring today will limit use of these aircraft by Government officials, including the Congress, to official business only. The only exception is for use by the President and his immediate family. Under my legislation, the Vice President and his immediate family would be permitted to use Government aircraft for personal and political travel if the full cost for this travel, including the cost of operation and maintenance of the aircraft, is fully reimbursed. Civilian personnel and their dependents in remote locations would continue to be exempted as is currently practiced for space available travel. The bill would also require that political travel on Government aircraft during a Presidential election campaign be reimbursed at a rate equivalent to the full charter cost. Currently, political travel for a sitting President and Vice President is reimbursed at the first class rate.

Mr. President, I now want to turn to the other perks. There has been a virtual laundry list of perks making the headlines—chauffeur-driven limousines and free prescriptions among others. The full breadth of the perks and their costs are difficult to calculate. Even the Office of Management and Budget, whose job it is to review the budgets and activities of all executive branch agencies, has had a difficult time trying to identify the perks, calculate their costs, and explain the policies with respect to their use.

I have several charts here which illustrate the costs of some of these perks. The source for the bulk of this information is OMB.

Dining rooms: As you can see from chart 1, which was provided by OMB, there are 119 executive dining rooms costing the taxpayer $4 million annually. These dining rooms are only available to high level members of the Departments and, as you will see on a later chart, serve very posh meals at extremely low prices. This bill proposes that no appropriated funds be used to support these facilities nor to subsidize food costs.

Chart No. 2 is a sample taken from the Secretary of the Treasury's executive dining room menu from April 17 of last year. As you can see, the Secretary definitely got his money's worth and then some. This particular dining room is available to those from the Deputy Secretary level up and those political appointees deemed worthy. However, bureau heads are not allowed access. I have been told that these prices fully cover the cost to purchase the food. I personally have never had the pleasure of paying only $4.75 for lobster tail much less soup, a salad bar, vegetables and dessert thrown in. Now that is a deal and I am confident the American people would like to get in on this. However, I do not believe and I am sure the public does not believe that $4.75 is a realistic price for lobster tail anywhere.

CHART 1.—EXECUTIVE DINING FACILITIES, FISCAL YEAR 1992

Department-Agency	Executive mess/dining facility	Staff size (FTE's)	Salary costs	Space/utilities rent costs	Miscellaneous costs	Total annual cost to Government
Agriculture	No	NA	NA	0	0	0
Commerce	Yes	2	$58,505	$37,523	$1,000	$97,028
DOD/OSD	Yes	23	460,288	42,489	0	502,777
DOD/JCS	Yes	11	217,606	41,046	0	258,652
DOD/Army	Yes	18	343,536	59,635	0	403,171

CHART 1.—EXECUTIVE DINING FACILITIES, FISCAL YEAR 1992—Continued

Department-Agency	Executive mess/dining facility	Staff size (FTE's)	Salary costs	Space/utilities rent costs	Miscellaneous costs	Total annual cost to Government
DOD/Navy	Yes	26	937,000	77,328	0	1,014,328
DOD/Air Force	Yes	17	542,728	49,034	0	591,762
Education	No[1]	1	32,423	0	450	32,873
Energy	No[1]	1	34,835	5,425	0	40,260
HHS	Yes	2	57,500	45,298	0	102,798
HUD	No	NA	0	0	0	0
Interior	Yes	.5	13,508	40,416	1,584	55,508
Justice	Yes	1	36,399	20,524	1,000	57,923
Labor	Yes	2	59,990	39,445	540	99,975
State	Yes	([2])	0	61,054	0	61,054
DOT–OST	Yes	5	138,000	58,605	15,000	211,605
DOT–Coast Guard	Yes	2	65,000	38,756	0	103,756
Treasury	Yes	5	122,548	0	3,500	126,048
Veterans[3]	Yes	([2])	0	50,464	2,970	53,434
EPA	No	NA	0	0	0	0
GSA	No	NA	0	0	0	0
NASA	Yes	3	77,158	46,204	5,600	128,962
Total		119.5	3,197,024	713,246	31,644	3,941,914

[1] The Departments of Education and Energy have a kitchen and steward on staff who will prepare and serve meals to Secretary, Deputy Secretary and senior staff as required, but do not have a separate dining facility.

[2] Contract.

[3] The VA Executive Dining Room (EDR) has been operating for less than one year in VA's temporary central office building. It is financed by non-appropriated funds (a self-financing revolving fund that supports cafeterias and hospital gift shops throughout the VA system). The Secretary has decided to replace the EDR with a take-out/cafeteria open to all VA employees.

Note.—NA—not applicable.

Source: Department and agency staff. OMB did not have sufficient time to verify these data.

CHART 2.—SECRETARY OF THE TREASURY'S EXECUTIVE DINING ROOM MENU, APRIL 17, 1992

Breakfast: Fresh fruit, English muffins, Danish rolls, toast, various fruit juices, cereals, yogurt, coffee, tea, milk. Price: $2.00.

Lunch: Clam chowder, broiled lobster tail, butter/lemon dip, oven roasted red bliss potatoes, buttered fresh asparagus, complete salad bar, poached pear with chocolate and raspberry sauce. Price: $4.75.

This year the taxpayer will eat $126,048 of the Secretary's tab.

Source: The Department of Treasury.

Golf courses: Through OMB and Golf Digest magazine, we have identified 280 golf courses owned or operated by DOD and the Department of Veterans Affairs; 220 of these are 18-hole equivalents with the remainder either located overseas, in remote areas, or not qualifying as 18-hole courses. Not only do these courses not make money, they actually cost the Government over $6 million a year to maintain. By opening these courses to the public and charging fair fees, these courses could bring in a substantial amount of money to the Government—$110 million according to a formula devised by Golf Digest magazine. This bill would require that no appropriated funds could be expended to equip, operate, or maintain any golf course owned or operated by a government agency with the exception of golf courses used by patients or residents of Veterans' Administration hospitals, U.S. Soldiers and Airmen's Homes, or the National Institute of Health. Further, all of the Government golf courses would be required to be operated by a concessionaire contract and open to the public. Under the legislation I am introducing today up to 10 percent of the gross revenues generated from these golf courses could be retained by the base from which those funds are derived. These funds could then be used for morale, welfare and recreation purposes on each base. The bill also authorizes the Secretary of Defense to subsidize fees for active and retired military personnel and give priority to them for the use of the golf courses. The provision of this section will take effect no later than June 1, 1993.

In addition, chart No. 3 details the breakdown of numbers to demonstrate how these courses can easily send money back to the Treasury. The formula is based on information provided by Golf Digest magazine, it includes 18-hole green fees of $15, car rental of $10, a fee of $75,000 for professional management of the course, and $350,000 in annual course maintenance costs. As the chart illustrates, Golf Digest estimates that if a course generates 35,000 rounds per year, it would have a total net income of $250,000. In the Washington area, the two courses at Andrews Air Force Base easily exceed that number with a total of 90,000 rounds per year. So if we take the 220 courses and multiply it by $500,000—for 45,000 rounds of golf—you generate $110,000 million net income.

CHART 3.—DOD/VA GOLF COURSES

POTENTIAL REVENUE PRODUCERS—220-18 HOLE EQUIVALENTS BASED ON FOLLOWING RATES

Green Fees, 18-holes Cart Rentals, Managements, $75,000

If a course generated 35,000 rounds/net total income: $250,000.

If a course generated 55,000 rounds/net total income: $750,000.

Actual Examples:

Andrews AFB, MD, 90,000 rounds (36 holes); Ft. Rucker, AL, 65,000 rounds (18 holes); Ft. Belvoir, VA, 90,000 rounds (27 holes).

Total DOD/VA 18-hole equivalents in the United States: 220 times 45,000 rounds/net income: $500,000 equal possible revenue to the United States Treasury of: $100 million.

Medical health units.—Public Health Service units provide a wide variety of services at no charge to executive branch employees. Taxpayers subsidize the operation of these units to the tune of $48 million allowing those with access free EDG's, blood work-ups, allergy tests, and other costly services. This bill would require that no funds appropriated to an executive or legislative agency be used for the provision of medical services provided by the Public Health Service, the employing agency, or any other Federal agency or medical service provider. Those medical services provided bylaw to Members of Congress, the President, Cabinet members, military personnel and retirees would not be affected by this legislation. In addition, medical services in cases of emergency, of those deemed by an agency head to be in the best interest of the agency such as occupational health and safety programs are also exempt.

Health and fitness facilities:—Executive branch agencies pay $18.7 million to own or operate 351 facilities and 6,119 private health club memberships for Federal employees. These facilities are generally open to all employees. Under this bill, no appropriated funds could be spent for these facilities or private memberships unless physical fitness is a requirement of the job or unless the benefits are specifically provided through collective bargaining agreements.

Political appointments.—Presently, there are 2,503 schedule C and noncareer SES positions in the Federal Government costing approximately $214,000,000. This number represents an increase of 10 percent over 1980 levels. The bill I am introducing proposes, beginning in fiscal year 1994, to decrease these positions by 5 percent a year over the next 3 years for a total decrease of 15 percent by the end of fiscal year 1996.

Vehicles and drivers.—OMB estimates that there are 288 vehicles and 190 drivers used for executive transportation purposes at a cost of $5.7 million. Right now, these cars are used indiscriminately for all types of purposes, but under this bill use would be limited to official business for the Assistant Secretary level and above, the heads of executive agencies and their second highest ranking official, officials commissioned by the President and Members of Congress in leadership positions. This legislation would exempt vehicles used for emergency and law enforcement purposes and drivers employed for multipassenger vehicles, such as vans or buses which are not luxury vehicles.

Chart No. 4 represents the amounts of cars and drivers and the costs of both incurred for executive transportation. The total bill to taxpayers is $5.7 million for an estimated 288 cars and 190 drivers. Taxpayers do not just pay for cars, they foot the bill for luxury vehicles including Ford Crown Victorias, Cadillac Sevilles, Lincoln Towncars and Chrysler Fifth Avenues to ferry around any Federal employee for all types of uses.

CHART 4.—TAXPAYER-SUPPORTED EXECUTIVE LIMO/CHAUFFER SERVICE

[Total departmental cost of executive transportation: $5.7 million]

Department	No. of cars	Annual cost of cars	No. of drivers	Annual cost of drivers	Total
Justice	29	$441,799	11	$261,328	$703,127
Transportation	22	85,080	7	185,328	270,408
Veterans Affairs	7	3,808	10	262,095	294,903
Commerce	18	73,950	0	0	73,950
Agriculture	10	43,283	11	255,064	298,347
Education	14	58,400	11	274,343	332,743
Energy	19	133,818	16	380,208	514,026
Health and Human Services	9	42,250	8	201,508	243,758
Interior	11	26,400	2	58,352	84,752
Labor	6	27,108	5	134,374	161,482
State	18	177,027	14	331,000	508.027
Treasury	20	72,864	20	446,037	518,901
Defense	87	641,745	30	731,715	1,400,000
Total	270	2,000,000	145	3,600,000	5,700,000

Source: O.M.B.

Administrative leave: Policies regarding the use of administrative leave are at the discretion of the individual department heads but, based on GAO estimates, if between 1 and 10 percent of the Federal work force used 2 hours of leave a week. As you can see, with 10 percent use—the loss in Government wages is around $380 million annually.

This legislation would also prohibit the use of appropriated funds for the purchase or distribution of souvenirs by Federal agencies. Exceptions would be those tokens or mementoes authorized by law or a resolution of Congress.

Mr. President, I was shocked by the cost of some of these executive and legislative branch perks. As I said earlier, the American public is appalled at how out of touch Government has become—special privileges are out of control. When Government tells the American public that we all must sacrifice for the national good, we in Government better make 100 percent certain that we start in our own backyard. It is my hope that the Congress can work with the new executive branch officials to make appropriate changes this year. To that end let me commend our new Veteran Affairs Secretary Jesse Brown for abolishing, as he put it, "A rank based dining room."

I ask unanimous consent that the text of the bill be entered into the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Government Officer Benefit Limitation Act of 1993".

SEC. 2. PROHIBITION OF PERSONAL OR POLITICAL USE OF UNITED STATES GOVERNMENT AIRCRAFT.

(a) IN GENERAL.—(1) Notwithstanding any other provision of law, no aircraft which is owned or leased by the United States Government (including military aircraft) may be used for—

(A) any personal, political, or authorized special use travel; or

(B) any official travel which is mixed with personal or political activities.

(2) For purposes of this section the term "authorized special use" means use of a Government aircraft for the travel of an executive agency officer or employee, where the use of the Government aircraft is required because of bona fide communications or security needs of the agency or exceptional scheduling requirements.

(b) EXCEPTIONS.—Subsection (a) shall not apply to use of aircraft by—

(1) the President or his immediate family (subject to reimbursement as provided under law);

(2) the Vice President or his immediate family if the full costs, including the costs of operating and maintaining such aircraft, for such travel are reimbursed to the United States Government; or

(3) civilian personnel and their dependents in remote locations for space available travel as authorized under section 4744 of title 10, United States Code.

(c) CERTAIN POLITICAL TRAVEL.—Notwithstanding any other provision of law or regulation, the reimbursement for political travel on Government aircraft during a Presidential election campaign shall be the commercial equivalent rate for applicable charter aircraft for such travel.

(d) REPORTS ON USE.—(1) Each executive agency which maintains or uses Government owned or leased aircraft (including military aircraft) shall—

(A) require each traveler, except immediate family members and the spouse of such a traveler who is a Federal officer or employee, to certify that any travel on such aircraft is necessary for official purposes; and

(B) beginning on April 15, 1993, and on the fifteenth day of every third month thereafter, submit a report to the Administrator of the General Services Administration with regard to the preceding 3-month period that—

(i) certifies that the use of such aircraft complied with Office of Management and Budget Circular A-126 as modified by the provisions of this Act; and

(ii) identifies each traveler on such aircraft.

(2) After the receipt of each report, the Administrator shall review each certification to ensure that the use of such aircraft complied with Office of Management and Budget Circular A-126 as modified. The Administrator shall make the information in any such report available to the public.

(e) LEGISLATIVE AGENCIES.—Each agency in the legislative branch of the Government (including each office and committee of the Congress) shall submit reports comparable to the reports submitted under subsection (c), with the appropriate administrative office of such agency. The reports submitted under this subsection shall be made available to the public for inspection.

SEC. 3. GOLF COURSES.

(a) LIMITATION.—No funds appropriated or otherwise made available to any agency may be expended to equip, operate, or maintain any golf course owned or operated by an agency. Any such golf course shall be operated by concessionaire contract and open to use by the general public.

(b) EXCEPTION.—Subsection (a) shall not apply to—

(1) any golf course located in a remote or isolated area or those for the use of patients or residents at Veterans' Administration Hospitals, United States Soldiers' and Airmen's Home, or the National Institutes of Health; or

(2) funds made available from gift funds or representation funds for activities authorized under law.

(c) USE OF FUNDS.—No more than 10 percent of the gross revenues generated from the operations of any golf course to which subsection (a) applies may be retained by the contracting military base to support morale, welfare or recreational purposes of the personnel at such base. The Secretary of Defense shall submit annual reports to the Congress which identify in detail how the funds retained have been expended. The Secretary of Defense is authorized to subsidize the golf fees for active and retired enlisted personnel utilizing such contracted courses and give priority access for military personnel.

(d) EFFECTIVE DATE.—The provisions of this section shall take effect no later than June 1, 1993.

SEC. 4. EXECUTIVE DINING FACILITIES.

No funds appropriated or otherwise made available to any executive agency may be expended to subsidize the costs to equip, operate, or maintain dining rooms or kitchen facilities for the exclusive use of senior Government officers or to purchase or prepare food for consumption by such officers. This section shall not apply to dining rooms, facilities, or food for—

(1) the exclusive use or consumption of the President of the United States or his immediate family; or

(2) used to carry out the official representational functions of the President or for those official activities conducted by executive branch departments or agencies for which representation funds have been authorized and appropriated.

SEC. 5. LUXURY VEHICLES FOR TRANSPORTING GOVERNMENT OFFICERS.

(a) LUXURY VEHICLES.—No funds appropriated or otherwise made available to any agency or the Congress may be expended to acquire, through lease or purchase, luxury vehicles for the purpose of transporting senior Government officers, except for—

(1) a Government officer as authorized under section 1344 of title 31, United States Code;

(2) a Government officer who holds the office of Assistant Secretary or higher;

(3) the head of any executive agency and the second highest ranking officer in such agency;

(4) officials commissioned by the President or paid at a rate of pay equal to or greater than the rate payable for level IV of the Executive Schedule in the Executive Office of the President; or

(5) Members of Congress serving in leadership positions (including any former President pro tempore of the Senate) or elected or appointed officers of the Congress.

(b) DRIVERS.—(1) Subject to paragraph (2), no funds appropriated or otherwise made available to any agency may be expended to employ drivers for the exclusive use of transporting senior Government officers, except the officers described under subsection (a) (1) through (5).

(2) The provisions of this subsection shall not be construed to prohibit the expenditure of funds to employ drivers of multipassenger vehicles, such as vans or buses, which are not luxury vehicles.

(c) PURCHASE OR LEASE OF LUXURY VEHICLES.—The General Services Administration, in consultation with the Office of Management and Budget shall prescribe regulations and uniform guidelines for all executive agencies for the purchase or lease of luxury vehicles for or by the United States Government, that shall ensure the least cost to the United States Government. On October 1, 1993, and on October 1 of each year thereafter, the General Services Administration shall submit a report to the Congress on—

(1) executive agency compliance with such regulations;

(2) the number of all vehicles purchased or leased by each executive agency;

(3) the costs of executive agency vehicle purchases or leases;

(4) the type of each such executive agency vehicle and the purpose for which it is used; and

(5) the identification of executive agency Federal officers and employees who used such vehicles.

(d) LEGISLATIVE AGENCIES.—Each agency in the legislative branch of the Government (including each office and committee of the Congress) shall submit reports comparable to reports submitted under subsection (c) with the appropriate administrative offices of such agency.

(e) DEFINITION.—For purposes of this section the term "luxury vehicle" means a vehicle that is—

(1) a class IV or V sedan (as classified under section 101–38.101–1 of title 41 of the Code of Federal Regulations as in effect on the date of the enactment of this Act) or other large sedan-type vehicle with above standard features; and

(2) owned or leased by the United States Government.

(f) EXCEPTION.—The provisions of this section shall not apply with regard to emergency vehicles or vehicles equipped for law enforcement purposes.

(g) REGULATIONS.—The Administrator of General Services shall issue regulations subject to the approval of the Office of Management and Budget, to implement the provisions of this section for executive agencies.

SEC. 6. PHYSICAL FITNESS FACILITIES.

(a) COSTS AND FEES.—Subject to the provisions of subsection (c), no appropriated funds made available to any executive or legislative agency (including any office or committee of the Congress) shall be expended for the costs of membership or other fees for the use of physical fitness facilities, including exercise equipment and classes.

(b) ADMINISTRATIVE LEAVE.—No executive or legislative agency (including any office or committee of the Congress) may grant administrative leave to an employee for the purpose of physical fitness activities, except with regard to an employee described under subsection (c).

(c) EXCEPTION.—(1) The provisions of subsections (a) and (b) shall not apply to any agency with regard to—

(A) employees in positions which require such employees to meet physical fitness standards as a condition of employment; or

(B) benefits provided to employees under a collective bargaining agreement.

(2) Funds for purposes described under subsection (a), may be expended only for the costs of maintaining the physical fitness of such employees.

(d) DEFINITION.—For purposes of this section the term "physical fitness facility" means any facility used for physical exercise that provides equipment and services for such use in addition to lockers and showers.

SEC. 7. MEDICAL SERVICES.

(a) LIMITATION.—No funds appropriated or otherwise made available to an executive or legislative agency may be used for the provision of medical services provided by the Public Health Service, the employing agency, any other Federal agency or other medical service provider to a Government officer or employee.

(b) EXCEPTION.—Subsection (a) shall not apply to medical services—

(1) provided by agencies to Government officers or employees in cases of emergency;

(2) determined by the head of an agency to be in the best interest of the agency such as occupational health and safety programs, preventive health care, or environmental safety programs;

(3) provided to uniformed military personnel and military retirees under law;

(4) including medical and dental care provided under section 1074 of title 10, United States Code, and regulations issued pursuant thereto;

(5) agency contributions for employee health plans under chapter 89 of title 5, United States Code, or any other provision of law; or

(6) services required under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(c) REGULATIONS.—The Secretary of Health and Human Services and the Department of Defense, in consultation with the Office of Personnel Management, shall issue regulations for executive agencies that provide additional guidance including uniform fee schedules, as appropriate, to implement this section.

SEC. 8. SOUVENIRS.

(a) LIMITATION.—No funds appropriated or otherwise made available to any executive or legislative agency or Congress may be used for the purchase or distribution of souvenirs.

(b) EXCEPTION.—Subsection (a) shall not apply to those tokens or mementos authorized—

(1) in guidelines to be issued by the Director of the Office of Management and Budget prepared in consultation with the Comptroller General of the United States; or

(2) by law or resolution of the Congress.

SEC. 9. REDUCTION OF NONCAREER SENIOR EXECUTIVE SERVICE POSITIONS AND SCHEDULE C POSITIONS.

(a) LIMITATIONS.—The total number of Senior Executive Service positions in all executive agencies filled by noncareer appointees and the total number of positions in all executive agencies of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations, shall each be reduced—

(1) on no later than October 1, 1993, by 5 percent of the respective total numbers of such positions as existed on September 30, 1991;

(2) on no later than October 1, 1994, by an additional 5 percent of the respective total numbers of such positions as existed on September 30, 1991; and

(3) on no later than October 1, 1995, and thereafter, by an additional 5 percent of the respective total numbers of such positions as existed on September 30, 1991.

(b) CONFORMING AMENDMENTS.—(1) Section 3133 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) This section is subject to the limitations of section 9 of the Senior Government Officer Benefit Limitation Act of 1993.".

(2) Section 3134 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) This section is subject to the limitations of section 9 of the Senior Government Officer Benefit Limitation Act of 1993. The provisions of this subsection shall apply notwithstanding any other provision of this section. In the administration of this section, the percentages referred to in subsections (b), (c), (d), and (e) (relating to authority to employ certain appointees) shall each be reduced as necessary to carry out the provisions of this subsection.".

SEC. 10. DEFINITIONS.

For purposes of this Act the term—

(1) "executive agency" means an Executive agency as such term is defined under section 105 of title 5, United States Code (except for the General Accounting Office) and includes the Executive Office of the President; and

(2) "senior Government officer" means any person—

(A) employed at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5, United States Code;

(B) employed in a position in an executive agency, including any independent agency, at a rate of pay payable for level I of the Executive Schedule or employed in the Executive Office of the President at a rate of pay payable for level II of the Executive Schedule;

(C) employed in an executive agency in a position that is not referred to under paragraph (1) (other than a position that is subject to pay adjustment under section 1009 of title 37, United States Code) and for which the basic rate of pay, exclusive of any locality-based pay adjustment under section 5304 of title 5, United States Code (or any comparable adjustment pursuant to interim authority of the President), is equal to or greater than the rate of basic pay payable for level V of the Executive Schedule;

(D) appointed by the President to a position under section 105(a)(2) (A) or (B) of title 3, United States Code, or by the Vice President to a position under section 106(a)(1) (A) or (B) of title 3, United States Code; or

(E) who is a Member of Congress, or an elected or appointed officer of the Congress.

SEC. 11. REPORT.

(a) IN GENERAL.—No later than September 30, 1994, and on September 30 of each year thereafter the Office of Management and Budget shall submit a report to the Congress on the compliance of the executive branch of Government with the provisions of this Act.

(b) SENIOR POSITION REDUCTIONS.—No later than September 30, 1993, and again on September 30, 1994, the Office of Management and Budget shall submit a report to the Congress on the compliance of the executive branch of Government with the provisions of section 8 of this Act.

SEC. 12. GIFT FUNDS.

In the administration of sections 3, 4, 5 and 8, restrictions on expenditures shall not be deemed to apply to gift funds that an agency is otherwise authorized to collect under law.

SEC. 13. REGULATIONS.

Except as otherwise provided by this Act, regulations implementing the provisions of this Act shall be promulgated—

(1) by the President, or his designee, with regard to each executive agency; and

(2)(A) by the Majority Leader and Minority Leader of the Senate, or their designee, with regard to each office and committee of the Senate;

(B) by the Speaker of the House of Representatives, or his designee, with regard to each office and committee of the House of Representatives; and

(C) by the Majority Leader and Minority Leader of the Senate and the Speaker of the House of Representatives, or their designee, with regard to any joint committee of the Congress, or any agency of the legislative branch of Government.

SEC. 14. NONAPPLICABILITY.

The provisions of this Act shall not apply to the judicial branch of the Government.

SEC. 15. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this Act shall be effective on and after October 1, 1993.

(b) EXCEPTION.—The President, the Office of Management and Budget, and the Office of Personnel Management shall take such necessary actions on and after the date of the enactment of this Act to carry out the provisions of sections 9(a) and 11(b) of this Act.•

By Mr. REID (for himself, Mr. BRYAN, Mr. INOUYE, Mr. STEVENS, and Mr. BUMPERS):

S. 235. A bill to limit State taxation of certain pension income, and for other purposes; to the Committee on Finance.

THE SOURCE TAX ELIMINATION ACT OF 1993

• Mr. REID. Mr. President, today I and my colleague Senator BRYAN are reintroducing legislation that was passed twice in this body last year. It is legislation in which all Members of Congress have a stake—a matter in which all Americans have a stake.

The bill we are reintroducing will eliminate a State's ability to tax a nonresident's pension income. As the situation exists today, retirees in every State may be forced to pay taxes to States where they do not reside. The retirees pay taxes on pensions drawn in the States where they spent their working years, despite the fact that they are no longer present to participate in the programs which their taxes are funding. They do not participate in medical assistance programs, senior centers, nor do they use the roads or public parks that these taxes are helping to fund. Most important of all, they don't even get to vote in their former State of residence—yet they still pay taxes to these States. It has been said many times, and I would agree—this is taxation without representation.

I would like to relate to my colleagues an example illustrating the inequity of the practice of source taxing pension incomes on nonresidents. The story I tell is what happened to a Nevada citizen, but it could be happening in any State.

An older woman who lives in Fallon, NV, has an annual income of between $12,000 and $13,000 a year. She is not rich, but she is surviving. One day the mail carrier delivers a notice from California that says she owes taxes on her pension income from California, plus the penalties and interest on those taxes. She cannot believe it, but being an honest person, she tells California that she has never paid these taxes in the past and asks why she is being assessed at this time. Mr. President, to make a long story short, the California Franchise Tax Board went back to 1978 and calculated her tax debt to be about $6,000. Mr. President, this woman's income is only $12,000 per year.

Mr. President, most citizens pay their taxes honestly and without too much complaining, but when they are taxed by a State where they do not reside, they begin to get upset with the system. I would like to pass on another case that illustrates the problem.

In 1971 a Washington State resident went to work at a Federal penitentiary on McNeil Island, WA. In the late 1970's the Bureau of Prisons began closing the facility and reducing the staff. That left this man with two choices. He could resign and give up 9 years toward retirement or transfer to a Federal center in San Diego. He chose the latter and went to work in California for the Bureau of Prisons.

When this gentleman retires he plans on returning to the State of Washington where he still owns a home. He wants to be near his children and grandchildren, as they still reside in Washington.

The State of Washington has no State income tax, however this man learned that he will be subject to California's source tax on his pension income when he returns to Washington. This man was prodded by the system to move to California because the Federal Government closed down the prison where he worked. In order to maintain his income and continue building his pension—he moved, always intending to move back to Washington. Needless to say, he is angry. Let me read to you an excerpt from his letter to me. I quote:

> The so-called source tax appears to be grossly illegal and contrary to the rights guaranteed by our constitution. That being the case, I am amazed that our Congress does not take immediate action to abolish such totally illegal state levies. I am sure you understand that people employed by the federal government could serve in numerous states throughout their careers before retiring to their home states. It is absolutely ridiculous, insidious and downright illegal for those states to levy an income tax against a nonresident. It is mind-boggling that a federal retiree (or any other retiree) living in a state that has no income tax could be paying income tax to as many as 13 other states.

He continues:

> * * * (Couple this tax) with the ridiculously high cost of medical care, hospitalization and other fast-rising consumer costs, and it should be quite evident that people will not be able to survive on retirement incomes.

Mr. President, this issue was brought to my attention several years ago by a Nevadan named Bill Hoffman. He told me about the cases above and many others. Bill informed me that retirees were being harassed by their former States because of this tax, commonly called a source tax. In fact, he had heard so many complaints that eventually he and his wife, Joanne, began organizing the people that were effected. Eventually, they formed a group known as Retirees to Eliminate State Income Source Tax [RESIST].

RESIST was founded in July 1988 in Carson City, NV. In the less than 4 years since its beginning, RESIST membership has grown to tens of thousands of members. It includes members in every State of the Union. It is truly a nonprofit, grass roots organization. It operates entirely through the work of volunteers—no members are salaried.

The credibility of this group has convinced other long-established organizations, such as the National Association of Retired Federal Employees [NARFE], the National Association for Uniformed Services with 60,000 members, and the Fund for Assuring an Independent Retirement [FAIR] to make a commitment to the prohibition of the source tax on pension income.

In the beginning, this issue affected mostly retired Government employees because of easy access to their records. However, as economic times become tougher and State budgets are straining for revenues, the source tax is becoming an ever more popular revenue. As an example, I have copies of letters from Ford and Rockwell that were sent to their retired employees telling them that they must report tax liabilities in those States that collect the source tax. Other companies are following suit. As a result the American Payroll Association has recently joined the coalition that wants to prohibit this tax.

The American Payroll Association represents almost 9,000 payroll professionals. Payroll professionals are responsible for issuing approximately 4 billion paychecks a year to the over 100 million people in the U.S. work force. Let me tell you what they have to say about the source tax. I quote:

> In instances where an employee has worked in several states during his or her career, employers will not have adequate records to identify the earnings or years an employee was employed in a particular state. Without this information it will be impossible to determine an equitable calculation of the portion of pension that would be taxable in a particular state. Any attempt at developing the ability to determine this through computer systems would be cripplingly expensive.

We are all aware of the increased mobility that Americans have come to know. Many people today plan to retire in places other than the area they work. The recent growth of Nevada is ample evidence of this. There are many reasons for it. People might want to live in a warmer climate. Or, possibly their families have move and they want to join them. Whatever the reason, they spend their working years savings enough to be able to move to their chosen area. You can imagine their shock and then dismay when they receive a notification that back taxes, along with interest and penalties, are owed to their old State of residence. The shock is from a tax for which they receive no services and no representation. The dismay from the inability to pay a sometimes enormous tax debt when one lives on a fixed income.

To prohibit this unethical practice, we are reintroducing this legislation which prohibits States from taxing pensions or retirement income of nonresidents, taking into consideration the way the State defines a resident. Last year, during the Senate consideration of H.R. 4210, the comprehensive tax bill passed by Congress and subsequently vetoed by the President, I offered an amendment similar to this legislation. At that time there was concern that my amendment would open up loopholes for the very wealthy to avoid paying State income taxes. Mr. President, that was never my intention. Since that time, I have worked hard to address the concerns of some of my colleagues. This legislation would preclude a State from taxing pension income of a nonresident if that pension income is in one of the plans listed in the bill as defined by the tax code.

State budgets are experiencing economic hard times. It seems like every week I read or hear of another State that is either laying off State employees or increasing taxes, or both. It won't take long for States to realize that taxing someone from another State is an easy way to increase revenues without paying the political price. In other words, unless this legislation is passed, you can be sure that more and more States will begin to impose this unfair tax for which no one is held accountable.

In conclusion, there is no cost to the Federal Government to prohibit the practice of source taxing the pension income of nonresidents, and I urge my colleagues to cosponsor this bill. Joining Senator BRYAN and myself as original cosponsors on this legislation are Senator INOUYE and Senator STEVENS.•

• Mr. BRYAN. Mr. President, I am pleased to join my colleagues from Nevada once again in introducing legislation to eliminate the unfair situation which faces many unsuspecting retirees across the country—the so-called source taxation of retirement benefits.

As Senator REID has pointed out, the onerous source taxation affects retirees who choose to move to another State after their retirement. These unsuspecting retirees establish their new residences, assuming that they have left all ties and obligations to their former States behind. Unfortunately, this is often not the case.

In a growing number of States, revenue desperate tax collectors are crossing States lines and harassing retirees who have moved away in an attempt to collect State income taxes on former residents. Often, these collection attempts come years after the retiree has moved to a new State, and the resulting bills for taxes, interest, and penalties can be astronomical.

As you can imagine, the retirees faces with this unfair practice are both shocked and angry. They are not allowed to enjoy any of the services provided by their former State, but they must foot the bill for the services provided to others. They are not allowed the right to case a vote to influence how State funds are spent, but they are being forced to help fill the State treasury.

I was outraged by this practice while I was Governor, and my outrage has not lessened since I joined the Senate. In the 4 years since I became Senator, I have joined Senator REID and the rest of the Nevada Congressional Delegation in working to provide retirees across the country with relief from this unfair taxation.

I was extremely pleased and hopeful last year when it finally appeared that we were beginning to make some progress. By a vote of 62 to 36, we were successful in attaching our legislation to the urban aid bill by the Senate last March. Unfortunately, the source tax provision did not survive the conference committee, and the urban aid bill was eventually vetoed by President Bush. A similar scenario played out last fall, leaving us with no other vehicles to pass this important legislation.

It is time to put this issue to rest. Retirees across the Nation have earned the right to enjoy their retirement years without living in fear of the tax collectors of their former States.

I urge other Senators to cosponsor this important legislation, and am hopeful that we will send this bill to President Clinton early in the 103d Congress.•

By Mr. MCCAIN:

S. 236. A bill to increase Federal payments to units of general local government for entitlement lands, and for other purposes; to the Committee on Energy and Natural Resources.

PAYMENT IN LIEU OF TAXES

• Mr. MCCAIN. Mr. President, I rise today to introduce a measure which would increase the authorization for the Payments-in-Lieu-of-Taxes Program.

My colleagues may remember this bill was introduced last year by Senator Wirth of Colorado. I was proud to be a cosponsor of that measure. This year, in his absence, I am proud to reintroduce this legislation.

This measure has three very simple provisions. First, it would increase the amount paid per acre to the local governments from 75 cents per acre to $1.65 per acre. This amount has not been increased since the program began in 1976. Because of inflation, payments are now worth less than half of what they were when the program was originally enacted. Second, it would index PILT payments for inflation to ensure that future payments keep with the rate of inflation. Finally, it exempts land conveyed to the United States through exchanges.

In my home State of Arizona nearly 85 percent of our lands are held by the Federal Government. This has an extremely adverse effect on many of the counties in my State which rely upon property taxes for revenue. It also has a dampening effect on economic growth and development. This is not a problem which only affects Arizona. Many of the Western States have counties which are caught in the same bind.

Counties are constantly faced with increasing Federal mandates that are often costly and cumbersome. It is simply unfair to continually increase these mandates and their costs when counties are left with no manner in which to increase revenue.

I understand that some of my colleagues may have concerns about the cost of this measure of the Federal Government. Please be assured that I understand these concerns and that I am willing to work with my colleagues to address them.

Mr. President, I urge the Senate to carefully consider and pass this important legislation. I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN PAYMENTS FOR ENTITLEMENT LANDS.

(a) INCREASE BASED ON CONSUMER PRICE INDEX.—Section 6903(b)(1) of title 31, United States Code, is amended—

(1) in subparagraph (A), by striking "75 cents for each acre of entitlement land" and inserting "$1.65 for each acre of entitlement land"; and

(2) in subparagraph (B), by striking "10 cents for each acre of entitlement land" and inserting "22 cents for each acre of entitlement land".

(b) INCREASE IN POPULATION CAP.—Section 6903(c) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking "$50 times the population" and inserting "$110 times the population"; and

(2) by amending the table at the end to read as follows:

"If population equals—	the limitation is equal to the population times—
5,000	110.00
6,000	103.00
7,000	97.00
8,000	90.00
9,000	84.00
10,000	77.00
11,000	75.00
12,000	73.00
13,000	70.00
14,000	68.00
15,000	66.00
16,000	65.00
17,000	64.00
18,000	63.00
19,000	62.00
20,000	61.00
21,000	60.00
22,000	59.00
23,000	59.00
24,000	58.00
25,000	57.00
26,000	56.00
27,000	56.00
28,000	56.00
29,000	55.00
30,000	55.00
31,000	54.00
32,000	54.00
33,000	53.00
34,000	53.00
35,000	52.00
36,000	52.00
37,000	51.00
38,000	51.00
39,000	50.00
40,000	50.00
41,000	49.00
42,000	48.00
43,000	48.00
44,000	47.00
45,000	47.00
46,000	46.00
47,000	46.00
48,000	45.00
49,000	45.00
50,000	44.00".

SEC. 2. INDEXING OF PILT PAYMENTS FOR INFLATION.

Section 6903 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(d) The Secretary of the Interior shall, on October 1, 1993, and each October 1 thereafter, adjust each dollar amount specified in subsections (b) and (c) to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor, for the 12 months ending the preceding June 30.".

SEC. 3. LAND EXCHANGES.

Section 6902(b) of title 31, United States Code, is amended by striking "acquisition." and inserting "acquisition, and does not apply to payments for lands conveyed to the United States in exchange for Federal lands.".●

By Mr. PRESSLER:

S. 237. A bill to create the National Network Security Board as an independent government agency, located within the Federal Communications Commission, to promote telecommunications network security and reliability by conducting independent network outage investigations and by formulating security improvement recommendations; to the Committee on Commerce, Science, and Transportation.

NATIONAL NETWORK SECURITY BOARD ACT OF 1993

S. 238. A bill to require the Federal Communications Commission to report annually to Congress regarding the security reliability of the Nation's telecommunications network; to the Committee on Commerce, Science, and Transportation.

NATIONAL NETWORK SECURITY AND RELIABILITY REPORTING ACT OF 1993

Mr. PRESSLER. Mr. President, today I am introducing two bills to improve the security and reliability of our Nation's telecommunications network. First, the National Network Security Board Act establishes an independent agency within the Federal Communications Commission [FCC] to conduct telecommunications network outage investigations and formulate specific telephone security improvement recommendations. Second, the National Network Security and Reliability Reporting Act directs the FCC to conduct a comprehensive study of the network's vulnerability to outages and to report annually to Congress on how network security and reliability can be improved.

My first proposal essentially is identical to a bill I introduced last year, S. 2168. The bill was in response to a number of widely publicized network outages that severely disrupted telephone service for millions of Americans. It is based on a proposal made by FCC Commissioner, Ervin Duggan, who suggested the creation of an investigatory board analogous to the National Transportation Safety Board.

On January 4, 1991, a fiber optic cable inadvertently was cut, resulting in 6 million homes losing long-distance phone service. The outage shut down operations at the New York Mercantile and Commodity Exchanges. Some areas did not regain service until 8 hours later.

On June 26, 1991, three major outages occurred. A SS7 software failure in Baltimore resulted in a telephone outage for 10 million homes in four States. In California, a SS7 failure caused 3 million homes to lose phone service. In South Carolina, another 150,000 homes lost all phone service when a switch failed.

On July 2, 1991, in Pennsylvania, more than 1 million homes lost service as a result of another SS7 software failure.

A power failure in New York City on September 17, 1991, shut down all three New York airports for 6 hours. The disruption of communications between air control towers and airplanes preparing to land placed thousands of passengers in danger, while stranding many others throughout the east coast.

Three days following this system failure, the Federal Aviation Administration released a report detailing 114 serious telecommunications outages that had affected our Nation's air traffic system during the previous year.

Three days later a fiber optic cable was cut in Miami, FL, causing Miami International Airport to be shut down for many hours—again threatening the safety of passengers.

These numerous telecommunications disasters affected the safety and financial security of millions of Americans. Yet, at that time, there were no requirements that communications common carriers even notify Government officials when such outages occur. Fortunately, that has changed. The FCC now requires common carriers to alert the FCC within 90 minutes of a service disruption that affects 50,000 or more potential customers for 30 minutes or more. However, there is still no Federal agency charged with the responsibility for investigating network crashes and making recommendations to prevent future outages.

In the past year, we have been extremely fortunate. The succession of telecommunications disasters in 1991 has not been repeated. This is not due to any significant improvement in network security or reliability. We have been merely lucky.

We must not let our good fortune lull us into complacency. A reliable telecommunications network with adequate default, redundancy, and recovery mechanisms is absolutely vital to our economy, safety, and security. We should act before the next telecommunications disaster shuts down financial markets, closes airports, or disables entire communities.

We can act responsibly by passing the National Network Security Board, which would achieve three important public policy purposes.

First, the National Network Security Board would provide vigorous and swift investigation of network outages involving telecommunications networks. This would provide a permanent and comprehensive record of the causes of network outages.

Second, this Board would oversee a continual review, appraisal, and assessment of the operating practices and regulations of all Federal agencies regulating telecommunications networks. This continual assessment would allow the Board to formulate security improvement recommendations and help prevent network outages from occurring in the future.

Because the National Network Security Board quite likely would make conclusions and recommendations that may be unfavorable to other Federal agencies, the Board would be an independent Federal agency. This would help accomplish the third objective: To reassure a public that is uncertain who is monitoring our Nation's telephone network.

As I mentioned earlier, this Board is patterned closely along the lines of the National Transportation Safety Board, which conducts independent investigations of transportation accidents. There are striking similarities between telecommunications outages and transportation accidents: Both place the public in danger, both disrupt our economy, and both can lead to future accidents unless responsible changes occur.

Obviously, network outages do not injure people to the degree of an airline crash or train derailment, but when aircraft lose communications with their control tower and millions of people lose 911 emergency service, a real public safety danger is created.

The National Network Security Board would consist of five members appointed by the President with the advice and consent of the Senate. Three members of this Board would be individuals appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in the fields of communications network management, telecommunications network engineering, or communications common carrier regulation.

Mr. President, without the creation of a National Network Security Board, our telecommunications network will remain vulnerable. Congress has two choices. We can ignore the problem and belatedly act when the next serious network outage occurs, or we can take responsible action now to prevent future outages.

I recognize that creating a new agency or even expanding an existing agency's responsibilities is difficult and unpopular in these times of massive budget deficits. Also, as the 1991 telecommunications disasters fade from memory, this legislation may not receive the attention it deserves until there is another major network crash.

Therefore, in the meantime, Congress at the very least should ensure that the FCC focus its available resources on the problem of network outages. Although the FCC has investigated outages on a case-by-case basis, it never has been required to systematically study the network's vulnerability to severe outages. The other bill I am introducing today, the National Network Security and Reliability Reporting Act, does just that.

My bill directs the FCC to conduct a comprehensive state of the network study. Specifically, the study should identify the network's vulnerabilities to outages and evaluate default, redundancy, and recovery mechanisms that are necessary to maintain and to restore service. The FCC would report its results and make recommendations for needed action to Congress within 1 year of enactment and annually thereafter.

This legislation builds on the work the FCC already has begun with its Federal advisory committee, the National Reliability Council. Made up of representatives from local- and long-distance carriers, telecommunications equipment providers, users and software manufacturers, standards setting bodies and State regulators, the Council is a forum for sharing technical information about network reliability issues. Unfortunately, the Council is currently scheduled to disband by mid-year.

The FCC, the telecommunications industry, and the public need ongoing expert advice from a panel like the National Reliability Council. Rather than establish an advisory committee by statute, however, the proposed legislation directs the FCC to base its annual report to Congress on information provided by major communications common carriers and their equipment and software suppliers. This gives the FCC the flexibility to adapt its advisory group as the dynamic and rapidly changing telecommunications industry evolves.

Mr. President, our telecommunications network continues to be vulnerable to disruption caused by technical failures, accidents or other causes. Congress should not wait until the next disaster occurs before it acts. The National Network Security and Reliability Reporting Act is needed now to give a comprehensive understanding of the state of our network today.

Mr. President, although this is a vital first step, the most effective way to prevent future telecommunications disasters is to adopt the National Network Security Board Act. Congress can opt for a short- or long-term solution to this program, but we and all Americans cannot afford inaction on this matter.

Mr. President, I ask unanimous consent that both bills be printed in the RECORD following my remarks.

There being no objection, the bills were ordered printed in the RECORD, as follows:

S. 237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Network Security Board Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) telecommunications networks constitute an essential infrastructure for the Nation's economy and security;

(2) in the past several years there have been a significant number of severe network outages that each temporarily left millions of United States telephone customers without telephone service;

(3) there has been no comprehensive study of the security of the network or its vulnerability to disruptions caused by technical failure, accident, or sabotage;

(4) self-investigation of network outages is not adequate for ensuring the security of our public switched network;

(5) there is no official mechanism for investigating network crashes and making recommendations for actions to prevent future outages;

(6) telecommunications network outages present a serious public safety danger;

(7) there is a need for an independent government agency, located within the Federal Communications Commission, to promote telecommunications security and reliability by conducting independent network outage investigations and by formulating security improvement recommendations;

(8) the creation of the National Network Security Board will provide vigorous investigation of network outages involving telecommunication networks regulated by other agencies of the Federal government;

(9) the National Network Security Board shall demand continual review, appraisal, and assessment of the operating practices and regulations of all Federal agencies regulating telecommunications networks; and

(10) the National Network Security Board is likely to make conclusions and recommendations that may be critical of or adverse to Federal agencies regulating telecommunications networks; for this reason it is necessary that the Board be separate and independent from any other department, bureau, commission, or agency of the United States.

SEC. 3. CREATION OF THE NATIONAL NETWORK SECURITY BOARD.

(a) ORGANIZATION.—(1) The National Network Security Board (hereafter referred to in this Act as the "Board") shall consist of 5 members, including a Chairman. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate. No more than 3 members of the Board shall be of the same political party. At any given time, no less than 3 members of the Board shall be individuals who have been appointed on the basis of technical qualification, professional standing, and who have demonstrated knowledge in the fields of telecommunications network management, telecommunications network engineering, or communication common carrier regulation.

(2) The terms of office of members of the Board shall be 5 years, except as otherwise provided in this paragraph. Any individual appointed to fill a vacancy occurring on the Board prior to the expiration of the term of office for which his predecessor was appointed shall be appointed for the remainder of that term. Upon the expiration of his term of office, a member shall continue to serve until his successor is appointed and shall have qualified. Any member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(3) On or before January 1, 1994 (and thereafter as required), the President shall—

(A) designate, by and with the advice and consent of the Senate, an individual to serve as the Chairman of the Board; and

(B) an individual to serve as Vice Chairman.

(4) The Chairman and Vice Chairman of the Board each shall serve for a term of 2 years. The Chairman shall be the chief executive and shall be responsible for the administrative functions of the Board with respect to the appointment and supervision of personnel of the Board; the distribution of business among such personnel and among any administrative units of the Board; and the use and expenditure of funds. The Vice Chairman shall act as Chairman in the event of the absence or incapacity of the Chairman or in case of a vacancy in the office of Chairman. The Chairman or acting chairman shall be governed by the general policies established by the Board, including any decisions, findings, determinations, rules, regulations, and formal resolutions.

(5) Three members of the Board shall constitute a quorum for the transaction of any function of the Board.

(6) The Board shall establish and maintain distinct and appropriately staffed bureaus, divisions, or offices to investigate and report on network outages involving each of the following networks: (A) long distance, and (B) local exchange.

(b) GENERAL.—(1) The General Services Administration shall furnish the Board with such offices, equipment, supplies, and services as it is authorized to furnish to any other agency or instrumentality of the United States.

(2) The Board shall have a seal which shall be judicially recognized.

(3) Subject to the civil service and classification laws, the Board is authorized to select, appoint, employ, and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as shall be necessary to carry out its powers and duties under this Act.

SEC. 4. GENERAL PROVISIONS.

(a) DUTIES OF BOARD.—The Board shall—

(1) investigate or cause to be investigated (in such detail as the Board shall prescribe), and determine the facts, conditions, and circumstances and the cause or probable cause or causes of any long distance network outage or local exchange network outage. Any investigation of network outage conducted by the Board shall have priority over all other investigations of such network outage conducted by other Federal agencies. The Board shall provide for the appropriate participation by other Federal agencies in any such investigation, except that such agencies may not participate in the Board's determination of the probable cause of the network outage. Nothing in this section shall be construed as impairing the authority of other Federal agencies to conduct investigation of a network outage under applicable provisions of law or to obtain information directly from parties involved in, and witnesses to, the network outage. The Board and other Federal agencies shall assure that appropriate information obtained or developed in the course of their investigations is exchanged in a timely manner. The Board may request the Chairman of the Federal Communications Commission to make investigations with regard to such network outage and to report to the Board the facts, conditions, and circumstances thereof (except in accidents where misfeasance or nonfeasance by the Federal Government is alleged), and the Chairman of the Commission or his delegates are authorized to make such investigations. Thereafter, the Board, utilizing such reports, shall make its determination of cause or probable cause under this paragraph;

(2) report in writing on the facts, conditions, and circumstances of each network outage investigated pursuant to paragraph (1) of this subsection and cause such reports to be made available, upon request, to the public at reasonable cost;

(3) issue periodic reports to the Congress, Federal, State, and local agencies concerned with telecommunications network security, and other interested persons recommending and advocating meaningful responses to reduce the likelihood of recurrence of network outages similar to those investigated by the Board and proposing corrective steps;

(4) initiate and conduct special studies and special investigations on matters pertaining to telecommunications network security and reliability; and

(5) assess and reassess techniques and methods of network outage investigation and prepare and publish from time to time recommended procedures for network outage investigations.

(b) POWERS OF BOARD.—(1) The Board, or upon the authority of the Board, any member thereof, any administrative law judge employed by or assigned to the Board, or any officer or employee duly designated by the Chairman of the Board, may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or otherwise the attendance and testimony of such witnesses and the production of such evidence as the Board or such officer or employee deems advisable. Subpoenas shall be issued under the signature of the Chairman, or his delegate, and may be served by any person designated by the Chairman. Witnesses summoned to appear before the Board shall be paid the same fees and mileage that are paid witnesses in the United States courts. Such attendance of witnesses and production of evidence may be required from any place in the United States to any designated place of such hearing in the United States.

(2) Any employee of the Board, upon presenting appropriate credentials and a written notice of inspection authority, is authorized to enter any property wherein a network outage has occurred and do all things therein necessary for a proper investigation, including examination or testing of any communications equipment or any part of any such item when such examination or testing is determined to be required for purposes of such investigation. Any examination or testing shall be conducted in such manner so as not to interfere with or obstruct unnecessarily the communication services provided by the owner or operator of such equipment, and shall be conducted in such a manner so as to preserve, to the maximum extent feasible, any evidence relating to the network outage, consistent with the needs of the investigation and with the cooperation of such owner or operator. The employee may inspect, at reasonable times, records, files, papers, processes, controls, and facilities relevant to the investigation of such network outage. Each inspection, examination, or test shall be commenced and completed with reasonable promptness and the results of such inspection, examination, or test made available as provided by the Board. The Board shall have sole authority to determine the manner in which testing will be carried out under this paragraph, including determining the persons who will conduct the test, the type of test which will be conducted, and the persons who will witness the test. Such determinations are committed to the discretion of the Board and shall be made on the basis of the needs of the investigation being conducted by the Board and, where applicable, the provisions of this paragraph.

(3) In case of contumacy or refusal to obey a subpoena, an order, or an inspection notice of the Board, or of any duly designated employee thereof, by any person who resides, is found or transacts business within the jurisdiction of any United States district court, such district court shall, upon the request of the Board, have jurisdiction to issue to such person an order requiring such person to comply forthwith. Failure to obey such an order is punishable by such court as a contempt of court.

(4) The Board is authorized to enter into, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the functions and the duties of the Board under this Act, with any government entity or any person.

(5) The Board is authorized, with the approval of the appropriate Federal agency, to—

(A) use, on a reimbursable basis or otherwise, when appropriate, available services, equipment, personnel, and facilities of the Federal Communications Commission and of any other Federal agencies;

(B) with the approval of the appropriate governmental agency of a State, or political subdivision thereof, confer with employees and use available services, records, and facilities of such governmental agency;

(C) employ experts and consultants in accordance with section 3109 of title 5 of the United States Code;

(D) appoint 1 or more advisory committees composed of qualified private citizens or officials of Federal, State, or local governments as it deems necessary or appropriate, in accordance with the Federal Advisory Committee Act;

(E) accept voluntary and uncompensated services notwithstanding any other provision of law;

(F) accept gifts or donations of money or property (real, personal, mixed, tangible, or intangible);

(G) enter into contracts with public or private nonprofit entities for the conduct of studies related to any of its functions; and

(H) require payment or other appropriate consideration from Federal agencies, State, local, and foreign governments for the reasonable cost of goods and services supplied by the Board and to retain and use such funds received in carrying out the functions of the Board.

(6) Whenever the Board submits or transmits any budget estimate, budget request, supplemental budget estimate, or other budget information, legislative recommendation, prepared testimony for congressional hearings, or comment on legislation to the President or to the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Board to submit its budget requests or estimates, legislative recommendations, prepared testimony for congressional hearings, or comments on legislation to any officer or agency of the United

States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

(7) The Board is authorized to designate representatives to serve or assist on such committees as the Chairman of the Board determines to be necessary or appropriate to maintain effective liaison with other Federal agencies, and, with their approval, with State and local government agencies, and with independent standard-setting bodies carrying out programs and activities related to telecommunications network security.

(8) The Board, or an employee of the Board duly designated by the Chairman, may conduct an inquiry to secure data with respect to any matter pertinent to telecommunications network security upon publication of notice of such inquiry in the Federal Register; and may require, by special or general orders, Federal agencies and persons engaged in activities related to telecommunications network security, and in the case of an agency of a State or political subdivision thereof, to request such agency, to submit written reports and answers to such requests and questions as are propounded with respect to any matter pertinent to any function of the Board. Such reports and answers shall be submitted to the Board or to such employee within such reasonable period of time and in such form as the Board may determine. Copies thereof shall be made available for inspection by the public.

(9) The Board may at any time utilize on a reimbursable basis the services of the Field Operations Bureau of the Federal Communications Commission or any successor organization. The Chairman of the Federal Communications Commission shall make available the services of such Bureau or successor organization—

(A) to the Board for training of employees of the Board in the performance of all of their authorized functions, and

(B) to such other personnel of Federal, State, local, and foreign governments and nongovernmental organizations as the Board may from time to time designate, in consultation with the Chairman of the Federal Communications Commission. Utilization of such training at the Bureau or successor organization by designated non-Federal telecommunications network security personnel shall be at a reasonable fee to be established periodically by the Board in consultation with the Chairman of the Board. Such fee shall be paid directly to the Chairman for the credit of the proper appropriation, subject to the requirements of any annual appropriation, and shall be an offset against any annual reimbursable agreement entered into between the Board and the Chairman of the Federal Communications Commission to cover all reasonable direct and indirect costs incurred for all such training by the Chairman in the administration and operation of the Bureau or successor organization. The Board shall maintain an annual record of all such offsets. In providing such training to Federal employees, the Board shall be subject to chapter 41 of title 5 of the United States Code (relating to training of employees).

SEC. 5. PUBLIC ACCESS TO INFORMATION.

Copies of any communication, document, investigation, other report, or information received or sent by the Board, or any member or employee of the Board, shall be made available to the public upon request, and at reasonable cost. Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552 of title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

SEC. 6. RESPONSE TO BOARD RECOMMENDATIONS.

(a) CHAIRMAN'S DUTY TO RESPOND; CONTENTS OF RESPONSE; PUBLICATION; PUBLIC AVAILABILITY OF COPIES.—

(1) Whenever the Board submits a recommendation regarding network outages to the Chairman of the Federal Communications Commission, he shall respond to each such recommendation formally and in writing not later than 90 days after receipt thereof. The response to the Board by the Chairman shall indicate his intention to—

(A) initiate and conduct procedures for adopting such recommendation in full, pursuant to a proposed timetable, a copy of which shall be included;

(B) initiate and conduct procedures for adopting such recommendation in part, pursuant to a proposed timetable, a copy of which shall be included. Such response shall set forth in detail the reasons for the refusal to proceed as to the remainder of such recommendation; or

(C) refuse to initiate or conduct procedures for adopting such recommendation. Such response shall set forth in detail the reasons for such refusal.

(2) The Board shall make copies of each such recommendation and response thereto available, upon request, to the public at reasonable cost.

(b) ANNUAL REPORT TO CONGRESS.—The Chairman shall submit a report to the Congress on January 1 of each year setting forth all the Board's recommendations to the Chairman during the preceding year regarding telecommunications network security and a copy of the Chairman's response to each such recommendation.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

For fiscal year 1994, and each of the next following 3 fiscal years, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but in no event to exceed $10,000,000 in any 1 fiscal year.

S. 238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telecommunications Network Security and Reliability Reporting Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) telecommunications networks constitute an essential infrastructure for the Nation's economy and security;

(2) in the past several years there have been a significant number of severe network outages that temporarily left millions of United States telephone customers without telephone service;

(3) there has been no requirement for systematic study of the security of the network or its vulnerability to disruptions caused by technical failure, accident, or other causes; and

(4) there is a need for the Federal Communications Commission to monitor network outages on a systematic and ongoing basis; to assess the adequacy of default, redundancy, and recovery mechanisms; and to recommend measures to prevent future outages.

SEC. 3. STUDY OF NETWORK SECURITY AND RELIABILITY.

The Federal Communications Commission shall conduct a comprehensive study of the security and reliability of the Nation's telecommunications network to identify the sources of the network's vulnerability to outages and to determine what default, redundancy and recovery mechanisms are necessary to maintain and restore service.

SEC. 4. REPORT TO CONGRESS.

The Federal Communications Commission shall report to Congress within 12 months after the date of enactment of this Act the results of the study conducted pursuant to section 3. Such report shall include an analysis of information, regarding telephone service reliability and network outages, provided by major communications common carriers and their telecommunications equipment and software suppliers and manufacturers, and the recommendations of the Federal Communications Commission as to the actions which it determines necessary to ensure the security and reliability of the network.

SEC. 5. ANNUAL REPORT.

Commencing with the 12-month period following the date of the submission of the report pursuant to section 4, and each 12-month period thereafter, the Federal Communications Commission shall report to Congress regarding the security and reliability of the Nation's telecommunications network.

By Mr. BUMPERS:

S. 240. A bill to accelerate implementation of loan forgiveness incentives for student borrowers who perform certain full-time, low-paid national community service; to the Committee on Labor and Human Resources.

NATIONAL SERVICE IMPLEMENTATION ACT OF 1993

• Mr. BUMPERS. Mr. President, I rise to introduce legislation, the National Service Implementation Act of 1993, to implement part of President Clinton's national service plan.

The legislation would amend the 1992 amendments to the Higher Education Act to accelerate implementation the new loan cancellation incentive for student borrowers who perform full-time, low-paid community service.

ENACTMENT OF LOAN CANCELLATION AMENDMENTS

During the campaign President Clinton often talked about cancellation of student loans for those who perform community service. This is a pledge he can implement immediately with enactment of this legislation.

President Clinton talked also about creating a national service trust which would increase the college loans available to students who perform community service. I would be happy to work on this ambitious proposal, but we need to recognize that it will be expensive and perhaps controversial to increase the funds available for college loans, especially if the loans are to be available without reference to the borrower's financial need. Funds to establish a national service trust can be generated if we can settle on a way to avoid the large overhead costs of using banks to guarantee loans. I look forward to the terms of President Clinton's national service plan and to debating the issues raised by his plan during this first session of the 103d Congress.

In the meantime we don't have to wait to implement the other half of President Clinton's proposal—cancellation of student loans for those who perform community service.

There is nothing inconsistent between canceling the loans of students who perform community service after they attend college and providing vouchers for college tuition to those who perform service before they attend college.

It will be easy to implement the loan cancellation pledge because of the groundwork I have laid with the 1992 Higher Education Act Amendments. Few noticed during the campaign that these amendments include a new and exciting generic loan cancellation incentive for full-time, low-paid community service. I am proud to be the sponsor of this new incentive, which I have been championing for about 5 years.

The timing couldn't be better as this new cancellation program is just sitting there waiting for someone like President Clinton who can appreciate its power and importance.

This new incentive is the first to permit cancellation of Stafford—that is guaranteed—loans for those who perform full-time, low-paid community service. Since enactment of the 1980 Higher Education Act Amendments we have had loan cancellation programs for Perkins—that is direct—loans for certain types of service. The new Stafford loan cancellation program is important because it applies to Stafford loans and because it is generic, not targeted only to certain types of service.

There are many more student borrowers under the Stafford loan program than under the Perkins program. In fiscal 1991 $9.648 billion in Stafford loans was available and $860 million in Perkins loans. There were 3.513 million students with Stafford loans and 688,000 with Perkins loans. The average loan balance for Stafford loans was $2,747 and for Perkins loans was $1,250.

The new, generic Stafford loan cancellation incentive is simple. Student borrowers who work full time for at least a year as a low-paid employee of a nonprofit community service organization can have 15 percent of their Stafford loans canceled for their first year of service. Service with the Peace Corps and VISTA also qualifies. While they serve, student borrowers receive a deferment on repayment of their loans. If they work for a second, third, or fourth year, they qualify for additional cancellation. The cancellation forms and payments are all handled by the Department of Education.

This loan cancellation incentive is the paradigm of a nonbureaucratic, decentralized national and community service program. This program does not involve the Federal Government in recruiting, training, placing, paying or managing the student borrowers. It simply provides a new, exciting and powerful incentive for them to serve. This is an incentive I believe could lead tens of thousands of college graduates to devote a year or more of their lives to community service.

Loan cancellation is an effective incentive for community service because it focuses on the most frequently cited reason that young persons give for not performing community service, their student loan debt burden. It takes away the most often heard excuse for not serving, "I can't afford it."

The legislation I am introducing today would amend the 1992 amendments to the Higher Education Act in five ways:

First, the bill would change the effective date for this generic Stafford loan cancellation program. The effective date for the new loan cancellation program is set in section 428J(b)(1); it applies to "any new borrower after October 1, 1992. * * *" The term "new borrower" is defined in section 432(b) and it "means, with respect to any date, an individual who on that date has no outstanding balance of principal or interest owing on any loan made, insured, or guaranteed under" the law. The legislation amends this effective date for the generic program so that it applies to "any borrower * * *." This will include students who have taken out loans before the bill became law. The effective date needs to be changed so that the generic loan cancellation is available for existing student borrowers, not just to new borrowers.

Second, the bill would expand the loans covered by the generic Stafford cancellation program. As enacted into law the 1992 amendments provide for Stafford loan cancellation only for Stafford loans "incurred by the student borrower during such borrower's last 2 years of undergraduate education * * *." This limitation reduces the effectiveness of the incentive. For the generic program the bill would cover any loans of the borrower.

Third, the bill would provide a progressive rate of cancellation for the generic Stafford loan cancellation program. The 1992 amendments provide for cancellation under the following schedule: 15 percent for first year of service, 15 percent for second year, 20 percent for third year and 30 percent for fourth year. This schedule should be changed to provide a clear incentive for long-term service. The bill provides for loan cancellation under the generic program under the following schedule: 15 percent for first year of service, 20 percent for second year, 25 percent for third year and 30 percent for fourth year.

Fourth, the bill would enact a parallel Perkins loan cancellation incentive. It is ironic that the 1992 amendments enacted a loan cancellation program for Stafford loans but not for Perkins loans. This bill would enact an amendment to the Higher Education Act to establish a similar generic loan cancellation program for Perkins loans with an immediate effective date. This would mean that students who have both Stafford and Perkins loans would not be caught with conflicting standards. And it would make the whole program more attractive for student borrowers. The terms for cancellation of Perkins loans would be the same as for the Stafford loan cancellation program.

Fifth and finally, the bill would make the generic Stafford loan cancellation program an entitlement. The 1992 amendments require it to be funded with annual appropriations.

I have made a request to the Congressional Budget Office to determine how much these amendments to the generic loan cancellation program would cost. I understand that it is not expensive.

In addition to securing enactment of these modest changes in the 1992 amendments loan cancellation incentive, President Clinton can immediately ensure that the Department of Education fully implements the loan cancellation program and publicize the existence of the incentive.

President Clinton should direct his Secretary of Education to issue regulations that fully and fairly implement the loan cancellation incentives. Over the past 12 years the Department of Education has systematically sabotaged the existing generic loan deferment. I sent a detailed letter to Secretary of Education Alexander on December 7, 1992, outlining critical issues to be addressed in the regulations to implement the 1992 Higher Education Act Amendments.

Finally, President Clinton should direct the new Education Department Secretary to organize a major program to publicize the Stafford—and then the Perkins—loan cancellation program(s). This publicity program should be coordinated with the Commission on National and Community Service, which might fund a nonprofit organization to coordinate the publicity campaign. This campaign could involve the national associations of college student financial assistant employees, college career placement employees, student body presidents, student newspaper editors, and associations of nonprofit community service organizations. It could focus on informing students of the loan cancellation incentives and of available service opportunities that would qualify for loan cancellation. It could help nonprofit organizations establish service opportunities that would qualify for loan cancellation.

IMMEDIATE ACTION

President Clinton is looking for what he can do immediately to implement his pledge on the national service issue. I have provided here the legislation we can enact immediately to implement his loan cancellation proposal and look forward to working with him on the national service trust.•

By Mr. PRYOR (for himself, Mr. PACKWOOD, Mr. BOREN, Mr. COHEN, Mr. GLENN, Mr. BRYAN, Mr. CONRAD, and Mr. LEAHY):

S. 241. A bill to provide incentives to health care providers serving rural areas, to provide grants to county health departments providing preventative health services within rural areas, to establish State health service corps demonstration projects, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. GLENN, Mr. BRYAN, and Mr. COHEN):

S. 242. A bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to consult with State medical societies in revising the geographic adjustments factors used to determine the amount of payment for physicians' services under part B of the Medicare Program, to require the Secretary to base geographic cost-of-practice indices under the program upon the most recent available data, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. ROCKEFELLER, and Mr. BOREN):

S. 243. A bill to amend title XVIII of the Social Security Act to extend the provision relating to Medicare-dependent, small rural hospitals, and for other purposes; to the Committee on Finance.

HEALTH CARE LEGISLATION

• Mr. PRYOR. Mr. President, I am pleased to introduce three bills today that would help improve the access of residents of rural areas to needed health care services. The bills are: the "Medicare Dependent Hospital Relief Act of 1993;" the Medicare Geographic Data Accuracy Act of 1993; and the Rural Primary Care Act of 1993.

I am joined by Senators BOREN and ROCKEFELLER in introducing the Medicare Dependent Hospital Relief Act of 1993. This legislation would extend and modify a provision included in OBRA 1989 that grants a modified payment status to small, rural Medicare dependent hospitals; that is, those rural hospitals which are under 100 beds and have at least 60 percent of their patient days paid for by Medicare.

Since the implementation of the Medicare Prospective Payment System [PPS], rural hospitals have fared poorly. Medicare dependent hospitals [MDH's] have been particularly hard-hit by PPS. Hospitals eligible for this assistance have lower average operating margins than their nonhigh Medicare counterparts. It has become clear that the higher the proportion of Medicare patients served, the lower the operating margin. These hospitals are disadvantaged because they are more vulnerable to payment inaccuracies, and less able to revenue shift to other payers to make up for shortfalls in Medicare reimbursement. Their Medicare patients also tend to be older; in fiscal year 1989, 36 percent of high Medicare hospitals' Medicare patients were age 80 or older, compared to only 29 percent for nonhigh Medicare hospitals.

In 1989, I authored a provision, later incorporated into OBRA 1989, to provide some modest, short-term, 3 years, relief to financially vulnerable rural hospitals who were serving disproportionate numbers of Medicare patients. Last year, I introduced S. 2400, which would have extended the provision until March 1995; a modified version of that legislation was included in H.R. 11, which was later vetoed by President Bush. Under the Medicare Dependent Hospital Relief Act of 1993, for discharges occurring on or before April 1993 current MDH payments apply. For discharges after that date through September 30, 1994—when the urban-rural payment differential under Medicare's Prospective Payment System is eliminated—a blended rate of 50 percent of the difference between their payment under current MDH rules and the payment regularly provided under PPS applies.

An estimated 514 hospitals, or about 20 percent of rural hospitals, are designated as Medicare-dependent hospitals, with about 20 in my home State of Arkansas. The OBRA 1989 provision began to expire April 1, 1992; as a result, there are many hospitals who desperately need their MDH status extended as soon as possible. I urge my colleagues to join me in supporting this legislation.

The Medicare Geographic Data Accuracy Act of 1993, which was also included in H.R. 11, would reverse the Department of Health and Human Service's [HHS's] current practice of using old data in calculating the differences in the costs of medical practice across the country for use in the Medicare part B fee schedule.

Although a goal of the Medicare Physician Payment Reform Act included in OBRA 89 was to even out some of the geographic differences in reimbursement, large discrepancies remain. Generally, the localities which have received the highest practice expense values are in the urban areas. The lowest practice expense values are largely in rural areas.

For example, physicians in my home State of Arkansas will be paid less than 90 percent of the national average payment for their services while doctors in Los Angeles will be paid over 110 percent of the national average. By requiring HHS to use accurate and updated data to calculate the Geographic Practice Cost Indices [GPCI's], this bill would take a small step toward addressing the geographic inequities in Medicare reimbursement for physicians.

OBRA 89 instructed the Secretary of HHS to develop indices for work, practice expenses and malpractice expenses. Evidently, because of budget constraints, HHS decided to use only readily available data. Many physicians in my home State of Arkansas have voiced concerns about the data used by HHS. My legislation will address the concerns about the data used by HHS. It will require HHS to use current, accurate, and regularly updated data when computing the GPCI's. Also, it will require HHS to consult with State medical societies in revising the geographic adjustment factors.

I know this issue also concerns many other Members, and I look forward to working with them to address the problems faced by doctors in Arkansas and elsewhere. Mr. President, I urge the rest of my colleagues to join us as cosponsors and in ensuring that these proposals are enacted into law.

Finally, I am joined by Senators PACKWOOD, COHEN, BOREN, GLENN, BRYAN, CONRAD, and LEAHY in introducing the Rural Primary Care Act of 1993 to address the maldistribution and shortage of rural health care personnel. The shortage of primary care health personnel is a critical factor threatening the survival and effectiveness of rural health care services. Despite increased numbers of physicians, it continues to be difficult to impossible to attract needed physicians to medically underserved and remote rural areas. Recent studies have documented a great need for doctors in rural areas. In 1988, physician availability in rural counties was less than one-half the national average—97 physicians/100,000 people versus 225 physicians/100,000 people.

Adding to this problem, a recent survey of rural physicians found that as many as 26 percent of rural physicians were considering retirement or relocation within the next 5 years. Also in 1988, 111 rural counties had no practicing physician at all. In contrast, no metropolitan county lacked a physician. With this maldistribution, practitioners such as nurse practitioners and physician assistants become even more important to the provision of care in these areas. However, in recent years, the proportion of nurse practitioners in rural areas has decreased. Evidence suggests a similar decrease of physicians in rural areas.

This bill attempts to begin to address rural personnel shortages through the use of modest tax incentives, preventive health care grants and grants for 10 State demonstration projects to promote training and recruitment. Specifically, the bill would provide qualified primary care physicians, nurse practitioners and physician assistants who are practicing in rural areas in class 1 and 2 Health Professional Shortage Areas [HPSAs] a tax credit for 3 years based on a 5-year service incentive. It would eliminate the taxable status of funds given to physicians through the National Health Service Corps Loan Repayment Program. Additionally, this legislation would mandate studies to determine the feasibility of extending the tax benefit to practitioners in medically underserved urban areas.

In the past, HPSA's have relied on the recruiting and placement efforts of the National Health Service Corps [NHSC]. The NHSC, which has proven to be the breeding ground for HPSA primary care providers, employs scholarship and loan forgiveness programs as recruitment tools. The legislation we will be introducing complements the Corps' efforts to place physicians in underserved areas. In the past, scholarship physicians have tended to leave the areas they were practicing after they had fulfilled their obligation. A substantive tax credit has potential to encourage many of them to stay on or come back to the HPSA.

I urge my colleagues to join me in cosponsoring these three bills which would have an enormous impact on the ability of rural residents to have the health care they need and deserve.

I ask unanimous consent that a copy of all three bills be printed in the RECORD after the conclusion of my remarks.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Primary Care Act of 1993".

TITLE I—TAX PROVISIONS

SEC. 101. NONREFUNDABLE CREDIT FOR CERTAIN PRIMARY HEALTH SERVICES PROVIDERS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25 the following new section:

"SEC. 25A. PRIMARY HEALTH SERVICES PROVIDERS.

"(a) ALLOWANCE OF CREDIT.—In the case of a qualified primary health services provider, there is allowed as a credit against the tax imposed by this chapter for any taxable year in a mandatory service period an amount equal to the product of—

"(1) the lesser of—

"(A) the number of months of such period occurring in such taxable year, or

"(B) 36 months, reduced by the number of months taken into account under this paragraph with respect to such provider for all preceding taxable years (whether or not in the same mandatory service period), multiplied by

"(2) $1,000 ($500 in the case of a qualified health services provider who is a physician assistant or a nurse practitioner).

"(b) QUALIFIED PRIMARY HEALTH SERVICES PROVIDER.—For purposes of this section, the term 'qualified primary health services provider' means any physician, physician assistant, or nurse practitioner who for any month during a mandatory service period is certified by the Bureau to be a primary health services provider who—

"(1) is providing primary health services—

"(A) full time, and

"(B) to individuals at least 80 percent of whom reside in a rural health professional shortage area,

"(2) is not receiving during such year a scholarship under the National Health Service Corps Scholarship Program or a loan repayment under the National Health Service Corps Loan Repayment Program,

"(3) is not fulfilling service obligations under such Programs, and

"(4) has not defaulted on such obligations.

"(c) MANDATORY SERVICE PERIOD.—For purposes of this section, the term 'mandatory service period' means the period of 60 consecutive calendar months beginning with the first month the taxpayer is a qualified primary health services provider.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BUREAU.—The term 'Bureau' means the Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration of the United States Public Health Service.

"(2) PHYSICIAN.—The term 'physician' has the meaning given to such term by section 1861(r) of the Social Security Act.

"(3) PHYSICIAN ASSISTANT; NURSE PRACTITIONER.—The terms 'physician assistant' and 'nurse practitioner' have the meanings given to such terms by section 1861(aa)(5) of the Social Security Act.

"(4) PRIMARY HEALTH SERVICES PROVIDER.—The term 'primary health services provider' means a provider of primary health services (as defined in section 330(b)(1) of the Public Health Service Act).

"(5) RURAL HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'rural health professional shortage area' means—

"(A) a class 1 or class 2 health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act) in a rural area (as determined under section 1886(d)(2)(D) of the Social Security Act), or

"(B) an area which is determined by the Secretary of Health and Human Services as equivalent to an area described in subparagraph (A) and which is designated by the Bureau of the Census as not urbanized.

"(e) RECAPTURE OF CREDIT.—

"(1) IN GENERAL.—If, during any taxable year, there is a recapture event, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable percentage, and

"(B) the aggregate unrecaptured credits allowed to such taxpayer under this section for all prior taxable years.

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs during:	The applicable recapture percentage is:
Months 1–24	100
Months 25–36	75
Months 37–48	50
Months 49–60	25
Months 61 and thereafter	0.

"(B) TIMING.—For purposes of subparagraph (A), month 1 shall begin on the first day of the mandatory service period.

"(3) RECAPTURE EVENT DEFINED.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'recapture event' means the failure of the taxpayer to be a qualified primary health services provider for any month during any mandatory service period.

"(B) CESSATION OF DESIGNATION.—The cessation of the designation of any area as a rural health professional shortage area after the beginning of the mandatory service period for any taxpayer shall not constitute a recapture event.

"(C) SECRETARIAL WAIVER.—The Secretary may waive any recapture event caused by extraordinary circumstances.

"(4) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Primary health services providers.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 102. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 137 as section 138 and by inserting after section 136 the following new section:

"SEC. 137. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS.

"(a) GENERAL RULE.—Gross income shall not include any qualified loan repayment.

"(b) QUALIFIED LOAN REPAYMENT.—For purposes of this section, the term 'qualified loan repayment' means any payment made on behalf of the taxpayer by the National Health Service Corps Loan Repayment Program under section 338B(g) of the Public Health Service Act.".

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 137 and inserting the following:

"Sec. 137. National Health Service Corps loan repayments.

"Sec. 138. Cross references to other Acts.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made under section 338B(g) of the Public Health Service Act after the date of the enactment of this Act.

SEC. 103. EXPENSING OF MEDICAL EQUIPMENT.

(a) IN GENERAL.—Section 179 of the Internal Revenue Code of 1986 (relating to election to expense certain depreciable business assets) is amended—

(1) by striking paragraph (1) of subsection (b) and inserting the following:

"(1) DOLLAR LIMITATION.—

"(A) GENERAL RULE.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $10,000.

"(B) RURAL HEALTH CARE PROPERTY.—In the case of rural health care property, the aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $25,000, reduced by the amount otherwise taken into account under subsection (a) for such year."; and

(2) by adding at the end of subsection (d) the following new paragraph:

"(11) RURAL HEALTH CARE PROPERTY.—For purposes of this section, the term 'rural health care property' means section 179 property used by a physician (as defined in section 1861(r) of the Social Security Act) in the active conduct of such physician's full-time trade or business of providing primary health services (as defined in section 330(b)(1) of the Public Health Service Act) in a rural health professional shortage area (as defined in section 25A(d)(5)).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 1993, in taxable years ending after such date.

SEC. 104. STUDY OF EXPANSION OF CREDIT TO CERTAIN URBAN AREAS.

(a) STUDY.—The Secretary of Health and Human Services or the Secretary's delegate shall determine the present number of, and future need for, physician and nonphysician primary care providers in medically underserved urban areas. Such determination shall form the basis for a study of the feasibility (including cost estimates) of extending the tax credit provided by the amendments made by section 101 of this title to such providers.

(b) REPORTS.—An interim report of the study described in paragraph (1) shall be submitted by the Secretary of Health and Human Services to the Congress 1 year after the date of the enactment of this Act. A final report of such study shall be submitted to the Congress within 2 years of such date of enactment.

TITLE II—PUBLIC HEALTH SERVICE PROVISIONS

SEC. 201. PREVENTATIVE HEALTH SERVICES.

Part A of title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) is amended—

(1) in section 1901, by adding at the end thereof the following new subsection:

"(c) Of the amounts appropriated for each fiscal year under subsection (a), the Secretary shall make available not less than $5,000,000 in each such fiscal year to carry out section 1910A."; and

(2) by adding at the end thereof the following new section:

"SEC. 1910A. PREVENTATIVE GRANTS FOR COUNTY HEALTH DEPARTMENTS.

"(a) IN GENERAL.—From amounts made available under section 1901(c), the Secretary shall make grants to county health departments to enable such departments to provide preventative health services in areas within the county which the Bureau of the Census determines to be not urbanized.

"(b) APPLICATION.—To be eligible to receive a grant under subsection (a), a county health department shall prepare and submit, to the Secretary, an application at such time, in such form, and containing such information as the Secretary shall require.

"(c) USE OF FUNDS.—A county health department shall use amounts provided through a grant received under this section to—

"(1) provide immunization services to control the spread of infectious diseases;

"(2) improve maternal and infant health;

"(3) reduce adolescent pregnancy and improve reproductive health; and

"(4) provide such other services as the Secretary determines appropriate.

"(d) DEFINITION.—Not later than 30 days after the date of enactment of this section, the Secretary shall promulgate regulations that define 'county health department' for purposes of this section.".

TITLE III—STATE HEALTH SERVICE CORPS DEMONSTRATION PROJECTS

SEC. 301. SHORT TITLE.

This title may be cited as the "State Health Service Corps Demonstration Act".

SEC. 302. PURPOSE.

It is the purpose of this title—

(1) to promote recruitment and training of physicians and other primary care providers from among the poor and from disadvantaged populations;

(2) to place physicians from health professional shortage areas into similar areas in order to encourage retention of physicians in health professional shortage areas; and

(3) to provide flexibility to States in filling positions in health professional shortage areas.

SEC. 303. STATE HEALTH SERVICE CORPS DEMONSTRATION PROJECTS.

The Public Health Service Act is amended by inserting after section 338L (42 U.S.C. 254t) the following new sections:

"SEC. 338M. STATE HEALTH SERVICE CORPS DEMONSTRATION PROJECTS.

"(a) DEFINITIONS.—For purposes of this section:

"(1) AREA HEALTH EDUCATION CENTER.—The term 'area health education center' means—

"(A) a cooperative program of one or more medical schools (or the parent institutions of such schools) and one or more nonprofit private or public area health education centers; or

"(B) a regional or statewide network of the cooperative programs described in subparagraph (A).

"(2) HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'health professional shortage area' has the meaning provided in section 332(a)(1).

"(3) MEDICAL SCHOOL.—The term 'medical school' means a school conferring the degree of Doctor of Medicine or Doctor of Osteopathy.

"(4) NONPHYSICIAN PROVIDER.—The term 'nonphysician provider' means an occupational therapist, physical therapist, nurse, nurse midwife, nurse practitioner, social worker, or optometrist.

"(5) NURSE.—The term 'nurse' means a registered nurse, or an individual with a baccalaureate or master's degree in nursing.

"(6) PARENT INSTITUTION.—The term 'parent institution' means any health sciences university housing a medical school and one or more other health professions schools.

"(7) PHYSICIAN PROVIDER.—The term 'physician provider' means—

"(A) a physician specializing in general practice, family medicine, general internal medicine, pediatrics, obstetrics and gynecology, general surgery, psychiatry, preventive medicine and public health, or physiatry; or

"(B) a dentist.

"(8) PROJECT.—The term 'Project' means a State Health Service Corps Demonstration Project established under subsection (b).

"(9) SERVICE AREA.—The term 'service area' means an area designated in subsection (d)(2)(A).

"(b) GRANTS.—The Secretary shall establish a State Health Service Corps Demonstration Project under which the Secretary shall make grants to up to 10 States to pay for the Federal share of the costs of conducting Projects for the training and employment of eligible participants as physician and nonphysician providers serving health professional shortage areas.

"(c) STATE PARTICIPATION.—

"(1) REQUIREMENTS.—In order for a State to be eligible to receive a grant under this section, the State shall—

"(A) enter into an agreement with an area health education center to administer the Project in accordance with subsection (d);

"(B) provide for evaluation of the Project in accordance with subsection (e);

"(C) establish a State Health Service Corps Scholarship Program in accordance with section 338N; and

"(D) meet such other requirements as the Secretary may establish for the proper and efficient implementation of the Project.

"(2) GRANT AWARDS.—In allocating grants under subsection (b), the Secretary shall give priority to States that have demonstrated a commitment to developing and funding area health education center programs.

"(3) APPLICATION.—To be eligible to receive a grant under this section, the State shall submit an application at such time, in such manner and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section. At a minimum, the application shall contain—

"(A) information specifying the actions the State will take against individuals, and the methods the State will use to recover all funds paid under section 338N(i) to individuals, who breach contracts described in section 338N(g); and

"(B) assurances that the State will reimburse the Secretary for all funds recovered from individuals who breach contracts described in section 338N(g).

"(4) DURATION.—A Project under this section shall be for a maximum duration of 8 years, plus up to 6 months for final evaluation and reporting.

"(d) STATE AGREEMENTS WITH AREA HEALTH EDUCATION CENTERS.—

"(1) IN GENERAL.—To be eligible for a grant under this section, a State shall enter into an agreement with an area health education center for the planning, development, and operation of a program to train and employ eligible participants as physician and nonphysician providers.

"(2) REQUIREMENTS.—Under an agreement entered into under paragraph (1), an area health education center shall agree to—

"(A) designate a health professional shortage area or areas as the service area for the area health education center;

"(B) provide for or conduct training in health education services in the service area;

"(C) assess the health professional needs of the service area and assist in the planning and development of training programs to meet the needs;

"(D) provide for or conduct a rotating internship or residency training program in the service area;

"(E) provide opportunities for continuing education to physician and nonphysician providers practicing within the service area;

"(F) conduct interdisciplinary training and practice involving physician and nonphysician providers in the service area;

"(G) arrange and support educational opportunities for students studying to become physician or nonphysician providers at health facilities, ambulatory care centers, and health agencies throughout the service area;

"(H) provide for the active participation in the Project by individuals who are associated with the administration of the sponsoring health professions and each of the departments or specialties of physician or nonphysician providers (if any) which are offered under the Project; and

"(I) have an advisory board of which at least 75 percent of the members shall be individuals, including both health service providers and consumers, from the service area.

"(e) EVALUATION.—Not later than March 30, 1998, and March 30, 2002, each State receiving a grant under this section shall, through grants to or contracts with public and private entities, provide for—

"(1) an evaluation of Projects—

"(A) which were carried out pursuant to this section during any fiscal year preceding the fiscal year in which such date occurs, and

"(B) for which no prior evaluation under this subsection was made, and

"(2) a review of the area health education center providing services under the Projects. The evaluation shall include an evaluation of the effectiveness of the Projects in increasing the recruitment and retention of physician and nonphysician providers in health professional shortage areas.

"(f) FEDERAL SHARE.—The Federal share of the costs of any program established under this section with respect to any State shall be the percentage of such costs equal to the Federal medical assistance percentage applicable to such State under section 1905(b) of the Social Security Act. The State may include as a part or all of the non-Federal share of grants—

"(1) any State funds supporting area health education centers, and

"(2) the value of in-kind contributions made by the State, including tuition remission and other benefits for students participating in the State Health Service Corps Scholarship Program established under section 338N.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated for each of the 1994 through 2001 fiscal years to carry out the purposes of this section an amount equal to the product of—

"(A) $250,000, multiplied by

"(B) the number of States receiving grants under this section for such fiscal year.

Any amount appropriated under this section shall be available without fiscal year limitation.

"(2) COST RECOVERY.—No more than 10 percent of the funds spent under paragraph (1) may be used for purposes of recovering funds or taking other action against individuals who breach the provisions of a contract entered into under section 338N(g).

"SEC. 338N. STATE HEALTH SERVICE CORPS SCHOLARSHIP PROGRAMS.

"(a) DEFINITIONS.—For purposes of this section:

"(1) AREA HEALTH EDUCATION CENTER.—The term 'area health education center' means—

"(A) a cooperative program of one or more medical schools (or the parent institutions (as defined in section 338M(a)(6)) of such schools) and one or more nonprofit private or public area health education centers; or

"(B) a regional or statewide network of the cooperative programs described in subparagraph (A).

"(2) GRADUATE EDUCATION.—The term 'graduate education' means a course of study at a medical school or other health professions school leading to a degree in a field practiced by a physician or nonphysician provider.

"(3) HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'health professional shortage area' has the meaning provided in section 332(a)(1).

"(4) MEDICAL SCHOOL.—The term 'medical school' means a school conferring the degree of Doctor of Medicine or Doctor of Osteopathy.

"(5) NONPHYSICIAN PROVIDER.—The term 'nonphysician provider' means an occupational therapist, physical therapist, nurse, nurse midwife, nurse practitioner, social worker, or optometrist.

"(6) NURSE.—The term 'nurse' means a registered nurse, or an individual with a baccalaureate or master's degree in nursing.

"(7) PHYSICIAN PROVIDER.—The term 'physician provider' means—

"(A) a physician specializing in family medicine, general internal medicine, pediatrics, obstetrics and gynecology, general surgery, psychiatry, preventive medicine, or physiatry; or

"(B) a dentist.

"(8) PROGRAM.—The term 'Program' means a State Health Service Corps Scholarship Program established under subsection (b).

"(9) SERVICE AREA.—The term 'service area' means an area designated in section 338M(d)(2)(A).

"(10) STATE OFFICIAL.—The term 'State official' means an individual designated by the head of the agency designated in subsection (b)(2) to carry out the Program in the State.

"(11) UNDERGRADUATE EDUCATION.—The term 'undergraduate education' means a course of study at a health sciences university or a 4-year college that affords an appropriate basis for professional training or graduate education to become a physician or nonphysician provider.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—Each State carrying out a State Health Services Corps Demonstration Project established under section 338M shall establish a State Health Service Corps Scholarship Program, in accordance with this section, to ensure an adequate supply of trained physician or nonphysician providers in health professional shortage areas in the State.

"(2) STATE AGENCY.—A State participating in the Program shall designate a State agency to administer or be responsible for the administration of the Program within the State.

"(c) ELIGIBILITY.—To be eligible to participate in the Program, an individual must—

"(1)(A) be accepted for enrollment, or be enrolled, as a full-time student in a health professions program in a health sciences university or a 4-year college; or

"(B) be accepted to participate in, or be participating in, a professional internship or residency as preparation to become a physician or nonphysician provider;

"(2) reside within a health professional shortage area;

"(3) submit an application to participate in the Program; and

"(4) sign and submit to the State, at the time of submission of the application, a written contract containing the information specified in subsection (g) to accept payment of a scholarship and, if appropriate, of loans, and to serve in the service area.

"(d) SELECTION.—Individuals described in subsection (c)(1)(B)—

"(1) shall comprise not more than 50 percent of all individuals selected to participate in the Program during fiscal year 1994;

"(2) shall comprise not more than 40 percent of all individuals selected to participate in the Program during fiscal year 1995;

"(3) shall comprise not more than 30 percent of all individuals selected to participate in the Program during fiscal year 1996;

"(4) shall comprise not more than 20 percent of all individuals selected to participate in the Program during fiscal year 1997;

"(5) shall comprise not more than 10 percent of all individuals selected to participate in the Program during fiscal year 1998; and

"(6) shall not be selected to participate in the Program during fiscal years 1999 through 2001.

"(e) INFORMATION ON SERVICE OBLIGATION.—In disseminating application forms and contract forms to individuals desiring to participate in the Program, the State official shall include with the forms—

"(1) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the State official, including in the summary a clear explanation of the remedies to which the State is entitled in the case of breach of the contract by the individual; and

"(2) such information as may be necessary for the individual to understand the prospective participation of the individual in the Program and the service obligation of the individual.

"(f) APPLICATION FORMS.—The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Program. The State official shall make the application forms, contract forms, and other information available to individuals desiring to participate in the Program on a date sufficiently early to ensure that the individuals have adequate time to carefully review and evaluate the forms and information.

"(g) CONTRACT.—The written contract between the State official and an individual shall contain—

"(1) a statement that the State official agrees—

"(A) to provide the individual with a scholarship for a period of up to 8 years, during which period the individual is—

"(i) pursuing an undergraduate education described in subsection (a)(11);

"(ii) pursuing graduate education; or

"(iii) participating in an internship or residency program as preparation to become a physician or nonphysician provider; and

"(B) to place the individual into obligated service, taking into account the specialization of the individual and the needs of health professional shortage areas for service, in—

"(i) a rural health professional shortage area, if the individual resided in a rural health professional shortage area at the time of acceptance into the Program; or

"(ii) an urban health professional shortage area, if the individual resided in an urban health professional shortage area at the time of acceptance into the Program;

"(2) a statement that the individual agrees—

"(A) to accept provision of the scholarship, and if appropriate, loans, to the individual;

"(B) to maintain enrollment in a program of undergraduate or graduate education or participation in an internship or residency described in subsection (c)(1)(B) until the individual completes the program, internship, or residency;

"(C) while enrolled in a program of undergraduate or graduate education, to maintain an acceptable level of academic standing (as determined under regulations of the State by the educational institution offering the course of study); and

"(D) to serve in the service area or on the clinical staff of the area health education center or the medical school for a time period equal to the shorter of—

"(i)(I) 1 year for each year in which the individual received a scholarship under the Program; and

"(II) 1 month for each $1,000 in loans that the individual received under the Program; or

"(ii) 6 years;

"(3) a statement of the damages to which the State is entitled for breach of contract by the individual; and

"(4) other statements of the rights and liabilities of the State and of the individual, not inconsistent with this section.

"(h) ACCEPTANCE.—

"(1) APPROVAL.—An individual shall become a participant in the Program only on approval by the State official of the application submitted by the individual under subsection (c)(3) and acceptance of the contract submitted by the individual under subsection (c)(4).

"(2) NOTIFICATION.—The State official shall provide written notice to an individual of participation in the Program promptly on acceptance of the individual into the Program.

"(i) SCHOLARSHIP AND LOANS.—

"(1) PAYMENT.—In providing a loan to an individual under subsection (g)(1)(A) or a scholarship to an individual under subsection (g)(1)(B), the State official shall pay—

"(A) to an individual undertaking a program of undergraduate or graduate education, or on behalf of the individual in accordance with paragraph (2)—

"(i) the amount of the tuition of the individual in the school year;

"(ii) the amount of all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual in the school year; and

"(iii) a stipend; and

"(B) to an individual described in subsection (c)(1)(B)—

"(i) the amount of expenses for medical equipment necessary to the practice of a physician or nonphysician provider;

"(ii) the amount of expenses for travel to and from clinical sites; and

"(iii) a stipend.

"(2) PAYMENT TO AN EDUCATIONAL INSTITUTION.—The State official may contract with an educational institution, in which a participant in the Program is enrolled, for the payment to the educational institution of the amounts of tuition and other reasonable educational expenses described in clauses (i) and (ii) of paragraph (1)(A).

"(j) REPORT.—The State official shall report to the Secretary on January 1 of each year—

"(1) the number, and type of health profession training, of students receiving scholarships under the Program in the preceding year;

"(2) the educational institutions at which the students are receiving their training;

"(3) the number of applications filed under this section in the school year in the preceding year and in prior school years; and

"(4) the amount of tuition paid in the aggregate and at each educational institution for the school year in the preceding year and in prior school years.".

S. 242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Geographic Data Accuracy Act of 1993".

SEC. 2. IMPROVING ACCURACY OF GEOGRAPHIC ADJUSTMENTS USED TO DETERMINE PAYMENT FOR PHYSICIANS' SERVICES UNDER MEDICARE.

(4) REQUIRING CONSULTATION WITH STATE MEDICAL SOCIETIES IN REVISION OF GEOGRAPHIC ADJUSTMENT FACTORS.—Section 1848(c)(1)(C) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(C)) is amended by striking "may revise" and inserting "shall, in consultation with each State medical society (or other appropriate organization representing the majority of the physicians who practice in a State), revise".

(b) BASING GEOGRAPHIC-COST-OF-PRACTICE INDICES ON MOST RECENT AVAILABLE DATA.—

(1) IN GENERAL.—Section 1848(e)(1) of such Act (42 U.S.C. 1395w–4(e)(1)) is amended—

(A) by redesignating subparagraph (C) as subparagraph (D); and

(B) by inserting after subparagraph (B) the following new subparagraph:

"(C) DATA USED TO DETERMINE INDICES.—In establishing indices under subparagraph (A), the Secretary shall use the most recent available data relating to practice expenses, malpractice expenses, and physicians' work effort in the different fee schedule areas, and shall obtain and review the data in consultation with each State medical society (or other appropriate organization representing the majority of the physicians who practice in a State).".

(2) CONFORMING AMENDMENT.—Section 1848(e)(1)(A) of such Act (42 U.S.C. 1395w–4(e)(1)(A)) is amended in the matter preceding clause (i) by striking "and (C)" and inserting "and (D)".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to payments for physicians' services furnished on or after January 1, 1994.

S. 243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEDICARE-DEPENDENT, SMALL RURAL HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) by amending clause (i) to read as follows:

"(i) In the case of a subsection (d) hospital which is a medicare-dependent, small rural hospital, payment under paragraph (1)(A) for discharges occurring before October 1, 1994, shall be—

"(I) for any cost reporting period beginning on or after April 1, 1990, and before April 1, 1993, the amount determined under clause (ii); and

"(II) for any cost reporting period beginning on or after April 1, 1993, the amount determined under clause (ii) by substituting '50 percent' for '100 percent'.";

(2) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(3) by inserting after clause (i) the following new clause:

"(ii) The amount determined under this clause is the sum of—

"(I) the amount determined under paragraph (1)(A)(iii), and

"(II) 100 percent of the excess (if any) of—

"(aa) the hospital's target amount for the cost reporting period, as defined in subsection (b)(3)(D), over

"(bb) the amount determined under paragraph (1)(A)(iii).".

(b) PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.—If any hospital fails to qualify as a medicare-dependent, small rural hospital under section 1886(d)(5)(G)(i) of the Social Security Act as a result of a decision by the Medicare Geographic Classification Review Board under section 1886(d)(10) of such Act to reclassify the hospital as being located in an urban area for fiscal year 1993, the Secretary of Health and Human Services shall—

(1) notify such hospital of such failure to qualify,

(2) provide an opportunity for such hospital to decline such reclassification, and

(3) if the hospital declines such reclassification, administer the Social Security Act (other than section 1886(d)(8)(D) of such Act) for fiscal year 1993 as if the decision by the Review Board had not occurred.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.●

By Mr. KENNEDY (for himself, Mr. JEFFORDS, Mr. DODD, Mr. METZENBAUM, Mr. DECONCINI, Mr. SIMON, Mr. HARKIN, Mr. KERRY, Mr. BRADLEY, Mr. KOHL, Mr. INOUYE, Mr. WELLSTONE, Ms. MIKULSKI, Mr. PELL, and Mr. MCCAIN):

S. 244. A bill to stimulate enterprise development in economically distressed urban and rural areas through public and private partnerships facilitated by community development corporations, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL COMMUNITY ECONOMIC PARTNERSHIP ACT OF 1993

Mr. KENNEDY. Mr. President, today, along with Senators JEFFORDS, KOHL, BRADLEY, MCCAIN, DECONCINI, PELL, INOUYE, WELLSTONE, HARKIN, DODD, METZENBAUM, SIMON, MIKULSKI, and KERRY of Massachusetts, I am reintroducing the National Community Economic Partnership Act. This measure passed last Congress as part of the urban aid bill, but was vetoed by President Bush. This legislation provides an opportunity for the Federal Government to bring new jobs into our Nation's cities and rural areas and at the same time encourage private sector investment in our communities.

The downturn in the economy and the changing nature of the banking industry have made it difficult for small- and moderate-sized businesses to gain access to credit. Historically there has been a shortage of investment in rural areas and in inner cities, and this shortage has been aggravated by the effects of deregulation and bank mergers. Poor communities everywhere lack private sector investors who, on their own, are willing to invest in community development initiatives.

The National Community Economic Partnership Act is a response to the need for investment capital in small- and moderate-sized businesses in urban neighborhoods and rural areas. The legislation is intended to stimulate private sector investment in poor communities using community development corporations as a catalyst and a partner for investment.

There are currently over 2,000 CDC's operating in communities, both urban and rural, around the country. During the 1980's, in response to the crisis in affordable housing, many CDC's centered their work on planning, developing, and managing low- and moderate-income housing. The results are impressive; CDC's have developed more than 300,000 units of affordable housing. More recently, these CDC's have had to confront the problem of increasing poverty and unemployment in their community.

The act authorizes an investment partnership fund that CDC's can tap into to provide technical and financial assistance to private business enterprises that create jobs for low-income people. To expand the impact of these funds they must be used in conjunction with investments from private financial institutions, State and local government, and private, philanthropic organizations at a dollar per dollar match rate.

The act also provides funds to support emerging CDC's efforts in business development. As CDC's develop or existing ones expand their focus to include job and business development, the Partnership Act will provide seed money for business plans and access to a revolving loan fund to begin their efforts in small business development.

Because unemployment remains high, funds provided under the Partnership Act must meet a tough standard with regard to job creation. Business enterprises receiving investment funds must target at least 75 percent of their job opportunities to individuals who are low-income, unemployed, or receiving job training assistance.

CDC's have the interest and the expertise to carry out such an investment program. More than 300 CDC's have revolving fund and investment programs already. These organizations have provided financial assistance to more than 3,500 private business enterprises. Many others provide technical assistance for business development.

For example, in Massachusetts more than 50 CDC's have been involved in efforts, large and small, that have expanded business opportunities and created jobs. In Jamaica Plains, the Neighborhood Development Corp. redeveloped the massive and empty Haffenreffer brewery into an urban development park that created 28 new small businesses and 150 jobs. The facility is designed to create job opportunities for those who have suffered the most from the loss of good paying industrial or nonservice sector employment in the inner city—youth, minorities and recent immigrants. This multimillion-dollar effort could not have taken place without the effort and expertise of a CDC.

The Franklin County Community Development Corp. in Greenfield has assisted more than 90 local businesses in obtaining loans, creating an estimated 350 jobs and leveraging nearly $8 million in private investment in Franklin and Worcester Counties.

On a smaller scale, Nuestra Communidad—Spanish for Our Community—in Boston is making microloans to existing small businesses that can not get funds elsewhere, in one case creating three new jobs for local residents at a party rental business.

In addition, funding from the Office of Community Services within the Department of Health and Human Services, and from the Farmers Home Administration within the Department of Agriculture has shown the potential for Community Development Corporations across the Nation. According to the most recent Federal report, CDC's working with about $19 million in OCS funds leveraged over $50 million in additional outside investment in poor communities and created more than 2,000 jobs.

In rural areas, the results are similar. A survey of 24 rural organizations found that $17.6 in FmHA funds created close to 4,000 jobs and that for every dollar in public funds, CDC's leveraged $3 to $4 in additional outside investment. CDC's have used these funds to finance community facilities, supermarkets, and small businesses. The common thread for all these projects—urban or rural—regardless of the funding source, is the ability of CDC project to create new jobs and attract outside capital to economically disadvantaged communities. By strengthening CDC's, we strengthen communities, and promote a sense of independence and pride in their citizens.

When I first introduced this legislation in 1991, the need for the work of CDC's was already clear. Today, in light of the events in Los Angeles last spring and the continuing crisis in our cities, the need is greater than ever.

I want to thank Senators JEFFORDS, KOHL, BRADLEY, MCCAIN, DECONCINI, PELL, INOUYE, WELLSTONE, HARKIN, DODD, METZENBAUM, SIMON, MIKULSKI, and KERRY of Massachusetts for joining me in sponsoring the National Community Economic Partnership Act of 1993. I urge the Senate to act quickly on this critically important piece of legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "National Community Economic Partnership Act of 1993".

(b) FINDINGS.—Congress finds that—

(1) the cities, towns, small communities and rural areas throughout the United States face critical social and economic problems arising in part from a lack of economic growth in community based economies;

(2) the crisis facing local economies has resulted in—

(A) a growing percentage of the workforce earning poverty level wages, even though they work full time and year round;

(B) the percentage of the labor force living below the poverty line increasing from 25.7 percent in 1979 to 31.5 percent in 1987;

(C) population losses, rising unemployment and a decline of the farm sector and of many other rural industries (such as timber, oil, gas, and mining) contribute to the decline of rural economies;

(D) with respect to rural areas, 31.9 percent of the workforce falling below the poverty line in 1979, with that percentage rising to 42.1 percent in 1987;

(E) with respect to urban areas, 23.4 percent of the workforce falling below the poverty line in 1979, with that percentage rising to 28.9 percent in 1987; and

(F) the average wage and salary income of the 90 percent of the population with the lowest incomes, between 1977 and 1988, falling 3.5 percent in contrast to the richest 1 percent of the population whose incomes more than doubled in that time period.

(3) the future well-being of the United States and the well-being of its citizens depends on the establishment and maintenance of viable community development enterprises;

(4) meeting the goal of establishing and maintaining viable community development enterprises requires—

(A) increased public and private investment in business development activities, especially in the small business sector which generates the majority of new jobs as evidenced by the fact that between 1980 and 1986, enterprises with less than 100 employees accounted for more than 50 percent of the jobs created in the United States;

(B) increased investment and technical assistance to existing community based enterprises as evidenced by the fact that during the first half of the 1980's, more than 75 percent of the total net new jobs in the United States came from the expansion of existing businesses;

(C) a substantial expansion and greater continuity in the scope of Federal programs that support community based economic development strategies;

(D) the continuing efforts at Federal, State and local levels to coordinate the planning, implementation and evaluation of community economic development efforts; and

(5) community development corporations, due to their proven capacity and achievements in both the field of community based housing and economic development, are appropriate vehicles through which to advance a national community economic development program because—

(A) there are currently over 2000 community development corporations throughout the United States, operating projects that promote community based housing and economic development;

(B) community development corporations operate in every State and in virtually every major city in the United States, and account for many of the existing efforts undertaken to meet the needs of low income persons in both urban and rural communities;

(C) community development corporations have developed some 300,000 units of housing, with over 90 percent of these units for use by low income occupants;

(D) community development corporations have developed over 19,000,000 square feet of retail space, offices, industrial parks and other industrial developments in economically distressed communities;

(E) community development corporations have made loans to over 3000 enterprises, equity investments in 242 ventures and own and operate 427 businesses; and

(F) community development corporations commercial, industrial and business enterprise development activities have accounted for the creation and retention of nearly 90,000 jobs in the last five years.

(c) PURPOSE.—It is the purpose of this Act to stimulate enterprise development in economically distressed urban and rural areas through public and private partnerships facilitated by community development corporations.

TITLE I—COMMUNITY ECONOMIC PARTNERSHIP INVESTMENT FUNDS

SEC. 101. PURPOSE.

It is the purpose of this title to increase private investment in distressed local communities and to build and expand the capacity of local institutions to better serve the economic needs of local residents through the provision of financial and technical assistance to community development corporations.

SEC. 102. PROVISION OF ASSISTANCE.

(a) AUTHORITY.—The Secretary of Health and Human Services (hereafter referred to in this Act as the "Secretary") is authorized, in accordance with this title, to provide nonrefundable lines of credit to community development corporations for the establishment, maintenance or expansion of revolving loan funds to be utilized to finance projects intended to provide business and employment opportunities for low-income, unemployed, or underemployed individuals and to improve the quality of life in urban and rural areas.

(b) REVOLVING LOAN FUNDS.—

(1) COMPETITIVE ASSESSMENT OF APPLICATIONS.—In providing assistance under subsection (a), the Secretary shall establish and implement a competitive process for the solicitation and consideration of applications from eligible entities for lines of credit for the capitalization of revolving funds.

(2) ELIGIBLE ENTITIES.—To be eligible to receive a line of credit under this title an applicant shall—

(A) be a community development corporation;

(B) prepare and submit an application to the Secretary that shall include a strategic investment plan that identifies and describes the economic characteristics of the target area to be served, the types of business to be assisted and the impact of such assistance on low-income, underemployed, and unemployed individuals in the target area;

(C) demonstrate previous experience in the development of low-income housing or community or business development projects in a low-income community and provide a record of achievement with respect to such projects; and

(D) have secured one or more commitments from local sources for contributions (either in cash or in kind, letters of credit or letters of commitment) in an amount that is at least equal to the amount requested in the application submitted under subparagraph (B).

(3) EXCEPTION.—Notwithstanding the provisions of paragraph (2)(D), the Secretary may reduce local contributions to not less than 25 percent of the amount of the line of credit requested by the community development corporation if the Secretary determines such to be appropriate in accordance with section 106.

SEC. 103. APPROVAL OF APPLICATIONS.

(a) IN GENERAL.—In evaluating applications submitted under section 102(b)(2)(B), the Secretary shall ensure that—

(1) the residents of the target area to be served (as identified under the strategic development plan) would have an income that is less than the median income for the area (as determined by the Secretary);

(2) the applicant community development corporation possesses the technical and managerial capability necessary to administer a revolving loan fund and has past experience in the development and management of housing, community and economic development programs;

(3) the applicant community development corporation has provided sufficient evidence of the existence of good working relationships with—

(A) local businesses and financial institutions, as well as with the community the corporation proposes to serve; and

(B) local and regional job training programs;

(4) the applicant community development corporation will target job opportunities that arise from revolving loan fund investments under this title so that 75 percent of the jobs retained or created under such investments are provided to—

(A) individuals with—

(i) incomes that do not exceed the Federal poverty line; or

(ii) incomes that do not exceed 80 percent of the median income of the area;

(B) individuals who are unemployed or underemployed;

(C) individuals who are participating or have participated in job training programs authorized under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or the Family Support Act of 1988 (Public Law 100-485);

(D) individuals whose jobs may be retained as a result of the provision of financing available under this title; or

(E) individuals who have historically been underrepresented in the local economy; and

(5) a representative cross section of applicants are approved, including large and small community development corporations, urban and rural community development corporations and community development corporations representing diverse populations.

(b) PRIORITY.—In determining which application to approve under this title the Secretary shall give priority to those applicants proposing to serve a target area—

(1) with a median income that does not exceed 80 percent of the median for the area (as determined by the Secretary); and

(2) with a high rate of unemployment, as determined by the Secretary or in which the population loss is at least 7 percent from April 1, 1980, to April 1, 1990, as reported by the Bureau of the Census.

SEC. 104. AVAILABILITY OF LINES OF CREDIT AND USE.

(a) APPROVAL OF APPLICATION.—The Secretary shall provide a community development corporation that has an application approved under section 103 with a line of credit in an amount determined appropriate by the Secretary, subject to the limitations contained in subsection (b).

(b) LIMITATIONS ON AVAILABILITY OF AMOUNTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall not provide in excess of $2,000,000 in lines of credit under this title to a single applicant.

(2) PERIOD OF AVAILABILITY.—A line of credit provided under this title shall remain available over a period of time established by the Secretary, but in no event shall any such period of time be in excess of 3 years from the date on which such line of credit is made available.

(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), if a recipient of a line of credit under this title has made full and productive use of such line of credit, can demonstrate the need and demand for additional assistance, and can meet the requirements of section 102(b)(2), the amount of such line of credit may be increased by not more than $1,500,000.

(c) AMOUNTS DRAWN FROM LINE OF CREDIT.—Amounts drawn from each line of credit under this title shall be used solely for the purposes described in section 101 and shall only be drawn down as needed to provide loans, investments, or to defray administrative costs related to the establishment of a revolving loan fund.

(d) USE OF REVOLVING LOAN FUNDS.—Revolving loan funds established with lines of credit provided under this title may be used to provide technical assistance to private business enterprises and to provide financial assistance in the form of loans, loan guarantees, interest reduction assistance, equity shares, and other such forms of assistance to business enterprises in target areas and who are in compliance with section 103(a)(4).

SEC. 105. LIMITATIONS ON USE OF FUNDS.

(a) MATCHING REQUIREMENT.—Not to exceed 50 percent of the total amount to be invested by an entity under this title may be derived from funds made available from a line of credit under this title.

(b) TECHNICAL ASSISTANCE AND ADMINISTRATION.—Not to exceed 10 percent of the amounts available from a line of credit under this title shall be used for the provision of training or technical assistance and for the planning, development, and management of economic development projects. Community development corporations shall be encouraged by the Secretary to seek technical assistance from other community development corporations, with expertise in the planning, development and management of economic development projects. The Secretary shall assist in the identification and facilitation of such technical assistance.

(c) LOCAL AND PRIVATE SECTOR CONTRIBUTIONS.—To receive funds available under a line of credit provided under this title, an entity, using procedures established by the Secretary, shall demonstrate to the community development corporation that such entity agrees to provide local and private sector contributions in accordance with section 102(b)(2)(D), will participate with such community development corporation in a loan, guarantee or investment program for a designated business enterprise, and that the total financial commitment to be provided by such entity is at least equal to the amount to be drawn from the line of credit.

(d) USE OF PROCEEDS FROM INVESTMENTS.—Proceeds derived from investments made using funds made available under this title may be used only for the purposes described in section 101 and shall be reinvested in the community in which they were generated.

SEC. 106. PROGRAM PRIORITY FOR SPECIAL EMPHASIS PROGRAMS.

(a) IN GENERAL.—The Secretary shall give priority in providing lines of credit under this title to community development corporations that propose to undertake economic development activities in distressed communities that target women, Native

Americans, at risk youth, farmworkers, population-losing communities, very low-income communities, single mothers, veterans, and refugees; or that expand employee ownership of private enterprises and small businesses, and to programs providing loans of not more than $35,000 to very small business enterprises.

(b) RESERVATION OF FUNDS.—Not less than 5 percent of the amounts made available under section 403(a)(2)(A) may be reserved to carry out the activities described in subsection (a).

TITLE II—EMERGING COMMUNITY DEVELOPMENT CORPORATIONS

SEC. 201. COMMUNITY DEVELOPMENT CORPORATION IMPROVEMENT GRANTS.

(a) PURPOSE.—It is the purpose of this section to provide assistance to community development corporations to upgrade the management and operating capacity of such corporations and to enhance the resources available to enable such corporations to increase their community economic development activities.

(b) SKILL ENHANCEMENT GRANTS.—

(1) IN GENERAL.—The Secretary shall award grants to community development corporations to enable such corporations to attain or enhance the business management and development skills of the individuals that manage such corporations to enable such corporations to seek the public and private resources necessary to develop community economic development projects.

(2) USE OF FUNDS.—A recipient of a grant under paragraph (1) may use amounts received under such grant—

(A) to acquire training and technical assistance from agencies or institutions that have extensive experience in the development and management of low-income community economic development projects; or

(B) to acquire such assistance from other highly successful community development corporations.

(c) OPERATING GRANTS.—

(1) IN GENERAL.—The Secretary shall award grants to community development corporations to enable such corporations to support an administrative capacity for the planning, development, and management of low-income community economic development projects.

(2) USE OF FUNDS.—A recipient of a grant under paragraph (1) may use amounts received under such grant—

(A) to conduct evaluations of the feasibility of potential low-income community economic development projects that address identified needs in the low-income community and that conform to those projects and activities permitted under title I;

(B) to develop a business plan related to such a potential project; or

(C) to mobilize resources to be contributed to a planned low-income community economic development project or strategy.

(d) APPLICATIONS.—A community development corporation that desires to receive a grant under this section shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) AMOUNT AVAILABLE FOR A COMMUNITY DEVELOPMENT CORPORATION.—Amounts provided under this section to a community development corporation shall not exceed $75,000 per year. Such corporations may apply for grants under this section for up to 3 consecutive years, except that such corporations shall be required to submit a new application for each grant for which such corporation desires to receive and compete on the basis of such applications in the selection process.

SEC. 202. EMERGING COMMUNITY DEVELOPMENT CORPORATION REVOLVING LOAN FUNDS.

(a) AUTHORITY.—The Secretary is authorized to award grants to emerging community development corporations to enable such corporations to establish, maintain or expand revolving loan funds, to make or guarantee loans, or to make capital investments in new or expanding local businesses.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) be a community development corporation;

(2) have completed not less than one nor more than two community economic development projects or related projects that improve or provide job and employment opportunities to low-income individuals;

(3) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a strategic investment plan that identifies and describes the economic characteristics of the target area to be served, the types of business to be assisted using amounts received under the grant and the impact of such assistance on low-income individuals; and

(4) have secured one or more commitments from local sources for contributions (either in cash or in kind, letters of credit, or letters of commitment) in an amount that is equal to at least 10 percent of the amounts requested in the application submitted under paragraph (2).

(c) USE OF THE REVOLVING LOAN FUND.—

(1) IN GENERAL.—A revolving loan fund established or maintained with amounts received under this section may be utilized to provide financial and technical assistance, loans, loan guarantees or investments to private business enterprises to—

(A) finance projects intended to provide business and employment opportunities for low-income individuals and to improve the quality of life in urban and rural areas; and

(B) build and expand the capacity of emerging community development corporations and serve the economic needs of local residents.

(2) TECHNICAL ASSISTANCE.—The Secretary shall encourage emerging community development corporations that receive grants under this section to seek technical assistance from established community development corporations, with expertise in the planning, development and management of economic development projects and shall facilitate the receipt of such assistance.

(3) LIMITATION.—Not to exceed 10 percent of the amounts received under this section by a grantee shall be used for training, technical assistance and administrative purposes.

(d) USE OF PROCEEDS FROM INVESTMENTS.—Proceeds derived from investments made with amounts provided under this section may be utilized only for the purposes described in this title and shall be reinvested in the community in which they were generated.

(e) AMOUNTS AVAILABLE.—Amounts provided under this section to a community development corporation shall not exceed $500,000 per year.

TITLE III—RESEARCH AND DEMONSTRATION

SEC. 301. RESEARCH AND DEMONSTRATION.

(a) GRANTS.—The Secretary shall award grants to organizations to enable such organizations to undertake programs involving research, testing, studies or demonstrations related to community economic development.

(b) ELIGIBLE ORGANIZATIONS.—To be eligible to receive a grant under this section, an entity shall—

(1) be a community development corporation, university, fiscal intermediary or a nonprofit organization involved in community-based economic development activities; and

(2) prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary determines appropriate.

(c) USE OF FUNDS.—Amounts received under a grant awarded under this section shall be made available for studies, reports, tests or demonstration projects that—

(1) identify current problems facing both urban and rural low-income communities or specific population groups within low-income communities and population-losing communities;

(2) identify solutions to the problems facing both urban and rural low-income communities or specific population groups within low-income communities;

(3) examine or critique current strategies being implemented to address economic issues facing low-income communities; and

(4) relate to any other matters determined appropriate by the Secretary.

(d) MAXIMUM AMOUNT OF GRANT.—A grant awarded under this section shall not exceed $50,000.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. JOINT PROGRAMS.

The Secretary shall develop and promulgate, in consultation with the heads of other Federal agencies, regulations designed to permit, where appropriate, the operation of joint programs under which activities supported with assistance provided under this Act are coordinated with community development activities supported with assistance provided under other programs administered by the Secretary and those administered by the heads of such agencies.

SEC. 402. REPORTS.

(a) COMMUNITY DEVELOPMENT CORPORATIONS.—Not later than 2 years after the date on which assistance is provided to a community development corporation under title I or II, every 2 years thereafter, the community development corporation shall prepare and submit to the Secretary a report under this section. Such report shall include—

(1) the amount of funds received by the community development corporation;

(2) a summary of the uses of such funds;

(3) the number of jobs created or retained by the corporation;

(4) the number and type of new businesses started, including micro-businesses;

(5) the number of jobs created or retained for individuals identified in section 103(a)(4);

(6) in the case of funds made available under title I, the source and amount of matching funds;

(7) in the case of revolving loan funds made available under title II, the amount of funds leveraged; and

(8) related human services and facilities provided as result of assistance provided under this Act.

(b) SECRETARY.—Not later than 3 years after the date on which assistance is first provided under title I or II, and annually thereafter, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives a report containing a summary of the reports received by the Secretary under subsection (a) for the period in which the report of the Secretary is submitted.

SEC. 403. DEFINITIONS.

As used in this Act:

(1) Community development corporation.—The term "community development corporation" means a private, nonprofit corporation whose board of directors is comprised of business, civic and community leaders, and whose principal purpose includes the provision of low-income housing or community economic development projects that primarily benefit low-income individuals and communities.

(2) Local and private sector contribution.—The term "local and private sector contribution" means the funds available at the local level (by private financial institutions, State and local governments) or by any private philanthropic organization and private, nonprofit organizations that will be committed and used solely for the purpose of financing private business enterprises in conjunction with amounts provided under this Act.

(3) Population-losing community.—The term "population-losing community" means any county in which the net population loss is at least 7 percent from April 1, 1980 to April 1, 1990, as reported by the Bureau of the Census.

(4) Private business enterprise.—The term "private business enterprise" means any business enterprise that is engaged in the manufacture of a product, provision of a service, construction or development of a facility, or that is involved in some other commercial, manufacturing or industrial activity, and that agrees to target job opportunities stemming from investments authorized under this Act to certain individuals.

(5) Target area.—The term "target area" means any area defined in an application for assistance under this Act that has a population whose income does not exceed the median for the area within which the target area is located.

(6) Very low-income community.—The term "very low-income community" means a community in which the median income of the residents of such community does not exceed 50 percent of the median income of the area.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

(a) Community Economic Partnership Investment Funds and Emerging Community Development Corporations.—

(1) In general.—There are authorized to be appropriated to carry out titles I and II, $40,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, and $125,000,000 for fiscal year 1996.

(2) Earmarks.—Of the aggregate amount appropriated under paragraph (1) for each fiscal year—

(A) 60 percent shall be available to carry out title I; and

(B) 40 percent shall be available to carry out title II.

(3) Amounts.—Amounts appropriated under paragraph (1) shall remain available for expenditure without fiscal year limitation.

(b) Research and Demonstration.—There are authorized to be appropriated to carry out title III such sums as may be necessary for each of the fiscal years 1994 through 1996.

SEC. 405. PROHIBITION.

None of the funds authorized under this Act shall be used to finance the construction of housing.

SEC. 406. EFFECTIVE DATE.

This Act shall take effect as if included in the Omnibus Budget Reconciliation Act of 1990.

By Mr. SPECTER:

S. 245. A bill to establish a National Commission on Educational Readiness; to the Committee on Labor and Human Resources.

NATIONAL COMMISSION ON EDUCATIONAL READINESS ACT

Mr. SPECTER. Mr. President, experience has taught us that the first few years of life play a crucial role in shaping a person's lifelong mental, emotional, and physical abilities. It is known that health influences education and that good health begins with early and comprehensive prenatal care. Informed parents and responsive community resources can contribute richly to child rearing and to positive child development. Similarly, a child's environment—the home, the playground, the child care setting—can either assist or impair the attainment of the full potential of development.

High-quality early childhood education programs have demonstrated major longterm benefits for children. Studies have shown that program participants by their late teens were more likely to have graduated from high school, become gainfully employed, and pursue some post-high school education. They also had fewer pregnancies, and fewer and less serious encounters with the criminal justice system.

In 1990, President Bush and the Nation's Governors adopted national goals for educational excellence. The first national education goal declared that by the year 2000, all children in America will start school ready to learn.

Unfortunately, all available indicators show we are far from reaching that particular goal. In the summer of 1991, a Carnegie Foundation survey of 7,000 teachers found that one in three of this Nation's children is not ready for school. When asked to compare the readiness of today's children with those of 5 years ago, 42 percent said the situation had grown worse. Increasingly, children's potential to learn is restricted by poor health, social deficiencies, and language problems.

It is a sad irony that young children are the poorest Americans. A recent report of the Children's Defense Fund, entitled "Leave No Child Behind," found that 1 out of every 4 children under age 6 lives in a family with an income below the poverty line, and more than 1 in 10 are from families with incomes less than one-half of the poverty line.

But it isn't only poor children who are unprepared. Children from many different backgrounds—and from all income levels—are found in the group of children unprepared for school entry.

To help address this serious problem, today I am introducing legislation which would authorize $1.5 million to establish a National Commission on Educational Readiness. The sole purpose of this Commission will be to forge a national agenda to help ready children for their formal education.

This Commission goal is modeled along the lines suggested by Ernest L. Boyer, president of the Carnegie Foundation for the Advancement of Teaching and author of "Ready to Learn: A Mandate for the Nation," and Dr. C. Everett Koop, former Surgeon General and Carnegie Foundation Distinguished Scholar.

The Commission I propose is by no means a panacea—but simply an acknowledgment that achieving school readiness is a national goal, requiring a national effort. Yes, the responsibility for school readiness begins with parents. But it also extends to neighborhoods, businesses, city halls, State capitals, and the Federal Government.

The Commission my legislation creates would recommend to Congress and the President what steps ought to be taken to ensure that children are prepared to begin their formal education. It would also serve as a national resource, offering local communities, States, and regions the latest information on what works and what does not.

"These early years in every child's life", Dr. Koop recently wrote, "when preventive measures can actually stop a lifetime of poor health and poor prospects for learning, deserve our caring and nurturing attention." To that, I would only add that the responsibility for fostering school readiness falls to all of us. It requires support, involvement, and collaboration in homes, health clinics, preschools, workplaces, television, and neighborhoods, as well as fostering connections across generations. A caring environment in all of these settings will nurture America's youngest citizens, prepare them for a lifetime of learning, and create a stronger society. My legislation takes that important first step of crafting an agenda—a framework, as it were—for meeting one of our most critical educational goals.

Experience has taught that in the first few years of life there is an unusually critical role in shaping a person's lifelong mental, emotional, and physical abilities. And it is known that health influences education and that good health begins with early and comprehensive prenatal care.

Mr. President, I ask unanimous consent that the full text of this floor statement on the National Commission On Education Readiness, together with the text of the bill be included in the Record as if read in full.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Commission on Educational Readiness Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to promote and improve the quality of preschool skills development by coordinating efforts on behalf of public and private organizations to improve and enhance systems of care for children and their families.

SEC. 3. NATIONAL COMMISSION ON EDUCATIONAL READINESS.

(a) ESTABLISHMENT.—There is hereby established a National Commission on Educational Readiness (hereafter in this Act referred to as the "Commission").

(b) MEMBERSHIP AND ADMINISTRATION OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall consist of 11 members, of whom—

(A) 2 members shall be appointed by the Secretary of Education;

(B) 2 members shall be appointed by the Secretary of Health and Human Services;

(C) 2 members shall be appointed by the Majority Leader of the Senate in consultation with the Minority Leader of the Senate;

(D) 2 members shall be appointed by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives; and

(E) 3 members shall be jointly selected by the Majority Leader of the Senate and the Speaker of the House of Representatives from among individuals who have demonstrated expertise in areas such as early childhood development, comprehensive services delivery for pregnant women, infants, toddlers, and preschool children, professional teaching, or nonprofit organizations or foundations which work to expand educational opportunities for preschool children, such individuals may include State or local officials responsible for health and education policy, parents or representatives of parent organizations.

(2) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(3) VACANCIES.—A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4) MEETINGS.—The Commission shall meet on a regular basis, as necessary, at the call of the Chairperson of the Commission or a majority of the Commission's members.

(5) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(6) TERMS.—(A) Members of the Commission shall be appointed to serve for terms of 3 years, except that of the members first appointed—

(i) 4 members shall serve for terms of 1 year;

(ii) 4 members shall serve for terms of 2 years; and

(iii) 3 members shall serve for terms of 3 years.

(B) Members may be reappointed to the Commission.

(7) CONTRACTS.—To carry out this Act, the Commission may enter into such contracts and other arrangements to such extent or in such amounts as are provided in appropriation Acts, and without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Contracts and other arrangements may be entered into under this paragraph with or without consideration or bond.

(8) COMPENSATION.—Each member of the Commission shall serve without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

(9) ACTIVITY OF THE COMMISSION.—The Commission may begin to carry out its duties under this Act when at least 6 members of the Commission have been appointed pursuant to paragraph (1).

SEC. 4. DUTIES OF THE COMMISSION.

The Commission shall—

(1) recommend a national policy designed to prepare the Nation's children for formal learning, including recommendations concerning appropriate roles for the Federal Government, States, local governments and the private sector;

(2) recommend to the President and the Congress the specific changes needed within Federal laws and policies to achieve an effective Federal role in such preparation;

(3) encourage State and local initiatives on behalf of children (including legislative and policy changes as the Commission determines necessary) and monitor progress toward school readiness;

(4) sponsor national, State and regional conferences on ready to learn activities;

(5) establish and operate a national clearinghouse for the dissemination of information and materials on readiness to learn;

(6) establish an advisory council in accordance with section 10;

(7) collaborate with specific entities involved with ready to learn issues or activities such as the National Ready to Learn Council, the National Education Goals Panel and appropriate State ready to learn activities;

(8) develop and maintain collaborative arrangements with public agencies and professional and voluntary organizations that are involved in ready to learn issues; and

(9) provide consultation and technical assistance, or arrange for the provision of such consultation and technical assistance, to State and community entities providing or preparing to provide integrated comprehensive health or child development services or educational services to pregnant women, infants, toddlers, and preschool children.

SEC. 5. REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date on which all members of the Commission are appointed in accordance with section 3(b), the Commission shall prepare and submit to the President and to the appropriate committees of the Congress a comprehensive report on the activities of the Commission.

(b) CONTENTS.—The report submitted pursuant to subsection (a) shall include such findings and recommendations for legislation and administrative action as the Commission considers appropriate based on the activities of the Commission.

(c) OTHER REPORTS.—The Commission shall prepare and submit to the President and the Congress such other reports as the Commission considers appropriate.

SEC. 6. INFORMATION.

The Commission may secure directly from any Federal agency such information, relevant to the Commission's functions, as may be necessary to enable the Commission to carry out the Commission's duties. Upon request of the Chairman of the Commission, the head of the agency shall, to the extent permitted by law, furnish such information to the Commission.

SEC. 7. GIFTS.

The Commission may accept, use, and dispose of gifts and donations of money, services, or property, for the purpose of aiding the activities of the Commission.

SEC. 8. MAIL.

The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

SEC. 9. COMMISSION STAFF.

(a) EXECUTIVE DIRECTOR.—The Commission shall appoint an executive director, who shall be paid at a rate not to exceed the maximum rate of basic pay under section 5376 of title 5, United States Code, and such professional and clerical personnel as may be reasonable and necessary to enable the Commission to carry out its functions without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification and General Schedule rates, except that no employee, other than the staff director, may be compensated at a rate to exceed the maximum rate applicable to level 15 of the General Schedule set forth in section 5332 of title 5, United States Code.

(b) OTHER FEDERAL PERSONNEL.—Upon request of the Chairman of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act. Such detail shall be without interruption or loss of civil service status or privilege set forth in section 5332 of title 5, United States Code.

SEC. 10. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Commission shall establish an advisory council (hereafter in this Act referred to as the "Council") composed of representatives of professional and voluntary organizations, and recognized scholars and experts in early childhood development, education, health, child advocacy and other relevant fields.

(b) FUNCTIONS.—

(1) IN GENERAL.—The Council shall—

(A) advise the Commission regarding—

(i) readiness to learn;

(ii) the design, development and execution of the strategies assisted under this Act; and

(iii) the coordination of activities assisted under this Act, including procedures to assure compliance with the provisions of this Act; and

(B) make recommendations to the Commission in accordance with paragraph (2).

(2) RECOMMENDATIONS.—The Council shall make recommendations to the Commission regarding how best to—

(A) promote collaboration and joint activities to assist communities in assuring the Nation's children receive the variety of supports such children require to be ready for school;

(B) report on and promote innovative and exemplary projects and programs that highlight integrated, comprehensive services, including how such projects and programs may be used as models for replication in other communities;

(C) encourage and support the development of State and community ready to learn activities;

(D) monitor national progress toward the National Education Goal regarding school readiness; and

(E) develop, exchange and disseminate information regarding readiness to learn.

SEC. 11. APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this Act.

SEC. 12. EXPERTS AND CONSULTANTS.

Subject to such rules as may be prescribed by the Commission, the Chairman of the Commission may procure temporary and intermittent services under section 3109 of title 5, United States Code, as rates for individuals, not to exceed the daily rate payable for level GS–15 of the General Schedule set forth in section 5332 of title 5, United States Code.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $1,500,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 and 1996 to carry out the provisions of this Act.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authority of subsection (a) shall remain available until expended.

By Mr. SPECTER:

S. 246. A bill to provide expedited procedures for the consideration of habeas corpus petitions in capital cases; to the Committee on the Judiciary.

FEDERAL HABEAS CORPUS REFORM ACT OF 1993

Mr. SPECTER. Mr. President, I will introduce this afternoon three bills designed to make the death penalty effective as a deterrent against violent crime. It is unnecessary to recite statistics on the scope and extent or seriousness of violent crime in America today. It is my view that the death penalty is an effective deterrent against violent crime, based on the experience I have had in some 12 years in the Philadelphia district attorney's office, and what I have seen in more than 12 years serving on the Judiciary Committee of the U.S. Senate.

The deterrent quality of the death penalty has been significantly eroded by very lengthy appeals which follow the imposition of death, and by the fact that the decisions by the Supreme Court of the United States, in declaring the death penalty unconstitutional, unless the statute is constructed carefully—that aggravating and mitigating circumstance—has resulted in the virtual absence of the death penalty on the books of the Federal Government. Except for the Uniform Code of Military Justice and a single statute on the death penalty for drug users enacted in 1988, there are no Federal death penalty statutes; so that there is no Federal death penalty, for example, applicable to the assassination of the President of the United States.

We have at the present time—or as of October 1992, in the most exact statistics available—some 2,636 people on death row. Since 1976—again, according to the most accurate statistics available—there have been 190 executions for outrageous kinds of murder.

I am suggesting, Mr. President, that the death penalty be sharply limited to only the most extraordinary violent, premeditated acts of murder by those who are, in most cases, repeat offenders.

When I was district attorney of Philadelphia, I reserved for myself the decision on whether the death penalty would be requested in any specific case, and those requests were very selectively employed.

But I do believe that the evidence is overwhelming that the death penalty is an effective deterrent.

I appreciate those who oppose the death penalty on the grounds of conscientious scruples. But it seems to me that as long as the death penalty does deter violent crime, it is a weapon which ought to be at the disposal of law enforcement in this country.

The first of the three statutes which I am introducing on this subject is entitled "The Federal Habeas Corpus Reform Act of 1993." This act is designed to streamline the review of death penalty cases after a jury has imposed the death penalty.

In the provisions set forth a timetable is constructed. It calls for the elimination of State habeas corpus proceedings on a voluntary basis by any State which wishes to accept the expedited procedure set forth in this bill.

Habeas corpus, Mr. President, is a proceeding which was employed, illustratively, in Pennsylvania, when I was district attorney, where after the death penalty had been imposed by the jury and after posttrial motions had been dismissed, and after the State supreme court had upheld the death penalty, and after the Supreme Court of the United States had either upheld the State supreme court judgment or had denied the review, where again the case would go back to the lower courts on a challenge of constitutional error, invariably, those were pro forma proceedings, with the only issue really being litigated the adequacy of counsel.

This bill provides for a unitary-type proceeding such as is used in California, where a claim of inadequate counsel may be raised after conviction and imposition of the death penalty, but before the appeal to the State supreme court. The bill sets forth in some detail the procedures for what would, in effect, be approximately a 1-year time period in the State court, and then a timetable for expedited disposition by the Federal courts, with limits on decisions by the U.S. district court, the courts of appeals, and also by the Supreme Court of the United States, where these cases would be placed in a priority class for especially expedited treatment based on the proposition that among all of the cases which the courts hear, that this class of cases deserves to be in a special category because of the seriousness of the death penalty, and because of its effect as a deterrent against violent crime.

If there are circumstances which warrant a more extended time period, then the bill does allow for extensions of time providing cause is shown.

The bill provides latitude for those on death row to get the benefit of any intervening decisions which have occurred since the death penalty was imposed. And while that does leave more grounds for appeal, that should not be unduly burdensome in the context of the circumscribed time limits.

The bill also provides for limitation of successive appeals where they would not go back to the district court, but would have to be allowed by the court of appeals to put a more restrictive rein on successive appeals, which have involved so much delay in our court system.

Mr. President, the second bill that I am introducing is an omnibus bill providing for the death penalty under the Federal system for a series of murders, including the assassination of a President; murder by a Federal prisoner; murder by use of explosives, and an entire sequence which would, in effect, reinstate capital punishment as provided by Federal law prior to the time the death penalty was declared unconstitutional.

The third bill that I am introducing is entitled the "Terrorist Death Penalty Act of 1993," which is being introduced separately because of the possibility of attaching this bill to some other legislation which may come to the floor. This legislation was considered by the Senate in the 101st Congress and was passed by a vote of 79 to 20.

I am attaching as an addendum to the statement on the Terrorist Death Penalty Act of 1993 a more extensive statement which had been reprinted in the CONGRESSIONAL RECORD on my floor statement of October 26, 1989, which sets forth in some detail specific cases which show the effectiveness of the death penalty as a deterrent against violent crime.

Mr. President, at this time, I ask unanimous consent that there appear in the RECORD following these remarks the full text of my statement on the Federal Habeas Corpus Reform Act of 1993, together with the text of the bill, the text of my statement on the Death Penalty Act of 1993, together with the full text of the bill, the floor statement on the Terrorist Death Penalty Act of 1993, together with the addendum from the 1989 CONGRESSIONAL RECORD, together with the text of the bill, and also the updated CRS brief on terrorist incidents, all as if I had presented them on the floor of the Senate today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. President, one of the most vexing issues we have confronted over the past few years is what to do to reform habeas corpus procedures in capital cases. Habeas corpus is the technical term for Federal collateral review of state-court criminal convictions. As the ultimate arbiters of Federal constitutional rights, Federal courts have authority to review State convictions for Federal constitutional violations. This review is secured through a petition for habeas corpus.

In 1984, the Senate passed a broad habeas corpus reform measure, but the House failed to consider it. In the 101st Congress, the Senate adopted an amendment that Senator THURMOND and I offered to the omnibus anticrime bill that would have reformed habeas corpus procedures in death penalty cases. Unfortunately, at the insistence of the House conferees, this provision was dropped from the conference report.

Habeas corpus reform was revisited in the 102d Congress. Portions of my proposal, S. 19, were incorporated into the Republican habeas corpus reform package, which became part of the Senate's anticrime legislation. This time, the conference committee on the Senate and House anticrime bills kept a habeas corpus reform provision in the conference report, but it was the House version. This version was unacceptable to me.

The main problem with habeas corpus in capital cases has been the abuse of the writ. Inmates file repetitive petitions years after their convictions raising issues that could have been raised before just to delay their executions. As reported by the Conference Committee, the habeas corpus reform provision in the conference report to H.R. 3371 in the 102d Congress would have exacerbated the delay, not ameliorated it. Therefore, many of my colleagues joined me in opposing cloture on the conference report was never voted on, despite late efforts at a compromise.

Because I view the reform of habeas corpus proceedings as one of the fundamental issues facing this body in the areas of criminal law and Federal-State relations, I am once again introducing habeas corpus reform legislation, which is identical to the amendment adopted by the Senate on May 24, 1990, and to my bill S. 19 from the 102d Congress.

My proposal, the Federal Habeas Corpus Reform Act of 1993, establishes a timeframe for imposition of the death penalty in State cases that is reasonable and will again make the death penalty a meaningful sanction. The scope of the problem of delay associated with the imposition of the death penalty is demonstrated by the fact that as of October 1992, there were 2,636 people on death rows across the Nation, according to information provided to me. The average length of time these inmates had spent on death-row is approximately 8 years. Since the reinstatement of the death penalty in 1976, 190 executions have been carried out.

In 1990, Chief Justice William H. Rehnquist said that the current system for handling death penalty habeas corpus cases in the Federal courts "verges on the chaotic," he was being charitable. The existing process calls into question the effectiveness of the entire criminal justice system. This is the reason that reform is so important. Opponents of tough habeas corpus reform argue that it should be a secondary issue because it only involves people who are already behind bars, awaiting execution, and therefore will not affect crime rates. I believe that this argument is shortsighted. Restrictions on habeas corpus will affect general crime rates because they will convince potential criminals that the laws will be carried out. If they are sentenced to death, they will get one review in Federal court at ensuring that their rights were not violated.

Today, the death penalty is the laughingstock of the criminal justice system because endless delays in the Federal habeas corpus proceedings have rendered it meaningless. Some cases have dragged on for over 18 years. The lower courts are so brazen about their interposition into State criminal justice systems that in one case last year the Supreme Court had to order the lower courts not to issue any further orders delaying one particular execution in California.

By the time cases find their way through a State court system and then bounce around the Federal judicial system, intervening decisions of the Supreme Court have frequently established new rights, which, in turn, give new hope to inmates with nothing to lose, so the entire process begins anew. The great writ of habeas corpus is always available, so stays of execution repeatedly delay the imposition of the death penalty, resulting in public scorn and contempt for the judicial system and the scorn and contempt of violent criminals who will take their chances that they will ultimately avoid the death penalty for their heinous acts.

My legislative proposal is based on my personal experience in handling numerous State and Federal habeas corpus cases as an assistant district attorney and chief of the appeals division in the Philadelphia district attorney's office, and later in supervising hundreds of such cases as the Philadelphia district attorney.

A PRACTICAL, JUST TIMETABLE

This proposal establishes a timetable for the imposition of the death penalty in almost all cases within 1 year from the time the State courts impose the sentence. The essential provisions are:

First, elimination of State habeas corpus proceedings, which involve lengthy delays, by allowing immediate collateral attack on the sentence of death.

Second, a single Federal court review through habeas corpus proceedings in which almost all cases will be resolved within 1 year on this schedule:

Federal habeas petition must be filed within 60 days from the final action of the State court proceedings resulting in the death penalty;

A final decision will have to be made by the Federal district court within 110 days from the filing of the habeas corpus petition;

A final decision will have to be made by the Federal court of appeals within 110 days from the final judgment in the district court;

Final action on a grant or denial of certiorari by the Supreme Court of the United States will have to be made within 110 days of the judgment of the court of appeals.

Third, the statute would prohibit continuances on filing a petition for habeas corpus except on a showing of good cause with a detailed specification of reasons by any court granting a continuance.

Fourth, no subsequent Federal court habeas corpus petition shall be entertained unless specific leave is granted by the court of appeals with jurisdiction and then only for limited reasons.

Fifth, the proposed expedited treatment of habeas corpus petitions would apply only to States which agree to provide free, competent legal counsel for defendants throughout the legal process for capital cases.

This compressed timeframe is both just and practical. It eliminates the lengthy delays occasioned by State habeas corpus proceedings in death penalty cases as the highest priority in the Federal judicial system. The death penalty is of sufficient importance to justify being accorded this priority treatment on the Federal court calendar.

A REALISTIC TIMETABLE

The timetable established in my bill limiting Federal habeas corpus proceedings to less than 1 year in most cases is not only practical and just but realistic as well. The key factor in this timetable is the requirement that the States will have to provide competent, free counsel to defendants in capital cases through all legal proceedings. It may be that assigned trial counsel would handle all stages of the case post-trial, unless there is an allegation of incompetency of counsel, in which event new counsel would obviously have to be provided to press that claim.

It is realistic to require the Federal habeas corpus petition to be filed within 60 days from appointment of post-conviction counsel by the State court. Appointed counsel will be on notice that the case cannot be treated as business as usual. Priority will have to be given the matter. I know from my own experience in the criminal justice system, including many years as a prosecutor, that a lawyer can prepare the petition for habeas corpus within that timeframe, although it may require long hours, overtime efforts, or the putting aside of other legal work.

If there are unusual circumstances, and I concede that it is not possible in a statutory setting to anticipate every conceivable situation, the court may allow extra time on a showing of good cause with a specification of the reasons for allowing the additional time.

Just as the timetable placed on the lawyers is reasonable, so too is the timetable placed on judicial consideration of habeas corpus petitions in capital cases. A district judge should be able to render a final decision within 110 days of the filing of the petition. That time period is calculated by giving the prosecutor 20 days to answer the petition and then 90 days for hearings, briefing, argument, and preparation of the decision by the district court. Based again on my experience in the field, I know that this timetable can be adhered to, even though it will require a Federal judge to give top priority to habeas corpus petitions in capital cases. The judge will also be responsible for enforcing the necessarily stringent timetable on counsel to process the case. All involved will have to undertake significant levels of work, but it is customary for counsel preparing a case for a hearing to put in long hours. This bill will require no change in lawyers' or judges' work habits, other than to require that they accord the highest priority to capital habeas corpus claims.

It is also realistic to require a decision by the court of appeals within 110 days of the final judgment of the district court. This timetable is only slightly faster than existing rules on docketing appeals and briefing cases. The timetable will allow the appellate court adequate time for review, reflection, and decision. In British courts, judges render oral opinions immediately after oral argument. As a practical matter, most decisions are made by appellate judges within a relatively brief period of time after oral argument or the submission of briefs.

Finally, I believe it is realistic to require final action by the Supreme Court of the United States within 110 days. This schedule will allow 20 days for the preparation of the petition for a writ of certiorari and 90 days for decision by the Court on the petition. It is currently a common practice for the Court to deny certiorari in under 90 days. While our Nation's highest Court would have to accord capital habeas corpus cases priority, that is a fitting requirement in the face of the urgency such cases present, as Chief Justice Rehnquist has articulated.

It is inevitable that some cases will not be completed within the 1-year timeframe established by this legislation. Some trials may be so long and complex that this timetable will be too short. I must stress, however, that the abbreviated timetable does not take effect until after the case has been tried and appealed in the State courts, and no time limit is placed on the length of trial or on periods for consideration of post-trial motions and the direct appeal. During that period, most, if not all, of the complex factual and legal issues will be organized, analyzed, and resolved by the State courts, so that these issues will not be novel when the case comes to Federal court.

In cases in which my proposed timetable proves unrealistic and cannot be observed, extensions of time may be granted on a showing of good cause, but the court will be required to specify the reasons for any extensions or delays. If delays are granted, the court will be under an obligation to monitor the case closely and see to it that delays are held to a minimum.

RETROACTIVE EFFECT TO NEWLY CREATED RIGHTS

My bill accommodates two vexing issues raised by the bills that have been debated over the previous few years. Disagreement has arisen as to whether rights created by intervening court decisions should be given retroactive effect to prisoners whose convictions were final but who were in the process of seeking habeas corpus relief. Because of the delays in the current system, intervening court decision often create new rights. Under existing law, designed for cases in the current system where cases take years to resolve and such new rights can multiply quickly and could otherwise add to the delay in carrying out the death sentence, the Supreme Court has fashioned decisions to severely limit the retroactive application of intervening decisions. Given my compressed timetable, however, the problem of intervening rights will be greatly reduced.

In my judgment, it is neither conscionable nor realistic to carry out a death sentence where that result might be altered by a constitutional right created by an intervening judicial decision. My legislation would allow an inmate sentenced to death (but not to other inmates with habeas corpus petitions) to benefit from any newly created rights. Of course, this should not occur too frequently with the compressed timetable called for in my bill.

STANDARD FOR SUCCESSIVE PETITION

My proposal would eliminate much of the controversy between the recommendations of the special committee of the Judicial Conference to study habeas corpus reform in capital cases, chaired by retired Justice Lewis F. Powell, Jr., which had proposed permitting successive petitions only if there was reason to doubt the defendant's guilt and those of the Judicial Conference itself, which would allow a successive petition if a single Federal judge doubted the appropriateness of the death sentence.

My proposal would require a three-judge panel of the court of appeals to approve the filing of any successive petition, not a single district judge. By establishing the court of appeals as a gatekeeper before leave is granted to file a successive petition, there would be a tighter rein on repetitious petitions.

While my proposal does not allow a single judge to halt an execution on a successive petition, it does take a more liberal attitude to the grounds for a successive petition, following the judicial Conference's recommendation. As with the issue of retroactivity, I believe it is unconscionable to impose a more restrictive provision, such as that recommended by Justice Powell's commission, when a life is at stake. Because a death sentence carries with it conclusions as to both guilt and sufficient aggravating circumstances to warrant execution, it is my judgment that the standards for allowing a successive petition should be broad enough to consider both issues relating to guilt and issues relating to the appropriateness of the sentence. Requiring leave of the court of appeals to file successive petitions will serve as an adequate brake on successive petitions that have no merit.

STATE HABEAS CORPUS SHOULD BE ELIMINATED

State habeas corpus proceedings, which provide for collateral attack in State courts against State-court imposed death sentences, involve lengthy delays and accomplish virtually nothing in the administration of justice. Such proceedings provide a forum for addressing possible errors of both State and Federal law in the trial, and to a certain extent mirror Federal habeas corpus proceedings.

For example, in Pennsylvania a defendant is indicted for first degree murder, which is tried before a jury in the court of common pleas. If they convict defendant of the murder, the jurors then consider aggravating and mitigating circumstances to determine whether the appropriate penalty is life imprisonment or death in the electric chair. When the jury imposes the death sentence, the defendant appeals to the Supreme Court of the Commonwealth of Pennsylvania. If the Pennsylvania Supreme Court upholds the conviction and death sentence, the defendant may ask the U.S. Supreme Court to review, at its discretion, his case. As a matter of practice, review by the U.S. Supreme Court occurs very, very infrequently.

After the U.S. Supreme Court refuses to hear the case, Federal law currently requires the defendant to file a State habeas corpus petition in order to exhaust all available State remedies before a Federal court would have jurisdiction to review the case in a Federal habeas corpus proceeding. So, in the State habeas corpus proceeding, the defendant asks the court of common pleas in the same county in which the defendant had previously been convicted to review the trial record and determine the defendant's claims that his rights were violated in that trial.

In some cases in less populated counties, this State habeas corpus petition may come before the very same judge who handled the trial, although in most cases the habeas corpus petition will be assigned to a different judge in the county of conviction.

Where questions of fact are raised in the State habeas corpus petition, the court of common pleas will have to hold an evidentiary hearing. Such hearings are almost always perfunctory, as the issues presented to the court have virtually all already been heard and adjudicated. In almost every case, the State habeas corpus petition is denied because most, if not all the issues had previously been decided in the initial appeal to the State supreme court. After the court of common pleas denies the defendant's petition for habeas corpus, an appeal is taken to the State intermediate appellate court, which typically denies the appeal on the authority of the State supreme court's initial decision. The appeal is then taken back to the State supreme court, which, having already heard the case once, customarily affirms the lower courts' denial of the habeas corpus petition. The defendant then must ask the U.S. Supreme Court once again to grant discretionary review over a case it has already once refused to hear. Only when the U.S. Supreme Court denies review does the defendant finally have standing to file a habeas corpus petition in Federal court.

State habeas corpus proceedings as outlined above frequently take years because no one is in a hurry; the courts are clogged with other matters that have more immediacy, and State habeas corpus petitions in capital cases languish because the defendant, already convicted, is imprisoned. When the defendant finally files a Federal habeas corpus petition, the same proceedings as took place in State court can take place in Federal court. When an evidentiary hearing is necessary, the court will hold one. After adjudication by the district court, an appeal is taken to the court of appeals. After the decision of the court of appeals, the U.S. Supreme Court may be asked to exercise its discretionary review, already twice denied, over the case. This Federal process can also take years.

By the time these lengthy State and Federal court habeas corpus proceedings have been concluded, it frequently occurs that an intervening decision by the Supreme Court of the United States or another court has created—or at least the defendant can colorably argue—new rights for the defendant which provide a basis for a whole new attack on the conviction and sentence. The entire habeas corpus procedure starts again in State court to be followed by Federal court habeas corpus review. By the time this second round is over, it again frequently occurs that yet another intervening decision has or appears to have created some other new right, and the process can be repeated virtually interminably.

My proposed legislation would eliminate State habeas corpus review as a precondition to Federal habeas corpus review of capital cases. The rationale for doing away with the need to exhaust State remedies is that the State process is largely a formality in such cases. In any event, I believe State proceedings to be unnecessary to a determination of whether defendant's Federal rights were violated at trial. Such issues can be adequately litigated and determined in Federal court without the benefit of State habeas corpus review. While the current system preserves comity between State and Federal governments, it adds too much delay and causes disrespect for the law. It is time to change the current system by eliminating State habeas corpus proceedings as a prerequisite to Federal habeas corpus review of capital cases.

In addition to not requiring exhaustion, my proposal would require States to implement unitary review procedures in capital cases to take advantage of this expedited procedure. Under the unitary review model, claims of error that cannot be addressed on direct appeal appellate review are expedited in the lower courts and the appeal from such claims is consolidated with the direct appeal, allowing a defendant's claims to be heard all in one appeal.

The paradigm for this type of claim is the ineffective assistance of counsel claim. Such claims are usually presented to the State courts in a State habeas corpus petition after the direct appeal. Under the unitary review model, the direct appeal to the State's highest court would be held, and full lower court proceedings would be conducted and a ruling made on the ineffective assistance of counsel claim. Should the claim be denied, the defendant's appeal would be consolidated with the direct appeal, allowing the State supreme court to decide all issues in a single proceeding rather than in multiple appeals. Getting States to adopt the unitary review model is an important element in eliminating the delay in the system.

CONCLUSION

The essences of effectiveness of any criminal sentence are swiftness and certainty. Today, the death penalty is exactly the opposite: great uncertainty caused by endless delays. Its deterrent effect is thereby almost totally vitiated, and society is left unprotected from its worst predators. As I have said on this floor on many occasions, powerful arguments support the conclusion that the death penalty is a deterrent to violent crime. Even those who question the efficacy of the death penalty cannot doubt the legitimate interest that 37 States have in seeing their laws, that provide for the death penalty, faithfully discharged. In addition, the inmates on death row are forced to endure many years in limbo. The current system is fair neither to society nor those sentenced to die.

The current system of habeas corpus review of capital cases in Federal courts is chaotic. The death penalty has become a cruel farce to society, to the families of victims, and to the defendants themselves. We need to put a stop to this parody of justice. The way to stop it is to impose a strict timetable. My legislation will do just that, while expanding the ability of defendants to raise certain arguments in the courts. It is a carefully balanced package. I urge its adoption this year.

A copy of the bill follows my remarks.

S. 246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES.

(a) IN GENERAL.—Part IV of title 28, United States Code, is amended by inserting immediately following chapter 153 the following new chapter:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.

"2261. Defendants subject to capital punishment and prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

"2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.

"2263. Filing of habeas corpus petition; time requirements; tolling rules.

"2264. Evidentiary hearings; scope of Federal review; district court adjudication.

"2265. Certificate of probable cause inapplicable.

"2266. Counsel in capital cases; trial and post-conviction standards.

"2267. Law controlling in Federal habeas corpus proceedings; retroactivity.

"2268. Habeas corpus time requirements.

"§ 2261. Defendants subject to capital punishment and prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) This chapter shall apply—

"(1) to—

"(A) cases in which the defendant is tried for a capital offense; or

"(B) cases arising under section 2254 of this title brought by prisoners in State custody who are subject to a capital sentence; and

"(2) only if subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable fees and litigation expenses of competent counsel consistent with section 2266 of this title.

"(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State defendants tried for a capital offense and all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing one or more counsel to represent the defendant or prisoner upon a finding that the defendant or prisoner—

"(A) is indigent and has accepted the offer; or

"(B) is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing, if necessary, that the defendant or prisoner has rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the defendant or prisoner is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent—

"(1) a State defendant being tried for a capital offense; or

"(2) prisoner under capital sentence during direct appeals in the State courts,

shall have previously represented the defendant or prisoner at trial or on direct appeal in the case for which the appointment is made unless the defendant or prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel during State or Federal collateral post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under this chapter. This subsection shall not preclude the appointment of different counsel at any phase of Federal post-conviction proceedings.

"§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Upon the entry in the appropriate State court of record of an order pursuant to section 2261(c) of this title for a prisoner under capital sentence, a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed pursuant to this chapter. The application must recite that the State has invoked the procedures of this chapter and that the scheduled execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus petition under this chapter within the time required in section 2263 of this title; or

"(2) upon completion of district court and court of appeals review under this chapter, the petition for relief is denied and—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254 of this title, in the presence of counsel and after having been advised of the consequences of making the waiver.

"(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution or grant relief in a capital case unless—

"(1) the basis for the stay and request for relief is a claim not previously presented in the State or Federal courts;

"(2) the failure to raise the claim—

"(A) was the result of State action in violation of the Constitution or laws of the United States;

"(B) was the result of a recognition by the Supreme Court of a new fundamental right that is retroactively applicable; or

"(C) is due to the fact the claim is based on facts that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State or Federal post-conviction review; and

"(3) the filing of any successive petition for a writ of habeas corpus is authorized by the appropriate court of appeals in accordance with section 2264(c) and the facts underlying the claim would be sufficient, if proved, to undermine the court's confidence in the jury's determination of guilt on the offense or offenses for which the death penalty was imposed or newly discovered facts which are not based upon or include opinion evidence, expert or otherwise, which would be sufficient to undermine the court's confidence in the validity of the death sentence.

"§ 2263. Filing of habeas corpus petition; time requirements; tolling rules

"(a) Any petition filed under this chapter for habeas corpus relief must be filed in the appropriate district court not later than 60 days after the filing in the appropriate State court of record of an order issued in compliance with section 2261(c) of this title. The time requirements established by this section shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner seeks review of a capital sentence that has been affirmed on direct appeal by the court of last resort of the State or has otherwise become final for State law purposes; and

"(2) during an additional period not to exceed 60 days, if counsel for the State prisoner—

"(A) moves for an extension of time in Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus petition under section 2254 of this title; and

"(B) makes a showing of good cause for counsel's inability to file the habeas corpus petition within the 60-day period established by this section. A court that finds that good cause has been shown shall explain in writing the basis for such a finding.

"(b) A notice of appeal from a judgment of the district court in a claim under this chapter shall be filed within 20 days of the entry of judgment.

"(c) A petition for a writ of certiorari to the Supreme Court of the United States in a claim under this chapter shall be filed within 20 days of the issuance of the mandate by the court of appeals.

"§ 2264. Evidentiary hearings; scope of Federal review; district court adjudication

"(a) Whenever a State prisoner under a capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court—

"(1) shall determine the sufficiency of the evidentiary record for habeas corpus review; and

"(2) may conduct an evidentiary hearing when the court, in its discretion, determines that such hearing is necessary to complete the record for habeas corpus review.

"(b) Upon the development of a complete evidentiary record, the district court shall rule on the merits of the claims properly before it within the time limits established in section 2268 of this title.

"(c)(1) Except as provided in paragraph (2), a district court may not consider a successive claim under this chapter.

"(2) A district court may only consider a successive claim under this chapter if the petitioner seeks leave to file a successive petition in the appropriate court of appeals.

"(3) In a case in which the appropriate court of appeals grants leave to file a successive petition, the time limits established by this chapter shall be applicable to all further proceedings under the successive petition.

"§ 2265. Certificate of probable cause inapplicable

"The requirement of a certificate of probable cause in order to appeal from the district court to the court of appeals does not apply to habeas corpus cases subject to this chapter.

"§ 2266. Counsel in capital cases; trial and post-conviction standards

"(a) A mechanism for the provision of counsel services to indigents sufficient to invoke the provisions of this chapter shall—

"(1) provide for counsel to indigents charged with offenses for which capital punishment is sought, to indigents who have been sentenced to death and who seek appellate or collateral review in State court, and to indigents who have been sentenced to death and who seek certiorari review in the United States Supreme Court; collateral review in State court, and to indigents who have been sentenced to death and who seek certiorari review in the United States Supreme Court; and

"(2) provide for the entry of an order of a court of record appointing one or more counsel to represent the prisoner except upon a judicial determination (after a hearing, if necessary) that (A) the prisoner is not indigent; or (B) the prisoner knowingly and intelligently waives the appointment of counsel.

"(b)(1) Except as provided below, at least one attorney appointed pursuant to this chapter before trial, if applicable, and at least one attorney appointed pursuant to this chapter after trial, if applicable, shall have been certified by a statewide certification authority. The States may elect to create one or more certification authorities (but not more than three such certification authorities) to perform the responsibilities set forth below. The certification authority for counsel at any stage of a capital case shall be—

"(i) a special committee, constituted by the State court of last resort or by State law, relying on staff attorneys of a defender organization, members of the private bar, or both; or

"(ii) a capital litigation resource center, relying on staff attorneys, members of the private bar, or both; or

"(iii) a statewide defender organization, relying on staff attorneys, members of the private bar, or both.

The certification authority shall—

"(iv) certify attorneys qualified to represent persons charged with capital offenses or sentenced to death; and

"(v) draft and annually publish procedures and standards by which attorneys are certified and rosters of certified attorneys; and

"(vi) periodically review the roster of certified attorneys, monitor the performance of all attorneys certified, and withdraw certification from any attorney who fails to meet high performance standards in a case to which the attorney is appointed; or fails otherwise to demonstrate continuing competence to represent prisoners in capital litigation.

"(2) In a State that has a publicly funded public defender system that is not organized on a statewide basis, the requirements of section 2261(b) shall have been deemed to have been satisfied if at least one attorney appointed pursuant to this chapter before trial shall be employed by a State funded public defender organization, if the highest court of the State finds on an annual basis that the standards and procedures established and maintained by such organization (which have been filed by such organization and reviewed by such court on an annual basis) ensure that the attorneys working for such organization demonstrate continuing competence to represent indigents in capital litigation.

"(c) If a State has not elected to establish one or more statewide certification authorities to certify counsel eligible to be appointed before trial to represent indigents, in the case of an appointment made before trial, at least one attorney appointed under this chapter must have been admitted to practice in the court in which the prosecution is to be tried for not less than 5 years, and must have not less than 3 years' experience in the trial of felony prosecutions in that court.

"(d) If a State has not elected to establish one or more statewide certification authorities to certify counsel eligible to be appointed after trial to represent indigents, in the case of an appointment made after trial, at least one attorney appointed under this chapter must have been admitted to practice in the court of last resort of the State for not less than 5 years, and must have had not less than 3 years' experience in the handling of appeals in that State's courts in felony cases.

"(e) Notwithstanding this subsection, a court, for good cause, may appoint another attorney whose background, knowledge or experience would otherwise enable the attorney to properly represent the defendant, with due consideration of the seriousness of the possible penalty and the unique and complex nature of the litigation.

"(f) Upon a finding in ex parte proceedings that investigative, expert or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or issues relating to sentence, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall order the payment of fees and expenses therefor, under subsection (g). Upon finding that timely procurement of such services could not practically await prior authorization, the court may authorize the provision of any payment of services nunc pro tunc.

"(g) The court shall fix the compensation to be paid to an attorney appointed under this subsection (other than State employees) and the fees and expenses to be paid for investigative, expert, and other reasonably necessary services authorized under subsection (c), at such rates or amounts as the court determines to be reasonably necessary to carry out the requirements of this subsection.

"§ 2267. Law controlling in Federal habeas corpus proceedings; retroactivity

"In cases subject to this chapter, all claims shall be governed by the law as it was when the petitioner's sentence became final. A court considering a claim under this chapter shall consider intervening decisions by the Supreme Court of the United States which establish fundamental constitutional rights.

"§ 2268. Habeas corpus time requirements

"(a) A Federal district court shall determine any petition for a writ of habeas corpus brought under this chapter within 110 days of filing

"(b) The court of appeals shall hear and determine any appeal of the granting, denial, or partial denial of a petition for a writ of habeas corpus brought under this chapter within 90 days after the notice of appeal is filed.

"(c) The Supreme Court shall act on any petition for a writ of certiorari in a case brought under this chapter within 90 days after the petition is filed.

"(d) The Administrative Office of United States Courts shall report annually to Congress on the compliance by the courts with the time limits established in this section.".

SEC. 2. AMENDMENT TO TABLE OF CHAPTERS.—The table of chapter for part IV of title 28, United States Code, is amended by inserting after the item for chapter 153 the following:

"154. Special habeas corpus procedures in capital cases .... 2261".

SEC. 3. AMENDMENT TO SECTION 2254 OF TITLE 28.—Section 2254(c) of title 28, United States Code, is amended by—

(1) striking "An applicant" and inserting "(1) Except as provided in paragraph (2), an applicant"; and

(2) adding at the end thereof the following:

"(2) An applicant in a capital case shall be deemed to have exhausted the remedies available in the courts of the State when he has exhausted any right to direct appeal in the State.".

By Mr. SPECTER:

S. 247. A bill to establish constitutional procedures for the imposition of the death penalty for certain Federal offenses; to the Committee on the Judiciary.

DEATH PENALTY ACT OF 1993

Mr. SPECTER. Mr. President, today, I am introducing an omnibus bill providing for a constitutional Federal death penalty for a broad range of homicides and for major drug traffickers. The crimes for which a Federal death sentence could be imposed under this bill include: murder of U.S. citizens by terrorists anywhere in the world; murder by kidnappers and hostage-takers; murder by hijackers; murder by bank robbers; murder by use of explosives; murder by a Federal prisoner; Presidential assassination; murder of Federal court officers and jurors; retaliatory murder of Federal witnesses, victims, and informants; and espionage.

This bill tracks identical legislation I introduced as S. 18 in the 102d Congress. Portions of that bill were subsumed into H.R. 3371, the broader omnibus anticrime legislation considered in the 102d Congress. As my colleagues know, that bill was defeated when its proponents were unable to invoke cloture on the conference report. While the death penalty provisions of that H.R. 3371 were satisfactory, the habeas corpus reform provisions of that bill led me and many of my colleagues to oppose cloture.

While habeas corpus reform remains a top priority of mine, I think we need to move ahead promptly with separate death penalty legislation and consider the death penalty and habeas corpus reform separately. Only in this manner do I think we will enact a constitutional Federal death penalty that a majority of this body and of our constituents strongly support. Therefore, I again offer this comprehensive death penalty legislation.

I continue to believe that the death penalty is a very important weapon in the war against violent crime, most particularly the war on drugs. Most people would be surprised to learn that despite its effectiveness as a deterrent, there had not been an effective Federal law imposing the death penalty from 1972 until 1988, when Congress finally enacted a narrow death penalty for major drug dealers who further their enterprise through homicide. To this day, however, many Federal offenses which traditionally called for the death penalty—treason and espionage; murder; use of explosives resulting in death—have never had their death penalty provisions reenacted in a constitutional manner after the Supreme Court struck down all then-extant death penalty provisions in 1972. This bill would enable the Federal Government once again to have on its books an enforceable, constitutional death penalty for the most heinous crimes.

Mr. President, this is not an easy matter. There are many who have conscientious scruples against the death penalty. I respect these views. Nevertheless, we live in a democracy and the representatives of the people have spoken time and again through a series of votes in both Houses in support of the reestablishment of a constitutional Federal death penalty. In this regard, a majority of the Members of both Houses would join with the majorities in 37 States that have reenacted the death penalty since 1972 and some of the remaining States whose legislatures reenacted a death penalty only to have the State courts strike them down. Society has made its decision: While the use of the death penalty must be circumscribed, our society has determined that the ultimate sanction needs to be reserved for the most egregious cases and to stand as a deterrent to those who otherwise would commit violent crimes.

This legislation is the product of the give and take of debates and discussions that Congress has had on the issue over the last 4 years. It provides all the safeguards necessary to ensure that the death penalty is imposed only in the most egregious cases. Crimes committed by children under 18 cannot result in the death penalty. The bill also prohibits the mentally retarded or those who were mentally ill at the time of their offenses from being executed. The bill also provides for the appointment of competent counsel and requires a special hearing to determine whether the death penalty is appropriate. At that hearing, all relevant information may be considered and all mitigating and aggravating factors will be presented and evaluated. The bill also provides for a de novo review of any death sentence in the court of appeals.

While, as I have noted, the bill covers a broad range of crimes for which the death penalty could be imposed, I want to focus on two in particular because of the complex questions that they raise: drug kingpins and terrorist murderers.

The bill provides for the death penalty or life in prison for major drug dealers who distribute large quantities of drugs or who take in $10 million in any 12-month period as well as dealers who attempt to obstruct justice by threatening to kill witnesses and informants. The issue arises whether imposition of a death penalty in such cases is constitutional.

Drugs are, by definition, addictive. The more people a drug dealer can hook, the better business will be. A major drug dealer increases the harm to society exponentially with every new customer. This harm comes about through overdoses, the spreading of disease, especially AIDS, the destruction of families, and the violence caused by addicts seeking to support their habits and the dealers trying to protect their turf. These consequences are direct and foreseeable results of the illegal drug trade. The law recognizes that a person who fires a gun into a room that he knows to be occupied by several people, or who plays Russian roulette with another, or who drag races on a crowded street is engaging in conduct that involves a very high degree of homicidal risk. Such persons can be held legally responsible for deaths resulting from their actions, even if they do not intend to kill the particular victim. It is high time that drug dealers, who have targeted every person in this country, face the risk of the ultimate sanction for their intentional conduct putting the entire population at risk.

On September 19, 1989, during Judiciary Committee hearings on the death penalty, I engaged then-assistant Attorney General Edward S.G. Dennis in a discussion on the constitutionality of the death penalty for major drug traffickers. In my view, noted above, death is a natural and foreseeable consequence of large-scale drug sales. I asked Mr. Dennis to study the issue and provide the Justice Department's opinion as to the constitutionality of the death penalty for drug kingpins.

During a second hearing on October 2, 1989, Mr. Dennis delivered the view of the Justice Department that

> Imposition of the death penalty on the leaders of large-scale drug production and distribution operations would be consistent with the proportionality requirement of the Eighth Amendment.

A recent trilogy of cases provides support for my conclusion, supported by the Justice Department, that the death penalty for drug kingpins would be constitutionally permissible. In Tison versus Arizona in 1987, Cabana versus Bullock in 1986, and Enmund versus Florida in 1982, the Supreme Court held that applying the death penalty to accomplices convicted of felony murder, that is, to those who did not actually kill the victim, does not violate the eighth amendment.

The other provision I want to focus on would impose the death penalty on terrorists who murder U.S. citizens anywhere in the world. This provision is limited only to terrorists who are convicted of first-degree murder. For years American citizens have been the victims of numerous terrorist attacks overseas. Terrorist groups target innocent American citizens in order to attempt to sway Government policy. When we recall the atrocities committed against our citizens and the failure of foreign governments to take action in many cases, it is entirely appropriate to authorize the death penalty in this country for such crimes.

A brief recitation of some of these terrorist incidents will recall the anger we all felt at the time; this revulsion should be translated to an effective response. On December 21, 1988, Pan Am flight 103 was blown up over Lockerbie, Scotland. The toll was 259 passengers, 189 of whom were American citizens. On September 5, 1986, a Pan Am plane was held by terrorists on the ground in Karachi, Pakistan. The gunmen indiscriminately tossed grenades and sprayed passengers with automatic weapons fire. The result was 21 civilians killed and 100 wounded. On April 2, 1986, a bomb aboard TWA flight 840 exploded en route to Athens, Greece. Four Americans, including a mother and her infant child and the child's grandfather, were sucked out of the plane and fell to their deaths. On December 17, 1985, an attack by the Abu Nidal terrorist group on the Rome airport killed 15, including 5 Americans. On October 7, 1985, Leon Klinghoffer, confined to a wheelchair, was beaten and thrown overboard when terrorists took over the cruise ship *Achille Lauro* in the Mediterranean. On June 14, 1985, passengers on TWA flight 847 endured a 17-day ordeal in captivity when terrorists held the plane on the ground in Beirut. U.S. Navy diver Robert Stethem was killed by these savages.

Middle Eastern terrorism has abated since President Bush's brilliant diplomatic achievements in putting together the international force that drove Iraq out of Kuwait. And, in any event, not all terrorist attacks are related to the Middle East. On May 25, 1989, two young Mormons doing their missionary work in Bolivia, were executed by terrorists for "violations of our national sovereignty." On June 13, 1988, two U.S. AID subcontractors, one an American, were executed by the Shining Path guerrillas in Peru.

Some, including a few of my colleagues, have questioned whether using the death penalty against terrorists will have any deterrent effect. While it is true that many terrorists are motivated by fanaticism and would not think twice about their act even if they faced a possible death sentence, others might be dissuaded from carrying out an attack on innocent Americans. As long as there is one terrorist who might be so dissuaded by fear of being captured and put on trial for his life in an American court—and the remarkable interdiction and capture by the FBI of the terrorist Fawaz Yunis and his conviction in a Federal court makes this scenario a real threat to any terrorist—then this death penalty provision will be a success. Moreover, let us not forget that enactment of the death penalty for terrorist murders would also stand as a symbol of our national revulsion over the use of terrorist acts committed against Americans abroad.

In a larger sense, the question about the efficacy of the terrorist death penalty raises the same questions about the efficacy of the death penalty in general. From my personal experience as Philadelphia district attorney from 1966 through 1974, I became convinced that the death penalty is a deterrent to violent crime. In cases that I prosecuted, some criminals refused to take firearms or participate in crimes where others were armed for fear of the death penalty. In a powerful opinion on the deterrent effect of the death penalty, Justice McComb of the California Supreme Court set out 14 cases in which criminals stated that they refused to carry a weapon for fear of the possibility of the death penalty. *People* v. *Love*, 16 Cal. Rptr. 777, 784–93 (1961).

An interesting econometric study by Prof. Steven Gabison concluded, after studying 7,092 executions between 1900 and 1985, that approximately 125,000 innocent lives had been saved through application of the death penalty. While there are many studies both supporting and contradicting the Gabison study, there are certain points at which the existence of the death penalty must serve as a deterrent, for example to a prisoner already serving a life sentence.

Justice Potter Stewart touched on the deterrent value of the death penalty in his opinion in Gregg versus Georgia, in which the Supreme Court upheld the constitutionality of the death penalty in 1976:

> Although some of the studies suggest that the death penalty must not function as a significantly greater deterrent than lesser penalties, there is no convincing empirical evi-

dence either supporting or refuting this view. We may, nevertheless, assume safely that there are murderers, such as those who act in passion, for whom the threat of death has little or no deterrent effect. But for many others, the death penalty undoubtedly is a significant deterrent. There are carefully contemplated murders, such as murder for hire, where the possible penalty of death may well enter into the cold calculus that precedes the decision to act. And there are some categories of murder, such as murder by those serving life sentences where other sanctions may not be adequate.

Not only can the threat of death serve as a deterrent to violent crime, but the existence of the death penalty also serves as an expression of society's moral outrage over a narrowly defined category of the most heinous affronts to that society. Again, I can cite no better source than Justice Stewart's opinion in the Gregg case for an expression of this view:

> Indeed, the decision that capital punishment may be the appropriate sanction in extreme cases is an expression of the community's belief that certain crimes are themselves so grievous an affront to humanity that the only adequate response may be the penalty of death. * * *
>
> In part, capital punishment is an expression of society's moral outrage at particularly offensive conduct. This function may be unappealing to many, but it is essential in an ordered society that asks its citizens to rely on legal processes rather than self-help to vindicate their wrongs.

Together with many of my colleagues, I have stated over too long a period of time my view that we need a constitutional Federal death penalty to serve both as a deterrent and as a sign of our society's moral outrage over the most heinous crimes. The enactment of such a law is long overdue. I believe we need to get on with the job and adopt such a law, unencumbered by other contentious issues, quickly in this session of Congress. There is widespread support among the people for a carefully circumscribed death penalty. Failure to adopt it once again this Congress will only further people's belief that we are not responsive to them. I urge swift consideration and enactment of this legislation.

Mr. President, I ask for unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Death Penalty Act of 1993".

SEC. 2. DEATH PENALTY.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH PENALTY PROCEDURES

"Sec.
"3591. Sentence of death.
"3592. Factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Appointment of counsel.
"3599. Collateral attack on judgment imposing sentence of death.

"§ 3591. Sentence of death

"A defendant who has been found guilty of—

"(1) an offense described in section 794 or section 2381 of this title;

"(2) an offense described in section 1751(c) of this title if the offense, as determined beyond a reasonable doubt at a hearing under section 3593, constitutes an attempt to murder the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President; or

"(3) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at a hearing under section 3593 either—

"(A) intentionally killed the victim;

"(B) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(C) acting with reckless disregard for human life, engaged or substantially participated in conduct which the defendant knew would create a grave risk of death to another person or persons and death resulted from such conduct,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held under section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"§ 3592. Factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of the defendant's conduct or to conform the defendant's conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's character or record or any other circumstances of the offense that the defendant may proffer as a mitigating factor exists.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) PREVIOUS ESPIONAGE OR TREASON CONVICTION.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of life imprisonment or death was authorized by statute.

"(2) RISK OF SUBSTANTIAL DANGER TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk to the national security.

"(3) RISK OF DEATH TO ANOTHER.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (2) or (6), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) DEATH OCCURRED DURING COMMISSION OF ANOTHER CRIME.—The death occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1118 (prisoners serving life term), section 1201 (kidnapping), or section 2381 (treason) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following a finding of not guilty only by reason of insanity), or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (i) or (n) (aircraft piracy)).

"(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(A) during and in relation to the commission of the offense or in escaping apprehension used or possessed a firearm as defined in section 921 of this title; or

"(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm, as defined in section 921 of this title, against another person.

"(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21

U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(6) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(10) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(11) TYPE OF VICTIM.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A) of this title, if that official is in the United States on official business; or

"(D) a public servant who is a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

"(i) while such public servant is engaged in the performance of the public servant's official duties;

"(ii) because of the performance of such public servant's official duties; or

"(iii) because of such public servant's status as a public servant.

For purposes of this paragraph, the terms 'President-elect' and 'Vice President-elect' mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2; a 'Federal law enforcement officer' is a public servant authorized by law or by a government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense; 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and 'Federal judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a magistrate.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"§3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in section 3591, the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice—

"(1) that the Government in the event of conviction will seek the sentence of death; and

"(2) setting forth the aggravating factor or factors enumerated in section 3592 and any other aggravating factor not specifically enumerated in section 3592, that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty.

The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subsection (a) of this section and the defendant is found guilty of an offense described in section 3591 of this title, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Before such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under the section is necessary; or

"(3) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to paragraph (2) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(1) any matter relating to any mitigating factor listed in section 3592 and any other mitigating factor; and

"(2) any matter relating to any aggravating factor listed in section 3592 for which notice has been provided under subsection (a)(2) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

Information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 of this title found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 of this title is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(1) of this title, an aggravating factor required to be considered under section 3592(b) of this title is found to exist; or

"(2) an offense described in section 3591 (2) or (6) of this title, an aggravating factor required to be considered under section 3592(c) of this title is found to exist;

the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist outweigh any mitigating factor or factors. The jury, or if there is no jury, the court, shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(f) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, before the return of a finding under subsection (e) of this section, shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e) of this section, shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching the juror's individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"§ 3594. Imposition of a sentence of death

"Upon the recommendation under section 3593(e) of this title that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release or furlough.

"§ 3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d) of this title.

"(c) DECISION AND DISPOSITION.—

"(1) If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(B) the evidence and information support the special findings of the existence of an aggravating factor or factors;

it shall affirm the sentence.

"(2) In any other case, the court of appeals shall remand the case for reconsideration under section 3593 of this title or for imposition of another authorized sentence as appropriate.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of sentence of death under this section.

"§ 3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(b) IMPAIRED MENTAL CAPACITY, AGE, OR PREGNANCY.—A sentence of death shall not be carried out upon a person who is under 18 years of age at the time the crime was committed. A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability—

"(1) cannot understand the nature of the pending proceedings, what such person was tried for, the reason for the punishment, or the nature of the punishment; or

"(2) lacks the capacity to recognize or understand facts which would make the punishment unjust or unlawful or lacks the ability to convey such information to counsel or to the court.

A sentence of death shall not be carried out upon a woman while she is pregnant.

"(c) EMPLOYEES MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section, if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"§ 3597. Use of State facilities

"A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such as an official employed for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"§ 3598. Appointment of counsel

"(a) FEDERAL CAPITAL CASES.—

"(1) REPRESENTATION OF INDIGENT DEFENDANTS.—Notwithstanding any other provision of law, this subsection shall govern the appointment of counsel for any defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, for an offense against the United States, where the defendant is or becomes financially unable to obtain adequate representation. Such a defendant shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in section 3599(b) of this title has occurred.

"(2) REPRESENTATION BEFORE FINALITY OF JUDGMENT.—A defendant within the scope of this subsection shall have counsel appointed for trial representation as provided in section 3005 of this title. At least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel.

"(3) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the district court that imposed the sentence. Within 10 days of receipt of such notice, the district court shall proceed to make a determination whether the defendant is eligible under this subsection for appointment of counsel for subsequent proceedings. On the basis of the determination, the court shall issue an order (A) appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel; (B) finding, after a hearing if necessary, that the defendant rejected appointment of counsel and made the decision with an understanding of its legal consequences; or (C) denying the appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation. Counsel appointed pursuant to this paragraph shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(4) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is entitled to appointment of counsel under this subsection, at least one counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the trial of felony cases in the Federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(5) APPLICABILITY OF CRIMINAL JUSTICE ACT.—Except as otherwise provided in this subsection, the provisions of section 3006A of this title shall apply to appointments under this subsection.

"(6) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28, United States Code, in a capital case shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"(b) STATE CAPITAL CASES.—The laws of the United States shall not be construed to impose any requirement with respect to the appointment of counsel in any proceeding in a State court or other State proceeding in a capital case, other than any requirement imposed by the Constitution of the United States. In a proceeding under section 2254 of title 28, United States Code, relating to a State capital case, or any subsequent proceeding on review, appointment of counsel for a petitioner who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Such appointment of counsel shall be governed by the provisions of section 3006A of this title.

"§ 3599. Collateral attack on judgment imposing sentence of death

"(a) TIME FOR MAKING SECTION 2255 MOTION.—In a case in which a sentence of death has been imposed, and the judgment has become final as described in section 3598(a)(3) of this title, a motion in the case under section 2255 of title 28, United States Code, must be filed within 90 days of the issuance of the order relating to appointment of counsel under section 3598(a)(3) of this title. The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. A motion described in this section shall have priority over all noncapital matters in the district court, and in the court of appeals on review of the district court's decision.

"(b) STAY OF EXECUTION.—The execution of a sentence of death shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28, United States Code. The stay shall run continuously following imposition of the sentence and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28, United States Code, within the time specified in subsection (a), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, United States Code, the motion under that section is denied and (A) the time for filing a petition for certiorari has expired and no petition has been filed; (B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or (C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of his decision, the defendant waives the right to file a motion under section 2255 of title 28, United States Code.

"(c) FINALITY OF THE DECISION ON REVIEW.—If one of the conditions specified in subsection (b) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim is (A) the result of governmental action in violation of the Constitution or laws of the United States; (B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or (C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part II of title 28, United States Code, is amended by inserting after the item relating to chapter 227 the following new item:

"228. Death penalty procedures .... 3591".

SEC. 3. CONFORMING AMENDMENT RELATING TO DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.

Section 34 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and all that follows and inserting a period.

SEC. 4. CONFORMING AMENDMENT RELATING TO ESPIONAGE.

Section 794(a) of title 18, United States Code, is amended by inserting before the period at the end the following: ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds beyond a reasonable doubt at a hearing under section 3593 of this title that the offense directly concerned nuclear weaponry, military spacecraft and satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; sources or methods of intelligence or counterintelligence operations; or any other major weapons system or major element of defense strategy".

SEC. 5. CONFORMING AMENDMENT RELATING TO TRANSPORTING EXPLOSIVES.

Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 6. CONFORMING AMENDMENT RELATING TO MALICIOUS DESTRUCTION OF FEDERAL PROPERTY BY EXPLOSIVES.

Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 7. CONFORMING AMENDMENT RELATING TO MALICIOUS DESTRUCTION OF INTERSTATE PROPERTY BY EXPLOSIVES.

Section 844(i) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 8. CONFORMING AMENDMENT RELATING TO MURDER.

The second paragraph of section 1111(b) of title 18, United States Code, is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

SEC. 9. CONFORMING AMENDMENT RELATING TO KILLING OFFICIAL GUESTS OR INTERNATIONALLY PROTECTED PERSONS.

Section 1116(a) of title 18, United States Code, is amended by striking "any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and".

SEC. 10. MURDER BY FEDERAL PRISONER.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"§ 1118. Murder by a Federal prisoner

"(a) Whoever, while confined in a Federal prison under a sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of release or furlough.

"(b) For the purposes of this section—

"(1) 'Federal prison' means any Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government;

"(2) 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least 15 years and a maximum of life, or an unexecuted sentence of death.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"1118. Murder by a Federal prisoner.".

SEC. 11. DEATH PENALTY RELATING TO KIDNAPING.

Section 1201(a) of title 18, United States Code, is amended by inserting "and, if the death of any person results, shall be punished by death or life imprisonment" after "or for life".

SEC. 12. DEATH PENALTY RELATING TO HOSTAGE TAKING.

Section 1203(a) of title 18, United States Code, is amended by inserting "and, if the death of any person results, shall be punished by death or life imprisonment" after "or for life".

SEC. 13. CONFORMING AMENDMENT RELATING TO MAILABILITY OF INJURIOUS ARTICLES.

The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and all that follows and inserting a period.

SEC. 14. CONFORMING AMENDMENT RELATING TO PRESIDENTIAL ASSASSINATION.

Subsection (c) of section 1751 of title 18, United States Code, is amended to read as follows:

"(c) Whoever attempts to murder or kidnap any individual designated in subsection (a) of this section shall be punished—

"(1) by imprisonment for any term of years or for life, or

"(2) by death or imprisonment for any term of years or for life, if the conduct constitutes an attempt to murder the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President.".

SEC. 15. CONFORMING AMENDMENT RELATING TO MURDER FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined under this title, or both".

SEC. 16. CONFORMING AMENDMENT RELATING TO VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

Paragraph (1) of section 1959(a) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine in accordance with this title, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine in accordance with this title, or both;".

SEC. 17. CONFORMING AMENDMENT RELATING TO WRECKING TRAINS.

The second to the last paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and all that follows and inserting a period.

SEC. 18. CONFORMING AMENDMENT RELATING TO BANK ROBBERY.

Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

SEC. 19. CONFORMING AMENDMENT RELATING TO TERRORIST ACTS.

Paragraph (1) of subsection 2331(a) of title 18 of the United States Code is amended to read as follows:

"(1)(A) if the killing is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, or be fined under this title, or both; and

"(B) if the killing is a murder other than a first degree murder as defined in section

1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;".

SEC. 20. CONFORMING AMENDMENT RELATING TO AIRCRAFT HIJACKING.

Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. APP. 1473), is amended by striking subsection (c).

SEC. 21. APPLICATION TO UNIFORM CODE OF MILITARY JUSTICE.

Chapter 228 of title 18 of the United States Code, as added by this Act, does not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801 et seq.).

SEC. 22. CONFORMING AMENDMENT RELATING TO GENOCIDE.

Section 1091(b)(1) of title 18, United States Code, is amended by striking "a fine of not more than $1,000,000 and imprisonment for life" and inserting in lieu thereof "by death or imprisonment for life, or a fine of not more than $1,000,000, or both".

SEC. 23. CONFORMING AMENDMENT RELATING TO PROTECTION OF COURT OFFICERS AND JURORS.

Section 1503 of title 18, United States Code, is amended—

(1) by striking "Whoever corruptly" and inserting "(a) Whoever corruptly";

(2) in subsection (a) (as so designated), by striking "fined not more than $5,000 or imprisoned not more than five years, or both" and inserting "punished as provided in subsection (b)"; and

(3) by adding at the end the following:

"(b) The punishment for an offense under this section is—

"(1) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title;

"(2) in the case of an attempted killing, imprisonment for not more than 20 years; and

"(3) in any other case, imprisonment for not more than 10 years.".

SEC. 24. CONFORMING AMENDMENT RELATING TO PROHIBITION OF RETALIATORY KILLINGS OF WITNESSES, VICTIMS, AND INFORMANTS.

Section 1513 of title 18, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c) respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

"(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

"(B) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings given by a person to a law enforcement officer;

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under this subsection is—

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title; and

"(B) in the case of an attempt, imprisonment for not more than 20 years.".

SEC. 25. APPLICATION TO DRUG KINGPINS.

Title II of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 408 the following:

"DEATH PENALTY FOR DRUG KINGPINS

"SEC. 408A. (a) IN GENERAL.—A defendant who has been found guilty of—

"(1) an offense referred to in section 408(c)(1) (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section;

"(2) an offense referred to in section 408(c)(1) (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of an enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or member of the family or household of such a person; or

"(3) an offense constituting a felony violation of this Act (21 U.S.C. 801 et seq.), the Controlled Substance Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime-Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), where the defendant, intending to cause death or acting with reckless disregard for human life, engaged in such a violation, and the death of another person results in the course of the violation or from the use of the controlled substance involved in the violation,

shall be sentenced to death if, after consideration of the procedures set forth in chapter 228 of title 18, United States Code, and subject to the consideration of the additional aggravating factors set forth in subsection (b), it is determined that imposition of a sentence of death is justified.

"(b) ADDITIONAL AGGRAVATING FACTORS.—In addition to the aggravating factors set forth in section 3592(c) of title 18, United States Code, the following aggravating factors shall be considered in determining whether a sentence of death is justified for an offense under this section:

"(1) DISTRIBUTION TO PERSONS UNDER TWENTY-ONE.—The offense, or a continuing criminal enterprise of which the offense was a part, involved a violation of section 405 of this Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of title 18, United States Code.

"(2) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved a violation of section 405A of this Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of title 18, United States Code.

"(3) USING MINORS IN TRAFFICKING.—The offense, or a continuing criminal enterprise of which the offense was a part, involved a violation of section 405B of this Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of title 18, United States Code.

"(4) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant.".

By Mr. SPECTER:

S. 248. A bill to establish constitutional procedures for the imposition of the death penalty for terrorist murders; to the Committee on the Judiciary.

TERRORIST DEATH PENALTY ACT OF 1993

Mr. SPECTER. Mr. President, today I am again introducing legislation entitled "Terrorist Death Penalty Act of 1993." I have been seeking to enact a constitutional death penalty statute, for terrorists who murder U.S. citizens overseas, for some time now. In the 102d Congress, my amendment to this effect to the Export Administration reauthorization bill was adopted by the Senate during the gulf war in 1991. By the end of Congress, however, the death penalty for terrorists provisions were removed from the conference report. In light of the problem of terrorism against U.S. citizens around the world, this legislation is still urgently needed.

I believe that despite the absence of news coverage of terrorist attacks over the past year, we continue to face an unusual threat from terrorism. It may surprise people to know there is no death penalty on the books to impose capital punishment on terrorists who murder a U.S. citizen anywhere in the world, and that it is an oversight which needs to be corrected promptly.

This Senator has been working on this issue since 1985 when I introduced S. 1108, which would have provided for the death penalty for a terrorist who murdered U.S. citizens during a hostage taking.

Then, in 1986, legislation was enacted which I had introduced making it a violation of U.S. law for a terrorist to assault, maim, or murder a citizen of the United States anywhere in the world. For those who may not know of the technical jurisdiction considerations, it is customary that a crime is prosecuted in the jurisdiction where the offense is committed. If a murder occurs in Pennsylvania, it is prosecutable in Pennsylvania. As a matter of United States and international law, the United States may assert jurisdiction for a murder of a U.S. citizen anywhere in the world because of the nexus, the legal word meaning connection, with a U.S. interest in the prosecution of that crime, even though it occurs outside of the United States. This is called extraterritorial jurisdiction. That was the basis for the 1984 legislation making it a violation of U.S. law to have a hijacking of a U.S. plane or to have a hostage taking of a U.S. citizen, and the extraterritorial jurisdiction was the basis of legislation introduced by this Senator, which was enacted in 1986, which makes it a violation of U.S. law to assault, maim, or murder a citizen of the United States anywhere in the world.

Thus, there was a major gap prior to 1986, illustrated by the murders in the Vienna and Rome airports in December 1985, when grenades were thrown and machine gun fire sprayed in those airports and many people were murdered or wounded. We now have, as a matter of U.S. law, that it is a violation of our laws to murder a citizen of the United States anywhere in the world, but the death penalty is not provided under existing legislation.

On January 25, 1989, I introduced S. 36 providing for the death penalty for terrorists. I then offered it as an amendment on July 20, 1989, to the 1990 Foreign Relations Authorization Act. At the urging of the majority leader I withheld pressing that amendment. Later there was a scheduled floor debate on the bill and it was passed on October 26, 1989, by a vote of 79 to 20. Unfortunately, the death penalty for terrorists was not agreed to by the House-Senate conference.

As I previously noted, I tried to get the Congress to adopt the death penalty for terrorist murders during the gulf war to act as a deterrent to potential terrorist attacks. Again, the House conferees to the bill refused to adopt the Senate-passed terrorist death penalty provision. It continues to be vitally important, I submit that the matter be taken up and acted upon promptly.

It should be noted that it is not fanciful or farfetched to bring terrorists to trial in U.S. courts. We have already had a terrorist, Fawaz Yunis, who was brought back to the United States. He was apprehended by the FBI in the Mediterranean for a terrorist act committed outside the United States, a hijacking, and brought back to the United States for trial. He was convicted and is now serving in a Federal penitentiary.

U.S. law ought to be available to vindicate U.S interests if a terrorist attacks a U.S. citizen anywhere in the world. For an act of terrorist murder, the death penalty ought to be available. The possible defendants would range anywhere from the individual who pulls the trigger or launches a missile, to possibly the head of State of Iraq and those in between who are responsible for a terrorist act, such as firing missiles at civilian populations against whom no state of war exists.

There is a question some might raise about the deterrent effect of this kind of legislation. I suggest the apprehension of Fawaz Yunis, who is now in a Federal penitentiary, had a significant effect on terrorists. Enforcement of the law always has a deterrent effect on violent crime. It is true that some terrorists act irrationally and will never be deterred by a death penalty. But many others may well refrain from carrying out attacks on American citizens if they know that this country will enforce its laws overseas. Fawaz Yunis is instructive to the terrorists. A death penalty statute would be equally instructive and, I believe an effective deterrent.

We have already had one example of the concern with which terrorists view the U.S. justice system. When we had the case of the murder of Marine Corps Col. Rich Higgins, serving with the United Nations forces in Lebanon, and we had Sheik Obeid involved. One of the concerns Sheik Obeid had was in coming to a U.S. court or U.S. prison, where there would be no way to buy his way out or maneuver his way out.

Similarly there is the case of Colombian drug terrorists, who have been very much in the news the past couple of years, and United States extradition of those criminals. That is a separate subject and one where the United States, I think, has to continue to press hard to resume extradition for the drug dealers who send drugs into the United States; especially as Colombia has shown it is unable to keep the most important prisoners in jail, even a luxurious prison designed for Pablo Escobar. The point I am making is limited to the known fact that the Colombian drug dealers are very fearful about landing in a United States court and in a United States jail where they cannot maneuver or buy their way out of that kind of a prosecution. So the aspect of deterrence is present. The aspect of punishment is present. The aspect of social vindication is present. These are matters I hope the Senate will act on promptly, and the Congress will act on promptly, because of the immense importance of this issue at the present time.

So the record may be complete, I will have printed in the Record the more extended comments which I made on October 26, 1989, on the consideration of the death penalty for terrorists, on the occasion when it was enacted by the Senate 79 to 20, which sets forth in more detail my reasoning and the precedents on the international legal aspects, and also on the deterrent aspects.

I ask unanimous consent that that statement be printed in the Record at the close of my remarks.

I further ask unanimous consent that the text of a Congressional Research Service Issue Brief be printed at the conclusion of my remarks, since this research brief recounts and updates terrorists incidents involving U.S. citizens or property from 1980 to 1991, which was updated December 12, 1991, and gives a comprehensive picture of the problems of terrorism.

Mr. President, I also ask unanimous consent that a full copy of the text of the bill, the Terrorist Death Penalty Act of 1993, be printed also at the close of my remarks. I thank the Chair and yield the floor.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorist Death Penalty Act of 1993".

SEC. 2. DEATH PENALTY FOR TERRORIST ACTS.

(a) Offense.—Paragraph (1) of subsection 2331(a) of title 18 of the United States Code is amended to read as follows:

"(1)(A) if the killing is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, or be fined under this title, or both; and

"(B) if the killing is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;".

(b) Death Penalty.—Section 2331 of title 18, United States Code, is amended by adding at the end thereof the following:

"(f) Death Penalty.—

"(1) Sentence of death.—A defendant who has been found guilty of an offense under subsection (a)(1)(A), if the defendant, as determined beyond a reasonable doubt at a hearing under paragraph (3) either—

"(A) intentionally killed the victim;

"(B) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(C) acting with reckless disregard for human life, engaged or substantially participated in conduct which the defendant knew would create a grave risk of death to another person or persons and death resulted from such conduct,

shall be sentenced to death if, after consideration of the factors set forth in paragraph (2) in the course of a hearing held under paragraph (3), it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"(2) Factors to be considered in determining whether a sentence of death is justified.—

"(A) Mitigating factors.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(i) Mental capacity.—The defendant's mental capacity to appreciate the wrongfulness of the defendant's conduct or to conform the defendant's conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(ii) Duress.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(iii) Participation in offense minor.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's character or record or any other circumstances of the offense that the defendant may proffer as a mitigating factor exists.

"(B) Aggravating factors for homicide.—In determining whether a sentence of death is justified for an offense described in paragraph (1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(i) Death occurred during commission of another crime.—The death occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1201 (kidnapping), or section 2381 (treason) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following a finding of not guilty only by reason of insanity), or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (i) or (n) (aircraft piracy)).

"(ii) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(I) during and in relation to the commission of the offense or in escaping apprehension used or possessed a firearm as defined in section 921 of this title; or

"(II) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm, as defined in section 921 of this title, against another person.

"(iii) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(iv) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(v) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(vi) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(vii) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(viii) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(ix) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(x) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(xi) TYPE OF VICTIM.—The defendant committed the offense against—

"(I) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(II) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(III) a foreign official listed in section 1116(b)(3)(A) of this title, if that official is in the United States on official business; or

"(IV) a public servant who is a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

"(aa) while such public servant is engaged in the performance of the public servant's official duties;

"(bb) because of the performance of such public servant's official duties; or

"(cc) because of such public servant's status as a public servant.

For purposes of this clause, the terms 'President-elect' and 'Vice President-elect' mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2; a 'Federal law enforcement officer' is a public servant authorized by law or by a government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense; 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and 'Federal judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a magistrate.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(3) SPECIAL HEARING TO DETERMINE WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

"(A) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in paragraph (1), the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice—

"(i) that the Government in the event of conviction will seek the sentence of death; and

"(ii) setting forth the aggravating factor or factors enumerated in paragraph (2) and any other aggravating factor not specifically enumerated in paragraph (2), that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty.

The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(B) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subparagraph (A) and the defendant is found guilty of an offense described in paragraph (1), the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Before such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(i) before the jury that determined the defendant's guilt;

"(ii) before a jury impaneled for the purpose of the hearing if—

"(I) the defendant was convicted upon a plea of guilty;

"(II) the defendant was convicted after a trial before the court sitting without a jury;

"(III) the jury that determined the defendant's guilt was discharged for good cause; or

"(IV) after initial imposition of a sentence under this paragraph, reconsideration of the sentence under the section is necessary; or

"(iii) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to clause (ii) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(C) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(i) any matter relating to any mitigating factor listed in paragraph (2) and any other mitigating factor; and

"(ii) any matter relating to any aggravating factor listed in paragraph (2) for which notice has been provided under subparagraph (A)(ii) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

Information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(D) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in paragraph (2) of this title found to exist and any other aggravating factor for which notice has been provided under subparagraph (A) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in paragraph (2) is found to exist, the court shall impose a sentence other than death authorized by law.

"(E) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If an aggravating factor required to be considered under paragraph (2)(C) is found to exist the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist outweigh any mitigating factor or factors. The jury, or if there is no jury, the court, shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(F) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, before the return of a finding under subparagraph (E), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subparagraph (E), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching the juror's individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"(4) IMPOSITION OF A SENTENCE OF DEATH.—Upon the recommendation under paragraph (3)(E) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release or furlough.

(5) REVIEW OF A SENTENCE OF DEATH.—

"(A) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this paragraph may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(B) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(i) the evidence submitted during the trial;

"(ii) the information submitted during the sentencing hearing;

"(iii) the procedures employed in the sentencing hearing; and

"(iv) the special findings returned under paragraph (3)(D).

"(C) DECISION AND DISPOSITION.—

"(i) If the court of appeals determines that—

"(I) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(II) the evidence and information support the special findings of the existence of an aggravating factor or factors;

it shall affirm the sentence.

"(ii) In any other case, the court of appeals shall remand the case for reconsideration under paragraph (3) of this title or for imposition of another authorized sentence as appropriate.

"(iii) The court of appeals shall state in writing the reasons for its disposition of an appeal of sentence of death under this paragraph.

"(6) IMPLEMENTATION OF A SENTENCE OF DEATH.—

"(A) IN GENERAL.—A person who has been sentenced to death pursuant to this subsection shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(B) IMPAIRED MENTAL CAPACITY, AGE, OR PREGNANCY.—A sentence of death shall not be carried out upon a person who is under 18 years of age at the time the crime was committed. A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability—

"(i) cannot understand the nature of the pending proceedings, what such person was tried for, the reason for the punishment, or the nature of the punishment; or

"(ii) lacks the capacity to recognize or understand facts which would make the punishment unjust or unlawful or lacks the ability to convey such information to counsel or to the court.

A sentence of death shall not be carried out upon a woman while she is pregnant.

"(C) EMPLOYEES MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this paragraph, if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subparagraph, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"(7) USE OF STATE FACILITIES.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such as an official employed for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(8) APPOINTMENT OF COUNSEL.—

"(A) FEDERAL CAPITAL CASES.—

"(i) REPRESENTATION OF INDIGENT DEFENDANTS.—Notwithstanding any other provision of law, this subparagraph shall govern the appointment of counsel for any defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, for an offense against the United States, where the defendant is or becomes financially unable to obtain adequate representation. Such a defendant shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in paragraph (9)(B) has occurred.

"(ii) REPRESENTATION BEFORE FINALITY OF JUDGMENT.—A defendant within the scope of this subparagraph shall have counsel appointed for trial representation as provided in section 3005 of this title. At least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel.

"(iii) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the district court that imposed the sentence. Within 10 days of receipt of such notice, the district court shall proceed to make a determination whether the defendant is eligible under this subparagraph for appointment of counsel for subsequent proceedings. On the basis of the determination, the court shall issue an order (I) appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel; (II) finding, after a hearing if necessary, that the defendant rejected appointment of counsel and made the decision with an understanding of its legal consequences; or (III) denying the appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation. Counsel appointed pursuant to this clause shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(iv) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is entitled to appointment of counsel under this subparagraph, at least one counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the trial of felony cases in the Federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(v) APPLICABILITY OF CRIMINAL JUSTICE ACT.—Except as otherwise provided in this subparagraph, the provisions of section 3006A of this title shall apply to appointments under this subparagraph.

"(vi) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28, United States Code, in a capital case shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"(B) STATE CAPITAL CASES.—The laws of the United States shall not be construed to impose any requirement with respect to the appointment of counsel in any proceeding in a State court or other State proceeding in a capital case, other than any requirement imposed by the Constitution of the United States. In a proceeding under section 2254 of title 28, United States Code, relating to a State capital case, or any subsequent proceeding on review, appointment of counsel for a petitioner who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Such appointment of counsel shall be governed by the provisions of section 3006A of this title.

"(9) COLLATERAL ATTACK ON JUDGMENT IMPOSING SENTENCE OF DEATH.—

"(A) TIME FOR MAKING SECTION 2255 MOTION.—In a case in which a sentence of death has been imposed, and the judgment has become final as described in paragraph (8)(A)(ii), a motion in the case under section 2255 of title 28, United States Code, must be filed within 90 days of the issuance of the order relating to appointment of counsel under paragraph (8)(A)(iii). The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. A motion described in this paragraph shall have priority over all noncapital matters in the district court, and in the court of appeals on review of the district court's decision.

"(B) STAY OF EXECUTION.—The execution of a sentence of death shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28, United States Code. The stay shall run continuously following imposition of the sentence and shall expire if—

"(i) the defendant fails to file a motion under section 2255 of title 28, United States Code, within the time specified in subparagraph (A), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(ii) upon completion of district court and court of appeals review under section 2255 of title 28, United States Code, the motion under that section is denied and (I) the time for filing a petition for certiorari has expired and no petition has been filed; (II) a timely petition for certiorari was filed and the Supreme Court denied the petition; or (III) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(iii) before a district court, in the presence of counsel and after having been advised of the consequences of his decision, the defendant waives the right to file a motion under section 2255 of title 28, United States Code.

"(C) FINALITY OF THE DECISION ON REVIEW.—If one of the conditions specified in subparagraph (B) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(i) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(ii) the failure to raise the claim is (I) the result of governmental action in violation of the Constitution or laws of the United States; (II) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or (III) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(iii) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.".

[From the CONGRESSIONAL RECORD, Oct. 26, 1989]

Mr. SPECTER. Mr. President, this bill proposes a death penalty along with a possible life imprisonment for an act of murder by a terrorist against a U.S. citizen anywhere in the world.

Mr. President, the death penalty is a very important weapon in the war against violent crime, generally, which includes the war against drugs and the war against terrorists. Most people would be surprised to know that there had not been an effective Federal law imposing the death penalty since 1972.

Mr. President, may we have order in the Senate?

The PRESIDENT pro tempore. The Senate will be in order.

Mr. SPECTER. As I was saying, most people would be surprised to know that there had not been the availability of the death penalty for any Federal crime since 1972, until last year, when Congress enacted legislation providing for the death penalty for major drug dealers, where death results. That is aside from the Uniform Code of Military Justice.

In 1972, the Supreme Court of the United States, in a landmark decision captioned Furman versus Georgia, the Supreme Court said that the death penalty could not be constitutionally imposed in the absence of mitigating and aggravating circumstances being considered by a jury, in order to eliminate indiscriminate application of the death penalty.

Although there are many Federal offenses traditionally which had called for the death penalty—treason, espionage, murder, assassination of an American President, explosives causing death, train wrecks causing death—the Congress had never been able to bring back the death penalty until last year when, in the midst of the great national concern over the drug issue, the death penalty was brought back for that limited item.

Mr. President, I believe that the death penalty is necessary as an important weapon against the war on violent crime, and that it ought to be available on an act like terrorism, resulting in the death of U.S. citizens.

It ought to be available more broadly, but the issue which we have before us at the moment is limited to that one item. When we consider the incidents of terrorism, Mr. President, and recall just a few of the atrocities involving mass murders of U.S. citizens, I think it becomes very apparent why the death penalty is an appropriate penalty.

Less than a year ago, on December 21, 1988, in the famous Pan Am 103 tragedy, that plane was blown up by a terrorist bomb over Lockerbie, Scotland, and 259 passengers were brutally murdered; 79 of those 259 passengers were women and children, with 189 United States citizens.

Just a few months ago, on July 31, 1989, Lt. Col. Higgins was reportedly hanged by Hezbollah captors in retaliation for the Sheik Obeid incident, bringing an outraged reaction worldwide. Regrettably, our outrage on incidents like Colonel Higgins and like Pan Am 103 are short lived. We have to continue our focus on them, and see to it that appropriate responses are undertaken.

Mr. President, there is a long line of terrorist activities resulting in deaths of U.S. citizens which, regrettably, tend to be forgotten. I would like to review just a few of them at this moment.

The year of 1985 was a big year for terrorism, and a very serious year for the murder of U.S. citizens as a result of terrorist acts.

On June 14, 1985, a 17-day ordeal occurred on TWA flight 847, where three U.S. citizens were severely and repeatedly beaten by terrorists. Robert Stethem, a Navy diver, was not only savagely beaten, but executed with a shot to his head, his body dumped out of the plane onto the airfield in an egregious and reprehensible act of murder as a result of a terrorists plot.

On October 7, 1985, Leon Klinghoffer, an American citizen, was taking a pleasure cruise on the ship *Achille Lauro*. Mr. Klinghoffer was confined to a wheelchair. He was rolled to the open deck of the cruise ship, *Achille Lauro*, where he was hit in the head and chest by terrorists and his body dumped into the Mediterranean Sea.

On December 27, 1985, at the Rome airport, 15 people were killed, including 5 U.S. citizens, and 73 wounded in a grenade and machinegun attack by the Abu Nidal terrorist organization.

Back in 1973, members of the Black September organization terrorists group murdered the United States Ambassador chargé and the Belgian chargé, after being marched into the basement of the Saudi Embassy and machinegunned to death.

There is a long list, Mr. President, of atrocities and terrorism, which are summarized in a document which I would like to have printed at the end of my statement.

I ask unanimous consent for that purpose.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, on April 2, 1986, TWA flight 840 was en route to Athens, Greece, a bomb was placed under a passenger seat by terrorists; it exploded, causing four United States citizens, including a mother and her infant child and the child's grandmother, to be sucked out of the aircraft, falling to their deaths.

Later that year, Mr. President, on September 5, 1986, Pan Am 73 at Karachi, Pakistan, was held by terrorists for 17 hours; gunmen indiscriminately exploding grenades and firing machineguns; 21 people died, 100 people were wounded, two United States citizens were killed.

Mr. President, the list of terrorist attacks goes on and on. U.S. citizens are victimized repeatedly. The incidents of terrorism, Mr. President, are summarized comprehensively in a document published by the U.S. Department of State in March 1989, and it summarizes the growing incidents of terrorism around the world and the impact on the American citizens.

Let me summarize just a bit from this document. At page 4, the following conclusions are reached: In 1988, 856 international terrorist incidents were recorded with 658 persons being killed and 1,131 individuals wounded.

Terrorism set a record number of attacks in 1988, and particularized herein are the acts of terrorism in the Mideast, the Western European groups on their terrorist activities, West German Red Army faction, Italian Red Brigades, the 17 November group in Greece, and other terrorist incidents around the world are described.

We know, Mr. President, that terrorism was the triggering factor in strong action taken by the United States in the bombing of Qadhafi in Libya back on March 14, 1986.

So there is no question, I would suggest, about the seriousness of the problem of terrorism worldwide, and its very severe impact on U.S. citizens.

Mr. President, as a result of the escalating problems of terrorism, the Congress of the United States has responded by moving for what we call extraterritorial jurisdiction, which is a unique approach in the fight against worldwide crime, including terrorism and including drug activities.

Customarily, the case is tried in the jurisdiction which takes control of a criminal matter in the locale where it occurs. If there is a murder in Pennsylvania, the incident is tried in Pennsylvania, customarily in the county, until there is a change of venue. But some offenses have been so notorious and so troublesome that nations have legislated to undertake what we call extraterritorial jurisdiction.

The first time that was done by the United States was in the Omnibus Crime Control Act of 1984, where we made it a violation of United States law for terrorists to take hostages or to hijack U.S. planes. That law was augmented in 1986 by legislation which this Senator introduced, which makes it a violation of U.S. law to attack, maim, or murder a U.S. citizen anywhere in the world. That was in response to serious gaps in the legislation from the 1984 Omnibus Crime Control Act. For example, we saw the murders in the Vienna and Rome airports in December 1985.

So, Mr. President, the United States of America has made a forceful declaration that we are not going to rely upon the laws of any nation where U.S. citizens may be victimized by terrorism. We are going to make it a violation of United States law, and we are going to enforce laws of the United States where Americans are victimized.

It was pursuant to that extraterritorial jurisdiction that Fawaz Yunis was brought to the United States on a daring James Bond type of maneuver, where Yunis was lured onto a fishing boat in the Mediterranean on a very unique act of law enforcement by FBI agents, far beyond the territorial limits of the United States. Yunis was brought back to the United States where he was tried, convicted, and sentenced to 30 years in jail.

Mr. President, I suggest that the time has come to specify that where death results to a U.S. citizen as a result of an act of a terrorist anywhere in the world, that it is appropriate that the jury should have the option of imposing the death penalty on that kind of a henious act.

If we are able to bring to justice the perpetrators of the Pan Am bombing, who could doubt that, in a context where 259 people are ruthlessly murdered, it would be appropriate to have the jury have the option of imposing the death penalty?

Who could deny that in a case like the brutal murder of Robert Stethem after being beaten, executed and tossed onto the tarmac, that the jury ought to have the option of imposing the death penalty, or, in the case of Leon Klinghoffer, or in the case of many, many incidents where U.S. citizens have been victimized by terrorism?

I am not saying, Mr. President, that the death penalty has to be imposed. That is the province of the jury under U.S. constitutional law. One great thing about the United States of America is whoever the defendant is, in our court he receives a full range of constitutional rights. For example, when Fawaz Yunis was brought into the United States for prosecution, the United States accorded him an opportunity to challenge his confession, to challenge the prosecution procedures, to challenge the way he was treated, considerations which Yunis and other terrorists would never dream of according their victims. So it is a matter for jury discretion, and it might be necessary on some extradition matters to make a commitment not to impose the death penalty.

When the United States was negotiating to try to get Hamadi back to the United States for trial for the murder of Stethem, the commitment was made by our State Department that we would not seek the death penalty. The fact was, really, we did not have the death penalty available to us. We could not impose it ex post facto. The death penalty was not in existence. This ought to be an option and ought to be a remedy and ought to be available when evaluating the propriety of the punishment of death.

Mr. President, it is not an easy matter, and there are many who have conscientious scruples against the death penalty, and I respect that. But I believe in a fair evaluation of what is appropriate, what may serve as a deterrent and what is in society's interest, that the death penalty ought to be available for certain kinds of outrageous, heinous, reprehensible acts.

I believe, Mr. President, that the death penalty has to be very carefully used.

When I served as district attorney of Philadelphia, from 1966 through 1974, it was my policy to review personally every case where the death penalty was to be requested. Out of some 500 homicides a year in the city of Philadelphia, the death penalty was requested in a very limited number of cases. A strict standard was applied because I felt it was necessary to be very, very restrained in the use of the death penalty, as a matter of fairness and also as a matter of retention of the death penalty. I do not think that it can be overused.

Chief Justice Earl Warren is one of the most noted of the American jurists, widely respected for his broad view of civil rights. In 1958, when he considered the issue of the death penalty and its constitutionality in the case of Trop versus Dulles, Chief Justice Warren said the following:

At the outset let us put to one side the death penalty as an index of the constitutional limit on punishment. Whatever the arguments may be against capital punishment both on moral grounds and in terms of accomplishing the purpose of punishment, and they are forceful, the death penalty has been employed throughout our history and, in a day when it is still widely accepted, it cannot be said to violate the constitutional concept of cruelty.

The death penalty was considered at length, Mr. President, in the 1976 decision of Gregg versus Georgia, and in the learned opinion filed by Justice Potter Stewart, joined in by Justice Powell and Justice Stevens, there are some very illuminating descriptions of the purpose of the death penalty, its proportionality, and its justification.

Justice Stewart wrote as follows:

"Indeed, the decision that capital punishment may be the appropriate sanction in extreme cases is an expression of the community's belief that certain crimes are themselves so grievous an affront to humanity that the only adequate response may be the penalty of death."

He wrote further:

"In part, capital punishment is an expression of society's moral outrage at particularly offensive conduct. This function may be unappealing to many, but it is essential in an ordered society that asks its citizens to rely on legal processes rather than self-help to vindicate their wrongs."

Justice Stewart quotes from Lord Justice Denning, Master of the Rolls of the Court of Appeal in England, when Lord Justice Denning spoke to the British Royal Commission on capital punishment, as follows:

"Punishment is the way in which society expresses its denunciation of wrong doing: and in order to maintain respect for law, it is essential that the punishment inflicted for grave crimes should adequately reflect the revulsion felt by the great majority of citizens for them. It is a mistake to consider the objects of punishment as being deterrent or reformative or preventive and nothing else. The truth is that some crimes are so outrageous that society insists on adequate punishment, because the wrong-doer deserves it, irrespective of whether it is a deterrent or not."

Mr. President, I will come in a moment to some of the other considerations on capital punishment such as its deterrent effect, but I believe that it is both fair and accurate to say that, on basic concepts of fairness and basic concepts of justice, the death penalty is fair in certain kinds of egregious cases like murder resulting from the act of terrorism.

Mr. President, I allocate to myself an additional 8 minutes at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I think it appropriate at this time, Mr. President, to take that additional time to discuss the second aspect of society's interest in the death penalty, and that is as a deterrent.

Again a good starting point is the comprehensive and erudite opinion of Justice Stewart in Gregg versus Georgia, where he summarizes in a few words a great body of the raging debate on whether capital punishment is or is not a deterrent, and Justice Stewart said this:

"Although some of the studies suggest that the death penalty must not function as a significantly greater deterrent than lesser penalties, there is no convincing empirical evidence either supporting or refuting this view. We may, nevertheless, assume safely that there are murderers, such as those who act in passion, for whom the threat of death has little or no deterrent effect. But for many others, the death penalty undoubtedly is a significant deterrent. There are carefully contemplated murders, such as murder for hire, where the possible penalty of death may well enter into the cold calculus that precedes the decision to act. And there are some categories of murder, such as murder by life imprisonment where other sanctions may not be adequate."

Mr. President, I think it is hard to deny the necessity for an additional penalty for someone serving life imprisonment. If a lifer faces no penalty beyond an additional sentence for life, he can only obviously do one sentence, why not murder a guard or another prisoner when no other penalty is present?

I think, too, Mr. President, that capital punishment is a deterrent just as Justice Stewart outlines it. There are statistics and there are studies on both sides of this issue.

A very interesting study by Prof. Steven Gabison, an econometric analyst comes to the conclusion, after studying some 7,092 executions between 1900 and 1985, that approximately 125,000 innocent lives have been saved by the death penalty.

These studies, Mr. President, go both ways. But I am personally convinced that the death penalty is a deterrent based upon substantial experience that I have had as a prosecuting attorney, cases where hoodlums did not take along a weapon where they were about to undertake a robbery because they were worried about the possibility of the death penalty; professional criminals, burglars, robbers, who made forceful statements about their concern about the death penalty.

There was one very unique opinion—it is a dissenting opinion—when the Supreme Court of California was badly divided on a case of capital punishment, and the majority reversed the death penalty but three of the justices came to the conclusion that the death penalty should have been imposed. And an opinion by Justice McComb written in 1961 is unique in setting out some 14 cases where criminals stated that they did not take along a weapon or they were concerned about killing because the death penalty might result.

Mr. President, I ask unanimous consent that the full text of this dissenting opinion be printed in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

Gibson, C. J., and Peters, White and Dooling, JJ., concur.

McComb, Justice.

I dissent.

First: I do not believe that the district attorney's argument to the jury constituted prejudicial misconduct.

In my opinion, it is a matter of common knowledge that the death penalty is a deterrent, because:

(a) Christians and Jews from the beginning of recorded history have recognized that the death penalty is a deterrent to murder.

This is demonstrated by the fact that, according to the account contained in the Old Testament (see New American Catholic Edition, The Holy Bible (1950)), the Lord spoke to Moses and said: "He that striketh and killed a man: dying let him die." (Leviticus 25, verse 17.) "If any man strike with iron, and he die that was struck: he shall be guilty of murder, and he himself shall die. If he throw a stone, and he that is struck die: he shall be punished in the same manner. If he that is struck with wood die: he shall be revenged by the blood of him that struck him. * * * These things shall be perpetual, and for an ordinance in all your dwellings. * * * You shall not take money of him that is guilty of blood: *but* he shall die forthwith." (Numbers 35, verses 16–31.)

(b) In the early history of the western states of the United States of America, including California, the death penalty was imposed by the early settlers to stop the rustling of cattle. It is a matter of common knowledge that in the early days of this state the apprehension and hanging of cattle rustlers reduced, and almost stopped, the theft of cattle.

(c) In the early history of San Francisco, law enforcement broke down and chaotic conditions prevailed. A group of citizens, known as the Vigilantes, undertook to restore order. To do this, they apprehended criminals and after trial promptly executed the guilty parties. Order was restored, and the civil authorities assumed control again. Clearly fear of the death penalty was the basic reasons for the restoration of order.

(d) Any prosecuting attorney or criminal defense attorney or any trial judge who has sat for a substantial period in a department of the superior court devoted to the trial of felony cases knows that many felons are careful to refrain from arming themselves with a deadly weapon because they do not want to take the chance of killing anyone and suffering death as a penalty.

A few recent examples of the accuracy of this view are to be found in the following cases involving persons arrested by officers of the Los Angeles Police Department:[1]

(i) Margaret Elizabeth Daly, of San Pedro, was arrested August 28, 1961, for assaulting Pete Gibbons with a knife. She stated to investigating officers: "Yeah, I cut him and I should have done a better job. *I would have killed him but I didn't want to go to the gas chamber.*"

(ii) Robert D. Thomas, alias Robert Hall, an ex-convict from Kentucky; Melvin Eugene Young, alias Gene Wilson, a petty criminal from Iowa and Illinois; and Shirley R. Coffee, alias Elizabeth Salquist, of California, were arrested April 25, 1961, for robbery. They had used toy pistols to force their victims into rear rooms, where the victims were bound. When questioned by the investigating officers as to the reason for using toy guns instead of genuine guns, all three agreed that real guns were too dangerous, *as if someone were killed in the commission of the robberies, they could all receive the death penalty.*

(iii) Louis Joseph Turck, alias Luigi Furchiano, alias Joseph Farino, alias Glenn Hooper, alias Joe Moreno, an ex-convict with a felony record dating from 1941, was arrested May 20, 1961, for robbery. He had used guns in prior robberies in other states but simulated a gun in the robbery here. He told investigating officers that he was aware of the California death penalty although he had been in this state for only one month, and said, when asked why he had only simulated a gun, *"I knew that if I used a real gun and that if I shot someone in a robbery, I might get the death penalty and go to the gas chamber."*

(iv) Ramon Jesse Velarde was arrested September 26, 1960, while attempting to rob a supermarket. At that time, armed with a loaded .38 caliber revolver, he was holding several employees of the market as hostages. He subsequently escaped from jail and was apprehended at the Mexican border. While being returned to Los Angeles for prosecution, he made the following statement to the transporting officers: "I think I might have escaped at the market if I had shot one or more of them. *I probably would have done it if it wasn't for the gas chamber.* I'll only do 7 or 10 years for this. I don't want to die no matter what happens, you want to live another day."

(v) Orelius Mathew Stewart, an ex-convict with a long felony record, was arrested March 3, 1960, for attempted bank robbery. He was subsequently convicted and sentenced to the state prison. While discussing the matter with his probation officer, he stated: "The officer who arrested me was by himself, and if I had wanted, I could have blasted him. *I thought about it at the time, but I changed by mind when I thought of the gas chamber.*"

(vi) Paul Anthony Brusseau, with a criminal record in six other states, was arrested February 6, 1960, for robbery. He readily admitted five holdups of candy stores in Los Angeles. In this series of robberies he had only simulated a gun. When questioned by investigators as to the reason for his simulating a gun rather than using a real one, he replied that *he did not want to get the gas chamber.*

(vii) Salvador A. Estrada, a 19-year-old youth with a four-year criminal record, was arrested February 2, 1960, just after he had stolen an automobile from a parking lot by wiring around the ignition switch. As he was being booked at the station, he stated to the arresting officers: "I want to ask you one question, do you think they will repeal the capital punishment law. *If they do, we can kill all you cops and judges without worrying about it.*"

(viii) Jack Colevris, a habitual criminal with a record dating back to 1945, committed an armed robbery at a supermarket on April 25, 1960, about a week after escaping from San Quentin Prison. Shortly thereafter he was stopped by a motorcycle officer. Colevris, who had twice been sentenced to the state prison for armed robbery, knew that if brought to trial, he would again be sent to prison for a long term. The loaded revolver was on the seat of the automobile beside him and he could easily have shot and killed the arresting officer. By his own statements to interrogating officers, however, *he was deterred from this action because he preferred a possible life sentence to death in the gas chamber.*

(ix) Edward Joseph Lapienski, who had a criminal record dating back to 1948, was arrested in December 1959 for a holdup committed with a toy automatic type pistol. When questioned by investigators as to why he had threatened his victim with death and had not provided himself with the means of carrying out the threat, he stated, *"I know that if I had a real gun and killed someone, I would get the gas chamber."*

(x) George Hewitt Dixon, an ex-convict with a long felony record in the East, was arrested for robbery and kidnaping committed on November 27, 1959. Using a screwdriver in his jacket pocket to simulate a gun, he had held up and kidnaped the attendant of a service station, later releasing him unharmed. When questioned about his using a screwdriver to stimulate a gun, this man, a hardened criminal with many felony arrests and at least two known escapes from custody, indicated his fear and respect for the California death penalty and stated, *"I did not want to get the gas."*

(xi) Eugene Freeland Fitzgerald, alias Edward Finley, an ex-convict with a felony record dating back to 1951, was arrested February 2, 1960, for the robbery of a chain of candy stores. He used a toy gun in committing the robberies, and when questioned by the investigating officers as to his reasons for doing so, he stated: "I know I'm going to the joint and probably for life. *If I had a real gun and killed someone, I would get the gas. I would rather have it this way.*"

(xii) Quentin Lawson, an ex-convict on parole, was arrested January 24, 1959, for committing two robberies, in which he had simulated a gun in his coat pocket. When questioned on his reason for simulating a gun and not using a real one, he replied that *he did not want to kill someone and get the death penalty.*

(xiii) Theodore Roosevelt Cornell, with many aliases, an ex-convict from Michigan with a criminal record of 26 years, was arrested December 31, 1958, while attempting to hold up the box office of a theater, he had simulated a gun in his coat pocket, and when asked by investigating officers why an ex-convict with everything to lose would not use a real gun, he replied, "*If I used a real gun and shot someone, I could lose my life.*"

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[1] The cases cited are taken from the records on file in the Los Angeles Police Department.

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(xiv) Robert Ellis Blood, Daniel B. Gridley, and Richard R. Hurst were arrested December 3, 1958, for attempted robbery. They were equipped with a roll of cord and a toy pistol. When questioned, all of them stated that *they used the toy pistol because they did not want to kill anyone, as they were aware that the penalty for killing a person in a robbery was death in the gas chamber.*

(e) The people of the State of California have, through their Legislature, on many occasions considered whether the death penalty should be abolished in this state—this as recently as the 1961 session of the Legislature—and in each instance have come to the conclusion that the death penalty is a deterrent and have retained it. Therefore, the judiciary of this state is bound to follow the legally expressed will of the soverign people of the State of California.

Second: Defendant did not object to the prosecutor's statements. Therefore, he cannot raise the issue of their propriety on appeal unless they were of such character that the error could not have been cured by prompt admonition and instructions of the trial court. (People v. Hampton, 47 Cal. 2d 239, 240 [3], 302 P.2d 300.) In my opinion, any alleged prejudice could have been cured by a prompt request for, and the giving of, an admonition and instruction by the trial judge.

Third: In my opinion, the trial judge properly exercised his discretion in denying the motion for a new trial on the penalty phase.

Any judge or attorney who has had trial court experience knows that a trial judge is not always familiar with all the procedural law at the outset of the trial of a case. This is particularly true at the present time and is in part due to the ever-changing rules of law. This view was recently expressed by Hon. Evelle J. Younger, of the Los Angeles Superior Court, in an address which he delivered before the Lawyers Club. The following report on Judge Younger's remarks appeared in one of the Los Angeles legal newspapers: "* * *.

"As an example Judge Younger noted the recent changes in the rules on admissibility of evidence obtained by illegal search and seizure. 'We have just recently run the gamut from the common law rule that such evidence was admissible in Federal or State courts regardless of how obtained, if of probative value, to absolute exclusion.' The latest rule of absolute exclusion was handed down this year in the case of Dolly Mapp. [Dollree Mapp v. Ohio, 364 U.S. 868, 81 S.Ct. 111, 5 L.Ed.2d 90].

"The result of these changes is that it becomes increasingly difficult for local peace officers to determine what are, and what are not, allowable procedures in 'coping with mounting criminal activity.' An arrest, he stated, cannot be justified if it shocks the conscience—but whose conscience is the determining factor? 'Not the community's. Not the Police Chief's. * * * We are talking about the conscience of the Ninth Member of the United States Supreme Court. And, we are not talking about his conscience yesterday; we are talking about his tomorrow's conscience.'

"If judges and legal scholars have difficulty in defining due process, one can sympathize with the lonely policeman patrolling his beat who is expected to make legally correct split-second decisions, he commented. . .

"The speaker concluded by reiterating, 'We must zealously guard the rights of individuals; but in protecting the individual charged with crime we should never lose sight of the rights of society.'" (Metropolitan News, Vol. XXXIX, No. 152 (8/31/61); The Los Angeles Daily Journal, Vol. LXXIV, No. 175 (9/1/61).

The result is that a trial judge must rely to a large measure upon the information furnished him by the attorneys appearing before him. In the present case this was done. After the trial judge expressed doubts as to his authority to reweigh the evidence following the jury's fixing of the death penalty, counsel for the defendant pointed out to him that he did have such authority. Whereupon the judge accepted the view that he had authority on the motion for a new trial to reweigh the evidence as to the application of the death penalty. He then stated that assuming he had such authority, he would deny the motion, as the penalty was properly imposed, and that this view was supported by the fact that three juries had imposed the death penalty for the crime of which the defendant was convicted.

The problem presented is not a mere academic one. The people of this state are faced with an extremely important situation.

I would affirm the judgment and the order denying the motion for a new trial.

Schauer, Justice (dissenting).

I concur in the conclusions stated by Mr. Justice McComb and in his reasoning. I find it necessary, however, to emphasize my differences with the majority opinion.

I can understand with the majority that there is a reasonably debatable question as to whether the record affirmatively and satisfactorily shows that the trial court performed its full duty to independently weigh the evidence as required by People v. Borchers (1958) 50 Cal.2d 321, 328 [1, 2], 330 [9, 10], 325 P.2d 97 and People v. Moore (1960) 53 Cal.2d 451, 454 [2], 2 Cal.Rptr. 6, 348 P.2d 584. However, construing the record favorably to affirmance, as is the duty of a reviewing court, I am satisfied with Justice McComb's conclusion that the judgment should be affirmed.

The reversal of a judgment in a case of this character (and this is a second reversal in the same case) even when clearly required under established law, is in itself a serious matter. But far transcending the importance of the reversal in adverse effect on law enforcement, are certain pronouncements in the opinion (hereinafter quoted) which, whether so intended or not, constitute an attack on the death penalty. I cannot find justification in fact or in law for the majority's criticism of the prosecutor's argument to the jury regarding the death penalty or for the pronouncements which constitute an undermining attack on that penalty.

The majority relate that "For the third time a jury has fixed defendant's penalty at death for the murder of his wife * * *. [After the first trial] the trial court granted a new trial on the ground of newly discovered evidence, and we affirmed. [Citation.] Defendant was again * * * found guilty * * *; again the jury fixed the penalty at death. We affirmed the judgment as to the adjudication that defendant is guilty of murder of the first degree and was sane * * *. We reversed [McComb, J., and Schauer, J., dissenting] * * * as to the imposition of the death penalty because of the admission of evidence tending to inflame and prejudice the jury. (People v. Love [1960] 53 Cal.2d 843 [3 Cal.Rptr. 665, 350 P.2d 705].)"

The order of the majority in the above referred to reversal is as follows (page 858 of 53 Cal.2d, at page 674 of 3 Cal.Rptr., at page 714 of 350 P.2d): "The judgment is reversed as to the imposition of the death penalty, and the cause is remanded for retrial and redetermination of the question of penalty only and for the pronouncement of a new sentence and judgment in accordance with such determination and the applicable law." The applicable law includes the provision of section 190.1 of the Penal Code, that "Evidence may be presented at the further proceedings on the issue of penalty, of the circumstances surrounding the crime, of the defendant's background and history, *and of any facts in aggravation of mitigation of the penalty*. The determination of the penalty of *life imprisonment or death* shall be * * * *on the evidence presented* * * *." (Italics added.)

Yet today the majority rule that (ditto, p. 9 [16 Cal.Rptr. 781, 366 P.2d 37]) "Since it appears, * * * that the prosecutor committed prejudicial misconduct in arguing the deterrent effect of the death penalty to the jury, the judgment * * * must be reversed."

What possible rationality can be found in the provision of section 190.1 that "Evidence may be presented * * * on the issue of penalty * * * and of *any facts in aggravation or mitigation* of the penalty" if evidence and argument cannot be addressed to what is then the sole issue in litigation? What can the words "Evidence * * * in aggravation or mitigation of the penalty" mean if they do not relate to a basis for selecting as between the more drastic penalty—the greater deterrent—and the mitigated one of imprisonment?

I agree with the majority that (p. 2 of ditto [16 Cal.Rptr. 779, 366 P.2d 35]) "The court did not err in dismissing defendant's subpoena for Governor Brown and Warden Duffy. * * * He had subpoenaed Governor Brown to elicit his views on capital punishment. The penalties for first degree murder have been fixed by the Legislature. (Pen.Code, §190.) The wisdom or deterrent effect of those penalties are for the Legislature to determine and are therefore not justifiable issues. [Manifestly the Legislature has made the determination.] Hence evidence as to these matters is inadmissible." Certainly the above holding is correct. But most assuredly no inference can properly be drawn from that holding that the Legislature has left any doubt that on its findings and in its judgment both the death penalty—for its greater deterrent effect, particularly in aggravated cases—and so-called life imprisonment—with its lesser effect for mitigated cases—are essential for the protection of society in California.

But in contrast to the law the majority go on to assert that the judgment here must be reversed and remanded for a new (fourth) trial on the issue of penalty because: "[The prosecutor] stated as a fact the vigorously disputed proposition that capital punishment is a more effective deterrent than imprisonment." Would "vociferously" perhaps be a more accurate adverb than "vigorously"? And since, as the majority already had held, the Legislature has fixed the penalties for first degree murder and they "are therefore not justiciable issues," why should the prosecutor not accept the findings of the Legislature and the law as to the two alternative penalties, exactly as he did, and offer evidence and argument pertinent to the jury's performance of duty, as clearly contemplated by the Legislature in its enactment of Penal Code, sections 190 and 190.1?

The majority continue: "The Legislature has left to the absolute discretion of the jury the fixing of the punishment for first degree murder [i.e., without any control by the judge of *their* discretion but, of course, presumably rationally in the light of the evidence]. [Citation.] *There is thus no legislative finding, and it is not a matter of common knowledge, that capital punishment is or is not a more effective deterrent than imprisonment.*" The italicized pronouncement, in my view, is obnoxious to fact and law. Unsupported by statute or prior decision, it is a blow which appears to be aimed directly against rational application, and therefore toward ultimate abolition, of the death penalty. If the quoted italicized pronouncement were true—that there is neither legislative finding nor common knowledge "that capital punishment is or is not a more effective deterrent than imprisonment" then, of course, the death penalty should be abolished.

Further implementing its tenet the majority opinion continues: "Since evidence on this question [presumably evidence in aggravation or mitigation of penalty as contemplated by Penal Code, section 190.1] *is inadmissible*, argument thereon by prosecution or defense could serve no useful purpose, is apt to be misleading, and is therefore improper. It is true that in People v. Friend [1957] 47 Cal.2d 749, 766–768, 306 P.2d 463, we stated that counsel could advance 'arguments as to which penalty will better serve the objectives of punishment' and listed deterrence of crime as one of those objectives. To the extent that People v. Friend is inconsistent with our conclusion herein it is overruled." (Italics added.)

By the above quoted holdings the majority in effect place the prosecutor in a forensic strait jacket as to argument for the greater deterrent. Those holdings also effectually emasculate the provision of Penal Code, section 190.1, for the taking of evidence to aid the jury in making an intelligent and informed selection as between the alternative, but by no means equal, penalties of death or imprisonment. In so doing it appears to me that the majority action trenches upon an invasion of the legislative province in disregard of the distribution of powers prescribed by California Constitution, article III, section 1. (Compare Muskopf v. Corning Hospital Dist. (1961) 55 Cal.2d 211, 213–221, 11 Cal.Rptr. 89, 359 P.2d 457; see also dissenting opinion, pp. 221–224; Civ. Code, §22.3; Stats. 1961, ch. 1404, p. 3209). To the same end today's majority also disregard the doctrine of *stare decisis* in overruling (as above quoted) the decisional law which admittedly had bound the trial court at the time of trial.

Although overruling the cited decision the majority rely on it as a basis for reversal. They say "That decision [Friend (1957)], however, was binding on the trial court at the time this case was tried, and it would have been an idle act for defendant to object in the trial court to the prosecutor's argument that capital punishment is a more effective deterrent than imprisonment. He is therefore not precluded from raising the question for the first time on appeal." The trial court thus is reversed for following the law as it existed at the time of trial—*and as it also existed at the time of this court's first reversal of the judgment and remand "for retrial and redetermination of the question of penalty only.*"

Actually the correct rules, as had been held by this court in the Friend (1957) decision, relative to the selection of penalty (as between death and so-called life imprisonment) are stated or indicated in the now overruled case. Insofar as appears proper to be quoted here, the opinion in that case declares (page 764 [8] of 47 Cal.2d at page 472 of 306 P.2d): "We note * * * that the trend is toward the more liberal admission of evidence pertinent only to the selection of penalty. For example, if has become established practice to advise the jury *of the facts* concerning the possibilities of pardon, commutation, parole, etc. [Citations.] Obviously, *the law* pertaining to pardons, commutations and paroles has not the slightest relevancy to the issue of guilt; it is pertinent only as a *fact* which may be considered in selecting the penalty to be imposed; i.e., it is evidence which may be considered as relevant to the 'aggravation' or 'mitigation' of punishment in the sense in which those terms have been used in relation to the selection of penalty. * * * [Page 767 [13], 306 P.2d at page 474.] They [the jury] should be told * * * that beyond prescribing the two alternative penalties the law itself provides no standard for their guidance in the selection of the punishment; * * * that in deciding the question whether the accused should be put to death or sentenced to imprisonment for life it is within their discretion alone to determine, each for himself, how far he will accord weight to the considerations of the *several objectives of punishment*, of the *deterrence of crime*, of the *protection of society*, of the *desirability of stern retribution, or of sympathy or clemency*, * * *" (Italics in last sentence added.) We pointed out also that (footnote 8, page 766, 305 P.2d at page 474) "For some years many courts and writers on criminal law and penology have held that the purpose of legally adjudicated punishment is not *or* should not be vengeance, but rather *deterrence* of the offender and *other prospective offenders* from crime, * * *" (Italics added.) All of the foregoing, the majority today brush aside.

Regardless of individual preferences among the justices I deem it to be the duty of this court to accept the fact that the Legislature has determined that the death penalty, in the cases wherein it is prescribed, is the strongest deterrent against the commission of such crimes. The fact that the jury (or the trial judge) has a final power of determination as to whether the death penalty or life imprisonment shall be imposed in a given case is of course *not* a legislative determination that life imprisonment is an equally strong deterrent. It merely shows the concern of the Legislature that liability to suffer the strongest deterrent be surrounded by the strongest safeguards for the accused. Even as the death penalty is the strongest deterrent against murder, so is it also the most effective protector of the lives of the victims of those who deliberately choose the commission of crimes of violence as a profession.

That the ever present potentiality in California of the death penalty, for murder in the commission of armed robbery,[1] each year saves the lives of scores,[2] if not hundreds of victims of such crimes, cannot I think, reasonably be doubted by any judge who has had substantial experience at the trial court level with the handling of such persons. I know that during my own trial court experience, which although not extensive in criminal law, included some four to five years (1930–1934) in a department of the superior court exclusively engaged in handling felony cases, I repeatedly heard from the lips of robbers—some amateurs (no prior convictions), some professionals (with priors)—substantially the same story: "I used a toy gun [or a simulated gun or a gun in which the firing pin or hammer had been extracted or damaged] because I didn't want my neck stretched." (The penalty, at the time referred to, was hanging; death by lethal gas was substituted in 1941.)

I, of course, recognize that there are persons who in all sincerity urge that the death penalty be abolished. They point to the cases which reach the courts and say: "See, it has not deterred the commission of these crimes." Certainly the potentiality of the penalty is not 100 per cent effective as a deterrent *as to all criminals*. But it would be absurd to claim that because it did not deter *all* it did not deter *any*. As to each victim of each armed robbery whose life is spared because that one robber was deterred from killing, I dare say that the victim and his loved ones would not quibble over the percentage of the deterrent's efficacy.

There are also persons who entertain a conscientious scruple against *any* taking of human life. When a person who conscientiously believes that the state should never take a human life is called upon to take part in the operation of a death penalty law he, understandably—being conscientious in duty as well as in personal conviction—will suffer grievously. Whether he shall advocate repeal of the law would be one thing; urging forbearance of execution might be another. But regardless of whether a person has or has not any official connection whatsoever with law enforcement, and whether he realizes it or not, the death penalty law is a matter of importance to his safety. Whether any citizen would urge amendment of the law to make its application more swift and sure, or would repeal it altogether, or change it otherwise, the decision he makes should be of grave concern to him—and to his neighbors. Certainly each person must live with his own conscience. It is, however, to be hoped that his decision, as to any action affecting the death penatly which is motivated by conscience, will be an enlightened decision; that the decision he makes will be more than superficially consistent with his true objective. To make such a decision requires thinking—and information. By information, I mean facts, not theories. Probably all of us who have thought on the subject—and particularly those of us who have some responsibility in these cases (even as remote as it is at the appellate level)—devoutly wish that the death penalty were no longer necessary. But we have not yet reached the state which Sir Thomas More envisioned. Until a Utopian government has become reality, organized society (if it is to exist) must continue on the posit of free will and personal responsibility for one's choices of action (see People v. Gorshen (1959) 51 Cal.2d 716, 724, 336P.2d 492) with sanctions for crimes appropriate to their gravity. A good government owes protection to its law abiding citizens.

Let us consider further this business of armed robbery. It is much more profitable, ordinarily, than burglary but it entails more risk. Robbery means facing the victim and taking the property "from his person or immediate presence * * * against his will, accomplished by means of force or fear." (Pen.Code, §211). The victim (if not blind and deaf) is a potential witness. Robbery is "in the first degree" if "perpetrated by torture or by a person being armed with a dangerous or deadly weapon. * * *" (Pen.Code, §211a). Other kinds of robbery are of the second degree. Robbery in the first degree is punishable "by imprisonment in the state prison * * * for not less than five years;" that of the second degree, by like imprisonment "for not less than one year." [Pen.Code, §213]. The *maximum in both cases is life imprisonment.* Few, if any, law respecting people would contend that these sentences, particularly in view of the early parole probabilities, are too severe.

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[1] I use robber as the example for discussion because the deterrent effect of the death penalty for murder in the commission of (or attempt to commit) robbery is particulary well known among law enforcement officers who handle such cases at the investigation, arrest, and trial court levels. The point of my discussion, however, is equally applicable to the deterrent effect of the death penalty against harming kidnap victims and against murder committed in the perpetration or attempt to perpetrate arson, rape, burglary, mayhem or lascivious acts upon a child under the age of fourteen. (See Pen.Code, §§209, 189, 190, and 288.)

[2] According to the 1958–1960 Report of the Department of Justice the number of robberies reported in California in 1959 was 11,548.

It may be noted also that in the same year 108,002 burglaries were reported in this state.

The risk of undergoing such a sentence is just as much a calculated risk of the professional robber as is the risk of deflation (or competition) a calculated risk of the conventional businessman. But the robber can do one thing that will vastly decrease the risk of identification and conviction: he can eliminate the known witnesses—the victims he robs. To accomplish any robbery he must at least make a show of force and induce fear; and for that reason he usually carries a gun—or something that looks like a gun. It cannot be validly disputed that the choice as to which he carries—a gun or what looks like a gun—is in case after case controlled solely by his respect for the death penalty. If the punishment he risks for robbery is to be imprisonment—and only imprisonment, even if he eliminates the only witness—it would seem inevitable that the incentive to kill would be greatly increased. The greater chance of escaping any punishment would, in the minds of some at least, outweigh the slighter risk of having the term increased. Many a robber who would take the risk of a longer term would absolutely shun any plan which substituted death for imprisonment.

And now I return to the subject of conscientious scruples against the execution of a human being. From what has already been said it must be obvious that I understand that it would be poignantly desirable (in the faithful performance of their law enforcement duties) for jurors and trial judges particularly, and also for justices of courts of review, and governors or other officers having the power of commutation, if the death penalty were abolished. But I comprehend also that it would be tragically undesirable to the families of the innocent victims who would die violently as a result.

Because of what my own eyes have seen and my ears have heard I cannot doubt the efficacy of the death penalty as a savior of the lives of victims of robbers, kidnapers, burglars, and criminals of similar dispositions. But if there were doubt in my mind I should resolve it in favor of protecting the innocent victims of the future rather than sparing the guilty killers of the past.

Inasmuch as today's majority opinion (1) may well be construed as at least approaching an invitation to the Legislature to repeal the death penalty; (2) as it declares a proposition which, if accepted, would constitute a basis arguably demanding repeal;[2] and (3) as it shackles district attorneys and trial courts in effective administration of the present law as it was enacted, it may well be that the Legislature should give attention to the legislation so affected. In that connection, in view of today's court action and of the entire record of appeals from penalty determinations under Penal Code, sections 190 and 190.1 (as those sections were, respectively, amended and added by Stats. 1957, ch. 1968, p. 3509, and Stats. 1959, ch. 738, p. 2727), the Legislature perhaps will wish to give consideration to the possible desirability of eliminating the alternative of imprisonment in certain situations to be designated by the Legislature, and making the greater deterrent the sole penalty, to follow as a matter of law on final conviction in any such designated situation. It would seem that, if such action is contemplated, the Legislature in its study might consider whether the greater deterrence of such certainty might reasonably be made applicable to those who personally would kill, or direct another to kill, "in the perpetration or attempt to perpetrate arson, rape, robbery, burglary, mayhem, or any act punishable under section 288," or in kidnapping (See Pen. Code, §§189, 209.)

Finally, I emphasize: each person who officially or unofficially participates in or advocates enforcement, repeal or amendment of the subject law—and who receives the benefits of its protection—must live with his own conscience. But I respectfully and earnestly urge that he who would consider repealing or otherwise defeating operation of this law, the principal purpose of which is to protect the lives of the victims of crimes of violence, will either make sure that the information on which he acts is sound and convincing or will pause to consider what his conscience may tell him as to some measure of moral responsibility for the "eliminations" which reason suggests may thereby be encouraged.

McComb, J., concurs.

Rehearing denied; Schauer and McComb, JJ., dissenting.

Mr. SPECTER. I shall not read all of it because of the time limitation. But a few cases are worthy of note illustratively.

A case involving Margaret Elizabeth Daly of San Pedro, arrested on August 28, 1961, for assaulting one Pete Gibbons with a knife, she said to investigating officers:

"Yeh, I cut him and I should have done a better job. I would have killed him but I didn't want to go to the gas chamber."

Louis Joseph Turck said, relating to a 1961 robbery:

"I knew that if I used a real gun and that if I shot someone in a robbery, I might get the death penalty and go to the gas chamber."

Orelius Mathew Stewart was arrested on March 3, 1960, for an attempted bank robbery. While discussing the matter he stated:

The officer who arrested me was by himself, and if I had wanted, I could have blasted him. I thought about it at the time, but I changed my mind when I thought of the gas chamber.

Salvador A. Estrada, 19 years of age, February 2, 1960, was arrested just after he had stolen an automobile from a parking lot by wiring around the ignition switch. As he was being booked at the station, he stated to the arresting officers:

I want to ask you one question, do you think they will repeal the capital punishment law? If they do, we can kill all you cops and judges without worrying about it.

There are many, many cases like this, some 14 cited in this opinion, Mr. President. But I believe that the realistic inferences, as a matter of human experiences, are that people are deterred by capital punishment, that those who receive the death penalty, almost all of them, ask for commutation of sentences to life imprisonment because of their obvious concern about the death penalty.

When Sheik Obeid was taken into custody by the Israelis earlier this year in what was an appropriate act of an arrest and taking into custody under international law principles, the one thing that Sheik Obeid was most concerned about was the possibility that he might be extradited to the United States for the murder of Colonel Higgins because of the certainty of punishment in the United States, albeit not a death penalty. But even a known terrorist like Sheik Obeid is worried about punishment.

The Colombian drug dealers are very apprehensive about being brought to the United States, extradited, because once you are in the United States judicial criminal justice system, you do not get out even though it is only jail and not the death penalty.

Mr. President, I ask unanimous consent to be allocated, at this juncture, an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, just a few more comments on this subject with respect to what may be the differences with terrorists who may be motivated by fanaticism, who may say they are not to be concerned about the death penalty. It is entirely possible that some are not so concerned.

The terrorist who drove his vehicle, his truck, laden with explosives into the U.S. compound resulting in the death of 241 U.S. Marines back on October 23 of 1983, may have been someone driven by a fanatical urge. But there are many, many who are concerned about punishment and who would be concerned about the death penalty.

Sheik Obeid, Bahwai Ghamas, the Colombian drug dealers, as long as there are any, even one, who would say, "I do not want to face the death penalty as a result of a prosecution in a United States court," then, Mr. President, I say that it is appropriate that that penalty be available in the United States prosecution for terrorism. There is absolutely no question from many, many, many, many cases that criminals are concerned about the death penalty. And my own view is that terrorists similarly have such a concern. Nobody can assert with absolute positiveness what is in any man's mind, but as a result of our experience, I believe that that is a fair conclusion.

When United States citizens are confronted by terrorists around the world and blown out of airplanes or murdered as they discharge their official duties in Greece, as one United States Marine was within the past year, or murdered ruthlessly, as Colonel Higgins was in Lebanon, then I think it is not too much for the Congress of the United States to enact legislation allowing for the option of imposing the death penalty.

The President and the administration support this legislation. I believe the American people, by and large, support this legislation. In the interest of justice and appropriate law enforcement, I urge my colleagues to support this legislation.

[CRS Issue Brief, undated Dec. 12, 1991]

TERRORIST INCIDENTS INVOLVING U.S. CITIZENS OR PROPERTY 1981–91: A CHRONOLOGY

(By James P. Wootten)

ISSUE DEFINITION

This issue brief lists reported terrorist incidents involving U.S. citizens or property that have occurred from 1981 until the present. No attempt has been made to differentiate between indigenous and international terrorist actions, nor to determine whether the United States was a specific target of the attack. The primary sources are CRS publications, State Department reports, press accounts, and Facts-on-File. The information is intended as background for Congress as it considers a wide range of legislation designed to combat terrorism.

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[2] Why, indeed, should it not be repealed if, as the majority declare, it is no more of a deterrent to murder than is mere imprisonment?

BACKGROUND AND ANALYSIS

Chronology of Terrorist Actions

10/28/91—U.S. Air Force Sergeant Victor Marwick died in Ankara, Turkey, when a bomb exploded under his pickup truck. The murder followed 3 violent days in which Turkish planes and ground troops attacked Kurdish targets in northern Iraq. An anonymous caller claimed responsibility for the Islamic Jihad, a Lebanese organization, and said the bombing was in protest of the Arab-Israeli peace talks in Madrid.

04/22/91—An American businessman, John Cendy, was shot to death in his Istanbul office. The victim headed WBR, a company that provided services for U.S. military bases in Turkey. Dev-Sol, a radical leftist organization is believed responsible.

04/12/91—U.S. Air Force Sgt. Ronald A. Stewart, stationed at Ellinikon Airbase in Greece, was killed by a bomb outside his home in Glifadha, a seaside suburb of Athens. The revolutionary group, 17 November, claimed responsibility.

03/28/91—U.S. Lt. Col. Elvin McKinley, serving in NATO, was wounded outside his residence in Izmir, Turkey when three shots were fired at the officer. An illegal leftist organization claimed responsibility.

02/13/91—The U.S. embassy in Bonn was hit by automatic weapons fire. No one was injured and damage was slight. The Red Army Faction claimed responsibility.

02/07/91—An American, Bobbie E. Mozelle, of Detroit, MI, was shot to death as he left his home near U.S. Incirlik Air Base near Adana, Turkey. The victim was a retired U.S. serviceman employed at the base. A leftist group, Dev Sol, claimed responsibility for the murder, which was associated with the war in the Gulf.

02/06/91—A bomb exploded outside a branch of Citibank in Athens, causing major damage but no casualties. This was another in series of attacks and the third against Citibank offices in Greece since the war began against Iraq on January 17.

02/05/91—A car belonging to the U.S. military attache in Jordan was set ablaze in Amman. The assailants were not identified, but the incident was believed to be connected with events in the Persian Gulf.

11/25/90—Three Americans and two Colombian petroleum engineers were kidnapped by four members of the ELN near Tibu, Colombia. The Americans, John Bagby, Gary Sams, and Robert Hogan, are still in captivity.

11/06/90—Leftist guerrillas bombed a U.S. Marine residence in La Paz, Bolivia. Three marines were slightly wounded. A group, Nestor Paz Zamora Commando claimed responsibility—the same group accused of killing two U.S. missionaries in May 1989 and bombing Secretary Schultz' motorcade in August 1988.

10/23/90—An Iranian-born U.S. citizen was shot and killed at his Paris residence by unknown assailants. The victim was a former high-ranking Iranian official prior to the 1979 revolution.

10/19/90—Arvey D. Drown, a Colorado businessman, was kidnapped by CPP/NPA guerrillas in Cagayan province in the northern Philippines. He remains missing.

10/02/90—An Alabama woman, Maryanne Gilbert, was killed while travelling in China. The victim was a passenger aboard a plane that was hijacked and then crashed on landing, hitting two other jets and killing 127.

08/02/90—Timothy Swanson, a U.S. Peace Corps volunteer, was released by communist rebels in a village about 300 miles south of Manila. Mr. Swanson was unharmed after 2 months of captivity.

05/04/90—U.S. Marine Gunnery Sgt. John Fredette was shot to death outside Subic Base, 50 miles northwest of Manila and 30 miles west of Clark AFB. No one claimed responsibility, although communist guerrillas are suspected.

04/28/90—American geologist Scott Heimdal was kidnapped in Ecuadoran territory and held for ransom by a Colombian guerrilla group, American Battalion. Heimdal was released unharmed on June 29, 1990. A ransom of $60,000 was paid by the Heimdal family.

04/13/90—Gunmen killed two U.S. airmen in the Philippines. Airmen John Raven and James Green were shot as they left a hotel near Clark AFB, 50 miles north of Manila. No one claimed responsibility, although communist guerrillas are suspected.

03/30/90—Six U.S. Air Force personnel stationed in Honduras were wounded, two seriously, in a sniper attack on their bus near Tegucigalpa, the capital. A leftist group, the Morizanista Patriotic Front, claimed responsibility.

03/27/90—William Robinson, an American missionary, was shot to death by masked gunmen in Rashaya Foukhar, a village in the Israeli-designated "security zone" in southern Lebanon. The Lebanese National Resistance Front, a leftist group aligned with Syria, claimed responsibility.

03/24/90—An American missionary, Thomas K. Jackson, and his British wife were killed in a rebel ambush near Bahn, Liberia, while attempting to flee to Monrovia. The National Patriotic Front of Liberia (NPFL) was responsible.

03/16/90—16 Americans and three Panamanians were slightly wounded by a bomb explosion in a bar usually frequented by U.S. military personnel in Panama City.

03/06/90—An elderly U.S. rancher near Malagros in the central Philippines was killed by gunmen at the gateway to his ranch. Stewart F. Raab, 72, was shot by rural CPP/NPA guerrillas because of rejected extortion demands.

03/02/90—A U.S. soldier, Anthony Ward, was killed and several others injured when an unidentified assailant threw a hand grenade into a night club in Panama City, Panama. Two previously unknown groups claimed responsibility.

02/21/90—An American geologist, John Robert Mitchell, his Filipino wife, and his father-in-law were killed in an ambush on a road in Bohol province in the Philippines. It is suspected that the victims, riding in an open jeep, were shot by rebels.

02/13/90—Two U.S. citizens, David Kent and James Donnelly, were kidnapped in Medellin, Colombia, by the Marxist Army of National Liberation (ELN) in protest of President Bush's February 15 visit.

01/01/90—Maureen Courtney, of Milwaukee, was one of two Catholic nuns killed by shots fired at their vehicle just after dark on a road in Nicaragua, about 80 miles southwest of Puerto Cabezas. Bishops Paul Schmitz, another American in the vehicle, was wounded. The Sandinista government and the U.S.-supported contras accused each other of the attack.

10/26/89—Two Americans were killed by guerrillas near Clark Air Force Base in the Philippines. William H. Thompson and Donald G. Buchner, civilian technicians hired by Ford Aerospace Corporation, were employed at small Air Force installations near Clark. The insurgent New Philippines Army (NPA) is believed to be responsible for the murders.

09/20/89—Mrs. Robert Pugh, the wife of the U.S. Ambassador to Chad, was among the 171 passengers and crew killed when a French DC-10 airliner was destroyed by a bomb over a remote section of Niger in West Africa. An anonymous caller said that the Shiite organization Islamic Jihad was responsible.

09/18/89—The offices of the American Express Bank in East Beirut were damaged by an explosive device planted in front of the main entrance to the bank.

07/31/89—U.S. Marine Lt. Col. William Richard Higgins, a hostage in Lebanon since Feb. 18, 1988, was reportedly hanged by his captors in retaliation for the Israeli seizure of a Shiite cleric in southern Lebanon. Experts believe that Higgins was killed much earlier by the "Organization for the Oppressed on Earth."

07/13/89—Seven U.S. soldiers were wounded, three seriously, by a bomb attack as they were leaving a discotheque in the Honduran port of La Ceiba. No one claimed responsibility. Four suspects were held.

06/23/89—Chris George, an American aid worker in the Israel-occupied Gaza Strip, was released after 30 hours in the hands of Palestinian kidnappers. George was taken by three gunmen who claimed to be part of the PFLP. Demands for the release of 7 Palestinians prisoners held by Israel were ignored and George was released unharmed.

06/21/89—An American nun was shot in El Salvador by unknown assailants. Sister Mary MacKey, 63, was seriously wounded as she rode in a pickup along a road 10 miles south of San Salvador. The shot came from another truck carrying six men. No one claimed responsibility.

04/21/89—Colonel James N. Rowe, a U.S. military adviser to the Philippines, was shot to death in his car on a crowded Manila street. An urban guerrilla band from the New People's Army (NPA) is suspected.

03/10/89—A bomb exploded under a van being driven by Sharon Lee Rogers, wife of the captain of the U.S.S. Vincennes that mistakably shot down one Iranian jet last July. Mrs. Rogers was unharmed, but the van was demolished. Speculation is that terrorism was involved and that Iran was connected.

12/21/88—Pan Am flight 103, just out of London's Heathrow airport en route to New York City, exploded in the air about 6 miles southeast of the Scottish town of Lockerbie. All 259 persons on board the plane were killed in the explosion and crash. About 17 Scottish residents of the town were killed by the falling wreckage. There is overwhelming evidence that a bomb exploded in the cargo hold of the plane. Several terrorist organizations claimed responsibility for the incident, the most likely being the radical PFLP-GC, headed by Ahmed Jabril.

07/17/88—Unknown assailants fired upon 6 U.S. servicemen in the small town of San Pedro Sula, about 125 miles north of the Honduran capital, Tegucigalpa.

06/28/88—Navy captain William E. Nordeen, the U.S. defense attache in Greece, was killed by a bomb as he was driving to the embassy from his residence in an Athens suburb. The bomb was apparently placed in the trunk of a parked car and detonated by remote control. A radical terrorist group called November 17 claimed responsibility.

05/15/88—Three Americans were among those wounded in a hotel in Khartoum, Sudan, when it was attacked by terrorists armed with machine guns, grenades, and tear gas. Seven people were killed in the attack and 21 were wounded. Five of the dead were foreigners, including a British family of 4. Police arrested 3 gunmen carrying Lebanese passports.

04/15/88—A bomb exploded outside an Air Force radio relay station near Torrejon, a large U.S. air base outside Madrid. The bomb caused minor damage to the installation and no one was injured by the explosion.

04/14/88—Angela Simone Santos, a 31-year-old Navy petty officer stationed in Naples, was killed by a car bomb that exploded outside an American USO club in that city. Four other U.S. sailors were wounded by the explosion. Four Italians were also killed and at least 17 others injured by the attack. A unit of the Japanese Red Army calling itself the Jihad Brigade claimed responsibility.

02/18/88—A U.S. Marine officer serving with the U.N. observer group in Lebanon was kidnapped. Lt. Col. William R. Higgens was taken from his car near Tyre, a port in southern Lebanon, by gunmen believed to be members of the Moslem fundamentalist Party of God. This brings to 10 the number of U.S. hostages still captive in Lebanon.

12/27/87—Ronald Strong, an American sailor, died from wounds received December 26, in a grenade attack on a temporary USO club in Barcelona, Spain. The Catalan Red Liberation Army, a new organization, claimed responsibility for the attack, which injured 9 other U.S. sailors.

11/28/87—Two American servicemen and a Filipino-born U.S. Air Force retiree were killed near Clark Air Force Base in the Philippines. The 2 airmen were: A1C Randy A. Davis and Sgt. Steven Faust. The other man was Herculana Manganta, a retired Air Force sergeant. The killers could have been communist NPA rebels or right-wing military extremists.

09/27/87—A bomb blast in central Athens caused extensive structural damage to the U.S. military commissary. The Revolutionary Popular Struggle, a leftist guerrilla group, claimed responsibility.

08/10/87—Nine U.S. servicemen were injured by a bomb attack on a bus near Athens. November 17, an urban guerrilla group, claimed responsibility.

08/08/87—Five U.S. soldiers on duty in Honduras were slightly wounded when a bomb exploded outside a restaurant in Commayagua (the main U.S. base in Honduras), a small city near Palmerola. Another American, a civilian contractor working at Palmerola, was also wounded. No one has claimed responsibility for the bombing.

06/17/87—Charles Glass, a U.S. TV journalist, was kidnapped in Lebanon along with his host, Ali Oseiran, son of the Lebanese Minister of Defense. A State Department spokeswoman said that Glass was in Lebanon without official knowledge and in technical violation of U.S. passport rules imposed in February 1987 to keep Americans out of that country. No one has claimed responsibility. Glass escaped from his captors on Aug. 18, 1987.

06/09/87—Two bombs exploded on the grounds of the American Embassy in Rome. Another bomb destroyed a car parked on a street, next to the embassy. There were no injuries by the blasts.

05/26/87—Two U.S. Embassy officials were injured in a Cairo suburb. The wounded men were Dennis L. Williams, the embassy security chief, and John Hucke, his assistant. An anonymous caller later said that a group called "Egypt's Revolution" was responsible for the attack, the first in Egypt against Americans since relations were restored in 1973.

04/24/87—Sixteen Americans were injured when a bomb exploded under a bus carrying them to the U.S. base near Hellenikon near Athens. The injured included 12 military and 4 civilian dependents. November 17, a Greek guerrilla group, later claimed responsibility for the attack.

01/24/87—Gunmen, posing as Lebanese policemen, seized 3 Americans and an Indian from the campus of Beirut University College, not to be confused with American University of Beirut, which is about 3 blocks south in Moslem-controlled West Beirut. The 3 Americans were Alann Steen, Jesse Turner, and Robert Polhill. The Indian, a longtime U.S. resident associated with other U.S. universities, was Mitheleshwar Singh. All were employed as professors at the U.S. sponsored school. Several groups have been mentioned as the abductors.

10/31/86—Edward Austin Tracy, an American and long-time resident of Moslem-controlled west Beirut was kidnapped, becoming the 7th U.S. citizen held hostage by Lebanese extremists. A group calling itself the Revolutionary Justice Organization said it seized Tracy, accusing him of spying for the United States and Israel. The group took responsibility for seizing another American, Joseph Cicippio, a month earlier.

10/28/86—Two bombs exploded at separate military installations in Puerto Rico, injuring 1 person and causing extensive damage. Eight other bombs were later discovered and defused. Three pro-independence groups claimed responsibility for the actions.

09/12/86—Joseph Cicippio, an American on the staff of the American University in Beirut (AUB), was seized by 5 armed men while crossing the AUB campus in west Beirut. Cicippio, a convert to Islam and married to a Lebanese woman who works for the U.S. Embassy in east Beirut, was struck on the head and forced into a car by his assailants. No one claimed responsibility for the kidnapping.

09/09/86—Frank Herbert Reed, headmaster of the Lebanese International School, was kidnapped in south Beirut, near Beirut Hospital. Islamic Jihad, a Shi'ite terrorist organization, claimed responsibility for the kidnapping. The caller alleged that Reed was a CIA agent and had converted to Islam and married a Syrian woman as a cover for his intelligence activities.

09/05/86—Pan Am flight 73 was hijacked in Pakistan. At 5:55 PM (Washington time), 4 Arab-speaking gunmen seized a PanAm 747 at Karachi International Airport as the plane was loading passengers for a flight to Frankfurt, Germany. The hijackers held 374 passengers and 15 crew members hostage for 16 hours while sporadic negotiations were attempted. Suddenly, at 9:45 PM the following night when the ground power units ran out of gas and the lights dimmed on the plane, the gunmen panicked and began firing indiscriminately at the huddled passengers. Before Pakistani commandoes could storm the plane, 21 hostages were dead and more than 60 were seriously wounded. Four Americans were among those killed.

08/11/86—The U.S. Citibank office in Paleo Faliro, an Athens suburb, was heavily damaged by a firebomb allegedly thrown by the "Revolutionary Popular Struggle", a terrorist group operating in the Athens area. There were no personal injuries reported.

08/10/86—A U.S. soldier's car was blown up by a bomb in Hanua, West Germany, a small town located near the city of Frankfurt.

06/07/86—A second U.S. soldier died from injuries he received during the bombing of a West Berlin discotheque on Apr. 5. Staff Sergeant James E. Goins, 26, of Ellerbee, NC, died in a West Berlin hospital, the second American and the third victim of the bombing blamed on Libyan agents in Berlin, leading up to the U.S. raids on that country on Apr. 15.

05/28/86—A bomb exploded outside a PanAm airline office in Karachi, Pakistan, killing 1 local citizen and injuring 4 others. No Americans were injured in the blast.

05/06/86—A bomb exploded at Heidi barracks, a small, unguarded U.S. installation near Kirchheinbolanden about 35 miles south of Frankfurt, West Germany.

04/29/86—A bomb blast caused minor damage to the U.S. Ambassador's residence in Santiago, Chile. A bomb also went off in front of a Mormon Church. These were 2 of a number of bombs that exploded in Santiago and Valparaiso. Leftist guerrillas were suspected of setting off the bombs.

04/26/86—An explosion seriously damaged the American Express office in Lyon, France, injuring 1 person.

—Police defused a car bomb outside the U.S. Embassy in Mexico City, Mexico. A group calling itself the "Simon Bolivar Anti-Imperialist Command" claimed the bomb was intended as retailiation for the U.S. attack on Libya on Apr. 15.

04/25/86—Unknown gunmen shot and killed the managing director of the U.S. Black and Decker firm in Lyon, France. The victim, Kenneth Marston, 43, was a British subject. It is not clear if the shooting was related to terrorism or was related to recent organized crime thefts from Black and Decker.

—Arthur Pollick, 41, a U.S. Embassy communications officer in Sanaa, North Yemen, was shot and wounded while driving home from church services.

04/21/88—A bomb exploded outside the U.S. Embassy in Lima, Peru. There was a bomb threat to the U.S. Information Office in Dar es Saalam, Tanzania. No one was injured.

04/19/86—A bomb exploded outside the Mormon church in Puerto Ordaz, Venezuela.

04/18/86—Turkey arrested 4 Libyans attempting to place a bomb in a U.S. officers' club in Ankara. The same day a bomb was defused at a Turkish-owned American Express bank in Istanbul. Turkey has also apprehended 10 people, 2 Tunisians and 8 Turks, suspected of plotting to attack the U.S. consulate, the former U.S. consul general, and the Turkish-Iraqi pipeline.

04/17/86—Peter Kilburn, a librarian at the American University of Beirut, Lebanon, was 1 of 3 westerners killed as apparent revenge for the air raids on Libya Apr. 15. Kilburn, 62, disappeared in West Beirut Dec. 3, 1984. The pro-Libyan Arab Fedayeen cells claimed responsibility for Kilburn's death. The other 2 victims were British school teachers John Leigh Douglas and Philip Padfield, who were kidnapped in West Beirut Mar. 28, 1986.

—A fire bomb was thrown at the U.S. Marine guard compound for the U.S. Embassy in Tunis, Tunisia, setting a car on fire. No one was injured.

—A grenade exploded outside the U.S. consulate in San Jose, Costa Rica. There were no injuries and only minor damage. There were also bomb threats at the U.S. Embassy in Lagos, Nigeria, and the U.S. Army Southern Command headquarters in Panama.

04/15/86—William J. Calkins, an American employee of the U.S. Embassy in Khartoum, Sudan was shot and wounded while riding home from the Embassy. The shooting was believed to be in retaliation for the U.S. air raids on Libya earlier in the day.

04/05/86—Army Sgt. Kenneth T. Ford of Detroit, MI, was killed in a bomb explosion in a West Berlin discotheque. A Turkish woman, Nermin Haney, was also killed. There were nearly 200 people injured, including 64 Americans. On Apr. 15, 1986, President Reagan said intelligence intercepts linked Libya to the Berlin bombing, which justified the U.S. attack on Libya that day as "self-defense."

04/02/86—Four Americans were killed and 9 people, including 5 Americans, were injured in a bomb explosion aboard TWA Flight 840 en route from Rome to Athens. Alberto Ospina of Stratford, CT, 52-year-old Demetra Stylianopoulos, her 24-year-old daughter Maria Klug, and 9-month-old granddaughter Demetra Klug, all of Annapolis, MD were killed. The plane landed safely at the Athens, Greece airport.

03/22/86—A statue of Harry Truman in Athens was destroyed by an explosion. A Greek revolutionary group claimed responsibility. The statue was restored and replaced in August 1987 by the Greek government.

02/18/86—A car bomb exploded at the U.S. embassy in Lisbon, Portugal, There were no injuries nor other damage.

02/15/86—Unidentified gunmen killed a U.S. citizen, Peter Hascall, in San Salvador, El Salvador. Hascall was engaged in selling military patrol boats to the Salvadoran navy for a Louisiana shipbuilding company. There is some question whether this was a terrorist incident or a street crime.

12/27/85—Palestinian gunmen attacked airports at Rome and Vienna with grenades and machine guns, killing 18 (including 5 Americans) and wounding 116 (22 Americans). A note found in the pocket of 1 terrorist claimed responsibility for the "Martyrs of Palestine," but officials believe that was a pseudonym for Abu Nidal's Revolutionary Fatah group. (The slain Americans, all of whom died in the Rome attack, were John Buonocore, 20, of Delaware; Frederick Gage, 29, of Wisconsin; Don Maland, 30, of Florida; Natasha Simpson, 11, of Rome; Elena Tomarello, 67, of Florida.)

11/24/84—Thirty-three Americans were among 36 wounded when a car bomb exploded at a U.S. Army shopping center in Frankfurt, West Germany.

11/23/85—Arab gunmen of uncertain political affiliation hijacked an Egypt Air flight and landed at Malta after an in-flight gun battle with Egyptian security guards. Three Americans and 2 Israelis were shot at close range and dumped onto the runway; one from each country was killed and the others injured. During the Egyptian commando assault on the plane on Nov. 24, 56 passengers were killed and the 1 surviving terrorist was arrested.

10/07/85—Four Palestinian gunmen hijacked the Italian cruise ship "Achille Lauro" off Alexandria, Egypt, with 80 passengers and 320 crewmen aboard, sailed it to Syria and Cyprus (where it was refused part entry) and back to Egypt. While off the Syrian port of Tartus, the terrorists killed wheelchair-bound American Leon Klinghoffer. Egypt and Italy negotiated the return of the ship and he remaining hostages on board in exchange for safe passage out of Egypt for the terrorists. On Oct. 10, American F–14 fighters accompanied by E–2C electronic surveillance plans intercepted an Egyptian jet carrying the hijackers and forced it down at the Italian-NATO base at Sigonella. Italy ordered the terrorists to stand trial but released 1 Palestinian negotiator (Muhammad Abbas Zaida, alias Abu Abbas). The sharp U.S. protest over the release of Abbas provoked a crisis in the Italian government of Prime Minister Bettino Craxi.

09/16/85—Nine Americans were among 38 people injured when a Palestinian threw a hand grenade at an outdoor cafe in Rome.

08/15/85—Two bombs exploded at a U.S. Army installation near the Netherlands-West Germany border, damaging a radio tower. Two incendiary devices were discovered and defused.

08/12/85—An incendiary device was found by cleaning women in the sleeping quarters on a U.S. Army troop train in West Germany. The bomb had failed to explode because it was defective.

08/08/85—Two arsonists fled when they were discovered trying to set fire to a U.S. cultural center in Hamburg.

—A car bomb exploded outside the headquarters of the U.S. Rhein-Main airbase near Frankfurt, killing 2 Americans and wounding about 20 other U.S. and West German citizens. The West German Red Army Faction and the French Direct Action claimed responsibility in a letter.

07/22/85—The Copenhagen offices of Northwest Orient Airlines and a nearby Jewish synagogue-nursing home were damaged by a bomb that killed 1 and injured 26. Islamic Jihad claimed responsibility in Beirut.

07/01/85—Unknown terrorists bombed the Madrid offices of Trans World Airlines and British Airways, apparently in retaliation for President Reagan's threat the previous day to strike against terrorism.

06/19/85—Leftist gunmen shot and killed 13 people, including 4 U.S. Marines and 2 U.S. businessmen, as they sat in a sidewalk cafe in San Salvador. Two days later the Urban Guerrillas-Mardoqueo Cruz group, associated with the leftist FMLN, took responsibility. (Five Salvadorans, a Chilean, and a Guatemalan were also killed.) Military officials announced that 3 leftist rebels had been arrested Aug. 27 in connection with the slayings; another suspect had been shot and killed in the arrest and 7 more suspects were still at large.

06/14/85—Shi'ite gunmen hijacked TWA flight 847 from Athens, Greece. The hijackers shot and killed U.S. Navy diver Robert Stetham in Beirut, and dispersed the remaining hostages throughout the city. On June 30, 39 American citizens were released in Damascus.

06/09/85—The Dean of the School of Agriculture of the American University of Beirut, Thomas B. Sutherland, was kidnapped. Sutherland may have been mistaken for AUB president Calvin Plimpton.

05/28/85—The director of the AUB hospital, David Jacobsen, was seized in Beirut.

04/12/85—An explosion in a restaurant frequented by U.S. servicemen near Madrid injured 14 U.S. personnel and family members. Islamic Jihad made the "most reliable" claim for the bombing; the Basque separatist group ETA also claimed responsibility.

03/16/85—Terry Anderson, the chief Middle East correspondent for the Associated Press, was kidnapped in Beirut.

02/02/85—Seventy-eight persons, mostly U.S. citizens, were injured when a bomb exploded at a bar frequented by U.S. military personnel in an Athens, Greece, suburb. The National Front, a previously unknown group, claimed responsibility, saying the act was directed at Americans responsible for "the continuing occupation of Cyprus." (While the bomb caused no fatalities, some of the seriously injured were airlifted to a U.S. military base in West Germany for treatment.)

01/15/85—The Communist Combatant Cells exploded a car bomb at a U.S. military recreation center in Brussels. One military policeman was injured and the blast caused $500,000 damage.

01/08/85—Fr. Lawrence Martin Jenco, a Roman Catholic priest and the director of the Catholic Relief Services operation in Lebanon, was taken hostage.

01/02/85—The homes of the U.S. and French consuls general were firebombed. The next day an empty guardpost at the U.S. Army headquarters in Heidelberg airfield was also bombed. No injuries were reported, and the Red Army Faction claimed responsibility.

12/28/84—U.S. citizens Gerhart Opel and Alan Bongard were taken hostage along with 20 other foreigners by Angolan rebels. The National Union for the Total Independence of Angola, led by Jonas Savimbi, took the hostages during a raid on a diamond-mining complex close to the Zairan border. The Americans were crew members for the Trans-America airline, which had contracted to fly supply runs for the Angolan government.

12/04/84—Four Islamic Jihad terrorists hijacked a plane bound for Pakistan from Kuwait, ordered it flown to Tehran, and killed 2 Agency for international Development (AID) officials before surrendering to Iranian security forces who stormed the plane. Charles Hegna and William Stanford were fatally shot, and the 2 other Americans on board, AID official Charles Kaspar and businessman John Costa, were tortured during the ordeal. The United States issued a statement of thanks to Iran after the plane was successfully retaken by Iranian forces, but subsequently charged Iran with aiding the terrorists after the 2 U.S. hostages were safely en route to Kuwait.

12/03/84—Peter Kilburn, a U.S. citizen and a librarian at AUB, disappeared in Beirut.

09/20/84—A small van, loaded with approximately 400 pounds of explosives, drove past a guard checkpoint to the front of the U.S. Embassy annex in Awkar, Lebanon, where it exploded, killing 23 (2 Americans) and wounding 71 (20 Americans). The driver was shot and killed by British security guards. Islamic Jihad claimed responsibility in a call to Agence France-Presse.

05/30/84—Linda Frazier, a U.S. journalist working in Latin America, was among 5 killed when a bomb exploded at a press conference held by Nicaraguan rebel leader Eden Pastora Gomez just inside the Nicaraguan border with Costa Rica.

05/22/84—The Ricardo Franco Front, a breakaway group from the Soviet-aligned Revolutionary Armed Forces of Colombia, bombed eight U.S. facilities in two Colombian cities, but caused no injuries. In Bogota, the terrorists attacked the U.S. Embassy, the U.S. Ambassador's residence, a binational center, two IBM installations, and the ITT offices; in Cali, attacks were sustained at the binational center and a Texaco warehouse.

05/11/84—Tamil separatists kidnapped a newlywed American couple, Stanley and Mary Allen, in Jaffna, Sri Lanka. The kidnappers demanded $2 million in gold and the release of 20 Tamil prisoners, but after Sri Lankan President Junius Jeyewardene rejected the demands, the couple was released unharmed.

05/08/84—Islamic Jihad claimed responsibility for the kidnapping of Benjamin Thomas Weir, a U.S. Presbyterian minister, in West Beirut. Weir was released on Sept. 14, 1985.

04/15/84—A bomb exploded in a northwestern Namibia gas station, killing U.S. envoys Dennis Keogh and Lt. Col. Ken Crabtree, as well as 1 Namibian. Although South African authorities blamed the South West Africa People's Organization, SWAPO denied responsibility, and the United States called the explosion an "act of random terrorism." The victims were the first Americans to die in the 17-year war in Namibia.

04/03/84—Master Sgt. Robert H. Judd was shot and wounded while driving to a U.S. airbase near Athens. The Greek November 17 organization claimed responsibility, protesting the four U.S. military bases in Greece.

03/26/84—Robert Onan Homme, the U.S. consul general in Strasbourg, France, was shot and wounded by a Lebanese Armed Revolutionary Faction gunman.

03/16/84—William Buckley, first secretary in the political section of the U.S. Embassy, was kidnapped in Beirut by a carload of gunmen. On Oct. 4, Islamic Jihad claimed it had executed Buckley in retaliation for the Oct. 1, 1985, Israeli air raid on Tunisia. The United States did not regard as definitive the blurry photo purported to be Buckley, which appeared in a Beirut newspaper.

3/07/84—Jeremy Levin, American network correspondent, was kidnapped in Beirut. Levin was released, or escaped, from captivity in the Bekaa Valley in eastern Lebanon Feb. 13, 1985.

02/15/84—Leamon R. Hunt, the American director of the Multinational Force and Observers peacekeeping force in Sinai peninsula, was shot and killed as he drove to his home in southwestern Rome. A radical offshoot of the Red Brigades, known as the Fighting Communist Party, claimed responsibility.

02/10/84—Frank Regier, the head of the Electrical Engineering department at the American University of Beirut, was kidnapped in West Beirut. Regier was freed Apr. 15 by Amal militiamen during a raid on the West Beirut hideout of another extremist organization.

01/26/84—Linda L. Cancel was shot and killed in eastern El Salvador, after ignoring a rebel warning to stop while she was driving with her husband and 2 children, who were unhurt.

01/18/84—Malcolm Kerr, President of American University of Beirut, was shot and killed as he stepped off the elevator to his office on the West Beirut campus. Islamic Jihad claimed responsibility by phone to Agence France-Presse Beirut office.

01/11/84—Chief Warrant Officer Jeffrey C. Schwab was killed when Nicaraguan fire downed a U.S. helicopter in Honduras. The attack occurred after the helicopter had landed a few yards away from the Honduran-Nicaraguan border.

12/12/83—A truck bomb damaged the U.S. Embassy in Kuwait. Similar attacks occurred at the French Embassy, a U.S. housing compound, a Kuwaiti oil facility, an airline terminal building, and a Kuwaiti government office. Islamic Jihad claimed responsibility for the bombings; 25 Lebanese, Iraqis, and Kuwaitis were subsequently arrested, tried, and imprisoned.

11/15/83—U.S. Navy Captain George Tsantes was shot and killed on his way to work in Athens; his chauffeur was also slain. The November 17 group claimed responsibility.

10/23/83—A truck laden with explosives crashed through guardposts, circumvented other security precautions, and was detonated in the courtyard of the U.S. Marine headquarters at the Beirut airport, killing 241 American armed forces personnel (220 Marines, 18 Navy, and 3 Army personnel). Islamic Jihad called Agence France-Presse in Paris to claim responsibility.

09/23/83—111 people, including 1 American, were killed when an on-board bomb exploded, downing an Omani Gulf jet en route from Karachi to Abu Dhabi.

08/15/83—Leftist guerrillas in Colombia kidnapped a U.S. rancher, Russell Martin Stendhal, and demanded $500,000 for his release. His family paid an unspecified ransom and Stendhal was released Jan. 18, 1984. Although earlier reports had identified the kidnappers as members of the Colombian Revolutionary Armed Forces, the family identified them as belonging to the People's Liberation Army.

06/21/83—Dial Torguson of the *Los Angeles Times* and freelance journalist Richard Cross were killed in Honduras, a few yards from the Nicaraguan border. Honduras and the United States claimed that they were killed by a rocket-propelled grenade fired from Nicaragua, but the Sandinista government denied the claim.

05/25/83—Navy Lt. Cmdr. Albert A. Schaufelberger was shot and killed while sitting in a car in San Salvador. The Popular Liberation Forces, the most radical group under the FMLN umbrella, claimed responsibility for the killing, although U.S. officials were skeptical about the claim.

04/18/83—A car bomb detonated in front of the U.S. Embassy in Beirut, killing 63, of whom 17 were Americans, and wounding over 100. Islamic Jihad claimed responsibility, citing the explosion as "part of the Iranian revolution," although Iran denied any role in the attack. The Embassy building was declared beyond repair May 3, and operations subsequently were moved to Awkar, northeast of Beirut.

04/07/83—Catherine Woods Kirby, a U.S. rancher, was kidnapped by members of the leftist Colombia Revolutionary Armed Forces. She was reported released on Nov. 14, 1983.

03/07/83—Kenneth Bishop, an executive at Texas Petroleum Company, was kidnapped in Colombia by the People's Revolutionary Organization. Texas Petroleum refused to negotiate with the kidnappers, but Bishop was freed April. 4 after his family paid several thousand dollars in ransom.

10/31/82—A bomb exploded in a U.S. military housing area in Giessen, West Germany. No injuries were reported.

08/21/82—A bomb was attached to the car of Roderick Grant, commercial counsellor at the U.S. Embassy in Paris, but failed to detonate. After detection, the device exploded, killing 1 bomb disposal expert and wounding the other 2. The Lebanese Armed Revolutionary Forces claimed responsibility.

08/12/82—A small bomb exploded in a U.S. military housing area in Frankfurt, West Germany, damaging a car.

08/09/82—Gunmen threw a grenade into a Jewish restaurant in Paris and then opened fire with automatic weapons, killing 6 and wounding 27. Two of the wounded and 2 of the slain were American citizens. The leftist Direct Action first claimed and, then, denied responsibility for the attack; the Israeli government blamed the PLO, but PLO spokesmen denied the charge and condemned the attack.

08/07/82—Nine people, including 1 American woman, were killed and over 70 wounded in an attack on the Turkish airport at Ankara by the Armenian Secret Army for the Liberation of Armenia.

08/03/82—A bomb blew off the door of an officers' club in Karlsruhe, West Germany. Later, two jeeps were destroyed and a truck damaged when a time bomb exploded at a U.S. base in Schwabish-Gmund, West Germany.

07/19/82—American University of Beirut president David Dodge was kidnapped; he was released on July 19, 1983.

By Mr. EXON:

S.J. Res. 25. A joint resolution proposing an amendment to the Constitution relating to Federal budget procedures; to the Committee on the Judiciary.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. EXON. Mr. President, I rise to introduce legislation for a proposed constitutional amendment to require the President to submit and the Congress to enact a balanced Federal budget.

As in previous sessions of Congress, I have made a balanced budget amendment a priority bill. There are few, if any, problems that face our country that are greater and more dangerous than our out-of-control Federal budget.

Several years ago, while introducing similar legislation, I noted that our deficit spending was one of our most serious problems. That was before we set a record deficit of over $265 billion in 1991. That was before we set yet another record deficit of over $290 billion in 1992. That was before our Federal debt topped the $4 trillion mark. It now seems certain that our indebtedness will be well over $5 trillion before we can begin to reduce it. We now longingly look back with wistful eyes on the days of only a $2 or $3 trillion debt.

Just 2 weeks ago, the outgoing administration revealed its latest deficit projections and the news was not good. Yet another record deficit of over $327 billion is projected for the coming year and little relief is seen in the near future. We have not turned a corner. In other words, over a decade of borrow-and-spend economic policy will be followed by more of the same unless strong action is taken soon.

I have been pleased to see that in the past several months, the American public has been waking up to the seriousness of this problem. Our Federal debt was a major issue in the elections of 1992, and rightfully so. There is no greater need for change than in our current budget.

The argument against a balanced budget amendment is, of course, that it will not solve all of our problems and as such is hardly a substitute for honesty and effective leadership. I agree that we certainly need strong leadership on this issue but see no reason why we should not also have a balanced budget amendment.

It seems to me that the chickens have come home to roost regarding the borrow-and-spend policies that have been pursued over the past two administrations. Some would cynically say that we are exactly in the position that Mr. Stockman and his colleagues hoped we would be. We have already borrowed and spent nearly all of the revenues that President Clinton's government can expect to receive. If we shut down our Federal Government tomorrow and simply used incoming receipts to pay off our existing debt, we will eliminate the debt late in our new President's term.

It is true that honest and effective leadership would eliminate the need for a balanced budget amendment but the simple fact is that we obviously do not always have such courage in Washington. We do not need a balanced budget amendment when we have strong leadership but we certainly do need one for those times when we do not.

We are now in a position where our deficit spending threatens our economic future. Deficits do matter and those who have claimed otherwise over the past many years have been trifling with our children's standard of living. Our Federal debt has a stranglehold on our Nation's economic recovery. The incoming administration is already second-guessing even modest proposals to invest in our Nation's future in light of the overwhelming need to reduce our deficit.

Our current budgetary problems are now so severe that the immediate imposition of a balanced budget would have dire consequences for our economy. As such, under any proposal, we will need to level with the American people that shared sacrifices must be made and that we will not be able to undo in but a few years what was done over the past dozen.

Four years ago, I was hopeful that with the start of a new administration and a new Congress that there was the promise of a new emphasis on deficit reduction. That promise was unfortunately not turned into reality.

Once again, we have a new administration. Our new President, like myself, served for many years as governor of a State that requires a balanced budget. He knows that balancing a budget requires making tough decisions and understands that political leadership is essential if we are to develop a budget that is fair and acceptable to the American public.

Mr. President, our system is broken and needs fixing. The American public is demanding that we stop blaming each other for this mess and that something be done to restore fiscal responsibility to our Federal budgets. It is time that Congress pass a balanced budget amendment and send it to our States where I am confident it would be quickly ratified.

I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 25

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE—

"SECTION 1. Prior to each fiscal year, the President shall submit to the Congress a proposed statement of revenues and appropriations for the coming fiscal year and shall recommend to the consideration of Congress such measures as the President shall judge necessary to assure that appropriations do not exceed revenues for that fiscal year.

"SECTION 2. Prior to each fiscal year, the Congress shall approve a proposed statement of revenues and appropriations for the coming fiscal year and shall adopt measures necessary to assure that appropriations do not exceed revenues for that fiscal year.

"SECTION 3. No bill which causes appropriations to exceed revenues for a fiscal year shall become law unless passed by two-thirds of the Senate and House of Representatives.

"SECTION 4. The Congress may waive the provisions of this article for any fiscal year in which a declaration of national emergency is in effect.

"SECTION 5. The Congress shall have the power to enforce this article by appropriate legislation.

"SECTION 6. This article shall become effective beginning with the later of—

"(1) the second fiscal year to begin after its ratification.

By Mr. DECONCINI (for himself and Mr. THURMOND):

S.J. Res. 26. A joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT TO BALANCE THE BUDGET

• Mr. DECONCINI. Mr. President, I rise to introduce a constitutional amendment to balance the Federal budget. It seems clear that this Nation is ready to forge both short- and long-term solutions to our economic problems. I believe strongly that this cannot be accomplished without the discipline that would be imposed by a balanced budget amendment.

Since coming to the Senate in 1977, I have sought the support of my colleagues in passing a balanced budget amendment. If a balanced budget amendment had been passed during my first year in the Senate, the gross national debt would be approximately $900 billion. Instead, the debt stands at almost $4 trillion and each family of four's share of this debt is $65,000.

To fulfill our goal of long-term economic growth, an increase in Federal investment activities must occur. The surest way to increase investment is to increase national savings, which can only occur when the deficit is reduced or eliminated. Since we have no national savings, the deficit is being financed by increased reliance on foreign capital and reduced private domestic investment; 15 to 20 percent of our national debt is owed to foreigners.

The problem is compounded by the addition to the deficit of each year's interest costs, an amount which must be financed by still greater interest payments the next year. Net interest on the debt is approximately $200 billion a year, the third largest item in the Federal budget. This growth of interest costs translates into a major decline in funds available to finance any new discretionary programs. Isn't it more desirable that we use the $200 billion to reduce taxes or improve our health care system? Government funds must be invested in the future, rather than used to pay past debts. Better education, health care, drug prevention, new roads and bridges, and other domestic programs are needed. These needs demand that we do not lose sight of our budget deficit problems. Much too much of Government spending is needed to pay off past debts instead of investing in our future.

Over the last decade, the United States has gone from being the largest creditor Nation in the world to the largest debtor Nation. Unless an amendment to balance the budget is added to our Constitution soon, our standard of living will continue to decline and the United States will become a second-rate economic power.

Gross Federal debt when computed as a percentage of annual gross domestic product [GDP] shows that well over half of our GDP is being depleted by our debt. The GDP indicator has replaced the gross national product [GNP] as the primary measure of U.S. production because it is more accurate for short-term monitoring and analysis of the U.S. economy. The GDP indicator shows an even more staggering effect the Federal debt has had on the economy than originally thought under the GNP indicator. Our Nation's economy is in dire need of fiscal responsibility and a constitutional amendment is absolutely necessary to achieve this goal.

In order to reduce the debt to its 1980 level, the United States would have to collect a 45-percent surcharge on every American taxpayer's income tax bill for the next 12 years. This would mean approximately $4,000 a year in additional taxes for a couple earning $55,000 a year.

Between 1960 and today, this Nation has experienced a budget surplus only twice. In 1960, we saw a surplus of $301 million and in 1969, a surplus of $3.2 billion. That is the good news.

Since 1969, with the exception of years 1987 through 1990 when the increase in the deficit slowed, the annual deficit has grown larger every year. The 1990 deficit, in excess of $220 billion, was second only to the deficit of 1986 which was a record $221 billion. In 1991, an all-time record deficit was set at $269.5 billion, despite efforts to control spending. That record has not lasted long, because the deficit for 1992 was $290.2 billion. Clearly this negative trend will continue if a balanced budget amendment is not passed.

Some of my colleagues oppose a balanced budget amendment because they believe it is the wrong approach—that we already have the authority to control the deficit through legislation. The problem is that Congress lacks the self-discipline necessary to balance the budget and needs the force of a constitutional amendment to get the job done.

Time after time Congress has passed laws with the goal of controlling deficit spending and balancing the budget. Every one of these attempts has failed. As a result, many of my colleagues are recognizing that the only long-term solution is a balanced budget amendment.

We tried the Gramm-Rudman-Hollings sequester approach to fiscal responsibility. When it became too difficult to meet the deficit targets outlined in that law, we revised it again, and again, and again, and then abandoned it altogether.

In its place, we enacted the 1990 Budget Summit Agreement. Under this law we chose to totally ignore budget deficits in favor of imposing strict spending caps on discretionary spending. Under each and every approach, unfortunately, our deficits have continued to soar out of control.

Furthermore, these previous legislative attempts made to control the deficit, have all suffered from significant design problems. Gramm-Rudman-Hollings exempted the largest domestic programs and encouraged misleading budgeting and accounting practices. Additionally, it lacked an enforcement mechanism to control the areas most responsible for deficit growth. The Budget Enforcement Act of 1990 sets caps on discretionary spending, but is not designed to control the deficit directly.

A constitutional amendment is needed because legislative rules can always be waived, and the next Congress can always reject the procedures and/or laws of its predecessors. However, if Congress adopts, and three-fourths of the States ratify, this amendment will become part of the fundamental law of the land impacting on generations far into the future.

This is a simple amendment. There is nothing here that would establish any permanent level of expenditures or taxes. There is nothing here that would prevent the Congress from approving any particular item of expenditure or taxation. It would not necessarily cut Social Security benefits or Medicaid. Clearly, these are priority items and would be considered as such.

What it would do is mandate that total spending of the United States for any fiscal year not exceed total revenues for that year unless 60 percent of Congress approves a specific amount of deficit spending. The amendment would also require the President to submit a balanced budget, thus sharing the burden for responsible budgeting between the executive and legislative branches. Taxes could be raised only by a majority of the full membership of each House, not merely those present and voting.

A balanced budget amendment provides accountability. In an effort to strike a balance between flexibility and enforceability, the amendment is flexible enough so that in times of recession or national emergency Congress could authorize specific deficit spending or increase taxes. They must, however, go on record as having voted to do so. The voters can then decide if their representatives in Congress are serious about fiscal responsibility.

At present, Members avoid accountability through deficit spending, failing to make the tough political decisions required to choose between too many programs competing for few dollars.

Critics argue that the amendment lacks the necessary enforcement mechanism and claim that Congress' tendency to manipulate deficit reduction laws such as Gramm-Rudman would continue. This, they say, would demean the Constitution. However, elevating a balanced budget requirement to the level of a constitutional amendment provides the necessary teeth to ensure that concrete steps are taken to balance the budget.

The President and Members of Congress are sworn to uphold the Constitution. Failure to abide by the amendment would constitute a serious violation of the public trust. The American people would be the ultimate decisionmakers, through the electoral process, as to whether Congress and the President adhere to the express provisions of the amendment.

The ultimate proof that a balanced budget amendment can work is the experience of the States. Almost all States have some constitutional provision limiting their ability to incure budget deficits. Consequently, more States run budget surpluses than deficits. In my home State of Arizona, their 1991 budget of $3.5 billion had a surplus of over $20 million.

Economic demands and available resources may be different for States and the Federal Government. Nonetheless, the overall success of State constitutional budget limitations illustrates that a balanced budget amendment can provide the incentive and discipline necessary to place our Nation on the road to fiscal responsibility.

Clearly, the public wants a balanced budget amendment to the Constitution. A recent poll indicated 80 percent of the American people support a balanced budget amendment. Thirty-two States have passed resolutions calling for a balanced budget amendment convention. Only 2 more States for a total of 34 are needed to convene a convention. It seems unlikely, however, that the magic number of 34 will be forthcoming any time soon. Three States have passed resolutions of rescission because of concerns over the possible scope of any constitutional convention and I know of no other States considering the issue.

It is up to the Congress to get the process moving again. The Nation's bottom line is immersed in red ink and immediate action is needed. However well intentioned we may be in trying to reduce the deficit, we have failed.

I urge my colleagues to support the balanced budget amendment. It is time to say "no" to deficit spending and reimpose fiscal responsibility into the budget process.

Mr. President, I ask unanimous consent that the full text of my amendment be printed in the RECORD immediately following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 26

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE—

"SECTION 1. Total outlays of the United States for any fiscal year shall not exceed total receipts to the United States for that year, unless three-fifths of the whole number of both Houses of Congress shall provide for a specific excess of outlays over receipts.

"SECTION 2. Any bill for raising taxes shall become law only if approved by a majority of the whole number of both Houses of Congress by rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 4. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing. Total outlays shall include all outlays of the United States except for those for repayment of debt principal.

"SECTION 6. This article shall take effect beginning with the second fiscal year beginning after its ratification."•

By Mr. MOYNIHAN (for himself and Mr. SASSER):

S.J. Res. 27. A joint resolution providing for the appointment of Hanna Holborn Gray as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

APPOINTMENT OF HANNA HOLBORN GRAY AS CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

• Mr. MOYNIHAN. Mr. President, I rise to reintroduce a joint resolution to nominate Dr. Hanna Holborn Gray a citizen regent of the Smithsonian Institution. Senator SASSER, with whom I sit on the Smithsonian Board of Regents, is a cosponsor of this resolution. I offered this joint resolution in the 102d Congress. Though the Senate passed it on June 23, 1992, the House took no action on it.

Dr. Gray, a personal friend of mine, will serve the Smithsonian with great distinction. She is president of the University of Chicago, a post she has held since 1978. A native of Germany and a scholar in the history of humanism and politics in the Renaissance and Reformation, she has written on subjects ranging from St. Thomas Aquinas to the aims and objectives of higher education. She taught at Harvard University and the University of Chicago before being named provost and then acting president of Yale University, the first female president of an Ivy League university. In 1986 she was 1 of 12 recipients of the Medal of Liberty, awarded by President Reagan to distinguished foreign-born Americans.

I urge the adoption of this measure and ask unanimous consent that its full text be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 27

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), a vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress; shall be filled by the appointment of Hanna Holborn Gray of Illinois. The appointment is for a term of 6 years and shall take effect on the date of approval of this resolution.•

By Mr. MOYNIHAN (for himself and Mr. SASSER):

S.J. Res. 28. A joint resolution to provide for the appointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

THE APPOINTMENT OF BARBER B. CONABLE, JR., AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

• Mr. MOYNIHAN. Mr. President, I rise to reintroduce a joint resolution to appoint Barber B. Conable, Jr., a citizen regent of the Smithsonian Institution. Senator SASSER, who sits with me on the Smithsonian Board of Regents, is a cosponsor of this resolution. Upon enactment, Mr. Conable would assume a seat now vacant on the Board. I introduced this joint resolution in the 102d Congress, and the Senate approved it on June 23, 1992. The House, however, took no action on the joint resolution.

Barber Conable, a fellow New Yorker whose reputation is well known to the Members of this body, has a long and distinguished record of public service. As I said of him on another occasion, some men meet standards; others set them. Barber Conable has been one of the latter. President Bush concurred, calling him "one of the most sane and able men in the United States Congress." For some 20 years he represented upstate New York in Congress, the last 8 as the ranking Republican member of the Committee on Ways and Means. I served with him on many a conference committee in those years, and also on the National Commission on Social Security Reform established in 1983.

After serving nearly 20 shining years in the Congress, he and his wife Charlotte went to their lovely village of Alexander in upstate New York. Only to be asked by President Reagan to return to Washington to serve as head of the International Bank for Reconstruction and Development—the World Bank—which he did with equal brilliance for a full 5-year term. During his tenure the Bank nearly doubled its capital. But more importantly, he redirected the Bank's priorities—double the lending for education, greater consideration of the environmental impact of projects, and renewed emphasis on population control.

It is of special import to the Board of Regents that Barber Conable serves as Trustee of the National Museum of the American Indian and on the International Founders Council to raise funds for construction of the Indian museum on the Mall. He has chaired its development committee since October 1990. The Indian museum constitutes the largest single acquisition in the Smithsonian Institution's history and the largest collection in existence of artifacts from the native peoples of the Western Hemisphere. His knowledge of the museum and its collections, and his study of native American culture will be of inestimable value to the Board of Regents and the Smithsonian as a whole.

I urge my colleagues to support this resolution, and ask unanimous consent that its full text be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 28

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), a vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, shall be filled by the appointment of Barber B. Conable, Jr. of New York. The appointment is for a term of 6 years and shall take effect upon the date of approval of this resolution.•

By Mr. MOYNIHAN (for himself and Mr. SASSER):

S.J. Res. 29. A joint resolution providing for the appointment of Wesley Samuel Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

THE APPOINTMENT OF WESLEY SAMUEL WILLIAMS, JR., AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

• Mr. MOYNIHAN. Mr. President, I rise to introduce a joint resolution to appoint Wesley Samuel Williams, Jr., a citizen regent of the Smithsonian Institution. Senator SASSER, who sits with me on the Smithsonian Board of Regents, is a cosponsor of this resolution. Upon enactment, Mr. Williams would assume a seat now vacant on the Board. Senator GARN, with whom I served on the Board of Regents, introduced this resolution in the 102d Congress. Though the Senate approved it on June 23, 1992, the House took no action on the joint resolution.

Mr. Williams has enjoyed a distinguished career. A partner in the Washington, DC, law firm of Covington & Burling, Mr. Williams specializes in laws affecting financial institutions and their holding companies, in corporate securities, and bankruptcy law, and in real estate law. A member of the American, District of Columbia, Federal, National, and Washington Bar Associations, Mr. Williams has published numerous articles in several law journals.

Wesley Williams also distinguishes himself with his extensive community involvement. He serves on the board of trustees of the Family and Child Services of Washington, DC, and is a life member of the Washington, DC, Urban League. From 1980 until 1982, he was president of the board of trustees of the National Child Research Center and has served on the executive committee of the Harvard Board of Overseers.

Wesley Williams will serve the Smithsonian Board of Regents with distinction, and the Smithsonian will benefit accordingly.

I ask my colleagues to support this resolution and ask unanimous consent that its full text be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 29

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), a vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, shall be filled by the appointment of Wesley S. Williams, Jr. of the District of Columbia. The appointment is for a term of 6 years and shall take effect on the date of approval of this resolution.•

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. MCCONNELL, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 7, a bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes.

S. 9

At the request of Mr. MCCAIN, the names of the Senator from Utah [Mr. BENNETT], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 9, a bill to grant the power to the President to reduce budget authority.

S. 11

At the request of Mr. BIDEN, the name of the Senator from Texas [Mr. KRUEGER] was added as a cosponsor of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 15

At the request of Mr. ROTH, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 15, a bill to establish a Commission on Government Reform.

S. 20

At the request of Mr. ROTH, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Wyoming [Mr. SIMPSON], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 20, a bill to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.

S. 27

At the request of Mr. SARBANES, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 118

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 118, a bill to require the Commodity Credit Corporation to refund to first processors of sugarcane and sugar beets marketing assessments collected by the Corporation during fiscal year 1991, and for other purposes.

S. 155

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 155, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

SENATE JOINT RESOLUTION 10

At the request of Mr. HOLLINGS, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Alabama [Mr. SHELBY], the Senator from Connecticut [Mr. DODD], the Senator from Arizona [Mr. DECONCINI], the Senator from Colorado [Mr. CAMPBELL], the Senator from Nevada [Mr. BRYAN], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 10, a joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE RESOLUTION 13

At the request of Mrs. KASSEBAUM, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of Senate Resolution 13, a resolution to amend the rules of the Senate to improve legislative efficiency, and for other purposes.

SENATE RESOLUTION 31

At the request of Mr. MITCHELL, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of Senate Resolution 31, a resolution to amend the Standing Rules of the Senate.

SENATE RESOLUTION 39—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES FOR THE COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR THE PERIOD MARCH 1, 1993 THROUGH FEBRUARY 28, 1995

Mr. JOHNSTON, from the Committee on Energy and natural Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 39

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1993, through February 28, 1994, and March 1, 1994, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1993, through February 28, 1994, under this resolution shall not exceed $2,938,002.

(b) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this resolution shall not exceed $3,000,982.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1994, and February 28, 1995, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1993, through February 28, 1994, and March 1, 1994, through February 28, 1995, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

ADDITIONAL STATEMENTS

CANADIAN FEED WHEAT EXPORTS

• Mr. DORGAN. Mr. President and Members of the Senate, I wish to just briefly explain a recent development in our ongoing problem with a flood of Canadian grain into the United States market.

It appears the Canadian Wheat Board has found another way to aggravate our grain supply problems in the United States, and I believe the Wheat Board's behavior once again underscores the need for the Congress to deal forcefully with the flood of subsidized Canadian grain that is pouring across our northern border.

The Wheat Board, a quasi-government body that controls all Canadian grain exports, has been flooding the United States Durum wheat market with Canadian Durum since the first year of the United States-Canada Free-Trade Agreement in 1989. Each year, the Wheat Board has expanded—sometimes even doubled—grain exports to the United States. The tide of Canadian grain confounds both Government and industry efforts to market our own grain and avoid surplus supplies.

Just recently I learned that the Wheat Board has been approving the direct trucking of low-quality feed wheat across the border by Canadian farmers. I should explain that, in order for Canadian farmers to export grain directly into the United States, the farmers must first turn the grain over to the Wheat Board, and then buy it back and receive an export permit. So, any legal shipment of grain across the border is by Wheat Board approval.

The Wheat Board was certainly aware last fall that United States and Canadian wheat crops suffered a lot of weather damage, and that both the United States and Canada would therefore have more low-quality wheat than would normally be needed for domestic purposes. I am sure the Wheat board also followed the news quite closely in

October when U.S. Department of Agriculture responded to the low-quality wheat situation with a rather extraordinary effort to relieve the market of some of the feed wheat, thereby preventing a price collapse for low grades of wheat.

Secretary of Agriculture Edward Madigan, using the Government's authority to assist hungry nations in the form of surplus United States grain, announced that USDA would buy enough low-quality wheat from farmers to prevent surpluses of low-grade wheat from accumulating, and he would use a special foreign aid program to send that wheat to hungry people in Russia and elsewhere.

In fact, by January 20 USDA had bought 31 million bushels of low-quality wheat for that program in an effort to relieve the U.S. market of excessive supplies of such wheat.

The Wheat Board, however, is apparently not willing to respect our efforts to solve our wheat supply problems in this country. Knowing full well that USDA was trying to prevent a surplus supply of feed wheat in the United States, the Wheat Board is approving export permits by the hundreds to send lower grades of wheat into the United States. The Wheat Board apparently saw our effort to relieve our surplus as an opportunity, and began backfilling the granaries of low-quality grain we have been trying to empty.

This behavior by the Wheat Board is a continuation of the outrageous policies that have been evident since our two nations began negotiating a free-trade agreement. It is a policy of watching what our Government does to relieve surplus grain problems, and responding with exports into the United States to nullify our efforts.

The shipment of Canadian feed grain into the United States once again points up the need to gain some reasonable control on the Wheat Board's unrestrained grain exports into the United States. Without some restraint, our Government cannot relieve our market of price-depressing surpluses, or help family farmers achieve the market prices they need to survive on the land.●

SUBMARINE CONSTRUCTION

● Mr. D'AMATO. Mr. President, I believe that both a third *Seawolf* and the *Centurion* are unaffordable. I say this as someone who fought hard for a third *Seawolf* last spring and who has been the leading advocate of the *Centurion* in Congress. Recent GAO cost estimates for the SSN–21 and SSN–22 indicate that an SSN–23 would be prohibitively expensive. As for *Centurion*, we simply cannot afford a new start in the current budget environment.

For that reason, I will be proposing an I688+ for fiscal year 1994. By I688+, I mean a baseline I688-class sub with the inclusion, on a case-by-case basis, of new technologies, *Seawolf*-derivative or not, that are more affordable than those currently fielded by the I688-class, offer identical or improved capabilities, and match or better both the weight and space footprints and the power and cooling requirements of the systems or components being replaced.

In my opinion, an I688+ is the only affordable way to maintain both the submarine industrial base and an effective submarine fleet, especially in light of the fact that President Clinton's defense cuts are expected to be doubled those of former President Bush. I will be working hard with my submarine-minded colleagues to include the first I688+ submarine in this year's budget.●

TRIBUTE TO AUGUSTA

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the town of Augusta in Bracken County.

Augusta is a small, riverfront community situated on the Ohio River in northern Kentucky. Augusta is a town immersed in history. However, there are efforts being made to ensure that Augusta moves forward to a prosperous future.

Many of Augusta's buildings are from the 18th century. In fact, all of Augusta's Riverside Drive is listed in the National Register of Historic Places. Recently, there has been a concerted effort by the town to ensure the preservation of all of Augusta's historic buildings. Civic beautification is important to the residents of Augusta.

Augusta boasts an extensive cultural life for a town of its size. This includes art galleries, antique shops, and an annual writers' conference that has included many noteworthy writers. Augusta's smalltown charm has attracted many outsiders to the area, which helps the local economy. The Augusta ferry has been providing service across the Ohio River for almost 200 years. Industry is not an integral part of Augusta. However, many believe that Augusta's lack of growth in the past has helped prepare it for a bright future. Growth will occur in Augusta, but only at a pace that the town and its residents feel comfortable with.

I applaud Augusta's efforts to maintain its historical charm, but at the same time its move forward, making it one of Kentucky's finest towns.

Mr. President, I ask that a recent article from Louisville's Courier-Journal be printed in today's CONGRESSIONAL RECORD.

The article follows:

AUGUSTA

(By John Voskuhl)

Augusta is on intimate terms with history.

In this Bracken County town on the Ohio River, the past isn't relegated to historical markers or pages in books. You can touch it.

It's in the buildings, the 18th century rowhouses, the Victorian homes. It's in the remnants of unusual places, like the state's first Methodist college, or a winery that used to produce half the nation's wine.

It's in the memories of people who can show you the houses where the parents of Gen. George C. Marshall lived or where President William Henry Harrison is said to have stayed.

But it's there in a deeper, more personal way. It's the sort of history that doesn't just take you back in time; it takes you out of time. The calendar loses its sway. Clocks become mere ornaments.

Just ask Lois Greene, who owns and operates the Piedmont Gallery, an art gallery on Augusta's Riverside Drive.

"I think what really attracted me more than anything was a sense of history," said Greene, a Cleveland native, who moved to Augusta in 1975. "The mood of the river just seemed right to me. Something said, 'Don't rush off.'"

She didn't rush off. Greene bought some buildings on Riverside Drive that date to the 18th or 19th centuries. The street, which has become Augusta's main tourist draw, is home to art galleries, antique shops, a fine restaurant and a leathersmith. When Greene arrived, it was home to dilapidation.

"The doors were banging open," she recalled. "Some of the back walls were gone."

In the words of Michael Bach, a former mayor of Augusta, "You or I or just about anyone could have walked down there and bought the whole place for 1,500 bucks."

Greene arrived just as Augusta residents and folks from out of town were embarking on a drive to restore the town's heritage. Local activists bought up the buildings to prevent their destruction and held them while the city set about attracting developers to restore them. The quaint commerce it has brought has made Augusta something of a tourist draw.

The change is bringing a different kind of resident to Augusta, said Larry Kelsch, a native and superintendent of the city's independent school system. In 1965, when Kelsch graduated from Augusta High School, his senior class had 23 students, he said. This year's class has 15.

"A lot of folks from Cincinnati are coming here to retire," he said. With fewer young families, the 275-student district is facing declining enrollments, he said.

At the same time, Greene and others have fostered a cultural life that includes not only art galleries and craft fairs but also an annual writers' conference that has included such writers as Kentucky author Ed McClanahan and National Public Radio's Noah Adams.

Here's a quick statistic: Augusta has more art galleries (three) than gas stations (two).

That's a lot of culture to drop on an unsuspecting town of 1,336, where the local Ford dealership sells tractors instead of autos and some people are hunting jobs instead of antiques.

And it hasn't gone unnoticed that many of the people who bought and restored the old properties and opened the quaint businesses are not natives.

"The money that is restoring Augusta is coming from outside Augusta," said Elizabeth Parker, whom most folks recognize as the town's unofficial historian.

Parker credits many of Augusta's new arrivals for helping to renew interest in civic beautification, at least partly through their ability to donate money.

"The things that are insurmountable for our people are a snap for them," she said.

Other long-time Augusta residents haven't always been so warm toward the new arrivals—or their emphasis on history. Though most folks say everybody gets along fine now, former Augusta Mayor Tom Appelman acknowledges that there have been some less harmonious times.

"There had been some friction over the years regarding that. People say, 'Why are we promoting that? It don't bring me any money,'" said Appelman, who works as plant manager at Clopay Corp., Augusta's largest employer.

It's not that natives are indifferent to the town's history—many of the restored homes are owned by long-time Augustans—but the town has been slower than others to market its history.

By way of illustration, here's a quick quiz: What city inspired Stephen Foster to write "My Old Kentucky Home," the commonwealth's state song?

Most folks say Bardstown, which is home to the outdoor drama "The Stephen Foster Story." But historians have never substantiated that Foster, who lived in Pittsburgh and Cincinnati, ever visited Bardstown, according to "The Kentucky Encyclopedia."

The encyclopedia notes that Foster's only verified trip to Kentucky occurred in 1833, when his mother took him as a child to visit relatives in Louisville and—you guessed it—Augusta.

Some of Augusta's tourism brochures claim that Foster wrote part of "My Old Kentucky Home" in Augusta—a dubious claim, since he was only 7 years old during his visit. But the town would seem to have just as valid a claim to the honor as Bardstown, if not more so.

"Bardstown beat us to it," said Parker. "We have been a day late and a dollar short around here."

In a way, though, Augusta's lack of growth has helped make the town ready for its renaissance, she said. "We have been on ice," she said.

The small-town charm, largely undiluted, has clearly been Augusta's attraction for the newcomers.

For example, Nancy Withers, who last summer took over the Lamplighter Inn, Augusta's Victorian-era bed-and-breakfast inn, headed for Augusta after 18 years as a social worker in Cincinnati and Hamilton, Ohio.

"I had this longing for a small town," she said. "I had this longing for a quietness."

That sentiment is echoed among the town's imports.

"I think there's a certain peace that you find in your soul when you live in a little town," said Luciano Moral, the Cuban-born chef and co-owner of the Beehive Tavern.

Moral, who lived in Philadelphia and Cincinnati before moving to town about 12 years ago, serves up some of the best black-bean soup ever offered in a colonial setting, as well as more traditional foods that have drawn rave reviews in area publications.

On occasion, Moral, an operatic tenor who has performed professionally, will also serve up an aria or two, according to Mea Dewers, who says she has heard him through open windows.

"It's incongruous in a little town like this, but its wonderful," said Dewers, who left Brown County, Ind., three years ago to open an Augusta leather-goods shop, The Monday Morning Workshop.

From her shop, Dewers can watch the Ohio River roll by.

"I suspect the view out there must be quite a bit like it was 200 years ago," she said. "There's no marinas. There's no power plants. Just a pleasant view."

One part of the view that hasn't changed during much of that past two centuries is the Augusta Ferry.

With no bridge, the ferry provides the only means for Ohioans and others from points north to cross the Ohio River into town. Though its ownership has changed hands several times, authorities say a ferry has been operating continuously—except in bad weather—since around 1800.

For the past 15 of those years, pilot Donald Bravard has been at the helm.

Bravard, an Augusta native, said he works seven days a week. "There's nobody else who knows how to pilot," he said. Except for holidays and a few stray weeks over the years, he has been at work every day, he said.

He estimated that he makes 25 roundtrip crossings a day. That's far more than 100,000 voyages—each about a mile and a half. At that clip, Bravard could have traveled around the world eight times. But he's happy in Augusta.

"I wouldn't go anywhere else," he said.

Aboard the ferry, on a sunny autumn afternoon, it's easy to understand why.

Water laps against the hull. The deck sways gently. The scenery, so often seen whizzing past windshields, sits still for a while. It makes one wonder what might have happened if there had been no riverfront restoration during the '70s.

Appelman, the former mayor, remembers the time well.

The city had brought two of the old buildings on Riverside Drive and had torn them down to make a recreation area.

"That kind of got the historians up in arms," he said. "They ended up buying those properties, mainly to keep us from tearing them down."

The rest, as they say, is history.

Jobs: Agriculture, 573; manufacturing, 290; wholesale/rental trade, 229; services, 114.

Big employers: Clopay Corp., plastic sheeting manufacturing, 250 jobs; F.A. Neider Co., manufacturing, 34 jobs.

Education: Augusta independent Schools, 275 students.

Transportation: Air: Fleming-Mason Airport, 30 miles. Nearest airport with commercial servce: Greater Cincinnati International Airport, 45 miles, Rail: CSX Corp. provides freight service. Road: Augusta is served by Ky. 8, 19, 435 and 648, which is better known as the "AA Highway."

Media: The Bracken County News, published weekly in Brookville.

Population: Augusta, 1,336; Bracken County, 7,766.

Per Capita income (1988): $10,384, or $2,408 below state average.

Topography: Augusta lies in the floodplain of the Ohio River and is bounded by rolling hills on its southern edge, which give way to farmland.

FAMOUS FACTS AND FIGURES

All of Augusta's Riverside Drive is listed on the National Register of Historic Places.

Singer Rosemary Clooney, the Maysville native known for such hits as "Come on-a My House" owns a home in Augusta. The place is on Riverside Drive, if you want to go on-a her house.

Augusta College, which some accounts call "the first college in the world founded under the patronage of the Methodist Episcopal Church," was founded in 1822. The college closed in 1849, after southern Methodists withdraw their support, citing the school's stance against slavery. It reopened in 1879, but closed for good eight years later. Its campus is now the home of the Augusta Independent Schools.

Playwright and producer Stuart Walker Armstrong, who patented a portable stage that brought entertainment to rural communities, was born in Augusta in 1880.

Besides the television mini-series "Centennial," Augusta has gone before the cameras for "The Adventures of Huckleberry Finn" and, just this year, "Lost in Yonkers."

Augusta's wine industry, which began in 1860, produced 30,000 gallons a year. But the industry died out when insects devoured the grape cultures in the 1870s.

Much of Augusta was destroyed in 1862 when a detachment of Col. John Hunt Morgan's Confederate raiders burned the city. The Battle of Augusta was costly, however, for the rebel raiders. A home guard of about 100 men exhausted the ammunition of the 350 raiders, forcing them to retreat before they reached their primary target, Cincinnati.●

ORDERS FOR TOMORROW

Mr. KERRY. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stands in recess until 2 p.m., Thursday, January 28; that following the prayer the Journal of the proceedings be deemed approved to date; and following the time for the two leaders there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until Thursday, January 28, at 2 p.m.

Thereupon, the Senate, at 4:30 p.m., recessed until Thursday, January 28, 1993, at 2 p.m.

EXTENSIONS OF REMARKS

TRIBUTE TO JAMES E. NOLAND

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. JACOBS. Mr. Speaker, the freshman class of the 81st Congress included the Secretary of Treasury designate, our colleague Lloyd Bentsen of Texas, James E. Noland, and my father.

Jim Noland became a U.S. Federal district judge for the Second District of Indiana in 1966. We lost him to an untimely death in 1992.

The following are remarks which were delivered at Judge Noland's memorial service in Indianapolis on December 11, 1992. They were written and delivered by one of the finest legal scholars in our country, William F. Harvey, at one time a dean at Indiana University School of Law and at present the Carl M. Gray Professor of Law at Indiana University.

The remarks speak eloquently for themselves and for all of us who loved Jim Noland.

REMARKS BY WILLIAM F. HARVEY

Helen, Dr. Jim, Jr., Kimberly, and Christopher, your wives, husband, and children; Governor Bayh; Congressman Jacobs; Mrs. McCarty; Distinguished Members of the Federal and State Judiciary; Ladies and Gentlemen:

To be invited to stand in this company, and in this place and to speak about Judge James E. Noland, our friendship, and his life, is a distinction of which I am deeply conscious.

Greatness appears in a prominent public person when it is as pleasant to speak about him as it is to speak to him. All of us had this experience with Jim Noland. Whether speaking to him or speaking about him, we experienced the same uplifting sensation. This occurred because his combinations of power and grace, of intellectual strength and personal kindness, of firm commitment and wise flexibility, were in harmonious balance.

They were sustained by his graciousness, a warm smile, and a joyful personality. Each of us related to Jim in this way, but as Judge Sarah Barker said—beautifully said—in the church service on the day he was buried, this is most difficult to express. It is difficult because what we want, desperately want, is to bring him back. We want him here just as he was. If this were possible, even for a fleeting second, then we would rise as one and express two words. These words are: thank you, and thanks to Him who made you.

We would do this because we know that we can not repay or compensate for what he gave us, just as we are unable to express and to extend that comfort and appreciation to Helen Noland and to their children which they deserve. "We are a team," Jim said to Helen, in quiet moments and, at times, in the presence of their friends. Indeed they were, and each of us is their beneficiary because they were.

Jim and Helen Noland have gifts to share because they are remarkable human beings. It is not because of the power conferred upon them by the instruments of the state through appointment or election to high office. Their gifts tempered their use of the state's conferred authority, and they are quite independent of the corporeal power he held.

To their marriage they brought two of Indiana's highly accomplished families. They know substantial achievement in the discipline of the law, the art of medicine, and the investigation of history. In their marriage, they created life, love, and inspiration in their children and grandchildren. Their children radiate a statement found in the Book of Proverbs 17:6. It is that "the glory of children are their fathers." The glory of the Noland children are their parents. More, Jim and Helen Noland are the glory of all of us.

Jim Noland was a great judge. He was one of the finest in our time, whatever the court. This is shown by his appointment to one of the most sensitive judicial positions in the United States and in the Western World during some very difficult years. He was appointed to a seven-year term on the U.S. Foreign Intelligence Surveillance Court by Chief Justice Warren E. Burger in 1983. He was selected as that court's chief judge by Chief Justice William H. Rehnquist in 1988.

If measured by function, the position he held is arguably the second most important judicial position in the United States, after the Chief Justice of the United States. We may confidently say that intelligence agencies throughout the world, and especially in the former Soviet Union or in Castro's Cuba, keenly understand this court, James E. Noland, and the position he held.

The trust he inspired and the respect he received did not come, however, from occupancy of position or function. They came because he understood the dual restraint imposed upon judicial power by the humility and grace in the spontaneous social order.

These qualities are separate from his personality, and he had the most pleasing and engaging personality I have known. They refer to his understanding that no exercise of judicial power can effect a remedy which is superior to an amicable social order and its natural arrangements, and that judicial power whenever invoked neither creates nor imitates the mutual satisfaction found in agreements among free persons or persons who are not encumbered by the shackles of the regulatory-administrative state.

He understood that the authority in the Constitution of the United States comes from the transcending strength and values in the American social order. This means that American Constitutional greatness is not related to a concurring majority of persons who sit on a court, and it is not found in decrees from federal or state judicial systems. The Constitution and its law are nourished by the enduring community of persons called Americans. This document addresses the common sense of these persons. In turn their daily lives give life to it.

I do not suggest, of course, that he was above the conflict or immune from the contest. Exactly the opposite is true. He was there, always, to assist, to uphold, and to preserve, whether it was the Constitution he faithfully swore to protect and defend, or a different and lesser institution. For example, it was James E. Noland and a small group of honorable men at his side who saved the School of Law at Indiana University at Indianapolis in the 1970s from certain extinction. Each of its graduates in the last 16 years who proudly hold its diploma, owe it to him and to them. These events I testify about because I was the Dean at that time, and I know first-hand what they did and what they contributed to Indiana University, to the State of Indiana, and to the City of Indianapolis. When we consider the fact that over one-third of all state trial judges in Indiana today are graduates of that Law School, we begin to measure his contribution in just one area among many.

But one example or an anecdotal observation never describes a person, and most certainly not this man. There is a thought expressed by Willa Cather in her novel, "My Antonia". Its main character is returning to Nebraska to see Antonia. Twenty years have passed since they were young adults. Cather expresses the thought that the whole person and a friendship are not measured by detail, or in specific moments, or in anecdote, however clearly recalled. About the recollection of a dear friend and a great person she says this: "Some memories are realities, and are better than anything that can ever happen to one again."

If we would remember Jim Noland, we must look broadly and examine what we find. Initially we observe that the beauty and teaching of Christianity indwelled in him. His personal grace and equanimity in the presence of adversity are found in the Epistles of Paul, or the Books of John or Matthew.

There is another place to which we turn if we attempt to understand the civic nature of his life with us. We look into the Judge's conference room, and to its appointments. When we enter this room, we feel a presence. Something is here which is more than a room for judicial discussions, decisions, schedules, or settlements. The paintings which he placed there introduce the sensations which are present.

On these walls we see a copy of Washington and his Generals. Another painting is Washington entering New York. In this scene, the crowd shows adoration because they know that, whatever life might bring to each person, the Republic is saved. On the opposite wall, there are paintings of Lord Nelson's ship Victory which he sailed into Trafalgar. The comparison between Lord Nelson's ship and Washington entering New York forever reminds us of the utter hopelessness of the American cause, then or now, unless it lives with the Spirit of Liberty in dedicated persons.

There are scenes of the restoration at Colonial Williamsburg, Virginia. We observe a soft green table cloth, brass candle sticks, and a double-armed candlestand. They compose the motif of Colonial Williamsburg, and its central theme and meaning.

The items he selected are more than decorations, and much more than pleasant affectations and sentiments. They are completely

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

natural to him and his presence. In seeing them we may see Jim Noland in full view, and in the full strength of his own portrait, and in the court room which is dedicated with his name this afternoon.

We can begin to understand why he had a radiance about him rarely found in others. The appointments in his conference room tell us why this was so.

It is because this is the kind of man who was there. This kind of man was there with Washington at Yorktown, when in those October days of 1781 the Republic would live or die for all time to come. Three generations later, this kind of man reappeared. He was in the field with the Indian Regiments at Gettysburg and at Chickamauga, and because this kind of man was there the Republic was given a Second Chance. A Second Chance to find a new but original freedom for all persons.

Jim Noland permits us to remember the future. He serves as a model for his grandchildren and their children and their future. This means that on that occasion in the future when the life of the Republic is in peril, if they have the ability to bring forward this kind of man, this man who was their grandfather or great, great grandfather, then they and the Republic they have inherited will survive for generations after them.

It is in this sense that we may know that he was a man for our time, and a man for all time.

Ecclesiastes tells us that there is a time and place for each thing. There is a time and place for us. There is time to live and a time to die.

Our time is now. We are limited to a few days. Our time is limited to these days. Our time is here, and this afternoon. It is for us to say that Jim Noland was a great and good man among us, and that we had him with us in our time, and in our day. We may proudly say that he was the glory of our time and that he was ours. Just as quickly we pause and we remember. We remember that from the first of each morning, through every afternoon, and into evening's rest, he belonged to his lady, Helen, and to the family of their creation.

From these roots, it is easy to understand why he loved his family and cherished them first, loved his country and served it well, loved his Court and honored it by his presence, and loved and was loved by his many friends. To have known this fine man, this splendid man, this scholarly man, is to grieve at his death, and to honor his memory always. I shall never know him again, and I miss him much and often.

As I salute you on the dedication of the James E. Noland Federal Courtroom, my mind turns to the place where he lies. My last thoughts on this day and my farewell to him are expressed in these lines of Mark Twain:

Warm summer sun shine kindly here;
Warm southern wind blow softly here;
Green sod above lie light, lie light—
Good night, Dear Friend, Good night,
Good night.

PRIVATE USE OF PUBLIC LANDS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 6, 1993, into the CONGRESSIONAL RECORD:

PRIVATE USE OF PUBLIC LANDS

The cutting of old growth forests in the Pacific Northwest has focussed attention in recent years on how commercial interests use public lands. The federal government owns over 660 million acres in the United States, or about 29% of the nation's 2.3 billion acres. Most of these holdings are concentrated in Western states, where federal acreage can run as high as 80%, as compared to 3% in Indiana.

The Bureau of Land Management (BLM) and the Forest Service manage most of these lands under plans that allow for a combination of recreational and commercial uses, including logging, grazing, mining, and oil and gas development. These lands provide 20% of our commercial timber, 33% of our coal, and up to 50% of our onshore oil and gas reserves. These development activities are prohibited in the national park system and in wilderness areas.

I am impressed with the intensity of the debate in Congress over how best to ensure that federal management of public lands strikes a balance between development and conservation. Land management agencies have been criticized for favoring commercial interests by giving them access to federal lands at low cost. The questions for policy makers are how these practices can be changed to encourage more prudent use of federal lands, and how the government can get a better return for the taxpayer on development activities.

Problems with Pricing: The federal government collected about $5.7 billion in 1991 from the use or sale of its lands and resources. These fees have been an important source of revenue to federal, state and local governments through revenue-sharing arrangements. Even so, recent studies have shown that revenues often do not cover the cost of administering these programs, nor does the federal government always receive a fair market value for the resources.

Congressional debate has focussed on four major commercial uses of federal lands and resources:

Timber Harvesting: The U.S. Forest Service administers 191 million acres of forest in 156 national forests and 19 national grasslands, most of which are in the West. The Hoosier National Forest in southern Indiana comprises 190,000 acres. Timber sales are designed to cover the operating expenses of the Forest Service, including road construction and tree replanting, as well as provide payments to the states as a substitute for property taxes. Nonetheless, it is estimated that the federal government could earn an additional $400 million a year if the Forest Service charged fair market value for its timber. Loggers contend that below-cost timber sales provide non-timber benefits to the national forests such as easier recreational access, improved wildlife habitat, and increased water supplies.

Livestock Grazing: BLM and the Forest Service have charged fees for grazing private livestock on federal lands in the West for over 50 years. These fees are based on the amount of monthly forage needed to sustain one animal. A government study shows that the fair-market monthly fee should be between $5.20 to $9.50 per head, but the fee in 1991 was $1.97. It is estimated that the government could have earned an additional $65 million last year on its grazing program. Ranchers counter that public fees are not comparable to fees for leasing private rangelands because public lands are less productive and require additional operating cost. They say that higher grazing fees would put many of them out of business.

Mineral Leasing: BLM is the lead federal agency for managing mineral resources on all federal lands. Over 730 million acres are available for mineral development. Mining on public lands remains subject to the Mining Law of 1872, which allows someone to obtain rights for mineral exploration, without payment of royalties, at a cost of $2.50 to $5.00 per acre. A recent study estimates that since 1872 an area the size of Connecticut has been taken at such prices. The mining industry says that without such access the incentive to develop would be lost and long-run costs would increase.

Water Projects: The Bureau of Reclamation was established to spur development in the West by providing low-cost irrigation and hydroelectric power. The Bureau supplies water from its projects at prices that extend repayment over a long term with little or no interest.

This enables farmers and other beneficiaries to secure water at prices that are below the cost of supplying it. The estimated federal subsidy to agricultural water users exceeds $500 million each year. Western farmers assert that water subsidies are needed to maintain production of low-cost food items and to support economically depressed farming communities.

Policy Concerns: Critics of current federal lands programs say they are giveaways. They say that higher fees would reflect fair market value for the resources used, and help reduce the federal budget deficit. Also, they note that higher fees would discourage excessive use of natural resources. For example, low grazing fees have been linked to overgrazing and poor range conditions. Likewise, cheap water in California has allowed farmers to grow water-intensive crops, like cotton and rice, even as the state, particularly urban areas in southern California, suffers through a serious drought.

Congress last session considered several proposals to reform federal lands policy. Legislation was enacted to reform the operations of the Central Valley Project, the major federal water network in California The new law will set aside more water for environmental purposes, and allow water to be redistributed at fair market value to urban and industrial water users. Congress also debated, but did not approve, measures to prohibit money-losing timber sales, increase grazing fees, and change the mineral claims system in increase royalties for federal and state governments.

The debate over the use of our precious natural resources will only intensify. The challenge to the management of public lands comes on both environmental and business grounds. Commercial development on federal lands has been important to the growth of this nation, but reforms are now needed to ensure that when our natural resources are developed, the federal government receives a reasonable and acceptable payment, and the environment is protected. My sense is that the next Congress and the Clinton Administration will spend a lot of time on the issue of the private use of public lands.

INTRODUCTION OF BILL TO PROTECT LECHUGUILLA CAVE AND ASSOCIATED RESOURCES

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. VENTO. Mr. Speaker, I am today introducing a bill to provide increased protection to Lechuguilla Cave and other nationally significant resources in and adjacent to Carlsbad Caverns National Park, in New Mexico.

The full extent of our understanding of the international significance of Lechuguilla Cave has only scratched the surface. News articles such as one in the National Geographic magazine in March 1992, the recent National Geographic broadcast special on caves, and the ABC World News Tonight report, which featured Lechuguilla Cave, have focused the public's attention on the spectacular resources of this cave.

Located in Carlsbad Caverns National Park, Lechuguilla is the deepest cave in the United States—at 1,565 feet—and is known to extend for more than 60 miles—exceeding Carlsbad Cavern itself—with the real probability, that this is only a small percentage of its full length. Lechuguilla Cave also contains many rare and unusual features, such as the gypsum "chandeliers" described by experts as the best examples of such formations in the world.

Carlsbad Caverns National Park is located in the Guadalupe Mountains of southeastern New Mexico, whose geology, part of the Capitan Reef formation, has lent itself to the formation of extensive caverns and which also comprise some of the most rugged, remote, and spectacular landscapes in the States of New Mexico and Texas. Adjacent to Carlsbad Caverns National Park are national forest lands and public lands managed by the Bureau of Land Management [BLM]—including a number of areas the BLM manages as wilderness study areas under section 603 of the Federal Land Policy and Management Act of 1976.

For a number of years, there have been proposals for affording national park, wilderness, or other special protective status to lands in this general area, with greater protection of caves from adverse effects of mineral exploration—especially drilling for oil and gas—being a major objective of the proponents of such measures. Appropriate concerns about possible effects of oil and gas drilling on cave resources in this area have heightened as there has been increased mineral exploration activity, primarily on lands near the Dark Canyon area, north of Carlsbad Caverns National Park.

Because of the real threat of adverse effects on Lechuguilla Cave and other nationally significant resources from such activities—with their associated risks of gas-well blowouts, inadvertent alteration of cave structures, or contamination—during the last Congress I proposed withdrawing the Dark Canyon area from mineral entry and mineral leasing. This withdrawal was approved by the Interior and Insular Affairs Committee—now the Committee on Natural Resources—as part of the bill to withdraw public lands for the waste isolation pilot project [WIPP] facility in New Mexico. The provision, however, was not included in the final version of that legislation, after assurances that no threat existed, this measure was signed into law. Today, it is necessary to introduce a new bill to accomplish this goal because months after this omission actions and information demonstrate that these international resources are at risk of serious degradation.

The bill I am introducing today also addresses possible development of already existing mineral leases. The Bureau of Land Management is currently reviewing plans for such development adjacent to Carlsbad Caverns National Park, and has issued a draft environmental impact statement on this subject. The bill would prohibit the Secretary of the Interior from permitting the holder of a lease involving the Dark Canyon area of any adjacent BLM wilderness study area to carry out any drilling or other activities that could have any adverse effects on Lechuguilla Cave or any other cave resource within Carlsbad Caverns National Park or the Dark Canyon area.

Mr. Speaker, I consider protection of Lechuguilla Cave and the other significant resources and values within and adjacent to Carlsbad Caverns National Park to be a matter of great importance and a high priority. I intend to take all steps necessary for its attainment, through the enactment of this new bill or other appropriate designation to recognize this natural resource treasure.

THE EQUITY IN EDUCATION ACT

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. HANSEN. Mr. Speaker, all of us here today, on both sides of the aisle, agree that education is important. If you name anything that is vital to our country—a prosperous economy, personal opportunity, a sound defense—you will realize that none of these things can be achieved without an educational system that is effective in teaching the future leaders of our country.

Our educators are operating under an ever increasingly tight budget. Funds are scarce and should be allocated fairly. Therefore, I am introducing the Equity in Education Act. This legislation goes a long way to correct Federal education funding inequities which have severely hurt Utah and other States. I believe the Federal Government's role in State and local education matters should be limited. However, I recognize the Federal Government's responsibility to assist specific education programs such as Chapter 1. And the assistance given by the Federal Government should be fair.

The current Chapter 1 formula is tied to the amount each State spends per pupil. As a result, States that can afford to spend more money per pupil receive a greater share of the Chapter 1 money than States that spend less. This sends the message that economically disadvantaged children in low-income States are not as important, in terms of Chapter 1 funding, as economically disadvantaged children in wealthy States.

The Equity Education Act simply removes the State per-pupil expenditure and replaces it with the national per-pupil expenditure. This means that underprivileged children are treated the same regardless of where they live. This legislation would benefit students in approximately 28 States.

Chapter 1 funding is used for economically disadvantaged children. Therefore, it is blatantly unfair that wealthier States get a disproportionate share of the funds. The Equity in Education Act is not unnecessary spending. It is not bipartisan politics. It is a sensible education policy that our children need.

TRIBUTE TO JOAN DEMPSEY KLEIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. BERMAN. Mr. Speaker, It is my special privilege to salute a close friend and pioneer in the area of women and the law—Joan Dempsey Klein. Joan, presiding justice of the court of appeals, second district, has been named "1992 Person of the Year" by the Metropolitan News-Enterprise. This is a richly deserved honor.

Joan personifies the spirit of the citizen-activist. Though she has pursued a distinguished legal career, she has also been active in myriad organizations and committees. She has served on the Judicial Criminal Justice Planning Committee, she is a former chair of the Advisory Committee to the Commission studying the employment of women in the California Highway Patrol and she was a member of the State Department of Health's Advisory Committee on Alcoholism.

Joan has always placed a premium on opening doors in the legal field to more women. She was a founding president of the National Association of Women Judges in 1979, and remains a member to this day; a founding president in 1974 of the California Women Lawyers Association; and is a member of the International Federation of Women Lawyers. Because of her dedicated work, female lawyers, judges, and district attorneys in southern California have many opportunities denied their mothers and grandmothers.

Joan's honors are legion. In 1975, the Los Angeles Times named her "Woman of the Year." In 1973, the Los Angeles Sunset District of the California Federation of Business and Professional Women's Clubs named her a "Woman of Achievement" and in 1987 she was honored by the Los Angeles County Commission for Women for her "dedicated service to improve the quality of life for women in Los Angeles."

I have known, worked with, and admired Justice Joan Klein and her husband, Conrad, for 20 years. She is an outstanding citizen and a delightful person. I am honored to ask my colleagues to join me in paying tribute to her for her many accomplishments and to wish her every continued success.

THE LINE-ITEM VETO WITH SIMPLE MAJORITY TO OVERRIDE

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. CLEMENT. Mr. Speaker, the most urgent task we face during the 103d Congress is making the Federal budget an instrument of economic growth and fiscal discipline. Toward that end, I am introducing legislation proposing a constitutional amendment giving the President line-item veto authority on all appropriation bills except for the legislative branch. Under the legislation, Congress would need only a simple majority vote to override the President's veto.

Recently, the White House announced the budget deficit for fiscal year 1993 will be a record $325 billion. The Office of Management and Budget predicts budget deficits for the next 5 fiscal years to range between $275 billion to $325 billion. Clearly, these deficits are unacceptable.

Given these projections, the deficit will grow faster than the gross national product [GNP]—while the Federal Government's debt service costs are barely holding even by that standard. Already the Nation's debt service costs for this fiscal year will total almost $200 billion, which is nearly equal to what we spend on domestic discretionary programs.

Mr. Speaker, when individuals find they cannot meet the interest on their accumulated debt, the inevitable result is bankruptcy; for the Federal Government the inevitable result is continuing economic turmoil. Perhaps that is why our economy is in such a fragile and weakened state.

In recent years, there has been a serious erosion of public confidence in both the institution of Congress and government. People see Congress and government as a monster that keeps growing, interfering in their lives and wasting their tax dollars. A recent Peter Hart Research Poll has shown people believe that 50 percent of government spending is wasted. Government waste also exacerbates annual Federal deficits.

It is our responsibility as Members of this great institution to initiate badly needed budget reform that proves to the American people that we can make certain that their tax dollars will not be wasted. One way we can do that is by granting the President line-item veto authority. This one action would be an important step towards controlling wasteful Federal spending and restoring confidence in the American people.

Some critics of the line-item veto have complained that this new authority would upset the delicate balance of powers between the President and Congress. That is why I have included a provision that requires only a simple majority vote to override the President's veto.

Presidents Reagan, Bush, and Clinton support the line-item veto and the Governors of 43 States already have this authority. This is not a radical idea. I don't believe our way of life will be jeopardized if we adopt this proposal. But I do think if we don't begin addressing the root causes of the deficit, we will be in big trouble before too long.

Mr. Speaker, let's adopt this legislation and move on with the people's business.

INTERNATIONAL COUNTER-NARCOTICS EFFORTS, INTERNATIONAL TERRORISM, AND U.S. FOREIGN POLICY IN THE MIDDLE EAST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. LANTOS. Mr. Speaker, at the recent Interparliamentary Meeting of the U.S. Congress and European Parliament, my distinguished colleague, Congressman BEN GILMAN of New York, delivered the following remarks on the subjects of international counter-narcotics efforts, international terrorism, and U.S. foreign policy in the Middle East. Mr. GILMAN'S remarks reflect his superior grasp of the issues that will continue to pose great challenges to our Nation's domestic and international security. I insert his comments in the RECORD and I urge my colleagues to give them the attention they deserve.

INTERNATIONAL COUNTER-NARCOTICS EFFORTS

Chairman Donnelly, Chairman Lantos and colleagues: As we discuss how to address the multi-faceted challenges of the post-Cold War era, we need to strike a balance between meeting new challenges and continuing to engage enduring problems. We must focus attention on the new trouble spots in Bosnia, Somalia, and Central Asia. We must work together to sort out economic and trade relationships in this new era of interdependence. We must address environmental degradation and the spread of diseases which ignore international borders. But we also need to maintain and refine our responses to lingering transnational threats such as terrorism and narcotics. I would like to briefly outline some recent developments in international narcotics trafficking, particularly in Europe, and suggest some courses of action for the future.

All of us are aware of the grim impact of the illicit narcotic trade. Illegal drugs—and the violence associated with their trafficking—threaten to overload criminal justice systems, overwhelm health care systems, and even undermine democratic political systems. Despite large annual appropriations in the U.S. throughout the 1980s, and increased international commitment, the dangers of illicit drugs will be with us throughout the 1990s.

All the signals from the past year indicate an expansion of the threat posed by narcotics trafficking. The welcome—and long overdue—demise of communism in Europe has had the unfortunate result of opening new markets and new methods for international narcotics traffickers. In part this is due to the massive social dislocation and economic hardship in Eastern Europe and the former Soviet Union. In part it is due to the dismantling of a repressive security apparatus without replacing it with effective law enforcement.

Most ominously, however, we have seen the ever-flexible drug lords take advantage of ready-made "black market" networks and shadow economies to distribute narcotics in new areas. Smuggling and distribution links so useful in providing such "luxuries" as blue jeans, radios and whiskey have easily made the transition to the illicit drug traffic. Financially beleaguered governments can rarely find adequate resources to train, equip and pay effective law enforcement agencies—especially when police in the not so-distant-past were the agents of state terror rather than of public safety.

For many years, Americans have warned our European friends that cocaine would not remain an American problem. No one can dispute that the Colombian cocaine cartels are alive and well throughout Europe. Last November, British authorities seized 1.1 tons of pure cocaine valued at nearly $250 million in a single London warehouse raid—the largest seizure in British history. Just last month, Colombians carrying cocaine were arrested in Austria. Operatives from the Cali cocaine cartel have been at work in at least 10 European countries. Large seizures of cocaine in the Polish port of Gdansk—at least one of which was destined for Czechoslovakia—have occurred. Last fall in Denmark, police captured locally-produced "crack" cocaine—the particularly virulent form of the drug which has ravaged so much of America. Cocaine processing labs have been found in Portugal, Spain and Italy, and cocaine seizures were made in Iceland, Finland, Luxembourg and virtually every other European nation in 1992.

Cocaine use in Europe is not yet at the epidemic levels seen in the United States but that may just be a matter of time. Heroin remains the "drug of choice" for hard-core abusers in Europe. Last year witnessed new developments in the heroin threat as well. There are reports that the war in former Yugoslavia has led to a rerouting of heroin shipments from Southwest Asia through Rumania and Hungary. Evidently, in an effort to obtain hard currency, the government of Kazakhstan legalized opium poppy production last year. Two new countries have now joined the list of major opium poppy producers: China—where opium production has been non-existent for decades—and Colombia—where opium had never been grown.

The narcotics threat also includes synthetically-produced drugs. Last month, German police seized 3 tons of amphetamines, the largest seizure of its type. The drugs were shipped as air freight from Riga, Latvia. Poland has become a leading manufacturer of amphetamines for the West European market. In many major cities throughout the former Soviet Union, synthetic drug laboratories have been discovered.

The threat of international narcotics traffickers—and the appropriate response—is not limited to the production and transit of the drugs themselves. Drug trafficking can be fought by limiting illicit access to the precursor and essential chemicals used in processing. Drug trafficking can be fought by attacking the profits laundered by the drug cartels. And drug trafficking can be fought through a coordinated and cooperative international response.

Cocaine, heroin and amphetamines cannot be produced without key chemicals for processing. Since 1988, the United States has had an impressive chemical diversion control regime which has prevented illicit chemical use without impeding legitimate trade. While the European Community has developed precursor chemical legislation, implementation and the issuance of regulations have been delayed. European nations need to do more to implement effective control of the precursor and essential chemicals necessary for illicit drug production. Controlling precursor and essential chemicals may not be as glamorous as high-profile drug raids, but it is a vital element in a strategy of making the traffickers' task more difficult.

While we all applaud the steps agreed to at Maastricht, we must remember that more open borders and the freer movement of goods, services and people will have an impact on the narcotics trade. We must pay special attention to financial institutions—and the potential for laundering drug profits—as monetary integration continues, and especially as deregulation and privatization of banking systems proceeds in Eastern Europe and the former Soviet Union. Strengthening money laundering legislation and closer international cooperation on investigations are essential to hitting the traffickers in their pocketbooks.

The tentacles of the drug cartels know no international borders. Their ability to corrupt, kill and addict is not limited to the Western Hemisphere. Last fall, in an unprecedented enforcement operation, the U.S. Drug Enforcement Administration scored a major success in targeting the money laundering infrastructure of the Cali cocaine cartel. I mention "Operation Green Ice" as a final example of how the drug threat has become a transnational threat. Green Ice involved law enforcement personnel from 8 countries on 3 continents, and shattered key elements of the Cali money laundering infrastructure. More than $50 million in drug profits were seized in the U.S., Italy, Canada, Spain and the United Kingdom. Most troubling about Green Ice was the ironclad confirmation of extensive links between Italian organized crime and the Cali cartel. Green Ice confirmed that international criminal organizations form alliances, share information and assets, and coordinate activities in ways that law enforcement is only beginning to address.

Operation Green Ice is the latest manifestation of a bold new strategy designed to target and dismantle drug trafficking organizations. Simply seizing drugs and tracking aircraft will not inflict lasting harm on the traffickers; seizing their assets, arresting their leaders and incapacitating their networks WILL. Absolutely crucial to this strategy is the cooperation of law enforcement agencies in many countries. I applaud the work of European law enforcement in working with the U.S. DEA on multinational investigations.

There is a full recognition in the U.S. that no single method—or single nation—will be sufficient to end the drug scourge. While I have addressed supply reduction and international enforcement issues today, rest assured that America understands the need to reduce demand. Without education to prevent drug abuse and without treatment to aid those already addicted, enforcement efforts will be doomed to fail. Many of the nations you represent have significant and increasing addict populations.

Our nations have come a long way down the road of understanding the mutual threat we face. More and more of our European friends understand that coca grown in Peru is no more a purely American problem than opium produced in Burma is a purely European dilemma. Multinational efforts are advancing and will make a difference. The most comprehensive anti-drug agreement ever drafted, the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs, has now been ratified by more than 60 countries. The United Nations International Drug Control Program (UNDCP) has been revitalized under energetic new leadership. Multinational cooperative efforts hold the key to the counternarcotics future.

International efforts to coordinate on precursor chemical control, on money laundering, and on enforcement operations are beginning to pay dividends. Our task is to continue to work together to end the narcotics curse in all of our countries.

TERRORISM: AN OVERVIEW

Chairman Donnelly, Chairman Lantos and colleagues: Although international terrorism may appear to be declining, a wide range of terrorist groups have been striking against European and other targets. We are all aware of the most recent wave of bombings in the United Kingdom. I firmly believe that violence only begets further violence and that the tensions in Northern Ireland must be resolved at the negotiating table.

And who can forget the devastating terrorist bombing of the Israeli Embassy in Buenos Aires last year, in a country where a brutal attack of this nature was completely unexpected?

Thus, there is continuing concern about terrorist attacks, perhaps by those hoping to disrupt the Middle East peace process or avenge Iraq's military defeat, or by local groups such as the Basques in Spain, Dev Sol, the PKK in Turkey and November 17 in Greece.

We also must continue to monitor developments in the Sudan, where the fundamentalist government is actively supporting violent Islamists in the region with the assistance of Iran.

Other trouble spots exist. For instance, a recent terrorist bombing in Yemen killed an Austrian tourist, and an explosion damaged a hotel that had been used by American forces providing logistical support for the Somalia relief effort.

Civilized nations must unite to keep up pressure on the countries that provide support for international terrorism. State supporters of terrorism typically provide money, weapons, logistics and safe havens to strengthen terrorists' ability to conduct lethal attacks. While Libya has made some progress in reducing its support for terrorist groups, Tripoli continues to evade the U.N. Security Council sanctions imposed for the Qadhafi government's involvement in the bombing of Pan Am 103 and UTA 722.

It is vital that we all work to implement the Security Council's sanctions against Libya. If Libya fails to comply with the Security Council Resolutions, the Council may have to take new steps as early as April, when it next reviews the matter. Enforcing the sanctions will maintain the pressure on Qadhafi to end his support for international terrorism and allow U.S. or British courts to bring to trial the Libyan officials indicted for bombing Pan Am 103. Similarly, no government should tolerate the bootlegging of aircraft spare parts and other equipment to Libya.

Iran, the primary state sponsor of terrorism today, supports groups such as Hizballah and the Palestinian Islamic Jihad which engage in terrorist actions aimed at derailing the Middle East peace process. The Iranian government is also rearming, seeking weapons of mass destruction and abusing basic human rights. The recent executions and imprisonment of members of the Baha'i community in Iran and the continuing harassment of that group is shocking and inexcusable.

European states are to be commended for working together to ensure that the relaxation of border controls in Western Europe does not make it easier for terrorists to evade detection and arrest. I understand that the European Parliament's Committee on Civil Liberties is proposing measures to harmonize the EC's counter-terrorism laws. The Council of Europe Headquarters in Strasbourg already has compiled a digest of counter-terrorism laws of member nations, the United States and Canada. The U.S. Government is eager to provide current versions of U.S. laws for this effort, and to offer any other cooperation that may be needed.

Also of great concern is the rise of Islamic fundamentalism, more accurately called political Islam. The U.S. Government is carefully watching the evolution of this Islamic resurgence and is concerned that some factions have an anti-American orientation. From Morocco to Egypt and from Jordan to Israel, political Islamists are increasing their violent activities in order to attain their political goals. For example, the president of Algeria was assassinated last year, allegedly by security personnel with pro-fundamentalist connections. In addition, European tourists in Egypt have recently been killed by violent Egyptian Islamists.

This month, Arab interior ministers from Egypt, Algeria and Tunisia, officials representing governments deeply concerned about the connection between fundamentalism and violence, unanimously adopted a statement condemning terrorism in all its forms, methods and sources and all forms of its material and moral support.

Unfortunately, our discussions about political Islam often overlook the important fact that Israel is being challenged by Islamists in the West Bank and Gaza, in Israel proper and in southern Lebanon. In recent months, violent fundamentalists have called for the destruction of Israel, opposed the ongoing Middle East peace talks, and killed seven Israeli security and military personnel. In an effort to disrupt the activities of HAMAS (the Islamic Resistance Movement) and the Islamic Jihad, Israel expelled over 400 political Islamists in December.

I recently wrote a detailed article on political Islam entitled "Political Islamists as an Activist Minority in Israel" that will soon be published. I would like to share this article with all of you and have attached it to this presentation.

A decade ago, civilized nations seemed paralyzed by a wave of terrorist assaults, and the Western world seemed powerless against the violent few. Since then, the international community has made major progress in combatting the scourge of terrorism. Today, it is the terrorists who are on the defensive because of our cooperation, our joint efforts and confidence-building measures among our governments.

International cooperation against the terrorist menace has produced impressive results. Let's continue to cooperate in future years.

THE MIDDLE EAST: AN ONGOING CHALLENGE

Chairman Donnelly, Chairman Lantos and colleagues: Since our last encounter, much has happened which will impact upon events in the Middle East and ongoing efforts to achieve a comprehensive and lasting settlement.

Last month I was pleased to be confirmed by my Republican colleagues in the House of Representatives as the Ranking Republican for the Foreign Affairs Committee. Accordingly, I look forward to working with you in this new capacity, though my service as the Ranking Republican on our committee's Europe and Middle East Subcommittee will continue uninterrupted.

With the upheaval and violence in so many parts of the world, including the successor states, the Balkans, parts of Africa, and the ever-challenging Middle East, we face numerous predicaments as we endeavor to alleviate tensions and fashion viable solutions to these critical regional problems. Despite unique characteristics inherent in each region, the root of these problems are religious fundamentalism and nationalism.

Since we last convened, elections in Israel and the United States have produced new leaders. Prime Minister Yitzhak Rabin of the Labor Party has assembled a left-leaning coalition government which has taken over the reins of the Middle East Peace Talks from Likud-led Yitzhak Shamir's government.

Despite the change in philosophy the new government has toward the disputed areas, and prospects for negotiations with the Palestinians and Israel's Arab neighbors, the cabinet strongly supported the decision to deport for two years over four hundred radical Palestinian activists affiliated with "HAMAS", a Moslem Fundamentalist terror organization. HAMAS is not only responsible for years of terrorist acts within the State of Israel, but threatens the governments of Egypt and Jordan as well. It vies for power with the Palestine Liberation Organization, receives funding from the Kingdom of Saudi Arabia and succor from Syria.

Though condemned by many, Israel remains united that it acted correctly. As the world has not acknowledged the violence and killings of Israeli soldiers and police that sparked the deportations, economics minister professor Shimon Shetreet stated, "It was a price worth paying if it preserves the peace talks and enhances public safety."

In protest against Israel's actions towards HAMAS, the Arab delegations boycotted the last day of last month's round of peace talks. While speculation now centers on whether the Arab delegations will attend the first round in February after President-elect Clinton takes office, conventional wisdom dictates that they will appear, if only not to offend our newly offended Chief Executive.

It is still too soon to know the extent and direction of the role President-elect Clinton wishes to take regarding the talks, since his campaign focused primarily on the need for domestic change.

Yet the controversy generated by Israel's deportation of HAMAS Members to a no-man's-land section of Lebanon has now been eclipsed by growing confrontations with Saddam Hussein, who seems intent on testing American and Allied resolve regarding the no-fly zone.

On this issue, President-elect Clinton has indicated he will not falter, and that the government of Iraq is not to assume that U.S. policy will be any more flexible. While we are always reluctant to use force, persistent and egregious violations of internationally imposed conditions and human rights cannot be condoned.

In that vein, Syria's apparent suspension of travel permits for its tiny Jewish community continues to be of tremendous concern. While the European Parliament not long ago cleared a European Community aid package worth $185 million for Syria, since supporters argued the situation had improved, it has become increasingly clear that almost no travel permission has been granted to any Syrian Jew since the middle of October.

Accordingly, though Syrian government officials continue to claim that the travel policy has not changed, support for an additional $200 million in aid cannot be forthcoming unless this most important violation of human rights has been addressed and corrected.

Let me conclude by affirming a continued commitment to democracy and pluralism, as well as stability and human rights. We can further these tenets by careful and thoughtful assessment, tempered by decisiveness and rooted in conviction.

A TRIBUTE TO JACK CRAWFORD

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. ROTH. Mr. Speaker, it is with great pleasure that I rise today to salute John T. Crawford for his many years of meritorious service to Antigo, WI. Jack, as he is known to his friends, has operated the Crawford Ambulance Service in Langlade County for just over 20 years. His association with emergency work, however, goes as far back as 1951, when he helped establish an ambulance service in Antigo, WI. Through it all, he has saved countless lives by providing emergency transportation for the ill and injured. In recognition of his exceptional commitment to his community over four decades, I am proud to salute Jack Crawford.

Mr. Speaker, I am honored that Wisconsin can claim a dedicated and altruistic individual like Jack as one of our own. He sets an example of public service for all of us in this Chamber to follow.

I ask that my colleagues join me today in recognizing the lifetime of service and duty Jack Crawford has performed for his town, State, and country. Mr. Crawford represents the very best Wisconsin and America has to offer.

GOVERNMENT WASTE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 13, 1993, into the CONGRESSIONAL RECORD:

GOVERNMENT WASTE

I am always impressed when I ask constituents to tell me how much of every dollar that goes to Washington is wasted. They will often say 50 cents of every dollar is wasted. There are many opportunities to reduce government waste—from "pork barrel" projects to duplicative programs to excessive federal benefits for the well-to-do. Congress must strengthen its ability to identify, sort out, and eliminate waste in government.

CONSTRAINTS

Everyone agrees that waste in federal programs must be eliminated, but that is more difficult than it sounds. FIrst, efforts to eliminate waste have been underway for some time. Major efforts have already been made to ferret out government "waste, fraud, and abuse," so many of the easy, obvious cuts have already been made. Second, what is waste is often in the eye of the beholder. People in rural areas may consider mass transit subsidies wasteful while people in cities may feel the same way about farm programs. Third, some claims of government waste are exaggerated. For example, we often hear of silly sounding research, but the descriptions can be misleading; federal research to study the property of molds sounds wasteful, but such research led to the discovery of penicillin. Fourth, it is sometimes difficult, for technical and procedural reasons, to eliminate waste. For instance, entitlements—ranging from Medicare to farm supports—now comprise the bulk of federal spending. Yet entitlements cannot be cut simply by changing a funding level. Rather, since they provide benefits automatically to anyone who qualifies, basic laws governing the programs would have to be rewritten. Fifth, some cutbacks can cause dislocation and hardship. One recent anti-waste effort has been to close "unnecessary" military bases. As a result, Indiana will lose three military bases, including two in the 9th District, and the state will lose 13,000 military jobs.

COMPREHENSIVE APPROACH

Despite these difficulties, Congress should act much more vigorously to elminate waste in federal spending. A single-shot approach will not work. A comprehensive approach requires that all federal programs and government management be considered. Congress should take several steps to reduce waste.

First, Congress must provide for vigorous oversight of government programs and agencies. This means asking the tough questions of executive branch officials to make sure federal dollars are being prudently spent, as well as putting into place the mechanisms to require careful checks on the performance of government. Congress has appointed federal inspector generals to independently audit government management and spending, and also frequently requests studies and investigations of federal spending by its watchdog agency, the General Accounting Office (GAO). We should seriously consider the appointment of chief financial officers for the United States and the agencies, agree on a common set of accounting standards and require that all agencies publish annual audited financial statements.

Second, sound management must be practiced in government. Congress and the President must continually take a critical look at wasteful overhead, management failures, and program duplication. A recent GAO report concluded that "the government is doing an abysmal job of rudimentary bookkeeping." The federal government could also learn from the reform efforts that have taken place on the state and local level to "reinvent government." This approach means government should be creative, innovative, responsive to its taxpayers, think longer-term, and give more attention to program results. For example, the GAO has endorsed a shift away from "command and control" regulation of polluters to market-based incentives such as the trading of pollution rights, an approach used in the 1990 Clean Air Act.

Third, Congress must eliminate "pork barrel" projects in spending bills, whether supported by a Member of Congress or the President. Unfortunately, unworthy projects are often included in omnibus spending bills with no opportunity for Members to vote on individual provisions. There should be fewer omnibus bills and greater opportunity to cut wasteful projects.

Fourth, Congress should reduce department and agency budgets by several percentage points each year to encourage efficiency and lessen the opportunity for waste. Last year, for example, Congress made across-the-board cuts in agency and department spending, saving billions of dollars. Congress also made deep cuts in its own budget. Additional cuts can be made in administrative expenses and in personnel, both in the executive branch and in Congress.

Fifth, Congress should carefully consider proposals to strengthen its ability to cut waste. One proposal would enhance the President's existing rescission authority, the procedure by which he can strike budget items from spending bills. Currently, the President may send a rescission message to Congress along with each appropriations bill that he signs, but the House and Senate must approve a rescission before it takes effect. A better approach would be to strengthen the President's rescission power by providing that if the House and Senate did not vote to defeat his rescission request, it would automatically go into effect.

Sixth, Congress must adopt many of the recommendations of various commissions—both public and private—that have studied government waste and have offered their recommendations on how to reduce it. One such task force, the Grace Commission, identified areas in which the government could reduce its costs and improve efficiency. Several of its recommendations were adopted in the Deficit Reduction Act of 1984. Last year, the Congressional Task Force on Waste last year offered 28 recommendations which would save $60-85 billion, if implemented. Some of these recommendations have already been enacted, including measures to help stop defense contracting fraud, reduce the number of outside consultants, and cut unneeded defense inventory and stockpiles. Congress' new committee on congressional reform will examine, among other things, ways to improve oversight of the executive branch and streamline Congress to make it more efficient and effective.

Seventh, Members of Congress must listen carefully to their constituents, who, I have often found, have excellent suggestions about ways to improve the performance of government, and then we should try to implement them.

Congress must take seriously the task of reducing government waste and be willing to make the tough decisions. It must work together with the President to adopt reforms which would strengthen federal management, save taxpayer dollars, and ensure effective delivery of essential programs without loss of service.

A TRIBUTE TO STATE REPRESENTATIVE JO ANN DAVIDSON

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to an outstanding Ohio leader, State Representative Jo Ann Davidson.

Jo Ann Davidson was recently elected Republican leader of the Ohio House of Representatives. She is the first woman to ever serve in this high ranking position in the history of our State. It is an achievement that deserves the attention and commendation of this Congress.

Mr. Speaker, because I served with Jo Ann Davidson when I was president of the Ohio Senate, it comes as no surprise to me that she has been honored by her colleagues in this fashion. She is a committed leader, a tireless worker, and a public servant of the highest integrity.

To trace how Jo Ann Davidson became minority leader of the Ohio House is to look at a career filled with great accomplishments. Since 1981, Jo Ann Davidson has served the people of her district and our State with great distinction. But her dedication to the public good does not begin and end with her tenure in the legislature.

She served ably as a member of the Reynoldsburg City Council for 10 years. For the past two decades, she has demonstrated her commitment to economic opportunity through her work with the chamber of commerce. She is currently vice president of special programs for the Ohio chamber. In all that she has done, she has earned the complete respect of her peers.

Mr. Speaker, I ask my colleagues to join me in congratulating State Representative Jo Ann Davidson on her new leadership post. I am proud to be her friend, and wish her all the best in the days and years ahead.

INTRODUCTION OF UTAH SCHOOLS AND LANDS IMPROVEMENT ACT OF 1993

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. HANSEN. Mr. Speaker, I rise today to introduce the Utah Schools Improvement Act of 1993. Former Governor Norman Bangerter and the Utah State Land Board brought this legislation to Utah's congressional delegation last year, as an innovative solution to a 100-year-old problem.

Similar versions of this bill passed the House and Senate last year, but because of last minute legislative maneuvering the bill failed to pass.

Today, Congresswoman KAREN SHEPHERD and I are introducing this bill in the House at the same time Senator ORRIN HATCH and Senator BOB BENNETT are introducing the identical bill in the Senate.

As in all compromise pieces of legislation, it is not perfect. Ultimately, education interests in Utah benefit from the exchange of these lands. Royalties generated from activities conducted on the lands will provide important revenues for Utah education purposes.

Given the fact that approximately 75 percent of Utah's total land mass is federally owned, the State has had difficulty creating a property tax base in order to fund education needs. Although this bill affects only a small amount of acreage within the State of Utah, they will go a long way toward correcting a longstanding funding inequity.

This is vitally important legislation to Utah's schools, and equally as important to the improved management of the Nation's forests and parks within Utah's borders. I would like to thank Gov. Mike Leavitt and former Governor, Norm Bangerter, for their assistance and leadership in developing and supporting this legislation. Their services have been invaluable. I am sure that as this legislation moves forward we can work out the differences that we have encountered, and bring it to a speedy and successful conclusion.

INTRODUCTION OF EMERGENCY HUNGER AND HOMELESSNESS RELIEF APPROPRIATIONS ACT OF 1993

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. VENTO. Mr. Speaker, today I am introducing legislation to reinstate and increase the funding for key emergency homeless assistance programs. These programs that provide emergency food and shelter to our citizens most in need are extremely important. Homelessness is continually on the rise and while international suffering has dramatically and understandably riveted American attention, the problems we face here at home continue to grow.

The annual status report of the U.S. Conference of Mayors shows that requests for emergency food assistance increased by an average of 18 percent, requests for shelter in the survey cities increased an average of 14 percent, and requests for each by homeless families was up over 10 percent. The National Coalition for the Homeless released a report in December showing sharp increases in demand for emergency shelter over the last 2 years in each of the 19 States examined.

Ironically, funding for the emergency assistance programs was drastically cut in last year's appropriations cycle with overall funding for the two emergency programs totaling $179 million, reflecting a cut of 13 percent from 1992 funding. These two programs provide emergency food and shelter, short-term mortgage and rental assistance, and other services related to the immediate needs of people who are homeless. One of our highest priorities should be to help these Americans.

This legislation would provide emergency supplemental appropriations of $139 million for fiscal year 1993 to fund the Emergency Food and Shelter Program and the Emergency Shelter Grants Program to their authorized levels. The bill would also appropriate $15 million for each of two new programs designed to address rural homelessness and the chronically mentally ill. These programs were enacted after the appropriations process was completed.

Mr. Speaker, I urge my colleagues to join me in support of this important funding by cosponsoring this key legislation to provide emergency supplemental assistance for these McKinney Act programs. While ending homelessness remains our ultimate goal, we must see that adequate funding exists now for the problems of today.

TRIBUTE TO JOHN SCHULMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. BERMAN. Mr. Speaker, I am proud to salute John Schulman, a close friend and dedicated supporter of Bet Tzedek Legal Services. John is the perfect illustration of the old saying that truly busy people can always find time to do more.

Despite putting in long hours as the general counsel at Warner Bros., John has spent the past 5 years tirelessly serving Bet Tzedek. In 1988 he became a member of the board of directors and 2 years later, he was elected vice president. He became involved because he strongly believes that seniors and children—through no fault of their own—are often neglected by the legal system. John could not stand to the side and let this continue.

John divides his days between advising corporate clients and tending to poor- and middle-class citizens who cannot afford legal services. This is typical of John, who is never happier than when he is helping those who have difficulty helping themselves. His efforts have been crucial to the continued success of Bet Tzedek, which each year serves more than 11,000 people of every racial and religious background.

Like a number of other Jewish community institutions in Los Angeles, Bet Tzedek has recently experienced unprecedented funding cuts. If not for tireless volunteers such as John, this outstanding organization would be in danger of closing, which would be a disaster for nursing home patients, the disabled, Holocaust survivors, and countless others who have turned to Bet Tzedek over the years.

The Schulmans believe that community service is a family obligation and John has joined his wife, Toni, in actively supporting the United Friends of the Children, a nonprofit organization dedicated to the needs of abused, abandoned, and neglected children in Los Angeles County. The Schulmans have two daughters, Jessie and Abigail. Oh yes, and John Schulman has never had a bad hair day.

I am pleased today to ask my colleagues to join me in saluting John Schulman for his unwavering devotion to those in need.

THE SOCIAL SECURITY APPEALS PROCESS REFORM ACT OF 1993

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. JACOBS. Mr. Speaker, today I am introducing H.R. 646, the Social Security Appeals Process Reform Act of 1993. Following is a summary and the text of the bill.

H.R. 646, THE SOCIAL SECURITY APPEALS PROCESS REFORM ACT OF 1993

H.R. 646, the Social Security Appeals Process Reform Act of 1993, is aimed at insuring that all workers who apply for Social Security Disability Insurance (DI) receive prompt and accurate decisions on their applications.

BACKGROUND

Applications for Disability Insurance are evaluated in state agencies called Disability Determination Services (DDS's), which are fully funded by the Social Security Administration. DDS's make eligibility decisions based entirely on paper documentation of claimants' conditions; there is no face-to-face contact between applicant and the DDS decision maker.

When a claimant is denied benefits by a DDS, he or she may request reconsideration of the decision. Under reconsideration, another doctor and disability examiner within the DDS generally reviews the application and case file. This procedure results in the reversal of about 15 percent of the denials that are appealed.

An applicant who is denied at reconsideration may appeal his claim to an Administrative Law Judge (ALJ). Over the past decade, the rate of ALJ reversals on such claims has exceeded 50 percent; and in 1991, it approached two thirds (66 percent). This high rate of reversal is attributable, first, to the fact that the ALJ is the first SSA decision maker who meets the claimant face-to-face. The information he gains frequently provides additional evidence of disability.

Second, in recent years, budgetary pressures have caused the quality of DDS's' case development to decline, so that crucial medical evidence is sometimes missing from the case folder—information whose presence would have resulted in a favorable decision at an earlier level. Inadequate DDS case development leads to more and more appeals, producing a large backlog at the ALJ level and creating severe hardship for disabled claimants. The following changes would address these problems:

1. Requirement for a face-to-face hearing and elimination of the process of reconsideration

The bill would require SSA to provide face-to-face hearings for all applicants prior to making any decision on their claims. A face-to-face hearing would provide additional objective information on which to base a decision. This would increase the accuracy of the decision and decrease the number of persons appealing decisions to the ALJ level.

In addition, the bill would eliminate the reconsideration level of appeal. An initial face-to-face interview would make reconsideration redundant and unnecessary, and the elimination of reconsideration would save time for applicants and money for taxpayers.

2. Medical information to be collected and maintained in making disability determinations

In order to ensure that applicants for DI benefits are assessed based on the best available medical information, the bill would require the Social Security Administration to make every reasonable effort to obtain:

A detailed description from the applicant of his or her disability;

Medical records from hospitals, clinics, and health centers where the applicant was treated;

Reports of treating physicians;

Reports of additional assessments requested by SSA, such as consultative exams;

Any reports by non-professionals of services used by the applicant (such as physical therapists); and

Any statements from family and friends.

EFFECTIVE DATE

H.R. 646 would apply to determinations of eligibility for DI benefits made on or after January 1, 1994.

INTRODUCTION OF CONGRESSIONAL REFORM LEGISLATION

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. HEFLEY. Mr. Speaker, on November 3, 1992, Americans spoke of their distaste for "politics as usual." No longer will the American people stand for the gridlock, waste, and lethargy that has come to symbolize Capitol Hill. They want change. They want Congress to tackle major issues head on and with the resolve to get the job done.

Each winter, Congress convenes with good intentions. Each fall, though, following several months of inaction, the legislative process becomes an exhibition in midnight dealmaking and omnibus reconciliation bills. It is time to turn the page and progress from the weekly scandals that have recently plagued Congress.

There is no better time than now for the legislation I am introducing, which streamlines the manner in which Congress conducts business. This bill focuses on three significant areas of congressional reform; cutting the size of Congress, the legislative process, and curbing congressional abuses.

CONTROLLING THE SIZE OF GOVERNMENT

Many problems, here in Congress, stem from the fact that we have too many doctors prescribing too many drugs. We fail to check how these drugs will react with each other, yet we're surprised when the patient dies. Therefore, eliminating duplicative efforts in Congress is the first step toward controlling the size and growth of a poorly managed government while restoring a sense of order to our regulatory practices.

My reform bill addresses these problems by cutting the number of committees, subcommittees, and their staff in half. A bipartisan commission, working under the guidelines of 15 full committees and 63 subcommittees, would implement the appropriate cuts. In effect, this would force future Congresses to focus their energies on passing several good bills rather than lots of bad ones.

In addition, my bill proposes changes in the makeup of committees so that they more accurately reflect the ratio of majority and minority Members in the full House. The time has come to end the dynasty mentality that one elected Member has power over every American in this country.

REFORMING THE LEGISLATIVE PROCESS

This bill makes it difficult for any majority in the House, Democrat or Republican, to run roughshod over the minority. This is done by ensuring that the minority always has the right to offer a motion to recommit with instructions. This would guarantee the minority always has the opportunity to at least one recorded vote on their initiatives.

My bill also requires a two-thirds majority vote to waive points of order. Currently, a simply majority vote can waive all points of order and thereby sidestep every rule in the House. It seems to me there is no point in having rules if they can be ignored so easily. The advent of this reform would make it more difficult to obtain waivers.

Furthermore, in an effort to streamline the movement of legislature through committees, my bill prohibits joint referrals. If a bill's content passes the jurisdiction of two or more committees, the Speaker of the House would have the responsibility of selecting which committee has primary consideration. This would put an end to the turf battles that have occurred in the past over controversial legislation.

Lastly, voting by proxy in committee or subcommittee is banned in my bill. Implementing this aspect would force Members to attend committee mark-ups and pay attention to the legislation they are voting on. In addition, it would prevent abuse of the committee process by committee chairmen who railroad their legislation or amendments through committee with a fistful of proxies.

CONTROLLING THE CONGRESSIONAL EXCESS

The final aspect of this legislation would force the House to amend several labor and safety laws to apply to Congress under such areas as the National Labor Relations Act, the Occupational Safety and Health Act, the Equal Pay Act, and the Age Discrimination Act.

Currently, the House exempts itself from these laws, claiming that applying these laws to Congress would conflict with the separation of powers clause and possibly interfere with the inner workings of the House.

The fact of the matter is that this argument provides a plausible excuse for Congress to disregard the very laws it imposes on the rest of the Nation. Subjecting Members to their own laws would create a whole new perspective in the way legislation is adopted.

CONCLUSION

The 103d session of Congress is composed of 110 new Members of the House of Representatives. These new Members are in better touch with their districts and more reform minded than their predecessors.

The time has come to enact true reform of the legislative process. The reforms I have outlined are the means by which to make the House more efficient, responsive, and accountable. America has lost faith in Government and it is time to restore that faith. It is time for change.

LEGISLATION PROVIDING FOR CONTINUED FISHING IN ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing a bill that will allow the continuation of commercial and subsistence fishing activities in certain maritime waters of Alaska. This bill is identical to legislation that was reported by the Committee on Merchant Marine and Fisheries in the 102d Congress. Unfortunately, the Congress did not have time to act on this measure or its companion measure in the other body before we adjourned.

The problem is quite simple. For hundreds of years, commercial and subsistence fishermen have pursued their livelihood in the marine waters in and around Glacier Bay National Park in southeast Alaska. Last year, the National Park Service proposed regulations which would eliminate subsistence fishing and phase out commercial fishing over a 7-year period. Although these rules are not yet final, they have caused great concern to the men and women who rely on these waters for their existence.

The Committee on Merchant Marine and Fisheries crafted a bill which received support from local environmental groups, commercial fishermen, subsistence users, and the State of Alaska. This bill was carefully drawn to preserve certain wilderness areas in Glacier Bay National Park and impose strict environmental standards on commercial fishing activities. Had sufficient time been available in the 102d Congress, I believe the bill would have passed and been signed into law.

I believe that after my colleagues examine the facts surrounding this situation, they will once again approve this measure and send it on to the desk of our new President. I look forward to early action on this bill.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

For the purposes of this Act, the term "Glacier Bay National Park" means the national park and national preserve redesignated, established or expanded under section 202(1) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh-1).

SEC. 2. SUBSISTENCE USE.

Subsistence fishing and gathering by local residents, including but not limited to the residents of Hoonah, shall be allowed in Glacier Bay National Park in accordance with the provisions of Title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 through 3126).

SEC. 3. COMMERCIAL FISHING.

(a) Commercial fishing shall be allowed in all marine waters of Glacier Bay National Park except areas designated as wilderness under section 701(3) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 1132 note).

(b) Within the marine waters of Glacier Bay north of a line drawn point to point from Point Carolus to Point Gustavus—

(1) the annual average commercial fishing effort for each species shall be maintained at a level no greater than the average annual effort which existed for that species during the period from 1981 through 1991, as determined by the State of Alaska in consultation with the Secretary of the Interior; and

(2) only those types of commercial fishing gear in use between 1981 and the date of enactment of this Act shall be allowed.

(c) Within Glacier Bay National Park, commercial fishing seasons shall, to the extent possible, be consistent with and not exceed the commercial fishing seasons established in waters adjacent to Glacier Bay National Park, except that seasons may be limited to conserve fish, shellfish or crustacean stocks.

(d) Nothing in this Act shall affect section 1314 (a) and (b) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3202 (a) and (b)).

(e) The Secretary of the Interior, in consultation with the State of Alaska, shall study the effect of commercial fishing activities authorized by this Act in Glacier Bay National Park to determine whether such fishing is having a detrimental effect on Park resources, including the opportunity for recreational use of the Park. The Secretary shall report the results of the study to the Committees on Merchant Marine and Fisheries and Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate, not later than three years after the date of enactment of this Act.

SEC. 4. EFFECT ON TITLE AND JURISDICTION OF TIDAL AND SUBMERGED LANDS.

(a) No provision of this Act shall be construed to invalidate or validate or in any other way affect any claim by the State of Alaska to title to any or all tidal or submerged lands, nor shall any actions taken pursuant to or in accordance with this Act operate under any provision or principle of the law to bar the State of Alaska from asserting at any time its claim of title to any or all of the tidal or submerged lands. (b) Nothing in this Act nor in any actions taken pursuant to this Act shall be construed as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in management, regulation, or control over waters of the State of Alaska or tidal or submerged lands under any provision of Federal or State Law.

LEGISLATION TO REQUIRE ROLLCALL VOTE ON APPROPRIATION BILLS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. CLEMENT. Mr. Speaker, today I am introducing legislation that echoes the call for change that we have heard from our constituents. From Maine to California—from Florida to the State of Washington—the cries have been the same—the American people want c-h-a-n-g-e—change. On behalf of the American people, and specifically my constituents from the Fifth Congressional District in the State of Tennessee, I am introducing today a House resolution to require a rollcall vote on all appropriation bills considered in this distinguished body.

On November 3, 1992, America voted for change. The clarion call for change was heard loud and clear by each and every one of us. Clearly, the American people are sick and tired of "business as usual." One area where they want to see radical change is in deficit spending.

Frankly, deficit spending is a way of life around here—a way of life in which we should become more accountable. I've asked myself many times, "What accounts for this flow of red ink." Many observers say that these deficits persist because the American public demands more in government benefits than they are willing to pay for in taxes. Others claim that these deficits emerged suddenly as a result of unique policy mistakes made during the 1980's. Both these theories are correct—at least in part. But I contend there is a third factor in the equation.

I believe that institutional rules by which Congress makes its budget decisions have profoundly contributed to budget deficits. President Woodrow Wilson once said that congressional committees operate as "little legislatures. That statement is still true today. While House bills are often amended on the House floor. They usually emerge from the floor debate without significant modification. Thus, congressional committees charged with the responsibility of drafting legislation have extraordinary influence over a final bill.

In today's Congress, 17 committees in the House of Representatives share spending jurisdiction. Dispersing spending authority among these powerful committees is a recipe for excessive spending and persistent deficits because the total level of spending is beyond any single committee's control. Therefore, political accountability to the American taxpayer for total spending is diminished.

As Members of the House of Representatives, we are like a goalie in a hockey game. We represent the last line of defense against the actions of any committee. Unfortunately, we have been allowing the committees too many opportunities to shoot at the net without some effort at blocking the shot. At this rate, like a hockey team, we are sure to lose the game. As a legislative body, we need to play better defense.

Our defense is so bad that we don't even have rollcall votes on every appropriation bill. In 1991, the first session of the 102d Congress, 33 percent of the votes on appropriation measures were approved by voice vote. The House passed six appropriation conference reports and two continuing resolutions totaling $392.8 billion, by voice vote.

In 1992, the House of Representatives passed four appropriation conference reports and one supplemental appropriations bill, totaling $287.21 billion, by voice vote. Thus, the 102d Congress appropriated $680 billion for which there was no recorded vote.

No wonder the American people are fed up with the way Congress does business. By not having a recorded vote, we look indifferent. We talk the talk but we don't walk the walk. This lack of accountability frustrates the American public and leads to cynicism of Congress. In addition, I happen to believe that the U.S. taxpayer has a right to know how their Representative in Congress voted to spend their money.

Bills as important as defense appropriations and transportation appropriations should be approved by a recorded vote. After all, since 1835, appropriation bills are given precedence for consideration in the Committee of the Whole House on the State of the Union. If their consideration is given precedence over any other matter in the House, then why should we not require a rollcall vote to approve them. I don't believe this legislation is asking for the Moon. Especially since rule 8, clause 1 of the House rules requires Members to be present and voting. All I ask is that in the House of Representatives Members cast his or hers' vote one way or the other, on appropriation bills. My legislation requiring a recorded vote on appropriation bills would place greater internal control in the budget process. In addition, the fact that the public would know where we stand on these important bills, we will be more accountable to our constituents. Finally, the legislation would, at least in part, help eliminate spending items that are not in the public interest and reduce the Federal budget deficit.

I urge my colleagues to support the legislation.

THE FEDERAL BUDGET PROCESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 20, 1993 into the Congressional Record:

The Federal Budget Process

The federal budget will be a critical issue for Congress this year. The budget process, which stretches from early January to mid-October, will be even more crucial because President Clinton is expected to propose significant new policy initiatives in his 1994 budget. Because the federal budget affects Hoosiers in so many ways, it might be helpful to review the key events in the budget process.

THE PRESIDENT'S BUDGET

The outgoing Bush Administration, rather than the incoming Clinton Administration, will initiate the budget cycle for 1994, covering the fiscal year that runs from October 1, 1993 to September 30, 1994. President Bush has sent Congress a short budget document containing broad spending outlines. President Clinton will submit a detailed budget document shortly after he is inaugurated. Although current law requires that the President submit the budget no later than the first Monday in February (in this case, February 1), Congress may extend the deadline as has been done in past transitions. Further, President Clinton may choose to submit his budget in stages, as the Reagan Administration did in 1981, beginning with an explanation of his overall economic plan and concluding with detailed programmatic recommendations. President Clinton is likely to have submitted a full 1994 federal budget to Congress by mid-March.

THE CONGRESSIONAL BUDGET RESOLUTION

In March and April, the House and Senate Budget Committees will be working on the budget resolution for Congress. The budget plan does not make detailed decisions about spending for particular programs. Rather, it provides a blueprint for congressional action on the detailed spending and revenue legislation that will follow during the course of the session. The budget resolution is not sent to the President for his approval or veto; instead, it is an agreement between the House and the Senate and is enforced through the rules and procedures of each chamber. The deadline for adoption of a final budget resolution is April 15.

THE APPROPRIATIONS PROCESS

The House and Senate Appropriations Committees then establish funding levels for all "discretionary" programs (virtually all defense programs and a large number of domestic and international programs) through the annual appropriations process. The process begins with a target for total appropriations that is set by the budget resolution. The House and Senate Appropriations Committees then subdivide the total among the 13 regular annual appropriations bills (e.g. defense, agriculture, and transportation), taking into consideration the spending priorities reflected in the budget resolution. Any appropriations bill that exceeds these limits can be ruled out of order. The deadline for the House to finish drafting and reporting out all 13 appropriations bills is June 10, and the deadline for the House to complete consideration of these bills is June 30. Senate action and House-Senate conferences then follow. If the regular appropriations bills are not passed by Congress and approved by President Clinton before the beginning of the fiscal year on October 1, a stop-gap "continuing resolution" must be passed in order to prevent government services from shutting down.

THE RECONCILIATION PROCESS

In some years, Congress uses the reconciliation process to achieve deficit reduction in areas not subject to control through the appropriations process. For example, it can be used to provide savings in entitlement programs like farm supports and food stamps, where all those who meet the eligibility requirements are entitled to receive certain benefits. The only way for Congress to affect spending levels for such programs is to revise the law governing eligibility and benefits. Similarly, the only way for Congress to adjust revenues is to change tax laws. The congressional budget resolution often includes reconciliation instructions directing various House and Senate committees to report legislation making changes in programs under their jurisdiction to produce specified amounts of cuts or increases in spending or revenues. The legislation is then assembled into a single omnibus package for floor action. Whether this process is used this year will depend on spending and revenue levels set in the budget.

DEBT LIMIT INCREASE

Congress by law limits the authority of the executive branch to borrow funds to carry out federal programs. Legislation raising the debt ceiling is required periodically, with the approval of both Congress and the President. The current debt limit of $4.1 trillion is likely to be reached in March. If the debt limit is not raised at that time, the federal government's ability to honor its many financial obligations like benefit payments to Social Security recipients and retired federal employees will be sharply curtailed.

BUDGET ENFORCEMENT PROCESS

The 1990 budget act overhauled procedures for enforcing deficit reduction targets. In place of the old procedures established under the Gramm-Rudman Act, which emphasized compliance with fixed limits on the overall federal deficit, the system established in 1990 emphasizes control over legislative actions that have an effect on the deficit. First, total discretionary spending in 1994 is limited to $540 billion. Second, legislation affecting mandatory spending or revenue is subject to a "pay-as-you-go" requirement. Under this requirement, legislation enacted during a session may not cause a net increase in the deficit. The pay-as-you-go requirement is enforced through automatic spending cuts, referred to as sequestration. These cuts are triggered 15 days after Congress adjourns for the year if the President's Office of Management and Budget determines they are necessary. Third, deficit targets remain in effect. The President has the discretion to decide whether the overall deficit limits will continue to be adjusted for changing economic and technical assumptions. Under the law, President Clinton must make this decision for fiscal year 1994 on January 21, one day after he takes office. If the President elects not to make adjustments, adverse economic conditions could cause the overall deficit limit to be exceeded—and automatic spending cuts triggered—even if the appropriations cap and pay-as-you-go rule are obeyed.

CONCLUSION

The President and Congress will face many difficult choices in formulating budget policy for 1994 and beyond. Pressures for new spending initiatives and new tax breaks will have to be considered within the context of a widespread commitment to deficit reduction. Crafting a budget that balances spending and investment priorities with deficit reduction goals will be a difficult, but necessary, task.

A TRIBUTE TO THE 60TH ANNIVERSARY OF THE DEATH VALLEY NATIONAL MONUMENT

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today a celebration commemorating the 60th anniversary of the Death Valley National Monument in Death Valley, CA on February 12–14.

Death Valley is, as the National Park Service explains, a world of contrast and wonder. Within the monument's 2,067,628 acres, or more than 3,200 square acres, one can find spectacular wildflowers, snow-covered peaks, shifting sand dunes, abandoned mines, and the hottest point in all of North America. This land of little rain remains one of the country's reigning wonders.

Death Valley National Monument was established by Executive order by President Herbert Hoover on February 11, 1933, setting aside one of the largest areas in the National Park System. The Hoover Executive order declared that the monument was established for the preservation of the unusual features of scenic, scientific, and educational interest therein and the proper care, management, and protection of unusual features of scientific interest.

This worthy 40th anniversary celebration is being sponsored by the National Park Service, Death Valley '49ers, Fred Harvey Co., US Borax Co., Death Valley National History Association, Inyo County, and the Eastern California Museum. Each of these groups have played a critical role in the establishment and continuing care of Death Valley National Monument.

Included in the weekend ceremony will be a reunion of the Civilian Conservation Corps employees who worked in Death Valley, as well as a reunion of former Death Valley employees. This reunion will provide present staff with an opportunity to ask questions about the history of the monument.

Mr. Speaker, I ask that you join me and our colleagues today in recognizing the 60th anniversary of this beautiful and majestic natural wonder, the Death Valley National Monument. It is fitting that we pay tribute to this national treasure today.

A BILL TO PURCHASE CERTAIN OFFSHORE LEASES IN BRISTOL BAY, ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing legislation which would require the purchase by the Federal Government of certain Outer Continental Shelf [OCS] oil and gas leases currently held in Bristol Bay, Alaska.

The bill is nearly identical to provisions of the Energy Policy Act which was passed by the House last year. Unfortunately, these provisions, which had been agreed to by both the Committee on Merchant Marine and Fisheries and the Committee on Interior and Insular Affairs, were deleted in conference due to opposition from members of the other body. I am introducing them again so that they can be examined on their merits and not tied in with other extraneous measures.

The fisheries in Bristol Bay are some of the most important in the Nation. Due to their high value, the OCS leases in the bay have been the subject of a congressional moratorium since 1989. This has caused uncertainty for both the fishermen whose livelihoods may be affected by oil and gas activity and to the oil companies which hold those leases. In fact, several oil companies have filed suit seeking repayment for the loss of use of their leases.

My bill will set up a process whereby those leases can be repurchased by the Federal Government. I believe this legislation will continue to receive support from Members of the House and I look forward to early action on my bill.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bristol Bay Fisheries Protection Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) terms defined in the Outer Continental Shelf Lands Act have the meaning given such terms in that Act;

(2) the term "North Aleutian Basin Planning Area" means the area so named and designated in the Department of the Interior Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program 1992–1997 Proposal, dated July 25, 1991;

(3) the term "preleasing activities" means activities conducted before a lease sale is held, and includes the scheduling of a lease, requests for industry interest, calls for information and nominations, area identifications, publication of draft or final environmental impact statements, notices of sale, and any form of rotary drilling; but such term does not include environmental, geologic, geophysical, economic, engineering, or other scientific analyses, studies, and evaluations;

(4) the term "Secretary" means the Secretary of the Interior.

SEC. 3. RELATIONSHIP TO OUTER CONTINENTAL SHELF LEASING PROGRAM AND EXISTING LAW.

(a) Notwithstanding the Outer Continental Shelf Leasing Program maintained by the Secretary pursuant to section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) or any lease sale schedule contained in a specific leasing program thereunder, the Secretary shall carry out such program consistent with the provisions of this Act.

(b) Except as otherwise specifically provided in this Act, nothing in this Act shall be construed to affect the application of other Federal law to activities conducted on the Outer Continental Shelf.

SEC. 4. RESTRICTIONS AND REQUIREMENTS APPLICABLE TO THE NORTH ALEUTIAN BASIN PLANNING AREA.

In the North Aleutian Basin Planning Area, the additional restrictions and requirements in this section shall apply:

(1) No preleasing activity shall be conducted before the issuance of the first final 5-year leasing plan under section 18 of the Outer Continental Shelf Lands Act after January 1, 2002.

(2)(A) Notwithstanding the requirements of section 5(a)(2)(A) and (B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(2)(A) and (B)), the Secretary, within 90 days after the date of enactment of this Act, shall cancel any active leases in the area.

(B) Before the cancellation required under subparagraph (A), no exploration or development plans or permits to drill shall be approved for any such lease in existence on the date of enactment of this Act.

(C) Compensation to lessees owning leases that are cancelled under subparagraph (A) shall be determined under section 5(a)(2)(C) and (D) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334 and (a)(2)(C) and (D).

SEC. 5. CANCELLATION OF LEASES.

Section 5(a)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(2)(B)) is amended—

(1) by inserting "or pursuant to an Act of Congress" after "by the Secretary"; and

(2) by striking "five" and inserting in lieu thereof "two".

SEC. 6. COMPENSATION FOR LEASE BUYBACKS.

Section 5(a)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(2)) is amended—

(1) by inserting "and" at the end of subparagraph (C); and

(2) by adding at the end the following new subparagraph:

"(D) that compensation a lessee is entitled to receive under subparagraph (C) may be made in the form of currency, forgiveness of the lessee's obligation to pay rents or royalties which would otherwise be paid to the Federal Government on another lease issued pursuant to this Act or the Mineral Leasing Act, or a combination of currency with such forgiveness.".

A SALUTE TO FATHER THOMAS W. KUHN

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to Father Thomas W. Kuhn, who earlier this month retired after 27 years of distinguished service as a member of the U.S. Navy Chaplain Corps.

Guided by his fidelity to faith and country, Father Kuhn has served the United States with great distinction. America is not made strong solely by the size of its Armed Forces or the military might of its weapons. Our country is also fortified by the strength of its soul. And it is for this reason that Father Kuhn's work as a Captain in the Chaplain Corps has been of indispensable value to our great Nation.

When he looks back on his service as Chaplain for the U.S. Pacific Fleet, or his tours of duty in the Philippines, Vietnam, Japan, and elsewhere, Father Kuhn deserves to be very proud of his accomplishments. He also deserves to be commended for his work as a pastor, educator, and citizen in northwest Ohio prior to his Navy career.

Mr. Speaker, I know my colleagues join me in wishing Father Thomas Kuhn a happy and healthy retirement. I wish him all the best in the years ahead, and welcome him back to northwest Ohio.

A TRIBUTE TO MARY ROESNER

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. ROTH. Mr. Speaker, I rise today to congratulate and pay tribute to Mrs. Mary Roesner of Antigo, WI, on the celebration of her 90th birthday.

Mrs. Roesner has resided in Antigo her entire 90 years and she is known throughout the community as the paragon of motherhood and as the quintessential housewife and farmwife.

The hard work of men and women just like Mary Roesner built this Nation. They endured the Depression, World War II, the cold war, and countless other national and international crises. It is the stable, value-oriented influence of men and women like Mrs. Roesner that has shaped this country with strong ideals and good moral character.

Mary Roesner's life is a tribute to traditional family values which are an essential part of our American heritage. As the wife of a farmer, and the mother of one of Langlade County's outstanding citizens, Jim Roesner, we honor her today. With tireless hard work and a selfless attitude, she has succeeded splendidly as a mother, housewife, and farmwife.

It is with great pleasure that I join with Mary's many friend's and relatives in wishing her a very happy birthday with many more healthy and happy years to come.

THE RED OAK LADY HAWKS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. FROST. Mr. Speaker, it is my pleasure to announce that the Red Oak Lady Hawks are the Texas High School Class 4A State Volleyball Champions. The Red Oak Lady Hawks, led by coach Arthur Stanfield, were an impressive 40–2 this season as they won the school's first State championship in volleyball.

The Lady Hawks demonstrated their determination this year as they consistently played with intensity in each match. After falling short in the semifinals last year, this team was on a mission, and they accomplished it. Their T-shirts said it all: "Nov. 2, 1991 * * * Unfinished business. Nov. 1, 1992 * * * Mission Accomplished."

I am sure that all of Red Oak is proud of this team. So I salute the members: coaches—Arthur Stanfield, Jamie Deal, Stuart Dunn, and Patricia Garcia; managers—Oralia Diaz and Mikal Nations; and players—Amanda Brown, Christy Brown, Mandie Callier, Laura Dodd, Rhonda Dodd, Brea Forbes, Amy Hanna, Alice Harris, Marci Holman, Sherrie Kiser, Joy Oliver, Andrea Ray, Amy Rollins, Shannon Russell, Rhonda Rust, Carrie Taylor, Angie Walker, and Candy Wells. I would also like to congratulate the superintendent, John Sullivan; the principal, Joe Miguel; and the athletic director, David Kuykendall.

UNITED STATES OLYMPIC CHECKOFF ACT

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. HEFLEY. Mr. Speaker, with the 1992 Olympic games behind us and excitement brewing in anticipation of the 1996 games in Atlanta, I am offering a bill today to provide an Olympic checkoff box on the 1040 Federal tax form that would allow taxpayers to send $1 of their tax refund to the United States Olympic Committee [USOC].

The United States is the only country that does not provide its Olympic Committee with an ongoing government subsidy. While this legislation does not provide a subsidy, it does provide a way for Americans to voluntarily support the Olympics and the talented, hard-working young athletes who make up the U.S. team. With no Federal funds, the USOC relies solely on independent support and assistance to meet its financial obligations.

With the USOC training facility in my district, I have had the opportunity to meet many of the talented athletes who are working to realize their athletic potential and Olympic dreams. This bill will help the USOC continue its mission of providing top-class facilities for the athletes and help make their dreams a reality.

Further, I can assure you that the money donated to the Olympic Committee is being put to excellent use. In fact, according to their financial records, 88 percent of its revenues go directly to the athletes and training programs.

Past surveys show that the American people are solidly behind the checkoff proposal. Your continued support of our amateur athletes by signing on to this bill would be greatly appreciated.

CONGRESSMAN KILDEE HONORS MS. CHRISTINE SCOTT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. KILDEE. Mr. Speaker, I am honored to bring to the attention of my colleagues and the Nation a reception that will be held in Flint, MI, on January 29 to honor Ms. Christine F. Scott. The people of Michigan as well as the Flint area have truly been blessed to have a woman of her caliber as a tireless public servant with the Michigan Department of Social Services for over 27 years.

Born in Flint, Ms. Scott graduated from Central High School and then went on to Michigan State University where she received a bachelors degree in social work. After graduation, Ms. Scott worked at the Genesee County Department of Parks and Recreation before embarking upon her rich career with the Michigan Department of Social Services. During her tenure with Social Services, Ms. Scott served in a variety of positions including caseworker, supervisor, program analyst, and, most recently, program manager.

Ms. Scott has worked side by side with my district office and other social service agencies to ensure that those most vulnerable in our society are served. Her ability to place people above all other priorities has been an inspiration to me and all who work with her.

Mr. Speaker, I would like to take this moment to ask my colleagues in the U.S. House of Representatives to join with me in wishing Ms. Scott much joy in her retirement. Her selflessness has touched the lives of countless people and will continue to serve as a message of bright hope for the State of Michigan.

THE SOCIAL SECURITY ADMINISTRATION INDEPENDENCE ACT OF 1993

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. JACOBS. Mr. Speaker, today I am introducing H.R. 647, the Social Security Administration Independence Act of 1993. Following is a summary of the bill:

H.R. 647, THE SOCIAL SECURITY ADMINISTRATION INDEPENDENCE ACT OF 1993

H.R. 647 would establish the Social Security Administration as an independent agency with administrative responsibility for the Old-Age and Survivors Insurance and Disability Insurance (OASDI) programs and the Supplemental Security Income (SSI) program. The new agency would be governed by a bipartisan full-time, three-member Social Security Board. Members of the Board would be appointed by the President, with the advice and consent of the Senate, and would serve staggered six-year terms. (The terms of the first three members would expire on June 30, 1997; June 30, 1999; and June 30, 2001.) No more than two Board members could be from the same political party. Board members could be removed from office only for neglect of duty or malfeasance in office. The Chairperson of the Board would be designated by the President from among the Board members to serve a four-year term.

The Board would establish broad legislative and regulatory policy for the independent agency and would oversee its operation. The policies and regulations established by the Board would be covered under the notice and public comment provisions of the Administrative Procedures Act of 1946. To handle day-to-day administration, the Board would appoint an Executive Director to act as chief operating officer. The Executive Director would serve a four-year term and could be removed only for cause. Under this division of responsibility, the Board would focus on developing policy for SSA and the Executive Director would manage the agency.

The bill would also establish the positions of Deputy Director, General Counsel, Inspector General, and Beneficiary Ombudsman. In addition, Office of Chief Administrative Law Judge would be established, headed by a chief ALJ appointed by the Board. The chief ALJ would administer the affairs of SSA ALJs in a manner which ensures that hearings and other business are conducted in accordance with applicable law and regulations. The chief ALJ would report directly to the Board.

All orders, determinations, rules, regulations, permits, contracts, collective bargaining agreements, recognitions of labor organizations, certificates, licenses, and privileges in effect at SSA at the time of the transition would remain in force at the new agency until their expiration or modification in accordance with law. Thus, a union's national consultation rights with SSA would be unaffected by the transition; and individual work units would retain their collective bargaining agent to the extent that the same community of interest continued to exist within them after the transition, in accordance with current law. Furthermore, the practice of appointing ALJs pursuant to the provisions of the Administrative Procedures Act would be unaffected by the transition to the new agency. Finally, following the precedent of legislation establishing the Department of Energy, the Department of Education, and separating the National Archives from GSA, transfers to the independent agency would not cause any full-time or part-time employee to be reduced in grade or compensation for one year after the transition.

The Department of Health and Human Services would transfer to the new agency six level IV and six level V Executive Schedule positions. To adjust for the new agency's expanded responsibilities, the Board would be required to develop a comprehensive work-force plan as part of its appropriations request, which could serve as a basis for an increase in the number of Senior Executive Service positions allocated to it.

Effective date: In general, the bill would take effect July 1, 1994.

A TRIBUTE TO DEPUTY CHIEF JEROME "PUNCH" RINGHOFER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of Deputy Chief Jerome "Punch" Ringhofer who is nearing a well-deserved retirement after 32 years of service to the San Bernardino County Sheriff's Department and the people of our county. Punch will be appropriately recognized at a dinner in his honor on March 16.

Deputy Chief Jerome Ringhofer is an honors graduate from California State, San Bernardino with a BA degree in criminal justice. He is also a graduate of the FBI National Academy and a graduate of the California Commission on Peace Officer Standards and Training Law Enforcement Command College. Prior to his service in law enforcement, he served in the U.S. Army, and was discharged as a first lieutenant assigned as an infantry company commander.

Punch serves as the San Bernardino County Sheriff Department's Bureau of Public Safety and Emergency Services. His department-wide responsibilities include disaster preparedness, volunteer forces, aviation, and fire/EMS coordination.

Over the years, Punch has served in various ranks and various capacities at the Big Bear Station, central detective division, homicide detail, central patrol division, central jail, training academy, the Twin Peaks Station, and the Bureau of Jails and Corrections.

As a sergeant, he was responsible for the initial organization, training, and equipping of the department's first SWAT unit which he commanded for over 3 years. He served simultaneously as the coordinator for the San Bernardino Mountain Search and Rescue Team [SAR] and performed over 100 rescue missions.

During his service as a captain, Punch commanded the central jail for 6 years, directing the operation of the department's largest single unit in terms of manpower, budget, physical plant, and activity. As a deputy chief, he commanded the department's largest bureau, the Bureau of Jails and Corrections.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the many years of dedicated, selfless service Punch has provided to the people of San Bernardino County. His work is well known to all of us and he will be greatly missed. It is fitting that the House of Representatives pay tribute to him today.

FAMILY HEROES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. CLAY. Mr. Speaker, last year was an election year in which much energy was devoted to family values and the needs of children. Within the black community, special attention is frequently focused on the importance of providing role models for young black children.

As the 103d Congress begins to address ways to improve public policy and support modern family life, I am moved to share a poignant account of one woman's discovery of an unsung hero she found in her own family. The following column by Donna Britt appeared in the Washington Post on January 19, 1993.

FROM LAYUPS TO BRICKLAYING, A SPECIAL HERO

(By Donna Britt)

Suddenly, we're awash in heroes. Malcolm's movie is a hit; yesterday we honored the martyred Martin. Our city is currently hosting a five-day blowout honoring our new chief executive. A few weeks ago, pilot Orestes Lorenzo Perez thrilled us with his daring swoop into Cuba to rescue his family (though some wondered why the image of a small planeful of Cuban immigrants is more heroic than a rickety boatful of the Haitian variety).

Amid the hoopla, it pays to remember that even the most appealing pop culture champion may not rival one closer to home. Or as a friend put it, "Ask a child his heroes and if he can't say, 'My parents'—that's tragic."

But if it weren't for the Silver Slipper, I might never have known how much of a hero my own father is.

The Tallahassee, Fla., restaurant—site of last year's inductions into the Florida A&M University Sports Hall of Fame—couldn't be better named. It's where I learned my regular-guy dad once was regarded as a prince.

Lanky Gary, Ind., native Thomas Elwood Britt attended historically black FAMU from 1939 to 1947, with a three-year break to serve in the Navy in World War II.

That much I knew, and that he played college basketball and even a year in the pros—information I recall as being provided by my mother. And that's about it.

Frankly, it's amazing, all that I don't know about my father, what so many of us don't know about the men who helped make us. But in my house, and in the homes of my friends, it was moms who did most of the talking, who made feelings known, who meted out most praise and punishment.

Not that our dads weren't around. If my father wasn't pursuing his trade as a bricklayer, he was invariably at home—reading the paper, gruffly assigning chores, making endless improvements to the house he'd built us. Where Mom's words defined her, Dad's silences showed us some people needn't talk much to be heard.

His stubborn introspection seemed representative of that of a generation of dads. It taught me to listen to the tenor of people's silences, to infer information from the heat of a glance, a lip's southward slide. But that kind of communication only gets you so far.

That's why my oldest brother and I sat, mouths open, as we read the Hall of Fame induction program last October. Under the coaching of the legendary Jake Gaither, freshman forward Elwood Britt "shattered the Southern Intercollegiate scoring record, earning [his] first of four All-Conference awards." After helping the Rattlers win the 1942 Black College National Championship, the program continued, Britt and the team went on to win three conference titles. He played pro ball for a year in San Francisco.

Later, en route to the reception, I whispered, "Daddy, I had no idea you'd done all that."

He chuckled. "Frankly, I'd forgotten myself."

We won't forget that night. Seated in a banquet room corner, eight family members watched as Dad and nine other gray-haired inductees—most in tuxes several sizes larger than in their glory days—were escorted to the dais by bright-faced coeds.

Because we'd arrived too late for him to join in a pre-ceremony dinner, Dad ate his steak at his seat on the dais, munching his way through an endless stream of plaques, proclamations and praises from dignitaries and distinguished alumni, including Carrie Meeks, now a freshman Florida congresswoman. As the moment when inductees were to speak drew near, I mouthed to Dad—alphabetically the first in line—to quickly finish eating.

Not this man. We could have been in our family kitchen, so unhurried was Dad's pace as he listened, cut his T-bone and chewed.

Ten minutes later, when the MC signaled him, he was still chewing.

Dad stood. And chewed.

"I would like to thank the committee for nominating me for this honor," he said slowly. "My high school coach . . . and the greatest coach of all time, Jake Gaither, for developing me."

He swallowed.

"I want to thank—everybody."

I marveled at a lot that homecoming weekend. At the richness that draped this venerable university like the lacy Spanish moss that hung from every tree. At the warmth with which poor, black Tallahasseans—whose ramshackle homes line the street leading to FAMU's stadium—regarded well-heeled, game-bound alumni from their porches. Dressed in Sunday finery, with plates of fragrant barbecue on their laps, locals waved and called, "Hope you win!"

And at the irony in how we collectively balk upon learning our heroes' secret sides—Malcolm's insecurity, Martin's infidelities, flaws yet to be revealed by the already-tarnished Clinton. Even heroes have a right to their contradictions, to every human's inherent mystery.

It's especially ironic considering how little we know the heroes under our own roofs. Pre-Silver Slipper, I thought little about the quiet heroism of Dad and thousands of black men of his generation—laying brick, doing carpentry and even sweeping floors despite having earned college degrees that should have earned them a shot at other professions.

I thought little about his heroism in dedicating a life—as millions of dads of every shade have—to raising kids without fanfare.

And without once letting us know he'd been a prince.

ZBIGNIEW BRZEZINSKI ON U.S. FOREIGN POLICY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. LANTOS. Mr. Speaker, I would like to bring to the attention of my colleagues an extraordinary analysis of U.S. foreign policy opportunities in the post-cold-war era. The author, the distinguished Zbigniew Brzezinski, offers his unique insight in a January 17 Washington Post article.

As the new administration forges its foreign policy in these turbulent and volatile times, it would do well to bear in mind Dr. Brzezinski's cogent remarks. I ask that his article be placed in today's RECORD and I urge my colleagues to give it the attention it so richly deserves.

[From the Washington Post, Jan. 17, 1993]

BOMBS AND BLATHER: THE STRATEGY DEFICIT

(By Zbigniew Brzezinski)

President Bush has bequeathed to his successor two failures of policy: Iraq and Bosnia. Each demonstrates the limitations of one-dimensional approach, benefit, of strategic purpose. Bosnia underlines the limits of endless litigation not backed by force; Iraq dramatizes the shortcomings of the use of force not guided by a larger political design.

As a result, President Clinton would be well advised, when he sits down this week to chair his first National Security Council session, to raise his sights beyond the next negotiation ploy devised by the "peace in our time" negotiators of the Bosnian conflict and beyond the next list of bombing targets eagerly developed by advocates of military escalation in Iraq.

In both cases, he should ask himself and his advisers: (1) Why has the ongoing policy failed? (2) What are the broader dimensions of the Bosnian and Iraqi crises, respectively? (3) How should the United States act so that the collective interests of the West and of the afflicted parties are best served?

This is a daunting agenda, unusual for a new president to have to confront in the very first days of his incumbency. Yet that is the disappointingly messy legacy of unfinished business inherited from an administration that had otherwise excelled in terminating the Cold War.

In both cases, the failure has been largely strategic. In the former Yugoslavia, the administration recognized the problem too late. It sought at first to preserve Yugoslavia, without grasping the historical artificiality of the Yugoslav state. This approach delayed international pressures on Belgrade to undertake timely reforms toward a loose confederation while intensifying internal pressures for a complete break-up. The Bush administration that heeded the siren songs of negotiators whose basic concept of dealing with thugs is to talk endlessly while assuring the aggressors that their use of force will not be matched by a counterforce.

Not surprisingly, the result has been that mass murderers have been propitiated and "ethnic cleansings," not to speak of mass rapes, tolerated. The "negotiating process" has become a pathetic catch-up game, in which political and territorial concessions chase the victories achieved on the ground through the ruthless use of force.

The recently offered "peace plan" for the complex cantonization of Bosnia—advanced as if the issue involved was the division of some profitable real estate by a bunch of lawyers and thus did not require any credible instruments of enforcement—can only be viewed as a thinly disguised screen for continued fighting and ethnic cleansings. To work effectively, a plan of such stunning complexity would require an almost angelic willingness of all parties to compromise, something perhaps feasible in a country as peaceful and level-headed as Switzerland—but not in Bosnia with its passionate hatreds and fresh wounds. That is why the plan is both a political and a moral sham.

In the meantime, the administration, still primarily a passive spectator, has been reduced to the embarrassing spectacle of impotently labeling the Serbian chief most responsible for the debacle as a "war criminal" even as the U.N. negotiator gushingly proclaimed himself to be "thankful" for the Serbs' willingness to consider yet another dose of appeasement.

The bottom line is not difficult to discern: Toothless diplomacy is not very persuasive.

In Iraq, the administration has acted as if military means were more important than political ends. It never made clear what its central strategic goal actually was. It opted to respond militarily to the regional challenge posed by Saddam Hussein under the dubious slogan of the "liberation of Kuwait" and drew strained parallels to the liberation of Europe from the Nazis. This made it sound as if the most important moral and political purpose of a major combat effort was to restore a wealthy emir and his family to the throne. Yet at other times, President Bush signaled his determination to eliminate the dangerous dictator of a relatively small country whom he breathlessly compared to Hitler. Still at other times, the administration proclaimed its humanitarian concerns for the oppressed Kurds and Shias, thereby implying an intention to partition Iraq. But then it stopped short—presumably because of fear of isolation from allied Arabs—of pursuing a decisive political victory.

The result has been mass confusion. The new round of air strikes on Iraq does not alter the basic reality: A gloating Saddam is still there. Iraq is now Clinton's dilemma and U.S. objectives are the region's greatest mystery.

The bottom line here is also not difficult to delineate: Use of force unguided by political ends usually produces messy political results.

In both Bosnia and Iraq, moreover, the larger dimensions of the problem have been largely ignored. The arguments made against any application of force to stop the war in Bosnia, or even against the mere threat of force, have tended to ignore not only the appalling moral dimensions of the crisis but its larger geopolitical dangers. (This is especially the case with the arguments made by some senior active-duty U.S. military figures, who need to be reminded by Clinton that it is unacceptable for senior military to publicly agitate for or against particular foreign policies.) The central fact that must be faced is that the Bosnian war can become a Balkan war, drawing in Albania and Bulgaria, and eventually even Greece and Turkey. The consequences for Europe (and NATO), not to speak of the region itself, would be catastrophic.

Furthermore, the spectacle of a passive America and of an impotent Europe—capable only of piously deploring the ethnic cleansings in Bosnia—has already been noted by those extremist elements in Russia that would dearly love to unseat Boris Yeltsin and to undertake the restoration, by force, of the old Russian empire. The Serbian example—successful defiance of international norms by a small nation—is bound to encourage imitation by a very large nation, frustrated by its recent debacles, distressed by its socio-economic woes and increasingly subjected to demagogic appeals from xenophobiac contenders for power. It surely is not in the interest of the West, or of Russia's democratic prospects, to reinforce the view that imperial self-assertion can be pursued through the unilateral use of power.

To make matters worse, for 1 billion Muslims around the world, the cases of Bosnia and Iraq are linked: They are struck—and increasingly outraged—by the evident determination by the West to punish Iraq for its transgressions and by the unwillingness of the West to respond to the massacres of the Muslims in Bosnia. This is provoking a wave of resentment in Muslim states otherwise hostile to Saddam's Iraq. The Arab press in Egypt and even in Morocco has already focused on this issue. The impression that Muslim lives are cheap in the estimation of the West—cannot help but generate an intensifying sense of mass resentment, playing into the hands of both Arab radicals and

Muslim fundamentalists. (Aid to Somalia has not dispelled this feeling.) Inherent in this is the danger that Western fears of an eventual collision with an increasingly hostile Islamic world could become a self-fulfilling prophecy.

Moreover, as in the case of Bosnia, the issue of Iraq poses both concrete and wider regional geopolitical dilemmas. Is it in the interest of the region to partition Iraq or to transform it into a power vacuum? The problem of the Kurds is especially painful, for there can be little doubt that these brave people desire—and deserve—national self-determination. But then one must also face the reality that Turkey as well as Iran would be directly affected, and their response would be most belligerent. Even more pressing is the growing military power of Iran, with its own imperial ambitions. A personal obsession with Saddam does not provide helpful guidelines for dealing with all of these regional issues.

The new president will not find it easy to address this complex agenda. But in both cases, policy should be framed with a larger perspective in mind, with the United States visibly taking the lead in backing principle with power.

Peace in Bosnia will not be possible until the aggressors know that the costs of aggression will be higher than the benefits of their aggression. So far, it has been the other way around. Accordingly, the United States should proceed to enforce the no-fly resolutions of the U.N. (just as it has done against intruding Iraqi planes). At the same time, it should warn that any reaction directed at the U.N. peacekeeping forces (which has been cited by the Europeans as the reason for their timidity) would in turn generate bombing attacks on vital Serb military and other assets. Beyond that, the Bosnians should be exempted from the embargo on access to arms—since that embargo benefits the Serbs who have inherited the very large arsenals of the former Yugoslav army. Finally, international peacekeeping forces should be deployed to Kosovo and Macedonia, in order to defer the expansion of the ongoing conflicts. External military presence in Kosovo would strengthen local Albanian autonomy, and thus impose an additional political cost on Serbia, perhaps enhancing its interest in an eventual termination of hostilities, especially if in the meantime Bosnia becomes militarily more resilient.

With regard to Iraq, the new administration's immediate options are narrower because of the politically inconclusive outcome of Desert Storm. Even anti-Saddam Arab states are not eager for a renewed war. Moreover, it is hardly in the American interest to identify itself in the region primarily as the partner of the region's former colonial masters, Britain and France, and to be viewed as Islam's principal enemy. Continued isolation of the present regime in Iraq but without personalizing the conflict as Clinton vs. Saddam, energetic resumption of the peace negotiations between Israel and its Arab neighbors and, perhaps, careful probes to establish whether Iran is prepared to begin to normalize its relations with America may not be quite so glamorous as the calls for a "Desert Storm II." But they are more likely to promote U.S. regional interests. In brief, the use of force without a guiding political goal runs the risk of endless quagmire—while diplomacy that eschews the use of force degrades into shameless appeasement.

THE PRISON INMATE TRAINING AND REHABILITATION ACT OF 1993

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. WOLF. Mr. Speaker, among the many issues Members of the House of Representatives must be ready to address in the early months of the 103d Congress is the issue of prison reform. Like other national problems that have earned a designation of crisis, the situation in our Federal prisons is one that warrants our immediate attention. As prison populations skyrocket, prison capacity and budgetary resources have become increasingly strained. The Bureau of Prisons will have great difficulty managing safe and effective prisons unless innovative programs can be implemented to deal with the violent conditions in our overcrowded prisons. The current prison work program, which plays an integral role in prison management and rehabilitation, must be augmented to help the Bureau of Prisons fulfill its duty to provide safe and effective prisons, and to make a realistic effort to rehabilitate inmates who will, one day, be released back into the communities of America.

Society is not well served if criminals are paroled from our prisons with master's degrees in crime. The effort should be made to rehabilitate inmates and make them ready and eager to reenter mainstream society equipped with work skills that make them valuable contributors to their communities. Unfortunately, because of the stress under which our prison system operates, many prisons become finishing schools for criminals, where prisoners become experts in their craft, ready to continue their predatory behavior as seasoned criminal veterans. Taxpaying constituents deserve a prison system that produces individuals prepared to take their place in society as law-abiding citizens and does not serve as a revolving door for repeat offenders.

Because there is such a growing need to employ prisoners in meaningful work, both from a rehabilitation and prison management standpoint, I am introducing the Prison Inmate Training and Rehabilitation Act of 1993. This legislation will create pilot programs within the Federal prison system to test the feasibility of meeting the need for increased employment of Federal prisoners by producing items that would otherwise be produced by foreign labor for sale on the private U.S. market.

The Federal Bureau of Prisons, through Federal Prison Industries [FPI], presently employs inmates to produce goods for sale to the departments and agencies of the United States, but not for sale to the general public. FPI was created by an act of Congress as a wholly owned Government corporation with the mission to train and employ inmates. As Federal procurement decreases and the prison population increases, this laudable mission is becoming increasingly difficult to accomplish. Employing inmates in FPI's factories is the Bureau of Prison's primary corrections program which must be supplemented if it is to continue its successful record of employment and job training. This critical program is completely self-sufficient and uses no taxpayer money. Moreover, recent studies demonstrate the effectiveness that job training has on reducing recidivism rates. Mr. Speaker, I don't know of any other Government program that can make the claim that it delivers a valuable and effective service while costing the taxpayer nothing.

One recent study found that those employed by FPI showed better institutional adjustment, were less likely to have misconduct reports within the last year of confinement, were less likely to be repeat offenders by the end of their first year back in the community, were more likely to be employed, worked a greater proportion of each workweek, and earned more money than inmates with similar background characteristics, but who did not participate in work and vocational training. Work instills responsibility and dignity, and, as this data clearly demonstrates, work programs should be encouraged as a means to successfully rehabilitate convicted criminals.

Unfortunately, only approximately a quarter of the over 72,000 Federal prisoners are employed by FPI. With the prison population expected to top 100,000 in 1995 and 120,000 by the year 2000, a greater percentage of inmates will not be able to take advantage of the positive benefits gained from this valuable work experience. Additionally, Federal prisons are already running at over 140-percent capacity and the explosion in inmate population will only make a volatile situation worse. Idleness is the devil's workshop, and idle prisoners strain to find ways to fill the void of unoccupied hours—often resulting in disruptive and violent behavior. Prison employment is instrumental in combating the detrimental impact of overcrowding by occupying prisoners' otherwise idle time, thereby aiding correction officers with the delicate task of prison management.

Giving inmates work—often their first legitimate work experience—imparts higher self-esteem and morale, furnishes a sense of accomplishment and purpose, instills a positive work ethic, and most importantly, provides inmates marketable skills which enhance the opportunity to acquire employment upon release. In addition, the funds from the sale of their goods can be used to defray the costs of inmates' incarceration, support their families, and repay their victims.

Also, prison employment is a humane way to mitigate the crippling effects of idleness. When Charles Dickens visited the Eastern Penitentiary on the outskirts of Philadelphia in 1842, he observed the debilitating effect of solitude, idleness, and boredom:

> My firm conviction is that, independent of the mental anguish it occasions—an anguish so acute and so tremendous, that all imagination of it must fall far short of the reality—it wears the mind into a morbid state, which renders it unfit for the rough contact and busy action of the world. It is my fixed opinion that those who have undergone this punishment, must pass into society again morally unhealthy and diseased.

Work in prisons, which the Bureau of Prisons is committed to provide, will help avoid the pitfalls of idleness that Dickens so eloquently described while providing a safe means to manage and supervise inmates when out of their cells. Like the prisoner observed by Dickens who "humbly begs and prays for work" pleading, "Give me some work to do, or I shall go raving mad", inmates in our modern prisons are eager to work and are put on a voluntary waiting list to get a job with prison industries. It is our duty to find reasonable ways to provide those who volunteer for these effective work programs and qualify under the guidelines, to provide a means for these inmates to acquire transferable job skills.

This legislation provides an opportunity to forge a unique partnership between FPI and private industry to rehabilitate inmates by employing them in the manufacture of products that are not currently fabricated in the United States. This concept will halt the decrease in inmate participation in work programs and will actually expand the number of inmates engaged in productive work.

Prisoners could provide a number of goods and services that are solely provided by offshore sources. Domestic labor would not be threatened by this program because the goods produced would not have otherwise been produced domestically. Moreover, domestic labor will benefit from the collateral jobs created by the repatriation of offshore work. FPI will undoubtedly need supplies, transportation, marketing and training assistance, and other services which otherwise would have been provided by foreign suppliers and now will be provided by U.S. firms. As FPI moves into the production of goods currently made outside the United States, the potential for domestic job creation is great. Business, labor, inmates, and the American taxpayer will all benefit from this symbiotic relationship. It is even possible that this program might result in the return of industries, such as electronics assembly, that have moved outside the United States, thereby creating additional jobs here in the United States. If we are successful, through these pilot programs, in repatriating lost industries, we will create job opportunities for more Americans by expanding the economy, and begin to rebuild our industrial manufacturing base. Creating jobs and reducing crime benefits all Americans, and this legislation provides an opportunity to achieve these ends.

Mr. Speaker, this pilot program enabling Federal Prison Industries to work with American companies to produce goods not otherwise produced in the United States offers a win-win proposition for all parties. American labor and business, particularly small business, will benefit from the increased demand for raw materials, transportation, and other related needs FPI will encounter as a result of increased production. Inmates will benefit from learning transferable work skills which will help them make the transition from prison life to normal life. The American people can be content in knowing that inmates are learning jobs skills instead of honing their crime skills. And finally, the American taxpayer will continue to benefit from a program with proven rehabilitative benefits that does not cost a single taxpayer penny.

The essential need to increase inmate participation in work programs to serve both the rehabilitative and prison management function is not an academic discussion. If FPI does not move into new areas of production, it will not be able to meet the enormous demand for prison jobs. The lack of work will mean higher recidivism rates and greater violence in our Nation's prisons.

Additionally, this concept encourages American economic growth by creating jobs lost years ago to foreign competition. Small business, large business, and labor have everything to gain by taking part in such a program—a program that encourages American entrepreneurism and prison reform at no additional cost to the American taxpayer.

By establishing pilot projects, we will be able to determine the feasibility of expanding FPI in a way that positively affects U.S. business and labor, and at the same time provide inmates with a source of pride and purpose. I encourage my colleagues to cosponsor this legislation which will help avert the looming crisis in our Nation's prisons.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prison Inmate Training and Rehabilitation Act of 1993".

SEC. 2. PILOT PROJECTS.

(a) GENERALLY.—Federal Prison Industries shall conduct pilot programs to test the feasibility of providing increased employment for Federal prisoners by producing items for the private market, in conjunction with private United States firms, that would otherwise be produced by foreign labor.

(b) AGREEMENTS WITH PRIVATE INDUSTRY.—Federal Prison Industries may enter into agreements with private industry in order to carry out this section.

(c) EXEMPTIONS FROM REQUIREMENTS OF OTHER LAWS.—

(1) ITEMS PRODUCED MAY BE SOLD TO THE PUBLIC.—An item produced in a pilot program under this section is not subject to any restriction imposed by law on the sale of items because they are produced by prison labor.

(2) DECISIONS TO PRODUCE NEW PRODUCTS NOT SUBJECT TO INDUSTRY INVOLVEMENT PROCEDURES.—Paragraphs (4) through (5) of section 4122(b) of title 18, United States Code, do not apply with respect to decisions in a pilot program under this section.

(3) APPLICATION OF COMPETITIVE PROCEDURES.—Contracts may be awarded by Federal Prison Industries under this section without using competitive procedures otherwise required by law.

(d) REPORT TO CONGRESS.—The board of directors of Federal Prison Industries shall include in its annual report to the Congress—

(1) its findings on the results of the pilot programs conducted under this section; and

(2) recommendations as to whether to expand this concept within the Federal prison system.

THE CUSTOM SERVICE'S CHILD PORNOGRAPHY AND PROTECTION UNIT

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. LEWIS of Florida. Mr. Speaker, today I am introducing legislation to reestablish the Custom Service's Child Pornography and Protection Unit.

Recently, I was shocked and dismayed to learn Customs had reduced their efforts in fighting child pornography to just one-fourth of 1990 levels, despite assurances that their commitment to fighting this activity was to remain unchanged.

As a result, arrests and convictions are down to barely half of 1990 levels, with many of these a result of previous years' work. This is an inexcusable trend which we must reverse.

Everyone in this body, regardless of ideology, believes we must do all in our power to protect the most innocent and vulnerable members of our society—our children.

That is exactly why we must not let Customs secretly diminish their efforts at the expense of these same children.

Help me bring back one of the most effective tools we have against those who would abuse and exploit our children. Cosponsor this legislation calling for the reestablishment of this important unit.

IMPRESSIONS OF CLINTON'S INAUGURATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, January 27, 1993 into the CONGRESSIONAL RECORD:

IMPRESSIONS OF CLINTON'S INAUGURATION

The inauguration of a new President is one of the great rituals of American democracy—trumpets, poetry, choirs, military bands, prayers, stirring oratory, and most impressive, a vast sea of onlookers—all brought into the living rooms of millions of Americans by television. It was President Clinton's day, but it was also America's.

The importance of the inauguration lies in what it symbolizes after a contentious and messy political campaign: the unquestioned acceptance by the winner and the loser and of all the American people of the continuity and legitimacy of the American government.

INAUGURAL ADDRESS:

A President's inaugural address is important because it sets the tone of his administration. President Clinton's was short—fourteen minutes—shorter than the average in recent years. He was generous in his farewell to President Bush by thanking him for half a century of service to the country. Then he stressed the need for renewal and change, economic revival, and political reform.

The President stated eloquently and simply the themes and values that he had launched and developed in recent months. He spoke of the hunger for change. He made a strong appeal for sacrifice and urged Americans to assume greater responsibility for their country's future. He clearly wants to change the way Washington works. He pledged an end to the deadlock and drift in government. The speech had a strong populist tinge to it: "Let us give this Capital back to the people to whom it belongs." He called for reform "so that power and privilege no longer shout down the voice of the people." He was very frank in his assessment of the decline in the country and critical of the Congress and of an apathetic American public.

President Clinton frequently appeals to the common people of the country, using populist rhetoric. His cabinet and other close advisors, however, are highly educated people. Four-fifths of his cabinet-level appointees have law degrees or doctorates, yet he expressed a sincere compassion for the poor and less fortunate: "But for fate, we—the fortunate and the unfortunate—might have been each other."

The speech was marked by a strong call to service: "And now, each in our way, and with God's help, we must answer the call." I was quite confident that this young Baptist would quote Scripture and I was not disappointed. He concluded his inaugural with a quotation: "And let us not be weary in well-doing, for in due season, we shall reap, if we faint not."

As he toured the country in 1992, President Clinton laid great stress on individual responsibility. That theme was repeated in his inaugural with a call for a greater national effort on behalf of public purposes. I think it was the right note for him to strike.

FOREIGN POLICY:

In foreign policy he not unexpectedly indicated that America would not shrink from the challenges abroad, "nor fail to seize the opportunities of this new world". He set the proper tone on foreign policy: "When our vital interests are challenged, or the will and conscience of the international community is defied, we will act—with peaceful diplomacy whenever possible, with force when necessary."

What was interesting in his foreign policy statements was his strong desire to work ahead of the problems: "We will work to shape change, lest it engulf us." With his strong desire to focus on domestic problems he clearly believes, perhaps optimistically, that he can work ahead of the foreign policy problems and thereby avoid being engulfed by them.

He succinctly captured the world scene, stating that it was at once "more free but less stable". He recognized the interdependence of the world through its communications and commerce and the less-than-distinct line between what is foreign and what is domestic.

It was rather ironic that this President who had kept the focus on domestic issues in recent months, took office when foreign crises threatened to divert his attention at every turn.

ASSESSMENT:

Overall, I thought it was a good if not great speech, disciplined, not a laundry list, setting forth eloquently and simply the values that he stressed and believes the country needs at this hour. President Clinton faces a world full of problems with high expectations that he can meet them.

The upbeat mood of the people attending the inauguration seemed to track the recent national polls. I have been especially impressed by the strong desire people expressed to give the new President a chance. But any politician is aware that the trust of the people is fragile and temporary and that expectations today are high.

Perhaps the most memorable sentence of the speech, "There is nothing wrong with America that cannot be cured by what is right with America", nicely captures a recognition of the problems of America and its strengths in overcoming them.

One of the most compelling aspects of the inauguration was the generational change it illustrated that is now coming to American politics. From Dwight Eisenhower through George Bush the country has had four decades of executive leadership from men who were in uniform during World War II. Clinton and Gore represent the change sweeping through American politics and government as more state, local, and federal leaders come from the baby-boom generation. At age 46, Clinton is the third youngest President after John F. Kennedy, who took office at age 43, and Theodore Roosevelt, who took office at age 42.

CONCLUSION:

The inauguration was, as the President said, a "joyful mountaintop of celebration". All who were a part of it were impressed. But what will count in the end is not the inspiration of the moment—as important as that is—but the performance in dealing with the challenges. The hard part lies ahead.

FRANCES TYSON TRIBUTE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. RICHARDSON. Mr. Speaker, each of us have our share of constituents who go the extra mile as they share their views with us. They are the fine Americans who frequently write to us and call our office, and regularly attend our town meetings.

One of my most outspoken constituents is an 80-year-old woman from Las Vegas, NM. Frances Tyson has never been shy about educating me about her views on the need to protect our environment so that future generations can live in peace and harmony. Frances was an environmentalist long before it became chic to save our planet.

As we begin work in this new Congress, I urge my colleagues to remember the Frances Tysons in our districts and to devote our work here to them. I am attaching for my colleagues' pleasure, a newspaper article about Frances Tyson titled, "Octogenarian Environmental Activist."

[From the Santa Fe (NM) New Mexican, Nov. 26, 1992]

OCTOGENARIAN ENVIRONMENTAL ACTIVIST

(By Sally Ooms)

LAS VEGAS, NM.—Frances Tyson reposes in an antique chair in her solar house, the whine of the wind generator outside creating an odd background music to conversation.

Tyson, 80, is a little weary to today, she says. She's already been to town to make about 300 copies of a letter she's written and done a partial mailing of it.

If the earth were populated by 5.5 billion people like Frances Tyson, there wouldn't be any pollution, we would use only recyclable or recycled products, our ozone layer would be intact and we would understand that to live simply is to live happily.

Tyson embodies a one-woman crusade for just about every low-tech, back-to-basics cause. She won't even estimate how many letters she sends out every month to politicians, government officials, interest groups, environmentalists, professors, scientists, newspapers, fellow Vassar alumnae (economics, '34), friends, strangers she thinks might be of like mind and people she wants to be of like mind.

She tackles issues from "high tech junk that is polluting our air, water and soil" to world overpopulation or "overbreeding," as she calls it, and taxes that are "squandered on the war department." She particularly is stressing of late the "environmental revolution that needs to replace the moribund industrial revolution."

The outside of most of Tyson's envelopes are crammed with further notations in her rather elegant scrawl. Although it appears she must have forgotten a number of things she wanted to emphasize in the letter inside, relatives say that she is hoping that postal workers along the letters' routes will read and pay attention to her appeals.

"Oh my yes, we know Frances Tyson," says the person who answers the phone in Congressman Bill Richardson's Washington office. "Of course. Who doesn't?"

Richardson says he does not know how many letters he has received from Tyson. He rates her "a very idealistic, persistent, good soul."

Richardson says Tyson never has missed one of the close to 100 town meetings he has held in Las Vegas since he was elected in 1982. While the congressman says he doesn't see eye to eye with her, "she is the kind of person you want on your side. I'm very pro-Frances Tyson."

Most Las Vegans who the indefatigable Tyson corners in the bank or library would characterize her as, at the very least, well-intentioned. A few suggest she occasionally goes overboard. Almost all who know Tyson envy her drive and determination.

Tyson lives east of Las Vegas on 10 acres adjoining the land of her daughter and son-in-law.

Today she has written Exxon Corp. to ask its executives to investigate a photovoltaic energy system she has been studying and would like to help market.

"I told them we have to stop using oil and contributing to the greenhouse effect," she says. "Fifty percent of our deficit comes from buying oil."

Tyson's ideas dovetail as she warms to the conversation.

Within the space of an hour she discusses the Petkau Effect, troubles with local recycling projects, a waste management business that would be lucrative, a proposal requiring people who buy gas-guzzling cars to pay extra fees, zero population growth, the nutritional value and efficiency of dried fruit and vegetables, solar cookers, agri-businesses that should be persuaded to use integrated pest management the "shame" of television media owned by large corporations, the Green Party, matriarchal societies and the two books she finds worth reading and re-reading: War and Peace and Huckleberry Finn ("I loath modern novels, Sex, sex, sex, ego, ego, ego.").

If she dwells on any topic, it is the Petkau Effect and the explanations that theory recently provided for past tragedies in her life. Swiss scientist Ralph Graeub, in his 1992 book "The Petkau Effect, Nuclear Radiation, People and Trees," maintains that protracted exposure to low doses of radiation, such as those produced by radioactive fission products are hundreds of thousands of times as damaging as the same total doses received in a single, short medical X-ray.

In a letter to as many officials and individuals as she could muster, Tyson paraphrases Graeub's findings and concludes, "There is no justification to continue operation of hundreds of nuclear plants daily releasing highly toxic radioactivity into our air, our milk and our drinking water, constantly adding to the nuclear wasters that no one knows how to keep out of the environment for thousands of years."

More specifically, she says, Graeub developed a theory that linked atomic bomb testing near Alamogordo during World War II with deaths in places like New Jersey—her erstwhile home.

"Although it can't be proved, it has been suggested that a cloud from Alamogordo traveled to places like northern New Jersey where we lived," Tyson says.

The next year her fourth child was born without a brain and lived only 24 hours. Her mother, who at 61 was still climbing up trees to prune them, contracted cancer. Frances's oldest daughter, Louise, came down with leukemia and died.

Tyson does not see these deaths as coincidental. She is suing the U.S. government for $1 in damages and demanding "the prompt shut-down of all nuclear power plants and nuclear weapons facilities." The suit states that she is asking for only $1 because no amount of money can compensate her for the heath of her mother and children.

Tyson blames many of the world's woes on "the big biz boys" and "hard-boiled execs," types she says she knows well. Her late husband, Charles "Wes" Tyson, was a chemical engineer with Esso, who, along with three other scientists became known as "the four horsemen" for their inventiveness. His name is among those of company legend.

After his retirement, the Tysons were drawn to Santa Fee in 1974 by the possibility of using strictly solar energy. When Wes Tyson died at 73 in 1977, Frances Tyson moved near her children.

She's had bones to pick with "big biz" for several years now. The most direct dispute was with Public Service Company of New Mexico and the state Public Service Commission when she decided, in 1982, to generate energy with wind to supplement solar power to her house.

Tyson had heard about the federal Public Utilities Regulatory Policies Act of 1978 that allow systems that generate more electricity than they can use to sell the excess to their local utility companies. So she bought a wind generator and put it on a 30-foot tower near her house. Initially, discussions with Plains Electric, the state transmission and generation cooperative, resulted in "a perfectly outrageous contract that would require me to buy meters down the line and said that, basically, I could only use my electricity when the wind was blowing."

Her son-in-law, Werner Muller, says that after much haggling with the Public Service Commission, Tyson finally was given a contract with the area cooperative that says she must pay $5 a year to have her meter read. She says that she can't recall ever having received money for electricity her system might have "donated" to the cooperative.

According to Plains Electric, Tyson now is one of 13 people generating their own power in the state.

Prasad Potturi, electrical engineering manager at the Public Service Commission calls her a "pioneer" for wind generation in the state.

"I understand that she is doing this based on principles, not economics," he says. "It is because she is committed to generation with a renewable resource."

Just about every aspect of Tyson's life is lived according to her principles, from her dwelling to the food she grows to the paper upon which she writes her famous letters.

"I use paper others would throw out," she says. "I encourage people to put their money where their mouth is. I try."

Her house, built in 1979, is passive solar. She uses a little pot-bellied stove, "with some newspapers and a handful of wood," when winter temperatures require additional heat.

A three-foot trombe wall on the south side allows the sun's warmth to radiate into the house during the night.

She installed a photovoltaic battery system in 1985. An inverter converts stored electricity into AC power. From that she runs her washer, refrigerator and television. She doesn't own a clothes dryer.

Tyson has thought through almost every aspect of conserving warmth, living efficiently and providing for herself.

The foyer of her home is a small greenhouse.

A connective air loop—fashioned from a wooden box and aluminum cans she painted black—warms air that, in turn, warms her water heater, keeping the tank at 85-90 degrees. Tyson can boost it to 110 easily with a manual control.

A greenhouse adjacent to the house allows her to grow vegetables that she eats or dries for later. Her son-in-law says it is not unusual to see Tyson traipsing around his small ranch to gather horse droppings which she takes home to "percolate" and feed her plants. She even dilutes her own urine, 7 to 1, and uses it on her plants.

"It's high in nitrogen," she says. "But don't put it on tomatoes. You'll just get enormous, healthy green plants with no fruit."

A formerly roofless barn now covered with plastic houses a small orchard of peaches, apricot and apple trees.

Tyson keeps up with environmental news through dozens of publications she reads, many sent by the 50-odd organizations to which she belongs.

Her readings also include books written by scientists and theorists on the condition of the world.

While Tyson's readings are informative, they also can make her gloomy. Of the condition of the world, especially the United States, she says, "We're in trouble, trouble, trouble. We somehow have to figure out how to help people earn a simple living. We can't keep on eating and guzzling.

"I believe we're going to have a revolution here and revolution is hard on everybody. People have to wake up."

Tyson doesn't stay down for long. In parting, with the wave of a long arm and a nod of her white head, she calls out, "Tell them to get into anything environmental.

"We've got to move into the environmental revolution."

EXCERPTS

From the letters of Frances Tyson:

"The Industrial Revolution is in its death throes. Man must find ways in which to earn a simple living without destroying earth life."

"Mother Nature has no use for fools."

"Mankind's overbreeding is worse than a plague of locusts: The locusts eat one crop; man destroys the water, soil, air which sustain all crops."

"We must bow down and crash-program for peace and environmental protection. We have maybe one decade in which to change our ways—or die."

IRV KUPCINET, CELEBRATING 50 GREAT YEARS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. HYDE. Mr. Speaker, one of the legendary institutions around Chicago—as important as the Cubs, Sox, and Bears—is Kup's Column. After 50 years of producing the most readable and well-informed column for the Chicago Sun-Times—and I remember Winchell in his glory days—Kup is still going strong. He is the most widely read columnist in Chicago history; a genuinely nice guy with an exquisite sense of humor; and a person whose friends are legion. He is one columnist who—to my certain knowledge—never gratuitously hurt anyone, but he always calls things as he sees them.

The phrase "A Great American" is much abused and improvidently applied, but it suits Irv Kupcinet to a tee. His wonderful wife Essie deserves a full measure of credit for her inspiration and support over the years.

Now that you got the hang of it Kup, I look forward to an even more brilliant and entertaining 50 years.

KILDEE HONORS FALL 1992 HOUSE PAGES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to express my personal gratitude to all of the pages who have served so diligently in the House of Representatives during the 102d Congress.

We all recognize the important role that congressional pages play in helping the House of Representatives operate. This group of young people, who come from all across our Nation, represent what is good about our country. To become a page these people have proven themselves to be academically qualified. They have ventured away from the security of their home and families to spend time in an unfamiliar city. Through this experience they have witnessed a new culture, made new friends, and learned the details of how our Government operates.

As we all know, the job of a congressional page is not an easy one. Along with being away from home, the pages must possess the maturity to balance competing demands for their time and energy. In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level. I am sure they will consider this to be one of the most valuable and exciting experiences of their lives, and that with this experience they will all move ahead to lead successful and productive lives.

Mr. Speaker, as Chairman of the Page Board, I ask my colleagues to join me in honoring this group of distinguished young Americans. They certainly will be missed:

DEPARTING PAGES: FALL, 1992-93

Kent A. Craford, Anthony J. Danna, Kerry L. Davis, Liesl M. Eichler, Jacqueline P.

Flug, Michael B. Gipstein, Amanda G. Harder, Matthew H. Hector, Aaron P. Horner, Jason R. Houston, Aubrey M. Johnson, Ezra A. Johnson, Tynisha N. Johnson, Hidie Y. Kato, Kimberly N. Knepper, Bryan Chance Leonard, Sherry L. Martin.

Crystal L. Mather, Twanisha L. McDaniel, Mary E. Millsap, Monica L. Murphy, Elizabeth R. Murray, David N. Pohl, Rebecca S. Pollack, Stephanie J. Pond, Gail A. Rahn, Miranda M. Raiche, Katrin M. Ratassepp, Gregory V. Shield, Scott M. Skokna, Suzanne M. Smalley, Lauren M. Smith, Tiffany D. Taylor, Ian R. Walton, Tina Wang, Scott A. Zulewski.

CRUSADES FOR FAMILY LEAVE HAVE POTENTIAL FOR OVERKILL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. BEREUTER. Mr. Speaker, this Member would like to commend the following editorial from the January 26, 1993, Omaha World Herald, concerning family and medical leave. It makes some very notable and timely observations regarding this issue.

CRUSADES FOR FAMILY LEAVE HAVE POTENTIAL FOR OVERKILL

The crusade to create a government-mandated family leave program is picking up again in Lincoln and Washington. Once again, the public is being told that a terrible situation exists and only the government knows how to fix it. * * *

In Washington, both houses of Congress have taken up a measure that would establish a 12-week family leave requirement, also with the 50-employee threshold. Robert Reich, the new secretary of labor, told a Senate committee the legislation is an "experiment" that would make American business more competitive.

Since when is it government's job to "experiment" with the private sector?

The bill would make American business less competitive, not more. Many businesses simply cannot do without key employees for two or three months and would have to hire a temporary replacement. Hiring and training a short-term employee can be expensive, as can continuing the absent employee's health insurance and pension benefits. * * *

One supporter of the bill. * * * appears to believe that the family leave crusade would be over as soon as the first legislation took effect. That overlooks the long-term goals of a number of family leave advocates. Once a limited, unpaid form of family leave is established, the next steps are to do away with the 50-employee threshold, to allow leaves in a wider variety of circumstances and to force the employer to continue paying a salary while the employee is on leave. * * *

First comes a limited type of family leave. Then someone would discover that it "discriminates" against people who can't afford to go without pay or against people who work for smaller businesses. Then some of the very protections that were selling points for the bill would be stripped away. With each protection that is lost, the damage to the business sector would become that much greater.

A SPECIAL SALUTE TO ICABOD FLEWELLEN: RESEARCHER BUCKS THE TIDE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. STOKES. Mr. Speaker, I rise today to pay tribute to a resident of my congressional district, Mr. Icabod Flewellen. Mr. Flewellen has distinguished himself as a researcher of African-American history. In fact, he is the first person to have attempted to form an independent African-American museum anywhere.

Throughout his life, Mr. Flewellen, who is now 76 years of age, displayed a great interest in black history. He realized at an early age, however, that the history taught in school had very little to do with blacks. Flewellen attempted to fill in the gaps by collecting newspaper articles, photographs, and other historical documents.

Icabod Flewellen founded the local African-American museum in 1953. For more than 30 years, he added to an impressive collection of African-American memorabilia. One of the biggest achievements was convincing his friend, Cleveland native and African-American inventor, Garrett Morgan, to donate the original gas mask and traffic light he developed to the museum.

Mr. Speaker, currently, the African-American Museum is located at 1765 Crawford Road in Cleveland. The museum stands as a testament to the determination of Mr. Flewellen to share with others his pride in the contributions of African-Americans to all facets of American life.

Just recently, the Plain Dealer newspaper included an article on Mr. Flewellen and his distinguished career. I am pleased to bring the article to the attention of my colleagues and the Nation. Icabod Flewellen is an outstanding individual whom I am proud to recognize. I wish him much continued success.

[From the Cleveland Plain Dealer, Jan. 24, 1993]

CONTENTIOUS BUT COMMITTED

(By Grant Segall)

Icabod Flewellen is picking his way between heaps of history.

His gleaming black shoes, shined daily, step past several mousetraps that sit between waist-high stacks of African-American clippings, books and portraits.

"As you can see, I'm in a world of trouble," says Flewellen. "I don't have enough room." Nor enough money to fix up what room he has in his three-story home, where leaky pipes have soaked some of his collection.

His walls, barely visible behind the file cabinets, stacked boxes and loose piles of articles, display many honors given to Flewellen, who founded the local African-American Museum.

Flewellen is getting a new honor—a bachelor of arts degree from Case Western Reserve University, which put his diploma in the mail Thursday. Officials believe Flewellen, 76, is the oldest person to graduate from the school.

But he has quarreled with his advisers, as with many other people in his life. "I'm proud of that (diploma), but I'm not proud of the degree."

He claims the advisers said he could major in black studies, then changed their minds.

Robert P. Davis, dean of collegiate affairs, who has worked with Flewellen, says the school has no such major. Flewellen ended up with a history major and a black studies minor.

The disagreement doesn't stop Davis from admiring Flewellen. "He's a very remarkable man," Davis says. "I admire people of his sort, who—at significant disadvantage and against odds—come back to universities and take classes (in old age). It's a challenge that takes a lot of determination and ego strength."

It's the same story with many other people in Flewellen's life. He calls them names like "rascals" and "hypocrites." They respond with praise.

"He's a great person," says Ralland B. Miller, the museum's former president, accused by Flewellen of stealing the place from him. "Mr. Flewellen is responsible for us having African-American museums throughout the country."

Local experts say Flewellen was the first person to try to form an independent African-American museum anywhere, although his efforts were not the first to succeed.

He founded the local museum in 1953 and left it in the mid-1980s because of a feud with Miller and other colleagues. They say Flewellen quite. He says they forced him out.

Miller continued to mow Flewellen's lawn over the next few years. He says he loves the founder for his vision and perseverance, and never minds his contentiousness. "He has had some hard turns in his life that cause him to respond that way."

Flewellen doesn't deny the hard turns. He says he fell in love with black history because it gave him better role models than he had in his life.

His mother left the family in West Virginia and moved to Cleveland during Flewellen's teens. His father was a trouble-shooting minister who crisscrossed the state for the African-Methodist-Episcopal denomination. "We moved three times in one school semester," Flewellen recalls.

The minister-father was usually too busy helping worshippers in trouble to help his son. "My father didn't even come to my (high school) graduation," Flewellen says. "It's a wonder—the good Lord waved a magic wand—his own son wasn't in trouble."

Flewellen stayed in school through all the moves. In Mannington, W.Va., he had to bypass a white school a stone's throw from his home, cross the county line and walk 15 miles to a black school.

He helped support his family by mowing lawns, picking blackberries and catching live rattlesnakes, which sold for $5 each. After graduation, he worked for the Civilian Conservation Corps and lent money to friends at interest rates as high as 100%. "I didn't know it was illegal," he says. He made enough to buy the house where he and his father lived.

Flewellen spent nearly all his free time on his real calling. "I decided I was going to try to help kids whose fathers were too busy or didn't even care to help them," he says. And he decided to do it with history. "History is the only way you prove you are legitimate."

But the history taught in school had little to do with blacks. Flewellen filled the gap by collecting articles from newspapers and photos from neighbors.

At 23, he was recruited for a National Youth Administration program at West Virginia State College, 150 miles from his home. He studied part time and worked the rest of the time, doing everything from shoveling snow to chauffeuring the college's vice president.

His favorite assignment was escorting Mary Bethune, a pioneering educator and the youth administration director, during a visit. "She had a smile, I tell you, it was hypnotic," he recalls.

Flewellen often wrangled with the college staff. He lobbied for a black studies course, then stomped out of it to protest its meager funding. "You might mark down: I'm the first black to walk out of a black-studies class in the nation," he says.

He makes several other claims about old times that are hard to check out. For instance, he takes credit for getting black pilots into the Army Air Corps. He says he swayed the government through connections to leaders such as Bethune and through nearly 30 letters on the subject to President Franklin D. Roosevelt.

This much is sure: Bethune helped get blacks into the Civil Pilot Training Program, which sent graduates to the Air Corps. West Virginia State was the program's first black outpost.

But Flewellen says he was pulled from both the program and school prematurely. The program dropped him for being a conscientious objector to World War II. The Army drafted him for the war, nonetheless.

Flewellen worked in the quartermaster's service in North Africa. "Never received one stripe the whole time in the Army," he says proudly.

He came home to find his African-American collection destroyed by a firebombing. He moved to Cleveland and started a new one. One of his biggest coups was getting his friend, inventor Garrett A. Morgan, to donate the original gas mask and traffic light he developed.

Flewellen gave most of the collection to the museum. The institution spent its first 15 years at his house. Its present home is 1765 Crawford Rd.

He supported himself as a federal messenger and CWRU janitor before retiring in 1981. He also took a college course whenever he had the time and money.

Flewellen got an associate's degree from Cuyahoga Community College in 1976. He also got a grant from the prestigious National Endowment for the Humanities to spend 15 days of 1981 in Russia studying Alexander Pushkin, a leading poet who was part-black.

Having gotten his bachelor's degree, Flewellen doesn't plan to take any more courses. But he'll keep doing what he has done throughout retirement: spend every day in libraries researching black history.

Museum officials keep asking him to come back and bring the rest of his collection along, before anything happens to it. They even renamed their building after him in 1987.

But Flewellen wants nothing more to do with them. He has also denied his collection to other museums, citing one reason or another. Kermit Pike, director of the Western Reserve Historical Society library, thinks he knows the real reason: "It's just a dream that's hard to give up."

Several relatives will watch Flewellen march in CWRU's commencement in May. His mother is still alive and in her 90s, but not healthy enough to attend. He has no wife or children.

"Some years ago, I saw a lady that I thought I would like to get married to," Flewellen says. "She started counterattacking before the attack got under way. She told me I was married to history. She was hoping I would be married to a blonde; she'd know how to deal with a blonde better than with my dream."

Flewellen shakes his head. "Why'd she have to deal with a dream? When you spend most of your life working and developing something, why can't you do that?"

People often ask Flewellen why he likes to swim upstream. "Because what I want is up the stream," he replies.

BIGLERVILLE APPLE MUSEUM RECOGNIZED IN TAKE PRIDE IN PENNSYLVANIA PROGRAM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. GOODLING. Mr. Speaker, I am pleased and proud to announce the Biglerville Historical and Preservation Society, of Biglerville, Adams County, PA, has been awarded second prize in the Take Pride in Pennsylvania competition. The Take Pride in Pennsylvania awards recognize the actions of individuals, organizations, government, business, schools, and youth for their contributions in promoting Pennsylvania's historic, cultural, and natural resources.

The Biglerville Historical and Preservation Society was recognized for the establishment of the National Apple Museum in Biglerville. The Biglerville Historical and Preservation Society, a nonprofit organization, has done research on pioneer families, land settlements, and genealogy. Volunteers rebuilt the 1857 bank barn which now houses displays and exhibits highlighting the development of the rich agricultural and orchard culture in Adams County.

Scotch-Irish settlers settled farms in the Biglerville area before 1740 and were followed shortly thereafter by German farmers. Fruit shipping was accelerated after 1880 through the railroads and the rail network. Since about 1900, the region has included a thriving food processing industry with nationally known processors and a variety of support industries. The society officially opened the National Apple Museum in April 1990 to honor the founders of the apple industry in Pennsylvania. Since its opening, the museum has hosted over 15,000 visitors, including many schoolchildren and senior citizens.

The Biglerville HIstorical and Preservation Society was one of 100 nominees for the seventh annual Take Pride in Pennsylvania competition. It is truly an honor for the society to have been recognized at an awards ceremony held at the State museum in Harrisburg, the capital of our Commonwealth. The award was presented by Pennsylvania Department of Environmental Resources secretary Arthur Davis and was accepted by Mr. William "Bill" Bucher, president of the Biglerville Historical and Preservation Society.

Personally, I am very excited for the members and volunteers of the Biglerville Historical and Preservation Society for their award. I have followed their progress and have witnessed their outstanding accomplishments. I am extremely proud that their hard work, dedication, and commitment were recognized by the Commonwealth of Pennsylvania.

Mr. Speaker, I would like to invite all of my colleagues to visit the award winning National Apple Museum in Biglerville. I believe everyone would enjoy a visit to this one-of-a-kind museum. After your visit, you will be treated to delicious apple juice and cookies. While it is truly an honor for the Biglerville Historical and Preservation Society to have received an award and recognition in the Take Pride in Pennsylvania competition, their true accomplishment can only be realized by experiencing first hand what they have created in the National Apple Museum in Biglerville, PA.

INTRODUCTION OF THE SOCIAL SECURITY AND SSI AIDS DISABILITY ACT OF 1993

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. MATSUI. Mr. Speaker, today I am joining my colleague, ANDY JACOBS, in introducing the Social Security and SSI AIDS Disability Act of 1993. We are reintroducing this legislation because of the tremendous need of HIV-infected individuals across the country for these benefits.

Last year, the Ways and Means Subcommittee on Social Security, under Representative JACOBS' guidance, took a close look at how HIV-infected individuals, particularly women and children, are treated with regard to their applications for Social Security disability and SSI disability benefits. In particular we examined the rules proposed by the Social Security Administration to revise the listing of impairments for those with HIV disease or AIDS.

What the subcommittee found was that these programs do not work for women and children with HIV disease. In fact, we found that in many instances the rules work against them.

When SSA proposed their rule, they wrote in their introduction that their intent was to broaden the listing of impairments so as to include more women with HIV. However, when we looked closely at the proposed rule, we found that just the opposite was true. Consultation with medical experts revealed that women are unable to obtain benefits for two reasons: First, the ailments which most commonly afflict HIV-positive women are not included in the listing; second, the rule requires HIV-positive individuals to demonstrate a higher level of functional limitation than other disabled people. As a result, many women who are severely disabled by HIV disease are unable to obtain benefits and are left without vital medical care.

The legislation we are introducing today is a very modest attempt to revise this rule to include the ailments that most commonly afflict HIV-infected women. All of the recommendations included in this legislation are based on lengthy discussions with the medical community, particularly with physicians who are on the front line in the fight against AIDS.

This bill would add several conditions that the medical community has recognized as disabling in women with HIV infection. The bill also attempts to lessen the restrictiveness of the functional assessment in HIV listing.

We hope, and expect, that the new administration will reevaluate and revise this regulation, making this legislation unnecessary. Our Nation's disability laws must continue to be responsive to those in need and this legislation ensures accessibility for women and children with AIDS.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security and SSI AIDS Disability Act of 1993".

SEC. 2. SPECIFIC ITEMS REQUIRED IN LISTING OF IMPAIRMENTS FOR EVALUATION OF HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall include, in any listing of impairments for the evaluation of human immunodeficiency virus infection used in making determinations of disability under title II or XVI of the Social Security Act, in addition to such other items as the Secretary may include in the Secretary's discretion, items as specified in paragraphs (1), (2), and (3) of this subsection.

(1) The Secretary shall include the following among impairments for which meeting a functional test is not required in order to support a determination of disability, subject only to the requirements that a test for human immunodeficiency virus infection has been administered and that the results of such test are positive—

(A) pelvic inflammatory disease with three or more episodes or one or more episodes that require hospitalization or surgery;

(B) cervical cancer, FIGO stage IB; and

(C) syphilis or neurosyphilis refractory to appropriate treatment.

(2) The Secretary shall include the following among impairments for which meeting a functional test is not required in order to support a determination of disability, but which must be persistent or resistant to therapy:

(A) pneumonia;

(B) pulmonary tuberculosis;

(C) bacterial or fungal sepsis;

(D) meningitis;

(E) septic arthritis;

(F) endocarditis;

(G) peripheral neuropathy;

(H) Kaposi's sarcoma; and

(I) abscess of an internal body organ or cavity (excluding otitis media or superficial skin or mucosal abscesses).

(3) The Secretary shall include the following among impairments which must last for at least two months and must exist in combination with one other listed impairment, subject to the requirement that a functional test be met with respect to the combination of impairments—

(A) recurrent herpes simplex with lesions which recur more often than every 8 weeks or which are incompletely suppressed despite continuous maintenance therapy;

(B) chronic anemia with persistent hemoglobin of less than 10.0 or hematocrit of less than 30.0 (regardless of AZT intake) or the need for blood transfusions more often than twice yearly;

(C) genital warts caused by human papilloma virus which are unresponsive to therapy; and

(D) chronic genital ulcers which fail to respond to treatment.

(b) FUNCTIONAL TEST REQUIREMENTS.—

(1) IN GENERAL.—With respect to any item in a listing of impairments described in subsection (a) (irrespective of whether such item is listed in subsection (a) or is otherwise listed in regulations of the Secretary), any requirement for a functional test shall be treated as met if one of the following requirements are met—

(A) a marked restriction of activities of daily living (evidenced in any case in which the individual is most of the time unable to perform independently such daily activities as household chores, grooming and hygiene, using a post office, taking public transportation, and paying bills);

(B) marked difficulties in maintaining social functioning (evidenced in any case in which the individual is most of the time unable to sustain interaction and communication);

(C) marked difficulties in completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace (evidenced in any case in which the individual is most of the time unable to sustain concentration, persistence, or pace to permit timely completion of tasks commonly found in work settings); or

(D) repeated episodes of decompensation, averaging 3 times a year or once every 4 months, lasting 2 or more weeks each, which cause the individual to deteriorate.

(2) MARKED RESTRICTIONS OR DIFFICULTIES.—For purposes of subparagraphs (A), (B), and (C) of paragraph (1)—

(A) a finding of a "marked" restriction or difficulty may be based on a restriction or difficulty with respect to either a single activity or function referred to in such subparagraphs or any combination of such activities or functions, if the degree of restriction or difficulty is such that it seriously interferes with the indivdual's ability to function independently, appropriately, and effectively, and

(B) the term "marked" does not imply that the impaired individual is confined to bed, hospitalized, or in a nursing home.

SEC. 3. EFFECTIVE DATE.

The provisions of section 2 shall apply with respect to determinations of disability made on or after December 18, 1991.

SOLVING THE SMALL BUSINESS CREDIT CRUNCH

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. LAFALCE. Mr. Speaker, today I am introducing legislation to provide the same opportunities to small businesses to obtain long-term, fixed rate financing as the Federal Government has long provided to many other sectors of the economy.

The small business sector—the most dynamic sector of our economy—is also the least able to obtain financing on its own. Almost 40 years ago, Congress established the Small Business Administration to provide a mechanism to assist in overcoming this financial hurdle.

In the intervening years, the Small Business Administration's loan program evolved from one of making direct loans which were funded with 100 percent Government money to one of bank loans with private money, but with a Government guarantee in the 70 to 90 percent range. For the most part, these financial assistance programs have worked well.

But, during this time the number of small businesses has also exploded. There currently are more than 18 million small businesses, and those who are unable to secure financing on their own from financial institutions are simply too numerous to be financed by the SBA, especially in light of today's budget constraints.

In addition, the ongoing credit crunch adversely affects small business more than any other sector of the American economy. In many instances there is simply no loan money available to small businesses, except through the SBA's loan guarantee program.

As a result, the overwhelming demand for existing SBA resources has resulted in the agency's major finance program being forced to curtail lending for months at a time over the past year. That is why the time has come to create a Government sponsored enterprise [GSE] to match up small business borrowers with large institutional investors such as insurance companies and pension funds.

For the past decade I have urged that this type of mechanism be made available to small business.

In 1984 I introduced legislation to establish a Federal Industrial Mortgage Association which would provide the same kind of capital-market support for commercial lending which existing agencies such as Fannie Mae and Freddie Mac presently provide for housing.

Over the years, and particularly since I became chairman of the Small Business Committee, I have worked to revise my original concept into an entity entitled, "Venture Enhancement and Loan Administration for Smaller Undercapitalized Enterprises,"—or Velda Sue.

This new organization would rely upon the Nation's network of private sector lenders to process and service loans to the small business sector. However, 80 percent of each of these loans would be sold to Velda Sue which would then package these securities and sell shares to large private sector institutional investors.

In other words, Velda Sue would help to create a secondary market for private sector loans to small businesses.

This new program would not be a substitute for current SBA programs; there would continue to be a number of small businesses which do not have the financial standing to participate in financial markets without some type of direct Government support in the way of a guarantee. Thus I see this new mechanism as a supplement—not a competitor—to the current SBA programs.

In order to jump start the program, the Federal Government would provide an initial infusion of capital to make a market, just as was done with Fannie Mae.

I believe that this temporary Federal money would permit us to leverage tens of billions of dollars to the small business community. Once fully operational, Velda Sue would repay the Government and would then be self-supporting from funds provided by the private sector.

Finally, the Government would receive warrants based on the amount of the Federal moneys advanced. As Velda Sue prospers, we would share in its profits just as we did under the Chrysler loan guarantee program.

Prior administrations may not have been fully receptive to my proposal, but now we are clearly in a new era. The Clinton administration has recognized that there are basic changes which must be made in order to revitalize our economy, and have recognized the critical role of small business in this effort.

I believe that Velda Sue will become a major part of the Clinton administration's economic program. Indeed, it is my hope that, based on conversations I have had with President Clinton and others in his administration, that we will be able to move forward on this proposal over the next year.

In the short run, Velda Sue will help to fill the financing void now plaguing the small business sector. Over the longer term, I believe that Velda Sue could constitute the single most important initiative that Congress and the Clinton administration can enact to help the small business sector.

For the information of my colleagues, I am attaching a summary of my proposal. I urge its consideration and support.

SUMMARY OF VELDA SUE

The legislation would establish a federally chartered but privately owned corporation called the Venture Enhancement and Loan Development Administration for Smaller Undercapitalized Enterprises (Velda Sue) which would do for small business what Fannie Mae does for housing.

Private lending institutions are basically short-term lenders and are unable to make long-term commitments, and in some cases simply do not have the available capital to make loans to small businesses or in the case of smaller banks have loan limitations which limit loan size. As a result, small business credit needs are going unmet in the private sector. This bill basically would bring together small businesses and their long term credit needs with institutional investors who have funds which could satisfy this need.

The Corporation would be operated by a permanent Board of Directors of 9 members (five being elected by the shareholders and four being appointed by the President). Stock in Velda Sue would be purchased by financial institutions which would seek capital from Velda Sue, and by other investors.

A minimum of $30 million in stock sales would be required before Velda Sue could commence business.

In order to help "make a market" for these loans, the Federal government would provide temporary capital to Velda Sue. The amount would be based upon the ratio of private capital to government capital ($1 to $10) and would be repaid by Velda Sue. In addition, the government would receive warrants to purchase non-voting Velda Sue stock at original-issue type prices, thereby providing for an upside for the Government as Velda Sue becomes profitable.

For purposes of eligibility to obtain financings, a small business would be defined as one which, in addition to being independently owned and operated and not dominant in its field of operations, qualifies under SBA loan standards or which has a net worth of $18 million or less, and annual net, after-tax income of $6 million or less.

Velda Sue would create a secondary market for small business loans either by purchasing the underlying paper and packaging it in pools and issuing its own securities backed by these pools, or by guaranteeing securities issued by loan poolers, provided it is backed by these loans. This paper would be sold to institutional private investors such as pension funds probably at an interest rate of less than 1 point more than paid by the U.S. Treasury.

Velda Sue would develop uniform standards for the loans. In order to establish a market and to promote quality loans, the Board would specify minimum standards for them which would include: a maximum principal amount; a maximum term not to exceed 30 years in the case of land or facilities and 10 years in the case of equipment; a requirement that the loan be fully amortized; a requirement that the loan not be in excess of 90% of the value of the asset; and a requirement that the loan be secured by a first mortgage position on the collateral.

If these conditions were met, the Corporation could buy 80% of the loan with the originating lender retaining 20%.

In addition, the Secretary of the Treasury would be authorized and directed to supervise the financial safety and soundness of Velda Sue. In essence, he would regulate its operations.

Any paper issued by Velda Sue or guaranteed by it would not be federally guaranteed, although its issuance would be subject to the approval of the Secretary of the Treasury. In addition, in his discretion and subject to the appropriation of funds, the Secretary of the Treasury, as a backstop, would be authorized to purchase up to $1.5 billion in Velda Sue paper, i.e., if Velda Sue needed additional federal money, the government might provide it if the need was justified.

The Corporation would be designed to be self supporting and would be required to establish a reserve to pay any losses it might sustain. These reserves would be funded by the imposition of guarantee fees not to exceed 2% of any loan guaranteed, and one half of 1% of any security representing a pool of these loans.

Finally, Velda Sue would be prohibited by statute from incurring more obligations than an amount equal to 30 times the amount of its capital.

DEPARTMENT OF DEFENSE DIRECTIVE 13324.14, SECTION H.1, BANNING HOMOSEXUALS IN THE MILITARY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. MARKEY. Mr. Speaker, I rise today to strongly reaffirm my support for the civil rights of all Americans, regardless of their sexual orientation. I support President Clinton's proposal to end the discrimination now occurring in the military. The ban on homosexuals in the military is simply a case of discrimination on the basis of affectional or sexual orientation. There is no good reason for Department of Defense Directive 13324.14, section H.1. Even former Secretary of Defense Cheney admitted that the ban on gay and lesbian soldiers was "a policy I inherited" and stated that "the notion that somehow there was a security risk involved—in allowing homosexuals to serve in the Armed Forces—was something of an old chestnut."

Encouraged by the Secretary's testimony, I joined with over 40 of my congressional colleagues last year in urging President Bush to rescind Department of Defense Directive 13324.14, section H.1, and allow all Americans, regardless of sexual orientation, to serve in the Armed Forces. I continue to support this position. In my view, discrimination based on sexual or affectional preference is no more tolerable than discrimination based on race, sex, nationality, or religion.

PRESIDENT CLINTON SUPPORTS RADIO FREE ASIA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. PORTER. Mr. Speaker, on January 5, Representative BENTLEY and I introduced legislation to create Radio Free Asia, a surrogate radio broadcast service to people in China and other oppressed Asian nations. I urge my colleagues to join us in support of this legislation. Modeled after Radio Free Europe and Radio Liberty, Radio Free Asia would broadcast uncensored news to the peoples of Asia, providing them the truth about events occurring within their own countries. As a cost-effective tool to encourage the progress of democracy and human rights in China and other countries, Radio Free Asia would serve our national interest by providing support to people in those countries who share our values.

Mr. Speaker, during the campaign, President Clinton endorsed Radio Free Asia, saying that it would be "a cost-effective and peaceful means to encourage the growth of democracy and freedom throughout Asia." I congratulate President Clinton for making the establishment of Radio Free Asia a priority and I look forward to working with him and my colleagues in Congress to enact this legislation.

CHINESE NEW YEAR

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today as the new chairman of the Subcommittee on Asian and Pacific Affairs to bring to the attention of my colleagues the passing of the Chinese New Year. The lunar new year 4691, is the Year of the Rooster.

Mr. Speaker, the Chinese New Year is regarded as a time of kindness and goodwill to all living creatures. The preparations for this occasion begin on the 24th day of the 12th Moon with the send-off of the Kitchen God on his 7-day journey to heaven. The Kitchen God acts as a liaison on his visit to heaven and he carries with him an annual report on the conduct of members of the household over which he presides. Great efforts are made to ensure that he only reports good things and forgets the bad.

During the last 7 days of the old year, there is much housecleaning to be done. The house must be spotlessly clean for the coming year. Lucky hung pao's, which are small packets of red envelopes filled with money, are prepared for giving away on New Year's Day.

On New Year's Eve, the family sits down to a grand family reunion dinner known in Chinese as t'uan nien. All family quarrels are forgotten and it is a time for reconciliation. On this evening, all the doors and windows are left open to a late hour to give access to any beneficent spirits that may be passing.

Mr. Speaker, in the spirit of the New Year I ask my colleagues to join me in saying Gung Hoy Fat Choy or best wishes for a prosperous new year to the people of China. And I hope that the beneficent spirits that pass over China will bring with them the wave of democracy that is sweeping the rest of the globe.

WOMEN'S HEALTH BILLS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Ms. SNOWE. Mr. Speaker, with a new Congress in place, I am reintroducing three important bills designed to improve women's health that I hope we can pass this session: A bill addressing osteoporosis research, a bill to develop contraception and infertility research centers, and a bill to permanently establish an Office on Women's Health at the National Institutes of Health [NIH].

With the near doubling of the number of women now in Congress and an administration that has demonstrated support for women's health, I am optimistic that significant gains in women's health can be achieved this session of Congress.

My first bill, the Osteoporosis Amendments of 1993, would expand and intensify programs at the NIH with respect to research concerning osteoporosis, Paget's disease, and related bone disorders. At least 1.3 million fractures occurring each year in the United States are attributed to osteoporosis, and 80 percent of those affected are women. The direct medical costs are staggering—over $10 billion annually, and projected to reach between $30 and $60 billion by the year 2020 if research fails to turn up effective treatment.

By expanding research efforts into possible cures for and causes of osteoporosis, the Osteoporosis Amendments of 1993 not only would improve the lives of millions of older Americans, but would save substantial costs in the long run as well.

My second bill, the Contraception and Infertility Research Centers Act of 1993, would provide for the development and operation of centers to conduct research on contraception and infertility. The United States has seen very little in the way of birth control research in the last decade. Yet, if anything can minimize the high number of abortions in our country, it is the prevention of unwanted pregnancy.

My final bill would establish an Office of Research on Women's Health at the NIH. The goals of the Office are to provide a central clearinghouse on women's health research, to integrate efforts at NIH for women's health, and work to ensure that women are appropriately represented in relevant clinical trials at NIH. Previously, women have been found to be grossly underrepresented, if represented at all, in several critical NIH research studies. These include the Mr. FIT study, which examined 15,000 men and no women regarding coronary disease risk factors, and the physicians health study, which established the link between aspirin and coronary disease prevention. It examined 22,071 men and no women.

Currently, such an Office of Research on Women's Health exists. However, it was created by and its survival is dependent upon the NIH Director. By officially authorizing it into statute, the Office would achieve a permanent status. I believe that only through authorization and full funding of the Office of Research on Women's Health will women's health research become an integral part of the NIH agenda.

With these and other initiatives, I hope to help ensure that the women of America will no longer be a medical afterthought, a gender-based asterisk in the health research field.

CONGRATULATIONS TO TEMPLE HIGH SCHOOL STATE FOOTBALL CHAMPIONS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. EDWARDS of Texas. Mr. Speaker, today I would like to recognize a group of individuals, a team, whose strive for sportsmanship and fairness in scholastic sports has made them champions, not only in their game, but in their daily lives as well.

I extend my sincere congratulations to the Temple High School Wildcats of Temple, TX, who captured the 1992 Class 5A, Division II State Championship on December 19, at Memorial Stadium in Austin. Defeating Houston Yates 38 to 20, the Wildcats took their first State championship since 1979.

This achievement could not have been possible if not for the support of the student body and parents of Temple. This victory also, if not more so, comes through the dedication of coach Bob McQueen and his staff. They, too, must be congratulated for the role they took in shaping the lives of these winners, winners who, by accepting this victory, also accept a responsibility to be victorious throughout their lives and give back to their communities.

I urge my colleagues to join me today in recognizing and honoring the players, coaches, students, and parents of Temple, TX.

THE WORKPLACE EDUCATION ACT OF 1993

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. REGULA. Mr. Speaker, I am introducing the Workplace Education Act of 1993 to bridge the critical gap that exists between our small and medium-size businesses and institutions which provide employee education and high-skills training. I have followed the model of a well-known and well-run program, the Cooperative Extension Service.

The Cooperative Extension Service focuses on the problems of productivity in the agricultural sector through a network of local county agents. This is a low-cost, highly effective, program that addresses farmers' particular needs. My legislation would create a similar system of work force agents, and would redirect money currently allocated for adults served by the Job Training Partnership Act, who are not economically disadvantaged, into a system of grants. No new money is involved. These grants would be provided by the States to businesses willing to reeducate or train their work force. The work force specialists, much like the extension officers, would serve as points of contact, brokers of information, and sources of technical assistance.

As stated in "The Missing Link," a recently completed report by the Southport Institute from which this idea came,

> The analogies between Cooperative Extension and workplace education in small firms are obvious. Most farmers are small businessmen. And most small businessmen are strong individualists. They want to see for themselves what difference new approaches to management will do in their own firm.

We must use Federal tax dollars in a responsible and useful manner. I support initiatives which coordinate programs that already exist and which undergird efforts already underway.

This legislation will help to meet our national need for worker education and high-skills training in a responsible manner. Businesses will be encouraged to improve their productivity by further educating their workers. And we will all benefit from an improved and coordinated initiative.

INTRODUCING THE GUN VIOLENCE ECONOMIC EQUITY ACT OF 1993

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mrs. COLLINS of Illinois. Mr. Speaker, it seems that we have grown accustomed to opening the newspaper every morning to read about some incredible story of death and destruction due to gun violence. Last year 927 people were killed in my city of Chicago alone, the overwhelming majority by handguns and assault weapons. Indeed, no community in America is immune to this epidemic, this week's rampage at the CIA headquarters which resulted in two deaths and three injuries provides ample evidence.

In order to confront the proliferation of guns and violence today I introduced the Gun Violence Economic Equity Act of 1993 which would make manufacturers, dealers, and importers of handguns and assault weapons strictly liable for damages resulting in injury and death from the use of these weapons to the victims and the survivors of victims.

By holding these parties liable for the damages caused by their products we will be ensuring that they share their appropriate culpability in the havoc that their product causes in my district and in communities across the country. These gun entrepreneurs should be warned that they must take responsibility for their part in the cycle of violence.

This bill in no way decreases or diminishes the responsibility of individuals who own or use guns in our communities, clearly the appropriate laws or civil actions still apply and should be taken. The person who directly causes the violence is responsible for his or her actions, but the manufacturers and sellers of these weapons are also partners in these acts and must be viewed as such.

Holding these parties liable also places the heavy economic cost of this violence on the appropriate parties. Each member of our society pays for the violence caused by these guns in a number of ways. We pay in support to public hospitals whose trauma centers become overburdened with uncompensated care to victims of gunshots. We pay in increased hospital insurance costs. We pay by having to support the costs of increased violence protection devices employed by businesses which we patronize. The list goes on.

When victims successfully sue gun manufacturers and distributors, they will increase the manufacturer's cost of doing business. Manufacturers will pass on the cost by increasing the price of the guns sold in order to be able to cover future awards. The more injuries a particular gun causes, the more a strict liability rule will increase the price and reduce the quantity demanded of that type of gun. Hopefully, an increase in the cost of doing business will make a manufacturer think twice about producing dangerous weapons for our communities.

Since there are many types of guns, a strict liability rule would cause for variable pricing of guns according to the gun's history of being used to cause injury and death.

The more injuries a particular type of gun causes, the more a strict liability rule will increase the price and reduce the quantity demanded of that type of gun—the guns that cause the most net loss will show the sharpest declines in quantities sold. Guns that are safer, or because of type, price or selective marketing are rarely used in violent acts, would experience a smaller increase in price and a smaller decline in sales.

Mr. Speaker, the American people have indicated in the past election that they are anxious for the Congress to take actions that will confront the contemporary problems of our society. I can think of no initiatives that can have a more dramatic impact on our society than reducing the daily carnage caused by gun violence in this Nation. We must take decisive and immediate action to bring down the number of guns on our streets and in our homes.

SMALL BUSINESS ENHANCEMENT ACT OF 1993

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I am introducing a bill to help small business—the job creating sector of our economy—lead us to brighter economic times. The Small Business Enhancement Act of 1993 is designed to assist companies with fewer than 500 employees by permitting greater expensing under section 179 of the Internal Revenue Code and by granting a limited investment tax credit.

It is no secret that many areas of the country—especially my own—continue to suffer from the effects of the recession. Only this week, several major corporations announced still more job cuts that will add to the pain already taking its toll on so many of my constituents. In cooperation with forward-thinking entrepreneurs in government and business, the Congress must step in and adjust Federal tax and regulatory laws to address this challenge.

My bill seeks to offer help in two important ways. First, under title I, small businesses, subject to certain restrictions, may elect to take an incremental investment tax credit for purchases of capital goods, including motor vehicles. This 10-percent credit provides an immediate incentive to help businesses retool, upgrade, or expand.

Title II of the legislation increases from $10,000 to $50,000 the amount a small business may deduct as an expense in the year it purchases a new or used machine, computer, or vehicle for business use. Instead of stretching the entire cost of new equipment over its depreciable life, my provision gives business owners the opportunity to write off much more of the purchase price of expensive machine tools or specialty vehicles quickly, thereby making it far easier to create new jobs and enhance productivity.

As a member of the Ways and Means Committee, I look forward to passage of this measure in the near future and hope that my colleagues agree.

CONGRATULATIONS TO CONGRESSMAN RONALD DELLUMS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Ms. PELOSI. Mr. Speaker, I rise today to convey the pride that Congressman Ronald Dellums' two decades of public service has brought to the Bay Area and California.

With Ronald Dellums as chairman of the House Armed Services Committee, we can all look forward to his wielding his influence and steady voice of reason to help guide our Armed Forces into the 21st century. The face of the U.S. Armed Services is ever changing—in its diversity, its size and its mission. The challenges that lie ahead for this Committee promise to be some of the most trying in its history. We can all be assured and confident today with the knowledge that the agenda of this important Committee will be well directed by the leadership and expertise of Mr. Dellums.

I know I speak for many of my colleagues, today, in my congratulations to Mr. Dellums. May his tenure as chairman be marked by cooperation, consensus and progress.

INTRODUCTION OF AQUIFER PROTECTION BILL

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. GONZALEZ. Mr. Speaker, I rise today to introduce a bill that is of paramount concern to my congressional district in San Antonio and to other areas of the country which are dependent on aquifers as their sole- or principal-source of drinking water. As we discuss health care reform during this Congress, it is imperative that we include discussion of the need to protect the general public health. My bill will help to ensure such protection as it pertains to drinking water source aquifers.

My home district in San Antonio has had many water-related problems through the years. In fact, a major controversy and lawsuit is currently in litigation in the Federal courts over control of pumpage from the Edwards aquifer, which is the aquifer serving the San Antonio area.

In 1974 I offered an amendment to the Safe Drinking Water Act which was adopted. My amendment, commonly referred to as the Gonzalez amendment, provides that if the Administrator of the Environmental Protection Agency determines that an area that has an aquifer which is the sole- or principal-drinking water sources for that area, which if contaminated could create a significant hazard to public health, no commitment for Federal financial assistance may be entered into for a project that might contaminate the aquifer or its recharge zone.

Although this legislation helped to protect the Edwards and other aquifers for many years, enforcement grew lax in the 1980's and a number of federally funded projects lying over aquifer recharge areas were constructed without the environmental review provided for by the Gonzalez amendment. In one instance, the State of Texas segmented out the portion of a highway project that lay over the recharge zone, paid for this portion solely with State funding, and claimed then that the project did not trigger the review under the Gonzalez amendment. This claim was upheld in court, although the State's action clearly was an intentional circumvention of the Gonzalez amendment. In another project, highway construction was performed over the Edwards recharge zone using Federal funding but the EPA never reviewed the project for any possible adverse effect on the Edwards. The EPA claimed it never heard of the project, and once construction began there was no opportunity for review.

The legislation I am introducing today grew directly out of a study I asked the General Accounting Office to conduct last year. The report was issued a few months ago, and it pinpointed the weaknesses in the last 18 years of interpretation and enforcement of the Gonzalez amendment. Thus, my bill would strengthen the Gonzalez amendment so that review by the EPA is mandatory, and referral of projects lying over recharge zones of sole- and principal-drinking water source aquifers by Federal departments, agencies, and instrumentalities is mandatory. Further, my bill will prevent segmenting projects so that anytime any portion of a project receives Federal funding it is subject to environmental review by the EPA.

Mr. Speaker, this is the least that we can do. Without the Edwards, San Antonio is lost. Nothing can be done in a city without a safe drinking water source: no business, no commerce under NAFTA, no growth, no education, no living, This is what is confronting San Antonio as it faces a future without control over the aquifer on which it is so dependent. Without preservation of this absolutely vital natural resource. San Antonio and other communities in a similar position will turn into ghost towns. The Federal Government must renew its pledge to preservation of our natural resources and protection of public health, my bill is one means of renewing that commitment.

IN SUPPORT OF RESCINDING THE MILITARY BAN ON GAYS AND LESBIANS

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Ms. VELÁZQUEZ. Mr. Speaker, when the U.S. Armed Forces annually excludes over 1,500 soldiers from wearing a military uniform because it disapproves of their private lifestyle, it denies this country the service of scores of patriotic Americans. The military actually tells gay Americans, "No matter how talented a soldier you may be, your lifestyle disqualifies you from military service." Such blatant and taxpayer-financed bigotry is unconscionable.

The Pentagon claims that the presence of gay members in our Armed Forces seriously impairs the accomplishment of the military mission. However, the contradiction between the military's rationale for a ban on gays and the military performance of those individuals is best captured in the 1990 memorandum from Navy Vice Adm. Joseph Donnell to the officers of more than 200 ships.

Donnell admitted in his communication that lesbian sailors existed in the Navy, and even characterized them as among the command's top performers. But instead of recognizing that these facts prove the military's policy to be groundless, Donnell insisted that all suspected lesbians be aggressively investigated and summarily evicted.

Such twisted logic—to dismiss someone on the grounds that they cannot perform the military mission while admitting that they are exemplary soldiers—vividly illustrates the military's vapid thinking on this issue.

This incident is also proof of the suspicion placed on all women soldiers who are excellent performers. "They must be gay," concludes the military, "therefore, give them a hard time or find reason to purge them." So the Pentagon policy not only impacts those thousands of gays and lesbians in the service and those wanting to join the service, but it also jeopardizes the standing of military women and singles them out for harassment.

Now, we have the top brass of the Pentagon telling the President that he cannot right this wrong. Well, in case the Joint Chiefs of Staff have forgotten, this is a democracy—with a popularly elected civilian head of state, who serves as Commander in Chief.

So, Mr. President, all fairminded Americans want you to do what is just and what is fair—reverse the ban on gays and lesbians in the military.

HANUKKAH RALLY FOR THE PEOPLE OF BOSNIA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. FRANK of Massachusetts. Mr. Speaker, on December 22 I was privileged to join in an event organized by the Religious Action Center and other Jewish organizations in Washington to call for international action to relieve the outrageous being committed by Serbia and its allies against the Moslem population of Bosnia. The Jewish organizations which put this event together chose to do it in front of the Holocaust Museum. No event remotely approaches the Holocaust in its terrible significance for Jews in particular and for humanity in general. By holding this event opposite the Holocaust Museum, these Jewish organizations meant to underline their horror at the spectacle of world leaders who are declining to do anything substantial to prevent the butchery of innocent people in Bosnia.

Mr. Speaker, I was proud to share in the call at that point that President Bush and President-elect Clinton get together to formulate a joint policy to come to the aid of the victims in Bosnia. And in this first week of our return to session as the 103d Congress, I wish to share with my colleagues the eloquent, forceful statement of these organizations and to renew our call for the President and the President-elect to work together on a policy in which America will play a role in coming physically to the aid of the people of Bosnia.

HANUKKAH RALLY FOR THE PEOPLE OF BOSNIA

WASHINGTON, December 22.—Twenty-four national Jewish organizations joined today at a rally opposite the soon-to-be-opened Holocaust Museum to urge more vigorous action by the American government to protect the people of Bosnia.

Seventeen national groups among the rally sponsors issued a statement calling on President Bush and President-Elect Clinton to meet urgently in order to promulgate a more effective U.S. policy in the former Yugoslavia.

Joined by Christian clergy, Members of Congress, and representatives of the Bosnian and other ethnic communities of Central Europe, the Jewish groups stated: "In the face of 'ethnic cleansing' in Bosnia, we cannot be silent."

While the rally was underway, its representatives delivered copies of the 12-point statement titled, "Bosnia: A Plea to the United States," to the White House, the State Department and the Clinton Transition Office. The statement declared in part, "The persistent unwillingness of our nation and other nations to intervene effectively against the ongoing butchery in Bosnia is both incomprehensible and unacceptable. It violates both decency and self-interest."

The rally culminated in the lighting of a large Hanukkah menorah by Flora Singer, Vice President of the Jewish Holocaust Survivors and Friends of Greater Washington; William Snowden Keys of Annapolis, MD, a Black soldier during World War II who helped liberate the concentration camps Dachau and Ohrdorf; Dr. Medzib Sacirbey, the Personal Representative of the President of Bosnia; Representative Barney Frank (D-MA); and four students from the Gesher Jewish Day School of Northern Virginia: Jocelyn Brick-Turin, Michael Wayne, Ben Krohmal and Ilana Garon.

Rabbi David Saperstine, Director of the Religious Action Center of Reform Judaism, which coordinated the rally, told demonstrators: "The broad spectrum of the American Jewish Community represented here today cannot stand by silently while a Serbian policy of 'ethnic cleansing' resonates with some of the darkest memories of World War II. Thousands of innocent men, women, and children have been killed; hundreds of thousands more made homeless; millions are threatened by the impending bitter winter. Their lives can be saved if we act now. For that reason, it is most appropriate that we gather at this time, during our holiday of religious freedom; at this place, in the presence of the new Holocaust Museum."

Dr. Sidney Clearfield, Executive Vice President of B'nai B'rith International, read the Preamble to the 12-point statement calling on the United States to assume a leadership role in ensuring the delivery of humanitarian supplies, protecting the civilian population against violence, from whatever source, and containing further Serbian aggression not only in Bosnia but at the borders of Kosovo, Albania and Macedonia. Representatives of each of the endorsing agencies participated in the reading of the statement.

Leonard Fein, Senior Scholar at the Religious Action Center and one of the organizers of the rally said in his opening remarks: "'Never again,'" insofar as we reflect on its meaning, must mean "Never Again in silence shall we witness such evil as we see today in Bosnia." Henry Siegman, Executive Vice-President of the American Jewish Congress spoke to the Assembly of his personal reflections as a refugee who fled Nazi tyranny in Europe, observing, "Memory is nothing if it is not a call never again to surrender to indifference."

A message was also read to the gathering from Muhamed Sacirbey, the Ambassador and Permanent Representative for Bosnia and Herzegovina to the United Nations, which states: "The Jewish Community, as familiar as any peoples with the horrors of genocide, has been a vital voice in calling for an end to the atrocities being inflicted upon the citizens of Bosnia and Herzegovina. This voice has * * * been heard by the people of Bosnia and Herzegovina, and they are encouraged in their plight by the fact that they have not been completely abandoned."

The rally was endorsed by twenty-four organizations:

Union of American Hebrew Congregations.

Union of Orthodox Jewish Congregations of America.

Rabbinical Council of America.

Rabbinical Assembly.

United Synagogue of Conservative Judaism.

National Jewish Community Relations Advisory Council.

Hadassah.

Jewish Community Council of Greater Washington.

American Jewish Committee.
American Jewish Congress.
Central Conference of American Rabbis.
Federation of Reconstructionist Congregations and Havorot.
Reconstructionist Rabbinical Association.
Jewish Labor Committee.
Anti-Defamation League.
Americans for a Progressive Israel.
Synagogue Council of America.
Women of Reform Judaism, NFTS.
B'nai B'rith.
National Council of Jewish Women.
Women's American ORT.
Women's League of Conservative Judaism.
B'nai B'rith Women.
Amit Women.

The statement, endorsed by seventeen of the national organization follows:

BOSNIA: A PLEA TO THE UNITED STATES

Preamble

It is winter in Bosnia. In Sarajevo, we are told, three-quarters of the people who remain will not survive the winter's cold. There is no food for new-born infants; for their mothers, there is only tea and rice or bread. If that is not enough to produce a mother's milk, her infant will die. It is time for effective action; hundreds of thousands who will otherwise die can still be saved, but it is not words that will save them.

The persistent unwillingness of our nation, as of any combination of nations, to intervene effectively against the ongoing butchery in Bosnia, is both incomprehensible and unacceptable. It violates both decency and self-interest.

Many months have now passed since the term "ethnic cleansing" entered our vocabulary. Many months have passed since the first confirmed reports of rape, pillage, concentration camps, and murder, of unspeakable atrocities and cruelty. These are not the casual side effects of war; they are the very instruments of a war whose purpose is to terrorize an entire population, to make of Bosnia's Muslims either refugees or corpses, to make Bosnia Muslimrein.

The horrors have elicited ringing threats and condemnations, along with diverse modest interventions of distressingly feeble consequence. The condemnations have long since become routine, the threats have been rendered virtually meaningless by the failure adequately to enforce them. Each day that passes brings still more death to innocents, still more reminders of an earlier time in Europe's history about which we have sworn, over and over, "Never again."

Our sorrow and our outrage derive not only from the bitter memories we carry with us. They derive from the fact that we had imagined that the nations of the west, at least, would not in the still lingering shadows of the Kingdom of Night permit Night to fall again in Europe's heartland. We had believed that all the exhibits and the museums and the monuments and the movies and the books had in the aggregate, furnished a somber—and adequate—warning both to the would-be perpetrators of genocidal behavior and to the witnesses thereto.

We were, apparently, mistaken.

There is one mistake we shall not be party to, a mistake so grave it qualifies as sin: The mistake, the sin, of silence.

We are citizens of the United States of America. With hearts made heavy by the continuing cruelty of which we read, we assert our considered call upon our government.

Call

1. In these urgent and unusual circumstances, we call upon President Bush, President-elect Clinton, and their senior advisors, to meet together to formulate and announce an American policy adequate to the crisis in Bosnia. Innocent people cannot be permitted to die simply because we are in the midst of a presidential transition.

2. The violence against civilians in the former Yugoslavia in general and in Bosnia in particular must, by whatever means prove necessary, be halted. By virtue of its stature, its power, and its stated values, our own nation, acting in concert with other nations when possible, acting alone if necessary, must take a leadership role in ending it. Since we have chosen, through the imposition of an arms embargo, to prevent the Muslims of Bosnia from defending themselves, we are morally obliged to come to their defense. Such defense should include, as necessary, the use of multilateral ground forces and air support.

3. All those who participate in the practice of ethnic cleansing must be informed that they will be regarded as war criminals, and will be put to trial. The relevant provisions of the United Nations Genocide Convention should be invoked; the contracting parties to that convention are required, by its terms, to "prevent and punish" the crime of genocide.

4. All those who give or follow orders or who otherwise engage in practices that contravene the fundamental guarantees enumerated in Article 75 of the Geneva Convention must be informed that they will be prosecuted. Article 75 of the Geneva Convention prohibits, inter alia, murder, torture of all kinds, mutilation, and outrages upon personal dignity. In this context, we call particular attention to the sexual abuse, including gang rape, of Bosnian women and girls.

5. We call for the immediate establishment of safe haven zones for civilians where they now live and where refugees have gathered, and for the corollary announcement that attacks of any kind on civilians in these zones will not be tolerated.

6. We call for the immediate implementation of United Nations Resolution 770, which authorizes the use of "all measures necessary" to ensure the delivery of humanitarian relief in Bosnia. We commend those European nations that have deployed troops to provide such relief. We urge them to use the full authority they have been granted under Resolution 770 to ensure that their mission is accomplished, and we call on the United States to provide such additional support as circumstances may require in order to facilitate that mission. Specifically, attacks on relief convoys should be met with swift and certain retaliation.

7. We call on the United States, the United Nations, and NATO to implement forthwith the United Nations "no fly" resolution, and also to use their air superiority to strike at military targets from which attacks upon civilians emanate.

8. If the nations remain reluctant to intervene effectively, we call for an end to the boycott of arms and military equipment to Bosnia.

9. We call on the United States to take immediate steps that will encourage Croatia and other states in the region to open their doors to fleeing refugees. One such step, which we urgently recommend, is for the United States to make available 25,000 resettlement admissions for refugees from Bosnia and Hercegovina. Particular consideration should be given former civilian detainees, displaced persons in mixed marriages, and homeless widows, many of whom have been sexually abused.

10. We endorse the continuing efforts to achieve a political settlement to the conflict. However, we reject the view that no more forceful action is warranted until we are certain that such a settlement is not possible.

11. We call attention to the negative effects of passing UN resolutions without authorizing their implementation. We deplore the negative effects of convening international conferences that issue ever harsher denunciations of the violence but that do nothing to end the violence they denounce. We beseech participants in such conferences to put an end to their condemnations and their denunciations unless they are prepared to infuse them with meaning.

12. We call attention to the growing prospect that our inaction in response to the brutality in the former Yugoslavia will lead to its spread not only within that region, but also to neighboring nations. We believe that there will come a day when we will no longer be able to refrain from intervention, and we believe that the costs and risks of intervention now will be considerably more modest than the costs and risks of intervention once the violence has spread beyond its present borders, engulfing not only other areas of the former Yugoslavia but other nations as well. We call for immediate steps to insulate Kosovo, Macedonia, and any other region of the former Yugoslavia as well as immediately neighboring states from the violence that Bosnia has experienced.

We issue this call on this, the 22nd day of the month of December, 1992, which corresponds to the fourth night of Hanukkah, the Festival of Lights, a time when we recall the brave battle of the few against the many for the sake of freedom. We light the candles this night in memory and in hope: May we, all of us, once again find the strength to stand against the tyrant, and may freedom's light again prevail.

The following organizations have endorsed this statement:

Union of American Hebrew Congregations.
United Synagogue of Conservative Judaism.
Federation of Reconstructionist Congregations and Havurot.
Central Conference of American Rabbis.
Rabbinical Assembly.
Reconstructionist Rabbinical Association.
Synagogue Council of America.
American Jewish Committee.
American Jewish Congress.
Anti-Defamation League.
B'nai B'rith International.
National Jewish Community Relations Advisory Council.
Hadassah.
Women of Reform Judaism—NFTS.
B'nai B'rith Women.
Jewish Labor Committee.
Americans for a Progressive Israel—Hashomer Hatzair.
Jewish Community Council of Greater Washington.

Also endorsed by the Union of Orthodox Jewish Congregations of America.

PRESERVE TAX DEDUCTION FOR HOME-BASED BUSINESSES

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. MFUME. Mr. Speaker, I announce the introduction of legislation intended to relieve thousands of home-based business owners from a very onerous imposition.

On January 12, 1993, the Supreme Court of the United States ruled in Commissioner of Internal Revenue Service versus Soliman, that a person who manages a business from his/her home cannot deduct the office within their home as a business-related expense.

The Soliman case evolved from a situation where an anesthesiologist from McLean, VA, spent 30 to 35 hours per week administering anesthesia and postoperative care in three hospitals, none of which provided him with an office.

Mr. Soliman also spent 2 to 3 hours per day in a room in his house that was used exclusively for an office. Although he saw no patients in this office, Mr. Soliman performed certain tasks that were vital to the operation and maintenance of his business.

When Mr. Soliman filed his income taxes, he filed an exemption for $2,500 for a home office. The IRS Commissioner disagreed with Mr. Soliman, but the court of appeals overturned the Commissioner.

The Supreme Court decision used the determination that this case does not qualify under the principal-place-of-business test under 26 U.S.C. section 280(c)(1)(A). The High Court believed that the court of appeals failed to undertake a comparative analysis of the various business locations of Mr. Soliman, thereby reversing the appeals court's decision.

The Soliman ruling indeed sends the wrong message to the growing number of home-based businesses. Additionally, it places a new and onerous burden of proof on the taxpayer.

In addition, the Court in its opinion cited the vague congressional intent of the law. I am introducing legislation to clarify the intent.

My legislation states that, "For the purposes of subparagraph (A), in the case of a trade or business which would not have a principal place of business, its principal place of business shall be where substantially all of the management activities for such trade or business occur."

The effective date of this legislation shall apply to taxable years beginning after December 31, 1992.

I believe that my bill is fair and will prevent the abuse of section 280 by unscrupulous home-based business owners. I simply want to protect those persons who make calls and manage their businesses from the home, but whose scope of business may have them at various client locations.

Mr. Speaker, I urge my colleagues to support this measure and believe that this language will become law by the end of this session.

CIVILIANS SERVING IN SOMALIA

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. MURTHA. Mr. Speaker, I recently conducted an inspection trip to Somalia. I wanted to briefly address the House to express my gratitude and appreciation for the fine job being done by the numerous individuals working in Somalia for the various PVO's [private voluntary organizations]. Their work can only be described as heroic and magnificent.

These brave men and women are carrying out their humanitarian efforts in an environment of violence and disease. The day-to-day existence is one of tremendous stress, long hours, hard work, and deplorable living conditions.

I visited a hospital in the interior of Somalia in a city called Baidoa. The hospital was run by a woman named Ms. Josie Clevinger. Late last year, she had been a nurse in San Francisco. One day she was watching "Good Morning America" which had a segment on the situation in Somalia. She volunteered that very day, and within days was in Somalia as the administrator of the hospital in Baidoa. The living and working conditions are unbelievably austere. Most of the operations at the hospital are conducted by a physician's assistant. The threat of violence is always present. A few days before my visit, she had buried her security guard who had been shot to death.

Mr. Speaker, I can't express in words the respect I have for Ms. Josie Clevinger and the hundreds of other individuals who are serving in Somalia with the private voluntary organizations. All Americans owe a debt of gratitude to these brave individuals.

WILLIAM TOBY, JR.: DECIPHERING THE MEDICARE MAZE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. MICHEL. Mr. Speaker, government programs are often so complicated and the paper-work is so confusing that intended beneficiaries are unable to participate. Government bureaucracies are often too big and far removed from the real problems of Americans. Any government program that has an administrator who is sensitive to the needs of people and knowledgeable enough to make a bureaucracy work is fortunate indeed.

Such has been the case for the Health Care Financing Administration that runs Medicare and Medicaid. Administrator William Toby, Jr., has demonstrated not only his wide-ranging knowledge of the system, but a personal, hands-on interest in the problems of human beings. His personal story of hard work, study, and belief in himself and his family's values is inspirational.

At this time I wish to insert into the RECORD, "Deciphering the Medicare Maze," by Spencer Rich, an article published in the Washington Post, January 5, 1993.

DECIPHERING THE MEDICARE MAZE

(By Spencer Rich)

Not long after William Toby Jr. became administrator of Medicare and Medicaid, he called in management analyst Vaughn Ouellette to pick his brains on problems in the federal agency that spends $300 billion a year and serves 62 million Americans.

What was surprising is that Ouellette is a grade GS–13, not very high in the bureaucratic pecking order. "I've been with this agency since 1971, and it's never happened to me before," said Ouellette.

And he's not the only one to be contacted by Toby. Many other middle-level employees now participate in senior staff meetings.

That's Toby's style. The 58-year-old administrator is convinced that one of the best ways to locate problems is to talk to his troops and to the organizations that represent the people served by the two health programs.

"Problems arise first at the lower levels," said Toby. People on the front lines "are much more aware of the problems. They are much more in direct contact with the groups we deal with."

Toby has been chief of the Health Care Financing Administration that runs Medicare and Medicaid, on an "acting" basis, for the past nine months. If President-elect Bill Clinton chooses a political appointee for the national slot—as many people expect—Toby is likely to return to his old post of Medicare-Medicaid director for the New York-New Jersey region.

But Toby has already left his mark with his unique hands-on style of talking to those deep in the bureaucracy and opening the door to organizations that represent the elderly and the medical community to hear their complaints and ideas.

"We were in to see him a few times," said Martin Corry, director of federal affairs for the American Association of Retired Persons. "He outlined some sensible goals for improving administration and overall operation of the agency. This is a guy who has worked in the trenches in New York" and understands the needs.

Toby's style is rooted in his past. Personal experience with poverty, racial discrimination, hunger, lack of education and no health insurance has made him intensely aware of the importance of Medicare and Medicaid to frail and impoverished people who have no other medical resources.

Toby was born in Augusta, Ga., in 1934, in the midst of the Great Depression.

Before he was a year old, the family moved to Savannah. His father, who couldn't read, was a janitor. Toby remembered that the family often didn't have enough to eat. "I don't think they came any poorer," he recalled.

To help raise money for the family, Toby began working at age 7—shining shoes and selling newspapers on the streets, and selling candy and papers to soldiers coming into Savannah on World War II troop trains. "I grew up in a segregated period. In Savannah, I sat in a white person's seat and was told, 'Nigger, go to the back of the bus.'"

When he was 9, he went to live with his uncle, Mose Small, in New York's Harlem.

Toby said he worked at odd jobs and went to school, but "I was never a dedicated student." At 16, he dropped out of high school and got a delivery job pushing racks of clothing through the garment district.

At the same time, his father and uncle had planted in him the seeds of ambition and hope. "They were illustrate, but they always worked. And they always told me I had to get an education," he said.

"I arrived in New York at age 11 with the strongest Southern accent. I was the laughingstock of my neighborhood," he continued. "I was bound I would speak in the best English. I change my language. I listened to the other kids, teachers. I had many role models. The barber. Ministers."

"When my back couldn't take it any more" pushing clothing racks in the garment district, Toby lied about his age and enlisted in the Air Force. "I hadn't had a decent meal in a long time," he said. "I knew

I'd get food and shelter, and I saw the beautiful uniform."

The Air Force was a channel to a new world. "I learned that people with the best jobs had the best education. I began to educate myself. I went to night school" run by the armed forces while posted in London, and he earned his high school equivalency diploma.

Returning to the United States, he used the GI Bill of Rights to get his bachelor's degree from West Virginia State College in Charleston in 1961.

Later, he received a master's degree in social work from Adelphi University in Garden City, New York and another in public administration from Harvard University.

After Adelphi, he became a welfare worker in New York with "an all-white caseload—mostly European Jews who had been in Nazi concentration camps." In the 1960s, he went to work for the Urban League, going to Colorado and later to the national headquarters in New York, where he met many black leaders of the time—Martin Luther King Jr., James Farmer, Ralph Abernathy and Roy Wilkins.

In 1969, through the intervention of friends who wanted to open up the New York regional office of the federal Department of Health, Education and Welfare to blacks, he was recruited as a special assistant to the regional director. He also worked briefly for New York Republican Mayor John Lindsay. From 1972–77, he held a series of high-level jobs in the New York office of the federal department that is today called Health and Human Services.

In 1978, he began serving as New York regional administrator of HCFA. The New York office, the largest in the country, has an annual budget of $26 billion and spends more money than five federal Cabinet departments. Last spring, Health and Human Services Secretary Louis W. Sullivan tapped Toby to replace Gail Wilensky as the national administrator of HCFA.

In Washington, he has built up his reputation as a "people person." Personally aware from his youth of how difficult it is for older, ill and poorly educated people to "negotiate" a government bureaucracy and deal with complicated brochures, he has put a priority on finding ways to simplify forms and explanations of medical charges and payments.

One result has been the revision of the "Explanation of Medical Benefits" form that is sent to the elderly to show them how much of their medical bill has been paid by Medicare and how much is still owed to the doctor.

Toby has also stressed that managers at HCFA must learn "to work with multi-national, multi-racial, multi-cultural and disabled pools of subordinates and line employees." Managers and supervisors, for example, are now evaluated on how well they are working with minority, female and disabled employees.

Computer literacy for HCFA employees is another goal. Seeing the devastating effects of illiteracy and lack of education in his own family, Toby said that today the stakes are higher: the required skill for doing a good job in his own agency and elsewhere is not just reading but "computer literacy." He is increasing the number of computers in the agency, he said, in the hopes that someday there will be "a computer on every worker's desk." He also has required all senior staff to be able to use computers and electronic mail.

"Today," he said, "computer illiteracy is tantamount to one's being unable to read and write in the last century."

TRIBUTE TO ST. CLAIR LODGE, NO. 353

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. COSTELLO. Mr. Speaker, I rise today in honor of a very important organization in the 12th Congressional District of Illinois.

St. Clair Lodge No. 353, a local of the International Association of Machinists and Aerospace Workers, is located in Belleville, IL. On January 30, 1993, their members will celebrate the 100th anniversary of the organization.

Many current and former residents of southwestern Illinois greatly appreciate the activism of this organization and the fine work of each member, both past and present.

I ask that my colleagues join me in applauding the significant contributions local No. 353 has made to organized labor. Their efforts for working men and women in southwestern Illinois are commendable and I believe it is fitting to recognize them on the momentous occasion of their 100th anniversary.

DARE TO BE KOOL

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. SCHAEFER. Mr. Speaker, I rise today to recognize and commend the efforts of radio station KOOL 105–FM and the Colorado DARE program in promoting February, 1993, as "Substance Abuse Awareness Month" in Colorado. They have formed a partnership, along with many dedicated citizens in my community, to do their part in fighting the drug epidemic that plagues our Nation.

Throughout the month of February, KOOL 105–FM and the Colorado DARE officers will sponsor many events designed to put out a positive message on how to deal with substance abuse. First, they have printed a "Guide to Fight Substance Abuse," which gives parents information on preventing or stopping substance abuse in their families. In addition to air time and a month long series of public affairs programs devoted to the "DARE to be KOOL" program, there will be events at local malls featuring members of the Denver Broncos, the Denver Nuggets, clowns and other entertainers who will show what people can do to fight substance abuse in a fun and educational way.

It is due to the unyielding commitment of organizations like KOOL 105–FM and Colorado DARE, that we are winning the battle to protect our children's future. Because these individuals have dedicated themselves to arming kids with the tools to resist pressure long before they are confronted with it, it simply is no longer cool for young people to use drugs.

There are signs everywhere that the endeavors of grassroots organizations like those in my State are paying off. Studies show that fewer kids are trying drugs, and drug use among adolescents has declined more than 25 percent since 1988.

I am extremely proud to pay tribute to all the individuals who are taking part in this exemplary community action program. If the entire country were to follow Colorado's lead, I have no doubt that the vision of a drug-free America could be realized.

IT'S TIME TO MAKE CHANGE THAT MAKES SENSE

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. KOLBE. Mr. Speaker, how would you like to save your constituents $886 million in tax dollars each year? We have the chance to do this if we pass the "One Dollar Coin Act of 1993" which I will introduce next week.

I would urge each of my colleagues to cosponsor this legislation. It would make a significant reform to our currency system and save almost $1.5 billion annually when both public and private sector savings are included.

I am inserting into the Record an article from Coin World magazine. The author traces the history of our currency and explains very well why we need a 1-dollar coin.

I urge my colleagues to join me in this effort to save money and make a change that makes sense.

[From Coin World, Nov. 9, 1992]

DOLLAR COIN STILL A MONEY-SAVING IDEA

(By Thomas E. McMahon)

Our dollar bill is an American institution. It's been with us in its present size, 6.1 by 2.6 inches, since 1929. Since then, we've held it, spent it, saved it, torn it, mended it, stored it, stacked it, counted it, lost it, found it, flattened it, straightened it everyday, hundreds of millions of times. Never mind that there aren't a thousand of us who can tell you what "Annuit Coeptis. Novus Ordo Seclorum" means, we know this piece of paper. Every American who has reached the age of reason can tell you that George Washington's portrait appears on the front of the bill.

We should replace this venerable American Institution with a small-sized dollar coin. Before you dismiss the idea as crazy—did he forget the Susan B. Anthony?—or worse yet, as un-American, consider these things.

The dollar bill of the early 1930s had almost as much purchasing power as the very first U.S. dollars, which were coins minted in 1792. (Paper dollars didn't come on the scene until the Civil War, when gold and silver were in short supply.) Since the 1930s, inflation has reduced the value of our dollar to that of a 1929 dime. Just since 1967, our dollar's purchasing power has shrunk 400 percent. It's a 1967 quarter. Rising prices have rendered our "penny," "nickel" and dime almost worthless.

The Dulles Toll Road just outside Washington, D.C., tells the story: tolls at the entrances to the road are 25 cents. The toll to continue on the road through the Tyson's Corner Interstate is 50 cents. Signs read: "U.S. Coins Only. Please, No Pennies. Use Quarters." The rounding of prices to the nearest 25 cents and the bias in favor of quarters can be seen at pay phones, car washes, coin co-op laundries and parking meters nationwide. We're fast becoming a one-coin nation.

The right response to all of this is to move the line between coin and currency up one notch by switching to a dollar coin. But that would involve eliminating an American institution, ending our 130-year-old love affair with paper dollars.

Some suggest that we have both paper dollars and dollar coins. Forget it. It won't work. Continuing to issue dollar bills when the Susan B. Anthony dollar coin was introduced in 1979 was one of the reasons the coin failed. Another was the poor design of the coin. Also, retailers have made it clear they don't want to handle two kinds of dollars. It's too confusing and time consuming. And besides, how many paper quarters have you seen lately?

Like most other habits, our paper-dollar habit is both hard to kick and very expensive. Some of those dollar coins minted in the early days of the Republic are still with us 200 years later. Almost none of the 290 million dollar bills printed in January of last year are still around. Our dollar bill is so worn after just 17 months of folding and bending and spending and tearing, it must be destroyed. Dollar coins will last 30 years.

According to the Federal Reserve, replacing our 17-month dollar bill, which costs 3.5 cents to print, with a 30-year dollar coin, which will cost 8 cents to make, will save the federal government at least $395 million a year for the next 30 years.

Some dismiss the savings as insignificant. But treating hundreds of millions of dollars as if they were "pennies" is precisely what got us into the $4 trillion hole we're in now.

Government savings from a dollar coin are just the beginning. George McCandless, an economics professor at the University of Chicago, estimates that the private sector, including mass transit, could save $549 million a year with a switch to a dollar coin. When George Washington threw his dollar coin across the Potomac, there was not a single pay phone, toll booth, bus fare box, subway farecard machine, vending machine, coin-operated newspaper rack, parking meter, coin-operated laundry or car wash in the country. Too bad. His dollar coin would have worked well in these devices. Our dollar bills don't.

Bills in mint condition are rejected by some metro farecard machines as much as 50 percent of the time. Virtually none of the buses in New York City will accept dollar bills. The world's most famous currency is not a valid form of payment for a ride on most buses in our nation's largest city. There is not a pay phone in this country that will accept your dollar bill. The reason bills are not accepted?—dollars. For example, it would cost New York Transit authorities at least $1,000 per bus to equip them with the more sophisticated fare boxes that accept dollar bills.

The Chicago Transit Authority, under public pressure, made the $15 million investment it took to purchase dollar-bill accepting fare boxes. Eventually, most bus systems in the country will be forced to make this investment. Passengers will pay the price in the form of higher fares.

Then there is the matter of counting money. Tom Rubin is the controller-treasurer of the Southern California Rapid Transit District (SCRTD). He's responsible for counting and depositing the $3 million a week the SCRTD collects from its customers. Two million of it comes in the form of dollar bills, the other million in coins. Because dollar bills must be processed by hand, while coins are processed by high-speed machines, the bills, says Rubin, are 10 times more expensive to count than the coins. SCRTD could save about $3.5 million a year in money processing costs if the government switched to a dollar coin. The public transit industry nationwide could save $125 million a year with a dollar coin. Other industries that dispense goods or services through automated devices would experience similar equipment and money processing savings. Total savings to the federal government, mass transit and private industry would come to almost $1 billion a year.

Everybody wants to spend billions of dollars we don't have on repairing our infrastructure when there is a simple way to save a billion dollars a year while modernizing the most basic tool of our economic infrastructure—our dollar.

There are also savings to the public that cannot be quantified. How many hours are wasted everyday by citizens exchanging dollar bills for quarters just to do a simple thing like make a long distance phone call from a pay phone? At least 20 million adult Americans don't have telephone credit cards, nor should they have to.

Some fear that changing to a dollar coin will spur inflation. Yet there's no evidence that replacing dollar bills with dollar coins in Canada between 1987 and 1989 contributed to inflation, nor did converting from a pound note to a pound coin in the early 1980s cause inflation in Great Britain. It's the absence of a dollar coin that actually leads to higher prices for goods and services dispensed automatically. Dollar coins won't cause inflation. The need for them is the result of inflation.

Others express fear that replacing currency with coin will lead to a debasing of the dollar against foreign currencies. This fear is not well founded. The value of a currency against others derives from the issuing nation's interest rates, economic growth, savings rates, government debt and other economic realities, not whether money is paper or metal. Never has this been clearer: the German mark is a coin. The American dollar is a bill. The mark is now at about its highest level against the dollar since World War II. The Japanese phased out their 500-yen note in favor of a 500-yen coin in the 1980s. The yen has steadily increased in value against the dollar. The Japanese and Germans carry coins worth $3 and $4. We carry quarters. Their retailers offer a wide variety of goods and services through automated devices. With a coin/currency system devised for the 1930s, our vending industry, not surprisingly, sells mainly the same things it did in the 1930s—candy and pop.

The most frequented voiced objection to the coin is its weight—about a third of an ounce. For fans of metric, it's 8.1 grams. By comparison, the quarter weighs 5.67 grams. It's true the coin will be heavier than the bill, but it will be much lighter than four quarters. It'll even be lighter than four pennies. Most of us walk around with at least a few "pennies," "nickels" and dimes, even if they don't buy anything. If we replaced those coins with a dollar coin, our pockets and purses would be lighter, we would have replaced mostly useless weight with useful weight.

For those people who like to carry lots of ones, there will be an increase in the supply of $2 bills. Instead of, say nine ones, a person can carry four $2 bills and one dollar coin. The wider-circulating $2 bill will help to reintroduce us to one of our greatest Americans—Thomas Jefferson.

Don't worry, we won't be getting rid of George Washington with the phase-out of the dollar bill. His unmistakable profile appears on the front side of 28 billion circulating quarters.

Most people in Congress and the administration accept all those arguments. But they still can't bring themselves to pass and sign into law the legislation needed to make this change. The dollar bill is too much an institution, too familiar, too American to eliminate. And besides, polls show a majority of Americans don't want to eliminate the dollar bill.

But maybe there's more to all of this than weight in the pocket, government savings, jammed dollar-bill acceptors and so forth.

The theme on those first coins in 1792 was "Liberty." It has survived to the present. The word "Liberty" appears on all coins in our possession. It does not appear on our dollar bill. ("Annuit Coeptis. Novus Ordo Seclorum" means "He has favored our undertakings." and "A New Order of the Ages.") The word "Liberty" will appear prominently on each of the 9 billion dollar coins if and when they ever hit the street.

The "Liberty" theme is appropriate. Liberty is the essence of America. Liberty is the origin of America. We were conceived in it; and we are obligated to secure its blessings not only to ourselves, but to our posterity.

Just as the value of our coins is weakening, so too is the notion of liberty weakening. It must be. How else can you explain this nation's conscious, willful descent into a condition inimical to liberty, a servitude as onerous as any, the servitude of debt. Our national debt of $4 trillion is a national disgrace. It is the antithesis of liberty. It is un-American.

Here's what Thomas Jefferson had to say about debt: "The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves."

Although few politicians will say it, we all know what will be needed to undue this servitude of debt—it's sacrifice. The legislation providing for the coin before the House of Representatives in the 102nd Congress—it had 230 co-sponsors—provided that the coin, right under the word "Liberty," have a design or emblem recognizing all of America's veterans and their sacrifices for this nation and its most cherished value—Liberty. Maybe our new "Liberty" dollar, with an emblem or insignia reminding us of the need for service and sacrifice to the nation, could be a quiet, daily inspiration to us for years to come, if approved by the new Congress in 1993.

KYL-MOLINARI SEXUAL ASSAULT PREVENTION ACT OF 1993

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. KYL. Mr. Speaker, there is a pervasive sense among Americans that criminals are being protected by our criminal justice system at the expense of victims and society in general. Although we must be certain to not punish an individual for a crime he or she did not commit, we also must stop ignoring and even trampling upon the rights of the victim. Nowhere is this more true than in cases of sexual violence.

Next week my colleague SUSAN MOLINARI and I will be introducing legislation, the Sexual Assault Prevention Act of 1993, which recognizes that the victim of sexual violence is entitled to respect, protection, and empowerment within our criminal justice system.

The bill accomplishes this task by increasing penalties for sex offenses, allowing for pretrial detention in serious sex offense cases, providing for HIV testing of accused sex offenders, strengthening the victim's right to restitution, and broadening the admissibility of evidence in sex offense cases.

I urge my colleagues to support this legislation that will help show that it's time we got tough on crimes of domestic and sexual violence and level the playing field for the victims of such crimes.

INTRODUCTION OF LEGISLATION TO COMBAT HEALTH CARE FRAUD

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. DURBIN. Mr. Speaker, today I am introducing legislation to combat the serious problem of health care fraud and abuse, which costs Americans billions of dollars through increased medical bills.

During the 102d Congress, our former colleague, Ted Weiss of New York, asked the General Accounting Office to investigate health care fraud and abuse and identify steps to reduce it. GAO studied the issue and issued a report with some surprising findings.

First, GAO concluded that fraud and abuse consumes an estimated 10 percent of our Nation's health care spending. U.S. health care costs now exceed $800 billion per year, which means our Nation will spend at least $80 billion this year on fraudulent or unnecessary health care services.

Since the Federal Government pays for more than 40 percent of our Nation's health care bill, Federal spending to pay fraudulent or abusive claims may exceed $32 billion annually.

Second, GAO explained that detection and prosecution of fraud and abuse cases is not easy. Our health care system has a number of features that make it vulnerable to fraud and abuse. For example:

Insurers have difficulty detecting fraud and abuse when trying to process a massive number of claims in a timely fashion;

Privacy concerns limit the ability of insurers to collaborate in order to identify fraudulent billing pattens—such as billing for more than 24 hours of visits on a single day;

New types of providers and changing ownership arrangements can allow fraudulent entities to escape appropriate regulation;

Large legal and administrative costs can deter insurers or government prosecutors from pursuing cases where fraud is suspected;

Even when fraudulent providers are stopped at one level—for example, by excluding them from Medicare—they can perpetrate the same fraud at another level—for example, by using the same scheme to bilk private insurers.

GAO's third point was that, because these issues are complex and our Nation's fraud detection and prosecution efforts are very fragmented, there are no simple answers that will easily reduce fraud and abuse.

Instead, GAO recommended that Congress establish a national commission to examine the issue of health care fraud and abuse and develop strategies to combat it.

Before Mr. Weiss passed away last year, he introduced legislation to create such a commission. I am introducing a similar measure this year, and I have named it the Ted Weiss Memorial Health Care Fraud and Abuse Commission Act of 1993 in recognition of his leadership on the issue.

GAO told us that the only way to tackle the problem of health care fraud and abuse is to establish a broad-based national commission. The commission would involve both the public sector and the private sector, in order to develop a coordinated strategy for fraud prevention, detection, and enforcement.

The commission's members would include representatives of the relevant Federal agencies—HHS, the Justice Department, and the FBI; representatives of State attorneys general, Medicaid fraud units, and insurance commissioners; representatives of physicians and hospital administrators; and representatives of private payers, including health insurers, employers, and consumers.

Mr. Speaker, I would like to urge my colleagues to join with me in fighting health care fraud and abuse by cosponsoring this legislation to create the Ted Weiss Memorial Health Care Fraud and Abuse Commission.

This commission can play an important role in controlling our Nation's skyrocketing health care costs. By taking on the ripoff artists who are costing health care consumers dearly, the commission will pay for itself many times over as its recommendations are implemented.

The creation of this commission should be an important element of the health care reform package we consider later this year, and I urge my colleagues to support its inclusion in that package.

A UNIQUE AMERICAN, ERNIE HAHN

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. McCANDLESS. Mr. Speaker, this nation recently lost one of its most creative and civic spirited citizens, Ernie Hahn. Not just the undisputed leader in making shopping centers modern, innovative, and user-friendly, he was a person with heart, believing in giving back to the community. An optimist, always ready with a smile and welcoming hand, he was a premier example of how a lot of hard work and the ability to dream can equal success. We need more people like Ernie Hahn—a lot more.

California Governor Pete Wilson wrote a moving tribute to our friend Ernie, and I would like to share it with my colleagues:

> Ernie Hahn's death is a serious loss to San Diego and to me personally. The revitalization of downtown (San Diego) over the past decade would never have occurred had it not been for Ernie's faith in San Diego and his own extraordinary credibility as perhaps America's premier retail developer. Horton Plaza stands as a monument to his vision and his skill—and his persistence in the face of recessions, the vagaries of the political process, and skepticism that would have daunted lesser mortals. Ernie proved that a regional shopping center could be built in the decaying downtown of a major auto-dependent city, and not only prosper, but spur tremendous private sector investment and redevelopment all around it.
>
> He exhibited the same quiet confidence and courage in fighting the disease that would have killed a lesser man long ago. And he never let his illness rob him of his good humor or his interest in his adopted hometown, to which he gave his time and money as a volunteer leader of uncommon generosity. He seemed warmed by the love he showed to his family and his many friends, one of whom I was privileged to be.
>
> Ernie Hahn was a giver and a do-er. He was a great gentleman with a twinkle in his eye, who met adversity with wry humor and quietly refused to be defeated. Seldom has San Diego been so changed for the better, both physically and spiritually, as by Ernie Hahn. Not just his friends, but the entire city will miss him greatly. I am grateful that I got the chance to tell him how much he was loved and admired before he died.

AGAINST LIFTING THE BAN ON HOMOSEXUALS IN THE MILITARY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. PACKARD. Mr. Speaker, President Clinton has declared that he intends to make good on his promise to lift the ban on homosexuals in the military.

Although implementation will take the form of a two-tiered approach, delaying practical considerations until a later date, I rise in opposition.

Even though President Clinton can repeal the ban by Executive order, I believe he will run into bipartisan opposition from Congress. Congress may even seek a legislative measure to reinstate the ban.

My opposition to removing the ban stems from the fact that our military leasers oppose the ban as well as congressional leaders who have a broad base of knowledge on the subject.

The Joint chiefs of Staff have unanimously opposed lifting the ban. Senator SAM NUNN, chairman of the Senate Armed Services Committee, also opposes the measure.

I believe you have to weigh the consequence of lifting the ban on our overall military preparedness. The goal is maintaining a superior fighting force to defend our country, not social experimentation in one of our institutions that really works. Combat readiness and strong morale in the ranks of our service men and women are the bottom line.

INTRODUCTION OF LEGISLATION MAKING IT A FEDERAL CRIME TO DEFRAUD, LOOT, OR PLUNDER AN INSURANCE COMPANY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. DINGELL. Mr. Speaker, today, I along with my colleague from Texas, the distinguished and respected chairman of the Judiciary Committee, JACK BROOKS, am introducing legislation that would make it a Federal crime to defraud, loot, or plunder an insurance company. This is legislation we first introduced in the 102d Congress. This bill will allow Federal prosecution if a person: First, knowingly files a false statement or property valuation with an insurance regulator; second, embezzles or misappropriates funds or property from an insurance company; third, makes false entries or statements regarding the financial condition of an insurance company with the intent to deceive any individual or regulator regarding the financial condition or solvency of that company; and, fourth, obstructs the investigations of insurance regulators.

The Insurance Fraud Prevention Act of 1993 is a result of more than 5 years of hearings conducted by the Energy and Commerce Subcommittee on Oversight and Investigations. These hearings demonstrated that enforcement of insurance laws and regulations is one of the weakest links in the present insurance regulatory system. States apparently are not collecting adequate information, investigating wrongdoing, or taking legal action against the perpetrators of insurance insolvency. Statutory penalties and remedies also seem out-of-step with the realities of today's insurance market and the interstate and international nature of the business of insurance in today's marketplace. With little fear of meaningful administrative sanctions or criminal prosecution, there is no Federal deterrent for wrongdoing and no real deterrent for most complex insurance fraud schemes.

Prosecution, conviction, and incarceration have proven to be very effective in deterring white-collar crime, yet most people involved with recent cases of obvious wrongdoing at insolvent insurance companies simply walk away with no real investigation of their activities. Many of them continue to be active in the insurance business. It is clear that the current criminal statutes and penalties are inadequate to deal with this fraudulent activity, and that there are insufficient resources being devoted to criminal enforcement of insurance fraud at the State level.

At present, Federal criminal enforcement is restricted because plundering an insurance company is not a Federal crime. Mail and wire fraud statutes are the primary way to attack insurance fraud, but these Federal antifraud laws have a 5-year statute of limitations, which often expires before the criminal investigation can be completed. There should be a specific Federal criminal statute to deal with fraudulent behavior at insurance companies.

Insurance is truly an interstate business, and abuse of insurance companies has also become interstate in scope. Moving money and assets from one State or country to another offshore, basing companies in foreign countries, and evading enforcement jurisdiction by leaving one State and starting up in another are standard elements in cases observed by this committee's Oversight and Investigations Subcommittee. This new Federal insurance fraud prevention bill will be a strong enforcement tool to bring a stop to criminal fraud in the business of insurance.

I want to express my appreciation to Chairman BROOKS for his work in moving this bill last Congress and look forward to working with him and this House on this important matter this year.

SELECT COMMITTEE REAUTHORIZATION

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today to voice my opposition to the reauthorization of non-legislative select committees of the House. In the past I have supported these temporary select committees, as I felt they provided needed attention to areas often overlooked by the Federal Government. However, the American people have overwhelmingly asked Congress for a more responsible Government, and I feel it's time to rise up and meet that challenge.

The four temporary select committees we are voting on today have cost U.S. taxpayers $44.6 million since 1974. I believe Congress must set the example for the entire Federal Government, by getting our own House in proper fiscal order.

I believe the issues that these select committees address are important, but I also feel they can be given adequate attention by the standing committees with jurisdiction over them. These select committees are created on a temporary basis for a limited purpose and a limited time. Accordingly, I would like to emphasize that I no longer support these resolutions as I feel our responsibility to fiscal conservatism outweighs the need for additional Federal expenditures.

INTRODUCTION OF HOUSE REFORM LEGISLATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. JOHNSON of Texas. Mr. Speaker, yesterday I introduced legislation to bring real reform and accountability to the House. My bill, House Resolution 47, will hold Members of the House accountable to the public for voting to raise taxes and increase spending. In the 102d Congress, the House appropriated over $680 billion in Federal spending without recorded votes.

If a Member of Congress votes to hike taxes or increase Federal spending, the public is entitled to know about it. The last election demonstrated that the American people will no longer tolerate congressional cowardice while their pockets are being picked. We need this bill to bring accountability to the House of Representatives in our budget and tax votes.

House Resolution 47 amends recently adopted House rules to require rollcall votes on all revenue raising and appropriations bills. Currently, House rules allow tax and spending bills to be considered without recorded votes. In some cases, Members of the House may vote to raise taxes or increase spending without having their votes recorded.

Mr. Speaker, without this bill, citizens who want to know how their congressional representative voted on important tax and spending bills may be unable to do so. The American people want real reform in Congress. Unless we make Members of Congress accountable for what they spend, we cannot have reform. This is a change the people deserve.

CUSTOMS MODERNIZATION LEGISLATION

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. GIBBONS. Mr. Speaker, today I am introducing legislation to modernize and automate the commercial operations of the U.S. Customs Service. I am pleased that Representative PHIL CRANE, the ranking minority member of the Subcommittee on Trade, has joined with me on this bill.

This comprehensive reform bill is identical to the version incorporated into the conference report accompanying H.R. 11, the Revenue Act of 1992, approved during the 102d Congress, but vetoed by President Bush on November 4, 1992 (H. Rept. 102–1034). It is important to note that the bill is the consensus product of year-long hearings, negotiations, and markups among the administration, the Congress, and a broad cross section of the American importing community, including carriers, brokers, express couriers, the Customs bar and others.

Specifically, the bill would remove archaic statutory provisions requiring paper documentation and provide authority for full electronic processing of all customs-related transactions under the National Customs Automation Program [NCAP]. The bill would authorize new automation initiatives allowing for remote entry filing, periodic entry, and duty payment. Customs would be required to adequately plan, test, and evaluate the new automation systems before implementation, as well as provide data on the adequacy of current compliance efforts.

The bill also provides for the accreditation of independent laboratories and public access to all Customs rulings and decisions. It will also provide new protections for importers by reforming Customs seizure authority, establishing a new statute of limitations on duty violations, providing procedural safeguards for regulatory audits, allowing judicial review of detentions and authorizing payment for damaged merchandise for noncommercial shipments. Amendments to the duty drawback statute were also included.

Mr. Speaker, this bill is a priority for the Subcommittee on Trade and I intend to move it as expeditiously as possible.

I urge my colleagues to join with me in supporting these important reforms of the Customs Service.

IN SUPPORT OF THE UTAH SCHOOLS AND LANDS IMPROVEMENT ACT OF 1993

HON. KAREN SHEPHERD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Ms. SHEPHERD. Mr. Speaker, States and the Federal Government now more than ever are struggling to meet the needs of this Nation's children. My home State, Utah, is no different. Seemingly insurmountable budget constraints have forced class sizes up and teacher salaries down, while more and more students fall through the cracks. Needless to say, it is rare that we have an opportunity to take aggressive action to improve our children's welfare without cutting other programs or burdening the taxpayer.

But in the 103d Congress we have just such an opportunity. For this reason it is my pleasure today to introduce with my colleague, Mr. HANSEN, a bill which will have a direct and positive impact on Utah's children: the Utah Schools and Lands Improvement Act of 1993.

We cannot in good faith deny our children any opportunity without having first stretched our resources to the very limit. Utah has long allocated a large percentage of its State and local revenue to education, in the face of Federal funding formulas which penalize us.

Indeed, we have gone so far as to create a State trust fund, in which the revenue we earn from the use of our vast and beautiful lands is earmarked for our schools. But many of the State-owned land parcels have been surrounded by National Parks, National Forests, or Indian reservation, where infrastructure needs and land management regulations render the parcels virtually worthless. As a result, Utah's schools have suffered.

But by turning these parcels over to the Federal Government in return for certain tracts of more accessible land, as well as a portion of coal lease revenues on other lands chosen by the State, we can help to ensure adequate resources for the needs of our children without shortchanging the Federal treasury.

Mr. Speaker, for the good of the children of Utah, I look forward to the prompt consideration of this bill by the House of Representatives. To delay in this matter we would do an injustice not just to the future of our children, but to the future of Utah and this Nation as a whole.

TRIBUTE TO THE LIMONEIRA CORP.

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. GALLEGLY. Mr. Speaker, I rise to salute the Limoneira Corp. for 100 years of providing lemons to the Nation and the world. The exotic-sounding name "Limoneira" comes from the Portuguese language, and means "place of the lemon." Limoneira lives up to this name. It is the largest producer of lemons in Ventura County, which in turn produces half of the lemon crop in the United States.

What summer would be complete without the traditional glass of lemonade? The lemons making that refreshing drink, in all likelihood, came from Ventura County. And if those lemons came from Ventura County, the odds are they came through the Limoneira Corp.

But lemons make more than just lemonade. Recipes centered around lemons could fill a cookbook. And myriad household and cosmetic products utilize lemon-based ingredients. From shampoo to furniture polish to soap, the very term "lemon fresh" evokes wholesome images of cleanliness and warmth. Plutarch could have been speaking of the lemon when he said "the fruit which I bore was the Sun."

Agriculture has a deep tradition in the fertile Ventura County soil. Many farms date back to the 1800's, and have been in the same families for generations. Limoneira is an American success story reflecting this agricultural tradition. The company was started when Nathan Blanchard teamed up with Lyman Hardison to expand his 10-acre lemon orchard. Borrowing capital, Nathan bought 400 acres near what is now Santa Paula, and began growing lemons.

Just 3 years later, Nathan and Lyman sent 48 tons of lemons to the market. But Limoneira surpassed this accomplishment by its remarkable record of growth. Limoneira continued buying land and planting lemon trees, as many other small farmers in Ventura County sought to copy its success. By the 1920's, there were hundreds of lemon orchards in Ventura County, and Limoneira was the world's largest lemon producer.

Lemons grow well in the mild, dry coastal climate of Ventura County. Over a hundred years after their introduction, they still contribute significantly to the county economy. In 1991, the lemon crop was valued at $206 million, which far surpassed the second-largest crop, strawberries, and almost doubled the value of the third-place Valencia orange crop. Lemon trees cover almost 24,000 acres of productive land, and the lemon industry provides over 2,500 jobs for the residents of Ventura County.

But growing lemons is not easy. Like all farmers, lemon growers must contest with frost, insects, pesticides, and the weather. Development also imperils much of the land on which Ventura County lemon trees grow.

Still, I'm confident that Limoneira's successes will continue in Ventura County. And I hope that people, as they enjoy that glass of lemonade on a hot summer day, will take a moment to reflect on the successes of Limoneira and Ventura County, which is truly, the land where the lemon trees bloom.

TRIBUTE TO ANTHONY D. BOTELLO

HON. BILL K. BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. BREWSTER. Mr. Speaker, I rise today, Mr. Speaker, to speak about an American hero. My heart cries for the family of L/Cpl. Anthony D. Botello.

Corporal Botello died last night in Somalia * * * he was shot down while on patrol in Mogadishu * * * where he was a member of the American Forces who have worked so hard and have tried so courageously to feed the citizens of that battle scarred land.

I was not fortunate enough to know Anthony Botello. But I know thousands of Anthony Botello's across my district. You know him too. He was a high school football player—not great—but well above average. He was a good student—again, not great—but well above average. He was vice president of his senior class, president of the Future Business Leaders of America. Those who knew him best have only the highest praise for him. He was a happy young man with visions of a future, not great visions, but well above average.

He was reared in a fine Christian home in Wilburton, the county seat of Latimer County, OK. His mother, Ann, worked nights as a nurse. His stepfather, Larry, is a long-time peace officer and undersheriff. Anthony and his wife, Sharla, had been married but a short time. They enjoyed a short, but happy relationship at Twentynine Palms, CA, where he was stationed.

When Anthony's unit was called to Somalia, Sharla's parents went to Twentynine Palms to help their daughter return to Wilburton until her young husband returned from Somalia. There would have been a great family celebration when his absence ended.

Unfortunately, that day will never come. Today there is grief in the homes of these fine Americans. To them he will never be forgotten. And although the grief will become easier, it will never go away. There will always be memories of his smiling face and happy times.

From this day forward his young widow, Sharla, his mother, Caroline Ann Gean, his stepfather Larry Gean, his in-laws, William H. "Bill" and Chiffon Ivy, other relatives and friends will remember him as a fallen hero. We will also remember him that way—as a brave young Marine who was doing his duty because his country called. That's just the way our fighting men are. They go because they believe it is in the best of their country.

But, Mr. Speaker, the death of young Anthony Botello makes me rise to speak about our involvement in Somalia. For some time I have had concerns about our involvement in Somalia. I regret that I did not speak out earlier—before his fine young man, and his family had to pay such a terrible price.

Certainly, we all agree that we must do everything possible to assist the starving masses in Somalia, but at the same time, I, and many, many of my constituents have real concerns and strong doubts about the American Forces being actively engaged in combat, when the situation in Somalia cannot realistically be resolved by military action. This is not to say we should ignore the problems there—I do not mean to say we should not assist in such international problems as Somalia, Bosnia, and the Persian Gulf.

But, Mr. Speaker, the United States should not allow itself to stand alone as the keeper of the world's conscience. We must demand other nations' involvement in these efforts.

In this way, and only this way, can the family and friends of Anthony D. Botello realize their husband, son, and friend died for a worthwhile cause.

HONORING BILL GUARINELLO AND THE BENSONHURST LIONS CLUB

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. NADLER. Mr. Speaker, I rise to recognize the superlative contributions of an outstanding community activist and an outstanding community service organization. On January 29, the Stars and Stripes Club of Brooklyn will honor Bill Guarinello and the Bensonshurst Lions Club.

Bill Guarinello is a true son of Brooklyn. Bill was born and raised in Dyker Heights where he and his wife, Donna, now live.

Bill has dedicated his life to the people of his community and the Borough of Brooklyn. He has worked at HeartShare Human Services of New York for the last 23 years. HeartShare is a diocesan agency providing a variety of human services. Bill currently serves as its executive vice president and CEO.

Bill's good works for his fellow New Yorkers are not limited to his public service profession. He is also a stalwart of numerous voluntary community groups. He has served as the chairman of Community Board 11, past president of the Visitation Academy Fathers' Club, vice-president of the Interagency Council for Developmental Disabilities; as a member of the Governor's Council for Developmental Disabilities; as member of the board of directors of St. Bernadette Athletic Association; as chairman of the Brooklyn Boroughwide Council; as a member of Lieutenant Governor [and former Member of this House] Stan Lundine's Brooklyn Advisory Council, and as a member of the Brooklyn Borough President's Advisory Council for the Disabled.

Bill is also a member of the Stars and Stripes Club, the Cathedral Club, the Municipal Club, the Brooklyn Club, and the Fort Hamilton Officer's Club.

Bill is also a dedicated family man. He and his wife, Donna, have been married for 20 years and have one daughter, Alison.

The Stars and Stripes Club will also honor the Bensonhurst Lions Club and its president, Frank Arcodia. The Bensonhurst Lions Club, for the last 30 years, has worked diligently to help make Bensonhurst a better place to live. Over the years, the club has supported the Guide Dog Foundation, Scouting for the Handicapped, the Bensonhurst Ambulance Corp., BRAVO, Holiday Food Baskets, Christmas Party for Special Children, the Bensonhurst Home for the Homeless, and the Vacation Camp for the Blind. Just recently the club donated decoders to those special hearing-impaired children at P.S. 204 and Shallow Junior High School.

Frank Arcodia has served as the president of the Bensonhurst Lions Club since 1984. He has a distinguished 42-year career in public service, first with the U.S. Marshal Service and, from 1960 until his retirement in 1984, he was the administrative officer for the U.S. attorney for the Eastern District of New York. After his retirement, he was named by Mayor Edward I. Koch as marshal for the city of New York.

Frank is past master of his Masonic Lodge, past president of the Dyker Heights Civic Association, and the current treasurer of the association.

Frank and his wife, Millie, are longstanding members of the community. Their dedication to their neighbors and our city remains an inspiration to us all. It is a value they have instilled in their three children, Louis, Pat, and Charles, and their two grandchildren, Brian and Marybeth.

Mr. Speaker, there is in this Nation a rebirth of a spirit of public service. But in one corner of Brooklyn, people never forgot the oldtime value of caring for family and community. I am proud to represent communities where people still care about their neighbors and give generously of their time to make our city a better place to live for everyone. I am pleased to congratulate them on this honor and commend their distinguished records to my colleagues.

COMPETITIVENESS TAX CREDIT TO BENEFIT WORKERS AND INDUSTRY

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. RIDGE. Mr. Speaker, repeating an action I took 1 year ago, today I introduce the competitiveness tax credit, a vital tool to help boost our productive capacity through increased investment in plant and equipment. With the President interested in this idea as well, we ought to have success this year.

This Nation does not save and invest enough. We risk falling behind the competition; other countries will do research, win patents, produce new products, and penetrate new markets. The country that does not save and invest will see its production and manufacturing lines age, its infrastructure crumble, its patent applications drop, and its products left on the store shelves because the products are outdated. And then jobs and incomes suffer.

Unfortunately, this has been happening in Pennsylvania. From the period 1979 to 1989, Pennsylvania's gross State product grew just 21 percent compared to 31 percent nationally. And its manufacturing grew just 8 percent compared to 30 percent nationally. Our State is exporting people instead of products as well-educated young men and women leave for better pay. And even if Pennsylvania were to catch up with the rest of the country tomorrow, the country as a whole could do better in the race for competitive jobs and competitive products. Pennsylvania and the United States are home to some of the most productive workers in the world. But they need the right tools to get their work done.

My competitiveness tax credit will allow companies to deduct a percentage of the cost they spend on new equipment and machinery, thus spurring them to upgrade their production, manufacturing, and agricultural operations. For an economy in transition like Pennsylvania's, this credit will hasten the upgrading of physical plants and bring not only a short-term boost to the economy, but higher future wages to the workers using the machines.

My legislation will provide an incentive for companies to invest in U.S.-made equipment by providing a greater credit for equipment made domestically. Domestic equipment receives a 10-percent credit, while equipment made overseas receives a 7-percent credit. Some have asked why I have any credit at all for foreign-produced material. The reason is that many businesspeople told me they want the best equipment to produce the best U.S. products—the goal is a superior end product, not artificially limiting the sources of equipment used to produce the end product.

The idea of providing a tax credit to spur the economy and increase competitiveness is not revolutionary. Such a credit has been off and on since 1962. In the past, however, the law encouraged investment in such items as office partitions, which did nothing for efficiency and output. Credit for such items is not available here. Like previous laws, my proposal is temporary. I believe we must accomplish our objectives with the least amount of spending, so this incentive will be limited in time. And—again respecting budget realities—this credit will reward only increases in investment, not the status quo, or investment that would have been made anyway.

The history of the tax credit indicates that it does indeed serve as a powerful incentive tool when implemented on a temporary basis. Certainly, it cannot end the sluggish economic times by itself. But I am confident that the competitiveness tax credit will play a vital role in putting Pennsylvanians back to work and earning them better wages.

BEST MEDICINE FOR ILL FOOTBALL PLAYER TO WATCH TEAM WIN STATE TITLE

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1993

Mr. DARDEN. Mr. Speaker, today I rise to share with my colleagues a most heart-warming and inspirational story about friends and the true meaning of teamwork.

Jason Robinson was enjoying his senior year this past fall playing defensive lineman at Bowdon High School in Carroll County, GA. The Red Devils were on a roll during the regular season, and it looked like they had a good shot at the State class A title. But in the middle of the season the team's excitement turned to concern for fellow player Jason, who was diagnosed with leukemia.

Although Jason's illness kept him away from school and football, he became more a part of the team than ever. His fighting spirit for a speedy recovery and intense yearning to watch his team play from the sidelines spurred the Red Devils on to an undefeated season. Jason was not excluded from an early-season pledge by players to shave their heads if they advanced to the State finals. To the players at Bowdon High a State championship victory meant, most importantly, a win for Jason.

An opportunity for Jason to attend a semifinal showdown between Bowdon High and Charlton County fell through at the last moment. But his team didn't let him down. The Red Devils came from behind to win in the final minutes of the game, earning the team a ticket to the State championship against Macon County.

When the day of the big game arrived, no one knew for sure if Jason would be there to cheer his team on. But that night would be one of great celebration for Bowdon High for several reasons. The mutual inspiration between Jason and his teammates would pay off. They would be together again—and this time as class A State champs.

Mr. Speaker, I would like to express my congratulations to the Bowdon High Red Devils, team head coach Dwight Hochstetler, and Jason on a job well done. Their inspirational story is one from which we can all learn many things about the power of hope, courage, and friendship.

At this time, I also would like to ask my colleagues to join me in wishing Jason a quick and complete recovery. Jason and his parents, Eugene and Betty Sue, are in my prayers.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 28, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 29

9:30 a.m.

Armed Services

Open and closed briefing on current military operations in Somalia, Iraq and Yugoslavia.

SR-222

FEBRUARY 3

9:30 a.m.

Rules and Administration

To hold hearings on proposed committee resolutions requesting funds for operating expenses for 1993 and 1994.

SR-301

10:00 a.m.

Budget

To hold hearings to review tax expenditures in the Federal budget process.

SD-608

FEBRUARY 4

9:30 a.m.

Governmental Affairs

To hold hearings to examine the General Accounting Office analysis of TRIAD cost effectiveness.

SD-342

Rules and Administration

To continue hearings on proposed committee resolutions requesting funds for operating expenses for 1993 and 1994.

SR-301

FEBRUARY 18

9:30 a.m.

Governmental Affairs

To hold hearings on S. 171, to establish the Department of the Environment, provide for a Bureau of Environmental Statistics, and a Presidential Commission on Improving Environmental Protection.

SD-342

Rules and Administration

Business meeting, to mark up proposed legislation authorizing biennial expenditures by standing, select, and special committees of the Senate, and to consider other pending legislative and administrative business.

SR-301

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the Federal Reserve's monetary policy report for 1993.

SD-562

FEBRUARY 23

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.

345 Cannon Building

FEBRUARY 25

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Blinded Veterans of America, the Military Order of the Purple Heart, the Jewish War Veterans, and the Retired Officers Association.

345 Cannon Building

MARCH 2

9:30 a.m.

Governmental Affairs

To hold hearings on the proposed Hatch Act Reform bill.

SD-342

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.

345 Cannon Building

MARCH 31

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, the Veterans of World War I, the Vietnam Veterans of America, the American Ex-Prisoners of War, and the Non-Commissioned Officers Association.

345 Cannon Building

POSTPONEMENTS

FEBRUARY 2

9:30 a.m.

Governmental Affairs

To hold hearings to examine performance measurement in Federal programs.

SD-342